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SENATE—*Thursday, May 10, 1979*

(Legislative day of Monday, April 9, 1979)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by Hon. HOWELL HEFLIN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray:

Almighty God, who hast revealed Thyself in the world about us, in the world within us and in our daily work, help us to be aware of Thee throughout this day. Forbid that we should behold the beauty of the world and give no heed to the Maker. Give us grace to listen to the stirrings of Thy spirit in the depths of our souls, and may we find Thee in our toil drawing near and saying, "Inasmuch as you have done it unto one of the least of these, my brethren, you have done it unto me."

Show us that if Thou art in nature, still Thou art more than nature; if Thou art in inner light, still Thou art more than the brightest light; and if we accomplish much, still Thou dost exceed our highest expectations.

O Thou who are beyond all thought and vision help us to draw upon Thy great power. Hallowed be Thy name for ever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 10, 1979.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HOWELL HEFLIN, a Senator from the State of Alabama, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. HEFLIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE SENATE AND SALT II

Mr. ROBERT C. BYRD. Mr. President, basic agreement has been reached on the long-anticipated SALT II Treaty. President Carter and the Soviet leader, Mr. Brezhnev, will meet soon to finalize the treaty and related documents.

Secretary of State Vance, Secretary of Defense Brown, and others who have worked for many months on the agreement, believe they have negotiated a treaty which will serve the interests of the United States and of world peace.

The treaty is the result of nearly 7 years of negotiation, beginning in the Nixon administration, and continuing through the Ford and Carter administrations.

After the treaty is signed by President Carter and Mr. Brezhnev at a summit meeting, it will be submitted to the Senate, along with related documents. The Senate will then begin to exercise its solemn constitutional responsibility of determining whether it will advise and consent to the ratification of the treaty. In this case, it will be an awesome responsibility, because this treaty has far-reaching ramifications, and goes to the very heart of U.S. national security interests.

It is my hope and expectation that soon after the treaty and related documents are formally submitted to the Senate, the relevant Senate committees will begin their hearings.

I am confident that the committees will give appropriately thorough and deliberate consideration to this highly significant subject, and that they will move promptly but not hastily.

I hope they will utilize the August recess, if necessary, to conduct hearings.

It is also my hope and expectation that, once committee action is completed, the Senate will debate this issue in a painstakingly serious and thoroughgoing manner. It is my belief that the Senate and its committees can give this subject the kind of careful consideration it deserves and, barring unexpected developments, still complete its action on the treaty this year.

I have taken no position on the SALT II Treaty, nor do I expect to be in any hurry to do so. I am not going to be intimidated by the idea that if my vote is the deciding vote against, the treaty would go down. I am not going to be persuaded that my position should be determined by what may be in the best interests of my political party or any nominee of any political party, including my own party.

It is my intention to examine closely and scrutinize the content of the treaty. I, for one, do not intend to be pressured by any group inside the Senate, inside the executive branch, or outside the executive branch. I note that groups have formed to support the treaty, groups have formed to oppose the treaty, and that the administration is mounting an effort to support the treaty. I find no fault with the administration's effort. I would expect it to work for the treaty. It can perform a service by educating the people and by giving the Senate the benefit of its knowledge. But I, for one, will not depend upon that information alone.

I hope that other Senators will do likewise. I do not quarrel with any Senators who may have already made up their minds. I simply hope that those who have not yet made up their minds will withhold judgment until the matter has been thoroughly studied and heard in the committees.

I intend to weigh carefully the information developed during the course of the committee hearings and during my own study of the treaty and related issues. In attempting to evaluate the treaty, I will be seeking to find the answer to some very basic questions.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Of course, the basic question will be: Is this agreement better than no agreement? And the two questions that will bear upon the resolving of that question would be, one, what would be the net effect of the treaty on the strategic balance and/or U.S. national security; and, two, can the agreement be adequately verified?

So there is not just one issue. The verification issue is not the only issue. It is an important one, one of the two most important, in my judgment. But there is the other question: What will be the net effect of the treaty on the strategic balance and/or U.S. national security? And there are other important concerns. But these two are very basic questions.

As to verification, adequate verification. When I say "adequate," I do not mean barely satisfactory or sufficient. What do we mean by "adequate verification" in the eyes of the beholder? It ought to be fully satisfactory and sufficient to me and to those who have to vote on this matter, and certainly, it ought to be fully satisfactory and sufficient to those who are experts in the critical area.

President Carter and those who have been involved in negotiating the treaty believe they have an agreement that is sound, and which merits the confidence of the Senate and the American people. Now, it will be the Senate's responsibility to determine whether, in its judgment, that is the case; whether the agreement is fully protective of our security interests and those of our allies; and whether it should pass the constitutional test of advice and consent.

Mr. President, I believe that the Senate will, as it has done so very well in the past, demonstrate the courage and the ability to develop the facts and to reach a decision based on those facts, whatever that decision may be. In the final analysis the Senate will face the question: Is the treaty in the best interests of the United States?

We will not all agree in the final analysis, but every Senator, I believe, will search his heart, his conscience, and the utmost depths of his mind to reach the right decision. The right decision might be against, it might be for. I believe the collective judgment of the Senate will not only be tested and on trial—to use a hackneyed expression—but, that in the end, the Senate's decision will be the right decision.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

Might I inquire, Mr. President, were 15 minutes allocated to each leader this morning?

The ACTING PRESIDENT pro tempore. Ten minutes under the standing order.

Mr. BAKER. Mr. President, I ask the Chair to notify me then at the conclusion of 5 minutes. I intend to yield 5 minutes of the time under the order to the distinguished Senator from Iowa (Mr. JEPSEN).

Mr. ROBERT C. BYRD. Mr. President, did I use all my time?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has 1 minute remaining.

Mr. ROBERT C. BYRD. I yield that minute to the distinguished minority leader.

Mr. BAKER. Mr. President, I thank the majority leader. I am very grateful for that.

SALT II

Mr. BAKER. Mr. President, I suppose in some ways the procedure of the Senate today marked the beginning of the SALT debate. While the treaty and the protocol have not yet been translated into parallel and official documents, it would appear that we are now generally in possession of the relevant facts and circumstances.

I was especially pleased then to see the majority leader address himself to this subject this morning, because in a different way his remarks, which are apt as they always are, constitute a description of how the Senate should conduct itself for months yet to come.

He has described an awesome undertaking by the Senate. He has cautioned against rash and hasty judgments, with which I concur. He has urged the necessity to consider carefully the pros and cons of the argument, to identify the issues, to avoid the temptation of personal gain or political advantage, with which I agree.

I would like to add my meager contribution to that colloquy by describing a few other aspects of the debate as I would hope it would proceed.

Mr. President, this is a new and different time in the history of the country as, indeed, every moment in the history of the Republic is new and different. In the continuing unfolding of the majesty and magnificence of America, every day brings a new challenge by a new opportunity.

Our new challenge is to consider a treaty that may be more important than any treaty we have ever considered in the U.S. Senate, excepting only the first and beginning times of the Republic, because we are dealing with the survival of civilization.

Even with the Treaty of Versailles we were dealing with the configuration of great armies and the destructiveness of the machines of war. But today we are talking about weapons of such awesome power, in the hands of nations of such huge responsibility, that we are dealing with the continuation of humanity.

So, in some ways, we are dealing with the greatest issue that has confronted the American Republic in this Chamber—survival.

That may be an overstatement of our challenge, but it may not.

But there is an opportunity, as well, because just as the issues change and the occupants of these seats change from time to time, so does the nature of our function and responsibility.

Even as recently as the Treaty of Versailles, the Senate really was poorly equipped to deal as a coordinate branch in the consideration of foreign policy matters. We are better equipped today. By reason of instantaneous communication with every continent of the globe, by reason of travel by jet airplane to Russia, to Brussels, to every corner of the Earth, the Members of the Senate are equipped for the first time to hear and understand the relative merit of proposals and to offer their advice before they grant their consent.

Mr. President, we cannot depoliticize this issue because politics is the mainstream of America's public life. It is the mechanism by which the American people make their judgment on important issues, but we can avoid political confrontation.

I pledge, Mr. President, to my friend the majority leader and to my colleagues in the Senate, that to the extent I can do so I will avoid, and urge others to avoid, the partisan political confrontation that might otherwise develop.

It is not possible to remove this issue from the political arena because it is a political question, as it should be.

Mr. President, I believe in the strategic arms limitation continuing. By that I mean that I believe in the continuing efforts begun by previous Presidents to place a cap and a limit on the terrible weapons of war, on strategic weapons, nuclear weapons.

I supported SALT I. I voted for it.

The ACTING PRESIDENT pro tempore. The minority leader has 5 minutes remaining.

Mr. BAKER. Mr. President, I am going to impose for 1 more minute on the time of my friend from Iowa and yield myself 1 more minute of the remaining time.

Mr. ROBERT C. BYRD. Mr. President, as I recall, I may yield the minority leader 2 minutes of my 15-minute order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. I thank the majority leader.

Mr. President, it is our responsibility to take advantage of the opportunities that are offered us by our time, to prepare ourselves for this debate as best we can, to understand the awesome nature of the undertaking, but not to be put off from the responsibility. I think the Senate is up to that. I believe this Chamber is populated by men and women of extraordinary talent and dedication. I believe we can undertake this challenge and seize this opportunity as few Senates before us have done. I have great confidence in this body.

I also believe, Mr. President, that in addition to considering whether we accept or reject this treaty, we should give our advice freely on what form the treaty should take. I hope very much that no one is put off by the other alternative that is available to us by reason of the blessings of the advancement of civilization—that is, our competence to advise as well as to consent.

It may or may not be necessary to offer amendments to the treaty, but we should keep that in mind. It might even be possible or desirable to transmit our concerns or disagreements to the President, with the respectful request that he attempt to eliminate those concerns—in effect, to ask him to amend the treaty. It may be desirable to ratify the treaty in its present form or in some subsequent form. It may be necessary to reject it.

Mr. President, in closing, I should like to repeat to my colleagues in the Senate today what I told the President of the United States yesterday. I do not want my President to fly in the dark, to fly blind. I want him to know what the circumstances are; and I am willing, as leader of the minority in the Senate, to apprise him from time to time of the situation as I see it. I may be in opposition to him, but he is the President, and I will give him that information. In effect, I will give him our head count, our whip check, so that he can decide what should be done next.

At all costs, we must avoid the unfortunate, cataclysmic confrontation that occurred after World War I, when a President of the United States and a leader of the Senate challenged each other, and they both lost. The President, in effect, said that he would prefer to see the treaty defeated than modified, and the Senate defeated it.

Mr. President, I do not want that to happen, but I do want to make it crystal clear, at this beginning point in the debate, that I expect the Senate to exercise the full range of its opportunities to advise as well as to consent. I will treat the matter in good faith, openly, without guile, without personal animosity, without any effort to try to embellish my own political fortunes. I will try to dampen the ardor of activists on both sides. I will try to channel this debate into reasonable and responsible ways. But I also will try to see that this is the most important foreign policy debate that we have ever undertaken, for I believe it should be.

I thank the majority leader for yielding.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, we have a time problem here with respect to the Senator from North Carolina, who has to leave, and I have a commitment to the Senator from Iowa to yield him 5 minutes of my time.

Would the Senator from Iowa mind if the Senator from North Carolina received the time I can yield, in exchange for which the majority leader would give the Senator from Iowa 5 minutes following that?

Mr. JEPSEN. That is satisfactory.

Mr. BAKER. I thank the Senator.

Mr. MORGAN. I will yield back to the majority leader the remainder of my time.

NUTRITION DAY—A NATIONAL FIRST

Mr. MORGAN. Mr. President, this past Saturday, the State of North Carolina hosted the first Nutrition Day to occur in this Nation.

The purpose of the day was to focus the attention of North Carolinians on the importance of nutrition to sound health. Nutrition Day involved educational and entertainment activities, as well as a number of exhibits relating to food and nutrition.

Nutrition Day was accomplished, I am proud to point out, without the expenditure of any public funds from any level of government. Rather, the day's events were financed totally by modest contributions by agricultural, food, and rural concerns. It is this kind of community spirit which enhances the vitality of this great country.

Nutrition Day was comprised of two separate events in Raleigh, our State capital, one event which was held in the morning and one in the afternoon.

The morning program, held at the McKimmon Center on the North Carolina State University campus, provided participants with an overview of child health and nutrition in the Tarheel State.

The afternoon program, held at the Dorton Arena on the State Fairgrounds, was a nutrition fair for kids.

The combination of both events provided adults and children an opportunity to learn about nutrition in a pleasant and constructive manner.

Mr. President, before I discuss the details of the day's activities, I would like to point out that my colleagues will have an opportunity to share in what happened this past Saturday. This has been made possible because we filmed the entire morning and afternoon program, a film that I will show in Washington sometime in midsummer.

The morning agenda contained an in-depth review of child nutrition and health in our State. The morning was a mixture of a discussion of ongoing programs as well as trends in the area of child nutrition and health.

I attempted to provide a Federal overview of programs, a task that was shared by Audrey Cross, the nutrition coordinator of the U.S. Department of Agriculture.

State perspectives were provided by Gov. Jim Hunt and State officials, Dr. William Friday chancellor of the university system; Dr. Craig Phillips, superintendent; Dr. Sarah Morrow, secretary, Department of Human Resources; and Barbara Hughes, State nutritionist.

The views of various people from higher education were extremely valuable. Drs. Ruth O'Neal, Sue Y. S. Kim, Frank Loda, Join Tingelstad, C. Arden Miller, Minta Saunders, Murray S. Downs, Bernard Greenberg, Burleigh Webb and Stanley Jones provided views from an academic setting.

The morning session was moderated by two very able and talented individuals, both of whom were driving forces in the implementation of Nutrition Day. The early session was moderated by Dr. Howard Jacobson, director of the Institute of Nutrition for North Carolina and Norfleet Sugg, executive vice president for the North Carolina Agribusiness Council.

After the morning session, the complexion of the program changed to an equally valuable and interesting arrangement.

One of the keys to our success in Nutrition Day was the use of athletes as role models for children. Modern athletes are often very knowledgeable in the area of nutrition, a fact that became readily apparent during the Nutrition for Kids Fair. Because of their stature in society and knowledge of nutrition, and in view of the fact that youngsters often attempt to emulate athletes, athletes can be extremely valuable teachers to our young.

We were honored to have an outstanding American, Bruce Jenner, Olympic gold medal winner in 1976, as our master of ceremonies. Bruce is not only a great athlete but a truly warm and thoughtful individual.

Bruce told the Nutrition for Kids Fair audience that being an athlete in today's competitive world involves a dedicated training regimen, talent, considerable good fortune and, most importantly, a carefully developed nutrition program.

Bruce used this formula for several years to achieve his triumph in the 1976 games at Montreal. Unquestionably, Bruce's gold medal in the decathlon—an event often described as the most demanding test of endurance and strength in sports—was a great American victory.

Many people do not realize that Jenner participated in two Olympic games. The first was in Munich in 1972 when he finished 10th in the grueling decathlon. In preparing for the Montreal games that were to occur 4 years later, Bruce paid close attention to his diet—a factor that he considered critical to his ultimate triumph at Montreal.

Jenner was only one of several athletes who participated in the afternoon program. As many of my colleagues know, North Carolina is the home of many truly outstanding sports teams. Two All-American basketball players from North Carolina State University, Genia Beasley and Hawkeye Whitney, provided some thoughts on the importance of nutrition for basketball players. Genia and Hawkeye were joined on the stage by two other excellent basketball players, Trudi Lacey and Ginger Rouse.

Similarly, two football players shared their attitudes on diet. Jim Ritcher, an All-American at center for N.C. State, joined Duke's Craig Browning, a talented quarterback, in discussing the role of nutrition for gridiron performance.

Athletes were not the only performers. The son of our Governor, Baxter Hunt, related his concern that we know more about nutrition for livestock than we do about nutrition for people. Baxter was joined by my daughter, Mary, who discussed the lack of an adequate nutrition education program in our school system.

One of the highlights of the fair were two opportunities for audience participation. Marcia Mills, who lives in Chapel Hill, N.C., led a demonstration of exercise dance that was well received. Later in the program, Dr. Donald Huisingh, from North Carolina State University, got children involved in a number of games.

The learning did not cease with education and entertainment. Indeed, one of the highlights of the day were nearly three dozen very outstanding exhibits. The exhibitors included:

Blue Cross-Blue Shield.
Dairy Food and Nutrition Council.
Dairymen, Inc.
Designs by Diane.
Fairmount Foods.
Girl Scouts of North Carolina.
4-H of North Carolina.
Holly Farms.
House of Raeford.
Institute of Nutrition.
Lillian Craig.
March of Dimes.
Midstate Mills.
National Fruit Processors.
National Restaurant Association.
North Carolina Beekeepers' Association.
North Carolina Cattlemen's Association.
North Carolina Council on Food and Nutrition.
North Carolina Dietetic Council.
North Carolina Egg Marketing Association.
North Carolina Health Services (Dental Health).
North Carolina Department of Agriculture.
North Carolina Department of Human Resources.
North Carolina Peanut Growers Association.
North Carolina Pork Producers Association.
North Carolina Restaurant Association.
North Carolina Soybean Association.
North Carolina State University Department of Food Science.
Oroweat Foods Co.
R. J. Reynolds Food Co.
Sampson County Homemakers.
Unveirsity of North Carolina—Greensboro, School of Home Economics.

Mr. President, I visited each of these exhibits. All of the exhibitors, in my opinion, offered outstanding displays.

I would be remiss if I did not pay special tribute to five individuals who were instrumental in this day's success. Jim Graham, the North Carolina Commissioner of Agriculture, was most eloquent in his remarks that opened Fair activities. Likewise, Bill Parham, Deputy Commissioner of Agriculture; Bob Burlow, assistant State fair manager; Bill Lewis, of the Governor's staff; and Tim Hessla, of the Institute of Nutrition; were absolutely outstanding in various leadership roles.

Mr. President, nutrition is the foundation for good health. Nutrition Day in North Carolina offers an exciting and rewarding model for the rest of the Nation. For those Members of the Senate who are interested in nutrition and food issues, I would encourage them to examine what occurred in Raleigh this past Saturday as something that they might want to do in their respective States. If any Members of this body are interested in Nutrition Day, I would like to encourage them to contact me about this outstanding event and how it might be applied to their States.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, if I have any time remaining, I yield it to the Senator from Iowa.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may have control of the time Mr. Morgan yielded back.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield 7 minutes to the distinguished Senator from Tennessee, to use as he sees fit.

Mr. BAKER. I thank the majority leader. I yield 5 minutes to the Senator from Iowa.

EPA RUNS AMUCK

Mr. JEPSEN. Mr. President, the Wall Street Journal recently featured an editorial on the excessive and unnecessary regulations promulgated by the Environmental Protection Agency.

In another of its rulemaking binges, this agency has proposed regulations that will cost 45 billion annually. When I wonder, will EPA and Congress recognize the negative effect on our economy of all these expensive measures?

Sometimes, Mr. President, I think EPA should stand for end productivity absolutely. For example, if on July 1 of this year, a State does not have an EPA-approved State Implementation plan, no new construction permits will be issued to a possible new pollution source. Very few, if any, States will be able to meet this arbitrary deadline, resulting in a virtual freeze on all industrial development throughout the country. Surely, the resolution to a problem such as this is less, not more, regulation.

I ask unanimous consent that an editorial entitled "EPA Runs Amuck," from the May 9, 1979 issue of the Wall Street Journal, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

EPA Runs Amuck

While the President has been being earnest about all those extra profits that price decontrol will bring the oil companies, the Environmental Protection Agency has dreamed up a new series of regulations that would soak up the profits of the entire industry and then some. Declaring drilling muds, oil production brines, and crude oil residue to be "hazardous waste," EPA has proposed regulations that the American Petroleum Institute says will cost $45.5 billion annually.

That amount is two to three times the industry's after-tax profits. It's about twice as great as the industrys' 1979 budget for drilling exploration and production of gas and oil. It is $6 billion more than our OPEC bill for 1978. Even if ways are found to reduce the API's estimated costs, the EPA clearly will soak up any "windfall profits," eliminating the need for the tax so eagerly being debated in Congress.

For $45 billion EPA will be buying: (1) analysis of mud composition at drilling sites, (2) two-meter fences, gates, signs and security personnel posted around disposal facilities, (3) quarterly reports on groundwater and leachate, requiring four monitoring wells around each drilling pit area, (4) daily inspection of each disposal facility, (5) monitoring and maintenance of security of drilling muds for 20 years after a production site is closed, (6) and so forth.

The regulations also prohibit drilling and production operations in wetlands (most of the Gulf Coast), active fault zones (California), and "500 year floodplains." In other words, areas known to contain large oil reserves are off-limits under the regulations.

All of this is necessary, EPA says, because it lacks information on waste characteristics of muds and brines, on the degree of environmental hazard posed by disposal and on waste disposal practices and alternatives. The plain fact that we have lived with these wastes for years is apparently irrelevant.

Maybe EPA really can't tell an oil rig from a nuclear reactor. But there are enough economists around who can explain to them the difference between an incentive and a disincentive. Regulation is like a tax, and, thanks to government, neither the oil industry nor the economy is robust enough to absorb $45 billion annually in new taxes. If these regs stick, one dollar a gallon gasoline will rapidly become "the good old days."

Today the economy is struggling to adjust to the higher real price of energy; the EPA regulations would have the same kind of shock-wave effect on energy costs as an OPEC price increase. Surely EPA's proposal is an expensive frivolity. There's already enough being done to drive up energy costs and discourage domestic exploration and production without EPA adding its $45 billion worth.

Perhaps Congress and the President will note that the EPA regs are about to run amuck and preempt the windfall profits tax, thereby depriving them of new revenues. At a time of budget stringency when favorite spending constituencies can't be properly serviced, politicians may put their foot down. Maybe EPA's extravagance will provoke Congress to legislate a regulatory budget limiting the costs agencies can impose on the economy. If so, the new regs proposed by EPA will have served a good purpose.

IN DEFENSE OF A BALANCED-BUDGET AMENDMENT

Mr. JEPSEN. Mr. President, a recent issue of Inquiry magazine featured two excellent articles on the need for and opposition to a balanced-budget amendment to the Constitution.

Over 40 years ago, Harry Hopkins, Franklin Roosevelt's alter-ego, coined the phrase which Congress has followed ever since: "Tax-tax, spend-spend, elect-elect." I believe we must break this cycle once and for all by adopting permanent, constitutional limitations on the power of Government to tax and spend.

I am not altogether certain that a balance-budget amendment is a cure-all for our problems, but it is a step in the right direction, which must be combined with permanent caps on spending and taxation.

I ask unanimous consent that an editorial entitled, "Panic on the Potomac," and an article by Phil Stanford entitled, "Singing the Balanced-Budget Blues," from the May 1, 1979, issue of Inquiry, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

PANIC ON THE POTOMAC

Now that inflation is once again raging at a double-digit level, it's hardly any wonder that the American people have lost confidence in the will and ability of Congress and the Carter administration to "manage" the economy. So badly have Democratic and Republican politicians bungled affairs in the last fifteen years that words like "management" and "planning" can only draw snickers in the context of federal economic policy. The people know who's responsible for recent economic disasters: Seventy percent in a recent poll said they did not trust politicians to wipe out the budget deficit, and, in a rare display of concensus, they have chosen by a margin of at least six to one to take matters out of the hands of Congress and to support a constitutional amendment to balance the budget.

Thanks to a concerted drive by the National Taxpayers Union, twenty-one states out of the needed thirty-four have passed petitions calling for a special constitutional convention to consider adding an amendment that would require Congress to keep its books in the black. A senior White House aide calls the convention "the most important domestic issue of the year," and indications are that President Carter and many congressmen are running scared. Already they have let loose a barrage of criticism against this potential challenge to their spending powers. And their rhetoric has been as inflated as their budgets.

"The radical and unprecedented action of convening a constitutional convention might do serious, irrevocable damage to the Constitution," Carter recently wrote Vern Riffe, speaker of the Ohio House of Representatives—a strange thought, considering that the Constitution itself provided for such conventions. Walter Mondale, in a speech to the National League of Cities, raised the specters of war and depression in attacking the alleged inflexibility of the as yet unwritten amendment. And, he added, "Sometimes we need a deficit in order to stimulate the national economy"—an excuse that sounds hollow after the years of unrelieved deficits we've been handed without economic justification, by one administration after another. What Mondale really meant was, "Sometimes we need a deficit to pay for programs we can't justify enough to raise taxes for." And what the hungry city officials in the audience no doubt heard was, "Without continued deficits, federal grants to cities will dry up."

If that's the impression they came away with, they can't be blamed, for they had been told as much by Senator Ed Muskie of Maine when he spoke to the National Press Club last February. "That's not a threat, but arithmetic," he said, letting the state politicians draw their own conclusions. Muskie insisted that no money could come out of "defense," social security, or any other entrenched budget category. He outlined the economic holocaust that would follow in the wake of spending cuts: "That would cost more than a million American jobs. It might have an impact on inflation, but it would leave the economy far weaker than before." Evidently Muskie believes that jobs are created not by real investment but by the Federal Reserve Board's funny money, printed every year to cover congressional overspending. Fortunately more than three-fourths of the American people know better.

The liberals are having a hard time these days finding anyone to take seriously their discredited Keynesian doctrines; all those old shibboleths about the trade-off between inflation and unemployment just don't ring true in these times of high unemployment and high inflation. So liberal opponents of budget balancing have taken to arousing fears that the American people cannot be trusted with a constitutional convention. Members of a White House task force organized to defeat state endorsements of the convention have called the convention a "nightmare" and a potential source of "serious dangers to our economic, social and political system." Cynics might conclude that Carter's real nightmare is a political coup by Jerry Brown, but advocates of the convention do have to consider seriously the concern expressed by one Iowa state legislator: "Perhaps, just perhaps, you're inviting an entire rewrite of the Constitution that has existed since 1787."

Many liberals who have sounded this alarm seem to take it for granted that along with a balanced-budget amendment, we would be saddled with amendments outlawing free speech, abortion, and other civil rights—what Senator Kennedy has called "dismantling" the Constitution. That's a curious attitude for politicians who claim to want to open up the political system to "the people" and who look with pride on the growth of political participation by women, blacks, and the poor as proof that democracy works. If the people cannot be trusted at a convention, why trust them with the vote? Why not return to indirect election of senators? And why, above all, assume that convention delegates charged with the sober task of amending the Constitution would be any more likely to run roughshod over our liberties than Congress of the Nixon Court? Since any amendment proposed at a convention would still require ratification by thirty-eight states and would be subject to limited court review, it is hard to take seriously the hue and cry raised by congressional liberals.

The position of Republican leaders, however, is no less anomalous. Judging by their rhetoric, one might have expected the Grand Old Party to come down on the side of the balanced budget; after all, what else could distinguish it from the party of the New Deal and the Great Society? But let's not forget that the GOP gave us such big spenders as Presidents Nixon and Ford. So it shouldn't come a any surprise that Houe Minority Leader John Rhodes of Arizona should call the proposed amendment oversimplified and unworkable, or that Senator Barry Goldwater should sound like a Carter minion when he proclaims, "We may wind up with a Constitution so far different from that we have lived under for 200 years that the Republic might not be able to continue." Evidently Republican as well as Democratic politicians know their bread is buttered at the taxpayers' expense—and they want no part of any moves to limit their powers. As Republican Representative E. G. Shuster of Pennsylvania said in disgust at the failure of House Republicans to endorse the amendment, "We're nothing but pusillanimous pussycats."

A balanced-budget amendment isn't necesarily the best way to tackle the problem of uncontrollable government spending, but it would at least force Congress to disclose to the American people the true costs of the myriad programs that politicians enact in order to win the next election. One thing's for sure: The hair-pulling and hand-wringing by convention opponents have little to do with real fears for the stability of the economy or the sanctity of our liberties. The only liberties in question are the liberty of politicians to filch the taxpayers' money and the liberty of Americans, guaranteed by the Constitution, to exercise their democratic prerogatives.

SINGING THE BALANCED-BUDGET BLUES

(By Phil Stanford)

Considering the overwhelming public sentiment in favor of a balance-the-budget amendment, why hasn't Congress rushed to support it? According to the polls, about three-quarters of the people in this country want a constitutional amendment that would require a balanced federal budget. A polls sponsored jointly by the Associated Press and NBC shows 70 percent in favor. The *New York Time*-CBS poll has it at 73 percent, and Gallup's two polls show 78 and 81 percent.

About the only other time in recent memory when there has been such a clear consensus on any political issue was a few years ago when the Senate Committee on Government Operations commissioned a poll to test the public's confidence in its elected officials. Seventy percent of those surveyed declared they had little or no confidence in the U.S. Senate, 71 percent had a similarly low opinion of the House of Representatives, and garbage men got a higher approval rating than any group of public officials. The upshot of that one, you may recall, was that several public officials held press conferences and warned the citizenry that they'd better shape up.

The spectacle of Congress attempting to cope with anything more consequential than the Easter recess is never very edifying. Congressmen did not become congressmen by taking courageous stands. They all know that if they want to be reelected they can't afford to offend too many voters. If an issue is particularly controversial, a successful politician will stall as long as possible, in hopes that it will go away. If the issue absolutely refuses to disappear, the next step is to stake out as much territory as possible on both sides of it. This often helps to confuse matters and makes the prospect of actually voting for or against a controversial measure a bit less terrifying.

You would think, however, that the balance-the-budget amendment wouldn't fit this pattern. The mandate is unmistakeable: People want the government to stop spending so damn much money. They have even made it easy for Congress by initiating the action at the state level. By the time this edition goes to the printer, it is likely that thirty state legislatures will have voted for a constitutional convention. Once thirty-four states, the two-thirds required by the Constitution, have done so, all Congress has to do is call the convention. It all seems easy and painless. But true to form, Congress, or at least a significant part of it, is currently engaged in trying to delay, divert, and, one way or another, defeat the amendment.

Senator Alan Cranston, the majority whip, has raised the possibility that Congress may be picky about which petitions it accepts from the states.

This is a possibility because the Constitution does not spell out exactly what the petitions should say or how the legislatures should approve them. Senator Gary Hart has proposed a new system of bookkeeping. Under Hart's proposal, the federal budget would be divided into operating expenses and capital investments, and capital investments wouldn't count as part of the budget. According to Hart, $115 billion, about one-fifth of the current budget, would fall into the latter category. His list of these "long-term capital investments" is enlightening: It includes $44 billion for new weapons; $24 billion for highways, mass transit, pollution control facilities, hospitals, and "other physical assets"; $15 billion for research and development; $21 billion for education and training; and $4 billion for loans. Whatever you may think about the merits of Hart's proposal, you must admit that the concept—of eliminating the annual budget deficit without spending less or taxing more—has a certain strange beauty.

Some of the opponents of the amendment simply resort to threats and dire predictions. Senator Edmund Muskie, chairman of the Senate Budget Committee, has threatened states with the loss of revenue sharing funds if the balance-the-budget amendment gets through. Senator Edward Kennedy has warned that a constitutional convention called to vote on the budget amendment might get out of hand and end up "dismantling" the Constitution. (This certainly does not mean, however, that Kennedy is supporting a constitutional convention that would tend strictly to business.)

Nor are the liberals the only ones opposing the balanced-budget amendment. An alternative amendment drawn up by the economist Milton Friedman and supported by a number of conservatives in Congress would permit increases in the current level of federal spending whenever the GNP rises. It is safe to say that this is not exactly what the tax revolt is all about. Another proposal for a constitutional amendment, introduced by Representative (and Presidential candidate) Philip R. Crane, makes this even clearer. Crane's amendment, as he describes it, is written with "the purpose of stabilizing and maintaining federal spending at its current level relative to national income." Specifically, the government each year would be allowed to spend one-third of the total national income. Crane calls his plan for keeping things the way they are "a realistic approach to tax control."

However, the favorite argument of those who oppose an amendment to balance the budget—from Representative John Brademas to Senator John Stennis—is that such an amendment would prevent Congress from doing its usual good job of managing the economy. Senator Muskie says that a balance-the-budget amendment would place "fiscal handcuffs" on Congress. In a recent speech, he put it this way: "Economists of every respected school agree that increased federal spending or tax cuts producing a deficit may well be the only way to boost employment, generate investment, stimulate demand, accumulate capital, and prevent a downturn from deepening into a depression. A mandated balance would blunt our sharpest fiscal tool."

The argument has a nice ring to it. It seems to raise the debate above the level of more politics into the realm of economic science. As Muskie speaks we can almost see the little men in laboratory smocks, with benevolent smiles on their faces, fine-tuning the economy. A little off here, a little more there—and all for our own good. However, the argument loses some of its appeal once you realize that Congress has voted budget deficits for seventeen of the past eighteen years, rain or shine, boom or bust. In other words, we get deficits whether the economy needs stimulating or not.

What Muskie really meant to say—and undoubtedly would have said if only he had been able to find the right words—is that he doesn't want anyone interfering with his senatorial privilege to spend virtually unlimited amounts of money on whatever he pleases. Of course, he represents it as a public service, but there's no reason to take him seriously.

This, then, is the key to understanding why Congress has been so strangely reluctant to respond to the demand for a balanced budget. Most of the congressmen are in a bind. On one hand there is the undeniable sentiment in favor of cutting federal spending and balancing the budget. On the other hand is the irreducible fact that they can't accede to this demand without giving up one of their most treasured prerogatives.

The phrase used to be "tax-tax-spend-spend-elect-elect," and to a great extent it still applies. Contracts and jobs for local businesses and unions, subsidies for special interests—they all mean votes. Traditionally, conservatives in Congress have had a great time blaming Congress's free-spending practices on liberals. But the truth is that just about everyone in Congress likes to tax-tax-spend-spend-elect-elect. Depending on the politics of the public servant in question, the pay-off for votes may be cloaked in the rhetoric of compassion or in the jargon of national security, but in the end it all comes out of the same pocket.

The only difference today is that politicians have discovered that they can get away with spend-spending without tax-taxing. As Jim Davidson of the National Taxpayers Union explains it, this extension of the old formula is a "matter of pure logic." Deficit spending improves their chances for reelection. "It enables them to make the benefits of increased spending immediately evident to special constituencies while disguising the costs in the form of borrowing and inflation, which are diffused over large numbers of the rest of society."

Senator Muskie asks us not to handcuff Congress. In view of the fact that the felony rate for the last session of Congress was higher than among Detroit's hardcore unemployed, his figure of speech is rather poignant. Handcuff Congress? Dearie me, no. But at least don't release them on their own recognizance.

BUREAUCRATIC BLACKJACK ACTION

Mr. JEPSEN. Mr. President, I say to all those who are listening that I have a most serious message that, with some restraint and some emotion, I am going to present to the Senate and to the American public this morning.

During the past few months, I have had the opportunity to come in contact with a small liberal arts college in southern Michigan named Hillsdale. Hillsdale College has a unique message of freedom and independence in the private education sector. Since Hillsdale's founding in 1844, the college has never solicited or accepted Government funding for the operations of its college. Hillsdale, therefore, does not receive any direct financial assistance from our Government.

However, Mr. President, the Department of Health, Education, and Welfare has recently challenged the college, using title IX of the Education Amendments of 1972 as its basis of attack. Title IX guidelines state that if Hillsdale has enrolled any student who, as an individual, receives Federal financial assistance through Government programs, then the college itself is considered a recipient of Government funds. Hillsdale declares that it is no more a recipient institution than the corner grocery store that accepts food stamps from its customers.

This matter has now gone through one level of the courts, the first level, when it refused even to hear it, but HEW persists.

I call this bureaucratic blackjack action—this blackmail tactic by HEW—to the attention of the Senate and the American people.

I also am serving notice on the officials of HEW who are pursuing this dastardly course that it is a most dangerous and distasteful attempt to further steal the freedoms of institutions and individuals in this country by choking them with this arbitrary governmental action.

I wish the best to Hillsdale College in its efforts to overcome the attempt by HEW bureaucrats to dictate to the school what it can and cannot do. A very important principle is at stake here, and I want to encourage my colleagues to take note of Hillsdale's fight for freedom.

Mr. President, a man with whom we are all familiar, former Secretary of the Treasury William E. Simon, has also taken an interest in Hillsdale; and because he is able to articulate better the importance that Hillsdale assumes in our system of higher education, I would like to read a statement he recently made about Hillsdale College:

> The defense of principles has always been easy—verbally. Too few, however, have had the courage to stand up for these principles in the face of real pressure. Usually, then, a kind of unprincipled "compromise" triumphs. Not so, in the best of all possible ways, with Hillsdale College. Even at the expense of losing money, the principled independence of this college has led it to neither solicit nor accept government funding, and the chains attached, for its operations. Truly, how many other institutions of higher learning have demonstrated such noble standards at the expense of losing money? Virtually none.
>
> Actually, Hillsdale has really triumphed by rejecting government funding: Those of us who admire such principles as this college has vigorously defended are every day joining as allies in supporting this school. And better yet, we do it voluntarily, knowing happily that no law or government can coerce us.
>
> As a college of academic excellence, Hillsdale also realizes something that a good many people in the country and world do not: that there exists an interrelationship between economic freedom and personal freedom. Without the former, the latter cannot possibly exist, and when economic freedom is reduced, so too is personal liberty. Presently those of us who work for a living must work nearly through June of each year just to pay our taxes. And at the current rate, by the time our children reach our age, they will have to work through August to pay their taxes. Hillsdale College has boldly struck out against such excessive governmental interference, asking not that government be abolished but that its powers be restricted so that you and I and our children might enjoy greater freedom and welfare. Hillsdale's aims, then, are humanitarian for the benefit of all.
>
> Today, the future and security of personal freedom are at stake. It is essential that leaders, such as Hillsdale College, stand up for principles that made this country great, that form the basis of the heritage that belongs to us now and that can so easily be lost. Americans cannot summarily and naively place their faith and freedom in the government's hands. Hillsdale College, courageous and prudent, has not, and for this I take my hat off to the school—a hat which I am taking off fewer and fewer times these days.

Mr. President, at this time I ask unanimous consent that an article entitled "Truly Private Education," by George C. Roche III, the president of Hillsdale College, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Truly Private Education

(By George C. Roche, III)

It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us . . .

Little did Charles Dickens realize how applicable these lines would be not only to 18th century France, but also to 20th century America.

Though we have been the beneficiaries of the greatest material prosperity in the world's history, Americans seem obsessed with a growing sense of failure. A nation which once valued individual achievement now strangles itself in regulation. A once self-reliant and thrifty people now struggle with the growing distortions of inflation. We are increasingly unsure of our institutions and ourselves.

Conversations concerning the American decline have been the subject of manifold debates in recent years. Many readers conclude that since society can be no better than the level of understanding displayed by its individual members, and since the individual's understanding is based largely upon his educational experience, we can only arrest the national decline by "more education."

I do not fault the argument as far as it goes, but the specific definition of "more education" seems open to question. Perhaps the most "educated" people of antiquity were the Greeks, yet they destroyed themselves. The Germans have been among the most literate and most completely "educated" people of modern times, yet succumbed to the siren song of Adolf Hitler.

Surely, education should be helpful rather than harmful. Surely, education should be encouraged to the utmost. At least this is the way we all talk about the subject. Do we really mean it? More important, should we really mean it? The answer to these questions depends on what sort of "education" we have in mind.

Our efforts, time and tax dollars have been extended to overcome the knowledge and ignorance of what? Sadly enough, that issue was all too seldom faced when we were constructing the philosophy and institutions of modern American education.

Though the proper goal of education is the development of the individual and the great task is to bring the educational structure back to that purpose, the trend continues in the opposite direction. Through the growing educationist bureaucracy, our schools have become progressively less oriented to the education of individuals and more oriented to the education of the "masses." We now seem to turn out a "socialized" product, certified as socially acceptable by the appropriate diploma. Though such a bureaucracy can no longer educate, it lends itself admirably well to social engineering, to turning out technically proficient automations ideally suited to running the system without questioning its values. This is one of the valid complaints our students have. One of the bits of doggerel from the Berkeley uprising, to be sung to the tune of Beethoven's Ninth Symphony, went as follows:

From the tip of San Diego,
To the top of Berkeley's hills
We have built a mightly factory,
To impart our social skills.
Social engineering triumph,
Managers of every kind
Let us all with drills and homework
Manufacture human minds.

It is true that a larger school provides more specialized teaching and more staff specialists. Each student finds himself more counseled and tested. But it is also true that in the process the individual teacher steadily loses his personal contact with the students as more and more of his functions are taken over by outside "specialists." Students and teachers alike are involved in more and more activities outside the classroom while becoming less involved in what has been traditionally called "teaching." The close pupil-teacher relationship seems impossible in our supersized educational structure.

Thus, the emphasis is upon larger and larger aggregations of collective authority and organization, within which individual personality finds a smaller place. Let anyone who doubts this attend a massive public high school or gigantic state university campus. What we teach and how we teach it makes it harder and harder for the individual to find and defend his place in the sun.

To adapt to these masses, the total standards of our educational system have faced alteration. We now place special emphasis upon training the dropouts, upon making the curriculum so soft that no one can flunk. Thus, we are caught up in one of the fundamental "democratic" dilemmas of our age. If we make our schools sufficiently mindless to accommodate those least able, we run the grave risk of turning out a totally mindless graduate. Such a solution should be unsatisfactory, unless we wish democracy to mean the rule of the uniformly ignorant and incompetent. Perhaps we're toiled unduly over defects, weaknesses and shortcomings, to the grave neglect of talents, virtues and achievements. If we wish our schools to be only shelters for idle youth, we must recognize the frankly revolutionary premise which underlies such a system. The logic of such "democratic" pedagogy implies a total structural change of traditional American society.

We have not only neglected to uphold the standards by which to judge academic achievements, but we have also failed to give proper attention to the value of that which is to be taught. In keeping with the times, we are told that we must sweep aside the dead hand of the past with its constricting and confining tradition and morality. We are told that the disciplines of former ages no longer bind us. We are told that, in view of these rapid transformations, all standards are relative to social considerations; man and society are whatever we choose to make of them. Thus, change itself, change for its own sake, has become the dominant philosophy of the age, and thus of our educational system. A variety of experiences (no matter what their quality) with constant growth (no matter in what direction) and constant activity (no matter how frenzied) are now to serve as a suitable educational goal. Here again, the decline of intellect is most graphically demonstrated.

The result of such instruction? Perhaps more than ever before young people are concerned with "the reason why," in examination of moral premises of our society. They hunger for this because our present institutional structure offers them so few values and principles on which to build their lives. Whatever the reason, the student with his concern for moral issues often finds himself in the company of a teacher or a professor for whom the morality of the existing power structure is a matter of little or no interest, or, worse yet, a professor who is concerned less with teaching than he is with turning the structure to his own politicized uses.

This confusion of mind did not exist to such a degree with the traditional education of the past. During my boyhood in the mountains of Colorado, I was privileged to attend a one-room, one-teacher school that met the needs of children in all eight elementary grades. Admittedly, I was fortunate to have a remarkable teacher of great character and strong personality, who was then and remains a profound influence on my life. Yet, without the benefits of swimming pools, of guidance counselors, of the 1,001 other such items now assumed to be "essential" to education, we children of that school (incidentally, a cross section of well-to-do and very poor) managed to learn our reading and writing and arithmetic, while learning to respect adults, respect one another, and finally to respect ourselves. Throughout, the standards we were expected to maintain were never in doubt. We also knew at all times who was running the school!

Such schools and such teachers have been the tradition rather than the exception in this country. In fact, much of what we now call "juvenile delinquency" would have been subject to quick solution in a woodshed of an earlier day. But then, such a system as I am describing was based upon standards and discipline, viewing children as individuals, induviduals important for their own sake, individuals destined to assume a responsible place in the community. Today, we extend no such courtesy to our young people.

On the contrary, for twelve, and often sixteen years of his life, the American child is subject, day in and day out, to the guidance of our "progressive" educational system.

When we continue to initiate an educational system void of standards, void of authority, void of responsibility, void of the ideal, is there really any question as to why the lives of our youth develop lacking moral standards, self-discipline, or a sense of responsibility? Despite the good intentions of many parents, educators and administrators, we have created a society of perpetual adolescents. We expect no standards during the initial eighteen years of their lives. Need we expect responsible, upright, adults afterward?

J. Allen Smith, patron saint of the intellectual climate of the 20th century and father of the ideas expressed by Charles Beard in *An Economic Interpretation of the Constitution*, made quite a pointed remark in reflecting upon this course of events. As Smith explained, "The trouble with us reformers is that we made reform a crusade against standards. Well, we've smashed them all, and now neither we now anyone else have anything left." Nothing left! Strong words coming from a prophet of the modern academy. If Smith was right, our modern standards are all smashed. Then to what can we turn in educating our young people?

The results of progressive education have been ugly, on campus and off campus, but a word of warning is in order. However reprehensible our present college and university community may have become as the result of institutional enmassment, we must beware of the tendency to use political power in correcting the situation. The autonomous university community has usually been a seat of traditional values and a haven for the individual against church and king. At its best it can again be such a haven against the assaults of democratic politicization. In fact, our present discontents on the university campus are largely due to the extent to which we have accepted political authority (financing, standards, controls, values) in an institutional area where that authority does not belong.

Americans need only to open the daily news to note the growing government intervention in higher education. For example, collectors of academic curiosities may recall Columbia University's announcement of several years ago: "We would like to have been able to make copies of the full-text edition of Columbia University's Affirmative Action Program available to interested parties without cost. However, because of the expense involved in reproducing, collating, binding, packing, and handling this 316 page, 3½ pound document, we are making it available at $17.25 per copy, which includes postage."

If an interested party were to send for a copy of this document, though it is difficult to imagine who might be interested, he would receive a bureaucratized and computerized flood of trivia about the inner workings of Columbia University—more than most observers could conceivably want. The vast outpouring of time and energy necessary to gather and evaluate this information on institutional policy symbolized a major crisis for Columbia, a crisis given public airing by its administrators.

Columbia University is not alone in its anguish. Other institutions of higher learning across the nation are suffering similar problems as they rush headlong to comply with the Department of Health, Education, and Welfare guidelines imposing racial and sexual quotas on campus. They find they are obliged to hire directors of Affirmative Action Planning at substantial salaries, and set up affirmative action programs with policy influence over every aspect of campus life.

Obviously, government control of the American educational process is not the answer. A look at the outcome of the current educational system proves that values, standards and self-respect simply cannot exist with the present day politicalized system of learning. Past experience clearly shows that genuine education and government education are a contradiction of terms. So what's to be done to reestablish a system which will instill within our future leaders value and respect for the American ideal? The answer must come from the private sector.

But why the private sector? Because the attributes, values and concerns of this group are synonymous with, rather than contradictory to, the aims of genuine education. Education must offer challenge and variety to awaken the *individual* conscience and draw forth unique qualities and capacities. Looking for the best in other and allowing their free development, letting people be themselves, afford each the opportunity to achieve his own potential. Such a view of education implies no "system," no "establishment," in the usual sense, but rather guidance by the private sector.

Furthermore, the task of the true educator is primarily that of liberation. The individual needs to be freed from his limitations in order to develop his potentialities and become a better man than he would otherwise have been. This is the most radical presumption of all. If we assume that the individual can develop his unique potentialities only in freedom, implicit in that assumption is that different people have different capacities and varying rates of progress. Thus, genuine education implies discrimination and difference which is made available only through the private sector as distinguished from the dead level of equality which is the product of control by the public sector.

In a practical sense, genuine education trains students to think for themselves. Mere indoctrination will simply not suffice. As Emerson once wrote, "Cannot we let people be themselves, and enjoy life in their own way? You are trying to make that man another you. One's enough." To expect that the distant, impersonal government can best educate our young people is indeed a fallacy as past history has proven. The private sector—parents, friends, community educators—would certainly be the best judge of the individual educational needs of those within their community.

The success of the private sector over the public sector in providing genuine education can be noted in the achievements attained by Hillsdale College, a small private, liberal arts institution in southern Michigan. Hillsdale exists as proof that maturity, responsibility, and a sense of self-respect are best developed in our young people when they are encouraged to pursue their individual talents within the framework of fixed truth, and of a definite right and wrong, not subject to change by human whim or political dictate. Such an education is possible through private, not public control. Although many contemporary authorities on education profess that the Hillsdale philosophy is totally out of date, we take great pride in the quality of young people who have been the product of our "behind the times" tradition.

Of course, it is true that the young people at Hillsdale are like young people everywhere in many ways, especially since our 1,000 students come from 32 states and 15 countries. Like all young people, they have their good times and bad times, ups and downs, victories and defeats. Yet in other ways the graduating Hillsdale student is different from many of today's young people. Why? Because the education he or she has received has encouraged that uniqueness.

The Hillsdale philosophy of education, simply stated, is this: Improve the individual as an individual, stressing the peculiar and unique attributes each has to develop, but also emphasize the development of that "higher side" shared by all individuals when true to their nature. Such a philosophy contrasts greatly with the modern notion as to what should constitute an education. It is little wonder that our graduates would reflect this contrast.

To insure the reality of this philosophy, our enrollment is small, with roughly 1,000 students on campus annually. Our classes have a ratio of 15 to 1 between students and faculty. Students, called by first names, are not only encouraged, but expected, to contribute individually to classroom discussions and activities. Hence, individual, not mass, ideas are expressed and pursued. Likewise, the individual is held accountable for his actions.

Unlike those at large universities, our business majors do not discuss inflation in a classroom with several hundred other students. Instead, they enjoy small classes and the opportunity to host and personally meet prominent national figures during one of our many lecture series on campus. Our English majors are not taught over closed circuit television. Instead, they have the opportunity to attend coffee hours and hold small classroom discussions with such renowned writers and critics as James Dickey, Marion Montgomery, John Ciardi and Tom Wolfe. Our music and art majors, history and political science majors, philosophy and education majors, have all encountered similar individual leadership opportunities. Because of our smallness the opportunities by which one might obtain a sense of responsibility and self-confidence are numerous on the Hillsdale campus. Such an education helps make our students unique.

Whereas progressive education stresses the importance of specialization, the traditional educative philosophy maintained by Hillsdale stresses the importance of a liberal arts background. Liberal arts study serves as a base for our curriculum because college faculty, administration and friends who work with the college believe that there is great value in developing well-rounded young adults. Indeed, we recognize the fact that specialized knowledge in the Western world has accomplished miracles through increasing human control over physical environment. Man has achieved power in the process, a power being concentrated in the governmental and private institutional giants of our time. Rewards are high for the specialist. In such a process, however, we run a grave risk of losing the capacities which make us human. A young student of great ability easily may pass through his entire education without encountering the reality of the human condition or establishing his self-identity. Instead, he moves from one superficial consideration to the next, always dependent upon "expert" and "fashionable" opinion, "objectively" studying nothing but "facts."

A look at human conditions today shows that the superspecialization demanded in our times often leaves the individual, as Ortega says, so specialized that he is ignorant in many facets of human existence, so ignorant that, outside his speciality, he reacts as an unqualified mass-man. On the other hand, when an endless search for facts is replaced by teaching which asserts a philosophy of life, the result tends to be the universally educated man.

The benefits of individual leadership opportunities, of personal interaction with faculty and staff, and of a college run by administrators on campus instead of in Washington, D.C., have been available to our students because Hillsdale College has never been a recipient of government funds. Since its founding in 1844, Hillsdale has neither sought nor accepted federal funding of any sort for its operation. The college has actively taken this stand for 134 years because, in our eyes, the benefits of total freedom and independence have far outweighed the advantages attainable through additional funding. In the past we felt sure that because of our independence, we were free to direct our own affairs, to decide what should be taught in our classrooms, and to follow what we consider the traditional system of American values.

But with the coming of the Title IX regulations, all that was changed. Previously, all government regulatory activity in higher education has been directed only toward those institutions which accepted government money. However, the Title IX regulations specified that Hilsdale and all other independent colleges and universities would now be subject to government directives if we had on campus any student who, as an individual, was receiving government financial assistance.

The reaction of the Hilsldale College Board of Trustees to the HEW order was unanimous and complete. All members agreed that the public sector had overreached itself. On October 10, 1975 the Trustees prepared a resolution which faced the issue squarely:

Whereas the Board of Trustees of Hillsdale College has been made aware of new restrictive regulations imposed by the Department of Health, Education and Welfare promulgated under the guise of implementing Title IX of the Education Amendments of 1972; and

Whereas Hillsdale College has maintained its freedom and independence of federal control by consistent refusal of federal aid to education, federal grants and any and all forms of subsidy by the Federal government; and

Whereas, the regulations aforementioned, the Federal government now seeks to impose its control over such freedom and independence through the subterfuge that a few of the students of Hillsdale College receive federal aid through the medium of such programs as Veterans Benefits and the National Direct Student Loan Fund; and

Whereas it is the conviction of the Board of Trustees of Hillsdale College that such regulations are excessive of the authority granted by Congress and violative of the inalienable rights of freedom and choice of this institution and are therefore immoral and illegal; and

Whereas Hillsdale College has traditionally far exceeded the social benefit purported to be achieved in such regulations by natural and voluntary non-discrimination: Now therefore be it

Resolved, That Hillsdale College will hold to its traditional philosophy of equal opportunity without discrimination by reason of race, religion or sex, but such non-discrimination will be voluntary, thus preserving equality with dignity and encouraging friendship based on recognition of equal worth and mutual respect; and be it

Resolved further, That Hillsdale College will, to the extent of its meager resources and with the help of God, resist by all legal means this and all other encroachments on its freedom and independence.

Let me stress that the issue at stake is not equal treatment for minority groups of women. Throughout its 134 year history, Hillsdale College has opened its doors to all, irrespective of race, religion or sex. The first woman in Michigan and the second woman in the United States to receive the bachelor's degree was an 1851 graduate of Hillsdale. It seems especially ironic that Hillsdale College, which pioneered in non-discriminatory treatment long before the first federal legislation on the subject should now be compelled to comply with government regulations promulgated in the name of equal rights for women.

The trustees fully appreciate how high the penalties are likely to be. If the bureaucracy now withdraws the scholarships of those students attending Hillsdale College, the college itself will also be penalized. In an age when independent higher educaton already faces inflation, governmentally subsidized competition, and a continuing reduction of private revenue through more and more stringent tax policy, the difficulties of meeting the budget and surviving have grown larger each year. Now we are faced with the additional burden of aiding those students against whom the government proposes to discriminate.

And yet the penalty of losing scholarship funds because of our actions is certainly minimal when compared to the freedom and independence we would lose should we succumb to political decree. The issue involves not only the future of Hillsdale College, but the future of the private sector as a whole.

Obviously, many have recognized the dissension between the Department of HEW and Hillsdale College as representative of the culminating battle between the public and and private sector, for the response we have received from concerned Americans has been overwhelming. We have received many thousands of letters from concerned citizens, the leaders in the private sector across America.

Since the beginning of the battle two years ago, we have heard from nearly thirty senators and representatives who emphasize their approval of Hillsdale's stand, saying: "We never intended that HEW should be granted the kind of power it is wielding in your case. We never intended that they should have any control over the truly independent sector in education." And their support has been more than verbal.

In fact, there are now four different bills pending before the Congress which would bring relief to our particular situation. The proponents of this legislation represent, I suspect, a minority sentiment on Capitol Hill. These bills won't become law tomorrow. But the point is that there are those who are making the effort.

In addition, since October of 1975, the college has received widespread attention in the media, nearly all of it sympathetic to our cause. Our story has been carried in nearly 350 newspapers, including *The New York Times*, *Chicago Tribune*, the *Los Angeles Herald-Examiner*, the *Wall Street Journal*, and *National Observer*. Six syndicated columnists, each published in between 100 and 200 papers, have devoted a column to describing Hillsdale's fight. *Time*, *Newsweek*, *Fortune* and *Reader's Digest* have printed lengthy stories on the affair, and we have received considerable broadcast time on both television and radio.

Finally, the college has received moral and financial support from many leaders, most of whom have no previous connection with the college. Those leaders have encouraged us to fight our battle to the end.

In all these expressions of support, I have sensed a concern which goes beyond the question of Hillsdale College vs. HEW, even beyond the question of independent education. Ultimately, I think people fear that somehow our government has grown so large that, rather than controlling it, we are in fact being increasingly controlled by the government. They recognize that we are gradally losing the power to direct our own lives—to run our businesses, to educate our children, to make our own decisions.

Thus, these concerned American leaders have turned to Hillsdale as representative of the private sector which has simply had enough of government intervention running their lives. Past history has proven that those who effect great revolutions are always small in number. Such people need not wait to become a majority. No one else can do the job except those who understand what is at stake and who serve notice by their own example that a better way exists to educate our young.

Perhaps the greatest indicator of the success achieved by the truly private, liberal arts education provided by the private sector at Hillsdale is the type of young people who emerge from the institution upon completion of their studies. Above all else, leadership has probably been the most distinctive characteristic of the Hillsdale graduate. Hillsdale is blessed with students from all across the nation, fine young men and women in search of genuine education. Our ability to provide the Hillsdale experience depends upon reaching highly qualified, highly motivated students. We rely on our friends to put us in touch with these young people who will be tomorrow's leaders.

Mr. JEPSEN. Thank you, Mr. President.

I yield back the remainder of my time.

RECOGNITION OF SENATOR METZENBAUM

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Ohio is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. Mr. President, will the Senator from Ohio yield me 5 minutes?

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senator from Wisconsin be recognized for 5 minutes but the time not to be taken out of my time.

Mr. PROXMIRE. Mr. President, I understand this has been arranged with the majority leader.

Is that correct?

Mr. METZENBAUM. That is correct. The only thing is it was not my understanding that I would have to yield it out of my time. I do not think the majority leader had any thought to that effect. I am sure the minority leader will not find any problem with that.

Mr. BAKER. Mr. President, if the Senator will yield to me, I have no problem with that.

The ACTING PRESIDENT pro tempore. There are 20 minutes remaining which the majority leader has under his control, and the Senator asks unanimous consent that some of that time be taken.

Mr. METZENBAUM. Under those circumstances, Mr. President, I have the 20 minutes under my control?

Mr. BAKER. Mr. President, there are 20 minutes remaining under the standing order and the special order for the majority leader. Is that the correct situation?

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is correct.

Mr. BAKER. Mr. President, the majority leader yielded some time to me. Is there any time remaining of that time?

The ACTING PRESIDENT pro tempore. There is 1 minute remaining.

Mr. BAKER. Mr. President, I will yield that 1 minute remaining to the Senator and I ask unanimous consent, and I am sure this will be agreeable to the majority leader, that 4 minutes of his remaining time also be allocated to the Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I thank my good friend from Tennessee very much for the gracious arrangement and also my friend from Ohio.

INFLATION

Mr. PROXMIRE. Mr. President, the No. 1 problem and issue for this country, in my judgment, on every front is inflation.

I think few of us realize how serious the inflation situation has become.

The Secretary of the Treasury said just the other day that the administration made a very serious blunder on inflation. The administration estimated inflation would be something like 7.4 percent the coming year, and now they have changed that and now estimate it will be at least 8.5 percent. They would be surprised, according to Secretary Blumenthal, if inflation is less than 8.5 percent in the coming year.

Mr. President, there are indications that it may well be well above that. The statistics we have show that in the first quarter of this year we had an increase in wage rates over 11 percent and a decrease in productivity of 4½ percent. So there is an aggregate increase in wage costs of 16 percent at an annual rate.

These wage costs have to be passed on and will be passed on inevitably in higher prices. That means at least double digit inflation very likely during much of the remainder of this year and, of course, we have already suffered double digit inflation in the first 4 months of the year.

Mr. President, what this means to us in the Senate is that we have to be concerned on every front to take every action we can to hold down inflation. Clearly the easiest way, the best way, the most obvious way to do that is to hold down Federal spending. That means with respect to the SALT treaty, which our attention has been called to today because of developments yesterday, we certainly should not trade our support for the SALT treaty for even more spending on defense.

The President has indicated he favors real increases in spending for the Defense Department of 3 percent a year on top of the inflation increases. If we go along with that, which I do not think we should, and then in addition to that go along with the arguments of those who would say we have to spend even more in our defense to buy support for the SALT treaty, I think it would be a serious blunder.

Mr. President, this restraint must apply not only with respect to defense, but also with respect to domestic policy. Urban policy, housing policy, education, highways, in none of these areas will it be easy and for everyone it will be painful, but if we are going to do anything seriously about inflation, that is the kind of painful action Congress is going to have to take.

INGA-SHABA EXTRA HIGH VOLTAGE DIRECT CURRENT TRANSMISSION LINE PROJECT IN ZAIRE

Mr. PROXMIRE. Mr. President, I call to the attention of my colleagues a communication I have received from the Export-Import Bank pursuant to section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, notifying the Senate of a proposed loan to assist the export of U.S. goods and services to be used for the completion of the Inga-Shaba extra high voltage direct current transmission line project in Zaire. Section 2(b)(3)(i) of the act requires the Bank to notify the Congress of proposed loans of financial guarantees in an amount of $100,000,000 or more at least 25 days of continuous session of the Congress prior to the date of final approval. Upon expiration of this period, the Bank may give final approval to the transaction unless the Congress adopts legislation to preclude such approval.

In this case, the Bank proposes to extend a direct credit in the amount of $46,495,000 and a financial guarantee in the amount of $46,495,000 to the Societe National d' Electricite, the national electric utility of the Republic of Zaire to support the export of U.S. goods and services to be used in completing the project. Eximbank has previously extended $308 million to Zaire to support the export of U.S. goods and services for the project. The Bank contends that the additional $93 million credit will insure completion of the electrical transmission line, as well as repayment of the entire loan. The new credit will bear interest at the rate of 8.75 percent per anum and be repayable in 30 semiannual installments beginning August 10, 1982.

Mr. President, I ask unanimous consent that the letter from Eximbank pertaining to this transaction be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXPORT-IMPORT BANK OF THE
UNITED STATES,
Washington, D.C., May 3, 1979.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Pursuant to Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States House of Representatives with respect to the following transaction involving U.S. exports to Zaire.

A. Description of transaction.

1. Purpose

Eximbank is prepared to extend a direct credit of $46,495,000 to Societe Nationale d'Electricite (Borrower) and to guarantee loans to the Borrower in the amount of $46,495,000 made by private financial institutions to facilitate the Borrower's purchase from the United States of goods and services necessary for completion of the Inga-Shaba Extra High Voltage Direct Current transmission line (Project). The Project will carry power from the Inga hydroelectric generating facilities in western Zaire to the Shaba Copperbelt in the southeastern part of the country, a distance of about 1,100 miles.

On November 21, 1973, Eximbank authorized a direct credit of $102,240,000 to the Borrower and guarantees on loans to the Borrower for the Project by private financial institutions in the amount of $136,240,000. Due to general world-wide inflation, certain design changes and unanticipated construction and transport problems, by late 1975 the estimated total costs of the Project had increased from $343,804,000 to $478,804,000, of which the United States costs increased from $227,200,000 to $303,340,000. As a result, on April 6, 1976, following the required Congressional review, Eximbank authorized a direct credit and a guarantee to the Borrower each in the amount of $34,263,000. This financing was expected to complete the Project. However, in the past three years continued inflation, a slowing of construction due to a lack of local currency, a continuation of construction and transport problems plus the Shaba II invasion in May 1978 which resulted in destruction of certain Project installations, have caused further cost increases. Total Project costs are now estimated at $680,470,000 of which United States Costs are $419,421,000. The Project is now 80 percent complete, and commissioning is expected in early 1982. The equipment and material which is to be financed by Eximbank and the private financial institutions participating with Eximbank will be manufactured in the United States and the related services will be performed by United States firms.

2. Identity of the Parties

Societe National d'Electricite was established in 1970 as the national electric utility of Zaire and is wholly owned by the Republic of Zaire (Republic). Its obligations will be guaranteed by the Republic.

3. Nature and Use of Goods and Services

The principal goods to be exported from the United States for use in completing construction of the Project will consist of earth moving equipment, and steel transmission line towers. In addition, United States firms are performing and would continue to perform under the proposed financing various related construction and technical services in connection with the Project. The prime contractor is Constructeurs Inga-Shaba, a joint venture firm comprised of Morrison-Knudsen International Co. of Boise, Idaho, International Engineering Co. of San Francisco, California, and Fischbach and Moore International Corp. of Houston, Texas. In addition to these principal U.S. suppliers, there are many other companies across the nation also supplying U.S. goods and services for this Project.

B. Explanation of Eximbank Financing

1. Reasons

Completion of the Project and the resulting provision of power to Shaba is essential if Zaire's national copper company, Gecamines, is to attain a projected increase in copper and cobalt production from 391,000 and 13,200 metric tons per annum, respectively, in 1978 to about 530,000 and 26,000 metric tons per annum, respectively, by 1982. Additional electric power will also be necessary if other copper/cobalt mines in Shaba are to expand their output. This increase in production is important to Zaire because copper and cobalt are Zaire's principal exports, accounting for over half of export earnings.

Eximbank has concluded that completing the Project makes the best sense at the present time and represents both the most efficient use of the existing investment in the line and the best means of supplying the required power to Shaba. Moreover, we believe that completing the Project offers the greatest likelihood for repayment of Eximbank's present investment in the Project of $305 million.

In reaching the decision to proceed with the Project Eximbank examined at length alternative methods of meeting Shaba's energy needs as well as the basic economies of the Project. With regard to the former, load forecasts prepared by Gecamines and the U.S. Bureau of Reclamation reflect an energy requirement for Shaba of 3,587 GWh for 1983 which is conservatively projected to grow to 3,697 GWh by 1987. Since existing hydro plants can, when adequately maintained, generate approximately 2,810 GWh in a wet year (only 2,000 GWh in a dry year), a potential deficit of at least 777 GWh in 1983 is forecast if the Inga-Shaba line is not completed.

This deficit rises to approximately 1,500–2,000 GWh in the 1985–1987 period when 20 percent of the existing Shaba hydro facilities are retired, having been in service since the late 1920s. It is concluded that the Inga-Shaba line should be able to operate at an average capacity utilization of 30 percent during the 1980s with a possibility of increasing this utilization to approximately 50 percent depending on the progress in other mining projects. The power supplied by the line is required for essential mining development now under way in Shaba since it is highly unlikely that new hydro installations in Shaba could be financed under present circumstances or completed by the spring of 1982 to meet the demand. Another option, a series of gas turbine power plants, is not viable because of the cost of securing the fuel. Finally, the existing 220 kv line from Zambia is inadequate to provide the power. Consequently, it does not appear that alternative means for supplying the required power to Shaba when needed exist, while the economic impact of not providing necessary power by not completing the project would be severe for the economy of Zaire and could adversely affect the likelihood of Eximbank's existing exposure being repaid.

Concerning Project financial projections, the Borrower has not yet set rates for Inga power in Shaba, and is not expected to do so until the line is virtually completed. Current Kwh power rates are about 11 mills to Gecamines and 20 mills to other users in Shaba. These rates will probably be increased substantially; however, the cost of energy for the incremental costs necessary to complete the Project is only about 27 mills per Kwh. It is estimated that a rate between 70 and 80 mills per Kwh would recover all Project costs. Depending on where rates are finally set, the Project will probably operate at a loss in the early years of its operation. Failure to complete the Project, however, would deprive the copperbelt of essential power.

In view of the above Eximbank has concluded that the best course of action is to proceed with the Project. Because of the large amounts involved in this transaction, the repayment term which is required and Zaire's continuing economic problems, Eximbank has also concluded that its loan and guarantee are necessary to complete the Project. The resulting export of United States goods and services will have a favorable impact on the United States economy in terms of the United States balance of payments and domestic employment.

2. The Financing Plan

The total cost of the additional United States goods and services necessary to complete the Project is $109,400,000. The costs will be financed as follows:

	Amount	Percent of U.S. costs
Cash payment by the borrower	$16,410,000	15.0
Eximbank direct credit at 8.75 percent	46,495,000	42.5
Private financing with Eximbank guarantee	46,495,000	42.5
Total	109,400,000	100.0

Eximbank will require that the cash payment be made in advance. In fact, the Borrower has nearly completed the required payment.

(a) Eximbank Charges.

The Eximbank credit will bear interest at the rate of 8.75 percent per annum, Eximbank's current scale rate, payable semiannually. A commitment fee of ½ percent per annum will also be charged on the undisbursed portion of the Eximbank Credit. The private financial institutions being guaranteed by Eximbank will pay a guarantee fee to Eximbank of 1 percent per annum on the amounts they disburse to the Borrower. Also a commitment fee of ⅛ of 1 percent per annum will be charged on the undisbursed portion of the private financing guaranteed by Eximbank.

(b) Repayment Terms.

The increased financing will be repaid in 30 semiannual installments beginning August 10, 1982, about six months after estimated completion of the Project. The private financing guaranteed by Eximbank will be repaid from the first 15 installments and the Eximbank direct credit will be repaid from the last 15 installments.

(c) Security.

In recent years Zaire has experienced difficulty in meeting its foreign exchange obligations and has been forced to seek relief in the form of two general debt reschedulings covering certain maturities falling due in 1975, 1976 and 1977. These reschedulings were agreed to by the Zaire Paris Club, an informal group of official government creditors of Zaire whose purpose is to provide necessary debt relief on an equitable basis and on conditions acceptable to all such creditors. Eximbank to date has agreed to reschedule approximately $66,542,000 of Zaire obligations, approximately $41,000,000 of which represent sums paid by Eximbank to private commercial banks whose loans to Zaire were guaranteed by Eximbank. The rescheduled amounts are to be repaid in semiannual installments over approximately nine years and bear interest at Eximbank's scale rate in effect at the time the reschedulings were approved by Eximbank. Although it is expected that further debt relief will be necessary with respect to 1978 and 1979 maturities, it is hoped that a revised IMF Stand-by Agreement, coupled with assistance from other lenders, will lead to an improvement in Zaire's economic situation.

Considering these debt repayment problems, Eximbank required as a condition of its financing authorized April 6, 1976, that its debt service for the Project be met by a foreign exchange transfer which would take place outside of Zaire following sale of Zaire's copper in Europe and before the copper sales proceeds were remitted to Kinshasa. This arrangement came to be known as the Payment Facility Agreement (PFA). To date Eximbank's experience with the PFA has been favorable and our April 6, 1976, financing is current. In view of the continuation of Zaire's economic difficulties the subject increase will also be included under the PFA.

Sincerely yours,

H. K. ALLEN.

IN REMEMBRANCE OF THE ARMENIAN GENOCIDE

Mr. PROXMIRE. Mr. President, on April 23, an editorial appeared in the Boston Globe on the subject of genocide. This was the day before International Holocaust Commemoration Day—a day which acutely raised our senses and which reminded us of the atrocities as well as the longer lasting consequences of the German holocaust. But as this editorial points out, April 24 is the anniversary of a day of infamy for all Armenians. On that day in 1915, crimes of genocide were committed in Armenia less numerous than the German holocaust, but fully stained with brutality and destruction.

Mr. President, it is no longer enough to say that these crimes are terrible and must never recur. Everyone says it, everyone means it, but what concrete action has the Senate taken to protect ourselves and our offspring from genocide? Unfortunately, the Senate has done nothing.

For 30 years now, the Senate has had before it the Genocide Convention, the only international treaty which seeks to prevent, indeed abolish, the most horrible crime mankind has ever endured. We must act now to ratify the Genocide Convention.

I ask unanimous consent that the text of the April 23 Boston Globe editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BOSTON GLOBE EXHORTS READERS TO NEVER IGNORE CRIME OF GENOCIDE

Tomorrow at noon in a virtually unprecedented action, both houses of Congress will recess to gather in the Capitol rotunda to ponder the significance and meaning of both the German holocaust and the less widely known genocide of Armenians in Turkey in 1915. The horror of these events may be beyond comprehension but it must not be placed beyond contemplation.

One survivor of the Armenian genocide was the Rev. Vartan Hartunian, now of the First Armenian Church in Belmont. He will join President Carter, Vice-President Mondale and Elie Weisel, chairman of the President's Commission on the Holocaust, in addressing the Capitol gathering tomorrow. In a sermon earlier this month at Belmont's Beth El Temple Mr. Hartunian read from his father's memoir describing the events of April 24, 1915, the day of infamy for all Armenians:

"Many of our teachers, professors and doctors—those of the educated class—were captured, and with the words, "So you are the intellect of the people!" had their heads placed in vises and squeezed until they burst.

"Many children were herded out to the deserts, thrown alive into ditches, and covered with dirt and sand, to smother beneath the earth. Many were thrown into rivers or dashed to the ground. Many were killed by ripping their jaws and tearing their faces in half."

There is more. But the most urgent need now is not to relive the horrors of the past in Turkey or in the German death camps. The need now is to ponder what they mean for the future of the human condition and what they say about the terrifying powers available to the modern state, about the capacity of "good" men for unthinkable evil and—as maybe the Armenian genocide illustrates best—about our incredible capacity to repress or ignore what we cannot summon the courage to address.

But the lessons of the past can be learned only if the events on which those lessons are founded are not forgotten or ignored. Tomorrow's Capitol memorial service will keep the memories alive. But more is needed than a once-a-year ceremony. The horror of remembering the genocides cannot be allowed to blind us to the even greater horror that could come from forgetting them. The efforts to introduce the subject of genocide in junior high and high schools, an effort which locally is being led in Brookline, must be expanded.

And as a nation, there would be no more appropriate action than finally to ratify the 30-year-old UN convention on genocide, to acknowledge that, on this subject at least, we will submit our actions to world scrutiny; to the judgment of all mankind.

Mr. PROXMIRE. Mr. President, I thank my good friend from Ohio and yield the floor.

The PRESIDING OFFICER (Mr. MELCHER). The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I am particularly pleased to have yielded to my friend from Wisconsin not only because of the wisdom that he imparts to all of us and the Nation with respect to inflation but for his distinguished leadership over a period of many years in the fight for ratification of the Genocide Treaty.

I hope at some point he will see fit to take the issue and make the effort to bring it to the floor and let us vote it up or down. It is my understanding that might be possible.

Am I correct about that?

Mr. PROXMIRE. Mr. President, there is a complication involved here. As the Senator knows, the treaty has been brought to the floor before, but I think under present circumstances it has a far better chance to be enacted because it is supported now by the American Bar Association, and there is a far better mood in the country. I talked to the people in the past who have been against it and who have switched and will support it.

Frankly, the difficulty now is that the leadership and apparently the President is concerned about the effect that having the Genocide Treaty on the floor might have on the SALT Treaty.

That, unfortunately, right now appears to be a principal obstacle. I consider it very appropriate because I think we have the votes to pass the treaty, and even invoke cloture if necessary so that the Genocide Treaty can be approved. I would hope we could do that, but that is the problem.

Mr. METZENBAUM. I would be very happy to join the Senator from Wisconsin in making the effort. I think the time is long past due to ratify this treaty on the part of this country.

Mr. PROXMIRE. I thank my good friend.

THE SCHLESINGER OBSTACLE

Mr. METZENBAUM. Mr. President, on March 7 of this year, I addressed the Senate about the lack of leadership at the Department of Energy and called for the resignation of the Secretary of Energy, James R. Schlesinger. A week later, several of my colleagues joined me in that effort and each week that the Senate has been in session since, I have repeated the call, along with documentation of the problems at the Department of Energy that, if anything, have been multiplying as of late.

Yesterday, we passed a standby rationing measure. I voted for that measure because I have long maintained that the only way that we can see an immediate decrease in our energy usage is through mandatory conservation measures. But, the plan developed by our vaunted Secretary of Energy and his minions, is, at best a stopgap measure. It is not an answer. I voted for it to indicate congressional willingness to work with the President to solve the energy problems of this Nation. I hope we can anticipate similar support from the administration and the Department of Energy for congressional initiatives to conserve energy on a mandatory basis and to develop alternate energy sources.

Today, Californians are standing in line at gasoline stations and we are told it will not be long before the same thing will be happening in my State and most of my colleagues' States. The question we are all asking is why is this happening? There is no doubt it is happening—no one—no agency of the Government—no oil company spokesman has told us why.

We have 10,000 employees at the Department of Energy and they are supposed to have the latest data at their fingertips to keep us abreast of what is happening on the energy scene. But time and time again, we have found that the statistics we receive from Secretary Schlesinger's agency are at best suspect and at worst, downright misleading.

We are told that the Iranian cutoff is at the heart of the current situation. But let us look at what information we have been getting from the Department of Energy in the last few months.

Back in January and February, Secretary Schlesinger repeatedly told the American people that the Iranian cutback had caused world oil supplies to experience a 2-million-barrel-a-day shortfall. But in March, we were to find that worldwide oil production had, in fact, increased during this period. These are not my figures, Mr. President, they are figures collected by the Central Intelligence Agency and the International Energy Agency. Of course, Dr. Schlesinger's figures were coming from those who would benefit most from oil shortages and the ensuing higher prices—his close friend—the multinational oil companies.

The Secretary of Energy also was proclaiming the gloom and doom statistic that already at that time in January and February, imports to the United States were down 500,000 barrels per day and that they were steadily increasing to 800,000 barrels a day. Within days, however, a House subcommittee was told that, at that point, there was absolutely no actual shortage caused by the Iranian cutbacks—it was a mythical "statistical shortage." Who was the source of that analysis—none other than Secretary Schlesinger's right-hand man, Deputy Energy Secretary John O'Leary, who also added that the oil companies were "entirely prudent" in "husbanding and safeguarding" large oil inventories, thereby creating a so-called shortage. In other words, they were entirely prudent to hold back their product from the marketplace.

Then our Energy Secretary chastised the American people for squandering oil at a breakneck rate—only to have Mr. O'Leary once more knock the pins from under him at a congressional hearing by testifying that Americans instead were conserving oil at a rate of 700,000 barrels a day, they were conserving oil at a rate of 700,000 barrels of oil a day in spite of the statements and representations and admonitions of the Secretary of the Department of Energy that Americans were squandering oil at a breakneck rate. That 700,000 barrels of oil a day was close to the 5-percent production that we have promised the International Energy Agency we would reach.

Syndicated columnists Martha Angle and Robert Walters summed up the situation well in an April 11 column entitled "The Schlesinger Obstacle," where they wrote:

> Schlesinger lost much of his credibility long before the Iranian crisis. Almost 2 years after its creation, his department remains incapable of providing critically needed organization, leadership and vision. . . . Schlesinger has failed to earn the faith and confidence of the American people. His continued tenure serves only as an obstacle to resolving the country's energy problems.

Mr. President, I ask unanimous consent that the article be printed in its entirety at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SCHLESINGER OBSTACLE

(By Martha Angle and Robert Walters)

WASHINGTON (NEA).—Although President Carter is offering new initiatives to resolve the nation's energy problems, nothing has changed with the discredited bureaucracy that's responsible for administering the White House program.

The Department of Energy (DOE) and its two highest ranking officials, Energy Secretary James R. Schlesinger and Deputy Secretary John F. O'Leary, have become objects of scorn and derision in this capital.

Much of the contempt toward them unfortunately is justified. Consider their performance during the most recent energy crisis, the political instability in Iran during the initial months of this year:

Item: Schlesinger repeatedly claimed that the temporary cessation of Iranian oil production during January and February was producing a world petroleum shortfall of 2 million barrels per day.

The most notable endorsement of that estimate came from the multinational oil corporations, which said the figure actually was 2½ million barrels daily.

But by late March, after Iran resumed oil exports, DOE officials were privately circulating—and endorsing—Central Intelligence Agency (CIA) figures showing that worldwide oil production actually increased during the first two months of 1979.

According to the CIA estimates, total oil production rose from 57.3 million barrels a day in 1978 to 60.1 million barrels a day this year.

Item: Schlesinger also repeatedly claimed that the halt in Iranian exports produced a shortfall in the United States amounting to 500,000 barrels a day and creeping toward 800,000 barrels a day.

But in late March, O'Leary told a House committee that there actually hadn't been any Iranian-induced oil shortage in this country. Schlesinger was referring only to a mythical "statistical shortage," his deputy explained.

O'Leary also used that occasion to praise as "entirely prudent" the major oil corporations' decision to "husband and safeguard" large oil inventories. Industry critics suggest that the companies actually were hoarding their stocks while awaiting higher market prices—and bigger profits.

Item: Schlesinger regularly told congressional committees during January and February that the loss of Iranian production could require mandatory service station shutdowns on Sundays or even entire weekends.

However, a study commissioned by Schlesinger's own department showed that closing gas stations on weekends was the most wasteful of eight possible energy-saving measures under consideration.

While Schlesinger was telling a Senate committe that such closings "may be a necessity by summer," DOE officials were reading a report which concluded that the measure would only produce longer service station lines on other days of the week and would conserve little gasoline.

Item: Only two weeks after Schlesinger castigated Americans for consuming oil at a record rate of 21 million barrels daily, O'Leary acknowledged that the country's oil use actually had declined by an average of at least 700,000 barrels a day.

That 4 percent decrease is close to the Carter administration's target of a 5 percent reduction. Moreover, DOE's own figures show a slight decline to domestic demand during the first two months of the year.

Schlesinger lost much of his credibility and his respect long before the Iranian crisis. Almost two years after its creation, his department remains incapable of providing critically needed organization, leadership and vision.

A brusque and officious man notorious for his patronizing attitude toward those he deems inferior, Schlesinger has failed to earn the faith and confidence of the American people. His continued tenure serves only as an obstacle to resolving the country's energy problems.

Mr. METZENBAUM. But this is old history, Mr. President. What I have been talking about up until this point is yesterday's news. We only have to look at some of the events of the past few days for more reasons for Secretary Schlesinger to resign.

Last week, the General Accounting Office released a draft report charging that the Department of Energy has opened the way to massive, proliferating frauds in the repricing of crude oil by failing repeatedly to enforce a 1973 law involving oil resellers. According to an article by Morton Mintz in the May 4 issue of the Washington Post, the Department of Energy has consistently dragged its feet in sending cases of apparent criminal conduct to the Justice Department, even to the point of making prosecutions impossible in several instances. The GAO report comes on the heels of charges by a House Commerce subcommittee report that many oil middlemen became "overnight DOE millionaires" grossing nearly $2 billion in illegal overcharges since the passage of the Emergency Petroleum Allocation Act of 1973.

Because of the laxity of this enforcement on the part of the Deparement of Energy, so-called "daisy chains" of oil sales have proliferated with billions being funneled from the American public into the pockets of these oil resellers. Five years ago, there were only about a dozen crude oil resellers. Now, under the nose of Secretary Schlesinger and his department, the number has jumped to nearly 600. According to the staff of the House Subcommittee on Energy and Power, most of them started with little more than an office and a telephone. Some are now actually integrated oil companies.

Mr. President, I ask unanimous consent that the article from the Washington Post be printed in its entirety in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENERGY DEPARTMENT HIT ON MASSIVE FRAUD BY OIL RESELLERS

(My Morton Mintz)

The Department of Energy opened the way to massive, proliferating frauds in the repricing of crude oil by failing repeatedly to enforce a 1973 law, the General Accounting Office has charged in a draft report obtained by The Washington Post.

DOE and its predecessor agencies, the report says, have consistently dragged their feet in sending cases of apparent criminal conduct to the Justice Department, even to the point of making prosecutions impossible in several instances.

The Energy Department thus far has sent Justice nine cases in which middlemen known as crude-oil resellers allegedly escalated prices by setting up dummy corporations purported to "buy" oil from one another. But in eight of these so-called "daisy chain" cases, the draft says, DOE had indications of criminal activity for "one to three years" before referring the cases for possible prosecution.

In one of the eight cases, the five-year statute of limitations ran out last Jan. 31; in another, it will expire next Friday.

The GAO document goes beyond allegations made by a House Commerce subcommittee staff, which said last December that many of the middlemen had become "overnight DOE millionaires," grossing "nearly $2 billion" in illegal overcharges since the passage of the Emergency Petroleum Allocation Act of 1973.

The technique allegedly favored by the middlemen is the use of dummy corporations to convert "old" oil to "new" oil, which has commanded a premium of as much as $8 more per barrel. All told, DOE has estimated, their combined overcharges in a single day have ranged as high as $2.6 million.

Copies of the draft have circulated for several days in DOE, but a spokesman said it will not comment until a final version is issued by the GAO, which is the investigating arm of Congress.

At the request of Sen. John A. Durkin (D-N.H.), the GAO investigated enforcement by DOE and its predecessors of the 1973 law, which Congress passed to prevent gouging triggered by the steep increases in the price of crude suddenly demanded by foreign producers.

Specifically, the law sought to block profiteering between the wellhead and the refinery by assuring that the extra net cost of producing domestic crude oil would be passed through the supply chain dollar-for-dollar.

But a strong incentive to cheat was built into the structure when Congress, seeking to spur additional drilling, allowed substantially higher prices for "new" oil from wells drilled after Jan. 2, 1973, than for "old" oil from wells drilled before then.

Congress also permitted a premium for so-called "stripper" oil from marginal wells, thus creating a three-tier price system for domestic crude.

In the GAO draft, a principal focus of criticism of DOE arose from its persistent refusal to recognize that Congress gave the Justice Department responsibility for determining whether suspect conduct actually is a crime, for supervising criminal investigations, and for deciding whether to prosecute.

Under long-understanding Justice Department policy with government-wide application, any agency having "reason to suppose" that it has learned of criminal acts has the "duty" to report them to the department.

But DOE instead causes lengthy and even fatal delays by "going too far in its investigations" before referring apparent criminal activities to the department, the GAO's investigators say. In the four years 1974 through 1977, DOE and its predecessors didn't refer a single criminal case to Justice.

In July 1977, an internal task force found that DOE had little or no capacity for activities normally left to the Justice Department, such as making criminal investigations and determining whether violations of its regulations were willful.

Yet, in what the draft report terms "a major misdirection of effort," DOE plans to have 38 percent of its enforcement staff conducting criminal investigations by the end of fiscal year 1980.

As far back as December 1974, the GAO and other critics warned DOE that it was neglecting what the draft calls its "primary responsibility—the audit of crude oil sales."

As a result, the report said, DOE assigned only one auditor, part-time, to each of 33 audits, including three in which "the auditor spent no time on the assignment even though the audit was classified as having been started." Only 11 audits are complete; while 21 are open and 11 are planned.

Meanwhile, the report says, DOE continued to divert "valuable staff resources" to expand its investigative role. Now that the Justice Department has special energy investigative units of its own, the draft says, "DOE's continued involvement in criminal investigations should only be at the request and under the supervision of Justice."

Although the DOE-Justice relationship reportedly has improved recently, it will be explored May 21 in a joint hearing by a House Energy subcommittee and the House Judiciary subcommittee on crime.

Known crude-oil resellers numbered about a dozen five years ago, but by last September there were 592. Most, the staff of the House Subcommittee on Energy and Power said last December, started "with little more than an office and a telephone. Some . . . are now integrated oil companies."

Illustrating DOE foot-dragging, the report details a case in which producer "Z" sold all of its old crude at $5.25 a barrell to reseller "X", which then sold it for $10.50 to reseller "Y", which sold it for $11.50 to refiner "W". All of the sales were only on paper. The oil "never passed through the hands of the resellers," which were owned or managed by the same persons who controlled the producing company and the refinery, the report says.

DOE auditors reported the possibility of a conspiracy in the case 3½ years ago and the referral to Justice, not made until last November, should have been made soon thereafter, the report says. But DOE, in another kind of daisy chain, kept the case shuttling back and forth between its Office of General Counsel and a regional headquarters, mainly in pursuit of evidence of willfulness. Already, the statute of limitations has run on some of the alleged violations.

The GAO draft doesn't name the parties involved. But the Energy subcommittee staff, describing the same episode, identified Sidney Clark III, a Shawnee, Okla., lawyer who is president of South Pott, a crude producer, and who started the DaVinci Co., a reseller; Summit Gas Co. of Houston, a larger reseller owned mainly by Marvin K. Davis of Denver, and, in DOE, Avrom Landesman, now acting deputy special counsel.

Mr. METZENBAUM. Last year, I chaired hearings of the Senate Energy and Natural Resources Committee looking into charges that a lobbyist for the American Petroleum Institute had been given free access to proposed rulemakings of the Department of Energy long before the public was allowed to view them or comment on them. For 2 days we heard unbelievable testimony about the slipshod manner in which DOE employees handled reports that were extremely sensitive and had serious financial implications for the American consumer. The evidence was complete, indicating that Mr. Iannone had been able to come in and pick up whatever information he needed and wanted, and the Department of Energy did nothing to keep him from doing so.

At that time and since then, Secretary Schlesinger has done little to make certain that events such as this do not occur again.

This week, the Department of Energy's own office of inspector general issued its report of the investigation into "intelligence gathering" by oil industry lobbyists and it is a scathing indictment of the Secretary's leadership. In other words, the report of the Department of Energy's own Inspector General is a scathing indictment of the Secretary's activities in providing leadership in this area.

There could be no better evidence of the bias that exists in Secretary Schlesinger's department in favor of the oil industry than the statements made by Thomas S. Williamson, Jr., Deputy Inspector General, in regard to this matter. In an April 23 memorandum to Secretary Schlesinger, Mr. Williamson says in part:

> Our findings indicate that during the time of the events in question the Department maintained a double standard of access to information that favored API over members of the public who relied on DOE's formal procedures . . . the Institute enjoyed advance access to numerous internal DOE documents. These documents frequently included drafts of proposed rulemakings that would directly affect the financial interests of API's member oil companies. We are especially concerned about the broader implications of these findings for public confidence in the integrity of DOE's procedures for rulemaking and policy formulation.

Mr. President, I have long been concerned about the public confidence in the integrity of the Department of Energy and frankly, I feel there is little confidence left.

The Inspector General's report alone should be enough to convince the President that his administration has suffered tremendously because of the lack of leadership at the Department of Energy. I ask unanimous consent that Mr. Williamson's memorandum and the summary of findings and recommendations in their entirety be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, D.C., April 23, 1979.

Memorandum to The Secretary.
From Deputy Inspector General.
Subject: Report of Investigation of "Intelligence Gathering" at the Department of Energy by the American Petroleum Institute.

Please find attached the Executive Summary of our report on " 'Intelligence Gathering' at the Department of Energy by the American Petroleum Institute" (API). The full report of investigation and its supporting exhibits are also attached.

Our findings indicate that during the time of the events in question the Department maintained a double standard of access to information that favored API over members of the public who relied on DOE's formal procedures. Through John Iannone and other API employees, the Institute enjoyed advance access to numerous internal DOE documents. These documents frequently included drafts of proposed rulemakings that would directly affect the financial interests of API's member oil companies.

We are especially concerned about the broader implications of these findings for public confidence in the integrity of DOE's procedures for rulemaking and policy formulation. We recognize that you took action several months ago to begin solving this problem by issuing your September 29, 1979 memorandum entitled "Inappropriate Informal Disclosures Regarding Regulatory Policy Development," and we are aware that you have recently approved a new set of Departmental regulations governing acceptance of gifts and gratuities by DOE employees.

However, we suggest that you expedite action on the additional measures reflected in our recommendations for corrective action. In particular, we believe the General Counsel's office should be asked to complete as soon as possible the ongoing work on guidelines for employee communications with outside interests during the pendency of rulemaking proceedings. And we believe these guidelines should be publicized widely within the Department to ensure that all employees are aware of their obligation to afford all interested members of the public fair and equal access to the Department's decisionmaking process.

THOMAS S. WILLIAMSON, Jr.

EXECUTIVE SUMMARY OF REPORT OF INVESTIGATION OF "INTELLIGENCE GATHERING"[1] AT THE DEPARTMENT OF ENERGY BY THE AMERICAN PETROLEUM INSTITUTE

INTRODUCTION

This executive summary concerns allegations that "DOE officials routinely leak draft regulations and other information to employees of the American Petroleum Institute (API) and frequently meet with oil lobbyists in secret, off-the-record meetings."[2] An investigation was initially requested on May 15, 1978 by David J. Bardin, the Administrator of the Economic Regulatory Administration (ERA). A few days later Congressman John D. Dingell (D-Mich.), the chairman of the House Subcommittee on Energy and Power, sent a similar request for investigation to the Inspector General (IG). Both requests stemmed from the disclosure of an internal API document entitled "Quarterly Report—John Iannone January-March, 1978." This document had been sent to the Secretary and others by Mark Green of Congress Watch, a public interest organization affiliated with Ralph Nader's Public Citizen, Inc. The report purportedly describes the activities of John Iannone, an employee of API, in obtaining advance information on DOE regulatory proposals and policy positions during the first 3 months of 1978.

Mr. Green raised several questions about Mr. Iannone's activities in a May 15, 1978 letter to the Secretary. Of these questions, the principal ones addressed in the report of investigation are whether Mr. Iannone's quarterly report accurately describes the "API-DOE relationship," which officials gave Mr. Iannone "advance secret notice of regulations . . .," and what rules should be instituted to prevent "industry favoritism in DOE proceedings."[3] Mr. Green also asked "[i]n what other proceedings have DOE officials or staff favored outside oil interests with advance notice of reports and rules." Because of the breadth of this question and the relatively small number of investigators available to our office, this broader issue has been pursued only on a very limited basis.

In addition, Mr. Green posed several legal questions in his letter to the Secretary. These include whether DOE officials have violated the Administrative Procedure Act or the Government in Sunshine Act. Mr. Green also inquired if any DOE personnel had acted in a manner inconsistent with the case law set forth in *Home Box Office, Inc.* v. *Federal Communications Commission*, 567 F. 2d 9 (D.C. Cir. 1977). This summary and the full report of investigation have been referred to the General Counsel for consideration of these legal questions.

Mr. Green further asked "what sanctions will be imposed on culpable DOE individuals." This question is not discussed directly in the report of investigation because of legal uncertainties surrounding the applicable standards of conduct under DOE's regulations. The General Counsel's office has advised us that the Department at the time of the events in question lacked a clearly expressed policy governing "ex parte contacts" and release of internal documents in the context of informal rulemaking. Moreover, the standards of conduct concerning acceptance of gifts and gratuities were at the time of the events in question governed by two different sets of regulations, one derived from the Federal Energy Administration (FEA) and the other from the Energy Research and Development Administration (ERDA). Rather than attempting to speculate on the applicable standards of conduct relating to DOE employees' activities with respect to API, we have referred to the General Counsel the question of what standards of conduct may have been violated and what, if any, sanctions might be imposed for such violations.

This executive summary is divided into five sections. The first section sets forth the principal findings of the investigation. The second section describes the scale of the investigative effort and difficulties encountered in attempting to subpoena testimony from John Iannone and documents from API. The third section provides background information on API and John Iannone.

The fourth section summarizes the findings on the intelligence gathering activities of Mr. Iannone based on the representations in his January–March, 1978 quarterly report. Each topic is introduced by an appropriate quotation or set of related quotations from that quarterly report. In addition, this section discusses certain alleged instances of access to DOE internal documents not covered in the January–March, 1978 quarterly report. The fourth section also includes a summary of the findings concerning Mr. Iannone's luncheon contacts with DOE officials.

Finally, the fifth section contains our conclusions and a set of recommendations for corrective action.

I. Statement of principal findings

1. Through its employee, John Iannone the American Petroleum Institute was able to obtain from DOE staff copies of 23 draft rulemakings and internal DOE memoranda and studies that had not been formally made available to the public in the latter half of 1977 and in the first quarter of 1978.

2. Except with reference to the proposed middle distillate monitoring system, DOE employees who furnished internal DOE documents to Mr. Iannone generally did not make an effort to provide copies of those documents to other interest groups or otherwise notify the public that those documents could be obtained upon request.

3. The rationales offered by DOE employees to explain why they had given Mr. Iannone advance copies of internal DOE documents mostly reflected individual determinations of public availability. In most cases these persons, who were often friends or acquaintances of Mr. Iannone, did not consult with their supervisors before releasing such information. These employees indicated that they were unaware of any specific DOE rules restricting the advance release of draft rulemakings and internal studies.

4. In his January–March 1978 report to API Mr. Iannone exaggerated or misrepresented the extent of his role in initiating contacts with DOE and his influence on the contents of proposed or final DOE rules that he had attempted to have modified in the interests of API's members.

5. Mr. Iannone used lunch meetings with DOE employees approximately once a week to try to obtain information on proposed rulemakings and other DOT activities affecting the members of API.

II. Investigation: Interviews and subpenaed information

This report required a major investigative effort by the IG because of the frequency of API's alleged access to DOE's internal documents and the complexity of tracing informal communication of information within DOE. During the most intensive period of the investigation, seven investigators were assigned full time to conduct interviews and review documents relating to API. Before the investigation was completed, approximately 93 persons had been interviewed. The IG's staff mostly interviewed DOE employees, but a number of contacts were also made with representatives of consumer groups and industry organizations.

The central figure in this matter, John Iannone, was not interviewed by us. Initially, we sought Mr. Iannone's voluntary cooperation, but he was unwilling to be questioned under oath. Subsequently, we issued a subpena to Mr. Iannone requiring his appearance to give testimony. Through counsel Mr. Iannone resisted this subpena; and in response, we attempted to have the subpena enforced judicially. The federal district court refused to enforce the subpena on the ground that the IG's subpena authority does not extend to subpenas to obtain oral testimony. The case has been appealed by DOE. However, in the interim, the practical effect of Mr. Iannone's resistance has been to preclude us from obtaining a sworn statement from him.

Although to date the IG has been foreclosed from questioning Mr. Iannone under oath, the Senate Committee on Energy and Natural Resources (the Senate Committee) held hearings on the subject of this investigation and called several witnesses including Mr. Iannone. The hearings, which were chaired by Senator Howard M. Metzenbaum (D-Ohio), occurred on June 16 and July 10, 1978. During the hearings, Mr. Iannone was asked about many of the topics covered in this report. Where appropriate, Mr. Iannone's responses at the hearing are cited in this report.[4] But, in other instances, factual issues remain unresolved partly because we were not able to question Mr. Iannone and test his credibility under oath.

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[1] The term "intelligence gathering" is taken from a February 27, 1978, letter from Arnold Moore of API to Theron J. Rice of the Continental Oil Co. See exhibit 6.

[2] See exhibit 1, p. 1 and exhibit 1(a).

[3] See exhibit 1.

We also issued a subpena to API for documents relating to this investigation. Since API initially resisted this subpena, the IG had to file another action in federal court for enforcement. However, on the day of the hearing (July 8, 1978), API entered into a consent order providing for the production of the requested documents. In accordance with the consent order, API produced approximately 160 documents, and additional documents were produced as a result of API's cooperation in response to subsequent informal requests.

The documents received from API can be broadly categorized as follows: draft rulemaking proposals, internal DOE memoranda and studies, API studies and reports, and minutes and agendas of API meetings. It was essential for the IG to obtain these documents in order to determine the extent to which API had gained access to DOE's internal papers and to identify possible DOE sources of information for Mr. Iannone. Also, the materials provided by API were often helpful in corroborating or questioning statements given by DOE employees and others to IG interviewers.

CONCLUSIONS AND RECOMMENDATIONS

The findings reveal that John Iannone has been afforded access to advance copies of numerous DOE internal studies and draft rulemaking proposals that concern the members of his employer, the American Petroleum Institute. Building on a foundation of acquaintances he made while a consultant working in the offices of the former FEO and FEA, Mr. Iannone developed a network of contacts within DOE that allowed him to receive advance notice of a wide range of regulatory activities and proposals.

In his reports to his employer, Mr. Iannone tends to overstate his impact on specific results of DOE's regulatory process and his role in initiating contacts with DOE. However, he can justifiably claim success in providing extra time for API to prepare its arguments and strategies in response to DOE's regulatory proposals before those proposals were formally made available to competing interest groups and the general public.

The employees who cooperated with Mr. Iannone's requests for advance information do not appear to have been motivated by the prospect of immediate financial gain. These employees purportedly viewed accommodating requests by Mr. Iannone as a legitimate means of providing information to an interested sector of the public and as a way of enhancing DOE's technical knowledge. Since they were generally unaware of any specific DOE regulations on release of internal information and ex parte contacts, these employees relied on their individual standards of public availability in providing information to Mr. Iannone. And because most were dealing with Mr. Iannone as a friend or former acquaintance, they frequently acceded to his requests. Even assuming that the DOE employees who furnished internal documents and other advance information to Mr. Iannone were always acting in good faith, the practical effect of their conduct has been to favor a major industry group over other interest groups and members of the public who relied on the Department's formal procedures for disclosure or publication of these materials.

The unfairness of giving advance notice to groups with access such as API was compounded by the lack of formal DOE guidelines on the release of internal documents and "ex parte contacts" relating to informal rulemaking. Such guidelines would have presumably been available to all members of the public. The absence of such guidelines tended to increase the advantages that API could reap from the network of contacts within the Department maintained by Mr. Iannone and his associates.

Since the time of the events in question, the Secretary with respect to all DOE employees and the Administrator of ERA with respect to ERA employees, have issued policy memoranda governing release of DOE documents before their public availability.[5] In addition, the Office of General Counsel is beginning to develop guidance concerning informal communications in rulemakings pursuant to Regulatory Reform Initiative Number 15, published in the Federal Register on January 3, 1979. Also, the Secretary has approved new DOE regulations governing standards of conduct which include provisions regarding acceptance of gifts and gratuities.

Based on the foregoing, our office makes the following recommendations for corrective action:

1. DOE should take steps to ensure that all DOE employees are aware of the Freedom of Information Act policy, which requires that any internal DOE document that has been made available to any member of the public in an authorized manner, be made available to any other member of the public who requests such a document.

2. All requests by private individuals or entities for nonpublic, internal DOE documents should either be channeled through the Department's system for handling Freedom of Information requests or through another publicly designated office or officer of the Department. The procedures for making such requests should be set forth in Departmental regulations or well publicized policy memoranda.

3. The persons or offices that process requests for nonpublic, internal DOE documents should be required to maintain a publicly available log of all such requests and their disposition.

4. All categories of internal DOE documents not normally available for public disclosure should be set forth in Departmental regulations or policy statements, and documents falling within those categories should always be clearly marked to indicate their unavailability to the public. The categories of unavailable internal documents should be limited to the minimum essential for proper operation of the Department.

5. DOE should maintain a publicly available log of all matters that have been transmitted to the Federal Register and make known generally the public availability of all documents that appear in this log.

6. DOE employees who make disclosures of internal DOE documents in violation of DOE regulations or policy should be subject to administrative sanctions.

7. DOE should develop regulations or policies to require the preparation and public filing of written summaries of meetings where DOE employees have met with private parties to discuss proposed regulatory action by DOE.

8. DOE should issue its currently proposed regulations on gratuities and gifts at the earliest date possible.

9. Procedures for releasing internal documents and making ex parte contacts during informal rulemakings and the Department's standards of conduct relating to gratuities and gifts should be widely publicized within the Department and should be set forth in readily available policy memoranda or pamphlets.

Mr. METZENBAUM. Mr. President, it is a shame that we do not have facilities for the reprinting of editorial cartoons in the Record. If we did, I would enter the cartoon published today in the Washington Post by Pulitzer-Prize-winning cartoonist Herblock. It eloquently describes the problem the American people are facing today with Secretary Schlesinger.

The cartoon portrays Secretary Schlesinger at his desk with two scraps of paper in front of him. One is labeled "DOE inside data to petroleum institute," while the other is labeled "DOE failure to report law violations by oil operators." The Secretary is on the phone with a line leading to a building across the street labeled "Oil Industry". And the words being spoken by Secretary Schlesinger are "Schlesinger here—what can I do for you today?"

That cartoon is a magnificent summary of just what is happening at the Department of Energy. And I will give an answer to the question asked in the cartoon.

There is something that the Secretary can do today—not for the oil companies, but for the American people. He can resign. He can step out, and let the administration provide new leadership in the Department of Energy. He can make it possible for someone to step in and get us on the track for solutions to our energy problems. And I want to say to the President of the United States that when some of us took the floor some weeks ago to address ourselves to this subject, the President responded by indicating his full confidence in the leadership of the Department of Energy by James Schlesinger.

I repeat, Mr. President of the United States: Every poll that has been taken in recent weeks has indicated that the people of this country are not satisfied with the kind of leadership you have in the Department of Energy at the present time. The people of this country want to be helpful. The people want to believe in their Government. The people want to believe in their President and in their Congress. But as long as Mr. Schlesinger continues to head up the Department of Energy, the direction of the Department of Energy will be misguided, and the implementation of your programs, Mr. President, with respect to development of energy sources in the Department of Energy will be slowed down and impeded, and not moved forward with the breakneck speed that they should; and the development of the mandatory measures which some of us in Congress advocated more than a year ago will have to come into play.

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[4] In certain cases, Mr. Iannone's congressional testimony conflicts directly with the statements made by DOE officials to our investigators. (See exhibit 122 for a summary of the conflicts.) Since the existence of the conflicts raises the possibility of perjury by Mr. Iannone and certain DOE officials, exhibit 122 will be referred to the Justice Department for their consideration.

[5] See exhibits 120, and 123, respectively.

Furthermore, I say, Mr. President of the United States, that we in Congress want to be helpful with respect to the energy problems in this country, but it is difficult if not almost impossible as long as Jim Schlesinger holds the reins at that Department.

Mr. President, I yield back the remainder of my time.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Ohio yield some time to the Senator from Alabama?

Mr. METZENBAUM. I certainly will. How much time do I have left?

The PRESIDING OFFICER. The Senator from Ohio controls 16 minutes, with the time that the majority leader had under his control.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that all the time I have remaining as well as all the time the majority leader has remaining be yielded to the Senator from Alabama; and I will say parenthetically that the majority leader indicated to me that that would be with his consent, that I take it for myself, and I am certainly in favor of yielding it to the Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alabama.

Mr. HEFLIN. Let me say, Mr. President, I will not take over 3 or 4 minutes, but I appreciate the Senator's courtesy.

THE ORIGIN OF MOTHER'S DAY

Mr. HEFLIN. Mr. President, Sunday, May 13, 1979, will mark the 65th celebration of Mother's Day. Mother's Day has become a great institution in this Nation on which millions of Americans show appreciation for the many contributions that mothers have made to their lives, their families and this Nation. The 65th celebration of Mother's Day comes at a time when we need to strengthen basic family life. The family is the institution which molds values and attitudes. One of the elements to which we need to return in basic family life is togetherness. Families should enjoy life in a spirit of togetherness. I would also like to urge a return to one of the essential ingredients of basic family life—that being discipline. Discipline is an essential part of rearing of children.

As we celebrate Mother's Day and honor the mothers of this Nation, let us also strengthen the family as a molder of attitudes and values.

I would like to read to you the original resolution in Congress that brought Mother's Day into being. This resolution was passed on May 7, 1914. Its words are as follows:

JOINT RESOLUTION RELATIVE TO THE OBSERVANCE OF MOTHER'S DAY

Whereas the service rendered the United States by the American mother is the greatest source of the country's strength and inspiration; and

Whereas we honor ourselves and the mothers of America when we do anything to give emphasis to the home as the fountainhead of the State; and

Whereas the American mother is doing so much for the home, the moral uplift, and religion, hence so much for good government and humanity: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings and the people of the United States to display the flag at their homes or other suitable places on the second Sunday in May as a public expression of our love and reverence for the mothers of our country: and be it further

Resolved, That the second Sunday in May shall hereafter be designated and known as Mother's Day and it shall be the duty of the President to request its observance as provided for in this resolution.

I am proud that the author and sponsor of this resolution was former U.S. Senator J. Thomas Heflin, of Alabama, who was then serving as a Congressman. While he was known as the Father of Mother's Day, it was Anna Jarvis of West Virginia who conceived the idea of Mother's Day and sold Tom Heflin on the need of this day to honor the mothers of this Nation.

I yield the remainder of my time back to the majority leader.

Mr. ROBERT C. BYRD. I thank the Senator. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that remaining time be utilized in morning business, and that any Senator may speak up to 2 minutes therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If there be no further morning business, morning business is closed.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

FOREIGN RELATIONS AUTHORIZATION ACT, 1980 AND 1981

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the pending business, S. 586, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 586) to authorize appropriations for the Department of State, International Communication Agency, and Board for International Broadcasting for fiscal years 1980 and 1981, and a supplemental authorization for State for fiscal year 1979, and for other purposes.

The Senate continued with the consideration of the bill.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STONE. Mr. President, I ask unanimous consent that Mr. Barry Schochet of my staff be granted privilege of the floor during debate and votes on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STONE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAUCUS). Without objection, it is so ordered.

Under the previous order, the Senator from Tennessee is recognized to call up an amendment.

UP AMENDMENT NO. 137

(Purpose: To Delete the McGovern Amendment on Non-Immigrant Visas)

Mr. BAKER. Mr. President, I send to the desk an amendment for myself and 10 cosponsors.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for himself and others, proposes an unprinted amendment numbered 137:

At the appropriate place, insert the following:

NON-IMMIGRANT VISAS

Section 21 of the Act entitled "An Act to provide certain basic authority for the Department of State," approved August 1, 1956 (22 U.S.C. 2691), is repealed.

Mr. BAKER. Mr. President, I am offering this amendment with 10 of my distinguished colleagues: Senator LUGAR, Senator TOWER, Senator DANFORTH, Senator KASSEBAUM, Senator BOSCHWITZ, Senator JACKSON, Senator STONE, Senator MOYNIHAN, Senator HAYAKAWA, and Senator HEFLIN.

This is an amendment to repeal the McGovern amendment to the State Department Authorization Act of 1977.

That 1977 amendment, Mr. President, removed the discretion of the Secretary of State to recommend—or refuse to recommend—the granting of temporary visas for foreign visitors holding memberships in certain organizations inimical to the interests of the United States. Under the McGovern amendment, approval of those applications was virtually required.

That amendment was passed in an effort to encourage the free exchange of ideas and the freer movement of citizens across international borders, in the spirit of the Helsinki accords of 1975.

It was our hope, Mr. President, that this gesture would lead in turn to reciprocal arrangements by the Warsaw Pact nations. The practical effect of the

McGovern amendment, however, has been something much less noble and much less reciprocal.

The Soviet Union, for example has applied an extremely stern test of those Soviet citizens considered "safe" enough to travel abroad.

We have not seen in this country—nor are we likely to see—those few brave Soviet citizens who openly advocate the free association of workers. We have not seen—nor are we likely to see—the small group in Rumania who have attempted to establish a trade union free of the domination of the state.

The only place these courageous people will be seen, Mr. President, is in a Rumanian prison.

What we have seen in this country instead is a parade of Communist propagandists, masquerading as trade unionists, and perverting that term as it is used and honored in this country.

A "trade union" in a Communist state is simply another arm of coercion by the state. It is something much different than the trade unions we know in America, born of the free association of men and women to improve their working conditions.

The admission of these Communist officials under the guise of trade unionism—an admission guaranteed by the McGovern amendment—grants the stamp of legitimacy to this patent charade and makes a mockery of the trade union movement of the Western World.

Beyond that, Mr. President, the question of admitting members of the Palestine Liberation Organization—an avowed terrorist group committed to the destruction of Israel—seems to have become quite a confusing issue with the passage of the McGovern amendment, and there need not and should not be any confusion whatsoever in this matter.

Under the law, the PLO is a proscribed organization. Yet under the McGovern amendment to the law, PLO members have had virtually free access to this country. Contrary to some recent assertions, it is a matter of official record at the Department of State and the Immigration and Naturalization Service that these agencies interpret the McGovern amendment to require approval of visa applications for PLO officials.

The amendment we offer today, Mr. President, redresses these problems—these excesses of the present law—without doing any violence whatsoever to the legitimate and laudable purposes of the Helsinki accords.

The amendment restores to the Secretary of State his discretionary powers. It requires that, for certain applications for members of certain organizations, decisions on visa approval be made on the specific and particular merits of the case and not on an automatic, assembly line basis.

It requires that those decisions be made openly rather than secretly. And it reaffirms the commitment of the United States to an exchange of views and the movement of people that is truly free—not the convenient captive of propagandists and terrorists.

On these grounds, Mr. President, I move the adoption of this amendment.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is an amendment to the amendment in order at this time?

The PRESIDING OFFICER. Yes; that is correct.

UP AMENDMENT NO. 138

(Purpose: Clarifies authority of Secretary of State regarding issuance of visas to members of prescribed organizations)

Mr. JAVITS. Mr. President, I send to the desk an amendment to the amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. Javits) for himself and Mr. Dole, proposes unprinted amendment No. 138 to the unprinted amendment No. 137.

On page 13, in lieu of the language proposed by the Senator from Tennessee, insert the following:

Sec. 113. Section 21 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2691), is amended—

(1) by inserting "(a)" immediately after "Sec. 21."; and

(2) by adding at the end thereof the following:

"(b) This section shall not, however, apply to representatives of purported labor organizations in countries where such organizations are in fact instruments of a totalitarian state.

"(c) This section does not apply with respect to any alien who is a member, officer, official, representative, or spokesman of the Palestine Liberation Organization".

Mr. JAVITS. Mr. President. I believe that Senator Baker and his 10 colleagues are absolutely right about how this very well motivated waiver question has worked out.

The fact is it has been one sided in its application, whereas we expected that it would be reciprocal in the sense that we issue a signal to the Soviet Union and they get the hint. Since they did not get the hint, we have to change the law.

Now, I hope, in proposing this substitute that we can all go to conference united on the principle that the law has to be changed and that the fundamental concept has to be that it will serve the purpose that Senator McGovern originally intended. In order to do that I have suggested this amendment which is pinpointed to the issues. One issue relates to labor leaders. The amendment which I have proposed makes clear that a "labor leader" of a labor group or union which is completely under the control of a Communist state will not be considered as a labor leader with dissident views to be admitted to this country under the McGovern amendment procedure. Also, as to the PLO, I agree with Senator Baker and his colleagues, who have already made the point, that we cannot accept those representatives of an entity which seeks the destruction of a friendly state which is a member of the United Nations.

Now, the House of Representatives, the other body, has tried to do something of the same kind in an amendment sponsored there by Representative Stephen Solarz of New York and which is contained in its bill. The House language is not directly pinpointed to labor leaders but deals with aliens from signatory countries not in substantial compliance with the Helsinki Final Act which, of course, the Soviet Union signed.

I had myself, when Senator Baker had sought previously to have the McGovern amendment rejected, suggested a compromise, and I ask that my compromise may be a part of the Record.

It reads as follows:

This section shall apply only to citizens of a country whose procedures for the control of nonimmigrant entry and exit provide an equivalent degree of freedom of movement as do those in the United States.

How we will finally settle this in conference I cannot say now. We will keep the PLO provision because if my amendment is adopted, it will then be in the House bill and in ours. But we will have different language, though the same purpose as the House of Representatives, in the other section of my amendment relating to the question of the type of labor leader that is to be admitted. We will work it out in conference once both Houses have agreed upon the issue of principle, which they will have done if the substitute is adopted.

This substitute is offered for myself and Senator Dole, who has joined with me. I hope very much that it may be found acceptable both to Senator Baker and his colleagues, and to my comanager of the bill, Senator Church. I also hope that it may be acceptable to Senator McGovern because I think he himself has seen that his amendment just has not worked the way he intended.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. JAVITS. I yield.

Mr. BAKER. Mr. President, I thank the Senator from New York for yielding.

The Senate adopted the Baker amendment last year by I believe a vote of 50 to 42 and we lost it in the House of Representatives. We lost it in conference.

It may be that we all would have been better served to have tried to work out some sort of an arrangement like that at the time last year.

But I freely confess to my colleagues in the Senate that though I thought not at the time, I think differently now. I think it has the best chance of surviving and becoming the law of the land.

It clearly addresses the fundamental and basic question with clear specificity and serves the purposes that I seek to serve.

As far as I am concerned, and I am only 1 of 11 sponsors of this amendment, I am agreeable to this proposal.

I see my friend from Indiana, a cosponsor of this amendment, also is in the Chamber, and I would not presume to speak for other sponsors of the amendment, but for my part I will be willing to accept the proposal of the Senator from New York and be confident that he would treat it diligently in conference—he is certain to be a conferee as the ranking minority member of the Foreign

Relations Committee—and bring us then from conference a bill containing these or similar provisions that will serve the purpose we are all trying to gain.

Mr. LUGAR. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LUGAR. Mr. President, I appreciate the opportunity simply to affirm that I wish to be a cosponsor of the Javits substitute. I believe the logic that has been presented by the Senator from New York and the Senator from Tennessee is persuasive.

Mr. JAVITS. Mr. President, I ask unanimous consent that Senator Lugar may be joined with Senator Dole and myself as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, will the Senator yield to me?

Mr. JAVITS. I yield.

Mr. DOLE. Mr. President, let me also commend our distinguished minority leader, Senator Baker, and others, who have been working on this proposal.

As a member of the Commission on Security and Cooperation in Europe with the distinguished Senator from New York, the Senator from Kansas had proposed, or had thought about offering an amendment containing the so-called House language, the compromise offered by Congressman Solarz and Congressman Derwinski which was approved by the House of Representatives. I happen to believe the compromise now suggested by the distinguished Senator from New York, for himself and the Senator from Kansas and the Senator from Indiana, will give them the opportunity in conference to even find a better solution. But I supported and I continue to support the purpose of the McGovern amendment.

As a member of the Helsinki Commission, it is pretty difficult to have it both ways. Therefore, I commend my distinguished colleague from South Dakota.

I do not believe that we could match Soviet noncompliance with Helsinki with our own noncompliance.

The very fact that we have created the Commission on Security and Cooperation in Europe, of which I had the privilege of being a member, indicates that we should continue to take the leadership role in complying with the provisions of the Helsinki Act.

But there were the unintended results, as pointed out by the distinguished minority leader, that have taken place.

I believe that the compromise that has been agreed upon by everyone will solve the problem. At least it will be strong conference language that will solve the problem with reference to so-called union officials and members of the PLO.

I ask unanimous consent that my entire statement be made a part of the Record along with the provisions of the Helsinki final accord which we hope to comply with and also just to make it a complete record the amendment proposed by Congressman Solarz and Congressman Derwinski.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement of Senator Dole

In August 1977, the McGovern amendment was adopted to the Foreign Relations Authorization Act of 1978. This amendment was offered in an effort to encourage the United States to comply with the provisions of the Helsinki Final Act, by requiring that the Secretary of State recommend a waiver to the prohibition against granting visas to people who belong to "proscribed organizations", unless the Secretary of State felt that admitting such a person would constitute a threat to the security interests of the United States. The McGovern amendment, by encouraging freer movement and contacts, as stipulated in the Helsinki Final Act, hoped to elicit similar action by the Warsaw Pact nations who had frequently criticized western visa policies on the basis of these provisions. I should like to quote these provisions as follows:

'The participating states . . . make it their aim to facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organizations of the participating states, and to contribute to the solution of the humanitarian problems that arise in that connection.

'The participating states intend to facilitate wider travel by their citizens for personal or professional reasons and to this end they intend in particular: gradually to simplify and to administer flexibly the procedures for exit and entry; and

"They will endeavour gradually to lower, where necessary, the fees for visas and official travel documents.

"They intend to promote the development of tourism, on an individual or collective basis, and, in particular, they intend:

"To promote visits to their respective countries by encouraging the provision of appropriate facilities and the simplification and expediting of necessary formalities relating to such visits.

"By way of further developing contacts among governmental institutions and non-governmental organizations and associations, including women's organizations, the participating states will facilitate the convening of meetings as well as travel by delegations, groups and individuals.

"Facilitate travel between the participating states by scholars, teachers and students."

It might be useful to point out that the McGovern amendment did not, in actuality, change the basic law which left the final decision to grant waivers with the attorney general. Instead, it had a symbolic value in demonstrating congressional support of the administration's policies of encouraging greater and freer movement across borders.

I supported and I continue to support the purpose of the McGovern amendment. I do not believe that we should match Soviet noncompliance with Helsinki, with our own noncompliance. The very fact that we have created the commission on security and cooperation in Europe, of which I have the privilege of being a member, indicates that we should continue to take the leadership role in complying with the provisions of the Helsinki Act.

However, a situation now exists which makes it necessary to clarify the McGovern amendment, by eliminating from its interpretation the granting of waivers to a number of people who should not be allowed in this country for reasons that, indeed, are in compliance with the spirit of the Helsinki Accord.

Even though the administration considers any official of the PLO and its designated or self-proclaimed agents or spokesmen ineligible for visas, the Department of State has in fact recommended that a visa be granted to the head of the Beirut office of the PLO. Waivers have also been granted to so-called leaders of purported labor unions in the Soviet Union and in other Communist countries of Eastern Europe. Such individuals are in effect representatives of the state rather than representatives of workers. By allowing such individuals in, we are conferring trade union legitimacy on organizations that do not observe the rights of workers.

I should therefore like to co-sponsor with the distinguished Senator from New York, Mr. Javits, a compromise amendment to the McGovern amendment, for the purpose of strengthening and clarifying the intent and purpose of the McGovern amendment. This amendment would correct the abuses we have detailed here today, and meet all objections to the current practices which pervert our understanding of the Helsinki accord's sections dealing with free movement across borders.

Nonimmigrant Visas

Sec. 107. Section 21 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2691), is amended—

(1) by inserting "(a)" immediately after "Sec. 21."; and

(2) by adding at the end thereof the following:

"(b) The Secretary of State may refuse to recommend a waiver for aliens from signatory countries which are not in substantial compliance with the provisions of the Helsinki Final Act, particularly the human rights and humanitarian affairs provisions.

"(c) This section does not apply with respect to any alien who is a member, officer, official, representative, or spokesman of the Palestine Liberation Organization.".

Mr. JAVITS. Mr. President, I wish to acknowledge Congressman Derwinski's participation in the other body and also to refer to the fact that I believe the chairman of the Commission, of which Senator Dole is a vice chairman, Danny Fascell, also approved the Solarz-Derwinski provision in the House bill.

I yield.

Mr. McGOVERN. Mr. President, I want to say, first of all, that I think the substitute language proposed by Senator Javits, the Senator from New York, is obviously preferable to repeal of the McGovern amendment, although I fully recognize the sincerity of Senator Baker and others who supported the repeal of this provision of the law last year.

I also think the language offered by the Senator from New York is superior to the language presently in the House version of the legislation now before us.

But, having said that, I would like to take just a few minutes to underscore the importance of the so-called McGovern amendment, because I think this amendment 2 years ago very clearly put the United States on record officially, as Senator Dole has said, in supporting the Helsinki principles. It says, in effect, that the United States is confident of its own institutions so that we are not fearful of admitting visitors to this country of a different ideology. We are confident enough of our free enterprise system and our political democracy so that we do not insist on the denial of visitors' visas to those who happen to hold to a different ideology.

Obviously, the McGovern amendment does not change some 30 other provisions in the law under which visas could be denied. For example, a known terrorist would not be allowed admission to the United States under other provisions of the law, with or without the McGovern amendment.

At this point I would like to correct what I believe to be a misstatement of fact by the distinguished minority leader, Senator BAKER, when he said that under the McGovern amendment the PLO has had virtually free access to the United States. This simply is not true. No member of the PLO identified with terrorist activities would be admitted with or without the McGovern amendment.

Mr. JAVITS. Mr. President, will the Senator yield so that I can get the yeas and nays? I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JAVITS. I thank my colleague.

Mr. McGOVERN. Mr. President, one of the clearest statements of the purposes and the value of the amendment, the McGovern amendment, is a brief editorial appearing in the Tuesday, May 8, 1979, issue of the Washington Post, and I would like to read that editorial. It is very short, but it makes the case as succinctly and as forcefully as I think it has been made:

FREE TRAVEL

How can it be that this great and free nation is still debating whether to ape the dictatorships of the world and apply a political standard in determining which foreigners should be allowed to visit this country? Through the cold-war years American law applied just such a test. There was a list of politically proscribed organizations, including communist parties, and individuals belonging to them needed a waiver in order to be let in—the presumption of the law was that they should not be.

The law was amended two years ago to make it less cumbersome and—no small consideration—more dignified for such foreigners to enter. In effect the presumption was reversed. This was done in the "McGovern amendment," a worthy measure passed specifically to make American visa regulations consistent with the traditional free-travel principles the United States was championing in the Helsinki Accords.

But a relapse now threatens. Urged on by the American-Israel Public Affairs Committee, which wishes to keep out members of the Palestine Liberation Organization, the House voted two weeks ago to deny the courtesies of the McGovern amendment to anyone in the PLO. AIPAC struck for this change at a moment when diplomats are circling warily around the Palestinian question in the Mideast peace talks. It wants to pin the "terrorist" tag on all branches and members of the PLO, regardless of their particular records or views.

This week an effort is expected on the Senate floor to repeal the whole McGovern amendment. AIPAC can be counted on to be in there pitching, along with the AFL–CIO, which has long nursed a grudge against travel here by communist trade unionists and which was responsible for Senate passage of a repealer last year. The House did not go along.

Then, Mr. President, this summary:

The issue is clear. A country that believes in free travel should make it as easy and orderly as possible for foreigners to come in. It is a way to show respect for American principles, to gain the advantages of contact with people who have other ideas and points of view and to improve the prospects for persuading other nations to open their gates wider. There is no question here of admitting people who are simply terrorists or who are otherwise regarded as inimical to legitimate American interests. Other provisions of the immigration law assure the authorities adequate controls over them. It is a question of access for people who hold different political views.

Mr. President, that states very clearly my own view of this issue.

The Secretary of State sent me a letter on April 13, again just a very brief statement, in which Mr. Vance says:

It is now almost 2 years since the amendment you sponsored on visa waiver procedures was passed by the Congress. Your amendment has been, in my judgment, an unqualified success. It has vividly demonstrated this country's commitment to the free exchange of persons and ideas.

The McGovern amendment has proved a valuable tool in enabling the United States to meet its obligations under the Helsinki Accords, and to urge others to do the same. At a recent Belgrade meeting, we were able to point with pride to the amendment as a symbol of U.S. intention to comply with the Accords. Its existence has also strengthened our case in pressing the Soviet Union and Eastern European countries to improve their own compliance record, and to allow their citizens to travel more freely.

The McGovern amendment has well served U.S. interests. This administration strongly supports its continuance.

Mr. President, I ask unanimous consent that a letter which I sent to all Members of the Senate under date of May 8, 1979, together with a letter from the Assistant Secretary of State, Mr. Douglas Bennet, of April 21, explaining that a recent PLO official, Mr. al-Hout, was not admitted to this country because of the McGovern amendment, but was admitted because he was identified as an anti-terrorist and a member of the PLO who had exerted a moderating influence to that organization; together with section 21 of the basic authority of the State Department; and a resolution adopted by the North Atlantic Assembly in September of 1977 praising the United States for the adoption of the so-called McGovern amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., May 8, 1979.

DEAR COLLEAGUE: During consideration of the State Department Authorization bill, S. 586, it is likely that an amendment will be offered to delete, or effectively vitiate, section 21 of the Basic Authority of the State Department.

This provision was enacted on the grounds that the United States, along with other Western countries, should seek to abide by the Helsinki principles as well as to press the Warsaw Pact countries to abide by them. The provision did so through the simple step of making automatic a favorable recommendation by the Secretary of State to the Attorney General on certain visa applications by prospective visitors to the U.S.—applications by foreigners whose only presumptive offense is membership in a so-called "proscribed organization," such as the Communist Party. The provision, which is attached, did not affect the practice of automatically denying a visa to any person who falls into other negative categories, such as persons associated with terrorist activities or persons who might otherwise constitute a threat to U.S. security. Thus, the sole effect of the provision was to shift the presumption in our visa processing system against barring a person for reasons of ideology alone, while retaining all other aspects of the system intact. Moreover, in all cases, the Attorney General and the President still possess the authority to reject a visa application.

Although the amendment did not actually alter the authorities of the Executive branch, it did reflect Congressional support for a change in United States policy already underway in the Administration. The new policy is quite simply stated: the United States government no longer, solely for ideological reasons, seeks to prevent foreigners from visiting this country. In international discussions of Helsinki implementation, particularly with regard to the free movement of people and ideas, the McGovern amendment has been used repeatedly by United States diplomats as demonstrating our own good faith efforts.

The hypocrisy of repealing this provision would not be lost on our allies. The North Atlantic Assembly, consisting of parliamentarians of all NATO countries, passed a resolution (attached) effectively congratulating the U.S. on this action as exemplifying the spirit of Helsinki. To reverse our course could hardly contribute to the credibility of U.S. leadership.

Unfortunately, within the United States, the amendment has repeatedly been subjected to misrepresentation. I therefore wish to call to your attention two letters I recently received from the Department of State. The first, from Secretary Vance, affirms the importance of retaining the amendment in law. The second, from Assistant Secretary Bennet, refers to the recent visit of an anti-terrorist member of the PLO—a visit which could and would have occurred regardless of the McGovern amendment.

The effect of repealing this provision would, in short, be to mimic Soviet conduct by undercutting the principles we ourselves affirmed at Helsinki and Belgrade. I hope you will oppose its repeal.

Sincerely,

GEORGE McGOVERN.

DEPARTMENT OF STATE,
Washington, D.C., April 21, 1979.

Hon. GEORGE McGOVERN,
U.S. Senate

DEAR SENATOR McGOVERN: Thank you for your letter of April 16 enclosing an inquiry from the American Israel Public Affairs Committee concerning issuance of a visa to Mr. Shafig al-Hout. You ask that we clarify the Administration policy concerning admission of PLO members to the United States and explain our decision in this case.

Let me state at the outset that the McGovern Amendment adopted last year was unrelated to the legal circumstances under which Mr. al-Hout's visa was granted. As I wrote to Congressman Solarz last year, the McGovern Amendment was enacted to demonstrate the U.S. commitment to the free travel provisions of the Helsinki Final Act. It has assumed substantial importance throughout the world as a symbol of American support for the Helsinki accord. While some may oppose Mr. al-Hout's visit on policy grounds, to cite his visit as a reason for repealing the McGovern Amendment is not a compelling argument. The visa could have been issued without the McGovern Amendment. To repeal that important symbol would seriously tarnish the image of the United States as an advocate of free travel and free speech.

Let me now comment specifically on the case of Mr. al-Hout. Mr. al-Hout is head of the Beirut office of the Palestine Liberation Organization and a member of the Palestine National Council. People associated with the PLO are considered ineligible for visas under Section 212(a)(28) of the Immigration and

Nationality Act (INA) of 1952, as amended. That law has always included a provision for temporary waivers of ineligibility under Section 212(a)(28) and most other sections of the INA.

On the basis of a careful examination of Mr. al-Hout's background, he was found not to be ineligible under any of the provisions of the INA that are not waivable. This left the Department with a policy decision as to whether or not a waiver should be granted.

On the basis of the information available to us, we viewed Mr. al-Hout as an exponent of moderation within the PLO spectrum of views. We were aware that he has on a number of occasions opposed the use of terrorism as a political weapon, at least since 1972. We noted that he had applied for a visa in response to letters of invitation from a number of highly respected American universities and private groups concerned with foreign affairs. We believed Mr. al-Houts visit would be consistent with this Administration's—and this country's—firm commitment to freedom of academic inquiry and to the freest possible exchange of information and ideas. We therefore made an exception to our policy and recommended a temporary waiver of his ineligibility for the purpose of responding to the invitations of respected private institutions.

Sincerely,

DOUGLAS J. BENNER, Jr.,
Assistant Secretary for Congressional Relations.

SECTION 21 OF THE BASIC AUTHORITY OF THE STATE DEPARTMENT

SEC. 21. For purposes of achieving greater United States compliance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (signed at Helsinki on August 1, 1975) and for purposes of encouraging other signatory countries to comply with those provisions, the Secretary of State should, within 30 days of receiving an application for a nonimmigrant visa by any alien who is excludible from the United States by reason of membership in or affiliation with a proscribed organization but who is otherwise admissible to the United States, recommend that the Attorney General grant the approval necessary for the issuance of a visa to such alien, unless the Secretary determines that the admission of such alien would be contrary to the security interests of the United States and so certifies to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate.

RESOLUTION ADOPTED BY THE NORTH ATLANTIC ASSEMBLY (SEPTEMBER 1977)

RESOLUTION ON THE HELSINKI PRINCIPLES AND VISA POLICIES

The Assembly,

Recognizing the fundamental validity of the principles set forth in the Final Act of the Conference on Security and Cooperation in Europe, signed in August 1975 at Helsinki, and in particular those principles relating to the free movement of people and ideas;

Noting with approval the steps taken by NATO member countries to comply more fully with the principles of the Final Act, and in particular the recent legislative initiative of the United States in removing from United States visa policy exclusion solely on the basis of political or organizational affiliation:

Expresses hope that such exemplary efforts at compliance with the Helsinki principles by the NATO and other Western countries will promote increased compliance by Warsaw Pact signatories of the Final Act.

Mr. McGOVERN. Mr. President, having made the case, as I see it, for the continuance of the amendment as it now stands, I appreciate the fact that on any foreign policy issue, no matter how virtuous the proposal might be, we also have to think about the domestic implications. It is clear to me that the McGovern amendment has been an unqualified success in terms of America's interests around the world. I think it has been a foreign policy victory for this country, and one that I regretfully see being tampered with here today.

Nevertheless, I know it has also been a divisive matter in terms of our domestic political climate. It has obviously distressed certain spokesmen of the American labor movement and some representatives of the American Jewish community in this country who, I think, have misunderstood the impact of the amendment. Nevertheless, I recognize that there are very strong feelings.

Recognizing that the Senator from New York (Mr. JAVITS) is trying to play the role of a peacemaker here today, and to resolve this question in a way that the overwhelming majority of the Congress can live with it, I am not going to oppose the amendment offered by my friend the distinguished senior Senator from New York.

Mr. DOLE. Mr. President, will the Senator from South Dakota yield for a comment?

Mr. McGOVERN. I yield to the Senator from Kansas.

Mr. DOLE. I just want to reaffirm the statement the Senator made with reference to Belgrade. Having traveled to Belgrade twice in the last year as a Member of the Commission, I can only say it is difficult for us to have it both ways. It is difficult for us to oppose the practices of the Soviets if we are going to impose like restrictions on travel.

But I think we can point to the McGovern amendment as an indication of intention to abide by the Helsinki accords, that they were not mere propaganda, but that it was our intention to abide by the Helsinki accords signed by President Ford in 1975; and I think that gave us some leverage, more than the members from the Soviet Union had.

So I hope by the acceptance of the modification the purpose of the McGovern amendment will not be frustrated.

Mr. McGOVERN. Let me say to the Senator from Kansas that I wish it were not necessary to accept this modification, but all of us learn, over the years, how to count, and it is quite clear that this is the best compromise we are going to be able to work out and otherwise avoid the repeal of this amendment. The Senate voted to repeal it last year, to my regret.

I think the compromise language proposed by Senator JAVITS does retain the essentials of the McGovern amendment, while also speaking to these two identified concerns that have been the source of most of the public clamor here at home. It is only to avoid what I think would otherwise be the repeal of this amendment that I have come to the view that we have to accept some sort of compromise that stops short of repeal.

Mr. JAVITS. The Senator is absolutely right. If I had to vote other than for this substitute, I would vote to sustain his position. But we have had this problem before us for a year. It was unsatisfactorily resolved before, and it will come back again and again.

This leaves us free in conference to work out something mutually agreeable, and I am sure Senator CHURCH would do the same, although he is not here in the Chamber at the moment. We will certainly consult with him as to what we intend to do in conference.

What the substitute does is approach the matter with a high degree of specialization. The labor people have a particular complaint; we are trying to deal with that; and the people who oppose the PLO—like myself—we are trying to deal with that objection. If the representative of the PLO who was admitted here recently was not admitted because of the McGovern amendment but under the law, there is nothing that the Solarz-Derwinski modification in the House does to change that. It simply allows the Secretary of State to obey the immigration law.

Mr. McGOVERN. I am glad the Senator pointed that out. The Secretary would have the same authority he has now, except that the presumption changes.

Mr. JAVITS. The Senator is absolutely correct.

Mr. President, if no other Senator wishes to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, we are ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida (Mr. CHILES), the Senator from Louisiana (Mr. LONG), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from New York (Mr. MOYNIHAN), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

I further announce that if present and voting, the Senator from Michigan (Mr. LEVIN) would vote "yea."

Mr. BAKER. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Utah (Mr. HATCH), the Senator from Nevada (Mr. LAXALT) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. STEVENS) and the Senator from Utah (Mr. HATCH) would each vote "yea."

The PRESIDING OFFICER. Are there any Senators in the Chamber who wish to vote?

The result was announced—yeas 87, nays 2, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—87

Baker
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Church
Cochran
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Exon
Ford
Garn

Glenn
Goldwater
Gravel
Hart
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Jepsen
Johnston
Kassebaum
Kennedy
Leahy
Lugar
Magnuson
Mathias
McGovern
Melcher
Metzenbaum
Morgan
Muskie
Nelson
Nunn

Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stennis
Stevenson
Stewart
Stone
Talmadge
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Young
Zorinsky

NAYS—2

Armstrong
McClure

NOT VOTING—11

Chafee
Chiles
Hatch
Laxalt

Levin
Long
Matsunaga
Moynihan

Stafford
Stevens
Williams

So Mr. JAVITS' amendment (UP No. 138) was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. BUMPERS). The Senate will suspend. The Senate is not in order. The Senate will be in order.

The question before the Senate is on agreeing to the amendment by the Senator from Tennessee, as amended.

The amendment (No. 137), as amended, was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 189

(Purpose: To provide for payment of additional travel expenses related to educational purposes for dependents of employees of the State Department and the International Communication Agency)

Mr. MATHIAS. Mr. President, I have an amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS) proposes an amendment numbered 189:

SEC. 405. (a) Section 5924(4)(B) of title 5, United States Code, is amended by striking out "one annual trip" and inserting in lieu thereof a comma and the following: "in the case of dependents traveling to obtain secondary education, one annual trip, or in the case of dependents traveling to obtain undergraduate college education, two annual trips,".

(b) The amendment made by subsection (a) shall take effect on October 1, 1979.

Mr. MATHIAS. Mr. President, this amendment is rather self-explanatory. It is very simple.

I should perhaps make one disclosure of interest which is appropriate in the climate of our times. When we discuss legislation on which there is some influence working on us, it is appropriate to make it clear. I must say that Mrs. Mathias has had a very real influence on me in proposing this amendment. She is particularly interested in education. She is professionally interested in it. She has called my attention to the hardships which exist in foreign service families.

I wonder if the managers of the bill would agree with me that this is, in fact, a meritorious amendment?

Mr. CHURCH. Mr. President, the amendment strikes me as being meritorious. I note that Secretary of State Cyrus Vance, when he gave testimony before the Appropriations Committee, said with respect to the issue posed by this amendment, as follows:

> Let me say that the department does recognize that only one round trip per year for college age children is a hardship. I would point out that most of the other agencies serve only one tour overseas and therefore do not suffer the same hardship I believe as the foreign service family that spend many years abroad separated from their college age children.
>
> As I say, this matter is currently being looked at in the executive branch because it is recognized that this is a hardship.

As I read the Senator's amendment, it would take a significant step toward alleviating the hardship for dependents of State Department personnel located abroad.

I think the amendment has merit and I am prepared as manager of the bill to accept it.

Mr. JAVITS. Mr. President, the amendment is acceptable to me on two grounds; one, that it is confined to the Foreign Service, and it is those officers who have the most service overseas and whose posts change, and who are the most affected by separation from school age and college age children; and two, although that the cost is estimated to be $1.2 million and is unbudgeted it will have to come out of the State Department appropriation without additional provision—the fact that the Secretary of State seems to be for it would seem to answer the cost question.

So on those two grounds, Mr. President, I find the amendment acceptable.

Mr. MATHIAS. Mr. President, I do not want to argue with managers who are about to accept this amendment. I do feel compelled in candor to say that the amendment does create one problem, that we still have other categories of Americans serving in various ways in foreign countries who need similar kinds of consideration. Their children need it, in this International Year of the Child, just as Foreign Service personnel need it.

I am thinking of military personnel I am thinking of Central Intelligence personnel, and many others who serve in foreign countries.

Mr. CHURCH. Let me say to the Senator, I do not argue that point with him. However, we are presently addressing the needs of the Foreign Service as part of this State Department authorization bill.

I think that the appropriate committees of the Senate, those exercising jurisdiction over such other Federal agencies as the CIA or the military services, will have occasion to consider what changes should be made in provisions relating to dependents of those employees who are presently assigned overseas. When those bills come before the Senate, that would be an appropriate time to consider them.

Mr. MATHIAS. Mr. President, I will pursue them when we plan amendments.

But today I am very grateful to the managers of the bill for accepting this.

Mr. President, both here in the United States and on my travels abroad, I have had the opportunity to meet with Foreign Service officers and their families and to talk with them about their problems. Because of the nature of their work, Foreign Service families face problems that few of the rest of us can appreciate—frequent transfer, separation, hardship, and sometimes harassment and even physical danger. Foreign Service families must be able to adjust to new cultures, learn new languages and live in difficult and unfamiliar circumstances.

In February we had a tragic reminder of the vulnerability of our Foreign Service officers when Adolph "Spike" Dubs was murdered in Afghanistan where he was serving as our ambassador. Since 1968, 14 American diplomats have been killed and 12 wounded in the line of duty. We certainly owe a debt of gratitude to those in the Foreign Service who have sacrificed so much to serve their country abroad. It is incumbent on us, it seems to me, then to do what we can to ease the hardships of Foreign Service life and today I would like to propose a small effort in that direction.

A report compiled by the Forum of the Association of American Foreign Service Women entitled "The Concerns of Foreign Service Spouses and Families," concluded that an increasing number of Foreign Service officers are reluctant to serve overseas, particularly because they fear their children are not being prepared adequately for their future. Too often in the Foreign Service, it is the child who suffers most from the life his or her parents have chosen.

One issue of particular concern to Foreign Service families is the restriction limiting college age Foreign Service children to one round trip home each year at Government expense. Because of this restriction, it is often very difficult for these dependent children to maintain close and effective communication with their families. These children typically come home only in the summer and therefore often go for an entire academic year without seeing their parents. Christmas, a traditional time of family gathering is often a very lonely time for many Foreign Service children at school away from their families.

I discussed these problems with Secretary Vance when he testified before the Foreign Operations Subcommittee of the Appropriations Committee on April 26, 1979. The Secretary was aware of the great problems Foreign Service officers face and is trying to resolve them. In response to a question of mine, the Secretary said:

> . . . The Department does recognize that only one round trip per year for college age children is a hardship. I would point out that most of the other agencies serve only one tour overseas and therefore do not suffer the same hardship, I believe, as (does) the Foreign Service family that spend many years abroad separated from their college age children.

I favor additional travel for college age dependents of Foreign Service families. There are enough problems in growing up today without the additional burden of extended separation from one's family. I think this is one aspect of Foreign Service life that we can improve at a relatively small expense. It is, therefore, entirely appropriate that in this the International Year of the Child that we take a small step toward improving the lives of our Foreign Service children. Therefore, I offer an amendment to the Foreign Relations Authorization Act which provides for one additional round trip home per year for college age Foreign Service dependents. I should note in conclusion that the State Department intends to provide an additional round trip home for elementary and secondary Foreign Service dependents by July of this year bringing the number of trips home for these children up to three each year.

I urge all of my colleagues to join with me in this step which, I believe, will have an important positive effect on those men and women who represent the United States abroad.

Mr. CHURCH. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 139

(Purpose: To amend a provision of the Foreign Relations Authorization Act, Fiscal Year 1979, concerning U.S. citizens abroad)

Mr. McGOVERN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from South Dakota (Mr. McGOVERN) proposes an unprinted amendment numbered 139.

Mr. McGOVERN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of the bill, add the following new section:
>
> Sec. Section 611 of P.L. 95-426 is amended by—
>
> (1) striking out subsection (a)(2) and inserting in lieu thereof the following: "(2) American statutes and regulations should be designed so as not to create competitive disadvantage for individual American citizens living abroad and working in international markets;";
>
> (2) striking out "1979" in the first line of subsection (b) and inserting in lieu thereof "1980";
>
> (3) striking out subsection (b)(1) and inserting in lieu thereof the following: "(1) identifies all United States statutes and regulations which treat United States citizens living abroad differently from United States citizens residing within the United States, or which may cause, directly or indirectly, competitive disadvantage for Americans working abroad relative to the treatment by other major trading nations of the world of their nationals who are working outside their territory;";
>
> (4) striking out the word "inequitable" in subsection (b)(3) and inserting in lieu thereof the words "competitively disadvantaging"; and
>
> (5) inserting, after the word "living" in subsection (b)(3), the words "and working".

Mr. McGOVERN. Mr. President, last year, in the course of enacting the annual Foreign Relations Authorization Act, Congress approved an amendment which I proposed, mandating a comprehensive administration study of ways in which U.S. law discriminates against Americans living abroad. The need for such a provision arose from the complexity of this subject—which includes a diversity of questions relating to tax law, social security benefits, veterans benefits, citizenship status of progeny, and other matters. Because these various areas fall into separate jurisdictions in both the executive branch and Congress, there has traditionally been little tendency to look at the overall picture of how our statutes and regulations affect our fellow citizens who are, for a greater or lesser time, living abroad. Thus, a thorough study is long overdue.

The study mandated last year was due to be submitted to Congress on January 20 of this year, but has been delayed because the administration has had difficulty developing, within the time allowed, a sufficiently comprehensive analysis of the subject. I therefore today wish to propose an amendment to the provision enacted last year. My amendment would have two effects. First, it would extend by 1 year the time allowed for preparation of the study. Second, it would clarify the scope of the study by making explicit that the study should look at our laws not only with a view to their fairness to Americans abroad but also with a view to the effect our laws are having on the ability of Americans to operate on competitive terms in the international marketplace—in other words, the study should examine the extent to which our laws may inadvertently be limiting the ability of our citizens to live and earn abroad.

Assuming the enactment of this somewhat technical amendment, the study, which is already underway, would be submitted to Congress by January 20, 1980, and would—as originally mandated—include recommendations for any remedial legislation deemed appropriate by the President.

Mr. President, I ask that there be printed in the RECORD at this point the text of the existing provision as it would read when amended as I am proposing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EQUITABLE TREATMENT OF U.S. CITIZENS LIVING ABROAD

> Sec. 611. (a) The Congress finds that—
>
> (1) United States citizens living abroad should be provided fair and equitable treatment by the United States Government with regard to taxation, citizenship of progeny, veterans' benefits, voting rights, social security benefits, and other obligations, rights, and benefits; and
>
> (2) American statutes and regulations should be designed so as not to create competitive disadvantage for individual American citizens living abroad and working in international markets;
>
> (b) Not later than January 20, 1980, the President shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report which—
>
> (1) identifies all United States statutes and regulations which treat United States citizens living abroad differently from United States citizens residing within the United States, or which may cause, directly or indirectly, competitive disadvantage for Americans working abroad relative to the treatment by other major trading nations of the world of their nationals who are working outside their territory;
>
> (2) evaluates each such discriminatory practice; and
>
> (3) recommends legislation and any other remedial action the President finds appropriate to eliminate unfair or competitively disadvantaging treatment of Americans living or working abroad.

Mr. McGOVERN. Mr. President, I have discussed this matter with the distinguished chairman of the committee, and I hope he will find it possible to accept this amendment.

Mr. CHURCH. Mr. President, my distinguished colleague Senator JAVITS makes the reasonable request that before he passes judgment on this amendment, he should be given an opportunity to read it.

Mr. McGOVERN. Mr. President, it is a rather unusual procedure, but I think we should accede to that. [Laughter.]

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I find this amendment unobjectionable, but I should like to ask the author of it a question.

Though the statute is confined to "individual American citizens" and another section refers to "U.S. citizens living abroad," assuming that corporations also are persons, which they are in the eyes of much of our law, would not this request include the antitrust laws of the United States?

Mr. McGOVERN. That is my understanding, that it clearly would. It would embrace all American laws as they affect Americans living abroad or earning their livelihood abroad.

Mr. JAVITS. May I say for the information of my colleague that, as a member of the Commission to Review the Antitrust Laws, presided over by Assistant Attorney General Shenefield, which reported at the end of last year—or later, as a matter of fact—I have been fighting for a review of the antitrust laws of the United States with reference to their extraterritorial application and their application to U.S. entities engaged in international business, on the ground that the present law is archaic.

This is a very big subject, and the Department of Justice, insofar as Shenefield was concerned—and he convinced a majority of the Commission—did not go for it. They did not rule against it. They just did not do it. Obviously, the Department of State alone is not the proper agency of the Government to conduct such a review.

I am very pleased to accept this amendment. However, I felt, in all fairness, that I should put these facts upon the record, so that between now and conference time, we might all—including State and Justice and the Commerce Department—develop a position if we are going to review the antitrust laws in their international and extraterritorial application.

Mr. McGOVERN. Mr. President, I think the Senator from New York makes an excellent point. I hope this legislative record will provide the basis for further exploration of what might be possible to achieve under this proposed amendment; because I believe the subject therein which the Senator proposes for study not only is extremely important, but also, probably does involve study—responsibilities that go beyond the competence of the State Department law.

Mr. JAVITS. Mr. President, the amendment is acceptable. I hope that by the time we get to conference, we really articulate precisely what we want.

Mr. CHURCH. Mr. President, I thank both Senators for this exchange.

The amendment is acceptable to me. I believe there are many laws that may have the effect of discriminating against Americans living abroad and may put American companies attempting to do business abroad at a competitive disadvantage with other foreign companies.

My understanding of the Senator's amendment is that it simply would sharpen provisions in the present law, to make certain that the Secretary of State takes these kinds of considerations into account in reporting back to Congress, and it gives him additional time to complete the report.

In the end, it will be up to Congress to decide what to do with respect to tax laws or antitrust laws or other laws that may need changing, and we simply will have had the benefit of the views of the Secretary of State covering this important question, if the amendment offered by the distinguished Senator from South Dakota is adopted. That is all to the good.

For that reason, I support the amendment and urge the Senate to approve it.

Mr. McGOVERN. Mr. President, I thank the distinguished chairman of the committee, Senator CHURCH, and Senator JAVITS for their support of this amendment, and I move its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McGOVERN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 193

Mr. HARRY F. BYRD, JR. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Virginia (Mr. HARRY F. BYRD, JR.) for himself and Mr. HELMS, proposes amendment No. 193.

At the end of the committee amendment add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized by this Act for fiscal year 1981.".

Mr. HARRY F. BYRD, JR. Mr. President, this amendment provides for 1-year authorization rather than 2-year authorization.

At this point, may I put several questions to the manager of the bill?

Mr. CHURCH. Yes; I am happy to respond.

Mr. HARRY F. BYRD, JR. What is the total amount in the bill to be authorized for fiscal year 1980 and what is the total amount to be authorized for fiscal year 1981?

Mr. CHURCH. If the Senator will wait for just a moment, I shall be glad to supply him with a figure.

The total amount authorized for fiscal year 1980 is $2,123,951,000; the total amount authorized for fiscal year 1981 is $2,348,332,000.

I hasten to point out that these figures cover not only the operations of the Department of State but also the operations of the International Communications Agency and the Board for International Broadcasting.

Mr. HARRY F. BYRD, JR. Yes; I thank the Senator from Idaho.

Now, one additional question: The bill provides for supplemental authorization for State for fiscal year 1979. What is the amount of the supplemental and what is the purpose of the supplemental?

Mr. CHURCH. The amount is $104,910,000, and the purpose for the supplemental request was to cover the additional costs that have occurred in connection with the international refugee problem.

Mr. HARRY F. BYRD, JR. The $105 million is in addition to what other figure? What was the figure previously authorized?

Mr. CHURCH. The original authorization was approximately $116 million.

Mr. HARRY F. BYRD, JR. For fiscal year 1979?

Mr. CHURCH. For fiscal year 1979.

As the Senator knows, the refugee problem was greatly exacerbated by the invasion of Cambodia by Vietnam. The numbers of the boat people who have attempted to escape Southeast Asia have increased rather dramatically. The problems facing Thailand are immense. And in addition there has been a sizable increase in immigration of what I would call political refugees from the Soviet Union. And in the light of these unexpected developments, it was necessary for the administration to ask for additional money.

Mr. HARRY F. BYRD, JR. So actually it is almost a doubling of the amount of money?

Mr. CHURCH. That is correct.

Mr. HARRY F. BYRD, JR. A 2-year authorization would reduce the oversight opportunities of the Committee on Foreign Relations and would reduce the oversight opportunities of the Senate and of Congress. It seems to me that what we probably need is more oversight of the departments of Government rather than less.

I realize that some departments do get a multiple year authorization, but many other departments and agencies do not. I am just wondering whether it is wise to add to the list of those where a single year authorization is not required. For example, at the present time the following agencies are subjct to annual authorization: The Department of State, Department of Justice, CIA, NSA, NASA, Department of Energy, Maritime Administration, Coast Guard, Nuclear Regulatory Commission, National Science Foundation, Peace Corps, U.S. Information Agency, major functions of the Defense Department, and Board of International Broadcasting.

As one who believes in greater oversight rather than less congressional oversight, I find it difficult to support a 2-year authorization, and I hope that the amendment will be adopted to make it a 1-year authorization.

Mr. CHURCH. First of all, as the Senator knows, it used to be the practice for the traditional departments of the Government that the authorization for their normal operating expenses was permanent, and those departments came then to the Appropriations Committee for their regular operating expenses.

A few years ago the Foreign Relations Committee, because of its conflict with the Administration over the question of the Vietnam War, found it increasingly difficult and in the end impossible to get the Secretary of State to appear before the committee to justify the continuing war policy and to respond to questions that the committee wished to put to him.

It was at that time in an effort to reassert the jurisdiction of the committee and the prerogatives of the Congress that the annual authorization bill became the new practice.

I do not disagree with the Senator

from Virginia as to the importance of congressional oversight. I would only point out to him that it is the feeling of the committee that it can exercise that oversight from day to day without having to depend upon a 1-year authorization.

It was our feeling, after discussion the matter, that the committee would take the position that the authorization bills which relate to normal operating expenses should be for a 2-year period, which makes for a more efficient management within the various agencies and departments since they can plan for something more than the next 12 months. It seemed to the committee that 24 months was as short a time as would expedite efficient managerial planning.

On the other hand, the substantive programs with which the committee deals, such as the economic aid program and the military aid program, remain under short rein, and the committee has approved bills of a single year's duration for those programs. It is here we feel that the oversight requirements are most important, and so we have made the distinction between the substantive programs, on the one hand, and the ordinary operational expenses of the Department, on the other. That is the reason why the committee recommended to the Senate a 2-year authorization bill in this case.

Mr. JAVITS. Mr. President, will the Senator allow me just to interject? I do this just to substantiate for the minority what Senator CHURCH has said.

I challenged it, too, because I was one of those who sought to institute the annual policy when we really got into a conflict.

I was persuaded that we had had our time. It is 1979, 7 years later, and our original reason for the annual policy no longer being valid, we now had to give some attention to the efficiency of the administrators who made a very strong case to us that they really needed a 2-year authorization now that we were over our struggle on Vietnam in order to have some settled ideas as to what they would have available for the purpose of planning their operations.

In view of the fact that this is an operations-dominated agency and has such wide-ranging operations—it is not a department where you have got everything right in front of you here in the United States—we thought that that was not an unreasonable thing to request.

We thought about it. We debated it. Finally, we came to the conclusion that this was the way to go.

Mr. HARRY F. BYRD, JR. I think the earlier comments made by the distinguished chairman of the Foreign Relations Committee, the Senator from Idaho, in regard to the amendment which I had proposed are excellent arguments in favor of my proposal.

The proposed amendment now before the Senate would make a 1-year authorization for the State Department and related activities rather than a 2-year authorization.

I might say the distinguished Senator from North Carolina (Mr. HELMS) is a copatron of this amendment.

The Senator from Idaho pointed out that a few years ago there was an unrestricted authorization for the State Department and as a result during the Vietnam era the Foreign Relations Committee had great difficulty in getting the Secretary of State to come before the committee and getting other high Department officials to come before the committee. So as a result of that, a few years ago the Senate and Congress approved a 1-year authorization for the State Department.

If we are going to now begin to make this multiyear, it seems to me we could very well at some future date get back into the situation that Congress found itself in a few years ago.

There are many other departments and agencies of Government that have only a 1-year authorization. Personally, I think there should be a 1-year authorization for all departments of Government. I think Congress should have an annual funding review and on-going oversight of these departments.

If we have a multiyear authorization for the Department of State, why not have one for the Department of Defense? Why not have one for the Energy Department? Does the Senate want to give a multiyear authorization to the Department of Energy?

I thank the Senator from New York and the Senator from Idaho. I think the earlier comments by the Senator from Idaho present an excellent reason as to why this should be a 1-year authorization rather than a 2-year authorization.

Mr. CHURCH. Mr. President, will the Senator yield to me? I am informed that within the next 2 minutes the President of Panama will be arriving at the committee room for a lunch, and arrangements will need to be made to carry this amendment over until after the lunch has been concluded.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. I ask unanimous consent that there be a resumption of routine morning business, that Senators may speak therein up to 5 minutes each, and that the period not extend beyond 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there morning business?

Mr. ROBERT C. BYRD. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. ROBERT C. BYRD. Mr. President, the minority is represented here. It is my understanding that there is no objection to any of these nominees. That being the case, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

George E. Cire, of Texas, to be U.S. district judge for the southern district of Texas.

James DeAnda, of Texas, to be U.S. district judge for the southern district of Texas;

Norman W. Black, of Texas, to be U.S. district judge for the southern district of Texas;

Gabrielle Anne Kirk McDonald, of Texas, to be U.S. district judge for the southern district of Texas;

Joyce Hens Green, of Virginia, to be U.S. district judge for the District of Columbia.

George P. Kazen, of Texas, to be U.S. district judge for the southern district of Texas.

William Ray Overton, of Arkansas, to be U.S. district judge for the eastern district of Arkansas.

Harold Duane Vietor of Iowa, to be U.S. district judge for the southern district of Iowa.

Donald James Porter, of South Dakota, to be U.S. district judge for the district of South Dakota.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed en bloc.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of five nominations that have been reported today from the Committee on Government Operations. There is no objection on either side of the aisle. I ask unanimous consent that the 1-day rule be waived and that the Senate proceed to consider, en bloc, these nominations.

The PRESIDING OFFICER. Without objection, the 1-day rule is waived. The clerk will state the nominations.

POSTAL RATE COMMISSION

The assistant legislative clerk read the nomination of James H. Duffy, of Maryland, to be a Commissioner of the Postal Rate Commission.

VETERANS' ADMINISTRATION

The assistant legislative clerk read the nomination of Allan L. Reynolds, of Virginia, to be Inspector General.

DEPARTMENT OF THE INTERIOR

The assistant legislative clerk read the nomination of June Gibbs Brown, of Colorado, to be Inspector General.

DEPARTMENT OF TRANSPORTATION

The assistant legislative clerk read the nomination of Frank Saburo Sato, of Virginia, to be Inspector General.

DEPARTMENT OF LABOR

The assistant legislative clerk read the nomination of Marjorie Fine Knowles, of Alabama, to be Inspector General.

CONFIRMATION OF ALLAN L. REYNOLDS AS INSPECTOR GENERAL OF VETERANS' ADMINISTRATION

● Mr. CRANSTON. Mr. President, I urge the Senate to confirm the nomination of Allan L. Reynolds to be Inspector General of the Veterans' Administration. Mr. Reynolds, if confirmed, will be the first person to fill that position, which was established by the Congress in the Inspector General Act of 1978, Public Law 95-452.

The nomination of Mr. Reynolds for the position was received by the Senate on March 1, 1979, and referred sequentially to the Veterans' Affairs Committee and then to the Committee on Governmental Affairs. I chaired a Veterans' Affairs Committee hearing on the nomination on April 5. On April 10, the nominee submitted to the Veterans' Affairs Committee written responses to a number of questions I had submitted to him.

In my opening statement at the confirmation hearing, I presented Mr. Reynolds with eight challenges to action in the next year in order that the committee might be better able to evaluate the effectiveness of his subsequent work as Inspector General of the Veterans' Administration. The challenges to Mr. Reynolds were:

First, to reduce by 50 percent during the next year the total outstanding VA overpayment figure of $400 million and to present the committee at the end of the year a definite plan as to how the remaining problem will be resolved;

Second, to reduce by 50 percent during the next year the current VA pension payment error rate of 26.2 percent, and present the committee at the end of the year a definite plan as to further action that will be needed;

Third, to complete, within the next 12 months, audits on half of the $256 million obligated under health manpower training grants made by the Veterans' Administration;

Fourth, to complete, over the next year, audits of one-third of the VA medical centers, specifically focusing on the effectiveness of the VA's Department of Medicine and Surgery's efforts to correct deficiencies already uncovered by the Inspector General in the areas of medication handling, patient records, security, and prevention of patient abuse;

Fifth, to be the in-house advocate for reducing underutilization of VA specialized medical programs, such as cancer therapy, renal dialysis, and cardiac procedures by promoting increased sharing of resources within the Federal Government and with the community in an effort to promote economy and efficiency;

Sixth, to implement, within the next 3 months, remedial measures to deal with problems of fraud uncovered in the VA home loan guaranty program;

Seventh, to continue a close monitoring of implementation of the VA's new automated data processing system, the "target" system, and report back to the committee next year on the achievements in terms of the efficacy of the corrections of deficiencies the Inspector General has already found and those deficiencies found next year; and

Eighth, to report, within 60 days, and then to submit a follow-up report next year, on the extent to which individual privacy of records in the "target" system is being properly protected and only authorized disclosures are being permitted.

Mr. President, I am pleased to report to my colleagues that Mr. Reynolds accepted without equivocation the challenges I have just outlined and fully committed himself to achieving the goals and carrying out the I.G. responsibilities under the Inspector General Act of 1978. His answers to extensive questions posed at the hearing were generally most responsive and impressive. He evidenced a clear concept of his role and how he intended to fulfill it. The hearing record is printed and available to the public; I believe it fully justifies the advice and consent of the Senate on his nomination.

The Committee on Veterans' Affairs plans a follow-up hearing next April to evaluate how Mr. Reynolds has done in meeting these eight challenges and otherwise in carrying out the Inspector General duties.

I urge confirmation at this time so that Mr. Reynolds may be officially installed and begin to pursue the enlarged, statutory duties of Inspector General of the Veterans' Administration.●

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that these nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed en bloc.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be closed if no Senator seeks recognition.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

FOREIGN RELATIONS AUTHORIZATION ACT, 1980 AND 1981

The PRESIDING OFFICER. The Senate will resume consideration of S. 586.

The Senate resumed consideration of the bill.

Mr. ZORINSKY. Mr. President, the Committee on Foreign Relations currently is receiving the President of Panama at a luncheon which the committee is hosting. In the President's opening remarks, he expressed a keen interest and desire to continue to seek a mutual understanding with the people of this country so that their futures will be entwined in a better life together and an equitable future, economically and socially, and in every other way that two countries can offer cooperation with one another.

I think it does not come as a surprise to many of us in the Senate that fought a battle concerning that issue a year ago that the timing is such that the Panamanian Government, and specifically, the President of Panama, is concerned with regard to some of the rhetoric that currently is taking place within the Congress of the United States.

For these reasons, I think it is a wonderful opportunity for our committee to have received the President of Panama as a host to a luncheon, which is currently taking place, and to seek his views, to be able to ask questions, to receive direct answers, and to be allowed to follow up on questions that we currently have on our minds concerning intentions and future direction of the Panamanian Government.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 193

Mr. HELMS. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I am glad to yield to the Senator from North Carolina.

Mr. HELMS. I wholeheartedly support the position of the Senator from Virginia. I am honored to join in cosponsorship of the amendment of the Senator from Virginia.

This came up before the Committee on Foreign Relations, of which I am a member, and this was a matter on which we agreed to disagree agreeably, as the expression goes.

It was fairly close on a show of hands. A rollcall was not conducted because it was obvious that my position would not prevail. But it was very clear that several members of the Committee on Foreign Relations did agree and do agree with the distinguished Senator from Virginia. I say that with no discontent with my friend from New York, the ranking member of the committee, who feels otherwise.

I agree with the able Senator from Virginia that this Congress has a duty to the American people to oversee all departments and agencies of this Federal Government and, in particular, such an expensive one and such a sensitive one as the State Department.

Therefore, I vigorously support the Senator's amendment and I hope the Senate in its wisdom will approve it.

Mr. HARRY F. BYRD, JR. I thank my friend from North Carolina very much. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent to add the Senator from South Carolina (Mr. THURMOND) as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, the managers of the bill, as Senator CHURCH has already noted, must oppose this amendment because it simply carries on a practice which we instituted for a given purpose, and that purpose is no longer with us. If we again run into a situation like that, we have every right to reinstitute it.

The Congressional Budget Act of 1974 certainly contemplated 2-year authorizations and, as Senator BYRD has himself noted, there is not a uniform practice among Government departments.

When we instituted the 1-year authorization for the State Department, we did it at a time of tension when there was a sharp difference of opinion between the Executive and the Senate, and when the Committee on Foreign Relations was seeking every means by which the senatorial prerogative could be exercised with respect to the Executive.

All considerations of efficiency in operation, forward knowledge of what a particular department could deal with in the way of its maintenance over a year or 2 years, were entirely secondary to that first consideration.

Now, that was 1972. Seven years have elapsed, the Vietnam war is over, and the confrontation between the Senate and the President in that particular area is over.

So we took another look at it. For one, the House went the 2-year route, and it went that way upon the recommendation of its own International Operations Subcommittee which has studied the State Department situation carefully and, under the leadership of Chairman DANTE FASCELL, came to this conclusion.

Two years certainly are not a great extension of the authority, so we are still exercising caution and with some degree of attention to the effectiveness and efficiency of the operation of the agency. That, it seems to Senator CHURCH and myself, is an entirely fair way to gradually recognize a more normal relationship between the Senate and the State Department.

We believe if you just continued on the 1-year basis, it is simply out of date. It is carrying on a practice for which there is no longer a sound basic reason.

In view of the fact that the other body agreed with us, we felt this is the way we should go.

The Department comes before us all the time. This is not a one-shot operation. We have 1-year authorizations for supporting assistance, for foreign military sales, for economic aid. We have a major treaty coming up on SALT, just as we had the Panama Canal Treaty last year. It is a very continuous relationship between us and the State Department, and it ought to be regularized under existing conditions with more consideration for the efficiency of its operation—which we are convinced, and which the other body is convinced—would be contributed to by a 2-year authorization.

Remember, this is not an appropriation. The appropriation will come annually, and Members will have a full crack at any cut they want to make in the State Department. But at least we will have the authorizing phase in place, and the State Department can do its planning over that period of time with a reasonable degree of certainty.

We think it is a very good thing in a sensitive agency, with sensitive problems, to have as few distractions as possible. We believe that the renewal of the authorization every year represented an additional tax on the brains of the Department at the highest level, which was not the best way to serve our own country in respect of its foreign policy.

In addition, the Department will be before us, if we go this 2-year route, next year for its fiscal year 1982 authorization because it has got to have that. That comes along very fast. Then we have, as I say, the generally tight oversight which is especially applicable in respect of the foreign relations of our country.

So, for all those reasons, Mr. President, it is my belief and that of the committee and our chairman, Senator CHURCH, that the committee should be sustained. After 7 years of going the 1-year route, and when the issue no longer requires it, we should give at least some attention to the efficiency of the State Department and to provide the 2-year authorization.

I repeat, bear in mind that the appropriation is annual and that Members of the Senate, therefore, will have a full crack at whatever they wish to do respecting that appropriation. After all, that is the bottom line, how much money they actually have to spend. All we are giving them here is the opportunity for planning purposes to contemplate a 2-year authorization.

Mr. HARRY F. BYRD, JR. Mr. President, I think there is an important principle involved in this, and that is whether it is wise for the Congress to make 2-year authorizations, and thus eliminate an opportunity for annual oversight on the budgets of these Departments.

I point out another fact, Mr. President, and that is that this legislation provides for an authorization increase of 18.9 percent for fiscal year 1981 as compared with fiscal year 1980. It seems to me that is a very substantial increase to be voting for 2 years in advance.

If the proposed amendment now pending is not approved—and I hope it will be approved, but if it is not—I think it would be important for the Senate to give consideration to whether it wishes to vote an authorization for 2 years hence which would be an increase of 18.9 percent over the proposed upcoming year of 1980.

Mr. President, so far as I am concerned I am prepared to vote on the amendment.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRADLEY). Without objection, it is so ordered.

Mr. HELMS. Mr. President, I think it is no secret that the Senator from North Carolina is going to offer an amendment to the pending legislation relating to the lifting of sanctions against Rhodesia. In order that the amendment may be available for inspection by all Senators, I send it to the desk. I do not call it up at this time, however.

The PRESIDING OFFICER. The amendment will be received.

Mr. HELMS. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, as the debate on this amendment has suggested, there is a close question as to what would be the best course to follow in connection with exercising proper oversight of the State Department, whether the 2-year authorization or the 1-year authorization is to be preferred. Inasmuch as this question was closely divided when it was taken up in the Foreign Relations Committee. I think that we could accept the Senator's amendment in view of the fact that the House has already approved a 2-year bill. That would put the matter in conference, where the conferees could discuss the proper course to follow.

I see nothing to be lost in a further discussion of the question in the conference.

With that in mind, I am prepared to accept the amendment without a rollcall vote, if that is agreeable to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. I am delighted that the Senator from Idaho will support this amendment. I point out that under the legislation before us, the authorization for fiscal 1980 is $849 million and the authorization for fiscal 1981 is $1,010 million, an increase of 18.9 percent. I do not think that is reasonable. I think if we eliminate the second year authorization, then we would not, by approving this legislation, then be approving an 18.9-percent increase in that second year.

I am prepared to vote on the amendment. I think there is a very important principle involved. For that reason, I should like a rollcall vote. But I am prepared to vote right now.

Mr. JAVITS. Mr. President, on this question which we have just been debating, I am agreeable to accepting the amendment. Frankly, I do not see why we need a rollcall vote. The amendment would be acceptable. However, I am making no promises on stacks of Bibles about the outcome of the conference. If the Senator is agreeable to a rollcall on that ground, it is all right with me. This is the basis for my accepting this amendment.

The other body originated this provision. They have a 2-year authorization. I am impressed with the fact that we ought to give them a chance to justify it in conference without now changing the practice of a 1-year authorization which we initiated.

We initiated it in 1972. They have chosen this year to change it. I thought that the time had come to go along with them. But I am willing to go along with Senator Church and Senator Byrd. If the House makes a convincing case, if there is a good reason, I simply am not going to hold out. I do not want to mislead the Senator.

Second, as to the amount, they have provided such sums as may be necessary for the second year. Again, it may be very wise, may be economical, to fix a sum for the second year. I do not know. For example, in my native city of New York, there are dozens of improvements which, if they made the contract a year ago, they would have saved 25 percent on. That is true in business throughout the United States.

I am perfectly willing—I say to Senator Byrd, and he knows that I am telling him just what I shall do—I am perfectly willing to put the House to its proof on the whole thing. That is the spirit in which I am accepting this 1-year amendment.

Mr. CHURCH. Mr. President, I have just one further statement to make. That is, with the acceptance of this amendment, both the question of time and the question of money will be before the conference, and the conferees on the Senate side, I can assure the distinguished Senator from Virginia, will look carefully at the justification for the larger amount in 1981, because that will be one of the issues in the conference to be resolved.

I do not see the need for a rollcall vote. I wonder if the Senator would reconsider his request for the rollcall.

Mr. HARRY F. BYRD, JR. The yeas and nays have been ordered. I am not concerned about the conferees. It is the principle involved in this issue that the Senator from Virginia is concerned about. I think a rollcall vote is appropriate.

Mr. CHURCH. Very well, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Louisiana (Mr. Long), the Senator from Hawaii (Mr. Inouye), the Senator from New York (Mr. Moynihan), the Senator from Connecticut (Mr. Ribicoff) and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

Mr. BAKER. I announce that the Senator from Utah (Mr. Hatch), the Senator from Nevada (Mr. Laxalt), the Senator from Idaho (Mr. McClure), the Senator from South Dakota (Mr. Pressler) and the Senator from Alaska (Mr. Stevens) are necessarily absent.

I further announce that the Senator from Vermont (Mr. Stafford) is absent due to illness.

I further announce that, if present and voting, the Senator from Utah (Mr. Hatch) and the Senator from Alaska (Mr. Stevens) would each vote "yea."

The PRESIDING OFFICER. Are there any Senators in the Chamber wishing to vote who have not done so?

The result was announced—yeas 70, nays 19, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—70

Armstrong
Baker
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Burdick
Byrd, Harry F., Jr.
Cannon
Chafee
Church
Cochran
Cohen
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Exon
Ford
Garn
Goldwater
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Humphrey
Jackson
Javits
Jepsen
Johnston
Kassebaum
Leahy
Lugar
Magnuson
Mathias
Matsunaga
Melcher
Morgan
Muskie
Nelson
Nunn
Packwood
Percy
Proxmire
Pryor
Randolph
Roth
Sasser
Schmitt
Schweiker
Simpson
Stennis
Stewart
Stone
Talmadge
Thurmond
Tower
Wallop
Warner
Weicker
Young
Zorinsky

NAYS—19

Boschwitz
Bradley
Bumpers
Byrd, Robert C.
Chiles
Cranston
Glenn
Gravel
Hart
Huddleston
Kennedy
Levin
McGovern
Metzenbaum
Pell
Riegle
Sarbanes
Tsongas
Williams

NOT VOTING—11

Hatch
Inouye
Laxalt
Long
McClure
Moynihan
Pressler
Ribicoff
Stafford
Stevens
Stevenson

So the amendment of Mr. Harry F. Byrd, Jr. (No. 193) was agreed to.

Mr. HARRY F. BYRD, JR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 140

(Purpose: To reduce authorization level for funding of immigration and refugee program for fiscal year 1980 and fiscal year 1981)

Mr. THURMOND. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. Thurmond), for himself and others, proposes and unprinted amendment numbered 140:

On page 7, on line 2, strike "$248,951,000", and insert in lieu thereof "182,101,000";

On page 7, on line 3 strike "$254,188,000", and insert in lieu thereof "182,658,000".

Mr. THURMOND. Mr. President, this amendment is offered by myself, the Senator from Kentucky (Mr. Huddleston), the Senator from Tennessee (Mr. Baker), the Senator from New Mexico (Mr. Domenici), the Senator from Wyoming (Mr. Wallop), the Senator from North Carolina (Mr. Helms), and the Senator from Iowa (Mr. Jepsen).

Mr. President, as I prepared for consideration of S. 586, the Foreign Relations Authorization Act of 1979, my interest was drawn to the fact that section 105 provides for a supplemental increase in the immigration and refugee program of $104.9 million; $51.9 million of that increase is intended, as I understand it, to cover the expenses related to the admission of additional refugees through October 1, 1979.

I do not question that increase at this time since, as the ranking minority member of the Senate Judiciary Committee, I have consented to the Attorney General's requests to parole additional refugees into the United States. Although I have expressed my concern about this wholesale exercise of the parole authority, I have acceded on these requests because of the fact that Senator Kennedy and the administration have legislation before the Judiciary Committee to limit the parole authority to 50,000 refugees per year.

Mr. President, this brings me to the matter that causes me the greatest concern and the reason I have submitted my amendment to reduce the authorization levels requested to fund the immigration and refugee program for fiscal years 1980 and 1981. The bill provides for $248.9 million for fiscal year 1980 and $254.1 million for fiscal year 1981. The report accompanying the bill indicates that these levels are based on the refugee figures at current levels—in other words, 120,000 a year.

I realize that this is simply an authorization bill and that the actual appropriation levels for these programs will be determined by the appropriations committees when that legislation is submitted. But what concerns me is that the administration is sending confusing signals to Capitol Hill on its intentions in the refugee area.

On the one hand, the administration is supporting legislation, S. 643, which is before the Senate Judiciary Committee, which would limit refugees to 50,000 a year with authority by the President to waive admission for additional numbers after consultation with the Congress. Now the administration has requested in this authorization bill a level of funding of 120,000 refugees a year. Although this is the current level of refugee admissions, I am not convinced, nor are a number of my colleagues convinced, that these levels of refugee admissions are in the best interest of the country.

This is the precise question that the Judiciary Committee must answer in its consideration of S. 643. Therefore, I have submitted today an amendment to reduce the authorization levels for fiscal years 1980 and 1981 to $182,101,000 and $182,658,000, respectively. This is based on a figure of 50,000 refugees being admitted on an annual basis for this country.

Mr. President, my reasons for bringing this matter to the attention of the Senate today are simply to inform the American people of the intentions of the administration in this area, and to point out the substantial increase in funds to support the expansion of U.S. refugee and migration policy. This policy should be carefully reviewed by Congress.

Mr. President, in simple words, the amendment would do this: We have before the Judiciary Committee now a bill that was requested by the Attorney General of the United States which provides for the admission of 50,000 refugees a year. Not only does it provide for the admission of 50,000 refugees a year, but also, it says that it may exceed the 50,000 if the President so determines, under certain conditions.

And then it also provides that the Attorney General may at his discretion admit for lawful permanent residence any refugee who is not permanently resettled in this country.

Mr. President, this is an administration's request. The Judiciary Committee will act favorably on this bill.

I believe the chairman of the committee, Senator KENNEDY, last year had a bill for 43,000, but the administration wanted it raised, and this bill now contains the 50,000.

I intend to support this bill in the committee but to jump to 120,000 we think is completely unreasonable, and that is what my amendment is about.

I hope the Senate will see fit to adopt this amendment and limit it to the amount specified in the amendment of 50,000.

I believe the Senator from Kentucky has some words to say on it.

Mr. HUDDLESTON. Mr. President, I thank the distinguished Senator from South Carolina and I rise in support of the amendment that is being offered.

I do so for the simple reason that this is just one more step, one more manifestation of what exists in this country of a total lack of a coherent thought-out, approved-by-Congress policy relating to the entire immigration question, including illegal immigration and refugees.

As the Senator from South Carolina has pointed out, there is pending now before the Judiciary Committee of the Senate legislation submitted by the administration that calls for a change in our immigration policy, particularly as it relates to refugees, increasing the number from what is now the law of 17,400 per year to 50,000 with an open-ended permission for the Attorney General to increase that number to virtually any number.

We come here with the provision in this particular authorization bill, on which there has been no hearings, that sets an entirely different limit and entirely different cost.

My problem and my concern is that hardly anyone in Congress and hardly any citizens in this country have any idea what the immigration policy of this country is, nor has given any thought to what the policy should be.

I have said before in this Chamber that I think the time is long past due when we have a thorough reconsideration of what our policies should be relating to immigration, how we should handle the refugee problem—certainly this country has an obligation and a desire to be of assistance to those who find themselves in refugee status—and what our policy should be toward illegal aliens.

We have no good statistics on what the situation is. For instance, no one knows how many foreign-born citizens are in this country illegally. No one knows what impact that has on unemployment. No one knows what impact that has on welfare. And, in short, no one knows what it is costing this country and the taxpayers of this country for the illegals who are here.

When we get into the area of refugees, of course, we get into an area of humanitarian concern that we all have.

But the facts are that whether we use the figures that are in the bill that has been submitted and is before the Judiciary Committee, whether we use the figures that are in the present law of 17,400, whether we go ahead with the abused provisions of the Attorney General's parole authority that has been going on now for years, or whether we adopt these particular figures that are in this bill, we are not going to solve the refugee problem, and we are not going to come anywhere near meeting the total problem.

So I just suggest that the time has come to take a good look at just what we can do and what we should be doing in this area rather than here again authorizing a new set of figures. It is a program that has not had hearings. We are not authorizing the funds that it takes to accommodate those figures, and we are moving ahead in a pell-mell unthought-out fashion, trying to solve a problem that is not totally solvable. We are not taking into account what the rest of the world is doing and should be doing and not really considering what we can do that would be most effective in meeting the very serious problem of refugees around the world.

I think, therefore, the amendment that is before us is appropriate. To go to the figure the administration has suggested is desirable at this time and is set up in legislation to be considered and to be acted upon.

I know that the distinguished Senator from Massachusetts, the chairman of the Judiciary Committee, is very concerned with this problem and is scheduling hearings on that legislation. It will be given a thorough airing and will undoubtedly be before this body for action, but it would be precipitant now, it seems to me, prior to consideration of that legislation, to authorize a program far in excess of what that legislation would call for.

So I urge that the Senate accept this amendment, conceding that changes are necessary, recognizing that those changes are now incorporated in legislation that is pending before a committee of the Senate, and we will have an opportunity to vote upon that at the appropriate time.

I thank the Chair.

Mr. JAVITS. Mr. President, how much time does the opposition have?

The PRESIDING OFFICER. The opposition has 15 minutes.

Mr. JAVITS. Mr. President, I yield myself 3 minutes to give Senator KENNEDY, who really is the one to be heard on this matter, an opportunity to get briefed into the situation. I am strongly opposed to this amendment because it is based upon a complete confusion of fact, and I hope the Senate does not allow itself to be confused.

The point is that what these Senators are talking about is an authorization to admit 50,000 refugees while that same authorization—which, by the way, has not passed but it is just a bill before the Judiciary Committee—gives unlimited admission rights to the President and the Attorney General after notifying the congressional committees on refugees, especially in emergency situations. The fact is, and our report says so, that this very year 84,000 have been admitted from Indochina and 36,000 from the Soviet Union, Eastern Europe, and other parts of the world, making a total of 120,000.

It is one thing to deal with the authorization to admit 50,000. They will decide that in Judiciary. It is another thing to deal with the practicality of what has actually been done and what lies ahead.

Therefore, our committee had hearings. It is incorrect to say we had no hearings. We had hearings on this very matter, and our report is based on the testimony of the State Department. The amount of money we have put in the bill is exactly what is required to deal with this situation.

Why is Senator HUDDLESTON wrong, or Senator THURMOND wrong, when they say. "Well, we will wait and see later; if the Executive admits a lot of refugees, then it can come back to Congress for appropriations?"

Mr. President, we are doing that right now, and it is bankrupting every voluntary agency in this country that functions for refugees.

Someone has to pay the bill. If the United States is not in a position to do it, you simple rifle the cash drawers of these voluntary agencies. They cannot do it, they do not have that kind of money. In the meantime the refugees have to stay in Southeast Asia or some other place where through our contributions to the High Commissioner for Refugees, it still costs us money.

Let me prove that to the Senators because there is no legerdemain about these figures. The program activities for our refugee program, per se, are roughly $147 million. At the same time, we pay the United Nations High Commissioner for Refugees $62 million.

What we are talking about here is just a complete confusion of what the Judiciary Committee will be considering and may decide to do with what is the actuality and the reality today. Refugees are being admitted and will be admitted and, as the State Department testified, some provision has to made for them.

For all of those reasons, Mr. President, I believe the amendment should be decisively rejected. It would be completely inhuman on the part of the United States to take any such position as is advocated by this amendment.

Mr. HUDDLESTON. Mr. President, will the Senator yield?

Mr. JAVITS. I will yield on the Senator's time.

The PRESIDING OFFICER. The Senator has 4½ minutes remaining.

Mr. HUDDLESTON. Did the Senator say that if we approved this authorization and appropriated the funds here we would no longer have any requirement to pay into the refugee fund to the Commissioner? Would this replace that $62 million?

Mr. JAVITS. All I say is this global sum includes what we provide for the Commissioner, that is all.

Mr. HUDDLESTON. It does not replace it.

Mr. JAVITS. No, it includes it. When you cut it out, it is dead, it is gone.

I yield 2 minutes to the Senator from Maryland.

Mr. SARBANES. Mr. President, I rise in strong support of the position taken by the Senator from New York. There are two very important considerations here, aside from the level of the refugees and the support money for them, which we ought to recognize.

The first, and it has already been alluded to, is the role of the private voluntary agencies in this whole refugee resettlement matter. We draw an enormous benefit from having their participation. It saves taxpayer money that they should play the role which they play with respect to these refugees.

It is very important to move with the figures that are provided in the bill, to give them the assurance that they can carry forward with their responsibilities and their planning. They make a large contribution of their own, both in kind and in some instances financially, and we ought not to impede that or undercut it.

The second point is that we have been trying very hard to draw other countries into this problem. I am not going to stand on the floor and contend that, in my judgment, other countries are doing enough. I do not think they are doing enough. But I think we are having some success in getting other countries to do more than they have done, especially with respect to the refugees in Southeast Asia, and it is important that that process continue.

If we pulled back now we are just simply going to lay the basis for them to pull back, and we are going to slow down this trend that we have begun to develop with their beginning to undertake greater responsibilities with respect to this problem. That is something we really ought to be encouraging, not discouraging.

The fact of the matter is that we are probably, whether you do it directly now or through supplementals, going to end up dealing with this sum of money, but if we do it in the way that the amendment suggests, we are going to end up setting back two important contributions we are now receiving, one, from the private voluntary agencies, and two, what we are beginning to draw out of other countries in terms of assuming greater responsibility for the refugees, particularly the refugees in Southeast Asia.

For those reasons, in addition to the ones the Senator from New York mentioned, I am in opposition to the amendment.

Mr. KENNEDY. Mr. President, will the Senator yield 5 minutes?

Mr. JAVITS. I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as the former chairman of the Refugee Subcommittee of the Judiciary Committee, I can state we have over a period of years followed these flow lines in terms of refugee migration. We on the Judiciary Committee have taken that responsibility very seriously. So I rise to support the very fine statements of the Senator from New York and the Senator from Maryland in opposing this amendment that restricts the ability of our country to respond to the desperate plight of refugees.

The fact of the matter is, Mr. President, there were many of us on the Judiciary Committee a number of years ago who saw the great flow of refugees from Indochina coming, and who recommended to the administration that we follow, with regard to Vietnam, the same kind of policies the French had followed in Algeria—to avoid mass hysteria and massive refugee evacuation and to work out with the North Vietnamese the numbers and identity of the people who we felt would be threatened, and then for the United States to bring those individuals out. Clearly, there was a feeling that we had a moral responsibility and obligation to help and assist those who had helped us in Vietnam.

But Secretary Kissinger and the previous administration refused to follow that policy of trying to arrange a negotiated outflow and transition in Saigon in 1975. I had long conversations with him personally about it. I talked to the Secretary General of the United Nations, Mr. Waldheim, about their ability to intercede in this kind of effort and with the U.N. High Commissioner for Refugees. As a result of the failure of that policy, we had 135,000 refugees evacuated by us from Vietnam, most of whom came to the United States. Half who got out in that hysteria, probably should not, and we left many back in Vietnam who should have been brought here. And ever since then, our nonpolicy toward Vietnam has contributed to the chaotic and tragic outflow of Indochinese refugees.

But while we may regret the past, towards Vietnam has contributed to the refugees are a tragic fact of life. What we are really talking about here is an entirely different issue—about how to cope with this problem, and what our humanitarian responsibilities are.

I understand the frustrations of the Senator from Kentucky. We have heard that we have some 4 to 7 million illegal aliens here in the United States at the present time—but no one really knows. We have been unable to deal with that particular issue effectively and efficiently to date.

But because of our frustration over that particular issue, it seems to me we are trying to throw out the baby with the bath water. Refugees and illegal aliens are separate issues.

As the Senator knows, we have established a Select Commission on Immigration and Refugee Policy and, quite frankly, I do not remember the strong support of many of those, who are most critical about this problem today, supporting the establishment of that Commission.

We are trying to equip that Commission with funding to deal with the total issue of both illegal aliens and our outdated immigration law, to achieve long overdue immigration reform. The Commission will begin its important work on May 22.

We know, Mr. President, that in the coming months, we will have their recommendations, and we will be able to consider those recommendations in the Judiciary Committee—both short-term as well as longer-term recommendations for immigration reform. They must by statute report every 6 months.

But we cannot wait until their final report is received to act on refugee resettlement. We cannot ask refugees—Soviet Jews and Indochinese—to wait for this longer-term report.

What we are asking for now, Mr. President, is maintaining this authorization for refugees at the present level. It reflects our understanding of the recent pattern of refugee movement in Southeast Asia and Eastern Europe. The fact is that it is extremely difficult to predict with any degree of certainty what the problems of refugees are going to be what their numbers are going to be. Refugees by definition are hard to predict. It would be nice to set an absolute figure, but it is very difficult to do that.

In the refugee bill (S. 643) we have built a figure of 50,000 normal flow refugees, based upon what have been the average flow lines of the past two decades. But there is an emergency provision to bring in more. Everyone understands that before the moneys are going to be appropriated, either now or under the proposed bill, we are going to have to come to the Appropriations Committee to ask for appropriations and prove the need.

Mr. President, this amendment also ignores that the Congress has acted to stimulate refugee movement and free migration. The U.S. Senate has gone on record as saying that we want to encourage, for example, the Soviet Union to carry out a program of reunification of families, freedom of emigration, and elimination of persecutions; that we will terminate most-favored-nation trade status with them unless they are going to facilitate the reunification of families and promote freedom of movement. However, the effect of this amendment, that is offered by my colleague from South Carolina and my colleague from Kentucky, is to say "You cannot do that because we are going to close our immigration door to refugees by cutting the authorization for refugee resettlement." It makes no sense from a policy point of view.

Finally, Mr. President, I would just underline the points that have been made by the Senator from Maryand and the Senator from New York. We have—I personally have, and members of the administration have—been meeting with ambassadors from foreign countries urging them to take on additional "boat people" and other refugees. I talked with Ambassador Togo of Japan, and only recently we have seen a rather important statement by the Japanese and a significant changing of their attitude. They are contributing more to the UNHCR program in Indochina than we are.

We are seeing similar attitudes and similar statements by foreign ministers and prime ministers of other countries. There is concrete action taking place today. Both France and Australia are ahead of us in resettling Indochinese refugees since 1975, in terms of per capita population.

At a time when we are trying to get other countries, particularly European and Latin American countries, to help financially, to accept refugees, we are by this amendment effectively reducing the efforts of the United States. It makes no sense, Mr. President.

I have indicated to the Senator from Kentucky that we are willing to work closely with him in developing the refugee bill, and on immigration reform. We know he has been concerned about these issues, as has the Senator from South Carolina. But those are longer term questions. It seems to me what we are attempting to do here is to make the best judgment now, based upon recent developments, as to what the flow of refugees will be next year. In 1976, 1977, and 1978, the numbers have moved from about 50,000, 80,000, to 120,000, and what we are effectively doing is saying we hope it will be less, but it probably will not. This authorization represents prudent budgetary planning for the worst, not best of world's—which is what one must do in helping refugees.

We are preparing legislation to try to deal with the longer term problem. But let us not now reduce or eliminate the authorization for next year when we are faced with the current realities, and prior to the time the committees themselves have had a chance to deal with this in a responsible manner.

Mr. JAVITS. Mr. President, what is the time situation?

The PRESIDING OFFICER. The proponent of the amendment has 3 minutes and 49 seconds. The opponent has 2 minutes and 8 seconds.

Mr. THURMOND. Mr. President, I am rather amused at the distinguished Senator from Massachusetts. This is his bill. He is chairman of the Judiciary Committee. I am the ranking member, and this bill provides—it was introduced at the request of the Attorney General—that 50,000 refugees can be admitted annually. It further provides that if the President requests it, for humanitarian concerns—I would like you all to hear this—for humanitarian concerns or in the national interest, additional numbers can come in.

Mr. President, what is more reasonable than that? It further provides that the Attorney General himself can admit any refugee for lawful permanent residence.

Mr. President, the idea of bringing in 120,000—what is the present law? The present legal quota is 17,400. We are increasing it to 50,000. The United States cannot support the whole world. We cannot let everybody come in here. We are merely putting it at 50,000, which the bill of the distinguished Senator from Massachusetts provides.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. THURMOND. No, not on my time.

Mr. KENNEDY. Yield on our time?

Mr. JAVITS. One minute.

Mr. THURMOND. I have the floor right now. Let me finish. There is talk here that we are not going to get other countries involved. You will certainly not get other countries involved if you keep taking everybody in here from everywhere. This is a way to put other countries on notice that we are limiting it to 50,000; then, if the President feels the need, for national security or humanitarian reasons, he can bring in more. Is that not fair? Is that not just? What more can we do?

I say again, the way to get other countries involved is to let the world know that we are putting a limit on this, and then I think the other countries will be on notice. This is a fair and just bill. I am prepared to go along in every way I can, but to jump from 17,000 to 120,000, I say, is unreasonable and I do not believe the American people approve of it.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Massachusetts.

Mr. KENNEDY. The fact is, Mr. President, the 17,400 refers to the refugees we bring in under the seventh preference of the immigration law. It does not reflect the total number of refugees we have resettled under the parole authority over the past many years. That averages out to about 50,000 each year.

If you continue to read from what the Senator from South Carolina quoted from my bill, it provides that the 50,000 normal flow could be raised, that the President has emergency authority, as we now have under the parole authority. Certainly 50,000 would have been inadequate for the problems we face today. In fact, if the refugee bill were law this year, and probably next, we would be in an emergency situation.

But the salient point that I would mention: We have basically a public policy question in how many migrants should come to our country. How we deal with the millions of illegal aliens in this country is a matter this amendment does not deal with. That is a matter of public policy, and a matter of concern. If the Senator has solutions to that problem, let us deal with it. But to say we are flooded with illegals, which we are, and therefore we ought to eliminate the authority to effectively parole refugees into this country——

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. KENNEDY (continuing). The neediest people in the world, I think, is rather unfortunate, and a sad commentary.

Mr. JAVITS. Mr. President, I yield myself the remainder of my time.

I said that this amendment was a confused operation, and it is. We are simply passing each other in the night. There are 120,000 refugees coming in now. It is expected there will be 120,000 coming in next year. We are making an authorization, not an appropriation, to the effect that if they do come in, there will be money under the law to care for them. Otherwise, you either bankrupt the voluntary organizations or you cannot admit them.

Congress will have full authority, under the judiciary bill, under the appropriations bill, and under this measure. But if we cut off the refugee flow now, we are anticipating a policy decision of great profundity. Right now our policy is to admit 120,000. We will be making the decision to change the policy under this amendment, without hearings or committee consideration. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. A motion to table is not in order until all the time of the proponent of the amendment has been used or yielded back.

Mr. THURMOND. Mr. President, if we pass this bill, there is no opportunity for the Judiciary Committee's consideration of any bill. Before we legislate it to 120,000, we should ask ourselves, why does the Judiciary Committee want 50,000?

We are doing what the Attorney General requested of the Judiciary Committee. We are allowing 50,000, and, on the basis of national security or humanitarian purposes, the President can allow more to be admitted.

They say we will not have the funds to do it, and that is ridiculous. We know there is no merit to that argument. But we cannot support the world. We cannot open our doors to everybody. We have had too many coming in already. Now is the time to tell the countries of the world that we are putting a ceiling on admissions, we are setting a limit on admissions. This is the fair thing to do, and

I am sure it will be approved by the American people.

Mr. JAVITS. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from South Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from New York (Mr. Moynihan), the Senator from Rhode Island (Mr. Pell), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff) and the Senator from Rhode Island (Mr. Pell) would each vote "yea."

Mr. BAKER. I announce that the Senator from Maine (Mr. Cohen), the Senator from Utah (Mr. Hatch), the Senator from Nevada (Mr. Laxalt), the Senator from Maryland (Mr. Mathias), the Senator from Idaho (Mr. McClure), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

I further announce that the Senator from Vermont (Mr. Stafford) is absent due to illness.

I further announce that, if present and voting, the Senator from Utah (Mr. Hatch) would vote "nay."

The PRESIDING OFFICER (Mr. Boren). Are there other Senators present who desire to vote?

The result was announced—yeas 56, nays 32, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—56

Armstrong
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Cannon
Chafee
Chiles
Church
Cochran
Cranston
Culver
Danforth
DeConcini
Dole
Durenberger
Durkin
Eagleton
Exon
Glenn
Gravel
Hart
Hatfield
Heinz
Jackson
Javits
Kassebaum
Kennedy
Leahy
Levin
Magnuson
Matsunaga
McGovern
Melcher
Metzenbaum
Muskie
Nelson
Packwood
Percy
Pressler
Pryor
Riegle
Sarbanes
Sasser
Schmitt
Schweiker
Stevenson
Stewart
Stone
Tsongas
Weicker
Williams

NAYS—32

Baker
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Domenici
Ford
Garn
Goldwater
Hayakawa
Heflin
Helms
Hollings
Huddleston
Humphrey
Jepsen
Johnston
Lugar
Morgan
Nunn
Proxmire
Randolph
Roth
Simpson
Stennis
Talmadge
Thurmond
Tower
Wallop
Warner
Young
Zorinsky

NOT VOTING—12

Cohen
Hatch
Inouye
Laxalt
Long
Mathias
McClure
Moynihan
Pell
Ribicoff
Stafford
Stevens

So the motion to lay on the table Mr. Thurmond's amendment (UP 140), was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I wonder if it would be possible to work out an arrangement that will, perhaps, allow the Senate to complete action on this bill at a fairly early hour of the day. I understand Mr. Wallop has an amendment.

Mr. WALLOP. That is correct.

Mr. ROBERT C. BYRD. Mr. Schmitt has one, Mr. Helms has one; I understood Mr. Byrd of Virginia had one.

How much time would the Senators be willing to agree to?

Mr. SCHMITT. My amendment would take no time at all. The committee agreed to it, as I understand it. State and Justice are agreed to it. It will take 2 or 3 minutes.

Mr. ROBERT C. BYRD. Fine.

Mr. President, I ask unanimous consent that, on the amendment by Mr. Schmitt, there be a time limit of 5 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WALLOP. I can complete my business in 20 minutes, equally divided.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a 20-minute time limitation, equally divided, on Mr. Wallop's amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Let me say to Mr. Helms that we are trying to see if we can wind up the action on the bill at a reasonably early hour today.

Mr. HELMS. In response to the leader, I do not see how we can handle this in the remaining timeframe that the Senator desires. I will cooperate, but that will be up to the Senator from Idaho, and how much time he needs. I am going to need at least 10 or 15 minutes to discuss my amendment.

Mr. ROBERT C. BYRD. Would the Senator be willing to make it 20 minutes on the amendment?

Mr. JAVITS. Can we know what the amendment is?

Mr. HELMS. I showed it to the Senator. It is the technical assistance amendment.

Mr. JAVITS. On the question of the so-called Helms amendment?

Mr. HELMS. We may be wandering afield here. I am assuming that the majority leader is going to be able to work out something on a clean bill on Rhodesia.

Mr. ROBERT C. BYRD. I want to do that with the Senator and with the Senator from Pennsylvania (Mr. Schweiker). I just want, however—and time is fast running—to see if we can get agreement on these amendments to dispose of this bill.

Would 20 minutes, equally divided, do?

Mr. HELMS. Provided that the agreement he gets on the clean bill on the Rhodesian sanctions is satisfactory, I say to my friend. I should want to know what that agreement is before I agree to this one. I hate to be troublesome to the Senator.

Mr. ROBERT C. BYRD. I must say that I cannot stand here on the floor and say what that agreement is going to be. All I can do is assure the Senator that I will see he will get his bill up, to the best of my ability.

Mr. CHURCH. The Senator from North Carolina, in my experience, has tried to cooperate with me in connection with every bill that the committee has brought to the floor. I want to cooperate with him. If he needs 15 minutes on a side, that will be perfectly satisfactory, on the technical assistance amendment.

Mr. HELMS. Mr. President, will the distinguished majority leader yield to me?

Mr. ROBERT C. BYRD. Yes.

Mr. HELMS. I have just received a message from another Senator who objects to my entering into this agreement. I am so sorry.

Mr. ROBERT C. BYRD. The Senator certainly has tried and I respect him for it.

Mr. HELMS. I thank the Senator.

Mr. ROBERT C. BYRD. I will ask the Senator from Virginia (Mr. Harry F. Byrd, Jr.) how much time he would need on his amendment.

Mr. HARRY F. BYRD, JR. Twenty minutes.

Mr. ROBERT C. BYRD. Equally divided?

Mr. JAVITS. May we know what the amendment is, very briefly?

Mr. HARRY F. BYRD, JR. It was introduced yesterday and it would strike lines 8 through 11 on page 22, dealing with Radio Free Europe.

Mr. TSONGAS addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. ROBERT C. BYRD. I yield to the Senator from Massachusetts.

Mr. TSONGAS. Could I inquire at this point what the resolution has been of the Rhodesian issue?

Mr. ROBERT C. BYRD. The hope is that we will not have to contend with that resolution on this bill because there are other vehicles coming on which that issue can be decided.

I have talked with Senator Helms and Senator Schweiker. They are at least tentatively agreeable to not going with that on this bill and waiting until another time.

Mr. HELMS. Mr. President, if the Senator will yield, that was the problem I had. It was on the Rhodesian sanctions amendment.

Mr. ROBERT C. BYRD. Yes.

Mr. HELMS. I have an objection from people who have been working with me on this to the clean bill. I just got the objections.

Mr. ROBERT C. BYRD. Yes. They object to the clean bill.

Mr. HELMS. They want the amendment on this bill.

Mr. ROBERT C. BYRD. Would they be agreeable to trying it on another vehicle which would be equally as good?

We have other legislation on the calendar that is must legislation. We have to take it up. We will be taking it up next week—the Middle East package, but there are others.

Mr. JAVITS. Supporting assistance, and foreign military sales, and economic assistance.

Mr. ROBERT C. BYRD. Those will be——

Mr. CHURCH. The Byrd resolution on termination of the treaties.

Mr. ROBERT C. BYRD. They will be equally potent on which to try to move the amendment.

Mr. HELMS. I say to my friend, that would be reasonably agreeable to me. But as to the absent Senators, I have just received a call from Chicago from one Senator. I feel honor bound to respect his wishes on it.

Mr. ROBERT C. BYRD. Yes.

Mr. HELMS. Let me say again, I dislike putting the Senator in this position because I know he wants to finish the bill by 4 o'clock.

Mr. ROBERT C. BYRD. The Senator is certainly cooperative and is doing his best to move it along.

May I ask the Senator from Virginia how much time he will need?

Mr. HARRY F. BYRD, JR. Twenty minutes.

Mr. JAVITS. Let us have a half hour. It is complicated.

Mr. ROBERT C. BYRD. A half hour, equally divided, on the Byrd amendment.

Mr. President, I make that request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, could we get an agreement for 10 minutes on each rollcall vote from here on through the rest of the afternoon?

Mr. BAKER. Mr. President, I would not ordinarily do that on the first vote, but under these circumstances, with so many Members of the Senate present, I will not object.

Mr. ROBERT C. BYRD. I thank the distinguished minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, let us proceed and go as far as we can.

UP AMENDMENT NO. 141

(Purpose: To exempt the U.S. representatives to the World Administrative Radio Conference from sections of title 18, United States Code)

Mr. SCHMITT. Mr. President, I send to the desk an amendment, the purpose of which is to exempt the U.S. representatives to the World Administrative Radio Conference from certain sections of title 18, United States Code, which is the Ethics in Government Act.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT), for himself and Mr. GOLDWATER, proposes an unprinted amendment numbered 141.

Mr. SCHMITT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

PRIVATE SECTOR REPRESENTATIVES ON U.S. DELEGATIONS TO WORLD ADMINISTRATIVE RADIO CONFERENCE

SEC. 405. The provisions of sections 203, 205, 207, and 208 of title 18, United States Code, shall not apply to a private sector representative on the United States Delegation to the World Administrative Radio Conference to be convened in Geneva September 24, 1979, who is specifically designated to speak on behalf of or otherwise represent the interest of the United States at such Conference, with respect to a particular matter, provided that; (1) The Secretary of State or his designee certifies that no government employee on the delegation is as well qualified to represent U.S. interests with respect to such matter, and (2) such designation serves the national interest. All of such representatives shall have on file with the Department of State the financial disclosure report required for special government employees.

Mr. SCHMITT. Mr. President, this unprinted amendment would exempt under certain circumstances, private sector representatives serving on the U.S. delegation to the World Administrative Radio Conference (WARC), to be held in Geneva, Switzerland this fall, from the conflict of interest guidelines promulgated by the Department of State in compliance with appropriate sections in title 18, of the United States Code.

A general World Administrative Radio Conference is held every 20 years to make international frequency allocations, which prescribe what frequency use shall have precedence over other uses when they are in the same band.

The WARC is the decisionmaking body for frequency allocations of the International Telecommunications Union. Its decisions are regarded as binding international law. However, WARC decisions must be ratified by the Senate as international treaties.

The decisions of the 1979 WARC will establish patterns of frequency use throughout the world for the remainder of the century. The future of U.S. telecommunications will be greatly affected by decisions made at WARC.

As a result of the Communications Subcommittee's concern with U.S. preparation for WARC, I learned that unlike past international conferences, private sector representatives will be limited to providing technical advice.

We have heard from private industry and Government agencies concerned with preparation for WARC that the United States will be greatly hindered in effectively presenting the U.S. position as a result of this practice.

The Communications Subcommittee is presently holding hearings on S. 622, a bill that contains a blanket exemption for U.S. private sector representatives on all U.S. international telecommunications delegations. However, that provision will be part of extensive amendments to the Communications Act which the Congress will probably not complete action in time for WARC.

Therefore, if the United States is to effectively present its case at WARC, the Congress must act now.

Mr. President, this amendment would simply make it possible for representatives knowledgeable in communications issues and technology from the private sector to serve at the discretion and under certain guidelines of the Department of State.

One of the problems we have run into with WARC, or World Administrative Radio Conference, at the present time is the interpretation of title 18. The Private sector, Department of Justice, cannot serve as policy delegates to this conference, which puts this country at an extreme disadvantage in neogtiating various issues of great importance to the future of communications activities related to this country's private, public and defense sectors.

I believe that the distinguished Chairman and ranking member of the Foreign Relations Committee have agreed to this amendment.

I also tell my colleagues that the Department of State, the Department of Justice, have also agreed to this language.

I think it serves the purposes of this country extraordinarily well.

Mr. President, I reserve the remainder of my time.

Mr. CHURCH. Mr. President, it is my understanding that the amendment offered has been recommended by the Secretary of State himself, that, under the circumstances, it serves the national interest.

These are peculiar circumstances. The amendment would seem to me to make the necessary adjustment so that the Secretary could exercise a waiver right in this particular case. It would not affect the normal provisions of the law relating to conflict of interest, but makes an exception permitting the Secretary to exercise a waiver in this one case.

Mr. SCHMITT. The Senator is entirely correct.

As a matter of fact, in the conference committee in the Subcommittee on Communications, presently having hearings on communicaitons policy, one of the problems being considered is S. 622, which would include in it a provision to allow this representation on U.S. delegations dealing with communications policy.

It is clear that bill will not be acted upon in time to serve the purposes of the World Administrative Radio Conference. So this action is necessary at this time.

Mr. CHURCH. Mr. President, I think this is a meritorious amendment.

If my colleague, the Senator from New York, has no objection to it, I am prepared to accept it.

Mr. JAVITS. Mr. President, the amendment is acceptable to me.

The PRESIDING OFFICER. Do all Senators yield back their time?

Mr. SCHMITT. I yield back the remainder of my time.

Mr. CHURCH. I yield back what remains of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (UP No. 141) was agreed to.

Mr. SCHMITT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 142

(Purpose: To reduce fiscal year 1980 authorizations by the amount already spent to sell SALT to the American people and to prohibit such expenditures in the future)

Mr. WALLOP. Mr. President, I send an unprinted amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming (Mr. WALLOP) proposes an unprinted amendment numbered 142.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, strike lines 17 and 18 and insert: $848,823,000 for the fiscal year 1980 and $1,009,815,000 for the fiscal year 1981, provided that no funds authorized herein may be expended to lobby the United States Senate directly or indirectly on behalf of any arms control treaty or agreement.

Mr. WALLOP. Mr. President, the effect of this amendment would be to remove $600,000 from the budget before us, which is an amount equivalent to that which the State Department has used to lobby the citizens of America on behalf of the SALT Treaty, and it would further prohibit the State Department from expending any funds to lobby the U.S. Senate, directly or indirectly, on behalf of any arms control treaty or agreement.

In offering this amendment, I cite section 1913 of 18 United States Code, which deals with lobbying with appropriated moneys. It says:

> No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation . . .

Mr. President, I ask unanimous consent that the section in its entirety be printed in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

§ 1913. Lobbying with appropriated moneys.

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment.

Mr. JAVITS. Mr. President, will the Senator yield 1 minute?

Mr. WALLOP. I yield on the opposition time.

Mr. JAVITS. For 1 minute.

The amendment savs "to lobby." That is a curbstone word to use in law. Will the Senator consent simply to incorporate by reference the provision he has read? In other words, provided that no funds authorized may be expended for the purposes set forth in such and such a statute—instead of "to lobby," which seems to me to be hardly appropriate for an amendment.

Mr. WALLOP. Mr. President, on my own time, let us explore this a little.

By the admission of the State Department, last year they spent in excess of $600,000 in 1,126 total events. Lobbying, within the Income Tax Code, for public foundations, is determined to be when you talk about specific provisions of a specific bill or a specific proposal, which is exactly what they did in my State, which is exactly what has been going on in other States. In fact, even before the SALT II Treaty was negotiated, they were out selling its specific provisions.

Under the terms of the Internal Revenue Service Code, a public foundation would not be able to make such expenditures for and on behalf of a specific treaty or bill without losing their tax-exempt status. They would be able to talk, as a matter of public policy, about the general benefits of having a SALT agreement, or some such thing, but they would not be able to try to influence Congress on specific terms of a specific proposal.

Mr. JAVITS. I yield myself 1 minute.

The Senator says the State Department admitted to spending $600,000. But, I expect the Arms Control Agency to tell us how they construe what is in this treaty, the details of the treaty, the terms upon which the treaty was negotiated, and so forth. The Senators says they admitted. What did they admit about this $600,000? What did they actually say? We are both lawyers. What did they say?

Mr. WALLOP. Fortunately for me and for the Senator from New York, we both are not lawyers.

Mr. JAVITS. All I ask is, what did they say, precisely?

Mr. WALLOP. When they responded to Senator GOLDWATER at his request—the Senator is not in the Chamber because he is chairing a committee—it is my understanding that they had expended time and money informing not Congress—which is permitted, especially at the request of Congress—but public groups, private groups, and others around this country on what they believe are the specific merits of the SALT agreement, avowedly in order to build support for that agreement within the Senate of the United States.

Mr. JAVITS. Is not a public agency entitled to issue a press release or to have a seminar to explain what it is doing?

Mr. WALLOP. On general terms and on request of a Member of Congress, they are allowed to do so.

Mr. JAVITS. This treaty is very specific. It has to be specific. I would throw them out if they talked in general terms. This is pretty serious business, about specific terms, not general terms.

I am more than willing to throw out the $600,000. Give me a reason. That is all I say, give me a reason. Tell me what they said, what they did. With respect to the fact that they talked about the terms of the agreement—why they think it is good, not bad—to groups, public and private, what else are they there for?

Mr. WALLOP. It is against the law for them to spend money to affect the passage of specific measures in Congress.

Mr. JAVITS. Write in what is against the law, and I will be with the Senator. But he does not want to do that.

Mr. WALLOP. What is against the law is what I just read.

Mr. JAVITS. Write it in. Write in that section of the law, and I will be with the Senator.

Mr. WALLOP. I want to remove $600,000 from their budget for next year because they spent that much breaking the law last year.

Mr. JAVITS. Then, write in the law. Do not talk about lobbying.

Mr. WALLOP. It is a word that is in the Internal Revenue Service Code.

Mr. JAVITS. It applies to voluntary organizations. This is a Government organization.

Mr. WALLOP. The term lobbying is in the U.S. Code, in the part I am citing—lobbying with appropriated moneys.

And it is in the Internal Revenue Service Code. It is not a word I invented.

Mr. JAVITS. Write in the section, that is all I say. What the Senator is trying to do is to prevent them from violating those sections he read which relate to a Government agency.

Mr. WALLOP. Exactly.

Mr. JAVITS. We may change it in conference if we do not like the Senator's language, but at least he has now defined what he wants to do.

Mr. CHURCH. Mr. President, we would make a grave mistake if the Senate were to adopt the language offered here. Nobody knows what it means. The language reads:

> Provided that no funds authorized herein may be expended to lobby the United States Senate directly or indirectly on any arms control treaty or agreement.

What an extraordinary proposition. Are we to muzzle the Government so that it cannot come to us and tell us what the provisions of this treaty are? We are faced with an issue that is probably more important than any other issue that will come before the Senate for the remainder of the century, and we are seriously considering an amendment which would muzzle the Government, prevent it from conducting the necessary educational program so that the Senate of the United States will be informed fully of the particulars of this treaty before it comes to judgment.

I think this is preposterous, and I hope the amendment will be summarily rejected by the Senate.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Mr. President, I suggest the absence of a quorum, with the time to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. The reason is that I think we are about to have some understanding.

Mr. ROBERT C. BYRD. Mr. President, while the Senator is doing that, I wonder whether Senator Harry F. Byrd, Jr. could address remarks with respect to his amendment, in order to save some time.

Mr. WALLOP. Mr. President, because the Senator from Idaho will not accept the amendment, I ask unanimous consent that the amendment be modified. It would read: "in contravention of the terms of 18 U.S.C. 1913."

The modified amendment is as follows:

> On page 6, strike lines 17 and 18 and insert: $848,823,000 for the fiscal year 1980 and $1,009,815,000 for the fiscal year 1981, provided that no funds authorized herein may be expended to lobby the United States Senate directly or indirectly on behalf of any arms control treaty or agreement in contravention of 18 U.S.C. 1913.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. TSONGAS. Mr. President, reserving the right to object, will the Senator explain what the modification would mean?

Mr. WALLOP. It simply does as the Senator from New York suggested; it strikes that section of the code. It simply refers to section 1913, U.S. Code, and leaves the deduction figure in there.

Mr. TSONGAS. If I call someone from State to explain a provision of the treaty——

Mr. WALLOP. Mr. President, I will yield to the Senator on the time of the opposition.

Mr. CHURCH. Mr. President, I yield the Senator 2 minutes.

Mr. TSONGAS. Would the individual who came in my office then be in violation of the law if he discussed that treaty with me and that person happened to be in favor of it?

Mr. WALLOP. Absolutely not. The law is very clear on that. It says:

> But this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Mr. TSONGAS. What happens if as we do often invite, for example, Department of Commerce people to meet with businessmen back in our States? What happens if that happens?

Mr. WALLOP. That is at the invitation of the Senator. That is absolutely no contravention of public policy or law.

Mr. TSONGAS. What happens if they do it on their own?

Mr. WALLOP. If they do it on their own to push a specific bill or to fight it, it is against the law as it exists in the United States today. This is nothing new.

Mr. TSONGAS. So it would be wrong, for example, for the Department of Commerce to set up seminars on export policy in Massachusetts?

Mr. WALLOP. No, it would not be illegal to set up seminars on export policy. It would be wrong for the Department of Commerce to set up seminars to influence a bill that was coming about to be proposed or had been proposed but it would not be wrong to talk about general policy. That is the whole difference between lobbying and being able to influence public policy in general areas.

Mr. TSONGAS. It would then be illegal, for example, for the Commerce Department to set up a seminar to explain the provisions of the export bill now before Congress?

Mr. WALLOP. It is not illegal for an executive agency to use public money to explain the provisions, but to try to explain the provisions to induce the Senator to do something that he might not be inclined to do, that is against the law.

Mr. TSONGAS. I wonder at this point how many angels, indeed, do dance on the head of this particular pin.

Mr. WALLOP. I did not write the provision. The provision exists.

Mr. TSONGAS. I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment will be so modified.

Mr. JAVITS. Mr. President, on my time, I have a suggestion for the Senator. What he is looking for is the prohibition. What I gather Senator CHURCH is objecting to is the money. The prohibition is a matter of law, and the Senator feels it needs to be made very clear.

Could the Senator not find it within his conscience—this is only an authorization and he can still chop the appropriations—to leave the money, put in the prohibition as he now has it, and let us get on with the business.

Mr. WALLOP. Mr. President, I will. I might point out to the Senator we are only talking about a tenth of 1 percent of the budget that is before us.

Mr. JAVITS. The Senator is going to have plenty of cracks at it.

Mr. WALLOP. We will have another crack at it.

If the Senator from Idaho agrees to that, I ask unanimous consent that the amendment be so modified.

Mr. JAVITS. Do not do it yet, I say to the Senator. Let me first get the consent of the Senator from Idaho.

Mr. WALLOP. Mr. President, I ask the Chair what time remains for both sides.

The PRESIDING OFFICER. Four minutes and five seconds remain to the Senator from Wyoming.

Mr. MAGNUSON. I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Withhold that. Senator CHURCH is on his way.

The PRESIDING OFFICER. The Senator from New York has 10 minutes and 10 seconds remaining.

Mr. JAVITS. Mr. President, I yield myself a half minute.

I just made the proposal and that the Senator has now rewritten the amendment to cite the statutory prohibition and to restore the money. So, there will be no money cut, just the condition they will not violate the law. I pointed out that in the appropriations committee, if he feels they have too much money, he can cut it. He is willing to proceed in this manner.

Is that agreeable to the Senator from Idaho?

Mr. CHURCH. Does the Senator mean now the amendment has been revised to admonish the executive branch to comply with the law of the land?

Mr. JAVITS. It will be if the Senator agrees.

Mr. CHURCH. It is unseemly. But if that is the exercise that the Senator from Wyoming wants to insist upon I will not object to it, if the Senator would be good enough to let us proceed to a voice vote on the amendment as revised.

Mr. WALLOP. Mr. President, yes. I am delighted to see that the Senator is willing to agree. I take issue with his words that this was an exercise in suggesting people follow the law of the land.

Mr. CHURCH. I say to the Senator that we assume that the Government follows the law of the land and we have courts in which to raise any question relating to the violation of the law, as the Senator well knows.

Mr. WALLOP. We do. But I suggest to the Senator that the Senator from Wyoming is not engaged in an exercise, but rather that the Department of State is engaged in an exercise that is in violation of the law of the land, and that it must stop. My amendment is designed to make it stop. If there is general agreement that the modified language would accomplish that purpose, I am willing to modify the amendment as suggested by the Senator from New York and as agreed to by the Senator from Idaho and ask unanimous consent that that be the amendment.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment will be further modified.

Mr. WALLOP. Mr. President, I wish to say one last thing. The Senator from

Idaho said we assume that the Government obeys the law. I just remind the Senator from Idaho he did not assume that the CIA was in compliance with the law and there are times when things do not go according to the plan.

Mr. CHURCH. Yes. Mr. President, there are remedies and one remedy is a congressional investigation to demonstrate that the law has not been complied with, and there are remedies in the court and there are statutory remedies to be taken when the facts are so found.

But I think that the recitation of this kind is indeed unseemly and an idle exercise.

The PRESIDING OFFICER. Will the Senator from Wyoming send the modification to the desk?

Mr. WALLOP. Mr. President, I will.

The modified amendment is as follows:

> On page 6, strike lines 17 and 18 and insert: $849,423,000 for the fiscal year 1980 and $1,009,815,000 for the fiscal year 1981, provided that no funds authorized herein may be expended to lobby the United States Senate directly or indirectly on behalf of any arms control treaty or agreement in contravention of 18 U.S.C. 1913.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

Mr. President, every Senator in this body has the right to his view as to what will deal with his particular feeling about the policy of the United States.

I have heard both Senators and as yet a third Senator and I think I understand what Senator WALLOP is trying to accomplish. With all respect, I think he has accomplished it in the amendment which is now acceptable on both sides.

The PRESIDING OFFICER. Who yields time

Mr. CHURCH. Mr. President, I yield back the remainder of my time.

Mr. ROBERT C. BYRD. I was hoping the Senator will yield back his time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. WALLOP. Yes.

I suggest the Parliamentarian might find that there is some fault with the initial part of that amendment. It was done in haste. I ask unanimous consent that it be put into the proper form.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. The Senator asks unanimous consent that the clerical and technical errors may be corrected by the clerk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Wyoming.

(Putting the question.)

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 192

Mr. HARRY F. BYRD, JR. Mr. President, I call up amendment No. 192 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Virginia (Mr. HARRY F. BYRD, Jr.) proposes an amendment numbered 192: On page 22 of the committee amendment strike out lines 8 through 11.

Mr. HARRY F. BYRD, JR. Mr. President, I yield myself 1 minute.

The committee amendment would strike out this language. The committee amendment would strike out from the present law this language:

> No funds or other assistance may be provided by the board under this act to Radio Free Europe if Radio Free Europe permits any Communist country to use its broadcasting facilities unless the Communist country permits Radio Free Europe to use that country's broadcasting facilities on a comparable basis.

What is the matter with that proposal?

What is the matter with that law the way it is? The committee wishes to strike that out.

I yield to the committee to say why that section should be stricken.

Mr. CHURCH. Mr. President, when this matter came before the committee we received an explanation from the Department of State which led the committee to conclude that the prohibition that had previously been voted by Congress was unwise.

As explained by the Department, the administrators of the Radio Free Europe and Radio Liberty broadcasting operations made this offer for a good and sufficient tactical reason. It was a bargaining chip in an effort to negotiate an end to the jamming of their broadcasts.

Now it is just possible that they know more about running their business than we do. They felt that in making this offer they improved their position and their chances for negotiating an understanding that would permit these broadcasts to reach Eastern Europe and the Soviet Union.

Then Congress came along with this prohibition and said, "No, no, no, you must not do that unless we get equal time on the Communist stations."

What did we accomplish by it? Nothing but a paralysis in their efforts to negotiate an end to the jamming practices.

Mr. President, I have had some connections with Radio Free Europe from the time I was a young man when it was first established.

I went to Europe, to Munich, to the Iron Curtain, to personally see the operation in 1955, many years ago. Even then the greatest single problem Radio Free Europe faced was the jamming problem. Every time they found a technical way around the jamming, then, of course, a new technical means was discovered on the other side to jam the broadcasts again. It is similar to an arms race. One jamming system leads to another.

What on earth are we going to accomplish with Radio Free Europe and Radio Liberty trying to reach back behind the Iron Curtain to the satellite countries of the Soviet Union if we cannot get the broadcasts through?

So those who are operating and doing their best to make these broadcasts effective decided that such an offer would be helpful in the negotiating process. We immediately said, "No." Since we said, "No," there has been no further progress on the negotiating front. So, Mr. President, I hope we would give some attention to those who are charged with the responsibility of making Radio Free Europe and Radio Liberty a success. Give them the latitude to run their programs. Let us not try to run their programs from the floor of the Senate, by voting rather blindly for amendments that have superficial appeal but, in fact, do very serious mischief.

On that basis, I hope the Senate will reject this amendment. When the time comes I shall move to table it.

I reserve the remainder of my time.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Idaho yield for a couple of questions?

Mr. CHURCH. Yes, I am happy to yield.

(Mr. RIEGLE assumed the chair.)

Mr. HARRY F. BYRD, JR. The amendment was added last year. Can the Senator from Idaho inform the Senate why it was added last year? It is a part of the legislation, part of the statute, as it exists now. Whose amendment was it?

Mr. CHURCH. I can only say to the Senator that it was offered by Senator SCHMITT last year. It was adopted hastily because it seemed to make sense.

We have learned since from the people who are operating these broadcasts that it has been counterproductive and, on that basis, the committee felt we ought to repeal the prohibition.

Mr. HARRY F. BYRD, JR. Well, the prohibition said that Radio Free Europe and Radio Liberty facilities shall not be used by Communist countries unless Communist countries permit the United States to use their facilities. Is that a disadvantageous arrangement?

Mr. CHURCH. I say to the Senator it has proved to be. The fact of the matter is that there is little anticipation that the Communists will, in fact, attempt to accept the offer that is proffered to them.

However, it is a method for dealing with the jamming problem and has, in the opinion of those who are dealing with the Communists, the effect of improving their chances of negotiating an arrangement that will make it possible to reach the intended audience in Eastern Europe and the Soviet Union.

Mr. HARRY F. BYRD, JR. May I ask the Senator this question: As I understand it, the bill before us carries a figure of roughly $86 million for Radio Free Europe and Radio Liberty. Is it desirable that Communist nations should use the facilities operated by U.S. tax funds? Is it desirable that that be made available to the Communists, when the purpose of Radio Free Europe and Radio Liberty is to beam into the Soviet Union and Soviet satellites information from the free world?

Mr. CHURCH. I wonder if I might respond to the Senator by reading directly from the text of a letter we received from the State Department. In the letter sent to us by Richard D. Vine, Acting Assistant Secretary for European Affairs, I read beginning with the second paragraph:

> I am pleased that the Committee is reviewing the matter, because we believe the proposal has merit and should be given careful consideration. It was made by BIB as an alternative to the jamming of RFE/RL broadcasts. Because of this jamming the United States is spending substantial sums of money for more powerful transmitters. It can be assumed that the Soviet Union, at least, will install more powerful jamming equipment in response.
>
> A more sensible alternative to these rounds of expensive and mutually unproductive escalation would be elimination of jamming. The BIB's offer of air time is meant as a serious step in this direction. Cessation of jamming would increase the RFE/RL audiences in the Soviet Union. Czechoslovakia, Bulgaria, and Poland. For these countries it would end the embarrassment of being in direct violation of the Helsinki Final Act which they signed in 1975 and would provide them the right of reply on the station originating the broadcast about which they have a complaint.
>
> This proposal is fully in keeping with the democratic traditions of America. Its acceptance by the Soviet and Eastern European governments would in no way diminish the capability of RFE/RL for independent analysis and commentary. Moreover, if it led to cessation of jamming, several million more Soviet Union and Eastern European citizens would be able to hear that analysis and commentary.

Mr. President, I ask unanimous consent that the entire text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C.

Hon. FRANK CHURCH,
Chairman, Senate Foreign Relations Committee

DEAR MR. CHAIRMAN: I understand the Committee is reviewing the question of the Board for International Broadcasting's proposal offering a "right of reply" on Radio Free Europe/Radio Liberty to the Soviet Union and Eastern European governments. Under this proposal, the BIB would consider granting air time for these governments to respond to specific broadcasts on the basis of complaints that have merit. The Board made this proposal last year. Subsequently, however, an amendment was included in the Board's authorling legislation that would restrict its funds if these governments were granted air time on the Radios. That amendment effectively killed the proposal.

I am pleased that the Committee is reviewing the matter, because we believe the proposal has merit and should be given careful consideration. It was made by BIB as an alternative to the jamming of RFE/RL broadcasts. Because of this jamming the United States is spending substantial sums of money for more powerful transmitters. It can be assumed that the Soviet Union, at least, will install more powerful jamming equipment in response.

A more sensible alternative to these rounds of expensive and mutually unproductive escalation would be elimination of jamming. The BIB's offer of air time is meant as a serious step in this direction. Cessation of jamming would increase the RFE/RL audiences in the Soviet Union, Czechoslovakia, Bulgaria, and Poland. For these countries it would end the embarrassment of being in direct violation of the Helsinki Final Act which they signed in 1975 and would provide them the right of reply on the station originating the broadcast about which they have a complaint.

This proposal is fully in keeping with the democratic traditions of America. Its acceptance by the Soviet and Eastern European governments would in no way diminish the capacity of RFE/RL for independent analysis and commentary. Moreover, if it led to cessation of jamming, several million more Soviet Union and Eastern European citizens would be able to hear that analysis and commentary.

We are not optimistic that the proposal would be accepted by any of the countries to which Radio Free Europe and Radio Liberty broadcast. We believe the Board would have nothing to lose even if its offer were not accepted. If anything, its credibility would be enhanced merely by extending such an offer.

In any case, we believe the Board should be free to try to implement the proposal if it can. The legislation as it now stands, with the restrictive amendment, constitutes an obstacle to implementation of this proposal. The Department, therefore, favors removal of the restrictive amendments.

Sincerely,

RICHARD D. VINE,
Acting Assistant Secretary for European Affairs.

Mr. CHURCH. In other words, it is the position of the department that if this offer were accepted in exchange for the elimination of the jamming, we would be able to reach a great deal larger audience, and we are satisfied that the message we have to bring to that audience is sufficiently persuasive that it would be worth the price of commentary by the Communists in opposition to criticisms that they felt were unwarranted.

In other words, we are not afraid of a free exchange with the Communists, because we believe the case we bring to the people of Eastern Europe and the Soviet Union is a more persuasive case if we can reach them with these broadcasts.

Mr. HARRY F. BYRD, JR. So, then, as I understand it, the Soviet Union would be permitted, under the committee's proposal, to use Radio Free Europe or U.S. facilities to beam their messages into the Soviet Union and into the Soviet satellites?

Mr. CHURCH. I say to the Senator that the Soviet Union and the countries of Eastern Europe are not without their own broadcasting capabilities today. They are doing their best, not only to reach their own people, but to reach the people of Western Europe.

Mr. HARRY F. BYRD, JR. But why——

Mr. CHURCH. So we are simply making a proposition here which we think will better enable Radio Free Europe and Radio Liberty to reach a larger audience in the Communist world. We are not afraid of Communist commentary criticizing whatever we may have to say, because we believe our message will be the more persuasive.

Mr. HARRY F. BYRD, JR. Mr. President, it seems to me the law as it now stands is desirable. The committee proposal would permit the Communist countries to use U.S. tax-paid facilities for their own propaganda purposes. I am not sure that that is a very desirable proposal to be approved by the Senate.

If the Senator from Idaho wishes to yield back the remainder of his time, I will be glad to yield back the remainder of mine.

Mr. CHURCH. I thank the Senator very much. I simply say this is an experiment in the promotion of marketing free expression. If the time ever comes that we are afraid to take on the Communists or afraid to hear their arguments, then we are in deep, deep trouble. The glory of our free system is that we are willing to enter into open debate. We are willing to test our ideas on the anvil of such free discussion, because we believe that our society is so far superior to theirs, and the purpose of the committee's action is simply to give Radio Free Europe and Radio Liberty a tool with which they might be able to negotiate an end to the jamming, so that we can reach a larger audience and have a greater effect throughout Eastern Europe and the Soviet Union.

On that basis, I oppose the amendment of the Senator from Virginia, and I would hope that the Senate would reject it.

Mr. HARRY F. BYRD, JR. I yield back the remainder of my time.

Mr. CHURCH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Virginia.

(Putting the question).

The Chair is in doubt.

Mr. CHURCH. Mr. President, I ask for a division.

On a division, the amendment was rejected.

Mr. CHURCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be permitted to submit its report on the International Security Assistance Act of 1979 on tomorrow, May 11, 1979.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—and I make the following amended unanimous-consent request after consultation with Mr. CHURCH, Mr. JAVITS, the distinguished minority leader, Mr. HELMS, Mr. TSONGAS, Mr. HARRY F. BYRD, JR., Mr. JACKSON, and Mr. SCHWEIKER—as follows:

That the Senate proceed on Monday to take up the Middle East assistance package, with a time agreement thereon of 3 hours, to be equally divided between Mr. CHURCH and Mr. JAVITS; that there be a time limitation on any amendment of 1 hour, on any amendment in the second degree of 30 minutes, and on any debatable motion, appeal, or point of order, if such is submitted to the Senate, of 20 minutes, and that the agreement be in the usual form, which means that the Senators who control the time may yield therefrom, if need be, to other Senators:

That no nongermane amendments be in order with one exception, that being an amendment by Mr. HELMS, a nonproliferation amendment, which Mr. JAVITS and Mr. CHURCH understand but I do not, there being a limitation of 1 hour on that amendment.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, I just wish to state, Mr. Church and I both being for the bill.

I wish to express my understanding that there are Members in opposition. It will be our duty to see that they are accommodated with appropriate time allocations.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I believe that the agreement in the usual form takes care of this reservation Mr. Javits made because in that case the minority leader would have the time in opposition to an amendment. Am I correct?

Mr. President, has that been agreed to?

The PRESIDING OFFICER. Yes.

Mr. ROBERT C. BYRD. I thank the Chair.

The text of the agreement follows:

Ordered, That when the Senate proceeds on Monday, May 14, 1979, to the consideration of S. 1007 (Order No. 114), a bill to authorize supplemental international security assistance for the fiscal year 1979 in support of the peace treaty between Egypt and Israel and related agreements, and for other purposes, debate on any amendment in the first degree shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill; debate on any second degree amendment shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill; and debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further,* That no amendment (except an amendment by the Senator from North Carolina (Mr. Helms), relative to non-proliferation) that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said bill, debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the Senator from New York (Mr. Javits) and the Senator from Idaho (Mr. Church): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

UNANIMOUS-CONSENT AGREEMENT, S. 586

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to the State Department authorization bill, the Senate resume consideration of that bill on Tuesday; that paragraph 3 of rule XII be waived; that there be 2 hours on an amendment by Mr. Helms, dealing with Rhodesia, and 1 hour each on two other amendments; there be 1 hour on Mr. Schweiker's amendment, and 1 hour on any other amendment; that the time of passage occur no later than 6 o'clock p.m.; that there be 30 minutes on any amendment in the second degree or debatable motion and 20 minutes on points of order if such be submitted to the Senate, and that the agreement otherwise be in the usual form.

Mr. BAKER. Mr. President, reserving the right to object, I think it qualifies in any event, but I want to make sure that the Schweiker amendment or resolution is fully qualified under this request.

Mr. ROBERT C. BYRD. It would be.

Mr. JAVITS. If the Senator will yield, what is the Schweiker amendment?

Mr. HELMS. It is a sense of the Senate amendment regarding Rhodesia.

Will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. HELMS. I have a small problem about 6 o'clock because, as the Senator knows, I also sit on the Ethics Committee. We do not finish until 1 o'clock or thereafter. I would ask the managers to bear that in mind in scheduling amendments because I cannot be on the floor until the committee has finished on that day.

Mr. ROBERT C. BYRD. What time will the Senator be finished?

Mr. HELMS. We are finished no later than 1 o'clock.

Mr. ROBERT C. BYRD. So that the Senator may be fully protected, let us make the final vote, paragraph 3 of rule XII being waived, no later than 8 p.m. on Tuesday.

Mr. HELMS. It is with this Senator's assurance that I will consume no more time than absolutely necessary.

Mr. ROBERT C. BYRD. The Senator does not have to give that assurance.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

The text of the agreement follows:

Ordered, That on Tuesday, May 15, 1979, when the Senate resumes consideration of S. 586 (Order No. 118), a bill to authorize appropriations for the Department of State, International Communication Agency, and Board for International Broadcasting for fiscal years 1980 and 1981, and a supplemental authorizataion for State for fiscal year 1979, and for other purposes, debate on any amendment in the first degree (except an amendment by the Senator from North Carolina (Mr. Helms), relative to Rhodesia, on which there shall be 2 hours) shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill; debate on any amendment in the second degree or debatable motion shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill; and debate on any appeal or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further,* That no amendment (except two amendments by the Senator from North Carolina (Mr. Helms) and one amendment by the Senator from Pennsylvania (Mr. Schweiker)) that is not germane to the provisions of the said bill shall be received.

Ordered further, That the vote on final passage of the bill occur no later than 8 p.m. on Tuesday, May 15, 1979.

Mr. ROBERT C. BYRD. We have an agreement on the Middle East assistance package, do we not?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Then, Mr. President, we have an agreement on the Middle East package for Monday. We have an agreement that sees the Senate complete action on the State Department authorization bill no later than 8 o'clock p.m. on Tuesday.

Mr. President, I thank the distinguished minority leader, the distinguished manager of the bill, the ranking manager, Mr. Helms, Mr. Schweiker, and all other Senators.

NO FURTHER ROLLCALL VOTES TODAY

Mr. President, there will be no more rollcall votes today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUMPTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a resumption of routine morning business, that Senators may make statements therein up to 10 minutes each, and that the period not extend beyond 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

ANNUAL REPORT OF THE DEPARTMENT OF ENERGY—MESSAGE FROM THE PRESIDENT—PM 71

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

I am pleased to transmit the first Annual Report to Congress on the activities of the Department of Energy. The Report describes the range of activities and programs of the Department of Energy and the objectives they are designed to achieve. The second National Energy Plan, which I have transmitted separately to the Congress, supplements the Annual Report to meet the statutory requirements of Section 657 of the Department of Energy Organization Act (Public Law 95-91).

JIMMY CARTER.

THE WHITE HOUSE, *May 10, 1979.*

of the Senate, Speaker of the House of Representatives and each member of the Illinois Congressional delegation."

POM-215. A concurrent memorial adopted by the Legislature of the State of Arizona; to the Committee on Commerce, Science, and Transportation:

"SENATE CONCURRENT MEMORIAL 1004

"Whereas, the primary responsibility for regulating speed limits and enforcing traffic safety laws in this country rests with state and local officials; and

"Whereas, state and local governments are responsible for the health, safety and welfare of their citizens who utilize this nation's roads and highways; and

"Whereas, uniform speed limits are not necessarily suitable in all areas of this country, due to differences in climate, terrain and traffic load; and

"Whereas, states which repeal the fifty-five mile per hour speed limit are threatened with the loss of millions of dollars in federal funding for highways; and

"Whereas, this federal restriction severely infringes upon a state's ability to govern and protect its people; and

"Whereas, local officials are just as capable to recognize a national energy crisis if one occurs; and

"Whereas, if gasoline shortages develop, local officials will be able to quickly respond to the crisis.

"Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

"1. That the Congress of the United States act promptly to remove restrictions on the ability of the states to regulate speed limits.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation."

POM-216. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Labor and Human Resources:

"HOUSE CONCURRENT RESOLUTION NO. 89

"Whereas, Public Law 94-142, the Education of All Handicapped Children Act of 1975, mandates states to provide 'free appropriate public education' to all handicapped children between the ages of 3 and 21, regardless of the severity of handicap, by September 1, 1980; and

"Where, the provision of the Act is consistent with Hawaii's goal and commitment to assure equal educational opportunities for all children and exceptional children, in particular, through chapter 301, Hawaii Revised Statutes, and

"Whereas, the State's commitment is demonstrated in the increase in number of handicapped children served from 5,514 in December 1974, to 9,333 in December 1978, at an increase in state expenditures in fiscal year 1975 of $8,800,661 to $17,665,932 in fiscal year 1979; and

"Whereas, the spiraling costs of current services and additional resource requirements for 3- and 4-year-old handicapped students, speech-impaired handicapped, diagnostic services, and related services of speech, occupational and physical therapy, and counseling, would require a projected fiscal year 1981 budget of $22,026,216, excluding transportation costs; and

"Whereas, the highly prescriptive nature of Public Law 94-142 mandates unrealistic timelines, insensitivity to the fiscal limitation of states in meeting the multitude of emereging social needs, and disregard of the Constitutional responsibility of education by individual states; and

"Whereas, the cost of such programs and services intended to be shared, in accordance with Public Law 94-142, by the federal government at a rate of 5 per cent in 1978, 10 per cent in 1979, 20 per cent in 1980, 30 per cent in 1981, and 40 per cent in 1982, and for each fiscal year after 1982, is estimated to be inadequate; and

"Whereas, the federal government's level of contribution to the cost of assuring programs and services to the handicapped has been less than provided for in the Act; now, therefore,

"Be it resolved by the House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, the Senate concurring, that the United States President and Congress are respectfully requested to enact legislation necessary to provide the full funding outlined in the Act as the federal commitment to handicapped children; and

"Be it further resolved that the State of Hawaii and other states be granted immediately the full funding stipulated in the Act for 1982 so that all handicapped children can be provided a free appropriate public education immediately and the provision of the Education of All Handicapped Children Act may become a reality; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States; the President of the United States Senate; the Speaker of the United States House of Representatives; the Secretary of Health, Education, and Welfare; and to each member of the Hawaii delegation to the United States Congress."

POM-217. A resolution adopted by the Legislature of the State of Illinois; to the Committee on Foreign Relations:

"Whereas, the Republic of China on Taiwan is the sovereign and legitimate government of the 71 million free Chinese living there; and

"Whereas, the Republic of China on Taiwan is a faithful ally of the United States of America; and

"Whereas, the Shanghai Communique signed in 1972 between Chou En-Lai and Richard Nixon acknowledged that both Peking and Taipei claimed to be the legitimate government of all China; and

"Whereas, the Shanghai Communique did not preclude diplomatic relations with both Taipei and Peking; therefore, be it

"Resolved, by the House of Representatives of the Eighty-First General Assembly of the State of Illinois, that President Carter is urged to establish official government relations with the Republic of China, and that the Congress of the United States is urged to take any necessary action to provide specific security guarantees for the Republic of China; and, be it further

"Resolved, that the President and the Congress demand written guarantees from the leadership of the People's Republic of China that it will not use military force to reunify the Republic of China (Taiwan) with the mainland, and that the President and the Congress provide military material necessary to guarantee the security and continued freedom of the people of Taiwan; and be it further

"Resolved, that the Congress is urge to use any and all parliamentary procedures at its command to withhold approval and implementation of the legislative proposals presented by President Carter as a consequence of his withdrawal of recognition of the Republic of China until firm guarantees for the future security of the Republic of China are established; and, be it further

"Resolved, that all citizens of our State are urged to join in support for the freedom of the Republic of China and that a copy of this resolution be transmitted, by the Office of Secretary of State, to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States, and to each member of the Illinois delegation in the Congress of the United States."

POM-218. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Veterans' Affairs:

"HOUSE CONCURRENT RESOLUTION NO. 23

"Whereas, the militia of the State is responsible for the public safety and internal security of Hawaii's residents; and

"Whereas, Hawaii's National Guard is an integral component of the militia of the State; and

"Whereas, National Guard obligations require time off from civilian employment for discharging military responsibilities; and

"Whereas, reemployment rights are necessary to protect National Guard members whose civilian employment is interrupted by a call to public duty; and

"Whereas, federal laws provide reemployment rights for members of the National Guard only when discharging duties under federal orders (38 U.S.C., sections 2021, 2024); and

"Whereas, federal laws do not provide reemployment rights to National Guard members when they are called up by state governors; and

"Whereas, the Constitution of the State of Hawaii at Article IV, section 5, empowers the Governor to call out the National Guard for special or emergency duty in times of flood, fire, earthquake, strikes, riots, prison breaks, and the like; and

"Whereas, state law presently grants reemployment rights to state employees, who, pursuant to an order from the Governor are ordered into active National Guard service; and

"Whereas, federal employees called to National Guard duty by the Governor are not protected by such reemployment rights; and

"Whereas, only federal laws can provide for such reemployment rights for federal employees; now, therefore,

"Be it resolved by the House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, the Senate concurring, that the members of Hawaii's congressional delegation are requested to support the passage of federal legislation establishing reemployment rights for federal employes who are ordered to National Guard duty by their state governor; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of Hawaii's congressional delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, with amendments:

S. Res. 106. A resolution relating to consideration of a nomination to the post of Ambassador to Afghanistan (Rept. No. 96-127).

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 157. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 1787. Referred to the Committee on the Budget.

H.R. 1787. An act to authorize a supplemental appropriation to the National Aeronautics and Space Administration for research and development (Rept. No. 96–128).

S. 758. A bill to authorize appropriations for the fiscal years 1980 and 1981 under the International Investment Survey Act of 1976, and for other purposes (Rept. No. 96–129).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment:

S. 590. A bill to amend the Public Health Service Act to revise and strengthen the program under that Act for the regulation of clinical laboratories (together with additional views) (Rept. No. 96–130).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIBICOFF, from the Committee on Governmental Affairs:

James H. Duffy, of Maryland, to be a Commissioner of the Postal Rate Commission.

(The above nomination from the Committee on Governmental Affairs was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. RIBICOFF, from the Committee on Governmental Affairs (Ex. Rept. No. 96–1):

Allan L. Reynolds, of Virginia, to be Inspector General, Veterans' Administration.

June Gibbs Brown, of Colorado, to be Inspector General, Department of the Interior.

Frank Saburo Sato, of Virginia, to be Inspector General, Department of Transportation.

Marjorie Fine Knowles, of Alabama, to be Inspector General, Department of Labor.

(The above nominations from the Committee on Governmental Affairs were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. WILLIAMS, from the Committee on Labor and Human Resources:

The following-named persons to be Members of the National Science Board, National Science Foundation:

Eugene H. Cota-Robles, of California;
Ernestine Friedl, of North Carolina;
Wakter Eygebe Massey, of Rhode Island;
David V. Ragone, of Michigan;
Edwin Ernest Salpeter, of New York;
Charles Pence Slichter, of Illinois;
Michael Kasha, of Florida; and
Lewis M. Branscomb, of New York.

(The above nominations from the Committee on Labor and Human Resources were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JAVITS (for himself, Mr. DANFORTH, and Mr. JACKSON):

S. 1110. A bill to include home delivery of children's publications in the existing rates for children's publications sent to schools; to the Committee on Governmental Affairs.

By Mr. HEINZ:

S. 1111. A bill to continue until the close of June 30, 1982, the existing suspension of duties on manganese ore (including ferruginous ore) and related products; to the Committee on Finance.

By Mr. LEAHY:

S 1112. A bill to eliminate the exemption for Congress or for the United States from the application of certain provisions of Federal law relating to employment, privacy, and social security, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MATSUNAGA:

S. 1113. A bill for the relief of the heirs, successors, or assigns of Sadae Tamabayashi; to the Committee on the Judiciary.

By Mr. THURMOND (by request):

S. 1114. A bill to amend section 1902 of title 38, United States Code, to extend eligibility for automobile adaptive equipment to certain additional veterans; to the Committee on Veterans' Affairs.

S. 1115. A bill to amend title 38, United States Code, to provide additional compensation for dependents of certain veterans with service-connected disabilities; to the Committee on Veterans' Affairs.

S. 1116. A bill to extend section 3012 of title 38, United States Code, to extend to 120 days the period between notice of, and the effective date for, the reduction or discontinuance of compensation, dependency and indemnity compensation, or pension; to the Committee on Veterans' Affairs.

S. 1117. A bill to amend title 38, United States Code, to provide special housing assistance to certain veterans with permanent and total service-connected disabilities; to the Committee on Veterans' Affairs.

S. 1118. A bill to amend title 38, United States Code, to provide additional compensation for dependent parents of certain veterans with service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. McCLURE (for himself, Mr. CHURCH, Mr. HATFIELD, Mr. JACKSON, Mr. JOHNSTON, and Mr. MATSUNAGA):

S. 1119. A bill to direct the Secretary of the Interior to report to the Congress on plans or projects affecting the territories and possessions of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MATSUNAGA:

S. 1120. A bill for the relief of Judge Louis LeBaron; to the Committee on the Judiciary.

By Mr. HAYAKAWA (for himself, Mr. HATCH, Mr. SCHMITT, and Mr. HARRY F. BYRD, JR.):

S. 1121. A bill to amend the Saccharin Study and Labeling Act; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS (for himself, Mr. DANFORTH, and Mr. JACKSON):

S. 1110. A bill to include home delivery of children's publications in the existing rates for children's publications sent to schools; to the Committee on Governmental Affairs.

Mr. JAVITS. Mr. President, I send to the desk a bill to reduce the rates for postage for the publishers of children's magazines which carry no advertising. This is an extremely valuable educational tool for the children of the United States. These enterprises are slowly being put out of business, unless they have a rate which enables them to stay in business. That is possible under the postal schedule if they are given the proper classification.

Mr. President, the bill I am introducing, along with my colleagues Senators DANFORTH and JACKSON, would allow certain children's publications to be mailed to the home at the same reduced rate which is currently in effect for publications which are mailed to the classroom.

Rising postal costs are a concern to all magazines, but present a particular problem to children's magazines which depend on subscription circulation for their revenues. Few, if any, juvenile magazines are sold on the newsstands. Thus, the mailing of subscription copies, plus the mailing of bills and direct mail subscription solicitation, are all affected directly by rising postage rates.

Furthermore, the current rate structure of second-class postage ignores the fact that children's magazines carry virtually no advertising. This is reflected in the per piece second-class postage charge which is the same for all magazines regardless of whether they carry advertising or not. Mass magazines, most of which enjoy every substantial advertising revenue, pay the same per piece charge as children's magazines which carry no advertising.

Magazines which do carry advertising have the option of raising their advertising rates in order to offset the increase in second-class rates. The Publishers Information Bureau recently announced that magazine advertising revenues increased 20 percent in 1978. Children's magazines, however, have no choice but to raise their subscription rates. And, with each increase fewer magazines reach fewer children.

Also, there is a limit to the amount a subscription price can be raised to cover rising postal rates. One publisher informed me that a 20 percent increase in the subscription price in 1978 saw a corresponding drop of 27 percent in new subscription orders and, moreover, that since 1964 while the average sales price of the magazine has increased 161 percent, the postage cost has increased 899 percent.

Many of my colleagues will recall that the postal reorganization provided that any class of mail which under the former law paid a rate which was less than the rate to be established by the newly established Postal Service in its first-rate schedule, would be entitled to a period of adjustment to reach the rate prescribed. Currently, the law provides 8 years for regular rate second-class mail to phase-in the increase. The final phase is scheduled to become effective in July of this year. The following chart reflects the average postal increases the children's magazines have had to absorb in the past year alone.

	In cents			
	Per piece charge	Per copy charge for adv/edit matter	Total per copy cost	Percent of increase over Aptil 1978 costs
April 1978	0.028	0.01124	0.0392	----------
May 1978	.037	.01264	.0496	26
July 1978	.054	.0154	.0694	77
July 1979	.070	.0182	.0882	125

Certain costs, of course, can be controlled such as those for paper, printing ink, and production by reducing the size or use of color. For example, in testimony before the Subcommittee on Energy, Nuclear Proliferation and Federal Services, the Curtis Publishing Co., stated that since 1970 it had reduced the size of its magazine from 64 pages to 48 pages; reduced the number of issues from 12 a year to 10; and reduced the number of pages of color from 64 to 10. As I have stated, however, in spite of such actions the cost of the magazine both to the publisher and the subscriber has increased dramatically.

I have received letters from five of the major publishers of children's magazines each expressing concern over the existing rate structure and each advising me of the same conclusion—they cannot afford to continue publishing if revenue losses continue to occur. But, most importantly, it is the children who are the real losers.

Mr. President, by redefining the classroom rate, my bill would provide the necessary relief to the children's publishers to allow them to continue. My bill would extend the current classroom rate to include those religious, educational or scientific publications that are designed specifically for use at home as supplemental, educational reading by children up to 14 years of age. Additionally, the bill would prohibit those publications that contain paid advertising from receiving the reduced, thus precluding publications which may be viewed as having questionable educational value.

Furthermore, I believe that this bill recognizes the importance of supplemental reading to the educational process. Juvenile magazines offer children hours of reading each month which is designed to challenge their minds, develop language skills, and stimulate creativity.

The year 1979 has been proclaimed, "International Year of the Child", and I believe it would be appropriate to enact legislation which will benefit the development of the children of this Nation.

I ask unanmious consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3626 of title 39, United States Code, is amended by adding the following new subsection at the end thereof:

"(e) In the administration of this section, the rate for a religious, education or scientific publication, other than a publication of a qualified nonprofit organization (within the meaning of former section 4358 (1) (2)), which is designed specifically for use at home as supplemental, educational reading by children fourteen years of age and younger, and which does not contain paid advertising, when mailed between a publisher or a distributor and the residence of the child, shall be the rate currently in effect for a classroom publication (within the meaning of former section 4358(j) (1) of this title).".

By Mr. LEAHY:

S. 1112. A bill to eliminate the exemption for Congress or for the United States from the application of certain provisions of Federal law relating to employment, privacy, and social security, and for other purposes; to the Committee on Governmental Affairs.

Mr. LEAHY. Mr. President, a year ago I introduced a bill which appeared very simple, but whose result would effectively alter the conditions of employment on Capitol Hill. I knew at the time that my proposal would be met with skepticism. I did not, however, anticipate the cold reception both the bill and I eventually received.

Legislation passed over the past 75 years comprises some of the Congress' greatest achievements:

The Civil Rights Act of 1964.

The Equal Employment Opportunity Act of 1972.

The Equal Pay Act.

The Fair Labor Standards Act.

The National Labor Relations Act.

The Occupational Safety and Health Act.

The Social Security Act.

The Freedom of Information Act.

The Privacy Act.

Collectively, these laws spell out civil, social, physical, and economic rights and standards for the American people. This list, I regret to say, is incomplete. This list is incomplete because it fails to cover the employees of the very men and women who have drafted, debated, and voted on these laws.

Today, Mr. President, I am reintroducing that legislation to bring the congressional employees under the coverage of these laws.

America may have witnessed the demise of the great southern plantation system, a social, economic, and political way of life whose last vestiges have disappeared over time since the Civil War. But there is one last plantation that exists, and flourishes, today. This plantation does not produce cotton, nor even tobacco. The last plantation is the Congress itself which has shielded itself from the ravages of time and the effects of the laws it passes.

That these laws do not apply to congressional employees, nor to the Members of either House is a continuing source of embarrassment and injustice. We who pass these laws and direct all other citizens to abide by them are unwilling to place ourselves under the same responsibilities and restrictions. We have exempted ourselves from their coverage in the text of the laws.

Removing the congressional exemption from the Civil Rights Act of 1964, and the bill amending it, the Equal Employment Opportunity Act of 1972, would make Congress subject to the same restrictions upon employment discrimination which apply to the rest of the country. This is not to say that it would prevent all racial, religious or sexual discrimination in employment practices on the Hill, but it would give individual employees legal redress that they do not presently enjoy.

Subjecting Congress to the provisions of the Equal Pay Act and the Fair Labor Standards Act would give legal recognition to the women who currently, and all too correctly, charge they are not receiving equal pay for equal jobs.

Extending coverage under the National Labor Relations Act to congressional employees seems to me another obvious step. Last year we debated extensively, and at times very heatedly, the labor law reform bill. Those of us who supported it proclaimed that it would be good for the country's workers and managers. Although the Senate failed to complete action on the amendments, why should not the same protections of that act be extended to our own employees?

I am particularly mindful of the many congressional employees in support positions, in the restaurants, in the numerous maintenance shops and others. Why is not what is good for management and labor in the rest of the country also good for management and labor in Congress?

The Occupational Safety and Health Act must be mentioned in the same breath. Congressional employees deserve the protection of the act, and we should have to live by the same OSHA standards that we have imposed upon the rest of the country's employers. I seriously doubt that a single Senate office could meet OSHA standards. Why should we not have to take the same remedial action private employers are forced to take?

Two years ago Congress passed legislation that raised the social security taxes. At the same time we failed to incorporate ourselves and our employees into the Social Security system, a mistake which many of us are now admitting. I do not see why we should be excluded from either the program's benefits or the tax bite. Individuals in the private sector who participate in voluntary pension programs must also partake of social security, so again I must ask, why not Congress?

When the Congress passed the Freedom of Information Act, we made it national policy and law that an individual has the right to petition the Government for information held by the Government.

Again, when we passed the Privacy Act, we made it Federal law that the Government must place better safeguards on the files it keeps on individuals, including allowing those individuals to examine their files and correct erroneous information.

But those rights of private individuals do not extend to the information or files within the walls of Congress. How is that fair, much less rational?

Several of these laws and their congressional exemptions are currently being tested in the courts. Both Houses of Congress are also discussing some rules changes to accommodate needed reforms. It would be much simpler and more effective if Congress, on its own initiative, took the optimum course—joining the rest of the country under the provisions of these Federal laws.

I did not expect accolades from my colleagues when I introduced this bill last year, nor, I must admit, do I expect them this year. I knew that it would be difficult to get this bill passed. Many of my colleagues questioned the utility of the bill, of removing the built-in congressional exemptions. I responded by asking them how we can justify to ourselves and to the country this continued legalized discrimination within our own offices, particularly in light of the far-reaching social and civil reforms we have pressed upon the private sector.

Only two of my colleagues joined me last year as cosponsors. Not a resounding reception of a bill whose time has not only come but is painfully overdue. Mail from all across the country flooded my office, responding to press accounts of the bill. The people writing me expressed dismay, shock, and disgust after realizing that we, the overseers of the last plantation, have cloaked ourselves in regal robes and declared that we are above the laws we have deemed necessary for the good of the rest of the country.

My bill may have been taken lightly last session, but if the mail I received from every part of the country is any indication, some may believe it is time to look at it again this year. Some of my colleagues may believe that I am introducing this again for the press coverage it will receive.

Mr. President, my colleagues may think what they will about this legislation and about my motives. I, however, do not take it lightly. This is an issue that has bothered me since I arrived in the Senate 5 years ago. It is also an issue that I refuse to stand by and let it be swept under someone's rug.

These wrongs will not right themselves. Equality and justice will not come to congressional employees unless we, the employers, take positive action and extend to these people the same protection and the same responsibilities that we have provided the average American citizen.

If the Congress is to retain any credibility at all with the public, we must eliminate this double standard. We are not a righteous body beyond the restrictions of the laws we pass.

I am putting my colleagues on notice that this is an issue that will be reckoned with. I intend to see that hearings are held and that this blight on the Congress is removed, once and for all.

If I cannot succeed in scheduling hearings on the legislation, I will offer the bill in parts or in whole as riders to appropriate legislative vehicles in order to force recorded votes on this issue.

Simple equity and fairness demand passage of this legislation this year. It is time that we in Congress begin to live by the same rules and regulations that we have set for others. It is time that we remove this double standard.

Mr. President, I ask unanimous consent to have printed in the Record copies of newspaper articles and editorials and the text of the bill.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 1112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to eliminate the exemption for the Congress or for the Federal Government, as the case may be, in the provisions of Federal law described in this Act.

EQUAL EMPLOYMENT OPPORTUNITY

Sec. 2. (a) Section 717(a) of the Civil Rights Act of 1964 is amended by striking out "in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service" and inserting in lieu thereof "in all units of the legislative branch of the Federal Government, and in those units of the judicial branch of the Federal Government having positions in the competitive service".

(b) Section 717(b) is amended by adding at the end thereof the following new sentence: "With respect to employment in any unit of the legislative branch of the Federal Government (except the Library of Congress), authorities granted in this subsection to the Civil Service Commission shall be exercised by the Equal Employment Opportunity Commission.".

LABOR MANAGEMENT RELATIONS

Sec. 3. (a) Section 2(2) of the National Labor Relations Act is amended by striking out "but shall not include the United States or any wholly owned Government corporation, or" and inserting in lieu thereof the following: "and includes the United States, and any unit of the legislative branch of the Federal Government, but shall not include".

(b) (1) Section 7 of such Act is amended by striking out "Employees" and inserting in lieu thereof "Except as provided in subsection (b), employees".

(2) Section 7 of such Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) Nothing contained in the provisions of subsection (a) of this section shall be construed to limit the application of the provisions of section 7311 of title 5, United States Code.".

FAIR LABOR STANDARDS; EQUAL PAY

Sec. 4. Section 3. (e) (2) (iii) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(iii) in any unit of the legislative branch of the Government, or in any unit of the judicial branch of the Government which has positions in the competitive service,".

OCCUPATIONAL SAFETY AND HEALTH

Sec. 5. (a) Section 3 (5) of the Occupational Safety and Health Act of 1970 is amended by striking out "but does not include the United States or" and inserting in lieu thereof "and does include the United States (including any unit of the legislative branch of the Federal Government) but does not include".

(b) Section 3 (6) is amended by inserting before the period a comma and the following: "and the employees of the United States (including any unit of the legislative branch of the Federal Government) shall be deemed to be employed in a business affecting commerce for the purpose of this Act.

FREEDOM OF INFORMATION AND PRIVACY

Sec. 6. Section 552 (e) of title 5, United States Code, is amended by inserting before the period a comma and the following: "or any unit of the legislative branch of the Federal Government".

SOCIAL SECURITY

Sec. 7. (a) (1) Section 210(a) (6) (C) of the Social Security Act is amended—

(A) by amending clause (i) to read as follows:

"(i) as the President of the United States;"; and (B) by repealing clause (ii) thereof.

(2) Section 210 (a) (6) of such Act is amended by adding at the end thereof the following new subparagraph:

"(D) Except that the preceding provisions of this paragraph shall not apply with respect to service performed as a Member of Congress (as defined in section 2106 of title 5, United States Code) or in the legislative branch;".

(b) (1) Section 3121 (b) (6) (C) of the Internal Revenue Code of 1954 (relating to definition of employment) is amended—

(A) by amending clause (i) to read as follows:

"(i) as the President of the United States;"; and

(B) by repealing clause (ii) thereof.

(2) Section 3121 (b) (6) of such Code is amended by adding at the end thereof the following new subparagraph:

"(D) Except that the preceding provisions of this paragraph shall not apply with respect to service performed as a Member of Congress (as defined in section 2106 of title 5, United States Code) or in the legislative branch;".

EFFECTIVE DATE

Sec. 8. (a) Except as provided in subsection (b), the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

(b) The amendments made by section 7 of this Act shall be effective with respect to taxable years beginning after December 31, 1979.

[From the Enid (Okla.) Morning News,
June 11, 1978]

Congress Feasts on Exemptions

How about Congress applying the Golden Rule to itself? It would make a lot of people happy if Congress would do unto themselves as they have done unto others.

The fact is, Congress has adopted a practice of exempting itself while legislating laws for the rest of us. Now a Senator from Vermont, Sen. Patrick Leahy, would change all this. He has introduced a bill that would outlaw congressional exemptions.

Let's take a look at some of these exemptions. Workers all across the land are screaming because of the horrendous hike in Social Security rates and the full impact is yet to be felt. Many of them worry that the system may not be around when they need it. But not the workers in Congress. They exempted themselves from Social Security.

Everybody in the business world has heard of OSHA's conflicting requirements that have managers and superintendents tearing their hair in frustration. Not so for Congress, they exempted themselves from all that.

Employers across the nation are wrestling with affirmative action quotas for minorities, but congressmen hire whom and how they please. They exempted themselves from all that.

Add to this other irritants. Congressmen have free mailing privileges, free transportation to and from their home for so many trips a year. They have staffs that range up to 20 people and cost the taxpayers up to $250,000 per year. Put all these things together and they add up to hypocrisy and low esteem for members of Congress. They add up to what the public feels is double dealing.

When he introduced his bill to fellow Senators, Sen. Leahy said, "It is time that we in Congress begin to live by the same rules we have set for others. We should no longer allow such a double standard."

Chances are Leahy's bill doing away with congressional exemptions will not get out of committee. However, if the people had a chance to vote on it, our guess is that it would pass by an overwhelming margin.

Now that a congressional margin is getting underway, it is a good time to ask candidates how they feel about all these special privileges and special exemptions for Congress. Like the revolt in California, one day there may be a revolt against congressional double dealing.

[From the Milwaukee Journal, May 17, 1978]

Congress Told to Do as It Says

Washington, D.C.—UPI—Wanted: Employees who do not want legal protection against discrimination, oppose unionization and are willing to work in a place that does not have to meet health and safety standards. Apply U.S. Congress.

In writing nine major laws covering civil, social, physical and financial rights, Congress exempted itself and all its employes.

Now, Sen. Patrick Leahy (D–Vt.), with the backing of Common Cause, has introduced legislation to eliminate those exemptions and end the double standard that separates the congressional employes and those in the private sector.

"It is time that we in the Congress begin to live by the same rules we have set for others," Leahy said.

[From the Palm Springs (Calif.) Desert Sun]

Popularity Vs. Perquisites

Congress should obey the rules it imposes on others. It often doesn't. Sen. Patrick Leahy finds this fact a source of "embarrassment and injustice" and proposes to end Congress' exemption from nine major laws. Don Quixote, it seems is alive and serving in the U.S. Senate from Vermont.

Congress exempts itself from, among other laws, the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, the Equal Pay Act, the Fair Labor Standards Act, the National Labor Relations Act the Occupational Safety and Health Act, the Social Security Act, the Freedom of Information Act and the Privacy Act.

The embarrassment mentioned by Sen. Leahy stems from the fact that Congrress evades restrictions and responsibilities it has legislated for others. The injustice flows from the fact that employees of Congress do not share the protection provided for others in these measures.

Which leads David Cohen, president of Common Cause, to observe:

"For Congress to set itself apart with a double standard breeds disrespect for our institutions and creates a climate for poor congressional performance. Not until Congress recognizes its responsibility to apply to itself the standards it decrees for us and to punish itself when it strays, will the institution have the respect of the American people."

Perhaps Cohen exaggerates the effect of this lone issue upon public opinion. But certainly Congress' double standard is one of several reasons why the legislative branch consistently scores so poorly in the popularity polls.

The question boils down to whether Congress prefers popularity over perquisites. The record shows that it is willing to give up a measure of the former in behalf of the latter.

It's a good risk, since the public so often fails to translate its low opinion of Congress as a whole into practical action on election day against individual members. Further, just as it has exempted itself from bothersome rules, Congress has given its members financial and other advantages that tend to entrench incumbents and discourage challengers.

In short, Congress enjoys built-in protection against the rigors of accountability. It protects itself with the same authority it uses to antagonize public opinion. Under these circumstances, why subject itself to the laws it writes for others?

Poor Sen. Leahy. He would have better luck against real windmills.

[From the Wall Street Journal, July 10, 1978]

Congress: The Last Plantation?

(By James M. Perry)

WASHINGTON.—"In the 5½ years I've been in the Senate I've never seen a proposal that created such an uproar," says Sen. Dick Clark, the Iowa Democrat.

Proposition 13? Jets for Saudi Arabia?

Nothing like that at all. What Mr. Clark is talking about is a relatively simple proposal to establish grievance machinery for any of the Senate's 6,500 employes who may feel they have been discriminated against.

The way things stand now, there's not much a Senate (or a House) employe can do—except quit. He serves at the whim of his senatorial or congressional master. The laws that apply to the rest of us do not apply to the Congress. Most congressional employes work under conditions that would outrage an OSHA inspector—but it makes no difference, because Congress exempted itself from the Occupational Safety and Health Act. Members of Congress can't say on their literature that they are "equal opportunity employers" because they exempted themselves from the Equal Employment Opportunity Act.

Title VII of the Civil Rights Act of 1964 says employers can't refuse to hire workers on the basis of race, religion, sex or national origin. The law doesn't apply to Congress. The Equal Pay Act says women doing the same job must be paid the same as men. The law doesn't apply to Congress, where female staffers ran off a survey that demonstrated women really are not paid anything like men on Capitol Hill.

SENATOR LEAHY'S VIEW

"We are pretty isolated up here," says Sen. Patrick J. Leahy, Vermont Democrat. "We make it worse by insulating ourselves from all the laws we pass. We can't know what the effect of our own lawmaking is if we don't apply it to ourselves."

So Mr. Leahy has introduced legislation to force Congress into compliance with the Civil Rights Act, the National Labor Relations Act, the Social Security Act (Congress has its own pension system), the Equal Pay Act, the OSHA laws, and the Freedom of Information and Privacy Acts, among others. A similar bill has been introduced in the House.

"I do not raise this issue idly," Mr. Leahy told his colleagues. "It will not fade away, at least not as long as I am in the Senate. . . ." If his legislation becomes bogged down in committee, he promised he would offer all or parts of it as amendments on the Senate floor.

"That's fine," says Olga Grkavac of the Capitol Hill Women's Political Caucus. "We support Sen. Leahy wholeheartedly but we think realistically we can get more immediate relief from the proposal the Senate is now considering."

Even the modest proposal Ms. Grkavac is talking about—it would set up a Fair Employment Relations Board—is something of a fluke. Back on Feb. 23, 1977, when the Senate's Special Committee on Official Conduct was writing an ethics code, Sen. Clark slipped in a Rule L to forbid discrimination in hiring, promotion and compensation. He also tried to slip in a section to forbid Senators from using their employes to cut their grass, write their outside speeches or run their errands. It was obviously too radical and was knocked out.

A Senate resolution named in memory of the late Lee Metcalf, the Montana Democrat and an early supporter of legislation to end discrimination in the Senate, was passed by the Governmental Affairs Committee and now awaits action by the Senate.

"If we get it to the floor," says Sen. Clark, "it will be passed, because no one wants to vote openly for discrimination. The trouble is in getting it there for the vote."

(There was an attempt in 1977 to do the same sort of thing for the House, but it was killed and nothing like it is pending now in that chamber to improve the lot of its 12,000 employes.)

What scares Mr. Clark and others is that the resolution will be passed from one committee to another, with each refusing to accept jurisdiction, until time runs out and the Congress adjourns.

The proposal would:

Establish a Fair Employment Relations Board consisting of six members appointed from the private sector by the Senate majority and minority leaders. The board would decide discrimination complaints forwarded by a Fair Employment Relations Office. The office would be headed by a director appointed by the board. The procedure would be for an employe to request counseling as the precondition to the filing of an informal complaint. That might lead to a formal complaint, at which point an examiner would hold hearings and make a recommendation to the full board. The board's ruling could be appealed by either party to the Senate Ethics Committee.

Sen. John Glenn, Ohio Democrat, says Congress is "the last plantation" and calls for creation of the grievance machinery. In fact, almost everyone agrees that hiring and employment practices on Capitol Hill are, at least, unusual. But there isn't much data to draw on. Women staffers point to the Women's Political Caucus study in 1974 that found a difference of more than $7,000 in median salaries between men and women who seemed to be doing pretty much the same kind of work. Last year, the caucus updated its study and found things hadn't changed much. At professional levels (where men outnumber women by three-to-one or more), the difference was still better than $6,000.

And, of course, there are other conditions of female employment on Capitol Hill—as revealed by the celebrated instance of former Rep. Wayne Hays, Ohio Democrat, who kept his mistress, Elizabeth Ray, on the congressional payroll. Surely, though, it was suggested to a member of the Women's Caucus, that sort of behavior is disappearing as a new generation of members is elected to Congress. "Are you kidding?" she replied. "These young guys come to Washington, see girls, girls, girls everywhere, and they exhaust themselves chasing them."

There is no affirmative-action program for congressional employment of minorities. "Here in the Senate," says Fred Williams of Sen. Birch Bayh's staff, "we count 30 blacks in positions where they can influence policy—administrative assistants, legislative assistants, press secretaries, committee lawyers. That's the same number we counted two years ago. Nothing has changed."

THE QUALIFIED LIST

The black staffers in Congress have advertised the fact that they have collected résumés from qualified blacks who want to work on the staffs of Senators or of Senate committees. "Our list has grown to 150 resumes," says Mr. Williams. "Fifty percent of these people are lawyers, of the rest, 25% to 30% havve master's degrees or even their doctorates. These people clearly are qualified."

But in the time the list has been in existence—more than a year now—only Sen. Clark has hired anyone from it.

"There's a lot of hypocrisy around here," says Mr. Williams. "Sen. Moynihan has a huge black constituency in New York but he has no professional black staffers. Neither does (George) McGovern or (Frank) Church or a lot of other liberals. But Senators thought to be more conservative—like Howard Baker and Bob Dole and Ernest Hollings—have hired black staffers at a level where they can influence policy."

(A spokesman for Sen. Moynihan says there is a young black legislative assistant on his staff. Spokesmen for Sens. Church and McGovern concede there are no blacks on their staffs. But, they also say, there aren't many blacks in either Idaho or South Dakota, where most of the assistants come from.)

"It's not going to change much until the black constituencies of these people know what's going on," says Mr. Williams.

"The reason people here are opposed to change," says Sen. Clark, "is because they think they are different. They say they need people from back home or they need Republicans or they need people who are loyal. But we say everybody is different. And we say all this proposal requires is that we shouldn't discriminate against people who are black or who are female. That's all."

[From the Manchester Union Leader, June 5, 1978]

Sauce for Geese Should Go on Gander, Too

(By John D. Lofton, Jr.)

WASHINGTON.—When you look at Sen. Patrick Leahy, there isn't the slightest hint that he is in any way sadistic or diabolical. A youngish man in his late 30s who is balding and wears glasses.

He is not nondescript, the stereotyped image of your average, run-of-the-mill birdwatcher. But the Vermont Democrat has done a fiendishly clever thing: he has introduced a bill—S. 3086—which would require the Congress to abide by several laws that govern the rest of us mortals.

"What?" you may be asking, "you mean there are actually laws that have been passed that apply to the rest of us but not the Congress who passed these laws?" There most certainly are. And these include:

The Civil Rights Act of 1964; the Equal Employment Opportunity Act of 1972; the Equal Pay Act; the Fair Labor Standards Act; the National Labor Relations Act; the Occupational Safety and Health Act; the Social Security Act; the Freedom of Information Act; and the Privacy Act.

Explaining the need for his law, Leahy says:

"Collectively, these laws spell out civil, social, physical, and financial rights and standards for all Americans—almost. It is that "almost" that is the source of the embarrassment and injustice. The problem is that in enacting these measures, Congress proclaimed that what is good for the country is not necessarily good and fair for Congress. In each instance, Congress specifically wrote itself out of the legislation . . . The purpose of the bill I am introducing is simple. It removes the congressional exemption from each of the nine laws. It rights the injustice. It removes the source of embarrassment."

Commenting on the Civil Rights Act and the Equal Employment Opportunity Act, Leahy notes that while applying these laws to Congress will not prevent all religious, racial, or sexual discrimination on Capitol Hill, "it would give affected individuals legal redress that they do not presently enjoy."

Similarly, subjecting Congress to the provisions of the Fair Labor Standards Act and the Equal Pay Act "would give legal standing to the women who currently, and all too often correctly, charge they are not receiving equal pay for equal work," the senator observes.

Calling the extension of the National Labor Relations Act to congressional employes "another obvious step," Leahy declares: "Those of us who support the labor law reform bill proclaim that it is good for the country. If that is so, why not extend its goodness to our own employes?"

As regards subjecting the Congress to snooping of inspectors from the Occupational Safety and Health Administration, the senator points out: "I doubt that a single Senate office could meet OSHA regulations. Why should we not have to take the same remedial action private employers must take?"

On Congress' exemption from the Social Security Act, Leahy says: "I do not see why this group should be excluded from either the benefits or the tax bite. Individuals in the private sector who participate in voluntary pension programs must also partake of Social Security, so again I must ask, why not Congress?"

Leahy's bill is not the first attempt to force Congress to have to practice what it preaches. In September 1976, Senate Majority Leader Mike Mansfield introduced a resolution (S. 534) which sought to put the Senate on record as stating that it would not discriminate in employment on the grounds of race, color, religion, sex, or national origin. This measure, however, was merely a Senate resolution which had no force of law or enforcement powers.

In the spring of 1975, after the Elizabeth Ray scandal broke, a coalition of House members and staffers put together a House Fair Employment Practices Agreement, a voluntary pact whose signers pledges that they would not "fail or refuse to hire, discharge, or otherwise discriminate against anyone in employment because of that person's race, color, religion, sex, national origin, age, parental or marital status or handicap. Close to 100 House members signed this agreement. But, again, it was voluntary.

On September 2, 1977, another group began an active fight against what it called the "ultimate hypocrisy" of Congress forcing everyone but itself to abide by equal employment opportunity principles in hiring and promotion. Called the Coalition for Equal Employment in Congress, and headed by Ron Brown of the National Urban League and Olga Grkavec, an aide to Rep. Edward Markey, D-Mass., this group asked Speaker Tip O'Neill to appoint an outside board of prominent Americans to arbitrate bias or equal pay disputes between congressmen and their aides.

Leahy says of his bill:

"Simple equity and fairness demand passage of this legislation. It is time that we in Congress begin to live by the same rules we have set for others. We should no longer allow such a double standard."

Amen. Or, in this age of sexual equality, I guess I should say—a person.

[From the St. Joseph (Mo.) Gazette, May 17, 1978]

Congress' Exemption Under Attack

WASHINGTON (ZPI).—Sen Patrick Leahy, D-Vt., opened a campaign Tuesday to end Congress' exemption from nine major laws, including those covering civil rights, equal employment, unionization, safety and health, and Social Security taxation.

Leahy introduced legislation to strike the nine exemptions and said if Congress balks, he will offer them piecemeal as amendments to other bills this session.

"Simple equity and fairness demand passage of this legislation," Leahy said at a news conference with David Cohen, president of Common Cause which is backing the move.

"It is time that we in the Congress begin to live by the same rules we have set for others. We should no longer allow such a double standard."

Leahy proposed ending the congressional exemption from on the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, the Equal Pay Act, the Fair Labor Standards Act, the National Labor Relations Act, the Occupational Safety and Health Act, the Social Security Act, the Freedom of Information Act and the Privacy Act.

Congressional employees do not receive any of the protections under these laws. But they also do not have to pay Social Security taxes and have, instead, one of the most generous contributory pension programs in the country.

"The problem is that in enacting these measures Congress proclaimed that what is good and fair for the country is not necessarily good and fair for Congress," Leahy said calling this a source of "embarrassment and injustice."

"I say injustice because Congress and its employees do not share the protection afforded by these laws," he said, "and embarrassment because Congress is unwilling to place itself under the same restrictions and responsibilities impoed by the act."

Cohen said in prepared remarks, "Tax-paying, law abiding citizens operate by the rules. They believe their Congress should operate by the same rules."

"For Congress to set itself apart with a double standard breeds disrespect for our institutions and creates a climate for poor congressional performance. Not until Congress recognizes its responsibility to apply to itself the standards it decrees for us and to punish itself when it strays, will the institution have the respect of the American people."

[From the Chicago Tribune, May 17, 1978]

Bill To Make Congress Heed Own Laws Offered

(By Raymond Coffey)

WASHINGTON.—Legislation was introduced Tuesday to make members of Congress pay Social Security taxes and conform with eight major laws from civil rights to occupational safety from which Congress is now exempt.

"It is time," said Sen. Patrick J. Leahy [D., Vt.], who introduced the legislation, "that we in the Congress begin to live by the same rules we have set for others."

In addition to bringing members of Congress into the Social Security System, Leahy's legislation would abolish congressional exemptions from:

The Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, the Equal Pay Act [for women], the Fair Labor Standards Act, the National Labor Relations Act, the Occupational Safety and Health Act, the Freedom of Information Act, and the Privacy Act.

Leahy's move was applauded by David Cohen, president of Common Cause, the public interest lobbying group, which has been increasingly active recently in criticizing the "double standard" Congress allows itself.

"Tax-paying, law-abiding citizens operate by the rules," said Cohen, who appeared with Leahy at a news conference Tuesday. "They believe their Congress should operate by the same rules. For Congress to set itself apart with a double standard breeds disrespect for our institutions and creates a climate for poor congressional performance."

Public dissatisfaction with Congress' habit of exempting itself from major legislation increased dramatically last year, Cohen said, when Congress passed a Social Security tax increase that would amount to $227 billion over the next 10 years, a tax its own members would not have to pay.

Leahy said that the laws involved in his legislation amount to "a list of some of the Congress' greatest achievements in this century." But at the same time, he said, they are a "source of embarrassment and injustice" because Congress has chosen to exempt itself from them.

Leahy said that he has no real hope of getting his legislation passed this year. But he said he believes the congressional exemptions could be abolished over the next two years or so if American voters give his plan strong support and show they want Congress to live by the same rules that everyone else lives by.

"We're great up here [on Capitol Hill] at telling everyone else how they must perform," Leahy said, but Congress is so convinced of its own "sanctity" that it feels no need to apply laws to itself. "That's balderdash," he said.

One of the laws Leahy referred to, the Occupational Safety and Health Act, is a source of particular disgruntlement among private employers who complain that its enforcement involves excessive regulation of working conditions.

"I doubt that a single Senate office could meet OSHA regulations," Leahy said, indicating how congressional exemptions tend to "insulate" members from the impact of the laws they pass.

Leavy said the nine laws involved in his legislation collectively "spell out civil, social, physical, and financial rights for all Americans—almost."

The problem, he said, is that the "almost" applies to Congress and that "in enacting these measures Congress proclaimed that what is good and fair for the country is not necessarily good and fair for Congress."

[From the Dallas Morning News, May 18, 1978]

Congress Exemptions: Kill Off King's X

It should not be news to anyone in Congress that the American people hold that group in very low esteem. Individual voters may like their own representative, but for the legislative branch as a whole, the attitude is close to contempt.

As it happens, Sen. Patrick Leahy, Democrat of Vermont, is now beating the drums for a bill that would probably improve on that sad state of affairs.

Leahy's bill, simply put, is a variation on the Golden Rule. He asks members of Congress to do unto themselves as they have been doing unto others.

Congress has merrily added burden after burden of regulations, red tape, quotas, taxes and the like onto the aching backs of the American people. But it has carefully ensured that many, if not most, of these burdens will never be borne by anyone on Capitol Hill.

While employers across the land wrestle with affirmative action quotas for this, that and the other minority, congressmen hire whom and how they please. They exempted themselves from all that.

Nutty, conflicting OSHA requirements have managers of offices and plants tearing their hair in frustration. But no such concerns wrinkle a brow in the congressmen's offices. They exempted themselves from all that.

Workers from coast to coast scream in fury as Social Security taxes climb and worry that the system may not be around later when they need it. But not the workers in the Congress' plant. They exempted themselves from all that.

And so it goes, on down a long list of irritating and confusing mazes that Congress has set for the rest of us, while making sure that it will not have to run them itself.

To say that the voters are unhappy with this double-dealing is putting it mildly. Indeed, such descriptive terms as "inequity," "hypocrisy," "injustice," and the like pale when compared to the reality of these laws with special escape hatches for the lawmakers.

One voter's simple, unadorned description comes closest to the true reaction of most Americans to the system. "It stinks."

Sen. Leahy has told his fellow senators a home truth in declaring:

"It is time that we in Congress begin to live by the same rules we have set for others. We should no longer allow such a double standard."

Leahy's bill would end Congress' exemption from the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, the Equal Pay Act, the Fair Labor Standards Act, the National Labor Relations Act, the Occupational Safety and Health Act, the Social Security Act, the Freedom of Information Act and the Privacy Act.

We are convinced that Leahy's move would win almost unanimous support from the men and women who elect Congress, if they could vote on it. It deserves the same support from their representatives.

If this bill is killed, or if it is allowed to die from lack of support, the congressmen who come home to campaign in the fall are likely to find a large number of angry voters who want to know why.

[From the Chicago Tribune, May 19, 1978]

Is Congress Above the Law?

American citizens, it appears, really do fall into two classes of citizenship: Those who must obey federal laws because they are laws, and those who may choose which laws to obey and which to ignore. The first category takes in some 215 million people, the second only 535—namely the members of Congress, who regularly exempt themselves from rules, restrictions, and taxes that they fasten on the rest of us. The principle seems to be that people who make laws are too important to obey them.

In an article last Sunday, Raymond Coffey of The Tribune's Washington bureau listed a number of these thoughtful little benefits that Congress hands itself. Here is a sample: Congress last year voted to increase Social Security taxes on 110 million American workers and their employers from a maximum of $1,070 now to $2,874 in 1986. The decision was reaffirmed Wednesday by the House Ways and Means Committee, which rejected attempts to roll back the increase to the 1977 level.

But members of Congress won't pay an extra dime of this increase. They have exempted themselves and their 16,500 employees from the Social Security laws.

Some of the other laws made on Capitol Hill for export only are these:

The Equal Rights Act of 1964 and the Equal Employment Opportunity Act of 1974 [Congress clearly does not want the rights of its own employees to be all that equal]. The Age Discrimination in Employment Act, which forbids discriminating against workers between 40 and 65 solely because of age. The Fair Labor Standards Act, which sets minimum wage rules and requirements for overtime pay. The National Labor Relations Act, which sets forth rules for recognizing and bargaining with labor unions. The Occupational Safety and Health Act, which has let loose an army of government employees with clipboards, measuring tapes, and authority to make employers [excluding Congress] meet their requirements regardless of how much it costs the employers. The Freedom of Information Act, which requires agencies of the executive branch—but not Congress—to open their files to citizens on request.

Congress, in short, has provided itself with a sanctuary from its own rules; an enclave where laws are made but are not allowed to become bothersome. Unavoidably, the result is to insulate Congress from the effects of its own actions, and even to change subtly the nature of the lawmaking process. Instead of citizens chosen by their fellow citizens to deal with issues that affect us all, we have a relationship like that of experimenters to subjects. From behind their glass wall, our lawmaking technicians watch how we react to stimuli like tax increases or new work rules without having to do any reacting of their own.

This situation, to put it succinctly, is an outrage. Sen. Patrick Leahy [D., Vt.] this week took a welcome step to change it: He introduced a bill to make members of Congress pay Social Security taxes and to abolish their exemtpion from eight other major laws, including the civil rights measures listed above.

The outlook for Mr. Leahy's bill this year is not bright; Congress already has a heavy load of legislation to get through, and probably will not give high priority to reducing its own privileges. But the Leahy bill does put up a much-needed warning flag. It reminds Congress of a strangely forgettable fact: that no one is above the law—not those who make it or those who execute it. If the present members of Congress can't remember that, we're quite sure the voters can.

[From the Common Cause Front Line, May–June 1978]

Bills to End Double Standard Before Congress

Congress may lose certain of its special privileges if recently introduced legislation is passed.

Sponsored in the Senate by Patrick Leahy (D-Vt.) and in the House by Andrew Jacobs (D-Ind.), the bill would require Congress to follow the same legislation it enacts for everyone else.

"There is tremendous public dissatisfaction with the double standard Congress applies in exempting itself from the laws it passes," says CC President David Cohen.

A few examples:

Congress is exempt from conflict of interest laws that prevent Executive Branch employees from participating in government dealings with companies in which they have a financial interest.

Congress is exempt from the Equal Opportunity Act of 1972 that has helped halt discrimination based on race, sex and religion.

Congress is exempt from its Members having to pay Social Security taxes, even though it recently increased Social Security payments by $227 billion over the next 10 years.

Congress is exempt from the Freedom of Information Act that it passed to allow public examination of documents in the Executive Branch.

Congress is exempt from the Age Discrimination and Employment Act that is passed to ban discrimination for workers between 45 and 60.

Congress is exempt from any independent audits of how it spends government funds but requires General Accounting Office audits of Executive Branch spending.

Cohen said, "Tax-paying, law-abiding citizens operate by the rules. They believe their Congress should operate by the rules. For Congress to set itself apart with a double standard breeds disrespect for our institutions and creates a climate for poor Congressional performance."

H.R. 12937, introduced in June, and S. 3086, introduced in May, have both been referred to committee, although hearings on the bills this session are not expected.

CC Legislative Director Michael Cole said, "Our major effort now is to discuss the issue and gain the public's awareness of the problem."

[From the St. Louis Globe-Democrat May 19, 1978]

Congressional "Lawbreakers"

By exempting themselves from legislation that has had a tremendous impact on the rest of the nation, members of Congress are behaving as if they were royalty and titled gentry who are above the law.

Finally, an elected representative of the people who is repelled by the injustice of such special status has spoken up in an effort to correct the congressional abuse. A bill introduced by Sen. Patrick J. Leahy, D-Vt., would require members of Congress to live by the same rules they set for others. The legislation calls for members to bring themselves into the Social Security program and conform with eight other major laws.

The bill also would put an end to congressional exemption from the Civil Rights Act of 1964, the Equal Opportunity Act of 1972, the Equal Pay Act (for women), the Fair Labor Standards Act, the National Labor Relations Act, the Occupational Safety and Health Act, the Freedom of Information Act and the Privacy Act.

There is no justification for permitting Congress to have free rein in legally violating provisions of the law of the land at its own choosing. This disregard and contempt is not enhancing the image of Capitol Hill. It breeds the distrust and suspicion of constituents. It could also help explain the frequency of scandal that rocks Congress.

All laws, whether good or bad, should be applied to Congress to give members a taste of what the rest of the country has to put up with. OSHA provides a horrible example of legislation that has been transformed into a regulatory monster that has trampled over businessmen sometimes with utter disregard for their constitutional and legal rights.

Businesses, both large and small, have been beaten to their knees and forced to comply, although Leahy said, "I doubt that a single Senate office could meet OSHA regulations."

Congress has also flouted the separation of powers by placing requirements on the executive branch that are not applicable to Congress. The Freedom of Information Act forces executive agencies to open their files to the public, although the disclosure requirement does not apply to members of Congress.

This same double standard surfaces in the area of possible conflicts of interest. Officials in the executive branch sometimes are required by Congress to divest themselves of holdings or interests that might conflict with public duty. Members of Congress can retain such interests—all they are required to do is disclose them.

Sanctimonious Congress ignores its involvement in the executive branch and hides behind the constitutional doctrine of separation of powers to justify the exemption from various laws. For some reason the separation of powers has not prevented Congress from establishing the General Accounting Office as its investigative arm to keep tab on executive agencies.

Although civil rights and equal opportunity legislation has cost some corporate giants millions of dollars in settlements on back pay and promotions for women, blacks and other minorities, Congress gets off scot free and its disdain for those laws is obvious. One survey uncovered a $6,000 difference in salaries of congressional staffers—$28,000 for men and $22,000 for women. A House panel also reported that males outnumbered women 35 to 1 at the $35,000 salary level.

Sen. Leahy is not having any illusions about his legislation. He concedes it is virtually without hope this year. However, he believes the congressional exemptions could be phased out over a period of two years or more.

But there is a big if. The hope of passage lies with the public—if it is aroused and responds with indignation that equals the outcry directed at Congress over Social Security tax increases voted last year.

By Mr. McCLURE (for himself, Mr. CHURCH, Mr. HATFIELD, Mr. JACKSON, Mr. JOHNSTON, and Mr. MATSUNAGA):

S. 1119. A bill to direct the Secretary of the Interior to report to the Congress on plans or projects affecting the territories and possessions of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

● Mr. McCLURE. Mr. President, I am sending to the desk for appropriate reference legislation which will require the Secretary of the Interior to notify the Congress of any plans or proposals impacting on the territories or possessions of the United States. Although the Constitution grants the Congress the plenary authority over territories, it is clear that we will have great difficulty in properly exercising that authority if we are kept uninformed—either deliberately or unintentionally—of plans or projects impacting on these areas. Since the Secretary of the Interior, for the most part, has been delegated the responsibility to oversee the proper administration of the territories and possessions of the United States, one would naturally assume that he would be fully informed and would keep the Congress informed. Like most theories of government, such is not always the case.

Recently articles appeared in the Washington Post and the Journal of Commerce announcing that the United States had proposed to the Government of Japan that spent nuclear fuel be stored on a U.S. possession in the Pacific. While the article did not identify which island or islands were being considered, the article did state that "a number of American islands are being studied as the possible site for spent fuel storage, some inhabited and some uninhabited." I and the other members of the committee found this article disturbing. We have had a bad experience with the situation of the people of Bikini Atoll, who may spend the rest of their lives in an interisland busing program, and we are as equally concerned at the thought of spent nuclear fuel storage in Guam, Samoa, or any of the other inhabited islands. Even more alarming is the fact that no one in the administration informed the Secretary of the Interior of this proposal. We have since learned that the proposal does not involve any inhabited islands nor any areas within the Trust Territory of the Pacific Islands nor any disputed islands.

Mr. President, there is absolutely no excuse for this. I do not intend to go into a discussion of the intent and spirit of the McClure amendments relating to nuclear waste storage and the timing of notice to the Congress by the Secretary of Energy. I think the intent and spirit, if not the letter, were clearly and deliberately violated; but that is a different subject and one which I will explore elsewhere with the Secretary of the Department of Energy.

Of immediate concern to me and to the other members of the Committee on Energy and Natural Resources is not just the fact that we were not informed of the proposal—we are used to that—but that the Secretary of the Interior was not informed. If this legislation does nothing more than insure that the Secretary of the Interior is henceforth informed of the designs and activities of other agencies, the people living in the territories will be well served. Hopefully, it will do more.

The residents of the various States have the protection of two Senators, several Representatives, a Governor, and State and local legislators—all of whom are directly responsible to their constituents. The inhabitants of the territories have only the Secretary of the Interior and the Congress. We have a unique and special responsibility for the welfare of those who live in the territories and possessions of the United States. This measure will help to insure that we in the Congress can properly discharge that responsibility.

Mr. President, I ask unanimous consent that copies of the correspondence between the chairman of the committee and the Secretaries of Energy, State, and the Interior, together with their responses be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows;

THE SECRETARY OF THE INTERIOR,
Washington, March 29, 1979.

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Like you, I too was informed of the proposal to store spent nuclear fuel on a Pacific Isle through the Washington Post. My Department does have responsibility for U.S. possessions in the Pacific, therefore, you can understand that my reaction was much like yours when I read the headline.

I had no knowledge of it. The Under Secretary had no knowledge of it. The Director of the Office of Territorial Affairs had no knowledge of it. Dr. Menard, Director of the U.S. Geological Survey, who is one of the world's leading scientists with regards to the Pacific, had no knowledge of it. I cannot, therefore, supply you any background on the decision-making process.

Sincerely,

CECIL D. ANDRUS.

DEPARTMENT OF ENERGY,
Washington, D.C., March 29, 1979.

Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of March 29 concerning Department of Energy (DOE) activities relating to possible spent fuel storage in the Pacific Basin.

The DOE has been involved in providing support to the NSC Non-Proliferation Ad Hoc Committee, which directed studies of Pacific Basin storage. DOE's principal involvement was providing technical support under its authorized international spent fuel storage program in pursuing these possibilities, in particular with reference to one island, an unincorporated U.S. territory.

I regret that you and other Members of the Committee, as well as Committee staff, were not informed in a timely manner on this study since we are committed to and continually making the effort to keep you abreast of the many responsibilities on which we are working.

Accompanying this letter is a comprehensive book (classified Confidential) containing all information on DOE involvement in this matter. If you or your staff have further questions about the Department's involvement, please contact John Deutch.

Sincerely,

JAMES R. SCHLESINGER,
Secretary.

THE SECRETARY OF STATE,
Washington, April 5, 1979.

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate.

DEAR MR. CHAIRMAN: In response to your letter of March 28, 1979, regarding an article in the Washington Post entitled, "U.S. Proposed Storing Spent Nuclear Fuel on Pacific Isles," let me emphasize that our recent discussions with the Japanese were preliminary.

As you know, the Nuclear Non-Proliferation Act of 1978 (Section 104) specifically asks the President to "institute prompt discussions with other nations" looking toward the establishment of spent fuel repositories "under effective international auspices and inspection". The Administration is pursuing the concept of international spent fuel storage to deal with the accumulation of spent fuel projected to occur worldwide and to do this in collaboration with other countries in ways which make the nuclear fuel cycle more proliferation resistant. Of course, no major step would be taken on this issued without consulting you, your committee and other interested members of the Congress, and, as appropriate, seeking congressional approval.

In our February meeting with the Japanese we were seeking their comments on an interagency study which examines aspects of an international interim spent fuel storage facility in the Pacific Basin area, and to begin to engage them in an examination of the concept. The study, performed under the aegis of the NSC Ad Hoc Group on Non-Proliferation which is chaired by State, includes preliminary technical and economic considerations and an initial environmental survey of one of the few sites considered as a possible location in the Pacific Basin for such a facility. The sites currently under consideration are undisputed U.S. territories, either uninhabited or having no indigenous population, and do not involve any location in the Trust Territories of the Pacific Islands.

I understand that Mr. Dreyfus, Committee Staff Director, and other staff were briefed last Thursday by officials of this Department and of DOE and ACDA, and that a more detailed briefing is scheduled for next week. We further understand that a set of documents related to this effort has been supplied to you on a confidential basis by DOE. If you or your staff have further questions about this matter, please do not hesitate to let us know.

Sincerely,

CYRUS VANCE.

COMMITTEE ON ENERGY AND
NATURAL RESOURCES,
Washington, D.C., March 28, 1979.
Hon. CECIL D. ANDRUS,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: I am writing concerning an article which appeared in this morning's Washington Post entitled "U.S. Proposes Storing Spent Nuclear Fuel on Pacific Isle." The article indicates that the U.S. has proposed to the government of Japan the use of several United States islands "some inhabited and some uninhabited" for the storage of spent nuclear fuel.

I would like to express my deep concern and displeasure that I and this Committee were informed of this proposal through the Washington Post. I assume, since your Department has the responsibility for all inhabited U.S. possessions in the Pacific, as well as most of the uninhabited insular areas, that you have been involved in the negotiations and the development of this proposal. I find it inconceivable that this Committee has not been notified, even after the article appeared in the paper.

I would appreciate receiving, as promptly as possible, a comprehensive review of the decision-making process which led to the selection of the potential islands, a description of the islands, and what, if any, discussions were held with the inhabitants of the islands, together with any and all documents pertaining to the negotiations and an explanation of why this Committee was not consulted.

If you have any questions concerning this letter, please contact Mr. James Beirne. counsel to the Committee, at 224-2564.

Sincerely yours,

HENRY M. JACKSON,
Chairman.

COMMITTEE ON ENERGY AND
NATURAL RESOURCES,
Washington, D.C., March 29, 1979.
Hon. JAMES R. SCHLESINGER,
Secretary, Department of Energy,
Washington, D.C.

DEAR MR. SECRETARY: On March 28, the Washington Post reported that the United States Government had proposed to Japan that the two governments conduct studies of various Pacific Islands as potential depositories for nuclear wastes from Asian countries. According to the article, negotiations have been under way for some time.

As you are aware, the Senate Committee on Energy and Natural Resources has jurisdiction not only over nuclear waste disposal programs but also over the territorial affairs of the United States. Such a proposal has profound policy implications for both areas, however, as far as I can determine no effort has been made to advise the Committee of this matter.

I am particularly concerned over the very grave issues of territorial responsibilities which may be involved in such a study.

I remind you of your statutory responsibility to keep the Congress fully and currently informed concerning the nuclear affairs of your Department. I hope that you will immediately take steps to inform the Committee of the complete history of any and all discussions which have been held with foreign entities concerning waste disposal in U.S. territories and the status of any studies presently under way.

Your staff can contact Dr. Dreyfus, Staff Director of the Committee for further discussion of this matter.

Sincerely yours,

HENRY M. JACKSON,
Chairman.

COMMITTEE ON ENERGY AND
NATURAL RESOURCES,
Washington, D.C., March 28, 1979.
Hon. CYRUS VANCE,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I am writing concerning an article which appeared in this morning's Washington Post entitled "U.S. Proposes Storing Spent Nuclear Fuel on Pacific Isle." The article indicates that the State Department has been conducting negotiations with the government of Japan for the storage of spent nuclear fuel on American-owned islands in the Pacific.

I am writing to express my concern and displeasure that such negotiations would be conducted without any notification to this to this Committee. I am extremely concerned over one statement in the article that "A number of American islands are being studied as the possible site for spent fuel storage, some inhabited, some uninhabited, Administration sources said." I find that statement extremely disturbing and I would appreciate receiving, as quickly as possible, a complete and comprehensive review of the entire negotiations, including copies of any and all documents. I would also appreciate receiving an explanation of what islands were and are being considered and what if any discussions were held with the inhabitants of such islands, as well as an explanation of why your Department presented such a proposal without notifying this Committee.

If you have any questions concerning this letter, please contact Mr. James Beirne, counsel for the Committee, at 224-2564.

Sincerely yours,

HENRY M. JACKSON,
Chairman. ●

● Mr. JOHNSTON. Mr. President, it is with considerable regret that I join in introducing this measure. I share the concern expressed by Senator McCLURE. When I first came to the Congress, I became chairman of the Subcommittee on Territories and Insular Affairs of the Committee on Interior and Insular Affairs. That was not a simple assignment, and I learned how much the inhabitants of the territories depend on the Congress, and in 1974 and 1975 I chaired comprehensive oversight hearings to reform the capital improvement program for the trust territory so a reasonable and maintainable infrastructure could be constructed there. The congressional oversight on territories covers the entire range of activities from education to health care to public works to economic development to constitutional and political questions involving citizenship, judicial review, land alienation, and other areas. To conduct that oversight fully and properly is impossible if we are not informed. Because of the complexity of the issues we necessarily rely on the Secretary of the Interior and the Director of the Office of Territorial Affairs for assistance and, most importantly, for information. If the Secretary of the Interior is not informed and we are not informed, the situation can become extremely serious with no means of preventing a crisis.

I share the concern and unhappiness of both the chairman of the committee and my colleagues who are cosponsoring the bill. I regret that this type of legislation would ever need to be introduced. ●

Mr. MATSUNAGA. Mr. President, it is with a sense of urgency that I join the junior Senator from Idaho (Mr. McCLURE), his senior colleague from Idaho (Mr. CHURCH), and the Senator from Louisiana (Mr. JOHNSTON), in introducing legislation which will establish clearly the authority of the Congress in matters involving the storage and disposal of nuclear waste material in U.S. territories in the Pacific and anywhere else in the world.

Mr. President, as a Senator whose State lies in the middle of the Pacific Ocean, I was miffed that I had not been informed about the possible storage of nuclear wastes on a U.S. island in the Pacific, a proposal which could have profound impact on my State of Hawaii. As a member of the Energy and Natural Resources Committee, which has jurisdiction not only over nuclear waste disposal programs, but also of the affairs of the territories of the United States, I was very disturbed that the committee was not given proper notification of the Federal Government's activities in this matter. As the Senator from Idaho (Mr. McCLURE) has indicated, after the Washington Post reported the story 2 weeks ago, the chairman of the Energy and Natural Resources Committee (Senator JACKSON) requested and received from the Secretaries of State, Interior, and Energy, reports on the nuclear fuel storage proposal and negotiations. Let me highlight briefly the responses from the executive departments.

Secretary of State Cyrus Vance explained to Chairman JACKSON that the administration is pursuing the concept of international spent nuclear fuel storage to deal with the accumulation of spent fuel projected to occur worldwide and to do this in collaboration with other nations in ways to make the nuclear fuel cycle more proliferation resistant. Importantly, Mr. President, the Secretary assured the chairman that no major step would be taken on this issue without consulting the Energy and Natural Resources Committee and other interested Members of Congress, and, as appropriate, seeking congressional approval.

Secretary of the Interior Cecil Andrus, whose department has administrative responsibility over the affairs of the U.S. territories and possessions, informed Chairman JACKSON that the Department of Interior had no prior knowledge of this proposal.

And Secretary of Energy James Schlesinger, whose department has statutory responsibility to keep the Congress fully and currently informed of all nuclear affairs of the Federal Government, explained that the Department of Energy has provided technical support under its authorized international spent nuclear fuel program in pursuing the proposal for an international storage site at a U.S. territory in the Pacific.

Mr. President, these clarifications have alleviated, to some degree, my first and foremost concern in this matter, which was whether some islands of the Hawaiian chain are being considered for a nuclear waste storage site. I was also relieved to learn that no islands within the Trust Territory of the Pacific Islands are under consideration. Secretary Vance, in his letter to Chairman JACKSON, indicated that sites currently under consideration are undisputed U.S. territories, either uninhabited or with no indigenous population.

However, Mr. President, I join my colleagues in their deep concern that the Congress, and the Energy and Natural Resources Committee specifically, were not notified in a timely fashion of the Federal Government's negotiations with Japan concerning the establishment of a Pacific multination spent nuclear fuel repository.

In view of the fact that the Energy and Natural Resources Committee has jurisdiction over both nuclear matters and territorial affairs, I believe that the committee should have been properly advised by the Department of State of the details of the proposal and the negotiations with Japan. Under existing statutory provisions, the Department of Energy should have kept the Congress and the committee informed of its involvement in the nuclear waste storage proposal. Furthermore, the Department of Interior, as the agency with administrative authority over the affairs of the U.S. territories, should have been aware of the action being taken by the Departments of State and Energy and, in turn, kept in close communication with the committee on the implications of the proposal on any U.S. territory.

Mr. President, I know that I speak on behalf of the people of Hawaii and of the U.S. territories in the Pacific in stating that we are deeply concerned about nuclear policies. Indeed, in the last several weeks, every American has experienced the horror of a potential nuclear tragedy. However, I would like to remind my colleagues that for the Pacific Islanders of the Bikini Atoll, who had to leave their island after a nuclear test in 1954, and for the people of Eniwetak, Rongelap, and Utirik Atolls, who have suffered from radiation-related sicknesses as a result of nuclear weapons testing, nuclear tragedy has long been a reality.

Mr. President, I strongly believe that the Congress must have clear statutory authority over nuclear storage proposals involving any territory or possession of the United States. The legislation we are introducing today directs the Secretary of Interior to notify Congress of any proposal to store spent nuclear fuel in any territory and prohibits the implementation of such a storage proposal without the specific approval of the Congress.

Mr. President, I urge my colleagues to give thoughtful consideration to this important legislation.

By Mr. MATSUNAGA:

S. 1120. A bill for the relief of Judge Louis LeBaron; to the Committee on the Judiciary.

● Mr. MATSUNAGA. Mr. President, today I am introducing a bill addressed to the problem of a technical oversight in a law enacted back in 1948. Since that time, the oversight which is contained in title 28 of the United States Code, section 373, has remained substantially uncorrected, and it has worked a substantial hardship on certain Federal judges.

Section 373 provides for the retirement of judges who have served in the territories and possessions. Under this provision, upon retirement a judge may continue to collect the salary he receives at the time he relinquishes office. Until 1976, no provision was made to adjust the retirement pay for any increase in the cost of living or for any increase in salary later received by active territorial or possession judges. Thus a judge who retired more than 20 years ago would receive the same retirement pay that he collected when he relinquished office.

The inequity of this retirement provision for territorial judges is illustrated by the case of Judge Louis LeBaron of Hawaii. Judge LeBaron served both as a judge on the Hawaii Federal District Court and subsequently as a justice on the Hawaii Supreme Court when Hawaii was a territory. He was appointed by President Roosevelt on July 8, 1937, and in 1942 was named to the Hawaii Territorial Supreme Court. Judge LeBaron served a total of 18 years as a Federal judge in the territory of Hawaii, until February 14, 1955, when he retired. At the time he retired, territorial supreme court justices in Hawaii received a salary of $10,000 a year. Under section 373, Judge LeBaron continues to receive $10,000 as his retirement pay.

Since 1955 the Consumer Price Index has increased 97 percent, thus the purchasing power of retirement compensation dating back to 1955 has been reduced by one-half. With regard to civil service retirees, the Congress has seen fit to enact periodic percentage increases in the annuities payable under the civil service system. Beginning in 1969, the Congress passed legislation providing for an automatic cost-of-living escalator triggered by a 3-percent rise in the Consumer Price Index. In total, the periodic adjustments and the automatic cost-of-living adjustments granted to civil service retirees since June of 1956 has amounted to 158 percent.

Reviewing the retirement provisions for territorial judges, the Congress enacted Public Law 94–470 to provide the same cost-of-living adjustment in retirement pay for possession and territorial judges. The law thus provided the same adjustment as that extended to annuitants under the civil service retirement system.

However, the 1976 legislation provided little real benefit for territorial judges who had retired in earlier years. The cost-of-living adjustment applied only prospectively and it did not offer much relief to Judge LeBaron. On March 1, 1977, after the first required adjustment, Judge LeBaron received an annual retirement pay of $10,480. After the required adjustment on September 1, 1977, Judge LeBaron received an annual retirement pay of $10,930.64. After the required adjustment on September 1, 1978, Judge LeBaron received an annual retirement pay of $11,192.98. And after the required adjustment on September 1, 1978, Judge LeBaron received an annual retirement pay of $11,741.44.

The unfairness is evident from these figures. Public Law 94–470 intended to provide territorial judges with the same cost-of-living adjustments as extended to civil service annuitants. However, the actual relief provided to Judge LeBaron is a mere pittance.

To correct this situation, I am introducing the following bill which will provide Judge LeBaron future retirement payments as if his salary had been adjusted for civil service cost-of-living increases since his retirement in 1955. This bill does not address the egregious treatment he has suffered in the past under section 373. But for the future, it intends to provide him with a fair and adequate retirement pay.

From the standpoint of plain equity, the bill which I am introducing today should be passed without delay.●

By Mr. HAYAKAWA (for himself, Mr. HATCH, Mr. SCHMITT, and Mr. HARRY F. BYRD, JR.):

S. 1121. A bill to amend the Saccharin Study and Labeling Act; to the Committee on Labor and Human Resources.

DELAY ON SACCHARIN BAN

● Mr. HAYAKAWA. Mr. President, today with Senators HATCH, SCHMITT, and HARRY BYRD, I am introducing a bill to extend for 36 months the prohibition against Government action to ban saccharin. Two years ago I introduced similar legislation to delay for 18 months the ban on saccharin. A version of this legislation was enacted by Congress in 1977 and is scheduled to expire this month. Therefore, according to law, saccharin may be withdrawn from the public market later this month unless Congress takes steps to stop it.

I wholeheartedly supported Congress actions 1½ years ago when they decided to delay the Food and Drug Administration's proposed ban on saccharin. I remain committed to allowing saccharin's availability on the market. I still have not been convinced that saccharin is too dangerous for public consumption, because I think the benefits far outweigh the risks involved.

The proposed saccharin ban jeopardizes much more than the economic security of manufacturers and commercial users of saccharin. This ban threatens the well-being of people who cannot have regular sugar, such as diabetics, for whom saccharin is the best alternative to sugar. Saccharin also has millions of other consumers who need it to control overweight problems or obesity. There is a profound psychological need in most human beings for a taste of sweetness, and the removing the last artificial sweetener from the market is asking people to do something quite impossible.

I must tell you that this is an issue of great interest to my constituents. In fact, the letters that I received regarding the FDA's proposed plan on saccharin were absolutely penetrating in their candor. They were from individuals who were either diabetics or had been dieting with great difficulty. Products like diet colas, sugarless desserts, sugarless mints and other similar foods helped them have something sweet despite the fact that they wanted to stick to a rigid diet.

What was so different about these letters is that normally a Senator gets letters from industry sources or from large labor unions, many of them form letters, and the rest merely predictable. These letters, however, were tremendously affecting, and made me stop and think about this issue with great care.

I would like to quote a few of these letters because they are from individuals personally affected by the availability of saccharin. One lady wrote, "With the help of many products containing saccharin, I've lost 64 pounds. I still have to lose 100 more or I shall surely die. I am 34 years old and I'm doing everything in my power to avoid early death." I knew from reading this letter that it was genuine, and deserved my attention. This woman also wrote, "I've done all I can to avoid early death. One thing that I've done is to quit smoking. Smoking can cause cancer. But saccharin has never caused a single case of cancer in human beings. Please help me by changing the law."

I also received a most touching letter in scrawled handwriting from a little 12-year-old boy by the name of Kenny in Marysville, Calif., who wrote, "My best friend's litle sister has diabetes and if a law is passed to get rid of saccharin, she will have no diet drinks for her or anybody else. Please change the law."

Another letter came from a young girl whose grandmother has diabetes. She wrote, "My grandmother is 92-years-old and has diabetes. This disease has caused deterioration in her eyesight, leaving her unable to read or watch television. One of the few enjoyments she has now is the pleasure of food, and because her diet is so limited due to the diabetes, a true treat for her is sugarless ice cream and candy. It would be terrible if you took this pleasure away from her. Please change the law and protect her rights."

One argument that I have heard from no one else involves the story of the orthogenic school at the University of Chicago, run by the famous child psychologist, Dr. William Bettleheim. A child is sent to that school because he is a big behavior problem. The first thing a child encounters in this orthogenic school is the availability, indeed, the abundance of candy—everywhere. This candy is there for the children to consume to their hearts' contents. In the cast of emotionally disturbed children, it really throws them to see all this candy within reach, especially for them. Some of them grab all they can and stuff their mouths and stuff their pockets and take some to bed with them. Others are afraid to touch it. They approach it gingerly. The reason for this is that candy and sweets have, in our culture, a deep emotional significance. We reward children for good behavior with candy. We punish them for bad behavior by the withdrawal of sweets. So overreaction to sweets, whether negative or positive, is a symptom of neurosis. This is, of course, why unhappy men and women often overeat.

Everyone has known someone who, after a romantic break-up, has gained weight because they start overeating. Candy is an assurance that someone loves you, approves of you. And the withdrawal of candy means disapproval, the withdrawal of love. Therefore, even if for medical reasons you must give up sweets, you need the taste of sweetness. Saccharin and its related products fill this need. Now that the Government has taken away cyclamates and saccharin is all that is left, there has been tremendous negative reaction from people.

Quite simply, I think people should be allowed greater freedom of choice than they are now accorded. We in Congress have a strange inclination toward protectionism. We simply cannot protect people from everything, and presuming to think that we can is the utmost arrogance. I will agree that there has to be some central vantage point from which to oversee the well-being of the general public, but I also believe that we carry this to extremes far too often. There are some serious dangers which have to be contained and/or eliminated, but for questionable substances such as saccharin, I say let the individual make the decision as to whether or not he consumes.

We are public servants, elected to serve the people, not regulate them. It certainly seems strange to me that we give people credit for being smart enough to elect every one of us, but question their judgment when it comes to taking care of themselves.

Of course, the case of saccharin is unique. The Food and Drug Administration by law is forced to withdraw saccharin from the market, and until we untie its hands, the FDA can do nothing but abide by the law. So our problem is not with the FDA, but rather the Delaney clause that forces it to prohibit the use of saccharin. We must weigh the risks versus the benefits. I simply believe that scientists must determine with greater precision the cancer risk posed by saccharin before we impose a ban on it. Without improved risk estimates, I am afraid we will have yet another embarrassing example of the Federal Government interfering needlessly in an effort to eliminate a cancer-causing substance that could prove insignificant.

The main point I would like to stress, however, is that we must allow people some freedom of choice. We cannot decide for them what is and what is not potentially harmful in every instance. Certainly, we have a responsibility to protect the public from absolutely dangerous products and situations, but we have no right to impose our judgment on them in every case. With saccharin, where its harmful effects have not been confirmed, we should not automatically prohibit its consumption.

I am a cosponsor of Senator SCHWEIKER's bill, S. 587, to authorize evaluation of the risks and benefits of food additives regulated under the Federal Food, Drug, and Cosmetic Act. This bill will allow flexibility in the regulation of food additives. Thus, there would be some allowance, some scale by which we could weigh a product's advantages versus its possible disadvantages.

I strongly support efforts by Senator SCHWEIKER to allow more elasticity in our food regulation policies, and hope my colleagues will join me in supporting it. However, until the Senate acts on S. 587, I believe we should extend the moratorium on the ban on saccharin for another 36 months.

We cannot leave saccharin users without alternatives to sugar. In short, we must act with reason and thoughtfulness. I ask for my colleagues' support of my bill.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Saccharin Study and Labeling Act is amended by striking "18-month period" and substituting "54-month period".

ADDITIONAL COSPONSORS

S. 378

At the request of Mr. BELLMON, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 378, a bill to authorize the Robert A. Taft Institute of Government Trust Fund.

S. 643

At the request of Mr. KENNEDY, the Senator from New York (Mr. MOYNIHAN), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Michigan (Mr. RIEGLE), the Senator from Michigan (Mr.

Levin), and the Senator from Maryland (Mr. Sarbanes) were added as cosponsors of S. 643, a bill to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes.

S. 656

At the request of Mr. Inouye, the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 656, a bill to amend titles XVIII and XIX of the Social Security Act to provide for the inclusion of services rendered by certified nurse-midwives under medicare and medicaid.

S. 657

At the request of Mr. Inouye, the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 657, a bill to provide for access to certified nurse-midwives without prior referral in the Federal employee health benefits program.

S. 697

At the request of Mr. Sasser, the Senator from Florida (Mr. Stone) was added as a cosponsor of S. 697, a bill to reduce by $500,000,000 the amount which may be obligated for travel and transportation of officers and employees in the executive branch during fiscal year 1980.

S. 715

At the request of Mr. Bellmon, the Senator from West Virginia (Mr. Randolph) was removed as a cosponsor of S. 715, a bill to permit State and local governments to collect State and local taxes on alcoholic beverages and tobacco products sold or consumed on military and other Federal reservations.

S. 851

At the request of Mr. Bumpers, the Senator from Idaho (Mr. McClure), and the Senator from North Carolina (Mr. Morgan) were added as cosponsors of S. 851, a bill to amend section 44C of the Internal Revenue Code of 1954.

S. 1050

At the request of Mr. Roth, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 1050, a bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to claim a credit for amounts paid as tuition and fees to provide a higher education for himself, his spouse, or his dependents.

S. 1051

At the request of Mr. Roth, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 1051, a bill to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for certain educational expenses.

SENATE JOINT RESOLUTION 23

At the request of Mr. Matsunaga, the Senator from California (Mr. Cranston) was added as a cosponsor of Senate Joint Resolution 23, relating to the publication of economic and social statistics for Americans of East Asian or Pacific Island origin or descent.

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. Schweiker the Senator from Nevada (Mr. Laxalt) was added as a cosponsor of Senate Concurrent Resolution 24, expressing the sense of the Congress on the nonenforcement of sanctions against Zimbabwe Rhodesia.

SENATE JOINT RESOLUTION 62

At the request of Mr. Pell, the Senator from New York (Mr. Javits) was added as a cosponsor of Senate Joint Resolution 62, a joint resolution "to declare May 18, 1979, to be National Museum Day.

SENATE RESOLUTION 157—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. CANNON, from the Committee on Commerce, Science, and Transportation, reported the following original resolution, which was referred to the Committee on the Budget:

S. Res. 157

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 1787, a bill to authorize a supplemental appropriation to the National Aeronautics and Space Administration for research and development for fiscal year 1979. Such waiver is necessary to permit consideration of an additional fiscal year 1979 authorization of enactment of new budget authority for the National Aeronautics and Space Administration for the Space Shuttle program.

The shuttle program is funded in two streams: design, development, test, and evaluation (DDT&E) which supports system development and production which supports manufacture of the second, third and fourth flight orbiters. This authorization is necessary to complete critical development tasks on the current schedule and thereby avoid restructuring both the DDT&E and production programs and incurring the substantial cost penalties associated therewith. The Space Shuttle program, a complex, high technology activity, is at a very intensive stage of development and at a very high spending rate; therefore, the transfer of funds from the production program to the DDT&E program, the most viable option in the absence of the supplemental funding, would necessitate some rebalancing of development work and deferral of the production program. It is estimated that the DDT&E program would be delayed 4 to 6 months and that the total cost would increase $300–$400 million, and that the production program would be delayed 6–12 months with a cost increase of $100 to $200 million. Since the shuttle program is very labor intensive (85% of shuttle funding is for personnel) the layoff of 20,000 people is anticipated. A layoff also involves retraining a technical work force, to the degree it is not possible to rehire former employees with appropriate skills, with attendant training costs, work force inefficiencies and the intangible concern for product quality.

SENATE RESOLUTION 158—SUBMISSION OF A RESOLUTION TO PROVIDE FOR RADIO AND TELEVISION COVERAGE OF SALT DEBATE

Mr. GARN submitted the following resolution which was referred to the Committee on Rules and Administration:

S. Res. 158

Resolved, That the Committee on Rules and Administration is authorized and directed to provide for television and radio coverage (including videotapes and radio broadcast recordings) of proceedings in the Senate Chamber during consideration of the Strategic Arms Limitation Treaty. Such coverage shall be provided for continuously at all times while the Senate is considering the treaty, except for any time when a meeting with closed doors is ordered.

Sec. 2. Under such terms and conditions as the Committee on Rules and Administration may prescribe—

(1) television and radio coverage of proceedings in the Senate Chamber provided for in the first section shall be made available to public and commercial television and radio broadcasting stations and networks; and

(2) videotapes and recordings shall be made available to such stations and networks, to Members of the Senate, and to such other organizations and persons as the committee may authorize.

Sec. 3. The television and radio coverage of proceedings in the Senate Chamber under this resolution shall be carried out in such manner as the Committee on Rules and Administration shall prescribe.

● Mr. GARN. Mr. President, the President has now announced that a Strategic Arms Limitation Treaty has been concluded with the Soviet Union, and that formal signing ceremonies will soon be scheduled. It is very likely that the Senate will be debating this treaty before the end of the summer, and I believe we ought to take steps to see that the debate is as widely available to the American people as possible.

For that reason, I am today submitting a resolution to provide for the radio and television reporting of the SALT debate.

As most of my colleagues know, the Senate carried on a historic debate last year over the Panama Canal treaties. That debate was not televised, but it was carried by radio. At the time, it was thought that the lighting in this Chamber was not adequate to television, but I have been informed that changes have been made, and that there would be no real difficulty in televising the proceedings of this body.

It will happen, of course, that some of the debate will take place behind closed doors. Some of the material to be covered in debate will be of a highly classified, sensitive nature. We had a similar problem with the Panama Canal debates, and my resolution simply provides, as did the resolution providing for radio coverage of last year's debate, that there be no coverage of secret sessions.

Mr. President, there are two urgent reasons for televising this debate. The first is that the subject matter is of overwhelming importance. We will not be discussing just another social program, but the strategic balance of world forces. In a very real sense, I expect this debate to concern the defense and foreign policy course this Nation will take for the next 25 years. The American people ought to be vitally interested, and there is every indication that they are vitally interested, in the terms and outcome of this debate. And that interest leads directly into the second reason for televising this debate.

Cynicism about Government is growing in the land. There are many reasons for its growth, but in my opinion, there is only one cure: that is to make Government accessible to the people. And there is no better way to do that than by making the vital debates of the Congress available to them in the form most easily consumed by everyone: television. The House of Representatives has already grasped that point, and regularly televises its sessions. I am not suggesting that we should follow their example. But we can learn from it, and make the most critical of our deliberations public, through the medium of television.

Mr. President, I am convinced that such an action would greatly contribute to an understanding of this treaty among the people as a whole. The greater the understanding of the actual terms of the treaty, the more aware the people will be of its implications. And the better they understand the implications, the better chance our decision has of being accepted by the people as a whole. And ultimately, that is where the battle needs to be fought and won. This is a government of the people, and they must finally assent to this treaty, or it will be meaningless.

There are those who say that the people cannot judge matters of this type. I am not one of them. I think people often have a better grasp of strategic reality, and the fundamental principles that ought to underlie foreign policy than our State Department professionals. I, for one, am willing to put the question to the people. Let us do so as completely as possible. I urge all my colleagues to join me in making known to the joint leadership their desire that these proceedings be televised.●

AMENDMENTS SUBMITTED FOR PRINTING

SPECIAL SUPPLEMENTAL FOOD PROGRAM AUTHORIZATION, 1980—S. 292

AMENDMENTS NOS. 194 AND 195

(Ordered to be printed and to lie on the table.)

Mr. MORGAN submitted two amendments intended to be proposed by him to S. 292, a bill to reduce the fiscal year 1980 authorization for appropriations for the special supplemental food program.

AMENDMENTS NOS. 196 AND 197

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted two amendments intended to be proposed by him to S. 292, supra.

DEPARTMENT OF STATE AUTHORIZATIONS, 1980 AND 1981—S. 586

AMENDMENT NO. 198

(Ordered to be printed and to lie on the table.)

Mr. HELMS (for himself and Mr. HARRY F. BYRD, JR.) submitted an amendment intended to be proposed by them, jointly, to S. 586, a bill to authorize appropriations for the Department of State, International Communication Agency, and Board for International Broadcasting for fiscal years 1980 and 1981, and a supplemental authorization for State for fiscal year 1979, and for other purposes.

NOTICES OF HEARINGS

COMMITTEE ON FOREIGN RELATIONS

Mr. CHURCH. Mr. President, I would like to announce that the Committee on Foreign Relations will hold a hearing on the nomination of Walter L. Cutler to be Ambassador to Iran and Alfred L. Atherton, Jr., to be Ambassador to the Arab Republic of Egypt, on May 15, 1979.

The meeting will take place at 10 a.m. in room 4221 of the Dirksen Senate Office Building.

Anyone interested in testifying at this hearing should contact Pauline Baker or William Barnds of the Committee on Foreign Relations staff at 224–4651.

SELECT COMMITTEE ON SMALL BUSINESS

● Mr. NELSON. Mr. President, I wish to announce the resumption of public hearings on capital formation by the Select Committee on Small Business, on Tuesday, May 22, 1979, at 9:30 a.m. in the committee hearing room, 424 Russell Senate Office Building, Washington, D.C. 20510.

At that time, the National Association of Securities Dealers will present the results of a 7-month study on the difficulties experienced by small business seeking to raise capital in public securities markets. In addition, representatives of the National Venture Capital Association will discuss sufficient developments in the venture capital (prepublic market) financing of the past year.

Persons interested in the hearing may obtain further information from the committee offices.●

SUBCOMMITTEE ON ENERGY REGULATION

● Mr. DURKIN. Mr. President, I wish to announce that the Subcommittee on Energy Regulation of the Senate Committee on Energy and Natural Resources will conduct a public hearing on Thursday, May 17, 1979, from 8:30 a.m. to 10 a.m. in room 3110, Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony from the General Accounting Office concerning the draft of a proposed GAO report publicized in the May 4, 1979, edition of the Washington Post. According to the Post, the draft report charges that the Department of Energy has not adequately enforced crude oil reseller price controls, and raises serious questions concerning the Deoartment's handling of criminal and other violations of the crude oil pricing regulations.

Mr. Owen Malone of the committee staff is available to answer questions concerning the hearing on 224–7141.●

SUBCOMMITTEE ON ANTITRUST, MONOPOLY, AND BUSINESS RIGHTS

● Mr. METZENBAUM. Mr. President, the Subcommittee on Antitrust, Monopoly, and Business Rights will continue its hearings on S. 600, the Small and Independent Business Protection Act, on May 17, 1979.

The hearings will begin at 10 a.m. in room 6226, Dirksen Senate Office Building.●

COMMITTEE ON GOVERNMENTAL AFFAIRS

● Mr. SASSER. Mr. President, I wish to announce that the Committee on Government Affairs will hold hearings on S. 2, the Sunset Act of 1979. The hearings will be on June 7, 12, 13, and 14 at 10 a.m. in room 3302 Dirksen.●

AUTHORITY FOR COMMITTEES TO MEET

Mr. CHURCH. Mr. President, the majority leader has asked me to make the following unanimous-consent requests:

COMMITTEE ON THE JUDICIARY

Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate today to consider regulatory reform legislation.

The PRESIDING OFFICER. Without obection, it is so ordered.

Mr. CHURCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate today to hold a hearing on the Speedy Trial Act of 1974.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CHURCH. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate today to mark up authorizations for the Nuclear Regulatory Commission and several environmental authorizing bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMPROVEMENTS IN JUDICIAL MACHINERY

Mr. CHURCH. Mr. President, I ask unanimous consent that the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary be authorized to meet during the session of the Senate today to consider court improvements legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CHURCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate today to consider S. 685, the Nuclear Waste Policy Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

VOLUNTARY PRAYER IN SCHOOLS

● Mr. GARN. Mr. President, last month, the Senate voted in favor of permitting voluntary prayers in public schools of the United States. Such prayers have a long history in this country, and were always thought to be consistent with the Constitution, until certain Supreme Court decisions introduced a different understanding of the first amendment.

The Senate's action came on an amendment by Senator HELMS, limiting the appellate jurisdiction of the Federal courts. This approach has been widely attacked as being a radical departure from constitutional history in America, and, in fact, a violation of the Constitution itself.

Nothing could be further from the truth. The Constitution itself clearly provides for such a limitation, and in the 200 years of our history, that limiting power has been exercised, and upheld by the Supreme Court.

Since the Senate action, there has been quite a bit of editorial comment on it, both pro and con. I would like to give my colleagues the benefit of some of it, and so I ask that four editorials, including one by Senator Helms himself, be printed in the Record.

The material follows:

Let's use the Constitution

(By William A. Rusher)

New York.—For all their devotion to the Constitution when it suits their purposes, people are often curiously unwilling to invoke or even admit its clear provisions if doing so might lead to some result they happen to oppose.

The First Amendment's four little words "or of the press," for example, are being used these days as the foundation for bold claims of sweeping privilege and immunities for anybody who can plausibly claim to be a member of the media. The same amendment's prohibition against Congress making any law "respecting an establishment of religion" is (incredibly) cited as barring non-denominational prayer from the classroom, forbidding any sort of public aid to parochial schools, and much else. Such phrases as "regulate commerce," "due process" and "equal protection" have been leaped upon and ballooned beyond all recognition by the Founding Fathers and 19th-century legislators who wrote them.

And yet, though Article V contains 22 words setting forth one way in which amendments to the Constitution may be proposed ("The Congress, . . . on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments"), attempts to use this method of amendment are treated like some sort of exotic and faintly un-American effort to make an end run around the more traditional procedure, whereby Congress itself does the proposing.

Similarly, Article III takes 25 words to declare that "the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make"; yet any member of Congress who proposes to limit the Court's sweeping appellate jurisdiction in any particular is condemned for tampering with the basic structure of our system.

The truth is that the Founding Fathers foresaw very clearly how much that has now come to pass, and provided foresightedly appropriate remedies for our problems. They knew very well that Congress might become indifferent to the interests or wishes of the sovereign states that formed the Union, and realized that amending the Constitution to impose the states' will might be impossible if Congress alone were given the power to initiate such amendments. Accordingly they provided that two-thirds of the state legislatures could force a call for a convention to amend the Constitution. Senator Kennedy's alarm at the current drive to do exactly this, for the purpose of mandating a balanced budget, is perhaps natural for a member of Congress, since this method excludes Congress from the amending process, and worse yet, threatens to end Congressional profligacy once and for all. But the procedure is as American as apple pie, and is precisely how the Founders meant to curb a runaway Congress.

Similarly, the authors of the Constitution knew very well that there is such a thing as judicial tyranny, too. High courts are traditionally the last refuge of embattled and moribund establishments, and this Supreme Court's insistence on the forced busing of schoolchildren, the banning of school prayer, etc. is simply Liberalism's Last Stand against the common sense and fundamental piety of the vast majority of the American people. Here again the Constitution unambiguously shows the way: Congress can at any time, to any desired extent, limit the appellate jurisdiction of the Supreme Court (not to mention the original and/or appellate jurisdictions of the inferior federal courts, which Congress created in the first place) by a simple majority vote of both Houses—thereby leaving the state (or lower federal) courts as the final arbiters in all legal matters thus reserved to them.

So Senator Helms' current bill, to deny the Supreme Court appellate jurisdiction in school prayer cases, is exactly the remedy the Founders intended that the people should invoke, when the Court obstinately prohibits what everybody knows the authors of the Constitution had every intention of allowing.

The Constitution is a wonderful thing. But its authors intended its provisions to be used, and we do them no honor by refusing to employ the remedies they thoughtfully provided.

[From the Washington Star, Apr. 30, 1979]

The "Prayer" Amendment's Rationale

(By Jesse Helms)

While I agree with much in Edwin M. Yoder Jr.'s April 19 column on this page, ("A Call for the Constitutional Chaperones"), I think the discussion may be well served by a few additional observations.

Mr. Yoder raises the essential issue when he suggests that "the really vital point of controversy (is) the meaning of the establishment clause" of the Constitution. The history of this seems abundantly clear.

During the drafting of the First Amendment, the New Hampshire delegation proposed that it read: "Congress shall make no laws touching religion . . ." Note the word "touching."

If this suggestion had been accepted, then voluntary prayer in schools would indeed be subject to constitutional question. But that language was flatly rejected. Instead the wording familiar to most Americans was adopted: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ."

The First Amendment prohibits an established church—or established religion—paid for and controlled by the government. But there clearly was no intent to interfere with the free exercise of religion.

Supreme Court Justice Joseph Story, in his Commentaries on the Constitution, observed that the First Amendment reflected the general sentiment in America that religion "ought to receive encouragement" from government in a manner "not incompatible with the private rights of conscience and freedom of religious worship."

As Mr. Yoder points out, the presupposition of the existence of a Supreme Being was erased by the Supreme Court in decisions which constitutional scholars such as Harvard Law school dean Erwin Griswold labeled as "sheer invention."

However, the Court not only distorted the meaning of the term "establishment," it ignored the fact that the limitation applied to "Congress," Justice Story also wrote: "The whole power over the subject of religion is left (by the First Amendment) exclusively to the state governments to be acted upon according to their own sense of justice and the state constitutions."

The Court's restriction of state action in such matters rests upon a fundamental distortion of the Fourteenth Amendment, as Harvard law professor Raoul Berger has so soundly demonstrated.

But Mr. Yoder and I part company over the soundness of the so-called Helms amendment as an attempt to "strip away" (as he describes it) the Court's jurisdiction, rather than "persuade the Court of error" or to legislate "correctively."

Unfortunately, there is no way to force the Court to consider a case when it is not inclined to do so. The Court has passed up numerous opportunities to re-evaluate its 1962 decision.

And, if by "corrective" legislation is meant a constitutional amendment, then I must disagree. The present language of the First Amendment suits me just fine. But perhaps a new amendment could read: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof (and we really mean it)."

Article III of the Constitution states that the appellate jurisdiction of the Supreme Court is subject to "such Exceptions and under such Regulations as the Congress shall make." Congress has done just that on many occasions including the denial of jurisdiction in criminal cases.

Jurisdiction bills to restrain judicial usurpation have been sponsored by Senators Ervin, Mansfield, Robert C. Byrd and Everett Dirksen.

The Supreme Court itself has recognized this power of Congress. In Ex parte McCardle, the Court dismissed a habeas corpus request by a civilian convicted by a military commission after Congress had limited its jurisdiction saying: "We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of the court is given by express words."

However, in acting twice this month to pass the co-called Helms amendment, the Senate did not go as far as did Congress in the McCardle case.

My legislation provides that each citizen will still have recourse to a judicial settlement of his rights. The important check of judicial review would continue to be available in the state courts.

[From the New York Daily News,
Apr. 16, 1979]

How Supreme Is the Court?

(By Patrick J. Buchanan)

Washington.—As Sen. Edward Kennedy instantly recognized, the prayer amendment of Sen. Jesse Helms involves more than simply school prayer. For the first time in 200 years, railed the Massachusetts liberal, "the Congress has voted to exclude from jurisdiction of federal courts" subjects involving "individual rights and liberties enshrined in the Constituton." Mr. Kennedy is correct in his concern; he is dead wrong in his facts.

In the aftermath of the Civil War, after the Supreme Court had heard the case of a Confederate sympathizer, Congress specifically denied the court the authority to rule. The case was *ex parte McCardle,* and the court bowed to the supremacy of the Congress with these words: "We are not at liberty to inquire into the motives of the legislature. We can only examine its power under the Constitution, and its power to make exceptions to the appellate jurisdiction of this court is given by express word." The "express word" is contained in Article III which gives the court appellate jurisdiction "with such Exceptions, and under such Regulations as the Congress shall make."

In brief, what Sen. Helms is saying and what Sen. Kennedy understands him to be saying is that the Congress may, by legislation, restrict the jurisdiction and authority of the Supreme Court on the matter of school prayer, or abortion, or forced busing for racial balance. In 1948, Justice Felix Frankfurter conceded such congressional supremacy when he wrote: "Congress need not give this court any appellate power; it may withdraw appellate jurisdiction once conferred, and it may do so even when the case is *sub judice* (still in the works)."

Indeed in the Norris-LaGuardia Act, FDR's kept Congress restricted the court's authority to decide labor disputes. In the Emergency Price Controls Act of 1942, FDR's war Congress restricted the court's authority to invalidate wartime price controls..

The nation has endured a judicial tyranny since 1954 because our congressional conservatives have lacked the courage of Roosevelt's liberals. Twice in the wild days of the Warren Court era, Congress moved hesitantly to rein in a runaway court, Sens. Mike Mansfield and Everett Dirksen proposed legislation to overturn the one-man, one-vote decision in Baker v. Carr, legislation which passed an angry House 242-148, but died in the Senate. In the wake of the outrageous Miranda decision, Sen. Sam Ervin of North Carolina proposed legislation to restrict the court's authority to expand the exclusionary rule, which has made its own modest contribution to the crime wave of recent years. Sen. Ervin's bill passed in committee, but perished on the floor.

If the conservatives mean what they have said all these years about the usurpations of the Warren Court in the arenas of pornography, mandatory busing, school prayer—the Helms amendment carries the seeds of a counter-revolution. Article III is the stick left in the Constitution by the Founding Fathers to strike down an Imperial Court. It is a whip which the Congress can use to recapture its stolen legislative terrain, and to pen up the nine justices in a corral, the dimensions of which were decided upon in 1789.

[From the National Catholic Register, Apr. 29, 1979]

PRAYER IN THE SCHOOLS

Prickly issues sprout out of Senator Helms' school-prayer legislation like quills upon the porcupine. Some important politicians are going to get stuck, Senator Kennedy first among them. Already the Senate has delivered to him his first major rebuff as Chairman of the Judiciary Committee, twice ignoring his elaborately-argued pleas against prayer in the schools and the removal of jurisdiction over prayer-school laws from the Supreme Court. Popular sentiment to restore prayer in the schools is so strong that the course of the 1980 presidential election could be altered.

That probably explains President Carter's early-morning phone calls to key senators, urging them to reverse themselves and to sidetrack the Helms legislation. Such presidential pressures are scarcely noticed in the press, yet they help forestall the highly public and acutely embarrassing moment when the President finds school-prayer legislation on his desk, awaiting his signature. To sign it would alienate the rigid church-state separationists; to veto it would alienate the Evangelicals who see in Mr. Carter one of themselves.

Evangelical support for Senator Helms' legislation has been formidable, indicating where the sentiments of tens of millions lie, and where their votes may go. Official Catholic support, on the other hand, has been slow to make itself known, presumably because the particulars of this legislation require study. But the Catholic stance toward prayer in the schools has altered significantly during the course of this century. When public schools were bastions of Protestantism (indeed they were the construction of militant Protestantism), Protestant prayers in those schools were seen as offensive to Catholic pupils if not as an offensive against Catholic worship. Nowadays, when the name of God is under siege in every public place, when the schools have been turned into temples of secular humanism, the restoration of prayer to the public schools would be seen as a useful step toward restoring God to his deserved and necessary place in our public life. The common struggle of Catholics to reunite God and country now is a major ecumenical front.

So near to the hearts of many Americans is the movement to renew the nation in God that politicians oppose it at their manifest peril. Not just Senator Kennedy but others who face re-election next year have already been wounded by their opposition to the Helms legislation. Among them are Senators Culver and Durkin, and more significantly Senators Bayh and McGovern.

One liberal senator who led the attack on the Helms legislation recognized its wide appeal when he argued against allowing "the organic law of the nation to be pulled and hauled with each ebb and flow of the tide of public opinion." The irony is that many Americans, including close scholars of Constitutional history, believe the Supreme Court floated its most controversial church-state decisions upon what it saw as a tide of public opinion.

The Helms legislation would actually remove from the Supreme Court's jurisdiction all state laws governing voluntary prayer in public schools. Despite Senator Kennedy's energetic and esoteric arguments, the Constitution plainly gives Congress the power to so act; the present Senate, at least, seems to think so. So did the Supreme Court itself a century ago when it stated that the power of Congress "to make exceptions to the appellate jurisdiction of this court is given by express words." Any reader can confirm this by referring to Article III of the Constitution.

Against the once-fashionable theorizing of the secularizers—borrowed unhappily by the Supreme Court—Catholics and Protestants and Jews alike can marshal the concrete evidence of our own most sacred documents such as the Declaration of Independence and Washington's and Lincoln's deathless addresses, the evidence also of our most sacred institutions which enshrine the name of God above their portals and their halls. The Supreme Court itself—supreme irony—begins each session with a prayer:

"God save the United States and this Honorable Court."

It is a prayer many devout and patriotic Americans utter, with slight variations of form but none of substance, deep within themselevs daily.●

UNITED AIRLINES

● Mr. INOUYE. Mr. President, on March 31 the 18,600 members of the International Association of Machinists working for United Airlines went on strike. United Airlines ceased operation and laid off the remainder of its 54,000 employees. United Airlines, the largest of our domestic carriers with approximately one-fourth of the Nation's domestic passenger business, has remained on strike since that date and there is no clear sign of imminent settlement.

Mr. President, we tend to become inured to labor disputes and strikes—at least until it affects us personally and directly. Unless we cannot get where we wish to go, when we wish to go there, we tend to be pretty sanguine about the disruption. It is someone else's problem.

Well, it may be someone else's problem, but I want to report that it is much more than an inconvenience to an awful lot of people—particularly in my State. It is certainly much more than an inconvenience to the more than 35,000 United Airlines employees who were laid off as a result of the strike by the IAM employees. There are 312 such striking workers in Hawaii and another 755 United employees have been laid off now for 5 weeks.

But they certainly are not the only ones hurting. Some 3,000 workers in Hawaii have already been laid off due to the impact of the strike on business activity in my State. The loss in business for the month of April has been estimated at $35 million with the State having lost $5 million in tax receipts as a result of the strike. Hotel occupancy is down from the normal 80 percent rate to 65 percent and the car rental business is down by a similar margin. Some agencies report business down by 30 percent and some restaurants by 25 percent. Tour bus operators report a 22 percent reduction from April of last year and the tourist business had been reporting a substantial increase this year until the beginning of the United strike.

United Airlines is normally responsible for fully one-half of the passenger traffic between the west coast and Hawaii. While other airlines can absorb some of the loss by flying fully loaded, only one airline, Continental, has been able to add aircraft to help alleviate the problem. Continental has added three DC–10 flights daily. Braniff is scheduled to add one additional flight daily beginning May 5. While the CAB has authorized five additional airlines to serve Hawaii, the earliest any of these will be able to put planes in the service is in mid or late summer—much too late to be of real help.

Mr. President, for any member from the mainland to fully appreciate what the strike means to Hawaii, that member would have to visualize a cutoff of almost 50 percent of the transportation capability into and out of their State by any means; by auto, train, and bus as well as by air. We have no other means of getting to or from Hawaii except by air.

The impact will grow rapidly unless there is an early settlement. The State's department of planning and economic development estimates the unemployment impact if the strike continues at 21,000 unemployed. In a tourist dominated society, such as ours, where many depend not just on wages but on tips, it is not just the unemployed who feel the impact but all who continue to work and who are reliant on tips for part of their income.

Mr. President, I do not claim to know the details of the negotiating positions of labor and management nor do I wish to judge who is right nor what the final settlement should be. I am informed by those close to the Federal effort to resolve this dispute that management has made offers acceptable to the union leadership in both the International and the IAM local and that twice these have been turned down by the rank and file. I am informed further that the last offer was in the 10½ percent per year range for each of the next 3 years and that this exceeds the TWA settlement which was 10 percent per year and other settlements in the airlines industry. Certainly, it exceeds the 7 percent which the Government has established as an overall guideline and it certainly also exceeds the 5.5 percent which has been the ceiling for Federal employees as well as the average private sector settlement of 6.8 percent.

There may be other issues at stake about which I am uninformed, and I do not mean to judge the disputants too harshly. But, I do know that no single group of employees and no single company can be permitted to so severely impact the economic health and welfare of a large number of innocent third parties for any extended period without the Government being forced to take action—action which may well place further limits on free collective bargaining to the ultimate disadvantage of both free labor and free management. The time has come for both the largest of our domestic airlines and for the powerful International Association of Machinists Union to make a renewed and meaningful effort to bring this strike to an early conclusion. Our patience is being sorely tried.●

PRESERVATION OF THE WHALES

● Mr. PACKWOOD. Mr. President, a provision of the measure now before the Senate is of particular interest to the people of Oregon and to all Americans concerned with the plight of the great whales. I refer to section 403, a resolution urging the International Whaling Commission to declare a moratorium on the commercial killing of whales.

With all the attention, however well deserved, devoted to endangered land animals and destruction of habitat, we fail to notice that a handful of nations are bent on wiping out the last of the largest and perhaps most intelligent creatures ever to inhabit the Earth.

The International Whaling Commission meets this July in London. The actions of Congress between now and then could tip the balance in favor of an end to the slaughter of whales. The Senate has already approved my measure to tighten economic sanctions against nations which violate the whale conservation mandates of the IWC. We must now insure the whaling member nations are not successful in their effort to emasculate the Commission's conservation programs.

The President has instructed our delegate to the IWC to pursue a moratorium on commercial whaling. Enactment of the measure before us today will give strength to his voice, and could sway enough votes to gain this long sought reprieve for the whales.●

THE EARLY SKEPTICISM OF SENATOR GRAVEL ON NUCLEAR ENERGY

● Mr. CRANSTON. Mr. President, as a hundred thousand concerned citizens were in Washington this weekend to demonstrate their opposition to nuclear power. Many have remained here this week to present their views personally to their Senators and Representatives.

I would like to take just a moment to call attention to one Member of the Senate who, in the years before the public was aware of the unusual dangers of nuclear energy, conducted a vigilant campaign for more openness by Government and the nuclear industry; for normal, full industrial liability in the event of a severe nuclear accident; for safe storage of nuclear wastes; and in favor of alternative energy sources, especially decentralized energy sources.

I am speaking of Senator MIKE GRAVEL of Alaska. He was drawn into the nuclear debate by the underground weapons tests in his State. But very early, he grasped the particular dangers of long-lived nuclear wastes and of heavy reliance on a distrusted energy source. And he understood something which at that time seemed to most people as highly improbable: the existence of real energy alternatives, especially solar energy.

In 1972, Senator GRAVEL sought to increase the Federal Government's solar energy budget by just $3 million and he was told on the Senate floor that "no scientist in America" would take solar energy seriously.

Events today are justifying Senator GRAVEL's early skepticism on the subject of nuclear energy, and I think he deserves recognition for those efforts.

Justice William O. Douglas has written a letter in today's Washington Post which recalls Senator GRAVEL's early point of view. I ask that this letter be printed in the RECORD.

The letter follows:

THE MORAL EQUIVALENT OF SUICIDE

In 1972, I devoted a chapter to radiation in "The Three Hundred Year War," a chronicle of ecological disaster. I did so only after studying the facts about radiation and nuclear energy.

Then and now, most scientists agree that the safest exposure to radiation is none at all. Our government regulators have recently given further support to this basic fact. They are considering a 50 percent reduction in the amount of annual radiation to which a nuclear power-plant employee may be exposed.

The Three Mile Island cooling system breakdown has made us all aware of the real potential for a peacetime nuclear holocaust. But even if the reactor cooling systems were "foolproof," there is still the greater problem of nuclear waste disposal. At present, most spent reactor fuel is simply transferred to the "temporary" storage tanks adjacent to the reactor. It is held there indefinitely in hopes that a solution will arise as to what should ultimately be done with these deadly wastes.

This problem of disposal has plagued scientists since the peaceful use of the atom was sought to justify its development after the bombings of Hiroshima and Nagasaki. Until this problem is resolved, there can be no truly safe use of nucelar power. It is time once again to consider the wisdom of Sen. Mike Gravel's assertion in 1971.

"If this country ever grows dependent on nuclear energy for more than a few percent of its electricity, the entire economy could be crippled by one bad nuclear accident which required the shutdown of all nuclear plants."

The message is clear. The benefits of nuclear power are far outweighed by the greater risks imposed upon an unsuspecting public. If we should treat the energy crisis as the "moral equivalent of war" then we should view the continued use of nuclear power plants as the "moral equivalent of suicide."

WILLIAM O. DOUGLAS,
Justice (Ret.) U.S. Supreme Court.

WASHINGTON.●

ONE HUNDREDTH ANNIVERSARY OF WOOLWORTH'S

● Mr. JAVITS. Mr. President, I rise to celebrate an institution uniquely American: The 5-and-10-cent store.

The words themselves conjure up lyrics from generations of ballads and show tunes. Memories of after-school browsing among the tables at Woolworth's or of sodas shared at its fountains are common ground for almost every citizen.

The five-and-dime concept is 100 years old this year, and the man who made it an institution was a New Yorker named Frank Winfield Woolworth.

In 1878 Woolworth was a $10-a-week clerk in Watertown, N.Y., at Moore & Smith's Dry Goods Store when he was asked to open a 5-cent counter to take advantage of the county fair being held in the town that summer. Stocked with $100 worth of pins, yarn, needles, and other goods recently purchased in New York City, Woolworth's counter was an instant sensation. Five-cent fever swept the town—to the extent that local farmers bought their own stock of 5-cent merchandise and set up tables in their barns.

Woolworth took his notion and his notions to Utica, N.Y., early in 1879 and opened the first 5-cent store. Though business was brisk at first, the store did not succeed, and in June 1879 Woolworth moved his location to Lancaster, Pa.

The fortunes of F. W. Woolworth were not to be dimmed again, and, joined in 1912 by two other Watertowners, his brother Charles, and Fred Kirby—both former Moore & Smith clerks—the F. W. Woolworth Corp. was established and spread nationwide.

For years afterward the company returned to Watertown each spring for annual stockholders meetings, and constructed an office to house the meetings on the site of the old Moore & Smith Dry Goods Store in 1921.

In 1913 New York City's Manhattan witnessed the rise of the world's then-largest building, the Woolworth Building, corporate headquarters for a growing chain of stores.

Today the company comprises more than 5,600 stores around the world with corporate sales exceeding $6 billion and some 200,000 men and women on its payrolls.

In his time F. W. Woolworth revolutionized American retailing. Today hardly a home in this country does not reflect in some way the genius of this New Yorker.

Mr. President, without objection, I include for the RECORD a copy of a New York Times op-ed piece written on the occasion of the Woolworth centennial.

The article follows:

WOOLWORTH AFTER 100 YEARS—MORE THAN JUST NICKELS AND DIMES

"The five-and-dime"—a phenomenon more typically American than any other development in retailing—remains a colloquialism today, despite the fact that the 5-and-10-cent store, offering such items as needles, thread, candy and handkerchiefs at a price no greater than 10 cents, vanished in the 1930's, a victim of inflation.

The concept evolved into the variety store, which today carries popularly-priced merchandise ranging from eye makeup and sneakers to microwave ovens and color television sets.

The first five-and-dime was opened 100 years ago this month by Frank Winfield Woolworth in Utica, N.Y. He saw an opportunity in building an entire store around a method of merchandising that had been used only as a counter novelty. That store failed, but in the following June Woolworth tried again, in Lancaster, Pa.

This time the store, and the idea, prospered—so much so that today the F. W. Woolworth Company consists of more than 5,600 retail stores in several countries, 1,800 of them under the Woolworth name. Total corporate sales, including those of other divisions—Woolco, Kinney Shoes, Richman Brothers clothiers—are expected to exceed $6 billion in the fiscal year ended Jan. 31, making Woolworth the largest variety store operator in the United States.

Others adopted Woolworth's approach. The 1880's and '90's saw the rise of a number of five-and-dime merchants, whose names were bannered across their stores, testifying to their entrepreneur spirit. When Woolworth officially incorporated in 1912, the company mergd with, among others, F. M. Kirby & Company, S. H. Knox & Company, and C. S. Woolworth & Company, the last a five-and-dime chain developed by Frank's younger brother Charles. These stores had been synonymous with five-and-dime goods in their communities.

And there were many others. H. L. Green, J. J. Newberry and McClellan were incorporated into the McCrory Corporation, a chain of variety stores, which, in turn, is now part of Rapid-American. The S. H. Kress chain, owned by Genesco, has been winnowed to a handful of stores. Its Manhattan store, a landmark for 42 years on Fifth Avenue, was closed in 1977 because it was not profitable. The giant W. T. Grant Company is in complicated and costly bankruptcy proceedings. M. H. Lamston Inc., which opened during the Depression, continues in the New York area as a variety chain.

Of them all, Woolworth's probably developed the purest form of five-and-dime retailing, holding to its 10-cent price limit for fifty-three years.

Woolworth's major competitor, S. S. Kresge, has phased out its variety stores in favor of its K Mart operation. These stores, which offer a wide assortment of general merchandise at discount prices, compete more directly with Woolco, Woolworth's 305-store discount division. About 40 percent of Woolco merchandise is soft goods, compared with 24 percent in a Woolworth store.

The Woolworth-Woolco division in the United States has undergone problems in recent years. Its operating profits in fiscal 1977 plunged to $51 million from $72 million in the prior year. Company officials, however, said recently the division had a "very fine year" in 1978, with good gross profit margins, making a full recovery.

There have been nine presidents of F. W. Woolworth since its founder died in 1919, after seeing his architectural dream, The Woolworth Building, rise in lower Manhattan. At the time, it was the largest building in the world. Edward F. Gibbons, formerly president, now chairman and chief executive, sat in the 30-foot-square office on the 24th floor, the office once occupied by Frank Woolworth, and discussed the company today. The office still retains its presidential aura, with its green Vert Campan marble wall panels and wainscotting and stately marble fireplace.

Mr. Gibbons reflected on how it feels to occupy the founder's chair. "It is a seat originally occupied by a man whose foresight was so great that he revolutionized American retailing," he says. "But one can only be overwhelmed for so long. You have to grow upon what has been passed on to you. Not much of the five-and-dime essence is still there, simply because we cannot supply goods at those prices today."

Here's how some of Frank Woolworth's prices compare with those of today: His 5-cent men's handkerchief is 35 cents now; 10-cent red and blue bandannas are 79 cents; 10-cent dress patterns range from 99 cents to $2.50; a 5-cent spool of thread is 50 cents.

A recent Woolworth's circular (distributed to 12 million homes by newspapers and mail) advertised such items as 87-cent packs of M & M candies, $18.96 digital watches, polyester blankets at two for $7, and crewneck sweaters at $5.77 each. Woolworth stores in West Germany have been known to carry $700 fur coats. Woolworth and Woolco stores carry $700 Zenith color television, $299 Tappan microwave ovens and Black & Decker tools. About 15 percent of the total advertising budget is applied to television.

Woolworth's has developed into a prodigious marketplace for the mundane, contending that while the five-and-dime might be dead, the variety store is not.

For example, the company says that Woolworth retail stores sell $25 million worth of knitting yarn a year, $11 million worth of disposable diapers, $35 million of cameras and film, $11 million of Maybelline eye makeup, $14 million of Timex watches, and $8 million worth of power lawnmowers. It also sells truckloads of holiday favors, decorations, greeting cards and other paraphernalia.

In addition, Woolworth's has a $100 million business in plants and garden supplies, according to John L. Sullivan, president of the Woolworth-Woolco division in the United States and executive vice president of the company. He also noted that the company does a good restaurant business in its stores' Red Grille luncheonettes, particularly in high-traffic, fast-turnover downtown stores, adding that a Minneapolis store has a $2 million business.

Because of its volume and geographically widespread stores, Woolworth is a barometer for consumer trends. According to company officials, outstanding items this year should include vitamins, instant cameras, leisure apparel, do-it-yourself auto repair goods, microwave ovens and various hobby kits.

Mr. Sullivan noted that in terms of percentage of sales to total volume, the top five Woolworth merchandise categories are stationery, drugs and cosmetics, toys, notions and hosiery.

"We do a good business in packs of yellow pencils, for example, during back-to-school times," he says. "A store might sell 36 to 100 dozen packs in two weeks."

He also said that red-and-white thumb tacks and brown wrapping paper and twine are hot items during the Christmas season, when customers are thinking of party decorations and gifts.●

GOVERNMENT TRAVEL

● Mr. SASSER. Mr. President, as the Members may recall, I introduced legislation (S. 697) on March 19, 1979, designed to reduce by $500 million the amount which may be spent for travel and transportation of Federal employees during fiscal year 1980. This would still allow $7.4 billion for these purposes, an amount which I believe should be sufficient to transact the Nation's business.

Based on testimony from the Director of the Office of Management and Budget and the Director of the Congressional Budget Office, I am more convinced than ever of the feasibility and need for such a limitation as I have introduced.

Mr. President, I introduced this legislation because I believe that my colleagues in the Senate as well as the public at large share a common concern about Government travel—that is, there is simply too much of it.

The President has shown his concern by asking Federal agencies to reduce Government travel costs.

Nevertheless, the fiscal year 1980 President's budget includes $3.1 billion for "transportation of persons." Using the Congressional Budget Office cost of an average trip per CBO employee of slightly less than $380, this yields 8 million Government financed trips per year.

Dividing that by 365 days per year yields 22,000 Government financed trips a day, every day of the year, Saturdays, Sundays, Christmas and New Year's day included.

Mr. President, this means there are probably more than 20,000 Federal employees in the air at any given moment—and this does not even count the nongovernment employees who are traveling on Federal Government grants and contracts.

There is worse news coming.

Since introducing S. 697, I have directed the staff to conduct a survey of Federal first class travel to find what deficiencies, if any, could be uncovered.

The staff subsequently surveyed reports of Federal employees traveling first class for the 6-month period—from April 1, 1978 to September 30, 1978.

One Federal agency stood out. It is the Railroad Retirement Board, a small Federal agency based in Chicago.

During the 6-month period, eleven of the Board's employees took 39 trips using first class accommodations.

Moreover, only 3 of those employees accounted for 28 of the 39 first class airline trips.

One of the Board employees made 15 first class airline trips during the 6-month period—or about one first class trip every other week.

This same Board employee made one first class round trip from Chicago to Las Vegas—and another to Fort Lauderdale.

First class accommodations for both trips were justified on the basis that "use of first class necessary for conduct of mission."

A second Board employee traveling first class from Chicago to Las Vegas also justified the first class accommodation as "necessary for the conduct of mission."

A third Board employee traveled first class round trip from Chicago to Tampa, Fla., at an additional first class cost to the taxpayer of $282. The same employee traveled first class round trip from Chicago to Fort Lauderdale, Fla.

First class air travel for both of these trips were justified on the basis that "space needed to accomplish work en route."

Mr. President, some agencies are doing a good job of controlling first class air travel. Secretary Brock Adams is to be commended on his effort to hold the Department of Transportation with its 71,000 employees to only 31 first class trips in 6 months. That is 8 trips less than the Railroad Retirement Board which has only 1,838 employees.

Mr. President, the taxpayers are demanding that the Federal Government cut expenditures and reduce waste. A good place to start is by reducing the Federal travel budget by $500 million below the President's budget request of $7.9 billion. This would have the effect of grounding 2,000 Federal employees a day and keeping them at their desks conducting the essential affairs of the Nation. Such a cutback might also encourage the executive branch to tighten up its travel regulations, utilize airline discount fares whenever possible, and eliminate nonessential first class air travel.

Mr. President, I urge my colleagues to join as cosponsors to S. 697 which is designed to reduce by $500 million the amount which may be spent for travel and transportation of Federal employees during fiscal year 1980.

This bipartisan effort to reduce nonessential travel expenditures is being cosponsored by Senators BAYH, LEAHY, SARBANES, PROXMIRE, DANFORTH, HUDDLESTON, LEVIN, HOLLINGS, STEWART, FORD, EXON, BOREN, HEINZ, THURMOND, COHEN, BENTSEN, BAUCUS, PERCY, BURDICK, HARRY F. BYRD, JR., DECONCINI, BUMPERS, ROBERT C. BYRD, MORGAN, WALLOP, and STONE.

I urge my colleagues to join us by contacting me or the subcommittee clerk, Mr. Terry Sauvain, at 224–7251.●

USICA BUDGET CUT

● Mr. MATHIAS. Mr. President, last week the Senate Foreign Relations Committee cut $5.8 million from the President's budget request for the U.S. International Communication Agency. USICA operates our information and cultural exchange programs with other countries. Budget and staffing for these types of programs have declined by 25 percent from their 1966 level. While the new USICA is a more efficient and streamlined operation than its parent agencies were, its programs have necessarily been more limited. USICA needs the support of Congress to continue and improve its important services.

I have followed the U.S. informational and cultural with great interest for many years because I believe they are some of the most important efforts our country makes. The Voice of America, the student exchange programs, the performing arts exchanges and athletic programs promote an essential understanding abroad for American culture and people and make a significant contribution to our foreign policy. There can be no greater force for peace than communication and understanding between the people of different countries.

I recently had an opportunity to observe the USICA's work first hand when I opened the ICA-sponsored exhibit. "Agriculture USA," in the Soviet Union. This and other ICA exhibits all around that country have been viewed by close to 20 million Soviet citizens. These exhibits are often the only contact the Soviet people ever have with the United States, and they go a long way to dispel the mistaken ideas about American society that Soviet propaganda conveys. I left the Soviet Union with a heightened appreciation for the programs being carried out by USICA and for the importance of these exhibits as a medium of communication in an area where improved communication is vital.

Such exchange exhibits are one part of USICA's efforts to foster communication between the United States and other countries. Best known is the Voice of America. Its objective news reporting and programing are now heard in 38 languages. The number of broadcast hours of Voice of America, however, is far surpassed by several countries, including the U.S.S.R., China, and Egypt. These countries, as well as France, West Germany, and Britain, far outspend the United States in terms of the percentage of their national budgets that go for cultural and informational exchange.

In 1977, the United States spent $386 million for these programs, less than 0.1 percent of our national budget of $408 billion. France spent $618.5 million for cultural exchange. That is 0.7 percent of its $88 billion national budget, and West Germany spent $471.2 million, or 0.6 percent of its $74.2 billion budget. In contrast, the Soviet Union spends $2 billion a year for pro-Communist and anti-American propaganda. Egypt spends an estimated 10 to 15 percent of its national budget for cultural and information activities.

Exchange of persons programs administered by ICA have declined by 50 percent since 1966. While we sponsored 5,357 grantees in fiscal year 1978, Great Britain sponsored nearly 30,000 and West Germany 13,000. The importance of these exchange programs for building good will toward the United States is highlighted by the fact that among previous grantees are 39 current heads of State, including Anwar Sadat, Valery Giscard d'Estaing, Helmut Schmidt, and Julius Nyerere.

The budget cuts made by the Senate Foreign Relations Committee are for funds to expand these important exchange programs; $800,000 had been requested for a new counseling and orientation service for foreign students studying in the United States. There are currently 250,000 such students in the United States, most of them at no expense to the U.S. Government, and as recent press stories have confirmed, many of them are in need of counseling if they are to have a positive experience in this country.

The remaining $5 million cut was to be for the new Hubert Humphrey fellowship program. This program was intended to provide a year of training in the United States for young professionals who are currently employed in public service jobs and who are likely to become important public officials in Third World countries. Such a program, in my view, would significantly contribute to the U.S. image of good will among the developing countries.

The USICA's mission is to promote understanding through communication. These budget cuts come at a time when we need more communication in the world, not less.●

GAS RATIONING

● Mr. McGOVERN. Mr. President, I am deeply concerned about the revised standby gasoline rationing plan. Although few of my colleagues have had the opportunity to examine the revisions proposed by the administration late yesterday, I understand that the proposal essentially mandates 90 percent of the allocations based on historical usage with 10 percent to be allocated to the State and National ration reserve banks.

The move to increase allotments based on the historical use factor will seriously impact a number of rural and urban States. When the Department of Energy originally suggested this formula as a means of rationing last summer, they eliminated this consideration from their plan because the bulk of the testimony received clearly recognized this means of rationing as regressive. In a nutshell, the plan we are considering today discriminates against States with low per capita income and high gasoline prices. It gives no consideration to distance traveled or the need for fuels for essential purposes or for seasonally intensive fuel needs.

In point of fact, more States would be adversely affected under the administration's most recent proposal than under the previous plan. Under the new formula utilizing historical usage the following States would receive between 2 percent and 23 percent less gasoline than the average American under rationing: Illinois, North Carolina, Florida, Utah, South Dakota, Massachusetts, California, Iowa, Alaska, Ohio, Idaho, Oregon, Kansas, Minnesota, Montana, Colorado, Washington, Nebraska, Connecticut, Rhode Island, North Dakota, Pennsylvania and Hawaii.

In addition to these new problems, the gas rationing plan continues to retain many of the previous inequities. Agricultural production and farm-to-market transportation has not received a firm priority. Although the Department of Energy has stated on many occasions that agriculture will receive some kind of special consideration, the language is so vague that it defies interpretation. Although emergency allocations and priorities are given to numerous essential services, including hospitals, fire protection, and police, no priority is given to telecommunications which are critical to the functions of the existing recipients of priority allotments.

Mr. President, it has become very clear that each step the administration has taken to revise the standby gasoline rationing plan, in an effort to assure passage, has resulted in an increasingly inequitable distribution of gasoline supplies. It is regrettable that the Senate Energy Committee did not have sufficient time to examine this most recent proposal before sending it to the full Senate. I commend the committee for their exhaustive efforts to develop an adequate plan—however, their efforts have not been successful.

Mr. President, it is for these reasons that I voted against the proposed gas rationing proposal enacted yesterday by the Senate.●

SUPERSONIC TRANSPORT TECHNOLOGY

● Mr. GOLDWATER. Mr. President, more and more the leadership in the airframe and airline industry in this country is turning to the subject of supersonic transport. When the Senate took the precipitate action in 1971 which ended the hopes of the United States in the supersonic transport field, I reported to the President that, in my opinion, it was a disastrous decision because it would set back the airframe industry in this country. It has done precisely that and today instead of the United States being literally the only manufacturer of airframes, we are running into very stiff competition from countries all over this world. We should have learned our lesson by now, namely, the lesson that this country is too progressive, or always has been, to give up on any new venture, whether that new venture might be profitable or not, it takes us ahead, and now we can see the British and the French gaining momentum in the air from having passed the United States in this one most important area. Mr. Robert Hotz, writing in Aviation Week & Space Technology of April 30, 1979, has covered this in a very succinct, easy-to-read way, and I ask that his article be printed in the Record.

The article follows:

New Look at Supersonics

It is time to take a new look at the technology of the supersonic transport and begin thinking about what the U.S. needs to do to develop an economically viable, environmentally acceptable and operationally reliable supersonic transport for the future. More than a quarter of a million people have already flown in the Anglo-French Concorde. By fall, the total will surpass half a million—proving there is a lively market for supersonic travel. The main transatlantic Concorde route from New York has been averaging a 72 percent load factor to London and a 65 percent load factor to Paris. Half of current Concorde business comes from repeat travelers.

Concorde has proved there is a market for express air service even at a premium cost in the 20th Century just as the Pony Express did for the U.S. transcontinental mail service in the 19th Century. Concorde also has proved that all of the environmental bogeys raised by semihysterical opponents were pure balderdash. Concorde's actual performance at busy airports such as Washington, New York, London, Paris, Rio de Janeiro, Caracas and Singapore has shown no appreciable difference from subsonic operations.

While Concorde has been proving itself in airline operations, U.S. technology has been marching on in the key areas of commercially viable supersonics. Concorde squeezed the last drop of performance out of the aluminum materials and turbojet propulsion technology of its era. Since the idiotic and expensive cancellation of the U.S. supersonic prototype program in 1971, a new generation of supersonic technology has sprouted across the entire spectrum, including aerodynamics, propulsion, control systems, materials and manufacturing processes.

SIGNIFICANT RESULTS PRODUCED

Modest exploration of this new technology has been pushed by the National Aeronautics and Space Administration through its Langley, Ames and Lewis research facilities, supported by industrial contracts with Boeing, McDonnell Douglas and Lockheed on airframes and with General Electric and Pratt & Whitney on propulsion. This has been rocking along since 1972 on an overly modest funding level of about $15 million annually but has produced some extremey significant results that now merit close consideration by the top levels of government and the airline industry.

There is a school of Anglo-French thought that relies on the "U.S. conspiracy" theory to excuse all European failures. This school believes that this modest NASA-directed research program is really secretly developing a U.S. competitor for the Concorde despite the 1971 congressional cancellation.

Sadly, this Anglo-French fantasy is not reality, and there is an enormous amount of techno-political work still required to organize a genuine supersonic transport development program from the shards of new technology that the NASA program has unearthed. Some of the key areas of new technology include:

Aerodynamics—Increased performance in both supersonic cruise and subsonic flight is now possible through various combinations of wing-body blending, leading and trailing edge devices and arrow wing planforms. Lift-over-drag ratios of 9 to 10 are now deemed possible for supersonic cruise.

Propulsion—Variable-cycle engines that can function as turbofans during subsonic flight and as turbojets during supersonic flight have been tested, aided by advanced digital control systems. Reduced noise and noxious emissions can be achieved.

Materials—Superplastic forming and concurrent diffusion bonding of titanium, a spinoff from B–1 bomber technology, and high-temperature composite materials now offer a 10–30% weight reduction at about half the cost of 1971 technology.

New computerized design techniques—Finite-element modeling as a computerized design tool can handle about 4,000 structural elements with 2,000 degrees of freedom—this is particularly critical for the long, highly elastic supersonic wing structures—and reduces the preliminary design cycles from three months to seven days. This is a major new design tool able to cope with the myriad complexities of supersonic structure design.

SIZABLE ECONOMIC ASSET

While NASA, Boeing, Lockheed and McDonnell Douglas have all developed wind tunnel model configurations to test various elements and combinations of them, nobody has approached the problem of actually designing an operational supersonic transport for airline use. This is the problem that should now be seriously addressed by the aerospace community and the leadership of both the Executive and Legislative branches of the U.S. government.

A family of variable range and payload supersonic transports would be a sizable economic asset for the U.S. for the rest of this century—particularly in the Pacific, where the combination of vast distances and a burgeoning economy makes supersonic travel a necessity.

The initial U.S. attempt to organize a supersonic transport program was born in hasty desperation as a counter to the Anglo-French Concorde challenge, and assignment of its development to the Federal Aviation Administration was a predictable disaster. We should learn from the mistakes of this experience and give serious thought to organizing a supersonic transport development program that will produce environmentally acceptable, commercially feasible and operationally reliable supersonic transports during the next decade.●

INTERNATIONAL PROCUREMENT CODE

● Mr. LEVIN. Mr. President, recently, the President's Special Representative for Trade Negotiations initiated, on behalf of the United States, a number of international agreements designed to liberalize foreign trade. One of those agreements is an International Government Procurement Code. The objective of this code is to prevent discrimination against foreign suppliers in competition for Government procurement. We are told that this will open up to American businesses new foreign markets worth up to $20 billion.

At the present time, the Governmental Affairs Committee is consulting with the administration on the effects of this code and the changes in U.S. law that will be required to implement the code. We are also considering whether to make any discretionary changes in our procurement procedures in addition to the changes that the code will require.

As part of that process, the committee held an open hearing on April 26 to hear from all interested parties. The leadoff witness at that hearing was our colleague from Pennsylvania, John Heinz. As the ranking minority member of the Governmental Affairs Subcommittee on Federal Spending Practices in the 95th Congress, Senator Heinz showed an active interest in the subject of international trade in government procurement by holding 4 days of hearings on the Buy American Act. His testimony at this time was therefore both timely and thoughtful.

Because we will soon have to vote on the International Government Procurement Code as part of the Multilateral Trade Negotiations package, I thought we could all benefit from Senator Heinz' testimony, I ask that the Senator's remarks before the Governmental Affairs Committee and attachments be printed in the Record.

The material follows:

Statement of Senator John Heinz

Mr. Chairman, as you know, last year I chaired four days of hearings on the Buy American Act. That 1933 law is a clear mandate that the U.S. government use its procurement dollars to purchase from American rather than foreign firms. From testimony presented at those hearings, we learned, however, that most nations impose restrictive buy-national policies and other non-tariff barriers to discriminate against foreign competition for a nation's government procurement.

I think we also found the reasons for such discrimination. Governments use their procurement dollars not only to purchase the goods and services they need to govern, but also to serve economic and policy purposes. For example, a study I commissioned from the Congressional Research Service concluded that a $1,000 procurement placed with an American rather than a foreign firm yields $1,700 in gross economic activity and $552 in new tax receipts for federal, state and local treasuries.

Based on the record of these hearings, then, it is clear that a preference in procurement for domestic goods is an important element of fiscal policy. Such a preference stimulates economic activity and employment. That is the nature and purpose of the Buy American Act passed in 1933.

But that law has not been completely effective in that purpose as it allows significant purchases of foreign goods with federal funds.

Witnesses at our hearings told us for example that:

Foreign manufactures won 15 of 19 turbine contracts awarded by the Interior Department's Bureau of Reclamation between 1964 and 1976.

25% of all steel used in 90% federally funded highway projects is foreign.

While foreign firms were capturing over two-thirds of the domestic railcar market, a French manufacturer boasted of selling to the U.S. government below its cost of production.

Other nation's practices, on the other hand, tend to completely exclude American bidders. Their practices include closed bidding systems, bureaucratic prejudice and outright exclusion.

A witness at our hearings told us how one Italian Government-owned company told him that if they ever needed to go outside Italy for their needs they would let him know. Another company trying to break into the Japanese market was completely rebuffed.

These exclusionary laws and practices have been debated for years. Now, the Committee has before it an International Government Procurement Code whose expressed purpose is to strike down buy-national domestic preferences in government procurement.

What this Code does is prescribe procedures, not unlike our own procurement regulations, which signatory countries must use to purchase the goods it buys. In that respect, it is designed to provide maximum opportunity to all firms, regardless of nationality, to compete for a nation's procurement.

But what it does not do is equally significant. First, it is very limited in scope. Procurement not subject to the Code's provisions far exceeds that which is covered. Second, while the Code is supposed to result in equal treatment for all firms from signatory countries, it actually will have the opposite effect.

Our hearings found that the Buy American Act is much less effective than other nation's practices in excluding foreign competitors for government procurement. The result is that while American firms tend to be completely excluded from other markets, foreign firms have considerable opportunity to compete for U.S. procurement. Concerning procurement not covered by the Code, then, U.S. firms will continue to receive unequal treatment in international government procurement.

Mr. Chairman, I am very skeptical that this International Government Procurement Code will have its desired effect. I am skeptical because U.S. firms will not be treated equally with foreign competitors. I am also skeptical because while the U.S. negotiated a law, other nations negotiated behavior. It will be very easy for the U.S. to conform its laws to the Code; but how can we be sure that other countries will, in fact, conform its behavior and prejudices to the Code?

We have negotiated from a position of weakness, because we have negotiated away overt rules while other nations negotiated away behavior, customs, or cultural biases. The Buy American Act is a law, a rule of the game, that is known by all prospective bidders, and is uniformly administered without prejudice. Other countries, buy national practices are, by their nature, prejudiced and covertly discriminatory. They are rooted in intangibles. As in the old adage, our Buy American Act is a rule of law; other nations' practices are rules of men. I am skeptical that we can change the latter to our economic benefit.

These are serious flaws in the International Government Procurement Code. But I think they can be corrected.

Specifically, we need to ensure that, at the least, the economic benefits the U.S. derives from a domestic preference are finally recognized.

The Buy American Act of 1979, introduced by Senator Bayh and myself and presently before this Committee, will do just that. It will require that when the economics justify it, federal funds must be used to purchase goods only from American sources.

If the Congress accepts the International Government Procurement Code, this measure must be an essential supplement to the Code. By recognizing the economic, and particularly the tax, benefits of a domestic preference this supplemental legislation, will have the following important effects.

First, it will ensure that for non-covered procurement, the effects of our fiscal policy will be felt in the U.S. economy. Stimulative economic and employment policies can be pursued with confidence that they will have their desired effect.

Second, it will strengthen our negotiating position for the next round. By ensuring that non-covered procurement is restricted by economics to U.S. firms, our domestic preferences will be comparable to those of other nations. This will further ensure that the U.S. can negotiate from strength rather than weakness.

Finally, I believe it will ensure maximum compliance by other nations with the principles of the Code. As our hearings on the Buy American Act clearly reveal, foreign firms already have access to U.S. government markets. If the Code with its limited scope is accepted, much non-covered procurement will continue to be open to foreign competition. The result is that other governments have, in fact, little to lose in continuing their restrictive buy-national policies which exclude competition by American companies for their procurement. By strengthening U.S. domestic preferences, as contained in S. 533, around the Code, we will be sending a very strong message to signatory countries. That message is—There are no more freebies; what we negotiated is what you get; and no more.

Mr. Chairman, I can't stress strongly enough the need for S. 533. The U.S. has been the patsy far too long on this issue. If the International Government Procurement Code and the President's recommendations for implementing legislation are accepted without change, I can only say hold on to your wallet—your tax dollars will be going to finance the economics of Japan and Western Europe.

At this point I would like to insert in the hearing record some material which I believe you will find interesting.

ANALYSIS OF IMPACT: FOREIGN FABRICATION OF STEEL

EXECUTIVE SUMMARY

For every 1,000 tons of structural steel fabricated by foreign concerns (assuming a 55 cents/lb domestic bid and a 44 cents/lb foreign bid)—13 Iowa steel fabrication workers are put out of work for one year; 4 Iowa construction workers are put to work for one year; $220 thousand is saved through the lower bid price; a gross loss of $133 thousand is felt in the State's economy. There is a net savings to the State of $87 thousand.

In order for foreign fabrication to be truly cost effective, the foreign bid price must be at least 8.8 cents per pound lower than the domestic bid price.

I. BACKGROUND

In 1972, the Iowa Highway Commission adopted a requirement that steel used in Commission projects be fabricated "in the States, territories and possessions of the United States and in other locations within the geographic limits of North America." Last year, Mitsubishi International Corporation of Japan asked that the Iowa Transportation Commission reconsider that position and lift the ban on foreign steel fabrication thereby allowing Mitsubishi and other foreign concerns the opportunity to bid on upcoming construction projects. This proposal met with considerable opposition from domestic steel fabricators, who asked the Commission to consider the total economic impact of allowing the use of foreign steel in Iowa.

II. SCOPE OF THIS STUDY

This study is concerned with the economic impact in Iowa of using foreign fabricated steel in DOT construction projects—primarily bridges. This study does not address the engineering aspects of the issue since the DOT's Specifications Committee has concluded that, with proper safeguards, there is no engineering reason to prohibit foreign fabrication. Neither does this study attempt to compute the national impact of Iowa's use of foreign fabrication. Instead, it concentrates on those economic variables which are identified at the State and local level only.

III. COMPUTATION OF IMPACT

Four variables were identified and quantified for inclusion in the computation of impact:

1. the impact of wages lost if Iowa workers did not fabricate the steel;
2. the State income tax lost from these wages;
3. the unemployment compensation paid by the State to those workers displaced by foreign labor;
4. the State corporate tax paid by Iowa fabricators.

Wages

Information received from the Bridge, Structural and Ornamental Iron Workers Local 493 indicated that the average hourly wage for steel fabrication workers in Iowa is $5.12. Therefore,

Average hourly wage of steel fabrication	$5.12
Average hours in a work-year	×2,080
Average gross yearly salary per fabrication worker	10,650

To assess the true impact of this salary on the state, however, it must be subjected to a "dollar multiplier," which takes into account the reverberation of the salary in the state and local communities. A study by economists at the University of Iowa estimated the dollar multiplier for the metal fabrication industry in Iowa to be 2.38. For the purposes of this study, this factor was increased to 3.0 to compensate for the various indirect labor costs associated with the steel fabrication.

Therefore, the monetary impact of the wages lost becomes: 3×$10,650 equals $31,950 per worker per year.

The employer also pays an average of $2.19 per hour in indirect benefits to the fabrication worker for such items as holidays, vacations, workman's compensation, et al. Multiplying this by the 2,080 working hours in a year increases the wage impact by: $2.19×2,080 equals $4,555 per worker per year.

State income tax

The state income tax that would be paid on average fabricators yearly salary ($10,650), assuming three dependents, is computed at $326 as prescribed in Chapter 422 of the Iowa Code.

Unemployment compensation

The state share of unemployment compensation paid to a steel fabricator who lost his job due to foreign fabrication is computed as follows:

26 weeks benefits at $116 per week (100% state funded)	$3,016
13 weeks at $116 per week (50% state–50% federal)	+754
Maximum yearly benefit to unemployed fabricator	3,770

IV. TOTAL IMPACT

Gross loss

The total monetary impact for each fabrication worker unemployed for one year can, therefore, be represented as: 3 (Lost Wages) + (Wage Benefits) + (Lost Tax Revenue) + (Unemp. Comp. Paid) or: 3 ($10,650) + $4,555 + $326 + $3,770 which equals $40,601 per man-year.

To compute the true impact on an Iowa firm of losing a fabrication project, then, one must multiply this figure by the number of production man-years that the project would require. Using the productivity figure provided by Iowa steel representatives, 76.0 tons of fabrication per man-year (1900 working hours per year divided by 25 man-hours per ton), the total impact is computed at: $40,601×Project Tonnage/76.0.

This figure is misleading, however, since only 63 percent of all steel fabricated for DOT projects is presently produced in Iowa. Therefore, using this percentage in conjunction with equation (3) above, the gross economic loss to Iowa can be computed at: 63% of ($40,601) (Project Tonnage)/76.0 or; $336.56 per project ton.

It is necessary to increase this figure by the state corporate tax paid by the Iowa fabricator. Information received from a local fabricator indicates that this amounts to approximately $2.69 per ton. Adding this to the figure (4a) yields a gross economic loss to Iowa of: $339.25 per project ton.

Example 1: Using the Ash Pit Bridge in Linn County (5,330 tons) as an example, the gross loss would equal: $339.25×5,330 = $1,808,203.

Gain due to new construction

This, however, represents the gross economic loss to Iowa. This loss would probably be offset by the savings due to the expected lower bid price of the foreign fabricators.

Example 2: Ash Pit Bridge: estimated domestic bid price=$.55/lb.×5,330 tons= $5,863,000; estimated foreign bid price=$.44/lb.×5,330 tons=$4,690,400; gross bid savings using foreign fabrication=$1,172,600.

These bid savings could be re-inserted into the DOT's construction program. It is estimated that for each $1 million used for construction purposes, 19 private sector jobs would be created in Iowa at an average annual salary of $17,600 ($8.46×2,080). Therefore, for every worker added, the state will receive an addition to its economy equal to (3.27) ($8.46×2,080) + $735 or; $588,287 where; 3.27=dollar multiplier for construction projects; $8.46+average hourly wage for construction (from Job Service); $735=state tax paid on the construction salary.

This $58,287, however, must be multiplied by .85, since approximately 85% of all DOT construction projects are manned by Iowa workers. This yields an economic gain due to bid savings of: 85×$58,287=$49.545.

$49,545, then, represents the economic gain to the state for each worker employed as a result of savings accrued through the lower bids of foreign fabricators. And, since $1 million creates 19 new jobs, it follows that one job is created for each $53.000 saved.

This savings can, therefore, be mathematically computed by using the formula: State gain=49,545 ($B_d - B_f$) (Project Tonnage/26.4 or; (1,877)$B_d - B_f$) (Project Tonnage) where; B_d=the bid price (per pound) of the foreign fabricator, and B_f = the bid price (per pound) of the lowest domestic fabricator.

Net loss to Iowa

Combining this gain with the loss computed in Equation (4) the net state loss would equal:

Net State Loss = [(tonnage) (339.25)] − [(tonnage) (1,877) ($B_d - B_f$)] which is; Net State Loss=tonnage [339.25 − 1,877 ($B_d - B_f$)].

Example 3: Using the Ash Pit Bridge again as an example, and assuming the same bid prices of $.55 and $.44 per pound for domestic and foreign fabricators, respectively, the loss can be computed at:

State Net Loss=5,330 [339.25 − 1,877 (.11)] = 5,330 (132.78) = $707,717.

Total impact

The total monetary impact on Iowa, then, can be computed by subtracting the net loss to Iowa: Net State Loss=Tonnage [339.25 − 1,877 ($B_d - B_f$)]; from the gross bid savings gained by using foreign fabrication: Gross savings=Tonnage (2,000) ($B_d - B_f$).

Therefore, the net state gain would equal: [Tonnage (2,000) ($B_d - B_f$)] − [Tonnage (339.25 − 1,877 ($B_d - B_f$))] or; (2,000) Tonnage [1.94 ($B_d - B_f$) − .170].

Example 4: In the case of the Ash Pit Bridge, the net loss as computed in Example 3 would be subtracted from the gross savings as computed in Example 2:

Gross Savings	$1, 172, 600
Net Loss	−707, 717
Net State Gain	464, 883

Dividing by (2,000 tonnage) to reduce to pounds, the point where savings = 0 is calculated at: $0 = 1.94\ B_d - 1.94\ B_f - .170$ or; $1.94\ B_f = 1.94\ B_d - .170$; $B_f = B_d - .088$.

Therefore, to be truly cost effective, the bid price (per pound) of the foreign fabricator must be 8.8c less than the bid price (per pound) of the domestic fabricator, or— $B_f < B_d - 8.8c$ where; B_f = the bid price (per pound) of the foreign fabricator; B_d= the bid price (per pound) of the domestic fabricator.

ANALYSIS OF IMPACT: FOREIGN FABRICATION OF STEEL

ADDENDUM

On March 11, 1977, the Department of Transportation asked the Bureau of Economic Analysis of the U.S. Department of Commerce to review the foreign fabrication of steel impact study. On April 13, the DOT received a reply from Ronald L. Drake, chief of the Analysis Branch, Regional Economic Analysis Division, BEA, who commented on the study methodology.

After reviewing the study, Mr. Drake made four comments on its approach:

1. A dollar multiplier as used in the report (page 2) has been calculated by the BEA for the Iowa "Fabricated Structural Steel" industry to be 2.01. Furthermore, the adjustment of the multiplier used in the study to 3.0 is probably not justified since such a multiplier takes indirect effects on the economy into account.

2. A reduction in industrial activity would bring about some reduction in the need for State services and expenditures. Therefore, it is not correct to include all the lost State tax revenue (page 2) as an impact.

3. Unemployment compensation expenditures (page 2) should be reduced to reflect the relief provided by out-migration of recipients.

4. Benefits paid by the employer (page 2) are not different from actual wage income from the point of view of the worker and the economy, and should therefore be subjected to the same dollar multiplier as the regular wage payments.

When these suggestions are incorporated into the study, the following results occur:

For every 1,000 tons of structural steel fabricated by foreign concerns (assuming a 55¢/lb. domestic bid and a 44¢/lb. foreign bid)—

13 Iowa steel fabrication workers are put out of work for one year;

4 Iowa construction workers are put to work;

$220 thousand is saved through the lower bid price;

a gross loss of $80 thousand is felt in the state's economy; and

there is a net savings to the state of $140 thousand.

In order for foreign fabrication to be truly cost effective, the foreign bid price must be at least 7.4¢ per pound lower than the domestic bid price.

BUY AMERICAN ACT: CASE STUDY

From the records of the National Forge Company to demonstrate the 39 percent differential in revenues to federal, state and local governments resulting from United States manufacture versus foreign supply of Ingalls RFP–IIN/DD993–N7085 for the U.S. Navy.

Factors

1. Wages:	
Hourly 106,319 hours @ $6.390/hour	$679, 378
Salary (1 for every 3 hourly)	226, 459
	905, 837
2. Revenue to outside suppliers including raw materials, purchased components, boxing and freight	1, 108, 900
3. Overhead cost to National Forge Company absorbed by order	2, 110, 741
3. Selling price of contract	6, 590, 072
Cost of project	5, 945, 835
Profit on project	644, 237

COMPUTATION OF DIFFERENTIAL

	Employees	Company	Sub-contractors	Total
I. Primary benefits resulting from U.S. supply:				
Federal income tax:				
(a) 15%×$905,837	$135, 876			
(b) 48%×$644.237		$309, 234		
Pennsylvania income tax:				
(a) 2%×$905,837	18, 117			
(b) 9.5%×$644,237		61, 203		
Local income tax:				
(a) 1%×$905,837	9, 058			
F.I.C.A.:				
(c) 5.85%×$905,837	52, 991	52, 991		
Federal unemployment contribution:				
(d) 0.2%×$905,837		1, 812		
State unemployment:				
(d) 1.3%×$905,837		11, 776		
Pennsylvania sales tax:				
(a)	7, 526			
Multiplier:				
(f) 27%×$1,108,900			$299, 183	
Total, primary benefits	223, 568	437, 016	299, 183	$959, 767
II. Additional costs resulting from foreign supply:				
Continuing overhead:				
(g) Federal		916, 906		
State		200, 520		1, 117, 426
Government:				
(h) (Unemployment paid)				491, 036
Total, additional costs				1, 608, 462
Total	223, 568	1, 554, 442	299, 183	2, 568, 229
III. Total differential comparing U.S. versus foreign supply $2,568,229 divided by $6,590,072 equal 39%.				

Note: This computation is not intended to be all inclusive as we are not economists and have not included all factors which could have a bearing on the total economy but rather quantifies what we can present from our own records.

EXPLANATION OF COMPUTATION OF DIFFERENTIAL

I. Primary benefits

The calculations under the sub-heading "Primary Benefits" can be considered lost if this order were produced abroad.

(a) local, state and federal income tax revenues lost due to the loss of wages,

(b) corporate federal and state income taxes lost on the company profit on the contract,

(c) F.I.C.A. taxes lost due to the loss of wages,

(d) federal and state unemployment taxes lost due to loss of wages,

(e) Pennsylvania sales tax, and,

(f) the multiplier effects on suppliers of 27% is calculated by adding the total primary benefit effect of $660,384 to the continuing overhead effect of $1,117,426 and dividing by the selling price of the contract ($1,778,010 ÷ $6,590,072 = 27%). This percentage was then multiplied times the revenues lost by outside suppliers ($1,108,900) on the assumption that the effect on those revenues would equate to our.

II. Additional costs

The calculations under the sub-heading "Additional Costs" represent: (i) extra loss of tax revenues if order had been placed with foreign supplier, and (ii) unemployment payments made necessary by layoff of hourly and salary employees if order had not been obtained. (i and ii refer to (g) and (h) respectively).

(g) Continuing overhead—the federal and state income taxes lost due to reduction of company pretax earnings resulting from the loss of production volume. Overall profit would be reduced by the $2,110,741. The calculation give effect to the reduction of the state taxes for federal tax purposes.

(h) Government (Unemployment Paid)—the hours in Factor 1 of $106,319 were divided by 2,000 (50 weeks @ 40 hours per week) to arrive at the number of full-time equivalent of hourly employees (53) to which was added the full-time equivalent or salary employees (⅓ x 53), to reach a total of 71 employees who would receive unemployment compensation. We assumed the 71 employees would obtain 52 weeks of benefits at $133 per week.

III. Total differential

The differential is calculated by dividing the total loss of revenue of $2,568,229 by the contract price of $6,590,072.

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., February 28, 1978.

To: The Honorable John Heinz III; Attention: Mr. Joe Robinson.
From: Economics Division.
Subject: Analysis of S. 2318, the Buy American Act.

In reference to your letter of January 24, 1978, we have carefully examined the data regarding the efforts of the Buy American Act. Regarding your first question, "What is the tax effect of purchasing goods from American suppliers rather than foreign suppliers," we have roughly estimated the ultimate tax effect using the following assumptions:

1. $1,000 = the amount of the original domestic procurement;

2. 1.7 = the multiplier (how many times the original expenditure increases the GNP). Estimates of the GNP multiplier vary from 1.5 to 1.7; we used the high estimate for this analysis;

3. 10% = non-farm business profits before tax as a percent of sales;

4. 48% = the marginal corporate federal income tax rate;

5. 20% = the average federal personal income tax rate;

6. 65% of non-farm business profits are taxed at the corporate rate and 35% at the personal income tax rate (about the percentages that corporate profits and non-farm proprietors' income represent);

7. About 90% of the total procurement minus corporate profits represents wage and salary payments (the remainder is rental and net interest);

8. 11.7% = social security tax on both employers and employees;

9. 4% = average state sales tax; and

10. Since states and localities do not collect sales taxes on their own procurements, state sales taxes apply only to the multiplied effects of the procurement ($700 in our example). Also, only about 70% of expenditures bring in sales tax revenues (due to exemptions by many states and localities on food purchases, certain services, etc.).

Calculating the tax revenues for a $1,000 procurement:

$1,000 × 1.7 (the multiplier) = $1,700;

$1,700 × 10% = $170 non-farm business profits before taxes;

$170 × 65% × 48% = $53 corporate profits taxes;

$170 × 34% × 20% = $12 taxes on unincorporated non-farm business income;

$1,700 − $170 = $1,530;

$1,530 × 90% × 11.7% = $161 social security tax payments;

1,530 × 20% = $306 personal income payments on wages, salaries, rent and interest;

$700 × 70% × 4% = $20 state sales tax.

Summarizing:

Corporate profits taxes	$53
Taxes on unincorporated non-farm business income	12
Social security tax payments	161
Personal income taxes on wages, salaries, rent and interest	306
State sales taxes	20
Total taxes per $1,000 domestic procurement	552

The $552 in tax revenue added per domestic procurement of $1,000 is probably an overestimate because the foreign procurement it replaces often contains many American-made components, which are currently being taxed. For example, a Portuguese firm recently was awarded a contract for railroad cars but only the shell was made abroad—all the components were U.S.-produced.

Your second question was, "How much would be paid in primary (i.e., unemployment compensation) and secondary (medicaid, welfare, etc.) benefits by federal, state and local sources if a foreign purchase resulted in the loss of American jobs?" The variation in unemployment compensation, medicaid and welfare payments among states, as well as the virtual impossibility of knowing how many of the unemployed qualify for these benefits, made it impossible to estimate the amount of government payments made to the unemployed if a foreign purchase resulted in the loss of American jobs.

Regarding your third question, "What is the effect of a domestic versus foreign procurement on the Gross National Product," the effect would depend on whether or not the economy is at full employment. If the economy were at full employment, a domestic purchase would only increase price levels, leaving the real GNP (the GNP in constant-dollar terms) unchanged. If, however, unemployment and idle capacity were widespread, the real GNP would increase by $1,700 for a $1,000 domestic procurement ($1,000 × the multiplier of 1.7 discussed previously). In reality, the change in GNP would probably be somewhere between these two extremes.

In answer to your fourth question, "What additional cost would be incurred by federal, state and local governments if the bill were enacted," we have no data on which to base an estimate, nor have we been able to discover any aggregate data in any other government agencies.

ARLENE WILSON,
Analyst in International Trade and Finance. ●

THE ELECTORAL COLLEGE

● Mr. THURMOND. Mr. President, recently, I received a letter from the editor of the Atlanta Daily World, a newspaper that expreses the interests of many black readers in the Southeast. The editor, Mr. C. A. Scott, stated that he had received a lengthy document from Senator BAYH recommending his support for the direct election of the President. Mr. Scott, stated however, that his paper, like most black leaders, had long been an opponent of direct election of the President and had printed several editorials in opposition to this unneeded and radical change to our Constitution.

He enclosed a recent article and editorial concerning the electoral college for my review. The analysis expressed in these articles clearly illustrates that the mood of the black community in this country is not in favor of direct election.

I am sure my colleagues in the Senate will find these news items of interest in considering Senate Joint Resolution 28 which could be brought up for consideration by the Senate in the next several weeks. Therefore, I ask that these articles be printed in the RECORD immediately following my remarks.

The articles follow:

[From the Atlanta Daily World, Apr. 5, 1979]

A DANGEROUS MOVE

The move to abolish the Electoral College as the method to elect the president of the United States has advanced to the point of debate before the full U.S. Senate.

This disturbs us very much because to pass a constitutional amendment to eliminate the Electoral College and provide for a direct or popular vote invites a danger to the Republic's survival.

We believe in the principle of one man, one vote up to electing statewide and U.S. Senators because it is sound and practical to do so. But when the election of president with over 70,000,000 votes is involved, it is impractical to use the popular vote.

Some opponents to the direct vote method also argue that with 70 million presidential votes involved, fraud would be encouraged by the popular vote method. Also the danger of a recount would be increased.

For example, suppose one presidential candidate received 35,000,150 votes and another candidate got 35,000,250 votes. But later it was discovered that a fraud of 150 votes was discovered in the count for the candidate who had the 100 vote margin in the first report. The other candidate then would become the winner by 50 votes.

This type of situation could cause a collapse of the Electoral system and the Republic itself. The direct vote simply puts too much power in one vote. It is not practical with such a large number of votes involved. But we oppose the elimination of the Electoral College method because it gives a little advantage to a bloc of votes as large as our racial group is able to cast.

Under the present Electoral College System each state has as many presidential electors as it has members in the Congress. Georgia has 12—two senators and ten members in the House of Representatives.

The electors who receive a plurality of the popular votes get all the state's electoral votes. The Negro vote is sufficient in many states to provide the popular vote plurality and determine the Electoral vote.

The question of abolishing the College openly arose after the 1960 presidential election when the late Dr. Martin Luther King Jr. and other Negro leaders played an effective role in electing the late President John Kennedy. The Negro vote was decisive again in the 1964 election. Then again, and most decisive in the 1976 presidential contest.

And there is another danger if the popular vote is substituted. Some candidates will soon run for president on a white supremacy platform such as some candidates have in campaigns for governor.

Senator Birch Bayh, liberal Democrat and chairman of the committee which supports this proposed amendment, says he is confident the Senate would pass this resolution this year. He said the House has passed a similar resolution in 1970 and the vote was 339 in favor of abolishment and 70 against. However, he also stated: "Yet, for the past 12 years, a determined but small group of senators has managed to use every delaying tactic available in order to keep the full senate from having the opportunity of voting on this important issue."

The founders of this Republic discussed at length the method of electing the president and they decided the Electoral College method was the best.

This amendment is the most far-reaching change that has been proposed in the 202 year-history of this Republic. And it is the most dangerous.

[From the Atlanta Daily World, Apr. 5, 1979]

NAACP's Hooks Among Leaders Supporting Electoral College

Reaction has come quickly from our leading story in Tuesday's Daily World edition relative to the danger of a proposed constitutional amendment to abolish the Electoral College.

The Judiciary Committee previously headed by Senator Birch Bayh has sent to the senate a proposed amendment which would elect the president by popular vote, and this proposal has the approval of President Carter.

Rev. Benjamin Hooks, executive director of the NAACP is among prominent black leaders who oppose this amendment.

William Little, president of the Auburn Avenue Merchants Association, expressed surprise that such a proposal would be made, and stated that he could be quoted as being strongly against it.

Rev. A. S. Dickerson, president of the Lincoln-Douglass Club and co-chairman of the Atlanta Bi-Partisan voters League, said the change would be unwise and he opposed it. He also said he would issue a fuller statement later.

Rev. W. W. Weatherspool said he would take the question, to the Atlanta Baptist Ministers Union, which he thought would be against the change.

In Washington, D.C. the NAACP's chief lobbyist said that they are doing all they can to block passage of the bill that would outlaw the Electoral College.

Under the present Electoral College System each state has as many presidential electors as it has members in the Congress. Georgia has 12—two senators and ten members in the House of Representatives.

The electors who receive a plurality of the popular votes get all the state's electoral votes. The Negro vote is sufficient in many states to provide the popular vote majority.

PREDICTS PASSAGE

In his opening statement in the Senate last week in support of abolishing the Electoral College, Senator Bayh said he was confident the Senate would pass this resolution this year. He said the House had passed a similar resolution in 1970 and the vote was 339 in favor of abolishment and 70 against. However, he also stated: "Yet, for the past 12 years, a determined but small group of senators has managed to use every delaying tactic available in order to keep the full senate from having the opportunity of voting on this important issue."

The document discusses the pros and cons of various other ways to elect the President, such as by keeping the Electoral College and giving the candidates a proportion of the Electoral Vote based on the popular vote.

Also the congressional district method of voting by giving an electoral vote for each congressional district.

But the proposal stands to abolish the Electoral College and substitute the popular direct vote.

OTHER DANGERS

Some opponents of the direct vote method also argue that with 70 million presidential votes involved fraud would be encouraged by the popular vote method. Also the danger of a recount would be increased.

For example, suppose one presidential candidate received 35,000,150 and another candidate got 35,000,250 votes. But later it was discovered that a fraud of 150 votes was discovered in the count for the candidate who had the 100 vote margin in the first report. The other candidate then would become the winner by 50 votes.

This type of situation could cause a collapse of the Electoral system and the Republic itself. The direct vote simply puts too much power in one vote. It is not practical with such a large number of votes involved.

THE GOVERNMENT OF QUEBEC AND THE ASBESTOS CORP., LTD.

● Mr. CRANSTON. Mr. President, I would like to join with Senator PERCY and my other colleagues here today to express my concern about the fate of Asbestos Corp., Ltd., a subsidiary of General Dynamics. Asbestos Corp., Ltd. (ACL) produces about 12 percent of the free world's asbestos and owns large ore reserves of high-quality asbestos fiber in the Province of Quebec.

The government of Quebec has made known its interest in acquiring the Quebec-based assets of the Asbestos Corp., Ltd., of Canada. What concerns me and my colleagues is the way in which the takeover of Asbestos Corp. may be carried out.

I hope, Mr. President, that General Dynamics and the government of Quebec can reach a mutually satisfactory agreement through negotiations conducted in good faith. However, a bill has been introduced in the Quebec legislature to expropriate the Asbestos Corp. and is gaining momentum. As Senator PERCY pointed out, Quebec's finance minister recently said that the Quebec cabinet has decided to proceed with the bill. In my judgment, a move to expropriate the company would be unwise and unnecessary. While I fully respect Quebec's sovereign right to expropriate, I believe such an extreme action now would be counterproductive and a real disincentive to future investments in the province of Quebec.

Mr. President, the government of Quebec and General Dynamics still have an opportunity to work out a solution that is agreeable to both of them—a solution that will not require the disruptive and time-consuming process of expropriation. I hope they will take advantage of that opportunity.●

THE ASBESTOS CORP., LTD.

● Mr. YOUNG. Mr. President, I regret it was not possible for me to be in the Chamber yesterday when my colleague, Senator PERCY, discussed the threatened expropriation of a subsidiary of General Dynamics, the Asbestos Corp., Ltd., by the Province of Quebec.

I would like to associate myself with the views of Senator PERCY and others concerning this matter. It is regrettable that after Mr. Levesque, the Premier of the Province of Quebec, had indicated at a press conference in this country in January that it was hoped this acquisition would be accomplished through negotiations, that his government then proceeded with legislation to authorize expropriation at very substantially less than the value of the company. At a time when we are mutually seeking to strengthen the ties between this country and Canada and its Provinces, this action is regrettable. Our two countries have much in common. It is important that there be a free flow of commerce between the two countries, including investments between the two countries. Certainly actions such as this do nothing to foster the continuing development of such a relationship.

Mr. President, I believe no one would argue against the right of expropriation. The question, however, as I see it, is one of good faith as well as one of paying General Dynamics the true value of its interest in Asbestos Corp., Ltd.

I want to again commend my colleague, Senator PERCY, for calling this matter to the attention of the Senate and to express the hope that this matter may be satisfactorily resolved.●

FRANCE HONORS MRS. JANE ENGELHARD

● Mr. WILLIAMS. Mr. President, a most singular and significant honor was given to one of New Jersey's most renowned and respected residents on April 7 when Mrs. Jane Engelhard was awarded France's oldest and most prestigious national order.

The Ambassador of France to the United States, Francois de Laboulaye, accompanied by his distinguished and charming wife, Antoinette, bestowed the insignia of the Cross of the Chevalier of the Legion of Honor created by Emperor Napoleon I on Mrs. Engelhard. The ceremony, which was held at the Ambassador's residence, preceded a luncheon attended by the members of Mrs. Englehard's family, some of whom are French, and by a number of close friends.

Mrs. Engelhard was brought up in Paris and has retained a special affection for France, where her two sisters have their homes. She has been a generous benefactor of French philanthropic organizations in the United States and lent her name and prestige on numerous occasions. She has been especially active in making many significant contributions to the Versailles Foundation, which is helping in the restoration of the Chateau de Versailles. In these activities, Mrs. Engelhard has facilitated harmonious relationship between the United States and France.

Mrs. Engelhard and her late husband, Charles, have been friends of mine since very early in my professional life. I have cherished our friendship for over 25 years and have been deeply impressed by their many, extraordinary, personal qualities, including their unequaled generosity. I have been particularly impressed throughout the years by the many outstanding acts of unselfish service to the nation that Mrs. Engelhard has performed so effectively.

She was the first woman appointed as a commissioner of the New York-New Jersey Port Authority;

She has had distinguished service as a member of the U.S. Commission on Organization of Government for the Conduct of Foreign Policy;

She serves as Secretary of the Library of Congress Trust Fund Board and has been very active in a variety of Library events;

She is well-known for her activities as a member of the committee for preservation of the White House;

And she has achieved renown as a businesswoman.

Mr. President, I know of no one who has done more to promote international understanding and cooperation between the United States and France. My wife Jeanette joins me and Americans everywhere in congratulating Mrs. Engelhard on a well-deserved tribute—one which reflects honor on our entire Nation.

Mr. President, I ask that the translated remarks of His Excellency Francois de Laboulaye, Ambassador of France, who presented the award to Mrs. Engelhard, be printed in the RECORD.

His remarks follow:

TRANSLATION

Madam, dear Jane: You wanted this ceremony to be a family reunion with close relatives and a few friends. And I am sure that had you not so specified, the Embassy would have been too small to receive all those who would like to come and congratulate you today.

Congratulate you not because you are receiving the Legion of Honor, but because you deserve it. In bestowing this national award upon you, my government wishes to recognize what you have done with generosity, intelligence and courage for France. It is not by chance that I have chosen these three words—generosity, intelligence, and courage—to characterize your qualities and actions.

You could easily have kept your position in the United States and your fortune for yourself and your family. But you have given with your heart and without measure to the organizations and causes in the United States and France which have helped to bring closer together the two countries and peoples you hold most dear. Such is your generosity.

In choosing the objects of your generosity, your love for our country has been enlightened by your mind. You have understood how to adapt your work for the benefit of social and cultural endeavors to the changing needs of generations, to evolving civilizations. Such is your intelligence.

And once you have made your judgment and come to a decision, you have acted with courage, without fear of criticism or personal difficulties that might result from your actions. What comes to mind is your invaluable help in bringing about a just resolution of the differences between France and the New York Port Authority over the Concorde landing rights issue. You wanted such a resolution because it reconciled the noblest traditions of American fair play with the well-understood interests of the two countries.

Generosity, intelligence, courage. What nobler claims to the Legion of Honor?

I am happy to have the privilege and the pleasure of carrying out the decision of my government, for which our mutual friend, Louis de Guiringuad, French Ambassador and former Foreign Minister, is largely responsible. I know he would have liked to be here today.

Jane Englehard, on behalf of the President of the Republic, I bestow upon you the insignia of Knight of the Legion of Honor.●

REMARKS OF SENATOR NUNN BEFORE THE NATIONAL CHAMBER OF COMMERCE

● Mr. GOLDWATER. Mr. President, on April 30 our distinguished colleague, SAM NUNN, addressed the National Chamber of Commerce here in the Nation's Capital. Senator NUNN, in the opinion of this Senator, is one of the brightest young men to come to this body in the years I am aware of. He has more than just a passing acquaintance with many of the subjects in which we are interested and particularly the subject of defense. I think so highly of what he said before the National Chamber of Commerce that I think all of us should read it, and I ask that his speech appear at this point in the RECORD.

The remarks follow:

SPEECH BY SENATOR SAM NUNN

Thank you Bill Eastham for that generous introduction. I am delighted to join the members of the National Chamber of Commerce at your 67th Annual Meeting. As a member of the Senate for the past seven years, and a lawyer and farmer before that, I am very much aware that America's free enterprise system is a major pillar of our Nation's greatness. Our economic welfare and our national security depend on the preservation and health of the free enterprise system in which you play such a vital role.

Today, more and more Americans are asking a very timely and important question: "What is the condition of our national security, and how will it be affected by the SALT II Treaty?"

As we look at our national security today, we must first recognize that since World War II our margin for error in the military realm has diminished substantially.

In 1945, we had a monopoly of atomic weapons. We controlled the oceans. We possessed the largest industrial plant on the globe and the only one that had not been destroyed or exhausted during World War II. Even if we seriously miscalculated, no one else was in the position to do much about it.

Today, our military margin for error has narrowed.

In strategic nuclear armaments, the Soviet Union has eliminated the decisive advantages we once enjoyed, and appears to be embarked upon a drive to obtain nuclear superiority.

In the realm of tactical or theater nuclear forces, which are critical to the defense of western Europe, the Soviets not only have erased a longstanding NATO superiority, but are developing forces with growing advantages over those of NATO.

With respect to conventional military power, the Soviets have created forces that have increased the challenge to NATO's ability to defend Europe. They have expanded and modernized an already preponderant Army. They have fielded tactical Air Forces capable of carrying the air battle deep into Western territory. They have constructed a blue water Navy to challenge the U.S. fleet. Additionally, they have, for the first time, developed a capability to threaten our economic lifelines to the Third World.

On the positive side, the United States still retains meaningful advantages over the Soviet Union in naval power, projection forces, and certain critical technologies. Unlike the Soviets, we enjoy unfettered access to the seas; our ships are substantially more capable than Soviet vessels; and our tactical Air Forces continue to enjoy a superiority in aircraft design and in quality of pilots.

It is readily apparent, however, that present trends are adverse. If they are permitted to continue, our remaining advantages will disappear and the security of the United States and its allies will be jeopardized in the 1980s. In the space of little more than 15 years, the United States has moved from a position of overall military superiority to a position that can perhaps best be characterized as clinging parity.

As we look at the changing military balance, three questions come to mind. First how did we allow our substantial military superiority to evaporate? Second, what steps should we take to prevent the Soviet Union from achieving clear military superiority in the 1980s? Finally, how will the forthcoming SALT Treaty affect the military balance?

With respect to the first question, it is important to remember that in the 1960s the United States adopted a strategic doctrine of limited deterrence and mutual assured destruction in the hope that the Soviets would also limit their nuclear weapons when they achieved nuclear parity. Unfortunately, the Soviets did not then, nor do they now, subscribe to limited deterrence and mutual assured destruction.

Another major factor contributing to our present dilemma was the Vietnam War, which for ten years diverted our military attention and resources in a fashion that permitted the Soviets to gain a massive military march on the United States.

According to CIA data, in the last ten years, there has been a substantial defense spending gap between the Soviet Union and the United States. During this decade, Russia's spending exceeded the U.S. by 250 percent in strategic nuclear forces and about 75 percent in the conventional forces—land, naval, and air. In research and development the Soviets have spent 50 percent more. Soviet investment in weapons and military facilities was 100 billion more than the U.S.

In our nation in the 1970s reduction in defense spending have been made in order to increase social spending. For example, since 1965, Federal budget outlays for health have risen 2,400 percent, housing programs 2,800 percent, social service programs 1,900 percent, welfare by 700 percent and jobs programs by 1,600 percent. Defense spending, however, in the same period of 1965–1978, rose only 125 percent which is less than the inflation rate. Today, the United States spends 5 percent of its GNP on defense, whereas the Soviets are spending an estimated 12–15 percent of their entire gross national product.

Trends within the defense budget have been no less disturbing. Since 1964, manpower costs as a percentage of the defense budget have grown from 44 to 60 percent, severely constraining badly needed investment in weapons procurement, readiness, and research and development. Largely attributable to the advent of the All-Volunteer Force, these manpower costs compare to Soviet percentage allocations of an estimated 15 to 20 percent.

It is clear whether we measure input or output in the military arena, the United States is not keeping pace with the Soviet Union.

This raises the second question—how do we prevent the Soviets from gaining superiority?

First, in the realm of strategic armaments, we must find a way of reducing the vulnerability of our land-based ICBMs from a Soviet first strike. We must also invest much greater resources in bomber- and submarine-launched strategic weapons.

Second, we must modernize our tactical nuclear forces in Europe in cooperation with our NATO allies. We must provide those forces both the increased range and improved survivability necessary to deter the Soviet first use of nuclear weapons. We must also deal effectively with a Soviet threat against European cities should battlefield deterrence fail. NATO must make it clear to Moscow that it will deploy the neutron weapon, the ground-launched cruise missile, and the requisite number of medium-range ballistic missiles in Europe unless the Soviets are prepared to reduce their own forces by halting or cutting back deployment of the SS–20, the SS–21, and the Backfire bomber.

Third, the United States must continue to lead NATO in the Alliance's drive to increase its conventional capability. The Carter Administration has taken a firm leadership role in this regard. However, while we can and will do our part, we must make it clear to our allies that they must do their's as well. Our European partners today muster an aggregate GNP over twice that of the Soviet Union. They can and should do more. We must make it plainer than ever before that improvements in American forces in Europe are of little value without significant improvements in allied forces. We must also make it clear to our allies that U.S. forces outside Europe protect not only American interests, but European interests as well and that by improving their own forces in Europe they allow the United States to better protect free world interests elsewhere.

Fourth, and with respect to our interests outside of Europe, we must encourage the Japanese to do more for their own defense. The opportunity for a credible defense partnership with Japan is at hand for the first time since 1945, and our two nations cannot permit this opportunity to slip from our grasp.

Fifth, we must increase our present 5-year shipbuilding programs to insure the reversal of a 10 year decline in the size of our fleet. We must accelerate the introduction of larger numbers of ships which take advantage of the latest maritime technologies.

Sixth, we must revitalize our intelligence capability by upgrading our capacity to interpret correctly the vast amount of information we receive. Our ability to analyze information has fallen far behind our ability to collect it. We must devote greater resources to improving our basic military, economic, social, and political intelligence of the world. We are particularly weak today in our knowledge of Third-world countries that play an increasingly important role in world affairs.

Seventh, if we are to halt the erosion in our technological superiority over the Soviet Union, we must invest substantially more resources than we are now in basic research and development.

Eighth, we must find an alternative to the All-Volunteer Force. A force that consumes 60 percent of the entire defense budget but that cannot provide an adequate mobilization base in a crisis and that cannot even sustain peacetime force levels and skill requirements is a shakey foundation for America's national security. Can a democracy defend itself when the lowest economic groups are vastly over-represented in the combat arms and middle and upper-class America are increasingly exempt from the possibility of sacrifice for our nation?

Finally, our nation must ask the question as to how SALT II relates to the changing military balance. I submit that the national defense tasks I have just outlined should be pursued with or without a SALT II Treaty or any other arms control agreement. These tasks are essential to our national security, and in no instance can any foreseeable arms control agreement, including SALT, provide an adequate substitute for them.

With or without SALT, we must modernize our tactical nuclear posture and improve NATO's conventional warfare capability.

With or without SALT, we must accelerate our shipbuilding program, and our ability to move quickly by sea and air.

With or without SALT, we must not allow the Soviet Union to hold our land-based ICBMs at risk.

With or without SALT, we must insist that our NATO allies and Japan increase their share of the Free World's defense burden.

With or without Salt, we must call a halt to the self-destruction of our intelligence community.

With or without SALT, we must soberly address the dismal realities of the All-Volunteer Force and rekindle the obligation of every citizen to serve his nation, not just in fighting wars, but in preventing them.

With or without SALT, we must make real increases in defense spending.

These are steps that we and our allies must take. They must be taken, not only to preserve peace, but also to encourage our adversaries to enter into equitable arms control agreements that truly serve the cause of stability in the world. Indeed, these steps are essential for arms control. By demonstrating the necessary resolve to defend ourselves adequately in the absence of arms control, we provide our adversaries the most powerful incentive to participate in arms control.

I agree with those who believe that arms control is a moral imperative. I believe, however, that we cannot hope to obtain effective arms control agreements in the 1980s and 1990s in the shadow of Soviet military domination.

In his New York speech last Wednesday, President Carter said—and I quote—"Americans are committed to maintaining a strong defense." If the President means that the American people are prepared to make sacrifices to counter the growing Soviet military threat in response to strong leadership in Washington, I agree with him.

If, however, the President means by the word "maintaining" that the present military balance and trends within it are an acceptable foundation for our Nation's future security, I respectfully disagree.

President Carter also stated—and I quote: "We will continue to compete effectively with the Soviet Union." If the President means this as a pledge for future efforts, I applaud him.

If, on the other hand, the President seeks to imply that we have been effectively competing in defense efforts during the past decade, then I respectfully disagree.

We have not competed effectively with the Soviet Union in the military arena. Unless we and our allies are prepared to do so, we can expect future arms control agreements with Moscow to do little more than ratify an emerging Soviet military superiority.

On the other hand, if the Free World makes it clear by its actions that it will not allow the Soviets to gain military superiority, arms control becomes more than just a moral imperative. It becomes a feasible and sensible element of our national security and a stabilizing factor in promoting peace in the world.

This is our challenge.●

STANDBY GASOLINE RATIONING PLAN

● Mr. STENNIS. Mr. President, I voted for the standby gasoline rationing plan submitted by the President in response to the congressional mandate that he submit such a plan. I did so, however, with the hope—and I will continue to hope—that we will not find it necessary to actually implement the rationing of gasoline. I would like at this point to set forth some of the reasons and factors which led me to support the plan.

For one thing, it assures that farmers will receive, in addition to the allotment for their registered cars and trucks, sufficient ration rights for their tractors and other gasoline-powered equipment to meet the food and fiber production goals approved by the President and which are so vital to the welfare of this country. This is important to Mississippi and other agricultural States.

In addition, the plan as finally approved by the Senate provides for the available gasoline supply to be allocated on the basis of the historical gasoline use in the respective States. This is the only fair and equitable basis for the allotment of gasoline under the rationing program, and is particularly important to those States, such as Mississippi, which have long driving distances and limited mass transportation facilities. Whether this resolution becomes the law or not these two foregoing principles are approved by the Senate and are locked in for future legislative action in this field as the position of the Senate.

Another provision of the plan which I found attractive is that it limits the number of ration rights received by each household to three registered vehicles. This would prevent those who are financially able to do so from purchasing inexpensive so-called "clunkers" and registering them for the purpose of obtaining additional gasoline rations.

Finally, Mr. President, I am distressed by the fact that this Nation is becoming more and more dependent on foreign sources for our supply of crude oil. We should and must find some manner to be less reliant on these foreign sources of supply. Those who supply our imported oil view us as a people who will go on and on increasing our dependency on foreign oil rather than taking a firm step away from it by approving the proposed standby authority to ration gasoline in an emergency.

Mr. President, we must let these foreign countries know that we will not continue to do obeisance to them by paying increasingly increased prices for crude oil. If we do not do so it will only increase our dependency on them. We must take care of our own interests by conservation of our energy resources. This action will decrease our dependency and reliance on foreign sources. One big step in this direction is to put in place standby gasoline rationing authority. I am pleased that the Senate has taken this step and hope the House will follow. This is one way to help prevent controls—let them know we stand ready to ration if necessary.●

DIRECT ELECTION OF THE PRESIDENT

● Mr. THURMOND. Mr. President, the Judiciary Committee recently completed hearings on Senate Joint Resolution 28 which proposes the direct election of the President. There were many excellent witnesses who in their testimony pointed to the dangers of this proposal. In fact, there were so many witnesses that wanted to testify against Senate Joint Resolution 28 that time constraints prevented them all from appearing. Two such witnesses were my colleague Senator HOWARD CANNON and Representative BARBER CONABLE of New York. Senator CANNON submitted a statement for the record endorsing the proportional plan, however, it was inadvertently left out of the hearing record. Representative CONABLE's statement, which proposes a district plan, arrived too late to be included in the record.

These statements are clear, concise and important in the consideration of the question of our Presidential election process. In order to share these statements with my colleagues, I request that the statements be printed in the RECORD at the conclusion of these remarks.

The statements follow:

STATEMENT OF HOWARD W. CANNON

Mr. Chairman: I am advised that a limitation has been placed on the number of witnesses who can appear on the subject of abolition of the Electoral College in favor of direct election of the President. Under that limitation, I am submitting my testimony for the record in order to provide an opportunity for others to testify.

Let me begin by stating that I oppose direct election principally because of its impact on the framework of our federal system. At the same time, however, I recognize certain problems with the electoral college. It is for this reason that I have introduced an alternative, the so-called proportional plan, S.J. Res. 51, a copy of which is attached hereto.

The purpose of my plan is to (1) abolish the office of Presidential elector; (2) preserve the electoral votes of each state pursuant to the Constitution; (3) ensure that the votes are counted before the Senate and House with electoral votes apportioned down to 1/1000 to each candidate; and (4) provide that the Senate and House act if no candidate receives 40% of the votes. Under such circumstances the Senate and House together, by majority vote of both Houses, would choose the President and, by the same method, the Vice-President.

This type of plan was first introduced in Congress in 1848 and variations thereof have been considered periodically thereafter, until receiving serious consideration in the 1950's. At that time, the proportional plan became known as the Lodge-Gossett plan and was approved in the Senate on February 1, 1950 by a vote of 64 to 27. It was the first time in 130 years that the Senate had approved a constitutional amendment to alter the electoral college. The measure later died primarily due to a bottleneck in the House Rules Committee.

Since interest in electoral reform has ebbed and flowed for many years, I mention this historical bit regarding the proportional plan so that those not aware are made fully cognizant that this is a serious proposal which in my mind undeniably provides the best reflection of popular desire in the framework of a federal system.

At this point, I would like to discuss how my plan works.

After the date of a presidential election, the official election returns of each state would be forwarded to the President of the Senate. Early in January the votes would be counted and each person for whom votes were cast for President in each state and the District of Columbia would be credited with such proportion of the electoral votes as he received of the total popular vote cast by the voters for President. In computing the electoral vote, fractional numbers less than one-thousandth would be disregarded.

The person having the greatest aggregate number of electoral votes would be President if he had at least 40% of the total number of electoral votes.

Otherwise, from the persons having the two greatest numbers of electoral votes, the Senate and the House of Representatives, sitting in joint session, would choose the President immediately by ballot. A majority of the votes of the combined membership of the Senate and the House of Representatives would be necessary for election. The same procedure would be followed for the election of the Vice President.

Lists of the popular vote for all candidates in each state and the District of Columbia would be sent to the Congress as at present, and on January 6th the votes would be counted by Congress. Each state's electoral votes would then be divided among the candidates for President in proportion to their shares of the total popular vote within the state and within the District of Columbia. Computations would be carried to not less than one one-thousandth. Total electoral votes thus computed would be determined and a candidate who received at least 40 percent of such votes would be elected President.

If no candidate received at least 40 percent of the whole number of electoral votes, or if two persons received an identical number of electoral votes which would be at least 40 percent of the whole number, then from the candidates having the two greatest numbers of electoral votes for President, the Senate and the House, sitting in joint session, would choose immediately by ballot, the President. A majority of the votes of the combined membership of the Senate and the House would be necessary for a choice.

The Vice President would be elected in the same manner.

As I have previously stated, the proportional plan eliminates the unit-rule, the Office of Elector, and contingent election in the House of Representatives with each state having one vote, thereby eliminating the so-called "evils" of the Electoral College.

By retaining the electoral vote system, it retains state influence in Presidential elections. Dividing the electoral vote of a state in proportion to the popular vote therein won by each candidate would make the electoral system much closer to a direct, popular vote, and it would more accurately reflect the popular vote than the existing system.

The distortion built into the electoral vote system would remain, however, with the proportional plan, because each state would continue to have two electoral votes for its two U.S. Senators.

The plan would reduce the chances of electing a President with less than a majority of the popular vote, without eliminating entirely the political balance achieved with the electoral vote system.

At this point, I would like to briefly reiterate several points involved with this issue:

Office of Presidential elector

The potential danger of the "unfaithful elector" in the electoral system would be eliminated under the proportional plan.

Abolition of the unit rule

This rule would, of course, be eliminated under the proportional system.

Contingent elections in the House of Representatives

The proportional plan replaces contingent elections in the House when each state has one vote, with election by a joint meeting of the Senate and the House of Representatives with each member having one vote and a majority of the votes of the combined membership being necessary for a choice. This is a progressive step forward in that it eliminates an unfair "compromise" felt to be essential for the ratification of the Constitution, and it is a substittue for the electoral colleges. Under the plan I am proposing such an election would be carried out by members of the House, all of whom would be newly elected, and by Senators, one-third of whom would be newly elected.

It would be compatible with federalism in that representatives of states and of people would be making the choice.

Large pivotal States

In my opinion, the proportional plan does not severely impact smaller states as does the direct vote proposal. The 10 largest electoral vote states would enjoy greater influence under direct vote. Thus, it seems obvious to me that adoption of the Bayh plan would result in Presidential candidates focusing even more attention on the larger states and placing a higher proportion of their money with impersonal media advertising.

At his point, I would like to urge those Senators and staff members who have not had the opportunity to *review* the Library of Congress Congressional Research Service chart showing the effect of the adoption of direct popular election of the President, to do so at their earliest opportunity. That chart, as well as the list appearing in the March 10, 1979 Congressional Quarterly on page 409, both aptly illustrate that 31 states and the District of Columbia lose voting strength under the direct election proposal.

"Sure" States

Under the proportional plan no state would be a "sure" state to the extent that one candidate would win all its electoral votes. Splitting the electoral vote statewide would strengthen the two party system and encourage the development of maximum party support in every state.

Influence of fraud or accident

In a close race, the influence of fraud or Acts of God could be substantial in moving an electoral vote or part of a vote either way in several states. Aggregate totals of electoral votes could be sufficiently changed to affect the outcome of the election.

It would not, however, be essential to nationalize the state laws on recount and election contests as it would be under the direct, popular election system. Far more control over the elections would be left to the states as at present.

Effect on election dates

The proportional system would not change the existing election date structure.

Voting qualifications

Under Section 2 of my proposal, the determination of voting qualifications would be left to the states where they have historically rested. Section 2 would authorize the states to provide lesser residency requirements for voting in Presidential elections. The effect of this provision would be to authorize state legislatures to take this step directly without the necessity of amending the Constitutions of the states first. Congress, of course, would be authorized to prescribe voter qualifications for the District of Columbia.

The 40 percent electoral vote requirement

This is a virtual necessity under the proportional plan since the aggregate electoral vote would more closely reflect the popular vote than under the existing unit-rule system. Reasons for a 40 percent electoral vote standard are substantially the same as for a 40 percent standard under the direct popular election system. Arguments contrary to such a requirement would also be substantially the same as under the direct, popular election proposal.

It is essential if the proportional vote plan is to work with a minimum of elections thrown into the Congress.

Provision for resolution of a tie

Since it is possible under my plan for two candidates to be tied in electoral votes at 40 percent or 42 percent each, Section 4 thereof provides for the contingent election of the President from the two such candidates, by the Congress in joint session.

If three candidates are tied at 33 percent of the electoral vote each, for instance, the contingent election would still go to the Congress assembled in joint session pursuant to Section 4 of my proposal.

Effect on federalism

The proportional system should have an effect upon the maintenance of federalism that is less than the existing system but greater than direct, popular election. The states would remain as electoral units and would retain authority over voter qualifications. Congress would be granted increased power over the regulation of Pesidential elections.

Smaller states that are politically homogeneous would have larger roles in the election of the President, however, and this consequence might be the advantage of federalism where such states tend to be somewhat conservative.

Mr. Chairman, a choice, if necessary, by the House and the Senate would be less cumbersome, less time-consuming and less expensive than a run-off election.

Unlike any of the proposed alternatives, a proportional vote amendment would best reflect the popular strength of the candidates and still maintain our Federal system. The proportional automatic system comes closest to electing a President by popular vote while at the same time preserving each state's relative electoral strength.

In place of the present method which diminishes the people's voice in the most important decision the United States citizens can make a proportional plan would eliminate arbitrariness and enhance the role of the individual and the state in electing the President.

Let me close by saying that I firmly believe that the proportional plan for distribution of electoral votes down to one one-thousandth of a vote meets the aims of the proponents of the direct popular election system while at the same time preserving the constitutional balance of the states by retention of the electoral votes. I urge favorable consideration of my plan.

STATEMENT OF REPRESENTATIVE BARBER B. CONABLE

Talking about changing our electoral college system for electing our President and Vice President has become similar to talking about the weather: the result of each has been similarly unproductive. I think the reason is evident: the most eager advocates of change are pushing the wrong alternative. The direct election plan which the Chairman of the Constitution Subcommittee has endorsed for many years may be regularly supported in the superfiscal questioning of public polls, but it ignores history and political reality.

Certain compromises were struck among the states in the formation of our republic two hundred years ago, and those states who received advantage from the particular compromise on election of President and Vice President have no inclination now to relinquish that advantage in such a central area. Few of them are convinced, as well, that direct elections would be any improvement. Direct election encourages splinter parties which could prevent any candidate from obtaining the required plurality; the result would be runoffs with all the accompanying burdens. In addition, challenged results would involve nationwide rather than state recounts.

All of us share the reservations about the present electoral system: the disenfranchising effects of its winner-take-all role in each state, whether the margin is one hundred or one million; its faithless electors; the added influence of special interest groups to determine a state result; and ultimately, the prospect of electing candidates who do not receive a plurality of the popular vote. This has occurred three times in our history and was a near occurrence in the 1976 election.

What to do about this quadrennial dilemma?

In an attempt to improve, if not perfect, our only national election system, I suggest a change to the District Plan and I have introduced a bill in the House for that purpose. The district plan would preserve the electoral college, retain the same number of electors (one chosen in each congressional district and two statewide), and would bind the electors. Should any candidate fail to receive a majority of the electoral votes, the outcome would be determined by a vote of each Member of Congress.

What are the advantages of turning to the district plan?

First, the winner-take-all practice in individual states would be scrapped, with the number of electors from each state reflecting more accurately the distribution of the votes among the candidates. Certainly this is a desirable improvement.

The impact of developments not central to the election contest would be reduced: local fraud, poor weather, controversial local elections, for example, would have a narrower effect.

Diverse areas in large states could reflect their differences in the choice of electors, rather than have a single major urban area determine the result for all. This would also serve to reduce the disproportionate impact of the large states in the electoral count and produce results closer to the one man/one vote principle than at present.

It is likely, as well, that more voters could be encouraged to cast ballots than at present in the belief that their vote might have more weight in a district rather than state-wide contest. With the districts affecting the outcome of Presidential elections, there would also be greater public insistence upon drawing of compact districts, which would benefit congressional representation, as well.

I understand the appeal of the direct election plan and removal of electors between the people and the Presidential and Vice Presidential candidates. It rings of democracy. But ours is a republic, a federation of states. Our states wish to retain their individualism in a federal system and are loathe to relinquish their significant roles in electing our President and Vice President. The history of this issue makes that clear; let us learn from our history.

The district plan does not violate our states' role, however, and does provide some improvement over our present method in the ways I have described. I urge the members of the subcommittee to focus their views on the possible and commend the district plan to your colleagues for earnest examination. I believe it would find acceptance both here in Congress and among the necessary number of states, to improve a process generally conceded to need improvement.

Thank you.●

SALT II: A PROMISING ANNOUNCEMENT

● Mr. CRANSTON. Mr. President, yesterday the United States announced agreement with the Soviet Union on the principles of the SALT II package. Three administrations—both Republican and Democratic—have labored to reach an agreement which will help insure our national security while taking an essential step to cap the strategic nuclear arms race and move toward even more meaningful arms control.

The crucial final details of this very complex agreement must still be worked out—the precise language of the treaty implementing the principles that have been negotiated. At least another month will pass before the treaty itself will be signed and sent to the Senate for its advice and consent.

I very much want to support this SALT Treaty. A continuing arms buildup is destabilizing and inherently increases the chances of nuclear war. Sound, negotiated arms limitation agreements are our best hope for a saner, safer world.

But I, for one, will want to examine the finite details of the final product to assure myself that the treaty is sound and meets three essential requirements:

First. The treaty must adequately protect our national security interests;

Second. The United States must be able to verify with confidence the Soviet Union's compliance with the treaty's provisions;

Third. The treaty must represent a real step toward lessening the prospect of nuclear war—accidental or deliberate.

The basic outline and agreed principles of SALT II as now known promise to meet these requirements. I hope the details fulfill that promise.

I wish the President a productive and successful summit, and I will look forward to favorable resolution of the unresolved details of the SALT II package.

I anticipate, based on the record to date, that I can and will support the treaty when signed. I am prepared to perform my essential duty of giving my advice and consent on the issue of ratification of SALT II—a duty which the Constitution requires of each U.S. Senator.●

INFLATION

● Mr. GARN. Mr. President, over the Easter recess, like many of my colleagues, I returned to my State to try to get some insight into how the problems of the Nation are viewed by the folks at home. The last time I was there, the

No. 1 problem on their minds was inflation. It was this time, too.

In fact, I am amazed at the intensity of their feelings, and at the length of time this intensity has lasted. Because this recess coincided, more or less, with income tax time, a good part of the frustration of the people comes in the form of rage at a tax system that pushes all of them into higher and higher tax brackets.

And yet, we seem disposed to do nothing about it. Last year, we passed the Nunn amendment to the tax bill, only to see that victory stolen from us by the President and House arm twisters. This year we see the Senate voting for a balanced budget in 1981, but one that requires $114 billion in additional taxes to do it. The taxes, of course, are raised by inflation, that the voters continue to indict as the basic problem.

This action depends on rigid adherence to outmoded economics. I thought we had overcome our ignorance of tax rates on economic activity last year, but apparently not. All I can say, Mr. President, is that we had better, or we will all be looking for new jobs. Because the people understand it.

Mr. President, these matters are discussed in a remarkably clear fashion in a recent editorial in the Wall Street Journal. I request that the following editorial be printed in the RECORD.

The editorial follows:

THE GOP TAX INCREASE

Although the Congress is not yet through with the budget for fiscal year 1980, it is already clear that if the budget is to be balanced, it will be in the future and on the back of taxpayers.

Viewing the actions of his colleagues on the Budget Committee, Senator Orrin Hatch complained that all of their decisions "put the taxpayer last." The Senator has a good case. The first thing the committee did was to decide how much money it wanted to spend; then it simply accepted the level of taxes necessary to pay for it. The balanced budget promised for 1981 is to be achieved not by any cuts in spending, but by automatic real tax increases resulting from inflation pushing people into higher brackets.

The Senate showed it was not of a different mind than the Budget Committee. Senator Proxmire's amendment to reduce spending lost 23–67. Senator Roth's amendment to hold the increase in spending to the same 7% level that President Carter seeks for the private sector was defeated on a 36–56 vote. And Senator Lugar's amendment to prevent a 20% increase in food stamps lost 30–61. Indeed, a large assortment of amendments to hold down spending and taxes went down to defeat this week on the Senate floor. It is true that the Budget Committee cut defense, but the funds were reallocated to social programs.

To its credit the Senate held the 1980 deficit to the $29 billion level sought by the President, down from the current fiscal year. But the reduction in the deficit has not translated into a reduction in new borrowing for FY 1980 because of the growth in borrowings by the off-budget agencies. Thus, the smaller deficit doesn't reduce total federal credit demands.

The route from now to 1981's balanced budget is a scenic one for big spenders, taking them through an additional $81 billion in spending and $114 billion in higher taxes. This is an abrupt turnaround from last October when the Senate overwhelmingly passed the Nunn amendment, which combined Kemp-Roth type tax reductions with spending limitations. In the past six months the spenders have been able to regain ground sufficiently to raise spending over the 1980–82 period by $42 billion above the levels in the Nunn amendment and push up taxes by $68 billion.

Clearly, the tax cutters and spending limiters have lost the initiative. Despite Proposition 13, despite the movement for a constitutional amendment for a balanced budget, despite the clear verdict of November's election, the low-spending, low-tax people are back on their habitual defensive. What accounts for this sudden reversal of their fortunes?

The initiative was lost when Republicans and conservatives stopped talking about lower taxes and returned to their old litany about balancing the budget. As the Democratic majorities are in the process of proving, the budget can be balanced by raising taxes. By putting all their rhetorical eggs in the balanced-budget basket, the Republicans condemn themselves to a somnolent role as tax collectors for the Democrats.

This habitual fate was avoided last year when the Republican Kemp-Roth bill put tax cuts squarely at the center of the political agenda. Having preached and practiced for four decades that deficits are good, the Democrats were in no position to complain about the bill's static-analysis deficits. The issues were clearly drawn: tax cuts for everybody vs. spending increases for special interests; economic growth vs. dependency on federal handouts. Having no ammunition of their own against the Kemp bill, the Democrats were forced to pass Senator Nunn's version of it.

Republican economists, though, were never happy about abandoning the budget deficit emphasis. More imbued with Keynes than they admit, and intent on not admitting past error, they were simply unable to comprehend the notion of stimulating the economy through providing incentives and eliminating deficits by faster growth. After November, they managed to persuade the GOP polls that they had lost in the elections and had better go back to proven tactics, the ones that made them a permanent minority for the past generation. So the GOP has stopped trying to hone an idea that had the Democrats in the corner, has forsaken issues for personality and is going gaga over a flashy Texan who likes wage-price controls. In Congress, meanwhile, the Republicans are back to accommodating and have saved the day for the Democratic spenders.

It has been educational, if disheartening, to watch the maneuvering that first defused the tax cut movement by turning it into a balanced budget movement; and then turned a balanced budget into a revenue measure. Now we are back to the politics of yesteryear. Taxes will be cut after the budget is balanced. Let's see, that will be the year after the year after next. Meanwhile, taxes will rise by $153 billion.●

HUMAN RIGHTS VIOLATIONS IN EL SALVADOR

● Mr. KENNEDY. Mr. President, the situation in El Salvador is rapidly escalating into violence. On Tuesday this week, the Washington Post reported that at least 18 persons had been killed as police opened fire on demonstrations by members of a militant student-peasant coalition on the steps of San Salvador's cathedral. The continuing denial by successive Salvadorean Governments over the last 30 years of the people's most basic human rights has long been the focus of international concern. This week's incident is a dramatic example of a pattern of disappearances, torture, and killing that has been documented both by the Inter-American Commission on Human Rights and by the International Commission of Jurists.

El Salvador has been under military rule since a 1931 coup d'etat and its present rulers have failed to address the grievances of the rural poor. Indeed, they have lately adopted highly repressive tactics against peasant organizations—of which this weeks is not even the most violent—reminiscent of the bloody ones used in the early thirties that left 30,000 peasants dead. While I welcomed the repeal of the draconian public order law this February, along with the release of 75 political prisoners, it is clear that the pattern of human rights violations has not changed much since then. Such measures have been insufficient to check the spiraling violence of El Salvador's political life. As the New York Times reported on March 22, security forces have continued to persecute striking trade unionists and opposition groups, killing at least 20 people. There seems every evidence, too, that in the absence of adequate opportunities for public organization and dissent, and of peaceful means of effecting social, political, and economic reforms in El Salvador, such violent outbreaks will inevitably increase.

Whereas for several years there has been at least the form of democracy in El Salvador with elections, these have been mostly a charade, a revolving-door arrangement for the succession of one general after another. There have been democratic forms but little substance. Both Amnesty International and Members of Congress have documented the electoral fraud in the Presidential election of 1977, including the role of ORDEN—a government-linked right-wing paramilitary organization—in intimidating members of the opposition parties with severe acts of violence. Amnesty reported that ORDEN murdered at least 15 peasant leaders between January and September 1977 alone.

El Salvador has become polarized by the regime's unwillingness to restore democratic rights and to undertake large-scale land reform and significant redistribution of income. In El Salvador, 90 percent of the farms have been crowded into only one-fourth of the available agricultural land. Four-fifths of the country's workers earn less than $225 a year, with the lowest per capita calorie intake of any Latin American country, with 73 percent of El Salvador children under 5 suffering malnutrition. The country is the most overcrowded in the hemisphere and is desperately poor. The World Bank reported that 1.9 percent of the population owns 57.5 percent of the land.

The widespread poverty and the escalating Government repression has led many of Salvador's priests into an open advocacy for the legitimate rights of the poor. After several priests were brutally assassinated, Archbishop Romero, the titular religious leader of this predominantly Catholic country, began to speak out in defense of the church's right, indeed, its obligation, to defend the interests of Salvador's poor. Because of his commitment to fundamental human rights and human dignity, the achbishop has become a target of attacks from the elite and Government circles. But among the people, Archbishop Romero has been transformed into a national hero. The only independent radio station not in the service of vested interest is operated by the Archdiocese of San Salvador. Reliable reports, including those from our own U.S. Embassy, indicate that the archbishop's homilies are the most popular and most listened to media event in the country. Because of this popularity, the Government has sought to quiet this reasoned voice of reconciliation by jamming the radio station.

Increasingly, violence has been directed against the opposition groups in El Salvador. Ironically, it has been precisely those peaceful and moderate groups such as Archbishop Romero's human rights monitoring committee and the FECCAS-UTC, a peasant coalition, that have drawn the heaviest fire. The Government has succeeded in a campaign of splitting the church—with the majority of the bishops opting to side with the rich landowners. Progressive priests are immediately charged as subversives, and there have been numerous arbitrary detentions, expulsions, and even murders of priests.

Last week, the Peasant Bloc seized the French and Costa Rican Ambassadors and their staffs, in an effort to dramatize its demands for concerned peasant and union rights. Mr. President, I deplore this action foreign representatives who are not responsible for the repression of the Salvadorean Government. I welcome the escape of the Costa Rican diplomats, and I call upon the Peasant Bloc to release the diplomats of France.

Mr. President, while I welcome the repeal of the public order law, it must be stressed that the basic repressive apparatus of El Salvador remains intact. The military government has not moved either far enough or fast enough to remedy the human rights abusers that have become all too routine occurrences in that country. In its final report on El Salvador, the Inter-American Commission on Human Rights recommends that the government—

> Take the necessary measures, using all resources, to improve the overriding social and economic conditions of the country, such that there be a reduction and eventual disappearance of the inequalities which constitute an obstacle for the observance of fundamental human rights.

I support the recommendations of the Inter-American Commission. I believe it is now urgent for the United States, working with other concerned governments, to end all but humanitarian aid to El Salvador and to reconsider the entire range of our relationships with its government. It is now urgent to convince the Salvadorean Government to end its abuses of basic human rights, and to reduce the shocking economic disparities which prevail in its country. It is now urgent to avoid the deepening of a crisis which, like Nicaragua, would have profound implications not only for Central America but for the entire hemisphere.●

COL. MICHAEL KOVATS DE FABRICY

● Mr. LEVIN. Mr. President, I wish to recognize the bicentennial of the death of a little known Prussian patriot, Col. Michael Kovats de Fabricy. Colonel Fabricy was the commandant of the Pulaski Legion which aided in the defense of Charlestown, S.C., enabling the American colonials to retain this key port against the British. When he came to this country from Prussia, the Hungarian-born Hussar officer joined forces with Gen. Casmir Pulaski, the Polish leader. After Congress commissioned Pulaski as the general of the American Legion—a combination of light cavalry, light infantry, and a few field pieces—Pulaski chose Kovats as his colonel and commandant.

The American Legion performed independently in defense of the U.S. Congress. When the unit was formed in February of 1778, Kovats quickly put himself to work. His activities were numerous and very beneficial to the development and training of the American Legion. Kovats insisted that General Pulaski recommend that Gen. George Washington use the Prussian "Cavalry Regelments" in the training of American troops. Because of this, the newly trained American forces found it easier to combat the well-structured military mechanics of the British invaders. In spite of the short time available for recruitment and training, the legion was able to prove itself in several critical assignments along the Delaware-Pennsylvania-New Jersey frontier, where it had been assigned to operate together with the brigade under the command of Gen. Anthony Wayne.

In its independent operations, at Egg Harbor, Fort Penn, and the Minisink, the legion and its commanders demonstrated increasing familiarity with the American situation, customs, and purpose of service. In February of 1779, the legion was ordered by Gen. George Washnigton to rush to the aid of Gen. Benjamin Lincoln's units in the South. When the legion arrived, it found that Charlestown, S.C., was ready to surrender to a British army of 3,600 waiting for orders outside the city.

The legion, the only American unit which managed to get into the beleaguered city, supported the spirit of resistence through its presence and actions. General Pulaski persuaded the city fathers not to surrender. Then Colonel Kovats lead the combined Charlestown forces and American Legion in pushing the British army out of the peninsula. In this battle, Colonel Kovats saved Charlestown, but gave his own life. He was killed in battle on the outskirts of Charlestown on May 11, 1779. The "Michael de Kovats Training Field" at Charlestown's Military Academy preserves the memory of his personal sacrifice for the country he loved.●

THE MILWAUKEE RAILROAD

● Mr. BAUCUS. Mr. President, the potential loss of the Milwaukee Road service is a matter of grave concern for Montana and the Nation. Recent events make it imperative that Congress act quickly to resolve the serious problems arising from the railroad's bankruptcy.

IMPORTANCE OF MILWAUKEE SERVICE

Montanans depend on the Milwaukee to transport the State's major commodities—grains, timber, ore, and coal. All of these are bulk commodities that move long distances. In our part of the country, there are simply no alternatives to rail service.

The Milwaukee is also an important employer in the State. With 750 employees and an annual payroll of $15 million, the Milwaukee is a cornerstone in the economies of many Montana communities—especially Miles City, Harlowton, Three Forks, Deer Lodge, and Alberton. The 25 counties the Milwaukee passes through in Montana lost $780,000 in property tax revenues in the last half of 1977 because of the bankruptcy proceedings.

Loss of Milwaukee service will reduce Montana's ability to transport the bulk commodities that are so important for our economy. Agriculture is the State's largest industry, contributing 37 percent of the State's income. Lumbering accounts for 8 percent, and mining for 14 percent of Montana's revenue. All of these industries would be severely and adversely impacted by loss of Milwaukee service.

Milwaukee service cannot be satisfactorily replaced by other railroads. The Burlington Northern, the only other freight railroad serving Montana, has suffered from persistent equipment shortages and is unable to haul the grain and coal on its own lines. It is certainly in no position to replace Milwaukee service.

I addition, if railroad deregulation is implemented, intramodal competition will be crucially important to Montana's shippers. Competition between railroads offers the only hope for reasonable transportation service and charges if economic regulation is abandoned.

THE FUTURE OF THE MILWAUKEE AND AMERICA'S RAIL SYSTEM

In an April 23 statement, the Secretary of Transportation said that "The Milwaukee Road announcement is the inevitable result of a railroad industry left with too much track and too little traffic."

Coming from the head of an agency that has not independently analyzed the viability of the Milwaukee system, that statement was at best premature. At worst, it reflects a terribly shortsighted attitude toward the Nation's transportation needs.

The Milwaukee Road is not a "basketcase." It is an important part of our national transportation system now, and will be even more important in the future.

The Milwaukee carried 849,770 carloads of freight in 1977. It could carry more.

For example, the tonnage of farm products shipped by the Milwaukee dropped 37 percent from 8.1 million tons in 1966 to 5.9 million tons in 1976. This happened in spite of a growing U.S. grain production which increasingly moves into export markets.

These trends in grain production will continue, especially as relations are normalized with the People's Republic of China. Railroads will be more and more important for transporting grain to the west coast for export.

Also, loss of the Milwaukee Railroad would leave only one railroad—the Burlington Northern—to serve the rich Fort Union coal deposits in Montana, Wyoming, and, North and South Dakota. These coal deposits will be increasingly important for meeting this Nation's energy needs, and again railroads are the only practical means of transport.

The Booz-Allen consulting firm commissioned by the trustee studied eight potential configurations for reorganizing the Milwaukee.

Their studies indicate that if necessary rehabilitation funds were available and if management aggressively pursued new traffic, any of the configurations studied could produce net operating income.

The Save Our Railroad Employment organization has independently analyzed the Pacific Coast extension and is convinced that this part of the system could be independently profitable.

The Milwaukee's financial problems cannot be blamed on a lack of traffic. The fact is, a long history of poor management and deferred maintenance has put the railroad in the precarious financial position in which it now finds itself.

SOLUTIONS TO THE MILWAUKEE'S PROBLEMS

Mr. President, I am trying to stress two points: First, that the transportation services provided by the Milwaukee Road are essential to this Nation; and second, that the railroad is not a "basket-case"—in fact, it can be profitable.

The question that Congress must consider is "How do we get from where we are to where we should be."

I suggest a two-step process. The first step is passage of a resolution to block the trustee's proposed abandonment of service. Passage of such a resolution will give Congress time for the second step: Development of a comprehensive, long-term legislative solution.

A RESOLUTION TO BLOCK THE TRUSTEE'S PROPOSED EMBARGO

As you know, the Milwaukee bankruptcy trustee has proposed abandonment of some 75 percent of the Milwaukee system. Milwaukee officials are attempting to disguise the fact that this abandonment is illegal by calling it an "embargo."

Moreover, the agencies charged with protecting the public interest in this case—the Interstate Commerce Commission and the Federal Railway Administration—are not sufficiently opposing this illegal abandonment. Internal FRA documents suggest that the embargo is essential if the Milwaukee is to be successfully reorganized. The Interstate Commerce Commission has reluctantly argued the point that only the Commission can authorize railroad abandonments.

Federal Railway Administration documents also show a consistent policy of discouraging Federal assistance for the Pacific coast extension of the Milwaukee—running from Minneapolis to the west coast—even though such assistance could be provided under provisions of the Railroad Revitalization and Rehabilitation Act and even though there has been no FRA analysis of the extension's viability.

In the May 4 court hearing, the trustee asked to delay the embargo date until May 31. The bankruptcy court hearing on the embargo proposal will continue May 15.

Along with Senator McGovern, I have introduced Senate Joint Resolution 69 to require the Milwaukee to maintain and continue its existing level of service for 90 days. Congressmen Florio and Staggers have sponsored an identical House resolution.

The trustee's action is unprecedented and would constitute the largest abandonment of rail service in U.S. history. Service on some 7,000 miles of track and 5,000 jobs would be lost.

The economic impacts of this action would be irreversible. Many shippers would be forced to find alternative transportation service. Not only is this a hardship for the affected shippers, but much of the traffic lost could never be regained, greatly reducing chances of successfully reorganizing the railroad.

The 5,000 employees would lose not only their jobs under the trustee's proposal, but also the severance pay they are entitled to. These employees would be forced to look for other employment, and would be hard to replace under a reorganization plan.

As you know, the Interstate Commerce Commission has a mandate to direct other carriers to provide essential rail services for a period not to exceed 8 months in case of a Milwaukee abandonment.

The cost of this directed service must be borne by the Federal Government, and it is extremely expensive—estimates of the cost of directing service on the full Milwaukee system for 8 months exceed $75 million.

It would be more responsible—and less expensive—for the Federal Government to require the Milwaukee to abide by its common carrier obligation. The Federal Government could provide necessary funds—possibly under the Emergency Rail Services Act—to prevent any unconstitutional erosion of the creditors' financial position.

It is essential that we prevent the trustee's proposed abandonment of service through passage of these resolutions.

LONG-TERM SOLUTIONS

Mr. President, on Monday I introduced a bill, S. 1083, which I believe can be the basis of a long-term solution to the Milwaukee's problems.

My bill is based on, and very similar to, H.R. 2766 introduced by Congressmen Florio and Staggers.

The bill would have four main impacts.

First, the bill would prevent any abandonment of Milwaukee service before Federal assistance programs developed under the act were in place.

Second, the bill would expand the Local Rail Services Assistance Act so that its programs could be used for any part of the Milwaukee system. As you know, these are cost-sharing programs whereby the Federal Government currently pays part of the cost of State plans to maintain essential services on light-density branch lines.

Third, the bill would make the entire Milwaukee system eligible for rehabilitation funds under title V of the Railroad Revitalization and Rehabilitation Act. The Milwaukee has already used this program to upgrade some trackage in the Midwest, but Federal Railway Administration policy has prevented the program from being used on other parts of the system, including the Pacific coast extension.

The Booz-Allen consulting report clearly indicates that the major problem for the Milwaukee is obtaining funds to rehabilitate track. Thus, this expansion of the title V program must be a cornerstone of any legislation to deal with Milwaukee problems.

Finally, the bill would establish a task force to develop corrective action programs to help railroads improve service, promote new markets, reduce costs, and identify techniques for increasing productivity. These productivity-increasing techniques would include employee stock ownership plans and employee bonus plans.

Federal assistance should be available, not only to the current Milwaukee management, but also to other parties that may be interested in taking over some parts of the Milwaukee system.

The trustee has clearly indicated his reluctance to provide service, for instance, on the Pacific Coast Extension. Under the legislation I have proposed, affected States along the PCE could develop alternative plans to continue service.

Conceivably, the States themselves could purchase and operate the railroad. Alternatively, an organization like SORE could purchase and operate the railroad with financial asssitance from the States. Or, the current Milwaukee management, again with financial assistance from the States, could continue to serve the region.

In any case, assistance would be available under this act. The funds could be used to purchase railroad properties, rehabilitate track and equipment, or subsidize essential rail services.

States would be required to pay part of the costs of these programs. However, my bill provides that the Secretary could waive or postpone State payments to give State legislatures time to enact necessary legislation. This is necessary because many States have not enacted legislation to authorize such participation, and because State legislatures meet infrequently. For example, the Montana legislature recently adjourned and will not reconvene until January of 1981. And, currently, the Governor does not have authority to participate in cost-sharing programs.

Mr. President, I believe that H.R. 2766 and S. 1083 provide an adequate framework for dealing with the Milwaukee's problems. Based on the outcome of the hearings, Congress may, of course, want to refine parts of the legislation.

I would urge, however, that the Congress act quickly to prevent loss of Milwaukee service that is a critical part of our Nation's transportation system.●

S. 1108—UNIFORM RELOCATION ASSISTANCE ACT AMENDMENTS OF 1979

● Mr. SASSER. Mr. President, yesterday I introduced S. 1108, the Uniform Relocation Assistance Act Amendments of 1979. It was my intention that the text of the bill be printed in the RECORD.

I request that the text of the bill be printed in the RECORD and that the permanent RECORD be so corrected.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this may be cited as the "Uniform Relocation Assistance Act Amendments of 1979".

DEFINITIONS

SEC. 2. (a) Section 101 (2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended to read as follows:

"(2) The term 'State' means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, any Indian tribe or reservation, and any political subdivision thereof.".

(b) Section 101(3) of such Act is amended by adding at the end thereof the following: "Such term also includes any entity which has eminent domain authority under State law.".

(c) Section 101(4) of such Act is amended by inserting "to any State agency, State, or person" after "United States,".

(d) Section 101(6) of such Act is amended to read as follows:

"(6) The term 'displaced person' means any person who moves from real property or moves personal property from real property, or who moves a business or farm operation, directly or indirectly as a result of—

"(A) a program or project undertaken by a Federal agency, or

"(B) a program or project with Federal financial assistance undertaken by a State, State agency, or by a person with a legal ownership interest in the property.".

POLICY

SEC. 3. Section 201 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended by adding at the end thereof the following: "It is the intent of Congress that no Federal or Federally assisted program or project shall be undertaken which requires the displacement of persons from their dwellings, business operations, or farm operations unless the program or project includes all possible measures to minimize such displacement.".

MOVING AND RELATED EXPENSES

SEC. 4. (a) Section 202(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended by striking out the matter preceding clause (1) and inserting in lieu thereof the following: "Notwithstanding any other provision of law, whenever a program or project to be undertaken by a State, State agency, or person furnished Federal financial assistance by a Federal agency pursuant to a grant, contract, or agreement will result in the forced displacement of any person, the head of the Federal agency administering or financing such financial assistance shall provide for the payment to the displaced person of—".

(b) Section 202(b) of such Act is amended by striking out "$300" and "$200" and inserting in lieu thereof "$600" and "$400", respectively.

(c) Section 202(c) of such Act is amended—

(1) in the first sentence, by striking out "$2,500" and "$10,000" and inserting in lieu thereof "$5,000" and "$20,000", respectively; and

(2) in the last sentence, by inserting "of the displaced person's choosing out of the five years" after "during the two taxable years".

REPLACEMENT HOUSING

SEC. 5. Section 203(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following: "(1) In addition to payments otherwise authorized by this title, the head of the Federal agency shall make an additional payment to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person, unless ownership or occupancy was not in good faith or was solely for the purpose of obtaining the benefits of this Act. Such additional payment shall include the following elements:";

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) The amount, if any, which will compensate such displaced person for any increased real property taxes which such person will incur during the life of the mortgage on the replacement dwelling.".

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 6. Section 204 of the Uniform Location Assistance and Real Property Acquisition Policies Act of 1970 is amended—

(1) by striking out "$4,000" each place it appears and inserting in lieu thereof "$8,000";

(2) by striking out the comma and all that appears and inserting in lieu thereof a period; and

(3) by adding at the end of such section the following:

"The additional payment to any displaced person under this section shall be made unless occupancy was not in good faith or was solely for the purpose of obtaining the benefits of this title. No displaced person shall be denied benefits under this section due to the condition of the dwelling unit to which such person is relocated, but nothing in this sentence relieves any agency or person from its obligation under this title to relocate all displaced persons to decent, safe, and sanitary housing.".

RELOCATION ASSISTANCE ADVISORY SERVICES

SEC. 7. Section 205 (a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended to read as follows:

"(a) Whenever a program or project results in the displacement of any person, the head of the Federal agency administering or providing assistance with respect to such program or project shall establish and maintain a relocation assistance advisory program which shall comply with subsection (c) of this section. If such agency head determines that any person occupying property other than at the site of the program or project is adversely affected because of such program or project, such person shall be treated as a displaced person for the purposes of this Act.".

(b) Section 205 (b) of such Act is amended by inserting ", State, or person" after "State agency".

(c) Section 205 (c) of such Act is amended by inserting "and farm operations" after "displaced businesses".

(d) Section 205 (d) of such Act is amended to read as follows:

"(d) The assurances required by subsection (c) that housing will be available shall—

"(1) be made prior to Federal approval of the program and project and be updated at reasonable times thereafter;

"(2) be based upon a careful, detailed written analysis of the potential displacees housing needs and the availability of housing which complies with subsection (c) (3) of this section; and

"(3) include plans for complying with section 206, unless it is determined that comparable replacement housing as required by subsection (c) (3) of this section will be available.".

HOUSING REPLACEMENT

SEC. 8. Section 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended to read as follows:

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"SEC. 206. (a) If a Federal or Federally assisted program or project cannot proceed because comparable replacement sale or rental housing complying with the requirements of section 205 (c) (3) is not available, and the head of the Federal agency determines that such housing cannot otherwise be made available, the agency head may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

"(b) No person shall be required to move from his dwelling on account of any Federal or Federally assisted program or project unless the Federal agency is satisfied that replacement housing, in accordance with section 205 (c) (3), is available to such person.".

LOCAL COOPERATION

SEC. 9. Section 207 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended to read as follows:

"REQUIREMENT OF FURNISHING REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE (LOCAL COOPERATION)

"SEC. 207. Whenever real property is owned or acquired by a State agency, State, or person, and furnished as a required contribution incident to a Federal or Federally assisted program or project, the Federal agency having authority over the program or project may not accept such property unless the State agency, State, or person has made all payments and provided all assistance and assurances as are required by sections 210 and 305 of this Act. Such State agency, State, or person shall pay the cost of meeting such requirements in the same manner and to the same extent as the real property acquired for such project."

AGENT FOR FEDERAL PROGRAM

SEC. 10. Section 208 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended to read as follows:

"STATE, STATE AGENCY, OR PERSON ACTING AS AGENT FOR FEDERAL PROGRAM

"SEC. 208. Whenever displacement is effected by a State, State agency, or person at the request of a Federal agency for a program or project, such displacement shall for the purposes of this chapter be deemed displacement by the Federal agency having authority over such program or project.".

REQUIREMENT FOR RELOCATION ASSISTANCE

SEC. 11. Section 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended—

(1) by striking out "State agency" each place it appears and inserting in lieu thereof "State, State agency, or person"; and

(2) by striking out clause (3) and inserting in lieu thereof the following:

"(3) within a reasonable period of time, but in no event less than 6 months prior to displacement, comparable, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c)(3)."

FEDERAL SHARE OF COSTS

SEC. 12. (a) Section 211(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended—

(1) by inserting ", State, or person" after "State agency" each place it appears; and

(2) by striking out all after "other program or project costs" and inserting in lieu thereof a period.

(b) Section 21(b) of such Act is amended by inserting "or by a legal owner" after "eminent domain".

(c) Section 21(c) of such Act is amended by inserting ", State, or person" after "State agency" each place it appears.

ADMINISTRATION

SEC. 13. Section 212 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended by inserting ", State, or person" after "State agency" each place it appears.

REGULATIONS

SEC. 14. Section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended to read as follows.

"REGULATIONS AND PROCEDURES

"SEC. 213. (a) In order to promote uniform and effective administration of this Act, the President shall designate an agency to establish a single uniform set of regulations and procedures for use by Federal agencies and by States, State and local agencies, and other recipients of Federal financial assistance. Such regulations shall provide for reimbursements to displaced persons for expenses and costs in connection with an administrative appeal pursuant to section 304.

"(b) Such agency shall take appropriate action to assure the uniform application and interpretation of the regulations and procedures established pursuant to subsection (a).

"(c) Any person aggrieved by any action of a Federal agency, other than the agency designated under subsection (a), under this title may petition the head of the agency designated under subsection (a) for a hearing on the record in any case where the application or interpretation by such other agency of the regulations and procedures prescribed under this section are at variance with an application or interpretation thereof by any other agency. In any such proceeding, the designated agency may by order direct such other agency to take such action as may be appropriate to achieve the purpose of this section.

"(d) The agency designated by the President pursuant to subsection (a) shall adjust each dollar figure contained in the provisions of this title effective October 1 of each year (beginning with October 1, 1981) by increasing each such amount by a percentage equal to the percent increase, if any, in the price index published for December of the preceding year over the price index published for December of the year before the preceding year. As used in this section, the term 'price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.".

DISPLACEMENT

SEC. 15. The text of section 217 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended to read as follows: "A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling as a result of any program or project undertaken by a Federal agency or any Federally financed activity undertaken by a State, State agency, or person shall, for the purposes of this title, be deemed displaced as the result of the acquisition of real property.".

REPEALS

SEC. 16. (a) Section 219 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is repealed.

(b) Section 220 of such Act is repealed.

(c) Section 221 of such Act is amended by striking out subsections (b) and (c).

REAL PROPERTY ACQUISITION

SEC. 17. Section 301 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended—

(1) by adding at the end of paragraph (2) the following new sentence: "The owner or his representative may request, and, upon such request, there shall be provided, a second appraisal by a different appraiser."; and

(2) by adding at the end thereof the following:

"(11) If the acquisition of property for the site of a program or project would leave any person owning property affected by such program or project with an uneconomic remnant, the head of the Federal agency administering or financing the program or project shall offer to acquire that property which would be adversely affected so that the owner and occupant would be entitled to full benefits under this Act.".

EFFECTIVE DATE

SEC. 18. The amendments made by this Act take effect on October 1, 1980, and apply with respect to any claim, proceeding, or action under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which is pending on such date or which arises on or after such date.●

THE PLIGHT OF SOVIET DISSIDENTS

● Mr. WILLIAMS. Mr. President, the recent release of five dissidents from Soviet prisons and labor camps, and their subsequent arrival in the United States was understandably greeted with elation and rejoicing. In fact, I am pleased and privileged to be a host of a reception in the Senate in honor of Valentyn Moroz, the renowned Ukrainian historian who was released in the recent exchange. We celebrate not only the new-found freedom of these men, but also their spirit and dedication to the cause of human rights in the Soviet Union. Their courage and perseverance have certainly been an inspiration to us all. Their release is also a significant reminder that we who are free can have a positive effect when we express our support for those whose pleas for justice are ignored by their governments.

Unfortunately, Mr. President, the exchange of these dissidents reinforces the need to speak out for those still trying to promote basic human rights in their own country since the Soviet Union continues to violate the rights of its citizens. In that society the determination to obey the dictates of conscience by following one's religion often results in swift and harsh punishment. For example, Vladimir Sholokov, the leader of the Seventh Day Adventists in the Soviet Union, has been sentenced to 5 years hard labor for practicing his faith. This sentence is seen as particularly severe since Mr. Sholokov is 83 years old.

In the Soviet Union one type of human rights violation that continues to be especially frustrating, and, unfortunately, quite prevalent, is against those individuals who wish to emigrate as a means of protecting their right to worship and be free. Time and time again we have seen firsthand evidence of the tragedy and anxiety created by the bureaucratic complexity and rigidity of the Soviet Government's attitude toward those wishing to emigrate.

One such individual is Ida Nudel, known throughout the refusednik movement as the "guardian angel of Jewish political prisoners in Russia." Ms. Nudel is a 48-year-old Moscow economist who has been applying since 1971 for permission to emigrate to Israel. On each occasion that permission has been denied. These refusals have only served to increase her determination and commitment to the cause of free emigration. For years Ms. Nudel, working out of her Moscow apartment, has collected information about other dissidents sentenced to years of internal exile, sending them letters of encouragement, information about their families, food parcels, vitamins, and other expressions of shared concern. She even knew the birthday of every Zionist prisoner in the various camps, and would send birthday greetings, realizing the value such a warm message might have.

Because of her activities on behalf of fellow refuseniks, Ida Nudel was regularly harassed and detained for various lengths of time by the KGB. Finally, on June 1, 1978, she openly defied the Government by hanging from her apartment balcony a banner which read, "KGB—Give me my visa." When the police tried to remove it she resisted, going so far as to dump water on them from above. She was charged with "malicious hooliganism," tried in a closed trial, and sentenced to 4 years of internal exile in Siberia. Her friends are now fearful for her life, as she is the only woman in a barracks full of murderers and thieves—all of them men.

The last letter from Ms. Nudel to her sister arrived in September of last year. In it, she said that she would "become silent while being confident that you will not remain silent. Ask my tormentors for information about me and then my suffering will have a meaning."

That request is now being honored by thousands of concerned citizens in this country. I am particularly pleased that the Congressional Wives for Soviet Jewry, cochaired by Mrs. Helen Jackson and my wife Jeanette, has been especially active on her behalf. The group of 100 congressional spouses has been collecting petitions, writing letters, and bringing this case to the attention of a number of authorities, including First Lady Rosalynn Carter.

During a recent White House meeting, the group presented Mrs. Carter with a small statue of a fisherman, symbolizing freedom. The statue was from Ms. Nudel, given just before she was sent into exile.

While her case was before the court, Ms. Nudel wrote,

> I am being tried for the previous 7 years, the most beautiful years of my life.

Mr. President, this spirit and courage cannot be allowed to disappear for years into the farthest reaches of the Gulag Archipelago. Ida Nudel personifies our own historical commitment to the cause of individual liberty.

As pleased as I am to welcome those who were recently released by Soviet authorities, it will take much more than the exchange of dissidents for Soviet spies to prove to the American people that the human rights situation has changed in the Soviet Union. If the Soviets are indeed sincere in their intent to facilitate the freer movement of people, they should demonstrate that sincerity by releasing Ida Nudel and the many other Soviet prisoners of conscience, and allowing emigration for those who desire it. All of us can understand the aspirations of those like Ida Nudel who seek to resettle in lands where fundamental rights of man are not dreams, but reality.●

WE MUST ACT NOW IN NICARAGUA

Mr. KENNEDY. Mr. President, last February the administration moved to dissociate the United States from the continuing human rights violations of the Somoza regime in Nicaragua. I strongly supported President Carter in his decision to withdraw U.S. military assistance to that country, and to terminate the military assistance program. In addition we have moved to reduce embassy personnel in Nicaragua, have withdrawn Peace Corps volunteers and will begin no new AID projects in that country. As I made clear when first proposing that the United States eliminate all military assistance to the Somoza regime, in August 1977, we in the United States have a special responsibility to dispel any previous misconceptions that the United States supports the Nicaraguan Government's suppression of dissent in that country.

However, despite such firm indications to Nicaragua that it cannot violate democratic and human rights with impunity, President Somoza continues to ignore the grievances of the Nicaraguan people and the outrage of the international community. He has not hesitated to bring his country to the brink of civil war.

In February Senators CRANSTON, HATFIELD, JAVITS, SARBANES and I wrote to President Carter urging that we consider taking further steps to persuade the Somoza regime to restore freedom and democracy, if it persisted in rejecting reasonable proposals for the future peace and well-being of its country. We proposed the following steps to bring further pressure on the Nicaraguan Government:

Increased multilateral pressure on the Somoza regime;

Recall of the U.S. Ambassador from Managua;

Refusal of all international loans to Nicaragua except those for humanitarian purposes;

Refusal of CCC and EXIM credits;

Reduction and possible suspension of import quotas (such as meat and sugar) for Nicaragua.

We are at that point now. We should further distance ourselves from the Somoza regime. We should begin to implement these measures. With the daily growth of political polarization, economic dislocation and organized violence in Nicaragua, the whole of Central America is affected by what began as a domestic struggle for power. It is therefore vital that we coordinate our efforts with those of the other countries that have been also searching for peaceful means of resolving the conflict.

I note and welcome the fact that Britain and Costa Rica have already withdrawn their Ambassadors from Managua. I believe that we should defer sending our new Ambassador until the Nicaraguan Government indicates that it is prepared to respond to long standing grievances against it. In the absence of such a response, I believe that we should be prepared to downgrade our diplomatic ties in coordination with Venezuela, Mexico and other concerned countries in Europe and Latin America.

Multilateral action in the political and economic spheres represents the only remaining hope for avoiding a recurrence of civil war in Nicaragua. On Monday, May 14, the International Monetary Fund is expected to decide on Somoza's request for a $40 million loan to stave off an imminent financial crisis. The Latin American Political Report of April 13 noted that of the $700 million expected in export earnings this year, $300 million is already earmarked for servicing the public and private debt which is now believed to have reached $1.8 billion. More than 50 percent of the debt is short term, contracted with commercial banks at high interest rates. Already Nicaragua has delayed $45 million in debt service payments; without the IMF loan, it will probably default on the additional $155 million due this year.

Most of Nicaragua's economic problems are the result of the political crisis. It would be unrealistic to imagine that mechanical measures such as the granting of the IMF loan currently under consideration could remedy Nicaragua's economic difficulties. In consultation with our fellow IMF members, we must seriously consider whether such a loan could ever assist the Nicaraguan people it is intended to reach: The gathering crisis has already caused the near-breakdown of Nicaraguan institutions and makes it unlikely that an influx of millions of dollars can serve any constructive purpose at this time. Likewise, should we impose sanctions on the meat and sugar exports by Nicaragua to this country, we should encourage corresponding measures by the European importers of Nicaraguan coffee and cotton.

Nicaragua is a country holding its breath. In January, a 15-week-old international mediation effort collapsed when President Somoza rejected reasonable proposals for settling the crisis in that country peacefully, by means of an internationally supervised plebiscite. In so doing, Somoza put his personal interests above those of his nation as a whole.

Last September, violence erupted in Nicaragua as government forces brutally suppressed even peaceful opposition to its policies. A popular response to 40 years of civil and political repression by the regime had become inevitable. The November report of the Inter-American Commission on Human Rights graphically documented the extent to which Somoza's forces repressed the whole population: The summary executions of young men; the murders of women and children; the continued disappearance and cases of torture. All this occurred against a backdrop of Nicaraguan cities in ruins after heavy shelling and aerial bombardment by the Nicaraguan National Guard.

Subsequent reports by responsible groups indicate that the repression continues. The Nicaraguan Red Cross continues to be impeded by the government in efforts to attend to the humanitarian needs of the people. The Nicaraguan Commission on Human Rights has continued its brave efforts to document the numerous instances of continuing human rights violations in Nicaragua, despite the systematic persecution of its members by the government.

The daily toll is increasing.

On February 15, National Guardsmen broke into a church in Leon and assassinated six unarmed youths from the United People's Movement, who had been participating in a peaceful 1 day hunger strike with the consent of the parish priest.

On March 2, John McCarthy, a 29-year-old American schoolteacher from Cedar Rapids, Iowa was shot and killed at a Nicaraguan roadblock by National Guardsmen. His companions in the car, amongst them another American and a constituent of mine, Dennis Triedgen, were then taken out of the car and brutally beaten and imprisoned.

On March 3, Guillermo Chamorro, the 16-year-old godchild of Pedro Joaquin Chamorro, was taken prisoner by the National Guard. Guillermo is a U.S. citizen, as was his 20-year-old elder brother Pedro, who was killed on February 9.

On Holy Thursday, April 12, National Guard troops forced their way into the hospital at Esteli and dragged out physicians Dr. Alejandro Davila Bolanos and Eduardo Selva, whose only provocation to the government had been their continuing to attend the wounded for the 4 days the city was under siege by government troops. That same day, guardsmen stormed into the hospital, and killed four, wounded unconscious patients in their beds. They then dragged out 40 young people who had sought refuge in the hospital outside and shot them.

On Monday, April 29, street fighting in the streets of Leon left 100 dead, the Red Cross reported, after National Guard planes fired rockets and machineguns into the city. The home of the Bishop of Leon—who had made an outspoken speech against the continuing violence only days before—was machinegunned that day.

These are not isolated incidents. Since the beginning of the year, peasants have taken refuge in the cities—with repeated attacks on their homes and fields by the National Guard. But whether the cities or the countryside are more dangerous for civilians to live in depends on the whims of the Guard.

The assassination of Pedro Joaquin Chamorro in January 1978 was one of the most vicious early examples of the violence visited by supporters of Somoza on his political critics. As editor of La Prensa, the respected opposition newspaper, Chamorro courageously and persistently criticized the social and political inequities visited upon the Nicaraguan people. The Chamorro murder shocked and aroused his fellow citizens into the realization that men of peace were feared by their government as much as armed terrorists.

The first anniversary of Chamorro's death saw further tragedy: On January 9, Luis Medrano, the president of the AFL-CIO affiliate, was assassinated by members of a paramilitary group affiliated with the National Guard, while he was distributing leaflets for Chamorro's memorial mass the next day.

The church in Nicaragua has continued its relief work and documentation of human rights cases despite government harassment of its members. Mr. President, religious leaders here in the United States sent a message of support to the Archbishop of Managua for his continuing efforts to bring justice and peace to his beleaguered people. I shall submit a copy of the letter to be printed in the Record at the end of my remarks.

While supporting the measures the administration has taken so far to dissociate us from the Somoza's regime, it is now clear that we must go further. In the context of this crisis, we must acknowledge that even if our recent policies were not intended to be ones of support for that dictatorship, they have been perceived as such by wide sectors of the Nicaraguan population. The ties were too many. We funded, armed and trained the National Guard. We provided critical economic support for the regime, both through our official assistance and through private loans and investment.

The United States cannot escape the special role it has played in the history of Nicaragua. We bear a special responsibility to the people of that country. We must live up to that responsibility. We should commend the steps taken by the administration in February, but we must remember that they are just that—beginning steps. The further measures we have advocated would represent real progress toward encouraging democracy and respect for human rights in Nicaragua.

We should delay sending a new Ambassador to Nicaragua in the present situation. We should vote against the IMF loan. We should end all EXIM and CCC credits to Nicaragua now. And we should enforce trade sanctions against Nicaraguan goods such as meat and sugar. We should also suspend the $30 million bilateral economic aid still in the pipeline, now.

The peope of Nicaragua must ultimately resolve their own differences. But it is crucial that we no longer offer material or symbolic support to a government that sees its citizens as a threat, that victimizes them rather than protecting their interests. The Nicaraguan Government would do well to remember that, "Those who make peaceful change impossible make violent change inevitable."

That, surely, is the lesson of recent events in Iran. We in the United States must base our policies not on narrowly based and isolated ruling elites, but on a strong and broad foundation of popular support. Our obligation is not to contribute to repression and dictatorship, but to contribute to human rights and democracy. That is our challenge, not just in Iran, but in Nicaragua and indeed throughout the world.

The letter follows:

New York, N.Y., *April 7, 1979*.

Most Reverend Miguel Obando y Bravo,
Archbishop of Managua,
Managua, Nicaragua

Your Excellency, during this National Week of Solidarity with the people of Nicaragua, we wish to express our sorrow at the tragic loss of life and repression of freedom that continue in your country. We also wish to offer our support for your outstanding efforts to help your people gain both justice and peace.

Our sorrow is great at the loss of life that occurred not only during the September insurrection but also in the savage repression that has occurred in recent months. During various critical moments you have been a powerful Christian witness through your words and actions. We are grateful for the insight into the struggle of your people that recent pastoral letters have given us. In its 1977 New Year's message, the Episcopal Conference spoke of some of the causes of the current crisis. You called for an end to institutionalized violence, the accumulation of lands and riches in the hands of a few, the corruption of the judicial system, the torture, rape and execution that occur when "government officials consider themselves beyond the jurisdiction of the institutional laws of the nation and outside sane principles of public order." Tragically your words of 1977 went unheeded. In August, 1978, as violence continued to escalate, the Episcopal Conference demanded "without ambiguities a new socio-political order which will make human conditions possible for the majority of our people." We agree with you that the problem extends beyond Somoza and that fundamental political, social and economic relationships must change.

We, as American Christians, must also accept our responsibility for the crisis. Our government brought the Somozas to power, established the National Guard and has consistently supported them. Many religious leaders here have spoken against this alliance and recently the Carter Administration decided to cut off military and economic aid except for programs already in progress. However, ambiguities remain. We believe a stronger policy is necessary, including pressure on our allies to stop sending arms to Somoza and on the U.S. banking community to stop making loans to the regime. The Priests' Council of the Archdiocese of Managua and the Governing Board of the National Conference of Religious have asked that President Carter "stop granting aid of any kind to General Somoza's regime since even aid for educational and farm purposes in the final analysis is channeled to repress the people."

We believe this principle should guide our current policy as we confirm our commitment to work for a more just relationship between our countries.

In this time of year when we celebrate the joy and hope of God's faithfulness in the Passover, and of His Son's triumphant ressurrection, we pray that you people may soon see the day when He "will wipe away every tear from their eyes and death shall be no more, neither shall there be mourning nor crying nor pain anymore—for the former things have passed away" (Rev. 21.4).

In solidarity with Nicaragua,

Beltran, Rev. Edgard, Pastoral Specialist, Secretariat for Spanish Speaking, National Conference of Catholic Bishops.

Boots, Nora Quiroga, Assistant General Secretary, Latin America/Caribbean.

Brouwer, Arie R., General Secretary of the Reformed Church in America.

Carew, Sr. Marita, Executive Director, Intercommunity Center for Justice and Peace.

Clifford, Donald G., SJ, Editor, National Jesuit News.

Collins, James X., FSC, Director, Peace Studies Institute, Manhattan College.

Connor, James L., SJ, President, U.S. Jesuit Conference.

Conroy, Sr. Ann, and N.Y. Provincial Team Religious of the Sacred Heart.

Cooke, Vincent M., SJ, Provincial, N.Y. Province Society of Jesus.

Cornell, Thomas, Executive Secretary, Catholic Peace Fellowship.

Costello, Gerald M., Executive Editor, The Beacon, Diocese of Paterson, N.J.

Crumley, Jr., Dr. James R., President of Lutheran Church in America.

Day, Dorothy, Editor/Publisher, The Catholic Worker.

Deats, Richard, Executive Secretary, Fellowship of Reconciliation.

Douglas, Ann, Executive Secretary for Latin America & Caribbean.

Dowling, Sr. Margaret and Executive Council, Sisters of Charity of New York.

Elizondro, Virgilio, President, Mexican American Cultural Center.

Finlay, SJ, James C., President, Fordham University.

Germany, Charles H., Assistant General Secretary for Program Administration, World Division, Board of Global Ministries, United Methodist Church.

Gilchrist, Friso, Co-Director International Human Rights Program, Christian Church (Disciples).

Gutierrez, Benjamin F., Liaison with Latin America and the Caribbean, The Program Agency, United Presbyterian Church in U.S.A.

Harrington, OFM, Jeremy, Editor, St. Anthony Messenger.

Hill, Joyce, Secretary for Latin America, World Division, Board of Global Ministries, United Methodist Church.

Jones, Jr., Dr. Tracey K., General Secretary, Board of Global Ministries, United Methodist Church.

Karloutsos, Rev. Alexander, Director of Department of Church & Society, Greek Orthodox Archdiocese.

Kelly, RSM, Sr. Marie John, Provincial, Srs. of Mercy, Dobbs Ferry.

Kennedy, Rev. Robert, Director, Office of Social Action, Diocese of Brooklyn.

Killackey, MM, Edward R., Washington Justice and Peace, The Maryknoll Community.

Lally, Rev. Msgr. Francis J., U.S. Catholic Conference.

Malone, Most Rev. James W., Bishop of Youngstown, Ohio.

Marti, MM, Thomas J., Coordinator Justice and Peace Office, Maryknoll, N.Y.

McCoy, OFM, Alan, President, Conference of Major Superiors of Men, U.S.A.

McDonald, OP, Sr. Mary Francis and council, Dominican Sisters of Newburgh.

McEvoy, Sr. Regina, Community Vice-President, Maryknoll Sisters.

McKenna, CP, Jerome, Director, Passionists Social Concerns Center.

Mercado, Rev. Victor M., Area Secretary for Latin America & the Caribbean, American Baptist Churches—U.S.A.

Miller, Lois C., Associate General Secretary, Board of Global Ministries, United Methodist Church.

Mooney, Sr. Gloria, Regional Superior, Society of St. Ursula.

Mulligan, Rev. Charles, Director of Social Ministry, Diocese of Rochester.

Noonan, MM, James P., Superior General, Maryknoll, N.Y. and 81 members of the Maryknoll Community.

O'Brien, Donald J., Holy Cross College.

O'Gara, James, Editor, *Commonweal.*

O'Hare, SJ, Joseph, *America Magazine.*

Page, CFX, Rev. Thomas M., Executive Secretary, Conference of Major Superiors of Men.

Palma, Sr. Bernadette and staff, Justice and Peace Center, Milwaukee, Wisconsin.

Paredes, Mario, Executive Director, Catholic Bishops' Northeast Regional Pastoral Center for Hispanics.

Peyton, MM, Thomas, National Federation of Priests' Councils.

Ponsi, Rev. Frank, Assistant Director, Secretariat for Spanish Speaking, National Conference of Catholic Bishops.

Quigley, OP, J.F., Promotor of Justice, Eastern Province, Dominican Fathers and Brothers.

Quigley, Thomas E., Advisor for Latin America, Office for International Justice & Peace, U.S. Catholic Conference.

Ramirez, CSB, Ricardo, Executive Vice President, Mexican American Cultural Center.

Ramos, Jovelino, Assistant General Secretary, NCC, for the Commission on Justice, Liberation, and Human Fulfillment.

Reedy, CSC, John L., Publisher, Ave Maria Press, Notre Dame, Indiana.

Ruether, Dr. Rosemary Radford, Georgia Harkness Prof. of Theology, Garrett Theological Seminary and Northwestern University.

Sandoval, Moises, Editor, Maryknoll Magazine.

Schneider, Louis W., Executive Secretary, American Friends Service Committee.

Smith, Timothy, Executive Director, Interfaith Center on Corporate Responsibility.

Smylie, Robert F., Associate for Peace and International Affairs, The Program Agency, United Presbyterian Church, USA.

Snyder, John J., Auxiliary Bishop of Brooklyn.

Stockwell, Dr. Eugene, Associate General Secretary for Overseas Ministries, National Council of Churches.

Stowe, David M., Executive Vice President, United Church Board for World Ministries.

Thomas, Dr. Robert, President—DOM—Disciples of Christ.

Thompson, William P., Stated Clerk of the General Assembly of the United Presbyterian Church, USA.

Valero, Rev. Rene, Director Hispanic Apostolate, Brooklyn Diocese.

Walsh, Nicolas E., Auxiliary Bishop of Seattle.

Wee, Paul A., General Secretary of USA National Committee of Lutheran World Federation.

Nangle, Joseph, Advisor Political Affairs, U.S. Catholic Conference.

I certify, Your Excellency, that each of the above persons has read this letter and has returned a signed copy to us.

Dr. William Wipfler,
Director, Human Rights Office, National Council of Churches.
Mr. Thomas Amato,
Human Rights Coordinator, Inter-Community Center for Justice and Peace.●

MARKING HISTORIC PRESERVATION WEEK—1979

● Mr. DOMENICI. Mr. President, Historic Preservation Week, 1979, gives us an opportunity to reflect upon our Nation's history. When viewing American history most people think of the experiences of the 13 Original English-speaking colonies which were settled along our eastern seaboard. Those of us from the Southwest, however, have an entirely different heritage, which is equally rich and diverse. Spanish explorers and settlers were in New Mexico long before the founding of Virginia. In fact, the oldest State capitol in our Nation is Santa Fe, which was the home of Spanish territorial Governors centuries ago.

It is interesting to note that when the Spanish arrived in what is now New Mexico they found a number of highly developed, and in some cases, "urbanized," Indian civilizations. Our combined Indian/Spanish heritage dates back many hundreds of years and have given our State thousands of sites which are of historic and architectural significance.

I am proud of the fact that New Mexico has recognized the importance of its rich history and has been a leader in efforts to preserve its vital heritage. In 1964, 2 years before the passage of the National Historic Preservation Act, the New Mexico State Planning Office with financial assistance from the U.S. Department of Housing and Urban Development, undertook a survey of historic properties. The brief site survey which resulted might well have been forgotten had it not been for the passage of the National Historic Preservation Act of 1966, and the decision of the Department of Housing and Urban Development to continue its support of the State's historic preservation efforts. These Federal initiatives enabled the State of New Mexico to prepare a comprehensive State plan, develop a statewide program, expand the statewide survey of historic sites, and draft the basic State legislation needed to adequately protect structures and sites of historic or architectural significance.

The State planning office asked then Governor, David F. Cargo, to appoint a review committee composed of historians, architects and archeologists, to oversee their expanded responsibilities for historic preservation. These appointments were made in April of 1968. During the summer and fall of that year the review committee established a philosophical base for its operations, reviewed applications for properties wishing to be nominated to the State and National Register of Historic Places and worked with the appropriate governmental agencies in the preparation of basic legislation for historic preservation. A bill, the Cultural Properties Act, resulting from these deliberations, was introduced in the State legislature in January of 1969.

This act established the Cultural Properties Review Committee and a State register of cultural properties. Local funding for historic preservation projects did not become available until 1970 when the legislature provided $467,000 in State funds to match Federal moneys for the preservation of four major sites: the 17th century mission of Quarai, the Mimbres archeological site known as the Woodrow Ruins, and two 19th century forts—Fort Craig and Fort Selden. Because the State was unable to acquire ownership of Fort Craig, the funds allotted for it were later transferred for the acquisition and restoration of the 19th century Stephen Wallace Dorsey Mansion located in Colfax County—Stephen Wallace Dorsey was a U.S. Senator from Arkansas before settling in New Mexico. To date, the Cultural Properties Review Committee has placed 713 sites on the New Mexico Register of Cultural Properties and recommended over 200 sites for inclusion on the National Register of Historic Places. This review and documentation process is an ongoing activity of the committee and many more sites will be nominated for the State and National Register in the months and years to come.

Mr. President, Federal funds have aided restoration projects on sites of local or national significance throughout the State. Several of these projects include:

The Dorsey Mansion State Monument which is currently undergoing its second season of restoration work. The original section of the two-story house was built of hand-hewn timbers. A later stone addition, including a turreted tower complete with carved stone gargoles, contains some 30 rooms. The architects are recommending that the mansion become a small hotel and resort rather than simply a "museum."

The Palace of the Governors in Santa Fe has just been completely reopened following an extensive restoration and renovation. This building, which is a national registered landmark was originally built in 1610. It remained the seat of government until 1907 when it became the Museum of New Mexico. This structure has undergone alterations and remodelings at various times throughout its 369 years. Changing governmental needs, availability of materials, and current architectural styles have all left their mark. The most recent restoration uncovered many hidden architectural remnants which were, to the extent feasible, exposed, restored, and incorporated into an interpretative program of the palace. The palace is the oldest government building in the United States and it is truly a national treasure of major importance.

The small territorial period house of Pickney R. Tully in Santa Fe has undergone a thoroughly documented restoration of its c. 1890 grandeur. Its stucco coated adobe walls have been painted to resemble red brick, big green shutters again flank the windows and a white picket fence has again been installed. Mr. President, this structure may sound totally out of character for Santa Fe, but it reflects the unique blending of styles that occurred in my home State after it became part of the United

States. New settlers from the East brought different building techniques and architectural tastes with them to New Mexico.

The territorial period saw a blending of different architectural styles that has a character all its own. The Tulley House represents this aspect of our long history and it now serves as law offices.

A feasibility study of the KiMo Theater in Albuquerque, which was constructed in the 1920's aided in its preservation and laid out some possible options for its remodeling and rehabilitation. An Albuquerque architectural firm has recently been retained to prepare actual plans and specifications for this project.

The small town of Magdeaena has rescued from destruction the wooden Santa Fe Railroad station and moved its village offices and library into this structure.

The 1919 Val Verde Hotel in Socorro is being renovated for residential and retail uses.

The impressive Tranquillino Luna Mansion in Los Lunas, a white columned early 1880's house, has been carefully restored and adopted for use as a restaurant.

In addition, intensive surveying is continuing throughout the State to locate and identify historic resources. Many of these surveys are assisted with Federal matching funds.

In Las Vegas six small historic districts have been identified and their buildings documented.

The Albuquerque historic landmarks survey staff have been outlining historic districts and compiling research on many individual buildings. This program began in 1973 and it is an ongoing project of the city.

The city of Socorro has received recommendations for the establishment of five small but historically important districts. In addition, the city is considering a detailed ordinance which would establish a comprehensive historic preservation program.

The architecture department of the University of New Mexico has a contract to develop a methodology for making a visual inventory of all of the structures in the State.

The city of Santa Fe commissioned a survey of the architectural styles that exist within our Capital City. That survey revealed and documented the very rich cultural heritage of Sante Fe.

Mr. President, a summary of that survey was printed in the September–October 1978, edition of the New Mexico Architecture magazine. I believe that it is a truly unique city for it blends together, in a relatively small area, so many different styles reflecting the long and varied history of my State.

I request, Mr. President, that this article be printed in the RECORD at the conclusion of my remarks.

(See exhibit 1.)

Mr. President, the most recent edition of the New Mexico Architecture, March–April 1979, contains an article on the "Pre-Spanish Pueblo Towns." This brief article touches upon another important part of New Mexico's history, and I request that this article also be printed in the RECORD at the conclusion of my remarks.

(See exhibit 2.)

I hope that all Americans would view Historic Preservation Week as a time to stop and reflect on our Nation's rich heritage. In our fast moving society we often loose track of our historical traditions and roots. I believe there is great value in promoting the cause of historic preservation. I want future generations of Americans and future generations of New Mexicans to have an opportunity to appreciate and enjoy our Nation's proud history. I hope, Mr. President, that this is the message that gets out to all of our citizens during this Historic Preservation Week.

The articles follow:

EXHIBIT 1

THE ARCHITECTURE OF SANTA FE: A SURVEY OF STYLES

(By Conron and Lent, Architects: John P. Conron, FAIA/FASID R. Patrick Christopher)

The architectural heritage of Santa Fe stems from three major roots: the New Mexico Indian building legacy of massive communal dwellings, the Spanish inheritance from the Moors of adobe construction and the Anglo importation of eastern building styles and materials.

What follows is a description of these forces as they combined to make the architecture of New Mexico and Santa Fe unique and varied.

PUEBLO SPANISH STYLE, 1598–1848

The Spanish Colonial period began with the establishment of the first settlement at San Gabriel in 1598 across the Rio Grande from the Pueblo of San Juan some thirty miles north of Santa Fe. The Spanish Colonial era ended with Mexico's independence from Spain in 1821; the architecture in New Mexico during Mexican rule, however, remained unchanged. Although this political period ended with the annexation of New Mexico by the United States in 1846, the original style of Pueblo/Spanish architecture continued for some years until the supply of building materials and tools began to flow over the Santa Fe Trail, and local saw mills and brick kilns made possible the development of the Territorial Style.

Man has been building permanent structures in New Mexico for more than 2000 years. Pithouses were built as early as 300 B.C., while multi-unit buildings above ground date to about 700 A.D. Some of the multistory structures were built of stone masonry (Pueblo Bonito), while others were built of puddled adobe (Taos) or hand-shaped "turtlebacks" (mud patted into the shape of loaves).

The Indian culture furnished the basic methods and materials for the early Spanish architecture: walls of adobe, roofs of peeled logs (vigas) overlaid with wood saplings (latias) and topped with a layer of twigs, bark, chamisa or straw and finally a thick covering of packed earth.

The Spanish brought the technique of forming mud into sun dried brick, (adobe). In addition, they introduced to New Mexico architecture the fireplace with chimney, the pintle hinged door and metal tools.

While the Indians laid their first courses of adobe directly on the ground, the Spanish builders frequently formed a rough stone foundation on the leveled ground. Although these foundations were too crude and shallow to equalize settling, they did prevent some erosion at ground level.

Window openings were small and infrequent. They were often barred with vertical poles and closed with wooden shutters. Occasionally, both Spanish and Indian placed sheets of selenite in the window opening. Even after window glass became available, window openings remained small. The Customs House, which was located on the east side of the plaza, contained window glass by 1837, and is the earliest documented example of its use in Santa Fe. By 1846, the Palace of Governors is reported to have had glass window panes, but it was not until the coming of the railroad that milled doors and windows with large panes were available.

The typical early Spanish house probably consisted of two or three rooms in a line without an interior hall. As families grew or the owner gained wealth and prominence, rooms were often added to the small houses until they enclosed an interior courtyard (placita). In the towns these houses often had a common side (patry wall) and thereby formed a continuous facade facing the street. A large front gateway (zaguan) allowed for horse and wagon passage into the placita. Gardens, orchards and animal pens occupied the land behind the houses. In remote locations the Spanish built contiguous dwelling units around a central plaza to form a fortified village.

House plans, generally one story, varied according to the number of rooms strung together: straight line; bent into an L or U shape; or extending around to enclose a placita. No hallways exist in any of the surviving plans. Interior rooms were simple: mud plastered adobe walls painted with whitewash or jaspe (baked and pulverized gypsum to which flour and water were added); earthen floors; small window openings and a corner fireplace (fogon).

Ceilings were generally alike: vigas, latias, twigs with earth on top.

Parapet walls, called firewalls (*pretiles*) in New Mexico, were laid two or three adobe brick courses above the level of the earth roof. Rainspouts (*canales*) of hollowed logs penetrated through the firewalls to allow for roof drainage.

No type of carved stone or stucco ornamentation was known in New Mexico, but a building might have one point of embellishment, the *portal* (covered porch). Normally the portal was located on the south or east side of a building, at the intersection of the arms of an L or U shaped house plan, or within the interior placita. A portal consists of a horizontal beam run parallel to the facade and supported by two or more posts. If the beam is anchored in a wall, a post at that point might be omitted. This beam is generally trimmed to a rectangular shape and supports a system of round vigas on which the roof is laid. Corbel brackets (*zapatas*) are usually interposed between the principal beam and its supporting vertical posts. These corbels serve as a transitional device for increasing the bearing area of the post. In some cases the corbel is ornamented with simple chiseled designs on the flat surface. In a more elaborately carved art form, the corbel is a familiar element in Mexican as well as in Spanish building of the Renaissance and Middle Ages, and its origins can be traced back at least as far as the Islamic period.

The earliest description of street front portals in Santa Fe appears to be that of Captain Zebulon M. Pike, United States Army, the first official U.S. visitor to colonial Santa Fe. In his diary for March 3, 1807 he wrote: "in general the houses have a shed before the front, some of which have a brick flooring. . . ." The 1846–7 J. F. Gilmer map shows continuous portals extending along the south side of present day San Francisco Street from Sandoval Street east to Cathedral Place, fronting on both the east and west sides of the Plaza and along the face of the Palace of Governors.

TERRITORIAL STYLE, 1846–1912

Politically, the Territorial period began with the entrance of Brigadier General Stephen Watts Kearny and the United States Army into New Mexico. With Kearny came the Anglo and his own architectural heritage. It was not New Mexican; it was Eastern and of the Greek Revival manner. Expedience, the lack of a quantity of eastern building materials, and only the very beginnings of a milled lumber industry forced a merging of Pueblo/Spanish style elements with the Greek Revival taste of these Anglo newcomers. Windows and doors were set near the outside face of the adobe wall with a wood casing and simple, unadorned pedimented lintel. Later this lintel and side casing became more elaborate, built up of several pieces of molding. However, the simpler, plain pedimented board lintel and frame continued to be used on modest structures.

The round portal posts became solid square posts with chamfered corners or were built up with milled lumber. The carved corbel was replaced by molding at the top (in form the simplest Doric Column capital) and a wood plinth formed a simple column base. Ceiling vigas were sawn into rectangular section beams.

Brick capping now topped the older style mud plaster and adobe parapets. Although variations appeared, the theme was the same: one course of running bond was set beneath a single course of alternately recessed and projecting brick headers or headers set at forty-five degree angles. The purpose was simulate a Greek dentil. One or two courses of running bond formed the finish cap.

It was remotely Greek, and in very simple clothing!

Another important characteristic of the Territorial style was the introduction into New Mexico of the ternplate roof. An alloy of lead and tin, ternplate was manufactured in the east, packaged in sheets and sent across the Santa Fe Trail. These new pitched roofs covered in metal with tight soldered joints eliminated that age-old, and still prevalent, failing of Pueblo/Spanish style roofs—the leak.

Because milled lumber was now available, still another new roof form was used, the shed roof. Probably first used atop older earth roof Spanish structures, the one-way pitch shed form was allowed to overhang the older parapet wall with a milled lumber fascia nailed to the new roof joists; the overhang was generally only a few inches.

In addition to the continued use of the traditional string-of-rooms house plan, the Territorial style saw the introduction of a new house plan. This plan was symmetrical, based on a central hall or room and two or more rooms deep, and sometimes two stories high. Also the portal became more elaborate, often with wood floors and a balustrade set between the square posts. Two-story porches were common as can be seen in old photographs of Santa Fe.

Windows although with small panes of glass, became much larger; six-over-six or nine-over-nine were common. The entrance door now formed the building's most elaborate feature. Side lights flanked the door and overlights were common.

Probably the first Territorial style details appeared as remodeling on earlier Pueblo Spanish style dwellings. This updating process continued throughout the period. New large windows were cut into the older adobe walls; flat packed earth roofs were replaced with low pitched leakproof ternplate or shed roofs. Adobe parapets were capped with brick, and mud plastered walls, often under a new "Territorial" portal, were painted to simulate ashlar masonry or brick.

As the Santa Fe Tail became crowded with wagons bearing sellers and merchandise, a new type of structure appeared. The retail store replaced the former sales room situated in a Spanish merchant's dwelling. Ths new commercial buildings had numerous large paned window areas, and often had double entrance doors. Frequently, the stores were two stories and had portals overhanging the wooden sidewalk with the second floor serving as an office, a hotel, or the residence of the owner. On occasion the second level porch or terrace was a balcony cantilevered from the building or supported on wooden brackets (see Bracketed Style, Figure 25).

STYLES BY TRAINLOAD, 1879–1978

When the coming of the railroad to Las Vegas in 1879, a flood of building materials and architectural styles entered New Mexico. These several styles and the vast variety of materials came all at once. Even though some of these styles had already been discarded in the East, it made no difference to the New Mexico builder: he used them all. Italianate-Bracketed was as up-to-date as Queen Anne, although back east the former had gone out of fashion some 20 years before the latter came into prominence.

The choice of manufactured materials was as varied, perhaps even more so, than today's supermarket lumber yards: cast iron and pressed metal for store fronts and fancy cornices; corrugated or standing seam metal roofing began to be used as a substitute for the ternplate; factory-made windows, doors, trim and moldings came in all shapes and sizes; portland cement and plaster supplemented mud surfaces; and iron stoves, furnaces and plumbing fixtures were also available.

The new architectural revolution was first confined to the towns along the railroad; the more remote towns and villages continued to use traditional architectural methods and forms. Las Vegas is a visual catalogue of the new styles and materials, while villages like Las Trampas and the Indian pueblos remained almost unaffected. Also, it must be remembered that many of the new architectural styles and materials were applied to older structures, and the adobe bricks continued always as a common building material. Thus, what in the East might be a wood frame or masonry house would probably be an adobe brick structure covered with wood siding or with the new hard plaster painted to resemble ashlar or brick. Therefore, unlike the East where each architectural style had its years of fashion, it is difficult to date late 19th century New Mexico buildings by the architectural style alone.

While in Sante Fe several post-Territorial styles can be identified and good examples can be found, the details of one style might appear only in the front door and windows on a house built in otherwise traditional forms and using traditional materials; or Territorial style trim about the door and windows might be seen under a World's Fair Classic front porch. This mix of stylistic elements throughout the nineteenth century and on into the twentieth continues today. At the same time as Bungalow style houses were being built throughout Santa Fe on lots laid out in the gridiron pattern with uniform front yard and side yard setbacks, a Pueblo Spanish style revival gained impetus with the "restoration," begun in 1909, of the Palace of the Governors. The revival, which soon included a revival of the Territorial style, engulfed most of Santa Fe in the 1920's and 30's. It was proclaimed as official by the adoption of the Historical Style Ordinance in 1957.

In addition to a revival of Pueblo/Spanish building forms and details, the revival saw a breakaway from the gridiron square block street pattern. The Camino del Monte Sol curves up the hill towards Old Santa Fe Trail with patio walls and house facades varying in height and setback. The street is enclosed by walls in a manner which recalls the Colonial days.

Although quite specific about the publicly visible architectural details and forms, the Historical District Ordinance did not address itself to the streetscape, the placement of a new building upon the lot, nor the relationship of new buildings to existent neighboring structures. Thus, in contrast to the Colonial Santa Fe streetscape such as seen on Canyon Road, the new conforming Santa Fe style houses are often placed upon standard subdivision lots with specific front and side yard set-back requirements. Built mostly with 2x4 wood stud walls covered in hard stucco, these houses are "lip-service architecture," a thin shroud covering a standard any-where-else house plan and structure.

While the effort to retain the Santa Fe architectural character is wise and commendable, strong citizen sentiment has erased many of the earlier architectural styles through drastic remodeling or too often needless demolition. The site of the two story, pitched roof, Territorial style Nusbaum House is now a city parking lot; the Mansard style Staab Mansion has been all but buried by Santa Fe style additions. The Neo-Classic former First National Bank on the plaza has been completely replaced by a Santa Fe style facade.

Yet, several structures do remain to give evidence that Santa Fe did indeed experience several architectural fashions and is today the richer for it. The style descriptions which follow should be helpful in identifying those post Territorial styles which appear in Santa Fe. (There are still other historic styles of the nineteenth century which occur in other New Mexico towns and cities). It must be kept in mind, however, that New Mexico builders often combined styles in a single structure, or they applied conflicting wooden details to a remodeling. It is this mix-up of current fashion along with continuing historical building styles and techniques which make the architecture of Santa Fe—and indeed all of New Mexico—charming and unique.

ROMANESQUE REVIVAL

Originally begun in the mid-1840's, the Romanesque style is based on 11th century Romanesque and Byzantine elements. The round arch is a characteristic feature and is used for all openings, and often when there are no openings, in a series, as a form of wall enrichment. Nearly always the round arch is repeated under the eaves and string-courses in the form of an arched corbel table (a sequence of miniature arches resting on corbels). This feature distinguished the Romanesque from other round arch styles such as Italianate. Massing is either symmetrical and in churches with two towers, one tower is often shorter. The rose window is a common feature in both Romaneque and Gothic Revival architecture. During the 1850's and 1860's, the style was more popular than Gothic for public buildings and churches, but not for private homes.

GOTHIC REVIVAL

In the East, at least three distinct Gothic Revivals occurred. The Early Gothic Revival, begun as early as 1799 in Pennsylvania, reached its zenith around 1850. The second, High Victorian Gothic, first appeared in 1846 but was not fashionable until after the Civil War. It reached its peak of popularity in the late 1870's. In New Mexico, aspects of both early Gothic and High Victorian Gothic occurred at the same time. A third, Late Gothic Revival was made popular by architects Ralph Adams Cram and Bertram Goodhue between 1895 and 1930.

Simple in detail and form, Early Gothic might be classified as dignified and English in heritage whereas the later Gothic architecture was robust and Continental in heritage. Standard features characterized all periods: pointed arches, pinnacles, battlements, window tracery and rose windows. In Early Gothic Revival buildings two or, at most, three of the Gothic features indicate the medieval heritage. Buildings may be either symmetrical or asymmetrical in plan and massing. Steep pointed gables, often with gingerbread or bargeboards, are common. The grander houses often have a tower, or turret, of square or octagonal plan.

Practically every detached house has a veranda. Whatever the material, the effect is monochrome, which further helps to distinguish Early Gothic Revival from the later High Victorian Gothic style. Early Gothic window tracery may be of simple wood pattern formed by two arches within the arch of the window. When more complex tracery does appear, most commonly it is where the millions increase in number in the upper part of the window.

All of the standard features of Gothic architecture appear in High Victorian Gothic, but the results are vastly different. The High Victorian Gothic is polychrome or at least bichrome, achieved by the use of a variety of building materials rather than paint: two kinds of contrasting stone are used on the facade; brick walls may be banded with stone. Carved ornament, molding and tracery are heavier, fatter—more robust. The delicate gingerbread woodwork of the Early Gothic buildings gives way to solid, structural-seeming framing. Roofs break out with an abundance of small ornamental gables and dormers. Spires are heavier and towers frequently have an overhanging top stage. The buildings appear solid rather than fragile as are many Early Gothic structures. There are intentional strong scale contrasts, with large and small facade features side by side or confronting each other. Buildings often appear top-heavy.

Late Gothic Revival buildings are simpler without the abundance of detail which characterizes the High Victorian Gothic style. As in the Early Gothic Revival buildings, the perpendicular form is paramount but now substantially built of masonry. Polychrome is almost never seen.

ITALIANATE OR BRACKETED STYLE

The two most commanding features of Italianate style are the window arches and elaborate ornamental brackets of wood or metal. Openings are strongly vertical in proportion and generally arched. The arched window heads are strongly emphasized by heavy moldings and utilize three common types of arches; the stilted segmental arch, the segmental arch and the flat topped arch. A prominent key stone is typical. Often two types of arches, even in association with more conventional window types, appear on the same building. There is a tendency to stress the vertical proportions on each floor, resulting in very high ceilings. Overscaled brackets, also with a strong vertical emphasis, support an overhanging cornice. The cornice appears almost as a crown—or at least a fanciful tiara—sometimes straight, sometimes with a central arch or pediment, either of which can be "broken."

Along with the strong vertical lines of the windows and doors, there is always an equally strong (often a bit stronger) horizontal band of bracketed detailing at each floor level, with the principal roof cornice the heaviest horizontal line.

All materials are used: brick, wood, all types of stone masonry, often two or more in the same facade and, particularly on commercial work, pressed, stamped metal and cost-iron columns or pilasters. This is the style most of us associate with Victorian times, particularly in commercial structures. On the east coast it began in the 1840's and continued until the late 1860's; however, in Santa Fe and on the west coast it was in fashion throughout the 1880's.

FRENCH SECOND EMPIRE—MANSARD

The French Second Empire Style became popular in American domestic architecture in the late 1850's and was used for stately manisons and public buildings until c. 1880.

The most prominent feature of the style is the high mansard roof with a curb between the two slopes of the roof. Dormer windows were commonly employed and take many shapes including round. Classically detailed chimneys are significant features in the composition of the upper part of the building. Superimposed orders columns and entablature stacked one above the other are customary, especially in public buildings. In general, buildings of the French Second Empire style are tall, boldly molded and emphaticaly three dimenisonal; their proportions are essentially like those of the Italianate style which flourished only slightly earlier. Most houses were "Americanized" by spacious porches and verandas and frequently are asymmetrical in massing. In Santa Fe one structure was even more localized: a two story Territorial style portal surrounded the Saint Michael's College building of 1868.

QUEEN ANNE

Architect Henry Hobson Richardson was probably the first to import the Queen Anne style from England when he designed the Watts Sherman House in Newport, Rhode Island in 1874. The style appears to be in alternative to High Victorian styles such as the Gothic and Italianate; it is more picturesque and rural in manner. Queen Anne style is characterized by an irregularity of plan and massing, with a variety of color and texture. Two or more materials are used for wall surfaces in a single building; brick for the ground floor and horizontal boards or wooden shingles on the second. Half-timbering may appear in a gable or two, and upper floors may project beyond those below. Although the pointed arch is never seen, windows may be straight-topped or round-arched. Large plate glass panes are used—often in combination with small panes set in lead or wooden sash. The bay window and oriel are common. Roofs are steep-pitched and multiple; the gambrel or double-pitched roof is also used. Round or polygonal turrents are common features. Chimneys are bold and prominent with modeling in-cut or molded brick. The gable roof is most common and often used in conjunction with a large porch gable. Detailing tends to be small in scale and classical in design.

The Queen Anne style became popular in the East following the Philadelphia Centennial Exposition of 1876 and was used in Santa Fe by 1886 (the George Cuyler Preston House on Faithway Street). By 1900 the style had run its course of popularity.

GEORGIAN REVIVAL STYLE

Begun in Boston in 1859, the features of the Georgian Revival are derived from the architecture of Georgian England and exemplified by the Adams brothers who worked in England from 1760–1780 and Christopher Wren, and from the Colonial architecture of the American colonies. Generally rectangular in plan, the buildings have classical details with a strong sense of symmetry. Roofs are single-pitched or gambrel in form with eaves detailed as classical cornices. A flat deck surrounded with a balustrade sometimes tops off the pitched roof. A central cupola is sometimes used and chimneys always enhance the overall symmetry. The central entrance may project and be topped with a pediment. Doorways commonly have fan lights and sidelights. Windows are mostly rectangular with double-hung sash; the Palladian window is a common design feature. Brick and limestone are common for churches, public buildings and large residences. While never popular in New Mexico, the Georgian Revival style has appeared within the past decade, but in a very diluted form, as can be seen in the Ramada Inn on Cerrillos Road.

NEO-CLASSICAL REVIVAL OR WORLD'S FAIR CLASSIC

The 1893 World's Fair in Chicago was one of architectural revivalism, with emphasis on Roman Classical architectural forms, orders and details. From this exposition spread across the land another wave of Neo-Classical Revival, which to differentiate it from the earlier Territorial Manner might be called World's Fair Classic. Neo-Classical banks and public libraries appeared in both small and large cities. New Mexico was not omitted, nor was Santa Fe.

In 1912 the First National Bank of Santa Fe built a totally up-to-date palace of money on the east side of the plaza. A classical facade complete with pediment and columns fronted Shelby Street. The building was remodeled in 1954 for Levine's Department store (it is now the Kiva Shop), the facade was Santa Fe-styled and stuccoed.

The World's Fair Classic style relies on Roman orders and detailing Pedimented porticos are frequent. Windows and doorways are more commonly linteled than arched. The federal architecture built between World Wars I and II in Washington presents the best catalog of the Neo-Classical Revival style, culminating, perhaps, in architect John Russell Pope's Jefferson Memorial and National Gallery of Art.

The lumber industry manufactured components which the home builder could buy to enhance a new home or to apply as a fashionable touch to a remodeling. What is visually left in Santa Fe includes a row of Neo-Classical wooden columns dressing up the portal of a charming house on Agua Fria Street, the Neo-Classical roof details and stone entrance of the Federal Building on Federal Oval, and the Lamy tomb in the form of a Greek temple at Rosario Cemetery.

MISSION REVIVAL STYLE

Originating from Los Angeles in the late 1890's, the Mission Revival style was adopted by the Santa Fe Railroad and the Fred Harvey Co. for many of their stations and hotels throughout the West. The Alvarado Hotel and adjacent railroad station in Albuquerque were certainly the most notable buildings of this style in New Mexico. But, the Alvarado is gone, replaced by a parking lot. And, while the station survives, it does so without its tall massive tower. (See *NMA* Jan.-Feb., 1964).

Arches, low pitched tiled roofs and curvilinear gables are the most distinctive characteristics of the Mission Revival style. While the tiled roof, either hipped or gabled, is the prevalent form, at times the roof is entirely hidden behind parapets. Arches are usually semicircular, sometimes segmental and are free of ornament. Balconies are frequent as are towers and turrets which are capped by domes or pyramidal tiled roofs. Walls are stuccoed. There is a lack of sculptural ornamentation, which distinguishes the Mission Revival from buildings of the later Spanish Colonial Revival style.

SPANISH COLONIAL REVIVAL STYLE OR MEDITERRANEAN

The style was popularized by the elaborate structures designed by Bertram Goodhue for the Panama-California Exposition at San Diego in 1915. Goodhue was the designer for the original town of Tyrone, New Mexico in 1916. Many Mission Revival features are also characteristic of the Spanish Colonial Revival: red-tiled roofs of low pitch, semi-circular arches, and balconies. However, cast or carved ornament, often of considerable elaboration, is common to this Revival style, while the arches are not so nearly universal. Doorways may be enriched by side pilasters or columns. Portals or verandas may be arcaded or may resemble the Pueblo/Spanish style of wood post-and-lintel construction and frequently with bracket or corbel capitals. Balconies have wood or wrought iron railings, and windows are commonly covered with grills of turned wood spindles or wrought iron. Also, windows may vary in size in a single elevation with broad expanses of wall between. Plans of houses take many forms and are of one or two stories.

The Spanish Colonial Revival is truly an outgrowth of the Mission Revival with so many similar features that it is difficult at times to classify certain buildings within one of the two styles. This is true of many of the small one-story houses which are classified with the Spanish Colonial simply because of the later date of their construction.

PUEBLO/SPANISH REVIVAL STYLE—1908-1945

In many villages, Indian pueblos, and even with small owner-built homes in larger communities such as Santa Fe, Taos and Albuquerque, ancient Pueblo/Spanish style architecture had continued to be the common building method all through the 19th century and on into the 20th century. Parallel with this surviving building tradition a true revival of the style in New Mexico began on the University of New Mexico campus in Albuquerque with the construction of the Central Heating Plant c. 1905–06. It was followed (c. 1907) by Kwataka and Hokona Halls. Hodgin Hall was remodeled from its original 1890 Richardsonian Romanesque manner into a Pueblo/Spanish style building in 1908–9. In 1909, Jess Nusbaum began the so-called restoration of the Palace of the Governors in Santa Fe, which helped to spur onward the popularity of the revival. Between 1909 and 1945 the style was the most prominent for all buildings in Santa Fe, from private houses to churches, from the Fine Arts Museum (1917) to La Fonda Hotel (1920). Most of Santa Fe's finest Pueblo/Spanish style buildings date from the period between World Wars I and II.

The massive adobe brick wall with projecting vigas and rounded parapets, interspersed with roof drains (*canales*), exposed wood lintels over inset doors and windows, and portals with round columns and corbels were all continued onward from their earlier antecedents. Pueblo/Spanish Revival has a massive, archless, irregular look with the set-back upper stories and flat roofs of the traditional Indian community house. Taos Pueblo was obviously a major inspirational source. Also squat towers derived from early Franciscan mission churches are occasionally seen on larger public, even commercial, buildings. Stucco with a smooth but uneven hand-applied look is universal. Whether built of adobe brick, hollow clay tile, brick or concrete block, in all cases the resultant appearance must be that of adobe bricks. Facades and building corners often have rounded stuccoed buttresses, albeit for visual effect only. High, thick round-topped stuccoed walls with emphasized wooden gates enclose rear, side or front patios.

1945–1978

While this revival continues today, changing economic realities within the construction industry have had a strong effect upon the buildings completed since the end of World War II. Rising labor and material costs resulted in buildings that are generally flatter, thinner, and without the variety or hand-worked detailing. They must be put up faster, and in proportion, at less cost. There is but the rare building executed within the Pueblo/Spanish manner which has the true quality and character of the earlier Revival structures. All of the same features are discernible, but the spirit is weak. Wood studs have replaced adobe brick for most homes (adobe has gone from "dirt-cheap" to very expensive) and the resultant walls are flatter and smoother with an obviously fake batter at the parapet and sometimes at corners. The viga ends which project through the wall are frequently simple log stubs attached to the outer surface only.

TERRITORIAL REVIVAL STYLE

As the Pueblo/Spanish Revival style was in full flower, another of Santa Fe's unique architectural styles began a revival. Destined to increase in popularity after 1945, the Territorial Revival style is being used for major public buildings—the State Capitol Complex is the major expression—as well as for commercial and residential construction.

The Santa Fe Territorial Revival style makes full use of all of its earlier components except one—the metal clad pitched roof. The drafters of the "H" Historical District Ordinance of 1957 apparently did not like the pitched roof and conveniently omitted it from the descriptions of the accepted styles of architecture for the Santa Fe Historical District.

The Greek Revival details in the wood window and door frames with pedimented lintels are repeated and, as on some large public buildings, elaborated. The brick parapet coping and the square portal post remain characteristic. Stuccoed walls are universal, but the walls, even on residential structures are rarely of adobe brick, and little or no attempt is made to round the corners or soften the plaster facade. The buildings are sharp edged.

One new feature has appeared: the flat roof is allowed to overhang the walls and to have a wood fascia without any parapet. Used almost exclusively on residential construction, the overhang is never more than 30 inches.

Perhaps the most important pre-World War II building in Santa Fe is the Supreme Court building designed by Gordon F. Street and built in 1936-37. The detailing is essentially Territorial style with a correct entry portal, brick capped parapets, pedimented heads at side door entrances and flat stucco walls. However, Pueblo/Spanish details also are evident; especially notable is the exposed stained wood lintel over the large window above the entry portal.

STONE AND LOG STRUCTURES

Scattered around Santa Fe are a few stone, log or wooden structures which generally thwart any attempt at a style classification. Most date from the first half of the 20th century; one stone house on La Vereda Ave. appears to date from the latter decades of the 19th century.

While neither stone nor log is usually considered to be a Pueblo/Spanish Revival style wall material, they have a parallel time and place heritage. Where readily available, stone was used by the Indians to build their community dwellings. In the mountain villages, barn structures built with horizontally laid logs are common. *Jacal* construction was used by both Indian and Spaniard; at first it was a series of thin poles woven together with brush and plastered on both sides with mud. Later, larger posts were set in trenches and fitted into a heavy horizontal log which capped the vertical logs. Usually the roof was flat and covered with earth, but it could also support rafters of a ridge roof if such were added above the flat roof to deflect rain. The heavy log walls were plastered or chinked with mud to make them weathertight.

MEXICAN COLONIAL REVIVAL

"Las Crucitas," located on upper Canyon Road, is Santa Fe's only example of Mexican Colonial Revival style architecture. It exhibits authentic Colonial architectural elements brought from Mexico and placed in the historically correct setting of a walled patio style house. The severe exterior masonry walls are broken only by an ornamented stone entrance enframement and decorative wrought iron window grilles. Most rooms open to a typical south-facing columned *galeria* which extends the entire length of the enclosed garden patio. Red tile roofs and wall copings are also common features of this style which originally combined the security needs of Spanish Colonial Mexico with many decorative motifs of baroque Spain.

MOORISH REVIVAL

Santa Fe has one unmistakable example of Moorish Revival architecture, the Scottish Rite Cathedral. The massive pink edifice displays a variety of decorative architectural elements common to the Moorish style. The universal horseshoe arch is most notable, a feature repeated in the multiple windows as well as in the giant entrance arch. The tile roof, crenelated square tower and filigree metal lanterns also typify this uncommon revival style whose origins date to ancient northwest Africa and medieval Spain.

BUNGALOW STYLE

The earliest true bungalow house appears to have been built on the San Francisco peninsula in 1895. Although a true bungalow is a small, one story house, occasionally a partial second story pokes up through the broad, sweeping, low pitched first floor roof. But, anything approaching a full second story disqualifies the building as a bungalow. In the more common one story house, a solitary dormer or windows in the gables can make usable the roof or attic space.

Bungalows come in many varieties, but most representative of the style is the Western Stick Style (sometimes called California Bungalow). The house presents two broad gable roofs to the street; the gable of a porch-veranda in front is echoed by the body of the house behind and most generally to one side. Generally the low pitched roof has a sheltering wide overhang sweep. There is an emphatic expression of the wood framed roof with rafters, purlins and brackets fully exposed and often projecting beyond the roof itself; typically, wood shingles cover the roof. Brick, stucco or wood siding sheaths the house, and porches or veranda roofs are supported by short wooden posts atop squat masonry or stucco columns. Chimneys are rarely important design elements.

The Bungalow style flourished from 1900 to 1920 though thousands of later houses are bungalow in nature if not in name. Books containing bungalow plans were available for as little as five dollars. The result: hundreds of identical houses are scattered all across the country, and yes, even in Santa Fe. Only the whims of the local builder and owner varied the details. In Santa Fe, rather than wood studs, adobe bricks may well be under that coating of stucco!

PRAIRIE STYLE

The Prairie Style began with the two Frank Lloyd Wright houses built in Kankakee, Illinois in 1900. Wright was the master, but several other architects working in a Wrightian manner designed many fine examples including the Berthold Spitz house (1908–9) in Albuquerque by Trost & Trost of El Paso.

The style is residential, usually with two stories, or a combination of one and two-stories. All of them show considerable variety and individuality, but pitched roofs are universal, either hipped or gabled or a combination of the two through intersecting wings. A distinctive double pitch is also a common feature, and is often used in combination with the hip or gable. All have wide eave projections which not only shelter the walls and windows, but add much to the play of light and shadows. Emphasis is on the horizontal; dormers are never used. Chimneys become oblong masses. Ribbon wood easement windows (multiple windows set together in a single wood frame) add to the horizontal composition; this is further developed by wood stripping at the window sills (occasionally also at the window head) which continues the sill line around the house. A vertical line may also be created by extending the window frame from first to second floor windows; however, the horizontal is the heavier emphasis. Porches and veranda roofs are carried on massive rectangular-shaped piers. The tops of all piers, parapets of porches, steps and balcony walls have projecting caps or copings. Plaster over wood frame is most common, but brick is also used and often stone or concrete caps are used on piers and parapets. A combination of brick and frame stucco walls is also seen.

The style was popular throughout the Middle West for only about twenty years, and was best utilized by those architects whose past touched Frank Lloyd Wright or, at least, had direct links with the Chicago School of Architecture. As with all styles, other architects and many builders were influenced by the illustrations in contemporary architecture magazines.

"RECENT SANTA FE" STYLE

The passage of the "H" Historic District Regulations in 1957 saw introduced not a new style nor a revival of an earlier style, but, rather, a new term for two older, already flourishing revival styles. The Pueblo Spanish and Territorial heritage are described under the heading "Old Santa Fe Style" within the ordinance. The description sets the tone for the introduction of "Recent Santa Fe Style" whose "intent is to achieve harmony with historic buildings by retention of a similarity of materials, color, proportion and general detail." The ordinance lists the specifics of building heights, facade set-backs, proportions of door and window openings and the color of the stucco coatings.

While the metal clad pitched roof was a common feature of the original Territorial style, the ordinance omits this element when it describes roofs as "flat with a slight slope and surrounded on at least three sides by a firewall of the same color and material as the walls, or of brick."

The reader is referred to the ordinance for the full description. Suffice it to say that the "dominating effect is to be that of adobe construction."

MODERNISM

Since World War II Santa Fe has increased in population from 20,000 in 1940 to 50,000 in 1976. With this increase have come builders, developers and outside commercial capital. Cerrillos Road has become a strip of hamburger stands, gasoline stations, motels and shopping centers. With this influx of new people and outside money has come new architecture in a variety of imported sizes, shapes, forms and materials.

Prominent among the new fashions is Franchise Architecture, a corporation architecture designed at the home office, destined to be erected anywhere, in any climate, and in complete disregard for the adjacent structures or local architectural heritage. While it is designed for easy identification by the peripatetic customer, it is in a real sense an arrogant architecture that imposes itself onto a city scene. Much Franchise Architecture is, to a greater or lesser extent, derivative; much of the design concept and the applied details can trace themselves back to an earlier architectural past. The Ramada Inn chain has placed its thinly detailed, Georgian Revival style motels everywhere, including Santa Fe. Colonel Sanders has candy-striped almost all America; your Santa Fe sailboat can tie up at Long John Silver's wharf. We are witnessing the total perversion of the mansard roof through misuse, or abuse; Dunkin' Donut, Gulf Oil Company, Baja Taco and the Four Seasons Nursing Center; the latter has granted lip service to Santa Fe by painting its mansard type roof an earth color.

Scattered about Santa Fe are recent homes whose heritage can only be the 1930's California Ranch style; a single story, rambling, open plan with a low pitched roof. Owing to the open plan configuration, the ranch house needs either a ranch, farm or large city lot for its construction. Thus, true Ranch Style homes are not seen in the typical residential subdivision. Wood or brick is the usual wall construction; pitched roofed verandas or portals are common but not universal.

Since the 1930's the architectural training in the United States has tended to be less style structured, with the emphasis on function and personal design. The accepted Revival Styles, such as Georgian Revival or Neo-classical Revival, were not to be used as outer coverings for often conflicting interior needs. Accordingly, new styles have been created—International Style, Wrightian, New Formalism, Brutalism. Within these stylistic labels great variety and personal expression exists. A few of Santa Fe's more recent buildings express this trend. The new Department of Automated Data Processing Building and the new St. Vincent's Hospital reflect the design philosophy of the Brutalist style, the fundamental goal of which is to find a structural organizational and material concept that is "essential" to a particular building, and then express it with complete honesty. Brutalist style buildings are most often massive and weighty, usually constructed of exposed concrete with structural elements frankly exhibited.

FOLK EXPRESSIONISM

Folk Expressionism (Neo-Expressionist or Vernacular architecture) has been around us for a very long time and is being created all around us still. Hopefully it will be a continuing mode of architectural expression for a long time to come.

There is a freedom of form, detail and composition, generally a "freehand" look; the result appears to have been created by the hand of a sculptor rather than through the T-square of the drafting board. The first concern of the designer, whether an architect or an owner-builder, is to express the essence of the program as he or she sees that program to be. Within the "style" of "Neo-Expressionism" has been created world renowned architecture: Dulles International Airport by Eero Saarinen, the work of Paolo Soleri in Arizona and Santa Fe, and Bruce Goff in Oklahoma.

The Santa Fe style of life and the long heritage of Pueblo/Spanish handmade architecture lends itself to the self-expressionist builder, and it may well be that from his or her work a new "style" will emerge. At the very least, what we have seen designed and built by the amateur builder and professional architect in the past decade is most often an extension or elaboration on the Pueblo/Spanish heritage. Such was the case for the work of architects, artists and owner-builders of the 1920's and 30's when the Pueblo/Spanish Revival was being created as a style of its own, deeply rooted in the past.

The adobe brick, roof viga and sculptured flowing lines are intrinsic elements of the majority of Santa Fe Folk Expressionist buildings. Other forms of self-expression include vivid exterior wall murals, permastone facings applied over older plastered walls, carved portal posts, skylights and stained glass windows.

The current efforts to develop new energy sources have presented a challenge to designers everywhere. In Santa Fe the integration of solar heat collectors and storage is being pursued with a certain vigor.

Although most of the Folk Expressionist buildings or additions do not comply with the standards detailed in the Historical District Regulations (most are constructed outside the "H" District borders) it is just such self-expressionism which continues the vitality and uniqueness of the Santa Fe style of life and architecture.

EXHIBIT 2

PRE-SPANISH PUEBLO TOWNS

(By P. G. McHenry, Jr.)

When the Spaniards entered the Southwestern United States in search of the seven golden cities of Cibola, they found a highly complex civilization. Prior to their arrival, communal societies here had advanced to the point that a number of urban-organized type communities were well established. These communities had developed from crude, small groupings into an urban pattern. After basic improvements in agricultural techniques, which allowed a higher population density, climate changes resulted in major population shifts. Large population groups abandoned sites which had been occupied for hundreds of years, and formed new ones in locations where the water supply was more dependable.

The tenth century seems to mark one of several significant population movements and major cultural changes in the southwest. Reasonably accurate dates have been established by dendrochronology (tree ring dating), which have been further supported by pottery dating techniques. It is probable that a change in winter/summer storm patterns made earlier agricultural arrangements not workable to feed the fairly large populations that had resulted from successful farming. Water run-off was controlled and diverted to a limited degree by the development of irrigation technology, using small dams which were the beginnings of irrigation here. The food supply-population balance seemed to indicate a time of stable plenty. Defensive features were not found in these earlier times. Later, as poorer or less fortunate neighbors encroached from other areas and competition for the available food became more intense, defensive features in the construction did appear.

During the Eleventh Century, another reversal of the winter/summer storm patterns caused a protracted drought and disruption of the farming activities. The short food supply made necessary major moves in many parts of the southwest to more dependable water and food supplies. A fact that puzzles most researchers of this time is the apparent willingness of these people to pack up and move, leaving behind homes that represented an enormous expenditure of labor for many centuries in some cases. We must remember that these people had no pack animals, or even the wheel, so that all that had to be carried was on one's back. Undoubtedly, they had no choice. Looking back in history tends to foreshorten our view, and it may not have been a sudden mass movement, but occurred over a period of fifty years or more.

A look at the details, the nuts and bolts so to speak, of their planning and building techniques makes an interesting comparison to our efforts in this direction today. There were many similarities, and these forebears lived in much closer tune with their environment than we do today.

VILLAGE PATTERNS

Most communal settlements followed a pattern of either linear or circular development. (Figure 1)

The choice may well have been determined by the topography of the site. Patterns for both included house blocks on various levels, creating terraces which were used for most work activities, which were protected from the prevailing winds and collected sun warmth. Most room spaces were quite small, perhaps mostly for storage, sleeping, and bad weather. Most of these patterns seem to recognize the value of solar heating effect. An excellent example of this is found at the ruin at Tuonyi. It is situated in the bottom of a narrow, high walled canyon, but is still in full sunlight at all times of the year.

The "Old North Ruin" at the Pecos site is of particular interest. It was first occupied about 1000 A.D., reached its peak development about 1250 A.D. and was in full development when the Spaniards arrived in 1540. Changing times forced its abandonment in 1838. It was the major pre-Spanish settlement on the route between the river settlements and the plains people. It was a multi-storied, linear village, built on a defensive ridge, enclosing a rectangular plaza.

WALLS

The walls of the buildings were built of whatever was at hand: mud, rocks, and wood. Most common was stone, mortared with mud. The stone masonry was at first very simple, the rocks being used as "fillers" to construct an essentially mud wall, but evolved into a very skilled craft over a period of several hundred years. Puddled mud walls were also common, where stone was not readily available. It was placed in courses as a liquid or plastic mix until the desired wall height was reached. It was also used as a mud "concrete", where forms may have been used. Wood posts and sticks were used sometimes as reinforcement, or even as the basic wall fabric which was plastered with mud. In every case, the simplest material which was close at hand was used. The soft tufa cliffs of the Pajarito Plateau offered a unique possibility which was used to the fullest. The naturally occurring caves could be easily expanded, and the supply of soft stone at the base of the cliff supplied masonry materials to build outward from the cliffs. Little attention to foundations seems to have been given, the builders merely leveling off the site (usually of previous structures) and starting up with the walls.

DOORS

Except for the earliest settlements, where defense did not seem to be of importance, doors were not normally found on the lower levels. In some instances, entry was through the roof, using ladders. As the pueblos developed, particularly into multi-story, terraced structures, this pattern provided defensive walls on the ground level, with protected terraces above. Doors were used in the upper levels, hatchways providing access to rooms below. The Pecos pueblo had no doors on the lower levels, used removable ladders to terraces and corridor terraces above which were roofed over with porches. These offered free movement all the way around the whole area over the lower levels. Many of the hatchways to lower rooms used a "pintle" type hinge. The "pintle" hinge is one that uses an extension of the door rail inserted into a socket so that it may pivot.

Little evidence remains of what material was used for doors. It was most likely cloth or animal skins. In some instances the door frame was recessed to receive a stone slab, complete with loops on each side to hold a wooden bar, for keeping the slab in place. It seems more likely that such an arrangement would have been used for more secure storage than a daily use. It has been suggested that a major trading commodity of the time was slaves. Such a secure door would have been ideal for confining them. Another special form of doorway is found repeatedly in different sites. This is the "T" doorway, the purpose for which has never been satisfactorily explained. Several theories have been advanced as the reason for this shape, ranging from religious tradition and ceremonial costumes to a ventilation device. The smaller lower portion of the opening could be easily closed to reduce floor drafts, the upper part being left open for the carry off of the smoke from fires, this pattern, would provide a neat "transom". The carefully planned ventilation systems provided a mixed blessing however, because when a fire occurred the ideal draft increased the damage. Windows, as such, were virtually unknown at this time, except for small openings, probably more for ventilation than light. This would also reinforce the theory that most activity took place out of doors.

ROOF STRUCTURES

The principal roof structure system was one using tree timbers to span the walls, sometimes additionally supported by posts. The beams were decked over with smaller timbers, the joints between packed with bark or woven material, and then topped with mud to form a floor or roof. Lintel beams in the walls were also sometimes used, indicating that the packed mud walls would not always support the roof beams.

STAIRWAYS

The idea of stairways, as we think of them was apparently known, but not common. Some steps were utilized from portions of walls, but more often by means of ladders, which could be moved. The extra long rails at the top of the ladders make a convenient support as you mount the ladder, an idea that has become lost to our modern ladder patterns.

FLOORS

Packed mud was the principal floor material used at this time. They tend to abrade and become dusty, but can be easily renewed by sprinkling with water. Some sites, and certain rooms made use of flagstone for flooring, perhaps in areas of heavy traffic. An interesting feature of some of the Pecos floors was the cove treatment at the wall junction. Mud was placed and smoothed where the wall and floor joined, making an easily cleaned corner, just as we do with linoleum today.

DECORATION

The decoration of architecture during this time seems to have been minimal. Most evidence shows that colored mud was used for murals and decoration. As it is vulnerable to moisture and rain, most original decorations have been destroyed by time. Some examples have been found that were covered by collapsing walls, and thus protected. The most common treatment was a gypsum plaster wash. As there was little natural light from windows, and the smoke covered most surfaces with soot, the walls were repeatedly covered with a thin layer of gypsum. This has been found in as many as twenty layers, indicating that these people were good "housekeepers." Petroglyphs, patterns incised on rock surfaces, are common, perhaps for purposeful decoration, or perhaps just "doodling".

TOOLS

Most of the tools in use at this time were of stone. Undoubtedly other materials were utilized, but the stone remains. These people had learned to classify different types of stone as to its workability and hardness, using certain types of stone for certain purposes. Various types of stone were also trade items, as some types were found far from their nearest known source. Stone axes were designed for different purposes, from wood cutting to stone dressing. Knives were made from flint or chalcedony by percussion or pressure flaking. These can be made rapidly, and are easily re-sharpened with a minimum of work. Hammer stones pulverized grain and seeds. Smoothing and polishing stones, of velvety finish, for pottery and clay surfaces may have been prize possesions. Stone files and abrading stones for grinding and polishing wood were also common. Arrow shaft straighteners and holes for sizing bone awls were quite ingenious. Metates and Manos (flat stone grinders) were common for each household, and were frequently broken and discarded from the large quantities found. These were used not only for food grinding, but for the grinding of gypsum for plaster and pigments for color for decoration and cosmetics as well.

The key to the selection of buliding materials at this time was availability, simplicity, and maximum utilization of what was close at hand. Our modern construction technology might well be modified by the ideas of these people, who had little in terms of modern measurement, but made do handily with what they had.●

SENATE CONSIDERATION OF SALT II TREATY

Mr. PERCY. Mr. President, soon we will begin Senate consideration of the SALT II Treaty, which will be one of the most important deliberations of the 96th Congress.

Senate debate of SALT II will be extensive and extended. Every Member of the Senate will be seeking answers to tough questions concerning our national security.

Earlier this week in a speech in Chicago to the Bar Association of the Seventh Federal Circuit, I included comments on SALT II. Specifically, I outlined four criteria that I believe must be met in the treaty. If the treaty does not meet these criteria, I will be unable to support it.

I ask unanimous consent that the portion of my address that deals with SALT II be printed in the Record at this time.

There being no objection, the material was ordered to be printed in the Record, as follows:

SALT II

Senate consideration of the SALT II treaty will be extensively debated this year. President Carter and Secretary Brezhnev will soon initial an agreement which will then be sent quickly to the U.S. Senate for advice and perhaps consent.

I have been told by the "SALT Sellers" that 80 percent of the American people support SALT. I have been told by the "SALT Shakers" that only 20 percent of the American people support SALT. The truth probably lies somewhere in between.

According to an NBC poll conducted in March, 71 percent of those questioned said they favored a new agreement between the United States and the Soviet Union to limit nuclear weapons. But 79 percent said they don't know enough about the SALT II treaty to make a judgment.

I see no contradiction in these figures. People favor arms control negotiations. Who wouldn't? But when it comes to this particular treaty, people want to know more before they make a decision. That's just common sense.

The real test of the SALT II treaty will be maintaining the balance of nuclear strength between the United States and the Soviet Union. In the judgment of many, this balance helps prevent nuclear war.

If we can safely limit the number of nuclear weapons on each side and still maintain a balance of strength, then SALT II should be ratified by the Senate.

If SALT II tips the balance in favor of the Soviet Union, the treaty should be defeated. This is the central question before the Senate and the Nation.

Survival in the nuclear age is tenuous for the superpowers and for the entire planet. Nuclear exchange between the Soviet Union and the United States could kill tens of millions of people within an hour. Millions more would later die of injuries and radiation exposure. Food and water supplies would be poisoned for an indefinite period. Cities would be devastated and industry virtually destroyed.

We know that war is hell for the soldier. But nuclear war would not distinguish between soldier and civilian. Security and survival in the nuclear age depends on our ability to reduce the possibility of nuclear war.

As we begin the SALT debate, we must make a frank and candid assessment of the balance of nuclear strength between the United States and the Soviet Union.

The Soviet Union has been engaged in a continued and sustained military build-up for the last 14 years. The Soviets have added more than 1,000 intercontinental ballastic missiles to their strategic forces. In 1973, the Soviets followed the lead of the United States and began deploying multiple warheads—MIRV's—on their land based missiles. Moreover, the Soviets have continued to spend a more significant portion of their gross national product on national defense than the United States.

Analysts differ on Soviet intentions. Some say the Soviets are preparing for a war they intend to wage and win; others believe that their motivations are primarily defensive.

In my view, it is impossible to be sure about Soviet intentions. A change in Kremlin leadership could render an analysis accurate one day and wrong the next. I believe that the United States should base its defense on the hard facts of Soviet capabilities rather than on vague perceptions of Soviet intentions.

So the reality is clear: we face a Soviet superpower with significant military might and unknown intentions.

We dare not underestimate the strength of the Soviet Union. But neither should we underestimate our own military strength.

U.S. strategic forces have not remained static over the last decade. To our existing force of some 500 Intercontinental Ballistic Missiles, we have added 550 Minuteman III missiles, each of which can rain warheads on three separate targets. We have continued to improve the accuracy and effectiveness of these missiles. We also have a new, more accurate, submarine launched ballistic missile, and we are building a new strategic submarine, the Trident, which will have greater range and maneuverability than the current Polaris/Poseidon system. In addition, we are developing an entirely new and very effective weapon—the Cruise Missile—to maintain our air-based nuclear deterrent.

Our strategic forces are widely dispersed—on land, in the air, and in the sea, while the Soviets have the bulk of their forces on land where they are most vulnerable to attack. They have 75 percent of their strategic bombs on land-based missiles. Only one-quarter of our striking power is on land; the rest is on submarines and on strategic bombers. We can be confident about the balance of nuclear strength between the United States and the Soviet Union.

In the Senate, there is widespread skepticism about the impact of SALT II on this balance of strength. If a vote were taken on the treaty in the Senate tomorrow, it would fail. The two-thirds majority required for ratification does not now exist.

Like millions of other Americans, the 100 members of the Senate must be convinced beyond a reasonable doubt that SALT II is in our national interest. The Carter Administration and the USSR should be warned against making any undue assumptions about Senate support.

Most of all, the Administration must beware of taking any Senator's support for granted. Their nose-counting to date is not impressive.

In December, the Chicago Sun-Times quoted a "confidential White House document" that listed me as already supporting the SALT II treaty. This White House assessment was, and still is, false.

I have not made up my mind about the SALT II treaty. I do not intend to make a judgment until I have examined every detail of the treaty.

I will not support the SALT II treaty if it fails to meet the following criteria:

First, the SALT II treaty must be balanced so that both the United States and the Soviet Union are allowed equal numbers of strategic weapons launchers. This was a Senate imposed condition for ratification of the SALT I treaty and must be complied with. My understanding of the treaty at this point is that it will meet this criterion.

Second, the SALT treaty must not indefinitely limit U.S. flexibility to build weapons systems deemed important to national security. For example, we may need to build the MX missile, a modern, mobile, intercontinental ballistic missile. Restrictions on building the MX missile, which are now contained in the Protocol that accompanies the SALT treaty, must not be extended beyond the three-year life of the Protocol without Senate consent.

Third, regarding verification, the SALT II treaty must ensure that the United States can detect Soviet cheating that could undermine U.S. national security. The Soviet Union can be trusted only to pursue its own self-interest. We will not accept a treaty in which Soviet compliance is based on trust.

The United States has multiple and overlapping systems to watch Soviet weapons modernization and deployment. We have satellites that can count the number of balls on a basketball court, radar and other electronic devices that can read the results of Soviet missile tests, and a complex array of sensors and photographic equipment on ships and planes which routinely monitor Soviet military activities. The loss of our monitoring stations in Iran will reduce to some extent the accuracy of our estimates of the throw weight of Soviet missiles that are being tested. But it will not impair our ability to detect their missiles once they are deployed. We will need to make the judgment whether this loss is significant enough to reject the treaty or whether it can be compensated for well enough and early enough to keep any risks minimal.

Fourth, a SALT II treaty must not undermine the security of our NATO allies. We must be allowed to continue to strengthen the NATO alliance in ways which we and our European allies believe are necessary to correct the current imbalance between NATO and the Warsaw Pact. I intend to seek information on this subject not only from the White House and the Pentagon, but also directly from NATO governments.

These are my four basic criteria at the outset of the debate. Other tests of the desirability of SALT II will undoubtedly become apparent as we study the treaty in detail.

The Administration has said that it will accept no changes in the SALT II treaty, that the Senate should vote it up or down. Administration officials argue that every clause and every word have been intensely negotiated with the Soviets and that the negotiations have ended.

But the Administration should know that if, in the collective judgment of the U.S. Senate, changes are necessary to protect U.S. national security, we in the Senate will not fail in our duty to make those changes. And the Soviets must understand that in a democracy like ours, the U.S. Senate is an equal partner with the President in providing for the common defense of our citizens. The Constitution provides that two-thirds of the Senate must approve ratification of the treaty.

As a member of the Senate Foreign Relations Committee, I am making a thorough study of the SALT II treaty. I ask every concerned Illinoisan to join me in the SALT debate as we question the experts and express our views.

Maintenance of our national security requires constant vigilance and determined resolve. Let us approach the SALT II treaty with the caution, reason and wisdom that will preserve and protect that security.

A RESOLUTION PASSED BY THE SOUTH CAROLINA LEGISLATURE REGARDING REALINEMENT OF DISTRICT OFFICES OF THE ARMY CORPS OF ENGINEERS

Mr. THURMOND. Mr. President, Senator HOLLINGS and I would like to call the attention of the Senate to a resolution passed by the South Carolina Legislature. The resolution requests the Army Corps of Engineers to maintain the present district boundaries and responsibilities in the South Atlantic Division or to expand the Charleston office.

I ask unanimous consent that the resolution be printed in the RECORD in full.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

A concurrent resolution to urge the Department of the Army Corps of Engineers in their consideration of realignment of district offices in the South Atlantic Division to either maintain present district boundaries and responsibilities or expand the boundaries and responsibilities of the Charleston District based on proven need, performance and efficiency of that office.

Whereas, the Department of the Army, South Atlantic Division, Corps of Engineers is considering several realignment alternatives for the District Offices in Charleston, Savannah and Wilmington; and

Whereas, the Corps of Engineers has the authority to insure that waters are not obstructed; and

Whereas, the Charleston District's efforts in navigational maintenance and ports development has been extremely significant; and

Whereas, South Carolina has a major Naval base whose accessibility is vital to national defense, and Georgia has no Naval facility of equal strategic value; and

Whereas, South Carolina's two hundred and forty miles of Intercoastal Waterways represent fifty percent more Intercoastal

Whereas, South Carolina's two hundred and sixty-one miles; and

Whereas, the expertise of the District Office in Charleston is essential to the operation of Charleston's port which is the premiere port of the South Carlantic and ranks twelfth in the nation; and

Whereas, the Charleston District is just beginning major construction on the one hundred and ten million dollar Cooper River rediversion project to lessen substantially the silting problem in Charleston Harbor; and

Whereas, the Charleston District's Civil Works area is demonstrably efficient, having only one hundred and sixty-one employees, the lowest of the five districts in the South Atlantic Division, and such employees have a productivity rate more than fifty-five percent greater than its closest competitor in the Southeast; and

Whereas, according to the statistics published by the United States Army Engineer Division, South Atlantic, in its national shoreline study, regional inventory report of 1971, there are three thousand and sixty-three miles of shoreline in South Carolina as opposed to only two hundred four and one-tenth miles of shoreline in Georgia; and

Whereas, according to the previously-cited study, South Carolina has fifty-seven miles of shoreline subject to critical erosion and Georgia has only seven and four-tenths miles subject to critical erosion; and

Whereas, the United States government owns four hundred thirty-five shoreline miles in South Carolina and only twenty-nine and one-tenth shoreline miles in Georgia. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring: That the General Assembly, by this Resolution, urges the Corps of Engineers to narrow the consideration of realignment alternatives to: (a) no change to existing District boundaries or responsibilities, or (b) expanding the Charleston District by transferring all or a part of either the Savannah or Wilmington District work loads to that district.

Be it further resolved that copies of this resolution be forwarded to the South Atlantic Division of the Corps of Engineers, Lt. General John W. Morris, Chief of Engineers, Department of the Army, Washington, D.C., 20314, the members of the South Carolina Congressional Delegation and the Governor of South Carolina to signify the General Assembly's support of the Charleston District Office.

OFFICIAL TRIP TO THE SOVIET UNION BY SENATOR MATHIAS

Mr. CHURCH. Mr. President, last December, at the invitation of the International Communication Agency, Senator MATHIAS of Maryland traveled to the Soviet Union to open an agricultural exhibit in Kishinev in Moldavia.

Senator MATHIAS took the opportunity of being in the Soviet Union to visit Kiev and three cities in Central Asia. He also met with Soviet officials in Moscow.

I ask unanimous consent that Senator MATHIAS' official trip report be printed in the RECORD.

Mr. MATHIAS. I thank the distinguished chairman of the Foreign Relations Committee.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

OFFICIAL TRIP TO THE SOVIET UNION

In December, at the invitation of the Director of the United States International Communication Agency (USICA), Ambassador John E. Reinhardt, I traveled to the Soviet Union to officiate at the opening of the "Agriculture-USA" exhibit in Kishinev, the capital of the Moldavian Soviet Socialist Republic. Two members of my staff, Margaret S. Nalle and Casimir A. Yost, accompanied me on what was in all a 13 day trip.

My itinerary began in Kishinev which I reached by way of London and Moscow. I then stopped very briefly in Kiev, capital of the Ukranian Republic, before going on to Central Asia. The few days I spent in Uzbekistan visiting the capital, Tashkent as well as Bukhara and Samarkand were particularly interesting. I concluded my trip with two days of productive meetings in Moscow with Soviet officials.

My report relates some of my experiences and impressions of the places visited and concludes with general observations on the Soviet scene and U.S.-Soviet relations. I offer my observations despite Sir Winston Churchill's famous dictum that the Soviet Union remains "a riddle wrapped in a mystery inside an enigma." It is incumbent on us at least to try to comprehend what the riddle is asking, whether or not we are able to solve it.

KISHINEV

I arrived in Kishinev on December 6 after an unexpected overnight stop in Moscow caused ironically by bad weather in London, not in Moscow. During the next few days, I had a chance to meet with a number of officials of the Moldavian Republic, including the Mayor of Kishinev, the Chairman of the Council of Ministers, the Minister of Agriculture and the Secretary General of the Moldavian Ministry of Foreign Affairs, and to visit several enterprises in which the Moldavians take great pride.

Agriculture is the traditional mainstay of the Moldavian economy and viticulture—the making of wine—is one of the oldest and most important farming activities. Archaeologists believe that the world's earliest winemaking can be traced to the shores of the Black Sea not far from modern day Kishinev, and excavations confirm that wine has been made in that area at least since the days of the Romans.

In view of this history, I found the visit, arranged by local officials, to an institute for the study of viticulture particularly interesting. Prior to my visit, I had consulted with Maryland vintners about the state of the art in Moldavia and took along some wine from Maryland's Boordy Vineyards as a proper tribute to the superior wines of Moldavia. Moldavia produces some of the finest wine in the Soviet Union. It is an important product both for export and for domestic consumption. The laboratory of viticulture was professionally run by a staff which maintains surprisingly close contact with viticulturists around the world. My guides pointed with great pride to the expansion of wine for export as a modern adaptation of an old industry in Moldavia.

The highlight of my visit to Kishinev and, indeed, the purpose of my visit was to open the USICA-sponsored "Agriculture-USA" exhibit. This is the most recent in a series of American exhibits shown in the U.S.S.R. under the terms of the cultural exchange agreement between the Soviet Union and the United States, signed in 1973, which extends through this year. Since 1959, under this and previous cultural exchange agreements, we have sent 17 different exhibits to the Soviet Union. Altogether, close to 20 million Soviet citizens in 22 cities throughout the Soviet Union have visited these exhibits. These cities have included such far-flung outposts as Irkutsk in Siberia, Kazan in the Autonomous Republic of Tatar, where in the mid-16th century the forces of Ivan the Terrible finally overcame the Tatars, and Baku in Azerbaijan on the Caspian Sea. Some Soviet cities have played host to several exhibits. In fact, "Agriculture-USA" was the second American exhibit to visit Kishinev. "Outdoor Recreation-USA" had been there several years earlier.

The American National Exhibition in Moscow in 1959 was the first exhibit ever held in the Soviet Union. It attracted worldwide attention as the scene of the famous "Kitchen Debate" between Soviet Premier Nikita Khrushchev and then Vice President Richard Nixon. Since that time, no such dramatic incidents have focussed public attention on these exhibits. In a way that is too bad, because they are a powerful instrument for informing Soviet citizens about the United States and I am sure that the American people would be gratified to know of the wonderful job they are doing.

These exhibits are often the only contact Soviet citizens ever have with the United States. The Soviet people, who live in what is always an information vacuum and sometimes a world of total information distortion, can see with their own eyes and hear with their own ears what America is like, when they visit these exhibits. An idea of the breadth of the USICA exhibit spectrum is reflected in the names of the exhibits that have been sent to the Soviet Union to date: American National Exhibition; Plastics-USA; Transportation-USA; Medicine-USA; Technical Books-USA; Graphic Arts-USA; Communications-USA; Architecture-USA; Hand Tools-USA; Industrial Design-USA; Education-USA; Research and Development-USA; Outdoor Recreation-USA; Technology for the American Home; USA-200 Years and Photography-USA.

These exhibits also give Soviet citizens an opportunity to talk with Americans, to ask them questions, to exchange opinions with them and to draw comparisons and conclusions which can be extremely illuminating. The young American guides, who explain each exhibit, and who also help erect and dismantle the exhibit as it travels from city to city, all speak Russian and/or the local language. In Kishinev, for example, there was one Rumanian-speaking guide.

Based on my impressions of "Agriculture-USA", I would say that, although the exhibit itself is impressive in all its detail, the most impressive part about it is the 20 or so young guides who stand up hour after hour, day after day, and city after city, explaining the exhibit in a foreign language to all comers and graciously fielding all sorts of questions from the most pertinent to the most impertinent.

In every city the guides and exhibit staff keep a list of the curious questions they have been asked. Here is a sampling from Dushanbe where "Agriculture-USA" played before Kishinev:

How many kernels are there on an ear of corn?

Were "Grand Funk" slaves before they became popular?

Do you have bedbugs in America? Do they have only one eye?

Americans have artificial meat made of wood, don't they?

Is it possible to send a letter to the U.S.S.R. from the U.S.A.?

Do the Negros speak English?

If you Americans speak English, why do I understand you so well?

How do you say "bird" in German?

Your sun rises in the west and sets in the east, doesn't it?

Are all you guides members of one family?

Are Blacks given the day off on Christmas, too?

Can Indians talk?

Do you have laws in America?

Are Young Pioneers allowed to go to public school in the U.S.?

What are the relations between the exhibit and China?

The average American worker is too poor to buy his own tractor, isn't he?

Is there a club for millionaires in the U.S.? Is it mandatory to join?

Do any Americans immigrate to the U.S.S.R.?

Since you have competition between farmers, doesn't that mean that East Coast cotton farmers won't let West Coast cotton farmers use the Mississippi River for irrigation because they want them to get a lower cotton yield?

Is America near Israel?

Can Blacks marry? Can they marry whomever they wish?

Do you have statues of Lenin like we do?

Do they permit capitalism in the U.S.A.?

At first blush these questions seem amusing. But they reflect such deep ignorance about the United States and such a heavy dose of propaganda about aspects of our society that ultimately you can only worry about the implications they have for Soviet-American relations. A people without free access to information can be manipulated in ways that no informed people ever can. Indeed, these seemingly trivial and amusing questions, cast considerable light on the importance of the Helsinki Accords.

In the face of such questions, these guides put on a tremendous show and are glowing testimony to the strength, humor and resilience of American youth. They are the real focal point of these exhibits. They make them sing. But, most importantly, they are convincing and sincere and may prove to be the irresistible force that will ultimately move that immovable body—the iron curtain. It seems to me very little has changed in the 140 years since the Marquis de Custine wrote:

"The political system of Russia could not withstand twenty years of free communications with Western Europe."

Kishinev was an appropriate setting for the "Agriculture-USA" exhibit, although, I was told, the government plans to shift emphasis from agriculture to industry, Moldavia still has a predominately agricultural economy. The guides field a wide range of questions about the various agricultural exhibits, but for visitors who seek more technical information, there are also experts to answer specialized questions and there is a technical library which many professionals consult.

The "Agriculture-USA" exhibit had three specialists with it while I was in Kishinev: an expert in viticulture from California, an agricultural engineer skilled in the design and use of farm machinery, and a specialist in truck farming, who turned out to be a constituent of mine—Charles Reynolds of the University of Maryland.

"Agriculture-USA" exposes the viewer to the richness and variety of the American agricultural scene, to American farm technology and to life in rural America through pictures, slides, videotapes, machinery displays, etc. The development of this exhibit from drawing board to opening took three years and its making and preparation involved 19 separate contracts with companies in seven states. In addition, 30 different organizations, from manufacturers associations to universities, participated in the exhibit by giving or lending services and equipment.

Kishinev was the fourth of six Soviet cities to be visited by "Agriculture-USA". By the time I cut the ribbon in Moldavia, more than 650,000 Soviet citizens in Kiev, Tselinograd and Dushanbe had already seen the exhibit. Since then, it has opened and closed in Moscow and it has just opened in Rostov on Don, the final city in its itinerary.

The opening day ceremonies in Kishinev were attended by 250 Moldavian officials invited for the occasion. U.S. Ambassador Malcolm Toon came down from Moscow for the opening, as did U.S. Counselor for Press and Cultural Affairs Raymond E. Benson. The Ambassador and I both spoke at the opening ceremonies. A copy of my remarks is appended to this report.

Following the official opening and tour of the exhibit, Ambassador Toon was host at a reception for Moldavian dignitaries and exhibit personnel. With the linguistic assistance of several exhibit guides, I managed to talk with a number of guests and found them uniformly impressed by the exhibit and optimistic about its success in Kishinev. I also answered a variety of questions about attitudes in the United States, centered mostly on U.S. attitudes toward peace. Such questions are common everywhere you go in the Soviet Union, but in Moldavia, where the population was literally decimated during World War II, they are particularly understandable.

In the days of the Czars, Kishinev was the site of some of the most brutal pogroms. The Nazis, who occupied Moldavia for much of World War II, continued the grim work of the Czars. Nonetheless, Kishinev today retains a substantial Jewish population. According to the 1970 census, the Jewish population of Kishinev is 14 percent, whereas the Jewish population of Moldavia is only 2.7 percent.

I left Kishinev with a heightened appreciation for the program being carried out by USICA and for the importance of these exhibits as a medium of communication in an area where improved communication is vital. If I have any criticism of the exhibit at all, it is that the brochure which is handed out to all visitors is written in Russian with only a synopsis in the local language added as a separate insert. I can appreciate that this is dictated by economy considerations, but, still, there is great national pride in these Soviet Republics and, for a little extra investment, we could avoid the risk of being identified with Great Russian chauvinism.

Thanks to a well-organized program by David Swartz, Head of the Kiev Advance Party, my visit to Kiev, although brief, was very useful. It was a particularly humbling and moving experience to be able to visit and lay a wreath at the memorial to the thousands of Jews massacred by the Nazis at Babi-Yar on the outskirts of Kiev. The fatal ravine is still there, but its harsh, tragic outlines are softened by landscaping and the scene is dominated by a powerful and massive monument. Although the Soviet government has finally acknowledged the massacre with this monument, there is no mention in the inscription of the fact that the overwhelming majority of those killed at Babi-Yar were Jewish.

I also had an opportunity to visit the site of the new U.S. Consulate in Kiev. This, still-to-be-completed building, has had a checkered and difficult history. The State Department has leased an old apartment building which was in such bad shape that the entire interior had to be gutted. It was judged to be the best of a number of inferior choices offered us by the Soviet government. In December, it was a shell of a building. I was informed that it would be ready for occupancy in early 1980. I have my doubts. Legitimate questions can be raised about the size of this building and, indeed, about the whole manner in which this enterprise has been handled, although there is no question that a consulate in Kiev is a good idea.

After initial efforts by local government officials to be helpful, the Soviets began and have continued to impede our efforts to set up operations in Kiev. Cooperation, at times, has been minimal. There is apparently a calculated Soviet "go slow" policy with regard to the renovation of the building. Moreover, land travel by our diplomats from Kiev West has been restricted. (Though I understand that recent discussions on this issue may result in changes in Soviet policy.) Access to the present consulate by Soviet citizens on legitimate business has been impeded by Soviet authorities. I do not believe that our government has been as firm with the Soviets as we could have been or should have been on these issues.

CENTRAL ASIA (UZBEKISTAN)

Uzbekistan is one of the core republics of Soviet Central Asia. Geographically, this area is located where the U.S.S.R., China, and Afghanistan converge. It is part of Sir Halford Mackinder's "heartland" and of intrinsic geopolitical importance. The trade routes of centuries cross and recross it.

According to the 1970 census, the ethnically diverse republic of Uzbekistan includes Uzbeks (65 percent), Russians (12.5 percent), Tatars (4.8 percent), Kazakhs (4.6 percent) and Tadzhiks (3.8 percent). Furthermore, according to the 1970 census, almost all of the Uzbeks living in Uzbekistan speak their native language, whereas only 13 percent claim Russian as a second language. Indeed, it has been estimated that only about a third of the population of Central Asia speaks Russian.

Finally, Uzbekistan, along with Central Asia as a whole, is heavily Muslim in religious heritage. (The Soviet Union is said to have the fifth largest Muslim population of any nation in the world.) I will touch on some of the possible implications of a large Muslim, non-Russian speaking, Central Asian population later in my report.

TASHKENT

My visit to Tashkent was very brief, but my welcome by officials of the Uzbek Republic, including the Minister of Foreign Affairs of Uzbekistan was most cordial, as was my reception throughout Central Asia. Tashkent is the capital of Uzbekistan and the fourth largest city in Central Asia. My hosts briefed me at length on the vital role the city of Tashkent plays in the economy and life of the region. It is, for example, a major producer of heavy equipment.

On my tour of the city, I was impressed by the scope of the reconstruction efforts following the 1966 earthquake which left thousands homeless. My guides emphasized the enormous contributions in labor, material, and financing made by other Soviet republics to Tashkent's reconstruction.

BUKHARA/SAMARKAND

Both Bukhara and Samarkand have rich histories. The latter was the capital city of Tamerlane and the place where he is buried. Over the entrance to the crypt in which he lies is the inscription "Reject The World Before The World Rejects You." The former reached its zenith in the 10th century as the capital of the Samamid empire. It also has a tradition of religious learning which continues to this day. Bukhara has one of the two functioning madrases (Muslim religious schools) in the Soviet Union.

Finding the door of the Bukhara madrasa open, we ventured in and were greeted by the director who took us to a classroom where several students were at work. In the background we could hear others reciting the Koran.

It was here that we experienced one of the moving, unrehearsed episodes of the trip. In the madrasa we were accosted by a man who had clearly offended Mohammed's rule of abstinence. He was a veteran of World War II and insisted on taking the bandages off his leg to show us the wounds that still contained shrapnel. And then he began to lament the loss of the wartime brotherhood that had existed between America and Russia. He insisted that I place my hand upon his heart as he delivered, drunk or sober, his heartfelt plea for peace.

The Soviet Union does not forbid, though it clearly restricts, the practice and study of Islam. The school was not thriving, but it was functioning. In addition, Soviet Muslim leaders are obviously encouraged to establish limited contacts with Muslims in other countries. I was given a brochure entitled "Muslims of the Soviet East" which is published in Uzbek, Arabic, English and French and is distributed abroad as part of this outreach effort. Such efforts presumably have the blessing of the Soviet Government and have more than passing interest as we observe the world-wide pan-Islamic revival.

In both Bukhara and Samarkand, I was struck by the enormous effort and money that is being expended to rebuild the ancient mosques, madrasas and other sites of historical interest. There is a clear effort to make these cities attractive to tourism. But, no doubt, this effort has the additional (and perhaps unintended) effect of bolstering the pride of the inhabitants of the region in their rich history.

My hosts took me to a Bukhara gold embroidery factory, a showcase operation where the seamstresses were paid on the basis of piece-work. I also visited a local nursery school and met with government officials in both Bukhara and Samarkand, including the Chairman of the Bukhara City Soviet and the Chairman of the Samarkand City Soviet.

An interesting facet of Soviet policy that I observed was the encouragement given to ethnic language and culture within the Soviet framework. This reflects Soviet nationalities policy, one objective of which is the discouragement of pan-Islamism.

MOSCOW

I was last in Moscow during the summer of 1975 as part of a U.S. Senate delegation to a U.S./U.S.S.R. parliamentary conference. On my trip in December, I notices a general improvement in the standard of living in the Soviet Union from three years ago.

It is generally agreed that consumer welfare has improved in the Soviet Union in recent years. I noted more cars on the roads. There also seemed to be more consumer goods available in the stores than a few years ago. The improvement is not dramatic by our standards, but by Soviet standards it is substantial.

I had two days of useful meetings in Moscow at the Ministry of Foreign Trade; with Mr. Arbatov, Director of the Institute for the Study of U.S.A. and Canada; the Institute of World Economics and International Relations; and, finally, with Foreign Minister Andre Gromyko. Some of the general issues discussed in these meetings were:

China: I left the Soviet Union before President Carter announced normalization of relations with the People's Republic of China. I did, however, find an acceptance in Moscow of the inevitability of normalization. "It is what is under the surface which worries us" was the common reservation put forward. The greatest concern, of course, was that some sort of military relationship would develop between the People's Republic of China and the United States.

Middle East: I found virtually no meeting of the minds on the question of the Middle East. The Soviets were persuaded that Camp David was designed to freeze them out of the peace process. They stressed the need to push for a comprehensive settlement which included provisions for the settlement of the Palestinian problem.

Trade: The Soviets were eager for additional trade with the United States. They singled out the Jackson-Vanik amendment as the major impediment to improved trade. As one Soviet official put the case, "You are a proud nation, so are we. Attempts at applying pressure will fail." Everyone I spoke to on this issue pointed to the opportunities for the United States of additional investment in the Soviet Union. Soviet sources suggested that the U.S.S.R. would pay for additional U.S. imports through the export of energy. They were particularly critical of what they viewed as the capriciousness of U.S. dealings on the issue of trade.

Energy: I asked one Soviet expert if he had seen the CIA study on energy in the Soviet Union which indicated that the Soviet Union could face shortages in coming decades. "The original or revised version?" he responded. He went on to discount the CIA's timetable, while admitting that there were exploration, and distribution problems that could eventually make the Soviet Union an oil deficit nation.

SALT: At virtually all of my meetings in Moscow, we discussed SALT. Most Soviets maintained that SALT was the cornerstone in their relationship with the United States. The absence of SALT "would not be the end of the world," suggested one, but it would complicate the relationship.

Just before leaving Moscow, I spent two hours with Foreign Minister Andre Gromyko discussing Jewish emmigration, SALT, and the Middle East.

The Foreign Minister was very cordial. I presented him with a list of "refusnik" cases of particular concern to me and to the Maryland Jewish community. He accepted the letter (text appended) without comment, but previous experience leads me to believe that quiet diplomacy in this area pays bigger dividends than public vilifications. In fact, the day I arrived in Moscow, I was able to remove one name from the list of "refusniks," because previous quiet efforts in this man's behalf had at last paid off, and he had that day received permission to leave. On the subject of SALT, I came away from this meeting (held on December 13) convinced that a SALT agreement would not be concluded at the Vance/Gromyko meeting to be held in Geneva the following week. I got the feeling from my conversation that the Soviet Union was not ready to close a deal even before they learned of the change in our China policy. On the Middle East, the gap in the U.S./Soviet positions seemed even larger and more unbridgeable.

In Moscow I was the guest of Ambassador Toon at Spasso House. Although I was in the Soviet Union at a time of particularly heavy traffic from American delegations, including Secretary of the Treasury Michael Blumenthal, Secretary of Commerce Juanita Kreps, and a United Nations Association group. Support for my visit was excellent, both from USICA in Washington and from the Embassy in Moscow.

OBSERVATION ON THE SOVIET UNION

The Soviet internal scene

We all tend to forget the size of the Soviet Union. It is the largest country in the world, though only the third most populous. By way of comparison, the Soviet Union has 11 time zones to our 4. But merely talking about size can be misleading. We must remember that most of the Soviet Union lies above 50° north latitude which runs near Winnipeg, Canada. Samarkand, which is one of the Soviet Union's southern most cities, lies at 40° north latitude along with Philadelphia, Pennsylvania.

In this vast expanse of geography live an estimated 170 separate ethnic groups. Only about 52 percent are ethnic Russians. The balance includes Ukranians, Lithuanians, and so on. I will expand on this ethnic diversity later. Suffice it to say at this point that one must be careful not to lose sight of the incredible diversity that characterizes the Soviet people.

In the first half of this century, the Soviet Union suffered through a revolution, a civil war, a famine, internal purges and two world wars, all of which sapped the national strength. Nonetheless, the Soviet Union today is roughly the military equal of the other superpower—the United States. It is the world's second ranking industrial power. It is rich in natural resources, affording it a degree of self-sufficiency not available to most other countries. In short, the Soviet Union is a force that must be reckoned with on the world scene.

Soviet leaders are proud of what the U.S.S.R. has achieved against considerable odds. Whether continuing and developing internal problems can be easily managed in the future remains to be seen.

One thing we know for certain about the Soviet Union is that its leadership is aging. However, we have no way of knowing how difficult the succession to Mr. Brezhnev will be. What does seem likely is that he will leave his successor serious unresolved problems. These include challenges to Soviet ideological leadership, economic stagnation, and demographic uncertainities.

George Kennan, a longtime observer of the Soviet scene, wrote in his latest book, "The Cloud of Danger," that "the posture of moral and political ascendancy among the Marxist and national-liberationist political forces of the world is essential to the justification of the dictatorship exercised over, and the sacrifices demanded of the peoples of the Soviet Union for more than half a century." There has been a clear erosion of this ascendancy with uncertain consequences for the future. One wonders what domestic enthusiasm or what degree of internal sacrifice can be expected for a regime whose ideological supremacy has been questioned from Peking to Bucharest and whose ideology has been found irrelevant by much of the rest of the world?

The Soviet Union's economy points to future problems as well. The Congressional Research Service recently noted that "one major contrast between the Ninth and Tenth (ending 1980) Five Year Plans is the low rate of growth set for capital investment." The current regime has sought quick rewards from increased defense and consumer spending at the expense of long-term economic growth in the form of investment.

Other economic problems abound. Much has been made of the difficulty that Soviet leaders find in motivating their people in the absence of attractive incentives. But a potentially more serious problem is on the horizon. In the past, the Soviet Union has achieved economic growth, in part by steady increments to one of the factors of production-labor. However, according to a U.S. State Department report, "additions to the working age population will be steadily declining for the balance of the 1970's and through much of the 1980's." Of less certain impact are possible problems arising from energy shortages and technological inefficiencies. Whether or not the Soviet Union can keep up with changes in the latter area remains to be seen.

Finally, demographic shifts in the U.S.S.R. pose possible challenges. Professor Murray Feshbach of the U.S. Bureau of the Census has done very revealing work in this area. According to Professor Feshbach, the Great Russian percentage of the population could decline from 52 to 48 percent between 1977 and the year 2000. Meanwhile, Central Asia's share of the total Soviet population could rise from 14 to 21 percent, thanks to the far higher birth rate in predominately Muslim Central Asia. In 1970, it was estimated that the birth rate in the four core Central Asian Republics (i.e. minus Kazakhstan) was twice the national average. Professor Feshbach estimates that "out of 308 million persons in the Soviet Union in the year 2000, 76.8 million will be of Muslim origin.

What are some of the implications of these demographic trends? Some are economic. Soviet industry is not now centered in Central Asia, yet in the coming decades this is where labor will be available. The state may have to choose between moving industry to labor or labor to industry. Central Asia, however, is not resource rich and the population of Central Asia is not, by inclination, mobile. Both options pose problems.

A second problem involves the implications of a Great Russian minority within a population increasingly non-Russian in outlook and heritage.

A third potential problem is military. The Soviet military eventually will have to depend more heavily on this Central Asian pool of people. Problems will arise to the extent that these people are less educated and less comfortable with the Russian language than their Russian counterparts.

Finally, there is the whole problem of having such a large and growing segment of the population that is imbued with a Muslim cultural heritage. Events in Iran will only intensify the uncertainties. For a government that is both avowedly atheistic and hypersensitive to outside influences, it certainly cannot be reassuring to have a militant Islamic state spring up on its Central Asian border.

All of this is not to suggest that the demographic problems cannot be managed. But they will certainly require some managing. There will be hard choices and, possibly significant trade-offs within Soviet nationalities policy.

The following anecdote illustrates the point. In Samarkand we drove by a building with a rather oriental face plastered on the side of it. I asked my guide whose face it was. "Lenin," she replied. I suggested that the face did not look like the other pictures of Lenin I had seen. "Oh," she responded, "his face changes depending on which Republic he is in."

The Soviet Union and the outside world

An observer recently referred to the Soviet Union as an "assertive paranoid," in commenting on its new found strength and its continued fears. While the motives behind the Soviet quest for power and influence are subject to debate, the facts behind a buildup in capability and assertiveness are becoming generally accepted.

The Soviet Union has developed a strategic arsenal which, although different in its emphasis from ours (i.e. more ICBM's and fewer strategic bombers), is nonetheless judged to be roughly equivalent to ours in capability. This equivalence is essentially of recent vintage. Moreover, the last ten years have witnessed a steady growth in Soviet conventional military capabilities both in technical and quantitative terms. Finally, and here the judgmental factor comes more into play, the Soviet Union has displayed a greater interest in recent years in projecting its influence beyond its immediate periphery, such as in Africa, than it has in the past.

Few people would argue about the increased Soviet military capability. But there are many different answers to the question of why the buildup.

The most extreme answer is that the Soviet Union is out to rule the world and is moving as quickly as possible to achieve that end.

Not unrelated to that answer is a second which holds that the Soviet Union is simply acting as it believes a superpower should act, taking its cue from us. A superpower, in fact, not only has power but it projects power. It interferes, by its very nature, in other countries' affairs. It insists, in Foreign Minister Gromyko's words, "that no question of any significance . . . be decided without the Soviet Union or in opposition to it." For Americans to complain about Soviet activities in Angola and Ethiopia is viewed by the Soviet leadership as hypocritical, particularly after our own intervention in Vietnam.

A third answer suggests that the Soviets are, quite simply, doing what they do best. That this is an example of the law of comparative advantage in operation. In short, the Soviet Union began its military buildup initially for legitimate defense needs and then couldn't or wouldn't turn it off or slow it down. The Soviet Union discovered that the world was not (and is not) very interested in its exported ideology. Furthermore, it found that the world, given the choice, prefers Western technology and assistance to that of the Soviet Union. This left it with only military equipment and political/military support as a means to exert influence in areas beyond its direct control.

A fourth answer is that the Soviet Union does, in fact, look at the outside world more fearfully than we give them credit for. According to this theory, the U.S.S.R. sees a China which can only get stronger and which, if combined with the U.S. and Japan, could get very threatening indeed. They continue to fear a resurgent, or to use their term, a "revanchist" Germany. They see billions of dollars in sophisticated military hardware being poured into the Middle East by the United States. They are conscious of a certain unravelling of their hold over Eastern Europe. According to this line of reasoning, they perhaps have greater respect for our military potential than we do ourselves at times. Moreover, they don't trust us not to use it, under certain circumstances, against them. The result of this and other insecurities is a sizeable Soviet buildup. But, as Dr. Dimitri Simes of the Georgetown Center for Strategic Studies points out, "The trouble is that the traditional Russian definition of security is deeply rooted in the belief that nothing less than a fool proof shield against all conceivable threats is possible."

A final explanation sees its roots in ideology and brings us back to Ambassador Kennan's observation quoted above. The legitimacy of the regime depends on an internal perception of the continued success and achievement of the Soviet Union as the ideological leader of Marxist-Leninism. The U.S.S.R., therefore, by definition, cannot be a status quo power. It must promulgate its vision.

Quite obviously, there are elements of each of these impulses in Soviet thinking. The visitor to the Soviet Union is, of course, subjected to a particularly heavy dose of prior Soviet experience with war and of their determination not to face it again. But others point to what they see as Soviet risk-taking and Soviet willingness to strain the limits of peaceful relations.

Soviet foreign policy is ultimately rooted in geography. Germany and China, for historical reasons, are central to Soviet thinking and concern. But clearly the relations of the U.S.S.R. with the other superpower receive great, if not always the greatest, attention in Moscow.

U.S./Soviet relations

Any American visitor to the Soviet Union must grapple with the problem of what weight and credibility to attach to Soviet statements and protestations. As one observer puts it, "We cannot assume that they think like us and we cannot assume that they don't." Should we believe them when they say that they want only peace, or when they suggest in their writings, as some claim they do, that a nuclear war is "winnable"? If not the former, then why the latter?

What is clear to any observer of the Soviet Union is that the Soviets are profoundly suspicious of us. They believe that we reneged on trade and arms agreements reached in 1972 and 1974. They see no good coming from billions of dollars in military equipment that the United States has poured into Iran, Saudi Arabia, Turkey and other countries on or near their borders. The Soviets also believe that U.S. human rights efforts are directed primarily against them. They are convinced that the Camp David process has been part of a U.S. plot to keep the Soviet Union out of the Middle East. They point to what they believe has been our reneging on the October 1977 U.S./Soviet statement on the Middle East. They are deeply disturbed about improving Western connections with the People's Republic of China, including, in particular, our own. And yet, at the same time, they see their relations with us as being of vital importance.

We return suspicion for suspicion. We believe that detente meant, in fact, a lessening of tension and conflict. We are fearful of the Soviet Union's buildup of strategic and theatre nuclear capabilities. Why do they need so much? We cannot interpret, except in very bleak terms, their recent activism in Angola, Ethiopia, Afghanistan, Cambodia, and South Yemen. (It would appear that the Soviet Union has badly underestimated the negative impact in the West of both their military buildup and their activities in the Third World.)

We are, in fact, talking past each other. We see the world through different lenses. Soviets continue to see two socio-political systems in conflict. We, on the other hand, see a world in which power is more fragmented, and yet the interdependence of nations is more pronounced.

Our different outlooks collide on the question of detente. We assumed, perhaps because the concept was oversold, that tension would be reduced and eventually removed from the full range of our relations with the Soviet Union. The Soviets saw detente in a more restricted manner. They believe that competition would continue (most clearly in the Third World), but that it would be more directed, more managed and less prone to explosion. It would, in the meantime, give them the benefits of being perceived as a superpower, as well as allow them to obtain the tangible rewards coming from trade and cultural and scientific exchanges. Both sides were disappointed. The U.S., because conflict didn't end; and the Soviet Union, because the benefits didn't come.

Out of our tensions has evolved a relationship which is heavily focussed on the military factor, sometimes to the exclusion of all else. And it is in this area that we grapple most clearly with our distrust of each other's motives. There are sectors of American society that are convinced that the Soviet Union has embarked upon a buildup designed to provide a "war winning" capability. Why else would they want over 300 heavy ICBM's which will carry upwards to 3,000 separate warheads in the 1980's? (One Soviet military man recently responded privately to this charge by asking, "How can we expect Soviet soldiers to train for the possibility of nuclear war, if we tell them that it is all for nothing?") The Soviets, in turn, speak with conviction about their fears regarding our 9,000-plus strategic nuclear warheads.

What then are Soviet motives for engaging in SALT? Soviet leaders speak of their sincere desire for peace and mutual disarmament. One can only speculate, but certainly the Soviet Union seems to see SALT as the most visible affirmation of its superpower status. There may also be some understanding in Moscow that in an unrestrained competition, the Soviet Union, operating from a smaller economic base, could not match the United States. It is less clear the degree to which Soviets are impressed by the risks of accidental war, escalation, or proliferation associated with an endless buildup of nuclear arsenals.

Where do we go from here?

It seems to me that part of our problem in dealing with the U.S.S.R. is that Americans are uncertain about the role of the United States in the world today.

The world has changed a great deal in the last decade or so. East-West tensions, which have been the focus of our foreign policy for much of the post-war period, have not dissipated. They have, instead, been joined by a multitude of other uncertainties including energy shortages, population growth, economic interdependence, North-South differences and so on. Each has profound implications for U.S. interests. We have gone in a relatively short time from a bipolar world in which our military and economic power was considered unrivaled to a more confused multi-polar world in which both military and economic power are far more dispersed.

Unfortunately, we have not developed a national consensus on how to deal with this new diffused, and in many ways, confused world. This lack of consensus makes it difficult to interpret what impact events beyond our borders will have on our interests. We all know that we don't like Russians in Cuba or Cubans in Ethiopia, but we are not absolutely certain how much or how little real importance their presence in these places has for our interests.

Do we, as Professor Robert Legvold of the New York Council on Foreign Relations suggests, live in "a world in which fewer and fewer of our problems are caused by the Soviet Union or can be solved by it, save for the ultimate matter of nuclear war"? Or should U.S./Soviet relations remain the prime focus of our foreign policy, as others believe?

The Soviet Union is intrinsically perplexing to outsiders, and it is particularly so to Americans, because we have yet to define our interests in the world in a concrete manner.

In this very uncertain world, the United States must remain militarily strong, and this will necessarily involve steady increments to our strategic and conventional forces. As a nation, we cannot accept either the reality or the perception of being inferior to the Soviet Union.

But we must also be very aware of the risks inherent in basing our relations with the U.S.S.R. solely on the military dimension. This is not to suggest that the military factor is not important. It is. But by concentrating only, or largely, on the military dimension, we risk ignoring the other more complex impulses which motivate each of us. We both run the risk of exaggerating the menace posed by the other and then feeding off that exaggerated perception to fuel our respective military buildups. There are some Americans (and no doubt some Soviets) who worry that our major rival is developing into another pre-World War II Germany, ready to launch a blitzkrieg against a West weakened by appeasement. I question this. There is, I think, more relevance in recalling the pre-World War I military buildup of the major powers which awaited only a relatively minor regional conflict to suck in the superpowers of the day and ignite the conflagration.

Former Secretary of State Henry Kissinger made this same point in a New York Times interview just before leaving office in January 1977. In that interview, Dr. Kissinger suggested that 'if there is a conflict between the Soviet Union and us, it is much less likely to occur as a result of a (deliberate) Soviet attack . . . on a vital interest of the United States, than as a result of a conflict that maybe neither of us saw into which we are drawn through a series of escalating moves."

We suffer badly in this country from not having a national consensus about how to deal with the Soviet Union. We have not truly grappled with the political implications of military parity or, for that matter, the relative importance of the Soviet Union in our overall conduct of foreign policy. We desperately need to find some balance in our relationship with the U.S.S.R. We need to develop a far clearer understanding of the complexity of Soviet motivations. We cannot zigzag crazily between the euphoria of detente and the paranoia engendered by Soviet involvement in Africa in the Middle East. We must be steady on a steady path toward a fixed goal.

Maybe a SALT II ratification debate will help us achieve the more mature understanding of the extent and significance of Soviet power that we must, in our own interest, develop. If it does this, it will be well worth the inevitable pain and effort such a debate will entail.

Ultimately, the U.S. and the Soviet Union will have to learn to live together. We must grapple with the problem that Henry Kissinger has pointed to, that "absolute security for one nation means absolute insecurity for all nations." We are both entering a more dangerous and confusing era in which regional conflict, arising from population and other pressures, will constantly tempt both superpowers to get involved. We will, no doubt, face many more crises such as the one in Iran today. If the U.S./U.S.S.R. nuclear relationship is not stabilized, the possibilities of a regional conflict escalating and drawing in the superpowers will be that much greater. If we cannot prove that cooperation is possible in trade and other areas, how can we expect to manage and constrain our interactions in the life and death situation of, say, another Middle East war?

Remarks By Senator Charles McC. Mathias, Jr., at the Opening of the "Agriculture-USA" Exhibit

I am very happy to be here in Kishinev to represent the people and government of the United States at the opening of this "Agriculture-USA" exhibit.

As you know, this exhibit is being shown under the terms of the Cultural Exchanges Agreement between the USSR and the USA, which seeks to promote better understanding between our two nations. I am proud to be a part of this important effort and I only hope the people of Moldavia will enjoy "Agriculture-USA" as much as I am enjoying being here to open it.

Since our goal in these exchanges is to promote understanding, I'd like to clear up one possible misunderstanding at the outset. I'm told that our 1974 exhibit, "Outdoor Recreation-USA", was opened in Kishinev by America's Olympic double decathalon winner, Bob Mathias. As you heard in the introduction, my name is also Mathias.

So, before we go any further, I just want to assure you that you don't have to be named Mathias to open an exhibit in Kishinev. You just have to be lucky.

Actually, I was invited because I myself am a farmer and because I represent a farming state in the United States Senate. My native state, Maryland, is very similar in size and population to Moldavia. But, despite its small size, Maryland, like Moldavia, makes an enormous contribution to the prosperity of the entire nation. We also raise many of the same products you do—poultry, tobacco, berries, vegetables, hogs. On my farm, we raise sheep and cows. So I feel quite at home here.

In Maryland we even produce a little wine. But this is where comparisons between Maryland and Moldavia must end. In viticulture you are far ahead of us. Winemaking is a new industry with us and we are a very new nation as well. Kishinev was already 168-years-old when the first settlers came to Maryland's shores. In fact, Kishinev had been a city for a quarter-of a-century, when Christopher Columbus discovered the New World.

So, later today when I ask you to toast the opening of this exhibit in Maryland wine, please accept it as a humble offering from the people of my native state to people who have been making superior wine since the dawn of history.

Since the dawn of history the people in this part of the world have also known the devastation of war—for war, like wine, is as old as mankind itself. Today, however, we have it in our power to change the pattern of human history. The United States and the Soviet Union are the two most powerful nations on earth. We share an awesome responsibility to see that our power is not misused.

I believe that we are now at the most critical moment in the history of the world. The decisions we make now concerning our relationship with each other will surely determine the ultimate fate of our peoples and of all nations. We live in a time of great hope and a time of great danger. Even as our two delegations to the SALT II negotiations debate the life and death issues of the arms race, the destructive capabilities of both the United States and the Soviet Union grow incrementally greater every minute.

In the United States Senate, I have been a strong supporter of efforts to conclude a new Strategic Arms Limitation Treaty to place realistic limits on our arsenals of strategic weapons. The negotiations have not been easy. But, where issues of national security are involved, negotiations are never easy. The important point is that we are negotiating with one another and we are making progress. This is good news for the entire world.

I am confident that we will soon have a SALT II agreement that is mutually acceptable. This would be a major step forward for our bilateral relationship and for the security of all nations. It would be an achievement which the overwhelming majority of the American people would welcome and support.

Happily, today, our task is not as difficult as negotiating an arms treaty. But we too can make a contribution to mutual understanding and to lessening the tensions which still trouble our relations. We can make a sincere effort to know each other better, to understand each other's problems and achievements, even perhaps to learn from one another.

That is the purpose of this exhibit. "Agriculture-USA" was planned and developed by the International Communication Agency of the United States to give you a chance to see how our agricultural system works and how the American farmer lives.

No exhibit of this size, of course, can tell you everything about American agriculture. For that, you would have to go back with me to Maryland and live for a while on a farm. Maybe someday we can have that kind of exchange too. But we hope the exhibit will at least introduce you to American agriculture which is one of our proudest achievements.

Look at the displays and the equipment, ask questions, and, if you are a farmer or agricultural specialist, make sure you visit the library and talk with the exhibit's specialists. Not all of our guides come from agricultural backgrounds—only four percent of Americans do—but our specialists represent particular agricultural disciplines which we think will be of interest to the people of Moldavia. The United States is the greatest producer of agricultural products in the world—virtually any crop can be found in one or more of our 50 states, so I am certain our specialists and your specialists will find much in common.

I am delighted to welcome you to this bit of America transplanted to Moldavia. I hope it will flourish here and that you will enjoy this exhibit, as have over 665,000 viewers in Kiev, Tselinograd and Dushanbe. "Agriculture-USA" expresses the abiding desire of the American people to work together in harmony with you and with all of their other neighbors on this small, fertile planet.

It is an honor and a privilege to proclaim this exhibit, "Agriculture-USA", officially open.

DECEMBER 12, 1978.

Hon. ANDRE A. GROMYKO,
Minister of Foreign Affairs of the U.S.S.R.,
Moscow, U.S.S.R.

DEAR MR. MINISTER: I have been a longtime supporter of detente and an advocate for improving the relations between the Soviet Union and the United States. During my present travels in the Soviet Union, I have been impressed by the sincere desire expressed by the Soviet people for peace and friendship with the United States. The American people share this desire.

It is therefore now up to the governments of our two great nations to take positive steps to translate the peoples' wishes into reality. Each of our governments must work earnestly to remove obstacles in the path of achieving better relations.

For its part, the Soviet Union could make an enormous contribution to the achievement of this important goal by removing the restrictions placed on a number of people seeking to emigrate from the U.S.S.R. Such a gesture on your part would be joyfully received throughout the United States and, indeed, throughout the entire world. It would create an atmosphere highly conducive to warm relations between our nations.

In the hope that the atmosphere for such action on your part now exists, I am enclosing a list of names of people who have applied for and been denied exit visas. These cases were brought to my attention by constituents of mine who have asked that I appeal to you in their behalf during my visit to the Soviet Union. I enclose their letters to me as well.

Several of the individuals on the list live in Odessa which is the sister city in the Soviet Union to Baltimore in my home state of Maryland. Naturally, Marylanders feel especially close to these individuals, but our concern embraces all those who have sought our help in this matter.

During my discussions with Soviet officials we have carefully examined your concern about various aspects of American policy which impede improved relations. From our point of view, the emigration question is such an issue. I do not believe rhetoric and polemics will move us forward on our path.

I hope that this personal and private expression of our concern will encourage a positive response.

Respectfully,
CHARLES McC. MATHIAS, Jr.,
U.S. Senator, Maryland.

EXPROPRIATION OF AN AMERICAN BUSINESS BY GOVERNMENT OF QUEBEC

Mr. THURMOND. Mr. President, I will be brief, but I wish to say a few words about this proposed expropriation by the Province of Quebec of property owned by a U.S. corporation.

There is a strong feeling of nationalism in Quebec because we have seen a lot about that in the press. The people of Quebec were among the earliest settlers in the North American Continent. They are people who are proud of their heritage, proud of their traditions, and proud of their language. And they have very good reason for this pride. But the extension of this strong feeling of nationalism and unity, it seems to me, can be expressed and can be acted upon without the extreme action of expropriating private property that involves a very successful business that is providing employment, taxes, and other very substantial benefits to the government and people of Quebec and of Canada.

I have seen nothing in the press, or elsewhere, to indicate that either management or labor is going to find itself in any better position if this property is taken over by the Province of Quebec. If history does repeat itself again in this instance, both the new owners, the government of Quebec, and the people working in the asbestos business in Quebec will find themselves in as much less desirable position after a government takeover.

Governments generally do not have a very good record of running private enterprise operations, either domestically or overseas.

From all the information that has come to my attention this subsidiary of General Dynamics in Quebec is a flourishing business providing extensive employment, making a profit, and otherwise conducting itself in the very best tradition of the free enterprise system.

Mr. President, I merely raise the question as to whether any real benefits to the government of Quebec or the people of Quebec will be realized as a result of this proposed takeover.

CUTTING THROUGH THE PAPERWORK JUNGLE IN EDUCATION

Mr. PELL. Mr. President, since I have been chairman of the Subcommittee on Education, Arts, and Humanities, I have been concerned with the vast amount of paperwork which seems to accompany every education program conducted by the Education Division of the Department of Health, Education, and Welfare. Countless educators have appeared in hearings before the subcommittee, outlining the piles of forms which are necessary for participation in Federal assistance programs. If this trend is not stemmed, we are in danger of burying our educators in paper, diverting them from their primary role of educating our Nation's youth.

I am happy to report to my colleagues that, indeed, the tide seems to be turning, in large part as a result of legislation adopted by the Congress in the past 5 years. On May 4, 1979, the Department of Health, Education, and Welfare announced proposed rules which would consolidate more than 1,000 separate program regulations into a single streamlined set of requirements. The Department estimates that State and local educational agencies will save some 410,000 man-hours of paperwork each year as a result of this consideration.

The new regulations, called the Education Division general administrative regulations, implementing elements of the Education Amendments of 1978. They contain definitions which apply to all Education Division programs, including student financial aid and fellowship programs.

For example, for State-administered programs, the consolidated regulations propose:

A single, consolidated State application for a 3-year period, rather than separate annual application for each grant program.

A consolidated local application in replacing separate applications for each program.

No certification by the State attorney general; and

Consolidated regulations concerning children enrolled in private schools.

To my mind, this simplification of regulations, and the resultant reduction of paperwork in education programs, is a significant step forward. I encourage the Department of Health, Education, and Welfare to continue efforts to reduce unnecessary paperwork and forms, and to simplify those which remain.

Much has already been done in this regard as a result of the system put in place by the Education Amendments of 1976, which established an Education Data Acquisition Council to coordinate the information collection activities of the Education Division and the Office for Civil Rights of the Department of HEW. The Council has reviewed all requests for education-related information made since April 1976. It has approved 127 forms without modification, and has required reduction in size and scope of 58 others before approving the requests. Six data requests have been totally disapproved. It is estimated that this review process has resulted in a reduction of approximately 224,000 man-hours of reporting burden on schools and colleges.

As of January 31, 1977, the Office of Education's repetitive forms amounted to 10.8 million burden hours. As of December 31, 1978, this had been reduced to 6.9 million burden hours. A major part of this reduction resulted from consolidation of the basic educational opportunity grant applications into a single form. I am continuing to press the Office of Education for further simplification of this form, so that the average college-bound students and his parents have no difficulty in filling it out. I inferred that a major subject of the hearings on student financial aid which the Subcommittee on Education, Arts, and Humanities will hold later in this session of Congress will focus on ways to simplify student financial aid forms and application procedures.

The education amendments of 1978 built upon the experience of the 1976 amendments and created a Government-wide Federal Education Data Acquisition Council to coordinate and review all data and information requests of schools and colleges, regardless of the Federal agency making such a request. Members of the Council, representing Federal agencies which collect education data, as well as representatives of the general public, have recently been appointed. I am hopeful that they will take their responsibilities seriously, and scrutinize each data request to make certain that it does not duplicate information already available through another agency or that it does not impose an inordinate burden on the school or college which is asked to provide the information.

For the first time, under the procedures established by the 1978 amendments, all data requests expected to be made of educational institutions in the upcoming school year were published in the Federal Register for public comment by the statutory date of February 15, 1979. The list alone covered 10 pages of the Register, an absolutely overwhelming and depressing sight. However, even this start on implementation of the amendments has significant value. For the first time, educational officials were able to see in one place all of the various forms that might be submitted for them to fill out within a single school year. The public comment period will give these officials a forum to voice their concerns that much of the data requested is unnecessary, duplicative, or unduly burdensome.

I am hopeful that this procedure will continue, and that the Federal Council will be ruthless in cutting down on burdensome requests for information of doubtful usefulness. It is absolutely essential that the morass of paper surrounding education programs be eliminated, so that Federal funds can get to their true beneficiaries, the students.

Our subcommittee intends to monitor the progress of this paperwork reduction closely. Its success is essential to the success of the programs of aid to education with which we have all been concerned for more than a decade. The Department's recent action in regulation consolidation represents what I consider to be a first step in a long, but meaningful, process.

Mr. President, much of what has been accomplished has been the direct result of congressional directives incorporated in education legislation in recent years. As the Senate sponsor of these paperwork reduction provisions, I am encouraged by the progress that has been made. I commend the Department of Health, Education, and Welfare for its efforts to carry out those directives, and I hope the successes to date will serve as a stimulus for even more strenuous efforts to free education programs and educators from the burdens of unnecessary paperwork.

PRAYER AND THE PRESENCE OF OUR IDEALS

Mr. THURMOND. Mr. President, there appeared in the Washington Star on Monday, May 7, 1979, a column by Michael Novak entitled "Prayer and the Presence of Our Ideals."

This is a very splendid and interesting article which I offer so that my colleagues and others may have the advantage of reading it, and I ask unanimous consent it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRAYER AND THE PRESENCE OF OUR IDEALS

(By Michael Novak)

Sex education is a big business in American schools now that it is, in many places, compulsory.

Shall a serious people say that sex can be treated neutrally, but prayer cannot? Prayer education would seem to be at least as important for a human being's health, education and welfare as sex education.

Prayer is far more pluralistic than sex; there are a great many more ways to do it.

John Dewey wrote in "A Common Faith" that God is the name we give to our highest ideals. All his followers in the population could, at prayer time, place themselves for a moment in the presence of their highest ideals.

In a population as various as ours, there are surely Walt Whitmans who think that the divine is their own self. They, too, could focus for a moment. Some hedonists could focus on the most stimulating objects of their fantasies. Whatever.

Those who imagine themselves to be ever in the presence of God could remind themselves, for a moment, that so they are.

It is difficult to see how a moment of prayer in the schools could damage the pluralism of the Republic. Indeed, if Presidents Carter and Sadat, with Prime Minister Begin, can pray in public at the White House—on national TV—without violating the Constitution, and while keeping pluralism intact, it's straining a bit to hold that prayer in schools will damage the children.

Any 15-year-old who can handle sex can handle prayer, one would think.

This nation found it in its bounty, the need once being recognized, to develop a whole new class of experts: sexologists. I'm certain that, if there were money in it, the Department of Health, Education and Welfare could tomorrow breed a whole new generation of prayerologists, with their assistants and their Masters and Johnson measuring electrodes.

In keeping with the usual practice of the public schools, prayer could no doubt be approached objectively, by devotional engineers. But considering that any one boy or girl might one day be elected president, and have to pray in public with other persons of other religions, it seems important to teach them the varieties of prayer.

A nation afraid of school children praying is a nation with a very strong, if hidden, belief in the One who answers prayers.

Is prayer divisive? Not if the true state of our actual pluralism is part of the prayer. The Maker of all, presumably, is not surprised by the differences between us. The obstacle to unity lies not in Him but in us.

By turning our attention, from our different standpoints, to the One who made us all, we may be achieving the best sort of unity we ever get. Prayer in a pluralistic culture is far less dangerous than in a monoreligious culture. For the place toward which a pluralistic people turns, in prayer, is conceptually and symbolically left empty—a place beyond the concepts or symbols of one tradition only. In such emptiness, according to sound doctrine in every major religious tradition, the true God hides unseen.

Many years ago, I wrote a book called "Belief and Unbelief," in which I tried to show that the darkness in which, for serious believers, the true God hides is equally as dark as that in which the serious unbeliever, atheist or agnostic, claims to stand. In pluralistic prayer, both believer and unbeliever are in equal darkness.

If the believer chooses to address the darkness, and to personalize it as a "Thou," he remains, even so, in a night quite dark. In silent meditation or, indeed, in wise texts or poems, the serious secular unbeliever can also recollect the purpose and direction of his life.

Neither believer nor unbeliever sees God; neither has all the answers; both are usefully served by a moment of mutual awe concerning the mystery of conscious life.

A moment of silence in the schools might be thought of as a "moment of memory," a moment for Jews, Christians, Buddhists and humanists of all persuasions to remember where they have come from and what they stand for. Our memories differ, but in the act of remembering we are each human like the other.

Religion is divisive if taken simple-mindedly, but so is politics, or philosophy, or economics, or anything else. No one requests that the Republic establish only one way of praying, only that it permit (in school) unequal time: each day a minute for prayer, 299 minutes for other things. Let there be throughout the Republic a moment of prayerful silence, even if for some the prayer be that of atheists.

Such a silence might be enough to remind us, as the children recite the Pledge of Allegiance, that there is meaning to the phrase, "one nation under God indivisible."

Either we mean it or we don't. We have had some 30 years of compulsory pretending that we are not a praying people. Let us stop pretending.

Let us pray. Each after his or her fashion, united in silence and mutual respect.

IMPLEMENTING LEGISLATION FOR PANAMA CANAL TREATIES

Mr. LEVIN. Mr. President, last year, after a lengthy and vigorous debate, the Senate gave its advice and consent to two treaties which have initiated a transition to a new status for the Panama Canal, and a new relationship between the United States and the Republic of Panama. As a result of that action, the existing treaty between our two nations, in effect since 1903, will terminate on October 1, 1979, and the new treaties will immediately become effective. By accepting these treaties, the Senate made a commitment to this transition process, which must now be continued by adopting legislation to implement those provisions of the Panama Canal treaties which required specific statutory authorization.

The chairman of the Armed Services Committee, the distinguished senior Senator from Mississippi, has asked me to assist him in focusing the attention of our committee, and of the Senate, on this implementing legislation. In preparation for this assignment, I traveled to Panama 2 weeks ago to gain first-hand knowledge of the major issues involved in this legislation, and I have just submitted to Chairman STENNIS and this committee a report on my visit.

Based on my many discussions in Panama and my initial examination of these complex issues, I believe that there are a number of important considerations that should serve as our guide as we shape legislation to implement the provisions of these treaties. First, we must seek to maintain the security of the canal, and thus contribute to our own national security, by shaping legislation which insures that it will continue to be open to free and unobstructed use by vessels of the United States and other nations. If we implement these treaties in a way which is consistent with the treaty commitments we have made, we will further a new cooperative relationship, just beginning to develop, in which the Panamanians will work with us to achieve that objective.

Second, we should be sensitive to the future well-being of the current employees of the Panama Canal Co., and of other Americans living and working in the Canal Zone. It is they who will perhaps suffer the most if we fail to fully and smoothly implement the treaties, or if there is delay in the passage of the legislation. If we complete this job in a timely fashion, the Company will be able to put in place the necessary groundwork for its new operating structure, and our employees will have sufficient lead time to make intelligent decisions on their futures. If we do not, we risk creating severe administrative problems for the managers of the canal, and making needlessly traumatic the transition for our loyal employees, many of whom will be needed to continue the smooth operation of the canal.

Finally, we must be mindful of the international consequences of our actions. We have voluntarily entered into two international obligations, and the Panamanians and others in the world community have the right to expect that we will abide by the letter and spirit of our treaty commitments.

These hopefully will be general guidelines for our forthcoming deliberations.

Certainly there are issues in this implementing legislation which will engender honest differences of opinion. But I hope that those who opposed the treaties last year, as well as those who supported them, will now agree that the Senate, having made a commitment, has the obligation to carry out that commitment in the smoothest and fairest way possible.

The entire history of the Panama Canal embodies a spirit of overcoming obstacles. I am confident that the Senate will deliberate on the canal's future in that same spirit, with a determination that we can and will make the Panama Canal treaties work.

Mr. President, I ask unanimous consent that my report to the chairman of the Armed Services Committee on the Panama Canal be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., May 8, 1979.

Hon. JOHN C. STENNIS,
Chairman, Armed Services Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to submit to you a report on my two-day visit to Panama, April 26–28. As you know, I traveled to Panama as part of my preparation for the responsibilities I am assuming at your request with respect to the Committee's consideration and handling of the legislation to implement the Panama Canal Treaties of 1977. Attached is a summary of what I believe to be the major issues which the Committee, the Senate, and the Congress will have to resolve as we deliberate on this legislation, based upon the experiences I had in Panama and the information I have received. In this letter, I would like to summarize my impressions of where we stand at this point in the implementation of the treaties, and what remains to be done.

Although I was not in the Senate last year during the debate on ratification of the Panama Canal Treaties, I am well aware that it evoked strong feelings both here in the Congress and across the country. Many believed that the treaties should not have been agreed to, and many still feel that way. Nevertheless, the United States acted on the issue through the procedure provided by the Constitution. The treaties have been ratified, and will enter into force on October 1, 1979, when the Canal Zone will disappear and the 1903 Treaty will be terminated. I am confident that the Senate, having given its approval to this progression of events through its advice and consent to the treaties, will continue to work towards a smooth transition to a new status for the Panama Canal and a new relationship between the United States and Panama.

On the basis of my discussions in Panama and my preliminary study of these complex issues, I believe that there are three primary considerations that should serve as our guide as we shape legislation to implement the provisions of these treaties. First, we must seek to maintain the security of the canal, and to ensure that it will continue to be open to free and unobstructed use by vessels of the United States and other nations. A good portion of the Senate debate on the treaties last year centered on the question of what actions the United States could take, within its rights under the treaties, to guarantee the continued security of the canal.

During the treaty debate, our military leaders testified unequivocally that the treaties were in the best long-range interest of this country because the protection and defense of the canal would be easier if done in cooperation with Panama. If we implement these treaties in a way which is consistent with the commitments we have made, and which the Panamanians have accepted, we will have achieved a basis for a new cooperative relationship in which the Panamanians will work with us towards achieving our common goals. I was impressed during my visit by the good will already evidenced by leaders in Panama, and by the progress that is already being made toward an operating partnership and a mutual effort to protect the canal. If the legislation we produce is not fully in accord with our existing commitments, as embodied in the treaties, then we will make the joint operation of the Canal which is an integral part of the treaties, difficult or impossible to achieve. Moreover if the implementing legislation is not passed in a timely fashion, the transition under the treaties will become an administrative nightmare. For example, without legislation there will be no statutory basis for a Panama Canal Commission, as required by the treaties, and hence no one with legal authority to operate the canal.

Second, we should be sensitive to the fate of the current employees of the Panama Canal Company, particularly the American employees, and of other Americans living and working in the Canal Zone. It is they who will suffer the most if we fail to fully and smoothly implement the treaties, or if there is undue delay in the passage of the legislation. Many of the provisions of the treaty that directly affect the Government of Panama are self-executing, while those that affect employees in the Zone are not, and will require legislative authorization. We must give equitable treatment to those thousands of Americans and Panamanians who have labored to keep the Canal operating efficiently.

I should add that, during my visit, I was most impressed by the attitudes of those employees of the Panama Canal Company, both American and Panamanian, who have served us so well for so long. Many are needed to run the Canal, and they will remain after October 1, 1979, if we treat them fairly. They did, by and large, oppose the treaties last year, and many were quite bitter about the decision made by the President and the Senate. Nevertheless, they have almost unanimously put that bitterness behind them, and are committing their best efforts to a smooth transition to a new system for administering the operations of the Canal. They deserve our support in that endeavor.

Finally, we must be mindful of the international consequences of our failing to achieve full implementation of the Panama Canal Treaties. We have voluntarily entered into two international obligations, and the Panamanians and the world community have the right to expect that we will abide by both the letter and spirit of the treaties. Many of our friends in Latin America view the treaties as the dawning of a new age of friendship and cooperation with us. I am confident that the Senate, having participated with the President through the treaty ratification process, will assume its further responsibility to implement the treaties in a complete and equitable manner.

These are general guidelines for our deliberations on this issue. There are certainly issues in this implementing process which will engender honest differences of opinion. In the attached summary, I have discussed some of the difficult problems which are likely to arise. I do hope, however, that the Senate will address itself to these problems within the context of the considerations I have enumerated, and with a full realization of the implications of its actions. The entire history of the Panama Canal embodies a spirit of constructiveness and determination, and the Congress should deliberate on the Canal's future in that same spirit, with a determination that we can and will make it work.

VISIT TO PANAMA

During my visit to Panama, I met with a number of groups with varying perspectives on the treaty implementation process. I conferred with our military leaders in the Canal Zone in order to better understand our national security interests regarding the Canal Zone, and the problems of protecting the Canal itself. We also discussed the treaty requirement that school and hospital functions performed by the Panama Canal Company before October 1, 1979 be performed by the Department of Defense after that date. This transfer of functions poses a number of special transition problems for our military in Panama and for the Department of Defense since their roles will be expanded after Treaty Day.

U.S. embassy officials briefed me fully on problems they see from a diplomatic perspective. I also spent a great deal of time during my visit with H. R. Parfitt, Governor of the Canal Zone and members of his staff discussing the problems that implementation brings about for the managers of the canal. I found them well-versed in and preparing thoroughly for the changes which the Treaties will require in their operations. They are, however, greatly concerned that we give them the legislative revisions necessary to move forward with the alterations in the Panama Canal Company organization and structure that must come about between now and October 1.

I was fortunate to be able to talk with labor leaders and Canal Zone resident civil council members representing the American and Panamanian employees of the Company. They have a number of important concerns about this legislation. They are relying on Congress to protect their interests, and to make as smooth and as fair as possible what they consider to be a wrenching change in their lives.

I met with representatives of the Republic of Panama, who expressed their concerns about the implementation process and outlined for me the progress that has been made in the joint U.S.-Panamanian planning groups preparing for the major changes that will come about in October 1979. Though much remains to be done, it seems clear to me that both on the leadership level and among the managers and employees who are laboring on this large task, there is an excellent spirit of cooperation. If the legislation is passed in a timely fashion (the statutory framework should be in place by early July if the transition is to be made smoothly), I am confident that the changes mandated for the Treaty Day can be made.

I met with both American businessmen working in Panama and with Panamanian business leaders to learn their perspectives on the Treaty transition process. Both groups felt that maintaining a stable relationship between the U.S. and Panama would be conducive to a favorable investment and business climate there.

SPECIFIC ISSUES TO BE RESOLVED

The legislation that has been introduced in the Senate, S. 1024, represents the Administration's proposal for the best and most expeditious implementation of the treaties. Its overall concept is to keep intact as much of the present statutory and administrative structure as possible, and therefore only scattered changes are made in the Canal Zone Code to comply with the treaties. Other legislative proposals have been made in the House, as you may know, which embody a more far-reaching revision of the Code. As the House has not yet acted on the legislation, it is premature to comment in detail on those proposals.

Without attempting to be exhaustive, and without prejudging what the Committee's conclusions should be, let me outline in general what I believe are the central issues in the proposed implementing legislation.

Form of operating entity. The Panama Canal Company, which now operates the Canal, is a government corporation and uses profit and loss accounting similar to that of a business enterprise. The Company assumed that form through legislation in 1950 that was designed to make it more efficient and introduce business-type principles in its operation. S. 1024 retains this form, changing the name of the entity to the Panama Canal Commission. I spent many hours discussing with Company officials the advantages and disadvantages of the corporate form. They favor its retention under the treaties.

Some critics of the legislation, however, have argued that the commission should be an appropriated funds agency, with tolls paid directly into the treasury and expenses provided for by appropriations. We will have to consider ways to continue the splendid success the Canal has had operating as a corporation and at the same time ensure the Congressional control that is vital for the future. Incidentally, it might be useful to note at this point that since assuming the form of a government corporation, which is accountable to Congress under the Government Corporations Act, the Panama Canal Company has operated "in the black" or broken even for 24 of its 28 years.

Control of the entity. The proposed legislation retains the present supervisory control over the Canal operating entity by the Department of Defense, while lodging day-to-day control with the new Board of Directors. There are questions, however, relating to the organizational affiliations of persons to be appointed to the Board (for example, government officials or private citizens) and the degree of freedom to be allowed the Board in managing the Commission. I expect that the Committee will fully explore this in hearings.

Personnel provisions. There are a number of difficult personnel issues involved in the transition under the Treaty. The Treaty obligates the U.S. to seek a modified early retirement program for Canal Company employees, with the dual aims of helping those who must lose jobs as part of these changes and of encouraging others to remain for the critical transition years by offering enhanced retirement benefits for future service.

Issues have also arisen regarding the applicability of the Civil Service Reform Act to our operations in Panama and the complex question of wage rates. These matters are complicated by the fact that there are somewhat different problems for old and new employees, for the American and Panamanian employees, and for Commission and Department of Defense employees. Our job here is to arrive at the most equitable adjustment possible for our employees while at the same time being mindful of the costs to the American taxpayer.

Commission finances. We talked at length with the Governor and his advisers about issues relating to the proper charges to be included in the toll base after the treaty goes into effect, and the more general financial problems of the transition. We must decide whether to continue the interest payment to the Treasury, which was an issue during the treaty debate last year. We must also consider which other charges or costs should be counted in the toll base, and how the so-called "contingent" payment to Panama is to be computed.

The dilemma we face is how to ensure that all legitimate operating expenses of the Commission are recovered through tolls, while at the same time not loading the toll base with other charges which will drive tolls up and reduce canal traffic. We also must be mindful here of the obligations to Panama embodied in the treaties. As you brought out last year in the Armed Services Committee hearings, the question of whether a given cost should be paid directly by the taxpayers, or added to the toll base and recovered through canal user charges, is not easily resolved. Increasing the tolls is not without impact on the American taxpayer, as higher tolls when higher costs for goods and higher costs for shipping companies, some of whom are American-owned. U.S. businesses and consumers pay either way. Again, it is my hope that we can arrive at an equitable solution using the information derived from our hearings.

I am cognizant, Mr. Chairman, of the amount of work that needs to be done on this legislation. In addition, it must be done quickly to allow our employees sufficient lead time to make intelligent decisions on their futures and to prevent a chaotic transition period. I look forward to your continued support, and that of the full Committee, in this endeavor.

Sincerely,

CARL LEVIN.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 121, 124, 127, 128, and 134.

Mr. BAKER. Mr. President, reserving the right to object, I shall not object. I reserve only for the purpose of advising the majority leader that all of these items are cleared on our calendar and we have no objection to their consideration.

MARKETING PENALTIES FOR PEANUTS

The Senate proceeded to consider the bill (S. 984) to provide for the waiver or reduction of peanut marketing penalties in certain circumstances, which had been reported from the Committee on Agriculture, Nutrition, and Forestry with an amendment to strike all after the enacting clause and insert the following:

That, effective for the 1978 through 1981 crops of peanuts, section 359 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1359), is amended by adding at the end thereof a new subsection (k) as follows:

"(k) Notwithstanding any other provision of this section, the amount of any penalty assessed under this section may be reduced, in accordance with regulations issued by the Secretary, if the Secretary determines that the marketing subject to the penalty was done unintentionally or unknowingly and that a reduction in the amount of the penalty would not impair the effective operation of the price support program for peanuts.".

● Mr. TALMADGE. Mr. President, S. 984 is a bill intended to correct a technical defect in the new peanut program that Congress enacted as part of the Food and Agriculture Act of 1977. Unless this bill becomes law, several hundred peanut producers will be forced to pay penalties aggregating some $2 million purely because of unintentional recordkeeping errors in the marketing of the 1978 peanut crop.

The 1977 act made substantial changes in the peanut price support program for the 1978 through 1981 crops. The new program, developed by the U.S. Department of Agriculture and the Nation's peanut grower organizations, retained the acreage allotment system but established a national poundage quota.

Under the program, a farmer may produce both quota and nonquota (additional) peanuts from the same allotment acreage. But a substantial penalty is imposed against the farmer and handler for any peanuts marketed from a farm in excess of the farm quota. Extensive recordkeeping is required to account for the quota and nonquota peanuts.

In the marketing of the first crop under the new program, numerous recordkeeping and clerical errors were made, due in large part to the newness of the program and the unfamiliarity of producers and handlers with the reporting requirements. Many of the errors resulted in overmarketing of farm quotas, thereby subjecting farmers and handlers to monetary penalties of 120 percent of the price support level, or 25.1 per pound.

The Department of Agriculture estimates that as many as 1,200 growers may have inadvertently and unknowingly overmarketed their 1978 peanut quotas. Producers in virtually all of the nine producing States are involved. Individual penalties range from a few dollars to $7,000.

The new law makes no provision for waiving or reducing the prescribed penalties for overmarketing, even when it is the result of unintentional error. Therefore, unless the law is changed, the Secretary of Agriculture will have no choice but to proceed to collect the penalties for which the producer and the handler are "jointly and severally" liable.

S. 984 would simply authorize the Secretary of Agriculture to reduce any penalty assessed when it is determined that the overmarketing occurred unintentionally or unknowingly. The Department of Agriculture favors the bill.

Mr. President, I urge the passage of S. 984 to give the Department the flexibility it needs to assess penalties in a fair and equitable manner and to prevent injustices to producers or handlers. There will be no cost to taxpayers, and the Department advises that it is taking steps to reduce errors in the marketing of the 1979 crop.●

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read:

A bill to provide the Secretary of Agriculture with authority to reduce marketing penalties for peanuts.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96-118), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION

The Food and Agriculture Act of 1977 made major changes in the peanut price support program for the 1978 through 1981 crops. Under the program, a farmer may produce both quota and nonquota peanuts from the same allotment acreage. There is a substantial penalty for marketing peanuts in excess of the farm quota, and extensive recordkeeping is required to account for the two categories of peanuts.

In the marketing of the first peanut crop under the new program, numerous recordkeeping and clerical errors were made, due in large part to the newness of the program. Many of the errors resulted in the overmarketing of farm quotas, thereby subjecting farmers and handlers to penalties.

S. 984 would authorize the Secretary of Agriculture to reduce any penalty assessed with respect to the exess marketing of peanuts when it is determined that the marketing that resulted in the assessment of the penalty was done unintentionally or unknowingly. The authority would be effective for the 1978 through 1981 crops of peanuts.

FEDERAL ELECTION COMMISSION AUTHORIZATION

The Senate proceeded to consider the bill (S. 994) entitled "Federal Election Commission Authorization," which had been reported from the Committee on Rules and Administration with an amendment to strike all after the enacting clause and insert the following:

That there is authorized to be appropriated to the Federal Election Commission, for the fiscal year ending September 30, 1980, the sum of $250,000 for the purpose of distributing to State offices with whom statements are filed, as provided in section 316 of the Federal Election Campaign Act of 1971, as amended (2 U.S.C. 439), for expenses incurred in carrying out their duties under such section. The Commission shall devise a formula for distributing such sums to the State offices according to the number of electoral votes each State cast in the previous election to the office of President.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read:

A bill authorizing appropriations for the Federal Election Commission to distribute funds to the States for their costs in receiving, indexing, and maintaining reports required to be filed under the Federal Election Campaign Act, as amended.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REVISED SENATE MANUAL

The resolution (S. Res. 154) authorizing the revison and printing of the Senate Manual for use during the 96th Congress, was considered and agreed to, as follows:

Resolved, That the Committee on Rules and Adminisration hereby is directed to prepare a revised edition of the Senate Rules and Manual for the use of the Ninety-sixth Congress, that said rules and manual shall be printed as a Senate document, and that two thousand additional copies shall be printed and bound, of which one thousand copies shall be for the use of the Senate, five hundred and fifty copies shall be for the use of the Committee on Rules and Administration, and the remaining four hundred and fifty copies shall be bound in full morocco and tagged as to contents and delivered as may be directed by the committee.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CARROLL WILLIAM NYE, JR.

The resolution (S. Res. 155) to pay a gratuity to Carroll William Nye, Jr., was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Carroll William Nye, Jr., father of Karen L. Nye, an employee of the Senate at the time of her death, a sum equal to three months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUDGET ACT WAIVER

The resolution (S. Res. 141) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 239, the Domestic Volunteer Service Act Amendments of 1979, was considered and agreed to, as follows:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 239, a bill to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, to amend such Act to facilitate the improvements of programs carried out thereunder, and for other purposes.

Such waiver is necessary to permit consideration of legislation authorizing the enactment of new budget authority for fiscal year 1979 for national volunteer antipoverty and small business programs and for administrative expenses. The administrative and operating expenses of these programs are currently funded under a continuing resolution, Public Law 95–482.

Authorizing legislation for this purpose passed the Senate during the second session of the Ninety-fifth Congress (S. 2617) but failed to be enacted by the House of Representatives.

Failure to bring to consideration S. 239 will require affected activities to continued operation under a continuing resolution, in violation of the intent of the Congressional Budget Act of 1974.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF TIME FOR FILING REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees have until 5 o'clock tomorrow, May 11, 1979, to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIME MINISTER OHIRA'S VISIT TO WASHINGTON

Mr. KENNEDY. Mr. President, one of our most important international relationships is between the United States and Japan. Our political and security ties with that nation are the foundation of our presence in the Western Pacific and of peace and stability in that area. Our trade relations, totalling over $37 billion last year, are the largest and most diverse ever to exist between two nations which are not neighbors. Millions of American and Japanese people have traveled between our countries.

Despite this extraordinarily important and close relationship, we have had major economic problems. The responsibility does not lie solely on Japan's shoulders but much of it does. Japan has been the economic miracle of the post-war period, rising from the ashes of almost total destruction to the second largest economic power in the nonsocialist world, soon even to surpass the Soviet Union. In the course of achieving this remarkable record, the Japanese have focused their efforts on export industries, with obvious success. At the same time through a combination of tariff and nontariff barriers, and aided by a severely undervalued yen, they have closed off much of their market to products from other countries.

As a result, in the last few years as our own current account deficit has been rising, Japan's surplus has also been rising, from $3.7 billion in 1976 to $16.6 billion in 1978.

In recent months, primarily as the result of yen appreciation, the trend in Japan's current account has moved substantially in the right direction. And due to determined efforts of both countries, though problems remain, the market has opened in many respects.

Even more significant than those developments, however, is the firm pledge by Prime Minister Ohira during his recent visit to the United States that he will do what is necessary to assure that these favorable trends will continue. In his arrival ceremony speech at the White House May 2 the Prime Minister said:

The economic problems between our two countries are serious and we both are endeavoring to resolve these problems through mutual cooperation. I am determined to continue to do my utmost to that end.

In the joint communique issued by President Carter and Prime Minister Ohira at the conclusion of their talks, the two leaders agreed that the time had come for a more constructive approach to United States-Japan economic relations and they reached a clear understanding about the basic economic policies each will follow over the next several years to produce a more harmonious pattern of international trade and payments. They also agreed on a framework and procedure for continuing bilateral discussion of economic issues.

Both in that document and in his May 3 speech before the National Press Club in Washington, the Prime Minister affirmed that it is the policy of Japan to continue to shift to greater reliance on rising domestic demand—rather than export industries—to sustain economic growth and to continue to open Japan's markets to foreign goods, particularly manufactured goods. The objective is to continue to bring the current account surplus down. In answer to a question at the National Press Club about the prospects for a congressionally imposed surcharge, the Prime Minister observed that despite the recent favorable trends, he knew the key question was whether these trends are temporary or sustainable. Expressing his determination to take the steps necessary to keep the figures moving in the right direction, he said that his government was confident that, by continued efforts of Japan and the United States, we can "create a situation where Congress will not be tempted to take such action."

Mr. President, only time will tell whether this determination will pay off. But I think none of us should question the sincerity of the Prime Minister. As a nation and as a government, they should be given a chance to work cooperatively with us in a difficult domestic political situation in Japan to set United States-Japan economic relations straight so that we can concentrate on the other very positive aspects of this crucial relationship.

I ask unanimous consent to have printed in the Record at this time the text of the joint communique between President Jimmy Carter and Prime Minister Masayoshi Ohira and the text of the Prime Minister's address to the National Press Club.

There being no objection, the address and communique were ordered to be printed in the Record, as follows:

Joint Communique Between President Jimmy Carter and Prime Minister Masayoshi Ohira

1. At the invitation of the Government of the United States, Prime Minister Ohira paid an official visit to the United States between April 30 and May 6, 1979. President Carter and Prime Minister Ohira met on May 2 in Washington to review the current state of U.S.-Japan relations and discuss regional and global cooperation, with a view to laying a foundation for productive partnership between the two countries for the 1980's based on their shared political and economic ideals and reflecting their responsibilities in world affairs. The discussions were held in an informal and cordial atmosphere consistent with the close friendship between the two countries. The President and the Prime Minister deepened their relationship of mutual trust and agreed to maintain close contact. The Prime Minister reconfirmed the standing invitation by the Government of Japan to President and Mrs. Carter to pay a state visit to Japan and invited them to visit in late June just before the Tokyo Summit. President and Mrs. Carter accepted with pleasure.

SECURITY RELATIONS

2. The President and the Prime Minister reaffirmed that the friendly and cooperative relationship between the United States and Japan, including the Treaty of Mutual Cooperation and Security between Japan and the United States of America, has been and will remain the cornerstone of peace and stability in Asia. The security relationship between the two countries has never been so strong and mutually advantageous as at present. This is exemplified by such significant recent developments as the adoption last year of the Guidelines for Japan-U.S. Defense Cooperation under the Security Treaty, increased procurement by Japan of defense equipment from the United States which will contribute to the increase of Japan's self-defense capability, and Japanese initiatives to increase financial support for the stationing of United States forces in Japan. The President stated that in coming years the United States will maintain and improve the quality of its present military capabilities in East Asia. The Prime Minister stated that Japan will continue its efforts to improve the quality of its self-defense capabilities, while maintaining effective working security arrangements with the United States as the foundation of its defense policy.

INTERNATIONAL RELATIONS

3. The President and the Prime Minister agreed that the United States and Japan share many political, economic and other interests in Asia and other parts of the world. Cooperation and consultation between the two countries concerning issues in these areas have grown over the years, become closer than ever in recent months, and will deepen further in the 1980's.

4. The President and the Prime Minister agreed that the recent developments in relations between Japan and the People's Republic of China and the establishment of U.S.-PRC diplomatic relations are major contributions to long-term stability in Asia. Both the United States and Japan seek a constructive relationship with China and will pursue this course in harmony with one another. The growth of such relations with China will hamper neither the United States nor Japan from continuing to develop good relations with other countries.

5. The President and the Prime Minister noted that the maintenance of balanced, cooperative relations with the Soviet Union will continue to be important to both the United States and Japan. The President stated that the United States is working to complete a SALT II agreement with a view to increasing strategic stability and security, and the Prime Minister stated that Japan supports this effort. Each side stated that it will continue to seek development of friendly and mutually beneficial relations with the Soviet Union.

6. The President and the Prime Minister reaffirmed that the maintenance of peace and stability on the Korean Peninsula is important for peace and security in East Asia, including Japan. The United States is firmly committed to the security of the Republic of Korea. Its policy toward future ground force withdrawals from Korea will be developed in a manner consistent with the maintenance of peace and stability on the Peninsula. The United States and Japan will cooperate to reduce tension on the Peninsula and will continue efforts to foster an international environment conducive to this purpose. Progress in the dialogue between the South and the North is indispensable to this process. The United States and Japan welcome the recent efforts to resume the dialogue and hope that these efforts will be fruitful.

7. The President and the Prime Minister noted that the United States and Japan have a profound interest in the peace and stability of Southeast Asia and are impressed by the vitality of ASEAN and its commitment to economic and social development. Both governments will continue cooperation and assistance in support of the efforts of the ASEAN countries toward regional solidarity and development.

8. The President and the Prime Minister expressed their concern about the recent increased tension in Indochina brought about in particular by the continued armed conflicts in Cambodia involving foreign troops and the recent fighting between China and Vietnam. The United States and Japan will make utmost efforts to reduce tension in this area and seek establishment of a durable peace based on the principles of respect for the sovereignty, territorial integrity and independence of all nations. The President and the Prime Minister expressed their concern over use of facilities in Vietnam by foreign forces.

9. The President and the Prime Minister noted that the outflow of Indochinese refugees is a cause of instability and a source of great humanitarian concern in the Asian-Pacific region that must be dealt with urgently. The President stated that the United States is accepting 7,000 refugees per month from Indochina for permanent resettlement in the United States and will continue its other major efforts to deal with this tragic problem. The Prime Minister stated that Japan has set a target number for the resettlement of displaced persons and eased conditions for permanent resettlement. The Prime Minister further stated that Japan will continue to expand its cooperation and financial support for the United Nations High Commissioner for Refugees (UNHCR). The United States and Japan welcome the ASEAN initiative to create a refugee processing center, and both governments will make substantial contributions to that project, together with other countries, as it materializes.

10. The President and the Prime Minister agreed that peace and stability in the Middle East and the Gulf area very important to the well-being of the peoples of the region as well as the world as a whole. The Prime Minister stated that Japan will actively continue and expand its cooperation with the peoples of the area in their endeavors toward a better future. The President and the Prime Minister agreed that a comprehensive Middle East peace should be brought about in full accordance with all the principles of United Nations Security Council Resolution 242 and through the recognition of and respect for the legitimate rights of the Palestinian people. To this end, utmost efforts should be made to promote the peace process subsequent to the signature of the Peace Treaty between Egypt and Israel.

ECONOMIC RELATIONS

11. The President and the Prime Minister agreed that the time has come for a more constructive approach to U.S.-Japan economic relations. They reached a clear understanding about the basic policies that each will follow over the next several years to produce a more harmonious pattern of international trade and payments. They agreed on a framework and procedure for continuing bilateral discussions. They recognized that such discussions will focus more on overall trade and current account trends than on specific actions to shape these trends; these actions are the national responsibility of each government.

12. The President and the Prime Minister stressed the very strong economic interests which link the United States and Japan. More than ever before, the two countries' welfare and futures are intertwined. Joint action to establish a new and stronger basis for economic cooperation will enhance the well-being of their peoples and promote widening trade. It will make it possible to remove contentious bilateral economic issues from the forefront of their relations and to mount cooperative efforts to resolve problems common to their societies, while

ensuring a sustained, mutually productive relationship among their peoples.

13. For these reasons, the President and the Prime Minister agreed on a common approach, which will contribute to a stable pattern of international payments. They recognized that the 1978 current account surplus of Japan and the 1978 current account deficit of the United States were not appropriate in existing international circumstances. Recent actions by both governments, together with earlier changes in exchange rates, have led to a significant reduction in their payments imbalances during the last few months. They agreed that appropriate action should be taken to ensure progress, and to sustain it.

14. To this end, the Prime Minister affirmed that it is the policy of Japan to continue:

To encourage a shift to greater reliance on rising domestic demand to sustain Japan's economic growth, and

To open Japan's markets to foreign goods, particularly manufactured goods.

15. In following these policies, it is the objective of Japan to promote a continued reduction in its current account surplus, until a position consistent with a balanced and sustainable pattern of international trade and payments has been achieved.

16. The United States will pursue a broad range of policies to reduce the U.S. rate of inflation, to restrain oil imports, and to promote U.S. exports. In following these policies, it is the objective of the United States to promote a continued reduction in its current account deficit, until a position consistent with a balanced and sustainable pattern of international trade and payments has been achieved.

17. Accomplishment of these goals will require several years. The present U.S.-Japan subcabinet group, composed of officials from both governments, will examine developments and results at periodic intervals.

18. A small group of distinguished persons drawn from private life will also be established, and will submit to the President and the Prime Minister recommendations concerning actions that the group considers would help to maintain a healthy bilateral economic relationship between the United States and Japan.

19. In reaching this understanding about economic relations between the United States and Japan, the President and the Prime Minister further noted that:

Free and expanding trade is necessary for the development of the world economy; successful conclusion of the Tokyo Round of Multilateral Trade Negotiations is a significant step forward. It is essential to continue to reject protectionism, and to proceed with domestic measures to implement the results of the Tokyo Round negotiations as quickly as possible.

The two countries will work with others at the Summit meeting scheduled for Tokyo in June to ensure that this meeting makes a substantial contribution to a healthier world economy.

Bilateral and multilateral cooperation among industrial nations to improve the world energy outlook has become even more important in recent years. It is imperative that the industrial nations, including the United States and Japan, increase energy production, enhance the development of alternative energy sources, and implement fully the agreement on energy conservation reached by the International Energy Agency on March 2. The signing of the bilateral U.S.-Japan Agreement on Cooperation in Research and Development in Energy and Related Fields represents a major contribution to these objectives. The two governments will study seriously the prospects for cooperative efforts in other areas of basic and applied research.

To meet the increasing demand for energy, there is an urgent need to promote further peaceful use of nuclear energy, consistent with non-proliferation and the requirements of safety and environmental protection. They agreed to expand joint research to enhance nuclear reactor safety and reliability. The Prime Minister stressed that, while sharing fully with the President a common concern over the danger of nuclear proliferation, for Japan nuclear energy is the most reliable alternative to oil in the short and medium term. The President and the Prime Minister agreed that the United States and Japan, in full cooperation, should continue to pursue the policies of nuclear non-proliferation, while avoiding undue restrictions on necessary and economically justified nuclear development programs. The President and the Prime Minister took special notice of the technical studies in progress in the International Nuclear Fuel Cycle Evaluation (INFCE) and expressed their strong hope that these technical studies will lead to satisfactory results.

The United States and Japan should improve their official development assistance to developing countries. It is particularly important for them to strengthen aid in the field of human resource development and to strengthen support of research and development in such areas as health, food, and energy. The two countries will explore, through bilateral discussions and consultation with developing countries, how to promote cooperation in technical assistance and in research and development in these areas.

Japan, which has been the most important single customer for American agricultural exports, and the United States, which has been Japan's most important single supplier, will cooperate closely to ensure that their mutually beneficial agricultural trade meets Japan's import needs. Relevant authorities of the Governments of the United States and Japan will periodically exchange information and meet to consult, as appropriate, on the supply and demand situation of agricultural products that figure in trade between the United States and Japan.

CULTURAL AND EDUCATIONAL EXCHANGE

20. The President and the Prime Minister noted with satisfaction that cooperation and exchanges in the fields of culture and education are flourishing and are of major importance in deepening mutual understanding and friendship between the peoples of the United States and Japan. Both governments will seek to enhance these activities and will jointly fund an expanded Fulbright Program of educational exchange. The Prime Minister stated that the Government of Japan will make a donation to help pay the cost of construction of new headquarters for the Asia Society in New York, and that it intends to make financial contributions for the construction of a new Oriental art gallery of the Smithsonian Institution and a Japanese gallery of the New York Metropolitan Museum of Art and for the establishment of a fund for international energy policy research at the Massachusetts Institute of Technology. The President expressed his appreciation.

ADDRESS BY PRIME MINISTER MASAYOSHI OHIRA

Mr. Chairman, Ladies and Gentlemen: I am delighted to address this gathering of eminent journalists. I am well aware that what I say is much less important than what you like. That is one reason I decided to speak to you in English, although with my accent some of you may not be able to tell the difference.

Before going into the substance, let me just say that I had a very fruitful exchange of views with President Carter on a wide range of topics, the gist of which are contained in the joint communique. It provided the basis on which to develop Japan's external policies in the years ahead and to further promote US-Japan relationship.

Today, I shall be as candid with you as I can, sharing my views on how Japan sees its role and responsibilities in accordance with its growing economic and political influence, and my views on making our Japan-US partnership truly more productive in the 1980s.

In light of our international political and economic circumstances, Japan cannot survive except in harmony with the international community, by carrying out economic policies that serve our growing international needs and responsibilities. At times, our pursuit of greater international harmony may entail difficult internal adjustments, at considerable cost. Yet we are prepared to bear our just burden.

In the decades since 1945, Japan's primary concern has been reconstruction of its economy in order to attain affluence. Whatever success we have had is due, I believe, to such traditional Japanese characteristics as frugality, industriousness and self-discipline, together with the understanding and cooperation we have enjoyed from America and other peoples of the world. However, in concentrating on this goal, we have not always paid sufficient consideration to preserving the harmony between man and nature. Nor have we been able to attend adequately to the quality of our lives. Housing and other amenities, for example, are inadequate.

It is time, therefore, to work at improving the quality of Japanese life at every level—in the home, the local community, and the nation—and to give greater attention to the spiritual meaning of being.

Recognizing this, I shall strive to bring our country into better harmony with the wider world community, while seeking to restore greater harmony to our domestic life. In Japan's external economic policies, I shall give the highest priority to the following five objectives:

1. Our economic management policies will emphasize enhancement of the quality of our people's lives, particularly the improvement of public and social-welfare facilities, by aiming at demand-oriented domestic economic growth. In this policy context, we wish to reduce our current-account surplus, until a position consistent with a balanced and sustainable pattern of international trade and payments has been achieved.

2. We will continue to strive for a more open and freer world trading system. For our exports, we will seek greater product sophistication and diversification, as well as more orderly and more diversified marketing. On the import side, we will lower our remaining trade barriers by implementing, among others, the concessions we offered in the recently completed Tokyo Round of Multilateral Trade Negotiations. As a contribution to rectifying Japan's international payments imbalance, my Government has decided, on its own initiative, to seek Diet approval for advanced implementation of our Tokyo Round tariff reductions.

3. We shall cooperate fully with international currency-stabilization efforts, and shall further liberalize our foreign exchange controls.

4. We shall work to streamline our domestic distribution system in order to benefit our own consumers. We expect another result will be to provide foreign producers with easier access to the Japanese market

5. Finally, we shall promote the sophistication of our domestic economy, bringing it more in tune with the evolving world economy, utilizing the dynamism of our private sector.

These five objectives for the medium and long term express our full awareness of Japan's responsibility to contribute to stable expansion of the world economy. I urge our American and European partners to accept the parallel responsibility of resisting the temptations of protectionism, by joining in maintaining the global free-trading system.

Let me now turn briefly to Japan's economic cooperation with the developing countries.

Japan expanded its official development assistance (ODA) greatly in 1978, to $2.2 billion, or 0.23 percent of GNP. Japan is thus on schedule in implementing last year's commitment to double our ODA within three years. My Government will continue to improve the quality as well as the quantity of our aid.

Moreover, as we know from our own century of modernization, the development of human resources is the very foundation of nation-building. We will therefore expand our cooperation and exchanges in educational and cultural fields, and step up manpower training.

I also believe we should move beyond the traditional forms of economic exchange, centered on the flow of capital and goods, and should speed the transfer of know-how and technology to those developing countries that have the capacity and the will to utilize this knowledge in their modernization.

I am fully aware of the challenge of competition from the newly industrializing countries, but I believe we should welcome that challenge. In the short run, it may mean painful adjustments in our own industrial structures, yet in the long run it should stimulate us to make more efficient use of our own resources. Ultimately, the entire world economy will benefit from this diversification of sources and expansion of markets.

In short, Japan is committed to a vigorous role in our common efforts to build a broader-based and more open international economic system in the 1980s.

We are also determined to play a more effective political role than in the past, in pursuit of world peace and stability.

In particular, as an Asian nation, we wish to fulfill our role and responsibilities by supporting those trends toward stability in Asia, while discouraging tendencies toward instability.

The development of friendly relations between Japan and China, as between the United States and China, has broadened the foundations for our Asian policies. Japan will act in close concert with the United States and Western Europe to extend appropriate cooperation to China's economic-development efforts. Japan, the United States and Western Europe should not think of each other as rivals in trade and economic cooperation with China. Rather, it should be our joint endeavour to build a network of stable relations with China.

We value immensely the essential role of the United States in maintaining peace and stability for the Republic of Korea. For our part, Japan will continue, in cooperation with the United States and other countries concerned, to try to create an international environment conducive to the relaxation of tensions on the Korean Peninsula.

We welcome the steady progress of the ASEAN countries in strengthening their regional solidarity and establishing themselves as a stabilizing force in Southeast Asia. We will extend full cooperation to these countries in their nation-building efforts, and will maintain close liaison with them in the conduct of our Asian policies.

In Indochina, tension and conflict persist. As one of the few countries which maintain diplomatic relations with the countries of Indochina, Japan will continue to work in cooperation with ASEAN nations and the United States to restore a durable peace to this area.

We greatly respect America's efforts to alleviate the plight of the Indochinese refugees. Japan has recently adopted an eight-point comprehensive program, including further increases in our contributions to the United Nations High Commissioner for Refugees, financial cooperation in the establishment of an ASEAN processing center for refugees, and measures to facilitate the settlement of refugees in Japan.

Japan's political interests and responsibilities are not confined to Asia alone, but reach throughout the world. Japan has vital interests in the Middle East, for example, with respect to energy supplies. While earnestly hoping for progress toward greater stability in this region, and the achievement of a comprehensive, just, and lasting peace, we shall continue to contribute, appropriate to our situation and based on our own judgement, to those economic and other programs which enhance the well-being of the people of the Middle East.

In all aspects of Japan's foreign policy, our partnership with the United States is pivotal. This partnership is indispensable to world peace and stability. We owe it to the world to build on today's solid foundations, by developing a still more productive partnership for the 1980s.

In this context, I do hope that the American people, in whom we place total and trusting reliance, will bear in mind this hard fact. The balance of power—and therefore the peace—in Asia and the Pacific, and throughout the world, continues to depend on a strong America.

The strength I refer to is not only your military capability, but also your economic vigor and your political will. Japan and the rest of the world expect resolute leadership from the United States, and I for one am confident that the Administration is responsive to these expectations.

On the economic front, I am much encouraged by recent steps the United States has taken to cope with inflation, balance of payments deficits, and energy problems, and I trust you will exert further efforts to make these serious problems more manageable—for the world's sake as well as your own. You may count on Japan as a staunch partner, contributing positively with you to the realization of our shared goals.

The Japanese-American partnership is now nearly a century and a quarter old. During this period, our two peoples have endured many difficult trials, yet today we enjoy relations of unprecented and unparalleled closeness.

Even as we share a fundamental commitment to democracy and the freedom and dignity of the individual, we have very different cultural heritages and perspectives. Just as it is the American tradition to build e pluribus unum, so must it be our aim to build unity out of the diversity of the Japan-America relationship. We still have much to learn from each other.

It would in this sense be most valuable if scholars and experts from our two countries were to embark on joint studies of how best to promote mutual understanding between our two peoples, and how best to prevent or reduce the causes of misunderstanding and friction.

The qualities and traditions which distinguish our two civilizations should not be obstacles to our whole-hearted collaboration. On the contrary, they are assets which make our partnership richer, and our national perceptions broader and more tolerant.

This extraordinary Japanese-American partnership—like the close friendship of two individuals—does not require submerging one personality to the other. Rather, it becomes all the stronger when we stand tall together, joining our different strengths in pursuit of our common goals.

This the rest of the world has a right to expect of us.

WORLDWIDE OIL PROSPECTS

MR. KENNEDY. Mr. President early last year, the Subcommittee on Energy of the Joint Economic Committee held a set of hearings on the question of the world's future oil supply. A number of witnesses in these hearings challenged the common assumption that the world was quickly running out of oil. They pointed out that a great deal of the world had never been explored and it was far too soon to reach any conclusion about its oil and gas potential. What was clearly needed was a policy which would encourage the development of oil prospects worldwide.

Since those hearings some modest steps have been taken towards promoting petroleum exploration in Third World countries. But all together these measures do not come close to providing an adequate program. Oil exploration activity outside of North America continues to remain at the same level it was at in 1970 despite a 5-fold increase in price.

Even these limited measures to promote oil exploration have provoked considerable controversy and opposition both within and without the administration. There are those who still confidently cling to the assumption that if there are oil prospects in the world the major companies will seek them out and develop them. Others, however, are recognizing that the major international companies have become quite comfortable in their position as the marketers of OPEC's crude oil. The enthusiasm of these companies for seeing large new quantities of oil coming onto the market is not likely to be very great.

Yesterday, the Washington Post printed a story by Mr. J. P. Smith which superbly summarizes the issues surrounding petroleum development in Third World countries. Mr. President, I ask unanimous consent to have this article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 6, 1979]

Tycoons and Developers Quarrel Over Third World's Oil

(By J. P. Smith)

The prospect of a vast and untapped global supply of oil beyond the control of the existing energy cartel is casting a powerful lure in such staid institutions as the World Bank, the United Nations and the U.S. Treasury Department.

This new hope centers on the oil-producing potential in the undrilled regions of Africa, Latin America and Asia.

Already the World Bank has embarked on a $3 billion funding program in these regions which its energy experts believe could raise world production by 6 million barrels a day, the equivalent of Iran's production before the coup.

All this would seem to fit the prescription written five years ago for the United States and other industrial nations when crude oil prices quadrupled against a background of shrinking reserves. What could better fit the bill than a new and globally diversified supply base for the world's crude oil consumers?

There are already strong stirrings of discord among big oil, the Carter administration and the World Bank over the exploration-financing program as well as the share of the international oil companies in tapping the new supply source.

In January the chairman of the world's largest oil company, Exxon's Clifton Garvin, privately called on Treasury Secretary W. Michael Blumenthal to urge that the bank's program for the non-OPEC countries be abandoned.

He told Blumenthal that such programs of exploration for oil and gas are "inherently risky" and "ill-suited to bank lending." Should the World Bank wish to go forward nonetheless, Garvin told the treasury secretary, it should insure that drilling opportunities were "first offered to industry on reasonable terms." Blumenthal serves as a U.S. director of the international lending organization.

World Bank and Carter administration officials were surprised at Garvin's plea.

Promise of new Third-World oil coming into world markets also means downward pressure on prices, and undercutting the OPEC grip.

Blumenthal did not follow Garvin's advice and the bank program, earlier endorsed by the Bonn Summit, was approved.

What was curious about Garvin's argument, however, is that two months later Exxon took a different tack. In an announcement that sent tremors through international oil circles, Exxon said it would no longer be selling crude oil to European and Japanese companies in the 1980s. Supplies then would be too tight, Exxon said.

This episode illustrates vividly the most compelling energy question facing the nation: can we avert a world oil shortage by developing oil resources outside of OPEC? And, if possible, will it be with or without the major oil companies?

The outlines of an answer are entwined in the explanations of why Exxon would be discouraging future oil production, while at the same time planning future cutoffs in its oil sales—paths that appear contradictory.

William Slick, an Exxon vice president, explains: "We're not against oil development . . . we're against loaning money through the World Bank to national companies that compete against our private companies."

A sterner assessment of Exxon's motives is offered in a February Congressional Budget Office report: "Guaranteed loans from the World Bank and other sources can only damage further the competitive position of the international oil companies," the CBO said.

Does this mean that the world must forgo added oil production unless the major oil companies do it? Blumenthal answered no.

Still other questions remain, however. Do companies like Exxon and the other majors have a continual incentive to seek new oil production? On this point, the CBO study, "A Strategy for Oil Proliferation: Expediting Petroleum Exploration and Production in Non-OPEC Developing Countries," suggests that the answer may be no.

The CBO says there are two reasons why "the companies might deliberately ignore prospects" for oil production in developing countries. "By restraining supplies, prices are kept high" and "the companies see their futures as marketers for OPEC and do not want to jeopardize their status by negotiations with potential competitors."

CBO's suggestion is reinforced by a disclosure Exxon made at a Senate Foreign Relations subcommittee hearing several years ago. Asked by Sen. Charles H. Percy (R-Ill.) why Exxon did not develop what company geologists suspected could be 10 billion barrels of oil reserves in Oman, Exxon executive Howard Page said, "I might put some money in it if I was sure we weren't going to get some oil, but not if we were going to get oil because we are liable to lose the Aramco concession."

Aramco, the Arabian American Oil Co., is made up of Exxon, Mobil, Standard Oil of California and Texaco, and produces most of Saudi Arabia's oil. Page, in other words, said Exxon did not want to increase oil production if it jeopardized relations with the Saudis, or forced a reduction in Saudi oil production.

There are occasions then—if the CBO is right—when the major oil companies could act, either consciously or inadvertently, as obstacles to increasing oil production and finding new oil supplies.

If the suggestions posed by CBO and the incident cited by Page are correct, oil companies are not likely to develop new supplies that would threaten their market shares or profit margins.

Setting aside the issue of the companies' role, the great challenge confronting the world, if Energy Secretary James R. Schlesinger Jr.'s warnings of a 1980s oil squeeze are correct, is how to increase non-OPEC oil production.

Garvin's letter added still another argument why the United States should oppose the bank program. "Industry activity in these non-OPEC countries has been extensive," Garvin wrote.

World Bank officials and the U.S. Geological Survey's Bernardo Grossling dispute this, contending that the Third World countries today are still largely unexplored frontiers with enormous prospects for new oil and natural gas discoveries.

Among their arguments:

There are better prospects for major oil discoveries in the non-OPEC developing countries than in the United States and other industrial states, according to the World Bank. Grossling says that over the last three decades, the oil discovered per well drilled in the United States averaged 15, 20 and 30 barrels per foot drilled.

In Western Europe, including the North Sea, it has averaged 50, 60 and 80 barrels a foot.

In Latin America, even excluding oil-rich Mexico, it has been 100 to 200 barrels. And in Africa, it has been a staggering 500 to 1,000 barrels found for every foot of exploratory drilling.

The non-OPEC Third World countries have had little exploratory drilling. The United States, on the other hand, with 6 percent of the prospective drilling area, has been the center of two-thirds of the world's oil drilling.

As for the rest of the world? There are twice as many oil wells in Kansas as in all of Latin America, and three times as many wells in Arkansas as in all of Africa.

Despite the 5-fold increase in world oil prices since 1973, trends for seismic work and exploratory drilling have remained nearly level or have declined. From 1973 to 1976, exploratory drilling in non-OPEC Latin America dropped from 9.1 wells per 100 square miles to 8.5.

During the same years in non-OPEC Africa, the drilling rates remained at 2.8 wells per 100 square miles of prospective areas.

"The bulk of the drilling has been done mostly in the United States, followed by Canada and Mexico, since the embargo," Grossling says, adding that "The OPEC countries' [drilling activities] are also way down."

Grossling concludes that the drop in exploratory work "has nothing to do with geology."

Still other reasons are offered why major oil companies have not explored as widely in the non-OPEC nations.

William Lane, head of DOE's Office of Competition, says "There has been a significant market failure, the laissez faire system the companies operated under has broken down." New mechanisms and new assurances are needed, Lane says, for moving private investment into oil exploration where it is needed overseas.

Lane's view is shared in part by Lehman Bros.' Martin Roberts, who talks about the "great structural changes" in world oil markets over the last 25 years. Roberts points out that today more than 60 national oil companies control about 80 percent of the world's oil reserves, versus 20 percent two decades ago.

The rise of OPEC's power and economic nationalism are other factors. Even then, major oil companies are also exposed to unexpected risks abroad. One major, for example, recently found oil in the Cameroons, only to learn afterwards that the Yaunde government changed the terms of their original agreement once they knew oil was found.

Efrian Friedman, head of the World Bank energy program, said in a recent interview, "Our diagnosis that there was a problem with exploration has been correct." To turn that around, the Chilean scientist says, "The main thrust of our program has been to facilitate the access of the oil industry to the developing world."

This means not only insuring that the host countries have equitable agreements with the oil companies, but also identifying energy projects the bank can provide seed money for.

Loans have been made to India, Thailand and Pakistan, and nearly 15 other countries have expressed interest in projects ranging from oil exploration to production.

Equally important, the bank has taken on the role of "honest broker" in negotiations between Gulf Oil and Pakistan, a deal concluded satisfactorily to both parties, and has been approached to help in other negotiations.

Knowledgeable sources also say that since the bank program was approved a number of companies have asked the bank to help gain access to countries that have resisted negotiating with majors.

"The thinking in the industry is changing very fast," Friedman says.

How fast that thinking changes likely will determine the outcome of the world energy production over the next years.

THE NATION'S LARGEST SMALL BUSINESS ORGANIZATION ANNOUNCES SUPPORT OF LEGISLATION TO LIMIT HUGE CORPORATE MERGERS

Mr. KENNEDY. Mr. President, on April 12, 1979, Senator Metzenbaum, Senator Pressler and I held a press conference to announce the support of the National Federation of Independent Business for S. 600, the Small and Independent Business Protection Act of 1979.

Participating were former Congressman "Mike" McKevitt, representing NFIB; John Lewis, president of the National Small Business Association; and Milt Stewart, chief counsel, Special Advocacy Section, of the Small Business Administration. Each of these gentlemen spoke, in no uncertain terms, in strong support of S. 600.

The announcement today is of great significance. The National Federation of Independent Business, with 570,000 member businesses is the largest small business organization in the country. It has polled its members and the results are in: The small businessmen and women of this country want to see Congress impose restraints on huge mergers that do not show any economic benefits.

Those of us who are sponsoring this legislation—Senators Metzenbaum, McGovern, Melcher, Nelson, Pressler, and I—are heartened that the small businessmen and women of this country have joined the ranks of labor, consumer groups, the Justice Department, the Federal Trade Commission, and the Small Business Administration in support of this bill.

Congress should ignore neither this broadbased coalition nor its message—that legislation to limit unnecessary mergers between huge companies is needed now.

When our Nation's small businesses which account for 55 percent of our private employment, 48 percent of our business output, and 43 percent of our gross national product, tell us that they cannot survive against government-size corporations and the artificial advantages that accrue to them because of their size, then it is time for Congress to start listening.

I think Milt Stewart, of the Small Business Administration, summed it up best at the end of the press conference when he said. "Every Member of the Senate and every Member of the House may consider this legislation secure in the knowledge that it has a clear preponderance of support from small business in America—at least the majority and in general 2 to 1 in every State of the Union."

Mr. President, I ask unanimous consent that the entire proceedings of the press conference be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESS CONFERENCE—S. 600—WEDNESDAY, APRIL 12, 1979

Senator KENNEDY. On behalf of Senator Metzenbaum and Senator Pressler, I want to welcome all of you here today. This is a bipartisan effort of a number of the members of the United States Senate.

I think this meeting today is good news for the small and independent businesses in this country. It represents a very strong coalition of business men and women. It also adds to the strong support that we have from our friends in labor and consumer groups. I think all of us who support this legislation are heartened, too, by the support that we have received from the Department of Justice, from the Federal Trade Commission, and from the Small Business Administration. The coalition represented here today is concerned about the growth and interference of government in a number of different aspects of the lives of American citizens and the activities of the businesses of this country. This coalition is concerned about the proliferation of regulation and the interference of regulation with the functioning of business in this country.

NUMBER OF CORPORATE MERGERS AND ACQUISITIONS WITH PURCHASE PRICE OF $100 MILLION OR MORE

1973	28
1974	15
1975	14
1976	39
1977	41
1978	80

In this chart we see the recent explosion of large mergers. Some 14 mergers in 1975, 41 in 1977, 80 in 1978—and the number of large mergers continues to grow at an absolutely extraordinary rate. This has meant less opportunities for small and independent businesses. This has meant less opportunity for the consumers of this country. This has meant a dampening of the competitive forces which have meant so much to our strong and vital free enterprise system.

So we welcome today the very strong and clear support from the National Federation of Small Business, an organization that represents some 570,000 of the small and independent businesses of this country. We will hear first from my colleague and good friend, Howard Metzenbaum, who is the Chairman of the Antitrust Subcommittee; then from Mike McKevitt, representing the National Federation of Small Business. Then I'll ask John Lewis, who has testified in support of this legislation, representing the National Small Business Association, if he would make some brief remarks. And we're glad of course to have Milt Stewart of the Small Business Administration. And I'll ask Senator Pressler if he would also say a few words. Senator Pressler has been a very active supporter of this legislation and has worked very closely with us.

Howard.

Senator METZENBAUM. Thanks. Nothing could be more appropriate than that the small business organizations of this country support this legislation. Because although this legislation is oftentime spoken of as dealing with the large conglomerates, and that is a fact, its real importance, as I see it, is that it protects the small business operator in this country. It's the small business corporation that day in and day out is being gobbled up by the large corporate conglomerates. One of the sad aspects of that is that the American people too often have been called upon to subsidize those acquisitions. They subsidize them because large conglomerates use investment tax credits for which they have no other use to purchase small businesses at a higher price than might be the normal market price. Conglomerates use the accumulated surpluses which would otherwise have to be distributed to their stockholders or which would be taxed.

In our hearings recently, we pointed out how two giant conglomerates got together, competed with each other in the sale of coffee—Maxwell House Coffee and Folger Brothers Coffee—and in their crisscross competition they forced out the small companies. It resulted in lower prices for a short period of time, but once they came to dominate the market then the prices rose thereafter and continued at a higher level.

Nothing could be more important to the small business corporations of this country than passage of S. 600. And I am so pleased to join Senator Kennedy and Senator Pressler in welcoming this all out support by the two largest national small business organizations in the country.

Senator KENNEDY. Mike McKevitt is well known to all the members of Congress. He was a distinguished member in his own right, and his organization is really one of the very effective organizations, as it should be to look out for the interests of small and independent businesses. Mike, we're glad to have you here.

MIKE MCKEVITT. Thank you Senator. Nice to be here. If I could just talk for a minute about the vote. NFIB, the National Federation of Independent Business, is a unique organization that is made up of 570,000 members. Small manufacturers, retailers, and wholesalers is the principle breakdown of our membership. And what we do is we poll them eight times a year on economic issues. We usually get a reply of about 100,000 which is approximately about 20% of the membership. The vote breakdown we have here in the press release is the first cut as we call it—64,000 votes, which is usually accurate within one-half of one percent.

The following are the poll results broken down by state:

	Total Votes	(In percent)		
		Pro	Con	Undecided
Alabama	859	62	28	10
Alaska	392	51	39	10
Arizona	702	56	34	10
Arkansas	476	64	27	9
California	6,711	60	31	9
Colorado	1,807	58	33	9
Connecticut	347	60	31	9
Delaware	77	56	36	8
Florida	2,473	60	32	8
Georgia	1,261	62	29	9
Hawaii	620	52	37	11
Idaho	649	58	33	9
Illinois	1,970	62	29	9
Indiana	1,642	62	28	10
Iowa	1,538	67	25	8
Kansas	969	64	26	10
Kentucky	603	62	31	7
Louisiana	515	56	32	12
Maine	596	68	26	6
Maryland	473	61	29	10
Massachusetts	895	66	27	7
Michigan	2,981	62	28	10
Minnesota	2,020	65	25	10
Mississippi	613	59	32	9
Missouri	1,140	63	28	9
Montana	443	60	30	10
Nebraska	893	62	26	12
Nevada	195	54	36	10
New Hampshire	311	65	27	8
New Jersey	745	61	31	8
New Mexico	609	59	32	9
New York	2,779	64	27	9
North Carolina	920	61	30	9
North Dakota	285	58	34	8
Ohio	2,750	63	29	8
Oklahoma	1,322	58	32	10
Oregon	1,782	60	31	9
Pennsylvania	2,528	64	27	9
Rhode Island	48	67	31	2
South Carolina	423	62	27	11
South Dakota	371	67	24	9
Tennessee	1,264	62	31	7
Texas	5,227	56	34	10
Utah	639	62	29	9
Vermont	306	60	31	9
Virginia	1,015	60	30	10
Washington	2,414	60	30	10
West Virginia	328	62	29	9
Wisconsin	2,079	66	26	8
Wyoming	402	61	29	10
Washington, D.C.	8	63	38	1

So far as the Kennedy bill is concerned, they came down very strongly in its favor. Sixty-one percent in favor and thirty percent opposed. You will notice, there is not one state that voted against this proposal. So, it does give you a strong indicator of what they're thinking and what's on their minds. What they're saying is they're worried about concentration, and their concern is growing. They're not against big business per se, it's just that when you see this abnormal bigness, this concentration, they see it as a clear and present danger, and they're deeply concerned about it. In light of this vote, Senator Kennedy, I'm pleased to state that we will support your legislation.

Senator KENNEDY. Thank you Mike. I think you underlined a very important point about this legislation. This bill is not against big business per se. What it is against is the inefficiency and the dampening down of competition, the gobbling up of the small and independent businesses. That will not produce more efficiencies or better products for the consumer at lower prices. Those of us who support the legislation believe in this theme very deeply.

Next, we want to welcome back John Lewis. John would you say a few words.

JOHN LEWIS. Senator Kennedy, we're very happy to be back here today to reaffirm our support for strong anti-merger legislation. The National Small Business Association is not anti-big—it is pro-small. We believe it absolutely essential that this country establish an effective and unchanging national policy to restore competitive balance. A policy that will produce substantially greater growth for small and medium size business than for big business and big government. Whether it is the failure of Congress to give the enforcement agencies the proper tools, or whether the enforcement agencies of government are improperly using the tools given them is immaterial. The fact remains that the antitrust laws and their enforcement, regardless of intent, simply are not working to achieve their purpose—a plurality of competitors, strong competitors, from small business in the marketplace. The bottom line of S. 600 is that it will strengthen small business' ability to compete, and this in turn strengthens America. We reaffirm our support for this anti-merger legislation.

Senator KENNEDY. If we could hear now from Senator Pressler, who—I must say—since he's arrived in the Senate, has been after those of us on the Judiciary Committee to move ahead in this area. He's spoken to us formally in the Committee and informally as well. I think his support makes a great deal of difference. I'd like to ask Senator Pressler if he'd make a few comments.

Senator PRESSLER. Thank you very much. I want to commend the National Federation of Independent Business for joining with us in this effort. In my State of South Dakota we have primarily small business. There's a great feeling that food chain stores—that some of the national media and publishing groups, and some of the national fertilizer chains are forcing out our independent entrepreneurs. Indeed, free enterprise is competition between people able to own their own business, able to own their own publishing house, able to participate in the free enterprise system.

This morning in a meeting with a prominent member of my party, I urged that more of our members join in cosponsoring this bill. After all it is a bill that urges free enterprise. And I'm going to be meeting with Chairman Brock later today, urging that he consider endorsing this bill. Because I think it's a bipartisan effort, and I think that it protects the best that is in America. Thank you very much.

Senator KENNEDY. Thank you, Senator Pressler. I'd like to remind this group that when we took the most successful action in the area of reducing federal government regulation and opening up new opportunities for business in—airline deregulation—we had strong bipartisan support. President Ford strongly supported that bill, as President Carter did. We had strong bipartisan support and we were able to see action taken by the Congress and the Senate. We've got strong bipartisan support here today.

As our final speaker, we'll hear from Milt Stewart of the Small Business Administration. He's been recently honored as the "Advocate of the Decade" by the Small Business Association of New England, and he is clearly one of the strongest voices for small and independent business in this country. We're glad to have you here, Milt.

MILT STEWART. Mr. Chairman, Senators, ladies and gentlemen: When we appeared on behalf of this legislation with five small business people, we said very carefully that because of the magnificent diversity of our constituency, we couldn't be sure what share of it really felt the way we did—that this legislation was urgently needed from the standpoint of small business. We're very much in debt to the NFIB now for making it abundantly plain through its mandate survey just how small business men and women feel in this country. Every member of the Senate and every member of the House may consider this legislation secure in the knowledge that it has a clear preponderance of support from small business in America—at least the majority and in general 2:1 in every state of the Union. The sample looks plenty big enough.

As has been said before, the concern expressed here mirrors the concern of small business with the growth of large institutions in general. You could have forecast this response from the vigor of small business concern about the size of government. Because what is expressed here, is concern not just about large business. It's about government-size business and the kinds of conglomerate mergers that have been taking place among those government-sized businesses. Thank you very much.

Senator KENNEDY. Well that concludes our presentation. Once again we are very very encouraged by the strong support that has been given by the NFIB. I think getting strong business support is going to make a difference for the legislation. It's quite clear where small and independent businesses stand in this nation and we're looking forward to working with them in the future as we have in the past.

FEDERAL RECLAMATION LAW

Mr. MORGAN. Mr. President, I wish to take just a few minutes of the time of the Senate to discuss an issue that I think has rather wide-ranging policy implications, the Reclamation Act of 1902. I want to discuss it on the floor of the Senate rather than having it printed in the RECORD because I hope that staff members throughout the Senate will listen and give some thought to the amendment that I am going to discuss, rather than just putting it in the RECORD, where it might not be seen.

Another reason why I discuss this on the floor of the Senate is because of my belief in the importance of this issue.

This issue has profound implications throughout this Nation, even in my home State of North Carolina. While many of my colleagues may consider this a peculiarly Western issue, I believe that they should look beyond the region of this Nation where changes could have immediate impact.

There are two major bills that attempt to modify the Reclamation Act of 1902. The two bills, S. 14 and S. 654, are diametrically opposed to each other except for one simple fact. The area of agreement is that both bills recognize that the acreage limitations imposed by the 1902 law—and which really have been enforced—are unrealistic today.

The similarity ends at that point. One bill, S. 14, implies that ownership of reclamation lands should be limited to 1,280 acres. I quote from section 3(b):

> No individual shall benefit directly from the delivery of water to landholdings in excess of the acreage limitations of the Federal reclamation laws.

In simple English, given the nature of the land involved, this section means that ownership of more than 1,280 acres would be prohibited.

Mr. President, I do not believe that the Congress should limit the right of ownership to an American citizen. To do otherwise would be to deny some of the very freedoms on which this great Nation was founded.

The other bill in question, S. 654, is also in need of modification. To totally repeal reclamation laws would not serve the interest of the American taxpayer. Without question, these lands have bloomed because of Federal water, water that has been provided at great expense to the American people.

The question, at this point, is how to modernize the law without denying very basic and fundamental property rights.

The best way, in my judgment, would be to amend S. 654.

The amendment that I propose today would require that individuals with landholdings in excess of 1,280 acres pay the full cost of the water. This can be accomplished with the following language:

> On page 1, line 6, remove the period, insert a comma and add the following: Provided, that on any landholding in excess of 1,280 acres, the full cost of water shall be paid by the recipient. Exception to this provision shall be provided for lands held by a charitable or religious not-for-profit organization, as recognized by the Internal Revenue Code Act, and receiving water supplies pursuant to a contract with the Secretary as of January 1, 1978.

As I said, Congress must be careful to avoid putting limits on property rights. The section of S. 14 which I quoted earlier denies farmers the right to own more than 1,280 acres regardless of their talent, managerial capability or economic circumstances. This is a striking departure from previous laws which limit subsidies. In fact, even the 1902 Reclamation Act did not place a limit on a farmer's ability to lease land beyond 160 acres.

Mr. President, my amendment would be consistent with the objectives of S. 654 to remove any limitation on the amount of land an individual could farm. At the same time, my amendment would correct a basic deficiency in S. 654, the lack of a limitation on the subsidy from Federal reclamation projects.

By providing for full cost of water on land in excess of 1,280 acres, the subsidy is removed at that point, yet the capability for a farmer to expand is preserved. This would be compatible with other subsidy limitations and, at the same time, allow each farmer to determine his size based on his individual decision rather than by an arbitrary decision by his government. This will further assure that the law will not again become obsolete in the future. With agriculture having experienced the technological breakthroughs of the past two decades, who among us is wise enough to choose an arbitrary figure and say that farms a few years from now should be no larger than that figure?

Mr. President, I urge the legislative committee and this body to consider carefully my amendment and this whole question. As much as it bothers me to provide unlimited subsidized water to irrigated farms, I would rather repeal the acreage limitations altogether than establish the very undesirable precedent of limiting farm size. Neither alternative is particularly appealing to me, but the former is more attractive than the latter if those are the options from which we must choose. As a consequence, I have decided to cosponsor S. 654. That bill, with my amendment, provides an answer to the dilemma and I urge its adoption in committee and its support on the Senate floor.

ORDER FOR RECESS TODAY UNTIL MONDAY, MAY 14, 1979, AT 10:15 A.M.

Mr. ROBERT C. BYRD. I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 10:15 a.m. on Monday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR CERTAIN ACTION TO BE TAKEN DURING RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until 10:15 a.m. on Monday, the Vice President of the United States, the President pro tempore of the Senate, and the Acting President pro tempore be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until 10:15 a.m. on Monday, the Secretary of the Senate be authorized to receive messages from the other body and/or the President of the United States and that they may be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF CALENDAR ORDER NO. 114 ON MONDAY, MAY 14, 1979

Mr. ROBERT C. BYRD. I ask unanimous consent that, at no later than 11 o'clock on Monday, the Senate proceed to the consideration of Calendar Order No. 114, S. 1007.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the minority leader.

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. HARRY F. BYRD, JR., be recognized for not to exceed 15 minutes after the two leaders or their designees have been recognized on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, after the orders for the recognition of Senators and just prior to the taking up of the Middle East assistance package, the junior Senator from West Virginia be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:15 A.M., MONDAY, MAY 14, 1979

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10:15 a.m. on Monday next.

The motion was agreed to; and at 4:54 p.m. the Senate recessed until Monday, May 14, 1979, at 10:15 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 10, 1979:

POSTAL RATE COMMISSION

James H. Duffy, of Maryland, to be a Commissioner of the Postal Rate Commission for the term expiring November 22, 1984.

DEPARTMENT OF LABOR

Marjorie Fine Knowles, of Alabama, to be Inspector General, Department of Labor.

VETERANS' ADMINISTRATION

Allan L. Reynolds, of Virginia, to be Inspector General, Veterans' Administration.

DEPARTMENT OF THE INTERIOR

June Gibbs Brown, of Colorado, to be Inspector General, Department of the Interior.

DEPARTMENT OF TRANSPORTATION

Frank Saburo Sato, of Virginia, to be Inspector General, Department of Transportation.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

George E. Cire, of Texas, to be U.S. district judge for the southern district of Texas.

James DeAnda, of Texas, to be U.S. district judge for the southern district of Texas.

Norman W. Black, of Texas, to be U.S. district judge for the southern district of Texas.

Gabrielle Anne Kirk McDonald, of Texas, to be U.S. district judge for the southern district of Texas.

Joyce Hens Green, of Virginia, to be U.S. district judge for the District of Columbia.

George P. Kazen, of Texas, to be U.S. district judge for the southern district of Texas.

William Ray Overton, of Arkansas, to be U.S. district judge for the eastern district of Arkansas.

Harold Duane Vietor, of Iowa, to be U.S. district judge for the southern district of Iowa.

Donald James Porter, of South Dakota, to be U.S. district judge for the district of South Dakota.

HOUSE OF REPRESENTATIVES—*Thursday, May 10, 1979*

The House met at 11 a.m.

Rev. Gerald Hoemann, Zion Lutheran Church, Blythe, Calif., offered the following prayer:

O God of all, as we begin another day of sessions, we express our thanksgiving for life, and all the uncountable blessings both physical and spiritual, that You have given to us personally and as a nation. You have placed us in privileged positions to lead this Nation. Help us always to act in humility, for the best good, and to be responsive to a morality that goes beyond legality. Give us wisdom and patience, we pray, as we work together to be able to begin to resolve the difficulties our Nation faces. May we always be appreciative of Your forgiveness and mercy as proven through Jesus Christ, Your Son, our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced

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☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2729. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The message also announced that the Senate had passed resolutions of the following title:

S. RES. 120

Resolved, That the Senate approves the contingency plan numbered 1 (rationing plan relating to gasoline) submitted to the Congress on March 1, 1979.

S. RES. 153

Resolved, That the Senate approves the contingency plan numbered 6 submitted to the Congress on May 8, 1979.

THE REVEREND GERRY HOEMANN

(Mr. LEWIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS. Mr. Speaker, it is my pleasure today to recognize the Reverend Gerry Hoemann who delivered the opening prayer.

Reverend Hoemann has served for 5 years at the Zion Lutheran Church in Blythe—a community in the eastern part of the 37th District.

The city of Blythe is indeed privileged to have him as both a spiritual leader and involved citizen who cares about his community.

Since his arrival as pastor of Zion Lutheran, membership has increased by 100 percent.

The reverend is actively involved in many chamber of commerce committees and served as vice president and director of the Blythe Chamber of Commerce. He is also director of the Blythe Kiwanis Club and Palo Verde Boy Scouts.

He is a part-time instructor at Palo Verde Community College teaching sociology, American social problems, and marriage and family. Reverend Hoemann was also responsible for forming the "New Life Singers" which have performed in many cities throughout southern California.

Currently Reverend Hoemann is in Washington attending a 2-week course in pastoral care of the critically ill and dying at Walter Reed Hospital.

It is an honor for me to welcome him here today.

CIVIL DEFENSE OF WESTERN NATIONS

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, in recent months you have heard a number of us compare the sad state of the U.S. civil defense effort with the much more ambitious program being undertaken by the Soviet Union. We have heard criticism that this comparison is not valid, and that our Nation should not upgrade our civil defense program merely to keep up with the Soviet Union.

In this regard, Mr. Speaker, it would be helpful to look at what some Western nations have done for civil defense.

The country of Switzerland has a national policy of protecting its population in the event of war. To this end, the Swiss have established a well-planned, organized civil defense which is an important element of the general defense structure of their country. At this time, they are able to protect 92 percent of their population through the use of blast shelters.

The country of Norway has also taken steps to protect its population. Norway has a program consisting of blast shelters, evacuation plans, training of civil defense forces, warning and communications systems, and information to the public. The Norwegian information program is exemplary, using telephone directories, a civil defense handbook, a pamphlet which is distributed to all households, and courses to keep its public well informed on civil defense matters.

Mr. Speaker, these two nations can, in no way, be compared to the Soviet Union, in terms of the needs and priorities of their societies. Yet, if these prudent, frugal western nations are willing to take these steps to protect their citizens by well-planned civil defense programs, can we do any less?

THERE AIN'T NOBODY HERE BUT US PROGRESSIVES

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, Vice President MONDALE has put his official seal on the demise of the word "liberal." In an interview in the Chicago Sun Times last Sunday, the Vice President stated:

> I don't use the word "liberal" because I think that's a term that interferes with communication.

It seems that the Vice President and his friends now call themselves "progressives." It is a sad commentary on our times when such a one-time proud and respected word as "liberal" should be cast aside for a newer, prettier face. It is all the more regrettable since we know that those who once called themselves "liberal" have stopped doing so not because it interferes in communication but because it is the political equivalent of the kiss of death to most voters.

I trust that at least one of liberalism's one-time admirers in the House will tell us that the Vice President is wrong and that the word "liberal" is alive and well. Or, in the words of the old song, ain't there nobody here but us "progressives?"

PRESIDENT'S GAS RATIONING PLAN IS DISCRIMINATORY

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, President Carter's gasoline rationing plan is discriminatory, costly, economically disruptive, bureaucratically bizarre, and an invitation to commit fraud. This harebrained scheme is strongly opposed by the Republican Policy Committee which I have the honor to chair. The Carter plan will create a massive "white market" for ration coupons. The DOE estimates the coupons alone could trade for $1.20 a gallon. Wealthy people will be able to afford to buy coupons and to buy junker cars so they can get more gas while the poor—and particularly people in rural areas who must drive longer distances will suffer most.

This latest Carter scheme—which DOE says will cost $2 billion to administer in the first year should be resoundingly defeated.

BAN ON SACCHARIN SHOULD BE APPROACHED CAUTIOUSLY

(Mr. MARTIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN. Mr. Speaker, yesterday, in Senate testimony, FDA Commissioner Donald Kennedy reported that the distinguished scientist, Dr. Ernst Wynder of the American Health Foundation, had found statistical evidence that normal use of saccharin causes an increased risk of bladder cancer for men. The timing of that announcement by Dr. Kennedy clearly is related to the May 23 end of the congressional moratorium on banning saccharin.

I want to share with my colleagues that I have since talked with Dr. Wynder, whose earlier studies have shown excessive smoking, excessive use of alcohol and excessive dietary fat to be major cancer factors. It is his view, of which he had advised Dr. Kennedy, that the correlation preliminarily shown between saccharin and cancer was not conclusive. At this point in his analysis, Dr. Wynder believes that the result may be due to other factors, unrelated to saccharin, and wants that conclusion submitted for the tested proving of scientific peer review.

In the light of this scientific reservation by so eminent a scientist regarding the meaning and interpretation of his own very careful work, the Congress should have equal reservations about the premature opinion of Dr. Kennedy, who seems overly anxious to secure a ban on saccharin before he leaves office.

□ 1110

PERMISSION FOR SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT TODAY DURING 5-MINUTE RULE

Mr. ASHLEY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs may be permitted to sit today during proceedings under the 5-minute rule on House Concurrent Resolution 107.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MISLEADING CIRCULAR INFORMATION DETRIMENTAL TO REASONED DEBATE OVER BUDGETARY PRIORITIES

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, during the vote on the Holt-Regula substitute budget opponents were standing at the doors of the House Chamber passing out a highly misleading circular concerning what our substitute would do.

Item 1 of the circular states that the substitute would "cut $2.3 billion to eliminate revenue sharing payments or cut undesignated categorical grant programs such as: Federal highway programs, airport programs, school assistance programs" and seven other programs.

This is sheer scare tactics. In fact the committee resolution cuts out $2.3 billion which specifically eliminates State revenue sharing.

In the spirit of the Budget Act, and in view of the ongoing philosophical debate concerning the relative merits of categorical against noncategorical grants, we simply leave the decision up to the Appropriations Committee.

All of the other statements in the circular are in the realm of pure speculation. To wit:

> The amendment *could eliminate* increases for programs for the elderly . . . The amendment *could* deny compensatory reading and math programs . . . The amendment *could* require Headstart enrollment to be cut . . .

And so on.

Let me state again that the Holt-Regula substitute proposed only the most modest of cuts in outlays relative to the committee resolution which was distributed in a reasonable way among the functional categories. In the case of the important defense and income security functions we are above the amounts recommended by the President. In the case of the health function we are $800 million above the committee. In no case did we recommend cuts in specific programs. These decisions are properly left up to the authorizing and appropriations committees. Circulars of the sort handed out by our opponents are detrimental to a reasoned debate over budgetary priorities.

THE HIDDEN FEAR OF IRAN BECOMES A TRAGIC REALITY

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the condemnable killing in Tehran yesterday of Jewish industrialist Habib Elghanian raises the hidden spectre of fear for Jews in Iran to new levels. The world community has watched with increasing horror as the executions ordered by the new rulers of Iran have reached into the hundreds. They have established the short rule of Ayatollah as one of the most barbaric of the 20th century.

Yet, yesterday's killing was especially troublesome and in the words of this morning's Washington Post "sent chills through Iran's 80,000-member Jewish community." Have the Jews found still another nation where they will endure persecution? Can they find no peace anywhere in the world?

The fact is that yesterday's murder may only be the tip of a tragic iceberg. Reports have been received that other Jews, including one Member of Parliament during the rule of the Shah may be imprisoned. Further, the alleged main crime for which Elghanian was executed—namely his large financial contributions to Israel may become a capital offense in Iran which could induce still more executions.

The world community cannot remain silent and permit another holocaust to be established in Iran or anywhere. The Jews as a people have suffered enough.

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the House will soon vote on a measure with profound implications for the energy and environmental future of our Nation. I am referring to H.R. 39, the Alaska National Interest Lands Conservation Act.

As a Member of Congress representing a densely populated urban area, I feel a deep concern for both conservation of vanishing natural beauty and development of much-needed energy resources. It seems to me that the bill adopted by the House last year served both these aims quite well. I was disappointed by the Senate's failure to pass that legislation.

This year, we again face an historic choice. Are we to insure protection of our last wilderness area while permitting extraction of fossil fuels, or are we to endorse heedless exploitation of Alaskan lands through unnecessarily vast development projects?

I believe that the substitute being offered by Congressmen UDALL and ANDERSON strikes the best balance between preservation and exploitation of natural resources. This substitute comes much closer in my view to embodying the original intentions of last year's Alaska lands legislation than either the Huckaby or Dingell-Breaux substitutes.

Many groups and respected individuals throughout our Nation have expressed support for the Udall-Anderson measure. I want to add my voice to theirs today as we begin debate on one of the most important pieces of legislation facing this Congress.

I would urge all my colleagues, particularly those from urban areas, to support the substitute best suited to our needs: The Udall-Anderson proposal.

□ 1115

IRS ANNOUNCED THAT VOLUNTARY CHECKOFF FOR PRESIDENTIAL CAMPAIGNS IS DOWN 15 PERCENT

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, yesterday the IRS announced that the voluntary checkoff for Presidential campaigns was down 15 percent this year from last year.

The American people are fed up with interference in their lives and unnecessary expenditures of their money.

This means the proceeds are down by nearly $4 million, and it also means that only about 25 percent of American taxpayers checked off.

The bottom line is that 75 percent of taxpayers have voted a resounding "no" this year to taxpayer financing of elections.

But, would you not know it, some of our out-of-step Members in this body want to extend that rejected principle to their own reelections. It is getting deeper every day in the trough, Mr. Speaker.

FLIER MISREPRESENTED REPUBLICAN SUBSTITUTE TO BUDGET RESOLUTION

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, during the course of the vote on the Republican substitute to the budget resolution on yesterday, a flier was handed out at the door which totally misrepresented the Republican substitute. In contrast to what the flier stated, the Republican budget substitute did not deny 560,000 persons benefits under title XX of the Social Security Act. Nor did the substitute reduce benefits to widows, orphans, and the elderly as the flier implied. In fact, the Republican substitute was substantially above the figure for income security recommended by the President.

An indication that the authors of the flier were grasping at straws was the fact that every descriptive statement started with the word "could," not "would." As a matter of fact, we made no recommendations with respect to specific programs. In the spirit of the Budget Act, we suggested targets for each of the broad functional categories while leaving it totally up to the Appropriations Committees to allocate the funds among the various programs. Statements of this type serve no useful purpose other than to confuse a few of our colleagues.

FIRST ANNUAL REPORT ON DEPARTMENT OF ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Interior and Insular Affairs, the Committee on Interstate and Foreign Commerce, and the Committee on Science and Technology:

To the Congress of the United States:

I am pleased to transmit the first Annual Report to Congress on the activities of the Department of Energy. The Report describes the range of activities and programs of the Department of Energy and the objectives they are designed to achieve. The second National Energy Plan, which I have transmitted separately to the Congress, supplements the Annual Report to meet the statutory requirements of Section 657 of the Department of Energy Organization Act (Public Law 95-91).

JIMMY CARTER.

THE WHITE HOUSE, *May 10, 1979.*

FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1980

Mr. GIAIMO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 107) setting forth the congressional budget for the U.S. Government for the fiscal year 1980 and revising the congressional budget for the U.S. Government for the fiscal year 1979.

The SPEAKER. The question is on the motion offered by the gentleman from Connecticut (Mr. GIAIMO).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 107) with Mr. NATCHER in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 9, 1979, the concurrent resolution was considered as having been read and open to amendment at any point.

Are there amendments at this time?

□ 1120

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MITCHELL OF MARYLAND

Mr. MITCHELL of Maryland. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MITCHELL of Maryland: Strike out all after the resolving clause and insert:

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby determines and declares, pursuant to section 310(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979—

(1) the recommended level of Federal revenues is $511,800,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is zero;

(2) the appropriate level of total new budget authority is $610,624,000,000;

(3) the appropriate level of total budget outlays is $534,241,000,000;

(4) the amount of the deficit in the budget which is appropriated in the light of economic conditions and all other relevant factors is $22,441,000,000; and

(5) the appropriate level of the public debt is $886,800,000,000, and the amount by which the statutory limit on such debt should accordingly be increased is $56,800,000,000.

SEC. 2. The Congress recognizes that the activities of off-budget Federal entities are excluded from the budget by law. The Congress recommends that a way be found to relate accurately the estimates of off-budget Federal entities and capital expenditures to the unified budget.

SEC. 3. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the first section of this resolution, the Congress hereby determines and declares pursuant to section 310 (a)(2) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1979, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):

(A) New budget authority, $135,263,000,000;

(B) Outlays, $123,975,000,000.

(2) International Affairs (150):

(A) New budget authority, $12,932,000,000;

(B) Outlays, $8,223,000,000.

(3) General Science, Space, and Technology (250):

(A) New budget authority, $5,622,000,000;

(B) Outlays, $5,475,000,000.

(4) Energy (270):

(A) New budget authority, $20,638,000,000;

(B) Outlays, $8,030,000,000.

(5) Natural Resources and Environment (300):

(A) New budget authority, $12,781,000,000;

(B) Outlays, $11,820,000,000.

(6) Agriculture (350):

(A) New budget authority, $4,929,000,000;

(B) Outlays, $5,350,000,000.

(7) Commerce and Housing Credit (370):

(A) New budget authority, $7,560,000,000;

(B) Outlays, $3,195,000,000.

(8) Transportation (400):

(A) New budget authority, $19,708,000,000;

(B) Outlays, $18,184,000,000.

(9) Community and Regional Development (450):

(A) New budget authority, $8,524,000,000;

(B) Outlays, $7,535,000,000.

(10) Education, Training, Employment and Social Services (500):

(A) New budget authority, $32,840,000,000;

(B) Outlays, $31,855,000,000.

(11) Health (550):

(A) New budget authority, $58,307,000,000;

(B) Outlays, $54,012,000,000.

(12) Income Security (600):

(A) New budget authority, $217,702,000,000;

(B) Outlays, $183,325,000,000.

(13) Veterans Benefits and Services (700):

(A) New budget authority, $21,200,000,000;

(B) Outlays, $20,700,000,000.

(14) Administration of Justice (750):

(A) New budget authority, $4,306,000,000;

(B) Outlays, $4,433,000,000.

(15) General Government (800):

(A) New budget authority, $4,424,000,000;

(B) Outlays, $4,331,000,000.

(16) General Purpose Fiscal Assistance (850):

(A) New budget authority, $6,824,000,000;

(B) Outlays, $6,814,000,000.

(17) Interest (900):

(A) New budget authority, $56,000,000,000;

(B) Outlays, $56,000,000,000.

(18) Allowances (920):

(A) New budget authority, $854,000,000;

(B) Outlays, $831,000,000.

(19) Undistributed Offsetting Receipts (950):

(A) New budget authority, −$19,800,000,000;

(B) Outlays, −$19,800,000,000.

SEC. 6. Pursuant to section 304 of the Congressional Budget Act of 1974, the appropriate allocations for fiscal year 1979 made by H. Con. Res. 683 are revised as follows:

(a)—

(1) the recommended level of Federal revenues is $459,485,000,000, and the House Committee on Ways and Means shall submit to the House of Representatives legislation to increase Federal revenues by approximately $1,000,000,000; and

(2) the appropriate level of total new budget authority is $555,659,000,000;

(3) the appropriate level of total budget outlays is $492,820,000,000;

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $33,335,000,000; and

(5) the appropriate level of the public debt is $829,000,000,000, and the amount by which the statutory limit on such debt should accordingly be increased is zero.

Mr. MITCHELL of Maryland (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MITCHELL of Maryland. Mr. Chairman, we have been laboring for a long period of time on a very important budget resolution. I am quite sympathetic with the problems that the chairman of the Committee on the Budget, the gentleman from Connecticut (Mr. GIAIMO), has faced.

As I see it, we are coming down to a time when we must make an analysis of what people want, what the needs are, and how we can deal with both of those in this climate of conservatism.

It is my impression that the public does want the deficit reduced. It is also my impression based upon Louis Harris polls that the public wants to continue those worthwhile, important human resources programs. Though they want a balanced budget, they still insist these programs that are important be preserved and in some instances expanded, according to the Harris poll.

My amendment seeks to deal with this kind of climate in which we find ourselves attempting to reduce the deficit and, at the same time, meet the human needs that are growing greater in this country because of the difficult economic circumstances we face.

Mr. Chairman, my amendment will, among other things require the House Ways and Means Committee to generate $1 billion in additional revenues for fiscal year 1979 and $4 billion for fiscal year 1980. This reconciliation process is provided for in the Budget Act and has been used before. We used this process in connection with the 1976 budget resolution.

Reductions achieved through tax expenditures would raise the outlavs target for fiscal year 1980 by $1.5 billion and the budget authority target by $2.2 billion to accommodate human needs programs. By this process we can reduce the deficit for 1980 by $2.5 billion.

Although I—we cannot mandate to the House Ways and Means Committee the specific areas we can point to any number of areas which generate these additional revenues. For example, if we look at expensing of research and development costs; used largely by large manufacturers, we learn that only about 10 percent of this expensing is actual basic research and 90 percent is product development. In effect we subsidize the new product lines of major manufacturers and we should not so do. Another example of potential revenue generation is to close the loophole found in bad debt deductions of financial institutions in excess of actual losses.

In general, businesses are permitted to deduct as a current operating expense a reasonable allowance for bad debts. The allowance usually is based on the experience of prior years. However, the special formulae used by financial institutions to compute bad debt reserves permit deductions in excess of actual experience. Only after 1987 will commercial banks be limited in their loss reserve deductions to actual recent loss experience. The effect is an artificial reduction in the tax rate for thrift institutions.

There are many other potential sources for increasing revenues—not by increasing taxes necessarily but by closing up tax loopholes.

I do not mean to suggest that additional tax increases for certain segments of our economy should not be utilized. When we look at the profits of 51 of the largest corporations for 1978 and 1979 it is appalling to see enormous profits with minimal or no tax paid on them.

Exxon, a 40.4-percent profit, increase in the first quarter of 1979 as compared with the first quarter of 1978. Mobil, an 81.3-percent proft increase. Continental Oil, profits up 343.3 percent. Occidental Petroleum, profits up 144 percent.

The increases proposed under this human needs amendment will cover eight categories: Function 270, the public housing retrofit and GNMA energy and solar loans; 450, the economic development assistance programs; function 500, Head Start and title I—Elementary and Secondary Education Act; function 550, discretionary health programs; function 600, public housing—operating subsidies and troubled projects, the emergency fuel program; function 700, veterans; and function 850, the targeted fiscal assistance and standby countercyclical assistance.

☐ 1125

The CHAIRMAN. The time of the gentleman from Maryland (Mr. MITCHELL) has expired.

Mr. MITCHELL of Maryland. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. GIAIMO. Mr. Chairman, reserving the right to object, as the gentleman knows, I announced yesterday that in order to expedite this matter and to complete this, I was going to insist on the 5-minute rule and time limitation.

I would ask that the gentleman not make the request and I will try to get my time and yield it to the gentleman right now.

Mr. MITCHELL of Maryland. Mr. Chairman, if I may, I would like to suggest to the gentleman that he gave this privilege to the makers of the Holt-Regula amendment, saying that since they were offering a major substitute, in that one case they could get additional time.

Mr. GIAIMO. Let me do this. Let me object and then get recognition.

Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. GIAIMO. Mr. Chairman, I rise in opposition to the amendment.

I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I thank the gentleman for his courtesy.

Is there a need? Do these programs work? Do they serve all of the American society? The answer is "yes" in all three instances. Let us look at function 270.

GNMA loans to low- and moderate-income families for energy-conserving improvements.

Public housing retrofit programs.

The focus of this increase is to provide additional resources for the weatherization and related residential energy conservation programs to low- and moderate-income people.

The latest population data estimate more than 14 million households with incomes below 125 percent of the poverty level. Estimates also indicate that approximately 11 million of these units need weatherization. This identifies a situation of lost energy resources and subsequent increases in the balance of payments due to a lack of funds for energy conservation. Under the program GNMA may purchase a loan or advance credit of up to $2,500 for the purpose of purchasing and installing energy conserving improvements in one- to four-family dwelling units owned by such families.

Residential tax expenditures for energy conservation amount to $715 million in fiscal year 1979 and clearly serve as an incentive to the upper-income segment. This energy conservation program is to provide accessibility to those who otherwise could not afford to conserve energy and assist in our long-term plan of energy independence.

HUD currently manages 1.2 million public housing units in need of the same type of weatherization. Because of a lack of weatherization, to include insulation, caulking, and storm windows, operating cost of public housing units have increased by more than 22 percent annually. This effort should be used to conserve energy and curtail rising operating cost.

By way of illustration, examine with me the justifications for increases in function 550, the health discretionary programs.

The Budget Committee did not adequately address the health needs of America. With 765,000 new cases of cancer reported annually and cancer—being the primary mode for death in America; with heart disease and stroke accounting for 3,400 heart attacks and 1,600 strokes on a daily basis and holding the No. 2 and 3 positions for incidence of death in America; and with 650,000 new cases of diabetes reported annually to complement the 10 million Americans currently victims of the disease we should be prepared to allocate extensive resources to address the health ills of our country.

These astounding figures point to the need for more health services and medical research as prevention against the perils of disease. The economics point to $39.3 billion in direct costs associated with heart disease, respiratory disease and cancer. The economics also point to the fact that adequate health care is an investment in our society.

For example, State health officials view hypertension grants as the first preventive program launched against a major chronic disease which keeps people out of hospitals, therefore, significantly reducing the costs of caring for individuals suffering from circulatory diseases. Similarly, community health centers have emphasized greater efficiency in their operations in recent years so that in 1978 a 16-percent reduction in the analyzed total cost per person was achieved. A third example of increased efficiency and greater effectiveness may be found in the migrant health program where during 1977, in the face of inflation, there was an actual reduction in the average cost of persons served from $98 in 1976 to $94 in 1977. These examples of efficiency and effectiveness show consideration that larger investments in programs, such as these highly targeted activities, could bring even greater dividends.

Does this human needs amendment have widespread support? It most assuredly does:

It is supported by the AFL–CIO, UAW, Meatcutters Union, United Steelworkers, International Association of Machinists and Aerospace Workers, American Federation of Teachers, U.S. Conference of Mayors, Urban League, Congressional Black Caucus, ADA, National Low Income Housing Coalition, National Council of Senior Citizens, National Urban Coalition, League of Women Voters, NOW, National Women's Political Caucus, National Council of Churches, and National Association of Social Workers. All of these groups oppose any amendments which would further cut human needs programs.

I urge the adoption of the substitute.

☐ 1130

Mrs. CHISHOLM. Mr. Chairman, I move to strike the last word, and I rise in support of this amendment in the nature of a substitute.

Mr. Chairman, I think that in view of the economic and/or financial conditions that we have in this country, we have to be very, very sure that we pay attention to the human resources which are calling out in different ways at different levels for some type of assistance from our Federal Government.

Title I of the Education Act would benefit from this amendment. We know that here is an increased awareness of the relationship of educational opportunity and quality to future employment capabilities in this Nation, and in view of the skyrocketing unemployment of minorities, we cannot afford to cut back on any type of educational aid at this particular juncture to the disadvantaged.

Inflation, the diminution of taxable properties, the unpopularity of bond initiatives, and declining student enrollment threaten financial ruin to many of the large urban and rural school districts in this Nation.

We know that Head Start is the only program providing comprehensive family services for the economically disadvantaged preschool children. This program has benefited millions of needy children over the past 14 years, and it is an undeniable success. President Carter has said that Head Start "is truly a major national force in improving the lives of poor children and their families."

However, as huge a success as this program has been, it now serves only about 20 percent of the 2 million needy children eligible.

The last point I really want to make to the Members is on the entire question of public housing. With the passage of the 1949 National Housing Act, the Federal Government articulated its first national housing goal: "A decent home and suitable living environment for every American family."

Thirty years later it is so apparent that this goal has never really been properly addressed. An estimated 14 million American families live in substandard housing or in homes costing excessive amounts relative to their income.

The current revitalization process occuring in many American cities appears to be having a distinctly negative impact on lower-income families. They are not reaping the benefits of this renaissance in urban areas. Instead, they continue to suffer, from the rising costs of housing and Federal programs that encourage displacement of low-income families. Adequate funding for Federal housing programs for these families must be realized if this Nation is to firmly commit itself to the goal of decent, affordable housing for every American family.

Mr. Chairman, I think, as the gentleman from Maryland (Mr. Mitchell) has stated so eloquently, that the time has come in our Nation to really begin to have a very serious reassessment of the priorities in this Nation because, after all, for approximately 17 years the people in this country have waited to see that their tax dollars would be returned in a way that would redound to their benefit. Yet at this particular moment, in terms of what this Nation is going through, we are cutting back in so many areas where the people really need assistance from the Federal Government.

So, Mr. Chairman, I would hope that we would support the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. Mitchell).

□ 1135

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the human needs amendment offered by the gentleman from Maryland (Mr. Mitchell). I want to congratulate the gentleman for providing the House an opportunity to both debate and vote upon this important amendment. Mr. Chairman, this amendment gives us the opportunity to do precisely what the Budget Act called for, that is, to address key tax issues and to establish national priorities. Mr. Chairman, I serve on the Budget Committee, and I participated in the markup of the budget resolution; but I do not feel that the budget resolution as presently constituted is reflective of a nation which is concerned with human needs. The Mitchell amendment would provide us with an opportunity to show this Nation that we have prioritized our budget in terms of reality. For instance, I am concerned about the fact that the budget resolution fails to provide any funds for a standby final assistance program in the event that the rosy economic unemployment rate assumptions upon which the committee acted are wrong. Our committee has assumed a rate of unemployment of 6.4 percent for 1979 and 6.2 percent for 1980: The economic assumptions of CBO and the Joint Economic Council are not so rosy. Each predicts an economy with a rate of 6.7 percent unemployment and the possibility of a recession at the end of fiscal years 1979 and 1980. In the event of a downturn of this type in the economy the Mitchell amendment will protect our poorly strapped cities to be able to cope with such a turn of events. Mr. Chairman, the Mitchell amendment addresses a variety of other areas which are inadequately addressed in this first budget resolution. Areas of concern such as public housing, economic development, education, health programs, and this Nation's veterans. Mr. Chairman, I would remind my colleagues that 1979 is the International Year of the Child, the Mitchell amendment would be beneficial to two programs which vitally affect our most precious resource—our children.

Head Start and title I of this amendment provides an additional $154 million in budget authority for Head Start; and an additional $233 million for budget authority for the basic grants portion of title I of the Elementary and Secondary Education Act.

Mr. Chairman, there are no two other Federal programs more deserving of additional funding than Head Start and title I.

Head Start is a comprehensive preschool program that includes medical, nutritional, and social services for recipient children, largely from low-income families. Ten percent of the enrollment slots are made available to handicapped children.

It is now a well-established fact that well-planned day care and preschool programs can have a substantial positive effect on the development and experiences of children from low-income families.

This amendment would provide an opportunity for more than 17,000 more children to participate in the program in fiscal year 1980. Head Start currently serves only about 20 percent of those eligible. Thus, there are 1.5 million poor children between the ages of 3 and 5 who are being denied the opportunity to function at their highest potential later on in life. This needs to be a priority. Mr. Chairman, I would also like to say a few words about title I. Title I of the Elementary and Secondary Education Act provides financial assistance to State and local educationally deprived children in low-income areas. Ninety percent of the school districts in the country participate in title I and more than 7 million children receive title I services. The accomplishments of title I have been thoroughly documented.

Mr. Chairman, the House Budget Committee recommendation to fund the concentration grant component of title I also is a first step toward addressing the very pressing needs of school districts with high concentrations of disadvantaged students. Much, much more, however, remains to be accomplished in order to meet the needs of students who are now left out in the cold.

Mr. Chairman, approximately $233 million is required in fiscal year 1980 to maintain the funding to local school districts at the current level. The House Budget Committee recommended funding at $3,078 billion for basic grants, and $400 million for concentration grants. This does not adequately provide for much needed increases to meet a maintenance of effort in all eligible districts. Maintenance of local programs at the previous year's level will require $215 million to meet inflation and $16.5 million to replace the one-half of 1 percent being taken off the top to pay for the State administration costs as specified in the legislation. The additional $233 million will not expand the services to children but it will avoid cutting children out of this year's program.

In closing, let me say that the record is clear with respect to both Head Start and title I. Both programs have matured into effective programs, providing services to the very persons whom the Congress intended the program to benefit. The costs of these programs are small when one considers the long-term benefits that are derived by our entire Nation.

In this International Year of the Child, let us not be pennywise and pound-foolish. In this International Year of the Child, let us not let our children's future development be compromised under the guise of fiscal restraint.

Mr. Chairman, I intend to support the Mitchell human needs amendment and I appreciate the opportunity he has given his colleagues to reprioritize our Nation's priorities.

□ 1140

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Mitchell amendment, because it breaks new ground. For the first time, Congress is being confronted with the issue of reordering this Nation's tax expenditure priorities to bring truth to this country's often-stated lipservice to providing for the welfare of the disadvantaged.

The money that is generated by this amendment is critically needed at a time when the average family must pay 80 percent of its income just to provide for the necessities of food, shelter, energy, and medical care; and in light of the President's increase in the defense budget, I say the budget resolution, as of right now, is a dreadful sham.

It is time for Members of Congress and private citizens to join forces in demanding that the poor and disadvantaged continue to receive human needs assistance in the form of safe and decent housing, jobs, nutrition services, stronger social security benefits, and other programs that affect the basic necessities of life.

I ask all the Members assembled here today, can we go back to our districts and tell our constituents that we decided that food, housing, and jobs are privileges reserved for the elite?

We talk about fiscal conservatism. How much does it cost to deny hope to millions of people who are looking for a hand to pull themselves up the ladder of self-sufficiency. It is impossible to measure the cost to this country of the destruction of the morale of human beings and subsequently of our culture itself.

I urge the Members to consider the severe and serious impact that the housing cuts contained in this budget will have on low-income people. In my mind, the people who live in urban slums and devastated rural areas do not do so because they have any other options. There simply are no options.

We talk about fighting inflation by balancing the budget. The fiscal year 1980 budget we are considering today imposes the burden of our fight against inflation on these people: the poor, the elderly, the unemployed, and the youth of our Nation.

Now I am supportive of the goal of reducing the budget and hopefully of reducing inflation, but I can not and will not support increasing human suffering. In fact, I believe that inflation is more effectively countered through targeted efforts to reduce price increases in food, energy, health and housing costs. It is also my belief that budget cuts should be much more equitable, imposed in an equitable manner across the board for the full range of our Federal programs. Increased tax advantages for the wealthy do not show up in the budget as expenditures; however, by denying the Federal Government billions of dollars of tax revenues each year, there is less money available for the social programs about which I am extremely concerned.

The cruel irony here is that the very people who prosper under this tax write-off system are held up to the poor as being paragons of economic self-sufficiency. The human needs amendment would insure that the tax advantages of the wealthy receive the same scrutiny as the social programs of the poor. It is time for equality for all.

At this moment I am reminded of the inscription on the Statue of Liberty, which was a gift in admiration from France to this country in recognition of our battle-tested principles of equality for all.

It says:

> Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these the homeless, tempest-tossed to me, I lift my lamp beside the golden door.

I propose that if you espouse the humanitarian goals preserved in this inscription—for which black and white alike have shed their blood—the Mitchell human needs substitute must be our compelling choice.

If we begin a tradition here today of, "Each man for himself and damn the hindmost," we will not be living up to America's ideals. As House Concurrent Resolution 107 now stands, it is shortsighted and permits us, in the name of budget austerity, to turn our backs on that ideal. Let us extend to all Americans the helping hand and vote in favor of the Mitchell substitute.

Mr. GIAIMO. Mr. Chairman, I wonder if I could get some indication of how many people wish to speak on this amendment. I would like to limit time here. I do not want to cut any Members off, but we do have to move expeditiously. How many are there, I wonder.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. WEISS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. WEISS. Mr. Chairman I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I, at the outset, want to commend our distinguished colleague from Maryland (Mr. MITCHELL) for offering this amendment and having the persistence in the face of apathy, and perhaps even hostility, to continue to express his commitment and his concern for the real needs of the people of this country.

Mr. Chairman, I would like to comment upon the specific budget authorization suggested for economic development in the gentleman's (Mr. MITCHELL) amendment.

The $231 million in proposed authorizations and $187 million in actual outlays would be most useful in implementing an effective defense economic adjustment program. Such a program would, in turn, bolster our economy and generate needed revenues for the Federal Treasury.

I am sponsoring legislation cosponsored by some 30 of our colleagues to create a rational procedure whereby phased-out defense facilities can be converted to civilian production. My bill would also enable workers laid off as a result of contract terminations and base closings to be trained for new and rewarding jobs which the legislation would help generate.

I would like to describe briefly how this adjustment mechanism would work and to explain why it is so vital to our economy.

My colleagues will recall the March 29 Pentagon statement announcing the closing of several military bases across the country. More than 13,000 jobs will be affected by this action, and its adverse economic impact will be felt by many local communities.

It is important to note that the March 29 announcement was by no means a unique or isolated decision.

The Department of Defense has shut down 66 bases during the past 8 years. It has terminated 11,376 contracts during the same period—an average of 1,422 a year. Thousands of workers have lost their jobs as a result of these actions, and hundreds of localities in every region of the country have suffered serious economic losses.

Nearly 1 million people are presently employed in manufacturing goods for Pentagon consumption. Another 4.6 million workers in our country are employed in defense-related industries. Each of these individuals is potentially vulnerable to sudden termination of his or her employment. Every community in which they live and work could experience a sharp economic downturn.

There is at present no effective Federal response to these regular adjustments in Pentagon programs and budgeting.

Even if this Congress ultimately approves an enormous increase in Pentagon spending for fiscal 1980, there will still be a series of specific modifications and shifting emphases in the coming year. The statistics over the recent years confirm the need for rational contingency planning. Facilities are going to be shut down. Workers will lose their jobs. Communities will suffer economic disruptions.

And if this Congress should eventually decide to limit the proposed increase in Pentagon outlays to a more justifiable level, there will be an even greater need for adjustment legislation of the sort I am proposing. In future years, as meaningful arms limitation agreements hopefully take hold, we may be faced with an urgent need for this kind of program. Since sound adjustment planning must be thoughtfully developed well in advance of the actual event, conversion legislation is needed now. We must begin to create the framework that will prove so valuable to us in coming years.

The legislation I am offering would create a Defense Economic Adjustment Council in the Executive Office of the President, with members to include the Cabinet officers, heads of other Federal agencies and representatives of management and labor. The Council would engage in broad, long-term planning to be coordinated with local alternative use committees.

These committees would be charged with developing specific conversion plans at the local level. The legislation requires that the plans developed by the committees should make the most efficient possible use of facilities, equipment, and personnel affected by budgetary modifications.

The bill also creates an economic adjustment fund, to be financed through a 1.25-percent payment by defense contractors based on their gross annual revenues. This fund would then be used to maintain the salaries of laid-off workers and to retrain them for new civilian-oriented employment. Finally, the legislation provides economic adjustment planning aid to local communities affected by base closings and contract terminations.

Mr. Chairman, we could begin to move toward this essential conversion process through adoption of the human needs amendment before us today. It could provide the seed money for the program I have been describing. This is but one possible way in which the human needs amendment would benefit our constituents and strengthen our private economy. Again, Mr. Chairman, I urge my colleagues to support Mr. MITCHELL's proposal.

□ 1150

Mr. BAUMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, my distinguished colleague, the gentleman from Maryland (Mr. MITCHELL) has offered an amendment which is consistent in its purpose with past amendments of this nature that he has introduced on other budget bills. It has a significant difference also. Certainly his viewpoint is a legitimate one, attested to by the fact that so many Members have spoken in favor of it.

In the past the gentleman has suggested that in the budget consideration we transfer funds from the Department of Defense or other programs which he feels a need to curtail, and transfer them into other programs that he feels need expansion. That is a legitimate goal of the budget process. But today he presents us with a novel concept, and that is that we should reduce tax expenditures in the amount of $1 billion in fiscal year 1979 and $4 billion in fiscal year 1980.

What is a tax expenditure? A tax expenditure is a rather impressionistic phrase that has been invented to describe all of the tax breaks, loopholes, and exemptions that are granted in our tax laws to individuals and corporations. Most of these are based on some social or political judgment that past Congresses have made. For example in fiscal year 1978 it is estimated that individual taxpayers did not have to pay about $93 billion in taxes because of credits, deductions, or exemptions which benefit them. That is, what our liberal friends call a tax expenditure. Similarly, corporations received roughly $32 billion in these same kinds of exclusions from taxation. The total for 1978 was probably $125 billion that the Government could receive if we did away with all of these tax expenditures. Then some would suggest we increase the budget for many programs that they consider worthwhile. This has been suggested by some economists as a way to make the tax system much more simple and easier to handle, and there might be some merit to that.

But I should like to apply the James Wright rule of interpretation to the gentleman's amendment. Yesterday the majority leader in his own inimitable style took on the Holt amendment and proceeded to explain from his viewpoint what programs would be hurt if the Holt amendment passed, what cuts would have to occur.

One man's loophole is another man's benefit. Now in that category of $90-plus billion in "tax expenditures" helping individuals, we have, for instance, excluded from taxation scholarships and fellowships for higher education under the GI bill, programs such as tax credits for employers who employ people who are on aid to families and dependent children, those employers who provide jobs under the work incentive program. We have tax credits to business that provide architectural changes to barriers to the handicapped and the elderly. We have income security, which is perhaps the biggest area of so-called tax expenditures, $9 billion or $10 billion. And, of course, that means that social security and certain welfare benefits are exempted from income taxation, as they should be, and many other programs.

I would refer the Members, for instance, to just a partial list of the type of so-called tax expenditures that make up much of our loss in taxes: Social security benefits, disability, old age and survivor's insurance, benefits for dependents and survivors, railroad retirement benefits, others who suffer, for instance, from black lung disease, and I could go on at great length. Does the gentleman want to tax all these?

The only point I am making is that in our budget process we have no control over where these tax expenditures would be reduced. The gentleman says, take it out of corporate taxes and incentives, and so on, because they are loopholes. But all we say when we pass amendments like this is that the Committee on Ways and Means should take some action. No one knows whose ox is going to be gored under this procedure.

I would suggest that the gentleman's amendment, at a time when taxes ought to be reduced, is misplaced, but if the speeches of the gentleman from Texas (Mr. WRIGHT) meant anything yesterday, the points I am suggesting today are just as valid. The poor, the widows, the elderly could suffer if both Houses of Congress decided to change these tax benefits in a manner that would hurt them. I do not think they should, but I also do not think this amendment is a proper way to pursue this; I urge its defeat.

□ 1155

Mr. KEMP. Mr. Chairman, will the gentleman from Maryland yield to me?

Mr. BAUMAN. I yield to the gentleman from New York.

Mr. KEMP. I appreciate my friend yielding, Mr. Chairman.

I think the gentleman is saying something which is extremely important.

First, the term "tax expenditure" is predicated on the idea that all income of the American people, individuals and businesses, large and small, belongs to the U.S. Government. And anything that is left in the hands of taxpayers is considered a "tax expenditure."

In that regard, the deduction for interest on a mortgage is considered a "tax expenditure." It is unfortunate that this term is being used more and more. It is unfortunate, indeed, that there are so many gimmicks in our tax code.

It would suggest one way to erode their importance is to lower all tax rates right across the board thereby reducing the need for all these devices.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

AMENDMENT OFFERED BY MR. HARKIN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MITCHELL OF MARYLAND

Mr. HARKIN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HARKIN, to the amendment in the nature of a substitute offered by Mr. MITCHELL of Maryland. In the matter relating to the appropriate level of total new budget authority increase the amount by $135,000,000;

In the matter relating to the appropriate level of total budget outlays increase the amount by $6,000,000;

In the matter relating to the amount of deficit increase the amount by $6,000,000;

In the matter relating to the appropriate level of public debt increase the amount by $6,000,000;

In the matter relating to the amount by which the statutory limit on the public debt should accordingly be increased, increase the amount by $6,000,000;

In the matter relating to Community and Regional Development (450) increase the amount for budget authority by $135,000,000 and increase the amount for outlays by $6,000,000.

Mr. HARKIN. What this amendment to the Mitchell substitute does is to add $135 million in budget authority and $6 million in outlays to the community and regional development function for the purpose of increasing funds for the rural water and waste disposal grant program of the Farmers' Home Administration.

This would bring the fiscal year 1980 budget total to $400 million and outlays to $276 million.

It seems to me in the discussion surrounding the Mitchell substitute we hear about the needs of urban dwellers.

I have no doubt there are great unmet needs of urban dwellers. But the Mitchell amendment speaks beyond urban dwellers.

I can say when I visited things like title I programs, Head Start programs, public housing in my rural area, they are every bit as meaningful in the rural areas as they are in the urban areas.

The emergency fuel program. How much that has meant to the elderly people who live in the State of Iowa to help them meet the increased fuel bills of this last winter which was one of the most harsh we have ever had in our State.

I support the Mitchell amendment because it goes beyond just urban dwellers.

It addresses the unmet human needs of all of our people in this country, both urban and rural.

There is I believe one area that the Mitchell amendment does not address. That has to do with what I consider to be one of the most basic of human needs, probably next to food, shelter and clothing: Clean water and sewage treatment.

In many areas of rural America we still have dirty water. We have open-sewage disposals and ditches. For example, in my own hometown where I was born and raised, a town of about 200 people, when we tested all the wells in that town just over a year and a half ago not one well tested fit for human consumption.

In my hometown we are still dumping raw sewage in the ditches along the railroad tracks.

The Farmers Home Administration now has pending 1,820 grant applications totaling $771 million just for this one program of rural clean water and waste disposal systems.

Mr. MITCHELL of Maryland. Will the gentleman yield for a moment, Mr. Chairman?

Mr. HARKIN. I will be glad to yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. I am delighted the gentleman is offering his amendment. I am pleased. I hope the amendment will pass. I would want to see it incorporated in the human needs amendment because he does address a very, very specific need in terms of our rural constituents. I thank the gentleman for his comments.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield to me?

Mr. HARKIN. I will be happy to yield to the gentleman from Connecticut.

Mr. GIAIMO. Do I understand the gentleman is adding $135 million for rural water and waste disposal grants?

Mr. HARKIN. That is correct.

Mr. GIAIMO. Mr. Chairman, is the gentleman aware there is $265 million already in the President's recommended budget in our resolution?

Mr. HARKIN. Yes, Mr. Chairman, I am very much aware of that.

Mr. GIAIMO. The gentleman would add $135 million?

Mr. HARKIN. Yes.

Mr. GIAIMO. What is the gentleman's argument regarding the need for an additional $135 million?

□ 1200

Mr. HARKIN. Mr. Chairman, let me give just a little recent history. In 1976 the total amount of money in the program was $146.9 million.

President Nixon impounded a lot of the moneys that were supposed to go for this one program. The courts made him release that money, so in 1977 it jumped to $346 million; but then it got back on track again. In 1978 we had $303 million.

In 1979 we have come down from $303 million to $282 million, and next year we are scheduled to go even lower, to $265 million.

We are not even keeping up with inflation in this program.

I just mentioned that we have 1,820 grant applications, applications that show that this is needed. In other words, these are not just applications that have not been approved. These are ones pending that if we had the money we could build waste water treatment facilities and provide the clean water to these communities, totaling $771 million.

It is a great unmet need in rural America. It is one of the No. 1 priorities of the rural caucus in this House.

I would just mention to my friends in the Chamber and also in their offices if they are watching this on closed circuit television, this is one of the No. 1 priorities of the rural caucus, to make sure that we get money in this grant program. No. 1, because it goes to the neediest of all communities, those communities with a high incidence of elderly people, where they cannot afford to build the treatment systems and to provide the clean water.

It is one of the greatest unmet needs of our rural citizens in this country.

I am pleased that the gentleman from Maryland would accept it as an amendment to his substitute. I hope that it carries and I hope that we can increase this amount of money so that we can meet this need of our rural citizens.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Harkin) to the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. Mitchell).

The question was taken; and the Chairman announced that the ayes appear to have it.

Mr. GIAIMO. Mr. Chairman I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Twenty-seven Members are present, not a quorum.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1210

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Connecticut (Mr. Giaimo) for a recorded vote.

Does the gentleman from Connecticut (Mr. Giaimo) withdraw his demand for a recorded vote?

Mr. GIAIMO. I do, Mr. Chairman.

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. Mitchell), as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MITCHELL of Maryland. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 130, noes 277, not voting 27, as follows:

[Roll No. 137]

AYES—130

Addabbo
Akaka
Anderson, Calif.
Bailey
Barnes
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Biaggi
Bingham
Blanchard
Boner
Bonior
Brodhead
Brown, Calif.
Burton, Phillip
Carr
Cavanaugh
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Daschle
Dellums
Dixon
Dodd
Donnelly
Downey
Drinan
Early
Edgar
Edwards, Calif.
Evans, Ind.
Fary
Fazio
Ferraro
Florio
Ford, Mich.
Ford, Tenn.
Frost
Garcia
Gephardt
Gore
Gray
Guarini
Hall, Ohio
Harkin
Harris
Heckler
Holtzman
Howard
Hughes
Jones, Tenn.
Kastenmeier
Kildee
Kogovsek
Kostmayer
Lederer
Lehman
Leland
Lowry
Lundine
McHugh
McKinney
Madigan
Maguire
Markey
Marks
Matsui
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Mottl
Murphy, Ill.
Murphy, Pa.
Myers, Pa.
Nedzi
Nolan
Nowak
Oakar
Oberstar
Panetta
Patten
Pease
Pepper
Perkins
Peyser
Price
Rahall
Rangel
Ratchford
Reuss
Richmond
Rodino
Roe
Rosenthal
Rostenkowski
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Simon
Solarz
Spellman
St Germain
Stack
Staggers
Stewart
Stokes
Studds
Thompson
Udall
Vanik
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Williams, Mont.
Wolpe
Yates

NOES—277

Albosta
Alexander
Ambro
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Baldus
Barnard
Bauman
Beard, Tenn.
Bereuter
Bethune
Bevill
Boggs
Boland
Bolling
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brooks
Broomfield
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Dornan
Dougherty
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Ertel
Evans, Del.
Evans, Ga.
Fascell
Fenwick
Findley
Fish
Fisher
Flippo
Flood
Foley
Forsythe
Fountain
Fowler
Frenzel
Fuqua
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gradison
Gramm
Grassley
Green
Grisham

Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harsha
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Hubbard
Huckaby
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Kazen
Kelly
Kemp
Kindness
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lee
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, Md.
Lott
Lujan
Luken
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
Marlenee
Marriott
Martin
Mathis
Mattox
Mavroules
Mazzoli
Mica
Michel
Miller, Ohio
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, N.Y.
Murtha
Myers, Ind.
Natcher
Neal
Nelson
Nichols
O'Brien
Pashayan
Paul
Petri
Pickle
Preyer
Pritchard
Pursell
Quayle
Quillen
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Rose
Roth
Rousselot
Royer
Rudd
Runnels
Russo
Santini
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Steed
Stenholm
Stockman
Stratton
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Traxler
Trible
Ullman
Van Deerlin
Vander Jagt
Walker
Wampler
Watkins
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wyatt
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Zablocki
Zeferetti

NOT VOTING—27

Abdnor
Breaux
Brown, Ohio
Burton, John
Coelho
Crane, Philip
Diggs
Dingell
Eckhardt
Erlenborn
Fithian
Gaydos
Hawkins
Horton
Jenkins
Long, La.
McEwen
McKay
Moffett
Obey
Ottinger
Patterson
Roberts
Roybal
Stark
Treen
Young, Mo.

□ 1225

The Clerk announced the following pairs:

On this vote:

Mr. Ottinger for, with Mr. Young of Missouri against.

Mr. Stark for, with Mr. Breaux against.

Mr Diggs for, with Mr. Brown of Ohio against.

Mr. Moffett for, with Mr. Philip M. Crane against.

Mr. FORD of Michigan and Mr. PATTEN changed their vote from "no" to "aye."

Mr. WHITTEN, Mr. ANDREWS of North Carolina, and Mrs. BOGGS changed their vote from "aye" to "no."

So the amendment in the nature of a substitute, as amended, was rejected.

The result of the vote was announced as above recorded.

□ 1230

Mr. PEYSER. Mr. Chairman, because of the time constraints we are working under to complete the budget process at this time, I am withdrawing my amendment aimed at helping handicapped children from the ages of 3 to 5, with the hope and belief that their needs will be recognized at the appropriate time in the Committee on Appropriations.

Mr. GIAIMO. Will the gentleman yield to me, Mr. Chairman?

Mr. PEYSER. Mr. Chairman, I do yield to the gentleman from Connecticut (Mr. Giaimo).

Mr. GIAIMO. I thank the gentleman for yielding. I thank the gentleman for withdrawing his amendment.

Mr. Chairman, there are other amendments here that Members would desire to offer. It is essential we try to finish this budget resolution today by 2 o'clock. If we do not, we are going to have to go over to next week which means the conference will be delayed and final action will be delayed. No spending bills or 1979 supplements will be able to come to the floor. This could create problems within the Executive Branch.

I think the membership of the House has been extremely patient this past week and a half, Mr. Chairman. I think we are familiar with the arguments that have been made and that will be made on amendments.

Mr. Chairman, I intend to ask that all time terminate immediately on this resolution as soon as the gentleman's time is over and that we would then proceed with whatever amendments there are left, but that the time would be terminated.

□ 1235

Mr. PEYSER. Mr. Chairman, I have nothing further at this time, only that in the area of conserving time I join with the chairman in hoping that amendments can be set aside, if possible, that do not have to be brought up at this moment.

Mr. GIAIMO. Mr. Chairman, I move that all debate on the resolution and all amendments thereto end immediately.

The CHAIRMAN. The question is on the motion offered by the gentleman from Connecticut (Mr. Giaimo).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GIAIMO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 208, not voting 29, as follows:

[Roll No. 138]

AYES—197

Addabbo
Akaka
Andrews, N.C.
Annunzio
Anthony
Ashley
Aspin
AuCoin
Bailey
Baldus
Barnard
Bedell
Beilenson
Benjamin
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brodhead
Brooks
Brown, Calif.
Burlison
Burton, Phillip
Butler
Byron
Chappell
Clay
Collins, Ill.
Collins, Tex.
Conte
Conyers
Corman
Cotter
D'Amours
Daniel, R. W.
Danielson
Daschle
Davis, S.C.
Derrick
Dixon
Donnelly
Duncan, Oreg.
Edwards, Ala.
English
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Flood
Florio
Ford, Mich.
Fowler
Frost
Fuqua
Garcia
Gephardt
Giaimo
Gibbons
Ginn
Gonzalez
Gray
Gudger
Hall, Ohio
Hance
Harris
Harsha
Hefner
Heftel
Hightower
Holland
Hollenbeck
Holtzman
Ichord
Ireland
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
LaFalce
Lederer
Lehman
Lloyd
Long, Md.
Lowry
Luken
McCormack
Marriott
Mathis
Matsui
Mavroules
Mazzoli
Mica
Mikulski
Mikva
Miller, Ohio
Mineta
Minish
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Panetta
Patten
Paul
Pepper
Perkins
Peyser
Preyer
Price
Pritchard
Pursell
Rahall
Reuss
Richmond
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Runnels
Russo
Sabo
Santini
Sawyer
Scheuer
Sebelius
Seiberling
Shelby
Simon
Skelton
Slack
Smith, Iowa
Solarz
St Germain
Stack
Staggers
Steed
Stewart
Stokes
Stratton
Stump
Swift
Synar
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vander Jagt
Waxman
Weaver
Weiss
Whitehurst
Whitley
Whitten
Wilson, C. H.
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Yates
Yatron
Young, Mo.
Zablocki
Zeferetti

NOES—208

Albosta
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bennett
Bereuter
Bethune
Breaux
Broomfield
Broyhill
Buchanan
Burgener
Campbell
Carney
Carr
Carter
Cavanaugh
Cheney
Chisholm
Clausen
Cleveland
Clinger
Coleman
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Daniel, Dan
Dannemeyer
Davis, Mich.
de la Garza
Deckard
Dellums
Derwinski
Devine
Dickinson
Dodd
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Edgar
Edwards, Calif.
Edwards, Okla.
Emery
Erdahl
Ertel
Evans, Del.
Findley
Fish
Fisher
Flippo
Foley
Ford, Tenn.
Forsythe
Fountain
Frenzel
Gilman
Gingrich
Glickman
Goldwater
Goodling
Gore
Gradison
Gramm
Grassley
Green
Grisham
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hanley
Hansen
Harkin
Heckler
Hillis
Hinson
Holt
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jacobs
Jeffords
Jeffries
Johnson, Colo.
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lee
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Lott
Lujan
Lundine
Lungren
McClory
McCloskey
McDade
McDonald
McHugh
McKinney
Markey
Marks
Marlenee
Martin
Mattox
Michel
Miller, Calif.
Mitchell, Md.
Mitchell, N.Y.
Moore
Moorhead, Calif.
Myers, Ind.
Nolan
Oberstar
Pashayan
Pease
Petri
Pickle
Quayle
Quillen

Railsback
Rangel
Ratchford
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roth
Rousselot
Royer
Rudd
Satterfield
Schroeder
Schulze
Sensenbrenner
Shannon
Sharp
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spellman
Spence
Stangeland
Stanton
Stark
Stenholm
Studds
Symms
Tauke
Taylor
Thomas
Trible
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
White
Whittaker
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wylie
Young, Alaska
Young, Fla.

NOT VOTING—29

Abdnor
Alexander
Brown, Ohio
Burton, John
Coelho
Crane, Philip
Dicks
Diggs
Dingell
Eckhardt
Erlenborn
Fithian
Gaydos
Guarini
Hawkins
Horton
Long, La.
McEwen
McKay
Madigan
Maguire
Moffett
Obey
Ottinger
Patterson
Roberts
Roybal
Stockman
Treen

□ 1250

Mr. LENT changed his vote from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KEMP

Mr. KEMP. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEMP: In section 1:

In the matter relating to the recommended level of Federal revenues decrease the amount by $7,800,000,000;

In the matter relating to the amount by which the aggregate level of Federal revenues should be decreased increase the amount by $17,400,000,000;

In the matter relating to the appropriate level of total new budget authority decrease the amount by $6,100,000,000;

In the matter relating to the appropriate level of total budget outlays decrease the amount by $6,100,000,000;

In the matter relating to the amount of the deficit increase the amount by $1,700,000,000;

In section 3:

In the matter relating to Education, Training, Employment and Social Services (500) decrease the amount for budget authority by $2,900,000,000; and decrease the amount for outlays by $2,900,000,000.

In the matter relating to Income Security (60) decrease the amount for budget authority by $3,200,000,000; and decrease the amount for outlays by $3,200,000,000.

In section 6(a):

In the matter relating to the recommended level of Federal revenues increase the amount by $400,000,000;

In the matter relating to the amount by which the aggregate level of Federal revenues should be decreased increase the amount by $6,000,000,000;

In the matter relating to the appropriate level of total new budget authority decrease the amount by $1,400,000,000;

In the matter relating to the appropriate level of total budget outlays decrease the amount by $1,400,000,000;

In the matter relating to the amount of the deficit decrease the amount by $1,800,000,000;

In section 6(b):

In the matter relating to Income Security (600) decrease the amount for budget authority by $1,400,000,000; and decrease the amount for outlays by $1,400,000,000.

Mr. KEMP (during the reading). Mr. Chairman, I ask that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEMP. Mr. Chairman, as I have said from this well many times, austerity and unemployment is not the answer to inflation. Putting American workers out of jobs does not reduce inflation. But the predicted result of this budget resolution, with all due respect to my friend, the chairman of the committee, the gentleman from Connecticut (Mr. GIAIMO), is a higher level of unemployment.

□ 1255

The House Budget Committee report estimates that under this resolution, the number of unemployed workers will rise by three-quarters of a million by the end of this year, and more than half a million of those workers will stay without jobs throughout 1980.

Unemployment is planned to rise under this resolution, according to the Budget Committee, from 5.7 percent to 6.4 percent in 1979 and then in 1980 it will average 6.2 percent. This is the equivalent of laying off 1,300 working men and women in each of the 435 congressional districts by year's end.

This planned increase in unemployment is completely unnecessary, totally preventable, and perfectly counterproductive—either for the sake of the praiseworthy goal of holding down Federal spending, or the equally praiseworthy goal of balancing the Federal budget.

Those who are unmoved by the terrible human cost of putting 700,000 workers out of jobs this year should consider the impact this will have on the budget. The Federal deficit widens by about $20 billion for each 1 percent rise in the unemployment rate. About three-quarters of that figure is lost revenue, and the rest represents increases in spending made necessary by the rise in unemployment. By this measure, the planned increases in the unemployment rate will cost more than $23 billion in larger deficits in the next 2 years. This is hardly a formula for budgetary restraint.

Attempting to balance the budget by using inflation or some other method of raising tax rates has always proven a self-defeating strategy, because it is always more than offset by the budget costs of higher unemployment. With all due respect to those involved, we saw the results of this short sighted policy in 1932–33, twice in the late 1950's, in 1969–70, and in 1974–75.

Now I am aware, Mr. Chairman, that we are discussing budget targets and not specific tax measures. But I propose that we act today to give the Ways and Means Committee the mandate and the leeway to enact tax measures which can prevent a devastating rise in unemployment in fiscal year 1979 and fiscal year 1980. The amendment that I propose, Mr. Chairman, is a jobs creation amendment, an attempt to hold down unemployment. It would permit Congress to widen all the individual income tax brackets in calendar 1979 by 9 percent, the purpose of which, of course, is to prevent working men and women from being pushed by inflation into higher tax brackets and losing real income and jobs.

We established that precedent in the 1978 Tax Reform Act by adjusting brackets 6 percent to make up for some of 1978's inflation. Inflation is now running at 9 to 10 percent, and I would like to adjust those brackets for 1979.

My amendment, Mr. Chairman, also reflects a 10 percent reduction in the personal income tax rates starting January 1, 1980, not only to hold down unemployment, but also to help restore incentive in the producing sector of the economy. The static revenue costs of these measures, without any feedback effect—except for a different unemployment rate—are $6 billion in fiscal year 1979 and $17.4 billion in fiscal year 1980.

Such adjustments in tax rates would avoid revenue losses estimated at $6.4 billion in fiscal year 1979 and $9.6 billion in fiscal year 1980. They would also avoid unemployment-related spending increases of $1.4 billion in fiscal year 1979 and $6.1 billion in fiscal year 1980, based upon the assumption that the unemployment rate remains at 5.8 percent for the rest of the year and averages 5.6 percent in 1980. The fiscal year 1979 savings is entirely in function 600, income security, mostly unemployment insurance. The fiscal year 1980 saving is divided between function 600—$3.2 billion—and function 500, education, training, employment and social services—$2.9 billion—involving a faster phasing out of countercyclical public jobs due to the employment of at least 600,000 more workers than anticipated in the economy. Structural unemployment programs are not affected.

This resolution does not affect any other discretionary spending.

I notice with some dismay that a fact sheet is circulating which purports to have originated with the Budget Committee's majority staff. I find this difficult to believe, since it does some considerable violence to the truth, and I know that my staff supplied the majority staff with specific and detailed figures and their sources well in advance of this debate.

The fact sheet says:

> Budget Committee Opposes (Kemp Amendment) Because: Based on Budget Committee calculations, the amendment would: increase the FY 1980 deficit by $12.6 billion, not $1.7 billion claimed by Mr. Kemp; result in a $30 billion tax cut, not the $17.4 billion claimed by Mr. Kemp; require a revenue feedback of 90 percent or three times the usual revenue feedback from a tax cut.

Let me answer these baseless assertions. First, the $17.4 billion gross revenue loss estimate has not been pulled from the air; it is an estimate from the Joint Committee on Taxation, adjusted $0.7 billion to reflect the Budget Committee's somewhat different economic assumptions about real growth and inflation. This is one reason I am inclined to believe the flyer is not genuine, since the Budget Committee majority staff was told the source of this estimate, and could easily have checked it.

Second, rather than a 90-percent feedback, the $17.4 billion gross revenue figure for 1980 reflects zero feedback, not even the standard 30-percent Keynesian "multiplier." I specifically assumed no revenue feedback in my resolution, other than that undisputed estimate which is related to unemployment, to avoid just such a pointless wrangle over "feedback." It appears I have not succeeded.

I admire the attempts of the Congress and of the Budget Committee to hold down demand pressures generated by Federal spending. I think it is important even if I do not agree with certain recommendations.

But this demand restraint is not the cause of the planned economic slowdown. It is very odd to argue, as I have heard some colleagues say, that reducing the burden of spending which must be covered either by taxes or inflation would slow down the economy. Aside from the dubious logic, there is the fact that even the Keynesian CBO has reported that the spending restraints in this budget "are not expected to have major effects on the economy because they are not large in relation to the economy." The CBO places the contribution of demand restraint to higher unemployment at 0.1 percent a year for the next 2 years.

And we do not have to look far to find the true culprit. CBO calls it "the interaction of inflation and the progressive tax structure causing effective personal income tax rates to rise." That's a delicate way of saying that because of inflation and tax progressivity, this budget proposes to raise income taxes on individuals by $50.4 billion—28 percent—in the 2 years we are considering. And this is based on estimates that inflation will rise only 14.4 percent in 2 years. Payroll taxes are going up $37.9 billion, or 31 percent.

The most direct way of preventing a rise in unemployment is to prevent a rise in the tax rates on employment. All income flows through individuals, whether from wages, salaries, dividends, interest, capital gains, royalties or pensions. Adjusting the personal tax rates would reduce the bias toward consumption, debt and less employment, and encourage saving, investment and more employment.

What about the argument that holding down unemployment is inflationary? This argument is not widely believed outside the President's Council of Economic Advisers, which estimates that it would be necessary to put more than 2 million workers out of jobs for 2 years to reduce inflation by 1 percent.

Where has this theory gotten us? The economy has slowed almost to zero, inflation has increased to 13 percent, unemployment is rising for the first time in months, productivity is sinking at a rate of 4.5 percent, the stock market is dropping through the floor, the Secretary of the Treasury explains in yesterday's paper that the administration "screwed up" on its inflation policy, the Chairman of the Council on Wage and Price Stability fears a recession and says "We seem to have run out of ideas"—and there are still theorists standing here telling us that we cannot change our economic policy because the Keynesian theory which guided us into this mess says we can not.

No matter which figures are chosen for revenue and outlays, there is always a staff prepared to argue that we cannot change them. We cannot cut tax rates, because that would be "inflationary." We cannot control spending because of something called a "multiplier."

Keynesian theory says that only one thing is important in our economy—the level of spending, or demand. Under this theory, the answer to every problem is to think up new ways to either raise or lower spending.

I and a growing number of others believe that not one but three things are important.

Not only the level of spending, which is a tax or inflationary burden that must be paid either by present or future generations.

But, second, how is the money spent? Do we spend money on raking leaves and building pyramids, or invest it in human and physical capital which will lead to more real growth and prosperity? The same amount of money, spent two different ways, can have widely different economic results.

And third, and perhaps most important, how are revenues extracted from the taxpayers? Do we charge a million people a hundred dollars each? Or a hundred people a million dollars each? The method chosen will make a big difference in the economic activity of the most productive workers, and therefore in the amount of revenue available to help the needy.

Which of these two theories is more simplistic?

I invite my good friends to wake up. Keynes is dead, the Phillips curve is completely discredited, and they are not even using Samuelson's text at Harvard any more. No one outside a small circle in Washington still believes in this cannibalistic theory that the cure for inflation is to throw people out of jobs.

In this amendment "inflationary"? I think the question confuses the cause of inflation. Preventing inflation is the purpose of monetary policy. Establishing conditions for economic growth and employment is the purpose of fiscal policy. It is absurd to blame a slowdown in the economy on monetary restraint when the real cause is burdensome Federal tax and regulatory policy.

□ 1300

For those of my colleagues who still believe in Keynesian theory, however, I have a question. Under this theory, my amendment would increase the rate of inflation by one-tenth of 1 percent this year. Is it worth it to you to lay off 1,300 workers in each of your districts for the sake of one-tenth of a percentage point.

There is no tradeoff between inflation and unemployment except when it is manufactured by Government economic policy. To those who ask whether we can afford to adjust tax rates to prevent unemployment from rising, I return the question—how can we afford not to?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GIAIMO. Mr. Chairman, I rise in opposition to the amendment. This is the Kemp amendment with which we are all familiar. It sounds good, but I must say that the economists that we have consulted throughout the country advise us that economically it is not feasible and it will not work as the gentleman would wish it to work.

Mr. Chairman, I yield, however, to the gentleman from New York (Mr. KEMP) because I promised that I would get him some more time.

Mr. KEMP. I appreciate very much the chairman's yielding. I also appreciate his patience in dealing with this issue.

I think there is something new in the argument I am making today, even though the idea is one I have expressed before. I am saying that whether one uses the arguments of the Congressional Budget Office, the Budget Committee, or "supply-side" economists, a deliberate increase in unemployment as an anti-inflation strategy does not make even budgetary sense. When unemployment goes up, the cost is tragic, both in human terms and totally unnecessary budgetary waste.

I want to go one step further—and again I appreciate the yielding of the chairman of the Committee on the Budget, the gentleman from Connecticut (Mr. GIAIMO).

If we think for a moment, it should not be surprising that a Keynesian econometric model is incapable of measuring the effect of marginal tax rates on the supply of labor, or employment, which is the question at hand. Prof. Otto Eckstein, perhaps the Nation's leading econometrician, and a prominent Keynesian economist at Harvard, had this to say about his typical Data Resources Inc. econometric model in a letter to Alice Rivlin of the Congressional Budget Office:

> Is the marginal personal tax rate included in the labor supply equation? Answer: No.

The DRI model, Eckstein continued:

> . . . does not include a tax term in its supply of labor equation . . . does not contain a tax term in the productivity equations, nor in the aggregate production function, nor am I aware of any study that claims to have such a finding.

Clearly, our available econometric models are no help. The assumption I am making is a rather modest one. It is that prompt action to prevent the primary cause of rising unemployment—a massive rise in effective tax rates—will succeed in preventing unemployment from increasing. Why wait until unemployment has already risen? By that time we will have lost our $23 billion from the budget with nothing to show for it but more people without jobs.

The Budget Committee uses a model of the economy that does not take into account this effect of tax rates on economic behavior, and is entirely demand-oriented.

I am asking you not to reply on an economic model that has given us a total breakdown in the ability of this Government to deal not only with inflation but unemployment.

Some of us are coming to different conclusions about economic policy, however.

According to the joint economic report of 1979, there is:

> An emerging consensus in the committee and in the country that the Federal Government needs to put its financial house in order and that the major challenges today and for the foreseeable future are on the supply side of the economy.

The report also says:

> The greater the burden placed on production, the less production there will be. Reducing these tax and regulatory burdens may encourage the supply of labor, capital and output. This may weaken inflation and lessen the prospect that steps taken to manage demand will produce a slowdown.

It is time to encourage supply, production, the work effort, savings, and investment. I would suggest to this House if we really want to fight unemployment, if we really want to fight inflation, we in this body should start looking at what are those factors of production that can be encouraged by fiscal policy. I believe that a vote against this amendment is a vote for unemployment and recession.

☐ 1305

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. SYMMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kemp amendment. I think the point that is being missed here is this, the gentleman from New York (Mr. KEMP) is engaged in a battle of ideas. The gentleman's basic idea is very simple. It is based on incentives.

The chairman (Mr. GIAIMO), I know, is very sincere when he talks about the fact that it is a bad idea in his opinion but the problem is the majority of this Congress are clinging to an old mythology that somehow the Government can supply an answer to the problem.

I would like to give you a couple real live examples I have run across in my own congressional district which deal with the incentive system in our economy.

There is a sawmill in Coeur d'Alene, Idaho, which is a lumber town, a beautiful place in the heart of northern Idaho, my district. A young man was telling me a story about something which occurred on the sawmill line. One of the younger workers on the sawmill line was absent one Friday afternoon because of illness. As time went on his employers noticed that time and time again on Friday afternoons he would claim he was unable to work.

The mill foreman said to this young man, "You are a good man, you have worked hard. We need you here. We put a raw log in one end and produce a finished 2 by 4 at the other end of the line. When one person in the saw mill leaves it disrupts production. If you are going to continue to do this we will find it necessary to give someone else your job. We know you are not sick every other Friday, that you are just saying you are sick."

In this lumber camp the employee is paid every 2 weeks making wages in the area of $8 to $9 per hour.

The young man responded to his foreman, "Very well, I will continue to work my full 40 hours from now on."

In further explanation the young man said, "In the first instance I really was sick. I found when I received my check for that period that my net loss for not having worked those 4 hours was $1.76 in reduced income to take home to the family."

Mr. Chairman, that was because our marginal tax rates are so high that we are punishing people at the working level for producing. This young man felt he could take every other Friday afternoon off and spend it on Lake Coeur d'Alene at a cost of $1.76.

As I have said the mythology that I think we are witnessing here in this whole process is, somehow Government spending will be the solution to our problems, that Government programs will solve our problems. In reality what we need to do is remove the Government obstacles to production which would allow this country to produce more than it ever has in history. We have 220 million people, they are well educated, they are highly skilled. We have a resource base, we have a great agricultural base in this country capable of producing goods and services and we are literally strangling it with excessive regulations and taxation. We are destroying the productive will of our people to a degree that they do not want to go out and work, produce, save and invest.

Mr. Chairman, I think this is a golden opportunity for the House of Representatives to send out a signal in behalf of sanity. If we were to adopt the Kemp amendment this afternoon, the world might interpret that as a signal that perhaps the U.S. House of Representatives is beginning to understand that the Government does not hold the answer to increased production, to increased savings, to real jobs, to real growth in the economy but might turn to the private sector, allowing people to be rewarded for their efforts. With proper incentives there is no limit to where the country could go.

People talk about medical services. If you want to improve medical services available to the people in your congressional districts, I recommend you vote for this amendment to reduce tax rates.

☐ 1310

For every percentage point that you reduce tax rates, you will have that much more medical services available, because physicians will find it more valuable for them to spend a day working in their office practicing medicine than spending it somewhere else to decide how to use their time; but when you tax people 70 percent of their income, naturally they want to start looking for other ways to spend their time.

What we are talking about is time in equation of human values and choices.

Mr. Chairman, I will be happy to yield to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, I appreciate my friend yielding. I have made similar arguments for several years, as has the gentleman. Today, however, I have relied on calculations based upon a standard formula used by the Budget Committee. I am trying to suggest that, beyond the excellent arguments of the gentleman from Idaho (Mr. SYMMS), even in Keynesian terms, deliberately increasing unemployment through tax increases does not make good budgetary sense. I find it difficult to believe that anyone could vote against an attempt to prevent putting 700,000 Americans out of jobs for the sake of slowing the increase in inflation by 0.1 percent, under this theory.

The CHAIRMAN. The time of the gentleman from Idaho (Mr. SYMMS) has expired.

Mr. SYMMS. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

Mr. GIAIMO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SHUSTER. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman in the well.

Mr. KEMP. Mr. Chairman, I appreciate my friend yielding and I congratulate the gentleman on his efforts as well to bring this type of issue before the American people.

Now, I just wanted to get back to this calculation that we have used. It is a standard formula of the House Budget Committee; the loss of revenue and higher spending caused by higher unemployment widens the deficit $2 billion for each 0.1 percent rise in unemployment. This is not any fancy theory. Even the Congressional Budget Office uses it.

Otherwise, my amendment assumes zero revenue feedback. If you use the standard Keynesian multiplier, which grants a standard, off-the-shelf feedback of 30 percent for any reduction in taxes, you would naturally have higher aggregated levels of revenue than I have claimed.

Those who view the economy in Keynesian terms should therefore increase the revenue aggregate by $5.2 billion in fiscal year 1980 and about $2.0 billion in 1979, and further reduce the deficit accordingly.

No matter how we look at it, here is a chance to vote to recommend lowering the marginal income tax rates by 10 percent in fiscal year 1980 because the American people want this.

We can prevent not only a massive increase in taxes, but more importantly, keep unemployment from going from 5.7 percent to 6.4 percent, as otherwise predicted under the budget resolution.

Mr. SYMMS. Mr. Chairman, will the gentleman yield on that point?

Mr. KEMP. The gentleman from Pennsylvania (Mr. SHUSTER) has the time.

Mr. SHUSTER. Mr. Chairman, I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, what we are talking about then is a reduction in the area like a 10-percent tax rate reduction.

Mr. KEMP. I say to my friend, the gentleman from Idaho, that is correct.

We cannot tell the Committee on Ways and Means anything other than to signal what we would like to do in fiscal year 1979 and fiscal year 1980 through this budget resolution.

I am suggesting that the Ways and Means Committee established the principle of indexing the tax code by widening the brackets 6 percent for 1978 inflation in the Tax Reform Act of 1978. We should take it a step further and adjust all the brackets another 9 percent in order to make up for the higher level of inflation this year, and I am saying that we should lower the excessive marginal income tax progressivity by 10 percent starting in 1980, as a step toward accomplishing some of the goals that the gentleman has been working for.

The other day we were arguing about countercyclical assistance to New York City. I opposed the countercyclical spending program, not because I am against assistance to New York City or New York State or my Buffalo, N.Y., area. I supported revenue sharing, for example, as one of the original cosponsors. I supported the Conable amendment to increase the State share of revenue sharing, because it was an existing program and removing it was going to cause severe budget problems not only for New York City, but ultimately for Buffalo and New York State. But the rationale for reviving countercyclical spending was that as the economy slows down and unemployment goes up due to Federal fiscal policy, the Federal Government will have to spend more money to cope with higher unemployment, increasing the tax burden on the private sector economy when Americans can least afford it.

What I am trying to establish is a different view of this problem. The question is not whether I love New York, but rather, what is the best way to love New York. Reducing tax rates would encourage private sector employment to either remain at current levels or to expand, which I want, and I hope everybody in this room wants.

☐ 1315

Lowering the tax rates by 10 percent at the Federal level and cutting taxes in the aggregate not including feedback in this budget resolution by $17.4 billion will leave $1 billion in New York City, not in the hands of the bureaucrats. It will leave it in the hands of the people who produce it in the first place. It will preserve up to 50,000 jobs in New York City, and 3,500 jobs in my Buffalo area.

To permit and even engineer an increase in unemployment in the United States of America which will hit New York the hardest is a tragedy. It is foolish. It shrinks the tax base.

I think my proposal is far more progressive, far more humane, and far more constructive: to help people and expand the tax base of New York City and New York State by reducing the marginal Federal income tax brackets. And the nice thing about it, I say to my friend, the gentleman from Florida, is that we do not hurt Florida. This helps every American, this helps every State, and it is not designed to redistribute income; it is designed to produce it.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. SHUSTER) has expired.

Mr. RITTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the proposal of the distinguished gentleman from New York (Mr. KEMP) to fight inflation the way it should be fought by putting Americans to work and getting our economy moving again.

I think we all agree that inflation is the overwhelming national problem. Yet the present budget resolution tries to fight inflation at the expense of thousands of American workers through an increase in unemployment projected from 5.7 percent to 6.4 percent. In human terms, that is the equivalent of laying off 1,300 workers in my district, the Lehigh Valley of Pennsylvania alone.

The gentleman from New York believes, and I believe right along with him, that we can fight inflation without throwing more Americans out of work. The cure for inflation is to reduce taxes so that less of our paychecks will be drained away by unproductive government and more will go to the people who have earned those paychecks, to increase production and to increase savings and investment and thereby increase the growth of the economy and put the economy back on its feet.

The mechanisms here are good and sensible ones as well, namely, the widening or indexing of the tax brackets by 4.5 percent in 1979 and a 10-percent tax cut beginning January 1, 1980.

Many months have passed since the American people sent their message of support for spending restraint and tax relief to this Government. But there has been far too little progress in this body toward convincing the American people that Congress has truly gotten the message.

The consequences of congressional failure to take the action necessary has been sobering. Consequently, we have an inflation rate that has topped 10 percent and is still shooting up each month, with no sign of stopping.

Under the spend-now-pay-later fever that has gripped this Government, we have seen deficit spending in 21 of the past 25 years. What is more, we have seen the percentage of Federal spending as a percentage of gross national product soar from 17 percent in 1955 to 72 percent in 1979.

In my district I meet many people who work for industry—Mack Truck, Bethlehem Steel, and Western Electric—who are refusing to work extra. They are refusing to work overtime because, they say, "It just isn't worth it. The Government takes it from us."

The movement in labor to reduce the work week is largely due to the fact that workers are saying, "Why bother working an extra day or overtime? You don't get to keep the money from it anyhow. The Government takes it from you."

Mr. KEMP. Mr. Chairman, will the gentleman yield on just that point?

Mr. RITTER. I certainly will yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, the gentleman from Pennsylvania (Mr. RITTER) has made an important contribution to this debate, and I appreciate his bringing it up.

☐ 1320

I want to suggest to my colleagues that it is not the aggregate or the effective tax on his or her work effort that determines whether or not overtime becomes rewarded commensurate with effort. It is the marginal tax rate or bracket in which he or she is working. And I do not know what the gentleman's district is like, but in Buffalo, N.Y., I have factory workers combining the Federal, State, and social security tax rate on the margin, that at the end of the week, at the end of overtime, they find themselves right now, in Buffalo, N.Y., in the 50-percent to 55-percent marginal income tax bracket. And, therefore, the gentleman is absolutely correct, the fringe benefits become as important as additional money income, although money income is vital to the survival of a family of four, or whatever. And also I would suggest to the gentleman that it also aggravates strikes, it lengthens strikes, it creates a gap between the marginal income workers. It is not either one of their faults. The real fault is the wage drawn between labor and capital by the progressivity.

I appreciate the gentleman bringing up this point.

Mr. RITTER. I see a very similar situation in the industrial Lehigh Valley.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I would like to compliment the gentleman (Mr. RITTER) for the point he is making (and the contribution he is making in the Congress) and to say that the rest of the story of the young man in the sawmill in Coeur d'Alene, Idaho, was that they could not get people to work overtime on Saturday, not to volunteer to work, for the very same reason that they said that it is all going to the Government for taxes and it makes more sense to go out fishing than it does to give the money up for taxes, if they could keep more of it, yes, they would work overtime, produce more timber, a better return on the capital, therefore, lower priced lumber, lower priced housing, better standard of living for more people.

Mr. DEVINE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is a building down here on Pennsylvania Avenue that has inscribed thereon "The past is prologue." The gentleman from New York (Mr. KEMP) for many months has been talking about the very thing that we are talking about here today. But there is always somebody who does not get the message. Our people out across the country sent us a message in the elections last fall, and I think we have to send a signal back to them that we have received the message.

I would compare our situation to that of Great Britain. I happen to have been on the Speaker's trip several weeks ago, at which time we had occasion to visit not only the now ex-Prime Minister, Mr. Callaghan, but also the new Prime Minister, affectionately referred to as Maggie Thatcher, Mrs. Thatcher. She pointed out that the tax structure in the United Kingdom, in Great Britain, on income was as high as 83 percent. Think of that—83 percent. Theoretically, if your income was $10,000 a year, you could then keep $1,700. Is not that just great? And the tax there on unearned income, that is, on interest and on dividends, is 98 percent. Incentive was gone. She in her debate over there she talked about productivity, the lack of incentive, when the Crown, the Monarchy, the Government, took the lion's share of your earnings. And she ran on that platform and she won with a substantial majority, a handsome majority, not only a bare majority, but with 43 surplus seats in her party. They got the message in Great Britain. Let us not find ourselves in that position. Let us acknowledge to our American constituency that we got their message.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I appreciate the gentleman's comment. The parallel between the United States and Great Britain is very close. It is particularly close at the level of income that the gentleman mentioned, at the worker's level. If you earn $12,000 income in the U.K. today you are in the 67-percent marginal income tax bracket, which means that of the next dollar of income, 67 percent is taxed away. Not surprisingly, the thing that is driving the British economy today is not additional income. It is perks. Three-quarters of all of the automobiles that are sold in Great Britain today are sold to corporations for use by middle-management people as an incentive to get them to work. It is not that people do not want to work, it is not that they do not want additional income, but that they can't keep it because of the confiscatory and high marginal tax rates.

I want to make this observation one more time for my colleagues. It is not the aggregate tax burden that affects the decision to choose between work and leisure, or savings and consumption. It is the marginal income tax rate.

The gentleman alluded to Margaret Thatcher's promise. She said the day she comes to power she is going to introduce in the Parliament a dramatic, across-the-board cut, not in revenues, but in marginal income tax rates, to attack the problem of steep tax progressivity combined with a rate of inflation that exceeds ours.

□ 1325

So the gentleman has put his finger on something extremely important. Mrs. Thatcher's party picked up seats in Labour districts, the blue collar or working-class people of Great Britain who voted resoundingly for lower individual income tax rates, not only for labor, but for capital as well.

I will conclude by saying we are one Nation We are one people, and I think the solutions to our problem should not be designed to divide us and redistribute a shrinking national income. They should be designed to increase the income and the wealth of all of our people, leaving no one behind.

Mr. DEVINE. The gentleman helps me make his case in support of his position. The people of Great Britain got the message. They listened to what she said. They listened to what she said by giving her a substantial majority.

We should send this same signal back to the people across America that we got their message. They are against inflation. They want taxes cut. And that is what the amendment of the gentleman from New York (Mr. Kemp) does.

I yield back the balance of my time.

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to compliment the gentleman from New York (Mr. Kemp) on introducing this amendment which, indeed, could involve a program to get America moving again. He has followed this course on many occasions, and this is the occasion to pass it.

For a number of years, I have cosponsored tax indexing legislation. In fact, I was the first Member of this body to cosponsor the indexing legislation introduced in the other body by the former Senator from New York, Mr. Buckley. That was the first comprehensive tax indexing legislation introduced. The purpose of that legislation, as the gentleman from New York (Mr. Kemp) so ably described, was to prevent the Government from taking more of people's money—a larger and larger percentage of this money—because of inflation. We should reduce these inflated marginal tax rates which debilitate the country and debilitate individuals. The reason these inflated tax rates debilitate business and investment is because they deny the kind of climate so needed to create jobs and movement within our Nation.

With inflation running at double-digit figures, I believe the time has long passed when the Congress can continue to do business as usual. In this case, business as usual is the continual reaping of windfall taxes from the pockets of working Americans by a progressive tax structure that becomes more unfair as inflation escalates.

Everytime a worker gets an increase in an attempt to keep pace with inflation the Government takes most of that hike away in the form of taxes. This procedure has been going on for years and is a patently unjust penalty to those who must work for a living.

The Congress must get up the gumption to resist this easy way of raising revenue for the Federal Treasury. It is easy and it is deceptive—except that most Americans are sophisticated and smart enough not to be taken in any more by this costly game.

Yes, I recognize it is so much more satisfying to reduce taxes in an election year. The truth, however, is that we do not really reduce taxes. What we do with this sleight-of-hand is to reduce minimally the increase in taxes for most Americans.

It is up to us to set an example in fighting the inflation we so vehemently condemn.

The amendment proposed by the gentleman from New York is a reasonable start, a practical beginning, and, by golly, it will be oh so painless to all of us.

We have seen, as has been pointed out by the gentleman from Ohio, a refreshing change in our ally, England.

If the proposal offered by the gentleman from New York today is adopted by this body, we could see the beginning of a refreshing change in this Nation, too.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Idaho (Mr. Symms).

Mr. SYMMS. I thank the gentleman for yielding.

I would like to make one more point and appeal more particularly to those Members on this side of the aisle and to the chairman, who I know is a very sincere man in his position, but if we vote for the Kemp amendment today, it is the only thing we will get to vote for today that is going to be pro-producer, pro-saver, pro-worker, pro-investor, pro-to-get-America-moving; let us vote for it and keep America rolling.

What are the next bills coming out? Rationing of gasoline. That is the next bill.

So we are going to allocate out the scarcities that have been created by Government obstacles to production, so we will allocate them out with the force of the Government.

The next one is the set-the-thermostat bill, to allocate the scarcities again, next is the Government rationing plan.

We can go through this whole proposition. All we are doing down here is trying to redistribute what has not been produced, the limitation on what has not been produced and what is a scarcity brought on by Government. This would be the first signal that this Congress could send around the world that the U.S. House of Representatives realizes that its individual initiative and efforts, and we are going to reward production, reward work, reward saving, and it could turn the whole thing upside down.

And the potential for this country is fantastic. I would invite any of the Members to take their automobile some time and drive across the United States. I have a big family. I make the trip about once a year, taking them back to Idaho. This is a tremendous country. This Congress sits around down here and beats the golden goose of the free marketplace over the head and literally bludgeon it to death, when it is already here and all we have to do is recognize that the idea that the gentleman from New York is talking about is individual initiative, and give them an incentive, and there is no limit to what Americans could do.

But what will this house do this afternoon? Probably vote it down, vote for higher taxes, for regulations and then call in a vote for rationing of gasoline so they can have less to pass out to people and do nothing to reward people for producing.

Mr. COUGHLIN. I thank the gentleman. I do hope that the amendment introduced by the gentleman from New York will be adopted to get the country moving again.

□ 1330

Mr. SOLOMON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Kemp amendment because I strongly believe that it is this philosophy which is so badly needed in this country today. We all know what has happened in the last several years with a $30 billion trade deficit that is draining this country of its working capital. We all know what has happened with the oil situation, where the purchase of $45 billion of imported oil has drained this country of its working capital.

I would like to point out one thing: I was back in the district the other day and was talking to two young engineers who worked for the General Electric Co. Those two young men, who have good credit ratings but also have mortgage payments and also have car payments to make and have kids in college, wanted to leave General Electric Co. and go into the private sector. They had a very good idea. What they wanted to do was start up a business that would have employed 50 people to start, and probably within 2 years 100 people. But, they could not because the money in New York State and throughout this Nation is not available in the private sector because in the wisdom of this body we now take a hundred billion dollars though excessive Government regulation out of the private sector. We do not have the money any more.

What Mr. KEMP is trying to do is pump money back into the private sector which is going to create jobs. That is exactly what the Kemp amendment does.

On a final note, I would like to say this: I introduced an amendment to the Holtzman amendment the other day which plugged a loophole of the foreign oil tax credits which has enabled large oil companies to avoid over $15 billion in taxes over the last several years, in anticipation of the Kemp amendment. We will raise another $1.3 billion of revenues with no expenditures attached to them. We can use those revenues to offset any possible deficits created by the Kemp amendment. That is what is desperately needed in this country today, and I hope every single Member of the House supports the Kemp amendment.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to my colleague from New York.

Mr. KEMP. Mr. Chairman, I appreciate the gentleman's remarks, but I do not want to personally be associated with the gentleman's amendment. I had to vote against it.

Please do not confuse the argument here today. It is not going to cost the budget anything to lower the tax rates because doing so will prevent the budgetary impact of higher unemployment. So, we will put it back in the budget. There is a total tradeoff in my amendment. I do not want the debate confused, although I appreciate the gentleman's support and sincerity.

Mr. SOLOMON. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. KEMP).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KEMP. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 229, not voting 23, as follows:

[Roll No. 139]

AYES—182

Anderson, Ill.
Andrews, N. Dak.
Anthony
Applegate
Archer
Ashbrook
Badham
Bafalis
Barnard
Bauman
Beard, Tenn.
Bereuter
Bethune
Bowen
Breaux
Broomfield
Broyhill
Buchanan
Burgener
Butler
Byron
Campbell
Carney
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
de la Garza
Deckard
Derwinski
Devine
Dickinson
Donnelly
Dornan
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Okla.
Emery
Erdahl
Evans, Del.
Evans, Ind.
Fenwick
Fish
Forsythe
Frenzel
Gilman
Gingrich
Goldwater
Goodling
Gradison
Grassley
Grisham
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hansen
Harsha
Heckler
Hillis
Hinson
Hollenbeck
Holt
Hopkins
Horton
Hubbard
Huckaby
Hyde
Jeffords
Jeffries
Johnson, Colo.
Kazen
Kelly
Kemp
Kindness
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Lee
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Lott
Lujan
Luken
Lungren
McClory
McCloskey
McDade
McDonald
McEwen
McKinney
Marks
Marlenee
Marriott
Martin
Michel
Miller, Ohio
Mitchell, N.Y.
Moore
Moorhead, Calif.
Mottl
Myers, Ind.
O'Brien
Pashayan
Paul
Petri
Pritchard
Pursell
Quayle
Quillen
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roth
Rousselot
Royer
Rudd
Runnels
Russo
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Stockman
Stump
Symms
Tauke
Taylor
Thomas
Traxler
Trible
Vander Jagt
Walker
Wampler
Watkins
White
Whitehurst
Whittaker
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wydler
Yatron
Young, Alaska
Young, Fla.

NOES—229

Addabbo
Akaka
Albosta
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
Atkinson
AuCoin
Bailey
Baldus
Barnes
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Brademas
Brinkley
Brodhead
Brooks
Brown, Calif.
Burlison
Burton, Phillip
Carr
Chisholm
Clay
Coelho
Collins, Ill.
Conyers
Corman
Cotter
D'Amours
Danielson
Daschle
Davis, S.C.
Dellums
Derrick
Dicks
Diggs
Dingell
Dixon
Dodd
Dougherty
Downey
Drinan
Duncan, Oreg.
Edgar
Edwards, Calif.
English
Ertel
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Findley
Fisher
Fithian
Flippo
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frost
Fuqua
Garcia
Gephardt
Giaimo
Gibbons
Ginn
Glickman
Gonzalez
Gore
Gramm
Gray
Green
Guarini
Gudger
Hall, Ohio
Hamilton
Hance
Hanley
Harkin
Harris
Hefner
Heftel
Hightower
Holland
Holtzman
Howard
Hughes
Hutto
Ichord
Jacobs
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kildee
Kogovsek
LaFalce
Leach, La.
Leath, Tex.
Lederer
Lehman
Leland
Long, Md.
Lowry
Lundine
McCormack
McHugh
Maguire
Markey
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Montgomery
Moorhead, Pa.
Murphy, Ill.
Murphy, Pa.
Murtha
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
Oakar
Oberstar
Ottinger
Panetta
Patten
Pease
Pepper
Perkins
Peyser
Pickle
Price
Rahall
Rangel
Ratchford
Reuss
Richmond
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Sabo
Scheuer
Seiberling
Shannon
Sharp
Simon
Skelton
Slack
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Staggers
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Swift
Synar
Thompson
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Whitley
Whitten
Williams, Mont.
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—23

Abdnor
Alexander
Brown, Ohio
Burton, John
Cavanaugh
Crane, Philip
Eckhardt
Erlenborn
Gaydos
Hawkins
Ireland
Long, La.
McKay
Madigan
Murphy, N.Y.
Obey
Patterson
Preyer
Roberts
Roybal
Santini
Treen
Wilson, C. H.

□ 1350

The Clerk announced the following pairs:

On this vote:

Mr. Brown of Ohio for, with Mr. Patterson against.

Mr. Abdnor for, with Mr. Hawkins against.

Mr. Philip M. Crane for, with Mr. Roybal against.

Mr. Erlenborn for, with Mr. Murphy of New York against.

Mr. FOUNTAIN changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT: In the matter relating to National Defense for fiscal year 1980, strike out the amount specified for new budget authority and insert in lieu thereof "$136,963,000,000".

In the matter relating to National Defense for fiscal year 1980, strike out the amount specified for outlays and insert in lieu thereof "$124,200,000,000".

Increase the aggregate amounts in the first section (other than the amount of the recommended level of Federal revenues and the amount by which the aggregate level of Federal revenues should be decreased) accordingly.

Mr. BENNETT. Mr. Chairman, during these debates I have voted rather consistently to try to protect the human needs that are addressed, the food stamps and other measures that the gentleman from Maryland (Mr. MITCHELL) and others have brought before us. I have not set in my heart a point of opposition relative to defense versus human needs.

I do that despite the fact that my own district recently voted in a questionnaire 70 percent in favor of spending more for national defense and 30 percent against it; and they voted, on national health insurance, 31 percent for national health insurance, and 69 percent opposed. So the Members must realize that I come from a conservative district, and yet I have supported human needs as needing attention along with defense needs.

The amendment which I have introduced is one about which the Members can read on page 56 of the report. There in the report it says, or the committee says that $1.7 billion is being requested for a "small" aircraft carrier. The report says, "There are many questions about the effectiveness of this ship in a wartime environment," and, therefore, they say it is a questionable investment and should not be undertaken.

Mr. Chairman, my amendment goes to that $1.7 billion, but it does not relate specifically to the carrier itself. The committee violated its charter in taking out a line item of the defense provisions or the provisions of the armed services proposal of the President and they have stricken the line item, thereby reducing all national defense by that amount. They violated their charter by doing that, but that carrier is not necessarily what I am trying to reinstate.

I am trying to reinstate the $1.7 billion, which will not be enough to build a nuclear carrier. It might build a *Kennedy* class carrier or it might build a type of carrier which the President has in mind, but I am not just doing it for a carrier. I am doing it because the national defense of our country today is slipping dangerously.

This is my 31st year in Congress, and this is the first time the defense authorities of our country have come before us and not told us that we are No. 1. The testimony of the Secretary of Defense was approximately this and with regard to nuclear protection or deterrent: Advised us that if there be nuclear war in the 1980's, the Soviet Union will enjoy a significant advantage.

That is because of our decisions to cut out the B-1 bomber and have a secondary B-52 that is not in good condition in the face of the targetability of our ICBM's, and to cut back the Trident submarines, and so forth.

□ 1355

But, of course, that leg of our defense is to deter and prevent a strategic war. So far as conventional war is concerned, there are 10,000 United States tanks versus 45,000 Soviet. Artillery pieces, 5,000 versus 20,000 Soviet. Divisions, 16 American divisions, 170 Soviets. Naval service combatants, 170 to 233 Soviets. Tactical aircraft, 4,200 versus 5,200. Active military personnel, 2.1 million versus 4.4 million Soviets.

It is clear to everybody who has commented upon conventional war that our country versus the Warsaw Pact today is inferior. I am not making an excited statement. This is a testimony that has come before our committee. This is the first time since I have been a Member of the Congress that this is true. It is clear that the Warsaw Pact enjoys a clear margin of superiority, and that is the testimony before our committee today.

When I approach the question of the fiscal situation about this particular amendment, I want to point out to the Members that there are $12 billion of defense fund in this for retirement. No other Department of the Government has to absorb its retirement fund. Only the Department of Defense. When you look out across the world today, you can see things happening in Africa, Vietnam, Cuba, the Russian Government turning over its submarines to Cuba. All the way across you see all of these actions taking place, which would probably not take place if our country was adequately defended today.

The reason I am for a strong national defense is because I am for peace. It is not because I want to have a large military establishment. Any person who has killed another man with his own hands in combat, in the service of his country, as I have, would be for peace. The best possible way to accomplish this is to have an adequate defense so that nobody can fight you. So my reasons for trying to have an adequate national defense is to see to it that our country is so strong that nobody will attack us.

How much should you fund for national defense? Regrettably, the committee has approached it from the standpoint of how much of the general pie should be spent in a year. That is not the way to defend your country. The way to defend your country is to meet the threat with whatever is required to meet it.

Mr. BRINKLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the gentleman from Florida in his effort to increase the budget for national defense. I do, however, wish to take issue with the gentleman and to take some note of the fact that he seems to use NATO versus Warsaw Pact to buttress his argument.

I would like to point out to the gentleman that in 1978 we spent $40 billion from our National Treasury for NATO. That was in direct costs. We had some $50 billion in indirect costs which were applied to NATO. I just believe that the waging of peace, the waging of peace instead of war, is most important. I think that that is the issue which the gentleman raises. I would suggest that all is not gold that glitters. Simply because something wears a national defense label does not mean in fact that it is national defense. We have the military Marshall plan which exists in Europe today. The President of the United States, who comes from my district, and a Member of the other body, who serves on the comparable committee on which I serve, both support NATO, both support building it up in place. But I would suggest to the gentleman and to this body that there is a far better way we could improve qualitatively in a military sense and not provide the military and economic presence that we provide today.

□ 1400

We do that because we send dependents over there. It is important, with dependents, to have hospitals and schools, commissaries, and PX's, but I think if we should send our soldiers on an unaccompanied tour, that we could save $20 of those $40 billion that we spent in calendar year 1978.

I think, in the out years, the years that lie ahead we should not start from the premise of the correctness that NATO is existing in perpetuity. I think it should be a temporary thing.

I remember in 1956, I flew for NATO. That has been 23 years ago. It is time to take a hard look at it.

Mr. BENNETT. I do not think there is a controversy between the gentleman and me. I have opposed this sending of military equipment abroad on almost every measure that came up. We had a bill the other day. It was very generous about military equipment being sent abroad. I do not know how the gentleman voted, but I voted against it. I am of the opinion we need to defend ourselves. I do not know that there is a controversy between the gentleman and me at all.

The amendment which I have offered is to put back some of the money that the Budget Committee cut out of the President's request. This will fall far short of being what the President requested. The committee violated the charter of its own self when it struck a line item. I am not specifically trying to get this particular line item in. They said, "You can't have that line item; therefore, you can't get that amount of money," but of course, there are tremendous shortages in other defense matters. I already mentioned some of them. Russia has many times the number of artillery, and many times the number of tanks. This has nothing to do with NATO. This has to do with the general overall defense of our country. Our country is not adequately defended in 1979, and the quicker we find out about it, the better it is going to be. Otherwise we are going to have a war—no other way. My amendment is not just to get a carrier although it would leave the door open for that as it should.

Anybody who studies history will know, if one is not adequately defended, if one cannot win a war, one is going to have a war. That has been the history of our country. It has been the history of all countries.

I am an amateur historian. I have written four or five history books, and I think nobody can find any place in history where it is not so. The best example would be in the Mexican situation, where we told France to get out of Mexico and its imperial aspect there. We had an adequate defense at that time, because we had just gone through the Civil War and we were able to get France to get out of Mexico.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Yesterday an article appeared in the paper indicating that the Soviet Union had given two submarines to Fidel Castro, to Cuba. We know that Soviet submarines also are operating on bases in Cuba.

Today a front-page article in the Post appeared indicating the base we built in Vietnam has been turned over to the Soviets; they are making a submarine base out of that.

Two days ago, the former counsel in Miami for the country of Panama and five of his Panamanian confederates were indicted for buying arms, which they are transporting to the Sandinistas of Nicaragua to fight against the legally constituted government of President Somoza in Nicaragua.

I would like to ask the gentleman in the well if that does not indicate a need for us to improve our defenses, that the Soviet Union, if we had improved defenses, would not be blatantly tampering with our national security.

Mr. BRINKLEY. In my opinion, it does.

ON THE MITCHELL AMENDMENT

● Mr. OTTINGER. Mr. Chairman, I regret having to miss the vote on the human needs amendment offered by Representative PARREN MITCHELL due to hearings in Westchester on emergency evacuation plans for the Indian Point nuclear plant in the county. I want to give this amendment my strongest support, however.

The purpose of this amendment is to use the budgetary process to reorder our uation plans for the Indian Point Numan needs. The budget resolution as reported by the budget committee offers insufficient funding for human needs programs such as housing, health, transportation, and programs for the survival of the poor, handicapped, and elderly. At the same time, this resolution provides substantial real growth in the defense budget. In other words, the effect of this resolution is to force those most in need—the unemployed, young, handicapped, and elderly—to bear the burden of our fight to control inflation and to reduce the deficit.

The human needs amendment directs the Ways and Means Committee to generate an additional $1 billion for fiscal year 1979 and $4 billion for fiscal year 1980 in additional revenues by reducing tax expenditures—closing tax loopholes. The amendment would raise the fiscal year 1980 outlays target by $1.5 billion and the budget authority target by $2.2 billion to accommodate increases in human needs programs, while reducing the fiscal year 1980 deficit by $2.5 billion

This additional funding then would be directed at programs for people: programs to create jobs and for health, housing, loans for solar conversion and energy conservation, EDA grants, Head Start, veterans, fiscal relief for areas of high unemployment, and others.

This budget resolution presently being considered allows special tax privileges to drain billions of dollars from the Federal Treasury. These revenues could finance the vitally needed human programs and do so without adding to the deficit. Adoption of the budget resolution without the human needs amendment would foreclose our opportunities to invest in programs which serve people and would demonstrate a lack of commitment to meeting the needs of our people. I find this intolerable and cannot support the passage of this budget resolution without the Mitchell amendment.●

● Mr. EDWARDS of California. Mr. Chairman, I speak today in behalf of the human needs amendment that was sponsored by Representative MITCHELL of Maryland. I feel that we are all agreed in principle on the need to reassess Government programs in the interest of efficiency and effectiveness. There is a great clamoring for a balanced budget and reductions in Federal spending and I endorse these objectives fully. It is essential during a time of austerity that we fully assess our priorities when making decisions concerning future expenditures. I was disappointed with the administration's assessment of our priorities as reflected in the budget submitted earlier this year. But I remained optimistic. I was hopeful that the Members of this Congress would have the wisdom and courage to reject President Carter's budget and substitute it with a more adequate expression of the needs of our great country.

One might wonder how I could have been so naive as to be optimistic on this question after 17 years in Washington. I was optimistic because I felt that Congress might seize the initiative at this point and translate the public concern over Federal spending into a vehicle which we could utilize to express our commitment to serving the needs of our citizens and fully developing our human potential. Our Federal budget must reflect our desire to provide services to the needy, opportunities to all, and the highest quality of life attainable for all of our citizens. Unfortunately, the first concurrent budget resolution for fiscal year 1980 does not reflect this. The Budget Committee has made some constructive changes, but there are still further improvements required. Military expenditures remain substantially increased while many human needs programs have been cut. Funding for housing, education, and health programs has been cut below the fiscal year 1979 levels. There have been large reductions in CETA employment programs, including those for summer youth employment. I feel that it is unjustifiable for us to support an increase in real terms on military expenditures concurrent with a decrease in funds available for social programs.

We can significantly improve our budget resolution and more accurately express our concern for the welfare of our citizens through the adoption of the human needs amendment proposed by Representative PARREN MITCHELL. The amendment would add significant quantities of funds to human needs programs and still result in a deficit less than that of the administration's budget. One of the programs meriting and receiving funds under this amendment would be veterans' programs. If the amendment is adopted, veterans' programs would become eligible for an additional $165 million in budget authority. My experience on the Veterans' Affairs Committee has increased by awareness of the need for this appropriation. There are several programs meriting this increase in funds. In addition to veterans' programs, the amendment also provides funds for other programs of human need and for measures designed at energy conservation and for the development of alternative sources of energy. Through the adoption of this amendment we will be furthering our commitment to address some of our most pressing domestic problems.

I am sorry the House did not see the need for the adoption of the human needs amendment. We could have utilized the provisions of the Budget Act to send the Ways and Means Committee back into session to reassess the priorities of our budget resolution. Rather than reacting to the paranois resulting from increased Soviet military strength by increasing military spending, we should be acting to establish an exemplary policy of satisfaction of human needs and full development of human potential.●

● Mr. EDGAR. Mr. Chairman, I wish to commend my able colleague from Maryland, PARREN MITCHELL for his leadership in bringing forward a thoughtful and imaginative human needs amendment to the first budget resolution. This amendment, which provides for reductions in tax expenditures and for increases in budget authority and outlays in several important social programs, seeks to address the problem which has concerned so many of us lately; namely, the means by which we might achieve as much social justice as possible in an inflationary economy without imposing undue burden on taxpayers ill-equipped to pay the fare.

Although I am not in complete agreement with all of the proposed spending increases provided for in the Mitchell amendment, I believe most of them represent significant improvements over what the President's budget has proposed, and what the Budget Committee has recommended. I would aalso like to suggest that most if not all of the increased tax expenditures which are entailed by the Mitchell amendment would be unnecessary if the defense portion of the budget were subjected to the same sort of tough scrutiny and trimming that many of our valuable social programs have been subjected to during the budgetary cycle.

I believe that a truly open-minded and critical review of the Federal tax code by the Ways and Means Committee would uncover numerous unwarranted tax loopholes and preferences. It is hard to believe that we could not close some of these loopholes enough to recapture $1 billion in fiscal 1979 and $4 billion in fiscal 1980, and without throwing the burden on the average wage earner.

However, I must admit to a certain concern that the upcoming several months may not be the ideal time to ask the Ways and Means Committee to undertake a thorough review of tax expenditure policy. The strong sentiment in the Nation at this time for increased fiscal discipline in Washington may make any talk of increasing taxes—anybody's taxes, whether or not a loophole is being closed—very unpopular indeed. I wish that we could be sure that our colleagues on Ways and Means would bring forth recommenations of a totally unobjectionable nature. But as my colleagues know all too well, this is too much to expect when tax reform is at stake. As soon as the well-intentioned efforts at reform begin, so also do the efforts by the numerous special interests to guarantee that their particular tax advantages are protected.

Even with these reservations, I view the human needs amendment as being worth strong support, because it simultaneously attacks two of the major concerns of our day: The responsibility of the Federal Government to assist those least able to provide fully for their own needs, and the crying need for a greater measure of fairness in our system of taxation.●

Mr. GIAIMO. Mr. Chairman. I move that the Committee do now rise.

The motion was agreed to.

□ 1405

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 107) setting forth the congressional budget for the U.S. Government for the fiscal year 1980 and revising the congressional budget for the U.S. Government for the fiscal year 1979, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to make the following announcement: The House will continue the Alaska National Interest Lands Conservation Act of 1979 debate tomorrow.

There are five suspensions on Monday, and the leadership will follow them with the conclusion, it is hoped, of the budget resolution.

The Chair is making this announcement, that instead of rising at 5:30 p.m. on Monday, he would hope that the House would go into the night until such time as the budget resolution can be completed. So, the usual 12 to 5:30 p.m. on Monday will be suspended, and Members should make plans to have a night session if necessary.

PROVIDING FOR CONSIDERATION OF RESOLUTIONS RELATING TO STANDBY GASOLINE RATIONING PLANS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 262 and ask for its immediate consideration.

The Clerk proceeded to read the resolution.

Mr. BOLLING. Mr. Speaker, I desire to withdraw the resolution temporarily.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) withdraws his request.

□ 1410

REQUEST FOR CONSIDERATION OF HOUSE RESOLUTION 265, EXPRESSING THE SENSE OF THE HOUSE REGARDING LANGUAGE TC PERMIT IMPLEMENTATION OF STANDBY GASOLINE RATIONING

Mr. ANDERSON of Illinois. Mr. Speaker, I send to the desk the resolution (H. Res. 265) expressing the sense of the House of Representatives regarding the meaning of "severe energy supply interruption" to permit the implementation of standby gasoline rationing and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. BAUMAN. Reserving the right to object, Mr. Speaker, I have only learned about this rather amazing proposal in the last few minutes. It is my understanding, and the gentleman from Illinois (Mr. ANDERSON) can perhaps respond, that this resolution attempts to embody a statement somewhat approximate to the so-called Stevens proposal that was adopted in the other body yesterday. That proposal in the other body included a requirement that if the President were to impose rationing, there would have to be a 20-percent shortage in available national gasoline supplies for at least a 30-day period. According to the press this morning, this belated proposal was necessary in order to gather an additional 10 or 11 votes in the other body in order to pass the rationing plan itself.

Five minutes ago I learned that the gentleman from Illinois was going to offer something akin to the same proposal I assume for the same general purpose to get more votes for a plan that may not be acceptable to the House later today. Is that the case?

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. Yes; I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding. I think I would state the case for the resolution somewhat differently.

Mr. BAUMAN. Reserving the right to object, I yield to the gentleman for that purpose.

Mr. ANDERSON of Illinois. I would suggest that there is understandable concern on the part of many Members of this body that the mere adoption of standby rationing authority as is proposed in the legislation that was cleared earlier this week by the Committee on Rules will become a self-fulfilling prophecy, and that once we lock the barn door with the passage of even standby rationing authority, that the bureaucratic horse is going to inevitably push that door open.

The purpose, therefore, of the resolution that I offer is to signal in as clear and unmistakable language as can possibly be devised that it is the intention of Congress that unless the conditions set forth in this resolution—and I would suggest to the gentleman that they include not only the requirement that the President determine that the shortage is more than 20 percent and that it lasts for a period of longer than 30 days, but that there are five other conditions that the President would have to find. He would have to make a determination based on all six of those conditions before he would have the authority to even transmit the plan, which would still be subject to a one-House veto within 15 days of its arriving here on Capitol Hill.

□ 1415

It is really an effort I think to forestall the possibility that the mere adoption of the resolution would lead to the implementation of the plan.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, the difficulty which confronts the gentleman from Maryland and, I suspect, the other 433 Members of the House, is that we have never seen this resolution. I am quite sure it does not comply with the so-called Burton rule, which requires printed matter to be available to all Members for a certain number of hours.

This particular energy proposal we were supposed to vote on under the rule reported by the Committee on Rules was 2½ years in coming from the administration, and it was required by law to be submitted to Congress. On Tuesday of this week the plan was amended in a major fashion. On Wednesday this week it was amended again in a major fashion, and now the gentleman from Illinois, as an instrument I assume for the leadership on the other side, suggests another last-minute appendix to this energy plan. None of us have seen his latest proposal.

The question is whether this is orderly procedure on an issue that could touch the economic fate and the lives of every one of our constituents in every one of the districts we represent. To me it does not represent good procedure. It is the antithesis of that kind of procedure. You are asking the House to legislate in the dark.

Mr. ANDERSON of Illinois. Mr. Speaker, would the gentleman yield to me?

Mr. BAUMAN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding, Mr. Speaker.

I am not accustomed to being an instrumentality of the majority leadership and I make no apologies for what I think are the very slothful habits of this administration in dealing with the energy question. I have been as trenchant in my criticism of this administration for its failure to adopt an energy policy as any other Member of this body. I am troubled by the fact that the President, after first discarding the standby rationing plan that had been prepared by his predecessor, President Ford, and then going before the Nation in April, 2 years ago, and proclaiming an emergency, did not until July 1, 1977, even come up with a plan and that he is quite correct in suggesting it was not until March 1 that the Administrative Procedures Act had been fully complied with and that plan had been heard and now comes before this body.

Be that as it may, given the majority that exists in this Chamber on the other side of the aisle, I feel I am making a contribution if I introduce into the RECORD and can secure passage of a resolution that will guarantee the people of this country that the passage of any standby rationing plan will not be implemented, will not become effective unless the six conditions, very elaborate conditions, of this resolution have been complied with.

Mr. BAUMAN. Mr. Speaker, reserving the right to object, the gentleman from Illinois should not fool the House about the impact of his resolution. If I heard the enacting clause correctly it is only a sense of the House of Representatives which has absolutely no legal effect, could be ignored by the President at his will. We are fooling ourselves if we believe that this President would not go around this resolution if he felt it was necessary. It has no impact at all except to soften the political situation and perhaps provide more votes in the House for a plan that many of us feel is inequitable to almost every part of the Nation. The gentleman's suggestion has no legal impact.

Mr. ANDERSON of Illinois. Will the gentleman yield further?

Mr. BAUMAN. Mr. Speaker, I yield further, reserving the right to object.

Mr. ANDERSON of Illinois. The gentleman is quite correct. This is merely a sense of the Congress resolution as was the resolution adopted in the other body on yesterday. However, given the failsafe mechanism that exists in the law that any plan that is developed and sent to the Hill can be disapproved by a one-House veto within 15 days thereafter, I cannot believe that the President would be so foolish as to fly in the unanimous face of the Congress, House and Senate, and send up or try to implement a plan that did not comply with the restrictions that would be imposed by the language of the resolution. He might do it but it seems to me it would guarantee the defeat of that plan.

□ 1420

PARLIAMENTARY INQUIRY

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, may I make a parliamentary inquiry?

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BAUMAN. Mr. Speaker, are there are any copies of this resolution available for the Members of the House?

The SPEAKER. The gentleman has to ask the author of the resolution.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, are there copies available?

Mr. ANDERSON of Illinois. I can provide the gentleman with a copy.

Mr. BAUMAN. In other words, there are no copies provided for the membership of the House?

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, it seems to me that the wiser course for the House to take would be to defeat the resolution which will be coming up having to do with the rationing plan, so that the matter can go back to the appropriate committee of the House and an amendment similar to or perhaps identical to the amendment proposed by the gentleman from Illinois could be incorporated in the legislation itself.

I am somewhat bothered by the fact that the resolution offered by the gentleman from Illinois is only a sense of the Congress resolution which has, of course, no effect as far as the law is concerned and would still allow the President to do as he pleases, even though the Congress might not want him to do it. I would ask the gentleman from Illinois if the gentleman might not feel that it would be the better course of action to withdraw his request at this time.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, I certainly agree with the gentleman from Arizona that if the "whereas" clauses have any meaning at all, and the "resolve" clauses, indeed, which I have just been able to glance at, have any meaning, that they ought to be incorporated in a proper fashion within the entire context of the plan before us.

We have no idea what impact this resolution will have on either Presidential powers or on the rationing plan itself.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, I thank the gentleman for yielding.

I should like only to comment that while the suggestion of the very distinguished minority leader might otherwise be an extremely useful one—that is, to go back to the committee and amend the proposal—it will not conform with the statute to do it in just that way.

The only choice before the House today with regard to the standby rationing plan is whether or not to grant the President standby authority. If our formal granting of it were in any iota different from that agreed to in the Senate, the statute would not be fulfilled and the President would have no standby authority. That is the only comment I wanted to make, beyond saying that we on this side have no objection that I know of to the kind of resolution that the gentleman from Illinois (Mr. ANDERSON) proposes.

I, for one, think it unnecessary to tie the President's hands in that sense, because I believe this President is just as loath and just as reluctant to think of the possibility of having to impose rationing as any of us are; but to the end that it would provide any assurance as to the purpose and intent of the Congress in approving standby authority, I would certainly wholeheartedly support and embrace what the gentleman from Illinois has suggested. I should think this kind of thing ought to be a bipartisan proposal.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, I respect the gentleman's judgment, but apparently the gentleman has had better and earlier access to the language of this resolution than the rest of the House, since the gentleman embraces it so closely. The rest of us have not even had a chance to read it, and the fate of our districts and their welfare, economically and otherwise, rides on this action today, and yet we are being asked to legislate blindly.

Mr. Speaker, I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I would like to direct a question to our colleague, the gentleman from Illinois, the author of the amendment.

□ 1425

Does this insure passage somehow if this is added on?

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, may I ask the gentleman from California (Mr. ROUSSELOT), will he repeat the question?

Mr. ROUSSELOT. Does this help insure passage somehow?

Mr. ANDERSON of Illinois. I would feel far more secure in my own mind to support the resolution, and obviously I speak only for myself.

Mr. ROUSSELOT. If this is not in it, the gentleman will not vote for it?

Mr. ANDERSON of Illinois. No, I would not say that. But I say, in deference to the feelings of many other Members of this body, particularly on this side of the aisle, that I am trying to make a contribution to this entire debate by offering an assurance, through this sense-of-Congress resolution, that six very definite findings have to be made by the President before any rationing plan could be implemented.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Illinois (Mr. ANDERSON), I am sure, says he wants to make a contribution, but would he not agree that the answer is not rationing but production, with the energy problems we are facing?

Mr. BAUMAN. Mr. Speaker, I think the gentleman's point is well made.

Mr. SYMMS. When we talk about the gentleman's contribution, is it not true that this will make it so it will also be more difficult to produce oil and gas in Alaska?

Mr. ANDERSON of Illinois. These are very important points that will be decided in that bill.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman for yielding.

I would make three quick points. First, I have been sitting here on the floor for 20 hours, during which the point has been made on the other side about how bad it is to bring things out that have not been thought out. It is amazing how they can apply it when we offer amendments they may not agree to but how easy it is when they want to slip something through like this by unanimous consent.

I say, secondly, when we consider something like this, I think we can look to last December when the Senate almost unanimously indicated their enthusiasm of what the Senate would do regarding the Panama Canal Treaty. They did not pay one iota of attention to the Stone amendment.

I have been around here 13 years, and I know a Member would not be recognized by the Speaker to bring up something like this unless it was precisely by the Speaker's orders.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from California.

Mr. CORMAN. Mr. Speaker, I thank the gentleman for yielding.

I would like to ask, is there any exception to the 20-percent reduction for 30 days?

I ask that particularly in view of the fact that there might be some very serious, critical problems before we reach that point. Are there any exceptions which would grant Presidential authority under the resolution?

Mr. ANDERSON of Illinois. No. As I read the language of the resolution, there would not be.

I will repeat the language again, if the gentleman from Maryland will yield?

Mr. BAUMAN. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. First, Mr. Speaker, the President would have to determine that the national energy supply shortage "has resulted, or is likely to result, in a loss to the United States, or an allocation away from the United States under international obligations, of more than 20 percent" of our supply of petroleum "for a period of time exceeding 30 days."

I find no exception there.

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I say to my colleague, the gentleman from California (Mr. CORMAN), that it seems to me we may be facing an emergency situation almost immediately in the gentleman's own State where a 30-day wait, with a 20-precent shortfall, would be disastrous for the gentleman's State and other States.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, simply for clarification on that specific point, the language which appears in the resolution, as I view it before me—and this, in this respect, I think, is identical to the language which was adopted in the Senate resolution offered by the Senator from Alaska (Mr. STEVENS)—requires that the President determine that a national energy supply shortage has resulted, or is likely to result, in a loss of 20 percent of our supplies for 30 days or more. It does not specifically require that we should suffer and endure a 30-day loss before being able to take action.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. Further reserving the right to object, I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I thank my friend, the gentleman from Maryland (Mr. BAUMAN), for yielding.

The language of the basic statute, EPCA which deals with this matter is as follows:

> The term "severe energy supply interruption" means a national energy supply shortage which the President determines—
>
> (A) is, or is likely to be, of significant scope and duration, and of an emergency nature;
>
> (B) may cause major adverse impact on national safety or the national economy; and
>
> (C) results, or is likely to result, from an interruption in the supply of imported petroleum products, or from sabotage or an act of God.

In other words, all of those things must be embodied, and a simple crisis in one part of the country or a shortage in one part of the country probably is not sufficient to trigger the President's power to submit an approved standby rationing plan.

In consequence, I find the language of the resolution introduced by the gentleman from Illinois (Mr. ANDERSON) to be enunciatory of the basic statute, not to change it, and it does require that the crisis or the supply interruption be national in character or have a national impact.

The gentleman, I think, is seeking to lay out the proper legislative history. I would point out that since we cannot amend the plan under the statute, under EPCA, the way they are required to be sent here, it is necessary for us to provide the necessary clarification and legislative history so that all will know under what circumstances the President will act. There is no quick way and no easy way to amend without the President's sending another plan up here, which is out of the question without changing the law.

☐ 1430

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. I thank the gentleman for yielding.

Mr. Speaker, I think it is important that I remind my colleague, the gentleman from Maryland (Mr. BAUMAN), that under EPCA, the President was required to send a rationing plan to the Congress. He has sent this plan now, the third plan, which basically allocates fuel on the basis of historical usage. The problem with the plan is that now, while we have a 15-day period to validate the enactment by the President, we do not have a clear definition of the circumstances under which the President might ask that rationing be enacted. I believe that this resolution, which was offered by Senator STEVENS, and which is now being offered in our body, represents a protection for those who are concerned about rationing being imposed upon the American people. I remind my colleague, the gentleman from Maryland, that under the best circumstances, rationing is inefficient, expensive, and inequitable. I think that this resolution is vitally important to give us some protection against premature use, in light of the fact that we do not have the power to amend the President's proposal. The absence of power to amend makes it very difficult for those who would like to have a precise definition of under what conditions the rationing can be asked for.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, I would say to the gentleman from Texas that, from his viewpoint, apparently, he would like to support the resolution if it comes before the House. I notice that on the copy given to me the gentleman's name was scratched out as a cosponsor. Is the gentleman a cosponsor of this resolution?

Mr. GRAMM. I read that resolution. It was introduced in the Senate. I support it.

Mr. BAUMAN. But the gentleman is not a cosponsor?

Mr. GRAMM. I think it is very dangerous to engage in this kind of activity, in trying to defeat a resolution by trying to knock out something that would add protection.

Mr. BAUMAN. Further reserving the right to object, I disagree. Mr. Speaker, the gentleman suggests there is something improper in objecting or reserving the right to object to a unanimous-consent request.

Mr. GRAMM. No.

Mr. BAUMAN. There is a procedure available in this House for emergency situations. It is called the Rules Committee. And I am informed that none of the members of the Rules Committee, including the chairman, did not know about this proposal, except for the gentleman from Illinois, until it was called up a few moments ago. We had about 6 hours of hearings on this topic yesterday. At no time was a suggestion made pro or con that language such as this is necessary.

Let me just read one phrase:

> . . . (a shortage) has resulted, or is likely to result, in a loss to the United States, or an allocation away from the United States under international obligations . . .

What does that mean? Does that mean that U.S. gasoline supplies are going to be detoured to foreign countries ahead of American interests? That is just one question.

Mr. GRAMM. If the gentleman will yield, I will try to answer the question.

Mr. BAUMAN. I think the gentleman knows my question is rhetorical. I do not wish to prolong the proceedings.

The SPEAKER. Is there objection to the request of the gentleman from Illinois (Mr. ANDERSON).

Mr. ROUSSELOT. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

STANDBY GASOLINE RATIONING PLANS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 262 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 262

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the State of the Union for the concurrent consideration of the resolution (H. Res. 212) to approve the standby gasoline rationing plan (Department of Energy standby rationing plan numbered 1) and a resolution to approve contingency plan numbered 6 (an amendment to standby gasoline rationing plan numbered 1) submitted to the Congress on May 8, 1979. General debate on said resolutions shall continue not to exceed three hours, to be equally divided and controlled by a Member favoring the resolutions and by a Member opposing the resolutions, and at the conclusion of general debate, the Committee shall rise and report the resolutions to the House, and the previous question shall be considered as ordered on said resolutions to one vote on their final adoption without intervening motion, and said vote shall not be subject to a demand for a division of the question or to a motion to reconsider.

□ 1435

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself 10 minutes.

Mr. Speaker, this is an unusual rule. It is a rule designed to deal with an unusual law, a law written in 1975, I suspect if not with malice, with an excessive desire to protect the Congress from the President. It is a peculiar law in a very real sense, because it says that both the House and the Senate have to pass identical plans presented by the President, that the House and the Senate cannot amend them.

The House and the Senate cannot have a conference. They still have to be identical.

That is the reason we have this very strange rule, because what happened was that the President's first plan did not do very well. It came close. It had a tie vote, as I understand it, in the House committee, but it was clear that it was not going to become law, that it would not be effective unless there were some changes made.

The President had a false start. He sent up plan No. 5, and that did not fly. So I guess yesterday, he sent up plan No. 6. Apparently, that did fly in the U.S. Senate, because the reason I am down here in the well trying to get this rule passed is only because the U.S. Senate, in two separate votes, did exactly what the House of Representatives will do in one vote, if this rule is adopted.

The Senate adopted plan No. 1 and plan No. 6, and that, in effect, was adopting plan No. 1 with an amendment that changed somewhat the way in which there would be allocated the gasoline that was available.

I am down here trying to pass this thing, because I believe that there is one thing a great deal worse than having any rationing plan in place.

The one thing that is a great deal worse is for us to suffer a major interruption; that is, reduction in the amount of oil that comes into this country without having a rationing plan in place.

Because of that law that we passed in 1975, we have to go back—the administration has to go back—and deal with a very complicated set of hearings and processes, which, along with the implementations will take at least 6 months.

I do not know who is so smart in this House that they know we are not going to have an interruption tomorrow. If we have that interruption, if something happened to one of the countries that supplies us with a great deal of oil, we would have a disaster in this country, because we do not have a rationing plan in place.

People talk about allocation as being enough. We had the allocation authority in 1973, and it was used. We still had lines all over the country. We have to have the authority that is in place, and we will have to have in place a rationing plan. This is the only rationing plan that we can get any time soon. That is why this rule must be passed, and that is why we must then vote favorably to see to it that we have in place a rationing plan.

Now, it may not be the best one, but it is the best one that we can get in place. And we have to get something in place right now. The situation in the world is much too dangerous for us to let it go.

I do not even understand why anybody would take the opposite position. In the 6 hours of hearings that we had in the Rules Committee, 6 hours or more, yesterday, I heard a lot of different exotic notions as to how we could do it another way. I found each one of them proposed totally unconvincing. This gives us time. This gives us an opportunity to prevent chaos in case of a major interruption.

I very much hope that the Members will vote for this rule.

□ 1440

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman of the Rules Committee for yielding at this time. I rise in opposition to this rule really with some degree of trepidation, because I do not know what rule might be changed now; what could jump from this centipede and land on our heads. This plan seems to be a centipede because there are so many feet that keep coming down one after the other. It is hard to keep up with what we are considering as we go along with this so-called standby rationing plan. So, let me give the Members a chronology of what has been happening and try to show them that there is plenty of reason to vote against this rule, and should it unfortunately pass, vote against this standby rationing plan because there are alternatives.

Mr. Speaker, this is a most unusual rule which is the result of some last minute maneuvering by the administration. Let me explain the major events that led up to this result.

Under the Energy Policy and Conservation Act the President is required, among other things, to submit to Congress a rationing plan for gasoline. On March 1, 1979 the President submitted Standby Gasoline Rationing Plan No. 1. Under the law Congress has 60 legislative days to approve the plan.

House Resolution 212, a resolution to approve plan No. 1, was finally reported from the Committee on Interstate and Foreign Commerce without recommendation by a vote of 21 to 20 last week, after a lot of negotiations and considerations and voting and reconsideration, and finally a 21 to 20 vote without recommendation.

Under the law the President's plan fails unless both Houses approve it by this weekend

On Monday of this week, May 7, the President sent up Contingency Plan No. 5. This is, I guess, the second or third foot of the centipede, and it is an amendment to Gasoline Rationing Plan No 1. Shortly thereafter, the Rules Committee scheduled an emergency meeting for Wednesday of this week to consider a rule to make in order the President's amendment. Then on Tuesday, May 8, the President sent up Contingency Plan No. 6, an amendment to replace Contingency Plan No. 5. That is the third or fourth foot of the centipede.

On Wednesday, May 8, the Rules Committee met and reported a rule providing for concurrent consideration of resolutions to approve the President's original plan and his latest amendment. The latest amendment, Contingency Plan No. 6, was never considered by the Committee on Interstate Foreign Commerce. Even though the committee worked diligently on the original plan, it never had a chance to consider this thing. What has happened to normal procedure in this body? Sometimes I wonder why we have rules and normal committee procedure when we just go along and waive everything at our convenience.

Thus, the rule has the effect of bypassing the normal process of committee consideration.

The statute provides that each approved resolution will be debated for 10 hours. The rule provides that both resolutions together will be considered for only 3 hours.

Then, instead of a vote on each of the two approval resolutions, there will be only one vote on the two resolutions. The question may not be divided. Under the procedure in the statute, the resolutions may not be amended. The House either has to take or leave what the President proposes.

Mr. Speaker, this rule is a last-minute attempt to stick together a package that has not been properly thought out, to try to eke out just enough votes to get it through. If we act in haste, bypassing the normal committee process, we will have only ourselves to blame for the chaos and bureaucracy that is going to result.

Mr. Speaker, I will not take the time to go into the details of the program, but there are a couple of brief points that should be made. There are three areas that we cannot overlook. One problem comes from what I call "junkyard dog provision." It requires that the distribution of coupons will be according to ownership of vehicles. Distributing ration coupons according to the number of vehicles discriminates against one-car families and offers a bonanza to dealers of registerable "junker" automobiles.

□ 1445

I think a junkyard dog provision is an applicable way to describe this, and of course others will go into detail on this. But a number of States do not even have the ability to provide this information, including California, which certainly has a large number of vehicles registered out there.

Mr. Speaker, these ration coupons will be freely negotiable, creating a new type of money or currency. The price of these coupons will be what the market will bear. This concept will be unfair to poor Americans to the benefit of affluent Americans and would be unfair to rural America to the benefit of urban areas of this country.

Finally, Mr. Speaker, this rationing plan will be the bureaucrats' dream—they are going to love it—and the citizens' nightmare. According to the Department of Energy's own estimates, the administration of this system will require as many as 4,600 Federal employees and 27,000 State and local employees that would be reimbursed by the Federal Government. We can disagree on these figures, but everybody will agree it is going to take a lot more people to do it. The plan proposed is just not fair. It has been pasted together at the last minute, and we just saw another example, I am sure in good faith, to try to get one more little change to get the Congress to go ahead and do this thing. We should not do it. This is not the end of the road. If we had an emergency right now, we do have an allocation system in place. The President could take advantage of that opportunity to make allocations if they need be, and I would hope they would be fair. If this plan fails, it is not the end of the world as far as a rationing standby plan goes. The President could come back with a more reasonable one. The responsible committees could consider it and then could act without this centipede dropping another foot on our head every step along the way.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

What we are witnessing here is a classic example of Government causing a production shortage which we have in energy. We do not have an energy crisis; we have an energy production crisis in this country brought about by a government with price controls, environmental restraints on the mining of coal, the burning of coal, building nuclear plants, getting oil and gas out—all brought on by Government. Government is going to save the people by getting a rationing plan, and I think the best thing this Congress can do for the American people today would be to vote this monstrosity down. It is going to be inequitable. It is going to cause more problems. Somehow some people think they can say, we saved you folks. We produce rationing. It is not going to produce gas and oil. The problem is production, production, production, what we need is production.

Mr. LOTT. Mr. Speaker, rather than lock this country into a bad plan, I ask for a no vote on the rule. That is the way we should really do it. Some of us may really feel more comfortable not voting on the merits of the proposed standby rationing plan. It is really a procedural question at this point. I think a no vote on this rule is a very responsible one. I believe we can do better in devising a rationing plan if there must be one for this country.

Mr. Speaker, I yield 3 minutes to the distinguished minority leader, the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Speaker, this is a plan which should not be adopted. In the first place, I am told by the people whom I trust the most who know these things that in the year 1979 there may be a gas shortage in this country equal to 2 percent of the requirement. If 2 percent is all the shortage there will be, setting a standby system in place, when implemented would cost $2 billion a year, is sheer idiocy. It would be just like using a sledge hammer to drive a carpet tack. There is absolutely no reason to put this plan on the statute books right now.

Also, I think it is important to understand, if we do have a shortage, how we got here. It is because this Congress and this administration have for all of these months been going in their own direction. They have failed to realize, as the gentleman from Idaho (Mr. SYMMS) has been trying to point out time after time, that the name of the game is more production and more supply. The Republicans, who were on the Ad Hoc Energy Committee, took as the centerpiece of their program—more production! But not the administration. We have had nothing from this administration or from the majority of this Congress to do one thing that would increase the supply of energy in this country. So this is the way we need to go. The idea of talking about rationing right now is just not rational.

As a matter of fact, a rationing system which is standby is tantamount to a self-fulfilling prophecy.

□ 1450

I do not remember a standby program that was not implemented eventually. I will bet anybody who wants to take the bet that if we indeed go ahead and set up this standby rationing plan that within a very short period of time you will have the plan implemented and it is going to cost the taxpayers $2 billion a year.

Mr. DINGELL. Mr. Speaker, will the gentleman yield to me?

Mr. RHODES. I do not have the time.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, how much will it cost?

Mr. RHODES. Two billion dollars a year.

Mr. ROUSSELOT. Two billion dollars a year?

Mr. RHODES. Two billion dollars a year.

Mr. ROUSSELOT. Perhaps we can wake this place up a little bit.

Mr. RHODES. That is right. Two billion dollars is a lot of money to me. I remember what Everett McKinley Dirksen said: "$2 billion here, $2 billion there, and then you get into some real money."

Mr. Speaker, I am sure this is exactly what we will find this will be, too.

Mr. Speaker, I hope we will not consider this plan, that we will defeat the rule and go on to some business the House needs to transact for the good of the country instead of for the bad of the country.

Mr. BOLLING. Mr. Speaker, I would like to comment briefly on what the minority leader said.

I guess the gentleman missed the fact that the administration has recommended decontrol of all prices on oil, which is what the oil companies and most of their representatives have indicated was a way to get greater supply.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. RHODES. Mr. Speaker, would the gentleman yield to me first?

Mr. BOLLING. I will be glad to yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, of course the gentleman is aware that this so-called decontrol program is going to take 2 years which we do not think is really what anyone had in mind when a decontrol program was referred to and it will not have the effect of increasing the supply.

Mr. BOLLING. Mr. Speaker, I am delighted the gentleman feels that way. That should ease the pain of a great many people who are very much against decontrol for the exact opposite reason.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, we wallow here in a vast well of misunderstanding.

My good friend, the minority leader, suggested we ought to reject the rule and the plan. My good friend from Mississippi suggested we reject the rule. If we do that, we will never have a chance to discuss this question and understand what is really at stake.

One of my colleagues objected. He did so in an honorable fashion, I think for good reason. He objected to the resolution offered by the gentleman from Illinois (Mr. ANDERSON) whose purpose simply was to clarify the circumstances under which the President would lay in place a rationing plan.

The rationing plan is something which is submitted by requirement of law by the President of the United States. The Energy Policy and Conservation Act (EPCA) passed in 1975 on the bitter experience of the Arab oil embargo, mandated the President to submit to the Congress a rationing plan. That rationing plan would be a standby plan, not something which the President could lay in place at whim or caprice. The statute laid out specifically the circumstances under which he could finally implement the standby rationing plan. That standby rationing plan must first be approved by the Congress by affirmative vote. That is the question which lies before us. After the plan has been approved it goes on standby status. Only after such approval, and then upon the occurrence of a major supply interruption national in character in accordance with EPCA the President may submit to the Congress the request to implement the plan. At that time he must submit to the Congress the specifics of the plan of rationing which he proposes to lay in place.

Now the vote at that time, and this is the second vote, not the one today—must be one in which the President's plan is not disapproved by a one-House veto. If either House of the Congress, either the House or the Senate, says, "No, Mr. President, you may not implement your standby rationing plan," then the standby rationing plan cannot go into effect.

□ 1455

Now, there is no way that the President could put this thing in place tomorrow unless we first allowed the plan to go into a standby status. There is no way that he can then bring it into play unless and until the Congress has failed to veto by one House the actual laying in place of the plan.

Now, let us take a look at the situation. This Nation is dependent for 50 percent of its oil on imported crude oil and petroleum products. Right at this minute, spot shortages of gasoline and other products are beginning to come into sight. There is a shortage of gasoline in California. There will be spot shortages of gasoline, especially no-leaded gasoline, during the summer and fall of this year.

There is now a potential for a shortage of diesel fuel for spring plowing for agriculture.

There is a possibility of a shortage of heating oil during the fall months.

Now, let us take a look at where we are. If we do not have in place a standby plan that the President can put in place quickly, we are liable to see the people of this country thrown on a rationing system which will be dependent upon price. Price will be the determinant, and ability and economic capability will be the determinant as to whether or not anyone gets gasoline to run one's vehicle. That would be a disaster for the little people of this country.

I would beg my colleagues to understand that failure to at least lay out a system which will make possible access to the gasoline market by everyone in this country is to court disaster for the little people of this country. There is nothing so disastrous for the ordinary citizen as to be forced on a market where supply is short and price has a potential for going crazy. The economic consequences to the Nation and to the people of this country would be disastrous.

Now, the system is not necessarily perfect and I doubt if any two persons in this room could agree on what constitutes a good program for rationing.

I would suggest that any change in a rationing plan is certain to have a number of problems.

The SPEAKER. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

Mr. BOLLING. Mr. Speaker, I yield 5 additional minutes to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, any change in a rationing plan simply substitutes adversaries for the plan and wins it very few new friends.

Now, the President has submitted the rationing plan. It is basically a coupon plan. It has a white market, not a black market, as we found in the last rationing plan, one in which a person who has an excess of coupons may trade them on the open market for money; so those coupons become worth roughly the difference between the market value of a gallon of gas and the actual price of the gasoline.

Now, there is something else here to be understood. The plan provides flexibility for meeting the essential needs of the trucking industry, of the parcel delivery industry. It provids for the meeting of the needs of agriculture. It provides the necessary priority for the farms across the country.

The plan provides to the best degree possible to meet the needs of States where a lot of driving has gone on because it is based, with the amendment which the President has been submitted, which will be voted on at the same time under this rule, for allocation on the basis of historic use, so that we do not distort the patterns of use beyond the shortage of gasoline which would be shared equally.

The plan does not deal with distillate and diesel fuel, because that has to be dealt with separately.

Now, I would urge my colleagues to understand that even the National Governors Conference has supported this plan, reorganizing that it gives them 8 percent of the gasoline which would be available to a State reserve to meet the peculiar and unique problems that would exist in the several States.

The plan provides for a holdback of 2 percent to the national level; so here we have a plan which avoids the black market of World War II, a plan which affords an opportunity for the Governors to meet their local concerns, which is based on historic use and which has a limitation of three cars per household for purposes of obtaining ration coupons.

It is a good plan. The rule provides for an orderly mechanism to place the matter before the House so that we can have a single vote on this matter. It has been crafted at great difficulty by the Committee on Rules, ably chaired by the gentleman from Missouri. It has been the subject of lengthy hearings. It has been approved by the Senate and with the letter and with the understandings of the resolution offered by the Senator from Alaska, which laid out the circumstances which would indicate that the President would not act on this matter without a grave national crisis resulting from a supply interruption.

□ 1500

Mr. LUKEN. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Ohio.

Mr. LUKEN. Mr. Speaker, I wish to ask the gentleman a question.

As the gentleman knows, in the full committee I voted for this standby rationing plan with some severe misgivings and on the basis that it was an up-or-down vote, and that the President would not amend it at this time. Now, unfortunately, it has been amended in the Senate.

What I am concerned about is this: Contrary to what the chairman of the subcommittee, the gentleman from Michigan (Mr. DINGELL), says, I think we need a good rationing plan, and if we adopt this standby rationing plan, we will never get another one from the administration, but if we stand pat as the Senate did—and I want to tell the gentleman what my full concern is——

Mr. DINGELL. Mr. Speaker, I must say to the gentleman I have not very much time.

The answer to the question is that if we do not adopt this plan, the probabilities of the President submitting another plan are very slight. As a matter of fact, there is no requirement in law that the President submit us an additional plan, and for all intents and purposes, this is probably the only standby rationing plan this House is going to have a chance to vote on.

If we reject this plan and if we reject this rule, it is almost certain that this country will go forward into a world oil situation where we import 50 percent of our oil with a most certainty that a crisis somewhere, as in Iran or as in the Middle East, is going to cut off our supply.

The consequences of that are that, if we have that type of supply disturbance, we will have the same situation we had in 1973 and 1974 which caused the Congress to adopt the provisions of the Energy Policy and Conservation Act which mandated the President to submit this plan to us.

Mr. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield again to the gentleman from Ohio.

Mr. LUKEN. Mr. Chairman, the point is that this is what we were told in the Committee on Interstate and Foreign Commerce.

Mr. DINGELL. And I repeat that to the gentleman.

Mr. LUKEN. Then we went over to the Senate, and the President submitted a plan and the Senate turned it down.

Mr. DINGELL. No, the Senate did not turn it down. The Senate adopted it, along with the amendment submitted by the President.

The SPEAKER. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

Mr. BOLLING. Mr. Speaker, I yield 1 additional minute to the gentleman from Michigan (Mr. DINGELL).

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to my friend, the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, if I understand it correctly—and the gentleman in the well, I am sure, can correct me if I am wrong—the Senate did not any more amend the plan than we could have amended it in our committee?

Mr. DINGELL. That is correct. The plan is not subject to amendment. The President submitted an amendment to the plan which was considered and voted on, along with the plan in the same way we will consider it here today.

Mr. ECKHARDT. Precisely. Mr. Speaker, I thank the gentleman.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I support this rule and the resolutions of approval of the President's standby gas rationing plan which it makes in order. I must confess at the outset that I am not particularly ecstatic about either the rule or the rationing plan. They are far from being perfect. But then, we live in an imperfect world, under less than perfect conditions and we can not always afford the luxury of waiting around for the perfect mousetrap or perfect rationing plan to come along. I suspect they only exist in an ideal world anyway.

Mr. Speaker, I think it is unfortunate that we need this rule in the first place. Ordinarily, under the terms of the Energy Policy and Conservation Act of 1975, a resolution approving such a rationing plan, either reported or discharged from committee, would be highly privileged and would not require a special rule. But, in this particular instance, after the Interstate and Foreign Commerce Committee reported a resolution of approval of the President's standby gasoline rationing plan No. 1, the President began to send additional amendments to the Hill to win additional support for his plan. And so, on Monday of this week we got contingency plan No. 5, and on Tuesday we got contingency plan No. 6, which was a substitute for No. 5. Members were beginning to ask when the Carter centipede would drop its next shoe. It might be funny if we were not dealing with such a serious issue. One must ask why President Carter waited until the 11th hour of this 60-day review process to address these very legitimate concerns which have been around ever since he unveiled his plan last March 1. Why was not the President willing to consult more with the Congress prior to sending his plan up to the Hill and to compromise with the Congress back when the plan's flaws were revealed during congressional hearings in March? I would submit that the inept handling of this matter represents a serious failure of leadership on the President's part. The last minute submission of these revisions in the plan is an insult to the Congress and orderly legislative process. The President is playing fast and loose with his authority to submit amendments to a plan by submitting them so late that our committees of jurisdiction do not have adequate time to give the modifications any consideration whatsoever. And this in turn puts the entire membership at a disadvantage in attempting to determine without the benefit of committee deliberations and recommendations whether these modifications are advisable and workable.

Under the terms of EPCA the Congress should have the same 60-day review process to consider any amendments to a plan. But unfortunately, the time limit on the original plan runs out at the end of this week, and the Congress is not likely to approve it without the most recent amendment. That is why we need this special rule to consider the original plan and the amendment together since the amendment has not been reported from committee and it would not even be in order to discharge an approval resolution on the amendment from committee until next Monday at the earliest.

The only alternative would be to reject or take no action on the President's original plan and force him to submit a new plan incorporating the terms of his most recent amendment. But, as the gentleman from Michigan (Mr. DINGELL) pointed out in the Rules Committee, a new plan would be subject to a whole new hearing process under the Administrative Procedure Act, and, with a possible challenge in the courts, this could take anywhere from 3 months to a year before we even began the 60-day review process again.

So, Mr. Speaker, I do not think the submission of a new plan is a realistic alternative if we want standby rationing in place at the earliest possible date. The growing gas lines in California and the prospect of a gas crunch in other regions as well this summer should be fair warning that we do not have all the time in the world to play with. Even if we approve this plan today, a 20-percent gasoline shortfall could be on top of us before we are properly geared up to activate this plan.

Mr. Speaker, as I mentioned earlier, there is probably no such thing as a perfect and completely equitable gas rationing plan. By its very nature a gasoline shortage is going to affect us all adversely, no matter what system of coupon allocation we use. We should not kid anyone that if we just jigger the rationing formula one way or another people can continue with their present driving habits. That is just not possible and we had better impress that fact on the American people now so they will begin to drive slower and drive less so we can avoid the kind of crisis which would trigger a rationing system.

This is not an easy political decision for any of us today to make. No one will ever thank us for making possible gas rationing, and many will probably curse us if it is ever resorted to. But I would suggest that if we shrink from political leadership today and reject a standby rationing plan, the disruption to our economy, our social order, and our domestic tranquility will be far greater without this standy rationing authority. Let us not fool ourselves into thinking that we can somehow postpone this difficult deciation until a crisis is on top of us. Let us not fool the American people into thinking that we can somehow avoid a crisis by turning our backs on the necessary actions to cope with it when it does arrive, or that the invisible hand of market forces will somehow quell the fisticuffs, riots, and gunfights that will break out at the gas pumps when it does. We must act now to demonstrate that we are deadly serious about this very real prospect and hopefully, by so doing, we can convince the American people that they must begin now to make certain sacrifices and curtail wasteful gas consumption.

Mr. Speaker, I urge the adoption of this rule and the approval of the President's standby gasoline rationing plan which it makes in order.

Mr. Speaker, the resolution we are considering today—to grant the President standby gasoline rationing authority—is an admission of failure. Yet, that failure is so profound, we have little choice other than to approve the President's plan.

This action indicates that, despite the priority President Carter has placed on energy, despite the passage of a national energy act by the Congress, and despite the national pleas for conservation of limited energy resources, we have failed to eradicate the basic supply and demand deficiencies which threaten the health of our national energy system.

Today, we are being asked to approve much more than just a rationing plan; we are being asked to look into the future and imagine how much worse the situation will become if we continue to fail to meet the challenge which has been with us at least since the 1973 oil embargo.

From what I can see, Mr. Speaker, the picture is bleak. Therefore, it is time for us to own up to our failure, to admit our dereliction of duty, to atone for sins of omission and commission. If confession is good for the soul, it is time to confess. For in this case, our confession that the failure to solve the energy dilemma may result in a rationing program few people want may galvanize us into the kinds of action we unfortunately have avoided to date.

Passing this resolution is no victory. While the President may attempt to claim a procedural triumph for having steered his plan through Congress, it would be a pyrrhic victory indeed. Therefore, the President himself must face up to his failure. After more than 2 years of pious pronouncements on energy, there is no more room for piety. There is a vacuum which must be filled with decisive, effective, and understandable actions.

Yet, what has been decisive about Mr. Carter's conduct when we are asked to consider a plan which has been twice amended in the 11th hour? What has been effective about his energy policy if we are confronted with the potential of rationing? What has been understandable in the montage of conflicting and confusing signals emanating from our own Department of Energy?

Here, too, Congress shares in the blame. We have had the opportunity to place this country on the road to a nationally secure energy policy; yet, we have squandered that chance. It is sheer irony that caused Senator JACKSON to remark yesterday:

> The truth is the the House and the Senate acting legislatively are not in a position to deal with the current world crisis. We would not be able to put together legislatively a plan that could be passed by the House and the Senate.

Mr. Speaker, I must ask: If we cannot act legislatively to solve a crisis or to avoid an impending one, who can?

Last, the blame must be shared by the American people. Despite the admonitions to conserve, despite the portent of high prices and probable shortages, our people have continued to consume energy at increasing rates. Despite their awareness of this Nation's vulnerability to the whimsical decisions of foreign oil producers, they have shown little inclination to believe that their wasteful energy habits hold our foreign policy hostage to oil gluttony and expose our economy to an increasingly uncertain energy future. While their skepticism can be understood, their failure to become part of the energy solution cannot.

As for the plan before us, it is no solution. If it someday is implemented, then our energy sins will come home to roost. By then, the hour may be too late. Rationing will only restrain demand; it will not replace the energy stores that are lacking and it will not serve as a substitute for the aggressive and imaginative production of traditional and innovative energy supplies.

If implemented, it will not satisfy all the demands of an energy hungry public and economy; but, it should enable us to bear fairly the burdens of any shortfall. Obviously, dislocations will occur, anamolies will crop up, and inequities will result, but no rationing plan would be immune to these shortcomings.

About the best thing that could be said for this or any other rationing plan is that, if passed, it will serve as a constant reminder to the President, to Congress, and to the American people of the likely consequences of our continued failure to end our energy vulnerability. In this sense, the existence of standby rationing authority is more than just a contingency; it is an implied threat we make to ourselves. We are the only ones who have the talents and the means within our grasp to keep that threat from becoming a reality.

Should we approve this plan, as I hope we will, we cannot then forget about it or consider it just some item that will be placed in a file to be used only on an "as needed" basis. There remain too many uncertainties within the proposal and too much discretion granted the Department of Energy for Congress to act today and forget tomorrow.

In the days ahead, it is our duty to spell out our view as to how precious fuel will be allocated among the sectors of the economy, to help define who will be able to receive certain assurances about supplies so that necessary productive functions can continue with minimal disruption.

It will be our responsibility to insure that the President cannot proclaim a national energy emergency without sufficient justification or solely to solve regional supply and demand problems that have little relation to national conditions. Yesterday, the Senate, having approved the President's plan, also passed Senator STEVENS' resolution expressing its view as to what constitutes a "severe energy supply interruption" so that only a shortage of national proportions could trigger implementation of the rationing program. The House should echo that sentiment.

Mr. Speaker, we have done little to give the American people confidence in the Government's ability to manage this problem; at the same time, the American people themselves have contributed to the problem. And, as some people look to the future, only the most dismal predictions are made.

As Christopher Lasch wrote in the Culture of Narcissism:

> If on the other hand, we ask what the common man thinks about his prospects, we find plenty of evidence to confirm the impression that the modern world faces the future without hope.

But, then he adds:

> But we may also find another side of the picture, which qualifies that impression and suggests that western civilization may yet generate the moral resources to transcend its present crisis.

Whether we are confronted with a present crisis or an impending one, our task remains the same. We must overcome the crisis or eliminate those practices and conditions which may bring it upon us.

If the past is any guide at all, we will need to replace rhetoric with action, cynicism with challenge, and confrontation with cooperation. Therein lie the seeds of the solution.

We have no need to apologize for our success as a nation; but we cannot be lulled by success into complacency and inaction. As we recall in the Bible, after 7 years of plenty, Egypt was vanquished by 7 years of famine. So, too, will we suffer the lean years as well as reap the good harvests. And like the ancient pharoah in the Book of Genesis, we, too, will need to find someone discreet and wise to gather up the products of the good years so that the land will not perish through famine.

Mr. Speaker, we must exhibit that discretion and wisdom. Approval of the President's rationing plan is but one step in that direction. It is not the answer, and it is not an ideal contingency. But it is a prod, it is an example to OPEC of our resolve, and I hope Congress will take it as such so that we can get on with the chores we have failed to complete.

☐ 1505

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. WRIGHT), the distinguished majority leader.

Mr. WRIGHT. Mr. Speaker, what we are asked to authorize today is standby authority. It is just what the term implies. The vote today does not impose rationing. The President does not want to impose rationing. Like ourselves, he hopes it never will be necessary. If he ever should decide that conditions warrant the imposition of a rationing system in the United States, he then would have to present a detailed specific plan for implementation. Before it could take effect, this Congress would have an opportunity to reject or accept it.

What we are asked to do today is to give the President standby authority to put a program in readiness, similar in one sense to a program of military readiness against the possibility of our being attacked.

Let us stop and think just how vulnerable we could be if we do not have a plan nor permit one to be perfected. We would be defenseless. We would have no way to respond. We would be at the mercy of foreign suppliers, and much more so than we were in 1973.

In 1973, the Arab oil embargo virtually crippled great parts of our country. That was a year in which we imported some $7 billion worth of foreign oil. Last year we imported $45 billion worth of foreign oil. We are twice as vulnerable for our supply as we were then, and six times as vulnerable in the dollar drain which our dependence represents. An Arab embargo today could virtually paralyze our transportation system unless we have some orderly way to respond.

☐ 1510

The plan before us in general outline is as fair as any. It would first take care of essential services, then distribute the short supply on the basis of historic use. No rationing plan is ever popular. None can be completely equitable .I cannot think of any plan that I would really like.

But I can think of something I would like a whole lot less. I can think of something the American public would appreciate a lot less. That is a Congress unwilling to assume the responsibility to have any readiness program for our Nation against the possibility of another Arab embargo.

The choice today is not the choice between specific plans of implementation. The choice today is between whether we would have a plan or no plan. Our choice is between readiness and possible paralysis.

Those of us who vote against this resolution permitting standby authority will be voting for no plan, no defense, no readiness. They could be voting for a form of social chaos.

Any orderly program surely is infinitely preferable to the law of the jungle that we have seen at play in California in the past week. It was the survival of the fittest, or the rudest. Motorists queued up in mile-long lines. Tempers flared. Fights broke out. They waited and wasted precious gasoline idling their engines in the long waits. Then, the average purchase was only 3 gallons. The events set in motion a form of panic.

A serious nationwide shortage today, without a plan of response, could see literally tens of thousands of automobiles at any given moment, stalled in service station lines throughout the United States, running their motors and wasting copious quantities of the precious fuel which has become the economic lifeblood of this Nation.

What will be the response of the American people if that contingency should arise, and we have no plan whatever? Will they be grateful to the Congress for having lacked the stamina even to give to the President a standby authority? I think not. I think they will rise up to condemn us, and rightfully so.

Let me make one other point. We are so vulnerable right now to foreign oil supplies that it is almost akin to the votes in 1940 and 1941 as to whether or not this Nation would gear up its military readiness. After we were attacked at Pearl Harbor, those who had voted for military readiness were certainly not those who were criticized. Those who bore criticism of the American public, its scorn and righteous wrath, were those who had lacked the stamina to do the things necessary for the Nation, even though unpopular at the moment.

Mr. PHILLIP BURTON. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from California.

Mr. PHILLIP BURTON. Mr. Speaker, I join with our distinguished majority leader in urging support of the rule and the resolution, and urge all my colleagues to do likewise.

Mr. WRIGHT. I thank my friend, the gentleman from California. I believe he is taking the statesmanlike position.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Speaker, I would just say to the distinguished majority leader, and I would also have to say that it is somewhat astounding to sit here in this House Chamber and hear the gentleman from Texas, a great producer of oil and gas, talking about what would happen if we do not come up with some kind of a complicated rationing plan. The gentleman referred to the law of the jungle. I would say, whatever happened to using the marketplace price, and we do that voluntarily.

We do not have the law of the jungle. The reason they have got the law of the jungle and problems is because we have a government pricing and allocation system right now.

What I would like to do is go back to the good old days when the Texas oil companies used to rip us off, and we could buy gas and oil for less than 30 cents a gallon. If we did not like it, we would go down the street and buy it for 29 cents or 28 cents or 27 cents. There was always a gas price war.

Then along came Government intervention, and hence scarcities.

What are we talking about here? Rationing, controls, force.

The gentleman from Illinois made the point that the people of the United States may curse us if we pass a rationing plan. I would say if they are good, red-blooded Americans and they understand what we are doing to them here, they certainly will curse us and they ought to curse us because we are not facing reality.

□ 1515

Another thing I might say before I yield to the gentleman from Ohio is that out in Idaho, occasionally in the Owyhee Mountains we find a rattlesnake. The best time to kill a rattlesnake is when one has a club right in one's hand. I say to the ladies and gentlemen of this House, we can kill this rationing plan right now in this room and it is, indeed, a rattlesnake. The thing to do is vote "no" on the rule and get rid of this plan and start looking at what we can do in this country to encourage production and solve the problem.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. SYMMS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman for yielding to me. The Members also comment sometimes about how is it we always get our backs to the wall with a crisis and wait until the very last moment, such as a rail strike, and then we have to pass the legislation by 3 o'clock in the afternoon with no changes, or there will be a strike.

We see income tax revisions brought up at the very last moment, with hundreds of pages, and unless we pass it the way it has been put before us there will be no tax cut. That happens time and time again.

When are the Members going to rebel against this type of crisis management, or should we call it mismanagement?

Mr. Speaker, I rise in opposition to this outrageous resolution. We have before us just one more example of the chaotic energy policy this administration is trying to pass off on the American public. For 2 years we have heard a steady stream of Rafshoonisms to coverup the ongoing disaster of the President's inability to understand what the energy problem is all about. To pass this resolution would be to endorse the steady deterioration of Presidential leadership that has matched the decline of this Nation's energy situation.

The course of President Carter's energy program has been erratic at best. He has spoken for both over control and decontrol of oil and gas. He has created a massive and ineffective Department of Energy that has shown us how to strangle in red tape in less than 2 years. He has come out for mass transit and then shutdown Amtrak lines. He pontificates on energy conservation and then dumps 9,000 gallons of fuel in the Mediterranean.

We now have this resolution before us. The President claims that only rationing will stop the decline of our oil and gas reserves. Yet we will be considering, next week, a bill that will lock up 1.5 million barrels of oil and 1.5 million cubic feet of natural gas a day. Just yesterday I found out that the EPA is planning new rules on drilling muds that could add $45.5 billion a year to the price of domestic oil production. What is going on here? If we want cheap fuel and energy independence, why are we locking up millions of barrels of oil: Why are we raising the cost of domestic production? Why is the Interior Department foot-dragging on offshore oil leasing? Does not this administration, and does not this Congress, understand that you do not cry over shortages on one hand and then make them worse on the other?

The issues addressed in this resolution are not just based on energy, they are economic. Outside of a war time situation when high levels of patriotism prevailed I cannot think of any time or any country where rationing worked. The GAO states that this plan would require $400 million to set up and another $400 million a quarter to run. This sounds more like a power grab by the executive branch for more tax dollars than as sound economics. Most rationing plans have created black markets in the nations where they were imposed. We now hear from the President that a Government controlled white market will prevent this. This is incredible. I have never heard of such a blatant intervention into our economy. To straight across the board replace the free market with ration stamps and a Government-controlled white market goes beyond the wildest dreams of even the planners in the Kremlin. To have a major sector of an economy detach itself from money and free exchange in favor of stamps run off on Government printing presses with no backing or inherent monetary value smacks of 1984. This is not an energy policy, this is outright socialization of the economy.

I hope my colleagues reflect on what we are about to do here this afternoon. Our Nation was built on the free market. Most of us here believe that the market allocates resources better and fairer than any other system of distribution ever devised. We are not debating an energy policy. We are confronting a precedent. If this body passes a rationing plan it is endorsing total Government domination of a market sector. It is stating that the market has failed. It is overlooking the failure of Government, especially under this administration, to understand the market and to understand that you can't lock up resources, and drive up costs through regulation and then expect business to expand production and lower costs. The laws of the market economy are universal and eternal. If they are tampered with they come crashing down on the heads of those who violate them.

Intervention only leads to future problems and more interventions. At some point this cycle will stop with this Nation darkened for lack of energy and immobilized for lack of gas. This does not have to happen. The reason why we still have relatively cheap fuel is a monument to how well our economic system has been able to withstand the onslaught of Government regulation.

My colleagues should think back to their basic economics courses. If you have a shortage and a high demand you raise the price or increase the supply. With higher prices comes competition from alternative products. That is how we changed from whale oil to petroleum in the 1800's, this is how we can change from gasoline to some other form of fuel mix now and in the future. By unlocking the vast seas of oil still left in the shales, the seabeds, and the arctic slopes we can keep our economy moving and ease the transition to the day when oil finally is replaced by another fuel, as it inevitably will, decades or centuries from now. The genius of American technology, driven by the free and open market, is what will bring America out of the energy crisis, not some ration plan dreamed up by bureaucrats in the DOE.

Liberal advocates of more Government always seize any opportunity to fasten controls and bureaucratic devices onto the American people. In the case of energy we do not need rationing, we need production. The liberals in Government have hobbled production with their environmental controls, price controls, and their reliance on foreign oil. We should not fall in their trap again.

Mr. SYMMS. I say to the gentleman that they will rebel the day the American people get their backs up and start wanting this process and stop regulations governing us.

Mr. ASHBROOK. Mr. Speaker, second is it not then almost prophetic that every time there is a crisis many of our big government advocates use it as a time to get more controls, more stifling intervention of Government in the private sector? We do not need rationing; we need production.

Mr. BOLLING. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Connecticut (Mr. Moffett).

Mr. MOFFETT. Mr. Speaker, there are a number of assertions about this legislation that have been made, and there is no question that one can find all sorts of reasons to vote against it. Some have said that we have bypassed what they regard as the normal procedure; some have said that they have changed it for the Senate, so why have they not changed it for us. We can get very angry about that. Others have said—and there is sort of a rumor going around that this legislation punishes conservation—that it is going to punish the kind of odd-even system they are doing in California; that in fact since we do not know the roots of the shortage, why should we vote for a conservation plan?

It is in fact true that we do not know the roots of the shortage. The administration and the Department of Energy have not been forthcoming about the cause of the shortage, so that is another assertion that is made. Mr. Stockman has a "Dear Colleague" letter out that says that this is a reverse distribution of wealth, that it takes from the poor and gives to the rich. A lot of people are mad at the Department of Energy for various reasons, and they do not want to trust them to implement this plan.

I myself am upset, and many other Members are, about the decontrol. They can take it out on the President, and if he has made a decision to ration by price, why should we bail him out by voting for this?

Of course there are many reasons, but I think the American people have a right to be outraged if we do not come together just this one time to give this President the standby authority, as the majority leader said, he needs.

If Members want to work to change the plan, they have an opportunity—an opportunity to go and work on the regulation and the regulation writing; to go to the Department of Energy and testify before Secretary Schlesinger. That is not what we are arguing about. We are arguing about whether this is our last chance.

The fact is, we defeat this the process starts all over again. This is not the place to show our anger about the Department of Energy or President Carter. It is not the place to show our outrage. Members will have plenty of opportunity for that when the decontrol vote comes up, if they are really worried about inconveniencing the consumers and the consumer impact and the impact on older people and the distribution of wealth. Let us keep the big issue in mind. That is the impact of decontrol.

At some place we should give this President—I do not care whether it is Johnson, Nixon, Ford; Republican or Democrat—it is outrageous to think that we would be nitpicking this thing to death right now at a time when we should be coming together to give the President standby authority.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

Mr. Speaker, I agree with the gentleman entirely. I was trying to get the last gentleman in the well to yield.

It makes no difference what the cause of the shortage is with respect to having an ability to deal with it if it comes. Some of us do not even believe in the long term that there should be a shortage. This plan does not call for any action if there is no shortage.

☐ 1520

It does not go to the question of what caused the shortage. The question is, Will we be prepared to meet an emergency in America if we have one?

Mr. MOFFETT. I agree. I thank the distinguished gentleman from Missouri for yielding the time.

Mr. LOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey (Mrs. Fenwick).

Mrs. FENWICK. I thank my colleague.

Mr. Speaker, I rise in support of the rule and the plan, not that the plan is a good one perhaps, but it is the only one we have. Sitting on the Committee on Foreign Affairs, I do not think this is any time to leave this Nation without a safety net in case we should have a serious shortage of oil. But I would like to say also that if we are going to convince the people of this Nation that we have a shortage, those who are seeking high office in both parties had better stop jetting around this country in special planes for political speeches. There is nothing convincing about a gas shortage when we see this on the front pages of the papers every day.

Yes, we need this rule, and we need some kind of safety net for the people of this country, but I think we are all going to have to get together and stop wasting gas.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Lungren).

Mr. LUNGREN. Mr. Speaker, I rise in opposition to this rule and the plan. In short, Mr. Speaker, our energy chickens are coming home to roost—our energy myopia, lack of resources, and collective unwillingness to face the unpleasant realities of a burgeoning energy calamity. There is not enough to go around, and there is not any quick way to make the situation better.

Against this backdrop, President Carter has called for a horrendous, complex gas rationing plan. Some people have asked: "Is it better to have no plan or this plan"? Look at this plan. I suggest it is better to have no plan at all than this plan.

For my own self, I must say that this would have a devastating effect on my State. Some people say the President will be given only standby authority, and he would have to come before the Congress before he actually implements the plan. Talk to your constituents, talk to them about the impact of a plan that would be suggested until such time as the Congress acts. Oftentimes just a statement that is made from the White House is enough to destroy hopes, aspirations, and decisionmaking back home among the people who sent us here.

The other thing I would point out is that oftentimes, in the short time I have been in this House, I have heard it stated that "the President has come up with this particular plan; the President has made a decision in international affairs; the President has made a decision in this area; so let us not embarrass the President, let us go forward with this plan." I will say that we will hear those same arguments if the President suggests his plan ought to go into effect at that time in the future.

What has happened, as we all know, is that we have done virtually nothing in this House, nor has the administration, for over 2 years on the production side of the question. Now that we have a shortfall, what are we told that we want to do about it? We are told, let us play the game of coupon bingo. Let us play the game of coupon bingo. Sure, one speaker gets up and says, "Let us not have price be the measure"; but we are going to have a white market in coupons. That means all we are going to do is transfer the lines from the gas stations to the banks. The people are going to be lined up at the banks to get their coupons. As soon as they get their coupons, there is going to be a run to the gas stations to use the coupons.

If we look at this system, there is no guarantee that if you have a coupon, there will be gasoline. There is no guarantee if you have gasoline there is going to be the coupons. They do not match up.

In our own State of California, the Bank of America has looked at this to see what they would have to do to help implement this plan under the President's suggestion. They have suggested that just with 22 percent of the market's share of banking in California, they will have 3,850,000 transactions a week during those quarterly periods when the coupons come out. This would be in their 1,100 branches. They would have to hire 5,500 new employees just to take care of this.

Whom are we kidding? Whom are we kidding? We are talking about putting another plan on top of the already outrageous plan we already have. I would suggest we defeat this rule and the plan.

☐ 1525

Mr. LOTT. Mr. Speaker, for batting cleanup for the people's team, I yield such time as he may consume to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, I urge the House to reject this rule and I will explain why. I heard a reference a few minutes ago to the possibility of the law of the jungle. I suspect if we pass this particular plan today in the form that is before us it would be better called an application of the law of the bungle; because from the beginning to the end this rationing plan has been bungled.

You have to realize, first of all, when you hear the suggestion that we have no final plan before us, that this is just a little bit of "old standby authority" in an attractive 100-proof bottle that may or may not be used; do not believe it. This is not standby authority. This is it.

This resolution, that we vote on today, is an acceptance of a rather lengthy and inequitable plan. You may not have had a chance to read it. Not all of us have. Some of us have looked through it. That is plan No. 1.

How do you write a rationing plan, if you are a bureaucrat downtown, writing for 2½ years under a law that requires you to write the plan and send it to Congress?

The first thing you do is come up with this. This, to me, took 2½ years to produce. Magnificent.

The next thing you do is come up with what is known as plan 5. That is Monday's plan if you want to read that. It changes the basic assumptions of plan 1. You stuff that in there. Then you find you do not have the votes to pass it even as amended.

Then in political panic, on Tuesday you come up with yet another plan. This is plan 6. You may want to read it. It is before us today. You stuff that in, discard plan 5 and pray you have the votes. But you do not.

Now is today Thursday? Yes. It must be, because we are in Congress. On Thursday you come up with the Anderson resolution which is added to plans 1, 6, and any other parts that have not fallen out by now, making them all in order.

Now this is your basic brilliant rationing plan. Are you ready to vote for it?

Mr. Speaker, we are told Congress will later have 15 days to work out the kinks in this plan when the President comes back, fills in the gaps and resubmits it to Congress. I am not sure how we could have any gaps left in this plan, looking at the thickness of this document as it lies here before me, but the truth of the matter is that this plan gives the President the power to write rules and regulations which will flesh this out. That is an unequaled grant of power to the Executive.

Now I accede to the suggestion made by a number of speakers that we are in a period of great turmoil in this country as far as energy is concerned. There were expressions to the effect that this problem was akin to Pearl Harbor. Well, we are not under military attack yet and I am not sure this Congress would respond if we were under attack any more, but I would hope that we would.

The point is that this Nation and its people still have left a great deal of resiliency and strength. America could be on its knees in an energy crisis but it is largely because of our own Government's stupidity and refusal to act. Years of Federal regulations and restrictions on an industry that should have been permitted to produce for the people has backed us into this corner.

I have looked at this latest of all plans. It has certain assumptions I want to bring to your attention.

First, it would be based on a factor of the number of registered motor vehicles in each State. Unfortunately, only 13 States have the capacity to come up with the information that would be needed to put this plan into effect. The rest do not—a small problem with the plan.

Second, the plan now includes the "historic use" factor. For 2 years that was rejected completely by the Carter administration, but only this week it was brought in in a 2-step dance to get votes in the other body and we saw an attempt here to do that today.

We were told that all of the available individual interests that might be harmed are going to be taken care of; for instance, old people, taxicabs in New York City, tourism, farmers, commercial watermen, truckers. I do not believe it.

Now, before the Committee on Rules yesterday the question of tourism was raised by the gentleman from Florida (Mr. PEPPER). He said,

> Now you say it is based on the number of registered vehicles in Florida. Well, a lot of the people who buy gas in Florida are from out of State.

The gentleman from Michigan (Mr. DINGELL) replied in essence,

> Do not worry, there will not be any vehicles from out of State when this plan takes effect. There will be plenty of gasoline in Florida because there will be no tourism.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I will yield to the gentleman from Michigan.

Mr. DINGELL. What I said was that the President would not lay in place a plan of this kind until there was a shortage that would prevent vehicles from out of State being counted.

Mr. BAUMAN. And, Mr. Speaker, you can trust him. Believe me. Right?

Now, further than that this plan does not take into account the possibility that a great many people live in rural or suburban areas with absolutely no mass transit as an alternate means. Now who would benefit in those areas under this plan?

☐ 1530

If you have three Mercedes Benz in your garage, you get three times as many coupons under this plan as one 10-year-old Ford that has to be repaired every 2 months.

Now, who does that benefit? Certainly the president of the First National Bank; certainly not the lady who is on food stamps who needs her car to get to the grocery store; but we are told all of that is going to be subsequently worked out.

I suggest that we have before us today one fundamental question in this Chamber. And this is not the last chance for a rationing plan. We have but one fundamental question. That is, if the Nation does need rationing, is this a good plan? I say it is not a good plan from any aspect. For example, for the State of California, if any of the Members want to look at this, here is the average monthly consumption for the State of California now. That State will be 38th in rank as what they get under this plan.

The average California driver's consumption last December for the month was 59.7 gallons. Under this plan they will get 41.1 gallons per month for the average driver. Now, that is quite a comedown for the State that has the most motor vehicles.

I regret that this State-by-State information was put together by the minority staff of the Committee on Rules and the Committee on Interstate and Foreign Commerce only today, but this was because no one could tell us in the executive branch what the plan would do. Stuart Eisenstat and some other White House worthies were up here at 1:30 trying to convince the delegation from New York that their taxicabs would keep running. He does not know. Nobody knows. This plan is the absolutely worse jerry-built piece of machinery ever shoved down the congressional Tinker Toy trolley line.

I am here to tell you today that we have an obligation to vote no. If we really need a rationing plan, there is still a possibility. The Rules Committee could meet. We could possibly put together some better plan in the hours before the deadline, or better than that, we could go back and follow the process of the law, hold hearings on all these constant changes and find out what it will do to people in Sausalito, Secaucus, or Santa Ana, or the Eastern Shore of Maryland, because none of us really know. That is the worse time to legislate, in ignorance.

We do not owe a duty to legislate for the President of the United States or the Speaker of the House or the majority leader from Texas. We come here to represent people and we are talking about a plan that intimately affects the lives and economies and jobs of every American. That is what we are talking about. And the leadership asks us to swallow it whole with these last minute patches brought in and stuck on in a desperate effort to get votes.

If this plan ever takes effect, you will be thanked in the proper way by your constituents. You will not be here in the next Congress.

The SPEAKER. The time of the gentleman from Mississippi (Mr. LOTT) has expired.

The gentleman from Missouri (Mr. BOLLING) has 4 minutes remaining.

The Chair now recognizes the gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I really am grateful to the gentleman from Illinois (Mr. ANDERSON) and the gentlewoman from New Jersey (Mrs. FENWICK). Otherwise, I would think I had seen the total demise of a great party.

I have not heard a single constructive word from the opponents of this plan. I have not heard a single constructive suggestion as to how to meet the dilemma of a major interruption.

Really, I find it incredible. I have talked in this vein before and I have served in this place a long time. This is the first time in my life that I have felt seriously that the Republican Party in the House had become utterly negative with nothing to save it, except a few honorable exceptions.

I will not even yield to my friend on that one. I have avoided mentioning a name.

Now, I appeal to the Democrats, regardless of their view, not only party basis, but because the Democrats have no reason to be frustrated. This is an uncomplicated matter. There is no way on Earth to get another plan into effect in the immediate future. The rulemaking itself on a new plan, if this is turned down, will require at least 2 months and more, probably a great deal longer.

☐ 1535

If they, with honorable exceptions, turn over to us the responsibility, we have to accept it. This is a preliminary vote. The vote on the rule and on the final matter—the two plans—is a preliminary vote. In the final analysis, if there is an interruption, if there is an emergency, the President has to come up with a specific detailed plan within the parameters of this more general plan, and then one House, by a simple majority, can veto the President's proposal.

This must be put in place. Does no one pay any attention to what is going on in the world? Not just in the Middle East but all over the world, all over the oil-producing countries—sand or otherwise? We have to have a standby plan. We have to have this rule to consider that standby plan.

Mr. Speaker, I urge the support of the Members for the rule.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. NATCHER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 227, nays 190, not voting 17, as follows:

[Roll No. 140]

YEAS—227

Addabbo
Akaka
Albosta
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Anthony
Applegate
Ashley
Aspin
AuCoin
Bailey
Baldus
Barnard
Barnes
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Brademas
Brinkley
Brodhead
Brooks
Brown, Calif.
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Carr
Chisholm
Clay
Coelho
Conyers
Corman
D'Amours
Daniel, Dan
Danielson
Davis, S.C.
de la Garza
Dellums
Derrick
Dicks
Diggs
Dingell
Dixon
Dodd
Donnelly
Downey
Drinan
Early
Eckhardt
Edgar
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Fisher
Fithian
Flippo
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frost
Fuqua
Garcia
Gephardt
Giaimo
Gibbons
Ginn
Gonzalez
Gore
Gramm
Gray
Guarini
Gudger
Hall, Ohio
Hall, Tex.
Hamilton
Hance
Hanley
Harkin
Harris
Heckler
Hefner
Hightower
Holland
Holtzman
Howard
Hughes
Hutto
Ireland
Jacobs
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
LaFalce
Leach, La.
Lederer
Lehman
Leland
Levitas
Lloyd
Lowry
Lundine
McCormack
McHugh
Maguire
Markey
Marks
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nolan
Oberstar
Ottinger
Patten
Pease
Pepper
Perkins
Peyser
Pickle
Preyer
Price
Rahall
Rangel
Ratchford
Reuss
Richmond
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Russo
Sabo
Santini
Scheuer
Seiberling
Shannon
Sharp
Simon
Skelton
Slack
Smith, Iowa
Solarz
Spellman
Stack
Stark
Stewart
Stokes
Stratton
Studds
Swift
Synar
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Wampler
Waxman
Weaver
Weiss
Whitley
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Wyatt
Yates
Zablocki
Zeferetti

NAYS—190

Ambro
Andrews, N. Dak.
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bauman
Beard, R.I.
Beard, Tenn.
Bereuter
Bethune
Bowen
Breaux
Broomfield
Buchanan
Burgener
Campbell
Carney
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Daniel, R. W.
Dannemeyer
Daschle
Davis, Mich.
Deckard
Derwinski
Devine
Dickinson
Dornan
Dougherty
Duncan, Tenn.
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
Erdahl
Erlenborn
Evans, Del.
Findley
Fish
Forsythe
Frenzel
Gilman
Gingrich
Glickman
Goldwater
Goodling
Gradison
Grassley
Green
Grisham
Guyer
Hagedorn
Hammerschmidt
Hansen
Harsha
Heftel
Hillis
Hinson
Hollenbeck
Holt
Hopkins
Horton
Hubbard
Huckaby
Hyde
Ichord
Jeffords
Jeffries
Johnson, Colo.
Jones, Okla.
Jones, Tenn.
Kelly
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lent
Lewis
Livingston
Loeffler
Long, Md.
Lott
Lujan
Luken
Lungren
McClory
McCloskey
McDade
McDonald
McEwen
McKinney
Madigan
Marlenee
Marriott
Martin
Mathis
Michel
Miller, Ohio
Montgomery
Moore
Moorhead, Calif.
Murphy, N.Y.
Myers, Ind.
Nelson
Nowak
O'Brien
Oakar
Panetta
Pashayan
Paul
Petri
Pritchard
Pursell
Quayle
Quillen
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roth
Rousselot
Royer
Rudd
Runnels
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
St Germain
Staggers
Stangeland
Stanton
Steed
Stenholm
Stockman
Stump
Symms
Tauke
Taylor
Thomas
Trible
Vander Jagt
Walker
Watkins
White
Whitehurst
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, C. H.
Winn
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Mo.

NOT VOTING—17

Abdnor
Brown, Ohio
Broyhill
Cavanaugh
Crane, Philip
Duncan, Oreg.
English
Gaydos
Hawkins
Long, La.
McKay
Obey
Patterson
Roberts
Roybal
Treen
Wilson, Bob

☐ 1550

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the rule, the Clerk will report the resolutions, House Resolution 212 and House Resolution 266.

The Clerk read the resolutions, as follows:

H. RES. 212

Resolved, That the House of Representatives approves the contingency plan numbered 1 (rationing plan relating to gasoline) submitted to the Congress on March 1, 1979.

H. RES. 266

Resolved, That the House of Representatives approves the contingency plan numbered 6 submitted to the Congress on May 8, 1979.

The SPEAKER pro tempore. Pursuant to House Resolution 262, the House resolves itself into the Committee of the Whole House on the State of the Union for the consideration of the resolutions, House Resolution 212 and House Resolution 266.

The Chair appoints the gentleman from Pennsylvania (Mr. MURTHA) to preside over the Committee of the Whole.

□ 1555

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of resolutions, House Resolution 212 and House Resolution 266, with Mr. MURTHA in the chair.

The Clerk read the resolutions.

The CHAIRMAN. Is the gentleman from Michigan (Mr. DINGELL) in favor of the resolutions?

Mr. DINGELL. I am, Mr. Chairman.

The CHAIRMAN. Is the gentleman from Michigan (Mr. STOCKMAN) opposed to the resolutions?

Mr. STOCKMAN. I am, Mr. Chairman.

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan (Mr. DINGELL) will be recognized for 1½ hours, and the gentleman from Michigan (Mr. STOCKMAN) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, we have before us a standby plan for gas rationing. Under EPCA the House may not amend, it may simply approve or disapprove the plan and the amendment submitted by the President. The plan is about as fair as can be crafted. The amendment is embodied in the rule just adopted to permit the House to vote on the changes that the President has suggested to meet the concerns of the larger States, that is, the larger States geographically and the States where large distances must be driven by the people.

The plan, Mr. Chairman, does several things. It sets up a coupon program which will permit persons to purchase gasoline in the event that the plan is later imposed by the President. Remember, Mr. Chairman, that the President may not impose rationing after we have approved this standby plan without the President making a submission of the precise rationing plan to the Congress and without having had both Houses of the Congress fail to veto that plan.

□ 1600

Mr. Chairman, to reiterate, even after we have approved the stand-by plan there can be no imposition of the rationing plan without a national disruption in supply of major proportions and without the President having submitted to the Congress the final plan for rationing and the request for authority to implement.

That must not be disapproved by either house of Congress before the President can impose rationing of gasoline upon the United States.

I am not here to tell my colleagues that the plan before us is the fairest plan that can be achieved. I am here to tell my colleagues that the only thing worse than any plan for rationing of gasoline is a nation in a major supply interruption without a plan for fair allocation of gasoline amongst its people.

If this country does not have a plan which we can put quickly in place, and there is a major supply disruption, it means that the supply of gasoline will be rationed by price and it means that the most enormous hardship will be visited upon widows, upon retirees, upon pensioners, upon persons of limited income. It means that the citizens of this Nation will be thrown upon a market totally disordered in which supply will be short, chaos will reign and prices will be skyrocketing. Under those circumstances only the richest and best placed will be able to secure access to the supplies of gasoline.

I would hope we would remember our responsibilities of this Nation. When this country is 50 percent dependent upon imported gasoline and such products, 50 percent of our supply is imported and a shut-off of a major portion of that could throw great hardship upon our people. I would ask our colleagues to be responsible in recognizing that.

In urging adoption of House Resolution 212, it is important to stress the following significant points concerning gasoline rationing.

The only alternative to rationing during energy emergencies is skyrocketing prices and chaos at the pumps; the Nation is unprepared.

In addressing the merits of any contingency plan, it is important to compare the plan with its alternatives. The resolution before us would permit the President to ration gasoline during a severe supply interruption. This must be contrasted with the possibility of such an interruption without a plan. Prices would be certain to skyrocket in such a case, as the market mechanism is the only other method for allocating scarce supplies. Unjustified and unearned profits will be obtained by oil companies. The Department of Energy estimated that during a 20-percent shortfall, the market value of gasoline could increase by over $1 per gallon. Rationing combined with price controls would insure that the average motorist would have a fair share of gasoline without paying exorbitant prices for it. Price controls without rationing during such a shortage is also unacceptable. Individuals who need gasoline to get to work and for other purposes are likely not to find little available.

There may never be another opportunity to develop a rationing plan.

The Energy Policy and Conservation Act, which established the procedures for considering a rationing plan only requires the President to submit one rationing plan to Congress. If the Congress rejects this plan, there is no guarantee that a new plan would ever be submitted. Even if an entirely new plan were to be submitted, the process could continue for months. Most importantly, there are no funds in the DOE budget for fiscal year 1979 and 1980 to prepare and submit a new gasoline rationing plan.

It does not take deep analysis to illustrate our vulnerability to oil supply disruptions. By approving the plan at this stage, we would provide the President and the Energy Department an opportunity to further refine and improve the plan we have before us and to make the necessary adjustments in the plan to meet the concerns which are discussed in the committee report. This all can be done through regulations or, if necessary, amendments to the plan.

The implementation of a rationing plan would be subject to a one-House veto.

The Energy Policy and Conservation Act recognized the critical need for a rationing plan which would be available to the President on short notice for use during a severe supply interruption. Recognizing further that in crafting such a plan, a wide diversity of interests would have to be equitably balanced, the act established a process of review for the plan. The resolution of approval (H. Res. 212) is the initial step in that review, and in approving the standby rationing Plan, we bring the Nation a step closer to preparing for energy emergency.

The law provides for further review before rationing can be implemented. The most important review is the provision for a one-House veto. If the President decides to implement the plan, he must submit certain findings and a description of how he intends to use his authority. The Congress then will have 15 days to review the decision and either House can disapprove the implementation. At that time, all implementing regulations will have been finalized and available for review. At this time we should concern ourselves primarily with insuring that the plan is generally workable and fair. If it is, we should approve the plan, and give the Energy Department the signal that they should continue work to improve the plan. If the President chooses to utilize his authority, the Congress will then be in a better position to determine if all of the details of the plan have been properly worked out.

The rationing plan would not reduce available supplies to motorists, but would instead allocate the supplies fairly.

The rationing plan is not designed to keep people from using gasoline, but rather it is designed as a market ordering mechanism to insure that we use available supplies efficiently, and to insure that the supplies are distributed fairly. During a severe supply interruption, it would not be fair to ration by price. Nor would it be sensible to ration by allowing purchases only by those fortunate enough to find a service station with gasoline, who also have the time to wait in long lines. The amount of gasoline which would be made available to motorists would be related to the total available supplies.

In the absence of a rationing plan, it is unlikely that a family would take a long vacation during a severe shortage because they would be uncertain that they could buy gasoline along the way. With a rationing plan, however, the family could save its coupons and take the trip with greater certainty that gasoline would be available.

The provision for State ration reserves will fine-tune the system to insure equity.

The rationing plan provides for State ration reserves to be distributed by local rationing boards. These reserves, which, according to the amendment to the plan, will be set at a minimum of 8 percent of available supplies, will be allocated among the States according to historical consumption. Thus, States which consume more gasoline per capita would receive more gasoline per capita. Such reserves will be of major importance to States with sprawling development and rural areas, where driving long distances may be a daily necessity.

More importantly, the reserves will play an important role in every State. The local rationing boards can insure that motorists in rural areas of the State and others who need to drive long distances for their livelihood will be able to obtain additional ration rights. The boards can also serve the poor who would be unable to purchase additional coupons on the white market.

The use of driver's licenses should be considered as an alternative to vehicle registrations.

The amendment to the rationing plan which we are considering today includes a limit of three cars per household for purposes of determining the number of ration coupons any household can obtain. This is an improvement over the original plan. It will keep people from buying numerous junked automobiles merely to get coupons. It will also remove the inequities resulting from issuing numerous ration checks to wealthy households with more than three cars.

The rationing plan offered by President Carter differs primarily from the plan submitted by President Ford in its use of vehicle registrations rather than driver's licenses as the method for allocating ration rights. On its face, the use of driver's licenses would appear to be more equitable. Although the amendment to the plan resolves some of the inequities, a plan that bases allocations on drivers rather than cars could be fairer. In this regard, in a letter to Energy Secretary Schlesinger, I stated:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 2, 1979.

Hon. JAMES R. SCHLESINGER,
Secretary, U.S. Department of Energy,
Washington, D.C.

DEAR MR. SECRETARY: During our hearings on the Administration's Gasoline Rationing Plan and the Full Committee's markup of H. Res. 212, which would approve the Plan, many Members of Congress including myself expressed concern about the use of vehicle registration as an equitable way to determine coupon allotments. Many of us felt that the licensing approach was more equitable and avoided the charge that higher income people with multiple vehicles were being treated better than lower income people.

Undoubtedly there are serious drawbacks to either method of distributing coupons. For example, the problem of junked vehicles in connection with the registration approach is certainly as serious as the possibility that people that now do not have licenses but are eligible to obtain them would do so and those that do have licenses might obtain multiple licenses, and possibly reap a windfall. I also recognize that vehicle registrations may turn out to be less expensive from an administrative standpoint, although I am not convinced by this argument.

The fact of the matter is that many Members of Congress strongly believe that licensing is fairer. I believe that the Administration must promptly take a new look at this matter with an open mind. Indeed, I think it would be highly unlikely that the Congress would approve the triggering of any rationing plan using the registration approach unless it is convinced that that is sound. We are not convinced to date. Your commitment to review this matter within 60 days after approval of H. Res. 212, and to change the plan if the review proves as we contend, is essential. We would expect you to provide the results of your review to the Congress.

I would appreciate a prompt response from the Administration concerning this matter.

Sincerely,

JOHN D. DINGELL,
Chairman.

Stuart Eizenstat, Advisor to the President responded:

THE WHITE HOUSE,
Washington, D.C., May 7, 1979.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Energy and Power, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of May 2, 1979 to Secretary Schlesinger suggesting that the Department of Energy review again the distribution of ration allotments on the basis of vehicle registrations, as provided in the Standby Gasoline Rationing Plan now pending before the Congress.

The Department will immediately undertake a further review of this matter and will study as well the drivers' licenses approach suggested in your letter. The review will be completed within 60 days after approval of H.R. 212. We will be pleased to provide the results of our review to the Congress.

If I may be of further assistance, please let me know.

Sincerely,

STUART E. EIZENSTAT,
Assistant to the President
for Domestic Affairs and Policy.

The treatment of trucks, taxicabs, and other important services should be reevaluated by the administration.

The rationing plan makes few concessions to the trucking industry. Although it is intended that heavy trucks will receive more coupons than automobiles, trucks under 10,000 pounds were originally classified as automobiles for purposes of coupons. It should be noted that the classification of trucks will be done in the implementing regulations. The plan before us has no specific classifications relating to trucks. Nevertheless, it is clear that the issue requires reexamination. Trucking is important to our economy, and the administration ought to reexamine its assumption concerning the allocation of coupons to the industry. The administration should look at what is the proper priority for such trucks and reevaluate its assumptions concerning the ability of the industry to obtain coupons on the white market. In this regard, the administration has made the following commitment:

THE WHITE HOUSE,
Washington, D.C., May 9, 1979.

Hon. JOHN DINGELL,
U.S. House of Representatives,
Washington, D.C.

DEAR CHAIRMAN DINGELL: Concern has been expressed for gasoline rationing for trucks, particularly those under 10,000 pounds, involved in intra-city and inter-city delivery. It is obvious that such trucks are important to the economy even in the event of any fuel crisis. Regulations to implement the Gasoline Rationing Plan will be necessary. The Plan itself provides flexibility to designate additional priorities and supplemental allotments. It is the Administration's intention to utilize this flexibility as appropriate to meet concerns such as expressed by the trucking, taxicab and other industries. We will direct the Department of Energy to consider in this process, for recommendation to the President, an appropriate level of priority for trucks of all weights to provide for an adequate supply of gasoline to insure continued service to the public consistent with the other requirements of the Plan.

Sincerely,

STUART E. EIZENSTAT,
Assistant to the President
for Domestic Affairs and Policy.

The administration should also take another look at the taxicab industry. The letter quoted above indicates that they will. Under the plan before us they could be classified as regular automobiles and receive the same allotment as privately owned vehicles even though they are used far more heavily. In many areas, taxicabs are a special form of mass transit, and often more efficient than automobile use. Indeed, Secretary of Transportation Brock Adams has written to Secretary Schlesinger stating:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., April 3, 1979.

Hon. JAMES R. SCHLESINGER,
Secretary, Department of Energy,
Washington, D.C.

DEAR JIM: I understand that the Department of Energy's Standby Gasoline Rationing Plan, submitted to the Congress on March 1, 1979, fails to classify taxicabs in the priority firms category. Yet the taxicab industry is a major mode of public transportation in the United States.

Taxicabs carry 3.4 billion passengers per year, about 60 percent as many as the transit industry. Taxicabs provide the only public transportation services in many smaller cities, towns, and rural areas. Further, they provide the only public transportation services at night and on weekends in many additional communities. The taxicab industry also provides a number of paratransit services, including dial-a-ride, limousines, and special vehicles for mobility-limited persons. In 1975, the industry operated 298,000 vehicles and carried an average of 1.46 passengers per trip.

I believe that the lack of a priority classification for taxicabs in the Standby Gasoline Rationing Plan would divert some trips to single-occupant automobiles and thereby result in increased fuel consumption. Further I do not think that giving taxis priority treatment will draw passengers away from other mass transit alternatives. Accordingly, I urge you to reconsider the status of taxicabs under the Plan in the light of the foregoing considerations.

With my best regards.

Sincerely,

BROCK ADAMS.

It would also be sensible in this reevaluation to look at the nature of priority services in general. It has been brought to my attention that certain services such as emergency telephone repair and other vital telecommunications services are not explicitly treated under the plan. The administration should examine what level of priority is necessary for such vital services.

I want to stress that in each of these instances, I expect the current plan and "consider" alternatives. I do not want it construed that the administration must establish new priorities, and so forth, particularly if to do so would be detrimental. They must be examined fully and carefully and fairly, with a clear indication of the consequences and need for a particular priority. I want to also stress that our subcommittee will be watching this effort and expect the administration to keep us fully informed.

No plan can meet the diverse needs of every individual and interest group.

Because rationing would only be implemented during a serious shortage, all consumers and businesses are bound to suffer. No rationing plan can provide supplies which do not exist. There will inevitably be disagreements over which use is more deserving of gasoline than others. Even if all could agree on what uses should receive priority and how supplies could best be allocated, it is likely that administrative problems and excessive costs would make such a plan impossible to administer. For this reason, mechanisms such as the State reserves and the white market will provide the kind of adjustments which the initial distribution of coupons will be unable to do. It is interesting to note that for every interest group which has argued for priority treatment, some other business or driver would receive less if the priority were granted. It should also be noted that most of those who have argued that the plan does not provide them with all that they deserve also concede that they would be no better off if there were no plan, and they would probably be worse.

In sum, none of us wants to see rationing, including the President and the Energy Department. If it occurs, you can be assured that our Nation will be in a difficult economic situation. But a new oil embargo or civil strife in the oil producing nations is not beyond reason. If it occurs, there will be a severe gasoline shortage. We are not prepared today to deal with that shortage and its consequences. This plan provides a basic tool to do so.

Approval of this resolution does not insure rationing. It insures preparedness. Congress will be better able to decide whether rationing should be triggered if the contingent plan is approved and preimplementation is begun.

The passage of simple resolutions which we are considering today accord with the dictates of the Energy Policy and Conservation Act and include no constitutional infirmities.

As I have said, the Energy Policy and Conservation Act requires both Houses to pass resolutions of approval in order to approve the plan. The President, in his transmittal letter to Congress, asked Congress to approve the plan by joint resolution. He requested the joint resolution because such a resolution is comparable to a law, subject to Presidential veto. The President's letter contends that the plan would otherwise be subject to constitutional challenges. We do not agree with that interpretation. We note that, in response to questions concerning this interpretation, the DOE was unable to provide a legal memorandum to support this contention.

Today we are passing a simple resolution of the House. The Senate has also passed a simple resolution. The resolutions conform to format prescribed by EPCA. It is clear from the language of EPCA that the resolution described in EPCA, and protected by its expedited procedures, is a simple resolution. Congress intended that these plans, which are developed pursuant to an act of Congress, be approved by simple resolutions of each House, identical in format, with no amendments possible. Since the plans are developed by the President under EPCA, it is clear that no purpose would be served by presenting the congressional action of approval to the President for his signature. The plans are not intended to be statutory provisions. They were developed by the DOE in a regulatory mode and recommended to the President for his adoption. Once adopted by him, he must submit the plans to Congress for simple approval. Thus, a joint resolution is unnecessary.

If we pass this resolution today, both Houses will have approved a single plan which has been presented by the President with his endorsement. The law establishing this procedure, EPCA, was also enacted in a constitutional manner. Thus, this method should not suffer any constitutional infirmities.

The National Governors' Association supports the plan, as shown in the following letter:

NATIONAL GOVERNORS' ASSOCIATION,
Washington, D.C., May 8, 1979.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Energy and Power, Committee on Interstate and Foreign Commerce, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN DINGELL: As a follow-up to the testimony Governor Atiyeh and I delivered before your Subcommittee regarding the standby gasoline rationing plan, I want to inform you that the National Governors' Association supports the Administration's amended standby gas rationing plan. As we testified, the policy position of NGA clearly supports the need for a standby rationing plan as a step of last resort to deal with a severe gasoline shortage. The Administration's amendment reduces two of the original plan's major inequities which we criticized in our testimony:

(1) the original plan would have caused major inequities between states because it failed to take into account historic state gasoline consumption patterns and

(2) the original plan would have allowed individuals to collect a large number of coupons based on multiple vehicle ownership.

Western and rural states would have suffered disproportionately under the original plan.

While we appreciate the increased allocation to state ration reserves, we continue to feel very strongly that the Administration must more fully define the operational aspects of the program in consultation with the states at the earliest possible time.

Sincerely,
RICHARD D. LAMM,
Chairman, Natural Resources and Environmental Management Committee.

I want my colleagues to also be aware of the comments made by the White House in a May 9 letter to my good friend the distinguished gentleman from Georgia (Mr. LEVITAS) concerning traveling salesmen. The letter follows:

THE WHITE HOUSE,
Washington, D.C., May 9, 1979.

Hon. ELLIOTT LEVITAS,
U.S. House of Representatives,
Washington, D.C.

DEAR ELLIOTT: You have expressed concern for travelling salesmen under the Standby Reserve Plan which will be voted on in the House of Representatives.

As you know this is not a mandatory conservation plan but a Standby Rationing Plan which would be implemented only if there were a serious shortfall in available gasoline. The Congress would have another opportunity to pass on the Plan before it could be implemented.

Regulations to implement this Standby Plan will be necessary. The Plan itself provides flexibility to designate additional priorities and supplement allotments.

We understand the economic problem which rationing would impose on salesmen who must make a living by travelling considerable distances. It was in part because of our concern for particular inequities, such as the one you have pointed out, that we increased the State Reserve to 8%. Under this expanded State Reserve, Governors would have the discretion to take such problems into account by issuing additional allotments. The Standby Plan also establishes a "white market" for purchasing additional ration coupons, that would allow travelling salesmen to increase their gasoline supplies.

In addition I have directed the Department of Energy to consider in their regulations whether additional steps should be taken to further insure an adequate supply of gasoline to travelling salesmen, consistent with the other requirements and objectives of the Plan. We will be prepared to take such steps as may be necessary to deal with any problems which DOE identifies in this area.

Sincerely,
STUART E. EIZENSTAT,
Assistant to the President for Domestic Affairs and Policy.

Mr. MOFFETT. Mr. Chairman, would the gentleman yield to me?

Mr. DINGELL. I yield to the gentleman from Connecticut.

Mr. MOFFETT. There are a number of concerns, obviously, that Members have. As I indicated earlier and as the gentleman has indicated earlier, there are all sorts of reasons one could come up with to vote against the plan itself as now conceived, but it will be changed and as the gentleman has indicated there will be rulemaking regulations.

Can the gentleman direct himself to just one assertion that is being made?

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent Mr. DINGELL was allowed to proceed for 5 additional minutes.)

Mr. MOFFETT. Mr. Chairman, will the gentleman yield to me?

Mr. DINGELL. I yield to the gentleman from Connecticut.

Mr. MOFFETT. There are some Members from States that are now embarking upon conservation or rationing plans of their own, particularly California, who say that they fear that the plan currently before us would penalize or punish conservation. Can the gentleman direct himself to that remark?

Mr. DINGELL. I am glad the gentleman has raised that question because that is not so.

Right now California is getting an allocation which is equivalent to its fair share. I would hope that my colleagues would understand that we are going to see to it that gasoline is fairly apportioned among the several States. The base period which will be used for purposes of calculating rations will be done on the basis of a floating period which will best be arranged to achieve the nearest representation of use of gasoline in the several States on the most current information available.

The President has communicated to Members of the Senate and to myself letters which specifically indicate that he intends to meet the concerns of the United Parcel Service, of the trucking industry, of the agricultural and food processing industries and the taxicab industry so as to assure them the fairest sharing of resources in order that they can continue to contribute to the national economy.

□ 1605

The first is that the allocation of gasoline amongst the States would be made on the basis of historic use.

In other words, the President recognizes that the plan must make available gasoline amongst the several States on the basis of use within the States and that the sharing would thus be done on the basis of traditional and historic patterns of use within the several States.

The other change is that the pattern of sharing of gasoline under the plan would be on the basis of a limit of three cars per household, so as to reduce somewhat the unfairness that might exist by reason of allowing multicar families to achieve particular advantages by reason of their ownership of more than one vehicle.

I believe the plan is basically fair. It has the support of the National Governors Conference. I want to read directly here from a letter signed by Richard D. Lamm, Chairman of the National Resources and Environmental Management Committee of the National Governors' Association, in which he says:

> I want to inform you that the National Governors' Association supports the administration's amended standby gas rationing plan.

Then he goes on to say:

> Western and rural States would have suffered disproportionately under the original plan.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

Mr. DINGELL. Mr. Chairman, I yield myself 3 additional minutes.

Mr. Chairman, further quoting:

> While we appreciate the increased allocation to state ration reserves, we continue to feel very strongly that the administration must more fully define the operational aspects of the program in consultation with the states.

I give my colleagues the assurance that we will seek to the best of our ability to assure that that step be taken.

Now, I promised my colleagues that I would yield to them and I promised the gentleman from Texas I would yield to him.

I now yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I thank the distinguished chairman and start out by saying I admire very much the gentleman's work. I know the tremendous amount of work that has been done here; but I rise to ask two questions:

First, can the gentleman explain to us why it is necessary to have a specific legislative act? I was under the impression that prior actions by the Congress had given the authority for some kind of a rationing program to the President already.

Mr. DINGELL. Mr. Chairman, would the gentleman permit an answer?

Mr. GONZALEZ. Certainly.

Mr. DINGELL. Mr. Chairman, the answer to the question is that in 1975 when the House passed EPCA, the Energy Policy and Conservation Act, we set up a specific process for the imposition of gasoline rationing. We permitted the President to submit to us a rationing plan which would be put on a standby basis.

The next vote after today will be as to whether the House agrees to that putting of the rationing plan on a standby basis.

Then we require that there be a finding by the President that there is a national supply interruption in terms of petroleum products and crude, in which event the President could then request from the Congress the authority to impose the plan. That vote lies after we have approved the plan, at which time the Congress may by a one-House veto reject the plan.

□ 1610

We have not yet come to the first vote. The second vote lies well before us at some time. I cannot define for the gentleman when that will take place.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman for his very clear explanation.

The second point is that I have had correspondence with the Secretary of Energy, and he corroborated the fact that they have now in stacks millions of gas-rationing coupons. Can the gentleman tell us whether they will make use of those or whether this legislation will demand another expenditure for coupons?

Mr. DINGELL. Mr. Chairman, if the gentleman would permit, the gasoline-rationing coupons have been printed since the days of President Nixon. They are carefully stockpiled. They are available, and they will be the ones that will be used.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

Mr. DINGELL. Mr. Chairman, I yield myself 6 additional minutes.

Mr. ZEFERETTI. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New York.

Mr. ZEFERETTI. Mr. Chairman, I thank the distinguished subcommittee chairman for yielding.

Would the gentleman answer this question: If in fact we get back to the second vote and we have the 15 days in which to come out with a plan that we can put into effect, will we have time within that 15-day period or will we have the authority in that 15-day period to modify or amend the plan in any way that could take care of the needs or some of the problems we see in the present legislation in order to make it more equitable?

Mr. DINGELL. Mr. Chairman, the answer to the question is that the plan may be refined, but it must remain within the four corners of that which lies here. The way the Congress set up the initial legislation, the plan is not amendable except for the process of the President's submitting amendments as a new plan, which he may do now between this time and the time when he puts the plan into effect. He may then fine-tune the plan. If the House and Senate finally approve the rationing plan going into effect, he may fine-tune the plan and make little changes that he could make in the second submission or by regulations which would be issued pursuant to that plan.

Now, these are not major changes. For major changes, he would have to submit amendments, as he has done in submitting plan No. 6.

I would point out to my friend that we intend to monitor this plan and to submit to the administration suggested changes based on the discussion which we are having today and which we have been having since this matter came forward.

Mr. ZEFERETTI. Mr. Chairman, can the gentleman tell me, will he hold hearings immediately after the conclusion of this legislation on the floor whereby those of us who have concerns as far as inequities are concerned may come in and make those inequities known and whereby the gentleman's committee can then bring those to the attention of the administration and in effect see if we can get some changes made that would be more equitable to all the people of America?

Mr. DINGELL. Mr. Chairman, I would like to tell the gentleman that I will hold hearings immediately after the consideration of this legislation, but I cannot give that assurance. The next hearings before the subcommittee are on control and decontrol, and that is a hot issue in which many of our colleagues are interested. We have hearings scheduled on that in the near future.

If the gentleman has concerns, if he will submit his suggestions to me either orally or by letter, I will be most pleased to bring them to the attention of the administration.

I will assure the gentleman of something else. We will continue our oversight of this matter, trying to see to it that the concerns the gentleman spoke of here are brought to the attention of the administration. I will give the gentleman my assurance that if there appears to be a need for hearings, we will hold the necessary hearings.

Mr. ZEFERETTI. Mr. Chairman, I thank the gentleman for his assurance, because my concerns are as to the economic impact this can have not only in my State but on the people in the entire United States. So for that reason alone, I will go along and will submit some of the thoughts I have that will possibly rectify the matter.

Mr. DINGELL. I will promise the gentleman further that the minute the plan is submitted—and I pray to God it will not be submitted for purposes of administration—we will hold hearings. I will give the gentleman the hard assurance that we will hold hearings immediately when the President submits a plan to put it into effect. God forbid that that event occurs.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Alabama.

Mr. SHELBY. Mr. Chairman, let me ask the gentleman from Michigan (Mr. DINGELL) this question: Who will administer this plan if we get the plan in? Will it be the Department of Energy?

Mr. DINGELL. Mr. Chairman, the answer is that the Department of Energy will be the administering agency.

Mr. SHELBY. Mr. Chiarman, as the gentleman knows, I serve on the Subcommittee on Energy and Power. What assurances do we have that if we support this plan, the Department of Energy will do any better job than they have done in the past, which, I submit, is basically lacking?

Mr. DINGELL. Mr. Chairman, I can only assure the gentleman that the Committee will try to give its guidance to the Department of Energy so it does the best job possible. As the gentleman knows, we are not timid in our oversight of that agency.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, because gasoline rationing directly affects everyone, and not necessarily everyone equally, it becomes paramount to protect as much as we possibly can those activities essential to the health and welfare of our Nation.

☐ 1315

I am pleased to learn that the gentleman from Michigan has received a letter dated May 9, 1979, from Stuart Eizenstat, Assistant to the President. That letter confirms an agreement that affects the trucking, taxicab, and parcel delivery systems in the event that the rationing plan is implemented. That letter states that the administration will direct the Department of Energy to consider an appropriate level of priority for trucks of all weights to provide an adequate supply of gasoline to insure continued service to the public.

Mr. DINGELL. I had received such a letter. That is the thrust of the letter. I will assure the gentleman that the correspondence on the points that I have been discussing with him and with others of my colleagues will be inserted in the RECORD at the appropriate time.

Mr. GIAIMO. I wish to thank the gentleman for his efforts in this instance.

Mr. DUNCAN of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Tennessee.

Mr. DUNCAN of Tennessee. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman be willing to introduce the letter into the RECORD that he received from Mr. Eizenstat?

Mr. DINGELL. I just said that I would do so, when I gave my assurance to the gentleman from Connecticut (Mr. GIAIMO).

Mr. DUNCAN of Tennessee. The gentleman has just indicated that gasoline supplies will be allocated on historical use by each State.

Mr. DINGELL. That is correct.

Mr. DUNCAN of Tennessee. Will that be on a per capita basis?

Mr. DINGELL. It is not on a per capita consumption, but it is on a historical-use basis adjusted for the number of vehicles. It comes out to just about per capita, but not quite.

Mr. DUNCAN of Tennessee. At the present time, the rural basis for per capita consumption is much greater than in Illinois or States where they have subways. In fact, in Tennessee where I come from, we use perhaps 100 gallons more on a per capita basis per year. Would it be allocated on that basis?

Mr. DINGELL. It will be done on the basis of historical use, recognizing the difference in use between States. So the State which had heavy historical use will have that taken into consideration in fixing the allocation of gasoline.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas.

Mr. ECKHARDT. On that point, it means, does it not, that the increasing use will be approximately proportionate with respect to every person who has been using gasoline, wherever he lives in any State?

Mr. DINGELL. The gentleman is correct, yes. I agree with that comment.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. I appreciate my good friend the gentleman from Michigan for yielding to me.

What the gentleman says sounds good to me, that the rural States and the western States have been taken care of. Unfortunately, my good friend and very competent colleague, the gentleman from Michigan (Mr. DINGELL), was not the man who drew up this plan. In this plan I find that a motorist in North Dakota, one of the most rural States in the Nation, gets just one-half of the gasoline per car as a person in the District of Columbia who does not have to walk very far to the nearest public transportation. What is the equity in that?

Mr. DINGELL. I am not going to comment on the price allocation or figures, on gasoline figures, except to say that gasoline would be allocated according to historical use amongst the States. States which have a pattern of heavy use or a lot of driving will receive gasoline allotments pursuant to that kind of use.

Mr. ANDREWS of North Dakota. Has the gentleman then taken into account or does the gentleman know the effect of tourism? I suspect that in North Dakota there are not too many tourists, particularly in wintertime, and in the District of Columbia there are quite a few. With the residents of an area getting the benefits of tourism, would that help? Would that be fair? Or would that be equitable?

Mr. DINGELL. I am not able to speak on that, to give the gentleman an answer on that.

Mr. ANDREWS of North Dakota. The gentleman is not able to say that that has been taken into account?

Mr. DINGELL. I cannot give the gentleman hard assurances that we have drafted a fair plan. I can only say that we face a very severe situation if there is a major supply interruption, and worse than this plan would be if we did not have a plan.

Mr. ANDREWS of North Dakota. The gentleman is not wholeheartedly endorsing it, but he thinks some plan should be necessary?

Mr. DINGELL. I am wholeheartedly endorsing the plan as opposed to the alternative, which would be no plan.

Mr. ANDREWS of North Dakota. But the gentleman would make changes in the plan later on?

Mr. DINGELL. The plan is not amended as submitted, under the law, but I certainly would see to it that the plans become more fair.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

Mr. DINGELL. Mr. Chairman, I yield myself 1 additional minute.

☐ 1620

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. I thank the gentleman for yielding.

Mr. Chairman, the letter that the gentleman read, that was written by Governor Lamm of Colorado, was that written before the historical use act was amended?

Mr. DINGELL. The letter is dated May 8, and it is written on the basis of the historical use change.

Mr. KRAMER. That letter, I assure the gentleman, will be included.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I raise this question that I raised yesterday in the Rules Committee about the individual who has to drive several miles to work every day. We talked about the historical averages between the States. How about individuals? You have got an individual living next to another individual. One person has to drive 100 miles back and forth every day to work. Whereas, the other individual does not have to do that. How are you going to compensate that individual going to work?

Mr. DINGELL. That is a good point. That is why the 8-percent reserve for States is there, so that the Governor can meet that kind of situation by affording assistance and relief.

Mr. LATTA. Does the gentleman think that can be done out of 8 percent?

Mr. DINGELL. I cannot give the gentleman any assurances. That is about the best we can get.

Mr. STOCKMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, you kind of feel like your feet are being held to the fire.

Here we are under another condition described as an emergency. There is a popular television program by that name, but I do not think, now that we are on television, that this is going to preempt that emergency program.

The gentleman from Michigan made reference to fairness. I will get to that in a minute. I would like to point out that I think the networks have done a disservice to this country, because now every day for a week, the first 3 or 4 or 5 minutes of every network newscast carries the shortage in the State of California. It shows all these cars lined up waiting in the gas stations in the State of California. I think they may have had in mind, perhaps, to get this Congress to say, "Well, this is indeed a critical national emergency and this should be pointed out to all of the people," in order to support this standby rationing authority.

The gentleman from Michigan (Mr. DINGELL) is a very fairminded man. He is an arduous worker. He has done a tremendously difficult job in chairing the Subcommittee on Energy and Power of the Committee on Interstate and Foreign Commerce. I applaud his efforts as well as the gentleman from Ohio (Mr. BROWN) and the gentleman from Michigan (Mr. STOCKMAN) on our side.

I would like, however, to call the attention of the Members of the House to an editorial that appeared in today's Wall Street Journal. I will include the entire editorial in the Extensions of Remarks in the RECORD for today, but I would like to just share with my colleagues a few paragraphs from this editorial that I feel are certainly on point.

It is entitled, "Flunking the Fairness Test." I would hope the gentleman from Michigan would listen to this, "Flunking the Fairness Test," because he made reference to how fair this plan is.

The first paragraph says this:

> The toil and trouble being suffered by the administration's standby gasoline rationing plan in Congress tell us a lot about today's legislative politics, and the message is disquieting. Yesterday the Senate finally passed the third-and-a-half version of the administration's rationing plan, after spending all week worrying about what form of rationing is "fair." Whether rationing makes any sense to begin with was barely mentioned.

They go on to say:

> Rationing is a wasteful and counterproductive way to cope with scarcity. The right way to cope is to remove the price controls that caused the scarcity. But Congress typically cannot deal with this kind of issue. It prefers to deal with the issue of who gets how much, which can more-or-less easily be settled by logrolling among various politicians each claiming a "fair share" of gasoline supplies for their districts.

I wonder if we have all forgotten during the late sixties and early seventies a project that was offered to this Congress and through several administrations, called Operation Independence.

□ 1625

We should recognize in the past decade that we can no longer rely on unstable foreign nations, the OPEC nations, for our energy supplies. We have to seek new sources, and this Congress has failed and these administrations have failed to address this problem. We have to work and seek new natural gas, nuclear power, solar energy, geothermal energy, oil shale, deep coal mining, strip mining, offshore drilling, deep water ports, all across the board, so we can become independent. We would not have this problem if we go that route.

Reading further:

> The administration's first plan didn't fly because too many Senators from states where average fuel consumption is high felt cheated. The second plan made concessions to high users, but then the states that lost allocations felt cheated. So a third plan was quickly devised, basing allocations entirely on statewide gasoline usage. And in the last minute bargaining, the administration promised to supply extra fuel to farmers, energy industries, etc. Plan 3½ passed the Senate, but today the House gets its own chance to decide whether the plan is "fair."

My State of Ohio, under the Department of Energy figures, consumed 60.5 gallons per month under this plan supplied by the gentleman from Maryland (Mr. BAUMAN). It will get 41.5 gallons, about 20 gallons less per month.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. STOCKMAN. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, this final part I will read—and as I said, the entire editorial will be put into the Extensions of Remarks—is as follows:

> There is one other crucial point. The price of rationing is not paid to suppliers and thus does not encourage additional supplies. It goes to bureaucrats and useless paper shuffling. Not only will those rural factory workers be better off without rationing, but so will everyone else since rationing is but another way to insure that gasoline remains scarce.

I do not know what this bureaucracy will cost, but I have seen figures that suggest that it will cost $2 billion—$2 billion the first year. Are the Members prepared to saddle their taxpayers with that? I think not.

Mr. STOCKMAN. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, I rise to oppose this plan, and I would like to suggest to the House that if there were ever a case of a cure certain to have a fatal effect on the patient, then this plan takes the prize hands down.

Let me say from the onset that I hope this debate proceeds today here in the House on a higher and more intelligent plane than the pork barrel spectacle that occurred just yesterday in the other body. Not only do I say that because matters of grave national importance deserve more consideration than mere totting up of the chits going to Wyoming versus Florida, but also because as a practical matter I would like to suggest to the House this afternoon that those Senators who pork-barreled their way to passage of this plan were absolutely snookered; they were taken to the cleaners by the biggest shell game to hit Capitol Hill in many decades. What these distinguished gentlemen on the other side of the Hill simply did not understand was that the actual amount of gasoline going to any State will be precisely the same no matter how many times we amend or rejigger the basic coupon distribution formula.

If we were to have a 20-percent shortfall of national petroleum or gasoline supplies, California would get roughly 850 million gallons per month under the mandatory allocation program that would be implemented under existing authority. They would get that 850 million gallons allocation if the plan were in effect—the rationing plan—or if it were not. They would get 850 million gallons into the State of California if we had amendment No. 1, amendment No. 2, amendment No. 3, or any future amendments to the basic coupon allocation formula provided in this plan before us.

The reason for that is, very simply, that the Standby Gasoline Rationing Plan No. 1 allocates—and I would stress this to the House—it allocates coupons, pieces of paper, by vehicle ownership, modified by historic State usage per vehicle.

□ 1630

By contrast, the actual amount of gasoline that would be available in any State or locality will be allocated through a chain of supplier-purchaser relationships extending from refiners who serve multistate areas down through jobbers who serve multicity and multilocality areas, and finally down to the corner gasoline station operator or dealer. The thing that has not been understood in this whole debate is that this basic product allocation sytsem, which you have to have in the severe shortfall that is contemplated under this plan, is totally oblivious to the number of vehicles in any market area. It is totally oblivious to State boundaries and the average consumption of gasoline per vehicle in any given State. So, therefore, in no way, shape, or form can the coupon rationing system be integrated with the allocation system for the actual physical supply of gasoline or product without causing utter chaos in the gasoline marketing system and, I might add, a massive outpouring of litigation by aggrieved gasoline marketers, jobbers, suppliers, and so forth. That may be a little difficult to understand. It may sound a little perplexing in light of all these discussions we have had about whether Nebraska is going to get more gasoline or less. But I would like to give the House one very simple example which I think will demonstrate how we are dealing with two separate systems here, totally unreconciled, totally unintegrated.

Take a refinery serving a 5-State area: Michigan, Indiana, Wisconsin, Ohio, and Illinois. Under the product allocation system—that is how we get the gasoline from the refineries down to the retailers' level in the communities around this country—Under a 20 percent shortage each jobber is going to get roughly 80 percent of his base period requirements from his refiner, and each retail outlet is going to get 80 percent of his base period entitlement from the jobber that supplies him. What happens when you change the coupon allocation formula, as the administration did at the 11th hour yesterday, in order to get additional votes from States that thought they were penalized? In my example, under the amendment before us that we are voting on. Indiana gets 8 percent more coupons than it did under the original plan; Michigan gets 3 percent more; Illinois gets 2 percent more; Wisconsin gets 1 percent more; and Ohio gets 10 percent less. By contrast, what happens to the distribution of actual gasoline by State? The answer is absolutely and completely nothing. The distribution of gasoline does not change even though you have reshuffled the coupons in the manner that I have indicated. The distribution of gasoline, the physical supply, remains rigidly fixed by the purchaser-supplier base period entitlement system, because it operates through a marketing chain, not State subdivisions, the way that the gas rationing coupons are distributed.

So I would suggest to the House today that all those pork-barrelers in the other body, who thought they were getting more gasoline for their own States, are going to be in for a big surprise if this plan is ever put into effect, because what they actually got was nothing more than a few additional bushels full of coupons or paper; they did not get a drop of additional gasoline.

There is one connecting mechanism between the rationing or coupon system and the allocation system for physical supplies of gasoline. But under the predicated conditions of a 20 percent national shortfall in gasoline supplies, that connection between the two will never trigger in. Basically, what that connection or trigger mechanism says is that if a customer, a retail customer or a jobber does not draw down his entire 80 percent of his base period allocation in any given month, then the unused gallonage is reallocated to the refiners' pool.

☐ 1635

However, all other customers who have a base period entitlement with that refiner would get first crack at that reallocated amount of gasoline until they have reached 100 percent of their base period entitlement.

Obviously, in a market that is 80 percent, 75 percent of the base period there is simply going to be no gasoline left in the pool after people are reallocated in case there is a minor surplus on the part of one jobber or dealer.

I would suggest to you this: there is no way in which the shuffling of ration coupons through the national market has any impact whatever on where the gasoline goes. The gasoline is entirely driven through the marketing chain by a rigid allocation system determined by base periods and allocation fractions. If you think you are getting more gasoline by the amendment rather than the original proposal, then you simply have been misled.

Let me further suggest that for all practical purposes the allocation system or the distribution system for gasoline is so rigid that it does not matter how many times we amend this plan, it is not going to change where it goes.

The basic question then arises, if you put more coupons into Detroit as this amendment before us would do relative to the original plan, but you do not put in any more gasoline because that remains unchanged, what will be the outcome? Well, the only thing that will happen is initially the price of coupons in the white market of which the gentleman from Detroit spoke, will be a little lower because there will be more coupons relative to the demand.

That means that gas guzzlers who want to use more gas than their 10-gallon basic allocation per week will get those additional tickets a little cheaper, and it means the gasoline conservers, the people who do not use their entire 10-gallon allotment, maybe only 5 or 8, those people will sell their tickets for a lower price so their reward for conserving is they will get less money on the white market than they would under the original plan.

I would suggest to the House the only effect of this frenetic reshuffling of the coupons, in which State they go, and whether North Dakota is up or down versus Florida, all of this that went on yesterday and that you have been hearing about today in caucus will be, the only effect of that will be an initial, modest change in the price of coupons for the spare supply on the white market. It will not affect whether somebody actually can get more gasoline.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield, please?

Mr. STOCKMAN. I will yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I have but one question, Mr. Chairman. I am not so interested in the coupons as I am in the gasoline. Are we going to be able to integrate these two parts of the system? Are we going to be able to change the plan in such a way as to make a sensible integration of the two elements?

Mr. STOCKMAN. Mr. Chairman, I would suggest to the gentlewoman we cannot do it on the floor this afternoon because we have an up-or-down vote on the plan.

Mrs. FENWICK. Can we do it later?

Mr. STOCKMAN. Mr. Chairman, I do not think it can be done because the whole allocation system is basically a top-down nationally administered system where you work through the existing marketing chain and there is no way to integrate that kind of allocation system for product or supply with a totally uncontrolled, chaotic, decentralized, unorganized white market for coupons or even for the initial allocation of coupons that would go out on a per-vehicle basis.

Mrs. FENWICK. Mr. Chairman, will there be opportunities for other changes then that might be more practical, to make this practical?

Mr. STOCKMAN. Mr. Chairman, in a moment I will suggest or try to suggest to the House that you cannot make a white market rationing system work so, therefore, obviously, this one ought to be defeated and we ought to send the administration back to the drawing board. Not to come back through EPCA but to come forward with a new plan that will have to go through the legislative process.

Mr. WIRTH. Mr. Chairman, will the gentleman yield?

Mr. STOCKMAN. I yield to the gentleman from Colorado.

Mr. WIRTH. Mr. Chairman, I was hoping we could clear up the conflict the gentleman described earlier between the coupon system and allocation to the States on the basis of gasoline.

As I understand the point the gentleman was making, the gentleman was saying even if, in the case that you cited, Michigan were to receive 105 percent of the number of stamps and Ohio were to receive 90 percent, the amount of gasoline available would still be at an 80-percent level?

Mr. STOCKMAN. Mr. Chairman, I will say to the gentleman from Colorado the amount of gasoline coming into Michigan would be exactly the amount coming in under the original plan. You merely change the coupons, not the gasoline.

Mr. WIRTH. Mr. Chairman, if the gentleman would yield further, I am not sure that is accurate. I think the amount of gasoline to be allocated State by State would also follow historic base use.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STOCKMAN. Mr. Chairman, I yield myself an additional 5 minutes.

☐ 1640

Mr. WIRTH. Mr. Chairman, it is my understanding that the allocation State by State of gasoline would be based on historic base use, just as the allocation of coupons would be. Therefore, the two would track each other. Perhaps in the first month of the program or the first 2 weeks of the program there might be some dislocations; but that overall as the program worked itself out, you would find in the case of needing more gasoline in Michigan, you would find that gasoline moving to Michigan to meet the number of stamps available and would have therefore less gasoline available for vehicles in Ohio.

Mr. STOCKMAN. Mr. Chairman, I think the gentleman could draw that conclusion, but in the real world it would work in the opposite direction. The gasoline will not move to Michigan. It cannot get out of this rigid allocation system. The stamps will move from Michigan and Ohio or vice versa. Under this whole program, what will move, what will be fluid is the coupons. They are going to go back and forth across the country. There will be high prices in some areas, low prices in others, and the people who will do the moving, and this is what the House ought to understand, will be brokers who will make huge profits buying for a dollar somewhere and selling for $150 elsewhere. They will not be the stockmarket broker with the buttondown suit from Merrill Lynch. They will be basically recycled loan sharks.

Mr. WIRTH. Mr. Chairman, if the gentleman will yield further, I was just thinking of the difference that I am attempting to point out here is that the gasoline allocated by State will also be allocated on an historic base. And it will not be a rigid formulation by States and then be victimized by the number of coupons available, which is I believe the point the gentleman was trying to make and I do not believe that is accurate.

Mr. STOCKMAN. Mr. Chairman, I will just say to the gentleman, that I do not think the gasoline is allocated by States under the existing allocation program, nor the one provided for in this plan. Gasoline is allocated by markets, refiners, jobbers, middlemen, and dealers. They have nothing to do with State boundaries, as the gentleman fully understands. It is that rigid system that we do not get to under this plan.

Mr. Chairman, I want to finish and as soon as I finish a further point, then I will be happy to yield to the gentleman from Texas.

Mr. Chairman, the obvious point is that if this plan does not ration or allocate gasoline, what does it do?

The answer that I think has been missed in this whole debate is that it allocates and redistributes windfall profits, not gasoline. We need to understand that. The so-called windfall profits would occur if you had a sudden 20 percent disruption in the supply. DOE says the price of gasoline in that condition would shoot up by 130 percent. If it was 85 cents before the prices hit, it would be $2 afterwards.

The only thing that this whole coupon rationing scheme does, the only thing that this white market program does is to take that huge windfall, $1.20 per gallon, $100 billion per year if the shortage would persist that long, it takes it out of the market where it ordinarily would go to refiners, jobbers and speculators, and brokers, and middlemen and it shifts it into a white market and divvies it up on the basis of who owns the vehicles. Now, that is the only effect that this plan really has.

Now, we have had great discussions in this House about how fair it is to allocate it on the case of vehicle ownership, even if you modify it somewhat with historic use; but I would suggest to some of the great supporters and promoters of free enterprise on the Democratic side of the aisle that if you really look at how this white market will work, you would step back with horror, because it is the real thing. This is Adam Smith all the way. There is no SEC to protect the consumer from the brokers who will be operating. There is no FTC to protect anybody, no CPA. This is a wide open, unregulated market, and you will find more anomalies and you will find more dissatisfaction and complaints from the public as a result of the operation of this market than you can imagine.

The little old lady who sells her tickets 50 percent below the going rate is not going to have 3 days or 48 hours to reconsider as a result of an FTC rule.

Mr. LOEFFLER. Mr. Chairman, would the gentleman yield for just one moment?

Mr. STOCKMAN. I will be happy to yield for 1 minute.

Mr. LOEFFLER. Mr. Chairman, in response to the gentleman's current remarks, is it correct that those who are poor, those who are on fixed incomes, in essence are hurt by the Federal Government imposition of the so-called white market process, whatever that is?

Mr. STOCKMAN. Well, generally the lower the income, the lesser the number of vehicles owned; therefore, the less you get to participate in the reshuffling of this windfall profit that is foreseen in this market.

Mr. LOEFFLER. Mr. Chairman, if the gentleman will yield further, so it is true, as we have heard in earlier debate, that this so-called white market will not protect the consumer, the consumer that will be particularly hurt; that is, the consumer that is poor, living on a fixed income or has extensive mileage to travel.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. STOCKMAN) has again expired.

Mr. STOCKMAN. Mr. Chairman, I yield myself 1 additional minute.

The gentleman is absolutely correct. We start with the distribution of the coupons. Over the course of the year, if the plan was in effect that long, $100 billion would transfer, shuffle back and forth from one hand to another; some of it will go to junkyard dealers whose cars will rise in value 600 percent overnight when this program goes into effect, because they will be worth $600 in coupons, $100 in scrap.

□ 1645

There will be those persons who will be buying coupons in New York City and selling them out in the countryside. They will go to bankers who will have to set up a demand checking accounts, with hundreds of thousands of coupons in a demand checking system. There is no system to clear those checks. It is not in place, it is not organized, and that means we will have coupon-kiting like you can never imagine.

As a result, I think this plan for the "white market" will simply not work. It does not solve the problem of equitably allocating gasoline. It only arbitrarily reallocates the windfall profit.

Mr. Chairman, I urge that this plan be voted down.

Mr. GORE. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. Mr. Chairman, I thank the gentleman from Tennessee (Mr. GORE) for yielding this time to me, and I welcome the opportunity to follow my brilliant colleague, the gentleman from Michigan (Mr. STOCKMAN), in discussing this plan.

I would like to make it clear at the outset that rationing is a bad program. There is no good rationing plan. But there are very few things that are good if the Nation finds itself with a 20-percent shortfall. Rationing is, by its very nature, inefficient, inequitable, and expensive.

The plain truth is that if we have a catastrophic shortage toward which this program is targeted, there are few good options that are available to the Nation.

I would like to talk very briefly about the plan that the President sent to the Congress on March 1 and why I actively opposed that plan and led the fight against it in the Committee on Interstate and Foreign Commerce, which defeated it. I would also like to point out why I opposed the second plan and why I now support this third plan, which I would emphasize is not a plan for rationing to be put into effect today. No one is proposing rationing as something we would implement today.

We are talking about a program to put on the shelf in case this Nation finds itself in a dire shortage situation.

I remind my colleagues that the President did not of his own volition send us this plan. The Energy Policy and Conservation Act of 1975 required that the President send us a standby rationing plan. The question that we face today is not this plan versus no plan. It is this plan versus the next plan that will be sent or the next plan that will be sent after that.

The first plan the President sent us was a poor plan. It was a plan that allocated coupons on the basis of vehicle registration, and it clearly discriminated against the large States. It discriminated against people who live in metropolitan areas that did not have mass transit. It discriminated against people who live in rural areas. It created massive wealth distribution around the country.

For example, Texas, during a 20-percent shortage—the condition nationwide which would trigger the rationing program—would have had to have spent $1.4 billion buying rationing coupons to obtain the right to buy gasoline up to 80 percent of its previous usage. That was clearly an unfair program, a program that discriminated against the large States, a program that reallocated wealth from the Western States to the Eastern States. It reallocated wealth from the rural areas to the urban areas.

I opposed that program and worked for its defeat in the Committee on Interstate and Foreign Commerce because of the wealth transfers it entailed and because it was grossly unfair.

In the face of that defeat, the President sent us a second program that sought to split the difference by allocating half the gasoline on the basis of vehicle registration and half on the basis of historical usage. Again there was clear-cut opposition, and finally the President sent us a program which allocates fuel on the basis of historical usage alone.

Mr. Chairman, I submit that there is no easy rationing program. There is no totally fair rationing program. But the advantage of the program which we have before us today is that it does not create wealth redistribution among States.

☐ 1650

The President's plan as we address it today would create a 20-percent shortage in Maryland if the Nation has a 20-percent shortage and it would create a 20-percent shortage in Texas if the Nation has an overall 20-percent shortage.

I am not going to stand here and defend the way the President has handled this bill. This whole process has been inept. The President sent it in a form that did not allow us to amend it. The President has been forced, because the first plan was so inept and so inequitable and so inefficient, to constantly revise it. But we are not debating here whether the President has acted in a reasonable way with regard to this bill. We are asking the following question: If this Nation should—and I echo the words of my distinguished chairman—and God forbid it should happen, face a 20-percent or greater shortage, then should we have a standby program on the shelf to be used in that circumstance?

The CHAIRMAN. The time of the gentleman from Texas (Mr. GRAMM) has expired.

Mr. GORE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. Should we under these circumstances have the standby authority? I think the clear answer of the American people and the clear answer of logic dictates that we should. I submit that this is not a perfect plan, but it does on a State-by-State basis allocate the shortage. No one is saying that this plan is a substitute for deregulation, which I heartily support. No one is saying that this plan is a substitute for a massive effort to get on with the job of producing more oil. It is not. It is not intended to be those things. This plan is a program to fulfill the requirements of EPCA. It is a program that we can put on the shelf and, if we ever face a catastrophic shortage, gives us a method of assuring that shortage is allocated on a State-by-State basis which provides equity within the system. There can never be total equity in rationing. This program is going to hurt some sectors of the economy. But the point we need to remember is that if we face a 20-percent shortage of gasoline, we need not be concerned about the effect of rationing on tourism because with a catastrophic shortage of gasoline there will not be any tourism.

We are talking about a particular situation and how to handle it, and I say that this program, as ineptly as it was sent to us, as poorly as it was initially received, and as poor as the method has been in amending it, is, as it stands before us now, as acceptable program for what it is intended to do, and that is to give us a fall-back position in a bad circumstance.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. GRAMM. I yield to my colleague, the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I compliment the gentleman from Texas for analyzing so accurately this plan, and I think in so doing he has explained why the objection to it of the gentleman from Michigan was well taken.

The CHAIRMAN. The time of the gentleman from Texas (Mr. GRAMM) has again expired.

Mr. GORE. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas.

Mr. ECKHARDT. The gentleman's objection was perhaps well taken to the original plan that the gentleman in the well voted against. But it is not apropos to this one.

Mr. GRAMM. I thank my colleague. I would like to reclaim my time very briefly. I do not think that this should be a forum to argue against the plan that the President himself has rejected. We should be debating a plan as it stands before the House. The initial plan, with allocations going to the State, would have allocated my huge State 51.2 gallons per month per vehicle, with a 20-percent shortage. By adjusting for geographical factors in historical usage, under the new plan, that allocation, including the amount going to the State, rises to 61.4 gallons per vehicle. It means that under this plan, because it is set up under historical usage, if we should have a catastrophic shortage, each State will face the same relative shortage, and that is the best that we can ask for with a rationing program. A rationing program cannot make a bad situation good.

Mr. STOCKMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, we have a Government-imposed oil shortage in America today. It is real. The oil shortage is going to get worse before it gets better. But rationing does not solve the shortage. All that rationing does is allocate the shortage.

Let us see how we got to where we are now, and determine where we should be going. For 11 years Congress has discouraged the oil companies from progressive domestic oil and gas production. It began back in 1969, when a liberal Congress said the oil companies were making excessive profits through depletion. Congress cut back on this depletion reserve which was providing the capital flow for the independent oil men to drill and develop oil reserves in the United States. Depletion was reduced in 1969 and slashed further in 1975.

In 1956, the United States only imported 13.1 percent of the oil we used. In 1967 we imported only 12.8 percent of the domestic oil we used. But beginning in 1969 when we reduced depletion, we have become more and more reliant on foreign oil and today 47.5 percent of our oil supply in this country is imported.

The next move to limit domestic production was the Emergency Petroleum Allocation Act of 1973, which was followed up by the Price Controls and the Emergency Policy and Conservation Act of 1975. Then we started moving rapidly toward an oil shortage. We place price controls on oil of $5.25 a barrel for U.S. oil that was being produced in this country. That was what we were paying the OPEC oil companies, but the Arab OPEC block started moving their prices up to where it is $15 a barrel. As they were earning more, they continued to supply more. Meanwhile, domestic production had decreased from 9.2 to 7.2 million barrels a day.

Let us look at costs with this rationing plan. If a coupon is purchased above the allotment with an estimated price at $1.22 plus gasoline selling for 80 cents a gallon, the citizen would be paying $2.02 a gallon, which is as high as the price of gasoline today in Europe.

If we stay in the open market, gasoline in this country would probably rise to 95 cents a gallon. It is better to buy gasoline at 95 cents a gallon next year in the open market rather than $2 a gallon with rationing coupons.

Rationing is most inequitable. Car owners are all rationed the same number of coupons, but some car owners through necessity to get to their work, or in doing their work have day in and day out used 10 times as much as an inactive automobile user. Yet both receive the same coupons.

There is much that could be done for conservation. Americans are consuming 16 percent more gasoline than they did in 1972, as consumption is up from 6,376,000 barrels per day in 1972 to 7,393,000 barrels per day in 1978. And it continues to rise by 4 percent more in 1979.

With Government controls, consumption has gone up 16 percent. The world market price of oil has gone up from $5.25 a barrel to $15 a barrel and the oil shortage is much worse.

Let us look at the cost of the Carter rationing plan. It is estimated it will take 14 months to compile the list of motor vehicles. There are also 10,000,000 cars changing ownership each month. Then they will mail the ration checks to the registered car owners to be cashed in at designated coupon issuance points. Obviously, the paperwork will be intense. It is anticipated that it will cost the Government $400 million a month to handle this ration plan. And they anticipate $400 million to set it up. This is a total of $2 billion the first year. Instead of a $2 billion rationing cost, we could give incentive taxation encouragement to the oil industry and they could vastly expand their development program; $2 billion in tax credits could increase exploration by 15 percent.

The facts are that America would benefit if the oil companies had more money to invest in energy production. The major oil companies make profits on the average between 2 to 3 cents on each gallon of oil that they produce. The rate of return on investment by oil companies was below earnings of manufacturing companies. The oil company profit margin is 4.6 percent. Every time an oil stockholder earns $1, there are $12 paid in oil company taxes. The average American is not worried about whether oil companies make 1 cent more; what concerns the average American is whether the cost of his gasoline will be 80 cents a gallon or $2 a gallon. To keep gasoline below $2 a gallon, exploration and development is essential for adequate supply.

Remember, the entire oil and gas private industry drilling expenditures will be about $12 billion this year. This covers new wells, old wells, dry holes, leasing, drilling, and research. And here we are in Congress arguing about the oil companies making another penny on each gallon of oil. The companies that I checked out all more than reinvest their total profits into exploration and development of oil.

Take 1977, the total net income of the seven largest oil companies was $7.87 billion while they invested $15.57 billion in exploration and capital expenditures for more new oil. That is an expenditure and investment ratio to net income of 198 percent.

The answer is deregulation. Let us get the Government completely out of excessive regulation. The U.S. Congress appropriates $12.6 billion each year for energy regulation. We could save 3 cents a gallon on gasoline if the oil companies did not have to file the excessive energy paperwork.

Besides new oil and gas, there are tremendous opportunities in tertiary recovery. The initial well is known as primary recovery. Secondary recovery is usually accomplished by water flooding.

Tertiary potential, for third recovery of reserves, is tremendous. It depends on the price of oil. But with oil now selling at $15 a barrel and headed towards $20 a barrel, the tertiary recoveries could be very large. Tertiary involves the use of chemicals and special injection processes that are expensive. But chemicals will cause the oil to flow through rock pore spaces more easily. It has been estimated that tertiary would more than double the amount of present crude oil reserves available in the United States.

This rationing plan broadens the great drain on the American economy. Where 5 years ago $3 billion went to pay for imported oil, this past year $42 billion U.S. dollars were going to the Arab OPEC countries.

Congress has taken 11 years dragging the country into this mess. It will take 3 years to get a balanced market as we get the Government out of its meddling, burdensome regulations. We could have enough primary, secondary, tertiary crude oil plus new alternative energy sources so that America could be self-sufficient. Let us solve the oil and gas shortage which Congress created. Let us kill rationing which just allocates the shortage.

The eight largest oil companies' profit margin—net income as a percentage of total revenues—was 4.6 percent compared to 5.4 percent of all manufacturing companies.

In 1978: oil companies paid $53.7 billion taxes; oil companies paid $15.0 billion to employees; oil companies paid $4.5 billion to stockholders; and 12-to-1 ratio taxes to stockholders dividends.

Reinvestment: In 1977, the top seven oil companies reinvested $7.87 billion net and $15.57 billion total capital invested and exploration costs.

The Los Angeles Herald Examiner reports:

One gallon imported from Saudi Arabia sells at 79.9 cents as example:

33.5 cents—profit to Saudi Arabia;
20.6 cents—local, State, Federal tax;
2.0 cents—profit to oil company;
1.2 cents—profit to dealer; and
22.6 cents—costs.

□ 1700

Mr. DINGELL. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee (Mr. GORE).

Mr. GORE. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding me this time.

I find, in talking to my colleagues, that there are a large number of people undecided on this issue, and I think it is important to clear up one point that might be subject to confusion. That is, we are not voting—if we vote yes for the emergency itself; we are not voting for the contingency that this plan is designed to help us cope with. We are voting—if we vote in favor of this plan—to give the United States an imperfect instrument with which to deal with that emergency situation. We are voting against the alternative of rationing by price.

This ought to be an easy vote, really. The plan is imperfect. Those who support it concede that fact. There are many inequities built into this plan, as there are inequities built into any kind of rationing plan. It stands, however, as the proposed alternative to rationing by price.

Now, how would rationing by price work? Very simply. The rich would be able to have gasoline; those who were relatively better off would be able to have gasoline, and those who did not have the money could not get gasoline. Now, when we pose that choice between the alternative of rationing according to this admittedly imperfect system and the system of rationing on the basis of price, the choice is a very stark one, revealing basic philosophical differences.

Supporters of this plan are not in favor of the emergency; no one is, obviously. What we are in favor of is preparing for a possible crisis. As we are deliberating this issue today, the United States is absurdly dependent upon a very tenuous supply line. There are many possible triggers for a severe supply disruption.

We ought to be prepared. And that is the issue before us, whether or not we are going to be prepared.

What happens if this plan is voted down? If there is a substantial change in the next plan it would require a minimum of several months, probably as much as 6 months' time, to go through the rulemaking on any new plan proposed. So, we are asked to vote on whether or not the United States will have some means to cope in a rational way with a possible crisis over the next 6 months.

□ 1705

Mr. STOCKMAN. Mr. Chairman, will the gentleman yield?

Mr. GORE. I yield to the gentleman from Michigan.

Mr. STOCKMAN. I thank the gentleman for yielding.

Would the gentleman agree that if there is a crisis, it is going to take at least 2 or 3 months before that shortfall of crude oil hits this country because the tankers are on the ocean? Would not the gentleman also agree that in the 2- or 3-month period when we knew the crisis was coming because Saudi Arabia was down, that this Congress could have passed any kind of mechanism we felt necessary to cover the expected level of gasoline shortfall that we would have, and we would not have to go through EPCA with its drawn out procedures and hearings?

Mr. GORE. I would expect the gentleman to oppose any plan that did not rely purely on a price mechanism. I would say further, in response, that under the law a rulemaking is required which would take a minimum of 2 months and as much as 6 months or more. Further, I would add that even after this plan was adopted, a period of several months, at least as long as the pipeline that the gentleman describes, would be required to put this plan into effect?

Mr. STOCKMAN. Will the gentleman yield?

Mr. GORE. I would be happy to yield to the gentleman.

Mr. STOCKMAN. That is under the EPCA procedure that this plan comes to us, but obviously in a crisis situation we could adopt new legislation to adopt a new plan.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STOCKMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Kentucky (Mr. HUBBARD).

Mr. HUBBARD. Mr. Chairman, here is one Democrat who is sure that he is opposed to the administration's gas rationing plan.

Mr. Chairman, on behalf of my constituents who live in rural Kentucky and who must travel longer distances to work and to the marketplace, on behalf of the farmer, who feeds not only this Nation but a good portion of the world as well, and on behalf of the deliverymen and truckers, who literally keep our economy moving, I must speak out in opposition to the President's standby gasoline rationing plan.

Too often I have seen this Nation turn its back to the American farmer—that model of efficiency who allows this Nation to feed much of the world and who provides us with our best economic defense against growing oil imports. While this plan does provide for extra allotments for offroad farm equipment, I do not believe it provides adequately for getting the farm products to market. There is no priority for getting seeds and fertilizer to the fields, there is no priority for getting fuel to the farm and there is no priority for getting commodities to the market.

Unlike all the other gasoline rationing contingency plans considered during and since World War II, this plan does not accord agriculture with a priority status. Rather, this plan provides for allotments based upon agriculture production goals established by the U.S. Department of Agriculture, and implemented by the U.S. Department of Energy.

If this makes my constituents in Kentucky a little bit weary, I think I can understand why. By the Department of

Energy's own estimate, the initial cost to the taxpayer for this rationing scheme will be $1.5 billion. And that cost figure does not account for the bureaucratic ineptness and inefficiency which has characterized DOE to date. Energy Secretary James Schlesinger has already said that he cannot specify the precise mechanism that will be used for determining each farm's fuel entitlement.

Our energy shortages today have not resulted because we are running out of oil in the ground. Shortages are being caused largely because of the confusing and contradictory policies of the Carter administration toward energy production. Some of the more than 1,200 coal miners in my district who are out of work because of the lack of demand for coal are probably wondering why we are running short of oil, when some utilities that could convert to coal use are still burning oil. Some of the farmers in Kentucky are no doubt wondering why, if there is a shortage of fuel, there is not a greater national commitment to the production of alcohol fuels, or gasohol.

In short, let me urge my colleagues to join with me in rejecting this emergency standby gasoline rationing plan, with all of its inequities and bureaucracies, and in sending a message to the White House that we want a plan not for rationing out energy shortages, but for insuring that this Nation has available the supplies of fuels that it needs to function.

☐ 1710

Mr. STOCKMAN. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota (Mr. ANDREWS).

Mr. ANDREWS of North Dakota. Mr. Chairman, I appreciate my colleague's yielding time to me.

Mr. GRASSLEY. Mr. Chairman, will the gentleman yield to me?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Iowa.

Mr. GRASSLEY. Mr. Chairman, I rise in opposition to this rationing plan. The main arguments against this poorly conceived and highly expensive plan are well known: It is advantageous to the rich, and it hinders the needy; it further regulates the lives of the American public and creates more needless bureaucracy; it allocates shortages, not supplies. The bottom line on this plan is that it does not increase supplies nor conserve them.

The President makes the claim that rural residents and farmers are well taken care of under this proposal. Concessions were made just yesterday to the Senate with the guarantee that steps of the agricultural process would be protected from serious disruption. Last week in Des Moines, the President assured all midwestern farmers that they need not worry about dwindling supplies of fuel. Indeed, the President promised all rural Americans that he, "will not allow rural America to run dry." Upon hearing this news, I, along with some other Members of the Iowa delegation, sent a letter to the President thanking him for his commitment and offering our support and assistance in carrying out his pledge.

Although the proposal before us today deals with gasoline rationing, the President must be well aware that in order to keep his promises to the agriculture industry he must regulate and reallocate diesel fuel supplies. While gasoline is of the uppermost importance to most American drivers, our Nation's No. 1 industry—agriculture—depends on diesel fuel. Just as an example of this, over 90 percent of the farm machinery in my State of Iowa uses diesel fuel.

While the White House has been scrambling around and making concessions and assurances to farmers to get support for this proposal, the dangerous nature of the current situation in the Midwest has actually been ignored. Despite the promises made in Des Moines last week, nothing has been done to assure farmers essential diesel fuel during the spring planting season.

The diesel shortage in Iowa and throughout the Midwest is serious and extensive: Diesel fuel supplies were down 12 percent last month and the May shortages are expected to be even greater; at the same time, diesel fuel pipelines supplying the Midwest are operating considerably below normal capacity.

Despite this potentially critical situation, the administration has concentrated its efforts on a costly gasoline rationing plan. The Department of Energy has not monitored the diesel fuel shortage in the farm belt to determine if forced reallocation is necessary under the Emergency Petroleum Allocation Act of 1973.

My point is, Mr. Chairman, that if this, or any other rationing plan that claims to be fair to farmers is implemented—and we all hope that will never be needed—it must assure farmers adequate supplies of diesel fuel. Further, these supplies must cover all aspects of the food chain, from planting and harvesting to processing and transporting.

While gasoline rationing would cause hardship for some and inconvenience for all, a diesel fuel shortage for our farmers will have grave consequences on the price and supply of food in this country and around the world. I again urge the President to take action—not give assurances—to see that the diesel fuel needs of our farmers are met.

Mr. ANDREWS of North Dakota. Mr. Chairman, a lot has been said about rural needs versus big city needs. Coming from the most rural State in this Nation I can be parochial if I have to. I may well, during the time I have been allotted.

But let me point out first that as our colleague from Tennessee said, this type of rationing is really preparedness for a crisis. That is true. If we move into gasoline rationing, the thrust of any workable program for the benefit of the entire Nation has to be that it moves in a direction of conserving gasoline, conserving energy so the whole Nation can get along with less, which is why we would have been tipped into a rationing situation in the first place.

If we are going to conserve we have to have rationing programs designed to move our people into the use of mass transit more than they have at the present time.

A good program would do that. This program does not do that. Any program that can take the most rural State in the Nation, North Dakota, and give it in effect 25 gallons of gasoline per month per car and take the most urban area in the Nation. the District of Columbia, the city of Washington, mind you, where you are never more than two blocks away from mass transit, funded by the Federal Government, and give those drivers 50 gallons per car per month, exactly twice as much as you get in the most rural State where there is no mass transit, no underground subways, certainly does not move the Nation toward the use of mass transit to conserve energy for the benefit of the country.

Let me emphasize also that my friend from Michigan pointed out there is an 8-percent adjustment factor. Eight percent falls far short when there is a 100-percent disparity in the program the President has set up, between the rural areas where the alternatives are simply not there and the big city areas where there are alternatives. Certainly the farmers, they have said, are going to be taken care of.

The language the President sent up about that reads in a very interesting way. It says the farmers' needs will be taken care of after allocation for their cars and trucks which will be on the same basis as all other cars and trucks. Adequate fuel will be provided for off-highway vehicles and farm machinery, they say.

If the farmer in North Dakota is going to get 25 gallons per month for his car or his pickup he is going to have to drive to town in his tractor to get the medicine if he has a sick steer and that is not going to help conserve fuel in this country nor is it going to help safety on the highways. I think people in Washington even recognize what happens when too many tractors go to town.

I think we have to recognize that not only is this program unfair between States, it is unfair within States.

I do not think you can justify in this country giving three times the number of gasoline coupons to a family, a man and wife who happen to have the money so they have two automobiles and a recreational vehicle, who are going to get on average 1,800 gallons of fuel a year and the working couple who has one 1972 Chevrolet gets 600 gallons per year and might have to drive 25 or 30 miles to work. That is not equity between the wealthy and the poor in any book that I have ever seen.

Frankly, I think we have to take a look at the fact that this program, then, does not address the needs of the Nation from the standpoint of conservation, it does not address the disparity between rural and urban needs for transportation, it gives bonus coupons to the wealthy as compared to the poor, and it does not come to us in a form that allows amendment. Even though my colleague would admit he would like to, he cannot change it. My good friend, the gentleman from Michigan (Mr. DINGELL) realizes we cannot amend this. I would hope my colleagues would turn down this bill as it is presented, tell the President and his White House crew to go back to the drawing board and bring up something more equitable that answers some of the questions we have raised here this afternoon.

□ 1715

Mr. SWIFT. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland (Ms. Mikulski).

Ms. MIKULSKI. Mr. Chairman, I rise to speak in opposition to the President's gas rationing plan. Before detailing my reasons for opposing the plan, I feel that it is important to point out that opposition to the administration's rationing plan does not mean that there is no energy crisis. It does mean that the administration's plan is unfair.

I firmly believe that this country should have a rationing plan in place to be used in case of a major energy shortage. But whatever form the plan takes—it must be fair and equitable. That is why I object to the current rationing proposal.

Ever since the gas rationing plan was presented to Congress by the President, I have opposed it on the grounds that coupon distribution based on registered vehicles favors the rich. The administration has amended the plan several times within the last few days in an effort to gain congressional approval—but the changes made do not deal with the fundamental unfairness of this proposal.

Fuel allocation, based on vehicles, and not on individuals rewards the most wasteful consumers of energy and punishes those who have tried to conserve. One of the administration's amendments to the rationing proposal allows a family to recieve coupons for a maximum of three cars per household and contains an exemption for cases where hardship can be proved. In such cases a household could receive additional coupons for a fourth or fifth car. How can Congress seriously consider a plan that gives hardship exemptions to the rich and makes the working class carry the burden of the program?

I cannot help but wonder about the families in my district, as well as those across the Nation, who do not own several cars. In many of these households one car is shared by the whole family. It is used to drive to work, the grocery store, doctor's and dentist's appointments, the children's school activities that take place at night, and more. With only one car, the ration coupons will be quickly depleted and the family will have to turn to the alleged "white market" which will develop to buy the surplus, unused coupons. Because the initial distribution of the coupons will have been done in an inequitable manner, the result will be that a minority of the people will hold a majority of the coupons. Such a predicament can only result in a vicious black market situation.

This rationing plan could absolutely wreak havoc on the volunteer programs which provide vital services to our senior citizens. Meals on Wheels, visiting nurse programs, and special transportation services for the disabled and elderly would all suffer immeasurable damage. Many of the most active volunteers for Meals on Wheels are retired citizens, donating their own time to bring hot meals to seniors who cannot provide for themselves. If we restrict the fuel allocation of these volunteers, who will continue to deliver those meals? What will happen to those elderly widows who now depend on the generosity of their neighbors to take them on shopping trips?

When Congress passed the Energy Policy Conservation Act, we included language in section 521(b) which mandated that no one sector or group in our country would have to sacrifice more than any other in the event of an energy shortage. This rationing plan, which comes as a result of EPCA, blatently contradicts the congressional intent of this legislation. The burden of any rationing plan needs to be shared by all Americans, and this is not the case with the current plan that we are considering.

If this plan is approved by the House, it will create another unfair program that the people would not abide or cooperate with. We were elected by people, not automobiles. We can insist upon a rationing plan which is more equitable and more effective.

A rationing plan is like democracy—to be effective it needs the consent of the governed. I urge you to join with me in opposing this proposal.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to my dear friend, the gentleman from Ohio (Mr. Vanik).

Mr. VANIK. Mr. Chairman, as we consider the issue of a gasoline rationing plan to deal with the current shortage and mal-distribution of gasoline in the United States, I am very much concerned with the capacity of the Department of Energy to protect the American consumer from being ripped off by gasoline retailers who are able to impose incredible prices on gasoline with little or no fear of being caught. In addition to the power which is possessed by OPEC, in addition to the creation of an American OPEC through the decontrol of oil in America, we have now created a potential 175,000 individual OPEC's which operate as retail gasoline outlets throughout the United States.

Under current regulations, gasoline retailers must compute the maximum selling price for the various grades of gasoline sold, and post this price on the pump where the buyer can see it. The price of gasoline at the pump should be based on the 1973 margin of profit plus all cost increases which the retailers have experienced, including higher cost of gas, higher rent, higher wages and higher operating costs.

While the law provides for a maximum selling price, it is almost impossible to compute or check it and there is absolutely no real way to enforce this requirement. For all practical purposes, 175,000 retail gasoline outlets can sell gasoline for whatever markup they choose.

Although there are 175,000 retail gas stations nationwide, there are only 48 auditors working in the six regional districts to investigate complaints of price gouging. There is one Department of Energy auditor for every 35,000 stations and their work has been concentrated principally in five urban areas. To date they have completed 1,700 audits at the retail level and have found that one-half of those investigated are in violation of the pricing rules.

Under the present circumstances, every operator of a retail gasoline outlet is a gasoline czar. He can charge almost anything he desires with little risk of being found out.

There are price wars going on in gasoline and the motto is "ever upward." There is little the consumer can do about it. We are in the incredible position of letting the marketplace fix the price of oil at the point of production. We let the refinery fix the price of processing, and we also permit the retailer to fix the price at the point of consumer purchase. Decontrol has set the stage for massive disorder and chaos in every neighborhood and hamlet in the country. The mean, greedy tiger is no longer in your tank. He is at your throat. Rationing is difficult—it is not a pleasant course. But it is infinitely better than most other alternatives. I expect to vote for the plan.

□ 1720

Mr. STOCKMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. Loeffler).

Mr. LOEFFLER. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in opposition to the resolution, for it is inequitable, unworkable, and unfair.

In fact, when we must implement a program that requires 20,000 governmental employees at a cost of at least $2 billion merely for implementation, and then we must as taxpayers pay $2 billion annually to carry on the program, I believe we have Government intrusion ad infinitum.

Certainly, when we look at a gasoline rationing plan, there is no equity, no fairness. There is no fairness in the plan when we have to look at those who are retired and those who are on fixed income. There is no fairness in the rationing plan when we look at ranchers and farmers and people who have to travel long distances to carry on their own business.

Look at the impact it has on tourism and recreation. Look at the impact it has on sales people who must travel throughout their regions.

Mr. Chairman, I say that any rationing plan is inequitable, unworkable, and unfair. Even though we now have a plan that allocates gasoline rationing coupons per State on a historical use factor, I believe it is still unfair. This plan is supposed to gain more votes because it is politically more expedient for the Congress to consider and supposedly adopt.

Mr. Chairman, I would remind the Members that we must now look at each State, look at the inequities in each State and among the States, rather than look at the Nation as a whole.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman from Alabama.

Mr. SHELBY. Mr. Chairman, I heard the statement made on the floor a few minutes ago by one of our colleagues that he was against rationing by price.

It seems to me that this would still be rationing by price.

I opposed this in the Subcommittee on Energy and Power, on which we both serve.

It seems to me that we are still going to have a "white market" and vehicle registration and a lot of concentration of power in the Department of Energy and, therefore, we are going to have problems down the road. I wonder if the gentleman agrees with me.

Mr. LOEFFLER. Mr. Chairman, I certainly agree with the distinguished gentleman from Alabama, and I point out that the gasoline rationing "white market" can be called a white market, but it can also be called a black market. It simply happens to be a legal market at this time. Notwithstanding the description, it will impact severely on the poor and on those on fixed income and those who have long-distance business to conduct, as well as those who will have to purchase coupons from an automobile owner who has three vehicles.

Mr. SHELBY. Mr. Chairman, I will ask the gentleman if he will yield further?

Mr. LOEFFLER. I yield to the gentleman from Alabama.

Mr. SHELBY. Mr. Chairman, we can imagine a situation in America down the road in the so-called "white market" situation where the gas coupons will be strictly put up to bid at the highest price. Do we realize what that will do to the working people in the country?

Mr. LOEFFLER. I certainly do, Mr. Chairman, and that will be the next step.

Where will they find the additional coupons? Will it be in west Texas? No, it will not be in west Texas because these coupons will be used up. But where does someone in west Texas go to purchase on the white market, and what will the price be for the additional coupons?

Mr. SHELBY. Mr. Chairman, I want to associate myself with the views of the distinguished gentleman from Texas (Mr. LOEFFLER), and I am going to vote against this plan when it comes up.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, the gentleman uses the term, "white market," and I find that term to be very interesting. Is the term, "white market," just the same as a black market made legal?

Mr. LOEFFLER. Mr. Chairman, in my opinion, it is just the same as a black market made legal, the gentleman is correct.

I might point out that during the debate earlier on consideration of the rule—near the close of that debate—I heard the distinguished chairman of the Committee on Rules make an impassioned plea, and that impassioned plea was that we have to have a plan.

In other words, we have to have a gasoline rationing plan. I submit to the Members of this body that we do not have to have a rationing plan.

When we enter that situation where we have a critical or severe disruption in supply here in the United States, rather than take the 9 months to implement the rationing plan, as proposed today, rather than spend $2.5 billion to implement and $2 billion annually to carry on the program, I say, if we would take that money and move toward the strategic petroleum reserve, we would never be faced with a rationing plan.

So, Mr. Chairman, I suggest to the Members of this body that we have a positive program, one which will work and one which is being implemented today. That storage system is intact, and it is being pursued by the Department of Energy. It is there to take care of energy shortfalls when we experience them, and we should use it rather than having a gasoline rationing plan which merely shares the shortage and does not allow us to overcome the shortage.

□ 1725

If we vigorously pursue, with American ingenuity, and develop an adequate supply within our strategic petroleum reserve, what we will be able to do in a shortfall situation is to alleviate the hurts and the inequities that occurred during such an energy shortfall.

The CHAIRMAN. The time of the gentleman from Texas (Mr. LOEFFLER) has expired.

Mr. STOCKMAN. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas (Mr. LOEFFLER).

Mr. LOEFFLER. If at the same time we move with a decontrol plan that is adequate, we will, for the first time, show the American people that here in Washington, rather than all of the political rhetoric flowing from this body, we will have an answer. I believe that if we move on decontrol now, that very shortly we will be able to come forth with a very positive statement and that is rather than continuing the experience over the past 9 years, decline in the production of oil, we will have for the first time an increase. I believe it is important that we pursue that direction and that we not shackle ourselves with a gasoline rationing problem that will never work fairly.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 212, which would approve the standby gasoline rationing plan. For the past 4 weeks, since the President submitted the plan to the Congress on March 1 for its approval, a long and, at times, heated debate has been taking place. Of the four emergency measures submitted by the White House, I believe we can all agree that this one dealing with gasoline allocation provoked the most controversy.

The plan, by its very own definition, is unable to be totally and completely fair to everyone. Starting with the basic premise that supplies would be limited due to a major disruption, it follows that a reduction in the amount of gasoline available for commercial, farm, business, and private consumption, would exist. It is, thus, extremely difficult to come up with a plan which insures that the diverse needs of the farmer and the commuter will be fairly met to guarantee as minimal a disruption of our daily lives as possible.

In response to the expressed concerns of the Members of Congress, the plan has been amended to address some of those concerns. It is still not a perfect plan, but the Senate yesterday approved it by a vote of 58 to 39, and it is certainly more fair and equitable to the different States by giving more weight to historical gasoline consumption patterns in each State for the purpose of gasoline allocation on a statewide basis.

It is my hope and prayer that we will never be called upon to put this plan into effect. The paperwork and monitoring that would be involved in putting this plan in place would be overwhelming. And yet, we cannot, as a nation, continue to afford playing Russian roulette by taking a chance of not having any plan in effect in the event of a serious curtailment of gasoline supply.

We already had our rude awakening with the oil embargo and its aftermath in 1973 and 1974. We should not, and cannot, be again caught unprepared. It was that experience which triggered the Congress to call for a gasoline rationing plan to be developed in the Energy Policy and Conservation Act. It has taken over 3 years since the law was enacted in December, 1975, to come up with the plan we are debating today.

I urge my colleagues to favorably approve House Resolution 212. It is the responsible action to take to insure at least the protection afforded under the plan. The plan will be triggered only in the event of a serious and prolonged emergency such as a 20-percent or more shortage in the national supply of gasoline and the Congress will again be called upon to act to put it into action.

Not all of us may like the plan as it is currently drafted, just as no one likes gasoline rationing but, in the final analysis, is it not best to be prepared than risk facing a crisis emptyhanded?

Again, I exhort all of my colleagues to approve the standby gasoline rationing plan.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. BEARD).

Mr. BEARD of Rhode Island. Mr. Chairman, we have heard an awful lot of talk about this particular plan. It is amazing that on something as serious as this, as has been mentioned, in the last 48 hours we have had three plans. It seems to me that based on the various States, regardless of how the pie is cut and whose figures you want to believe—and there are a lot of figures floating around this Chamber on the various views of this particular issue—my State of Rhode Island gets the short end of this. I think, where we are a tourist State and we do not have a massive transportation system, especially in the rural areas, this is a very severe blow to our particular State. I certainly recognize that we probably should have a standby program to deal with any emergency, but I think it is ridiculous when this Chamber, as well as the other body which passed on this yesterday, can work in 48 hours on three plans and force us in a situation, where we cannot amend the bill on this side, when we are required to make a decision based on figures that, believe me, are completely all over the lot. This is not in the interest of my people of the State of Rhode Island. I do not represent California, nor do I represent New York or any other State but Rhode Island, and so for that reason and for the fact that it is very unfair to my State I will vote against this particular bill.

Mr. STOCKMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. Paul).

Mr. PAUL. Mr. Chairman, I oppose rationing of gasoline. I think it is one of the most foolish things we could do at this time. I think if we should just recall history for once, we would then find out that in the past 4,000 years we have had many examples of rationing. They have never worked. Rationing is just a prelude to the black market. Today, if we pass rationing, all we are doing is legislating and ushering in the black market. What we are bringing about today is mandatory distribution of gasoline by the same people who distribute the mail, who run Amtrak, and give us our Pentagon efficiency. I hear today many attacks on distribution by pricing. It is really amazing to me to hear such an attack. I recognize that the pricing mechanism is the only fair mechanism whereby you can distribute goods and services. It is the only method, if you want things to distribute. Without the pricing mechanism you cannot have anything to distribute in the marketplace. To me this is an admission on our part that the Government has by overregulation, overinflation, and overtaxation damaged and destroyed the marketplace.

□ 1730

As the Government destroys the marketplace, we create our problems; but what do we do? Instead of blaming the Government, we blame the marketplace. Then what do we do? We add fuel to the fire by then coming in and feeling compelled to do something; out of futility, and out of desperation we go and institute rationing. This is symbolic of the level to which we have permitted ourselves to fall. We have no confidence and no understanding of how the pricing mechanism in a free marketplace works.

To me, there is a very definite reason why this has happened. There is a motive behind this. It is to distract us from blaming the Government. We in error go and blame the consumer and the oil companies for the disaster that is on the horizon. There is also another significant psychological reason why you cannot bring the blame to the Congress. It is because we do not want to assume the responsibility psychologically.

Who amongst us who has been here for 20 years and can say, "Look, we have regulated you and we have controlled you for 20 years and it is our fault"? That would be psychologically unbearable; therefore, we must direct our attack to somebody else.

We now live in the age of pessimism. We are told we have to drive small cars. We are told we must have cold homes, in the winter and warm buildings in the summer. We are told we must lower our standards of living. We must lower our expectations. We must not allow our people to take vacations, because there is not enough gasoline, and yet the Congressmen continue to take their junkets. We are going backward to the dark ages, and we fail to understand the tremendous value of marketplace.

By what constitutional authority do we perform this act? I beg of you, if you the Members of the House look at the Constitution, you will find that we do not have the authority to do such a thing.

By what moral right do we come and regulate as we do?

We are not regulating and distributing a materialistic thing called gasoline. We are manipulating and controlling people, and this is what we're dealing with today. We are rationing people. We are controlling people when we do such things as rationing and price fixing.

We do not have the moral authority to control people or property. We have no more authority to ration gasoline than we have to force people to outlaw irrational ideas; ideas and property should be considered as one and the same.

If I must use persuasion, a proper function of free society, to urge the elimination of irrational ideas, so must you the planners be forced to use persuasion to achieve your planning goals. In terms of right, the two are inseparable.

Our persons, our property, as well as our ideas, must receive equal protection under the law.

Mr. DINGELL. Mr. Chairman, I yield 4 minutes to my good friend, the gentleman from Texas (Mr. Eckhardt).

Mr. ECKHARDT. Mr. Chairman, I have stayed here through the entire argument and heard a good deal of debate from the other side of the aisle, which I think could be summarized somewhat in this way, that we have somehow acted wrongly in the past. We have a shortage of oil at the present time and that therefore we should not take the step of rationing in order to take care of the shortage.

My good friend, the gentleman from Texas (Mr. Collins), a moment ago made that argument.

It seems to me very much like telling a person who had diabetes, "We are not going to give you insulin. You ought not to have drunk all that beer."

Now, it does not make any differences what caused the shortage. If the shortage is here, something has to be done about it. There is no point of those of us who disagree as to the cause of the shortage or the desirability or undesirability of controls, or whether or not this is because of those "dirty Arabs," or because of those "greedy oil companies," or it is because of the revolution in Iran. There is no use debating that. If the shortage is here or is imminent those questions are not before us.

So I have heard a great number of excellent speeches which seem to have been prepared for another occasion. It seems to me that what we need to do is deal with this occasion that we have now. If a shortage develops, we have got to be prepared to take care of it.

□ 1735

There is one thing, though, that I should like to be sure is clarified here on the floor today, and I would like to ask the distinguished chairman of the subcommittee about the point. It has to do with the letter from the White House by Stuart Eizenstat dealing with the very, very important question of rationing for trucks, particularly for those under 10,000 pounds.

I note that on May 9, 1979, the administration submitted a letter clarifying its earlier commitments concerning priority for commercial users of gasoline-powered vehicles. Does the gentleman from Michigan (Mr. Dingell) believe that that letter is sufficient assurance that the administration will give full consideration to providing gasoline for this industry, such things as light trucks, taxicabs, and so forth?

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the distinguished gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I thank my good friend for yielding. I believe that the administration will meet its commitment as set forth in the letter which is included in the Record, and I feel certain that after full consideration such gasoline will be provided consistent with the plan and its presented needs.

I assure the gentleman that the subcommittee will provide very close oversight of this matter, and I am sure the gentleman, who is on the Oversight Subcommittee of the Committee on Interstate and Foreign Commerce, will also exercise oversight.

Mr. ECKHARDT. I thank the gentleman, and I feel completely assured on that proposition. I am for the resolution, and I shall support it.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield for a question?

Mr. ECKHARDT. I will be glad to yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I would like to get something clear. This plan has been objected to on many grounds by many very intelligent and concerned people here today. I do think we need a plan, but I would like to know exactly what we are doing here in voting for or against this plan. Suppose we vote for it. As I understand it, the President, before he can implement it, will have to come back to us for another vote, is that correct?

Mr. ECKHARDT. That is correct.

Mrs. FENWICK. Now, suppose that when he comes back to us he has not corrected some of the faults that have been discussed here.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DINGELL. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas.

Mrs. FENWICK. Suppose when he comes back he has not corrected some of the faults we see here. Is it in the President's power to present to us a plan that differs from the one that is before us today?

Mr. ECKHARDT. If the President should not keep the commitment, for instance, the commitment that I just read and the letter from Stuart Eizenstat with respect to, say, taxis, small vehicles, and so forth, either the House or the Senate could say "no, we do not want to put in a plan at this time." I do not think it would be very practical to change it after that, but the very existence of the one-House veto creates an enormous incentive for him to do what he hears on this floor to be the will of the House.

Mrs. FENWICK. Could I ask another question? Suppose, between now and the terrible day when this might be necessary, the President decides that he has a better plan. Is it in his power to present that to this House for another vote so that we would have a better plan on the shelf for that eventuality?

Mr. ECKHARDT. I believe that the President would have that power. That is something, of course, the Congress could also accomplish on its own.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. DINGELL. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas (Mr. ECKHARDT).

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I would just like to be reassured with respect to the communication from Mr. Eizenstat. Would that letter cover such items as United Parcel Service and other delivery services that are very important?

Mr. ECKHARDT. It most certainly does, and that specific question has been raised.

Mr. LOEFFLER. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Texas.

Mr. LOEFFLER. Mr. Chairman, I also wonder if it will include certain things such as, for instance, newspaper distribution.

Mr. ECKHARDT. I yield to the chairman of the subcommittee to answer the question. The question was whether or not there was anything that would take care of newspaper distribution. It would be my opinion that would be the type of commercial vehicle I have described.

Mr. DINGELL. If the gentleman will yield, it covers everything, intercity and intracity trucks.

□ 1740

Mr. LOEFFLER. But I am not concerned about the intercity or the intracity; I am concerned about the rural area.

Mr. ECKHARDT. The letters are as follows:

THE WHITE HOUSE,
Washington, D.C., May 9, 1979.
Hon. JOHN DINGELL,
U.S. House of Representatives,
Washington, D.C.

DEAR CHAIRMAN DINGELL: Concern has been expressed for gasoline rationing for trucks, particularly those under 10,000 pounds, involved in intra-city and inter-city delivery. It is obvious that such trucks are important to the economy even in the event of any fuel crisis. Regulations to implement the Gasoline Rationing Plan will be necessary. The Plan itself provides flexibility to designate additional priorities and supplemental allotments. It is the Administration's intention to utilize this flexibility as appropriate to meet concerns such as expressed by the trucking, taxicab and other industries. We will direct the Department of Energy to consider in this process, for recommendation to the President, an appropriate level of priority for trucks of all weights to provide for an adequate supply of gasoline to insure continued service to the public consistent with the other requirements of the Plan.

Sincerely,
STUART E. EIZENSTAT,
Assistant to the President for Domestic Affairs and Policy.

THE WHITE HOUSE,
Washington, D.C., May 9, 1979.
Hon. HENRY JACKSON,
U.S. Senate,
Washington, D.C.

TO CHAIRMAN HENRY JACKSON:

Several members of Congress have asked whether the Standby Gasoline Rationing Plan would provide supplemental ration rights to producers of energy.

The Plan provides adequate flexibility to both the federal and state governments to assure adequate supplies of gasoline to energy producers. Under Section 570.33 of the Plan certain essential activities may receive priority allocation of ration rights and the Department of Energy has the authority to designate additional priority activities. It is my intention to include energy producers as priority firms under the Rationing Plan.

In addition, the states have an 8% ration reserve which permits them the flexibility to allot additional gasoline supplies to essential activities within their jurisdiction, including energy production.

It is my firm intention that the Rationing Plan will provide necessary gasoline to energy producers.

Sincerely,
—— ——.

THE WHITE HOUSE,
Washington, D.C., May 9, 1979.
Hon. HENRY JACKSON,
U.S. Senate,
Washington, D.C.

TO CHAIRMAN HENRY JACKSON:

During the deliberations of the Senate Energy and Natural Resources Committee on the amended Standby Gasoline Rationing Plan, the issue was raised as to how the needs of the agricultural community are addressed.

The Plan already specifically earmarks priority ration allotments for vehicles and equipment used in the production of food and fiber. The purpose of this provision is to insure adequate energy for essential agricultural production.

While we believe that the Plan's current agricultural priority is adequate, a number of Senators have raised questions about the distribution and processing of agricultural products. My Administration will study this matter and I will not hesitate to take further action which may be necessary to protect agricultural production and essential processing and distribution from serious disruption.

On a related subject, the Department of Energy is issuing regulations granting farmers the highest priority for supplies of diesel fuel to meet their needs for spring planting. As I said in Iowa a few days ago, "I will not allow agricultural production to be disrupted by a shortage of petroleum. And I will not allow rural America to run dry."

Sincerely,
—— ——.

THE WHITE HOUSE,
Washington, D.C., May 9, 1979.
Hon. ELLIOTT LEVITAS,
U.S. House of Representatives,
Washington, D.C.

DEAR ELLIOTT: You have expressed concern for travelling salesmen under the Standby Reserve Plan which will be voted on in the House of Representatives.

As you know this is not a mandatory conservation plan but a Standby Rationing Plan which would be implemented only if there were a serious shortfall in available gasoline. The Congress would have another opportunity to pass on the Plan before it could be implemented.

Regulations to implement this Standby Plan will be necessary. The Plan itself provides flexibility to designate additional priorities and supplement allotments.

We understand the economic problem which rationing would impose on salesmen who must make a living by traveling considerable distances. It was in part because of our concern for particular inequities, such as the one you have pointed out, that we increased the State Reserve to 8%. Under this expanded State Reserve, Governors would have the discretion to take such problems into account by issuing additional allotments. The Standby Plan also establishes a "white market" for purchasing additional ration coupons, that would allow travelling salesmen to increase their gasoline supplies.

In addition I have directed the Department of Energy to consider in their regulations whether additional steps should be taken to further insure an adequate supply of gasoline to travelling salesmen, consistent with the other requirements and objectives of the Plan. We will be prepared to take such steps as may be necessary to deal with any problems which DOE identifies in this area.

Sincerely,
STUART E. EIZENSTAT,
Assistant to the President for Domestic Affairs and Policy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STOCKMAN. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I just want to observe that we have before us now a resolution that makes in order plan 1, as amended by plan 6. We narrowly averted the Anderson plan, and now we have the Eizenstat letter that is apparently going to be amended into the plan. Maybe we should ask unanimous consent that the Eizenstat letter be made a part of the plan, and then later this afternoon as we debate, there will be besides the truckers' letter, the motorboat letter; there will be the cabdriver letter; there will be the beach buggy letter; there will be the antique auto letter to meet the various objections that arise. This swiss cheese, rather than having the holes plugged, is getting ever holier as we go along. This ought to give a great deal of confidence to those who faithfully rely on letters from the White House.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. BEDELL).

● Mr. BEDELL. Mr. Chairman, I rise in support of House Resolution 212, the amended standby gasoline rationing plan. This legislation would provide the President with the authority to implement his emergency gasoline rationing plan only if he finds that rationing is necessary to meet a "severe energy supply interruption," or to fulfill international energy agreements. Either House of Congress may then disapprove the implementation of the gasoline rationing plan, by simple majority vote, within 15 days of the President's notice that he will use the authority.

At the outset, let me say that I am pleased that the President has amended his original proposal to provide greater consideration for "high mileage" States. I think that this change is critical. It acknowledges the need to provide equity to the residents of rural America, and establishes the precedent that such a principle should be the cornerstone of our attempt to find meaningful and fair solutions to our energy problems.

Furthermore, I think it is important to emphasize that House Resolution 212 does not require a gasoline rationing program. Nor is it an endorsement of such a program. It simply paves the way for implementation of such a plan if there is a severe energy supply interruption and the President and the Congress should decide that it is necessary.

Mr. Chairman, as is the case with much legislation, I am not in agreement with certain provisions of this rationing plan, and I hope that gasoline rationing will not be necessary. However, at a time when our Nation imports nearly 48 percent of its petroleum—much of which comes from the highly volatile Persian Gulf region—I think we had better develop contingency plans to deal with possible interruptions in supply.

Also, while I am pleased that the President has acknowledged the need to provide additional coupons to rural States, I regret that circumstances make it necessary to approve standby rationing authority. This action in itself is a ringing indictment of our collective failure to address our energy problems in a realistic and effective manner. It is also a stark reminder that this Nation had better get serious about developing a comprehensive national energy policy.

The general task is clear. We must intensify our efforts to conserve; and we must develop alternative sources. For our transportation sector, for example, the demand for liquid fuels can be met in part by the production of alcohol from renewable resources. My own State of Iowa is doing its part by selling approximately 6 million gallons of gasohol every month, but what is needed is more alcohol production facilities so that our limited fossil fuels supplies can be extended.

I would make one final observation, Mr. Chairman. This is not the last word on the President's rationing plan. Before such a plan can be implemented in its final form, Congress must review it. I hope that, as the plan is further developed, it can be refined and improved.●

Mr. DINGELL. Mr. Chairman, I yield 4 minutes to my good friend, the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. I thank the gentleman for yielding. I do not believe I will need 4 minutes.

I think we ought to take a look at what it means to be protecting States, as we are so fervently attempting to do here. My State happens to be a so-called "loser" in this particular lottery that is going on. And on the list that we see, at first, being a halfway decent politician like most of us here, that managed to get my attention when I saw my State on the negative list. But then I remembered that my State has done virtually nothing to put together a mass transit plan. My State has been under order for 5 years to have a transportation conservation plan. My State has express buses without express bus lanes. It continues to encourage people to park in the inner cities. There is a similarity here between this debate and the one on revenue sharing yesterday. We are trying to protect States which have looked to us time and time again to bail them out for their own inadequacies, and this is another example of that. I wish that we would stop and think what we are doing when we look at that list and say, How would my State do? How would Connecticut do? How would Pennsylvania do under this plan? It sort of implies that there is no room for these States to use their imagination and to try and come up with some conservation plans on gasoline. Cannot we put aside this list of States just for a moment and say, We have to come together, which we are not showing very much ability to do here. We have to come together and give this President some standby authority. That is all we are asking here.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

My State is right there next to the gentleman's State.

Mr. MOFFETT. Yes, I know.

Mr. DICKS. As I understand it, my State is a loser because we have not used as much in the past. Our historical use is less. What I am asking the gentleman is why should we give a benefit to those States like Texas and others who have used more gas? I notice that they are at the top of the list here. So it is the States that have used more that will get more because of their historical use. Our States have used less, and, therefore, our people will get less. That is what offends me about this.

Mr. MOFFETT. Yes. It is my understanding that it is the same percentage of reduction for all States. The gentleman from Michigan, if the gentleman has been listening to the debate, has said time and time again that there is no punishment nor intent to punish for conservation.

Mr. GRAMM. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Texas.

Mr. GRAMM. I would just like to point out to my colleague that I think the advantage of this final proposal over the initial one is that it eliminates the interstate transfers of wealth that the first allocation method produced. It assures that if we should have a catastrophic shortage to 20 percent or greater, that that exact shortage relative to historical use will be reflected in each State. It does not make the shortage any better, but it means each State will bear the same burden.

□ 1225

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Texas.

Mr. ECKHARDT. There is one thing that must be understood. It does not necessarily mean less gasoline is used per person. In a State where there is twice as many cars owned in a family, the average will appear low per car.

For instance, in a State where the tradition is to drive more than one car. Arkansas is relatively high on this rating because I suspect there is a lesser percentage of persons in Arkansas with more than one car.

Mr. SWIFT. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, I do not see how the Congress and the administration can avoid hanging their heads in shame as we debate the merits of a resolution providing for standby gasoline rationing.

It is simply an unmitigated disgrace that—with all of our great energy resources—we should have reached the point where it is necessary to debate rationing at all.

Schoolchildren have been taught for 150 years that America is a land of plenty. It is a land richly blessed with natural resources and resourceful people.

Today, however, the United States is over a barrel. We admit that today by taking the time of the Congress to consider this resolution.

We are over a petroleum barrel. To put a little finer point upon it, we are over a foreign petroleum barrel. It is sad, but true, that no one put us in that position but ourselves. It was all purely voluntarily, and absolutely dumb.

We have known for generations that the petroleum reserves of our own country and of the world are not limitless. There is a definite boundary of the availability of petroleum, a point of absolute zero. When it is all used up, there is not any more.

We have tolerated, and even enjoyed, a polite argument over whether the world's petroleum would last another 75 years, or merely 50 years, or 35 years, or 20 years.

And now, in the year 1979, we stand here in some alarm to debate a resolution on rationing petroleum products.

What will history say of us?

Most likely, it will say that we mismanaged our natural resources shamefully, and that we did not wake up until—I cannot say when we woke up, because I do not think we are yet awake to the real situation.

We talk today of energy shortage when we have within our own boundaries alternate fuels to take care of our energy needs for the foreseeable future.

We have coal enough in the ground—and recoverable coal, too—that could last us for centuries at present and predictable rates of growth in energy use. We have hardly scratched the surface of solar power, or in energy from the seas around us. And this morning's Washington Post carries an Associated Press story reporting that the U.S. Geological Survey estimates energy from underground heat sources could equal our petroleum consumption for 162 years.

Yet we have gone merrily on our way, putting virtually all of our dependence on petroleum, with perhaps a nod in the direction of the nuclear reactor.

So here we are today, debating gasoline rationing. California is putting its even-odd rationing plan into effect. Even in the Washington area, four out of five service stations sell no gasoline on Sundays. On weekdays, you see station after station with a "No Gas" sign on its pumps.

And the President has told us just today that "In the near future, the United States will suffer serious shortages of unleaded gasoline unless its refineries are expanded and upgraded."

Whether we act or not, rationing is already in effect. And the nongovernmental devices, such as "memberships" in service stations "clubs" are bound to spread.

It seems to me, Mr. Chairman, that at least concurrent with this legislation before us today, the House should be voting for rapid development of its alternate energy options.

Personally, I believe coal is the resource that offers the best and quickest hope for getting us out of the mess we are in.

I am not talking about coal, the black substance that is carried in from the backyard in coal hods; that burns in the grade and sends clouds of black smoke up the chimney to pollute the air and cover the neighborhood with soot and fly ash.

I am talking about clean, spotless, smokeless synthetic fuel made from coal by proven, existing technology that is available to us now.

Coal can be cracked to make high Btu gases and dependable liquid fuels to run automobiles. Coal can produce dozens of other products. In fact, it is a resource that has an enormous variety of economic possibilities that we have not explored yet.

Yesterday and today, Mr. Chairman, the Subcommittee on Employment Opportunities has been conducting hearings on the employment impact of establishing a major new synthetic fuels industry, based upon coal and other resources.

Witness after witness agreed that the time has come—indeed it is long overdue—to put coal conversion technology to work.

We have had the test runs. We have had the pilot plants. We see what South Africa is doing today in ridding itself from dependence upon foreign petroleum by building a new industry to utilize its coal.

The time has come to build some plants and to turn on our own synthetic fuel taps. When we do that, we may be able to turn off some others.

I realize that this will take some startup time. We cannot do it overnight. Many financing provisions will have to be worked out, and priorities will have to be set. The roles of the private and public sectors will have to be assigned. But we must get started now.

Yesterday, a knowledgeable witness told our subcommittee that the price of oil we purchase from our foreign suppliers may reach $35 a barrel. I asked him how long that would be, and he said possibly in 5 years.

Today, an article in the Wall Street Journal made him seem too optimistic about the time.

Listen to this paragraph:

> The reports that Saudi Arabia would bypass the Aramco companies by marketing more of its oil directly sent spot prices surging again.

The spot price yesterday hit $28 a barrel—which I am told is the highest in history. It is a fact of economic life that the spot price is used by the OPEC ministers to raise their own "official" prices.

I noticed another item in the paper today. The Washington Post report from the Organization of Arab Petroleum Exporting Countries meeting in Kuwait smelled a little of blackmail to me.

"If the Western consumers want to continue to take our crude oil," the chairman of the meeting was quoted as saying, "they should also take our refined oil products."

Make no mistake, Mr. Chairman, there is an economic threat in that. Those oil-producing countries know Uncle Sam is over a barrel. And they will not let that advantage slip.

One of our witnesses yesterday, Gen. Bernard Schriever, the former head of the Air Force, told us:

> We are dependent upon foreign powers, many of whom are not friendly to us, for about half of our petroleum consumption. In short, our way of life and our national security are in serious jeopardy; in fact, more so than at any time in our history.

Those who know General Schriever know he is not an alarmist. He has a cool head on his shoulders, and he knows what our situation really is.

Dr. Ruth M. Davis, the very able Deputy Undersecretary of Defense for Research and Advanced Technology, told us:

> Once properly developed, our domestic fossil energy resources would well sustain the petroleum requirements of the United States for a considerable period of time—certainly long enough to allow for the orderly shift to renewable energy sources.

She went on to say that—

> It is generally recognized throughout the refining industry that, economics aside, there are no major technological problems associated with the conversion of syncrude into a slate of suitable end fuel products.

I think her qualifier "economics aside" is pretty well disposed of when the spot price for crude petroleum reaches $28 a barrel.

Dr. Chalmer G. Kirkbride, a recognized chemical engineering management consultant, recommended that $10 billion of the Department of Energy appropriation be directed into the building of a synthetic fuels industry now with today's technology.

He suggested, and I think wisely, creation of a mechanism similar to that with which we developed a synthetic rubber industry in World War II, when our sources of natural rubber were interdicted by the Japanese.

Moreover, Dr. Kirkbride said creation of a new synfuels industry now would:

First. Correct a critical breach in our national security.

Second. Eliminate unemployment.

Third. Drastically improve our balance of foreign trade payments, and

Fourth. Improve our inflation problem.

The subcommittee also heard yesterday from Dr. Frederick W. Hammesfahr, a consultant who has spent over 25 years in commercializing advanced technologies. He said:

> The need to move commercially on coal based synfuels is, in my judgment, one of some urgency. Our vulnerability to the changing energy supply policies of foreign nations increases steadily. Sources to which we have looked for new energy production are proving less certain that we originally hoped. Fuel price continue their relentless increase.

Dr. Hammesfahr said little is to be gained by delay and further research.

Other testimony has pointed out that conversion of coal to usable gas is hardly new at all. As far back as two centuries ago, the means of converting coal to gas was known. And in Baltimore in 1816 such a technology was in use.

We continued to use gas made from coal in many parts of this country right up to the end of World War II, when the transcontinental pipelines were able to move the higher Btu natural was over vast distances of the coal-gas industry fell on evil days.

Today's technology is much more refined and advanced. We have benefitted from many discoveries over the past 30 years.

Mr. Chairman, let me say again that the time to declare our independence from foreign petroleum is now. Further delay will guarantee us nothing but disaster.

□ 1750

Mr. STOCKMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. WAMPLER).

Mr. WAMPLER. Mr. Chairman, I rise in opposition to the standby gas rationing plan before us today.

I oppose it because it has been hastily drafted, and not thoroughly composed;

I oppose it because its rejection will in no way prejudice our powers to write a more fair method to deal with our energy needs;

And I oppose it because it is unfair to people in my district and in my State

It should be apparent to anyone viewing the events of the past 2 weeks that panic, sensationalism and haste have stampeded the President into embracing a very costly plan—some $2 billion a year just to administer it—and reportedly some $112 billion in the form of "white market coupons" that will act as a de facto tax on gasoline—this plan has been changed twice in the last 2 days. That fact alone should give everyone a hint that more time is needed to think out a good system.

On that point, Mr. Speaker, I think we should also remember that the committees of jurisdiction here in the Congress are still in existance. The rejection of this hastily-composed plan will not be the end of the line for either Congress or the American people.

Finally, the plan as presented is obviously unfair to Virginians who will be allocated only 49.5 gallons per vehicle per month. Many rural and small town residents will not be able to live and work with this ration.

Finally, let me say that some will argue that it is an invitation to chaos to defeat this plan. I feel it is an invitation to chaos to adopt it.

Mr. STOCKMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. HAGEDORN).

Mr. HAGEDORN. Mr. Chairman, I rise in opposition to this plan. I regretfully do so, but I think this plan can appropriately be said, in the crisis this country faces now, "as being made in Congress." For several years many of us have advocated the free market concept, attempting to encourage more domestic production. In the wisdom of the Congress we took away the domestic incentives like the depletion allowances, but we left on the foreign incentives through the royalties tax deductions and did all we could to encourage more production overseas and less production here in this country.

I think we are reaping the fruits of that policy, which I think are bitter fruits today.

I find it unfortunate that we have not done more to increase production.

I notice that the President under his proposal of decontrol over the next 2 years projects 300,000 to 500,000 more barrels of oil per day.

The American Petroleum Institute suggests up to 2 million additional barrels of oil will be produced in this country.

I think had we pursued those policies over the last 3 or 4 years, we would be well on our way towards preventing the pending crisis that we have.

I would suggest that those who have suggested that more and more Government intervention is a solution to the cause should also stand today and be placed on the mat to vote for this proposal and those of us who have advocated other ways will continue to oppose this type of rationing proposal.

A third form of currency is the white coupon market. Certainly the coupons are not going to follow the supply of gasoline. And therefore shortages are bound to occur.

With the approaching deadline for congressional approval or disapproval of the President's request for standby gasoline rationing authority, it is amazing how flexible the administration has become in the final hours to insure passage by the Senate as last-minute legislative maneuvers were needed to get the necessary support. To me, all of this 11-hour "compromising" reflects the fact that the administration was not completely candid with Congress on how the plan was to work and/or they did not completely understand what it was they were proposing.

Since the Arab boycott of 1973–74, the Democratic controlled Congress has not taken any concrete step toward a suitable rationing plan. Only when the gasoline stations have lines of cars and prices start to increase does some type of concern start to be shown. We have been the victims of congressional inability and unwillingness to do anything about a possible rationing plan and now the same majority is hopping around and appears to be willing to take whatever the administration is willing to give up to win. Unfortunately, this is another example of the Congress waiting until the last minute before a Presidential deadline to try to come up with something—with anything—so that the President will not be able to go to the American public and complain about congressional inaction—again.

What would be best for the American people is for the Congress to look at this situation and come up with workable proposals in a calm and sane atmosphere. A gasoline rationing plan left entirely in the hands of this administration, with its expedient handling of the situation so far, is like giving a child a match to play with a gallon of gasoline. The recent activities and events show that this has become a political matter and the best deal wins.

I applaud the President for his announcement that he will insure that agricultural interests will be protected during crop planting. He made this announcement in the State of Iowa, a farming State that will be instrumental in his reelection strategy. But it took a letter from the President to the Senate 5 minutes before the scheduled vote to extend this promise to protect all steps in the food chain—from farm to consumer—from serious interruption to calm the fears of many farm State Senators. This is an excellent decision by the President, but he should not be playing politics with such a serious matter. This should already have been an established precedent of his administration and this last minute wheeling and dealing indicates the attitude of the President, his energy officials and the Senate leadership.

There are already serious problems with the bureaucratic involvement in the gasoline situation. A cutback in gasoline allocation has caused a serious shortage in supplies in many areas. I shudder to thing of the bureaucratic nightmare that would result from a rationing program under the same people. Once a rationing program was set in motion, it would not be for just a short while; our Nation would be reeling for months in trying to live under a program that would result in massive transfers of income between Americans. Many citiens would receive ration coupons that they did not need and they could command exhorbitant prices from those who did need extra gas supplies because of employment demands. Businesses that needed more ration coupons would just pass the extra cost along to the consumer.

The principal problem that I have with this rationing proposal is that the plan does not change the distribution of physical supplies of gasoline to a significant extent. The latest plan as approved by the Senate benefits such heavy tourist areas as the District of Columbia and the surrounding suburbs where most of the Members of Congress live and drive their personal cars. Perhaps this assurance of adequate supplies for the Members was enough incentive for the 58 Senators who voted for the Senate plan.

I care less about supplies in the Washington area and more about the citizens of the Second District of Minnesota who would be forced to wait for their ration checks in the mail and then go to the bank to stand in line to receive coupons to be able then to drive to a gas station to get fuel—if there were any supplies available. I care about the citizens of the Second District who would be forced to pay the white market value for extra coupons that could be sold in downtown Manhattan for 50 cents and brought out to the Midwest and sold for 3 to 4 times as much.

I do not think that a majority of the citizens of my district want to be at the mercy of another bureaucracy in Washington—the same bureaucracy that is presently making such a shambles of the gasoline supply situation—a bureaucracy that the President has been using lately to get gasoline to where there are spot shortages so he can look like he is the one individual who can make the difference. The chance of using gasoline supplies as a political weapon is too serious a matter for me to condone.

The dollars and effort that would be expended toward seting up a rationing plan could be better spent at this time in insuring that there will be adequate supplies where they are needed—on the farms and in rural areas where there is not an alternative to the personal automobile.

If supplies are available, prices will insure that those who need the gasoline will receive it as they will be willing to pay the price and sacrifice in other areas to pay for the increased gasoline bills. The American people realize that the era of cheap energy is over forever. We must not ask them—or force them—to live under a bureaucratic nightmare where any type of foulup in receipt of ration coupons could mean automobile instability for days or weeks.

Mr. Chairman, I yield to my colleague the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for yielding, and I associate myself with the remarks of my colleague.

I rise in opposition to H.R. 212, the proposed emergency standby gasoline rationing plan, submitted to Congress by the administration.

I object to the manner in which the administration conducted their affairs in getting the plan passed by the Senate. The original plan submitted was poorly drawn up. It did not take into consideration different gasoline demand in different parts of the country, and in general was hastily done with no thought as to how the plan might be implemented.

When it appeared that the original

plan would not be approved by the Senate, the administration offered quick-fix amendments in an attempt to appease special interests and remedy some of the most glaring weaknesses of the original plan. Some of the amendments are actually in the form of letters from White House employees or in dialogs between Members on the floor, which have no force of law.

In my judgment, if the administration was really serious about getting the plan approved, and really serious about implementing the plan if an emergency arises, it could have taken much greater care to draw up a more workable plan.

Here are some of the problems I see in the administration's plan:

First. The proposed rationing plan, in effect, sets up a whole new currency system that will be incredibly cumbersome in nature and extremely difficult and costly to enforce. The demand for gasoline is relatively inelastic in the short term. In the summer months, demand in Minnesota is high and as a consequence the demand for coupons on the white market will be high. This in turn, will drive up the price of gasoline to incredible levels because supplies would be controlled by the Government, whereas the coupon market would not be controlled.

Second. The proposed plan will cost $2 billion per year to administer.

Third. We still have not seen any details as to how the white market system would be implemented. An important part of the plan is how it will be put into operation. But this part is missing. I suppose our $10 billion Department of Energy found this task too difficult.

Fourth. The proposed plan issues coupons to registered vehicles not by individual need. The traveling salesman who drives 50.000 miles a year to make a living, gets the same number of coupons as does the person who takes his or her car out for a drive down to the local pool hall. Even with the new amendments attached, giving States with traditional base period consumption levels that are higher, more coupons, the plan does not take into consideration individual subsistance needs. The enterprising New Yorker who has a car but also has access to mass transit facilities, could profit handsomely by saving coupons and selling them to the traveling salesman in Minnesota at exorbitant prices.

A plan that does not set priorities is no plan. This is no plan.

Fifth. The actual supplies of gasoline available in different parts of the country will not change at all. Minnesota is at the end of the pipeline. We may get more coupons under the amended plan but that does not help us get the gasoline to supply the increased number of coupons. The supplies of gasoline will be allocated under existing DOE regulations. These regulations are a nightmare.

Sixth. There is no provision for volunteer services. Good-hearted people who drive for the elderly, the handicapped, and the disadvantaged at their own expense will get no gas.

Seventh. Medical providers, or people with great medical needs, have no priority.

Eighth. There is no trigger mechanism. When we are in emergency, DOE, a wonderfully trustworthy agency, will give us 15 days and we will not have the time to consider the plan. If we accept it now, we are stuck with it.

In short, I would rather take the risk of rejecting the plan now and asking that the administration submit a more comprehensive, carefully considered plan. That may be risky, but it is preferable to adopting this lousy plan now. The highest-risk-option is to approve a bad plan which will not work. In my judgment, this quick-fix plan would not be any better in my State than no plan at all.

There is no emergency now. We have time to do the job right. This plan is an embarrassment to the administration, and it ought to be an embarrassment to all of us. I hope it is defeated.

☐ 1755

Mr. STOCKMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. Mr. Chairman, I rise in opposition to the plan.

I do not rise in opposition because of the reason that I feel overregulation and more regulation is not the way to achieve energy independence in this country. I do so because I think that the plan in front of us is simply incomprehensible.

I hope that those who really truly know what this plan does will vote for it, and I ask my colleagues sitting in the audience right now, all those who clearly are sure exactly what the implications of this plan are, to raise their hands. I am addressing those who know what it really does.

I will give the Members an example of what I am talking about. I would ask them to consider simply the arguments made by my colleague, the gentleman from Michigan. In his presentation he read a letter from the Governor of Colorado in support of this plan.

That surprised me, because I had an opportunity to go over the figures. No one really knows whether these figures are accurate, but from the best available information, it appears that Colorado, under the original DOE submission, would have had 53 gallons per vehicle, but under the Governor's plan that he was advocating we were reduced to 38. But yet he was in front of our House literally testifying in support of the plan. That did not make too much sense to me.

So we called the Governor's office and asked, and apparently he does not know whether he supports the plan in front of this body today. He supported another plan that was half based on vehicle registration and half based on historical usage, whereas this plan, according to my understanding, is based 100 percent on historical usage.

We simply do not know what the impact of this is going to be if we pass it. I think it is irresponsible for us to go ahead and pass legislation when we do not know what in fact it is going to accomplish and what it is going to do or what mischief it is going to create.

I think, Mr. Chairman, on that basis, until we actually can say to ourselves that we truly know what we are doing, the responsible vote is a "no" vote.

Mr. SWIFT. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. AMBRO).

Mr. AMBRO. Mr. Chairman, we are being asked to vote on a proposal that will have the most immediate and direct consequences for the approximately half million people each of us represent in this institution. Our decision here today on a national gasoline rationing plan will affect the very conduct of their daily lives. It will affect the way they acquire foodstuffs for their tables; the way they receive prompt, perhaps lifesaving, medical attention. It will affect the host of activities essential to survival in this modern industrialized state.

As does every one of my colleagues, I have to make a decision shortly that must marry the best interests of the nation with those of my State, my region and my congressional district. Mr. Chairman, I do not have the tools or the information at my disposal to make that decision in a deliberative, rational way.

I have had my entire congressional staff trying since 8 o'clock this morning to get the information necessary to making an informed judgment on this matter. They have been trying to get that information from the White House, the Department of Energy, the committees of Congress and assorted support facilities of the Federal Government. The information either does not exist or is being withheld.

Aside from meaningless ratios, percentages, things called "vehicle points" and "historical usage figures," there is nothing to indicate how New York State and its 18 million people will fare under the plan now before us. There is nothing to indicate how the almost 3 million Long Islanders or 470,000 residents of the Third Congressional District will fare under the conditions set forth in this plan, should it be implemented in the future.

I understand clearly that should the President trigger the plan, presuming it is approved today, its implementation would be subject to at least tacit approval by the Congress which could kill it under the one-house veto procedure. But the decision at that time should rest exclusively on the question of whether or not there is a real, present crisis that requires mandatory rationing. It should not rest on whether there is a good plan to implement; we will decide today whether this is a good plan, whether it's the one that should be implemented at some future time should the need arise.

And I submit to you that nobody knows whether this is a good, fair and equitable plan. And the reason nobody knows is that the plan which we are considering at this time, did not exist before yesterday.

It is a plan that was supposedly refined yesterday through a series of amendments rushed up here from the White House at the 11th hour to salvage its passage in the Senate. This specific plan, I learned about in this morning's Washington Post. Do you know what that paper said about how it was put into final form, in the form before us now?

Let me quote certain passages from this morning's page one story:

> The Administration amended its plan twice in 48 hours in a search for votes. . . .
>
> Yesterday morning, three hours before the vote . . . its chief sponsor said the plan was in "deep trouble."
>
> (Senator) Jackson obtained a letter from the president five minutes before the scheduled vote promising to. . . .
>
> (President) Carter sent a second letter promising that, if rationing is ever put into affect, necessary gasoline would be provided off the top of the production of energy such as coal and electricity.

The paper mentioned certain "reassurances from the President to certain interests as to how the plan would be implemented."

We are asked to accept or reject something that was developed through last minute amendments through letters stating one thing or another through understandings between the White House and certain Senators. Mr. Chairman, I cannot make an intelligent decision on something like this.

Yes, we must have a national gasoline rationing plan.

Yes, we will have to implement that plan in the future should available supplies prove inadequate to meet demand.

Yes, all Americans will have to sacrifice and do without and be inconvenienced.

I agree to all of those things. I think most reasonable, intelligent Americans recognize that we face a potentially severe situation in this country in regard to gas supplies.

But I do not know, Mr. Chairman, whether this is a fair and even-handed plan to address those needs.

I do not know, for example, whether this plan means that Long Islanders at some future date will have to get by with 50 gallons of gasoline a month or 20 gallons a month.

With great sacrifice, we could, perhaps, get by on 50 gallons a month. We would have to do without a great deal. We would have to virtually eliminate recreational, pleasure driving. We would have to halt long weekened drives to friends and relatives out of town.

I am certain that every one of the loyal and patriotic Americans I represent could make those sacrifices, if that is what is called for in a national struggle to surmount our difficulties. It could be done, and we would survive.

But they could not survive on 20 gallons a month. They could not get to and from work; many could not get their children to school; they could not get to hospitals and doctors; they could not get to the stores at that level of monthly allocation. And the reason for that is, on Long Island, there is no other way to do those things other than by automobile. We have no mass transportation systems to move us from place to place. We have only the car.

Our situation in this regard is not unique. It is very similar to that of every other suburban and rural area of the Nation.

And I understand from this morning's paper—since that is my principle source of information about this legislation—that this plan leans heavily toward the concerns of agricultural and rural States. I accept the need for that, since these States have no alternative means of transportation similar to Long Island.

New York State, however, is generally considered an industrialized State. And I do not know, and nobody can tell me, how suburban areas in industrialized States will be considered under this plan. What special provisions will be made for these areas?

I am not speaking of luxuries; I am not speaking of continuing wasteful habits; I am not talking about doing things as they have always been done. I am talking about whether or not on the third Saturday of the month, a Long Island housewife will have gasoline to drive to the supermarket to buy food for her family.

Nobody can answer that question, because nobody can tell me whether she will have 20 gallons to last the month, or 50 gallons.

Mr. Chairman, there has been much talk about tomorrow's deadline for implementing this rationing plan. What will happen Saturday, or next Tuesday, if we do not today approve this plan? The answer is that nothing will happen. Nothing will happen Saturday, Tuesday, next week, or even the week after that if we disapprove this plan today.

We have time, both this Congress and this President, to develop a rationing plan that answers some of the questions that now exist in this Chamber.

We need a rationing plan in place.

We almost certainly will have to sacrifice as our gasoline supplies continue to shrink relative to demand. Everyone accepts that.

But I do not accept, and I think a majority of this Chamber does not accept that we have to have this plan on this day.

Let us find out what yesterday's letters between the White House and the Senators said. Let us find out what "understandings" were struck yesterday. Let us find out whether that housewife has 20 or 50 gallons to work with for a month. Let us reject this plan, taken another few days and develop one that contains answers to some of these questions.

□ 1800

Mr. STOCKMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Chairman, it would be an understatement to talk about how complex this issue is. I think that there are two basic alternatives we have, and they both bother me. One is, of course, that if we reject the plan, there will be some perception in this country that Congress does not have the guts to deal effectively with the energy crisis. On the other hand, if we accept the plan, an imperfect plan which has been acknowledged by even its advocates, with a process that none of us agree is very good, which even our own authorizing committee, the Commerce Committee, has not dealt with in its entirety, it is like accepting a plan at any price.

I realize that rationing is going to be necessary in this country some day. But I contend that rationing will have such a profound political, economic and social impact on this country, and is so dramatic, that, before it is implemented, the process just has got to be better than the way this bill was brought to us. Not that I am against the concept of rationing. I think rationing may have to be implemented. But the President of the United States, both this President and the prior President, has had 3 years to present us with a plan. This is a little bit like the term-paper complex, where you do not prepare for the term paper until the day before it is ready. We in Congress have finally been presented with a plan. The plan was bad.

It was amended, basically in back room tactics, by a few Senators who had a great deal of power in the other body. Maybe they were right about what they did. But I am confused. I am confused about the date base, I am confused about the facts, I am confused about the registration statistics for each State. I am confused about what DOT is saying, what DOE is saying, whether they mesh together or whether they are contradictory together. And in no way can we say what we are doing today, rationing, which is a most profound thing, is being done in an orderly and responsible manner. And that is what really bothers me most about this process than anything else. I would hope that what we can do is to send this back to the President, and have him prepare another plan as quickly as possible. I think that the crisis is real, but there is enough time to prepare a more responsible plan giving the President the standby authority he wants. I think we have enough time to do that.

And more than anything else, I think we have to recognize that today is it. It has been stated, "Well, we can have an amendment to the plan during the next period of time." That is not really true. If we approve this today, it is not going to be really sent back to us unless there is going to be a crisis. And you can be sure that when there is a crisis, we will approve a plan under any circumstances. So today is what we are really approving. I would think, in trying to come to a responsible approach to the thing, I think responsibly we can send it back, not saying to the American people we did not have the guts to pass this thing, but saying that rationing is so serious, so pervasive, that we have the guts to say that, before we inflict it on the American people, we should be responsible in the process.

Mr. Chairman, in addition, by approving a plan at this point we in the Congress are acting prematurely in authorizing development of an expensive standby program which the administration says it does not plan to implement. Second, the plan is very poorly conceived and is full of inequities which should be corrected prior to congressional approval. And, third, the manner in which this plan has been revised time and time again in effort to win votes is not the way we should put together a plan which is supposed to deal with a national crisis.

Let me take a few moments to discuss each of those points in some detail.

First, we are acting prematurely in approving a plan which will involve considerable expense. According to the Department of Energy, the shortfalls that are occurring today are largely attributable to the cutoff of Iranian crude. In a recent discussion with an oil company official, I was told that the shortfalls are, in fact, due only in small part to those cutoffs. In fact, only one company relied heavily on Iranian crude. Other factors cited by that industry official were increased production of fuel oil and the amounts of crude needed to refine unleaded gasoline. When those kinds of discrepancies exist as to the cause of the shortage, I think we are abdicating our responsibilities by opting for a rationing plan without full, reliable information. Further, in feeling the need to act now to be prepared for shortfalls down the road, I think the Congress would be acting under the misconception that we are going to come up against severe shortages without advance warning. That is just not the case. Our previous experience with the 1973–74 oil embargo and with the cutoffs of Iranian supplies this year shows that there is considerable leadtime involved. For example, the Shah fled Iran in mid-January and at that point we had good reason to expect that our oil supplies were in jeopardy, but the shortfalls predicted then are just beginning to impact consumer supplies. Four months is certainly sufficient time to put a plan into operation if and when it is needed. Finally, by acting prematurely on a rationing plan, I am concerned that we will be sending a signal to the American people that we have decided that the way to deal with this energy dilemma we are facing is to "manage shortages" rather than to push vigorously for development of alternate liquid fuels. Though it still might be necessary to turn to rationing in spite of hopes to the contrary, now is not the time.

Second, the plan we have been presented by the administration is flawed. It provides for fuel to be allocated within the States based on the number of vehicles registered per household. Allocations would be permitted for up to three cars per household. That limit is inequitable in light of the fact that very few American households in fact have three cars. In 1974, less than one-third of U.S. households had even two or more cars with those having multiple cars heavily concentrated in the upper income levels. I feel quite strongly that the burden of rationing should be shared fairly by all income brackets. The administration proposal also establishes a two-stage system for distribution of rationing checks and coupons. Going through the two stages strikes me as creating an additional level of bureaucracy which—with a little creativity—could be avoided. Further, by allocating to the States on the basis of historical use and then to individuals within those States on the basis of vehicle registrations there is a very real probability that supplies of gasoline in States split between urban and rural population, such as my State of Kansas, could be poorly distributed within those States. I am not convinced that the 8 percent State set-aside proposed in the administration plan would be sufficient to rectify such regional shortfalls in some States like mine.

Third, I am particularly distressed about the manner in which the plan we are considering today has been developed. The administration sent down one proposal 2 months ago, but we are now considering a proposal that is considerably different from that one. And it is considerably different from the one reported to the House by the Commerce Committee. I have no problem with the fact that changes were made in the original administration plan; indeed, some of the changes recognize important factors unique to States like my own. But I do object to the manner in which those changes were made. They were hurriedly drafted to win the votes of key Members of the other body who had not agreed to support the original plan. They were not fully and carefully considered. If we are indeed forced into a situation where rationing becomes necessary, I want to be sure that the plan put into effect was fully and carefully considered. I want to be sure that we have the best, most equitable and most administratively reasonable system we can develop. The way to do that is through open discussion and consultation, not through deals made hurriedly, behind closed doors.

There is no question that we need to make some very difficult decisions if we are going to overcome this very serious energy problem. Rationing might very well become necessary at some future date, and if so I will be ready to support that tough decision. But for now and for this particular plan, I must say "No." I cannot support a premature decision nor could I support a decision to go ahead with a plan that is not the absolute best option for addressing a very difficult situation.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

Mr. Chairman, has the gentleman in the well been contacted by anyone from the Department of Energy regarding this bill?

Mr. GLICKMAN. I have not been, personally.

Mr. SKELTON. It is interesting that the first time they have contacted me was late this afternoon to tell me about it. It has been on the drawing board for so long, I was wondering why they took so long to get around to it.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Kentucky.

□ 1805

Mr. PERKINS. I am sure the gentleman from Kansas feels like I feel, that the distinguished gentleman from Michigan (Mr. DINGELL), chairman of the subcommittee, can write a much better piece of legislation. Does the gentleman feel that the oil companies would like to see this plan approved?

Mr. GLICKMAN. I cannot answer that question, but I can say the gentleman from Michigan is a very competent individual.

Mr. STOCKMAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DORNAN).

Mr. DORNAN. Mr. Chairman, madness.

Mr. SWIFT. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. LUKEN).

Mr. LUKEN. Mr. Chairman, I thank the gentleman from Michigan, the chairman of the Subcommittee on Energy and Power, for this opportunity to speak.

I feel like I am suffering from the disability of having heard all of the arguments and realizing there is very little new to be said, and perhaps I can sum up for one side or the other.

In summing up, we have to conclude that most all of the speakers agree we must have a plan. The question is in the minds of most, do we have a choice?

My experience in this matter indicates we do have a choice.

When this was before the Commerce Committee, we were told by the administration that we did not have a choice. It is up or down. We have to take this. And I did my patriotic duty. I think we have got to have a plan, so I voted for it.

Then it went over to the Senate, and it was changed, not by the Senate, but it was changed by the administration.

I think that experience clearly tells us that we can turn down this bad plan, and there have been previous few people, the gentleman from Texas (Mr. GRAMM) being an exception—and he argued very logically—he voted against it in the full committee, because he thought it was a bad plan. He thinks it is improved enough. He is voting for it now, because he thinks it is a good plan. Everybody who agrees that this is a good plan and we cannot get a better one ought to vote for it. I feel that there are such disabilities in this plan, the basic thesis upon which it is built, to individuals, to go by vehicles, by car registration, by white market; it is cost rationing. It has all of the bad elements that people have discussed here in considering it.

So, in summing up, I want to emphasize, I think we do have a choice. The next thing we will hear, if we pass this, is when the emergency is here, real or imagined, and then we are going to have a plan. That is not the time to deliberate.

The time to deliberate, the time to effect change, is right now; therefore, I say it is not a good plan, and we should turn it down.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KOSTMAYER).

Mr. KOSTMAYER. Mr. Chairman, we in this country are going to be facing some very difficult and unpleasant choices in the coming months and years, and certainly the consideration of this plan is one of the most difficult and unpleasant tasks we will ever face.

I agree with the gentleman from Connecticut (Mr. MOFFETT), when he said we should not allow ourselves to be intimidated by the special interests or even by our constituencies. We do need to enact a plan, and we need to enact a plan which will serve the broad national interest, not the special interests.

I think that the manner in which this plan has been created really does not do that.

For example, yesterday, UPS—United Parcel Service—was opposed to this plan. Today, they are for it. Yesterday, some groups were opposed to the plan, now they have received a letter from the White House and are for the plan. Yesterday, certain Members were opposed to the plan then they received some vague assurances from my friend, the gentleman from Michigan (Mr. Dingell), and now they are for the plan.

I do not think that all of this is any indication that we have reflected the broad national interest in this plan.

Now, we are told that we have no choice, but to accept it.

I think it is clear that is not the fact. It is not a choice between this plan and no plan at all.

In discussing the rule, the gentleman from Missouri (Mr. Bolling) said it would be at least 2 months before we could come up with another plan.

My colleague from Tennessee (Mr. Gore), said it would be at least 6 months before we could come up with another plan.

DOE has 9 months to write the regulations for the plan.

And so I want to know why we have to pass this plan tonight. Why can we not wait, as the gentleman from Missouri said, 8 weeks? Or, as the gentleman from Tennessee said, 6 months, or as DOE says, 9 months? Do not be stampeded into voting for a bad plan tonight.

□ 1810

If this plan loses, the White House will be back here with a better plan, which we should adopt.

Mr. STOCKMAN. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from Michigan.

Mr. STOCKMAN. Mr. Chairman, I think the gentleman has made the right point about all of the promises that have been made in the last 24 hours. What the House ought to understand is that this may be funny money, but the number is real.

Mr. KOSTMAYER. I thank the gentleman.

Mr. STOCKMAN. Mr. Chairman. I yield 1 minute to the gentleman from Illinois (Mr. Derwinski).

Mr. DERWINSKI. Mr. Chairman, frankly, I do not consider this bill an "emergency standby authority for gasoline rationing." In my opinion, the Carter administration has made up its mind to impose gasoline rationing, so the die is already cast.

I am convinced that this rationing proposal would turn out to be a bureaucratic boondoggle of nightmarish size. The estimated annual cost of implementing and administering the program of $2 billion is an accurate assessment, in my opinion.

However, what this rationing proposal truly consists of is an effort to obtain a stranglehold over the American economy. Once imposed, will the bureaucrats ever give up this new, awesome power over the American consumer and gasoline distributors across the country?

It is clear that this plan will not save gasoline consumption. It is merely a vehicle for forced redistribution of seasonal, regional shortages.

I concur with those Members who have analyzed the inherent abuse in the ration coupons. I believe they will, in fact, lead to massive fraud in the buying and selling of the coupons.

For these and other reasons cited, I am convinced that the only proper vote I can cast on behalf of my constituents is against the Carter gasoline rationing scheme.

Mr. Chairman, I am intrigued by the fact that this is called an "emergency standby plan." I am convinced that the decision has already been made to impose it. So, I suggest to any Members who plan to vote for it, that they are not voting for an emergency standby plan; they are voting to impose this plan, which I think will be impossible to administer.

I would like to ask myself a question, because I do not expect an answer from the other side of the aisle. I do not understand why so many of my beloved, respected colleagues on the other side of the aisle are so eager to vote for a plan concocted by the Secretary of Energy, who was not good enough to hold a Cabinet position in the Republican administration?

Mr. STOCKMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. Marks).

Mr. MARKS. Mr. Chairman, ladies and gentleman of the committee, I have prepared some remarks but I would like to depart from those remarks to suggest that I was absolutely startled and somewhat taken aback, to say the least, by my colleagues who have spoken before me, suggesting that we are implementing rationing. That is an irrational statement, and coming from rational gentlemen, particularly the gentleman from Kansas, who I feel to be one of the outstanding Members of this body and Mr. Derwinski, who seems to know or have an insight that the rest of us do not have that this will be rationing; and certainly Mr. Kostmayer, who suggests that we are voting to ration now. They have a foresight, an insight, that I guess most of us do not have.

As a matter of fact, this plan has been brought to us by the President of the United States, who has said that we may have an emergency, and in the event we have an emergency, damn it, we need something at that particular point to take care of it. That sounds like a rational, reasonable, point of view.

If for one moment any of the gentlemen on either side of the aisle thinks this is a Democratic or a Republican issue, they are terribly wrong. I suggest that, in fact, this is an issue of whether or not we are going to be prepared for what happened just recently in Iran. It could happen today; it could happen tomorrow, and if it does we have to be prepared.

The fact that it is not totally fair seems to me not to be unusual. I do not remember a piece of legislation that has ever come onto the floor of this House by either side that was totally fair to everyone. Unfortunately, special interests cannot be satisfied totally. I suggest that this administration and this President did not bring on the energy crisis. I suggest again, as I have before, that all of the previous administrations since the Second World War, whether they are Democrat or Republican, brought this situation on.

□ 1815

At least, this administration has taken the bull by the horns and said, all right, we have got a bad, bad situation. We do not have a perfect plan, but we are going to try to do something about it in the event there is an emergency. Those Members who would like to scare the Nation ought to be scaring them into turning their lights out tonight and not driving tonight. We ought to go into the city of Pittsburgh and see that gorgeous city where every vacant room in every building in the city of Pittsburgh tonight will have their lights on, and every car that should not be traveling and ought to be staying at home at night to save on energy would be traveling tonight as they will in Dallas, Chicago, New York, et cetera. That is what we ought to be telling them. Damn it save energy.

The question before us is whether or not a plan that is not perfect should be available to the President of the United States and this Congress in the event there is an emergency. I suggest that we have a responsibility to see that that plan is ready to go, and if in fact this body cannot assume the responsibility of making a better plan in the future, then those Members who are criticizing this one have no right to do so.

Mr. STOCKMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. Walker).

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I rise in opposition to the plan.

Mr. Chairman, the lack of planning, foresight, and consistency that has plagued the administration's energy proposals is glaringly evident in this so-called revision of gasoline rationing.

First, the plan we vote upon today contains the same provisions the Department of Energy rejected earlier this year during development of the standby rationing proposal.

DOE specifically rejected basing gasoline allocations on State's historical usage.

The reason: DOE said using such a formula could "reduce inequities by creating another" between heavy gasoline users in States with below-average use and light users in States with above-average use.

Now that DOE has done a 180-degree turn by claiming it can operate under the State allocation scheme, how will States being drastically shortchanged be able to operate?

Second, it is an absolute contradiction of the professed administration policy of encouraging conservation of energy: The plan discriminates against States whose citizens have conserved use of gasoline and rewards States whose citizens have consumed more gasoline.

By reason and equity, heavy gas-user States should be the ones to effect conservation not States who have complied with administration plaints to conserve.

To penalize States which have used less gasoline is patently unjust and inequitable.

Yes; the Commonwealth of Pennsylvania which has the fourth largest population would lose under this so-called new DOE formula. While ranking fourth in population, Pennsylvania would be allocated 43.2 gallons per registered vehicle—the fifth lowest allocation in the Nation under the new rationing plan.

But the bureaucrats sure took care of themselves. The District of Columbia with a population of less than 1 million would get 59.6 gallons per registered vehicle—the fifth largest allotment in the Nation. Poor little Montana with a few thousand more people than the District would rank 43d in the least amount of gasoline.

Why? Because the District figures include Marylanders, Virginians and tourists who bought gasoline here. The drivers in Montana, who cover great distances, would be penalized because the Nation's Capital is not in their State.

That is nonsense.

The truth—and I believe we all know the truth—is that the latest rationing proposal was a hastily-conceived and ill-thought-out scheme to pick up badly needed support for a turkey of a proposal.

No one likes to bite the rationing bullet. But let every State get its driving teeth chipped so the inequities are fairly distributed.

One final observation: The performance of the Department of Energy since its creation has been abysmal. Asking DOE to administer gasoline rationing is to compound the pain of rationing.

I hope you will join me in sending a message from the Hill to the White House: Get your act together because the Congress is tired of being accused of irresponsibility when the administration is so irresponsible in its haphazard proposals.

Mr. MOTTL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

● Mr. MOTTL. I thank the gentleman for yielding.

Mr. Chairman, the Ohio driver is being shortchanged to the benefit of vehicle owners in State like Wyoming, Arkansas, Texas and other Western and Southern States under provisions of the President's standby gasoline rationing plan.

The average Ohioan who owns a motor vehicle now uses about 60 gallons of gasoline monthly. Rationing under the standby plan would go into effect when demand exceeds supply by 20 percent; this would automatically drop the 60-gallon figure by 20 percent or down to 48 gallons of gasoline monthly.

But that 48 would be reduced considerably because of the following factors:

About 12 percent of the total allotment is being set aside for State ration reserves—8 percent special national reserves—2 percent and priority activities as police and fire—about 2 percent.

With those set asides, the average owner of a registered vehicle nationwide would be reduced to 42.25 gallons monthly.

But where Buckeye State motorists really lose out is under a formula of State historic use. The amount of gasoline consumed monthly nationwide per vehicle is about 66 gallons, or 10 percent more than the average Ohioan uses.

Consequently, the average Ohioan would see the aforementioned 42.25 gallons monthly reduced by about 4.25 gallons or down to 38 gallons of gasoline monthly.

His counterpart in Wyoming, driving the identical auto, would be issued enough ration tickets to purchase another 12 gallons, or 50 gallons of gas monthly.

I supported the successful effort to place a rationing plan before the full House in Commerce Committee because the original plan was reasonably fair to Ohioans and suburbanites. But, I cannot support this amended plan that makes Ohio and the suburbs stepchildren to States in the South and the West and to rural interests.●

Mr. WALKER. Mr. Chairman, we have been asked to accept this plan because it has been called fair, or at least as fair as this administration can make it, which might tell us something. I think then what we have got to ask is, Where is the fairness? Is there fairness for the workingman who cannot afford the three cars that he would have to have for maximum allocation? Is there any fairness for the individual States when you have a productive industrial State like Pennsylvania near the bottom of the allocation list, while the bastion of bureaucracy, the District of Columbia, is near the top? That does not say to me that the States are being treated equitably. Is there any fairness for business when some businesses are favored over others? For instance, the tourist business under this particular plan would be devastated. I was contacted by a newspaper publisher who tells me his newspapers could not be delivered on a daily basis if we accept this plan.

Where is the fairness for the participants in this program when the gentleman from Michigan (Mr. STOCKMAN) has shown you could have all kinds of allocation coupons; you could have all kinds of rationing coupons that you have bought on the white market and not have sufficient gasoline available.

These are the imperfections we have heard all afternoon, and they are imperfections. There is a real problem with this plan, and there is no fairness in it. The fairness, I say to you, is a key question because what we are told is that we are preparing for an emergency. I think historically what we have found out is that in an emergency we had better be prepared to pull together, and this plan destroys the hope of pulling together from the very outset because it is inherently unfair. It is inherently unfair because it is based upon some really ridiculous concepts. First, we should pay more for less; second, that "big" can mean "little," and, finally, the most ridiculous concept of all: "Trust us." I say this plan is unfair. It is incomprehensible, and it is unworkable. It should be rejected.

Mr. STOCKMAN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GREEN).

Mr. GREEN. Mr. Chairman, one thing that has struck me, as I have listened to the debate today, is that I have never heard anyone get up here and say, Gosh, this is really a good plan. This is a job well done. In fact, most of the supporters even are apologizing for the contents of the plan.

But I am also concerned at how we have gotten to where we are and why some interests have been taken care of in the modifications and not some other interests. For example, on April 30 Mayor Koch wrote Secretary of Energy James R. Schlesinger pointing out that the plan made no provision for taxis and pointed out that a significant part of the transportation that was in New York City is taxis. Other parts of the country have their problems, and they have gotten amendments to the plan, but we in New York City, an energy-efficiency part of the country as opposed to a gas-guzzling part of the country, are asked to apply, in a passing reference, a vague letter from a presidential assistant to a chairman of the subcommittee.

□ 1820

I suggest those of us who are energy efficient, who have invested our dollars in mass transit are entitled to a little better treatment than this and I do not think the passing reference to taxicabs in this document is the kind of assurance we are entitled to that these sorts of interest are going to be taken care of.

I do not see how a plan that does not take care of delivery trucks, does not take care of taxicabs and other important elements of our transportation system can be called a sound plan at all.

I suggest we not allow this arbitrary deadline to scare us. I think we should tell the President to go back to the drawing board and give us a plan that really works.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I will be happy to yield to my colleague from Indiana.

Mr. MYERS of Indiana. I think our colleague put his finger right on it. How many times in this body have we been criticized and how often have we criticized the executive power we have given the executive branch?

Here we are now faced with another similar situation where it is very vague. We are operating by commitments either by letter or a telephone call. The urgency is not tonight. It is the responsibility of this Congress to develop a plan if one is to be developed. There is absolutely no reason why we cannot send this back to the committee. They can start on it tomorrow if it is that necessary. It may be. I hope it is not but if it is there is absolutely no reason why this cannot go back to that committee.

Congress has the power, not the executive, to write this legislation and it should be legislation rather than the rulemaking process we have here.

You are exactly right. No one knows at this point. I think you are accurately portraying it.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. GREEN. Mr. Chairman, if I have time left I would be happy to yield to my colleague.

Mr. VOLKMER. Now just to make you feel a little better I would like to say, gosh, this is a really good plan and a job well done.

Mr. GREEN. I am glad there is one in the whole House who thinks so but there as not many others who do.

I yield back the balance of my time.

Mr. SWIFT. I yield 2 minutes, Mr. Chairman, to the gentleman from Pennsylvania (Mr. ERTEL).

Mr. ERTEL. I, too, believe this country needs a standby energy plan. I believe we need one that is fair and equitable. We have had this legislation which would have allowed the administration to send this plan to the Congress for a substantial period of time, 3 years I believe. They have not taken and submitted this at this particular point. One would have thought the plan would have been well thought out. One would think they would have a plan which is fair and equitable. We all know we are going to take cuts in a rationing plan, that we will not all have the gasoline we want. Yet we have had three different plans in 2 days. We are now voting on the last plan which they say cannot be modified.

I keep hearing about all the letters coming out of the White House and the administration saying they are going to take care of that problem, they are going to take care of this problem, they are going to take care of that problem. This to me sounds like a piece of legislation by deal, deal with special interest groups who get to the White House and they get a letter.

I wonder what we are voting on. Do we know of all the letters that have been issued from the White House? Do we know of all the promises that have been made? Do we really know in this body what we will enact if we pass this plan?

I can tell you one thing I do know. I know that Pennsylvania has dropped as a result of these deals from way up on the list in their allocations to now number 46. Ours is one of the biggest industrial States in the Nation.

I also know that the District of Columbia gets about 1½ to 1¾ the amount of gas per person as does a person in Pennsylvania. Yet we paid for a mass transit system here in the District of Columbia, the Federal Government, and we do not have one in Pennsylvania. We are going to subsidize the District of Columbia again with our coupons.

□ 1825

Mr. STOCKMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Chairman, I just returned here from a meeting with the Department of Energy to talk about the shortage in California. The concern that most of the Members have discussed today is real in California. It is happening. We are enduring a shortage. There are lines. There are businesses that are being affected as a result of it.

The problem is that to a large extent we relied on the Department of Energy to help this Nation prepare so that this would not happen; so that we would not endure a shortage. As far as California is concerned, there is a serious credibility gap with regards to the ability of the Department of Energy to, in fact, know what is going on in the gasoline area; a credibility gap as to whether DOE is able to prepare the people for the kind of shortages that are being experienced.

Having experienced that credibility gap at first hand, and having talked to people and having seen the lines and seeing people suffering as a result of that, we are now asked to provide a ration plan and hope that the Department of Energy will then provide the rules and regulations to implement it on a fair basis, as an effective basis, on an equal basis.

Well, I am afraid that I am not willing at this point to trust the Department of Energy that it is going to come out with a fair and equal plan. Having endured the situation in California and having faced a number of people who are anxious for answers I am not willing to hand the Department of Energy the lives of my constituents. Do not enact a ration plan out of panic in this House. Let the system operate. Let us debate it. Let us be consistent with the procedures of this House, because we can produce a fair plan. I want to see a ration plan enacted, but I want to see it done in a way that truly will be fair and equal to all parts of this country and that will be fully considered by us, not the bureaucracy, not the White House, not the special interests, but the representatives of the people.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I want to commend the gentleman from Michigan (Mr. DINGELL) and the gentleman's committee for doing an excellent job under difficult circumstances.

We have heard a lot of talk about why we should send this back and wait until we get a more perfect plan. All I can say is this. We had better get started on this and get a plan, and this proposal is a fair plan, without further ado. We can simply not afford to continue to be at the complete mercy of unstable areas like the Middle East for a great part of our energy resources without any contingency plan that can be promptly implemented in the event of a serious shortage.

I want to say one other thing. I hope that this House does pass legislation to continue the controls and override the President's termination of them. Rationing by higher price is the most unfair method of all.

This plan will do one other thing. It will send a message to people if there are any who still need such a message, that we must conserve fuel, that the days of buying gas-guzzling cars are drawing to a close, and it will send a message to the rest of the world that we are serious about getting a handle on our wasteful use of a fast-dwindling resource.

If this plan is rejected, and the day comes—I am afraid it is coming sooner than many think—when there is a massive shortage, the result may well be chaos and incredible hardships far surpassing any of the complexities and relatively minor inconveniences of the proposed rationing system.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Chairman, I would like just to focus not on this particular plan, but on the fact of whether or not we have an energy crisis. It seems to me that is the key issue. Many Americans do not believe that.

As we debate President Carter's plan for standby gasoline rationing, there is of course some dispute about whether the particular plan of President Carter is satisfactory. But the real question is this—is there or is there not a coming energy crisis in America.

The fact is that many Americans still do not believe there is an energy crisis in America's future. For a few minutes today, I would like to share some information about the world energy situation over the next 20 years.

Mr. Chairman, 4 weeks ago 9 other Members of Congress and myself met with Dr. Ulf Lantzke, who is executive director of the International Energy Agency, the organization of oil-consuming industrial nations like the United States, Japan, and the European countries. Lantzke gave us a chilling view of the world energy situation.

For the next 15 years, Lantzke said, the world oil situation will remain largely what it is today—unsettled and uncertain—with total world supply roughly equal to or slightly below total world demand. That means that trouble in a major oil-producing nation like Iran, Saudi Arabia, Nigeria, Venezuela, or Indonesia could trigger a crisis. But even if we escape that kind of difficulty there still "could be a serious mismatch between supply and demand of oil in some countries and energy sectors. It is evident that we may never return to an excess of oil in world markets for any sustained period of time."

What about after 1985? Consider this. As of 1977, total world oil demand was running more than 61 million barrels per day. Annual growth in demand is now about 1 to 2 billion barrels per day. By 1985, this marginal demand—that is, the annual growth—can be met only if the OPEC nations and Mexico substantially increase their production beyond current levels.

And, Lantzke told us, "it does not take a calculator to realize that OPEC and other oil-producers can keep up that pace for 5 years at the most, during which time the world supply system will be as vulnerable as it has been during the last 6 months."

By 1990, the International Energy Agency projects that there will be an un-filled energy gap equal to 12 million barrels per day. That gap will rise to 25 million barrels per day in the year 2000—equivalent to almost the entire current production of the OPEC nations.

What about energy conservation and alternative energy sources?

The IEA projection of a 25-million-barrel-per-day shortfall in the year 2000 is based on certain assumptions; namely, that:

Economic growth among Western industrial nations will be lower than it historically has been.

Energy consumption per dollar of economic growth will be lower than it currently is.

OPEC nations will be willing to produce at much higher levels. For example, Saudi Arabia at 15 million barrels per day versus its current 9.5 million barrels per day.

The use of hydroelectric, geothermal and solar energy will increase fourfold.

The production and use of coal will be doubled by the year 2000.

Nuclear capacity will be increased twelvefold.

All of this, Lantzke emphasizes, is not guesswork. It is based on direct projection of what energy demand and supply are now and what energy demand will be if Western nations try to maintain current levels of industrial activity and standards of living for their people.

The chilling message is this: if the potential excess of demand over supply by the year 2000 is equal to 25 million barrels per day of oil, the level of world economic activity will have to drop. When the shortfalls begin to show up in the mid-1980's, Lantzke told us, intense competition for limited supplies will cause prices to soar and put a strain on existing international economic and political arrangements.

"Further," said Lantzke, "the time in which to avoid repercussions has passed; even to limit the damage, and immediate and strong action by both Europe and the United States is necessary."

The action we are asked to take today is one step in efforts to deal with a very serious situation. I strongly urge approval of this standby gasoline rationing plan.

□ 1830

Mr. MAGUIRE. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I am happy to yield to the gentleman from New Jersey.

Mr. MAGUIRE. Mr. Chairman, I thank the gentleman for yielding, and I applaud his statement.

I have heard it said again and again in this debate that we have 2 months or 90 days or 6 months to work on this thing, and why do we not wait?

The fact of the matter of that we could have serious supply disruption at any time, and nobody is going to be completely satisfied. Let us pass the resolution.

Mr. STOCKMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Colorado (Mr. JOHNSON).

Mr. JOHNSON of Colorado. Mr. Chairman, in our panic to appear to approach these energy problems in a positive way, I think we are adopting the theory that we have to do something even if it is wrong. Even the proponents admit that this is a poor plan.

They all acknowledge that it will be 9 months before we get to regulations which will be the real law with which we will have to deal. We know we can have a better plan, we know we ought to have a better plan.

I would like to direct the attention of the Members to one of the deficiencies in the plan that is particularly apparent, and that is with respect to agriculture. In very vague, general terms, it provides that the off-highway vehicles used in agriculture will be provided in a timely manner, whatever that means, so as to reach the allotment goals and the production goals approved by the President.

"The production goals approved by the President" are the key words with which we have to deal. The Secretary of Agriculture is supposed to develop production goals for agricultural commodities. That is a grant of authority to the President of the United States that is unparalleled in this particular field. During World War II the President did not have this kind of authority.

The mechanics of how they are going to translate the production goals, whatever they might be, into individual allotments is not clear. Nobody knows what that is going to mean.

The President is going to have the power to tell us what kind of crops we grow, perhaps what kind of crops we cannot grow, and where we can grow them.

For example, we are giving the President the authority to say, "Since you grow 150 bushels of corn per acre in Iowa, perhaps we shouldn't grow corn in places like Minnesota where you get half that crop," or "perhaps we should grow all our wheat in Kansas rather than grow it in Montana because we grow twice as much per acre there."

We are giving the President that kind of authority, and I do not think that is what we should do.

There is no provision made for on-highway farm vehicles. There is no provision for custom service operators. There is no special allocation for people who live in rural areas.

This is supposed to be a sensible, fair plan, but let me show the Members how it operates in the Rocky Mountain region. Colorado is located between Wyoming and New Mexico. Colorado gets 38 gallons, Wyoming gets 46.9 gallons, and New Mexico gets 49 gallons.

Montana, which adjoins Wyoming and is a very similar kind of State, gets 32.7 gallons, as opposed to Wyoming's 47 gallons. North Dakota and South Dakota are very similar States, but North Dakota gets 26 gallons and South Dakota gets 41 gallons.

Where is the intelligence in this program? Where is the fairness in this program? If we analyze it by region, there does not seem to be any sense in connection with the whole thing.

We are giving the President unlimited authority over our economy when we grant him this plan and the power to do these things.

Why do we not just send it back and have the President prepare a plan and send us the regulations that we can see, that we can analyze and approve, rather than giving him this carte blanche authority that has always in the past come back to haunt us?

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I certainly want to agree with what the gentleman from Colorado (Mr. JOHNSON) is saying, and I would like to summarize what the gentleman is saying for two reasons:

No. 1, we are giving an extraordinary amount of power to the President under this rationing plan that has been submitted to us; No. 2, I say, let us not rush into it. Why should we rush into it? Why should we be pressured into it at this point?

The point I would like to make is that if we do adopt this plan now, there are going to be substantial expenditures in order to implement the plan—they are called preimplementation expenses—of about $400 million.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. JOHNSON) has expired.

Mr. SWIFT. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, I appreciate the gentleman's yielding this time to me.

Mr. Chairman, I voted for the rule on this measure, and I am still trying to decide how to vote on the resolution itself.

I am for the concept of rationing. I think it makes a great deal of good sense, but that concept is undermined by a system that does not provide for fair and equitable rationing.

□ 1835

It would seem to me that if we wanted a system that was fair, we would make a determination as to people who use a car for pleasure purposes and people who use a car in order to get to work and people whose very livelihoods are tied to the motor vehicle. We have not done that. What we have done is provide a system which I think lends itself to speculation, which ultimately lends itself to price fixing rather than rationing. I do not know why we cannot have a better system adopted. It will take 2 months or 6 months before the rules will be in place, in any event. Why not ask the President to send us at this point a plan that is fair, equitable, and makes much more sense?

Mr. MAGUIRE. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. I just wanted to remind the gentleman that I am sure he recognizes the fact that it has been 5½ years since the embargo.

Mr. WEISS. I appreciate the gentleman saying that. That does not mean that the President or the administration should be allowed to send us a plan which in fact would do more harm than good. We have a taxicab industry in New York City, for example, that it may do more harm to than good.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. BREAUX.)

Mr. BREAUX. I thank the gentleman for yielding.

Mr. Chairman, I want to take this time to commend the chairman of the subcommittee for the work he has done in bringing this plan to the House and the good work they have done in putting it together.

I would like to ask the gentleman a question.

I believe that the fishing industry, which provides a large amount of food production in the United States, has been treated under the category of agriculture. The resolution does not specifically address this problem. However, is it your understanding that the fishing industry would also be considered agricultural production for the purposes of gas rationing?

Mr. DINGELL. If the gentleman will permit me to answer, the plan refers to the production of food and fiber. I assume that the production of fish and fishery products is included in the production of goods. So I believe it would be covered.

Mr. BREAUX. I thank the gentleman for his answer.

Mr. STOCKMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GRISHAM).

Mr. GRISHAM. Mr. Chairman, I rise in opposition to the standby gasoline rationing plan, and I ask unanimous consent to revise and extend my remarks.

Mr. Chairman, I am sure that my colleagues in this Chamber are well aware of the current gasoline crisis in my State of California. This crisis has dramatically underscored the future possibility of severe supply shortages throughout our country, and the need to be ready to meet that situation.

I do not think that any of the Members of this body would argue with President Carter's oft-repeated statement that all segments of the economy should share equally in the shortage. Unfortunately, the plan we are considering today violates that basic premise.

Mr. Chairman, I have the privilege of representing the people of California's 33d Congressional District—a district made up of suburban communities. Thousands of my constituents commute to their jobs in Los Angeles and the surrounding communities on a daily basis. The plain fact of the matter is that those people do not have any reasonable alternative for getting to and from work because the suburbs are not linked to Los Angeles and other surrounding communities by an adequate mass transportation system. Just to be able to do their jobs, those people will need more rationing rights than those who do have alternative means of getting to work. Thus, one very basic problem with the President's plan is that it fails to make a distinction between gasoline useage which is essential, and gasoline use which is discretionary.

Mr. Chairman, if the President's rationing plan is adopted and implemented, what will happen to people across this country who find themselves in this situation—people who must have additional rationing rights in order to earn their livelihoods? There seems to be only one alternative—the "White Market."

Our distinguished colleague from Michigan (Mr. STOCKMAN), in a "Colleague" letter dated May 8, has pointed out in glowing terms the problem with the white market. As the gentleman stated, "The white market will be the classic, wide-open unregulated bazaar of the economists' dreams." Without question, utilization of the white market for obtaining the additional rationing rights the nonurban commuter will need in meeting basic gasoline needs will be very expensive—perhaps prohibitively so for many. I do not believe that anyone in this Chamber can honestly conclude that forcing the commuting work force to rely on such a mechanism in meeting their basic needs is just by any stretch of the imagination.

An additional problem with the President's plan has to do with the allotment formula—it would be absolutely devastating to the people of California. This is outrageous when you consider the fact that Californians are already lined up at the pumps, the gasoline is already in short supply, and that California is the only State in the Nation which is currently utilizing an odd-even marketing system for purchasing gasoline.

Mr. Chairman, the difficulty of putting together a rationing program which would be equitable cannot be overemphasized. I am also well aware that sacrifices will have to be made if any rationing plan is ever implemented. But no single group should be able to justifiably argue that their sacrifice is substantially greater than the burden which must be shouldered by others. Under this plan, suburban commuters could make that case. Clearly, Californians could as well.

Mr. Chairman, I want to emphasize that the challenge we face is to prepare for the possibility of shortages and to do so in an equitable manner. If we fail, the American people will protest loudly—and rightfully so. If we are determined to succeed in meeting our responsibility, the next step is to reject this plan.

Mr. STOCKMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, I was making the point earlier, and I would like to make the point now, that if we authorize this plan now there is going to be an expenditure of some $400 million for preimplementation. And once they start spending the money, then they will come back and they will say, "We have already started the program, so we cannot stop it now." So there is no chance to change the plan later. I am opposed to the plan. I think it sets up bureaucracy of large numbers of people—I have heard something like 15,000 people—and it is going to cost something like $400 million a quarter to administer it. I think we ought to reject it at this point and let the administration come back with a better plan.

Mr. STOCKMAN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I rise to oppose the adoption of House Resolution 212, the President's standby gasoline rationing plan. This contingency plan which is intended to provide an orderly allocation plan of gasoline does not truly reflect the needs of the millions of Americans who live in areas not served by adequate public transportation and who rely on their motor vehicles to get to and from work.

Having neglected public transportation, we must not now abandon those who, because of our neglect, rely upon their automobiles for their livelihoods.

There are serious omissions in this plan. As the minority report on House Resolution 212 stated, we need a plan that is rational, that clearly sets out the circumstances under which it would be employed, and that is less costly to operate.

If we are to have a plan that will be operating during the crisis period, we need a plan that would effectively guard the rights of all consumers and that would not vest that function with the Department of Energy bureaucrats who have not been acting responsibly in solving our Nation's energy crisis.

The President's rationing plan will create a so-called White Market, a market for negotiable ration coupons that does not differ from basic black market principles. The use of coupons will essentially make every gallon of gasoline an exchangeable commodity for the rich, and exuberantly priced necessity for the poor. The use of negotiable coupons will power more coupon brokers and traders to wealth than it will citizens to work. The plan will not only raise the price of gasoline on the coupon "spot market," but it will most certainly not promote a conservation spirit among the broadest spectrum of American motorists. My district which is near metropolitan New York, would not be adequately served by this ration plan. It would jeopardize the jobs of many of my constituents who have to commute to the city for their livelihood.

I doubt very seriously that this type of approach to the energy problem will do anything other than provide for spending of vast amounts of money and time in a rationing plan that was hastily drawn up during a period of panic.

In returning this plan to the administration, we should insist that any future rationing plan must include clear parameters under which that plan would become operative.

New York State's gasoline consumption in 1977 was 6.11 billion gallons and in 1978 New York State consumed 6.20 billion gallons. It is estimated that New York State's gasoline consumption is growing at 2 percent per year. The existing gasoline allocation does not adequately consider that kind of growth.

Under the President's emergency plan the allocation of gasoline to the States does not change. The 1973 gasoline allocation plan, is the underlying plan of supply to the States but that is a plan which is riddled with numerous problems and inefficiency. It does not provide an adequate allocation of gasoline to the areas in need.

I am concerned about the regional inequities where demand exceeds supply in differing proportions throughout the country. This program does not address the problems of disparity between urban and rural needs. We should be concentrating upon a more effective gasoline allocation program instead of shuffling gas coupons around the country.

This plan should be promptly returned to the administration, asking them to try again—to come up with a plan with the flexibility needed to deal with the problems encountered by regions with limited mass transportation.

Mr. Chairman, the people of my congressional district fully recognize the need for a standby plan ready for use in an appropriate emergency but they demand a fair allocation which recognizes their basic needs and the vast differences in the availability of mass transportation facilities.

☐ 1840

Mr. HOLLENBECK. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New Jersey.

Mr. HOLLENBECK. Mr. Chairman, I rise in opposition to the emergency standby authority gasoline rationing plan. While I believe deeply that the country needs a plan in case of major energy shortages, in my opinion, the President's proposal is discriminatory, economically disruptive and an invitation to fraud. Further, it ignores the mandate of the Energy Act and could prove disasterous in its fiscal and social consequences.

First, permit me to address the question of discrimination. The administration's highly complex plan is based upon a nationwide registry of owners of gasoline-powered vehicles, limiting gasoline entitlement to three cars per household. Now, this would not pose a massive inconvenience to those families fortunate enough to own three cars. The problem is, Mr. Chairman, that vehicle ownership in the United States is not equally distributed among people or families. Thus, a family with three luxury cars, even if all are not needed, will receive $1,800 per year in coupons, while the family, no matter how large, with one older model car will be eligible for only $600. Moreover, distributing rationing coupons according to ownership of vehicles offers a "junk dealers" bonanza to deals in registerable "junk" cars. The affluent could easily purchase one of these moving "gas tanks," thereby obtaining additional coupons.

In the same vein, under the Carter plan, commercial vehicles under a certain weight, would have no greater gasoline ration than private automobiles. Therefore, a teenager's hot-rod that is driven 5 miles a day to school will get the same coupon entitlements as the vehicle belonging to the commercial driver, a person who is forced to drive to work due to the lack of mass transit, or a salesman who drives 50,000 miles a year in order to earn a living. The ultimate result of these inequities could be the loss of work and jobs, thus leading our Nation into an even higher unemployment rate.

My second criticism is that the plan is economically disruptive. The Carter proposal sets up a brand new currency in the form of ration coupons for the purchase of gasoline, with the coupons being issued to registered owners of motor vehicles through banks and financial institutions—extra allotments for essential public health and safety vehicles would be made. These coupons would be redeemed at gasoline stations for the right to purchase gasoline. The problem, as I see it, is that these ration coupons will be freely negotiable, thus creating a new type of money, the economic impact of which is unclear. However, the Department of Energy has estimated that the white market price of one coupon for 1 gallon of gas could easily be as high as $1.22, not including the cost of gasoline itself. Also, do not overlook the costs of new employees to handle the billions of weekly transactions at the banks.

The fact that these coupons are freely negotiable also provides an open invitation to massive fraud and abuse. We all remember back to the 1973 Arab oil embargo when the concept of rationing coupons was discussed. At that time, there were reports that elements of organized crime had their supply of bogus coupons ready to sell on the black market, even before the Federal Government was ready to implement the program.

The facts remain, Mr. Chairman, that the administration's white market plan will impose on ever changing premium on the right of mobility. Buying gasoline will no longer depend on need, but on the financial ability of every motorist. The plan does not ration gasoline. Rather, it allocates the right to buy gasoline.

Also, let us take note that this need not be, and is not, the "last resort-end all" of opportunities for a sane, nondiscriminatory rationing plan. It is a plan with serious flaws, thrust at us by the administration and the Senate 1 day before the "deadline."

We are then told by proponents "it's now or never." Well, the truth is that it is not now or never. There is no reason why we cannot soundly reject this inequitable system and force the President to meet the mandate of the Energy Policy and Conservation Act as found in section 521(b)—to see to it that no single sector or group in our country will have to sacrifice more than any other in the event of an energy shortage.

In summary, this plan which has been presented to us without giving us the opportunity to seek amendment to it is confusing at best, will cause an expenditure of $2 billion per year when not in use, and would discriminate against those who must use their automobiles. Again, the President's plan is discriminatory and economically costly and I urge my colleagues to oppose its passage and send it back to the administration with the message that this body will not stand for this type of hodge podge approach to one of the most serious problems facing the people of this country.

Mr. SWIFT. Mr. Chairman, I yield such time as he may consume to the gentleman from Hawaii (Mr. AKAKA).

Mr. AKAKA. Mr. Chairman, I will vote to support House Resolution 212. However, the President's plan is impractical and unworkable for the State of Hawaii. If the current shortage did not exist and assuming that normal gas consumption patterns were the same, Hawaii is 6½ percent below the increased level for 1979. Mr. Carter has stated that he will impose the gas rationing plan only if demand exceeds supply by 20 percent. In Hawaii we already have 6½ percent less gas, and as that figure rapidly approaches 10 percent supply over demand, we will face a situation even worse than the current problems now experienced by California.

Hawaii is also unique in that 86.5 percent of the driving that is done is for essential purposes while only 13.5 percent can be termed discretionary driving. Compare this to figures cited for mainland consumption which amount to 66 percent essential and 33 percent for discretionary driving. These figures clearly indicate that Hawaii's economy would be adversely affected. I urge the President to develop an equitable system based on the needs of individual States that have used less gasoline over the years.

Mr. SWIFT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, I rise in strong support of the standby gasoline allocation plan that is before us today. There is no doubt in my mind that the well-being of every citizen of all of our States depends on this plan being approved and available for implementation. My district is suffering tonight. It is partially crippled and totally frustrated because its Government cannot help it meet the crisis. We have great difficulties in my district because of a 10-percent shortfall that has occurred in the last 3 weeks, and the Government can do nothing to straighten it out at this time.

I speak first as a Californian. I know that this plan is not as good as the plan that was originally submitted by President Carter. I do not understand why the Commerce Committee vote went the way it did. I suspect that some wishful thinking clouded the hard, clear view of reality. The fact is that the President's original plan was better than the resolution before us. But that plan is now lost to circumstance forever. We are not going to get a plan better for California or for the Nation than the original plan offered by the President.

My constituents are angry and justifiably so. There is not enough gasoline for everybody. Therefore, it is, in truth, being rationed. It is rationed by the length of the lines and often by the whims of the service station operators. No one can plan his life with any certainty that he can take care of his basic needs unless he spends hours fighting it out with his neighbors at the gas station.

We are witnessing the hard facts of our need with every angry letter and phone call from Los Angeles, San Francisco, San Jose, San Diego, and every other California city.

If one wants to see what will be happening in the United States in a crisis just take a look at California today. Automobiles line up for blocks for gasoline, stations close within a few hours of opening due to a lack of supply, angry customers attack and threaten each other in frustration, people store hundreds of gallons of gasoline in dangerous containers in dangerous places, and work productivity falls dramatically for the want of easy transportation. Why? Because people cannot get all the gasoline they want and there is no system for rationing the available supply fairly among all the motorists.

We are obligated to see that the gasoline that exists in an emergency is rationed evenly so that there is certainty that people will be able to get some gasoline. Without some plan we face the possibility of people having to fight each other for what gasoline is still available and possibly getting none at all.

Those who worry about the taxis, salesmen, recreational vehicle owners, parcel postmen, butchers, bakers, and candlestickmakers are missing the point: these people's important needs, if they are important, are not excluded from this plan. There is ample latitude to let States determine who will receive priorities. I assure you that the Governors are not going to let those people whose lives depend on gasoline be forsaken. The elderly who live because of Meals on Wheels and the cabby whose wheels provide him his meals will all be taken care of better by far under this plan than if there is no plan at all to protect them.

This plan is to protect the American people in the event of crisis. It is to assure every citizen that he or she will get a portion of the gasoline that is available, whatever kind of fuel shortage faces us. It will enable us to go home and tell our constituents that we have not sat on our hands and denied our President an emergency rationing plan that will save us from disaster if a crisis hits.

Each State seems to think that it is going to be better off if we reject this plan. I remind you that when there is a limited barrel of oil, it does not expand just because we fuss among ourselves. It is time to put parochial interests aside. I suspect that if this plan should be rejected, there will be efforts on the other side of this Capitol to impose stupid restrictions on the President's next proposal. The State of California cannot exist for a 30-day period with a 20-percent cut in gasoline. But that is the sense or "nonsense" of the other body. If we restrict the President's flexibility to implement the plan when there is a crisis by encumbering it with regional or time qualifications, we are telling the American people that we do not even want to worry about their plight.

The crisis that would trigger this plan will happen too soon if it happens at all. But we need a plan to protect us and that plan is before us today. I urge all of my colleagues to join me in supporting the resolution before us.

Mr. STOCKMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Alabama (Mr. SHELBY).

Mr. SHELBY. Mr. Chairman, I want again to point out that I think this bill that is before the Committee here, that we have got to have a standby rationing plan, is absurd, especially where it is fraught with inequities. This bill, if we give the President this power and the Department of Energy, we are going to see the biggest fraud take place in the marketing of the coupons in the Nation we have ever seen. I think we need a rationing plan, if we have got one at all, based on need.

□ 1845

Mr. STOCKMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, today we have before us the resolution (H. Res. 212) to approve of the President's gasoline rationing plan. I oppose the plan as proposed and will vote against the resolution. I would like to take this opportunity to explain my reasons for taking this position.

Like all Americans, my constituents, are experiencing the effects of the current energy shortage. Of particular concern in Nebraska now is the shortfall in diesel fuel which is critically important to farmers for their tractors and irrigation pumps. State officials and members of our congressional delegation have been monitoring the situation closely and are doing what we can to increase Nebraska's allocation.

Needless to say, therefore, energy is among the most important issues on the minds of my constituents at this time. Once again we are forced to recognize that despite all of the rhetoric, the executive and legislative branches of the Federal Government have together failed to devise and implement an effective, cohesive energy policy. We are now paying the consequences of that failure. Gas rationing is nothing more than a scheme to manage a shortage situation. It does nothing to save or increase supplies.

The Energy Policy and Conservation Act of 1975, one of the major pieces of legislation resulting from the oil embargo, included a provision that required the administration to develop one or more energy conservation plans and a gasoline rationing contingency plan that could be implemented in the event of a severe energy supply disruption. On March 1, 1979, President Carter submitted the gasoline rationing plan along with three mandatory energy conservation plans. All have undergone intense congressional scrutiny during the 60-day review period provided by law. Two of the plans—the ban on weekend sales of gasoline and outdoor advertising—never survived committee action. The third plan for emergency building temperature restrictions will soon be before us. Now we must make the difficult decision on the standby gasoline rationing plan.

Proponents of the proposal argue that "something is better than nothing"—hardly a ringing endorsement for a plan that will have a major, disruptive impact on our economy and the lifestyles of every American. In fact, the plan as originally proposed was so seriously flawed that the administration was forced to come forward with a series of modifications in order to win its approval in the Senate. Having reviewed the plan and its modifications, I am still convinced that it should be rejected.

The most important point to realize is that this plan will have no effect on the distribution of gasoline supplies. Allocation of gasoline during a shortage will be determined by existing regulations from the Department of Energy. In other words, the volume of gasoline that is allocated to Los Angeles or Lincoln, Nebr., will be exactly the same regardless of whether this rationing plan is approved and put into effect. The administration's latest modifications to supposedly provide for a better allocation to rural areas have no bearing whatsoever on the management and distribution of gasoline supplies.

What, then, is the gasoline rationing plan? It is a complex, bureaucratic scheme that essentially sets up a new currency in ration coupons for the payment of gasoline. What we are debating, therefore, is the manner in which coupons are distributed, not the manner in which gasoline supplies are allocated. I believe the original plan was totally unacceptable for it took little account of the different driving conditions that exist between sparsely populated, rural areas and urban areas where mass transit is a viable alternative of transportation. The original plan also failed to give full priority to the agricultural sector of our economy.

The administration's modifications and promises have made an unacceptable plan slightly more palatable. But, the basic reasons for opposing the plan remain unchanged.

First, the plan is hopelessly complex, bureaucratic and costly. The plan sets up a new currency in ration coupons for the payment of gasoline. Coupons will be issued to the registered owner of a motor vehicle through banks and financial institutions. These coupons will be redeemed at gasoline stations for the right to purchase gasoline. The ration coupons will be freely negotiable, creating a new type of money or currency, resulting in the so-called "white market," which permits citizens and businesses with greater needs to purchase extra coupons from motorists willing to sell them.

The operation of the rationing plan depends entirely upon an accurate national vehicle registration file which does not exist. Furthermore, studies provided to the committee indicate that it could take up to 14 months to compile this list. Considering how many automobiles are bought and sold monthly, DOE's list would be at least 10 percent inaccurate at all times.

By distributing ration coupons on the basis of vehicle ownership, the plan discriminates against one-car families which is especially unfair to Americans with the lowest incomes. The administration's modifications to limit the number of ration rights received by each household to three vehicle allotments only lessens, rather than eliminates, that disparity.

The cost figures for implementation and operation of the plan are also staggering. By administration estimates, the plan will cost $400 million to establish and $1.6 billion to operate per year. I concur with the General Accounting Office conclusion that this is a $2 billion program designed to reduce gasoline lines without any savings in gasoline.

Second, the potential economic distortions that will occur as a result of the operations of the "white market" are very disturbing. Buying gasoline will no longer depend on need, but on one's financial position. DOE estimates the cost of a coupon to buy 1 gallon of gasoline on the "white market" to be $1.22, a figure I find conservative at best.

The concept will generate a network of coupon brokers, speculators and traders who will make their profit by moving coupons from areas of lower demand to areas of higher demand. The coupon market will witness the transfer of income from less affluent to the more affluent, and from the countryside to the city.

As a representative from a State that is largely rural, that prospect disturbs me greatly. My constituents, for the most part, cannot rely on mass transit as an alternative. On the one hand, we see the administration's rationing plan as resulting in our paying higher prices for gasoline because of inflation in the coupon market. And, on the other hand, we are asked to channel our higher gasoline costs into more mass transit through the administration's proposed Energy Security Trust Fund. Additional subsidies for mass transit as a concept is not inherently flawed but these subsidies result in relatively no direct benefit to citizens of small cities and rural areas. Yet, rural residents will contribute disproportionately large amounts to such mass transit subsidies through necessarily greater gasoline consumption. Rationing is, by definition, inequitable, and it seems that rural America is being asked to assume a disproportionate share of that burden.

This is especially true for my State when I look at the figures for distribution of coupons to Nebraska. Under normal circumstances, a vehicle in Nebraska uses 57.2 gallons of gasoline per month. Under the rationing plan, as amended, we would be entitled to 39.3 gallons. Of the 50 States and the District of Columbia, Nebraska ranks ninth from the bottom in terms of the amount of ration coupons we would be allowed under the administration's plan. Those figures became even more disturbing when I saw that the District of Columbia, home of a new subway system, is entitled to 52.3 gallons of gasoline. This inequity should be too glaring to go unnoticed by any American. Similar examples can be given for other States where driving distances are necessarily long.

Last, the prospects of an impending gasoline rationing program can only result in the hoarding of gasoline which leads to further distortion of the market. Indeed, it should be apparent to all that the very approval of this plan is likely to make it hasten the necessity for gasoline rationing.

For these reasons among others, I will vote against the plan. Not long ago, I placed in the CONGRESSIONAL RECORD a copy of an editorial that appeared in the Omaha World Herald. At this time, I am reminded of one paragraph in that editorial:

> We Americans tend to act, and sometimes to over-react, quickly to emergency crises. We don't do so well on preparing for problems of the future and for staying power once the first shocks of a crisis have subsided.

I do not mean to diminish our current situation, for it is indeed serious. However, I do not believe that panic is the answer; neither are ill-conceived gas rationing programs.

Rather, we should systematically use this opportunity to fashion a cohesive energy policy to guide our Nation in the years to come. The forging of such a policy will admittedly be difficult and should call for sacrifices by every American, but it can also be more equitable than what we have before us today. It can insure that no one sector of our economy and no one region of our country suffers unduly to benefit others.

The administration's gas rationing plan does not meet that test and deserves to be defeated.

Mr. SWIFT. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Chairman, I do not oppose a standby gasoline rationing strategy to be used only as a last resort in times of severe petroleum shortfalls. However, I must reluctantly rise in opposition to the "standby gasoline rationing plan" before us today.

Under such circumstances whereby a gasoline rationing plan must be implemented, I believe that equity supports allocation pursuant to a well-defined plan and not allocation pursuant to price. Allocation pursuant to price inevitably discriminates against the poor and the middle class.

I also believe, however, that an acceptable rationing plan must fully and fairly take into account the needs of different classes of users and different user circumstances. Where a person lives, the size of that person's family and business needs should be accounted for in any allocation program based upon rationing. Moreover, any rationing plan must enable State governments to respond effectively and swiftly to hardship needs. The President's proposed standby gasoline rationing plan is defective in its present form when measured against these criteria.

Specifically, the conditions which would result in implementation of this plan are not specifically defined. Given the considerable responsibilities that the States would assume if rationing were implemented, I believe that trigger points should be established. In addition, while the plan seems to imply that price and allocation controls would be in place before rationing is implemented, the plan falls short of explicitly imposing such control measures. These precautions are needed to prevent panic market fluctuations in anticipation of rationing.

Second, the plan lacks any provision for adjusting gasoline availability within a State. Significant differences exist within the States among gasoline consumers. Population density, availability of mass transit, tourism, commerce, and the distances involved in necessary travel are all factors which influence gasoline consumption. Setting the gasoline allotment for all registered vehicles at an identical volume without allowances for such factors, in effect, provides a subsidy to those less reliant on gasoline from the pockets of those who, by necessity, are more dependent upon this fuel. This does not imply that I would like the Federal bureaucracy making these decisions. State governments have shown an ability, when faced with energy shortages such as that which confronted New York with respect to natural gas during the 1976–77 winter, to respond effectively to needs within their borders. States should have the authority to adjust gasoline supplies within a State.

Third, under the proposed legislation, taxicabs are not designated as "priority" vehicles. This exclusion could prove to be harmful, not only to the industry, but to many areas that are dependent upon taxi service. In New York City, for example, the services rendered by the taxi industry is an integral part of our public transportation system. The New York City charter states that taxicab service should be designed "as it relates to the overall public transportation network of the city." In accordance with this mandate, the taxi industry provides essential public transportation service. These include services for the handicapped and for those who are otherwise physically unable to gain access to buses and subway platforms, service in large areas of the city where the arterial mass transit network is either absent or geographically remote from the community and dependable door-to-door service in emergency situations such as accidents or acute illness. The proposed rationing plan, by imposing a severe curtailment of the size of the city's online taxi fleet, represents a direct threat to these vital services. To stop taxis is to stop the provision of these services.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. Fascell).

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, I do not like any gas rationing plan, but I am going to vote for this one. Those who are opposed to it, while they are standing in gas lines, can fine tune it.

I see no reason why the Congress, if it wants to, cannot go ahead and adopt its own legislative gas rationing plan notwithstanding the fact that we approve this one, especially since this one has to come back to us. But, I do not want to wait that long. I think that in the national interest we have to have some kind of plan. If we wait until all 435 special interests in this body are provided for, we will never get one.

Mr. Chairman, I want to ask the chairman of the subcommittee this question: I am correct, am I not, because I have heard it in the debate all day, that every State will share the same percentage of reduced allocation?

Mr. DINGELL. The gentleman is fully correct.

Mr. FASCELL. That is under present allocation and also under rationing?

Mr. DINGELL. The answer again is, the gentleman is correct.

Mr. FASCELL. That covers both gasoline and coupons?

Mr. DINGELL. The gentleman is correct.

Mr. FASCELL. And coupons are traded? In my State, for example, tourism is a very big item. I want to be sure that people can save up their stamps in Ohio and Massachusetts and drive down to Florida if they want to.

☐ 1850

Mr. DINGELL. The gentleman is correct, and without this plan conceivably there would be no way that somebody could drive down to his State of Florida.

Mr. FASCELL. I have got all kinds of users, like everybody else does. I have got these so-called regular drivers; I have got the workers; I have got the farmers, the fishermen, and the tourists. It seems to me under this one, as I recall it, farm offroad vehicles have a priority. Is that correct?

Mr. DINGELL. Yes.

Mr. FASCELL. And that includes fish under the definition of food and fiber?

Mr. DINGELL. The answer to that is "Yes."

Mr. FASCELL. Farm trucks on road, as I understand it, and other farm vehicles on road are included in the vehicle point total for the purpose of allocation under the base allocation?

Mr. DINGELL. They are.

Mr. FASCELL. I will ask the gentleman this, the plan does not have specifics with respect to the actual base that is used.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWIFT. I yield to the gentleman 30 additional seconds.

Mr. FASCELL. Will the gentleman comment on that?

Mr. DINGELL. The gentleman is correct. The plan, as amended, does not state a specific base period. It is a floating base period.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LOEFFLER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Shuster).

Mr. SHUSTER. Mr. Chairman, I was surprised when I heard earlier that the people of the District of Columbia are going to get more gasoline than the people of North Dakota are, so I checked and looked at the list, and my surprise was turned to utter astonishment, because we are not just talking about the people of the District of Columbia compared to a few States. The people in 46 States in this Union are going to receive less gasoline under this Carter rationing plan than the bureaucrats who live here in the District of Columbia. If you can go back home and tell your people that you voted for a rationing plan which is going to give the bureaucrats in the District of Columbia more gasoline than the people in your home State, you have got more chutzpah than this Member has.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this proposed gasoline rationing proposal would be a disaster for the people of my State, and for the entire country.

The President's plan calls for an entirely new special currency—gasoline coupons—just for the purchase of gasoline.

No longer would the American people be able to use their own dollars to purchase fuel for auto and other motor travel.

Such a plan is discriminatory, extremely costly, disruptive of the people's lives, will create a whirlwind of unnecessary bureaucratic regulation and paperwork, and will be a nightmare for everyone.

If the Government regulators who dreamed up this scheme would spend a fraction of the time and money to solve our energy problems by increasing production and supplies, as they have in trying to come up with ways to manage a shortage, we would have more than enough gasoline for all our citizens' needs.

Under the President's latest plan, State allotments of gasoline during a crisis would be determined by the historical patterns of gasoline usage, although that concept is not clearly defined.

Under this scheme, a growth and tourist-oriented State like Arizona will be restricted to the same amount of gasoline as the city of Washington, D.C., would get—which is arbitrary, discriminatory, and highly unjust.

Allotments under this plan would be based on outdated statistics, which will result in even more severe shortages throughout the country—especially in growth areas and wide open sparsely populated areas traveled by sales people and others vital to our economy.

This gasoline rationing plan before us today will not save one drop of gasoline.

It will not produce one barrel of oil.

It will open up a whole new area of Federal Government interference and control over the lives of all Americans.

It will involve the Federal bureaucracy in further efforts to dampen and control our productive enterprise system.

This plan is exactly the opposite of what we need in the energy area, and I hope that it will be soundly defeated by the House of Representatives.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Pennsylvania.

Mr. RITTER. I thank the gentleman for yielding.

Mr. Chairman, when the standby gasoline rationing plan was first revealed by the administration, in February, I spoke out against it in this body. Today, I feel more strongly than ever that this plan is unfair and not in any way worth our support.

The American people are willing to do their part toward helping solve our serious energy problems. But one thing they should not have to tolerate is inequities that result in unfairness to certain parts of the country. This rationing program is filled with unfairness.

Let us talk about a critical feature of our energy conservation. In my own State of Pennsylvania, the facts show that we have been very successful—more successful than most other States—in using gasoline wisely and conserving. My own constituents in the Lehigh Valley have been very much a part of this Pennsylvania conservation, and they deserve credit for it.

But under this gas rationing plan, they would actually be penalized because they conserved gasoline. And those States whose conservation record has been poor would benefit. Mr. Chairman, no matter how you cut it, that is bad energy policy, and it does not make sense. Why a State with an outstanding record for conservation should rank at the bottom of the list while gas guzzlers should be rewarded is beyond me.

How the District of Columbia, with substantial public transportation ends up at near the top of the list is beyond me. It certainly will be beyond our constituents.

So I will vote against this plan, Mr. Chairman. Gas rationing in itself is bad enough. Since it does nothing to get at the real root of our stagnant production of U.S. fuels and dependence on foreign oil. But gas rationing that rewards energy wasters and penalizes energy savers is even worse.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. de la Garza).

Mr. DE LA GARZA. Mr. Chairman, the gentleman from Michigan (Mr. Dingell) knows that I have the utmost admiration and respect for him, but on this occasion I cannot support him. I do so for many reasons, but I will only mention a few.

I voted for the rule in order for us to have the opportunity to debate this issue, and is proper and certainly the American way of free and open debate. Now having had this, I must now express my reservations.

Today, here at the 11th hour we have had some assurances about supply for agriculture and for the fisheries. Yesterday there was a letter from the President to Senator JACKSON. This I am sure after the chairman of the Senate Agriculture Committee voiced some reservations about the plan. It has now been changed some, the letter has come and other assurances have come forth. The fact is that on March 29 of this year, the Subcommittee on Oversight of the House Committee on Agriculture had an oversight hearing on the energy needs of agriculture in order to discuss this vital area with the Secretary of Energy. He could not make it, this after we had negotiated the date. Our staff then arrived at a subsequent agreeable date, April 9. Again he could not come. On April 23, we again wrote. As of today, we have no answer. This to discuss the needs of agriculture in the energy field. My colleague from Texas (Mr. GRAMM) said that the initial plan was poorly conceived and ineptly handled. It has now been improved, by letter, by intent, but my friends, the regulations for this plan will be written by the same people. I cannot support this, as a matter of fact the Secretary should be replaced by someone who can inspire confidence. Not only here in the Congress, but with the people at home.

Under the plan as proposed, I think, my State appears to fare well. My problem is, will it be the same when the regulations are written, will it be the same when they are implemented. I have no confidence, I have no trust. I will not yield to the thought that any plan is better than none. We are capable of better, and certainly our constituents are entitled to more. I know we have a problem. I know we must plan. Yet we cannot separate this action of many in the Congress and in the administration who have objected to the incentives for production, such as depletion allowance and decontrol. I just mention this in passing.

Yes we need a plan, but we must work together in good will, and not with some of the arrogance which I have at times witnessed or the lack of sensitivity for the needs of people. Mr. Chairman, this is my protest, I must vote "no."

Mr. LOEFFLER. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. Mr. Chairman, Arkansas is a rural State, and we are favored to be at the very top of the list in the most recent plan. I like that. But I am against this proposal. I am new here, but it is easy for me to see that this plan has been thrown together at the last moment.

On Tuesday we got plan 5. On Wednesday we got plan 6. Today we got a six-point complicated resolution as to when this whole matter might be put into effect.

I wondered how this dog got through the other body, so I began to look at the record, and it is clear a number of promises were made and assurances traded for votes to get it through the Senate.

□ 1855

What we have here is a confusing plan that no one here feels comfortable with. Even the sponsors of the measure say it is imperfect at best. The sponsors say it is the basis for a fair plan.

To get our vote we are treated to promises that the President will correct the abuses or the chairman of the committee will hold hearings and correct the abuses, or the Senators will correct the abuses or Stuart Eizenstat will protect the truckers and the taxis and the parcel delivery trucks.

The people of Arkansas do not want assurances and promises from the President or the Senators or the committee chairmen or Stuart Eizenstat or the geniuses in the Department of Energy.

Assurances can be withdrawn and promises can be broken. In short, we do not want a pig in a poke. We simply want a stand-by law that we can understand, one with which we will feel comfortable and one that the bureaucrats cannot change on us overnight. We want a stand-by law we can understand and we want to understand it before we pass it.

Mr. MOORHEAD of California. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to my friend, the gentleman from California.

Mr. MOORHEAD of California. Mr. Chairman, I rise in opposition to the stand-by gasoline rationing plan before the House. It is wrong for some people to financially gain by a rationing plan in time of crisis when others are required to pay for necessary gasoline.

Mr. Chairman, we have had several revisions before the Congress in a short period of time and it seems the administration is shifting its position wherever necessary to get votes but at the expense of the American people. The proposal pending is markedly different from the proposal acted upon by the Commerce Committee. I think we need an emergency contingency plan and I want to emphasize the word emergency. But we need a reasonable and fair plan conceived in a rational and deliberate atmosphere. We do not want a plan that favorably reward some who do not need gasoline at the expense of those who do. The American people deserve better than that. I am not of the opinion that we must have any plan even if its not a good plan. We in the Congress have a serious responsibility to meet. The proper way to execute this responsibility, in my opinion, is to let this rationing proposal, under the take-it-or-leave-it procedure, expire and then let the administration come up with a more workable proposal. Apparently, this administration has not been able to come up with a satisfactory emergency plan under the procedures set forth in EPCA.

The President's plan as amended does not take into consideration the needs of a State that has little or no mass transit to pick up the slack in case of a shortage. For example, the amended proposal would allocate more gasoline to the District of Columbia blessed with a multi-billion-dollar mass transit system partly paid for with California tax dollars and allocate less gasoline to the State of California which is not nearly so richly blessed with mass transit.

Additional defects include a very vague trigger mechanism that a mere sense of the House resolution cannot perfect.

We should not in a crisis atmosphere lose sight of the cost of this rationing proposal. It is estimated that at the very least the President's proposal would cost over $2 billion during a 9-month period.

I believe we can come up with a more fair and less costly plan.

I urge a "no" vote.

Mr. SWIFT. Mr. Chairman, I now yield 1 minute to the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Chairman, I do not know why all these people are so upset about this. One of the gentlemen from Texas said as soon as decontrol takes effect, which is going to take effect real soon, that will solve the problem and we will not have any 20-percent shortfall.

I do not like rationing. I think this is a terrible way to go and I would just like to say that I hope the oil companies will not do this to us so that we would have to have this gas rationing. I just think it is terrible, but we have to have something. Hopefully, decontrol will solve all our problems and this will never be put into effect. If that happens then we will all be the better for it and we will all live happily ever after.

If worse comes to worse we could just give allocations to each of the 435 Members and let them distribute it in an equitable way and that would solve all of our problems.

I yield to the gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. Mr. Chairman, I thank the gentleman for yielding.

I support the plan. I have listened to the debates and of all of the opposition I have never heard a single plan presented to this House in the debate today.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, in one of his early messages respecting the energy crisis the President related it to the moral equivalent of war. What I am concerning about is whether or not we are treating this crisis as if it were a war crisis. I want to see this Congress propose or in the failure of this Congress to do it as we should, the President propose that there be an authority with the power that would be available in wartime to make the maximum production of energy available to the people of this country. Only when we have satisfied the country that we are doing that are they going to accept rationing and the deprivation that it brings about.

Mr. STOCKMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I believe the people of the country are looking upon this action today with real incredibility. They are wondering what has happened and they should. You know our GNP is at an all-time high. We have some of the best technological minds in the entire world. We have no war effort drinking up our gasoline supply.

And just a few months ago we were hearing talk about oil gluts in the markets all over the world. Now what has happened? I do not know what has happened. But all of a sudden we come up with a plan to ration gasoline.

Many of our colleagues today have criticized that plan, as well they should. Any plan that is developed by people who believe the solution to our energy problem is making it so expensive that we cannot afford to use it, is never going to come up with the right kind of a plan. That is the wrong philosophy.

It is said that this plan would cost at least $2 billion to implement. If that is the case, let us have a real plan. Let us take that $2 billion and let us apply it to those hundreds of millions of barrels of oil that we have in the ground today where it is too deep to get it out using today's systems.

Let us take some of that money and apply it to developing a system for getting out that highly emulsified oil that is in the ground. We know where it is. There is a way to solve this problem and that is to produce our own resources and our own energy.

☐ 1900

Mr. STOCKMAN. Mr. Chairman, I yield one-half minute to the gentleman from Kentucky (Mr. HOPKINS).

Mr. HOPKINS. Mr. Chairman, I rise in opposition to the resolution.

We have been told at the 11th hour that the House must approve the President's proposed standby plan for gas rationing. All manner of calamities have been described which may result if radical steps are not taken to provide for drastic reductions in available supplies of gasoline in the event of a major energy shortfall.

I am as concerned as every Member of this body that the situation which has developed recently in California not suddenly become a nationwide phenomenon. But my concern has not prompted me to support a plan which its supporters admit is not as fair as it might be, is not as workable as it might be, and in any case, could probably not be put in place for the better part of a year.

A standby plan, it seems to me, is one which ought to be on the shelf—ready for use—as soon as circumstances require, and not when the bureaucrats have gotten the regulations written, 20,000 administrators hired, hundreds of millions of coupons printed, and almost $2 billion of the American taxpayers' money spent. A standby plan should be just that: A plan which is on standby, not a plan which is still on the drawing board.

If the truth be known, we already have a standby gasoline rationing plan available and ready for use tomorrow, if need be. It is a plan which would not cost one nickel to administer. The President of the United States would need only explain to the American people that in the event of an energy emergency, a system of odd/even license plate sales would be put into effect immediately. Now I realize that such a plan would not be fair to everyone, but neither would the proposal before us, and after comparing price tags, I will take the odd/even system, which is, in any case, more truly a standby emergency plan than one which could not be put in place for the better part of a year.

I urge my colleagues to reject this resolution, and not be be persuaded by those who would have us endorse what they admit is a seriously flawed plan because it is our only alternative. The White House's arguments notwithstanding, the proposal before us is not our only alternative, as a glance at the front pages of this week's newspapers will readily confirm.

I yield back the balance of my time.

● Mrs. COLLINS of Illinois. Mr. Chairman, although I acknowledge the need for standby plans that can swiftly stem the impact of severe shortages of gasoline under extreme circumstances, I rise in opposition to the particular rationing plan called for in House Resolution 212 because of its major defects and fundamental inequities.

There is no question that gasoline rationing is absolutely a last-resort step. However, this plan (H. Res. 212), is grossly unfair: it would be harsh on many businesses and, as has been clearly brought out during debate today, it is impossible to administer equitably.

My first and foremost objection is based on the fact that, if implemented, this rationing plan would inflict a disproportionate burden and sacrifice upon the back of the low-income consumer. By apportioning eligibility for individual gasoline ration allotments on the basis of motor vehicle registration, this resolution favors the interests of the wealthy over those who can afford only one automobile. If approved, this plan will enable those households which can afford to own three vehicles to buy greater amounts of gasoline than a poor household which has only one car.

If fairly done, gas rationing will distribute gasoline equitably regardless of the consumer's economic power. The unregulated white market allowed in this resolution actually advocates rationing by price and undercuts this concept. Under this cockamany scheme, an individual can receive coupons for three vehicles. Compare this allocation to that for a multidriver household that can afford only one automobile. This disparity cannot be justified and in my mind is totally unacceptable.

We have already seen here today on the House floor the wanton disregard of the needs of low-income persons. This plan would deal a death blow to the hard-working poor who depend on their automobile for economic survival. In addition, this proposal would further increase the cost of transporting food to people who already are making severe cutbacks in their purchase of groceries.

I further object to this plan because it is expensive and cumbersome. How would we insure that farmers get sufficient fuel to produce the food we need? How would all businesses and services that depend on deliveries keep their schedules and prevent a deterioration in their level of operation?

In my view, this rationing plan focuses the Nation's attention on a false sense of crisis and further insults our intelligence by suggesting that its solution can be found by distributing and selling coupons on the white market. If passed, this measure will serve as a scapegoat for the administration which has consistently failed at negotiating a meaningful and equitable energy policy.

The real issue is who will be asked to pay for this energy "crisis"? Again and again the pleas of low-income workers fall on deaf ears. This rationing plan is just another note in the same tired tune this administration has been whistling for months. Now we have before us this gas rationing plan which totally abandons the needs of low-income people in order to court the favor of the wealthy.

The administration is pushing for this plan in order to meet an emergency that may come about because of its own inadequacy in setting a national energy policy.

For these reasons and because there is no clear set of conditions under which the President would propose or the Congress would consent to implementation, I am opposed to House Resolution 212. To come up with a plan like this, which has no defined priorities, is completely against the national interest. It is not a plan to deal with a national emergency. In fact, the administration itself has clearly indicated its own lack of conviction for this scheme by amending it daily.

I urge my colleagues to vote against approval of House Resolution 212 and to look at other ways—such as releasing strategic reserves in times of severe shortage—as a means of meeting crises.●

● Mr. CLAUSEN. Mr. Chairman, I want to reiterate my strong opposition to the administration's gasoline rationing plan. Once again the administration is concentrating its resources on managing an energy shortage rather than developing and perfecting new, alternative energy supplies.

The plan the House is voting on today is the one the Senate approved just yesterday. It is a hastily created plan that was written more in an effort to win votes in the Senate than to distribute gasoline supplies fairly and equitably. Even so, both Senators CRANSTON and HAYAKAWA voted aginst it because of its potential adverse impact on California.

The north coast of California is a striking example of the problems associated with gasoline rationing that defy even the most well-intentioned bureaucrat in the Department of Energy in Washington. Those of us who went through the allocation battles in the period of the Arab oil embargo know full well the difficulties and complexities involved in attempting to reach proper decisions—it is virtually impossible.

Our economy is extremely diverse,

heavily dependent on gasoline and the distances we have to travel are incomprehensible to the average urban citizen. Our fishing industry, for example, has differing gasoline requirements throughout the year depending on the type of fish being sought. Orchard crops and grapes have their own unique seasonal demands for gasoline. The same is true of the forest products industry whose needs are, to a great extent, based upon varying weather conditions.

In addition, our area's economic base is dependent to a great extent on tourism both for vacationers and for those seeking to escape city life for a weekend trip. Gasoline rationing would devastate those businesses whose services are provided for the benefit of tourists. I should note that the vast majority of these are small businesses.

While I mention the assumption that gasoline rationing is the best way to handle a shortage, I must comment on a number of the inadequacies in the proposal before us today.

First, I have received any number of complaints regarding the treatment of private sector delivery services—such as the United Parcel Service—which are essential to our Nation's economic health. In response to these complaints all we have in the way of consideration of this problem is a letter from the White House to the gentleman from Michigan (Mr. DINGELL) saying it will consider this issue at the appropriate time. What kind of an assurance is this?

The administration's response to this problem points out very clearly the problems that exist in the standby proposal as well as the many vague areas that are going to "be decided later." Our approval of the plan would simply give approval to start planning; it is not a final plan by any means. And we have no idea of where that final planning process might lead us.

Second, proponents of the proposal claim the Congress would have veto power over misguided decisions of the Department of Energy for 15 days after an emergency was declared. However, I simply cannot conceive of a situation where the Congress, if it approves this proposal today, would feel it could properly reject the plan in the midst of an emergency. Thus, the plan becomes a "blank check" to DOE.

In objecting to the resolution we are considering, I must restate my concern and disappointment over the lack of leadership by the administration in moving to alternative energy sources that we need to reduce our dependence upon oil generally and imported oil specifically. Our domestic energy programs are buried in redtape and conflicting regulatory pressures that, in my opinion, are at least as responsible for our dependence upon foreign energy supplies as the American consumer might be.

In addition, there are still millions of Americans who remain honestly skeptical of the existence of any kind of oil shortage. While I fully agree that the large oil companies have pursued policies that offend the sensibilities of most Americans, the administration's efforts to blame and punish them for our current oil problems are shortsighted and counterproductive.

All of us must realize and understand that we do face existing supply shortages that are forcing us to dip into our inventories to an unacceptable extent. Furthermore, we must recognize the obvious and disconcerting fact that we grow more dependent upon the oil cartel with each passing day and that supplies have been significantly reduced as a result of the political turmoil in Iran.

As a result we, as consumers, are absolutely required to practice full-scale, dedicated conservation of petroleum products—such as renewing our commitment to the 55-mile speed limit, reducing our utilization of heating and air-conditioning and pursuing the many other methods at our personal disposal for energy conservation.

Beyond this we must expect and demand that our Government will make the hard, pragmatic decisions that will reflect energy realities. We must move more rapidly toward the energy alternatives that are immediately available to us—and they exist. We must simultaneously turn our attention to phasing in the clean, inexhaustible alternatives as they become economically and technically available.

Misjudgments on energy policy can have a profound impact on our strength as a Nation. We cannot afford to make many misjudgments. For this reason, I urge my colleagues to reject the so-called standby gas rationing authority now before us.●

● Mr. DRINAN. Mr. Chairman, it is with great reluctance that I will vote in favor of the resolution and in support of the administration's third attempt at a standby gasoline rationing plan. While I firmly believe that the Nation should prepare a standby plan to equitably distribute gasoline in the event of a major disruption in supply, there are a number of compelling reasons to vote against the plan as currently presented to us by the administration.

First, it has not, as presently written, been subject to public hearings by the House Commerce Committee, by the Senate Energy Committee, or by the Department of Energy itself. In fact, the current draft of the plan was not prepared until Tuesday afternoon and some details were not made known to Members of the House until just a few hours ago.

Second, it can be asked whether it was responsible for the administration to wait until February 1979 to submit to Congress a plan which, under the provisions of the Energy Policy and Conservation Act of 1975, was due more than 2½ years earlier. By acting so late, in the midst of a crisis, the White House has prevented responsible debate and amendment—indeed, it has almost assured itself of defeat.

Third, it can be asked why the administration's plan bases individual gasoline allotments on the number of vehicles in each household, rather than the number of licensed drivers. Public comments on an earlier, widely circulated version of the plan showed that the public clearly supports licenses over registrations as a means of determining ration rights. Indeed, a summary of these public comments published by the Energy Department in December 1978 found that—

> Individuals preferred licenses to registrations by a substantial margin . . . many respondents felt that the number of cars owned did not reflect the amount of essential driving the members of a family performed.

Nevertheless, since a plan approved today can be subject to future amendment, I feel that this rationing plan is clearly preferable to no rationing plan at all. At a time when spot gasoline shortages and long gasoline lines are already beginning to plague the Nation, I believe the American people deserve some assurances that their Government is taking responsible steps to assure the equitable distribution of gasoline.

In this regard, I highly commend to my colleagues the following "fact sheet" on the pending resolution which was prepared by Gary DeLoss of the Environmental Policy Center. While Mr. DeLoss is an outspoken advocate of standby gasoline rationing authority, he is also perhaps more familiar with the deficiencies of the President's current proposal than any other representative of the public interest community.

The material follows:

Fact Sheet on Standby Gasoline Rationing Plan

PER-VEHICLE COUPON DISTRIBUTION CREATES REGRESSIVE INCOME EFFECTS

Distributing coupons to individuals on the basis of vehicle ownership is inequitable because it creates regressive income effects in two ways. First, an affluent, multi-car family will receive more free coupons than a less wealthy one-car, multi-driver family. The regressive income effect can be illustrated by assuming that the two families drive the same number of miles. In such a case, the low income family will pay more for gasoline under rationing than the high income family because the drivers in the low income family must buy extra coupons sooner due to their higher miles driven per vehicle.

The second regressive income effect occurs because gasoline rationing has an inflationary effect of about 0.9 percent when businesses add the cost of the extra coupons that they buy to the prices of their goods and services (Regulatory Analysis: Standby Gasoline Rationing Plan, p. 2–10). The inflationary impact of higher prices will be cancelled out for a multi-car family which doesn't use all of its allotted coupons and hence can sell some of them. But a low income family with no car will have no coupons to sell to offset the inflation caused by rationing. Fifty-four percent of households with incomes below $3,000 per year and forty percent of households with incomes between $3,000 and $5,000 per year have no cars, according to data which probably overstates the ownership of cars by low income households (Regulatory Analysis, Exhibit 3–3 and footnote 1, p. 3–10). Moreover, as explained above, many single car, multi-driver families will need to use all of their coupons to buy gasoline under a per-vehicle distribution system due to the high mileage per vehicle in such families. Hence they will have no coupons to sell and, indeed, will be buying extra coupons in some cases. For low income families, this double burden of paying extra for some of their gasoline and generalized inflation will be heavy.

PER-DRIVERS' LICENSE COUPON DISTRIBUTION IMPROVES EQUITY

Both of these regressive income effects could be avoided by distributing rationing coupons on the basis of drivers' licenses. Under such a distribution system, for example, a one-car, three-driver family would receive the same allotment of coupons as a three-car, three-driver family. Also, low income families with no cars would receive coupons that they could sell to offset the inflationary impact of rationing on consumer prices in general.

PROPOSED AMENDMENTS FAIL TO CORRECT INEQUITIES OF PER-VEHICLE COUPON DISTRIBUTION

The proposed amendment to limit each family to a maximum of three vehicle-based coupon allotments does not correct the basic inequity of the per-vehicle distribution system. Even with the three vehicle eligibility limit, the per-vehicle distribution system would permit a threefold difference in coupon allotments between the two families in the above example. As for the proposed amendment to increase the number of coupons for states to distribute to hardship cases, that remedy does not provide coupons to low income families without cars. Without coupons to sell, such families will have no way to offset the inflationary impact of rationing.

JUSTIFICATIONS OFFERED FOR PER-VEHICLE DISTRIBUTION OF COUPONS ARE INADEQUATE

The arguments offered by DOE to justify the proposal to distribute coupons on the basis of vehicle ownership are not persuasive. First, it claims that administrative costs would be lower for per-vehicle distribution versus per-drivers' license distribution, though it presents no evidence to support this dubious claim. Even if a slight administrative cost savings could be shown for per-vehicle coupon distribution, that advantage would be more than offset by the massive harm to equity caused by a per-vehicle distribution system. Tradeoffs between administrative costs and equity are necessary when designing a rationing system, but a major sacrifice of equity to gain a small cost savings is not a good trade (as the President has conceded by proposing certain amendments to his plan in his May 7 message and promising other changes to benefit certain categories of users).

A second DOE defense of the per-vehicle distribution system is that the alternative per-drivers' license system would give valuable coupons to non-drivers who use their drivers' licenses only for identification purposes and to other non-drivers who would acquire drivers' licenses in order to qualify for an allotment of coupons. This defense fails for three reasons. First, as explained above, low income non-drivers need the coupons to sell in order to offset the inflationary effects of rationing on consumer prices. Second, the inequity of giving coupons to some high income non-drivers is more than offset by the equity gains from distributing coupons on the basis of drivers' licenses. Third, distribution of coupons on a per-vehicle basis would deter drivers from becoming non-drivers during a gasoline shortage by selling old, inefficient cars and traveling by car pool, mass transit, and bicycle, precisely the kind of behavior that should be encouraged by rationing, not punished.

The third defense of the per-vehicle coupon distribution system is that in spite of its inequity for noncommercial drivers, it provides a roughly equitable distribution system for business firms (when combined with variations among truck sizes), while avoiding the administrative cost of allocating coupons to business firms on a case by case basis. This argument is misleading because it ignores the option of using the per-vehicle distribution system only for businesses and using the per-drivers' license coupon distribution system for noncommercial drivers. The two distribution systems for different classes of gasoline consumers are not mutually exclusive.●

● Mr. KOSTMAYER. Mr. Chairman, all those who will be affected by this gasoline rationing plan we are discussing today feel at sometime that their fuel needs deserve special consideration. Like my colleagues I am hearing daily from farmers, private trash haulers, traveling salesmen, school districts and many others. If the plan is ever implemented by President Carter, the Department of Energy will most likely have to deal with some exemptions.

Let me share with my colleagues in the House a concern I have which was pointed out by the Senate Energy and Natural Resources Committee in their report on the gasoline rationing plan.

The committee noted that they were "impressed with the testimony presented by several businesses which provide vital services to the public but which receive no recognition" under the gasoline rationing plan we are considering today.

One of the several groups mentioned was telephone and telecommunications systems, which provides for rapid and efficient communications during emergencies such as the one my own State experienced recently at Three Mile Island.

Such systems can provide an essential link in the system which meets the basic needs of the public during emergency situations.

The committee concluded by urging DOE to "reexamine and reevaluate" the role of these systems in the economy and report back.

I would like to bring this matter to the consideration of the House and state that I can see where there might be justification for broadening the current group of emergency vehicles to include some of these.

One case that comes to mind is the role the telephone people in my own State performed when Hurricane Agnes and its flood devastated portions of Pennsylvania in 1972.

Mr. Chairman. If phone repair trucks cannot get through in emergencies because they do not have sufficient fuel—the Congress and DOE may not be able to act quickly enough in a crisis to provide authorization to aid these or other services that require the fuel.

I simply hope DOE will consider the potential effect during an emergency of not providing adequate fuel to an important segment of the country.

Mr. Chairman, DOE should report not just to the Senate, but also to the House on whether it might be advisable to amend the plan and recognize these fuel needs I have spoken of today.●

● Mr. JENRETTE. Mr. Chairman, after much deliberation I have decided to support House Resolution 212, providing congressional approval of the amended standby gasoline rationing plan. But I do so with considerable reluctance.

I agree with Chairman DINGELL that during a severe shortage of gasoline, we should allocate available supplies by an equitable and efficient rationing system, and not by price, or people's willingness to stand in line. I also agree that, with the shortage growing steadily more serious, we need to be prepared to act. We need to have a plan in place in the event that the situation reaches critical proportions.

But this plan, even with the administration's various amendments and letters of assurance, still has major inadequacies. I would like to dwell on some of the problems it poses for agriculture and the farmer.

As initially submitted, the plan gave priority in fuel allocation to the farmer's off-road vehicles in order to permit him to meet food and fiber production goals. But the priority stopped at the edge of the farm. All of the farmer's multipurpose vehicles that were registered for road use would be treated like any passenger car, if they were less than 10,000 pounds gross weight. And all of the vehicles used to transport the food and fiber through the processing and distribution chain, as well as fertilizer and materials to the farmer, were also to be treated like any other car or truck.

The problem appeared clear: There would be sufficient fuel to produce the food and fiber, but not to get it to the market and the consumer. And I would add that this problem was amply discussed in the Energy and Power Subcommittee's hearings on the plan, with essentially no response forthcoming from the administration.

Only yesterday, at the 11th hour, do we hear that yet another missive is on the way from the White House, supposedly to the effect that they now agree up there to give priority to commercial vehicles in general and those involved in food processing and distribution in particular. And I say supposedly because as I prepared these remarks last night this latest White House letter was still not available. Needless to say, I hope we can expect that as DOE develops the implementation regulations for this plan, they will clarify exactly who is going to get what priority.

In another of its recent modifications designed to gain votes, the administration has departed from its criterion that ration coupons would be distributed to all holders of vehicle registrations and has said that the members of a given household could receive coupons for no more than three registered vehicles.

This limitation has a laudable objective—to insure that the wealthier families with lots of cars do not get more than their fair share of the gasoline. But were all of its implications clearly examined? I see no evidence that they were.

In particular, what would be the effect of this provision on the farmer who has both passenger vehicles and multipurpose farm vehicles registered for on-road use? You will not find any mention of this question in the President's letter.

The Department of Energy assures me that this restriction is intended for the affluent car owner, not the farmer. But it does not say that anywhere. I guess we will just have to take it on faith that the working farmer won't actually suffer from this one.

On another aspect of the plan, let me

also say that I am well aware the tourist areas of the country, such as the Grand Strand area of South Carolina that I am fortunate enough to represent, will suffer if it is necessary to impose this plan. But what I must emphasize is that, in the event of a shortage serious enough to call for gas rationing, my and other tourist areas will suffer regardless of whether we ration gas.

The critical question is whether we distribute the shortage with equity and efficiency. If the rationing system works effectively, people will be more assured of satisfactory supplies of gasoline, and could well be more inclined to travel. It is the shortage itself, not necessarily the rationing, that is bad for tourism.

But from what we know of the plan before us, the answer to that key question is far from clear. I think we have a right to expect the regulators down at the Economic Regulatory Administration to clarify the questions and uncertainties as they develop the implementing regulations.

And I for one am going to reserve judgment on the actual implementation of this plan until they do so. A vote in favor of the standby plan is no guarantee of a vote in favor of its implementation. If we get to that point, they are going to have to convince me, not only that we need rationing, but also that the plan in question will actually work equitably and efficiently. And that remains to be seen.●

● Mr. SHUMWAY. Mr. Chairman, I strongly oppose House Resolution 212, which would provide the President with emergency standby authority for gasoline rationing. In a very basic sense, this proposal is an unfair and inefficient means of achieving energy conservation.

I am well aware of the seriousness of our current energy situation. California has been more adversely impacted by gasoline shortages than any other State in the Union: lines at service stations are long, gasoline supplies are extremely low, and a spirit of "panic buying" has been prevalent. California is the first State to make an effort to deal with gasoline shortages through the implementation of an "odd/even" purchasing system.

Unfortunately, however, the proposal before us today will not make the physical distribution of available gasoline supplies more efficient or more equitable. The supply of gasoline among States and service stations will be handled by existing DOE authority.

What it will do, however, is redistribute the right to buy gasoline among the citizens of our country through the creation of a so-called white market for negotiable ration coupons. Since these coupons are in essence a new form of currency, the incentive for profiteering and fraud is obvious.

Individuals will be able to obtain gasoline not on the basis of need, but on the basis of their financial ability. The supply and demand of ration coupons will vary greatly throughout the country, resulting in an opportunity for greater profit by coupon "brokers."

In such a situation, many drivers, particularly those from the kind of rural areas which prevail in my district, will be denied the gasoline they need simply because they will not be able to afford it. In many such areas, there is simply no alternative to the automobile as a means of transportation, yet we are being asked to authorize a system to provide windfall benefits for those who are wealthy, who own more cars than they need for essential travel, and who have access to alternative means of transport. Urban residents may gain; rural residents will surely lose. I say need should be the basis of any rationing system, not wealth, as is the case with the administration's plan.

This proposal will be disruptive to our economy, it will be exceedingly costly and difficult to administer, and it is inherently unfair. In fact, I feel we in the Congress would be abdicating our responsibility to the people of this country if we were to approve the administration's plan. I have more faith in the ability of my colleagues to develop an equitable and responsible plan than I have in that of the Department of Energy. Therefore, I urge my colleagues to reject this costly proposal for the creation of yet another bureaucracy—a bureaucracy which would oversee the creation and distribution of unwarranted financial benefits to a small sector of the economy—and to start working on some real solutions.●

● Mr. DODD. Mr. Chairman, I would like to express my support for passage of the administration's emergency stand-by gasoline rationing plan, House Resolution 212, and the May 8 revisions, House Resolution 266.

My decision on this issue was not an easy one to make. Gas rationing will be tough on everyone, but particularly hard on my region, the Northeast, where we are nearly 80 percent dependent on foreign fuel. Any further cutoff of OPEC supplies would have a severe impact on the east coast and Mid-Atlantic States.

However, I have been assured by the administration that the rationing plan will be implemented only in the event of an extreme shortfall in supply caused by another cutback in oil imports. We must face up to the possibility of that kind of cutoff occurring, and we must be prepared for the shortfall or we could have rationing by price and shortage if not by coupon.

The administration's plan includes provisions that base eligibility on motor vehicle registration with additional allotments for priority activities such as police, fire, construction, farming, and public transportation. Eight percent of the total ration coupons would be distributed to States for a special reserve that could be used to allot extra gasoline for hardship cases. The Department of Energy would mail the ration coupons to eligible persons who could "cash" the coupons in at local banks.

The administration's plan is by no means a perfect one, but it is also one that can be revised when implementing regulations are drafted by DOE. Changes have already been made since the President proposed his plan in March. A ceiling has been placed on the number of family cars that can be counted for receipt of ration checks. Now, only three cars per household would be eligible for the coupons.

The President has written to Representative JOHN DINGELL, chairman of the House Interstate and Foreign Commerce Committee indicating that the administration will amend the stand-by rationing plan to allow greater priority in gasoline allocations for trucks of all sizes so that the United Parcel Service and other companies can make their deliveries.

More work must be done on the allocation formula itself, which is now solely based on historical usage of gasoline in the States. Although this was a compromise reached to provide greater equity to rural States where people must drive tremendously long distances to work, it does not take into account the special problems in my area where heavy dependence on foreign oil has, over the past few years, lowered consumption of gasoline because of inordinantly high prices for fuel.

No gasoline rationing plan will ever satisfy everyone, but I am confident that some of the problems that still remain with the gas rationing plan can be resolved during the drafting of the regulations. And I cannot stress enough that this Congress will have the opportunity to vote again on the final plan should the President ever feel that rationing is necessary. If the final draft of the rationing proposal should fail to meet our standards then Congress can veto the plan within 15 days of its introduction by the President.

I hope that we will never see a time when we have to put a gas rationing plan into effect, but to defeat this plan would mean that another 6 to 12 months would pass before the administration could present Congress with a new proposal.

The alternative to a rationing plan that would equitably distribute gasoline supplies in a time of severe energy shortage, would be exhorbitant prices with plenty of gas for those who can afford it and little or no supplies of fuel for those who cannot.

It would be irresponsible of this Congress not to give the President this standby authority and provide this country with a guarantee that citizens need not panic for the lack of a gas rationing plan should an emergency arise.●

● Mr. HILLIS. Mr. Chairman, I rise in strong opposition to the measure. Gasoline rationing represents the complete opposite of where we should be headed in the area of energy.

First, we must recognize that rationing does absolutely nothing to increase the supply of gasoline, nor does it lessen the demand. With or without rationing, the American people will still need gas to operate their cars. Any reduction in the consumption of gasoline will be self-regulated by the shortages which must occur before the President's plan could be put into effect.

One might argue that rationing will prevent chaos should the United States be faced with a severe shortage. Somehow, I find it impossible to believe that the boondoggle which gas rationing will create will be any less chaotic.

As I stated earlier, rationing is the wrong action for this Congress to take in attempting to cope with future gas shortages. If we begin today to remove the great burden of Federal regulations which hamper the full production of oil and refining of gasoline, it may be possible that severe shortages will be avoided. One of our major problems is that we have more Federal regulations today which hinder the production and refining of oil than we do to facilitate it.

On May 7, I entered into the CONGRESSIONAL RECORD an editorial from the Wall Street Journal entitled "Send the EPA the Bill." The thrust of that editorial was that if EPA was more reasonable, the energy situation would not be so serious. The example cited was EPA's refusal to permit oil companies from using the additive MMT which boosts the octane level of both leaded and unleaded gasoline. By using MMT, more gallons of gasoline can be produced from a single barrel of oil. While EPA is unable to determine the exact amount of increased gasoline production, they admit that it could be substantial.

Another example which comes to mind is the proposed particulate emission standards for light weight diesels. In proposing these standards, EPA is apparently refusing to consider the effects of its regulations on our energy situation. Everyone knows that diesel engines are more fuel efficient. Nevertheless, EPA has proposed emission standards which will severely limit the type and number of diesel engines available in the future.

Unfortunately, EPA is not alone in supporting measures which adversely affect our capabilities to cope with short supplies of oil. Examples are abundant throughout the Federal Government where fuel savings are considered secondary to other concerns. Even here in Congress efforts are made to prevent the oil companies from maximizing the exploration and development of new sources of oil. Opposition to the President's efforts to decontrol oil is an excellent example.

The potential for fraud and misuse of the rationing program is immense. I can think of no other single plan designed to cope with our energy shortage which could disrupt our society to a greater degree than this one proposed by the administration. To believe that gas rationing will lessen the severity of any shortages is to be oblivious to the degree of dependence Americans have on the reasonably free use of cars.

Consider that there are 800,000 more automobiles than there were last year in California alone. Americans are dependent on automobiles in order to maintain the standard of living they demand. Instead of trying to manage the lives of millions of motorists through gas coupons, we should be exploring ways to increase the supplies of oil. Instead of attempting to impose the bureaucratic horrors of rationing on the American people, as if to punish them for owning and depending on automobiles, we should direct our efforts to the causes of the present situation and attempt to develop cures.

One last point, do not believe for 1 minute that there is any such thing as a fair way to ration gasoline. Our society is too complex and too large to conform itself to bureaucratic management of this kind. I have received letters from many different interest groups, all of which argue that for one reason or another, gas rationing would damage their ability to perform their function in society. There is no possible way for the Federal Government to recognize all the personal concerns involved in the daily lives of millions of Americans and to develop a program which deals equitably with any of them.

Every time I talk with constituents, they ask me if our energy situation is real or a hoax. Unfortunately, I must always answer that it is indeed real. However, if the Congress stopped supporting plans like gas rationing and the administration stopped supporting regulations which obstruct our ability to deal with the energy situation, perhaps someday I could tell my constituents that while the shortage was once real, we have now overcome it.●

● Mr. HANLEY. Mr. Chairman, I rise in opposition to House Resolution 212, the standby gasoline rationing program.

There is no question that this Nation needs to be prepared for a future energy emergency. In 1973, the Congress recognized this fact by enacting legislation designed to create a strategic petroleum reserve—a buffer between us and the whims of Arab sheiks. Today, 6 years later, we have no reserve. We do have some oil in the ground, but no pumps to get it out. The cost has doubled and the entire program is rife with fraud, horrendous waste and mismanagement. If you can believe it, the very same people who bungled the petroleum reserve now want us to allow them to establish a standby gasoline rationing system. Just what is there in the record of the Department of Energy that would lead us to believe that DOE is capable of performing even the simplest task, let alone the tremendously complicated effort to construct and operate a nationwide gasoline rationing program. The American people would question our collective sanity if we were to allow the fudge factory, as the DOE is becoming known, to have yet another opportunity to foul up the works.

No only would a rationing program be run by an agency full of irresponsive bureaucrats and incompetent managers; an agency with a record of deceit, misstatements and conflicting testimony; an agency unable or incapable of giving Congress and the American people honest answers to real questions; but the standby plan as proposed is not equitable and could not be effectively managed. Despite administration claims to the contrary, the standby plan does not meet the needs of agriculture, and it could jeopardize seriously our ability to produce food. It could cripple rural economies, because there would not be sufficient allocations to allow rural workers to get to their jobs. It does not provide sufficient assistance to small businesses and those dependent upon their cars for their livelihood. It rewards the rich while penalizing those who cannot afford three cars and who simply do not have the funds to purchase additional allotments of gasoline through the so-called white market. In addition, it would add one-and-a-half cents a gallon at the pump on top of the already unwarranted price increases for gasoline tacked on to the consumer's bill in the last few months.

I realize that no rationing program can be totally equitable, and I realize we need protection from the OPEC cartel, but I submit that this proposal will not protect us in an emergency, and is so poorly drawn that chaos would ensue were we ever forced to implement it. The people of this country are sick and tired of being pawns in a vicious game, gouged by OPEC, manipulated by the oil barons and deceived by the Department of Energy. Maybe the message will get through to the President that there is need for a real housecleaning at DOE, and an effective, rational and honest approach to our energy problems.●

● Mr. ALBOSTA. Mr. Chairman, I must add my voice to those of my colleagues who feel that this gasoline-rationing plan is an unacceptable proposal. There are several reasons for objecting to it.

First. The Department of Energy has proven incapable of administering many of its current programs. There is little evidence that it would be able to design and coordinate a rationing plan as complicated as this could become with State offices, local boards, exceptions after exceptions with only vague assurances of sufficient quantities for critical sectors.

Second. A plan which uses market forces with an excise tax or other payback to assist the poor could avoid the cost and much of the delay involved in establishing the proposed rationing system.

Third. Strategic reserves could be beefed up: Reserve gasoline supplies could be increased and maintained at a higher level and even more important, alternative supplies are available: In a letter to the President dated March 8 of this year I urged the President to increase his support for the production of gasohol and other gasoline substitutes. In the 5 months the Department of Energy estimates it will take to put this program together we could make significant headway toward establishing renewable sources of fuel. Relying so heavily on short-term solutions such as rationing is pennywise and dollar foolish.

Fourth. We do need to be prepared for emergencies when they exist in fact. Regional shortages are real, national shortages could be. However, this rationing plan would include a 60-day period before rationing. During this period the hoarding that would go on, and price gouging that would occur would be severe enough to undercut the rationing program before it could begin.

Fifth. The deep distrust of the American people toward current energy policy, the nightmare of increased bureaucratic regulation, and the fact that other options do exist leads me to the conclusion that we cannot accept this proposal.●

● Mr. OTTINGER. Mr. Chairman, in the technical jargon of the energy field, this gasoline rationing plan stinks. It represents a significant step back from the plan which was submitted to the Congress by the previous administration.

I say this as a staunch supporter of gasoline rationing. I have no doubt that

I am more eager to see rationing imposed than the vast majority of my colleagues. I think it should be done now, in conjunction with quotas that would reduce our OPEC imports, not in the future at some declaration of emergency.

The rationing plan I would like to see enacted, however, would contain one element notably missing from this plan: equity. It is just essential that a rationing plan be fair—and be perceived as fair—if it is going to succeed.

The key flaw in this plan is that it allocates rationing coupons by automobile registration and not by licensed driver. This clearly favors families that are prosperous enough to afford more than one car. The administration has attempted to address this problem by placing a limit of three cars per household, yet only 8 percent of the Nation's households have three or more vehicles, thus this amendment to the plan will reach but an insignificant portion of the inequity the original plan created.

A second major flaw is the "white market" to be created in rationing coupons. This will create a new form of currency, and as the allocation scheme is put forth, will provide for the systematic transfer of funds from the poor and low income people to the affluent. Corporations will be in a particularly strong position to buy up coupons since for them the purchase would be tax deductible. They will surely bid up the price so that no person of modest means, regardless of need, will be able to afford additional coupons.

Nonetheless I intend to hold my nose and vote for the plan, despite its embarrassing weaknesses.

The simple fact is that in the near term, unless we give the President these standby authorities, we will have no ability to deal with a real crisis in gasoline supplies. What would happen if what occurred in Iran a few months ago were to happen in Saudi Arabia a few months from now? If that were to happen, even this sad excuse for a plan would be vastly preferable to having no rationing authority whatsoever.

Thus I intend to vote for the plan. But I also intend to continue to work to try to get the administration to send amendments to the plan that might make it equitable and workable as well as winnable. I might note that I presented a proposal to this end yesterday to the New York delegation which was adopted. We will work to try to get the administration to provide a plan that is fair and equitable. I will also work on this through the Energy and Power Subcommittee on which I serve as the ranking Democrat.●

● Mr. FUQUA. Mr. Chairman, I must vote against this proposal for gas rationing because it would adversely affect the State of Florida. I urge all my colleagues from States similarly situated to Florida to also vote against this plan.

States with growing populations will, under this plan, actually lose per capita gasoline availability because the plan is based on historic consumption figures without regard to reasonable growth projections.

A population growth of only 1 percent—miniscule by normal Florida growth patterns—would cause a shortfall equal to the needs of some 90,000 residents. Florida's estimated growth in 1978 was 2.6 percent, or 229,000 individuals.

That equals the population of a good-sized city.

There is simply no way that any State could accommodate that severe a shortfall in its gasoline requirements and maintain a viable economy.

Under provisions of law surrounding this proposal, I do not have the opportunity to amend this plan but must vote yea or nay on the proposal as submitted.

If I had the opportunity to amend, I would do so to correct this inequity and then vote in favor of the plan.

Failing that amendment I must vote against the plan as proposed and urge my colleagues from other growth States to join me, thus giving the administration the opportunity to more equitably balance the needs of the individual States.●

● Mr. LEHMAN. Mr. Chairman, I have decided to vote in favor of the standby gasoline rationing plan in spite of reservations I have about the equity of the plan.

It is probably true that no plan could be completely fair. It seems, however, that to have nothing in place would be to invite chaos if a severe shortage occurred. We can all hope that the plan will never be used, but we cannot count on international stability. A major international crisis in the oil producing regions of the world could have a drastic effect on our oil supplies.

This plan must only be used as a last resort. Once the President finds that rationing is required, Congress will have the opportunity to once again review the plan and decide whether or not its implementation is in fact necessary. I will only support it if it is absolutely clear that a crisis exists and even greater suffering would occur without gas rationing.

The Congress must pay close attention to the regulations which will be proposed to provide additional details of the plan. Improvements can be made through this process so that the final version will be as fair as a rationing plan could possibly be.

In the meantime, we must redouble our efforts to increase our energy supplies and encourage voluntary conservation in order to avoid the need for gas rationing. The decontrol of oil was a step in the right direction, but we need to work harder to make other energy sources, such as solar, practical alternatives.●

● Mr. BIAGGI. Mr. Chairman, I wish to offer a few observations about the pending legislation, House Resolution 212 approving the administration's greatly modified gasoline rationing plan. My first observation goes to the very heart of the issue—are we being premature in our actions. Are we reacting rationally or emotionally. Are we looking at gasoline lines in California and seeing it as the rule rather than the exception? Do we really need to take this step without a real crisis on our hands?

Frankly, Mr. Chairman, I am concerned about how our actions today might be perceived by an already testy public. The spectre of rationing—no matter how indirect the plan might be connotes a sense of crisis and emergency that simply is not there. Why? First, we have yet to come up with empirical and unimpeachable data telling the Nation exactly what our supplies and reserves of gasoline are. Second, gas rationing was last imposed during World War II when there was indeed an emergency, a need for such a drastic step. The Nation was united behind rationing because of the need. I consider it a fair statement that the Nation—not to mention the Congress—is clearly not united behind rationing in 1979.

Let us even look back as recently as the Arab oil embargo. There was a crisis—but was rationing imposed? No—was a plan developed—barely—is the situation in 1979 as serious as 1974? No.

What has prompted this movement to rationing. Suspension of Iranian oil—why should a nation which supplies less than 7 percent of our oil be responsible for the development of a rationing plan.

In addition to my concern about the timeliness of the proposed rationing plan. I must express my concern about the plan itself. The administration has been dizzy with activity over the past several days modifying its plan to be more equitable and acceptable to the Congress.

I along with a number of my colleagues attended a briefing this afternoon sponsored by the President's chief domestic advisor Mr. Eisenstat. He supplied some reassuring answers—but left a number outstanding. For example, while he stated full recognition of the importance and priority for meals on wheels programs for senior citizens—I did not get as explicit an assurance regarding taxicabs which are vital to transportation in New York City. In the case of taxis—they have not been listed as a priority in the actual plan but according to Eisenstat would be given every consideration in the promulgation of regulations. The distinction between being included in the actual plan and being considered in the regulations is more than subtle. It can make a real difference.

Finally I wish to express my reservations about the so-called historic use component of the proposed plan. If rationing is prompted by an excessive demand when compared to the supply—why should the gasoline allocated under the plan go to those States which consume the most gasoline? Where is the incentive for conservation? Where is the distinction in the historic use data which differentiates that driving which is essential and that which is unnecessary.

Mr. Chairman, I pose these questions because I am troubled about this legislation. I recognize the principle of being prepared but I also sense unnecessary haste here. I believe the issue must be discussed thoroughly today so the American people know the whole story behind why we do or do not pass this resolution tonight.●

● Mr. KELLY. Mr. Chairman, the helter skelter activity in the Senate this week has resulted in a predictably unfair plan for gasoline rationing, an idea that never made much sense in the first place.

The current rationing plan, if approved by Congress and implemented by the President, will be extremely harmful to an essential element of Florida's economy and to a large number of its workers, many of them at the lower end of the wage scale. It will create unemployment.

Tourism will be hurt badly. Tourism is Florida's largest industry and accounts for $13 billion in direct tourist expenditures. The growth of the industry has been 50 percent in the last 3 years.

About 33 million people come to Florida each year, and two-thirds of them travel by automobile. Thirteen percent of the State's work force, almost 500,000 people, are employed in the tourist trade.

Surveys conducted by the State department of tourism show that if a rationing plan of this sort were in use, the number of tourists traveling to Florida by car would be reduced greatly. In just 6 months' time, $880 million in revenues would be lost. The number of visitors would fall by 2.5 million. And 30,000 jobs would be gone.

The plan is deficient in two areas at least. Damage is done by providing a negligible allotment for automobile rental companies. This means cars won't be available for those who fly in. Without a more substantial allotment these companies cannot meet demand.

The second specific problem with this plan is that it does not make provision for international visitors. Canadian visitors to Florida's tourist attractions account for over half a billion dollars in expenditures every year, and 65 percent of the Canadian tourists drive their cars down the east coast of the United States. With no provision in the plan for gasoline for these people, this trade would be severely curtailed.

Furthermore, the State tourist industry has worked extremely hard in recent years to build Florida's image as a single destination for overseas vacationers. In 1978 the number of travelers from overseas exceeded 1 million for the first time. The annual growth rate in recent years for this trade has averaged between 12 and 15 percent. If this rationing plan is implemented, international visitors would have no way to drive around once they arrived in Florida.

Mr. Chairman, thus far I have attempted to outline the problems with the rationing plan that has been proposed by the President. But the biggest problem with the plan is that the idea of rationing is a bad idea.

Rationing gasoline, or anything else, is a means of coping with a shortage of the commodity that is to be rationed. But rationing plans do nothing to solve the shortage, they simply are a means to spread the shortage around, to—now where have I heard this before—redistribute the available supplies.

This is just one more example of the Government meddling in the free market, causing economic dislocations, and then "solving" the problem by still more meddling.

The problem with gasoline supplies in this country has been caused by Government pricing policies that have prevented market forces from allocating gasoline in accordance with economic laws of supply and demand.

Rationing gasoline will not produce 1 extra gallon of gasoline for this country's motorists. If the Government lets the price of gasoline rise to its market level, private industry, which has provided the energy to build and run the most productive economy in the world, would have the opportunity to provide a true solution to the gasoline shortage—new supplies of gasoline. This rationing plan should be defeated, and we should let the free market work.●

The CHAIRMAN. All time of the gentleman from Michigan (Mr. STOCKMAN) has expired.

The gentleman from Michigan (Mr. DINGELL) has 5½ minutes remaining.

Mr. DINGELL. Mr. Chairman, I yield the entire remaining time, 5½ minutes, to the distinguished Speaker, the gentleman from Massachusetts (Mr. O'NEILL), for purposes of concluding the debate.

Mr. O'NEILL. Mr. Chairman, I truly had not intended to speak today. I have been sitting in the Chamber and it brings back thoughts. I can remember sitting in the gallery 40 years ago. I was a young fellow and a member of the Massachusetts legislature. I was visiting in the town. Probably the most momentous debate in the history of this Chamber took place. It was the debate on the draft.

I remember how weakling after weakling took the microphone and explained the cost and the uprooting of families. At that particular time we did not believe that there was going to be a World War II. We did not believe that the bill that was on the floor of Congress was going to be the savior of this Nation, but it was easy to appeal to the people back home.

Oh, it was madness at that time, unless you thought of the national interest as it would develop, unless you thought parochially of the district that you represented, as to what it meant. I often think of that debate and I say "Thank God for the men with courage who voted in the national interest." I wonder what would have happened otherwise.

We know what happened in Iran, what it has cost, the problems it has caused here in America. I wonder about Saudi Arabia. I probably should not even be making these remarks, but I can view, and I hope wrongly, that Israel and Egypt and the United States some day not too far distant may be fighting together to save Saudi Arabia for the free world, for Western Europe, and for the needs of energy so that we will not be suppressed by an enemy. We know they are in Yemen and they are in that section of the world.

We want to think of parochialism, we want to take the easy way out, but do we want to criticize the plan? Sure, I can criticize the plan. There is no rationing plan that anybody can send to this body that would satisfy them. Right up on the desk up there I have the rationing plan that Jerry Ford sent. It said that every person who received an automobile license would be able to get rationing stamps.

☐ 1905

What was wrong with that plan? Thirty million to 40 million people who do not have licenses to drive an automobile at the present time could go out and get a license so they would qualify.

I can envision 5 months from now or 6 months from now the lengthy lines. What has happened? Did Iran cause this?

I can remember 4 or 5 months ago, or less than that, being told that I could expect that the gas shortage would occur in June of 1980, and that there would possibly be a heating oil shortage in October of 1979. At that particular time we did not realize that there were going to be in the State of California 800,000 more cars registered in the period of 4 months this year than were registered a year ago. We did not realize that all over the Nation, if people have a gas tank holding 20 gallons and they have 17 gallons in it, they were going to be crowding into the gas stations to fill it to the top—billions and billions of gallons of gas.

Sure, we can criticize the program, and we can say, "Three cars in a family? What about the poor?"

Nobody has fought for the poor more than I have, believe me. I am that old type. I try to think of the indigent and the poor and the needy. They tell me that philosophy has gone by, but I still shed a tear for them. But today I am shedding a tear for America. This is the only plan we have.

We are talking of all types of financial figures. The figure I received is $453 million. That is a lot of money, there is no question about it. We have already raised it to $2 billion 500 million, and never mind the cost.

Those are the arguments I listened to when I sat in the gallery 40 years ago when they talked about the draft. "This is in the national defense. If an emergency happens overnight, you know, it takes 7 months before you can put it into operation. Let's be ready."

That is what I say. Let us be ready. I say, "Act in your national interest." I say, "I should not think of the parochialism of the area from which I come as to whether I want to measure whether I am getting as much gas in Massachusetts as you are in Arizona or New York or somewhere else."

This is in the best interest of the Nation, and I can see along the line those who vote against it thinking like those who voted against the draft, those who walked the streets with their heads down. "Why didn't I have the courage at the time when there was a national emergency, and I knew that it possibly could happen, that I could stand up for my country?"

Mr. Chairman, that is what I ask the Members to do today.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. O'NEILL) has expired.

All time has expired.

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MURTHA, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the resolution (H. Res. 212) to approve the standby gasoline rationing plan—Department of Energy Standby Rationing Plan Numbered 1—and the resolution (H. Res. 266) that the House of Representatives approves the contingency plan numbered 6 submitted to the Congress on May 8, 1979, pursuant to House Resolution 262, he reported the resolutions back to the House.

The question is on the resolutions.

The SPEAKER. The question is on the resolutions.

Mr. BAUMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 159, nays 246, not voting 29, as follows:

[Roll No. 141]

YEAS—159

Akaka
Alexander
Anderson, Ill.
Andrews, N.C.
Annunzio
Anthony
Ashley
Baldus
Barnard
Barnes
Bedell
Beilenson
Benjamin
Bennett
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonker
Bouquard
Brademas
Brodhead
Brooks
Brown, Calif.
Burlison
Burton, Phillip
Corman
Danielson
Davis, S.C.
Derrick
Dicks
Diggs
Dingell
Dodd
Donnelly
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Evans, Ga.
Fascell
Fenwick
Fisher
Fithian
Flippo
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fowler
Garcia
Gephardt
Giaimo
Gibbons
Ginn
Gonzalez
Goodling
Gore
Gramm
Gray
Guarini
Hall, Ohio
Hamilton
Hance
Harris
Hefner
Hightower
Holland
Holtzman
Howard
Hughes
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Kastenmeier
Kazen
Kildee
LaFalce
Leach, La.
Lehman
Leland
Levitas
Lowry
McCloskey
McCormack
McHugh
McKinney
Maguire
Markey
Marks
Mathis
Mavroules
Mica
Mikva
Minish
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Murphy, Ill.
Murtha
Nedzi
Nichols
Nowak
Ottinger
Patten
Pease
Pepper
Peyser
Pickle
Preyer
Price
Rangel
Ratchford
Reuss
Richmond
Roberts
Roe
Rose
Rosenthal
Rostenkowski
Sabo
Scheuer
Seiberling
Shannon
Sharp
Simon
Skelton
Solarz
Spellman
Stack
Stark
Stewart
Stratton
Studds
Swift
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Weaver
Whitley
Wirth
Wolpe
Wright
Wyatt
Yates
Zablocki

NAYS—246

Addabbo
Albosta
Ambro
Anderson, Calif.
Andrews, N. Dak.
Applegate
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Bauman
Beard, R.I.
Beard, Tenn.
Bereuter
Bethune
Bevill
Bonior
Bowen
Breaux
Brinkley
Broomfield
Broyhill
Buchanan
Burgener
Burton, John
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conte
Corcoran
Cotter
Coughlin
Courter
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derwinski
Devine
Dickinson
Dixon
Dornan
Dougherty
Downey
Duncan, Tenn.
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fazio
Ferraro
Findley
Fish
Forsythe
Fountain
Frenzel
Frost
Gilman
Gingrich
Glickman
Goldwater
Gradison
Grassley
Green
Grisham
Gudger
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hanley
Hansen
Harkin
Harsha
Heckler
Heftel
Hillis
Hinson
Hollenbeck
Holt
Hopkins
Horton
Hubbard
Huckaby
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Johnson, Colo.
Jones, Okla.
Jones, Tenn.
Kelly
Kemp
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lent
Lewis
Livingston
Lloyd
Loeffler
Long, Md.
Lott
Lujan
Luken
Lundine
Lungren
McClory
McDade
McDonald
McEwen
Madigan
Marlenee
Marriott
Martin
Matsui
Mattox
Mazzoli
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Mitchell, Md.
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, N.Y.
Murphy, Pa.
Myers, Ind.
Myers, Pa.
Natcher
Nelson
O'Brien
Oakar
Oberstar
Panetta
Paul
Perkins
Petri
Pritchard
Pursell
Quillen
Rahall
Regula
Rinaldo
Ritter
Robinson
Roth
Rousselot
Royer
Rudd
Runnels
Santini
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Slack
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
St Germain
Staggers
Stangeland
Stanton
Steed
Stenholm
Stockman
Stokes
Stump
Symms
Synar
Tauke
Taylor
Thomas
Trible
Vander Jagt
Walker
Wampler
Watkins
Waxman
Weiss
White
Whitehurst
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, C. H.
Winn
Wolff
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zeferetti

NOT VOTING—29

Abdnor
Biaggi
Brown, Ohio
Conable
Conyers
Crane, Daniel
Crane, Philip
Fary
Fuqua
Gaydos
Hawkins
Long, La.
McKay
Michel
Neal
Nolan
Obey
Pashayan
Patterson
Quayle
Railsback
Rhodes
Rodino
Roybal
Russo
Smith, Iowa
Treen
Wilson, Bob
Wilson, Tex.

☐ 1925

The Clerk announced the following pairs:

On this vote:

Mr. Charles Wilson of Texas for, with Mr. Gaydos against.

Mr. Conyers for, with Mr. Fuqua against.

Mr. Rodino for, with Mr. Biaggi against.

Mr. Nolan for, with Mr. Rhodes against.

Mr. Fary for, with Mr. Hawkins against.

Until further notice:

Mr. Long of Louisiana with Mr. Patterson.

Mr. McKay with Mr. Roybal.

Mr. Neal with Mr. Russo.

Mr. Obey with Mr. Smith of Iowa.

Mr. Abdnor with Mr. Railsback.

Mr. Quayle with Mr. Michel.

Mr. Brown of Ohio with Mr. Conable.

Mr. Treen with Mr. Daniel B. Crane.

Mr. Bob Wilson with Mr. Pashayan.

So the resolutions were rejected.

The result of the vote was announced as above recorded.

STANDBY CONSERVATION PLAN NO. 2—EMERGENCY BUILDING TEMPERATURE RESTRICTIONS

Mr. DINGELL. Mr. Speaker, I call up the resolution (H. Res. 209) to approve standby emergency temperature restrictions on certain buildings (Department of Energy standby conservation plan numbered 2), and ask unanimous conservation and ask unanimous consent that the resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the resolution, as follows:

H. Res. 209

Resolved, That the House of Representatives approves the contingency plan numbered 2 submitted to the Congress on March 1, 1979.

● Mr. MOORHEAD of California. Mr. Speaker. I am opposed to House Resolution 209 unless regulations promulgated pursuant to the President's building temperature plan take into consideration engineering problems, the President's plan may result in energy waste and not savings.

Due to the different and complex operating characteristics of the many types of building heating and cooling systems, building operators should not be bound to observe inflexible interior temperature limits when to do so would require counterproductive expenditure of energy. For example, it would be counterproductive to use refrigeration to cool a building interior space to 65° F on a relatively warm "winter" day when outside air could be used (without heating or cooling) to maintain such space at say, 72° F.

Thus, careful consideration must be given to defining "summer" and "winter" modes of operation. For maximum energy conservation, interior temperature objectives should take into account actual outside air temperature, as well as seasonal trend. In particular, building operators should be free to exercise judgment during spring and fall intermediate seasons when neither 65° F nor 80° F (but rather some temperature in between) may often be the most energy-conserving temperature objective.

The following concerns should also be considered in the regulations DOE will prepare pursuant to this plan:

First, the experience of the building industry has been that lowering office temperatures, even to a 68° F level, has many negative effects. General human discomfort, large-scale loss of productivity, and real or imagined sickness has occurred. There is an immense difference between 65° F and 68° F in terms of human comfort, particularly for older workers. While the harsh realities of our country's energy situation may necessitate regulation of building temperatures, a 65° F requirement must be tempered by humidity guidelines recognizing that human comfort is a result of both temperature and humidity.

The American Society of Heating, Refrigerating and Air Conditioning Engineers' (ASHRAE) Temperature Comfort Guide (No. 55–74), which takes humidity into account, may provide some direction in arriving at feasible temperature restrictions. It must also be pointed out, however, that many older buildings are not equipped with sophisticated humidity and temperature control systems, and should be given some discretion in how they comply with the final restrictions.

Second. Another circumstance where even a 68° F. temperature may not prove feasible is the direct loss of body heat by radiation to a cold window surface.

In a building with glass curtain wall construction where people are placed near the outside wall of the building, a significant loss of body heat would occur. The effect would be similar to the effect felt when you put your hand near a slab of ice. The feeling of "cold" is really the sensation of the loss of heat from your hand.

Third. With specific reference to the 80° F. temperature ceiling, owners of large buildings have experienced real problems with "electronic hardware"; that is, computers, which require much lower room temperatures for their operation. Special equipment will be required in some cases to deal with these problems; and while the temperature restrictions plan does provide for this problem to some extent, it should be made clear that those buildings which do not have such special equipment will be exempt from the plan.

Fourth. Because of the many different types of building heating systems, a building operator must not be bound by inflexible limits if he is to actually conserve the most energy and recognize the needs of the community. It may, for example, because of the generating capacity of a local powerplant, be wise to cool a building below 80° F. in the early morning and allow the people who occupy the building to bring the temperature up to 80° F. by "coasting" the cooling system during a period of peak demand on the local powerplant. Allowance must be made for such circumstances.

Fifth. In previous situations when building temperature has been regulated so as to prevent room temperatures from dropping below 80° F. (in specific reference to the energy crisis of 1973–74), actual damage has been done to building property due to an inability of central cooling systems to remove sufficient humidity from the circulating air. Often, "sweating" occurs on windows, and water runoff on carpets at perimeter cooling units, which must cool the air below the dew point to compensate for heat load produced by the Sun. Both conditions result in tenant discomfort and considerable added maintenance expense.

Sixth. Other circumstances resulting from inordinately high levels of relative humidity include malfunctioning of fluorescent lighting systems. When moisture accumulates on a fluorescent fixture, "static spark" cannot occur, and the fluorescent gas will not illuminate. Again, a set of thermostat limits that take humidity into account is desirable.

Seventh. In a high-rise building during cold months, the warm air from the building rises to the top of the building much as smoke climbs up a chimney. This is called a "stack" effect and is most noticeable in elevator shafts. Since even on the coldest day most larger high-rise buildings require some cooling to keep building temperatures in the "core" of the building comfortable, this problem could be serious. One problem which could occur as a result of the proposed restrictions is that elevator doors could jam against their tracks and fail to open, because of the strong suction created by a high temperature in the building core. Allowance must be made for this problem.

Eighth. In some larger buildings, it is probable that, on a cold winter day, the perimeter offices on the north side of a building could be at 65° F. and interior offices could be at 80° F. because of the heat load from people and machinery. It is also possible that in a south or west facing office, the temperature could vary from 65° F. to 80° F. in a matter of hours on a sunny day. Such rapid shifts, and such large differentials in temperature will produce comfort problems.

In many buildings with dual duct systems, designed to respond with either cooling or heating as the circumstances require, only one setting of the thermostat can be made and a building engineer would be required to change the setting. In these cases, allowance must be made for such buildings to set the thermostat at a logical point within the 15° F. range that would maximize energy savings. Some discretion will need to be left to the individual building manager to overcome such problems.

Ninth. In many buildings, the thermostat is under the direct control of the tenant of the building space. The restrictions should clearly spell out that, in such a case, the tenant is responsible for the temperature controls.

Tenth. The lease provisions of many tenants specify a temperature range to be maintained by the building. It must be made clear that restrictions on building temperature will take precedence over lease provisions so that building managers are not held responsible for contract violations by tenants.●

● Mr. DINGELL. Mr. Speaker, House Resolution 209 is a resolution approving Standby Conservation Plan No. 1 relating to emergency building temperature restrictions. I strongly endorse this resolution and urge my colleagues to adopt it.

Under the provisions of the Energy Policy and Conservation Act, enacted in 1975, the President is required to transmit to the Congress one or more conservation contingency plans and a standby gasoline rationing plan. A nearly identical plan to the one before us was originally submitted by President Ford to the Congress on his last day in office, but was submitted in a technically deficient manner and then withdrawn by President Carter. Thus, the plan has been endorsed by two Presidents.

The plan established building temperature restrictions for nonresidential buildings. Excluded from the coverage of this plan are homes, apartment buildings, hotels, hospitals, and other facilities as the Secretary may determine. Owners of the covered buildings would be required to maintain thermostats at no higher than 65° F. for heating; no lower than 80° F. for cooling; and no higher than 105° F. for hot water.

The plan also provides for an exemption for any State or political subdivision which has a comparable plan, or the President finds special circumstances exist in the State or political subdivision.

Once a resolution approving the plan is passed by both Houses, the plan then becomes a contingent authority available to the President. He may utilize this authority if he makes a finding that the implementation of the plan is necessary because of a severe supply interruption or to meet our obligations under the international energy program. The finding must be submitted to Congress. In addition, Secretary of Energy Schlesinger has made a commitment to have all implementing regulations for the plan finalized before it is activated.

The Senate has approved this plan by a vote of 89 to 3.

The Department of Energy estimates that this measure will save approximately 589,000 barrels of oil equivalent per day. If the plan is implemented, it is estimated to cost $8 million to administer.

This contingency plan is a good one. It provides that during times of shortage, when conservation is a necessity, we will all share this burden evenly. The plan maintains temperatures at acceptable levels, but will save large amounts of energy. Although the plan excludes residential buildings because enforcement would be impossible, its implementation is certain to encourage homeowners to conserve.

The plan is our first national plan to meet energy emergencies. The recent upheavals in Iran, last year's coal strike, and previous natural gas shortages have provided ample proof of our vulnerability to shortages. We can wait no longer in planning to deal with these contingencies.

I want to make it clear that when the DOE develop regulations it will take into consideration the problem of buildings which are heated through the heat from lighting, computers, and so forth, and in which an adjustment in a thermostat as proposed in the plan may not be possible.

As I have said, the Energy Policy and Conservation Act requires both Houses to pass resolutions of approval in order to approve the plan. The President, in his transmittal letter to Congress, asked Congress to approve the plan by joint resolution. He requested the joint resolution because such a resolution is comparable to a law, subject to Presidential veto. The President's letter contends that the plan would otherwise he subject to constitutional challenges. We do not agree with that interpretation. We note that, in response to questions concerning this interpretation, the DOE was unable to provide a legal memorandum to support this contention.

Today, we are passing a simple resolution of the House. The Senate has also passed a simple resolution. The resolutions conform to format prescribed by EPCA. It is clear from the language of EPCA that the resolution described in EPCA, and protected by its expedited procedures, is a simple resolution. Congress intended that these plans, which are developed pursuant to an act of Congress, be approved by simple resolutions of each House, identical in format, with no amendments possible. Since the plans are developed by the President under EPCA, it is clear that no purpose would be served by presenting the congressional action of approval to the President for his signature. The plans are not intended to be statutory provisions. They were developed by the DOE in a regulatory mode and recommended to the President for his adoption. Once adopted by him, he must submit the plans to Congress for simple approval. Thus, a joint resolution is unnecessary.

If we pass this resolution today, both Houses will have approved a single plan which has been presented by the President with his endorsement. The law establishing this procedure, EPCA, was also enacted in a constitutional manner. Thus, this method should not suffer any constitutional infirmities.●

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 212, House Resolution 266, and House Resolution 209.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to make the following announcement. We have completed the normal legislative day.

By a request of the Members handling the Alaska lands bill for tomorrow, they are asking to complete debate this evening, and then they would yield their time back. After that there would be one unanimous consent request by the gentleman from Arizona (Mr. UDALL) which I understand has been cleared with the various committees, and then the House, when it adjourns, would adjourn to meet on Monday next instead of having to sit tomorrow.

CONSIDERING ALL TIME REMAINING FOR GENERAL DEBATE ON H.R. 39, ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT OF 1979, AS HAVING BEEN YIELDED BACK

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all time remaining for general debate on the bill (H.R. 39) to designate certain lands in the State of Alaska as units of the National Park, National Wildlife Refuge, Wild and Scenic Rivers and National Wilderness Preservation Systems, and for other purposes, pursuant to House Resolution 243, be considered as having been yielded back when the Committee of the Whole resumes consideration of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. BREAUX. Reserving the right to object, Mr. Speaker, I ask the gentleman from Arizona (Mr. UDALL), the chairman, I take it if we yield back the general debate time, we will then proceed on Tuesday next to take up the amendments under the 5-minute rule?

Mr. UDALL. If the gentleman will yield, yes. The majority leader will announce the schedule in a moment, but I am told we will be listed for action on Tuesday, if this request is granted. All time for general debate will be yielded back tonight, and we will go directly into the 5-minute rule on Tuesday when the House resumes consideration of the bill.

Mr. BREAUX. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. YOUNG of Alaska. Reserving the right to object, Mr. Speaker, is the gentleman from Arizona (Mr. UDALL) going to ask for the usual 5 days' general leave in which to revise and extend our remarks on the bill?

Mr. UDALL. If the gentleman will yield, yes. If this request is granted, I will immediately ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

Mr. YOUNG of Alaska. And the gentleman would be amenable to permitting those to speak who have not had a chance to say something on this issue today, if we go under the 5-minute rule, and that would be because of the generosity and the good nature of the gentleman from Arizona?

Mr. UDALL. Under the unanimous-consent request, Members who may want to strike the requisite number of words could get 5 minutes under the rule, and undoubtedly there will be several Members who might want to say something. That would be part of my unanimous-consent request.

□ 1930

Mr. YOUNG of Alaska. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Speaker, I am sure the chairman of the Committee on Interior and Insular Affairs would verify this, just for the sake of the Members, there will be no early move then to try to limit Members from debating early on if they have a comment or two to make as we go into the 5-minute rule?

Mr. UDALL. No, these are important matters and there will be no attempt on our part to foreclose extended and generous debate.

Mr. SYMMS. Mr. Speaker, I thank the gentleman.

Mr. YOUNG of Alaska. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

● Mr. HUCKABY. Mr. Speaker, today, I am reinserting in the CONGRESSIONAL RECORD, in behalf of Congressman YOUNG of Alaska and myself, a series of amendments to improve implementation of the Alaska Native Claims Settlement Act. Portions of the amendments were printed in the CONGRESSIONAL RECORD of May 1, 1979, but due to printing errors they did not appear in their entirety. Thus I am resubmitting them, together with the explanatory statement I offered when they were first placed in the RECORD.

These amendments fit into three basic categories. One set of amendments would resolve a series of technical problems in the Alaska Native Claims Settlement Act or the pending Alaska lands legislation. The second category would perfect Native selection rights under section 14(h)(8) of the Settlement Act. The remaining amendments would effect land exchange involving the Federal Government, particular Native corporations, and sometimes the State of Alaska.

Most of these amendments have received considerable scrutiny over the last year and a half. This scrutiny involved representatives of the State of Alaska, affected Native corporations, the Department of the Interior, various congressional committees, and the Alaska Coalition. In most instances, the amendments have been approved by all of the concerned parties. Many of the amendments were included in the bill reported last year by the Senate Energy Committee. This year, because of procedural problems, the amendments were not included in the Alaska lands legislation reported by the House Interior and Merchant Marine and Fisheries Committees.

Most of the amendments also appear in legislation recently introduced by Congressman UDALL and ANDERSON. Our present package of amendments includes not only all of those contained in Mr. Udall's bill, but a few others which are strongly supported by the State of Alaska and many other concerned parties.

Congressman YOUNG and I strongly support all of these amendments. We are concerned that the Native corporations involved not become the innocent victims of the present conflict over which Alaska land bill should be passed by the House. Two weeks ago, certain Members of Congress asked some of the Native corporations to abandon their longstanding neutrality as a quid pro quo for inclusion of their amendments in a bill which was subsequently introduced. Some corporations wrote equivocal letters endorsing legislation containing their amendments; others refused to respond.

Mr. Speaker, the amendments involved are too important to become the subject of political maneuvering. Hence, with the strong support of the State of Alaska, which has worked long and hard with the affected Native corporations, Congressman YOUNG and I will introduce the amendments printed below during House floor debate on the Alaska lands legislation. No matter what the outcome of that debate, we urge all of you to support these amendments, which will not only benefit the Native corporations involved, but, in many instances, will foster other objectives by improving the pattern of land ownership and management in Alaska.●

● Mr. KASTENMEIER. Mr. Speaker, the Alaska National Interest Lands Conservation Act, as originally proposed, was one of those bold initiatives which offered us a rare opportunity to act decisively by permanently preserving, as living monuments, the virgin realm of millions of acres of Alaskan forest, mountain, glacier and stream in which waterfowl and mammal live undisturbed by mankind.

At issue in the House now is how much of Alaska, and what specific areas of Alaska should be protected in national parks, wildlife refuges, wilderness and wild and scenic rivers.

H.R. 39, which I have cosponsored in both the 95th and the 96th Congress, is one of the most important conservation measures which has ever been considered in the Congress. In the 95th Congress, the Alaska National Interest Lands Conservation Act was hotly contested in the Interior Committee and on the House floor. Compromise followed compromise in order to preserve the basic purposes of H.R. 39 and finally, on May 19, 1978, the House overwhelmingly passed H.R. 30. Unfortunately, the Senate failed to take any action.

This year, when H.R. 39 was introduced again, compromises, once more, were made. This, however, still failed to satisfy those special interests, mainly oil, mining and timber, that seek to exploit Alaska for economic purposes. The Interior Committee, by a narrow margin, unfortunately adopted a substitute which violates almost everything the Nation has come to understand and expect in recent years about environmental protection. The version reported by the Interior Committee allows oil exploration in the existing Arctic National Wildlife Range, which would disrupt the fragile habitat of the last great North American herd of caribou. Wilderness lands in the Misty Fjords and Admiralty Islands would be opened to logging and mining. Prime parklands would be opened to mining. Roads and pipelines would be permitted within parks, preserves, and wilderness areas. The Interior Committee bill, as well as the version reported by the House Merchant Marine and Fisheries Committee, represents the views of the development interests. These interests have a very narrow perspective. They believe they have an inherent right to exploit the Alaskan lands as they see fit. What these oil, mining, and timber interests fail to realize is that these lands are public lands, owned by the people of the United States, and it is the people's representatives in the Congress and not the narrow economic interests who have the responsibility to determine the most suitable use for such lands.

It should be noted that once Alaska's undisturbed natural features are despoiled, they can never again be returned to the splendor and grandeur of their original state. I do not believe that the majority of Americans want to discover that many of the magnificent Alaskan features have been ravaged by those concerned solely with greed and profits.

The history of the Alaskan lands legislation has been one of compromise, a one-sided compromise by those who want to protect Alaska's natural treasures. Even the Udall-Anderson substitute, which I am cosponsoring, is a compromise, but it does offer us much more of an opportunity to protect the Nation's last magnificent frontier than the proposals presented to us by the two committees. If we fail to win approval for the Udall-Anderson substitute, and the House and the Senate accept the legislation promoted by the oil and gas, mining, and timber interests, then, as several of my Interior Committee colleagues and I stated in our additional dissenting views in the Interior Committee report, the bill should be vetoed.

Mr. Speaker, we must remember that each generation of Americans has an obligation to serve as a temporary guardian of our natural heritage, and we must exercise our stewardship over our land in a wise and careful manner. What we do in this Chamber could benefit Americans not only of the present generation but for all times. The Alaska National Interest Lands Conservation Act, as originally proposed, was a far-sighted, monumental piece of legislation. It was a symbol of America's reverence for the foundations of her greatness. We must restore H.R. 39 to its original goals. By doing so, we will bequeath to our descendants a stunning legacy, the great natural treasures of Alaska.●

● Mr. FINDLEY. Mr. Speaker, the vote on the Alaska National Lands Conservation Act is probably the most important conservation vote any of us will cast in this Congress. At issue in this important debate on designating Federal lands in Alaska is how much of Alaska and what specific areas should be protected in national parks, wildlife refuges, wilderness, and wild and scenic rivers. I have spent considerable time weighing the arguments surrounding the Alaska lands debate, and have decided to support the Udall-Anderson substitute to H.R. 39. This bill is very similar to the Alaska lands bill that passed the House last May by an overwhelming margin of 277 to 31.

The Udall-Anderson substitute is a bold initiative which offers us one of those rare opportunities to act decisively to preserve, as living monuments, more than 110 million acres of virgin forests, mountains, glaciers, and streams in which waterfowl and mammals live undisturbed by mankind.

The bill reported out by the Interior Committee, the Huckaby substitute, is considerably weaker than the bill I support. It is similar to the bill rejected by the 95th Congress and I hope this Congress will also reject it.

The Breaux substitute reported by the Merchant Marine Committee is also deficient. Although this bill extends protection to 28 million more acres than the Huckaby bill, it contains numerous defects which, after careful study, cause me to believe that the Breaux substitute would not provide the same level of protection guaranteed by the Udall-Anderson bill. For example, the Breaux proposal would provide for 53 million acres of land to be set aside as wilderness, the strongest and most protective of the land classifications. Yet the Udall-Anderson bill would extend wilderness protection to 67 million acres of Alaskan land—14 million acres more.

The Udall-Anderson substitute offers a balanced conservation alternative to the Huckaby and Breaux proposals. It is not a sellout to environmentalists but a reasonable approach to development in Alaska. For example, title XII will make it possible for 95 percent of Alaska's "high potential" and "favorable" oil and gas deposits to be developed. It also opens as much as 100 million acres of Federal land which is now mostly closed, and it explicitly authorizes oil and gas exploration and development under permits and leasing agreements with private industry.

One area that has some potential for both gas and oil but which is exempt from development, and for good reason, is the Arctic National Wildlife Range. This is the home of over 120,000 porcupine caribou, the last large caribou herd living in Alaska.

Let me state at the outset that the caribou are not related to the snail darter in Tennessee. In fact, I voted in the last Congress to allow construction of the Tellico dam irrespective of its impact on the snail darter. But it would be a tragedy indeed if this herd of majestic porcupine caribou were eliminated from the United States. These caribou form not only an important part of the ecological cycle on this wildlife range but also provide needed food for the subsistence culture of Eskimos and Indians living in both Alaska and Canada.

Any development in this wildlife range, whether for oil or gas, could harm the breeding and calving grounds of the caribou and would certainly have a detrimental impact on this area of Alaska. Clearly, those ecologically less sensitive areas—which constitute 95 percent of the known potential oil and gas—should first be developed before allowing irreversible damage to this fragile area with its relatively limited potential for petroleum.

Only the Udall-Anderson bill provides the needed protection.

There has also been considerable debate over whether to allow hardrock mining to take place within Alaska's wildlife refuges, even though such mining is strictly prohibited in wildlife refuges in all the other States of the Union. These wildlife refuges are designed to protect the delicate habitat of many animals but especially birds. Although it is widely recognized that hardrock mining would have an extremely adverse impact on these refuges, only the Udall-Anderson substitute would assure that such mining does not take place within wildlife refuges.

There are tens of millions of other acres in Alaska of more favorable potential for minerals which will be available for exploration and mine development. Under Udall-Anderson, hardrock mining within wildlife refuges would be prohibited as it is now for existing wildlife refuges in the "lower 48." It is also important to emphasize that under Udall-Anderson, valid existing mineral rights already existing inside conservation units are fully protected. In addition, continual mineral assessment of all public lands is required and should the need arise, Congress can make adjustments if required. The point is, there is no need for this mining today or in the foreseeable future.

Finally, the Udall-Anderson substitute provides for access rights and for accelerated decisions on any future transportation rights-of-way or corridors which may prove to be needed across national parks or wilderness areas. These areas will not block access for such things as transportation systems and pipelines to the mining and oil fields. Under title XII and title X, full access is guaranteed.

For all of these reasons and many more, the Udall-Anderson substitute is a thoughtful, well-balanced bill that is worthy of support by a majority of Members. I urge the adoption during consideration of H.R. 39.●

● Mr. SEBELIUS. Mr. Speaker, I feel that the Members of this body face a much more confused situation this year on this Alaska issue than we did the last time this same issue was debated on the floor of the House last Congress. We not only have more bill versions to choose from this time, but at least two of the three have never been subjected to a time-consuming and detailed debate, scrutiny and amending process in Committee. I dare say that most of the members of the committees from which these bills came really don't know what these bills entail in much detail. Rather, we are responding to general characterizations of the various bill versions and the intense polarization atmosphere that exists and has been intensifying all week.

I very frankly wish that one of the options we would be voting on was going to be the bill that was passed by the House last Congress by a vote of 277 to 31. I felt that bill had been very well perfected by a long and grueling process. It was better understood, and the vote margin showed that it was highly endorsed by this body. Moreover, I personally supported that bill's contents—particularly its acreage designations.

I have some rather serious problems with some part of all the bill versions before us today. My biggest concern, of course, is what we do with the park areas. I am concerned that so much of the proposed park land is relegated to park preserve status for game hunting purposes as in the Huckaby bill. I am very disturbed about the taking of some of the proposed park lands and changing them to refuges as proposed by the Breaux-Dingell bill. And I am concerned about the increase of park and preserve acreage as proposed by the Udall-Anderson bill, above that adopted by the House in the 1978 bill.

Now that I have attacked all three bills, I am sure I will be "set straight" by someone in defense of each of these bills regarding the errors of my thinking. But again, the House-passed bill of last year was much more acceptable to me in regard to park area boundaries.

There are two park boundary areas which I am very much concerned about—the Gates of the Arctic, and the Wrangell-Saint Elias areas. I am very disturbed about the deletions, redesignations, and rearrangement of boundaries for these areas as proposed by the Huckaby and Breaux-Dingell bills. It is my current intention to offer amendments at the proper time to restore these areas to the much superior protective status that was given them by the 1978 House passed bill.

In an overall sense, I am also concerned over the amount of wilderness that all of these bills designated in Alaska.

Mr. Speaker, that concludes any observations I wish to make on this matter at this time.●

● Mr. BREAUX. Mr. Speaker, I rise in support of H.R. 39, as reported by the Committee on Merchant Marine and Fisheries. As the chairman of my committee has already indicated the Committee on Merchant Marine and Fisheries has worked continually on the Alaska legislation for better than 2 years, and off and on for more than 6 years.

Since the beginning of this Congress, the Subcommittee on Fisheries and Wildlife Conservation and the Environment, which I chair, has been involved in an intensive analysis of the Alaska (d)(2) issue. We began with the base of knowledge developed during the last Congress in the course of 15 days of hearings that were held in Washington, D.C., and Alaska. We have added to that knowledge with another set of hearings in Washington and a field trip to the State of Alaska. I think it is fair to say that my subcommittee has heard from virtually every individual on the Alaska issue over the course of the last 3 years. In many cases we have heard from several individuals more than once.

The bill reported by the committee, which is known as the Breaux-Dingell substitute, is a bill of sweeping environmental proportions. No other action in this body compares with it. The bill would dwarf some of the most historic and significant land and wildlife conservation actions ever taken by the U.S. Government—including President Roosevelt's establishment of the National Forest System and the congressional designations of Yosemite and Yellowstone National Parks. The bill contains many provisions of last year's House-passed bill, but it also contains a number of provisions that have been inserted for the first time this year.

I believe that this bill offers the most balanced and reasonable approach to the conservation and utilization of Alaska's natural resources. I do not believe that the substitute can be characterized as reflecting solely an environmental or solely a developmental viewpoint on the Alaska issue. Very frankly, I feel that the (d)(2) lands issue is simply too complex to be reduced to such simplistic characterizations.

The Breaux-Dingell substitute has been discussed briefly by the Chairman of the Committee. I would like to add to that discussion.

The Breaux-Dingell substitute would designate 128 million acres in the State of Alaska for conservation purposes, not including wilderness acres. Thirty-two million acres will be placed in the National Park System, 88 million acres in the National Wildlife Refuge System, and 3.6 million acres in the National Forest System. In addition, the bill would designate 2 million acres of conservation areas in the State and 2 million acres of special management areas within the Tongas National Forest.

The Breaux-Dingell substitute establishes 88 million acres of National Wildlife Refuges in Alaska. This compares to 50 million acres recommended by the administration and 45 million acres included in the bill reported by the Interior Committee. It would establish every refuge proposed in last year's House-passed bill with the exception of the Alaska Peninsula. The Alaska Peninsula refuge is included in the overall Bristol Bay study which also was part of the House-passed bill. If the Bristol Bay study fails in any respect, the Alaska Peninsula Refuge would be immediately established. In addition to establishing virtually every refuge proposed in the House-passed bill, the bill would designate two areas not included in the refuge System last year. The Noatak Wildlife Refuge and the Bering Land Bridge National Wildlife Refuge. Both of these areas contain resources which warrant wildlife refuge designation.

The Breaux-Dingell substitute designates 29.7 million acres of wilderness within new and existing wildlife refuges in Alaska. In all areas the substitute would designate some 53.6 million acres of wilderness, 3 million acres more than is proposed in the bill recently reported by the House Interior Committee and 2 million acres more than has been recommended by Secretary Andrus and the Carter administration. Let me repeat that. Two million acres more than recommended by Secretary Andrus.

Wilderness is the Federal Government's most restrictive land classification system. A wilderness classification virtually excludes any commercial activity in most instances. Nevertheless, we felt that wilderness designations of this magnitude are warranted in this instance. Much of the State of Alaska today is defacto wilderness. I suspect that no matter what the Congress does in this legislation, much of it will remain defacto wilderness for some time in the future. The one distinguishing characteristic of many of the lands that we are talking about today is the fact that they remain in a large wild and untouched state. I believe that this legislation would fail if it did not insure that a substantial percentage of the land in the conservation units woud remain in a wilderness state. I believe that the Breaux-Dingell substitute does that. Fifty-three million acres of wilderness is over three times the total wilderness acreage currently existing in all of the United States.

Some of you have heard of the so-called RARE II recommendations of the Carter administration. You know how much controversy is associated with those recommendations. To put our wilderness acreage in perspective, the entire RARE II wilderness recommendation of the Carter administration totals a whopping 15 million acres. And when you delete the 5 million acres targeted for Alaska in the RARE II process, only 10 million acres is involved. Without a doubt, 53.6 million acres of wilderness in the Breaux-Dingell bill is a fantastic amount of land.

Probably the most single controversial subject of the Alaska debate involves the Coastal Plain of the Arctic National Wildlife Range. The Coastal Plain of the Arctic Range extends from the Canadian border on the Beaufort Sea to the Canning River some 75 miles from Prudhoe Bay. The Coastal Plain of the Arctic Range has become famous over the last several years for two reasons. First, the Range is the calving grounds of the 115,000 animal porcupine caribou herd and second, the Coastal Plain is considered to have the highest onshore oil and gas potential in the State of Alaska.

The administration, and the Udall bill would have us designate the Coastal Plain as a wilderness area at this time. As I indicated to Secretary Andrus in hearings before the subcommittee 2 months ago, I had no problem with the designation of the Coastal Plain as a wilderness as long as we had some idea of the extent of the economic resources that we were foreclosing in the process.

I have become convinced over the last several months that we have absolutely no idea of what it is we are balancing by proposing to designate the Coastal Plain as wilderness. The Coastal Plain has been identified as an important oil and gas area. However, there has been virtually no on-the-ground surface geological or seismic activity conducted on the Coastal Plain. There have been no off-structure wells drilled on the Coastal Plain. Thus, Congress is being asked to designate wilderness in this area—by the Alaska Coalition and the Udall substitute—without any idea whatsoever of the petroleum resources that we are foreclosing in the process.

The concern about the Coastal Plain is of course due to the caribou herd which utilize this area during a 6-week period in late spring and early summer. These animals winter south of the Brooks Range in the United States and in Canada and then proceed up through the passes in the Brooks Range and up through the Yukon territory into the Coastal Territory of the Arctic Range where a large portion of the herds calve. Some have argued that the herds annual migration to the Coastal Plain and the calving activities are absolutely incompatible with any exploratory activity on the Coastal Plain. I happen to disagree.

The world's foremost caribou biologists testified before my subcommittee. These biologists did not testify that any exploratory activity would be detrimental to the herd. To the contrary. The bottom line of their testimony was that careful and well regulated exploratory activity, especially at the early stages, would probably not be detrimental to the Porcupine Caribou herd as long as the activity is carried out during periods of the year when the caribou are not present in the Coastal Plain. And, as I said earlier, the caribou are absent from the Coastal Plain for all but a 6-week period during late spring and early summer.

Let me quote a couple of the comments that we received. Dr. Skoog, Alaska's Commissioner of Fish and Game and a noted caribou biologist, testified that "oil exploration if it were done at a time of the year to exclude the calving period, could take place without any detriment to the herd." The biologist representing the Alaska Coalition, Dr. Cline, similarly testified that "exploratory activity in the absence of caribou would probably have little effect."

The provision that we have developed on the Coastal Plain reflects the recommendations of the biologists and the other individuals that we have worked with on the porcupine herd. It would establish a 7-year resource assessment program in the Coastal Plain. During the first 2 years the biologists would be free to conduct biological studies of the herds unimpaired by any human development activities. After the 2-year period, the Secretary of the Interior would develop a set of guidelines to regulate seismic and geophysical activities in the Coastal Plain in a manner which avoids adverse impact on the caribou.

The Secretary would, under these guidelines, specify that there would be absolutely no activity whatsoever in the Coastal Plain during the period that the caribou were present. Once the Secretary has developed and promulgated his guidelines, private individuals would be allowed to submit an exploratory plan for seismic geophysical activities on the Coastal Plain. If the Secretary determines that the proposed exploratory plan is consistent with the guidelines, he would permit the exploratory activity to proceed. As I have stated, the exploratory activity during this period would include surface, geophysical and seismic activity, but it would not include off-structure stratigraphic test wells.

At the end of 5 years, the Secretary would be authorized to accept applications from individuals to conduct off-structure test well activity on the Coastal Plain. Again, any exploratory activity would have to be consistent with the Secretary's guidelines which will insure that there is no lasting damage to the environment of the Coastal Plain or adverse impact on the fish and wildlife resources of the area. The information that we have is that this off-structure activity could easily be conducted in the winter when the herd is not present on the Coastal Plain.

At the end of 7 years, the Secretary would report to Congress on the results of the resource assessment including an evaluation of the oil and gas potential of the Coastal Plain and an evaluation of the adverse effects associated with exploration and development in this area. No production or development would be permitted on the Coastal Plain without a further act of Congress. I think this last point needs to be emphasized. There is absolutely nothing in our provision which would allow any production or development whatsoever, without an act of Congress.

I believe that this approach to an assessment of the resources of the Arctic Range makes sense for three reasons. First, at the end of 7 years when Congress is faced with the decision of what to do with the Coastal Plain it will be in a much better position what it is that we are balancing when we consider wilderness designation. We will have a much better idea of the extent of the petroleum potential on the Coastal Plain and we will know exactly what it is we are foreclosing by wilderness designation. We simply do not know now.

Second, this approach would allow for private exploration of the Coastal Plain. I believe that the record, in the National Petroleum Reserve and elsewhere, amply demonstrates that the Federal Government should not be in the oil and gas exploration business. The bill reported by the House Interior Committee would also allow exploration in the Arctic Coastal Plain as would last year's House passed bill, but the exploration would be conducted by the Federal Government as opposed to private industry. There is absolutely no evidence that Federal exploratory activity can be carried out in any more of an environmentally responsible manner than private exploration.

Third, a major and very distinct advantage to our approach is that if a future Congress ever is forced to decide in a crisis to go ahead with development on the Coastal Plain, we will have a base of knowledge to insure that any activity is carried out in the most responsible manner possible. I am concerned that if 10 years from now we find ourselves faced with another oil embargo, a future Congress might decide to act precipitously and allow development in the Coastal Plain whether it is designated as wilderness or not, and despite any impact on the caribou herd.

I would remind my colleagues that this waived the National Environmental Policy Act in 1973 to allow the construction of the trans-Alaska pipeline. That

vote came before the Arab oil embargo, before the OPEC price increases, before the Iranian shut-off, before $1 a day gasoline, before gas rationing, before Sunday closings, and before $60 billion deficits.

The treatment of the coastal plain of the Arctic Range is an important element of this bill, but it is far from the only element. I don't want to create the mistaken impression that there is only one issue in this bill. This is a complex measure. The bill is nearly 300 pages in length and includes literally hundreds of separate provisions. There are many, many differences between the Huckaby bill and ours. There are many differences between our bill and the Udall-Anderson substitute.

One of the differences is in the treatment of Alaska's hardrock mineral resources. Alaska contains substantial deposits of wholly unevaluated and undeveloped hardrock or nonfuel mineral resources. These are the metals that are not a source of energy, but are equally important to the economic well-being of this Nation. Most of Alaska's mineral belts have been subject to only the most superficial evaluation. It is generally recognized that the evaluation of Alaska's mineral resources is decades behind evaluations of the resources in the lower 48.

Some have argued that it may never be economic to develop a significant percentage of Alaska's mineral resources. Secretary Andrus, for example, testified before the Committee that the high cost of operations in Alaska, the distance for markets, and world market conditions make most hardrock mineral development in Alaska uneconomic for many years in the future. Other witnesses disagreed, stating that there are many mineral deposits in Alaska that are economic to develop at today's market prices.

A recent study conducted by the Stanford Research Institute concluded that in the absence of extensive legislative or regulatory impediments to the development of mineral resources, an Alaskan mining industry could, by the 1980's:

First. Provide the Nation with extensive quantities of nonfuel minerals, including gold, silver, copper, nickel, lead, zinc, molybdenum and asbestos, valued at between $900 million and $1 billion annually;

Second. Provide the Nation with 20,000 to 40,000 additional jobs, representing about 0.5 percent of current unemployment; and

Third. Reduce the Nation's balance of payments deficit by $700 million and $1 billion annually.

The Stanford Research Institute analysis was based on a study of seven specific world class mineral deposits in Alaska. A number of these deposits could be impacted by the Alaska legislation. These are, by no means, the only viable mineral deposits in the State. They are simply seven very significant finds that have been identified to date. Our bill would permit all seven to proceed. In contrast, the Udall-Anderson substitute would foreclose the development of two of them.

One should not be misled by the argument that the Udall bill protects valid existing rights, even in wilderness areas. First, there is substantial legal uncertainty about the term "valid existing right." Environmentalists and the mining industry have fought over these terms for years. Second, the Wilderness Act makes it very clear that permanent roads and commercial activities are prohibited in wilderness areas. Let me quote from the Wilderness Act:

> A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.

Anyone who thinks that an existing mining claim will be able to be developed in light of that language, and the other language in the Wilderness Act specifically prohibiting roads and commercial activities is kidding himself.

The Stanford Research Institute analysis was based on a study of seven specific world class mineral deposits in Alaska. A number of these deposits could be impacted by the Alaska legislation. These are, by no means, the only viable mineral deposits in the State. They are simply seven very significant finds that have been identified to date. Our bill would permit all seven to proceed. In contrast, the Udall-Anderson substitute would foreclose the development of two of them.

Probably the most controversial aspect of the (d)(2) legislation from the Alaskan's perspective, is the impact that the proposed conservation areas have on the State's legitimate land selection options. The Statehood Act in 1958 granted the State of Alaska the right to select 104 million acres of land from the unreserved Federal estate in Alaska. The Congress made that grant with the recognition that the nature of the Alaskan terrain, demanded that the State of Alaska own significant land so that the State could develop a viable economy and not be a continual drag on the Federal treasury. Since 1958 the State of Alaska has seen one restriction after another on its land selection options. (d)(2) is the last in a long line of these restrictions.

All of the bills, including our committee bill conflicts with State land selection options. The difference again is a matter of degree. Our bill would create about 1 million of State inholdings within proposed conservation areas. It would preclude the State of Alaska from selecting about 6 million acres of land. The State estimates that the Udall-Anderson substitute would create about 6 million of State inholdings within conservation units, and would preclude the State from receiving 12 million acres of land that it has selected. Now the gentlemen from Arizona, Mr. Udall, has argued that we are creating the inholdings and not him. The facts simply do not square with his rhetoric.

The chairman has talked about timber related employment in southeast and the impact on Alaska's fishery resource. As the chairman of the Subcommittee on Fisheries and Wildlife Conservation, I feel especially sensitive about the need to protect Alaska's fishery resources. Fish are, to a very real extent, Alaska's greatest treasure. Alaska's marine waters are extremely productive for a variety of sea life. Commercial fishing is one of Alaska's major industries. In the years 1965–70, prior to the construction of the Alaska oil pipeline, average July employment in the fishing industry accounted for 17 percent of the State's total employment, and 30 percent of the employment in the coastal regions. During 1975, Alaska fisheries contributed nearly 438 million pounds or about 9 percent of the total U.S. catch. The value of the Alaska harvest was $143 million or 14.8 percent of the value assigned to the total U.S. catch. The value of the salmon industry alone in Alaska totaled nearly $700 million from 1960–74, with an average of approximately $46 million annually.

Despite these impressive figures, however, there is lots of room for enhancing Alaska's fishery resources. Unfortunately, prior to the passage of the 200-mile Fishery Zone Act, foreign fishing interests significantly depleted many of Alaska's fisheries. The State, in the wake of the 200-mile Act, has only begun to restore these fisheries. It is absolutely vital that they be allowed to do so.

The Committee on Merchant Marine and Fisheries adopted several important amendments to this bill which attempts to insure that they will be able to do this. We have adopted provisions, not present in the Udall bill, which would permit fishery enhancement activities in all conservation areas except national parks. We would also permit continuation of commercial fishing activities in wilderness areas except for national park wilderness areas. Without these provisions, it is unlikely that Alaska will ever be able to take advantage of the full extent of its fishery resource potential.

Now a lot of you have heard about the proposed Moly mine in the Misty Fjords area of southeast Alaska, and its perceived impact on the salmon resource. The Committee on Merchant Marine and Fisheries took several actions to insure that that mine will not have an adverse impact on the fisherman. But we went beyond that. We established a Fishery Conservation Fund, which would insure that if U.S. Borax damages any of the fishery resources in the area, the fisherman will be able to receive just compensation. We believe that these provisions adequately protect the salmon resources in these strains.

I think it is important that we keep in perspective the extent of the resources at issue in the Misty Fjords-U.S. Borax controversy. First. statistics from the Alaska Department of Fish and Game indicate that the annual escapement of salmon from the three rivers adjacent to the proposed mine totaled 146,000 salmon. These fish are important. But to keep this in perspective, the total U.S. salmon harvest in 1978 equaled nearly 34 million fish. There is still an extensive harvest of American salmon by foreign fishermen. This harvest alone dwarfs the numbers of fish at issue in the Misty Fjord's controversy. I am sure that the combination of the fishery enhancement provisions in our bill, combined with the fishery compensation fund, will insure the long-term protection of Alaska's salmon resource in the streams adjacent to the proposed mine and all of the streams in southeast Alaska.

This is a very brief sketch of the Breaux-Dingell substitute which has been reported by the Merchant Marine and Fisheries Committee.

I would now like to deal very briefly with some of the very real myths that have been created in the debate over the last several weeks.

Myth No. 1. The supporters of the Udall-Anderson substitute have argued that 95 percent of Alaska's oil and gas potential is left open for development under their substitute. Let us look at the facts. The Udall substitute designates wilderness in the coastal plain of the Arctic Range—an area 50 miles from Prudhoe Bay which has been estimated to have the greatest onshore energy potential in the State. As a wilderness, nothing could be done by man to even try and determine whether any energy potential is even located there. Percentages are meaningless if the prime energy potential sites are excluded. For example, we could leave the entire State of Alaska open to energy development, but if we foreclosed development on Prudhoe Bay we would succeed in locking up the largest oil and gas area on the North American Continent. Or take the State of Texas. We could open up the whole State of Texas to oil and gas development, but if we excluded that east Texas field I am afraid we would not find very much.

Myth No. 2. The supporters of the Udall substitute argue that 70 percent of Alaska's mining potential is left open for development. Let us look at the facts. The U.S. Geological Survey testified that data on Alaska's mineral potential is decades behind the lower 48. It is absolutely impossible to predict the percentage of minerals left open for development under any of the bills. The Udall substitute statutorily closes to any and all mineral development 136 million acres in the State in addition to existing withdrawals. As already mentioned the Udall substitute would prohibit the development of two existing world class mineral finds identified by the Stanford study, and a third world class find identified since the Stanford study.

Myth No. 3. Ninety percent of Alaska remains open to sport hunting under the Udall substitute. Let us look at the facts. Much of Alaska does not support good sport hunting. The Udall substitute prohibits sport hunting in many of Alaska's nationally famous hunting areas, including much of the Wrangell Mountains and the Central Brooks Range. While 90 percent may be technically open under the Udall bill, the 10 percent that is closed happens to contain the finest hunting opportunities in North Carolina.

I believe that large areas in Alaska ought to be closed to hunting—that large National Parks ought to be designated for the enjoyment of the nonhunters. But I do not believe that we ought to single out the prime hunting areas in the State, and preclude a form of recreation which is enjoyed by millions of Americans, and which, under proper management, will not have an adverse impact on wildlife populations.

The Subcommittee on Fisheries and Wildlife Conservation and the Environment is the one subcommittee of the House of Representatives with comprehensive jurisdiction over the conservation of America's fish and wildlife resources. I dare say that this subcommittee has been responsible for more good, tough wildlife conservation legislation than any other subcommittee of the House. A partial list of the statutes authorized by our subcommittee includes the Endangered Species Act, the Marine Mammal Protection Act, the National Environmental Policy Act, the Fish and Wildlife Coordination Act, the Migratory Bird Treaty Act, the Bald Eagle Protection Act, the Wetlands Loan Act and the 200-mile Fishery Zone Act. I believe that this legislation adds to the fine tradition and record of the subcommittee.

We should be concerned about Alaska's fish and wildlife resources. Alaska's list of wildlife resources is significant in terms of uniqueness, and is unsurpassed in total quantity. Alaska is the last region of the country which provides vast stretches of completely unspoiled fish and wildlife habitat.

A significant percent of the migratory waterfowl found within the Countinental United States originates from feeding and nesting grounds in Alaska. Waterfowl sportsmen in my district who hunt water fowl in February participate in a pageantry of life which began in the Wetlands of Alaska in July.

Caribou, dall sheep and polar bears are resident species in Alaska, but they are found nowhere else in the Nation. Alaska is the only place in the United States where species such as the peregrine falcon and the bald eagle nest successfully in large numbers.

For thousands of years, the wildlife of Alaska have lived in balance with their environment. I sincerely believe that the Alaska National Interest Lands Conservation Act reported by our committee will permit this to continue so that America's last frontier will be there for future Americans to enjoy and appreciate.●

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with the general debate on H.R. 39, Alaska National Interest Lands Conservation Act of 1979.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

NATIONAL HISTORIC PRESERVATION WEEK

Mr. UDALL. Mr. Speaker, I call up from the Speaker's table the Senate joint resolution (S.J. Res. 71) to authorize and request the President to proclaim the week of May 6 through 12, 1979, as "National Historic Preservation Week," and ask unanimous consent for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. MOORHEAD of California. Mr. Speaker, reserving the right to object, may we hear an explanation of the Senate joint resolution.

Mr. UDALL. Mr. Speaker, will the gentleman yield to me?

Mr. MOORHEAD of California. I will be happy to yield to the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, today I am introducing a joint resolution declaring this week, the week of May 6, 1979, through May 12, 1979, as National Historic Preservation Week. Over a decade has passed since the enactment of the National Historic Preservation Act of 1966, legislation which codified the concept of a National Register of Historic Landmarks and Districts. Because of this legislation communities have been able to preserve their unique architectural heritage. Historically significant structures have been saved from the wrecking ball. Old buildings have been reborn and are being adapted for reuse. The physical and cultural history of the United States is being enriched and preserved for generations to come.

It is therefore fitting and appropriate that we join our colleagues in the Senate and encourage all Americans to think about historic preservation and the impact it has had on our lives by declaring this week "National Historic Preservation Week."

Mr. MOORHEAD of California. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 71

Whereas the preservation of the architectural and cultural heritage of America emphasizes, for present and future generations, many exceptional and distinctive aspects of our past;

Whereas the preservation of historic sites and structures serves to remind Americans of the varied cultural influences and historic forces that shaped our country;

Whereas the restoration and maintenance of structures with historical or architectural significance often permits them to play a continuing, contemporary, contributing role in the lives of their communities;

Whereas it is appropriate to commend imaginative and constructive historic preservation programs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to proclaim May 6 through 12, 1979, as "National Historic Preservation Week", and to call upon interested groups and organizations and the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON VETERANS' AFFAIRS TO FILE REPORTS ON H.R. 411, H.R. 1608, H.R. 3892, H.R. 3989, AND H.R. 4015

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs may have until midnight tonight to file reports on H.R. 411, H.R. 1608, H.R. 3892, H.R. 3989, and H.R. 4015.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

TECHNICAL AND CONFORMING CHANGES IN ETHICS IN GOVERNMENT ACT OF 1978

(Mr. DANIELSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, H.R. 2805 will be scheduled for consideration under suspension next week. This bill makes technical amendments to the ethics law.

For the information of the Members, I insert in the RECORD herewith the text of the amended bill.

H.R. 2805

[Stricken matter in light brackets]

A bill to make technical and conforming changes to the financial disclosure provisions, in the Ethics in Government Act of 1978.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

REFERENCE TO ACT

SECTION 1. Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Ethics in Government Act of 1978.

TEMPORARY EMPLOYMENT

SEC. 2. (a)(1) Section 101(c) is amended by inserting before the last sentence the following sentence: "The provisions of the preceding sentence shall not apply to an individual who, as determined by the designated committee of the Senate or the designated committee of the House, as appropriate, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if he performs the duties of his office or position for more than sixty days in a calendar year, the report required by the preceding sentence shall be filed within fifteen days of the sixtieth day."

(2) Section 201 is amended by adding at the end thereof the following new subsection:

"(h) The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—

"(1) the report required by subsections (a) and (b) shall be filed within fifteen days of the sixtieth day, and

"(2) the report required by subsection (e) shall be filed as provided in such subsection.".

(3) Section 301 is amended by adding at the end thereof the following new subsection:

"(f) The provisions of subsections (a) and (b) shall not apply to an individual who, as determined by the Judicial Ethics Committee, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—

"(1) the report required by subsection (a) shall be filed within fifteen days of the sixtieth day, and

"(2) the report required by subsection (d) shall be filed as provided in such subsection.".

(b) Section 101(b) is amended—

(1) by inserting "(1)" after "(b)";

(2) by inserting before the period the following: "if such individual is or will be such an officer or employee on such May 15"; and

(3) by adding at the end thereof the following:

"(2) Any individual whose employment as an officer or employee described in subsection (e) is terminated in any calendar year may be required—

"(A) under the rules of the House of Representatives, if such individual would, but for such termination, file a report with the Clerk pursuant to section 103(a), or

"(B) under the rules of the Senate, if such individual would, but for such termination, file a report with the Secretary pursuant to section 103(b).

to file a financial disclosure report covering (i) that part of such calendar year during which such individual was employed as such an officer or employee, and (ii) the preceding calendar year if the report required by paragraph (1) covering that calendar year has not been filed.".

(c)(1) Section 101 is amended by adding at the end thereof the following:

"(h) The designated committee of the House of Representatives, or the designated committee of the Senate, as the case may be, may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position for less than one hundred and thirty days in a calendar year, but only if such committee determines that—

"(1) such individual is not a full-time employee of the Government,

"(2) such individual is able to provide services specially needed by the Government,

"(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

"(4) public financial disclosure by such individual is not necessary in the circumstances.".

(2) Section 201, as amended by subsection (a)(2), is amended by adding at the end thereof the following:

"(i) The Director of the Office of Government Ethics may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year, but only if the Director determines that—

"(1) such individual is not a full-time employee of the Government,

"(2) such individual is able to provide services specially needed by the Government,

"(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

"(4) public financial disclosure by such individual is not necessary in the circumstances.".

(3) Section 301, as amended by subsection (a)(3), is amended by adding at the end thereof the following:

"(g) The Committee may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year but only if the Committee determines that—

"(1) such individual is not a full-time employee of the Government,

"(2) such individual is able to provide services specially needed by the Government,

"(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

"(4) public financial disclosure by such individual is not necessary in the circumstances.".

GIFTS AND REIMBURSEMENTS

SEC. 3. (a)(1) Section 102 is amended by inserting after subsection (f) the following new subsection:

"(g) A report filed pursuant to subsection (a) or (b) of section 101 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not a Member or an officer or employee of the Federal Government."

(2) Section 202 is amended by inserting after subsection (g) the following new subsection:

"(h) A report filed pursuant to subsection (d) or (e) of section 201 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.".

(3) Section 302 is amended by inserting after subsection (g) the following new subsection:

"(h) A report filed pursuant to subsection (c) or (d) of section 301 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government."

(b)(1) Sections 102(a)(2), 202(a)(2) and 302(a)(2) are each amended by adding at the end thereof the following:

"(D) In an unusual case, a gift need not be aggregated under subparagraph (A) or (B) if a publicly available request for a waiver is granted."

(2) Sections 102(a)(2)(B), 202(a)(2)(B, and 302(a)(2)(B) are each amended by striking out the last sentence.

COVERAGE

SEC. 4. (a) Section 209 is amended—

(1) by striking out "and" at the end of paragraph (9),

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof ", and"; and

(3) by inserting at the end the following:

["(11) 'executive branch' includes each executive agency (as defined in section 105 of title 5, United States Code) unless such agency is specifically included in the coverage of title I or III of this Act".]

"(11) 'executive branch' includes each Executive agency (as defined in section 105 of title 5, United States Code) and any other entity or administrative unit in the executive branch unless such agency, entity, or unit is specifically included in the coverage of title I or III of this Act.".

(b)(1) The last sentence of section 101 (c) is amended by inserting "National Commission on Air Quality," after "Physician,".

(2) Section 103(b) is amended by inserting "National Commission on Air Quality," after "Assessment,".

(c)(1) Section 308(9) is amended by inserting "Tax Court;" after "Customs Court;".

(2) Section 308(10) is amended by inserting "or of the Tax Court" after "Government".

(d) Subsections (b) and (c) of section 101, and subsections (a), (d), and (e) of section 201 are each amended by striking out "designated" each place it occurs and inserting in lieu thereof "described".

(e) Section 101(b) is amended by striking out "as described" and inserting in lieu thereof "described".

(f) Section 101(c) is amended by striking out "other than an individual employed in the legislative branch upon assuming such position" and inserting in lieu thereof ", other than an individual who was employed in the legislative branch immediately before he assumed such position,".

(g) Section 201(f)(6) is amended by inserting "or Postal Rate Commission" after "United States Postal Service" the second place it appears.

CANDIDATES

SEC. 5. Sections 101(d) and 201(c) are each amended by adding at the end thereof the following new sentence: "Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.".

INFORMATION RELATING TO SPOUSES

SEC. 6. (a) Sections 102(d), 202(e), and 302(e) are each amended—

(1) by inserting "gifts received by a spouse which are" in place of "gift which is" in paragraph (1)(B),

(2) by striking out in such paragraph "or a brief" and inserting in lieu thereof "and a brief",

(3) by inserting "reimbursements received by a spouse which are" in lieu of "reimbursement which is" in paragraph (1)(C),

(4) by inserting in paragraph (1)(C) "each such reimbursement." in lieu of "the reimbursement." and

(5) by striking out "spouse" and inserting in lieu thereof "spouse's" in paragraph (1)(D).

(b) Section 202(e)(1)(D)(i) and 302(e)(1)(D)(i) are each amended by inserting a comma immediately after "knowledge of".

BLIND TRUST PROVISIONS

SEC. 7. (a) Sections 102(e)(3)(A), 202(f)(3)(A), and 302(f)(3)(A) are each amended by striking out "or a broker" and inserting "a broker, or an investment adviser".

(b) The last sentence of sections 102(e)(3), 202(f)(3), and 302(f)(3) are each amended by inserting " 'investment adviser' includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts;" before "and 'supervising ethics office' ".

(c) Sections 102(e)(3)(A)(ii), 202(f)(3)(A)(ii), and 302(f)(3)(A)(ii) are each amended by striking out "is or" and inserting in lieu thereof "is not or".

(d)(1) The sentence following subparagraph (D) of subsection (e)(3) of section 102 is amended—

(1) by striking out "section 78 of title 15, United States Code" and inserting in lieu thereof "section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4))", and

(2) by striking out "their reports" and inserting in lieu thereof "the reports".

(2) The sentence following subparagraph (D) of subsection (f)(3) of section 202 and the sentence following subparagraph (D) of subsection (f)(3) of section 302 are each amended by striking out "section 78 of title 15, United States Code" and inserting in lieu thereof "section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78(c)(4))".

(e) Subparagraphs [(A)(1)] *(A)(ii)* and (B) of section 202(f)(5) and subparagraphs [(A)(1)] *(A)(ii)* and (B) of section 302(f)(5) are each amended by inserting "of this section" after "subsection (d)".

(f) Sections 102(e)(5)(D), 202(f)(5)(D), and 302(f)(5)(D) are each amended by inserting the following before the period: "with respect to such documents and lists".

Applications for inspection of reports

Sec. 8. (a) Section 104 is amended by redesignating subsection (c) as paragraph (2) and by inserting after subsection (b) the following new paragraph:

"(c)(1) Notwithstanding subsections (a) and (b), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

"(A) that person's name, occupation, and address, [and telephone number];

"(B) the name and address [and telephone number] of any other person or organization on whose behalf the inspection or copy is requested; and

[*"(C) the reason for which the inspection or copy is requested; and*]

[*"(D)*] *(C) that such person is aware of the prohibitions on the obtaining or use of the report.*

Any such application shall be made available to the public throughout the period during which the report is made available to the public.".

(b) Section 205(b) is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

"(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person except upon a written application by such person stating—

"(A) that person's name, occupation, and address [and telephone number];

"(B) the name and address [and telephone number] of any other person or organization on whose behalf the inspection or copy is requested; and

[*"(C) the reason for which the inspection or copy is requested; and*]

[*"(D)*] *(C) that such person is aware of the prohibitions on the obtaining or use of the report.*

Any such application shall be made available to the public throughout the period during which the report is made available to the public.".

(c) Section 305(b) is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

"(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

"(A) that person's name, occupation, and address [and telephone number];

"(B) the name and address [and telephone number] of any other person or organization on whose behalf the inspection or copy is requested; and

[*"(C) the reason for which the inspection or copy is requested; and*]

[*"(D)*] *(C) that such person is aware of the prohibitions on the obtaining or use of the report.*

Any such application shall be made available to the public throughout the period during which the report is made available to the public.".

MISCELLANEOUS

[SEC. 8.] *Sec. 9* [(a) Section 103(f)(2) is amended by inserting a comma after "shall".]

(a) Section 103(f) is amended to read as follows:

"(f) In order to carry out their responsibilities under this title, the designated committee of the House of Representatives, and the designated committee of the Senate, shall develop reporting forms and may promulgate rules and regulations.".

(b) The first sentence of paragraph (6) of section 102(a) is amended by inserting "held" after "positions".

(c)(1) Section 102(b) is amended to read as follows:

"(b) Each report filed pursuant to subsections (c) and (d) of section 101 shall include a full and complete statement with respect to the information required by—

"(1) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

"(2) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

"(3) paragraphs (6) and, in the case of reports filed under section 101(c), paragraph (7) of subsection (a) as of the filing date but for periods described in such paragraphs.".

(2) Section 202(b) is amended to read as follows:

"(b) Each report filed pursuant to subsections (a), (b), and (c) of section 201 shall include a full and complete statement with respect to the information required by—

"(1) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

"(2) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

"(3) paragraphs (6) and (7) of subsection (a) as of the filing date but for period described in such paragraphs.".

(3) Section 302(b) is amended to read as follows:

"(b) Each report filed pursuant to subsections (a) and (b) of section 301 shall include a full and complete statement with respect to the information required by—

"(1) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

"(2) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

"(3) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.".

(d) Sections 107(1), 209(1), and 308(1) are each amended by striking out "net and gross income derived from business" and inserting "gross income derived from business (and net income if the individual elects to include it)".

(e)(1) Section 402(d) is repealed.

(2) Section 402(b) is amended—

(A) by striking out "and" at the end of paragraph (13);

(B) by striking out te period at the end of paragraph (14) and inserting "; and"; and

(C) by adding at the end thereof the following:

"(15) developing and recommending for promulgation by the Office of Personnel Management such rules and regulations as the Director determines necessary or desirable with respect to the evaluation of any item required to be reported by title II of this Act.".

(f) Section 204(c) is amended by striking out "Civil Service Commission" and inserting "Office of Personnel Management".

(g) Section 107(16) is amended by inserting closed quotation marks immediately after "Representatives" and inserting open quotation marks immediately before "designated committee of the Senate".

(h) Section 201(e) is amended by striking out "that calendar year" and inserting in lieu thereof "the calendar year in which such termination occurs".

(i) Section 201(g) is amended by striking out "established by title IV of this Act".

(j) Sections 102(a)(7), 202(a)(7), and 302(a)(7) are each amended by striking out the colon after "arrangement with respect to".

(k) Section 203(a) is amended by inserting after "is employed" the following: "(or in the case of an individual described in section 201(e), was employed)".

(l) Section 205(c)(1) is amended by striking out the comma immediately after "obtain".

(m) Section 206(a) is amended by striking out "shall be" and inserting in lieu thereof "is".

(n) Section 207(b) is amended by inserting a comma immediately after "require disclosure".

(o) Section 209(2) is amended by inserting a comma immediately after "grandson".

(p) Section 301(d) is amended—

(1) by inserting a comma immediately after "employee shall"; and

(2) by striking out "that calendar year" and inserting in lieu thereof "the calendar year in which such termination occurs".

(q) Section 302(f)(6)(B)(i) is amended by striking out the comma immediately after "paragraph (3)(C)" and inserting a comma immediately after "subsection".

(r) Section 303(c)(6) is amended by adding "and" at the end thereof.

(s) Section 402(b)(1) is amended—

(1) by striking out "consulation" and inserting in lieu thereof "consultation";

(2) by striking out the comma after "rules and regulations" the first place it appears; and

(3) by striking out the comma after "President".

(t) Section 108 is amended by inserting immediately after "by reason of" the following: "holding the office of Member or".

LEGISLATIVE PROGRAM

(Mr. BAUMAN asked and was given permission to address the House for 1 minute.)

Mr. BAUMAN. Mr. Speaker, I ask the distinguished majority leader about the program for this week and for next week, May 14.

Mr. WRIGHT. Mr. Speaker, will the gentleman from Maryland yield?

Mr. BAUMAN. I yield to the distinguished majority leader.

Mr. WRIGHT. As the gentleman is aware, following the announcement by the Speaker, when we complete legislative business today we will have completed it for the week. There will be no session tomorrow.

There will be a session on Monday and one to which I invite the attention of every Member. I think it is advisable for all of us to be here Monday. We will have five bills scheduled on suspension.

H.R. 2805, financial disclosure technical amendments;

H.R. 1608, psychological readjustment counseling for Vietnam veterans;

H.R. 3892, extend authorizations due to expire this year;

H.R. 2520, National Ocean Pollution R. & D. Act of 1978, fiscal year 1980 authorizations; and

H.R. 3577, National Advisory Committee on Oceans and Atmosphere, fiscal year 1980 and fiscal year 1981 authorizations.

☐ 1935

Then we will have two District bills, H.R. 3824, revenue bonds for District Housing Finance Agency, and H.R. 3914, increase D.C. contribution for Metro construction.

Also, we will return to consideration of the budget resolution and conclude and complete consideration of the congressional budget resolution on Monday.

If there is time after all of that, we will take up H.R. 10, civil rights of institutionalized persons, under an open rule with 1 hour of general debate.

Mr. BAUMAN. Mr. Speaker, the gentleman is saying that we will stay on Monday evening, however long it takes to complete consideration?

Mr. WRIGHT. It is our present intention to complete action on the budget resolution on Monday, May 14, which is the day before the statutory requirement of complete action by the House-Senate conference committee and both bodies.

On Tuesday, we will meet at noon. We have no bills on suspension.

There will be a call of the private calendar, in all probability.

Then we will take up H.R. 39, Alaska National Interest Lands Conservation Act of 1979, and complete consideration on that bill. All time on general debate having been yielded back, we will go under the 5-minute rule immediately and work on that bill for the remainder of Tuesday, hoping to complete consideration.

On Wednesday, we meet at 10 o'clock to take up H.R. 90, the small business programs authorizations, subject to the granting of a rule.

We meet again at 10 a.m. on Thursday. We will take up S. 869, clarification of conflict of interest restrictions on former Government employees, subject to a rule being granted; and H.R. 3672, Additional Funds for Financial Oversight Commission of D.C., subject to a rule being granted.

The House then at noon on Thursday will receive former Members of Congress.

On Friday next, May 18, we will not be in session.

The House will adjourn by 5:30 p.m. on all days except Monday and Wednesday.

Conference reports, of course, may be brought up at any time.

Mr. Speaker, I have four unanimous consent requests.

Prior to that, let me announce again, we will not be in session tomorrow. We will not be in session a week from tomorrow, Friday, May 18.

We will be in session Monday and there will be many votes on Monday.

The SPEAKER. Will the gentleman from Texas be sure to announce that we intend to finish the bill and there will be a night session on Monday.

Mr. WRIGHT. Mr. Speaker, on Monday we will complete consideration of the House budget resolution even if it takes a night session.

PERMISSION FOR ALL COMMITTEES TO HAVE UNTIL MIDNIGHT, TUESDAY, MAY 15, 1979, TO FILE REPORTS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all committees may have until midnight on Tuesday, May 15, to file reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, why is that necessary?

Mr. WRIGHT. It is necessary in order to meet the requirements of the Budget Act. All authorizing committees are supposed to have their legislative authorizations ready by May 15. I do not know which committees this would affect, but I think it is fair for all committees to give them until midnight on Tuesday, May 15.

Mr. ROUSSELOT. Well, reserving the right to object, Mr. Speaker, the only thing I am concerned about is not just regular authorizations. There are no special zingers in this group, are there, that we know of?

Mr. WRIGHT. There are none to my knowledge. The leadership is not aware of any zingers.

Mr. ROUSSELOT. A broad what?

Mr. WRIGHT. A broad permission for any committee that may have some zinger, national defense and a lot of good things like that.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. WRIGHT)?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I would hope that the gentleman would specifically exclude from his request for permission to file, the request by the Committee on Government Operations to file a report on the creation of a Department of Education. Otherwise, I would ask nine other Members to rise and object to this request.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Texas under my reservation.

Mr. BROOKS. Mr. Speaker, it is not included in that. I have a request to ask unanimous consent that the Committee on Government Operations would have until midnight tomorrow night to file two legislative reports; one being the reauthorization of the National Historical Publication and Records Commission; and two, being the Department of Education.

We had waited until yesterday for dissenting views and additional views. We gave them 4 or 5 days. That having been done, the report is now about drafted and just about completed and will be ready to be filed tomorrow night.

Mr. BAUMAN. Mr. Speaker, with the clear understanding that the request of the majority leader does not include the

Department of Education bill, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. Wright)?

There was no objection.

☐ 1940

AUTHORIZING SPEAKER TO DECLARE RECESS ON THURSDAY, MAY 17, 1979

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess on Thursday, May 17, 1979, subject to the call of the Chair, for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business otherwise in order under the Calendar Wednesday rule be dispensed with on Wednesday of next week.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY, MAY 14, 1979

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT TOMORROW, FRIDAY, MAY 11, 1979, TO FILE LEGISLATIVE REPORT ON H.R. 3923

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight tomorrow, Friday, May 11, 1979, to file its legislative report on H.R. 3923, reauthorizing the National Historical Publications and Records Commission.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT TOMORROW, FRIDAY, MAY 11, 1979, TO FILE LEGISLATIVE REPORT ON H.R. 2444

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight tomorrow, May 11, 1979, to file its legislative report on H.R. 2444, the Department of Education bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BAUMAN. Mr. Speaker, I object, and I think it requires 10 other Members to rise.

The SPEAKER. The Chair will advise the gentleman that it takes only 1 Member to object to this request.

Mr. BAUMAN. I thank the Chair.

The SPEAKER. Objection is heard.

RECOGNITION OF MEMBER BY THE SPEAKER

The SPEAKER. For what purpose does the gentleman from California (Mr. Rousselot) rise?

Mr. ROUSSELOT. For the same purpose, Mr. Speaker, as the gentleman from Maryland (Mr. Bauman).

The SPEAKER. Will the gentleman kindly take a chair, then?

Does the gentleman from California (Mr. Rousselot) seek recognition? If not, the Chair appreciates his sitting down.

Mr. ROUSSELOT. I appreciate it, Mr. Speaker. I feel a speech coming on.

The SPEAKER. Does the gentleman have any purpose in rising?

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that I may have permission to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROUSSELOT. Mr. Speaker, I just want to express my appreciation.

The SPEAKER. Is the gentleman on the correct side?

Mr. ROUSSELOT. Yes, I think I am, Mr. Speaker. I find I get more done over here when I speak directly to everybody.

I want to thank the Speaker for recognizing me for helping out. I will just sit down now and say, "Thank you for giving me recognition."

The SPEAKER. The time of the gentleman from California (Mr. Rousselot) has expired.

☐ 1105

TERRORISM ON BOTH SIDES

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker the PLO observed meticulously the ceasefire in Lebanon arranged 2 weeks ago by the United Nations. Despite this, Israel engaged in violent attacks 4 days in a row against scattered points in Lebanon.

For 3 days in a row this week, despite U.S. objections, U.S.-supplied Israeli fighter planes bombed suspected Palestinian camps in Lebanon, in one instance hitting a house where a wedding was in progress killing many of the celebrants. These actions broke a 10-day truce arranged by the United Nations.

After the first bombing raid, Prime Minister Begin announced, "We will strike against them and the organization led by Yasser Arafat, the Palestinians' Idi Amin."

While some Palestinian commandoes may have been killed by the bombings, the sad fact is that most of the injured and killed are innocent civilians, including women and children. This is terrorism and on a large scale. It will not stop the Palestinian violence against Israel and it will not assure Israel security. Israel cannot bomb the Palestinian cause out of existence.

Prime Minister Begin as well as Palestinian leaders must ask themselves, what is the purpose of the new round of violence in the Middle East? What is to be gained by killing women, children, and the aged?

As the violence escalates, they must ask themselves whether they are doing everything possible to discourage further violence. Israel's repeated daily bombing of Lebanon certainly is not designed to lessen the violence. Nor is Prime Minister Begin's pledge to "go on striking them (the PLO) with all our might and strength on the sea, in the air and on land." Nor is his statement, "We shall not give them any rest."

At the same time, Palestinian terrorist attacks against Israel will not advance the PLO goal of recognition of their rights and a homeland. Indeed, it may have the opposite effect. The PLO cannot terrorize Israel out of existence.

I deplore equally the violence on both sides. It is totally inexcusable. And I think that each side has a responsibility to do everything possible to stem the tide of rising terrorism from Israeli bombing and strafing and from Palestinian commando raids against Israel.

Arafat is, in fact, under enormous pressure as a result of the Camp David summit to take the road of violence and terrorism. Some PLO officials have urged him to mount a massive campaign of terrorism. Although there has been violence by the PLO and other Palestinian groups, the potential for terrorism is far greater than has so far been demonstrated.

Begin too is under great pressure because of terrorist attacks. But instead of acting with statesmanlike restraint, he chose to break a truce arranged by the United Nations and initiate 4 days of violence and bombing that has left scores dead and injured in northern and southern Lebanon. After the 10-day truce, with no intervening attacks by Palestinians on Israel, what possible justification can Prime Minister Begin have for bombing Palestinians in Lebanon? None has yet been offered.

This new round of violence will result in a new layer of bitterness and distrust between Israel and its Arab neighbors. It will start a new cycle of venomous hate that will delay perhaps for years any reconciliation between Israel and the Palestinians.

Surely Prime Minister Begin knows this will happen. Surely he realizes that repeated Israeli attacks on refugee camps will provoke a Palestinian response. And surely he must realize that the inevitable result of escalating terrorism will be the creation of an atmosphere so poisoned against the Palestinian Liberation Organization that a mediation role by the United States will become very difficult.

In fact, one wonders if U.S. talks with the PLO is precisely what Begin fears and seeks to prevent. At recent hearings, State Department witnesses testified that the United States need not get Israeli approval before beginning talks with the PLO at this time. The renewed bombing of Palestinians by Israel, if it leads to terrorist attacks by the PLO, may very well create such an anti-PLO uproar among the American people that talks between Palestinian and U.S. officials may be considered imprudent. Surely Prime Minister Begin would not pay such a high price to keep the United States and the PLO from talking.

If there is ever to be peace in the Middle East, with justice for all parties, it will require leadership of the quality of Solomon. Let us urge the leaders in that troubled part of the world to act with the restraint that is essential if the vital interests of their great peoples are to be protected.

We must face the hard brutal fact that terrorism is occurring on both sides. Violence begets violence. Terrorism begets terrorism. The death of an innocent Arab child is just as senseless and deplorable as the death of an innocent Israeli child.

We must also face the fact that the United States holds the best hope for breaking this cycle of terrorism. I call upon President Carter to undertake without further delay direct informal exploratory talks with PLO leaders to bring them into the process of peaceful negotiation, and to urge them to reject violence. At the same time, on the same urgent basis, I call upon President Carter to insist that Israeli leaders halt this senseless mounting terrorism against Palestinians in Lebanon.

PERSONAL EXPLANATION

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

● Mr. DANIELSON. Mr. Speaker, I was unable to be present on the floor of the House of Representatives during one rollcall vote on Tuesday, May 8, 1979, and would like to announce how I would have voted had I been present. Rollcall No. 125. The House, by a vote of 396 yeas to 5 nays, agreed to resolve itself into the Committee of the Whole. I would have voted "aye." ●

☐ 1945

TO AMEND THE FOOD STAMP ACT OF 1977 TO RECOVER BENEFITS WHERE INDIVIDUAL'S ADJUSTED GROSS INCOME FOR YEAR EXCEEDS TWICE POVERTY LEVEL

The SPEAKER. Under a previous order of the House, the gentleman from Vermont (Mr. JEFFORDS) is recognized for 10 minutes.

● Mr. JEFFORDS. Mr. Speaker, today I am introducing a bill which provides for the recovery of food stamp benefits from households earning more than twice the poverty guideline. This bill, I submit, would substantially increase the integrity and operation of the food stamp program, which, as we all know, has been and remains in the throes of fiscal distress and problems of abuse and error. My bill offers the potential for additional revenues to serve those with legitimate needs. It also would eliminate benefits for the non-needy and would greatly decrease other abuse within the food stamp program.

At a time when we all face extremely tough budget decisions and possible cutbacks in the food stamp program, it is imperative that we do all that we can to control costs by carefully reviewing programs, implementing provisions to increase their efficient operation and better focusing services on those for whom the legislation was written. The recoupment of food stamp benefits from those whose annual income exceeds the guidelines of this bill, I believe, does that. Further, I submit, it presents an opportunity to examine other Federal programs in this regard.

The idea of recoupment is not a new one in our attempts to reform and better focus Federal assistance dollars on those who most need them. As a number of my colleagues in this body will recall, I offered a similar proposal in the last Congress as an amendment to the Food Stamp Act of 1977. A number of concerns regarding the administration of recoupment efforts were raised at that time. They were discussed at some length in the Committee on Agriculture and here on the floor. As a result of those debates and the substantial interest in the recovery of overpayment as well as in increased effectiveness and efficiency of the overall food stamp program, we authorized a study on the feasibility of recoupment to be carried out by the Department of Agriculture. The study, due to Congress this past March, currently is in preparation and, I have been informed that it should be available in the next few weeks.

Let me describe the main features of my proposal. The bill aims to help bring the food stamp program under better control in two ways. The first is to distribute our increasingly shrinking resources to households when they have legitimate need. We all recognize that households may have income in excess of this bill's guidelines over a 12-month period and that income may have been earned in only a few months of that period. These households, during the times when little or no income was earned, would have been eligible for food stamp benefits. Other households, with the same 12-month income earned consistently throughout the year, would not have been eligible for benefits. In other words, the food stamp program presently benefits households earning a relatively high income in spurts, while the family which earns the same annual income on an equal monthly basis is ineligible.

I would like to make it clear that this bill does not deny benefits to any household in need. It would accommodate those households described formerly, which may have temporary need. However, it essentially would provide that assistance as an interest free loan, to be paid back in a painless manner through deduction from the family's income tax refund, or on an interest free, penalty free schedule, after the household is off food stamps. This aspect of my proposal would bring about some long overdue equity to the program.

The second purpose of this proposal is to reduce the incidence of abuses within the program. Available estimates at the time of the Food Stamp Act reforms indicated that around 12 percent of benefit payments was lost due to errors or suspected fraud. This amount climbed to 14 percent when we included households which were legally eligible, but which were at twice the poverty level over a 12-month period. A GAO report, at that same time, indicated that the Government was only able to successfully recover about 0.1 percent of that loss. There are no new available data which substantially improve that picture.

I believe that we can raise that recovery figure dramatically through the recoupment mechanism offered in this bill. This mechanism allows us to construct an interface between the food stamp program and the Internal Revenue Service in the determination of benefits which should be recovered. Prior to the new food stamp legislation, several revenue estimates ranging up to nearly $0.5 billion were suggested. While that estimate may have been high and the new tightened eligibility requirements passed in the 1977 act also may have lowered that figure, I believe that recovery still would be substantial—in the hundreds of millions of dollars. Those recovered funds first would be earmarked for the administration of the recoupment program with the remainder available for other purposes as we may decide.

The benefits of my proposal are many, several of which I already have described herein. I will summarize by mentioning several factors which should be very important to us as we try to sustain these programmatic efforts while bringing Federal spending under control. Except for the start up year, the recovery program would generate not only its own operating costs, but probably considerable additional funds. Further, I believe that my proposal reinforces a notion that is a cornerstone of our culture, but has been largely overlooked in our Federal assistance programs. The notion is that the Federal Government can provide a helping hand when necessary, but that it cannot and should not be a giveaway to all callers. Third, regardless of the amount of revenues generated beyond administrative costs, my bill takes us a few steps toward restoring the credibility of the food stamp program among taxpayers who finance it and are acutely aware of its many shortcomings. Here is an opportunity to address some of their concerns in an equitable manner for all potential recipients. Finally, I would like to reiterate that this proposal in no way compromises our commitment to help feed poor people in this country. In fact, it may well help stabilize the food stamp program.

Given the recent report that the food stamp program can take a great deal of credit for reducing hunger and malnutrition in the United States, it is incumbent upon us to continue those efforts as effectively and efficiently as we can. I think this bill offers us the chance to greatly improve the program and I urge your support.

The bill follows:

H.R. 4039

A bill to amend the Food Stamp Act of 1977 to make individuals who receive coupons liable to the United States for an amount not to exceed the value of such coupons, if such individuals receive income in excess of twice the poverty level during any calendar year in which they receive coupons

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Food Stamp Act of 1977 (7 U.S.C. 2011–2027) is amended by adding at the end thereof the following new section:

"PAYMENT TO UNITED STATES BASED ON EXCESSIVE INCOME

"SEC. 19. (a)(1) If any individual—

"(A) receives coupons during any calender year, and

"(B) has an adjusted gross income for such calendar year which exceeds the exempt amount,

then such individual shall be liable to the United States for the amount determined under subsection (b) with respect to such individual for such calendar year. Such amount shall be due and payable on April 15 of the succeeding calendar year and shall be collected in accordance with the procedures prescribed by the Secretary under subsection (g).

"(2) If, at the time prescribed by paragraph (1) for the payment of any liability imposed by such paragraph on any individual, such individual is a member of a household receiving coupons, the time for the payment of any amount of such liability which is not offset in accordance with regulations prescribed under subsection (g) shall be extended until such individual is no longer a member of a household receiving coupons.

"(3) No interest or penalty shall be assessed or collected with respect to any liability imposed by paragraph (1).

"(4) Except in the case of a husband and wife who live apart at all times during the calendar year, in the case of a married individual—

"(A) this section shall be applied by treating both spouses as one individual, and

"(B) the liability imposed by paragraph (1) shall be apportioned among the spouses in accordance with regulations prescribed by the Secretary (after consultation with the Secretary of the Treasury).

"(b)(1) For purposes of this section, the amount determined under this subsection with respect to any individual for any calendar year is the lesser of—

"(A) the value of the coupons received by such individual during such calendar year, or

"(B) the excess of (i) the adjusted gross income of such individual for such calendar year, over (ii) the exempt amount.

"(2) For purposes of this section—

"(A) If an individual maintains a household for any calendar year, such individual shall be treated as receiving all of the coupons received by such household during such calendar year. An individual shall be treated as maintaining a household for any calendar year if such individual provides at least 80 percent of the cost of maintaining such household for such year.

"(B) If subparagraph (A) does not apply with respect to any individual who is a member of a household for any calendar year, each member of such household shall be treated as receiving a portion (determined under regulations prescribed by the Secretary) of the coupons received by such household during the calendar year.

"(c) If the Secretary determines that any individual may be liable under this section with respect to any calendar year, the Secretary shall provide, not later than January 31 of the succeeding calendar year, such individual a written statement which—

"(1) sets forth the value of the coupons received by such individual during such calendar year, and

"(2) contains an explanation that an amount not to exceed the value of such coupons may be payable in accordance with this section.

"(d) The Secretary (after consultation with the Secretary of the Treasury) may waive any liability, or extend the period for payment of such liability, imposed by subsection (a)(1) if he determines that such liability or such period would cause undue hardship.

"(e) For purposes of this section—

"(1) The term 'exempt amount' means, with respect to any individual for any calendar year, an amount equal to twice the nonfarm income poverty guidelines for a household which consists of such individual, his spouse, and any dependent of the individual with respect to whom the individual is entitled to a deduction under section 151(e) of the Internal Revenue Code of 1954 for such calendar year. For purposes of the preceding sentence, the term 'nonfarm income poverty guidelines' means the nonfarm income poverty guidelines described in section 5(c) of this Act.

"(2) The terms 'adjusted gross income' and 'dependent' shall have the meanings given them in section 62 and section 152, respectively, of the Internal Revenue Code of 1954.

"(3) The determination of marital status shall be made in accordance with section 143 of the Internal Revenue Code of 1954.

"(f) All funds recovered by the United States under this section shall be deposited as miscellaneous receipts of the Treasury and shall be available to—

"(1) the Secretary of the Treasury to defray administrative costs incurred in carrying out the provisions of this section, and

"(2) the Secretary of Agriculture to carry out the provisions of this Act,

in such amounts as may be specified in appropriation Acts.

"(g) The Secretary (after consultation with the Secretary of the Treasury) shall by regulation prescribe the procedures for collecting any liability imposed by subsection (a)(1). Such regulations shall provide that—

"(1) where feasible, any such liability shall be collected by the Secretary of the Treasury in coordination with his responsibilities under other Federal laws, and

"(2) any liability not collected by the Secretary of the Treasury shall be collected by the Secretary.

Such regulations may provide that the liability of any individual under this section shall be offset by any overpayment of a Federal tax paid by such individual, and the amount of such liability so offset shall be treated as a refund to such individual of such overpayment.".

SEC. 2. The amendment made by the first section of this Act shall take effect on the first day of the first calendar year beginning after the date of the enactment of this Act.●

THE BUDGET RESOLUTION: MILITARY PAY AND RETIRED ANNUITIES

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BOB WILSON) is recognized for 5 minutes.

● Mr. BOB WILSON. Mr. Speaker, we are aware of the necessity to tighten our belts on Government spending. I wholeheartedly concur that ways and means must be discovered to reduce Federal expenditures, but why must it be always the most expedient way—through reductions in the pay and allowances of our dedicated military personnel and civil service employees?

Let's look at the record.

Twice before the President of the United States has placed a pay cap on military and civil service pay. This has put these two groups behind the inflation curve. Military people have lost 10 to 16 percent of their 1972 purchasing power.

Particularly appalling is the financial burden this continues to cause our young enlisted personnel. The average enlisted service member earns less than $9,700 in pay, allowances, and permanent change of station funds. This $9,700, by the way, does not compare well with the $11,546 that it takes to maintain a "lower-level" standard of living.

Perhaps some of my colleagues have forgotten that at the urging of the Department of Defense, Congress has done much to denude our military of their rightful benefits, many of which were cash payments. For example:

Superior performance pay for most enlisted members terminated in January 1975, resulting in a loss of $50 monthly;

Shortage specialty proficiency pay terminated July 1975 causing monthly losses of $50 to $150;

Regular reenlistment bonuses for all enlisted members terminated in June 1974 at a $2,000 loss for those who serve a maximum of 20 years;

Reduction in the method used to calculate pay increases, so that greater amounts go into allowances with corresponding losses in take-home pay;

Travel pay for enlisted members upon reenlistment terminated January 1975 costing an average of $110 for each member at each reenlistment;

Leave payments to enlisted personnel for reenlistment or termination of service reduced to a maximum of 60 days no matter how long the term of service with a loss of thousands of dollars for career-motivated members.

There have been others that I will briefly mention: reduction in medical and CHAMPUS benefits, termination of lump-sum reenlistment bonuses, lack of retirement benefits for thousands of enlisted personnel thrown out of the services without severance pay, lower per diem and travel rates, loss of the GI bill, termination of shipments of privately owned vehicles, reductions in hazardous duty pay, and so forth. These have played a major role in cutting the pay of our servicemen and servicewomen—in too many cases above the amounts received in so-called comparable pay adjustments since 1972.

I might add here that no other segment of the American society has been so consistently and fiscally attacked by some Members of Congress as the military forces. It is of no small wonder why the All Volunteer Force is being condemned as a failure and many of our colleagues are calling for restoration of the draft.

And now, as if enough fiscal restraints had not been applied to the active military forces over the past 6 to 7 years, Congress is also going after the retired military and civil service community.

Less than 3 years ago, we changed the method of calculating cost-of-living increases for this group. Now, we were at it again, calling for a once-a-year adjustment, in lieu of twice.

Personally, I think it is time for Congress to stand on its feet and say: "Mr. President, we believe in your anti-inflation program, but let's lay off the active military forces. They are entitled to a full measure of comparability."

I ask the House to stand four-square behind our armed services personnel.

I ask my colleagues to find other ways to meet the budget recommendation without gouging the servicemen and women who serve this Nation proudly.

I ask my colleagues not to forget that more than 85 percent of the uniformed services is composed of enlisted personnel with an average grade of corporal, petty officer third class, or senior airman earning the grand total of about $2.50 per hour assuming they work only 40 hours each week, which is seldom the case in the military.

I ask my colleagues to vote against the proposed 5.5-percent pay cap suggested by the President—particularly when the October 1978 pay cap did little, if anything, to deter many of the wage demands of our larger unions—and to vote against the provision that seeks to reduce the annuities of the retired military and civil service communities.

I say we have done enough already.●

REPRESENTATIVE KEMP'S COMMENTS ON THE WHITE HOUSE QUESTIONS AND ANSWERS ON SALT II

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 30 minutes.

● Mr. KEMP. Mr. Speaker, the White House released a document today entitled SALT II Reference Guide which contains several Department of State brochures describing the proposed strategic arms limitation treaty in general terms. Appended to this White House material is a set of questions and answers concerning some of the criticism of SALT II raised in the media in recent months. The questions and answers identified as "Q's and A's, Set No. 1" address some of the fundamental issues raised by the content of SALT II. As a consequence, they merit careful evaluation by the Congress. To this end, I am providing a commentary on the administration's answers to the questions, as well as reproducing the text of the administration's response.

1. Q. What specifically will the Russians have to destroy as a result of SALT II? Don't they destroy only their oldest launchers?

A. The emerging SALT II agreement will require the Soviets to reduce their force by more than 250 strategic nuclear delivery vehicles—over 10 percent of current Soviet force levels. This reduction is important militarily because of the destructive power these systems represent. It is important politically because it concerns an important political measure of strategic capability and the central goal of equality in numbers of systems mandated in the Senate Resolution approving the SALT I agreement. Moreover, these reductions are symbolically important because they set a precedent for further reductions in the future.

As an example of the military significance of the systems to be reduced, they are capable of destroying the largest 250 cities in the United States. The launchers reduced will clearly be the older systems in the current Soviet inventory, but these systems are by no means decrepit. They include ICBMs that are the same vintage as our Minuteman II missiles and SLMBs that are newer than our Polaris. The bombers to be reduced include the only all-jet bombers in the Soviet force.

More important, without the ceilings provided by the Treaty, the Soviets would not only maintain and probably modernize these delivery vehicles but, based on past performance, they would be likely to increase their force size by adding new systems. The resulting force would not only be substantially larger than 2250—perhaps by a third—but would have far greater destructive power, throw weight, and warhead levels.

Politically, the reductions achieve equality in numbers of strategic systems at lower levels. The Senate recognized the importance of this measure by mandating equality in numbers in approving the SALT I Interim Agreement. The value of these reductions cannot be depreciated. In their absence, it could be politically necessary for the U.S. to build up to projected Soviet force levels. This numbers race would cost billions of dollars—a major diversion of resources with no resultant increase in security.

Finally, a goal of the United States in SALT must be not simply to ratify the number of strategic delivery vehicles on the two sides, but to reduce these levels. The SALT II reductions are the critical first step in this process.

1. COMMENT

First. It is alleged that SALT II will force the Soviets to "reduce their force by more than 250 strategic nuclear delivery vehicles." This is not correct. It will force the Soviets to divest themselves of 250 strategic nuclear delivery vehicle launchers. In this case, the distinction between launchers and vehicles is crucial and fundamental. A launcher is a device from which a strategic nuclear delivery vehicle is fired. Thus, an ICBM launcher is a missile silo. SALT only requires the Soviets to divest themselves of 250 silos—or bombers or submarine ballistic missile launch tubes—not, repeat, not the missiles fired from those launchers. The Soviets will dispose of their obsolescent second generation ICBM's, because their fourth generation ICBM's; for example, the SS–18 and SS–17's which can be launched from reloadable silos, are of a type which make retention of second generation systems unnecessary. The Soviet Union can produce additional ICBM's in large numbers, store them at a site away from the ICBM launch complexes, and use them as reloads in a crisis.

Second. The administration's response fails to mention that the United States will also have to divest itself of strategic delivery vehicle launchers as well. According to the U.S. Arms Control and Disarmament Agency in its publication, "Fiscal Year 1980 Arms Control Impact Statement" (March 1979), the United States has 2,286 SALT-accountable launchers, 36 of which will have to be taken out of service and dismantled. Unlike the Soviet Union, the United States will probably eliminate some of its B–52 bombers—a type which is currently in active service. The Soviet launchers to be eliminated are, as the White House acknowledges, "older systems."

Third. The reduction of Soviet launchers will do nothing of military significance to reduce the threat to the survival of U.S. strategic forces for reasons already mentioned. Nor will the reductions so achieved be of any political advantage in subsequent negotiations because the United States has allowed the Soviets to have wholly one-sided advantages in various elements of the treaty; for example, the Soviets may have 308 heavy missiles, the United States may have none; the Soviets may deploy 350 or more bombers capable of striking the United States which will not have to be counted for SALT purposes, while the United States will have to count all of its intercontinental bombers for SALT purposes. By allowing the Soviets to obtain such inequitable advantages through 1985, there is little likelihood that the Soviets will ever agree to reductions in these advantages.

2. Q: Are multiple protective structure (MPS) mobile ICBM systems using vertical shelters permitted under SALT? What is the Soviet view of this issue?

A: The Soviet side and the U.S. side have agreed on language in the SALT II treaty that states explicitly that mobile ICBM launchers are permitted after the Protocol expires. We have made clear that this language includes the various basing concepts we have been considering, including those, such as the MPS systems, in which missiles with their canister launchers are moved among shelters which might themselves be hardened. The Soviets have expressed the view that they do not see how the number of launchers in an MPS-type system could be verified and suggested that such a system would appear to involve construction of additional ICBM silo launchers. We have made clear that we do not accept these objections as valid.

With regard to verification, we recognize that there are additional difficulties connected with the monitoring of numbers of deployed mobile launchers, compared with such monitoring of fixed launchers, and that any new U.S. or Soviet mobile ICBM systems are subject to the SALT ban on deliberate concealment measures which impede verification of compliance with the provisions of the agreement. As a consequence of this prohibition, we must ensure that any mobile ICBM system which we deploy will permit adequate verification of the number of launchers deployed, and we will insist that any Soviet system meet the same verification standards. (It is noteworthy that these same requirements apply to SLBM launchers where the location of deployed launchers is concealed and the sides depend on observation of submarine construction to determine the number of launchers.)

We are confident that the various mobile ICBM options we are considering would meet these verification requirements.

We do not accept the Soviet claim that the shelters in an MPS system would constitute additional ICBM silo launchers, since the MPS system we are considering employs a mobile canister launcher. The basis for classifying the MPS system as a mobile is that essentially all the equipment required to launch the missile, as well as the missile itself, are moved together periodically from one shelter to another—with the shelter providing a protected launch location. (The hardened shelter alone cannot launch a missile.) This assessment would apply irrespective of the type or orientation of the shelters in which the launcher and its missile are deployed (horizontal, vertical, trench).

The United States has both publicly and privately made clear that the various mobile ICBM systems we are considering, including ones in which the launch point would itself be hardened, will be permitted to either side during the post-Protocol period. We accept the requirement that mobile ICBM deployment must permit adequate verification of the number of launchers deployed and have designed the MPS system accordingly. We do not plan to seek Soviet blessing of our designs and similarly are not asking the Soviets to submit their mobile ICBM designs for our review. The responsibilities of both sides on this matter are clear. There can be no question on the part of either side as to the interpretation which will govern U.S. actions under the provisions of the SALT II agreement.

2. COMMENT

First. The administration's statement glosses over several very important issues. First, the Soviets have strenuously objected to vertical shelter MPS deployment. This deployment in any event, is prohibited by the SALT protocol, and slowdowns in the U.S. MX program have made it impossible to deploy the system before the treaty expires—the initial operating capability of MX is now fiscal year 1986; the treaty ends in late 1985.

Second. By accepting a ban on mobile launchers, including the test firing of missiles from mobile launchers for the duration of the protocol, the United States establishes a dangerous precedent. Although the administration's spokesmen depreciate the precedental value of the SALT protocol, one should recall that the United States is now in the seventh year of a 5-year interim agreement without benefit of congressional ratification. The Soviets have made it clear to visiting Members of Congress that they except the protocol to be extended beyond its expiration date. It is not difficult to understand the Soviet view; what is the utility of the protocol as an arms control measure if it results in only a brief pause in the acquisition of weapons controlled by the protocol? From the Soviet perspective, having maneuvered U.S. negotiators into accepting the restrictive terms of the protocol, it is reasonable that they should seek to have it continued.

Third. Administration witnesses before various congressional committees in support of budget requests for fiscal year 1978, fiscal year 1979, and fiscal year 1980 have indicated that the budgets were presented in the expectation that SALT would be successfully negotiated and ratified by the Congress. Hence, the administration has delayed a full-scale engineering development decision for nearly 3 years after the MX was ready for engineering development because it would be ready for flight tests during the protocol period. As a result, the deployment of MX is made moot as a point of contention in SALT II. Such a delay is rhetorically convenient for the otherwise difficult case of transparent Minuteman vulnerability, but the risk the Nation is exposed to between now and the late 1980's makes the cost of serving rhetorical convenience dangerously high.

3. Q: Why are the Soviets permitted a 308–0 advantage in heavy ICBMs?

A: The United States gave up the rights to modern heavy ICBMs in the course of the SALT I negotiations and agreed to continue this situation in SALT II quite simply because our military planners have absolutely no interest in such missiles. By giving up our rights to modern heavy ICBMs, which we do not need and would not build, we were able to gain important concessions in other areas. In particular, this bargaining chip was used in the negotiations at Vladivostok in 1974 to get the Soviets to drop their insistence on limits on US European-based aircraft and the nuclear systems of US Allies.

Furthermore, it is important to understand that the Soviet advantage in heavy ICBMs only applies to silo-based ICBMs. Neither side is permitted heavy mobile ICBMs or heavy SLBMs. We could have retained the option to deploy unlimited numbers of heavy mobile ICBMs since this option was still open in the Treaty in the fall of 1978. We recognized that keeping this option would have been attractive politically in offsetting arguments about the Soviet advantage in silo-based heavy ICBMs. At the same time, it was possible that the Soviets might some day exercise this option. We weighed this issue and with the support of the Joint Chiefs of Staff proposed to the Soviets that heavy mobile ICBMs and heavy SLBMs be banned. The Soviets accepted this proposal.

Another important factor is that the Treaty will allow us to build a missile of equivalent effectiveness to the Soviet heavy ICBMs. The Soviets will be permitted a maximum of 10 warheads on their heavy missiles, the same number we will be permitted on our M-X missiles which will have better accuracy. Thus, they will not be able to exploit the greater payload of their heavy missiles in any meaningful fashion.

3. COMMENT

First. SALT guidance provided by the Congress in its ratification of SALT I embodied in the Jackson amendment required an agreement which would be equal in terms of the payload potential or "throw-weight." This notion is clear from the legislative history of the amendment, and is supported by the author of the amendment, Senator HENRY JACKSON. Permitting the Soviet Union to retain its heavy missile inventory—a missile with six times the throw-weight of Minuteman III—contributes to what will be a 6-to-1 payload advantage in favor of the Soviet Union when the Soviet buildup is completed in the early 1980's. The acceptance of this advantage violates congressional intent. It should be noted that the House of Representatives ratified this agreement as well as the Senate since it was submitted in the form of an executive agreement rather than a treaty.

Second. To suggest that the United States had to accept so inequitable a bargain as the one-sided Soviet advantage in exchange for Soviet forebearance in pressing a demand to include United States NATO-oriented forces says more about the U.S. negotiators zeal for a quick agreement than it does about their skill in gaining "important concessions."

Third. In its March, 1977 SALT proposals, the administration recognized the inherent inequity in accepting lopsided heavy missile limitations by proposing that the Soviets reduce their heavy missile inventory to 150. When this was rejected, the administration has constructed an ex post argument about the shrewdness in negotiating such disadvantageous terms for the United States. The acceptance of such terms is a disaster for arms control as much as it is for the security of the United States. By not even obtaining a token reduction in heavy missiles, there is no basis for optimism that the Soviet will ever surrender such an advantage in future negotiations. The existence of the heavy missiles in the Soviet inventory is so formidable that it will require that the United States spend tens of billions of dollars to offset the administration's failure to negotiate meaningful limits on the heavy ICBM's.

Fourth. The Soviets have already demonstrated a MIRV stationing capability for more than 10 warheads. Many analysts now believe that the SS-18 is capable of deploying up to 16 warheads due to the fact that the Soviets have had extensive tests with their current warhead dispensing mechanism—the "MIRV bus." We cannot verify that the Soviets have loaded 6, 8, 10, or 16 warheads on the SS–18. Contrary to the administration's assertion, the Soviets will be able to exploit their payload advantage in a manner that is optimized to the configuration of current U.S. strategic forces, namely 1,000 silo-based ICBM's, 10 submarines in port, and 70 percent of the U.S. bomber force not on alert status. With current guidance technology, there is no Soviet incentive to deploy more than 10 to 15 warheads on the SS–18, because with that loading—and including MIRV loadings on the SS–17 and SS–19—the Soviets will have the capability to destroy virtually all of the aforementioned forces while retaining more than half their strategic force in reserve to deter a U.S. retaliatory strike through the residual threat to U.S. urban-industrial areas posed by the Soviet reserve force.

Fifth. The "concession" achieved which prohibits heavy mobile missile deployments is of little practical consequence because it is not cost-effective to deploy heavy mobile missiles due to the great cost of a transporter capable of moving a missile weighing several hundred thousand pounds overland.

Sixth. The U.S. acceptance of the Soviet heavy missile advantage without seriously seeking any offsetting increase in other strategic force elements sets out in vivid relief the inequitable character of SALT II as currently negotiated.

4. Q: Since the Backfire bomber can reach targets in the continental US, why shouldn't it be included in SALT?

A: The Soviet Union is currently deploying Backfires in both their long-range air force and in naval aviation units. The Backfire bomber has been in production for several years, and current production averages two and a half aircraft a month. We continue to believe that the primary purpose of the Backfire is to perform peripheral attack and naval missions. Undoubtedly, this aircraft has some intercontinental capability in that it can surely reach the United States from home bases on a one-way, high-altitude, subsonic, unrefueled flight; with refueling and Arctic staging it can probably, with certain high-altitude cruise flight profiles, execute a two-way mission to much of the United States.

The ability to strike the territory of the other side is not the criterion for determining whether an aircraft is a "heavy bomber" and, thus, subject to the limitations in the SALT II agreement. For example, the US has 67 FB-111's which are part of our strategic bomber force and dedicated to attack on the Soviet Union. We also have over 500 aircraft deployed in the European and Pacific theaters which have the capability to strike Soviet territory. The Soviet Union at one time tried to get these latter aircraft included in SALT on the grounds that they could strike the Soviet Union. With the firm support of our Allies, we adamantly resisted that position on the grounds that these aircraft, whatever their theoretical capability, are deployed for theater missions and, thus, not subject to SALT limitations. The Soviets have used this same argument with respect to the Backfire.

Nevertheless, the Soviets have agreed to furnish specific assurances concerning the Backfire. The US regards the obligations undertaken by these assurances as integral to the Treaty. These assurances, which include a freeze on the current Backfire production rate, are consistent with the US objective of constraining the strategic potential of the Backfire force, while continuing to exclude our own European and Pacific-based theater aircraft from SALT. Those assurances also help to restrict the Backfire to a theater role. In particular, limiting the numbers available means that Soviet diversion of Backfire from its theater and naval missions to a strategic role would substantially reduce Soviet strength in these areas while adding only marginally to overall Soviet strategic capability.

4. COMMENT

First. The Soviet Backfire bomber has a capability, formerly denied by the administration, but now acknowledged, to strike U.S. targets flying unrefueled from bases in the U.S.S.R. All U.S. bombers capable of unrefueled flight to the Soviet Union; that is, a range in excess of 5,500 km.—are required to be included in the U.S. strategic delivery vehicle ceiling. The 67 U.S. FB-111's are not included because they cannot make an unrefueled strike on Soviet territory over an intercontinental distance The Soviet Union will be permitted to deploy 30 bombers per year through 1985—in addition to the 100 they already have deployed since 1974—that will not be counted against the Soviet strategic delivery vehicle ceiling. That the agreement will permit the Soviet Union to deploy 350 Backfire bombers uncounted in SALT simply underscores the inequity built into the terms of SALT II.

Second. In support of its position on Backfire, the administration argues that it insisted, "with the firm support of our Allies" that U.S. tactical aircraft based in Europe should not be counted as strategic delivery systems for the United States in SALT II. Earlier, in this document, the administration argued that this feat—of keeping forward based systems out of SALT II—was achieved by permitting the Soviets to maintain a monopoly in heavy missiles. It seems that the Soviets managed to gain acceptance for their point of view on both Backfire and heavy missiles by selling U.S. negotiators the same proposal on two occasions; that is, the Soviets exchanged a concession on forward based systems first to get their way on heavy missiles, then again on Backfire.

Third. The administration asserts that it will accept Soviet "assurances" about the role and characteristics of the Backfire being integral to the treaty. We should have learned from experience in SALT I that the Soviets will not comply with terms which merely reflect the U.S. view of Soviet obligations not specifically contained in the treaty. One should recall former Secretary of State Henry Kissinger's observation upon learning that the Soviets were not living up to what the United States took to be their obligations based upon unilateral American statements concerning that upgrading of "light" missiles; we could not reasonably hold the Soviets to terms which they never acknowledged their consent. If the terms of the Soviet assurances are to be considered "integral" to the treaty, why then were they not included in the treaty in the first place?

5. Q: Won't our Minuteman missiles be vulnerable to a Soviet first-strike under SALT II? What good is SALT if it couldn't solve this problem?

A: SALT did not produce the Minuteman vulnerability problem. With or without SALT, our Minuteman missiles will become increasingly vulnerable to attack by Soviet ICBMs. This situation is the result of Soviet advances in missile accuracy, coupled with the deployment of large numbers of MIRVed ICBMs. The issue of Minuteman vulnerability must be viewed in perspective. As Secretary of Defense Harold Brown has stated, the vulnerability of the Minuteman—a serious problem requiring corrective action by the US—"would not be synonymous with the vulnerability of the United States or even of the strategic deterrent." Any Soviet planner must realize that even a successful attack on the Minuteman would still leave the Soviet Union vulnerable to massive response by our submarines and heavy bombers. The damage these remaining forces could do, to military, political, and industrial targets, would be devastating.

The inability of SALT to solve the Minuteman vulnerability problem, largely a consequence of substantial MIRV deployments on both sides and the infeasibility of formulating verifiable limits constraining missile accuracy, testifies to the fact that some strategic problems are not amenable to solution in SALT but must be solved by unilateral US action under a vigorous strategic forces modernization program.

SALT does make it more feasible, however, to consider mobile ICBM systems as an alternative basing mode for ICBMs. Without the SALT II limits on MIRVed ICBMs and the number of warheads per missile, a multiple protective structure (MPS) mobile ICBM system would face much more serious feasibility problems from the standpoint of both cost and land availability. Similarly, the viability of the air-mobile ICBM basing mode is also improved through the limitations in the SALT II agreement.

Because we do maintain a balanced strategic nuclear force of land-based ICBMs, submarine-launched missiles, and heavy bombers, we are in a position to take the time to judiciously evaluate and deliberately implement alternative, more survivable, ICBM basing modes to replace the increasingly vulnerable fixed ICBM.

5. COMMENT

The administration tried without success to mitigate the threat to U.S. strategic forces in its March 1977 proposals, but lacked the courage of its convictions to stick with the proposals. These proposals would have reduced, though not eliminated the threat to the survival of the Minuteman force. Our resolve to find a solution to the Minuteman vulnerability dissolved in the face of enthusiasm for an early agreement. As a result of the failure to negotiate limits on Soviet strategic forces which would preserve the U.S. Minuteman force, SALT II assures that the United States will be less secure at the end of SALT II than it was when the negotiations began. Moreover, the administration's willingness to accept a ban on mobile missiles in the SALT protocol raises a question of how the precedential value of this U.S. concession will affect our ability to deploy a less vulnerable ICBM system.

First. SALT II limits on MIRV'ed ICBM's and the number of warheads per missile—"fractionation"—do not have a significant impact on the attractiveness of MPS—multiple protective structures, a means of maintaining positional uncertainty about the precise location of an ICBM through moving it at random intervals through several vertical or horizontal concrete shelters—during the period SALT II is in force—through 1985—because administration delays in proceeding with engineering development have delayed the IOC of an MPS system from the early 1980's to fiscal year 1986 at the earliest—a date after expiration of SALT II.

Second. The SALT II limits on fractionation do not limit Soviet forces in any meaningful way because they are established at the limits the Soviets have test-flown prior to the conclusion of SALT II negotiations. As noted elsewhere, Soviet MIRV technology has advanced to the point where it is possible for the Soviets to deploy substantial numbers of additional warheads on their ICBM force without fear of being detected by U.S. national technical means of verification. Soviet SS-18 tests earlier this year have shown that the Soviets do not need to carry out flight tests on a missile with a full complement of warheads. Selective tests of MIRV bus stationing is sufficient—and the experiments do not require bus stationing of more than 10 positions to be able to field a MIRV'ed missile with 2 to 6 more warheads greater than the SALT constraints.

6. Q: How do our NATO allies feel about SALT? Aren't they concerned about the lack of limits on such Soviet systems as the SS-20 IRBM? Aren't they concerned about

continued US cooperation on theater systems?

A: Allied support of SALT was evidenced recently by the strong statements made by Allied leaders at the Guadeloupe summit meeting. German Chancellor Schmidt has urged early ratification on several occasions, while former British Prime Minister Callaghan declared that it would be tragic if the SALT II Treaty were not ratified. French President Giscard d'Estaing also noted the need to move quickly to a conclusion of SALT II. This Allied support at the highest levels reflects the continuing and close consultation which the US has had with the Allies throughout the conduct of the SALT II negotiations in order to ensure that SALT II will fully protect Allied as well as US security interests.

While the SS–20 and the Backfire bomber are part of the Soviet arsenal which unquestionably does threaten Europe, NATO is confident that the Alliance spectrum of conventional, theater nuclear, and strategic forces remains an effective deterrent to aggression. Nevertheless, Soviet deployment of the SS–20 and the Backfire is a cause for concern. As a result, NATO is currently conducting an in-depth review of the issue of long-range theater nuclear force modernization in order to ensure that we can adequately respond to Soviet threats of both a military and political nature. This includes the possibility of new deployment of long-range theater nuclear systems, as well as arms control initiatives in this area, possibly within the context of SALT III.

We have assured our Allies both privately and publicly that we will not permit the Soviets to use SALT as a vehicle for undermining continued close cooperation in the theater nuclear area. The agreement will not affect existing patterns of collaboration and cooperation with our Allies, nor will it preclude cooperation in modernization. We explicitly rejected a Soviet effort to prohibit the transfer of technology or systems in this area and have made clear to our Allies that the non-circumvention provision in the agreement does not entail any additional obligations beyond those assumed in the agreement.

6. COMMENT

One-third of the non-American principals in the Guadeloupe summit are out of power. The new government in the United Kingdom has expressed different views on portions of SALT which affect Europe. In a session of the House of Commons on January 16, 1979, Mrs. Margaret Thatcher, the new Prime Minister of the United Kingdom raised critical questions about the effect of the "noncircumvention" clause in SALT II that will inhibit European/NATO access to U.S. weapons technology. Mrs. Thatcher stated, SALT II is very worrying for a number of reasons. Is the Prime Minister satisfied that the provisions of SALT II will not inhibit the ability of this country to provide a successor to the Polaris? The content of Mrs. Thatcher's question is not that of an enthusiast for SALT II.

European attitudes that count will not be manifest until American bona fides are tested when our allies seek access to U.S. technology for ground and sea-based cruise missiles with a range in excess of 600 km., and learn that they cannot have it due to the strictures of SALT II.

The forlorn hope that somehow, agreement reached in SALT III will result in the Soviets agreeing to withdraw from deployment their SS–20 and Backfire systems which now threaten NATO-Europe for which now adequate offsetting system exists has the earmark of an argument which will not be heard once SALT is safely ratified.

The administration's statement on noncircumvention obscures the essential point: we are obliged under SALT not to provide allies access to systems and technology we are prohibited from deploying such as ground and sea-launched cruise missiles with a range in excess of 600 km, or air-launched cruise missiles launched from aircraft other than heavy bombers. These are the very areas of weapon development NATO needs to meet the Backfire and SS–20 threat.

7. Q: Why did we accept the cruise missile limits in the Protocol? Don't these limits affect only US systems? Won't they set a precedent for follow-on negotiations?

A: In the course of the SALT II negotiations, it became clear that, in order to get an agreement that contained limits on certain Soviet strategic programs of interest to us, we would have to accept some limitations on cruise missiles. For air-launched cruise missiles (ALCMs), we had a clear idea about what type of limits would be acceptable for the period through 1985 and were able to reach agreement with the Soviets on ALCM limits in the 1985 portion of the Treaty, which do not, in any way, constrain the ALCM options of interest to us. However, for ground-launched cruise missiles (GLCMs) and sea-launched cruise missiles (SLCMs) (that is, surface ship or submarine-launched), we were not prepared to accept long-term limitations.

Early in SALT II, the Soviets proposed that the Treaty contain a ban on the testing and deployment of SLCMs with ranges over 600 km and later adopted the same position for GLCMs. We took the position that consideration of restrictive long-term limits on these systems should be postponed to future negotiations. However, the Soviets insisted that SALT II should contain some limits on SLCMs and GLCMs. When it became clear in the post-Vladivostok negotiations that an agreement could not be concluded without some SLCM and GLCM limits, the US attempted to obtain Soviet agreement to a variety of packages limiting SLCMs and GLCMs. Eventually we agreed to accept some SLCM and GLCM limits in a short-term Protocol, not in the Treaty itself. By this approach, we accommodated Soviet insistence that the agreement address SLCMs and GLCMs, while making certain that these limitations would have no impact on U.S. programs. The Protocol limits ban the deployment of SLCMs and GLCMs with ranges over 600 km but place no limits on development and testing, which can and are going forward.

Therefore, under the terms of the Protocol, the US can continue its cruise missile development program on schedule. We can test SLCMs and GLCMs to any range, while we have given up only the right to deploy such cruise missiles during the period of the Protocol—which we had no plans to do anyway. In the meantime, we can continue to analyze with our Allies the potential role of SLCMs and GLCMs in long-range theater nuclear force modernization and arms control. We consider this an acceptable outcome on this difficult issue.

Concerns about the precedential nature of the Protocol limits on SLCMs and GLCMs are totally unwarranted. The President would not accept any limits on SLCMs and GLCMs in future negotiations which were not in the interests of the US and its Allies. This means that any limitations on systems designed for theater missions would have to be accompanied by appropriate limitations on Soviet systems. Similarly, the United States Senate would have the opportunity to review and make their own judgments as to whether any future SLCM/GLCM limits that might be negotiated are in our national interest.

The history of SALT supports the conclusion that limits accepted in one agreement are not necessarily extended to another agreement unless they are judged to be in our national interest. For example, the original ABM Treaty limited ABM deployments to two sites. This was later changed to one site. That agreement also contained a very restrictive limitation on the transfer of ABM systems and components; the SALT II agreement contains no such limits for offensive systems. The SALT I Interim Agreement provided for unequal aggregates of ICBM and SLBM launchers and unequal limits on ballistic missile submarines, and some predicted at the time that these unequal limits would become a permanent feature of SALT. However, SALT II provides for equal aggregates between the United States and the Soviet Union and drops entirely the idea of numerical limits on submarines.

On the other hand, the two sides agreed to extend the SALT I freezes on building new ICBM silos and converting light ICBM launchers to heavy ICBM launchers. In the first case, we wanted the extension and, in the second case, the Soviets wanted it—which we accepted in return for Soviet concessions in other areas.

Moreover, both sides have made it clear in the negotiating record that the Protocol limits expire with the Protocol.

7. COMMENT

Contrary to administration assertion, ALCM limits do constrain the United States from "options of interest to us." ALCM deployments are limited to heavy bombers. However, we are conducting tests with the ALCM on an A–6 tactical aircraft. It would be an option of great interest to us to be able to disperse the ALCM deployment among a vast number of tactical aircraft rather than concentrating all of our ALCM "eggs" in the "basket" of 120 or so heavy bombers.

Concerns about the precedential nature of protocol limits on GLCM and SLCM are entirely warranted based upon recent SALT experience. The precedent of a Soviet monopoly in heavy missiles established in SALT I was sufficiently strong to have it carried over into SALT II. The precedent of inequality in SALT I whereby the Soviets were permitted to have a vast throw-weight advantage as an "interim" measure to facilitate future negotiations served as a compelling precedent to the Carter administration; they have accepted an even larger throw-weight inequality in SALT II. In view of the very strong expectations that the Soviets have for the extension of SALT II, one can expect a propaganda assault in favor of the extension of the protocol at least as strong as the successful Soviet propaganda campaign on the neutron bomb that forced President Carter to "defer" the deployment of the neutron bomb. The administration's negotiating record suggests that the precedential value of the SALT protocol will be high.

It is far from clear that "both sides have made it clear in the negotiating record that the protocol limits expire with the protocol" as many Members of Congress have been informed by the highest Soviet authorities that they expect the protocol to be extended.

8. Q: It is claimed that SALT II will be adequately verifiable; but how will the US make sure that the Soviets aren't cheating? Doesn't the loss of intelligence collection sites in Iran undermine our ability to verify the SALT II agreement?

A: The US relies for verification on "national technical means" which is a general term covering a variety of technical collection methods for monitoring Soviet military activities. As the President has publicly confirmed, these national technical means include photographic satellites. There are other collection methods as well. For example, we are able to monitor Soviet telemetry—that is, the technical data transmitted by radio signals from the Soviet missiles during tests—from outside Soviet territory. A further example of national technical means are the ships and aircraft which we also use to monitor Soviet missile tests. The sides have also acknowledged that large radars, such as the COBRA DANE radar at Shenya Island in the Aleutians, can be used as a form of national technical means (NTM).

This is not a complete list of the technical devices that constitute our NTM. Still less is it a complete list of US intelligence resources. Many of our intelligence resources are very sensitive. Public acknowledgement of their existence, much less of their technical capabilities and details of how they work or what information they produce, would make it far easier for the Soviets to negate them. Therefore, what we can say publicly about the details of our intelligence facilities is very limited. Members of the Senate who will have to vote on the Treaty will, of course, have full access to all the details.

However, there is no secret that our NTM enable us to learn a great deal about Soviet military systems, including the strategic nuclear forces that are limited in SALT. We are able to monitor many aspects of the development, testing, production, deployment, training, and operation of Soviet strategic forces, despite the closed nature of Soviet society and Soviet concern with secrecy. A good measure of the capabilities of our systems of intelligence collection is the detailed information we publish on Soviet forces: For example, the Secretary of Defense's Report for FY 80 lists the numbers of Soviet bombers, missiles, and gives estimates of the numbers of weapons carried on Soviet forces. We know that the Soviets have a "fifth generation" of ICBMs under development, and we know a good deal about their characteristics—this before a single missile has been flight-tested. That this is by no means the full extent of our knowledge of Soviet systems is clear from the mass of unofficial—but often all-too-accurate—leaks of detailed information on Soviet programs.

From these sources, then, we are able to assemble a detailed picture of Soviet forces, both overall and in terms of the characteristics of particular systems. No one source is essential; instead we rely on information from a variety of sources—for example, what we learn from photography can be checked against information from radar or telemetry monitoring. This means both that loss of a particular source, though it can be important and require replacement, does not "blind" our ability to monitor what the Soviets are doing. Moreover, the use of multiple sources complicates any effort to disguise or conceal a violation. The Soviets know we have a big intelligence operation and know a certain amount about how it works, from our official statements, from leaks, from spies, and from their own NTM. But we know they do not know the full capabilities of our system—or, equally important, how we use the information we collect. The result is that efforts to conceal would have to be planned to cope with a number of US collection systems, some of them entirely unknown. (The need to maintain this uncertainty is a major justification for continued secrecy about our intelligence systems and methods.)

As for the loss of the intelligence collection sites in Iran, we are proceeding in an orderly fashion to reestablish that capability. As Secretary of Defense Harold Brown pointed out in his April 5 speech in New York, the issue is not whether the capability will be reestablished but rather how, where, and how quickly. There are a number of alternatives available to us for recovering the capability. Some can be implemented more quickly than others. Some involve consultations with other countries, some do not.

Intelligence of the kind obtained from the Iranian sites provides information on Soviet strategic systems, including some of the aspects of the strategic systems which are limited by SALT. For this reason, we will be moving with all deliberate speed to reestablish the capability. However, as noted above, we have a large number of other technical intelligence collection sources which collect intelligence on Soviet strategic systems. As a consequence, it is not imperative that the Iranian capability be immediately reestablished to ensure that the emerging SALT agreement is adequately verifiable, i.e., that any Soviet cheating that could pose a military risk be detected in time for the US to respond and offset the threat. As long as the capability is reestablished on a timely basis—as we plan to do—there will be no impact on SALT verification. We estimate that regaining enough capability to monitor adequately these tests for SALT purposes will take about a year.

The principal information at issue is the nature and characteristics of new or modified Soviet ICBMs. Each such Soviet program will require about 20 flight tests over a period of years. We would be able to monitor testing and detect violations well before the testing programs were complete. On this basis, we are confident that we will be able to verify adequately a SALT agreement from the moment it is signed.

8. COMMENT

The administration's views on SALT verification beg the question. SALT in the administration's view is "adequately verifiable" where "adequate" in this instance means "that any Soviet cheating that could pose a military risk be detected in time for the U.S. to respond to offset the threat." What constitutes a "military risk" is vague, but President Carter's views expressed in the State of the Union message provide cause for concern. The President suggested that in his view, the weapons carried by a single Poseidon submarine—an assertion that has been shown to be technically inaccurate—was sufficient to destroy 200 Soviet population centers, a deterring quantity. It is unlikely that there could be any magnitude of Soviet cheating that would affect the ability of the U.S. to launch an attack by a single Poseidon submarine, so are we to presume that the vast amount of cheating by the Soviets which could be carried out below this threshold would be sanctioned? The language in the administration's views leave a very large gap between the layman's concept of full Soviet compliance, and the administration's views of a considerable realm of sanctioned Soviet cheating because it does not pose what the White House would choose to describe as a "military risk."

In fact, expert testimony to the Congress has left no doubt that very important elements of the agreement cannot be monitored by national technical means of verification to assure Soviet compliance with the terms of SALT. By way of illustration one can cite the inability to monitor the range capability of cruise missiles, the number of warheads loaded on an ICBM, or modifications to missile characteristics to tolerances within plus or minus 5 percent.

9. Q: If this SALT agreement is so much in the national security interests of the United States, why does the Soviet Union want it?

A: Before examining possible reasons for the Soviets concluding that this agreement is in their national interest, it is important to note that there is nothing inconsistent in the agreement being in the interests of both the United States and the Soviet Union. As in any agreement voluntarily signed by two independent parties, whether it be a business deal, a labor contract, or an international treaty, the incentive for signing and adhering to an agreement is that both parties find it beneficial, even though it is less than their maximum desires.

There are several possible reasons for the Soviet interest in this agreement. First of all, it should not be surprising that they, like we, believe that an unconstrained strategic arms competition could increase the risk of nuclear war, while at the same time not enhance the security of either nation. This is not to imply that they view the U.S. as any less of a competitor—or that they would expect to lose such a race—but only that they realize that it is safer, and more in their interest from the viewpoint of national survival, if that competition is limited in the area of strategic weapons.

A second possible reason concerns the allocation of resources within the Soviet economy. While there is no question that they will spend on military systems whatever they think they need to, or could get an advantage from, it is well known that their economy is not in good shape. They have chronic problems with their agricultural production, technology lag, a shortage of skilled labor, a very cumbersome system of production and distribution, and the possibility of an energy shortage sometime in the next decade. With these problems, Soviet defense spending becomes a very great burden. The Soviet Union spends about 12 percent of its gross national product on defense, while we spend only about five percent.

Another reason for Soviet interest in SALT II may be that they see the equality in the SALT limits as confirming equal superpower status with the United States. The Soviets might well find it ironic that there are those in the U.S. who tend to regard them as 10 feet tall, since that is their general attitude toward us—particularly, where technology is concerned. Even though the Soviets have had a larger overall number of strategic delivery vehicles than the U.S. for several years, they have lagged the U.S. in the most modern of strategic systems, MIRVed missiles, and could feel that they were viewed as second best.

Finally it is clear that the current Soviet leadership has invested considerable personal prestige in the SALT negotiations. Thus, they probably want SALT to succeed so that their view of detente and the utility of cooperation with the West in some areas can be vindicated over the views of others in the Kremlin who may not be so enthusiastic about the SALT process.

9. COMMENT

Mr. G. Arbatov, Director of the Soviet USA-Canada Institute has already stated that following the ratification of SALT II, the Soviets would need to expend more resources on defense rather than less. As we have witnessed since SALT I, the Soviets have made a greater investment in defense in an arms control environment than they did prior to SALT. The Soviets are anxious for SALT II to be concluded and ratified because it will codify a military advantage from their perspective. This is not surprising because the Soviets have a fundamentally different view of nuclear war than does the United States. The United States views nuclear weapons as useful only to deter the use of nuclear weapons by others. The Soviets view nuclear weapons as both instruments of deterrence, and should deterrence fail, instruments capable of achieving important military ends.

The notion that the incumbent Soviet leadership has a stake in SALT that is so great that they wish to have their view "vindicated over the views of others in the Kremlin who may not be so enthusiastic about the SALT process" is pure speculation. The most opaque element of the Soviet Government is the Soviet decision process. Assertions of the existence of competing prodétente and antidétente "camps" within the ruling Soviet leadership lacks any serious evidence to support it.

10. Q: Did the Soviets violate the SALT I agreements?

A: No. We have closely monitored Soviet strategic forces limited by SALT I for over six years. During this period on several occasions, we have observed ambiguous situations or Soviet activities which were of concern to us. In each instance, we have promptly raised our concerns in the Standing Consultative Commission, a special body created in SALT I to deal with questions of implementation of the agreements, including questions which might arise concerning compliance and related situations which may be considered ambiguous. In each instance, the questionable activity ceased or additional information has clarified the situation and allayed our concern. In no instance did we find any grounds for charging the Soviets with a violation of the SALT I agreements.

The Soviets, for their part, have raised questions about US activities which they considered of concern. These questions have also been satisfactorily resolved.

The record of exchanges by the parties on these issues has been provided to the Congress by Secretary of State Vance in February 1978. This report is available to the public. (Department of State Publication 8930)

The record of the SALT I agreements demonstrates both the ability and willingness of the US to object to questionable practices and the commitment of both sides to ensuring the viability of the SALT agreements by using effective procedures for resolving compliance questions when they arise.

10. COMMENT

The issue of Soviet compliance with SALT I has been extensively dealt with by others in the Congress, but the administration's handling of the issue of Soviet SALT violations is disturbing. It is certainly the case that we have not accused the Soviets of violating SALT I, but that is not because they never violated SALT I. For example, the Soviets carried out more than 50 flight tests of an air defense interceptor and associated radars in an antiballistic mode in violation of the ABM Treaty of 1972. Negotiations on this subject proceeded for more than a year before the Soviets ceased their test program. It is likely that the Soviets completed their test program rather than any guilt complex about compliance with the terms of he ABM Treaty that induced them to stop their experiments.

So great is the investment of the SALT community in the SALT process, that there are great inhibitions to "calling off" SALT on account of an observed Soviet violation(s). The new modifiers to the notion of verification such as "adequate" or "significant" underscores the view which holds that the SALT community will be reluctant to take strong action if a violation is observed. Such a posture is, needless to say, a powerful incentive to cheat once the Soviets have fully exploited the boundless room for strategic force growth which is permitted by SALT II.●

ALASKA BILL WILL NOT DIMINISH TIMBER HARVEST LEVELS

The SPEAKER. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 60 minutes.

● Mr. WEAVER. Mr. Speaker, the Udall-Anderson version of the Alaska National Interest Lands Conservation, is one of the most meticulously groomed bills ever to grow from our legislative process. It is a natural evolution of the bill the House passed last year, based on exhaustive research and hearings.

Every inch of this legislation has been repeatedly analyzed for its effect on everything from Alaska jobs to the State's cabbage crop production.

Over and over again, the many involved Members of the House have patiently explained every facet and ramification of this bill.

Over and over again, we have patiently faced spurious allegations by the energy, mineral, timber, and development interests.

Over and over again, we have refuted with facts the charges that the Udall-Anderson substitute will reduce job opportunities in the State; that the Udall-Anderson substitute will affect energy production; that the Udall-Anderson substitute will ban access to mineral deposits; that the Udall-Anderson substitute is unfair to State residents; that the Udall-Anderson substitute is not a well-balanced work of legislation.

Once again, however, I feel I must refute with facts the charges that the Udall-Anderson substitute will decrease the timber harvest levels in southeast Alaska.

As chairman of the Subcommittee on Forestry, and as the Representative of a district with a forest products-based economy, I have gained a strong expertise on timber issues. I have always felt a deep concern that any Alaska lands bill balance the legitimate needs of the timber industry with the legitimate needs of other area industry, namely commercial fishing and tourism.

After carefully studying this legislation, my conclusion is that the Udall-Anderson substitute will have no significant effect on the State of Alaska's timber harvest levels. In fact, based on proven sustained yield harvest practices, the timber harvest levels established in the Udall-Anderson substitute help lay the foundation for a steady, long-lasting, and healthy regional economy. In Alaska we have the chance to develop a truly self-sustaining timber industry and this legislation will only further that goal.

The 15 million acre Tongass National Forest in southeast Alaska is the Nation's largest national forest. Included within its boundaries are the magnificent Admiralty Island (home to the highest density of grizzly bear in the world) and Misty Fjords, a spectacular area charmed with dramatic mountain peaks and glaciers, high rainfall, tremendous salmon runs, and pure water. Although the Tongass contains some of the world's finest fish and wildlife habitat, to date not a single acre of the region is protected as wilderness.

This unfortunate fact becomes significant when one considers that the region also supports heavy commercial fishing and a blossoming tourism industry. These cornerstones of the region's economy are dependent on a sound and ecologically healthy environment. Because their needs often conflict with past timber practice, great efforts have been taken to design a land use plan for the Tongass National Forest that balances the needs of all.

That plan, the Tongass Land Management Plan (TLMP), was worked out by the U.S. Forest Service and was released last year. Most of the recommendations made in this plan, including wilderness acreages and timber harvest levels, were incorporated into the Udall-Anderson substitute. Nevertheless, the timber industry, which last year urged Congress to await the plan's completion, now argues that the proposals in the TLMP are imbalanced, and that timber industry jobs will be lost. The facts simply do not bear out this allegation.

The timber harvest level for the Tongass recommended by the TLMP, and subsequently incorporated into the Udall-Anderson substitute, is 450 million board feet (MMBF) annually. Historically, the harvest level on the Tongass as a whole has been some 520 MMBF annually, but this level has not been reached since 1974. Due to a reduced market demand in Japan—the main market for the high-priced Alaskan timber—the harvest levels since 1974 have been only 435 MMBF, or 15 MMBF less than the recommendations in this legislation.

To fully realize how adequate this legislation is in terms of timber yield, it is necessary to factor in the projected harvest levels on Native-owned forest lands in southeast Alaska. Under the Alaska Native Claims Settlement Act of 1971, roughly 500,000 acres of prime timberland will be transferred to Native villages and regional corporations set up by the act. These lands have a potential sustained yield of 150 to 170

MMBF annually, and, in fact, the Native corporations have expressed an interest in practicing "intensive forestry" to boost that production level to 225 to 300 MMBF. Thus, including these Native production levels, the actual harvest level of the Tongass forest land will be in the range of 600 to 800 MMBF annually, or up to double the 1978 level.

Still, the industry is crying for more. They want the harvest level on publicly owned Tongass forest land to be boosted to the old level of 520 MMBF. This is in complete contradiction with the Forest Service conclusion in the final TLMP that "the reduction in area of the Tongass by State and Native selections and management prescription in the proposed action indicate the (highest) proposed harvest levels should be 450 MMBF."

What would the ecological impact of the industry proposed timber harvest level be? In a March 16, 1979 letter to MORRIS UDALL, chairman of the Interior Committee, Agriculture Secretary Bob Bergland concluded: "Direction to sell 520 million board feet of timber from the reduced Tongass land base would constitute a congressional mandate to overcut the Forest."

In light of the direct negative impact such an ecologically unsound action would have on the region's other industries, this simply cannot be allowed. Furthermore, because of the unique economic conditions in the southeast, it seems ridiculous to even suggest such a high harvest level.

Due to the high cost of harvesting, transporting, and processing Alaskan timber products, they simply do not compete in American markets. The southeast timber industry is controlled by two multinational corporations (one of which is wholly Japanese owned) and the products are exported primarily to Japan.

Moreover, the industry is heavily subsidized by the American people. A study by Prof. Matthew Berman, economist with the University of Texas at Austin, discusses the true extent of this subsidy, and I ask unanimous consent that relevant portions of his report be included in the RECORD at this point.

> In summary, the evidence shows that somewhat more wilderness can be created in the Tongass National Forest than is legislated by H.R. 39 without wilderness itself causing a loss of jobs, given the market outlook, Native harvest and market structure of the industry. These "givens" are the primary determinants of jobs and income in the Southeast Alaska forest products industry, and they are irrelevant to H.R. 39.
>
> * * * in Alaska, the forest products industry however, is not and probably will not ever be of national importance.
>
> In essence, the U.S. Government, through the Tongass National Forest, has been paying private companies to build roads into wilderness areas and remove old-growth timber. That is, commercial timber management in the Tongass National Forest is a hidden jobs-subsidy program, a federal welfare program which has allowed two large corporations to export forest products at a profit.
>
> . . . in fiscal 1978, taxpayers will pay not less than ten but not more than twenty million dollars to support the Tongass timber harvesting program.
>
> Comparing this ten to twenty million dollar cost to the $1.1 million estimate of net cash receipts, it is apparent that the "commercial" timber operation is hardly a sound business venture. The nine to nineteen million dollar loss expected in 1978 amounts to a subsidy of between $3,000 and $6,000 for every forest products job in Southeast.
>
> The market value of timber locked up by H.R. 39 National Forest wilderness areas was estimated at $356 million, most of it on Admiralty Island. But this figure does not include the cost of logging, management or site restoration.
>
> The calculations above suggest that it would cost at least twice as much to harvest the timber as that timber is worth on the market. The true market value of the standing timber in the proposed wilderness areas is negative.
>
> . . . The reduction in the allowable cut has been used to impute a loss of jobs to enactment of H.R. 39. But will the allowable cut be a significant factor in determining the number of future jobs in the industry? The answer appears to be negative.
>
> The so-called "Administration-endorsed" land use plan for the Tongass National Forest, which includes significantly more wilderness than is withdrawn in H.R. 39, permits an employment level approximately equal to the 1970–76 average, assuming state and Native timber is harvested. This employment picture appears to involve a larger timber harvest than can be marketed, given the market structure and market outlook of the industry.

This is the real story of the timber harvest industry in southeast Alaska, and I hope my colleagues will join me in cutting through the allegations, the charges, and the myths that this legislation will harm the region's industry. I hope my colleagues will join me in voting for the Udall-Anderson substitute—the only version of the Alaska lands legislation that will implement a sound and long-term timber harvest program in southeast Alaska.●

TAX RELIEF IS NEEDED FOR SENIOR CITIZENS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, on the first day of the 96th Congress I introduced H.R. 109, which provides an exemption from income tax of $5,000 of retirement income for either an individual or married couple. It is without question that the aged, as a group, have relatively low incomes. My legislation which provides a basic exemption will help alleviate the hardship so many of our older citizens are having to endure by providing them with some relief from the high cost of living due to inflation and at the same time make the Federal income tax system more equitable.

Complete exemption from taxation is accorded social security and railroad retirement benefits. Most pensions and annuities are, for tax purposes, divided into two parts, the first being recognized as a tax-free return of the cost of the pension or annuity, and the second being considered as taxable income.

The retirement income credit was changed by the Tax Reform Act of 1976 to a tax credit for the elderly, available to taxpayers 65 or over regardless of whether they have retirement income or earned income. The maximum amount for computing the credit was increased to $2,500 for a single taxpayer and to $3,750 for a married couple filing a joint return where both are 65 or over. The Tax Reform Act of 1976 eliminated the earnings cutback feature for taxpayers 65 and over and greatly simplified other rules, thus making the credit easier to compute.

While the earnings cutback feature was eliminated for taxpayers 65 and over, an income phaseout based on adjusted gross income was substituted. This phaseout provides that the credit be reduced $1 for each $2 of adjusted gross income above $7,500 for single taxpayers and $10,000 for married couples filing a joint return. Additionally, the maximum amount must be reduced by tax-exempt retirement income, such as social security. Under my bill, the exemption of retirement income is not subject to any phaseout provision. Retired persons can expect at least a $5,000 tax free retirement income—year after year—without burdensome rules for eligibility and difficult computations.

There is a discriminatory feature in the Tax Reform Act of 1976. This is the application of the tax credit for the elderly to taxpayers under 65 years of age. The tax credit for the elderly is only available to those under 65 receiving a pension under a public retirement system. As in the case for taxpayers 65 or over, the maximum base for computing the credit was increased—to $2,500 for a single taxpayer and $3,750 for a married couple filing a joint return. However, the base is restricted to retirement income and the earnings cutback feature is retained. The adjusted gross income phaseout does not apply to these retirees.

These special provisions for public retirees under age 65 are certainly questionable. First, why should one group of early retirees be singled out for favorable tax treatment? Increasingly, participants in private pension plans are seeking early retirement. There is no reason to expect that their needs in retirement will be any different from those of public retirees. They should be treated the same by our Federal income tax laws. Second, if these public retirees under age 65 do not earn income, they do not have to reduce the base for computing the credit even if their adjusted gross income exceeds the levels applicable to taxpayers age 65 and over. This gives public retirees under age 65 an advantage over taxpayers age 65 and over who do not have earned income. My bill, H.R. 109, eliminates these inequities since it has no age and income level limitations, and it does not restrict its benefits to retirees of any particular retirement system.

In recent years the financial problems confronting older Americans have become more and more acute. As President Carter recently stated, inflation hits those living on fixed incomes the hardest, and many older Americans live on fixed incomes. Increases in the cost of housing, food, medical care and transportation are particularly hard on them. I feel strongly that a basic exemption of $5,000 for these individuals will lift a tremendous burden from that segment of our society which is the least able to carry it.

The most recent census figures available are for 1976. These figures show that the median income for a husband and wife family with the husband 65 years of age or older is $8,732. This amount is approximately half of the $17,256 median income for a husband and wife family with the husband between the ages of 25 and 44. The least we can do is give some minimal relief to older persons by leaving $5,000 of retirement income exempt from tax.

This bill is designed to place once again the major emphasis of our Federal income tax system where it belongs—on those with the ability to pay. It is unfair to tax our elderly living on fixed and small incomes. The passage of my bill, H.R. 109 is a step in the right direction, and I urge the support of my colleagues for this vital legislation.●

DAY OF INFAMY IN IRAN

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. Stack) is recognized for 5 minutes.

● Mr. STACK. Mr. Speaker, I was appalled to read in this morning's Washington Post of the execution of Habib Elghanian, by the henchmen of the self appointed ruler of Iran. Mr. Elghanian was a wealthy Jew, whose only crime was his devotion to his religion and his generosity to Jewish causes.

Prime Minister Begin has asked the nations of the world to speak out in protest at this outrage which may be for the 60,000 Jews who reside in Iran, their "Krystal Nacht," the fateful night when anti-Semitic mobs swept through Nazi Germany, and the world stood by in silence.

The central theme of the foreign policy of the United States is support for universal human rights. In the name of those who perished in the holocaust, in the name of the 1.5 million massacred Armenians, I call upon the President and the administration to express to the Government of Iran the anger of the American people at this flagrant violation of human rights by the Government of Iran. I call upon the President to warn the Government of Iran that any repetition of this execution will lead the Government of the United States to invoke economic sanctions, through appropriate channels, to deter Iran from proceeding on the path upon which it has embarked.●

REFORMS FOR ABUSES IN THE SALE OF HEALTH INSURANCE TO THE ELDERLY

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. Pepper) is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, the House Select Committee on Aging recently conducted hearings documenting serious abuses in the sale of health insurance to the elderly in supplementation of medicare. We learned that some senior citizens have been sold unnecessary and duplicative insurance by fast-talking insurance salesmen. One witness testified that his mother was sold over 70 policies and mortagaged her farm to pay for them, but only one policy was necessary. We learned that lists of suceptible seniors are being circulated among agents who refer to their potential victim as a "goose" or "gopher." We learned that the language of some health insurance policies is so obtuse and ambiguous as to border on fraud.

In fairness it should be pointed out that the abuses we discovered were limited to the companies who specialize in the the sale of individual—as opposed to group—insurance. We found very few problems with medicare supplementary policies sold by Blue Cross-Blue Shield or by most prominent insurance companies in America. Companies such as Aetna and Prudential do not sell much so-called medigap insurance. What they do sell is sold to groups and these companies pay claims promptly returning about 90 percent of premiums back to the insured. These major companies represented by the Health Insurance Institute provide the example for us of the good insurance companies can do for society.

The very existence of companies such as Prudential and Aetna calls into question the practices of companies which seek to limit their liability to senior citizens by restrictive policy language. The obvious question that arises is: How can some companies get away with returning 30 percent or less of what they take in as premiums when others return over 80 cents on the dollar?

At the very heart of the abuses in this field is confusion about the medicare program and the ever shrinking benefits paid by it. Senior citizens have virtually no way of telling a good company and policy from a company that offers policies as a means of ripping them off .

To deal with this problem, I have introduced H.R. 2602. I am extremely pleased that the primary cosponsor is Congressman James Scheuer, chairman of the Subcommittee on Consumer Protection. Henry Waxman, chairman of the Health Subcommittee of the House Committee on Interstate and Foreign Commerce is another important cosponsor. The bill sets up a program of voluntary certification so that those companies that wish to do so may submit their policies to the Secretary of Health, Education, and Welfare. The policies which meet Federal minimum standards as promulgated by the Secretary will—in effect—qualify for a sort of "Good Housekeeping" seal of approval. They would be able to use the fact of Federal certification in their advertising and thus enjoy a competitive advantage over other companies.

In offering this bill. I was looking for what we might do at the Federal level that would not interfere in the regulation of insurance which has been the prerogative of the States. The measure outlined above was suggested to me by a constituent of mine who represents a major insurance company. At our recent hearings I also asked State insurance commissioners what else we could do that would help them. The commissioner from my State suggested that he was unable to keep many substandard policies from being sold in Florida if the policies were mailed into the State. The superintendent of insurance from New York State also made the case for the Congress to step in and bar the sale of medigap through the mail of any policy which had not been approved by the insurance commissioner of the State into which the policy was being mailed. I think this suggestion makes sense.

Mr. Speaker, we are in the process of requesting co-sponsors for our bill. Therefore, I would like to have H.R. 2602 printed in the Record at this point.

H.R. 2602

A bill to direct the Secretary of Health, Education, and Welfare to institute a program of voluntary certification for health insurance policies sold in supplementation of medicare

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be called the "Senior Citizens Health Insurance Reform Act of 1979".

FINDINGS

Sec. 2. The Congress finds that—

(1) health insurance costs have been increasing at a dramatic rate and now constitute one of the greatest fears of the elderly;

(2) medicare's coverage has been shrinking from almost 50 percentum at its inception to approximately 37 per centum of the average senior citizen health care costs in 1979;

(3) senior citizens are paying more and more to participate in medicare in the form of copayments and deductibles and are increasingly turning to the purchase of private health insurance policies to fill the gaps in medicare's coverage;

(4) the policies are often sold to the elderly on the understanding that they will pay for items uncovered by medicare such as out-of-hospital prescription drugs and nursing home care when the reality is that most of these policies provide payment only for medicare's copayment and deductibles;

(5) unethical insurance agents and a small number of insurance companies have sought to capitalize on the fears of the elderly and the general misunderstanding about the nature of medicare supplementary policies by selling the elderly excessive or duplicative insurance with very limited economic value;

(6) recent congressional hearings have established that these abuses are widespread and serious and that only six States have enacted specific laws or regulations to deal with the problem; and

(7) the instances of abuses have reached the point of becoming a national scandal and since these abuses have their roots in the Federal medicare program it is the Federal Government's responsibility to help provide a remedy.

Sec. 3. To assist individuals in dealing with these circumstances, the Secretary of

Health, Education, and Welfare shall establish a procedure whereby health insurance policies offered by private insurers in supplementation of medicare may be certified by the Secretary as meeting minimum standards with respect to adequacy of coverage, reasonableness of premium charge, and general economic benefit to the insured.

SEC. 4. (a) Any insurer which desires to have any health insurance policy which it offers in supplementation of medicare certified for use in one or more States specified by the insurer may (in accordance with regulations promulgated by the Secretary) offer any such policy to the Secretary and request his examination and certification thereof.

(b) If the Secretary, after examining any such policy and evaluating any data submitted in connection with such policy determines that such policy meets the standards set forth in section 4, he shall certify such policy for use.

(c) Such certification shall remain in effect provided that the insurer files a notarized statement with the Secretary no later than December 31 of each year stating that the policy continues to meet all Federal minimum standards.

(d) The Secretary shall establish procedures for requiring that additional relevant data be provided to his office in order that he might independently verify if the certified policies continue to meet Federal minimum standards.

SEC. 5. The Secretary shall not certify under this Act any insurance policy offered (or which may be offered) by an insured unless he finds—

(1) that such policy—

(A) supplements both part A and part B of medicare;

(B) is written in simplified language and printed in no less than ten-point type;

(C) does not limit or preclude liability under the policy for a period longer than sixty days because of a health condition existing before the policy is effective;

(D) contains a prominently displayed "no loss cancellation clause" enabling the insured to return the policy within 30 days of the date of sale without financial loss;

(E) provides the insured reasonable economic benefit in relation to the premium paid, including an assurance that, by the end of the second calendar year in which such policy is in effect, at least 75 per centum of the amount of premiums collected from the sale of such health insurance is paid out in the form of benefits provided under the policy; and

(2) that such policy complies with such other regulations as are established by the Secretary pursuant to the purpose of this Act.

SEC. 6. The Secretary shall cause to be designed an appropriate emblem which may be used as an indication that certification on an insurance policy under this Act has been made by the Secretary; and any insurer which has secured certification on an insurance policy by the Secretary under this Act may have such emblem printed thereon and may, in advertising such policy to potential subscribers, display such emblem, and state that such policy has received such a certification.

SEC. 7. The Secretary shall provide each State insurance commissioner with a list of each policy which has received Federal certification. The Secretary shall encourage the commissioners to facilitate the sale of federally approved policies and discourage the sale of policies which fail to meet Federal minimum standards.

SEC. 8. (a) It shall be unlawful for an insurance company to provide false or misleading information to the Secretary for the purpose of obtaining Federal certification for insurance policies sold in supplementation of medicare or for the purpose of attempting to establish that policies which have received certification continue to be in compliance with Federal minimum standards.

(b) Whoever knowingly and willfully makes or causes to be made or induces or seeks to induce the making of any false statement or representation of a material fact with respect to the compliance of any policy with the standards set forth in provisions of Federal law and regulations as set forth above in this Act or in regulations promulgated by the Secretary pursuant to this Act shall be guilty of a felony and upon conviction thereof shall be fined not more than $25,000 or imprisoned for not more than five years or both.

SEC. 9. Whoever falsely assumes or pretends to be acting, or misrepresents in any way that he is acting under the authority of or in association with any program of health insurance established by Federal statute for the purpose of selling or attempting to sell insurance, or in such pretended character demands, or obtains money, paper, documents, or anything of value, shall be guilty of a felony and upon conviction thereof shall be fined not more than $25,000 or imprisoned for not more than five years or both.

SEC. 10. Whoever knowingly sells a health insurance policy to a person eligible to participate in a program of health insurance established by Federal statute, which policy substantially duplicates insurance protection already owned by said person (unless the policy being sold permits valid claims to be made against the policy without regard to similar claims made on previously owned policies), shall be fined not more than $25,000 or imprisoned not more than three years or both.

SEC. 11. Whoever knowingly advertises, solicits, or offers for sale by mail, or knowingly deposits in the mail or sends or delivers by mail any insurance policy or policies into any State in which said policy or policies have not been approved by the State commissioner or superintendent of insurance shall be guilty of a felony and upon conviction thereof shall be fined not more than $25,000 or imprisoned for not more than five years or both.

SEC. 12. The Secretary shall promulgate regulations to implement this Act not later than eighteen months from the date of enactment. ●

FOOD STAMP CAP SHOULD BE REMOVED

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 5 minutes.

● Ms. HOLTZMAN. Mr. Speaker, the funding ceiling, or "cap" placed on the food stamp program in 1977 must be removed. The effect of retaining it any longer would be to reduce food stamp benefits for millions of low-income individuals, those who are hurt by the skyrocketing inflation far more than anyone else. To allow this to happen would be heartless and shortsighted.

The 1977 Food Stamp Amendments eliminated the purchase price for food stamps. This was done in part to help the poor, elderly, and disabled, many of whom were not able to get the benefit of food stamps because they could not afford to buy them. It was also thought that administrative costs and the potential for theft would be reduced if the purchase price were eliminated.

At the time, some Members of Congress expressed the belief that eliminating the purchase price would drastically increase the number of people receiving food stamps. To avoid this an appropriation ceiling (based on estimates of inflation and eligible persons) was imposed on the program. For fiscal year 1980, the ceiling is $6.189 billion. As a result of the ceiling, no additional amounts can be spent on food stamps regardless of the actual need for the program and regardless of the fact that the estimates were wrong.

No one could foresee in 1977 the burst of inflation in 1978 and 1979. In 1977, food prices were projected to increase 16.9 percent by 1980. Instead, food costs will actually rise by almost twice this amount by 1980. Some of this unanticipated inflation is due to the Emergency Farm Act of 1978, an action Congress took knowing it would result in higher food prices. Some is due to actions by farmers to reduce their beef herds which drive up brief prices, some is due to lettuce strikes and bad weather.

The net result, however, is that the food stamp ceiling for fiscal year 1980 is at least $738 million too low. Food price inflation is the villain. Yet, in classic blame-the-victim style, low income people will have to bear the burden if the ceiling is not eliminated.

It is essential to understand that the food stamp program is virtually the only safety net we offer all the poor, including the elderly and the disabled. It helps the unemployed and their families stay afloat until they find work; it supplements the welfare and social security checks of the aged and disabled; it enables the working poor to make ends meet despite the exorbitant levels of inflation.

We are headed into a period of great economic uncertainty again in 1980. The Federal Government is clamping down on the economy in a conscious attempt to stabilize prices at home and build confidence in our dollar abroad. Some are predicting that Federal policy will result in another recession. It is wrong for us to embark on these policies and deprive the poor and the unemployed of the minimal protection the food stamp program offers.

I urge my colleagues to resist this phony economy and to vote to eliminate the food stamp cap.●

PERSONAL EXPLANATION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. OTTINGER) is recognized for 5 minutes.

● Mr. OTTINGER. Mr. Speaker, this morning I was unable to vote on rollcalls Nos. 137 and 138 because I was attending hearings held in my congressional district by the Subcommittee on Environment, Energy, and Natural Resources of the Government Operations Committee on the adequacy of the emergency evacuation plans for the Indian Point nuclear plant in Westchester County.

I am a strong supporter and one of the cosponsors of the amendment by the gentleman from Maryland (Mr. MITCHELL), and had I been present I would have assisted him and voted "aye" on rollcall No. 137. On rollcall No. 138, limitation of debate, I would also have voted "aye".●

LEGISLATION AUTHORIZING CORPS OF ENGINEERS TO STUDY FEASIBILITY OF EXTENDING OBION-TIPTONVILLE LEVEE

The SPEAKER. Under a previous order of the House, the gentleman from Tennessee (Mr. JONES) is recognized for 5 minutes.

● **Mr. JONES of Tennessee.** Mr. Speaker, I am today introducing legislation to authorize the U.S. Army Corps of Engineers to conduct a study as to the feasibility of extending the Obion-Tiptonville levee northward in an effort to provide additional flood protection for the city of Tiptonville.

This effort to extend the already existing levee is necessary because of the constant battle citizens in the city of Tiptonville must fight to avoid the dangers and damages of high water in the Mississippi River. Tiptonville is located in the far northwest corner of Tennessee very near the banks of the Mississippi. Consequently, the town is faced with high flood water each time the Mississippi get out of its banks.

About 40 years ago, the Congress and the Corps of Engineers saw the need to provide flood protection for Tiptonville and consequently built the Obion-Tiptonville levee for that purpose. That levee has served the people of Tiptonville and Lake County, Tennessee well. However, changes in the river's course have focused attention on the need to extend the original levee further northward to provide more complete flood protection for Tiptonville.

My bill and a companion bill being introduced in the Senate today by the Honorable JIM SASSER are designed to authorize the corps to conduct a study to determine specifications of the extension and the costs. It is through this systematic effort that the need for greater flood protection for Tiptonville and Lake County, Tennessee can be defined and implemented. I ask that the public works committee of the House consider this measure fully and include its provisions in the 1979 Water Resources Development Act.●

POLITICIZATION OF THE INTERNATIONAL MONETARY FUND?

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● **Mr. NEAL.** Mr. Speaker, serious questions have recently been raised concerning actions of the United States in the International Monetary Fund (IMF). Last year, the Government of Nicaragua requested a loan from the IMF under one of its special programs, the IMF's Compensatory Financing Facility. Twice the U.S. representatives on the Board of Executive Directors of the IMF proposed a temporary deferral of that request. After the second deferral Nicaragua withdrew the request, and no loan was extended.

In each instance, the United States justified its proposed deferral on technical economic grounds. On the face of it, our representatives were, in each instance, clearly acting within the proper scope of their powers and responsibilities. The right of Nicaragua to borrow was not automatic, but contingent upon its satisfying the economic criteria that govern access by member nations to the Compensatory Financing Facility.

The staff of the IMF prepares a report on a member's requested borrowing, and the Executive Board of the IMF must then pass judgment on the request. Each member represented on the Executive Board, including the United States, has the unquestioned right—indeed, duty—to satisfy itself that the request is justified, on the basis of the relevant economic data at hand, before granting its approval. In proposing the two temporary deferrals, the representatives of the United States questioned the adequacy of the economic data at hand. They proposed that the IMF staff reassess its data on any forecasts of Nicaraguan exports, since current data and forecast were, in their judgment, insufficient and too uncertain to support a judgment on the merits of the Nicaraguan request.

The IMF Executive Board twice accepted the U.S. proposal to postpone consideration of the Nicaraguan request, pending review and clarification of the economic data. After the second postponement it was understood that the deferral would only be for a limited period, after which, with U.S. concurrence, the Board would decide on the Nicaraguan request, on its merits.

From this bare recitation of the facts, there appear to be no grounds for criticizing the action of the United States in the matter of the Nicaraguan loan request. But serious criticism has been voiced. The charge has been that, even though the formalities of the actions of our representatives in the IMF may have been correct, the real purpose of the deferral proposals was to bring political pressure on the Nicaraguan Government, to influence its behavior in matters remote from the proper concerns of the International Monetary Fund.

Mr. Speaker, this is a very serious charge. To clarify the records, I requested the Department of the Treasury to provide a summary of the facts, and the interpretation it puts on them. In response I have received a letter from Mr. Anthony M. Solomon, the Under Secretary of the Treasury for Monetary Affairs. At this point I would like to enter that letter into the RECORD:

UNDER SECRETARY OF THE TREASURY,
Washington, D.C., March 16, 1979.

Hon. STEPHEN L. NEAL,
Chairman, Subcommittee on International Trade, Investment and Monetary Policy, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN NEAL: Important questions have been raised about United States actions in the International Monetary Fund with respect to a request for a compensatory financing drawing by the Government of Nicaragua. Accordingly, I think there should be a clear record of this matter, and I am writing to give you a full report. The particulars are as follows:

THE COMPENSATORY FINANCING FACILITY

The Compensatory Financing Facility is a special facility of the IMF. It is designed to extend balance-of-payments financing to member countries, particularly primary producing countries, encountering payments difficulties produced by temporary export shortfalls attributable to circumstances beyond the control of that country—for example, an export shortfall resulting from a sudden decline in world commodity prices or bad weather. Credit under the Compensatory Financing Facility is separate from and additional to normal "credit tranche" drawings available from the IMF to a member country with a general balance-of-payments problem.

In order to obtain financing under the Compensatory Financing Facility, an IMF member country must satisfy the Fund: 1) that the member has an export shortfall and a need for balance-of-payments financing; 2) that the problem which caused the export shortfall is temporary and largely attributable to circumstances beyond the member's control; and 3) that the member will cooperate with the IMF in an effort to find, where required, appropriate solutions to its balance-of-payments difficulties.

Thus one critical element in deciding whether a country qualifies for financing under the Compensatory Financing Facility is in determining whether the country has an export shortfall. The IMF calculates an export shortfall by a statistical formula, in which a country's exports in the shortfall year are measured against a five-year export trend—calculated on the basis of actual data for the two years before the shortfall year, actual data and to the extent necessary estimates for the shortfall year, and forecasts for the two years after the shortfall year. If on the basis of this calculation the country's exports in the shortfall year fall below the five-year trend, and if the country meets the other conditions cited above, the country qualifies for credit.

THE NICARAGUAN REQUEST AND UNITED STATES ACTIONS IN THE IMF EXECUTIVE BOARD

Last fall, the Nicaraguan Government requested a drawing of SDR 17 million from the IMF under the Compensatory Financing Facility. Any such drawing requires a decision of the IMF Executive Board. On two occasions, the latest one November 1, 1978, the Board considered the procedural question of whether to take up the Nicaraguan request, and the United States representatives proposed deferral on grounds that extreme uncertainties arising from recent developments in Nicaragua made it impossible to judge the validity of the technical data needed to establish and determine the size of any shortfall, and that the Fund should reassess the export situation and forecasts in light of most recent developments. The requests for postponement were made without prejudice to a subsequent decision on the merits of the case when better data were available. A copy is attached of the comments made by the U.S. Executive Director in that discussion.

The statement made in the IMF Board by the U.S. representative noted that while there was some degree of uncertainty in all countries, in Nicaragua the uncertainty was most pronounced. Hard export statistics were available for only one-half of the shortfall year (usually there is a better statistical basis for actual exports in the shortfall year), and a relatively modest reduction of about 9.5 percent in projected 1979/80 exports would have reduced the justified level of the requested drawing. It was noted that the projections could be affected significantly by the internal situation, by the disruptions in agricultural production and in the labor force (some of which represented transient workers from neighboring countries), by the manner in which exporters reacted to new restrictions which had been placed on export payments, and by the major reductions which had occurred in imports and inventories (and which could be expected to affect exports).

The IMF Board decided at the conclusion of its November 1 discussion that as a procedural matter Nicaragua's request would be deferred, but only for a limited period pending further clarification of the figures used to justify the request, since extended deferral could be tantamount to a decision. It was agreed, with U.S. concurrence, that the Board would consider the substantive issues of the request in the week of November 15–22. However, the Nicaraguan authorities withdrew the request prior to that date.

We made clear that if the Nicaraguan Government were to resubmit its request and the IMF management's judgment was that the technical data justified the request, we would not seek further deferral but would be prepared to see it considered on its merits. The request has not been resubmitted. It is my understanding that, with the benefit of statistical data on the export situation and outlook which have become available since our request for reassessment on November 1, there is reason to believe that Nicaragua would not at present qualify for a compensatory financing drawing at least in the amount requested last fall, and that indeed our questions about the validity of the data were well-founded.

An IMF mission is presently visiting Nicaragua. We cannot predict whether these discussions will lead to a future request for IMF financing either under the normal "credit tranche" drawings which constitute the basic means of providing IMF balance-of-payments financing, or under one of the special facilities such as the Compensatory Financing Facility. If, however, there is such a request, the United States will consider it on its economic merits.

THE U.S. DECISION ON THE NICARAGUAN REQUEST AND ACTIONS TO INFLUENCE OTHER COUNTRIES

The decision to seek postponement of the Nicaraguan request was made by the Treasury Department after consulting with the State Department and other interested agencies. This follows standard procedure: by Executive Order, the Secretary of the Treasury is charged with instructing the U.S. Executive Director of the IMF on all matters arising in the Board, and State and other agencies are consulted through the National Advisory Council on International Monetary and Financial Policies (NAC) and on an ad hoc basis.

In considering this matter prior to the November 1 meeting, our initial inclination was not to seek further deferral. Our decision in the end to propose a further deferral was made in the light of the following:

a) We concluded that a legitimate basis remained for serious doubts about the reliability of the estimates on which the request was based.

b) The State Department was concerned that IMF action either to approve or not approve Nicaragua's request would be seen as a political move with major implications. They felt that IMF approval of the request at that point would have brought a major risk of renewed bloodshed and widespread violence.

Accordingly, the decision that the United States should seek deferral of IMF action on Nicaragua's request reflected the view that postponement both could be justified on economic grounds and was the wisest neutral political course.

The U.S. instructed its Ambassadors in a number of countries to urge those governments to support postponement of IMF action. In those approaches the State Department informed other foreign ministries that the U.S. had in the past led and would continue to lead the fight to avoid introduction of political issues into the IMF; that we were working for postponement rather than disapproval because we would not want to have IMF operations disapproved largely on political grounds; and that in the existing unusual circumstances affirmative IMF action could have greater political ramifications than a brief postponement.

In summary let me emphasize four points:

1. In the IMF Board discussions, the U.S. representatives argued for deferral of the Nicaraguan request solely on the basis of doubts about the validity of the economic data—doubts which subsequently proved well-founded.

2. The decision to seek deferral was made by the Treasury Department.

3. That decision was taken in light of State Department concerns that an IMF decision either way would be seen as an important political step with major implications, and that IMF action at that point would risk major violence and bloodshed; the State Department cited those concerns in urging others in foreign capitals to support deferral.

4. If the Government of Nicaragua submits either the earlier request or another request for financing, the United States has no intention of seeking further deferral and will consider the substantive proposal on its economic merits.

IMPORTANCE OF AVOIDING POLITIZATION OF THE IMF

The questions that have been raised about the U.S. actions with respect to Nicaragua's request for IMF financing reflect, I am sure, a deeply-felt conviction that political considerations must not be allowed to determine IMF decisions.

The Administration fully shares that conviction. The IMF cannot fulfill its important responsibilities for helping to manage the international monetary system and maintain a strong and smoothly functioning world economy if member countries' actions on IMF issues are determined by political views rather than economic and financial criteria. The IMF has thus far remained remarkably free of political influences in its decisions, and the United States has worked hard to prevent any politization of the institution. We shall continue to do so. As a founder and leading member of the IMF, we bear a particular responsibility for maintaining the Fund's effectiveness as a forum for international monetary cooperation, based on economic and financial considerations.

Sincerely,

ANTHONY M. SOLOMON.

ATTACHMENT

Mr. Cross recalled that when Nicaragua's request had come before the Executive Board on the previous occasion, a number of Executive Directors had felt that there were so many uncertainties in the country that no adequate assessment of the technical data surrounding the requests could be made. In the meantime, the staff had clarified some issues with the authorities but the Executive Board had not been presented with the comprehensive review it had felt was justified. The uncertainties still remained, in particular, it was impossible to judge the validity of the calculations relating to 1978 exports and to determine whether the shortfall was really temporary. The United States authorities had reason to believe that 1978 exports would be close to the original staff projection, but since the staff had not gone to Nicaragua to make an on the spot assessment, and since even minor changes in the calculations could affect the justified levels of drawings, a more thorough review was essential before any decision could be taken.

The staff calculations in EBS/78/504, Supplement 2, suggested that only about a 9.5 percent reduction in projected 1979–80 exports would reduce the justified level of the requested drawing. The staff clearly noted, however, that its calculations for 1979–80 were dependent on no deterioration of the "internal situation . . . in relation to that prevailing in early October." Discussions were now under way in Nicaragua, the outcome of which would probably have a profound impact on the country's ability to restore exports in 1979–80 to the levels projected in the staff paper. The staff also alluded to the disruptions in agricultural production and in the labor force. Although the staff should not involve itself in predicting non-economic developments, it had identified in the Nicaraguan case grounds for real uncertainties about export projections. Such projections could also be affected by the way in which exporters reacted to the new restrictions on export payments, and also by the effects of the major reduction in imports and inventories which occurred in August and September 1978.

In conclusion, Mr. Cross recommended that because of the uncertainties he had described, the Executive Board should postpone action on the request without prejudice to the decision that would be taken when better technical data were available. Admittedly, there was some degree of uncertainty in all countries, but in Nicaragua the uncertainty was most pronounced. As guardian of the Fund's resources, the Executive Board should delay its decision until the full information necessary for a proper consideration of the request has been received.

Mr. Speaker, this incident illustrates a very important point. However scrupulously proper form is observed, instances can easily arise in which members of the IMF, or the IMF itself, can be criticized for "politicizing" the Fund. We in Congress who have oversight of U.S. policy in the IMF have fought long and hard to forestall this "politization." The administration has shared this concern. It is important that we continue to protect the integrity of the International Monetary Fund. We need, however, to develop a realistic interpretation of "politization."

I am not now prepared to pass unqualified judgment on the propriety of U.S. actions in the Nicaraaguan case. The record suggests considerable ambiguity. The Department of the Treasury consulted with the Department of State, and took note of State's opinion that "IMF action either to approve or not approve Nicaragua's request would be seen as a political move with major implications. (the State Department) felt that IMF approval of the request at that point would have brought a major risk of renewed bloodshed and widespread violence."

However one interprets this opinion of the State Department, it illustrates an important aspect of IMF operations. By extending credit to members, and often requiring pledges of rather significant changes in the members' economic policies, the IMF can have a major impact on the political life of a country.

Few, if any, IMF actions can be "politically neutral," in the sense that they would have no effect whatsoever on the policies of the member government, or on the fortunes of various groups participating in the political life of the country.

To clarify this point, permit me to summarize briefly the nature of IMF operations. Any member who experiences balance-of-payments difficulties can turn to the IMF for temporary credit, for funds to help it finance its balance-of-payments deficits, or, which amounts to the same thing, to support its exchange rate when it is suffering excessive depreciation.

Indeed, the United States has itself recently drawn funds from the IMF to support the dollar. Our drawing did not exceed the level at which the IMF begins to attach "conditions." Thus we had to pledge adoption of no particular kind of economic policy to obtain the funds.

Many countries, however, do exceed their respective levels of "unconditional" borrowing from the IMF. To get IMF credit beyond those levels, they must reach agreement with the Fund on a stabilization program—a set of economic policies designed to correct the balance-of-payments deficit for which they need temporary financing. These policies certainly do have a major impact on a nation's economy. Indeed, if they did not, they would fail to attain their objective—namely, the restoration of a sound balance of payments.

Those policies have a significant impact on the economy, they are implemented by the government, and they are the consequence of negotiations—often long and difficult—between the government and an international organization. They might well cause some groups within the economy to suffer, at least temporarily. The decision to seek IMF assistance, and to adopt these stabilization programs, must necessarily be a major political act for many governments, with far-reaching political consequences for it, for its supporters, for its economy and, ultimately, for its allies and enemies in the world.

Given these realities, it would be extraordinarily misleading to speak of the IMF as an organization whose policies concern soley technical monetary issues. But, given these realities, it is all the more important that the Fund scrupulously formulate and carry out its policies solely with reference to economic criteria and objectives laid down in its Articles of Agreement. Otherwise, the scope of political abuse of the Fund would know no limit.

Since the policies of the Fund are, ultimately, the policies recommended and approved by its member governments, they can maintain the integrity of the Fund only by judging and approving IMF actions solely in terms of the proper economic criteria.

In the case of Nicaragua, a stabilization program was not at issue, since Nicaragua requested to borrow from a special facility set up to finance members' deficits resulting from temporary export shortfalls due to circumstances largely beyond their control. Access to this facility is supposed to be governed by specific economic criteria—not by the member's political conduct in other matters, not by any judgment as to how IMF approval of the request "would be seen" as a political move by some interested party, and not by anyone's prediction that "widespread violence" would ensue. Strictly speaking, such considerations are irrelevant.

Nonetheless, the case of Nicaragua illustrates an unavoidable ambiguity in our policy assessments. On narrow technical grounds there seems to have been ample justification for the actions of our representatives. But, the wider political considerations alluded to in Mr. Solomon's letter, and even wider ones suspected by some critics, all suggest taking the same kind of action. Why, then, did the United States really propose deferral of the Nicaraguan request? For narrow technical economic reasons, on which the action can be justified, or for broader political purposes, which offer no legitimate justification? Since both types of considerations point in the same direction, does it make any difference?

Yes, it does make a difference. The economic considerations on which IMF is supposed to base its policies are not, and cannot be, defined in terms so rigorous that they are immune from political abuse. If there are political goals to be sought—by the IMF or by its members—the Fund's economic frame of reference could be easily distorted, for extraneous political purposes, without overtly and explicitly violating economic criteria.

In the final analysis, it boils down to questions of degree and judgment, and to a shared sense that members' purposes conform, on the whole, to the spirit of the articles of agreement. If that sense evaporates, nothing bars blatant politization of the Fund, that is, attempts by members to use the Fund for political goals only remotely, if at all, linked to the preservation of a sound international monetary system.

To preserve that sense, it may be necessary for members, especially the more important ones, to go out of their way to avoid the suspicion that their real objectives in any given instance, lie far beyond the reach of the articles of agreement—even if a narrow technical justification for their action is at hand, and even if their motives are, in fact, beyond reproach.●

FEDERAL COURTS IMPROVEMENT ACT OF 1979

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

● Mr. KASTENMEIER. Mr. Speaker, I am pleased to join with two distinguished Senate colleagues—Senator KENNEDY, chairman of the Senate Committee on the Judiciary, and Senator DECONCINI, chairman of the Senate Judiciary Subcommittee on Improvements in Judicial Machinery—in introducing one of the most significant court reform packages in our Nation's history. Early in the 96th Congress—on March 15, 1979—the two Senators introduced S. 678, a bill to provide important and sweeping improvements to the structure and administration of the Federal courts.

Today, I introduce companion legislation. I do this for several reasons, and only after complimenting Senators KENNEDY and DECONCINI for their hard work and diligence in moving forward on such important legislation.

The ideas embodied in the legislative proposal are serious ones. They have been developed and refined by the U.S. Department of Justice, through its Office for Improvements in the Administration of Justice, and the U.S. Senate. Staff and Members of the House of Representatives were consulted during the drafting stages. Indeed, most of the ideas have been discussed by legal scholars, lawyers, judges, and legislators for several decades. My introduction of this bill will insure that the concepts addressed in the legislation are aired in this body.

Although the instant proposal is in the form of an omnibus bill, all of its parts fit neatly into the larger tapestry of court reform and access to justice. It complements, and does not conflict with meritorious proposals to abolish the diversity of citizenship jurisdiction of the Federal courts, to abolish the amount in controversy requirement in Federal question cases, to increase the responsibility of U.S. magistrates, to broaden standing, to encourage development of alternative dispute processing techniques, and to promote experimentation with arbitration in the Federal courts.

The Subcommittee on Courts, Civil Liberties, and the Administration of Justice—which I chair—and the Committee on the Judiciary, through the hearing and markup processes, will refine many of the ideas addressed in that legislation. At this time, I would welcome input and ideas from individuals and organizations interested in the entire proposal or parts thereof.

The Federal Courts Improvements Act provides the following reforms in addition to those recently embraced by the administration. These latter reforms were described by President Jimmy Carter in his February 27 message to the Congress (CONGRESSIONAL RECORD, p. 3392, Feb. 27, 1979) and are now embodied in H.R. 2848 (KASTENMEIER) and H.R. 3806 (RODINO).

First, the trial jurisdiction of the Court of Claims over Federal civil tax cases would be eliminated. Second, a new Federal court of appeals with exclusive jurisdiction over all Federal civil tax appeals would be created. Third, a new procedure for the disciplining of Federal judges would be established. Fourth, a new procedure allowing the appeal of interlocutory issues, when in the interests of justice and because of the extraordinary importance of the case, would be codified. Fifth, changes in judicial retirement provisions for Federal judges would be implemented. Sixth, present law would be modified to allow existing Federal judges to be temporarily assigned to direct the Federal Judicial Center or the Administrative Office of the U.S. Courts.

Mr. Speaker, my introduction of this bill will insure that the House of Representatives has pending before it the important ideas addressed in this legislation.●

LEGISLATION TO EXPEDITE PRIVATE AND PUBLIC ENFORCEMENT OF ANTITRUST LAWS

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, today I am introducing several bills to expedite private and public enforcement of the antitrust laws and to give the Antitrust Division and private parties the same jurisdictional authority now held by the Federal Trade Commission to challenge anticompetitive mergers.

The procedural recommendations are the result of the work of the President's National Commission to Review Antitrust Laws and Procedures, of which I was a member. These recommendations provide for various procedural improvements in the law in order to expedite publc and private antitrust litigation.

Briefly, the first proposal amends title II of the Hart-Scott-Rodino Act to authorize the Antitrust Division to obtain products of discovery in private antitrust cases. These amendments protect both the rights of the person from whom the discovery was taken and the person who is in possession of discovery material. This provision eliminates unnecessary and duplicative discovery efforts by the Government and should greatly expedite public antitrust enforcement. Moreover, the bill provides confidentiality protection to the parties and provides that with respect to an express demand for discovery materials, the party from whom the materials were originally discovered would have a right to object under the terms of the Antitrust Civil Process Act.

The second proposal amends section 5 (a) of the Clayton Act to make it clear that private parties would be entitled to the same collateral estoppel benefits under the antitrust laws which are now available to private parties following in the footsteps of any other governmental suit. In the recent Parklane decision the Supreme Court held a private party could use a Government judgment to establish conclusively the elements of his case.

Thus, the needless relitigation of matters fully and fairly litigated in the first proceeding can be avoided. Unfortunately, some courts have interpreted section 5(a) of the Clayton Act, which gives prima facie effect to Government judgments, as precluding the application of a conclusive standard.

The third and fourth proposals provide the courts with greater authority to impose penalties upon the parties for unreasonable attorney delay in antitrust actions. This proposal has the support of the National Commission along with many notable jurists.

The final proposal amends section 7 of the Clayton Act, the major merger statute of the antitrust laws, by extending the jurisdictional reach of that statute to that of the Sherman Act. Under this bill, mergers "affecting commerce" and not merely mergers "in interstate commerce" can be challenged by the Antitrust Division or private litigants. Currently, only the Federal Trade Commission has such authority, and there appears to be no reason why the Antitrust Division or private parties should be handicapped in enforcing the antitrust laws.

The second provision of this bill extends the reach of section 7 of the Clayton Act beyond its current limitation to mergers between corporations to mergers between noncorporate entities. Again, the Federal Trade Commission has authority to challenge mergers between persons and this provision is intended to grant the Antitrust Division and private litigants the same authority.

The Subcommittee on Monopolies and Commercial Law of which I am chairman will hold hearings on these proposals in the near future.●

PROTECT THE PUBLIC FROM DEFECTIVE TIRES

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

● Mr. WOLFF. Mr. Speaker, on January 31, 1979, I introduced H.R. 1744, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 in order to provide authorization for the Secretary of Transportation to require manufacturers of tires to give public notice of tire defects in cases in which the Secretary has determined this action to be necessary in the interest of motor vehicle safety.

Each year an extraordinary number of injuries and deaths result from automobile accidents caused by defective tires. This extreme safety risk to the public is unnecessary and is by no means justified. Legislative action can remedy this intolerable situation. It is essential that this bill be enacted in the interest of public safety.

Tire safety has been an issue of significant concern to Congress since the 1960's. Legislation has been enacted and oversight has ensued in the interest of providing for improved safety standards. The most fruitful effort resulted in the passage of the National Traffic and Motor Vehicle Safety Act of 1966. This legislation established the National Highway Traffic Safety Administration (NHTSA), an arm of the Department of Transportation, whose major goal is to promote improved traffic safety conditions. The 1966 act also outlined specific provisions relating to motor vehicle safety. Motor vehicle safety recall provisions were refined in amendments enacted in 1974.

Despite these legislative initiatives, the cumulative effort has fallen short of meeting adequate standards for tire safety. Alarmingly dangerous conditions still exist in the area of tire safety. Logic and reason are defied when one attempts to argue that remedial action should not be taken. Congress has the power to demonstrate legislative initiative in order to alleviate this precarious situation and should not be deterred in this extremely worthwhile pursuit.

Legislative oversight has uncovered a loophole exempting tires from a certain provision in the 1974 amendments relating to motor vehicles, which has had serious unintended consequences. This provision provides authorization for the Secretary of Transportation to require manufacturers of "an item of replacement equipment (other than a tire)" to issue public notice of defects if the Secretary has determined this action to be necessary in the interest of motor vehicle safety. The Secretary's decision is to be based on an analysis of the product's ability to meet applicable Federal motor vehicle safety standards prescribed in the 1966 act and an examination of whether the product contains a defect which relates to motor vehicle safety.

The Secretary's determination is to be finalized only after consultation with the manufacturer of the motor vehicle or item of replacement equipment which is alleged to be defective. The manufacturer has the opportunity to present arguments to establish that there is no defect or failure to comply or that the alleged defects does not affect motor vehicle safety. This procedure allows for the rendering of an objective decision.

The loophole exempting tires from the mandatory issuance of a public notice of a recall of a defective motor vehicle or item of replacement equipment resulted from what was considered in 1974 a sound judgment. However, in retrospect, it is evident that the loophole provision was a hasty decision, reached without a thoughtful consideration of the realities involved.

In 1974 the Federal Government received information which indicated that the owner registration system at the time of purchase of a tire was so efficient that consumers could easily be identified and subsequently notified by mail of any decision to impose a recall on a defective line of tires. The Government was led to believe that it would be unnecessary to advertise a recall because the affected consumers could be reached by mail. In theory, this would be a more direct method of communication involving less cost.

Although this procedure appeared to be simple and efficient at the time, practicalities have proven it to be without merit. As the Washington Post recently reported, the system of owner registration of tires is "virtually in a shambles." This is especially true in cases in which a tire is purchased in a store not owned by the manufacturer of the tire. The present system assumes that the manufacturer of the defective tire will contact each purchaser on an individual basis and notify him of a recall.

Even if the tire company engages in a genuine good faith effort to do so, experience has demonstrated that purchasers cannot always be correctly identified or located. The consequence is that motorists may be driving on defective tires without realizing that their lives and safety are in danger. The Federal Government does not have the power to insure that the consumer is aware of this hazard.

The Firestone 500 steel-belted radial tire is a case in point. Firestone executives were informed of serious problems with this line of tires as early as 1972. After a court-ordered release of pertinent Firestone documents it was learned that from 1972 to 1973 almost 30 percent of the Firestone 500's were being returned by purchasers. A report issued by the Subcommittee on Oversight and Investigations of the Committte on Interstate and Foreign Commerce on August 16, 1978, determined that Firestone had "clear knowledge of the gravity of the safety problem posed by its '500' line of tires." Nevertheless, the company continued to manufacture more and more 500's.

The Subcommittee on Oversight and Investigations further concluded that—

> Firestone 500 steel belted radial tires present an unreasonable risk of continuing accidents, injuries, and death to the motoring public and should be immediately recalled.

Even with the exertion of persistent pressure by NHTSA, the Washington Post reported that Firestone employed "aggressive delaying tactics" before it agreed to a recall on November 29, 1978. In this manner the company was able to dilute the impact of a recall that it figured could cost Firestone about $234 million.

As a result of the present system of owner notification it has been estimated that 30 percent of the owners of Firestone 500 tires will never be officially notified that their tires are defective and will be replaced without any charge. The Subcommittee on Oversight and Investigations concluded that—

> Neither the Federal vehicle safety standards nor the Federal safety recall systems have served well to protect the public against the hazards of the Firestone 500 steel belted radial.

The Subcommittee on Oversight and Investigations determined that—

> Firestone seems committed, as a matter of apparently irreversible corporate policy, to stonewalling on the issue of a safety recall of the affected tires.

The company appears to be satisfied with portraying corporate values which, in the words of the head of NHTSA, "give great weight to the saving of dollars with virtually no regard for the safety of the public."

The Federal Government must have the authority to compel a tire manufacturer to advertise the existence of a recall after a line of tires has been determined to be defective and a safety hazard to the public. This is precisely what H.R. 1744 intends to do. It is essential that the Federal Government take the initiative and enact measures which would promote a clear recognition by the consumer that a safety hazard has been detected. From the example provided in the Firestone 500 case it appears as though manufacturers may not be prone to take such actions because of self-serving economic reasons.

This bill poses no additional burden to the factfinding process and at the same time aids the consumer without hurting the taxpayer. It applies to any recall instituted after the passage of the bill, although the defective tires may have been manufactured prior to its enactment. This legislation is also applicable to any situation in which proper notice was not issued according to the existing law.

This bill would contribute greatly to the safety of the public by closing an unjustified loophole. In redressing a shortcoming in the present law, future tragedies could hopefully be avoided by providing consumers with adequate warning of tire recalls.

To date there are 32 cosponsors of this legislation. Please join me and my colleagues listed below in remedying a potentially hazardous flaw in the law by cosponsoring this worthwhile bill.

The following are cosponsors of H.R. 1744:

Wolff, Lester; Addabbo, Joseph; Ambro, Jerome; Corrada, Baltasar; Diggs, Charles; Downey, Thomas; Drinan, Robert; Edgar, Robert; Ferraro, Geraldine; Flood, Daniel; Gilman, Benjamin; Holtzman, Elizabeth; Jenrette, John; Long, Clarence; Madigan, Edward; Maguire, Andrew; Mikva, Abner; Mineta, Norman; Mitchell, Parren; Moakley, Joe; Nolan, Richard; Ottinger, Richard; Pepper, Claude; Price, Melvin; Rangel, Charles; Richmond, Frederick; Spellman, Gladys; Vento, Bruce; Weaver, James; Weiss, Ted; Yatron, Gus; Zeferetti, Leo.

I would like to request that my distinguished colleagues on the Subcommittee on Consumer Protection and Finance, acting under the leadership of the Honorable JAMES SCHEUER, hold expeditious hearings on this matter.●

PERSONAL EXPLANATION

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. STEWART) is recognized for 5 minutes.

● Mr. STEWART. Mr. Speaker, I was unavoidably delayed on my way to the floor yesterday to vote on the Latta substitute. Had I been present, I would have voted "No" on rollcall No. 135.●

HELSINKI COMMISSION TO HOLD HEARING

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 5 minutes.

● Mr. FASCELL. Mr. Speaker, Mr. Aleksandr Ginzburg, one of the Soviet human rights activists recently exchanged for two Soviet spies, will appear before the Commission on Security and Cooperation in Europe tomorrow, May 11, at 9:30 a.m. in room 2318 of the Rayburn House Office Building. Mr. Ginzburg, a founding member of the Moscow Helsinki Monitoring Group, is expected to discuss the work of the human rights movement in general and the Helsinki groups in particular. It is especially fitting that this hearing will be held on May 11, the eve of the third anniversary of the establishment of the first Soviet Helsinki Monitoring Group. As most of my colleagues know, 17 members of the Helsinki groups are still languishing in Soviet prisons, labor camps or remote Siberian exile.

The hearing will be open to the press and public.●

SHATTER THE SILENCE VIGIL 1979

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. MIKVA. Mr. Speaker, I rise today to participate in the "Shatter the Silence Vigil 1979" on behalf of the Abe Stolar family of Moscow, U.S.S.R. The Stolars have been the victims of repeated manipulation and harassment at the hands of Soviet authorities since the family began its now 4-year old struggle to rejoin relatives in Israel.

Abe Stolar is a U.S. citizen, born in Chicago, Ill., in 1911. He emigrated to the Soviet Union with his parents as a young man, served loyally in the Soviet Army in World War II and spent some 20 years as a translator for Soviet radio. The Soviet Government refuses to recognize Abe Stolar's U.S. citizenship or that of his son, Michael. In the face of this refusal, both father and son walked into the U.S. Embassy in Moscow in July 1975, requested and were issued the valid U.S. passports they now hold. Despite the fact that all three Stolars now hold non-Soviet passports—Mrs. Stolar, though Russian-born, has been granted Israeli citizenship—the Soviet Government continues to violate their right to emigrate freely from the U.S.S.R.—a right guaranteed by the Universal Declaration of Human Rights to which that same Soviet Government is a signatory.

This is the Stolars' "Catch-22"-like story: On May 27, 1975, the Stolar family was granted exit visas for Israel. They shipped all their belongings, including clothing and furniture, to Israel and, as is required of all Soviet emigrants, the Stolars spent all their money and turned in their Soviet passports, so as to leave the U.S.S.R. penniless and stateless. Unexpectedly, permission to leave was refused the Stolars just as they were about to board an aircraft taking them out of the U.S.S.R. on June 19, 1975. Soviet authorities later informed the Stolars that they could not leave the country for 2 years because Mrs. Stolar, a retired analytical chemist, had been doing classified work at the time of her retirement in 1973—a claim vehemently denied by the Stolars.

Nearly 4 years have passed and the Stolars keep reapplying for exit visas, without success. They applied to be registered as resident aliens, in order to improve their chances of being permitted to leave the country, but were refused on the ground that they are Soviet citizens. In the meantime, however, the Stolars were forced to live on charity for almost 2 years because the military and civilian pensions they had earned were denied them—on the ground that they are foreign nationals.

The cases of all the Soviet Jews who have been thwarted by arbitrary authority in their attempts to exercise their fundamental human right to leave the U.S.S.R. compel our attention and concern. But there is something special about the case of Abe Stolar when we consider that here is a citizen of the United States, bearing a U.S. passport, who is being denied the rights which are fundamental to our sense of identity as Americans. I have made appeals on behalf of Abe Stolar and his family to Secretary of State Vance, Soviet Ambassador Dobrynin, and Soviet Minister of Internal Affairs Nikolai Schelokov. Some three dozen of my colleagues joined me in communicating our concern for the Stolar family to Soviet President Brezhnev.

It has been almost 2 years since our first communication with President Brezhnev—2 years which have brought no relief whatsoever to Abe Stolar and his family. I can only hope that the new spirit which seems to pervade Soviet relations with the world will extend to free Abe Stolar and his family from their unjust imprisonment in a country which is not their home, their place of birth, or from which they derive their citizenship.●

THE SALT AGREEMENT AND OUR NATIONAL SECURITY

(Mr. BROOMFIELD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. BROOMFIELD. Mr. Speaker, agreement on the main points of a new strategic arms limitation treaty has been announced by President Carter. While some details remain unresolved, many hope that this often long and tedious process of arms control will better contribute to the maintenance of our national security.

Maintaining our national security through strategic arms control is an important objective of our foreign policy—an objective which I can readily support. Arms control, however, is simply not an end in itself—it is a means to an end—a tool of American foreign policy which should be used effectively and realistically in order to provide the United States with a stronger sense of national security. In providing the American people with that sense of security, arms control must at least be a two-way street—a forum providing for sufficient quid pro quos.

To better assure the security of our people, as well as the credibility of our foreign policy, the United States must not only exercise effective arms control but also continue to maintain a strong strategic base and a superior defense capability. This strong strategic base must be perceived as a deterrent to aggression and supportive of our military, economic, and political interests.

At this time our strategic base has been stagnating while the Soviet Union's has been improving—amidst a background of troubled arms control negotiations. Our principal adversary has been unchecked, to a large extent, by our arms control negotiations, and is spreading its military might at an alarming rate. While the Soviets, for example, have been engaged with the United States in discussions to demilitarize the Indian Ocean, they have escalated a war in the Horn of Africa. While the Soviets, for many years, have been engaged in talks to reduce arms in central Europe, they are continuing to build up the military in the Warsaw Pact. While the Soviets have been speaking of strategic arms control, they are continuing to improve their strategic strike capabilities at a rapid rate.

In particular, the Soviet Union, in the last several years, has made important progress in qualitatively improving the capabilities of its strategic weapons. At this time, the Sovets are developing two new strategic bombers, one of which has been described by Defense Department officials as having the performance characteristics of our canceled B–1. The Soviets are also developing an entirely new "fifth generation" of land-based intercontinental ballistic missiles. Moreover the Soviet Union continues to improve upon the quantitative and qualitative multiple warhead capability of its present inventory of ballistic missiles. It is the increasing multiple warhead capability of Soviet missiles, particularly the SS–18, which has caused U.S. officials to reevaluate the ability of our land-based ICBM's to survive a Soviet strategic strike.

While the Soviet Union continues to modernize its strategic bomber and ICBM forces the United States has already canceled the B–1 bomber and is now delaying decisions which would better provide for the survivability of our land-based missiles. Moreover, the administration has negotiated a strategic arms agreement which not only permits the Soviet Union to build a potential strategic delivery vehicle outside the limits of the agreement, but also allows the Soviets to more fully deploy the SS–18 missile.

Moreover, these "attempts" at arms control have not only complicated the overall survivability of our strategic systems but also have created the need for new American expenditures in the areas of air defense and mobile missile basing.

To be sure, the tentative SALT II accord, unlike the SALT I agreement, attempts to impose some qualitative restrictions on each country's strategic weapons. Qualitative restrictions on strategic weapons can be an important step in the overall arms control process. However, with the dismantling of important U.S. intelligence gear in Iran, with the numerous problems in arranging for intelligence gathering operations in Turkey, with the loss of the KH–11 spy satellite manuals, the United States will have to resolve important verification problems, particularly in relation to the monitoring of qualitative improvements in Soviet weaponry, which now exist in relation to the emerging SALT II agreement.

The U.S. intelligence equipment in Iran was particularly important to our security, since it tracked Soviet missiles and intercepted their telemetry. As for Soviet missile telemetry, the Soviet Union has continued to impede U.S. efforts to monitor various missile tests including a very important SS–18 test in December of 1978. Because of these kinds of Soviet actions, I have informed the administration that in negotiating the SALT II agreement, we should be fully aware not only of the Soviet Union's continued escalation of the arms race but also its lack of sincerity in relation to arms control procedures.

Moreover, in considering this treaty the Senate, which has responsibility for its approval, must carefully and cautiously weigh the complex details that are a critical part of this agreement.

I also believe that the Senate, in its deliberations, must move with a mindfulness that reflects the concern of all Americans that the agreement will, in fact, help to assure the security of our country as we move to limit the costly development and deployment of strategic weapons in the next decade.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Fuqua, for May 10 and 11, 1979, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Roth) to revise and extend their remarks and include extraneous material:)

Mr. Jeffords, for 10 minutes, May 10.

Mr. Bob Wilson, for 5 minutes, today.

Mr. Kemp, for 30 minutes, today.

(The following Members (at the request of Mr. Wyatt) to revise and extend their remarks and include extraneous material:)

Mr. Weaver, for 60 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Cotter, for 5 minutes, today.

Mr. Stack, for 5 minutes, today.

Mr. Pepper, for 5 minutes, today.

Mr. Cavanaugh, for 5 minutes, today.

Ms. Holtzman, for 5 minutes, today.

Mr. Ottinger, for 5 minutes, today.

Mr. Skelton, for 10 minutes, today.

Mr. Jones of Tennessee, for 5 minutes, today.

Mr. Neal, for 5 minutes, today.

Mr. Kastenmeier, for 5 minutes, today.

Mr. Rodino, for 5 minutes, today.

Mr. Wolff, for 5 minutes, today.

Mr. Stewart, for 5 minutes, today.

Mr. Fascell, for 5 minutes, today.

Mr. Bailey, for 60 minutes, May 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ECKHARDT, to revise and extend his remarks and to include extraneous material during debate today on House Resolution 266 and House Resolution 212.

(The following Members (at the request of Mr. ROTH) and to include extraneous matter:)

Mr. MICHEL in three instances.
Mr. WHITEHURST.
Mr. BOB WILSON in three instances.
Mr. DORNAN in four instances.
Mr. RUDD in four instances.
Mr. FRENZEL in three instances.
Mr. CARTER.
Mr. MOORE.
Mr. DEVINE.
Mr. CAMPBELL.
Mr. PRITCHARD.
Mr. GREEN.
Mr. KEMP.
Mr. SHUMWAY.
Mr. O'BRIEN.
Mr. PAUL in two instances.

(The following Members (at the request of Mr. WYATT) and to include extraneous matter:)

Mr. HARKIN.
Mr. MINETA in two instances.
Mr. DINGELL in three instances.
Mr. DE LA GARZA in five instances.
Mr. YATRON.
Mr. WOLFF in two instances.
Mr. KILDEE in two instances.
Mr. LEHMAN in two instances.
Mr. DODD in five instances.
Mr. RAHALL.
Mr. MINISH.
Mr. WAXMAN.
Mr. STARK.
Mr. CHAPPELL.
Mr. MCHUGH.
Ms. HOLTZMAN.
Mr. HUBBARD in five instances.
Mr. CONYERS in five instances.
Mr. MCDONALD in five instances.
Mr. STUDDS.
Mr. UDALL in two instances.
Mr. RODINO.
Mr. HOLLAND in two instances.
Mr. BIAGGI.
Mr. MATHIS.
Mr. YOUNG of Missouri.
Mr. SKELTON.
Mr. SHELBY.
Mr. EDGAR in two instances.
Mr. JENRETTE.
Mr. KOSTMAYER.
Mr. FASCELL in two instances.

ADJOURNMENT

Mr. WYATT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until Monday, May 14, 1979, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1553. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to repeal the statutes relating to the publishing of cotton price predictions in Government reports and the issuance of cotton crop reports; to the Committee on Agriculture.

1554. A letter from the Secretary of Agriculture, transmitting a report that there were no activities of the National Advisory Council on Child Nutrition during calendar year 1978, pursuant to section 15(f) of the National School Lunch Act, as amended to the Committee on Education and Labor.

1555. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting a proposed final allocation formula and guidelines for the program of assistance to State Postsecondary Education Commissions for statewide comprehensive planning activities, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended to the Committee on Education and Labor.

1556. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by he Governmen of he Netherlands for permission to transfer certain U.S.-origin military equipment to the Government of the Federal Republic of Germany, pursuant to section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

1557. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Alfred L. Atherton, Jr., Ambassador-designate to Egypt, and by members of his family, pursuant to section 6 of Public Law 93–126; to the Committee on Foreign Affairs.

1558. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Frank V. Ortiz, Jr., Ambassador-designate to Guatemala, and by members of his family, pursuant to section 6 of Public Law 93–126, to the Committee on Foreign Affairs.

1559. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112 b(a); to the Committee on Foreign Affairs.

1560. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to strengthen and improve medicaid services to low-income children and pregnant women, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1561. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to improve the quality of rail service in the United States through financial assistance which encourages railroad restructuring; to the Committee on Interstate and Foreign Commerce.

1562. A letter from the Chairman, U.S. International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1981; to the Committee on Ways and Means.

1563. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to provide for the transfer of the Foreign Claims Settlement Commission of the United States to the U.S. Department of Justice as a separate agency in that Department; to provide for the authority and responsibility of the Department of Justice to supply to the Foreign Claims Settlement Commission certain administrative support services without altering the adjudicatory independent of the Commission; to change the terms of office and method of appointment of the members of the Commission; and for other purposes; jointly, to the Committees on Government Operations, Foreign Affairs, Banking, Finance and Urban Affairs, House Administration, and Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs.

H.R. 3661. A bill to increase the authorization of appropriations under the Act of December 22, 1974 (88 Stat. 1712). (Rept. No. 96–134). Referred to the Committee of the Whole House on the State of the Union.

Mr. REUSS: Committee on Banking, Finance and Urban Affairs. H.R. 3829. A bill to provide for increased participation by the United States in the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund; with amendment (Rept. No. 96–135). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 3434. A bill to amend the Social Security Act to make needed improvements in the child welfare and social services programs, to strengthen and improve the program of Federal support for foster care of needy and dependent children, to establish a program of Federal support to encourage adoptions of children with special needs, and for other purposes; with amendment (Rept. No. 96–136). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 411. A bill to authorize veterans loan guaranty benefits notwithstanding usury provisions of State constitutions or statutes, and for other purposes. (Rept. No. 96-137). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 3892. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to contract for the furnishing of private health care to veterans when such health care is authorized by a Veterans' Administration physician as necessary for the treatment of medical emergency, to authorize the Administrator of Veterans' Affairs to provide outpatient medical services for any disability of a veteran of World War I as if such disability were service-connected, to extend the authorization of certain expiring health care programs of the Veterans' Administration, and for other purposes; with amendment (Rept. No. 96–138). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 3989. A bill to provide for the establishment within the National Cemetery System of a new national cemetery to be located in Russell County, Ala., and to be known as the Fort Mitchell Regional Veterans' Cemetery (Rept. No. 96–139). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 1608. A bill to amend title 38, United States Code, to revise and improve certain health-care programs of the Veterans' Administration, to authorize the construction, alteration, and acquisition of certain medical facilities, and to expand certain benefits for disabled veterans; and for other purposes; with amendment (Rept. No. 96–140). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM (for himself, Mr. Zablocki, Mr. Fascell, Mr. Diggs, Mr. Rosenthal, Mr. Yatron, Mrs. Collins of Illinois, Mr. Solarz, Mr. Bonker, Mr. Pease, Mr. Mica, Mr. Barnes, Mr. Wolpe, Mr. Bowen, Mr. Fithian, Mr. Findley, Mr. Buchanan, Mr. Winn, Mr. Gilman, Mr. Lagomarsino, and Mrs. Fenwick):

H.R. 4034. A bill to provide for continuation of authority to regulate exports, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI (for himself, Mr. Broomfield, Mr. Fascell, Mr. Rosenthal, Mr. Hamilton, Mr. Wolff, Mr. Bingham, Mr. Solarz, Mr. Bonker, Mr. Barnes, Mr. Hall of Ohio, Mr. Wolpe, Mr. Derwinski, Mr. Findley, Mr. Buchanan, Mr. Winn, Mr. Gilman, Mr. Pritchard, Mrs. Fenwick, Mr. Gray, and Mr. Diggs):

H.R. 4035. A bill to authorize supplemental international security assistance for the fiscal year 1979 in support of the peace treaty between Egypt and Israel, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BRODHEAD:

H.R. 4036. A bill to amend title XVI of the Social Security Act with respect to the negotiability of supplemental security income checks, and for other purposes; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 4037. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the interest on deposits in certain savings institutions; to the Committee on Ways and Means.

By Mr. GUYER:

H.R. 4038. A bill to amend the Controlled Substances Act to authorize a marihuana pretrial diversion program in order that persons subject to arrest for the unlawful possession of small amounts of marihuana or hashish for personal use may receive drug-related counseling rather than be subject to criminal prosecution pursuant to section 404(a) of such act; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JEFFORDS:

H.R. 4039. A bill to amend the Food Stamp Act of 1977 to make individuals who receive coupons liable to the United States for an amount not to exceed the value of such coupons, if such individuals receive income in excess of twice the poverty level during any calendar year in which they receive coupons; to the Committee on Agriculture.

By Mr. PRICE (for himself and Mr. Bob Wilson):

H.R. 4040. A bill to authorize appropriations for fiscal year 1980 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development, test, and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for fiscal year 1980 for civil defense, and for other purposes; to the Committee on Armed Services.

By Mr. HOLLAND:

H.R. 4041. A bill to amend the Internal Revenue Code of 1954 to remove an inequity by allowing the same investment tax credit for certain tangible property used as an integral part of retail or wholesale trade as is allowed for such property used in manufacturing and other certain businesses; to the Committee on Ways and Means.

H.R. 4042. A bill to amend the Internal Revenue Code of 1954 to allow an investment credit for building and structural components used as an integral part of manufacturing, production, retail or wholesale trade, extraction and certain other businesses, or which are certain research or storage facilities; to the Committe on Ways and Means.

By Mr. JONES of Tennessee:

H.R. 4043. A bill to direct the Corps of Engineers to study the feasibility of modifying the Mississippi River project at Tiptonville, Tenn., to the Committee on Public Works and Transportation.

By Mr. KASTENMEIER:

H.R. 4044. A bill to provide for improvements in the structure and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. McDONALD:

H.R. 4045. A bill to permit the introduction or delivery for introduction of laetrile into interstate commerce without the approval of a new drug application under the Federal Food, Drug, and Cosmetic Act; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 4046. A bill to amend the Clayton Act to promote enforcement of the antitrust laws and conservation of judicial resources by clarifying the application of the common law doctrine of collateral estoppel in antitrust litigation and for other purposes; to the Committee on the Judiciary.

H.R. 4047. A bill to clarify the standards pertaining to unreasonable attorney delay and to expand the sanctions for such conduct and for other purposes; to the Committee on the Judiciary.

H.R. 4048. A bill to amend sections 4, 4A, and 4C of the Clayton Act to authorize awards of prejudgment interest in antitrust litigation; to the Committee on the Judiciary.

H.R. 4049. A bill to amend section 7 of the Clayton Act; to the Committee on the Judiciary.

H.R. 4050. A bill to expedite and reduce the cost of antitrust litigation and for other purposes; to the Committee on the Judiciary.

H.R. 4051. A bill to amend the Speedy Trial Act of 1974; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 4052. A bill to authorize the Secretary of the Navy to prepare and establish the U.S.S. *Nautilus* (SSN 571) as a national monument located at the U.S. Naval Academy, Annapolis, Md., and to provide certain shoreside facilities for the support of the ship and the convenience of visitors; to the Committee on Armed Services.

By Mr. WAXMAN:

H.R. 4053. A bill to strengthen and improve medicaid services to low-income children and pregnant women, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. BOUQUARD:

H.R. 4054. A bill to provide increased benefits under the medicare program; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. HILLIS:

H.R. 4055. A bill to amend the Clean Air Act to provide that the 1979 light-duty motor vehicle emission standards shall continue to apply to diesel light-duty motor vehicles manufactured after the model year 1979 in lieu of the more stringent standards which would otherwise apply; to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES:

H.R. 4056. A bill to promote the growth of the alcohol fuels industry by providing a dependable market for alcohol fuels through preferential Federal purchases of gasohol; to the Committee on Government Operations.

By Mr. RICHMOND:

H.R. 4057. A bill to amend section 18 of the Food Stamp Act of 1977; to the Committee on Agriculture.

By Mr. RUNNELS (for himself and Mr. Mathis):

H.R. 4058. A bill to amend the Mineral Leasing Act of 1920, as amended, to provide limited authority for negotiated sales of Federal coal and for payment of fair market value for such coal, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GARCIA:

H.J. Res. 325. Joint resolution to authorize and request the President to issue a proclamation designating September 23 through 29, 1979, as "National Voter Education Week"; to the Committee on Post Office and Civil Service.

By Mr. BLANCHARD:

H. Con. Res. 119. Concurrent resolution expressing the sense of Congress with respect to the Baltic States; to the Committee on Foreign Affairs.

By Mr. ANDERSON of Illinois:

H. Res. 265. Resolution expressing the sense of the House of Representatives regarding the meaning of "severe energy supply interruption" to permit the implementation of standby gasoline rationing; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLENBECK (for himself, Mr. Gilman, Mr. Lent, and Mr. Harkin):

H. Res. 267. Resolution to express the sense of the House of Representatives that the leaders of the Government of Iran are violating the basic human rights of the people of Iran with the continued use of revolutionary justice and to denounce the summary trial and execution of industrialist Habib Elghanian on account of his contacts with Israel and his religious beliefs; to the Committee on Foreign Affairs.

By Mr. THOMPSON:

H. Res. 268. Resolution providing funds for the further expenses of the Committee on House Administration; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

166. By the SPEAKER. Memorial of the Legislature of the State of Indiana, relative to the use of nitrates and nitrites for the preservation of food; to the Committee on Interstate and Foreign Commerce.

167. Also, memorial of the Legislature of the State of Indiana, relative to the Amtrak route system; to the Committee on Interstate and Foreign Commerce.

168. Also, memorial of the Legislature of the State of Indiana, relative to the usurpation of State legislative authority by the Federal Government; to the Committee on the Judiciary.

169. Also, memorial of the Senate of the State of Illinois, relative to highway speed limits; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FITHIAN:

H.R. 4059. A bill for the relief of Renard A. Koehnemann; to the Committee on the Judiciary.

By Mr. MARLENEE:

H.R. 4060. A bill for the relief of Ivan Mauricio Mas-Jaccard and Carmen Mas-Jaccard, husband and wife, and Clifford and Jonny Mas-Jaccard, their children; to the Committee on the Judiciary.

By Mr. SHUMWAY:

H.R. 4061. A bill for the relief of Marion Charlotte Williams; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. Evans of Georgia, and Mr. Jeffries.

H.R. 1495: Mr. Gilman, Mr. Kemp, and Mr. Tauke.

H.R. 1543: Mr. Harsha, Mr. Downey, Mr. Oberstar, Mr. Regula, Mr. Kogovsek, Mr. Flood, Mr. Markey, Mr. Thompson, Mr. Long of Maryland, Mr. Benjamin, Mr. Nowak, Ms. Oakar, Mr. Buchanan, Mr. Perkins, and Mr. Alexander.

H.R. 2077: Mr. Duncan of Tennessee, Mr. Evans of Georgia, Mr. Kogovsek, Mr. Patten, and Mr. Winn.

H.R. 2209: Mr. Dixon, Mr. Donnelly, Mr. Fish, Mr. Gibbons, Mr. Guarini, Mr. Hinson, Mr. Jacobs, Mr. Lehman, Ms. Mikulski, Mr. Mitchell of New York, Mr. Quayle, and Mr. Rosenthal.

H.R. 2305: Mr. Jeffords, Mr. Jeffries, Mr. Moffett, Mr. Roe, and Mr. Zablocki.

H.R. 2333: Mr. Mitchell of New York.

H.R. 2430: Mr. Evans of the Virgin Islands.

H.R. 2444: Mr. Fuqua, Mr. Horton, and Mr. Williams of Ohio.

H.R. 2450: Mr. D'Amours and Mr. Forsythe.

H.R. 2601: Mr. Courter, Mr. Howard, and Mr. Minish.

H.R. 3004: Mr. Carr, Mr. Gudger, Mr. Lagomarsino, Mr. Hyde, Mr. Mathis, Mr. Panetta, Mr. Bob Wilson, Mr. Vento, and Mr. Winn.

H.R. 3471: Mr. Williams of Montana, and Mr. Dan Daniel.

H.R. 3561: Mr. Flippo, Mr. Hall of Texas, Mr. D'Amours, Mr. Mathis, Mr. Pritchard, Mr. Whitehurst, Mr. Neal, Mr. Bonker, Mr. Grisham, Mr. LaFalce, Mrs. Holt, and Mr. Stokes.

H.J. Res. 205: Mr. Ottinger.

H.J. Res. 248: Mr. Cleveland.

H.J. Res. 260: Mr. Evans of the Virgin Islands.

H. Con. Res. 10: Mr. Buchanan, Mr. Derwinski, Mrs. Fenwick, Mr. Findley, Mr. Fountain, Mr. Zablocki, and Mr. Diggs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. CON. RES. 107

By Mr. ASHBROOK:

—Page 3, line 11, strike out "$12,932,000,000" and insert in lieu thereof "$12,927,000,000".

Page 3, line 12, strike out "$8,223,000,000" and insert in lieu thereof "$8,218,000,000".

Page 7, line 25, strike out "$11,576,000,000" and insert in lieu thereof "$11,566,000,000".

Page 8, line 1, strike out "$7,640,000,000" and insert in lieu thereof "$7,630,000,000".

Conform the totals in the first section and section 6(a) accordingly.

—In the matter relating to Function 150—International Affairs, reduce the amount for budget authority by $2.2 billion; and reduce the amount for outlays by $2.2 billion.

In the matter relating to Function 500—Education, increase the amount for budget authority by $2.2 billion; and increase the amount for outlays by $2.2 billion.

By Mr. BARNES:

—In section 1: In the matter relating to the recommended level of Federal revenues increase the amount by $200,000,000;

In the matter relating to the appropriate level of total new budget authority increase the amount by $853,000,000;

In the matter relating to the appropriate level of total budget outlays increase the amount by $838,000,000;

In the matter relating to the amount of the deficit increase the amount by $638,000,000;

In the matter relating to the appropriate level of the public debt increase the amount by $638,000,000;

In the matter relating to the amount by which the statutory limit on the public debt should accordingly be increased, increase the amount by $638,000,000.

In section 3: In the matter relating to National Defense increase the amount for budget authority by $595,000,000; and increase the amount for outlays by $586,000,000.

In the matter relating to Allowance increase the amount for budget authority by $258,000,000; and increase the amount for outlays by $252,000,000.

By Mr. FISHER:

—Increase the amount of new budget authority for the National Defense major functional category for fiscal year 1980 by $45,000,000.

Increase the amount of outlays for the National Defense major functional category for fiscal year 1980 by $45,000,000.

Increase the amount of outlays for the Income Security major functional category for fiscal year 1980 by $94,000,000.

Increase the aggregate amounts in the first section (other than the amount of the recommended level of Federal revenues and the amount by which the aggregate level of Federal revenues should be decreased) accordingly.

H.R. 39

By Mr. EMERY:

(Amendment to the amendment in the nature of a substitute to H.R. 39, offered by Mr. Breaux.)

—Page 363, after line 22, insert the following:

(m) Additional Exploration and Drilling.—No exploratory activity and no drilling for oil or gas, other than as provided in this section, shall be permitted within the coastal plain—

(1) unless authorized by a law which is enacted after the date of the enactment of this Act; and

(2) until the Secretary—

(A) has offered for lease all those areas in the Teshekpuk-Utukok National Wildlife Refuge which the Secretary intends to offer for lease pursuant to section (304)(a)(14)(D);

(B) finds that sufficient exploration of the oil and gas potential of the Teshekpk-Utukok National Wildlife Refuge has been completed so that reliable estimates of the oil and gas potential of the refuge can be made based on the activities of the lessees and such other information as is available to the Secretary; and

(C) has submitted to the Congress a report containing—

(i) an identification of those areas of the refuge which have oil and gas potential and an estimate of the volume of the oil and gas concerned;

(ii) a description of how such oil and gas if produced, may be transported to processing facilities; and

(iii) an evaluation of any environmental impacts which may occur as a result of the development of the oil and gas resources of the refuge and proposed measures to mitigate any adverse impacts.

By Mr. SEBELIUS:

—Section 201 of the Breaux-Dingell bill is amended by revising paragraph (3), page 294, line 23, to read as follows:

"(3) Gates of the Arctic National Park, containing approximately eight million and fifty thousand acres of public lands, and Gates of the Arctic National Preserve, containing approximately sixty thousand acres of public lands as generally depicted on a map entitled 'Gates of the Arctic National Park and Preserve,' dated March 1978, which shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others: to preserve the undeveloped character of the park, including opportunities for visitors to experience solitude, and the environmental integrity and scenic beauty of the mountains, foothills, forelands, rivers, lakes, and other natural features; to maintain natural water quantity and quality; to protect habitat for and populations of fish and wildlife, including but not limited to caribou, grizzly bear, Dall sheep, moose, wolves, and raptorial birds; to protect the viability of subsistence resources and provide the opportunity for continuation of the traditional subsistence uses of local residents; and, in a manner consistent with the foregoing, to provide opportunities for compatible outdoor recreation and environmental education activities."

—Section 2013 of the Breaux-Dingell bill is amended—

(A) by revising paragraph (8), page 300, line 7, to read as follows:

"(8) Wrangell-Saint Elias National Park, containing approximately eight million six hundred and seventy thousand acres of public lands, and Wrangell-Saint Elias National Preserve, containing approximately three million three hundred and eighty thousand acres of public lands, as generally depicted on a map entitled 'Wrangell-Saint Elias National Park and Preserve,' dated March 1978."; and

(B) by revising section 304, subsection (a), paragraph (15) subparagraph (A), page 327, line 9, to read as follows:

"(A) The Tetlin National Wildlife Refuge shall consist of the approximately seven hundred and four thousand acres of public lands generally depicted on the map entitled 'Tetlin National Wildlife Refuge,' dated May 19, 1978."

—Section 201 of the Huckaby bill is amended by revising paragraph (4), page 19, line 10, to read as follows:

"(4) Gates of the Arctic National Park, containing approximately eight million and fifty thousand acres of public lands, and Gates of the Arctic National Preserve, containing approximately sixty thousand acres of public lands as generally depicted on a map entitled 'Gates of the Arctic National Park and Preserve,' dated March 1978, which shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others: to preserve the undeveloped character of the park, including opportunities for visitors to experience solitude, and the environmental integrity and scenic beauty of the mountains, foothills, forestlands, rivers, lakes, and other natural features; to maintain natural water quantity and quality; to protect habitat for and populations of fish and wildlife, including but not limited to caribou, grizzly bear, Dall sheep, moose, wolves, and raptorial birds; to protect the viability of subsistence resources and provide the opportunity for continuation of the traditional subsistence uses of local residents; and, in a manner consistent with the foregoing, to provide opportunities for compatible outdoor recreation and environmental education activities."

—Section 201 of the Huckaby bill is amended by revising paragraph (10), (page 25, line 1), to read as follows:

"(10) Wrangell-Saint Elias National Park, containing approximately eight million six hundred and seventy thousand acres of public lands, and Wrangell-Saint Elias National Preserve, containing approximately three million three hundred and eighty thousand acres of public lands, as generally depicted on a map entitled 'Wrangell-Saint Elias National Park and Preserve,' dated March 1978.".

By Mr. SKELTON:

—On page 153, add the following new section after line 13:

"SEC. 818. Nothing in this Act shall be construed to apply the provisions of this Act, in any manner whatsoever, to any State or territory other than the State of Alaska. The provisions of this Act will apply to the State of Alaska only.".

On line 15, strike "SEC. 818" and insert in lieu thereof "SEC. 819".

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of the House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of May 8, 1979 (page 10306)

H.R. 1501. January 25, 1979. Judiciary. Requires Government authorities to take and keep on record the fingerprints of any individual convicted or adjudicated under laws permitting noncriminal treatment due to the age of the offender.

H.R. 1502. January 25, 1979. Merchant Marine and Fisheries. Authorizes the Secretary of the Treasury to issue permits to foreign-flag vessels to carry passengers between ports on the east and gulf coasts of the United States and Puerto Rico until such time as the Secretary determines that there is sufficient passenger service on United States vessels between such ports.

H.R. 1503. January 25, 1979. Veterans' Affairs. Provides for judicial review in Federal district court of decisions of the Administrator of Veterans' Affairs on questions of law or fact providing benefits to veterans on their dependents and survivors.

Establishes maximum attorneys' fees and establishes penalties for any attorney whose fees exceed such maximum.

H.R. 1504. January 25, 1979. Post Office and Civil Service. Repeals the laws permitting the private carriage of letters. Exempts letters and packages carried by private express from the requirement that all letters and packages carried by a vessel in interstate commerce be delivered promptly to the local post office upon arrival in a port.

H.R. 1505. January 25, 1979. Veterans' Affairs. Repeals the authority of the Administrator of Veterans' Affairs to establish an office in Europe and permits him to pay specified travel, subsistence, and sale and purchase of residence expenses of employees of the Veterans' Administration serving at its office in the Republic of the Philippines.

H.R. 1506. January 25, 1979. Judiciary. Relieves any local government unit or specified libraries in Pennsylvania from liability for erroneous U.S. contributions for disaster relief activities.

H.R. 1507. January 25, 1979. Public Works and Transportation. Amends the Flood Control Act of 1970 to require the Secretary of the Army to evaluate the economic impact on the local economic area if flood protection is not provided to such area.

Provides interested non-federal parties the opportunity to contribute the amount of costs which exceed the benefits of a particular project.

H.R. 1508. January 25, 1979. Merchant Marine and Fisheries. Directs the Governor of the Canal Zone to construct: (1) a bridge across the Atlantic sea level portion of the Panama Canal; (2) a bridge across the Charges River in the Canal Zone; and (3) the necessary roads to provide highway connections for each bridge.

H.R. 1509. January 25, 1979. Interstate and Foreign Commerce. Amends the Saccharin Study and Labeling Act to extend the period during which the Secretary of Health, Education, and Welfare is prohibited from taking specified actions restricting the continued use of saccharin as a food, drug, or cosmetic.

H.R. 1510. January 25, 1979. Armed Services. Authorizes the recomputation of the retired or retainer pay for specified members and former members of the uniformed services.

H.R. 1511. January 25, 1979. Merchant Marine and Fisheries. Requires the express authorization of Congress before: (1) U.S. funds may be used to implement the Panama Canal Treaty of 1977; (2) U.S. real property in the Canal Zone may be transferred to Panama; and (3) the Panama Canal Company or the Canal Zone Government shall cease to exist.

H.R. 1512. January 25, 1979. Judiciary. Declares that exclusive territorial arrangements made as a part of a licensing agreement for the manufacture, distribution, or sale of a trademarked soft drink product are lawful under the antitrust laws provided such product is in substantial and effective competition with other products of the same general class.

H.R. 1513. January 25, 1979. Judiciary. Provides that the United States District Court for the Judicial District of New Jersey shall be held at Hackensack, New Jersey, in addition to those places currently provided by law.

H.R. 1514. January 25, 1979. Public Works and Transportation. Amends the Flood Control Act of 1937 to increase the amount of flood control funds available for making channel improvements.

H.R. 1515. January 25, 1979. Ways and Means. Amends the Internal Revenue Code to disallow an income tax deduction for business expenses incurred in advertising cigarettes.

H.R. 1516. January 25, 1979. Judiciary. Provides that each State entitled to more than one Representative in the 99th or any subsequent Congress shall establish a number of districts equal to the number of Representatives to which that State is entitled. Sets forth the standards for establishing districts in order to insure fair and effective representation.

H.R. 1517. January 25, 1979. Judiciary. Amends the Immigration and Nationality Act to make it unlawful to knowingly hire an alien not lawfully admitted into the United States. Requires that employees of the Department of Health, Education, and Welfare disclose the names of illegal aliens who are receiving assistance under the Social Security Act.

Makes punishable by a fine or imprisonment the making of false border crossing cards, alien registration receipt cards, and other documents used for entry into the United States.

H.R. 1518. January 25, 1979. Public Works and Transportation. Amends the Federal Water Pollution Control Act to increase the maximum civil penalty for discharges of oil and hazardous substances, and to impose criminal sanctions for such illegal discharges.

H.R. 1519. January 25, 1979. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act to provide that an otherwise eligible individual shall be entitled to old-age insurance benefits if such person has attained age 60 and has been required by his employer (after having been employed by such employer for five or more years) to retire at such age in compliance with an Executive Order of the President, a regulation or order issued by a Federal department or agency and published in the Federal Register, or a Federal law.

H.R. 1520. January 25, 1979. Ways and Means. Amends the Internal Revenue Code to allow individual taxpayers an income tax credit for a portion of the tuition paid for the elementary, secondary, college, or post-secondary vocational education of the taxpayer, his spouse, or any of his dependents.

H.R. 1521. January 25, 1979. Judiciary. Restricts the exercise of contempt powers by the United States Bankruptcy Court.

H.R. 1522. January 25, 1979. Armed Services. Stipulates that a foster child of a member or former member of the uniformed services shall be considered a dependent of such individual for purposes of: (1) benefits under CHAMPUS (Civilian Health and Medical Plan of the Uniformed Services); (2) allowances for uniformed service personnel; and (3) payments to dependents of members of the uniformed services in a missing status.

H.R. 1523. January 25, 1979. Ways and Means. Amends part B of title IV (Child-Welfare Services) of the Social Security Act to: (1) revise procedures for the payment to States for child-welfare service programs; and (2) prohibit payment to any State for such programs unless that State has in effect an action plan to assure foster care protection.

Amends part A of title IV (Aid to Families with Dependent Children) to require States receiving payments under part A to make adoption subsidy payments to parents of certain adopted children.

H.R. 1524. January 25, 1979. Education and Labor. Directs the Secretary of Health, Education, and Welfare to establish an Asbestos Hazards School Safety Task Force to direct Federal efforts to ascertain the danger to school children and employees from asbestos materials in schools.

Establishes a program for the systematic inspection of schools for asbestos hazards. Provides funds for asbestos hazard identification and for technical and educational assistance.

Establishes an Asbestos Hazards Control Loan Program and an Asbestos Hazards Detection Fund.

Directs the Secretary to promulgate and distribute to the States safety standards and procedures for testing the levels of asbestos in school environments.

H.R. 1525. January 25, 1979. Judiciary. Amends the Bail Reform Act of 1966 to revise the procedures and conditions with respect to the pretrial release of persons accused of crimes and the post-trial release of persons appealing their convictions.

H.R. 1526. January 25, 1979. Public Works and Transportation. Amends the Disaster Relief Act of 1974 to provide that a declaration of a state of emergency is effective as of the date on which the emergency or major disaster commenced.

H.R. 1527. January 25, 1979. Armed Services. Allows reserve enlisted members of the Army and the Air Force to retire with 20 years of service.

H.R. 1528. January 25, 1979. Armed Services. Revises the rule for recomputation of military retired or retainer pay to reflect later active duty with respect to duty performed between October 1, 1963, and October 1, 1973.

H.R. 1529. January 25, 1979. Post Office and Civil Service. Makes Inauguration Day a legal public holiday.

H.R. 1530. January 25, 1979. Ways and Means. Amends the Tariff Schedules of the United States to delete the tariff provisions: (1) for products of the United States which are assembled abroad; and (2) for metals exported for additional processing and returned for further processing in the United States.

H.R. 1531. January 25, 1979. Veterans' Affairs. Stipulates that intervals between terms not exceeding 15 days and certain teacher conferences or training sessions shall not be counted as absences for purposes of veterans' educational assistance determinations for eligible veterans (and other eligible persons) enrolled in courses not leading to a standard college degree.

H.R. 1532. January 25, 1979. Veterans' Affairs. Makes technical corrections to the GI Bill Improvement Act of 1977 and to certain provisions concerning the general administration of veterans' educational benefits and survivors' and dependents educational benefits.

H.R. 1533. January 25, 1979. Veterans' Affairs. Reduces the period of active duty which a member of the Reserves must serve to be entitled to veterans' reemployment rights.

H.R. 1534. January 25, 1979. Veterans' Affairs. Provides that a veteran receiving an educational assistance allowance who has no dependents and is in Federal, State, county, or local prison shall have such allowance computed on the same basis as a veteran in school while on active duty or on less than a half-time basis.

H.R. 1535. January 25, 1979. Government Operations. Requires the Office of Management and Budget to study the efficiency and effectiveness of each Federal agency every ten years and to recommend to the President and Congress reorganization or abolition of each such agency as may be necessary to improve such efficiency and effectiveness. Abolishes each such agency upon the due date of such report unless, during the ten-year period since the last report, Congress has passed legislation continuing such agency.

H.R. 1536. January 25, 1979. Post Office and Civil Service. Designates the birthday of Martin Luther King, Junior, as a legal public holiday.

H.R. 1537. January 25, 1979. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act to revise the eligibility requirements for disability insurance benefits for blind persons. Revises the method of computing the primary insurance amount for blind persons under such Act.

H.R. 1538. January 25, 1979. Ways and Means. Directs the Secretary of Health, Education, and Welfare to pay all costs incurred by any State or local government in carrying out a welfare or public assistance program, including titles I (Old Age Assistance and Medical Assistance for the Aged), IV (Aid to Families with Dependent Children), V (Maternal and Child Health), X (Aid to the Blind and for Child Welfare Services), XI (General Provisions and Professional Standards Review), XIV (Aid to the Permanently and Totally Disabled), XVI (Supplemental Security Income), or XX (Grants to States for Services) of the Social Security Act.

H.R. 1539. January 25, 1979. Banking, Finance and Urban Affairs. Authorizes national banking associations to underwrite and deal in non-general obligations of States and cities.

Sets limitations and restrictions on dealings in such obligations by national banking associations.

H.R. 1540. January 25, 1979. Interstate and Foreign Commerce. Amends the Federal Railroad Safety Act of 1970 to prohibit any railroad covered by this Act from discharging, harassing, or discriminating against a railroad employee who attempts, in any way, to enforce this Act.

Amends the Hours of Service Act to require rail carriers to provide transportation to employees (who have been given an interim period of release at a designated terminal) to an available lodging facility within 30 minutes from the time of such release.

H.R. 1541. January 25, 1979. Ways and Means. Limits the maximum aggregate quantity of specified meat articles which may be entered or withdrawn from warehouses for consumption in the customs territory of the United States.

Directs the President to limit by proclamation the total quantity of meat imports in specified circumstances.

Requires the Secretary of Agriculture to allocate meat imports among supplying countries according to their shares of the U.S. market. Directs the Secretary to report to Congress.

H.R. 1542. January 25, 1979. Ways and Means. Amends the Internal Revenue Code to allow certain individuals to compute the amount of the income tax deduction for retirement savings on the basis of the earned income of their spouses.

H.R. 1543. January 25, 1979. Ways and Means. Amends the Trade Act of 1974 to provide increased adjustment assistance for workers and firms experiencing a decrease or threatened decrease in sales or production due to increased imports.

Provides for the sharing of information regarding petitions for certificates of eligibility for trade assistance between the Secretaries of Labor and Commerce and a committee to coordinate their respective responsibilities. Authorizes both Secretaries to study and make grants to improve trade adjustment assistance and improve economic efficiency.

H.R. 1544. January 25, 1979. Government Operations. Authorizes the Administrator of General Services to make payments to local governments based on the amount of tax exempt public and foreign owned land within the boundaries of such governmental units.

H.R. 1545. January 25, 1979. Armed Services; Government Operations; Ways and Means; Banking, Finance and Urban Affairs; Education and Labor. Establishes a Defense Economic Adjustment Council and local Alternative Use Committees to prepare for and facilitating the economic adjustment of workers, industries, and communities which may be or have been substantially affected by reductions in defense expenditures.

Provides eligible workers who are affected by defense cutbacks specified benefits, including income maintenance payments, pension credit, retraining, and maintenance of health, disability, and life insurance coverage.

H.R. 1546. January 25, 1979. Interior and Insular Affairs. Terminates the requirement that Guam pay interest on certain sums due the United States for assistance for public works projects and other specified programs and projects.

H.R. 1547. January 25, 1979. Interstate and Foreign Commerce; Permits possession of betel nut for personal use, but not for commercial distribution, by residents of Guam, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

H.R. 1548. January 25, 1979. Ways and Means. Provides for supplementary payments to Guam and the Virgin Islands to offset losses in tax revenues due to the enactment of Federal tax legislation.

H.R. 1549. January 25, 1979. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) of the Social Security Act to eliminate all deductibles, coinsurance, and time limitations presently applicable to benefits thereunder. Eliminates Medicare taxes as the method of financing hospital insurance benefits and premium payments as the method of financing supplementary medical insurance benefits. Includes certain services within the coverage of title XVIII. Establishes a system of administrative and judicial review of claims under the supplementary medical insurance program.

Prohibits sex discrimination under any program receiving assistance under the Act.

H.R. 1550. January 25, 1979. Judiciary. Authorizes the granting of a visa and admission to the United States for permanent residence to a named individual.

H.R. 1551. January 25, 1979. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a named individual in satisfaction of a claim against the United States.

H.R. 1552. January 25, 1979. Judiciary. Authorizes the granting of a visa and admission to the United States for permanent residence to a named individual.

H.R. 1553. January 25, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1554. January 25, 1979. Judiciary. Directs the Secretary of the Treasury to pay a named individual in satisfaction of a claim against the United States.

H.R. 1555. January 25, 1979. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a named individual in satisfaction of a claim against the United States.

H.R. 1556. January 25, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1557. January 25, 1979. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to two named individuals in satisfaction of a claim against the United States.

H.R. 1558. January 25, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1559. January 25, 1979. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 1560. January 25, 1979. Judiciary. Declares a named individual to have satisfied specified requirements under the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States. Authorizes such individual to be naturalized.

H.R. 1561. January 25, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1562. January 25, 1979. Judiciary. Declares two individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1563. January 25, 1979. Judiciary. Authorizes the granting of a visa and admission to the United States for permanent residence to a named individual.

H.R. 1564. January 25, 1979. Judiciary. Directs the granting of a visa and admission to the United States for permanent residence to a named individual.

H.R. 1565. January 25, 1979. Judiciary. Declares a named individual to have satisfied specified requirements under the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States. Authorizes such individual to be naturalized.

H.R. 1566. January 29, 1979. Banking, Finance and Urban Affairs. Amends the Housing Act of 1949 to authorize the Secretary of Housing and Urban Development to extend financial assistance to any owner of a low-income, multifamily housing project, removing the existing limitation which makes only public or nonprofit owners eligible for such assistance. Stipulates that only public or nonprofit owners may finance 100 percent of the units in such a project with insured loans made available under the domestic farm labor housing program.

H.R. 1567. January 29, 1979. Veterans' Affairs. Makes specified reserve veterans eligible for veterans' home, condominium, and mobile home loan benefits.

H.R. 1568. January 29, 1979. Judiciary. Provides for the issuance of immigrant visas to aliens who are natives of the Philippines (and their families) who served with and were honorably discharged from the United States Armed Forces in World War II when such visas are not immediately available under the Immigration and Nationality Act.

H.R. 1569. January 29, 1979. Education and

Labor. Amends the Employee Retirement Income Security Act to direct the Pension Benefit Guaranty Corporation to adjust annually benefits paid under terminated employee benefit plans by the percentage change in the Consumer Price Index.

H.R. 1570. January 29, 1979. Education and Labor. Amends the Employee Retirement Income Security Act to direct the Pension Benefit Guaranty Corporation to guarantee the payment of nonbasic benefits payable before the normal retirement age while the beneficiary is unemployed and not eligible for social security benefits.

H.R. 1571. January 29, 1979. Ways and Means. Amends the Internal Revenue Code to disallow the income tax deduction for expenses of lobbying before Congress or other legislative bodies.

H.R. 1572. January 29, 1979. Ways and Means. Entitles States whose rates of insured unemployment are at least six percent, under the Social Security Act, to partial reimbursement on an ascending sliding scale of unemployment compensation costs incurred above a certain amount.

Replaces the Federal-State Extended Unemployment Compensation Act of 1970 with an extended benefit program which includes both regular extended and supplemental extended benefits.

Authorizes the Secretary of Labor to extend the payback period of States having outstanding unemployment loans. Waives any repayment requirements for States having insured unemployment above a certain level.

Revises the penalty tax on employers in defaulting States.

H.R. 1573. January 29, 1979. Agriculture. Authorizes the Secretary of Agriculture to convey all right, title, and interest held by the United States in specified lands located in Bell County, Kentucky, to the Bell County Board of Education.

H.R. 1574. January 29, 1979. Banking, Finance and Urban Affairs. Amends the United States Housing Act of 1937 to restrict air-conditioning in rental units receiving financial assistance under such Act to individual air-conditioners sufficient to cool only a single room. Requires such air-conditioners to be metered and billed on an individual basis.

H.R. 1575. January 29, 1979. Ways and Means. Amends the Internal Revenue Code and title II (Old Age, Survivors and Disability Insurance) of the Social Security Act to exclude certain mission societies and their missionary members from social security taxes.

H.R. 1576. January 29, 1979. Ways and Means. Amends the Internal Revenue Code to make permanent the special tax treatment of church agency pension plans as qualified church plans. Allows any plan which is determined to have failed to meet church plan requirements a grace period to bring itself into compliance without becoming disqualified.

H.R. 1577. January 29, 1979. Ways and Means. Amends the Internal Revenue Code to provide that, for purposes of computing the allowable retirement plan exclusion and employer contributions allowance for church employees, all years of service for a church, church association, or an agency for such churches shall be considered employment for one employer.

Extends to church employees the same option presently enjoyed by employees of tax-exempt health and education organizations to elect alternative exclusion allowances for contributions to annuity contracts.

H.R. 1578. January 29, 1979. Education and Labor; Ways and Means. Amends the Employee Retirement Income Security Act to revise the definition of "church plan."

H.R. 1579. January 29, 1979. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to increase the issuance and renewal periods for which broadcast station licenses shall be granted. Prohibits the Federal Communications Commission, in acting upon an application for the renewal of a license, from considering the application of any other person for the facilities for which such renewal is sought until the determination of whether renewal would be in the public interest has been made.

H.R. 1580. January 29, 1979. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to limit the jurisdiction of the Federal Communications Commission with regard to: (1) compensatory charges by interstate or foreign communication wire or radio common carriers; and (2) specified equipment used in common for both intrastate communication service and interstate or foreign communication service. Requires the Commission to make certain findings in authorizing specialized carriers and telephone or telegraph common carriers.

H.R. 1581. January 29, 1979. Ways and Means. Amends the Internal Revenue Code to exempt from unemployment taxation commercial fishermen who, pursuant to an agreement with the fishing boat owner, receive a share of the boat's catch of fish in lieu of cash remuneration.

H.R. 1582. January 29, 1979. Ways and Means. Requires that until further congressional action is taken, the determination of whether an individual is an employee for purposes of social security taxation, unemployment taxation, and income taxation withholding shall be made in accordance with audit practices and regulations in effect December 31, 1975.

H.R. 1583. January 29, 1979. Ways and Means. Amends the Internal Revenue Code to allow a limited income tax credit for the recycling of waste paper.

H.R. 1584. January 29, 1979. Government Operations. Amends the Federal Property and Administration Services Act of 1949 to require Federal agencies which are about to dispose of surplus real property to give notice and first right of refusal to specified prior holders and lessees of such property.

H.R. 1585. January 29, 1979. Judiciary. Prohibits commerce in contraband cigarettes.

H.R. 1586. January 29, 1979. Public Works and Transportation. Authorizes the Secretary of Transportation to make grants to States and municipalities for bikeway construction projects in urbanized areas or which connect such areas with parks, seashores, or recreational areas.

H.R. 1587. January 29, 1979. Ways and Means. Amends the Tariff Schedules of the United States to permit the duty-free entry of gypsum building boards and lath until June 30, 1981.

H.R. 1588. January 29, 1979. Ways and Means. Amends the Internal Revenue Code to permit holders of life insurance policies to receive tax free income under annuity contracts funded by segregated exempt interest accounts in which 50 percent of the assets of such accounts consist of tax-exempt State or local government securities. Disallows tax deductions for expenses and interest incurred by life insurance companies in the maintenance of such exempt-interest asset accounts.

H.R. 1589. January 29, 1979. Ways and Means. Amends the Internal Revenue Code to allow a tax credit for a corporation which establishes a special employee stock ownership plan.

Qualifies employee stock ownership plan participants for the retirement savings income tax deduction.

Eliminates contributions made to such a plan as an item of tax preference for the purposes of the minimum tax.

H.R. 1590. January 29, 1979. Ways and Means. Amends the Internal Revenue Code to allow heads of households the same zero bracket amount as allowed married couples filing jointly.

H.R. 1591. January 29, 1979. Ways and Means. Amends the Internal Revenue Code to increase the amount of employer-paid group-term life insurance premiums excluded from the gross income of employees to $100,000.

H.R. 1592. January 29, 1979. Ways and Means. Amends title II (Old Age, Survivors and Disability Insurance) of the Social Security Act to disregard, for purposes of determining eligibility for social security benefits: (1) renewal commissions received by an insurance salesman from life insurance which the salesman sold before reaching age 65; and (2) any other income attributable to services performed before the taxable year in which he or she attained age 65, where the receipt of income on a deferred basis is a common practice in trades or businesses of the kind from which such income is derived.

H.R. 1593. January 29, 1979. Government Operations; Foreign Affairs. Declares that the Federal Government should adopt an explicit national population policy and encourage and assist other countries to achieve their population goals.

Directs all agencies of the Federal Government to give consideration to population dynamics in decisionmaking.

Requires the President to annually transmit to Congress a Population Growth and Distribution Report.

Establishes in the Executive Office of the President an Office of Population Policy.

H.R. 1594. January 29, 1979. Interstate and Foreign Commerce; Public Works and Transportation. Prohibits smoking in specified areas of Federal facilities and in interstate passenger carrier facilities. Requires the separation of smokers from nonsmokers in certain areas of such facilities.

H.R. 1595. January 29, 1979. Public Works and Transportation. Amends the Tennessee Valley Authority Act of 1933 to permit the Tennessee Valley Authority (TVA) to establish administrative offices in any area served by VA.

H.R. 1596. January 29, 1979. Agriculture. Prohibits the importation of dairy products unless: (1) they have been inspected and found to be wholesome; and (2) the foreign farms and plants processing the dairy products comply with standards prescribed by the Secretary of Agriculture.

Authorizes the Secretary to assess fees necessary to cover the cost of inspection services. Sets forth penalties for violations of this Act.

H.R. 1597. January 29, 1979. Rules. Amends the Congressional Budget and Impoundment Control Act of 1974 to limit the level of Federal outlays agreed to in a specified concurrent resolution on the Budget to certain percentages of the gross national product. Authorizes the Congress to waive such limitation.

H.R. 1598. January 29, 1979. Ways and Means. Amends the Internal Revenue Code to reduce the income tax rates for individuals for 1980 through 1982, and to require the Secretary of the Treasury to adjust the pertinent dollar amounts, but not the tax rates, for cost-of-living increases in the years that follow.

H.R. 1599. January 29, 1979. Armed Services; Ways and Means; Interstate and Foreign Commerce; Post Office and Civil Service. Stipulates that the time spent by an American civilian in enemy custody shall be creditable toward pensions, annuities, or other benefits under specified Federal retirement programs as though it were military service.

H.R. 1600. January 29, 1979. Ways and Means. Amends the Internal Revenue Code to: (1) limit the recognition of gain from the sale of a small business; (2) increase the additional first year depreciation allowance for small business; (3) permit the amortization of nonproductive federally-required expenditures; (4) exempt small domestic international sales corporations from the limitations on deferral of certain income applicable to larger corporations; (5) permit small businesses to adopt the cash method of accounting; (6) require a refund of excess social security payments to employers; and (7) permit an income tax credit for government paperwork which a small business is required to file.

H.R. 1601. January 29, 1979. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act and the Internal Revenue Code to include Members of Congress, the President, and the Vice President under the Federal Old-Age, Survivors and Disability Insurance system.

H.R. 1602. January 29, 1979. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act to remove the limitation on the amount of outside income which an individual may earn while receiving benefits.

H.R. 1603. January 29, 1979. Education and Labor. Amends the Federal Mine Safety and Health Amendments Act of 1977 to provide that provisions of such Act shall not apply to stone mining or sand and gravel mining operations.

H.R. 1604. January 29, 1979. Public Works and Transportation. Amends the Disaster Relief Act of 1974 to provide that a declaration of a state of emergency is effective as of the date on which the emergency or major disaster commenced.

H.R. 1605. January 29, 1979. Ways and Means. Amends the Internal Revenue Code to extend to permanently and totally disabled individuals the one time $100,000 exclusion of gain from the sale of a principal residence.

H.R. 1606. January 29, 1979. Ways and Means. Amends the Internal Revenue Code to require annual cost of living adjustments to individual income tax brackets and to withholding tables.

H R. 1607. January 29, 1979. Interstate and Foreign Commerce; Ways and Means. Prohibits an officer, employee, or agent of the United States or of any Professional Standards Review Organization from inspecting or requiring the disclosure of any individually identifiable medical records except according to this Act.

H.R. 1608. January 29, 1979. Veterans' Affairs. Amends veterans' provisions regarding: (1) dental care to former prisoners of war; (2) readjustment counseling to Vietnam era veterans; (3) alcohol and drug treatment; (4) preventive health service; (5) medical services in the United States to certain Philippine army veterans; (6) contract outpatient care provided by the Veterans' Administration (VA); (7) medical services provided at veterans' organizations conventions; (8) construction and acquisition of VA medical facilities; (9) benefits for children adopted and residing outside the United States; (10) travel expenses and salaries of certain VA employees; (11) overseas VA employees benefits; and (12) appointment of the Deputy Administrator of Veterans' Affairs.

H.R. 1609. January 29, 1979. House Administration. Amends the Legislative Reorganization Act of 1946 to establish the Congressional Pages School Board with authority to establish and maintain a school for congressional pages and to enter into or terminate, in cooperation with the Secretary of the Senate and Clerk of the House, arrangements with the District of Columbia with respect to the education of congressional pages in the public school system of the District of Columbia.

H.R. 1610. January 29, 1979. Ways and Means. Amends the Internal Revenue Code to allow taxpayers who maintain a household in which a dependent age 65 or over resides an income tax credit or deduction.

H.R. 1611. January 29, 1979. Interstate and Foreign Commerce; Judiciary. Declares that exclusive territorial arrangements made as a part of a licensing agreement for the manufacture, distribution, or sale of a trademarked soft drink product are lawful under the Federal Trade Commission Act and the antitrust laws provided such product is in substantial and effective competition with other products of the same general class.

H.R. 1612. January 29, 1979. Post Office and Civil Service. Requires the Department of Commerce to submit to Congress a report on the effects on the United States economy of the implementation of the Department's proposed rule to revise the definition of a standard metropolitan statistical area. Prohibits the Department from implementing such rule until such report is submitted.

H.R. 1613. January 29, 1979. Post Office and Civil Service. States that if the Secretary of Commerce revises the criteria for determining standard metropolitan statistical areas, Federal agencies shall collect data on, and provide benefits to, such revised areas to the same extent as such services were performed for standard areas prior to such revision.

H.R. 1614. January 29, 1979. Foreign Affairs. Authorizes continued relations with the people of Taiwan, despite the lack of diplomatic recognition of the government of Taiwan. Provides for relations between the United States and Taiwan to be conducted by or through the American Institute of Taiwan. Provides for the transfer of certain employees of the Institute.

H.R. 1615. January 29, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1616. January 29, 1979. Judiciary. Relieves a named individual of liability for the payment to the United States of a specified sum. Directs the Secretary of the Treasury to pay to such individual any part of such sum which may have been received or withheld from such individual in connection with such liability.

H.R. 1617. January 29, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1618. January 29, 1979. Judiciary. Declares five individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1619. January 29, 1979. Judiciary. Declares three individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1620. January 29, 1979. Judiciary. Declares two individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1621. January 29, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1622. January 29, 1979. Judiciary. Directs the granting of a visa and admission to the United States for permanent residence to a named individual.

H.R. 1623. January 29, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1624. January 29, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1625. January 29, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1626. January 29, 1979. Judiciary. Declares that a named individual be considered to be a national of the United States, under the Immigration and Nationality Act.

H.R. 1627. January 29, 1979. Judiciary. Authorizes the granting of a visa and admission to the United States for permanent residence to a named individual.

H.R. 1628. January 29, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1629. January 29, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1630. January 29, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1631. January 29, 1979. Judiciary. Directs the granting of a visa and admission to the United States for permanent residence to a named individual.

H.R. 1632. January 29, 1979. Judiciary. Confers jurisdiction on a specified district court over specified claims of a named individual against the United States. Requires that such claims be filed during a specified period.

H.R. 1633. January 29, 1979. Judiciary. Directs the Secretary of the Treasury to pay to named individuals in satisfaction of specified claims against the United States.

H.R. 1634. January 29, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.R. 1635. January 29, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1636. January 29, 1979. Judiciary. Relieves a named individual of liability for the payment to the United States of a specified sum. Directs Secretary of the Treasury to pay such individual any part of such sum which has been received or withheld from such individual in connection with such liability.

H.R. 1637. January 29, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1638. January 29, 1979. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a named organization in satisfaction of a claim against the United States.

H.R. 1639. January 31, 1979. Public Works and Transportation. Amends the Tennessee Valley Authority Act to allow the Tennessee Valley Authority to enter into a contract to supply Crittenden County, Arkansas, with electrical power.

H.R. 1640. January 31, 1979. Public Works and Transportation. Amends the Disaster Relief Act of 1974 to provide that a declaration of a state of emergency is effective as of the date on which the emergency or major disaster commenced.

H.R. 1641. January 31, 1979. Interior and Insular Affairs. Amends the Reclamation Authorization Act of 1975 to authorize the Secretary of the Interior to permit the deferral of water service payments until the municipal and industrial costs for the modification of the spillway of Dickinson Dam, North Dakota have been repaid.

H.R. 1642. January 31, 1979. Post Office and Civil Service. Requires that any legal public holiday established after enactment of this Act occur on a Saturday or Sunday.

H.R. 1643. January 31, 1979. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act and the Internal Revenue Code to: (1) require the financing of disability insurance benefits from general revenues; (2) reduce social security tax rates on employment and self-employment income; (3) reduce disability benefits to reflect a recipient's need based on family income; and (4) require the publication and dissemination to disability examiners of standard regulations defining physical and mental impairment for purposes of making disability determinations. Requires the establishment of a training program for State and Federal officials who make determinations of disability.

H.R. 1644. January 31, 1979. Ways and

Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) of the Social Security Act to authorize payment for specified services performed by chiropractors, for physical examinations, and for related routine laboratory tests.

H.R. 1645. January 31, 1979. Merchant Marine and Fisheries. Subjects specified nonfishing vessels to the manning and personnel qualification regulations promulgated by the Secretary of the department in which the Coast Guard is operating.

Expands the scope of the authority of the Secretary for licensing and classifying mates, engineers, pilots, and other employees of specified vessels, and increases the civil penalty for employment of unlicensed personnel.

H.R. 1646. January 31, 1979. Education and Labor. Amends the Higher Education Act of 1965 to provide for a deferral of up to three years on the repayment of principal or interest of a federally insured or direct student loan during a period of temporary total disability of the student borrower or spouse.

H.R. 1647. January 31, 1979. Armed Services. Amends the Federal Civil Defense Act of 1950 to allow Federal civil defense funds to be used by State and local civil defense agencies for natural disaster and civil disturbance relief.

Authorizes the Administrator of the Federal Civil Defense Administration to make financial contributions to States to cover 100 percent of the costs of procuring, constructing, leasing, and renovating civil defense materials and facilities.

Extends the emergency authority of the President contained in such Act.

H.R. 1648. January 31, 1979. Government Operations; Armed Services. Directs any agency of the Department of Defense to make excess property available to the Federal Emergency Management Agency (FEMA) on a priority, non-reimbursable basis.

Amends the Federal Civil Defense Act of 1950 to authorize the Administrator of the FEMA to loan property to State and local governments for civil defense purposes.

H.R. 1649. January 31, 1979. Judiciary. Amends the Immigration and Nationality Act to allow additional immigrant visas to be issued to persons born in colonies of foreign states in cases of severe hardship.

H.R. 1650. January 31, 1979. Interstate and Foreign Commerce. Amends the Public Health Service Act to establish a National Digestive Diseases Education and Information Clearinghouse and a National Digestive Diseases Advisory Board.

Authorizes grants to medical schools for education and training programs in the diagnosis, prevention, and treatment of digestive diseases.

H.R. 1651. January 31, 1979. Interstate and Foreign Commerce. Amends the Public Health Service Act to extend the assistance program for nature training and students. Establishes a new assistance program for training nurse anesthetists. Revises requirements with respect to federally insured loans to medical students, National Health Service Corps scholarships, and area health education centers.

H.R. 1652. January 31, 1979. Ways and Means. Amends title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to provide that an individual may work without being considered as having engaged in substantial gainful activity, and thus forfeiting disability status, if such individual's earnings are at a rate that does not exceed the amount specified by this Act. Excludes from an individual's income, for purposes of determining eligibility for benefits under such title, an amount equal to the expenses which such individual incurs in earning income.

H.R. 1653. January 31, 1979. Ways and Means. Amends the Unemployment Compensation Amendments of 1976 to make specified changes relating to: (1) the pay of certain members of the National Commission on Unemployment Compensation; (2) the submission of reports by the Commission; and (3) exemption of Commission reports to Congress from requirements for clearance by the Office of Management and Budget.

Amends the Internal Revenue Code of 1954 to delay the effective dates of provisions: (1) requiring set offs against unemployment compensation of certain retirement income; and (2) extending unemployment compensation coverage to certain alien agricultural workers.

H.R. 1654. January 31, 1979. Post Office and Civil Service. Requires the Secretary of Commerce to treat the Commonwealth of Puerto Rico as a State for the purpose of making surveys to furnish interim current data on subjects covered by censuses.

H.R. 1655. January 31, 1979. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act and the Internal Revenue Code of 1954 to provide social security coverage for work performed in prison industries by inmates.

H.R. 1656. January 31, 1979. Public Works and Transportation. Amends the Disaster Relief Act of 1974 to provide that a declaration of a state of emergency is effective as of the date on which the emergency or major disaster commenced (as determined by the Governor of the affected State).

H.R. 1657. January 31, 1979. Agriculture. Amends the Food Stamp Act of 1964 to exclude from eligibility for food stamps any household whose principal wage earner is on strike for the duration of such strike.

H.R. 1658. January 31, 1979. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act to require States having agreements for coverage of their employees under the system of insurance established by such title to make payments and reports on a calendar-quarter basis.

H.R. 1659. January 31, 1979. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act and the Internal Revenue Code to reduce tax rates on employment and self-employment income below the level established by the Social Security Financing Amendments of 1977, to increase Federal participation in the funding of benefits under such title and under the Medicare program, and to raise to $100,000 in 1980 the ceiling on the amount of income that is subject to the tax.

H.R. 1660. January 31, 1979. Ways and Means. Amends the Tariff Schedules of the United States to extend the time for the duty-free entry of certain forms of zinc until June 30, 1981.

H.R. 1661. January 31, 1979. Judiciary. Limits the power of any United States court to issue school orders based on race, color, or national origin.

Requires the holding of a special hearing where specific findings in relation to such a constitutional violation must be made before a school assignment order may issue.

Stays such school assignment orders until all appeals have been exhausted except that a majority of the Supreme Court or a majority of a court of appeals (of not less than three members) may vacate such stay.

H.R. 1662. January 31, 1979. Public Works and Transportation. Amends the special bridge replacement program (23 U.S.C. 144) to make certain highway bridge projects in States receiving minimum apportionments of Federal funds under such program eligible for Federal aid under the discretionary part of the program.

H.R. 1663. January 31, 1979. Judiciary. Relieves specified libraries in Pennsylvania from liability for erroneous U.S. contributions for disaster relief activities.

H.R. 1664. January 31, 1979. Judiciary. Sets forth procedures for Federal constitutional conventions with respect to: (1) applications; (2) calling; (3) delegates; (4) convening; (5) operation; (6) congressional approval; and (7) ratification.

H.R. 1665. January 31, 1979. Rules. Amends the Legislative Reorganization Act of 1946 to direct any Government agency, when it finds it may not be administering a law according to legislative intent, to consult with the standing committee having jurisdiction over the subject matter of the law.

Requires an agency, at the request of such committee, to furnish the committee and other specified individuals with a report on the rules issued by such agency in administering a law.

Requires that each report accompanying a measure reported by a standing or conference committee of Congress must contain a Congressional Oversight Statement.

H.R. 1666. January 31, 1979. Ways and Means. Amends title XX (Grants to States for Services) of the Social Security Act to: (1) increase the entitlement ceiling for payments to States under such title; and (2) provide for the reallotment of a State's unused funds to other States which need additional funds.

H.R. 1667. January 31, 1979. Agriculture. Establishes a National Agricultural Cost of Production Board to review, and advise the Secretary of Agriculture concerning, the adequacy and accuracy of the cost-of-production formulas used by the Department of Agriculture in connection with the administration of its price support programs.

H.R. 1668. January 31, 1979. Education and Labor. Amends the Federal Mine Safety and Health Amendments Act of 1977 to provide that provisions of such Act, shall not apply to stone, sand or gravel mining operations.

H.R. 1669. January 31, 1979. Judiciary. Declares that exclusive territorial arrangements made as a part of a licensing agreement for the manufacture, distribution, or sale of a trademarked soft drink product are lawful under the antitrust laws provided such product is in substantial and effective competition with other products of the same general class.

H.R. 1670. January 31, 1979. Ways and Means. Prohibits the Secretary of the Treasury from implementing any guidelines for determining whether private tax-exempt schools have forfeited their tax-exempt status through the adoption of racially discriminatory policies until December 31, 1980.

H.R. 1671. January 31, 1979. Banking, Finance and Urban Affairs. Amends the National Housing Act to redifine the term "essential property insurance" to include homeowners insurance for purposes of the National Insurance Development Program.

H.R. 1672. January 31, 1979. Judiciary. Provides that a person who lost his American citizenship as a result of disapproval of, or opposition to, the United States military involvement in Indochina shall have such citizenship restored upon petition to any district court by such person or his legal representative.

Exempts such persons from a provision of the Immigration and Nationality Act making persons ineligible for a visa and admission to the United States because of evasion of military service.

H.R. 1673. January 31, 1979. Judiciary. Amends the Immigration and Nationality Act to permit certain former American citizens to reacquire American citizenship.

Provides that an individual who reacquires American citizenship shall have the same status (native-born or naturalized) as he or she had before losing such citizenship.

H.R. 1674. January 31, 1979. Small Business. Amends the Small Business Act to require the Small Business Administration to analyze the impact of Federal regulations on small business, and to provide information and technical assistance to small businesses concerning such regulations through regulatory clearinghouses established in each regional office of the Administration.

H.R. 1675. January 31, 1979. Interstate and Foreign Commerce. Establishes, as an independent instrumentality within the Department of Commerce, the Standards for Product Liability Tort Law Review Panel to review State product liability legislation in order to determine whether such legislation is in accordance with basic standards set forth in this Act.

States that the product liability cause of action provided by this Act shall be in lieu of all existing causes of action for damage as a result of bodily injury caused by a product.

H.R. 1676. January 31, 1979. Interstate and Foreign Commerce. Sets forth uniform standards for State product liability tort laws.

H.R. 1677. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to allow an income tax deduction for amounts contributed to a product liability trust, up to the fair market value of product liability insurance for the taxpayer. Sets forth the requirements such a trust must meet to be tax-exempt. Imposes a tax on such trusts for self-dealing, unqualified expenditures, and certain excess contributions.

H.R. 1678. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to allow a deduction to any business enterprise engaged in the manufacture, importation, distribution, lease, or sale of any product for contributions to its product liability trust account and for amounts paid to a captive insurer (wholly or partially-owned by the taxpayer) for product liability insurance.

H.R. 1679. January 31, 1979. Banking, Finance and Urban Affairs. Amends the Right to Financial Privacy Act to require financial institutions to notify customers of their rights only when a Government authority seeks to obtain a customer's financial records.

H.R. 1680. January 31, 1979. Post Office and Civil Service. Entitles to survivor annuities widows or widowers of certain deceased annuitants who had not previously made such annuities available to a former spouse to whom such annuitant was married at the time of retirement.

H.R. 1681. January 31, 1979. Interstate and Foreign Commerce. Amends the Energy Policy and Conservation Act of 1975 to authorize sellers of goods under a uniform zone deliverd pricing system to grant backhaul allowances to buyers under certain conditions.

H.R. 1682. January 31, 1979. Judiciary. Imposes criminal penalties on anyone who robs or attempts to rob a pharmacy of any narcotic or controlled substance.

H.R. 1683. January 31, 1979. Judiciary. Prohibits the pretrial release of any person charged with an act of terrorism.

H.R. 1684. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to require the payment of five percent interest on amounts withheld from an individual's wages in excess of income tax liability.

H.R. 1685. January 31, 1979. Armed Services. Raises the mandatory retirement age for members of the Army, Navy, Air Force, and Marine Corps to age 65.

H.R. 1686. January 31, 1979. Armed Services. Eliminates mandatory retirement age for members of the Army, Navy, Air Force, and Marine Corps.

H.R. 1687. January 31, 1979. Banking, Finance and Urban Affairs. Authorizes the President, on behalf of the Congress, to present a specially struck gold medal to the transatlantic balloonists, Ben Abruzzo, Maxie Anderson, and Larry Newman.

Authorizes the Secretary of the Treasury to make bronze duplicates of such medal for public sale.

H.R. 1688. January 31, 1979. Interior and Insular Affairs. Authorizes the Secretary of the Interior to construct hydroelectric powerplants at specified locations.

H.R. 1689. January 31, 1979. Interior and Insular Affairs. Increases the acreage limitation under Federal reclamation laws. Requires interest on construction charges to be paid before excess lands carry the right to receive water.

H.R. 1690. January 31, 1979. Interstate and Foreign Commerce. Amends the Railroad Retirement Act of 1974 to revise the computation of employee, spouse, and survivor annuities, with respect to railroad employees who as of December 31, 1974, had at least 10 years of service and were fully insured under the Social Security Act.

H.R. 1691. January 31, 1979. Judiciary. Relieves the Vermejo Conservancy District in New Mexico of all liability to the United States for construction, operation, and maintenance of the Vermejo reclamation project.

H.R. 1692. January 31, 1979. Judiciary. Grants a Federal charter to the American Ex-Prisoners of War, Incorporated.

H.R. 1693. January 31, 1979. Judiciary. Declares that exclusive territorial arrangements made as a part of a licensing agreement for the manufacture, distribution, or sale of a trademarked soft drink product are lawful under the antitrust laws provided such product is in substantial and effective competition with other products of the same general class.

H.R. 1694. January 31, 1979. Post Office and Civil Service. Increases the amount of annual leave which certain Federal or District of Columbia employees may carry over each year.

H.R. 1695. January 31, 1979. Post Office and Civil Service. Requires members of all commissions, councils, and similar units in the Executive branch of the Government appointed from private life to serve without compensation for their services other than travel, subsistence, and other necessary expenses.

H.R. 1696. January 31, 1979. Rules. Amends the Congressional Budget Act of 1974 to require Congress to review each Federal program at least every six years as though it were being proposed to be enacted for the first time. Prohibits the extension of budget authority for any such program beyond such period until the reviews are conducted.

H.R. 1697. January 31, 1979. Ways and Means. Amends the International Revenue Code of 1954 and the Social Security Act to allow Federal unemployment insurance tax funds to be used in State programs for payments to employers who hire the unemployed.

H.R. 1698. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to increase the individual income tax credit for the elderly and to eliminate the adjusted gross income limitation on such credit.

H.R. 1699. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to allow an income tax deduction for the payment of social security taxes.

H.R. 1700. January 31, 1979. Government Operations; Rules. Sets forth a ten-year schedule for the reauthorization of all Federal programs as identified by budget function and subfunction categories.

Establishes the Citizen's Commission on the Organization and Operation of Government to study and recommend ways to improve the efficiency and effectiveness of Government agencies.

Requires the President to submit: (1) at least once in each Congress, a comprehensive review of 16 specified regulatory agencies; and (2) every second year, a legislative plan to improve the efficiency of specified regulatory agencies.

H.R. 1701. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to allow an income tax credit for elementary or secondary school tuition of the dependents of a taxpayer at a private nonprofit school. Limits the authority of the Government to examine the records of a church school. Grants the U.S. District Court for the District of Columbia jurisdiction to render declaratory judgments with respect to the constitutionality of the tuition tax credit.

Allows an income tax credit for the higher education expenses of the taxpayer.

Allows an income tax deduction for contributions to a higher education fund established by the taxpayer.

H.R. 1702. January 31, 1979. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act to remove the limitation on the amount of outside income which an individual may earn while receiving benefits.

H.R. 1703. January 31, 1979. Ways and Means. Repeals the estate tax, the gift tax, and the tax on generation-skipping transfers under the Internal Revenue Code.

H.R. 1704. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to allow individuals a limited refundable income tax credit for the tuition paid to elementary, secondary, vocational, or higher educational institutions for the education of such individuals, their spouses, or dependents.

H.R. 1705. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to permit the executor of an estate, in calculating the value of the gross estate, to disregard that portion of the value of any copyright, or literary, musical, or artistic work created by the decedent which would not have been capital gain if such work had been sold by the decedent at its fair market value.

H.R. 1706. January 31, 1979. Interior and Insular Affairs; Interstate and Foreign Commerce. Directs the Surgeon General of the Public Health Service, rather than the Commissioner of Indian Affairs, to make certain payments to Bernalillo County, New Mexico, or any successor owning or operating a specified general hospital in Albuquerque, for furnishing inpatient and outpatient care to certain Indians.

H.R. 1707. January 31, 1979. Interstate and Foreign Commerce; Ways and Means. Requires gasoline stations, within three years of the passage of this Act, to sell a mixture of gasoline and alcohol in the same manner as they sell gasoline. Amends the Internal Revenue Code to allow rapid amortization of facilities producing alcohol for use as a fuel in motor vehicles.

H.R. 1708. January 31, 1979. Ways and Means; Interstate and Foreign Commerce. Amends title XI (General Provisions) of the Social Security Act to require the participation of optometrists in the activities of the National Professional Standards Review Council and of local professional standards review organizations.

H.R. 1709. January 31, 1979. Public Works and Transportation. Prohibits the Secretary of the Army from: (1) determining that a specified cabin site by Conchas Lake, New Mexico, is in excess of project needs; or (2) requiring the removal of improvements at such site prior to 1966, unless agreed to by the Governor of New Mexico.

H.R. 1710. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to permit members of tax-exempt organizations to receive discounts on goods and services provided by such organizations. Limits the amount of advertising income of a tax-exempt organization which is subject to the tax on unrelated business income.

H.R. 1711. January 31, 1979. Ways and

Means. Amends title XX (Grants to States for Services) of the Social Security Act to authorize payments to States for the cost of emergency shelter or services provided to an individual in danger of physical or mental injury, neglect, maltreatment, or exploitation.

H.R. 1712. January 31, 1979. Appropriations. Amends the Department of Defense Appropriation Act, 1979, to permit the use of funds appropriated in such Act for payments under contracts to be used for payments under contracts made for the purpose of relieving economic dislocations.

H.R. 1713. January 31, 1979. Interstate and Foreign Commerce; Ways and Means; Government Operations; Science and Technology. Amends the Internal Revenue Code to give preferential status to users of recycled or rerefined oil. Encourages use of recycled oil in Federal procurement activities.

Authorizes the Administrator of the Environmental Protection Agency to make grants for implementation and operation of State waste oil management plans.

Directs the Administrator of Energy Research and Development to conduct a program to improve the performance and marketability of recycled oil.

H.R. 1714. January 31, 1979. Interstate and Foreign Commerce. Amends the Public Utility Regulatory Policies Act of 1978 to place prohibitions on the use of fuel adjustment clauses by retail gas and electric utilities.

H.R. 1715. January 31, 1979. Merchant Marine and Fisheries. Amends the Shipping Act, 1916, to expand the jurisdiction, of the Federal Maritime Commission to include complaints against shippers, consigners, and consignees. Makes such shippers, consignors, and consignees subject to the rates and charges specified in applicable tariffs on file with the Commission for the transport of property by water.

H.R. 1716. January 31, 1979. Foreign Affairs; Judiciary; Post Office and Civil Service; Merchant Marine and Fisheries. Establishes the Panama Canal Commission to operate and maintain the Panama Canal. Makes provisions for employees, funds and accounts, claims for injuries, transfer of public property, regulation of shipping and navigation, laws, courts, and cemeteries, pursuant to the rights and duties specified for the United States in the Panama Canal Treaty of 1977 and related agreements.

H.R. 1717. January 31, 1979. Armed Services. Revises the special pay for medical officers, dental officers, veterinary officers, and optometry officers in the uniformed services on active duty.

H.R. 1718. January 31, 1979. Interstate and Foreign Commerce. Amends the Railroad Retirement Act of 1974 to allow the inclusion of certain additional military service of an individual in computing his annuity as a railroad employee.

H.R. 1719. January 31, 1979. Ways and Means. Prohibits the Secretary of the Treasury from implementing any guidelines for determining whether private tax-exempt schools have forfeited their tax-exempt status through the adoption of racially discriminatory policies.

H.R. 1720. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to permit the executor of an estate, in calculating the value of the gross estate, to disregard that portion of the value of any copyright, or literary, musical, or artistic work created by the decedent which would not have been capital gain if such work had been sold by the decedent at its fair market value.

H.R. 1721. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to allow individuals who have attained age 65 an income tax deduction for 50 percent of their qualified residential electricity expenses.

H.R. 1722. January 31, 1979. Ways and Means. Amends title IV (Aid to Families with Dependent Children) of the Social Security Act to provide 100 percent Federal reimbursement for increases in a State's aid to families with dependent children payments which reflect rises in the cost of living since 1973 or are due to increased caseload. Makes such reimbursement contingent upon the State providing cost-of-living adjustments in such payments, implementation of a program of aid to dependent children of unemployed fathers, and agreement by the State not to impose any new restrictive requirements under its approved State plan.

H.R. 1723. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to deny the foreign tax credit or any income tax deduction for taxes paid or accrued to the Republic of South Africa.

H.R. 1724. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to reduce, according to a specified formula, the foreign tax credit allowed to United States citizens and corporations if such citizens or corporations violate a fair employment principle governing the employment of employees in the Republic of South Africa.

Establishes a Commission on American Employment Practices in South Africa to monitor compliance with such fair employment principles.

H.R. 1725. January 31, 1979. Ways and Means. Amends title I (Grants to States for Old-Age Assistance and Medical Assistance for the Aged), title IV (Aid to Families with Dependent Children), title XIX (Grants to States for Aid to the Permanently and Totally Disabled), and title XVI (Supplemental Income for the Aged, Blind, and Disabled) of the Social Security Act to insure that recipients of aid or assistance under specified Federal-State public assistance and Medicaid programs or recipients of assistance under any other federally assisted program will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits.

H.R. 1726. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to exclude from gross income prizes won in the New York State Olympic Lottery established pursuant to New York State tax laws to raise revenue for the maintenance of the sports facilities constructed at Lake Placid, New York.

H.R. 1727. January 31, 1979. Ways and Means. Amends title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to provide that support and maintenance furnished in kind shall not be counted as income in determining the eligibility of any individual for supplementary security income benefits or the amount of such benefits, regardless of whether such individual is living in another person's household.

H.R. 1728. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to allow a taxpayer or his spouse who has attained age 65, or a taxpayer who has a father or mother who is his dependent and has attained age 65, an income tax deduction for all medical expenses without regard to the three percent income floor for medical and dental expenses and the one percent floor for prescription drugs.

H.R. 1729. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to allow individuals age 65 or over an income tax credit for the real property taxes, or 25 percent of the rent, paid on their principal residences.

H.R. 1730. January 31, 1979. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act to provide that the remarriage of a widow, widower, or parent, child, or wife shall not terminate his or her entitlement to insurance benefits or reduce the amount thereof.

H.R. 1731. January 31, 1979. Ways and Means. Amends title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to authorize the issuance of duplicate supplemental security income benefit checks to individuals whose original benefit checks are lost or delayed and who are faced with financial emergency as a result.

H.R. 1732. January 31, 1979. Agriculture; Ways and Means. Establishes a Food Research Corporation to make grants to individuals, nonprofit organizations, or the governments of States or foreign countries or political subdivisions thereof, for: (1) provision of implements, low-energy intensive machinery, and seeds to individuals engaged in agriculture or aquaculture who cannot produce the food necessary to nourish their families adequately; and (2) teaching individuals who are suffering from malnutrition methods to maximize food production and nutrition.

Amends the Internal Revenue Code to permit an individual taxpayer to designate that a portion of his or her paid taxes be paid over to the Food Research Corporation Fund established by this Act.

H.R. 1733. January 31, 1979. Banking, Finance and Urban Affairs. Amends the Home Owner's Loan Act of 1933 to permit federally chartered savings and loan associations to invest and deal in specified alternative mortgage instruments.

Establishes a Commission on Alternative Mortgage Instruments to conduct a study and make recommendations concerning such instruments.

H.R. 1734. January 31, 1979. Government Operations. Amends the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus real property to States, local governments, Indian tribes, and tax-exempt organizations in order to alleviate actual or threatened unemployment arising from the closing of Federal facilities.

H.R. 1735. January 31, 1979. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to: (1) make loans to certain cities and counties for the spaying and neutering of dogs and cats; and (2) make grants for the establishment of courses to train paraprofessionals in the anaesthetising, spaying, and neutering of dogs and cats.

H.R. 1736. January 31, 1979. Ways and Means. Prohibits the Secretary of the Treasury from implementing any guidelines for determining whether private tax-exempt schools have forfeited their tax-exempt status through the adoption of racially discriminatory policies.

H.R. 1737. January 31, 1979. Post Office and Civil Service. Prohibits the revenues received from postal rates for certain mail matter from exceeding the postal costs attributable to such mail.

Requires rates for nonadvertising portions of mail matter to be based solely on weight.

H.R. 1738. January 31, 1979. Ways and Means. Amends the Internal Revenue Code to allow a tax credit for 50 percent of the State and local individual income tax paid by an individual taxpayer.

Disallows tax deductions for State and local individual income taxes, State and local general sales taxes, and State and local gasoline taxes.

H.R. 1739. January 31, 1979. Government Operations; Rules. Sets forth a ten-year schedule for the reauthorization of all Federal programs as identified by budget function and subfunction categories.

Establishes the Citizen's Commission on the Organization and Operation of Government to study and recommend ways to improve the efficiency and effectiveness of Government agencies.

Requires the President to submit: (1) at least once in each Congress, a comprehensive review of 16 specified regulatory agencies; and (2) every second year, a legislative plan to improve the efficiency of specified regulatory agencies.

H.R. 1740. January 31, 1979. Interstate and Foreign Commerce. Authorizes payment of costs incurred in the alteration or replacement of certain municipal waste incinerators for the purpose of controlling air pollution.

H.R. 1741. January 31, 1979. Merchant Marine and Fisheries. Amends the Tank Vessel Act, differentiating the minimum safety standards required for the design, construction, alteration, and repair of self-propelled and non-self-propelled vessels covered by such Act.

Requires such non-self-propelled vessels to be equipped with full double hulls.

H.R. 1742. January 31, 1979. Small Business Act to make specified low-interest disaster loans available to small business concerns.

H.R. 1743. January 31, 1979. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act and the Internal Revenue Code to include Members of Congress and the Vice President under the Federal Old-Age, Survivors and Disability Insurance system.

H.R. 1744. January 31, 1979. Interstate and Foreign Commerce. Amends the National Traffic and Motor Vehicle Safety Act of 1966, authorizing the Secretary of Transportation to require public notice by manufacturers of tire defects should the Secretary determine that it is necessary in the interest of motor vehicle safety.

H.R. 1745. January 31, 1979. Small Business Act to direct each Federal agency engaged in rulemaking to prepare a written analysis of whether it is legal, feasible, and desirable to exempt small businesses from a rule or whether the agency should promulgate a rule with lesser compliance standards for small businesses.

H.R. 1746. January 31, 1979. Judiciary. Declares two individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1747. January 31, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1748. January 31, 1979. Judiciary. Declares two individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1749. January 31, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1750. January 31, 1979. Judiciary. Declares that a named charitable trust shall be deemed a private foundation for purposes of the Internal Revenue Code of 1954 and under specified conditions.

H.R. 1751. January 31, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1752. January 31, 1979. Judiciary. Authorizes the granting of a visa and admission to the United States for permanent residence to a named individual.

H.R. 1753. January 31, 1979. Judiciary. Authorizes classification of two individuals as children for purposes of the Immigration and Nationality Act.

H.R. 1754. January 31, 1979. Judiciary. Authorizes the consideration of specified claims of a named individual against the United States by the General Accounting Office (GAO). Declares that such individual shall have appellate access to the Court of Claims and Federal district court in regard to such claim if denied by the GAO.

H.R. 1755. January 31, 1979. Judiciary. Declares four individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1756. January 31, 1979. Judiciary. Desires an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1757. January 31, 1979. Judiciary. Declares that a named justice of the Supreme Court of the Territory of Hawaii be deemed to have received a specified salary at the time of relinquishing office for purposes of determining salary for the remainder of such justice's life.

H.R. 1758. January 31, 1979. Judiciary. Allows a named individual credit for service, for time spent in World War II internment facilities, for civil service retirement purposes.

H.R. 1759. January 31, 1979. Judiciary. Authorizes the granting of a visa and admission to the United States for permanent residence to an individual.

H.R. 1760. January 31, 1979. Judiciary. Declares that a named retired Air Force officer be deemed to have held a specified grade on the date of retirement, for purposes of retired pay computation. Directs the Secretary of the Air Force to pay a lump-sum to such individual for increased retired pay since such date.

H.R. 1761. January 31, 1979. Judiciary. Declares that the services rendered by a named individual as a member of the Public Health Service for a specified period shall be deemed active creditable service in the Armed Forces, for retired pay entitlement determination purposes.

H.R. 1762. January 31, 1979. Interior and Insular Affairs. Conveys specified real property in Sandoval County, New Mexico, to a named individual.

H.R. 1763. January 31, 1979. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a named corporation in satisfaction of a claim against the United States.

H.R. 1764. January 31, 1979. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to persons entitled to participate in the distribution of the assets of the estate of a named individual in satisfaction of a claim against the United States.

H.R. 1765. January 31, 1979. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a named individual in satisfaction of a claim against the United States.

H.R. 1766. January 31, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1767. January 31, 1979. Judiciary. Declares two individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1768. January 31, 1979. Judiciary. Directs the Secretary of the Treasury to pay to a named individual a specified sum representing life insurance benefits under the Veterans' Administration policy of another named individual and interest and compound interest for specified periods on such benefits, notwithstanding any forfeiture provisions.

H.R. 1769. January 31, 1979. Judiciary. Declares two individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1770. February 1, 1979. Banking, Finance and Urban Affairs. Amends the Federal Deposit Insurance Act, the National Housing Act, and the Federal Credit Union Act to increase Federal deposit insurance on any account which qualifies under the Internal Revenue Code of 1954 as an individual retirement account (IRA) or an account established under a qualified plan for the self-employed (Keogh).

H.R. 1771. February 1, 1979. Government Operations. Amends the State and Local Fiscal Assistance Act of 1972 to increase by 10 percent the amounts allocated to State and local governments if such governments fund public education from sources other than property taxes.

H.R. 1772. February 1, 1979. House Administration. Requires Federal agencies which incur certain expenditures on behalf of Members or employees of Congress to report to Congress and provides for the reimbursement of such expenditures.

H.R. 1773. February 1, 1979. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to require the Administrator of the Federal Aviation Administration to establish, by rule, criteria to be used in determining the air navigation facilities and personnel authorized to be provided an airport under such Act. Provides for congressional disapproval of any such rule.

H.R. 1774. February 1, 1979. Veterans' Affairs. Amends the National Service Life Insurance Act of 1940 to provide for a lump sum payment of National Service Life Insurance benefits for certain members of the Armed Forces killed in action between April 21, 1942, and December 31, 1942.

H.R. 1775. February 1, 1979. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) (OASDI) and title XVI (Supplemental Security Income) (SSI) of the Social Security Act to provide: (1) that in the case of a child who has attained the age of 18, is entitled to child's insurance benefits under title II, and who marries an individual receiving benefits under title XVI, such child's entitlement to benefits under title II shall not be terminated by reason of such marriage; and (2) that OASDI benefits shall be excluded in determining the income of the child's spouse for purposes of determining the SSI eligibility.

H.R. 1776. February 1, 1979. Judiciary; Rules. Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency.

Requires that proposed rules be submitted to Congress for disapproval before they become effective.

H.R. 1777. February 1, 1979. Banking, Finance and Urban Affairs. Amends the Right to Financial Privacy Act of 1978 to require financial institutions to notify only active customers, rather than all customers, of their rights regarding disclosure of financial records to Government authorities.

H.R. 1778. February 1, 1979. Public Works and Transportation. Amends the Disaster Relief Act of 1974 to provide that a declaration of a state of emergency is effective as of the date on which the emergency or major disaster commenced.

H.R. 1779. February 1, 1979. Post Office and Civil Service. Requires the rate of pay otherwise payable to Members of Congress for any pay period to be reduced by five percent.

H.R. 1780. February 1, 1979. Judiciary. Provides that the United States shall pay reasonable litigation costs to prevailing defendants in Federal criminal cases.

H.R. 1781. February 1, 1979. Post Office and Civil Service. Stipulates that civilian air traffic controllers of the Department of Defense shall be treated the same as air traffic controllers of the Department of Transportation for puropses of retirement.

Permits the Secretary of Transportation and the Secretary of Defense to jointly prescribe regulations and make determinations relating to the definition, training, involuntary separation for retirement, and mandatory separation of air traffic controllers employed by the Department of Transportation and the Department of Defense.

H.R. 1782. February 1, 1979. Ways and Means. Amends the Internal Revenue Code to permit an accrual basis owner of a life care community to include in gross income over a ten year period an amount paid by an individual incident to becoming a resident of such life care community.

H.R. 1783. February 1, 1979. House Administration. Amends the Federal Election Campaign Act of 1971 to allow the waiver of certain quarterly reports filed with the Federal Election Commission.

H.R. 1784. February 1, 1979. Education and Labor. Amends the Fair Labor Standards Act of 1938 to increase the minimum rate of overtime pay to twice the rate of regular pay and to reduce in two stages the maximum hours an employee must work in order to qualify for overtime pay.

Prohibits an employer, except where regulations are promulgated to the contrary by the Secretary of Labor in hardship cases, from permitting an employee to work overtime without the employee's consent.

H.R. 1785. February 1, 1979. Ways and Means. Amends the Internal Revenue Code to permit taxpayers who do not itemize income tax deductions to claim a deduction from gross income for charitable contributions.

H.R. 1786. February 1, 1979. Science and Technology. Authorizes the appropriation of designated sums to the National Aeronautics and Space Administration (NASA) for research and development programs, construction of facilities including land acquisition, and research and program management.

Sets forth guidelines with respect to the use and availability of funds appropriated to this Act.

Authorizes NASA to provide liability insurance for any user of a space vehicle to cover activities connected with the launch, operations, or recovery of such vehicle.

H.R. 1787. February 1, 1979. Science and Technology. Amends the National Aeronautics and Space Administration Authorization Act, 1979, to authorize a supplemental appropriation to the National Aeronautics and Space Administration for research and development.

H.R. 1788. February 1, 1979. Education and Labor. Amends the Employee Retirement Income Security Act of 1974 to extend the period during which the Pension Benefit Guaranty Corporation may pay benefits under terminated multiemployer plans.

H.R. 1789. February 1, 1979. Foreign Affairs. Directs the Secretary of the Treasury to reimburse State and local governments for providing special protection on a regular basis to foreign diplomatic missions or foreign officials in specified circumstances. Authorizes appropriations for such purposes.

H.R. 1790. February 1, 1979. Post Office and Civil Service. Subjects all activities of the United States Postal Service which involve the management and disposal of surplus and excess Government property, held by the Postal Service at the time of its establishment, to the appropriate provisions of the Federal Property and Administrative Service Act of 1949.

H.R. 1791. February 1979. Interior and Insular Affairs; Interstate and Foreign Commerce. Amends the Energy Reorganization Act of 1974 to provide that any site within a State selected by the Department of Energy for radioactive waste storage shall be subject to review and disapproval by the legislature or Governor of such State.

H.R. 1792. February 1, 1979. District of Columbia. Amends the National Capital Transportation Act of 1969 to authorize the Secretary of Transportation to make additional contributions to the Washington Metropolitan Area Transit Authority to partially finance: (1) the cost of construction: (2) the retirement of bonds: and (3) the expenses of operating and maintaining the Adopted Regional System.

H.R. 1793. February 1, 1979. Interstate and Foreign Commerce. Amends provisions regulating the insurance business to prohibit discrimination on the basis of sex in contracts for, or terms of, insurance policies.

H.R. 1794. February 1, 1979. Interstate and Foreign Commerce. Prohibits discrimination on the basis of sex in contracts for, or terms of, insurance policies.

H.R. 1795. February 1, 1979. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act to revise the eligibility requirements for disability insurance benefits for blind persons. Revises the method of computing the primary insurance amount for blind persons under such Act.

H.R. 1796. February 1, 1979. Ways and Means. Amends the Internal Revenue Code to lower individual income tax rates. Provides that such rate reductions shall not take effect in years in which Federal expenditures exceed specified limits or Congress declares a national emergency.

H.R. 1797. February 1, 1979. Ways and Means. Amends the Internal Revenue Code and the Social Security Act to finance the hospital insurance program of title XVIII (Medicare) of the Social Security Act through general revenues rather than through employment and self-employment taxes.

Repeals the 1980 and 1981 increases in the contribution and benefit base.

H.R. 1798. February 1, 1979. Merchant Marine and Fisheries. Amends the Fishery Conservation and Management Act of 1976 to authorize appropriations to carry out the purposes of the Act for fiscal years 1980, 1981, and 1982.

H.R. 1799. February 1, 1979. Ways and Means. Amends the Internal Revenue Code to increase the adjusted gross income limitation on the credit for the elderly and extend such limitation to public retirement system employees under age 65 who are eligible for the credit.

H.R. 1800. February 1, 1979. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) of the Social Security Act to extend until 1982 the waiver, permitted to certain rural hospitals, of the requirement that a hospital must have 24 hour nursing service in order to qualify as a hospital under the Medicare program.

H.R. 1801. February 1, 1979. Judiciary. Amends the Civil Rights Act of 1964 by prohibiting any department, agency, officer, or employee of the United States from using the withholding of Federal funds to coerce changes in the racial distribution of teachers or students within a school system when a freedom of choice system, as defined by this Act, is used for the assignment of students.

Prohibits Federal courts from requiring school boards to make changes in the racial distribution of teachers or students when students are assigned in conformity with such a system.

H.R. 1802. February 1, 1979. Judiciary. Amends the Gun Control Act of 1968 to specify mandatory prison sentences for anyone using a firearm which has been transported in interstate or foreign commerce during the commission of certain violent crimes.

H.R. 1803. February 1, 1979. Public Works and Transportation. Directs the President or his delegate to prepare a comprehensive program of public works, to make grants to States to aid in the financing of any public works, to make grants to States to aid in the financing of any public works project included in the program, and to develop a formula for determining the Federal contribution to each such project based, in part, on national, State, and local unemployment rates.

H.R. 1804. February 1, 1979. Ways and means: Interstate and Foreign Commerce. Presents a national health care plan. Establishes a program of grants and loans for the construction and modernization of comprehensive ambulatory health care centers. Sets forth a health care insurance program.

Amends the Internal Revenue Code to provide an unlimited personal deduction for amounts paid for health care plans providing specified minimum benefits. Limits the deductions employers may take for contributions to employee health care plans. Limits the damages available in malpractice suits arising from the furnishing of services under such a health care plan for under the Social Security Act.

Adds to the Social Security Act a new Title XXI: Grants to States for Qualified State Health Care Plans for the Needy.

H.R. 1805. February 1, 1979. Veteran's Affairs. Amends certain provisions of existing law concerning veterans' job counseling, training, and placement services to: (1) limit "eligible veterans" to honorably discharged veterans who served in a period of war or a period for which a campaign badge was issued (including Vietnam-era veterans); and (2) include within "eligible veterans" those veterans with a service-connected or nonservice connected disability.

H.R. 1806. February 1, 1979. Veterans' Affairs. Provides that the ten-year period during which the spouse or surviving spouse of a veteran with a permanent and total service-connected disability may receive educational assistance from the Veterans' Administration shall be computed from the date of marriage of such spouse and veteran.

H.R. 1807. February 1, 1979. Veterans' Affairs. Provides educational benefits, on a prorated basis, to spouses and children of veterans having a permanent service-connected disability rated at not less than 80 percent but less than total or who died having such a disability.

Increases the rates of special training allowances for eligible survivors and dependents.

H.R. 1808. February 1, 1979. Veterans' Affairs. Provides any person holding a National Service Life Insurance policy, except a service disabled veteran's policy, the opportunity to double his National Service Life Insurance Coverage, at premium rates which fully cover the Government's cost in providing such additional insurance.

H.R. 1809. February 1, 1979. Veterans' Affairs. Provides that when referring individuals for employment with Federal contractors and subcontractors, local employment service officers of the Department of Labor shall refer qualified disabled veterans or veterans of the Vietnam era before referring any individual who is not such a veteran, and if no such veterans are available, shall certify such nonavailability before referring any other person.

H.R. 1810. February 1, 1979. Veterans' Affairs. Decreases the number of veterans and other eligible persons in a State for which the Secretary of Labor assigns an assistant veterans' employment representative to such State.

H.R. 1811. February 1, 1979. Veterans' Affairs. Increases the specially adapted housing assistance grant for certain disabled veterans.

H.R. 1812. February 1, 1979. Veterans' Affairs Revises the definition of "disabled veteran" for purposes of eligibility for certain Federal employment preferences.

H.R. 1813. February 1, 1979. Veterans' Affairs. Establishes a Court of Veterans' Appeals, appointed by the President, with exclusive jurisdiction to review on appeal all questions involved in decisions of the Board of Veterans' Appeals.

H.R. 1814. February 1, 1979. Veterans' Affairs. Establishes within the Veterans' Administration the office of Associate Deputy Administrator for Veterans' Employment and transfers to such office certain functions of the Department of Labor regarding veterans' employment, training, and placement.

H.R. 1815. February 1, 1979. Veterans' Affairs. Authorizes the Administrator of Veterans' Affairs to provide special housing assistance to certain veterans with permanent and total service-connected disabilities due to the loss, or loss of use, of both upper extremities.

H.R. 1816. February 1, 1979. Veterans' Affairs. Authorizes the appointment of an Assistant Secretary of Labor for Veterans' Employment to head the Department of Labor's, Veterans' Employment Service in place of the existing Deputy Assistant Secretary of Labor for Veterans' Employment.

H.R. 1817. February 1, 1979. Government Operations. Amends the Public Works Employment Act of 1976 to extend authorization of appropriations for an antirecession fiscal assistance program of payments to States and local governments and to establish a supplementary antirecession fiscal assistance program for local governments according to both local and national unemployment rates.

H.R. 1818. February 1, 1979. Agriculture. Prohibits the Secretary of Agriculture from taking any action under the Wholesome Meat Act or any other law to ban the sale, distribution, or use of nitrites as a food preservative solely on the basis of any carcinogenic effect they may be represented to have in humans, until three months after the submission of the results of the study required by the Saccharin Study and Labeling Act.

H.R. 1819. February 1, 1979. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to allow the use of a food additive for dietary management of health disorders or disease, even though such additive is found to induce cancer in animals, if the Secretary of Health, Education, and Welfare determines the benefits to human health of such use outweigh the risks.

H.R. 1820. February 1, 1979. Interstate and Foreign Commerce. Amends the Public Health Act to extend the assistance program for nurse training and students. Establishes a new assistance program for training nurse anesthetists. Revises requirements with respect to federally insured loans to medical students, National Health Service Corps scholarships, and area health education centers.

H.R. 1821. February 1, 1979. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) of the Social Security Act to exclude from inpatient hospital services provided under such title the services of a physician in a teaching hospital only if: (1) the hospital elects to receive any payment due under Medicare for reasonable costs of such services; and (2) all physicians in the hospital agree not to bill charges for professional services rendered in such hospital to individuals covered by Medicare.

H.R. 1822. February 1, 1979. Interstate and Foreign Commerce. Amends the Clean Air Act to postpone for one year the application of certain restrictions to areas which have failed to attain national ambient air quality standards and to delay for one year the date required for adoption and submission of State implementation plans applicable to these areas.

H.R. 1823. February 1, 1979. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) of the Social Security Act to provide payment for optometric and medical vision care under the supplementary medical insurance program.

H.R. 1824. February 1, 1979. Post Office and Civil Service. States that the preconversion salary level of a Federal employee whose prevailing rate position is converted to a General Schedule position shall include the night differential which was received on a regular or irregular basis during the one-year period immediately preceding such conversion even if such employee was not receiving such differential at the time of such conversion.

H.R. 1825. February 1, 1979. Interior and Insular Affairs. Authorizes the Secretary of any Department or head of any agency of the United States to issue a permit for excavations and/or removal of any archaeological resource located on land owned or controlled by the United States.

Sets forth prohibited acts in the excavation and removal of any archaeological resource and penalties for violation of such prohibitions.

Directs the Secretary of the Interior to report to Congress concerning the excavation and removal of resources from Indian lands.

Specifies that the location of excavations shall be confidential.

H.R. 1826. February 1, 1979. Ways and Means. Amends the Tariff Schedules of the United States to delete the tariff provisions: (1) for products of the United States which are assembled abroad; and (2) for metals exported for additional processing and returned for further processing in the United States.

H.R. 1827. February 1, 1979. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 1828. February 1, 1979. Judiciary. Declares that a specified National Service Life Insurance policy certificate issued to a named individual shall be considered valid on and after the date of death of such individual, for purposes of determining the entitlement of another named individual to benefits under such policy.

Directs the payment of such benefits, with specified interest, to such individual in a lump sum.

H.R. 1829. February 1, 1979. Judiciary. Directs classification of named individuals as the natural-born alien children of a named citizen of the United States.

H.R. 1830. February 1, 1979. Judiciary. Authorizes the granting of a visa to and admission of a named individual to the United States for permanent residence.

H.R. 1831. February 1, 1979. Judiciary. Relieves a named individual of liability for the payment to the United States of a specified sum. Directs the Secretary of the Treasury to pay to such individual any part of such sum which has been received or withheld from such individual in connection with such liability.

H.R. 1832. February 1, 1979. Judiciary. Directs the Secretary of the Treasury to make a lump-sum payment to a named individual of an amount equal to that portion of mother's insurance benefits under the Social Security Act not received by such individual because another named individual's creditable service for a specified period has erroneously not been included in the original computation.

H.R. 1833. February 1, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.R. 1834. February 5, 1979. Foreign Affairs; Judiciary; Public Works and Transportation. Specifies penalties for violations of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation. Sets forth penalties for certain other acts which endanger aircraft.

Amends the Federal Aviation Act of 1958 to authorize the Secretary of Transportation to restrict operations at those foreign airports failing to bring their security measures to a standard level of effectiveness.

Requires explosives to contain identification and detection taggants.

Directs the President to report to Congress regarding acts of international terrorism and to submit lists of countries supporting international terrorism.

H.R. 1835. February 5, 1979. Banking, Finance and Urban Affairs. Amends the Export-Import Bank Act to revise certain limits on loans or guarantees to Communist nations.

Amends the Trade Act of 1974 to revise provisions conditioning favorable foreign trade treatment to nations permitting free emigration. Repeals the limitation on credit to the Soviet Union.

H.R. 1836. February 5, 1979. Government Operations. Requires a biennial justification for the continued use of any form used to solicit information from private sources and State and local government agencies.

H.R. 1837. February 5, 1979. Armed Services; Intelligence. Amends the National Security Act of 1947 to establish procedures and standards for the classification and declassification of sensitive official information and material. Establishes criminal penalties for unauthorized disclosure of such information or material.

H.R. 1838. February 5, 1979. Veterans' Affairs. Provides that the decisions of the Administrator of Veterans' Affairs on any question of law or fact under any law administered by the Veterans' Administration providing benefits for veterans and their survivors shall be subject to judicial review. Repeals the requirement that the Administrator determine and pay fees to agents or attorneys allowed claims for monetary benefits.

H.R. 1839. February 5, 1979. Banking, Finance and Urban Affairs. Amends the Housing and Community Development Act of 1974 to extend eligibility for urban development action grants to urban counties which contain at least one area meeting specified distress and population criteria.

H.R. 1840. February 5, 1979. Post Office and Civil Service. Amends the Legislative Reorganization Act of 1946 and the Federal Salary Act of 1967 to provide for a reduction of the annual rate of pay for Members of Congress in relation to the increase in the Consumer Price Index.

Sets forth similar provisions for certain employees of the executive branch.

H.R. 1841. February 5, 1979. Ways and Means. Amends the Internal Revenue Code to allow renters of their principal residence a limited income tax credit for their proportionate share of real property taxes.

H.R. 1842. February 5, 1979. Ways and Means. Amends the Internal Revenue Code to allow individuals an income tax deduction for contributions to an individual housing account.

Allows an income tax deduction for sales taxes on items used in the construction of new homes. Allows a limited, refundable income tax credit for the amount of interest income a taxpayer loses on amounts paid as real property tax prepayments.

H.R. 1843. February 5, 1979. Ways and Means. Amends the Internal Revenue Code to increase the excise tax on cigarettes.

H.R. 1844. February 5, 1979. Interstate and Foreign Commerce. Amends the Railroad Retirement Act of 1974 to make certain divorced spouses and surviving divorced spouses eligible for annuity benefits.

H.R. 1845. February 5, 1979. Public Works and Transportation. Amends the Federal Water Pollution Control Act relating to the assessment of civil penalties for violations of such Act.

H.R. 1846. February 5, 1979. Public Works and Transportation. Directs the Secretary of the Army, through the Chief of Engineers, to study and report to Congress concerning the feasibility of measures to prevent streambank erosion along the Tensaw River, in order to protect Blakeley, Alabama.

H.R. 1847. February 5, 1979. Ways and Means. Amends the Internal Revenue Code to allow an income tax deduction for the current fair market value of charitable contributions of literary, musical, or artistic compositions created by the taxpayer, without any reduction for appreciation.

H.R. 1848. February 5, 1979. Ways and

Means. Prohibits the Secretary of the Treasury from implementing any guidelines for determining whether private tax-exempt schools have forfeited their tax-exempt status through the adoption of racially discriminatory policies until December 31, 1980.

H.R. 1849. February 5, 1979. Government Operations; House Administration. Directs the installation of telecommunications devices which permit two-way communication of textual messages in alphanumeric form by telephone lines in specified Federal agencies to facilitate communication with such agencies by the deaf and provides assistance in such installations in State and local governmental offices. Permits the installation of such a device in the office of any Member of Congress who requests one. Provides for the installation of such devices throughout the United States for the use of deaf persons wishing to communicate with such government agencies or Members of Congress.

H.R. 1850. February 5, 1979. Interstate and Foreign Commerce. Directs the Federal Communications Commission to examine the use of the AM radio broadcasting band and to assign such spectrum and distribute licenses so as to ensure that each community, regardless of size, is provided with the maximum local full-time radio broadcasting service.

H.R. 1851. February 5, 1979. Ways and Means. Increases the rate of tax on wages and self-employment income under the Internal Revenue Code.

Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act to permit the making of loans among the Trust Funds under such title.

Amends such title to: (1) include Federal employees within the coverage of such title; (2) establish a working spouse's benefit; (3) eliminate gender-based distinctions in awarding benefits; and (4) increase the amount which an individual may earn without a reduction in benefits.

H.R. 1852. February 5, 1979. Interior and Insular Affairs; Interstate and Foreign Commerce; Science and Technology. Directs the Secretary of the Department of Energy to initiate research, development, and demonstration of a permanent Federal repository for nuclear waste and spent nuclear fuel assemblies.

Establishes a Nuclear Waste Management Advisory committee to study and advise the Secretary on matters concerning nuclear waste disposal technology.

H.R. 1853. February 5, 1979. Banking, Finance and Urban Affairs. Amends the Federal Reserve Act to terminate the authority of the Secretary of the Treasury to require the delivery of all gold coins, gold bullion, and gold certificates held in the private sector to the Treasurer of the United States.

H.R. 1854. February 5, 1979. Banking, Finance and Urban Affairs. Amends the Federal Reserve Act to repeal the restriction on appointments to the Board of Governors of the Federal Reserve System which permits only one Board member from any one Federal Reserve district.

H.R. 1855. February 5, 1979. Education and Labor. Amends the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to obtain a search warrant in order to enter and inspect an employer's workplace.

H.R. 1856. February 5, 1979. Foreign Affairs; Ways and Means. Amends the Foreign Trade Act of 1974 to authorize the President to extend most-favored-nation treatment to the People's Republic of China only if the Republic of China receives the same treatment and the same economic benefits. Provides for the monitoring of the access of U.S. exports to both countries. Stipulates that all trade benefits will cease in the event of armed conflict, boycotts, or blockade between the two countries. Prohibits compliance with any foreign boycott of the Republic of China.

H.R. 1857. February 5, 1979. Agriculture. Amends the Agriculture Act of 1949 to set the price support for milk at not less than 90 percent of parity. Extends the authority of the Secretary of Agriculture to provide for quarterly adjustments in the support price for milk.

H.R. 1858. February 5, 1979. Banking, Finance and Urban Affairs. Amends the Export-Import Bank Act of 1945 to prohibit the President from determining that export credits or guarantees may be extended to the People's Republic of China until: (1) government-to-government relations are reestablished between the United States and Taiwan; and (2) agreements are reached committing the United States to defend Taiwan.

H.R. 1859. February 5, 1979. Ways and Means. Amends the Trade Act of 1974 to prohibit most-favored-nation treatment, or export credits, or guarantees to be extended to the People's Republic of China until: (1) government-to-government relations are reestablished between the United States and Taiwan; and (2) agreements are reached committing the United States to defend Taiwan.

H.R. 1860. February 5, 1979. Judiciary. Repeals the McCarran-Ferguson Act which provides exemptions from the antitrust laws for the business of insurance.

H.R. 1861. February 5, 1979. Judiciary. Amends the McCarran-Ferguson Act to allow the repeal of the exemption of the insurance business from the Federal antitrust laws when the Federal Trade Commission determines that State regulation of insurance is not effective in achieving the purposes of such laws.

H.R. 1862. February 5, 1979. Judiciary. Amends the McCarran-Ferguson Act defining the "business of insurance" to exempt insurance companies from application of the antitrust laws only when such companies' activities directly affect the solvency and reliability of insurers, or directly relate to the underwriting of risks. Specifies that insurance advertising activities are to be subject to the antitrust laws.

H.R. 1863. February 5, 1979. Judiciary. Amends the McCarran-Ferguson Act to remove the present exemption from the antitrust laws for the business of insurance. Reaffirms and continues the existing policy of State taxation of the business of insurance.

H.R. 1864. February 5, 1979. Judiciary. Amends the McCarran-Ferguson Act to declare that the present exemption of the insurance industry from the antitrust laws shall not apply to any act or agreement to boycott, coerce, or intimidate.

H.R. 1865. February 5, 1979. Judiciary. Repeals the McCarran-Ferguson Act which provides exemptions from the antitrust laws for the business of insurance. Directs the Federal Trade Commission to promulgate exemptions from the antitrust laws for essential collective activities of the insurance business.

H.R. 1866. February 5, 1979. Banking, Finance and Urban Affairs; Interstate and Foreign Commerce. Establishes the Federal Insurance Commission to regulate and supervise all activities of an insurer affecting commerce and to insure that such insurer is solvent, charges reasonable premiums, and otherwise acts in the public interest.

H.R. 1867. February 5, 1979. Post Office and Civil Service. Provides that an unremarried former spouse of a Federal employee who was married to such employee for five years or more shall be entitled to a portion of such employee's annuity and to a portion of the annuity of any surviving spouse of such employee.

H.R. 1868. February 5, 1979. Judiciary. Declares that exclusive territorial arrangements made as a part of a licensing agreement for the manufacture, distribution, or sale of a trademarked soft drink product are lawful under the antitrust laws provided such product is in substantial and effective competition with other products of the same general class.

H.R. 1869. February 5, 1979. Interior and Insular Affairs. Transfers the Mar-A-Lago National Historic Site from the United States to the Marjorie Merriweather Post Foundation of the District of Columbia.

H.R. 1870. February 5, 1979. Interstate and Foreign Commerce. Amends the Railroad Retirement Act of 1974 to eliminate the reduction of railroad retirement annuities by amounts payable as social security benefits in cases of persons who, as of January 1, 1975, had current connections with the railroad industry, had at least 10 years of service, and had attained 65 years of age.

H.R. 1871. February 5, 1979. Interstate and Foreign Commerce. Amends the Public Health Service Act to provide grants to States to assist them in providing certain medical assistance to undocumented resident aliens.

H.R. 1872. February 5, 1979. Armed Services. Authorizes appropriations for fiscal year 1980 for military weapons procurement and for military research, development, test, and evaluation. Sets forth the end strength levels for active duty and reserve military personnel and for civilian personnel within the Department of Defense. Sets forth the authorized military training loads for the components of the various armed forces.

Requires the Secretary of Defense to submit quarterly acquisition reports to Congress for major defense systems which will require financing above a specified level.

H.R. 1873. February 5, 1979. Armed Services. Authorizes additional appropriations for fiscal year 1979 for defense weapons procurement and research, development, test, and evaluation.

Authorizes the Department of Defense to implement until concluded the Multilateral Memorandum of Understanding Between NATO Ministers of Defense on the NATO E-3A Cooperative Programme. Authorizes the Department to make a commitment to NATO for the United States share of estimated termination liability.

H.R. 1874. February 5, 1979. Veterans' Affairs. Provides that, where the death of a qualified veteran occurs in a State home, the Administrator of Veterans' Affairs shall pay the actual cost (not to exceed $300) of the burial and funeral, and shall transport the body to the place of burial in the same or any other State.

H.R. 1875. February 5, 1979. Veterans' Affairs. Allows the ten-year period of eligibility for educational assistance for a previously unmarried spouse or surviving spouse of a veteran with a permanent and total service-connected disability to run from the wedding date of such spouse and veteran.

H.R. 1876. February 5, 1979. Veterans' Affairs. Authorizes the Administrator of Veterans' Affairs to allow eligible veterans and their survivors and dependents vocationally oriented courses without a showing that at least half of those who completed such a course have been working in the occupational category for which it was designed to provide training.

H.R. 1877. February 5, 1979. Veterans' Affairs. Excludes from the computation, pursuant to the "85–15" rule, of the percentage of students in a course who are receiving Government educational assistance those students whose fees are paid by Federal agencies other than the Veterans' Administration for purposes of veterans' educational benefits.

H.R. 1878. February 5, 1979. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to provide Federal financial assistance to employers, labor organizations, and public or private nonprofit agencies to establish occupational alcoholism programs.

Authorizes the appropriation of a specified percentage of Federal taxes collected on alcohol to finance such programs.

H.R. 1879. February 5, 1979. Agriculture. Prohibits the Secretary of Agriculture from taking any action under the Wholesome Meat Act or any other law to prohibit the sale, distribution, or use of nitrites as a food preservative solely on the basis of any carcinogenic effect in humans that nitrites may be represented to have, unless validated evidence is made available to the Secretary which proves beyond a reasonable doubt that nitrites as a food preservative have a significant carcinogenic effect on humans, or until a substitute preservative is available.

H.R. 1880. February 5, 1979. Interior and Insular Affairs. Authorizes the Secretary of the Interior to acquire lands and interests in lands in specified areas of Nebraska and to establish the Trails West National Historical Park in Nebraska once sufficient lands have been acquired.

H.R. 1881. February 5, 1979. Judiciary. Amends part A (General Provisions) of title XI of the Social Security Act to provide that, for the purposes of the Immigration and Nationality Act, an alien who receives cash benefits under specified programs of the Social Security Act or any other State or Federal public assistance program based on need shall be considered to be a "public charge" without regard to whether such alien is liable to repay such benefits or whether any demand is made for the repayment.

H.R. 1882. February 5, 1979. Interstate and Foreign Commerce. Amends the Railroad Retirement Act of 1974 to stipulate that nothing in such Act is intended to prohibit the characterization or treatment under State law of annuities provided by such Act as community property or as property subject to equitable distribution for the purpose of divorce, annulment, or legal separation.

H.R. 1883. February 5, 1979. Judiciary. Revises the number of divisions and the assignment of judges in the Northern District of Ohio.

H.R. 1884. February 5, 1979. Ways and Means; Education and Labor. Amends the Internal Revenue Code and the Employee Retirement Income Security Act of 1974 to permit assignments or alienations of rights under pension plans pursuant to court orders for alimony or child support, and to permit the division of pension benefits under State community property law or common law.

H.R. 1885. February 5, 1979. Post Office and Civil Service; Interior and Insular Affairs. Provides alternative retirement benefits for employees of Indian tribal organizations, the Bureau of Indian Affairs, and the Indian Health Service who are not entitled to Indian preferences. Establishes an additional Indian preference which pertains to force reductions within such agencies. Limits the application of Indian preference laws in such agencies.

Requires the Secretaries of the Interior and of Health, Education, and Welfare to report to Congress on their actions to recruit and train Indians for positions subject to Indian preference laws and to place non-Indian employees of such agencies in other Federal positions.

H.R. 1886. February 5, 1979. Judiciary. Directs the Foreign Claims Settlement Commission to consider the claim of a named individual.

H.R. 1887. February 5, 1979. Judiciary. Authorizes the granting of a visa to and admission of a named individual to the United States for permanent residence.

H.R. 1888. February 5, 1979. Judiciary. Authorizes classification of two named individuals as children for purposes of the Immigration and Nationality Act.

H.R. 1889. February 5, 1979. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 1890. February 5, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1891. February 5, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1892. February 5, 1979. Judiciary. Declares an individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1893. February 5, 1979. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a named individual in satisfaction of a claim against the United States.

H.R. 1894. February 8, 1979. Ways and Means. Amends the Second Liberty Bond Act to increase the temporary public debt limit. Authorizes the Secretary of the Treasury to increase the investment yield on United States savings bonds.

H.R. 1895. February 8, 1979. Post Office and Civil Service. Requires a ten percent reduction in the number of Federal employees from the number of such employees on December 1, 1978, to be attained by voluntary attrition by calendar year 1983.

H.R. 1896. February 8, 1979. Government Operations. Establishes an executive Department of Education to be administered by a Secretary of Education.

Transfers to such Secretary specified functions of the Secretary of Health, Education, and Welfare, the Commisisoner of Education, and specified educational responsibilities of other Federal agencies and instrumentalities.

Redesignates the Department of Health, Education, and Welfare and the Secretary of such Department as the Department of Health and Human Services and the Secretary of Health and Human Services.

H.R. 1897. February 8, 1979. Ways and Means. Amends the Internal Revenue Code to exempt certain individuals utilizing income averaging from the minimum income attribution rules for former spouses.

H.R. 1898. February 8, 1979. Veterans' Affairs. Amends the National Service Life Insurance Act of 1940 to provide for a lump sum payment of National Service Life Insurance benefits for certain members of the Armed Forces killed in action between April 21, 1942, and December 31, 1942.

H.R. 1899. February 8, 1979. Judiciary. Directs the Attorney General to make grants to qualified State programs for the compensation of victims of crime.

Establishes an Advisory Committee on Victims of Crime to advise the Attorney General with respect to the administration of such grant program and to the compensation of victims of crime.

H.R. 1900. February 8, 1979. Education and Labor. Repeals the Davis-Bacon Act relating to the rate of wages for workers employed on Federal public buildings by contractors and subcontractors.

H.R. 1901. February 8, 1979. Armed Services. Directs the President to resume the registration of individuals under the Military Selective Service Act.

Amends such Act to maintain the administrative independence of the Selective Service System.

Provides for the induction of 200,000 persons annually into the individual Ready Reserve of the Army Reserve.

Establishes an annual random sequence drawing for induction purposes for all 19 year old registrants.

Eliminates deferments for enlistment in any component of the armed forces reserves.

Requires annual participation in training to simulate emergency mobilization procedures.

H.R. 1902. February 8, 1979. Banking, Finance and Urban Affairs. Amends the Bank Holding Company Act Amendments of 1970 to authorize the Administrator of General Services to sell silver dollars by negotiation at such prices and in such manner as may be deemed proper by the Administrator.

H.R. 1903. February 8, 1979. Banking, Finance and Urban Affairs. Changes the effective date of the Electronic Fund Transfer Act. Amends the Right to Financial Privacy Act of 1978 to require government authorities, rather than financial institutions, to notify customers of their rights under such Act.

H.R. 1904. February 8, 1979. House Administration. Requires candidates for the offices of President and Vice President of the United States to be chosen by direct Presidential primaries conducted in each of the States on the first Tuesday after the first Monday in May of each Presidential election year.

Establishes guidelines for such primaries.

H.R. 1905. February 8, 1979. Ways and Means. Amends the Internal Revenue Code to prohibit the Internal Revenue Service from terminating the tax-exempt status of an educational institution for reasons of racial discrimination unless such organization has been adjudicated as racially discriminatory by a State or Federal court.

H.R. 1906. February 8, 1979. Merchant Marine and Fisheries. Amends the Fishery Conservation and Management Act of 1976 to limit the level of foreign investment in the United States fishing industry and to require the Secretary of Commerce to submit to Congress an annual report regarding such investments.

H.R. 1907. February 8, 1979. Government Operations; Rules. Directs the President to designate a single Federal agency to establish standard rules and regulations governing specified requirements of Federal assistance programs when such requirements are common to programs of the designated agency and one or more other Federal agencies.

Provides for multiyear funding of Federal financial assistance programs. Requires Federal agencies to provide for joint funding of such programs when the programs have common objectives. Requires Federal agencies administering such programs to inform State or local officials receiving assistance thereunder of the amount, purpose, and impact of such assistance.

H.R. 1908. February 8, 1979. Banking, Finance and Urban Affairs; Ways and Means. Amends the Export-Import Bank Act to revise certain limits on loans or guarantees to Communist nations.

Amends the Trade Act of 1974 to revise provisions conditioning favorable foreign trade treatment to nations permitting free emigration. Repeals the limitation on credit to the Soviet Union.

H.R. 1909. February 8, 1979. Ways and Means. Amends the Internal Revenue Code to reduce temporarily the excise tax on air transportation of persons and property.

H.R. 1910. February 8, 1979. Agriculture. Directs the Secretary of Agriculture to establish a farm entry assistance program to provide guarantees of loans, leases, and contract payments to individuals who are seeking to establish and operate full-time family farms.

H.R. 1911. February 8, 1979. Banking, Finance and Urban Affairs. Prohibits Federal assistance to rental housing projects for the elderly and handicapped if such projects do not allow tenants to have pets.

H.R. 1912. February 8, 1979. Ways and Means. Amends title XX (Grants to State for Services) of the Social Security Act to reallot unused social services funds to States which will use such funds during the succeeding year in preventing or reducing inappropriate institutional care.

Allocates additional Federal matching funds for multipurpose senior center programs. Directs the Secretary of Health, Education, and Welfare to clarify and standardize the eligibility requirements applicable to the provision of assistance to multipurpose senior centers.

H.R. 1913. February 8, 1979. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to prohibit the Federal Communications Commission from prescribing rules to permit increased duplication of radio broadcasting station assignments on class I-A clear channels.

H.R. 1914. February 8, 1979. Ways and Means. Amends the Internal Revenue Code to repeal the excise tax on the sale of trucks, tractors, and parts and accessories for such vehicles.

Permits the refund or crediting of taxes paid by the manufacturer, producer, or importer on items sold after January 1, 1979.

H.R. 1915. February 8, 1979. Agriculture. Requires the Secretary of Agriculture to transmit to Congress a report concerning the status and condition of privately owned forest land, productivity of such land, and methods of increasing such productivity.

H.R. 1916. February 8, 1979. Agriculture. Directs the Secretary of Agriculture to issue a plan for financing and carrying out a research and education program with respect of freestone peaches.

H.R. 1917. February 8, 1979. Interstate and Foreign Commerce. Amends the Public Health Service Act to establish a National Digestive Diseases Education and Information Clearinghouse and a National Digestive Diseases Advisory Board.

Authorizes grants to medical schools for education and training programs in the diagnosis, prevention, and treatment of digestive diseases.

H.R. 1918. February 8, 1979. Veterans' Affairs. Requires the Administrator of Veterans' Affairs to pay a monthly pension to specified Veterans of World War I, certain qualified surviving spouses of such veterans, or the child or children of such veterans.

H.R. 1919. February 8, 1979. Judiciary. Amends the Gun Control Act of 1968 to specify additional prison sentences and procedural restrictions for anyone using or carrying a firearm during the commission of a felony which is prosecutable in a United States court.

H.R. 1920. February 8, 1979 Judiciary. Specifies time limits and exclusions to such limits for: (1) bringing to trial defendants charged with Federal offenses involving the use of a firearm; and (2) making certain pretrial motions in Federal criminal cases.

H.R. 1921. February 8, 1979. Public Works and Transportation. Repeals the national maximum speed limit.

H.R. 1922. February 8, 1979. Banking, Finance and Urban Affairs. Creates, as an independent establishment in the executive branch, the Federal Disaster Insurance Corporation to provide any person of the United States with insurance against damage to or loss of property due to natural disaster.

Establishes in the Treasury of the United States a National Disaster Insurance Fund which shall be available to the Corporation to carry out the purpose of this Act.

H.R. 1923. February 8, 1979. Judiciary. Provides for appellate review of the High Court of American Samoa by the United States Court of Appeals for the Ninth Circuit.

H.R. 1924. February 8, 1979. Judiciary. Authorizes the Secretary of Health, Education, and Welfare to pay for medical services and treatment for any physical illness suffered by a United States citizen or permanent resident, which is directly attributable to the atomic explosions on Japan in August, 1945.

H.R. 1925. February 8, 1979. Foreign Affairs. Authorizes the President to establish and maintain permanent liaison offices with the Republic of China. Directs the President to extend diplomatic privileges and immunities to the Republic of China's liaison office in the United States and to its members.

H.R. 1926. February 8, 1979. Post Office and Civil Service. Directs the Secretary of Commerce, in conducting the decennial census, to include a question as to whether the individual being counted is a United States citizen.

H.R. 1927. February 8, 1979. Public Works and Transportation. Authorizes bank protection activities along the Rio Grande River in Starr County, Texas.

H.R. 1928. February 8, 1979. Government Operations; Rules. Sets forth a ten-year schedule for the reauthorization of all Federal programs as identified by budget function and subfunction categories.

Establishes the Citizen's Commission on the Organization and Operation of Government to study and recommend ways to improve the efficiency and effectiveness of Government agencies.

Requires the President to submit: (1) at least once in each Congress, a comprehensive review of 16 specified regulatory agencies; and (2) every second year, a legislative plan to improve the efficiency of specified regulatory agencies.

Provides for the preparation of a reauthorization schedule for tax expenditure provisions.

H.R. 1929. February 8, 1979. Public Works and Transportation. Authorizes the Secretary of the Army, through the Chief of Engineers, to construct a flood control project on the South Fork Zumbro River, Minnesota.

H.R. 1930. February 8, 1979. Merchant Marine and Fisheries. Authorizes the Governor of the Canal Zone to increase the capacity and improve the operations of the Panama Canal (Third Locks project).

Establishes a Panama Canal Advisory and Inspection Board to study, review, and inspect the construction of the Third Locks project.

H.R. 1931. February 8, 1979. Education and Labor. Repeals the Davis-Bacon Act relating to the rate of wages for workers employed on Federal public buildings by contractors and subcontractors.

H.R. 1932. February 8, 1979. Banking, Finance and Urban Affairs. Amends the Home Owners' Loan Act of 1933 to authorize the Home Loan Bank Board to permit Federal savings and loan associations to offer graduated payment and reverse-annuity mortgages. Prohibits such associations from making variable-rate and rollover mortgages.

H.R. 1933. February 8, 1979. Education and Labor. Amends the Labor-Management Reporting and Disclosure Act of 1959 to require every local labor organization to elect its officers not less often than once every five years, rather than once every three years.

H.R. 1934. February 8, 1979. Judiciary. Provides for additional immigrant visas and permanent resident status adjustments to be made available to specified categories of immigrants from certain countries.

H.R. 1935. February 8, 1979. Judiciary. Amends the Gun Control Act of 1968 to specify additional prison sentences and procedural restrictions for anyone using or carrying a firearm, destructive device, or other dangerous weapon during the commission of a felony which is prosecutable in a United States court.

H.R. 1936. February 8, 1979. Ways and Means. Amends the Internal Revenue Code to provide identical income tax rates for single persons and married couples filing joint returns. Limits the earned income that must be reported by a married person filing a separate return to the amount actually earned by that individual.

H.R. 1937. February 8, 1979. Ways and Means. Amends the Internal Revenue Code to allow individuals or married couples a $5,000 exclusion from gross income for any amount received as an annuity, pension, or other retirement benefit.

H.R. 1938. February 8, 1979. Ways and Means. Amends title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to make benefits under such title payable to a resident alien only if such alien has continuously resided in the United States for at least five years.

H.R. 1939. February 8, 1979. Government Operations; Rules. Requires that legislation considered by Congress be accompanied by statements assessing the economic and social costs and the expected accomplishments of programs established or authorized by such legislation. Requires that duplicative programs be identified. Requires Federal agencies to annually report to Congress on the extent to which such programs meet their objectives. Prohibits the funding of any program for more than five years. Requires Congress to consider the extent to which any program has met its objectives in the past before considering refunds of such program.

H.R. 1940. February 8, 1979. Armed Services. Directs the Secretary of Defense to establish a program to make grants to units of local government whose economy is adversely affected by the closure or major realignment of a military base.

H.R. 1941. February 8, 1979. Judiciary. Establishes criminal penalties for anyone injuring, damaging, burning, or destroying property of any person at or near any place where work or business of an employer or owner is carried on, or where such employer or owner transports, stores, or maintains property for business or other purposes.

H.R. 1942. February 8, 1979. Judiciary. Limits the power of a State or its political subdivisions to impose an income tax on nonresidents or residents whose income is earned in another State.

H.R. 1943. February 8, 1979. Judiciary. Amends the Federal Torts Claims Act to make the United States liable for money damages arising out of the loss, miscarriage, or negligent transmission of any mail matter by any United States Postal Service employee acting in an official capacity.

H.R. 1944. February 8, 1979. Government Operations. Requires the President to submit to Congress a biannual report on the management of the executive branch. Requires the Director of the Office of Management and Budget to provide an evaluative report on Federal programs to the President to be included with the President's report.

H.R. 1945. February 8, 1979. Post Office and Civil Service. Prohibits the Secretary of the Treasury from reporting to any city requiring the withholding of city taxes from the pay of employees the name, address, other identifying particulars, or pay of any Federal employee who is not a resident of the State in which such city is located unless release of such information is ordered by a United States district court as necessary to the conduct of a criminal investigation.

H.R. 1946. February 8, 1979. Post Office and Civil Service. Prohibits the taking of civil service disciplinary action against any civil service employee who refuses to comply with directives to report to any place for the service of State or local process in connection with a claim against such employee for taxes allegedly owed such State or unit of local government.

H.R. 1947. February 8, 1979. Ways and Means. Amends the Internal Revenue Code to qualify trusts established for the payment of product liability claims as tax-exempt organizations. Allows an income tax deduction for contributions to such trusts only to the extent they exceed the reasonable costs to the taxpayer for product liability insurance protection for the year.

H.R. 1948. February 8, 1979. Ways and

Means; Interstate and Foreign Commerce. Amends titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act to include in the coverage provided under such programs the services of licensed registered nurses.

H.R. 1949. February 8, 1979. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) of the Social Security Act to provide payment for one physical checkup a year under the supplementary medical insurance program.

H.R. 1950. February 8, 1979. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) and title II (Old Age, Survivors and Disability Insurance) of the Social Security Act to extend Medicare hospital coverage to include drugs. Establishes a Formulary Committee within the Department of Health, Education, and Welfare to prepare and maintain a listing of qualified drugs.

H.R. 1951. February 8, 1979. House Administration; Post Office and Civil Service. Amends the Federal Election Campaign Act of 1971 to entitle any candidate in a general or special election for Federal office to mail as third class mail any campaign mail.

H.R. 1952. February 8, 1979. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) of the Social Security Act to provide payment for nutritional counseling as part of the home health services provided under the supplementary medical insurance program.

H.R. 1953. February 8, 1979. Ways and Means. Amends the Trade Act of 1974 to provide increased adjustment assistance for workers and firms experiencing a decrease or threatened decrease in sales or production due to increased imports.

Provides for the sharing of information regarding petitions for certificates of eligibility for trade assistance between the Secretaries of Labor and Commerce and a committee to coordinate their respective responsibilities. Authorizes the Secretary of Labor to make grants to improve trade adjustment assistance. Authorizes the Secretary of Commerce to study those industries threatened by import competition.

H.R. 1954. February 8, 1979. Ways and Means; Interstate and Foreign Commerce. Amends titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act to revise the conditions and limitations applicable to home health services under such titles.

Establishes a Home Health Patient Ombudsman in the Department of Health, Education, and Welfare.

Increases the amount of Federal funds which may be made available to public housing agencies for congregate housing under the United States Housing Act of 1937.

H.R. 1955. February 8, 1979. Interstate and Foreign Commerce; Judiciary; Ways and Means. Authorizes the Secretary of Transportation to establish standards to reduce motor vehicle theft. Establishes penalties for: (1) removing or altering the identification number for any motor vehicle or motor vehicle part; (2) buying or otherwise possessing, with intent to sell, any motor vehicle or part knowing that such removal or alteration has occurred; and (3) importing or exporting stolen motor vehicles, vessels, aircraft, or parts, or motor vehicles or parts with altered identification numbers. Grants enforcement powers to customs officers.

H.R. 1956. February 8, 1979. Ways and Means. Amends the Internal Revenue Code to reduce the income tax rates for individuals for 1980 through 1982, and to require the Secretary of the Treasury to adjust the pertinent dollar amounts, but not the tax rates, for cost-of-living increases in the years that follow.

H.R. 1957. February 8, 1979. Ways and Means. Limits the maximum aggregate quantity of specified meat articles which may be entered or withdrawn from warehouses for consumption in the customs territory of the United States.

Directs the President to limit by proclamation the total quantity of meat imports in specified circumstances.

Requires the Secretary of Agriculture to allocate meat imports among supplying countries according to their shares of the U.S. market. Directs the Secretary to report to Congress.

H.R. 1958. February 8, 1979. Merchant Marine and Fisheries; Foreign Affairs. Specifies that all expenses incurred implementing the Panama Canal Treaty of 1977 shall be treated as an expense of the Panama Canal Commission. Sets forth the financial arrangements to be made to repay the United States and make payments to Panama.

Requires the express authorization of Congress before: (1) any payments required under the Treaty to Panama may be made; (2) U.S. funds may be used to implement the Treaty; (3) any U.S. property in the Canal Zone may be transferred to Panama; and (4) the Panama Canal Company and the Canal Zone Government may cease functioning.

H.R. 1959. February 8, 1979. Public Works and Transportation. Amends the Federal Water Pollution Control Act to repeal certain grant and loan conditions for construction of publically-owned treatment works.

H.R. 1960. February 8, 1979. Veterans' Affairs. Establishes the Office of Assistant Chief Medical Director for Geriatrics, Gerontology, and Extended Care within the Office of the Chief Medical Director in the Veterans' Administration.

Directs the Administrator of Veterans' Affairs to designate 20 Veterans' Administration hospitals as geriatrics centers.

Establishes a Geriatrics, Gerontology, and Extended Care Task Force within the Veterans' Administration.

H.R. 1961. February 8, 1979. Judiciary. Directs the Attorney General to make grants to qualifying State programs for the compensation of victims of crime. Sets forth requirements for program qualification and grant formulas. Establihes an Advisory Committee on Victims of Crime to advise the Attorney General with respect to the administration of the compensation program.

H.R. 1962. February 8, 1979. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) of the Social Security Act to require that patients be given advance estimates of the reasonable charge for each of the services they will receive.

Directs the Secretary of Health, Education, and Welfare to conduct pilot projects to test new methods and procedures for determining such reasonable charges.

H.R. 1963. February 8, 1979. Merchant Marine and Fisheries. Amends the Marine Protection, Research, and Sanctuaries Act of 1972 to include a prohibition on the dumping of industrial waste into ocean waters.

H.R. 1964. February 8, 1979. Judiciary. Sets forth procedures for Federal constitutional conventions with respect to: (1) applications, (2) calling, (3) delegates, (4) convening, (5) operation, (6) congressional approval, (7) ratification, (8) rescission, and (9) proclamation.

H.R. 1965. February 8, 1979. Banking, Finance and Urban Affairs; Foreign Affairs. Directs the Export-Import Bank to establish the Energy Development Facility, which is to: (1) increase world energy supplies; (2) promote U.S. economic security; (3) improve U.S. balance of payments; and (4) offer the opportunity to diversify sources of foreign energy.

Authorizes the Bank, through the Facility, to participate with the World Bank in energy exploration and development projects.

Authorizes the President to negotiate agreements for the purchase of newly available energy resources in exchange for Bank letters of credit issued to the foreign energy supplier. Requires such energy resources to be auctioned to U.S. bidders.

H.R. 1966. February 8. 1979. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act, the Internal Revenue Code of 1954, and the Railroad Retirement Act of 1974, to set forth procedures for the crediting of an individual's income to calendar years instead of the specific calendar quarters as is now required for the determination of eligibility and amount of benefits.

Sets forth a procedure for adjusting annually the amount of earnings which will qualify as a quarter of employment for eligibility determination purposes.

H.R. 1967. February 8, 1979. Interior and Insular Affairs. Modifies the boundary of the White River National Forest in the State of Colorado.

H.R. 1968. February 8, 1979. Interior and Insular Affairs. Directs the Secretary of the Interior to convey certain lands in Clear Creek County, Colorado, to Harold and Doris Harlan.

H.R. 1969. February 8, 1979. Ways and Means. Amends the Internal Revenue Code to allow a limited nonrefundable income tax credit for the production of shale oil.

H.R. 1970. February 8, 1979. Education and Labor. Amends the Fair Labor Standards Act of 1938 to postpone certain increases in the minimum wage.

Permits a lower minimum wage: (1) for youth under age 19, for limited periods; and (2) for full-time students, for part-time or vacation period work.

Retains the 45 percent tip credit in determining whether minimum wages are paid to tipped employees.

H.R. 1971. February 8, 1979. Judiciary. Requires Federal agencies to include in the general notice of a proposed rule: (1) the purpose of the rule; (2) the estimated number of persons and organizations affected by the rule; (3) a statement that the agency seeks alternative proposals which could achieve the goal of the rule at a lower cost to affected persons; and (4) a list of the measures necessary for compliance with reporting requirements. Requires agencies to: (1) publish a justification of the selection of the final rule over alternative proposals; and (2) review its rules to determine whether they efficiently achieve legislative goals.

H.R. 1972. February 8, 1979. Banking, Finance and Urban Affairs. Amends the Export-Import Bank Act of 1945 to prohibit the President from determining that export credits or guarantees may be extended to the People's Republic of China until: (1) government-to-government relations are reestablished between the United States and Taiwan; and (2) the United States retains standing to defend Taiwan.

H.R. 1973. February 8, 1979. Ways and Means. Amends the Trade Act of 1974 to prohibit most-favored-nation treatment, or export credits, or guarantees to be extended to the People's Republic of China until: (1) government-to-government relations are reestablished between the United States and Taiwan; and (2) the United States retains standing to defend Taiwan.

H.R. 1974. February 8, 1979. Judiciary. Amends the provision of existing law authorizing civil actions for deprivation of civil rights to exempt local governments from liability.

H.R. 1975. February 8, 1979. Judiciary. Amends the Public Safety Officers' Benefits Act of 1976 to eliminate the requirement that parents of deceased public safety officers be financially dependent on such officers in order to qualify for death benefits.

H.R. 1976. February 8, 1979. Post Office and Civil Service. Allows a county committee responsible for the daily operations of a political party to use third-class mail matter rates currently used by nonprofit organizations.

H.R. 1977. February 8, 1979. Interstate and Foreign Commerce. Requires that at least one hearing held by the Federal Energy Regulatory Commission on any rule, regulation, or order which would increase gas or electricity rates be held in the State or region affected by such rule, regulation, or order.

H.R. 1978. February 8, 1979. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act to revise the eligibility requirements for disability insurance benefits for blind persons. Revises the method of computing the primary insurance amount for blind persons under such Act.

H.R. 1979. February 8, 1979. Judiciary. Requires specified organizations which employ lobbyists to register and file quarterly expense reports with the Comptroller General. Makes such reports available to the public. Establishes civil and criminal sanctions to enforce this Act.

H.R. 1980. February 8, 1979. Agriculture; Ways and Means; Interstate and Foreign Commerce; Science and Technology. Directs the Secretaries of Agriculture and Energy to conduct research programs regarding the use of agricultural products in the development of fuel.

Amends the Internal Revenue Code of 1954 to provide a: (1) deduction with respect to the amortization of any qualified ethanol-producing facility; and (2) tax credit to eligible taxpayers for each gallon of gasoline containing at least ten percent ethanol sold to the public.

Provides federally guaranteed loans for the construction of ethanol-producing facilities.

H.R. 1981. February 8, 1979. Ways and Means. Amends title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act and the Internal Revenue Code to include all Members of Congress and other officers and employees in the legislative branch of the Government under the Federal Old-Age, Survivors and Disability Insurance system.

H.R. 1982. February 8, 1979. Interior and Insular Affairs. Authorizes the Secretary of the Interior to acquire the Walnut Street Theatre, Philadelphia, for inclusion in Independence National Historical Park in that city.

H.R. 1983. February 8, 1979. Small Business. Amends the Small Business Act to make specified low interest disaster loans available until October 1, 1982.

H.R. 1984. February 8, 1979. Judiciary. Amends the Administrative Procedure Act to require Federal agencies to prepare and publish in the Federal Register an economic impact analysis of all proposed and final rules subject to the provisions of the Act.

H.R. 1985. February 8, 1979. Ways and Means; Interstate and Foreign Commerce. Amends title XI (General Provisions) of the Social Security Act to abolish the Professional Standards Review Organizations which were established to review services covered under the Medicare and Medicaid programs.

H.R. 1986. February 8, 1979. Judiciary. Makes it unlawful to kill an airport police officer of the Federal Aviation Administration.

H.R. 1987. February 8, 1979. Veterans' Affairs. Repeals certain veterans' education provisions requiring such benefits to be used within ten years of eligibility.

H.R. 1988. February 8, 1979. Public Works and Transportation. Repeals the national maximum speed limit.

H.R. 1989. February 8, 1979. Judiciary. Establishes additional criminal penalties for certain repeat offenders. Prohibits plea bargaining or treatment under the Federal Youth Corrections Act for such defendants.

H.R. 1990. February 8, 1979. Interstate and Foreign Commerce. Amends the Controlled Substances Act to provide mandatory minimum sentences and procedural restrictions for certain drug offenses.

H.R. 1991. February 8, 1979. Judiciary. Specifies additional prison sentences and procedural restrictions for anyone using or carrying a firearm during the commission of a felony which may be prosecuted in a United States Court.

H.R. 1992. February 8, 1979. Agriculture; Interstate and Foreign Commerce; Ways and Means. Amends Part A (Aid to Families with Dependent Children) of title IV of the Social Security Act and the unemployment compensation provisions of the Internal Revenue Code to prohibit misrepresentation with respect to the benefits of such programs.

Links the penalties for fraud under title XVI (Supplementary Security Income) and title XIX (Medicaid) of the Social Security Act, and the Food Stamp Act of 1977, to the value of the benefits unlawfully secured.

H.R. 1993. February 8, 1979. Agriculture. Amends the Agricultural Act of 1949 to extend the prevented planting and farm disaster payment programs for wheat.

H.R. 1994. February 8, 1979. Agriculture. Amends the Agricultural Act of 1949 to direct the Secretary of Agriculture to permit the production of hay on set-aside wheat or feed grains acreage in any area where a drought, flood, or other natural disaster, or other condition beyond the control of the producers, has depleted hay stocks.

H.R. 1995. February 8, 1979. Ways and Means. Amends provisions providing quotas for beef, goat, and sheep meat imports to include all forms of such meats within the tariff and quota provisions.

H.R. 1996. February 8, 1979. Ways and Means. Amends provisions providing quotas for beef, goat, and sheep meat imports to require the President to limit such meat imports whenever meat imports which would be entered exceed the prescribed quotas.

H.R. 1997. February 8, 1979. Ways and Means. Amends provisions providing quotas for the beef, goat, and sheep imports to require the quota for any year to be reduced by the amount of excess meat imported the previous year.

H.R. 1998. February 8, 1979. Agriculture. Amends the Federal Meat Inspection Act to require the labeling as imported of the package or container of any imported meat or meat product capable of use as human food.

Prohibits the importation of dairy products into the United States unless certified wholesome and pure by the Secretary of Health, Education, and Welfare.

H.R. 1999. February 8, 1979. Post Office and Civil Service; Interior and Insular Affairs. Provides alternative retirement benefits for employees of Indian tribal organizations, the Bureau of Indian Affairs, and the Indian Health Service who are not entitled to Indian preferences.

Establishes an additional Indian preference which pertains to force reductions within such agencies.

Limits the application of Indian preference laws in such agencies.

Requires the Secretaries of the Interior and of Health, Education, and Welfare to report to Congress on their actions to recruit, and train Indians for positions subject to Indian preference laws and to place non-Indian employees of such agencies in other Federal positions.

H.R. 2000. February 8, 1979. Rules; Government Operations. Amends the Congressional Budget Act of 1974 to establish a two-year cycle for the congressional budget process. Requires each standing committee of Congress to review the laws and programs under its jurisdiction every other year, and to consider the desirability of new legislation in such areas. Requires separate consideration for authorizing legislation, budget resolutions, and appropriation bills.

H.J. Res. 161. January 24, 1979. Post Office and Civil Service. Designates the second Sunday in June of each year as "Children's Day."

H.J. Res. 162. January 25, 1979. Post Office and Civil Service. Authorizes and requests the President to designate the week of April 1 through 7, 1979, as "National Medic Alert Week."

H.J. Res. 163. January 25, 1979. Judiciary. Constitutional Amendment—Prohibits total Government expenditures from exceeding estimated revenues by more than two percent during any fiscal year. Authorizes suspension of such prohibition in time of declared war or national emergency.

Sets forth provisions governing the disposition of deficits and surpluses.

H.J. Res. 164. January 25, 1979. Agriculture. Amends the Agricultural Act of 1949 to raise the price support levels for milk, wheat, corn, soybeans, and cotton to 90 percent of their respective parity prices.

Reduces the price levels at which producers participating in the wheat and feed grains storage program: (1) may redeem and market commodities securing price support loans; and (2) must repay such loans.

H.J. Res. 165. January 25, 1979. Judiciary. Constitutional Amendment—Declares the term "person," with respect to due process and equal protection, applicable to human beings irrespective of age, health, function, or condition of dependency, including the unborn. Prohibits the deprivation of life of an unborn person, except under laws permitting medical procedures required to prevent the death of the mother.

H.J. Res. 166. January 25, 1979. Post Office and Civil Service. Authorizes and requests the President to designate April 17, 1979, as "National Food Day."

H.J. Res. 167. January 25, 1979. Foreign Affairs. Directs the President to inform Congress of any dangers to Taiwan. Declares the policy of the United States to safeguard its interests and meet any dangers to Taiwan.

H.J. Res. 168. January 29, 1979. Judiciary. Constitutional Amendment—Declares an age limit and a single six-year term for the office of President and Vice President.

H.J. Res. 169. January 29, 1979. Judiciary. Constitutional Amendment—Limits the tenure of Office of Senators and Representatives.

H.J. Res. 170. January 29, 1979. Judiciary. Constitutional Amendment—Declares that the term of office of Members of the House of Representatives shall be four years. Requires the election of one-half of all Representatives every two years. Limits the length of service of Representatives to three complete terms and of Senators to two complete terms.

H.J. Res. 171. January 31, 1979. Judiciary. Constitutional Amendment—Limits the term of office of a judge of the United States to six years after: (1) such person took office; (2) the Senate last consented to such person's continuance in office; or (3) the ratification of this article, whichever last occurs.

H.J. Res. 172. January 31, 1979. Judiciary. Constitutional Amendment—Prohibits total outlays of the Government from exceeding total receipts in any fiscal year except in the case of a declared national emergency.

H.J. Res. 173. January 31, 1979. Judiciary. Constitutional Amendment—Prohibits compelling a student to attend a public school other than the one nearest his residence.

Grants Congress the power to enforce by appropriate legislation the provisions of this amendment, and to insure equal educational opportunities for all students wherever located.

H.J. Res. 174. January 31, 1979. Post Office and Civil Service. Designates July 15, 1979, as "National Child's Day."

H.J. Res. 175. January 31, 1979. Judiciary. Constitutional Amendment—Requires a balanced Federal budget except in time of war or national emergency declared by Congress.

H.J. Res. 176. January 31, 1979. Judiciary. Constitutional Amendment—Provides that appropriations made by the Congress for any fiscal year shall not exceed the total revenues of the United States for such year and prohibits spending by, or on behalf of, the United States which exceeds the total revenues for that year.

Authorizes the suspension of such prohibition in time of war or national emergency.

H.J. Res. 177. January 31, 1979. Judiciary. Constitutional Amendment—Limits annual increases in Federal expenditures by reference to an index established by Congress measuring increases in consumer prices. Authorizes suspension of such limitations in time of declared war or national emergency.

H.J. Res. 178. January 31, 1978. Judiciary. Constitutional Amendment—provides that total expenditures in any fiscal year shall not exceed the net amount of revenues received by the Government in that year. Authorizes the suspension of such prohibition in time of war declared by Congress or by a concurrent resolution passed by a two-thirds vote of both Houses of Congress. Provides for the disposition of unanticipated deficits.

H.J. Res. 179. January 31, 1979. Judiciary. Constitutional Amendment. Declares that the term of office of Members of the House of Representatives shall be four years. Requires the election of one-half of all Representatives every two years. Limits the length of service of Representatives to three complete terms and of Senators to two complete terms.

H.J. Res. 180. February 1, 1979. Post Office and Civil Service. Designates the Week of October 7 through October 13, 1979, as "National Respect Life Week."

H.J. Res. 181. February 1, 1979. Judiciary. Constitutional Amendment. Declares that the President and Vice President shall be elected by direct popular vote.

Establishes the National Canvassing Board to which the State canvassing boards shall report the results of their State vote for President and Vice President. Directs the National Canvassing Board to meet to canvass the results of the State canvassing boards and report such results.

H.J. Res. 182. February 1, 1979. Judiciary. Constitutional Amendment. Establishes the terms of office of President, Vice President, Members of the House of Representatives, and Senators and limits the number of terms a person may serve.

H.J. Res. 183. February 1, 1979. Agriculture. Amends the Agriculture Act of 1949 to raise the price support levels for milk, wheat, corn, soybeans, and cotton to 90 percent of their respective parity prices.

Reduces the price levels at which producers participating in the wheat and feed grains storage program: (1) may redeem and market commodities securing price support loans; and (2) must repay such loans.

H.J. Res. 184. February 1, 1979. Post Office and Civil Service. Designates the first Sunday in October of each year as "National Choir Recognition Day."

H.J. Res. 185. February 1, 1979. Judiciary. Constitutional Amendment—Prohibits total appropriations from exceeding estimated revenues for a fiscal year, except in time of war or national emergency. Prohibits any increase in the national debt.

H.J. Res. 186. February 1, 1979. Judiciary. Constitutional Amendment—Establishes the term of office of the President, Vice President, and Members of the House of Representatives. Limits the number of terms the President and Vice President may serve and the number of consecutive terms that a Senator or Representative may serve. Establishes a maximum age for persons serving as President, Vice President, Senator, or Representative.

H.J. Res. 187. February 5, 1979. Judiciary. Constitutional Amendment—States that the Constitution shall not be construed to require a school system which assigns pupils on the basis of neighborhood attendance areas to assign pupils in any other manner.

Grants Congress the power to enforce this amendment by appropriate legislation.

H.J. Res. 188. February 5, 1979. Judiciary. Constitutional Amendment—Limits the term of office of a Justice or judge of the United States to six years after: (1) such person took office; (2) the Senate last consented to such person's continuance in office; or (3) the ratification of this Article, whichever last occurs.

H.J. Res. 189. February 5, 1979. Judiciary. Constitutional Amendment—Provides for the direct popular election of President and Vice President of the United States.

H.J. Res. 190. February 5, 1979. Judiciary. Constitutional Amendment—Allows the territories and areas of the United States (which are not States or parts thereof) to have Representatives in the House of Representatives.

H.J. Res. 191. February 8, 1979. Judiciary. Constitutional Amendment—Limits the term of office of a Justice or judge of the United States to six years during good behavior and limits the total service of such persons to 12 years.

H.J. Res. 192. February 8, 1979. Judiciary. Constitutional Amendment—Prohibits compelling a student to attend a public school other than the one nearest his residence.

Grants Congress the power to enforce by appropriate legislation the provisions of this amendment and to insure equal educational opportunities for all students wherever located.

H.J. Res. 193. February 8, 1979. Foreign Affairs. Declares that the United States would react to an armed attack against Taiwan in accordance with its constitutional processes. Requests an agreement with Taiwan establishing liaison offices. Affirms that assurances from China that it will resolve differences with Taiwan peacefully would enhance U.S. relations with China.

H.J. Res. 194. February 8, 1979 Post Office and Civil Service. Authorizes and requests the President to designate the month of February of each year as "American History Month."

H.J. Res. 195. February 8, 1979. Post Office and Civil Service. Designates the week of February 11 through February 17, 1979, as "National Vocational Education Week."

H.J. Res. 196. February 8, 1979. Judiciary. Constitutional Amendment—Allows the enactment, amendment, and repeal of laws, with certain exceptions, by popular vote. Prescribes the petition procedures with requirements for enactment of such laws.

H.J. Res. 197. February 8, 1979. Judiciary. Constitutional Amendment—Declares the term "person," with respect to due process and equal protection, applicable to human beings irrespective of age, health, function, or condition of dependency, including the unborn. Prohibits the deprivation of life of an unborn person, except under laws permitting medical procedures required to prevent the death of the mother.

H.J. Res. 198. February 8, 1979. Post Office and Civil Service. Authorizes and requests the President to designate the first Friday in March of each year as "Teacher Day, U.S.A."

H.J. Res. 199. February 8, 1979. Interior and Insular Affairs. Corrects the description of the location of specified lands in an Act declaring that the United States holds certain public domain lands in New Mexico, in trust for the Pueblo of Santa Ana.

H.J. Res. 200. February 13, 1979. Government Operations. Requires Federal departments and agencies which make various conditional grants to State and local governments to conduct and submit to Congress a study on consolidating such grants under a single grant program.

H.J. Res. 201. February 13, 1979. Agriculture. Amends the Agricultural Act of 1949 to raise the price support levels for milk, wheat, corn, soybeans, and cotton to 90 percent of their respective parity prices.

Reduces the price levels at which producers participating in the wheat and feed grains storage program: (1) may redeem and market commodities securing price support loans; and (2) must repay such loans.

H.J. Res. 202. February 13, 1979. Judiciary. Constitutional Amendment—requires a two-thirds vote of both Houses of Congress to effect any increase in the revenue of the Federal Government or the public debt.

H.J. Res. 203. February 13, 1979. Government Operations. Requires Federal departments and agencies which make various conditional grants to State and local governments to conduct and submit to Congress a study on consolidating such grants under a single grant program.

H.J. Res. 204. February 13, 1979. Judiciary. Constitutional Amendment—requires a balanced Federal budget except in time of declared war or national economic emergency.

H.J. Res. 205. February 13, 1979. House Administration. Authorizes appropriations for the use by the Phelps-Stokes Fund for the acquisition of a monument to Doctor Ralph J. Bunche and its erection in United Nations Plaza Park in New York City.

H.J. Res. 206. February 15, 1979. Agriculture. Amends the Agricultural Act of 1949 to raise the price support levels for milk, wheat, corn, soybeans, and cotton to 90 percent of their respective parity prices.

Reduces the price levels at which producers participating in the wheat and feed grains storage program: (1) may redeem and market commodities securing price support loans; and (2) must repay such loans.

H.J. Res. 207. February 15, 1979. Judiciary. Constitutional Amendment—Provides that the President and Vice President shall be chosen by popularly elected electors.

H.J. Res. 208. February 15, 1979. Judiciary. Constitutional Amendment—Provides for the direct popular election of the President and Vice President of the United States.

H.J. Res. 209. February 15, 1979. Post Office and Civil Service. Designates the week of May 14 through May 20, 1979, as "National Diabetes Week."

H.J. Res. 210. February 15, 1979. House Administration. Authorizes and directs the Secretary of the Interior, subject to the supervision of the Franklin Delano Roosevelt Memorial Commission, to construct the Franklin Delano Roosevelt Memorial in accordance with the general design approved by the Commission on Fine Arts in West Potomac Park in the District of Columbia.

H.J. Res. 211. February 15, 1979. Judiciary. Constitutional Amendment—Declares the term "person," with respect to due process and equal protection, applicable to human beings irrespective of age, health, function, or condition of dependency, including the unborn. Prohibits abortion except when a reasonable medical certainty exists that continuation of the pregnancy would result in the death of the mother. Requires the person performing the abortion to make every reasonable effort to preserve the life of any unborn person.

H.J. Res. 212. February 15, 1979. Foreign Affairs. Declares it to be the policy of the United States: (1) to renounce the first use of all nuclear weapons; and (2) to conclude treaties renouncing the first use of all nuclear weapons.

H.J. Res. 213. February 15, 1979. Judiciary. Constitutional Amendment—Provides that total expenditures in any fiscal year shall not exceed the net amount of revenues received by the Government in that year.

Authorizes the suspension of such prohibition in time of war declared by Congress or by a concurrent resolution passed by a two-third vote of both Houses of Congress. Provides for the disposition of unanticipated deficits.

H.J. Res. 214. February 15, 1979. Judiciary Constitutional Amendment—Declares the term "person," with respect to due process and equal protection, applicable to human beings irrespective of age, health, function, or condition of dependency, including the unborn. Prohibits abortion except when a reasonable medical certainty exists that continuation of the pregnancy would result in the death of the mother. Requires the person performing the abortion to make every reasonable effort to preserve the life of any unborn person.

H.J. Res. 215. February 21, 1979. Post Office and Civil Service. Authorizes and requests the President to designate September 8 of each year as "National Cancer Prevention Day."

H.J. Res. 216. February 21, 1979. Post Office and Civil Service. Authorizes and requests the President to designate the second Sunday in October of each year as "National Grandparent's Day."

H.J. Res. 217. February 21, 1979. Post Office and Civil Service. Authorizes and requests the President to designate November 30, 1979, as "National Postal Workers' Recognition Day."

H.J. Res. 218. February 22, 1979. Judiciary. Constitutional Amendment—Requires a balanced Federal budget and a level of Federal indebtedness limited to a specified percentage of the gross national product. Suspends such requirements during a declared war, national emergency, or period of limited economic growth.

H.J. Res. 219. February 22, 1979. Post Office and Civil Service. Designates February, 1980, as "American History Month."

H.J. Res. 220. February 22, 1979. Post Office and Civil Service. Designates March 21, 1980, as "National Energy Education Day."

H.J. Res. 221. February 22, 1979. Post Office and Civil Service. Authorizes and requests the President to designate October 14 of each year as "National Jogging Day."

H.J. Res. 222. February 22, 1979. Post Office and Civil Service. Authorizes and requests the President to designate May 29 of each year as "John Fitzgerald Kennedy Memorial Day."

H.J. Res. 223. February 26, 1979. Judiciary. Constitutional Amendment—Establishes a new procedure for the election of President and Vice President, based upon an assignment of electoral votes to the candiates who received the most popular votes in each State.

H.J. Res. 224. February 26, 1979. Foreign Affairs. Directs the President to inform Congress of any dangers to Taiwan. Declares it to be the policy of the United States to safeguard its interest and meet any dangers to Taiwan.

H.J. Res. 225. February 26, 1979. Judiciary. Constitutional Amendment—Requires a balanced Federal budget unless the President and the Congress determine a national emergency exists.

H.J. Res. 226. February 26, 1979. Judiciary. Constitutional Amendment—Prohibits compelling a student to attend a public school other than the one nearest his residence.

Grants Congress the power to enforce by appropriate legislation the provisions of this amendment and to insure equal educational opportunities for all students wherever located.

H.J. Res. 227. February 26, 1979. Judiciary. Constitutional Amendment—Prohibits deficit spending and increases in the national debt. Provides for the suspension of such prohibition in time of war or national emergency.

Sets forth a schedule for repayment of the national debt.

H.J. Res. 228. February 26, 1979. Post Office and Civil Service. Designates July 1, 1979, as "National Free Enterprise Day."

H.J. Res. 229. February 26, 1979. Post Office and Civil Service. Authorizes and requests the President to designate May 13, 1979, as "National Free Enterprise Day."

H.J. Res. 230. February 27, 1979. Post Office and Civil Service. Authorizes and requests the President to designate July 4 of each year as Independence Day.

H.J. Res. 231. February 27, 1979. Post Office and Civil Service. Authorizes and requests the President to designate July 8, 1979, as "Parents' Day."

H.J. Res. 232. February 28, 1979. Judiciary. Constitutional Amendment—Declares the term "person," with respect to due process and equal protection, applicable to human beings irrespective of age, health, function, or condition of dependency, including the unborn. Prohibits the deprivation of life of an unborn person, except under laws permitting medical procedures required to prevent the death of the mother.

H.J. Res. 233. February 28, 1979. Judiciary. Constitutional Amendment—Prohibits deficit spending and increases in the national debt. Provides for the suspension of such prohibition in time of war or national emergency.

Sets forth a schedule for repayment of the national debt.

H.J. Res. 234. February 28, 1979. Post Office and Civil Service. Designates the rose as the national floral emblem of the United States.

H.J. Res. 235. March 1, 1979. Judiciary. Constitutional Amendment—Repeals the 25th Amendment to the U.S. Constitution concerning presidential succession.

H.J. Res. 236. March 1, 1979. Judiciary. Constitutional Amendment—Declares the term "person," with respect to due process and equal protection, applicable to human beings irrespective of age, health, function, or condition of dependency, including the unborn. Prohibits the deprivation of life of an unborn person, except when it is a medical certainty that termination is required to prevent the death of the mother.

H.J. Res. 237. March 1, 1979. Judiciary. Constitutional amendment—permits voluntary prayer in public buildings or places.

H.J. Res. 238. March 5, 1979. Post Office and Civil Service. Authorizes and requests the President to designate the week of September 16 through 22, 1979, as "National Meals on Wheels Week."

H.J. Res. 239. March 6, 1979. Post Office and Civil Service. Authorizes and requests the President to designate the week of September 30 through October 6, 1979, as "International Motion Picture Week."

H.J. Res. 240. March 6, 1979. Judiciary. Constitutional amendment—provides for the direct popular election of the President and Vice President of the United States.

H.J. Res. 241. March 6, 1979. Post Office and Civil Service. Authorizes and requests the President to encourage the American people to turn off electric lights in their homes for a "Minute of Tribute" to Thomas A. Edison on October 21, 1979.

H.J. Res. 242. March 6, 1979. Post Office and Civil Service. Authorizes and requests the President to designate the last Friday in April of each year as "National Arbor Day."

H.J. Res. 243. March 7, 1979. Post Office and Civil Service. Authorizes and requests the President to designate October 6, 1979, as "Children's Day."

H.J. Res. 244. March 8, 1979. Post Office and Civil Service. Authorizes and requests the President to designate the first Sunday of September following Labor Day of each year as "National Grandparents Day."

H.J. Res. 245. March 8, 1979. Post Office and Civil Service. Authorizes and requests the President to designate September 3, 1978, as "Working Mother's Day."

H.J. Res. 246. March 8, 1979. Interior and Insular Affairs; Merchant Marine and Fisheries. Declares that any State may enact and enforce laws of a purely regulatory nature concerning the time and manner of hunting and fishing outside or within an Indian reservation when such laws are: (1) for the purpose of conservation; and (2) equally applicable to Indians and all other citizens without distinction. Declares that such State legislation is in accordance with and in furtherance of, and not in derogation of, any treaty with American Indians that secures to them the right to hunt and fish on or off reservation locations, in common with other citizens.

H.J. Res. 247. March 8, 1979. Agriculture. Amends the Agricultural Act of 1949 to raise the price support levels for milk, wheat, corn, soybeans, and cotton to 90 percent of their respective parity prices.

Reduces the price levels at which producers participating in the wheat and feed grains program: (1) may redeem and market commodities securing price support loans; and (2) must repay such loans.

H.J. Res. 248. March 8, 1979. Post Office and Civil Service. Authorizes and requests the President to designate the week of May 13 through May 20, 1979, as "International Hunger Project Week."

H.J. Res. 249. March 8, 1979. Post Office and Civil Service; Education and Labor. Directs various Federal agencies to improve the collection of statistics relating to Americans of East Asian or Pacific Island origin or descent. Directs the Department of Commerce to implement an affirmative action program within the Bureau of the Census for the employment of such Americans.

H.J. Res. 250. March 8, 1979. Judiciary. Constitutional Amendment—Declares the term "person," with respect to due process and equal protection, applicable to human beings irrespective of age, health, function, or condition of dependency, including the unborn. Prohibits abortion except when a reasonable medical certainty exists that continuation of the pregnancy would result in the death of the mother. Requires the person performing the abortion to make every reasonable effort to preserve the life of any unborn person.

H.J. Res. 251. March 13, 1979. Education and Labor; Post Office and Civil Service. Directs specified executive departments: (1) to improve and expand the collection and analysis of labor force characteristics relating to women; and (2) to provide a statistical breakdown of data relating to the employment of women equal to that provided for men.

H.J. Res. 252. March 13, 1979. Judiciary. Constitutional Amendment—Provides for the direct popular election of the President and Vice President of the United States.

H.J. Res. 253. March 13, 1979. Judiciary. Constitutional Amendment—Prohibits compelling a student to attend a public school other than the one nearest his residence.

Grants Congress the power to enforce by appropriate legislation the provisions of this amendment and to insure equal educational opportunities for all students wherever located.

H.J. Res. 254. March 13, 1979. Judiciary. Constitutional Amendment—Provides for the direct popular election of the President and Vice President of the United States.

H.J. Res. 255. March 13, 1979. Post Office and Civil Service. Authorizes and requests the President to designate the week of April 6 through April 12, 1980, as "National Medic Alert Week."

H.J. Res. 256. March 13, 1979. Post Office and Civil Service. Designates the week of

May 1 through May 7, 1979, as "National Photography Week."

H.J. Res. 257. March 14, 1979. Judiciary. Constitutional Amendment—Amends the Constitution to require Congress to assure that the total expenditures of the Government, during any fiscal year, do not exceed the total receipts of the Government during such fiscal year. Permits an exception to such requirement in time of national emergency, but states that expenditures shall never exceed receipts by more than ten percent. Provides a schedule for the institution of such requirement.

Sets forth a schedule for the elimination of the Federal indebtedness.

H.J. Res. 258. March 14, 1979. Judiciary. Constitutional Amendment—Prohibits deficit spending and increases in the national debt. Provides for the suspension of such prohibition in time of war or national emergency.

Sets forth a schedule for repayment of the national debt.

H.J. Res. 259. March 14, 1979. Judiciary. Constitutional Amendment—Requires that any change in the U.S. tax law to increase Federal revenue be approved by not less than two-thirds of all Members of Congress.

H. Con. Res. 69. March 8, 1979. Armed Services. Requests the Secretary of the Army to reinstate the Maroon Beret as the accepted and distinguished headgear of the Army Airborne Unit.

H. Con. Res. 70. March 8, 1979. Foreign Affairs. Expresses the sense of Congress that the President: (1) should enter into negotiations to secure the withdrawal of Soviet personnel and the release of political prisoners from Estonia, Latvia, and Lithuania; (2) should instruct the U.S. delegation to present the illegal Soviet actions in such countires at the preparatory meeting of the 1980 Madrid meeting of the Conference on Security and Cooperation in Europe; and (3) should gain the cooperation of other nations in achieving such objectives.

H. Con. Res. 71. March 8, 1978. Foreign Affairs. Expresses the interest of the American people in the adherence of the Soviet Union to the Helsinki Declaration and the facilitation of the freer movement of people.

H. Con. Res. 72. March 13, 1979. Foreign Affairs. Declares the sense of Congress that the President shall take steps to secure freedom of worship in the Soviet Union and Eastern Europe, and to raise the question of Stalin's liquidation of Ukrainian and Catholic Churches with national and international religious councils.

H. Con. Res. 73. March 13, 1979. Foreign Affairs. Expresses the sense of Congress that the President should find Rhodesia in compliance with the International Security Assistance Act of 1978 and revoke sanctions against Zimbabwe within ten days of the scheduled free elections.

H. Con. Res. 74. March 14, 1979. Foreign Affairs. Expresses the sense of Congress that the President call upon the Soviet Union to permit free speech and free emigration by all its citizens.

H. Con. Res. 75. March 15, 1979. Foreign Affairs; Merchant Marine and Fisheries. Expresses the sense of Congress that the President withdraw the instruments of ratification of the Panama Canal treaties of 1977.

H. Con. Res. 76. March 15, 1979. Foreign Affairs. Directs the President pro tempore of the Senate and the Speaker of the House of Representatives to appoint two individuals to serve as cochairpersons of a team of observers of the election in Rhodesia. Requires the team to observe such election and to report to Congress.

H. Con. Res. 77. March 15, 1979. Interstate and Foreign Commerce. Expresses the sense of Congress that standards should be developed in the motion picture and broadcasting industries to prevent the defamation of ethnic, racial, and religious groups in films and programs which portray such groups.

H. Con. Res. 78. March 15, 1979. Foreign Affairs. Objects to the waiver of the Congressional oversight provisions of the Arms Export Control Act by the President. Requests that the military assistance to Yemen be delayed to give Congress time to fulfill its oversight functions.

H. Con. Res. 79. March 15, 1979. Foreign Affairs. Expresses the sense of Congress that: (1) approval of the sale of commercial aircraft to Libya be reconsidered; and (2) action on export licenses for such sale be postponed.

H. Res. 130. February 22, 1979. House Administration. Authorizes expenditures by the House Committee on Rules in carrying out its duties during the first session of the 96th Congress.

H. Res. 131. February 22, 1979. Rules. Establishes a Select Committee on Regulatory Affairs and Oversight to conduct a full and complete investigation of Federal regulations and regulatory agencies, oversight procedures, and guidelines for periodic review and reauthorization of new and existing programs.

H. Res. 132. February 22, 1979. House Administration. Authorizes expenditures by the House Committee on Merchant Marine and Fisheries for investigations and studies.

H. Res. 133. February 22, 1979. Sets forth the rule for the consideration of H.R. 1894.

H. Res. 134. February 26, 1979. House Administration. Authorizes expenditures by the House Committee on Science and Technology for investigations and studies.

H. Res. 135. February 26, 1979. Foreign Affairs. Expresses the support of the House of Representatives for clemency by the President of Pakistan in the case of former Prime Minister Bhutto.

H. Res. 136. February 26, 1979. Rules. Amends the Rules of the House of Representatives to transfer to panels of Members of the House selected by lot, the authority of the Committee on Standards of Official Conduct to make findings and investigations with respect to alleged violations by Members, officers, or employees of the House of the Code of Official Conduct or of any law, rule, regulation, or other applicable standard.

H. Res. 137. February 26, 1979. House Administration. Authorizes expenditures by the House Committee on Interstate and Foreign Commerce for investigations and studies.

H. Res. 138. February 26, 1979. Appropriations. Disapproves the budget authority of D 79–6 to promote and develop fishery products and research pertaining to American fisheries, as transmitted by the President to the Congress on October 2, 1978, pursuant to the Impoundment Control Act of 1974.

H. Res. 139. February 26, 1979. House Administration. Authorizes expenditures by the House Committee on Interior and Insular Affairs for studies and investigations.

H. Res. 140. February 27, 1979. House Administration. Authorizes expenditures by the House Committee on Government Operations for investigations, studies, oversight responsibilities, and committee functions.

H. Res. 141. February 28, 1979. Sets forth the rule for the consideration of H.R. 1147.

H. Res. 142. March 1, 1979. Standards of Official Conduct. Expels a specified Representative from the House of Representatives.

H. Res. 143. March 1, 1979. Rules. Amends the Rules of the House of Representatives to prohibit the consideration of major spending or revenue-reducing bills during the last five days of a session, and to prohibit the consideration of more than one such bill on the same day at any time during any session of Congress.

H. Res. 144. March 1, 1979. Rules. Amends the Rules of the House of Representatives to allow the Select Committee on Aging to appoint, by majority vote of the committee, a specified number of professional staff members.

H. Res. 145. March 1, 1979. Rules. Amends the Rules of the House of Representatives to require the establishment in the House of a Select Committee on Investigations whenever, in any Congress, the majority party in the House and Senate is the same party as that of the President.

Requires such select committee to conduct studies and investigations of the administration and enforcement of Federal laws by the Federal departments and agencies.

H. Res. 146. March 6, 1979. Foreign Affairs. Declares that the Senate should approve and the President should ratify the International Convention on the Prevention and Punishment of the Crime of Genocide.

H. Res. 147. March 6, 1979. Judiciary. Refers to the Chief Commissioner of the Court of Claims, a bill for the relief of a specified corporation.

H. Res. 148. March, 1979. Sets forth the rule for the consideration of H.R. 2479.

H. Res. 149. March 7, 1979. Foreign Affairs. Expresses the sense of the House of Representatives that the United States Olympic Committee take the necessary measures to have the International Olympic Committee transfer the 1980 summer Olympics to a site outside the Soviet Union, and that the United States should consider withdrawal from such Olympics and the establishment of an alternate competition if such transfer does not occur.

H. Res. 150. March 7, 1979. House Administration. Directs the printing of the committee print entitled "Proposition 13: Prelude to Fiscal Crisis or New Opportunities?" as a House document.

H. Res. 151. March 8, 1979. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that Federal departments and agencies should consider providing adequate energy supplies to all segments of the travel and tourism industry in any allocation of energy supplies or other action to alleviate the energy shortage.

H. Res. 152. March 8, 1979. Interstate and Foreign Commerce. Disapproves the final recommendations of the Secretary of Transportation for the restructuring of the Southwest Limited passenger route of the National Railroad Passenger Corporation.

H. Res. 153. March 12, 1979. Judiciary. Refers to the Chief Commissioner of the Court of Claims, a bill for the relief of a named individual.

H. Res. 154. March 13, 1979. Foreign Affairs; Merchant Marine and Fisheries. Prohibits the transfer of the Canal Zone and the Panama Canal to Panama.

H. Res. 155. March 13, 1979. Government Operations; Ways and Means. Declares that it is the sense of the House of Representatives that the Federal budget must be brought into balance and outlines steps which must be taken to achieve such a budget by 1982.

H. Res. 156. March 14, 1979. Sets forth the rule for the consideration of H.R. 2283.

H. Res. 157. March 14, 1979. Sets forth the rule for the consideration of H.R. 2534.

H. Res. 158. March 14, 1979. Banking, Finance and Urban Affairs. Declares it the sense of the House that the national motto, "In God We Trust," shall be reaffirmed and shall continue to be engraved and printed on currency.

H. Res. 159. March 14, 1979. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that: (1) those persons responsible for television programming and broadcasting should consider the relationship between the level of violence depicted on television and a distored view of social reality held by heavy viewers of television; and (2) further investigation of the correlation between the level of violence depicted on television and aggressive, including violent, behavior in children and adults should be pursued.

H. Res. 160. March 14, 1979. Interstate and Foreign Commerce. Declares a state of war between the people of the United States and amyotrophic lateral sclerosis (Lou Gehrig's disease).

H. Res. 161. March 14, 1979. Rules. Amends the Rules of the House of Representatives to establish a standing Committee on Internal Security to investigate and report on Communist and other subversive activities affecting the internal security of the United States.

H. Res. 162. March 14, 1979. Rules. Amends the Rules of the House of Representatives to require that reports accompanying public bills or joint resolutions which authorize or appropriate specific sums for a fiscal year contain a computation of the effects of such legislation on the taxes of the individual taxpayer.

H. Res. 163. March 15, 1979. Foreign Affairs. Extends congratulations to Tunisia on its twenty-third anniversary of independence.

H. Res. 164. March 15, 1979. Ways and Means; Interstate and Foreign Commerce.

Expresses the sense of the House of Representatives that any legislation providing for the modification or federalization of medical assistance programs include optometric services and that the States be urged to seek to include or continue optometric services.

EXTENSIONS OF REMARKS

CIVIL DEFENSE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. BOB WILSON. Mr. Speaker, civil defense is one of the most little known and talked about facets of our national defense system..

Recent articles, together with the televised analysis by ABC News presented on the subject of defense point very definitely to the fact that Russia is far ahead of the United States in assuring that that country's population could and would survive a nuclear attack. I believe our own people are sadly lacking in information about the real world, but an article by Col. John E. Bex, USAFR, in the November 1978 issue of "The Officer," the monthly publication of the Reserve Officers Association, discusses this issue in an unusual fashion. I commend it to my colleagues as a discourse well worth noting.

THE MYTHOLOGY OF CIVIL DEFENSE

(By Col. John E. Bex, USAFR)

Surprisingly often what separates people most is information. The gap that exists between the expert and the layman, the doctor and the patient, the insider and the outsider, etc., is pretty fundamental and it depends on the amount of information. Despite their differences the well-informed can reach substantial agreement in many aspects of questions while the uninformed cannot. Civil Defense happens to be one of those fields in which this is so to a high degree. It is not as much politics or lack of good will or incompatible value systems which separates people as it is the difference in information between the informed and the uninformed. Accordingly, let us listen to the rather animated discussion which seems to have broken out between Mr. Informed Citizen and Mr. Uninformed Citizen. The two could be ordinary citizens, Federal or local government officials, or Federal or local legislators—those differences count for surprisingly little. What counts in regard to Civil Defense is information.

Uninformed Citizen: What the hell do you mean by going around trying to get people worked up about Civil Defense? People have enough trouble taking care of matters that concern them.

Informed Citizen: But it does concern them, all of us. In fact, I would put it this way: Seldom in our history has something which concerned so many of us vitally been so disregarded. Survival is and should be everyone's concern and it is one of the myths of Civil Defense that many think otherwise.

Uninformed Citizen: There you go, about the mythology of Civil Defense. Look, we've got a Civil Defense program and agency that keeps us prepared and takes care of these matters, so what's mythological about that?

Informed Citizen: That is probably the greatest myth of all—that we have a real, an adequate Civil Defense program, since we do not. I'll go into this later on. We do have a pretty substantial defense budget, of course.

Uninformed Citizen: We certainly do, and yet I'm not sure whether I agree with those who say it should be decreased or with those who say it should be increased. $116 billion is a lot of money.

Informed Citizen: Tell me now, what percentage of that budget do you think is being spent for Civil Defense? Remember, we are talking about the protection and survival of over 215 million people. Would it be 20 percent, 10 percent, 5 percent or perhaps 1 percent?

Uninformed Citizen: Come on, 1 percent is pretty small for that big job. It's gotta be more than that.

Informed Citizen: Maybe it should be, but it isn't. The correct figure is less than 1/10 of 1 percent. The current Civil Defense budget for the entire nation is $90 million.

Uninformed Citizen: Okay, you've made your point. I'll concede that is a second myth, that we are spending a lot of money for Civil Defense. But maybe that's all it requires, just so long as we're keeping up as well as we should.

Informed Citizen: I'm afraid that's myth No. 3, right there. By "keeping up" I assume you mean with the competition, in particular, with Russians.

Uninformed Citizen: Who else?

Informed Citizen: Well then that's about as big a myth as one can imagine, that we are keeping up with the Russians. The Russians spend not twice, not three times, but about ten times as much for Civil Defense as we do.

Uninformed Citizen: My God, how long has this been going on? Talk about the missile gap, the warship gap, if what you say is true, the Civil Defense gap is far worse than any of them. It's more than a gap, it's an abyss. How did this develop?

Informed Citizen: It didn't develop, it's always been that way, more or less, for the last 20 years at least. In the last decade the Russians spent about $10 billion for Civil Defense while we spent $804 million. They are currently spending about a billion dollars a year. But what about other western countries? Do you think we at least lead here with the best program, since after all, we are the richest nation.

Uninformed Citizen: I don't know. I'm afraid to ask!

Informed Citizen: Far from it. Countries such as Sweden and Switzerland are miles ahead of us. They have things like solid rock shelters which we haven't even begun to contemplate for our citizens. And that brings up another point which is very important. We want peace and we want to avoid any provocative actions—avoid anything that tends toward further escalation of arms on both sides, don't we?

Uninformed Citizen: Yes. I suppose so, though we have a right to prepare to arm ourselves as well as our opponents—yes, we want to avoid provocation.

Informed Citizen: Well any argument that building up Civil Defense is provocative is unsound since the passive defense measures concerned are the least provocative things one can do. The final proof is that the classic neutral and pacifist countries, Sweden and Switzerland, have both developed Civil Defense systems far superior to ours.

Uninformed Citizen: Well I can agree that it is high time that we start building a real Civil Defense system, as reluctant as I am to start up another one of those big Washington deals.

Informed Citizen: Chalk up another myth and a dangerously misleading one too; that Civil Defense is a Federal, a Washington show. The real work of Civil Defense is done at the local government level, state and municipal, and that's where the money is spent too. The role of the Federal agency is mainly to coordinate, inform, educate, etc.

Uninformed Citizen: From what you've told me, it seems to me that the American people have been strangely uninterested and apathetic about their own interests—uninterest in Civil Defense.

Informed Citizen: Not really. That the American people are uninterested or opposed to Civil Defense is one more myth we have to free ourselves from. They've never been informed—the message and the parts have never reached them. Once they are informed, they are interested—like you.

Uninformed Citizen: Like me. And it's the mythology that gets in the way. We've got to substitute facts for myths. I prefer it that way.

Informed Citizen: And so does every reasonable person.●

MORATORIUM ON NEW CONSTRUCTION PERMITS FOR NUCLEAR POWER PLANTS

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. DODD. Mr. Speaker, as a Representative from a district which includes three operating nuclear power plants and a fourth under construction, I have long been concerned with the issue of nuclear energy. The concern of my constituents and my own concerns have naturally

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

been heightened by the recent accident at Three Mile Island.

On April 19, I held a New England style own meeting in the town of Waterford, Conn., home of two of Connecticut's nuclear power plants. More than 500 of my constituents attended the meeting, and their concern over the safety of nuclear power was evident. Unfortunately, neither I nor a representative from the Nuclear Regulatory Commission who spoke at the meeting were able to unequivocally assure the people of Waterford that nuclear power is indeed completely safe. I plan to introduce legislation in the very near future which will do a great deal to improve the safety procedures at nuclear power plants, but until that legislation or other legislation is in place, concern over nuclear power plant safety will continue to grow.

That is why I have decided to support the effort to place a moratorium on the issuance of construction permits for nuclear plants in the United States. I have not come to this decision lightly, but only after a careful assessment of our energy needs and the even greater need to insure that we are not building additional plants before some of the most basic questions about operating safety are fully answered. We should postpone the issuance of new construction permits for nuclear power plants until we are certain that the residents of towns near nuclear plants need not fear for their own lives and for the future of their children, born and unborn.

Because of our energy crisis, it would be impractical to shut down the 72 nuclear plants now in operation. But the accident at Three Mile Island makes two things clear: First, we must give far greater priority to the development and utilization of alternative energy sources; and second, it is time to make a serious evaluation of the potential dangers of our increasing dependence on nuclear energy.●

MANATEE AWARENESS DAY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. FASCELL. Mr. Speaker, on May 26, 1979, the Miami Seaquarium will celebrate "Manatee Awareness Day." The purpose of this event is to draw attention to the problems now facing the manatee, an aquatic mammal which is often referred to as a "sea cow."

The manatee is a very gentle creature which has a brain and a nervous system similar to humans. It is found in the Atlantic coastal waters of the tropical Americas and Africa. An adult manatee usually weighs around 2,000 pounds. These "sea cows" are the only herbivorous aquatic mammals now in existence. They have no hind limbs, and flippers like flattened paddles for forelimbs. Their broad tails, used for swimming, stroke up and down as whale tails do. The species has small eyes, tiny ear openings, and nostrils that close when the animal goes underwater. Manatees feed on submerged vegetation as well as floating plants, and they have sometimes been used for such tasks as cleaning out weed-blocked canals. Perhaps the most unique aspect of the manatee is that, despite its huge size, it is completely inoffensive and harmless to man.

At one time, there were thousands of manatees swimming in Florida waters. But widespread killing of the docile animals for food, high-grade oil, and durable hides has reduced the present population to around 1,000. Manatees prefer to live in natural warm water inland springs, although they now frequently congregate at warm water outlets near certain Florida power stations. These creatures cannot survive if the winter water temperature drops below 64° F. But the greatest threat to the manatee in modern times is the risk of collision with motor boats and propellors, which either kill or maim the animals.

I fully support the Miami Seaquarium's designation of May 26, 1979, as "Manatee Awarenes Day," and I want to commend Roger Pettingell, a young man in my congressional district who has worked diligently to focus attention on the plight of the manatee. Since Florida has the only remaining manatee population in the United States, it is imperative that we in Florida take the lead in safeguarding and preserving these animals, because they are a National as well as a State resource. It is through such events as "Manatee Awareness Day" that Floridians and other Americans can learn of man's obligation to maintain and protect this species in its natural habitat.●

ELIMINATING THE SOCIAL SECURITY WAITING PERIOD FOR THE TERMINALLY ILL—H.R. 3635, H.R. 3992

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. CHAPPELL. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

Congressman AL SWIFT and I have both recently introduced legislation to eliminate the 5-month waiting period for those social security disability beneficiaries who have been diagnosed as terminally ill.

As you know, the waiting period was first adopted as part of the 1954 social security amendments (Public Law 83-761) which established the disaiblity program under social security. At that time, the waiting period was set at 6 months. With the 1972 social security amendments (Public Law 92-603), this time requirement was reduced to 5 months. It is interesting to note, however, that the original House version of this bill called for a reduction of 4 months. The House proposal was lost in conference.

Because I have always maintained that this waiting period is grossly unfair, I introduced a bill in the earlier part of the 96th Congress, H.R. 182, to eliminate the 5-month waiting period altogether. However, I am particularly concerned over the emotional as well as financial strain this procedure places on those terminally ill individuals, such as some cancer patients, who are now being told that they must wait an arbitrary length of time—5 months—before they can receive any benefits. In many such cases, that arbitrary length of time could prove critical.

What follows is a letter from the American Cancer Society and two letters addressed to a constituent of my colleague's in support of legislative relief.

AMERICAN CANCER SOCIETY, INC.,
New York, April 25, 1979.

Hon. BILL CHAPPELL, JR.,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAPPELL: It has come to the attention of the American Cancer Society that a very severe financial problem is encountered by patients with types of cancer for which there is, so far, only palliation and no commonly effective cure.

We believe this problem would be best solved by a bill to eliminate the five-month waiting period for Social Security disability benefits because a certain number of patients do not survive that long and, thus, are deprived of benefits urgently needed to meet medical care bills or burial expenses.

We ask no special benefit for terminal cancer patients, but support the principle of legislation for all patients who have an impairment disabling them for employment, such impairment being diagnosed by their physicians as holding no hope for recovery and, instead, expected to grow progressively worse. There are various diseases, including some heart diseases, which lead to this diagnosis.

While it is true that over 40% of cancer patients today are considered cured because of long-term survival in a disease-free state, some 291,000 patients per year considered cured, nevertheless more than 1,000 die daily.

A study at a Missouri cancer center several years ago found that the per patient costs of a cancer case moving through the center averaged more than $20,000. Families left with such bills suffer a shattering financial blow which suggested legislation would lessen.

The American Cancer Society's executive committee elected from among 2½ million volunteers, fully supports any legislative effort to reduce or eliminate the Social Security disability benefits waiting period so that prompt, useful help can go to this special category of patients.

Sincerely yours,
LASALLE D. LEFFALL, JR., M.D.,
President.

FEBRUARY 21, 1979.

DEAR MR. DALTON: I am extremely sorry of your plight, prognosis, and all aspects of your situation. Please continue to hope because more and more of my friends are surviving against anticipated odds that were horrendous. I hope it is likewise with you.

I admire your effort to alter laws that thwart the humanity they are supposed to espouse.

In my own case, my husband's August death was eased financially throughout the year and through operation after operation for cumulative circulatory problems—by VA and SS pensions, which happened to fit into the age/time scheme of these agencies. I am forever grateful.

Prior to this, we paid $5,000+, when it meant more, and could have been brutalized by the struggle to exist if we had not "fitted" thusly.

In no way, in no time, do I feel that terminal patients should be made to fight or to justify their condition. Diagnosis should equal immediate help. I deplore the rejection of your claim—humanely as well as practically; for it seems to me that the word "terminal" denotes automatically an unemployable status and that this should justify immediate reception of funds. No other argument makes sense.

If I can help in any way, please let me know. I've had my share of help and feel that an arbitrary time lapse for benefits obviously due, is a cruel power play.

The best to you and your family and my admiration for your fight in all senses of the word.

Yours truly,
(Mrs.) RENEE MCIVER,
Kirkland, Wash.

FEBRUARY 15, 1979.

DEAR MR. DALTON: I read of your plight with the Social Security rules. Your Social Security came out of your pay check, its unfair when you have been given 8 to 10 months to live and they still hold out. I know—rules are rules—but in your case something should be done. Mr. Dalton, I agree with you. I, too, believe as you. "I don't believe any rule, law or regulation can't be changed"!

I too, am a cancer victim, but I did not get an ultimatum like you did. I have been told my chances are very good, with Radiology treatments and chemotherapy.

I too, asked for temporary disability from Social Security, as I had not been on my new job long enough to collect and I was told—as you—there was a five month waiting period. I am lucky. I have returned to work as of last Monday, but because I couldn't get any help my bills have piled up. As I told you earlier, that Social Security was taken out of my check, but no deal.

I am able to work, but in your case something should be done, now.

I just reread the article in the paper. This gets to me. "Changing the law for persons with terminal illness would be difficult to administer because of the uncertainty of medical prognosis." It seems he has never had the trauma that goes with the words—"you have cancer" and the scars prove it.

Mr. Dalton—I hope my letter—with others—will help you and that you get an "avalanche of letters."

I will close now, with a personal touch. Howard, may God be with you and my best wishes to you and your wife Joy.

Very sincerely,
NORMA IVAN,
Seattle, Wash.●

ST. MARY CATHOLIC CHURCH AND ITS PASTOR TO CELEBRATE TWO ANNIVERSARIES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. KILDEE. Mr. Speaker, St. Mary Catholic Church in Flint, Mich., will celebrate two anniversaries on Sunday, May 13, 1979. To be celebrated are the 60th anniversary of the parish and the 40th anniversary of the ordination of its pastor, Father Henry W. Berkemeier.

St. Mary Church was established on April 5, 1919, and its only pastor from that time until his death in 1961 was Father Lawrence H. Soest. Father Berkemeier succeeded Father Soest as pastor. The parish opened its school in 1925, and the present church building was constructed in 1955, followed by the new convent in 1959.

Father Berkemeier was ordained June 3, 1939, in Lansing, Mich., and served as pastor or assistant pastor at four different Michigan parishes before becoming pastor of St. Mary Church in 1961. The other parishes included St. Francis of Assisi Church, also in Flint.

While at St. Francis of Assisi Church, Father Berkemeier led a rebuilding effort in the community known as "operation tornado" after the devastating tornado in his parish in 1953 that killed 116 persons and destroyed or damaged 350 homes. Father Berkemeier led 7,823 volunteers who contributed their labor to rebuild 193 homes over a weekend in the devastated neighborhood.

Flint won the All America City award because of the project, and Father Berkemeier received numerous civic awards for his part.

In his blessing at the opening of "operation tornado," Father Berkemeier stated:

> Let us not rest content with what we have achieved, however, but may we go forward together, working as a community to solve our common problems—social, economic and moral.

Father Berkemeier is a very modest and unselfish man who undoutedly will be embarrassed by the honor being extended to him this weekend by his parishioners. But they have good reason to love and honor him and to be proud of the fine record that their parish has built over the last six decades.●

NAZI HOLOCAUST

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. WOLFF. Mr. Speaker, this past week marked a very special moment in both the history of our country and the history of the Jewish people. The Rotunda of the Capitol was graced with the presence of the President and Vice President of the United States, the leaders and Members of the Congress and various national and world leaders in an unprecedented tribute to the valor and courage of the 6 million Jews who were killed in the genocidal madness of the Nazi holocaust.

I was proud to be a part of this unique moment in the history of my country and faith and was honored to have served as one of the principal advocates of the national memorial service. It is for the same reasons that I was so moved by the ceremony in the Capitol that I deplored the decision by the State Department to admit Shafiq el-Hout, the head of the Palestinian Liberation Organization office in Beirut, Lebanon, into the United States for a 3-week speaking tour which will include numerous appearances on college campuses.

One of the primary reasons that I have been an advocate of national and local memorial services for the 6 million who perished in the holocaust is to remind our citizens and educate our young people about the unimaginable horrors that can take place in our world when people are driven by hate, fear and despair and when people turn their backs on reality. Certainly the Warsaw Ghetto Uprising Organization and the American Federation of Survivors have been instrumental in carrying forth the lessons of that tragic period in a meaningful and constructive way. It is my most ardent dream that such services will serve to educate the people never to repeat the tragedies of the past.

That is why I must publicly register the protest that I made to Secretary Vance on April 6, 1979, of the State Department's decision in favor of admitting a known terrorist into this country. It is indeed sad that despite the national recognition that was bestowed upon the memories of the 6 million, our State Department reflects either ignorance of or insensitivity to the terrible crimes committed in history. The admittance into this country of a terrorist leader who preaches the destruction of Israel and the Jewish people and who refuses to recognize the existence of the holocaust sadly reflects on the meaning of the "Holocaust Remembrance Week" that we just observed. I cannot help but wonder what meaning this past week had and what meaning history has to the State Department.

Mr. Speaker, I now submit for the attention of the Congress and the Nation the editorial that appeared in the April 11 edition of the Near East Report entitled "An Unwelcomed Visitor."

The editorial follows:

AN UNWELCOME VISITOR

Shafik al-Hout, the director of the PLO office in Beirut and an advocate of the destruction of Israel was admitted to the United States last week because he somehow convinced the State Department that he is against "terrorism." Invited to speak by several American groups, al-Hout was granted a U.S. visa after Secretary of State Cyrus Vance granted a waiver of the ineligibility that normally applies to PLO officials.

Al-Hout was apparently admitted under the McGovern amendment to the State Department Authorization Act of 1977. The amendment was passed to promote U.S. compliance with the 1975 Helsinki agreement and aimed mainly at admitting foreign communists to the United States. The Senate Foreign Relations Committee, including Sen. George McGovern, the amendment's author, asserted that the provisions should not be used to admit officials of terrorist groups like the PLO.

The State Department informed Congress that even though the McGovern amendment allows waivers for foreigners who would be ineligible for visas solely because of their membership in "proscribed" organizations, advocates of terrorism were ineligible for reasons that went beyond organizational membership. A letter from Assistant Secretary of State Douglas Bennet to Rep. Stephen Solarz last September said that "the McGovern amendment in no way increases the likelihood that [terrorists or advocates of terrorism] will enter the United States." Speaking specifically of PLO officials, Bennet said, "The Department of State has no desire to ease entry restrictions on such persons."

STATE DEPARTMENT LOGIC

The State Department, as a matter of policy, considers "any official of the PLO, and its designated or self-proclaimed agents or spokesmen, ineligible for visas." But since State logic holds that the PLO is not a terrorist organization—only "significant elements of the PLO" advocate terrorism—a PLO official who opposes terrorism can still be granted a waiver to enter the United States.

That's what happened with Shafik al-Hout. "Mr. al-Hout has stated that he opposes terrorism," said State Department Spokesman Hodding Carter III last week. "Therefore, in his case, in accordance with the general principle of free speech, the United States government thought it appropriate to allow al-Hout to carry out these engagements arranged through private groups and a waiver was obtained . . ."

Asked when al-Hout had stated his opposition to terrorism, Carter said, "I'm really not free to say where he said it," raising the question among some reporters that al-Hout had never publicly renounced terrorism but only did so on his visa application, knowing he would otherwise not be eligible for a U.S. entry stamp.

Other statements al-Hout has made have received wider notice. Asked in 1976 whether the PLO would settle for a state in the West Bank and Gaza, he told an NBC interviewer, "No. The Gaza Strip and the West Bank were Palestinian territory until 1967 but there was a Palestine problem that emerged in 1948. There will be no Israel because we are for a multinational state."

Asked if such statements weren't tantamount to advocating terrorism, Hodding Carter said "No." How he thought al-Hout would destroy Israel without deliberate attacks on civilians—the usual definition of terrorism—he didn't say.

Hodding Carter noted that the secretary of state is supposed to recommend a waiver of visa ineligibility "unless the secretary determines that the admittance of the alien would be contrary to the security of the United States." The secretary decided that it was not contrary to U.S. security to admit an alien who represents an organization that calls for attacks on "U.S. interests" and the destruction of a U.S. ally, and who plans to promote those views on a speaking tour of the United States. The PLO was also responsible for the murder of two U.S. ambassadors.

One of the most unfortunate aspects of granting the visa to al-Hout is its timing. Many observers in Washington expected another administration overture to the PLO at some point, but few thought such a gesture would come before the ink was dry on the Israeli-Egyptian treaty. The high-level decision to admit a prominent PLO official is a poor omen for U.S. policy on the future of the West Bank.●

INADEQUATE CHILD HEALTH CARE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. CARTER. Mr. Speaker. I would like to draw the attention of my colleagues to the increasing need for legislation which addresses the medical needs of children from low-income families.

Time and again we have been presented with reports of inadequate health care for millions of young Americans. Far too many of the Nation's children have not received basic medical and dental treatment or complete immunization from crippling diseases.

The accelerating rate of inflation has had the effect of worsening an already dire situation. The pressure of inflation has caused families to cut back on health care. As a recent study shows, cut-backs are in terms of diet and physician and dental care.

The children of the poor and near-poor are the ones who suffer most when health needs become a low priority. Yet the needs of children are relatively simple to meet and, when met, deliver among the greatest rewards of preventive medicine.

We have the professional and administrative resources to protect the children of low-income families from unnecessary pain and disease. To employ these resources more effectively, I urge my fellow Members of Congress to lend their support to the child health assurance program (H.R. 2159) which was approved by the Commerce Committee during our last session. This legislation is designed to provide diagnostic and follow-up care for children and pregnant women who, because of economic need, would otherwise be denied basic medical services.

Especially in a time when economic pressures weigh heavily, we want to maintain humane as well as practical priorities. Certainly one of the important criteria by which this Congress will be judged in the years ahead is the recognition given to American health care needs, particularly those of the young. Our bi-partisan support of the CHAP legislation gives solid evidence of congressional ability to choose its priorities wisely. The goal of improved child health richly deserves our attention and will yield the priceless return of more active and productive lives.●

PERSONAL EXPLANATION

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. MOORE. Mr. Speaker, I missed three votes yesterday due to a long-standing commitment in Louisiana and reliance upon the initial assurance given by the leadership that the House would not convene until 3 p.m. Wednesday. As my colleagues well know, the leadership announced Tuesday the House would convene at 1 p.m. Wednesday instead of 3 p.m. It has been customary since Congress first convened this year to meet at 3 p.m. on Wednesday. This expectation was confirmed as recently as last Friday by the leadership.

Had I been here, I would have voted for House Resolution 106 to urge the Federal Republic of Germany to abolish the statute of limitations for the prosecution of war crimes. In addition, I would have voted for the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER) to add $1.14 billion for the purposes of partial restoration of funds for revenue sharing to State entities. I also would have voted for the amendment by the gentleman from Missouri (Mr. COLEMAN) to reduce budget authority and outlays for the food stamp program by $650 million. The gentleman's amendment intends to address the 12-percent food stamp error rate and $6.2 billion spending cap in program operations without being punitive to recipients who legitimately need and use food stamp assistance. As it is corrective and not punitive in nature, the amendment would have received my support.●

THE MONEY SUPPLY CONTROL ACT OF 1979

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. DORNAN. Mr. Speaker, John Maynard Keynes said:

> By a process of inflation, governments can confiscate, secretly and unobserved, an important part of the wealth of their citizens. . . . There is no subtler, no surer means of overturning the existing basis of society than to debauch the currency.

A number of my colleagues have addressed the problem of inflation by emphasizing the need for a balanced budget. The focus has been on reducing Federal spending so that expenditures equal receipts. Nevertheless, while massive Federal deficit spending is undoubtedly the ultimate cause of inflation, it is not a sufficient cause. Often overlooked is the proximate cause of inflation, namely, an excessive growth in the money supply that is not in balance with the real productive wealth of the economy. What is being "inflated" in the current inflation is the supply of money—currency and bank credit—all out of proportion to the real productive wealth of the economy. In fact, inflation is often defined as "too much money chasing too few goods" resulting in a protracted rise in the general price level. Only a responsible, disciplined fiscal policy coupled with a slow and steady deceleration in the growth of the money supply—monetary policy—can effectively reverse the debilitating effects of inflation.

It is shocking to learn that, over the past 40 years, the value of the dollar has shrunk to 20 cents. In the same period, there has been an awesome growth in the money supply. At the beginning of 1940, U.S. currency and bank deposits totaled $52.7 billion. By January 1978, currency and bank deposits totaled $815.9 billion, an increase of 1,448 percent. From 1972 to early 1978, the basic money supply known as M-1—currency in circulation plus checking accounts—increased 31 percent, while the Nation's output of good and services went up only 14 percent, after discounting for inflation. The rise has been even faster in all deposits—including those in savings banks, savings loan and credit unions—known as M-2—are counted as money. The total increased 63 percent, to $1.4 trillion. from 1972 to early 1978. Keep in mind that money is supposed to be the symbol of the real "wealth of the Nation," that is, the goods and services produced by its people.

The American dollar is being debased by its own Government through massive Federal deficit spending for increasing numbers of Federal programs that can only be financed by printing more and more money—money that has no relation to the real productive wealth of the economy. Deficit spending is popular among some members of Congress because it enables them "to have their cake and eat it too." They can promise an increasing array of programs to an increasing number of constituencies—all without having to come out for a raise in taxes. In the meantime, the inflation generated by deficit spending and fueled by an excessive growth in the money supply pushes people into higher tax brackets resulting in greater income for the Government. At the same time, an inflated money supply encourages higher prices since there is more money in circulation than there are goods being produced.

Federal deficits averaged $23 billion a year in the period from 1965 to 1978. This is almost 9 times the average deficit for the previous 15 years. The Federal budget has quintupled in just 18 years from under $100 billion to over $500 billion. The national debt limit has been raised to $830 billion with interest payments on the debt amounting to some $50 billion a year, making them the third largest item in the Federal budget. And to top it all off, the Government has run up future financial commitments—social security, pensions, loan guarantees—in excess of $7 trillion—more than $71,000 per taxpayer.

How is it possible for Government to spend more than it takes in? By a process known as "monetizing the debt." The Federal Reserve System provides the mechanism that makes it easier for the Government to inflate the currency through its control of the money supply. To finance deficit spending, the Federal Reserve may enlarge the money supply either by the issuance of paper notes and/or by increasing the reserves to the commercial banks by which they may increase their loans and deposits. The Federal Reserve may now issue notes in an unlimited amount simply by purchasing Treasury obligations and paying for them with a piece of paper.

Such "printing press money" is backed by nothing but the credit of the Government. Such money is deposited in banks where it increases the deposits and reserves against which bank loans can be made. Member banks of the Federal Reserve System are required by law to maintain a minimum reserve in cash or on deposit with the Federal Reserve banks—10 percent of demand deposits for reserve city banks, the rest available for loans. But for a bank to expand its loans, it must have borrowers willing and wanting to borrow. With interest rates soaring in recent years—a reflection of the declining value of the dollar—and business uncertainty rising, borrowers are fewer. With a paucity of loan applicators, the banks, to make use of their reserves, have invested heavily in Treasury obligations, with the funds going to finance nonproductive Government programs. The injection of so much excess purchasing power into the economy, without a corresponding production of goods and services, serves only to exacerbate inflation.

The House Committee on Banking, Finance and Urban Affairs has recently—March 12, 1979—issued a report which calls for a "steady deceleration in the average annual rate of monetary expansion over the next 5 years." In a recent speech, our colleague, Congressman Parren Mitchell, chairman of the Subcommittee on Domestic Monetary Policy, has cogently articulated the case:

> We do not need to be afraid of using monetary policy to promote economic stability by slowly reducing money supply growth until it is commensurate with the economy's long run potential to increase production.

In light of all the above facts, I have introduced the Money Supply Control Act of 1979, H.R. 3833, which would decelerate the growth of the money supply—using M2—in a gradual, responsible fashion over a 6-year period in the following manner:

First. For 1979, between 8 and 9 percent;

Second. For 1980, between 7 and 8 percent;

Third. For 1981, between 6 and 7 percent;

Fourth. For 1982, between 5 and 6 percent;

Fifth. For 1983, between 4 and 5 percent; and

Sixth. For 1984, and each subsequent year, between 3 and 4 percent.

Experience in recent decades suggests that about 4 percent, or slightly less, constitutes a rate at which the American economy has been able to grow given the various limitations. Thus, my bill would insure that the money supply would be gradually reduced to avoid high unemployment and to correspond with the real productive wealth of the economy. I have also chosen to use M2 rather than M1 as a more accurate gauge of the money supply in light of the advent last November of automatic fund transfers which enable depositors to use savings accounts in much the same way as checking accounts. Banks are now permitted to transfer funds from customers' savings accounts to their checking accounts when the money is needed to cover checks. M2 includes M1—checking accounts plus currency in circulation—plus savings accounts and certificates of deposit, except for those certificates of deposit worth $100,000 or more.

To give you an idea of what my bill would accomplish, compare the above figures with the growth of M2 over the past 6 years:

	Percent
1973	8.8
1974	7.7
1975	8.4
1976	10.9
1977	9.8
1978	8.5

If unchecked, inflation, generated by irresponsible deficit spending and fueled by an expansionist monetary policy, will lead to financial decline accompanied by increasing governmental controls—at the expense of our cherished liberties. We must avert such an unthinkable prospect while there is yet time.

Mr. Speaker, I was absolutely delighted to discover in yesterday's edition of the Wall Street Journal, an article by Prof. Allan H. Meltzer that reflects my own position on monetary policy and prescribes—in exact detail—my own policy for a stable monetary growth as embodied in the Money Supply Control Act of 1979. If we can reduce the monetary growth rate by 1 percent a year for the next few years, we will have achieved a significant victory against the inflationary pressures that are ravaging our economy.

Mr. Speaker, it is a privilege for me to submit today that article by Prof. Allan H. Meltzer, the distinguished Maurice Falk, Professor of Economics and Social Science at Carnegie Mellon University, as it appeared in the May 9, 1979, edition of the prestigious Wall Street Journal:

AVOIDING THE MONETARY SHOALS

(By Allan H. Meltzer)

Just about everyone except the Federal Reserve seems now to have learned that sudden changes in the growth rate of money are, a principal cause of booms and recessions. Sustained increases in money put additional spending power into private hands, temporarily lower interest rates and increase spending. Reductions in money reverse this process and, if sustained for several quarters, reduce spending.

Changes in monetary growth are not the only cause of fluctuations in the economy. The oil shock in 1974 reminded us that the economy does not respond like a yo-yo to each push or pull of the monetary string. Non-monetary factors matter. Sometimes, as in 1974, they matter a lot.

But it is monetary factors that are currently a main cause for concern. All of the closely watched measures of monetary growth have fallen sharply from peaks reached between September and December. For example, the six month growth of M1, currency and demand deposits, has fallen from more than 10 percent to about zero. I cannot recall any time in recent history during which so large a drop occurred in so short a time.

There isn't much doubt about the timing or direction of change. Interpreting the magnitude of the declines since the peak is difficult, however. Current monetary statistics may indicate that the economy is headed toward a major recession, a mild recession or perhaps no recession at all. The numbers that could give more accurate information cannot be separated from available financial data.

REGULATION AND INFLATION

The main causes of the problem are government regulation and inflation. Prohibition of interest payments on demand deposits, differences in reserve requirements for different types of deposits at banks and thrift institutions and a laundry list of regulations and prohibitions create incentives for financial institutions to develop financial instruments that reduce the private cost of regulation.

Money market funds are an example. The funds currently hold $20 billion that has come mainly from bank demand and time deposits. The funds offer checking accounts and pay competitive, market interest rates which are now higher than the rates banks are legally permitted to pay to depositors who have less than $100,000. The money market funds buy certificates of deposit or Eurodollar deposits from banks in denominations of $100,000 or more, so the banks get back many of their deposits in different form. The certificates of deposit and Eurodollar deposits are subject to lower reserve requirements than demand deposits, so the banks are able to reduce costs by reducing their non-interest bearing reserve accounts at the Federal Reserve banks.

Inflation encourages the owners of financial assets to take on the additional costs of learning about, and using, the new instruments to get higher interest rates.

Every monetary aggregate—the numbers added together to form M1, M2 (which includes time deposits but not large certificates of deposit) and others Ms—must be adjusted to reflect the new financial instruments and practices, but the size of the adjustment is different for every aggregate. If we knew how much of each new financial instrument is a substitute for demand deposits, time deposits, savings and loan shares, currency and other components of the aggregates, classification would be easy. But this information cannot be estimated reliably.

Restrictions on interest payments and differences in reserve requirements create two avoidable risks. One is the risk that misinterpretation of monetary policy causes a major policy error. The other is the risk of a financial panic started by a run against one of the new financial institutions in which people hold their financial assets. Neither risk may be large in an absolute sense, but both are larger than necessary.

The risk of a major error in monetary policy arises because M1, M2 and other Ms do not have the same meaning that they had before the development of ATS, NOW accounts, overnight repurchase agreements, money market funds and many other assets. Money growth may be pushing the economy toward substantially higher inflation or deeper recession than we know or believe.

The risk of a panic arises if a large seller of commercial paper, Eurodollars or other instrument defaults. These instruments are indirectly held by individuals and small firms through their participation in some of the substitutes for demand and time deposits like the money market funds that are now widely used. The substitutes are not insured. Here we have the ingredient for the type of financial panic that we have not experienced since deposit insurance started more than forty years ago.

I repeat; the probability of panic is small. But the probability is increased by the failure of Congress to repeal Regulation Q, repeal the prohibition against interest payment on demand deposits and to permit interest payments on required reserves. The Fed could also state that it intends to act as a lender of last resort to the entire financial system.

Now that other monetary aggregates have become difficult to interpret, the adjusted base, published by the Federal Reserve Bank of St. Louis, is the most accurate record of what the Fed has done. The reason is that more than 97% of the adjusted base consists of gold and credit supplied by the Federal Reserve. Whenever the Federal Reserve undertakes open market operations or changes reserve requirements, the base changes by the exact amount of the bank reserves released or absorbed by the Fed's action.

In past cycles, the growth rate of the base often declined between two and four calendar quarters before the cyclical peak in GNP. The timing of the reduction in the growth of the base often reflected a sudden shift in political "priorities" toward anti-inflation policy. Excessive monetary expansion gave way to excessive contraction.

CHANGES IN THE ADJUSTED BASE AT CYCLICAL TURNING POINTS

Date of cyclical money	Date of peak rate of growth of base money	Lead in calendar quarters	Maximum reduction in growth base of money (percent)
Quarter:	Quarter:		
3d, 1957	1st, 1957	2	1.9
2d, 1960	2d, 1959	4	2.4
4th, 1969	4th, 1968	4	4.3
4th, 1973	1st, 1973	3	2.8

In each of the four recessions shown in the table, which uses the St. Louis Fed's adjusted monetary base figures, the peak growth of the base precedes the cyclical peak in the economy by two to four quarters. The growth rate of the base starts to rise when the recession starts or just before. The patterns differ, however. In 1958 and 1960, the growth rate of the base rose above its previous peak growth rate within two or three quarters. In 1973–74, the growth rate of the base rose for two quarters, then declined as renewed concern about inflation swept over the Federal Reserve, the Congress and the administration.

Currently the growth rate of the adjusted base has fallen from a peak of 10.2% in 4th quarter 1978 to 6.1% in 1st quarter 1979. The two quarter moving average, used in the table, has fallen from 10% to 8.1%. The growth rate of the base for the 12 months ending in March is about 8% also. Further reduction in the growth rate of the base, or continuation of the 6% growth, is likely to produce a recession late this year or early next year. Calls for "tighter money" now increase the risk of a serious recession.

LIKELIHOOD OF RECESSION

On many previous occasions the growth rate of the base has fallen for a quarter and then surged upward. The current decline in base growth has not continued long enough to make a recession certain, but the longer 6%, or lower growths, continues, the more likely a recession becomes.

A new surge of private or government borrowing, however, would change the outlook considerably. If the Federal Reserve supplies a billion dollars of base money for two or three weeks in a row, the annual growth rate of the base will be near the peak rate of last fall, and the chance of a recession induced by monetary contraction recedes. To prevent either excessive monetary expansion or excessive contraction this year, the Shadow Open Market Committee, a group of private economists, recommended that the Federal Reserve announce that the annual growth rate of the adjusted base will be held at 8% until August, then reduced by 1% a year for the next five years. The House Committee on Banking, Currency and Urban Affairs recommended a similar program unanimously. Instead of adding to current uncertainty by urging the Federal Reserve to overreact, spokesmen for the administration should seek to reduce uncertainty by encouraging the Federal Reserve to adopt this policy. The Congress can contribute by eliminating regulations that increase current risks and make the future more opaque than it has to be.●

ALUMINUM RECYCLING CONTEST

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. YATRON. Mr. Speaker, it is my distinct pleasure to bring to the attention of the House of Representatives the outstanding efforts of the students at the Tamaqua Area Junior High School to clean-up the environment in the Tamaqua, Pa. area.

On April 23, the student council, assisted by the Cybernetics Club, of the Tamaqua Area Junior High School held an aluminum recycling contest.

The students collected several thousand cans which were then weighed, separated and bagged for recycling. The cans were then sold for $200 to the Reynolds Aluminum Co.

Mr. James Russo, guidance counselor and project supervisor advised me that this clean-up project could become an annual event at the school and that they are planning a similar contest for next year.

The prize offered for gathering the most aluminum was a free "burger blast" at a local restaurant. Mr. Dave Houser of Andreas, Pa. won first prize in the individual category by collecting 97 garbage bags full of caps, weighing 550 pounds. The group prize went to the Blue Devils.

Members of the Student Council who organized the clean-up campaign were: president, Peter Baddick; vice-president, John Baddick; secretary, Cathy Anderson; treasurer, Pam Silus; financial secretary, Mark Cunningham.

The representatives of the Cybernetics Club were: Debbie Gerhard, Kim Edmonds, Cheryl Konstas, Larry Tennant, Ann Zeplin, Jimmy Gormley, and John Whitely.

I know that all my colleagues will join with me in commending the initiative and concern of these fine young Americans. It is my genuine hope that young Americans all across our country will follow the excellent example set for them by the students of the Tamaqua Area Junior High School.●

FREEDOM STILL DENIED FOR LEV ROITBURD

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. LEHMAN. Mr. Speaker, I again would like to bring my colleagues' attention to the continuing plight of Lev Roitburd by participating in "Shatter the Silence, Vigil 1979," a reminder of the severe difficulties still faced by Soviet Jews and others who wish to emigrate from the Soviet Union.

Lev Roitburd, an aeronautical engineer, his wife, Liliya, and their son, Sasha, have repeatedly been refused permission to emigrate from the Soviet Union to Israel. The Roitburds first applied for exit visas in 1972. Shortly thereafter, Lev and Liliya were dismissed from their jobs. The following 6 years can only be described as a living nightmare which exists to this day. Continual threats of arrest were realized when Lev was beaten, arrested, and sentenced to 2 years in prison. After spending 1 year in prison and 1 year in Siberia, Lev again applied for permission to emigrate. He has twice again been denied exit visas for himself and his family. Needless to say, the Roitburd's parents who live in Israel are aging without any hopeful sign that they will be reunited with their children, and with the fear that they will never meet again.

The recent gesture by the Soviet Union's release of 10 human rights activists is a very welcome sign. I am hopeful that this gesture will be followed by a policy change which will end the years of waiting for refuseniks who have already endured so much. Hope is renewed for the Roitburd family. We must not now fall silent but should press on and speak out for the rights of the Roitburds and other prisoners of conscience to be reunited with their loved ones.●

THE CONGRESSIONAL COAL GROUP

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. RAHALL. Mr. Speaker, the Congressional Coal Group, an informal organization of over 60 Members of the House representing coal-producing and coal-consuming districts, held a hearing yesterday to lay the groundwork for a unified effort with the administration, to bring about a solution to our Nation's energy problem.

My colleagues and I believe that this very informative session is the beginning of an awareness process, that will prove to the administration that the only way to energy independence is through the expanded use of coal.

The Coal Group was formed to be a watchdog for coal. Each Member realizes the potential energy source that exists, and I am sure each Member has had to answer the same question asked over and over by their constituents, "Why not coal?"

The Congressional Coal Group is dedicated to working for an energy program, in which the American people will no longer have to ask that question.

Yesterday, we heard testimony from 25 of the most knowledgeable people in the coal field. Every aspect of coal production and utilization was discussed: from the transporting of coal and the equipment used in mining it, to the labor force and new mining techniques.

We were joined by representatives from the Department of Energy, the Department of Interior, and the Environmental Protection Agency for this joint effort.

Throughout the day-long hearing, one major point was continually raised: "There is a lack of commitment to coal." In short, Government policies and attitudes need revision to bring about increased demand for stockpiled coal.

On April 5, President Carter referred to coal as "our most abundant fuel resource." The Congressional Coal Group wants to see the commitment to coal become a reality.

The hearing brought home the point that the coal industry is in serious trouble. Already over 12,000 coal miners have been layed off, with the expectation that many more layoffs will follow.

With dwindling supplies of oil and gas, growing dependence on unstable and expensive sources of oil and the realization that nuclear and solar power are not yet ready to meet our needs, it is obvious that coal holds the key.

Mr. Speaker, those of us who grew up in the coalfields are frustrated because we know "black gold" can be our ace in the hole. We are willing to work with the administration. We are willing to work with our colleagues in the House and Senate, and we are committed to do what is right for the American people.●

THE EDUCATION DISASTER

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. MICHEL. Mr. Speaker, we will soon be voting on a new Department of Education. Before we vote I hope everyone gets a chance to read a recent column by Andrew M. Greeley, published in the Chicago Sun Times. In that article, the syndicated columnist shows what the educational elitists did to American children in the 1960's. To reward the education establishment for this gigantic failure in education by giving its leaders a Department of Education would be one of the worst mistakes this Congress has ever made.

At this time I wish to insert in the Record, "Sneaky Survivor of the '60's" by Andrew M. Greeley, published in the Chicago Sun Times, May 8, 1979.

The article follows:

Sneaky Survivor of '60's

(By Andrew M. Greeley)

The 1960s are still very much with us. The evil effects of decisions made during that disgraceful decade are going to plague America for a long time.

One of the dishonest tricks of the '60s was to use minority militants and the Vietnam War as excuses for imposing changes on American society that nobody wanted but that were largely unopposed because of the guilt feelings of those who should have opposed them. Among the worst cases of this fakery was the abandonment in many schools of rigorous standards of secondary education. The result has been the frightening decline of the performance on standardized tests of American high-school seniors.

Paul Copperman, in his book "The Literacy Hoax" (Morrow), traces the decline and fall of American secondary education in the name of socially concerned relevance. His evidence is overwhelming:

For most of the years of this century, the literacy of young Americans increased. In 1963, the reading scores of American adolescents were at an all-time high.

In the 15 years following, the bottom dropped out, mostly because secondary-school teachers and principals became reluctant to insist on academic performance in the name of serving the special needs of minorities. As far as I know, no one even bothered to ask the minority parents whether they wanted literacy standards abandoned.

To the extent that there is any evidence at all, black parents are even more insistent than white parents on tough academic performance standards.

The reaction of the educational establishment to the test score collapse has been interesting. First of all, the score decline is shrugged off on the grounds that it is the result of large minority enrollments in public high schools. In fact, as Copperman demonstrates conclusively, the major increase in minority enrollment was before 1963, precisely at a time the literacy performance scores were going up, not down.

Furthermore, it seems that the declining scores have been as sharp in many suburban upper-middle-class schools where there are no minorities as they have been in urban school systems where there are.

A decade and a half ago, in other words, American educators decided they were no longer terribly interested in teaching young people to read. They used the minorities as a pretext for turning away from doing that for which they are paid, and now that the chickens are coming home to roost, they're blaming their failing on the minorities.

Secondly, the professional educators are beginning to demand the elimination of standardized tests. If tests show that schools are doing a bad job, the solution seems to be not to improve the work of the school but to abolish the tests—much like the ancient custom of lopping off the head of the herald who brings bad news.

The same set of excuses are trotted out that standardized tests are unfair to minorities. One fool, whom Copperman quotes, actually argues that standardized tests "murder children."

Do certain groups in society, for reasons that are not their fault, have a hard time acquiring reading skills? The answers seems to be, if one is to believe such educators, not that the schools should redouble their efforts to transmit skills to children from these groups; rather, the schools should abolish the tests that measure reading ability so that no one will know that these young people are deficient in reading—no one except the kids themselves and the people who hire them!

So far, the professional educators have gotten away with it, as they've gotten away with every other ideological fad they have imposed on the U.S. taxpayer and his or her children. It is time for parents—of whatever racial background—to decide that education is too important to be left to professional educators.●

CHILD HEALTH LEGISLATION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. WAXMAN. Mr. Speaker, today I am introducing the administration's proposal to strengthen and improve medicaid services for low-income children and pregnant women. This legislation, known as the CHAP proposal, is a revised version of the child health assessment program which was considered in the last Congress.

Last session's proposal was the subject of extensive, careful consideration by the Subcommittee on Health and the Environment of the Interstate and Foreign Commerce Committee. The measure which was reported by the subcommittee and approved by the full committee made many significant improvements in the original legislation the administration had suggested. Unfortunately, that bill did not reach the floor last year. But it is a great source of satisfaction to me and my colleagues on the subcommittee that the administration has now included in its current proposal a great number of the provisions developed by the subcommittee last year.

Many of the Members may know that in February I joined with my colleague, Congressman Andrew Maguire, of New Jersey, to sponsor child health legislation. That bill, H.R. 2461 is the bill that I continue to favor. However, the significant improvements which have been made in the administration proposal this year have resulted in a bill which is also worthy of all my colleagues attention. It contributes many sound ideas and concepts to the child health debate. The strong common base between H.R. 2461—the Maguire-Waxman bill—the administration proposal I am introducing today, and H.R. 2159, the proposal introduced earlier by the esteemed ranking minority member of the subcommittee, Dr. TIM LEE CARTER, will result in an active partnership to produce strong child health legislation this year which will be deserving of all the Members' support.●

THE NASHVILLE SOUNDS

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. BONER of Tennessee. Mr. Speaker, the story in all of professional baseball in 1978 was the Nashville Sounds. Nashville, after a 15-year absence from professional baseball, returned to the Southern league in new Herschel Greer Stadium. From opening to closing game, Nashville set record after record while drawing attention from coast to coast. For the year, Nashville led all of minor league baseball by drawing 380,159 people for 57 playing dates. On 12 of these dates, Greer Stadium overflowed with 10,000 or more.

There were many reasons for the outstanding success of the Nashville Sounds. Excellent baseball, good clean family entertainment, excellent promotions, constant activity during the games, great food, good parking, and low prices all contributed to this first-year success. The Sounds used promotions such as Used Car Night, Bat Night, T-Shirt Night, Picture Night, and Helmet Night to stimulate the fans. These are just a few of the reasons Nashville led minor league baseball in attendance and won almost every minor league award in 1978.

This success was not luck or simple happenstance. It was the result of excellent organization from the owners and managers, down to the maintenance crews, and secretaries. The Sounds were the brainchild of Mr. Larry Schmittou, club president, part owner, and stadium manager of this fine organization. After meeting and overcoming many obstacles, Mr. Schmittou was able to provide an exciting outlet for Nashvillians at a relatively low cost. As a result of his innovative efforts, he was awarded the Larry MacPhil Trophy as the best promoter in the minors and "The Sporting News" prize for being the top minor league executive for 1978.

The general manager of the Nashville Sounds is Mr. Farrell Owens, long a familiar name in middle Tennessee baseball circles. Mr. Owens has a personality unique in the baseball establishment. He is outgoing and always willing to take time to help anyone with a baseball problem. He was recently voted into the Nashville Amateur Baseball Hall of Fame by the Old Timers Associations.

The owners of the Nashville Sounds are names prominent in both national and local circles. They include Robert "Bob" Elliott, William "Billy" Griggs, Jimmy Miller, Walter Nipper, Jr., Jerry Reed, Cal Smith, Gene Smith, Marcella Smith, Reese L. Smith, Jr., Russell L. Smith III, Stephen B. Smith, Richard Sterban, Conway Twitty, and L. E. White. Along with Mr. Schmittou and Mr. Owens, these people provided the means to place the Sounds on a strong financial foundation.

No organization can be stronger than its staff, and the Sounds have a good one. They include Sgt. Terry B. Aiken, George Dyce, Ragsdale "Rags' Drennon, Leon Harper, Mike Nasypany, Shirley Schmittou, Chuck Morgan, Jeanne Carney, Jackie Sullivan, and Geri Schrantz. These people all are vital parts of the Nashville Sounds.

The Sounds have also provided Herschel Greer Stadium, a stadium of which Nashvillians can be proud. There are 3,000 theater-type seats, an air-conditioned press box with two radio booths, and an organ booth that provides pregame and between inning music. The electronic scoreboard provides inning by inning scores and other pertinent information. Built on Fort Negley, site of one of the great battles of the Civil War, Greer Stadium has been expanded from the original 8,800 seats to nearly 13,000 for the 1979 season. Because of these fine facilities, the National Association of Intercollegiate Athletics (NAIA) will hold its World Series at Greer Stadium for the next 3 years.

I ask the House of Representatives to join me in this expression of appreciation to the Nashville Sounds, with wishes of continued success and outstanding growth.●

SCIENCE AND THE AUTOMOBILE, PART III

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. BROWN of California. Mr. Speaker, for the past 2 days I have been addressing the importance of the automobile to our society, and the role that science plays with this complex subject area. The automobile industry has tremendous research and development capabilities, which it appears to use for only modest purposes and only minor technological changes, rather than technological breakthroughs and fundamental changes in the whole automobile.

One area where the automobile industry has been especially lax has been in investigating alternatives to the internal combustion engine. My association with automobile industry engineers has convinced me that there is great interest at the engineering level in these alternatives; an interest which declines as one moves up the corporate structure toward the top policy levels. The recent decision by the Ford Motor Co. to withdraw from participation in a joint Government-industry Stirling engine development program is an excellent example of this. Under the "Automotive Propulsion Research and Development Act of 1978 (Public Law 95-238), the Department of Energy was encouraged to develop cooperative programs with industry in developing new energy efficient, clean engines, such as the Stirling engine, which is an external combustion engine. The decision by Ford Motor Co. to withdraw was opposed by Ford's engineers, but required by the very highest level in the Ford Motor Co. This action was bad for both Ford and America.

Mr. Speaker, the third part of a four part series from the Detroit Free Press describes this aspect of the automobile industry's problem in meeting the demands of society.

The article follows:

[From the Detroit Free Press, Apr. 24, 1979]

CAR SCIENTISTS: WASTED TALENT?

(By Judith Serrin)

For two hours recently, four top scientists at the Chrysler Corp. headquarters in Highland Park talked about how government programs were hampering their research and about how corporate projects were being sidetracked by such requirements as building a catalytic converter to reduce automobile emissions.

Some of the rules were ill-advised, said one scientist. The government was unfair, added another. A third noted that during the Christmas holidays, researchers had to be brought in and paid triple time to complete work for 1980 emissions certifications.

Leo Clougherty, Chrysler's chemical research manager, said, "Overnight we had to drop all our projects, and overnight we had to become emissions experts. Our department has never done anything else since that time . . . and that's a crime."

Yet, when asked what work in recent years made them proudest, the four scientists were unanimous: the catalytic converter.

The incident illustrates contradictions that surround scientists and researchers in the automobile industry.

On one hand, they are defensive; feeling they are viewed with disdain by the government. On the other hand, they are proud; insisting that no matter how much they dislike what they are doing, their work is excellent.

John H. Engel Jr., manager of high temperature materials for Chrysler, said, "I think sometimes the people in Washington think that what we do, we do all this work and hide it. . . . All of the controls that have been placed on automobiles so far would have been impossible without the cooperation of the automobile industry. . . ."

The companies say they worked on energy and emissions problems before government regulations.

A GM brochure explains that in the late 1950s, the company tested a catalyst made by Eugene Houdry, an oil industry inventor so frightened by exhaust emissions that he built a catalytic converter for his cigarette holder.

As of last year, said William Agnew, a technical director at GM Research Laboratories, the company had tested 201 engines, none of which proved as good as the present internal combustion system.

But GM did not, for example, hire its first catalyst expert until 1967, even though Lawrence F. Hafstad, research director from 1955 to 1969, said he saw government regulation coming and worked to strengthen GM's laboratory in the areas likely to be affected.

It is also true that the companies can do—and have done—remarkable things. Their role in wartime is often cited. At the beginning of World War I, for example, the Dodge brothers volunteered the services of their automobile company to the U.S. war board. The board asked, can you build so many thousand French 77mm gun recoil mechanisms by a set date? The Dodges replied: "Yes. What are they?"

During World War II, said Paul Chenea, vice-president for research at General Motors, two-thirds of the products the company made were new to the industry.

Charles Heinen, director of research and materials at Chrysler, said anybody who drove a car in 1913 would recognize that tremendous changes have been made. When Brock Adams, U.S. secretary of transportation, said there has been no major development in automobiles in the past 75 years, he was being "patently ridiculous," Heinen said.

At the GM Research Laboratories, Nils L. Muench, a technical director, said, "Many people are confused about research. They think that something called basic research is sacred, and if you're not doing basic research, you're not doing the finest type of human endeavor."

But D. W. Teague, chief research scientist at Chrysler, said "We seldom do anything for the sake of science. But we're also close enough to the final product that it gives you a great deal of satisfaction."

In many ways, these are exciting years for automobile researchers. For one of the few times since GM pioneered the annual model change in the 1920s, the scientists find their work probably as important to the fate of the company as the work of the stylists and designers.

The research department is "in the mainstream of the problems that the corporation faces," said W. Dale Compton, vice-president for research at Ford Motor Co. Another Ford official adds, "Careers are being made. Guys will make vice-president" by solving those problems.

In addition, says Robert McLean, a former GM research and now director of automotive research for the new DeLorean Motor Co., "A great many young engineers feel that for the first time their work has a purpose, that they are helping solve socially important problems."

The thousands of scientists in the automobile industry represent a range that may be surprising: ceramics, polymers, metallurgy, biology, chemistry, optics, cryogenics, atmospheric chemistry and psychology, for example.

Across the industry, the significant areas of research are electrochemistry, which is important for emissions control; lightweight materials, such as ceramics, plastics, and new composites, and microprocessors—chip-size computer controls within the car.

Automotive scientists are among the best equipped in the world. The work is heavy, with overtime and weekend projects common. For example, the wind tunnel at Ford—used to plot the aerodynamic flow around a car—runs 24 hours a day, seven days a week.

Even Ralph Nader, the consumer advocate and pioneer industry critic, says that the automotive scientists have "incredible talent" and "potential creativity."

Nader contends that the scientists' loyalty is more to the company than to chemistry or physics or aerodynamics. The companies, he charges, stifle the creativity of the talent they monopolize. He says automotive scientists are in the same positions as "the peasants in medieval times who never knew they were serfs."

Beno Sternlicht, chairman of Mechanical Technology Inc., a New York firm working on development of the Stirling engine, says that, in general, automotive researchers "are extremely competent when it comes to manufacturing and extremely weak when it comes to anything else."

Researchers say the job has its share of professional frustrations.

Some are bound to take personally the criticism of automobiles on grounds of safety, emissions or energy. Others tell of finding a solution to a problem, then being told their solution is too expensive, and in turn having to tell government officials that a solution is impossible.

McLean, now at DeLorean, worked in research and design at General Motors for 21 years. His last project for the company was to manage the safety air bag project, which, he says "at one time was scheduled for installation."

McLean says he "got disgusted and left" GM when the company, faced with what it considered impossible government deadlines for installation of air bags, dug in its corporate feet and dropped what installation had been scheduled.

"The industry just turned around overnight on that one," McLean said. "It became more of a political thing than a technological thing."

There is also an effect from self-imposed limits. Like the majority of salaried workers in the automobile industry, the scientists and researchers are incrementalists, uncomfortable with dramatic change.

Typically, they join the auto companies right out of college and are attracted more for the security than the challenge.

The percentage of people with doctorates is high—more than 50 percent, for example, at GM. The pattern is so set, says GM's Muench, that he sometimes wonders whether the company would today hire Charles Kettering, the man who, although he had only a bachelor's degree in engineering, proved capable of founding the research department.

David Cole, director of the Center for Automotive Studies at the University of Michigan, said when the companies recruit, "They don't want all of the top innovative type of people. They're looking for a range of individuals. You can't have all leaders. The preponderance of people that they are looking for are good, solid implementers." ●

MILITARY PAY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. BOB WILSON. Mr. Speaker, there is an unfortunate misconception among some sectors of the public and even some Members of Congress that the "average" serviceman is a highly paid officer, sitting in the Pentagon, marking time until he makes general. While this is a highly inaccurate description of the "average" officer, such a perception is especially out of touch with reality when we consider that fact that 85 percent of our military force is comprised of enlisted personnel.

I feel that this is a particularly important distinction to make, however, since it appears likely that the debate will intensify over the next few years with respect to the proper level of pay, retirement, and other benefits for the Armed Forces. When we are talking about retirement and other programs, we should keep in mind that the individual involved is not a two-star general, but rather an E–7 with a wife and several children, from whom he has been separated on a number of occasions for long periods of time due to the needs of the military.

Within this context, I would like to call to the attention of my House colleagues a commentary which recently appeared in the Air Force Times relative to military pay and I commend it to you for careful study:

IS EM/OFFICER PAY GAP RIGHT?

What follows will come as no surprise to anyone who has studied a military pay table recently. It amounts to a detailed explanation of the obvious: that enlisted members make less than officers.

But somewhere amid the figures, there is a more subtle point to be made: that the officer/enlisted pay gap has widened over the years into a lifetime earning gulf of major proportions. That's the purpose of this exercise.

First, consider the most obvious differences between officer and enlisted pay—those in the pay tables. For purposes of comparison, the figures used are for enlisted grades E–1 to E–9 and for officer grades O–1 to O–6. General and flag officers are not included.

Basic pay for a beginning enlisted person is about $419 per month. An officer starts at about $773—about $354 more per month.

Within a year, the gap has narrowed a little. The average officer remains an O–1 at $773, while the average EM has made at least E–2 ($468) and possibly E–3 ($485). The O–1/E–3 pay gap is down to $288.

After two years, the average officer has made O–2 ($973 per month) and the enlisted person either is an E–4 or will be within the year ($553). The officer/enlisted pay gap has increased to $440.

At four years or a little more, the average officer will be an O–3 making $1351. The enlisted member will be an E–4 ($608) or E–5 ($626) and the pay difference will be from $725 to $743 per month.

At 10 years or a little beyond, the officer will be an O–4 making $1622 per month. The average EM will be an E–6 drawing $789—about $833 less.

After 20 years, the average officer will be an O–5 drawing $2221 per month. The average EM will be an E–7 ($1020) or an E–8 ($1156). The pay gap will be $1065 or $1201.

Beyond 20, the officer who makes O–6 draws $2597 (over 22 years) and, if he stays long enough, reaches the peak field grade pay of $2817 (over 26). If the enlisted member makes E–9, his pay will go to $1388 (over 22 years) and later, will peak at the top enlisted rate of $1523 (over 26). The officer/EM gap at over-22 is $1309. At over-26, it narrows slightly to $1294.

These are monthly pay rates, of course. In terms of annual income, the pay difference between an E–9 and O–6 (both over 22 years) amounts to more than $15,700.

Now, under current pay tables, percentage differences in officer and enlisted pay remain more or less constant. The pay of an E–3 with over two years, for example, is about 53 percent of the pay of an O–2 with over two. And the pay of an E–8 with over 20 years is about 52 percent of the pay of an O–5 with over 20.

While this ratio holds more or less throughout the officer and enlisted careers, the dollar difference tends to increase with the years. There are several reasons.

A promotion, for example, is worth more to officers, particularly in the lower ranks. A promotion from O–1 to O–2 means $168 more per month. The boost from E–1 to E–2 means only $48 more. At over 4 years, an O–2's promotion to O–3 adds $143 to his monthly income. At the same point, a hike from E–4 to E–5 adds only $18 per month.

In the higher grades, promotions tend to mean bigger pay boosts, but throughout the grades, longevity raises for officers remain larger than those for EM. An O–2's fogey increase for passing the two-year point, for example, is $87. An E–3's increase is $27 and an E–4's is 28. Passing four years, an O–3 gains $130, while an E–5 picks up only $27. Passing the 20-year point, an O–5 gains $182 while an E–7 gains only $13.

Annual across-the-board percentage pay raises also tend to maintain the ratios of officer and enlisted pay, but in terms of actual dollars, they widen the gap.

Say, for example, that an enlisted member is making $600 per month and an officer $1200 and both receive a five percent raise. The EM's new pay ($630) still is half the officers ($1260). But the dollar gap has increased from $600 to $630—an added $30. Another five percent raise would widen it by $31.50, and so on.

Come retirement time, of course, both officer and enlisted member base their annuities on basic pay, and whatever it is, they are locked into their respective pay.

Both retirees will receive regular cost-of-living increases, of course. These wil keep officer and EM in the same relative pay ratio. But again, the dollar gap will widen.

How much this dollar gap in retired pay amounts to over a lifetime depends on a host of factors almost impossible to weigh. The President's pay commission last year tried estimating typical values for 20-year and 30-year retirements. At 20 years, the panel said, the enlisted annuity would be worth $190,000 and the officer annuity $420,000. At 30 years, the values were $280,000 and $590,000. The figures included some regular increases for inflation.

Now, your reaction to all of these revelations well may be a hearty "So what?" Officers always have more money than enlisted members. On the average, officers come to the services several years older than EM and with more education. They move quickly into positions of more responsibility, and as the bottom line, they become the bosses. That's life.

That, indeed, is life. But in recent years, some enlisted associations have questioned whether that is the way life necessarily should be.

For one thing, they note, the officer/enlisted pay gap is not just in basic pay. There is a sizable difference in quarters allowances too. A married E-1 draws $150 per month and does not receive more until he makes E-4. A married O-1 starts at $205 and gains $50 with promotion to O-2.

EM have a slight edge on subsistence pay because theirs is a variable rate while officer BAS is fixed at about $63 per month. But the difference (about $27 per month) is more than offset by higher officer BAQ.

Flying EM begin at $50 per month—half the officer flight pay rate—and must be at least E-7 to earn the top $105 per month. Officers start at $100 and are making $245 after six years of flying. A new service proposal would raise all flight pay by 50 percent. EM would get boosts of $25 to $52.50 if Congress approved the plan. Officer fliers would see increases of $50 to $122.50.

Other hazard pay rates are fixed at $110 for officers and $55 for EM.

Various travel and per diem payments are higher for officers than for EM. Dislocation and Family Separation Allowances are tied to BAQ and, thus, also vary by grade.

Critics of the pay rates concede that there is argument for the officer/enlisted differences in basic pay. For his age, education and responsibilities, a new officer probably should receive more than a new recruit.

But should the gap persist and widen with additional service? This question has been raised more often recently as the services have lost officers and have substituted senior NCOs as managers. A 20-year E-8 replacing a first lieutenant with less than four years draws less than the officer did on the job. A four-year O-3 makes more than any enlisted member except an E-9 with more than 22 years.

In terms of retired pay, there is almost no way for an enlisted to claim as much as an officer. The retired dollar gap also increases with cost-of-living raises and it lasts a lifetime.

Some enlisted members argue that, after the head start officers may have, there should be a catch-up point somewhere. During their careers, many EM earn college credits, gain experience, mature and take on responsibilities close to those of many officers. If they do not deserve the same pay as officers with similar service, they say, at least the pay gap should not continue to grow.

And even if the basic pay gap continues, some EM contend, enlisted members should not take the double penalty of lower compensation in other areas. Basic pay, they argue, should be the only pay geared to rank, training and responsibility. Living allowances, hazard pays, travel money and other forms of compensation should not depend on status.

It's doubtful such arguments will cause any early change in the pay structure. The cost would be prohibitive. But it is possible that, as Congress considers new pay measures, it will look more closely at the officer/enlisted differences. It is likely, at least, that Congress will hear a good deal more in the future about officer/enlisted inequities.●

ENERGY COMPANY OF AMERICA

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. MINISH. Mr. Speaker, the recent attempts by the multinational oil companies to thwart the World Bank's interests in developing non-OPEC oil resources vividly illustrate the lack of commitment to the public interest by these companies.

The World Bank has initiated a $3 billion investment plan that it hopes will increase worldwide oil production by 6 million barrels per day.

According to a May 6 report in the Washington Post, Exxon Chairman Clifton Garvin met with Treasury Secretary Michael Blumenthal to urge abandonment of the project.

Such blatant and callous self-interest is further proof that Congress must act to protect the public interest.

Mr. Speaker, the development of worldwide oil sources that are beyond the grip of the OPEC cartel would be of immeasurable benefit to the American people. An increase in supply would loosen OPEC's hold on the pricing mechanism to which we now are helplessly bound.

Unfortunately, our own oil companies do not have the motivation to develop alternative sources of petroleum supply. These companies have privileged access to the OPEC market, and have cultivated this access over the years. To protect their supply, the multinational companies are willing to pay any price asked for oil. And why not, since the increases automatically are passed on to the American consumer?

A solution to this dilemma does exist. On Wednesday, May 2, I introduced H.R. 3885, which would create the Energy Company of America.

The Energy Company of America would be a nonprofit entity responsible to only one interest: That of the American people. Among its functions would be to aid friendly nations around the world in developing their full oil producing potential. There is an untapped wealth of petroleum reserves outside of OPEC in Africa, Asia and Latin America.

It would surely be in the national interest to aid in the development of these reserves in return for increased oil supply at reasonable prices.

Mr. Speaker. The Energy Company of America would have a number of other important functions, including the authority to import oil and develop our own resources here at home and to create a reserve supply of energy for use in case of national shortages.

We must begin to formulate a comprehensive plan for the future. I urge the appropriate committees to begin action on this bill.●

THE END OF LIBERALISM

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. MICHEL. Mr. Speaker, occasionally a newspaper article summarizes, in a few paragraphs a complex and difficult subject. Such was the case recently in an article published in the Chicago Sun Times. "Mondale Lets Go of His 'Liberal' Tag," said the headline. The report told of Vice President WALTER MONDALE's refusal to use the word "liberal" to describe himself and his policies. In many ways it is an enlightening and even historic article. Evidently, we have reached the end of an era. When WALTER MONDALE does not embrace the word liberal, things have certainly changed.

Before I insert the article in the RECORD, however, I do want to comment on two points it raises. First, the Vice President states that he is dropping the word liberal because it interferes with communication. I am not quite certain what the Vice President means by that. I would appreciate it if any Members of the House who, like the Vice President, have dropped liberal in favor of progressive, can inform me why the word they were so proud of only a few years ago is now seen as a barrier to communication. Could it be that the barrier is one raised by voters themselves who have been cruelly damaged by liberal economic excesses?

The second point raised in the article is the Vice President's praise of the programs of the 1960's, his lament that today we now have ruinous inflation and his inability or refusal to draw the logical conclusion which is, of course, that it is precisely the economic follies of the liberals in the 1960's that brought us the economic disasters of the seventies.

At any rate, I bring this article to your attention in the hope that it will serve to remind all of us that the political vocabulary we all grew up using is being changed. Liberal, once a groud word is seen as either a badge of shame or a hindrance to communication. My only worry is that those who now call themselves progressives—what will they be next year? Futurists—having changed their label, will continue with the old economic follies.

At this point I wish to insert in the

Record, "Mondale Lets Go of His 'Liberal' Tag," from the Chicago Sun Times, Sunday, May 6, 1979:

Mondale Lets Go of His "Liberal" Tag

(By Patrick Oster and Jerome Watson)

Washington.—Vice President Walter F. Mondale made a career of being a political liberal, one of the darlings of the left wing of the Democratic Party.

Times have changed, though, and so apapparently has Mondale, who now says he takes a "progressive" approach to dealing with the "miserable issues" of the late 1970s.

"I don't use the word 'liberal' because I think that's a term that interferes with communication," Mondale told The Sun-Times in an interview that touched on his political future, the viability of liberalism and a big change in U.S. politics.

Mondale was almost wistful as he talked about the climate of the 1960s, which, he said, "was the perfect kind of environment for my kind of political leader . . . if it hadn't been for Vietnam."

Mondale said he liked the '60s because "we were doing things that had to be done in housing and health and education . . . jobs and all the rest. The economy was expanding; the economic pie was getting bigger; there was a minimal amount of traditional hostility between labor and management. It was really, except for the Vietnam War, a good time to be in public life."

"Now, so much of that has changed," lamented Mondale. "We have prohibitive inflation. We have low productivity—much of it attributable to the energy crisis. . . . It draws off so much money for the spiraling cost of energy that it runs through everything we do as a nation, they're robbing us of revenues, requiring substantial changes in life-styles. It's really fundamentally affecting American politics.

"In the '60s, when we adopted a program with a noble objective, I think it was pretty well accepted that the law, once passed, would be implemented and the objective achieved.

"Now we know, after several years of experience, that it's much more difficult than that. Many objectives are elusive and don't give way to solutions as easily as we thought. Many times, bureaucratic problems develop that make the solution more difficult. Many times, the resources that the legislation needs are not there. . . . There's a sense of new realism and maturity . . . about how difficult it is for government to achieve objectives.

"I think some of my old progressive friends have difficulty facing up to the new problems. . . . They kind of wish they were back in the early 60s, when the options were much easier.

"The issues now are so difficult. They are miserable issues. And, usually, the answers that you have [to these issues] frontload pain and backload pleasure."

As examples, Mondale, in a reflective mood as he smoked a cigar in his sunlit White House office, cited the Carter administration's controversial solution to making the Social Security system solvent by drastically increasing taxes so that beneficiaries, many years from now, will have an adequate fund from which to draw their rightful money.

Mondale also thought he and Carter had made hard but necessary choices in dealing with the intractable problems of energy and inflation. Such moves, he said, "involve making the tough choices up front and, if we're successful, realizing the wisdom of those policies later on."

That sort of "tough choice" approach to running the country, argued Mondale, was partly responsible for the President's present low approval rating in public opinion polls. He added that the low rating was not, in his view, due to poor leadership by Carter.

I think any President dealing with these problems would have temporary difficulties."

Mondale also stressed that his reading of the polls shows that Carter "would handily defeat any Republican. That's not a bad position to be in."

Reminded that a recent poll done by Daniel Yankelovich showed Carter and former California Gov. Ronald Reagan neck and neck in a hypothetical race, Mondale joked: "We pick polls pretty selectively."

On his own political future, Mondale, long known as a gregarious politician, exhibited an uncharacteristic reticence in talking about politics, but one characteristic in vice presidents, the one totally dependent for their responsibilities, and often their future, on the President.

"I don't know how to answer that stuff," replied Mondale when asked whether he wanted a second term as vice president.

When a reporter jested that a "straightforward" approach to answers would be appropriate, Mondale joked: "It's too late in my career to start that." And he seemed almost relieved when this bit of political interrogation was interrupted by a phone call. "Keep the calls comin'," he said, not too insincerely.

Though not making a formal announcement of plans for re-election, Mondale made it clear it would be a surprise if the President did not run for re-election, pick Mondale as his running mate and succeed in getting Mondale to accept.

"The first consideration, of course," said Mondale, "is whether President Carter is going to run. He's announced that he's made up his mind. He hasn't announced it. It may be somewhat of a hint, though, that there is a Carter-Mondale committee at work, which is independent from us, doing preliminary work.

"Should the President decide, I would be very flattered to be his running mate. And he's indicated that if he decides to run, that would be his desire."

Mondale brushed aside rumors that he might be appointed to the Supreme Court to make way for some other vice-presidential candidate for Carter. "I can't imagine where they come from," he said of such speculative stories.

Mondale was less forthcoming about whether he'd like to be President someday. Asked whether this goal might be part of some boyhood dream, Mondale joked: "I'd say my boyhood dream was to be an airline pilot. That way, I'd know where I was going."

Getting more serious, Mondale said, "We all have ambitions, or we wouldn't be in politics. I took this job knowing it might be the last public job I'd hold. It's very, very interesting, and I want to do the best I can to help the President, to help the country. I'm not spending time planning and scheming about what might come." ●

THE CONSTITUTIONALITY OF THE PANAMA CANAL TREATY IMPLEMENTING LEGISLATION—THE ISSUES OF PRIVILEGES AND IMMUNITIES

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. DORNAN. Mr. Speaker, the confusion surrounding the legal status of the Panamanian members of the proposed board of the Panama Canal Commission, as established under the Panama Canal Treaty of 1977, continues unabated. We are being treated to a constitutional version of a sojourn to Oz, where the sizes and shapes of objects change form magically and we are left in wonder. An indication of the depth of the confusion was apparent during discussion among members of the Merchant Marine and Fisheries Committee concerning the limitations of the applicability of American law to Panamanian members of the Panama Canal Commission. Could we impose a code of conduct on them? Should they be subject to Senate confirmation? Can we legally treat them differently than the Americans who will be exercising equal authority? Mr. Speaker, I raised this point the other day, May 3, 1979, in my discussion of the issue of Senate confirmation of the members of the Panama Canal Commission, including the appointees of the Panamanian Government. (See Congressional Record, May 3, 1979, p. 9881.)

Mr. Speaker, what are they, these Panamanian Government appointees mandated by the Panama Canal Treaty? If the Panamanians are indeed to be considered civil officers of the United States, exercising an authority equal to that of their American counterparts, is it not reasonable that all rules and regulations that apply to American members should also apply to them? If, on the other hand, the Panamanians are not civil officers of the United States, would someone please tell what they would be doing serving on the Board of a U.S. Government Agency?

Perhaps the constitutional scholarship of the administration reaches altitudes we cannot penetrate. But, I persist: How does this square with the fundamental law of the land? In mandating foreign nationality, through the treaty process, for an appointment to an agency of the U.S. Government, the citizens of the United States will be effectively barred by this Congress from access to an office which they, as the constituent elements of this Nation's sovereignty, have, indirectly, created.

Mr. Speaker, we have seen case after case come before the U.S. Supreme Court under the 14th amendment of the Constitution because some State or Federal agency has treated a citizen, or a group of citizens, unfairly, denying them equal protection of the laws or the right to exercise their constitutional liberties. Here, Mr. Speaker, we are denying access to an American Government Office, by treaty, to every American, regardless of race, class, or condition. This is incredible. Again, it is probably an oversight. I have yet to hear or see a sound constitutional defense of the course of action that we are being asked to pursue.

Mr. Speaker, Dr. Charles Breecher, a constitutional authority and a distinguished member of the American Society for International Law, raised this issue before the Panama Canal Subcommittee on March 7, 1979. For your edification, I submit relevant portions of his testimony for the Record:

Re Issue 5: Can foreign nationality be made a mandatory qualification to hold an office under the United States, thereby excluding U.S. citizens from holding the office because of their U.S. citizenship?

If foreign citizenship is made by law a mandatory qualification to hold a U.S. office, this means that U.S. citizenship becomes an absolute bar for holding this office. This type of provision is unprecedented everywhere, and appears to be repugnant to the U.S. Constitution. Specifically, it appears to be ruled out as a violation of the privileges and immunities of the citizens of the United States which are mentioned in the Constitution (14th Amendment, Sec. 1).

The courts have been reluctant to decide cases on the basis of the Privileges and Immunities clause of the Constitution, resorting instead to some other clause, such as the due process or commerce clauses. However, in the Slaughter House Cases (16 Wallace U.S. 36, 1873) Justice Miller, delivering the opinion of the Court, specifically included the right not to be excluded from public office because of citizenship among the privileges and immunities of United States citizens guaranteed by the Constitution, saying:

"But lest it should be said that no such privileges and immunities are to be found if those we have been considering are excluded (i.e. property rights), we venture to suggest some which owe their existence to the Federal Government, its national character, its Constitution, or its laws.

One of these is well described in the case of Crandall v. Nevada, 6 Wallace 24 (1868). It is said to be the right of the citizens of this great country, protected by the implied guarantees of its Constitution, "to come to the seat of government to assert any claim he may have upon that government, to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions. . . ."

In the same 1873 case, Justice Field said that the privileges and immunities of U.S. citizens are those which of right belong to the citizens of all free Governments, without other restraints as equally affects all persons. This dictum does not define the privileges and immunities of U.S. citizens. However, it expresses the principle which has never been questioned to my knowledge, that whatever rights U.S. citizens may possess as citizens, such as the right to vote or to share the offices of the U.S. Government, may not be restricted to citizens alone without the same restraints applying to non-citizens. But this is precisely what the Panama Canal legislation attempts to do: U.S. citizenship becomes an unsurmountable restraint barring from appointment to certain civil offices under the United States whereas Panamanian nationals are exempted from this restraint. This anomalous situation appears incompatible with the U.S. Constitution's implied guarantees of privileges and immunities of U.S. citizens, and also of substantive due process guaranteed by the Constitution.

It might be said that the dicta I have cited are more than 100 years old. Well, the Supreme Court does not seem to have changed its mind since 1868 that the Constitution impliedly guarantees U.S. citizens the right not to be excluded from public office because of their U.S. citizenship. I may quote Chief Justice Burger in Foley v. Connelie, 98 S.Ct. 1067, March 1978:

"The essence of our holdings to date is that although we extend to (permanent resident) aliens the right to education and public welfare, along with the ability to earn a livelihood and engage in licensed professions, the right to govern is reserved to citizens."

To sum up, there appears to be no precedent or authority to support the exclusion of all 220 Million U.S. citizens from holding certain civil offices under the United States. This thesis also does not appear to be admitted in any sovereign country. It is, however, well documented in protectorates and colonies. Morocco and Tunisia prior to 1954 come readily to mind.

Conclusion: The U.S. Constitution, by its implied guarantees of privileges and immunities to citizens of the United States, bars the Congress from making foreign citizenship a mandatory qualification to hold a civil office under the United States.

It may seem startling that these five major constitutional issues were disregarded by the U.S. negotiators. However, the recent record of the Federal bureaucracy shows that the U.S. Constitution is not its major preoccupation. One might recall the claim to Executive Privilege on the Nixon tapes or the disregard of the Appointments Clause in the Campaign Financing Act of 1974.

Not one of the many jurists consulted has yet come up with any halfway respectable legal thesis to support the constitutionality of the draft implementing legislation. On any one of the five major points cited. Nor can any such legal counterargument be found on even a single issue in communications from the Congresional Research Service, one member of the Senate Foreign Relations Committee, the Department of Justice, and the Department of State, all supporters of the Panama Canal Treaties. It appears from all that correspondence that the unconstitutionality of the implementing legislation, on every one of the five points raised, is not subject to any reasonable doubt.

Mr. Chairman, to illustrate that over a full year no respectable counterargument has yet been found by the Executive Branch to defend the constitutionality of the make-up of the Panama Canal Commission as ordained in the Treaty, I am asking the Committee's consent to insert in the record a letter addressed by the Department of State to the Senior Senator from Delaware, Senator William V. Roth, Jr. This letter is dated May 12, 1978 and is signed by Douglas J. Bennet, Jr., Asst. Secretary of State for Congressional Relations.

If I may now briefly comment on this letter which may be considered to contain the legal counterargument of the Executive Branch requested by Senator Roth, on two of the five issues raised, State does not comment at all. There is no mention in the May 12 letter of the President's removal power nor of the Senate's right to give advice and consent to appointments, both abridged in the Treaty.

On the President's appointment power, State notes it can be limited by law. But State neither contends nor offers any argument in support, that legislation could limit the President's appointive power to the point where he has no choice at all but to appoint Panamanian nominees in a timely manner. That's usurpation of the Presidential appointive power, and the Supreme Court has ruled in Buckley v. Valeo that such legislation violates the U.S. Constitution.

On appointing non-resident aliens as civil officers of the United States, State says that "U.S. Government may employ aliens." What has this undisputed fact got to do with appointing non-resident aliens as civil officers of the United States?

To get over the hurdle that all civil officers of the United States can be impeached for treason, thus ruling out non-resident aliens as civil officers since they cannot commit treason, State offers what can only be described as a juridical gem: "The governing standard with regard to the crime of treason would differ if the official were a Panamanian national. This poses no constitutional obstacle to the Treaty, however."

Mr. Chairman, the crime of treason is explicitly and exclusively defined in Art. III, Sec. 3, Cl. 1, of the Constitution. So one really must wonder what different standard State thinks could be applied. Does State contend a Treaty can change the U.S. Constitution?

Similarly, on the fifth issue, "the right of U.S. citizens to share in the offices of the U.S. Government, to engage in administering its functions", State says that if this right should indeed be impliedly guaranteed by the U.S. Constitution, then it can still be abridged by a Treaty. That view is the antithesis of the Supreme Court's holding in Reid v. Covert (1957).

Citing Mow Sun Wong, 426 U.S 88 (1976) in support of excluding all 220 Million American citizens from certain public offices under the United States, is another juridical gem. Mow Sun Wong involved the employment of permanent resident aliens by the United States in such positions as janitor and postal file clerk. The Court said the U.S. Constitution did not bar such employment of permanent resident aliens, and if the Congress wished to bar them by legislation, due process required that the Congress should give some rationale for so doing. What has this case to do with U.S. civil offices?

In a very serious vein however, sharp issue must be taken with the arrogant and discredited theory contained in State's May 12, 1978 letter that the U.S. Government may abridge constitutional rights of U.S. citizens when such Governmental action serves to enhance Federal interests substantially." In a veritable string of recent decisions, the Supreme Court has given short thrift to this alleged right of the U.S. Government. For instance, in Kent v. Dulles, 357 U.S. 116 (1958), the Court decided that the U.S. Government could not, by virtue of its power to regulate foreign affairs, interfere with the right of citizens to travel abroad impliedly guaranteed by the U.S. Constitution. And the Court said in Afroyim v. Rusk, 387 U.S. 253 (1967):

To uphold the Congress' power to take away a man's citizenship because he voted in a foreign election in violation of Par. 401 (e) would be equivalent to holding that Congress has the power to "abridge" "affect" "restrict the effect of" and "take away" citizenship. *Because the Fourteenth Amendment prevents Congress from doing any of these things,* we agree . . . .

Considering the foregoing, can it be seriously contended that the President and Sixty-seven Senators have the power, with the subsequent consent of the full Congress, to deprive all 220 Million Americans of the right to hold certain offices under the United States of America? Particularly since Congress has no power to treat naturalized citizens differently than citizens by birth. See Schneider v. Rusk, 287 U.S. 253 (1967). So how could the Congress enact a law that treats Panamian nationals, non-resident aliens, as a privileged category in filling certain civil offices under the United States, to the exclusion of all American citizens?

Mr. Chairman, the Committee may have every right to wonder why the fundamental and very clear constitutional issues I have outlined were not raised during the long debate on the Treaty. But that's perfectly natural.

In the first place, a summary reading of the Treaty indicated that these nine men are some kind of a bi-national board outside of the Panama Canal Commission itself. I quote "The Panama Canal Commission shall be supervised by a Board composed of nine members. . . ." It takes close reading of the whole Treaty to discover that there is no Panama Canal Commission other than this Board, that these nine wisemen are indeed the Panama Canal Commission itself.

Second, the Treaty had already engendered much debate on a constitutional issue only too apparent to the Congress, the issue on the disposition of U.S. property. 34 Senators, including the distinguished Majority Leader, had gone on record in S. RES. 97, 4 March 1975, that "it is the sense of the Senate of the United States of America that: . . .

> (3) there be no recession to Panama, or other divestiture of any United States-owned property, tangible or intangible, without prior authorization by the Congress (House and Senate), as provided in Article IV, Section 3, Clause a, of the United States Constitution."

This major constitutional issue would seem to be just enough constitutional baggage for one Treaty. Who would suspect that there might be more, and even more evident, flaws of a constitutional nature contained in the Treaty? I venture to say that he would, like myself, have to have had some very special personal reason to suspect that there might be some constitutional problem with the make-up of the Panama Canal Commission. Mr. Chairman, I feel very much like the Child who shouted: "But the Emperor has no clothes on".

Third, the Senate wisely, by a 84 : 3 vote, gave itself and the House a full year to consider this and other matters further in the implementing legislation. The Senate accomplished this through the Brooke Reservation, the purpose of which was to give the full Congress a year to study implementing legislation which the Executive Branch had promised for October 1977 and which had been sent to the Senate in draft on 3 March 1978.

Here I want to mention a very important point related to the Brooks Reservation: The Treaties have not as yet been ratified, and they will not be ratified until the effective date of the exchange of ratification instruments. Before 31 March 1979, the President can withdraw or alter the instrument of ratification. Similarly, the Senate, by a two-thirds vote, can amend its Ratification Resolution of 18 April 1978.

Mr Chairman, my testimony here pertains to a constitutional issue of fundamental importance for our free institutions and the rights of all American citizens. But this issue is not one of principle only, however overriding in importance. It has also great and immediate practical significance, say on such a mundane matter as how much we shall be paying for Alaskan oil.

The make-up of the Panama Canal Commission determines the de facto control over the Canal once the Treaties go into effect, until the year 2000. Now the way the negotiators set up the Panama Canal Commission under the Treaty, with five U.S. versus four Panamanian members, may have reassured the U.S. Senate and the American people, by making it appear that the U.S. would have control over this U.S. Government Agency. But in actual fact Panama would have exercised control right away for all practical purposes. The reason is that the Panamanian Government could confidently expect that at least one of the five U.S. members of the nine-men Panama Canal Commission would vote with the four Panamanian members on any major financial or personnel matter, and perhaps on other matters as well. Not the same U.S. member on every issue, of course. But Panama has firm control over the Panamanian members, whereas the U.S. members of the Panama Canal Commission would be acting on their own responsibility, subject only to the right of the President to remove them after the fact. It's like one person holding 45% of the voting stock of a corporation when the other 55% are split five ways: the 45% holding assures de facto control over the corporation.

To sum up, Mr. Chairman, the Panama Canal Commission is an essential element, indeed the linchpin, of the Panama Canal Treaty of 1977. If as I have outlined, this Commission cannot be established as ordained in the Treaty without violating the U.S. Constitution, then the Treaty cannot be implemented, unless and until it is suitably renegotiated.

The alternative, namely amending the legislation to conform with the U.S Constitution, would bar the United States from exercising any rights under the Treaty, because these rights are granted by Panama as the territorial sovereign and may be exercised by the U.S. only through the Panama Canal Commission, constituted in accordance with the Treaty provisions.

Under these circumstances, it would seem mandatory that the President now put before you at once whatever legal case he may still wish to make in defense of the constitutionality of the legislation. However, unless this Committee is given legal arguments satisfactory to the Committee in a timely manner which squarely address the five major constitutional issues raised, it appears that the implementing legislation should not be considered further, but be rejected as unconstitutional.●

AN EDUCATOR'S CASE AGAINST A NEW FEDERAL DEPARTMENT OF EDUCATION

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. RUDD. Mr. Speaker, an excellent analysis of the present state of education in the United States has been presented in testimony before House and Senate committees by author-educator Paul Copperman—and particularly how education might be further adversely affected by the establishment of a new Federal Department of Education.

Mr. Copperman is the author of "The Literacy Hoax: The Decline of Reading, Writing, and Learning in the Public Schools and What We Can Do About It," an incisive commentary on the educational state of the union. He is also the president of the respected Institute of Reading Development in California.

As Mr. Copperman accurately points out, education has throughout our country's history traditionally been a matter primarily for State and local decisionmaking. He suggests that public education has suffered and deteriorated nationwide in direct proportion to the Federal Government's role and interference.

I believe that one of the great strengths of our Federal system of government, as envisioned by our Founding Fathers, is the freedom which it allows among the individual States to adopt policies which best address the specific needs and priorities of their own people. This is particularly true in the field of education.

STATE DIVERSITY VERSUS CENTRALIZATION

Under the concept of constitutional guarantees to the States, Arizonans may initiate education policies which we feel are most appropriate for our State, while New Yorkers, Texans, and others also have the independence to adopt approaches which may be particularly beneficial to their people. Each jurisdiction thus maintains its freedom to adopt different approaches, or similar ones, as suits the particular needs and desires of its citizens.

While I view this freedom for diversity as the beauty of our system, there are some who regard it as a tremendous weakness or obstacle to their own self-interest or goals to be overcome by Federal centralization. These advocates of centralization would rather concentrate the decisionmaking in Washington and dedicate to the States what policies they should implement.

They prefer a uniformity which, in effect, discourages unique, innovative, or diverse approaches which might have been implemented at the State level. As is so often the case with uniformity, it tends to "standardize" at the middle or lower end of the quality scale rather than at the top.

Those who prefer centralization often belittle the wisdom of our citizens and elected representatives in the various States. Mr. Speaker, my constituents are tired of this "Big Brother knows best" attitude which permeates Washington and assumes that wisdom resides only on the banks of the Potomac, rather than in the cities and counties throughout the Nation.

Many citizens who have contacted me are concerned and angry about increasing Federal interference in most aspects of their lives. They are now concerned about Federal encroachment on their education prerogatives. They prefer to manage their own education policies. Quite candidly, I have far more confidence in their decisions than in those made by the bureaucrats who are far removed from local situations.

Centralization removes control from local school officials, teachers, and parents who are most sensitive to the real needs of the school children in their areas.

We can avoid these perils of a centralized education bureaucracy by keeping Federal education activities dispersed among the various existing Federal departments and agencies. If anything, I believe the activities and controls of these agencies should be reduced, not increased and made more powerful as a part of the President's Cabinet.

Indeed, Fortune magazine noted earlier this year that increased Federal expenditures for education—and the attendant controls—have paralleled a precipitous decline in academic achievement in our public schools.

A Federal Department of Education will not benefit our Nation's school children. It will not make Federal education efforts more responsive to the public, school boards, teachers, school administrators, and students. It would only result in additional costs and more bureaucratic control in Washington.

Mr. Copperman not only makes a case against expanded Federal involvement via the Department of Education, but also outlines some of the Federal policies which currently preclude real educational progress in our schools.

I was disappointed to note that both the House Committee on Government Operations and the U.S. Senate approved the establishment of this new Federal Cabinet level Department of Education last week. I hope that as the House contemplates the importance of this issue for the future of our Nation, we will avoid the temptation to establish yet another Government bureaucracy.

By resisting the urge for Federal centralization, Congress will be doing far more to improve the quality of education for our children than could possibly be done by a Washington bureaucracy. I would like to include the testimony of Paul Copperman before the House Government Operations Committee at this point in the RECORD.

Paul Copperman's testimony follows:

Testimony of Paul Copperman on H.R. 2444, To Create a Cabinet Level Department of Education

The primary social function of our public schools is to successfully teach America's schoolchildren the skills and knowledge they need to function in our society. The most important of these skills are reading, writing, and computing, and the most important subjects taught in school are English, science, mathematics, and the social studies, which include history, civics, and geography. I believe that the overwhelming majority of Americans would be satisfied with our public schools if they taught these skills and subjects successfully.

Indeed, I am virtually certain that all of the members of this subcommittee want these things for their own children, and for all of America's children. The question before us is whether the establishment of a cabinet level Department of Education would help or hinder our public school to fulfill their primary social function. In my judgment, the proposed Department of Education would interfere with the teaching of basic skills and subject matter by our public schools, and would not serve the needs of America's schoolchildren.

HISTORICAL BACKGROUND

A historical profile of academic achievement in the United States shows gradual improvement from the first part of this century to the mid 1950's, amounting to an average gain of five months to a year when comparing the academic achievement of students with equal amounts of schooling. In the decade following Sputnik, academic achievement leaped ahead, recording average gains ranging up to a year. Since the years 1963–1965, when educational skills, on average, peaked in this country, achievement has been dropping at the rate of approximately one month per year. Only about a quarter of the students who graduate from high school next June will function at the average level recorded in 1963. Approximately 15 percent of our high school graduates read, write, and compute so poorly that they are functionally incompetent in contemporary American society—they are virtually unemployable. The literacy skills of young people in this society have deteriorated to the level last recorded in the early 1950's.

During the first 63 years of this century, when academic achievement was on a steady upswing, federal involvement in American public education was quite restricted. The federal government contributed to Department of Defense schools, to schools on Indian reservations, to land grant colleges, and during the last part of that period, to programs designed to improve the science and math education of our brightest students. During this period, our public schools received little financial support from the federal government and were subject to few federal regulations.

During the past 15 years, the federal government has played a much more active role in public education. With the passage of the Elementary and Secondary Education Act of 1965 (ESEA), the philosophical and political logjam preventing federal aid to education collapsed. The argument of the opponents of this legislation, that federal aid would result in federal control, were overridden with the argument that there was a pressing national need to which the federal government must respond, to wit, the educational needs of disadvantaged minority children. Following the collapse of congressional opposition to extensive federal involvement in public education, each year has seen new federal educational programs and initiatives.

I suggest that the twin historical anomalies of extensive federal involvement in public education and declining academic achievement are not coincidental. In fact, four years of research into the decline in academic achievement in our public schools have convinced me that the federal government bears significant culpability for that decline.

Following is a discussion of several educational programs and policies which have resulted from or been affected by the federal role in education.

COMPENSATORY EDUCATION

Title I of ESEA provides public schools with about three billion dollars per year to help disadvantaged youngsters master their basic skills. The mass of federal regulations which public schools must obey when spending this money virtually insures that the money will not be used to serve the needs of children, but in fact will only serve the needs of the politicians who pass the legislation, the bureaucrats who administer it, the professors of education and commercial interests it employs, and the community residents who use it as a jobs program. There is no educational justification for the regulation which says that Title I money may not be used to pay the salary of the classroom teacher, for the regulation which compels parent participation in program planning and conduct, or for the regulation which restricts program participation to low ability students. These regulations and others have insured the failure of compensatory educational programs by tying the hands of local school officials and teachers. Compensatory education is little more than an educational boondoggle.

BILINGUAL EDUCATION

Title 7 of ESEA mandates bilingual educational programs for children whose first language is not English. According to federal regulations, teachers in these programs must be fluent in the student's language, and must teach in that language for a significant percentage of the school day. There is nothing in the regulations which says the teacher must be fluent in English: in fact, many teachers in these programs are not.

The politicians who pushed through Title 7 determined that the maintenance of the linguistic identity of cultural subgroups in American society should be a primary objective of the public schools. A United States Office of Education study of bilingual programs has concluded that students in these programs make slower progress in their English language development than comparable children not in these programs; that these programs add about 35 percent to the cost of education, that less than a third of the children in these programs are not fluent in English, and that over 85 percent of the bilingual education program directors will keep youngsters in these programs even if they are fluent in English.

Bilingual education serves the needs of the politicians who passed it, the bureaucrats who administer it, the education professors, consultants, and commercial interests whom it employs, the community residents who use it as a jobs program, and the local ethnic political groups who use it as a political tool. The programs damage children by retarding their English language development, and interfering with their mastery of basic subject matter. As bilingual education programs have expanded in the past seven years, the achievement gap between Hispanic and white students has widened significantly.

EDUCATIONAL INNOVATION

Titles 3 and 4 of ESEA mandate educationally innovative programs in our public schools. Numerous programs have been introduced or funded under the aegis of these Titles, including the new math, open education, formal systems of individualized instruction, and a bewildering variety of new reading and math programs. Under these Titles, a program will be funded as long as it is innovative, but in no case longer than a few years. The effect of these Titles has been to introduce curricular chaos into thousands of public schools around the country. Since curricular stability is a hallmark of effective educational practice, especially in basic skills instruction, the anarchy created in the name of educational innovation provides a particularly apt demonstration of the damage the federal government has done to the local educational effort. This statute serves the needs of everybody in education except local school teachers and administrators, and children.

ABILITY GROUPING

According to a 1977 study by the National Association of Secondary School Principals, one of the two most important characteristics of an effective secondary curriculum is homogeneous grouping by ability. Yet the federal educational bureaucracy has put enormous legal pressure on schools all over the country to stop this practice, after threatening the cutoff of federal funds to schools using ability grouping. This is an example of a misguided educational policy, adopted by the federal educational bureaucracy, which is being forced on local schools.

This policy is, in fact, but one of several policies and programs promulgated by the federal educational bureaucracy which have changed the focus of American public education. The astonishing gains in academic achievement recorded during the post-Sputnik era were largely due to the focus on the education of above average ability students, with the consequent hike in performance standards for *all* students. The achievement decline of the past 15 years can be partially attributed to the federal policy and program focus on below average ability students, and the consequent reduction in performance standards for all students. It is important to note that high ability students have recorded a much more striking drop in academic achievement during the past 15 years than low ability students.

ENROLLMENT TRENDS

One of the most pernicious trends at the secondary level of public education has been a decline in the number of hours of instruction students receive in academic subjects. At the high school level, students today take 25 percent less English, 35 percent less world history, government, and civics, 30 percent less geography, and 20 to 25 percent less math and science than students a generation ago. One reason for this decline has been pressure from the United States Office of Education for the adoption of policies and programs subsumed under the label, Career Education. The goal of Career Education is to provide students with the opportunity to learn how to behave appropriately in work situations, and teach them certain work-related skills. These are fine ideals, but in practice they are achieved at the expense of enrollment in academic subjects.

The most common method of implementing Career Education at the high school level is to permit students to leave school after lunch for part-time jobs. My experience with students in these programs is that middle class kids use them to earn the money to support their cars, stereos, and clothes. They would rather cut back on their course work than on their social life. They learn nothing more useful in these programs than how to pump gas or wait on tables, and the price they pay is the restriction of life opportunities which results from a poor education.

RACIAL POLICIES

The civil rights components of the federal education bureaucracy have put irresistible pressure on local schools to hire, promote, and assign teachers and administrators on a racial basis, creating wholesale educational chaos. HEW policy holds that teacher assignment to schools must be done on a racial basis; the racial composition of the faculty at each school must match the racial composition of all of the district's teachers. This federal policy has forced massive reassignment of teachers at the local level, producing no educational benefits, and breaking all continuity in program, policy, and personnel. Affirmative action criteria have forced school administrators to hire and promote unqualified personnel, and in so doing to damage the education of the children under their charge.

THE ARGUMENT AGAINST THE PROPOSED DEPARTMENT OF EDUCATION

The principal reason advanced for the establishment of a Department of Education is that the creation of a cabinet seat for the federal educational leader will enhance the prestige, power, and visibility of the federal educational effort within the competing elements of the federal government. With an enhanced position vis a vis the rest of the bureaucrats in Washington, the Secretary of Education will be more successful in expanding the budget of his office and the influence of the federal government on American education. He will be more effective in setting national educational policy.

The accomplishment of this goal is clearly in the interest of federal educational bureaucrats, education professors and consultants, commercial interests, lobbyists, and politicians. It is not in the interest of America's school-children. The federal government has created a self-serving parasitic superstructure on local education, and in so doing has reduced the authority and autonomy of local school officials and teachers.

There is no reason to believe that the educational policies and programs pushed by the proposed Department of Education will be any different from those which are currently producing such pernicious effects. There is every reason to believe that the move to further expand the federal educational effort will come at the expense of our local schools. A more powerful federal educational bureaucracy will be even more coercive in its relations with local school districts. The establishment of a Department of Education would, in my judgment, add major costs to American public education, while contributing little but damaging programs and policies.

POLICY RECOMMENDATIONS

1. Congress should not establish the proposed Department of Education.

2. Congress should enact legislation protecting the autonomy and authority of local schools against the incursions of the judiciary, the federal educational bureaucracy, the federal civil rights bureaucracy, and other agencies of the federal executive. This legislation should express the mood of the Congress that the authority and autonomy of local schools must be enhanced if they are to successfully fulfill their mission of educating America's schoolchildren to a functional level of literacy. I suggest we call this legislation the Magna Carta for Elementary and Secondary Education.

Congress should review all past, current, and future legislation, affecting education, from the perspective of its impact on the authority and autonomy of local schools. Congress should likewise direct all appropriate agencies of the federal executive to scrutinize those of its regulations which affect elementary and secondary education. Congress should also create a mechanism through which local school districts could report damaging bureaucratic or judicial interference in their operations.

3. Congress should eliminate or greatly reduce its categorical aid programs. The basic unit of elementary and secondary education is the classroom at the local school—one teacher working with a group of students. Virtually all categorical aid programs either interfere with the effective operation of that unit or attempt to bypass it altogether. These programs are ineffective, and tend to weaken the local educational effort. I specifically recommend the elimination of Titles 1, 3 4, and 7 of the Elementary and Secondary Education Act.

The money saved by the elimination of these categorical aid programs should be returned to local school districts with no strings attached whatsoever.●

"SHATTER THE SILENCE VIGIL 1979": BORIS PSHONIK AND FAMILY

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. HARKIN. Mr. Speaker, I am pleased to take part this year in the "Shatter the Silence Vigil" on behalf of Soviet Jewry coordinated by Congressman HOWARD. This vigil is aptly named. I have worked hard in the area of human rights and though the successes have been fewer than I might like, the successes we have made have come about because people are no longer willing to remain silent in the face of human suffering. People are no longer willing to sit back and not get involved in other people's problems. We now know when one man suffers anywhere in the world, we all must suffer. Silence and indifference are the worst enemies of the struggle for human rights.

The Jewish Federation of Des Moines recently asked me to adopt a family in the Soviet Union as part of their efforts in conjunction with the local Committee of Concern for Human Rights in the Soviet Union which has been organized in Iowa. I want to speak today of the family I have adopted; Dr. Boris Pshonik and his wife Anna, their son-in-law Valerie Raines and his daughter Ilana Raines and Valerie Raines' mother Lobov Raines. The family applied for visas in Riga, Latvia, for Israel on August 28, 1978. They were refused in December 1978.

The reason given for their visa denial was that Dr. Pshonik as a former military doctor knows military secrets. We know this is a very common excuse among the Soviets for refusal of visas. In the case of Dr. Pshonik it is ridiculous. Dr. Pshonik has been separated from the military 5 years and was not a high ranking officer, but in any case the entire family was denied exit visas, not only Dr. Pshonik.

The Pshoniks have family in my State of Iowa who are concerned about them. Dr. Pshonik has suffered three heart attacks and on humanitarian grounds alone should be released. In addition, I must add, when I started working on this family's plight there was another family member, Galena Raines, Dr. Pshonik's daughter. Galena was found murdered in an alley on February 15. Soviet officials refused to allow the family to view the body. I have written a number of letters on behalf of this family to the Soviet Union, to the United Nations and to Mr. Dobrynian here in Washington. The response I have gotten—silence.

I am concerned about the fate of the Pshonik family. I am concerned about the Soviet Union's attitude and actions in its immigration policy and religious tolerance. The oppression, persecution and harassment of its Jewish citizens is not something we can remain silent about. I hope the Soviet Union will allow the Pshonik family to immigrate to Israel.●

ARC OF CRISIS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. BOB WLSON. Mr. Speaker, that the United States has problems in the Mideast and Eastern Mediterranean is apparent. But careful analysis of the current political situation in Iran, Turkey, and Pakistan, especially when looked at against the backdrop of history reveals just how serious these problems are.

But rather than resolving these difficult questions, our foreign policy seems designed to exacerbate them. In a study of the current climate of all three countries, Roger Fontaine and Stef Halper, writing in the February 25 edition of the Los Angeles Times, warn of our precarious position and the dangers that await us if we fail.

The article follows:

FROM TURKEY TO PAKISTAN, AMERICA CONFRONTS AN "ARC OF CRISIS"

(By Roger W. Fontaine and Stef Halper)

On Feb. 27, 1947, the principles of postwar American diplomacy were articulated for the first time. On that day, 32 years ago, President Harry S Truman invited the congressional leadership for an important briefing at the White House. There, they were to learn of the deteriorating situation in Greece and Turkey and of the pressing need for an American program of financial and military assistance.

The White House meeting did not begin well. Secretary of State George Marshall opened the briefing, and while his presentation summarized the facts, Marshall failed to offer a convincing rationale for American aid to those two nations. The leaders of Congress soon were grumbling over cost and consequences and they were particularly annoyed by what they saw as "pulling British chestnuts from the fire." (Six days earlier, Britain had ended its aid to Greece and Turkey.)

Marshall's undersecretary, Dean Acheson, requested permission to speak. Acheson succinctly stated the dangers that would face the United States if nothing were done. In a speech lasting no more than 15 minutes, Acheson outlined the basis for what became U.S. postwar policy—a policy rooted in self-interest and relying upon a bipartisan national consensus which was regarded as a critical requirement for the policy's successful execution.

Acheson first quickly reviewed the precarious political status of Western Europe, Greece, Turkey and Iran. He pointed to the slow, cautious and successfully expansionist policy of the Soviet Union along its periphery. The undersecretary then reminded the congressmen that the Soviets, despite having been our ally in World War II, were no friends of freedom or of any nation's independence. Acheson described the various pressures the Soviets had brought to bear on Greece, Turkey and Iran in the 18 months since the end of the war. He warned that a single breach along the Soviet's southern border would lead to the eventual "Sovietization" of other key countries. Once control of the eastern Mediterranean and the Mideast was assured, limitless opportunities for Soviet mischief would open up in Africa and Southeast Asia.

After Acheson finished talking, there was a 10-second pause, and then the delegation from the Hill applauded. Acheson's policy would become the Truman Doctrine—a broadly stated strategy, which called for U.S. aid to countries along the Soviet Union's periphery that sought Washington's help against Moscow's policy of direct and indirect subversion.

Thirty years later, the United States is again trying to develop a coherent strategy for shoring up friendly regimes against Soviet exploitation of internal strife. But there are few signs of success in the attempt. Nevertheless, there seem to be few signs of alarm coming from the White House.

True, some in the Administration profess to be worried. The President's national security adviser, Zbigniew Brezezinski, speaks of an "arc of crisis" stretching from Turkey to Pakistan. Unfortunately, the Administration makes better phrases than sense. The geometrical metaphor is inaccurate; it is not an arc, but a triangle of trouble running from the Dardanelles to the Punjab, with the African Horn serving as the reverse apex.

Of course, 1979 is not 1947—there are few parallels between then and now. A resurrection of the Truman Doctrine (even if it were possible) will hardly suffice. For one thing, a principal Acheson argument no longer obtains. The Northern Tier is no barrier to Soviet meddling in Africa or Southeast Asia. The barrier has been broken with a steady string of Soviet successes: Afghanistan now boasts a solidly Communist, pro-Soviet regime; Syria and Iraq are long-time Soviet partners, South Yemen is pro-Soviet, and Ethiopia is, with massive Soviet and Cuban assistance, attempting to recapture its rebellious province, Eritrea, a prize long coveted by Moscow because of its ports on the Red Sea.

But the fact remains, the crucial countries of Iran, Turkey and Pakistan retain their importance. Indeed, they are more important to the United States now than in 1947. And these nations are in trouble—trouble which is to our disadvantage and danger.

In the past, a prosperous, friendly and anti-Communist Iran helped preserve a measure of stability in the vital Persian Gulf. Today, it is a nation poised on the brink of catastrophe.

For the United States, Iran's loss is a twofold economic setback. There is the loss of a huge market for U.S. exports—not only military equipment, but also sophisticated industrial technology. That loss is likely to worsen our future balance of payments deficit and also reduce American jobs.

But even worse is the oil problem. While President Carter has chosen to minimize the impact of a reduction in Iranian oil imports, the problem remains. Though the effects will be far worse in Western Europe and Japan, this country will feel the pinch in the months to come. (If our friends invoke emergency-sharing arrangements, and we accept, the shortfall of oil will become quite serious; if we do not, the strain on the Atlantic Alliance will be considerable.) To make matters worse, this is not a short-term problem. There are clear indications that Tehran will become a radical voice within the Organization of Petroleum Exporting Countries (OPEC).

The Turkish government is a weak one led by a fragile left-of-center coalition. Its economy is in shambles, with a staggering foreign debt of $12 billion—half of which is either in arrears or due this year.

Many of Turkey's economic woes are a result of its spectacularly inefficient state-owned industries, whose losses amount to $750 million a year. That problem is compounded by Turkey's huge oil-import bill.

The ability of Turkey to pull itself out of this situation is limited. The problem is that Western aid is a kind of Catch-22. No aid will come forth until reforms are made by the government and without aid, reforms are unlikely to occur. The Ecevit government is unlikely to agree to Western conditions for aid because of rising nationalist pressures from both the right and left. Further, since Turkey is not now a priority item on the White House agenda, we have a situation likely to develop into an extremely serious crisis by the end of the year.

It is in this context that American hopes for replacing its lost Iranian intelligence listening posts must be considered. The Carter Administration has asserted that U.S. intelligence facilities in Iran can be relocated in Turkey, and all will be well. That hope is unfounded, for even under the best of circumstances, Turkish facilities will have to be expanded. That will take time and money. In addition, Turkey is not as good a geographical location as Iran.

But the political difficulty of such intelligence substitution dwarfs the geographical disadvantage. The Ecevit government (if it lasts) is already under heavy domestic pressure to resist U.S. requests—despite its membership in the North Atlantic Treaty Organization (NATO). Moreover, Turkey can be expected to drive a hard bargain since the United States has now only one card to play after the Iran disaster. There is nowhere else for the United States to go, and the Turks know it. Finally, such a substitution will, no doubt, have negative repercussions in Greece, where a pro-American regime is under increasing pressure from a revitalized left.

The role of the Soviet Union in all of this is not likely to be helpful. It comes as no news that a central object of the Russians even prior to the 1917 Bolshevik Revolution was to pull Turkey into its sphere of influence. Since the 1974 Cyprus crisis, Moscow has expertly wooed Ankara—a marked contrast to the brutal behavior it exhibited toward Turkey in 1945 and 1946.

Turkey's problems, as great as they are, are not as immediate or as explosive as Pakistan's, the third member of the old Northern Tier. Indeed, that country may soon be hit by the worst turmoil in its history. To be sure Pakistan has never been a model of stability. But in recent years, it has experienced increased chaos starting with the loss of East Pakistan in 1971.

Moreover, matters will come to a head should Pakistan's former prime minister, Zulfikar Ali Bhutto, be hanged. Bhutto was overthrown in a 1977 coup and subsequently was convicted of the murder of an opponent. Bhutto's supporters are likely to revolt if he is executed.

Compounding the problem is the steady deterioration of Pakistan's economy and its military government.

U.S. influence in Pakistan has never been lower. (Pakistan recently transferred its best diplomat from Washington to Moscow.) The United States has achieved this dubious status by (among other things) opposing the development of a nuclear reprocessing plant and by reducing food aid. Washington has also denied that country military aircraft, though Pakistan hardly constitutes a military threat to anyone. In short, it has been a long time since the United States tilted in Pakistan's direction.

It might be said that Pakistan (as well as Iran and Turkey) have always been nations in turmoil. Such a complacent truism misses two important points: Such revolutionary upheaval has never been greater, nor has it ever occurred in so many places at the same time; and it comes at the lowest point of American influence since the United States entered the international political arena during the Second World War.

Dean Acheson's worst fears have largely come true. It is now a fact that the Northern Tier has been breached with constant Soviet troublemaking in the Horn of Africa. But in the center of the Mideastern triangle of trouble remains Saudi Arabia, our friend and ally, whose rulers are now fearful of the upheaval all around them. If Saudi Arabia's regime is overthrown, the United States will no longer be a superpower. And that is a prospect that should give pause to the policymakers in Washington.●

WHY U.S. INFLUENCE IS DECLINING IN LATIN AMERICA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. MICHEL. Mr. Speaker, the relationship between the United States and Latin America, under the Carter administration, has slowly but inexorably dwindled from one of friendship to that of barely disguised animosity on the part of many Latin American nations.

It is no exaggeration to state that our relationship with Latin American nations are at a dangerous low, that our prestige is dwindling along with our influence and that our refusal to sell arms has not stopped the growing arms sales in the region. We have played the role of busybody and den-mother to the world. We have scolded sovereign nations like Brazil in their attempt to create a peaceful nuclear power. In short, the Carter administration has done quite a bit to damage our relations with Latin America precisely at a time when our influence could be of great use.

At this time I wish to insert in the RECORD a perceptive and informative article about our Latin American relations, "Why U.S. Influence Is Declining in Latin America," by Bonner Day, Air Force magazine, May 1979:

WHY U.S. INFLUENCE IS DECLINING IN LATIN AMERICA

(By Bonner Day)

Abrasive U.S. policies, compounded by conflicting military and political interests, have pushed U.S. influence in Latin America to a new low point. The ebb in U.S. authority comes at a time when Latin America is growing in importance militarily and economically.

U.S. arms sales to Latin American countries have dropped dramatically. Some countries have been cut off completely. Others have turned their backs on U.S. suppliers as a gesture of resentment to what they see as U.S. government interference. European companies and a growing Latin American arms industry are filling the vacuum.

Fewer Latin Americans are being sent to the U.S. for military training, the combined result of U.S. cutbacks in invitations and refusals by countries south of the border. This valuable exchange with Latin military forces comes at a time when the influence and control of military leaders in Latin America are on the increase.

In trade and economic assistance, the traditional dominant role of the U.S. is being shared increasingly in the region with Europe and Japan. In one particularly sensitive area of high technology, nuclear power reactors, Europe and Argentina are replacing U.S. companies.

To the U.S., the decline of influence in the region where it has long been the leading power poses major problems.

Economically, the Latin countries have been principal U.S. sources of oil, copper, tin, and other raw materials. The U.S. at one time bought fifty percent of the exports of all Latin America. And the volume of trade between the U.S. and the region has climbed steadily in total dollar value. In 1978, the U.S. imported $18.5 billion in goods from Latin America, about eleven percent of total imports.

The continued availability of reliable supplies of oil, the single most important import by dollar value, is a particular concern to the U.S. The new discoveries of oil in Mexico, as well as extensive oil exploration activities in South America, make economic relations with the region more important than ever.

Countries in the region also have been a traditional market for U.S. manufactured goods, and one of the few areas where the U.S. has managed to hold a favorable balance. In 1978, the U.S. exported more than $20 billion to Latin America, some fourteen percent of total U.S. exports. Trade with Latin America in 1978 provided a $1.5 billion surplus in the balance of payments, at a period when the U.S. experienced a record trade deficit.

But if the region is growing in economic importance, its military value is even greater. No single Latin American country is viewed as a military threat to U.S. security. But U.S. policymakers view as matters of serious concern the growth of Brazil and Argentina as potential nuclear powers, as well as deteriorating relations with Mexico over oil policy and the flood of illegal aliens entering the U.S. The penetration by the Soviet Union, first in Cuba and more recently in Peru, also has put a new perspective on hemispheric defense planning.

Friendly relations with Latin countries in past decades had permitted the U.S. to enjoy considerable hemispheric security with a minimum use of military resources. Because the U.S. was confident of its hemispheric neighbors, it could focus its attention and resources on more pressing security issues in Europe and Asia. Latin American countries, concerned primarily with internal security, were largely taken for granted or placed low on the list of military priorities.

U.S. cooperation with military forces in the region, furthermore, ensured the safety of U.S. trade and military lines of communications in that part of the world. with a minimum use of naval and other military forces.

The takeover of Cuba by Fidel Castro, however, marked a shift in the balance of power in the hemisphere. U.S. failure to topple Castro, an avowed Communist and a junior partner of the Soviet Union, or to prevent the sale of Soviet arms to Peru, reinforced the shift. The cold war, once contained in Europe and Asia, suddenly expanded not only to Africa but also to the Western hemisphere. The influence of the Soviet Union in Latin America, though still small compared to that of the U.S., is growing. In Cuba, Mexico, and other key Latin centers, large Soviet embassies mark Moscow's active interest in the region.

Some Latin American specialists see the Panama treaties as damaging to U.S. influence, in that the U.S. military presence will appear to be more distant and less available to the region than in the past.

Any further decline in U.S. influence, say some Latin American specialists, would have significant consequences to the continuing global conflict with the Soviet Union. Depending upon the degree of Soviet penetration, the U.S. could be forced to respond, at a minimum, with the redeployment of some air, land, and naval forces from forward positions in Europe and Asia to strategic checkpoints in the Western hemisphere. A decline in U.S. influence thus could increase the demand for U.S. military resources without any apparent addition to the security it enjoyed in the past.

U.S. influence has been eroding for a number of years, the result of U.S. restrictions on military sales, sanctions against military governments, the cut back of economic aid. and broad trade policies that have hurt countries heavily dependent upon coffee, sugar, and other raw materials exports.

But no U.S. policy affecting Latin America has been as troubling in recent years as the stand on human rights taken by Congress and the Carter Administration. The Administration claims some victories as a result of its aggressive position.

In recent months, political prisoners have been released in Chile, Haiti, and other countries. U.S. relations with Peru and the Dominican Republic have improved. Lists of prisoners have been made public in Argentina and Chile. Commissions to investigate human-rights conditions have gained entry to several countries. Reports on the use of torture indicate a decrease in that practice. The treaties governing the Panama Canal have been ratified. U.S. pressure to avert a military takeover in the Dominican Republic has received praise in the region.

But overall, the consensus among Latin American experts is that there has been a sharp downward plunge in U.S. influence.

Arms sales, military aid, and military training in the past have helped to strengthen U.S. military relations with Latin countries, and have provided the U.S. with both military and political influence. The U.S. government today is seen as less concerned about maintaining Latin American countries as military allies and trading partners, however, and more interested in pushing U.S. standards on human rights and nuclear nonproliferation.

The U.S. is prohibited by Congress from arms sales to Argentina and Chile. Brazil and other countries have refused to participate in military programs rather than submit to human-rights reports, which they say violate their sovereignty. Rear Adm. Gordon J. Schuller, a director in the Pentagon's Office of International Security Affairs, recently told Congress: "There has been a gradual deterioration of our military relationships at a time when the region is predominantly governed by military regimes."

Part of the U.S. decline in influence must be credited to an almost inevitable diversion of interests. U.S. priorities have been on the military threat of an increasingly powerful Soviet Union, arms control, and nuclear nonproliferation. Internal subversion in Latin America is not seen as a threat to U.S. security. Latin American governments have as their two highest priorities control of their runaway economies and defense against internal Communist and other leftist, destabilizing threats, followed by an interest in increasing military strength and, for some countries, in developing nuclear power. The Soviet Union appears as a distant threat, but not an immediate danger.

Leaders in Brazil, Argentina, Chile, and other countries—concerned over domestic violence and insurrection—complain that the U.S. seems to understand the Soviet Communist threat and no other.

The result of these conflicting interests is twofold. The U.S. Congress and the Administration have imposed policies cutting off military arms. Some Latin American countries, seeing political dissension and terrorism as a crippling threat to economies that already are under tremendous pressures, have put down political opposition brutally, and have responded to terrorism with torture and other human-rights violations.

The methods, on the surface, have been effective. Terrorist acts have declined dramatically in Uruguay, Argentina, and Chile. At the same time, there have been improvements in the economies of these and other countries.

But there are still a number of countries bubbling with terrorism that threatens to boil over into civil war. At the same time, border disputes pose a continual threat to regional peace.

NICARAGUAN REBELLION

In the case of the Nicaraguan crisis, the U.S. has been accused of first ignoring a growing schism between the government and the governed, and, later, pressuring the government to compromise with terrorists in the heat of battle. Critics point out that the U.S. owed a debt to the Somoza government, as the country had helped the U.S. to launch the ill-fated 1961 Bay of Pigs invasion by Cuban refugees.

Gen. Anastasio Somoza-Debayle, elected to a second presidential term in 1974, has been the personal enemy of Cuban President Fidel Castro and a prime target of Cuban subversion and propaganda. His heavy-handed rule and the lengthy control of his family over the nation have bred widespread discontent in the country. But it is the Sandinista National Liberation Front that provides the opposition with military firepower. This guerrilla force is trained by Cuba, which also supplies arms and equipment through Panama and Costa Rica, and provides safe havens and new identities when members become known to the Nicaraguan government.

The war between the Somoza government and its widespread opposition reached a high point last year in August when the Sandinistas took over the National Palace temporarily, and government forces reacted with artillery and airplane attacks and street executions.

But Nicaragua is not only a personal vendetta of Castro. Because of domestic unrest and its strategic location, the country has been targeted as the launching pad for Cuban subversion of all Central America. For that reason, leaders in Central America have expressed concern that if Castro pulls its troops from Africa and the Middle East, it will throw even more energy and resources against the vulnerable Central American republics.

"Nicaragua and all of Central America could be a repeat of events in Iran," says one Latin American expert.

BEAGLE CHANNEL DISPUTE

In the Beagle Channel crisis between Argentina and Chile, U.S. influence was not strong enough to prevent the massing of armed forces on their respective borders last December. At one point, ground, air, and naval forces of the two countries were on battle alert. Outright war was averted when the Pope agreed to mediate the two countries' differences.

The crisis developed after an International Court of Justice ruling, disputed by Argentina, favored Chile's claim to islands south of the Beagle Channel, and additional land in Antarctica.

Though favored in the court ruling, Chile is considered no match militarily for Argentina. The two countries have had a long history of friendly relations with the US, but recent disputes have reduced US influence. As a result, it was the Pope rather than Washington who had the leverage to prevent what would have been the first major South American war in decades.

PERUVIAN ARMS BUILDUP

An even greater threat to South American peace is Peru's purchase of arms in recent years. Soviet, Swiss, and other arms suppliers have made Peru's armed forces among the best equipped in Latin America. Notable purchases include thirty-five Soviet Su-22 Fitter-C jet fighters. The US managed to damage its relations with Peru by first refusing to sell it jets, then trying to abort the Soviet sale.

The buildup in Peru appears to have slowed down in recent months, but Latin American experts attribute this to the government having achieved its planned arms program. To pay for the arms purchases, Peru has delayed payments on its debts to Western banks and international lending agencies.

Unique in Latin America, Peru's leftist military government has been able to balance its military and diplomatic relations with both the US and the Soviet Union. US Defense officials today claim that Peru has more Soviet military advisors—in excess of 100—than there are US military advisors throughout Latin America. Peru also entertains a number of Cuban military advisors. Despite the Soviet and Cuban presence, the US continues to provide some military training and spare parts to the Peruvian government.

The Soviet presence only compounds the concerns of Peru's neighbors, who are aware of the vow of Peruvian military men to retake land lost to Chile by the 100th anniversary of the war, from 1879 to 1884, in which Peru was defeated. Peru, with its arms buildup, a much larger population, and a superpower as an arms supplier, is rated by military experts as much stronger than Chile militarily.

Though the US maintains relations with both potential combatants, its influence with either government is at a historic low. Says one Latin American expert: "The failure of the US to sell Peru fighter aircraft, which opened the door to the Russians, must be regarded as a major benchmark in Latin American history."

ARMS POLICIES

On one point most Latin American authorities agree: The unilateral cutback of US arms sales in the area has failed to halt arms traffic in the region. Instead, it has opened to the French, British, Germans, Israelis, Italians, Dutch, and Swiss a market that once was dominated by the US, at a time when the market is growing by leaps and bounds.

In the case of Peru, it has provided the Soviet Union a legitimate means of expanding its influence in the region. US restrictions also have served to accelerate a domestic arms industry that was already growing. There is increasing awareness of the problem in the Carter Administration. Admiral Schuller, in testimony to Congress, warned that "if we solely exhibit unilateral restraint, it will not automatically lead to reciprocal restraint by other suppliers or recipients."

US and Soviet diplomats met in Mexico City last December to discuss limiting conventional arms transfers in Latin America, but failed to reach an agreement.

One result of US restrictions, say industry observers, is that the US would have great difficulty in winning back many of its previous markets.

Among the more aggressive aircraft salesmen have been the Israelis. They have sold Arva military transports to Bolivia, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, and El Salvador. Argentina has signed an order for twenty-six of Israel's Dagger, a fighter-bomber version of the Mirage III-5.

Among Latin American countries, Brazil is the largest aircraft builder and exporter. In addition to sales to its own armed forces, Brazil is manufacturing trainers for Paraguay, transports for Chile and Uruguay, and sea patrol planes for Chile. It is building, through a license agreement with Italy, the Aermacchi M.B. 326, a fighter-bomber, for its air force and for Bolivia.

Argentina's aircraft industry is smaller, but includes the FMAIA 58 Pucará counterinsurgency aircraft. Argentina is buying the Aermacchi fighter-bomber from Italy and transport planes from Italy and the Netherlands.

Chile, concerned about the arms buildup in neighboring Peru, has little domestic arms industry, but is finding willing suppliers in Brazil and Israel. Chile had contracted for eighteen F-5s from Northrop Corp. under the Allende government, before the US ban on sales to Chile went into effect.

Ecuador and Bolivia, also neighbors of Peru, are buying military aircraft from Italy and Switzerland.

Traffic in ground and naval arms is just as competitive, but Latin American countries, particularly Brazil, are winning an increasingly large share of the market, and even challenging traditional suppliers in other markets. Brazil is expanding its shipbuilding production in a cooperative arrangement with Britain. Prior to 1974, Brazil exported virtually no locally manufactured military equipment. Since that time, Brazilian arms exports have totaled more than $100 million. Part of the push for exports in Brazil's government-wide concern over the negative balance of payments generated by petroleum imports. Some eighty percent of Brazil's oil consumption must be imported.

Argentina is also in the export market, selling light arms, tracked vehicles, and towed and self-propelled artillery. Customers are mostly in Latin America, but some sales are being made to Arab and African countries.

NUCLEAR PROLIFERATION

Though the US is a strong backer of the Nuclear Nonproliferation Treaty, Brazil and Argentina, with the most potential in the nuclear area, have backed away. Efforts toward achieving a hemispheric nuclear-free zone similarly have stalled because of reluctance in Brazil and Argentina.

Argentina is considered the Latin American country closest to becoming a military nuclear power. Successive governments since President Peron in the 1950s have pushed nuclear research, with a strong emphasis on military applications. Observers say the program satisfies the Argentine quest for superpower ranking and speaks to the nation's competitive feelings toward its larger neighbor, Brazil.

Argentina has had a heavy water power plant, suitable for making weapons grade uranium, since 1973. Argentina also has its own natural uranium deposits, uranium enriching facilities, and reprocessing plant, and has begun contracting to build reactors for other countries. It is estimated that Argentina, barring a change in its present schedule, will have nuclear weapons sometime in the 1980s. Critics of current US policies toward Argentina point out that the nation is scheduled to become a nuclear power at a time when US influence will be at a historic low.

The Brazilian nuclear program appears to be directed more at nuclear energy rather than developing weapons. As part of its efforts to relieve its dependence upon foreign oil, Brazil has contracted with Germany to build up to eight nuclear reactor power plants, amounting to billions of dollars. Brazil also has a number of Westinghouse nuclear plants already under construction, contracted under US nuclear guidelines governing nuclear fuel and its disposal.

It was the conflict over nuclear power policy, as well as the human rights stance of the Carter Administration, that hurt relations between Brazil and the US, causing Brazil to cancel a twenty-five-year-old US military assistance agreement.

The nuclear dispute began in 1974, when the US government informed Brazil it could no longer guarantee processing of nuclear fuel for Brazilian reactors under construction. Then, when Brazil contracted with West Germany for reprocessing technology, the Carter Administration added insult to injury by attempting to block the arrangement. Vice President Walter F. Mondale's direct approach to West Germany concerning the proposed sale, without discussing the matter with Brazil, won few friends in Brazil and failed to affect the technology transfer.

GUERRILLA WARS

Many experts see a decline in the guerrilla attacks plaguing much of Latin America. Incidents continue, but are smaller and less frequent in most countries. Attempts by both urban and rural terrorists have been countered, with mixed success, by government police and military forces, though draconian methods have been used. Now, in the view of many experts, the major threats to governments in the region are economic. The pressing need is for political leaders to find jobs for its spiraling populations, and thus eliminate the root cause for antigovernment movements.

CUBAN INFLUENCE

Though its influence is hard to measure, there is no doubt that Cuba, under communism, continues to be a festering sore to the rest of Latin America. Its supportive role to guerrilla bands conducting kidnappings and assassinations of government officials, businessmen, and diplomats has shaken governments throughout the region. Through its continued support, Cuba has kept alive the Tupamaro terrorist movement in Uruguay, ERP and Montonero movements in Argentina, as well as guerrilla movements in Venezuela, Guatemala, Bolivia, and Colombia.

But Cuba has been careful to keep a low profile, supporting the guerrillas with training and arms, and resisting the urge to send Cuban guerrillas into battle.

Cuba's influence in Guyana and Jamaica is growing. In Panama, Cuba is more public in its contacts now that the treaties with the US over the canal are out of the way. There are extensive contacts with government officials, regular visits of Cuban diplomats and soldiers, and a continual exchange of students.

In its guerrilla schools, Cuba continues to train terrorists from Argentina, Guatemala, and other countries.

But so far, Castro's successes in Latin America have not been as large or dramatic as those in Africa. Latin American experts say this is because, in Angola and Ethiopia, Castro moved into power vacuums, and received a heavy assist from the Soviet Union. In Latin America, however, the police and military forces appear to be more than a match for Cuban-trained guerrillas, though not without considerable violation of traditional Western standards of human rights.

INCREASING US INFLUENCE

With the region threatened by Cuban and Soviet machinations and the continued arming of hostile neighbors, the need for a strong US voice is apparent. How, then, can US influence, now at a decline, be increased?

Latin American experts say the first target should be the region's economy. A start toward enhancing US influence would be an aggressive policy aimed at integrating the economies of the Latin countries with the large US market. Forging stronger trade ties and helping the individual nations to strengthen their economies would be a difficult policy, given economic pressures in the US. But such an effort would be a strong boost to restoring US prestige.

Says one authority: "Latin America is different from Africa and Asia. It is not hopelessly authoritarian and it does not have the problems and concerns of a recently liberated colony. Rather than turn its back, the US should open its markets to Latin American countries that want to join the economically advanced Western nations."

A resolution of the region's economic difficulties will not come quickly. Attempts to lower tariffs and eliminate quotas on Latin products will be resisted by domestic producers. Latin American experts say that, for the foreseeable future, economic hardships will be putting tremendous pressures on incumbent governments to make immediate improvements, or face replacement by voters or the military.

In the military area, the US should resume its practice of providing military training to Latin countries and end policies that restrict military sales. Experts also urge the US to avoid nuclear-power policies that can be interpreted as an attempt to monopolize this source of energy.

The number of Latin American servicemen trained by the US has been cut in half in the past three years, while more sophisticated weapon systems are being introduced into the area, along with third-country advisors and instructors. The US has provided no grant military assistance in Latin America since 1977. Credit for military sales to Latin American countries for fiscal year 1980 is budgeted at a token $30 million.

But beyond economic and military policies, to make a significant improvement in its relations with Latin America the US would have to abandon what critics term "human-rights sermons." And, so far, this may be too high a price, in view of their apparent popularity with voters, for the Administration or Congress to pay.●

FEC ASSAILED

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. FRENZEL. Mr. Speaker, "the Federal Election Commission came under bipartisan attack yesterday." That is the lead in the Post's story today on a hearing in the Senate Rules Committee.

The story reinforces the fact that the FEC has not completed it audits from the 1976 election, and still appears to be unready for the coming elections.

The chairman of the Senate Rules Committee said the Commission's best was not good enough. The ranking minority member questioned whether any of the Commissioners should be reappointed.

And, while the FEC is under continued attack, while its administrative and audit procedures are in shambles, and while even its hiring integrity is being questioned, there are still some Members of our own body who wish to entrust to this group the administration of taxpayers' funding of their own elections.

Todays Post article, and much general wonderment, follows:

FEC Assailed on Unfinished Audits of '76 Campaign

(By Fred Barbash)

The Federal Election Commission came under bipartisan attack from the Senate Rules Committee yesterday for its still-unfinished audits of the 1976 presidential campaign and its apparent disarray in the face of next year's elections.

One of the senators, Mark O. Hatfield (R-Ore.), wondered aloud whether any of the commission's current members should be reappointed in light of that agency's poor performance.

Although 30 months have passed since the 1976 elections, the FEC has yet to complete its audits of four presidential campaigns that year, including Jimmy Carter's general election effort. The president's campaign committee received $21.8 million in federal funds.

At one point during yesterday's hearing, Rules Committee Chairman Claiborne Pell (D-R.I.) asked Commissioner Thomas E. Harris whether the FEC would be willing to discuss details of the audits in closed session. Harris was doubtful, insisting that such matters must be treated confidentially under the law setting up the FEC. The audits, he said, involve "potential violation" of federal election laws.

"Were the commission to reveal details of pending audits, and they involved campaigns of people seeking reelection, this would go contrary" to the law, Harris asserted.

In fact, the amount of secrecy required is currently undergoing debate within the FEC, under pressure from Capitol Hill and from news organizations seeking details under the Freedom of Information Act. The statute setting up the FEC specifically prescribes confidentiality for "compliance proceedings," but not for audits. The law makes no distinction between "people seeking reelection" and other candidates.

Yesterday's hearing was called to consider Senate confirmation of Harris' reappointment to a four-year term and of the appointment of a new Republican member, Frank P. Reiche of New Jersey. But it was devoted primarily to growing criticisms of the FEC's work. The Washington Post reported April 30 that the commission, which does not have a single certified public accountant on its auditing staff, appears almost as unprepared for the 1980 campaign as it was in 1976 when it was just getting organized.

"We're dealing with public funds," Hatfield told Harris. "It seems to me that if the commission record is so unsatisfactory—as it is—you should be a little more concerned than you appear to be . . .

"Given the record of the commission," Hatfield said, "do you think any of the commissioners deserve to be reappointed?" Harris responded that he thought the FEC performed as well as any other federal agency.

Pell told Harris that while commission members felt they were "doing their best, the trouble is that the best is not proving good enough."

"There has been undue delay in carrying out your mission," Pell said.

"If you go at the same speed [after the 1980 elections] it will be 1983 before they [the 1980 audits] are completed."

Some of the committee's criticism stemmed from The Post article, which dealt with the audit delays and other problems of the commission, including a 25 to 30 percent annual turnover in staff, and staff morale problems.

Harris said he disputed much of the article. He blamed the audit delays, in part, on the lack of uniformity in record-keeping among the presidential candidates.

Under questioning from Hatfield, however, Harris conceded that while the commission had issued recommendations for uniform record-keeping, it had taken no steps to require such uniformity.

Harris attributed the high staff turnover to the youthfulness of the FEC staff and to the location of the FEC offices, at 1325 K Street NW. "I don't know of any government building in so bad a neighborhood," Harris said. "It's convenient to pornography but I don't think the normal person wants to work out his life at 1325 K Street." Besides, he said, the air conditioning was "not always so good" at the building.

In a related development, the union representing the FEC employes has filed a formal complaint charging the agency with violating merit system regulations by inquiring as to whether job applicants come with "congressional referrals." ●

FISCAL CONDITION OF OUR CITIES

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Ms. HOLTZMAN. Mr. Speaker, Dr. Donna Shalala, Assistant Secretary for Policy Development and Research of the Department of Housing and Urban Development, recently testified before the Senate Finance Committee on the fiscal condition of our cities. In her testimony, Dr. Shalala noted that, despite the present short-run improvement in the national economy which has helped urban areas, many cities are continuing to decline and will be extremely vulnerable to economic downturns in the future because of their underlying structural, fiscal, and economic difficulties.

I commend Dr. Shalala's testimony to my colleagues' attention.

Excerpts from the text follow:

Testimony of Donna E. Shalala

I am pleased to be here today to discuss with you the fragile fiscal health of our nation's urban areas. Perhaps the most important point that I would like to impress upon you is that the urban fiscal crisis is not over—the future of our cities, counties and townships still demands the priority attention of government at all levels. The circumstances which have generated long-term urban decline—loss of jobs, people, and economic base—have not been significantly altered.

Throughout the country, general purpose local governments with older physical plants, higher proportions of the poor and elderly, and higher crime rates are still experiencing economic decline. The loss of population and jobs is not random. The poor and the low-skilled remain in the urban core, while the richer, upwardly-mobile part of the population continues to move to the suburbs. Attempts by local government to cut services or raise taxes in a fiscal crisis lead to further deterioration of the business climate and an increased impetus for the mobile part of the population to move out.

It also places an increasing burden on low-income households who cannot afford to move and who are most likely to be dependent on public services. Thus, as conditions continue to deteriorate, many local governments are increasingly vulnerable to future economic downturns.

While the long-run trends still point toward a continued deterioration of the fiscal health of our urban areas, short-run cyclical improvements in the national economy have relieved some of the fiscal pressure. While the fiscal situation of some urban governments has improved in the last two years as the result of both local belt-tightening and rapid national recovery from the 1973–75 recession, this general improvement may be short-lived if the economy slows significantly.

Thus, it is essential to distinguish between long-term trends in urban economic activity and short-term cyclical fluctuations if we are to understand the current fiscal crisis and respond with sensible federal policies. When the trend and the cycle move in the same direction as they did during the 1973–75 recession, the picture is quite clear. Local governments entered that recession in a relatively strong financial position because of the then recent enactment of General Revenue Sharing. Before the recession was over, however, both the economic base and the financial situation of many general purpose local governments deteriorated and they required a massive increase in federal aid. At the other end of the cycle, economic expansion and recovery improves the financial position of many local governments but does not substantially alter the long-term trends. Thus, a number of local governments remain economically depressed.

Basing federal policy on short-term cyclical fluctuations rather than on long-term trends has led to mismatched timing between federal aid and urban need in the past. In some cases, countercyclical programs have not even been passed until after the recession was over. As a result many local governments simply added the additional funds to their cash balances. This situation thwarts both the federal purpose in providing the funds and sound financial planning at the local level. As the national economy improves, rapid withdrawal of federal aid may again lead to fiscal stress. In many cases, the financial recovery of the local government does not keep pace with the withdrawal of the federal funds, leading to financial disruption of local budgets.

Sound federal policy must recognize both the long-term economic trends and the short-term cyclical aspects of the current fiscal situation of local governments.

Let me now turn to some of the more specific evidence on these short- and long-term aspects of the current fiscal situation. Fragile fiscal health is not a condition confined to any one type or size of local government. It is an equally serious concern for central cities, for older suburbs, for counties, for townships, and for jurisdictions of all sizes, large and small. My detailed evidence is primarily for larger cities because of data availability, but smaller places also face severe fiscal problems as is well documented in HUD's recent report to the Congress, Development Needs of Small Cities.

CYCLICAL FLUCTUATIONS

Despite the improved financial position of many local governments in the last two years, their fiscal stability has deteriorated significantly in recent years. Not only have they become increasingly dependent on outside aid for balancing their budgets, but they are vulnerbale to cyclical swings of the national economy. When the national economy slows or enters a recession, local governments lose tax revenues—nearly $5 billion as a result of recession in 1975, according to the Advisory Commission on Intergovernmental Relations. The volatility of local revenues dependent on federal aid and national growth represents a potentially serious problem for federal policy toward local governments.

Recession and recovery in the seventies

The economic recovery since 1975 has marginally helped the financial position of some local governments in the U.S. This improvement, however, has not altered the long-term economic decline in many of these places. Because the overall economic improvement is relatively recent and because improvements in the national economy are reflected in local budgets only after a lag, evidence on the improved health of local government finances is still incomplete. Some of the indications of improvement are as follows:

The national economic trends in GNP and employment from 1970 to 1977 show a clear relationship to local government fiscal health. The slowest growth in GNP occurred in 1974 and 1975, the worst years for the budgets of large cities. National employment also had its slowest growth in those two years.

For the fiscal year ending in 1977 twenty-nine of the nation's largest cities ended the year with a budget surplus. The surplus amounted to over $212 million or 3.2 percent of total expenditures for those cities. In both 1975 and 1976, those cities had deficits of $28.4 million and $154.1 million, respectively. Fiscal year 1977 was the first year that these cities had shown surplus since fiscal year 1974, the first year of the recession.

Indeed, the relationship between city budget surpluses and the national economic recovery is quite striking. It is important to note that these budget surpluses are small relative to the level of Federal aid received by these twenty-nine cities. For example, they received more than $1,825 million of Federal aid under the Economic Stimulus Program (Local Public Works, Antirecession Fiscal Assistance, and Comprehensive Employment and Training Act). Equally important, the surpluses do not reflect the hardship generated in a number of distressed cities by the service cuts needed to realize them.

While these surpluses are one indicator of better financial health, they tell only a very small part of the fiscal story of local governments. Levels of local public services, levels of tax effort, the condition of public sector infrastructure, and the extent of local government services responsibility are all at least as important in determining local fiscal health as the current budget surplus or deficit. The case of Newark, New Jersey, is illustrative. A state spending lid has left that city with a current budget surplus although it is consistently identified by experts as one of the most distressed cities in the nation. Most state and local governments are legally prohibited from deficit spending and therefore tend to underbudget so as to err on the surplus side. This tendency has been encouraged by the problems of New York City and their impacts on local government bond markets across the nation.

Finally, although the surplus is often properly reported net of federal social insurance funds, it still includes state and local pension fund balances which are not available for discretionary expenditures. After two decades of rapid expansion in state and local public employment, these pension fund surpluses are essential to the future fiscal solvency of the state and local sector and are in no sense a sign of fiscal affluence.

Along with the improvement in the overall economic situation, real (after inflation) city general revenues from own sources have begun to increase. During fiscal years 1974 and 1975, the period of recession, real own source general revenues for cities first fell by $679 million and then during fiscal year 1975 increased only slightly—by $33 million. Fiscal years 1976 and 1977 have shown improvements in the real revenue collection of cities.

Since the rate of real growth in GNP is expected to slow significantly in 1979 and the possibility of a recession cannot be ignored, these surpluses may be short-lived. If the slowdown in the national economy is more severe than expected, local governments will be vulnerable once again to the kind of fiscal stress they experienced in 1974 and 1975. A crucial factor in their ability to withstand a recession without substantial layoffs and service reductions is federal aid.

The role of Federal aid

Unfortunately, much of the increase in Federal aid to local governments since 1976 has been based on needs generated by the short-term cyclical changes in the economy rather than long-term trends. Such a policy has made local governments to some extent dependent for aid upon unstable swings in the business cycle rather than upon a more stable federal effort to ameliorate the long-term decline.

In some local jurisdictions, the underlying economy is strong enough to withstand a combination of cyclical downturn and withdrawal of federal aid, but many local areas have extremely weak economies and could face severe fiscal crises if this occurs.

The following section documents the long-term decline of a number of urban areas and demonstrates their vulnerability to fiscal pressures.

LONG-TERM ECONOMIC TRENDS

Although the data presented here are primarily for large central cities, the trends they document are equally applicable to many smaller cities and counties, including some suburban areas. The basic long-term trend documented here is urban decline. A number of different measures have been used to assess the health and longer-term prospects of urban areas. These measures, less responsive to cyclical changes in economic activity, are thus very important in gauging long-term trends. Their actual relationship to fiscal condition varies, but it is clear that downturns in these indicators generally signal increased financial pressure and distress. Trends in population, income and employment are all contributing to these declines.

Population

This is a familiar and often-used measure of community condition. Population loss places a special burden on urban governments, magnifying budgetary strain, because while it rapidly depletes taxable resources, essential public expenditures do not drop proportionally. Furthermore, it is the better-educated, higher-income households who are leaving the urban core so the impact on their economies is even greater.

Population change affects almost all revenue sources, but property tax revenues (a major source for many local governments) are most sensitive. Even local sales and income taxes, which are partially borne by commuters and shoppers living outside the central jurisdictions, respond to population loss.

The following population trends illustrate the situation quite clearly:

The population of central cities as a group declined by 4.6 percent from 1970 to 1977 while the suburban population increased by 12 percent. Large central cities erperienced even greater losses during this period, declining by 7.1 percent as a group.

A number of large central cities which grew between 1930 and 1970 have lost population since 1970. This group includes Dallas, Denver, and Los Angeles, cities in the Southern and Western regions of the country, indicating that central city decline is a national phenomenon with implications for more than a few crisis areas. Among large cities which have declined steadily since 1960, the most rapidly declining cities are Cleveland, Minneapolis, and St. Louis, with Buffalo, Detroit, and Pittsburgh close behind. New Orleans and San Francisco are also in the category of cities which have steadily lost population since 1960.

The loss of central city population between 1970 and 1977 is symptomatic of the long-run trend in the loss of central city dominance over SMSA's which extends as far back as 1900 in a number of urban areas. Washington, D.C., for example, accounted for more than two-thirds of the population in its metropolitan area in 1900, but less than one-fourth of it by 1975. Most other major cities experienced similar declines in relative importance. This is an indication of the extent to which the central city is able to capture the tax base of newer and generally wealthier outlying parts of its metropolitan area. Annexation has enabled a number of central cities to capture portions of their suburban tax base and is reflected in the extent of their dominance of their SMSA. Annexation, however, has been confined almost exclusively to the Southern and Western regions of the nation in recent years; a few Midwest cities have annexed, but no annexation at all has occurred in the Northeast.

Within the same SMSA, from March 1975 to March 1978, more than twice as many people moved from the central city to the suburbs as from the suburbs to the central city. The back to the city movement is clearly overwhelmed by the continuing exodus from central cities.

Income

The income level of cities is another useful indicator of fiscal condition. It is related to a variety of revenue sources, including local income, sales, and property taxes. Trends in central city income are indicated by the following:

From 1969 to 1976 the real dollar median income of families living in central cities fell by $614 while the income of their suburban counterparts fell by only $59. In 1969, the median suburban family earned $2,954 more than the city dweller. By 1976, the suburban family earned $3,149 more than the city family. Not only did city dweller lose income, but they also lost relative to families living in the suburbs.

Between 1960 and 1975, the ratio of central city to suburban income per capita declined in 73 of the nation's largest 82 metropolitan areas. This trend was clear in all four regions of the nation with more than 83 percent of these large cities in the East, 86 percent of those in the Midwest, 88 percent of those in the South, and 100 percent in those in the West exhibiting declines in this ratio.

In addition to median levels, another important dimension of incomes in central cities is the fraction of the population with very low incomes. Two measures of this illustrate the extra burden on central cities; percent of the population below the poverty level, and transfer payments as a share of local income.

A larger fraction of the poverty population of the U.S. lived in central cities in 1977 than in 1970. During this period, both suburban and nonmetropolitan areas experienced reductions in the percent of their population below the poverty level while this percent rose in central cities.

Transfer payments constituted a larger share of local income in declining counties than in growing counties in 1975. This share also grew faster between 1970 and 1975 in these declining areas. Several growing areas have relatively high percentages (Phoenix, San Antonio and San Diego), but this is generally attributed to retired people (civilian and military) who represent a lesser drain on public resources. The high percentages in Boston (31.7%), Philadelphia (27.0%), St. Louis (28.0%) and New York (25.0%) highlight an increasing reliance on government programs to sustain the local economy.

Employment

A final indicator of long-term decline and fiscal pressure is city employment. Employment affects virtually all potential tax bases in one way or another. Just how much a particular city will be affected by job loss depends on its tax structure and on the mix of jobs in its economy. One ironic problem facing many older cities is that service sector and public sector jobs replacing manufacturing job losses do not generally produce equivalent tax yields. Roy Bahl, Alan K. Campbell and David Greytak have estimated that New York City requires 1.11 service jobs or 1.61 government jobs to replace a manufacturing job in terms of tax revenues. The trends in central city employment are indicated by the following:

Employment of central city residents declined by 1.4 percent between 1970 and 1977 while employment of suburban and nonmetropolitan residents increased by 25.7 percent. The employment of central city females actually increased during this period, but it was more than offset by the decline in male employment.

Unemployment was higher among central city residents in 1970 and rose by a larger amount between 1970 and 1976 than unemployment in suburban or nonmetropolitan areas.

POLICY IMPLICATIONS

The facts presented here have clearly demonstrated the fragile nature of the current budget surpluses of local governments and their vulnerability to an economic slowdown. This vulnerability exists because many urban areas are experiencing long-term economic decline, including losses of people, jobs, and tax base. These long-term trends are currently offset in many places by the impact of rapid national economic growth, but once that growth rate slows they face a far bleaker future than their current budget positions suggest.●

FRANK MARTELLA RETIRES FROM SAN LORENZO UNIFIED SCHOOL DISTRICT

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. STARK. Mr. Speaker, a truly remarkable educator, Mr. Frank Martella will retire June 30 from the San Lorenzo, Calif., school district that he has served so well for almost 40 years.

Mr. Martella has served the San Lorenzo school district as a teacher, principal, and personnel director. The individual student has always been his prime concern. All segments of the community recognize Frank Martella as an outstanding public servant and a fine human. He was instrumental in establishing a junior high honor society in the district. This has provided a great incentive for better academic performance and Mr. Martella deserves our thanks for this and for his many other public and personal acts of leadership and understanding.

Frank Martella has been supported in his work by his wife Arlyne. The Martellas have a son and daughter and two grandchildren.

His community concerns have also included Little League Baseball. The local little league park is known as Martella Field in recognition of Frank Martella's involvement in this program.

Frank Martella is a solid citizen and the people of San Lorenzo and Alameda County recognizes his talents. His retirement he has richly earned, but those who know Frank understand that his concern for the community will continue to keep him active in its affairs.●

PANAMANIAN GUN SMUGGLING

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. RUDD. Mr. Speaker, yesterday the President of Panama, Aristedes Royo, arrived in Washington to begin a series of meetings with President Carter and Members of Congress.

President Royo's trip is no doubt designed to be another in a long series of public relations visits by foreign dignitaries—this time to sell the canal treaties implementing legislation. Mr. Speaker, there are some deeply troubling, substantative issues which should be explained by Panama's new head of state.

According to an article in the May 2 Miami Herald, the former Panamanian consul in Miami, Edgardo Lopez, was instructed by Panamanian intelligence officials to purchase arms from Miami gun shops to be smuggled via Panama to Sandinista guerrillas in Nicaragua.

The affidavit filed in the U.S. District Court in Miami by an official of the U.S. Treasury Department's Bureau of Alcohol, Tobacco, and Firearms states that Lopez and a middleman who contacted the gun shops were prepared to order more than $2 million in arms and ammunition for the guerrillas forces. The BATF's investigation into the Panamanian gun smuggling is continuing and yet it has received little or no coverage in the Washington press.

The story unfolding in Miami brings into serious question the desire of the Panamanian Government for peace in Latin America. In my view, it is further reason for the reluctance of the House and the American people to believe in the good faith of the Panamanians concerning the vital Panama Canal.

The U.S. State Department has repeatedly denied any knowledge of Panamanian aid to the Sandinista terrorists.

If the State Department does not know about it, they are apparently the only ones who do not. The court affidavit filed by officials of the Treasury Department suggests quite clearly that the Panamanians are very much involved in gunrunning to the terrorists in Nicaragua.

I include the Miami Herald news article on this situation at this point in the RECORD:

[From the Miami Herald, May 2, 1979]

ARMS SMUGGLED BY PANAMANIANS, INVESTIGATOR SAYS

(By Joe Crankshaw)

Panamanian intelligence officials directed an airline official and the Panamanian consul in Miami to smuggle arms to the Sandinista guerrillas in Nicaragua, according to an affidavit filed Tuesday in Miami federal court.

The affidavit came to light when Jose A. Pujol, 36, Miami cargo manager for Air Panama, surrendered to authorities on gun-smuggling charges.

Pujol was released on a $25,000 personal surety bond after a brief appearance before U.S. Magistrate Charlene Sorrentino.

According to an affidavit given by Special Agent Donald Kimbler of the federal Bureau of Alcohol, Tobacco and Firearms (ATF), Pujol and then-Miami consul Edgardo Lopez, shipped a number of surplus military-type firearms, ammunition, telescopic sights and pistols to "Nicaraguan guerrilla forces" in late 1978.

Kimbler, who is in charge of the ATF investigation, said in his affidavit, that Pujol acted as the middleman for Lopez in making deals with the Garcia National Gun Shop on SW 22nd Avenue.

Employes of Garcia National Gun Shop are cooperating in the ATF investigation, ATF officials said.

The Kimbler affidavit states that Pujol told Garcia gunshop owners he was prepared to order more than $2 million in arms and ammunition for the guerrilla forces.

When gunshop employes told him he would need an export license to legally move the guns out of the country, Pujol said he would personally put the guns on an airplane without a license, Kimbler said the gunshop employes told him.

Pujol purchased guns—paying cash—on Sept. 20, 29 and Oct. 9, Kimbler said gunshop records show.

Kimbler and other ATF agents placed Pujol under surveillance and on Nov. 7 watched Pujol go into the gunshop, sign orders for the weapons and leave, Kimbler said in his affidavit.

On Nov. 9, the agents watched Pujol go to the Tamiami Gunshop, buy seven pistols and one shotgun and hand them to Jose Antonio Alvarez, another Panamanian airline worker.

Alvarez took the guns to Panama aboard an Air Panama flight, Kimbler swore in the affidavit.

At 2 p.m., Nov. 9, Kimbler and other agents seized the weapons Pujol had purchased Oct. 17, Kimbler said. The Tamiami Gunshop also is cooperating with ATF officials in the investigation.

Employes and owners of both gunshops are reluctant to comment on the gun sales.

"Talk to the federal agent in charge," urged Carlos Garcia, owner of the Garcia National Gunshop. "I don't think that I ever will [talk] because it is not in my interest to do so."

The next day, according to Kimbler's affidavit, he interviewed Lopez and Lopez admitted directing seven arms purchases on orders of intelligence officers in Panama.

The Sandinista guerrillas, who take their name from Gen. Cesar Augusto Sandino who was killed fighting the U.S. Marines in the early 1930s, have had the vocal and material support of the Panamanian government.

Efforts to contact the Panamanian consul in Miami and its embassy in Washington, were unsuccessful Tuesday because both offices were closed for the Labor Day holiday in that country.

Officials in the Nicaraguan Embassy in Washington said they would have no comment on the matter until they could receive more information.

Panama's strongman, Gen. Omar Torrijos has made no secret of his opposition to the regime of Nicaraguan President Gen. Anastasio Somoza. In January, Carter administration officials had to dissuade Torrijos from sending troops to aid the Sandinista guerrillas.

In March, it was revealed that Hugo Spadafora, Torrijos' vice minister of health, had resigned his post to fight with the Sandinistas against Somoza.●

SPORTSMEN'S GROUPS STRONGLY SUPPORT UDALL-ANDERSON SUBSTITUTE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. UDALL. Mr. Speaker, the Udall-Anderson substitute is the only Alaska lands legislation currently before the House that fully protects the habitat required for the big game species in Alaska. The affiliate members of the National Wildlife Federation, the Nation's largest conservation organization, have spoken out on this issue. The following letters and telegrams from all around the country were addressed to Mr. Thomas L. Kimball, executive vice president of the National Wildlife Federation:

Please support Alaska land bill and Udall amendment. It does not prevent hunting or State management of wildlife resources.

CHARLES SHAW,
Executive Vice President,
North Carolina Wildlife Federation.

New Mexico Wildlife Federation urges your support of H.R. 3636: as New Mexico's largest and oldest conservation organization, we speak for sportsmen and conservationists statewide. We know that H.R. 3636 offers the best for habitat protection, resource management and fish and wildlife interests. We believe in State's rights for fish and wildlife management decisions and determination of land usage that reflects the interests of all citizens not just special interests. We believe you also believe this and therefore ask you to represent all interests.

HUCK HALE,
President,
New Mexico Wildlife Federation.

The 27,000 members of the Missouri Conservation Federation support the Udall-Anderson H.R. 3636. Urge your support.

ED STEGNER,
Executive Director,
Missouri Conservation Federation.

Indiana Conservation Council, official affiliate of National Wildlife Federation, urges support for Udall-Anderson substitute bill, H.R. 3636.

JAMES RICE,
Executive Secretary,
Indiana Conservation Council.

Louisiana Wildlife Federation and all its affiliate members are in favor of the Udall-Anderson bill on Alaska.

EUGENE DAUZAT, Jr.,
President,
Louisiana Wildlife Federation.

Georgia Wildlife Federation urges you to vote for the Udall-Anderson version of Alaska bill.

EARL WILKES,
President,
Georgia Wildlife Federation.

Please support Udall-Anderson Alaskan legislation.

JOHNNY JONES,
Florida Wildlife Federation.

The Minnesota Conservation Federation supports the Udall-Anderson Alaskan land bill.

GORDON MEYER,
President,
Minnesota Conservation Federation.

South Carolina Wildlife Federation urges support H.R. 3636 Udall-Anderson Alaska land bill. Conservationists believe this represents reasonable balance between wise use of resources which includes hunting and development. This bill will likely avoid administrative veto.

JACQUELINE JACOBS,
Executive Director,
South Carolina Wildlife Federation.●

A NOTE OF MORAL SUPERIORITY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. DORNAN. Mr. Speaker, I watched with intense interest the antinuclear power demonstrations here at our Nation's Capitol this past weekend. The pundits were right. The entire show was reminiscent of demonstrations in our recent unhappy past, the frenetic protests against our flawed involvement in Southeast Asia. In tone and style, the anti-South Vietnam protests were remarkable for the stridency and guerrilla theater of the participants, most especially that peculiarly Manichean righteousness which painted all opponents of the protest leaders' pro-Hanoi policy as irredeemably evil.

Note, of course, that not a word was said about the evil that the United States was attempting, unsuccessfully, to combat: the totalitarianism that has since engorged itself on the blood of millions of Cambodians and murdered thousands and incarcerated hundreds of thousands of Laotians and Vietnamese in concentration camps called "seminars" and reeducation centers. Communist rhetoric is always euphemistic in identifying the process by which political prisoners are murdered or "reeducated". The fate of almost certain but less brutal death upon the South China seas is the choice of the thousands of pathetic "boat people."

The point is especially significant, Mr. Speaker, because some of the major leaders of the recent antinuclear demonstrations played leading roles in the protests of the sixties. When the Cambodians were beaten to death with hoes, starved, shot and dumped in mass graves Nazi style, or disposed of in other, more vicious and unmentionable ways, Jane Fonda and Tom Hayden said nothing. They deafened the world with their silence. It is likewise significant that they were joined in recent expression of moral outrage by the always au courant Governor of California, a born anew tax-cutter and the ayatollah of balanced budgets, whose obsession with exotic places, things, and people bridges continental and cultural and credibility gaps.

Yes, Mr. Speaker, this weekend we were treated to a show.

The plot of this program is immensely complicated; but you would not know that from the script adopted by Fonda, Mr. Tom Fonda, and Governor Brown. Two years ago, the United States was importing 46 percent of its oil requirements, at a cost of $45 billion, equal to a burden of $207 on every American. Now that import requirement is approaching 50 percent and severely aggravates our balance of payments on a daily basis. New England depends for nuclear power to provide a disproportionate amount of its electricity. The same is true for Chicago.

It has been estimated that if, indeed, we were to switch from nuclear power to conventional fuels, largely oil, we would add yet another $18 billion a year to cur energy costs. We could move toward coal but the transportation system is weak, the labor costs are high and the cost in environmental cleanliness, worker safety, and general health is extraordinary.

If we move, full scale, to shale, we will be accused of wrecking the western mountain ranges, and destroying scenic beauty not just for generations to come but forever. We are asked to refrain from drilling offshore. We are asked to move ahead on the development of solar power—everyone agrees on using solar energy—even though the commercialization of solar power will not resolve our outstanding energy problems for years to come. You would think that the recognition of these problems—even in light of the potential disaster at Three Mile Island in Pennsylvania—would cause the anti-nuclear-power forces to adopt a rational course. But, no; their answer is simplistic. We are asked to shut down immediately all, repeat all, nuclear power plants.

It is a simple script. Jane Fonda can

play the role with passionate fervor. Tom Hayden can chirp in with some pithy hyperbole. For Governor Brown, it is made to order: "The nuclear industry is venal, not galacticly oriented, too efficiency obsessed, and so forth." Vague, broad charges. Great demagoguery. "Abbott and Costello Meet the Wolfman" is nothing on the late, late show compared to "Beauty and the Beast Meet the California Ayatollah" on the evening news.

The lead characters in this costly operetta come from my State, Mr. Speaker, where we are very familiar with "special effects." The land of the giant silver screen is also the production home base of the far more powerful median of TV, so our State is steeped in "special effects."

Mr. Brown understands "effects" very well. But the world of reality is not so simple as the melodramatic troika of Brown-Fonda-Hayden trio would have you believe.

The brilliant George Will has written in his Los Angeles Times column of the post-Vietnam awakening of Mr. Jean Lacouture, a French radical whose eyes have been opened by the ugly nature of the Vietnamese-Cambodian-Laotian Communist triumph. He weeps over his mistakes. He confesses to the fact that he was terribly wrong. If Tom Hayden and his financial backer, Jane Fonda would just once admit that they were mistaken, at least in part, about the nature of the Indochina Communists who now bleed Southeast Asia, then we might find their moral courage over the danger of nuclear power at least more palatable, even if that outrage is technically overstated.

Mr. Speaker, at this point, I do not see how the lead players in the recent Capitol Hill show can adopt a position of moral superiority over anyone—even the faceless utility, oil and nuclear executives they detest so readily.

Mr. Will's column hits the mark precisely in the center. I submit it for the Record:

[From the Los Angeles Times, Apr. 20, 1979]

"Progressives" Find War Hell—for Real and for Reel

(By George F. Will)

For several decades, since the Soviet Union lost its allure, many "progressives" have admired Asian communism—from a safe distance, of course. For such people, 1979 is becoming tiresome.

On Jan. 1, Cambodia announced the launching of an attack by Vietnam on Dec. 25. War really is hell for a "progressive" when neither side can be called Fascist. Cambodia's slaughtering Communists were an embarrassment, but so was Vietnam's attack. It refuted the myth of "peace-loving" Hanoi, a myth concocted to serve the supreme myth that Hanoi's war of aggression against South Vietnam was a mere welling-up of nationalist ardor.

Then China, which "progressives" have said "has so much to teach us," attacked Vietnam, destroying villages to "teach them a lesson."

And, in Paris, Jean Lacouture, a prolific journalist revered by Hanoi's Western friends, denounced himself and others for having been "vehicles and intermediaries for a lying and criminal propaganda . . . spokesman for tyranny in the name of liberty."

Lacouture confessed "shame for having contributed . . . to the installation of one of the most oppressive regimes (Cambodia's) history has known." And, "with regard to Vietnam, my behavior was sometime more that of a militant than of a journalist. I dissimulated certain defects of (North) Vietnam at war against the Americans . . . I believed it was not opportune to expose the Stalinist nature of the (North) Vietnamese regime."

Michael Ledeen, writing in Commentary, says Lacouture's recantation is part of "the debate among French intellectuals over the nature of communism—a debate which has now reached historic proportions."

In France, philosophy, like wine, matures slowly, and some French philosophers, having read, Solzhenitsyn, have concluded (better late than never) that the Gulag is the essence, not an accident, of communism.

It is quite French, this lighting on the obvious with a proud sense of original discovery, but it is nonetheless welcome, especially because the debate is spilling into Italy. The debate there is helped along by an irony: As an Italian commentator has noted, Rome has a Communist mayor who knows nothing about real communism and a Pope who knows everything about it.

And now comes another affront to "progressive" sensibilities—the movie "The Deer Hunter," the winner of the Academy Award as the best picture of the year. It is, primarily, a sympathetic treatment of the working-class, young Americans who fought the Vietnam war. Although it deals admiringly with some martial virtues (such as bravery, loyalty and disciplined ferocity), it is in no way a celebration of war, or of America's Vietnam involvement.

Nevertheless, it has been denounced by those among Hanoi's friends who cling to the old cause as if clinging to life. They detest the movie's stirring love of country, and even more its portrayal of Vietnamese Communists as brutal, especially in the treatment of prisoners. That their many brutalities did not include one shown in the movie—forcing prisoners to play Russian roulette—is not the principal point of controversy. Those who denounce the movie as "reactionary" reveal how much their opposition to American policy was rooted in anti-Americanism and a romantic assessment of Asian communism.

Capt. John McCain of the U.S. Navy has not seen the movie. He saw too much of the reality. He was a POW for nearly six years, and experienced some of the "defects" of the North Vietnamese that the likes of Lacouture thought that it would be "inopportune" to expose.

One day his captors told him that he would be taken to meet someone identified only as "an American actress who is for peace." He refused to see the actress—in part, he says, because he did not expect her to be the sort of person who would go home and tell the truth.

He also refused because of the experience of a POW who had agreed to meet with some other Americans in the "peace" movement. The "peace" people commanded to POW to confess war crimes. When he refused, repeatedly and adamantly, he heard a "peace" person suggest to his captors that "this young man needs to be straightened out in his thinking." He was hung by his wrists until an arm pulled from its shoulder socket.

For refusing to see the actress, McCain was confined for four summer months in an unventilated cubicle five feet long and two feet wide, and was beaten and starved. Other prisoners suffering similar abuse also were made to suffer Jane Fonda's voice: The North Vietnamese piped into the cells recordings in which she urged prisoners to actively oppose U.S. policy, and told the world how well the prisoners were being treated.

McCain recounts this without passion. He is a professional who understands that he must know the enemy, but not take things personally.●

ECONOMIC IMPACT OF LEGISLATION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. WHITEHURST. Mr. Speaker, on the opening day of this Congress, I reintroduced my legislation to require the Congressional Budget Office to prepare economic impact statements in connection with legislation reported by congressional committees and in connection with rules and regulations proposed by Federal agencies. This bill, the Economic Impact Act of 1979, is now H.R. 808.

An editorial appeared in the May 9, 1979, edition of the Wall Street Journal which further underscores the need for this kind of legislation. In a time when our Government seems to be having great difficulty in bringing inflation under control, it seems to me that the economic impact of new laws and regulations needs more than ever to be taken into consideration.

I commend this editorial to my colleagues and urge that prompt, favorable action be taken on this essential legislation.

EPA Runs Amuck

While the President has been being earnest about all those extra profits that price decontrol will bring the oil companies, the Environmental Protection Agency has dreamed up a new series of regulations that would soak up the profits of the entire industry and then some. Declaring drilling muds, oil production brines, and crude oil residue to be "hazardous waste," EPA has proposed regulations that the American Petroleum Institute says will cost $45.5 billion annually.

That amount is two to three times the industry's after-tax profits. It's about twice as great as the industry's 1979 budget for drilling exploration and production of gas and oil. It is $6 billion more than our OPEC bill for 1978. Even if ways are found to reduce the API's estimated costs, the EPA clearly will soak up any "windfall profits," eliminating the need for the tax so eagerly being debated in Congress.

For $45 billion EPA will be buying: (1) analysis of mud composition at drilling sites, (2) two-meter fences, gates, signs and security personnel posted around disposal facilities, (3) quarterly reports on groundwater and leachate, requiring four monitoring wells around each drilling pit area, (4) daily inspection of each disposal facility, (5) monitoring and maintenance of security of drilling muds for 20 years after a production site is closed, (6) and so forth.

The regulations also prohibit drilling and production operations in wetlands (most of the Gulf Coast), active fault zones (California), and "500 year floodplains." In other words, areas known to contain large oil reserves are off-limits under the regulations.

All of this is necessary, EPA says, because it lacks information on waste characteristics of muds and brines, on the degree of environmental hazard posed by disposal and on waste disposal practices and alternatives. The plain fact that we have lived with these wastes for years is apparently irrelevant.

Maybe EPA really can't tell an oil rig from a nuclear reactor. But there are enough economists around who can explain to them the difference between an incentive and a disincentive. Regulation is like a tax, and, thanks to government, neither the oil industry nor the economy is robust enough to absorb $45 billion annually in new taxes. If these regs stick, one dollar a gallon gasoline will rapidly become "the good old days."

Today the economy is struggling to adjust to the higher real price of energy; the EPA regulations would have the same kind of shock-wave effect on energy costs as an OPEC price increase. Surely EPA's proposal is an expensive frivolity. There's already enough being done to drive up energy costs and discourage domestic exploration and production without EPA adding its $45 billion worth.

Perhaps Congress and the President will note that the EPA regs are about to run amuck and preempt the windfall profits tax, thereby depriving them of new revenues. At a time of budget stringency when favorite spending constituencies can't be properly serviced, politicians may put their foot down. Maybe EPA's extravagance will provoke Congress to legislate a regulatory budget limiting the costs agencies can impose on the economy. If so, the new regs proposed by EPA will have served a good purpose.●

MILITARY STRENGTH HAS DECLINED TO PUT THE UNITED STATES AT A DISADVANTAGE IN EUROPE AND THE FAR EAST

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. McDONALD. Mr. Speaker, Gen. John K. Singlaub USA (retired) is writing a series of two articles in the Sunday edition for the Atlanta Journal and Constitution on the weakness of our military forces and how this has come about. In his first article, which appeared on May 6, he points out that whether a new war breaks out in Asia or Europe, we are ill prepared to fight in either area. Our present defense budget, he points out is at the lowest point since 1940, in terms of public spending. This is in spite of the vaunted 3 percent President Carter has added to our budget to bolster our forces in NATO. The cumulative effects of delaying the purchase of new equipment for our conventional forces and the repeated cancellation of new strategic programs in hopes that the Soviets respond in like fashion have all come to naught. We now face the possible defeat in a new war and the American people should be told this. I commend this first article to the attention of my colleagues as the time to consider the defense budget nears.

The article follows:

MILITARY STRENGTH HAS DECLINED TO PUT U.S. AT A DISADVANTAGE IN EUROPE AND THE FAR EAST

(By Maj. Gen. John K. Singlaub)

Secretary of Defense Harold Brown made an eloquent plea last February to the Budget Committee of the House of Representatives in which he asked for support for the fiscal year 1980 defense budget.

In his explanation of the need for increased defense spending, he pointed out that the 1980 defense budget, while high in current inflated dollars, is only 4.9 percent of the country's total economic output. This represents the lowest percentage of our gross national product devoted to national defense since immediately before Pearl Harbor (fiscal year 1940).

He also pointed out that if this budget request is measured in terms of a percentage of all federal spending or as a percentage of all public spending—including state and local—again it is the lowest since 1940.

It was, among other things, the low budgets leading up to 1940 which convinced the Imperial Japanese Government of our lack of interest in national security and our unwillingness to do what was necessary for our own defense. From this they concluded that we would probably not interfere with the Japanese efforts to expand the Greater East-Asia Co-Prosperity Sphere and drive the United States out of the Western Pacific.

The Japanese estimate of our capability to recover from the attack at Pearl Harbor was wrong. It does not, however, give much comfort to realize that our recent expenditures for our own security are nearly as low as they were 40 years ago. The declining defense budgets in the 1930s and allied efforts toward appeasement of the aggressive governments of Germany and Japan produced the invasions of Poland and the Lowlands and the "Day of Infamy" at Pearl Harbor.

In addition to providing an overview of what the defense budget is expected to accomplish, Secretary Brown went on to address three basic questions concerning his part of the administration's total budget. These three questions are appropriate to ask about any defense budget.

The first: is our defense program in reasonable balance with other federal programs and public sector spending as a whole?

The second: are the funds we are now proposing actually adequate to provide for our defense?

And finally, does the defense budget represent an intelligent selection of reasonable priorities among competing defense needs?

The conclusion presented by Brown to each of these questions was generally in the affirmative. In developing his answers, however, he presented some facts, figures and comparisons that caused me as a professional soldier to reach a different conclusion to each of the three questions.

The facts quoted by the former scientist, now defense secretary, reinforce some of my basic concerns for the defense of this country as we examine the real capabilities of our conventional military forces to accomplish the missions they have been assigned. I would like to discuss three of these areas of concern:

The first is that the U.S. conventional forces are being placed in positions of inexcusable disadvantage in both the Far East and Western Europe. The simple fact is that we have insufficient military personnel and inadequate equipment to protect United States interests and those of our allies. We do not have enough military strength to defeat our potential enemies in combat and apparently we are not going to be allowed to bring to bear our superior technology.

Second, the prospects for our conventional forces are that their disadvantages will increase in the years ahead. A variety of policies followed by this nation for more than a decade relating to personnel and equipment are now having their cumulative effect.

Third, United States strategic capabilities, which have been reduced in the interest of advanced SALT and detente, have all but taken away from us the option of escalating a conventional conflict to a higher level of intensity, in the event that our ground forces were about to be overwhelmed by an enemy. Exercising that option would involve exceedingly high risks. This again has been achieved by restricting the use of our superior technology—by canceling the B–1 bomber, dismantling the anti-ballistic missile system, limiting the range of cruise missiles and delaying production of the Trident submarine missile.

In regard to the Far East and NATO theaters, the U.S. forces stationed in South Korea are facing a growing North Korean opponent. North Korea's forces have during the past two years been moved south to new bases very close to the Demilitarized Zone. Intelligence has recently revealed that North Korea now has 41 divisions on its side of the DMZ. This is an increase from 29 divisions which I reported as the basis of my deep concern in my testimony before the Congress in 1977.

Moreover, these units are now supplied with much improved Soviet-designed equipment—most of which is actually manufactured in North Korea. We can count on the fact that North Korea will be receiving even higher priority support from the Soviet Union as an outgrowth of the new Soviet-North Korean mutual security pact signed in November of last year. This agreement, strangely enough, received very little publicity in the U.S. press, despite its obvious implications for the U.S. plan to withdraw our ground forces from South Korea.

An important point to remember is that the North Koreans, unlike the Egyptians, Somalis and others who depended upon Soviet-made weapons systems, are not constrained by a Soviet supply of repair parts and ammunition. They manufacture their own and have, as a result, an independence of action not known to other Soviet clients.

Despite the growing threat in Korea—for which there is no overwhelming evidence—the United States has already withdrawn 3,600 ground forces from the Peninsula of South Korea, and plans the further withdrawal this year of 2,600 additional forces. What will remain will be just over 25,000 ground troops, along with 7,000 Air Force personnel.

U.S. and South Korean forces are facing a North Korean force now estimated at nearly 600,000, the fifth largest military force in the world.

The strengthening of North Korea's forces and the new Soviet-North Korean Pact must be seen as part of the overall plan by the Soviet Union to increase its domination of the Far East and to contain and ultimately crush the influence of the recalcitrant People's Republic of China.

The hasty signal from Peking that preceded the "normalization" of diplomatic relation with the United States was, in my judgment, motivated primarily by a desperate Chinese strategic need to counter what they now recognize is an acceleration of Moscow's timetable for the domination of the Far East.

This is not to suggest that this was the primary motivation. I'm confident that the primary motivation of the Chinese is to receive U.S. technology and food to help overcome the basic weaknesses of the inefficient communist system.

The recent Chinese punitive operation in Vietnam is a desperate and high-risk effort by the Red Chinese to reassert their influence in Southeast Asia, to consolidate their southern border, and to redress the military and political imbalance in Southeast Asia, growing out of the Soviet-supported Vietnamese invasion of Cambodia.

Teng Hsaio-ping said during his recent visit to the United States that Red China may have to "teach Vietnam a lesson." But the drama in Southeast Asia is a mere subplot in the larger scenario of the overall power struggle in the Far East.

And the question for the United States is whether the next major move by the Soviet Union will be made directly against the People's Republic of China or on the periphery, such as on the peninsula of Korea. The buildup of military strength in North Korea and President Carter's plan to withdraw the only deterent to war in that area suggest that the Soviets may wish to make that move first.

In NATO, the situation is at least as desperate as it is in the Far East. The Nunn-Bartlett report, "NATO and the New Soviet Threat," submitted to the Congress in January of 1977, spelled out the steps taken by the Soviet Union to strengthen the Warsaw Pact forces and to insure a successful invasion of Western Europe, if that proved to be a desirable or necessary step.

The defense specialist of the New York Times, Drew Middleton, published a book about a year before the Nunn-Bartlett report, entitled "Can America Win the Next War", in which he postulated a Warsaw Pact invasion that could reach the Rhine River in three weeks. There is reason to believe that the Middleton book expressed a genuine NATO concern.

In response to such warnings and other information coming from the NATO high command, the president has belatedly declared that he will increase the U.S. commitment to NATO by three percent. But NATO authorities have made it abundantly clear for many years that what is needed in Western Europe is vastly more than a three percent increase in funding to modernize U.S. conventional forces stationed there.

Even assuming that the president will fulfill his promise, I think the proposed U.S. action fits the classic description of "too little and too late".

We must be honest and recognize that the problem of NATO is not entirely of President Carter's making. Over a period of years our NATO allies grew accustomed to the nuclear shield which we once extended over them.

They also resent the fact that our nuclear shield has been withdrawn in the name of SALT and detente in a diplomatic gamble that many European military advisers recognized from the beginning had little possibility of success.

Former NATO commander Gen. Alexander Haig has been quite blunt in his recent public statements by declaring that what is needed is "a new kind of leadership by post-Vietnam America". And still other NATO political leaders are incapable or unwilling to resist the growing power of socialist and communist elements within their countries, elements which have bitterly opposed over the years any increase in NATO's military strength.

It is quite clear that many NATO leaders are considering whether the time has come for accommodation with the East. In fact, rumors to the effect that such exploratory contacts have started have been circulating for several months.

Our long neglect of NATO, both political and military, has left the alliance in disarray, with the southeastern flank crumbling. The Greek-Turkish dispute over Cyprus, augmented by the ill-advised act of the United States in halting the regular flow of military equipment to Turkey, has weakened terribly the ability of NATO to exert influence in the Middle East in defense of its interests.

The northern flank of NATO held by a single Norwegian light infantry battalion, is at least as vulnerable as the southeastern flank. Soviet division-level exercises in the Kola peninsula area have demonstrated in recent years that Soviet forces are quite capable of intruding in that area at any time they choose. It is believed that the largest concentration of military hardware in the world is represented by the air, sea and ground forces positioned in this part of Russia.

In short, in the event of a major conflict in Western Europe, NATO's forces could fight no more than a holding action. And the United States is not in a position to call up reserve forces and deploy them to Europe within a time frame that has any real meaning. Moreover, we do not have the necessary naval and air units to supply our forces in a protracted conflict—or to evacuate them. ●

RHODESIA PASSES THE WRONG TEST

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. MINETA. Mr. Speaker, I would like to share with my colleagues a recent New York Times editorial which underscores the deception of the recent elections in Rhodesia. Before we contemplate any resolutions which call for the lifting of sanctions, we must carefully consider who was represented in the elections, and whether the "internal settlement" satisfies the test of fair and equal democratic representation for all Zimbabweans.

I commend this article to my colleagues' attention:

RHODESIA PASSES THE WRONG TEST

If the debate over Rhodesia's elections remains confined to procedural questions, then outgoing Prime Minister Ian Smith and his transitional regime have scored a major victory. More than 60 percent of those eligible voted for members of a new national assembly. Western observers called the election fair. And the guerrilla opposition was unable to mount an effetcive challenge to the voting. Not many black African nations have observed even this much democratic form.

The interim government will cite all this in its quest for Western diplomatic recognition and an end to economic sanctions. Its arguments appear persuasive to many Americans, including many in Congress, but should be resisted. The real issue is not how the election was conducted, but what it was about.

The large participation of blacks in the election is offered as a sign of their support for the constitutional formula worked out last year by Mr. Smith and three black leaders. If that support really existed, it would indeed be inappropriate for the United States to demand a better deal for the black majority. But if Rhodesia's leaders really believe that their constitutional formula for distributing power has the overwhelming support of blacks, why did they allow only whites to pass judgment on it in the earlier referendum?

The electoral exercise just completed merely asked voters to state a preference among the black parties that had accepted Mr. Smith's—and the white minority's—constitutional plan. Voters opposed to the plan had the choice of abstaining—at the risk of reprisals from employers or soldiers—or of casting a dutiful vote for the least distasteful of the collaborating parties. It is therefore a mistake to assume that all the blacks who cast ballots, under conditions of martial law, approved of the proposed structure.

Unfortunately, there is no democratic alternative to this flawed arrangement. The two opposition movements whose guerrilla armies are more or less allied in the Patriotic Front can claim no electoral mandate of their own. Their support within Rhodesia derives from the illegitimacy of the constitutional settlement and they are leading the opposition into an expanding guerrilla war.

The Rhodesian authorities are right to contend that the new biracial assembly would exercise more real power if the guerrillas gave up the fight. But they are wrong if they expect this to happen before they show themselves willing to negotiate a revision of the governmental framework.

Both the guerrillas and the Rhodesian Government now believe that the future is theirs are are not inclined to compromise. And there is not much the United States can do to bring them together.

To pressure the guerrillas when there exists no reasonable new offer from the Smith group would be a betrayal of American support for majority rule. But such pressure is unlikely to be needed. The guerrilla effort cannot persist without the cooperation of neighboring black states. And their desire to minimize disruption and avoid foreign intervention provides some basis for pressing the guerrillas into negotiations if a fairer apportionment of power is ever offered.

Thus the Rhodesian regime, soon to be headed by Bishop Muzorewa, remains the appropriate object of American pressure. The elections have not changed its character and should not deflect the course of United States policy. The same American policy calculations, it should be recognized, have failed so far and may continue to fail. But to lift the sanctions now would be to remove what little incentive for compromise still exists.●

STEPCHILD OF H.R. 1

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. CAMPBELL. Mr. Speaker, the minority members of the House Administration Committee were presented late last night with the stepchild of H.R. 1, a substantially new version of taxpayer financing of political campaigns. The majority, hardly in the best tradition of fair play, have given us a new approach to digest in 3 working days, since markup is scheduled for Tuesday.

But I would not complain, Mr. Speaker, if we had even 3 days and a weekend to formulate strategy. The problem is, there were significant gaps in the draft we got. For instance, the majority neglected to tell us who would be certifying all of this tax money to candidates. They never mentioned appropriations authority, and I doubt that this is that elusive free lunch. Maybe the minority would be better off asking the news media what the majority has in store for us—the most detailed analysis I have seen of the substitute to H.R. 1 was in last night's Washington Star.

We would all agree that this is significant legislation—it's a top priority of the majority leadership, after all. It's certainly costly, regardless of whose estimate you accept. My mail indicates in no uncertain terms that the American people are very much interested. Perhaps supporters of taxpayer financing should look to the one poll that cannot be ignored—at least 15 percent fewer Americans are checking yes on their tax forms for Presidential campaign financing, 15 percent less than the somewhat underwhelming 29 percent that checked yes in the 1977 tax year.

As a freshman and a member of the minority, Mr. Speaker, I may be naive. But I must protest these steamroller tactics. The esteemed chairman of the House Administration Committee should put off markup and schedule new hearings on this stepchild of H.R. 1. In a democracy, the majority should not be afraid to reveal the details and implications of a proposal of this scope.●

WILDLIFE REFUGES AND THE ALASKA BILL

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. STUDDS. Mr. Speaker, one of the primary arguments presented by those who have argued in favor of the Breaux-Dingell version of the Alaska National Interest Lands Act has been that their bill provides greater protection for wildlife resources within the State than does the Anderson-Udall bill.

In order to allow Members to assess the validity of that claim, I thought it might be useful to include in the Record the text of a mailgram which I recently received from the single most qualified group to make a judgment on this subject, the National Wildlife Refuge Association.

This mailgram makes it very clear that it is the Anderson-Udall bill which should be supported by those most concerned about the management of wildlife resources in Alaska. I hope that it will be of interest to my colleagues:

May 5, 1979.

Hon. Gerry E. Studds,
House of Representatives, House Office Building, Washington, D.C.

Dear Representative Studds: This expresses the views of the National Wildlife Refuge Association on the Udall-Anderson bill for designating national conservation lands in Alaska. We urge your support of this legislation as the only reasonable means of providing the best management and protection for Alaskan wildlife, habitat and other resources of great local and national interest.

The National Wildlife Refuge Association is a nationwide citizen organization dedicated to the preservation and perpetuation of the national wildlife refuge system. Although not a professional organization, many of our members have long experience in the management of wildlife refuges, and in the administration of oil and gas operations and similar developments on existing Alaskan refuges and in environment of, or similar to, the arctic region of Alaska.

As you know the national wildlife refuge system comprises the only public lands of national status specifically dedicated to the perpetuation and public enjoyment of our Nations rich wildlife heritage. These refuges are distributed from the arctic to the tropics, the Atlantic to the Pacific, and collectively include the finest units of habitat for every type of wild animal on the North American continent. While large land and water areas are required for wildlife in Alaska, we believe the most important criterion in unit selection and management to be the quality of habitat and the degree to which wildlife and its habitat are protected from adverse activities.

Since the inception of our organization in 1975, we have actively supported Alaska land legislation and have made numerous presentations before various congressional committees. We have studied in detail all Alaskan areas proposed as national wildlife refuges and have kept well informed on other areas and aspects of Alaskan lands legislation. We have evaluated the bills now under primary consideration and found the Udall-Anderson version to be the best suited to meet local and national conservation needs. A superficial evaluation of the Bureaux and Huckaby bills suggest that vast acreage alone would be sufficient to meet these needs. When reviewed in detail, however, the intent is to smokescreen the opening of fragile refuges to industrial development.

Oil and gas exploration as well as mining activities would of course pose a serious threat to the integrity of Alaskan refuges. Even a minor accidental oil spill in Izembek Lagoon, for example, could conceivably eliminate the entire continental population of black brant. To subject refuges to such adverse activities is to undermine the basic purpose for which the national wildlife refuge system was founded (the degree of protection should be the issue rather than the number of acres).

Our organization takes strong exception to the opening of the arctic national wildlife range to oil and gas exploration. The possibility of non-wilderness designation for its coastal plain is of equal concern, for an ecosystem divided by itself is no longer an ecosystem. The caribou, dall sheep, wolf and grizzly and polar bears are wilderness beasts that depend on a wildland environment for their very sustenance, so anything short of wilderness designation will endorse the extinction of these magnificent animals. The arctic national wildlife range was not the creation of a government bureaucracy. A review of the extensive and detailed files of the establishment of the arctic national wildlife range reveals that this magnificent reserve exists because of the exhaustive efforts of citizens throughout Alaska and the United States.

For a 10 years period, virtually every major sportsmens group and conservation organizations as well as many other civic groups in Alaska and the United States studied the area and supported its establishment. Individuals active in this movement comprise a roster of Alaskan, national and international conservation leaders of the 1950s. There can be no doubt that the arctic national wildlife range is one of the major national reserves of the United States.

We perceive the Udall-Anderson bill as striking a balance between accommodating the economic needs of the State of Alaska and the need to perpetuate the last major stronghold of wildlife resources in North America. We know it provides a good balance between hunting and protection of wildlife habitat, and in the long run, economic opportunities will be enhanced rather than destroyed as the opposition would have an uninformed public believe.

In conclusion, we would like to quote a statement from a Washington State Court decision.

An unwritten compact between the dead, the living and the unborn requires that we leave the unborn something more than debts and depleted natural resources.

Sincerely,
Forrest A. Carpenter,
President,
National Wildlife Refuge Association.●

DECISIVE MOVE BY HOUSE PUBLIC WORKS COMMITTEE APPLAUDED

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. MATHIS. Mr. Speaker, I want to take this opportunity to express my gratitude and admiration of the House Public Works Committee, and specifically the gentleman from Ohio, Mr. Harsha, the gentleman from Kentucky, Mr. Snyder, and the committee's distinguished chairman, Mr. "Bizz" Johnson, for the action taken today in voting, overwhelmingly, to report to the full House H.R. 3942, the airport noise abatement bill, which contains the text of H.R. 3480 of which I am a cosponsor. H.R. 3480 was introduced as a result of 2 days of hearings before the Aviation Subcommittee and seeks to stop the implementation of proposals by the Federal Aviation Administration which would, in the name of safety, severely restrict the activities of general aviation as well as overload an already-saturated air traffic control system with unneeded regulation.

It is widely known that the FAA's proposals are a reaction to last year's tragedy at San Diego in which a single-engine aircraft was struck by a passenger-laden airliner, killing all those aboard both planes as well as several persons on the ground. What is not so widely known, however, is that these proposals would not have prevented the San Diego accident and would, in fact, create more problems with respect to air traffic than we have at the present time.

I feel passage of the "new improved" noise bill is a must and I urge my colleagues here in the House to join with myself and the other sponsors of both bills to do so when it is brought to the floor. Such action is necessary to stop implementation of the proposals and allow the private sector to work with the FAA, hopefully, to develop new proposals which would not relegate general aviation to the hanger.

Additionally, I feel a great deal of credit should go to Henry S. Pflanz, president of the newly formed Pilot's Lobby, who was instrumental in both the introduction of H.R. 3480 and its inclusion as an amendment to H.R. 3942. Henry's tireless efforts have brought about action which other organizations wanted to do but, for lack of dedication, could not.●

YOUNG OPPOSES GASOLINE RATIONING PLAN

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. YOUNG of Missouri. Mr. Speaker, President Carter's standby gasoline rationing plan is unacceptable in its current form.

I recognize that we must plan ahead for the possibility of severe supply shortages in the future. The basic concept of establishing contingency plans is a sound one.

However, the President's latest plan does not take into account the needs of the population of St. Louis County and other suburban areas around the country.

A large percentage of that population is dependent upon the availability of gasoline as a vital ingredient in earning their livelihoods.

The plan should have a provision to guarantee additional gasoline supplies to the commuting workers, just as additional supplies are guaranteed some farmers.

Until such a provision is made, I will oppose the plan.●

INVESTMENT TAX CREDIT FOR "OTHER TANGIBLE PROPERTY"

HON. KENNETH L. HOLLAND

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. HOLLAND. Mr. Speaker, I am introducing a bill to allow the same investment tax credit for certain "other tangible property" used in the retail and wholesale trade sectors of our economy as is presently allowed for the same property in other sectors of the economy.

THE PRESENT LAW

The investment tax credit applies to equipment and excludes buildings and their structural components. Basically, I believe that this lack of neutrality in the application of the investment tax credit ought to be eliminated. But so long as this distinction between buildings and equipment exists, at the very least it ought to be applied fairly and uniformly. Under present law, equipment is defined as tangible personal property. But in the manufacturing, production, extraction, transportation, and utility sectors of the economy, the definition of equipment is, in effect, expanded to include other tangible property such as loading docks, parking lots, railroad track, bulk storage facilities, some types of central air conditioning components, broadcast towers, telephone poles, derricks, and so forth. In other words, property which technically is not equipment but which more resembles equipment than a building is allowed the credit.

Yet, inexplicably, if that same property is used in the retail or wholesale sectors, no credit is allowed.

WHAT LEGISLATION WOULD DO

The bill I am introducing will eliminate the inequity and counterproductive economic distortion that results from this discrimination against the important retail and wholesale sectors of our economy. Why should a loading dock at a manufacturing plant be eligible for the credit and the loading dock at a retail store or a wholesale warehouse not be eligible for the credit? Why should a parking lot at a plant be eligible for the credit and the parking lot at a retail store not be? Why should a railroad spur at a utility be eligible for the credit and the identical railroad spur at a retail catalog distribution center not be? Why should air conditioning to maintain humidity or temperature control at a plant be eligible for the credit and air conditioning at a retail store not be?

The answer is that these distinctions are incorrect and must be eliminated. Thus, my bill would, quite simply, amend section 4(8) (a) (1) (B) of the Internal Revenue Code by inserting "retail and wholesale trade,".

IMPORTANCE OF RETAIL SECTOR TO NATIONAL ECONOMY

The revenue cost of my bill would be small, but it would eliminate at least one element of tax discrimination against the distribution sector whose investment in greater efficiency is vital to employment and productivity. A dollar of capital investment in retailing is associated with more than three times as many jobs as a dollar of capital investment in manufacturing. One out of every five new jobs created in the 1970's has been in the retail sector. The manufacturing and distribution sectors are the two engineers of the economy—one to produce goods and the other to distribute them. Both add value. Greater efficiency through capital investment in the distribution sector mitigates inflationary pressures by holding down final prices to consumers and exerts a strong pull-through effect over the industrial sector.●

SOLAR BANK

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. WOLFF. Mr. Speaker, I am proud to come before this body as a cosponsor of the Solar Bank Act. Throughout my tenure in the Congress, I have devoted my attention and efforts in seeking to devise programs for alternate sources of energy. Not only do the economic pressures and the environmental problems of today's world require us to seek alternate domestic energy sources, but the very nature of our country's character demands that we become self-sufficient for our energy needs.

If our country is to achieve its objective of becoming self-sufficient, the Government must be able to extend the benefits of solar energy to all Americans. The legislation introduced by my esteemed colleague, STEPHEN L. NEAL of North Carolina, will provide that opportunity. The Solar Bank will offer long-term, low-interest loans to homeowners and businesses in order to buy and install solar energy equipment. A very major benefit of this legislation is that it will not result in another Government bureaucracy and expand our already all-consuming Federal Government. The bank could be terminated at any time without any further Government liability due to its dependency on private lenders to provide the principal and to initiate and service each loan. The Solar Bank Act, consequently, would contain its own sunset provision.

This legislation also demonstrates the sensitivity to the private enterprise community that I believe is so essential. According to Congressman NEAL, private enterprise would be able to develop the product because capital would be made available directly to the consumer.

The 96th Congress and our Nation must be prepared to overcome the crisis of confidence in our Government that is felt by so many of the American people. We must be prepared to respond with a renewed constructive and independent dedication in order to provide the leadership incumbent upon us in preserving our physical, cultural, and historical standards of greatness.●

THE LOSS OF EDDIE JEFFERSON, A GREAT JAZZ MUSICIAN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. CONYERS. Mr. Speaker, early in the morning of May 9, a remarkable human being and a great jazz musician named Eddie Jefferson was shot to death as he was leaving a performance at a popular jazz spot in Detroit. His death is a terrible loss to jazz musicians and to lovers of jazz everywhere. It is the loss as well of a human being who loved people, who worked to make life better and richer and for others, and who was a great humanizing force in the lives of those who came to know him.

Eddie Jefferson's career spanned the great moments in the history of jazz. He started out as a dancer in the thirties, working with the big bands like Coleman Hawkins'. He was active at the start of Bebop in New York. He sang with Miles Davis. He was a great interpreter of early jazz, including the works of Charlie Parker and James Moody. He was a child of the blues and advanced it through lyrics. He invented the modern jazz vocal idiom known as vocalese, in which he recreated instrumental sounds by means of the voice. In putting to words and stories, that were filled with humor, the great jazz solos of the past, like Moody's "I'm in the Mood for Love," he built upon and renewed classical jazz. Many in later generations came to know jazz through his interpretations, innovations, and artistry.

Born and raised 61 years ago in Pittsburgh, Eddie frequently came to Detroit in the past few years to perform and also to participate in conferences to promote jazz art and education. He performed at Detroit's leading jazz spots such as Baker's Keyboard and Dummy George's. Twice this year he performed at the Paradise theater, where so much great jazz had been performed in past years, for the benefit of its revival. Last January 7, he regaled his audience at the Paradise by recreating the music of the big band era. In December 1977 he joined with me and leading jazz musicians, artists, and scholars at Detroit's historic Conference on Jazz. He was as dynamic on stage, and thoughtful in discussions on jazz, as he was warm and supportive in his personal relations.

There are certain people in our lives who stand out in their humanity and in the life-giving force they project. Eddie Jefferson was that kind of person. I like to think I understood what he was doing, as I believe he understood what I was doing. It is a supreme tragedy when such a person, who devoted his life and work to enhancing the lives of others, is taken from us, without any reason. The sheer senselessness of this murder compels us to ask this question, Why?

All his life, Eddie Jefferson shared his love and understanding with the people around him. He built upon the artistry of those who preceded him, and he innovated in so many ways to create an even greater art. To the very end, he gave of his life, and he set a magnificent example for all of us to follow.●

SPEEDY TRIAL ACT AMENDMENTS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. RODINO. Mr. Speaker, on April 10, 1979, I introduced a bill, H.R. 3630, on behalf of the Attorney General to amend the Speedy Trial Act of 1974. This act will become completely effective on July 1, 1979. On that date, the final time limits for the various stages of a Federal prosecution will be imposed.

The Department of Justice and the Judicial Conference have carefully reviewed the projected impact of the act. Both have recommended amendments to lengthen the act's final time limits while retaining the mandatory sanction of dismissal when those limits are exceeded. Absent an amendment, it is estimated that as many as 17 percent of all criminal cases filed will be dismissed when the act takes full effect. H.R. 3630 was introduced to avoid this large scale dismissal of cases.

The bill that I am introducing today is similar to H.R. 3630. This proposal was sent to Congress by the Administrative Office of the U.S. Courts at the direction of the Judicial Conference so that it would be considered by the Judiciary Committee in conjunction with H.R. 3630. Action on these two proposals will result in an amendment to the Speedy Trial Act which will protect the rights of criminal defendants and avoid the potentially serious damage to our judicial system.

SECTION-BY-SECTION ANALYSIS OF THE SPEEDY TRIAL ACT AMENDMENTS ACT OF 1979

The bill amends provisions of Title I of the Speedy Trial Act of 1974, 18 U.S.C. 3161 et seq.

Section 2 of the bill amends 18 U.S.C. 3161 (b) to enlarge the time allowed for the filing of an indictment or information following the arrest of a defendant, or the service upon him of a summons based upon a complaint, from thirty to sixty days. A conforming change is made in the second sentence of the section, dealing with felony charges in a district where no grand jury has been in session during the period.

Section 3 will merge the ten-day interval now provided by 18 U.S.C. 3161(c) for arrangement after filing of an indictment or information with the sixty-day arraignment-to-trial interval, and enlarge the consolidated interval to 120 days. The section also provides that trial before a magistrate upon a complaint must be commenced within 120 days of the filing of the defendant's consent to be tried by a magistrate. Finally, the section provides that trial cannot be scheduled sooner than thirty days after the filing of an information or indictment, without the consent of the defendant.

The excludable delay provisions of the amendments to 18 U.S.C. 3161(h) (1) and (2) provide that an extension may be granted by order of the court to accommodate delays necessitated by the following: examinations to determine mental competency or physical capacity; election, examination and determination of the defendant's eligibility for treatment under the Narcotic Addiction Rehabilitation Act, 28 U.S.C. 2902; proceedings relating to transfer of cases or removal of defendants from other districts under the Federal Rules of Criminal Procedure; transportation of defendants from other districts, or to and from places of examination or hospitalization; unusually complex pretrial proceedings; deferral of prosecution pursuant to 28 U.S.C. 2902 or by the attorney for the government based on an approved written agreement with the defendant to allow the defendant to demonstrate his good conduct; the fact that the defendant is joined for trial with codefendants; the court's consideration of a plea agreement; or, withdrawal of a plea of guilty or nolo contendere. In addition, 18 U.S.C. 3161(i), regarding the date the defendant is deemed indicted in the event of a withdrawn plea, is repealed.

Section 5 amends 18 U.S.C. 3164 to make the excludable delay provisions of 18 U.S.C. 3161(h) applicable to the expedited trial limit in section 3164(b).

Section 6 modifies the procedure for granting a suspension of time limits. Any suspension granted by a judicial council is to be reported within 10 days to the Director of the Administrative Office. The Administrative Office then transmit such report to Congress and to the Judicial Conference. If the judicial council concludes that a request by any district for an additional suspension is necessary, it will so report to the Judicial Conference, which, if in agreement, requests the consent of Congress.

In addition, a new subsection is added which permits the chief judge of the district court to grant a suspension for up to 30 days in urgent situations. An application to the judicial council of the circuit, under 18 U.S.C. 3174(a), must be filed within 10 days of such an order.●

HUNTING ON PUBLIC LANDS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. SKELTON. Mr. Speaker, it has been brought to my attention that a number of residents of my congressional district have received mailgrams from a special interest group to the effect that the Udall-Anderson substitute to the Alaskan lands bill (H.R. 3651) would "severely restrict hunting on all public lands." Other mailgrams state "hunting on all public lands in the United States are at stake in the Alaska lands bill."

I have studied the Udall-Anderson substitute, and I have concluded that this is not the case. That it does not apply to "all public lands," but applies only to lands within the State of Alaska.

However, to resolve any doubt on this matter, whatsoever, in light of the misleading information contained in the aforementioned mailgrams, and in order to resolve this question for all time, I am offering the following amendment to limit the provisions of this bill to only those lands located within the State of Alaska.

The language of my amendment follows:

Amendment to H.R. 3651 offered by Mr. SKELTON: On page 153, add the following new section after line 13:

"SEC. 818. Nothing in this Act shall be construed to apply the provisions of this Act, in any manner whatsoever, to any State or territory other than the State of Alaska. The provisions of this Act shall apply to the State of Alaska only."

On line 15, strike "SEC. 818" and insert in lieu thereof "SEC. 819".●

ANOTHER METRIC BOARD ATTEMPT TO IMPOSE METRIC ON THE AMERICAN PEOPLE AT THE GAS PUMPS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. RUDD. Mr. Speaker, last week the U.S. Metric Board conducted 2 days of official hearings in Washington concerning the possible conversion of gasoline pumps throughout the country to metric measures—that is, selling gas by liter rather than by the gallon, or a smaller customary unit of measurement, such as the quart, as has long been American practice.

The Metric Board is using the rationale that metric conversion to sale of gas by liters as prices move up toward $1 per gallon will avoid or minimize the cost of changing gas pump computing equipment, which is mechanically limited at present to 99.9 cents per unit.

This logic camouflages the real motives of the metric zealots on the Board, who apparently intend to use this opportunity to foist metric conversion on the American people despite widespread public opposition to metrication. If the real intent was to move to a smaller sales unit to avoid costly replacement of gas pump computing equipment, it would be much more practical to sell gas by the quart, instead of imposing massive, unnecessary replacement of equipment and operating procedures throughout the entire petroleum industry, which metrication would require. The Metric Board persists in trying to find ways to impose metric on the American public at the taxpayers' expense despite widespread evidence that conversion to metric, rather than saving money, would, in fact, be much more costly to the consumer. These added costs, running into hundreds of millions of dollars, will ultimately be borne by the consumer.

Metric advocates have created a crisis where one need not exist. The Metric Conversion Act of 1975, which created the Metric Board, was supposed to provide for Federal coordination of voluntary conversion to the metric system, not to advocate or promote such conversion.

The Board's promotion of metric at the pump seems to ignore the confusion and resentment which would likely result among a public not familiar with metric measurements. As Mobil Oil Corp. noted in their testimony last week:

> Converting retail gasoline pumps alone to metrics would result in public confusion and objections from some dealers and public interest groups. Consider the probable confusion at the dealer/customer level where people would be forced to deal with liters for gasoline, gallons for antifreeze, quarts for oil, and so forth.

BACKGROUND

The Metric Board jumped into this situation when it became known that thousands of gas station operators will soon need to alter pump mechanisms to register sales by some other measurement than gallon, or purchase new pump mechanisms capable of registering prices higher than 99.9 cents, in order to accommodate the $1 per gallon prices expected within a few years.

Should the oil compaines acquiesce in this scheme to go to a smaller metric unit rather than quarts or one-half gallons for selling gas, the American people will be left with no choice but to purchase gasoline at the "per liter" price. This will force people against their will to change their entire thinking and way of life in the purchase of petroleum products. Metric advocates know this will then also force massive industry changes in other areas of marketing and refining petroleum products, involving retailers, jobbers, wholesalers, and producers, representing tens of thousands of different companies.

Of course, there is some question whether the Metric Board's orchestration of metric changeover could create legal difficulties for the major oil companies. There is the possibility of antitrust conflicts which could result in consumer litigation against oil companies if a joint effort to convert to metric results from the Metric Board action.

The metric forces also hope to use this approach as their vehicle to compel the States to adjust or change their own weights and measures policies. At the present time, for instance, most State gasoline taxes are levied on the per gallon price, as mandated by State law. To switch to metric would require a change in State tax laws to accommodate per liter gasoline sales.

The States would also have to change all distribution measures at gasoline stations to reflect metric measurement.

I understand that the Metric Board has been trying to come up with "model legislation" to make those necessary changes in State law, as another part of its orchestrated effort to impose metric conversion of the American people in direct contradiction of the intent of Congress.

EXPANSION OF METRIC

Should the Metric Board succeed in gaining approval for metric at the gas pump, it will have paved the way for wholesale conversion throughout our economy. First, massive adjustments would have to be made by the suppliers and distributors of petroleum products if metric is adopted at the gas pump. The service station operator will not want to keep two sets of books to buy in gallons and sell in liters. Such an inconvenience would surely lead to adoption of metric at the wholesale level as well.

If the American people are forced to adjust to liter at the pumps, metric advocates would be overjoyed at the progress toward ultimate total conversion to metric throughout American society.

NO ADVANTAGE TO CONVERSION

There is absolutely no significant advantage to be gained except the dubiously beneficial result of bringing us into compliance with many other nations. And what benefit, per se, is there in that achievement? I am reminded of the Chinese proverb:

> If a thousand people say a foolish thing, it is still a foolish thing.

I have yet to hear any compelling, practical reasons why the people of the United States should be forced to change from our present system which is familiar to all. If it is necessary to switch to a smaller unit, quarts or half gallons may be used at no additional expense or inconvenience.

The hearings being held last week were obviously an attempt to further increase the publicity for metric measurement.

The Metric Board scheduled an impressive array of witnesses to testify about the advisability of converting gasoline retail sales to metric.

Probably even more notable, however, was the absence from the witness list of officials from the General Accounting Office. The GAO issued an excellent report in October 1978, based on its 5-year study of the effects of metrication on the U.S. economy and the American people. The GAO report devoted an entire section to the consequences and costs of converting the petroleum industry to metric. Yet the GAO was not invited to present its finding at the Metric Board hearings.

Officials of the Metric Board have been publicly critical of the GAO's comprehensive report, which itself was critical of metric conversion, and in particular of the high costs which would be an inevitable consequence of mertic conversion in the American economy.

Despite the fact that the GAO is well versed on the implications of metric conversion, we find that the Metric Board was not interested or fairminded enough to seek its expert views on metric conversion at the Nation's gas pumps.

PRO-METRIC BIAS

It should be noted that, not unlike many of its activities, the Metric Board's notice of the hearings revealed its own biased disposition in favor of metric conversion:

> Most of the nation's 1 to 1.5 million gas pumps are incapable of computing prices over 99.9 cents per gallon. Estimates are that it would cost about $200 per pump, or over $200 million nationwide, to refit the pumps for the $1 or more price.
>
> Pump conversion to "price per liter" would cost an estimated $50 per pump, resulting in an apparent savings of about $150 million.—(April 19, Federal Register)

It appears that the Metric Board's devotion to advancing the cause of metrication in the United States has obscured its objective consideration of the economic facts in this instance, and further demonstrates its simplistic, indeed, naive ideas about mertic conversion.

The notification by the Metric Board assumes that changing only a few gears on the gas pumps is all that is necessary to convert the Nation's motorists to metric, and overlooks the considerable costs indicated by the well-researched GAO report.

Indeed, Mobil Oil Corp. in its testimony last week before the Metric Board confirmed that the price would be significantly higher than that guessed by the Board.

> Determining the real cost effectiveness of metric conversion requires more than merely comparing the $50.00 cost for installing a metric gearbox with $200.00 for installing a new pump computer. Nearly half of the 1.3 million computers in U.S. retail outlets today are too obsolete to justify the cost of modification. Consequently, these obsolete computers must be replaced with new units at $200.00 each, whether pricing above $1.00 per gallon or pricing by liter.
>
> Furthermore, we must anticipate that metrics, once introduced at the retail pump, would soon or later have to spread through the whole system . . . For Mobil Oil, we have estimated the cost of meters on delivery trucks and at loading racks, and other necessary metric equipment at this level to be $5 million. Thus, the real cost of metrication would be around $213.00 per pump computer, compared to $200.00 for pricing by the gallon above $1.00. Going further upstream to the refinery and exploration and production operations would add as much as $15 to $20 million in costs.

GAO REPORT ON METRIC

Since the Metric Board did not hear from the GAO, it is appropriate to review some of the findings published in the 1978 GAO report.

The GAO executive summary gave the following synopsis of metrication efforts within the petroleum industry:

> Metrication of the petroleum industry does not appear necessary on its own merits because (1) the industry is standardized to a large extent worldwide on our customary system due to the acceptability and use of U.S. technology, (2) the cost of conversion may be significant although a reliable figure is not available, and (3) there are no identifiable major benefits to be obtained. (p. 22)

The first point made by the GAO, and one which is frequently mentioned by those intimately familiar with the petroleum industry, is that unlike many international industries, the petroleum industry worldwide is accustomed to the use of our traditional system of measurement. Witness, for example, the consistent use of barrels—a customary measurement—in referring to oil production.

While many pro-metric advocates use the "inevitability syndrome" in their arguments for metric, the situation is just the opposite in the petroleum industry. While some countries do, indeed, sell gasoline by the liter, they must convert their import shipments from barrels, the customary measurement which is widely used at all levels of the petroleum industry both foreign and domestic.

Thus, U.S. companies would not be joining an international majority, but rather would be forging ahead in a new and untried direction by trying to convert to metric within this particular industry.

HIGH COSTS OF CONVERSION

Second, the GAO accurately reports that the cost of conversion is likely to be significant. No precise estimates are available, but the size of the petroleum industry and its tremendous impact on many phases of American life would almost assuredly cause costs running into the hundreds of millions of dollars.

The Metric Board, in its simplistic speculation that conversion at the retail level would save $150 million as cited earlier, completely ignores the other, significant costs associated with metric conversion which would far exceed the changes made at the pump.

Conversion to metric which is limited to the retail level would cause tremendous difficulties—and added expenses—in maintaining dual inventories at the distribution level. Yet, if conversion is universally implemented within the industry, greater costs will also result. Inevitably these increased costs associated with metric conversion will be passed along to the consumer in the form of even higher gasoline prices.

The GAO report indicated the numerous difficulties which would accompany metric conversion:

> The disadvantages of metrication can be summed up as costly. Employees will have to be trained; dual inventories will exist; standards will have to be changed; and tools, parts, and equipment will have to be purchased. (Chapter 14, p. 15)

Given the numerous problems and costs which would accompany metric conversion, one might expect some concrete, offsetting benefits. The GAO reports, and I concur, that none exist.

What the Metric Board would do is uproot the traditional measurement system without evidence that the American people would benefit in any way.

As for difficulties at the gas pump when gas hits $1 a gallon, the GAO suggests the obvious solution which renders totally unnecessary the Board's contemplation of metric conversion:

> Metrication is just one of the solutions because the same effect could be achieved by changing from the gallon to the quart. (Chapter 14, p. 20)

THE LOGICAL SOLUTION

Service stations could easily and inexpensively readjust their pump mechanisms to register in quarts or half-gallons.

Such a simple and more logical approach would not inconvenience or confuse the American people. The great majority of the public is not familiar with a liter measurement, which is approximately 0.26 of a gallon. Liter measurement might serve to delude the people into thinking they are paying less for gas. One dollar a gallon gas would translate to 26 cents per liter. Much more understandable would be the quart, or the half gallon. It would avoid the costs of conversion—both financial and psychological.

Of course, to resist metric does not fit in with the Metric Board's demonstrated predetermined bias in favor of national metric conversion.

Many members of the Metric Board have become well known for their consistent advocacy of metric conversion, despite the clear intent of Congress that the Board not advocate or impose metric on the American people in any way.

I am distressed by this consistent prometric advocacy, which seems to emanate from the Metric Boards activities. For this reason, earlier this year, I introduced H.R. 739 to repeal the Metric Conversion Act of 1975 which established the Metric Board.

I do not believe that taxpayer funds should be used to impose metric on the American people. The hearings conducted by the Metric Board were unnecessary, superficial, and further evidence of the mischievious nature of its activities. The Board should immediately cease its advocacy and attempts to impose metric conversion.●

THE EXPENDABLE CONSTITUTION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. DORNAN. Mr. Speaker, rarely has constitutional scholarship ever been as lucid as in the case of the writings of the late Edward S. Corwin. After seeing the workings of the National Government first hand, I am profoundly convinced that we in Congress need a heavy dose of Corwin.

I intend to call to the attention of my colleagues in the next few months, selections from the writings of this astute teacher. With a man of such depth and talent, it is difficult to know just exactly where to start.

I have, however, chosen to insert part of a speech Mr. Corwin delivered on April 29, 1954, as part of the University of Illinois' Edmund J. James lecture on Government entitled: "Our Expendable Constitution." This is emphatically a period when many in our Nation will tolerate no restraints in their private lives as citizens or in their public lives as officials. As a direct consequence, we have seen a decline of representative government. This is reflected in lower voter turnouts, rampant judicial activism, and an increase in executive decisionmaking. In this growing "let me alone so I can do my own thing" attitude, it is almost as if Pontius Pilate has become the patron saint of public officials.

If this is allowed to continue any further, what shackles will there be left to place on the President, or the soon to be increased number of Federal judges? President Carter has told the Senate that he, mind you, he, will abide by SALT II even if the Senate refuses to ratify SALT II. What happened to the constitutional power of the Senate to ratify treaties?

And, in spite of clear and constitutionally accepted rights of consultation exercised by the House and Senate since the founding of the Republic in every matter of consultation prior to cancelling international treaties, the President, on his own personal authority, simply abandoned Taiwan.

The attempted establishment of a U.S. agency, governing the Panama Canal, four of whose directors are nonresidents, flies directly in the face of a series of constitutional prohibitions, namely: the President's appointment and removal power under article 2, and the privileges and immunities clause of the 14th amendment.

Even the very solutions propounded by swivel chair philosophers, (for example, public financing of congressional elections) attempt to further alienate responsibility from the people and place more decisionmaking power in the hands of more bureaucrats. What next? Why doesn't someone on horseback just abolish the House and Senate together? It certainly would make a dent in our bloated budget.

I urge my colleagues to ponder what Mr. Corwin has to say to us—even today. The excerpts from the article follows:

> In general terms, our once vaunted Constitution of Rights has been replaced by a Constitution of Powers.
>
> In just what fashion has this change in constitutional values registered itself in our Constitutional Law? The answer is to be sought for the most part in the altered status of certain postulates or doctrines of constitutional interpretation. The first of these is the doctrine that *the National Government is a government of enumerated powers;* the second is the doctrine that *certain powers of the States comprise a limitation upon the powers of the National Government;* the third is the doctrine that *legislative power may not be delegated,* i.e., that Congress may not delegate its powers to the President. The fourth doctrine asserts *that this is a government of laws and not of men,* or more definitely, that everything done by an agent of government must be traced to some clear legal warrant. Lastly, we have always cherished the doctrine that *all powers of government are limited by certain outstanding rights of the individual.*
>
> To begin with, war has itself undergone great development in recent times. The war power . . . embraced, if we are to follow Hamilton's language in the *Federalist,* three relatively simple elements. In the first place, there was recruiting, which was on a voluntary basis for the most part. Secondly, there was the problem of supply, and in the main it would seem from Hamilton's language that this problem was expected to be met by purchasers in the open market. To be sure, once war started, on the battlefield and in the war theater, there might be "requisitions," a subject which was discussed at length in those days by writers on the Law of Nations. In the third place, there was the power to command the forces; that is, to dispose them. That, of course, belonged in wartime to the President of the United States, as Commander-in-Chief.
>
> War is today, in a functional sense, *Total War.* In World War II the entire American society was regimented—labor, capital, industry, agriculture, even artistic and literary talent. This functional totality is the result, in turn, of two things: conscription and technical progress. The first great conscript army was the *levée en masse* which was proclaimed by the first French Republic in September, 1972, when the European powers began invading French territory. Prior to that time, forces were largely volunteer and mercenary. As to technical progress, I need only point to the culmination of it, first, in the Atom Bomb, latterly, in the vastly more horrendous H-Bomb—with a still more dreadful contrivance, the Cobalt Bomb, looming on the horizon. . . .
>
> What, then, has been the effect of war on the idea that this is a government of enumerated powers. In a word, the effect has been to water down this idea very decidedly. As early nevertheless as 1795 a Philadelphia lawyer, arguing before the Supreme Court, propounded the theory that the power to wage war did not come from the Constitution but resulted from the fact that the United States was a nation; One of the Justices accepted the argument, a second rejected it, the remainder of the Court thought it unnecessary to comment on the subject.[1]
>
> One hundred and forty-one years later, in 1936, the doctrine that the Court snubbed in 1792 was accepted by it *in toto,* indeed with some extensions and improvements. I quote Justice Sutherland's words for the Court:

When, therefore, the external sovereignty of Great Britain in respect of the colonies ceased, it immediately passed to the Union. . . .

The powers to declare and wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties, if they had never been mentioned in the Constitution, would have vested in the Federal government as necessary concomitants of nationality. . . .

Turning now to the proposition that the Legislature cannot delegate its powers, we find that that was cast overboard, for purposes of war, at any rate, in World War I. The Congress of the United States was suddenly confronted with the problem of adapting the national legislative power to an immense range of subject matter. And at the same time to give its legislation a form which would render it easily responsive to the ever changing requirements of a naturally fluid war situation. How could that be done? There was only one way, namely, to authorize the President to do the things needing to be done and to lay down the barest minimum of restraints upon the exercise of these broad powers. Consider, for example, the Lend-Lease Act which preceded World War II . . . Under this authorization, twice renewed, we contributed some 40 billions of dollars worth of supplies to our late allies, including a destroyer, to the then exiled Queen of Holland![3]

The doctrine that this is a government of laws and not men succumbed to the exigencies of war early in the Civil War . . . In the *Federalist 69* Hamilton points out how very different the President's power as Commander-in-Chief is from the power of the King of Great Britain, that the President's power is merely that of top General and top Admiral; and even as late as 1850 we find the United States Supreme Court reiterating Hamilton's conception of the clause. Speaking for the Court, Chief Justice Taney said:

> As Commander-in-Chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy . . .
>
> In the distribution of political power between the great departments of government, there is such a wide difference between the power conferred on the President of the United States and the authority and sovereignty which belong to the English crown that it would be altogether unsafe to reason from any supposed resemblance between them.[4]

The Commander-in-Chief clause remained "the forgotten clause" of the Constitution until April 14, 1861, when Fort Sumter surrendered. Between the surrender of Sumter and the convening of Congress on the President's summons more than ten weeks elapsed. During this period Mr. Lincoln enrolled the State militias in a volunteer army of 300 thousand men; added 23 thousand men to the regular Army; 18 thousand men to the regular Navy; paid out two million dollars from unappropriated funds in the Treasury to persons unauthorized to receive it; seized the railroad between Baltimore and Washington; closed the Post Office to "treasonable correspondence"; subjected persons going to or from foreign countries to new passport regulations; suspended the writ of habeas corpus in certain localities; caused the arrest and military detention of persons who were "represented to him as being engaged in treasonable practices"; proclaimed a blockade of the Southern ports—and all of these things were done, except the calling out of the militia under the Act of 1795, without a line of statutory authorization.

In World War I, Mr. Wilson followed, the path blazed by Lincoln to the extent that it was useful so to do. In World War II, which is World War I writ large, we come, on the other hand, upon a tremendous expansion of this quasi-legislative power of the President. What is more, Mr. Roosevelt took his first step of this nature some fifteen months before the outbreak of "shooting war." The word "war," in short, took on new dimensions. I refer especially to FDR's action in handing over fifty destroyers in September 1940 to Great Britain in return for leases of naval bases in British West Atlantic possessions. That measure gave rise to considerable controversy at the time, and Mr. Jackson, then Attorney General, felt called upon to render an opinion in support of it. The Attorney General being the Administration's family lawyer, it is not his business to criticize what the family wants, but to show that the family is legally justified in wanting it. So, Mr. Jackson rendered an opinion on the "destroyer deal" in which the argument for it simmered down to a pun. First proving that he President had long been recognized as having the power to dispose the forces, he proceeded to insert after the word "dispose" the word "of"! Yet when 140 years earlier President John Adams had sought to deed a small parcel of land in the Federal District to that "great and good friend" of the United States, the Queen of Portugal (Presidents seem to have a special tenderness toward Queens), in order that she might erect thereon a dwelling for the Portuguese envoy to this country, he was informed by the Attorney General of that day that only Congress could dispose of property of the United States.

The most remarkable development of Presidential legislative power is, however, to be found in the creation of the so-called "war-agencies." In April, 1942, I requested the Executive Office of the President to furnish me a list of all these war agencies and to indicate to me the supposed legal warrant by which they had been brought into existence. I received a detailed answer which listed forty-three executive agencies, of which thirty-five were conceded to be of purely executive provenience. Six of these raised no question because they amounted to an assignment by the President of additional duties to already existing officers, and of officers moreover whose appointment had been, in most cases, ratified by the Senate. For example, our participation in the Combined Chiefs of Staff was an additional duty of certain military and naval commanders, and the Combined Raw Materials Board was a like creation. Nobody was assigned to such duties who was not already in an office to which the duties were logically relevant. But the Board of Economic Warfare, the National Housing Agency, the National War Labor Board, the Office of Censorship, the Office of Civilian Defense, the Office of Defense Transportation, the Office of Facts and Figures, the Office of War Information, the War Production Board, which superseded the earlier Office of Production Management, the War Manpower Commission, and later on the Economic Stabilization Board—all these and many others were created by the President simply by virtue of power which he claimed as "Commander-in-Chief in wartime"—his own phrase.

What, was the legal status of these various bodies? So far as they can be said to have had one, it was that of "advisors" to the President.[5] Oftentimes, however, the powers concerning the exercise of which such an agency "advised" the President were not to be traced to any statute, with the result that violation of orders of the President based on such "advice" was not an "offense against the United States." Hence arose that very interesting phenomenon called variously *"indirect sanctions," "administrative sanctions,"* or simply *"sanctions."* When the President, for example, ordered Montgomery Ward to put a "maintenance of membership clause" in their labor contracts, he had no statutory authority to do so, nor did the War Labor Board.

Nevertheless, when Montgomery Ward refused to do as they were bid, they speedily found that the seventy Post Office employees who had been handling their parcel post orders had not put in an appearance. But ordinarily "indirect sanctions" took this form: If employers failed to follow the Presidential line, they were informed they could not have priorities; and if their employees failed to comply with orders, the Director of the Selective Service was ordered to make a recheck of the recalcitrants, who were thereupon confronted with the prospect of being put on the firing line.[6]

Meantime, in his famous address to Congress on September 7, 1942, Mr. Roosevelt gave voice to the theory on which he was operating. In asking Congress to repeal certain provisions of the Emergency Price Control Act, the President said:

"I ask the Congress to take this action by the first of October. Inaction on your part by that date will leave me with an inescapable responsibility to the people of this country to see to it that the war effort is no longer imperiled by threat of economic chaos.

"In the event that the Congress should fail to act, and act adequately, I shall accept the responsibility, and I will act.

"The American people can be sure that I will use my powers with a full sense of my responsibility to the Constitution and to my country.

"When the war is won, the powers under which I act automatically revert to the people—to whom they belong.[7]"

The President of the United States is claiming the right to repeal an Act of Congress, and thereby the power to suspend the Constitution as to its most fundamental feature, to wit, its division of power between the Legislature and the Executive. Yet any candid man must admit that a situation may arise in war—say, an Atomic or Thermonuclear War—in which it would be necessary to do just that; and that the decision to do so would probably be the President's. It should be recalled that President Lincoln admitted that he did not know whether or not he had suspended the Constitution when he suspended the writ of habeas corpus; but, said he, "Are all the laws to go unenforced in order that one law may be preserved?"

The effect of war on private rights is best illustrated by the history of military conscription in this country. By the Constitution itself, Congress is authorized to provide for the calling of the militia into the service of the United States to enforce the laws, to suppress insurrection and repel invasion. The constitutional clause referred to derives from legislation from the time of Edward III, under which the King of England was conceded to have the power to call the militia out from the counties for the purpose of repelling invasion. Otherwise the militia could be required to serve only within county borders. The militia clause was implemented, and remains today implemented by the Act of 1795.

The first suggestion of conscription for the raising of an army was made by Secretary of War James Monroe during the War of 1812. Daniel Webster, then a member of the House of Representatives, made a ferocious attack on the measure, terming it a "dance of blood," a "gamble with death," and the House, by calculated dawdling, contrived to avoid action till the end of the war made it unnecessary. During the Civil War we get a draft to suppress "insurrection"; such at least was the theory of the Federal Government. In short, the draft was still kept within the categories of repelling invasion, suppressing insurrection and enforcement of the laws.

Footnotes at end of article.

During World War I we had the Selective Service Act. That circumstance gave rise to a case in which Mr. Hannis Taylor assailed the constitutionality of the Act in an argument which was strongly buttressed by impeccable history. Chief Justice White, speaking for the unanimous Court, unceremoniously brushed the argument aside.[8] In the Act of September 1940 we encounter the first *peacetime* draft, but assurance was given in the Act itself and repeated by the President "again and again and again," that forces thus raised would not be required to serve abroad. Nevertheless, when war came fifteen months later that provision of the act was speedily eliminated. The final stage in this development is marked by President Roosevelt's surprise message of January 11, 1944, in which a conscription of labor was asked for. The suggestion did not get to first base in Congress—which is not to say that in another war it would not.

During the war itself the most extreme measures of the government were those which were taken under the President's order of February 19, 1942, against Japanese residents on the West Coast. In pursuance of this order, reinforced by the Act of March 21, 112 thousand Japanese residents of the United States, two-thirds of them citizens of the United States by birth, were eventually removed from their farms and homes, herded into temporary camps and then into "re-location centers" in the desert country of California, Idaho, Utah, Arizona and the delta areas of Arkansas and all with the sanction of the Supreme Court. Were such measures necessary? Consider the chronological aspect of the business. Although Pearl Harbor occurred on December 7th, the President's order did not issue until February 19th, nor was anything more done until Congress passed the Act of March 21. Then two or three weeks later a curfew order was issued by General DeWitt, a sensible enough measure and one which, if the military had stopped at that point, would have been quite defensible. Not until May 24, nearly seven months after Pearl Harbor, was General DeWitt at least persuaded that it was necessary to issue his "exclusion order," the operation of which I have just described. Let me add that throughout the war not one single Japanese was detected either here or in Hawaii in one single act of espionage or sabotage, a circumstance which General DeWitt held to be certain proof that dire mischief was contemplated.

But the outstanding exemplification to date of Congress's sovereignty in the field of defense is furnished by the Atomic Energy Act of 1946.[9] What the Act does is, first, to make the production of a certain article an exclusive monopoly, one which moreover embraces exclusive ownership of the raw materials for its production. (Query: would this today comprise exclusive ownership of all hydrogen?) Secondly, the Act confers this monopoly on the National Government. Thirdly, it delegates the power of the National Government in the premises to a commission of five men. Commenting on this last feature of the Act, Dean Stason has remarked:

". . . no other peace time enactment of anything like the importance of the Atomic Energy Act has conferred upon an administrative agency anything like so much uncanalized discretionary power over an important phase of American life. Conceding the necessity in this as in many other instances, nevertheless, we are confronted by the uncomfortable fact that the experience of history has not yet shown us how constitutional democratic institutions can be preserved in the presence and under the control of ever increasing administrative discretion."

There are, moreover, certain collateral aspects of this legislation which are by no means reassuring to one who is concerned for the "democratic freedoms." For one thing, the act furnishes a complete precedent for the government to go into other businesses which are related to war or defense—and there are today very few which are not—and indeed for it to assert a monopoly of such businesses. Mr. Truman's recommendation in 1951 concerning the steel business did not go that far, but a later President's might.

I shall now consider briefly the impact of certain recent domestic legislation upon constitutional interpretation. Here the principal casualty has been the dual theory of the Federal System. The major tenet of this theory was that Congress' power to regulate interstate commerce was less extensive than its power over foreign commerce.

The classic expression of this doctrine occurs in Justice Sutherland's opinion for the Court in the Carter Case, decided eighteen years ago.[12] Here the Court pronounced invalid the Bituminous Coal Act of 1935, on account of its attempt to regulate wages and hours in the coal mines. Said Justice Sutherland:

"The conclusive answer (to this proposal) is that the evils (of poor wages and long hours) are all local evils over which the federal government has no legislative control. The relation of employer and employee is a local relation. At common law it is one of the domestic relations. The wages are paid for the doing of local work. Working conditions are obviously local conditions. The employees are not engaged in or about commerce, but exclusively in producing a commodity. And the controversies and evils, which it is the object of the act to regulate and minimize, are local controversies and evils affecting local work undertaken to accomplish that local result. Such effect as they may have upon commerce, however extensive it may be, is secondary and indirect. An increase in the greatness of the effect adds to its importance. It does not alter its character."

This entire system of constitutional interpretation touching the Federal System lies today in ruins. It toppled in the *Social Security Act* cases and in *NLRB v. Jones & Laughlin Steel Corporation*,[13] in the latter of which the Wagner Labor Act was sustained. This was in 1937 while the "Old Court" was still in power. In 1941 in *United States v. Darby*,[14] the "New Court" merely performed a mopping-up operation; albeit a very thorough one. The act of Congress involved was the Fair Labor Standards Act of 1938, which not only bans interstate commerce in goods produced under sub-standard conditions but makes their production a penal offense against the United States if they are "intended" for interstate or foreign commerce. "Of course," former Justice Roberts has recently written, "the effect of sustaining this act was to place the whole matter of wages and hours of persons employed throughout the United States, with minor exceptions, under a single federal regulatory scheme and in this way completely supersede State exercise of the police power in this field." The court has never handed down a more revolutionary decision.

Early in 1920, Charles Evans Hughes—later Chief Justice Hughes—remarked, *apropos* of certain aspects of World War I: "We may well wonder in view of the precedents now established whether constitutional government as hitherto maintained in this Republic could survive another great war even victoriously waged." Since then "another great war" has been waged, though whether "victoriously waged" seems a bit doubtful even today. Not the least doubtful, on the other hand, is the fact that the "precedents" it "established" leave those earlier ones looking rather pallid and, by the same token, leave the survival of "constitutional government as hitherto maintained in this Republic" a more uncertain prospect than ever.

To be sure, we have latterly been treated to the spectacle of two bold efforts to rescue the Constitution from its would-be despoilers. In *Youngstown Sheet and Tube Co.* v. *Sawyer* (The Steel Seizure Case) [15] the Supreme Court heroically threw its weight on the side of "government by law." Justice Black's opinion for the Court simmers down to the proposition that if Congress can do it, the President cannot. By the same token, however, matters falling to the legislative power of Congress and those falling to the judicial power of the Supreme Court are likewise mutually exclusive, from which it would follow that, since by universal agreement, Congress could have ended the steel seizure at any time, the Court had no power to do so. By its own peculiar *ad hoc* reading of the principle of separation of powers the Court convicted itself of an unconstitutional act.

In consequence of the evident belief of at least four of the Justices who concurred in the judgment in Youngstown that Congress had exercised its powers in the premises of the case in opposition to seizure, by the procedures which it had laid down in the Taft-Hartley Act, the lesson of the case is somewhat blurred. But that the President does possess, in the absence of restrictive legislation, a residual or resultant power above, or in consequence of his granted powers, to deal with emergencies which he regards as threatening the national security, is explicitly asserted by Justice Clark, and is evidently held, with certain qualifications, by Justices Frankfurter and Jackson, and is the essence of the position of the dissenting Justices. The lesson of the case, therefore, if it has a lesson, is that escape from Presidential autocracy today is to be sought along the legislative route rather than that of judicial review.

What are the outstanding features of the Constitutional Law for Peacetime, or what passes for such these days? I would summarize them as follows: (1) the attribution to Congress of a legislative power of indefinite scope; (2) the attribution to the President of the power and duty to stimulate the postiive exercise of this indefinite power; (3) the right of Congress to delegate its power and libitum to the President; (4) the attribution to the President of a broad prerogative in the meeting of "emergencies" defined by himself and in the creation of executive agencies to assist him; (5) a progressively expanding replacement of the judicial process by the administrative process in the enforcement of the law—sometimes even of constitutional law. In short . . . our once boasted Constitution of Rights has given place, in great measure, to a Constitution of Powers.

Yet there are values underlying the earlier conception which we should be reluctant to see extruded from the Constitution, one of them—the most important, the most ancient one—being the idea that there are rights of the individual which are anterior to government and set a limit to its just powers.

And so much for our "Expendable Constitution." But these days, unfortunately, we too are expendable, and the best we can do about it is to cultivate the "three F's"—Faith, Fortitude, Fatalism—with now and then perhaps a touch of the optimism of the man who fell from the roof of a twenty-story building. As he passed the tenth floor on the way down, he was heard to say, "Well, I'm all right so far." We must keep up our courage.

FOOTNOTES

[1] Penhallow *v.* Doane, 3 Dall. 54 (1795).

[3] *U.S. Code* (1940), Supp. IV, Title 22 SS 411–13.

[4] Fleming *v.* Page, 9 How. 602 (1850).

[5] Steuart and Bros. Inc. *v.* Bowles, 322 U.S. 398 (1944).

[6] Executive Order No. 9370 (August 16, 1942), 8 *Federal Register* 11493.

[7] President Roosevelt to Congress, September 7, 1942.

[8] Selective Draft Cases, 245 U.S. 366 (1918).

[9] 79th Congress, 2nd Session, Public Law 585 (August 1, 1946). The materials used in my account here of the constitutional problem posed by the A-Bomb are taken from my *Constitution of Powers in a Secular State*, with the consent of the publisher, Michie and Co., Charlottesville, Va.

[12] Carter *v.* Carter Coal Co., 298 U.S. 238, 308 (1936).

[13] 301 U.S. 1 (1937).

[14] 312 U.S. 100 (1941).

[15] 343 U.S. 579 (1952).●

THE "GOLDEN YEARS" HAVE BECOME "YEARS OF TERROR"

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. PEPPER. Mr. Speaker, the new law authorizing today's anticrime funds was born in the tragic murder of an 81-year-old blind poet in Claude Pepper Towers in my own congressional district of Dade County, Fla. Crime threatens all of us, and it has had a particularly detrimental impact on the elderly. The so-called "golden years" have become years of terror for millions of older persons who live in constant fear of robbery, assault, and even murder and become virtual prisoners in their own homes. With today's action, the Federal Government has boldly declared that decent housing is much more than four walls and a roof overhead; it includes protection against crime.

I am extremely pleased to join you, Madame Secretary in formally announcing the availability of $30.2 million for anticrime programs to protect residents of public housing. As the author of the successful House floor amendment which authorized funds for this program, I congratulate HUD on its forthright action in this area.

Today marks an important beginning of a new national policy to make the Nation's housing safe again. But much more remains to be done. In the coming months and years. Congress and the administration need to move ahead by applying the most effective anticrime methods to all Federal housing projects. I also call upon builders in the private sector to follow our example today and institute similar security efforts in non-Federal housing where necessary.

This legislation we are implementing today represents our response to the savage attacks on public housing residents in many areas throughout the country. As I mentioned, in my own congressional district of Miami last May, an 81-year-old blind poet was brutally murdered in a public housing project by a 15-year-old youth who climbed a tree next to the building, jumped onto a ledge, and pushed his way through a window. There have been similar incidents elsewhere.

These instances of violent crimes have now triggered not just outrage but action. Our announcement today signals a genuine commitment by Federal officials in partnership with local governments to insure that our homes do not become easy targets for criminals.

I commend you, Secretary Harris for your dedication to this effort. I know you have been aided by a number of outstanding top HUD officials including Lynn Curtis, Jay Janis, Stephen Coyle, Clyde McHenry, Larry Simons, and Ed Silberman who share our vision and determination to make public housing safe again. Much of the credit today also belongs to Congresswoman MARY ROSE OAKAR, a member of our Aging Committee from Cleveland, who was an author of the original bill in this area.

Thanks to these efforts, residents of public housing throughout the country will have the genuine reassurance of knowing of this new Federal commitment not to leave them to be easy prey for violent criminals.●

INVESTMENT TAX CREDIT FOR BUILDINGS AND STRUCTURAL COMPONENTS

HON. KENNETH L. HOLLAND

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. HOLLAND. Mr. Speaker, I am introducing a bill to allow the investment tax credit for buildings and structural components used as an integral part of manufacturing, production, retail or wholesale trade, extraction, transportation, and certain other businesses, or which are research or storage facilities. This legislation will aid in the formation and investment of capital in the modernization and expansion of those longer term, more permanent facilities which form the basic infrastructure of our economy and which are vital to the production, delivery, and distribution of the largest amount of goods and services in the most efficient manner at the lowest price. This legislation would also eliminate a major defect in the present investment tax credit—the fact that the credit is available primarily only for movable equipment and does not apply to the equally important investment in business buildings. That artificial distinction between different forms of necessary business investment needlessly distorts investment decisions and diminishes the efficiency of the credit as an incentive to economic growth.

In addition, this legislation would achieve an enormous simplification in the tax law. It would no longer be necessary for the Internal Revenue Service and taxpayers needlessly to waste large amounts of time and resources—as they presently do—in making tortured and controversial distinctions between what is or what is not a building. At least one page of the Internal Revenue Code could be omitted. Many more pages of the tax regulations, numerous administrative rulings and large numbers of court cases, would also be unnecessary.

THE PRESENT LAW

Under present law, section 48(a)(1)(A) allows the credit for "tangible personal property" which is basically movable equipment used by business—vehicles, machines, desks, chairs, and the like. In addition, section 48(a)(1)(B) allows the credit for certain "other tangible property (not including a building and its structural components)", but only if used as an integral part of "manufacturing, production, or extraction or of furnishing transportation, communications, electrical energy, gas, water or sewage disposal services. . . ." Certain other assets are included in this category also. In general, "other tangible property" includes business property such as loading docks, wharves, towers, railroad track, and other similar structures that are thought to more closely resemble movable equipment.

In addition, the Revenue Act of 1978 clarified that the credit is allowed for certain agricultural buildings. The Revenue Act of 1978 also added section 48(a)(1)(E) which allows the credit for the cost of rehabilitating existing industrial and commercial buildings.

WHAT THIS LEGISLATION WOULD DO

The bill I am introducing would amend section 48(a)(1)(B) relating to other tangible property by striking out the parenthetical "(not including a building and its structural components)"; and by inserting in section 48(a)(1)(B)(i) the words "retail and wholesale trade", so that the distribution sector of the economy would receive the same treatment accorded the other basic sectors of the economy such as manufacturing, transportation, communication, et cetera. The more limited provisions in existing law related to agricultural structures and rehabilitation of existing buildings would be unnecessary and would be stricken. These agricultural buildings and rehabilitation expenditures would be covered by the new provision in my bill.

SUPPORT FOR THIS LEGISLATION

Support for extending the credit to buildings is broad based and the logic is compelling. Only last year the President proposed to include buildings within the investment tax credit although that particular proposal would not have included commercial buildings such as those used in retail and wholesale distribution. It was, however, in my view, the judgment of most Members of the Congress that any credit for investment in buildings should be broader and more uniform throughout the economy and should include commercial buildings as well. Therefore, when in the 1978 act we took the first major step in extending the credit to investments in buildings—the new credit for rehabilitation of existing buildings—we correctly included commercial buildings as well. Obviously, the movement is toward extending the credit to new industrial and commercial buildings as well. I venture to say that but for the severe revenue constraints that prevailed in the 1978 act we would have done so then. As we continue to face the need for greater capital formation and as additional tax reductions may become necessary this year or next, we should take the final step of extending the credit to all industrial and commercial buildings. I have introduced my bill for that purpose.

The case for extending the credit to both industrial and commercial buildings is compelling. In proposing the expansion of the credit in 1978, the Treasury correctly pointed out that the exclusion of buildings from the credit had "had a distorting effect on the composition of business fixed investment in the United States." The Treasury further noted that the growth in annual expenditures for industrial structures had not, since the investment credit was proposed in 1961, kept pace with the growth in annual expenditures for fixed capital investment generally. In the case of commercial buildings, measured in constant dollars investment has actually declined about 28 percent since 1973. Needed investment in more efficient commercial and industrial buildings has borne an especially heavy part of the burden of inflation and escalating costs. For example from 1960 to 1976, the cost of commercial and factory building increased 154 percent—much faster than the GNP deflator which increased only 95 percent.

Modern, more efficient structures play a vital role in an efficient and productive economy. The Treasury has pointed out the need for balanced programs of industrial expansion and the importance of investments in longer lived facilities as well as in shorter lived equipment. New machinery and equipment is less productive if the overall physical plant does not permit its most efficient use. Often the design, capacity, and layout of the structural facility has as much to do with the most efficient use of labor, inventory, raw materials, and equipment, and therefore, with overall output, as anything else. That is the case both with commercial buildings and industrial buildings. For example, in the distribution sector of the economy—retail and wholesale trade—efficient, well designed buildings laid out to utilize modern techniques of goods handling, personnel use, et cetera, are an especially key factor to the efficient distribution of goods and services at the lowest prices and to the maximum productivity of the large number of people employed in retail and wholesale trade. In that regard, it is worth noting that 1 out of every 5 new jobs created in the 1970's has been in the retail sector.

In short, the bill I am introducing will correct a significant inefficiency in our present tax incentives for greater capital investment and productivity, and I urge its support.●

PERSONAL EXPLANATION

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. EDGAR. Mr. Speaker, on Wednesday evening, May 9, it was necessary for me to be in Philadelphia, where I spoke before the annual convention of the Naval Civilian Administrators Association. As a result of this obligation I missed the roll call vote on the Holt-Regula substitute amendment to the first budget resolution.

Had I been present, I would have voted no on the amendment. My objection is that the proposal was based upon the erroneous belief that a reduction of the fiscal 1980 deficit to $18.7 billion, or $6.2 billion less than what the Budget Committee has recommended, could produce a significant improvement in the inflation rate. In fact the $6.2 billion difference would scarcely make a dent in the accelerating Consumer Price Index.

I am in favor of taking all reasonable measures to chip away at inflation, but the miniscule benefits which would have been derived from Holt-Regula could have been achieved only at the cost of cutting too deeply into several valuable social programs at the very time when the needs of millions of less fortunate Americans are greater than ever.●

FEDERAL BUDGET GAME

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. PAUL. Mr. Speaker, the congressional budget process, which we are going through now, has been unsuccessful in slowing inflation and deficit spending in the slightest.

An insightful article by Dr. Paul Craig Roberts, that appeared in a recent issue of Policy Report, explains why:

THE FEDERAL BUDGET GAME

(By Paul Craig Roberts)

In 1974 Congress passed legislation creating a congressional budget process. The act established House and Senate Budget Committees and a Congressional Budget Office (CBO) charged with providing Congress with detailed budget information and studies of the impact on the economy of alternative spending and revenue levels. The legislative core of the new process is the two Budget Resolutions, the first in the spring and the second in the autumn. The purpose of the Budget Resolutions is to set an expenditure ceiling and revenue floor for each fiscal year. The figures in the first resolution are regarded as targets to guide the appropriations and tax committees, whereas the figures in the second resolution are legally binding. Barring significant changes in the economy or economic outlook during the intervening months, there is not supposed to be much difference between the two resolutions.

With the Budget Act came a more tightly scheduled work year and the greater pressure that comes with tighter schedules. What gain did Congress expect as an offset to the added burden that it imposed on itself?

One possible answer is that Congress had no choice, that it simply had to get control over spending. Such a response implicitly assumes that Congress was concerned about the budget deficits and, in the public's interest, voluntarily imposed a spending discipline on itself in order to achieve a balanced budget.

There are various problems with this response, over and above the fact that the combined deficit for the three years immediately following the Budget Act are three times the size of the deficit for the three years immediately preceding the Budget Act.

One problem is that the Budget Act was supported by many members of Congress who are not opposed to budget deficits. The careers of many politicians are tied to "spending constituencies," and such politicians may feel that it is easier to finance the expansion of these constituencies through deficits than through legislating higher taxes. Also, many politicians believe that budget deficits are necessary to stimulate the economy and maintain full employment. These politicians would not have supported the Budget Act in order to eliminate deficits.

Another problem with this response is that it assumes there is an identifiable "public welfare" that politicians automatically place above their own interests. The behavior of politicians is not usually explained on so heroic an assumption.

Probably we would do best to try to understand the Budget Act the way we try to understand other pieces of legislation—in terms of politics. Much legislation is the result of compromises through which each side gets, in varying degrees, something of what it wants. The Budget Act, however, seems to be a product of different sides having different expectations about its consequences. Although the participants shared a common vocabulary about spending being out of control, they were employing two different definitions of budget control.

To fiscal conservatives, getting spending under control meant balancing the budget.[1] They saw the budget process as a way of putting their free-spending opponents on the spot. The lavish spenders appeared to have it too easy, because they could indirectly legislate big deficits by voting in favor of many separate bills. Fiscal conservatives thought that if fiscal liberals had to vote on setting the size of the government's budget and the deficit itself before appropriating money for the individual programs, there would be stricter limits on spending.

Fiscal liberals, however, had a different goal in mind. They wanted to strip deficits of their political image by institutionalizing Keynesian fiscal policy as the definition of budget control. As Senator Edmund Muskie recently stated, "Economists of every respected school agree that increased federal spending or tax cuts producing a deficit may well be the only way to boost employment, generate investment, stimulate demand, accumulate capital, and prevent a downturn from deepening into a depression. A mandated balance would blunt our sharpest fiscal tool."[2]

To Muskie, getting spending under control means explicitly relating the taxing and spending actions of Congress to a fiscal policy that justified them. He and other fiscal liberals saw the Budget Act as a rationale, in terms of scientific economic policy, for the ongoing political process of building spending constituencies. With the Budget Act, deficits would originate in the economic policy proposals of the experts in the Congressional Budget Office and in the Senate and House Budget Committees, and would be evidence that spending was under control.

The politics of the Budget Act was that each side believed the budget process would redound to its political advantage. Fiscal conservatives hoped to use it to embarrass the chronic spenders, while the latter expected it to take the sting out of deficits by justifying them on economic policy grounds prior to the appropriations process.

Fiscal conservatives seemed to feel that liberals were getting away with something by being able to vote separately in favor of each spending program without having to legislate higher taxes or to accept any responsibility for budget deficits. They thought that liberals would be voted out of office if they had to vote in favor of a deficit (or higher taxes) before they could go on to fund all of their spending programs. Their reasoning over-

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Footnotes at end of article.

looked the fact that being "liberal" is not just a matter of a person's state of mind; it is also a rational response to political opportunities to build spending constituencies. People receiving handouts are more interested in the amount than in how the handouts are financed.

The new budget process would seem to have weakened the position of fiscal conservatives. Their resistance to deficits can now be portrayed as an attack on "full employment" policy and on the budget process itself. Prodigal spenders can always argue that a deficit is needed this year in order that the budget can be balanced next year. Without economic stimulus (credit expansion to finance a budget deficit), the argument goes, unemployment will rise, thus simultaneously causing the government's expenditures to go up and its tax revenues to go down. Balancing the budget this year, the spenders can say, will mean a bigger deficit next year.

This drive for ever greater deficit spending has continually led to the very problems it was allegedly designed to cure. As Nobel Laureate Friedrich A. Hayek and other "Austrian School" economists have shown, such policies are not only responsible for today's crippling inflation rate, but for the extensive and persistent unemployment problem as well.[3] The monetization of debt through the Federal Reserve System not only results in rising prices as the money supply increases, but also creates enormous distortions in the relative prices of goods and services throughout the economy. These distortions mislead businesses by encouraging investment in less efficient ventures. Since sufficient demand to sustain such ventures does not *actually* exist (without the artificially inflated prices), business failures and unemployment soon result. In addition, instead of any real economic stimulation, a major decline in productivity occurs as government revenues are drawn away from the private sector. Hence, Keynesian deficit spending serves only to fuel the inflationary boom *and* the consequent recession, as well as to cripple economic growth.

The problems of inflation and unemployment can be solved only by ending this debt monetization, cutting spending back to balance the budget, and eliminating the government's regulatory monopoly over money and credit (abolishing legal tender laws, banking regulations, etc.). Fortunately, the forthcoming Cato Institute Policy Study Proposal for a Balanced Budget Amendment (being prepared by *Policy Report* Editor Richard E. Wagner) would be a major step in this direction.

There is no doubt that Keynesian fiscal policy has been institutionalized in the congressional budget process. The Congressional Budget Office's forecasts, macroeconomic analyses, and policy alternatives are derived from the Keynesian view of economic relationships. Although fiscal conservatives were mistaken in their belief that the budget process would be used to balance the budget, there are nevertheless some stumbling blocks to the liberals' use of the process to institutionalize deficits as a way of expanding their spending programs.

The first stumbling block is the Keynesian theory itself, which says that deficits should not be incurred in good times. So far this has not prevented large deficits from occurring in good times. When people want to spend, they will find reasons to justify their expenditures. For example, although Congress had completed action on the fiscal 1977 budget before Carter's election in November 1976, immediately after the election liberal Democrats "discovered" a "spending shortfall" that was threatening the economic recovery. The Ford Administration was accused of having sat on money that Congress had appropriated to be spent. As a result, part of the stimulus to the economy that was needed for recovery was missing. To rectify the problem, Congress proposed and passed a third budget resolution for fiscal 1977, which increased the deficit to provide an assortment of handouts. Our news media, which is supposed to be clever and sophisticated, failed for the most part to note the election payoffs and went along with the charade of "the spending shortfall threat to the economy."

Another argument used is that the unemployment rate is misleading, because it doesn't include all the discouraged workers. This argument allows deficits to be justified in good times on the grounds that we don't really have full employment and that more stimulation is needed to draw the discouraged back into the labor force.

In general, the process seems to work as follows during the course of the business cycle: recessions justify deficits to get the economy moving again; recoveries justify deficits to keep the recoveries going; good times justify deficits to ward off the downturn that is predicted to be around the corner. Signs can be found upon which to predict a recession, just as spending shortfalls can be built in the budget (by overestimating unemployment compensation, for example) as a hedge against having to balance the next one. Looking back, the spending advocates can say that the reason the budget didn't balance on the upturn just before the downturn was that the deficit in the previous year had not been large enough to have us on a full employment budget.

Of course, it gets sticky when the economy is heated up and the inflation rate begins to rise. At such times, the thing to do is to let the President's budget in January be austere—and maybe also the first budget resolution in May. In the meantime, you rely on inflation to pressure the Fed into a tight money policy. Then you can forecast a recession as the consequence of high interest rates, hold hearings or the need to stimulate the economy to fight the recession, and come in with a big deficit in the second budget resolution in September.

So although it is theoretically possible that the spendthrifts could trip on this first stumbling block, in practice they step over it fairly easily.

A second stumbling block is that justifying deficits does not specify their form. The Keynesian theory makes it clear in principle that deficits can be produced by holding taxes constant and increasing government spending, or by holding government spending constant and cutting taxes. Thus, tax cuts are an alternative stimulative policy to increases in government spending.

One way of stepping over this stumbling block is to decide that dollar-for-dollar tax cuts are less stimulative than increases in government spending. This lets you argue, as the Congressional Budget Office does, that "a permanent income tax cut is a relatively expensive way of reducing unemployment in terms of budget dollars per additional job."[4] Dollar for dollar, the Congressional Budget Office finds that government purchases have the greatest impact on GNP, while despite displacement assumptions of 50 percent, public employment is estimated to be more effective, per dollar, than tax cuts in stimulating jobs.

Thus, you eliminate tax cuts as an alternative by estimating them to be a relatively weak, and therefore expensive, way to stimulate the economy. This, of course, requires a certain amount of doing. You manage it by assuming that tax rate reductions affect the economy only by giving people more money to spend, thus increasing demand. You deny that they provide incentives to increase supply. You then say that since part of the tax cut is saved, you get less spending stimulus from a dollar of tax cut than you get from a dollar of government spending.

In 1978 Representative Majorie Holt, a member of the House Budget Committee, twice offered amendments to the Budget Resolution. Representative Holt's amendment would have brought in a budget with lower spending and lower taxes but just as large a budget deficit. In the spring her amendment received a majority of the votes and would have passed had the Democratic leadership not forced some members of their party to change their votes. In the autumn, her amendment failed by only a few votes.

In 1979 the Democratic leadership came back after elections convinced that the Holt amendment would pass. Determined to spend rather than to reduce taxes, the Democratic leadership got rid of the Holt amendment by changing the Budget Act under the guise of changing some of the rules of the House of Representatives. The Speaker of the House forced through the new rules, and as a result the Hold amendment can be ruled out of order.

Now Representative Holt cannot propose an aggregate expenditure figure lower than the figure proposed by the Budget Committee unless she specifies how much less each spending program will receive if her figure is adopted. This is completely at odds with the 1974 Budget Act, which says that the Budget Resolution is supposed to set a total spending figure and leave it to the Appropriations Committee to allocate the money over the various spending programs. By cleverly changing the rules, the congressional spenders have fixed it so that Representative Holt cannot offer her amendment without infringing on the prerogatives of the Appropriations Committee.

The new rules also mean that any congressman who votes for the Holt amendment has his vote tied to cuts in specific spending programs, thus leaving him at the mercy of infuriated spending lobbies.

It is apparent that the big spenders in the House are willing to use as much power as necessary to guarantee that the Budget Act is not used to cut spending.

Their counterparts in the Senate have an easier time, because the Republicans on the Budget Committee do not offer alternatives to the committee's budget resolution. Senator Bellmon, the ranking Republican on the committee, works closely with the Democratic chairman, Senator Muskie, and so do their staffs. The spenders do not have to worry about Republicans causing trouble, especially after Senators Hayakawa and McClure, known for their tax- and budget-cutting efforts, were forced off the Budget Committee by their own party. The situation between Bellmon and Muskie is so cozy that Democrats even managed to arrange the dismissal of a Republican staff member who was causing them problems.

In the new Congress the Republican side of the committee consists of Bellmon and (mainly) inexperienced new members who will find it hard to detect the technical manipulation of the budget figures by the Congressional Budget Office and committee staff in order to ensure higher spending. One way this is being done is by beginning with figures that have already adjusted every spending program for inflation, whether or not required by law. The proposal by Senators Muskie and Bellmon of an "austerity measure" to eliminate the staff allowance for the other committee members would make it more difficult for other senators on the committee to catch on to the funny numbers.

In spite of the lengths to which big spenders have gone to ensure that the Budget Act cannot be used to cut spending, some senators believe that spending would be even greater if it were not for the Budget Act. It is not clear why they believe this. The Budget Act has not changed the incentive to spend. Neither has it added any constraint on Con-

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Footnotes at end of article.

gress's ability to spend. If anything, it has made it easier for Congress to incur large deficits. Congress looked more irresponsible under the old system whereby the deficit resulted from voting yes on too many spending bills. There was simply no excuse for the deficit other than that Congress just wanted to spend. Under the new system, however, the deficit is justified on the grounds that it is necessary to provide economic stimulation, and this happens before there is any voting on spending bills. Under this new system, experts testify that the deficit is necessary, and so the Congress doesn't look as irresponsible as before.

In addition to justifying deficits, the new budget process is likely to increase the government's power over the economy in other ways as well. By running deficits over the entire business cycle, Congress intensifies inflation while at the same time crowding out private investment. Thus, "stagflation" becomes a more permanent fixture of the economic landscape. Stagflation is good for the government's power for a number of reasons. First, the relative shortage of jobs makes it easier for Congress to provide more public service employment, CETA jobs, and public works. Second, the greater difficulty of earning increases in real income through market activity and productivity gains causes more people to turn to income redistribution and transfer payments as ways of getting ahead. Third, private wealth diminishes, because stagflation forces people into higher tax brackets and reduces the return to capital. Fourth, as different groups try to maintain their position, the government has growing support for credit controls, exchange controls, and wage and price controls. As controls grow, less and less economic activity can take place legally without the government's permission, and government decisions more and more replace private decision-making. A person's relations with government become more important to his success than his market performance. Fifth, as people find it more difficult to save, they become more dependent on transfer payments, and they lose their financial independence.

In short, government hasn't much to gain from a stable, growing economy. In such an economy there is no need for all the government programs and controls that inflation and unemployment justify. When people are enjoying widespread individual success, they don't need the government.

As a result of the Budget Act, the situation on the tax front may get much worse. Advocates of spending may be able to use the budget process to eliminate various tax breaks. Under the Budget Act, tax breaks are defined as "tax expenditures" and are said to be equivalent to expenditures on spending programs. There is already an effort afoot to eliminate tax breaks and, instead, hand the money out through the government agencies. The investment tax credit, for example, would be handed out by the U.S. Department of Commerce as a grant or loan.

To sum up. the Budget Act of 1974 seems to be another case of Congress creating a problem that can then be used as an excuse for legislation enabling further increases in government power. By creating deficits, Congress succeeded in establishing a formal budget process that justifies deficits.

Of course, sometimes success can lead to its own undoing. The large deficits piled up year after year, in spite of protests and promises, have given momentum to the demand from the states for a constitutional amendment to require a balanced federal budget. Forty-three Democrats in the House of Representatives joined this movement in February 1979. Giving up on the congressional budget process, they introduced a Joint Resolution to amend the U.S. Constitution to require a balanced budget—another indication that the budget committees have played the budget game too well.

FOOTNOTES

[1] The term "fiscal conservatives" refers to those political figures adamantly opposed to government growth and deficit spending. Unfortunately, today the term is carelessly used to describe those Republican and Democratic members of Congress who prefer relatively "lower levels" to the massive deficits of the last decade.—ED.

[2] From a speech to the National Press Club, Washington, D.C., February 13, 1979.

[3] See F. A. Hayek, *Unemployment and Monetary Policy: Government as Generator of the "Business Cycle,"* and *A Tiger by the Tail: The Keynesian Legacy of Inflation*, Cato Papers nos. 3 and 7 respectively (San Francisco: Cato Institute, 1979). See also, F. A. Hayek, *Prices and Production* (Clifton, N.J.: Kelley, 1967); M. N. Rothbard, *America's Great Depression* (Kansas City: Sheed and Ward, 1975), and *What Has Government Done to Our Money?* (Novato, Calif.: Libertarian Publishers, 1964); G. P. O'Driscoll, Jr., *Economics as a Coordination Problem: The Contributions of Friedrich A. Hayek* (Kansas City: Sheed Andrews and McMeel, 1977); L. von Mises, *Human Action: A Treatise on Economics*, 3rd rev. ed. (Chicago: Regnery, 1963).

[4] Congressional Budget Office, *Understanding Fiscal Policy* (Washington, D.C.: U.S. Government Printing Office, 1978), p. 38.●

A TRIBUTE TO JESSE STUART

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. HUBBARD. Mr. Speaker, many have reached the American and international public through teaching and writing. However, few, if any, have endeared themselves to that public as Jesse Stuart of W-Hollow, Ky., has.

For approximately 53 years, students have been turned on to education by this teacher, who began teaching at the age of 17. Throughout his career, students found enthusiasm, compassion, and love from a man who taught for the sheer love of teaching.

Teaching was the earning power which permitted Jesse Stuart to venture into his other talents; writing poetry, short stories, and novels. The teaching and writing became intertwined and one complemented the other. Writing about things he knew best, Jesse Stuart has permitted all who read his books to know a man who is a first-class human being.

To date, Mr. Stuart has published 53 books, over 450 short stories, over 3,000 poems, and several hundred articles. His book of poetry, "Man With a Bull Tongue Plow," was selected as one of the 100 best books in America and one of the 1,000 great books of the world. In 1952, his noval, "Taps for Private Tussie," was selected as one of the masterpieces of world literature.

His book, "The Thread That Runs So True," was selected as the best book in 1949 by the National Education Association. The book presented a moving story of a rural teacher's fight to provide students an education in the eastern Kentucky mountains. This book has inspired thousands of students and teachers across the United States. His influence in writing and teaching has gone beyond our boundaries and spilled into foreign countries. After Jesse Stuart had become famous as a teacher and writer in the United States, he spent a year teaching at the American University in Cairo, Egypt.

Shortly afterward, Mr. Stuart went on a world lecture tour from September 1962 to February 1963, sponsored by the U.S. Information Service of the U.S. State Department. Wherever he lectured and visited, he was promoting the ideals of the United States.

Several of his books have been translated to Danish, Bengali, German, Arabic, Czechoslovakian, Norwegian, Spanish, Swedish, French, and Japanese. Besides the book translations, some of his short stories have been translated to Chinese, Polish and Russian.

Another book, "The Year of My Rebirth," was chosen as one of the best books written in 1956. In this book about his year-long recuperation from a severe heart attack, he conveyed the message, "I did it and so can you." This book has given other heart attack victims new hope.

Jesse Stuart has been presented about 15 honorary doctor's degrees from colleges and universities throughout the United States. He has been awarded a variety of literary awards throughout his career. In March 1960, the University of South Carolina celebrated its own Jesse Stuart Day. Twice Kentucky has honored him with a Jesse Stuart Day. Gov. Lawrence Weatherby proclaimed October 15, 1955, as Jesse Stuart Day. Again in 1978, Gov. Julian Carroll declared August 7, 1978, as Jesse Stuart Day. Also on August 7, 1978, the Governor of Tennessee declared it as Jesse Stuart Appreciation Day in Tennessee.

There have been several books written about this unique man. He is a miracle himself having survived six heart attacks and two strokes. Jesse Stuart is a master teacher and a master writer, but he is much more. He is an inspiration to those of us lucky enough to know him and to call him friend. No one can know him personally or through his written works without falling within his magnetic range and being filled with enthusiasm for life.

Perhaps Jesse Stuart has said it better. In "The Thread Than Runs So True," he wrote:

> I am firm in my belief that a teacher lives on and on through his students. Good teaching is forever and the teacher is immortal.

The same could be applied to his literary works. Jesse Stuart will remain immortal through his teaching and writing.

Because Jesse Stuart has given so much of himself for so many people through his teaching career and his writing career, it is only appropriate that I, Carroll Hubbard, take the time along with my other colleagues to note both the teaching accomplishments and the literary accomplishments of Jesse Stuart by recording this tribute in the CONGRESSIONAL RECORD. The people of the United States are proud to have an outstanding citizen such as Jesse Stuart.●

WHY WE SHOULD SUPPORT THE PANAMA CANAL IMPLEMENTING LEGISLATION

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. PRITCHARD. Mr. Speaker, I insert in the RECORD an "Op-Ed" piece written by Representative EDWARD DERWINSKI and published by the Washington Post on April 18, 1979.

In this article Representative DERWINSKI explains why he, an opponent of ratification of the Panama Canal treaties, now supports passage of the implementing legislation.

I believe that, given the upcoming debate on the implementation of the treaty, this editorial should be brought to the attention of my colleagues.

I would like to congratulate my colleague for his thoughtful comments, and commend this article to the House's attention:

PANAMA: FROM NO TO YES

One year ago today the Senate ratified the Panama Canal treaty. If I had been in the Senate, I probably would have voted no. Many Americans, I know, are still convinced we gave the Panama Canal away.

But now the situation is different. Once the Senate has ratified a treaty, it becomes a matter of international obligation for the United States. The House must make the best of the situation. The time for denouncing Panama is over. The time is now at hand to put the treaty effectively into force.

The treaty will go into effect Oct. 1 and remain in effect until Dec. 31, 1999. During that period, the United States will operate the canal under new arrangements with Panama as the junior partner. After the year 1999, the United States will withdraw, but will retain the right to defend the canal indefinitely

The administration views the canal settlement as a foreign-policy victory, but at this point it is only a partial one. The Panama Canal treaty set up the framework for running the canal through 1999; it was silent on the specifics and legal stipulations that are needed to implement treaty terms.

Under the treaty, Panama grants the United States the right to operate the canal through a U.S. government agency called the Panama Canal Commission. The commission must be created by U.S. law.

The administration has prepared and submitted to Congress legislation designed to enable us to fulfill our treaty obligations. Rep. John Murphy (D-N.Y.), chairman of the House Merchant Marine and Fisheries Committee, has submitted alternative legislation. Both bills will do the job, irrespective of important differences in the legislation.

The United States must be prepared for the basic changes that will occur when the Panama Canal Zone ceases to exist and Panama assumes jurisdiction over all of its territory. Unless the new structure is in place, orderly operation of the canal will be imperiled.

If passage of the implementing legislation is unduly delayed, we face serious problems in carrying out our responsibilities. For example, the proposed legislation involves the transfer of more than 3,000 employees to local Department of Defense activities. The size and complexity of this transfer will have a direct impact on the lives of employees and their families. Obviously, such a transfer requires some lead time. Without it, the results would be chaotic for employees, all the federal agencies operating in the area and the new Panama Canal Commission.

As a result, the administration has set a June 1 target date for congressional enactment of the implementing legislation. The longer we delay beyond that date, the more difficult it will become to make a smooth transition in implementing the treaty.

It is obvious and perhaps understandable why some members of Congress are dedicated to fighting the necessary legislation. They see it as an effective method of undercutting a treaty unpopular back home. It also enables them to claim credit for preserving America's dominant position at the canal.

The clock cannot be turned back. Failure to enact the pending legislation undoubtedly would arouse all the animosities that led four successive U.S. presidents to conclude, after the 1964 riots, that the way to keep the canal operating smoothly and dependably was to give Panama a stake in its operation. To renege on our pledges in the treaty would be to destroy all we have gained in terms of our relations not only with Panama but the Western hemisphere by showing we can deal justly and fairly with a small country to remove a major irritant.

It would be a national disservice for Congress to go down this road. We need the legislation, which will enable the United States to continue to run the canal in the future as efficiently as in the past.

We have to create the new Panama Canal Commission and provide for the designation of its principal officers. We need to maintain the services provided our canal work force and provide incentives to keep the canal operating efficiently.

We have an obligation to carry out the treaty. We have an opportunity to make a success of a bi-national operation, and we have a national interest in the continuing operation and security of the canal.●

ALASKA LANDS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. DINGELL. Mr. Speaker, with respect to National Wildlife Federation's State affiliate support of the Breaux-Dingell substitute to H.R. 39, I wish to insert into the RECORD a resolution passed by the Georgia State affiliate of the National Wildlife Federation. It is evident from the text of the resolution that this organization is not in support of the Udall-Anderson bill.

The material follows:

RESOLUTION

Whereas there are many anti-hunting groups attacking hunting, trapping, fishing, and firearms ownership including the following, Friends of Animals, Fund for Animals, Defenders of Wildlife, Humane Society of the United States and many others too numerous to list here and whereas said anti groups often masquerade as conservation groups and whereas the Georgia Wildlife Federation has always supported scientific conservation responsible game and wildlife management and has always supported hunting, fishing, trapping, and responsible firearms ownership and use and whereas it is well known that the Georgia Wildlife Federation has always opposed the efforts of the above mentioned anti groups now therefore be it resolved by the Georgia Wildlife Federation that the Georgia Wildlife Federation shall not let its name be used in any way in conjunction with any of the above mentioned anti groups and that this resolution should take precedence over any resolution to the contrary done at the annual meeting of the Georgia Wildlife Federation at Atlanta, Georgia, the 6th Day of May 1979.

LINDSEY P. HENDERSON, Jr.,
First District Vice President.●

FINE WIRE INDUSTRY

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. SHELBY. Mr. Speaker, I would like to call to the attention of my colleagues the following statement by Daniel Younkins II, on the problem the U.S. fine wire industry faces as a result of the "dumping" of precious metal fine wire in the United States. Dan is president of American Fine Wire Corp., an industry located in Selma, Ala., effected by the current "dumping" problem. I am concerned about the unfair overseas trade practices, and their effect on our Nation's industries.

Mr. Younkins' statement follows:

The American Fine Wire Corporation is one of about ten U.S. companies that produce fine (small) wire from precious metals and alloys (eg. gold, platinum) for use in the electronics, biomedical, and defense industries. None of these U.S. companies is large by the standard number of employees—the range is perhaps as small as fifteen to the largest of about seventy. Our company has twenty-seven employees. However, there is a very small man/machine ratio to the total selling price of product due to the material in the product and the nature of its production.

In 1978 the combined production of these companies was in excess of one billion feet of wire with a market-place value of $50 to $65 million. The U.S. production of such wire has had modest growth in the past few years, yet selling price has declined by 50% and more. This is not due to any breakthroughs in manufacturing technique—today, wire is made much as it was sixty years ago when such wire was used in radio-type vacuum tubes.

BACKGROUND SITUATION

As in any manufacturing process, product selling prices is composed of three elements—raw materials, labor, and overhead and profit.

1. Raw Materials.—Although precious metal prices vary from day to day throughout the world, they are communities and have a stable price at any point in time. (i.e. no company sell gold for $200 per ounce when the world price was $250 per ounce).

2. Labor.—As I am positive you know so well, the Japanese labor rates in skilled and semi-skilled manufacturing categories are equal to or greater than comparable U.S. wage rates. The Sunday, April 29, 1979 edition of the Atlanta Journal/Constitution carried a feature article on this subject. Of major industrial nations of the world, the Japanese manufacturing labor rates are highest at an average of about $6.86 per hour. The United States ranked sixth at about $5.50, and behind such other countries as West Germany, Sweden, and Switzerland. In the case of American Fine Wire Corporation, our labor rates in Selma, Alabama are less than average U.S. rates.

3. Overhead and Profit.—In our industry, all of the companies are small, privately

held firms. There are exceptions where there are fine wire divisions of larger companies—these divisions are comparable in size to the individual companies. Overhead is consistently low and profits are meager to nonexistent. Competition is as keen as in any high technology industry with our number of suppliers.

CURRENT SITUATION

Occurring in the fine wire market-place is:

1. Non-American competition is selling their fine wire products in the U.S.A. for prices 20 to 30 percent below their costs. I have been shown and discussed price quotations from Far East fine wire producers with a very large U.S. Semi-conductor producer. In one case, the Far East products price was less than our unburdened, labor cost, exclusive of raw material, overhead, and any profit. This is a pure case of "dumping".

2. Non-American producers are also selling their fine wire products to U.S. firms at electronic assembly facilities of these firms in the Far East. This wire then enters the U.S.A. assembled in an electronic device, circuit, or finished consumer product. Much data has been gathered by various U.S. firms (ie-integrated circuit manufacturers, calculator/watch producer, computer peripheral manufacturer) describing situations where offshore competition sells their product to the U.S. owned, foreign based facility and the sub-component parts re-enter the U.S. This is nothing more than "dumping" with a circuitous route.

3. Current import regulations impose a 20 percent import duty on the foreign gold wire content of devices entering the U.S.A. We are convinced and we are told that, in many instances, this duty is being avoided.

These products are being "dumped" on the U.S. market and represent a major unfair competitive advantage for foreign companies. This, so obviously, can and is having a devastating effect on these small U.S. companies. Several are being forced to abandon these markets and are threatened with extinction. Articles in the March 26, 1979 issues of Electronic News and Time Magazine outline fully how this activity is hurting the Electronics Industry of the United States.

A full and flourishing fine wire industry in America is essential to our well-being as a country. If the fine wire manufacturing capability is not kept strong we, as a country, could lose much of our self-sufficiency in the electronic industry which is so vital to our national defense.

Your understanding and cooperative assistance in bringing this situation to light is most important. Moreover, when legislation is drafted, and eventually enacted, it should include whatever protection is possible for this small, yet critical, portion of American manufacturing capability.●

THE CONCLUSION OF THE STRATEGIC ARMS LIMITATION TALKS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. KEMP. Mr. Speaker, yesterday, the White House announced the conclusion of the second round of the strategic arms limitation talks. Although the final details of the agreement remain to be negotiated between the Soviet-American SALT delegation in Geneva, a preliminary schedule for the Soviet-American summit meeting has been established.

The details of the agreement released to date are a continuing source of disappointment. The agreement as proposed by the administration fails to meet the minimum standards for an acceptable arms control agreement. The agreement is conspicuously inequitable in that it conveys advantages to the Soviet Union that are denied to the United States. For example, the Soviets are permitted 326 heavy ICBM's, the United States is permitted none; the Soviets are permitted to deploy a bomber capable of unrefueled intercontinental delivery which will not be counted against the Soviet SALT ceiling, while the United States must count all of its bombers with those characteristics. The agreement will make the world more dangerous because it promotes crisis instability.

Rather than reduce the incentive of either side to strike first in a crisis, the terms negotiated in SALT provide the Soviets with a powerful incentive to strike first in an intense crisis. The Soviets are left with such a large throw-weight advantage that they will, by the early 1980's, be able to use less than half of their land-based ballistic missile throw-weight to destroy 90 percent of the U.S. Minuteman ICBM force, the one-third of the U.S. missile-firing submarine force normally in port, and the 70 percent of the U.S. bomber force not normally on alert. With the remaining Soviet ICBM and submarine force, they will be able to deter a U.S. retaliatory strike. The mere existence must be taken as an indictment of the failure of SALT to achieve a useful end.

The terms of SALT II are not subject to full verification by national technical means of verification. The administration has de facto recognized this weakness by retreating from proclaiming "full verification" to terms such as "adequate verification" or suggesting that the Soviets will not be able to engage in "significant" cheating. Illustrations of the weaknesses of SALT verification abound: Cruise missile range cannot be verified by any technique known to man; we cannot know how many warheads the Soviets have loaded on their ICBM's—we can only know how many they have flight tested. To make matters worse, the United States has retreated from its position that there should be no encrypting of telemetry from Soviet missile flight tests to acceptance of the Soviet position that will enable the Soviets to encrypt the overwhelming fraction of their telemetry.

SALT will also facilitate the achievement of an ancient Soviet objective of separating the United States from its NATO allies. The terms of the agreement will inhibit the United States from providing our NATO allies with technology relating to ground- and sea-launched cruise missiles with a range in excess of 600 kilometers, precisely the technology Europe requires to offset the Soviet Backfire bomber and SS–20 mobile missile deployments that have been encouraged by SALT.

The terms of SALT are grossly disadvantageous to the United States. The Congress could reject SALT in its present form and either amend the treaty substantially to eliminate its inequitable and unverifiable components, or send the agreement back to the President for renegotiation.●

IN SUPPORT OF SUNSET

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. O'BRIEN. Mr. Speaker, the Subcommittee on the Legislative Process of the Committee on Rules today resumed hearings on one of the most far-reaching pieces of legislation that this Congress will consider. I have long supported the concept of sunset as a means of bringing some control to the bureaucracy that is currently described as the fourth branch of our Federal Government.

H.R. 2 represents a pragmatic approach to what is a herculean task—establishing a systematic review of the Federal Government and keeping it accountable for the activities of each agency. It is a well constructed piece of legislation and I am proud to be a cosponsor of it along with more than 180 of my colleagues. I would like to share with them my statement on sunset which was presented to the subcommittee in support of H.R. 2:

Mr. Chairman and members of the Subcommittee on the Legislative Process, I appreciate the opportunity to make this statement on the legislation that we are considering here today.

A little over a month ago, on March 31, 1979, the sun went down for the last time on the Renegotiation Board, a federal agency that long outlived its usefulness. As the ranking minority member of the Appropriations subcommittee that funded this agency, I was gratified to see this happen—it was about time. But what encouraged me even more was the manner in which the Board reached its demise. It was phased out because a large, bipartisan group of my colleagues evaluated this agency and decided that its existence could no longer be justified. And for the first time in recent memory a government agency was eliminated.

This is just one example of how the sunset concept should work. It is indicative of this Congress's intent to take upon itself the long overdue task of bringing the federal government under control and ensuring that it performs most efficiently its responsibilities to the citizens of this nation.

H.R. 2 proposes a methodical review system that would require periodical evaluation of the myriad agencies that comprise our federal government. I cannot expand or elaborate upon what my colleagues here and in the other body have stated, but I appreciate the opportunity to express my support for this program. While it will not change the face of the bureaucracy overnight, it is the first positive step that this Congress can take to establish control over what has become an unwieldy government that is expensive, ineffective, interfering and sometimes even counterproductive.

I seem to feel that it is the mood of this Congress, and this country, to get the government off the backs of the people it is supposed to serve. I hope that this committee will give sunset legislation its favorable consideration and give me the opportunity to tell my constituents that I have done something to eliminate the waste and the frustrations that are the product of big government.●

NO TO RATIONING

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. DEVINE. Mr. Speaker, the American people do not want rationing and today's editorial in the Wall Street Journal tells the whole story, except the first year estimated cost of $2 billion.

The editorial follows:

FLUNKING THE FAIRNESS TEST

The toil and trouble being suffered by the administration's standby gasoline rationing plan in Congress tell us a lot about today's legislative politics, and the message is disquieting. Yesterday the Senate finally passed the third-and-a-half version of the administration's rationing plan, after spending all week worrying about what form of rationing is "fair." Whether rationing makes any sense to begin with was barely mentioned.

Rationing is a wasteful and counterproductive way to cope with scarcity. The right way to cope is to remove the price controls that caused the scarcity. But Congress typically cannot deal with this kind of issue. It prefers to deal with the issue of who gets how much, which can more-or-less easily be settled by logrolling among various politicians each claiming a "fair share" of gasoline supplies for their districts. When you arrive at a combination with 51 winners and 49 losers you have settled the matter of "fairness," even if you have not solved the underlying problem.

The administration's first plan didn't fly because too many Senators from states where average fuel consumption is high felt cheated. The second plan made concessions to high users, but then the states that lost allocations felt cheated. So a third plan was quickly devised, basing allocations entirely on statewide gasoline usage. And in the last minute bargaining, the administration promised to supply extra fuel to farmers, energy industries, etc. Plan 3½ passed the Senate, but today the House gets its own chance to decide whether the plan is "fair."

We don't pretend to be experts on "fairness" and we suppose it is only natural for the administration to try to design a rationing plan Congressmen will pass. We do, however, have a few thoughts about the basic principles of rationing. When you ration something—after you have created an artificial shortage by dictating a price ceiling—you simply impose a different kind of cost on the consumer on top of the controlled price he is paying. He pays through taxes for the rationing bureaucracy. He expends his time on the hassle of ration stamps, which also impose a time-cost on suppliers.

All this is supposed to protect those consumers who have the least purchasing power. Since they are at the low end of the tax brackets and since their time is not worth so much, they presumably pay a lesser share of the cost of rationing. And they get their gasoline at a bargain price that would not be possible if the market were allowed free play.

That makes a nice theory, but in practice it becomes utterly silly. The difficulty in satisfying the Senate in apportioning gasoline supplies among states shows how quickly rationing raises knotty questions of "fairness." When you get down to individual families and drivers, it becomes sheer chaos. And anyone who thinks that the low income driver gets the best break doesn't know much about this country's driving habits.

Very often it is low income workers in rural areas who have the biggest need for gasoline, not high income urban dwellers. No ration plan can treat them all "fairly." Some will have to buy stamps, go to the black market or forgo driving.

Even with their supposed advantages under rationing, they would be better off simply paying a few cents more per gallon. There is one other crucial point. The price of rationing is not paid to suppliers and thus does not encourage additional supplies. It goes to bureaucrats and useless paper shuffling. Not only will those rural factory workers be better off without rationing, but so will everyone else since rationing is but another good way to insure that gasoline remains scarce.

But this kind of judgment has been submerged in the congressional debate over "fairness." We are very deep into the muggy swamps of resource and commodity politics these days, where the political process tries to divide up goodies on the basis of what's "fair." The deeper we get the scarcer the commodities will become. We don't know whether that is "fair" but we do know that is is mindless.●

UDALL-ANDERSON SUBSTITUTE PROTECTS JOBS IN SOUTHEAST ALASKA

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. UDALL. Mr. Speaker, the Udall-Anderson substitute, unlike any other Alaska lands proposal before the House, protects all the different job groups including existing and future jobs in the mining, timber, fisheries, and tourist industries in southeast Alaska. The balanced approach embodied in the Udall-Anderson substitute assures that the resources necessary for the vitality of all these industries are fully protected without placing one set of job priorities ahead of any other group. The following letter from Secretary of Agriculture Bob Bergland acknowledges this:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 7, 1979.

Hon. MORRIS K. UDALL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN UDALL: Congress is now considering the Alaska lands legislation. Within the next few days you will vote on the environmental issue of this century—perhaps the last great outdoors issue for any Member of Congress.

The major position of this Administration has been incorporated within the Udall-Anderson Bill. I am pleased to support this legislation. I am particularly proud that the most spectacular and breathtaking scenery and wildlife in all of Alaska, within the National Forest System lands of Southeast Alaska, is protected by the Udall-Anderson Bill.

For all of Alaska, this bill balances the economic interests with the public interests in protecting nationally important lands. In South-central and Southeast Alaska, the Udall-Anderson compromise responds to the timbering, mining, fishing, and employment issues raised during the development of this legislation. I must emphasize that the Administration is committed to maintaining the timber harvest level of 450 mbf from the National Forests in Alaska, through an increased investment of up to $12 million annually. The historical level of employment will continue and will increase over time. Every valid mining claim will be honored and this legislation protects the water quality of Southeast Alaska, a resource vital to the prosperity of the fishing industry.

As Secretary of Agriculture, I had an opportunity to help develop this legislation. Now, you have the opportunity to weigh the balance between present interests and future generations. It is an awesome responsibility and I ask you to carefully consider and support the Udall-Anderson bill.

BOB BERGLAND,
Secretary.●

NUCLEAR POWER

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. McDONALD. Mr. Speaker, amidst all the voices of hysteria clamoring for complete shutdown of nuclear power, it is good to read a voice of sanity in our Nation's press. A recent column by an engineer, Myron Kayton, appeared in the Richmond Times-Dispatch of May 6, 1979, which really put the whole situation in a sensible perspective. I commend his thinking to the attention of my colleagues rather than those same people who advised us to get out of Southeast Asia so the killing would stop—remember?

The column follows:

NUCLEAR POWER? YES . . .

(By Myron Kayton)

SANTA MONICA, Calif.—It is becoming apparent that nothing really happened at Three Mile Island to endanger the public, except in the fevered minds of some journalists. No employees were hurt or killed, nor was any citizen injured. So far as I have read, the only damage seems to have been the release of a small amount of slightly radioactive water from the nuclear plant. Despite a wildly improbable sequence of human errors, the plant's safety systems worked and the public was protected. The plant owner will lose perhaps a year of electricity sales and will spend tens of millions of dollars to repair the damage, as a result of his unwillingness to invest in computer-surveillance system to alert the operators that valves were in the wrong position.

Why all the furor? Newsmen were asking plant engineers: "Could the hydrogen bubble explode?" Being good engineers, they said "yes" but were interrupted before they could explain that the probability of these catastrophes were remote. Yet fanned by the rage of ideologically anti-nuclear groups, by conservative groups opposed to change and by the coincidental release of the film "The China Syndrome," the public was led to believe that nuclear power is spectacularly unsafe.

No one was evacuated, although children and pregnant women were asked to avoid the immediate vicinity of the plant as a precaution. Few noticed that on the next weekend, a chlorine train derailed in Crestview, Fla., requiring the evacuation of 5,000 people. In February 1978, 52 roofs collapsed from snow overloads in the New York-Connecticut area on a single weekend. Since two of the roofs covered the Hartford Coliseum and the C. W. Post Center auditorium, tens of thousands of people could have died if the buildings had been occupied. No armies of reporters descended on Florida, New York and Connecticut to interview potential victims and inquire about the health of the neighborhood cows. Yet there is no fundamental difference between those accidents and the power-plant accident—but the nuclear plant is inevitably associated with catastrophe and war.

We must face the fact that a large per-capita consumption of energy is necessary to maintain our standard of living, even after we reduce the wasteful usage of energy encouraged by a half-century of cheap oil. America's energy consumption is equivalent to the metabolic energy of 20 billion people; thus, each of us has 95 inanimate "slaves" to do our work. Rising energy costs will require that labor be substituted for energy in producing goods, services and food, so workers will buy less with each hour they work. Rising energy costs will restrict our freedom of choice and cost us time. We will have less choice about where we live and work, and where we can vacation.

Future generations will criticize us for indiscriminately burning the complex hydrocarbons called petroleum while uranium decays radioactively in the ground, doing no good for mankind.

Nuclear power is the only resource that we can exploit now without using precious oil or ejecting millions of tons of coal ash into the atmosphere each day (and killing a hundred people every year in mining and shipping the coal).

If problems exist in the power industry, the nation's engineers stand ready to solve them. Let's identify the problems rationally and set schedules and budgets for their resolution.

The extensive use of computers for surveillance of abnormal conditions and for control is one way to make plants safer. If some of the nuclear-power problems are emotional, as I think most of them are, then regrettably no engineering solution is possible. In my view, we should build fuel-reprocessing plants and breeder reactors to supplement our light-water reactors (like the one at Three Mile Island). Research in nuclear-waste disposal is certainly needed, but solid nuclear wastes could always be moved about by future generations if the storage facilities began to deteriorate.

While we await the Utopian solution of fusion power, which may become possible in as few as 30 years or in more than 300 years, our only hope for clean, economical generations of energy is nuclear power. Let us separate our rational fears from the irrational, enumerate our concerns, and let the nation's engineers address them. If not, we will import fuel from the Middle East for 30 years and import French and Soviet breeder reactors, fuel and spare parts for years thereafter, while watching the value of the dollar decline.●

THE SPIRIT OF ASIAN PACIFIC AMERICAN HERITAGE WEEK

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1979

● Mr. MINETA. Mr. Speaker, the past week has been observed throughout the United States as Asian Pacific American Heritage Week. It has served to foster an increased national awareness in the history and contributions of Asian and Pacific Americans and instill a renewed sense of pride among citizens of Asian and Pacific ancestry. On May 3, 1979, the Prime Minister of Japan, Masayoshi Ohira, presented his thoughts on the heritage week at a congressional reception sponsored by the Japanese American Citizens League here in Washington, D.C. I highly recommend his comments to my colleagues for they reflect the hopes we all have for the continued development of our pluralistic American heritage. This is the true spirit of Asian Pacific American Heritage Week.

The statement of the Prime Minister follows:

Remarks by Prime Minister Masayoshi Ohira

Mr. Chairman, Senator Byrd, Your Excellencies, Honorable Members of the Congress of the United States, distinguished guests, ladies and gentlemen:

I should like to thank Senator Byrd for his kind words. We highly respect the Senator's leadership in developing public policy on a wide spectrum of issues.

I feel fortunate to be visiting the United States during this commemorative Asian/Pacific American Heritage Week, as proclaimed by the President of the United States, and I am honored that you asked me to join you in paying tribute this evening to the four principal cosponsors of the Congressional Resolution authorizing this commemoration Senators Daniel K. Inouye and Spark M. Matsunaga and Representatives Norman Y. Mineta and Frank Horton.

May I also extend my appreciation to the more than 200 Members of the House of Representatives who joined in sponsoring this Resolution, and to the many Senators who endorsed it by acclamation.

As President Carter declared in his Proclamation, "America's greatness . . . derives from the contribution of peoples of many origins." This cultural diversity of the American people not only provides the rich pattern and texture in the fabric of your national life; it also links America, by living strands, to all the world's cultures that have sent their sons and daughters to your shores. Because you are a nation of immigrants, America belongs, in a unique sense, to all the world.

I have great admiration for the countless gifts of talent, labor and public service which Asian/Pacific Americans have offered the United States—and continue to offer. They are among the smallest of America's minorities, yet their contributions to American life have been disproportionate to their numbers. I know this is true of Americans of Japanese ancestry, and it makes me extremely proud to say so.

To all of you, as Asian/Pacific Americans may I say it is a most fitting tribute that your country is showing its appreciation in this week-long tribute.

I should also like to use this occasion to remind all Americans, regardless of their ancestral heritage, of the vital importance which the peoples of Asia and the Pacific attach to their partnership with the United States.

The continuing support of the United States for the interests and aspirations of the peoples of that vast region, are indispensable to the stability and peaceful progress of Pacific Asia.

Thank you for your hospitality, and may my heartfelt good wishes follow you, wherever you may go.

Thank you.●

SALT TREATY SHOULD BE JUDGED IN CONTEXT OF ADMINISTRATION'S WEAKNESS AND APPEASEMENT IN OTHER AREAS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. RUDD. Mr. Speaker, a most disturbing series of events at home and abroad only confirms the fear that the President and his administration lack both the commitment and the will to put U.S. national security interests ahead of idealistic visions of unilateral disarmament and peace at any price.

First, the administration stood by and did nothing to prevent $5 billion in cuts from the President's own fiscal year 1979 and fiscal year 1980 defense budget requests, which were made by the liberal majority on the House Budget Committee.

The administration then took the official position of opposing any amendments in the full House of Representatives to restore those cuts in defense spending, including an amendment by Representative CHARLES WILSON to restore defense spending to the level originally requested by the President.

This was a clear demonstration that the President was not honestly committed to even the bare-bones defense budget that he initially presented to Congress last January.

The second highly disturbing fact is the President's failure to alert the American people to the aggressive military build-up by the Soviet Union throughout the world, and his failure to protest such muscle-flexing by the Soviets because he does not want to "rock the boat" at a time of SALT Treaty agreement with the Kremlin.

Aside from the fact that this SALT agreement would hand the Soviets permanent strategic superiority over the United States, the President is attempting to deceive the American people into believing that the Soviets have somehow given up their longtime objective of world domination. The administration has refused to tell the public the true facts about Soviet actions.

Yesterday, for example, it was revealed by Washington columnists Rowland Evans and Robert Novak that the Soviets have delivered two attack submarines to Castro Cuba. The Soviets have previously armed Cuba's air force with sophisticated MIG-23 combat aircraft. There is little doubt that the Soviet Union is surreptitiously converting Cuba into a Soviet base for future operations in our hemisphere.

Second, it has now been revealed that the Soviet Union has also started using the Vietnamese port of Cam Ranh Bay for its submarine fleet. The naval facilities at Cam Ranh Bay were built by the United States at a cost of more than $2 billion.

The Soviets are also using other former U.S. military facilities in Vietnam for naval and air missions, and is preparing itself for total military control of that part of the world, including the vitally strategic strait of Malacca and the Indian Ocean.

The third disturbing fact is the President's failure to make a strong protest to Panama, in light of revelations by U.S. Treasury Department officials that Panama Government officials have been purchasing surplus weapons in the United States, and illegally providing them to the Marxist Sandinista terrorists who are trying to overthrow the duly elected pro-U.S. Government of Nicaragua.

It is apparent that the President does not want to protect U.S. interests and protest Panama's blatant support of terrorist activities in Latin America, because he does not want knowledge of these actions by Panama to jeopardize House passage of implementing legislation for last year's treaty giving up U.S. sovereignty and ownership of the Panama Canal.

By now a highly disturbing pattern has emerged.

The Carter administration refuses to take any stand against Soviet imperialism around the world, and even refuses to acknowledge to the American people that the Soviet Union is engaged in military activities and build-up throughout the world that endanger our own U.S. national security.

The administration continues to make warm overtures to the pro-Marxist governments engaged in fueling overthrow of other duly-elected pro-United States governments in Latin America and elsewhere.

And the President orders his administration officials not to lift a finger to prevent further unwarranted cuts in our Nation's own defense budget, which are aimed at delaying or stopping needed long-range U.S. shipbuilding, aircraft procurement, missile development, and weapons modernization, as well as reneging on our commitments of support to NATO allies.

These are not the actions of a President who puts American national security before other considerations.

It is time that Congress and the media focused proper attention on this emerging pattern. The President's insistence on a new SALT Treaty with the Soviet Union should be analyzed critically in this context of obvious weakness and appeasement in the whole field of foreign affairs involving Communist powers.●

WELFARE AND THE CONSTITUTION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. PAUL. Mr. Speaker, Mr. Dan Smoot, a resident of the State of Texas, recently published an excellent and concise statement on constitutional responsibilities of Members of Congress in the Review of the News. I urge that all Members pay attention to his argument, for his thinking is the thinking of the future, just as it was the thinking of the past when this Nation was founded.

The statement follows:

WELFARE AND THE CONSTITUTION

It is difficult to find out, and understand, what is going on in Washington. Those who work at it full time never really know. Operations of government have become so vast and complex that Members of Congress often do not even find time to read legislation on which they vote. Alarmingly ill-informed, and knowing it, the conscientious voter does his utmost, voting for the candidate who sounds best. But the candidate lies, as becomes evident after he gets to Washington. Look at Jimmy Carter. He campaigned saying he would never lie to the people. That is the biggest one he ever told.

There is a way, however, to avoid being confused: Stand stubbornly immovable on American constitutional principles, and support only those of known character who pledge to do the same.

The Constitution created a federal government of restricted powers. It specifies the powers and says that the government cannot legally exercise power not specified. Unspecified governmental powers—those that touch upon the intimate daily lives of the people—were denied the federal government: They were left with state governments.

No matter how popular, desirable, or needed a governmental program may be, it will do more harm than good if the federal government undertakes it without constitutional authority. When we allow federal officials to act unconstitutionally, we are allowing them to scrap our Constitution and to do anything they please to us and our nation, if a majority of them can agree upon it among themselves. There remain no restraints upon them, no competition or examples to force correction of errors and corruption.

Which is why we must work for American constitutional government. If you know that much about constitutional principles you are more competent to evaluate federal programs than the President, all members of the Supreme Court, and most Members of Congress.

In his 1968 campaign, and in his first year in office, Richard Nixon said that federal Welfare programs, initiated by Democrats in the 1930s, had wasted more than $250 billion; and that everyone, especially the poor, would be much better off if none of this tax money had ever been spent. Nixon's proposed "reforms" would have tripled Welfare rolls without changing any of the existing programs he condemned. Democrats opposing Nixon also criticized federal Welfare in harsh terms. They rejected Nixon's reforms and tried to enact their own, which were as bad as Nixon's, if not worse. Welfare spending rose sharply during the Nixon and Ford Administrations; and it is rising even more sharply under Carter.

The federal Welfare programs cannot be, should not be, reformed; they should be abolished. The federal government has no constitutional authority for such programs. If the people want these things, their recourse should be to private efforts or to local or state programs.

The political principles on which the greatness of our nation was built make it very clear what we ought to do to reduce government interference in our lives and restore liberty: We should reverse course and abide by a strict reading of the Constitution of the United States.●

SENATE—*Monday, May 14, 1979*

(Legislative day of Monday, April 9, 1979)

The Senate met at 10:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. MAGNUSON).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray:

O Thou who art the Light of the minds that know Thee, the Life of the souls that love Thee, the Strength of the wills that serve Thee, help us so to know Thee that we may truly love Thee, so to love Thee that we may fully serve Thee whom to serve is perfect freedom.

Guide us, O Lord, by Thy higher wisdom and further us with Thy continual help that what we do here may begin, continue, and end in Thee for the blessing of the Nation and the glory of Thy name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the Senator from West Virginia.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NEW BUDGET AUTHORITY LEGISLATION

Mr. ROBERT C. BYRD. Mr. President, tomorrow, Tuesday, is May 15. Section 401A of the Congressional Budget Act requires that "any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for fiscal year" be reported on or before May 15 preceding the beginning of such fiscal year. In other words, Mr. President, all measures containing new budget authority for fiscal year 1980 must be reported no later than midnight tomorrow, Tuesday, May 15.

I therefore respectfully urge all committee chairmen to do their utmost to assure that this deadline is met by their respective committees. There has been ample opportunity for committees to meet, to hold hearings and markups. Therefore, except in the most unusual circumstances, all measures containing fiscal year 1980 authorizations should have reports filed by midnight tomorrow.

The Budget Act, and the Budget Committee, under the leadership of its chairman, Senator MUSKIE, and its ranking minority member, Senator BELLMON, has brought order and integrity to the congressional budget process. Its success is due in large part not only to the fine work of the Budget Committee, but also to the cooperation extended by other committees. I am confident that this year this cooperation will be continued.

In closing, I wish to remind committee staffs of the need to provide the staff of the Budget Committee and/or the staff of the Democratic policy committee with a Xerox copy of their reports concurrently with the filing of the report. This will enable the most speedy clearance of reported measures and hopefully avoid a backlog on the calendar.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. Under the previous order, the acting minority leader is recognized.

Mr. STEVENS. Thank you, Mr. President.

ALASKAN MYTHS

Mr. STEVENS. Mr. President, on Sunday the Washington Post ran an editorial entitled "Alaskan Myths." It has joined Secretary Andrus in taking issue with me when I state that the Alaska land bill supported by Secretary Andrus and the administration is using land control to achieve gun control.

Mr. President, it is not surprising to see the Washington Post, which does support gun control, defend Secretary Andrus' position. The Secretary states that this is not a bill to achieve gun control because, after all, he says, "If you want to use a gun on the lands that have been withdrawn in Alaska, all you have to do is go to a Federal agent and get a permit."

The President, following the failure of Congress to pass a bill last year to solve the so-called d-2 issue—we now call it the Alaska lands issue—withdrew 56 million acres of Alaska land.

The original bill introduced in Congress this year, which is supported by the administration, the Udall-Anderson bill, attempted to confirm the President's action in establishing these national monuments in Alaska.

Of the 56 million acres, 44 million acres of that land are closed to hunting. As a matter of fact, in those lands it is not lawful to even carry a gun without a permit.

Mr. President, that is an area the size of Pennsylvania, Maryland, Delaware, the District of Columbia, New Jersey, and Connecticut.

There was no reason to withdraw that land. No one was going to sell it. It was the middle of winter. Congress was asked to attempt to pass legislation on the subject again this year. Should any threat have developed to that land, the President or the Secretary could have taken action to protect the land. It is all Federal land we are talking about.

But those who are around the President, who believe in gun control, have urged him to use his powers to bring about land control, and the effect of that land control is, in fact, in my State, gun control of an unprecedented level due to Federal action.

Now, the National Rifle Association and other sportsmen and hunting groups have been alerted. They have been alerted by me. I am the one who has said that this is land control to achieve gun control.

The impact of what the President has done and what Secretary Andrus supports is that the areas of the highest quality so far as hunting is concerned in Alaska have been closed. These are the Gates of the Arctic, major areas of the proposed Wrangells-St. Elias National Park; major areas of the additions to Mr. McKinley National Park; and major parts of the addition to Katmai National Monument.

Our Department of Fish and Game of Alaska estimates that the hunting harvest from Alaska will be reduced by 35 percent of all the Dall sheep, 20 percent of the moose, and 35 percent of the bear.

The President's arbitrary action has eliminated that much hunting opportunity for Alaskans. Furthermore, it has compelled them in an area, as I said, the size of almost all of Pennsylvania, Maryland, Delaware, the District of Columbia, New Jersey, and Connecticut, to seek a permit to even carry a gun in a substantial portion of my State.

The antigun groups want to see Federal lands shut off to hunting. Alaskans depend upon the use of their guns. We, probably more than any other American, believe very strongly about the gun control issue, and we are absolutely determined to see to it that the Federal Government cannot use its powers as a landowner to effect gun control, which the Congress will not approve for the rest of the Nation.

We do not believe the Federal Government, as a landowner, should have any greater powers to affect gun control than a private land owner would have.

Mr. President, the attack that has been made upon those of us who seek to bring about balance in the congressional enactment of the Alaska lands bill is a most unfair one. It puts those of us who are literally in the middle—and we are in the middle—those of us who seek a solution with respect to this bill in the same position as those who oppose any legislation. That is the error that the Post has made. That is the error that the administration has made, and they are going to continue that at their peril.

It is my hope that they will take a look once again at this problem. Representative John Dingell is not a person who has an anticonservation record in the Congress, nor do I think I have. As a matter of fact, I was one of the original two cosponsors of the National Environmental Protection Act.

I find it extremely difficult to face this continued attack from the eastern media which apparently either does not understand the West or does not wish to understand the West with regard to public land matters.

Mr. President, I ask unanimous consent that the Post editorial for Sunday, May 13, be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Alaskan Myths

The idea that gun control is involved in the debate over the Alaskan lands is absurd. Yet the National Rifle Association, and some members of Congress, are peddling that line as part of an effort to beat the Udall-Anderson bill. It is as ridiculous as the other myth now being created about Alaska: that somehow the nation's energy problem will be alleviated if all the land in that state with oil potential is opened to exploration, but not if only 95 percent of it is.

The gun control idea grows from the fact that the Udall-Anderson bill, supported by the Carter administration and most conservation groups, would close about 30 million acres to hunting. The Dingell-Breaux bill, backed by the NRA and the state of Alaska, would close about 20 million acres. The difference, according to Sen. Ted Stevens (R-Alaska), makes the Udall-Anderson bill "a serious gun-control threat to Americans."

The NRA, alerted to the issue by one of its directors, Rep. John D. Dingell (D-Mich.), is lobbying hard for his bill. (It is, presumably, a one-third less serious gun-control threat since it closes one-third less land.) The injection of this phony issue into what was once a serious debate over Alaska's future shows how frivolous much of the opposition is to the Udall-Anderson bill. The problems facing Congress in trying to sort out the differences between that bill and the two competing proposals are difficult enough without this kind of diversion. But it is not unlike the numbers game that is being played with Alaska's oil.

The number 30 billion keeps cropping up. Sometimes it is used to suggest that Alaska's oil could almost make the nation energy independent. Sometimes it is used to describe what is at stake in this year's debate. Either way, it turns the decision of Congress on the Alaskan land bill into a major energy issue.

While the number is real, it is the total estimated oil reserves of Alaska. That's enough oil to make the country energy independent for, perhaps, a decade if it could be used immediately—which it can't be. Two-thirds of that oil lies offshore, an area not involved in this year's bill. The rest lies under land, 95 percent of which will be open to exploration regardless of which bill Congress passes. The other 5 percent is the Arctic Wildlife Range.

Like the gun-control issue, the energy issue is being used to confuse what is really at stake in the House of Representatives this week. That is whether the federal government will preserve for future generations those parts of Alaska not needed for that state's orderly development now. Of the proposals before the House, the Udall-Anderson bill comes closest to keeping that heritage intact.

Mr. STEVENS. I am prepared to yield back the remainder of my time.

TAKING NOTE OF MR. MAGNUSON PRESIDING

Mr. STEVENS. Mr. President, I note with great fondness my neighbor to the south in the Presiding Officer's chair, in his capacity as president pro tempore of the Senate. He looks very distinguished there, does he not? Would not the majority leader agree with me?

Mr. ROBERT C. BYRD. Indeed, he does.

Mr. STEVENS. I am happy to see such a good friend and fellow westerner holding fort as I get raked over the coals by the Washington Post.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining under the standing order?

The PRESIDENT pro tempore. The Senator has 7 minutes remaining.

Mr. ROBERT C. BYRD. I would like to yield that to the Senator from Virginia, if I may.

RECOGNITION OF SENATOR HARRY F. BYRD, JR.

The PRESIDENT pro tempore. Under the previous order, the Senator from Virginia is recognized for not to exceed 15 minutes, plus the 7 minutes given to him by the majority leader.

Mr. ROBERT C. BYRD. I thank the Chair.

LIFELINE TO THE WEST: THE ARABIAN PENINSULA AND THE PERSIAN GULF

Mr. HARRY F. BYRD, JR. Mr. President, 2 weeks ago, I reported to the Senate Armed Services Committee the findings of my trip made on behalf of that committee to the Persian Gulf area from April 12 to April 18. During this period, I visited the countries of Saudi Arabia, Bahrain, and Oman, and had excellent and comprehensive discussions with the leaders of those nations. I was accompanied by Mr. Charles Conneely of the committee's professional staff, whose dedication and hard work helped so much to make the trip a successful one. Today I present a part of that report to the Senate.

I do not include it all because my report to the committee involves sensitive conversations with various Arabian Peninsula leaders. I wanted the committee files to be as complete as possible, but I do not believe it wise or appropriate to make public certain comments made to me by high foreign officials.

The lynchpin of the Arabian Peninsula is Saudi Arabia, the world's leading exporter of oil—8.5 million barrels per day of which about 13 percent goes to the United States. It is estimated to have about 25 percent of the world's proven oil reserves.

In addition, Saudi Arabia occupies a geopolitical position at the crossroads of three continents (Africa, Europe, Asia) with an area equal in size to the United States east of the Mississippi River (nearly 1 million square miles). Its borders extend from the Gulf of Suez almost to the Arabian Sea, and from the Persian Gulf to East Africa.

The Egyptian-Israeli peace treaty, the turmoil in Iran with the rise of Islamic fundamentalism, Soviet encroachment in the Middle East, and the steadily increasing role of OPEC have all created pressures on Saudi Arabia which our Nation and the free world must assess.

It is accurate to say that the Saudis are very unhappy with the United States because of the major role our President has played in the Egyptian-Israeli peace treaty process. Now that the treaty has been signed, a comprehensive settlement of the longstanding Arab-Israeli dispute appears even more central to any kind of stability in the Middle East.

A top official in Saudi Arabia told me that the treaty "embarrassed the United States and its friends" in the Middle East.

The Saudis feel that the treaty has put them in a dilemma. On one hand they want to support the United States and its peace initiatives but on the other they want to maintain Arab solidarity.

The Saudis feel the treaty has increased the chances for radicalization among Arabs by not addressing the two central problems of the Middle East. situation: The rights of the Palestinians to a homeland and the status of Jerusalem. The Saudis clearly want the peace process to go forward with significant and rapid progress on these two central problems.

The Saudis, who view themselves as moderates in the Arab world, feel increasingly isolated in the Middle East. One need only look at the map to see why this is so. To the north Jordan—a moderate in the past—has become more closely associated with the PLO; Syria and Iraq have radical elements and appear to be closely tied to the Soviet Union; Iran, once a stabilizing influence in the area, is in a state of turmoil and could be taken over by leftists; South Yemen is an outright Marxist state which has designs to take over North Yemen and parts of Oman; Ethiopia and Afghanistan are clearly alined with the Soviet Union; Egypt and the Sudan, while potential friends of Saudi Arabia, are held at arm's length by Saudi Arabia because of their involvement in or support for the Egyptian-Israeli treaty. Libya reportedly bankrolled Ayatollah Khomeini's revolution in Iran and has indicated that Saudi Arabia is next on its list.

In Bahrain, situated in the Persian Gulf, the Amir (ruler of Bahrain), the Prime Minister and the Foreign Minister all made clear to me that the Arab Nations want results in the form of a comprehensive settlement of the Arab-Israeli conflict. Bahraini officials indicated that moderate Arabs could no longer think in terms of years for results, but rather months. Here again much unhappiness was expressed with President Carter's role in the Egyptian-Israeli peace treaty.

In Oman, located in the southeastern portion of the Arabian Peninsula, I became the first U.S. Senator to fly to the Strait of Hormuz between Oman and Iran.

An estimated 40 percent of the free world's oil supply is carried in tankers through this narrow but vitally important body of water.

The Foreign Minister of Oman emphasized the critical importance of the Strait of Hormuz and felt that the nations benefiting the oil exiting the Persian Gulf are not giving adequate attention to the security of the Strait.

Although Oman is supporting the Israel-Egyptian peace treaty various officials there expressed the view that the United States definitely is losing influence in the Persian Gulf area.

I would like now to summarize a number of observations and conclusions:

First. The Saudis and moderate Arabs are very unhappy with the United States because of President Carter's role in the Egyptian-Israeli peace treaty. Yet they want very much to continue their friendship with the United States. They feel that the United States is still the last, best hope of the free world and the only nation that can effectively counter the Soviet Union. There is a strong feeling among moderate Arabs that the United States must get over its "Vietnam-Watergate syndrome" and start defending its legitimate interests in the gulf area and other parts of the world.

Second. There is no doubt that the Saudis and others now look to the United States to solve the Arab-Israeli conflict. And when they say the United States they mean specifically President Carter. For better or worse, President Carter is now looked to as the only one who can require Israel to make what they consider the necessary concessions in order to bring about peace.

Third. In not one of my discussions with Arab leaders did I hear any denunciations of Israel and its right to exist. I think this is significant and certainly a marked change from even a few years ago when an official visitor to even moderate Arab nations would hear diatribes against the Israeli Zionists. I believe that the moderate Arabs want peace with Israel, and Israel whose right to exist is no longer in doubt.

Fourth. A comprehensive solution of the Arab-Israeli conflict seems essential if there is to be real stability in the Middle East.

Fifth. The view among the Persian Gulf nations seems to be unanimous that the real basis for peace in the Middle East is a return by Israel to its pre-1967 borders, a change in the status of Jerusalem, and an independent homeland for the Palestinians which they view as the core of the Arab-Israeli conflict.

Sixth. I do not believe that Saudi Arabia is susceptible at this time to the problems that beset Iran. The Saudi leadership meets regularly with the ulema (council of religious leaders) for an exchange of views and discussion of problems. In fact, my meeting with King Khalid was delayed a few minutes because of the King's meeting with the ulema. The King also meets with numbers of common people to hear their problems and offer help where appropriate. Under Islamic law and Saudi tradition, access to the King and the right to petition him is well established.

Even the King himself is chosen by members of the royal family with the approval of the ulema. Thus while Saudi Arabia is a monarchy, there is some division of power there and this is in direct contrast with the Shah of Iran who ruled autocratically and kept virtually isolated from Iran's religious leaders and common people.

With regard to internal stability within Saudi Arabia, I would add an additional point. Saudi Arabia has a population of about 5 million, equal to Virginia's, plus plus about 2 million foreign workers (1 million Yemenis). While this sizable foreign population could present a potential threat to Saudi Arabia's stability, the Saudis appear to have this situation under control.

Seventh. I was generally impressed with the leadership in Saudi Arabia after having met three of its four top leaders (Crown Prince Fahd was out of the country at the time of my visit). They appeared to me to be wise, cautious, and well-informed. I had an excellent audience with the King who despite reports appeared to me to be in good health.

The Defense Minister, Prince Sultan, came in about the middle of my lengthy audience with the King. Embassy officials said this was highly unusual and felt there was a special significance to it—probably that Prince Sultan had told the King of our earlier discussion and that the King wanted the Prince present at his interview with me to show support for the views frankly expressed to me by Prince Sultan.

Eighth. Time may be running out on the ability of Saudi Arabia to moderate OPEC's pricing policy unless these are clear signs of a comprehensive energy policy in the United States and some indications of a reduction in the demand for oil as a result of conservation. Shaikh Yamani warned of this several times in his discussion with me and the Shaikh speaks perhaps more knowingly on oil matters than any man in the world today.

I might add here as a footnote that during a stopover in Greece at the end of my trip I found that the price of gasoline increased from $1.70 to $3.40 per gallon within 1 year and yet Embassy officials told me traffic in Athens has not diminished and may, in fact, have increased.

Ninth. The Soviets have made major advances in the Middle East and now are the major arms supplier to Syria and Iraq and undoubtedly are working behind the scenes in Iran. South Yemen (which is a serious threat to North Yemen and Oman) is an outright Marxist state and Afghanistan and Ethiopia could fairly be said at this time to be Soviet client states. Also, there are elements of the Palestine Liberation Organization which have close ties with Moscow. In addition, the Soviets have an increased naval presence in the Indian Ocean area.

Soviet advances in the Middle East are, in my opinion, an alarming turn of events which should give the free world serious concern. I heard throughout the Persian Gulf area that the Soviet Union's oil production will not be sufficient for its needs by 1985 and that it will then become a net importer of oil. The Middle East is big stakes for the Soviet Union and I fear "the game may be in their favor in this area" as one Arab foreign minister put it to me.

Tenth. The situation in North Yemen is quite volatile. (Two Presidents were assassinated within 8 months. October 1977 and June 1978). High officials in Saudi Arabia and Oman told me that a unification of North and South Yemen under the Marxist leadership of the South could result in a serious threat to both Saudi Arabia and Oman. South Yemen has received considerable quantities of advanced Soviet weaponry and has, in addition, Soviet, Cuban, East German and Ethiopian advisers.

Eleventh. I am concerned about the vulnerability of Saudi Arabian oil. There are three major areas in which this oil would be vulnerable to sabotage: In the fields themselves, in the storage and loading area at Ras Tanura (about 45 miles north of Dhahran), and in the Strait of Hormuz, which is virtually unprotected.

U.S. military officials in Saudi Arabia say that the oil fields and loading site at Ras Ranura would be quite vulnerable to small guerrilla forces, and that there is minimum security for the oil fields.

Twelfth. The vulnerability of the Strait of Hormuz should, in my opinion, be of considerable concern since 40 percent of the free world's oil must transit that strait. Prince Sultan, the Saudi Defense Minister, said that the strait is critically important but is unprotected since the fall of Iran. He said rather emphatically that defense of the strait should be the responsibility of those nations which are so dependent on the oil which must transit the strait. I believe that the lack of adequate protection for the Strait of Hormuz should be the subject of discussion by interested free world nations and Oman (whose territorial waters are involved).

Thirteenth. President Carter's dispatching of the aircraft carrier *Constellation* to the Indian Ocean area definitely was helpful to the position of the United States in that general region as was his quick dispatch of equipment and advisers to North Yemen. Moderate Arabs hail such actions by the United States in defense of what they see as both their and our legitimate interests.

Fourteenth. I believe there needs to be an increased awareness on the part of the Congress and citizens at large of the critical importance of the Persian Gulf area to the free world. I am reminded that a few years ago Secretary of State Kissinger urged me to go to Egypt as a help to him—which I did—because, at that time, so much attention was paid to Israel.

Now with Egypt and Israel in the limelight, perhaps it is time to shift some of the focus of our attention to the Persian Gulf nations. I do not mean by this that we should neglect our good and close friends in Israel and Egypt but rather that we recognize that our legitimate national interests also lie with the nations of the Persian Gulf especially Saudi Arabia.

Fifteenth. One final thought which is implicit throughout my report but which I repeat in this concluding paragraph: First, Many leaders on the Arabian Peninsula believe that the Gulf area and its tremendous resources is the Soviet Union's primary target, even more so than NATO; second, should the flow of oil through the Persian Gulf be substantially reduced by Soviet influence, by sabotage or by voluntary slow down of production by the oil-producing nations, the industrialized free world would be thrown into a tail spin; third, the Saudis, in my judgment, clearly are prepared to use their economic trump card, if need be, to protect their own position to obtain concessions in bringing about a comprehensive settlement of the Arab-Israeli dispute.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR ROBERT C. BYRD

The PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

SUMMARY TRIALS AND EXECUTIONS IN IRAN

Mr. ROBERT C. BYRD. Mr. President, last week I spoke out against the continuing summary trials and executions in Iran. I urged the new government in Iran to cease this reprehensible practice.

Regrettably, the killings have not ended. Thus far, more than 200 persons have been executed. Furthermore, the head of Iran's revolutionary court has issued a list of persons he says should be marked for death, including the Shah, as well as other former Iranian officials.

It is an act of outrageous international arrogance that the government of one nation would, in effect, endorse terrorism and murder inside the boundaries of another country.

Mr. President, this suggestion coming from the leaders in Iran is despicable conduct, and should be condemned by the people and governments of all countries.

It shocks our sensibilities, or it should although I have not heard very much said about it. And it is an insult to international law and the civilized world.

I again strongly urge the Government of Iran to end this pattern of summary trial, and execution and the encouragement of assassination.

As I pointed out last week, I am not in a position to pass judgment on those who may be brought to trial. But those who are brought to trial should be given an opportunity to establish their innocence. What must be challenged is the summary nature of the proceedings and the arbitrary approach of the Iranian Government.

There is no appeal. In some instances, I am informed, there are no defense attorneys. In some instances there is even no trial. Immediately after the so-called trials by the revolutionary courts, those found guilty are taken out and executed within minutes.

Mr. President, this raises a question, Where are all those people with their faces covered who were here some months ago?

Where are they? What are they hiding behind now? They were on the Capitol steps here for days and days, and in front of the White House, walking around with masks over their faces in front of TV cameras. They would not show their faces. Well, they are still not showing their faces. I have not heard a single peep out of them. Why do they not speak out now against what is going on in their country? The absence of the people who were out demonstrating in the past, wearing masks on their faces, is very noticeable at this point.

We do not hear anything out of them. There is no condemnation of the new government in Iran by those who were in the streets and on the Capitol steps some months back, noisily demonstrating against the then government in Iran. Where are they now? Why are they so silent now? Have they gone back to Iran? I doubt it.

Where is all the talk of human rights? I hear nobody speaking out against these summary executions and the blood bath in Iran. Day after day we read of new executions, see pictures in the newspapers of individuals who have been lined up and shot within minutes, with no appeal. Now the world has been told that the Shah and his family have been marked for death. When will the world community raise its voice in outraged indignation?

This gross disregard of the internationally accepted standards of due process and human decency must end. I hope that others in this Government and other governments will begin to speak out against this reprehensible display of human indecency and cruelty and murder which we see unfolding, day by day, in Iran.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial "Iran's Grim Revolution," from today's Washington Post.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IRAN'S GRIM REVOLUTION

While the Government of Iran wrings its hands, the secret and extralegal "revolutionary committees" that constitute the real power continue taking their grim toll. From killing officials of the old regime, they have now branched out and begun killing people who were merely civilians, citizens, under the shah. The execution of two people of this category was announced last week, both businessmen. Since they were deprived of their normal rights, both those of the civil law and those of the Islamic Sharia law, there is no way of telling whether they actually did anything wrong. Indeed, it is not at all clear whether Ayatollah Ruhollah Khomeini's latest pronouncement, in which he said that only people convicted of killing or torturing others should be executed, will moderate the zeal of the revolutionary committees who have been acting in his name.

Of the two civilian victims, one was not only accused of "economic imperialism," that is, of being successful. He was also accused of spying for Israel and raising funds for Israel to bomb Palestinians. What this seems to come down to was that he had met some Israeli figures in the early 1960s and had contributed to Israeli causes. In other words, he was murdered for being a Jew friendly to Zionism. In no other country in the world is this a capital offense. Iran's Jewish community, like Iran's other legal minorities, lives by official dispensation, and it is said to be wondering in trepidation what reliance it now can place on Ayatollah Khomeini's spendidly broad and highly touted guarantees for its safety. Fresh reports that officials of the Iranian Jewish community have been arrested underline the menace of this situation.

Apologists for the Iranian revolution argue that the United States, by winking at the shah's excesses, forfeited the right to express alarm about the ayatollah's. This is absurd. Some of those speaking out about human-rights violations now also spoke out earlier. Even if they had not, they have an obligation to speak frankly on these things. The regime's glib and defensive comparison of its Star Chamber proceedings to the Nuremberg Trials overlooks that the defendants at the latter were accorded certain legal rights and were tried in public. Few would deny Iran's right to have its revolution. Many should protest the revolution's bloodthirstiness, whether it is directed against individuals deprived of their rights or against groups vulnerable to punishment for acts and beliefs that nowhere else are crimes. Is that really what Iran's revolution is about?

Mr. STEVENS. Mr. President, will the Senator yield me some of his remaining time?

Mr. ROBERT C. BYRD. Yes, gladly.

Mr. STEVENS. I think all of us in this body will be pleased to see that the majority leader has spoken out on this unfortunate situation. It is appalling to see the extent to which extremism in Iran has led to the total destruction of the human rights concept as the world knows it. Especially when we were led to believe that the revolution which took place in Iran was primarily for the purpose of assuring greater human rights for the people of Iran.

It is my opinion that we, as a nation, should bear some responsibility for this development, having had good friends in Iran—and I am not talking just about the Shah. I am talking about the Iranian people who welcomed us and acted as host to our military people for years. Now, to see reports that those people who literally conducted the Senate tour just a little over a year ago through the American bases there, are being executed is a very, very sad state of affairs. I hope that the world community will gather together and act in concert to demand that this dangerous extremism of executions and sentences of death, which are apparently to be assigned to people who will assassinate the Shah and his family, wherever they may be found, will be stopped right now. Unless the world, as a whole, rises up against this very callous act, I fear that we may be seeing the beginning of a period which is similar to that which led to World War I.

It is right, I think, for the majority leader to call upon those people who came here with covered faces and demanded that we in Congress help to bring down the Shah, it is right for the majority leader to ask where they are now. We should have asked who they were then. I hope that Congress, in the future, will do that and not allow petitions to be brought to this Congress by those who refuse to disclose who they are and what they are seeking before they ask our support for their cause.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished acting Republican leader.

I yield back the remainder of my time.

The PRESIDENT pro tempore. Before the majority leader does that, the Chair wishes to associate himself with the remarks of the Senator from West Virginia and the Senator from Alaska. I think it is well time to do something about it.

Mr. ROBERT C. BYRD. Mr. President, I thank the President pro tempore of the Senate. It is characteristic of him to speak his convictions and I appreciate very much his comments.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, this would be a good time for routine morning business, while we are awaiting the floor managers, who are on their way to the floor.

I ask unanimous consent that there be a period for the transaction of routine business not to extend beyond 10 minutes, with Senators permitted to speak therein up to 2 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The following proceedings in executive session and consideration of certain measures on the Calendar occurred later and are printed at this point by unanimous consent.)

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar. I believe all of them have been cleared with the other side.

Mr. STEVENS. The Senator is correct. There is no objection.

The PRESIDING OFFICER (Mr. BRADLEY). Without objection, it is so ordered. The clerk will state the first nomination

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc, that they be stated in the RECORD individually and separately, and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations considered and confirmed en bloc are as follows:)

NATIONAL SCIENCE FOUNDATION

Eugene H. Cota-Robles, of California, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1984.

Ernestine Friedl, of North Carolina, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1984.

Walter Eugene Massey, of Rhode Island, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1984.

David V. Ragone, of Michigan, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1984.

Edwin Ernest Salpeter, of New York, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1984.

Charles Pence Slichter, of Illinois, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1984. (Reappointment.)

Michael Kasha, of Florida, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1984.

Lewis M. Branscomb, of New York, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1984.

CALIFORNIA DEBRIS COMMISSION

Brig. Gen. Norman G. Delbridge, Jr., [redacted], U.S. Army, to be a member of the California Debris Commission.

MISSISSIPPI RIVER COMMISSION

Maj. Gen. Richard Lee Harris, [redacted], U.S. Army, to be a member of the Mississippi River Commission.

Maj. Gen. Louis Watkins Prentiss, Jr., [redacted], U.S. Army, to be a member of the Mississippi River Commission.

Mr. ROBERT C. BYRD. Now, Mr. President, I ask that the Chair notify the President of the confirmation of the nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar orders numbered 123, 125, 126, 129, and 130.

The PRESIDING OFFICER. Without objection, it is so ordered.

CANAL ZONE BIOLOGICAL AREA (BARRO COLORADO ISLAND FACILITY OF THE TROPICAL RESEARCH INSTITUTE OF THE SMITHSONIAN INSTITUTION)

The Senate proceeded to consider the bill (S. 817) to amend the Act of July 2, 1940, as amended, to increase the amount authorized to be provided for the Canal Zone Biological Area, which had been reported from the Committee on Rules and Administration with an amendment on page 2, beginning with line 3, insert the following:

SEC. 2. The provision in section 1 of this Act shall take effect on October 1, 1979.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of July 2, 1940 (20 U.S.C. 79e), is amended by striking out "$350,000" and inserting in lieu thereof "$750,000".

SEC. 2. The provision in section 1 of this Act shall take effect on October 1, 1979.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–120), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The bill, as introduced and referred to the Committee on Rules and Administration, would increase from $350,000 to $750,000 the limit on annual appropriations for the Canal Zone Biological Area (the Barro Colorado Island facility of the Tropical Research Institute of the Smithsonian Institution).

Barro Colorado Island came into being when Gatun Lake was formed by damning of the Chargres River during construction of the Panama Canal. It has been a biological reserve since 1923. The island is approximately 3 miles in diameter, with an area of approximately 6,000 acres. A trail system provides access to almost all parts of the island. It is forested except for two artificial clearings. The forest is old, mature and classified as a tropical monsoon forest.

Since 1965, the annual authorization limit for the island has been $350,000. The Smithsonian reports there is now need to upgrade the facility by reconstruction, repair, and modernization over the next few years. The current authorization ceiling reportedly would not permit this to be carried out, consequently, adjustment of that ceiling is being sought.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

The resolution (S. Res. 129) increasing the limitation on expenditures by the Special Committee on Aging for the procurement of consultants, was considered and agreed to, as follows:

Resolved, That section 2(1) of S. Res. 375, Ninety-fifth Congress, agreed to March 6 (legislative day, February 6), 1978, is amended by striking out "$25,000" and inserting in lieu thereof "$70,000".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–121), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 129 would amend section 2(1) of Senate Resolution 375, 95th Congress, agreed to March 6, 1978 (the 1978 expenditure-authorization resolution of the Special Committee on Aging) by increasing by $45,000—from $25,000 to $70,000—the portion of the funds authorized for the special committee which it could expend for the procurement of consultants. No increase in the special committee's authorization of funds ($321,000) would result from this action.

The increase in funds for consultants is required to meet an inadvertent over-obligation by the special committee resulting from its submission and the Rules Committee approval of a $60,000 study on February 27, 1979, for which there was insufficient funding in its 1978 funding resolution.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF FEMALE SENATE PAGES

The Senate proceeded to consider the resolution (S. Res. 119) to amend Senate Resolution 112, 92d Congress, to eliminate certain restrictions and conditions on the appointment of female pages in the Senate, which had been reported from the Committee on Rules and Administration with an amendment to strike all after the resolving clause and insert the following:

That S. Res. 112, Ninety-second Congress, agreed to May 13, 1971, is hereby repealed.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended so as to read:

Resolution to repeal S. Res. 112, Ninety-second Congress.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–122), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 119 as referred would amend Senate Resolution 112, 92d Congress, agreed to May 13, 1971, by eliminating the provision which specifies that no female page shall be appointed by a Senator until the Senator files with the Sergeant at Arms a written statement accompanying such appointment that he/she will be responsible for the page's safety and well-being.

Specifically, Senate Resolution 112 would be amended by striking the second sentence. The first sentence of the resolution prohibits discrimination with respect to certain Senate positions solely on the basis of sex. The text of the resolution is as follows:

Resolution to permit the appointment for the Senate of pages, elevator operators, post office employees, or Capitol policemen without discrimination on account of sex

Resolved, That no individual shall be denied appointment as a Senate page, elevator operator, or post office employee, or as a Capitol policeman whose compensation is disbursed by the Secretary of the Senate, solely on the basis of sex. In the case of Senate pages, however, until such time as the fireproof building containing dormitory and classroom facilities, as authorized by section 492 of the Legislative Reorganization Act of 1970, is constructed and the pages are living under appropriate supervision in such building, the Sergeant at Arms of the Senate shall promulgate and have in effect regulations for the appointment of pages of the Senate requiring that no female page shall be appointed by a Senator until the Senator files with the Sergeant at Arms a written statement accompanying such appointment that the Senator—

(1) will be responsible for the safe transportation of the female page he appoints between the Senate and the page's place of local abode and return; and

(2) will assume full responsibility for the safety, well-being, and strict supervision of such female page while such page is in her place of local abode.

Rule L of the Standing Rules of the Senate, effective January 3, 1979, bars employment discrimination with respect to any Senate employee based on race, color, religion, sex, national origin, age, or state of physical handicap.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRINTING OF REVISED EDITION OF "THE DECLARATION OF INDEPENDENCE AND THE CONSTITUTION OF THE UNITED STATES"

The concurrent resolution (H. Con. Res. 65) authorizing the printing as a House document of revised edition of "The Declaration of Independence and the Constitution of the United States," was considered and agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–123), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 65 would provide (1) that a revised edition of "The Declaration of Independence and the Constitution of the United States of America" be printed as a House document; and (2) that there be printed 278,000 additional copies of such document, of which 221,500 copies would be for the use of the House of Representatives (500 per Member), 51,500 copies would be for the use of the Senate (500 per Member), and 5,000 copies would be for the use of the Joint Committee on Printing.

The document would be revised under the direction of the Joint Committee on Printing.

The printing-cost estimate on House Concurrent Resolution 65, as agreed to by the House of Representatives, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$1, 094. 12
278.000 additional copies, at $238.-37 per thousand	66, 266. 86
Total estimated cost, H. Con. Res. 65	67,360. 98

PRINTING A REVISED EDITION OF "OUR FLAG"

The concurrent resolution (H. Con. Res. 66) authorizing the printing as a House document of a revised edition of "Our Flag," was considered and agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 96–124), explaining the purposes of the measure.

There being no objection, the excerpt was orderded to be printed in the RECORD, as follows:

House Concurrent Resolution 66 would provide (1) that a revised edition of "Our Flag" be printed as a House document; and (2) that there be printed 278.000 additional copies of such document, of which 221,500 copies would be for the use of the House of Representatives (500 per Member), 51,500 copies would be for the use of the Senate (500 per Member), and 5.000 copies would be for the use of the Joint Committee on Printing.

The document would be revised under the direction of the Joint Committee on Printing.

[Conclusion of later proceedings:]

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

SPECIAL INTERNATIONAL SECURITY ASSISTANCE ACT OF 1979

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 1007, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 1007) to authorize supplemental international security assistance for the fiscal year 1979 in support of the peace treaty between Egypt and Israel and related agreements, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments.

The PRESIDENT pro tempore. Debate on S. 1007 is limited to 3 hours, to be equally divided and controlled by the Senator from New York and the Senator from Idaho, with 1 hour on any amendment in the first degree, with 30 minutes on any amendment in the second degree, and with 20 minutes on any debatable motion, appeal, or point of order.

Amendments must be germane to the bill, with the exception of the amendment by the Senator from North Carolina (Mr. HELMS), on which there shall be 1 hour of debate.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, on March 26, 1979, a treaty of peace between Egypt and Israel was signed in ceremonies held in Washington, D.C. A month later in the Sinai, the instruments of ratification for the treaty were exchanged and the 30-year state of war between Egypt and Israel came to an end. These events represent the first in a series of steps arising out of the "Framework for Peace in the Middle East Agreed at Camp David," which is intended to lead to a comprehensive settlement of the Arab-Israeli dispute.

The bill now under consideration, S. 1007, is an essential element in assuring the success of the Egypt-Israeli peace and in maintaining the momentum of that success for the follow-on negotiations. The Committee on Foreign Relations believes that the success or failure of future negotiations will hinge, in large part, on the confidence of the parties involved that the security needs and the economic well-being of their people are better served by peace than war.

The committee further believes that this needed confidence is best maintained through the continued close association between the United States and these two countries. To that end, this bill provides for $4.8 billion in fiscal year 1979 military and economic assistance for Israel and Egypt.

Of that total, $800 million is grant aid for Israel for the construction of two new air bases in the Negev Desert. Another $2.2 billion would be provided to Israel as foreign military sales credits for a total of $3 billion in military aid to Israel. The bill also provides $1.5 billion in military credits for Egypt and $300 million in additional economic assistance. It is projected that these funds will be spent during the 3 years that it will take for Israel to withdraw from the Sinai. The budget authority required for this assistance is $1.7 billion.

The committee is aware of the claim made by some that the price for peace is "too high." Although the committee acknowledges that the cost of this assistance is high, it believes that the cost to the United States of another Middle East war would be much higher. Secretary of State Cyrus Vance has estimated that the cost to the United States of the four Middle East wars at somewhere between $55 and $70 billion.

The $1.47 billion requested in budget authority by the terms of this bill pales by comparison. In addition, the Secretary's estimate does not calculate the human cost of war, as well as the risk of United States-Soviet confrontation in the area, when war occurs.

The committee is also aware of the criticism that the United States is providing additional arms in the name of securing peace. In this regard, the committee notes that Israel and Egypt both have taken great risks in signing the peace treaty. The total cost of Israel's withdrawal from the Sinai and relocating bases in the Negev is estimated at about $3.5 billion. Israel would eventually pay for most of this relocation itself since only $800 million of the U.S. aid package is granted for this purpose. These costs plus inflationary pressures caused by the new construction could have a negative impact on Israel's already overburdened economy.

Egypt too has a legitimate need for military assistance to help provide for its self-defense. In partnership with the United States in pursuit of peace has resulted in a shift from reliance on Soviet military and economic aid. Military assistance is needed simply to replace worn-out Soviet equipment. The aid is not intended, we are assured, to replace Iran with Egypt as the policeman of the Arab world, and the Congress will retain its right under law to veto any future arms sales proposed for Egypt.

During the committee's consideration of S. 1007, three areas emerged in which the administration's bill required improvement. The first relates to the terms of the foreign military sales credits for Israel and Egypt. Israel's economy carries an external debt burden of $11.8 billion and its current per capita tax rate is the highest in the world.

Egypt's developing economy faces similar problems, especially in light of the uncertain future of Arab economic aid. The additional repayment and interest burden of these loans on both of these economies may, in the future, prove to be too much for these countries to bear. Therefore, the committee added a provision to the bill which states that "it may become necessary to modify the terms of the loans authorized under the provisions of this act for the Governments of Israel and Egypt in future years." The provision does not commit the Congress to modify the loan terms, but simply provides a mechanism to review the continued ability of these countries to pay their debt to the United States.

The second area where the committee found the administration bill lacking was in its efforts to generate additional financial support for the peace process from other industrialized members of the Organization for Economic Cooperation and Development. Most of these countries are even more dependent on the Middle East for their oil supplies than is the United States and hence they have a great stake in continued peace in the region.

The committee, therefore, adopted a Sense of the Congress Resolution offered by Senator McGOVERN that other OECD members should give favorable consideration to financial support for the implementation of the treaty. The provision further requests that the President consult with other OECD members to develop a common program of financial aid to Israel and Egypt.

The third modification in the administration's bill recommended by the committee relates to the agreements and assurances provided to Israel and Egypt by the executive branch. The Secretary of State told the committee unequivocally that there were no secret agreements made or assurances given by the United States with regard to the peace treaty. The committee reviewed each public agreement entered into by the United States, including the United States-Israel agreements on security assurances, oil supply guarantees, and construction of the two Negev air bases. It also reviewed the administration's intentions with regard to arms sales to these two countries. These agreements and assurances are printed in the committee hearings.

The committee added provisions to the bill which make it clear that the authorization of aid should not be construed as "authorizing, approving, or confirming any assurance or commitment made to or agreement concluded with the Governments of Israel or Egypt." In approving this committee provision, Congress would neither approve nor disapprove of these agreements.

Mr. President, the committee believes that these changes improve the bill as transmitted by the President and recommends that the bill, as amended by the committee, be approved by the Senate.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **CHURCH**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **CHURCH**. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill, as thus amended, be considered original text for the purpose of further amendment.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The committee amendments were agreed to en bloc as follows:

On page 4, line 22, after the period, insert the following: The Congress further finds that the legitimate defense interests of Israel and Egypt require a one time extraordinary assistance package due to Israel's phased withdrawal from the Sinai and Egypt's shift from reliance on Soviet weaponry. The authorizations contained in this section do not, however, constitute congressional approval of the sale of any particular weapons system to either country. These sales will be reviewed under the normal procedures set forth under section 36(b) of the Arms Export Control Act.

On page 6, beginning with line 4, insert the following:

(e)(1) The Congress finds that the Governments of Israel and Egypt each have an enormous external debt burden which may be made more difficult by virtue of the financing authorized to be extended by this section.

(2) The Congress further finds that, as a consequence of the impact of the debt burdens incurred by Israel and Egypt under such financing, it may become necessary to modify the terms of loans authorized under the provisions of the Act for the Governments of Israel and Egypt in future years.

(3) In order to assist the Congress in determining whether any such assistance for Israel and Egypt is warranted, the President shall transmit, commencing January 15, 1980, and each year thereafter, an annual report to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate regarding economic conditions prevailing in Israel and Egypt as may affect their respective ability to meet their repayments of principal and interest under the financing authorized to be extended by this section. In addition to such annual report, the President shall transmit a copy containing such information within thirty days of the receipt of a request therefor from the chairman of the Committee on Foreign Relations of the Senate or from the chairman of the Foreign Affairs Committee of the House of Representatives.

On page 7, beginning with line 19, insert the following:

(d)(1) It is the sense of Congress that other members of the Organization for Economic Cooperation and Development (OECD) should give favorable consideration to providing financial support for the implementation of the Israel-Egypt treaty. Therefore, the Congress requests that the President engage in consultations with other OECD members to develop a common program for the economic development of these two nations.

(2) The President shall report to the Congress within one hundred and eighty days of enactment of this Act with regard to (1) the efforts made by the United States to consult with other industrialized countries in order to increase the economic assistance provided to Egypt and Israel by other donors, and (2) the impact on Egypt's economy of Arab sanctions against Egypt.

INTERPRETATION OF THE AUTHORIZATION

SEC. 5. No provision of this Act may be construed as authorizing, approving, or confirming any assurance or commitment made to, or agreement concluded with, the Governments of Egypt or Israel.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special International Security Assistance Act of 1979".

CONSTRUCTION OF AIR BASES IN ISRAEL

SEC. 2. Part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"CHAPTER 7—AIR BASE CONSTRUCTION IN ISRAEL

"SEC. 561. GENERAL AUTHORITY.—It is the policy of the United States to support the peace treaty concluded between the Government of Egypt and the Government of Israel on March 26, 1979. In furtherance of that policy, the President is authorized—

"(1) to construct, and to enter into contracts for the construction of, air bases in Israel for the Government of Israel as may be agreed upon between the Government of Israel and the Government of the United States, to replace the Israeli air bases located at Etzion and Etam on the Sinai Peninsula that are to be evacuated by the Government of Israel, and

"(2) to furnish as a grant to the Government of Israel, on such other terms and conditions as he may determine, defense articles and defense services, which he may acquire from any source, of a value not to exceed the sum appropriated pursuant to section 562(a) of this chapter.

"SEC. 562. AUTHORIZATION AND UTILIZATION OF FUNDS.—(a) There is authorized to be appropriated to the President to carry out this chapter not to exceed $800,000,000, which may be made available until expended.

"(b) Upon agreement by the Government of Israel to provide to the Government of the United States funds equal to the difference between the amount required to complete the agreed construction work and the amount appropriated pursuant to subsection (a) of this section, and to make such funds available in such amounts and at such times as required by the Government of the United States to meet these costs incurred, in advance of the time when payments are due, the President may incur obligations and enter into contracts to the extent necessary to complete the agreed construction work, as provided in appropriation Acts.

"(c) Funds made available by the Government of Israel pursuant to subsection (b) of this section may be credited to the appropriation account established to carry out the purposes of this section for the payment of obligations incurred and for refund to the Government of Israel if they are unnecessary for this purpose, as determined by the President. Credits and the proceeds of guaranteed loans made available to the Government of Israel pursuant to the Arms Export Control Act, as well as any other source of financing available to it, may be used by Israel to carry out its undertaking to provide such additional funds.

"SEC. 563. WAIVER AUTHORITIES.—(a) It is the sense of the Congress that the President should take all necessary measures consistent with law to ensure the efficient and timely completion of the construction authorized by this chapter, including the exercise of authority vested in him by section 633(a) of this Act.

"(b) The provisions of paragraph (3) of section 636(a) of this Act shall be applicable to the use of funds available to carry out this chapter, except that no more than sixty persons at any time may be engaged under section 636(a)(3) of this Act for the purposes of this chapter."

SUPPLEMENTAL AUTHORIZATION OF FOREIGN MILITARY SALES LOANS GUARANTIES FOR EGYPT AND ISRAEL

SEC. 3. (a) In order to support the peace treaty between Egypt and Israel and related agreements, the Congress finds that the national security interest of the United States is served by the authorization and appropriation of additional funds to finance procurement by Egypt and Israel through the fiscal year 1982 of defense articles and defense services for their respective security requirements. *The Congress further finds that the legitimate defense interests of Israel and Egypt require a one time extraordinary assistance package due to Israel's phased withdrawal from the Sinai and Egypt's shift from reliance on Soviet weaponry. The authorizations contained in this section do not, however, constitute congressional approval of the sale of any particular weapons system to either country. These sales will be reviewed under the normal procedures set forth under section 36(b) of the Arms Export Control Act.*

(b) In addition to amounts otherwise authorized by section 31(a) of the Arms Export Control Act to be appropriated for the fiscal year 1979, there is authorized to be appropriated to the President to carry out the Act $370,000,000 for the fiscal year 1979.

(c) Notwithstanding the provisions of section 31(c) of the Arms Export Control Act, funds made available pursuant to subsection (b) of this section may be used only for guaranties for Egypt and Israel pursuant to section 24(a) of the Arms Export Control Act, and the principal amount of loans guaranteed with such funds shall not exceed $3,700,000,000 for the fiscal year 1979 of which amount not less than $2,200,000,000 shall be available only for Israel and not less than $1,500,000,000 shall be available only for Egypt. The principal amount of such guaranteed loans shall be in addition to the aggregate ceiling authorized by section 31(b) of the Arms Export Control Act for the fiscal year 1979.

(d) Loans guaranteed with funds made available for the fiscal year 1979 under subsection (b) of this section shall be on terms calling for repayment within a period of not less than thirty years, including an initial grace period of ten years on repayment of principal.

(e)(1) The Congress finds that the Governments of Israel and Egypt each have an enormous external debt burden which may be made more difficult by virtue of the financing authorized to be extended by this section.

(2) The Congress further finds that, as a consequence of the impact of the debt burdens incurred by Israel and Egypt under such financing, it may become necessary to modify the terms of the loans authorized under the provisions of the Act for the Governments of Israel and Egypt in future years.

(3) In order to assist the Congress in determining whether any such assistance for Israel and Egypt is warranted, the President shall transmit, commencing January 15, 1980, and each year thereafter, an annual report to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate regarding economic conditions prevailing in Israel and Egypt as may affect their respective ability to meet their repayments of principal and interest under the financing authorized to be extended by this section. In addition to such annual report, the President shall transmit a report containing such information within thirty days of the receipt of a request therefor from the chairman of the Committee on Foreign Relations of the Senate or from the chairman of the Foreign Affairs Committee of the House of Representatives.

SUPPLEMENTAL AUTHORIZATION OF ECONOMIC SUPPORT FOR EGYPT

SEC. 4. (a) It is hereby determined that the national interests of the United States would be served by the authorization and appropriation of additional funds for economic assistance for Egypt in order to promote the economic stability and development of that country and to further support the peace process in the Middle East.

(b) Accordingly, there is authorized to be appropriated to the President to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, $300,000,000 for the fiscal year 1979 for Egypt, in addition to amounts otherwise authorized to be appropriated for such chapter for the fiscal year 1979.

(c) The amounts appropriated pursuant to this section may be made available until expended.

(d)(1) It is the sense of Congress that other members of the Organization for Economic Cooperation and Development (OECD) should give favorable consideration to providing financial support for the implementation of the Israel-Egypt treaty. Therefore, the Congress requests that the President engage in consultations with other OECD members to develop a common program for the economic development of these two nations.

(2) The President shall report to the Congress within one hundred and eighty days of enactment of this Act with regard to (1) the efforts made by the United States to consult with other industrialized countries in order to increase the economic assistance provided to Egypt and Israel by other donors, and (2) the impact on Egypt's economy of Arab sanctions against Egypt.

INTERPRETATION OF THE AUTHORIZATION

SEC. 5. No provision of this Act may be construed as authorizing, approving, or confirming any assurance or commitment made to, or agreement concluded with, the Governments of Egypt or Israel.

Mr. CHURCH. Mr. President, I ask unanimous consent that the following persons from the staff of the Committee on Foreign Relations have the privileges of the floor during the consideration and voting on S. 1007: Bill Bader, Pat Shea, Dick McCall, Hans Binnendijk, Gerald Decker, Pauline Baker, and Albert Lakeland.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 143

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER), for himself, Mr. CHURCH, and Mr. JAVITS, proposes an unprinted amendment numbered 143:

On page 3, between lines 9 and 10 insert a new section, as follows:

MIDDLE-EAST DEVELOPMENT FUND

SEC. . It is the sense of the Congress that other nations should give favorable consideration to providing for support for the implementation of the Israel-Egypt treaty. Therefore, the Congress requests that the President take all appropriate steps to negotiate with other nations an agreement for the establishment of a peace development fund whose purpose would be to underwrite the costs of implementing a Middle East peace.

Mr. PRESSLER. Mr. President, shortly after the Middle Eastern agreements were signed, I sent President Carter a letter asking that he take steps to see if we could find support among the other nations of the world to support the Middle East peace in terms of its costs. My constituents in South Dakota have been willing to bear a fair share but have raised a question regarding some of the commitments the United States is making in terms of total cost. For example, we are told that under the NATO alliances, our taxpayers pay $424 per taxpayer, while the taxpayers of many other industrialized countries in that pact pay less than half of that amount. I know that these figures can sometimes be misleading.

Nevertheless, I do think it would be appropriate if the President would at least approach other nations and welcome them to participate in this activity. All industrialized nations, indeed all nations of the world, have an interest in peace in the Middle East.

A similar amendment passed the House on another piece of legislation, and I understand that the Foreign Relations Committee has drafted a similar amendment. I thank my two cosponsors of this amendment, Senator CHURCH and Senator JAVITS, for working out language which is acceptable to me.

After having faced the tragedies of war, there is no doubt that Americans welcome the treaty between Israel and Egypt. We have taken a monumental step forward for a lasting peace in the Mideast. It would be difficult to place a price tag on this peace.

There is little doubt that another war in the Middle East would cost American taxpayers more than the implementation of the recent treaty. However, there is no reason that the United States should face this cost alone.

We have worked hard over the past few years with Israel and Egypt, building year by year, until we have reached our goal: An enduring peace.

Yet, other countries also will benefit from the recently signed treaty. Citizens of the United States should not be the only ones to pay for implementation of this treaty.

The amendment that I have introduced today would urge that a Middle East Peace Development Fund be established to underwrite the costs of the Middle East peace. Other nations of the world would then help pay their share.

Mr. President, as I said at the beginning of my statement, I sent President Carter a letter on this question in mid-March and I ask unanimous consent that the contents of that letter be printed at this point in the RECORD.

There bring no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 15, 1979.

The Honorable JIMMY CARTER,
President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: Let me join in applauding your work on the Middle East Peace settlement. I shall support such a treaty.

I would like to respectfully propose that a consortium of nations share the costs and responsibilities of the Egypt/Israel peace treaty. I believe the United Nations, Japan, the Common Market countries and other nations have a desire to maintain peace in the Middle East.

I would specifically request as a matter of record that we deliver a formal request to all nations asking for financial assistance and participation in the efforts you have made to maintain peace. Such participation would be more than financial, as all nations have an interest in Middle East peace.

A positive response to the United States' request to share the treaty's responsibilities would place pressure on the other Arab states. While the other Arab states may never support the treaty, the show of support from many nations for the terms of the treaty may deflect any adverse reaction or attempts to isolate Egypt.

I shall place this letter and your response to it in the Congressional Record so that my colleagues will know of the willingness of other nations to participate with us in maintaining peace. I will also raise this issue when the treaty comes before the Senate.

The burden of maintaining peace is a heavy one, Mr. President. You have worked hard to carry this burden on behalf of the United States. It is in our interest, and the interests of many countries, to share this responsibility.

Your attention to this proposal will be appreciated.

Sincerely,

Larry Pressler,
U.S. Senate.

I yield back the remainder of my time.

Mr. CHURCH. Mr. President, first of all I commend the Senator from South Dakota for having offered this amendment. It was his colleague in the Senate, Senator McGovern, who offered the language in the committee, which can be found at line 19, page 7, of the pending bill.

I would like to read that language because it enjoyed, as I recall, the unanimous support of the committee and reflects what I believe to be a widespread view throughout our country.

The McGovern language adopted by the committee reads:

> It is the sense of Congress that other members of the Organization of Economic Cooperation and Development (OECD) should give favorable consideration to providing financial support for the implementation of the Israel-Egypt treaty. Therefore, the Congress requests that the President engage in consultations with other OECD members to develop a common program for the economic development of these two nations.

Mr. President, in joining as a cosponsor of the amendment now before us, I do so in full confidence that Senator McGovern would approve the modification of language proposed by his colleague from South Dakota.

The amendment offered extends this concept of broad-based financial support for the Middle East peace to all nations rather than simply to those industrial nations of the non-Communist world that comprise the OECD. Even though it is most likely that such financial assistance as we may obtain will come from the OECD nations, nevertheless there is nothing to be lost by expanding the language so that it embraces any nation anywhere that might be persuaded to contribute to this good cause.

Although it has not been possible for us to contact Senator McGovern this morning, I am quite certain that he, too, would approve of expanding the language in this way.

Some months ago, Mr. President, I spoke in New York City and urged the concept that is contained in this amendment as well as in the McGovern proposal presently in the committee's version of the bill.

At the time, the peace treaty between Egypt and Israel had not yet been consummated, but the original Camp David agreement had been reached. In the hope that peace could be achieved, I called for the kind of cooperation that is envisioned in this amendment.

I stronglv believe that other countries who depend upon the uninterrupted supply of oil from the Middle East should understand and appreciate the importance of the Israeli-Egyptian peace treaty. The treaty is the cornerstone for peace upon which we can build.

These countries should also appreciate that peace between Israel and Egypt may well be the indispensible element for the maintenance of peace and stability in the Middle East itself, for as President Sadat has said, without Egypt there can be no peace and without Egvpt there can be no war.

So, Mr. President, this is a laudable objective. Many other Senators have also advocated that we reach out and solicit the financial assistance of other concerned nations to help implement the peace and to demonstrate that the benefits of peace greatly exceed the costs of war.

I recall that the distinguished Senator from Washington (Mr. Jackson) has called for a Marshall plan for the Middle East with the same objective—to draw in other countries in support of the peace effort.

So I say to the Senator from South Dakota that his proposal has received the endorsement of many other Senators. I believe the proposal has merit. I believe it improves upon the language originally adopted by the committee. For that reason, I am pleased to join with him in the cosponsorship of the amendment. I hope the Senate will see fit to accept it.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, I, too, joined with Senator Pressler. I congratulate him on this excellent effort and believe that the Senate should approve and incorporte this provision in the bill.

Mr. President, just a moment or two of thought on the subject. My colleague and close friend and associate in these matters, Senator Church, called the Egypt-Israel Peace Treaty a cornerstone of peace. Indeed it is. I would also add to it that it is the prescription for peace and now enables us to take a totally new look at the security situation of the surrounding countries, even including countries that seem to be rejecting the idea of this kind of security for the moment, to wit, Saudi Arabia, about which President Sadat spoke in an interview which was published widely on Saturday.

The fact is, Mr. President, that both nations are now given an opportunity to look to the security of the Middle East. When we debated the jets for Egypt and Israel and Saudi Arabia, roughly a year ago, the question was, "How close is the northernmost airfield of Saudi Arabia to Israel?" Since, from there, Israel would be able to attack or to be attacked. I think the question now is exactly the same, except that Israel now has a very great interest in the defense of that area, having settled its problems with Egypt; similarly with Egypt as far as both Libya and the Sudan are concerned.

With that kind of hard coin of the realm to compensate, the Senator from South Dakota, who authored this amendment, points out that there is a correlative benefit for which there should be recognition by many other nations, not just the United States.

Finally, Mr. President, we are always beating our breasts and saying, we are not the world's policeman but, when it becomes necessary to get up and do something, apparently, we are the only one around to do it. If there is a feeling in the international community that the United States should share these responsibilities, this is one Nation on Earth that wants to share them. We reject the idea of being the world's policeman. They can have the responsibility if they would just take it on. But we have such a burning interest in keeping the peace that when no one else will take it up in time, we have to do something about it.

I think this invitation is very real, very practical. It has compensation on both sides of the ledger for those who give as well as for those who receive. We welcome it and invite it by this provision in this bill which has now been authored by Senator Pressler, in which he has graciously joined us. So, Mr. President, I hope very much that the Senate will accept this provision in that spirit.

We shall certainly do our utmost, as Senator Church has said, in the Foreign Relations Committee, to see that it is adhered to.

The PRESIDING OFFICER. Is there further discussion?

Mr. CHURCH. Mr. President, I am prepared to yield back my time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. JAVITS. We yield our time back, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, will the Senator from New York yield me 10 minutes against the bill?

Mr. JAVITS. Yes.

Mr. PROXMIRE. Mr. President, I cannot vote for sending more military assistance to the Middle East. This proposal before us today has to be one of the most ironic in a long time. The purpose is superlative. It is to strengthen the prospect of peace between Israel and the Arab adversaries with whom she has made war so often in the past 12 years .

But it is the classic case of the means overwhelming the ends. More military power for these old foes who have recently concluded a treaty of peace is supposed to be the cement that solidifies the peace. Well, good luck. This is the kind of reverse thinking that has made war a common experience to every generation of mankind since the dawn of history. It is the kind of thinking that ignores the grim fact that arms are acquired to be used, that armed positions are strengthened not just for defensive purposes but for offensive purposes.

Mr. President, if ever there were a case of the means entering into and corrupting the ends, it is here. Let us face it: the Middle East is the world's tinder box. It is not just a theory that it might explode into war. It has done so, not once, but over and over and over again in the past 12 years.

President Carter and Secretary Vance deserve great credit for their earnest work to persuade Israel and Egypt to make peace. Certainly, we in Congress should do whatever we can to help them succeed. But there is no way that any peace can be assured by military hardware.

The cost is massive: $4.8 billion is a mammoth price at any time, even if it is backed by only $1.47 billion in appropriations. At a time when we are suffering an explosive inflation and after our long succession of multibillion-dollar deficit here is another inflationary expenditure. But even under these circumstances, I would be happily willing to pay it if it were for economic recovery, which both of these countries so urgently need. But for military assistance?

This is not like throwing a lighted match into a gasoline tank, but it is like adding more gasoline to a tank that has exploded in flaming destruction over and over in the past few years. More explosive fuel is not the answer. Let us try a peace package this time with no stick of dynamite attached.

Mr. President, suppose the Senate should say no to this military assistance. Does anyone really think that because of this, the Israeli-Egyptian Treaty would come apart? That treaty was signed because it was in the great interest of both Israel and Egypt to sign it. That interest remains just as strong if this country does not provide further military muscle to both countries. If the Senate of the United States simply disagrees with our President, if we, in effect, refuse to sign the check, the achievement of President Carter will be no less. He has still helped achieve a great breakthrough.

It may be argued that we cannot go back on the word of our Government. But every assurance a President gives that indicates this country will spend money to provide assistance to any country depends on the willingness of both Houses of Congress to agree to spend it.

The President did not secure any advance approval from the Senate or the House for this huge commitment. He made it obviously on the condition that Congress would approve. This is the only way any President can ever make any commitment that involves spending. We in the Congress have the constitutional authority to make all appropriations. This never has been a Presidential prerogative.

I know it is difficult for Senators even to think about the possibility of denying this military assistance. But it is time we do exactly that about all military assistance that does not directly protect this country. This country has become the arms pushers of the world. We sell and give more military power to other countries than all the other countries in the world combined, twice as much as the Soviet Union.

Let us think of the intent behind that shameful record. In every instance, the assistance was provided with the same sense of generosity and altruism as this $4.8 billion package. We never give or sell arms so that other countries can use them to kill or destroy or fight each other with them. But that is exactly what often happens, although it is never our intention. I challenge any Senator to cite a single instance this year, last year, or any year, when the Congress of the United States has voted military funds for any purpose except to achieve peace and provide for defense or internal order.

Yet, look at the record of this remarkably generous and peace-loving attitude. In the last 25 years, American weapons provided in the spirit of peace and protection have probably resulted in the death of most of those who have died in military action and the destruction of most of the homes and cities of those who have endured the savagery of war.

Now the Senate confronts the issue of providing military foreign assistance again. This time, it is dressed in the most compelling package of all—the heralded Israel and Egypt peace treaty so laboriously abbetted by our President. But that military assistance price is too high to pay. It is not too high because it is $4.8 billion or even $1.47 billion, big as that is. It would be too high a price if it cost far less. It is too high because military assistance is simply not the answer to achieving peace.

Yes, indeed, we do need a strong military force to protect and deter attack. Yes, indeed, we must strengthen our allies in Europe against the U.S.S.R. And we have essential military interests in Asia we must provide for. But this notion that we must provide military assistance to nations where that assistance is not directly related to the defense of this country is precisely what has led us down this long and bloody and reprehensible road of providing the weapons of death and destruction in the name of peace.

For these reasons, Mr. President, I intend to vote "no" on this authorization.

I thank my friend from New York for so generously yielding me time on our position.

(Mr. ZORINSKY assumed the chair.)

Mr. JAVITS. Mr. President, just a word of reply.

One, there is no one in this Chamber who has a better attitude toward the basic factors which should control the policy of our Nation than Senator PROXMIRE. Though he and I, on occasion, disagree, it is never about motivation, certainly never about the fundamental purpose which he seeks to serve by the causes he advocates of economy in Government, squeezing the tomfoolery out of expenditures—occasionally, we do make fools of ourselves—or, as he is today, urging the United States not to be the arms merchant that it is, and urging how noble it would be if these vast sums which are being considered in this bill could be devoted to the arts of peace instead of being devoted so heavily to the arts of war.

The purpose, as he says, of the Egypt-Israel peace treaty is superlative, and I quote his word because I think it is so pertinent. I am not trying to counter his arguments. He is absolutely right in terms of the way this world should be, and he is not an idealist; he is a very practical man. We should act in a sane manner.

I am only pointing out the momentary occasion in which we operate, that is all. It is just the occasion of today. When he votes, as he will, and he undoubtedly will vote that way, it will be in the utmost good faith, with a patriotism at least as good as mine or that of any other Senator, or perhaps better, in his lights as he sees them.

We are in a terrible crunch. I wish he knew a better way for us to get out of it than this way which he counsels today, because we face the following things:

We face an enormous supplying of Iraq and Syria by the Soviet. We face an absolute intransigent hostility by the associated Arab nations and the Arab League, so much so that Egypt, if it did not have U.S. assistance, would stand in grave danger of being destroyed as a nation by the sanctions and boycotts against it.

We stand with allied industrial states unbelievably vulnerable to the oil cutoff/blackmail of the very Arab States that are the most vociferous, and, unhappily for us, this even includes Saudi Arabia, which we have looked to for a more judicious view, the Saudis seem to be leaning, in any case, in that direction, in terms of punishing Egypt for having started the peace process, rather than rewarding Egypt.

We look at Egypt, which is in unbelievably bad shape financially, unbelievably bad shape militarily, because we know it is reduced to cannibalizing other airplanes for the purpose of keeping its own fighter aircraft in the air.

In addition to the arms supply, we see the Soviet Union standing athwart the Horn of Africa, not only with its own advisers, vast amounts of materiel, but also with Cuban troops, a grave threat to the peace of the whole area.

We know that there have been four wars in this area and, notwithstanding the unbelievable heroism of the Israelis, that they were very near to being defeated in war by the surprise attack of 1973 in which Egypt joined; we must always remember that.

With this confluence of circumstances, living in this kind of situation, it seems to us, to Senator CHURCH and myself and the great majority of the committee, that we have to build some kind of buffer against having the peace policy overrun by these warring forces, both economic and military, in order to give it half a chance.

In addition, the backs of these countries are being broken economically—that includes Israel. I will have printed in the RECORD a news report as recently as today, a dispatch from Jerusalem, which says that the Israelis are likely to have a 100 percent inflation rate, and even today a per capita income of roughly $3,500 a year is two-thirds devoted to taxes.

It is almost beyond belief. It staggers the imagination that people can live under those conditions.

So without in any way, as I say, disputing my colleague, whom I respect enormously and who is excellently motivated, but speaking affirmatively for those of us who support this measure, I say that we want to get to the same place he does. We are very familiar with the fact that these intentions dominate every arms race, the same intentions, and that the tragedy of these arms races is that they often erupt in war.

All I can promise to my friend is, keep that light burning for us. I am very serious about that. We will do our best to get to it.

In the meantime it is our conviction that we have to preserve these national entities so that they are around when there is peace to be enjoyed, rather than being subdued by the forces of evil, darkness, reaction, war, and totalitarianism at this moment, which they are in grave danger of being.

I now yield to my colleague.

The PRESIDING OFFICER. Does the Senator from New York ask unanimous consent that the newspaper article be printed in the Record?

Mr. JAVITS. I do; and I thank the Chair.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 14, 1979]

ISRAEL WARNED OF TRIPLE-DIGIT INFLATION

(By William Claiborne)

JERUSALEM.—While Americans are trying to come to grips with the prospect of double-digit inflation, Israeli economists are discussing the possibility of a triple-digit annual increase in the cost of living here by 1983.

The inflation rate is now 60 percent a year. It could rise to around 100 percent by the fiscal year 1983 if drastic cuts in government spending are not made, Israeli Finance Minister Simcha Ehrlich warned the Cabinet today.

Economists agree that the runaway inflation will be fueled by the high costs of implementing the peace treaty with Egypt and relocating military bases in the Sinai Peninsula. The subject pushed most other business off the agenda as Ehrlich presented a five-year economic program viewed by the finance minister's critics as a tacit admission that spiraling costs have become institutionalized in Israel's economy.

Ehrlich, sounding a gloomy note in the closed Cabinet meeting, is said to have warned the ministers that unless severe limits are placed on public spending, the Likud coalition government of Prime Minister Menachem Begin could be endangered despite its success in foreign policy.

Calling his plan "the necessary minimum" to cut inflation to 30 percent by 1983, Ehrlich proposed a total freeze on public spending, a freeze in civil service jobs, a $175 million cut in the national budget, a crackdown in tax collection, a reduction of subsidies for basic commodities and revaluation of the Israeli pound.

Israel has the highest per-capita foreign debt in the world—the total debt is about even with its $11 billion gross national product. Under Ehrlich's plan, it would drop to about 85 percent of all goods and services produced at home.

The Cabinet made no decisions on Ehrlich's economic plan today, putting off its debate until later this week. All the proposals had been made in one form or another before, most recently in February. Because of the uncertainties of the peace treaty's effects on the economy, however, they were never carried out.

To the average Israeli wage earner fighting to keep pace with inflation, the prospect of an annual 100 percent increase in the cost of living is not nearly as incredible as it might sound to Americans.

Per capita income here is low by Western standards—about $3,500 a year—and soaring prices are a familiar phenomenon.

Housing costs take the biggest bite out of a worker's income, largely because of severe shortages of apartments and what Israelis call "villas," which are relatively modest single-family homes.

Because rentals are rare and generally exorbitant, most couples are forced to buy a condominium apartment, which even in a modestly attractive neighborhood in Jerusalem can cost $125,000 for three rooms. A small—by American standards—three-bedroom house can cost between $300,000 and $400,000.

Because of heavy import duties, imposed in an unsuccessful attempt to hold down private automobile use, a subcompact European car costs $12,000 or more. It is not uncommon to buy a used 1973 Fiat for 150,000 Israeli pounds, or about $6,500.

Gasoline recently went up to about the equivalent of $2.60 a gallon. Average quality beef is $4 a pound, domestic mayonnaise $1.30 a pint, imported cigarettes $1.10 a pack. A simple cotton skirt in a department store costs between $30 and $40, and a cheap wind-up alarm clock costs $17.

On top of these costs, a 12-percent national sales tax is added to the price of most goods and services.

While some basic foods, such as milk and bread, are relatively inexpensive, constant reduction of government subsidies is beginning to drive up their prices.

At first brush, the cost spiral seems to defy an explanation of how middle class Israelis survive financially, particularly given the 50 percent tax imposed on many middle class couples. Nearly 40 percent of Israel's budget goes for military spending and even peace with Egypt is not expected to change that proportion. A fifth of Israel's gross national product is spent on defense.

But there are a number of commonly accepted arrangements that traditionally have softened the disparity between wages and prices.

Many Israeli couples receive assistance from their parents in buying an apartment, and the banks are almost as accommodating as the mothers and fathers. Down payments can be small, interest low and payment terms flexible. Since the paychecks of many Israelis are automatically deposited in checking accounts by employers, the banks have adopted a lenient overdraft policy and even missing a mortgage payment is not catastrophic.

Credit purchases for everyday shopping are a way of keeping up with inflation. Most Israelis know that buying at today's prices and rolling over the debt is a convenient way of avoiding tomorrow's prices.

Some workers, to counter frequent devaluation of the Israeli pound, regularly change their paychecks into U.S. dollars or West German deutschemarks. The currency exchange rate, now about 23.1 Israeli pounds to the dollar, is expected to be 75 to the dollar in five years, some economists say.

Many public and private employees receive under-the-table perquisites, such as the use of an automobile, paid telephone bills or other inducements, to get around wage controls. Employes of a utility company, for example, may have their electricity bills written off, thereby reducing their personal costs.

Another way around inflation is moonlighting. Given Israeli's chronic manpower shortage, twin jobs are commonplace. It is rare to find a middle class Israeli wife who does not work.

Another way around inflation—to the embarrassment of the government—is tax dodging, particularly among self-employed Israelis. As a young state, Israel has not developed a tradition of revenue collection. A newcomer quickly learns that paying cash without requesting a written receipt is a welcome gesture.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. I thank my good friend from New York for very generously yielding again.

Mr. President, I certainly recognize that there is nobody more devoted to peace, sincerely and honestly and effectively, I might say, than the great Senator from New York. I think, however, that what he has said reinforces, to some extent, what I have been trying to say here.

He speaks of the very difficult economic position of Israel and Egypt, and, of course, he is absolutely right.

I saw that triple digit inflation problem for Israel in the paper this morning. It is beyond our imaginations. We are suffering from the troubles of 10-percent inflation and they are suffering from the problem of 100-percent inflation.

Of course, Egypt is also in very dire economic straits. If this were an economic assistance program, I would support it enthusiastically, and I think it would go to this problem and be very helpful.

But I think all of us recognize that Israel is a very strong country militarily. She is surrounded by enemies, although the Egyptian peace treaty has helped enormously in that respect. But she has enemies with greater economic resources. But Israel benefits again and again by the tremendous military force we have and now she is probably better equipped than ever before.

For us to pour more military assistance on top of that, rather than concentrating on economic assistance, seems to me to be unwise.

On the problem of a cutoff of oil, again, does military assistance help there? On the problem of the very tragic poverty in Egypt, do more military weapons help Egypt under these circumstances?

There is a problem, and there is no question about that. Both these countries now may be subject to attack. But it is hard for me to believe that under these circumstances Israel is more vulnerable than she was before.

As I say, she is more powerful than ever before and Egypt has been neutralized. Egypt, on the other hand, is primarily, fundamentally, in need of economic assistance.

So, for that reason, I persist in indicating that I am going to vote against this program, fundamentally because of the reasons I gave, and that again and again and again we say we are providing military assistance for peaceful reasons.

We are providing them, and we can always argue that we want these countries to be able to protect themselves against aggression and invasion. We have done that again and again. The Senator knows far better than I do how many times those weapons have been turned against each other with wars between countries that we have supplied with arms.

I just think that the time has come for us to say "No," although I recognize that the argument here is perhaps stronger than has been many times in the past.

Mr. President, I thank my good friend.

Mr. JAVITS. I thank the Senator from Wisconsin (Mr. PROXMIRE).

Mr. President, I would like to offer one further fact. This bill deals with the construction of airbases in Israel which are being moved from the Sinai to the Negev in order to implement the peace treaty between Egypt and Israel. Whatever military readiness Israel has is heavily based upon the deployment of these very aircraft which are housed in these airfields. So we are not changing the military balance in the area by what we do.

Mr. President, I thank my colleague from Wisconsin.

If there is no further debate at the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield 15 minutes, from the time on the bill, to the Senator from Minnesota (Mr. DURENBERGER).

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, I rise in support of S. 1007 and its military and economic assistance programs for Egypt and Israel. These programs are vital elements in the fulfillment of the first part of the Camp David accords and the pledges made by President Carter in conjunction with the signing of the Israeli-Egyptian peace treaty on March 26.

While I believe this bill to be very much in the national interest, and while I anticipate favorable action by this body, we cannot ignore the reservations expressed by a significant percentage of the American people about the $4.8 billion price tag. Here in Congress I heard numerous protests that the President had assured us that "we wouldn't have to pay for this one." And in letters from constituents I found recurring references to a question which also had bothered me for a long time: Where did diplomacy leave off and public relations begin? Or, putting it another way, was this a Gerald Rafshoon-styled symbolic action with a potential for high political returns but of questionable long-term worth as international diplomacy?

I had raised this question in my own mind back in September, when in the wake of a victory in the primary election and in the midst of the general election campaign, I watched the signing of the Camp David accords on television. In February of this year, now as a freshman Senator, I expressed this sentiment in an interview with Martin Agronsky. Even after the signing of the treaty on March 26 I still had these doubts.

Coincidentally or not, I received an invitation from Ambassador Bob Strauss to accompany him on a special Presidential trade mission to Cairo and Jerusalem. I was skeptical at first of the value of such a trip. Would this be another symbolic gesture rather than a substantive mission? But it then occurred to me that this would be a perfect opportunity to talk to the people whose lives rather than political fortunes were on the line. So I accepted.

It is in large part because of what I learned and experienced during my week in the Middle East that I rise today in support of this aid package. Along with Ambassador Strauss and my colleague Senator RIBICOFF I met with government officials, business leaders, and private citizens in both countries. One of the most valuable lessons I learned from these meetings is that these people themselves hold the real key to peace. Even if diplomatic efforts manage to bring Israelis and Palestinians and other Arab nations to the same negotiating table, and even if the day comes when leaders of all these peoples put their signatures to the same document, this will not be sufficient for a lasting peace. Necessary, unquestionably, but not sufficient.

To build a structure of peace private citizens and especially private businesses must play a leading role. The central plank in the structure of peace is a strong and healthy economy. Without a strong and healthy economy neither individual nations nor entire regions can be assured of a stable future. History has demonstrated time and again the economic causes of political instability and international conflict.

This lesson is especially pertinent to Egypt and Israel, since both nations suffer from severe economic problems. Egypt is plagued with both the strains of underdevelopment and poverty, and the pressures from the high costs of war. She is an extremely poor nation. Per capita income is $370. Unemployment and underemployment are high because of slow economic growth and rapid population growth: 40 million people and an annual increase of 2.5 percent. Inflation is particularly problematic because it pushes the costs of basic human needs beyond the means of a majority of Egyptians.

The riots which shook the government of President Sadat less than 2 years ago were over food prices. These could be shades of things to come if something is not done soon and done effectively. This is no easy task for a nation which presently cultivates only 2.8 percent of its land, yet relies on agricultural production to provide its principal exports as well as feed its rapidly growing population.

Israel's economic problems are different in form but no less threatening. I can stand here and recite such statistics as 60 percent annual inflation, possibly rising to 79 percent next year and, according to a statement yesterday by Israel's finance minister, threatening to reach 100 percent by 1983. But only Israelis can begin to express the impact of this vicious spiral. Or let us stop for a moment and reflect on the discontent and hardship in our own country from 10 percent inflation. Israel's economy also suffers from other strains related to her high defense costs and the radicalization of the Arab world has portents for worsening problems.

I stress these points about the economic situation because, Mr. President, I believe they are directly relevant to the bill before us today. This bill is designed to provide security assistance primarily; $800 million for construction of two Israeli air bases in the Negev, and $2.2 billion in foreign military sales credits for Israel and $1.5 billion for Egypt.

But, as I have tried to point out in discussing the economic problems, security assistance is but one element of the structure of peace and not even the most important element. Developing a strong and healthy economy is the crucial element. While this bill does contain $300 million in economic assistance for Egypt, the economic challenges facing Egypt and Israel cannot be solved by government programs. They require the involvement of American business, agriculture, and industry. It is American private capital, technology, and expertise that I found to be most desired by Egyptians and Israelis alike. They see American private enterprise as playing a vital role in the building of the structure of peace.

More AID programs are not sufficient for building Egypt's infrastructure. Private investment and management is far more important. The Egyptians are committed to reforming their bureaucracy and to generally creating a more favorable climate for business. I think American businesses should move to take advantage of these opportunities, and I think our Government should act to encourage investment in Egypt. In the case of Israel a major initiative should be the improvement of our trade relationship by opening up a larger portion of American markets to Israeli exports.

So, Mr. President, what I learned in Israel and Egypt encouraged me as to the prospects for peace and reinforced the important role for American businesses. Next to this, probably the second most important lesson for me was the overwhelming need of the people of Egypt to develop, to move out of the incredible poverty in which so many Egyptians live. I referred earlier in my remarks to reservations among the American people about spending $1.5 billion on these assistance programs. In recent months I have been asked some very legitimate questions by my constituents, like whether or not more money for adequate rural and low-income housing should be a higher priority than arms for Egypt and Israel? And how can we move toward a balanced budget if we continue to spend so much on foreign aid?

These sentiments reflect important concerns of American taxpayers. Frequently I try to emphasize the benefits to the U.S. national interest from a lasting peace. I note that Secretary Vance presented an estimate to the Foreign Relations Committee that the four Middle East wars had cost the United States between $55 and $70 billion.

But, Mr. President, after having the opportunity to see what life is like in Egypt and Israel, and being aware of the attempts of those nations who desire war and not peace to undermine the economies and security of these two nations, I must appeal that we inject humanitarian needs into our cost-benefit formulas and lists of priorities. We must stop and consider the poverty of Egypt, the thousands of people who inhabit Cairo's "city of the dead," spending their nights in mausoleums because they lack dwellings of their own, to consider the reality of countless Cairenes living on 3 cents worth of beans and unleavened bread each day of their lives.

The peacemakers will be able to beat the swords into plowshares only if we give them our support. With the support of the American people and the involvement of the American private sector, a monument greater than the Sphinx or the Pyramids can be built. A peaceful and prosperous society. The Sphinx has observed many a devastating war and much poverty over the centuries. Let it now peer onto a prosperous and peaceful society.

Mr. JAVITS. Mr. President, I thank the Senator from Minnesota for his support of this measure and for his fine arguments which relate to that support.

I wish to state that no one knows better than I, and I am sure that applies to Senator CHURCH, the manager of the bill, the problems of explaining to the people of one's own State why it is that expenditures and obligations should be undertaken by the United States in the interest of peace in such a faraway place of the Earth and in the interests of the poor people there when we have so many problems in our own States, and so many deficiencies of public works and infrastructure and the binding up of wounds of humans as a result of catastrophes.

Nonetheless, as he has so very properly explained, the fact that we have troubles at home and that we must do everything that we humanly can to solve those troubles does not denigrate from the fact that we also have human problems abroad, and that in the final analysis we have to try to achieve a balance between maintaining the peace in some kind of a decent world and maintaining all that we can in the way of a standard of well being at home.

I believe that he has very admirably explained how both of those responsibilities need to be reconciled, and how he has reconciled them as one Senator for the people of his State in this particular situation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished chairman yield me time at this point?

Mr. CHURCH. Mr. President, I am happy to yield whatever time the majority leader may require.

Mr. ROBERT C. BYRD. I thank the distinguished chairman.

Mr. President, the proposal before us is directly linked to the historic Egyptian-Israeli Peace Treaty, signed on March 26.

Egypt and Israel and their respective leaders, working with President Carter, exhibited great courage in reaching this momentous breakthrough in Middle East relations.

Both countries, having shown their willingness to take risks for peace, face considerable economic challenges as well as continuing security needs.

Israel has specific requirements resulting from the relocation of air bases from the Sinai to the Negev. Egypt has extremely serious economic problems, plus the need for further military assistance.

The aid to be provided by the United States through this legislation is substantial, but it should be viewed in perspective. This is an investment in peace. By investing in peace, we are hoping to avoid the costs of war, and the costs of preparing for war—and those costs are much greater in both monetary and human terms than the costs of peace.

In monetary terms, the Department of State has calculated that the cost to the United States of war in the Middle East since 1948 has been between $55 and $70 billion, and that may be a conservative estimate.

As staggering as these dollar figures are, they do not begin to measure the real cost of the 30 years of hostility in the Middle East. It has been estimated that Middle East wars have resulted in more than 115,000 Arab and 40,000 Israeli military casualties. The Lebanese civil war and the Jordanian civil war, both of which had their roots in the Arab-Israeli conflict, may have resulted in another 75,000 and 10,000 deaths, respectively. And this appalling toll of human loss does not include the casualties of terrorism and retaliatory military action.

So, Mr. President, this special international security assistance to Egypt and Israel must be seen in this perspective, and as a part of the continuing effort, led by President Carter, to bring peace to this war-torn region.

It should also be pointed out that although the bill involves a total of $4.8 billion in assistance, the amount to be appropriated would be $1.47 billion, since much of the package consists of foreign military sales credits and loans.

In closing, Mr. President, I want to add a cautionary note. Although I have consistently supported U.S. assistance to Israel—and Israel has been the largest recipient of U.S. aid—I am deeply concerned about Israel's policy on the establishment of new settlements on the West Bank.

It has been the consistent position of the United States that those settlements are illegal. Furthermore, I believe that further settlements would constitute a major impediment to a resolution of the critical West Bank issue and to the involvement of Palestinians and Jordanians in the peace process.

During my visit to the Middle East last year, I told Israeli officials of my strong concern about the settlements. If Israel does proceed with further settlements on the West Bank, it is my conviction that this will be contrary to the interests of peace in the area.

I ask unanimous consent, Mr. President, that two recent editorials on this subject be printed in the RECORD: An editorial entitled "Why Israel helps break the law?" from the Christian Science Monitor of April 24, and an editorial entitled, "Israel Digs into the West Bank," from the New York Times of April 25.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WHY HELP ISRAEL BREAK THE LAW?

Less than a month after the signing of the Egyptian-Israeli treaty, Israel is beginning to put more stumbling blocks in the way of the next phase of negotiations. The Israeli Cabinet has approved building two new Jewish settlements in the West Bank, the occupied region which is supposed to be granted self-rule. Needless to say, the move not only violates international law. It defiantly flouts the spirit of good will which the improvement of ties with Egypt is intended to generate.

There was a time when Israel wanted to build up "facts" on the West Bank which could later be used as bargaining chips in negotiations. Surely, with negotiations now soon to be under way, even that excuse is no longer defensible. All that the continued planting of settlements, with their barbed wire and armed guards, does is further inflame the age-old hatreds between Arabs and Jews at a time when the urgent need is to try to create a climate of trust so that a genuine peace can be negotiated. How can the Palestinians in the West Bank and the Gaza Strip be encouraged to join in the diplomatic effort in the face of such Israeli provocation?

Equally, how can Israel expect ever to achieve genuine security by willfully fueling the very passions of animosity that make Israelis feel insecure?

To the international community and to many Israelis as well, these arguments are unassailable, yet the policy of settlement continues. This suggests that more than diplomatic protests are required. In light of the enormous cost which the United States will bear for implementation of the Egyptian-Israeli treaty—and of what are expected to be continuing Israeli requests for more aid—it is reasonable for President Carter and the US Congress to tie such aid to Israel's observance of both the spirit and letter of international accords.

Why should the American people be asked to pay for policies of Israel that undermine the peace process and run counter to the US national interest?

ISRAEL DIGS INTO THE WEST BANK

There seems to be three diplomatic emotions operating in Israel as the peace with Egypt is formally ratified this week.

There is outrage about the increased terrorism for which assorted groups of Palestinians shamelessly claim credit. No people can be blamed for demanding retaliation for such random murder and for finding it difficult, under the circumstances, to imagine true peace with Palestinians.

There are also signs of a certain weariness with diplomacy. The final months of haggling drained much of the joy from the peace treaty with Egypt, and the hostility in the

Arab world left many Israelis wondering how much had in fact been achieved. These are regrettable but understandable responses. Only the slow experience of peace on one front is likely now to arouse Israeli enthusiasm for negotiation on other fronts.

But a third tendency is evident and it needs to be labeled for what it is: dangerous opportunism. Exploiting the outrage and the weariness, the Israeli Government has resumed the creation of West Bank settlements. Their appearance is bound to inflame passions throughout the region and make accommodation still more difficult.

It is symbolically interesting that one of the new settlements formally approved by Prime Minister Begin's Cabinet is to be at Shiloh, 20 miles northwest of Jerusalem. When this encampment was first staked out two years ago by groups favoring annexation of the West Bank, the Cabinet took umbrage at foreign criticism and elaborately denied any political motive. This was no settlement, it said, only an archeological dig. Well, there was no dig, and now there is to be a settlement after all.

New civilian settlements in the West Bank will serve no conceivable security requirement; the Israeli Army has long since carved out the strategic high ground. Nor is there at this point any diplomatic justification for taunting the Arab world with demonstrations of Israel's power to settle into more contested land. To promote negotiation with its other neighbors, Israel should be demonstrating that it seeks only security, not more territory.

There is doubt enough about the sincerity of Israel's offer of "autonomy" to the West Bank Arabs as part of its deal with Egypt. The creation of settlements that impinge on Palestinian claims to the region plays into the hands of those who accuse President Sadat of betraying the Palestinian cause. And to add to his isolation in the Arab world is to add strain to Israel's peace with Egypt.

Violence against Israel must unfortunately be met with violence. And skepticism about diplomacy will be overcome only with patience. But the impatient appropriation of more land serves neither defense nor peace. Most likely it will undermine both.

Mr. ROBERT C. BYRD. Mr. President, I want to take this occasion to congratulate the chairman, Mr. CHURCH, and the ranking member, Mr. JAVITS, of the committee on their characteristic dedication both in their work and in their skill in handling the measure from the beginning to the point it has now reached. I say that I personally appreciate the cooperation they have given the leadership in regard to scheduling this measure.

Mr. HATCH. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield 20 minutes from the time on the bill to the Senator from North Carolina.

Mr. HELMS. I thank the able Senator from New York. I will try to be even briefer than that.

Mr. President, on March 27, I voiced my concern, in a speech to the Senate, that the Egyptian-Israeli agreement really was not a peace treaty at all and that, instead, it had all the earmarks of an invitation to further bloodshed and violence.

As the Chair will readily understand, I regretted the obligation I felt to make that statement, and it has earned for me criticism from some quarters. Nevertheless, it was something that I felt then, and I feel now, should be said about a matter of great importance not only to the United States, but to the entire world as well.

On March 27, I suggested that President Sadat would find himself dangerously isolated, that Saudi Arabia and the other oil-producing nations would increase the price of oil to the West and undertake other actions which would increase the strain upon the financial stability of the United States, that the Palestinians would turn to increased violence, that the Israelis would respond violently themselves, and that the stage was being set for yet another major explosion in the Middle East, with incalculable consequences for Israel, the Arabs, the world economy, and world peace itself.

Mr. President, I do not pretend to be a prophet. I simply analyzed the situation as I perceived it then, and I stated my apprehensions as candidly and as honestly as I could.

Today, I suggest that the Senate recognize that it is imperative that we review the events that have transpired in the few weeks since the signing of the Egyptian-Israeli agreement and consider what the future may hold unless the Senate acts and acts decisively.

In the days immediately following the signing of the Egyptian-Israeli agreement, bombs and rockets have exploded in Israel, riots have broken out on the West Bank, the Israeli Army and Air Force repeatedly have attacked targets in Lebanon, and military consultations between the Soviets and the Syrians have been intensified.

Mr. President, on April 11, the Secretary of State, Mr. Cyrus Vance, appeared before the Foreign Relations Committee to testify on behalf of the Egyptian-Israeli agreement. In the course of his presentation, the Secretary announced, and I think these are his exact words:

> "The era of bloodshed is over."

Needless to say, I viewed this optimistic assessment with some skepticism. I informed Secretary Vance that I had a number of questions about the prospects for peace in the Middle East, but rather than pose them in the open session I asked if I might submit them in writing with the understanding that the Secretary would respond to me and to the Foreign Relations Committee in writing.

That afternoon the questions were sent to the State Department by special State Department messenger, along with a personal letter from me to the Secretary of State.

I hope it may be agreed that these questions went to the very heart of the understandings behind the Egyptian-Israeli agreements.

While I hope that the State Department can eventually answer these questions satisfactorily, the fact is that they have not taken the trouble to do so in over a month now despite repeated telephone calls from me and members of my staff, and I confess, Mr. President, that this is disturbing to me and I think it should be somewhat disturbing to every other Senator who today will be asked to vote on this very vital question.

What were the questions I asked?

Among other things, I asked if this really was a peace treaty and if so why did President Sadat object so strenuously to the American security guarantees given to Israel? Does this mean that he thinks that another war is likely and he does not want to face the prospect of American Forces confronting his own forces?

I asked why the Prime Minister of Egypt in briefing his cabinet apparently called for Arab economic pressures upon the West to help secure Palestinian rights. And I questioned the appropriateness of this conduct when Egypt was asking for billions of dollars in American aid.

I asked why the State Department did not present to this Senate a draft mutual security treaty between the United States and Israel with all the obligations and contingencies carefully spelled out rather than going through the back door with security agreements so vague that the President of the United States seemingly has virtual freedom of action, particularly in the emotional climate that is certain to accompany the next Middle East war.

I asked about the meaning of the interpretation of the peace treaty by the Prime Minister of Egypt in which he apparently indicated to the cabinet that Egypt would be free, under the terms of this treaty, to attack Israel should Syria launch a military operation to regain the Golan Heights. I asked for the full text of this cabinet presentation on a classified basis if necessary.

I asked about Israel's present intentions regarding new settlements and water rights on the West Bank and about the implications of this for long-term peace.

I asked what steps the American Government might take to encourage Israel to abandon the settlement program so as to make peace possible.

I asked why the State Department should not put forth its own ideas about a comprehensive settlement of the Arab-Israeli dispute and why the Congress of the United States should not tie its future aid to the Middle East to the willingness of all parties, Arab and Israeli, to compromise and achieve an overall settlement.

I asked about the attitude of the Egyptian officer corps toward President Sadat's separate agreement with Israel and about the importance of the fact that General Shazli, the commander of the Egyptian forces which crossed the Suez Canal in 1973, has now left Egypt to command the Arab forces which have decided to continue the fight against Israel. I asked about the attitude of General Gamassy and about the prospects of President Sadat's surviving opposition from within his own country.

I asked how likely it was that the Israeli-Egyptian treaty would survive

President Sadat being removed from office if that should occur.

I asked, given the staggering price for this partial, temporary agreement between Israel and Egypt, what the probable cost of the final settlement in the Middle East might be.

I asked what range of actions the United States now contemplates in the event that the following scenario should take place:

First, let us suppose that Israel refuses to give up the West Bank, Gaza, or Golan and continues to build new settlements in these areas;

Second, discouraged by this, let us suppose the Syrians attacked Israel and as Prime Minister Khalil indicated, Egypt joins in the attack;

Third, suppose as a part of this attack a blockade against Israel develops.

Mr. President, all of these questions were asked in good faith and I think they cry out for answers today.

I asked to what extent we are weakening the international ability of American weapons manufacturers to compete by sharing with Israeli industry secret weapons technology developed at great cost by the American taxpayers and industry? Could it be that we are creating an important new world competitor in Israel that will cut into our balance of payments seriously over a period of time?

I asked to what extent the OPEC decision to raise oil prices—done the same day as the Egyptian-Israeli treaty was being signed in Washington—was related to Arab displeasure at the lack of prospects for a comprehensive agreement in the Middle East.

I asked if the flow of Arab deposits to American banks, which has become important to maintain the soundness of many of these institutions, was slowing down in quantity?

I asked to what extent we are committed to make up the difference in any subsequent Arab reductions in aid to Egypt. In other words, has the State Department promised Egypt that if Saudi Arabia cuts off their funds, that the State Department would approach Congress for yet another supplemental appropriation for Egypt above and beyond the billions envisaged in this and other existing programs?

I asked if the executive branch could assure Congress that there would be no attempt made to secure forgiveness of the foreign military sales credits to Israel and Egypt. I asked if the administration had informally promised the parties to the Egyptian-Israeli treaty that it would seek 50 percent forgiveness of the FMS credits?

These and other questions which I posed, and to which I have not received an answer are unsettling to me. I confess that I am also disturbed that the State Department now apparently feels that it no longer must provide timely answers to probing and possibly embarrassing questions from a member of the Senate Foreign Relations Committee on matters which are of the utmost urgency and concern to the American people. That is why I am on this floor today. I think it is a tragic error for the Senate even to consider approving this agreement unless and until we have the answers to these questions, and we do not have them.

The Egyptian-Israeli agreement, and the understandings associated with it are not routine pieces of business. They entail obligations that could easily lead to the involvement of American combat forces in the Middle East. They involve matters that could lead to an economic catastrophe of a global scale. And they involve billions of dollars in assistance from American taxpayers.

DANGERS ASSOCIATED WITH THE AGREEMENT AND UNDERSTANDINGS

Some individuals apparently believe that many Americans oppose elements of the Egyptian-Israeli treaty, because—and this is absurd but it has been said—"the price of peace is too high." But thoughtful critics of this agreement—and I hope I qualify as one—have reservations far more profound than this superficial formulation. They have a number of very legitimate concerns about the agreement and related understandings.

Let me list a few of them:

1. It is a multi year aid program, and as such its value as an inducement to the parties to make further compromises which will be necessary for peace is minimized.

2. It provides what appears to be military guarantees to Israel that the United States will send armed forces to break any embargo that may be imposed upon Israel in the course of a new war; this could easily involve the United States in actual hostilities.

3. This agreement is going to cost the United States far, far more than the Administration indicates it will, and its benefits are far less than the Administration promises.

4. It avoids dealing with the two most difficult and dangerous aspects of the Middle East situation: the problem of the Palestinians, and the nuclear proliferation which, because of our own carelessness, has now taken place in the Middle East.

5. The agreement puts off indefinitely any prospect that a comprehensive settlement of the Middle East will take place—and makes utterly predictable increased economic pressures upon the West in the form of higher oil prices and tighter supplies. It also increased the dangers of a new and catastrophic war which could easily involve the super powers in actual conflict.

By now, I think it is clear to most of us that this agreement is not a peace treaty at all.

In presenting the draft treaty to his own cabinet, Prime Minister Khalil apparently announced that Egypt reserved the right to join Syria in a future attack upon Israel to regain the Golan Heights.

At the same time, Prime Minister Begin's government has announced an intensified settlement program for the West Bank, and moved in other ways to integrate the water system and other aspects of the West Bank infrastructure into the economy of Israel proper. It is very obvious that Israel has no intention of returning the remaining territories captured in the 1967 war to Arab sovereignty—and it is clear there will be no peace in the Middle East until that happens.

It is my absolute conviction that we have made a fundamental mistake in our diplomacy. Rather than using our aid as a lever to encourage both sides to compromise and achieve a lasting, comprehensive settlement, all we have done with this multi-year aid program is to throw money and weapons at both sides in the naive belief that the main problem will somehow go away.

Shortly, Ambassador Strauss, President Carter's new Middle East negotiator, will be flying to this region to attempt to persuade Mr. Begin and the Arabs to be more flexible. But what leverage does Ambassador Strauss have to persuade Prime Minister Begin to reverse himself on a policy of absorbing the West Bank and other occupied territories to which his government is intensely dedicated? What leverage does he have to encourage the Arabs to compromise? I submit none.

When the treaty which we are now debating, and its related understandings, go into effect, the United States would appear to be committed militarily to assist Israel should the Egyptian Israeli peace fall apart and a new war and embargo result.

We appear to be committed to aid programs so massive so as to shield the Israeli population from the major impact of its huge defense budget and resulting inflation.

We are committed to providing oil to Israel, if need be. We are now committed to provide Israel with much of our latest military technology and weapons systems.

Now I have great respect for Ambassador Strauss' skills. But we are handing him an impossible job. The long-term aid commitments and other obligations we have undertaken as part of the understandings associated with the Egyptian-Israeli treaty have the effect of undercutting our own future negotiating position. We have, in effect, taken most of the bullets out of Bob Strauss' gun and then in effect, told him to go and bring in the James Brothers.

Just as Bob Strauss could not banish inflation when he was not given the tools by President Carter to do the job, so too will he not be able to persuade the parties in the Middle East to compromise unless President Carter and we in the Congress hand him more than a jaw bone to deal with some of the world's toughest negotiators.

What are the implications of a lack of peace settlement in the Middle East?

First. It means that the Arab powers in the region, with the help of the Soviet Union, will almost certainly intensify their military preparations against Israel, and that sooner or later the region will once again explode into war.

Second. It means the complete isolation of Egypt from the Arab world, and the organization of efforts to purge Mr. Sadat from his office. It is not clear that the treaty would survive his departure from office.

Third. It means that oil prices will continue to rise, and that Arab purchase of American goods and services, as well as Arab deposits in American banks, will gradually decrease.

Fourth. It means increased pressure on U.S. balance of payments, on the dollar itself, and on the financial health of the West as a whole.

At this point it seems possible the dispute in the Middle East may finally be resolved in one of two ways:

First. Either Israel will be persuaded to make peace with her neighbors—and this will require Israel returning the rest of the territories she captured in the 1967 war.

Second. Or, the United States must join Israel in an economic and possibly military operation to crush the Arabs altogether, and attempt to destroy or weaken the petrodollar base which enables the Arabs to maintain the long-term confrontation against Israel and the West.

All the evidence that I have been able to gather convinces me that Israel hopes to retain the West Bank, East Jerusalem, and other areas captured in the 1967 war. Israeli leadership may, therefore, be counting on the United States to make it possible for them to resist indefinitely pressures to compromise.

The commitments by the United States to assist Israel militarily should the Egyptian-Israeli Peace Treaty fall apart may be one step in this direction.

The building up of a powerful 100,000 man intervention force for the Middle East—a step now under active consideration by Secretary Brown—might be another move in this direction. The establishment of a powerful new fleet in the Indian Ocean could be a still third step.

The construction of more American military bases in the area might be a fourth step.

The reestablishment of the draft could be a fifth step. Now, if this were the only means by which peace and stability could be brought to this region, we would all have to give these policies active consideration. But this is most emphatically not the case.

Peace to the Middle East could come, virtually overnight, if Israel were willing to return the territories she captured in the 1967 war to the Arabs. This is the one thing which most objective experts on the Middle East agree upon. But Israel apparently feels that this price is too high and is not willing to give up these territories—even for lasting peace.

As a consequence every few years the Middle East explodes into war. Thousands of people die; billions of dollars are wastefully expended; American and Soviet arms clash. By every quantitative measurement, the wars in the Middle East have grown more and more violent, and the United States and the Soviet Union come closer and closer to direct confrontation and war.

Ominously the United States was forced to call a nuclear alert to prevent the Soviets from sending paratroops to Egypt during the last part of the 1973 war. The latest conflict in the Middle East—namely the Lebanese war—seemed to some to be a side show. But more Lebanese died in that brief conflict than America lost during the entire Vietnam war. And virtually every qualified observer is convinced that another Middle East war is inevitable in a very few years unless Israel returns the occupied territories to the Arabs. Equally, these observers are convinced that the unprecedented amount of weapons now in the Middle East will make the next war by far the most deadly; and that the United States and the Soviet Union will face each other down, once again. This is the kind of climate in which world wars can start—and we would be very foolish to ignore the potential of this happening here.

Perhaps most ominously from the Israeli point of view is the unpredictable nuclear environment. Because of our own lack of adequate care and security, our Government bears a heavy and direct responsibility for the nuclear proliferation which has now occurred in the Middle East. And I believe that we have a special responsibility to make a major effort to put the nuclear genie back in the bottle in this region.

To give some indication of the dangers involved, intelligence reports indicated that Soviet nuclear weapons may have been present in Egypt during the 1973 war. Had Israel used her own nuclear weapons against Egypt, there is every prospect that Egypt would have turned similar weapons on Israel's concentrated populace.

Had this happened, the world would have witnessed with horror the second great Jewish holocaust of the 20th century. These are the escalating stakes that are being played for in the Middle East today.

As I also indicated, the real cost, direct and indirect, of this agreement is likely to be far higher than the $4.8 billion in grants and benefits claimed by the administration.

Already moves are afoot to set the stage for a later finding that Israel and Egypt cannot repay the loans provided under this agreement, and that hence, there should be a waiver on repayment of interest and principle of the FMS loans. Section 3-e of this bill may actually be an invitation to default.

Some of the other indirect costs are also likely to prove substantial. On the very day that the Egyptian-Iraeli agreement was signed in Washington, Saudi Arabia cooperated in an OPEC decision to raise the price of oil by more than 5 percent. This decision alone cost the United States far more than the direct cost of the treaty itself; and there can be no doubt whatsoever that Saudi Arabia's decision to permit this price increase was directly related to her disappointment that no comprehensive settlement of the Middle East dispute now seems in prospect.

The Saudi Arabians, with their enormous production potential, could easily make up the short fall in oil supplies which are presently causing gas lines and shortages in parts of the United States. Their failure to do so is a direct outgrowth of our failure to achieve a settlement in the Middle East.

Another indirect cost of this treaty is hidden in the related agreement to share with Israeli industry our latest defense and weapons technology, developed and financed by the American taxpayer at great cost. By sharing this technology with another nation, and by agreeing to permit this nation to bid on Defense Department contracts, we are placing additional burdens on our balance of payments. More importantly, by sharing this technology with a third nation, we are, in effect, creating a new competitor for sales elsewhere in the world.

When all these direct and indirect costs of the treaty are added up, the cumulative total is very significantly higher than $4.8 billion. It is hard to see what proportional benefits have been gained for the long term.

Also worrisome to me is our new commitment to consider smashing any naval or air blockade that may be imposed upon Israel in the event that a new war breaks out in the Middle East. To me this comes very close to a mutual defense treaty, especially in view of the predictable pressures that will come on the United States to act in the emotional climate that will surround any new Middle East war.

I believe that this obligation is serious enough so that it should be presented to the Senate in the form of a draft treaty, openly discussed and debated. By slipping the obligations—more or less as an afterthought—into this larger measure, I think we are coming very close to violating the spirit, if not the letter, of recent congressional restrictions on the executive branch on involving the United States in situations which can easily lead to our involvement in war.

If, in fact, the survival of Israel were at stake, the American people would make whatever sacrifices and expenditures which were necessary. But this is most emphatically not the issue. The simple fact is that Israel wishes to retain territories which she conquered in the 1967 war at a price which the rest of the world is finding disproportional and increasingly unacceptable.

So that Mr. Begin can continue his settlement program on the West Bank and elsewhere, the American economy is suffering damage, the American motorist is standing in gas lines, the world is running the risk of major war, and the world financial structure and millions of jobs are in jeopardy.

Not a single American ally has offered to help us support the Egyptian-Israel agreement. This should be a powerful message to us.

The time has come for us to face the unpleasant fact that our present Middle East policy is approaching bankruptcy; for 10 years we have thrown money and weapons at the problem in the hope that it would simply go away. But it has not gone away. It has grown more and more dangerous, and more and more expensive.

We are now faced with the necessity for a major change in our policy:

First. We can support Israel's desire to retain the West Bank, Golan, East Jerusalem, and other occupied territories, and prepare ourselves for what will amount to economic and possibly military war with the Arabs assisted by the Soviets. This means that we must spend somewhere between $50 and $100 billion to achieve energy independence on a crash basis, and in the meantime ruthlessly cut back on nonenergy related imports so that the dollar will be able to weather any attacks on it. This program will be damaging to our major trading partners, it will damage the environment, and it will undoubtedly be very inflationary. Such a policy will also require that we prepare Israel and ourselves for the inevitable next military clash in the Middle East, which will come once it is clear that Arab economic pressures will not work in persuading Israel and her allies to withdraw from the territories captured in the 1967 war.

Second. If we are not prepared to pay this price and run these risks, then we have no choice but to make it crystal clear that future American economic and military aid to all parties in the Middle East is going to depend upon both sides achieving a permanent settlement of their dispute. Part of this policy will require us to focus on the present Israeli intention to continue building new settlements in the disputed occupied territories.

Within the past few days, the Israeli Government has announced that it intends to build at least 25 new settlements on the West Bank, and to expand existing settlements by moving additional tens of thousands of people to them. They have also indicated their intention to integrate the water system and other aspects of the infrastructure into the economy of Israel proper.

This settlement announcement, of course, has convinced the Arabs that Israeli occupation is intended to be permanent, and has cast a pall upon prospects for negotiations.

If we in the Senate of the United States are to show any seriousness of purpose at all, it is vital that we make it clear to Prime Minister Begin that these settlements must stop, or American aid will stop.

If we do not do this, the settlement process will inevitably continue, the Egyptian-Israeli agreement will collapse, Palestinian violence and Israeli counterviolence will increase, and the economic and military confrontation between Arab and Israeli will rapidly intensify. Events will then dominate us and force us all down the road toward war.

All these developments are deeply saddening to me. This year there was an opportunity to achieve a comprehensive settlement, and we may have come close to achieving it. But now it appears to be slipping through our fingers, and instead of encouraging peace we may wind up merely arming both sides for yet another war.

For all these reasons, I intend to oppose further American aid to the Middle East until Egypt publicly reverses its present policy of retaining the option to attack Israel should Syria attempt to regain the Golan Heights by force; until Israel agrees to stop its settlement program in the occupied territories and agrees in principle to return these areas to Arab sovereignty as part of a comprehensive settlement; and until all parties sign the nuclear nonproliferation treaty.

At that time, I would be happy to lend my support to a regional mutual security agreement involving Israel, the moderate Arab powers, and the United States.

But until the Arabs and Israel show greater willingness to make peace with each other—real and lasting peace—I intend to oppose further aid to all parties in this region.

Mr. CHURCH. Mr. President, it has been argued by the able Senator from North Carolina that the Israeli-Egyptian peace treaty will not promote prospects for peace in the Middle East and it may, in fact, preclude any opportunities for a comprehensive settlement in the region. He has argued that until there is a comprehensive peace, this treaty is nothing more than an illusory document which avoids reality.

No one would argue that a comprehensive peace is not in the best interests of the United States, our allies, and the countries of the region. In fact, this is the principle underlying the Camp David agreement, which is intended to lead to a comprehensive settlement of the Arab-Israeli dispute.

The goal of all involved in this process is a permanent and lasting peace in the Middle East. However, for us to accomplish this goal there has to be a beginning. The history of the past 30 years of hostility in the region has been one of unremitting fear, distrust, hatred, and lost opportunities.

The situation has been so fraught with political and emotional complexities that it defied resolution. Yes, the road to a permanent and comprehensive peace remains a tortuous one. The issues of Palestinian rights, old Jerusalem, the Golan Heights, and the future status of the West Bank and Gaza will not be amenable to easy or simple resolution. But a beginning has been made.

A solution to the problems of the Middle East has appeared to be so intractable for so long. Therefore, I cannot overemphasize the importance of, and I think the American people appreciate, the fact that the two major military protagonists to the Arab-Israeli dispute have ended effectively a 30-year state of war. For the first time in 30 years, an Arab nation and Israel have sat down face to face and negotiated their differences, rather than facing off on the battlefield. It is an impressive accomplishment, with each side assuming sizable risks.

Yes, there are risks associated with this peace treaty. However, President Carter, President Sadat, and Prime Minister Begin realized the risks inherent in not capitalizing on this opportunity. They seized the moment, recognizing that had they not, it could be lost forever.

There are all too few moments in history which afford nations and leaders the opportunity to cast suspicion, fear, and mistrust aside; to step back from the cataclysm; to break with the past and look to the future. The pages of history are strewn with the human carnage of missed or lost opportunities. This is one of those moments in history. The two major protagonists to the Arab-Israeli dispute had the courage and foresight to turn from the past and seize the opportunity of the present, for all the risks it entailed.

Have we broken this cycle of human suffering in the Middle East? Only time will answer this question. However, one thing is certain: two leaders and two nations have determined their futures are much more secure with peace than war. Had they not, what would have been the prospects for at least beginning the process of casting off the psychological chains of the past?

The unresolved issues in the region are difficult, and if left unresolved the stability of the area will be tenuous at best. However, it is simply not enough to say that these are the barriers to a lasting peace; that if only reason could prevail, then it would be possible to make the necessary accommodations for a comprehensive peace all at once.

It is simply not enough to say that Israel should accept an independent Palestinian state when her women and children remain the primary targets of terrorist attacks. Would we accept the risk of increasing the vulnerability of our own women and children, no matter how remote that possibility might seem to be?

It is simply not enough to say that the Golan Heights can be returned to Syria. In the absence of ironclad guarantees creating a demilitarized zone out of such a strategic piece of land, would we Americans welcome the risk of artillery pieces once again aimed at our heartland?

We recognize both of these problems are vital to a comprehensive settlement; but given the history of violence in the area, it is not a solution which will come easily. The solutions to both of these problems, hopefully, may come in time, but only after negotiations based on a growing trust and confidence have been completed.

What we can say, with a high degree of certainty, is that two nations—one Arab and one Jewish—have taken it upon themselves to demonstrate they can work together in peace. While this might be a fragile beginning, it is nevertheless a beginning. The psychology of 30 years of hostilities is being turned around.

This is the process begun by the Camp David agreement. And that is why what the Senate does today in approving this Special International Securtiy Assistance Act is so important. This legislation is designed to reinforce and strengthen the process. It is designed to promote the confidence of Israel and Egypt that the security needs and the economic well-being of their people are better served by peace than war, and by close association with the United States. And if this can be demonstrated to be an effective approach to the problems of the Middle East, then the prospects are enhanced that all parties can approach the remaining issues with confidence and a higher degree of certainty than has ever been the case before.

It is not an easy task to replace the foundations of war—fear, mistrust, and hatred—with the foundations of peace—confidence, cooperation, and trust. But we have made progress. Hopefully, when we finish the process, the foundation will have become strong and permanent.

We must allow the Egypt-Israel peace the opportunity to take root and flower. It is built upon compromise, tolerance, and a spirit of give and take. And these are the very ingredients which will lead to a comprehensive settlement. But first, it has to be demonstrated that the benefits of this process far outweigh the risks of war.

Mr. President, I simply close with the thought that for many years, many spokesmen, and many statesmen from many nations, have talked about the importance of achieving a comprehensive peace in the Middle East—one that sets to rest all of the vexing issues between Israel and her neighbors.

But, Mr. President, all of this talk through all of these years has never moved the Middle East a single step closer to peace. The genius of the Camp David agreement was that it established a formula which permitted Israel and Egypt to make peace within the framework of a process which will permit all parties to consider the remaining unresolved issues within the next 5 years. Thus at least the door to peace was edged open, and the first step taken was the treaty signed between Israel and Egypt.

To say that this beginning does not cover and conclude all of the issues still to be resolved in the Middle East certainly constitutes no argument against what has been accomplished, and is no reason for voting against the pending bill. We cannot have it our way. The world cannot have it its way. The parties to this long-standing dispute that has flared up in four different wars within 30 short years are not today in a position to resolve every outstanding issue.

So we must take it one step at a time, welcoming the fact that the two principal countries, Israel and Egypt, have found a way to enter into a peace treaty. Thus, they have started the process which all of us hope will lead ultimately to a just and equitable peace between Israel and all of her Arab neighbors.

The Senate of the United States, by giving its support to this legislation, will take a significant step in moving that process forward.

The PRESIDING OFFICER (Mr. MATSUNAGA). Who yields time?

Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I am reminded in this debate of a military action where there is a breakthrough, which we have just had, the Egypt-Israel peace treaty, and the immediate reaction of those who would oppose the parties that have broken through, who seek to contain it, moving from the flanks of the operation. That is exactly what has happened. The Arab nations have moved together to contain this breakthrough for peace, and they then hope to destroy it by channeling it and weakening it. Hence, the first shot which is being taken at Egypt by Saudi Arabia, a former supporter, has actually moved away from it and joined, as it were, the opposition. Saudi Arabia, which is our close friend and which is heavily dependent upon us at this moment for security, appears to be turning away from us. I do not think it is and I do not think it will, but it looks that way. Generally speaking, the whole Arab world is hostile.

What we are being asked to do by the Senator is to yield to that, to accept that as the situation, and to say that it is not worth financing this peace effort because the initial breakthrough has engendered this opposition.

Mr. President, that is precisely why we are financing it. The big problem with American policy is that it does not follow through. It tries something out. If it does not work, we depart from it. Or, that it makes the mistake we did in Vietnam, that we dig our feet in concrete and we cannot move but we know we have made a serious mistake.

Now we are offered, Mr. President, this opportunity. We first had our feet in concrete for years. We will not be a mediator, we will not be what Sadat called us, a partner, because that is too much involvement in the Middle East.

Finally, we broke that syndrome, and I give President Carter full credit for that. Whatever may be his other imperfections, he certainly was determined on that one.

And now that we have done it, Mr. President, it is so easy to tout us off because it is costly, because there is intense opposition, because the Israelis will continue with settlements anyhow.

But, Mr. President, I heard the same arguments in reverse when we were talking about giving jet aircraft to Saudi Arabia, and I was one of the arguers. The argument then was these are our close friends; we have to arm them.

All that indicates, Mr. President, is that these things change very, very rapidly. The only policy we know about is our policy, and our policy has suffered in the Middle East for over 30 years because we did not have a position from which we could move toward the stabilization of the area. I leave the word peace aside. Really, it does not deserve to be mentioned. There is not going to be peace in that area for 10 to 20 years. Look at Iran. In flames. Look at Lebanon. Look at Syria threatening, as Senator HELMS said, to retake the Golan Heights; at King Hussein sulking in his tents, and the Saudis changing completely in about 6 months, and I predict they will change back again. They are just responding to the present dangers which are the Arab radicals. Tomorrow, if the Cubans get moving in Ethiopia, they will respond to the other danger, which means an attack on themselves, and they will be our best friends.

So, Mr. President, in this situation it is the position from which we can move which counts. The position which we have now established is that Israel and Egypt are not at each other's throats and, therefore, both can move in other directions that, if they do, and I believe there is a good chance they will, it is worth the investment. It is worth not $4.7 billion; it is worth $47 billion and more because that is what it will cost us and will cost us again if war persists. It is confidently predicted that oil will sell for $85 a barrel in 1985. That means that whereas we are being sweated now by the OPEC trust——

The PRESIDING OFFICER. The Senator has 1 minute left.

Mr. JAVITS. I yield myself the 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. JAVITS. It will not cost us $40 billion, which we are paying today, but $80 billion or $100 billion.

I know the Senator's doubts and it will be our job in the Foreign Relations Committee to operate to try to remove those doubts by meeting the situation. In all the time I have worked on this, over 30 years, I do not know of a time that we have had a better base from which to work this one. It is worth everything we are betting.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, how much time have I remaining on the bill?

The PRESIDING OFFICER. The Senator from Idaho has 27 minutes.

Mr. CHURCH. Mr. President, I yield 2 minutes to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 2 minutes.

Mr. BRADLEY. Mr. President, the fragility of the peace achieved by the recent treaty between Egypt and Israel makes it particularly important that the United States do whatever it can to support that peace.

The President has asked Congress to approve a Middle East peace package for $4.8 billion dollars to assist both Israel and Egypt in meeting their commitments under the new treaty. The real cost to the United States will be far less than that because $1.1 billion of the total will be given in grant form. The remaining $3.7 billion will be offered in the form of credits under our foreign military sales program. This is indeed a small price to pay for the prospect of peace; it is a fraction of what we would pay for war. Israel's withdrawal from the Sinai, including the dismantling and reconstruction of two of the world's most modern air bases, Etam and Etzion, is expected to cost in the vicinity of $10 billion.

Egypt too will need to strengthen its forces against the danger of external sanctions and its loss of finance support from oil-rich Arab countries. It will better weather this fragile period if the benefits of peace can be swiftly demonstrated to its people.

The President also has agreed to a memoranda of agreement and an oil supply agreement between the United States and Israel which facilitate the Israeli-Egyptian agreement.

The memoranda provides for a continuing role for the United States in assisting in the interpretation and implementation of the central treaty. Its aim is to enable Israel to move forward with confidence by committing the United States to consult with Israel if the treaty is violated. The United States is not committed to take action, but may, on its own, consider an appropriate remedial response, in full conformity with our constitutional procedures.

The oil agreement eases the burden to Israel of relinquishing the Sinai oil fields which have been under its control. Under this agreement, the current commitment of the United States to supply Israel with its oil needs when alternative sources are not available, is extended from 5 to 15 years. The 5-year oil guarantee has been in effect since 1975 and Israel has not once invoked it. Americans know that Israel, determined to remain self-reliant, will call on the United States to make good its commitment only as a last resort. We hope Israel will face no oil emergencies, but if they do, we will be ready to meet our commitment.

We have all waited far too long for peace in the Middle East—for the day when all the inspired peoples who inhabit that beautiful region are free to turn from the debilitating work of war to the invigorating labor of peace. We will, we know, have to wait still longer. There is not yet a comprehensive formula for peace; there is only a central equation. All parties must find the courage to continue in the search for that formula. The bill before us will facilitate that process.

Mr. CHURCH. Mr. President, I yield such time as he may require to the able Senator from Maryland (Mr. SARBANES).

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I rise in strong support of S. 1007, the Special International Security Assistance Act of 1979.

This legislation is an indispensable corollary to the peace treaty signed by Israel and Egypt on March 26 of this year, a treaty ending a state of war which had existed for more than 30 years, ever since 1948. That consequence of the treaty, in itself, is an important achievement.

The broader significance, however, derives from the fact that it reflects the desire shared by the peoples of Israel and Egypt for peace and cooperation in place of the hostilities or the constant threat of hostilities which for more than 30 years have been their fate.

The treaty should be seen in the proper perspective. It is the beginning—not the end—of a peace process which if fully successful will one day engage the entire Middle East. That process is certain to be long and difficult for it takes more than an agreement on terms to insure a durable peace, even when, as in the present case, the terms are reached through arduous negotiations extending over a period of nearly 18 months. Former Israeli foreign minister Abba Eban rightly observed in 1974 that—

> The real guarantee of peace lies not so much in precise formulations as in the creation of common regional interests, in such degree of intensity, in such multiplicity of interaction, in such entanglement of reciprocal advantage, in such mutual accessibility, as to put the possibility of war beyond any rational contingency.

In terminating the state of belligerency, the treaty lays the foundation for developing those relationships which Mr. Eban correctly identified as the true components of peace.

The treaty is an act of courage on the part of Israel and Egypt, on whose peoples it will in the short run impose heavy economic burdens. Egypt now faces virtual isolation within the Arab world, with obvious adverse implications for the domestic economy. The treaty imposes upon Israel an even more immediate and tangible obligation: the relinguishment of the Sinai airbases and other defense facilities and the pulling back with respect to territory which has constituted its front line of defense.

The immediate economic consequences of the peace, for the new obligations must be translated into economic terms, are severe. Israel, with a 66-percent tax rate, an inflation rate of more than 50 precent, faces the prospect of assuming very heavy burdens, even with the assistance which the United States is providing in this package.

Israel has an annual debt repayment now of $1.6 billion a year on an external debt of $11.8 billion.

That figure of nearly $12 billion in external debt roughly equals the Israeli gross national product. Israel will assume, with regret to the assistance in this package, an additional interest payment burden of $200 million a year in order to carry out the new defense arrangements necessitated by the treaty.

Mr. President, I point out that the assumption of an additional obligation of $200 million for a nation with a $12 billion economy would be comparable, if translated into U.S. terms, where we have a $2.2 trillion economy, to the assumption of approximately $37 billion in additional obligation. That, I think, gives us some perspective on the very heavy extra obligation which Israel is assuming in order to try to make peace work.

It is for this reason that S. 1007 leaves open the possibility, in future years, of reviewing the terms of the loans authorized by the act for the Governments of both Israel and Egypt. Thus section 3(e) of the act provides:

> (e)(1) The Congress finds that the Governments of Israel and Egypt each have an enormous external debt burden which may be made more difficult by virtue of the financing authorized to be extended by this section.
>
> (2) The Congress further finds that, as a consequence of the impact of the debt burdens incurred by Israel and Egypt under such financing, it may become necessary to modify the terms of the loans authorized under the provisions of the Act for the Governments of Israel and Egypt in future years.
>
> (3) In order to assist the Congress in determining whether any such assistance for Israel and Egypt is warranted, the President shall transmit, commencing January 15, 1980, and each year thereafter, an annual report to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate regarding economic conditions prevailing in Israel and Egypt as may affect their respective ability to meet their repayments of principal and interest under the financing authorized to be extended by this section. In addition to such annual report, the President shall transmit a report containing such information within thirty days of the receipt of a request therefor from the chairman of the Committee on Foreign Relations of the Senate or from the chairman of the Foreign Affairs Committee of the House of Representatives.

We in the United States have as much to gain in the long run from peace in the Middle East as the peoples of Egypt and Israel and others in that troubled area of the world. The United States must be as committed as the signatories of the treaty of insuring the success of the peace. The legislation now before us is the reflection and expression of that commitment. It calls for investment in military and economic assistance in order to bring about continued movement toward lasting peace. The cost to us of the help contained in this legislation must be seen in the comparative perspective of the estimated $55 to $70 billion cost of the four wars already fought in the Middle East since 1948, not to mention the human costs which are incalculable in monetary terms.

While many view the responsibilities we assume in this bill as a burden, they should also be seen as an opportunity—an opportunity to carry forward the initiative undertaken by Israel and Egypt in signing the peace treaty, an opportunity to strengthen their interrelationship in such a way that the movement toward peace will be reinforced, an opportunity at last to achieve a durable peace. If that is accomplished, we shall look back upon the investment contained in this legislation as one of the wisest and most prudent ever undertaken by the Congress of the United States.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SARBANES. I yield to the Senator.

Mr. JAVITS. Mr. President, I thank the Senator for his very helpful contribution to this debate. It is characteristic of his position, a position which he has carried on, to my knowledge, both in the committee and on the floor for years. It is tremendously helpful to the passage of this legislation.

Mr. SARBANES. I thank the Senator.

UP AMENDMENT NO. 144

(Purpose: To prohibit the availability of funds to countries not parties to the Treaty on the Non-Proliferation of Nuclear Weapons)

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I believe the Senator from North Carolina has an amendment for which 1 hour's time, equally divided, has been allocated. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. President, I send to the desk an unprinted amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 144.
>
> At the bottom on page 8, add the following:
>
> NON-PROLIFERATION OF NUCLEAR WEAPONS
>
> SEC. 6. No funds authorized to be appropriated under this Act may be made available to any country which is not a party to the Treaty on the Non-Proliferation of Nuclear Weapons.

Mr. HELMS. Mr. President, I yield myself such time as I may require. I ask that the Chair notify me when I have used 15 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, along with many Americans, I am deeply concerned that the United States is increasing the potential level of conflict in the Middle East by supplying two possible combatants with an overabundance of modern weaponry.

I am as deeply concerned that neither Egypt nor Israel has ratified the nuclear nonproliferation treaty, leaving open the real specter of nuclear conflict in the area.

Because of these and other concerns, I cannot in good conscience support this legislation.

ARMING THE PEACE?

I fear that we may be doing little more than arming the peace with this legislation. By providing both parties to the treaty with advanced weaponry, we raise the level of potential conflict to an unacceptably high level.

Who can say that cool heads always will prevail in Egypt, which itself attacked Israel only 6 years ago? Will cool heads always govern Israel, which attacked Egypt 12 years ago? Both nations have been the aggressor against the other within the short period of a dozen years. Just how worthwhile are a few scraps of paper when passions are inflamed and weapons exist to turn rhetoric into a raging war?

Today, the United States finds itself in a dilemma. It was our President who put his and our Nation's prestige on the line in seeking an agreement between two of the feuding factions in the Middle East. The President has been applauded for his bold initiatives; indeed, after Camp David, I was among the many who praised him for his attempt to bring about a Middle East peace settlement.

But we all hoped it would be a comprehensive settlement, not merely an agreement between only two parties to the overall conflict. Perhaps, we reasoned, the President is only beginning the process of a comprehensive settlement. Alas, we were wrong. It appears that the President and his advisers found themselves caught up in the dynamics of the situation. Their press reports raised the level of expectation higher than they could deliver at the moment. A settlement, any settlement, was sought, in the hopes of some solution.

So, we have the peace treaties between Egypt and Israel, with the full participation of the United States.

But is this enough? I fear that it is not.

A COMPREHENSIVE SETTLEMENT

Americans want peace in the Middle East, not just two parties armed to the hilt in preparation for another war. Will they fight each other? We pray not. Will they fight Syria, or Libya, or Jordan, or Iraq?

This legislation obviously assumes that there may be a fight. Why else would we arm two parties in the area? Meanwhile, the parties not armed by us either wait to see what happens, or obtain arms from the Soviet Union. Already, we have the spectacle of Syria and the Iraqis arming themselves to the teeth with Soviet weapons.

What kind of peace is this?

There will be no peace until the United States pursues a policy of peace for the entire Middle East. A comprehensive peace must be one based on our own national interest, and not that of any one or two, or three, of the multitude of parties to the Middle East conflict.

Our allies must become those who truly desire peace; our enemies, those who seek nonpeaceful means of action.

We cannot afford the luxury of taking sides in the Middle East. Our trade deficits alone should tell us that; the potential level of conflict, should there be another war in the Middle East, amply demonstrates my point.

Therefore, I sought to lower that level of conflict.

NONPROLIFERATION OF NUCLEAR WAR

During the committee's deliberations on this measure, I sought to limit aid, so that U.S. assistance would go only to those parties which have ratified the nuclear nonproliferation treaty.

Neither Egypt nor Israel has done so; while Egypt has signed the treaty, it has not ratified it. Israel has neither signed nor ratified the document, which now has been signed by 99 countries, ratified by 88, and acceded to by 14.

Nor, might I add, have Saudi Arabia, the United Arab Emirates, or Bahrain signed this treaty. I urge them to do so.

It is important for this treaty to be signed and ratified by all parties to any potential Middle East conflict. The world can little afford, nor does it desire, a conflict in the Middle East, especially one in which nuclear weapons might be employed. Yet, we face that specter now. Israel is reported to have more than a dozen nuclear weapons; and ominous reports exist from the time of the 1973 war that the Soviet Union had supplied Egypt with nuclear weapons for use if and when Israel decided to utilize its nuclear option.

Who can offer assurance that the Soviets are not already supplying Syria and Iraq with similar nuclear weaponry, to guard against such an eventuality?

Thus, the first step toward a comprehensive peace that the United States could employ is to make the Middle East a nuclear-free zone, to seek a reaffirmation by all parties in the area that nuclear war is out of the question.

I urged this in committee. I urge it now, as this legislation goes before the Senate.

ISRAEL'S NEEDS

For Israel, a comprehensive peace means recognition of Israel's right to exist as a free nation, within defined and safe borders, at peace with its neighbors.

Are those the borders of Israel today? Nationalist demands by Arabs, especially Palestinian Arabs, say no.

Nationalist demands by Israelis, buoyed by the thrill of conquest in 1967 and a strong desire to have defensible borders by their own definition, say yes.

We must confront the serious question as to whether the United States can allow itself the luxury of continuing to uphold the Israeli conquests of 1967. The fact is that real peace and security for Israel can be had within the 1967 borders with adequate guarantees from Israel's allies and treaty commitments from surrounding Arab States.

Matters like the Golan Heights, Gaza, Jerusalem, and the West Bank cease to be problems in the context of an overall and comprehensive settlement, properly guaranteed.

ARAB NEEDS

Israel's Arab neighbors must recognize once and for all Israel's right to national existence. They appear to be willing to do so, with adequate resolution of the homeland problem of millions of Palestinians and return of conquered lands.

The Palestinian problem is a perplexing one, when viewed in the light of continuing struggle. Yet seen in another light, that of a genuine move toward peaceful resolution of all problems between Israel and the Arabs, the problem surely can become manageable.

It is not necessarily true that any Palestinian state created in the Middle East will be a Marxist one, or controlled by the Soviet Union. It is in nobody's interest for this to happen. The Saudis do not want this, nor do the Jordanians, nor the Lebanese, nor the Israelis. Thoughtful Syrians and Iraqis do not want a Soviet foothold in their area.

Thus, Arab needs for a Palestinian homeland, and for a return of conquered territories, appear more reasonable when removed from the rhetoric of confrontation politics.

CONCLUSION

While the proponents of this legislation sincerely feel that it is a fundamental step toward peace in the Middle East, I cannot agree with them.

Rather, it appears to increase the risk of another war there, for reasons I already have outlined.

I sincerely hope that the President will redouble his efforts toward a comprehensive settlement in the Middle East. A war between Israel and its Arab neighbors—be it Egypt, Syria, Iraq, Saudi Arabia, or any other nation in that volatile area—is certain to embroil the region in a costly and bloody war. The level of conflict will be much greater than in previous confrontations; the devastation will be worse; the hope for reconciliation after such a conflict will diminish in direct proportion to the heightened level of conflict, which we only fuel with this legislation.

For the United States, the ultimate loser is our Nation. Any future conflict in the Middle East can only destroy the oil fields so vital to us and to our allies. Friends cultivated over so many years, both Israeli and Arab, will be lost. The Soviet Union will be the only winner in any Middle East conflict. Thus, it is incumbent upon us, as a nation, to seek a comprehensive and lasting peace, one which lowers the level of conflict at the beginning, and—over time—diminishes the chance of conflict to a low level. Then, if arm the Middle East we must, it will be to arm all of our allies as need be against an outside threat. We can no longer afford internecine warfare in the area.

A NUCLEAR-FREE ZONE IN THE MIDDLE EAST

Mr. President, no one wants nuclear war. Certainly, no one in the United States contemplates the specter of nuclear war anywhere in the world except with grave foreboding.

Once begun, who can say with assurance that the great powers will not be dragged into the conflict?

Thus, it has long been U.S. policy to lower the possibility of nuclear war. Thus, we have engaged in a long and tedious SALT process with the Soviet Union, hoping to limit the potential of nuclear war with them by written agreement. In that instance, we have sought to lead by example.

Too, we have signed and ratified the Nuclear Non-Proliferation Treaty, again trying to lead by example. Further, we have placed stringent controls on the transfer of our nuclear technology and high-grade nuclear materials to foreign nations in hopes of preventing any of them from using our nuclear assistance for military means.

THE NUCLEAR CLUB

In spite of our attempts to prevent the proliferation of nuclear weapons, the nuclear club has grown. The most recent example that comes to mind is India. The chilling knowledge that India has nuclear weapons confronts India's neighbors daily.

Thus, today we face the real possibility of India's neighbor and rival, Pakistan, joining the nuclear club in response to India's initiative. This is not a pleasant thought, especially in light of the history of the region. India and Pakistan have been in shooting wars only too recently. Who can assure the world today that there will not be another such shooting war in the future, possibly one in which a last resort is made to use of nuclear weapons?

Who else is in the nuclear club today? The United States is the charter member; then the Soviet Union, France, Great Britain, and the Peoples Republic of China—and India.

Who is seeking to join that club? Press reports point to Pakistan on the Indian subcontinent; at various times to Japan, South Korea, and Taiwan in Asia; and to Libya, Iraq, and Israel in the Middle East.

Of the three countries mentioned in the Middle East, Israel is reported reliably to be a member of the nuclear club already.

THE SEARCH FOR NUCLEAR WEAPONS IN THE MIDDLE EAST

Rumors abound about efforts of Libyan strongman Qaddafi to obtain a nuclear weapon. Did he go to China to buy one? Will the Soviets sell him one? Can any of the numerous terrorist groups that Qaddafi funds so lavishly steal one for him?

To date, there is no reliable information that Qaddafi has succeeded in his mad quest. Neither his Soviet patrons nor the PRC has entrusted such a deadly devise to Libya's leader. But, his quest continues.

The Iraqis also have sought to build up their nuclear capability. Recently, Iraq sought to acquire modern reactor capability from France. Included in the deal for two modern research reactors were 154 pounds of highly enriched uranium, enough uranium, properly processed with technology available to Iraq, to make as many as 10 nuclear bombs.

The transfer of the technology, reactors, and uranium stirred enough protest from someone to sabotage the deal. On April 6, the warehouse in France housing the core elements of the reactors was blown up. Immediately, environmentalist groups claimed credit, citing the Three Mile Island nuclear reactor accident as their reason.

Soon, however, other theories emerged. The explosion was too carefully engineered, using detonators generally available only to the military. Environmentalists would not have access to such material, it was speculated. Perhaps the sabotage was the work of professionals, it was speculated. Soon, the finger pointed to the Israelis. Iraq remains an implacable foe of Israel. Israel has good reason to fear that the Iraqis might divert the 154 pounds of uranium to military use.

Thus, it has been reasoned, the Israelis struck.

Let the Senator from North Carolina be clear, he does not know whether this is accurate or not, but the number of instances in which this speculation has been repeated commands all of us to be attentive to it.

It will take 2 years for France to replace the two reactors destroyed in the blast. During that time, Iraq will be without benefit of the reactors and, presumably, the uranium that goes with them.

Mr. President, the entire matter of the destruction of the two reactors bound for Iraq has been carefully detailed in an article written for Knight-Ridder newspapers by Theodore Stanger.

I ask unanimous consent that the article by Mr. Stanger, which appeared in the Philadelphia Inquirer, entitled "Israel Suspected in Reactor Bombing," be printed in the Record at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

ISRAEL SUSPECTED IN REACTOR BOMBING

(By Theodore Stanger)

Paris.—It was 3 a.m. of a still, moonless Mediterranean night when three individuals in a small vessel pulled alongside a cavernous warehouse on the docks at La Seynesur-Mer in southern France.

Quickly and silently, they climbed over the three barbed-wire barriers and slipped into the warehouse itself, where they found eight dome-shaped crates sitting on the concrete floor.

Working with rubber gloves and flashlights, they attached tubes of a plastic explosive to the heavy crates and connected 9-volt batteries—the same kind used in transistor radios—to the condenser-type fuses.

Their work done, the intruders left the building as stealthily as they had entered.

The ensuing explosion at the Mediterranean Naval & Industrial Construction Co. warehouse destroyed the core elements of two brand-new nuclear reactors, scheduled for delivery a few days later.

THREE MILE ISLAND CITED

Soon after the April 6 blast, a telephone caller claimed that an environmentalist group had destroyed the reactors "to protect humanity from the dangers of nuclear radiation." In the wake of the nuclear accident at Three Mile Island, it seemed plausible, even though no one had ever heard of the group.

However, police investigators and representatives of French counterintelligence have now discarded that conclusion. They are looking into the possibly that Israel was the perpetrator.

The Israelis have neither confirmed nor denied the suggestion, because so far it has not been made officially. In addition, a news blackout has been imposed on the investigation. Still, a number of unofficial leaks indicate that an Israeli commando squad may have scored a spectacular coup in the tradition of the 1976 raid on Entebbe.

The main reason for Israel's being suspect is that the two research reactors destroyed were headed for Iraq, an Arab nation that remains an unyielding foe of Israel.

POTENTIAL BOMBS

Also, the deal by which the Iraqis brought the reactors from France included delivery of 154 pounds of 93 percent enriched-uranium fuel. Such enriched uranium can be converted—through a fairly straight-forward centrifugal process available to Iraq—into uranium of the quality used in atomic bombs.

Iraq conceivably could have built 10 bombs with the French supplied uranium. Israel has complained to France about that through diplomatic channels ever since the sale was agreed on in 1975.

The explosion at La Seyne-sur-Mer also had a professional touch unlikely to be found in an environmentalist group. And the saboteurs may have had some inside help.

They used a sophisticated type of explosive and fuse that is available only to the military. They picked out the right warehouse, even though there were several others just like it in a row. They had a key to the building. They were able to turn off a complex alarm system that only a handful of workers knew about.

Finally, even though the Iraqi crates were marked only with a secret code and were located among other crates with reactor components to be delivered to West Germany and Belgium, the intruders singled out the Iraqi components for destruction. The Belgian and West German components were affected slightly by fragments from the bombs.

The Iraqi reactors, however, were destroyed. It will take two years to build new ones.

So far, the investigation reportedly has concentrated on questioning workers and officials connected with the project and checking their bank accounts for large deposits. An Israeli ship was moored at La Seyne-sur-Mer's port the evening of the bombing, and French investigators reportedly have questioned crew members.

If Israelis were indeed responsible, France may prefer to let the matter drop to avoid embarrassment.

French officials still have not forgiven Israel for sneaking five French built gunboats out of Cherbourg-Harbor on Christmas Eve 1969. Israel had ordered the boats, but President Charles de Gaulle had embargoed them after the 1967 Mideast war. (De Gaulle also embargoed Mirage warplanes that Israel had bought, and he refused to return the money.)

Mr. HELMS. Mr. President, what this means is that Iraq will continue its quest for nuclear capability. And, I am afraid, Iraq also will continue its intransigent attitude toward Israel, especially if the press accounts I have just mentioned are correct.

Thus, two Arab powers appear to be in diligent pursuit of some form of nuclear capability for military purposes. The potential for nuclear confrontation in the area continues to grow. These events are frightening in and of themselves. But when the Israeli nuclear factor is added to the equation, we face a very serious problem, indeed.

ISRAEL JOINS THE NUCLEAR CLUB

Why are the Iraqis and Libyans so diligent in their pursuit of advanced nuclear capability? No one knows for certain, but it is well to raise the question of whether their actions are not a response to alleged possession by Israel of nuclear weapons.

Does Israel have the bomb? If press reports and other documents are to be believed, there is a strong possibility that Israel, indeed, has become a member of the nuclear club.

Mr. President, the story is complex, involving the possible diversion of a large quantity of strategic nuclear material from a processing plant in the United States in the midsixties. There is even a charge of coverup of the charges of diversion, with serious investigations having been initiated by a congressional committee, the Department of Energy, the Nuclear Regulatory Commission, the FBI, the CIA, and other responsible parties at one time or another.

In the midsixties, an alleged loss of some 206 pounds of weapons-grade uranium became the subject of an investigation by the Atomic Energy Commission. The loss, technically termed a "diversion," took place at the Nuclear Materials and Equipment Corp., or NUMEC, located in Apollo, Pa.

The President of NUMEC was a former chemist with the Manhattan project, which originally processed uranium into weapons grade material. Zalman Shapiro left the AEC in the midfifties and formed NUMEC to handle nuclear material under the atoms for peace program. NUMEC prospered, with many United States and foreign clients. At one point, NUMEC had 26 such clients, including Israel. Additionally, Shapiro was engaged in a number of projects with the Israelis, including one dealing with the irradiation of agricultural goods.

Shapiro represented some Israeli interests in the United States, and traveled often between the United States and Israel.

It was on several of these trips that it has been alleged that Shapiro transferred to Israeli nuclear scientists more than 200 pounds of weapons-grade uranium.

Several investigations of the loss of more than 500 pounds of weapons grade uranium at the NUMEC facility brought a number of fines for Shapiro. Shapiro paid $929,000 in fines for the losses. Where Shapiro got the money is not clear; his company was in poor financial shape at the time he paid the fine; shortly afterward, he sold out to Atlantic-Richfield Co., and moved to Westinghouse.

Meanwhile, the matter languished. Several investigations were undertaken into the losses at NUMEC, with no real conclusions drawn. It is alleged that the magnitude of the NUMEC losses were such as to force a reappraisal of AEC security procedures at facilities of AEC subcontractors like NUMEC.

By the late 1960's, the CIA felt it had conclusive proof that Israel had material to fabricate a nuclear weapon.

Today, the allegation—and I reiterate that it is an allegation—that Israel has nuclear weapons is taken as an accepted fact by most observers of the Middle East scene. Even Israelis admit that they have the capability to build nuclear weapons, as the headline of a December 4, 1974, Washington Post story exclaims: "Israel Says It Could Build Nuclear Weapons."

Mr. President, I have given only a very short recitation of the detailed, often complex way in which Israel is alleged to have acquired nuclear weapons capability.

Mr. President, so that Senators may have the full benefit of press accounts of the story, I ask unanimous consent that a number of articles be printed in the Record. They are as follows:

"Israel Says It Could Build Nuclear Weapons," Washington Post, December 3, 1974, by Victor Cohn.

"The American Connection: How Israel Got the Bomb," by John J. Fialka, the Washington Monthly, January 1979.

"Report CIA Had Proof in '68 Israel Had A-Bomb Material," Chicago Tribune, December 9, 1977.

"Israel and the Bomb: Secret File Provoked a Storm," Washington Star, March 2, 1978.

"Israel A-Bombs Put at 13, Reported Set To Use Them in 1973 War," Washington Post, April 5, 1976.

"CIA Believed in 1974 That Israel Had Bomb," Washington Star, January 27, 1978.

"CIA's Top-Secret 'Mistake' on Israel and the Bomb," Washington Star, January 28, 1978.

There being no objection, the articles were ordered to be printed in the Record, as follows:

ISRAEL SAYS IT COULD BUILD NUCLEAR WEAPONS

(By Victor Cohn)

JERUSALEM, Dec. 2.—Israel "has the potential" to make atomic weapons "and if we need it we will do it," Israeli President Ephraim Katzir said last night.

This nation's scientist-president—a man intimately acquainted with his nation's technological capabilities—thus for the first time gave official confirmation to speculation that Israel is ready to produce nuclear weapons.

Answering the questions of an international science reporters' group, he repeatedly refused to say just how far Israeli scientists have gone along the road to nuclear capabilities. He said Israel does not have such weapons today but could produce them "within a reasonable period of time."

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As to what may happen in the future, however, he said, "This is very difficult to say, because we don't know the policy of the Egyptians or the Syrians or the Jordanians or the Russians. And this changes from month to month."

A noted biophysicist and long-time professor at Israel's famed Weizmann Institute of Science, Katzir has also been an important figure in Israeli defense research since this nation's establishment in 1948. He and his brother Aharon—shot down by Japanese Red Army terrorists in the Lod Airport massacre in 1972—were among scientists who established the Israeli arm's research and development branch. For three years Katzir was chief scientist of the Ministry of Defense.

He expressed disappointment at lack of wider reaction among world scientists to Israel's ouster from UNESCO. He called the modest response so far "unbelievable."

He said that just last week "through the Americans" Israel, "as it has done many times," had told Arab nations it is willing to withdraw completely to its 1967 borders if the Arab states will accept them as final and acknowledge Israel's right to exist.

Katzir's remarks on atomic weapons came only in response to many pressing questions after a talk in which he emphasized Israeli scientific efforts and higher education for peace.

But "our security," he said, requires Israel to use about half of its scientists and research engineers and about half of the national research and development budget for defense. This sum would include the military work that is done at the closed atomic installations near the Negev desert city of Dimona.

THE AMERICAN CONNECTION: HOW ISRAEL GOT THE BOMB

(By John J. Fialka)

During the late 1960s, Central Intelligence Agency operatives were able to prove something that U.S. officials had wondered about for several years. The question was whether Israel had quietly entered the world's nuclear "club," a possibility that had long been suggested by U.S. scientists returning from the Middle East.

The answer was yes. The CIA's highly sophisticated array of monitoring equipment had found evidence that somewhere in Israel there was a laboratory working with sizable quantities of highly enriched uranium—the same metal used to incinerate Hiroshima in the closing days of World War II.

Once the Israeli capability had been established, the question became: which of the five nations that then enjoyed club status was the source of the Israeli material?

And the answer, at least from what the CIA could see, was that the bombgrade metal had come from the U.S. The prime suspect was a private company, the Nuclear Materials and Equipment Corp. (NUMEC), located in Apollo, Pennsylvania, a small town about 30 miles northeast of Pittsburgh.

The NUMEC story is one of the more bizarre mysteries of the nuclear age, a tale that continues to baffle U.S. officials despite repeated inquires by three of the nation's top investigative agencies—the CIA, the FBI, and the General Accounting Office.

Their suspicion was that the nation's most vital safeguards system had been penetrated by one of our closest allies. It was, as one highly placed source later described it, "like dealing with the fact that your sister has been raped by a dear friend. It's not the sort of thing you rush to make public."

The result was that, from the beginning, a sizable cocoon of secrecy was built up around the case, secrecy that did not begin to crumble until nearly a decade later, and then only because of the extraordinary lengths to which the government had gone to cover up.

The unraveling began in 1975, when James H. Conran, a young analyst in the division of safeguards of the Nuclear Regulatory Commission (one of the two agencies formed when the Atomic Energy Commission dissolved in 1975), was assigned to put together a history of the development of safeguards protecting the use of what the government called SNM, or Strategic Nuclear Materials. In the course of his research, Conran discovered that there was one file so secret that the other half of the old AEC, the Energy Research and Developemnt Administration, refused to admit knowledge of it. If the file concerned NUMEC, then Conran guessed it was probably important, because he knew that the company's chronic security problems had triggered the nation's first major overhaul of the rules covering the growing traffic in SNM. He became convinced that he could not write an accurate history of safeguards without knowing the full story of NUMEC.

Conran began raising the issue with his superiors. How could the NRC carry out its responsibility to protect against possible diversions of nuclear materials if it was not fully informed about incidents that may have occurred in the past? In December 1975, Conran's questions caught the ear of Edward Mason, then one of the NRC's five commissioners, who, in turn, brought the matter to a head by telling the chairman of the NRC, William A. Anders, that if there was CIA material concerning NUMEC, as Conran suspected, the NRC was entitled to a briefing.

Two months later, the NRC got that briefing, from Carl Duckett, then the CIA's deputy director for science and technology and one of the government's official keepers of the NUMEC secrets. (Conran was not invited.) As some of the NRC commissioners recalled the briefing, Duckett's hands were shaking as he produced a file on the conference table. It was stamped "Top Sercet," the highest national security classification. It was so secret that its existence was classified a secret. Duckett told the NRC commissioners that by the mid-1960s, the U.S. had come to suspect that Israel had a nuclear weapons capability. The evidence included a type of bombing run being practiced by pilots of Israel's A–4 jets. According to Duckett, the maneuver's "would not have made sense unless it was to deliver a nuclear bomb."

From this and more direct evidence gathered by the CIA, Duckett said, in 1968 the agency had drawn up a National Intelligence Estimate reporting Israel's entry into the nuclear club and submitted it to Richard Helms, then CIA director. Helms, Duckett recalled, told him not to distribute the estimate to other sections of the CIA or outside the agency, and added that he would take the report directly to President Lyndon Johnson. (In the subsequent meeting with Johnson, Helms was told in no uncertain terms to drop the matter. "Don't tell anyone else, not even Dean Rusk [then Secretary of State] and Robert McNamara [then Secretary of Defense]," Johnson allegedly instructed Helms.)

A small part of the Duckett account was later mistakenly released by the NRC. In that fragment there is no mention of NUMEC as the source of Israel's alleged A-bomb capability. There is, however, mention of NUMEC's founder and first president, Dr. Zalman Shapiro, and it is clear from the reference that he had been the topic of some discussion during the briefing. At one point, Mason exclaimed, "My God, I almost went to work for Zal Shapiro. I came pretty close to taking a job with him."

"By the end of the meeting it was a pretty somber group," Duckett would later recall for the benefit of NRC investigators. Anders, he said, announced that, "in light of the sensitive nature of the information, he was going to the White House" with the NUMEC story. After he did, President Ford promptly ordered the FBI to begin a new investigation of NUMEC's activities during the mid-1960s.

None of this high-level concern was much help to Conran or other safeguards experts at the NRC. Carl Builder, then the NRC's top safeguards official, had attended the briefing and decreed that because of its great sensitivity, the episode was "better left closed." In fact, the eleven NRC officials at the briefing had been so awed by the secrecy surrounding the file that they did not even ask to see it.

There was no question, then, that the NUMEC material was very sensitive. Some of the FBI agents who had worked on the case had been warned never to mention its name, not even in the FBI office. But in the never-never world of Washington's intelligence community, what is regarded as sensitive in one forum may not be treated as sensitive before another; only a month after Duckett's briefing at the NRC, word of Israel's bomb capability leaked out.

The leaker was none other than Duckett himself. It happened during an evening of many cocktails and a lavish buffet—an event staged by the CIA at its Langley, Virginia, headquarters, as part of its new "public relations" program. The guests were 150 members of the American Institute of Aeronautics and Astronautics. Presiding over what was billed as an "unclassified" state-of-the-world intelligence briefing, Duckett apparently felt relaxed among the aerospace executives and familiar surroundings—so relaxed that when one executive wondered during a question-and-answer period whether the rumors about Israel having the bomb were true, Duckett set him straight. Israel, he said, "has ten to 20 nuclear weapons ready and available for use."

Four days later, when an account of Duckett's remarks appeared in *The Washington Post*, there was a non-nuclear explosion within the executive suite at Langley. George Bush, the CIA's new director, was fuming. So was Senator Frank Church, at the time the chairman of the Senate Select Committee on Intelligence. Church called Duckett's remark "the biggest goof in the history of leaks that I have ever seen."

But while everyone expressed outrage over the disclosure, no one other than Israel denied it. And no one, publicly at least, took it upon himself to explain or speculate upon how a tiny country in the Middle East had obtained what was commonly believed to be the most tightly guarded substance in the world.

HELPING ISRAEL OVET THE THRESHOLD

It is very, very diffiult to obtain highly enriched uranium. The largest technological stumbling block encountered during the Manhattan Project, which developed the bomb during World War II, was separating an exotic isotope—U–235, so-called highly enriched uranium—from natural uranium. The problem eventually was solved by investing over $1 billion in a mile-long building at Oak Ridge, Tennessee, where the uranium was transformed into a gas called uranium hexaflouride and pumped through millions of tiny screens that concentrated the lighter isotope, U–235.

That was one way to do it. Russia, the United Kingdom, France, and China used this or similarly complex technological processes to arrive at highly enriched uranium or plutonium. But Israel was different. They had the metal, but, the CIA concluded, they didn't have the technological capability to produce highly enriched uranium. Somebody had helped Israel over the threshold.

It didn't take long for the CIA to focus its suspicions on NUMEC, which had been giving federal regulators fits since 1961. The company had been formed in 1957 by Shapiro and a group of other former government scientists to capitalize on the Atoms for Peace program. Shapiro was a research chemist, a veteran of the Manhattan project, and the author, according to NUMEC brochures, "of a large number of classified documents."

When Shapiro first set up shop, everyone seemed to want to be kind to NUMEC. Admiral Hyman Rickover bestowed his lucrative nuclear fuel contracts on the firm. A Pittsburgh corporation, Apollo Industries Inc., advanced $450,000 in capital and also provided, rent-free, a former steel fabrication plant. Shapiro quickly gained a reputation in the nuclear industry as a hustler, competing furiously for government contracts and taking on some of the more exotic, risk-filled jobs that other companies rejected.

His business flourished. In addition to American contracts, Shapiro developed a string of foreign clients who wanted uranium fuel for various nuclear processes. Between 1957 and 1965 NUMEC shipped half a ton of U–235 to authorized overseas clients, primarily Italy, Japan, France, Germany, and the Netherlands. "There is no reason why we can't eventually become the du Pont of the atomic fuel industry," he once told a *New York Times* reporter. "We're not afraid of size or growth. It's healthy."

At the same time another, less healthy side of Shapiro's business was evolving. Documents released recently by the Department of Energy show that by 1961 NUMEC had come to be regarded as a serious security risk. "It appears that the lack of an efficient program can be attributed to a general apathy toward security which has permeated the entire NUMEC organization," stated one AEC report after two security inspections.

What troubled the AEC even more was that the plant's bookkeeping had gone out of control. Although NUMEC's contracts with the government specified that none of the government-owned highly enriched uranium at the plant could be mixed with uranium from other contracts, Shapiro had been mixing the metal from different contracts "as a matter of policy." Because of U–235's peculiar qualities and the enormously expensive and complex processes required to make it, accurate accounting of its use is at once a matter of great strategic and financial importance. One gram of highly enriched uranium—about as much as could be placed on a pencil head—was worth $10 in the early 1960s. One cubic inch of the extremely dense metal weighs about a pound and was then worth slightly more than $4,500; 22 pounds of the metal, a chunk about the size of a cantaloupe, would have been worth about $100,000. Actually it is worth infinitely more than that, because that much U–225, in the hands of an expert, can be made into a small atomic bomb.

NUMEC's sloppiness generated a small mountain of classified correspondence within AEC. At one point in 1962, the agency's New York office suspected that Shapiro was intentionally blurring the distinction between government-owned metal and metal held under private contracts. The company's liability for lost uranium was less under the government contracts, and, sure enough, the heaviest losses were showing up in the government's column. At the very least, the absence of records that could trace losses to a particular process or to a specific contract meant that Shapiro was operating what was, in effect, an honor system.

There was another problem—according to recently declassified documents, the AEC became concerned about several of Shapiro's overseas relationships that went well beyond normal supply contract arrangements. One of these was an arrangement with Israel under which NUMEC agreed to serve as a "technical consultant and training and procurement agency," which later gave birth to ISORAD, a NUMEC subsidiary half-owned by the Israeli government. NUMEC's annual financial statements said the company's mission was to develop machinery to preserve strawberries and citrus fruits through irradiation.

Throughout the 1960s, a steady stream of foreign scientists and technicians visited NUMEC. Among those with whom the AEC, and later the FBI, seemed most concerned were Baruch Cinai, an Israeli metallurgist, and Ephraim Lahav, the scientific attache to the Israeli embassy in Washington. Both made frequent visits to the plant. At the time, NUMEC housed 2,400 classified documents, including detailed descriptions of secret military research and development programs. After several warnings, including a letter from Rickover's office that a failure to apply strict controls on the aliens could amount to a violation of espionage laws, the AEC concluded in late 1963 that the security message was still not getting across. NUMEC "did not have positive controls for its alien employees," and a more rigorous set of AEC inspections was proposed for the following year.

URANIUM IN THE PITS

Throughout this period, Shapiro often took the offensive against AEC inspectors, arguing that new security measures implemented at the plant would eliminate all future problems and that any further interference with NUMEC's normal operations would amount to discrimination against a small businessman trying to compete with major companies. The end of the often-heated dialogue came on April 30, 1965, when the fears of the inspectors suddenly became much more concrete. NUMEC was due to complete a contract for Westinghouse. which had sent NUMEC a large amount of U–235 fuel for a nuclear-powered rocket then being considered for the nation's space program. No new uranium supplies were coming into the plant, so the mixing that had troubled AEC inspectors was no longer possible. Instead, Westinghouse was told the startling news: NUMEC didn't have all of the uranium. At first it appeared the loss was 134 pounds enough to make roughly six atomic bombs. Shapiro found he had some explaining to do.

Shapiro reassured everyone that the loss was not much to worry about. The highly enriched uranium, he said, was not really gone, it was still there at Apollo in two big waste pits that had been dug in 1962 and 1963 to hold some of NUMEC's uranium debris. NUMEC, he claimed, had simply underestimated the amount of uranium filings, uranium oxide particles, and other fragments of the precious metal that could have been recovered from the filters, discarded machinery, workers' clothing, and other articles that had gone into the pits. In fact, Shapiro told the AEC, there was probably more uranium in the pits than had been lost on the rocket fuel contract.

To prove his point, Shapiro ordered his employees to begin exhuming items from the 1962 pit. A sampling quickly showed, however, that the pit contained only a small fraction of the highly enriched uranium wastes he had promised. So Shapiro shifted his ground slightly, arguing that most of it was really in the 1963 pit. The only problem, he said, was that because of the weather and various engineering considerations, he would not be able to dig up the pit until the following spring.

Howard Brown, then the AEC's general manager, and other AEC officials trying to account for the missing uranium weren't about to wait that long for an answer. A showdown occurred, on September 24, 1965, in a meeting in Washington between Shapiro and Brown, who brought along ten of his staff members. The meeting is described in several memos written to the files, one of which states that "Dr. Shapiro became emotionally overcome" when Brown and the others argued that he had to continue digging for the uranium. There was a ten-minute recess after which a more composed Shapiro admitted he was upset about the loss of several government contracts, which had contributed to recent business reversals. As one memo put it:

"[Shapiro] reported that while he felt confident that the 1963 pit contained the missing material, he was reluctant to gamble that it might not be there. We [the AEC] pointed out that he was asking the Commission to gamble that it might not be there, thus placing the Commission in an untenable position."

By the end of the meeting, Shapiro caved in. The 1963 pit was quickly opened, and on October 21, NUMEC had to admit that samples of the debris revealed only about ten percent of the highly enriched uranium Shapiro had said would be found. On November 1, a special team of AEC inspectors descended on Apollo and, after a two-week search, calculated that a total of 391 pounds of highly enriched uranium had disappeared at the plant between 1957 and November 1965. After factoring in reasonable estimates for all possible ways in which material could have been lost or wasted in various plant processes, the inspection team concluded that the loss of 206 pounds could not be explained, including the missing uranium from the Westinghouse contract. No similar plant had ever reported losses of that magnitude.

Because of the state of NUMEC's records, the inspectors were not even able to pinpoint when the major losses might have taken place. Some of the records, the inspectors discovered, had been "inadvertently destroyed" in what the company described as an overzealous factory cleanup campaign a year earlier. As a result, the conclusion of the inspectors' report was carefully hedged in language that set the tone for all future statements about NUMEC losses: "Although it cannot be stated with certainty that theft or diversion did not take place, the survey team found no evidence to suggest these possibilities." Two days after the report came in, Brown and NUMEC's lawyers concluded an elaborate series of negotiations over how much the company would have to pay for the missing metal. The final bill was $929,000.

But for the AEC, the search for the missing uranium wasn't over yet. Ever since the initial discovery, the agency had been prodded in its investigations by Congress' Joint Committee on Atomic Energy—and even with the money settlement the staff members on the committee weren't satisfied. There were still nagging questions they wanted answered: What did the records say about NUMEC's dealing with overseas clients? Were there any employees at NUMEC who might know about a diversion? Where was NUMEC getting the money to pay the AEC's enormous bill (after all, the company's economic fortunes had turned sharply downward)?

So Brown dispatched a second survey team to Apollo on March 1, 1966. Its assignment was to interview past and present NUMEC employees and audit all the company's exports of bomb-grade metal. This second team also returned without finding any direct evidence of a diversion, but its findings still were not altogether comforting.

James Hart, the engineer who served as production supervisor at NUMEC, told Brown's sleuths that prior to 1964 "no one at NUMEC really seemed to care what happened to SNM." The AEC auditors found that of the 32 contracts NUMEC had with foreign customers, the records of 26 "were incomplete, inaccurate, or missing."

THE MOST ARTFULLY HEDGED STATEMENT

If there is a prize somewhere in Washington for the bureaucrat who constructs the most artfully hedged statement, perhaps it should have been awarded to the man who drew up the March team's report. The report concluded that, despite the missing documents, there were enough internal controls over the plant's overseas shipments that, "when properly implemented, should in the absence of deliberate collusion, ensure that the quantities reported on transfer documents were those quantities shipped."

Brown, now a lawyer in Washington, says that at the time of the report he still was not satisfied that there had not been any wrongdoing at the plant but did not think he had grounds for criminal prosecution: "I felt we had reached a point where we really had to fish or cut bait." The Atomic Energy Act, he complains, offered him no middle ground—it provided the death penalty for anyone who violated AEC regulations "with the intent to secure an advantage to any foreign nation."

"It [the law] was a very severe thing to work under," Brown explains. His boss, Dr. Glenn T. Seaborg, then the chairman of the AEC, attempted to close the matter by telling the Joint Committee that he was "satisfied" that the missing material had been lost in NUMEC's waste processes over the years.

And so, during the spring of 1966, even as a still-dissatisfied Joint Committee was dispatching a team from the General Accounting Office to see if they could do any better at NUMEC, the AEC went back to business as usual with Shapiro. Actually, it was a bit more than business as usual. NUMEC was solicited for a bid—and then was selected from a list of four companies as the one "best qualified"—to handle a contract calling for the fabrication of fuel from almost three tons of plutonium, by far the largest quantity of that bomb-grade material ever placed in private hands.

Even after this contract, NUMEC lapsed back into some of its old habits. In 1967, for example, Shapiro was asked to delay the plant's annual inventory because AEC inspectors would be late in arriving to oversee the operation. Shapiro ignored the request and went ahead with his own inventory, a move, said the AEC inspectors, that made his inventory worthless as a tool to check the accuracy of the plant's books.

Shortly afterwards, NUMEC, the company that had hoped to become "the du Pont of the atomic fuel industry," was dissolved. In a proxy statement, the company inplained that in 1966 NUMEC's net worth and working capital "were reduced below the levels required in various agreements with lenders, and a condition of technical default arose." The company, the statement added, had no alternative but to arrange for a merger with a major oil company, Atlantic-Richfield.

NOT IN THE TOP 40

The old NUMEC was gone but not forgotten. In 1967 a panel of the nation's top safeguards experts ordered an overhaul of the entire system protecting strategic materials. Among other things, the panel required for the first time government inspection of the quantity and quality of bomb-grade metals shipped for export, and called for a range of penalties less severe than life imprisonment or death for certain infractions. Asked about the report, Dr. Ralph Lumb, a chemist who headed the panel, said, "I believe the panel was established as the result of the experience at NUMEC. The inability of that company to come up with the material stimulated the commission to take a hard look at safeguard practices."

The CIA also had not forgotten the losses at NUMEC. In 1968, after obtaining scientific proof that the Israelis were working with highly enriched uranium at a facility near Dimona in the Negev desert, Helms went to J. Edgar Hoover and asked him to put Shapiro under FBI surveillance.

The FBI has told several congressional investigators working on the case that its surveillance showed that in 1968 Shapiro traveled throughout the U.S. recruiting scientists, all of whom were Jews, for work on various technical problems confronting Israel. The 1968 FBI investigation was hindered, according to agency reports to the Hill, by Shapiro's use of an "encoded phone," a device in an Israel embassy office in New York City. Several attempts to crack the code reportedly failed.

In 1969, the new Attorney General, John Mitchell, wrote the CIA that he was closing the case because the Justice Department had no legal grounds "to hang its hat on." According to FBI sources however, the surveillance continued afterward without the wiretap. At the time, Hoover was only allowed 40 taps for national security purposes and the Nixon administration had other pressing uses for them.

The FBI was not sent back into the case until 1976, after the Duckett briefing, and then only at the express request of President Ford. From what he saw of the case, though, Dr. James Connors, Ford's staff secretary, was led to the conclusion that the trail had become terribly cold. "You could look at all the documents and ask yourself whether something had happened here. The answer was probably yes. Then the question was whether you could do anything about it, and the answer was no." (Indeed, the FBI discovered that very little formal investigation had been done during the 1968 FBI probe. Most of the people who worked with Shapiro in NUMEC, for example, had never been interviewed. In the interim, memories had become hazy.)

Around 1976 the National Security Council received a packet of information put together by NRC and ERDA weapons experts. The packet is still classified as secret, but the cover letter was later released. It explains that the packet was stamped secret "because we indicated the number of nuclear weapons that possibly could have been made if the material had been diverted."

Because of these and other strange footprints that remained along the path of the NUMEC case, by mid-1978 three congressional subcommittees, the FBI, and the GAO were going back through the old files and interviewing some of the old players. Interviews with a number of investigators and former figures in the case indicate that there are at least four working theories about what might have happened.

The first theory is that the Johnson administration, perhaps aided by CIA operatives, authorized the diversion to help Israel prepare for the mounting Arab military threats that culminated in the 1967 Six Day War.

The second is that NUMEC was a "free-lance" operation carried out by the CIA's powerful pro-Israel faction, which might have pointed out the way and illuminated the loopholes that were waiting to be exploited.

The third theory is that the diversion was carried out entirely by the Israelis, with help from either Shapiro or his underlings, who knew that his sloppy administration of the plant would set him up as the likely target for any resulting investigation. Under this theory, the entire U.S. safeguard system, such as it was, was finessed by one of our closest allies.

And the fourth theory is that nothing happened. Almost a million dollars' worth of what should have been the most carefully guarded substance in the world simply disappeared, thrown away in processes that could neither be detected nor explained later.

One of the chief defenders of this last theory is Shapiro, who left NUMEC in 1969 to go to Westinghouse, minus his security clearance "What we had was a small yield, high scrap operation," he once told a reporter. "If you're cooking a small thing in a large pot, then you have somthing that sticks to the pot."

According to more recent estimates made by the CIA, the initial source of the Israeli nuclear weapons capability is now a moot question, at least in strategic terms, because Israel has since built up a sizeable stockpile of plutonium using a French-made reactor operating at Dimona.*

In another sense, however, the NUMEC story raises what may be the scariest possibility in the whole scary area of SNM safeguards: the possibility that if something happens to nuclear materials that is profoundly embarrassing to the state, it will be self-concealing.

Of all those who have secretly worried over the strange and fog-shrouded anatomy of Shapiro's venture, perhaps Connor put it best: "I think that what you have here is one of those evergreen stories. It will come up to haunt each succeeding administration."

Report CIA Had Proof in '68 Israel Had A-Bomb Material

(By John J. Fialka)

Washington.—CIA agents determined as early as 1968 that Israel had obtained enough highly enriched uranium to make several atomic bombs. The finding came through tests on Israeli soil and air samples. An FBI investigation of the case continues.

The report that the Central Intelligence Agency was able to obtain physical evidence of the uranium's presence in Israel comes after repeated statements by nuclear industry and government officials that they have seen "no evidence" of any diversion.

The identification of the Israeli uranium was believed to be the first hard evidence that sizable quantities of a bomb-grade material had somehow been diverted from one of the five nations then in the nuclear "club."

According to several government sources, the CIA then brought the Federal Bureau of Investigation into the case and a top-secret surveillance and wiretapping effort was focused on what was believed to have been the most likely source of the diversion, the Nuclear Materials and Equipment Corp. [Numec] in Apollo, Pa.

The wiretap was placed on the phones of Zalman W. Shapiro, the president of Numec.

It was removed a year later, in 1969, after the FBI discovered that Shapiro was communicating with Israeli diplomats in New York through the use of an "encoded" telephone, a device that scrambles ordinary phone signals into a code, which is unscrambled by a similar device on the other end.

The tap was ended after an attempt to break the code was unsuccessful, the sources said. Because the FBI was permitted a limited number of wiretaps, pressure mounted within the agency to use the Numec taps on a more "productive" case.

Sometime during the early 1960s a sizable quantity of uranum disappeared from the Numec plant, which was founded by Shapiro. He was a former Atomic Energy Commission [AEC] chemist who had worked in the Manhattan Project, the World War II project that developed the atomic bomb.

The major business of Numec was the fabrication of highly enriched uranium fuel assemblies used by United States nuclear submarines and surface ships. As a sideline, Shapiro developed a number of subsidiaries, including a company called Isorad, which was operated in partnership with the Israeli Atomic Energy Commission.

According to Numec financial reports, the main function of Isorad was to supply Israel with special irradiation equipment that would be used to retard spoilage in fish and fruits.

Documents recently obtained from the AEC's successor, the Department of Energy, under the Freedom of Information Act show that the AEC became increasingly concerned about security risks at Numec in the early 1960s because of chronic laxity of controls and the frequent presence of Israeli and other alien visitors at the plant.

Although Shapiro argued that the missing uranium was lost accidentally in the form of wastes, a three-pronged investigation by the AEC in 1966 concluded that there was no known explanation that would account for the loss of 208 pounds of highly enriched uranium, an amount believed to be sufficient for at least 10 atomic bombs.

Although the CIA apparently was not involved in the 1956 investigation, the agency's curiosity became aroused later after several U.S. scientists returning from Israel warned that the Israelis appeared to be developing a nuclear weapons program based on a supply of highly enriched uranium.

At that point the agency had at its disposal a number of secret devices to detect the presence of any laboratory or processing facility working with quantities of what the nuclear trade refers to as SNM or "Special Nuclear Material."

Some equipment was airborne. Others were small, portable instruments called "sniffers," which can signal the presence of tiny particles of highly enriched uranium in the air.

It is not clear which processes the CIA used to confirm the presence of the uranium in Israel, but two sources said that it was probably a type of mass spectrometer, which has the sensitivity to distinguish one uranium isotope from another.

At the time the discovery was made, only five nations were known to have the capacity to "enrich" uranium, which requires an extremely costly, complex, and still-secret process that separates and concentrates U-235, a lighter and more unstable uranium isotope that can support a nuclear explosion.

The nations were the United States, Britain, France, the Soviet Union, and China. At the time the U.S. was by far the largest producer and the only commercial source of highly enriched uranium being used for peaceful purposes in the free world.

The first FBI investigation reportedly showed that Shapiro traveled widely throughout the U.S. soliciting advice from scientists who were friendly to the Israelis and who agreed to help solve technical and scientific problems confronting Israel.

In a letter to the CIA in 1969, then-Atty. Gen. John N. Mitchell is said to have concluded that there was not enough evidence to support an espionage charge.

A second FBI investigation of the Apollo case was started in 1976 after the Ford administration learned of the CIA's earlier findings. The investigation is still under way, according to the FBI.

After an initial interview in which he called reports of a diversion from Numec "ridiculous," Shapiro has refused to discuss the matter with the press.

Israel and the Bomb: Secret File Provoked a Storm

(By John Fialka)

In late 1975 a young analyst from the Nuclear Regulatory Commission, a man who had a top security clearance, was told that he had "no need to know" about what may be the most serious nuclear safeguards case the United States has ever faced.

The incident proved to be the spark that eventually ignited a secret but sizable war between two factions in the community of intelligence and energy officials with the exotic and sensitive assignment of preventing any material for an atomic bomb from falling into the hands of terrorists or a non-nuclear power.

It was a war betwen the believers and the skeptics, a war that alarmed the "Secret Seven" and two presidents, a war that cast doubt on the value of "the Bonnie and Clyde Syndrome," a war that had some of the nation's most respected energy officials conspiring to make statements designed to mystify the press and confuse Congress.

It was a conflict that eveutually led to the disclosures that the CIA had evidence both that Israel had the atomic bomb by 1968 and that the bomb material may have been diverted from a U.S. plant.

It was a collision between executive branch and Congress that resulted in the admission that two federal agencies had misled Congress with an optimistic "party line."

All of this surfaced this week in three heavily censored documents released by the NRC entitled "Inquiry Into the Testimony of the Executive Director For Operations." Collectively, they offer an unprecedented public view of the bureaucracy that is supposed to prevent nuclear proliferation.

The story, drawn from NRC investigators' interviews with 31 past or present government officials and employees in the nuclear safeguards area, begins in 1975 with James Conran, an intense, 37-year-old nuclear engineer who was given the mission to put together a history of the nation's efforts to protect nuclear materials since the Atoms for Peace program of 1954 allowed it to be placed in private hands.

As Conran soon discovered, this was not easy. The NRC was formed in 1975 by Congress to separate what many people believed

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*The source of the natural or unenriched uranium fuel needed for this reactor was also a mystery until European authorities discovered that Mossad, the Israeli equivalent of the CIA, was involved in the bizarre disappearance of 200 tons of processed uranium ore from a Liberian ship, the *Scheersberg*, in November 1968. Shortly afterwards, the Dimona facility—estimated capable of producing enough plutonium for one bomb a year—was closed to all foreign visitors.

to be an inherent conflict of interest in the old Atomic Energy Commission, which housed the efforts to regulate and promote nuclear power under the same organizational roof.

Most of old AEC, including the promotional end, was spun off into another agency, the Energy Research and Development Administration, and it soon became clear that ERDA officials considered the NRC to be an upstart agency, one that could not be trusted with all the secrets. (ERDA has since been merged into the Department of Energy.

In his research among the old AEC records at ERDA in October 1975, Conran discovered one file was missing.

The file involved a company called Nuclear Materials and Equipment Corp., of Apollo, Pa., and its president, a former AEC chemist named Zalman M. Shapiro. It was so secret that it was kept apart from the other classified files. Conran was not allowed to see it.

He protested the refusal to NRC's top safeguards official, then Kenneth R. Chapman, who called Edward B. Giller, one of ERDA's top intelligence officials.

Giller, a former Air Force major general, said Conran had "no need to know" the information, adding that ERDA would supply it if Chapman insisted. Chapman, a former Air Force general, declined.

Conran decided to go further, and in December he confided in Edward Mason, then one of the NDC's five commissioners, his worries about the NUMEC files.

Mason, in turn, was concerned about what he called the "Bonnie and Clyde" syndrome, which he said tended to dominate U.S. safeguards policy. It was the assumption that "the most likely scenario for a theft and diversion of nuclear material was an assault on a facility by heavily armed terrorists."

Mason, an engineer, felt a more probable diversion threat was one that would go through "the back door," carried out by an insider, but he evidently had problems convincing former military people of that.

He told William A. Anders, the former astronaut who then served as the NRC's chairman, that if there was CIA material about NUMEC, as Conran suspected, the NRC was entitled to a briefing.

So it was that in February 1976, the CIA's top-ranking expert in technological matters, Carl Duckett, came to the NRC to tell them what the CIA knew about the case.

Because of the potential for security leaks, NRC confines matters of atom bomb design and other super-sensitive items to a group known as the "Secret Seven." The group then included Anders and the other four NRC commissioners along with Chapman and Carl Builder, Chapman's tap safeguards manager.

This time, however, the group was enlarged to include a few other top NRC aides, including Peter L. Strauss, then the NRC's general counsel.

Duckett told the group that the CIA had a variety of evidence pointing to the fact that Israel had obtained atom bomb material in the mid-1960s and that the agency had formed a "strong opinion," based on circumstantial evidence, that the material had come from NUMEC, which had reported a "loss" of 202 pounds of highly enriched uranium in 1965. (Shapiro has called this story "ridiculous.")

Duckett said that the CIA had prepared a report on Israel's new nuclear weapons capability and that Richard Helms, then head of the CIA, personally took it to President Lyndon Johnson. Johnson, according to Duckett's version, told Helms, "Don't tell anyone else, even Dean Rusk. . . ."

In later accounts to NRC investigators, the officials placed varying weight on what Duckett said. Even their memories of the physical happenings vary.

For example, Marcus A. Rowden, another former commissioner, stated "an information package was put on the table before the commissioners and staff, but was not left "because the NRC did not have an adequate safe "for highly sensitive materials."

Chapman and several others could not recall whether Duckett had offered any further proof.

Strauss said he though that if the Cit information was accurate, the government had a strong circumstantial case, including "missing material, motive and opportunity."

He, too, the NRC investigators later discovered, had become worried about the Bonnie and Clyde Syndrome:

"The safeguards area under the former director, Kenneth Chapman, seemed to him overwhelmed by former military men. Their approach was to consider in depth the possibility of a gang of ruffians (terrorists) who could surround the plant. The possibility of conspiracy to embezzle at high corporate levels was the most difficult to generate mechanical solutions for, and so the problem tended to be 'wished away.' "

Commissioner Mason was disturbed because he thought it was essential that the substance of the briefing be described to the NRC's safeguards staff, but the rules of the meeting, set by the CIA, did not allow that.

Other members of the group appeared more skeptical. Victor Gilinsky, one of the commissioners, told NRC investigators that he was "not entirely persuaded by the briefing" because Duckett's evidence was circumstantial. According to the investigators, "Anders . . . took what the briefing official said with a grain of salt and wondered if he was on sort of a personal crusade."

Builder decided that what he had heard was "not the kind of evidence on which to base rule changes." John Davis, the NRC's second ranking inspection and enforcement official, told investigators that his memory of the Duckett briefing "was not very clear," but he concluded that "no action was called for."

But something had happened at the briefing. There was a new scenario that people began to worry about in place of Bonnie and Clyde. The investigators noted that, according to Gilinsky, "the commission took the subject of safeguards much more seriously, particularly the 'insider' threat."

The period after the Duckett briefing was an uneasy one for Conran, the man who had raised the issue in the first place. Frustrated at what he saw as a lack of response, he went beyond the commission, writing in general terms to congressmen and eventually to President Carter.

Meanwhile, a number of things began happening to Conran within the NRC. Conran had asked Thomas J. McTiernan, director of the NRC's office of internal inspection, to investigate the lack of response. Instead, McTieran produced a report that suggested Conran might have psychiatric problems.

A panel of Conran's fellow safeguards experts was convened on the matter but concluded after being denied access to NUMEC materials that since higher officials had seen the file and not reported any problems, the files must not have contained safeguards matters.

Finally, Conran was removed from safeguards and assigned to a unit that sets standards for nuclear power reactors.

Last June, The Washington Star reported lingering suspicions of some nuclear officials of a possible diversion of NUMEC uranium to Israel.

At the time, both NRC and ERDA were embroiled in responding to the Freedom of Information query of a reporter, David Burnham of The New York Times. Burnham had asked the government to account for all highly enriched uranium and plutonium—both bomb-grade materials—that had been lost by government and government-inspected nuclear facilities over the years. In nuclear jargon, losses are called MUFs, an acronym for "Material Unaccounted For."

The Star story, meanwhile, piqued the interest of two House subcommittees and it became clear that questions would be asked about NUMEC when the two agencies released their MUF reports.

The problem was that both agencies had prepared drafts saying there had been "no evidence" of any diversion since the nuclear era began. This phrase set off the battle between the skeptics and the believers.

According to the NRC investigators, the heavyweight among the skeptics was James R. Schlesinger, President Carter's eager adviser, who, among other government positions, had been director of the CIA.

When Schlesinger saw ERDA's draft, he placed his finger on the page that contained the "no evidence" statement and asked Alfred D. Starbird, ERDA's top intelligence official, "Are you sure? Can we say this?"

Starbird, formerly a lieutenant general in the Army, replied, "I am and we can."

At another point Schlesinger confronted Starbird's safeguards man, Harvey Lyon, with the "no evidence" statement. "Can we say that?" he asked. Lyon replied, "Yes."

Within NRC the skeptics' attack on "no evidence" was led by Commissioner Gilinsky. Investigators said Gilinsky felt there was "pressure from ERDA to adhere to a party line, that everything was all right with safeguards."

Because the NRC was an independent regulatory agency, Gilinsky asserted that the NRC "has to state this one correctly."

But Gilinsky had been out of the country and returned to find the NRC statement had been sent to the printers with the "no evidence" phrase still in it.

The issue came to a head during an Aug. 2 briefing for the NRC officials who would preside at the press conference to be held when the MUF reports were made public. Gilinsky strenuously objected to the use of the phrase. Others in the briefing asked him why.

"Because there is evidence," Gilinsky replied.

But Gilinsky got an argument from Commissioner Richard Kennedy. As the current NRC chairman, Joseph M. Hendrie, interpreted the dispute for investigators, "Kennedy means proof while Gilinsky means indication."

A compromise was reached. After talking Gilinsky out of an "erratum" sheet stating there was no "conclusive" evidence, the officials decided to write a press release saying NRC data covered only the period from 1968 to the present, leaving out the 1965 NUMEC episode.

While the "no evidence" battle raged uptown between the skeptics and believers, Lee V. Gossick, the NRC's top operating official, went to Capitol Hill and managed to get the NRC into much more serious trouble over "no evidence."

Part of the problem was that Gossick's timing was bad. Rep. Morris Udall's House Interior Committee had just acquired jurisdiction over the NRC from the friendly Joint Committee on Atomic Energy.

To Udall, the growing flap over NUMEC represented a more fundamental problem. How could his committee oversee safeguards problems if the NRC wouldn't admit there were any?

On July 29, Gossick told Udall's subcommittee on energy that there was "no evidence" of a diversion.

In August there were three vacancies on the commission. Only Kennedy and Gilinsky were left, so they delegated the right to speak for the commission to Gossick, a former Air Force major general who, for some reason, had neve been allowed to be a member of the "Secret Seven," and had not been invited to the Duckett briefing.

Gossick, however, had been in the middle of the fight between the skeptics and the believers, and he had also been briefed in a small group on NUMEC by Kennedy and

Gilinsky in preparation for the MUF press conference.

Nevertheless, Gossick, speaking on behalf of the commission, told a House Commerce subcommittee headed by Rep. John Dingell, D-Mich., on Aug. 8 that the NRC's view was "there has been no evidence to indicate that any diversion has taken place."

In November, Udall and Dingell charged that Gossick had misrepresented the matter before Congress. That charge resulted in the voluminous NRC investigation and to the surfacing this week of the heavily censored documents.

Ironically, Gossick, who has been described by a number of officials as a "nice guy" and a "good public servant," asserted that he never intended to mislead Congress.

But as Strauss told the investigators, Gossick—never a leader of the Bonnie and Clyde Syndrome enthusiasts, not a major power in the warfare between the skeptics and the believers—"may well have been its first victim."

Israeli A-Bombs Put at 13: Reported Set To Use Them In 1973 War

Israel has 13 atomic bombs that were hastily assembled and readied for use during the October, 1973, war when the Israelis were suffering heavy casualties, Time magazine reported yesterday.

The magazine says each bomb is as powerful as 20,000 tons of TNT, roughly the equivalent of the weapons that destroyed Hiroshima and Nagasaki during World War II. All 13 can be delivered by jet fighters or by Israeli-made Jericho missiles, Time said.

On March 15, senior CIA officials said at a semipublic briefing that Israel had between 10 and 20 atomic weapons "ready and available for use." The officials did not disclose any other details.

Time's report, if accurate, is the first to give the specific number, size and time of assembly of the weapons.

Aviezer Pazner, spokesman for the Israeli embassy here, said there was "nothing new in the story that we haven't heard before. It is all speculation."

"Israel is not a nuclear power," Pazner continued, "and will not be the first to introduce the use of nuclear weapons in the Mideast."

Asked to comment on some of the specifics of the article, Pazner declined, referring again to his statement that "Israel is not a nuclear power."

Time reported that the nuclear weapons were assembled in a 78-hour period at an underground facility at the start of the October, 1973, Yom Kippur war.

At the time, Israeli forces were suffering heavy casualties as Egyptian troops had repulsed counterattacks along the Suez Canal and as Syrian troops, accompanied by tanks, were forcing Israelis to retreat in the Golan Heights.

Time said Golda Meir, then Israeli prime minister, met with senior defense officials to assess the military situation.

"This is the end of the third temple," Defense Minister Moshe Dayan is quoted as telling Meir in a religious reference to the state of Israel.

"Mrs. Meir thereupon gave Dayan permission to activiate Israel's doomsday weapons," Time reported.

"As each bomb was assembled, it was rushed off to waiting air force units. Before any triggers were set, however, the battle on both fronts turned in Israel's favor."

The bombs were then taken from the planes, the magazine said, and stored in desert arsenals "where they remain today, still ready for use."

The magazine also reported that the Israelis once tried to shoot down an American reconnaisance plane that swept over the area where the bombs were stored. But the American jet, an SR-71 "Blackbird," was able to outclimb and outdistance pursuing Israeli fighters.

Asked about this, an Israeli embassy source said, "Israel has never attempted to shoot down an American plane."

CIA Believed In 1974 That Israel Had Bomb

(By John J. Fialka)

U.S. intelligence experts have believed for several years that Israel has a nuclear weapons program, based in part on uranium obtained through "clandestine means," according to an analysis released by the CIA.

The document, written shortly after the May 1974 Indian A-bomb explosion, was stamped "Secret, No Foreign Disclosure." It indicates that U.S. intelligence analysts believed that Taiwan and South Africa could be joining the "nuclear club" within a few years.

"We believe that Israel already has produced nuclear weapons," it states. "Our judgment is based on Israeli acquisition of large quantities of uranium, partly by clandestine means, the ambiguous nature of Israeli efforts in the field of uranium enrichment, and Israel's large investment in a costly missile system designed to accommodate nuclear warheads.

"We do not expect the Israelis to provide confirmation of widespread suspicions of their capability, either by nuclear testing or by threats of use, short of a grave threat to the nation's existence."

Asked to comment on the CIA document, entitled "Prospects for Further Proliferation of Nuclear Weapons," Aviezner Pazner, press counselor for the Israeli Embassy here, said:

"There is no proof whatsoever. I can only repeat to you that Israel is not a nuclear power and that Israel will not be the first country in the Middle East to introduce nuclear arms into the region."

Two incidents have recently been made known where Israeli agents may have obtained uranium by clandestine means. One was the disappearance of a ship, the *Scheersberg*, carrying a cargo of 200 tons of uranium ore. The ship left Rotterdam in November 1968 en route to Genoa flying a Liberian flag and carrying a British crew. The ship later turned up with a different name and a different crew, but the shipment never arrived.

The missing uranium triggered inspection by the CIA and Euratom, the nuclear arm of the Common Market, but the material was never found. The prime suspect in the case, according to U.S. intelligence sources, was Israel.

The second incident involves the still-mysterious disappearance of 206 pounds of highly enriched uranium sometime during the early 1960's from a private nuclear fuel fabrication plant at Apollo, Pa.

CIA officials have told staff members of three congressional committees investigating the Apollo matter that the agency has a "strong opinion" that the material was diverted to Israel. Highly enriched uranium, unlike the raw uranium ore carried on the *Scheersberg*, can be made directly into nuclear weapons.

The Washington Star disclosed in December that CIA operatives, using highly sophisticated monitoring equipment to test environmental samples, were able to locate microscopic quantities of bomb-grade uranium near a suspected bomb laboratory in Israel in 1968.

The company involved in the case of the missing uranium, Nuclear Equipment and Materials Corp., paid the Atomic Energy Commission almost $1 million for the loss and then declared bankruptcy in 1967. The facility was sold to an oil company, Atlantic Richfield, which later sold it to another company, Babcock and Wilcox Co.

(J. S. Dziewisz, a B&W vice president, said this week that his company is in the process of closing down the highly enriched uranium part of the Apollo facility because of a lack of further nuclear submarine fuel orders from the U.S. Navy.)

Until yesterday's release of the analysis—which was obtained by an environmental group, the Nuclear Resources Defense Council, under the Freedom of Information Act—the CIA had never put its opinions about Israel's weapons program in the public record.

Early in 1976 Carl Duckett, then the CIA's top technical analyst, told a group of aerospace executives that Israel had "10 to 20" nuclear weapons. Duckett added, however, that he would not like to see the estimate quoted in the newspapers.

Duckett's boss, CIA Director George Bush, later apologized for Duckett's remark when it appeared in print, calling it "unfortunate." Bush never denied its accuracy, however.

The analysis states that while governments that are "backward in the nuclear field, might be tempted to steal a nuclear weapon, it would be "highly unlikely" for a more sophisticated country, capable of designing its own bomb, to try it.

". . . but one might seek fissionable (bomb grade) materials by theft or diversion. Competently done, diversion might go undetected," the analysis adds.

The CIA analysis reached several other conclusions about proliferation, some of which may provide disturbing to some of our closest allies.

"France, India and Israel," it states, "while unlikely to foster proliferation as a matter of national policy, probably will prove susceptible to the lure of economic and political advantages to be gained from exporting materials, technology and equipment relevant to nuclear weapons programs. And most potential proliferators are on good terms with one or all of them."

The document indicates that there was an apparent split among the U.S. intelligence community over the intentions of Japan. Most CIA and Army intelligence officials believe that Japan like West Germany, Sweden, Canada, and Italy, has the capability for a nuclear weapons program, but would probably refrain for political or moral reasons.

Intelligence officials in the Navy and the Air Force, however, saw a "strong chance that Japan's leaders will conclude that they must have nuclear weapons if they are to achieve their national objectives in the developing Asian power balance."

"Taipei (the capital of Taiwan) conducts its small nuclear program with a weapons option clearly in mind, and it will be in a position to fabricate a nuclear device after five years or so," the document asserts.

"South Africa probably would go forward with a nuclear weapons program if it saw a serious threat from African neighbors beginning to emerge. So serious a threat is highly unlikely in the 1970's," the analysis adds.

As for Argentina, the CIA analysis concluded that its "small nuclear program is being pursued vigorously with an eye toward independence of foreign suppliers. It probably will provide the basis for a nuclear weapons capability in the early 1980's."

CIA's Top-Secret "Mistake" on Israel and the Bomb

(By John J. Fialka)

A top-secret CIA document contending that Israel produced nuclear weapons as early as 1974 was made public by the agency itself as a result of a bureaucratic foulup.

The agency is not saying how the error occurred, limiting itself to an acknowledgement by press spokesman Herbert E. Hetu that the document's release was a "mistake."

But one story making the rounds of congressional committees and nuclear related agencies is that the CIA, asked by another agency whether any part of the five-page classified document could be made public, intended to release just two paragraphs and keep the rest secret. Instead, the story goes, it released all except the two paragraphs.

"This thing could raise hell with the Middle East negotiations," one senator who asked not to be named said. "If the Israelis have weapons the other side will want to even it up."

The error could further complicate difficult negotiations the United States has been having with close allies who are moving into areas in peaceful nuclear programs where they also deal with bomb-grade nuclear materials such as highly enriched uranium and plutonium.

For example the document states that some U.S. intelligence officers felt that "Japan's leaders will conclude that they must have nuclear weapons if they are to achieve their national objectives in the developing Asian power balance."

The document also warned that Taiwan, Argentina, and South Africa may also have A-bombs soon.

Furthermore, the document states that Israel obtained some of its uranium "by clandestine means."

"We don't know how it happened. We're in the midst of trying to figure that part out," said Hetu, who added that "since some of the information in the document should have remained classified, we have no further comment to make."

The document, which had been previously stamped "Secret. No Foreign Disclosure," is entitled "Prospects for Further Proliferation of Nuclear Weapons." It is a summary of a top-secret special intelligence report made by the CIA, after the Indian A-bomb explosion in 1974, that circulated among some top government officials including commissioners of the now-defunct Atomic Energy Commission.

Last October the Department of Energy found a copy of the CIA summary in files that had been requested under the Freedom of Information Act by S. Jacob Scherr, an attorney for an environmental group, the Natural Resources Defense Council, Inc.

Because the document was classified, DOE sent it to the CIA, asking that it make the decision whether any parts of the summary could be made public under the Freedom of Information Act.

The document was reportedly scrutinized by several different branches within the CIA before the deletion of two paragraphs and release of the rest.

Hetu said the agency does not know whether the reverse was supposed to happen.

The public disclosure of CIA's appraisal on other nations' nuclear intentions comes at a time when the United States is working to keep the lid on the spread of nuclear weapons.

State Department officials have been trying to persuade Japan to forego an ambitious nuclear power program based on plutonium. U.S. diplomats have also been unsuccessfully trying to convince Israel to allow international inspectors into a so-called peaceful nuclear research reactor, which produces plutonium.

A spokesman for the Senate Select Committee on Intelligence said that the panel was investigating the CIA's "mistake." "That's what we're here for," said an aide.

A spokesman for one of the successors of the old AEC, the Nuclear Regulatory Commission, which has the responsibility for developing safeguards over U.S. nuclear materials here and abroad, said that agency officials were trying to figure out why Joseph Hendrie, the NRC's chairman, and Clifford Smith, director of its office of nuclear materials safety and safeguards, had never received copies of the analysis. "Maybe there was a glitch in the system," said the NRC spokesman.

The document may also focus more interest on reports that 206 pounds of highly enriched uranium, which was unexplainably "lost" at a private nuclear fuel fabrication facility at Apollo, Pa., in the mid-1960's, may have been secretly diverted to Israel.

Two weeks ago investigators from three congressional committees looking into the Apollo case interviewed former CIA chief Richard Helms, who was head of the agency when its operatives investigated the Apollo matter and, reportedly, developed a "strong opinion" that the material had gone to Israel.

Investigators had hoped that Helms might be able to shed some light on reports that President Lyndon B. Johnson may have prevented a more thorough investigation of the Apollo matter because of its embarrassing implications. According to several participants at the briefing, however, Helms' memory was "hazy" on that point and on several other specifics of the Apollo case.

Curiously, Thursday's "mistake" was not the first time CIA officials have forgotten that CIA estimates of Israel's nuclear weapons capability are supposed to be secret. In early 1976, the CIA's third-ranking official, Carl Duckett, told a meeting of aerospace executives that Israel had "10 to 20" atom bombs. When the remark later appeared in print, then-CIA director George Bush apologized for it, asserting that the statement should never have been made.

Bush, however, did not deny the accuracy of the statement. Shortly after the incident, Duckett retired from the CIA, citing health reasons.

Mr. HELMS. Mr. President, the Congressional Research Service of the Library of Congress has compiled a most useful bibliography in this matter, done in chronological order. I ask unanimous consent to have printed in the RECORD this bibliography, prepared by Donna S. Kramer, of the Congressional Research Service, entitled "Is Israel a Nuclear Power? Selected Bibliography, 1961 to the Present."

There being no objection, the bibliography was ordered to be printed in the RECORD, as follows:

IS ISRAEL A NUCLEAR POWER: SELECTED BIBLIOGRAPHY, 1961 TO THE PRESENT

(By Donna S. Kramer)

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The PRESIDING OFFICER. As requested, the Chair advises the Senator from North Carolina that his 15 minutes have expired.

Mr. HELMS. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. HELMS. I thank the Chair for his courtesy.

A NATIONAL COMMITMENT TO NONPROLIFERATION

Mr. HELMS. Mr. President, I have detailed the possible possession of nuclear weapons by Israel and the attempt to acquire such weapons by two radical Arab powers to show the dangers of possible nuclear proliferation in the area.

There must be a cooling down of the search for nuclear weapons by all parties to the Middle East conflict. The Middle East must become a nuclear-free zone.

That is the purpose of the pending amendment. That is why I urge that the Senate today go on record as requiring not a weak-kneed substitute but that any legislation seeking to arm further two possible combatants in any future conflict also seek to lower the level of possible confrontation below the nuclear threshold.

All I seek is that Israel and Egypt become parties to the Nuclear Non-Proliferation Treaty.

That seems to be just fundamental commonsense, and it is my hope that the managers of this bill will accept this amendment so that we can proceed. I do not think it is asking too much for the Senate to do this, as a good-faith requirement, that Egypt and Israel, in return for our supplying them with some of the most modern and sophisticated weaponry in the world, take this simple step of good faith.

While Egypt has signed the treaty, it has not ratified it. Israel has neither signed nor ratified it; nor have other Arab powers, such as Saudi Arabia, Bahrain, nor the United Arab Emirates. I certainly hope that they, too, will sign the treaty as soon as possible.

I do not contend that Israel and Egypt becoming parties to the Non-Proliferation Treaty will absolutely rule out possible nuclear war in the region. Nor will I contend that other Arab states will not continue to seek nuclear weapons of their own. After all, both Iraq and Libya are parties to the treaty.

What I do contend, however, Mr. President, is that Israeli and Egyptian ratification of the Non-Proliferation Treaty will lower the possibility of nuclear conflict, if coupled with an aggressive U.S. policy to make the Middle East a nuclear-free zone, coupled with a strong U.S. push for a comprehensive and overall settlement to the conflict in that region.

The President of the United States had made a national commitment to nonproliferation. I share the concern that nuclear weapons not proliferate. I believe my record on that matter is clear to all.

In 1975, I offered an amendment to the foreign aid bill to prohibit assistance to countries which detonate nuclear devices. This was in response to India's detonation of a nuclear device.

Earlier this year, I warned that Taiwan may be forced into the nuclear club unless the United States continued to supply Taiwan with the military hardware it feels it needs to have and maintain a credible deterrence against Peoples Republic of China's aggression.

Today, Mr. President, I call on my colleagues to join with me in supporting this amendment. I might point out that a distinguished delegation of Senators toured the Middle East in November 1976, to study U.S. nonproliferation interests there.

In its report, the delegation concluded:

> Notwithstanding the adequacy of assurances against diversion in the proposed agreements for Egypt and Israel (dealing with the supply of U.S. reactors to both countries), the delegation believes that ratification of the NPT (Non-Proliferation Treaty) by Israel and Egypt, and the placement by Israel of its Dimona facility under IAEA safeguards (International Atomic Energy Agency), would provide added reassurance.

Mr. President, while the delegation would not go so far as to recommend that U.S. reactor sales be conditioned on Egypt and Israel ratifying the treaty, Senator GLENN spoke out eloquently for such conditions.

"There is increasing concern, and justifiably so, about the spread of nuclear weapons potential around the world," Senator GLENN said in his additional views to the delegation's report.

> One way to alleviate that concern is to exert American influence and leverage to the end that ISAE safeguards will be maintained with respect to all peaceful activities of non-nuclear-weapon states. The failure to insist upon safeguards for the Dimona reactor (Israel's secret nuclear research reactor) as a condition to the supply of American nuclear material to Israel is bound to adversely affect our non-proliferation goals. In addition to leaving a major facility unguarded, it would undermine our credibility in future attempts to acquire safeguards for future agreements.

Mr. President, we have such a "future agreement" before us now. Is it not time to insist upon proper safeguards for nuclear activities in the Middle East? Is it not time to get all nations there on record, in writing in a formal treaty, against the spread of destructive nuclear weapons?

Once done, then we can move to building a lasting peace in the region, without the spectre of possible nuclear war there looming so menacingly.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I turn momentarily to a different matter.

Earlier today, the Senate agreed to a Pressler-Church-Javits amendment concerning negotiations to establish a peace development fund for the Middle East. This amendment would replace the language in S. 1007 that is found on page 7, lines 19 through 24, and page 8, lines 1 and 2, rather than between lines 9 and 10 on page 8, as stated in the amendment.

In addition, the word "industrialized" should be stricken on page 8, line 6.

I ask unanimous consent that these technical corrections be made.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—I have been over this request, and I believe it carries out what Senator PRESSLER had in mind, and therefore it should be granted.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object—and I hope I shall not object—will the Senator allow the Senator from North Carolina to look at the technical amendment?

Mr. CHURCH. Of course.

The PRESIDING OFFICER. Does the Senator from Idaho suggest the absence of a quorum?

Mr. CHURCH. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, the unanimous-consent request of the Senator from Idaho is agreed to.

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

If the amendment offered by the able Senator from North Carolina were adopted, the effect of it would be to kill the bill. If the Senate wishes to kill the bill and give no further American support to a peace initiative in the Middle East, this is the way to do it.

The amendment reads:

> No funds authorized to be appropriated under this act may be made available to any country which is not a party to the treaty on the nonproliferation of nuclear weapons.

Neither Israel nor Egypt is a party to this treaty, so the adoption of the amendment would kill the bill.

Mr. President, there is no need for me to argue with the able Senator from North Carolina about the desirability of doing all we can to discourage other governments from committing the American folly, which is to amass a huge arsenal of nuclear weapons which we dare not use except in the act of committing national suicide.

I hope that other governments looking to the American and Russian examples will avoid making so fateful a mistake. But the fact is, as the Senator from North Carolina has pointed out, there are other governments in the world that seem anxious to adopt a similar course to develop a capability for manufacturing nuclear weapons of their own.

The Senator charges, and others have alleged, that Israel already possesses such a capability. I do not know. I could not pass judgment upon the accuracy of these allegations. I have no certain evidence one way or another upon that charge.

But this I do know: If the possession of nuclear weapons by Israel is the reason, as Senator HELMS has suggested, for the interest of Iraq, Lybia, and other Arab countries to develop similar nuclear capabilities on their own, then the Israeli Government has made a very foolish mistake. Israel is a tiny country and, if Arab countries, pledged to the destruction of Israel, do proceed to develop nuclear weapons, then it would seem to me that Israel would be the most vulnerable of all possible targets.

The able Senator from North Carolina has suggested that the Middle East should become a nuclear free zone. I applaud that suggestion. I hope that not only the Middle East but the rest of Asia, all of Africa and Latin America, and ultimately the United States and the Soviet Union could become nuclear free zones.

I am glad we have a President, the first of whom has had the deep moral conviction to say that he hopes one day this world can rid itself of all nuclear weapons.

Now I recognize that that is a goal which may escape us. In any case, it is a goal which will take a long, long time to achieve.

Meanwhile, the United States is trying to do what it can to persuade other governments not to develop nuclear capabilities for we know that with every added country on the list of those that possess nuclear weapons, the chances for nuclear war to occur dramatically increase, and thus the danger to all mankind is deeply at stake.

It is the declared statutory policy of the United States to do what it can to prevent the proliferation of nuclear weapons by attempting to discourage other governments from developing this capability.

It is contained in an act passed by Congress last year, the Nuclear Nonproliferation Act of 1978, and I read the pertinent provision:

> It is the policy of the United States to strongly encourage nations which have not ratified the treaty on the nonproliferation of nuclear weapons to do so at the earliest possible date.

Mr. President, that is our policy. We do not focus it on just two countries. The policy is to encourage every country in the world that today has not made this grave mistake not to do so.

Meanwhile, if the Senator from North Carolina wishes to pursue this laudable goal, I suggest there is no better way for him to do it than to lend his voice and his hand to the ratification of SALT II.

All the world is watching to see whether the two superpowers, the two nations that have nuclear arsenals capable of incinerating much of the world, most of civilization, are willing to undertake an attempt to stabilize the present danger and to bring the nuclear arms race under some additional control. If we set that example that I suggest is the most effective and indeed may well prove to be the only way that we can persuade other countries not to build nuclear weapons.

Certainly we cannot do it by the way suggested in this amendment. The least effective way I can conceive of is to say we are selecting out two countries that are attempting to make peace, that have signed a peace treaty after 30 years of war, and we are saying to them, "We will give you no help unless you two countries sign the nonproliferation pact."

That is what is known as linkage, Mr. President. We are here today supporting this bill because we believe it serves the interests of this country. And we are to sacrifice the interests of this country in attempting to promote peace in the Middle East by linking our support to a demand that the principals that made peace must sign the nonproliferation pact?

We know it will not work. We know it will defeat our own interests. We know that the adoption of the amendment will effectively kill the bill.

For all these reasons, I strongly urge the Senate to reject this amendment. It is mischievious and, without in any sense calling into question the motives of the Senator from North Carolina, I believe it would be a grave mistake for the Senate to adopt this amendment. It would be a fatal mistake.

Mr. President, I reserve the remainder of my time.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. CHURCH. Yes, I yield to the Senator from New York whatever time he may wish.

Mr. JAVITS. Mr. President, the long and short of this matter is that 88 nations out of the 150 of the world to whom it is open, have signed to ratify the Non-Proliferation Treaty. Are we going to condition whatever we do that is of any importance with the other 62 nations of the world in the way that the Senator from North Carolina wishes us to do? The answer is obviously not.

In addition, the most feasible way to get those nations to sign the Non-Proliferation Treaty is to remove from them the burden of fear that somebody else will have the atom bomb, if they decide that they are going to give up the possibility.

The situation in the Middle East has been testified to by the Senator himself as making that extremely difficult at this time with the nations reserving their options.

Of course, in addition, I might say that to build this whole thick case on the fact that 200 pounds which, I gather, even if you made little bombs were enough for 12, that this is going to make the whole Middle East liable to nuclear war, is stretching it quite a good deal in order to torpedo—which is what it would do—this unbelievably important initiative for peace. That aphorism of Sadat's has been quoted time and again that you cannot make war without Egypt and you cannot make peace without Egypt, and the same is true of Israel. You cannot make war without it and you cannot make peace without it.

So, Mr. President, for all of those reasons I deeply believe that this amendment should be defeated.

But, Mr. President, I agree with my colleague, who will do it in a few minutes, that we ought to reiterate the fundamental position of the United States as stated in last year's act. We ought to back and support nonproliferation efforts. We ought to let everybody know, including these two nations, that this is on the U.S. agenda, and while we are not requiring it here for what we consider important reasons of our own national security, that it is always on our agenda, and that we reserve the right to insist upon it as we begin to make progress toward some real peace in this area, whether or not there is anything to the suspicion which Senator HELMS himself has so eloquently reported.

Therefore, Mr. President, I believe the substitute, which will be proposed as soon as the time expires, is the right way to go.

I hope very much that the Senate will take that route instead of the route of killing this whole effort so critically important to U.S. security, to U.S. interests, and to the interests of the free world that it is.

I thank my colleague.

The PRESIDING OFFICER (Mr. HEFLIN). The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I hear what my friends are saying but I do not understand the point they are attempting to make.

The purpose of this amendment is not to kill the treaty, and in a moment I am going to offer to modify it to allay their concerns.

Let me say this, Mr. President: The concerns expressed by the Senator from North Carolina which led to this amendment were expressed eloquently by another member of the Committee on Foreign Relations, the distinguished Senator from Ohio (Mr. GLENN). Let me read what he said several years ago, in reference to the need for Israel and Egypt to sign the Non-Proliferation Treaty before the United States sold to both countries nuclear reactors.

Senator GLENN said:

> There is increasing concern, and justifiably so, about the spread of nuclear weapons potential around the world. One way to alleviate that concern is to exert American influence and leverage to the end that ISAE safeguards will be maintained with respect to all peaceful activities of non-nuclear-weapon states. The failure to insist upon safeguards for the Dimona reactor (Israel's secret nuclear research reactor) as a condition to the supply of American nuclear material to Israel is bound to adversely affect our nonproliferation goals. In addition to leaving a major facility unguarded, it would undermine our credibility in future attempts to acquire safeguards for future agreements.

This is Senator GLENN speaking.

Mr. President, either we as a nation are going to put our foot down and insist on nonproliferation or we are going to talk around the issue and say, "We believe this, except. * * *" I do not understand how anybody can say it will inhibit this peace treaty for us simply to say that "Funds shall not be made available to a country which is not a party to the Treaty on Nonproliferation of Nuclear Weapons."

But, in good faith, I am going to offer a modification to my own amendment. I am going to strike the period after "weapons", insert a comma and add the words—

> *Provided*, however, that such funds shall be made available to any country under this act immediately upon its becoming a party to the Treaty on Nonproliferation of Nuclear Weapons.

Mr. President, that is simple English, and I want any Senator to explain to me why we should be dishing out money to any country that refuses to sign the Nuclear Non-Proliferation Treaty; and, how this amendment will adversely affect this treaty. All Egypt has to do, all Israel has to do, is become a party to the Nuclear Non-Proliferation Treaty, and the funds authorized under this act and under this amendment would immediately become available.

UP AMENDMENT NO. 144

Mr. President, I send forward this modification and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the modification.

The assistant legislative clerk read as follows:

> The Senator from North Carolina (Mr. HELMS) proposes a modification so that the amendment, as modified, reads as follows:
>
> At the bottom of page 8, add the following:
>
> NONPROLIFERATION OF NUCLEAR WEAPONS
>
> SEC. 6. No funds authorized to be appropriated under this Act may be made available to any country which is not a party to the Treaty on the Non-Proliferation of Nuclear Weapons, *Provided, however*, That such funds shall be made available to any country under this Act immediately upon its becoming a party to the Treaty on Non-Proliferation of Nuclear Weapons.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. HELMS. I think a Senator is entitled to modify his own amendment.

The PRESIDING OFFICER. The agreement on this specific amendment is action of the Senate on it. Therefore, unanimous consent is required. There being no objection, it is so modified.

Mr. HELMS. Mr. President, I will just say in conclusion that there are 99 nations which have already become parties to the Non-Proliferation Treaty, and I think it is fundamentally reasonable to add a stipulation that Egypt and Israel become parties to it as well.

I reserve the remainder of my time.

Mr. MATSUNAGA. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. First, Mr. President, may I inquire how much time is left in opposition to the amendment?

The PRESIDING OFFICER. Fourteen minutes and ten seconds.

Mr. CHURCH. How much time does the Senator from Hawaii wish?

Mr. MATSUNAGA. Two minutes.

Mr. CHURCH. I yield 2 minutes to the distinguished Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, while I commend the Senator from North Carolina for the deep intent of his amendment, I question even the germaneness of the amendment which he has offered. Why it was agreed that he could offer his amendment to the pending measure is beyond me. Perhaps the Senator from North Carolina can explain how he overcame the question of germaneness in offering his amendment.

Mr. HELMS. Very simply, I will say to my friend. I used a procedure that I intend to use on a lot of bills which will be coming before the Senate this year. I will not agree to a time limitation unless the germaneness requirement is waived.

Mr. MATSUNAGA. I must commend the Senator from North Carolina again for the forcefulness of his use of the available procedures.

Mr. HELMS. I have learned from my friend from Hawaii, I might add.

Mr. MATSUNAGA. But I must say that because, to begin with, it should have been declared nongermane and out of order, the amendment should be defeated.

If the agreement between Egypt and Israel, which we encouraged to be consummated, had originally considered the question which is now being raised by the Senator from North Carolina and rejected, then I would say to the Senator from North Carolina I think his amendment deserves support. But such is not the case. Here is a case where the entire world recognizes, except for a few States——

The PRESIDING OFFICER. The 2 minutes of the Senator have expired.

Mr. MATSUNAGA. May I have 1 more minute, Mr. President?

Mr. CHURCH. Mr. President, I yield an additional minute to the distinguished Senator from Hawaii.

Mr. MATSUNAGA. But here was a case where practically the entire world—and we, of course, in the United States—recognized that, a major step toward world peace having been consummated by the two countries involved, Egypt and Israel, we ought to do everything within our power, including acts such as called for in S. 1007, and that we should not accept any amendments which would jeopardize that possibility, and I would say great probability.

So, in all fairness to the Senator from North Carolina, who proposes what is universally acceptable, I think this is the wrong time and the wrong bill for his amendment, and I urge the defeat of his amendment.

Mr. HELMS. Mr. President, I thank my friend from Hawaii for his kind comments and his concern. He reminds me a little bit of the days when I was a member of the city council in Raleigh, N.C. I proposed a little measure to save some money, and I remember that the mayor pro tempore, in urging its rejection, said, "I agree with my friend Jesse in principle, but not in practice." I think that is what the Senator from Hawaii is saying.

The germaneness of this amendment has not been tested. I do not know whether it is germane or not, but I know it is relevant.

It is not going to kill this treaty; but I would say to my friend from Hawaii and all other Senators that what the President of the United States did was present us with a fait accompli, a take-it-or-leave-it. I do not know of any Senator who had any hand in the writing of this treaty. I ask the Chair (Mr. HEFLIN) if he had any role in it; I do not think he did.

So what are we supposed to do, be patsies for the President of the United States, who goes off and negotiates a multibillion dollar giveaway? I think that is the way most Americans see this thing. Are we supposed to act like a bunch of little tin soldiers, and say, "Yes, we approve this thing, and we will not approve an amendment to it"?

Mr. President, the Senator from North Carolina does not operate that way. I have a friend in North Carolina, a man by the name of Chubb Seawell, a man who has attained some local prominence as a writer and a philosopher, who has termed such exercises in sophistry "as silly as a 10-cent watch." To my eyes, an argument that this treaty will be destroyed simply by the Senate taking a position that neither Egypt nor Israel can get any of these funds unless and until they become parties to the Nuclear Non-Proliferation Treaty is silly—as silly as a 10-cent watch.

Mr. MATSUNAGA. Mr. President, will the Senator yield?

Mr. HELMS. I am glad to yield on Senator CHURCH's time. I do not have much time left.

Mr. MATSUNAGA. Oh, no time left?

Mr. HELMS. I say I do not have much time left.

Mr. MATSUNAGA. Just for a comment, if the Senator will yield.

Mr. CHURCH. I yield for that purpose.

Mr. MATSUNAGA. Of course, the Senator's story reminds me, and this ought to be appropriate here, that both Israel and Egypt, of course, are infants in the area of peace, and here they are venturing a first step in 2,000 years; and the Senator from North Carolina is saying, "Now, before you take that first step, why don't you take the second step?"

Mr. HELMS. Well, Mr. President, they may be infants, but what this amendment proposes to do is to help them grow up a little bit.

I reserve the remainder of my time.

Mr. CHURCH. Mr. President, how much, remaining time do I have?

The PRESIDING OFFICER. The Senator has 10 minutes and 22 seconds remaining.

Mr. CHURCH. I thank the Chair.

Mr. President, the amendment as modified does not improve upon the original. It simply states the objectionable provision twice which the original stated only once. In the modified form it is stated first in the negative and then in the affirmative. The amendment still says that unless the governments of Egypt and Israel become parties to the Non-Proliferation Treaty, no money contained in this bill will be available to either one of them.

If that is not an effective way to kill the bill, I do not know what is. The able Senator from Hawaii is quite right: For 2,000 years these two countries have failed to establish peace. Now comes the first time when they have been willing to clasp hands and sign a peace treaty—the first time in two millennia, and we are going to come along and say, "But before you do that and get the help that is going to be needed if this peace is to work, you have got to become parties to the Nuclear Non-Proliferation Treaty."

Mr. President, let us take the arguments used by the Senator from North Carolina in support of his amendment. If he is right, let us assume that every proposition he has made is accurate, factual, and correct in its facts.

Assuming that Arab countries including Egypt are suspicious that Israel may possess nuclear arms, how could we really expect President Sadat's Government to agree to this proposition? Naturally the Egyptians, if they felt Israel possessed nuclear arms, would not be willing to forswear them, but would want to keep their options open, waiting to see whether or not the peace treaty will in fact succeed.

So, you see, the proposition offered by the Senator from North Carolina, on its face, would force both governments to refuse, and their having refused would of course nullify the bill and all the help contained in the legislation to give some momentum to peace in the Middle East.

But on the other hand, Mr. President, should this peace work out, then confidence will grow between Israel and Egypt; and should it become evident to the rest of the Arab world that much more is to be gained from peace than from continued war, then the peace will spread. As peace spreads, confidence will grow, until we have reached the point when the countries of the Middle East will be prepared to become parties to the Nuclear Non-Proliferation Treaty. That moment would then be the appropriate time to consider an amendment such as this. But for now, Mr. President, what we ought to do is simply repeat what is the present policy of the United States. That policy is to encourage every government which does not presently possess nuclear weapons not to aquire them. U.S. policy urges these countries to become parties to the Nuclear Non-Proliferation Treaty.

For the purpose of reiterating that policy, I will send to the desk on behalf of Senator JAVITS and myself a substitute amendment. I will do so as soon as the remaining time on this amendment has been relinquished back.

Mr. MOYNIHAN. Will the Senator yield?

Mr. CHURCH. I am happy to yield to the distinguished junior Senator from New York.

Mr. MOYNIHAN. I want to congratulate the chairman and his colleagues, as I am continually doing, for their efforts in this matter. It should be evident to this Chamber that the appearance of nuclear weapons in the Middle East would be an act of preparation for another Vietnam. The peace which will come about, which this legislation facilitates, would move away in the future, which seems so near at hand now because of the successes which are embodied in this legislation.

Mr. CHURCH. I thank the Senator very much.

Mr. President, I am prepared to yield back the remainder of my time if the Senator from North Carolina is willing to yield back the remainder of his time.

Mr. HELMS. Mr. President. I believe the Senator from North Carolina anticipates what will happen here. As a matter of fact, I do not have to anticipate. I have a copy of what will be the substitute amendment, which I say, with all due respect and great affection to the distinguished chairman and the distinguished ranking member, just will not do the job. Either we are serious about restraining nuclear proliferation or we are not. The references to this amendment killing the treaty are not quite valid. If it is killed, it will be because Egypt and Israel were unwilling to become a party to the Nuclear Non-Proliferation Treaty. It is as simple as that. Ninety-nine countries have already become parties to it.

Mr. President, I am delighted to yield back the remainder of my time.

Mr. CHURCH. Mr. President, one final thought. There are 44 countries in this world which have not joined as parties to the Nuclear Non-Proliferation Treaty. In all likelihood, we are probably giving aid to half of them. Why should we make it difficult for Israel and Egypt only.

I am now prepared to yield back the remainder of my time.

Mr. HELMS. Mr. President, I will be glad to join the distinguished Senator from Idaho in making adherence to the Non-Proliferation Treaty a provision for aid received by any country from the United States.

I would say to Senator Church that Egypt has already signed the Non-Proliferation Treaty, though they have not yet ratified it. I think we are going down the road, and if the United States would just stand firm we will get the job done. But, no matter, the arguments have been made, and I yield back the remainder of my time.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

UP AMENDMENT NO. 145

Mr. CHURCH. Mr. President, I send a substitute amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The substitute will be read.

The assistant legislative clerk read as follows:

> The Senator from Idaho (Mr. Church), for himself and Mr. Javits, proposes an unprinted amendment numbered 145 to Amendment No. 144, as modified.
>
> In lieu of the language proposed to be inserted by the Helms UP-144 (as mod.) insert the following:
>
> "In accordance with the Nuclear Non-Proliferation Act of 1978, the Congress strongly encourages all nations, including Israel and Egypt, who are not a party to the Treaty on the Non-Proliferation of Nuclear Weapons to become parties to that Treaty."

Mr. CHURCH. Now, Mr. President, since the clerk has already read the substitute, let me simply emphasize that it is in accordance with the established policy of the United States as set forth in the Nuclear Non-Proliferation Act of 1978. Through the adoption of this substitute, the Senate would reiterate the hope and desire of this country to do everything possible to encourage other governments not to develop a capability for manufacturing nuclear weapons. This really addresses the purpose sought by the Senator from North Carolina and is consistent with the policy as we apply it to all other governments. I would hope that the Senate would adopt the substitute amendment. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. What is the time situation with regard to this substitute?

The PRESIDING OFFICER. It is 30 minutes equally divided.

Mr. HELMS. Mr. President, I will just say to my friend from Idaho this is commendable as far as it goes. It says in accordance with the Nuclear Non-Proliferation Act of 1978 the Congress strongly encourages all nations to become parties to the Non-Proliferation Treaty. I think the word "strongly" becomes "weakly" in its application. It does not really mean anything as used here. It does not mean anything. I hope Senators realize they are passing up an opportunity to really take a step toward nonproliferation if they vote this substitute and do not address themselves to the real question, which is contained in the amendment which we have been discussing here for about an hour.

Mr. President, when time is yielded back, I am going to move to table the substitute amendment so that Senators can vote up or down on the Helms amendment. I think Senators ought to face up to their responsibility. I do not mind tabling amendments. They pretty well spell out where a Senator stands. But in this case, in a matter so perilously important, I think Senators ought to address themselves to the real question. That is why, when time is yielded back, I shall move to table.

Mr. JAVITS. Will the Senator yield to me?

Mr. CHURCH. I am happy to yield.

Mr. JAVITS. Mr. President, I rise to speak only because of the mention by the Senator from North Carolina of the real question. The real question here is, Shall we back peace in the Middle East? The real question is not whether these two nations out of the number now of 44 shall sign the Non-Proliferation Treaty. That is precisely the whole point. Therefore, it is the substitute which should be enacted and the original amendment defeated. That is the real question.

All this does is take us on a rabbit track off the real question. I hope very much, therefore, that the motion to table will be defeated and that, in turn, the substitute will be voted upon.

Mr. LEVIN. Mr. President, requiring the signatories to the Egyptian-Israeli peace agreement to sign the Nuclear Non-Proliferation Treaty before receiving funds from the aid package is both arbitrary and counterproductive.

First, a requirement that recipients sign a particular treaty has never been applied by the Senate to any country as a condition of receiving aid. Second, the President already possesses authority to suspend aid to a country if he believes that that country is using its nuclear materials for nonpeaceful purposes contrary to our national interests.

Mr. President, it would be tragic to jeopardize the implementation of the fragile treaty between Egypt and Israel, which followed elaborate, sensitive, and prolonged negotiations, by adopting the Helms amendment. Therefore, I urge my colleagues to adopt the Church substitute and defeat the Helms amendment.

Mr. CHURCH. Mr. President, I ask for the yeas and nays on the substitute.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CHURCH. Mr. President, if the Senator from North Carolina is willing, I am prepared now to yield back the remainder of my time.

Mr. HELMS. I yield back the remainder of my time. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina to table the substitute amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from California (Mr. Cranston), the Senator from Iowa (Mr. Culver), the Senator from Ohio (Mr. Glenn), the Senator from Colorado (Mr. Hart), the Senator from Louisiana (Mr. Johnston), the Senator from South Dakota (Mr. McGovern), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Talmadge), and the Senator from Massachusetts (Mr. Tsongas) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. Sasser) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff) and the Senator from Iowa (Mr. Culver) would each vote "nay."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Mississippi (Mr. Cochran), the Senator from Maine (Mr. Cohen), the Senator from Kansas (Mr. Dole), and the Senator from North Dakota (Mr. Young) are necessarily absent.

I further announce that the Senator from Vermont (Mr. Stafford) is absent due to illness.

The PRESIDING OFFICER. Is there any Senator who desires to vote? If so, come forward and vote.

The result was announced—yeas 7, nays 76, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—7

Burdick
Exon
Hatfield
Helms
Laxalt
McClure
Proxmire

NAYS—76

Armstrong
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Church
Danforth
DeConcini
Domenici
Durenberger
Durkin
Eagleton
Ford
Garn
Goldwater
Gravel
Hatch
Hayakawa
Heflin
Heinz
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Jepsen
Kassebaum
Kennedy
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
Melcher
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Riegle
Roth
Sarbanes
Schmitt
Schweiker
Simpson
Stennis
Stevens
Stevenson
Stewart
Stone
Thurmond
Tower
Wallop
Warner
Weicker
Williams
Zorinsky

NOT VOTING—17

Baker
Cannon
Cochran
Cohen
Cranston
Culver
Dole
Glenn
Hart
Johnston
McGovern
Ribicoff
Sasser
Stafford
Talmadge
Tsongas
Young

So the motion to lay on the table was rejected.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the motion to table was rejected.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, in view of the vote, I ask unanimous consent that the order for the yeas and nays be vitiated on the substitute.

The PRESIDING OFFICER. Is there objection?

The vote is on the vitiation of the yeas and nays requested on the substitute.

Mr. HELMS. As a matter of fact, Mr. President, I think it would be necessary to vitiate them on both.

Mr. CHURCH. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHURCH. Mr. President, if the yeas and nays are vitiated by unanimous consent on the substitute, would it not then be appropriate for the Senate to consider the substitute on voice vote?

The PRESIDING OFFICER. Yes, it would be.

Is there objection to vitiating the yeas and nays on the substitute and on the Helms amendment?

Mr. HELMS. Mr. President, as a matter of fact, I did make such a request and I will renew it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I move the adoption of the substitute.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment.

The amendment (No. UP 145) was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina, as amended.

The amendment by Mr. Helms (No. UP 144), as amended, was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments?

Mr. CHURCH. Mr. President, I am not aware of any further amendments to the bill. If there are none, I am prepared to yield back the remainder of my time, but before doing so, I ask for the yeas and nays on passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is ordered.

ORDER OF PROCEDURE—S. 586

Mr. ROBERT C. BYRD. Mr. President, it is the hope that upon the disposition of this bill, the Senate could return to the State Department authorization bill, in the event there are amendments not dealing with Rhodesia. Amendments on that subject are to be put over until tomorrow.

It is my understanding that Mr. Helms may have an amendment of a nature that could be called up this afternoon.

Is that correct?

Mr. HELMS. Yes.

Mr. ROBERT C. BYRD. Is there any Senator on my side of the aisle who has an amendment to the State Department authorization bill?

Mr. President, I just wanted to have Senators aware of the fact that we will be back on the State Department authorization bill this afternoon.

I thank the Chair.

S. 1007

● Mr. LAXALT. Mr. President, as many of my colleagues are aware, I am no friend of foreign assistance. In fact, it is a matter of record that I have not supported a single foreign assistance measure since coming to the Senate.

But in the case of S. 1007, the Special International Security Assistance Act of 1979, I am prepared to make an exception. I believe that this measure contributes to a prudent attempt at solving an extraordinarily difficult and dangerous problem. Although no one can be overly sanguine about the prospects for finally achieving peace in the Middle East, I believe it imperative that the glimmer of hope for peace raised by the Egyptian-Israeli peace treaty be sustained. I support S. 1007 to keep this hope alive.

THE PACKAGE

As has been discussed, S. 1007 involves an authorization of $1.47 billion to fund $4.8 billion in special aid for Egypt and Israel. Although there has been a good deal of confusion on this point, it is well to underscore the fact that most of this $4.8 billion package ($3.7 billion) is for foreign military sales (FMS) loans, which are expected to be paid back over 30 years at interest rates in excess of 9 percent.

The rest of the package includes $800 million in grant assistance to help the Israelis relocate their Sinai air bases, $300 million in security supporting assistance to bolster the Egyptians, faced as they are with growing isolation in the Arab world, and $370 million (10 percent of $3.7 billion) as required by the Arms Export Control Act to guarantee the FMS loans to both countries.

Concerning the Israeli grant, it should be pointed out that, if infrastructure is included, the total costs of relocating the air bases is $1.5 to $1.6 billion and that this says nothing about other costs associated with Israeli withdrawal from the Sinai such as relocation of ground and naval forces, and the forward-positioned early-warning sites. In the Egyptian case, the $300 million which they will receive in security supporting assistance is most unlikely to shield their hard-pressed economy from the full shock of Arab retaliation occasioned by their signature on the treaty of peace.

What about forgiveness? Both the Egyptian and Israeli economies are debt-ridden and perilously fragile. S. 1007 clearly acknowledges this fact by recognizing that these extraordinary debt burdens may require a modification of the terms of the loans as authorized. Further, it requires the President to furnish an annual report to the Congress on the ability of the two economies to meet their repayment obligations.

But the Foreign Relations Committee has received clear assurances from Defense Secretary Brown that no forgiveness is intended in this case. These are loans provided in S. 1007, and it is my understanding that they will be repaid. As Mr. Brown put it in his reply to a question from Senator Pell:

> There is no forgiveness in this and no intention for forgiveness. In the past, Israeli foreign military sales credits have been forgiven to the extent of 50 percent. That is not provided for in this legislation and it is not the intention of the Administration.

SPECIAL CASE

Mr. President, this legislation is being billed as an extraordinary, one-time request. I believe this to be so. Certainly it is aimed at assisting Israel with the unique problems caused by its withdrawal from the Sinai and cushioning the Egyptian economy from the blows of Arab retaliation for President Sadat's signature on the peace treaty and the difficulties inherent in easing Egypt's transition away from an almost total reliance on Soviet weaponry.

Both parties are also assuming considerable risks in adhering to the peace treaty. Israel is trading concrete territorial assets for the hope of peace so long sought by its people. Egypt in turn is risking its position in the Arab world and the economic assistance provided by its oil-rich Arab brethren for the return of the Sinai, the beginning of what could evolve into a solution to the Palestinian problem, and a hope for peace for its people. The personal and political risks accepted by President Sadat and Prime Minister Begin are obvious.

But as Senators, our principal concern has to be our own national security. And it is directly at issue in the Middle East. Our dependence on Middle Eastern oil is an unfortunate fact, which requires no further comment. In addition, it is well understood that strategically the Middle East is perhaps the single most volatile region in the world, in the sense that tensions escalating from regional conflicts there are more likely to bring on a head-to-head confrontation between the superpowers than those originating almost anywhere else. I need not remind Members of this body that both the most serious threat to our oil supply and the most recent instance of direct superpower confrontation occurred in the Middle East at the time of the Yom Kippur war in 1973.

The Egyptian-Israeli peace treaty offers us a hope for protecting these vital U.S. interests by dampening down tensions in this tinderbox area. S. 1007 in turn contributes some of the wherewithal to sustain that hope and perhaps extend it.

As Secretary Vance has pointed out, the peace treaty is a first step. In effect, it applies Security Council Resolution 242 to the Sinai Peninsula, trading Israeli withdrawal from territory occupied during the 1967 war for Egyptian acknowledgement of Israeli right to live in peace within secure and recognizable borders.

The hope is to build upon this base toward a comprehensive solution involving directly the almost intractable Palestinian problem. The hope is that once it is demonstrated that peace can work, other states in the region will join in. But after 30 years of bitter conflict, is it any wonder that this hope for peace will have no chance at all unless the two partners themselves are secure enough to accept the necessary risks?

Mr. President, this is why I support S. 1007. It is my hope, in the words of the 1960's, to "give peace a chance" in an area of vital interest to the United States.

CAVEATS

But I must also note some related concerns. Although section 2 of the bill expressly states that "it is the policy of the United States to support the peace treaty concluded between the Government of Egypt and the Government of Israel on March 26, 1979", section 5 states that no provision of this bill should be construed as "authorizing, approving, or confirming any of the U.S. agreements or assurances related to the peace treaty."

To me, this disclaimer is essential. I most assuredly do not support the United States-Israel agreement on oil. I understand all the qualifiers and mitigating factors. But when people in Nevada and around the country are sitting in gas lines, and when we quite obviously cannot guarantee our own supply of oil, I simply cannot support U.S. guarantees of the oil supplies of others, even if they do involve a very small percentage of our total consumption.

This bill also calls on other industrialized nations to pay a share of the cost. This I feel is long overdue. Although it is difficult to tell how much will actually be forthcoming, I find it reassuring to note from Secretary of State's testimony before the Foreign Relations Committee, that our allies who depend upon Middle Eastern oil even more than we do have been approached and reminded of their interests and responsibilities in this area.

Mr. President, we should give peace a chance in the Middle East. We should help to reinforce the parties to the peace treaty, who have both accepted substantial risks in their pursuit of peace. S. 1007 is a reasonable step toward a prudent safeguarding of vital U.S. interests. I support it and I urge my colleagues to do likewise.●

● Mr. STEVENSON. Mr. President, the euphoria which followed the Israeli-Egyptian peace treaty has subsided, but this recent example of televised summitry demonstrates once again its dangers. It created high expectations which are disappointing and set forces in motion which still defy reason and critical examination. The Senate should assess carefully the prospects for success of the Camp David process in the Mideast before assuming its heavy obligations for the United States. A large and direct role has been proposed for the country at enormous cost and danger to the American people.

Only the easiest of issues has been resolved in the Mideast. Those which remain unresolved include recognition of Israels sovereignty and basic security interests, a future for the Palestinian people based on consent and self-determination, a final disposition of territory now occupied by Israel in the West Bank, the Gaza Strip and the Golan Heights, and the status of Jerusalem.

Despite all the wishful thinking, the United States cannot threaten, intimidate or coerce the Arabs, the Europeans or anyone else into accepting a step-by-step approach to peace in the Middle East. The Arabs think this approach allows Israel to pick and choose between those issues it wants to settle and those it wants to ignore. Joined now by Iran, they are in a position of considerable influence in a world that depends heavily on the Middle East for fuel and capital. And it cannot be said that there is no basis for their concern.

The most moderate Arabs have joined the most immoderate in objecting to this process and isolating Egypt, which now becomes more dependent on the United States for material assistance. Relations between the United States and the moderate nations of the Arabian Peninsula are strained. Our influence in the Mideast is diminished. If this process fails to produce some evidence of progress on the West Bank issue in the near future, the Arab perception of Israeli intentions and the prospects for a settlement will appear vindicated the world over.

We cannot rewrite history. Sadat and Begin have signed their historic treaty. We must see to it, if we can, that its terms are implemented and that disaffection aroused among the Arabs is diffused by progress on the unresolved issues. And we ought not agree to pay the high price now unless it will move the Middle East toward an overall settlement.

Israel is loath to offer self-determination for the West Bank and the Gaza Strip for reasons of national security. Instead, Mr. Begin talks of autonomy for the people though not for the land. The self-government the Israelis apparently envisage for the Palestinians at the end of the transitional 5-year period will fall short of a full and free choice. The West Bank Arab leaders have declined to take part in what they see as a move to maintain Israeli hegemony. The Jordanians consider it demeaning to participate in a process which assigns them a role without consultation or consent and where they would be seen by other Arabs to be agents of the Israeli Government, operating under Israeli security restraints, in negotiations where, to believe Mr. Begin's statements, not even the possibility of removing the West Bank settlements or eventual independence exists.

The Camp David agreement does not deal explicitly with an end to the occupation of the Golan Heights and the state of war with Syria or the status of Jerusalem. It can only be presumed that settlement of these issues is supposed to follow on at the tag end of the peace process, but the prospect of handling these issues as an afterthought is not likely to stimulate the lively interest and cooperation of either Syria or Saudi Arabia.

Nations act to enhance their interests, as they see them. If peace enables Israel to get the recognition it deserves and Egypt to concentrate on the economic problems that beset it, why is it necessary to encourage both sides with enormous sums of money to do what is supposed to be in their national interest? Either the two sides lacked enough confidence in this process to go along, unless the United States made it financially attractive and injected itself as a middle man in negotiations on the West Bank and the Gaza Strip, or they simply exploited the weakness of the President, his prestige on the line, for all it was worth. Either way, the implications are serious. When Israel withdraws from the Sinai, and both sides enjoy whatever security an Egyptian-Israeli peace and American economic and military aid provide, Israel will have less incentive to take steps that persuade other Arabs it is committed to the kind of self-determination for Palestinians the Israelis themselves have achieved. Egypt will then have little influence in the Arab world unless, with its oil and the Sinai recovered, it returns to its place in the Arab world under leadership that is not congenial to the U.S.

The parties to the interim Sinai withdrawal of 1975 were persuaded by another president to accept that agreement with the promise of large amounts of U.S. aid. Our annual economic and military assistance to Israel now runs to $1.8 billion, and to Egypt it amounts to nearly $1 billion. This is in addition to $2.4 billion in military aid to Israel in 1974 to enable it to recoup the losses suffered in the Yom Kippur war.

Now comes the Israeli-Egyptian treaty. The price for this step toward an overall Middle East settlement is to be $4.8 billion—$800 million for Israel to relocate airbases from Sinai to the Negev and another $2.2 billion for arms purchases, plus $1.8 billion in economic and military aid to Egypt.

Aid to these two countries already makes up more than two-thirds of the assistance the United States provides the world. The U.S. security guarantees given Israel reaffirm and broaden the commitments made in 1975. We promise the Israelis to consult with them if Egypt violates the treaty, to consider military and other measures if Israel is attacked, to support Israel's sea and air rights in the Gulf of Aqaba and the Straits of Tiran, to oppose U.N. moves that are adverse to the treaty, and to respond to the requirements of Israel for military and economic assistance. We have also reaffirmed an obsequious promise to have no contact with the PLO, which is the only accepted representative of the Palestinians, until the PLO recognizes Israel. Enlarging on the 1975 commitment, we have guaranteed Israel's oil supply until 1990.

If these financial and political commitments could lead to stability in the Middle East, the price would be worthwhile. But they have been made with no apparent assurance of progress on the unresolved issues.

Each step in this process becomes more expensive than the last. The levels of violence for each battle in the long war are raised each time. And each step gives no sign of leading to an overall settlement. The elapse of time without movement toward peace may be leading the region in a different direction.

If the Israeli-Egyptian peace treaty costs this much, God only knows how much a West Bank settlement will cost. Instead of plunging ahead, it would be best to first see how quickly the Israelis and Egyptians put their treaty into practice and what progress they make on the Palestinian issue. When a settlement of that issue is a realistic prospect, it would be timely to offer aid for security and reconstruction with more to follow an overall settlement. To make the commitments now only invites the Israelis and the Egyptians to sit tight. If there is movement on the West Bank and the Gaza Strip, the United States would be prepared to contribute materially to the process, and other nations might then participate.

Our self-interest dictates that we pause and wait for at least tentative movement toward an overall settlement before giving the administration a blank check with which to pursue a questionable strategy. I suggest a way to encourage the peace process, instead of involving the United States expensively and dangerously in a process which could lead toward more instability in the Mideast, more economic dislocation in the world, more Soviet influence and, ultimately, war.●

● Mr. HARRY F. BYRD, JR. Mr. President, the bill now before the Senate calls for authorization to provide $4.8 billion to Egypt and Israel for military and economic assistance, to which the President committed himself when Egypt and Israel signed a peace treaty.

I favor the objectives of the peace treaty. I attended the signing of the treaty at the White House; it was a moving and historic experience.

Thus, the vote on the pending legislation is a most difficult one. I would like to support it because I support the objectives.

But this $4.8 billion of American tax funds is on top of more than $2 billion already in the process of being authorized for the two nations for fiscal year 1980.

Indeed, from 1974 through 1979, $15.5 billion has been authorized for Egypt and Israel—$11.2 billion for Israel and $4.3 billion for Egypt. The $15.5 figure does not include the $4.8 billion in the current legislation nor the $2 billion in the new budget.

In addition, the $4.8 billion comes as an add-on to our total foreign aid program.

The administration is seeking authority for nearly $12 billion for each of the next 2 fiscal years, 1980 and 1981—and none of this includes the funding being considered today by the Senate.

As I see it, these foreign aid figures are excessive—particularly at a time when the United States is runing a huge deficit, is plagued with high inflation and threatened with a recession down the road.

I understand the importance of the effort to obtain stability and peace between Egypt and Israel.

But in reading this legislation, I find that it envisions no end to the use of American tax funds. In fact, it emphasizes the financial plight of the two nations and invites Egypt and Israel to seek greater financial concessions from the United States.

I support the security of Israel as a free nation. I applaud the efforts of President Sadat. I recognize both Israel and Egypt as friends of the United States. But I feel there must be some limit to the use of American tax dollars in seeking to solve Middle East problems.●

● Mr. BAYH. Mr. President, I will support the bill the Senate is considering today to authorize additional military and economic assistance to Egypt and Israel in order to sustain the momentum of the peace process in the Middle East. Without such a tangible display of a continuing U.S. commitment to remain a full partner in this process by providing effective assistance to the two nations whose courageous leaders have taken the first diplomatic steps toward a comprehensive and permanent peace we cannot remain confident about the chances for such a result.

S. 1007 will require an appropriation of $1.47 billion for military assistance for Israel and military and economic assistance for Egypt. This budget authority will result in program authority of $4.8 billion to assist the economies of both nations who have been at war for over 30 years. That state of war formally came to an end on April 26, 1979 with the exchange of the instruments of ratification in the Sinai after the peace treaty was signed here in Washington on March 26. To fully appreciate the necessary nature of this aid requires a brief look at the economies of both nations.

At this time, Israel has an external debt of $11.8 billion compared to a gross national product of nearly $12.7 billion. Israel's citizens are taxed at a rate of approximately 66 percent of their gross income each year. Both of these items—the external debt and the income tax rate—are the highest in the world.

The Egyptian economy, while not as developed as the Israeli, is facing a major challenge in face of the uncertainty of future economic aid from the Arab world. President Sadat's bold and visionary initiative which has started us along a road to solve the seemingly unsolvable conflict in the Middle East is still beset by those who prefer confrontation to conciliation and hostility to understanding. Essential to this task of supporting the Egyptian Government is making sure that our economic assistance goes to benefit those who have sustained Anwar Sadat during these difficult times—the people of Egypt. Their overwhelming support for peace must result in visible benefit and should not be exploited in a way that will only stockpile tragedy and disillusionment from increasing commercial contact with the West. We must be sensitive to the culture of the Egyptian people, their traditions, hopes and aspirations.

I am hopeful that those in the administration who will be working closely with the Egyptian Government will keep this requirement in mind as we deepen our relationship with that country and a people whose contribution to civilization has been enormous and enduring.

Finally, the bill we consider today should say to the world that where the vital interests of the United States are affected, we will respond—decisively and positively. We will refuse to mimic the sorry example of the Soviet Union and its proxies by dispatching military forces and assistance in support of aggressive designs. American diplomacy does not aim at takeover and subversion of the weak. It intends to help those dedicated to peace and progress help themselves. I firmly believe the vast majority of the American people support this approach which has made waging the peace as exciting as any battle in war.

But there are those who sincerely question the cost of the peace process in the Middle East. At a time of overall fiscal restraint, many have asked why it is necessary to appropriate another $1.47 billion in support of peace which, of itself, should require no financial inducements. If the world were a simpler place and conflict an uncommon occurrence, such expenditures might not be required. However, to understand the price of the risk we run by not approving the important assistance package it is appropriate to call attention to what the past cost of the Arab-Israeli conflict has been both in human and economic terms to those countries in the region and the United States:

Since 1948, there have been 115,000 Arab and 40,000 Israeli military casualties.

The Jordanian civil war and Lebanese civil wars have resulted in 10,000 and 75,000 deaths respectively.

Total U.S. military aid to the region since 1948 has easily exceeded $10 billion in grants alone.

The oil embargo of 1973–74 has cost the taxpayers in our country approximately $300 billion.

All of these costs grew out of the Arab-Israeli conflict and there are no doubt others which have not been calculated.

What we can reasonably conclude is that the price of a less than comprehensive peace far outweighs the cost of any future war. In fact, such a comprehensive peace is simply not obtainable if we falter now and abandon a commitment so easily maintained with rhetoric but also requiring some of our own national resources. Therefore, the Senate's approval of the President's request for this additional aid is not so much a guarantee of the ends we seek as a symbol that our political will in this area is strong. Perceiving this, those nations who presently oppose the peace process will have to understand that the United States is prepared to back up its word even under difficult political conditions.

To our allies such as the European Community and Japan who have an equal if not greater stake in the economic and political stability of the Middle East, passage of S. 1007 ought to be an irresistable invitation to join us in the pursuit of a comprehensive peace.

Two years ago, the thought that the Senate would today be considering a bill to provide economic assistance in support of a peace treaty between Egypt and Israel would have been ridiculed by the political pundits across the nation. That hope would have been dismissed as naive. But because of the enormous courage of our President and his ceaseless efforts—which should earn him the Nobel Peace Prize—and the spirit of the leaders and people of Egypt and Israel we know once again that "no matter of human destiny is beyond human beings." Indeed, the words of John Kennedy 16 years ago have found at least partial fulfillment in the works of Menachem Begin, Anwar Sadat and Jimmy Carter today. Two years from now, I am hopeful that we can do only as well as we have in our past efforts.●

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. CHURCH. I yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. CULVER), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Louisiana (Mr. JOHNSTON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. TALMADGE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Iowa (Mr. CULVER) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Mr. COHEN), and the Senator from Kansas (Mr. DOLE) are necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness.

The PRESIDING OFFICER (Mr. BAUCUS). Are there any other Senators wishing to vote?

The result was announced—yeas 73, nays 11, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—73

Armstrong
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Byrd, Robert C.
Chafee
Chiles
Church
Danforth
DeConcini
Domenici
Durenberger
Durkin
Eagleton
Exon
Ford
Garn
Gravel
Hatch
Hayakawa
Heflin
Heinz
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Jepsen
Kassebaum
Kennedy
Laxalt
Leahy
Levin
Lugar
Magnuson
Mathias
Matsunaga
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Riegle
Roth
Sarbanes
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Stevens
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Byrd,
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Hart
Johnston
McGovern
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Sasser
Stafford
Talmadge
Tsongas

So the bill (S. 1007), as amended, was passed, as follows:

S. 1007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special International Security Assistance Act of 1979".

CONSTRUCTION OF AIR BASES IN ISRAEL

SEC. 2. Part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"CHAPTER 7—AIR BASE CONSTRUCTION IN ISRAEL

"SEC. 561. GENERAL AUTHORITY.—It is the policy of the United States to support the peace treaty concluded between the Government of Egypt and the Government of Israel on March 26, 1979. In furtherance of that policy, the President is authorized—

"(1) to construct, and to enter into contracts for the construction of, air bases in Israel for the Government of Israel as may be agreed upon between the Government of Israel and the Government of the United States, to replace the Israeli air bases located at Etzion and Etam on the Sinai Peninsula that are to be evacuated by the Government of Israel, and

"(2) to furnish as a grant to the Government of Israel, on such other terms and conditions as he may determine, defense articles and defense services, which he may acquire from any source, of a value not to exceed the sum appropriated pursuant to section 562(a) of this chapter.

"SEC. 562. AUTHORIZATION AND UTILIZATION OF FUNDS.—(a) There is authorized to be appropriated to the President to carry out this chapter not to exceed $800,000,000, which may be made available until expended.

"(b) Upon agreement by the Government of Israel to provide to the Government of the United States funds equal to the difference between the amount required to complete the agreed construction work and the amount appropriated pursuant to subsection (a) of this section, and to make such funds available in such amounts and at such times as required by the Government of the United States to meet these costs incurred, in advance of the time when payments are due, the President may incur obligations and enter into contracts to the extent necessary to complete the agreed construction work, as provided in appropriation Acts.

"(c) Funds made available by the Government of Israel pursuant to subsection (b) of this section may be credited to the appropriation account established to carry out the purposes of this section for the payment of obligations incurred and for refund to the Government of Israel if they are unnecessary for this purpose, as determined by the President. Credits and the proceeds of guaranteed loans made available to the Government of Israel pursuant to the Arms Export Control Act, as well as any other source of financing available to it, may be used by Israel to carry out its undertaking to provide such additional funds.

"SEC. 563. WAIVER AUTHORITIES.—(a) It is the sense of the Congress that the President should take all necessary measures consistent with law to ensure the efficient and timely completion of the construction authorized by this chapter, including the exercise of authority vested in him by section 633(a) of this Act.

"(b) The provisions of paragraph (3) of section 636(a) of this Act shall be applicable to the use of funds available to carry out this chapter, except that no more than sixty persons at any one time may be engaged under section 636(a)(3) of this Act for the purposes of this chapter."

SUPPLEMENTAL AUTHORIZATION OF FOREIGN MILITARY SALES LOANS GUARANTIES FOR EGYPT AND ISRAEL

SEC. 3. (a) In order to support the peace treaty between Egypt and Israel and related agreements, the Congress finds that the national security interest of the United States is served by the authorization and appropriation of additional funds to finance procurements by Egypt and Israel through the fiscal year 1982 of defense articles and defense services for their respective security requirements. The Congress further finds that the legitimate defense interests of Israel and Egypt require a one time extraordinary assistance package due to Israel's phased withdrawal from the Sinai and Egypt's shift from reliance on Soviet weaponry. The authorizations contained in this section do not, however, constitute congressional approval of the sale of any particular weapons system to either country. These sales will be reviewed under the normal procedures set forth under section 36(b) of the Arms Export Control Act.

(b) In addition to amounts otherwise authorized by section 31(a) of the Arms Export Control Act to be appropriated for the fiscal year 1979, there is authorized to be appropriated to the President to carry out the Act $370,000,000 for the fiscal year 1979.

(c) Notwithstanding the provisions of section 31(c) of the Arms Export Control Act, funds made available pursuant to subsection (b) of this section may be used only for guaranties for Egypt and Israel pursuant to section 24(a) of the Arms Export Control Act, and the principal amount of loans guaranteed with such funds shall not exceed $3,700,000,000 for the fiscal year 1979 of which amount not less than $2,200,000,000 shall be available only for Israel and not less than $1,500,000,000 shall be available only for Egypt. The principal amount of such guaranteed loans shall be in addition to the aggregate ceiling authorized by section 31(b) of the Arms Export Control Act for the fiscal year 1979.

(d) Loans guaranteed with funds made

available for the fiscal year 1979 under subsection (b) of this section shall be on terms calling for repayment within a period of not less than thirty years, including an initial grace period of ten years on repayment of principal.

(e) (1) The Congress finds that the Governments of Israel and Egypt each have an enormous external debt burden which may be made more difficult by virtue of the financing authorized to be extended by this section.

(2) The Congress further finds that, as a consequence of the impact of the debt burdens incurred by Israel and Egypt under such financing, it may become necessary to modify the terms of the loans authorized under the provisions of the Act for the Governments of Israel and Egypt in future years.

(3) In order to assist the Congress in determining whether any such assistance for Israel and Egypt is warranted, the President shall transmit, commencing January 15, 1980, and each year thereafter, an annual report to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate regarding economic conditions prevailing in Israel and Egypt as may affect their respective ability to meet their repayments of principal and interest under the financing authorized to be extended by this section. In addition to such annual report, the President shall transmit a report containing such information within thirty days of the receipt of a request therefor from the chairman of the Committee on Foreign Relations of the Senate or from the chairman of the Foreign Affairs Committee of the House of Representatives.

SUPPLEMENTAL AUTHORIZATION OF ECONOMIC SUPPORT FOR EGYPT

SEC. 4. (a) It is hereby determined that the national interests of the United States would be served by the authorization and appropriation of additional funds for economic assistance for Egypt in order to promote the economic stability and development of that country and to further support the peace process in the Middle East.

(b) Accordingly, there is authorized to be appropriated to the President to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, $300,000,000 for the fiscal year 1979 for Egypt, in addition to amounts otherwise authorized to be appropriated for such chapter for the fiscal year 1979.

(c) The amounts appropriated pursuant to this section may be made available until expended.

(d) (1) It is the sense of the Congress that other nations should give favorable consideration to providing for support for the implementation of the Israel-Egypt treaty. Therefore, the Congress requests that the President take all appropriate steps to negotiate with other nations an agreement for the establishment of a peace development fund whose purpose would be to underwrite the costs of implementing a Middle East peace.

(2) The President shall report to the Congress within one hundred and eighty days of enactment of this Act with regard to (1) the efforts made by the United States to consult with other countries in order to increase the economic assistance provided to Egypt and Israel by other donors, and (2) the impact on Egypt's economy of Arab sanctions against Egypt.

INTERPRETATION OF THE AUTHORIZATION

SEC. 5. No provision of this Act may be construed as authorizing, approving, or confirming any assurance or commitment made to, or agreement concluded with, the Governments of Egypt or Israel.

NONPROLIFERATION OF NUCLEAR WEAPONS

SEC. 6. In accordance with the Nuclear Non-Proliferation Act of 1978, the Congress strongly encourages all nations, including Israel and Egypt, who are not a party to the Treaty on the Non-Proliferation of Nuclear Weapons to become parties to that Treaty.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHURCH. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to S. 1007.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I want to take this opportunity to thank the distinguished ranking minority member of the committee, Senator JAVITS, for his invaluable support in the management of this bill. I also want to thank all of the other members of the Committee on Foreign Relations for the work they performed both on the floor and in the committee's deliberations of this bill.

Additionally, we owe a special debt of thanks, those of us who serve on the committee, to the members of our excellent staff. I especially wish to thank Bill Bader, Pat Shea, Dick McCall, Hans Binnendijk, Gerald Decker, and Pauline Baker on the majority side of the staff. There are, of course, minority members, and I defer to the Senator from New York for such references as he may wish to make as to the members of the minority staff.

Mr. JAVITS. Mr. President, I thank the Senator very much. First, I would like to congratulate him on the superb handling of a very important bill; second, I would like to also congratulate the majority staff. I would also like to thank the members of the minority on the committee who supported the bill and spoke for it, and all other Members on the minority side who cooperated in bringing the bill to a prompt conclusion, and who consented to the time agreement. I also wish to thank the staff on the majority side and, particularly, Peter Lakeland, the minority staff director, and Stan Sienkiewicz, a member of our staff. I thank the Senators for their participation.

FOREIGN RELATIONS AUTHORIZATION ACT, 1980 AND 1981

The PRESIDING OFFICER. The Senate will now resume the pending business, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 586) to authorize appropriations for the Department of State, International Communication Agency, and Board for International Broadcasting for fiscal years 1980 and 1981, and a supplemental authorization for State for fiscal year 1979, and for other purposes.

The Senate resumed consideration of the bill.

NATIONAL TOURISM POLICY ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for not to exceed 3 minutes to Calendar Order No. 133, which has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1097) to establish a national tourism policy, a Cabinet level coordinating council and a nonprofit corporation as an implementing agency to carry out the national tourism policy.

There being no objection, the Senate proceeded to consider the bill reported from the Committee on Commerce, Science, and Transportation.

Mr. WARNER. Mr. President, I thank the Chair. I was a member of the committee that devised this proposed legislation, and I wish to speak in support of it.

Mr. President, the travel and tourism industry is a vital element in our Nation's economic system. In 1977 alone, for example, the industry generated roughly $115 billion in revenues and created jobs for 5 million people.

As the Commerce Committee points out in its extensive report, the travel and tourism industry for many years has not received adequate policy support or guidance from the Federal Government.

This bill will finally provide the industry with the guidance it needs by establishing a national tourism policy and creating the principal mechanisms for coordinating and implementing that policy.

What is refreshing about this legislation is that, while it establishes the mechanisms for implementing a Federal tourism policy, it leaves in the hands of those most knowledgeable on the subject—the travel and tourism industry—the opportunity to formulate that policy.

Toward this end, the committee in marking up this bill agreed to an amendment which calls for the federally chartered, nonprofit United States Travel and Tourism Development Corp. to undertake a comprehensive study of the funding levels required to effectively implement a comprehensive tourism development program. The bill as amended specifically directs the corporation to study all alternative funding measures other than direct Treasury funding, and report back to Congress in 6 months with its findings.

In reviewing the original funding for S. 1097, I was keenly aware that the people of this Nation are facing rising inflation caused by, among other things, costly Federal programs previously enacted by the Congress. I was reluctant to add to the public's economic woes by voting for legislation which calls for new Federal funding if alternative funding sources are available.

I found it hard to believe that an industry which generates $115 billion in revenue each year wedded to the belief, as S. 1097 originally provided, that only the Federal Government was to be the sole source of funds for marketing the industry's overseas promotional activities.

Accordingly, my amendment to S. 1097, which became section 312 (a) and (b), provided that the corporation should not look to direct Treasury funding for its operating capital.

Instead, the amendment allows the

travel and tourism industry to utilize its own creative talents in developing alternative funding provisions. I believe it is appropriate for the travel and tourism industry, the party which benefits most directly from the corporation's activities, to support these operations rather than the taxpaying public.

I await with great interest the corporation's study and look forward to reviewing the interesting proposed alternative funding measures.

The bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Tourism Policy Act".

TITLE I—NATIONAL TOURISM POLICY

SEC. 101. FINDINGS AND PURPOSE.

(a) The Congress finds that—

(1) the tourism and recreation industries are important to the United States, not only because of the numbers of people they serve and the vast human, financial, and physical resources they employ, but because of the great benefits tourism, recreation, and related activities confer on individuals and on society as a whole;

(2) the Federal Government for many years has encouraged tourism and recreation implicitly in its statutory commitments to the shorter workyear and to the national passenger transportation system, and explicitly in a number of legislative enactments to promote tourism, and support development of outdoor recreation, cultural attractions, and historic and natural heritage resources;

(3) as incomes and leisure time continue to increase, and as our economic and political systems develop more complex global relationships, tourism and recreation will become ever more important aspects of our daily lives and our growing leisure time; and

(4) the existing extensive Federal Government involvement in tourism, recreation, and other related activities needs to be better coordinated to effectively respond to the national interests in tourism and recreation and where appropriate, to meet the needs of State and local governments and the private sector.

(b) It is the purpose of this Act to establish a cooperative effort between the Federal Government and State and local governments and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, to implement a national tourism policy that will—

(1) optimize the contribution of the tourism and recreation industries to economic prosperity, full employment, and the international balance of payments of the Nation;

(2) make the opportunity for and benefits of tourism and recreation in the United States universally accessible to residents of the United States and foreign countries and to insure that present and future generations be afforded adequate tourism and recreation resources;

(3) contribute to personal growth, health, education, and intercultural appreciation of the geography, history, and ethnicity of the United States;

(4) encourage the free and welcome entry of individuals traveling to the United States, in order to enhance international understanding and goodwill, consistent with immigration laws, the laws protecting the public health, and laws governing the importation of goods into the United States;

(5) eliminate unnecessary trade barriers to the United States tourism industry operating throughout the world;

(6) encourage competition in the tourism industry and maximum consumer choice through the continued viability of the retail travel agent industry and the independent tour operator industry;

(7) promote the continued development and availability of alternative personal payment mechanisms which facilitate national and international travel;

(8) promote quality, integrity, and reliability in all tourism and tourism-related services offered to visitors to the United States:

(9) preserve the historical and cultural foundations of the Nation as a living part of community life and development, and to insure future generations an opportunity to appreciate and enjoy the rich heritage of the Nation;

(10) insure the compatibility of tourism and recreation with other national interests in energy development and conservation, environmental protection, and the judicious use of natural resources;

(11) assist in the collection, analysis, and dissemination of data which accurately measure the economic and social impact of tourism to and in the United States, in order to facilitate planning in the public and private sector; and

(12) harmonize, to the maximum extent possible, all Federal activities in support of tourism and recreation with the needs of the general public and the States, territories, local governments, and the private and public sectors of the tourism and recreation industry, and to give leadership to all concerned with tourism, recreation, and national heritage preservation in the United States.

TITLE II—NATIONAL TOURISM POLICY COUNCIL

SEC. 201. ESTABLISHMENT OF COUNCIL.

(a) There is established as an independent entity in the executive branch a National Tourism Policy Council (hereinafter referred to as the "Council"). The Council shall be the principal coordinating body for policies, programs and issues relating to tourism, recreation, or national heritage resources involving Federal departments, agencies, or other entities.

(b) The Council shall consist of—

(1) the Assistant to the President for Domestic Affairs and Policy, who shall serve as the Chairman of the Council;

(2) the President of the United States Travel and Tourism Development Corporation (as created in title III of this Act), who shall serve as the Vice Chairman of the Council and who shall act as Chairman of the Council in the absence of the Chairman;

(3) the Secretaries of the Department of Transportation; the Department of the Interior; the Department of Commerce; the Department of State; the Department of Agriculture; the Department of Labor; the Department of Treasury; the Department of Health, Education, and Welfare; the Department of Energy; the Department of Defense; the Department of Housing and Urban Development;

(4) the Attorney General of the United States;

(5) the Chairmen of the Civil Aeronautics Board; the Interstate Commerce Commission; and the Federal Trade Commission; and

(6) the Administrators of the International Communication Agency and the Environmental Protection Agency.

(c) Each member of the Council, other than the Chairman and the Vice Chairman may designate an alternate, who shall serve as a member of the Council whenever the regular member is unable to attend a meeting of the Council or any committee of the Council. A member of the Council who assigns an alternate to serve as a member of the Council on those occasions when the regular member is unable to attend a meeting shall make such assignment for the remainder of the member's term on the Council. Any such designated alternate shall be selected from individuals who exercise significant decisionmaking authority in the Federal agency involved and shall be authorized to make decisions on behalf of the member for whom he is serving.

(d) Whenver the Council, or a committee of the Council, considers matters that affect the interests of Federal agencies that are not represented on the Council or the committee, the Chairman may invite the heads of such agencies, or their alternates, to participate in the deliberations of the Council or committee.

(e) The Council shall conduct its first meeting not later than 90 days after the enactment of this Act. Thereafter the Council shall meet not less than once each 90 days.

(f) All meetings of the Council, including any committee of the Council, shall be open to the public.

(g) The Chairman, with the approval of the Council, shall appoint an Executive Director who shall serve in a full-time capacity as the chief executive officer of the Council. The Executive Director—

(1) shall be an individual who by virtue of training, experience, and attainments is exceptionally well-qualified to appraise programs and activities of the Federal Government in light of the policies set forth in title I of this Act and to formulate recommendations for the improvement of such programs and activities;

(2) shall be appointed without regard to title 5 of the United States Code governing appointments in the competitive services;

(3) shall be compensated at the rate now or hereafter prescribed for level V of the Executive Schedule by section 5316 of title 5, United States Code; and

(4) shall not concurrently hold any other office or position of employment with the United States.

(h) Members of the Council shall serve without additional compensation, but shall be reimbursed for actual and necessary expenses, including travel expenses, incurred by them in carrying out the duties of the Council.

SEC. 202. FUNCTIONS OF POLICY COUNCIL.

(a) The Council shall be the principal coordinating body for policies, programs, and issues relating to tourism, recreation, or national heritage resources involving Federal departments, agencies, or other entities. Among other things, the Council shall—

(1) direct Council staff activities, such as the study of appropriate issues and the preparation of reports;

(2) approve or disapprove the Council staff recommendations and reports;

(3) coordinate the policies and programs of member agencies that have a significant effect on tourism, recreation, and national heritage preservation;

(4) develop areas of cooperative program activity;

(5) resolve interagency program and policy conflicts;

(6) seek and receive concerns and views of State and local governments and the private sector with respect to Federal programs and policies deemed to conflict with the orderly growth and development of tourism; and

(7) refer problems to the Council's policy committees for study, recommendations, and resolution.

SEC. 203. ADMINISTRATIVE POWERS AND PROVISIONS.

In order to carry out the provisions of this title—

(1) the Council may promulgate, issue, re-

scind, and amend regulations governing the manner or operation of the Council;

(2) the Executive Director, with the approval of the Council, may appoint and fix the compensation of such employees, according to the provisions of title 5, United States Code, governing appointments in the competitive service, as may be necessary to carry out the functions of the Council; *Provided,* That no such employee (other than the Executive Director) shall be compensated at a rate exceeding the rate now or hereafter prescribed for positions under GS-15 of the General Schedule by section 5332 of title 5 of the United States Code;

(3) the Executive Director, with the approval of the Council, may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent now or hereafter prescribed for positions under GS-18 of the General Schedule by section 5332 of title 5 of the United States Code;

(4) the Executive Director, with the approval of the Council, may request directly from any Federal department or agency such personnel, information, services, or facilities, on a compensated or uncompensated basis, as he deems necessary to carry out the functions of the Council;

(5) each Federal department or agency shall furnish the Council with such information, services, and facilities as it may request to the extent permitted by law and within the limits of available funds.

(6) Federal agencies and departments may, in their discretion, detail to temporary duty with the Council, such personnel as the Council may request for carrying out the functions of the Council, each such detail to be without loss of seniority, pay, or other employee status; and

(7) the General Services Administration shall provide administrative services for the Council on a reimbursable basis.

SEC. 204. EXECUTIVE COMMITTEE.

The Council shall have an Executive Committee which shall be comprised of the Council Chairman, the Council Vice Chairman, and the Secretaries of the Department of Commerce, the Department of the Interior, the Department of Transportation, the Department of State, the Department of Agriculture, and the Department of Labor. The Executive Committee of the Council shall have such authority as the Council may from time to time delegate to it, *Provided,* That any such delegation shall be consistent with the other provisions of this title and shall not relieve the Council of full responsibility for the carrying out of its duties and functions.

SEC. 205. POLICY COMMITTEES.

(a) The Council shall have four Policy Committees as follows:

(1) The Transportation and Facilitation Policy Committee which shall consist of the heads of the following agencies or their designated representatives: the United States Travel and Tourism Development Corporation, the Federal Maritime Administration, the Federal Highway Administration, the Federal Aviation Administration, the Urban Mass Transportation Administration, the United States Coast Guard, the Bureau of Economic and Business Affairs, the Department of Energy, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, the United States Customs Service, the Civil Aeronautics Board, the Interstate Commerce Commission, the Federal Trade Commission, the Bureau of Security and Counselor Affairs, and the National Railroad Passenger Corporation.

(2) The Economic Development Policy Committee which shall consist of the heads of the following agencies, or their designated representatives: the United States Travel and Tourism Development Corporation, the Economic Development Administration, the Industry and Trade Administration, the Bureau of the Census, the Rural Development Service, the Regional Commissions of the Department of Commerce, the Internal Revenue Service, the Occupational Safety and Health Administration, the Employment Standards Administration, the Bureau of Labor Statistics, the Bureau of Indian Affairs, the Economic Research Service, the Farmers Home Administration, the Cooperative State Research Service, the Department of Energy, the Office of Community Planning and Development of the Department of Housing and Urban Development, the Small Business Administration, and the Appalachian Regional Commission.

(3) The Energy and Natural Resource Policy Committee which shall consist of representatives of the following agencies, or their designated representatives: the United States Travel and Tourism Development Corporation, the Department of Energy, the National Oceanic and Atmospheric Administration, the Bureau of Reclamation, the Bureau of Land Management, the United States Forest Service, the National Park Service, the United States Fish and Wildlife Service, the Army Corps of Engineers, and the Environmental Protection Agency.

(4) The Health, Education, and Cultural Policy Committee which shall consist of heads of the following agencies, or their designated representatives: the United States Travel and Tourism Development Corporation, the National Institutes of Health, the National Institute of Mental Health, the Office of Education, the National Institute of Education, the Extension Service, the National Endowment for the Arts, the National Endowment for the Humanities, the International Communication Agency, and the Smithsonian Institution.

(b) Each of the Policy Committees shall review and comment on Federal agency program and planning documents that will have a substantial effect on tourism, recreation and heritage resource preservation and that are appropriate to the Committee's functional responsibilities and agency representation. Each Policy Committee may also initiate its own agenda and discuss tourism, recreation, and heritage resource preservation related issues, and problems referred to it by the tourism and recreation industry through the Council.

(c) The members of each of the Policy Committees shall from time to time elect one of its members to serve as Chairman of the Policy Committee and one or more of its members to serve as Vice Chairman or Vice Chairmen.

(d) Each head of an agency serving on a Policy Committee may designate an alternate to serve for him on the Policy Committee, so long as such alternate is designated permanently for the representative whom he replaces and is empowered to act fully for the agency or entity whom he represents.

(e) Each of the Policy Committees shall hold its initial meeting within 90 days of the enactment of this Act and thereafter shall meet at the call of the Chairman of the Policy Committee or the Chairman of the Council, but not less than six times a year.

(f) Members of a Policy Committee shall serve without additional compensation, but shall be reimbursed for actual and necessary expenses, including travel expenses, incurred by them in carrying out the duties of the Policy Committee.

SEC. 206. ANNUAL REPORT TO THE PRESIDENT AND CONGRESS.

The Council shall, beginning with the first complete fiscal year following the date of enactment of this Act, submit an annual report for the preceding fiscal year, to the President for transmittal to Congress on or before the 31st day of December of each year. The report shall include —

(1) a comprehensive and detailed report of the activities and accomplishments of the Council and its Policy Commitees;

(2) the results of Council efforts to coordinate the policies and programs of member agencies that have a significant effect on tourism, recreation, and national heritage preservation, resolve interagency conflicts, and develop areas of cooperative program activity;

(3) an analysis of problems referred to the Council by State and local governments, the tourism industry, the United States Travel and Development Corporation, or any of the Council's Policy Committees along with a detailed statement of any actions taken or anticipated to be taken to resolve such problems; and

(4) such recommendations as the Council deems appropriate.

SEC. 207. AUTHORIZATIONS OF APPROPRIATIONS.

To carry out the provisions of title II of this Act, there is hereby authorized to be appropriated for each of the fiscal years ending on September 30, 1980, and 1981, the sum of $500,000.

TITLE III—THE UNITED STATES TRAVEL AND TOURISM DEVELOPMENT CORPORATION

SEC. 301. PURPOSE.

It is the purpose of this title to establish a nonprofit corporation, to be known as the "United States Travel and Tourism Development Corporation".

SEC. 302. CONGRESSIONAL DECLARATION OF POLICY.

The Congress finds and declares—

(1) that it is in the national interest to encourage the orderly growth and development of tourism to and within the United States;

(2) that orderly growth and development of tourism depends on the efforts of the public and private sectors of that industry to assure that the objectives of the national tourism policy are implemented to the maximum extent consistent with other public policy objectives;

(3) that orderly growth and development of tourism, while matters for regional, State, local, and private development, are also of appropriate and important concern to the Federal Government;

(4) that it furthers the national interests to assure that the extensive Federal policy and programmatic involvement in tourism is responsive to the needs and interests of the public and private sectors of that industry;

(5) that in view of the importance of travel and tourism to the economy of the United States, and the pervasive Federal policy and programmatic involvement in tourism, it is necessary and appropriate for the Federal Government to complement, assist and support mechanisms that will effectively assure implementation of the national tourism policy; and

(6) that a federally chartered, nonprofit corporation should be created to promote and facilitate the orderly growth and development of tourism and to assist in the implementation of the national tourism policy.

SEC. 303. CORPORATION ESTABLISHED.

There is established a nonprofit corporation, to be known as the "United States Travel and Tourism Development Corporation", which shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this Act, and, to the extent consistent with this Act, to the District of Columbia Nonprofit Corporation Act.

SEC. 304. BOARD OF DIRECTORS.

(a) The Corporation shall have a Board of Directors (hereinafter referred to as the "Board"), consisting of 15 members appointed by the President, by and with the advice and consent of the Senate. Not more than 8 members of the Board may be members of the same political party.

(b) The members of the Board (1) shall be appointed from among citizens of the United States (not regular fulltime employees of the United States) who are senior executive officers of tourism corporations and other organizations representative of such segments of the tourism industry as, but not limited to, transportation, lodging, wholesale and retail travel sales, employee relations, attractions and outdoor amusement facilities, recreation, heritage resources, consumers, convention and visitor bureaus, travel trade associations and elected officials of cities and States; and (2) shall be selected so as to provide as nearly as practicable a broad representation of different geographical regions within the United States and of the diverse and varied segments of the tourism industry. At least one member of the Board shall be a consumer advocate/ombudsman from the nonprofit sector of the organized public interest community, and at least one member of the Board shall be a senior representative from a labor organization representing employees in the tourism industry.

(c) The members of the initial Board of Directors shall be appointed by the President within 120 days of the enactment of this Act and shall serve as incorporators and take whatever actions are necessary to establish the Corporation as expeditiously as possible under the District of Columbia Nonprofit Corporation Act.

(d) The term of office of each member of the Board shall be 3 years; except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment, five at the end of the 1st year, five at the end of the 2d year, and five at the end of the 3d year. No member shall be eligible to serve in excess of 2 consecutive terms of 3 years each. A member who does not regularly attend meetings of the Board shall be replaced. Notwithstanding the preceding provisions of this paragraph, a member whose term has expired may serve until a successor has qualified.

(e) Any vacancy in the Board shall not affect its power, but shall be filled in the manner in which the original appointment was made.

(f) A majority of the directors shall constitute a quorum and action shall be taken only by a majority vote of those present.

SEC. 305. ELECTION OF CHAIRMAN: COMPENSATION.

(a) The President shall designate one of the members first appointed to the Board as Chairman and thereafter the members of the Board shall annually elect one of their number as Chairman. The members of the Board shall also elect one or more of them as Vice Chairman or Vice Chairmen.

(b) The members of the Board shall not, by reason of such membership, be deemed to be employees of the United States. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses, including travel expenses, incurred by them in carrying out the duties of the Board.

SEC. 306. OFFICERS AND EMPLOYEES.

(a) The Corporation shall have a President, and such other officers as may be named and appointed by the Board for terms and at rates of compensation fixed by the Board. No individual other than a citizen of the United States may be an officer of the Corporation. No officer who is an employee of the Corporation may receive any salary or other compensation from any source other than the Corporation during the period of his employment by the Corporation. All officers shall serve at the pleasure of the Board. The officers and employees of the Corporation shall not be deemed to be employees of the United States.

(b) Except as provided in the second sentence of section 304(a) of this Act, no political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, and employees of the Corporation.

SEC. 307. NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION.

(a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(b) The income and assets of the Corporation shall not be used for any purpose other than carrying out the purposes of the Corporation as set forth in this title, and no part of such income or assets shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(c) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

SEC. 308. PURPOSES AND ACTIVITIES OF THE CORPORATION.

(a) In order to achieve the objectives and to carry out the purposes of this title the Corporation is authorized to assist the Congress of the United States, the National Tourism Policy Council, all Federal agencies having policy and programmatic responsibilities affecting tourism, and the public and private sectors of the tourism industry.

(b) The primary purpose and activity of the Corporation shall be developing and administering a comprehensive tourism program designed to stimulate and encourage travel to the United States by residents of other countries for the purposes of study, culture, international congresses, recreation, business, and other activities. The Corporation's activities may not compete with activities of any State, city, or private agency.

(c) Included in the activities of the Corporation authorized for accomplishment of the purposes set forth in this title, are, among others not specifically named—

(1) establishing branch offices in foreign countries and facilitating services at United States ports-of-entry without, to the maximum extent feasible, consultation with the Secretary of State or other Government agencies;

(2) consulting with foreign countries on travel and tourism matters and, in accordance with applicable law, representing United States travel and tourism interests in international meetings, conferences, and expositions;

(3) participating as a party in interest in proceedings before Federal agencies when such initiation or intervention is necessary to implement or further the national tourism policy as set forth in title I of this Act;

(4) monitoring the existing and proposed policies and programs significantly affecting tourism of all Federal agencies to ascertain whether, insofar as consistent with other public policy objectives, they are in furtherance of the objectives of the national tourism policy, and reporting the results of its monitoring activities at least semiannually to the Congress and the National Tourism Policy Council, or more frequently if necessary;

(5) monitoring the policies and programs significantly affecting tourism of all Federal agencies for the purpose of ascertaining instances of intraagency and interagency duplication or contradiction and reporting the results of its monitoring activities at least semiannually to the concerned agencies, the Congress, and the National Tourism Policy Council, or more frequently if necessary;

(6) developing and administering a comprehensive program relating to industry information, data service, training and education, and technical assistance;

(7) developing and administering a comprehensive program relating to consumer information, protection, and education;

(8) developing a program to seek and to receive information on a continuing basis from the tourism industry, including consumer and travel trade associations, regarding needs and interests which should be met by an agency or program, and directing that information to the appropriate agency; and

(9) encouraging to the maximum extent feasible travel to and from the United States on United States carriers.

SEC. 309. ADMINISTRATIVE POWERS AND PROVISIONS.

(a) To carry out the purposes and activities of the Corporation as set forth in section 308 of this Act, the Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act to the extent that such powers are not inconsistent with this Act. In addition the Corporation is authorized to—

(1) enter into such contracts, agreements, or other transactions as the Board of Director deems appropriate. *Provided*, That in entering into any contract, agreement, or transaction the Corporation shall rely on competitive bidding to the maximum extent practicable;

(2) accept in the name of the Corporation and employ or dispose of in furtherance of the objectives of this title any money, or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

(3) appoint such officers and employees as the Board deems necessary, and fix their compensation without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, except that no officer or employee of the Corporation may be compensated in excess of the rates now or hereafter prescribed for level I of the Executive Schedule under section 5312 of title 5 of the United States Code;

(4) obtain the services of experts and consultants without regard to section 3109 of title 5 of the United States Code except that no such expert or consultant may be compensated at rates which exceed the daily equivalents of rates now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code;

(5) accept voluntary and uncompensated services of attorneys, consultants, and experts notwithstanding any other provision of law;

(6) appoint without compensation, such advisory committees as the Board deems appropriate; and

(7) accept and use with their consent, with or without reimbursement, such personnel, services, equipment, and facilities of agencies of the Federal Government, State governments, or local political subdivisions thereof, as are necessary to conduct the activities of the Corporation efficiently.

(2) Upon request made by the President of the Corporation, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available to the greatest practicable extent to assist the Corporation in the performance of its functions; and

(2) to furnish to the Corporation, subject to the provisions of applicable law, such information, suggestions, estimates, and statistics as the President of the Corporation may request.

(c) The Corporation may not—

(1) provide or arrange for transportation or accommodations for persons traveling between other countries and the United States, or between points within the United States, in comeptition with businesses engaged in providing or arranging for such transportation or accommodations;

(2) operate industry trade shows or related activities within the United States or provide personnel or financial assistance for such trade shows or activities;

(3) promulgate any rules or regulations;

(4) solicit dues or memberships from any State, city, or private agency;

(5) lend money to employees; and

(6) own stock in another corporation.

SEC. 310. REPORT TO CONGRESS.

The Corporation shall, beginning with the first complete fiscal year following the date of enactment of this Act, submit an annual report for the preceding fiscal year, to the President for transmittal to the Congress on or before the 31st day of December of each year. The report shall include a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments and may include such recommendations as the Corporation deems appropriate.

SEC. 311. RECORDS AND AUDIT.

(a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files and all other papers, things or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) The report of each such independent audit shall be included in the annual report required by section 310. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Corporation's assets and liabilities, surplus or deficit, with the analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the sources and application of funds, together with the independent auditor's opinion of those statements.

(c)(1) The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances of securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President and to the Corporation at the time submitted to the Congress.

SEC. 312. FUNDING STUDY; AUTHORIZATION.

(a) The Corporation shall immediately undertake a comprehensive study of the funding levels required to effectively implement a comprehensive tourism development program and all alternative funding measures other than direct Treasury funding and report its findings and recommendations to the Congress and the President within 6 months of its incorporation.

(b) There is authorized to be appropriated for the expenses of the Corporation $9,500,000 for the fiscal year ending September 30, 1980. Funds appropriated for any fiscal year shall remain available for obligation until expended, but no more than 5 per centum of the funds appropriated in any fiscal year may be used for the general administrative costs of the Corporation, the salaries or related expenses of Corporation personnel and members of the Board, or for expenses of consultants and advisers to the Corporation.

(c) Nothing contained in this Act shall be construed to commit the Federal Government to provide any sums for the payment of any obligation of the Corporation which exceeds amounts provided in advance in appropriation Acts.

SEC. 313. TRANSFER OF FUNCTIONS.

(a) Within 180 days after the incorporation of the United States Travel and Tourism Corporation pursuant to this title, the Corporation and the United States Travel Service (hereinafter referred to as the Travel Service) shall take such steps as are necessary to transfer to the Corporation—

(1) the assets, funds, supplies, materials, equipment, and records of the Travel Service;

(2) the rights, privileges, powers, duties, and liabilities of the Travel Service in respect to any contract, agreement, loan, account, or other obligation: *Provided*, That, such transfer shall not limit or extend any period of limitation otherwise applicable to such contract, agreement, loan, account, or obligation; and

(3) any unexpended balances of funds appropriated or otherwise accruing to the Travel Service for expenditure by the Corporation for the payment of any expenses lawfully incurred by the Travel Service.

(b) One hundred and eighty-one days after the incorporation of the United States Travel and Tourism Development Corporation pursuant to this title, the International Travel Act of 1961 (22 U.S.C. 2121 through 2127) and the Act of July 19, 1940 (relating to the encouragement of travel) (16 U.S.C. 18 through 18d) are repealed and the United States Travel Service is abolished.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FOREIGN RELATIONS AUTHORIZATION ACT, 1980 AND 1981

The Senate continued with the consideration of S. 586.

Mr. ROBERT C. BYRD. Mr. President, the pending business is the State Department authorization bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. All right. Is Mr. HELMS prepared to call up an amendment to the bill, even though he may not be prepared to vote on it today?

Mr. HELMS. Momentarily, I will say to my friend, but I do not have my file over here yet. I was not counting on this.

Mr. ROBERT C. BYRD. All right. Mr. President, I suggest the absence of a quorum and I ask that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. It is not exactly parliamentary, but I wonder if I am correct in my understanding that the majority leader has indicated to the Senate earlier that there would be no more rollcall votes today.

The PRESIDING OFFICER. The Chair is of the understanding that no order has been entered to that effect.

Mr. HELMS. It is going to be essential that I consult with the majority leader, because I am perfectly willing to call up an amendment with the understanding that there be no rollcall vote on it today, but that the vote occur tomorrow at a time convenient to the majority leader and the managers of the bill. While we check on that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote in relation to Mr. HELMS' amendment No. 190 occur tomorrow at 2:15 p.m., with 10 minutes for debate thereon immediately preceding the vote, to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object——

Mr. ROBERT C. BYRD. Mr. President, I withdraw my request for the moment, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum roll be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEVELOPMENT ASSISTANCE AUTHORIZATIONS—S. 588

Mr. ROBERT C. BYRD. Mr. President, I have the approval, I believe, of Senators CHURCH and JAVITS, and now, with the approval of the minority leader, I ask unanimous consent that on Wednesday, immediately after the two leaders have been recognized under the standing order and any orders for the recognition of Senators for 15 minutes, et cetera, if such be entered prior thereto, the Senate proceed to the consideration of Calendar Order No. 145, S. 588, the development assistance authorization bill.

The PRESIDING OFFICER. Is there objection?

Mr. CHURCH. Mr. President, reserving the right to object, I need to consult with the majority leader for a moment.

Mr. ROBERT C. BYRD. Yes. I withhold the request temporarily.

Mr. CHURCH. Mr. President, I have no objection to the majority leader's request.

Mr. ROBERT C. BYRD. I renew the request.

The PRESIDING OFFICER Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank all Senators.

FOREIGN RELATIONS AUTHORIZATION ACT, 1980 AND 1981

The Senate resumed the consideration of S. 586.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time for the quorum call be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 190

Mr. ROBERT C. BYRD. Mr. President, I renew my request with respect to the amendment by Mr. HELMS, to wit, that the vote in relation to the amendment occur tomorrow at 2:15 p.m., with not to exceed 10 minutes of debate to be equally divided between Mr. HELMS and Mr. CHURCH just prior to the vote.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from North Carolina.

Mr. HELMS. I thank the distinguished majority leader.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. What is the pending business?

The PRESIDING OFFICER. The pending business before the Senate is the committee amendment in the nature of a substitute, as amended, to S. 586.

Mr. HELMS. To continue with my inquiry, in order for me to call up an amendment, I must ask unanimous consent to have that amendment laid aside?

The PRESIDING OFFICER. The Senator has the right to call up an amendment to the committee amendment in the nature of a substitute.

AMENDMENT NO. 190

(Purpose: To declare that, effective January 1, 1980, the furnishing of technical assistance by the United Nations and its specialized agencies shall not be considered an obligation of the United States)

Mr. HELMS. Mr. President, I call up amendment No. 190, which is at the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 190.

Mr. HELMS. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 10, line 2, insert the following after "agencies": "except that, effective January 1, 1980, the furnishing of technical assistance by the United Nations and its specialized agencies shall not be considered an expense of the United Nations within the meaning of article 17 of the United Nations Charter and section 8 of the United Nations Participation Act, or of the specialized agencies within the meaning of their charters or organic statutes, for which the United States is obligated to pay its share.".

Mr. HELMS. Mr. President, S. 586, in section 107, repeals the so-called Helms amendment prohibiting any of the fiscal year 1979 State Department appropriations from being used to fund United Nations technical assistance. I intend to propose a compromise on this issue, which shortly I shall outline. First, I think it is worthwhile to explain what technical assistance is and why the inclusion of technical assistance within the mandatory assessments of the U.N. is an improper assessment.

In short, it is a bill that the taxpayers of this country do not owe and the U.N. should not be permitted to reach into the pockets of the taxpayers and demand that money which we do not owe.

Technical assistance is the U.N.'s term for what we call developmental assistance or, to use a more familiar term, foreign aid. It is foreign aid that is channeled through the U.N., using the U.N.'s technical experts as a vehicle. Like direct foreign aid, it is a resource transfer from the United States to other countries.

There are two kinds of contributions which the United States makes to the U.N. The first kind is through assessments, which are normally considered mandatory. The second kind is voluntary. The point is this: The U.N. has been billing us for technical assistance in both categories. Under article 17 of the Charter, "The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly." The normal interpretation of this article is that "expenses" refers to operational expenses, not program expenses. We are talking about overhead, salaries, travel, studies, and so forth.

In the beginning, "technical assistance" meant something different from what it means today. Allow me to quote from an official State Department explanation:

> Technical assistance to developing countries by the U.N. system originally took the form of relatively small activities by the United Nations itself and by the specialized agencies whose central mandate was seen as promoting international sectoral cooperation for the benefit of a membership at that time less oriented to the problem of global development.

However, in the early sixties, the emphasis in the U.N. changed to national development. The result of this new emphasis was the growth of voluntary contributions. The United Nations Development Program (UNDP) was set up to coordinate technical assistance programs, so as to eliminate duplication and waste. This voluntary—let me emphasize the word "voluntary"—program has grown to the point where, today, the U.S. contribution to the UNDP is about $120 million, funded through the foreign aid bills.

Nevertheless, in the mid-seventies, the Third World nations became impatient with the concept of voluntariness. They decided that technical assistance should become an international tax upon the American taxpayer—upon the American people, imposed by the United Nations—an international tax.

Again, to quote from an official State Department explanation:

> To avoid the vagaries and uncertainties of voluntary funding, they preferred to see technical assistance supported more through assessed rather than voluntary contributions.

In short, they decided to rip off the American taxpayers, and the taxpayers of all the developed nations.

As a result, the estimated technical assistance assessments have been growing at the rate of—get this, Mr. President—the rate of 50 percent per year.

For example:

In fiscal year 1978, the Senate deleted $19.3 million in mandatory technical assistance, although these funds were restored in conference;

In fiscal year 1979, the Senated deleted $27.7 million in mandatory technical assistance (the Helms amendment), and the House agreed by a vote of 143 to 191;

In fiscal year 1980, the Department of State is asking for $41.2 million in mandatory technical assistance, and the House agreed with the Helms amendment by a vote of 143 to 191. So we are leapfrogging upward in terms of what it is costing the taxpayers of this country.

That is an arithmetical outline of how this international tax is growing at such an alarming rate. The Comptroller General of the United States, the Senate Appropriations Committee, the conference reports on State appropriations for the past few years, even a sense of Congress resolution last year, expressed great concern over these developments. This is not an issue that was invented by the Senator from North Carolina.

The technical assistance issue amounts to a unilateral reinterpretation by the United Nations of documents that were agreed to as long ago as 1945. There was never any acceptance by the United States of this concept of technical assistance when we entered into such agreements. We simply cannot allow the U.N. to tax the U.S. taxpayers for any project that passes the General Assembly, whether it is encompassed within the international agreements or not. We simply cannot surrender the power of taxation to a foreign body. If we do so, we surrender an important element of our national dignity and sovereignty.

Mr. President, on Tuesday evening, the Department of State distributed to all Senators a letter and memorandum concerning the amendment I propose to call up on funding technical assistance through the United Nations.

Mr. President, the amendment against which the State Department was lobbying with that letter and memorandum is the pending amendment.

Both the assertions and the direct interpretations of my proposal found in the State Department letter are false and misleading.

I regret to have to say that, but no other face can be put on that. The State Department deliberately misrepresented the intent of the amendment.

In fact, Mr. President, the statements contained in that letter and that memorandum are so outrageous that I question the Department's good faith. Moreover, I question the legality of the State Department's attempt to influence the workings of the U.S. Senate, using such bold and crass methods. This is clearly direct lobbying by the executive branch. Can anyone truthfully say that these letters, which I understand were hand-delivered to every office of every Senator, were sent at the request of the recipients? Of course not. There may be precedents for this type of action, but I am now in my seventh year in the Senate, and I cannot recall any such precedent.

Just look at this letter: In the first paragraph, they say "we believe the reported bill merits your support." Is that not, on its face, a flagrant case of lobbying? Of course it is. Is the executive branch so unsure of its position, so reluctant to accept the normal workings of the Senate after the full hearings and full committee debate, after the Foreign Relations Committee report has been presented to the Senate—is the executive branch so doubtful that it will prevail that it has to address each Senator, individually, and beg his or her support? Now there have been times in the past when the managers of a bill or a Senator with a special interest in a matter has requested an administration's position on legislative proposals. But here we have a case where, unasked, unrequested, and unsolicited Senators are being asked to take a specific position both on general legislation and on specific proposals expected to be offered by individual Senators.

Now the Senator from North Carolina is no lawyer, but he is familiar with the English language. In 18 U.S.C. 1913, the law says that "no part of the money appropriated by enactment of Congress shall, in the absence of express authorization by Congress be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress." No part of the money shall be used is what the law says.

Now the law does have an exception for communicating "on the request of any Member or to Congress, through the proper official channels." This Senator, for one, did not request the State Department to lobby me against my own legislation. Other Senators have said they made no request. And I would think that "the proper channels" would be appearances before the Foreign Relations Committee or communications to that committee. So we must ask ourselves whether a hand-delivered message to every Senator, unrequested, constitutes proper channels, and indeed, whether it is proper to begin with.

Mr. President, I ask unanimous consent that the complete text of 18 U.S.C. 1913 be printed in the RECORD at this point.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

§ 1913. Lobbying with appropriated moneys.

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment.

June 25, 1948, c. 645, 62 Stat. 792.

Mr. HELMS. Now let us look at the text of this letter. It says:

> We anticipate an amendment to Section 107, designed to impose new restrictions beginning January 1, 1980, to our contributions to the United Nations. The anticipated amendment would have the effect of reinstating the Helms Amendment which Section 107 repeals. The Administration strongly opposes any amendment which would cause the United States to be in arrears in its UN contribution.

It is clear from the first sentence, which includes the date of January 1, 1980, that the reference is to the amendment which I offered in committee. But the pending amendment poses no restrictions on our contributions to the U.N. That is the first misrepresentation in the State Department letter.

The second sentence says the anticipated amendment would reinstate the Helms amendment which section 107 repeals. My compromise proposal does no such thing, and that is the second misrepresentation.

The third sentence says the administration strongly opposes any amendment which would cause the United States to be in arrears in its U.N. contribution. Since it is in the same paragraph, I presume they are still referring to my compromise proposal. That is the third misrepresentation. My compromise would not cause the United States to be in arrears, and if anybody in the State Department can read, they should know it. So what was afoot was a deliberate attempt to deceive. We have three misrepresentations in three sentences.

The State Department is fully aware of the nature of what we call the Helms compromise, since it was discussed fully in committee of which I am a member, with Assistant Secretary of State William Maynes in attendance. Moreover, I have kept Secretary Maynes and his assistants fully informed of what I intended to propose.

I did not try to go around anybody's back. I have let them know, day after day, exactly what I proposed and what I intended to try to do. In fact, I constantly sought the advice and counsel of the State Department in working out a reasonable proposal. However, I encountered not one scintilla of willingness to be flexible or to compromise.

Therefore, I have proposed my own compromise, with which the Secretary and his office are completely familiar. The amendment has been printed for days and is at the desk, for all to see. Therefore, I find it astonishing that the Department would misrepresent my proposal.

Mr. President, I ask unanimous consent that the State Department letter and memorandum be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., May 8, 1979.

Hon. JESSE HELMS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HELMS: The Foreign Relations Authorization Act (S. 586) comes to the Senate floor on Wednesday, May 9. The bill has been carefully considered by the Senate Foreign Relations Committee and we believe the reported bill merits your support. We urge, in particular, that you resist any across-the-board funding cuts that may be offered.

During the course of the debate, we expect a number of foreign policy amendments to be introduced. The most important will be:

(a) *A move to lift Rhodesian sanctions.* The President will make a determination concerning Rhodesian sanctions as required under Section 27 (Case-Javits Amendment) of the International Security Assistance Act of 1978. We urge you not to support any legislative initiative that would preempt an orderly determination by the President.

(b) *An effort to restrict funding for UN technical assistance.* We anticipate an amendment to Section 107, designed to impose new restrictions beginning January 1, 1980, to our contributions to the United Nations. The anticipated amendment would have the effect of reinstating the Helms Amendment which Section 107 repeals. The Administration strongly opposes any amendment which would cause the United States to be in arrears in its UN contribution.

(c) *An attempt to limit visa waivers.* Two years ago the Congress enacted a provision (the McGovern Amendment) to facilitate the issuance of non-immigration visas to certain European communist officials. This provision has been a valuable tool in enabling the United States to meet its obligations under the Helsinki Accords and in demonstrating this country's commitment to the free exchange of persons and ideas. This provision has not been used to enable otherwise excludable PLO leaders from entering this country. The Administration believes the McGovern Amendment has well served US interests, and should neither be amended nor repealed.

Additional material on these three subjects is enclosed.

Sincerely,
DOUGLAS J. BENNET, Jr.,
Assistant Secretary for Congressional Relations.

RHODESIAN SANCTIONS

Last year Congress passed the Case-Javits Amendment obliging the President to make a determination regarding continued enforcement of economic sanctions against Rhodesia—once "a government has been installed, chosen by free elections . . ."

The President signed that Amendment into law and as recently as his April 30 press conference reaffirmed his commitment to make the determination required by it.

The Congress which initiated that provision of law should not pre-empt the President's obligation and stated commitment to abide by its provisions.

Whatever the President's determination under the law—which will occur no later than shortly after the installation of the new government resulting from the April elections in Rhodesia—the Congress will have ample opportunity thereafter to express itself.

UN TECHNICAL ASSISTANCE

Last year an amendment to the State Department Appropriation Act (the so-called Helms Amendment) had the practical effect of preventing the US from paying any of its 1979 UN assessments. This was because the amendment prohibited funding any technical assistance under our assessed contribution.

The Committee bill (Section 107) would repeal this amendment and allow us to pay our assessed contribution to the UN and ten specialized agencies for 1979. We ask that you support this Section as it now stands.

A substitute is expected to be offered which would have the effect of reinstituting the restrictive provisions of the Helms Amendment in January 1980 unless the UN had reformed itself by that time. We are opposed to this substitute for the following reasons:

It would prevent payment by the US of its assessed contributions in full, over a period of time forcing UN agencies to curtail activities in such areas as nuclear safeguards, exchange of meteorological data, and promotion of air navigation safety;

It would have a more immediate effect on the activities of the World Health Organization (WHO) with respect to world-wide disease surveillance and control since sixty percent of the WHO budget is used for technical assistance; and

It would constitute a unilateral US reservation to various organic statutes as ratified by the US with the advice and consent of the Senate.

VISA WAIVERS—THE MCGOVERN AMENDMENT

The McGovern Amendment did not remove the provisions of U.S. law which regulate the entry of members of subversive organizations into the United States.

What the amendment did was to simplify the administration of these provisions and put on the Administration the burden of proof that a specific individual is in reality a threat to the security of the United States.

The McGovern Amendment has not resulted in a flood of communist visitors to the United States. In fact, only 166 cases can be attributed directly to the amendment out of approximately 25,000 waivers granted during the past year.

The importance of the Amendment is more symbolic. It was enacted in the period directly after signature of the Helsinki Final Act as a demonstration of the U.S. determination to live up the spirit as well as the letter of CSCE undertakings. It reflected our desire to honor our commitment to promote the freest possible exchange of ideas, even though our own laws were already among the most liberal in the world.

American diplomats and public officials have pointed many times in public to the positive example set by the McGovern Amendment. The Amendment has also enjoyed the full support of the Joint Legislative-Executive CSCE Commission.

ERRORS IN STATE DEPARTMENT MEMORANDUM ON HELMS COMPROMISE

STATE DEPT. "Last year an amendment to the State Department Appropriation Act (the so-called Helms Amendment) had the practical effect of preventing the U.S. from paying any of its 1979 UN assessments."

COMMENT. The Helms Amendment did *not* prevent the paying of any of our UN assessments. What prevented the payment was an internal opposition in the UN to necessary reform. The UN had been engaging in unilateral re-interpretation of the UN Charter and organic statutes of UN agencies to include items which are not properly within the assessment power, namely, technical assistance items. The UN's options were: a) to eliminate assessments for technical assistance; or b) to reorganize its accounting so that U.S. funds were not comingled with funds which included the furnishings of technical assistance. In either case, the UN could then have provided the certification which the State Department claimed was necessary.

STATE DEPT. "A substitute is expected to be offered which would have the effect of reinstituting the restrictive provisions of the Helms Amendment in January 1980 unless the UN had reformed itself by that time."

COMMENT. The Helms Compromise, as is fully known to the State Department, would in no way reinstate the Helms Amendment to FY 79 State Appropriations. The Compromise places no restrictions on payment. It requires no action by the UN by any date, and does not affect the UN at all.

STATE DEPT. "It would prevent payment by the US of its assessed contributions in full, over a period of time forcing UN agencies to curtail activities in such areas as nuclear safeguards, exchange of meteorological data, and promotion of air navigation safety."

COMMENT. The Helms Compromise would not prevent payment by the US. It does not restrict in any way our payment of any contribution to the UN. It merely declares our policy. If we wish to fund any assessment, we can do so, and the net result to the UN is the same. If we do not wish to fund any assessment, we can do so, and the result is the same as when many other nations reduce their payments as a protest. Not a single activity that Congress desires to go forward need go unfunded.

STATE DEPT. "It would have a more immediate effect on the activities of the World Health Organization (WHO) with respect to world-wide disease surveillance and control since sixty percent of the WHO budget is used for technical assistance."

COMMENT. No activity of WHO need go unfunded if Congress so desires, under the Helms Compromise. Moreover, WHO no longer furnishes technical assistance as we understood it in 1945. In 1976, WHO programs were changed to emphasize national needs and goals, and the name changed to "technical cooperation." Thus in name, form, and substance, these programs are not authorized by the organic statutes. When this change was made, a change in funding to funding by voluntary contributions should also have been made. Funding by mandatory assessments is grossly improper, and amounts to a unilateral re-interpretation of its statutes by WHO. Congress need not honor a violated contract.

STATE DEPT. "It would constitute a unilateral US reservation to various organic statutes as ratified by the US with the advice and consent of the Senate."

COMMENT. The Helms Compromise affects only domestic U.S. law; it has no effect on international law. It serves only as a psychological warning to the UN, reducing the probability of improper assessements.

WHAT THE HELMS COMPROMISE DOES

Mr. HELMS. Mr. President, here is what the Helms compromise really does:

First. It does not repeal section 107. It allows section 107—the so-called Pell amendment approved in committee—to have full force and effect. Last year's Helms amendment was an amendment on the State Department appropriation bill, and affected only fiscal year 1979 funds. Section 107 would restore only the fiscal year 1979 funds. The compromise I am proposing with the pending amendment would not go into effect until January 1, 1980, the beginning of the U.N. fiscal year, which would actually be 3 months after last year's Helms amendment is moot.

Second. What the Helms compromise actually does is to declare that the funding of technical assistance by the United Nations and its specialized agencies is not a financial obligation of the United States. This makes technical assistance funding, from the United States point of view, purely voluntary. Why should it not be? We can pay it, or we can decline to pay it, as we choose. Surely, with the fiscal situation in this country being what it is and the commitment of every Senator in this Chamber, when he or she goes home, to try to cut Federal spending and to be more guarded in the expenditure of the taxpayers' money, why, at least, should we not have this funding voluntary? If we pay it, it has absolutely no impact on the arrears question. If we do not pay it, then the arrears question would be minimal, with the United Nations forced to take a good look at why the United States is in arrears. Moreover, the threat that the United States might not pay improper assessments would have an important psychological impact on the U.N. budget process. I think that if the Helms compromise is passed, there will be no more improper assessments, and hence any future crisis would be averted.

Third. Aside from the psychological impact on the United Nations, the Helms compromise would not have any legal effect upon the United Nations or upon our relationship with that body. The Helms compromise refers only to domestic law, not to international law. It concerns only our own internal legislative process. Far from being a unilateral attempt by the United States to dictate to the United Nations, it is really no more than a policy statement by Congress that we will not accept an improper billing just because it is labeled an "assessment" by the U.N. General Assembly.

Fourth. Furthermore, the Helms compromise is not a restraint upon funding. Let me reiterate that: It is not in any way a restraint upon funding. I have never quite understood the weird logic of the State Department that a refusal to pay improper assessments is a restraint upon funding; but in any case, my new compromise cannot be construed as a restraint. Congress is still free to determine on a case-by-case or year-by-year basis whether to fund any particular technical assistance programs. The fiscal year 1979 situation, which the United Nations refused to accept any U.S. funds because of the alleged restraint upon improper use of those funds, could not be repeated under the Helms compromise. The pending amendment could not be interpreted by the State Department as a mandate to withhold all of our U.N. assessed contributions.

Fifth. Finally, adoption of the Helms compromise would restore the United States to a position of vigorous leadership in the United Nations. The State Department apparently believes that we demonstrate leadership by supinely paying improper assessments. I think that we demonstrate leadership by having the courage to demand reform. If the United Nations continues down its present path, confidence in the integrity and fairness of its budgetary processes will be undermined, and the United Nations weakened. Those who truly want the United States to take strong leadership in the United Nations and to restore our influence there, will vote for the reform embodied in the Helms compromise.

Mr. President, I ask unanimous consent that a State Department cablegram summarizing the official position of the French Government with regard to reform of the U.N. budgetary process be printed at this point in the RECORD. The French told our Embassy in Paris that—

> We are all hoping that the U.S. Senate will impose restraints upon your Administration which, in turn will have to set limits on U.S. contributions to UN and specialized agencies.

There being no objection, the cablegram was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE TELEGRAM

Subject: (c) French views on the United Nations supplementary budget, the budgets of the specialized agencies, and the expenses of exclusive G–77 meetings served by the United Nations Secretariat.

2. Embassy initiated series of representations concerning budgetary practices of UN and specialized agencies with presentation of REF B points on FAO budget (1980/81) to QUAI central budgetary and financial affairs official during second week of January. This matter was referred within QUAI to Bernard Brochard, working level official in charge of fifth committee matters in UN and International Organization Affairs Directorate. Subsequently, our inquiry for French views with regard to Philippine invitation to host 1980 UNGA special session on development (REF C) was referred to Brochard in same manner. On 31, January EMBOFF, bearing non-paper based on REF A for discussion of exclusive G–77 meetings served by UN Secretariat, visited Brochard and found him far more receptive than sluggishness of QUAI response regards REFS B and C had led us to expect. Brochard said that French were up with the sloppy management practiced by the UN and is specialized agencies. Annual cost overruns had reached absurd proportions, and French Government no longer able to pay its full assessment promptly on First of January. More objectionable even than having to face a supplementary assessment on top of an inflated basic budget each year was the fact that substantial sums were spent ($2,000,000, Brochard said, in case of REF A meeting) on meetings exclusive to G–77.

3. Brochard observed that countries which oppose UN Secretariat servicing of exclusive G–77 meetings supply roughly 75 per cent of UN operating funds, yet lack the votes to prevent such misuse of funds. He urged that the U.S. make the strongest representations to heads of specialized agencies regarding the need to tighten financial controls and limit net real growth of their budgets. In final analysis, said Brochard, "we are all hoping that the U.S. Senate will impose restraints upon your administration which, in turn, will have to set limits on U.S. contributions to UN and specialized agencies".

4. In subsequent telecon, in which Emboff drew on points REF E, Brochard indicated that French would wholeheartedly support US initiative to persuade UN and specialized agencies to develop 1980/81 budgets on the basis of zero net program growth. He referred to UN practice of projecting costs of inflation and currency fluctuations as a largely imaginary exercise designed to prevent the member states which carry the financial load from getting a grip on projected UN expenditures.

5. In same telecon Brochard said he was quite sure French would regard holding of REF C special session in Philippines rather than New York as extravagant, but he was awaiting clearance from area bureaus before giving us that response officially.

HARTMAN.

IMPACT OF REJECTING THE COMPROMISE

Mr. HELMS. Mr. President, if this compromise is rejected, it will mean acceptance of the notion that whatever the United Nations wants is right. If we reject this compromise, we will be accepting the principle that the United Nations has the right to impose a tax upon the taxpayers of the United States. For there is a fundamental difference between the furnishing of technical assistance and the furnishing of funds to operate the United Nations organization itself. The furnishing of technical assistance is in reality the furnishing of developmental funding for other nations. It is a resource transfer from the United States to other nations, whereas assessments in general are supposed to be for housekeeping operations of the United Nations itself. In the funding of technical assistance, the United Nations is only the conduit, not the recipient. It is, therefore, an international resource transfer tax, over which the United States has no control.

I do not think that, in endorsing the principles of the United Nations, the Congress of the United States intended to surrender its constitutional taxing authority. As I look at the Constitution, in article I, section 9, it says that no money shall be drawn from the Treasury, but in consequence of appropriations made by law; and in article I, section 7, it says that all bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills. I do not see anything about revenue bills originating in the U.N. General Assembly.

If the Senate has the power of amending appropriation bills, it obviously has the power to amend them in any fashion it pleases. If the Senate cannot negate items, then its power is a nullity. Last year the Senate did so on the State Department appropriation bill; in 1977, it did the same. And of course, the same can be true of an authorization.

There must be a point, therefore, at which we can refuse to accept mismanagement, abuse, or corruption in the United Nations. I think that the point arrives when the U.N. assesses us for purposes which were never comprehended within the meaning of the U.N. Charter when we ratified that document, or the organic statutes when they were approved. We cannot allow the United Nations to impose a unilateral reinterpretation of the charter or the organic statutes, and through that unilateral action impose taxes upon U.S. taxpayers.

I hope then that my colleagues will not be misled by the false and deceptive memorandum circulated by the State Department in defiance of the spirit of the United States Code, or perhaps even in violation of the United States Code. If you make your decision on the basis of this misleading information and reject the compromise, you may be put in the postion of explaining to your constituents why you voted to subject the U.S. taxpayers to an international tax, over which the United States has no recourse, no matter how flagrant the mismanagement, abuse, or corruption of the United Nations.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. PRYOR). The Senator from North Carolina has 6½ minutes remaining.

Mr. HELMS. Mr. President, I reserve the remainder of my time.

Mr. JAVITS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. JAVITS. I yield myself 10 minutes.

Mr. President, there are various reasons for opposition to what Senator HELMS is trying to do.

The previous Helms amendment will be in effect up to the time this bill becomes law; the Pell amendment repeals it only when this bill becomes law, and it will probably not become law for a month or more. There will be a conference, and so forth. So the 1979 fiscal year is finished. Senator HELMS' argument that he presents a compromise because it takes effect in the 1980 fiscal year is largely academic. The fact is that the 1979 U.N. programs will be seriously damaged by the time this repealer becomes law.

What the Helms amendment does until the moment it is repealed, when this particular bill becomes law, is that—according to the statutes of the various specialized agencies of the United Nations—it disables those agencies from accepting the U.S. contribution.

What is blocked is not the $37.3 million, which is the estimated portion of our assessed contribution that would go for technical assistance in fiscal year 1979, but the entire assessed contribution of $278 million. The effort to dispel this resulted in what Senator HELMS now likes to call a compromise.

However, the point is this: He has now written a provision which he believes will result in the total contribution not being rejected by these U.N. agencies. Senator HELMS argues that they will simply not receive that amount which is represented by technical assistance. For the coming year, that is estimated at $41.2 million. The theory of the amendment, as I understand it, is that this amount may be deducted from our assessed contribution and that these agencies will then be required to accept the rest because there is no longer any violation of their organic statutes.

It is just an underpayment, and the United States will be in arrears.

But if it remains in arrears in most of these cases for a period of 1 or 2 years, then it loses its voting power.

One issue is that the State Department says the Helms compromise is ambiguous, and I agree with them, as a matter of law. It is very hard to say whether, given the way in which this amendment has now been contrived, it will or will not meet the legal objection that Senator HELMS is trying to meet. That is by no means an open-and-shut proposition, and the legal opinion of the Department of State which I now offer for the RECORD, because I think it is important, says exactly that. It is a letter of the legal adviser of the Department which quotes the Helms language. It is dated May 9, 1979, and says:

> This language is susceptible of being interpreted to prevent all U.S. contributions to the United Nations and specialized agencies.

Mr. President, I ask unanimous consent to print in the RECORD a letter dated May 9, 1979, to me from Herbert J. Hansell, the legal adviser of the Department of State.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE LEGAL ADVISER,
DEPARTMENT OF STATE,
Washington, D.C., May 9, 1979.

Hon. JACOB K. JAVITS,
US. Senate.

DEAR SENATOR JAVITS: I understand that Senator Helms may propose the following amendment to the State Department FY 1980 authorization:

"Except that, effective January 1, 1980, the furnishing of technical assistance by the United Nations and its specialized agencies within the meaning of their charters or organic statutes, for which the United States is obligated to pay its share."

This language is susceptible of being interpreted to prevent all U.S. contributions to the United Nations and the specialized agencies. Although we would hope that, if adopted, it would be construed to require only that the United States withhold from its contributions to international organizations the amount which would be used for technical assistance, and have suggested that construction in discussions with Congress, nevertheless we are concerned that the broader construction preventing all contributions might be adopted. Accordingly, we strongly support your efforts to prevent adoption of the proposed amendment.

Sincerely,

HERBERT J. HANSELL.

Mr. JAVITS. So the Helms' language is ambiguous. It raises a question. How it will go we do not know. It does raise a question.

Mr. President, I agree that Senator HELMS has tried to do the clever thing like any prosecutor, and I am one myself, by offering an amendment which is now ambiguous instead of being open and shut. That is the only real compromise. Instead of being open and shut, it is ambiguous.

A second issue is whether it is in the interest of the United States to make this deduction, which on its face is ambiguous, and I say it is not either in substance or on the merits. What it does is to arbitrarily pick out the technical assistance that these particular agencies give, which Senator HELMS does not like, and omits it. You might just as well omit dictation and typing. You might omit Xeroxing. You could tell the U.N. that that is not really a necessary expense. Copy it on some old-fashioned machine. But the point is that this is a significant amount, and it is simply chosen out as an element of the U.N. budget which, because we do not like it, we say should be voluntary.

The Russians are doing the same thing with regard to peacekeeping forces. They are in arrears also. They are simply deducting the cost of peacekeeping forces—for example, those in Africa—and simply not paying it. That is the analogy which the Senator follows.

So the second point I make is aside from the ambiguous question of whether the new amendment lands us where the old Helms amendment did. Aside from that is a question of whether in substance we should do this, and I think it is highly unwise. For example, the main agency to be hit is the World Health Organization. Some 60 percent of the WHO budget, in turn, is for technical assistance. That is what this is, no matter how you dress it up: It is an effort to cut $41.2 million out of our assessed contribution to the U.N. and its specialized agencies—a contribution which totals $295 million for fiscal year 1980.

Mr. President, I ask unanimous consent to print in the RECORD a list of all those agencies to show where the big cut comes.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ESTIMATED TECHNICAL ASSISTANCE IN UNITED NATIONS ASSESSED BUDGETS

[In millions of dollars]

Organization	1978				1979				1980 (estimated)			
	Regular assessed budget	Technical assistance funded in assessed budget [1]	Technical assistance as percent of assessed budget	U.S. share of assessed budget technical assistance	Regular assessed budget	Technical assistance funded in assessed budget [1]	Technical assistance as percent of assessed budget	U.S. share of assessed budget technical assistance	Regular assessed budget	Technical assistance funded in assessed budget	Technical assistance as percent of assessed budget	U.S. share of assessed budget technical assistance
U.N.	$487.8	$11.5	2.4	$2.9	$564.4	$11.5	2.0	$2.9	$620.1	$13.0	2.1	$3.3
FAO	119.2	10.0	8.4	2.5	119.2	15.6	13.1	3.9	129.5	17.2	13.3	4.3
UNESCO	108.2	6.4	5.9	1.6	135.8	3.7	2.7	.9	133.8	4.1	3.1	1.0
ICAO	16.5	.1	.6	(2)	17.7	.1	.6	(2)	21.9	.1	.5	(2)
UPU	7.1	.4	5.6	(2)	9.8	.4	4.1	(2)	8.8	.4	4.5	(2)
WMO	181.6	110.0	60.6	27.5	205.0	116.5	56.8	29.1	201.6	128.2	6.36	32.1
ITU	27.8	1.0	3.6	.1	31.1	1.0	3.2	.1	32.0	1.1	3.4	.1
WMO	10.9	1.0	9.2	.2	18.2	1.1	6.0	.3	16.2	1.2	7.4	.3
IMCO	5.9				6.5				8.3			
WIPO	5.0	1.1	22.0	.1	5.3	1.1	20.8	.1	5.6	1.2	21.4	.1
IAEA	47.3				61.5				73.1			
Total	1,017.3	141.5	13.9	34.9	1,174.5	151.0	12.9	37.3	1,250.9	166.5	13.3	41.2

[1] As reported by the U.N. Advisory Committee on Administrative and Budgetary Questions (ACABQ) in table C of document A/33/309 (and Coor. 1) of Oct. 18, 1978, except for WIPO figures which reflect only those constituent organizations in which the United States participates.

[2] Less than $50,000.

Mr. JAVITS. Mr. President, in my judgment—and I think it is the judgment of many like me—the World Health Organization is one of the most useful, one of the most effective, and one of the most economical of all of the agencies of the United Nations. With the WHO, you get a tremendous return for whatever you invest because you enable people to survive who can usefully bring about a better condition of development in their own countries. They live longer, they work harder, they are healthier. They give those developing countries a chance.

Personally, I think one of the most exciting, interesting, and useful programs carried on in the foreign aid of the United States is the health program. I would like to see it expanded and improved, and here by this indirect method we would be cutting it and cutting it very, very heavily. Let us remember that our assessed contribution to the World Health Organization for 1980 is $48 million. The estimated portion for technical assistance is $32.1 million. Therefore, if you cut its technical assistance by $32.1 million you are more than cutting it in half. That is the real target of this thing. No matter how you dress it up, it is a direct cut of the World Health Organization by close to 60 percent. That is very unwise on the part of the United States.

This point is in addition, as I say, to the ambiguity on whether we are not completely tied up in knots as we were before since this new amendment could be interpreted at the worst simply as a repetition of the old Helms amendment. That is what I meant by "ambiguous," and I think that is a valid legal definition. Different specialized agencies through their own lawyers may well pass on it very differently.

Mr. President, I think that we have to look over the list of these specialized agencies and see what they contribute, as far as we are concerned, to the cause of peace and the other things in which we are very interested. I respectfully submit that from that point of view the cost-benefit ratio is a very low one when you take out technical assistance from our U.N. contribution. For example, what it does is to depreciate our contribution to worldwide disease control. With influenza and other endemic diseases floating around in various strains all over the world, the WHO is a pretty useful piece of machinery. You cannot contain some horrible infection which could easily develop in developing countries, and has in the world's history before, without some better means of control than the happenstance of what one can do in one's own country.

I yield myself 2 additional minutes.

Another affected program is the promotion of nuclear safeguards, respecting the misuse of nuclear material for war or for weapons instead of for peaceful uses. There are also the exchange of meteorological data, which is useful to the United States, and air navigation safety which are carried on through these specialized agencies.

So, Mr. President, I sum up my argument against the Helms amendment as follows:

First, it may still have the same vice as the previous amendment, and there is an implied admission by Senator Helms—because he has tried to change it—that he does not want to go so far as to inhibit the United States from contributing to the U.N. at all. That still remains as an issue.

Second, substantively this cut has the worst effect on the agency of the United Nations which is the most helpful to the United States.

And third, cutting the amount of $41 million from our total contribution to all the agencies of $295 million is simply not worthwhile. The leading nation in the world would be depreciating and denigrating the activities of all of these agencies. This is quite apart from the generic argument as to whether we should engage in such practices when we are trying to build up all of these specialized agencies rather than to tear them down.

For all those reasons, Mr. President, I hope the Senate defeats this amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I yield myself such time as I may require. I do not know what my friend from New York really means when he talks about the ambiguities of this amendment. It is not ambiguous at all. Certainly it is not ambiguous that what we are talking about is an international tax on the American people.

The U.N. Charter itself does not mention technical assistance. The only statement in the charter with reference to payment of assessments is the following enigmatic sentence:

> Article 17.2. The expenses of the Organization shall be borne by the Members as apportioned by the General assembly.

The key phrase is "expenses of the Organization." Nowhere does the charter say who determines what the expenses of the organization are. As I read this sentence, it is only the apportionment that is decided by the General Assembly. There is no definition of "expenses," and no one is appointed to define it. So the members have just as much right to determine the nature of a proper expense as does the General Assembly.

When we consider that technical assistance is basically foreign aid, and that the U.N. is only a conduit for that aid, it is difficult to see how technical assistance can be considered as "expenses of the Organization." So it is simply not true that we are required to pay any bill handed to us by the U.N.

As for the specialized agencies, each one depends upon its own organic statutes. Only six agencies mention technical assistance at all: Two prohibit the use of assessments for technical assistance, and only four specifically permit it.

The two which prohibit such use are:

International Atomic Energy Agency (IAEA) and Intergovernmental Maritime Consultative Organization (IMCO).

The four which permit it are:

World Health Organization; Food and Agriculture Organization; World Intellectual Property Organization (WIPO); and International Civil Aviation Organization (ICAO).

It is noteworthy, Mr. President, that the last agency, the International Civil Aviation Organization, voluntarily stopped making assessments for technical assessments in 1971, even though its statutes permit it. So if ICAO can do it, why not the others?

As for FAO, it did not demand mandatory technical assistance until 1976, pursuant to a personal commitment of U.S. Secretary Earl Butz in 1975. In my view, this was a backward step. If FAO did not make assessments for technical assistance from its founding until 1976, why should it make them at all? In point of fact, its demands are so outrageous, that in 1977 the State Department demanded and got back a portion of the technical assistance funds which we had paid. This seems to me to be an incomprehensible procedure. Why should we pay a bill that is unreasonable in the first place? Why should we confirm the principle of a new international tax?

And even WIPO, which handles copyright matters, was established in 1970, but it was not until 1976 that it demanded technical assistance. Like WHO, if WIPO's activities are for mutual benefit, then we should fund them on a voluntary basis.

Now then, Mr. President, the opponents of reform and compromise have incorrectly asserted that my proposal would adversely affect the World Health Organization. Nothing could be further from the truth. The fact is that WHO is the worst offender with regard to improper assessment for technical assistance, and the place where reform is most needed.

I am not criticizing the substance of any of the programs of WHO. Those who are opposing my compromise can debate at length the great advances in world health that have been brought about by this organization. But if we allow WHO to establish the principle of international taxation unchallenged, then we have the camel's nose in the tent. The Third World is determined to shift as much from voluntary contributions to mandatory assessment as possible. They will point to WHO as their precedent.

Now it is said that WHO authorizes technical assistance in its organic statutes, and that it has always operated on a budget that is primarily based upon assessments. The full truth, however, places an entirely different light upon the subject. The fact is that in 1976, WHO changed entirely its mission, along with the content and concept of its technical assistance programs. What we are funding today as so-called technical assistance is something entirely different than we agreed to in 1945. WHO even calls it something entirely different. They now call it "technical cooperation," instead of technical assistance, but still insist upon financing it through mandatory assessment.

Formerly, the WHO programs were focused upon programs of worldwide mutual benefit, such as small-pox eradication. Now, WHO programs are focussed upon national health plans of individual countries. In short, it is a foreign aid program, a developmental program that happens to be concerned with health.

This change may be for the better, and

it may still be of international concern. But it is something different. It is something that clearly ought to be financed through the UNDP on a voluntary basis. If WHO is going to be a conduit for aid to individual nations, then it should be treated as a foreign aid program.

Now on the fact of this radical change, there can be no doubt. Let me quote from an official State Department paper:

> In 1976, the Director General of WHO dropped the term "technical assistance" as connoting ad hoc provisions of health goods and services upon request. He introduced the term "technical cooperation" to connote inconnoting ad hoc provision of health goods and services in the framework of a health program or national health plan agreed to by WHO and the member country.

And here is what the State Department said in another paper in response to answers submitted in response to congressional interrogatories:

> In 1976, WHO's Director General, Dr. Halfdan Mahler, dropped "technical assistance" from WHO's official vocabulary explaining that in the new spirit of self-help sweeping the world, WHO would cease being a compliant provider of health goods and services and become a partner with member countries in their efforts to attain higher health standards for all their people. He called for WHO regional offices and member governments to collaborate in developing national health goals and plans that reflected "real" health priorities endorsed by the World Health Assembly. The assistance that member governments requested from WHO was henceforth to fit into these national plans * * *

And then the State Department goes on to explain how the new program concept is being phased in:

> While this definition now serves as the guideline for the WHO Secretariat and the member governments as WHO programs and projects come under renewed scrutiny, it is relatively new. It does not fit all the programs and projects of WHO yet. The Director General * * * did not distinguish between programs that more closely resembled the old technical assistance.

The question, therefore, arises as to why—if the nature and direction of WHO programs have changed so radically since 1976—we are still being called upon to fund WHO principally through mandatory assessments. This dramatic shift to programs that are nationally oriented is reason enough to demand that such programs be funded through voluntary contributions, and that they no longer came under the definition of technical assistance as implied in the organic statutes.

There are some, however, who believe that WHO should be a mandatory program in order to insure that all nations participate and support the funding. I see no merit in this argument. It is an argument for coercion, in an area where coercion ought to be particularly unnecessary. I cannot conceive that any developed nation would withhold contribution to world health programs that are truly of benefit to all nations. If it is worth doing, then it ought to be done on a voluntary basis; if it is not enough worthwhile for every nation to want to participate, then it is not worth doing at all.

I reserve the remainder of my time.

Mr. JAVITS. Mr. President, just 1 minute so that Members who may read the RECORD will understand the situation. I would like for the RECORD to quote this sentence which the Senator dismisses as being a generalized statement. Sure it is a generalized statement that "the expenses shall be shared," and that they shall be assessed. It does not define stenography or telephones or a receptionist or a carpet on the floor any more than it does technical assistance. That is absolutely accurate.

So all my colleague is doing is just picking out technical assistance because he does not like it, and he says, "Well, that represents something that ought to be voluntary." But, as I point out, it really hurts, and it hurts the most in things that do us the most good.

Mr. HELMS. Mr. President, in discussion with the majority leader he suggested that we lay aside this amendment and we call up another one, but before I do that let me make one of two points.

First. The Helms amendment affected only the fiscal year 1979 appropriation; the Helms compromise will become permanent law.

Second. The Helms amendment provided that none of the fiscal year 1979 funds could be used for the furnishing of technical assistance; since the U.N. insisted on commingling all funds and refused to take technical assistance out of the mandatory assessments, the U.N. claimed that it could not accept any of the fiscal year 1979 contribution. The Helms compromise states only that technical assistance is not a mandatory financial obligation of the United States. This means we can pay it or not pay it as we choose on a voluntary basis and on the basis of how the money is going to be used, and I think, Mr. President, that is the very least that the taxpayers of the United States have a right to expect of us. The Helms compromise imposes no restraint on the use of assessed contributions.

Third. Furthermore, the Helms compromise effects only U.S. domestic law and U.S. legislative procedures. It imposes no reservations upon the U.N. Charter or the various organic statutes. It does not say that we will not pay; it only says that we will not pay for technical assistance as a mandatory assessment.

Fourth. If the United States does choose to fund technical assistance on a voluntary basis, even if we are assessed for it, we can do it through the foreign aid bill, and the net result is the same. If the United States choses not to fund technical assistance for a given program or a given year, the effect would be that of a simple reduction of the amount provided, with no conditions imposed. The United Nations already recognizes simple reductions as a legitimate form or protest, The passage of the Helms compromise, however, would clearly put the United States on record that it will not accept an international tax through reinterpretation of the U.N. Charter.

Mr. JAVITS. I want to put into the RECORD first the statement I referred to, article 17, paragraph 2 of the United Nations Charter and the parallel provisions in the organic statute of the specialized agencies which reads:

> The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

Second, that in the case of five of the specialized agencies which are here referred to—and I will list the five for the RECORD, to wit, the World Health Organization, the Food and Agricultural Organization, the International Civil Aviation Organization, the Universal Postal Union, and the World Intellectual Property Organization—the organic statutes of those organizations provide for the furnishing of techincal assistance. I will furnish for the RECORD background materials on these agencies as well as the quotations from their organic statute which deal with technical assistance so that it is not just a generic description by me.

Mr. President, I ask unanimous consent that ill this material may be incorporated in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Which UN agency statutes or charters provide for technical assistance being funded from the assessed budgets?

Answer. There are five instances where there are specific references to the furnishing of technical assistance in the appropriate Organic Statutes of the organizations. They are the World Health Organization, the Food and Agriculture Organization, the International Civil Aviation Organization, the Universal Postal Union and the World Intellectual Property Organization. In addition there are others, like the UN, where the exact words "technical assistance" are not used but whose purposes can be construed to include the provision of technical assistance. Lastly, it would have to be demonstrated that the provision of technical assistance goes beyond the constitutional purposes of the organization to conclude that a member did not have a legal obligation to pay that part of its assessment which was used for technical assistance. None of the Organic Statutes of the UN organizations specifically prohibit technical assistance funding in their budgets except the IMCO Charter of 1959 which states that technical cooperation activities shall be "funded by other than assessed budget funds."

The following is a specific listing of the provisions authorizing technical assistance.

ORGANIZATION AND TEXT

United Nations: Under Article 55 (Chapter 55 (Chapter IX):

"The United Nations shall promote: (a) higher standards of living, full employment, and conditions of economic and social progress and development; and (b) solutions of international economic, social, health and related problems; and international cultural and educational co-operation.

Under Article 66 (Chapter X) referring to the Economic and Social Council.

"It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies."

Universal Postal Union: Article 1 of the Vienna Constitution referring to the purposes of UPU:

". . . secure the organization and improvement of the postal services and to promote in this sphere the development of international collaboration and undertake, as far as possible, *technical assistance* in postal matters requested by member countries."

General: Article 17 (2) of the UN Charter (and parallel provisions in the Organic

Statutes of the specialized agencies):

"The expenses of the organization shall be borne by the Members as apportioned by the General Assembly."

Accordingly, the General Assembly has approved budgets containing technical assistance as expenses of the Organization for many years thus creating a binding obligation.

World Health Organization: Under Functions—Chapter II, Article 2 (d):

"To furnish appropriate *technical assistance* and, in emergencies necessary aid upon the request or acceptance of governments."

Food and Agriculture Organization: Under Functions of the Organization—Article I, Paragraph 3 (a):

"To furnish such *technical assistance* as governments request."

International Civil Aviation Organization: Under Airports and Other Navigation Facilities—Chapter XV, Article 74:

"When the Council, at the request of the contracting State, advances funds or provides airports or other facilities, in whole or in part, the arrangement may provide with the consent of that State, for *technical assistance* in the supervision and operation of the airports and other facilities. . . ."

World Intellectual Property Organization: Under Functions—Article 4 (v):

"Shall offer its cooperation to States requesting *legal-technical assistance* in the field of intellectual property."

Under Conferences—Article 7 (2) (III). "Within the limits of the budget of the conference establish the triennnial program of *legal-technical* assistance."

What specific benefits do we derive from our participation in these organizations and the funding of technical assistance?

Answer: Let me mention a few examples.

In the U.N. itself we have the various efforts to maintain international peace and security in Africa and the Middle East, the establishment of rules for exploration and exploitation of outer space and deep seabeds, efforts to control narcotic drugs internationally.

In the WHO we have control and eradication of contagious diseases, control and prevention of major diseases of animals transmitted to man and world-wide monitoring of adverse reaction to drugs.

In the FAO there is the early warning system on impending crop and food shortages, assistance to the U.S. in the development of disease resistant varieties of wheat and barley and provision of key statistical data on worldwide agricultural production and consumption.

In ICAO the promotion of air navigation safety and international standards on the control of noise and pollution from aircraft engines. In IMCO a mechanism for arriving at international agreements on rules for safety at sea; in the IAEA safeguards to assure that nuclear materials are not diverted to military purposes and in WIPO agreements to protect U.S. extensive and valuable industrial property (patent) rights.

The following highlights the benefits the U.S. receives for participation in the WHO, WMO, and ICAO:

BENEFITS TO THE UNITED STATES: WORLD HEALTH ORGANIZATION (WHO)

The WHO efforts on the Control of communicable diseases, particularly smallpox, are well known and have been favorably carried on throughout the world. However, there are many lesser known, but not less important activities carried on by this valuable organization. Some of those activities include:

An information system program, which has significantly improved international information storage, publication and exchange in health and health-related fields such as health technology, care of the aged, accident prevention, environmental pollution, disease classification, health statistics, etc.

A research program on human reproduction, which is contributing significantly to improved methods of fertility regulation.

Methodologies for establishing nutrition standards and monitoring nutrition programs.

Health manpower programs, which dovetail with evolving national (including U.S.) health service requirements.

Control and prevention of major diseases of animals transmissible to humans (e.g., WHO's and PAHO's work in the American region).

Worldwide research activities in such fields as vector biology, cancer, heart disease and tropical diseases, contributing to notable advances in the work of our own national laboratories.

Research on narcotic and psychotropic drugs, which is reported in accordance with applicable treaties.

Development of international standards and references in such fields as pharmaceuticals, vaccines, and diagnostic materials; worldwide monitoring of adverse reactions to drugs.

Various WHO activities are closely related to the U.S. policy of supporting programs to meet basic human needs; e.g., primary health care, nutrition, maternal and child health, environmental health, etc.

WHO's programs for strengthening research and training institutions in LDCs, especially in tropical climates; e.g., epidemiological studies in cancer, research on arthropod-borne viruses, and the role of nutrition in disease. These programs may shed light on significant related problems in the U.S.

BENEFITS TO THE UNITED STATES: WORLD METEROLOGICAL ORGANIZATION (WMO)

There are few, if any, countries that have as vital a need for weather data of high quality and regularity as the United States. To meet this need, the WMO performs a unique and valuable service that could only be otherwise accomplished through a costly, complex, and extensive series of bilateral arrangements.

The ability of the U.S. Weather Service to provide accurate and reliable weather reports is dependent upon the quality and completeness of weather information obtained from all areas of the world. It is the WMO, through its World Weather Watch, that provides the necessary data on a global basis. Without international collaboration the informational gaps would make it difficult to provide the kind of weather forecasting affecting agriculture, shipping, air traffic, pollution and other large segments of U.S. commercial interests and the general public. While it is popular to be critical of weather forecasters the quality of their forecasting is uniformly better because of the information obtained through the mechanism of the World Weather Watch.

Another facet of WMO activities is the ability to provide more accurate and timely warnings on the likelihood and course of disaster type weather aberrations like hurricanes, typhoons, etc. One has only to visit the areas laid waste by such phenomena to understand how important it is to have advance warning thus saving the lives and, hopefully, the property of affected residents.

Other WMO activities include agrometeorological activities in aid of food production in conjunction with the Food and Agricultural Organization (FAO), weather modification, longe range climate studies, hydrology and environmental monitoring. Given the importance of weather to the U.S. and its citizens, the benefits from our membership far outweigh the relatively small United States financial input in the form of its annual dues of membership.

BENEFITS TO THE UNITED STATES: STANDARD SETTING AND THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

Anyone who has traveled by air, particularly internationally, is desirous of being certain that the best navigational aids known to man are available to the pilot of the plane on which he is traveling. It is that part of ICAO's work on international standards that help to provide that assurance.

With the introduction of faster and faster planes, the need for more sophisticated equipment to ensure safety and efficiency has become essential. ICAO is the intergovernmental mechanism where action can be taken most effectively in the promotion of the safety, efficiency and economy of international civil aviation through the establishment of international standards, procedures and practices. With such standard setting the air traveler is protected no matter where in the world he is flying or landing. The recent adoption of standards for a microwave landing system which corresponds to a U.S. developed system is an example. Another international standard is the control of noise and pollution from aircraft engines.

As the world's leader in commercial aviation, the adoption of a microwave landing system, which favors a system developed by the U.S., is extremely important to domestic commercial suppliers of civil aircraft and aviation equipment. The U.S. is the source of 20% of all international air traffic which makes ICAO's aid to the LDC's to meet international standards of special importance to the U.S. ICAO also works in the areas of simplifying procedures to facilitate ground activities prior to take off and after landing, suppression of unlawful interference and efforts to reduce hijacking and sabotage by strengthening ground and in-flight security procedures.

There are also other organizations that deal with similar international technological problems such as the International Telecommunication Union's (ITU) work in the allocation of radio frequencies; the Intergovernmental Maritime Consultative Organization's (IMCO) work in developing international standards of tanker safety and oil pollution prevention; and the Universal Postal Unions (UPU) facilitation of the fast, safe and economic exchange of letter post mail to all countries of the world.

Mr. JAVITS. I thank the Chair.

Mr. HELMS. Mr. President, I ask unanimous consent that a memorandum which I prepared, dated March 22, 1979, and furnished the Committee on Foreign Relations be printed in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

MARCH 22, 1979.

Re Helms Amendment deleting mandatory technical assistance from U.S. contributions to the United Nations in the fiscal year 1979 State Department appropriations bill (1978).

From Senator Jesse Helms.

1. Does the Helms Amendment delete all U.S. contributions for technical assistance?

No. The Helms Amendment deletes only technical assistance funded through U.S. assessed contributions to the UN. These mandatory contributions are funded in the State Department appropriations bill for FY 79, passed last summer. The Helms Amendment leaves intact the majority of technical assistance contributions which are funded on a voluntary basis through international development assistance appropriations (foreign aid).

2. Does the Helms Amendment block all U.S. contributions to the regular assessed budget of the United Nations?

No. The United Nations, for internal reasons, prefers to accept assessed contributions without earmarking or conditions, and has declined to certify to the U.S. State Department that no part of the U.S. contributions to the assessed budget will be used for technical assistance. The Helms Amendment seeks to persuade the United Nations and its specialized agencies that mandatory technical assistance is an improper exercise of powers and contrary to the understanding of the United States in agreeing to the UN Charter and the organic statutes of the agencies. The United States has already been successful in eliminating mandatory technical assistance in some of the UN agencies. The Helms Amendment attempted to provide leverage on the technical assistance issue only. The attitude of the UN in refusing to reform its budgetary procedures so as to eliminate mandatory technical assistance has created a contrived situation. The Helms Amendment is not a condition or earmarking on programs; it is a condition on the UN's budget structure.

3. What agencies are affected by the Helms Amendment?

	Million
United Nations	$2.800
UNESCO	.625
World Health Organization (WHO)	20.931
Food and Agricultural Organization (FAO)	3.200
World Intellectual Property Organization (WIPO)	.110
Total	27.666

4. Are these amounts significant?

They are small in comparison to over-all U.S. contributions to the UN. But the category is growing at the rate of 50% per year. Technical assistance, in contrast to contributions to operational expenses of the UN, is essentially a resource transfer to other countries. The *principle* must be established that resource transfers ought to be voluntary, before a precedent is established involving significant percentages of the UN budget. At the present level, reform would be relatively painless. But the levels are growing:

In FY 78, the Senate deleted $19.3 million in mandatory technical assistance, although these funds were restored in conference.

In FY 79, the Senate deleted $27.7 million in mandatory technical assistance (the Helms Amendment), and the House agreed by a vote of 143–191.

In FY 80, State is asking for $41.2 million in mandatory technical assistance.

5. When did the issue of mandatory technical assistance suddenly become significant?

The issue became significant when the less developed nations decided about 1976 to "soak the rich" nations by mandatory resource transfers. This was a qualitative departure from the meaning and spirit of "technical assistance" as originally conceived. The U.S. State Department, in its FY 79 budget submission, described the change and the underlying reasons as follows:

"In recent years the issue of the extent to which technical assistance should be financed as a 'normal' part of the regular, assessed budgets of the specialized agencies as against voluntary contributions through the central mechanism of the UNDP has been a subject of international debate and concern. The delays and cancellations of project delivery caused by the UNDP financial liquidity crisis of 1975–76 stimulated pressure from developing countries for more funding through assessed budgets. Specialized agencies saw this issue raised forcefully in their governing bodies, where developing countries increasingly contended that technical assistance no longer should be treated as an ancillary function. *To avoid the vagaries and uncertainties of voluntary funding, they preferred to see technical assistance supported more through assessed rather than voluntary contributions.*" (P. 9, emphasis supplied.)

6. Do the UN specialized agencies require members to supply technical assistance in their organic statutes?

Two prohibit the use of assessed budgets for technical assistance, and four specifically permit it. The two which prohibit such use are:

International Atomic Energy Agency (IAEA).

Intergovernmental Maritime Consultative Organization (IMCO).

The four which permit it are:

WHO.

FAO.

WIPO.

International Civil Aviation Organization (ICAO) (But ICAO stopped mandatory technical assistance in 1971).

7. Does the UN Charter require members to supply technical assistance on a mandatory basis?

No. The only statement in the Charter with reference to payment of assessments is the following enigmatic sentence:

"Article 17. 2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly." The question is whether technical assistance, as a resource transfer to other nations, is to be interpreted as one of "the expenses of the Organization," or whether the Organization is only a conduit for the funds.

8. Has Article 17 been rigidly interpreted in the past?

No. To the contrary, in 1972, Congress directed that the President, by a date certain, no longer pay any assessed contribution that was apportioned by the General Assembly in excess of 25% of the entire UN assessed budget. At that time we were paying 31.5% of the UN budget. After initial resistance, the General Assembly reappportioned our assessment.

9. Has the meaning of "technical assistance" changed since it was introduced into the organic statutes of the specialized agencies in the 1940's?

Yes. The "technical assistance" program of today is something that differs in essence from the meaning of "technical assistance" when the statutes were drafted. The State Department in its FY 79 budget submission described the change as follows:

"Technical assistance to developing countries by the UN system originally took the form of relatively small activities by the United Nations itself and by the specialized agencies whose central mandate was seen as promoting international sectoral cooperation for the benefit of a membership at that time less oriented to the problem of global development. These activities initially were financed from assessed budgets. But, as awareness of the magnitude of the larger development problem grew and as calls increased for greater efforts by the UN system in the field of economic and social development, the need for new sources of funds and new organizational arrangements became evident." (p. 4)

"The constitutions of most specialized agencies were written before 1950 when the doctrine of voluntary financing became the basis of the expanded program of technical assistance. . . . *The statutes of other specialized agencies have less specific language which may be construed to authorize what has subsequent to their drafting been defined as technical assistance or operational activities.*" (p. 11, emphasis supplied.)

Since the State Department believes that the original meaning and intent of "technical assistance" has changed materially, the question arises as to why the United States does not construe the statutes in a way which supports U.S. interests.

10. Has there been any recent change in the mandatory technical assistance programs?

Yes. The programs changed materially in 1976 after the decisions by the developing countries to shift more programs to assessed contributions (see No. 5, above).

WHO changed entirely the concept and content of its technical assistance programs in 1976, including even a change of name to "technical cooperation." This change is important because 57% of WHO's budget is mandatory technical assistance, and it accounts for the largest amount of mandatory technical assistance. The State Department said in an October, 1977 issue paper, submitted with the FY 79 budget submission:

"In 1976, the Director General of WHO dropped the term 'technical assistance' as connoting *ad hoc* provision of health goods and services upon request. He introduced the term 'technical cooperation' to connote integrated provision by WHO of health goods and services in the framework of a health program or national health plan agreed to by WHO and the member country." (Issue paper, p. 11.)

The same point was stated in more sweeping terms in answers submitted by State in response to Congressional interrogatories:

"In 1976, WHO's Director General, Dr. Halfdan Mahler, dropped 'technical assistance' from WHO's official vocabulary explaining that in the new spirit of self-help sweeping the world WHO would cease being a compliant provider of health goods and services and become a partner with member countries in their efforts to attain higher health standards for all their people. He called for WHO regional offices and member governments to collaborate in developing national health goals and plans that reflected 'real' health priorities endorsed by the World Health Assembly. The assistance that member governments requested from WHO was henceforth to fit into these national plans. . .

"While this definition now serves as the guideline for the WHO Secretariat and the member governments as WHO programs and projects come under renewed scrutiny, *it is relatively new*. It does not fit all the programs and projects of WHO yet. The Director General . . . *did not distinguish between programs that more closely resembled the old technical assistance.*" (emphasis supplied.)

The question therefore arises as to why—if the nature and direction of WHO programs has changed so radically since 1976—we are still being called upon to fund WHO principally through mandatory technical assistance. This dramatic shift to programs that are nationally oriented is reason enough to demand that such programs be funded through voluntary contributions, and that they no longer came under the definition of technical assistance in the original organic statutes. Since the WHO contributions are the largest in the mandatory group, solution of the problem on the basis outlined above would go a long way to solving the whole problem.

FAO did not demand mandatory technical assistance until 1976, pursuant to a personal commitment of U.S. Secretary of Agriculture Earl Butz in 1975. But the FAO programs became so demanding that in 1977 even the State Department demanded and got back a portion of the technical assistance funds.

WIPO, established in 1970, did not receive mandatory technical assistance from the United States until 1976.

ICAO, although its statutes specifically mention technical assistance, established mandatory technical assistance budgets only during the period 1969–1971.

11. Is it important to insist upon mandatory technical assistance to make sure that all nations pay their "fair share"?

No. The same argument could be used to make all of the present voluntary programs mandatory. The benefits of "technical assistance" ought to be of sufficient magnitude so that every country that benefits would be persuaded to contribute on a voluntary basis. Moreover, the benefits to the United States ought to be so great that we would continue to contribute on a voluntary basis even if one or two of the lesser countries refused to pay their share. In any case, it is more important for the United States to be working for the principle of voluntaryism than the principle of coercion in the UN.

12. Was the concept that technical assistance should be voluntary the idea of Senator Helms?

No. The deletion of mandatory technical assistance was in accord with long-standing and frequently expressed policy of the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the U.S. For example, the report of the Senate Committee on Appropriations on the FY 79 State Department Appropriations Bill (H.R. 12934) said:

"This committee has repeatedly demanded improved controls over the technical assistance activities of the various agencies in the U.N. development system. Policies of the U.S. notwithstanding, *it is the policy of the Congress which approves the funding contained in this bill, that technical assistance be under the control and supervision of the U.N. development program.*"

Furthermore, the Conference Report on the International Development and Food Assistance Act of 1978 (H.R. 12222), approved by both Houses of Congress, said:

"It is the sense of the Congress that the President should instruct the United Nations to encourage the specialized agencies of the United States to transfer the funding of technical assistance programs carried out by such agencies to the United Nations Development Program."

The UNDP, of course, is the mechanism for voluntary funding.

For further excerpts from the legislative history, see the Appendix.

APPENDIX: PARTIAL LEGISLATIVE HISTORY ON UNITED NATIONS TECHNICAL ASSISTANCE FUNDING ISSUE

Senate Committee Report—June 21, 1977.

Departments of State, Justice, and Commerce, The Judiciary, and Related Agencies Appropriations Bill, 1978.

For several years the Committee has spoken of the need for improved coordination and control of the technical assistance activities of the various agencies in the United Nations development system. We have seen the system grow from modest beginnings into a complex network of organizations and programs under the control of about 40 separate governing bodies. It has been our contention, confirmed in testimony by State Department officials and by a succession of United Nations management studies, that a restructuring of the system to achieve centralized direction through the United Nations Development Program would immeasurably improve both the efficiency and effectiveness of U.N. technical assistance.

It has also been our contention that considerable savings could be achieved were better managerial and personnel practices instituted in the United Nations and in the specialized agencies. We now find that savings have, indeed, been achieved in the specialized agencies. However, instead of reducing the size of their assessed budgets, these agencies have embarked on an overzealous proliferation of technical assistance programs with little thought to coordination or cost restrictions. The result has been an increase in the fragmentation of the U.N. development system with a concomitant loss of effectiveness.

Senate Conference Report—June 30, 1977.

Departments of State, Justice, and Commerce, The Judiciary, and Related Agencies Appropriations Bill, 1978.

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

Amendment No. 2: Appropriates $325,979,000 as proposed by the House instead of $306,729,000 as proposed by the Senate.

The amount approved includes funds for technical assistance which the Senate proposal would not have allowed. Approval of such funding, however, does not mean that the conferees condone the present situation with respect to such funds.

The conferees are concerned over the growing tendency of United Nations specialized agencies to increase their assessed budgets to finance technical assistance programs. The Committee firmly believes that technical assistance should be financed through voluntary contributions, and not by substantial increases in regular assessed budgets of international organizations. In particular, technical assistance activities should be voluntarily financed by the United Nations Development Program.

The conferees believe it is time to go beyond encouraging the Secretary of State to express concern with the international organizations funding technical assistance programs in the assessed budgets. The State Department should recognize and develop new policies to account for the fact that many of the large specialized agencies have become development institutions providing technical assistance as well as common purpose organizations fostering technical cooperation, that distinctions between assessed budget and voluntary budget activities have become obscured, and that more rationality, planning, and sense of overall objectives have to be injected into the budgeting and programing process for both assessed and voluntary contributions. The conferees instruct the Department to report on how it intends to deal with this problem in the next budget cycle.

These comments should serve as a warning to the UN and other international agencies that the continuation of current funding trends threatens to call into doubt the basic understandings necessary to preserve the willingness of large donors to honor assessed contributions.

Senate Committee Report—July 18, 1977.

Foreign Assistance and Related Programs Appropriations Bill, 1978.

For several years this Committee has been sharply critical of the lack of centralized direction and control of the United Nations Development System. We have noted the fragmentation in the assemblage of organizations and programs through which United Nations development and humanitarian assistance is now being dispensed, and we have suggested that to call it a "System" is to apply a misnomer. If a system is characterized by formulated and regular plans and procedures, then that which embodies United Nations development assistance most assuredly is not a system. The so-called system is under the control of 40 separate governing bodies. These consist of the United Nations and its component parts, such as UNDP, UNICEF, UNIDO, UNCTAD, and about a dozen specialized agencies. There is no central coordinating unit which exercises control over, and directs, this loose amalgam of agencies and programs.

As early as 1969 the United Nations recognized this problem. In that year, it received a capacity study of its system; a study which it had, itself, commissioned. The principal author of the capacity study, Sir Robert Jackson, found that the specialized agencies, ". . . have now become the equivalent of principalities, free from any centralized control. Over the years, like all such institutions, they have learned to safeguard and *increase their powers*, to preserve their independence, and to resist change." (Emphasis added.)

The Jackson study was right on the mark. Information developed by this Committee's Subcommittee on State, Justice, Commerce, and The Judiciary revealed that, over the past 6 years, *assessed* United States contributions to international organizations have increased by 126 percent. In Senate report number 95-285, the Committee noted that the United Nations specialized agencies "have embarked on an overzealous proliferation of technical assistance programs with little thought to coordination or cost restriction. The result has been an increase in the fragmentation of the UN development system with a concomitant loss of effectiveness." It is in this context that the requested funding of voluntary contributions to the UNDP must be considered.

The essential point to focus on is that United Nations development assistance is in disarray. Almost ten years after the United Nations recognized the need for consolidation of control and direction of its assistance programs, there is still no effective coordinating unit. Indeed, if anything, there has been an increase in the fragmentation of the system. Within that system, the UNDP has lost much of its authority as the specialized agencies have increased their autonomy by increasing their assessed budgets. UNDP activities are now duplicated or supplanted by the specialized agencies in many instances.

The UNDP itself is not yet effectively organized. It finances technical assistance projects in 147 developing countries with projects in 15 different development sectors. The program finances about 10,000 experts assigned to some 8,000 projects which are being carried out by 18 Executing Agencies of the UN system. The Committee recognizes the improvements made in UNDP programs and administration which have been made under the current Administrator, Mr. Bradford Morse, but we question whether the UNDP, relying as it does on the various autonomous agencies, can effectively implement 8,000 projects in 147 developing countries or supervise 10,000 experts working in 15 different development sectors.

The Committee recognizes the importance of UN and, more particularly, UNDP technical assistance programs. We find ourselves in agreement with those who regard UN technical assistance as a vital complement to bilateral programs. But we are equally firmly convinced that many of the long-term development projects which the UNDP now seeks to undertake should await the day when the UNDP has the institutional stability and authority requisite to productive development assistance. Until the UNDP becomes, in fact and not just in theory, the central coordinator and funder of UN development assistance, it will have neither institutional stability nor authority. In short, until the UN development system undergoes fundamental structural reform, the UNDP will not be able to manage its myriad technical assistance projects effectively and efficiently.

House of Representatives Conference Report—October 12, 1977.

Making Appropriations for Foreign Assistance and Related Programs for the Fiscal Year Ending September 30, 1978.

The amount provided for International Organizations and Programs includes $115,000,000 for the United Nations Development Program. The managers agree, however, that future appropriations for this activity will depend on whether or not the specialized agencies of the United Nations continue to finance technical assistance programs for developing countries through their assessed budgets.

The conferees concur with and support the position adopted by the conferees on the

State, Justice, and Commerce, the Judiciary and related agencies Appropriation Bill for fiscal year 1978 on this subject. In addition, the conferees intend by this language to instruct the Administration that as long as this dual method of financing technical assistance programs of the United Nations development system continues, we will find it difficult to fully support future U.N.D.P. budget estimates. In fact, it may be expected that in considering future appropriations for United States contributions to U.N.D.P., assessed contributions for technical assistance will be balanced against request for U.N.D.P.

The Appropriations Committees are not alone in their criticism of the way U.N. development programs are financed. Five different GAO reports and a report by the Senate Committee on Government Operations also criticize this practice. Ironically, official U.S. policy itself is in agreement with the Committees' position. We intend to put an end to the current practice.

Senate Committee Report—July 28, 1978.

Departments of State, Justice, and Commerce, The Judiciary, and Related Agencies Appropriations Bill, 1979.

In fiscal year 1975 this Committee appropriated $203,903,000 for this account. This year the request for International Organizations has grown to $355,392,000. Over the past year the Committee has attempted to give the Bureau of International Organizations Affairs the oversight attention which it deserved. At this time it would appear that the performance of the Bureau has improved. For instance, the Bureau's personnel rotation policy seems to be improving, and officials of the Bureau may be taking a more positive leadership role in the various international agencies. It would appear that our U.N. representatives are starting to carry the message that the United States as the primary financial donor is determined that the size of the U.N. bureaucracy and its ever escalating salary structure be reduced. Evidence received at Committee hearings revealed that 35 U.N. executives drew larger salaries than the Vice President of the United States. Additionally, testimony was received to the effect that 17 of the world body's servants commanded more than the $75,000 per year paid to the Chief Justice of the United States. The Committee sees no reason why the American taxpayer should suffer the major burden of supporting an ever-growing international bureaucracy.

The Committee views with alarm the dispersal of U.N. funds, or serious thought of dispersal of U.N. funds, 25 percent of which are derived from the American taxpayer, to such countries as Vietnam, Cambodia, Laos, Uganda, Guinea, and Cuba. Additionally, we are exceedingly disturbed over the possibility of leakage of U.N. funds to Soviet sponsored terrorist guerrilla organizations operating in Africa. In the year to come the Committee fully intends to carefully observe the distribution of U.N. funds to communist sponsored terrorist organizations such as SWAPO. For instance, the Committee seriously questions why American tax dollars were used to fund the international travel and per diem expenses of SWAPO members and the Committee directs that this practice stop forthwith.

In conclusion, this Committee has repeatedly demanded improved controls over the technical assistance activities of the various agencies in the U.N. development system. Policies of the U.N. notwithstanding it is the policy of the Congress of the United States which approves the funding contained in this bill, that technical assistance be under the control and supervision of the U.N. development program. As the primary financial benefactor of the U.N. system this Committee has no intention of subsidizing the over-zealous proliferation of technical assistance programs and an increased fragmentation of the U.N. Development System.

House of Representatives Conference Report—September 7, 1978.

International Development and Food Assistance Act of 1978.

(d) Section 301 of such Act is amended by adding at the end thereof the following new subsection:

"(g) It is the sense of the Congress that the President should instruct the appropriate representatives of the United States to the United Nations to encourage the specialized agencies of the United Nations to transfer the funding of technical assistance programs carried out by such agencies to the United Nations Development Program.".

U.N. development program technical assistance

The Senate amendment stated the sense of Congress that U.S. representatives to the United Nations encourage the U.N. specialized agencies to transfer funding of their technical assistance programs to the United Nations Development Program.

The House bill did not contain a similar provision.

The conference substitute is the same as the Senate provision.

Senate Committee Report—September 15, 1978.

Foreign Assistance and Related Programs Appropriation Bill, 1979.

United Nations Development Program (UNDP).—UNDP continues to be the primary agency within the United Nations development system, and at $133 million it represents the largest request being made by the Administration in the International Organization's account. This year's request for UNDP represents a 15 percent increase over the amount appropriated in fiscal year 1978.

The Committee continues to have the concern it has expressed over the last several years regarding the funding of Technical Assistance by the various United Nations agencies. However, the Committee is encouraged by actions taken by the Administration to help solve this problem. Nevertheless, the Committee stresses again its determination that Technical Assistance for developing countries should be funded through UNDP. Again this year, substantial amounts of Technical Assistance funding were requested under the assessed budgets provided in the State, Justice, Commerce appropriations bill. The Senate, in considering this legislation on the floor, deleted the requested funds for Technical Assistance. The Committee wishes to assure the Administration that it will continue to watch this issue closely, and hopes that further actions will be forthcoming from the Administration that will demonstrate its sincerity in resolving this long-standing problem. In addition, the Committee incorporates, by reference, the material on this subject which was presented in last year's report. The Committee recommends the appropriation of $128,050,000 million, a 12 percent increase over fiscal year 1978 funding.

REPORTS TO CONGRESS BY THE COMPTROLLER GENERAL OF THE UNITED STATES

Exhibit 1

Excerpt from "U.S. participation in international organizations"

In addition to developing new diplomatic procedures, the growing politicization of the organizations will force the United States to reexamine and perhaps reformulate some of its positions. Recent U.S. policy, for example, has not been entirely consistent in responding to the related efforts of the Third World and its supporters to direct greater proportions of the international organizations' resources to the needs of the developing world.

The regular budgets of most international organizations are raised through dues assessed by the organization. The United States has in the past opposed using substantial amounts of regular budget funds for technical assistance on the grounds that a member should be free to decide on a voluntary basis whether or not to provide technical assistance to other countries. Once the precedent is established that funds raised by assessing members may be used for technical assistance, the majority voting power of the developing countries can determine the amount and nature of aid that the U.S. and other major donors must provide the developing world.

Nevertheless, in 1976 the U.S. supported a decision by the members of FAO formally to earmark for the first time a portion of the organization's regular budget for technical assistance. A substantial portion of the FAO regular budget had been used in the past to help support the technical assistance field programs which the organization undertakes for UNDP or others, but the organization had never before expressly set a portion of its budget aside for this purpose.[6] U.S. officials explain the decision on the grounds that the amount of money involved was relatively small, and that the funds were made available by reducing the amount earmarked for personnel in the Rome headquarters. The United States has sought to make it clear that the $18.5 million set aside in FAO for technical assistance is to be considered as an experiment which the United States will monitor closely.

Nevertheless, the expressed decision of FAO to use regular budget funds for technical assistance represents an important precedent. The use of regular budgets for technical assistance is likely to be of increasing importance in future years.[7] The posture of the United States in FAO will make it harder for the United States to resist similar efforts to use regular budget funds for technical assistance in other international organizations. It illustrates the needs for the United States to formulate a clear and comprehensive policy towards the sustained efforts of the Third World to direct increasing portions of the resources of the international organizations towards the use of the Third World.

Exhibit 2

Excerpt from a Report to Congress by the Comptroller General of the United States Entitled "U.S. Participation in International Organizations"

UNDP Concept of Coordination

Many of the restructuring proposals embody centralized planning, programing, and resource allocation within the United Nations. This idea in some respects is similar to the U.N. Development Program country programing concept wherein technical assistance is coordinated and funded primarily through a single channel. The UNDP system of country programing is based largely on the needs and priorities of a developing country as agreed to by the country. These needs are assessed in terms of UNDP resources, and a 5-year plan or country program is established by the recipient country and UNDP. Approved UNDP assistance projects, funded through voluntary contributions, are then carried out primarily by the specialized agencies under the team leadership of the UNDP resident representative.

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[6] In 1969 the GAO estimated that 30 percent of the organization's regular budget and perhaps 50 percent of the time of the headquarters staff were actually related in one way or the other to technical assistance programs. See "U.S. Financial Participation in the Food and Agriculture Organization of the U.N." General Accounting Office, November 17, 1969, pp. 29, 33.

[7] For example, the WHO, which has long spent a portion of its regular budget on technical assistance, voted in 1976 at the urging of the developing world specifically to establish for the first time the goal that by 1980 60 percent of the regular budget, instead of the present 50 percent, would be spent on technical assistance. The U.S. abstained, expressing reservations about the proposal. A number of ILO member countries would similarly like that organization to make use of its regular budget for technical assistance programs.

Our report, "Actions Required to Improve Management of United Nations Development Assistance Activities" (July 3, 1975 ID–75–73), supported this concept and urged that it be extended to cover coordinated planning by all U.N. System components. The System has made some progress in the programing and resource allocation process in the United Nations. Yet, specialized agencies still tend to favor their autonomy, and few are willing to accept a central mechanism to coordinate planning and programing.

We continue to support coordinated planning and the channeling of U.N. development assistance through one focal point in each country, as opposed to direct programing by specialized agencies. Recently, the Food and Agriculture Organization diverted $18.5 million of its regular budget to direct field programs and the World Health Organization decided that 60 percent of its regular budget would be spent on technical assistance by 1980. Such actions serve to undermine the centralized development concept of UNDP.

More fundamentally, the consistently held view of the United States and other major contributors—that U.N. development assistance should be funded mainly through voluntary contributions and not through the assessed contributions of member states—is being challenged. The Food and Agriculture Organization and World Health Organization precedents, in our view, could lead to actions in other agencies for increased assessments and for the direct application of funds to development programs outside UNDP's coordinative mechanism.

The dangers of such a movement away from centralized coordination, particularly in specialized agencies wherein the large contributors no longer have the majority vote, are very real. For example, the loss of large-contributor discretion in levels of contributions and application of resources could prompt some to drop out, and this would in turn lessen the organizations' effectiveness.

Our Government continues to support and follow the concept of funding development activities through voluntary contributions and using UNDP as a central funding channel and focal point for development planning and programing. We urge that U.S. efforts in this area be increased, and we encourage strengthening the leadership role of the UNDP resident representative. We should point out, however, that the activities of the multilateral development banks must be considered in any successful development strategy.

In many countries these lending institutions have greatly influenced development strategies through overall economic surveys and analyses that have led to large investments.

Mr. HELMS. Now, Mr. President, I suggest the absence of a quorum with the time to be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 198

(Purpose: To amend the United Nations Participation Act of 1945 with respect to the enforceability of sanctions against Rhodesia)

Mr. HELMS. Mr. President, I call up amendment No. 198, which is at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) for himself and Mr. HARRY F. BYRD, JR., proposes an amendment numbered 198.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

NONENFORCEMENT OF SANCTIONS AGAINST RHODESIA

SEC. 405. Section 5 of the United Nations Participation Act of 1945 is amended—

(1) by striking out the second and third sentences of subsection (a) and inserting in lieu thereof the following: "In recognition of the settlement of March 3, 1978, reached by leaders representing a majority of Rhodesians, and of the willingness of the transitional government established pursuant to such settlement to participate in and negotiate in good faith at an all-parties conference without preconditions, and of the government chosen by free elections held in April 1979, and observed by international observers, no Executive order issued under this subsection may be enforceable after such elected government is installed."; and

(2) by striking out subsections (b) and (c).

Mr. HELMS. Mr. President, in discussion with the distinguished majority leader earlier this afternoon he asked that I call up this amendment so that it would follow immediately the vote tomorrow on amendment 190. With that in mind, I do not wish to discuss this amendment at this time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may request a quorum call without its being charged to the time under the bill which is before the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of routine morning business, that Senators may speak therein up to 10 minutes each, and that the period last not more than 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

YET ANOTHER CALL TO RATIFY THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, in the past few weeks, several newspapers across the country have decried the Senate's lack of action in ratifying the most fundamental human rights treaty ever to come before this body: the Genocide Convention. For example, an editorial in the April 23 Milwaukee Journal referred to the Senate's failure to ratify the Genocide Convention as "the Senate's abiding stain," stating that "It is way past time for the United States to join the great majority of the nations in ratifying this important treaty." The Boston Globe printed a similar editorial on the same day.

Mr. President, these newspapers join an ever-increasing list of civic, labor, and religious groups who have already endorsed the Genocide Convention.

In the public sphere, President after President, every President since Truman, and every Attorney General since the Truman administration, every Secretary of State since the Truman administration, every Secretary of Defense, and every Joint Chief we have had in the past 30 years, Republican and Democratic administrations, have all voiced their support for this treaty.

The convention has long since been ratified by all of our major allies.

Mr. President, for almost 30 years we have been dragging our feet in moving to ratify the only international treaty that seeks to prevent and punish the most inhumane crime known to man. The Milwaukee Journal has called the Genocide Convention "the oldest political prisoner of the U.S. Senate." Mr. President, there are no further reasons for delay. Every line, every word of this treaty has been thorougly scrutinized in the numerous hearings that have been held since the 1950's. All arguments against ratification have been conclusively rebutted.

Mr. President, we must act now to ratify the Genocide Convention.

SENATOR DOLE'S ANNOUNCEMENT FOR THE PRESIDENCY

Mr. WEICKER. Mr. President, today in Russell, Kans., our colleague, Senator ROBERT DOLE, announced publicly his candidacy for the Republican nomination to the Presidency of the United States.

There is no question that Senator DOLE comes from a very long and distinguished career in this body. Also I am extremely proud of Senator DOLE's role as Republican Vice Presidential candidate in 1976. He has brought great integrity to the job of chairman of my party. Lastly, there is not one of those who know BOB DOLE who does not think of him as a warm and wonderful human being. I wish him nothing but the best in his venture. The Republican Party and the Nation are better for his announcement this morning.

I ask unanimous consent that the full text for his remarks be printed in the RECORD in full at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR BOB DOLE ANNOUNCEMENT FOR THE PRESIDENCY

I thank you all for being with us today. I especially thank the members of the national media who have come so far out of their way to be here. We are very proud of Russell, but we recognize that it is not a major media center. On the other hand, it is very nearly the center of the United States—so those of you who like to be in the middle of things are pretty well situated.

REASSERTING A COMMON FAITH

I am announcing today that I shall seek my party's nomination to the Office of President of the United States.

I have no illusions about the magnitude of the undertaking; neither have I any undue concern for the magnitude of the problems associated with it. Financing, logistics, simple human effort or the lack of these may conspire in time to defeat a candidacy, but they cannot deter it at the outset. The magnitude of the endeavor rests not in the institutional necessities which must carry it forward, but rather in the expectations which any candidate must engender and then satisfy in the minds and the hearts of the American people. This is the great task.

It is the task of reasserting a common faith in all that we once set out to be as a nation, a shared confidence in those means established to help us grow and prosper in freedom, and a common conviction that we are in truth what we say we are: a nation that hews to the self-evident truth that "All Men are Created Equal."

Today, in America, no truth is self-evident any longer. Instead, self-doubt increasingly characterizes our public life and our private lives as well.

It is evident in the dwindling numbers of Americans who go to the polls to vote. We say that the franchise is a right—but that alone does not describe it; rather, it reduces its significance. The franchise is a great gift paid for again and again by the courage and sacrifice of previous generations. Yet, today so many of our people ignore it. They doubt that it matters—which is to say they doubt that they have any control over events, over our nation's business, its direction and its destiny.

It is evident in the growth of single-issue constituencies. Overwhelmed by the range of issues which confront the nation, many of our people doubt their capacity to understand them and deal with them. Many retreat to narrow concerns which they feel they can grasp and which they believe they can influence: Should we use nuclear power? Should we have the right to bear arms?

OCCASION FOR HOPE

I do not see this as an occasion for despair, but as an occasion for hope. I see it as a dawning realization of the contradiction which has shaped and misshaped our national life for forty years: That a nation constituted for, and consecrated to, the individual should have been led to believe that the individual could best benefit by relinquishing his hopes, his responsibilities and his very individuality to government.

Today, there are those who insist that our great difficulty is that Americans don't believe in their government. That may not be true. The great difficulty might be that Americans no longer believe sufficiently in themselves.

Today, we have a President who goes about insisting that he will be "personally" responsible for this, and "personally" responsible for that. He means well, no doubt, but what he says is without meaning. We don't need a President who says he will be "personally" responsible for things he can't do anything about. We need individual Americans to be "personally" responsible again for their own lives, and the life of this Nation.

BIG GOVERNMENT—SOURCE OF CYNICISM

I do not intend to campaign against those who serve in government. They are no better and no worse than the rest of the American public—they are a part of it. It is absurd to say we must have a government as good as our people. This assumes that the people, whoever they are, are wise and generous and good, and that those in government are all stupid, stingy, and bad. It isn't so. Those who serve in government reflect the nation: Human, with human strengths and human failings.

But the Federal Government, in its size, cost and reach is too large for this nation and, in its capacities, too small. The size of government today reflects some people's mistaken belief that government has magical powers which the individual does not possess, and ignores the fact that there is no power on earth greater than that of the individual in a free society.

In government we have institutionalized compassion, forgetting that compassion is a human virtue that comes from the heart, and that institutions lack these attributes, and so they fail in doing the compassionate thing—in helping to see that children are adequately clothed and fed and educated; in assuming that the elderly are cared for and loved rather than warehoused and tolerated, in seeing that the needy are helped to provide for themselves. In the face of these failures, the institution—the Federal Government and those who exalt its capacities—insists that success will come with increased expenditures, with increased size, and with increased authority.

Never mind that as a people we are poorer because government takes our money, and its purchasing power, and our incentive; that we are endangered because government constantly increases its control over us. These are second order consequences. The real tragedy is that we are poorer and we are endangered because government takes away our need and our obligation and our opportunity to behave as individuals, as human beings, toward each other.

This is the major problem which confronts us in this great land. It is the source of cynicism in a country that was not born out of cynicism but out of hope. It is at the root of the desperation with which so many of our people thrash about for something to believe in, something to hold on to, something to shape lives they no longer believe they can shape themselves.

LET AMERICA BE AMERICA AGAIN

This is my concern in the campaign ahead. It is, in the words of an American poet, to let America be America again. It must be an America which understands what it means when it speaks of rights—civil rights, human rights, individual rights, equal rights. It is true, as Burke said, that "All men have equal rights, but not to equal things." The man who lives in a row house and rides the bus has the same constitutional rights as the man who lives in a mansion and rides in a limousine. Yet, the one has no right to the wealth of the other, and the other has no right to prevent the first from achieving whatever he may within the confines of the law and his own abilities. They are equal before God, before the constitution and before the law. But it is arrant nonsense to suppose that because they may not be equal in ability and ambition, government should equalize their portion of the material advantages which flow from the unfettered exercise of ability and ambition.

If we can eliminate this and similar misconceptions about the purpose of government, then we can get away from building the federal budget and the federal bureaucracy and get back to building the nation.

This is my message in the campaign ahead.

I will neither attack my opponents in the Republican Party, nor the incumbent president. My fellow Republicans have views which the American people must weigh, and the President has a record which must be considered and accounted for. I am sure we will be diligent in helping to consider the record, and I am sure the president will be equally diligent in accounting for it.

There are, of course, a number of concerns which confront us and I mean to address them in the months ahead, though I give little attention to them here today.

CONFUSION OF GOALS, METHODS

One is the state of the economy. Since our economy today is managed largely by Government, its failure is simply one more failure of Government. We have rejected hard wisdom, short-term sacrifice and long-term prosperity for immediate political advantage and immediate personal gratification. Our leaders have persisted in the view that we could spend ourselves rich; that we could grow fat by devouring ourselves.

With that plan discredited, we seem uncertain where to turn next. I don't mean this as a criticism, but I simply point out as an example of the confusion of goals and methods that one of the first official acts of the present administration was to increase the salaries of some of their staff by sums in excess of 100 percent, sometimes reaching 150 to 200 percent, and they now insist that the average American workers should forego pay increases in excess of seven percent. Our economic difficulties are broader and deeper than this example, but the will to cope with them is fairly reflected there, I think.

Another concern is peace. We have enjoyed a peace established in 1973, and squandered it in some measure, and it is becoming an increasingly uneasy peace maintained largely by retreating in the face of Soviet and Soviet-sponsored aggression around the world. It is a difficult thing to make a peace—but it was done; it is a difficult thing to keep the peace, and I think we are failing in that regard. Our economic position, our defense position, and our prestige are being rapidly eroded around the world.

We preach international morality, but we don't practice it, and the world knows it.

In the Middle East, we have tried to compromise Israel to buy Arab oil, and that effort is not over yet.

In the Far East, we walked out on Taiwan for a public relations success; to suggest mastery of foreign affairs, we accepted an arrangement with China which had been available to us since 1973 when the door to China was first opened.

If any or all of these incidents, and many more, could be structured into a comprehensible pattern that we might call U.S. foreign policy, then, whether we agreed or disagreed with the policy, we and the world would have confidence that at least a policy and a unifying vision existed. There is no such confidence, and the next step away from confidence in foreign affairs is grave, dangerous doubt. This is not a time for grave doubts about the U.S.' ability to conceive and manage a foreign policy.

So we will be discussing these things and more in the days ahead.

RECOVERING OLD TRUTHS

I will offer no slogans; slogans are no substitute for ideas, and novelty cannot replace hard, painful thought if, as we hope, government is to be a shared national endeavor once again rather than a costly entertainment.

I intend to promise only the possible, so that when I am successful in my aims I shall not disappoint you.

I do not propose just to make people believe in government again; but rather to urge that they believe in themselves again. I do mean to remind people that our founding thinkers and our constitutive documents all aimed at institutionalizing doubt about government, in keeping that doubt foremost in the public mind, and in providing the means to limit the power of government and to protect the individual against it. And none of that has to do with the calibre or character of people who make up the government.

I do not urge that we turn our backs on the future. I urge that we recover some old truths about ourselves as a people, and that we be guided by these as we face the future. The truth is that today many Americans have doubts about the future of this Nation. We have to eliminate those doubts. I believe we can.

I do not agree with Henry Adams that politics is "the systematic organization of hatreds." We fought a terrible war—and these plains which surround us today were drenched with the first blood of it—for the proposition that a house divided against itself could not stand. That truth is no less compelling today. When you divide a people to conquer an office, the division is maintained in order to hold the office—and a divided people are a weakened people. There are natural adversary relationships in America; it is irresponsible to exacerbate the adversarial nature of these relations for political advantage—to single out the businessman or businesswoman, or the working man or woman, as scape-goats, or the farmer, or the poor, to set one region against another, one economic group against another. This is demagoguery. This we must not do.

SEEKING THE CORRECT APPROACH

And so I mean to wage a whole campaign. I will be speaking with our friends in the Democratic Party as well as Republicans and Independents, believing that neither party has a corner on wisdom. We seek not a Democratic approach or a Republican approach to the Nation's future, but we seek the correct approach and it will combine the best thinking and the best efforts of all.

I will be meeting with black and brown and red and yellow and white. Events in the world are forcing our Nation's doors open again, and they should be open if we are to call ourselves mother of exiles. We must not fear that new Americans threaten to diminish a finite national wealth. We must rather work to increase that wealth. New blood, new brains, new energy will help. Joseph's coat was a coat of many colors, distinctive threads woven together in one strong fabric. It is an ideal we have sought through our national history. We must continue, confident that we will be judged not by whether we succeeded, but by whether we tried.

I will be reaching out to women and to men—whether in politics, in business, in the labor market or in the home. When we insist that women "tell us what they really want," we cast ourselves in the master's role—benevolent, perhaps, but superior nonetheless. We are not patrons, we are partners. That is not a sentiment, it is a reality. It is a reality which we have fully accepted and assimilated, and this we must do.

I will be meeting with labor as well as business. So often we see them as separate and distinct entities, enemies in constant conflict; and some have found it useful at times to encourage that false perspective and generate hostility for political gain. Labor and business are joined together like Siamese twins. Each may have its own goals and interests, but neither can accomplish anything without the other. We must reduce Government's role as a third party in the labor-business relationship, as a court of first and last resort. Each have their own strengths and their own capacities to contend with the other. Let them do it without intervention in any but the most grave circumstances.

And I will speak to the young as well as the adult and the elderly. Those too young to vote are nonetheless American citizens, with a stake in our Nation's future and with a capacity to grasp—if we trouble to explain—what are the concerns which affect us all. It seems to me foolish to work to build a Nation for our children, and never tell them what we are doing or what are the real difficulties involved.

Above all, I mean to say what I stand for and speak plainly so that the American people may know which weaknesses of mine they will have to make up for or accommodate, and so they may know which strengths they can count on.

COMING HOME

Finally, there is this: I know I might have chosen a different forum for this occasion. The National Press Club offers splendid hospitality. The Senate Office Buildings provide a beautiful and dramatic setting. There are many places easier to reach, certainly.

I came home simply because the strength I need for the undertaking before me is here. I know that as I travel the country in the weeks and months ahead, I will be heard and helped by others who agree with me, who will consider my views and examine my record and judge my capacities and they will determine, as they should, whether I succeed or fail.

But there ought to be at least one place for every person where he or she is accepted with unjudging love and strengthened and reassured by it, and for me that place is here. I was born here, I left for awhile, I was hurt and I came back. I was helped and healed in this place by my townsmen and I began my public career here. And Whenever I have set out on a new path, I have come back here to begin. No failure has ever been so hurtful that this place could not ease the pain. And no success has ever been so great that its satisfaction exceeded the satisfaction of being a part of the people of Russell, a citizen of Kansas.

Thank you.

DESTABILIZING NICARAGUA

Mr. HATCH. Mr. President, this past year has seen a great deal of turmoil in the nation of Nicaragua. The guerrilla forces, known as the Sandinistas, have continued to wage a war against the government of President Somoza. In doing so, they have caused untold millions of dollars of damage as well as the loss of many lives. To this date, they have been unable to overthrow the government, and the future does not hold much promise for this in my opinion.

Whether you support the Government of Nicaragua or not, I do not think that the United States should be attempting to control the inner political events of any nation. While we can state our support for democracy and the basic freedoms that all men should enjoy, when it comes to the events happening within a nation we are unable to control their occurrence. To believe we can is pure ideological dreaming. The case of Iran is a classic example. I have listened to the majority leader this morning denounce the Government of Iran for its policy of executions, yet he and I both know that there is little that we can do to prevent that government from taking those actions. That does not mean that we support them.

In Nicaragua, the continued fighting with the guerrilla forces has brought the economy of that nation to the brink of disaster. The Government, be it wrong or right, is now attempting to rectify the problem through normal channels. As a member of the International Monetary Fund, Nicaragua has applied for loans which it is legally entitled to do. They also appear to qualify for the loans in question. The administration, through the State Department, has been accused of using some of its influence to try to have these loans denied again. I find this action reprehensible.

Last year, when others and I attempted to limit the use of the American taxpayer's money in contributions to those organizations that would use this money to aid countries such as Cuba and Vietnam, the State Department immediately rushed their staff members to the Senate to round up the necessary support needed to defeat these amendments. They argued that these organizations were international and could not accept contributions that carried restrictions with them. Now to learn that they would even consider thwarting the application of another country because it does not meet with their own ideas is smacking of a double standard. I think that those of my colleagues who supported the administration at that time, last year, should feel that they have been used.

Mr. President, in this morning's Washington Post, an editorial appeared that, while not supporting the government of Anastasio Somoza, indicated that they, too, were appalled by the actions of the United States in attempting to block the application of Nicaragua for a loan from the International Monetary Fund.

I ask unanimous consent that the above mentioned editorial, from the May 14, 1979 issue of the Washington Post, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Destabilizing Nicaragua

There is a fair consensus in Washington, or there used to be, that the United States acted reprehensibly when it used its influence in international financial institutions to "destabilize" the government in Chile in the early 1970s—by denying loans, credits and the like. Now some of the people most exercised by that effort urge the United States to use its influence in the same institutions to destabilize the government in Nicaragua. This raises a question: If it is wrong to use an ostensibly apolitical institution like the World Bank or International Monetary Fund to squeeze a government of the left, why, is it acceptable to squeeze a government of the right, as a group of legislators would like the IMF to do to Nicaragua in several loan votes due to be taken today?

Those favoring pressure on President Anastasio Somoza say that he runs a rotten and repressive regime and that the vote of approval implied by the loans, hardly less than the money, will bolster his misrule. They are quite right, both as to the nature of his regime and as to the effects of extending the loans. Yet Nicaragua met the broad terms of the IMF when it joined and it evidently has met the specific terms the IMF has put forth for these drawings. There is an automaticity to the way the IMF and organizations like it work: You put money in and you can draw money out if you meet certain technical conditions. In a world composed of very different kinds of governments, the IMF could run no other way.

Last year the United States tried for a time to negotiate President Somoza out of power and, to put on heat, it engineered the collapse of a routine IMF loan to Managua. This touch of politicization did not remove the Somoza dynasty. But it did arouse other member governments of the IMF. This time around, with no negotiation pending, a chastened Carter administration intends to let the loans go through. That leaves Mr. Somoza in power—a profoundly regrettable political fact. It also leaves the IMF free to do the essential economic work it was set up to do.

The international system is stacked for the benefit of sitting governments. All of us may rue this at one time or another but, from the viewpoint of the common good, there is much to say for playing by the international rules.

THE MOUNTING OPPOSITION TO NATIONAL WORKERS' COMPENSATION STANDARDS

Mr. HATCH. Mr. President, workers' compensation is the Nation's oldest, and perhaps best, social insurance system, established by State laws to promote occupational safety and provide comprehensive wage, medical, and rehabilitation benefits for workers injured on the job. It is paid for by the employer at no cost to the worker.

The Senate Labor and Human Resources Committee, on which I serve, is currently considering S. 420, which would establish Federal standards for State workers' compensation programs, provide Federal oversight to maintain them, and authorize studies of program adequacy in compensating for partial disabilities and occupational disease. It would also set up a Federal review board as the final authority over benefits decisions made by the States. Introduction of similar legislation in the House of Representatives has been forecast in the near future.

In recent developments, Labor Secretary Marshall has agreed to work closely with the Senate Labor Committee sponsors of S. 420 to develop by mid-May a bill setting minimum Federal standards for State workers' compensation systems. Secretary Marshall thus far has specifically not endorsed S. 420. Testifying before the Labor Committee, the Secretary pointed out that employers paid $13 billion for workers' compensation in 1978 and that in 1976, the average employer paid nearly 1.5 percent of payroll for workers' compensation coverage. He additionally commented that the various reform measures would add 20 percent to WC costs, with full coverage of all occupational diseases raising such costs by 50 percent or more.

According to the 1979 "Analysis of Workers' Compensation Laws," published by the U.S. Chamber of Commerce, nearly 160 statutes were enacted last year covering almost every phase of WC programs. In 48 jurisdictions, benefits for work-related injuries were increased; in 43 States, an injured worker's maximum weekly benefit in the case of temporary total disability now equals or exceeds two-thirds of the claimant's average weekly wage; and in 26 of the 43 States, claimants receive a maximum benefit of 100 percent or more of the statewide average weekly wage.

It may be of interest to my colleagues that on April 10, 28 concerned business organizations wrote a joint letter to all Senators in opposition to S. 420 or any similar bill which would impose costly new Federal requirements on State WC systems. The 28 organizations represent small and large businesses nationwide in such diverse industries as home building, construction, retail sales, manufacturing, printing, insurance, shipbuilding, food services, and automotive production. The group also includes the research arm for the business community in workers' and unemployment compensation matters.

That initial group has been joined by another substantial grouping of diverse organizations who filed with each Senator similar statements in opposition to S. 420 on May 8, 1979. It appears that growing opposition to the bill S. 420, and the concept it presents, signals an increasing awareness that Federal solutions to workers' compensation laws are not in the best interests of the States, the industry, or the public.

I ask unanimous consent that the text of the two letters referred to previously be printed in full at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

April 10, 1979.

Hon. Orrin G. Hatch,
U.S. Senate,
Washington, D.C.

Dear Senator Hatch: We, the undersigned, are writing you in opposition to S. 420 ("National Workers' Compensation Standards Act of 1979") or any other similar bills designed to control, supplement or impose new Federal requirements on state workers' compensation systems.

As the attached brochure clearly illustrates, such Federal proposals are inflationary, solving nothing—simply increasing costs and creating unbalanced systems. It is another Federal intrusion into matters best left to the states.

Existing Federal compensation systems clearly underscore the fact that such Federal panaceas have a habit of turning "problems" into national nightmares.

We, therefore, urge you to oppose any Federal workers' compensation standards measures such as S. 420.

Air Conditioning Contractors of America.
Alliance of American Insureres.
American Association of Managing General Agents.
American Insurance Association.
American Iron & Steel Institute.
American Retail Federation.
American Waterways Operators.
Associated Builders & Contractors.
Associated General Contractors.
Caterpillar Tractor Company.
Chamber of Commerce of the United States.
Crum & Forster Corporation.
Marriott Corporation.
Motor Vehicle Manufacturers Association.
National Association of Casualty & Surety Agents.
National Association of Furniture Manufacturers.
National Association of Home Builders.
National Association of Independent Insurers.
National Association of Insurance Brokers.
National Association of Manufacturers.
National Association of Mutual Insurance Companies.
National Federation of Indepedent Business.
National Independent Meat Packers Association.
National Small Business Association.
Printing Industries of America.
Society of Plastics Industry, Inc.
UBA, Inc.
White Consolidated Industries.

May 8, 1979.

Hon. Orrin G. Hatch.
U.S. Senate,
Washington, D.C.

Dear Senator Hatch: As you may recall, some concerned business organizations wrote to you a joint letter on April 10th in opposition to S. 420 or any similar bill which would impose new Federal requirements on state workers' compensation systems.

We, the undersigned, are now joining that early group in opposition to such Federal action.

Also, to make our position very clear that although all these business organizations oppose such Federal action, since it would be inflationary and counterproductive, we do support necessary state-by-state action that will protect disabled workers, reduce fraud and abuse, and tighten the controls over the spiralling cost of workers' compensation.

We, therefore, urge you to oppose any Federal workers' compensation standards measures such as S. 420.

Air Transport Association.
American Pulpwood Associations.
American Rental Association.
American Society for Personnel Administration.
American Trucking Associations, Inc.
Arizona Association of Industries.
Arizona Employers Council, Inc.
Arizona Self-Insurers Association.
Associated Industries of Alabama.
Associated Industries of Cleveland.
Associated Industries of Florida.
Associated Industries, Inc., Gastonia, North Carolina.
Associated Industries of Kentucky.
Associated Industries of Oklahoma.
Associated Industries of New York State, Inc.
Associated Oregon Industries.
Association of Commerce and Industry of New Mexico.
Association of Washington Business.
Cast Metals Federation.
Central Piedmont Employers Association, Charlotte, North Carolina.
Central Virginia Industries, Inc.
Chicago Association of Commerce and Industry.
Colorado Association of Commerce and Industry.
Council of Industry of Southeastern New York.
Council of State Chambers of Commerce.
Drug Wholesalers Association.
Employers Association of Detroit.
Employers Association, Grand Rapids, Michigan.
Employers Association of Western Massachusetts, Inc.

Federated Employers of the Bay Area, San Francisco, California.

Florida Association of Life and Casualty Insurers, Inc.

Georgia Business & Industry Association.

Georgia Textile Manufacturers Association, Inc.

Gulf and Western Management Company.

Hawaii Insurance Association.

Idaho Employers Council.

Illinois Association of Mutual Insurance Companies.

Illinois Manufacturers Association.

Independent Insurance Agents of America.

Indiana Manufacturers Association.

Ingersoll-Rand.

Insurance Federation of Minnesota.

Insurance Federation of Pennsylvania.

Insurance Institute of Indiana, Inc.

Iowa Insurance Institute, Inc.

Iowa Manufacturers Association.

International Association of Ice Cream Manufacturers.

Jackson Area Manufacturers Association, Jackson, Mississippi.

Kaiser Steel Corporation.

Kansas Association of Property and Casualty Insurance Companies.

Land Improvement Contractors of America.

Louisiana Association of Business & Industry.

Manufacturers Association of Eastern Ohio & Western Pennsylvania.

Manufacturers Association of Erie (Pennsylvania).

Manufacturers Association of the Jamestown Area, Jamestown, New York.

Manufacturers Association of Racine (Wisconsin).

Manufacturers Association of Southern Connecticut, Inc.

Metal Cookware Manufacturers Association.

Michigan Association of Insurance Companies.

Michigan Manufacturers Association.

Midwest Employers Council, Inc., Omaha, Nebraska.

Milk Industry Foundation.

Mississippi Manufacturers Association.

National Air Transportation Association.

National Association of Convenience Stores.

National Association of Glove Manufacturers, Inc.

National Association of Hosiery Manufacturers.

National Association of Plumbing-Heating-Cooling Contractors.

National Association of Stevedores.

National Council of Self-Insurers.

National Crushed Stone Association.

National Knitwear Manufacturers Association.

National Labor-Management Foundation.

National Lumber and Building Materials Association.

Nebraska Association of Commerce & Industry.

New York State Mutual Insurance Association.

Northern Illinois Industrial Association.

Pennsylvania Manufacturers' Association.

Power and Communication Contractors Association.

Printing Industry of Illinois Association.

Professional Insurance Agents.

Retail Bakers of America.

Risk and Insurance Management Society, Inc.

Sheetmetal and Air Conditioning Contractors National Association, Inc.

Steel Service Center Institute.

Texas Association of Business.

Timber Products Manufacturers.

Union Carbide Corporation.

Utah Manufacturers Association.

Virginia Manufacturers Association.

Washington Insurance Council.

Western Connecticut Industrial Council, Inc.

Will-Grundy Manufacturers' Association, Joliet, Illinois.

Wisconsin Insurance Alliance.

THE DESPAIR OF RISING YOUTH UNEMPLOYMENT: A PREVENTABLE CONDITION

Mr. HATCH. Mr. President, it has been reported recently in the Wall Street Journal that many employers have cited the recent minimum-wage rise and the uncertain business climate as contributing to an anticipated contraction in summer jobs which, I assume in the main, equates to a loss of opportunity for youth employment. For example, a study commissioned by the National Restaurant Association (NRA) finds that a 4-percent increase in the minimum wage produces slightly more than a 1-percent decrease in restaurant employment, after other influences on industry growth have been discounted.

The NRA study also says that unemployment effects for all workers result in nonwhite teenagers suffering a double blow from unemployment induced by the minimum wage. Job opportunities are reduced and increasing numbers seek employment. A strong inference is that the minimum wage systematically effects nonwhite teenagers disadvantageously relative to white teenagers.

I am not pleased to report that the jobless rate in the 16–19 age bracket, after gradually improving to 15.5 percent in March, jumped to 16.5 percent in April. That compares with 16.7 percent a year ago, indicating little basic change.

Sadly, the unemployment rate for black teenagers jumped from 31.5 percent in March to 34.5 percent in April.

My question remains: How long will my colleagues allow this dire situation to exist without strong and effective remedial legislation?

In my judgment, relief can be afforded by the Congress in the form of S. 1025, the "Youth Opportunity Wage Act of 1979," which I introduced on April 26. My bill would permit employers to pay youths under the age of 20, 75 percent of the minimum wage for 6 months. The bill also includes penalties for employers who displace older employees with teenagers or dismiss youth and hire other youths in order to take advantage of the lower minimum wage.

I believe the provision of a youth opportunity wage bill will prevent teenagers from being priced out of the labor market, especially this summer, when so many youths will be looking for gainful employment and enable employers to provide them with the training and experience they so desperately need. At the end of 6 months, after a young person has become fully attached to the labor force and has gained needed skills and experience, employers will be required to pay the full minimum. This proposal recognizes both the need to protect job opportunities for youths and to provide them with a regular wage once they have been able to avail themselves fully of those opportunities.

Mr. President, my colleagues will vary in terms of what percentage deductions should prevail, or the eligibility periods and so on. Frankly, I am open to suggestions in this area. I hope, however, that the concept of a youth opportunity wage deserves at least a trial in light of the fact that nothing else seems to be making a dent in the dilemma that youths face.

So, Mr. President, we have a choice to make. We can try my proposal and give it a fair chance to work or we can continue to turn our backs on most of the youth of this Nation by refusing to afford them any chance whatsoever for meaningful permanent employment. It seems to me the option is clear: The time has arrived when a proposal like S. 1025 deserves to receive a fair trial in the marketplace. Youths so adversely affected by the minimum wage deserve a chance—instead of no chance.

Mr. President, I ask unanimous consent that a recent article written by Dr. Walter E. Williams, an associate professor at Temple University who has previously testified on the minimum wage issue before the Labor Committee, entitled, "Racism and Organized Labor," appearing in the spring 1979 edition of the Lincoln Review be printed in full at this time. Professor Williams gives us great insight that, "in addition to discriminating against unskilled labor, minimum wage laws foster racial discrimination as well."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RACISM AND ORGANIZED LABOR

(By Walter E. Williams)

Organized labor, with but few exceptions, has sought to exclude Negroes and other minorities from many job markets.[1] Exclusionary devices have ranged from union charter provisions that restrict membership to "whites only" to outright violence.

The basic statute controlling the conduct of labor relations today is the amended National Labor Relations Act of 1935. This Act is popularly known as the Wagner Act. Briefly, the philosophy of the Wagner Act is that the conditions and terms of employment be regulated by collective bargaining. The Wagner Act gives employees the right to organize unions and to bargain collectively and to engage in other activities for mutual protection.

During the early period of the Wagner Act there were many abuses of union power which led to the passage in 1947 of the Taft-Hartley Act. The Taft-Hartley Act moved away from the policy of protecting unions towards the policy of protecting employers and individual workers who chose not to become union members. In 1959 Congress passed the Labor-Management-Reporting and Disclosure Act, known as the Landrum-Griffin Act. This law broadened federal regulations to include the internal affairs of unions. The feature of the Landrum-Griffin Act most relevant to our discussion is that it "re-legalized" the closed-shop in many trades prohibited by the Taft-Hartley Act.[2]

To understand the impact of unions on minority employment opportunities requires a discussion of the sources of union power. Such an understanding will show that racial discrimination will be more probable in the presence of wide-scale union control (particularly craft union control) than otherwise would be the case.

The average person views the unions'

Footnotes at end of article.

struggle for higher wages as a conflict where employers are on one side of the battlefield and employees on the other. This is a myth, created by labor unions, and is revealed as such when we analyze the causes and sources of union power.

The ultimate source of union power stems from their ability to deny individual employers or whole industries labor services through the strategy of strikes.

Union strikes, as a tool of negotiation, will be effective only if unions can control all potential workers of a particular firm or industry. Without this kind of control, union power will be less effective because a firm struck by a union would simply replace workers with non-union workers. If firms could hire non-union workers to replace union workers, unions would have reduced power to force wages to a level higher than that dictated by the free market. Therefore, union power primarily rests on its ability to coerce and collude against other workers. The reason why coercion is necessary is that not all workers will find it in their best interest to support union activity. Higher wages secured by the union will give firms inducement to hire fewer workers. Those workers who would be unemployed or have fewer hours of work as a result, will have little incentive to support union activity which leads to reduced work opportunities. This means that strictly voluntary unionism could not win support of all workers because those workers who would be unemployed as a result of higher wages would not support unionism. Therefore, unions achieve their principal aims by obtaining complete control over the supply of labor to a firm. There are a number of methods unions use to achieve such control. Here we will comment on three methods:

1. Moral Suasion. One way that control is achieved is through psychological and moral pressure which promotes the erroneous idea that union activities benefit all workers. Union activity benefits union members, but those workers who are priced out of the market or are not permitted to enter the union face a reduced set of economic alternatives.

2. Closed Shop. In some areas of employment—such as construction trade hiring halls—there are closed shop union agreements whereby employers are allowed to hire only those workers who are union members, recommended by the union, or acceptable to the union. The closed shop has been ruled illegal but still exists. In other areas of employment there are union shop agreements whereby an employee need not be a union member to initially become employed, but must become a member within 30 to 60 days. A union shop is prohibited in the 20 Right to Work states. Both of these arrangements contribute to the maintenance of effective strike power because the union has control of the labor supply.

3. Violence. Force, a threat of violence and intimidation, is another way unions force recalcitrant employees and employers into line. History is replete with episodes of union violence and the courts have sanctioned many activities which would have been considered criminal if done by the private citizen. Just a cursory glance at the history of unions will show that the victims of union violence in terms of fatalities and injuries have not for the most part been employers. The victims of union violence have mostly been workers who did not support union activity. The recent United Mine Workers strike attests to the fact that union power derives from the ability to coerce and collude against fellow workers; it was coal miners and drivers of coal trucks who did not go along with the union who bore the brunt of union violent activity.

These methods which enable unions, particularly craft unions, to control labor supply, make it more probable that unions can confront employers more easily with the proposition that the firm meet the conditions dictated by the union or be denied labor services. If labor unions are effective, wages will be higher in the unionized sector. Naturally, other workers will be attracted to the higher wage sector. If unions offered memberships on equal terms to all workers, they could not maintain the higher wages that they won and at the same time have all of their union members employed. Therefore, the union must devise a method for rationing membership.

First, it must be recognized that union membership rights are not sold on the market to the highest bidder. The market method for deciding membership would be to auction off vacancies as they occur, or permit its members to sell their membership rights. In other words, those willing to pay the highest membership fee would gain entry. For example, if union membership resulted in a $1,000 per year increase in wages for forty years, its present value computed with a six percent rate of interest would be $15,000. Therefore, the membership right would sell for $15,000 in an open market. Obviously, union membership fees that are currently charged today are not reflective of the value of union membership.

The recognition that union membership rights are not based on economic criteria forces us to recognize that union membership criteria will be based on non-economic characteristics of the worker. Non-economic or personal characteristics which can be employed to ration membership include: race, sex, political affiliation, age, education, experience, personality and relationship to other union members. Considerable evidence shows that unions have employed all of these methods to ration membership. Yesteryear, unions discriminated against blacks and other minorities in an explicit "whites only" basis; today, the discrimination is of a more subtle form, some of which I will discuss.

Today, many unions which excluded blacks now admit them. However, union seniority rules tend to make permanent the disadvantages of past discrimination. That is, since blacks tend to be at the end of the seniority list it makes them very vulnerable to cyclical fluctuations—last hired first fired.

A more important way that union activity subtly discriminates against blacks is the control that unions have over the terms of the work contract. Unions can set wages that must be paid to everyone hired. This means, for example, that a union can require that a contractor pay each carpenter hired $10 per hour. This gives the contractor economic inducement to hire only those carpenters whose output is equal to $10 per hour. A lower skilled carpenter who would be willing to work for $5 (and the contractor is willing to hire for that amount), is denied employment (and training opportunities) through the union rule on pay. In other words, labor law in the U.S. prevents the worker who is willing to work for $5 per hour and the employer who is willing to hire him, from a work agreement. This law discriminates against low skilled workers. The law produces a racial effect because minorities, as a result of historical disadvantages, are disproportionately represented among the low skilled.

The typical American views minimum wage laws purely as a moral right. He believes that the minimum wage law prevents or places a limit on worker exploitation. Many, including minorities, see labor union support for higher minimum wage laws as a gesture or sign of altruism. This is because labor unions, despite the fact that their members earn wages far in excess of the minimum wage, are nonetheless the strongest lobbyists for, and spend the greatest political and financial resources on, changes in the minimum wage rate. Union support for increases in the minimum wage law needs assessment because it is a rare event for man to do something, and spend a lot of money doing it, when there is no gain for him.

Federal and state minimum wage laws are an act of governmental intervention in the labor market that is intended to produce a pattern of events other than that produced in a free market. In practice, the minimum wage specifies a legal minimum that must be paid to each worker hired. The legislated minimum raises wages to a level higher than could occur with free market forces. As a result, one intent of minimum wage legislation is that of raising the wage of the least skilled people to a level higher than that dictated by the free market.

The effect of the minimum wage law differs from its stated intent. This can be readily seen if we consider the question: if a firm must pay a minimum wage of $2.65 no matter who is hired, what kind of workers does it pay the firm to hire? Clearly, if a firm must pay $2.65 per hour or more, it will have strong economic inducement to hire those workers whose hourly output equals or exceeds $2.65. To hire a worker whose output is, say, $1.50 per hour is a losing proposition. therefore, in an important sense the minimum wage law is a law, or has the effect of a law, against hiring workers who cannot add $2.65 per hour to the firm's output. Thus the law discriminates against the most disadvantaged or unskilled worker.

For the most part, teenagers are the lowest skilled segment of the labor force. They are low skilled because of age, lack of maturity and experience. Black teenagers not only share those characteristics but are further handicapped because of poorer family backgrounds and past and present discrimination. Consequently, if the minimum wage law discriminates against the low skilled, it will have its greatest adverse impact on youth in general and minority youth in particular.

This theoretical prediction is borne out by the facts. Youth unemployment is typically some multiple of adult unemployment. Currently youth unemployment is 16 percent. Black youth unemployment is about 40 percent and, for some age groups, over 50 percent. Hence, as predicted by economic theory, a minimum wage law will discriminate against the low skilled worker. And, the more low skilled, the greater is the unemployment effect of the minimum wage law.

While the public is very familiar with black/white differences in youth unemployment, they are unaware that this state of affairs is unprecedented in the history of the country. For example, in 1948 when the minimum wage law existing at that time had been "repealed" by inflation, black youth unemployment did not differ significantly from that of white. For blacks 16 to 17 years old, unemployment was less than for that of whites—9.4 compared to 10.2 percent. With each increase in the level and extent of coverage of the minimum wage law, black youth unemployment rose relative to white—even during comparatively prosperous times. We cannot account for this dramatic reversal by saying that employers are *now* more racist than they were in the past. No, federal or state minimum wage laws make it uneconomical to hire highly disadvantaged youngsters.

If the minimum wage law produces this effect, one might readily ask where the political support for the minimum wage law is. Overwhelming evidence shows that it is labor organizations which invest the most significant amount of political and economic resources to enact laws that will increase the minimum wage. Having made this finding, one is immediately puzzled by the fact that for the most part labor union members earn salaries far in excess of the minimum wage law. How then does one account for the massive support for the minimum wage law legislation by labor organizations? Is it because they are altruistic people who have a deep, unabiding concern for their less fortunate fellow man? Or is it possible that their activity represents self-interest? Fairly good insight is gained into the underlying motives of labor union support for minimum wage laws if we consider, as economists do, that unskilled labor in many activities is a substitute for highly skilled labor. Highly skilled laborers will always benefit if they can use the coercive powers of government to price their competition out of the market.

This argument can be made more concrete through the following example. Suppose that a certain amount of fencing can be built using either one highly skilled laborer, or three unskilled laborers. What will determine which technique of production the firm will actually employ? It depends upon the cost of one technique relative to another. For example, if the daily wage of one highly skilled laborer is $38, and the wage of one unskilled worker is $13, then clearly, the firm that sought to minimize cost (maximize profits) would elect to employ the highly skilled worker since it would only cost $38 per day as opposed to $39. Clearly, if the highly skilled worker demanded $40 a day, the employer would have economic inducements to employ the three unskilled workers instead. The output would be the same, but production costs would be lower.

Given the original wages, after some time, a highly skilled laborer would recognize that he could improve his wealth if he could somehow reduce the amount of competition that he faces in his employment. One way to reduce competition is to organize politically and attempt to have a minimum wage law in the fence construction industry. To get political support for this strategy, he may argue that $13 a day is not a living wage; he may argue that the workers are being exploited and need protection; he may argue that a "decent" wage is $20 per day. If the highly skilled worker is successful and Congress enacts a minimum wage law of $20 a day in the fencing industry, it means that for employers to use the unskilled workers technique to build a fence, the cost is now $60. Now the highly skilled worker can demand a wage of $59 per day and have a high probability of retaining his job. Before the minimum wage of $20 a day such a demand would have cost the highly skilled worker his job.

Whether this example depicts the actual motives behind organized labor's constant push for higher minimum wages is not necessarily at issue. The effect is. Minimum wage discriminates against unskilled labor and thus enables highly skilled workers to effectively demand higher wages.

In addition to discriminating against unskilled labor, minimum wage laws foster racial discrimination as well. That is, if an employer is faced with a white and black employee of equal productivity and he prefers white to black, then if he must pay the same wage no matter which is hired, he can entertain his bias at zero cost. In fact, equal-pay-for-equal-work laws and minimum wage laws are such powerful inducements to discrimination of all forms that they are the mainstay of South African labor policy. White racist unions in South Africa are the major supports of minimum wage and equal-pay-for-equal-work laws for blacks!

It would be entirely unfair, and untrue, to equate the motives of today's American labor unions to those of their South African counterparts. However, a review of the history of the U.S. labor movement would show that it sought, with but a few exceptions, to exclude Negroes and other minorities from many jobs markets. Labor organizations achieved this through charter provisions that excluded non-whites from unions, through violence and other means which included collusive agreements between labor organizations and various levels of government.

Today, union exclusionary techniques are not as flagrant as in the days of the past. Today, for the most part, exclusion is carried out through seemingly racially benign labor laws. Interestingly enough, though today's black political leadership gives organized labor full political support in an unquestioning fashion, this was not true of the black political leadership of the past. Past Negro leaders fully understood the impact of labor monopolies on black worker economic opportunities and, as such, almost unanimously condemned labor unions. Booker T. Washington was a life-long foe of trade unions. W. E. B. DuBois called them the greatest enemy of the black working man. DuBois writing in The Nation (May 9, 1923) and The Independent (July 14, 1917), recognized the desire of labor unions to exclude blacks so that they could demand higher wages, and the desire of many businesses to include blacks so that they could avoid high union wages.[3]

Unfortunately, for blacks, union strategy has become so sophisticated that the underlying effects of exclusion go unnoticed both by the people who bear the burden and the inept black leadership in whose hands the fate of the disadvantaged largely lie. This problem is concealed by the political activity of labor organizations. One effect of union activity, as mentioned, is that of causing unemployment among blacks. If this unemployment meant no income, without question there would be considerable social upheaval. Thus, the market restrictive activity of labor unions would be more identifiable and hence less politically probable. Therefore, as a part of union restrictive strategy, there must be a strategy of income subsidies. That is, unions will not only be the strongest supporters of welfare, food stamps and leaf-raking jobs. Income maintenance programs disguise the true effects of the restrictions created by labor unions and other economic agents by casting a few crumbs to those denied job opportunity in order to keep them quiet, thereby creating a permanent, dependent welfare class.

The most unfortunate aspect of this is that union supports for these programs creates the illusion that unions are pro-minority because it is labor unions who support, say, the Humphrey-Hawkins bill. Even more unfortunate, union support for programs that assist blacks who are thrown out of the labor market makes blacks captive political constituents of labor unions. That is, if blacks do not support labor initiatives in Washington, D.C., unions can threaten to withhold support of programs that help those blacks who are denied job opportunity through our various labor laws.

In this whole political issue, blacks need to ask: To whom do blacks constitute a competitive threat? For example, do blacks threaten the economic position of firms such as General Motors, U.S. Steel, IBM or Safeway Stores? In other words, if blacks are given full market opportunity, is it likely that these economic agents will have a greater share of the market? Or do blacks constitute more of a threat to associations of individuals who are electricians, carpenters, plumbers and pipefitters? I suspect that it is the latter group of producers who view black opportunity to fully compete as more economically threatening. And it would be these agents that would have the greatest vested interest in restricting entry not only to blacks, but to anyone else who raises the specter of competition with their monopoly incomes. Interestingly enough, black political leadership, for various reasons, has chosen to form a political coalition with the very people who have the most to gain from creating conditions that restrict market entry.

It would be unfair and incorrect to attribute all black labor market problems to labor unions per se. In a democratic society people should have the right to form groups to pursue what they perceive to be in their best economic interests. The basic issue involved is whether we should have a political system where such a group can, through Congress, get laws written which advance their own narrow interests at the expense of other Americans.

In this essay labor unions were discussed in light of the adverse impact they have on the economic mobility of a large segment of the black community. It was shown that this adverse impact resulted from union political power and its influence on government. Many other organized labor activities that spell disaster for minorities could have been discussed. These include organized labor support for: Davis-Bacon Act, occupational licensing, regulation in the transportation industry and closed shops. The basic characteristic in common to much of union activity is that of restricting job and business entry. What is needed for minority upward mobility is not closed entry, but open entry to all markets.

Black people, like poor minorities of the past, do not need federal handouts and gifts. Black people need a chance to compete!

FOOTNOTES

[1] See Ray Marshall, *The Negro in Organized Labor* (New York: John Wiley & Sons, Inc. 1965); Sterling D. Spero and Abram Harris, *The Black Worker* (New York: Columbia University Press, 1931); Herbert R. Northrop, *Organized Labor and the Negro* (New York: Kraus Reprint Company 1971); Gunner Myrdal, *An American Dilemma* (New York: McGraw Hill Book Company 1964).

[2] For example, the contract may provide that unions have first opportunity to fill job vacancies; preference can be given to employees employed in the industry before a certain date; preference be given to graduates of training programs operated by the unions; preference be given to "qualified workers."

[3] Booker T. Washington, "The Negro and the Labor Unions," *Atlantic Monthly* (July, 1913), pp. 756–767; W. E. B. DuBois, "The Economic Future of the Negro," *American Economic Association Publications*, 3rd Series (February, 1906), pp. 219–242.

THE POLITICS OF JONESTOWN

Mr. HATCH. Mr. President, the monthly magazine Commentary, published by the American Jewish Committee and edited by Norman Podhoretz, has been for some time one of the more interesting features of American journalism. Those of us who live in the hinterlands became aware about 10 years ago that it was striking off in a direction we did not automatically associate with New York's Upper West Side. Since then, it has consistently won our admiration for its courage, even when we disagree with it.

The current issue contains an article by Midge Decter, Mr. Podhoretz' wife and a distinguished journalist in her own right, about the Jonestown tragedy. She makes a point which should have been made at the time, and which is of particular importance to those of us like myself and most of my constituents who are deeply committed to a formal and organized religious faith.

Jonestown, Midge Decter says, was a political and not a religious phenomenon. Jim Jones regarded the Bible as a "paper idol" and was planning to move his to the "model Socialist society" Soviet Union when the end came. This was why his organization was not seriously questioned in San Francisco * * * professions of leftist sentiment, especially under conditions that manage to suggest some connection to minority status, for a long time provided immunity from too careful a public scrutiny. This explains why his political creed was overlooked, and his behavior attributed to his leadership of a cult, in a manner disturbing to anyone who belongs to a church in this secular age: "What the press wanted was a theory, a theory that would account as painlessly as possible for both the existence and power to command of the People's Temple."

Mr. President, it will be many years before the political developments of the late 1960's, of which Midge Decter says Jonestown was "a kind of summer camp reunion-cum-melodrama" have been fully assimilated into American society. She makes a comparison between the People's Temple and the Black Panthers, for example; I believe the parallels are even closer than she suggests. Given the number of flower children in the present administration, it is unfashionable to suggest that not everything was admirable in the orthodoxies then prevailing. Nevertheless, I suggest that we are lucky to have a guide to the period as perceptive as Midge Decter.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE POLITICS OF JONESTOWN

(By Midge Decter)

On November 21, 1978, the New York Times—in a gesture normally reserved by that somber and august institution for the outbreak of war or the arrival of peace—carried a full seven-column front-page headline. The headline read, "400 Are Found Dead in Mass Suicide By Cult; Hundreds More Missing from Guyana Camp." The story that occasioned this uncharacteristic expression of urgency is by now probably familiar, in some version, to every literate person on the face of the globe: How a group in San Francisco known as the People's Temple, under the total and singular authority of a man calling himself the Reverend Jim Jones, set up, and retreated to, a commune named Jonestown in the jungle of Guyana in order to escape the budding curiosity of the local California press and public; how some defectors from the People's Temple and some families of young commune members pressed Congressman Leo Ryan, himself something of an adventurer, into making a trip to Guyana to investigate whether or not people were being kept there against their will; how Ryan and a party of those who had elected to leave Jonestown with him were gunned down at the airport; and how later that night the entire community of Jonestown—not the 400 first reported by the Times but more than 900 in number—were administered, whether voluntarily or under coercion, mortal doses of cyanide and fell into heaps of corpses however and wherever their ensuing agonies took them.

This is, to be sure, in and of itself a story to go into the annals of classic horror, with the kind of gaudy narrative elements that seem to be derived less from the real world, even the terrible real world as we have learned to know it, than from the pulps and old-fashioned Sunday supplements. One of the several subsequent Times editorials about Jonestown invoked the names of Joseph Conrad and his "Heart of Darkness"; but for Conrad the plot would surely have seemed too much, this mad dictator in the jungle, enjoying seignorial sexual rights over both his male and female followers, staging public beatings, torturing children, starving the elderly, and in the end bringing mass death by means of a poisoned fruit drink. Even the full-color photographs of the dead provided to the newsweeklies by the enterprising photographers who went into Jonestown with the troops sent to recover the bodies had an overdrawn quality about them; dressed in summer clothes, lying scattered in the vicinity of the vat containing the lethal purple liquid, the corpses caught by the camera look as if they were meant not to open our eyes to a fact but to illustrate a gothic tale. No doubt by now the Reverend Jones has taken his place among the celebrities of horror in Madame Tussaud's.

The unprecedented excitement of that November 21 headline on the front page of the Times, however—only a first representative symptom of an obsession that was to grip the public mind for months and that has not abated entirely yet—cannot be explained by the eventfulness or even the sheer horror of all that had happened in Jonestown. The number of those who had died or been murdered there, certainly, was haunting. How could so many deaths be achieved, the question asked itself over and over, barring a natural disaster or accident, without a stop being put to it? But ours is after all an age with good reason inured to the magnitudes of mass death, and long since hardened to the iconography of corpses heaped upon one another. Suicide, too, for all its current good publicity as a higher form of bravery and dignity, continues to haunt most of us as a finally inexplicable act; and mass suicide, even if performed under the whip, more so.

Nevertheless, the uncountable millions of words devoted to Jonestown in the weeks and months following its final night of terror—daily background stories in all the papers analyzing one or another aspect of the biography of Jim Jones, or of the history of the People's Temple, or of daily life in the Guyana jungle; discussions by columnists and commentators; special issues of magazines; interviews with psychiatrists, with friends and families of the deceased, with politicians who had once given Jones their blessing; two quickie paperback books[1] (and who knows how many more volumes on the way), not to mention the number of homilies on the subject uttered from pulpits across the land—all of these were not words of shock at something unimaginable demanding to be understood. They came too quickly, were spoken with too much nervous assurance. They were, on the contrary, words of response to a phenomenon that in the event had proved to be only too imaginable. The obsession with the Reverend Jones and his flock that instantly took hold of the whole country was an obsession not with something in the realm of the mysterious but with a new dimension that had suddenly been lent to the familiar. The real shock of Jonestown to America, in other words, was a shock of recognition.

II

So many features of the story of the People's Temple, as it came to be revealed in ever richer detail, seemed—the only word for it—fitting. To begin with, there was the fact that the group, after a roundabout migration from Indianapolis via Belo Horizonte, Brazil, had settled in northern California. They were at that point a small band, seeking, as their leader announced, both to flee from the Middle Western bigotry that frowned on them as a racially integrated community and to find a safe haven from the coming nuclear holocaust (Ukiah, their original California port of call, had been declared by someone to be, along Belo Horizonte, a possible place in which to escape the worst ravages of fallout). Before too long, of course, they were to resettle in San Francisco and expand greatly in size and public importance.

Now, the migration from Indianapolis to San Francisco, or indeed from any point in the United States to San Francisco, is a journey that has long been witnessed in the dreams, and the nightmares, of a goodly number of Americans. It has after all been the journey of choice of a whole army of runaway children. On the dream side, the very name of the city was for well over a decade to be the youthful shorthand symbol for freedom, revolution, and nirvana. On the nightmare side, it has conjured visions of drugs and dissolution and breakdown. In any case, running off to northern California is an action whose meaning is vivid in the public imagination, even in its relation to suicide, for San Francisco is among other things the suicide capital of the country.

Once settled in the land of heart's desire, both the internal and external relations of the People's Temple took forms with which, as we read about them, particularly in the accounts of defectors, we realized we had become quite familiar in recent years. Internally, for instance, the group was entirely in the thrall of the Reverend Jones. He led them, protected them, disciplined them, and instructed them. A major means of enlightenment and instruction were sessions in which one or two designated individuals would be told the "truth" about their failings and weaknesses before an assembled congregation. Sometimes little scenes of humiliation would be staked in which someone present was forced to confess to or publicly engage in acts of degradation. Occasionally, no doubt to instruct the entire assemblage in the virtues of humility and obedience, public beatings would be administered, to the accompaniment of the electronically amplified screaming of the elected tutee, frequently a child.

Of course such carryings on bespeak a serious species of mass psychopathology, leader to followers and vice versa, and to understand, for instance, how parents sat still for the beating of their children—a few didn't—one needs recourse to some of the more arcane researches into the psychic anomalies of torture and submission. On the other hand, group verbal assault and humiliation as the agencies for bringing a member or patient to new levels of illumination—defenselessness being regarded as the best fallow ground for the implantation of truth—have become a widespread and popular means of healing. They have, in one guise or another, presumably gentler than the Reverend Jones but based on the same principle of dependency and group pressure, served in such disparate spiritual endeavors as the cure of drug addiction, the extirpation of racist, sexist, or elitist attitudes, and the overcoming of erotic inhibition. They have indeed become the stock-in-trade of this generation's encounter with the therapeutic.

As far as the relations of the People's Temple with the surrounding community, particularly the press, are concerned, there have been parallels in virtually every major city: groups—the Black Panthers[2] come most immediately to mind—whose tendency to somewhat less than lawful or attractive conduct was overlooked in the light of their proclaimed zeal for something they termed "social justice." It was the avowed purpose of the People's Temple, vaguely religious in its nominal affiliation, to make a socialist revolution, or at least to serve in the making of one.

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[1] *The Suicide Cult*, by Marshall Kiduff and Ron Javers, Bantam Books, 201 pp. $2.50; *Guyana Massacre*, by Charles A. Krause, Berkeley Books, 210 pp., $2.50.

[2] The coincidences here were glaring but seemed to go unmentioned. Both groups earned high kudos for distributing milk, or breakfast, to the poor; both preached revolutionary suicide, though in the end the Peoples' Temple proved more serious about the doctrine; and both enjoyed, along with such other distributors of alms to the poor and favorites of the press as Angela Davis, the estimable legal services of Counselor Charles Garry.

His status as an ordained minister of the Disciples of Christ notwithstanding, it was primarily as a political radical, for openers the builder of socialist communes in California and Guyana, that Jim Jones saw himself. He referred to the Bible as "this paper idol," and in his own church's magazine said, in language whose derivation is not exactly unfamiliar, "Neither my colleagues nor I are any longer caught up in the opiate of religion." His hero was not Jesus but Lenin, and Guyana's so-called "Marxist" government was one of the features that was to make that country so attractive to him. And later it was to be revealed that he had planned, if hounded out of Guyana, to take his model socialist society to the Soviet Union, or, in the event of the mass suicide he had clearly contemplated for some time, to leave the People's Temple treasury—several million dollars—to the Soviet government.

If it was primarily as a revolutionist that he saw himself, it was also primarily as a figure in the then going left-wing political fashion that he found warm acceptance among officials, politicians, and reporters. As the maximum leader of a tightly organized, obedient, small army of constituents—people to be sent ringing doorbells, cheering at rallies, or writing letters—Jones enjoyed a good deal of local political clout. The mayor, the district attorney, even the governor, were known to drop in on his Sunday services. Moreover, he succeeded in winning over the press, anyway so it is alleged by Marshall Kilduff and Ron Javers of the San Francisco *Chronicle* in *The Suicide Cult,* by being clever enough to bribe them with prizes and money. Yet neither his capacity to command workers and voters, nor his special relations with the press, nor even his necessary and much-vaunted personal force and charm, quite suffices to explain how he was able to plant himself in the middle of an open, enlightened society with a free press, and without the slightest hint of hostility or threat of exposure preside over a totalitarian mini-society. Here, too, as it was revealed to us that Jones had repeatedly been honored with appointive office (he had, for instance, been a Commissioner of Human Rights in Indianapolis and in San Francisco had been appointed to the Housing Authority), the feeling of the appropriateness of his having had such appointments did not arise from a notion of his political power. The fact is, he was to all outward appearance exactly the *type* of figure who had come to seem the natural occupant of certain kinds of positions in the newly constituted fields of poverty and race relations. He was a clergyman of sorts, he had been helpful to, and grown popular among, denizens of the ghetto, and he was above all both a pious and a vocal leftist. And although he was white, he falsely staked claim to some quantity of Cherokee blood, thus even qualifying as an official on grounds of membership in a minority group.

The question of how an institution like the People's Temple could have stood in our midst in the full light of day and remained cloaked in respectability is not, then, all that difficult to answer. Significantly, indeed, in all the millions of words devoted to the discussion of Jim Jones and Jonestown, this particular question somehow never even got asked. The answer is that professions of leftist sentiment, especially under conditions that manage to suggest some connection to minority status, for a long time provided immunity from too careful a public scrutiny. It is likely, and everyone, moreover, knows it is likely, that except for the murderous gravity of his pathology (and perhaps not except for that) Jim Jones is a figure with many counterparts who have in recent years been given places of honor among us.

And finally, if San Francisco seemed an inevitable starting point for our tale of horror, and if internal despotism combined with external radical socialism seemed the wholly recognizable ground on which it had been played out, what are we to say about the presence on the scene of its bloody denouement of both Charles Garry and Mark Lane? Even Central Casting would not have been so profligate of artistic convention. Two of the country's most famous radical attorneys, one, Garry, defender of the Panthers, Angela Davis, and countless of their confrères, one, Mark Lane, among other things bringer of posthumous justice for Lee Harvey Oswald, coming together (not without rivalry) in defense of the integrity of a Communist outpost in South America and being forced to flee for their lives together from a scene of mass carnage: it is as if Jim Jones had actually had in mind to stage not a mass suicide but a kind of summer-camp reunion-*cum*-melodrama from the late 60's.

III

On their return from Guyana, Messrs. Garry and Lane described for reporters how, while the rest of the visitors to Jonestown had departed for the airstrip where five would subsequently be killed and ten wounded, they had remained in the commune. When the distribution of the cyanide was about to commence, they said, one of the members of the commune came to them and in a state of joy and fervor hugged them and announced that the great moment of revolutionary suicide had arrived. Obviously something in the experience of these two men had prepared them for the idea that such an announcement would be both serious and real, for they did not hesitate a moment, neither in doubt about what to do for themselves nor in any vain effort to forestall the inevitable for anyone else. In a moment of revolutionary truth of their own, they asked simply, "How do we get out of here?"

This question not only provides a rather special glimpse into the quality and morality of certain lawyer-client relations, it also serves as a kind of scriptural text for most of the subsequent comment on Jonestown.

For the rush to talk about this ghastly affair was in no sense a rush to understand it but rather a rush to explain it away. Clearly, what the press wanted was a theory, a theory that would account as painlessly as possible for both the existence and power to command of the People's Temple. And such a theory was, as we know, immediately forthcoming. Moreover, it drew not at all on those elements of the story that had felt so familiar and fitting. On the contrary, everyone appeared to wish, like Charles Garry and Mark Lane, to get very far away from Jonestown in a big hurry.

Thus, that field of fallen bodies rotting beneath an equatorial sun was universally and instantaneously put down to the fact that the People's Temple was something called a "cult." There have been, and are, among us many cults, said everyone from establishment editorial writers to bewildered clergymen, all the way even to William F. Buckley, Jr.,[3] these cults are made up of marginal people—the downtrodden, the drugged, the depressed—who have become the easy prey of some guru preaching a new faith or attempting to refurbish an old one and who give over their lives, their minds, and their money into his keeping. Some cults have doctrines whose logic actually leads to violence, some, like the People's Temple, do not, but in the end the mindless conformity and surrender of the will which are at the heart of every cult make mass madness of the Jonestown kind an ever-present possibility.

Over and over again in the virtual torrent of analysis, three names appeared in close juxtaposition: Sun Myung Moon and his Unification Church, the Hare Krishna sect, and Charles Manson. In each case, this odd triumvirate was named in order to remind us of the evil potential of cultic mind control that lurks all around and that has already found two such horrific expressions as the Manson murders and Jonestown. The New York *Post,* for instance, was joined by editorialists all over the country in calling for a thorough congressional investigation of cult groups, particularly the followers of Moon and Hare Krishna; and *this* time, everyone agreed, in contrast to how we behaved in the tragic case of the Reverend Jones, let us pay attention to the claims of concerned parents and frightened defectors before it is too late.

The experts who were consulted on the matter agreed in the main that cults exert a double appeal on their followers: they provide order and discipline, or a facsimile of order and discipline, and they promise some kind of escape into another life or world from the woes of this one. A group of Massachusetts clergymen, called together to discuss the implications of Jonestown, imputed the spread of such unfortunate "new forms of religious expression"—and they were certainly not, they said, prepared to characterize all "alternative churches" as unfortunate—to a growing disaffection with what traditional organized religions have to offer. In a similar, though more secular, vein, Marvin Harris, a professor of anthropology at Columbia University, writing on the New York *Times* Op-Ed page (November 26), charged that the historic vulnerability of people in certain predicaments to the appeal of "charismatic psychopaths" has lately been much exacerbated by the new wave of irrationalism sweeping through former centers of rationality like the university and the learned professions.

As for what in the end made it possible to lead people like Manson's gang or the members of the People's Temple into committing the grisliest forms of murder and suicide, here again the experts—social and political as well as psychological—had come to a fairly firm consensus. Dr. John Clark, a professor of psychiatry at the Harvard Medical School, spoke for a large body of opinion when he estimated that more than half the people who join cults are schizophrenic. Others of his colleagues, particularly Robert Jay Lifton, America's resident expert on death, emphasized on the other hand that the conditions under which ordinary people can be brought to a murderous pitch of thought control are not all that difficult to create.

But such differences aside, everyone who talked about the rise of religious cults in the United States in the 1970's shared the general view that it was to be accounted for by the emptiness, the emotional and spiritual vacuum, at the center of the lives of their adherents. Many, if not most, cultists have turned out to be young, white, and middle class, seeking, we are told, to replace the now vanished passion and fellowship of 1960's political activism or to escape the burdensome disorder, loneliness, and valuelessness of the society around them, particularly, as has been common, if the society around them happens to be California. In the specific case of People's Temple, the ranks of the young, white, and middle-class seekers were considerably swelled by a group of elderly black people, as it seems, mostly elderly black women (what these latter were both seeking and seeking to escape in the magnetic field of Jim Jones was apparently so self-evident to press and experts as barely to merit a mention). In view of the individual illnesses and disturbances of these cultists, therefore, and in view of the individual illnesses and disturbances of these cultists, therefore, and in view of the public conditions, however defined, that were proving so conducive to the spread of religious mania, once they gave themselves to Jones, everything else in the unthinkable fate of his followers was step by repulsive step made thinkable.

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[3] An illuminating exception, as is so often the case these days, was Michael Novak, whose columns in the Washington *Star* dared to relate the sickness of the People's Temple to its political doctrine.

IV

Thus, largely with the aid of the community of psychiatrists and psychologists and through the labors of a captivated and indefatigable press, we had ourselves been led through the jungle away from Jonestown and into a kind of clearing from where we could safely view the place through the wrong end of a very long telescope.

For while there are undoubtedly many important similarities between the People's Temple and the Unification Church, especially in the area of the general psychic condition of many of their respective adherents—and even, for the sake of argument, between them and the girl friends of Charles Manson—there is one overriding difference. Neither the Reverend Moon nor any of the other of the more prominent sect leaders has been honored with public appointments in the realm of social welfare, has been able to boast the warm personal acquaintance of such major politicians as the governor of the state of California, or has been able over a considerable period of time to insure his right of privacy with the press. Distraught parents seeking to rescue their children from Moon's church or the Jesus Freaks or other such groups have met obstacles in the courts but have had not the least difficulty in bringing their story to the attention of the public, in every known medium from the local papers up to national network television. Whereas not only were defectors from the People's Temple unable to find many people who would agree to hear their story, but when word got around that, after years of Jone's successful management of the news, New West magazine was preparing an investigative article about him, pressure to kill the piece was brought to bear on both the advertisers and editors from a stellar assortment of San Francisco businessmen and labor leaders and from no less a personage than the Lieutenant Governor of California, Mervyn Dymally. (The article appeared anyway, and it was one of the things that allegedly drove Jones to Guyana.) In a gossip-frenzied age, Jones had once even managed to forestall reportage of his arrest for lewd homosexual conduct in a Los Angeles movie theater—an achievement one doubts would be possible for Sun Myung Moon.

That the People's Temple filled the cultic needs of authority-starved, meaning-starved people may have made it possible for Jim Jones to control their money and their minds and, finally and most absolutely, their wills. But what made it possible for him to control the press and politicians was something else entirely: his credentials as a radical of the Left.

No more dramatic evidence of this point is needed than the confession of Charles A. Krause, a Washington Post reporter who had gone to Jonestown with Congressman Ryan's party and had himself been shot at and wounded in the airstrip massacre. Even after having spent a day in the commune, he tells us in his book, *Guyana Massacre*, he was not convinced of the bad things he had heard about it from the families of those whose status they had gone there to investigate. He had by his own account been given a "guided tour" of the place and had got into trouble when he tried to see things declared off limits to visitors; yet he had also been—the word recurs—"impressed," with the day nursery, with a special education building, above all, with the spirit and sense of fulfillment of his guides. That there was a cache of guns in Jonestown he knew; that these guns might actually constitute a danger, to himself as well as others, he simply could not imagine, even as he watched the people who were in a better position to know, namely, the defectors, cowering in fear. For a young man of Krause's background and political inclinations, it seems, guns in the midst of a community dedicated to "social change," to "build[ing] a multiracial, peaceful, egalitarian society," cannot almost by social definition be turned on anyone who sympathizes with such noble ends.

In his book, *Tell the West* (1950), one of the earliest and possibly still the best of the memoirs of life in the Soviet slave-labor camps in Siberia, Jerszy Gliksman describes Henry Wallace's famous tour of the Gulag: like Marina in the brothel, Wallace traveled, untouched, through the vale of horror where tens of millions would in the end perish from starvation, torture, and overwork, and brought back to the United States a glowing account of the development of Siberia. *Mutatis mutandis*, there is something of this in Krause's (and others') response in encountering the People's Temple—though it might be said in Wallace's extenuation that he at least could not speak the language of the prisoners and that the vastness of Siberia made it easy for his hosts to keep him from contact with them in any case. Krause describes himself during the drive out of Jonestown to the airstrip, sitting among the sixteen who had elected, during a scene of fear and unbelievable hysteria, to leave the commune and who were now, he said, with "apparent paranoia" trying to convince him that one among them was a spy sent to do them harm (the man who was in point of fact to open fire on them as soon as they entered the plane):

> I had decided to write a long and thoughtful piece . . . trying to explain the complicated motivations and convictions of everyone involved. . . . I was convinced that Jones was very sick, both physically and mentally. But the People's Temple hadn't struck me as a crazy fringe cult, like the Moonies or whoever they are who try to stick flowers in your lapel at every airport in America. It seemed to me that the People's Temple had a legitimate purpose, a noble purpose, and was more or less succeeding. The fact that sixteen people, most of them members of two families, were homesick and leaving . . . didn't change that view.

It was, of course, Jone's goal of creating a Marxist-style egalitarian society that had differentiated the People's Temple in Krause's mind from the Moonies and other "crazies." In Jonestown, despite his early recognition that its successes were being exaggerated and its "failures" hidden from view, the young journalist knew where he was—or, to use the parlance consonant with the intellectual phenomenon being described here, knew "where" the People's Temple "was coming from." Possibly with the exception of Jones himself, he had seen the People's Temple type before. They were idealists, who might go a bit far for one's tastes, whose being forced to withstand the hostility if not outright persecution of establishment society had made them a little flaky and fanatic, whose taste in style of living might not be one's own, but whose values were right and admirable (and whose extreme commitment to those values might even leave one feeling ever so slightly soft and unworthy). Krause's ruminations as he was being driven through the Guyanese wilderness to the scene of carnage that lay in store were of course not the result of some private foolishness. They were the summation of more than a decade's worth of apology for totalitarianism and violence on the Left on the grounds that however much one might deplore such things, they were after all being done in the name of a higher social justice.

The great rush to do precisely what Krause had at first said ought not be done—that is, to identify the People's Temple as yet another crazy fringe cult—thus did not simply follow from the growing horror at what was daily being revealed about the group's pre-suicide life together. On the contrary, it represented what can only be called a massive effort to deny: to deny the (to say the least) embarrassing memory of how recently the group and its leader had been basking in the admiration of enlightened society, and beyond that, to deny the recognition of how the special tolerance extended to all who proclaimed themselves radical might have contributed to a certain amount of mischief in the world.

Seen under the aspect of religious insanity, the People's Temple becomes a manageable if hair-raising comment on some of the darker sides of the human mind which have, as Marvin Harris pointed out, sadly had their moments before in American history. Seen as what it actually was—and Charles Krause, albeit ingenuously, supplied the truth here—namely, an outgrowth of 1960's radicalism, the People's Temple would have been an intolerable reminder of how close a brush we and our children, the agencies of our government, and some of the major institutions of our society have permitted ourselves to have with revolutionary suicide.

BOOKS AS VODKA

Mr. HATCH. Mr. President, while we in Washington are waiting in lines to get our gas tanks filled, we could do worse than contemplate a recent article entitled "Books as Vodka," by a Soviet emigre, Lev Lifshitz-Losev, which appeared in the current New York Review of Books, dated May 31.

The article is about the black market in books which has sprung up in the Soviet Union as a result of the state monopoly of the publishing and the consequent shortages. The author takes the position that the extraordinary hunger for books in the Soviet Union is due to the distressing nature of day-to-day life there, which he describes in graphic detail. The only other escape, he says, is vodka. The happiest are those who combine both.

Mr. President, while I am not known for my enthusiasm for the Soviet system, this is not the reason I commend the article to my colleagues. I will, however, point out that the books Mr. Lifshitz-Losev is discussing are not banned in Russia. They are just in short supply. Yet their resale is still illegal, and those caught trading them are punished. Equally, access to scientific journals is severely restricted for security reasons, greatly impeding scholarship, even when the magazines in question are American—and their contents therefore already known to those against whom they are being guarded.

These are not the characteristics one wants to see in a state with whom we are considering making a gentleman's agreement like the SALT Treaty.

Nevertheless, Mr. Lifshitz-Losev has coincidentally provided us with a useful economic analysis of the state management of scarcity, which we should consider carefully. First, he reveals that in a land of endless forest, there is a crippling paper shortage—and such paper as is available is of poor quality. Second, he says that the allocation of paper to books is determined not by demand for the product, but by politics. Hence a lot is wasted on the speeches of important politicians, a terrible thing, as I think we can all agree. Third, he describes how the officials who run the system actually benefit from the shortages—either because they can trade favors, or through outright corruption. This is a bureaucratic form of the classical concept of monoply rent. Finally, he describes how the forces of the market are irrepressible, and the illegal book trade flourishes, in spite of constant harassment.

The message for the gas station lines is this: State involvement is no solution to the oil shortage, whether through rationing of—God forbid—through outright nationalization. We can only solve the problem by enlisting on the side of increased energy production and efficiency those forces of individual enterprise which in the Soviet Union have been diverted into bureaucratic corruption and the black market.

That means freeing prices, and not expropriating all the increased profit.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOOKS AS VODKA

(By Lev Lifshitz-Losev)

THE BOOK MARKET

Not long ago on the Norwich University campus in Vermont I met a young man whose face seemed vaguely familiar. Like myself, he turned out to be a recent Russian émigré and he is now a graduate student at Harvard. For some minutes we stared at each other, searching for some common acquaintances or shared experiences, when suddenly I remembered: the Leningrad book market. There we used to meet regularly, strangers to each other, as are all the customers of this spontaneous trade center which is forbidden by the authorities.

The book market operates on Saturdays and Sundays. In the morning people carrying heavy suitcases and satchels, their eyes furtively glancing about every few moments, come ambling from nearby bus and tram stops to the trading spot. On summer grass or winter snow they stretch out a plastic sheet and display the contents of their satchels and suitcases in neat little rows—they are trading new books. These improvised book stalls are set up in two parallel rows for about a quarter of a mile. A dense crowd of customers browse between the rows.

The price of an individual book varies from 10 to 300 rubles, that is, from two days' earnings to two months' earnings of an average Soviet salary. These prices have nothing in common with the state-controlled nominal prices indicated on the back cover of every Soviet publication. A peculiar etiquette insists that the book dealers not shock the customers with gigantic figures, so the price is given not in rubles but in "nominals"; five nominals, ten nominals, etc. This means that you multiply the nominal price given on the book cover by five or ten.

With such high prices it is natural that books are more often traded than sold. So it was that several times I had traded books with this Harvard student. Before a deal we would establish the "nominal" equivalents of our books, pricing them so absurdly high that we each secretly assumed the other to be a real black-market book-shark.

Occasionally a wave of fear would roll over the marketplace. Suitcases and satchels would instantly slam shut, and their owners, once respectable elderly people, would grab their heavy loads and break into a run. The police! As a rule these roundups would end with the capture of one of the slower moving intellectuals. The punishment for illegal trade activity is usually limited to informing the violator's employer. But this in itself can be rather unpleasant: it can hold his career back for a long time, or deprive him of certain privileges. Not to mention the confiscation of his valuable books.

Fleeing from the danger of a police raid, the Leningrad book market constantly changed its meeting place. It was once in a park near a public restroom, then in a garden in a working-class neighborhood by a bust of Karl Marx, then in a suburban park. The final site was chosen according to the best rules of military strategy. (The book market was fortunate in having so many retired officers as its customers!) It was on the outskirts of the city near a small grove in the middle of a huge vacant lot whose soil was stripped and badly eroded with numerous streams. For lack of roads police cars could not approach and a policeman on foot could easily be spotted from afar.

Similar book black markets exist in all large cities. In Moscow the meeting place for a long time was a street by a monument of the first Russian printer, Ivan Fedorov—who, by the way, began bookmaking in Russia in the sixteenth century, but was soon suspected of being a dissident and just barely managed to emigrate to the West. So began the history of the printed word in Russia under the tsar known as Ivan the Terrible.

LACK OF PAPER

There is a shortage of books mainly because there is a shortage of paper. If a person in a Soviet city finds a middle-aged woman walking down the street proudly wearing a necklace of toilet paper rolls, he will not run to call a psychiatric ambulance. Instead, he will most likely go up to her and ask her how she managed to acquire such a valued prize. Like the other branches of Soviet industry, with the possible exception of the military, the paper industry does not function efficiently. You may judge for yourself by going into any American store that sells Soviet books. There you will find books that are sometimes valuable and difficult to obtain in the Soviet Union, but that are published unattractively, in dingy colors, with unexpressive and monotonous typeface, and are sloppily bound. But even all of the bad paper in the USSR cannot satisfy the domestic market. Paper is purchased in Finland, Japan, and Canada, while printing orders often go out to Eastern European satellites, where the quality of printing is a little higher.

There is also a shortage of books because 80 percent of the book production consists of so-called *nonbooks*, that is, propaganda books which no one buys or takes out of libraries, which simply do not exist for the reader. Among the numerous economic losses which are caused by inefficient bureaucratic management, this is perhaps the only loss which the state *consciously* makes.

In a situation where even toilet paper is in short supply, propaganda literature is still published in millions of copies. But even those high Party officials who plan to publish an ordinary speech by Brezhnev in, let us say, ten million copies do not themselves believe that all ten million of them, or even one million of them, will actually be sold. In this case the colossal number of editions is a traditional symbol customary to propaganda image-making. The main task of this giant number is to underscore once again the author's exceptional position in the hierarchy, his power, authority, and popularity.

Nonbooks are also a large part of the fiction and scientific literature which is published. Here the opportunity to publish and the quantity of copies correspond mainly to the hierachy within scientific institutions and the Writers' Union. Although as a whole all publishing houses are concerned with their own economic success (and need I mention here that all of them are under the complete control of Party and state?), those publishing executives who are given the right of production planning are mainly interested in demonstrating their own personal ideological purity and zeal, and in supporting good relations with other influential bureaucrats. Their goal therefore is to maintain such a balance that the publishing firm does not undergo significant losses, but at the same time does not allow any ideological oversights, publishing mostly "proper" people. If one must choose, of course, the latter is preferable, for the bureaucrat does not suffer a personal financial loss if his publishing house does. In his documentary story *The Ivankiada* Vladimir Voinovich describes how editorial plans are made:

> One must separate the needed writers from the unneeded. Needed people are the Secretaries of the Writers' Union, the directors of publishing firms, editors-in-chief of journals. You do them a favor, they'll do you a favor: they will publish you (if you have anything), arrange for positive reviews, accept you as a writer, and toss lucrative jobs your way. Needed writers ought to include other people who not only write books, but have the opportunity to grant small favors on the side; a muskrat fur hat; obtaining a discount on a vacation at a privileged health resort, or a season pass to a swimming pool. Unneeded writers are those who do not know how to do any of this, cannot do it, and do not want to do it. The most unneeded writers are Pushkin, Lermontov, Gogol and the other classics—you can't get a single thing from them.

As a man who worked for many years in Soviet publishing houses I can state that this satirist's description is entirely correct. (In case of doubt, one may go directly to Voinovich's hero, Sergei Ivanko, who now works in the UN and, according to recent deserters, is a colonel for the KGB. As we see, publishing was only a springboard to a more important career for this official.)

TOO MANY READERS

Strange as it may seem, amid all the propaganda clichés a few truths can sometimes be found, such as, "The USSR reads more than any other country in the world." I do not know if this can ever be verified scientifically, but at any rate it appears to be a fact. There is no other place in the world, it seems, where one can find so many people reading books while riding public transportation or standing in lines. Of course, no other place in the world has such long lines.

Propaganda usually interprets this as evidence of the extraordinary blossoming of spiritual life under socialism. But let us take a closer look at the readers sitting in an overflowing streetcar, and let us examine what most of them are reading. If, as many people suggest, the standard American facial expression is one of smiling optimism, then the standard Soviet face expresses fatigue, worry, and hostility. A man rides home from work after a hard day. He knows that all of his efforts will win him only a meager existence. Moreover, the fruits of his efforts will often be brought to nought by senseless management. He has elbowed through the crowd to grab a spot on the streetcar. He is squashed in from all sides and juggles a bag of groceries which he managed to obtain by waiting on a huge line on the way home from work. At home he can only look forward to the futility of trying to relax in a crowded apartment, and the stultifying monotony of propaganda which he finds on the two TV stations. How can he relax? Many regularly drink vodka on the way home from work. About one-third of the men on the streetcar I used to ride were tipsy. Another third read books. Then there were those who read books while they were tipsy—they were especially relaxed.

The books that they read are for the most part not intellectual treasures—they are read for amusement, for titillation, for escape. They include detective novels, adventure novels, erotic literature. In the USSR these avidly read books are published in pathetically small quantities. Copies of Soviet detective novels (not much is written there in this genre) and the even rarer translations of such authors as Agatha Christie and Raymond Chandler are read until the copies literally fall apart. A few detective novels from the West are translated and sold illegally in carbon copies for five to ten rubles (the lightest carbon copy costs five rubles). To this day the most alluring adventure novelist is Dumas pére, and the most erotic writer is Maupassant.

But it cannot be said that Soviet publishing firms have entirely ignored this demand. Dumas, Maupassant, Conan Doyle, and the sentimental lyrics of Yesenin are from time to time published, and, I might add, they usually put the finances of the pubilshing firms back in the black. About four years ago the government began a paper drive whereby people would trade in pulp literature in exchange for hard-to-get books. For twenty kilograms of pulp literature you received a coupon which entitled you to buy one book. Publishing houses turned out special "coupon" editions, bound even more unattractively than usual, of Yesenin's lyrics, *Queen Margot* by Dumas, and *Dear Friend* by Maupassant. It was also rumored that this campaign served another purpose—to clear private libraries of old books and periodicals which might not be in accord with the latest ideological winds. Nonetheless, even these efforts failed, for people turned in such a large quantity of pulp literature that there was a shortage of "coupon" books. The line one always heard was, "I've already saved up twenty kilograms of coupons alone."

Soviet publishers love to tell American interviewers about their editions of Russian classics in millions of copies. For Lev Tolstoy's 150th anniversary last year, thirty million copies of his books were printed. In my opinion, such impressive figures have very little to do with the choices of the Russian common reader. Some reading of classics is obligatory for the more than twelve million high-school students in the Soviet Union. Every day, in 170,000 Soviet schools, million of bored teenagers mumble such formulas as "well, Lev Tolstoy . . . he was a mirror . . . well, a mirror of the October revolution . . . no, I mean, of the Russian revolution . . . in his novel *War and Peace* he showed how capitalists and landowners. . . ." Few children later overcome the view of the Russian classics they obsorbed in school, which is not to deny that Russians may read such books for pleasure. After all, when mystery and horror novels are in such short supply *Crime and Punishment* is not a bad substitute.

The list of foreign authors translated and published in the USSR also seems imposing and does much to create the image of an enlightened country. But only rarely are as many as 100,000 copies of a new translation published—usually there are hardly enough to decorate stylish bookcases in the apartments of those who are more equal than others. For an ordinary citizen the only place to buy a freshly translated book by Salinger or Vonnegut is the black market. Ten nominals!

And there is a technical reason why the intelligentsia in the Soviet Union consume more books than their Western colleagues. Where a Western scholar or writer can refer to just one source book, a Russian must often gather the same information bit by bit from various sources. Information about the history of religion is gleaned from quotes in antireligious brochures, the opinions of modern philosophers from Marxist articles condemning bourgeois or revisionist philosophy, and so on. For many years, for example, the only reference book on modern music was Shneerson's *Music Serving the Reactionaries,* which branded Stravinsky, Messiaen, Menotti, and others as agents of imperialism. But at least there one could pick up the names, dates, names of compositions, and a few ideas about these composers.

The writer Andrei Bitov in his remarkable novel *Pushkin Home* relates the following experience. He was present at one of the movies which are shown to the elite in closed clubs. They were showing Pasolini's *The Passion According to St. Matthew.* Everyone who discussed the film afterward viewed the Sermon on the Mount as a particularly moving, very contemporary moment in the film which even sounded rather dissident in the Soviet surroundings. Bitov interviewed many of the spectators—they were writers, critics, directors—and discovered that the majority of them by watching the film had for the first time become acquainted with this text.

BOOKS IN THE SYSTEM OF PRIVILEGES

In a huge number of Soviet books and films there is a scene where an old Party soldier with gray hair on his temples says to his young comrade, "We Communists have only one privilege—to go wherever things are rougher." Another popular parallel of this touching propaganda piece is a picture of Lenin's lunch in the Kremlin: a glass of weak tea and a thin slice of black bread.

We have every reason to believe that at the dawn of Soviet power the Communists already had many more privileges than they had opportunities for hardships. In any event, Lenin's crust of bread is now covered over with a thick layer of caviar. The fact that material benefits are distributed unequally in any society is nothing unusual. Be it in Los Angeles or Omsk, everyone eats bread, few eat caviar. Socialism's innovation for humanity is the hierarchy of various diets which are strictly regimented by the government. According to Simon Leys, high Party officials in China are called "those who eat meat." The dietary hierarchy in my country is best explained in the following examples.

Near the editor's office where I worked on Voinov Street in Leningrad there were four cafeterias which I happened to visit at different times. The nearest one to our office belonged to a small auto-equipment factory. Without risking your health, you could buy only bread and milk there. On the same street was a writers' club with its own restaurant. Prices were higher there, but the food was almost as inedible (by the way, writers came there as a rule not to dine, but to swallow a glass or two of cognac). Also on this street in a palace which Catherine the Second presented to Prince Potemkin in the eighteenth century is the Higher Party School. In the cafeteria there future Party functionaries could already get a foretaste of the sweet life to come: prices were low, as they were in the factory cafeteria, but food was of high quality, tasted good, and there were always fresh fruit, vegetables, and other rare items.

At the end of Voinov Street is the Leningrad Party Headquarters, Smolny—a remarkable eighteenth-century architectural ensemble consisting of a former monastery and a former institute for daughters of the nobility. This cafeteria offered the menu of a fine restaurant at modest prices, and among the hors d'oeuvres you could find that symbol of the good life—caviar. In order to enter one must have a special pass which is checked at the door by well-fed security guards. An average Communist need only show his Party card to enter Smolny, but without a special pass they will not allow him into the cafeteria, even if he joined the Party a year before Lenin. (I should add parenthetically that leaving the cafeteria is not always so simple either, for it is forbidden to take food out, as this might engender ill-feelings among the average citizenry. I once saw an officer detain a rather high Party official, an elderly woman who was happily carrying two geese. He reminded her respectfully, but firmly, that for such matters there was a special exit through the rear door by the service parking lot.) But the interior of even this cafeteria has it own hierarchy: the main room is self-service, but a smaller room, for department heads and higher officials, has waiters.

As we have seen, the people at Smolny receive the most benefits (food). It follows, then, that their labor, from the socialist point of view—from each according to his ability, to each according to his labor—is the greatest, the most valuable and intensive. What does it consist of? Part of it is the management of production, administration, and ideology by the carrot and stick method, that is, to praise, curse, encourage plans, not to encourage plans, to give out medals, call employees on the carpet, etc. But a large part of these people's efforts go to strengthening their own position among the elite of society's upper echelons, and to moving ahead as fast as possible.

Next in the scale of values is the labor of students from the Party school, the future members of the elite (who receive, in a sense, a type of salary advance).

The next is the labor of writers, who are obliged to serve the whole system ideologically, that is, they are to write so that it is clear from their works how perfect the system is and how it is better than any other.

Least valued is the labor of workers in the factory.

Thus, socialism is not a system which uses anarchistic and impartial money as a regulator of supply and demand (money, despite the difficulty in obtaining it, can nonetheless be earned by one's own hard labor, or it can be inherited, or it can be gotten by theft or won in a lottery), but it is a system of social hierarchy, in which it is nearly impossible for one to change his position.

Food, clothing, medical service, and housing are distributed in socialist Russia in accordance with this social hierarchy and books are no exception. At Smolny there is a small bookstore where a Party official can buy a book which is unavailable to an intellectual or to the mass reader. On business in Smolny I would often drop in. I did not have the right to buy books there, but I wanted at least to glance at these unavailable novelties. Once an elderly sergeant of the Smolny security police was buying a large stack of books in front of me. Among them I saw *The Glass Bead Game* by Hesse, *Within a Budding Grove* by Proust, and a large illustrated book of post-Impressionist paintings. The extremely ungrammatical speech of the sergeant excluded the possibility that he was buying these books for his own enjoyment. Most likely, this was where one of the paths to the black market began. (My suspicions were later confirmed when I found out that the director of this privileged bookstore was arrested.)

But in general, normal bookstores, not the privileged ones, supply the black market with books. In order to imagine how this happens one must have a general idea of the Soviet system of trade.

As is known, all stores in the USSR belong to the state and all goods in them are delivered according to the plans and norms of the Trade Ministry and the local trade offices. Their inventories of food, books, and clothing are all filled with low-quality goods, 50 percent of which no one wants. However, every store also receives regularly a small supply of high-quality goods which are in critical demand. But these goods, of course, never see the store counter. The lion's share of them goes to the store director, then to his assistant, then to his most loyal salespeople. Keeping part of this loot for themselves, members of this socialist trade mafia set aside a larger part of it for an underground trade reserve. Good products are circulated within this trade society: Italian boots=½ kg. caviar=one Siberian fur hat=1/50 Finnish furniture set=1/10 of the best Soviet refrigerator ZIL=1/220 of the car Zhiguli=twenty books of poetry by Andrei Voznesensky, and so forth.

As a result the dealer of average caliber has approximately the same privileges as a Party-careerist—a car, good clothes, furniture, good food, and fashionable books on a Finnish shelf. Granted, he is constantly under the risk of undergoing an investigation and being fired, or even jailed for a certain length of time. But, on the other hand, making a career among the Party elite also constantly involves the risk of being found out and losing everything. After personal consumption and internal trade operations, any goods which are left are circulated to the black market for money through speculators and counteragents.

Thus the source of hard-to-get books on the black market is very simple—they come from those who, under the present system, have access to these books. This is the basic source, but not the only one.

The next most important source are people who send books to the U.S.S.R. from abroad. These books are not by any means foreign editions of books in Russian, for their distribution is not only a criminal violation but it is also a serious political crime. Besides, such books are distributed without profit among trusted friends in wide dissident circles. A certain number of detective novels in English and art books find their way into the market, but mainly it is books which were published in the Soviet Union, bought abroad, and then sent back into the U.S.S.R.

This is a very characteristic process: Soviet books traveling to the West and back. At a meeting of the editors of the publishing firm "Soviet Writer" a high official said, "We published Mandelstam for the purpose of stuffing it down the throats of our ideological enemies abroad." Someone in the room shouted out, "How about stuffing it down ours!"

There are books whose copies are almost entirely sent away to bookstores in Europe and America, pleasing leftist intellectuals there with the thought that Kafka and Pasternak are published in the Soviet Union. In reality, these books will most likely reach the intellectual reader in the Soviet Union via the black market. Let us suppose you buy a copy of Mandelstam in New York for $3, and send it to the Soviet Union. Somewhere in the postal or customs system there is a leak and your Mandelstam surfaces in the black market for sixty to seventy rubles. (So we get the "Mandelstam currency exchange rate": one dollar equals eight rubles, which corresponds to reality better than the official rate of exchange, one dollar=.77 rubles). I recently saw the storeroom of a book salesman who sells Soviet books in Michigan, and I told him that with his books he could easily make a million in one day. He could only grimace because here he was unlikely to take in more than one hundred dollars in a day.

There exists a kind of black hole that swallows up books on their way from Western senders to Soviet receivers. The American writer Bel Kaufman twice sent a monograph on Chagall to her friend, a colleague of mine in Leningrad. Both times he got a letter informing him that the book had been sent, but he never received it. In the meantime you could find on the black market a large selection of books on Chagall priced at 200 to 600 rubles a book.

An amusing incident happened to the Leningrad professor A. University professors in the U.S.S.R. are given an allowance of twenty-five dollars a year for buying books abroad related to their field. This money, of course, is not given directly to the professor—he must present the university administration with a list of books he would like to buy from his quota (a very short list, one may assume). A. was a specialist in nineteenth-century Russian romanticism, and he ordered a few American studies on this subject. Half a year went by and the books did not appear, but the disciplined Soviet professor did not think to complain; if there were no books, that was the way it should be, the authorities know better. But once, when he was making his usual round of the Leningrad used book stores, he was approached by a "book-beetle"—*zhuk*—a petty speculator who hangs around such stores. "It seems you are interested in literary criticism," said the *zhuk* to the well-known literary scholar. "Come with me and I'll show you a little something * * *."

The curious professor followed the *zhuk* to the nearest gate. The first book he was shown put him on his guard: who in all of Leningrad could possibly need an American dissertation published in Iowa about a third-rate Russian romantic poet? But when he saw that the second and third books coincided with his list, he sprang up, and even surprising himself, grabbed the lapels of the *zhuk* and cried, "Police!" This happened downtown, on the corner of Nevskii and Liteiny, so that a crowd immediately gathered and the *zhuk* could not escape. On the next day the professor was invited to the police station and they gave him his order of American books without any explanations. But then he did not demand an explanation.

Books under arrest, books in prison, and in hard-labor camps

Why would an intellectual with an average salary of, say, 150 rubles a month regularly buy books on the black market valued at ten, twenty, or even sixty to eighty rubles? (Every volume of Montaigne's essays, which are so popular among Russian intellectuals, costs eighty rubles, the whole set coming in three volumes.) Why is he not satisfied with the library? The reason for this is very simple: books which enjoy wide popular demand are either not to be found in the public libraries, or if the library has them, they are unavailable. The books which are in shortest supply the librarian holds for his privileged friends.

In the official academic libraries the situation is more complicated. Usually only students and people with university diplomas are allowed in, and even then they must have a letter stating that they are using the library for scholarly work, and not for personal pleasure. But once they have received a steady pass for such a library, it is not so easy to use it. Only a limited number of scholars may take books home. The others must arrive early in the morning and stand in a long line in order to get a place in the reading hall (yet one more variation of the daily lines).

One of the paradoxes of historical research in Russia is this: the more remote in time the period under study, the easier will be access to archival materials and simply to literature. It is much easier for a literary historian to study Aksakov or Turgenev than, say, Gorky, although Gorky founded Socialist Realism and Proletarian Humanism while the first two are seen as representing the interests of the nobility. But they had no occasion to write about the Great October Revolution, the Bolshevik party and its leaders, while the Proletarian Humanist did have things to say, and sometimes they were less than flattering. Not to mention the fact that Gorky carried on a cordial correspondence with other Proletarian Humanists who later turned out to be "enemies of the people" and even later "victims of the cult of personality." While the USSR publishes superbly documented editions of the Russian classics and interesting historical research, the closer we come to the socialist era, the lower are the scholarly value and reliability of publications. Neither the "complete Gorky" nor the "complete Mayakovsky" is truly complete.

Books in the library catalogue are divided into three categories which are shockingly reminiscent of the Soviet penal system. Although the majority of books are currently free, many of them are still serving time. A few were liberated and rehabilitated after Stalin's death, some younger books came under lock and key in the last decade, and then there are those which have been in prison for fifty years. From time to time in the card catalogue one sees the notes, "Can be checked out only with special permission," or "Located in special stacks." It would be difficult to list all of the categories of books which are read only with "special permission," but most are periodicals, including almost all of the Western periodicals.

You may, for example, want to read an article in *The New York Times* about the first test tube baby in the world, but that same edition contains information about attempts to exchange Anatole Scharansky for two Soviet spies, about the diplomatic games of Albania, a review of Stoppard's play which describes a Soviet dissident imprisoned in a psychiatric hospital, and a great deal of information which the Soviet press lacks or has carefully reworked because official ideology has considered it harmful to the average Soviet citizen.

Consequently you must bring the library a note from your place of work in which your employer guarantees your ideological stability and loyalty, and states that you must read the given article for your line of work. After that, the whole process very closely resembles visiting a prisoner: there is a special room, a limited amount of time, a guard constantly on duty, although it is possible to take a stealthy peek at the other pages of the magazine. Now that copying technology has at last penetrated Soviet libraries, many will give the readers a photocopy of the requested article, lest they glance at those forbidden pages.

It is funny that together with the arrested Western periodicals are a considerable number of Soviet ones from past years, including such offical newspapers as *Pravda* and *Izvestiya*. This occurs because of changes in Soviet leadership and political zigzags. So what Orwell called "memory holes" have come into existence.

The "special stacks" for Western scientific and technical periodicals require especially Gothic arrangements. An engineering or technical magazine is often locked up because it describes a discovery or invention which is considered a secret in the USSR.

Logically, this secrecy was aimed at hiding Soviet research from Western competitors, although Soviet specialists need more information of this type for progress in their own research—but then again, logic and practicality were never strong arguments for the bureacratic censor.

The note "special stacks" means a significantly greater degree of isolation of the book or magazine from the potential reader, as in a hard-labor camp where visitation is forbidden. Any political writing which is even slightly divergent from the Soviet orthodoxy is sent here. Only especially trustworthy Party ideologists, KGB men, reporters, and writers are given access to these books, even as prison camps for interrogations allow in police officers, court personnel and (once again) KGB men.

Finally there are books which are formally available to all, but whose circulation is secretely controlled. (This resembles the situation of several prominent scientists, men of letters, and artists in the USSR.) When you ask for these books the librarian will always answer that, unfortunately, the book is at the moment taken out or is being rebound. Throughout my entire five years as a student at Leningrad University (1954–1959) several books of Freud which had been translated into Russian and published in 1910–1920 were being rebound. Not too long ago I requested these books once again from a librarian, who, apparently, was born about the same year I had first become interested in Freud. She smiled and answered, "They are being rebound." Her tone of voice seemed to imply that it was only a matter of days before Freud would return rebound. I conjured up a picture of a leatherbound volume covered with jewels like an incunabulum (access to which, by the way, is easier than to the pages of *The New York Times of Books*).

INVOLUNTARY CAPITALISM

Mr. HATCH. Mr. President, from time to time, I meet people in this city congratulating themselves that the "tax revolt" associated with California's proposition 13 has been suppressed. Those of us who serve in the minority on the Budget Committee can testify from firsthand experience as to the general feeling that the Government does not have to worry about expenditures as much as it was doing a few months ago, and that if the budget has to be balanced, it can be done on the backs of the American people by raising taxes yet again.

Tom Bethell, Washington editor of Harper's magazine, has just published a succinct refutation of this point of view in the American Spectator. Drawing partly on a conversation with Jude Wanniski, author of the Way The World Works, Bethell emphasizes that an interest in personal gain is fundamental to human nature. Communist China, he suggests, is reorganizing itself in recognition of this fact.

Unfortunately, in this country policymakers and opinion formers, being generally of a secular and progressive cast of mind, are not receiving the news that their social engineering is limited by the taxpayers' willingness to pay for it with any particular enthusiasm. In fact, they seize every opportunity to believe the contrary.

But you cannot fool all the people all the time, Mr. President, and Americans will not indefinitely work if they are not rewarded. Eventually, we are going to have to cut taxes if they want the economy to start moving again. No amount of suppression can keep this issue from bursting forth again.

I commend the article to my collegaues' attention, and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

I had the pleasure of having a drink with Mr. Wanniski after he spoke at an American Conservative Union conference in Washington. He is a striking optimistic person. It is, of course, an attractive train in anyone, and a gloomy pessimist such as myself must always defer to someone who looks on the bright side of things. My admiration for Wanniski's optimism is all the greater when I consider those excellent, lucid, and utterly correct energy editorials he wrote for the *Wall Street Journal*, culminating, alas, in the birth of the Department of Energy; and when I further consider how hard he worked for the Senate candidacy of his friend, the articulate and intelligent Jeffrey Bell, only to see him defeated by Bill Bradley, the liberal basketball player.

No, to my way of thinking the outlook is not good for America: a long slow, downhill slide, with an increasingly cowed and demoralized citizenry muddling along on welfare payments, food stamps, coupons for this, permits for that, lawyers on every hand, government metastasizing, Jce Califano's troops for the Betterment of Life enforcing compliance with myriad regulations in every walk of life. . . . The realistic Wanniski says simply that we don't know the future. True enough. Then I told him I came to America in 1962. "Well," he said, "you had three good years."

Abroad, however, things may be better than they seem at present. On China, Wanniski and I were in agreement. "China now has one of the most regressive tax structures in the world," Wanniski said. "Regressive" is good, by the way, the nomenclature for tax policies having undoubtedly been devised by a socialist. In effect, Teng Hsiao-ping has taken China down the Laffer Curve by reducing taxes. Wanniski later sent me a newsletter he had written on this topic for H. C. Wainwright & Co. Economics.

"As in the Soviet Union," Wanniski wrote, "Chinese peasants are permitted private plots to work, the fruits of which are not subject to tax. Unlike the Soviet Union, communal production is not subject to progressive duties. Instead, high output is rewarded through regressive taxation. . . . The team could double production against the base year and keep or sell all the surplus. To the outside world, the Chinese peasants have thus appeared to be 'blue ants,' somehow motivated to work feverishly for the state. In reality, they are organized entrepreneurially to maximize individual benefits, the teams being small enough to link efforts and rewards."

Wanniski mentioned that the theory behind the Laffer Curve—that reduced tax rates encourage people to work harder and so will eventually increase tax revenues—had recently been put to the test in Puerto Rico, a country he discussed with a proprietary air, referring to it (if memory serves) as his "social laboratory." Anyway, last year (at the recommendation of Wanniski, Arthur Laffer, and others) the legislature of that nation reduced marginal tax rates by 10 percent. The result was a 7 percent increase in tax revenues.

This interesting news was reported in an Associated Press story in December 1978—a story that was not considered fit to print, however, by the *New York Times*. It is, of course, heretical in certain quarters to believe that people are motivated by self-interest, and the *New York Times* likewise regards this view with about as much enthusiasm as the Committee on the Present Danger regards the Soviet Union. Wanniski said that his book had not yet been mentioned in the *New York Times*. He worries that his grandchildren will one day argue among themselves as to whether he really wrote it, and one of them will decide to settle the dispute by referring to the *New York Times*, decisively refuting the notion that grandfather had been an author.

A couple of weeks later I had lunch with a good friend who works for a well-known foreign weekly magazine with a considerable (perhaps inflated) reputation. Sad to say, my friend is vaguely Marxist in belief. What does that mean? I can tell you exactly. Somehow the Laffer Curve once again came up in discussion. "A lot of nonsense," my friend commented. Ignoring the reality of the "curve" itself, I ask my friend if he believed that people will work harder and produce more if they are so encouraged by lower taxes.

"No," he said.

Faithful Marxists really believe that people are, on the whole, unmoved by the incentive of personal gain. It is, of course, a purely empirical matter whether tax cuts lead to increased output. One can point to the evidence, as in Puerto Rico. But no doubt in every instance a devout Marxist could "explain" the outcome by reference to some special local condition. (Thus, for example, the great American wealth of the past century is attributed not to a system that encouraged hard work, but to "abundant natural resources.")

Even sadder to say, my friend also professes atheism. It is true, I feel sure, that beyond the first flush of youth when many a giddy idea is briefly and excusably entertained, all Marxists are atheists. Unable to believe in a future life, they believe in a Future Man. They even manage to discern some small progress toward that glorious goal, 1917 having been a significant landmark. One thing above all is needed to ensure the arrival of Future Man. It will be our Redeemer: Central Economic Planning.

I am reminded here of G. K. Chesterton's most famous aphorism: that when a man ceases to believe in God, he does not believe in nothing. He believes in anything.

EXCITING VIOLENCE

Mr. HATCH. Mr. President, scientists have a long tradition of upsetting politicians. Just when we think we have got them all nicely tucked away with a research grant, they emerge with conclusions that directly attack the assumptions upon which we base our policies. This is all the more disconcerting because these assumptions are often the work of an earlier group of scientists, who frequently respond to criticism with great energy, confusing the situation further.

The scientific method, as it has evolved since the 18th century, depends on this sort of argument, which is why scientific advance occurs fastest in free societies.

H. J. Eysenck, who has lived in Britain since he fled from Hitler's Germany, has a particularly iconoclastic record in the field of psychology. His recent work on the effects of the graphic portrayal of sex and violence on television is no exception.

In the March issue of the British magazine "Books and Bookman," Eysenck reviewed William A. Belson's book "Television Violence and the Adolescent Boy" and took the opportunity to discuss his own findings. He also commented on what he regards as the grave faults in the approach of the U.S. Surgeon General's Advisory Committee on Television and Social Behavior, appointed in 1972.

Belson and Eysenck agree on the central issue. In Eysenck's own words:

> When Dr. D. Nias and I surveyed the whole literature for our book on "Sex, Violence and the Media", we came to the conclusion that there was an unanswerable case made out in favor of the proposition that television (as well as the other media of course) did indeed exert a strong influence on viewers. . . .

Dr. Eysenck qualifies his conclusion in various ways—the influence varies, and can be good or bad. But it was still not what the networks wanted to hear, either in Britain or in the United States, were according to Dr. Eysenck they attempted to distort the Surgeon General's findings.

For conservatives like myself, this is a distressing issue. On the one hand, we have a deep repugnance for government or indeed any other interference with the freedom of expression. On the other hand, our instincts and our constituents tell us that unrestrained pornography and the exploitation of violence do both have a profoundly deleterious effect upon society. It is a dilemma that cannot easily be resolved. But it is perhaps possible to say that we have all moved a little too confidently toward absolute license.

In the meantime, we must hope that continued scientific inquiry, as proposed by Dr. Eysenck, will cast more light upon this troubling question.

I ask unanimous consent that his article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

EXCITING VIOLENCE

(By H. J. Eysenck)

Almost from the beginnings of television, there has been an argument concerning the possible effects of portraying sex and in particular violence on the box. Apologists have argued that nobody would be influenced by the vicarious experiences of imaginary people on the screen, or even the pictures of the suffering of real people shown in news programmes. (The same people try to explain to advertisers, on the other hand, how very strongly viewers would be influenced by the few seconds of advertising time bought at an exorbitant price by the advertisers!) Critics, like Milton Shulman and others, on the other hand, maintained that the whole notion of people spending countless hours in front of the box, without being influenced in any way by what they saw, was absurd. Already two thousand five hundred years ago Plato, in *The Republic*, made much of the influence of the arts on human behaviour. Was Plato right or wrong?

Much empirical work has been done in this field, ever since the early and still outstanding studies of Hilde Himmelweit. There have been two presidential commissions in the United States, specially set up to look at the evidence in relation to obscenity and violence, respectively; these two commissions spent a good deal of money on the financing of large numbers of empirical studies, most of which have been published, and many of which are summarised in the commission reports. There has also been a good deal of independent work. Has all this effort produced commensurate results, results which would enable us to give a definitive answer to the question posed by Plato?

When Dr. D. Nias and I surveyed the whole literature for our book on "Sex, Violence and the Media", we came to the conclusion that there was an unanswerable case made out in favour of the proposition that television (as well as the other media of course) did indeed exert a strong influence on viewers, although such a conclusion had to be qualified in a number of ways—thus not all people are equally influenced, and indeed the effects may sometimes be beneficial for some, harmful for others.

When we had our manuscript ready for publication we heard of the approaching publication of William A. Belson's book now under review here*, and almost decided to wait with the publication of our own review until we could incorporate his material. From what we heard, Belson's study was undoubtedly the largest, best controlled, and most carefully analysed of all the existing ones, and if his conclusions were to contradict ours, then it would seem that those who so often said that the outcome of psychological and sociological studies in this field were mere confusion, contradictory and nonpredictable, had been justified. Fortunately Belson made public his main results in a talk to the British Association for the Advancement of Science a year ago, and it became obvious that his conclusions were pretty well identical with ours. The book itself makes it even clearer that there is no real difference at all between our two sets of conclusions. This is a most welcome, as well as a rare event in the psychological study of social issues, and it ought to be suitably commemorated.

Before turning to a detailed consideration of Belson's book, it may be worthwhile to discuss at least briefly the reason why it is so often suggested that the research evidence on the effect on TV violence is badly inconclusive. One reason is the strong influence of the television industry itself, which comes out in a number of different ways. Consider for instance the appointment of the Surgeon General's Advisory Committee on Television and Social Behavior in 1972. The Surgeon General sent letters to certain professional organisations, such as the American Psychological Association, describing the nature of the enquiry and requesting nominations for the committee. Forty people were selected as qualified to evaluate the research evidence, and their names were sent to three major TV networks with the invitation to identify any whom they consider "would not be appropriate for an impartial scientific investigation of this nature." The networks took the chance to veto seven individuals known to have previously interpreted research findings as indicating adverse effects. These men were subsequently dropped from the list; they included eminent researchers such as Bandura and Berkowitz, penalised it seems because of the outcome of their experiments. By thus excluding the most eminent researchers in the field, the television companies tried to silence criticism, and give the impression that their views were in some way contradicted by the facts. It should also be noted that five of the individuals included in this committee were employed by, or had close links with, the TV networks.

Another difficulty, which arose in connection with some of the presidential committees, was the fact that the people on these committees were almost universally unversed in the social sciences, and could not properly evaluate the research they themselves had encouraged and paid for. As a result the summaries which they wrote for the final report were so inaccurate that many of the people who had carried out the research protested against these inaccuracies, but of course the public, and the newspapers, would only have read the summaries including these inaccuracies, biased and selected bits, and would not have had the possibility of reading the original manuscripts. Although these were finally published, Dr. Nias and I had the greatest difficulties in obtaining copies of them, and it took us several years, and the combined efforts of many friends in the United States, finally to obtain pirated samizdats.

Last but not least, many of the people who have done research in this field have only the vaguest notion of how to conduct scientific investigations, and their results are virtually meaningless. Yet they are often quoted by people who wish to give the impression either that television violence has no results, or the scientific investigations disagree in their conclusions. We may add to this the sad fact that when we compared secondary sources summarising research with the actual primary sources describing the research done in detail, we found large numbers of errors—so many errors, in fact, that we may safely state that not a single secondary source could be relied upon to give an accurate report of what other people had published! Under such conditions it is easy to see that the man-in-the-street, and even social scientists not directly concerned with this field, may have developed a strong disbelief in anything said about the effects of television, coming to the usual conclusion of heaping curses on both the houses.

This of course is directly in line with what the television companies would like to see happen; conscious that by no stretch of the imagination could they ever make the results suggest that television had no effect, they consciously set out to destroy the credibility of the overwhelmingly strong evidence showing the opposite, by the means outlined above, and others even less acceptable. That this should be so is more readily understandable in the United States, where commercial considerations dictate such procedures: the refusal of the BBC and ITV to accept the conclusions outlined in our book, based as they are on overwhelmingly strong scientific evidence, is less readily intelligible. Perhaps it is all due to the simple fact that physical violence on the one hand, and tits and bums on the other, are the last refuge of the untalented; if they cannot attract attention by the quality of their productions, then they can at least attract it by shocking and titillating.

Belson's book contains five hundred and twenty-nine closely printed pages, with countless tables, appendices and research forms. It is not meant to be read, in the way an ordinary book is read, but rather to be studied carefully by experts who wish to have all the evidence available to them. The casual reader will get all he wants from just reading the first two or three chapters, and glancing at some of the more interesting tables. That the book should be in every public or academic library seems obvious; whether many people will buy it for their personal use, unless they happen to be specially interested in the topic, is perhaps more doubtful. Technically it deserves the highest praise for the design and execution of the research, the size of the sample and its selection, and the careful statistical treatment which it has received; the book is a vindication of the belief that important social problems can be studied by the methods of social science, and meaningful results can be obtained. To say this is not to deny that Belson is right when he deplores the fact that the best opportunity for carrying out such research was missed when television was being introduced; had a similar type of research been done then, we would have been much better able to control variables and detect causal influences. It should be the task of the Social Science Research Council, or other similar bodies to be set up by the government, to make sure that in future such opportunities are not wasted; all we can do now is to regret the sad fact that nothing was done at the time.

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*Television Violence and the Adolescent Boy.

What were the main results of the investigation? In the first place, the evidence was strongly supportive of the hypothesis that high exposure to television violence increases the degree to which the boys engage in serious violence. In the second place, different types of television violence appear to have different results; thus five types of television violence appear to be the most potent in releasing serious violence in boys, namely: plays or films in which violence occurs in the context of close personal relations; violent programmes in which the violence appears to have been just thrown in for its own sake or is not necessary to the plot; programmes presenting fictional violence of a realistic kind; programmes in which the violence is presented as being in a good cause; westerns of the violent kind.

In the third place, there was little or no support for the hypothesis that the following kind of programme increased serious violence in the boys; sporting programmes presenting violent behaviour by competitors or spectators (excluding programmes on boxing and wrestling); violent cartoons including Tom and Jerry; science fiction violence; slapstick comedy presenting violence or verbal abuse.

In the fourth place, the evidence gives a good degree of support to the hypothesis that high exposure to television violence increases the degree to which boys are aggressive in sport or play, and swear or use bad language. However, television violence did not increase the degree to which boys were irritating, annoying or argumentative.

What were the categories of violent behaviour most likely to be influenced by high exposure to television violence? These seem to be violent behaviours that are unskilled, spontaneous, unplanned; television-type acts of violence seem to offer scope for easy imitation. Activities and acts that appear to carry their own deterrents (ie picking a fight) were less likely to result from exposure to television violence.

It seemed that the association between involvement in serious violence and extent of exposure to television violence was rather irregular—with the level of serious violence tending to increase only after quite a lot of television violence had been seen. As Belson points out, "Such evidence raises questions concerning margins of safety and long-term effects."

Belson, on the basis of his findings, makes certain recommendations. The first and most important is that steps should be taken as soon as possible to achieve a substantial reduction in the total amount of violence being presented on television. "The cutback should be guided in the first instance by a policy which evaluates violent output first and foremost as potentially damaging and only secondly as desirable for the attainment of high audience figures." Belson goes on to say that: "in the long term, a set of empirically established guidelines is necessary for reaching decisions about the type of violence that should be most avoided." He calls for research to be conducted to challenge, to tighten up and to extend the guidelines suggested by the results reported in his book. He also recommends that a continuing monitoring system be set up to provide periodic analyses of the kind and the amount of violence being presented on television. He stresses, however, that:

It is essential that such analyses be made in terms of those features of television violence which research shows to be associated with the stimulation of violence in the viewer and, of course, in terms of those features of programmes that research shows to be associated with the containment or reduction of violence amongst viewers.

These conclusions and recommendations, reached on the basis of this far-reaching enquiry, are practically identical with those made by Nias and myself. I have no doubt that the onus now is on the television companies to reduce the categories of violence shown in television which have been found to be most responsible for having damaging effects on viewers, and also to finance research to continue the work so well done by Belson, and to monitor the effects of new programmes. I think it is essential that while the money should be contributed by the television companies, they should have no say in the appointment of the scientists who would carry out the research; the example of the American television networks who vetoed the appointment of eminent scientists whose views were contrary to theirs is still very strong in my mind. Nias and I recommended the setting-up of an *independent* authority, independent of both television companies and the government, and possibly under the aegis of the Royal Society, or the British Psychological Society, and responsible only to their scientific peers. It is necessary that such an organisation should offer a satisfactory research career structure to those working for it; much of the past research in this field has been so bad because few good and experienced researchers would accept the uncertainty of a research programme extending only for two or three years, and those who did accept such uncertainties were usually inexperienced, and needed at least that time in order to acquire the necessary knowledge to even begin a properly controlled experiment. I think it is important that we should get this right. It is not only that the issue is of great potenial importance for the kind and quality of society in which we live; it could set a standard for the use of social science in the investigation of the many disorders and troubles from which our society suffers. Belson's book is a landmark in the progress towards such a desirable goal; its importance as such cannot be over-emphasized.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

JOINT RESOLUTION SIGNED

At 12:26 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 71. A joint resolution to authorize and request the President to proclaim the week of May 6 through 12, 1979, as "National Historic Preservation Week."

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. MAGNUSON).

The message also announced that the House failed to agree to House Resolution 212, to approve the standby gasoline rationing plan (Department of Energy standby rationing plan numbered 1); and House Resolution 266, to approve the amendment to the standby gasoline rationing plan (contingency plan numbered 6).

The message further announced that the House has agreed to House Resolution 209, approving the contingency plan numbered 2 submitted to the Congress on March 1, 1979.

At 3:14 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 532. An act to continue the work of the President's Commission on Pension Policy to develop a national retirement income policy in the United States, and for other purposes.

MESSAGE FROM THE HOUSE RECEIVED DURING THE RECESS

Pursuant to order of May 10, 1979, the Secretary of the Senate, on May 11, 1979, received a message from the House of Representatives which reported that the House has passed the following joint resolution, without amendment:

S.J. Res. 71. A joint resolution to authorize the President to proclaim the week of May 6 through 12, 1979, as "National Historic Preservation Week."

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 14, 1979, he presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 71. A joint resolution to authorize and request the President to proclaim the week of May 6 through 12, 1979, as "National Historic Preservation Week."

COMMUNICATIONS

The PRESIDING OFFICER laid before the Senate the following communications, together with accompanying reports, documents, and papers, which were referred as indicated:

EC-1376. A communication from the Director of Economics, Policy Analysis and Budget, Department of Agriculture, transmitting, pursuant to law, a report on "Prohibiting Commodity Program Payments to Nonfarm Corporations and Partnerships," April 1979; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1377. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to repeal the statutes relating to the publishing of cotton price predictions in government reports and the issuance of cotton crop reports; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1378. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on 16 construction projects to be undertaken by the Air National Guard; to the Committee on Armed Services.

EC-1379. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on 5 construction projects to be undertaken by the Air Force Reserve; to the Committee on Armed Services.

EC-1380. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Congress Should Act to Establish Military Compensation Principles," May 9, 1979; to the Committee on Armed Services.

EC-1381. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report on loan, guarantee and insurance transactions supported by Eximbank during March 1979 to Communist countries (as defined in Section 620(f) of the Foreign Assistance Act of 1961, as amended); to the Committee on Banking, Housing, and Urban Affairs.

EC-1382. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to improve the quality of rail service in the United States through financial assistance which achieves railroad restructuring; to the Committee on Commerce, Science, and Transportation.

EC-1383. A communication from the Assistant Secretary of the Interior, reporting, pursuant to law, on the Colorado River Salinity Control Units Relative Cost Effectiveness; to the Committee on Energy and Natural Resources.

EC-1384. A communication from the Under Secretary of Energy, transmitting, pursuant to law, a report entitled "Achieving Energy Conservation in Existing Apartment Buildings," May 1979; to the Committee on Energy and Natural Resources.

EC-1385. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which proposes acquisition of space by lease in Philadelphia, Pennsylvania, for the Departments of Transportation and Treasury; to the Committee on Environment and Public Works.

EC-1386. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which proposed acquisition of space by lease in Philadelphia, Pennsylvania, for the Department of Housing and Urban Development and Environmental Protection Agency; to the Committee on Environment and Public Works.

EC-1387. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the U.S. Courthouse, 811 Grand Avenue, Kansas City, Missouri, in the amount of $4,925,000; to the Committee on Environment and Public Works.

EC-1388. A communication from the Assistant Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the Edward A. Garmatz Building, 100 South Hanover Street, Baltimore, Maryland, in the amount of $1,595,000; to the Committee on Environment and Public Works.

EC-1389. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the U.S. Post Office and Courthouse, Fourth and Ferry Streets, Lafayette, Indiana, in the amount of $1,300,000; to the Committee on Environment and Public Works.

EC-1390. A communication from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to strengthen and improve Medicaid services to low-income children and pregnant women, and for other purposes; to the Committee on Finance.

EC-1391. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within sixty days after the execution thereof; to the Committee on Foreign Relations.

EC-1392. A communication from the Under Secretary of International Affairs and Commodity Programs, Department of Agriculture, transmitting, pursuant to law, the annual report of the meetings of the Board of Directors of the Commodity Credit Corporation; to the Committee on Governmental Affairs.

EC-1393. A communication from the Acting Assistant Secretary (Administration), Department of the Treasury, transmitting, pursuant to law, a report relating to proposed revisions to the Depatment of the Treasury System of Records; to the Committee on Governmental Affairs.

EC-1394. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to provide for the transfer of the Foreign Claims Settlement Commission of the United States to the United States Department of Justice as a separate agency in that Department; to provide for the authority and responsibility of the Department of Justice to supply to the Foreign Claims Settlement Commission certain administrative support services without altering the adjudicatory independence of the Commission; to change the terms of office and method of appointment of the members of the Commission, and for other purposes; to the Committee on Governmental Affairs.

EC-1395. A communication from the Chairman, National Commission for Manpower Policy, transmitting, pursuant to law, a report entitled "The Business Sector Role in Employment Policy," November 1978; to the Committee on Labor and Human Resources.

EC-1396. A communication from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting, pursuant to law, final allocation formula and program guidelines for the State Post-secondary Education Commissions Program—Intrastate Planning; to the Committee on Labor and Human Resources.

EC-1397. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Labor Department is Strengthening Procedures to Recover Costs for Federal Employees' Injuries Caused by Third Parties," May 9, 1979; to the Committee on Labor and Human Resources.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions and memorials, which were referred as indicated:

POM-219. A joint memorial adopted by the Legislature of the State of Colorado; to the Committee on Finance:

"Senate Joint Memorial No. 4

"Whereas, there will be pending before the United States Congress a bill to provide the nation's consumers with a guarantee of sufficient quantities of domestically produced sugar and natural sweeteners at reasonable cost; and

"Whereas, the international sugar agreement which is supported by the president may soon be signed; and

"Whereas, it is hoped that a viable domestic sugar industry may be maintained so that the country will not become overly dependent on foreign imports and that less expensive foreign sugar will not be imported at the expense of the domestic sugar industry; and

"Whereas, inflated production costs and low sales prices have already caused the closure of processing plants in Colorado, Utah, and Washington, and more closures are possible; and

"Whereas, this memorial is not intended to advocate the enlargement or expansion of the present domestic sugar industry but is intended to call for congressional action which will stabilize the industry; now, therefore,

"*Be It Resolved by the Senate of the Fifty-second General Assembly of the State of Colorado, the House of Representatives concurring herein*:

"That the United States Congress is hereby urged to take prompt action in enacting legislation whereby duties, fees, and quotas may be used as a means of achieving a price objective that will allow the domestic sugar industry to maintain a viable position in the production of the majority of sugar used in this country at a reasonable price to consumers, and whereby a cost of production study will be authorized for use in adjusting future price objectives, and whereby the term of such legislation would depend on the provisions provided for cost and price adjustments for future years.

"*Be It Further Resolved*, That copies of this Memorial be sent to the President of the United States, the United States Secretary of Agriculture, the President of the Senate, and the Speaker of the House of Representatives of the Congress of the United States, and each member of the Congress of the United States from the State of Colorado."

POM-220. A resolution adopted by the Miami Beach City Commission, relating to the food stamp program; to the Committee on Agriculture, Nutrition, and Forestry.

POM-221. Resolutions adopted by the National Wildlife Federation, relating to current resource problems and conservation policy; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES SUBMITTED DURING THE RECESS

Pursuant to order of May 10, 1979, the following reports of committees were submitted on May 11, 1979:

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 951. A bill to amend the National Advisory Committee on Oceans and Atmosphere Act of 1977 to authorize appropriations to carry out the provisions of such act for fiscal years 1980 and 1981, and for other purposes (Rept. No. 96-131).

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1122. An original bill to amend section 10 of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize appropriations for such act for fiscal year 1980 (Rept. No. 96-132).

S. 1123. An original bill to amend section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations for title II of such act for fiscal year 1980 (Rept. No. 96-133).

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 709. A bill to authorize appropriations for the Coast Guard for fiscal years 1980 and 1981, and for other purposes (Rept No. 96-134).

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

S. 662. A bill providing for increased participation by the United States in the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund (Rept. No. 96-135).

By Mr. CHURCH, from the Committee on Foreign Relations, with an amendment:

S. 584. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes (Rept. No. 96-136).

S. Res. 159. An original resolution waiving section 402(a) of the Congressional Budget Act with respect to the consideration of S. 584. Referred to the Committee on the Budget.

By Mr. CHURCH, from the Committee on Foreign Relations, with an amendment and an amendment to the title:

S. 588. A bill to amend the Foreign Assistance Act of 1961 to authorize development assistance programs for fiscal years 1980 and 1981, to make certain changes in the authorities of that act, to authorize the establishment of an Institute for Technological Cooperation, and for other purposes (Rept. No. 96-137).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, with an amendment, an amendment to the title, and with a preamble:

S. Res. 92. A resolution expressing the sense of the Senate that the President should review the foreign assistance program of the United States with a view toward providing such assistance through multilateral organizations and private international organizations.

By Mr. CHURCH, from the Committee on Foreign Relations, with amendments:

S. 802. A bill to further amend the Peace Corps Act (Rept. No. 96-138).

By Mr. EAGLETON, from the Committee on Governmental Affairs, with an amendment:

S. 905. A bill to authorize additional appropriations for the Temporary Commission on Financial Oversight of the District of Columbia, and for other purposes (Rept. No. 96-139).

By Mr. EAGLETON, from the Committee on Governmental Affairs, without amendment:

S. Res. 160. An original resolution waiving the provisions of section 402(a) of the Congressional Budget Act of 1974 with respect to S. 905. Referred to the Committee on the Budget.

By Mr. PELL, from the Committee on Rules and Administration, without amendment:

S. 927. A bill to authorize the Smithsonian Institution to plan for the development of the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at 10th Street, Southwest, in the city of Washington (Rept. No. 96-140).

By Mr. BAYH, from the Select Committee on Intelligence:

Special Report of the Select Committee on Intelligence, covering the period May 16, 1977-December 31, 1978, 95th Congress (Rept. No. 96-141).

By Mr. KENNEDY, from the Committee on the Judiciary with amendments:

S. 241. A bill to restructure the Federal Law Enforcement Assistance Administration, to assist State and local governments in improving the quality of their justice systems, and for other purposes (Rept. No. 96-142).

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING THE RECESS

Pursuant to order of May 10 1979, on May 11, 1979, the following executive reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Environment and Public Works:

Brig. Gen. Norman G. Delbridge, Jr., U.S. Army, to be a member of the California Debris Commission.

Maj. Gen. Richard Lee Harris, U.S. Army, to be a member of the Mississippi River Commission.

Maj. Gen. Louis Watkins Prentiss, Jr., U.S. Army, to be a member of the Mississippi River Commission.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Human Resources:

Janet L. Norwood, of Maryland, to be Commissioner of Labor Statistics, U.S. Department of Labor.

The following named persons to be members of the National Council on the Humanities:

Kay Howe, of Colorado;
Charles V. Hamilton, of New York;
Louis J. Hector, of Florida;
M. Carl Holman, of the District of Columbia;
Jacob Neusner, of Rhode Island;
Mary Beth Norton, of New York;
Sister Joel Read, of Wisconsin;
Leon Stein, of New York;
Harriet Morse Zimmerman, of Georgia;
Dave Warren, of New Mexico; and
A. D. Frazier, Jr., of Georgia.

(The above nominations from the Committee on Labor and Human Resources were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CANNON (from the Committee on Commerce, Science, and Transportation):

S. 1122. A bill to amend section 10 of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize appropriations for such act for fiscal year 1980. Original bill reported and placed on the calendar.

S. 1123. A bill to amend section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations for title II of such act for fiscal year 1980. Original bill reported and placed on the calendar.

By Mr. JAVITS (for himself and Mr. KENNEDY):

S. 1124. A bill to promote the further development of public library services, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HUDDLESTON:

S. 1125. A bill to improve and expand the Federal crop insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BELLMON:

S. 1126. A bill to amend the Walsh-Healey Act and the Contract Work Hours Standards Act to permit certain employees to work a 10-hour day in the case of a 4-day workweek, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ARMSTRONG:

S. 1127. A bill to aid in the creation and expansion of American small business enterprise through enactment of tax reform and relief amendments to the Internal Revenue Code of 1954; to the Committee on Finance.

S. 1128. A bill to amend title 10, United States Code, to allow supplies under the control of departments and agencies within the Department of Defense to be transferred to the Federal Emergency Management Agency as if it were within the Department of Defense and to amend the Federal Civil Defense Act of 1950 to authorize the Federal Emergency Management Agency to loan to State and local governments property transferred to such agency from other Federal agencies as excess property; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. DANFORTH, Mr. MCGOVERN, and Mr. CHAFEE):

S. 1129. A bill to amend the Comprehensive Employment and Training Act to provide a youth employment incentive program; to the Committee on Labor and Human Resources.

By Mr. BAYH (for himself, Mr. THURMOND, Mr. MCGOVERN, Mr. JACKSON, and Mr. JAVITS):

S. 1130. A bill to amend title 10, United States Code, to provide for legal assistance to members of the Armed Forces and their dependents, and for other purposes; to the Committee on Armed Services.

By Mr. WILLIAMS:

S. 1131. A bill to amend title XII of the National Housing Act to establish national standards in order to reduce incendiarism and maintain community vitality, and to encourage States to adopt minimum standards for arson investigation and insurance underwriting; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCLURE (for himself, Mr. HATCH, and Mr. GARN):

S.J. Res. 78. Joint Resolution to authorize and request the President to designate the week of June 11 through June 17, 1979, as "National Jeep Search and Rescue Association Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS (for himself and Mr. KENNEDY):

S. 1124. A bill to promote the further development of public library services, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL LIBRARY ACT

Mr. JAVITS. Mr. President, Senator KENNEDY and I are today filing a study bill for a proposed National Library Act. This bill has been initiated at the behest of the Urban Libraries Council and the National Citizens Emergency Committee to Save Our Public Libraries, and has been supported for study purposes by these two important library groups and the Legislative Committee of the Chief Officers of State Library Agencies. It is a document which deserves the critical attention of those in the library community.

The purpose of introducing this legislation at this time is to provide a focal point for debating the key issues for proposed new library legislation in connection with the White House Conference on Library and Information Services to be held in November 1979. It is hoped that, after an opportunity for full discussion, the White House Conference delegates will make recommendations as to what should be included in a final form of the bill so that it can be revised accordingly and then advanced through committee for floor consideration and enactment.

A draft of this legislation has been submitted for review and comment in advance of filing to representatives of the American Library Association, the Association of Research Libraries, the Association of American Universities, the National Commission on Libraries and Information Science, and the White House Conference staff.

The principal provisions of the bill cover the following:

First. Establishment of a National Library Agency to aid, augment, and support local and State library services, but in conformance with appropriate existing Federal library policy not to exercise direct control over their operations or policies.

Second. Provision for direct financial assistance to public libraries for operating expenses on a matching Federal-State-local basis. The matching fund formula is one proposed in a study prepared for the National Commission on Library and Information Science. We recognize that some States, due to fiscal constraints, may not be able to meet the level of matching called for in the formula at the outset, and the bill, therefore, provides for alternative funding to meet specific State needs.

Third. Continuation of the program of Federal aid for public library construction, incorporating the present provisions of title III of the Library Services and Construction Act (LSCA), expanded to include the conversion of existing structures for library use as well as new construction.

Fourth. Establishment of a program of Federal grants to States for implementing library training, job information services, English language instruction, library services for the handicapped, extension of library services to publicly supported institutions, outreach programs, and other services for the economically and educationally disadvantaged, and technical and other special reference services.

Fifth. Reenactment of LSCA provisions authorizing Federal funding of interlibrary cooperation programs, expanded to include the development and maintenance of library and information networks within and between States.

Sixth. Special training programs for library personnel to develop skills related to community needs, information specialties, and learners' advisory services, as a supplement to more formal education support authorized under title II-B of the Higher Education Act.

There are a number of important questions which have been intentionally left open to stimulate further consideration. As a member of the advisory committee to the White House Conference, I will urge that representatives to the Conference address fully the implications of these questions for the future of Federal library policy:

Where should the proposed National Library Agency be placed within the Federal governmental structure? Among the possibilities are the Library of Congress, the Office of Education—or its successor agency or department—or establishment as an independent body such as a public corporation, commission, or council.

Who should set policy for the agency?

Should the act be expanded to include school, college, medical, research, or other libraries?

These and other issues will not be finally resolved until after there has been an opportunity to discuss them fully at the White House conference. Our objective in filing this bill is to help stimulate such discussion and give it focus. Every provision of the bill is subject to deletion, revision, refinement, or expansion after the members of the general public and the library community have had a full opportunity to be heard.

To aid in informed discussions the various provisions of the study bill, we are incorporating into the record selected materials which highlight the considerations that have gone into this draft. With the help of these materials, and constructive discussion and debate, it is our hope that this bill will provide the cornerstone for major legislation to strenthen our Nation's library and information resources for the benefit of all citizens.

I ask unanimous consent that the bill and statements of Federal legislative policy of the American Library Association and the National Commission on Libraries and Information Sciences, an article on the Library Services and Construction Act by Alex Ladenson of the Chicago Public Library, and a letter in support of this legislation from Whitney North Seymour, Jr., of the National Citizens Emergency Committee to Save Our Public Libraries, be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Library Act".

DECLARATION OF POLICY AND PURPOSE

SEC. 2. (a) It is the policy of the United States to establish, support and expand educational opportunities for individuals of all ages and conditions; to provide individuals in need with information relating to health, employment, education, recreation, assistance to the elderly, and other publicly supported service programs; to guarantee to all persons the opportunity of equal access to public information; and to implement the constitutional guarantees of free speech and free press through free public access to open repositories of information of all kinds. In order to achieve the policy set forth in this section, it is essential that a National Library Agency be established to carry out a program to insure that an adequate level of library services is made available in all communities, to all individuals, without regard to their educational attainment, individual ability or economic condition.

(b) It is the purpose of this Act to assist the States (1) in the provision, extension and improvement of public library services and with public library construction, (2) in the provision, extension and improvement of such other library services as services for physically handicapped, institutionalized, functionally illiterate, unemployed, limited English language skills, and economically and educationally disadvantaged individuals, (3) in strengthening State library administrative agencies and library personnel, and (4) in promoting interlibrary cooperation among all types of libraries.

(c) Nothing in this Act shall be construed to interfere with State and local initiative and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this Act, the determination of the best uses of the funds provided under this Act shall be reserved to the States and the local subdivisions of the States.

DEFINITIONS

SEC. 3. As used in this Act:

(1) "Agency" means the National Library Agency.

(2) "Annual program" means the projects which are developed and submitted to describe the specific activities to be carried out annually toward achieving fulfillment of the long-range program. The annual programs shall be submitted in such detail as required by regulations promulgated by the Director.

(3) "Basic State plan" means the document which provides assurances—

(A) that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this Act; and

(B) for establishing the policies, priorities, criteria, and procedures of the State necessary to the implementation of all programs under the provisions of this Act;

and is submitted for approval as required by regulations promulgated by the Director.

(4) "Construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). For the purposes of this paragraph, the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

(5) "Director" means the Director of the National Library Agency.

(6) "Library service" means the performance of all activities of a library relating to the collection and organization of library materials and to making the materials and information of a library available to a clientele.

(7) "Library services for the physically handicapped" means the provision of library services, through public and other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

(8) "Long-range program" means the comprehensive five-year program which identifies the library needs of the State and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available

under this Act. Each long-range program shall be developed by the State Library administrative agency and shall specify the policies, criteria, priorities, and procedures of the State consistent with this Act as required by the regulations promulgated by the Director. Each long-range program shall be updated as library progress requires.

(9) "Public Library" means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds. Such term also includes a research library, which, for the purposes of this sentence, means a library which—

(A) makes its services available to the public free of charge;

(B) has extensive collections of books, manuscripts, and other materials suitable for scholarly research which are not available to the public through public libraries;

(C) engages in the dissemination of humanistic knowledge through services to readers, fellowships, educational and cultural programs, publication of significant research, and other activities; and

(D) is not an integral part of an institution of higher education.

(10) "Public library services" means library services furnished by a public library free of charge.

(11) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands or the Northern Mariana Islands.

(12) "State Advisory Council on Libraries" means an advisory council for the purposes of clause (3) of section 203(a) of this Act which shall—

(A) be broadly representative of the public, school, academic, special, and institutional libraries, and libraries serving the handicapped, in the State and of persons using such libraries, including disadvantaged persons within the State;

(B) advise the State library administrative agency on the development of, and policy matters arising in the administration of, State plan; and

(C) assist the State library administrative agency in the evaluation of activities assisted under this Act.

(13) "State institutional library services" means the providing of books and other library materials, and of library services, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or (B) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired individuals who by reason thereof require special education) operated or substantially supported by the State.

(14) "State library administrative agency" means the official agency of a State charged by law of that State with the extension and development of public library services throughout the State, which has adequate authority under law of the State to administer State plans in accordance with the provisions of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a)(1) There is authorized to be appropriated for the purpose of making grants to States for library services under title II, such sums as may be necessary for each fiscal year beginning after September 30, 1979.

(2) There are authorized to be appropriated for the purpose of making grants to States for public library construction under title III, $150,000,000 for the fiscal year 1980, and for each of the succeeding fiscal years ending prior to October 1, 1984.

(3) There are authorized to be appropriated for the purpose of making grants to States for public library programs to meet special user needs under title IV such sums as may be necessary for the fiscal year 1980 and for each of the succeeding fiscal years ending prior to October 1, 1984.

(4) There are authorized to be appropriated for the purpose of making grants to States to carry out interlibrary cooperation programs under title V, $20,000,000 for the fiscal year 1980 and for each of the succeeding fiscal years ending prior to October 1, 1984.

(5) There are authorized to be appropriated for the purpose of making grants to States to carry out library personnel programs under title VI, such sums as may be necessary for the fiscal year 1980 and for each of the succeeding fiscal years ending prior to October 1, 1984.

(b) Notwithstanding any other provision of law, unless enacted in express limitation of the provisions of this subsection, any sums appropriated pursuant to subsection (a) shall (1), in the case of sums appropriated pursuant to paragraphs (1), (3), (4) and (5) thereof, be available for obligation and expenditure for the period of time specified in the Act making such appropriation, and (2), in the case of sums appropriated pursuant to paragraph (2) thereof, subject to regulations of the Director promulgated in carrying out the provisions of section 5(b), be available for obligation and expenditure for the year specified in the Appropriation Act and for the next succeeding year.

ALLOTMENTS TO STATES

SEC. 5 (a)(1) From the sums appropriated pursuant to paragraph (1), (2), (3), (4), or (5) of section 4(a) for any fiscal year the Director shall allot the minimum allotment as determined under paragraph (3) of this subsection to each State. Any sums remaining after minimum allotments have been made shall be allotted in the manner set forth in paragraph (2) of this subsection.

(2) From the remainder of any sums appropriated pursuant to paragraph (1), (2), (3), (4), or (5) of section 4(a) for any fiscal year, the Director shall allot to each State such part of such remainder as the population of the State bears to the population of all the States.

(3) For the purposes of this subsection, the "minimum allotment" shall be—

(A) with respect to appropriations for the purposes of title II, $200,000 for each State, except that it shall be $40,000 in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands;

(B) with respect to appropriations for the purposes of title III, $100,000 for each State, except that it shall be $20,000 in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands;

(C) with respect to appropriations for the purposes of title IV, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands;

(D) with respect to appropriations for the purposes of title V, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands; and

(E) with respect to appropriations for the purposes of title VI, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

If the sums appropriated pursuant to paragraph (1), (2), (3), (4), or (5) of section 4(a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be reduced ratably.

(4) The population of each State and of all the States shall be determined by the Director on the basis of the most recent satisfactory data available to him.

(5) There is authorized for the purpose of evaluation (directly or by grants or contracts) of programs authorized by this Act, such sums as Congress deems necessary for any fiscal year.

(b) The amount of any State's allotment under subsection (a) for any fiscal year from any appropriation made pursuant to paragraph (1), (2), (3), (4), or (5) of section 4(a) which the Director determines will not be required for the period and the purpose for which such allotment is available for carrying out the State's annual program shall be available for reallotment from time to time on such dates during such year as the Director shall fix. Such amount shall be available for reallotment to other States in proportion to the original allotments for such year to such States under subsection (a) but with such proportionate amount for any such other States being reduced to the extent that it exceeds the amount which the Director estimates the State needs and will be able to use for such period of time for which the original allotments were made. The total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this subsection for any fiscal year shall be deemed to be a part of its allotment for such year pursuant to subsection (a).

PAYMENTS TO STATES

SEC. 6. (a) From the allotments available therefor under section 5 from appropriations pursuant to paragraph (1), (2), (3), (4), or (5) of section 4(a), the Director shall pay, to each State which has a basic State plan approved under section 203(a)(1), an annual program and a long-range program, an amount equal to the Federal share of the total sums expended by the State and its political subdivisions in carrying out such plan, except that no payments shall be made from appropriations pursuant to such paragraph (1) for the purposes of title II to any State (other than the Trust Territory of the Pacific Islands and the Northern Mariana Islands) for any fiscal year unless the Director determines that—

(1) there will be available for expenditure under the programs from State and local sources during the fiscal year for which the allotment is made—

(A) sums sufficient to enable the State to receive for the purpose of carrying out the programs payments in an amount not less than the minimum allotment for that State for the purpose, and

(B) not less than the total amount actually expended, in the areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year; and

(2) there will be available for expenditure for the purposes of the programs from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such purposes from such sources in the second preceding fiscal year.

(b)(1)(A) For the purpose of this section, the Federal share for title II of this Act shall be, for the fiscal year 1980, 30 per centum of the amount proposed to be expended for public library services under the annual State program under section 204, except that such amount may not exceed the per capita expenditure for public library services recommended as the national minimum standard of per capita expenditures for library services for the fiscal year for which the program is submitted multiplied by the population of that State, as determined by the Director.

(B) The Federal share for each fiscal year after fiscal year 1980 shall be reduced by 2 per centum for each such year until the Federal share is 20 per centum.

(C) The Federal share for each State shall be promulgated by the Director within 60 days after the beginning of the fiscal year 1980, and of each fiscal year thereafter. The promulgation of the Federal share shall be conclusive.

(2)(A) For the purpose of this section, the Federal share for title III of this Act shall be 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands and the Northern Mariana Islands), except that (i) the Federal share shall in no case be more than 66 per centum, or less than 33 per centum, and (ii) the Federal share for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66 per centum, and (iii) the Federal share for the Trust Territory of the Pacific Islands and the Northern Mariana Islands shall be 100 per centum.

(B) The Federal share for title III for each State shall be promulgated by the Director within 60 days after the beginning of the fiscal year ending September 30, 1980, and of every second fiscal year thereafter, on the basis of the average per capita incomes of each of the States and of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands and the Northern Mariana Islands), for the three most recent consecutive years for which satisfactory data are available to him from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years beginning after the promulgation.

(3) For the purpose of this section the Federal share for title IV shall be 100 per centum of the cost of carrying out the State plan.

(4) For the purpose of carrying out title V the Federal share shall be 100 per centum of the cost of carrying out the State plan.

(5) For the purpose of this section, the Federal share for title VI shall be 100 per centum of the cost of carrying out the State plan.

TITLE I—NATIONAL LIBRARY AGENCY

ESTABLISHMENT OF THE NATIONAL LIBRARY AGENCY

SEC. 101. (a) There is established a National Library Agency as an independent agency in the executive branch of the Federal Government.

(b) The Agency shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be responsible for carrying out the functions of the Agency and shall have authority and control over all personnel and activities of the Agency under the general direction and supervision of the Board of Governors.

(c) There shall be in the Agency a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director may prescribe and be Acting Director during the absence or disability of the Director or in the event of a vacancy in the Office of Director.

(d)(1) There shall be in the Agency a National Board of Governors. The Board shall be composed of—

(A) fifteen members who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who by reason of experience or training are especially qualified to serve on the Board;

(B) the Librarian of Congress;

(C) the Public Printer;

(D) the Commissioner of Education; and

(E) the Administrator of General Services.

In making appointments under clause (A) of this paragraph, the President is requested to give consideration to the appointment of individuals who, collectively, will provide appropriate regional interest, organization, and political balance on the Board.

(2) The term of office of each appointed member of the Board shall be five years; except that (A) the members first taking office shall serve as designated by the President, five for terms of three years, five for terms of four years, and five for terms of five years, and (B) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. No member may serve for a period in excess of ten years.

(3)(A) Members of the Board who are not regular full-time employees of the United States shall, while serving on the business of the Agency, be entitled to receive compensation at rates fixed by the President, but not to exceed the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, including traveltime, for each day they are engaged in the performance of their duties as members of the Board and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties under this Act.

(B) Members of the Board who are employed by the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties under this Act.

(4) In order to carry out the purposes of this Act, the National Board of Governors shall—

(A) maintain continuous consultation with State and local public library agencies and private organizations concerned with libraries; and

(B) develop and make policy with respect to carrying out this Act.

FUNCTIONS OF THE AGENCY

SEC. 102. In order to carry out the purposes of this Act, the Agency shall—

(1) carry out financial assistance programs authorized by titles II, III, IV, V and VI of this Act;

(2) plan and coordinate a national library and information network to permit libraries to share resources;

(3) plan and coordinate interlibrary cooperation, including national and regional library and information resource centers, aid to State library agencies, creation of interinstitutional catalogues, transmission of bibliographic information, and joint operation of communications facilities;

(4) plan and coordinate the transmission of information to public libraries for the benefit of individual users concerning Federal and State programs relating to individual assistance, health, and social security benefits, unemployment services and similar government assistance;

(5) plan and coordinate a network of Federal libraries and agency information services to provide full access to government bibliographies and other resources, information and data, including access to the resources of the National Agricultural Library and the National Library of Medicine;

(6) conduct research programs, especially research on innovative library techniques and services;

(7) establish cooperative library exchange programs with foreign libraries, including the translation and distribution of library materials and where appropriate to establish and maintain American information libraries abroad;

(8) assist in the development of the library resources of the United States, including the acquisition of foreign materials, improved cataloguing procedures, preservation of library materials and encouragement of technological advances;

(9) plan and implement a national plan for the distribution of government publications to ensure convenient access to all government publications by all citizens, with adequate assistance to maintain collections and facsimile transmission and other technical facilities, where appropriate;

(10) plan and coordinate the collection and dissemination of statistical data relating to library services; and

(11) sponsor cultural services for use by libraries with limited resources.

ADMINISTRATIVE PROVISIONS

SEC. 103. (a) In order to carry out the functions of the Agency under this Act, the Director is authorized to—

(1) prescribe such regulations as he deems reasonably necessary;

(2) appoint and fix the compensation of such personnel as may be necessary;

(3) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it will be used for the purposes of the Agency, and to use, sell, or otherwise dispose of such property for the purpose of carrying out the functions of the Agency under this Act;

(4) receive, and use, sell, or otherwise dispose of, in accordance with paragraph (3) money and other property donated, bequeathed, or devised to the Agency with a condition or restriction including a condition that the Agency use other funds of the Agency for the purpose of the gift;

(5) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise the Agency with respect to its functions under this Act;

(6) secure from any Federal agency, including any independent establishment or instrumentality of the United States, or from any State or political subdivision thereof, information, estimates and statistics required in the performance of his functions under this Act;

(7) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(8) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem as authorized by section 5703 of title 5, United States Code;

(9) enter into contracts, grants, or other arrangements, or modifications thereof to carry out the provisions of this Act;

(10) provide for the making of such reports (including fund accounting reports) and the filing of such applications in such form and containing such information as the Director may reasonably require;

(11) make advances, progress, and other payments which the Director deems necessary to carry out the provisions of this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(12) make other necessary expenditures.

(b) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount not to exceed the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, as determined by the Director for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

(c) Upon written request made by the Director each Federal agency, independent establishment or instrumentality is authorized and directed to furnish such information, estimates, and statistics available, to the greatest practicable extent, to the Agency in the performance of its functions.

COMPENSATION

SEC. 104. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(125) Director, National Library Agency.".

(b) Section 5316 of such title is amended by adding at the end thereof the following new paragraph:

"(152) Deputy Director, National Library Agency.".

TITLE II—LIBRARY SERVICES

GRANTS TO STATES FOR LIBRARY SERVICES

SEC. 201. The Director shall carry out a program of making grants from sums appropriated pursuant to section 4(a) (1) to States which have had approved basic State plans under section 203 and have submitted annual programs under section 204 for the provision, extension, and improvement of public library services.

USES OF FEDERAL FUNDS

SEC. 202. (a) Funds appropriated pursuant to paragraph (1) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of carrying out State plans submitted and approved under sections 203 and 204.

(b) Subject to such limitations and criteria as the Director shall establish by regulation, grants to States under this title may be used (1) to pay the cost of administering the State plans submitted and approved under this Act (including obtaining the services of consultants), of statewide planning for and evaluation of library services, of furnishing statewide library services, of such demonstration projects as may be necessary, of dissemination of information concerning library services, and of the activities of such advisory groups and panels as may be necessary to assist the States library administrative agency in carrying out its functions under this title, and (2) for strengthening the capacity of State library administrative agencies for meeting the needs of the people of the States.

STATE PLANS AND PROGRAMS

SEC. 203. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall—

(1) have in effect for such fiscal year a basic State plan which meets the requirements set forth in subsection (b),

(2) submit an annual program for the purposes for which allotments are desired, meeting the appropriate requirements set forth in this title, and titles III, IV, V and VI,

(3) submit (not later than July 1, 1982), a long-range program for carrying out the purposes of this Act as specified in subsection (d), and

(4) establish a State Advisory Council on Libraries which meets the requirements of section 3(11).

(b) A basic State plan under this Act shall—

(1) provide for the administration, or supervision of the administration, of the programs authorized by this Act by the State library administrative agency;

(2) provide that any funds paid to the State in accordance with a long-range program and an annual program shall be expended solely for the purposes for which funds have been authorized and appropriated and that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of, and account for, Federal funds paid to the State (including any such funds paid by the State to any other agency) under this Act;

(3) provide satisfactory assurance that the State agency administering the plan (A) will make such reports, in such form and containing such information, as the Director may reasonably require to carry out his functions under this Act and to determine the extent to which funds provided under this Act have been effective in carrying out its purposes, including reports of evaluations made under the State plans, and (B) will keep such records and afford such access thereto as the Director may find necessary to assure the correctness and verification of such reports; and

(4) set forth the criteria to be used in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low-income families and to programs and projects which serve areas with high concentrations of persons of limited English-speaking proficiency (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965).

(c) (1) The Director shall not approve any basic State plan pursuant to this Act for any fiscal year unless—

(A) the plan fulfills the conditions specified in section 3(11) and subsection (b) of this section and the appropriate titles of this Act;

(B) the Director has made specific findings as to the compliance of such plan with requirements of this Act and he is satisfied that adequate procedures are contained in the plan to insure that any assurances and provisions of such plan will be carried out.

(2) The State plan shall be made public as finally approved.

(3) The Director shall not finally disapprove any basic State plan submitted pursuant to subsection (a) (1), or any modification thereof, without first affording the State reasonable notice and opportunity for hearing.

(d) The long-range program of any State for carrying out the purposes of this Act shall—

(1) set forth a program under which the funds received by the State under the programs authorized by this Act will be used to carry out a long-range program of library services and construction covering a period of not less than three nor more than five years;

(2) be annually reviewed and revised in accordance with changing needs for assistance under this Act and the results of the evaluation and surveys of the State library administrative agency;

(3) set forth policies and procedures (A) for the periodic evaluation of the effectiveness of programs and projects supported under this Act, and (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects; and

(4) set forth effective policies and procedures for the coordination of programs and projects supported under this Act with library programs and projects operated by institutions of higher education or local elementary or secondary schools and with other public or private library services programs.

Such program shall be developed with the advice of the State Advisory Council and in consultation with the Director and shall be made public as it is finally adopted.

(e) Whenever the Director, after reasonable notice and opportunity for hearing to the State agency administering a program submitted under this Act, finds—

(1) that the program has been so changed that it no longer complies with the provisions of this Act, or

(2) that in the administration of the program there is a failure to comply substantially with any such provisions or with any assurance or other provision contained in the basic State plan,

then, until he is satisfied that there is no longer any such failure to comply, after appropriate notice to such State agency, he shall make no further payments to the State under this Act or shall limit payments to programs or projects under, or parts of, the programs not affected by the failure, or shall require that payments by such State agency under this Act shall be limited to local or other public library agencies not affected by the failure.

(f) (1) If any State is dissatisfied with the Director's final action with respect to the approval of a plan submitted under this Act or with his final action under subsection (e) such State may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director. The Director thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Director, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Director to take further evidence. The Director may thereupon take new or modified findings of fact and may modify his previous action, and shall certify to the court the record of further proceedings.

(3) The court shall have jurisdiction to affirm the action of the Director or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

STATE ANNUAL PROGRAM FOR LIBRARY SERVICES

SEC. 204. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 203, submit for that fiscal year an annual program for library services. Such program shall be submitted at such time, in such form, and contain such information as the Director may require by regulation, and shall—

(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (1) of section 4(a) for that year will be used, consistent with its long-range program to provide, extend, and improve public library services on a fair and equitable basis to all citizens including children, students, adult learners, and older readers throughout the State;

(2) set forth a program of statewide library support services for public libraries throughout the State to be performed by or furnished by the State library administrative agency and to the extent practicable such services shall be performed or furnished on a per capita basis;

(3) set forth a schedule for expenditures for library services within the State designed to meet the national standard of per capita

expenditures for library services set forth under section 6(b)(1);

(4)(A) set forth the criteria used in allocating funds paid to the State from appropriations pursuant to such paragraph (1), which criteria shall insure that (i) the funds will be distributed among public libraries in the State to the extent practicable, on a per capita basis, and (ii) the State will expend from State and local sources an amount not less than the amount expended by the State from such sources for library services during the second preceding fiscal year;

(B) provide assurances that the State share of expenditures for library services for fiscal year 1980 will be not less than 20 per centum of the total expenditures for library services within the State and that within a 5-year period after such fiscal year the State share of such expenditures will be at least 50 per centum of such expenditures; and

(C) set forth procedures designed to assure that the local share of expenditures for library services within the State will be reduced over the 5-year period ending in the fiscal year 1990 to 30 per centum of the total expenditures for library services within the State;

(5) provide assurances that any public library receiving funds from appropriations made pursuant to such paragraph (1) will share its resources on an exchange basis with other public libraries in the State and set forth procedures for the establishment of a statewide library network based upon the sharing of such resources;

(6) provide assurances that the State will use not more than 5 percent of the funds received by the State under this Act for strengthening the capacity of the State library administrative agency;

(7) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program; and

(8) include an extension of the long-range program, taking into consideration the results of evaluations.

TITLE III—PUBLIC LIBRARY CONSTRUCTION

GRANTS TO STATES FOR PUBLIC LIBRARY CONSTRUCTION

Sec. 301. The Director shall carry out a program of making grants to States which have had approved a basic State plan under section 203 and have submitted a long-range program and submit annually appropriately updated programs under section 303 for the construction of public libraries.

USES OF FEDERAL FUNDS

Sec. 302. Funds appropriated pursuant to paragraph (2) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of construction projects carried out under State plans. Such grants shall be used solely for the construction of public libraries, for the remodeling of public libraries necessary to meet standards adopted pursuant to the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968, for the acquisition and conversion of existing structures for use as libraries, and for remodeling designed to conserve energy in the operation of public libraries under approved State plans.

STATE ANNUAL PROGRAM FOR THE CONSTRUCTION OF PUBLIC LIBRARIES

Sec. 303. Any State desiring to receive a grant from its allotment for the purpose of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 203, submit such projects as the State may approve and are consistent with its long-range program. Such projects shall be submitted at such time and contain such information as the Director may require by regulation and shall—

(1) for the year submitted under which funds are paid to the State from appropriations pursuant to paragraph (2) of section 4(a) for that year, be used, consistent with the State's long-range program, for the construction of public libraries in areas of the State which are without the library facilities necessary to provide adequate library services;

(2) follow the criteria, policies, and procedures for the approval of applications for the construction of public library facilities under the long-range program;

(3) follow policies and procedures which will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency; and

(4) include an extension of the long-range program taking into consideration the results of evaluations.

TITLE IV—PUBLIC LIBRARY PROGRAMS TO MEET SPECIAL USER NEEDS

GRANTS TO STATES FOR PUBLIC LIBRARY PROGRAMS TO MEET SPECIAL USER NEEDS

Sec. 401. The Director shall carry out a program of making grants to States which have an approved basic State plan under section 203 of this title and have submitted a long-range program and an annual program under section 204 of this title for public library programs to meet special user needs.

USES OF FEDERAL FUNDS; FEDERAL SHARE

Sec. 402. (a) Funds appropriated pursuant to paragraph (3) of section 4(a) of this title shall be available for grants to States from allotments under section 5(a) of this Act for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 403 of this title. Such grants shall be used for—

(1) adult literacy training programs;

(2) job information services and career counseling in high unemployment areas;

(3) English language instruction;

(4) library services for the handicapped;

(5) extension library services for mental and general hospitals, correctional facilities, and other publicly supported institutions, including State institutional library services;

(6) outreach programs and other services to serve the economically and educationally disadvantaged; and

(7) special technical or other reference services to serve business, employee, scientific, or other special groups.

STATE ANNUAL PROGRAM FOR PUBLIC LIBRARY PROGRAMS TO MEET SPECIAL USER NEEDS

Sec. 403. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 203 of this title, submit for that fiscal year an annual program for public library programs to meet special user needs. Such program shall be submitted at such time, in such form, and contain such information as the Director may require by regulation and shall—

(1)set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (3) of section 4(a) of this Act will be used, consistent with its long-range program for the purposes set forth in section 402 of this title, and

(2) include an extension of the long-range program taking into consideration the results of evaluations.

COORDINATION WITH OTHER FEDERAL PROGRAMS

Sec. 404. In carrying out the program of grants authorized by this title, the Director shall consult with the heads of other appropriate Federal agencies for the purpose of coordinating, wherever practicable, the programs assisted under this title with the activities of such agencies.

TITLE V—INTERLIBRARY COOPERATION

GRANTS TO STATES FOR INTERLIBRARY COOPERATION PROGRAMS

Sec. 501. The Director shall carry out a program of making grants to States which have an approved basic State plan under section 203 and have submitted a long-range program and an annual program under section 503 for interlibrary cooperation programs.

USES OF FEDERAL FUNDS

Sec. 502. Funds appropriated pursuant to paragraph (4) of section 4 (a) shall be available for grants to States from allotments under paragraphs (1) and (3) of section 5(a) for the purposes of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 503. Such grants shall be used—

(1) for planning for, and taking other steps leading to the development and maintenance of, cooperative library networks on an intrastate, statewide, regional, and national basis;

(2) for establishing, expanding, and operating local, regional, and interstate cooperative networks of libraries, which provide for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center including bibliographic access, communications and delivery systems; and

(3) for financial assistance for collection maintenance on development in major resource libraries identified in the State plan, including major urban resource libraries, major academic libraries, and where appropriate, privately funded library collections which are heavily used as library resources by public libraries in the State.

STATE ANNUAL PROGRAM FOR INTERLIBRARY COOPERATION

Sec. 503. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 203, submit for that fiscal year an annual program for interlibrary cooperation. Such program shall be submitted at such time, in such form, and contain such information as the Director may require by regulation and shall—

(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 502, and

(2) include an extension of the long-range program taking into consideration the results of evaluations.

TITLE VI—LIBRARY PERSONNEL DEVELOPMENT

GRANTS TO STATES FOR LIBRARY PERSONNEL DEVELOPMENT

Sec. 601. The Director shall carry out a program of making grants to States which have approved basic State plan under section 203 and have submitted a long-range program and an annual program under section 603 for library personnel development.

USES OF FEDERAL FUNDS

Sec. 602. (a) Funds appropriated pursuant to paragraph (5) of section 4(a) should be available for grants to States from allotments under section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 603. Such grants shall be used for scholarships and fellowships within the State for library personnel, and for training and in-service training for information specialists, community liaison library personnel, community advisors for learners, and other library personnel necessary to meet special library user needs.

(b) Funds provided under this title may be transferred for use by institutions of higher education to carry out programs described in subsection (a) of this section.

STATE ANNUAL PROGRAM FOR LIBRARY PERSONNEL DEVELOPMENT

SEC. 603. Any State desiring to receive a grant from its allotment to the purpose of this title for any fiscal year shall, in addition to having submitted and having had approved a basic State plan under section 203, submit for that fiscal year an annual program for library personnel development. Such program should be submitted at such time, in such form, and contain such information as the Director may require by regulation and shall—

(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (5) of section 4(a) would be used, consistent with its long-range program for the purposes set forth in section 602, and

(2) include an extension of the long-range program taking into consideration the results of evaluations.

TITLE VII—MISCELLANEOUS PROVISIONS

REPEALER

SEC. 701. Effective October 1, 1979, the Library Services and Construction Act is repealed.

TRANSFER OF PERSONNEL AND PROPERTY

SEC. 702. (a) All personnel, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held or used primarily in connection with any function described under the provisions of this Act, are transferred to the Director.

(b)(1) Except as provided in paragraph (2) of this subsection, personnel engaged in functions described under this Act shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions.

(2) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

TRANSFER MATTERS

SEC. 703. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges made, issued, or granted by a part of any office or agency abolished by this Act or in connection with any function described by this Act, and in effect at the date of enactment of this Act, shall continue in effect to the same extent as if this Act had not occurred, until modified, superseded or repealed.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency, or part thereof, functions of which are described by this Act, but such proceedings, to the extent that they relate to such functions shall be continued before the Agency.

(c) No suit, action, or other proceeding commenced by or against any office or agency or any officer of the United States acting in his official capacity shall abate by reason of any provision of this Act, but the court on motion or supplemental petition filed at any time within 12 months after the effective date of this Act, showing a necessity for the survival of such suit, action, or other proceeding to obtain a settlement of the question involved, may allow the same to be maintained by or against the appropriate office or agency or officer of the United States.

(d) With respect to any function described in this Act and exercised after the effective date of this Act, reference in any other Federal law to any office, or part thereof, transferred by this section shall be deemed to mean the Agency or officer in which such function is vested pursuant to this Act.

(e) In the exercise of the functions described in this Act, the Director shall have the same authority as that vested in the Office of Education, or part thereof, exercising such functions immediately preceding the date of enactment of this Act, and his actions in exercising such function shall have the same force and effect as when exercised by such Office, or part thereof.

(f) As used in this section, the term "function" includes "power and duty".

EFFECTIVE DATE

SEC. 704. The provisions of this Act shall take effect October 1, 1979.

WHITNEY NORTH SEYMOUR, JR.,
One Battery Park Plaza,
New York, N.Y., April 19, 1979.

Hon. JACOB K. JAVITS,
U.S. Senate,
Russell Senate Office Bldg.,
Washington, D.C.

DEAR SENATOR JAVITS: I am writing on behalf of the Urban Libraries Council, the National Citizens Emergency Committee to Save Our Public Libraries, and the Legislative Committee of the Chief Officers of State Library Agencies, with full authorization from each of those groups, to say that we warmly support the introduction of the bill for a National Library Act for study purposes.

We commend you and Senator Kennedy for your leadership and initiative in providing a framework for public discussion of the important issues relating to the future Federal role in support for the nation's libraries.

Sincerely yours,
WHITNEY NORTH SEYMOUR, JR.

FEDERAL LEGISLATIVE POLICY OF THE AMERICAN LIBRARY ASSOCIATION

[Adopted by the American Library Association Council, January 1979]

AMERICAN LIBRARY ASSOCIATION: GOAL AND PRIORITIES

The American Library Association is an organization for librarians and libraries with the over-arching objective of promoting and improving library service and librarianship.

The Association's highest current priorities are recognized and officially established to be social responsibilities; personnel resources; intellectual freedom: legislation: planning; research and development; democratization and reorganization of the Association.

Substantially increased amounts of the Association's budget shall be directed toward implementation of these priorities.

FEDERAL LEGISLATIVE POLICY

The Executive Branch and the Congress of the United States through declaration of legislative policy and by financial support have recognized libraries and their information resources as a vital resource serving the needs and well-being of individuals and the nation. Federal legislation has responded to the need of Americans of all ages, interests, and societal conditions for access to a wide range of knowledge through a variety of communications media.

The Association's policy on federal legislation is based on its goal of promoting libraries and librarianship to improve library and information service. Representing those who use libraries as well as those who operate them, the Association is a source of information on libraries and information services for those concerned with formulating and implementing federal legislation. Particular areas of legislative concern and action are described in this publication.

Libraries are a national resource and the Association's members are concerned with providing the public with maximum access to this resource. This concern is shared nationally and it is the intent of the White House Conference on Library and Information Services—through citizen participation in state, territorial, and national assemblies—to provide the impetus and planning that will expand and improve the public's access to libraries.

DIRECT SUPPORT OF LIBRARY SERVICES

National Commission on Libraries and Information Science

The Association endorses in principle and concept the National Commission on Libraries and Information Science's National Program Document, "Toward a National Program for Library and Information Services: Goals for Action," as its implementation furthers the Association's goal and priorities. The Association urges that the Commission be funded at a level sufficient to initiate and pursue its National Program derived from regional hearings and extensive research and designed to interconnect and improve library and information services nationwide while maintaining a primary concern for the user of those services.

National Library Networks

The concept of local libraries meeting the total information needs of local users is obsolete. Varying population levels, the uneven distribution of library resources, increased educational needs for all citizens of all ages, and the expanding volume of information complicate and delay delivery of information to citizens in need of library service.

A national network through which all libraries and infomation centers are joined with state and multistate networks representing the public and private sector is needed to share resources effectively. Federal funding is needed to further the development of a national library network and to assume designated responsibility for the network's interstate activities including computer-supported telecommunications. Federal assistance is required to develop technical and bibliographic standards through the Library of Congress, the National Bureau of Standards, and other agencies to ensure efficient system design and to accelerate implementation of a national library network.

The effectiveness of a national library network depends upon the participation and expedient functioning of member libraries and information centers, particularly the nationally recognized research libraries. Of equal priority is expanded federal assistance to ensure that the basic minimums of library and information service are met at the local level so that school, college, university, public, and other libraries can serve as effective points of entry to the network for the benefit of their local users.

Telecommunications

The American Library Association supports legislation that will broaden the availability of communications technology at preferential rates for the purpose of educational and library information dissemination. It especially urges that libraries and library networks be recognized as prime potential users of satellite, microwave, cable communication, and other means of information transmission which allow the linking of libraries and users. Coordinated, inexpensive availability of such linkages will help libraries to share resources and to deliver service to all the people—wherever they may live and work and whatever their information needs may be.

Federal Aid to Education and Libraries

Comprehensive federal aid to public education is needed to support the states and their subdivisions in establishing and maintaining adequate educational services and facilities and in equalizing educational opportunities. The success of federal programs of categorical aid to education clearly demonstrates the contribution the federal government can make to promoting broadened educational opportunities for all. Libraries across the nation—public, school, and college—can continue to benefit from federal grants specifically directed to their needs and at the same time participate in federal revenue sharing programs.

Career Education, Vocation, and Retraining Needs

The normal need for technically trained workers in fields including business, industry, science, and government has been accelerated by growing numbers of persons seeking new vocations and retraining as their jobs and career fields are eliminated by economic fluctuations. This combination has led to expanded state technical and professional educational needs at school, junior college, four-year college, and graduate school levels. Increased demands for library resources—books, periodicals, audiovisual, and related curriculum support materials—for existing and developing programs has led the Association to endorse federal legislation for career and retraining education that includes support for libraries.

College and Research Libraries

As a vital part of higher education, college library resources and services must be strengthened and expanded to meet changed curriculum demands including more minority students, increased enrollments of older adult students, and new and changing programs of instruction and research. These demands have produced new needs for libraries to provide not only current and retrospective materials, but to develop materials collections for a wider variety of students with differing needs, including remedial and special teaching aids for more students with lower academic records and for those returning after a long absence who need to review basic skills. Increased support of university, college, and junior college libraries must be a part of increased funding of higher education. Any federal legislation which stimulates new or expanded education programs should provide sufficient additional funds to meet the library material and staffing needs required for the success of these programs.

Substantial financial aid is needed by libraries in the nation's developing institutions if they are to overcome the many years in which they received little or no financial aid to support their educational programs. At the same time, major research libraries of the country need substantial financial aid if they are to continue to acquire the vast product of worldwide scholarship and make it available beyond their own academic communities.

Funds for library materials, staff, federal scholarships and loans, special grants, research grants and contracts, assistance in building programs, and tax exemptions for educational institutions benefit the nation by improving the quality of higher education. The Higher Education Act has contributed immeasurably to the improvement of higher education by providing funds for library resources and facilities.

Public libraries

Public libraries are essential components of our total educational structure and are of social, educational, cultural, and economic benefit to citizens of all ages and occupations in every community. Their services and resources must be strengthened and updated constantly to meet the growing needs of a diverse population for information, understanding, and assistance in functioning more effectively in the contemporary world.

Increased federal assistance is needed to strengthen basic library resources, both materials and staff; to enable libraries to extend and improve services to groups whose access to libraries has been limited or nonexistent—low income families, bilingual families, the elderly, persons isolated by reason of distance; and to develop and strengthen libraries through interlibrary cooperatives and networks linking all kinds of libraries enabling them to coordinate and share their resources.

As part of intergovernmental funding, federal funding is critically needed to bolster the central city library systems of major metropolitan areas that typically serve as the center of cooperative library networks. In addition to serving residents of outlying areas, these urban libraries also serve directly many people who neither live nor pay taxes in the central city. Shared federal funding is also needed to assist the many libraries in rural areas whose services have been curtailed by inflation that outstrips their low per capita support and limited population bases.

The Association also supports the participation of the public library in federal legislation designed to create or strengthen community services and programs of a social and educational nature, including expansion of the library's role as a community information center designed to serve the special information requirements of citizens that help them cope with their needs and problems.

State library agencies

State library agencies are central to the development of effective library services in a state. They are responsible for statewide library planning that provides for state support, for the effective administration and use of federal funds, and for coordinated library development. They strengthen the resources and services of other libraries in the state, provide for service to state government, institutions, and special groups, and exert leadership in the development of specialized networks and system programs.

The Association supports federal legislation to provide funded programs that address service priorities, material resources and staff for state library agencies to enable them to discharge these responsibilities effectively.

Service to the disadvantaged

High among the Association's priorities is support of federal legislation that would help to redress the national imbalance in educational opportunities. The Association is committed to the provision of easier access to good libraries for those persons who are disadvantaged by reason of cultural, educational, or economic factors, or lack of mobility. Special library services and materials are needed by the aged, the disabled, those with learning difficulties, and those with limited skills in English, in order that they may claim their full share of our national life. The Association endorses the principles enunciated by the Right to Read program and urges that the necessary library resources be provided for the fulfillment of this right.

Services to the blind and handicapped

Substantial progress has been made in developing and extending specialized library services to the blind and to persons with other physical handicaps that prevent them from using conventional library materials. The Association supports programs that will strengthen and expand library service not only to these persons but to all persons with reading handicaps. It encourages adequate financial aid from federal, state, and local sources to enable libraries to offer these specialized services and to complement other related federal programs, such as library materials for the blind provided by the Library of Congress.

Services to persons in institutions

The Association advocates the provision of good library service including access to information for residents and staff of correctional institutions, mental and general hospitals, nursing and medical schools, orphanages, and schools for the handicapped. Adequate financial support for these services should be provided through a federal-state-local partnership.

Federal library services

Library of Congress. The Library of Congress is the foundation upon which any program of national library service must be based. In addition to serving Congress, it performs more national library functions than does any other library in the world. These functions are vital to the library and research communities of the nation. Accordingly, the Association recommends that the Library of Congress be designated by Congress as the National Library.

The Association supports the improvement and extension of the present services of the Library of Congress and urges Congress to provide adequate funding for expanded programs. The Association recommends that the Library of Congress expand its national library programs, including: increased emphasis on research and reference activities, including bibliographies; increased acquisition of foreign materials through the National Program for Acquisitions and Cataloging (NPAC) to meet the library and research needs of U.S. libraries and research institutions; development of the library's role as a national resource center for government publications (including federal, foreign government, and international documents) to better serve both Congress and the nation; expansion of serials services to improve accessibility for library users; expansion of its on-line bibliographic services to library networks; establishment of a service dedicated to fulfilling the bibliographic needs of its nonresearch library constituents; increased microfilming of library materials threatened with deterioration; more research programs in innovative library techniques and services.

Other Federal Libraries. The National Agricultural Library and the National Library of Medicine are also recognized as having national responsibility for collecting, organizing, and servicing research materials in their special fields. Libraries in other federal agencies have significant research collections and a considerable measure of national responsibility beyond the agencies they serve. Such federal libraries should receive financial and other support commensurate with these responsibilities.

The specialized fields of these federal libraries complement the Library of Congress and should form part of a national library and network serving the information needs of the nation. Federal agencies should accept the mission of supporting national library service programs through the designation of their departmental libraries as national library resources.

Bibliographic and Reference Services. Distribution of card catalog and other bibliographic services and data, including Machine Readable Cataloging (MARC), of the Library of Congress and other federal libraries and agencies should be improved and expanded. Bibliographies produced by the federal government—either directly or by contract with private companies—should be given wide public distribution through libraries, without the expense of commercial handling. The Association supports the use of libraries as reference and research centers for providing scientific and technical information to business, industry, and government.

U.S. Office of Education. Adequate educational services and facilities and the equilization of educational opportunities are essential to our national welfare. The Association considers the U.S. Office of Education a primary agency in promoting the improvement of education and supports a fully developed and coordinated program of library services within the agency. A strong organizational unit within the Office of Education should continue to review and coordinate all library activities within the Office and exert leadership in planning and implementation.

The U.S. Office of Education should continue to improving its advisory and technical assistance in upgrading library education and the resources, services, and facilities of school, college, university, research, state, special, and public libraries; its preparation of valuable statistical compilations, research reports, and other essential library publications; and its responsible administration of programs of importance to libraries.

Public Access to Federal Documents. The Association supports freedom of public access to information about the federal government and its activities, as recognized in the Freedom of Information Act of 1966. It urges strict enforcement of the provisions of this act.

Under federal law selected libraries across the nation are designated as "depository libraries" to receive federal government documents and make them available to the public. The Association supports improvement and extension of the depository system. In this regard it supports review and revision of Title 44 of the *U.S. Code* relating to federal government printing. Such a review should lead to the clear delineation of a national policy for free public access to federal government publications and government-produced information, including the results of government-supported research and development contracts in scientific and technological fields.

The formulation of such a policy should include the following points:

1. The need for all government publications to be collected and distributed to depository libraries for free public access
2. The need for comprehensive bibliographic control of all government publications which should be input and available through nationally recognized data bases and library networks
3. The need for all government publications and government-produced information to be disseminated in whatever format is most appropriate for the information itself, most cost effective, and most useful for government agencies, libraries, and the general public—including print, microformats, computer tapes, computer-accessed data bases, telefacsimile, video records, and cinematic films
4. The need for depository libraries to be recognized and funded to operate as federal information centers for public access to government publications and government-produced information
5. The need for a comprehensive centralized or coordinated sales program to offer on a cost recovery basis all government publications in whatever format, without pricing basic documents so high that nonprofit libraries are unable to continue acquiring them for use by the public
6. The need for a national depository agency to provide a comprehensive current and retrospective collection of federal government publications and government-produced information for public access as a library of the last resort, and to provide information dissemination services such as collection and distribution of documents to depository libraries, bibliographic control, reference service, interlibrary loan and photoduplication, as well as to give administrative guidance and oversight to depository libraries.

INDIRECT SUPPORT OF LIBRARY SERVICES

Education of Librarians and Information Specialists

There is a continuing need for librarians, information specialists, and supportive staff who are qualified to carry out library programs in a rapidly changing society. Increased federal funding is imperative to improve the quality of preservice and continuing library education through scholarships, fellowships, and training institutes. Special attention needs to be given to educational programs that focus on the newer media, that recognize changing forms of service, and that consider problems brought about by the rapid proliferation of knowledge.

Research Library and Information Science

Federal support is needed to support research in library science and information storage and retrieval if libraries are to deal adequately with the "information explosion" and the increased demands for information from industry, government, and educational agencies, as well as from individual citizens. Innovative programs for library service must be developed to meet new needs of library users.

The federal government should encourage the collection and analysis of statistical data on all types of library services. Funds for the National Center for Education Statistics in the U.S. Office of Education should be adequate to enable the Center to assist state library agencies to participate effectively in a national program of data collection and analysis.

INTELLECTUAL FREEDOM

Believing that an informed citizenry is the very foundation of democracy, and that the Constitution guarantees the free communication of ideas and information in every form through all media, the Association supports the rights of libraries to disseminate communicative materials on all topics of concern, no matter how controversial.

The Association rejects discrimination in library service and upholds the right of all citizens to have access to library services, regardless of age, sex, race, religion, national origin, handicap, economic condition, individual lifestyle, or political or social views.

The Association supports the freedom of the press and the right of the news media to inform the American public without fear of governmental reprisal or control. The Association supports as equally basic to democracy the right of authors and book publishers to disseminate their works without any requirement of a governmental imprimatur.

Because the world of ideas and information cannot be provincialized without destroying its integrity, the Association maintains that American citizens have a right to access to the works and views of foreign authors and scholars, and that the federal regulation of travel and the importation of communicative materials should not be used to suppress free expression.

[Excerpts from a summary statement on Goals for Action by the National Commission on Libraries and Information Science]

TOWARD A NATIONAL PROGRAM FOR LIBRARY AND INFORMATION SERVICES

GOALS FOR ACTION—A SUMMARY

Introduction

The National Commission on Libraries and Information Science proposes a National Program for Library and Information Services based on five assumptions:

First, that the total library and information resource in the United States is a national resource which should be strengthened, organized and made available to the maximum degree possible in the public interest. This national resource is the cumulated and growing record of much of our nation's and, indeed, the world's total cultural experience—intellectual, social, technological, and spiritual.

Second, that all people of the United States have the right, according to their individual needs, to realistic and convenient access to this national resource for their personal enrichment and achievement, and thereby for the progress of society.

Third, that with the help of new technology and with national resolve, the disparate and discrete collections of recorded information in the United States can become, in due course, an integrated nationwide network.

Fourth, that the rights and interests of authors, publishers, and other providers of information be recognized in the national program in ways that maintain their economic and competitive viability.

Fifth, that legislation devised for the coherent development of library and information services will not undermine constitutionally-protected rights of personal privacy and intellectual freedom, and will preserve local, state, and regional autonomy.

In consonance with these assumptions the Commission has developed two major program objectives: (1) to strengthen or create where needed, the human and material resources that are supportive of high quality library and information services; and (2) to join together the library and information facilities in the country, through a common pattern of organization, uniform standards and shared communications, to form a nationwide network. * * *

THE RECOMMENDED NATIONAL PROGRAM

The recommended national program is an overall structure within which current deficiencies can be corrected and future requirements addressed. It would coordinate and reinforce all Federal and state efforts to support local and specialized information services.

Program objectives

(1) Ensure that basic library and information services are adequate to meet the needs of all local communities.

(2) Provide adequate special services to special constituencies, including the unserved.

(3) Strengthen existing statewide resources and systems.

(4) Ensure basic and continuing education for personnel essential to the implementation of the national program.

(5) Coordinate existing Federal programs of library and information service.

(6) Encourage the private sector to become an active partner in the development of the national program.

(7) Establish a locus of Federal responsibility charged with implementing the national network and coordinating the national program under the policy guidance of the National Commission. This agency should have authority to make grants and contracts and to promote standards, but must be supportive and coordinative rather than authoritarian and regulatory.

(8) Plan, develop and implement a nationwide network of library and information service.

Meeting the above eight priority objectives constitutes the sum of the Commission's proposed program. In some instances, existing programs would be strengthened or reoriented. In other cases, the Commission would initiate new programs, such as the nationwide network. Only by the melding of present and future cooperative systems into a national structure can the rich resources of this nation be fully exploited.

THE NATIONWIDE NETWORK CONCEPT

Major Federal responsibilities

The Federal Government would force no library or other information service to join the network, but would provide technical inducements and funding incentives to state governments and the private sector to strengthen their ability to become effective components of a mutually reinforcing program.

(1) Encourage and promulgate standards. The Federal Government has a major responsibility to encourage and support efforts to develop the standards required to assure interconnection between intrastate networks, multistate networks and specialized networks in the public and private sectors, i.e., the standards for: (a) computer software, access and security protocols, data elements and codes; (b) bibliographic formats, films, computer tapes and sound recordings; (e) literary texts in machine-readable form; and (f) reprography and micrographics.

(2) Make unique and major resource collections available nationwide. Institutions with unique resources of national significance, such as the Harvard University Libraries, the New York Public Library, the Newberry Library, the Glass Information Center in Corning, New York, and the Chemical Abstracts Service, would be provided incremental funding to help extend their extramural services to the whole country.

(3) Develop centralized services for networking. While many services can be better managed locally, others might be sponsored centrally in either the public or private sector, for example, a national audiovisual repository, a national system of interlibrary communication, a national depository for the preservation of microform masters and "best copies" of all works of research value, a national periodical bank, and machine-readable data banks of articles and abstracts in the fields of language, literature, or musicology.

(4) Explore computer use. Computers have become indispensable tools of network operations, not only for routine clerical tasks, such as the dissemination of bibliographic information, the acquisition of books, catalog card production, and the control of circulation and serial records, but also for the retrieval of knowledge resources in machine-readable form. In addition to dedicated minicomputers for local internal processing, a nationwide network might be expected to employ centralized computer installations (a) for production of bibliographic data for use by local agencies throughout the country, and (b) for searching the knowledge resource itself to learn what is available where, to record new holdings and to arrange interlibrary delivery.

(5) Apply new forms of telecommunications. In order to place people in more immediate contact with the total national information resources, a future telecommunications system might eventually integrate teletype, audio, digital and video signals into a single system. The greatest boon to national access to the public knowledge resource would be free or reduced rates for educational and cultural use of the Federal Telecommunications System and satellite communication channels, at least until the traffic has reached an economically viable level.

(6) Support research and development. A Federal program of research and development, through grants and contracts, should address such problems as the application of new technologies, the relevance of services to different reader communities, the effects of new information systems on users, and the profession itself as it struggles with the dynamics of change.

(7) Foster cooperation with similar national and international programs. In order to tap the knowledge resources of the world, the national program should support such efforts as those of UNESCO's UNISIST project, the International Standards Office, the International Federation of Library Associations, and the Organization for Economic Cooperation and Development.

Organizational relationships and supporting responsibilities

In addition to the Executive Branch of the Federal Government, key components of the national program are the fifty states, the Library of Congress, and the private sector. Each of the levels in the nationwide program should bear its share of the total financial burden.

Responsibilities of State governments

The Federal Government would fund those aspects of the network which support national objectives and stimulate statewide and multistate library development. The state governments would accept the major share of the cost of coordinating and supporting the intrastate components of the network, as well as part of the cost of participating in multistate planning. The states could participate most helpfully by enacting or updating library legislation and by establishing or strengthening state library agencies to administer state programs in the context of the national program.

Some of the advantages that would accrue to a state from its participation in a nationwide network are: (1) more information for its residents than it could possibly afford to amass through its own capital investment; (2) reduced interstate telecommunication costs; (3) access to computer software, data bases and technical equipment; (4) compatibility with national programs; (5) matching funding for bringing state and local resources up to acceptable standards; (6) matching funding to initiate network operations; and (7) the ability to invest mainly in immediate state and local needs while relying upon the national network for specialized material and services.

Responsibilities of the private sector

The private sector, as a major producer of cultural, scientific, technical, and industrial information, must work closely with the public sector in order to make the national network both useful and cost-effective. A new orientation to Federal funding and user economics might be required to harmonize the traditional library information systems with the newer commercial and other specialized information systems. The Commission believes that this area will require intensive study and full collaboration among many different organizations before a meaningful legislative recommendation can be developed.

Responsibilities of the Library of Congress

Although not so designated by law, the Library of Congress is *de facto* a National Library. The Commission believes that it should legally be so designated. In that role it should accent the following responsibilities in the national program: (1) expansion of its lending function to that of a National Lending Library of final resort; (2) expansion of coverage under the National Program for Acquisitions and Cataloging; (3) expansion of Machine-Readable Cataloging (MARC); (4) the on-line distribution of the bibliographic data base to the various nodes of the national network; (5) an augmented reference service to support the national system for bibliographic service; (6) operation of a comprehensive National Serials Service; (7) establishment of a technical services center to provide training in, and information about, Library of Congress techniques and processes, with emphasis on automation; (8) development of improved access to state and local government publications; and (9) further implementation of the National Program to preserve physically deteriorating library materials.

Proposed Legislation

Future legislation will have as its objective the nationwide network and will: (1) outline the role of the Federal Government, the national libraries, and the states; (2) specify the functions that should be performed centrally; (3) establish the basis for appropriate Federal-state and state-local matching funding; (4) establish a locus of Federal responsibility for implementing the policies and programs of the National Commission; (5) provide a framework for private sector participation; and (6) safeguard privacy, confidentiality, and freedom of expression.* * *

CONCLUSION

The Commission believes that the country's library and information services are not yet organized to meet the needs of the Nation as a whole. The Nation must change direction by treating recorded knowledge as a national resource for the benefit of all people and the national welfare. The necessary changes in manpower development, in the application of technology, in Federal and state investment policy, in cooperative, interjurisdictional arrangements and in forms and styles of services will come about gradually; but the Commission is satisfied that the library and information communities are now prepared to work together in creating the strongest possible information services for the country. It urges the American people, through Federal, state, and local governments, and public and private institutions, to support a nationwide program of library and information service as a high-priority national goal.

OVERHAULING THE LIBRARY SERVICES AND CONSTRUCTION ACT

(By Alex Ladenson) *

The Library Services and Construction Act (LSCA) and its forerunner the Library Services Act (LSA) have been on the federal statute books for over two decades. It is high time for a critical review and evaluation of this legislative program. The National Commission on Libraries and Information Science (NCLIS) has recently released a study entitled *Evaluation of the Effectiveness of Federal Funding of Public Libraries* which was prepared by Government Studies and Systems Inc. of Philadelphia under the direction of Rodney P. Lane. This sound study appraises the public library funding mechanism as provided in LSA and LSCA, and assesses its impact on state and local funding provisions.

What is still lacking, however, is a thorough examination of the substantive provisions of these two acts of Congress and a penetrating evaluation of the library programs generated by this legislation. Since a definitive study is not available, one is compelled to rely on one's own observations and analysis. As former chairman and member of the Illinois State Library Advisory Committee over a period of 17 years, as editor of *American Library Laws*, and as the former chief librarian of the Chicago Public Library, this writer has followed closely the LSCA operation. The views that are presented here, though not the product of the kind of large-scale, systematic, research that is needed, are nevertheless the conclusions of an informed observer.

THE DEMONSTRATION CONCEPT

As the library movement in this country expanded during the 20th Century, there arose a demand for a federal library agency. After years of vigorous campaigning by the American Library Association (ALA), a permanent Library Services Division was finally established in the U.S. Office of Education in 1938. Its main purpose was to gather statistics and conduct "practical research in the field of librarianship."

Having gained a toehold in the national establishment, librarians now began to strive for federal aid to libraries. This move was stimulated by the more vocal efforts that were being made on behalf of education to obtain federal assistance for our schools. An ALA Washington Office was established in 1945 as a result of personal contributions made by members and friends. No time was lost in drafting a bill which was introduced in Congress on March 12, 1946, and became known as the Library Demonstration Bill. Those responsible for promoting this legislation were convinced that the proposal, which had the best chance for success and one which had the greatest appeal to Congress, would be a bill to provide funds to conduct library demonstration programs for rural areas. It was anticipated that the rural districts would thus be encouraged to establish tax-supported public libraries as a result of successful demonstrations. It should also be pointed out that this program was not intended as a permanent ongoing federal activity but was merely proposed as a temporary stimulant. This was the intention not only of Congress but also of ALA.

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*Alex Ladenson is Special Executive Assistant to the Board of Directors of the Chicago Public Library.

In spite of the restricted nature of the proposal, ten years of undiminished effort were required to reap the first fruits of victory. The demonstration bill suffered numerous defeats, but was nevertheless reintroduced at each subsequent session of the Congress, until on June 19, 1956, it was finally approved and signed by President Eisenhower under the title Library Services Act. The purpose of the act was "to promote the further extension by the several States of public library services to rural areas without such services or with inadequate services." Little or no specific direction, as to how the federal funds were to be employed by the states, was written into the act. Moreover, the rules and regulations issued by the Commissioner of Education were equally lacking in specificity. The demonstration concept was mentioned in the act in connection with a provision authorizing the Commissioner of Education to make studies and reports "as to the values, methods, and results of various State demonstrations of public library services in rural areas undertaken under this chapter." Thus LSA was launched as a library demonstration program for rural areas.

THE KENNEDY BREAKTHROUGH

In 1963, a major breakthrough occurred at the federal level which promised to have far-reaching implications for libraries. It began with a message to Congress on education by President Kennedy, in which he indicated the importance of libraries and the need for federal assistance to help support them on a more permanent basis. In a relatively short period, there developed in rapid succession a series of legislative enactments that ultimately covered all types of libraries. The amount and extent of federal library legislation approved in 1964 and 1965 during the Johnson administration were indeed impressive. It includes the Library Services and Construction Act, Elementary and Secondary Education Act, Higher Education Act, and Medical Library Assistance Act.

When President Kennedy dropped the bombshell of increased federal support for all types of libraries, the Library Services Act was not rewritten. It was merely amended and became Title I of the Library Services and Construction Act of 1964. No substantive changes were introduced in Title I, either relating to the purpose of the act or how the federal funds were to be employed. The only basic change that was made was to remove the word "rural" before the word "areas" so that it would be applicable to urban as well as rural areas. The amount authorized for Title I was $25,000,000. But in essence, Title I continued to be a demonstration program, hardly suited to serve effectively the needs of long-established public libraries. Thus a golden opportunity was lost to turn LSCA into a more general federal assistance program.

Between 1964 and the present, several substantive amendments were added to LSCA. In 1966 two additional titles were enacted: Title III—Inter-library Cooperation, and Title IV—Specialized State Library Services. In 1970, Title IV was repealed and incorporated into Title I. In addition the purpose of the act was further expanded to include library services to the disadvantaged, and strengthening state library administrative agencies. Congress accompanied the 1970 amendments with the following statement of purposes:

> It is the purpose of this Act to improve the administration, implementation, and purposes of the programs authorized by the Library Services and Construction Act, by lessening the administrative burden upon the States through a reduction in the number of State plans which must be submitted and approved annually under such Act and to afford the States greater discretion in the allocation of funds under such Act to meet specific State needs and, by providing for special programs to meet the needs of disadvantaged persons, in both urban and rural areas, for library services and for strengthening the capacity of State library administrative agencies for meeting the needs of all the people of the States. (*United States Code*, 1970, Vol. V, p. 5156.)

The only other substantive amendment to be adopted was in 1973 which provided a new Title IV—Older Readers Services which has not been funded.

THE NEED FOR CHANGE

Despite the Congressional intent "to afford the States greater discretion in the allocation of funds" as indicated in the above statement, state library agencies on the whole have failed to take advantage of the flexibility inherent in this dictum. The administrative format developed by state library agencies for the distribution of LSCA funds has remained unchanged through the years, operating in a manner not unlike that of a private foundation.

To obtain funds, a public library is required to submit a proposal describing a project. Unless a given project is innovative or experimental in nature, it has little or no chance for approval. Demonstration, research, and experimentation are the primary considerations that in general determine the decision. Moreover a project is approved for a relatively short duation and is usually not renewable. If it proves to be successful, the library is compelled to carry on the project with its own funds or abandon it. Thus much of the value to be gained from the project is lost. What is urgently needed today are not demonstration, research, or experimental projects. We have had a plethora of these studies over a period extending for more than two decades. What is critically needed at this juncture are additional funds for books and other library materials, and for staffing our institutions so that the public can be served.

LSCA, and particularly Title I, requires a complete overhauling. To begin with, the declaration of policy is not a clear mandate. It consists of a general statement of purpose to the effect—"to assist the States in the extension and improvement of public library services in areas of the States which are without such services or in which such services are inadequate." It also enumerates certain specific purposes as follows: "the improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons, [and] in strengthening State library administrative agencies." How is all of this to be interpreted? How much weight must be given to the specific purposes? Moreover, the clause "in which such services are inadequate" is troublesome. What test is to be used to determine whether library services are inadequate? The total effect of this vague statutory language has been a weakening of the impact to be gained from federal assistance.

PER CAPITA SUPPORT

LSCA needs to be cast in a different mold. The Advisory Commission on Intergovernmental Relations issued a comprehensive report in 1937 entitled *Fiscal Balance in the American Federal System* which made the following recommendations:

> The Commission concludes that to meet the needs of twentieth century America with its critical urban problems, the existing fiscal system needs to be significantly improved. Specifically, the Commission recommends that the Federal Government, recognizing the need for flexibility in the type of support it provides, authorize a combination of Federal categorical grants-in-aid, general functional bloc grants, and per capita general support payments. Each of these mechanisms is designed to, and should be used to, meet specific needs; the categorical grant-in-aid to stimulate and support programs in specific areas of national interest and promote experimentation and demonstration in such areas; bloc grants, through the consolidation of existing specific grants-in-aid, to give States and localities greater flexibility in meeting the needs in broad functional areas; and general support payments on a per capita basis, adjusted for variations in tax effort, to allow States and localities to devise their own programs and set their own priorities to help solve unique and most crucial problems. Such general support payments could be made to either State or major local units of governments if provisions is made for insuring that the purposes for which they are spent are not in conflict with any comprehensive State plan. (Vol. 1, p. 5–6.)

LSCA, as it is now constituted, falls under the rubric of a categorical grant-in-aid program. This type of federal support was tolerable under LSA since it was considered to be a temporary measure. But when LSCA was born, it was intended to be a permanent program. Consequently, the categorical grant-in-aid design was not applicable. LSCA, therefore, needs to be recast, and it appears to this writer that the "per capita general support grant" is far better suited for a program which has for its purpose the extension and improvement of public library services in each state. Federal assistance must be made available to all public libraries rather than just a small selective number as is the case today under the present categorical grant-in-aid philosophy. Just as the Elementary and Secondary Education Act under Title IV–B makes federal funds available to every school library, LSCA should likewise provide federal funds for every public library. Safeguards, however, must be provided and enforced so that neither the state nor its local subdivisions are permitted to lower the existing level of state and local funding for public library service. In fact the proposed legislation should provide incentives for encouraging the establishment and expansion of state aid programs.

The Advisory Commission on Intergovernmental Relations has studied the general question of federal aid extensively and has found that the per capita general support grant is the logical next step in the evolution of federal assistance for domestic governmental problems. The Commission contends that the per capita general support device enables states and local governments to exercise wider latitude in their budgetary priorities. Moreover, it serves as a powerful equalization instrument in helping to remove disparities in per capita wealth among the states and their local subdivisions.

As we embark on a thorough revision of LSCA, it is urgent that we move from the categorical grant-in-aid concept to the principle represented in the per capita general support grant, as formulated by the Commission.

THE PER CAPITA RATIONALE

Public libraries depend largely on the local property tax for their financial support. The property tax is a regressive tax, but its most serious weakness is that it lacks elasticity. Unlike the income tax or sales tax, which generate additional revenue automatically as wages and prices rise, the revenue from the property tax remains relatively constant and increases only very gradually as the total assessed valuation of property rises. This is particularly disastrous in periods of high inflation. It is for this reason that the federal government should share with local and state governments the responsibility for direct financial support of public libraries.

Direct federal assistance to public libraries is essential in order to equalize disparities in the amount of taxable wealth among the states. An equalization factor can be designed so as to provide poorer states with a larger pro rata share of the funds. Thus federal support can help to guarantee the minimum level of funding required to furnish adequate public library service in every state.

We have become a mobile nation. More than a million persons move from one state to another each year. It is highly desirable, therefore, from a social point of view that the quality of public library service be equalized among the states, so that an individual is not penalized when he moves from one state to another. The quality of public library service should not be dependent on where a person is born or where he happens to live. Through direct federal aid, this problem can be ameliorated.

Our national welfare requires an educated and productive citizenry. Each person is entitled to have the fullest opportunity to achieve the highest level of attainment that his abilities and interests will permit. Public libraries are admirably suited to assist in reaching this aim, which is one of the basic tenets of our democracy. By supporting public libraries, the federal government helps to make it possible to attain the goal of an educated and productive citizenry.

NCLIS has recently compiled a *National Inventory of Library News*. The unmet needs that are cataloged in this document are staggering. Since the 8,300 public libraries of this country are a valuable national resource, it is only logical that the federal government should participate directly in funding them.

The federal government taps the resources of the entire nation, generating two-thirds of the taxes collected at all levels of government. Moreover, the federal sources of revenue have not been drawn upon as heavily as state and local sources in terms of the potential that is available. The increase in the rate of taxation in recent years has been far greater at state and local levels than at the federal level. Also, the combined local and state debt has been increasing at a more rapid pace than the federal debt. This means that the federal government is in a more advantageous position to provide financial assistance to public libraries.

A disturbing current development is emerging, resulting from a number of lawsuits filed across the country, in California, Texas, New Jersey, Michigan, Minnesota, and others, seeking to invalidate the present system of financing public education. The legal question that the courts have been called upon to determine is whether the public school financing scheme, with its substantial dependence on local property taxes and resultant wide disparities in school revenue, violates the equal protection clause of the Fourteenth Amendment of the U.S. Constitution on a relevant provision of a state constitution. The two most celebrated cases are *Serrano* v. *Priest* (5 Cal. 3d 584) adjudicated in 1971 by the Supreme Court of California, and *San Antonio Independent School District* v. *Rodriguez* (411 U.S. 1) handed down in 1972 by the U.S. Supreme Court. Although these two decisions are diametrically opposed, it is quite clear that the local property tax, as it is employed to finance public education, will continue to be under attack. The issues raised in *Serrano and Rodriguez* have important implications for public library service. Just as in the field of education, the disparities in the amount of revenue available for public library service, derived from the local property tax, are grossly unequal between the various local governmental units.

The solution to this problem lies not only with state and local governments but with the national government as well. In this situation, the federal government will doubtless be called upon for assistance. Under these circumstances, the principle embodied in the per capita general support grant could be utilized effectively to help correct the inequities of the past.

The conclusions to the study that was cited earlier (Evaluation of the Effectiveness of Federal Funding of Public Libraries, issued by NCLIS) reinforce the concept of per capita support. The report points out, for example, that the present intergovernmental funding of public libraries is grossly out of balance since a disproportionately heavy burden is carried by local governments. Not only must state funding for public libraries be increased, but federal funding as well. The average annual rate of increase of expenditures for public libraries compares unfavorably to increases for other public services. There is a wide disparity in the level of public library service among states and regions. Per capita expenditures for public library service vary widely as do expenditures related to personal income. Finally, the report states: "It is equally clear that in its present form, it [LSCA] is a deficient mechanism for the distribution of Federal funds and a weak instrument of federal policy with respect to library services development."

The principal target of LSCA must be the strengthening of every public library in the country, for it is the local library that serves as the first port of entry for those seeking general information or needing to explore a subject in depth. The bulk of the funds appropriated under this act should, therefore, be appropriated for this underlying purpose. To achieve this objective, the categorical grant-in-aid technique must be discarded and replaced by a more appropriate instrument, namely the per capita general support grant.

However, there are other special needs that LSCA must help to satisfy. Large urban libraries are desperately in need of federal assistance. The problem of the unserved rural areas, with no access to public library service of any kind, must be alleviated through federal support. Finally, the vital matter of interlibrary cooperation, which involves the establishment of multitype library networks on a statewide or regional basis, also requires federal aid. But this caveat must be observed. In a revision of LSCA it is essential to incorporate a percentage limit in the amount of funds to be available for each of the three special purposes cited above, so as not to weaken the major thrust of the legislation.

The approaching White House Conference on Library and Information Services should provide us with a convenient forum to consider thoroughly the issues presented in this paper.

Mr. KENNEDY. Mr. President, I am pleased to join Senator JAVITS today in introducing a study bill entitled the "National Library Act," at the request of the National Citizens Emergency Committee To Save Our Public Libraries. The purpose of this action is to present an outline for discussion on the future of our libraries by the upcoming White House Conference on Library and Information Sciences.

Throughout the Nation's history, our libraries have played a crucial role in our society. They are the core of our universities and our communities. They preserve our past and are a source of intellectual activity in the present. Libraries provide an opportunity for all individuals to improve ourselves, to enlarge our knowledge, to expand our minds.

Yet despite the tremendously important role libraries play in our society, there is a need today to better organize our library services so that they can more effectively serve the public. Many individuals who are concerned about the future of libraries feel strongly that the White House Conference is a major opportunity for establishing national policies for library operations. They see the Conference as an opportunity to study and discuss ways to consolidate existing library laws and programs and to develop a national policy on library services which will insure that library resources will be available to all who need them.

The long range goals of all those who support and work for our libraries are the same—to achieve and maintain the best possible receptical of our Nation's learning past, present, and future—and to search for ways to make that accumulated knowledge available to all individuals who seek it. The White House Conference on Library and Information Sciences will play a vital role by providing a useful forum for discussion on the future of our national library system, and it is my hope that the study bill submitted at the request of the National Citizens Emergency Committee To Save Our Public Libraries will contribute to that effort.

By Mr. HUDDLESTON:

S. 1125. A bill to improve and expand the Federal crop insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL CROP INSURANCE ACT OF 1979

● Mr. HUDDLESTON. Mr. President, I send to the desk S. 1125, the Federal Crop Insurance Act of 1979. This legislation will improve and expand the Federal crop insurance program to meet more effectively the needs of today's farmers.

For more than 2 years the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices, which I chair, has been studying the various legislative measures that have been proposed to expand the Federal crop insurance program. This bill combines the best features of all these proposals. And it is my belief that while the private crop hail insurance industry may prefer alternative language in some areas, this proposal is one they could accept and could work with.

Previous experience under the Federal Crop Insurance Act has fully demonstrated the ability of the FCIC organization to deal effectively with farm disasters. This bill will permit gradual expansion of the FCIC program on a national scale while at the same time limiting the competing free disaster payment program under the Agricultural Act of 1949 to areas where no insurance is available.

I have introduced a number of crop insurance bills in the past because I felt the Committee on Agriculture, Nutrition, and Forestry should explore all possible avenues in regard to this important issue. Other proposals have been submitted by the Department of Agriculture and the private crop hail insurance industry. In the subcommittee's studies and hearings on this issue, one thing has been made clear: Our farmers need help. They do not want or need a Federal handout, but they need some type of assistance to help them meet the uncertainties of weather and other natural conditions and they are willing to pay their fair share to get it.

The choice we have also is clear. We can either create a new and untried organization and place the burden of operating this program on it, or we can blend together the best suggestions of all the legislation introduced and apply them to the Federal Crop Insurance Corporation, an organization that has a proven track record of being able to handle the program.

Mr. President, S. 1125, if enacted, would phase out the disaster payment program and gradually expand the Federal crop insurance program from an experimental basis to a nationwide basis. With this insurance, the farmer will receive greater protection than under the disaster payment program, which protects only about 30 percent of the cost of production.

The program would continue to be administered by the Federal Crop Insurance Corporation's Board of Directors. Three active farmers would be added to the Board, as well as non-Government member experienced in the crop insurance business.

S. 1125 would increase the capital stock of the Corporation to provide a financial basis for operating a nationwide program and would eliminate the $12 million limit on appropriations for administrative costs. This limitation has caused major financing difficulties over the years because it has forced the Corporation to dip into premium income funds to pay administrative costs.

A very important provision in this bill is the authority for an expanded reinsurance program. The private crop hail insurance industry for years has been interested in becoming involved in reinsurance. However, current law limits reinsurance to a pilot program in 20 counties, hardly of sufficient size to obtain valid results.

In addition, under the bill sales for the all-risk insurance could be handled by private insurance agents on a commission basis.

The bill I am introducing would set guidelines for coverage under the nationwide program. Insurance would be offered at levels up to 75 percent of average yield, and farmers could obtain insurance against loss of production at a rate as close as feasible to the higest of target price, loan rate, or market price.

The bill also provides that the Government pay 20 percent of each producer's insurance premium, whether the insurance is being purchased directly from the FCIC or from the private insurance industry under reinsurance. This subsidy, along with the Government-financed administrative costs—which roughly total about one-third of premium income—will help make the insurance affordable to all producers and encourage participation. I estimate that the cost of the premium subsidy, together with administrative costs, should total approximately $300 million when the program is fully implemented. This would be less than the amount estimated for the low-yield disaster payment program for fiscal 1980 which is $486 million.

Mr. President, the purpose of S. 1125 is to improve the Federal crop insurance program and permit it to expand as rapidly as is feasible to provide the long-term assistance we need for stabilizing our farm economy. I endorse the provisions of this bill and urge my colleagues to join me in supporting the measure.

Mr. President, I ask unanimous consent that the bill, along with a summary and other background material, be printed in the RECORD.

There being no objection, the bill and the material were ordered to be printed in the RECORD, as follows:

S. 1125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Crop Insurance Act of 1979".

CAPITAL STOCK

SEC. 2. (a) Effective October 1, 1979, section 504(a) of the Federal Crop Insurance Act is amended by striking out "$200,000,000" and inserting in lieu thereof "$500,000,000".

(b) The Secretary of the Treasury, within 30 days after the date of enactment of this Act, shall cancel, without consideration, receipts for payments for or on account of the stock of the Federal Crop Insurance Corporation outstanding on the date of enactment of this Act.

BOARD OF DIRECTORS: MEMBERSHIP AND COMPENSATION

SEC. 3. (a) Section 505(a) of the Federal Crop Insurance Act is amended by—

(1) amending the second sentence to read as follows: "The Board shall consist of the manager of the Corporation, the under secretary or assistant secretary of Agriculture responsible for the Federal crop insurance program, the under secretary or assistant secretary of Agriculture responsible for the farm credit programs of the Department of Agriculture, one person experienced in the crop insurance business who is not otherwise employed by the Federal Government, and three active farmers who are not otherwise employed by the Federal Government."; and

(2) adding at the end thereof a new sentence as follows: "The Secretary, in appointing the three active farmers who are not otherwise employed by the Federal Government, shall ensure that such members are from different geographic areas of the United States, in order that diverse agricultural interests in the United States are at all times represented on the Board.".

(b) Section 505(b) of the Federal Crop Insurance Act is amended by striking out "three" wherever that word appears therein and inserting in lieu thereof "four".

(c) The second sentence of section 505(c) of the Federal Crop Insurance Act is amended to read as follows: "The Directors of the Corporation who are not employed by the Federal Government shall be paid such compensation for their services as directors as the Secretary of Agriculture shall determine, but such compensation shall not exceed the daily equivalent of the rate prescribed for grade GS–18 in section 5332 of title 5 of the United States Code per day when actually employed and actual necessary traveling and subsistence expenses, or a per diem allowance in lieu of subsistence expenses, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently, when on the business of the Corporation away from their homes or regular places of business.".

AMENDMENTS TO THE PROVISIONS ESTABLISHING GENERAL POWERS FOR THE CORPORATION

SEC. 4. Section 506 of the Federal Crop Insurance Act is amended by—

(1) amending clause (d) to read as follows:

"(d) subject to the provisions of clause (c) of section 508, may sue and be sued, but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Corporation or its property. The district courts of the United States, including the district courts of the District of Columbia and of any territory or possession, shall have exclusive original jurisdiction, without regard to the amount in controversy, of all suits brought by or against the Corporation: *Provided,* That the Corporation may intervene in any court in any suit, action, or proceeding in which it has an interest. Any suit against the Corporation shall be brought in the District of Columbia, or in the district wherein the plaintiff resides or is engaged in business. All suits against the Corporation shall be tried by the court without a jury;"; and

(2) in clause (f), striking out "free".

USE OF PRIVATE INSURANCE COMPANIES IN THE FEDERAL INSURANCE PROGRAM

SEC. 5. Section 507(c) of the Federal Crop Insurance Act is amended to read as follows:

"(c) The Board may establish or use committees or associations of producers, and contract with private insurance companies, in the administration of this title and make payments to such committees, associations, or companies to cover the administrative and program expenses incurred by them in cooperating in carrying out this title, as determined by the Board.".

FEDERAL CROP INSURANCE: REMOVAL OF LIMITS ON EXPANSION AND REINSURANCE; EXTENT OF COVERAGE

SEC. 6. Effective with respect to the 1980 and following crop years, clause (a) of section 508 of the Federal Crop Insurance Act is amended by—

(1) striking out all that follows the clause designation down through the end of the sixth complete sentence and inserting in lieu thereof the following:

"(a) If sufficient actuarial data are available, as determined by the Board, to insure producers of crops grown commercially in the United States under any plan or plans of insurance determined by the Board to be adapted to the agricultural commodity involved. Such insurance shall be against loss of the insured commodity due to unavoidable causes, including drought, flood, hail, wind, frost, winterkill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board: *Provided,* That, except in the case of tobacco, insurance on a crop shall not extend beyond the period the insured commodity is in the field. In determining the counties in which such insurance is to be offered and the commodities to be insured, the Corporation shall take into consideration the demand of farmers for such insurance, the extent to which insurance is available to commercial producers of insured commodities, and the anticipated risk of loss to the Corporation. Any insurance offered against loss in yield shall not cover in excess of seventy-five percent of the recorded or appraised average yield of the commodity on the insured farm for a representative period (subject to such adjustments as the Board may prescribe to the end that the average yields fixed for farms in the same area, which are subject to the same conditions, may be fair and just): *Provided*, That if 75 percent of average yield represents for an area generally more protection than the producer's investment in the crop, taking into consideration recognized farming practices, the Board shall reduce maximum coverage for the area to a lesser percentage of yield more nearly reflecting the producer's investment in the crop. In addition, the Corporation shall offer lesser levels of yield coverage, to be selected at the option of each producer. Any insurance offered under this clause shall make available to producers coverage (per unit of production insured) equal, as close as feasible, to the highest of the (i) target price for the commodity involved (as determined under the provisions of the Agricultural Act of 1949), if any, (ii) the loan rate for the commodity involved under a Federal price support program, if any, or (iii) the projected market price for the commodity and crop year involved, as determined by the Board. The Corporation shall offer other price selections (per unit of production insured) to be selected at the option of each producer.";

(2) in the seventh complete sentence, inserting "or an approved substitute crop" immediately after "the same crop"; and

(3) striking out the eighth complete sentence.

PREMIUM SUBSIDY; REINSURANCE OF PRIVATE INSURANCE COMPANIES; SPECIFIC RISK PROTECTION PROGRAMS; TECHNICAL AND CLARIFYING AMENDMENTS

SEC. 7. Effective with respect to the 1980 and following crop years, section 508 of the Federal Crop Insurance Act is further amended by—

(1) amending clause (b) to read as follows:

"(b) To fix adequate premiums for insurance at such rates as the Board deems actuarily sufficient to cover claims for losses on such insurance and to establish as expeditiously as possible, a reasonable reserve against unforeseen losses. For the purpose of encouraging the broadest possible participation in the insurance program, twenty percent of each producer's calculated premium shall be paid by the Federal Government. The remaining portion of the premium shall be paid by each producer and shall be collected at such time or times or shall be secured in such manner as the Board may determine.";

(2) in clause (c), (A) striking out "in the agricultural commodity or cash", (B) striking out the first complete sentence, and (C) striking out "United States district court, or in any court of record of the State having general jurisdiction, sitting in the district or county in which the insured farm is located," in the second complete sentence and inserting in lieu thereof the following: "United States district court sitting in the district in which the insured farm is located,";

(3) amending clause (f) to read as follows:

"(f) To provide insurance or reinsurance for production of agricultural commodities in the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands in the same manner as provided under this section for producers in the United States."; and

(4) adding at the end thereof new clauses (g), (h), and (i) as follows:

"(g) To provide, upon such terms and conditions as the Board may determine to be consistent with clause (a) of this section and sound reinsurance principles, reinsurance to private insurance companies, groups or pools of such companies, or government entities that insure producers of any agricultural commodity under contracts acceptable to the Corporation. In order to provide equity among producers purchasing crop insurance, whenever the Corporation provides reinsurance to private insurance companies, groups or pools of companies, or government entities insuring producers under this clause (g), the Federal Government shall pay twenty percent of each producer's calculated premium for such insurance so reinsured.

"(h) To offer specific risk protection programs including, but not limited to, prevented planting, wildlife depredation, tree damage and disease, and insect infestation programs, under such terms and conditions as the Corporation may determine: *Provided*: That no program shall be undertaken if insurance for the specific risk involved is generally available from private companies.

"(i) In connection with insurance on yields of timber and forests, to include appreciation (including interest charges) as an insurable cost of production in calculating indemnities and premiums.".

DELETION OF AUTHORITY FOR ADVISORY COMMITTEES

SEC. 8. Section 515 of the Federal Crop Insurance Act is repealed.

APPROPRIATIONS FOR THE PROGRAM

SEC. 9. Effective October 1, 1979, section 516 (a) of the Federal Crop Insurance Act is amended by—

(1) striking out the comma following "sums" and "not in excess of $12,000,000";

(2) inserting 'agents' commissions, interest on Treasury notes and other obligations, Federal premium payments, and direct costs of loss adjustors for crop inspections and loss adjustments," immediately before "which shall be allotted to the Corporation";

(3) inserting a comma and "agents' commissions, interest on Treasury notes and other obligations," immediately after "sale of the agricultural commodity";

(4) inserting immediately after "nonadministrative and nonoperating expenses" the following: "and paid from insurance premium funds: *Provided further*, That any such payments from premium funds may be restored by appropriations in subsequent years"; and

(5) striking out the second sentence in its entirety.

EMERGENCY FUNDING IN CASE OF INSUFFICIENCY

SEC. 10. Effective October 1, 1979, section 516 of the Federal Crop Insurance Act is amended by adding at the end thereof a new subsection (c) as follows:

"(c) If at any time the moneys available to the Corporation are insufficient to enable the Corporation to discharge its responsibility of indemnifying producers for losses under this title, the Corporation shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Corporation from moneys available from premiums or the issuance of capital stock under section 504 of this title. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall be not less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by the Secretary of the Treasury under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.".

EXTENSION OF DISASTER PAYMENT PROGRAMS; APPLICABILITY

SEC. 11. (a) Notwithstanding any other provision of law, the farm disaster payment provisions and the prevented planting disaster payment provisions for wheat, feed grains, cotton, and rice of the Agricultural Act of 1949, as amended, shall be effective with respect to the 1980 and 1981 crops of wheat, feed grains, cotton, and rice.

(b) Notwithstanding any other provision of law, no person shall be eligible to receive farm disaster payments or prevented planting disaster payments for the 1980 and 1981 crop years under any Federal program for any agricultural commodity in any county of any State other than under the Federal crop insurance program when, under the provisions of the Federal Crop Insurance Act, Federal crop insurance is generally offered for such agricultural commodity in such county.

Summary of the Proposed Federal Crop Insurance Act of 1979

The major provisions of the bill would—

(1) Effective October 1, 1979, increase the capital stock of the Federal Crop Insurance Corporation from $200,000,000 to $500,000,000.

(2) Cancel all capital stock of the Corporation outstanding on the date of enactment of the bill;

(3) Increase membership of the Board of Directors of the Corporation from 5 to 7 and change its composition so that it would include—

(a) the Manager of the Corporation,

(b) the under secretary or assistant secretary of Agriculture responsible for the Federal crop insurance program,

(c) The under secretary or assistant secretary of Agriculture responsible for the farm credit programs of the Department of Agriculture,

(d) one non-Government person experienced in the crop insurance business, and

(e) three active farmers;

(4) Specify that the farmer-members of the Board must be from different geographic areas of the United States;

(5) Authorize the Corporation to contract with private insurance companies in administering the Federal crop insurance program;

(6) Effective with the 1980 crop year—

(a) Remove the 150-county and 3-commodity annual limits to expansion of the Federal crop insurance program;

(b) Remove the 20-county limit on the program to provide Federal reinsurance for private crop insurers and authorize Federal reinsurance for State or other local government entities with crop insurance programs;

(c) Specifically provide, with respect to coverage to be made available under the Federal crop insurance program, as follows: (i) Insurance would be made available on a commodity for up to 75 percent of yield, (ii) coverage would be available, per unit or production, at the highest of target price (if any), loan rate (if any), or the projected market price, and (iii) lower levels of yield coverage and other price selections would also be made available;

(d) Require the Federal Government to pay 20 percent of crop insurance premium costs, including both premiums charged for direct Federal crop insurance and premiums charged for private or State crop insurance reinsured by the Federal Government.

(e) Authorize the Corporation to offer Federal crop insurance and provide for reinsurance in Puerto Rico and other commonwealths and territories of the United States;

(f) Authorize the Corporation to offer specific risk protection programs for risks not now covered by private insurance;

(7) Effective October 1, 1979, delete the $12,000,000 limit on annual appropriations to cover the Corporation's operating and administrative costs;

(8) Effective October 1, 1979, authorize annual appropriations to the Corporation to cover agents' commissions, interest on Treasury notes and other obligations, Federal premium payments and direct costs of loss adjusters for crop inspections and loss adjustments.

(9) Effective October 1, 1979, authorize the Corporation to use insurance premium funds to cover expenses of handling commodities, agents' commissions, interest on Treasury notes and other obligations, loss adjustors and crop inspectors, and authorize restoration of premium funds so used by appropriations in following years;

(10) Effective October 1, 1979, require the Corporation to borrow from the Treasury if Corporation funds are insufficient to enable the Corporation to cover loss indemnity claims of producers, with loan repayment to be accomplished through capital stock sales and use of premium income; and

(11) Extend the farm disaster and prevented planting disaster payment provisions for wheat, feed grains, cotton, and rice of the Agricultural Act of 1949 through the 1981 crop year, except that farmers in counties in which Federal crop insurance is available will not be eligible to receive disaster payments.

ESTIMATED COVERAGE AND PREMIUM RATES UNDER S. 1125

Risk, class level	Price used	Coverage per acre (bushels)	Protection per acre	Subsidized premium rate	
				Percent	Per acre
CORN					
Low risk:					
Level 1	$2.20	64.0	$140.80	3.4	$4.85
Level 2	2.20	83.7	184.10	4.2	7.65
Level 3	2.20	96.2	211.60	5.1	10.85
Medium risk:					
Level 1	2.20	43.0	94.60	5.0	4.75
Level 2	2.20	55.8	122.80	6.1	7.55
Level 3	2.20	64.4	141.70	7.5	10.65
High risk:					
Level 1	2.20	21.5	47.30	11.6	5.50
Level 2	2.20	27.9	61.40	14.2	8.70
Level 3	2.20	32.2	70.80	17.3	12.25
WHEAT					
Low risk:					
Level 1	3.50	21.8	76.30	2.8	2.10
Level 2	3.50	28.1	98.40	3.4	3.30
Level 3	3.50	32.6	114.10	4.2	4.75
Medium risk:					
Level 1	3.50	13.7	48.00	4.3	2.05
Level 2	3.50	17.8	62.30	5.1	3.20
Level 3	3.50	20.6	72.10	6.3	4.55
High risk:					
Level 1	3.50	7.2	25.20	10.1	2.55
Level 2	3.50	9.4	32.90	12.3	4.05
Level 3	3.50	10.7	37.50	15.2	5.70
SOYBEANS					
Low risk:					
Level 1	6.00	20.2	121.20	2.0	2.45
Level 2	6.00	26.4	158.40	2.6	4.05
Level 3	6.00	30.5	183.00	3.0	5.45
Medium risk:					
Level 1	6.00	13.5	81.00	3.5	2.85
Level 2	6.00	17.6	105.60	4.5	4.70
Level 3	6.00	20.3	121.80	5.3	6.45
High risk:					
Level 1	6.00	8.5	51.00	4.9	2.50
Level 2	6.00	11.1	66.60	7.0	4.65
Level 3	6.00	12.7	76.20	8.3	6.30

Risk, class level	Price used	Coverage per acre (bushels)	Protection per acre	Subsidized premium rate	
				Percent	Per acre
COTTON					
Low risk:					
Level 1	.52	401	208.50	4.7	9.70
Level 2	.52	529	275.10	5.4	14.95
Level 3	.52	611	317.70	6.5	20.60
Medium risk:					
Level 1	.52	217	112.80	7.9	8.90
Level 2	.52	282	146.60	9.6	14.10
Level 3	.52	326	169.50	11.4	19.30
High risk:					
Level 1	.52	137	71.20	12.3	8.75
Level 2	.52	176	91.50	15.0	13.70
Level 3	.52	204	106.10	17.7	18.75
BURLEY TOBACCO					
Low risk:					
Level 1	1.30	1,660	2,158.00	1.2	25.90
Level 2	1.30	2,160	2,808.00	1.6	44.90
Level 3	1.30	2,490	3,237.00	1.8	59.55
Medium risk:					
Level 1	1.30	1,250	1,625.00	1.7	27.30
Level 2	1.30	1,625	2,112.50	2.1	43.95
Level 3	1.30	1,875	2,437.50	2.5	60.45
High risk:					
Level 1	1.30	750	975.00	2.8	27.30
Level 2	1.30	975	1,267.50	3.5	44.60
Level 3	1.30	1,120	1,456.00	4.2	60.55
FLUE-CURED TOBACCO					
Low risk:					
Level 1	1.25	1,320	1,650.00	1.2	19.80
Level 2	1.25	1,716	2,145.00	1.6	34.30
Level 3	1.25	1,980	2,475.00	1.8	45.55
Medium risk:					
Level 1	1.25	994	1,242.50	1.7	20.90
Level 2	1.25	1,292	1,615.00	2.1	33.60
Level 3	1.25	1,490	1,862.50	2.5	46.20
High risk:					
Level 1	1.25	597	746.25	2.8	20.90
Level 2	1.25	774	967.50	3.5	34.95
Level 3	1.25	891	1,113.75	4.2	46.30

Note: Based on 50-, 65-, and 75-percent levels of average yield at approximately the target loan or expected market price. Actual protection and premium will vary by area and individual producer.

By Mr. BELLMON:

S. 1126. A bill to amend the Walsh-Healey Act and the Contract Work Hours Standards Act to permit certain employees to work a 10-hour day in the case of a 4-day workweek, and for other purposes; to the Committee on Labor and Human Resources.

● Mr. BELLMON. Mr. President, today I am submitting legislation to amend the Walsh-Healey Act of 1936 and the Contract Work Hours Standards Act of 1962 to permit employers to switch to a 4-day, 40-hour workweek without overtime for workers for hours worked in excess of 8 hours in one day. The bill also amends the Fair Labor Standards Act of 1938 to increase the premium for overtime pay from 1½ times the regular rate to 2 times the regular rate. This legislation would allow firms with Government contracts exceeding $10,000 to restructure their workweek to a 4-day schedule while avoiding the increased cost of a longer workday. It would increase the overtime employers must pay for working employees more than 40 hours per week, thus helping spread jobs more evenly among the work force.

Mr. President, in recent years experiments with the 4-day workweek have shown considerable promise, and some employers and employees have found it to be an arrangement more suited to their circumstances and desires than the 5-day workweek. Most often, the reasons for switching to a 4-day workweek have included claims of greater productivity and lower unit cost; reduced absenteeism, tardiness, and turnover; higher weekly output due to reduced startup and closedown time relative to operating time; more "usable leisure" time for employees due to a 50-percent increase in the duration of the weekend; a reduction in total commuting time and associated energy costs; and reduced employee working costs such as commuting fares, restaurant lunches, and child care.

With our current and potential energy problems, the 4-day workweek has another advantage. For many work places, closing for a 3-day weekend would mean a substantial reduction in the consumption of energy for temperature control purposes. Building heat could be reduced to a minimum without endangering the health of employees for 3 out of 7 days of the week. However, in the case of some firms—those with large Government contracts—present law would penalize the employer who shifted to a 4-day, 10-hour per day workweek by requiring the payment of overtime after 8 hours in each day. This bill makes it possible for such employers to undertake a 4-day, 10-hour per day workweek without such a penalty. These employers would remain subject to the overtime penalty after 10 hours in each day and, of course, after 40 hours in each week, as are all employers under the basic law governing wages and hours—the Fair Labor Standards Act.

This bill is different from earlier proposals to change these restrictions. It adds an increased premium for overtime work, raising the overtime rate from 1½ times the straight-time wage to double time.

I am sure, Mr. President, that we all recognize the lengthy struggle which American workers undertook to establish the 8-hour day, and viewed against the backdrop of working conditions in the earlier part of this century, that struggle resulted in a significant improvement in the working lives of many Americans. I can understand the reluctance of some workers to alter this hard-won pattern. However, circumstances change, and this country is no longer faced with the long daily hours of work it once had. Now we must cope with an energy shortage which threatens the livelihood of a good many people and which is bound to get worse before it gets better. With many examples of successful 4-day workweek experiments around the country, this option would be helpful to the Nation's energy conservation goals. It does not seem likely that a very strong argument can be made against the 4-day workweek on the basis of endangering workers' health and safety.

The passage of time also has altered the effectiveness of the overtime work provisions. Because of increased costs now associated with hiring new workers, such as training, social security contributions, retirement costs, and health care premiums, overtime work may actually be a bargain for most employers compared to hiring unemployed workers. I believe this change in the basic wage and hour law of the country is long overdue.

Another helpful effect of this change would be the hiring of more workers—an important partial solution to the difficult problem of reducing our national unemployment rate. Statistics show that, during the past 20 years, average overtime hours worked per week in manufacturing have ranged from 2 hours to 3.9 hours. Dr. Ronald G. Ehrenberg has analyzed the effects of changing the overtime premium from one-and-a-half to twice the straight-time rate on employment in manufacturing industries. Assuming that the resulting reduction in overtime was translated into additional full-time jobs, he concluded that for the majority of the 16 manufacturing industries studied the increase in employment was on the order of 1 to 3 percent, and that the increase in full-time jobs was on the order of 218,000.

Mr. President, we need the additional flexibility in our basic wage and hour laws which this legislation would provide. Flexibility is needed to allow us to conserve energy and provide more work-schedule options than is now possible. Employers need a stimulus to move them toward adding workers to the payroll instead of paying large amounts of overtime compensation to present workers.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD, and I urge the Senate to act on this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1126

Be it enacted by the Senate and House of Repreesntatives of the United States of America in Congress assembled, That section 1(c) of the Act of June 30, 1936, commonly known as the Walsh-Healey Act (41 U.S.C. 35) is amended by inserting before the colon a comma and the following: "or, in the case of a four-day workweek, in excess of ten hours in any one day or in excess of forty hours in any one week".

SEC. 2. Section 102(a) of the Contract Work Hours Standards Act (40 U.S.C. 328) is amended by adding at the end thereof the following new sentence: "In the case of a 'four-day workweek, the increased rate of pay provided by the preceding sentence shall apply only to hours worked in excess of ten hours in any calendar day, or in excess of forty hours in the workweek, as the case may be.".

SEC. 3. Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by striking "one and one-half" wherever it appears and substituting "two".

SEC. 4. (a) The amendments made by sections 1 and 2 of this Act shall not affect collective bargaining agreements in effect on the date of enactment of this Act.

(b) The amendments made by section 3 shall take effect thirty days after the date of enactment of this Act.●

By Mr. ARMSTRONG:

S. 1127. A bill to aid in the creation and expansion of American small business enterprise through enactment of tax reform and relief amendments to the Internal Revenue Code of 1954; to the Committee on Finance.

SMALL BUSINESS TAX RELIEF ACT OF 1979

● Mr. ARMSTRONG. Mr. President, today I am introducing the Small Business Tax Relief Act of 1979 to provide incentives for new business ventures and to aid existing small business.

The importance of small business to the American economy is well established. Some 97 percent of all firms in the United States are small businesses. Small business in America provides 56 percent of the employment in the private sector and generated more than half of all business receipts. Over the last 8 years, small business has been the job creator in the American economy. While total employment over that period rose by 9.6 million, the Fortune 1000 firms employed only 74,897 of that number or 0.8 percent. Increases in State and Federal employment accounted for 3 million new jobs and the remainder were added by small firms.

The small business sector of the economy is also a source for the innovations and inventions which have led to productivity increases and provided the competitive edge in world markets. A National Science Foundation study for the period 1953 to 1973 concluded that small firms produced about four times as many innovations per research and development dollar as medium-sized firms and about 24 times as many as the largest firms.

Finally, small business has been the way countless Americans entered the economic life of this country—adding to and increasing their share of the national wealth. With each succeeding generation, new groups have made their rightful claim on a "slice of the pie" and small business has helped to meet those demands.

But, many of us believe we have now come close to closing that door on the young, the disadvantaged, and those who would otherwise start new ventures, create jobs, and stimulate the economy. A consultant on minority affairs and employment in a recent visit to my office commented that earlier generations rented a shop, picked up their tools, or bought a piece of equipment and went into business. Certainly, they faced barriers which were not easily overcome. Many of those still exist today; but, we have added to rather than reduced the difficulties.

Small business exists in a climate of economic uncertainty caused by severe inflation, overwhelming paperwork and regulatory burdens, and a tax structure unfavorable to new enterprises. The Commission on Federal Paperwork estimated that small businesses spend approximately $15 billion per year on paperwork imposed on them by various Federal agencies. In my State, a study several years ago identified 184 separate forms which required the attention of Colorado businessmen, and the number has increased. Estimates of the cost to business of Government regulation at all levels reach as high as $100 billion annually. The 29th annual report of the Senate Select Committee on Small Business notes that the burden of these regulations fall disproportionately on small business which must generally absorb such costs, "costs that in many cases can severely cripple a company's growth."

Add to these burdens the fact the venture and expansion capital for small business is difficult, if not impossible, to find. This lifeblood of any enterprise is being dried up by public policies which encourage consumption at the expense of savings and investment; policies which impede raising risk capital; and a tax code that inhibits growth.

The Small Business Tax Act of 1979 which I am introducing today is designed to help reverse these trends and create a more favorable climate for small business. The provisions of this bill are:

First. Gain from sale of sole proprietorship. The "rollover" provision would allow a small businessman who sells his entire business interest and reinvests the entire proceeds in another qualifying small business venture within 18 months to recognize no gain at that time. If the sale occurs after age 55 years, the taxpayer has the option of electing capital gains treatment on the accumulated gain or ordinary income treatment in conjunction with a special 10-year averaging mechanism. This provision is similar in many ways to the treatment of a gain on the sale of a residence.

Second. Increase in additional first-year depreciation allowance for small business. This section of the bill simply increases the amount which may be claimed for additional first-year depreciation from the existing 20 percent of the first $10,000 to $20,000 if married and filing jointly—of investment to 25 percent of the first $25,000 to $50,000 if married and filing jointly—of investment. This provision is designed primarily to benefit the small businessman by allowing him to recoup a greater part of his investment via reduced tax liability.

Third. Rapid amortization of certain federally required expenditures. This section provides for the rapid amortization, over a 36-month period, of federally required expenditures to plant and equipment. The aim of this provision is to give a rapid writeoff to businesses forced to comply with Federal laws or regulations such as OSHA, HEW rules for the handicapped, regulations governing pollution control, and so forth. To qualify for rapid amortization, such changes would have to be certified by the particular Federal agency as being in compliance with the law and of a type which does not significantly increase output or capacity. The provision would apply only to existing facilities.

Fourth. Removal of certain limitations of deferral in case of small DISC's. The Domestic International Sales Corporation is an important device for increasing export sales and in so doing, reducing our balance-of-payments deficit and inflation. This provision of my bill changes current law to allow a small DISC having adjusted taxable income of $1 million or less to be exempt from the base period limitations imposed on large DISC's. As a result of this change, small manufacturers will be encouraged to develop export sales as a result of the tax deferral offered via the small DISC provision.

Fifth. Optional cash method of accounting for taxpayers operating as a sole proprietor. This section allows the sole proprietor to choose the method of accounting, either cash or accrual, which will be more beneficial. Small businesses with inventory which are frequently not equipped to utilize the LIFO accounting provisions currently suffer a hidden tax which is brought about by the inflationary increase in the value of that inventory. Under this section of my bill, any appreciation in inventory would not have to be shown until such time as there is a cash sale providing the proceeds with which to pay the tax.

Sixth. Refund or credit of employer share of certain excess social security taxes. Social security taxes are a source of agitation to most employers, because of the amount and related paperwork. Yet, many employers unknowingly pay a greater amount in social security than is necessary. This occurs when an employee is employed by two or more employers during the year. In this situation, there is, generally, an excess employer contribution which is never refunded to the employers. Presently, an employee can claim a credit for excess social security tax withheld. However, there is currently no similar provision for employers. This provision of my bill would require the IRS to credit or refund to each employer his proportionate share of the overpayment. Qualifying employers would be identified when an employee claimed the credit. Within 90 days, the IRS must credit or refund the appropriate amount to each employer. One of the benefits of this plan is that employers automatically receive the payment without having to complete any complex forms of paperwork.

Seventh. Expense of filing Federal forms. This final section of the bill grants a tax credit of $5 for each form or document which a small business is required to file pursuant to Federal law. The crushing burden of Federal paperwork is well known to every small businessman. The theory behind this provision is simply that the Government should help to defray the expense of complying with the requirements it imposes on business.

I believe this bill and the companion measure (H.R. 1600) introduced in the House by Representative DICK SCHULZE, who has been a forceful leader in this effort, will provide needed incentives for small business and further meaning to the concept of economic opportunity.●

By Mr. ARMSTRONG:

S. 1128. A bill to amend title 10, United States Code, to allow supplies under the control of departments and agencies within the Department of Defense to be transferred to the Federal Emergency Management Agency as if it were within the Department of Defense and to amend the Federal Civil Defense Act of 1950 to authorize the Federal Emergency Management Agency to loan to State and local governments property transferred to such agency from other Federal agencies as excess property; to the Committee on Armed Services.

● Mr. ARMSTRONG. Mr. President, I am introducing legislation today to collect an oversight that occurred when the Defense Civil Preparedness Agency was placed within the Federal Emergency Management Agency, and removed from the jurisdiction of the Department of Defense.

Prior to the reorganization, when the Defense Civil Preparedness Agency was still part of the Defense Department, State and local emergency preparedness directors had priority access to DOD property that had been declared surplus. Access to this property has been very helpful to local emergency preparedness directors in meeting the needs of their communities.

Unfortunately, with the reorganization, legal authority to continue this program has ceased to exist. The purpose of my bill is to restore this legal authority by permitting supplies under the control of the Department of Defense to be transferred to the Federal Emergency Management Agency as if the agency were within the Department of Defense. My bill also would authorize Federal Emergency Management Agency to loan to State and local governments property transferred to the agency from other Federal agencies.

This bill permits continuation of a successful program, at no additional cost to taxpayers. I hope the Senate will give it swift and favorable consideration.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2571(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) The Federal Emergency Management Agency shall be considered to be an organization within the Department of Defense for the purpose of the furnishing of supplies to such agency under paragraph (1).

"(B) Notwithstanding the provisions of section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483), any department or organization within the Department of Defense having excess property (as defined in section 3(e) of such Act) under its control shall make such property available to the Federal Emergency Management Agency before making such property available to any other agency or organization outside the Department of Defense.".

SEC. 2. (a) The Federal Civil Defense Act of 1950 is amended by inserting after section 204 the following new section:

"LOANS OF PROPERTY TO STATE AND LOCAL GOVERNMENTS

"SEC. 205. (a) Any property received by the Director of the Federal Emergency Management Agency as excess property transferred from any department or organization within the Department of Defense under section 2571(b)(2) of title 10, United States Code, may be loaned by the Director to State and local governments for the purposes of this Act.

"(b) Upon notification of the Administrator of General Services in accordance with the Federal Property and Administrative Services Act of 1949 by any agency other than a department or organization within the Department of Defense that such agency has excess property (as defined in section 3(e) of such Act) under its control, the Director shall be notified by the Administrator of General Services of the availability of such excess property. Any such property that is transferred to the Director under such Act may be loaned by the Director to State and local governments for the purposes of this Act.".

(b) The table of contents of such Act is amended by inserting after the item relating to section 204 the following new item:

"Sec. 205. Loans of property to State and local governments.".●

By Mr. KENNEDY (for himself, Mr. DANFORTH, Mr. McGOVERN, and Mr. CHAFEE):

S. 1129. A bill to amend the Comprehensive Employment and Training Act to provide a youth employment incentive program: to the Committee on Labor and Human Resources.

YOUTH EMPLOYMENT INITIATIVES ACT OF 1979

Mr. KENNEDY. Mr. President, I am today introducing the Youth Employment Initiatives Act of 1979, together with Senators DANFORTH, McGOVERN, and CHAFEE.

This act would establish performance standards and a new funding mechanism for the youth employment and training programs in title IV of CETA, which deals with youth programs.

The part of the act which we are changing is the largest single Federal mechanism for meeting the terrible problems of youth unemployment. In 1979, $500 million was appropriated and $592 million was spent for this program. The administration has asked for $798 million in budget authority and $850 million in outlays for this program in fiscal year 1980.

Mr. President, youth unemployment is one of the great issues facing this Nation today. The unemployment rate among youths aged 16 to 20 stood at 16.5 percent in April, which is about three times the national average. The problem is worse for black youths than it is for white youths—34.5 percent unemployment as compared to 13.9 percent unemployment. But for both the rate is simply too high. What is perhaps more ominous is that this unemployment rate appears to be insensitive to changes in the general unemployment rate. Through thick and thin, through boom and bust, the youth unemployment rate stays high, and over the years it has grown worse and worse. In 1954, the rate was 12.6 percent; in 1960, the rate was 14.7 percent. In 1970, the rate was 15.3 percent. Today it is 16.5 percent.

The despair of joblessness leaves its effect on the youths; it leaves its effect on all of society. Young people are deprived of the job which provides the material and psychic sustenance that they need. And youths who have not been able to find a job when they first look have more erratic work experiences throughout the years. Society in turn loses out on the productivity of additional hands and minds; high joblessness also leads to an increase in the crime rate.

We must make sure that our attempts to give training and experience to the structurally unemployed youths of this Nation are as effective as possible. We must make the strongest, most meaningful attempt to mitigate the scourge of youth unemployment.

Mr. President, our biggest program for unemployed youths is in subpart 3, part A, title IV, of the Comprehensive Employment and Training Act. But our efforts to date in this area, while necessary, have not made the strongest, most meaningful attempt. Our efforts to date have not insured that the greatest thought will be applied to devising training programs. They have not insured the best placement of trainees. They have not, in short, provided a program in which we can entrust hundreds of millions of dollars, and more importantly, the present and future for hundreds of thousands of youths.

What does that subpart provide:

It provides over 40 permissible uses of our funds. But it does not provide performance criteria.

It provides for some 15 pages of regulations from the Department of Labor, but nothing which makes the service deliverer make the maximum effort to do the job.

It provides for sponsor plans which average 50 pages in length, on what they have done and what they plan to do with the funds under this subpart. But what they plan to do depends mostly on the good intentions of the sponsor.

Mr. President, most of the sponsors have probably done a good job in giving training to their enrollees. But the fact of the matter is that the act does not say what we want the sponsors to do in return for the funds. The fact is that the Government substitutes regulatory requirements for performance requirements. The fact remains that the funds under this section are distributed by a formula which is not sensitive to performance.

Under current law, the Department of Labor, after elaborate procedures, may stop funding a sponsor. But, this penalty is simply too large to be effective. In the 5 years in which CETA sponsors have been in operation only 2 of some 460 have ever been defunded.

In sum, sponsors must spend time to meet the regulatory specifications under the act. But they need only avoid complete and total failure to satisfy the multiple objectives of the act. If those who get Federal money do not make the best effort, if trainees are used as civil service substitutes rather than given training, if poor management leads to the wrong kind of training and ineffective placement procedures, if the program contains too many or too few in-school youths, if all this happens—there is little we can do.

That is not good enough.

Mr. President, the bill which we are proposing today would change that system. Basically, it would do the following:

First. It would specify tight eligibility criteria, to insure that the programs truly are reaching the structurally unemployed;

Second. It would specify performance criteria—what we want the sponsors to achieve;

Third. It would get rid of many of the procedural regulations imposed on the sponsors. Regulations on fairness of opportunity would, of course, be retained; and

Fourth. Most importantly, we will begin distributing funds on the basis of how well the sponsor has done in meeting our performance criteria.

Mr. President, the best way to insure our efforts is through paying sponsors to do the job. We should reward those sponsors who do the job and not reward those sponsors who do not do the job. The taxpayers of the United States are consumers of employment services for the structurally unemployed. And we want to know who is doing the best job and make our purchases accordingly.

More people would be trained by those who know how. Other sponsors will have the incentive to become more effective so as to get more of the funds.

A summary of the legislation follows:

The bill will divide the current subpart 3 into two parts; one, for in-school youths, would retain current law. It would not be performance tested, since it is difficult to attribute performance improvements to school or job. The other part, a new subpart 4, for out-of-school youths, would be created by the legislation introduced today. It would embody the performance tests outlined today.

At this point, we do not subdivide the 70 percent of part A funds which are used for subpart 3; the proportion of such funds used for in-school youths varies widely from sponsor to sponsor. The correct division and the degree of flexibility necessary will come out in hearings. We retain the subpart 3 amount for both the changed subpart 3 and the new subpart 4.

Eligibility for the out-of-school youth program would be tightened. It would be for youths who had been unemployed for at least 8 weeks immediately prior to determination of eligibility, and who are unemployed at the time of the determination. The program would be for those whose family income does not exceed 70 percent of the lower living standard. This should better target the program than the current eligibility standard of 85 percent.

Because the prime sponsors will be performance tested, the bill entrusts more of the funding under this part to them than is the case in current law. The prime sponsors will get 80 percent of the funds, rather than the current 75 percent. The States will continue to get 5 percent and the programs for Native Americans and migrant and seasonal farmworkers will continue to get at least 2 percent of the funds each.

For the first 2 years, the funds will be distributed by the current formula. In the first year of this period, prime sponsors will know what goals they are to achieve and will be able to train the enrollees to achieve those goals. During the second year of the program this first class will be out in the work force. By the end of the second year we will know how they have done. Starting at the beginning of the third year, distribution of the funds among the prime sponsors and among the sponsors of Native American programs will be based on the experience of the former trainees in the posttraining employment.

Thus, beginning in fiscal year 1983, the affected sponsor will receive funding of $400 for each month that an eligible participant has spent in an authorized program. The sponsor will also be paid an amount based on the subsequent experience of that participant. A sum will be given if the former participant has been employed in at least three out of the four quarters following completion of the program or if that participant has returned to school and completed a grade of schooling in the following four quarters. These are the principal performance measures. The first measure indicates that the person has the skills and the attitude to become a regular part of the labor force. It indicates a consistent work history following training. The second measure—a return to school—allows the sponsors to give preparatory or remedial educational work to those who desire and have the capacity to return to school. Education is an extremely valuable aid in getting subsequent employment, and we want to insure that sponsors retain their incentive to place youths back in school.

The amount paid to the sponsor for placement will be at least $2,000. But it is obviously easier to place youths in some markets than it is to place them in others. This factor will affect subsequent performance as well as the training given by the sponsor affects performance. Some prime sponsors face high unemployment rates in their markets, for the population as a whole and for youths in particular. The mix of job types also varies widely from area to area—some areas have a large proportion of industrial jobs which are more available to the youths coming out of these programs than are other types of jobs. For this reason, we mandate that the Secretary of Labor make adjustments upward in the amounts paid to a particular sponsor for each placement, depending on conditions which affect difficulty of placement. These adjustments may often be large. Some areas have a youth unemployment rate over twice that in other areas. In many of these same areas, the difficulty of placement is aggravated by an employment mix which is less conducive to youth placements. The Secretary will have some time to determine how to make increases. Since the goals are set out in the legislation, prime sponsors will know their objectives, regardless of the exact size of the bonus they are paid.

We must insure that a placement is truly a placement. Some graduates of this youth program might be employed through another CETA program. But performance awards should only be granted, at most, for the same proportion of such placements which were made from the out-of-school program before enactment of this legislation. Such placements are not as good an indicator of the success of the youth program.

The sponsors will also be paid an amount for training the participant so that he can get a better job. A sum of $500 will be paid if the former participant gets a job which pays a wage of over 75 percent of the average industrial wage in the area, or over 1.2 times the minimum wage, whichever is higher. We want the prime sponsor to keep in mind the quality of the position as well as the likelihood of the position when deciding upon an approach to an individual participant and in training that participant.

The amounts paid will be adjusted for changes in the national average industrial wage.

The sponsors which will come under this performance system are the prime sponsors, the States for their balance of State sponsorships, and the Native American programs. During the hearing process, we should investigate the possibility of also including sponsors of migrant and seasonal farmworker programs, but they are not performance tested in the bill as introduced. This is because the participants in these programs are harder to follow once they have left the program. They may be less likely to stay in the same locale or to take jobs which can be followed whether in the locale or not.

Mr. President, when we ask for performance we can alleviate the procedural burden. Program applicants will be able to develop and carry out any program which will improve the chances for, and the quality of subsequent employment for the youths to be served. The program need only estimate the number of people to be served, abide by certain wage provisions which have particular applicability to youth training programs, assure that a participating youth is not related to the person hiring to fill a job, and make special efforts to recruit youths receiving public assistance.

The State support programs under this subpart are authorized for the same purposes as those under subpart 3. And the wage provisions carry over the wage provisions which are now found in subpart 3 of the act.

The legislation also provides for agency cooperation with the Department of Labor to help make the followup on former trainees as complete, as accurate, and as inexpensive as possible. For instance, the easiest way to see if someone has been employed in three of the four quarters following leaving the program may be to check social security records. The most efficient way of determining wage rates for a former trainee might be for the Department of Labor to request information of the Internal Revenue Service.

It should be absolutely clear that the transfer of information intended by this provision is solely for the purpose of making awards to eligible sponsors. No other use can be made of this information, on the basis of this section, with respect to either the sponsor, the program in general, or any other purpose.

The special provisions are for the most part technical amendments necessary to effect the intent of the act. The special provisions also say that the prime sponsor shall try to insure that the youths participating under this subpart are those who are experiencing severe handicap in obtaining employment.

Mr. President, at this point, we are proposing a reform in only this youth program We are doing this, because the authorization for title IV expires next year, while the rest of CETA has 2 years beyond that to run. Thus, we will have a better chance to explore this issue and make changes in the youth program.

Mr. President, I believe that this reform of our youth program can make a significant improvement in the lives of the youths who are trained through it. We are making the funding sensitive to the performance. If prime sponsors can do the job, they get more funds. If not, they must learn how, in order to get more funds; in the meanwhile, a lesser part of the program, and of our funds, are entrusted to them.

We do not add regulatory requirements.

We do not list every conceivable program that the prime sponsor may employ.

We simply give the money to those who do the best job.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Youth Employment Initiatives Act of 1979".

SEC. 2. (a) Title IV of the Comprehensive Employment and Training Act is amended—

(1) by redesignating subpart 4 as subpart 5; and

(2) by inserting after subpart 3 the following new subpart:

"Subpart 4—Prime Sponsor Initiative Program

"STATEMENT OF PURPOSE

"SEC. 440. It is the purpose of this subpart to provide incentives to prime sponsors and others to train and place eligible youths and thus to provide increased employment opportunities for such youths.

"DEFINITION

"SEC. 440A. For purposes of this subpart, the term 'eligible youth' means a youth between the ages of 16 to 21 inclusive—

"(1) who is out of school;

"(2) who has been unemployed for at least eight weeks immediately prior to the determination;

"(3) who is unemployed at the time the determination is made; and

"(4) whose family income does not exceed 70 percent of the lower living standard income level (exclusive of unemployment compensation and all Federal, State, and local income-tested or needs-tested public payments) based on the 3-month period prior to the individual's application for participation.

"ALLOCATION OF FUNDS

"SEC. 440B. (a) From the sums available for this subpart—

"(1) an amount equal to 80 percent of such funds shall be made available to prime sponsors for programs authorized under this subpart;

"(2) an amount equal to 5 percent of the amount available for this subpart shall be made available to Governors for special statewide youth services under section 440F;

"(3) an amount equal to not less than 2 percent of the amount available for this part shall be made available for employment and training programs for Native American eligible youths under section 440G (deducting such amounts as are made available for such purposes under section 423(b));

"(4) an amount equal to not less than 2 percent of the amount available for this part shall be made available for employment and training programs for eligible youths in migrant and seasonal farmworker families under section 440G (deducting such amounts as are made available for such purposes under section 423(b)); and

"(5) the remainder of the funds available for this subpart shall be available for the Secretary's discretionary projects authorized under section 438.

"(b)(1) For fiscal years 1981 and 1982, the amounts available for the purposes set forth in paragraphs (1) and (2) of subsection (a) shall be allocated among the States in such a manner that—

"(A) 37.5 percent thereof shall be allocated in accordance with the relative number of unemployed persons within each State as compared to the total number of such unemployed persons in all States;

"(B) 37.5 percent thereof shall be allocated in accordance with the relative number of unemployed persons residing in areas of substantial unemployment (as defined in section 3(2)) within each State as compared to the total number of unemployed persons residing in all such areas in all States; and

"(C) 25 percent thereof shall be allocated in accordance with the relative number of persons in families with an annual income below the low-income level (as defined in section 3(16)) within each State as compared to the total number of such persons in all States.

"(2) In determining allocations under this subsection the Secretary shall use what the Secretary determines to be the best available data.

"(3) Amounts available to prime sponsors under paragraph (1) of subsection (a) shall, out of the total amounts allocated to each State under such paragraph, be allocated by the Secretary among prime sponsors selected under this subart within each State, in accordance with the factors set forth in paragraph (1) of this subsection.

"(c)(1) For the fiscal year 1983 and for each succeeding fiscal year thereafter, the amounts available for the purposes set forth in paragraphs (1) and (3) of subsection (a) shall be allocated so that each eligible applicant selected under this subpart shall receive—

"(A) a sum of $400 for each month that each eligible participant spends in an authorized program;

"(B) a sum of $2,000 for each eligible former participant (i) who has been employed in at least three out of four of the quarters following completion of the program or (ii) who has returned to school and completed a grade of schooling in the four quarters following completion of the program or in the next school year following completion of the program; and

"(C) a sum of $500 for each eligible former participant who receives a wage of over 75 percent of the average industrial wage in the area or of over 1.2 times the minimum wage, whichever is higher, in the year following completion of the program.

"(D) the sums specified in (A), (B) and (C) above shall be adjusted annually to reflect changes in the national average industrial wage.

The Secretary shall make appropriate increases in the sum paid for each participant under clause (B)(i), to adjust for the difficulty of placement. Such factors may include the youth unemployment rate in the area, the general unemployment rate, the skill composition of the workforce, the relative rate of growth or decline in employment, and such other factors as the Secretary may determine will significantly bear on the ability of the eligible applicant to place an individual.

"(2) For the purpose of this subsection, a State program under section 440F shall be considered a prime sponsor.

"(3) If the sums appropriated for any fiscal year for making payments to prime sponsors under this part are not sufficient to pay in full the allocations determined under paragraph (1) of this subsection for such fiscal year, the amount of such payments which all prime sponsors are authorized to receive under this part for such fiscal year shall be ratably reduced. Whenever additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amount shall be increased on the same basis as they were reduced.

"ELIGIBLE APPLICANTS

"SEC. 440C. Eligible applicants for purposes of this subpart are prime sponsors qualified under section 101, sponsors of Native American programs qualified under section 302 (c) (1), and sponsors of migrant and seasonal farmworker programs qualified under section 303.

"TRAINING AND EMPLOYMENT

"SEC. 440D. Each eligible applicant shall develop and carry out any program or combination of projects for training and employment opportunities under this subpart which the applicant determines will improve the chances for, and the quality of, subsequent employment for the youth to be served.

"SELECTING PRIME SPONSORS

"SEC. 440E. In selecting prime sponsors to carry out programs under this subpart, the Secretary shall select only prime sponsors submitting proposals which include—

"(1) a statement of the estimated number of economically disadvantaged youth to be served by the prime sponsor, and assurances that only such disadvantaged youth will be served;

"(2) assurances that the provisions of section 440I relating to wage provisions and section 440J relating to special conditions are met;

"(3) assurances that a participating youth is not a relative of any person with responsibility for hiring a person to fill that job;

"(4) assurances that whenever employment involves additional on-the-job, institutional, or apprenticeship training furnished or provded by the employer, and if such training is not paid in full or in part by the prime sponsor under any other program authorized under this Act, wages may be paid in accordance with the provisions of subsection (b) of section 14 of the Fair Labor Standards Act of 1938, and with the balance being applied to the cost of training; and

"(5) assurances that special efforts will be made to recruit youth from families receiving public assistance, including parents of dependent children.

"STATE PROGRAMS

"SEC. 440F. The amount available to the Governor of each State under section 440B (a) (2) shall be used in accordance with a special statewide youth services plan, approved by the Secretary, for the same purposes as specified in Sec. 433(c) above.

"SEASONAL FARMWORKER PROGRAMS

"SEC. 440G. The amounts available from allocations under section 440B (b) (3) and (4) shall be used in accordance with a plan, approved by the Secretary, to enable eligible applicants to provide employment opportunities and appropriate training and supportive services for eligible participants.

"AGENCY COOPERATION

"SEC. 440H. Notwithstanding any other provision of law, each Government agency which collects employment, unemployment and wage data shall provide information on former participants in programs assisted under this subpart for the limited purpose of allocating funds under this subpart.

"WAGE PROVISIONS

"SEC. 440I. Whenever an eligible applicant uses an employment program under this part, rates of pay under this part shall be no less than the higher of—

"(1) the minimum wage under section 6 (a) (1) of the Fair Labor Standards Act of 1938;

"(2) the State or local minimum wage for the most nearly comparable employment; or

"(3) the prevailing rates of pay, if any, for occupations and job classifications of individuals employed by the same employer, except that—

"(A) whenever an eligible applicant has entered into an agreement with the employer and the labor organization representing employees engaged in similar work in the same area to pay less than the rates provided in this paragraph, youths may be paid the rates specified in such agreement;

"(B) whenever an existing job is reclassified or restructured, youths employed in such jobs shall be paid at rates not less than are provided under paragraph (1) or (2), but if a labor organization represents employees engaged in similar work in the same area, such youths shall be paid at rates specified in an agreement entered into by the appropriate prime sponsor, the employer, and the labor organization with respect to such reclassified or restructured jobs, and if no agreement is reached within 30 days after the initiation of the agreement procedure referred to in this clause the labor organization, prime sponsor, or employer may petition the Secretary, who shall establish appropriate wages for the reclassified or restructured positions, taking into account wages paid by the same employer to persons engaged in similar work;

"(c) whenever a new or different job classification or occupation is established and there is no dispute with respect to such new or different job classification or occupation, the Secretary, shall within 30 days after receipt of the notice of protest by the labor organization representing employees engaged in similar work in the same area, make a determination whether such job is a new or different job classification or occupation; and

"(D) in the case of projects to which the provisions of the Davis-Bacon Act (or any Federal law containing labor standards in accordance with the Davis-Bacon Act) otherwise apply, the Secretary is authorized, for projects financed under subparts 2 and 3 under $5,000, to prescribe rates of pay for youth participants which are not less than the applicable minimum wage but not more than the wage rate of the entering apprentice in the most nearly comparable apprenticeable trade, and to prescribe the appropriate ratio of journeymen to such participating youths.

"SPECIAL PROVISIONS

"SEC. 440J. Appropriate efforts shall be made to ensure that youths participating in programs, projects, and activities under this part shall be youths who are experiencing severe handicaps in obtaining employment, including but not limited to individuals who lack credentials (such as a high school diploma), individuals who require substantial basic and remedial skill development, individuals who are women and minorities, individuals who are veterans of military service, individuals who are offenders, individuals who are handicapped, individuals with dependents, or individuals who have otherwise demonstrated special need, as determined by the Secretary.".

(b)(1) The first sentence of section 431 of the comprehensive Employment and Training Act is amended by striking out "youth" each time it appears and inserting in lieu thereof "in school youth".

(2) Section 435(1)(A) of such Act is amended by striking out "or are in school" and inserting in lieu thereof a comma and the following: "are in school,".

(c)(1) The table of contents of the Comprehensive Employment and Training Act is amended by adding after the item "Sec. 439." the following:

"Subpart 4—Prime Sponsor Initiative Program

"Sec. 440. Statement of purpose.
"Sec. 440A. Definition.
"Sec. 440B. Allocation of funds.
"Sec. 440C. Eligible applicants.
"Sec. 440D. Training and employment.
"Sec. 440E. Selecting prime sponsors.
"Sec. 440F. State programs.
"Sec. 440G. Native American and seasonal farmworker programs.

"Sec. 440H. Agency cooperation.
"Sec. 440I. Wage provisions.
"Sec. 440J. Special provisions.".

(2) The item subpart 4 in title IV of the table of contents is redesignated as subpart 5.

SEC. 3. Section 441(3) of the Comprehensive Employment and Training Act is amended by inserting before the period the following: "and subpart 4.".

SEC. 4. Section 112(a)(2) of the Comprehensive Employment and Training Act is amended by redesignating paragraph (C) as paragraph (D) and by inserting after paragraph (B) the following new paragraph:

"(C) There are authorized to be appropriated such sums as may be necessary for the fiscal year 1931 and for each of the three succeeding fiscal years to carry out part A of title IV.".

Mr. DANFORTH. Mr. President, I am pleased today to join Senators KENNEDY, CHAFEE, and MCGOVERN, as a primary cosponsor of S. 1129, the Youth Employment Initiatives Act of 1979. Senator KENNEDY has described in some detail the particulars of the bill and I will not repeat what he has said. Instead, I would like to focus on what I see as the intent of this legislation.

Mr. President, no one can deny the terrible, persistent problem of youth unemployment in this country. Nationally, youth unemployment is estimated in excess of 16 percent. For blacks, the figure is more than twice that number. My own State of Missouri, thankfully, has not experienced the severe unemployment that has plagued certain other sections of the country. Nonetheless, in the city of St. Louis, which is counted among the most economically distressed communities in the United States, youth unemployment is 13.8 percent. For minority youths the figure is dramatically worse—23.6 percent for young men, 15.6 percent for young women. The situation is not much better in the western half of the State, where the economy is stronger. In Kansas City, where unemployment in recent months has been low, youth unemployment easily tops 12 percent. Minority youth unemployment is over 20 percent.

Mr. President, a generation of young people is growing up with no meaningful job skills. In a sluggish economy, locked out of entry level job positions by minimum wage laws that effectively discourage private sector employers from taking a chance on inexperienced workers, faced with a steadily lessening demand for unskilled labor, far too many young people today are finding it all but impossible to secure work.

The long term effects of this problem are not easily ascertained. The immediate effects, however, can be readily determined. Today, juvenile delinquency, born of boredom, frustration, and poverty, is our most serious crime problem. Drug and alcohol abuse, rising from the same roots, has reached terrifying proportions among America's youth.

Our continuing failure to respond adequately to the problem of youth unemployment is frustrating and inexplicable.

Frustrating—because the problem is so tragic.

Inexplicable—because there is work to be done in this country. American industry needs skilled workers. There is work to be done—and no one to do it.

The congressional response to the problem of youth unemployment is found in title IV of the Comprehensive Employment and Training Act, which deals with youth programs. It is this title of CETA which we propose to change.

Mr. President, the failures of the CETA program are legion. After-dinner speakers throughout this country regale audiences with tales of absurd jobs performed by CETA trainees—at taxpayer's expense. The extent of this problem was exemplified by the title of a recent article included in a series of essays purporting to demonstrate the success of the CETA program: "Teaching Low Income Teenagers to Make Professional Motion Pictures." Mr. President, unemployment in the motion picture industry ranges as high as 50 percent at any given time. It may be fun to make movies—but the CETA program was not designed to train young people for nonexistent jobs.

There is nothing funny about the failures of the CETA program. When young people are trained for jobs for which there is no demand, they are virtually no better off when they leave the program than they were when they began. When young people are occupied with make-work, when they are paid for playing games, when they are paid whether they show up for work or not and whether they work a full day or not, as has happened in the CETA program, they do not learn even rudimentary job skills—they learn contempt for work.

Why is this happening? We who are cosponsoring this legislation today are convinced that many of the failures of the CETA program can be traced to the failure of Congress to establish any performance criteria for funding CETA prime sponsors. Rather than insist upon performance from CETA sponsors we have instead insisted upon compliance with page after page of Department of Labor regulations—promulgated in accordance with a statute which describes, in stifling detail, the permissible use of CETA moneys. This is typical of the way we do things in Washington. Our fascination with rules, regulations, forms and applications has—for some reason—made us blind to the fact that all these rules, regulations, forms and applications are not getting us anywhere.

This bill abandons that approach.

What we are saying in this legislation—essentially—is that our only concern is getting the job done. If a CETA prime sponsor is getting young people back to school, getting them jobs, and getting them good jobs, is not that sufficient evidence that the CETA sponsor is doing the job Congress asked it to do? And if a CETA prime sponsor is not getting jobs for the people in its programs—is not getting people back to school—who cares if its application was in order? We are concerned with results.

Those programs that do well should be rewarded with continued funding—those that do not should not be rewarded. It is as simple as that.

Tihs shift from a planning orientation to a results orientation in the administration of the CETA program may very well be the most significant change proposed by this bill. By tying CETA funding to results I believe we will force CETA sponsors to be more critical in their funding decisions. I strongly suspect we will find fewer and fewer nonsensical programs funded as sponsors come to realize that they have got to produce results if they are going to get Federal dollars. But in a broader, more positive sense, this bill recognizes the capacity of State and local governments to do the job of getting young people into jobs without the Federal Government breathing down their necks. This is tremendously significant—not only because of what it promises for the future administration of the CETA program, but also because of the lessons it can provide the Congress with respect to any grant program dependent upon the initiative of State and local government leaders.

Mr. President, I am not a member of the Labor and Human Resources Committee—the committee to which this bill will likely be referred—and for that reason I would like to take this opportunity—briefly—to discuss two concerns which I hope the committee will address as it considers this legislation. First, I hope that the committee will resist the temptation to add eligibility criteria to the intentionally minimal criteria we have set out in this bill as it is presently drafted. As I hope I have made clear in this statement, a fundamental concept of this legislation is the abandonment of detailed criteria for funding, and I hope that the committee supports us in this effort.

Second, it should be obvious that—in measuring the success of a CETA prime sponsor—the record of that sponsor in placing youths in school and in jobs is of primary importance. However, I am very concerned by the prospect that prime sponsors may seek to show good results for their youth programs by placing participants in other CETA jobs—or other subsidized public service employment positions. I am not sure that I would go so far as to ban the placement of participants in CETA jobs, though that may in fact prove advisable, but I do believe that some incentive or directive should be considered for assigning higher priority to the placement of young people in private sector jobs than in other jobs. Our decision not to write such a provision into the bill, as introduced, is based on the expectation that the committee will consider this issue in hearings and develop appropriate legislative language.

Mr. President, I commend Senator KENNEDY for taking the initiative in introducing this legislation. I am pleased to join him as an original cosponsor. I look forward to hearings.

Mr. CHAFEE. Mr. President, I am pleased to join today as a cosponsor of the Youth Employment Initiatives Act of 1979, along with Senators KENNEDY, DANFORTH and MCGOVERN.

This bill addresses what I consider to be one of the most serious and persistent problems we face today—the continually high rate of youth unemployment. Whether our economy is healthy or slow, the rate of youth unemployment remains high. In 1960, during a period which was generally acknowledged to be a prosperous one, the youth unemployment rate was 14.7 percent. In 1970, the rate had increased to 15.3 percent. Today it is even higher at 16.5 percent.

Since 1977 we have tried to train youngsters and place them in jobs through the Youth Employment and Training Program (YETP), the largest single youth program in the Comprehensive Employment and Training Act (CETA). This year, $592 million will be spent for this program. The administration has asked for outlays of $850 million for fiscal year 1980.

But, for all the money spent, many youths are not receiving the quality job training and work experience that they need. While many prime sponsors are doing a good job at trying to help these youngsters, the unemployment rate remains high. This is especially true in the older, inner-city areas.

The bill we are introducing today significantly changes the way funds for the YETP program are disbursed. It establishes, for the first time, performance standards for prime sponsors. Future funding levels would be tied to the prime sponsors' success in meeting the goals of the program during the previous year. For the first time, successful performance would be rewarded with additional funds.

The bill provides that—

First. Eligibility criteria are tightened so that only structurally unemployed youth are eligible for assistance;

Second. Performance criteria, what we want the prime sponsor to achieve, would be specified;

Third. A host of regulations which now guide prime sponsor efforts, would be scrapped in favor of performance criteria, and

Fourth. Funds would be distributed on the basis of prime sponsors' success at meeting the goals of the program.

The new funding method would work as follows:

For the first 2 years of the program, prime sponsors would continue to be funded under the current formula. Performance criteria would be specified so that prime sponsors would know exactly what we are trying to achieve. Funding for the third year will be based on the prime sponsors' success at meeting the performance criteria during the previous year.

Four hundred dollars will be paid for each month a youth is in a training program, $2,000 for each trainee who returns to school or is employed 3 out of 4 quarters after completing training, and $500 for each former participant who has upgraded his/her employment, as determined by pay levels.

We recognize that it will be easier to place youngsters in good jobs where the labor market is growing than where it is tight, such as in Newark. The bill addresses this imbalance by providing prime sponsors in areas of high unemployment with extra bonuses for successful placements.

Mr. President, in addition to introducing performance standards into YETP funding and providing incentives for prime sponsors to do the best possible job, this bill will reduce the regulatory burden of the program. Instead of trying to comply with 15 pages of Labor Department regulations, prime sponsors will be free to develop programs to help disadvantaged youth find good, stable jobs. Certain assurances will still be required, such as nondiscrimination, wage standards, and that special efforts are made to recruit youth who receive public assistance. But basically, prime sponsors will be rewarded for good performance rather than meeting pages of regulations.

In my view, this bill presents a tremendously positive change in the way we distribute Federal tax dollars. It will improve management of YETP funds and provide financial incentives for successful performance while at the same time, reducing Government regulations. We owe it to the young people who desperately need training and employment, as well as to the taxpayers who pay the bill, to make this program as effective as possible. By rewarding success, we will demonstrate that we are committed to a quality employment program for our young people.

By Mr. BAYH (for himself, Mr. THURMOND, Mr. MCGOVERN, Mr. JACKSON, and Mr. JAVITS):

S. 1130. A bill to amend title 10, United States Code, to provide for legal assistance to members of the Armed Forces and their dependents, and for other purposes; to the Committee on Armed Services.

MILITARY LEGAL ASSISTANCE PROGRAM

● Mr. BAYH. Mr. President, I am introducing today with my distinguished colleagues, Senators THURMOND, JACKSON, MCGOVERN, and JAVITS, a bill to provide a statutory basis for the military's now voluntary legal assistance program.

Even though a legal services program has been available to military personnel since 1943, at no time has this service been part of the defense establishment's statutory responsibility. At the same time, an increased demand for Judge Advocate General (JAG) services has resulted from enactment of a whole range of new laws. Time otherwise available for work in a voluntary program must be increasingly devoted to tasks required by statute. As a result, the servicemen and women in the lower grades are not able to count on the same degree of counseling under the legal assistance program.

The 1943 program was and is based on the fact that adequate civilian legal services are generally not available to military personnel when they are stationed overseas, deployed at sea, serving at remote installations, and in other situations owing entirely to the unique nature of military service. Such duties may prohibit service personnel from establishing the residency requirements necessary for eligibility for free legal services or from merely establishing a continuing client relationship with a local attorney. This hardship is particularly severe to those personnel in the lower grades.

The fiscal year 1980 DOD budget programs approximately $27.6 billion to cover military personnel costs. Even so, a GI is neither protected against nor compensated for small claims losses which a military-sponsored legal assistance program can help him or her settle through the civil courts.

An example of this can be found in the case of an Army enlisted man who is abruptly transferred hundreds of miles away to a new duty station. His landlord summarily refuses to return the security deposit he and his wife had put down on their rented apartment, even though the rental agreement would seem to entitle him to the refund. Of course, few local lawyers would be able to spend time on such a claim.

The sum of the deposit might seem further insignificant when contrasted against the billions of dollars budgeted by DOD each year on people. Yet, for this enlisted man and his family, that amount is important. It underlines the point that despite the incentives provided in support of the All Volunteer Force (AVF), the fact is that military men and women in the enlisted grades still earn a modest living. Therefore, it is essential that we do everything appropriate to prevent the erosion of the essential benefits of the legal services program. In so doing, we can protect the legal rights of all those in the military who may not be fully aware of recourse available to them and provide important services they could not otherwise afford.

In addition and most importantly, the bill I am introducing today recognizes that the military services themselves must have flexibility to increase their effort in one area and decrease it in other areas as the requirements of our national security dictate. This legislation will not alter that concept but will assure that legal services will be duly considered along with DOD's other statutory responsibilities.

In order to outline the specifics of the program as it now operates and the details of the legislation being introduced, I ask unanimous consent that the bill, a section-by-section analysis and a series of questions and answers be printed in the RECORD at this point:

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the intent of the Congress that members of the Armed Forces and their dependents have legal assistance made available to them in connection with their personal legal affairs.

SEC. 2. (a) Chapter 53 of title 10, United States Code, is amended by adding at the end of such chapter the following new section:

"§ 1041. Legal assistance

"(a) Armed Forces personnel and their dependents are entitled to legal assistance in connection with their personal legal affairs under such regulations as may be prescribed by the Secretary concerned.

"(b) The Judge Advocates General, as defined in section 801(1) of this title, are responsible for the establishment and supervision of legal assistance programs under such regulations as may be prescribed by the Secretary concerned.

"(c) Nothing contained in this section

shall be construed as authority for the representation in court of Armed Forces personnel or their dependents who can otherwise afford legal fees for such representation without undue hardship.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1041. Legal assistance.".

Section-by-Section Analysis

Subparagraph (a) is designed to insure the continuation and permanency of the providing of legal services to servicemen and their dependents and is expressed in terms of an entitlement to such legal services. This is subject to such regulations as the Secretary concerned may prescribe. By utilizing the term "entitlement," the fulfillment of this entitlement is left to the Secretary of the Department concerned—i.e. by utilizing military attorneys, by utilizing contracted services of civilian attorneys, by utilizing civilian attorneys who are civil service employees, etc. The choice of the method of fulfilling this statutory entitlement is left to the Secretary.

Subparagraph (b) clearly places upon the Judge Advocates General the responsibility for the creation and operation of the legal assistance programs. The reference to 10 USC 801 is necessary so as to include the Coast Guard. The Coast Guard has no "Judge Advocate General" and the only place in the law where the term "Judge Advocate General" is made applicable to the Coast Guard is in the definitional section of the Uniform Code of Military Justice wherein it is stated that the term "Judge Advocate General" shall include the General Counsel of the Department in which the Coast Guard is operating. The language "by the Secretary concerned" refers, in this case, to the Secretary of Transportation.

Subparagraph (c) is designed specifically to indicate that this legislation is not authority for the expansion of the legal assistance program to include the representation in court of those presently able to pay legal fees—i.e. to continue the present expanded legal assistance program to the military indigent, but not provide any requirement or authority for expansion to others than the military indigent. If the client can afford legal fees without undue hardship or if the case is one in which the attorney can recover a reasonable fee out of the judgment, then the legal assistance program, insofar as presentation in court is concerned, may not be expanded under the authority of this legislation.

Question and Answers About Military Legal Assistance Legislation

QUESTIONS AND ANSWERS

1. Q. Who will be entitled to legal services under this bill?

A. "Armed Forces personnel and their dependents" are defined elsewhere in Title 10 of the United States Code to include active duty personnel and their dependents and certain retired personnel and their dependents. Except as limited by subparagraph (c), it is the intent of the bill to provide legal services to these personnel and others as prescribed in the regulations of each military department authorizing legal assistance. As with other military benefits, legal assistance has been made available to all grades and ranks, but the overwhelming share of legal services are provided to low and middle income service members who, like their civilian counterparts, are least able to afford the services of an attorney. A survey of Army legal assistance indicates that grades E–1 through E–5 provided 64.7 percent of clients served during calendar year 1975; E–6 through E–9 provided 21.2 percent; WO through O–3, 9.5 percent; O–4 through O–6, 4.5 percent; and O–7 through O–10, 0.1 percent.

2. Q. Who may provide legal services to service personnel and their dependents?

A. Active duty military lawyers, civil service attorneys employed by the military departments, and reserve military lawyers are authorized to provide legal assistance under the regulations of the military departments authorizing legal assistance. The bill presumes that the same regulations will apply after its enactment.

3. Q. Will the delivery of legal services to Armed Forces personnel at the level contemplated by this bill be detrimental to members of the local bar?

A. During the five years that the American Bar Association has worked with representatives of the military services in observing legal assistance programs in operation and in visiting with numerous civilian bar leaders and practitioners, the Committee has found no evidence of any abuse of the civil process or injury to the civilian bar at any location where these programs have been established. On the contrary, the A.B.A. has found an expanded awareness of legal rights and needs in each community. Where the local bar association has encouraged and participated in these programs, there has developed a professional rapport between the military and civilian bar members, and between the military services and the local judiciary and law enforcement authorities in a manner which has ultimately resulted in the improvement of legal services and the protection of the rights of individual service members. It has also released the local civilian bar from responsibilities for representation and defense of a number of low-income servicemen and women. Initial concerns by members of state and local bar associations relating to the quality of legal representation, the danger of "harassment" actions, and the loss of revenue-producing clients, have been proven unfounded. On the contrary, where the state and local bar associations have worked with the military lawyer community, the legal assistance program has produced a higher quality representation, has reduced the areas of confrontation between military and local authorities, has increased the level and quality of civilian bar legal services, and has by preventive law achieved many of the objectives of the law by self-discipline.

4. Q. What legal services are included in "personal legal affairs" in Section 2 of this bill?

A. "Personal legal affairs" is intended to mean only those types of cases authorized by the regulations governing the provision of legal assistance issued by the military departments. Those regulations include assistance in and/or preparation of wills, powers of attorney, tax matters, domestic relations matters, consumer protection matters, landlord-tenant matters, and others. The regulations do not allow (some in fact prohibit), nor does the bill contemplate, providing legal services for the purpose of assisting a service member in any commercial endeavor, for the purpose of instituting a class action (which might be a fairly attractive fee-generating cases for a civilian attorney) or for the purpose of suing the Federal government (legal assistance officers are prohibited by 18 U.S.C. 205 and implementing regulations from instituting such suits against the United States).

5. Q. Will this bill require the additional expenditure of public funds (including personnel)?

A. No. The bill does not (and is not intended to) mandate a specific level of legal assistance programs of any kind; rather, the bill merely recognizes and protects by statute a long-standing practice of the services, leaving the implementation to the best judgment of the military departments. The only cost factor is an indeterminate but perhaps identifiable continuing cost of maintaining the present program with no new costs. As a practical matter, the bill closes off the possibility of the total discontinuance of the existing practice of providing legal assistance to service members, an option which is currently available to the military departments.

If the military departments at some future time should decide to seek funding for expansion of the in-court program throughout the United States, additional costs are somewhat difficult to estimate.●

By Mr. WILLIAMS:

S. 1131. A bill to amend title XII of the National Housing Act to establish national standards in order to reduce incendiarism and maintain community vitality, and to encourage States to adopt minimum standards for arson investigation and insurance underwriting; to the Committee on Banking, Housing, and Urban Affairs.

ARSON PREVENTION AND RECONSTRUCTION INCENTIVE ACT OF 1979

● Mr. WILLIAMS. Mr. President, the problem of arson is one which continues to plague the communities of the United States, and represents a growing threat to their continued vitality, and to the health and safety of their residents.

Arson constitutes a virulent and reprehensible tide of deliberate destruction that is gathering momentum, having already increased fourfold in the course of the last decade. The annual monetary loss resulting from arson now totals the staggering sum of more than $2 billion. Further, more than 1,000 citizens are now losing their lives yearly in the flames of arson fires.

In my own State of New Jersey, more than 3,000 deliberate conflagrations took place last year. During the first quarter of 1979, more than 60 lives have been claimed by arson, and tens of millions worth of property have been destroyed, in just one urban portion of New Jersey.

This situation is intolerable. And it is especially distressing that many instances of arson-for-profit have involved properties insured under the FAIR plans established by the Urban Property Protection and Reinsurance Act of 1968. That law was enacted in order to stem the decline of troubled urban areas by assuring that affordable insurance would remain available to residents and businesses. Unfortunately, the effectiveness of FAIR plans as a community development tool has been criminally perverted in some instances. The legislation I am introducing today will restore the role of the FAIR plans as an aid to neighborhood stability by providing higher reimbursements for fire losses where the property owner certifies his intention to rebuild. Further, the restriction of payment of market value for properties which will not be reconstructed will stem the practice of overinsurance, which provides the profit motive for many deliberately set fires.

Tighter standards for the FAIR plans alone, however, are only a small step toward curbing the arson epidemic. In New Jersey, for example, only 5 percent of the properties destroyed by arson are insured under FAIR plans—the remaining 95 percent are covered by the regular, private market. That is why my legislation also mandates that Federal minimum standards for arson investigation and prosecution, and for information disclosure by insurance applicants, be developed by the Federal Emergency Management Agency. Adequate applicant disclosure can help to keep those with records of suspicious property destruction from gaining further access to insurance funds. Mandatory investigation and prosecution will serve as an added deterrent, and will redress the lax practices which sometimes prevail in the industry. The States will have 2 years following publication of these minimum standards to incorporate them in their insurance regulations. At the end of that period, the minimum standards would be imposed as a condition for continued State participation in the FAIR plans.

Mr. President, neither this bill alone, or any action taken solely at the Federal level, will provide the total solution to the arson problem. The individual States must continue to pursue their own independent efforts. New Jersey has recently established a State task force of law enforcement and insurance experts to address its crisis situation, and has tightened FAIR plan regulations to exclude property owners with histories of arson, tax avoidance, and inadequate maintenance. Further, the city of Newark has established a $50,000 "bounty fund" to fund rewards for information leading to the arrest and conviction of arsonists.

I believe that these actions are worthy of emulation, and continue the primary responsibility of the States and localities for insurance oversight and law enforcement. My legislation recognizes this role through its inclusion of the National Association of Insurance Commissioners in the standard-drafting process, and by imposing Federal standards only as a last resort. The standards to be developed can help to assure that coverage provided under Federal law no longer contributes to the decline of distressed areas, while at the same time providing models for State and underwriter action.

It is my belief that this legislation provides a useful complement to S. 252, the Anti-Arson Act recently introduced by my distinguished colleague, Senator GLENN, which it is my privilege to cosponsor. That bill's establishment of a Federal Task Force on Arson, and its increased focus on arson as a law-enforcement problem, are particularly noteworthy. The bill which I introduce today reinforces the community revitalization role of FAIR plans, and provides Federal leadership in establishing model antiarson protections. It is my hope that it will receive expeditious consideration, in view of the gravity of the situation which it addresses.●

By Mr. McCLURE (for himself, Mr. HATCH, and Mr. GARN):

S.J. Res. 78. Joint resolution to authorize and request the President to designate the week of June 11 through June 17, 1979, as "National Jeep Search and Rescue Association Week;" to the Committee on the Judiciary.

● Mr. McCLURE. Mr. President, the National Jeep Search and Rescue Association was organized 19 years ago in 1960 as a nonprofit volunteer service organization. Its objectives are: to serve the public welfare in any disaster, catastrophe, or emergency; to render aid when called upon by the local, county, State, and national governmental law enforcement and governing agencies; and to render aid and assistance to all persons in difficulties or distress when met on the road or in the field. I am sure that all my colleagues who are familiar with the efforts of the National Jeep Search and Rescue Association will agree with me that they have met these aims and provided a great public service.

The men and women who compose the membership of the National Jeep Search and Rescue Association dedicate their own search and rescue equipment, and give unselfishly of their time, day or night. They spend many hours each year in intensive training, furthering and keeping abreast of the latest search and rescue skills and techniques. While I do not know how many thousands of people the National Jeep Search and Rescue Association has assisted or how many lives they may have saved, I do know that at least one member of the association gave up his life in the service of others.

I respectfully ask my colleagues to join me in honoring the dedication of the men and women of the National Jeep Search and Rescue Association by declaring the week of June 11 to June 1, 1979, as "National Jeep Search and Rescue Week." ●

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. BAYH, the Senator from California (Mr. CRANSTON), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Alabama (Mr. HEFLIN), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Maryland (Mr. MATHIAS), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Michigan (Mr. RIEGLE), and the Senator from Florida (Mr. STONE) were added as cosponsors of S. 25, a bill to designate the birth date of Dr. Martin Luther King, Jr., as a national holiday.

S. 43

At the request of Mr. HATCH, the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Washington (Mr. JACKSON) were added as cosponsors of S. 43, the National Ski Patrol System Recognition Act.

S. 35

At the request of Mr. HELMS, the Senator from Utah (Mr. HATCH) and the Senator from Idaho (Mr. McCLURE) were added as cosponsors of S. 35, a bill to repeal the Credit Control Act.

S. 334

At the request of Mr. BAYH, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 334, the Family Farm Antitrust Act of 1979.

S. 377

At the request of Mr. ROTH, the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 377, a bill to establish as an executive department of the Government of the United States a Department of International Trade and Investment.

S. 414

At the request of Mr. BAYH, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 414, the University and Small Business Patent Procedures Act.

S. 449

At the request of Mr. HATCH, the Senator from California (Mr. HAYAKAWA) was added as a cosponsor of S. 449, the Charitable Organizations Preservation Act of 1979.

S. 503

At the request of Mr. JAVITS, the Senator from Illinois (Mr. PERCY) and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of S. 503, the Privacy Act Amendments of 1979.

S. 598

At the request of Mr. BAYH, the Senator from Delaware (Mr. BIDEN), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Connecticut (Mr. WEICKER), and the Senator from Iowa (Mr. CULVER) were added as cosponsors of S. 598, the Soft Drink Interbrand Competition Act.

S. 854

At the request of Mr. BAYH, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 854, the Polygraph Control and Civil Liberties Protection Act.

S. 955

At the request of Mr. HELMS, the Senator from Mississippi (Mr. COCHRAN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 955, a bill to provide for the safeguarding of taxpayer rights, and for other purposes.

S. 1109

At the request of Mr. CHAFEE, the Senator from New York (Mr. MOYNIHAN) and the Senator from Washington (Mr. MAGNUSON) were added as cosponsors of S. 1109, a bill to amend title XVI of the Social Security Act with respect to the negotiability of supplemental security income checks, and for other purposes.

SENATE JOINT RESOLUTION 77

At the request of Mr. STEVENSON, the Senator from North Dakota (Mr. BURDICK) and the Senator from Kansas (Mrs. KASSEBAUM) were added as cosponsors of Senate Joint Resolution 77, congratulating the men and women of the Apollo program upon the 10th anniversary of the first manned landing on the Moon and requesting the President to proclaim the period of July 16 through 24, 1979, as "U.S. Space Observance."

SENATE RESOLUTION 159—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Pursuant to the order of May 10, 1979, on May 11, 1979, Mr. CHURCH, from the Committee on Foreign Relations, reported the following original resolution, which was referred to the Committee on the Budget:

S. RES. 159

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 584, a bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes. Such waiver is necessary to allow the authorization of $100,000,000 in additional budget authority for fiscal year 1979 for United States participation in a multilateral program of economic relief for Turkey.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by the May 15, 1978, deadline, because the resolve to undertake the multilateral program was not made until the Guadaloupe Summit Meeting in January 1979. The Presidential request for this amount was transmitted to Congress on April 10, 1979.

The effect of defeating consideration of the supplemental authorization will be to delay matching contributions by other Western nations and reject the multiple appeals by Turkey, a North Atlantic Treaty Organization ally, for emergency economic assistance in an amount adequate to enable the Turkish Government to undertake needed economic stabilization and reform measures. The urgency of this appeal is compounded by the recent turmoil in Iran that threatens to spill over into economically distressed neighboring regions of Turkey.

The desired authorization will not delay the regular appropriations process and can be provided in a supplemental authorization. This program was anticipated in the committee's March 15, 1979 Report to the Committee on the Budget and can be accommodated by the revised Second Budget Resolution for Fiscal Year 1979 as passed by the Senate.

SENATE RESOLUTION 160—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. EAGLETON, from the Committee on Governmental Affairs, reported the following original resolution, which was referred to the Committee on the Budget:

S. RES. 160

Resolved, That the provisions of section 402(a) of the Congressional Budget Act of 1974 are waived with respect to S. 905, a bill to authorize additional appropriations for the Temporary Commission on Financial Oversight of the District of Columbia, and for other purposes. Such waiver is necessary because of the unexpected magnitude of work encountered by the Temporary Commission on Financial Oversight of the District of Columbia (established by the Act of September 4, 1976 (90 Stat. 1205)) in correcting, up-dating, and reconciling existing accounts and records of the District of Columbia. Such Commission, in order not to interrupt on-going development of a financial management system for the District of Columbia, will require a supplemental appropriation for the fiscal year ending September 30, 1979, in order that the system can be made operational and an independent audit of the financial records of the District of Columbia government can be achieved for fiscal year 1980.

AMENDMENTS SUBMITTED FOR PRINTING

VETERANS HEALTH CARE AMENDMENTS OF 1979—S. 7

AMENDMENT NO. 199

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE (for himself and Mr. MAGNUSON) submitted an amendment intended to be proposed by them, jointly, to S. 7, a bill to amend title 38, United States Code, to revise and improve certain health-care programs of the Veterans' Administration, to authorize the construction, alteration, and acquisition of certain medical facilities, and to expand certain benefits for disabled veterans, and for other purposes.

NOTICE OF HEARINGS

SUBCOMMITTEE ON ANTITRUST, MONOPOLY, AND BUSINESS RIGHTS

● Mr. METZENBAUM. Mr. President, the hearings on S. 600 scheduled for May 17, 1979, before the Judiciary Subcommittee on Antitrust, Monopoly, and Business Rights will be held in room 4200, Dirksen Senate Office Building, instead of room 6226, Dirksen Senate Office Building, as previously announced.

The hearing will begin at 10 a.m.●

SELECT COMMITTEE ON ETHICS

Mr. STEVENSON. Mr. President, the Select Committee on Ethics hearings in the Senator TALMADGE matter will continue through May 24 from 9:30 a.m. to 1 p.m. as follows:

May 14—room 1202.
May 15—1202.
May 16—1202.
May 17—(room to be announced).
May 21—1202.
May 22—1202.
May 23—(room to be announced).
May 24—(room to be announced).

SUBCOMMITTEE ON ANTITRUST, MONOPOLY, AND BUSINESS RIGHTS

● Mr. METZENBAUM. Mr. President, the Judiciary Subcommittee on Antitrust, Monopoly, and Business Rights will hold hearings on S. 600, the Small and Independent Business Protection Act of 1979, on May 22, 1979.

The hearings will begin at 9 a.m. in room 5110 Dirksen Senate Office Building.●

COMMITTEE ON THE JUDICIARY

● Mr. BAYH. Mr. President, the Committee on the Judiciary, has scheduled hearings on S. 414, the University and Small Business Patent Procedures Act to be chaired by Senator BAYH, on May 16, 1979 at 10 a m. in room 2228 of the Dirksen Senate Office Building.

Any persons wishing to submit written statements to the hearing record should send them to Joe Allen, 102-B Russell Senate Office Building, Washington, D.C., 20510.●

SUBCOMMITTEE ON ANTITRUST, MONOPOLY, AND BUSINESS RIGHTS

● Mr. METZENBAUM. Mr. President, the Judiciary Subcommittee on Antitrust, Monopoly and Business Rights will hold hearings on cost disclosure in life insurance on May 24, 1979.

The hearings will begin at 9:30 a.m. in room 457 Russell Senate Office Building.●

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the sessions of the Senate today and tomorrow, Wednesday of this week to continue markup of the fiscal year 1980 Department of Defense authorization bill (S. 428).

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Governmental Efficiency of the Committee on Governmental Affairs be authorized to meet during the session of the Senate tomorrow—May 15—to consider the administration's policies on relocation of Federal office space.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate today to consider S. 968, a bill to amend certain provisions of the Public Utility Regulatory Policies Act of 1978.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

GRADUATION DAY ADDRESS AT THE CITADEL

Mr. HOLLINGS. Mr. President, this past weekend, it was my privilege to listen to one of the finest and most moving commencement addresses that I have ever had the honor of hearing. The speech was delivered at the graduation day exercises at the Citadel, the military college of South Carolina, and the speaker was Adm. James Stockdale, president of the Naval War College, and soon to be installed president of the Citadel.

Admiral Stockdale's address goes to the fundamentals and is particularly eloquent in reaffirming the moral dimension of education. He speaks at length of character development and of the constant imperative of having moral principles for the increasingly complex moral dilemmas with which we are confronted.

Admiral Stockdale, as many of my colleagues already know, served for 7½ years as a prisoner-of-war at Hoa Lo prison in North Vietnam. His behavior under that almost unbelievable treatment can only be described as heroic. From that experience. he developed a feel and an empathy for the moral dilemmas of war—and really of the challenges to character coming from the many new and unfamiliar circumstances of our times—that is to my mind unmatched in anyone I have ever met. He gives no glib or easy answers. As he puts it:

> Cool, glib, cerebral, detached guys can get by in positions of authority until the pressure is on. But when the crunch develops . . . people cling to those they know they can trust—people who are not detached, but involved—people who have consciences, people who can repent, people who do not dodge unpleasantness, yes, people who can mete out just punishment and look their charges in the eye as they do it.

From this, he launches into a discussion of the essence of leadership that deserves to be read by every American. Leadership, he tells the graduating class, "entails the specific tasks of being a moralist, purist, teacher, steward, and philosopher." The first of those to be discussed is the moralist, and this is where the emphasis is throughout this brilliant address. I will make no attempt to summarize what the admiral says in the discussion because he puts it with an economy and an eloquence that I could in no way parallel in synopsis.

Let me simply commend to my colleagues this incisive and lucid speech, and I do so with the enthusiasm of one who would describe it as truly excellent.

Mr. President, I request that the text of Admiral Stockdale's address be printed in today's edition of the RECORD following these remarks.

This address confirms everything we knew about Admiral Stockdale beforehand. He is a man of honor, compassion, wisdom, and the kind of leadership which his speech elucidates. We are proud indeed that so outstanding a man will soon assume the presidency of our school.

The address follows:

It is with pride that I address you Citadel men—and with pride that I contemplate joining the Citadel family as your president in a few months. I know what has gone on here for 137 years. Every board of visitors since 1842 has aimed the curriculum at preparing gentlemen for honorable citizenship in the finest sense of the term. A 17th century John Milton quotation describes the Citadel's aim—to provide "a complete and generous education: that which fits a man to perform justly, skillfully and magnanimously, all the offices of a citizen, both private and public, in peace or war." Moreover, I know how academic excellence, order, self-respect and rigor have been maintained through national conflicts and crises, through vacillations of popular moods and how more than once the line of self-discipline has been held against a sea of permissiveness beyond the gates. I want to assure you graduates, you undergraduates, you alumni and friends, that I aspire to follow in the footsteps of Coward, Bond, Summerall, and Clark, and those who served before and subsequently, maintaining the educational and moral philosophy that has kept this school at the top—the finest, toughest all-male military college in America.

This past week I have been doing my evening reading in Colonel Oliver James Bond's story of the Citadel written nearly 50 years ago (this hall behind me was named for him, of course. He was the class of '86, faculty member for 22 years, then superintendent for 23 and after that dean.) I was fascinated by much in the book, including the James Bond part of his name, because, of course, that is part of my name. My genealogy study is not complete but I am reasonably sure after reading about his ancestry in the history of South Carolina, and studying entries in my Bond family bible (my mother's family name) that my great grandfather Walter Bond and Oliver's grandfather Henry Bond were cousins who emigrated from the family settlement in Maryland about 1810. Henry came to South Carolina, we know that from the history. Walter went West and became a farmer. I know that because I own the farm he first carved out of the prairie. So as I contemplate sitting at my desk inside (Bond Hall) I feel at home here at the Citadel already.

I also feel very much at home in your company for other reasons. You seniors have been through an intense experience with men (classmates) you'll never forget. You've studied together, fought together and against one another, laughed together, if you were like me in some of my intense experiences, even cried together. You leave this place with more than a diploma. You leave it with what some would call emotional baggage, but what I call a highly developed conscience. It's almost impossible to graduate from an institution like this without it. You've undergone an irreversible process which will never again allow you the comfort of self-satisfaction while being glib or shallow. You will likely forever carry the burdens of loyalty, commitment, passion and idealism.

You have undergone an education of the sort people mean when they say that education is what's left over after you've forgotten all the facts you learned. And that which is left over, that conscience, that sentiment, is indispensable to that capability for which the graduates of this institution are known. And that capability is leadership.

Cool, glib, cerebral, detached guys can get by in positions of authority until the pressure is on. But when the crunch develops, whether in the courtroom, at the negotiating table, in the operating room, or on the battlefield, people cling to those they know they can trust—people who are not detached, but involved—people who have consciences, people who can repent, people who do not dodge unpleasantness, yes, people who can mete out *just* punishment and look their charges in the eye as they do it. When the chips are down, the man with the heart—the hard heart—comes into his own and that's what education in a structured, disciplined environment is all about.

But don't forget, class of '79 on your graduation day, some of what is structured for you here, in the corps of cadets, will have to be improvised on a "Do It Yourself" basis in the new decision making territory which lies ahead. The Citadel has given you a basic survival kit that will allow you to thrive, but don't be surprised when you find that leadership entails the specific tasks of being a moralist, jurist, teacher, steward and philosopher.

First the moralist. I define the moralist as not one who mindlessly exhorts men to be good, but one who elucidates what the good is. The disciplined life here at the Citadel has encouraged you to be men of integrity committed to a code of conduct and from these good habits a strength of character and resolve have grown. This is the solid foundation from which you elucidate the good, by your example, your actions, and your proud tradition. A moralist can make conscious what lies unconscious among his followers, lifting them out of their everyday selves, into their better selves. Goethe once said that you limit a man's potential by appealing to what he is; rather you must appeal to what he might be. All great men in history have relied on some measure of ethical resolution in their lives and it's been perfected in their work and heritage. The Citadel's great men are no exception.

Next, there are times when you'll act as a jurist, when the decisions you make will be based solely on your ideas of right and wrong, your knowledge of the people who will be affected, and your strength of conviction. There won't be a textbook or school solution to rely on. I'm not talking about petty legalistic arbitrations or controls, but about hard decisions where you'll be the one with a problem that has seemingly endless complications—when you'll have to think it through on your own. As a jurist, you're writing law and that's a weighty responsibility. When in the hot seat, you'll need the courage to withstand the inclination to duck a problem or hand it off; you've got to take it head on.

One word of caution: Many of your laws will be unpopular. That's OK. But they should never be unjust. Moreover, you must never cross that fatal line of writing a law that can't be obeyed. Your job as a jurist is to guide others, not to put them in a "Catch-22" position where they are forced to choose between conflicting alternatives. You must be positive and clear and not lapse into a bureaucratic welter of relativism that will have others asking what you really mean or trying to respond in the most politically acceptable way.

You elucidate the good as a moralist.

You write the laws as a jurist.

Number three is being a teacher. Every great leader I've known has been a great teacher, able to give those around him a sense of perspective and to set the moral, social, and particularly the motivational climate among them. This is not an easy task—it takes wisdom and discipline—you must have the sensitivity to perceive philosophic disarray in your charges and to put things in order. The best starting place for any teacher is to "know yourself", as I think you seniors probably do.

Here at The Citadel you've followed in the footsteps of greatness. I challenge you to leave those same clear footprints for future generations to follow. In John Ruskin's words such a process is "painful, continual, and difficult . . . to be done by kindness, by waiting, by warning, by precept, by praise but above all by example." Teachership is indispensable to leadership.

Another test of leadership is that you must be willing to be a steward. By that I mean you must tend the flock, wash their feet, as well as crack the whip; to be compassionate and realize that all men are not products of the same mold. There is much more to stewardship than the carrot and stick enticements that some of the vaunted motivation experts would prescribe. It requires knowledge and character and heart to boost others to a tall ship and give them a star to steer her by. The old Civil War historian Douglas Southall Freeman had a simple formula for stewardship. He said that you had to know your stuff, to be a man, and take care of your men. There are flocks outside these grounds that will require your attention and test your stewardship.

The final test is that you must be able to act as philosophers in order to explain and understand the lack of a moral economy in the universe, for many people have a great deal of difficulty with the fact that virtue is not always rewarded and evil punished. To handle tragedy may indeed be the mark of an educated man; for one of the principal goals of education is to prepare us for failure. Stoic philosophy is a crutch. In Hanoi's prisons when military virtue seemed at the point of irrelevance I was comforted and strengthened by remembering Epictetus' admonition: "You are but an actor in a drama of such sort as the author chooses—if short, then a short one; if long, then a long one. If it be his pleasure that you should enact a poor man, see that you act it well; or a cripple, or a ruler, or a private citizen. For this is your business—to act well the given part; but to choose it belongs to another." My part was that of a soldier.

A still better inspiration in times of hopelessness is often history. The Citadel history of 1864–1865 gives the ultimate example of performance of duty with poise and dedication in the face of dismal prospects. The test of character is not "hanging in" when you expect light at the end of the tunnel, but performance of duty and persistence of example when you know no light is coming. Believe me, I've been there myself.

Most of us rely on faith when all else fails. Perhaps we can all benefit from a little-known relic, a poem left on a Virginia battlefield in 1865. A soldier had written:

I asked for strength that I might achieve
God made me weak that I might obey
I asked for health that I might do greater things
He gave me infirmity that I might do better things
I asked for riches that I might be happy
I was given poverty that I might be wise
I asked for power that I might have the praise of men
I was given weakness that I might feel the need for God
I asked for all things that I might enjoy life
I was given life that I might enjoy all things
I received nothing that I asked for all that I hoped for
And my prayer was answered. I am most blessed.
Men of the Citadel, class of 1979, may you all be blessed.●

THE HIDDEN TRUTH ABOUT THE ENERGY TAX

● Mr. McCLURE. Mr. President, at a hearing before the Joint Economic Committee on April 25, Secretary James Schlesinger and Dr. Charles Schultze tried to defend the President's plans to impose new "windfall profits" taxes on decontrolled domestic oil output.

These taxes are indefensible. They are in direct conflict with the President's stated goal of encouraging domestic production to minimize our dependence upon OPEC oil.

We all realize by now that a tax rebate has no incentive effects. It merely hands back a few tax dollars paid out of last year's income. It does nothing to raise the reward for working and saving to increase this year's income, or income in future years. It works, if at all, only by dumping money into the spending stream.

The President's energy proposal does the same thing. It raises the price of old oil to the world level. The President has long urged higher prices so people will consume less. It did put a 50 percent windfall profits tax on the increase in the price of existing oil production, but this is temporary, and is to be phased out by 1981. It allows rates of return to rise on old wells, since the current ceiling is like a 100-percent tax. Having increased the oil industry's cash flow from old wells in this fashion, the administration feels sure that drilling and production will rise. They will not.

Why not? Because, having lowered the average tax burden on old oil, the administration very foolishly thinks it can now raise the tax and lower the reward on new oil, not yet discovered. It has no concept that the proposed new permanent tax on new, marginal output is what will govern the industry's expansion. The cash flow increase on old oil (which could just as well have been raised by borrowing) will not be put to work finding new oil as hard as it would be even under current law.

Under current law, price controls on oil expire after September 30, 1981. Under current law, after that date, oil producers will receive the world price. Under the permanent tax proposed by the President, oil producers will only receive a price halfway between the future world price and some benchmark roughly in the neighborhood of the current world price, about $16 or $17.

This is one of the most peculiar taxes ever invented. It is not a windfall profits tax. It is an excise tax on U.S. oil based on the sales price. But it escalates. It will be 6 percent of the price in 1980, 23 percent in 1990, and 30 percent in 2000. It is tantamount to a Presidential decree saying, "Thou shalt not drill in the U.S. Go drill someplace else." And that message will get louder every year.

Any time you lower the reward to something, you get less of it. This is a basic price theory result. Oil producers plan drilling activity years in advance. Under current law, they were planning on receiving world prices. Now, they will lower their expectations, and lower their investment in drilling and production. The administration has helped the industry's average rate of return, but it has lowered its expected marginal rate of return. It is a program only a macroeconomist, a populist politician, or an OPEC finance minister could love.

Representatives JOHN ROUSSELOT and CLARENCE BROWN repeatedly hammered away at Schlesinger and Schultze on this very point. Each time, the witnesses' responses involved references to the higher average revenues from old oil, and ignored the reduced rate of return on new oil. Each time the committee members tried to talk about future output and marginal rewards, Schultze and Schlesinger simply evaded the question, or claimed that "equity" considerations required the tax to help the poor.

Schultze and Schlesinger are way off base. The committee for economic development (Washington, D.C.) has just published a remarkable study called "Thinking Through the Energy Problem," by Dr. Thomas Schelling of Harvard's J.F.K. School of Government. It is probably the best single piece of work putting this whole situation into perspective. It makes the following basic points:

First. The energy shortage reflects the fact that energy is getting harder to produce. We will not run out; we will work harder and pay more to get it.

Second. In our growing economy, we can handle the problem. It merely means that real economic output, which might have doubled to 200 percent of its current level by the year 2000, will only hit 190 percent of its current level. This is a loss of 5 percent of future output by that year, or a loss of 2 years' normal growth.

Third. We can cope if we let the price mechanism work to encourage production, alternate fuels, and conservation.

Fourth. Any poverty problem should not be dealt with by interfering with the price mechanism. It should be handled through income transfers from general revenues. This is as true of fuel price increases as food, medical care, or any other price rises.

Fifth. Energy price increases will continue as long as energy becomes harder to get. Attempts to hold down this relative price change will only prevent adjustment, increase our demand for OPEC oil, support further increases in the OPEC price, and cost us a fortune.

These points are absolutely sound. They come straight out of standard price theory, the kind every undergraduate economics student should have mastered.

Dr. Schultze has already seen this report. In fact, he told Representative ROUSSELOT he agreed with it "95 percent." Dr. Schultze has written similar material on the need to use the price mechanism to deal with the oil crisis "Higher Oil Prices and the World Economy," the Brookings Institution, Washington, D.C., 1975. What a shame he and Secretary Schlesinger cannot take these points more to heart.

Last week, Mobil Oil, which apparently understands price theory far better than Secretary Schlesinger or Dr. Schultze, broke ranks with the other major oil companies, and opposed the President's decontrol program. Mobil would rather see price controls continued on old oil, and give up the "windfall" revenue, rather than see a new, permanent tax reduce the reward for drilling in the United States, and, in effect, lower the return and continue controls indefinitely on future discoveries.

Whether Mobil is actually doing this because it understands economic theory, or because it has a longer time horizon for calculation of profits than the other oil companies and can see further than the nose on its corporate face, or whether (could it be?) they are moved by genuine concern for the country, I cannot say. But the fact remains that, if this permanent tax cannot be dropped from the package, the Carter proposal is far, far worse than doing nothing at all, and letting time and current law take their course.

I am submitting for the RECORD an excellent analysis of these points by Dr. Paul Craig Roberts.

The analysis follows:

[From the Wall Street Journal, May 10, 1979]

POLITICAL ECONOMY—OPPORTUNITY IN ADVERSITY

(By Paul Craig Roberts)

Even governments born of idealism learn that there is opportunity in adversity. Once they do, they no longer seek to overcome adversity, but to profit by it. While people in L.A. bed down next to the gas pump and mug each other for a can of gasoline, the men in Washington have discovered the gold mine in the OPEC cartel.

The President has succeeded in leading most people to believe that he is giving the oil companies something by decontrolling domestic oil prices. In truth, current law removes price controls completely in 1981 and does not require a new tax as a quid pro quo. But by skillfully playing on the vision of billions of dollars pouring into the pockets of oil barons, the President has created a political constituency for a new oil tax. While Senator Kennedy lays down a smokescreen of sham uproar over "vast new profits" being turned over to big oil, temporary (and soon to expire) price controls are being replaced with a permanent tax.

This permanent tax has a striking feature. It applies to future oil yet to be discovered and brought into production. And it is not a tax on windfall profits or even ordinary profits from new wells, but a tax on the market price of the oil. It works as follows:

A benchmark price for U.S. oil is established in terms of constant dollars at roughly the world price at the time the proposal is enacted. Today that would be about sixteen 1979 dollars. This adjusts the price for inflation, but not for rises in the real or relative price of oil. If the world price of oil rises above the benchmark price, the government taxes half of the difference. For example, if the benchmark price is $16 and the price rises to $18, the government taxes $2 at 50%, which means tax revenues of $1 per barrel.

The higher the world price of oil rises above the U.S. benchmark, the greater the tax bite. As the tax rises as a percentage of the price, there is an increasing disincentive to find and produce new oil in the U.S. The table tells the story.

	Benchmark price	World price	Tax	Tax as percent of world price
1980	$16	$18	$1	6
1990	$16	$30	7	23
2000	$16	$40	12	30

Notice that the tax makes the U.S. government a co-beneficiary of OPEC price increases. The higher the price goes above the benchmark, the greater the government's share.

Of course, if the world price of oil doesn't rise any faster than inflation, there is no tax. But Harvard economist Thomas Schelling in a Committee for Economic Development study says that we should expect the real price of oil to rise. Although "the world is not about to run out of fuel, much of the high-grade, cheap-to-produce oil is behind us." Future oil is "going to become progressively more expensive" to find and produce.

Judging by the new national energy plan that he sent to Congress this week, the President also expects the real price of oil to rise. The plan foresees 1990 oil prices of $30 a barrel in constant 1979 dollars—almost twice the benchmark price.

Clearly, the administration has come up with a plan that will produce tax revenues for the government while it discourages U.S. exploration and development and makes us even more dependent on imports. U.S. Representatives John Rousselot (R, Calif.) and Bud Brown (R, Ohio) tried to point this out to Energy Secretary Schlesinger and CEA chairman Schultze when they testified before the Joint Economic Committee on April 25 in behalf of the President's tax proposal.

The President's men emphasized that decontrolling existing production now would provide more revenues to the oil industry during the next two years than they would otherwise get. This, they said, would be a big incentive to find new oil. But Rep. Rousselot saw it differently: "Basically, it means that a permanent tax to hold domestic oil prices to our producers below world levels is going to lower U.S. production. The lower U.S. production will raise our imports."

The President's proposal contains no incentive whatsoever to find new wells. But it does contain substantial disincentives, because it reduces the rate of return on new discoveries. Temporarily lowering the tax on existing wells now (by letting the price rise sooner) does not compensate for permanently raising the tax on all oil in 1981.

What, in the administration's view, justifies this new tax that will discourage further exploration, development, and exploitation of our own oil reserves? Well, said Mr. Schultze, we don't need just more oil; we also need long-term research and development of alternative energy sources to oil. "The whole concept of the windfall profits tax and its use to finance those longer term developments is, it seems to me, a very good way to deal with that long-term problem. We are taking some of those proceeds for what we desperately need, which is long-term research, development, and exploration of alternative resources.

Mr. Schultze doesn't explain why the government is taking the oil companies' profits to set itself up in the energy business instead of allowing the companies to gradually establish themselves on the basis of new technologies and new energy sources. The tax signals the phaseout of the private energy industry, not energy independence. Of all the big oil companies, only Mobil has understood the message and is fighting for its private life.●

STATEMENT ON AGRICULTURE DEPARTMENT REORGANIZATION

● Mr. ZORINSKY. Mr. President, the House Committee on Agriculture held hearings on May 10 of this year to hear testimony on the administration's reorganization proposal. The witness list was diverse, representing not only traditional farm organizations, but industry, labor and academic groups. Both conservation and rural development associations were present. In all, 19 separate organizations testified; they unanimously opposed the administration's proposed dismemberment of the U.S. Department of Agriculture.

As chairman of the Subcommittee on Agricultural Credit and Rural Electrification, I noted with particular interest the testimony of Mr. William E. Murray, of the National Rural Electric Cooperative Association. I concur heartily with Mr. Murray's assessment that the administration's plan would adversely affect the capability of the USDA to serve the interests of farm and rural people. The transfer of the Farmer's Home Administration business and industrial loan program would destroy the Department's ability to administer a comprehensive rural development program. Even more important, it would sacrifice the many years of expertise the USDA has acquired in dealing with the particular and distinctive problems of rural America.

Mr. President, I request that Mr. Murray's statement be printed in the Record.

The testimony follows:

Statement of the National Rural Electric Cooperative Association

My name is William E. Murray. I am Legislative Specialist for Rural Area Development of the National Rural Electric Cooperative Association, the national service organization of nearly 1,000 rural electric systems which provide electricity to approximately 25-million farm and rural people in 2,600 of the nation's 3,100 counties.

We appreciate this opportunity to express our views on the Administration's proposed reorganization plans as they affect the Department of Agriculture.

As we understand them, the plans call for the transfer of two major functions of USDA to other departments. The Forest Service would be shifted to the Department of Interior which would be renamed the Department of Natural Resources. The business and industrial development loan program of Farmers Home Administration would be sent to the Department of Commerce to be folded into the Economic Development Administration.

In respect to USDA, these proposals could more aptly be labeled "disorganization" plans rather than reorganization plans. They would certainly adversely affect the capability of USDA to serve the interests of farm and rural people. Moreover, they would severely weaken the Department and cast its future in doubt.

The transfer of the Forest Service would reduce USDA personnel by 25 percent and its budget by 8 percent. The shift of FmHA's B. & I. program would destroy the Department's capability to carry on comprehensive rural development.

While we support the goal of the Administration for increased government efficiency and effectiveness, in our opinion the proposals relating to USDA would not accomplish this objective. On the contrary, we believe the result would be reduced efficiency.

If the argument can be made for transferring the primary economic development program of USDA to EDA, we expect that a similar justification would be made at some not too distant time for consolidating other major components of USDA's rural development authorities with those of other departments. A department, weakened by the shifts of two major functions as proposed in this year's reorganization plans, would be an easier target for further raiding in the future. Surely FmHA's housing, water and sewer, and community facility programs would become more susceptible to consolidation with the Department of Urban Development's housing and community facility programs. We fear that these shifts could be the opening wedge in extensive dismemberment of USDA.

At its 1979 annual meeting last February, the NRECA membership reaffirmed its 1978 resolution opposing USDA reorganization which was also a major concern last year.

In that resolution, the membership noted:

"If there were convincing evidence that USDA's rural development and other non-farm functions could be more effectively administered by other departments, then this might provide justification for transferring them. The evidence strongly indicates the contrary. If other departments had been able to serve the needs of rural areas with their community development, housing and other programs, Congress would not have had to establish rural versions in USDA.

"We hold the same opinion today as in 1972 when we opposed similar plans of the Nixon Administration which would have virtually destroyed USDA. And as we recommended then, we recommend again in respect to the present reorganization plans; namely, that instead of dismembering USDA, the wiser course would be to keep it intact and to strengthen it as proposed in legislation now pending in Congress so that it can implement its responsibilities to rural America more effectively."

At this year's annual meeting, the membership also unanimously adopted a resolution on the matter calling for rejection of "all proposals which, under the guise of improving governmental efficiency, would dismember and weaken the Department of Agriculture . . ."

We would point out that in the Rural Development Act of 1972, Congress gave the USDA the authority to make economic development loans in order to supply the Department with an important missing component in its rural development efforts. Prior to passage of the Rural Development Act, USDA lacked the authority to make job-creating and job-saving loans. As a consequence, it could not mount a comprehensive, nationwide rural development program despite serious attempts to do so under former USDA Secretary Orville Freeman. That is why Congress in the RDA supplied this vital missing component in the form of authority for business and industrial loans. It was apparent after 11 years of experience with the Economic Development Administration program and its predecessor, the Area Redevelopment Administration, that the need for business and industrial development financing could not be adequately provided by either EDA or the Small Business Administration. Restrictions associated with these agencies' programs limited their usefulness in rural areas. EDA, for example, furnished assistance mainly in depressed areas and lacked sufficient resources to meet the demand.

If the B. & I. program were shifted to EDA, we understand it too would be administered according to the same criteria as other EDA programs thereby limiting it to depressed areas. This would cut off a good part of rural America from the assistance that it is now eligible for, and, as a result, could create additional depressed areas and refuel rural outmigration.

Moreover, we believe the B. & I. program will become increasingly important to agriculture and farmers if it remains in USDA. It is possible that these loans will be a source of financing for farmers and shippers who may have to take over abandoned rail lines in order to keep open vital links to their markets. This could involve millions of dollars annually. Also many farmers are showing an interest in manufacturing gasohol and presumably would look to B. & I. loans for financing. However, if the abandoned rail lines or the gasohol plants were not located in depressed areas, they would not qualify for assistance under EDA.

Further, it is a distinct possibility that a large percentage of B. & I. loans will be diverted to urban areas under EDA's management. Presently rural areas receive 100 percent of them as Congress intended.

In summary, Mr. Chairman, NRECA strongly opposes the Administration's proposals that would shift the Forest Service and FmHA B. & I. program to other departments. We do not believe these proposals are logical. We know they would weaken USDA. Instead, we would recommend that the wiser course would be to keep the Department of Agriculture intact and strengthen it so that it can more effectively implement the program responsibilities which Congress has assigned to it.

Thank you.●

WHERE TEXAS IS A SUBURB

● Mr. SCHMITT. Mr. President, for those of our colleagues who may from time to time forget the existence of New Mexico, I would call your attention to a recent article by my distinguished senior colleague, Senator Domenici. I ask that his article which appeared in the Washington Star be printed in the Record.

The article follows:

[From the Washington Star, May 8, 1979]

Where Texas Is a Suburb

(By Pete Domenici)

All right, America . . . let's go over it one more time.

New Mexico. New Mexico. Not Old Mexico, not just Mexico, but New Mexico.

Our 47th state. Admitted to the Union in 1912.

C'mon now . . . Billy the Kid? . . the atomic bomb? . . Carlsbad Caverns? Nancy Lopez?

Ah, I see a glimmer of recognition in your eyes now.

I also realize you may be a bit confused lately, considering the amount of news about Mexico (the country) and President Carter and natural gas and Montezuma's Revenge and the like.

That's why I'm administering this refresher course.

Because I, and a million other New Mexicans, grow weary of trying to convince some people (primarily Easterners and Washingtonians) that Americans do not need a passport to enter the state.

You chortle.

Don't.

"Tis true, unfortunately.

There are countless documented cases of mail order firms refusing orders from New Mexicans because "our company does not service clients in foreign countries."

It happened just last month to a New Mexico woman who attempted to join a national record club, but was turned down (no doubt by the omnificent computer) due to that "foreign country" snafu.

And an eastern moving company recently refused, initially, to move a family to New Mexico because it "could not transport goods out of the continental United States."

Don't scoff, you sincere students of geography. Those incidents, and many similar, actually happen.

Perhaps this means that geography is no longer taught in public schools east of the Mississippi.

Or, if it is, teachers must become so exhausted after discussing Texas that neighboring New Mexico is skipped over.

Understandable. But unfair, especially since Texas is one of our suburbs.

I would think that at least history classes would devote a few minutes of discussion to Apaches, Navajos, Pueblos, Coronado, Kit Carson, Trinity Site, auto racers Al and Bobby Unser, and trans-Atlantic balloonists Ben Abruzzo, Maxie Anderson and Larry Newman.

After all, New Mexico's size alone makes it difficult to overlook. Eight other states would easily be fitted into its 121,663 square miles. That's the combined area of Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Connecticut and Rhode Island.

Although ski slopes proliferate in New Mexico—Taos being a skier's paradise—Aspen, Colo., is the household synonym for skiing.

And the list goes on.

Well, America, New Mexicans (and I think I can speak for a goodly portion of the 1.2 million) are tired of being neglected by that portion of the nation east of the Mississippi.

I beseech you: Give us our just recognition, and cease and desist these computer replies of "We do not service foreign countries," etc.

Reprogram your computers.

Clean the jelly sandwich off the page in the geography book that details our 47th state.

Train your secretaries and telephone operators and mail room people and drivers and bank presidents to recognize the "New" preceding the Mexico.

Teach your children the rich history of the American West, says the Hollywood stereotypes.

And y'all come to see us any time.

But save your passport for Texas. Sometimes that suburb of ours gets a bit uppity and requires one.●

DECONTROL

● Mr. EAGLETON. Mr. President, Hobart Rowen, a well-known and highly respected economist, has written several articles of late on the very pertinent matter of decontrol of domestic crude oil prices. Two articles have appeared in the Washington Post recently which describe my thoughts on decontrol and which, in my opinion, portray the thinking of most Americans on the pitfalls of decontrol. Mr. President, I ask that Mr. Rowen's articles be printed in the Record.

The Post articles follow:

[From the Washington Post, May 10, 1979]

Half the Story on Decontrol

(By Hobart Rowen)

When Sen. Edward Kennedy blasted President Carter for "throwing in the towel" on the oil-decontrol issue, Carter tried to make the public believe there was no other choice. Oil decontrol, Carter said, had been mandated by Congress. Controls would thus expire in 1981, and he was merely phasing them out.

The president appears to have fooled a lot of people with that statement. The trouble with it is that it doesn't tell the whole story. President Carter, had he wished to—and if he had the guts—could have decided to propose and fight for an extension of oil controls.

But he didn't. Instead, as Rep. Toby Moffett (D-Conn.) said on "Face the Nation," he made what "is probably the most inflationary decision ever made by a president," costing consumers $86 billion in higher prices by 1985.

Why didn't the president decide to keep controls? The politics of it, as Moffett boldly said, is that "the Senate has been under the influence of the oil companies for ages." Carter was told that if he opted for continued controls, the Senate would hand him a bitter political defeat.

But the decision he's made, as Moffett said, could "jeopardize his reelection chances, and he's going to realize that more and more as he goes around the country."

Decontrol supporters covers a wide spectrum from Sen. Russell Long (D-La.), self-described "darling" of the oil and gas industry, to the liberal claque at the Brookings Institution. Oil Tycoon Robert O. Anderson (ARCO) said the other day that decontrol means "we are moving toward a free-market economy in petroleum." A free market dominated by OPEC? Adam Smith must be gyrating in his grave.

Not one of the thousands of words of pro-decontrol propaganda pouring out of the White House and the Department of Energy has ever explained how paying $16 a barrel for $8 oil increases the supply of that old oil.

The "economic" rationale, or excuse, for decontrol is that if the price of U.S. oil isn't brought up to the world market, excessive use—hence, excessive imports—will continue, and exploration for new U.S. oil will be discouraged.

In reality, the price of old oil is already a rich reward, two and three times what the price was pre-OPEC. The Mobil Oil Company, second largest in the United States, stunned the rest of the industry by admitting that decontrol of old oil isn't necessary to create additional exploration incentives.

What Carter's decision will touch off is a new profits bonanza. Among other things, tax shelters will have new applications for wealthy investors with a taxable income of $60,000 and up. For the juicy details, see Business Week's May 14 issue.

But the oil lobby hasn't yet won the decontrol fight. An effort to block decontrol lost in a House committee by a hair—on a tie vote, 21 to 21. That showed much more support for continued controls than suspected, and House Majority Leader Tip O'Neill said he wouldn't block future anti-decontrol efforts.

It will be a long struggle, and the decontrollers still have the advantage. But with 3 out of 4 citizens showing up against decontrol in the polls, this promises to be a bloody political battle. Public pressure brought to bear on senators and representatives could turn the tide.

In any event, hostility toward the oil companies and the administration is likely to grow as phony gasoline "shortages" spread their way across the country.

The oil companies say gasoline refining is being kept below capacity to prevent worse shortages later on, and to ensure that there will be enough heating oil this winter. But as Moffett points out, no one knows the facts, because "we're still relying on oil company data after all these years."

It doesn't take a genius to figure out that the oil companies, whatever their legitimate inventory problems may be, are holding back some oil to make an extra buck. Says a well-known New york expert: "Inasmuch as all oil prices will move up with OPEC under decontrol, why rush to sell?"

The way to deal with the energy situation is to attempt to take the decisionmaking process away from OPEC. Decontrol means capitulation: It plays into the hands of Sheik Yamani and his counterparts as they sit behind closed doors and proclaim a new price for oil from time to time.

There are alternatives to decontrol, starting with a quota or ticket system to limit OPEC imports. Energy economist Arnold E. Safer suggested in a New York Times article that we must learn to "bargain [with OPEC] over the price of oil, not let them set the price." Oil consultant Walter Levy would put all counter-OPEC strategy into an international consumers framework.

But pursuit of such alternatives to decontrol takes a courageous political leadership, of a kind that Carter so far hasn't shown.

[From the Washington Post, Apr. 12, 1979]

THE FALSE HOPES OF DECONTROL

(By Hobart Rowen)

Many independent thinkers, including editorial writers at The Washington Post and The New York Times, have convinced themselves that phasing out price controls on domestic oil, as proposed by President Carter, is the right policy. At least, they seem to believe, there is no reasonable alternative in sight.

But decontrol is predicated on twin premises, both of which are faulty. The first is that "Americans will react by insulating their houses, driving less and spending their money on things other than oil"—The Post.

The second is that higher prices will result in greater production, lower oil imports and regaining control "over the policies of the oil cartel—and its diplomacy in the Middle East"—The Times.

If only such results could be delivered! The basic flaw is the assumption that a free competitive market will utilize the price mechanism to balance out supply and demand.

But as the world has come to realize painfully in the past five years, there is no "free" or "competitive" market in oil. The price is set by the OPEC cartel, and we are marching to its tune.

If the advertised results were certain or even likely, decontrol might be defended. But every bit of evidence of the past few years shows that decontrol will neither discourage consumption nor add to supplies in an important way.

The oil industry itself doesn't claim that the combined potential of greater supplies and reduced consumption add up to more than 800,000 barrels a day in an economy that uses almost 20 million barrels a day. That's peanuts. And the cost is enormous: an annual windfall when decontrol is complete of $17 billion in extra oil-company profits.

Let's examine first The Post's assertion that consumption decline will follow price increases triggered by decontrol. The administration estimate (probably too low) is that decontrol will add 4 to 5 cents a gallon to retail gasoline prices over the next 30 months.

But in the economists' phrase, gasoline (and, to an even greater extent, heating oil) is highly "inelastic": People tend to buy the product (or must buy it) regardless of price.

Thus, the price of gasoline at the pump has gone from around 40 cents to 70 cents a gallon since 1973 without appreciably changing driving habits. A few more pennies will hurt in low-income brackets, but won't affect the average American's love affair with the automobile.

Significantly, real savings in gasoline consumption in this country sice 1973 can be traced more to fear of supply shortages or interruptions than to price hikes. Thus, Congress can claim credit for forcing Detroit to make smaller cars, and economy-wise consumers have kept up the pressure on the U.S. industry by showing a preference for efficient imports.

How about the Times's claim that production will increase, once there is decontrol? That is even less credible. The fact is, as Sen. Harry M. Jackson (D-Wash.) points out, that U.S. companies already have all the incentive they need to search for new oil. There is virtually no price ceiling on new oil, which accounts for about one-third of U.S. output.

What happens under decontrol is that the industry in stages re-prices it "old oil"—two-thirds of total output—from $6 to the world price, now about $16 a barrel. If there is any "extra" output, it's because the owners have been holding back production of old oil, anticipating decontrol. The Congressional Budget Office puts this potential trickle at 200,000 barrels a day. More optimistic estimates run to 400,000 barrels.

So holding out the hope that decontrol magically produces lots more oil is to further a delusion. Worst of all, Carter's decision to decontrol, regardless of congressional willingness to recapture a share of that $17 billion bonanza for the companies, was an abdication of political leadership.

The solution to the energy problem is to gain control of the supply of oil and its use. The President and Congress can limit the inflow of OPEC oil—by quotas and a government buying corporation if necessary. That's the way to gain some leverage over OPEC policy.

Such an effort would have to be accompanied by mandatory conservation measures for industrial and private use. It might require rationing. It would involve a real effort to expand mass transit, and expand renewable sources of energy.

All the President has done by going ahead with decontrol is to assure the nation that energy will cost more, inflation will worsen, and the oil companies will prosper. There is no assurance of a major reduction in consumption or acceleration of supplies. Company shareholders may cheer, but why should anyone else?●

NUCLEAR POWERPLANT SHUT-DOWNS: WHO PAYS?

● Mr. KENNEDY. Mr. President, there was an excellent article on the op-ed page of the New York Times this morning entitled, "When a Nuclear Plant Shuts, Consumers Pay."

The article was written by William Shipman, a professor of economics at Bowdoin College in Maine. In this article he notes that when nuclear powerplants have been shut down, all too often utility commissions have simply passed the costs through to consumers. The article notes that private investors are given a premium rate of about 12 to 14 percent because it is assumed they are taking financial risks. He notes that a truly risk free investment would only pay about 9 percent.

He concludes by noting that if utility commissions keep passing these costs onto the consumers "then perhaps the time has come to reexamine the whole system of utility regulations." I am beginning to think he is right.

During the hearing I held on the economic impacts of the Three Mile Island accident, I realized that it is very difficult to hold a utility financially accountable for its accidents. The utility inevitably argues that it will go bankrupt if it is held financially accountable for its accidents. On the other hand, if it is not held financially accountable the strongest incentive for safety—loss of profits or bankruptcy if accidents occur—is minimized.

Perhaps, as Professor Shipman has observed, it is time to reexamine and possibly redesign the whole system of utility regulation so that electric generation becomes a competitive enterprise in which the stockholders truly bear the risk of losses.

WHEN A NUCLEAR PLANT SHUTS, CONSUMERS PAY

(By William D. Shipman)

Brunswick, Me.—Who pays when a utility has to shut down a nuclear-power plant for reasons of safety or malfunction and, consequently, has to purchase more-expensive energy from outside sources?

The issue is sharpened when it cannot be demonstrated that third parties, for example reactor manufacturers or plant engineering firms, are at fault and hence liable for damages. For then the question becomes essentially whether customers (rate-payers) or owners (stockholders) shoulder the burden of extra costs.

If past experience is any guide, we can be pretty certain that rate-payers will have to pick up the tab.

Because of inflation, utilities find it necessary to ask repeatedly for higher rates; the regulators' role has become one of determining the extent to which a requested rate increase is "reasonable." Probably the most important test of reasonableness is whether the utility can earn a high enough rate of return to be able to attract new capital. (Much less attention is given to determining whether costs are reasonable—for that is a much more difficult problem, and one that most public-utility commissions are not well equipped to investigate.)

The argument made by the utility in any given jurisdiction is that, unless it is allowed to raise customer rates to a level that would yield investors a satisfactory return, they will put their money elsewhere, either into securities of utilities in other jurisdictions or into firms in other industries. The utility thus would find it difficult to sell new securities with which to finance needed plant expansion. Essentially the same argument is used in every state (and at the Federal level), and no one state regulatory commission can ignore the danger posed to its own utilities by permitting an inadequate rate of return.

By this process of mutual leverage, the allowed rate of return on common-stock equity has been worked up in recent years to between 12 percent and 14 percent. This is not to say the allowed return is necessarily earned; inflation takes a toll here, too.

In nuclear-plant shut-downs, the same reasoning leads to the conclusion that consumers must pay. If the utility itself were required to cover the extra costs instead, the owner's rate of return would be lowered and capital would in time flow toward other, more-attractive areas. The result, typically, is for regulators to pass almost all increases in costs, from whatever source, through to consumers.

There is, however, a major fault running through this process. The 12 to 14 percent return that regulatory commissions grant utility stockholders is only slightly below the return that stockholders earn in manufacturing, banking and retailing industries, and, presumably, gives effect to some alleged level of risk. That is, a truly risk-free return in today's market would be considerably lower than 14 percent. Long-term Treasury securities currently yield about 9 percent. But if utility commissions forever stand ready to pass through costs, then where is the risk? For that matter, how many businessmen can claim to earn consistent 12 to 14 percent returns even in situations where risks are high and unambiguous?

The fact is, most utility investors have been well protected from loss of capital or even reductions in dividends by our system of regulation. (They have not been protected from loss of capital in real terms, but that is because of inflation and is true of most investors in securities, utility or otherwise.) Some commissions have even raised utility rates at time when conervation efforts or slack business created excess capacity, thus lowering investor returns.

This high measure of investor protection invites the label "cost-plus" regulation; it also explains why most utility managers and investors like the system.

The investment community argues that purchasers of utility common stocks cannot be certain that regulators will continue to protect them—that there are indeed significant risks—and thus they need a return approximating that earned by stockholders in nonregulated industries. Indeed, most investors themselves probably look at the matter this way.

The investment community also has played off one state against another by discouraging investment in securities of utilities operating in states having tough or consumer-oriented commissions. These so-called tough commissions, while occasionally calling upon owners to absorb costs and passing some cost savings on to consumers, have not generally permitted returns on common equity to drop below or even near risk-free levels.

Where regulators do in fact protect the level of earnings, we are caught in a circular process with the only clear beneficiaries being utility investors. Consumers pay rates that produce risk-reflecting returns to investors who in fact take no risks.

Under the circumstances, it might be healthy if utility commissioners now and then lived up to their reputation on Wall Street and required common-stock investors to earn their 12 to 14 percent.

If the mutual-leverage phenomenon prevents any movement in this direction, then perhaps the time has come to re-examine the whole system of utility regulation.●

BROAD SUPPORT FOR TRUCKING DEREGULATION

● Mr. METZENBAUM. Mr. President, I am submitting today several additional newspaper articles and columns which are representative of editorial opinion throughout the country on the subject of deregulation in the trucking industry.

Today's articles are from newspapers in the States of Kentucky, Louisiana Maryland, Massachusetts, Michigan, and Missouri.

I commend them to the attention of my colleagues, and ask that they be printed in the Record.

The articles follow:

[From the Lexington (Ky.) Herald, Dec. 28, 1978]

President Should Stick by Goal To Deregulate Trucking Industry

The Carter administration has put together a plan that will give many American truckers a bigger say in how they'll keep on truckin'. It is a plan to deregulate the trucking industry.

But the plan is in trouble. Not from some group dissatisfied with the industry. Not from a consumers' group wanting to regulate trucking more tightly.

It is in trouble with the portion of the trucking industry that is regulated. In other words, these truckers favor the regulations. They could be expected to. The regulations help boost their profits. Regulations limit competition; regulations help keep shipping rates artificially high.

Regulations were doing essentially the same thing in the airline industry. The president was successful in deregulating the airlines. Those efforts gave airline passengers reduced fares while boosting revenues for some airlines.

The president wants to make the trucking industry more competitive, too, thereby saving consumers and shippers an estimated $10 billion annually.

The plan fits in with his goal of helping to fight inflation by eliminating needless government regulations. And those regulating the trucking industry are indeed needless. They exemplify what can be the most pernicious of government regulations: those that are aimed at regulating commerce rather than at protecting Americans' health and safety.

Regulations of commerce actually can evolve into something other than regulation by the government. Instead, it often leads to regulation by the most powerful members of the group the regulations were supposed to control in the first place. Thus the regulations favor the established companies at the expense of new ones; they favor the old way of doing things at the expense of innovation. And thus they eliminate the force that provides the dynamics for the free enterprise system: competition.

That is precisely what has happened to a major portion of the trucking industry.

And it is time it ended. Carter's proposals will be a good beginning for that end.

[From the Louisville (Ky.) Courier-Journal, Jan. 2, 1979]

Why the Truckers Are Resisting the Pressures for Deregulation

If the Carter administration had any illusions that its effort to deregulate the trucking industry would meet with quick and easy success, two key members of Congress have provided a sobering glimpse of reality. In doing so, the lawmakers also gave the public a glimpse of the stake some special interests, and their friends on Capitol Hill, have in government red tape and legalized inefficiency. Anticipating the administration's war on trucking regulation, the Interstate Commerce Commission recently revised some of its anti-competitive rules. The changes will make it more difficult for established truckers serving a particular market to challenge the entry of new trucking firms into that market. The new rules also will allow a company that ships its products in its own trucks to carry other freight back to the plant, thereby reducing fuel-wasting "empty backhauls."

These changes make perfect sense and are long overdue. They are, in fact, a still-too-modest first step in dismantling a regulatory system that discourages competition, permits, price-fixing by trucking cartels and forces many carriers into fuel-wasting detours instead of taking the most direct route from shipper to destination.

But to Representatives Harold Johnson and James Howard, chairmen, respectively, of the House Public Works Committee and its Surface Transportation Subcommittee, the ICC actions seemed downright revolutionary. Messrs. Johnson and Howard sent ICC Chairman Dan O'Neal a letter instructing the agency to halt its effort to reduce trucking regulation. That, they said, is a job for Congress.

Perhaps it is. Certainly the biggest steps toward deregulation—such as ending the anti-trust exemption for rate-setting trucking cartels—will require action on Capitol Hill. But there's no reason that the ICC can't begin amending some of its own rules, just as the Civil Aeronautics Board did earlier this year.

The CAB changes forced the nation's airlines to become more competitive and helped prod Congress into adopting a sweeping deregulation bill. Though most airlines bitterly fought the reduction in protective government rules, the industry this year has attracted record numbers of passengers and has earned record profits. Consumers have benefitted, too, as fares have dropped and service has expanded.

A STAKE IN THE STATUS QUO

Trucking deregulation promises, if anything, even greater rewards for shippers and consumers. Some economists believe Americans are needlessly paying several billion dollars a year as a result of anticompetitive trucking rules.

But like the airlines, most truckers prefer the status quo. Deregulation involves risks. Trucking firms that have grown fat and lazy under the existing rules don't relish being forced to hustle and cut costs. They especially don't like what would happen to the value of their operating certificates from the ICC if rules discouraging entry by new firms were relaxed. These certificates, issued free by the ICC, are worth hundreds of thousands, even millions of dollars because they are scarce.

So the trucking lobby and its friends in Congress have a big stake in putting the brakes on deregulation. But the public has an even bigger stake in dismantling the present system. The waste involved in all this regulation was perhaps tolerable when the nation's economy was healthy and inflation was a minor concern. But we no longer can afford such inefficiency.

The ICC should press ahead with whatever steps it legally can take to encourage trucking competition. And the administration should make trucking regulation one of the main targets in its war on inflation.

[From the Louisville (Ky.) Times, Jan. 2, 1979]

Free Wheeling—President Should Next Introduce Trucking Industry to Free Enterprise

For all their bellowing about big brotherism, many businessmen aren't nearly as opposed to government regulation as they'd like you to believe. In fact, many of them, including virtually all those who operate trucking lines and some who run airlines, are crazy about it.

It's worth remembering at this point that there are two very different kinds of regulation.

The purpose of one is to protect the health and safety of workers and consumers. It is often denounced by corporate bigshots.

The other type keeps prices high and competition at a minimum. Many businessmen love it, especially those in the transportation industry, where it is most pervasive.

Because of inflation, anti-government feeling and a new interest in letting the free market show what it can do, this second variety of regulation has come under attack from politicians and consumers.

President Carter scored a notable victory last year when Congress passed his airline deregulation plan over industry opposition. The bill gives airlines more freedom to select routes and set fares, and phases out the Civil Aeronautics Board.

Indeed, Alfred Kahn, Mr. Carter's inflation fighter, began loosening the federal letters while he was CAB chairman. The result has been lower ticket prices, better service for communities such as Louisville and booming business.

There is no agency more deserving of attention this year than the President's next target, the Interstate Commerce Commission. It has been supervising, and, as its critics argue, protecting a large segment of the trucking industry since 1935.

Many years after the Depression, it is hard to discover any justification for the government to continue to stifle competition and fix prices.

According to one rationale, regulation is necessary to assure that small shippers aren't overcharged or discriminated against. But the system now apparently works to defeat that purpose. The better managed trucking companies go after high profit jobs, leaving the less regarding shipments to financially shaky carriers. The eventual result, some observers say, may be that small, out-of-the-way shippers won't have any reliable transportation available to them.

The trucking industry is anything but a model of free enterprise at work. Operating certificates issued by the ICC specify what the carriers can transport, to what places and by what route. Shippers usually have little choice as to who will transport their goods.

New companies are seldom allowed to enter the business, even though they may want to provide service that no one else is offering.

Worst of all, an anti-trust exemption allows industry-controlled rate bureaus to set prices. Truckers who want to charge less are usually overruled.

Absurdities abound. For instance, a trucker who delivers a load of unprocessed agricultural commodities, which are exempt from regulation, can't legally return to his place of origin carrying regulated goods. Either he goes back empty or "rents" someone else's operating authority. But then he may have to travel miles out of his way to follow the prescribed route.

The President, who is now considering deregulation options, should go as far as he can in giving the truckers the freedom they don't really want. Because of the complexity of the ICC's regulatory scheme, changes will come slowly, and marginal companies may go bankrupt. What's important, as Senator Kennedy has said, is "moving in an irreversible direction, toward more competition . . ."

The fight will be tougher than the one over the airlines. Both the industry and the Teamsters are opposed. And the benefits to the consumer are not so readily apparent.

But if we're going to get rid of wasteful and unnecessary regulation there's no better place to start. Once they get a taste of free enterprise, the truckers may even discover that they like it.

[From the Middleboro (Ky.) News, Jan. 18, 1979]

DEREGULATING TRUCKING SHAPES UP TO A BATTLE

Transportation Secretary Brock Adams says that this year's battle to deregulate the trucking industry is going to make last year's scrap over airline regulation look like a miner squabble.

He's probably right. But when the dust clears, it will be the trucking industry that suffers a loss of credibility, not the Carter administration.

The trucking industry favors federal regulation because it limits competition, thus producing handsome industry profits for existing firms with a minimum of effort.

The airline industry claimed a lessening of federal regulations would be a disaster if such a bill were ever passed by Congress and the fight raged up and down Capitol Hill before the issue was settled on the side of deregulation. There was no disaster. Ticket prices fell as the airlines began competing with each other for new business and ridership soared along with profits.

The success of the airline deregulation simply encouraged the administration to do the obvious: look for other parts of the economy where deregulation could stimulate better consumer service at a lower cost.

The proposal to deregulate the trucking industry and freight railroads will be submitted to the 96th Congress and we urge Texas congressional delegation to work aggressively towards its speedy adoption.

[From the Paducah (Ky.) Sun, Feb.. 11, 1979]

DEREGULATING TRUCKS AND TRAINS

Deregulation is in the air, but it turns out to be a very complicated business.

Those who advocate a government solution for every problem might note that it's much easier to start regulating an activity than it is to stop.

After the spectacular success of airline deregulation last year, President Carter's administration badly wants to deregulate the trucking and railroad industries, too. It won't be easy.

The deregulation drive may have more to do with the health of the industries than with the interests of the American consumer.

Congressional Quarterly notes that since transportation costs are a small part of the final selling price of goods, even a drastic reduction would not make much impact on prices on store shelves.

We're not so sure of that. The White House says that red tape in the trucking industry alone costs consumers $1 billion to $4 billion, And health industry is always in the public interest.

It's interesting to trace all the lines of pressure on the issue.

The truckers are opposed to deregulation of their industry. They fear it would open the gates to unrestricted competition and lower rates and profits.

The Teamsters Union is opposed to deregulation. It fears shippers would turn to new, non-union transport firms offering lower costs.

The railroads want deregulation for themselves and the resulting authority to set their own rates and abandon unprofitable lines. They contend that it is stifling government regulation that has brought many railroads to the brink of collapse.

On the other hand the railroads want regulation to continue for the truckers. Competition within that industry makes for competition for the railroads, too.

The public interest in this welter of conflicting aims is not really hard to see. The public would be best served if both industries were deregulated. There would be difficult readjustments, of course. Railroads would raise rates where they could. Truckers would be pressed by new competition.

But in time it would all sort itself out. We tend to forget that free enterprise is the best system, not because it's good for business but because it's good for the public.

As President Carter has observed, the best inflation fighter is free and unfettered competition.

[From the Monroe (La.) World, May 9 1978]

TRUCKING DEREGULATION

(By John Lofton)

NEW YORK.—Now that the airline industry is being deregulated, the trucking industry knows it is next, and it is not at all happy about the prospect.

I am in this city to speak to the California Trucking Association during the American Trucking Associations' (ATA) annual convention. Almost every piece of literature on the press table contains at least one shrill, hysterical, and in some cases untrue, attack on the concept of trucking deregulation.

A one-page handout blasts deregulation as "unconstitutional!" and "a conspiracy!" that "will destroy the economy!" The October 30 issue of "Transport Times" quotes ATA President William Cassels Jr. as characterizing the advocates of deregulation as "anti-forces," observing:

"They don't seem to stand for anything, but they are against just about everything you and I stand for. Primarily, they seem to be against business in general, and the private enterprise system . . . which they view as harmful to the health of consumers . . . The question that begs to be answered is, simply, 'why?' The theorists tell us the system needs to be changed, but they must be looking at the trucking industry in Outer Mongolia. The one here is working fairly well."

But Cassels' assault on the deregulators is positively Orwellian—it is Newspeak doubletalk which asserts the opposite of the truth. It is the deregulators who are for increased competition in the trucking industry, whereas it is the ATA and its allies who are seeking to preserve the status quo which restricts private enterprise.

In this country (I'll yield to Cassels' knowledge of Outer Mongolia) the trucking industry is regulated by the Interstate Commerce Commission, which exercises absolute control over entry into this business. In order to be admitted as a "common carrier"—essentially a commercial trucker—an applicant must obtain a certificate of "public convenience and necessity," generally granted only when the newcomer can demonstrate that existing firms cannot provide the service specified.

If established carriers can show they have the capacity to handle the traffic, the application normally has been rejected, regardless of whether or not the applicant might provide a cheaper or more efficient service. The burden of proof has been on the applicant, and it is often an impossible one. As the ICC itself admitted in a case involving an Oklahoma transportation company:

"From the beginning of federal motor carrier regulation, restrictions generally have been imposed to protect already authorized carriers from unintended and unwarranted competition . . ."

When Cassels says that the present system of regulating the trucking industry is "working fairly well" another question begs to be answered, and it is, simply, for who? Certainly not for those newcomers who are seeking to start a trucking business.

Testifying recently before the Senate Judiciary Antitrust Subcommittee, a variety of individuals told how the burden of proving need for new or additional trucking service has become "insurmountable" for most small carriers. Witnesses complained of bureaucratic ineptitude, the high cost of legal fees for seeking ICC authority, and the ease with which an application can be defeated by existing carriers. Truck operators told of building up considerable business on temporary ICC operating authority only to be denied permanent authority.

Margaret Hardin of the Valley Veterinary Supply in Fort Collins, Colo., told how she was forced to ship vaccines and medicines by air freight or United Parcel because common carrier service was so bad. Her firm, along with 41 others, had supported an application for temporary authority by Edson Express, an intrastate carrier in Longmont, Colo. But the bid was turned down. Edson said it found the burden of proof "insurmountable" because "virtually every city and whistlestop in the U.S. does have some 'carrier service available,'" yet there's no objective standard to determine whether it fills a need.

F. E. Keller of Keller Transport in Billings, Mont., pointed out that protests by existing carriers are given far more weight in ICC application hearings than the support of shippers seeking the service. Keller and the ICC solicits protests from existing carriers, or at the very least asks them if they're aware of applications and went to comment on them.

Milton Boyd, executive director of Minority Trucking Transportation Development Corp., said there must be an end to "push-button" protests by carriers already holding authority.

[From the Shreveport (La.) Journal, Nov. 30, 1978]

Keep 'Em Trucking

The Interstate Commerce Commission is the granddaddy of all federal regulatory agencies. It was established by Congress way back in 1887 to watch over the nation's railroads, but since then its regulatory duties have become much more broad and complex.

Too complex, in fact, argue critics of the ICC. Especially in the trucking industry, the ICC's rules frequently are cited as an example of how regulations can actually stifle commerce.

Thus it was gratifying for advocates of the free market system to learn last week that the ICC had changed its rule forbidding companies that haul their own goods by truck from transporting goods for other shippers. For instance, supermarket chains have fleets of trucks to keep their stores stocked with foodstuffs and other items. Under the old rule, these trucks could not carry goods for other shippers. Clearly, this rule made no sense economically, especially in these times of fuel conservation.

By changing the rule, the ICC has made more trucks available and thereby increased competition. Shipping costs should go down as a result.

Who says old commissions never change? If the ICC can rediscover the value of competition, perhaps there's hope for some of the other regulatory agencies as well.

[From the Opelousas (La.) World, Jan. 22, 1979]

The Trucking Battle

Transportation Secretary Brock Adams says that this year's battle to deregulate the trucking industry is going to make last year's scrap over airline regulations look like a minor squabble.

He's probably right. But when the dust clears, it will be the trucking industry that suffers a loss of credibility, not the Carter administration.

The trucking industry favors federal regulation because it limits competition, thus producing handsome industry profits for existing firms with a minimum of effort.

The airline industry claimed a lessening of federal regulations would be a disaster if such a bill were ever passed by Congress and the fight raged up and down Capitol Hill before the issue was settled on the side of deregulation. There was no disaster. Ticket prices fell as the airlines began competing with each other for new business and ridership soared along with profits.

The success of the airline (deregulation) simply encouraged the administration to do the obvious: look for other parts of the economy where deregulation could stimulate better consumer service at a a lower cost.

The proposal to deregulate the trucking industry and freight railroads will be submitted to the 96th Congress and we urge lawmakers to work aggressively towards its speedy adoption.

[From the Baltimore (Md.) Evening Sun, Oct. 19, 1978]

Airlines Freed

Any regulatory agency, whether state or federal, is faced with a dilemma. By granting a monopoly, complete or partial, it must regulate, holding down on the prices the franchised company may charge and insistting on standards of service. Yet in the process it necessarily protects that same company from the healthy stimulus of competition. How balance the two?

There is no perfect theoretical line which can be drawn. But over the years it had become clear that in the case of airlines, whose routes and fares are controlled by the federal Civil Aeronautics Board, the scales had been tipped much too far in the direction of protection. The airlines had become both overregulated and overprotected. The game for the airlines had become route selection. Get the CAB to grant the right to fly the most profitable routes and, with competition held to a minimum, the money would come rolling in.

The airline deregulation bill now finally passed goes a long way toward restoring sanity. The game will now be, to a large extent, competition. No more the fares that, once fixed, stayed put, immune to price-cutting by competing airlines. Instead, under the revised procedures, airlines will be free on their own to cut their prices by as much as 50 percent without need for CAB approval—or to raise them by 5 percent. Moreover, there will be far easier access for competitors. Any given airline will be able to protect only one of its routes from competing service and will, itself, be permitted to go into one new route a year without even the formality of CAB approval. A variety of other provisions will make it far easier for airlines to offer innovative services, to pick up routes that other airlines have been granted but are not actually serving and to increase competition on international routes.

But what of the obligations of airlines to continue to provide service on the routes that are less profitable? That, unfortunately, has been retained, at least for a ten-year period. For this decade the lines will be required to continue service to all communities now currently on their routes, with some federal—and possibly state and local—subsidy. So the consumer should be moving into the best of both worlds with increased competition and fare-cutting on most major routes.

This is deregulation as it should be practiced, with old rules and regulations discarded as they are overtaken by the economic facts of life. Now that the job has been done for one regulatory agency, hasn't the time come to make the same kind of overhaul on that oldest federal regulatory agency of all, the Interstate Commerce Commission? It has.

[From the Baltimore (Md.) News American, Nov. 11, 1978]

Trucking—An Area for Cost Cutting

Alfred Kahn, an expert economist, is now directing the Carter administration's anti-inflation campaign because, as chairman of the Civil Aeronautics Board, he lowered inflated airline fare prices. By deregulating air route restrictions and fare controls, Kahn opened up free competition in the airline business.

That new competitive freedom has cut air fare prices, improved service and efficiency, attracted new customers and all of the airlines are enjoying the best business that they have ever seen. Kahn was widely applauded and immediately pushed by President Carter into the tougher job of trying to cut the prices of everything.

Kahn could cut more prices by stirring up similar competition in other industries that have grown fat under federal government regulatory protection, such as the trucking business.

The Federal Interstate Commerce Commission has been keeping prices high by restricting free competition in that business since 1935. A trucker cannot haul manufactured goods on most interstate routes unless he has an ICC license. He can't get an ICC license without the approval of competitive ICC-licensed trucking firms. Those licensed firms are allied with the Teamsters Union in restricting new competition to keep trucking prices and truck driver's wages at a high level.

President Carter, who suffered from high trucking prices when he was in the peanut business, promised during his 1976 campaign that he would abolish the ICC's control of the carrier industry. That was one of the many campaign promises that he has not yet been able to keep.

Maybe Kahn will be able to fight off the lobbyists from the trucking interests and the Teamsters Union and push a move to give all long-haulers free use of our interstate highways. That would certainly cut trucking costs, one of the big reasons for the high cost of everything.

[From the Boston (Mass.) Morning Globe, Jan. 29, 1979]

A Collision Over Trucking

The public may get an early reading this year on exactly how committed the U.S. Senate is to stemming inflation when that inflation benefits powerful private interests. The test would be posed by a vote on the question of whether the Senate Commerce Committee or the Senate Judiciary Committee receives jurisdiction over a bill to end the trucking industry's antitrust exemption. While the matter may seem technical, the Senate's decision could substantially influence the future of trucking deregulation—with its potential benefits for consumers.

The jurisdictional fight pits Sen. Edward M. Kennedy, chairman of the Judiciary Committee, against Sen. Howard Cannon, the Nevada Democrat who chairs the Commerce Committee. While Kennedy has expressed a willingness to support a "joint referral" to both committees, Cannon has balked at this notion. The issue may come before the full Senate this week for resolution. And more is at stake than committee "turf."

Kennedy is a supporter of trucking deregulation; in fact, he is the author of the legislation ending the antitrust exemption at the center of current fight. Cannon says only that he has an open mind on the subject; the American Trucking Association and the Teamsters Union are lobbying the Senate furiously for referral of the bill to the Commerce Committee.

In a less political environment, the matter might be considered a parliamentary question. And in that regard, it is interesting to note that the Senate parliamentarian has ruled that the legislation should be sent to Kennedy's committee. And properly so. Other elements of comprehensive trucking deregulation—those involving Interstate Commerce Commission's regulation of routes and entry—are within the jurisdiction of the Commerce Committee. But the Kennedy legislation, which would overturn the current government sanction of private agreements between truckers on pricing, is clearly an antitrust measure.

It is true that the exemption to the antitrust statutes, enacted in 1948, was attached to the Commerce Act. But that was only an effort to end-run House Judiciary Committee chairman Emanuel Celler, who was opposed to such doings. And it is true that the Kennedy bill would affect a particular sector of commerce. But any antitrust legislation does that. And the Senate has given the Judiciary Committee responsibility for antitrust legislation no matter what sector of the economy it affects.

As the current parliamentary fight reveals, trucking deregulation will be a tough battle. The $30 billion industry is well organized. And both labor and management gain from the anticompetitive aspects of the business. Only the consumer loses. A decision by the Senate to refer the legislation exclusively to the Commerce Committee would not only violate common sense; it would be a sign that the Senate is not anxious to make the fight to restore competition to the trucking industry.

[From the Framington (Mass.) News, Nov. 12, 1978]

LET TRUCKERS DO THE DRIVING

The US Government looks about ready to step on the gas in deregulating the American trucking industry. And let us be counted among those on the sideline shouting. "Clear the road."

The 90-year-old Interstate Commerce Commission, oldest of the federal regulatory agencies, is pondering ways to free the 16,000 motor carriers it controls from the massive bureaucratic red tape that over the years has kept freight rates needlessly high, deterred open competition, and cost consumers billions of dollars through rate fixing. While ICC chairman Daniel O'Neal and the six-member commission discuss how best to start pulling down the walls the ICC has built around the industry, the Carter administration is drawing up even more ambitious plans.

The White House allowed trucking deregulation to idle while it focused on getting Congress to free up the airlines.

The outstanding success of opening up the airlines to new competition and permitting air fares to rise and fall more in accordance with demand is certain to add fire to long-simmering plans for deregulating the railroads as well as the trucking industry.

Alfred Kahn, the Carter administration's new anti-inflation chief, deserves considerable credit for paving the way for airline deregulation while he headed the Civil Aeronautics Board. And it is noteworthy that Kahn now sees even less justification for continued heavy-handed regulation of truck lines than there was for controlling the airlines.

Air fares plummeted when government restrictions were lifted, and Kahn expects an easing of ICC regulations would have the same effect on truck rates.

Under the plan being drafted by the Justice Department, increased competition would be encouraged, a pricing zone in which freight rates would be allowed to rise or fall without ICC approval would be created, and the burden of proof required to limit new services and carriers into the market would be shifted from those making such applications to those opposing them.

And to give the financially struggling railroads more opportunity to compete with the new truck traffic, restrictions would be lifted to allow railroads to acquire truck lines as well.

Deregulation of the trucking industry promises to be a much tougher battle than was that for the airlines. For one thing the trucking industry is larger, wealthier, and carries greater political clout with Congress. And the industry, major carriers in particular, is not anxious to change the status quo. The politically powerful Teamsters union, with two million members, may well be a stumbling block if it is convinced deregulation will cause small truck lines to fold and a loss of jobs will result.

Easing of restrictions, of course, ought to be carried out with care. The US economy is heavily dependent on trucking, and every effort will need to be made to avoid public confusion over a proliferation of freight rates. And the special needs of small truckers will have to be considered.

But soaring inflation and the need for a more efficient and competitive transportation system make some deregulation of trucking a must.

[From the Lowell (Mass.) Sun, Nov. 25, 1978]

FREE TRUCKING

The Interstate Commerce Commission has come up with a long overdue ruling that will permit the trucking industry to render better service at cheaper cost to the consumers. It used to be that a truck owned by a manufacturer could not carry anything in it but the goods of its parent firm. Thus, a truck going south from Lowell with something made in this city could not make the return trip profitable by hauling anything produced by another firm in the South. The return to Lowell had to be made on a dead load basis.

Now, the ICC has ruled the return trip can be made with a full load of anything the local firm's truck can find to transport. This means there will be more competition in the trucking industry, that the consumer will benefit from reduced pricing and that the economic waste of load-less truck trips will be ended.

It will be helpful to all but the large trucking companies that fought deregulation of the trucking industry in their own interest but who have now found themselves overruled in the national interest.

[From the Lowell (Mass.) Sun, Jan. 26, 1979]

TAKE 'EM OFF

Senator Edward Kennedy, with uncommon support from an aggregation of conservative businessmen and liberal thinkers alike, has called for legislation to deregulate the trucking industry. Taking government controls off the industry that moves countless tons of goods through the country would effect considerable savings—his figure is $2 billion—and restore competition to one of the basic sections of our economy, the senator contends.

This is a somewhat unfamiliar position for the liberal senator, and we applaud him for his stand.

The matter becomes somewhat confusing through opposition to the senator's proposal by the trucking industry itself, those very businessmen who might be expected to embrace any move to enable American competition to flourish. The truckers complain that the industry is so complex that removing regulations would result in "chaos" to the disadvantage of the consumer. We find that hard to believe.

Government regulations have become intolerable. They stifle the kind of competition that has brought the country's productive capacity and its standard of living to their high points. They clearly add much to the cost of carrying the nation's cargo.

One example is a regulation that trucks carrying a load one way cannot carry one back to its point of origin, to the end that another truck will carry the return load while the first one comes back empty. That is the kind of regulation that adds to the consumer's costs and makes honest competition very expensive, if not impossible.

Senator Kennedy was a leader in the move to deregulate the airlines, and the result is familiar to anyone who travels by air very much: fares have come down.

Trucking is a $56 billion industry in the United States. It affects the price of almost everything we use. That it should be kept out of the mainstream of the real free market and the competition that sustains it is illogical.

We cannot confirm nor deny the high figure Senator Kennedy charges to excessive prices caused by regulations. But we are convinced that a deregulated trucking industry would be able to serve America better than one caught up in controls and rules. And we have little fear that taking the regulations off would set the industry back into chaos. Competition would make any such thing unlikely.

We hope to see the trucking industry deregulated, and we commend Senator Kennedy for his leadership in seeking this development.

The less government regulation of the economy the better, in trucking or anything else.

[From the Lynn (Mass.) Item, Feb. 13, 1979]

TRUCKERS ARE TOUGHER

Last year, Congress and the Carter administration won plaudits for deregulating the airline industry, an act which increased competition, lowered air fares and boosted industry profits. This year, the trucking industry is targeted for similar liberation.

But while the case for deregulating the truckers is no less compelling than that for the airlines, dragging the protected motor carriers into a free market promises to be far tougher.

Where the airlines were split on the question of deregulation, trucking companies grown fat on the protected routes and rates granted by the Interstate Commerce Commission are unified in opposition to the deregulation. And the politically potent. Teamsters union is also fighting deregulation because of the restraining influence competition would have on wages.

Given the presence of both trucking companies and Teamsters in virtually every congressional district, the pressure to maintain the status quo will be fearsome.

The Teamsters have reportedly threatened to retaliate against the White House for its support of deregulation by ignoring the President's wage guidelines when new contracts are negotiated with truckers this year.

The question is whether Mr. Carter and Congress can withstand the heat long enough to dismantle a regulatory structure that benefits the few at the expense of the many.

The many in this case are consumers who pick up the tab for the excessive truck transportation costs that result from the ICC's wasteful regulatory policies. Empty trucks rattle back and forth across the country burning up fuel and hiking overall operating costs because of senseless ICC rules against two-way hauling.

The trucking companies fix shipping rates, legally, with only a rare objection from the commission's hopelessly swamped staff.

And, through the permits it grants for protected hauling routes, the ICC effectively limits both competition and entry of new trucking companies.

How much these regulatory policies cost the public is subject to debate. But a reasonable estimate is that of Stanford University professor Thomas G. Moore, who puts the annual cost at up to $3 billion. That kind of money should light fires under every consumer group in the country.

In theory, Washington began regulating the trucking industry during the 1930s to forestall the rise of a predatory monopoly carrier and to protect the railroads. The 16,000 trucking companies now in operation are adequate defense against any monopoly, save one imposed by Washington.

Deregulation would reward the most efficient operators while offering shippers the advantage of a competitive marketplace in which to shop for carriers. We think most truckers, like the deregulated airlines, would find competition a boon rather than a burden.

[From the Lewiston-Auburn (Maine) Sun, Jan. 4, 1979]

Deregulating Trucking

A proposal in a report from the state Attorney General's office recommending a cutback on regulations of the trucking industry in Maine likely will become one of the hottest issues for the 109th Legislature to consider.

The truckers are regulated by the Public Utilities Commission. The special report concluded that the PUC regulations create unnecessary expenses for truckers, which ultimately are passed on to consumers in the form of higher shipping costs. Increased competition would lower costs, the report said.

The Attorney General's report said: "The evidence strongly suggests that there is no justification for continued regulation of this industry. In the movement toward less government regulation and greater reliance on the competitive marketplace, the trucking industry on both the interstate and intrastate level is a logical place for regulatory reform."

The PUC already has the power to review the regulations it has imposed and achieve many of the benefits of deregulation by updating them. It need not wait for new laws.

[From the Detroit News, Jan. 2, 1979]

Freight Freedom

The Carter administration, warming up for a new legislative season, expects a hard fight over the White House campaign to deregulate the trucking and railroad industries. Consumers stand to gain substantially if the White House persists and wins.

Although the bills have not yet been sent to Congress, President Carter and Transportation Secretary Brock Adams have made their intentions clear. They want to drag the two industries back into the real world of the free market.

The embattled railroads are not fighting this initiative as are the truckers. Some railroad managers welcome it because they would be given freedom to prune unprofitable lines and services. Large trucking companies defend regulation because to them it is a security blanket.

Regulations administered by the Interstate Commerce Commission tell truck fleets where they can go, what they can carry, how much they can charge and who may enter the business. These rules, while restrictive, also tend to protect the interests of big companies.

Independent truckers should be allowed to penetrate the markets now so strictly guarded by the government for the regulated truckers. Opening the market would mean, among other things, more efficient use of trucks and less wastage of diesel fuel.

The trucking industry is joined in its opposition to deregulation by the Teamsters Union, which detects a threat to its control over the industry. Thus, large corporations seeking to protect their privileges, and labor leaders, trying to retain their power, are bedfellows in the anti-deregulation campaign.

Like the big truckers, major airlines fought deregulation. The doomsayers in the airline industry were proved wrong. Deregulation brought bargain air fares to the consumer, improvements in service and a remarkable rise in both traffic volume and profits. Mr. Carter thinks a dose of the same medicine would achieve similar results in trucking and railroading, and he is probably correct.

[From the Detroit Free Press, Dec. 14 1978]

Rules: Trucking and Railroading Could Serve Us Better with Less Restriction

With its ranks drawn in rather tight to try to combat inflation, the Carter administration can hope for relatively few bold initiatives, since mostly they mean new spending and the shedding of old constraints.

But in the next few days, the administration is expected to announce one new intitiative that does shed old restraints, but does not cost new government money, and that fits perfectly with the anti-inflation effort. In our judgment, though, the attempt to eliminate needless regulation of the trucking and railroad industries is more than just a low-budget, anti-inflation effort. It has potential benefits for consumers.

So when the administration comes forth with its deregulation effort, as it is supposed to do soon, we believe there is a strong reason to be predisposed to accept the concept, if not every last particular of it. The early experience in airline deregulation—admittedly tentative, since the happy results so far have occurred during relatively good times—suggests that deregulation of an overprotected industry can produce benefits for the consumer and for the producer as well.

In the airline industry, the effect has been to promote competition, lower fares, increase ridership and improve profits. The change also contributed to a trend toward merger of some airlines, and that process could ultimately lessen competition. There is also some reason to be cautious about the possible long-term effect on service to smaller cities. But the net effect of deregulation thus far is what we might have hoped. Competition has worked for the general good.

The trucking industry is resisting deregulation, as are the Teamsters. The fact that the Teamsters' contract is the first big one coming up next year may pose a temptation for the administration: to trade deregulation for a more modest labor settlement in the trucking industry. The railroad industry, which has been stifled for years under heavy-handed Interstate Commerce Commission regulation, has indicated that it would welcome deregulation.

The heart of deregulation is to back away from anti-competitive regulation of rates, routes and service. It is no panacea, to be sure, and the same reasons that made the regulation of these industries a necessity in the first place means that it probably cannot be abandoned totally now.

But the effect of regulation has long been to make for cozy, inefficient relationships, to distort the service so that it does not really fit the needs precisely, and to add costs for the consumer. That means, in our judgment, that sensible deregulation can be a good pro-consumer action as well as a potentially strong anti-inflation action.

We hope the president will push hard to see that the good pattern set in the airline industry is extended to these other two basic transportation industries.

[From the St. Louis Post-Dispatch, Nov. 11, 1978]

Breaking the Regulatory Shackles

Deregulation, or at least substantially less regulation, is an idea whose time has come, and for that reason it may be that the trucking industry and its powerful ally, the Teamsters Union, will not be able to continue much longer to obstruct the movement to replace government protection with competition.

Because of the costly and cumbersome burden that regulation in recent years has imposed on business—particularly environmental, health and safety constraints—regulation has acquired a very bad reputation. The regulators have been successfully portrayed as bunglers and meddlers who invariably manage to make things worse instead of better. That, combined with the astonishing results in the airline industry after controls over fares were liberalized, has made deregulation much more politically feasible than it was as recently as a year ago.

In this climate Interstate Commerce Commission Chairman Daniel O'Neal is calling on the agency to give up much of its control over the trucking industry and the Carter administration is in the process of formulating a legislative package that would reduce the ICC's power. Chairman O'Neal wants to abolish or substantially weaken regulations over truckers seeking to enter new markets, let private and contract carriers operate more freely and limit the right of truck lines to block new services by others. These changes can be achieved administratively.

The legislation being prepared by the administration would end the exemption from antitrust laws that permits truckers to set rates together, through rate bureaus, and it would require the ICC to create a zone in which rates could go up or down without ICC involvement.

While all of these steps appear to hold the promise of restoring a healthy measure of free enterprise to the trucking industry—provided of course, they are accompanied by safeguards against dangerous concentrations among carriers or predatory pricing practices—they cannot be taken in a vacuum. The trucking industry, after all, competes with the railroad industry, and to loosen the regulatory shackles on one without taking comparable action on behalf of the other would bestow an unfair advantage.

Unlike the trucking industry, the railroads have launched an aggressive campaign to rid themselves of most economic regulation; regulation they contend is the main reason they have a rate of return on net worth of only 1.9 percent—the lowest among 73 industry categories. Essentially what the railroads want is an end to the system whereby the ICC decides the validity of freight rates, freight car utilization, entry into markets and abandonment of unprofitable service. These proposals appear to have merit, though, as in the case of the trucking industry, it would be imperative that there be safeguards against predatory pricing or the charging of exorbitant rates from shippers who have no alterative transportation source.

When regulation ceases to protect the public from being exploited and instead simply protects businesses from engaging in competition that could produce lower prices and more efficient service, it should be abolished. That appears to be the case with a major portion of the rules governing the shipment of goods.

BALANCING THE BUDGET—FIRST PRIORITY

● Mr. **BIDEN**. Mr. President, there is certainly no doubt that this country's economy needs both a balanced Federal budget and major tax reductions for all taxpayers.

The Senate Budget Committee has prepared and the Senate has adopted a 3-year budget that achieves this dual goal. It severely restricts spending in fiscal year 1980, balances the budget in fiscal year 1981, provides $55 billion in tax relief in 1982, and adds further tax cuts of $75 billion in 1983 and $100 billion in 1984. Conferees representing the Senate and the House of Representatives will be meeting soon. It is essential that their product preserve these important goals.

It was just such an approach that was the goal of the budget balance and tax reduction that I sponsored in the Senate last year—but now the Senate Budget Committee has set it down in cold, hard figures. It was not easy to reach that goal, and all Americans will feel the impact of the steps we had to take to reach it. There was just no way to balance the budget otherwise.

And balancing the budget had to come first. That is one thing the Budget Committee's experience brought home to me clearly—before you can cut taxes, the budget must be brought to balance. That is one reason I voted against proposals for further spending cuts and earlier tax reductions. Despite forecasts of a balanced budget from these proposals for 1981 and 1982, the effect on revenues would have made a balanced budget highly unlikely. In fact, it would have produced a $6.9 billion deficit in 1981 and a shortfall of $1 billion in 1982. The Senate Budget Committee proposal achieves a balanced budget in each of those years.

Some part of the Budget Committee proposal is probably unacceptable to almost everyone—and that may be its best recommendation, because that suggests that the burdens have been fairly apportioned.

We did make severe spending cuts outside the defense area, because there was no other way to achieve a balanced budget. Spending for social programs and other nondefense items will be reduced by more than $5 billion from last year's spending—and that does not take inflation into account so that the remaining dollars will buy even less.

Further cuts would have a draconian effect on children, the elderly, the ill and the poor. That is why we had to postpone tax cuts until 1982—but in the long run the Budget Committee has seen to it that the taxpayers will receive the tax cuts that are due them.

It is not easy to bring spending under control after years of profligacy, and especially after the economic disruptions of more recent years. But the Budget Committee has carefully constructed a compromise which begins reducing Federal spending immediately and provides for major tax cuts as soon as they safely can be granted. I was afraid that if we disturbed the equilibrium of this carefully crafted compromise with major changes in spending and tax policy like those proposed, we would upset the whole structure of it and end up with fiscal chaos and a hopelessly unbalanced budget. We would drift right back to the bad days when every interest group got what it wanted and the Federal budget would once again be part of the problem of inflation instead of part of the solution.

I have served on the Senate Budget Committee since it began its work 5 years ago. I set out to achieve a balanced budget, and we are finally in sight of that goal. Along the way we have fought the worst recession since the 1930's, and we have cut taxes three times. I believe the taxpayers understand and approve of what we are doing, and I believe they will have the patience to postpone the next tax reduction until the anti-inflationary goal of a balanced budget has been achieved.●

COL. MICHAEL KOVATS DE FABRICY

● Mr. ZORINSKY. Mr. President, 200 years ago last Friday, Michael Kovats de Fabricy, a Hungarian fighting for the colonies in the American Revolution, gave his life in service to this country. We are eternally grateful.

He wrote Benjamin Franklin, our Ambassador to France in 1777, the following:

> I am a free man and a Hungarian. I am willing to sacrifice myself wholly and most faithfully as it is expected of an honest soldier facing the hazards and great dangers of the war, to the detriment of Joseph and as well for the freedom of your great Congress.
>
> I have no wish greater than to leave forthwith, to be where I am needed most, to serve and die in everlasting obedience. . . .

Kovats was an officer in the Royal Prussian Army. Like many of his cohorts, he was attracted by the possibilities for adventure and advancement in America.

The Continental Army was a rag-tag force, and very few of its leaders had significant military experience. The European officers who joined it gave it backbone and provided discipline. They were, in turn, offered senior positions that were not open to them at home.

Franklin rebuffed Kovats. But with the help of Count Casimir Pulaski, he was admitted and made Colonel Commandant of the Pulaski Legion, a cavalry unit composed mainly of British and Hessian deserters, and others, like Kovats and Pulaski, who had come from abroad.

The unit fought gallantly at Egg Harbor, and against pro-British Indians in the west, before being directed south by General Washington to take part in the 1779 campaign to recover Georgia.

There, its officers made the ultimate sacrifice. Kovats was killed May 11 in Charleston, after the British had been beaten into retreat. Count Pulaski, hit by a small cannonball in the later battle for Savannah, died on October 9.

"Golden freedom cannot be purchased with yellow gold," Kovats had told Franklin. It took the loss of thousands of lives, many of them of foreign sympathizers, to create an independent United States, free from Britain. Let us not forget Michael Kovats de Fabricy's contribution.●

DISTINGUISHED TAX ACCOUNTANT OPPOSES REPEAL OF CARRYOVER BASIS TAX REFORM

● Mr. KENNEDY. Mr. President, a major lobbying effort is under way to persuade Congress to repeal the so-called carryover basis tax reform enacted in 1976. That reform closed a billion-dollar-a-year tax loophole used by wealthy individuals to avoid paying any capital gains tax on the increased value of property transferred at death.

Under the prior law, the tax basis of the property in the hands of the heirs was made equal to the value of the property at the time of the prior owner's death. When the property was sold, the gain subject to tax was measured only from this new basis, not the basis of the prior owner. As a result, the entire appreciation in value of the property in the hands of the prior owner was exempt from the capital gains tax.

The 1976 reform provided that the basis of the property for tax purposes would carry over from the prior owner to the heirs—hence the name carryover basis. Therefore, if the property is eventually sold, the full gain in value will be subject to capital gains tax.

Those who seek repeal of the 1976 reform argue that it is too complex, and that it imposes excessive recordkeeping and other burdens on estates and heirs.

A number of tax practitioners, however, have disputed this claim. Recently, I received a copy of the testimony that Mr. Bernard Barnett, a distinguished partner in the well-known New York City accounting firm of Seidman and Seidman, planned to present last March to a hearing by the Senate Finance Committee's Subcommittee on Taxation and Debt Management, before the hearing was postponed.

In his testimony, Mr. Barnett discusses one of the most important issues in the current debate—the 1976 carryover basis reform was the quid pro quo in the Tax Reform Act of 1976 for the substantial reductions in estate and gift taxes that were also enacted at the time. Yet, those who are now vigorously advocating the repeal of the carryover basis reform are completely silent about repeal of those reductions, which were the other half of the 1976 bargain.

In addition, Mr. Barnett states that, in light of his 30 years of practical experience as a CPA in this area, the carryover basis rules can be made workable. As Mr. Barnett observes with respect to the alleged complexities cited by the opponents of these rules:

> I have found in my own experience that the problems are, in most instances, often greatly exaggerated.

He also states, with respect to the recordkeeping issue, that:

> It is a relatively rare event when missing data cannot be reconstructed.

Mr. President, I believe that Mr. Barnett's testimony will be of interest to all of us concerned about this issue, and I am pleased to submit it for the RECORD.

STATEMENT OF BERNARD BARNETT

My name is Bernard Barnett. I am a certified public accountant, a partner in the national accounting firm of Seidman & Seidman, holding the position of National Director of Tax Practice. I am testifying in my individual capacity, not on behalf of my firm which has taken no position in this matter.

I have practiced as a CPA for more than thirty years. During most of that time I have specialized in the area of the taxation of estates, trusts and their beneficiaries. Some of the pertinent present or past positions I have held evidence my experience in this field: former Chairman of the Committee on the Taxation of Estates, Trusts and Gifts of the American Institute of CPAs; former Chairman of the Committee on Estate and Gift Taxes of the New York State Commerce and Industry Association; Past President of the New York State Society of CPAs and Chairman of its Tax Committee; former President of the Estate Planning Council of New York City; member of the Advisory Committee for the Institute on Estate Planning of the University of Miami Law Center; faculty member for the American Law Institute/American Bar Association

Annual Course "Estate Planning in Depth". I presently also serve as a member of the Editorial Advisory Boards of the following professional magazines: Trusts & Estates, The Tax Adviser and Taxation for Accountants. I do not speak on behalf of any of these organizations but merely cite those positions to evidence my qualifications to appear before you.

In my opinion, there are six alternatives available to Congress with respect to unrealized appreciation of property held at death. I believe that the following four alternatives should be summarily discarded for the reasons given:

1. Do nothing. If Congress takes no action during 1979, the excessively complex carryover basis provisions of the 1976 Tax Reform Act will automatically come into force on January 1, 1980.

2. Further deferral. This option should be avoided at all costs—it would be totally unfair to keep this area in its present state of uncertainty. In such a state of suspension, it is impossible to engage in any meaningful estate planning.

3. Capital gains tax at death. This approach should be discarded because it would cause death to be treated as an event which would trigger-off a capital gain. One does not realize even a transitory increase in wealth at the time of a gratuitous transfer of appreciated property, let alone income that should be subject to the income tax.

4. The so-called AET, or additional estate tax, originally proposed (but since disowned) by the American Bankers Association. This is merely another name given to a form of capital gains tax at death levied at a flat rate on the estate.

There remain only two viable approaches:

5. Repeal of the carryover basis rules and related 1976 Tax Reform Act liberalizations and restoration of the old "step-up (down)" in basis at death rule of prior law, and

6. Enactment of simplified and "cleaned-up" carryover basis rules, generally along the lines proposed by Senator Hathaway last year. I specifically refer to the version of carryover described as workable in the March 12, 1979 testimony of Arthur J. Dixon speaking as Chairman of the Executive Committee of the Federal Tax Division of the American Institute of CPAs, but with additional exemptions from carryover basis that I will shortly describe.

Let me briefly give you my thoughts on each of these two remaining approaches.

It is my understanding that at the time the 1976 Tax Reform Act was being enacted, it was the mandate of Congress that there be no net revenue loss as the result of changes in the taxes levied at death and on gifts. It was then estimated that the large new unified tax credit for estate and gift taxes would not only eliminate two-thirds of all estates from the tax roll, but, when combined with the lowering in the rates of the estate tax, would result in the loss of substantial estate and gift tax revenue—estimated at perhaps 30 percent. Again, it is my understanding that the enactment of carryover basis at death (or some other method of taxing appreciation at death) was the quid pro quo designed to offset this revenue loss.

If the 1976 Congressional revenue concerns are still valid today, I assume that repeal of carryover basis at death would carry with it a roll-back in the unified credit from the present law which will exempt an estimate of $175,000 from estate tax, down to a figure closer to the prior $60,000 exemption, and/or that the present estate tax rates will be increased to approach the levels in effect prior to 1977.

If the 1976 Congressional mandate that there be no net revenue loss is no longer a consideration and carryover basis repeal would not be joined to a reduction in the unified credit and/or increase in estate tax rates, I would favor repeal in the interests of simplicity. However, if the mandate of Congress is still valid, it is my considered opinion that enactment of simplified and cleaned-up carryover basis at death is to be greatly preferred over a return to the pre-1976 Tax Reform Act law with step-up in basis at death, but with lower credits/exemptions and/or higher estate tax rates. I take this position for two reasons:

1. The elimination from the estate tax role of two-thirds of all estates as the result of the 1976 enactment of the larger unified credit constituted a major step in tax simplification. Causing most of these estates to again become subject to the estate tax, combined with the raising of the rates of tax for all estates, would be a large step backward and would again subject to estate tax many presently exempt smaller and moderate-sized estates.

2. As the result of my 30-odd years practical experience in this area as a CPA, I fully agree with the testimony of the American Institute of CPAs that a set of simplified and cleaned-up carryover basis rules, while not completely free of all problems, is workable. Such "cleanup" would generally track the bills introduced by Senator Hathaway and Representative Steiger last year, as well as the other changes set forth in the Statement of the Federal Tax Division of the AICPA as testified to at March 12's hearing.

To further insure the workability of carryover basis, I suggest the following modifications.

It has been estimated that 95 percent of all appreciated carryover basis property consists of investments and personal residences. In order to reduce the administrative complications of carryover basis rules, I propose the following additional exemptions from carryover basis:

1. All tangible personal property except that held for investment. This would, for example, exclude all personal effects, household furniture, wedding gifts, etc. This exemption would remove from the ambit of the law much of the property whose cost basis may be difficult to determine. This would constitute a significant step toward simplification at relatively little loss of tax revenue.

2. An additional $100,000 exemption for the principal residence of a decedent who had not, while alive, taken advantage of the new $100,000 once-in-a-lifetime capital gains tax exclusion on sale of a principal residence, enacted as part of the 1978 Revenue Act. It seems eminently fair to permit a decedent this capital gains tax exemption which he could have gotten if he had sold his residence before death.

Let me tell you why I believe that simplified, cleaned-up carryover basis as so modified is workable, from the practical point of view.

The 1976 carryover basis provisions have two basic problems:

1. The complexity of the computations of the adjustments to the decedent's cost—the fresh-start adjustment, federal and state death tax add-on, state succession tax add-one, etc. The adjustments were enacted to provide equity. Obviously the adoption of a "naked" carryover basis proposal without a "fresh start" and without increasing cost basis for the death tax levied on the appreciation would require no computations—but would not be equitable.

2. The difficulty in some instances of determining the cost of the property to the decedent.

With respect to the first problem, I agree completely that the 1976 law carryover basis computations were unnecessarily complex. It is my opinion, however, that the cleaned-up carryover basis proposals have greatly simplified these calculations and removed most of the complexity relating to these essentially equitable adjustments.

With regard to the difficulty in determining the decedent's original cost of property, I have found in my own experience that the problems are, in most instances, often greatly exaggerated. As I have proposed, the simplified carryover basis provisions would now apply only to investment property and certain personal residences. Capital gains realized on the sale of such property by a taxpayer during his life has long been subject to capital gains tax. In order to compute the gain or loss, the owner's original cost or other basis must be determined. This has been the law for more than fifty years. Of the literally thousands of instances in my practice when I had to ascertain the cost of such property in order to compute my client's capital gain, I can recall only one which presented exceptional difficulty—and this involved the determination of March 1913 value. I have found that most taxpayers do keep cost records of investments. For those who don't, there are almost always alternative sources for such information, as I will discuss shortly. Admittedly some cost data is hard to obtain—but I have yet to hear any reputable group advocate abolition of the capital gains tax because of the relatively few instances when the determination of the cost of the property sold cannot be readily obtained.

Unless proper records are maintained during life, it may, of course, be more difficult to determine the cost of carryover basis property after the owner dies. Part of the blame for this must be borne by the professionals who, under the old step-up of basis at death rules, swept the importance of maintaining cost records "under the rug." It is certain that no tax system can be properly administered unless records are maintained—particularly a self-assessment system such as ours. And I have found that most of my clients who have estates containing carryover basis property in excess of $175,000 *do* keep adequate records.

But what about those relatively rare instances where a person dies who did not have the necessary cost records. I have almost always found that alternate data is generally readily available. Let me give you but a few examples:

MARKETABLE SECURITIES

About a year ago I made an informal survey to compare the actual cost of marketable securities held by a number of my clients with the stock market value of those securities on December 31, 1976. As you know, under carryover such marketable securities get a free "step-up" fresh-start adjustment to increase their cost basis to their value at December 31, 1976. In the vast majority of securities I found the December 31, 1976 market values to substantially exceed cost. I believe this to be true for most marketable securities. For such securities there is no real need to determine actual cost since under "cleanup" the fresh-start adjustment will be applicable for determining both gain and loss. For those marketable securities for which cost must be determined, and the decedent kept no records, it is the rare stock broker or custodian who does not maintain cost records of his customers costs. In this computer age it is normal. Even if such records cannot be furnished, copies of security transactions are maintained by brokers and custodians. And if these records cannot be obtained, the stock certificate, if registered, will be dated and the approximate price at that date can be secured. Many accounting firms maintain as part of an income tax client's file a running record of the cost of securities purchased so that the amount of gain or loss on sale can be quickly determined.

STOCK, BONDS, NOTES, ETC. OF CLOSELY-HELD CORPORATIONS

All corporations must under the Internal Revenue Code maintain adequate books and records. The cost of capital stock, bonds and other closely-held shareholder obligations can normally be readily ascertained from such book and records. Alternative sources are the company's financial statements, workpapers in possession of the company's independent auditors, etc.

PERSONAL RESIDENCES, REAL ESTATE, FIRMS AND OTHER INVESTMENTS

Ancillary sources of costs include the files of real estate brokers and/or lawyers who handled the sale of the property, insurance applications and records, mortgage files, farm books of account and records, etc. In some areas deed or transfer taxes paid when deeds are recorded will give a good clue to the cost of the property acquired. Insurance records, property tax assessment, building permits and other secondary sources can greatly assist in determining a "missing" cost

These are but a few examples to illustrate the alternative sources for obtaining missing cost records. Other professionals practicing in this area can cite additional examples. A curious executor and his professional advisers should encounter little difficulty in determining the cost basis of a decedent's property, with relatively rare exceptions. Further, the $175,000 minimum carryover basis adjustment, together with the proposed alternative December 31, 1976 fresh-start computations (computed by discounting the value of the property at death), will cover most of the problem areas. Of course, there will be times where a cost basis is not ascertainable because of lost records or other reasons—just as there are similarly rare occasions when a taxpayer is alive and cannot ascertain with certainty the cost or other basis of property sold which is subject to income tax as a capital gain. In such circumstances, the Internal Revenue Service should be directed to accept reasonable approximations based on the general price level of property during a period covering the approximate time of acquisition.

But still I must come back to the proposition that no tax law can possibly be administered where no records are maintained. The tax law requires only businesses to keep proper books and records. While no individual must, by law, maintain similar records, from a tax policy point of view, it would be improper to permit an individual taxpayer to avoid the imposition of an income tax on the disposition of appreciated property held for investment, during life, or after death, because he fails to keep adequate records. I agree that the problem may be accentuated after death but, as I have indicated, I, and all other accountants engaged in tax practice that I have spoken to, have found that it is a relatively rare event when missing data cannot be reconstructed. Finally, it should be appreciated that the simplified, cleaned-up carryover basis rules limited, as I have proposed, to investment property and certain personal residences, will be applicable to a relatively small fraction of all estates of decedents.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million, or in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the record in accordance with previous practice.

I wish to inform Members of the Senate that three such notifications were received on May 10, 1979.

Interested Senators may inquire as to the details of these preliminary notifications at the offices of the Committee on Foreign Relations, Room S-116 in the Capitol.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., May 10, 1979.
In reply refer to: I-11356/77ct.
Dr. HANS BINNENDIJK,
Professional Staff Member,
Committee on Foreign Relations,
United States Senate,
Washington, D.C.

DEAR MR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle East country tentatively estimated to cost in excess of $25 million.

Sincerely,

ERNEST GRAVES,
Lieutenant General, USA, Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., May 10, 1979.
In reply refer to: I-11357/77ct.
Dr. HANS BINNENDIJK,
Professional Staff Member,
Committee on Foreign Relations,
United States Senate,
Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 33(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle East country tentatively estimated to cost in excess of $25 million.

Sincerely,

ERNEST GRAVES,
Lieutenant General, U.S.A., Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., May 10, 1979.
In reply refer to: I-11358/77ct.
Dr. HANS BINNENDIJK,
Professional Staff Member,
Committee on Foreign Relations,
United States Senate,
Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle East country tentatively estimated to cost in excess of $25 million.

Sincerely,

ERNEST GRAVES,
Lieutenant General, U.S.A., Director.●

NOTICE OF EXTENSIONS OF TIME FOR FILING CERTAIN FINANCIAL DISCLOSURE STATEMENTS

● Mr. STEVENSON. Mr. President, the Ethics in Government Act of 1978 (Public Law 95-521) requires that certain non-Senate employees of legislative agencies, who are compensated at or above the GS-16 level, file an annual public financial disclosure report with the Secretary of the Senate by May 15 each year.

These individuals, who are under the jurisdiction of the Select Committee on Ethics, are those who work for the General Accounting Office, the Cost Accounting Standards Board, the Office of Technology Assessment, and the Office of Attending Physician, who are compensated at or above the GS-16 rate—presently $44,756—and who were employed in excess of 60 days in 1978.

Separate forms and instructions for these individuals who are covered only by the act are being printed but are not yet available for filing.

Therefore, pursuant to the authority of section 101(f) of the act to grant reasonable extensions of time for filing any report, no financial disclosure report from an employee described above will be due until 30 days after the forms and instructions are available. The new employees will be notified by the committee at that time.●

ST. PATRICK'S CATHEDRAL CENTENNIAL

● Mr. JAVITS. Mr. President, I rise to add my voice in celebration of the 100th anniversary of the dedication of one of America's foremost landmarks, St. Patrick's Cathedral in New York City.

This glorious edifice serves as the pivotal point in the architectural history of American gothic and stands, among the many examples of gothic architecture in the city constructed during the last century, as the premier work of the city's churches.

The church was begun in 1859 after its architect, James Renwick, Jr., worked for 5 years perfecting the plans. The church was dedicated in 1879 by John Cardinal McCloskey—America's first cardinal—and its spires were completed 9 years later.

The structure, modeled in part on the splendid cathedrals of Cologne and Reims, contains 70 stained-glass windows wrought in Europe and the United States, including the rose window that measures 26 feet in diameter. Its spires rise 330 feet above the sidewalk just across the street from Rockefeller Center and dominated mid-Manhattan's skyline for a half century.

Like the city in which it is set, St. Patrick's receives the Roman Catholic faithful from every nationality and background. Confessions are heard in several languages to provide for the major nationality groups among New York's almost 4 million Catholics. There is also a special confessional for the deaf mute.

St. Patrick's serves as the principal

church of the archdiocese of New York—the cardinal's church. And St. Patrick's has been the church of some of Catholicism's most illustrious cardinals.

Francis Cardinal Spellman gained a worldwide reputation through his work with the military ordinariate ministering to America's servicemen in war sectors during World War II. New York's current Cardinal, Terence Cardinal Cooke, is distinguished for his many services to the citizens of the city of New York as well as the members of the archdiocese.

Interestingly, Archbishop John Hughes, the 19th century church leader who conceived of building the cathedral, caused something of a scandal in his selection of 5th Avenue and 50th street as the building's site. As Mel Juffe points out in his account in New York Post, a far more reasonable location would have been the then fashionable Bowery or some "uptown" location, such as 23d Street. But Archbishop Hughes held his ground, insisting that his 50th Street selection would someday become the heart of Manhattan. His persistence led some to dub the project "Hughes' Folly."

Today, "Hughes' Folly" stands in mid-Manhattan, a monument to Archbishop Hughes' foresight and a focal point for Catholics and lovers of splendid architecture alike.

Without objection, I would like to print in the RECORD a copy of Mel Juffe's New York Post article of May 9, 1979.

The article follows:

ONE HUNDRED YEARS OF ST. PATRICK'S FROM "FOLLY" TO WORLD RENOWN

(By Mel Juffe)

When St. Patrick's Cathedral marks the 100th anniversary of its opening next Saturday, the list of dignitaries will include five cardinals, nine archbishops (including Archbishop Jean Jadot, the Apostolic Delegate representing the Pope) and some 40 bishops.

The impressive assemblage of high officials indicates the great significance attached by the Church to the world-famed cathedral, which, with its twin spires uncompleted, formally opened its doors on Fifth Avenue on May 25, 1879.

The present-day splendor of St. Patrick's, opposite Rockefeller Center in the hub of bustling midtown, is the realization of an early 19th Century dream by Archibishop John Hughes. He felt that wealthy, growing New York should have a cathedral comparable to the most majestic of the Old World.

The site he selected for the edifice—plus an additional block between Madison and Park Avenues—had been bought in 1810 for $11,000 by the Jesuit vicar general of New York for a boys' school.

The location picked by Hughes caused a great deal of misgivings.

To some parishioners, the obvious site for a great cathedral was somewhere along the then-fashionable Bowery. Others wanted an "uptown" location—but certainly no farther north than 23d Street.

But the archbishop insisted, predicting as early as 1846 that his chosen site all the way up north on 50th Street would someday be the heart of the city.

As construction began, the popular nickname for the rising cathedral was "Hughes' Folly."

Shortages of funds and an anti-Roman Catholic movement slowed the construction. Work came to a standstill during the Civil War.

Finally, after 21 years and at more than double the original estimate of $1 million, the Cathedral of St. Patrick was ready to open.

The two 330-foot spires which were missing at the opening were completed in 1888. Oddly, however, the cornerstone is now missing. It is believed lost somewhere beneath the stone and concrete of the cathedral and its outdoor plazas.

The historical highlight of the cathedral was the 1965 visit of Pope Paul VI. It was the scene of the 1967 funeral of Francis Cardinal Spellman and the 1968 installation of Archbishop Terence Cooke, who was soon to become Cardinal Cooke.

Time has fully vindicated "Hughes' Folly." ●

THE CONTINUED STAGNATION OF PRODUCTIVITY

● Mr. JAVITS. Mr. President, today's New York Times contains a most instructive article on the continuing problem of stagnant U.S. productivity growth. The article bears out what I have been saying on the subject of productivity, in a Senate speech I delivered on February 6 (CONG. REC., p. 1900) and, more recently, in my statement on the Javits-Percy amendment to the Council on Wage and Price Stability reauthorization bill (April 2, CONG. REC., p. 6935), to wit: that the continuing lag in U.S. productivity growth—a minus 4.5 percent at an annual rate in the first quarter of 1979 and 0.6 percent in 1978—is perhaps our most serious and least understood economic problem. U.S. productivity stagnation is at the heart of double-digit inflation; the trade deficit and the dollar decline; and the whole host of vexing problems we face today. The data shows that the United States is practically in the cellar, internationally, in this critical area.

I hope my colleagues and their staffs will read the article very carefully and that we will be able to build a consensus in the Senate to mount a campaign to stimulate improved U.S. productivity growth before too long. I urge my colleagues to give productivity top priority in developing their own legislative programs for the 96th Congress. I cannot think of a more vital domestic endeavor for the decade ahead.

Mr. President, I ask to have printed in today's RECORD the article to which I have referred, from the New York Times of Tuesday, May 8, 1979.

The article follows:

PRODUCTIVITY LAG CAUSES WORRY—EXPERTS FEAR EFFECT OF SLOWER GROWTH RATE

(By Steven Rattner)

WASHINGTON, May 7.—Economists, businessmen and Government officials have become concerned about a marked drop in the nation's productivity growth rate, a development they fear will reduce economic growth and increase inflation and unemployment.

According to the latest figures released by the Labor Department, the productivity rate in the first quarter of this year declined at an annual rate of 4.5 percent. Historically, the productivity rate in this country has increased about 3 percent a year.

Productivity is often thought of as efficiency. In its most commonly watched form, productivity refers to how much an individual worker can produce in a certain amount of time.

"Productivity growth in 1978 showed a very marked slowdown from accustomed rates," the Council of Economic Advisers reported earlier this year, "adding substantially to inflationary pressures and raising fundamental concerns about underlying trends."

The slump in productivity means the nation's outlook for long-term real economic growth has dropped to 3 percent from 3½ percent, the council has estimated.

Increases in productivity allow employers to increase wages without increasing prices because each worker is producing more. But slower productivity growth means that wage increases are not completely offset by output increases. This means higher costs for business, which raises prices, leading to more inflation. The higher prices cut consumer purchasing power, reducing economic growth and, ultimately, increasing unemployment. In short, without increases in productivity, economic growth is limited.

United States productivity averaged just 1 percent a year from 1973 through 1977 and dipped further to six-tenths of 1 percent last year.

Economists and businessmen agree that, contrary to some perceptions, productivity growth does not really mean working harder. Instead, productivity growth is thought to result from increased capital investment, a more highly skilled labor force, inexpensive energy, more efficient management and other efficiencies.

Although economists disagree over magnitudes, there is a general consensus on some of the factors involved in the productivity slump. Among them:

CAPITAL INVESTMENT LAG

According to the Council of Economic Advisers, a drop in the rate of capital investment may be responsible for the loss of half a percentage point a year in productivity growth. Between 1948 and 1973, the ratio of capital to labor grew 3 percent a year. Since 1973, however, the rate of increase has been only 1¾ percent annually. The problem has been particularly acute in certain industries, such as steel.

"I think productivity on balance in the steel industry is not improving," said Bill Roesch, executive vice president of the United States Steel Corporation. "Capital investment hasn't remained as strong because profits haven't remained as strong."

GROWING REGULATION

Businessmen often attribute the productivity slump to increased Government regulation, which they contend has forced the diversion of investment funds and employee time to such tasks as emission abatement and safety—tasks that do not increase output. A study by Edward F. Denison, made while he was a senior fellow at the Brookings Institution, found that environmental and worker health and safety programs alone cut conventionally measured productivity by 1.4 percent between 1967 and 1975.

LESS PRODUCTIVE LABOR

The vast influx of youths, women and minorities within the labor force has meant more workers with less experience and training. Between 1965 and 1973, this phenomenon cost productivity growth four-tenths of a percentage point annually, according to the Council of Economic Advisers. Since 1973 the loss has been about one-third of a percentage point, the council said.

Business is sensitive about acknowledging this phenomenon, but the increase in training and recruiting programs alone has added large costs. According to a study by the Business Roundtable, equal employment opportunity programs cost 48 companies $217 million in 1977.

HIGHER ENERGY PRICES

The rapid rise in energy prices has cut sharply into businesses' ability to substitute energy-intensive machinery for people. "In my view, the reaction to higher energy prices is responsible for three-fourths of the productivity problems," said Dale Jorgenson who is a professor of economics at Harvard University.

"We've cut our energy consumption by 15 percent in the last five years," said Herbert Lyon, vice president of the Dow Chemical Company. "That way, capital investment comes out as energy cost savings rather than as new capacity that might increase labor productivity."

SHIFT TO SERVICES

Part of the productivity problem has been the shift away from agriculture, where productivity gains have been comparatively large, toward services, where increases in productivity are hard to achieve. Between 1973 and 1977, productivity in services declined three-tenths of 1 percent a year, according to the Council of Economic Advisers.

One service-oriented company, the J.C. Penney Company, created a high-level study group about three years ago to work on improving productivity. The result has been a variety of new programs. "We've increased our productivity in the last two years," said Donald V. Seibert, chairman, "but it's been a continual battle."

Some economists and businessmen blame a lag in innovation caused by a decline in spending on research and development. In 1964 such outlays totaled 3 percent of output. Last year they dropped to 2.2 percent.

The Government has become concerned with the trend and has started a number of studies of technological innovation, one of them being a study of the impact of Government regulation on technology.

This paradox has been observed: In the short term, lagging productivity can cause business to increase its hiring, thereby creating the illusion of prosperity. Last year the economy added 3.6 million new jobs, far more than the moderate 4 percent increase in the gross national product would suggest. Economists believe that the difference was accounted for by the falloff in productivity increase.

"The implications are just beginning to be understood," said C. Jackson Grayson, director of the American Productivity Center in Houston. "They range from continuing high levels of inflation to a gradual stagnation and the end of its world leadership."

In part, the lack of public understanding of the productivity problem probably results from the lack of reliable data.

"One of the most confusing things about productivity is measurement," said the Secretary of Labor, Ray Marshall, who is responsible for the statistics.

Of perhaps even more concern than the dismal productivity performance is the fact that few policy makers profess to have solutions. Changes in the tax system might be needed to improve capital investment. And the addition of women, minorities and youths to the labor force still seems to enjoy wide public and Administration support.

But the problem has already elicited a strong reaction from Capitol Hill. Senator Lloyd Bentsen of Texas, chairman of the Joint Economic Committee, said recently that the United States ran the risk of "social upheaval" if it failed to reverse the trend toward smaller productivity increases.

Last Oct. 23, President Carter established a National Productivity Council to be operated under the auspices of the Office of Management and Budget.

Still, few persons are optimistic about improving productivity quickly. The Council of Economic Advisers has lowered its assumption of long-run productivity growth from 2½ percent to 2 percent.●

TERRY HARVEY

● Mr. JAVITS. Mr. President, because of a football injury, Terry Harvey is a quadraplegic and must spend the rest of his life in a wheelchair. But, instead of bemoaning his hard luck, Terry Harvey enrolled in the Niagara County Community College where he was fortunate enough to become the student of Dr. Nicholas J. T. LoCascio and trained in the field of biomedical sciences.

An article, coauthored by Mr. Harvey and Dr. LoCascio, describes how the wheelchair-bound physically handicapped student may learn various cytotechnological concepts and techniques. This program should serve to encourage the physically handicapped to seek a higher education and broaden their career objectives.

At the same time, we must also continue to keep in mind the importance of making programs of this type readily available to the physically handicapped through the provision of more funding to support them. As the physically handicapped, particularly those confined to wheelchairs, realize that we are concerned with their welfare and their future, they will be more encouraged to seek out programs of education available to them. I, therefore, respectfully request that the attached article entitled "Training the Physically Handicapped Student in the Biomedical Sciences" be printed in the Record.

The article follows:

Training the Physically Handicapped Student in the Biomedical Sciences*

(By Nicholas J. T. LoCascio and Terry Harvey)

Niagara County Community College is presently involved in a program whereby wheelchair-bound physically handicapped students may learn various Cytotechnological concepts and techniques. The ultimate goal being a career as a certified Cytotechnologist. This program was funded by a vocational Education Act Training Grant (VEA) in the fall of 1978.

A needs assessment survey determined that a genuine community need exists for certified Cytotechnologists. In addition, the discipline itself presents an ideal career objective for a wheelchair-bound physically handicapped person. Cytotechnology is one of the newer specialties in the paramedical field. It is a microscopic cellular study of sloughed-off body tissue cells which can reveal the presence of cancer. The term Pap Smear, a familiar term to most women (and men), is now a routine method for detecting early signs of uterine and/or cervical cancer in women. Last year, over eight million women received such a test and of that number, 8000 who did have cancer have hope of a complete cure because of the timely discovery. There are more than forty million women over twenty that should have an annual Pap Smear. This number has been increasing each year at a rate higher than the number of certified Cytotechnologists graduated who are qualified to prepare and analyze these tests. NCCC's Cytotechnology program is geared to help meet this demand in our community.

Several alternatives are offered to students enrolled in our Cytotechnology program upon receipt of their degree:

1. The student may seek immediate employment as a Laboratory Technician Aide in a hospital, private laboratory or educational institution.

2. The student may apply for entrance into an accredited school of Cytotechnology.

3. The student may wish to transfer to a senior college.

Through the VEA grant, Niagara County Community College has been able to accomplish much in providing the wheelchair-bound student a science career alternative. Since September of 1978, a laboratory room was allocated and remodeled specifically for this purpose. Tables of exactly the right height for the wheelchair-bound student recently arrived giving them easier access to their microscopes. In addition to the tables, laboratory sinks especially designed for wheelchair-bound students are presently being installed.

Twice a week for three hours each session, these students meet with their instructor and participate in lecture and laboratory exercises designed to help them in the field of Cytotechnology. For the most part, the students function independently in the lab, each using their own microscope and slides. A special double-headed teaching microscope allows the instructor to work individually with each student so that he/she will become proficient in identifying cell types and abnormal states as an introduction to screening cytology specimens.

Niagara County Community College has had a long-standing commitment to meeting the needs of the handicapped. As of the fall semester, 1978, there were 264 physically handicapped students enrolled at our college, and we are proud to boast an essentially barrier-free facility in which handicapped students have accessibility to offices, classrooms, study rooms and other areas necessary to carry out normal academic life. Niagara County Community College also has a discrimination-free admissions policy. Post-admissions inquiry is made only to determine which special services the college may provide.

We are proud of our achievements in aiding the physically handicapped students to pursue broadened career objectives, and especially of our innovative program in Cytotechnology. Presently, we are optimistic of being refunded for a second year so that the students now enrolled have the opportunity to complete the program and that new students will be allowed to enter.●

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*This program is currently being supported by a New York State Education VEA Grant (#79-2A-512 HPS) $21,085.00.

WORLD BANK PRESIDENT McNAMARA ADDRESSES UNCTAD V

Mr. JAVITS. Mr. President, as many of my colleagues may know, the fifth United Nations Conference on Trade and Development (UNCTAD V) is now underway in Manila, Philippines. The quadrennial meeting provides an important forum for reviewing developments in the north-south dialog and mapping out a work plan for the next 4 years. I was a congressional adviser to UNCTAD IV in Nairobi, Kenya in 1976 and recall vividly the earnest discussions that took place between representatives of the north and south. They were tough and there was much give and take.

It is critical that both the developed and the developing countries avoid recriminations and get down to the serious business of economic development and, especially, what and how each group—and I emphasize, each group—can contribute to the attainment of this objective.

The World Bank and the regional banks play a vital role in fostering economic growth in the developing countries by providing them with both financial and technical assistance. We will soon be considering in the Senate a bill that will replenish the capital of the Inter-

American Development Bank and certain programs of the Asian and African Development Banks. During the markup of the bill, the Foreign Relations Committee looked at the past performance of the multilateral development banks and how they have helped economic growth in the developing countries they serve. We found them not only to be vital engineers of growth in the developing countries but also important means of financing world trade and, especially U.S. exports. For these reasons, the multilateral banks are worthy of our support.

Robert McNamara, the president of the World Bank, addressed UNCTAD V on May 10, 1979, and very clearly described the close relationship between the level of economic activity in the industrialized countries and economic growth in the developing countries. In his address, he warns the developed countries to reduce their trade barriers, for without increased participation in the markets of the North, the developing countries will not be able to service their external debts, which they have assumed in the hope of spurring their economics. At the same time, he calls on the developing countries in the exercise of wise policy to lower their own trade barriers to the exports not only of the developed countries but also of the other developing countries.

This call for cooperative and parallel efforts by both the North and South should be especially heeded by those leaders in the developing countries who prefer to engage in polemics while their populations continue to face starvation, sickness and illiteracy.

I continue to believe that the American people—notwithstanding our own troubles—have it in their hearts to help the poor and infirm abroad. However such assistance and trade must be reciprocal, with the developing countries doing their proper share by not only opening their trading systems but also by creating the proper investment climate conducive to private sector involvement in their economic development.

While I share Mr. McNamara's concern about rising protectionism in the industrialized countries, he fails to apportion to the OPEC cartel any of the blame for the slow growth and high unemployment in the developed countries. I need not remind my colleagues that it is the oil pricing actions of OPEC that also have wreaked havoc on the economies of the North and South and contributed mightily to world-wide economic problems. Notwithstanding this glaring omission, Mr. McNamara's speech is an important contribution to the North-South dialog.

Mr. President I commend to my colleagues Mr. McNamara's address to UNCTAD V and submit it for the RECORD:

The address follows:

ADDRESS BY ROBERT S. MCNAMARA TO THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

I. INTRODUCTION [1]

It is an exceptionally opportune time for UNCTAD to meet.

Critical decisions affecting the world's economic relationships are being hammered out just now in half a dozen international fora.

In UNCTAD itself work is culminating on the financing of Commodity Stabilization Agreements and the structure of the Common Fund; in GATT a new multilateral trade agreement is nearing completion; the World Bank is moving toward final decisions on a major capital increase, and the Sixth Replenishment of IDA; the United Nations is formulating a development strategy for the 1980s and beyond; and the Brandt Commission is about to draft its overall recommendations.

All of these steps are important. But if we are to accelerate economic and social advance throughout the world, there are other steps that must be taken as well.

This meeting of UNCTAD affords us the opportunity to identify them.

Last September I drew the attention of the international community to a shocking conclusion of the "World Development Report, 1978."

And that was that even if the projected—and optimistic—growth rates, which the Report envisaged, were achieved, some 600 million individuals at the end of the century would still remain trapped in absolute poverty.

Now, that clearly is unacceptable.

But, as I pointed out, to attain even these rates of growth, on which the projections of absolute poverty were based, would itself demand a greatly intensified effort from both the developed and the developing nations.

In summary, it would require:

A further expansion of international trade on the basis of long-term comparative advantage and mutual benefit;

A sharp increase in the level of capital extended to the middle-income developing countries from private sources, together with increased support from the multilateral financial institutions; and

An increased flow of concessional assistance to the poorest developing countries.

I am encouraged that these three issues figure prominently on the agenda of UNCTAD V. On previous occasions, I have spoken on each of them. This morning, I want to confine my remarks to a more detailed examination of the recent trends in international trade, and their implications for world prosperity.

My view is this. Unless we resist—and roll back—the protectionism that has been gathering momentum over recent years, we risk undermining the progress in development and international cooperation that we have achieved over the past quarter century.

This surge in protectionism is not, of course, an autonomous event. It is the result of pressures brought on by a sluggish growth rate and mounting unemployment in the industrial nations.

But granted the reality of the pressures, what the peoples of these nations do not realize is that trade protection is rarely the right instrument to safeguard income and employment levels. More often it only succeeds in converting potential short-term private costs into long-term social losses.

That is the issue I want to deal with here. In particular, I want to:

Consider the role of trade in development;

Illustrate the trend toward greater protectionism, particularly in the period 1976–1979;

Analyze the penalties of that protectionism for both the developing and developed countries;

Discuss the policy options available to deal with the problem;

Comment on the Tokyo Round negotiations, and offer a number of suggestions for further improving the international trade environment.

II. THE ROLE OF TRADE IN DEVELOPMENT

Let me begin with an obvious, but essential, point.

Trade is a means—not the goal itself—of development. The goal of development is to enhance the welfare of everyone, particularly those individuals who have been passed over by earlier efforts. The expansion of trade by itself does not guarantee that poverty will be reduced, but it clearly increases the feasibility of achieving that.

The links between international trade and economic growth are complex. Trade improves the allocation of resources, and hence yields more output, and makes investment more productive. It does this by promoting greater specialization and larger-scale production, and by stimulating innovation and technical change.

There is an important process of mutual casualty at work between economic growth and trade liberalization. Rapid economic growth facilities the liberalization and expansion of trade, both by raising demand and by facilitating improved access to markets. And the rapid expansion of trade contributes to the acceleration of the peace of economic development.

It is this interaction between trade and growth that provides a key to economic progress.

Now, that is what happened between 1960 and 1973.

During those years the total exports of the developing countries rose by nearly 7% per annum, faster than the average annual growth rate of their gross national product. And their manufactured exports increased even more rapidly—at over twice the growth rate of the GNP.

It is true that not every commodity, nor every country, benefited equally from this surge in trade. But for many middle-income countries it provided both the foreign exchange earnings and the market stimulus for accelerated economic growth. And it held out the promise to all developing countries of a rising share in this world trade expansion, provided they could restructure their production and export policies to take advantage of the favorable environment.

It is precisely this favorable trade environment that is now threatened by slow growth, high unemployment levels, and consequent growing protectionism in the developed countries.

The result is that the rate of expansion of total world trade has fallen from 9% a year in the decade 1963–73 to only a little more than 4% in the years 1973–77. For the developing countries, the corresponding rates were 6.5% and 3.6% for the two periods.

There were, of course, a number of factors that led to the major expansion in exports of the developing countries before 1974. These included the creation of new export capacity, together with the utilization of excess capacity created earlier during the import-substitution phase of their industrialization; the increased demand and liberalized trade policies in the developed nations; and the aggressive, export-oriented policies in some of the developing countries.

But it should be remembered that as important as these vigorous export-oriented policies of the developing countries were, they succeeded as well as they did because of the high economic growth rates in the industrial nations, and because of the major liberalization of trade granted by them prior to 1974.

The outlook now is quite different. The slowdown in economic activity in the developed nations, and the consequent rising protectionist pressures of recent years, are seriously compromising the prospects of the developing countries.

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[1] I am indebted to several distinguished scholars and trade specialists for their assistance in examining recent trends in international trade, the major subject of this statement. In particular, I want to thank Mahbub ul Haq, Donald Keesing, Isaiah Frank, Bela Balassa, Robert Baldwin, and Paul Streeten.

The projections in the "World Development Report, 1978" indicate that the developing country will require some $900 billion worth of imports per year by 1985 in order to achieve the projected modest increase in their GNP growth rate. The expectation of the "Report" is that they would finance $797 billion of that amount from their exports, and would have to finance the balance of $103 billion from other sources.

These export projections were made on conservative assumptions. An annual export growth of 12% was assumed for manufactured goods for the 1975–85 period, as compared to an actual growth rate of 15% during 1970–75.

It is obviously of critical importance to the developing countries that they should in fact be able to achieve these export growth rates. If they do not, they must either add to their already heavy burden of debt, or they must see their development effort cut back.

How can the industrial nations assist the developing countries to earn sufficient foreign exchange through their own efforts?

Their first priority must be to reestablish patterns of steady growth and high levels of employment. If they do not it is going to be increasingly difficult for them to withstand the protectionist pressure groups within their own societies, who are calling for stern measures to solve short-term problems.

At the same time, both the public at large and the decisionmakers in the industrial countries must be led to see that short-sighted protectionist reactions offer no real solution to their fundamental economic difficulties.

The resort to protectionism may be a politically attractive choice—particularly in the face of difficult structural problems—but it is almost always a poor choice.

Let us examine these choices more closely by taking a hard look at recent protectionist trends, and at the costs they exact from both the developed and developing countries.

Since manufactured goods are the most dynamic element in the developing countries' total exports, and since many of the recent protectionist measures are directed against manufacturers, I will limit my analysis to them, though it should be noted that there are disturbing protectionist tendencies in the agricultural sector as well.

III. THE NEW PROTECTIONISM

Since 1976 there has been a marked increase in protectionism in the industrialized nations, and the pressures for even further restrictive measures are strong.

The pressures stem largely from the continued slow and erratic growth of their economies, and their consequent high levels of unemployment.

They are in part the result of the concentration of the developing countries' export growth in relatively few categories of manufactured products.

In the last analysis, however, they reflect the attempt of organized special-interest groups in the industrialized nations, in a period of slow growth and rising unemployment, to postpone the costs of structural adjustment—and this even if it means penalizing the less organized and less articulate sections of their own society, and the weaker and poorer members of the international community.

The devices utilized to provide such protection have multiplied. In addition to the traditional tariff measures, they now include cartel-like sharing agreements; "voluntary" export restraints; countervailing duties; subsidies and other assistance to domestic industries to sustain levels of production above those warranted by demand; government procurement procedures; and a whole spectrum of administrative, non-tariff barriers.

The intent of these measures is to extend protection to certain declining industries or ailing sectors of the economy without having to undertake the more basic steps necessary to cure the fundamental malaise.

Between 1976 and early 1979 the industrialized nations introduced a large number of new restrictive measures. They can be divided broadly into various forms of non-tariff barriers to trade; government aids to industry; and attempts to establish world-wide restrictive market-sharing agreements. Let me illustrate a number of these.

Non-tariff barriers

Although the Multi-Fiber Arrangement calls for quotas on clothing and textiles that generally grow at annual rates of 6% or more, starting in late 1977 these provisions did not prevent the imposition of more severe restrictions on the exports of developing countries, particularly by the European Community. The majority of these new EEC quotas limited annual increases of clothing and textiles to between .5 and 4%. Moreover, while the Arrangement calls for quota levels no lower than recent imports, the Community in fact rolled back some quotas on their major suppliers to levels well below those in 1976.

Contrary to the spirit of the Arrangement, the European Community insisted on applying quota restrictions not only on current suppliers, but also on other low-income countries, such as Indonesia, Bangladesh, and Sri Lanka, which have scarcely begun to enter the export market.

Australia, Canada, Norway, Sweden, and the United States have also tightened their quotas or imposed new ones to limit developing country exports of textiles and clothing.

The next effect of all these restrictive measures will be to limit the growth of exports of clothing and textiles to industrialized countries to considerably less than 6% per annum. This compares with annual growth rates on the order of 15% in the ten years prior to 1976.

Australia, Canada, France, the United Kingdom, and the United States have imposed new quotas and so-called "orderly marketing agreements" limiting the developing countries' exports of footwear.

The United Kingdom imposed quotas on monochrome television sets from Korea and Taiwan, and the United States has arranged for "orderly marketing arrangements" with the same two countries in color sets.

U.S. countervailing duties have been actively used even in cases in which injury to domestic producers has not been proven.

The European Community and the United States introduced special protective measures regarding steel which pose serious difficulties for these developing countries now emerging as exporters. The EEC has decided to renew for another year, through 1979, its "anti-crisis" program in steel, including efforts to reach year-by-year export restraint agreements with outside suppliers.

Government aids to industry

These take a variety of forms such as direct subsidies and preferential tax and credit arrangements. The latter provide indirect protection by reducing production or sales costs.

Under the British Temporary Employment Subsidy Scheme, the textile, clothing, and footwear industries received subsidies equivalent to 5 to 10 percent of total production costs. Other industries have been supported by increasing the former levels of government assistance.

Very large subsidies are now being given to the shipbuilding industry in a majority of the industrialized countries.

In France the automobile, data processing, pulp and paper, steel, and watch industries, among others, have all received various forms of government aid.

The takeover of insolvent firms by the government in industries such as steel and textiles, and the financing of their deficits from public funds, has had protective effects in Belgium, Italy, The Netherlands, and Sweden, among other countries.

International cartels and market-sharing agreements

Proposals have been made for international market-sharing agreements in shipbuilding and steel within the framework of the OECD. It is possible that the OECD Steel Committee may in fact turn into a quasi cartel.

While this is only a partial list of some of the trade restrictions in the OECD countries, it illustrates the trend. And to these one could add the government trade policies in the centrally planned economies which directly inhibit the expansion of world trade.

The picture that emerges from all this is not encouraging.

What are the real costs of this growing protectionism to the international community?

It is clearly already paying a high price for these measures. The potential costs could be even higher. And these costs are imposed on developing and developed countries alike.

IV. THE COSTS OF PROTECTIONISM

Let us examine these costs briefly.

Costs to the developing countries

Both protection and the threat of protection in the industrialized nations hurt the developing countries in two ways. They hurt them directly by reducing their opportunity to earn foreign exchange, by increasing their unemployment, and by diminishing the rate of growth of their income. And they hurt them indirectly by inhibiting them from adopting investment, production, and trade policies that would improve the allocation of their resources, and their overall development performance.

These adverse effects are felt not only by the established exporters of manufactures, but also by countries that are just beginning to be successful. And it is not only the actual restrictions that hurt, but the threat of them as well, since the threat creates a climate of uncertainty and inhibits long-term investment in export industries.

The fear of future imposition of protectionist measures often discourages governments in the developing world from adopting trade-oriented, outward-looking policies. The result is that they settle for inferior trade and development strategies, and end by strengthening the vested interests in the societies that benefit from producing at high cost for highly protected domestic markets.

No comprehensive studies exist at present quantifying the adverse impact of protectionism on individual developing countries. But such quantifications can be made at two levels. A partial analysis would detail losses in export earnings and increases in unemployment on a sectoral basis. And a broader analysis would estimate the damage to the economy as a whole in terms of the denial of opportunities to generate exports, growth retardation, unemployment, low productivity, and increased poverty.

One obvious difficulty in estimating the overall damage done to individual developing countries is that the damage often takes the form of frustrated investment and export opportunities, rather than clearly identifiable foreign exchange losses or unemployment.

In view of the great importance of this subject, it is surprising how little analysis has been carried out thus far on the overall impact of trade protectionism on individual developing countries. I strongly urge that more resources and effort be devoted to this analysis.

Now what about the costs of excessive protectionism to the developed nations? Let us examine that for a moment.

Costs to the developed nations

The motivation of a developed nation in extending protection is, of course, to save specific industries or sectors or regions from incurring detrimental economic and human costs. But what is often overlooked is that this does not protect the society from incurring equally real and even larger costs over the longer run.

The desire to resort to trade restrictions to save jobs in dying industries or declining regions is, of course, understandable, particularly when growth is sluggish and unemployment widespread.

And the case for protection—at least for protection against the exports from developing countries—is usually made on the basis of the burden that falls on the low-skilled labor that is displaced.

In the most labor-intensive industries, a large share of the people affected are women who cannot easily move to other regions because of family obligations. Frequently the plants that are threatened are in depressed, low-income areas. Many of the workers released are too old or otherwise disadvantaged to find new jobs easily.

Further, the threat of unemployment falls largely on those workers who are most likely to be displaced by automation and technical improvements, so that even if they are retrained or switched into other low-skilled jobs they are often soon displaced in those jobs as well. At best their incomes are depressed by the weak demand that exists for them in view of the new machines.

Governments on the whole have not been very successful at containing inflation and reducing unemployment at the same time, and hence it is not surprising that they should attempt to save jobs, even at the cost of higher prices, by putting up trade barriers. And affluent societies may believe that they can afford to forgo the further increases in real income that would be derived from a better international division of labor—if protectionism can at least buy them some industrial peace, and save them the costs of structural adjustments.

But what the advocates of protection neglect to say is that the present jobs of these workers may not be saved even under protection. The fact is that protection is often utilized—to the ultimate disappointment of the trade unions that ask for it—as a means of allowing an industry to "adjust" by automating low-skilled jobs out of existence, using the assured higher prices to pay for labor-displacing machinery.

The real choice offered by the protectionists is for society to pay higher prices and transfer income from its more productive citizens, probably on a permanent basis, while at the same time hurting their own consumers, tying up resources in low-priority uses, and adversely affecting export industries, as well as those industries dependent on cheap imports.

It is important that the real costs of protectionism in the industrial countries are fully understood.

The truth is that protectionism is inefficient, counter-productive, and ultimately self-defeating.

It is inefficient because it prevents the restructuring of inefficient traditional industries into modern, high-technology industries for which the advanced countries are best suited, and because it freezes these societies into inefficient production and consumption patterns. By avoiding such adjustments, societies which are dependent on foreign trade may suffer not merely slower growth, but falling living standards as well.

Protectionism is counterproductive because it provokes retaliation by other countries attempting to protect their declining industries, and because it erodes higher incomes and better jobs in export-oriented industries, a large share of whose production goes to the developing countries.

And protectionism is ultimately self-defeating because in the end it penalizes everyone. It makes impossible both the equitable—and the efficient—use of world resources.

In the developed countries protectionism, by walling off low-cost imports, fuels the fires of inflation and often puts the heaviest burden on those in the society least able to bear it.

A survey sponsored by United States retail organizations in 1978 found that goods imported from Asia and Latin America are, on average, sold at retail in the U.S. for 16% less than domestic products of the same quality. These goods are purchased mainly by families with lower incomes, and can make a contribution to moderating the impact of inflation, particularly for the poor.

It has been estimated in a recent study that the effects of protectionist measures imposed by the United States between 1975 and 1977 resulted in a cost to consumers of $660 million in sugar, $1,250 million in carbon steel, $400 to $800 million in meat, $500 million in television sets, and $1,200 million in footwear.

In terms of the short-term gain in jobs, this meant that the consumer cost per-job-protected was more than $50,000 per year.

If protection is seen as a temporary political response to the employment problems created for a small group of workers, then clearly there are less inflationary and less costly forms of income support available.

Protectionism hurts not only consumers, but also growth industries, export industries, and high-productivity industries. It creates vested interests, which once entrenched are difficult to moderate later. And it is contagious. It tends to spread from industry to industry, and from country to country.

Finally, protectionism is self-defeating because it undermines the international system of capital and trade flows on which the successes of the last twenty-five years have been built.

A large proportion of the export surpluses from the industrial countries to the developing countries, on which so many jobs depend, are financed by credits. The only way in which these debts can be serviced is to permit the developing countries to export and earn the foreign exchange to repay these debts.

The present international system of credit and trade will be seriously threatened if protectionist obstacles are put in the way of servicing the sizeable debts which the developing countries have already accumulated, and are continuing to acquire.

But despite these heavy costs of growing protectionism to the industrial countries, the political battle against protectionist pressures is often very difficult. It is difficult because the temporary losers from trade liberalization are visible and vocal, whereas those who gain are generally dispersed and disorganized. Thousands of housewives spread over the whole country often have less voice than a textile worker with a job at stake. But in the long run what is really at stake is not just cheaper shoes, clothes, and bedspreads, but the jobs and living standards of the whole population.

Total costs

It is difficult to calculate the total costs of protection to the international community as a whole. The GATT Secretariat estimated in 1977 that the application of protectionist measures by the industrial countries in the previous two years had led to restrictions on 3 to 5% of world trade flows, amounting to $30 to $50 billion a year.

But such an estimate fails to convey the full costs to the world community through the loss of total output, jobs and potential investment.

Estimates may differ about the total cost of protectionism to both developed and developing countries. But it is clear that these costs—to the individuals, to the countries, and to the global society as a whole—are potentially large.

Should the world continue to pay this price?

The answer is obviously no.

The truth is that the present unhappy combination of slow growth, unemployment, and rampant inflation constitutes both a threat and an opportunity.

The threat is that we may decide to engage in even more protectionism, which in the end would inflict severe strains on the world economy, and from which it would take a very long time to recover.

And the opportunity is that we can choose instead to begin to restructure the production patterns in the developed and developing countries, and to establish an international environment which encourages rapid and more equitable growth, at higher levels of employment, in both trade and development.

Let us examine the various options that developing and developed countries face in the present situation.

V. POLICY OPTIONS FOR THE DEVELOPING AND DEVELOPED COUNTRIES

Options for the developing countries

A tempting option for the developing countries will be to turn inward, to take greater refuge in highly protected import-substitution industries, and to avoid the struggle for expanded trade.

But this would clearly be a mistake. There are other options which are far more promising, though admittedly they entail a great deal of resolute effort. They include: the creation of efficient export capacity; a larger South-South trade; and a continued effort to roll back the protectionist measures in the industrial nations both within, and beyond, the Tokyo Round trade agreement. Let me briefly discuss each of these options.

Some developing countries have pursued policies that have discriminated against their own expansion of exports. Regardless of the trade environment, these policies were never warranted. The fact is that there are considerable possibilities for the developing countries to increase their exports even under current restrictive conditions, as has been shown by the examples of Korea, Brazil, and Singapore.

For one thing, the developing countries can diversify their exports into products that do not face high trade barriers. For another, those countries that are less advanced should seek to upgrade their export structure in order to take advantage of the export markets being vacated by more advanced developing countries.

As for South-South trade, there are good arguments—on the grounds of comparative advantage—for the developing countries to increase the volume of trade among themselves. Developing nations have already begun to make use of these new channels of trade. There are opportunities for further expansion.

Brazil now trades more with other developing countries than with the United States, and India's exports to developing countries are increasing at a rate higher than that of their trade with the industrialized nations.

But trade among developing countries is no substitute for greater trade with the developed world.

Developing countries' imports continue to be heavily concentrated in machinery and transport equipment, and most of these items are produced by the industrial nations. These products are crucial for the economies of the developing world and they can be supplied only to a very limited extent by the developing countries themselves.

Finally, the developing countries must begin to play a more active role in reshaping the trade environment. Such a role would, of course, involve greater participation in the current and future trade negotiations. I will return to this matter later in my comments on the results of the Tokyo Round negotiations.

Let me turn now to the options that the industrial nations face in the current climate.

Options for the developed countries

One must begin by recognizing a fundamental point. And that is that the deterioration in the current world trade environment has not been brought about by the developing countries swamping the markets of the industrialized world. Whatever the protectionists may say, the developed world is not being "flooded by cheap goods."

On the contrary, the developing countries today supply only a miniscule portion of the manufactured goods consumed in the developed countries: less than 2 percent. The share differs, of course, for different industries, but even in the most successful—textiles and clothing—this share is still low: 5 percent, for example, in the United States.

The recent deterioration has been caused, rather by a loss in the economic dynamism of the type prevalent in the 1960s in the developed countries. That dynamism made it possible for the industries in the developed world to make important structural changes—changes that were required both for efficiency and equity.

These changes enhanced efficiency because they allowed the developed countries to make better use of their resources. And they enhanced equity because they permitted the producers in the developing countries to move into kinds of production which they could not have afforded on the basis of their own domestic markets alone.

But the slowdown in the growth of industrial economies has severely hampered this process of dynamic adjustment. And the developed countries have believed that there are essentially two responses to this situation: limit the entry of goods into their markets from more competitive sources, and/or to undertake adjustment measures.

I have already discussed the long-term costs of restrictions on the imports from the developing countries. Let me now analyze the experience of industrial nations with adjustment measures.

Past experience with adjustment measures has not been very satisfactory in most industrial countries. Often these measures have ended up freezing the existing production patterns and resisting change, rather than encouraging genuine structural improvement by retraining workers and shifting them into industries and regions where they could both be more productive and earn more.

A recent OECD study indicates that even when the policies were vigorously pursued they resulted in greater capital intensity since the government's funds for adjustment were utilized to buy new equipment rather than to retain labor. Attempts, on the other hand, to slow down the process of adjustment and to gain a "breathing space" were utilized to establish permanent protection, and this resulted in turn in raising the price the consumer had to pay for the protected product.

But none of this need happen.

Correctly administered adjustment policies would aim at compensating those adversely affected by increased imports from the developing countries, and would retrain displaced workers and facilitate their move from low-productivity to high-productivity industries.

In order to reduce the political resistance to change and safeguard fairness, adjustment compensation should be reliable and prompt, and should approximate the private costs imposed on those affected. This might well include owners as well as workers, especially in the case of smaller firms, though businessmen cannot, of course, expect the government to relieve them of every possible competitive risk.

A complementary approach would be to assist local communities hit by plant closures or by large lay-offs. Successful programs of this type have been organized in the United States, and in Germany. Such regional relief can both increase the indigenous supply of skilled labor, and help identify new opportunities for relatively unskilled workers. Measures designed to remove obstacles to mobility—better transference of pension rights for example—are important as well.

But what is most crucial for the success of all these policies is the existence of a high level of aggregate demand and the rapid development of new and dynamic industries. Japan, for example, has been particularly successful in making adjustments well ahead of time and thereby securing its overall momentum of trade and economic activity, rather than delaying and relying on protection to save industries that have already become troubled and inefficient.

Now, what is one to conclude from all this discussion of options?

I believe that in the end the only sensible option that any of us in the international community have is to make a determined effort to improve the trade environment itself.

That was the basic purpose of the Tokyo Round. Let me turn now to an analysis of just where we stand in those negotiations.

VI. THE TOKYO ROUND AND BEYOND

The international community has invested an immense amount of effort over the last five years in negotiating a new framework of rules of conduct governing international trade. This effort began when the Tokyo Round of multilateral trade negotiations was formally launched in September 1973.

These negotiations are now completed, though some details are still to be worked out. However, prior to the formal signing ceremony in the fall, negotiators who have initialed the package agreement must submit it to appropriate government bodies for approval and must introduce the modifications in domestic legislation needed to carry it out. Over the next few months, most developing countries must alo decide whether they wish to participate in the various agreements.

It is thus appropriate to ask: what has been achieved so far and what still remains to be done?

The agreement essentially does four things:

They provide for a series of detailed codes which spell out permissible and non-permissible behavior by government in imposing non-tariff barriers to trade;

They establish a framework both for settling dispute which may arise among nations with respect to these non-tariff barriers and for watching over such measures as may be initiated in the future;

They make special provisions for developing countries; and,

They include a substantial tariff cut.

Now let me briefly indicate the areas in which I believe the trade agreement is likely to lead to an improvement in the current international trade environment, provided, of course, that it is implemented in a manner that reflects the real spirit and intent of the original Tokyo Declaration.

Areas of progress

There will be a substantial further cut—30 to 35 percent—in average industrial tariff levels in the OECD member countries as a result of an agreed formula which provides for higher cuts in higher duties.

The proposed cuts compare favorably with the Kennedy Round average cut of 35 percent in import duties for dutiable manufactures. The benefits of these cuts will be automatically extended to developing countries under the most favored nation clause without demanding full reciprocity on their part.

To put the magnitude of these tariff cuts in their proper perspective, of course, it should be remembered that the average tariff level for dutiable manufactured goods in the OECD countries is already quite low—about 10 percent—and recent fluctuations in exchange rates tend to dwarf the impact of the new cuts, which are to be implemented in a phased manner over an eight-year period.

Further, as I will discuss in a moment, the benefits to developing countries are going to be even more limited because of the numerous exemptions of certain categories of goods, and reductions in their preference margins. But despite these factors, there is no doubt that the proposed tariff cuts do constitute a further move in the right direction.

As I have pointed out, one of the increasingly preferred protectionist devices in industrial nations today is the practice whereby they enter into various bilateral agreements with other countries—outside the GATT framework—and require those countries to agree to limit "voluntarily" their exports of particular products.

The proposed safeguard code, which is still under discussion, attempts to bring the various types of safeguard actions—past, present, and future—back within the GATT framework. It defines the procedures and criteria that have to be met in taking safeguard actions, together with the conditions to which individual safeguard measures should conform. Thus, the code is aimed at preventing arbitrary national action by powerful importing nations.

One of the controversial aspects of this code is the insistence of some of the important industrial nations that a "selectivity clause," which would allow the right to restrict imports selectively from a few sources, be included. The developing countries are vigorously opposing this.

The code on subsidies will attempt to control another favorite protectionist measure. It will strengthen the ban on export subsidies on manufactured goods by the developed countries, as well as begin to control domestic subsidy measures that have been increasingly used by the developed countries in recent years.

Further, the United States will no longer be allowed to impose countervailing duties without clearly proving material injury to its domestic producers. If properly implemented, this code represents a potentially significant accomplishment that may enable the international community to control in a realistic manner the trade-distorting effects of domestic and export subsidies.

There are a number of other codes which, while they may not increase trade significantly, will contribute to reducing many irritations that endanger international cooperation.

The technical codes on standards, customs valuation, and licensing, as well as the proposed agreement on commercial counterfeiting, will help simplify existing procedures; will provide better information to exporters; and will reduce the risk of these provisions being used for protectionist purposes. This will particularly benefit those developing countries which lack adequate information on technical standards and custom valuation procedures.

Another code on government procurement extends the principle of non-discrimination to government purchases, and establishes administrative procedures for providing necessary information and fair treatment to foreign suppliers.

A major innovation in the trade agreement is that the individual codes also provide for an improved mechanism to facilitate the settlement of disputes. Each code will be administered by a committee of all the signatory nations. These committees are authorized to establish competent panels in each case in which a dispute arises under the code, to make recommendations to the parties concerned, and to take appropriate action—including authorizing countermeasures—if their recommendations are not carried out.

The trade agreement recognizes the special problems of the developing countries, and makes some special provisions in their favor. It includes an "enabling clause" which provides a legal basis for differential and more favorable treatment to developing countries. They can be granted tariff preferences by the industrial nations, and they can establish preferential arrangements among themselves. Developing country signatories are generally exempted from the ban on export subsidies.

Special provisions are made in various codes to protect the interests of the least developed countries. In return, the developing countries are required to accept the principle of "graduation" in line with the progressive development of their economies and improvement in their trade situation.

All of these provisions constitute progress over the current situation. If the various agreements are fully implemented, there is a possibility that the recent deterioration in the international trading environment may be arrested.

But it is important to face up to two fundamental issues:

What would the trade agreement really mean in terms of opening up trade opportunities for the developing countries?

And how should the improvements in the framework of international trade—and the process of trade liberalization itself—be strengthened and continued beyond the Tokyo Round?

Let me suggest that detailed analysis must be undertaken as soon as possible on the full implications of the Tokyo Round for the trade prospects of the developing countries. This should be done by the developing countires themselves, as well as by the industrial nations and the international institutions.

A comprehensive assessment of these implications and of the further action required can only be based on much more detailed and careful analysis than is available at present. There are, however, a few important points that can be made at this stage.

It is quite clear that the multilateral trade agreement does represent some areas of genuine progress for the developing countries, even though the Tokyo Round discussions focused largely on the trade concerns of the developed nations, and despite the fact that the developing countries were often only marginal participants in these negotiations.

There are, for the first time, agreed codes of conduct for most non-traiff barriers, as well as machinery for the settlement of disputes. There is a further—and substantial—traiff cut. And there are other provisions intended specifically to benefit developing countries.

There remain, of course, still many areas of genuine concern to the developing countries, which I will discuss in a moment. But, though they must continue to work for further improvements, I believe that the developing countries do have a strong stake in the implementation of the trade agreement: the original intentions of the Tokyo Declaration must not be frustrated in actual practice, and the new codes must not be used as a cover for legalizing current trade restrictions.

The developing countries can best protect their interests by ultimately becoming signatories to the agreements, after their present doubts have been resolved; by participating actively in the implementation and future reviews of the agreements; and by becoming full partners in future trade negotiations both within and outside the framework of the agreements.

Areas of concern

It must, however, be fully recognized that there are many areas of concern to the developing countries which are not dealt with adequately in the current round of negotiations, and which require further consideration, both during the implementation of the trade agreement and in future trade discussions.

Let me elaborate.

The trade negotiations did not address the question of reduction in existing quantitative restrictions. Thus, quotas on textiles and clothing, and on footwear, have been left untouched. These quota restrictions are of vital interest to the developing countries, particularly under the Multi-Fiber Arrangement which comes up for formal renewal by the end of 1981.

A vigorous effort must be made to review, and progressively to eliminate all existing quantitative restrictions, as well as to ensure that no further quota arrangements are negotiated in other products, such as steel. While total elimination of all quotas will take time, steps should be taken to eliminate now at least the quotas for the poorest developing countries. Moreover, the groundwork should begin now for the renegotiation of the Multi-Fiber Arrangement with greatly liberalized quotas.

The developing countries are concerned over the erosion of preference margins due to the overall reduction in tariff levels. This may, however, turn out to be an unnecessary concern since, according to recent studies, the loss in exports from reduced preferences will be less than one-tenth of the increase in exports that developing countries would enjoy as a result of trade liberalization under the Tokyo Round.

A more valid concern is the specific exceptions industrial nations have made to the agreed tariff-cutting formula. Duties on some key export products of the developing countries—for example, textiles and footwear—are either not being cut at all, or are being reduced by less than the tariff-reduction formula agreed upon. The inequity of this treatment becomes more obvious when it is recognized that the existing tariffs on these developing country export products are generally higher (15–30 percent) than the average tariff (10 percent) in the industrial nations, and when it is recalled that these exports are also subject to quantitative restrictions.

In future negotiations, the international community must ensure that the tariff rates on the principal exports of the developing countries are lowered progressively by eliminating present exemptions, and by establishing deeper tariff cuts for them.

Another area of major concern to the developing countries is the insistence by some industrial nations that a "selectivity clause" be included in the proposed code on safeguards. The developing countries are apprehensive—and with good reason—that the most efficient and active exporting developing countries may be singled out for trade restrictions. Ideally, the selectivity clause should be deleted from the code altogether since it legalizes discriminatory treatment against individual nations. If it is included at all, the criteria for selectivity should specify that this clause will not be invoked against the developing countries, and most especially not against the poorest and least developed countries.

The developing countries are also worried that the surveillance machinery and the sanction powers remain too weak under the recently negotiated agreements. They are afraid that it will be the weaker and the poorer members of the international community who are most likely to suffer from any violations of the proposed codes of conduct. This is an issue which must be faced candidly since, in the last analysis, a treaty is only as good as the international opinion and enforcement powers behind it.

As I have already pointed out, the developing countries will help their own cause considerably by ultimately becoming signatories to the agreements so that they can obtain representation on the committees charged with the implementation of the individual codes.

In a general sense, then, the Tokyo Round negotiations represent some areas of genuine progress, a few areas of major concern, and an opportunity to build further on the progess already made.

Now, how should we approach this situation? Let me briefly outline my own views.

To begin with, it is essential that the overall trade agreement be rapidly approved. It is, of course, not an "ideal" agreement, nor should the search for further improvements in the international trade framework be abandoned during its implementation. But it does represent another negotiated step in a continued effort to improve the international trade environment. It would be a wise course to accept the progress it already represents, and to chart out a concrete program of action for further improvements, building on its positive features and correcting its negative ones.

A genuine danger is that the industrial nations may be pressured into paying a heavy price to their protectionist lobbies in order to secure the ratification of the trade agreement through their legislatures. Already some government measures are being taken outside of the negotiations—measures such as the "trigger point" scheme for steel, raising the support price for sugar, and the tightening of textile quotas in the United States.

These actions raise apprehensions about the real value of the agreement, and the cost that may have to be paid to achieve its ratification. It is essential to resist vigorously the pressure of the protectionist groups outside of the framework of the trade agreement, and to ensure that the agreement is promptly ratified without having to pay an unacceptable price for legislative approval.

Further, the most important point about the trade agreements is not the careful legal language in which they are expressed, and not even the precise provisions they contain, but rather the environment and the spirit in which they are implemented.

The root causes of protectionist pressures in the industrial nations, as I have pointed out, lie in their slow and erratic economic growth, leading to a combination of unemployment and inflation. These problems are compounded further by the absence of sound structural adjustment policies. Unless these problems are attacked—and attacked systematically—the chances of fully implementing any trade agreement will remain precarious.

There is, at the same time, a great need for broader political awareness, and a more fully informed public opinion, in order to ensure that the right political climate is created to resist violations of the agreement. Many of the codes on non-tariff barriers leave a great deal of room for administrative interpretation and discretion. This discretion can either become a significant ally for trade liberalization or, alternatively, a powerful instrument to defeat the very purpose of the trade agreement. Thus, the task of improving the world's trade environment will not end with the signing of the treaty. It will only begin.

Let me now summarize and conclude the central points I have made this morning, and propose a specific program of action.

VII. A PROGRAM OF ACTION

The argument I have made is this.

It is imperative that we understand the

basic causes of the recent protectionist trend, and the heavy costs that it imposes on the developed and developing countries alike.

We must carefully and objectively evaluate the progress made in the Tokyo Round negotiations, as well as the unfinished work that still remains.

And we must determine how best to seek further improvements in the world trade environment, both through the periodic reviews that the agreement itself provides for, as well as through other special negotiations.

In my view, then, the international community's agenda should include the following specific actions:

The provisions of the Tokyo Round agreements, and the possibilities of further liberalization and expansion of trade, should be analyzed in detail from the point of view of the developing countries, both by the governments concerned, as well as by UNCTAD and GATT. We in the World Bank stand ready to extend full support for such analysis.

The Tokyo Round agreement provides for a "regular and systematic" view of developments in the international trading system between the contracting parties. This opportunity must be seized—and seized through substantive periodic reviews, not just routine monitoring. GATT and UNCTAD can serve as fora for consultation for these reviews.

The major concerns of the developing countries should be met through future negotiations both within and outside the framework of the Tokyo Round agreement. Some of these can be met through the periodic reviews of each code by the signatories. But there are others which will require special arrangements for negotiations: the renegotiation, for instance, of existing quota restrictions, and further tariff cuts for developing countries' exports. And there are some concerns which must be addressed in completing the remaining agreements: for example, the deletion of the "selectivity clause" from the proposed code on safeguards.

There are several areas of trade policy which are not presently covered in the Tokyo Round agreement: trading by state enterprises, for instance; intrafirm trade between multinationals; trade in services, and so forth. These are important omissions.

Some of these items are already under discussion, particularly within the framework of UNCTAD. Others require specific analysis and negotiating machinery. But the main point is that further efforts must be made to cover the presently neglected areas by specifying the negotiating machinery and a reasonable period of time over which the negotiations should be concluded.

The Tokyo Round will not result in rolling back and dismantling the non-tariff barriers already in force. Obviously, such dismantling can only be undertaken in a gradual, phased manner over a period of time. But there can be no doubt that dismantling of these barriers should be a top priority item on the international agenda and every opportunity should be taken to press this objective.

The Tokyo Round negotiations were conducted and finalized at a time of great economic difficulty for the industrial nations. It is possible that as and when the economic recovery in the OECD countries gains strength, it will become more politically feasible for them to start dismantling these non-tariff barriers. What the international community must consider are the concrete mechanisms and fora through which the objective of progressive reduction and dismantling of existing non-tariff barriers can be successfully pursued.

In order to benefit fully from an improved trade environment, the developing countries will need to carry out structural adjustments favoring their export sectors. This will require both appropriate domestic policies and adequate external help.

I would urge that the international community consider sympathetically the possibility of additional assistance to developing countries that undertake the needed structural adjustments for export promotion in line with their long-term comparative advantage. I am prepared to recommend to the Executive Directors that the World Bank consider such requests for assistance, and that it make available program lending in appropriate cases.

As additional measures are taken to protect the legitimate interests of the developing countries, and as they reach progressively higher stages of development themselves, they should, of course, be prepared to moderate their own domestic protectionist measures. The principle of reciprocity should be accepted after a certain stage of development has been reached.

Import policies should be liberalized by the more industrialized developing countries. This would give them a stronger position in their negotiations with the developed countries; it would stimulate their domestic export interests; it would give exports from poorer developing countries a better access to the markets of the more advanced members of the developing world; and it would be in line with the principle that different rules should apply to countries at different stages of economic development.

It is important to recognize that improvements in the framework of international trade are part of a continuous process which did not begin, and should not end, with the Tokyo Round. We should move systematically towards a more liberalized international trading system, and an improved charter for world trade which encompasses those areas which have been neglected in the past. At that same time it should be fully recognized that the fate of the Tokyo Round agreement, and of any further improvements in it, hinges a great deal on the strength and political acceptability of the surveillance and enforcement machinery for the agreement.

There is no simple solution to this issue. Strengthening of the GATT organizational framework and powers would help. So would a greater political awareness of trade issues in developed and developing countries. But, in the final analysis, the only effective sanction powers are those which emerge out of the perceived and enlightened self-interest of nations and which are imposed as a result of their collective consent.

I very much hope that all these issues will receive detailed attention during your deliberations.

Trade problems, of course, are not the only economic issues that trouble our planet. There are many others, and most of them are difficult and complex.

But I remain convinced that a liberal world trade environment is critical to the success of international development.

If we fail to save that environment from the repeated threats of trade protectionism, then the pace of development itself—and the quality of life for hundreds of millions of less advantaged individuals who deserve so much more than the little they have—will remain in jeopardy.

Their hopes lie in our hands.

THE PENDING QUESTION

Mr. ROBERT C. BYRD. Mr. President, the pending business before the Senate is the State Department authorization bill. What is the pending question at the moment?

The PRESIDING OFFICER. The Chair states that the Senate is in morning business.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, when the Chair concludes morning business, it will be back on the State Department authorization bill, will it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. At that time, will not the pending question be on the adoption of the amendment by Mr. HELMS, the so-called Rhodesian amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I believe it was Mr. HELMS', understanding, and certainly it was mine, that that amendment would not be disposed of until the disposition of his amendment which he offered earlier and which has been temporarily set aside and in regard to which a vote will occur tomorrow at 2:15 p.m., am I correct?

The Chair, of course, cannot answer as to my understanding, but that is my understanding and it is that of Senator HELMS.

ORDER FOR RECOGNITION OF SENATOR EAGLETON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, Mr. EAGLETON be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR COMMITTEE REPORT ON NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the committee on Governmental Affairs be given until June 8, 1979 to report the following nominations:

Mary T. Bass (Inspector General, Department of Commerce);

Charles L. Dempsey (Inspector General, Department of HUD); and

Eldon D. Taylor (Inspector General, NASA).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION TOMORROW OF STATE DEPARTMENT AUTHORIZATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate resumes its business tomorrow, it resume its consideration of the State Department authorization bill after the orders for the recognition of Senators, but that it not have final disposition of the amendment by Mr. HELMS until after the amendment which he offered earlier today has been disposed of.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after Mr. EAGLETON is recognized tomorrow, I be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the distinguished Senator from Missouri (Mr. EAGLETON) has been recognized, Mr. BAKER be recognized for not to exceed 15 minutes, prior to my own recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, under the order previously entered, following the orders for the recognition of Senators on tomorrow, the Senate will resume consideration of the State Department authorization bill. S. 586, and the pending amendment at that time will be the amendment by Mr. HELMS.

I ask the Chair what the number of the amendment is.

The PRESIDING OFFICER. The amendment number is No. 198.

Mr. ROBERT C. BYRD. And what is the number of the amendment by Mr. HELMS that will be disposed of at 2:15 p.m. tomorrow?

The PRESIDING OFFICER. No. 190.

Mr. ROBERT C. BYRD. I thank the Chair.

There will be rollcall votes tomorrow. The Senate will dispose of the State Department authorization bill, under the order, no later than 8 p.m., but I hope that the disposition of the matter will come prior to that time.

RECESS

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 12 noon tomorrow.

The motion was agreed to; and at 6.12 p.m., the Senate recessed until tomorrow, Tuesday, May 15, 1979, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate on May 14, 1979:

IN THE AIR FORCE

The following-named officer under the provisions of Title 10, United States Code, Section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of Section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. William Henry Ginn, Jr., [redacted] [redacted]FR, U.S. Air Force.

IN THE NAVY

Vice Admiral James D. Watkins, U.S. Navy, for appointment as Vice Chief of Naval Operations pursuant to Title 10, United States Code, Section 5085.

IN THE ARMY

The following named cadets, graduating class of 1979, United States Military Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of Title 10, United States Code, sections 3284 and 4353:

Aaron, Blaine Fidler, [redacted].
Abernathy, Kent Wayne, [redacted].
Acosta, Jesse Thomas, [redacted].
Adams, William Dean, [redacted].
Adams, William Gregory, [redacted].
Aeillo, Thomas Paul, [redacted].
Alderman, Marc Isaac, [redacted].
Alfonso, Thomas Joseph, [redacted].
Alimpich, Michael, [redacted].
Allmon, Thomas Allen, [redacted].
Ambruster, Richard Frederick, [redacted].
Ames, Jeffrey Montgomery, [redacted].
Amster, Robert Koerner, [redacted].
Andersen-Vie, Kurt William, [redacted].
Anderson, Joel Melvin, [redacted].
Anderson, Louis Brian, [redacted].
Anderson, Marvin Paul, [redacted].
Andres, Neil, [redacted].
Angelosante, James Albert, [redacted].
Anker, Dean William, [redacted].
Anson, Douglas Paul, [redacted].
Appleget, Jeffrey Alan, [redacted].
Arata, Stephen Anthony, [redacted].
Argo, Harry Martell Gwynn, [redacted].
Armstrong, Thomas, [redacted].
Arnold, Kevin James, [redacted].
Arthur, Alan Dale, [redacted].
Artman, Stuart Douglas, [redacted].
Ash, Toney Lamont, [redacted].
Atcitty, Charles James, [redacted].
Austin, Michael Duane, [redacted].
Austin, Stephen Dale, [redacted].
Avey, Robert Edward, [redacted].
Bahr, Mark Stephen, [redacted].
Baker, Douglas Sharpe, III, [redacted].
Baker, George Ronald E., II, [redacted].
Balafas, Andrew Joseph, [redacted].
Balom, Curtis, II, [redacted].
Banner, Gregory Thomas, [redacted].
Barese, Albert Florindo, [redacted].
Barth, Thomas William, [redacted].
Bartsch, J. Craig, [redacted].
Bassette, Jeffrey Lynn, [redacted].
Bates, Michael John, [redacted].
Batten, Bruce William, [redacted].
Bauer, Kent Carleton, [redacted].
Beam, Christopher Jennings, [redacted].
Beasley, Michael De Waye, [redacted].
Beatty, Robert James, [redacted].
Beeson, Andrew Gregg, [redacted].
Belcher, David Robert, [redacted].
Berger, John Carl, [redacted].
Berner, John Kevin, [redacted].
Berry, Gregory Leroy, [redacted].
Besterman, Larry Alan, [redacted].
Betack, Charles Norman, [redacted].
Bianco, Stephen Gerard, [redacted].
Bishop, William Robertsmith [redacted].
Black, Calvin Lawrence, [redacted].
Blackburn, Marvin Carl, [redacted].
Blackmon, Bruce Eugene, [redacted].
Blaine, John Melville, Jr., [redacted].
Blakemore, David Mark, [redacted].
Bleakley, Albert Marshall, Jr., [redacted].
Bleckman, Dale Michael, [redacted].
Bleimeister, Robert Elliott, [redacted].
Blenski, Gregory Paul, [redacted].
Bloechl, Timothy Donald, [redacted].
Boatner, Michael Edward, [redacted].
Bocklage, Brian Francis, [redacted].
Boldon, Bruce Alan, [redacted].
Bom, Antonius Johannes, [redacted].
Bonds, Marcus, [redacted].
Bone, John Henry, Jr., [redacted].
Bonesteel, Ronald Mark, [redacted].
Boone, Douglas Alan, [redacted].
Bornick, Bruce Keith, [redacted].
Bouchard, James Joseph, [redacted].
Bowden, Dennis Eugene, [redacted].
Bowers, William Earl, [redacted].
Bowles, Kevin Lee, [redacted].
Bowling, Jerry Logan, [redacted].
Boyles, Brent Murrey, [redacted].
Bozek, Gregory John, [redacted].
Bozek, Paul Richard, [redacted].
Brackett, Bruce William, [redacted].
Brannon, Gregory Keith, [redacted].
Breslin, Charles Bernard, [redacted].
Brinn, William Gerard, [redacted].
Brooks, Leo Austin, Jr., [redacted].
Broome, Robert Regan, [redacted].
Brophy, John David, [redacted].
Brown, Matthew John, [redacted].
Brown, William Michael, [redacted].
Brundidge, Clennie Lee, [redacted].
Bruno, John William, [redacted].
Brydges, Bruce Edward, [redacted].
Buck, Stephen Duane, [redacted].
Buckhout, Paul Acker, [redacted].
Buhl, Paul Thomas, [redacted].
Bullard, Edward Jerome, Jr., [redacted].
Burton, Hal Richard, [redacted].
Busch, Douglas Michael, [redacted].
Butler, Gary Stewart, [redacted].
Butler, Jerry Lee, [redacted].
Butler, Kevin Michael, [redacted].
Buzan, Milton Thadd, [redacted].
Cadle, Michael John, [redacted].
Caliva, Robert Michael, [redacted].
Campbell, John Francis, [redacted].
Campbell, Roy Edward, [redacted].
Campbell, Todd Ross, [redacted].
Campisi, Peter Charles, [redacted].
Cannady, Mark Lee, [redacted].
Cano, Pedro Herrera, Jr., [redacted].
Capp, David John, [redacted].
Cardenas, William Guillermo, [redacted].
Carew, Kelly John, [redacted].
Carney, Robert Lawrence, [redacted].
Carney, Thomas Joseph, [redacted].
Carpenter, Keith Allen, [redacted].
Case, Robert William, [redacted].
Castle, Edward Peter, [redacted].
Cate, Alan Clifford Jr., [redacted].
Cecil, Carl Patrick, [redacted].
Chaples, Kevin Howard, [redacted].
Chapman, Arlen Dale, [redacted].
Charlton, James Robert, [redacted].
Chegash, Thomas John Jr., [redacted].
Cheng, Michael Jay, [redacted].
Chrans, Donald Edward, [redacted].
Chura, Gregory Peter, [redacted].
Chura, Stephen Gerard, [redacted].
Clapp, Timothy Philip, [redacted].
Clarahan, James Philip, [redacted].
Clark, David Cecil, [redacted].
Clark, David Sheridan, [redacted].
Clark, John David, [redacted].
Clark, Michael Gemell, [redacted].
Cleland, Jack Hines, [redacted].
Clemons, Edward Fatio, [redacted].
Clepper, Francis Drury Jr., [redacted].
Cochrane, Michael Francis, [redacted].
Cocker, Louis Francis III, [redacted].
Cockerham, James Vance II, [redacted].
Cole, Thomas Michael, [redacted].
Colella, Samuel Jeffrey, [redacted].
Coleman, Joe Thomas, [redacted].
Coleman, Thomas Edward, [redacted].
Colletti, Francis Anthony Jr. [redacted].
Collier, Matthew Samuel, [redacted].
Collins, Christopher Allan, [redacted].
Collyar, Lynn Alan, [redacted].
Comodeca, Michael Paul, [redacted].
Concannon, Brian Paul, [redacted].
Cone, Robert William, [redacted].
Conrad, Michael John Jr., [redacted].
Conwill, George Stephen, [redacted].
Conzelman, Clair Edward, [redacted].
Cook, John Joseph III, [redacted].
Cooper, Eric Clark, [redacted].
Cooper, Jeffrey Jay, [redacted].
Cooper, Mauro Antonio, [redacted].
Copperwhite, Mark Alan, [redacted].
Corballis, Liam Padraig, [redacted].
Cornell, Ernest Lee, [redacted].
Corrigan, James Thomas, III, [redacted].

Cotariu, Steven Scott, [redacted].
Couture, Thomas Albert, [redacted].
Couvelha, David Oliveira, [redacted].
Cox, David Alan, [redacted].
Cox, Kendall Page, [redacted].
Coyle, Michael Phillip, [redacted].
Cramer, Lawrence Steven, [redacted].
Crane, Jerry Allen, [redacted].
Crane, Timothy Lee, [redacted].
Crescioni, Francisco Antonio, [redacted].
Crowson, Mark Stuart, [redacted].
Crutchfield, Steven Joel, [redacted].
Cucolo, Anthony Arthur, III, [redacted].
Curtis, Donald Reuben, Jr., [redacted].
Dalzell, Richard Lane, [redacted].
Danczyk, Gary Michael, [redacted].
Danko, Douglas Edward, [redacted].
Dardis, Gregory James, [redacted].
Darlington, Lloyd Randolph I, [redacted].
Davis, Richard Arnold, [redacted].
Davis, Steven Scott, [redacted].
Dawes, Mark Jeffrey, [redacted].
Day, James Sanders, [redacted].
De Benedictis Paul Edward, [redacted].
De Graff, Christian Eames, [redacted].
De Leon Jack, Jr., [redacted].
De Leon, Lawrence, [redacted].
De Lia, Edward Nicholas, [redacted].
De Robertis, Peter Samuel, [redacted].
Deady, Timothy Kevin, [redacted].
Dedmon, James Floyd, [redacted].
Demayo, Michael Francis, 3rd, [redacted].
Deramus, Lawrence Depriest J., [redacted].
Dewitt, James Stuart, [redacted].
Di Gangi, Joseph Francis, [redacted].
Di Salvo, Philip James, [redacted].
Dibb, Kevin Lee, [redacted].
Dietz, John Wesley, Jr., [redacted].
Dilandro, Mark Robert, [redacted].
Dilauria, Dominick Michael, [redacted].
Dillon, Thomas Gregory, [redacted].
Dionne, Brian Albert, [redacted].
Diorio, Paul John, [redacted].
Dixon, Herbert Mahlon, Jr., [redacted].
Dixon, Kenneth Edmond, [redacted].
Dluhos, John William, [redacted].
Doan, Douglas Claude, [redacted].
Dobbin, Robert Gerard, [redacted].
Dollison, John Breese, [redacted].
Donihe, Philip Lee, [redacted].
Dottery, Edwin Lafayette, II, [redacted].
Dowling, Edmund Alexander, [redacted].
Drago, Gerald Fearn, [redacted].
Dratch, Scott Richard, [redacted].
Driscoll, Patrick Joseph, [redacted].
Driscoll, Robert Edwin, II, [redacted].
Drott, Ernest Allen [redacted].
Drumm, Robert Harry, Jr., [redacted].
Drummond, William Thomas, Jr., [redacted].
Duckworth, Richard James [redacted].
Duffin, Scott Reynold [redacted].
Duffy, Andrew James [redacted].
Duffy, Matthew Joseph [redacted].
Duffy, Michael Eugene [redacted].
Duffy, William Ryan, II, [redacted].
Duncan, Jeffrey Dean [redacted].
Duncan, Richard Kent [redacted].
Durham, Merritt Thomson [redacted].
Durkin, Thomas Brain, Jr., [redacted].
Early, Drew Norman [redacted].
Easton, Scott Bailey [redacted].
Ebel, William Edward, Jr., [redacted].
Ede, Richard Warren, Jr., [redacted].
Edleson, Michael Edward [redacted].
Edmonds, Rodney Scott [redacted].
Eichorn, William Newsome, III, [redacted].
Engelau, Roger Louis [redacted].
Englert, Marvin Anthony [redacted].
Enright, John Joseph, Jr., [redacted].
Entringer, Raymond Arthur, Jr. [redacted].
Eriksen, Erik Gilmore [redacted].
Estep, Mark Edward James [redacted].
Evans, Calvin Earl [redacted].
Evans, David Norman [redacted].
Fahey, Joseph Charles, [redacted].
Fain, John Robert, Jr., [redacted].
Farmer, Steven Patrick [redacted].
Faught, Ross [redacted].
Fedun, George Michael [redacted].
Fenstermacher, Paul Michael, [redacted].
Ferguson, Brett Hadley [redacted].
Fiala, Timothy John [redacted].
Fien, Robert Gerard [redacted].
Filler, Dennis Le Roy, [redacted].
Finelli, Francis Alphonse [redacted].
Fink, Bruce Andrew [redacted].
Finlay, Scott Andrew, [redacted].
Fischer, Steven Otto [redacted].
Flanagan, Brendan Francis [redacted].
Flannery, Ralph Michael [redacted].
Fletcher, Gilbert Boughton, I, [redacted].
Fogg, Robert George [redacted].
Ford, Timothy John [redacted].
Forrest, Ernest Thomas [redacted].
Forrester, Patrick Graham [redacted].
Forster, Scott Thomas [redacted].
Foster, David Robert, [redacted].
Fowlks, Essex V., [redacted].
Frantz, Kevin Jude [redacted].
Freed, Richard Kevin [redacted].
Freeland, Raymond Emmons, Jr., [redacted].
Freeman, Tracy Henry [redacted].
Freshwater, David Edward [redacted].
Fuller, Duane Emmett [redacted].
Fuller, Matthew David [redacted].
Fuller, Mark C., [redacted].
Funk, James Michael, [redacted].
Gaffney, John Robert, [redacted].
Gagnon, Kris Robert [redacted].
Gale, Andrew Kelly [redacted].
Gamble, Raymond Carl [redacted].
Gannon, Timothy Paul, [redacted].
Garcia, David John [redacted].
Garcia, Norman Emmanuel, [redacted].
Gardner, John Paul [redacted].
Gargiulo, Thomas Gregory, [redacted].
Garrett, Patrick Steven, [redacted].
Gasbarre, Anthony John, Jr., [redacted].
Gearty, Michael John, [redacted].
Gehlbach, Dan Lee [redacted].
Gelke, Kurt David, [redacted].
Gemar, Charles Donald, [redacted].
Gibbons, Thomas John, [redacted].
Gibbs, George William, [redacted].
Gibson, Peter Rene [redacted].
Gibson, Timothy James, [redacted].
Giesecke, Charles Browning, [redacted].
Giles, Phillip Kevin [redacted].
Gillette, Ronald Darwin, [redacted].
Gilling, Jeffrey Thomas [redacted].
Girardin, Norman George, [redacted].
Goblirsch, Michael David, [redacted].
Godette, George Austin [redacted].
Godwin, Keith Alan [redacted].
Golden, Timothy James, [redacted].
Gomez, Albert Joe, Jr., [redacted].
Gonzalez, Francisco Javier, [redacted].
Gordon, Robert Lee, III [redacted].
Gorenc, David John, [redacted].
Graham, Clifford Patrick, V [redacted].
Graham, Thomas Edward, II, [redacted].
Grantham, Carl Ray, Jr., [redacted].
Gray, Michael Christopher, [redacted].
Greene, Shepard Jay, [redacted].
Greer, Paul, [redacted].
Griffin, Wesley Bernard, [redacted].
Grindrod, Jeffrey John, [redacted].
Groller, Robert Louis, [redacted].
Gruner, Elliott George, [redacted].
Gunzenhauser, Jeffrey David, [redacted].
Haaland, Mark Lind, [redacted].
Hagen, Thomas Mark [redacted].
Hager, Nelson Allen, [redacted].
Hahn, Robert Francis, II, [redacted].
Hall, Kevin Louis, [redacted].
Hallett, Donald, Jr., [redacted].
Halverson, David Dale, [redacted].
Hanson, Mark David, [redacted].
Hardrick, Harold Shaun, [redacted].
Harlow, Bret Anthony, [redacted].
Harris, James Edward, III, [redacted].
Harris, Patrick Raymond, [redacted].
Harrison, John Alexander, [redacted].
Hartman, James Mitchell, [redacted].
Hartman, Mark Alan, [redacted].
Hartnell, George William, III, [redacted].
Hartsell, David Joseph, [redacted].
Harwig, Robert Paul, [redacted].
Hawes, Kenneth Alan, [redacted].
Hayden, Thomas William, [redacted].
Hayes, Timothy Loren, [redacted].
Hearn, Randy Mashar, [redacted].
Heckel, Jeffrey John, [redacted].
Hedden, Ralph Coleman, [redacted].
Helis, James Andrew, [redacted].
Herbert, Morris Joseph, IV, [redacted].
Herbert, Tracy Mark, [redacted].
Hergenroeder, David Michael, [redacted].
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Hickey, James Robert, [redacted].
Hildenbrand, Marc Rene, [redacted].
Hillenbrand, Edward Loren, [redacted].
Hinchion, Richard Lee, [redacted].
Hines, Dennis August, [redacted].
Hipple, Kevin Dale, [redacted].
Hoff, Richard Heber, [redacted].
Hoffman, Lawrence William, II, [redacted].
Holman, Calvin Mark, [redacted].
Holmes, Robert Stephen, [redacted].
Hoon, Frederick Lansing, [redacted].
Hooper, Charles Wayne, [redacted].
Hoover, William Gregory, Jr., [redacted].
Horn, Michael Robert, [redacted].
Horton, Thomas David, [redacted].
Houck, Boyd Douglas, [redacted].
Howard, Martin Dennis, [redacted].
Howe, Michael Francis, [redacted].
Howard, Maroc Leonard, [redacted].
Hoyt, Tedd Jay [redacted].
Hrutkay, Jeffrey Matthew, [redacted].
Huff, David Reed, [redacted].
Hughes, Bernard Charles, Jr., [redacted].
Hughes, James Edwin [redacted].
Hughes, Richard Paul, [redacted].
Hull, Frank Roger, [redacted].
Humphrey, Harvey Michael, [redacted].
Hunt, Brian Harold, [redacted].
Huskey, Don Werner Lewis, II, [redacted].
Hutek, Steven Edward, [redacted].
Hyatt, Robert Allison, Jr., [redacted].
Hyde, Richard John, [redacted].
Jackson, Stanley Marlon, [redacted].
Jacobs, Jeffrey Alan, [redacted].
Jacobson, Barry Lee, [redacted].
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Jacocks, John Mc Gavock, [redacted].
Janis, Steven John, [redacted].
Jankowski, James Alexander, [redacted].
Jauron, Lester Charles, [redacted].
Jenkins, Samuel Neff, II, [redacted].
Jennings, Tony Orville, [redacted].
Jimenez, Martin Arthur, [redacted].
Johnsen, John Richard, [redacted].
Johnson, Dan Allen, [redacted].
Johnson, Gregory Lane, [redacted].
Johnson, James Scott, [redacted].
Johnson, Jeffrey Grant, [redacted].
Johnston, Charles Michael, [redacted].
Johnston, Keith James, [redacted].
Jones, Donald Edward, [redacted].
Jones, Jeffrey Samuel [redacted].
Jordan, Gregory Wayne, [redacted].
Jordan, Richard Alan, [redacted].
Kale, Peter John [redacted].
Kallman, Michael Edward, Jr., [redacted].
Karaman, Michael John, [redacted].
Kardas, James Joseph, [redacted].
Kardos, John Andrew, [redacted].
Karmel, Douglas Edward, [redacted].
Kastner, Patrick Joseph, [redacted].
Kather, George Richard, [redacted].
Kaub, Arthur George, Jr., [redacted].
Kaufmann, Francis Bret, [redacted].
Kavanaugh, Micha Christopher, [redacted].
Keating, Charles Brian, [redacted].
Kee, Thomas John, III, [redacted].
Keefe, John Mark [redacted].
Keith, Robert Marshall, III, [redacted].
Keller, Brian Cassady [redacted].
Kelley, James Byron, [redacted].
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Kelly, Donald Andrew [redacted].
Kelly, James Joseph, Jr., [redacted].

Kennedy, Charles William, II, [redacted].
Kerr, Steven William, [redacted].
Kiewel, Rein Edward, [redacted].
Killblane, Richard Eldon, [redacted].
King, Charles Herbert, III, [redacted].
King, Norman Douglas, [redacted].
Klaben, Gary William, [redacted].
Klett, Karl Kennedy, Jr., [redacted].
Knapp, Charles Edward, [redacted].
Knapp, Richard Dale, [redacted].
Knowles, Daniel Thomas, [redacted].
Kogut, Gregory Michael, [redacted].
Kollef, Marin Hristos, [redacted].
Kolts, Roger Brent, [redacted].
Komperda, Joseph James, [redacted].
Kopinski, Donald Francis, Jr., [redacted].
Kostoff, Michael Peter, [redacted].
Kotchman, Donald Paul, [redacted].
Kraner, Steven Douglas, [redacted].
Krobock, Richard Daniel, [redacted].
Kroening, Robert Keith, [redacted].
Krueger, John Lawrence, [redacted].
Kruger, Kelly Dean, [redacted].
Krzan, William Joseph, III, [redacted].
Kyzer, Kevin Carl, [redacted].
Labak, Stephen John, [redacted].
Lady John Franklin, III, [redacted].
Lardie, Ronald James, [redacted].
Lawrence, Charles Desmond, Jr., [redacted].
Lazzaro, Raymond Joseph, [redacted].
LeGasse, Francis Michael, [redacted].
LeGasse, Joseph Louis, Jr., [redacted].
Leal, Miguel Noe, [redacted].
Lee, John Reuben, [redacted].
Lee, Keeyoung, [redacted].
Lee, Mark Edward, [redacted].
Lee, Robert Edward, [redacted].
Lees, Mark Richard, [redacted].
Leins, Donald Christopher, [redacted].
Lemmon, Michael Reynolds, [redacted].
Lenahan, John Thomas, [redacted].
Leonard, Leslie Paul, [redacted].
Lesko, John Nicholas, Jr., [redacted].
Lewis, Charles Steven, [redacted].
Lewis, Jeffrey Lindner, [redacted].
Lindholm, Dean Allen, [redacted].
Link, Robert Charles, Jr., [redacted].
Linnerud, Cary Thomas, [redacted].
Lintz, Eric Boardman, [redacted].
Littel, Mark Thomas, [redacted].
Lochner, Richard Anthony, Jr., [redacted].
Loew, Stephen Gregory, [redacted].
Lott, Jeffrey Grady, [redacted].
Lough, William Robert, [redacted].
Luckett, Douglas Ivan, [redacted].
Lunn, Peter Joseph, [redacted].
Lutman, Thomas Robert, [redacted].
Lyon, Charles McDonald, III, [redacted].
Lyons, Sanford David, [redacted].
Lytwynec, John Anthony, [redacted].
Mac Allister, Craig Mitchell, [redacted].
Mac Donald, Michael Allan, [redacted].
Mac Gibbon, Kendall Scott, [redacted].
Mac Hardy, William Robert, [redacted].
Mac Innes Russell, Martin, [redacted].
MacDonald, John Alexander, [redacted].
Macedonia, Michael Raymond, [redacted].
Macklin, Phillip Darnell, [redacted].
Macyauski, Michael Drewry, [redacted].
Madigan, John Phillip, [redacted].
Mahoney, Daniel Michael, Jr., [redacted].
Mahoney, Steven Michael, [redacted].
Maney, Cornelius John, [redacted].
Mankosa, Mitchell Alan, [redacted].
Mann, Rolf Nikolaus, [redacted].
Mann, Thomas Leroy, [redacted].
Marin, John Anthony, [redacted].
Marmora, James Joseph, [redacted].
Martin, Gregg Forrest, [redacted].
Martin, Stephen Keith, [redacted].
Martin, William R., [redacted].
Martz, Joseph Earl, [redacted].
Marucci, Vincent, Jr., [redacted].
Mathis, Robert Ernest, [redacted].
Mathis, Timothy Aaron, [redacted].
Matson, Jerry Frederick, [redacted].
Maynard, John Patrick, [redacted].
McAllister, George Scott, [redacted].
McBride, Michael Patrick, [redacted].
McCall, James Thomas, [redacted].
McCann, David Alexander, [redacted].
McCann, Thomas Wayne, [redacted].
McCarty, Patrick, [redacted].
McDowell, Paul Thomas, [redacted].
McElrea, Mark Aaron, [redacted].
McFarren, Stuart Alastair, [redacted].
McGiffin, Thomas Clarence, [redacted].
McGinn, Sean Michael, [redacted].
McGinnis, Scott Luther, [redacted].
McGlaughlin, Victor Grey, Jr., [redacted].
McGorry, James Joseph, [redacted].
McGraw, Donald Charles, Jr., [redacted].
McIntyre, Eugene Lee, [redacted].
McIntyre, Thomas Gary, [redacted].
McKedy, Kevin Eugene, [redacted].
McKeon, Joseph Francis, [redacted].
McKissick, Isaac Vincent, [redacted].
McManamon, Patrick Joseph, [redacted].
McMullin, Joseph Bryant, Jr., [redacted].
McNiece, Patrick Brian, [redacted].
McPeak, Rickie, Allen, [redacted].
Medenis, Michael Mark, [redacted].
Meoni, Ralph Frank, [redacted].
Merriken, James Ronald, [redacted].
Merrill, Samuel Judson, Jr., [redacted].
Mesick, Gary Lloyd, Jr., [redacted].
Messner, Bryant Scott, [redacted].
Mielke, Dean Frederick, [redacted].
Miller, Douglas Charles, [redacted].
Miller, Gregory Earl, [redacted].
Miller, John Arthur, III, [redacted].
Miller, Kevin Leroy, [redacted].
Minnon, James Harvey, [redacted].
Misner, Jeffrey Lynn, [redacted].
Mitchell, Chris Terry, [redacted].
Mizusawa, Bert Kameaaloha, [redacted].
Modica, Michael Louis, [redacted].
Molinari, Georges, [redacted].
Molnar, James, [redacted].
Montgomery, William Francis [redacted].
Moore, Joseph Allen, Jr., [redacted].
Moore, Robert Garvin, Jr., [redacted].
Moran, James Ross, [redacted].
Moratz, Martin Michael, [redacted].
Morlen, Rickey Allen, [redacted].
Mos, Michael James, [redacted].
Motley, Lance Eugene, [redacted].
Mumm, Steven Eric, [redacted].
Mundt, Martin Vincent, [redacted].
Murnane, Joseph Hoban, Jr., [redacted].
Murray, Michael Dale, [redacted].
Myers, Michael Richard, [redacted].
Myers, Walter Rudolph, [redacted].
Naeyaert, Lennie Martin, [redacted].
Nanry, William Paul, [redacted].
Naru, Stephen Robert, [redacted].
Neal, Gordon Scott, [redacted].
Nelson, Brent Vincent, [redacted].
Nestor, Kevin Paul, [redacted].
Neubert, Joseph William, [redacted].
Newman, Dale Grant, [redacted].
Niblett, Steven Ray, [redacted].
Niedringhaus, David Alan, [redacted].
Nizolak, Joseph Paul, Jr., [redacted].
Nobles, Michael Keith, [redacted].
Nolan, Ben Davis III, [redacted].
Nolan, William Hillborn, III, [redacted].
Noll, Thaddeus Jude, [redacted].
Nusbaum, E. J., [redacted].
Nyberg, Clayton Anthony T., [redacted].
Nygaard, Kurt Evan, [redacted].
O'Briend, Patrick William, [redacted].
O'Connor, Timothy James, [redacted].
O'Donnel, Thomas James, [redacted].
O'Leary, Michael Francis, [redacted].
O'Neal, Thomas Jefferson, II, [redacted].
O'Neill, Timothy Peter, [redacted].
Oates, Michael Lee, [redacted].
Ochman, Robert Joseph, [redacted].
Oetjen, Eric William, [redacted].
Ohstrom, Jeffrey Gordon, [redacted].
Ojeda, Francisco Manterola, [redacted].
Okuda, Larry Moss, [redacted].
Oliver, Joseph Pickett, [redacted].
Olson, Jeffrey Lynn, [redacted].
Olson, Lee Frank, [redacted].
Omura, Michael Isamu, [redacted].
Orler, Carl Joseph, [redacted].
Orr, Richard Easterling, Jr., [redacted].
Otterstedt, Charles Carson, I, [redacted].
Otto, James Robert, [redacted].
Owens, John Albert, III, [redacted].
Pagan, Dorrick Earl, [redacted].
Palmer, Gergory Scott, [redacted].
Panzarella, Phillip, [redacted].
Parker, David Keith, [redacted].
Parker, Stephen Richard, [redacted].
Pascal, Vincent John, [redacted].
Patterson, David Windell, Jr., [redacted].
Patterson, Philip Mark, [redacted].
Patton, Gary Sheldon, [redacted].
Pavlica, Steve, [redacted].
Pecoraro, Joseph Edmond, [redacted].
Pedersen, Richard Norman, [redacted].
Pelissero, Paul Daniel, [redacted].
Penland, Patrick Ryan, [redacted].
Perkins, Brian Neal, [redacted].
Perlwitz, Paul Fritz, [redacted].
Perry, James Clifford, [redacted].
Perwich, Alexander Dominic, I, [redacted].
Peterson, Robert Charles, [redacted].
Petit, Jules George, [redacted].
Petrie, Charles Richard, [redacted].
Pettus, Carlous Tyrone, [redacted].
Phillips, Charles Edward, [redacted].
Phillips, Gregory Stephen, [redacted].
Phillips, Richard Joe, [redacted].
Piechota, Robert Joseph, [redacted].
Pieper, Kenneth Lee, [redacted].
Pierson, James Richard, [redacted].
Pipik, Jeffrey Charles, [redacted].
Place, Howard Michael, [redacted].
Plassmann, Peter, [redacted].
Politoski, Bert Douglas, [redacted].
Polly, David Wayne, Jr., [redacted].
Pope, Robin Merl, [redacted].
Powell, John Wally, [redacted].
Powell, Stephen Sugg, [redacted].
Powers, William Fuller, [redacted].
Powlus, Bryon Eugene, [redacted].
Pretti, Gerald Louis, [redacted].
Price, Alan Lowell, [redacted].
Prinslow, Christopher Stock, [redacted].
Pugh, Timothy Carl, [redacted].
Pyper, Robert Gerald, [redacted].
Quinn Thomas Vincent, [redacted].
Radlicz, Christopher Walter, [redacted].
Rathbun, Kenneth Chesney, [redacted].
Raycraft, James Wallace, Jr., [redacted].
Rayder, Michael Joseph, III, [redacted].
Raymond, Allen Dwight, IV, [redacted].
Reed, Donald Eugene, [redacted].
Reed, Robert Joseph, [redacted].
Rees, Richard Alan, [redacted].
Reeves, David Lawrence, Jr., [redacted].
Reidy, Francis Xavier, [redacted].
Reminger, Bruce Harold, [redacted].
Renfrow, Stephen Ford, [redacted].
Ressler, Stephen John, [redacted].
Reyes, Jerardo, [redacted].
Riddle, Paul Dilie, [redacted].
Riebe, Louis Reinhard, [redacted].
Rieger, William Raymond, [redacted].
Riley, Christopher Mark, [redacted].
Roberts, James Arlie, [redacted].
Roberts, James Stanley, Jr., [redacted].
Robertson, Victor Mansfield, [redacted].
Roby, Leslie Brian, [redacted].
Rocke, Mark Daniel, [redacted].
Rodgers, James Patrick, Jr., [redacted].
Roeber, Rodney Bruce, [redacted].
Roege, Paul Erik, [redacted].
Rogers, Ernest Paul, Jr., [redacted].
Rogers, James Edward, [redacted].
Root, Robert Lee, [redacted].
Ross, Gary Lee, [redacted].
Roth, Thomas Jerome, II, [redacted].
Rotter, John Ward, [redacted].
Routier, Robert Henry, [redacted].
Rowan, James Rudolph, [redacted].
Rowan, Peter James, [redacted].
Ruman, John Phillip, [redacted].
Ruocco, Anthony Salvatore, [redacted].
Sandbrook, William Joseph, [redacted].
Sander, William John, [redacted].
Sanders, David Craig, [redacted].
Saredy, Jay Michael, [redacted].

Sario, Theodore Joe, [redacted].
Sauer, Gary Glen, [redacted].
Sawyer, Shepard Austin, Jr., [redacted].
Scanlan, Martin Leo, [redacted].
Schaertl, George Michael, [redacted].
Schamburg, Gary Robert, [redacted].
Schaerin, Arthur Andrew, [redacted].
Schauwecker, Steven Gerard, [redacted].
Schicktanz, Robert Mackie, [redacted].
Schieber, Wade Carter, [redacted].
Schlessman, David Calvin, [redacted].
Schleyer, William Charles, II, [redacted].
Schlossberg, Eric Jay, [redacted].
Schmalberger, Frederick Paul, [redacted].
Schmidtke, Brian G., [redacted].
Schneider, Stephen Douglas, [redacted].
Schooley, Steven Roger, [redacted].
Schott, Charles Louis, Jr., [redacted].
Schultz, James Vernon, [redacted].
Schultz, John Frederick, [redacted].
Schulze, Frederick August, Jr., [redacted].
Schumack, Paul Lewis, 2nd, [redacted].
Schwien, Fred Lee, [redacted].
Scilzo, Brian Mark, [redacted].
Scott, Timothy John, [redacted].
Scudder, John Victor, [redacted].
Seadler, Einar Austin, [redacted].
Sears, Walter Albert, [redacted].
Semonite, Todd Thurston, [redacted].
Seybert, Steven Mitchell, [redacted].
Shaffer, David William, [redacted].
Shannon, Steven Ralph, [redacted].
Shaw, Charles Houston, III, [redacted].
Shaw, Josef Corwin, [redacted].
Sheairs, Joseph Michael, [redacted].
Sherman, Patrick Lee, [redacted].
Sherrett, Russell Richard, [redacted].
Shey, Jeffrey Alan, [redacted].
Shike, Bradley W., [redacted].
Shipp, Douglas Allen, [redacted].
Shive, Kenneth Dean, [redacted].
Shive, Nelson Eugene, [redacted].
Shubert, Martin Wesley, Jr., [redacted].
Simis, Robert Sam, [redacted].
Simmons, Steven Jay Curtis, [redacted].
Sims, Daniel Mark, [redacted].
Sims, Mark Cameron, [redacted].
Singleton, George Buster, Jr., [redacted].
Sink, John Stephen, [redacted].
Sitlington, James Robert, III, [redacted].
Skertic, Robert Paul, [redacted].
Sladewski, Joseph Anthony, [redacted].
Slater, Douglas Frederick, [redacted].
Slaugh, Robert Walter, [redacted].
Slayton, William Mark, [redacted].
Sledge, Nathaniel Hawthorne, [redacted].
Smailer, Doak Kullman, [redacted].
Smith, Carleton McNeill, [redacted].
Smith, David Jonathan, [redacted].
Smith, James Warren, [redacted].
Smith, Nicholas Edward, [redacted].
Smith, Parker Kirwin, III, [redacted].
Smith, Stephen Michael, [redacted].
Smithers, Charles Owen, III, [redacted].
Smoak, Deryl Paul, [redacted].
Spillers, Robert Marcus, [redacted].
Spoerl, Michael James, [redacted].
Snead, William Archer, III, [redacted].
Sniffin, Charles Thomas, [redacted].
Snyder, Daniel Roger, [redacted].
Spaay, Steven Patrick, [redacted].
Speir, Robert Montgomery, [redacted].
Spellissy, Thomas Francis, [redacted].
Spiller, John Mott, [redacted].
Spruill, Mark Layton, [redacted].
Stabb, Lee Alan, [redacted].
Starkie, Allan Richard, [redacted].
Staser, John Rud, [redacted].
Staten, Michael Ural, [redacted].
Stawasz, John Michael Andrew, [redacted].
Stewart, John, [redacted].
Stonerock, Jeffrey Alan, [redacted].
Stratton, Robert Brian, [redacted].
Streff, Michael John, [redacted].
Strong, Steven Robert, [redacted].
Struven, Paul Alan, [redacted].
Stults, Allen Hasty, [redacted].
Strum, Kevin John, [redacted].
Sullivan, Edward Joseph, III, [redacted].
Sundt, Eric Arthur, [redacted].
Suplinkas, Ronald Peter, [redacted].
Sutton, Mark, [redacted].
Swartz, Douglas Edward, [redacted].
Sweberg, Victor Arthur, [redacted].
Sweeney, Patrick Robert, [redacted].
Swindell, David Kenneth, [redacted].
Syslo, Richard John, [redacted].
Szarenski, Daniel Scott, [redacted].
Tabin, Gerald Leonard, [redacted].
Tabler, Anthony Dean, [redacted].
Talty, Thomas Lawrence, [redacted].
Tanner, Albert Buck, [redacted].
Tax, Michael Steven, [redacted].
Taylor, Clarence Edward, Jr., [redacted].
Taylor, David Harold, [redacted].
Taylor, Forest Archer, [redacted].
Taylor, Paul Henry, III, [redacted].
Taylor, William Laurence, [redacted].
Tetreault, Todd Schneider, [redacted].
Thalacker, Michael Allen, [redacted].
Thibodeau, Frankie Norbert, [redacted].
Thiel, Donald Thomas, [redacted].
Thomas, Kirk Kevin, [redacted].
Thomas, Martin Spalding, III, [redacted].
Thomas, Michael Hutsen, [redacted].
Thomas, Steven Paul, [redacted].
Thompson, Harry Hilliard, III, [redacted].
Thompson, Jeffery James, [redacted].
Tidler, Terence Michael, [redacted].
Tillo, William James, Jr., [redacted].
Toner, Michael Allan, [redacted].
Torres, Jose Amilcar, Jr., [redacted].
Towey, John Bolling, Jr., [redacted].
Treharne, James Thomas, [redacted].
Troup, Brooks Frederick, Jr., [redacted].
Trowbridge, William Howard, [redacted].
Troxel, Robert Edward, [redacted].
Tuck, Franklin Scott, [redacted].
Tucker, Bruce Ray, [redacted].
Tucker, Tommy Glen, [redacted].
Turner, John Marshall, [redacted].
Turner, John Nelson, [redacted].
Turrell, Douglas Walter, [redacted].
Ubbelohde, Kurt Frederick, [redacted].
Uland, Larry Lyn, [redacted].
Ulmer, Walter Francis, III, [redacted].
Underberg, Robert Lewis, Jr., [redacted].
Underwood, Robert Boyden, III, [redacted].
Underwood, Thomas Foster, [redacted].
Uphoff, Bruce Waite, [redacted].
Valentine, Gregory, [redacted].
Van Cleve, David, [redacted].
Van Horn, Thurston, [redacted].
Vanderhye, Ross Leigh, [redacted].
Vaniter, Dean Leroy, [redacted].
Vanzant, Karl Michael, [redacted].
Vasta, Robert Louis, [redacted].
Vaughn, James Ellison, [redacted].
Vaughn, Mark McClain, [redacted].
Veney, David Wesley, [redacted].
Vervoort, Mitchell, [redacted].
Vetter, Michael John, [redacted].
Wabeke, David Jon, [redacted].
Wackerman, Damian Christoph, [redacted].
Waclawski, Mark Matthew, [redacted].
Wade, Edward Patrick, [redacted].
Waggoner, Roy Charles, III, [redacted].
Waldman, Peter Lewis, [redacted].
Wales, Gordon Thompson, [redacted].
Waller, Hubert Ellis, II, [redacted].
Wallis, Michael Bradford S., [redacted].
Walter Clifford Stephen, [redacted].
Walton, James John, [redacted].
Ward, Byron Walter, [redacted].
Watai, Jay Warren, [redacted].
Watson, Gregory Lynn, [redacted].
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Webber, Kurt Elliott, [redacted].
Weddle, Kevin John, [redacted].
Wegmann, Christopher Julian, [redacted].
Weiland, Peter Lawrence, Jr., [redacted].
Welch, Davis Stuart, [redacted].
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Wells, Gordon Marshall, [redacted].
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Wentzel, Robert Paul, [redacted].
Werling Nicholas Craig, [redacted].
West, Mark Edward, [redacted].
Westfield, Alan David, [redacted].
Whitt, James Allen, [redacted].
White, Robert Michael, [redacted].
Whiteman, Wayne Edward, [redacted].
Whittey, Stephen William, [redacted].
Whyte, Stuart Ward, [redacted].
Wieland, Warren Lee, [redacted].
Wiener, Andrew Townsend, [redacted].
Wiercinski, Francis John, [redacted].
Wiley, Anthony George, [redacted].
Wilkerson, Joseph Winfield, I, [redacted].
Wilkinson, Jeffery Gautier, [redacted].
Williams, Charles Kevin, [redacted].
Williams, Cleveland, Jr., [redacted].
Williams, James Irvin, [redacted].
Williams, Peter Griffith, [redacted].
Williams, Scott Douglas, [redacted].
Willis, Michael Brian, [redacted].
Wilson, Daniel Marvin, Jr., [redacted].
Wilson, Douglas Lyle, [redacted].
Wilson, Keith Kenneth, [redacted].
Wine, Gregory Roy, [redacted].
Wininger, Walter Earl, Jr., [redacted].
Wiseman, John Wilson, II, [redacted].
Withers, George Kenyon, III, [redacted].
Witzerman, James Phillip, [redacted].
Wolf, William Thornton, [redacted].
Wolff, Terry Allen, [redacted].
Womack, Raymond Earl, Jr., [redacted].
Woodworth, Michael Jon, [redacted].
Worthington, John Todd, [redacted].
Wozniak, Mario Francis, [redacted].
Wright, Jeffrey F., [redacted].
Yancey, David Thomas, [redacted].
Yarmie, Alexander John, Jr., [redacted].
Yeldell, Anthony Lynn, [redacted].
Yerks, Gary Michael, [redacted].
Zaccardi, Robert William, [redacted].
Zargan, Curt Scott, [redacted].
Zator, Joseph Andrew, II, [redacted].
Zenner, Kevin Jude, [redacted].
Zoeller, Kenneth Mark, [redacted].
Zonfrelli, Michael Anthony, [redacted].

The following named cadets, graduating class of 1979, U.S. Air Force Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of Title 10, United States Code, section 541.

Czerepak, George K., [redacted].
Fernandez, Thomas E., [redacted].
Gowen, Jeffrey B., [redacted].
Schossau, Tom M., [redacted].
Svestka, Mark J., [redacted].

IN THE NAVY

The following temporary commanders of the U.S. Navy for permanent promotion to that grade, pursuant to Title 10, United States Code, Sections 5780, 5782, and 5791.

LINE

Abbey, James Robert
Abel, Warren Robert
Ackerman, William Crandall
Adams, John Robert
Addicott, Raymond Walter
Adler, Jay Burns
Adolph, Herbert Richard
Agnew, Alfred Howard
Ahern, David Gaynor
Ahlborn, Edward Richard, Jr.
Albricht, Robert Ernest
Aldinger, Robert Waugh
Alcorn, Wendell Reed
Alexander, Edward Harrison, Jr.
Allen, Benjamin Earl, Jr.
Althouse, Thomas Stephenson
Alvarado, Robert Joseph, Jr.
Ames, Richard Earl
Anderson, David Carl
Anderson, Gerald Lee
Anderson, Raymond Charles
Anderson, Richard Arnold

Anderssen, Arthur Harald
Anderson, Thomas Harry
Andrews, Larry Joe
Ansley, James Henry
Antrim, Benjamin Franklin, III
Appelgate, Terry Bruce
Arnest, Charles Sherman
Arnold, David Phillips
Arnold, Robert Judd
Arnold, William Knowles, Jr.
Asher, Charles Eugene
Astleford, Nathan Leo
Athanas, Philip William
Atherholt, William Bradshaw
Auer, James Edward
Austin, Michael Gaylord
Ayre, Donald
Bacon, Barton Elijah, III
Badgett, Robert Samuel
Bagby, James Lovelace, Jr.
Bailey, David Leroy
Bailey, Eugene Ridgeway
Bailey, Ian McDonald
Bailey, James Lindsey
Bailey, Thomas Fitzgerald
Baird, Don Wilson
Baker, Charles Herbert, Jr.
Baker, John Lee
Baker, John Sherman
Baloga, Stephen Joseph
Barbour, Richard Elwood
Bardeschewski, Walter Paul
Barfield, Henry Jackson, Jr.
Barker, Charles Milton
Barnes, William George
Barnett, Roger Wayne
Barr, Robert Kenney, Jr.
Barr, Thomas Hammond
Barrett, Robert William
Barrs, James Milton
Barta, Arnold Francis
Barthold, Todd Alan
Bartholomew, Charles Arnett
Bartolomei, Marino James
Bates, Robert Carroll
Bates, William Roger
Beall, David Albert
Bearse, Laurence McKenzie
Beasley, Fenn Coffin
Beck, Brian Kay
Beck, Gary Laurence
Beckham, Robert Frederick
Beedle, Ralph Eugene
Beguin, Larry William
Bell, Denis Joseph William
Bell, Merlin Gene
Bell, Ronald Kenneth
Bender, Thomas Jacob
Benepe, John Wesley
Benford, Eddie
Bennett, John Faber, Jr.
Bennett, Paul Lawrence
Bennitt, Brent Martin
Benshop, Edwin Charles
Benson, George Martin
Benter, Harry William, Jr.
Bently, Donald Keith
Berg, John Stoddard
Berger, Thomas Joseph
Berkowitz, Ross
Berry, Niles Walter
Berry, Russell Elliott, Jr.
Bessey, Roland Bruce
Best, James Bruce
Beyman, David Earl
Bianco, John August
Bickel, Michael David
Bieraugel, Eugene Edwin
Bishop, William Richard
Bissonnette, Laurence Arthur
Black, Jerry Hall
Blackburn, John Ogburn
Blackmon, Thomas Lester
Blaha, Douglas Dean
Blakeley, William Robert
Bledsoe, Robert Dennis
Blesch, Jerry Morgan
Blumberg, Lawrence Bertram
Blundell, Thomas Edward
Blunden, Alec Reginald
Boer, Westinus, II
Bolka, David Frank
Bonds, John Bledsoe
Bonham, Charlie Leonard
Booth, Albert James
Bornholdt, Robert Alan
Boss, Ronald Arthur
Boufford, Francis William
Bower, Johns Hollis, Jr.
Bowes, William Charles
Boyd, James Sherwood
Boyd, John Theodore
Boyle, Francis Joseph
Bradberry, Brent Alan
Braden, Morse Shelton
Bradick, Andrew Albert
Bradley, Michael David
Bradshaw, Wilton Drexel
Braendle, John Edward
Braham, Donald Francis
Branch, Thomas Allen, Jr.
Brannan, John Joseph
Bransom, Frank Harper
Bremner, Bruce Barton
Brent, Gerald Page
Brierley, Roc Michael
Brittingham, Edward Michael
Brodehl, Richard Brian
Bronson, Marshall Wilkes
Brookes, Edward Allen
Brooks, Charles Edwin
Brown, Barry Lewis
Brown, Carroll Dean
Brown, David Charles
Brown, George Elliott, Jr.
Brown, George Ronald
Brown, Joseph Richard
Brown, Joseph Zachariah
Brown, Lorin "W"
Brown, Noel Warren
Brown, Robert Hadley
Brucato, Philip Edward
Brueggeman, John Lyle
Brugman, Thomas Cletus
Brunelle, William Thomas
Bruno, Marco Joseph
Bryant, Herbert Victor
Bryant, James Culver
Bryant, William Harry
Bubeck, Charles Rodney
Buckley, Henry Timothy, Jr.
Buckley, Thomas Daniel
Bulkley, Peter George
Bunce, Ronald Lynn
Bunch, Harold Anderson, Jr.
Bunnell, Robert Terrell
Burch, Othney Phelps
Burgess, Donald Elliot
Burke, David Valentine, Jr.
Burks, Kevin James
Burkette, Jerry Wayne
Burritt, James Graham
Butler, John Harrison
Butler, Warner Lewis
Butz, Will Alan
Byers, John Arthur
Byrnes, Henry Francis, Jr.
Cablk, Steven Richard
Cahill, Allen Lewis
Calhoun, Ronald Joel
Callahan, Joseph Edward
Callahan, Paul Lawrence
Cameron, David Duncan, Jr.
Campbell, Arlington Fichtner
Campbell, Guy Reeder, III
Canady, Paul Allen
Carlson, John Algot
Carnell, Thomas "E"
Carney, James Allen
Carns, Neil Sherman
Carruthers, David Glenn
Carswell, Herschell Ronald
Caruso, Sam Joseph
Cass, Dudley Eugene
Cassels, Bertrand Beasley, Jr.
Castellano, William Joseph
Catlett, William Jackson, III
Chadwick, Stephen Kent
Chafin, Thomas Lee
Champlain, John Galloway
Chapin, Robert Williams, Jr.
Chapman, Austin Eugene
Chappell, George Charles
Chase, Malcolm Withington
Chasko, Gerald Joseph
Chasteen, Robert Wayne
Cheaure, Alfred Lothar
Chelton, Edward Ernest
Chesbrough, Geoffrey, Lynn
Chesser, Marvin Brooks, Jr.
Chinn, Donald Morton
Chrans, Larry "J"
Christensen, Clyde Vernon
Christensen, Edward Louis
Clarey, Stephen Scott
Clark, Arthur
Clark, David George
Clark, Frank Elwood
Clark, Rolf Hans
Clark, Vady Robert
Clark, Walter Thomas
Clarke, Edward Joseph
Cleary, Francis Paul
Clemenger, John William
Clements, Wilton Raymond
Cleveland, Donald George
Coffee, Desmond Thomas
Cohen, Paul Lewis
Cohen, Steven Robert
Colavito, Thomas Joseph
Cole, Edward Fiscus, Jr.
Coleman, Thomas Milton
Collins, Jerry Carlos
Collins, John Joseph
Collman, Charles Bonham
Colucci, Anthony Robert
Compton, Andrew Jerome
Condon, John Robert
Conley, Charles Hoit
Conley, Dennis Ronald
Connolly, Michael Brian
Conrey, Thomas Roland
Conway, Frank Mark III
Conwell, Douglas Meriwether
Coow, Walter Talbot
Cooper, George Thomas
Corcoran, Joseph Francis
Coupe, Jay, Jr.
Cousins, Belmont William
Covell, Michael Averill
Covey, Robert Wesley
Covington, William Ellerbe, III
Cowen, Wayne Edward
Cox, John Hannan
Crabbe, Douglas Vincent, Jr.
Crabbs, Edward Hamilton, Jr.
Craddock, John Raymond
Craig, Edward Coleman
Craig, Kenneth Grant
Craiglow, Leo Harvey, Jr.
Creps, Stephen George
Croll, Larry Richard
Crooks, Stephen Chapman
Crow, Robert Lee
Crowley, Edward Joseph
Crumly, Jerry MacLean
Curley, Everett Patrick, Jr.
Currey, John Michael
Currie, Daniel Lee, Jr.
Curtiss, Daniel James
Cybul, Harvey John
Dahl, Dennis Kay
Dalton, Gerald Holbrook
Dattilo, Frank, III
Daughters, Milo Philip, II
Davidson, Dan Lee
Davis, Curtis Christopher, Jr.
Davis, Edward Anthony
Davis, Henry Hooper, Jr.
Davis, John Paul, Jr.
Davis, Richard Clinton
Davis, Robert Thompson, II
Dean, David Thomas
Deevy, Thomas Joseph
Dekker, Jon Karel
Dekshenieks, Vidvuds
Delvecchoi, John Richard
Demech, Fred Ralph, Jr.
Denault, Donald Raymond
Denike, Daniel Joseph, Jr.
Denis, Robert Richard

Derf, Tad Arlen
Dewalt, Ralph Frederick
Dewey, John Robert
Dewhirst, George Harness
Dill, Donald Lloyd
Dizor, Carl Adair, Jr.
Dobrosky, John
Doll, Robert James
Domaloan, Paul
Dooley, William James
Dorman, Craig Emery
Dougherty, Dennis Vincent
Dougherty, Francis Joseph
Dougherty, Robert Joseph
Downs, Charles Patrick
Doyle, John Francis
Droste, James Bentley
Drustrup, John Michael
Dubois, Denis Robert
Duchesne, Robert Edward
Duda, Daniel Martin
Duff, Franklin Duane
Duff, Robert Dwayne
Duffy, Philip Fredrick
Dufresne, Michael Paul, Jr.
Dugan, Timothy Parks, Jr.
Duich, Stephen James
Dukat, Frank
Duncan, Thomas John
Dunham, Donald Tolbert
Dunkle, Robert Alexander
Dunlap, Howard Dewitt
Dunn, Gerald Leo
Dunstan, Richard Alan
Dunton, Lewis Warren, III
Durbin, James Lanius, Jr.
Durham, Dan Wilson
Dvornick, Eugene Steven
Dyer, Robert Deane
Earle, Joseph Todd
Eckert, Thomas Richard
Edgar, James Raun, Jr.
Edson, Darrell Willis
Edwards, David Richard
Edwards, "L" Vernon, Jr.
Efird, William Alexander
Ehret, Howard Charles
Elliott, Jon Knox
Ellis, George Jeremiah
Ellis, John Richard
Ellis, Winford Gerald
Ellis, Wright Hoover
Elmore, Lawrence Leroy
Emarine, Larry Lee
Emerson, Norman Perry
Emmerich, William Stanley
English, Charles Robert
Esau, Anthony Christopher
Estell, William Andrew, Jr.
Evans, George Frederic
Evans, Irvin Christopher, Jr.
Ewert, Lawrence Edward
Famme, Joseph Bortner
Fant, Robert St. Clair, Jr.
Farber, Frederick Albert
Farmer, Michael O'Brien
Farnan, George Francis
Farnan, Robert Leo
Farren, Manus Gerard
Fedor, John David
Felger, Daniel Gene
Fenno, Ted Perley
Ferbrache, Ray Leroy
Ference, Robert Joseph
Ferguson, Michael Blackburn
Ferrier, Donald Robert
Ferrier, Thomas Lee
Fijak, Theodore, Jr.
Finch, Parker Thomas, Jr.
Finn, Edward Stephen
Fiori, Mario Peter
Firebaugh, Millard Sherwood
Firnbach, James Donald
Fischer, Ernest Collis
Fisher, George Garthwaite
Fitrell, Stuart James
Flanagan, Alan Brian
Flanagan, William John, Jr.
Flower, Roger Paul
Flynn, Robert James
Folse, Ronald Leo
Forster, Robert Douglas
Fortney, Doyle Wright
Foster, Brent Dean
Fox, William Clement
Frame, Lee Hudson, Jr.
Francis, William Charles
Frank, Allen Jesten
Frazer, Paul David
Fred, Robert Henry
Frederick, William Edmund
French, Dana Page, Jr.
French, Thomas Penn, Jr.
Frew, John Archibald
Frick, Frederick Mark
Friedsam, Bruce Alexander
Froehlich, Edward William, Jr.
Fromholtz, Richard John
Frost, David Eugene
Frothingham, John Carey
Fry, Michael Scott
Fuller, Robert Davis
Fulton, Stephen Howard
Fulton, William Lawrence, II
Fuscaldo, Robert Patrick
Futch, Charles Abbott
Gabriel, Thomas Oscar
Gaedecke, Walter Richard
Gagliano, Sam Joseph
Gaines, William Andrew
Galanti, Paul Edward
Galbraith, Elmer Joseph, Jr.
Gallagher, Lawrence Ambrose
Gambacorta, Francis Michael, Jr.
Gander, John Peter, Jr.
Garden, Leon Bernard
Garritson, Grant Richard
Gaskell, Lawrence Charles
Gaston, Mack Charles
Gastrock, Barry Allen
Gaul, James Howard
Geck, Robert Lee
Gee, George Nicholas
Geeding, Robert William
Gerwe, Franklin Henry, Jr.
Ghrer, Grady Francis
Giauque, Larry Lee
Gill, James Edward
Gill, Thomas Edward, II
Giuffreda, Robert Noel
Glasier, Peter Keith
Glenn, Walter Lewis, Jr.
Glover, Jimmy Neal
Glover, Robert Patrick
Glover, William Ferguson Hutson, III
Gluck, John Milton
Godek, Leonard Stanley
Goebel, David Maxwell
Goggins, John Joseph, Jr.
Gold, Bennett Alan
Goldman, Dan Edgar, Jr.
Goldman, Robert Barry
Goodman, Jerry Edward
Goodman, Ronald Maxwell
Googins, Bruce Russell
Gordon, Hayes Ingersoll
Gormly, Robert Anthony
Gottschalk, Gary Ward
Graf, Karl Rockwell
Graffman, Joel Ross
Graham, David Bruce
Graham, Ian Keith
Graham, Robert Lewis
Graham, Walter Harry
Gravely, Thomas Wayne
Gray, Myron Paul
Green, Norman Richard, Jr.
Green, Robert Leonard
Green, William Jennings, Jr.
Greenman, Robert Pruyn
Greeson, Tommy Darell
Gregor, Richard Allen
Grice, John David
Griffin, Harold Craven, Jr.
Grimes, Elmer Ray
Groff, Jon Philip
Groman, Alphonse Winslow, Jr.
Gros, Joseph Edward, Jr.
Grosfils, Eric Francis
Grotenhuis, John Henry
Grubb, Robert George
Grunwald, Gerald Max
Grzymala, Thomas Chester
Gubbins, Philip Stanley
Gudmunson, Charles Edward
Guertin, Gerald Andre
Gullett, Fred Wayne
Gustafson, Kurt Allen
Hackett, Douglas Myron
Hadley, Allan William
Hall, Thomas Forrest
Hall, William Ervin
Hallmark, John Bobby
Halperin, Mark Israel
Hames, William Jewell
Hamilton, Jack Edward
Hamilton, Leonard Anderson
Hamilton, Ted Allen
Hammer, John Levering, III
Hansen, Richard Carl
Hansen, Robert Raymond
Hanson, Claude Lee
Hanzel, Joseph Albert, Jr.
Hartlett, John Charles
Harper, Don Spence, Jr.
Harrelson, Allan Miller
Harris, Arthur Charles, III
Harris, James Partsch
Harrison, Edward James, Jr.
Hartman, Charles William, III
Hartman, Gary Walton
Hartman, Richard Henry
Hartman, William Albert
Haselman, Eugene Albert
Hauck, Frederick Hamilton
Haugen, Ronald Gilbert
Hauhart, James Norval
Harvey, Brian Joseph
Hawley, John Garland
Hayes, Richard James
Hayne, William John
Heath, William John
Hechtman, Robert William
Heck, Jerome Ronald
Heidt, John Harry
Heinz, Michael Kasper
Heinz, William John
Helbig, Raymond Allan
Helmann, Jack Eldred
Helms, Hugh William
Henderson, Jimmy Don
Hendrick, William Smith
Henrizi, John Taylor
Henry, Russell Jones
Henson, Jarrell Neal
Hering, Frederic Shriver
Herting, Thomas Joseph
Hertzler, Gerald Ray
Hickox, Oscar Jonathan, Jr.
Hicks, Gerald Dennis
Hicks, Jack Andrew, Jr.
Hicks, Robert Louis
Hicks, William Lloyd
Hill, Aimo Walfred, Jr.
Hill, William Joseph
Hillis, Robert "J"
Hillyard, William Franklin
Hilty, David Allen
Hinchy, Frank Thomas
Hinkle, John Calvin
Hinman, Kendall Goddard, Jr.
Hinson, Thomas Paul
Hipper, Ira Mark
Hitchborn, James Brian
Hite, Thomas Howard
Hixson, Richard Michael
Hoadley, Garrick Little
Hoag, David Wesley, Jr.
Hoag, Robert Wyman, II
Hodge, Henderson Alison, III
Hoecker, Richard George
Hoffman, David Wesley
Hoffman, Paul Mylton
Hoffman, William St. Clair
Hofford, Robert Francis
Hogan, James Joseph, III
Holben, Neil Edward
Holifield, Allison James, Jr.
Hollingsworth, William Louis
Holly, Richard Warren
Holmes, Stacy Vernon
Holt, Richard Harold

Holtel, Kenneth Paul
Hopper, John Ford
Hopper, Robert Allison
Horn, Frank Gordon
Hoshko, John, Jr.
House, Thomas Vann
Howard, James Willoughby
Howard, Phillip Sheldon
Howell, Robert Lawrence
Howson, Richard Ira
Hubbard, Richard Gene
Huber, Raymond James
Huchthausen, Peter Anthony
Hughes, Frank Weber
Hughes, Michael Bryant
Hughes, William Allen
Hughes, William Charles, Jr.
Huke, George Edwin
Hulbert, Bruce Wheelon
Huling, John McKee, Jr.
Hulvershorn, Frederick William
Hunsucker, Royce Hulton, Jr.
Hunt, Donald Bayard
Hunt, Paul Dean
Hurley, Robert Francis, Jr.
Hurst, Paul Drake
Huth, Vincent James
Hutton, Joseph John, Jr.
Hux, Edgar Douglas
Hyland, John Joseph, II
Hynes, William Richard
Ibach, James Sewell
Innes, Henry Edgar
Isenburg, William, Jr.
Ison, William Bradley, Jr.
Jackson, Grady Lee
Jackson, Virgil Frank, Jr.
Jackson, Warren Barnett, Jr.
Jacobs, Lawrence Robert
Jacobs, Philip Roberts
James, Franklin Wilson
James, Ronald Edward
James, William Ednor
Jensen, Jack James
Jensen, James Leroy, Jr.
Jensen, Jay Lian
Jiannas, John Stergos Emmanuel
Johannes, Richard Nelson
Johnson, Allan Leroy
Johnson, Gary Robert
Johnson, Kenneth Albin
Johnson, Ralph Borkland, Jr.
Johnson, William Spencer
Johnston, Daniel Francis
Johnston, Thomas Franklyn
Jones, David Lynn
Jones, Frank Alfred, Jr.
Jones, Robert Charles
Jones, Robert Eugene
Jones, Thomas Price, Jr.
Jordan, James Francis
Jordan, Wesley Earl, Jr.
Joyner, James Dietrich
Juan, John
Julian, Franklin Donald
Justis, Edward Tabb, Jr.
Kaiser, Theodore Joseph, III
Kaiss, Albert Lee
Karcher, Victor Anthony
Karr, James Dale
Kasales, Joseph Anthony
Kaup, Karl Lee
Kaupas, Thomas Richard
Kay, Norman Bruce
Kehrli, Lynn Clifford
Keithley, Charles Leon, Jr.
Keleher, John Allen
Keller, Douglas George
Kelley, Thomas Gunning
Kelly, John Patrick
Kelly, Robert Francis, Jr.
Kennedy, John Carroll
Kennedy, John Richard
Kennelly, Robert Joseph, Jr.
Kenney, Lawrence Harold
Kenny, John Joseph, III
Kerr, Frank Leigh
Kicker, Charles Kenneth
Kiel, Joseph Alan
Kiess, Dean William
Kilby, Kent Thomas
Kile, Thomas Joseph
Kilpatrick, Arthur Lawrence
Kime, Steve Francis
King, William Walter
Kinney, Dennis Martin
Kirk, Francis Marion
Kiseljack, Charles
Klee, Charles William, Jr.
Klein, Donald Craig
Kleyn, Frederick Gilbert, III
Kline, Robert Leroy
Klinger, David Calvin
Klintworth, Philip George
Knapp, Edwin Jackie
Knight, Euodias Falcon, Jr.
Koch, Dean Henry
Koch, Larry Neil
Kochert, Gary Lee
Koehler, Thomas Clinton
Kogler, Robert Albert
Komarek, Jon Perry
Kordalski, Robert Edward
Korsmo, Thomas Brock
Kotchka, Jerry Allen
Kozlowski, Stanley Clare
Krall, John James
Kramer, Lawrence Joseph
Krause, David Robert
Krekich, Alexander Joseph
Kronz, James Cyril
Kronzer, James Edward
Krupp, Marvin Mack
Kuester, Arland Wilmer
Kuhhirte, William Fred
Kuhneman, Martin Fleming
Kulesz, James John
Kunz, James Charles
Laack, Dennis Raymond
Labyak, Peter Stephen
Lacey, John Stephen, Jr.
Lair, James Anthony
Lamey, Paul Emile
Lamporte, Richard Arthur
Land, Clinton Dale
Lane, Glynn Quinton, Jr.
Lange, Peter Saunders
Lantzer, Lawrence Arthur
Lapean, James William
Laplante, John Baptiste
Larison, Donald Eddie
Larkin, Robert Rene, Jr.
Lash, Franklin Bruce
Lasko, Paul Gilbert
Latham, Peter Richard
Law, James Lawrence
Layton, David Ralph
Lazarchick, Frank Theodore
Lee, James Stanley
Lee, Richard Neyman
Lefebvre, Edward Joseph
Lehnus, Ronald Karl
Lemoyne, Irve Charles
Leonard, John Alexander
Lepak, Ronald Roman
Lesuer, Wallace Tompkins
Letourneau, Charles Edward
Levin, Frederick Wylie
Lewis, Ernest Lamar
Lewis, Frederick Lance
Lewis, Jerry Allen
Lewis, Robert Joseph
Lierman, John Stephen
Life, Richard Aaron
Lind, Carl Victor, Jr.
Lindsay, James Henry, Jr.
Lindsay, John Heistand
Lippincott, Richard Jay
Little, Edwards Sanford
Livingston, Ira Eugene
Lockett, Joseph Louis, III
Lockhart, Theodore Charles
Lodge, Charles David
Loftus, John Bernard, Jr.
Logan, Carl Flack
Lombardo, Stephen William
Long, Herman James, Jr.
Long, William Camielle
Loomis, Michael Francis
Loonam, Bernard Joseph
Lord, Norman Craig
Love, George Paul, III
Loveland, Richard Stroud
Loving, Howard Hayden, Jr.
Lowack, Frederick John
Lowry, Bernard Franklin, Jr.
Loy, Michael Howard
Lubbs, Larry Lee
Lugo, Frank John
Luke, John Davidson
Lunneburg, Thomas Alvin
Lynch, Edward Thomas, Jr.
Lynch, James Richard
Lynch, Thomas Charles
Lynch, Thomas John
Maybery, Lester Richard, Jr.
MacDonald, William Robert
MacDougall, Donald Gerrad
MacGregor, John Andrew
Mack, Jacob Arthur, III
MacKay, William Robert, III
Madden, Michael John
Maddocks, Ronald James
Maddox, George Nelson
Madison, Russell Lee
Maheu, John Chaisson
Mahoney, John Timothy
Mallen, Frank Harshman
Malloy, Charles Joseph, Jr.
Maness, Anthony Ray
Marnane, Joseph Peter
Marquis, Richard Irving
Marrical, Anthony Rolland
Marsh, Larry Roy
Marshall, James Allen
Marshall, William Clarke
Martin, David Arthur
Martin, John Allan
Martin, Owen Carmin, Jr.
Martin, Walter Potts
Martinsen, Glenn Tracy
Mason, John Allen
Massey, Scott Spencer, Jr.
Masters, David Ray
Masters, David William
Matheny, James Tim
Mathews, Drexel Loy
Mathiowetz, Donald Ray
Mathis, William Walter
Maxey, Fred, Jr.
Mays, George Glennon
Mazzan, Carl Anthony, Jr.
McAbee, John Tolbert
McAfee, Robert Stuart
McAuley, John Anthony, Jr.
McBride, James John
McBride, Kenneth Bradford
McBride, Michael Andrew
McBride, William Richard
McCammon, Peter Leverich
McCann, Wilford Dale
McClanahan, Ted
McClelland, Michael Dwight
McClung, Lonny Kay
McCormick, James Thomas
McCulloch, David Hamilton
McDaniel, John Richard
McDevitt, Michael Allen
McElmurry, Joe Allen
McFillen, Roger Leroy
McGee, Wyatt Hudson
McGinley, Edward Stillman, II
McGoldrick, Henry Joseph
McGrath, John Michael
McGuire, James Robert
McGuire, Thomas Patrick
McHenry, John Walter
McHugh, Richard Gregory
McIntire, Lloyd Gilman
McKay, John Douglas
McKay, John Norman
McKechnie, Thomas William
McKinney, Donald Lee
McLane, David John
McLaurin, John Coleman, Jr.
McLean, Robert
McManis, Robert Bruce
McMillan, John Hammack

McNamara, John Joseph
McNeer, William Paul, Jr.
McNeill, Corbin Asahel, Jr.
McNicholas, Thomas Michael, Jr.
McOlgan, Jerry Max
McPhail, Eugene Bates
McRae, David Albert
McTighe, John Terence
McWhinney, John Loren
Meese, Harry Evan
Melampy, Ronald Francis
Melander, Errol Norman
Mensch, George Herbert
Mercado, Carlos Edward
Mermagen, Peter Julian
Merrill, Hugh Anthony
Merz, Vincent Paul
Metcalf, Robert Edward
Metzler, Charles Paul, Jr.
Meyers, John Moberg
Mezmalis, Andrejs Modris
Micalchuck, David Peter
Michaux, Richard Wehunt
Middents, Paul Willby
Middleton, David Dean
Miller, Andrew Pickens, Jr.
Miller, George Morey, III
Miller, Paul David
Miller, Ralph Rillman, III
Miller, Raymond Paul
Miller, Thomas Leroy
Miller, William Charles
Minugh, Edward Marshall
Mitchell, Eugene Francis
Mitchell, Martin Ralph
Mitchell, Richard Floyd
Mock, Sanford Norman
Moessner, Paul Carl
Moir, Weston Gavin
Montgomery, Robert Andrew
Moore, Robert Lord
Moore, Ronald Cullen
More, Alan Robert
Morgan, Richard Alan
Morgan, Ronald Dennis
Morgan, Thomas Leeroy
Morin, Thomas Eugene
Moritz, Carl Arthur, Jr.
Morris, Charles Ward
Morris, John Elsworth
Morrison, Harlan Langtry
Morrison, Vance Hallam
Morse, Carl Samuel
Moses, Paul Davis
Moses, Raleigh Warren
Mosser, John Henry
Moulson, John Alfred
Mouns, Albert Lebeau
Mowery, Gary Willis
Moynihan, Brian George
Mueller, Joseph Brian
Muench, Raymond Whitney
Mulford, Michael Linden
Mullen, James Joseph
Mullins, Willice Ralph, II
Munsee, Stewart Frederick
Murphy, Arthur William, Jr.
Murphy, Jerome Thomas
Murphy, Thomas Francis
Murray, Roger Page
Murray, Tom Reed, II
Myers, Thomas Andrew
Najarian, Moses Thomas
Narciso, John Anthony
Nash, John Mitchell
Nash, Michael Arthur
Neal, John Stephen
Neal, John Stephen
Needham, William Ray
Nelson, William Jerome, Jr.
Nemer, James Joseph
Nerup, Robert Kent
Neuman, Dennis Earl
Newman, Roger Lee
Newman, William Edward
Newton, Roy Irwin
Nichols, Christopher Owen
Niederstadt, Robert Grant
Njus, Ingmar Joel
Nolan, Donald Edward
Norfleet, Ashley Curtis, II
Norton, Lafayette Ferguson
Nowotny, Lionel Jerome
Nystrom, Stephen Curtis
Oakes, Charles White
Oakes, Dudley Glen
Oates, Anthony Brent
O'Brien, Edward James, III
O'Claray, Daniel George
O'Connor, Kip
O'Connor, Michael Bernard, Jr.
Oetinger, Mark
Okeson, James Clifford
Oliver, David Edward
Oliver, Herndon Albert, III
Olson, Jerrold Elwood
Olson, Phillip Roger
Onorati, Roger Peter
Ord, George Dalton, Jr.
Orluck, James Emmanuel
Orriss, David Anthony
Orth, Nelson Edward
O'Shea, Donald James
Ostrander, Gary Lee
Otto, Paul Eugene
Owen, Kenneth Joseph
Owen, Robert Harrison
Owens, William Arthur
Pafias, James Ellis
Page, Earl Daniel
Painter, Floyd Charles
Palm, Peter Elmer
Palma, Richard John
Palmer, Robert Earl
Paquin, James Edward
Parchen, William Robert
Parent, Donn Valentine
Park, John Prentiss
Parker, John Eugene
Parnell, Charles Lavelle
Partington, James Wood
Passarella, Anthony Harold
Patch, Frank Henry
Patrick, Roger David
Patterson, Ronald Gilbert
Patton, Kuemen Behling
Paul, Ronald Victor
Payne, Joseph Carroll
Pearl, John Mitchell
Pearson, John Davis
Pedisich, Paul Everett
Pellett, David Andrew
Pelot, Kent Barry
Pence, Thomas Howard
Pendergrass, Curtis Sansom
Penn, Buddie Joe
Perkins, Ernest Della, II
Persell, Robert Alexander, Jr.
Pestorius, Frederick Michael
Peters, Victor Lee
Petersen, Louis Harold
Peterson, Richard Norman
Peterson, Robert William
Petitt, William Edgar
Petrucci, Richard Joseph
Pettyjohn, James Robert
Pfingstag, William Carl
Pfister, William Campbell
Phelps, Harold Richard, Jr.
Phillips, Joseph Larry
Phimister, Stephen
Phoebus, Charles Richard
Pigeon, Norman Brown
Plath, Richard Neil
Plaugher, Charles Edward
Poellnitz, Walter Durand, III
Poole, Richard James
Pope, Rex Arvis
Pope, William Henry
Popp, Arvel Jerald
Porter, Richard Thilo
Post, Jerry Lee
Post, Warren Lee
Powers, Thomas Edward
Pratt, Thomas Rolla
Prehn, Robert Lloyd
Presnell, Lawrence David
Preston, Gerry Lee
Price, Lawrence Howe
Procopio, Joseph Guydon
Pryzby, Stanley John
Pursel, John Joseph
Quarterman, John Maye, Jr.
Quast, Philip Michael
Raebel, Dale Virgil
Raetzman, Donald Patrick
Raggett, Michael Mark
Randolph, William Lewis
Ranson, William Martin
Ranzinger, William Frederick
Rasley, Roger William
Rattan, James Dow
Rauth, James Arthur
Reader, Robert James
Reber, Peter Michael
Reeves, Philip Eugene
Reeves, Robert Dulaney, II
Regan, James Peter
Regan, John Thomas
Reilly, Edward Lincoln
Reilly, Errol Francis
Reistetter, Emery Andrew
Replogle, Hugh Butler
Repsher, Boyd Francis
Resweber, Owen Joseph, Jr.
Rhea, Kennedy "J"
Rhodes, Edwin Olliff
Rich, James Earl
Richards, Frank Martin
Richardson, James Clarke, Jr.
Richmond, Frederick James
Ricketts, David Lynn
Riddell, Richard Anderson
Riker, Robert Townsend
Ring, Henry Mark
Ristad, Arnold Clifford
Ritt, Dayton William
Rixse, John Henry, III
Roark, David Leroy
Robbins, Christopher Brooks
Roberson, Bernard Gordon
Robertson, Thomas James
Robison, Kenneth Gerald
Rochells, Andrew Jerome
Rodgers, James Claude, Jr.
Rodriguez, William Joseph
Rogers, Elmer Earle, II
Rogers, Louis Anthony
Rogers, Theodore Fleming, Jr.
Rohles, Gerald Bernard
Roome, Jack Verne
Rooney, Philip James
Roper, James Edward
Rose, Michael Andrew
Ross, James Andrew
Ross, Robert Joseph
Ross, William Cotter
Rosson, Vernon Lee
Roth, Michael Charles
Rothert, William Carl
Rowe, Arthur Earl, Jr.
Rowley, Charles Dana
Ruck, Merrill Wythe
Ruff, John Crawford
Ruliffson, James Howard
Rust, Gregory Bedell
Ruth, Paul Arthur
Ryan, Bruce Anthony
Ryan, Charles Edward
Ryan, Thomas David
Rybarczyk, Anthony Mark
Salisbury, Herbert Douglas
Salisbury, William Robert
Salmon, Harry Paul, Jr.
Salopek, Raymond
Sammons, Charles Eugene
Sandidge, Edward Dabney
Sands, Robert John
Santi, Ralph Louis
Sarepera, Hillar
Schardt, Delvin Leroy
Schaus, Richard Harris
Schiffer, John Richard, Jr.
Schiller, William Erich
Schlegelmilch, Charles Robert
Schmeling, Leslie Lynn
Schmidt, Clemens Edward
Schmidt, Henry, Jr.

Schneider, Clinton Dunn
Schoonover, Ray Richard
Schrader, John Yale, Jr.
Schroeder, Arthur Frederick, Jr.
Schroeder, David Donald
Schroeder, Kenneth Arnold, Jr.
Schropp, John Warren
Schuetz, Laurence Noel
Schulman, Richard David
Schwartz, Henry William
Sclichter, Edward Franklin
Scobee, Charles Russell, Jr.
Scott, Gordon Earl
Seeber, Lauren
Segerblom, Ronald Lage
Sellgren, Charles Alan
Shapard, James Richard, III
Sharp, David Robert
Sharpe, Raymond Alexander, Jr.
Shea, Richard Francis, Jr.
Sheafer, Edward David, Jr.
Sheffield, George Albert
Sherer, Robert Wallace
Sheridan, Robert Emmett
Sheridan, Thomas Russell
Shew, James Edward, Jr.
Shewchuk, Jon Dennis
Shillingsburg, John William
Shirmer, Dan Armstrong
Shoemaker, Brian Hall
Shoop, Robin Dexter, Jr.
Shortal, Terence Michael
Shoup, Linn Tyler
Shufelt, William John, Jr.
Shutt, John Jay
Siegfried, Douglas Sherwood
Siemer, John Robert
Sigmund, Jay "G", II
Silseth, David Franklin
Simmons, Douglas William
Simmons, Vernon Pitkin
Sirmans, James Stanley
Sisson, Robert Harsha
Skinner, Garland Frederick
Sloan, Dean Elliott
Small, Selden Matthew
Sminkey, Robert Loys
Smith, Bernard John
Smith, Dan Howard
Smith, Eugene Thomas
Smith, Gerald Lewis
Smith, Glen Walter
Smith, Jerome Frost, Jr.
Smith, Raleigh Merritt
Smith, Reid Hessey
Smith, Robert Cortland
Smith, Robert Seaward
Smith, Roger Walter
Smith, Wayne John
Smrcina, Kurt Louis
Smyth, Gregory Stephen
Snyder, Donald Marshall
Snyder, Wallace Hutton
Soupiset, Robert Irl, Jr.
Soverel, Peter Wolcott
Spane, Robert Johnson
Spofford, Barry Andrew
Sprouse, Haywood Galbraith
Srite, David Alan
Stackhouse, Charles David
Stahl, Dale Stough, Jr.
Standish, Allen Joseph
Stanley, Maurice Dudley, Jr.
Stansbury, Frederick Alexander
Stark, John Wayne
Stauts, Frank Lynn
Steele, Boyden Tracy
Steinbruck, Charles George, Jr.
Stender, Richard Henry
Stephenson, Robert Franklin
Stepp, William Edward
Sterner, George Rudolph
Stevens, John Bradford
Stevens, Stanley Lincoln
Stewart, Jake William, Jr.
Stewart, Jesse Jerome, Jr.
Stilwell, William Carter
St Jean, Russell Joseph
St Laurent, Charles Manfred
Stoddard, Howard Sanford
Stone, Thomas Edward

Story, William Ferguson
Stoufer, Donald Andrew
Straight, Donald Owen
Straight, William David
Strand, Richard Charles
Strasser, Edward John, Jr.
Strasser, Joseph Charles
Strickler, James Wilson
Strole, Douglas Luther
Stuart, Walter Allen
Stubbs, Darryl Anthony
Stubbs, William Olan, Jr.
Stubsten, Eugene Merrill
Stuckemeyer, John Andrew
Studeman, William Oliver
Sturvist, Gerald Hilding
Sullivan, Daniel Joseph
Sullivan, Dennis Allan
Sullivan, Kenneth David
Sullivan, Michael Edward
Sullivan, Raymond Francis, Jr.
Sushka, Peter William, Jr.
Sutton, Gwynn Richard, Jr.
Svensen, Stanley Roy
Swavely, David Lee
Sydow, Kenneth Robert
Tahaney, Hubert Francis, Jr.
Tansey, Philip Michael
Taylor, Herbert Wayne
Taylor, John Francis
Taylor, Robert Monard
Thaxton, David Reuben
Therrien, Edward Louis
Thomas, Frank Hughes, Jr.
Thomas, Peter William
Thomassy, Louis Edward, Jr.
Thompson, David Stratford
Thompson, Giles Morris
Thompson, James Eli, Jr.
Thomson, John Alexander
Thorell, Charles Scott
Tiernan, Michael Connolly
Tillotson, Perry Sanford
Tindal, Ralph Lawrence
Tobin, Byron Eugene, Jr.
Todd, Terrence Stephen
Toland, James Clinton
Tollefsen, Thomas Severt
Tonkin, Charles Thomas, III
Torbit, Jerry Bert
Tortora, Carmine
Trafton, Robert Truman
Treanor, Thomas Stanley, Jr.
Tredick, William Heulings
Triplett, Thomas Terrence
Tripp, Richard Willis, Jr.
Trotman, George, Jr.
Tschudy, William Michael
Truman, Thomas Wilson
Turner, Alfred Rogers, Jr.
Turner, David Andrew
Turner, Steven Lloyd, Jr.
Ulmer, James Edwin
Ulrich, John Livingston
Umberger, Paul Jay
Underhill, Ross Hamock
Unruh, Jerry Lee
Urice, Ronel Morgan
Vail, Robert Cornell, Jr.
Vallin, Richard Thomas
Vanarsdall, Clyde James, III
Vanbrackle, Vernon Larmar, Jr.
Vance, Richard Moon
Vandergrift, Ronald William
Vanderwolf, Peter William
Vanhoy, William Lester, Jr.
Vanmetre, Robert Brian
Vanpelt, Albert Murle
Vansaun, Arthur
Vansickle, Kenneth Lee
Vanslyke, James Corbett, Jr.
Verd, George Harris
Vernallis, Samuel Larry
Verona, Francis Michael
Vickers, Robert Irving
Vincent, William Lansing
Visted, Frank Alexander
Vogel, Raymond William, III
Volk, John Stanley, II
Vollmar, Fredrick Joseph, Jr.
Waer, Richard Dean

Waggoner, Mark Harvey
Wagner, George Francis Adolf
Wagner, James Andrew
Wainscott, Robert Phillip
Waldron, James Leroy
Walker, Henry Edwin, Jr.
Walker, James Robert
Walker, Jon William
Walker, Ronald Wallace
Wallace, Ernest Larry
Wallace, Roy Neil
Wallis, Walter James
Walsh, Raymond Michael
Walters, Edward Crist
Walters, Richard Ralph
Walton, Harold Alexander
Wann, Charles Billy
Warthin, Jonathan Carver
Wasson, Charles David
Waterman, George Russell
Watkins, Donald Edward
Watkins, Richard Smith
Watterson, Rodney Keith
Weaver, James Edward, Jr.
Weegar, Carl Allen
Welch, Robert Horton
Welham, Walter Frederick, Jr.
Wells, Elwood Gordon
Weniger, Marvin Joseph
Werhan, Kenneth Raymond
West, Frederick John
Westbrook, Richard Evans
Wheeler, Sidney Earl
Whisler, Glenn Edward, Jr.
Whitaker, William Drake
White, Donald Clark
White, John Dwyer, II
White, Robin John
Whitehurst, Byron Paul
Whitley, William Robert
Whitney, Richard Merrill, Jr.
Wicklund, Robert Montgomery
Wiese, Richard Judson
Wilcox, Mack Rudolph
Wileen, Gordon Charles
Wilkes, Gilbert Vanburen, III
Wilkinson, John Glenn, Jr.
Wilkinson, Robert Bailey, Jr.
Williams, David Arthur
Williams, David Daniel
Willimon, Henry Pack, Jr.
Willoz, Clifford Paul, Jr.
Wilmot, Frederick Eugene
Wilson, Laurence Woodford
Wilson, Richard Alexander
Wilson, Robert James
Wilson, Robert Lawrence
Wiltamuth, Richard Ernest
Winarski, Daniel Arthur
Winn, Robert Monte
Winstead, Shelby Dennis
Wisely, Hugh Dennis
Witman, William Paul
Woehl, Robert David
Wolf, Rexford Elwood
Wolfram, Charles Barrett
Woltersdorf, Leonard Oscar
Womack, Thomas Folts
Wood, Forrest Kent
Wood, Herman Francis
Wood, James Erastus, III
Woodford, Duval Sterling
Woodka, Thomas Kenny
Woodruff, Peter Bayard
Woodruff, Robert Bruce
Woods, James Raney, Jr.
Woods, Paul Franklin
Woodward, William Jasper, Jr.
Woodworth, George Prebble, Jr.
Worthington, George Rhodes
Wright, Donald Jay
Wright, George Frederick
Wright, Jerry Leonard
Wright, Timothy Wayne
Wunderly, William Louis, Jr.
Wyckoff, Roger David
Wylie, Walter Jay
Wyman, Richard Ernest
Wyttenbach, Richard Harrington
Yarborough, Jerry Olin
Yeck, Richard Charles

Yonkers, David Peter
York, Thomas Andrew, Jr.
Youmans, Richard Walter
Young, Bruce Albert
Young, Stephen Grant
Yufer, Kenneth Lee
Zimmermann, Claus Erwin
Zlatoper, Ronald Joseph

SUPPLY CORPS

Abbott, Gerald William
Akers, John Robert
Aleva, David Andrew
Anderson, David Karl
Anderson, Louis Gary
Anderson, Thomas
Baker, Charles Edmund, Sr.
Barnes, Edmund Lee, Jr.
Barnes, Francis Stoddard
Bednar, Edmund Joseph
Beer, Robert Oakley, Jr.
Benner, Willard James
Berger, Paul
Bergman, Richard Herman
Bessenger, Frank Leslie, Jr.
Boardman, Albert Eugene
Bondi, Peter Albert
Bratschi, Gilbert Wayne
Bridwell, Donald Leroy
Brochu, Robert Adelard
Bromen, Roger Raymond
Butler, Paul Kyle
Burnett, Michael Howard
Burnham, John Kenneth
Cantrall, Edward Loren
Carr, Jeffrey Allen
Carre, Darwin Beach, Jr.
Carroll, John Perry
Casanova, Kenneth Evelio
Chalupsky, Raymond Jerome
Chappell, Ralph Lathan
Chism, David Meredith
Cleary, Richard Thomas, III
Conser, Richard Lewis
Conway, James "D"
Cook, Kendall Raymond
Daeschner, William Edward
Dahm, Eugene Emile
Danner, Glenn Richard
Davidson, James Patrick
Davis, Fredric Cook
Davis, John James
Dell, Jack Vining
Dieterle, Edward Robert
Endt, Henry Joseph, Jr.
Endzel, Edward Windsor
Falconer, Douglas William
Faust, John Nicholas, III
Fava, Ernest Edward
Fellows, Fred Yates, III
Fenick, Robert William
Fike, Charles Rowland
Fincke, Edwin August
Fitzgerald, Thomas Patrick
Fleming, James Alexander, Jr.
Foley, Richard Lynde
Frantz, Harold Wayne
Frassato, Robert Charles
Gaines, James Edward
Gainey, John Michael, III
Gallion, Robert Zurill
Garmus, David Paul
Geary, John Paul
Grant, Robert David
Growney, Kevin Joseph
Haas, Willard Morris
Haase, Larry Lynn
Hale, Ronald Arthur
Harms, Herbert Martin
Harrington, Phillip Henry
Harshbarger, Eugene Burks
Hatchett, William Joseph, Jr.
Hekman, John Gilbert
Henry, William Edward
Hensley, Norman Wesley
Henson, Verlin Charter
Hern, William Ray
Hernandez, Edward Simon, Jr.
Hodapp, Charles Aloysius
Hogan, Brian Thomas
Horhutz, Randolph John
House, Steven, Howard
Iaquinta, Francis Samuel
Janse, Anthony Ludwig
Johnson, Thomas Lawrence
Kaufman, James David
Kavanaugh, John Thomas
Kiger, Charles Roy
King, William Delano
Kosch, Charles Arthur
Krehely, Donald Edward
Kreimer, Robert Maurice
LaMade, John Steele
Lara, Harry Lee
Laurent, Daniel Henri
Lempka, Gerald Arnold
Lines, Lee Robert
Looney, Richard Glenn
Lunn, James William
Lynch, David Read
Lynch, Michael Gerald
MacDonald, Alan Ramsay
Maley, Michael Denton
Mandel, Allan Lee
Manning, Gary Clifford
March, Frederick William
Marshall, William Baker, III
Matalavage, Joseph Anthony
Maxon, Bruce Ethan
McClure, John Marvin
McKechnie, John Joseph, Jr.
Mendez, Ramon Eduardo
Miller, Ernest Baldwin, III
Miller, Kenneth Frederick
Monroe, James Leslie Dukes
Morgan, George Parker, Jr.
Morris, John David, III
Morris, William Richard
Moum, Jerry Davis
Murphy, Henry Timothy, Jr.
Natole, Robert Lester
Nolan, John Walter
Nyenhuis, Keith Eugene
Palmatier, Philip Earl
Parks, Leonard Cranford
Pearson, David Edward
Perkins, Robert Darol
Perrill, Fredrick Eugene
Phillips, Garth Vaughn
Phillips, James Donald
Price, Robert Francis
Quarles, James Michael
Quigley, Patrick Joseph
Quinn, John Thomas
Rasmussen, Paul Duane
Redman, William Ernest, Jr.
Reed, William Henry
Reynolds, Kevin Thomas
Rhodes, William, David, Jr.
Ringberg, David Allen
Rosson, Bobby Joe
Ryland, Charles Wayne
Sandeen, John King
Sapera, Leonard Joseph
Sareeram, Ray Rupchand
Savage, Horace Jay
Scharff, Richard Darrell
Schroyer, Charles David
Shaw, Robert Harris, Jr.
Sherman, Bruce Leslie
Sherman, Huson Barry
Smith, Olen Brown, Jr.
Standish, John Alden
Starnes, Bobby Franklin
Steen, George Samuel, Jr.
Stewart, James Ronald, Jr.
Straw, Edward McCown
Sullivan, Edward Francis
Suter, David Floyd
Szalapski, Jeffrey Paul
Thomas, Dudley Jerome
Thomas, Robert Louis
Trbovich, George Melvin
Treanor, Richard Craig
Tully, Albert Paul, Jr.
Vanhouten, George Wendell
Varner, Robert Nolan
Vonradesky, Charles William R., II
Waller, Terry George
Weaver, Edwin Richard, Jr.
Weber, Jerome Joseph
Wheeler, Lawrence David
Whitman, Carl David
Whittington, Richard Guy
Wilcox, Harold Edgar, Jr.
Williams, Robert Joseph
Wilson, Michael George
Woodward, Joseph Albert
Wootten, John Francis
Worsena, Richard Francis
Yeoman, William Ray
Young, Everett Boyd
Young, Robert Reese
Zumbro, Sherrod Branson

CHAPLAIN CORPS

Aronis, Alexander Basile
Asher, William Carroll Lynn
Bohula, Edwin Victor
Collins, John Milton, III
Cram, Norman Lee, Jr.
Daly, John Raymond, Jr.
Deruiter, Peter John, Jr.
Doyle, James Michael
Erickson, Carl Willard
Fountain, David Bentley
Goode, James Gilmer
Hall, John Louis
Houston, William John, Jr.
Johnson, Thomas Frederick
Kane, Brian Edward
Kimble, Wilford Clyde
Kirk, Alston Shepherd
Laurenzano, Roch Michael
Matuszewski, Ramon Thaddeus
McHorse, George Ray
Mellett, Robert Coleman
Moritz, Jerry Don
Muchow, Donald Karl
Muenzler, Leroy Elvin, Jr.
O'Donnell, Joseph Francis
Page, David Garth
Richards, Gerald Thomas
Roy, Raymond Armand
Rubino, Salvatore
Stott, Albert William
Thompson, Joseph James
Weeks, Robert Martin
Westling, Lester Leon, Jr.
White, David Edward
Windle, David Lee

CIVIL ENGINEER CORPS

Bass, William Martin, Jr.
Bell, Robert Bernard, Jr.
Black, Dorwin Clay
Buckner, Ernest Wesley
Buffington, Jack Eugene
Callahan, James Fredrick
Callender, Gordon Warren, Jr.
Camden, Edward Brydges
Campbell, Donald Berlin
Carnell, Donald Lee
Chapla, Paul Anthony
Coston, Vernie Richard
Crumbley, Don Carroll
Drennon, Patrick William
Emison, Joseph Brantley, Jr.
Endebrock, Robert Neal
Erchul, Ronald Anton
Fluharty, David Henning
Fowler, George Edward, III
Frauenfelder, Henry Roger
Gallen, John James, Jr.
Garbe, Warren Murray
Gardiner, George Henry, Jr.
Gerdel, David Holland
Goins, Philip Allen
Heffernan, Thomas John
Jackson, Gerald William
Jensen, Allen Halvor
Kay, William Howard, Jr.
Kunz, Joseph David
Larsen, Laurits Michael
Leap, Joseph Brian
Lockhart, Allen Clifford
Luzum, Gerald Dean
Mac Call, Bruce Leonard
Martinelli, Salvatore Aldo
McCahill, Dennis Francis
McKibben, Don Robert

Mehlhorn, Peter Franklin
Miller, David Bergenthal
Morrison, Paul Albert
O'Connell, Brian John
Odom, Melton Lee
Olsen, Allen Neil
Olson, Harold Martin
Pensyl, "J" Dick
Petty, Larry Kiningham
Quigley, Stephen Jerome
Ricker, Norman Gibson, Jr.
Riffey, Alan Kent
Ringel, Duane Arthur
Robertson, William Edmond, Jr.
Ross, Gerald Harry
Rugless, James Michael
Sandrini, Louis Michael
Schwirtz, Henry John
Shank, George Edward
Sherman, Myron Bernard
Smith, Alan Edward
Stewart, Allen Jack
Street, Clifford Gail
Struthers, Lynn Carol
Truesdell, Richard Carl
Wells, Donald Raymond
Wells, James Laurence
Wheeler, David Earl
Woll, Jerry Dewayne
Wood, James Albert
Zimmerman, Gerald Alan

JUDGE ADVOCATE GENERAL'S CORPS

Adam, Warren Harding
Berkley, Robert Clarkson
Brush, James Dillon, II
Burke, Charles Russell
Byrne, Edward Mark
Carroll, Paul Francis
Cassell, Carl Joseph
Davey, James Abram Garfield, Jr.
Horst, Carl Henry
Ise, William Henry
Kauffman, Robert "K"
Kjos, Wendell Arthur
McCoy, Dennis Frederick
McLeran, Robert Harold
O'Neill, Robert Emmett
Pierce, Charles David
Powell, George Butts, Jr.
Rapp, Michael Duer
Reed, Robert Frederick
Riddle, Ervin Adril
Roach, Joseph Ashley
Rote, Edward Allen
Sanftner, Thomas Richard
Studer, John Armitage
Walker, John Allen
Watson, Thomas Charlisle, Jr.

MEDICAL SERVICE CORPS

Baumhofer, Anne Hermine
Beckner, William McCarty
Benedict, William Herbert
Biesiadny, Lawrence Louis
Boyle, John Anthony, Jr.
Branscum, William Edsel
Brown, Seth Edsel
Chatelier, Paul Richard
Christian, Elgin Ray
Coan, Richard Manning
Cusick, Richard Allen
Dasler, Adolph Richard
Dilley, Paul Olin
Doll, Richard Eugene
Drozd, Joseph John, Jr.
Furr, Paul Arthur
Furry, Donald Edward
Gooch, Roy Lee
Groce, William Edward
Grothaus, Roger Harry
Hatten, Arthur Dallas, Jr.
Heller, Billy Lee
Johns, Jack Elton
Johnson, Paul William
Kehoe, John Joseph, Jr.
Kozik, John Richard
McGuire, James Stuart
Morin, Richard Albert
Murrell, William Raymond
Newell, Richard Lee
Owens, Norman Kenneth
Palmer, David DeForest
Peterson, Robert Victor
Poquis, Robert Mendoza
Price, Hudson Bryan
Robinson, George Wayne
Skelly, Robert Stanley, Jr.
Stewart, Shannon Dewitt
Theisen, Charles Joseph, Jr.
Thomsen, Paul David
Turbiville, Leslie Homer
Turner, John Randolph
Waldeisen, Lewis Edward
Warren, Phyllis Imogene
Wesolowski, Carl Anthony
Zentmyer, Robert Kenneth

NURSE CORPS

Agrell, Diane Judith
Ancelard, Madeline Mary
Arnold, Mary Ann
Barkus, Phyllis Margaret
Beatty, Florence Winifred
Becktell, Beatrice Diane
Benning, Luella May
Blank, Norma June
Bogdanski, Mary Ann
Brayman, Mary Sanphy
Bresnahan, Joan Constance
Carroll, Maria Kathryn
Clancy, Patricia Elizabeth
Clinton, Bobbie Kay
Cote, Clarence William
Covington, Norma Ann
Cronin, Claire Mary
Dyer, Alice
Elam, Hattie Rose
Fitts, Patricia Louise
Fleury, Phyllis Jean
Henninger, Judith Erma
Hudak, Geraldine Joyce
Huskey, Bobby Gene
Jackson, Elizabeth Clark
Leonard, Dorothy Gertrude
McDonald, Patricia Kathaleen
Megonnell, Joann Helen
Miller, Judith Huddle
Mudge, Blanche Schneider
Newquist, Alice Moyer
O'Connell, Anne Louise
Pack, Valaine
Pritchard, Virginia Lee
Redo, Anne Marie McCaughey
Reynolds, Ann Darby
Schroder, Beverly Ann
Schultz, Cynthia Ann
Sheehan, Lona Wallace
Stangelo, Joan Elaine
Teagle, Beverly Elaine
Wills, Jacquelyn Sue

The following named lieutenant commanders of the Reserve of the U.S. Navy for temporary promotion to the grade of commander in the line, pursuant to title 10, United States Code, sections 5910 and 5912, subject to qualification therefor as provided by law:

Ackermann, Peter G.
Acosta, Gilbert
Adair, John W.
Adam, David J.
Adams, Hardy B., Jr.
Adaschik, Anthony J.
Adell, James M.
Ailor, Ronald G.
Aldrich, Arthur G., Jr.
Alexander, Robert C., Jr.
Alexander, Robert A.
Alford, John W.
Allard, Terrence J.
Allen, Richard K.
Alley, James A.
Almond, John W., Jr.
Amberg, Richard H., Jr.
Anderson, Eugene C.
Anderson, Gary G.
Anderson, George E.
Anderson, Jerold F.
Andres, Thomas W.
Andrianomoore, Richard N.
Annin, Timothy E.
Anson, Bert, III
Anthony, James R.
Aquilina, Fred A.
Arant, Daniel R.
Archer, Douglas W.
Archey, Warren E.
Atcheson, Raymond W.
Atkinson, Oliver T., Jr.
Austin, Wayne R., Jr.
Avella, Joseph R.
Avery, Thomas G.
Ayers, Carroll E., Jr.
Ayres, Gary C.
Backus, William E., Jr.
Baggs, Andrew H., Jr.
Bailey, Carlyle K.
Baird, Donald R.
Baker, Larry O.
Baker, Richard A.
Baker, Ronnie B.
Baker, William H.
Bakewell, Richard B.
Banks, Martin L., III
Banta, John M.
Barlow, David A.
Barrett, Edward L., Jr.
Barrett, Richard E.
Bates, Donald C.
Bates, Ollie B., III
Battaglia, Michael J.
Baumgardner, Hugh W.
Beavers, Ashley J.
Becker, Charles J., Jr.
Beeler, Carroll R.
Beene, Joe F.
Belanger, Roland J.
Bell, Lyndon R.
Bellows, Arthur N., III
Bencze, Daniel P.
Bender, Robert G.
Benner, Francis J.
Bennett, Barry E.
Bennett, William C.
Benson, David E.
Benson, Jerome E.
Benson, Lawrence P.
Benson, Michael J.
Berg, George W., Jr.
Bergin, Edward J.
Bergquist, Carl W.
Berner, Kenneth C.
Beshore, Charles S.
Beveridge, David C.
Bigelow, Dana F.
Bleyle, George A., Jr.
Blink, James S.
Blough, Christian G.
Bobko, Allan D. J.
Bomberger, Russell B.
Borrowdale, Kent
Bost, Robert F.
Bostrom, Alexander H.
Bott, John F.
Bouma, Kent G.
Bourbonnais, Charles R.
Bowers, Richard C.
Bowman, Terry L.
Boyd, Larry L.
Bracker, William A.
Brandon, Robert W.
Brennan, Dennis J.
Bright, Larry L.
Brodigan, Charles J.
Brown, Buell L., Jr.
Brown, John O.
Brown, Lawrence O.
Brown, Thomas L.
Brown, William G.
Brubaker, David B.
Brudvik, David R.
Buchanan, Peter
Buck, Earl F.
Buck, Joseph A.
Buckley, Robert F., Jr.
Budnick, Allen J.
Buehrer, Charles F.
Buff, James F.
Bunje, Ralph B., Jr.
Bunnell, Melvin L.
Burin, Ronald
Burton, John F.
Burton, Michael C.
Busch, Morgan M.
Bush, Robert F., Jr.
Bushmiaer, Jimmy E.
Butler, Samuel B.
Byers, Billy B.
Byrne, William J. T.
Cahoon, "H" Michael
Callaway, James G.
Callcott, George V.
Campbell, Brian F.
Campbell, Leonard G.
Campbell, Thomas E.
Cantrell, Jimmy J.
Carling, James R.
Carmichael, William R., Jr.
Caron, Ernest J. J.
Carpenter, William S.
Carpenter, Galen D.
Carr, Howard E., Jr.
Carroll, Dennis E.
Carroll, Michael A.
Carroll, Peter J.
Carstens, Roger W.
Carter, George H., III
Caruthers, Ernest L.
Casey, Louie C., Jr.
Caspero, John F., Jr.
Castro, Ralph G.
Cauthen, William R.
Chambers, Robert M.
Chancellor, Jason J.
Chapman, Donald R.
Chase, Scott M.
Chastain, Jeffrey M.
Chernow, Robert L.
Choate, Don W.
Christensen, Daniel W.
Christian, George F.
Cibula, James L.
Cinniger, Ronald E.
Cladek, Edward A.
Clark, James J.
Clark, Raymond M.
Clark, Robert M.
Clark, Tony F.
Clayton, William B., III
Clough, David C., Jr.
Clow, Gordon H.
Coffey, Thomas E.
Coker, Charles C.
Colasurdo, Michael M.
Cole, Harold L.
Coleman, Glenn W.
Collet, Malachy J.
Collins, Joseph P.
Colvin, James G., II
Comeau, Charles R.
Conger, Richard B.
Conlon, James D.
Conner, Douglas B.
Connolly, Thomas J.
Connolly, Thomas J.
Connors, William J., Jr.
Cooper, Herman A., Jr.
Cooper, John B., Jr.
Corcoran, George J., III
Costarakis, Dennis A.
Costenbader, David L.
Coulson, Allan R.
Covan, James P.
Crawford, John G., Jr.
Crescenzo, Thomas A.
Crooks, David R.
Crow, Lewis N.
Culton, Gary L.
Curcio, Franklin A.
Curtis, Nelson G., Jr.
Cutillo, Richard T.
Cutter, Douglas B.
Daley, John J.
Daley, Paul P.
Dambaugh, John A.
Dandrea, James J.
Daniels, Franklin L.
Daniels, Joseph H.
Danis, Norman F., Jr.
Davidson, David R.
Davies, John G.
Davis, James M.
Davis, James E., Jr.
Dawson, Lawrence H.
Day, Tommie R.
Degolian, Felix E., III
Delapena, Federico A.
Dempsey, William J.
Denning, Richard G.
Denny, Glenn D.
Derman, Donald A.
Despres, Joseph A.
Dettmer, John J.

Devine, John J., Jr.
Devito, Joseph P.
Devlin, Duke P.
Dewolff, Maurice K.
Dickinson, Lawton R.
Dienstl, James I.
Dillon, Kevin L.
Dipuppo, Michael T.
Dittman, Stephen J.
Dixon, Ronald R
Dixon, Thomas L.
Dobeck, Richard H.
Dobey, Patrick L.
Dodge, Henry T.
Dodge, Stephen A.
Dodrill, James B.
Dollarhide, David A.
Donalson, Robert C.
Donato, Brian J.
Dooley, Roy L.
Douglas, Lawrence H.
Dowd, James R.
Downey, Fenton T.
Doyle, Thomas E.
Drew, Ernest W., III
Drew, Michael T.
Dubois, John W.
Duda, Francis J.
Duda, Walter F.
Duffy, Thomas E., Jr.
Duncan, "L" "G" Earl
Dunn, Marvin G.
Dunn, Stephen M.
Dupuis, Louis P.
Durand, John E.
Dusio, Vincent, Jr.
Dyer, Charles A.
Eagan, Rex
Eatman, George T.
Eaves, Beuford A.
Eimas, Richard
Eldred, John L.
Elliott, Jesse R., Jr.
Elliott, Johnny L.
Elzie, Johnny L.
Embree, John T.
Emerson, John M.
English, Larry R.
Enzmann, John P., Jr
Erek, Bruce C.
Erickson, James E.
Erickson, Richard P.
Ernst, Glenn C.
Erwin, Jerry W.
Estrada, Richard P.
Ettel, Edward E., III
Ewing, William H., Jr.
Fabre, Frank J., Jr.
Fagan, William A., Jr.
Falck, John N.
Fallon, William E.
Fantauzza, Charles B.
Farner, Conrad G.
Farr, Thomas A.
Fascher, Ronald G.
Fash, Robert E.
Fast, Alger G.
Fee, Richard A.
Feiden, Bart J.
Feldhaus, William R.
Felice, Ronald A.
Ferraro, Robert V.
Fink, Joseph H.
Fisher, Charles K.
Fisher, Kenneth L.
Fisher, William A., Jr.
Fitzgerald, William E., III
Fleming, Steven R.
Fleming, William B., Jr.
Flint, Garth K.
Floyd, James G.
Foerster, Bruce S.
Fogarty, Thomas V., Jr.
Foody, Richard R.
Forbes, Ervin G., Jr.
Foster, Charles W., III
Foster, James W.
Foster, John D.
Foster, Vincent E.
Fowler, Robert M.
Fowlkes, Hobart V.
Fox, James C., Jr.
Fox, Thomas F.
Frazier, John T.
Fredrickson, Robert B.
Freed, Donald D.
Freeman, Elliott R.
Frey, Michael M.
Friedrich, William G.
Gabala, James A.
Gadeken, Arlan D.
Gagin, Robert C.
Gallagher, Thomas V.
Gallagher, William R., Jr.
Gamble, Thomas E.
Gamboa, Jose C.
Garber, John W., Jr.
Garrett, Robert L., Jr.
Garthner, John P.
Gartland, John C.
Gast, Richard A.
Gaston, Hartley R.
Gates, Charles R.
Gause, Gerald E.
Geer, Richard W., Jr.
Genett, Gerold A.
Gentle, Marvin G.
Georgius, David R.
Getty, Charles A.
Gierman, Michael J.
Gilbert, Franklin B.
Gilbert, Rodney C.
Gilmore, Charles P.
Gin, Steven
Giovinazzi, Felix A.
Glad, Howard E.
Gleason, Ronald G.
Godbout, Robert M.
Godschalk, David R.
Gohstand, Robert
Goldman, Harold J.
Goodman, John E., II
Goodman, Marvin C.
Goodrich, Freeman R.
Gorman, Daniel J.
Gorski, Raymond H.
Gosnell, Charles E.
Gost, Evans G.
Goudy, Ronald C.
Graham, Charles R.
Grant, David R.
Grant, Frederick E.
Gravereaux, Stephen P.
Graves, Kenneth E.
Graves, Roy D.
Green, John M.
Greene, Kenneth C.
Greenwood Jeffrey G.
Gresco, William J.
Griesser, Robert H.
Griffin, Clayton R.
Griffitt, Larry L.
Grzybowski, Robert W.
Gulyas, Paul J.
Haag, Philip G.
Hackett, Donald E., Jr.
Hager, Dennis L.
Hallack, Milo J.
Haller, Robert K.
Hallowes, David M.
Hamm, Myron G.
Hammond, Corey R.
Hammond, Michael M.
Hankins, Leonard S.
Hannsz, Donald A.
Hansen, Christian L.
Hansen, Robert H.
Harder, Henry L.
Hargrove, Robert J.
Harig, William H.
Harpole, Homer J., Jr.
Harrington, James J.
Harrington, Robert L.
Harris, Carroll N., Jr.
Harris, David A., Sr.
Harris, David L.
Harris, Jack C.
Harris, Jerry L.
Harris, John R.
Harris, Murray S.
Harris, Norman G.
Harris, William A.
Hart, Jeff R.
Harvey, Carl R.
Harvey, French B., Jr.
Haslett, Donald B.
Hass, Michael J.
Hassel, James A., Jr.
Hatchel, James L.
Haugh, Louis J.
Haushalter, William H.
Hawke, William W.
Hawkins, Vaughan A.
Hayes, William J.
Haynes, John S.
Heath, Jeffery M.
Hedges, Jerry W.
Heidt, Edward A.
Heine, Joel K.
Hendricks, James T.
Hennessey, Michael
Herbert, Donald V.
Hereford, Robert E., Jr.
Hernandez, John R.
Herndon, Albert A., Jr.
Heroux, Pierre J., Jr.
Herriott, Robert P.
Hess, Larry E.
Hester, Gerald G.
Hibbits, John G.
Hiddleson, Don E.
Hiddleston, Roger L.
Hile, Howard B.
Hill, Charles L.
Hill, Gary C.
Hilliard, Robert M., III
Hing, Dale L.
Hobbs, William H.
Hoehing, Herbert O.
Hoffman, Calhoun E., III
Hoglund, Ervin N.
Hollett, Grant T., Jr.
Holloway, Lauris M.
Holmes, John M.
Holmes, John M.
Holmes, William W.
Holsenbeck, Daniel C.
Holzapfel, Alan K.
Hooper, Robert M.
Hopson, Bennie R.
Horan, James J.
Horning, Ralph H.
Horton, Douglas J.
Hougham, Ronald L.
Houk, Thomas L., Jr.
Houston, John G., Jr.
Howard, Thomas K.
Howells, Gary N.
Hrabak, Larry P.
Hudson, Hannis H.
Hudson, Thomas E., Jr.
Hufford, Philip T.
Hughes, Arthur C.
Hughes, Charlie B., Jr.
Hughes, Thomas W.
Hughes, Wilburn R.
Huhta, Arthur O., Jr.
Hulick, Timothy P.
Hullett, William E.
Hulun, Ralph J.
Hunt, James V.
Hunter, James G.
Huntington, Solomon P.
Huptich, Arthur W., Jr.
Hurst, Richard D.
Husmann, Edward C., Jr.
Hutton, Calvin L.
Ingersoll, Frederick T.
Ingram, John G.
Ingwersen, John L.
Isenberg, Michael T.
Israel, David O.
Jackson, Robert J.
Jacobsen, Orval E., Jr.
Jernberg, Williard R.
Jobe, Jerry L.
Johnsen, William A.
Johnson, David K.
Johnson, Leonard E., Jr.
Johnson, Michael L.
Johnson, Ralph B.
Johnson, Richard L., Jr.
Johnson, Weston M., II
Johnston, James R.
Jones, Earle W., Jr.
Jones, Jerry H., III
Jones, Jimmy L.
Jones, Martin J.
Jones, Richard T.
Jordan, James H., Jr.
Jordan, James R.
Jordan, Larry H.
Kaiser, James F.
Karlsson, Carl R.
Keasler, Warren K.
Keelean, John S.
Keeling, Robert A.
Keeney, Malcolm S.
Keller, William R.
Kelley, Gregory P.
Kelley, Joseph F.
Kelley, Richard H.
Kemp, Thomas L., III
Kempf, John C., Jr.
Kendall, Paul C.
Kenny, Frank J.
Kenny, Michael F., Jr.
Kerwick, Richard P.
Kettelhodt, Henery R.
Kimberling, Stephen M.
Klaas, John E.
Klein, Melvin W.
Kleinbauer, Horst
Klemmer, Robert C.
Klocek, Kenneth D.
Koch, Robert C.
Koeneman, Gary D.
Koerber, Keith G.
Kohler, David C.
Kolb, Roger D.
Kolgen, Peter J.
Komar, James J.
Koniuto, Roger F.
Koons, Edwin R.
Kornahrens, Edward F., Jr.
Kortuem, Jerome M.
Krahe, Joseph A.
Kramer, Lee C.
Kristiansen, Walter K.
Krivan, William R.
Krizek, John L.
Krueger, Roger D.
Kruger, Fred E., Jr.
Krup, Leonard G.
Kuhl, Russell W.
Kuhs, John M.
Lambden, William J.
Lambdin, Philip E.
Lambert, Francis R.
Lambert, Ray B., Jr.
Landgrebe, James H.
Landherr, William J., Jr.
Lang, Gerald T.
Lang, William A., II
Lange, Walden A.
Langlois, Paul M.
Larlick, Edward J.
Laroche, Gerald E.
Larson, Donald H.
Lashley, James E.
Lawrence, David W.
Leary, Robert A.
Ledanois, Andre H.
Lee, James W.
Lee, Richard D.
Lee, William A.
Lees, Richard W.
Leonard, Emery S., Jr.
Letter, Thomas M.
Levicki, John S.
Lewis, Gordon P.
Lewis, Jerry H.
Lewis, Joseph D.
Lewis, Thomas W., II
Lienhard, John B.
Liles, Gary B.
Lilley, Roy S.
Lindell, Carl A.
Lindeman, Jon B.
Lindsay, George H.
Linko, Stephen E.
Linton, Sidney E.
Lipscomb, David
Littrell, Frank K., Jr.
Locke, Richard E.
Long, Gaeton A.
Long, William K.
Lopezcepero, Henry
Love, John J.
Lowes, Glenn S.
Lowry, Edward R., Jr.
Luethy, Walter E.
Luetschwager, Wilbert L.
Lutz, Lary G.
Lynch, Richard H.
Lytikainen, Robert C.
Mabry, Alanson H.
MacDonald, Jerry D.
Machalleck, Michael D.
MacInnis, James A.
MacKenney, William B., III
Maetzold, Dennis F.
Mahon, Roy O., Jr.
Malicki, William J.
Mall, Phillip J.
Man. Robert M., Jr.
Manning, Kenneth P.
Mantegna, Carl J., Jr.
Marcantonio, Alfred L.
Markoff, Nicholas S.
Marsh, Charles L., Jr.
Martin, Barry J.
Martin, Richard L.
Martin, Robert K.
Marting, Neil W.
Maruszewski, Richard F. Jr.
Mason, Marvin H., Jr.
Mason, Ronald A.
Massey, Ralph E.
Matlock, Richard E.
Mattingly, William H.
Mauser, William J.
Maxwell, Neil L.
May, Donald R.
May, Donald L.
McAleer, Anthony D.
McAlister, Donald L.
McBride, James R.
McCann, William J.
McCanna, Clarence E.
McClammy, Robert K. K.
McClung, Bernard D.
McCluskey, Kenneth A.
McDaniel, Robert B.
McDermott, Richard A.
McDonald, Duran G.
McDonald, Michael B.
McGinnis, Dennis R.
McIvor, Bruce H.
McKinley, William E.
McLaughlin, George T.
McLaughlin, Robert H., Jr.
McLendon, Dana C., Jr.
McMahan, Paul D.
McMahon, James P.
McMorrow, Martin J. K.
McMullen, Richard J.
McNeely, Larry J.
McNeil, Malcolm F.
McPartlin, Raymond P.
McPherson, Luther F., III
McPherson, Dale L.
Meckley, Thomas A.
Meclearly, Read B.
Meeker, Ronald K.
Megna, Anthony J.
Mercer, David C.
Merritt, David B.
Mesaros, Eugene J.
Messner, Hugh F.
Metcalfe, James A.
Metres, Philip J., Jr.
Mickelson, Charles A.
Mickler, Regar
Middleton, Phillip L.
Mier, Michael D.
Miles, Lewis N.
Miles, Thomas T.
Millar, Dodd R.
Miller, Charles G.
Miller, Charles S.
Miller, Jay R., Jr.
Miller, John K.
Miller, Thomas G.
Miliken, Jeffrey A.
Milliman, Arthur S., Jr.
Mitchell, Michael G., Jr.
Mitchell, Reginald P. Jr.
Mitchell, Russell J.
Momot, David E.
Montgomery, Richard B.
Moore, Donald G.
Moore, James G., III
Moore, Michael D.
Moore, Rueben E., Jr.
Moore, Thomas E.
Morgan, James P.
Morgan, Richard K.
Morrell, Charles E., Jr.,
Morrill, James P.
Morris, Larry A.
Morrow, George E.
Morrow, James J.
Moseley, Donald L.
Moskoff, Leonard M.
Moynihan, Daniel J., Jr.
Mumaw, John J.
Murdoch, Truxtun A.
Murphree, Edwin K.
Murphy, Marvin E.
Murphy, Paul V.
Murray, Michael A.
Murtha, David D.
Mussler, Hans K.
Myers, James C.
Narsico, David P.
Nason, Merton D., III
Nass, Ronald L.
Nathanson, Andrew J.
Navarre, John E., Jr.
Nazaroff, David F.
Neiner, Bruce R.
Nelson, Leonard M.
Nichols, Douglas R.
Nielsen, Robert C.
Nier, Charles L.
Niles, Wendell E., Jr.
Nilson, Richard D.
Nixon, John R.
Nolen, Darrell W.
Norrell, Robert F.
North, William L.

Novak, Stuart M.
Nugent, Thomas H.
Nunn, Paul G.
Oatley, Donald F.
Oberdorfer, Anthony H.
Oberheu, David M.
O'Brien, Andrew J., Jr.
Odell, Jack D., Jr.
Odenwelder, John M., Jr.
O'Hara, Ramon D.
O'Kelley, Robert V.
O'Leary, Arthur J.
O'Leary, Daniel J.
Olliges, Lawrence J., Jr.
Olmstead, James R.
Oltmann, Stephen D.
O'Neil, Stephen R.
O'Neill, John M.
Ortlieb, Alfred A.
Ottone, Richard M.
Pace, Robert B.
Pagano, William J.
Palmer, Thomas A.
Parks, Gary L.
Parsons, Kent
Partrick, Robert E.
Pasichnyk, Paul
Pasko, William W., Jr.
Pate, James W., Jr.
Patience, Wesley F., Jr.
Patterson, John L., II
Patton, James H., Jr.
Paulino, Richard G.
Paulsen, Fredrik B.
Pavese, Douglas J.
Pease, Albert L.
Peck, Douglas E.
Pedrick, Daniel W., IV
Peinemann, Myles A.
Pemberton, Barth H.
Penn, William L.
Pepper, Joseph F.
Perry, David C.
Peterson, Douglas D.
Peterson, Harold A.
Pettersen, Erik G.
Pharr, Ronald W.
Phelps, Edwin R., III
Pinkos, Julian J.
Pipkin, Richard M.
Pirnie, Morgan S.
Plager, George G.
Plumb, Joseph C.
Poffenberger, Larry D.
Porter, William M.
Poust, Roy N.
Powers, Michael H.
Powers, William T.
Prather, Russell T.
Premeaux, Gordon R.
Prendergast, Finis H., Jr.
Prentice, Warren L.
Prentiss, Frank A.
Price, Lionel F.
Price, Marion S.
Prince, Warren E.
Prochnow, James E.
Pullen, James L.
Pursley, Charles R.
Quale, Gareth D.
Quinn, Joseph T.
Quirk, Richard G.
Quirk, Thomas F., Jr.
Rader, Ronald H.
Raffo, Thomas G.
Rakowski, William J.
Ranalli, Michael P.
Rathbun, Charles J.
Ratliff, James R.
Rawding, Henry C.
Ray, Gerald L.
Redden, Barney J.
Redfearn, Richard W.
Redfield, James W.
Reed, Emile L., III
Reed, Seaton A., Jr.
Reed, William C.
Rees, Richard W.
Reese, Dennis F.
Remus, Fred E.
Rhen, John P.
Rhoads, Murphy D.
Rhodes, William D.
Rice, Ronald E.
Richards, Donald K.
Ricks, Blair C.
Riese, Gary W.
Riggins, Freddie, Jr.
Risley, Ronald W.
Rivers, Jere W.
Robbins, Albert H.
Roberts, Paul D.
Roberts, Thomas A.
Roberts, William B.
Robertson, Bobby L.
Robinson, John J.
Robinson, Robert J.
Roche, John R.
Rock, Paul R., Jr.
Rosdahl, Robert E.
Rozic, Joseph T.
Rudy, Michael R.
Rumely, Peter K.
Ryals, Orley G.
Ryan, Edward J., Jr.
Saddington, William G.
Sadowski, Edward S.
Saiki, Kenneth T.
Sailer, Martin W., Jr.
Salemi, Anthony J.
Salkeld, Stephen A.
Salley, Leonard B.
Samtmann, David G.
Sanborn, Donald R., Jr.
Sandquist, Gary M.
Santopietro, Thomas V., Jr.
Sarachene, John G.
Savage, Donald W.
Savard, Arthur E.
Schanson, Conrad W.
Scheerer, Kenneth J.
Schelling, Frank R.
Schilling, Robert A.
Schineller, Paul A.
Schmidt, Robert E.
Schnabel, Randolph E.
Schneider, Michael W.
Schoemer, James R.
Schroeder, Kurt C.
Schroeder, John F., Jr.
Schubarth, Paul T.
Schubert, Albert E.
Schuhle, John E.
Schulenburg, Robert W.
Schult, Richard W.
Schultz,, Henry F.
Schutze, Stephen A.
Schwab, Martin J., Jr.
Schwarzkopf, Albert B., III
Schwemm, Henry C., Jr.
Scofield, Robert A.
Scott, Gerald W.
Seaman, Richard E.
Sears, John W.
Seaton, Eugene D.
Secrest, Glenn J.
Sedor, Stephen M., Jr.
Sego, Peter D.
Seifert, Philip M., Jr.
Selden, Thomas L.
Sensoli, Joseph A.
Sergio, Theodore G.
Setman, George L., Jr.
Sexsmith, Gerald T.
Shafer, Elwood L., Jr.
Shannon, Alan R.
Sharp, Lawrence R.
Sharpe, David E.
Shaughnessy, William K.
Shaw, James A.
Shefchik, Gerald C.
Shelby, David C.
Shelton, Wesley W., Jr.
Shepard, Donald W.
Shepherd, Edward P.
Sheppard, Gerald R.
Sherwin, George R.
Shintani, Donald T.
Shivers, Samuel R.
Shull, James M., Jr.
Sightler, Carl L.
Simmons, Robert A.
Sinclair, Donald P.
Singer, Max D.
Sisca, Ronald R.
Sisson, Harold D., Jr.
Sitten, Luther F.
Skeen, David R.
Sleeper, Thomas E., Jr.
Sletmoe, Brent P.
Sligh, Clarence O.
Slovacek, Richard E.
Smith, Alan B.
Smith, Albert N., Jr.
Smith, John J.
Smith, John L.
Smith, Kevin M.
Smith, Michael R.
Smith, Robert E.
Smith, Robert I.
Smith, Robert F., Jr.
Snipes, Thomas F.
Sofge, Charles T.
Soran, Patrick D.
Sours, Martin H.
Spence, Charles H., Jr.
Spencer, Gerald L.
Spencer, Robert E.
Spetrino, David A.
Spiezio, Salvatore T.
Springer, Marvin R., II
Stabile, Robert A.
Stacy, Charles H.
Stanley, Frank S.
Stanley, Jones H.
Stapleton, Donald R.
Starnes, Billy W.
Stebbins, Melbourne A.
Steenwerth, James K.
Stein, Thomas F.
Steiner, Frank G.
Steiner, Reece W.
Stephens, Ronald C.
Sternberg, Daniel M.
Steudel, Edward M., Jr.
Stewart, James L.
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Stewart, Olen C. Jr.
Stickney, John M.
Stimis, John G.
Stokes, David L.
Stone, Charles E., Jr.
Stone, John F.
Stone, Peter L.
Storc, John F.
Storck, Theodore S.
Stout, Floyd T., Jr.
Strachan, Robert
Strandberg, Josiah R. W.
Strickland, Thomas H.
Strudas, Alan J.
Stubblefield, Jere D.
Stucki, John H.
Suarez, Edward I.
Suddath, Jewel J., Jr.
Suggs, Robert C.
Sullivan, Allyn F., Jr.
Sullivan, David J.
Sullivan, John E., Jr
Surles, Oliver S.
Swartz, Thomas J.
Swearengen, Thomas V.
Sweet, Charles P.
Sweet, Ronald S.
Tackett, Theodore T.
Talbot, John H., Jr.
Tanner, David E.
Taylor, James A.
Taylor, Randolph W.
Taylor, Thomas A.
Tchinski, John J., Jr.
Tedesco, Paul A.
Teller, Donald E.
Theodore, Michael G.
Thiel, Douglas J.
Thiel, Stephen P.
Thomas, David P.
Thomas, Jack E.
Thomas, William H.
Thompson, George F.
Thompson, Guy B.
Thompson, James G.
Thur, James A.
Tibodeau, James L.
Timm, David R.
Tinker, Malcolm H., Jr.
Tkach, George K., III
Toczek, Thomas R.
Tolbert, Otis
Tollison, Alfred C., Jr.
Tomek, George W., Jr.
Torbeck, Eugene K.
Tracy, Joseph F.
Trease, Charles J., Jr.
Trumpler, Richard P.
Tucker, Thomas L.
Tudor, Frederic, Jr.
Turbeville, John E.
Turner, James E., Jr.
Turpin, Robert
Underhill, James B.
Underwood, Horace H.
Unroe, Jerry W.
Van Duzer, Roger E.
Van Zandt, Robert D.
Varelas, Constantine
Vaughters, James C.
Vaupel, George B.
Venovic, John A.
Volpe, Joseph R.
Von Richter, Frank C., III
Vorse, James Y.
Waddell, Daniel W.
Wade, Michael S.
Wade, Robert E., Jr.
Wagoner, Jon D.
Waldron, James E.
Walker, Jeffrey K.
Wallach, John S.
Walton, John W., III
Wanjura, Donald F.
Ward, Michael W.
Ward, Robert C.
Ward, Ronald G.
Warlick, Joseph D.
Warnes, Philip G.
Washbush, John B.
Waskom, John B., IV
Wass, Leonard R.
Watson, Mitchell L.
Watts, Robert E., Jr.
Weatherman, Joe H.
Weaver, Thomas D.
Webb, Bert J.
Webb, Dean O.
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Wefald, Robert O.
Weihaupt, John G.
Weinberger, Robert G.
Weissinger, John L.
Wellington, Graham P.
Welter, Gerald R.
Wertalik, Charles S.
Westerfield, John H., Jr.
Wheelin, Thomas K.
White, Robert E.
Whitmore, Robert C.
Wick, Eric J.
Wickman, Orris L.
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Wilkinson, Richard D.
Williams, Edward R.
Williams, Frederick L.
Williams, George H.
Williams, Hazael J., Jr.
Williams, Robert S.
Williamson, James K.
Willie, Charles L.
Williford, William B., III
Willig, Richard A.
Wilson, John H., Jr.
Wilson, Walter R.
Wise, Harold R., Jr.
Workman, Ellery C., Jr.
Wrenn, John P.
Wright, John S., Jr.
Wright, Romuel C.
Wyman, Robert D.
Yap, Melvyn M. L.
Yeatts, Gary C.
Yee, Andrew K. C.
Yost, Don R.
Young, Brian A.
Young, Gary W.
Young, Gerry A.
Young, Robert A.
Young, Terrence J.
Zann, Richard L.
Zech, Gary G.
Zeigler, Robert W.
Ziamandanis, John J.
Zickafoose, David R.
Ziegler, Samuel R., Jr.
Zimmerman, Ronald L
Zondorak, Charles J., Jr.
Zupko, George M.
Zurcher, James L.
Zych, John J.

IN THE NAVY

The following temporary commanders of the Naval Reserve for permanent promotion to that grade, pursuant to Title 10, United States Code, Sections 5783, 5911, and 5912.

LINE

Abrahams, Paul Frederick
Ackerman, Ronnie Joe
Aisthorpe, John Edwin
Arnold, Milton Eugene
Beisel, Robert Ellison Tingley
Belli, William Joseph, Jr.
Bertonneau, George Arnold
Bigley, Thomas Lee
Blake, Joseph Clinton, Jr.
Breece, James Philip
Brock, Leroy Karl
Burns, William Francis, Jr.
Carlson, Paul Ellwood
Cavanaugh, James Patrick
Coffman, Richard Leroy
Coltrin, William Andre
Cotter, Joseph Donald, Jr.
Dick, Warren Harvey
Dohner, David Edmund
Donohoe, Keith White
Elliott, Wilson William
Farren, John Joseph
Faulkner, Bennie Jack
Fendt, Otis Henry, Jr.
Fletcher, Robert
Flynn, William Keith
Forrestal, James Joseph
Foster, John Cantzon, Jr.
Foster, Robert George
Franklin, James Alton
Freise, William August
Ganun, James Vincent, Jr.
Gaukroger, James Gibson
Goodson, Ralph Eugene
Gorgas, Chester William
Gott, Carl Francis
Heitmanek, Robert Howell
Henderson, Jack Dwayne
Hesse, Francis Lester
Hulette, Paul Jennings
Hull, Ronald William
Jenkins, Larry Gerald
Jenks, David McCreight
Johnson, Bjarne Erie
Johnson, Raymond Hal, Jr.
Johnson, Robert Clay
Jones, Charles Wayne
Kallus, Ernest Richard
Kerr, William Benjamin
Kinzie, Larry Lee
Kiss, Joseph Theodore
Klug, Jack Gilbert
Kreiser, Alfred John
Kuruzovich, George

Lacey, James Meredith
Lakeway, Frederick Joseph
Larrick, Robert Dale
Litka, Adam Lane
Losa, John William
Lukinbeal, Donald Lee
Mansell, Philip Laurence
McCarthy, Eugene Joseph
McCloskey, Henry Francis
McCreedy, William Harry
McGary, Charles William
McGraw, Thomas Michael
McMahon, John Peter
Meeks, Harman Taylor
Metcalf, Conrad
Miller, Donald Emmett
Nelson, Bruce Richard
Nickerson, Guy Douglas
Nowak, Robert George
Olivari, Robert Joseph
Patterson, Charles Edward
Pencek, Edward Allen
Perrault, Robert Armand
Picker, Walter Warren
Pollard, Jerry Dale
Previ, Ronald William
Pritt, Myron Ray
Reed, Robert Arthur, II
Rener, Richard Harry
Rouze, Glen Erwin
Salvatore, Anthony Joseph
Sargent, Joel "A"
Segrest, Joe Edward
Sidner, Gerald Barton
Sobieray, Edmund Steven
Staub, Bernard Francis
St Martin, Roy Joseph, Jr.
Streets, Richard Reed
Thompson, Ronald Rae
Vallee, Robert Paul
Wagner, Thomas Charles
Warner, Joseph Edward
Webb, Robert Earl
Webb, Robert Williams, III
Wesenberg, William Walter
Westall, Charles Laverne
Whitfield, James Barker
Williams, David Michael
Wilson, Joe Hardin
Yeager, Thomas David

SUPPLY CORPS

Clemons, James Thomas
Elliott, Richard Edward
Kopp, James Edgar
Zabrycki, Edward Andrew

CHAPLAIN CORPS

Atwood, Theodore Oertel, Jr.
Beck, Richard Patrick
Bell, William Henry
Clark, Alfred Marion
Cooper, Lynn Dale
Dunks, Max Elwyne
Fuller, Ivan Richard
Gates, Edwin Alvin
McNeil, John Roland
O'Neil, Michael Peter
Radasky, Robert Michael
Roon, Albert Jay
Sawyer, James Douglas
Tidwell, Henry Austin, Jr.

MEDICAL SERVICE CORPS

Jenkins, Elmer Eugene

NURSE CORPS

Monaghan, Ellen Ann Marie

CONFIRMATIONS

Executive nominations confirmed by the Senate on May 14, 1979:

NATIONAL SCIENCE FOUNDATION

Eugent H. Cota-Robles, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1984.

Ernestine Friedl, of North Carolina, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1984.

Walter Eugene Massey, of Rhode Island, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1984.

David V. Ragone, of Michigan, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1984.

Edwin Ernest Salpeter, of New York, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1984.

Charles Pence Slichter, of Illinois, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1984.

Michael Kasha, of Florida, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1984.

Lewis M. Branscomb, of New York, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1984.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

CALIFORNIA DEBRIS COMMISSION

Brig. Gen. Norman G. Delbridge, Jr., [redacted] U.S. Army, to be a Member of the California Debris Commission, under the provisions of section 1 of the Act of Congress approved 1 March 1893 (27 Stat. 507) (33 U.S.C. 661).

MISSISSIPPI RIVER COMMISSION

Maj. Gen. Richard Lee Harris, [redacted] U.S. Army, to be a Member of the Mississippi River Commission, under the provisions of section 2 of an Act of Congress, approved 28 June 1879 (21 Stat. 37) (33 U.S.C. 642).

Maj. Gen. Louis Watkins Prentiss, Jr., [redacted] U.S. Army, to be a Member of the Mississippi River Commission, under the provisions of section 2 of an Act of Congress, approved 28 June 1879 (21 Stat. 37) (33 U.S.C. 642).

HOUSE OF REPRESENTATIVES—*Monday, May 14, 1979*

The House met at 12 o'clock noon.

The Chaplain, James David Ford, B.D., offered the following prayer:

Praise the Lord! Sing to the Lord a new song, his praise in the assembly of the faithful!—Psalms 149: 1.

Almighty God, who has made all peoples to dwell on this Earth, You have created us as one people. We testify to our diverse backgrounds and our differing needs, yet we, too, are conscious that each of us is the recipient of Your bountiful goodness.

As we rightly bear witness to our own concerns, may we above all else seek to serve the needs of all the people, for You have created us as one people, and in You do we trust. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 497. An act to extend the authorizations of appropriations relating to emergency medical services systems under title XII and section 789 of the Public Health Service Act; to increase the authorizations of appropriations for sudden infant death syndrome counseling and information projects and revise and improve authorities under title XI, part B, of such Act; and for other purposes;

S. 984. An act to provide the Secretary of Agriculture with authority to reduce marketing penalties for peanuts; and

S. 994. An act authorizing appropriations for the Federal Election Commission to distribute funds to the States for their costs in receiving, indexing, and maintaining reports required to be filed under the Federal Election Campaign Act, as amended.

ENACTMENT OF AIRLINE DEREGULATION ACT CAUSES DELTA AIR LINES TO DESERT MERIDIAN, MISS.

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **MONTGOMERY**. Mr. Speaker, as a result of the Airline Deregulation Act, Delta Air Lines will cease operations out of my hometown of Meridian, Miss., today after having served the community for 49 of the 50 years Delta has been in business. The first passenger ticket sold in Meridian by Delta was June 29, 1930.

My colleagues might like to know that since enactment of the Airline Deregulation Act, fares have been increased three times by the major airlines. However, all you hear about are the special gimmick fares which are available for only a few.

The Civil Aeronautics Board appears to be more concerned in appeasing Delta Air Lines and other major air carriers than protecting the rights and best interests of the flying public. The CAB has approved just about all requests of the major airlines to leave medium-size communities even though essential service will no longer be provided.

Mr. Speaker, when the Aviation Subcommittee of the Public Works and Transportation Committee holds hearings on the pullouts of airlines from

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

medium-size communities, they should also thoroughly investigate the actions of the CAB in administering the Airline Deregulation Act.

As I stated earlier, Delta Air Lines has deserted an old friend—my hometown—in a time of need and an old friend which has contributed to their profits for almost 50 years.

Mr. BRINKLEY. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to my colleague, the gentleman from Georgia (Mr. Brinkley).

Mr. BRINKLEY. Mr. Speaker, I know whereof the gentleman speaks. We have lost Eastern; and we have lost Southern from the medium-sized community of Columbus, Ga. When we call Delta for service, they are full and we cannot get out. Minimum services should certainly be considered very carefully by the CAB.

I thank my colleague.

HOUSE ACTED WISELY IN TURNING DOWN PRESIDENT'S GAS RATIONING PLAN

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, the President of the United States was apparently taken aback at the vote in the House on Thursday which killed the third rationing plan he had offered the Congress in the space of about a week.

I am also taken aback at his being taken aback. I cannot imagine why he failed to realize that the lack of resolution on the part of the administration in preparing, explaining, and supporting its own rationing plan would, at the very least be confusing to the House. Certainly there were many Members who had no idea of what in the world they were voting for, except that it carried the prospect of another onerous and expensive Government operation.

I also suggest that if the President really thought he was being rational in his criticism of the House, then he must have had something more in mind for this proposal beyond the standby plan that it was touted to be.

As a matter of fact, I cannot imagine anybody rationally being upset that the old standby plan did not pass, and then refusing to work with the Members and leadership of the House and Senate to try to get another standby plan, unless he really intended to put that plan into operation.

I just suggest that possibly the House was very wise in voting down that plan. If it had not done so, I think we very quickly would be faced with the likelihood of implementing a plan that would cost $2 billion a year just to take care of a 2-percent shortage.

The House did not act in a shortsighted and parochial manner, as some have suggested. On the contrary, it was being asked to approve a bad plan on the specious argument that it was better than no plan. Again, I suggest that it would have been like using a sledge hammer to drive home a carpet tack.

A TRIBUTE TO CHARLES W. FRANKEL

Mr. BRADEMAS. Mr. Speaker, I take this time to voice my own profound sympathy at the tragic deaths last week of two distinguished citizens of our country, Charles W. Frankel, and his wife, Helen Lehman Frankel, in senseless murders in New York.

Mr. Speaker, Charles Frankel was an outstanding scholar. At the time of his death, he was on leave as Old Dominion professor of philosophy and public affairs at Columbia University where he had taught since 1939.

He was president and founder of the National Humanities Center, Triangle Research Park, N.C., an institute organized for the study of history, literature, philosophy, and the arts.

A Guggenheim fellow in 1953 and 1954 and Fulbright professor at the University of Paris during those years, Dr. Frankel was author of a number of books, including "The Faith of Reason" in 1948; "The Case for Modern Man" in 1951; and "High on Foggy Bottom" in 1969. During President Johnson's administration, Charles Frankel served as Assistant Secretary of State for Educational and Cultural Affairs.

Mr. Speaker, I was privileged to know Charles Frankel and to count him as a friend. Indeed, all who knew him will deeply regret the tragedy that has befallen an outstanding citizen of our country and his wife.

I insert at this point in the Record an editorial published in the Washington Star:

Charles Frankel

There was a striking contradiction between Charles Frankel's professional life, and the way he was killed last week.

Dr. Frankel, his wife Helen and two persons in a neighboring Westchester County household were the apparently random victims of armed burglars whose violence has mystified investigators. The legal act was a perfect example of criminal irrationality—the kind of behavior that wars with civilization.

Dr. Frankel was a man of reason, and of civilized reaction to the unrulier intrusions of a messy world. Countless former Columbia students remember him as a witty and open-hearted professor who introduced them to the range of philosophic thought. He spoke and thought with lucidity about anything that interested him—a broad field that he saw as "the pleasure of being a philosopher."

But he tended to concentrate unassumingly on the uses of human rationality, and the need for freedom to pursue the life of the mind. A sample: "To believe in reason is only to say that it is a better servant of the passions than wishful thinking, unexamined traditions, personal intuition, or blind faith; that men will be disappointed by it less frequently; and that they will be able to bring more harmony into their passional life with its help than with the help of other methods. For other methods generally turn out to be simply excuses for letting one passion ride roughshod over all the others."

In one of his leaves from the Morningside Heights campus where he started teaching in 1939, he served here for two years of the Lyndon Johnson administration as assistant secretary of state for educational and cultural affairs, and wrote about the experience amusingly in *High on Foggy Bottom.* He quit in unhappiness about Vietnam, but with characteristic understanding of people with whom he disagreed, and respect for confidences. Of his parting words with Secretary Dean Rusk: ". . . I have never had a more reasonable or temperate conversation about the war with any man. . . ."

It's a shame to lose Dr. Frankel's good company earlier than we had to, and in such a senseless way.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks respecting the lives and careers of the late Professor and Mrs. Frankel.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

A RESPONSE TO THE THREAT OF PANAMA'S PRESIDENT ARISTIDES ROYO

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, Panama President Aristides Royo issued an ultimatum to our President and to the House of Representatives last week.

He told President Carter that no one could tell how Panamanians would react to House defeat or amendment of implementing legislation for the Panama Canal Treaties, and that he himself would be out in front of his people if they rioted against U.S. action in the Canal Zone.

It is a shame that President Carter did not take the opportunity to tell President Royo that it is his as well as the responsibility of Congress to stand up for the best interests and the national security of the American people—not to back down on that solemn obligation under pressure or intimidation from any foreign potentate.

President Carter could also have noted to President Royo that if American lives or property are threatened by a rioting brigade, the one at the head of the column would be the first to get shot.

When will our own leaders stand up and answer without shame the bellicose tirades of such as Panama's President Royo?

PERSONAL EXPLANATION

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, on May 4, 1979, I was absent from the floor of the House of Representatives. Had I been present, I would have voted in the following fashion:

Rollcall No. 120, H.R. 39: Alaskan lands. The House agreed to the rule (H. Res. 243) under which the bill is being considered, "yes."

SURVEY OF HOSPITALS AND HEALTH CARE FACILITIES IN FIRST DISTRICT OF NEBRASKA

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, today I would like to share with my colleagues the results of a survey I have taken of hospitals and health care facilities in the First District of Nebraska. I think you will find those results stunning, as I did. I asked the hospitals and health care facilities to estimate the costs of implementing and maintaining the system for hospital uniform reporting—SHUR. As you recall, HEW proposed SHUR regulations under the Medicare/Medicaid Anti-Fraud Amendments of 1977.

In effect, SHUR mandates a uniform accounting system of hospitals nationwide. This is what I found: the hospitals in my district estimate an average cost of more than $38,000 each just to implement the accounting system. To maintain the system, the hospitals estimate an average cost of $54,000 a year.

One hospital alone—Lincoln General, a 265-bed facility in Lincoln—estimates that complying with the regulations will cost $141,000 a year. Butler County Hospital, a 35-bed facility in David City, estimated that the regulations will result in an additional $7.32 per day to each patient's bill. I cannot believe that this is what Congress intended when it passed the antifraud amendments. The regulations may indeed be more costly to consumers than the fraudulent practices they aim to control. Ironically, these costly regulations come at a time when hospitals are being told to hold down costs.

THE PRESIDENT ACTS PETULANTLY

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, it seems to me the President of the United States last week acted in a very unpresidential manner. He was actually rather petulant about what this body did. I do not know whether he said we were ostriches or peacocks, but he said that three-fifths of this House had their heads in the sand and that we acted "local and/or parochial."

It seems to me each of us is elected from our own parochial local districts to come here and express the views and vote the convictions of a majority of our constituents. I do not think the President acted very presidential, frankly. He was purely political when he said, "Do you know that 90 percent of the Republicans voted against this standby authority?" He always neglects to say that this House has a 2 to 1 majority of his own party and can pass anything he really wants. He continues in the posture that this American community should learn to live with the scarcity, live with the shortages, and, therefore, pass legislation like the 55-mile-per-hour speed limit, turn back the thermostats, carpool, and ration rather than go in the direction of new sources of energy to solve the problem to get away from our dependence on unstable foreign sources in the OPEC nations.

Mr. Speaker, I think it is time that the President started cooperating in seeking new sources of energy rather than teaching the public to live with the scarcity of it.

□ 1215

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated and after those motions, to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

FINANCIAL DISCLOSURE TECHNICAL AMENDMENTS

Mr. DANIELSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2805) to make technical and conforming changes to the financial disclosure provisions in the Ethics in Government Act of 1978, as amended.

The Clerk read as follows:

H.R. 2805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

REFERENCE TO ACT

SECTION 1. Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Ethics in Government Act of 1978.

TEMPORARY EMPLOYMENT

SEC. 2. (a)(1) Section 101(c) is amended by inserting before the last sentence the following sentence: "The provisions of the preceding sentence shall not apply to an individual who, as determined by the designated committee of the Senate or the designated committee of the House, as appropriate, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if he performs the duties of his office or position for more than sixty days in a calendar year, the report required by the preceding sentence shall be filed within fifteen days of the sixtieth day."

(2) Section 201 is amended by adding at the end thereof the following new subsection:

"(h) The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—

"(1) the report required by subsections (a) and (b) shall be filed within fifteen days of the sixtieth day, and

"(2) the report required by subsection (e) shall be filed as provided in such subsection.".

(3) Section 301 is amended by adding at the end thereof the following new subsection:

"(f) The provisions of subsections (a) and (d) shall not apply to an individual who, as determined by the Judicial Ethics Committee, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—

"(1) the report required by subsection (a) shall be filed within fifteen days of the sixtieth day, and

"(2) the report required by subsection (d) shall be filed as provided in such subsection.".

(b) Section 101(b) is amended—

(1) by inserting "(1)" after "(b)";

(2) by inserting before the period the following: "if such individual is or will be such an officer or employee on such May 16"; and

(3) by adding at the end thereof the following:

"(2) Any individual whose employment as an officer or employee described in subsection (e) is terminated in any calendar year may be required—

"(A) under the rules of the House of Representatives, if such individual would, but for such termination, file a report with the Clerk pursuant to section 103(a), or

"(B) under the rules of the Senate, if such individual would, but for such termination, file a report with the Secretary pursuant to section 103(b),

to file a financial disclosure report covering (i) that part of such calendar year during which such individual was employed as such an officer or employee, and (ii) the preceding calendar year if the report required by paragraph (1) covering that calendar year has not been filed.".

(c)(1) Section 101 is amended by adding at the end thereof the following:

"(h) The designated committee of the House of Representatives, or the designated committee of the Senate, as the case may be, may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position for less than one hundred and thirty days in a calendar year, but only if such committee determines that—

"(1) such individual is not a full-time employee of the Government, "(2) such individual is able to provide services specially needed by the Government,

"(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

"(4) public financial disclosure by such individual is not necessary in the circumstances.".

(2) Section 201, as amended by subsection (a)(2), is amended by adding at the end thereof the following:

"(i) The Director of the Office of Government Ethics may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year, but only if the Director determines that—

"(1) such individual is not a full-time employee of the Government,

"(2) such individual is able to provide services specially needed by the Government,

"(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

"(4) public financial disclosure by such individual is not necessary in the circumstances.".

(3) Section 301, as amended by subsection (a)(3), is amended by adding at the end thereof the following:

"(g) The Committee may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to peform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year but only if the Committee determines that—

"(1) such individual is not a full-time employee of the Government,

"(2) such individual is able to provide services specially needed by the Government.

"(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

"(4) public financial disclosure by such individual is not necessary in the circumstances.".

GIFTS AND REIMBURSEMENTS

Sec. 3. (a)(1) Section 102 is amended by inserting after subsection (f) the following new subsection:

"(g) A report filed pursuant to subsection (a) or (b) of section 101 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not a Member or an officer or employee of the Federal Government."

(2) Section 202 is amended by inserting after subsection (g) the following new subsection:

"(h) A report filed pursuant to subsection (d) or (e) of section 201 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.".

(3) Section 302 is amended by inserting after subsection (g) the following new subsection:

"(h) A report filed pursuant to subsection (c) or (d) of section 301 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government."

(b)(1) Sections 102(a)(2), 202(a)(2) and 302(a)(2) are each amended by adding at the end thereof the following:

"(D) In an unusual case, a gift need not be aggregated under subparagraph (A) or (B) if a publicly available request for a waiver is granted".

(2) Sections 102(a)(2)(B), 202(a)(2)(B), and 302(a)(2)(B) are each amended by striking out the last sentence.

COVERAGE

Sec. 4. (a) Section 209 is amended—

(1) by striking out "and" at the end of paragraph (9),

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and "; and

(3) by inserting at the end the following:

"(11) 'executive branch' includes each Executive agency (as defined in section 105 of title 5, United States Code) and any other entity or administrative unit in the executive branch unless such agency, entity, or unit is specifically included in the coverage of title I or II of this Act.".

(b)(1) The last sentence of section 101(e) is amended by inserting "National Commission on Air Quality," after "Physician,".

(2) Section 103(b) is amended by inserting "National Commission on Air Quality," after "Assessment,".

(c)(1) Section 308(9) is amended by inserting "Court;" after "Customs Court;".

(2) Section 308(10 is amended by inserting "or of the Tax Court" after "Government".

(d) Subsections (b) and (c) of section 101, and subsections (a), (d), and (e) of section 201 are each amended by striking out "designated" each place it occurs and inserting in lieu thereof "described".

(e) Section 101(b) is amended by striking out "as described" and inserting in lieu thereof "described".

(f) Section 101(c) is amended by striking out "other than an individual employed in the legislative branch upon assuming such position" and inserting in lieu thereof ", other than an individual who was employed in the legislative branch immediately before he assumed such position,".

(g) Section 201(f)(6) is amended by inserting "or Postal Rate Commission" after "United States Postal Service" the second place it appears.

CANDIDATES

Sec. 5. Sections 101(d) and 201(c) are each amended by adding at the end thereof the following new sentence: "Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.".

INFORMATION RELATING TO SPOUSES

Sec. 6. (a) Sections 102(d), 202(e), and 302(e) are each amended—

(1) by inserting "gifts received by a spouse which are" in place of "gift which is" in paragraph (1)(B),

(2) by striking out in such paragraph "or a brief" and inserting in lieu thereof "and a brief",

(3) by inserting "reimbursements received by a spouse which are" in lieu of "reimbursement which is" in paragraph (1)(C),

(4) by inserting in paragraph (1)(C) "each such reimbursement." in lieu of "the reimbursement." and

(5) by striking out "spouse" and inserting in lieu thereof "spouse's" in paragraph (1)(D).

(b) Sections 202(e)(1)(D)(i) and 302(e)(1)(D)(i) are each amended by inserting a comma immediately after "knowledge of".

BLIND TRUST PROVISIONS

Sec. 7. (a) Sections 102(e)(3)(A), 202(f)(3)(A), and 302(f)(3)(A) are each amended by striking out "or a broker" and inserting "a broker, or an investment adviser".

(b) The last sentence of sections 102(e)(3), 202(f)(3), and 302(f)(3) are each amended by inserting "'investment adviser' includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts;" before "and 'supervising ethics office' ".

(c) Sections 102(e)(3)(A)(ii), 202(f)(3)(A)(ii), and 302(f)(3)A)(ii) are each amended by striking out "is or" and inserting in lieu thereof "is not or".

(d)(1) The sentence following subparagraph (D) of subsection (e)(3) of section 102 is amended—

(1) by striking out "section 78 of title 15, United States Code" and inserting in lieu thereof "section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4))", and

(2) by striking out "their reports" and inserting in lieu thereof "the reports".

(2) The sentence following subparagraph (D) of subsection (f)(3) of section 202 and the sentence following subparagraph (D) of subsection (f)(3) of section 302 are each amended by striking out "section 78 of title 15, United States Code" and inserting in lieu thereof "section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78(c)(4))".

(e) Subparagraphs (A)(ii) and (B) of section 202(f)(5) and subparagraphs (A)(ii) and (B) of section 302(f)(5) are each amended by inserting "of this section" after "subsection (d)".

(f) Sections 102(e)(5)(D), 202(f)(5)(D), and 302(f)(5)(D) are each amended by inserting the following before the period: "with respect to such documents and lists".

APPLICATIONS FOR INSPECTION OF REPORTS

Sec. 8. (a) Section 104 is amended by redesignating subsection (c) as paragraph (2) and by inserting after subsection (b) the following new paragraph:

"(c)(1) Notwithstanding subsections (a) and (b), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

"(A) that person's name, occupation, and address;

"(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

"(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.".

(b) Section 205(b) is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

"(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

"(A) that person's name, occupation, and address;

"(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

"(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.".

(c) Section 305(b) is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

"(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

"(A) that person's name, occupation, and address;

"(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

"(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.".

MISCELLANEOUS

SEC. 9. (a) Section 103(f) is amended to read as follows:

"(f) In order to carry out their responsibilities under this title, the designated committee of the House of Representatives, and the designated committee of the Senate, shall develop reporting forms and may promulgate rules and regulations."

(b) The first sentence of paragraph (6) of section 102(a) is amended by inserting "held" after "positions".

(c)(1) Section 102(b) is amended to read as follows:

"(b) Each report filed pursuant to subsections (c) and (d) of section 101 shall include a full and complete statement with respect to the information required by—

"(1) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

"(2) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

"(3) paragraph (6) and, in the case of reports filed under section 101(c), paragraph (7) of subsection (a) as of the filing date but for periods described in such paragraphs.".

(2) Section 202(b) is amended to read as follows:

"(b) Each report filed pursuant to subsections (a), (b), and (c) of section 201 shall include a full and complete statement with respect to the information required by—

"(1) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

"(2) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

"(3) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.".

(3) Section 302(b) is amended to read as follows:

"(b) Each report filed pursuant to subsections (a) and (b) of section 301 shall include a full and complete statement with respect to the information required by—

"(1) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

"(2) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

"(3) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.".

(d) Sections 107(1), 209(1), and 308(1) are each amended by striking out "net and gross income derived from business" and inserting "gross income derived from business (and net income if the individual elects to include it)".

(e)(1) Section 402(d) is repealed.

(2) Section 402(b) is amended—

(A) by striking out "and" at the end of paragraph (13);

(B) by striking out the period at the end of paragraph (14) and inserting "; and"; and

(C) by adding at the end thereof the following:

"(15) developing and recommending for promulgation by the Office of Personnel Management such rules and regulations as the Director determines necessary or desirable with respect to the evaluation of any item required to be reported by title II of this Act.".

(f) Section 204(c) is amended by striking out "Civil Service Commission" and inserting "Office of Personnel Management".

(g) Section 107(16) is amended by inserting closed quotation marks immediately after "Representatives" and inserting open quotation marks immediately before "designated committee of the Senate".

(h) Section 201(e) is amended by striking out "that calendar year" and inserting in lieu thereof "the calendar year in which such termination occurs".

(i) Section 201(g) is amended by striking out "established by title IV of this Act".

(j) Sections 102(a)(7), 202(a)(7), and 302(a)(7) are each amended by striking out the colon after "arrangement with respect to".

(k) Section 203(a) is amended by inserting after "is employed" the following: "(or in the case of an individual described in section 201(e), was employed)".

(l) Section 205(c)(1) is amended by striking out the comma immediately after "obtain".

(m) Section 206(a) is amended by striking out "shall be" and inserting in lieu thereof "is".

(n) Section 207(b) is amended by inserting a comma immediately after "require disclosures".

(o) Section 209(2) is amended by inserting a comma immediately after "grandson".

(p) Section 301(d) is amended—

(1) by inserting a comma immediately after "employee shall"; and

(2) by striking out "that calendar year" and inserting in lieu thereof "the calendar year in which such termination occurs".

(q) Section 302(f)(6)(B)(i) is amended by striking out the comma immediately after "paragraph (3)(C)" and inserting a comma immediately after "subsection".

(r) Section 303(c)(6) is amended by adding "and" at the end thereof.

(s) Section 402(b)(1) is amended—

(1) by striking out "consulation" and inserting in lieu thereof "consultation";

(2) by striking out the comma after "rules and regulations" the first place it appears; and

(3) by striking out the comma after "President".

(t) Section 108 is amended by inserting immediately after "by reason of" the following: "holding the office of Member or".

The SPEAKER. Is a second demanded?

Mr. MOORHEAD of California. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from California (Mr. DANIELSON) will be recognized for 20 minutes, and the gentleman from California (Mr. MOORHEAD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2805 provides for amendments to the Ethics in Government Act of 1978. This act requires that financial disclosure reports be filed by certain Federal officers and certain Federal employees. The law also sets up an Office of Government Ethics, revises the criminal code to strengthen prohibitions on postemployment conflict of interest, sets up procedures for the appointment of a special prosecutor, and creates the office of Senate legal counsel.

H.R. 2805 provides for amendments only to the first three titles of the Ethics in Government Act of 1978. These titles of the act require officials and top level employees of the legislative, executive, and judicial branches, along with certain candidates for Federal office, to disclose their income, assets, and financial transactions in annual reports which will be available to the public inspection.

The clarifications and corrections contained in H.R. 2805 were suggested to the House Committee on the Judiciary and the Senate Committee on Governmental Affairs by those, such as the Office of Government Ethics, who are charged with implementing the legislation. The need for the amendments came to light as preparations were being made for administering the law.

Many of the amendments contained in H.R. 2805 are purely typographical or grammatical in nature. In addition there are a number of other corrections which I will now explain.

Section 2(a) contains a clarification of the fact that initial and termination reports are not required of employees of 60 days or less. Those employees are exempted from filing regular reports and this amendment makes it clear that this exemption from reporting extends to all reports required by the act. In section 2(c) a procedure is set up so that part-time, special Government employees of between 60 and 130 days may obtain a public waiver of reporting requirements.

Section 3(a) of the bill provides that gifts and reimbursements received before an individual became an officer or employee need not be reported, since he would probably not have kept records of these before assuming office. Section 3(b) extends the current provision for obtaining a waiver on reporting tangible gifts to intangible ones, as was the intent of the conference during the 95th Congress.

Section 5 of H.R. 2805 makes it clear that a candidate defeated in an election need not continue to file under this act even if he maintains an election committee to raise funds to satisfy campaign debts.

The bill provides in section 7 that an investment advisor is a proper trustee of a blind trust and authorizes the relevant Ethics Committee to issue regulations defining an investment adviser.

Section 9(b) the bill clarifies the dates for determining thresholds and valuation for entrance reports. Section 9(d) provides that gross income from a business must be disclosed and makes disclosures of net income optional. Section 9(e) eliminates the requirement that the Office of Government Ethics issue regulations for determining fair market value or certain assets, since the Ethics Act itself provides alternate methods for valuation.

All of the above amendments were carefully considered by the Judiciary Committee and it favorably reported the bill, as did the Committee on Post Office and Civil Service.

Since the consideration of H.R. 2805 by both of these committees, two modifications and some technical corrections have been made to the reported bill by the agreement of these two committees. For your information, these modifications and technical changes were printed in the CONGRESSIONAL RECORD on Thursday, May 10, 1979, commencing at page 10721.

The first of these modifications, which is in section 9 of H.R. 2805, replaces subsection 9(a). This change was included at the suggestion of the House Committee on Standards of Official Conduct to make it clear that that committee has the authority to issue forms, rules, and regulations for the House. This is consistent with the authority given to the Senate Ethics Committee in the Ethics Act.

Other than technical changes, there is only one other modification. Since that modification is to an amendment offered at the committee markup by Mr. HARRIS of Virginia, I will defer to my colleague for an explanation of the modification.

In conclusion, I emphasize that H.R. 2805 provides needed clarifications to the Ethics in Government Act of 1978. It has been worked out in the closest of cooperation between majority and minority members and staff of the Judiciary Committee and the Post Office and Civil Service Committee and the corresponding members and staff of the Governmental Affairs Committee of the other body. I urge your "aye" vote and your support for its passage.

□ 1220

Mr. MOORHEAD of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation is intended to make some technical and clarifying changes in the financial disclosure provisions of the Ethics in Government Act of 1978. The Members of this House will recall that in the 95th Congress we enacted legislation which, for the first time, required statutory financial disclosure by high-level officials in all three branches of the Federal Government. An Office of Government Ethics was created, as part of the new Office of Personnel Management, to oversee and administer the new disclosure and ethics requirements.

H.R. 2805, which we consider today under suspension of the rules, clarifies a number of the provisions dealing with the financial disclosure segments of the Ethics Act. These changes are necessitated because of certain problems encountered with respect to interpretation, administration, and implementation of the new law. The remedial language contained in H.R. 2805 has been worked out with the Senate Governmental Affairs Committee and the House Committee on Post Office and Civil Service. This measure was approved at both the subcommittee and full committee levels of the Judiciary Committee.

The Members of this House, should, however, know that certain amendments being considered today as part of this package, were not considered or approved in either the Judiciary or Post Office Committees. One amendment, urged at the behest of the Committee on Standards of Official Conduct, would clarify that committee's responsibility to develop reporting forms for financial disclosure statements. Another alters the definition of "executive branch" in the law. I do not agree with the use of the suspension of the rules procedure in this manner. It should not be used to bypass committee consideration on any issue. However, I recognize this amendment is an improvement in the language of the financial disclosure statute and have no substantive objection to its adoption. I would have preferred that the Judiciary and Post Office Committees had an opportunity to say yes or no to this recently suggested language.

The most noteworthy amendments being made to the financial disclosure provisions by H.R. 2805 are as follows:

First. Temporary employment. The bill provides that part-time employees of all three branches—those employed less than 60 days—need not file initial disclosure reports.

Second. Congressional filings. Officers and employees serving the Congress on May 15 are required to report, and both Houses may require termination reports for departing employees and officers. Employees working less than 130 days who provide special services may be exempted from filing reports if designated committees of the House and Senate so waive. Parallel language for the executive and judicial branches is added.

Third. Waiver of gifts. Eliminates the present waiver of reporting for gifts other than transportation, lodging, food, or entertainment. A waiver is provided for the reporting of any gift in unusual cases where a publicly available request for waiver is granted.

Fourth. Coverage. Extends coverage of the reporting requirements to the National Commission on Air Quality, the Tax Court, and the Postal Rate Commission. Adds a provision so that defeated candidates for public office after an election do not have to file. Also makes clear that the Ethics in Government Act disclosure provisions supersede provisions of any State or local statute concerning disclosure by Members of Congress.

Fifth. A new section is added to provide that a report or a copy thereof may not be made available to any person except upon a written application by such person, stating his identity as well as disclosing the identity of the organization on whose behalf the inspection or copy of report is requested.

Sixth. Definition of executive branch. Includes within that definition any other "entity or administrative unit in the executive branch." (This insures White House coverage.)

In summation, this is legislation principally of a technical and clarifying nature that should be adopted by the House. The language of the financial disclosure law would be made more clear and more understandable. I urge the House to suspend the rules and pass H.R. 2805.

□ 1225

Mr. DANIELSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. HARRIS).

Mr. HARRIS. Mr. Speaker, I rise in support of H.R. 2805. After careful consideration the Post Office and Civil Service Committee reported the identical bill to that reported by the Judiciary Committee. This bill provides the necessary clarification in several areas for the successful implementation of the Ethics in Government Act of 1978.

For example, it was the clear intent of Congress to have the disclosure provisions cover all executive branch entities. This bill supplies a definition of executive branch so that there is no doubt that the White House staff, independent regulatory agencies such as the FCC and the SEC as well as other units in the executvie branch are covered by the reporting and disclosure requirements.

The law currently forbids the use of financial disclosure reports for: First, any unlawful purpose; second, any commercial purpose other than by news and communications media for dissemination to the general public; third, determining or establishing the credit rating of any individual; or fourth, use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

It also charges the Attorney General with the responsibility of bringing a civil action against any individual who obtains or uses a report in a prohibited manner. It is obvious that to effectively enforce these prohibitions, it is necessary to keep a record of the individuals granted access to the disclosure report. This bill provides for such a record. I am fearful that public disclosure of the personal financial records, not only of elected and senior appointed officials, but also of career civil service employees and their spouses, could lead to abuses or privacy rights of these individuals without this application requirement. This requirement in no way limits public access to disclosure reports, it merely provides the "footprint in the sand" necessary for effective enforcement of the prohibitions on certain uses of the information in disclosure reports.

The modification made to this section—to remove the requirement that a person requesting access to the disclosure report list his telephone number and the reason for the request—were made to accommodate concerns of some of my colleagues on the Judiciary Committee.

This provision is an important one. I think the role of the investigative reporter, the role of the public interest group is extremely important; but the good ones that I know have no reluctance to identify themselves. Even the Lone Ranger leaves a silver bullet.

I think the notion that what this society needs is more faceless, anonymous investigators is wrong. I strongly believe that when we require such elaborate disclosure which is made public with regard to professional, full-time merit system employees and their spouses, the persons requesting information should at least identify themselves.

This bill is necessary to perfect the intent of Congress regarding financial disclosure, and I urge its passage.

Mr. MOORHEAD of California. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. HYDE).

☐ 1230

Mr. HYDE. Mr. Speaker, I really regret that we are using this procedure on suspension of the rules to discuss and legislate on a subject as important and so deserving of comprehensive treatment as ethics. It results in us being selectively ethical when we should be comprehensively ethical, particularly in dealing with the executive department of Government. During the consideration of the Committee on the Judiciary of this finely wrought piece of legislation I offered an amendment calling for a full disclosure of the sources and amounts of any private contributions solicited and received in connection with defraying the costs of any reception or dinner or similar event held as an official White House function. My amendment failed by only two votes, and I would very much have liked to have an opportunity to offer it here on the floor, but this suspension procedure forecloses any amendments except those which the chairman and his advisers accepted—the amendment of the gentleman from North Carolina (Mr. PREYER), which I certainly support and which enhances this already excellent piece of legislation—but again, there were other amendments that I wish had been given some consideration.

My specific concern was directed to a March 27, 1979, White House gala dinner honoring President Sadat and Prime Minister Begin and the newspaper reports which allege the selling—the selling—of tickets to that dinner. As a matter of fact, the April 12 Washington Star listed 10 corporate contributions, 10 corporations which paid $5,000 each so that their executives could attend this dinner on the White House lawn.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Virginia.

Mr. HARRIS. I thank the gentleman for yielding.

Mr. Speaker, I think this is probably an area that does require the thoughtful consideration of many of us, but I know my colleague would not want it included on the technical amendments bill. I know the point has been brought up with regard to building swimming pools at the White House, and the actual process of having private contributions for building a swimming pool for the President has happened a few years back. We have all of these important policy considerations to consider, and we should probably consider them together.

Mr. HYDE. Right.

Are those swimming pools that people get pushed into at White House parties? I have heard of some of them.

Mr. HARRIS. I do not recall that happening in the last administration at all, I will say to my colleague.

Mr. HYDE. I seem to recall a lot of ink in the newspaper about splash parties at the White House.

However, I will retrieve my time, because I do have more to say.

In any event, I think, as a matter of simple propriety, it ought not to be necessary for this White House or any White House to appeal to private corporations to underwrite the cost of an official White House function. If there are not funds in the State Department budget or in the White House budget, then the President should ask for an increase to pay for official entertaining. Selling tickets to an official White House function looks, if I may quote the Washington Post, "Suspect, hypocritical or cheap." I would have said, "and cheap," instead of "or cheap." But in any event, since tickets were sold for the dinner, I think the American people have the right to know whenever such funds are solicited, by whom and in what amounts the contributions are received.

Since this is a disclosure bill, it seems to me that this would be most appropriate to disclose. I am foreclosed from offering that amendment because of the suspension of the rules.

I ask why the President's staff did not take advantage of his own expense account? The President gets $50,000 a year to assist in defraying expenses relating to his official duties. President Carter spent only $1,372 of his expense account in 1977. We do not know what he spent in 1978 because he has received a 60-day delay in filing his income tax return. But I think we in the Congress are constantly reminded of the evil of conflict of interest, influence peddling, et cetera, et cetera. Such sensitivity seems strangely absent in the White House. And perhaps the mere requirement of disclosure would return this administration to the pulpit from which it so effectively campaigned

The SPEAKER. The time of the gentleman from Illinois (Mr. HYDE) has expired.

Mr. MOORHEAD of California. Mr. Speaker, I yield 2 additional minutes to the gentleman from Illinois.

Mr. HYDE. In addition, recently another egregious overreaching occurred when the White House sent out letters soliciting membership in the Democratic Party all over the country, and even to this very building. I got one. "The White House," it said at the top, and it was signed, "Jimmy." If I took a microscope out, I could see at the very bottom an infinitesimal lettering that this was really the product of the Democratic National Committee, but it used White House stationery. At least it said "The White House" across the top. And that was the return address.

☐ 1235

Now that seems to me a cheapening, a demeaning of that symbol of everything that is good and true and beautiful and pure in the White House under the Carter administration. So I am taking the liberty today of introducing a bill forbidding that sort of thing as well as forbidding the soliciting of private funds to hold official White House functions and I know that I will have the enthusiastic support of all right-minded people who are ethically inclined in this Congress.

Mr. DANIELSON. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER. Mr. Speaker, I rise in support of the bill. This legislation makes technical and conforming amendments to the financial disclosure provisions of the Ethics in Government Act. These amendments are needed to clarify the coverage provisions and certain reporting requirements, and to make a number of technical corrections. I will briefly summarize a few of the more important changes that affect the Congress.

The bill amends the legislative branch disclosure provisions to make it clear that former employees are not required to file a disclosure statement. It was the intent of the conferees on this statute that only current, continuing employees of the Congress would be subject to the reporting requirements. The amendment clarifies the statute on this point by requiring that employees file a disclosure statement for the preceding calendar year only if they continue to serve the Congress on May 15—the reporting deadline.

Other amendments concerning coverage of employees provide for a waiver of the requirement for an "entrance" disclosure statement by new employees who intend to serve less than 60 days, and authorize the Committee on Standards of Official Conduct to waive any of the disclosure requirements under certain circumstances for temporary employees who serve less than 130 days.

The bill also amends the disclosure requirements to exempt gifts and reimbursements received while the reporting individual was not a Member or employee. The original House bill included such a provision, but it was inadvertently omitted from the final version of the act.

In addition, the bill provides that any person inspecting a disclosure statement must submit an application stating his name, address, and occupation, and the name and address of any organization on whose behalf the inspection is requested.

The bill also provides that the Committee on Standards of Official Conduct shall develop reporting forms and may promulgate rules and regulations. The Committee on Standards of Official Conduct is responsible for interpreting the reporting requirements and for reviewing the disclosure statements. That committee should therefore exercise ultimate control over the design of the disclosure forms and determine what explanatory information is included on the forms. It is also important that the Committee on Standards of Official Conduct have the authority to promulgate rules and regulations in order to effectively implement the new financial disclosure system. This amendment would make the committee's authority under the statute consistent with that of the Senate Ethics Committee. It would not affect the Clerk's responsibilities to review and process the reporting forms, and make them publicly available.

Finally, the bill amends the supremacy clause to clarify that the disclosure law supersedes any State law requiring disclosure by Members of Congress.

Mr. Speaker, I would like to commend the gentleman from California for his expeditious consideration of this legislation, and to thank him and his subcommittee for their cooperation in drafting these amendments to the disclosure law. This legislation will clarify the reporting requirements and aid the Committee on Standards of Official Conduct in its administration of the financial disclosure statute. I urge support of the bill.

Mr. MOORHEAD of California. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, as a Member of the Post Office and Civil Service Subcommittee on Human Resources I rise in support of H.R. 2805 as amended, a bill making technical and conforming changes in the financial disclosure provisions in the Ethics in Government Act of 1978.

I am particularly pleased that H.R. 2805, as reported from our Committee on the Post Office and Civil Service, contains an amendment expanding the definition of those to whom the financial disclosure requirements apply to cover those individuals in all entities or administrative units of the executive branch. The bill, as introduced, narrowly defined executive branch as "executive agencies," thus unintentionally excluding such key entities as the White House Office, comprised of the President's immediate staff of top policymakers. Thus, the bill before us now does extend financial reporting requirements to those within the White House Office.

Another section of the bill provides reporting waivers for certain "special Government employees," employed by the Government on a part-time basis for less than 130 days in a calendar year.

The law currently provides this waiver to individuals serving less than 60 days. The intent of H.R. 2805, as explained by Mr. Berhardt K. Wruble, Director, Office of Government Ethics, before our Subcommittee on Human Resources, is to "provide a case-by-case approach in an area where a balance must be struck between the Government's need for services not widely available, and an individual's refusal to serve if unrestricted financial disclosure is a condition of his part-time employment."

Because I am concerned about the potential for abuse in granting these extensions, beyond the 60-day period, I believe this is an area which we must examine carefully so that the legislative history of this section records the safeguards built into reporting waivers for certain employees serving less than 130 days.

The report issued by our subcommittee to accompany H.R. 2805 emphatically states that this waiver is available to part-time employees, and "would not be available to a full-time temporary employee."

H.R. 2805 clearly indicates that the request for a waiver must be publicly available and that before the waiver can be granted, it must be determined by either the designated committee of the House or Senate, or the Director of the Office of Government Ethics that: First, such individual is not a full-time employee of the Government; second, such individual is able to provide services specially needed by the Government; third, it is unlikely that the individual's outside employment or financial interests will create a conflict of interest; and fourth, public disclosure by such individual is not necessary in the circumstances.

Moreover, this provision is not intended to be utilized and should not be used as a "bridge" between the 60- and 130-day period. Thus, according to Mr. Wruble's testimony:

> This provision is meant to apply in unusual situations, and not to serve as a basis for regular extensions of the 60-day exclusion to employment of 130 days.

Mr. Speaker, many of us worked long and hard in the previous Congress to pass an Ethics in Government Act which had some teeth in it, while also serving the public's interest in obtaining the services of specially qualified individuals whose skills were needed by the Government.

My concerns in this area are shared by the distinguished chairman of our subcommittee, the gentleman from Virginia (Mr. HARRIS), and I would hope that with the concurrence of my colleague, the distinguished chairman of the Subcommittee on Administrative Law and Governmental Relations, the gentleman from California (Mr. DANIELSON), we have established for the record our intent to provide stringent safeguards against abuse of this reporting waiver for employees serving less than 130 days.

☐ 1240

Mr. HARRIS. Mr. Speaker, will my colleague yield?

Mr. GILMAN. I will be pleased to yield to the gentleman from Virginia.

Mr. HARRIS. Mr. Speaker, let me say that my colleague has expressed himself very accurately and succinctly with regard to both my feelings and his feelings. I certainly agree with his comments.

Mr. GILMAN. I thank the gentleman for his remarks and for his support in this endeavor.

● Mr. CARR. Mr. Speaker, I oppose the Ethics in Government Act amendments today because they were brought up under the suspension of the rules procedure which does not allow the opportunity for amendments to be offered from the floor. Obviously, I favor the contents of the bill, but disagree with the procedure which prevented the gentleman from Illinois (Mr. HYDE) from offering his amendment which was defeated by two votes in committee.●

Mr. DANIELSON. Mr. Speaker, I have no further requests for time.

Mr. MOORHEAD of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DANIELSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from California (Mr. DANIELSON) that the House suspend the rules and pass the bill, H.R. 2805, as amended.

The question was taken.

Mr. MOORHEAD of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3 of rule XXVII and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL OCEAN POLLUTION RESEARCH AND DEVELOPMENT AND MONITORING PLANNING ACT OF 1978 AUTHORIZATION

Mr. MURPHY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2520) to amend the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize appropriations to carry out the provisions of such Act for fiscal year 1980, as amended.

The Clerk read as follows:

H.R. 2520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 (Public Law 95–273) is amended by striking out "1979." and inserting in lieu thereof "1979, and not to exceed $4,300,000 for the fiscal year ending September 30, 1980.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York (Mr. MURPHY) will be recognized for 20 minutes, and the gentleman from California (Mr. MCCLOSKEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, public law 95-273, the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 is a law with an unwieldy title but an important purpose.

The new Act became law on May 8, 1978 and initiated a major interagency effort to improve coordination of the Federal Government's program in the important area of ocean pollution research. An important ingredient in the purpose of the law is an effort to make more effective use of available funds and resources.

The mandate of Public Law 95-273 is to insure cooperation and coordination among Federal agencies, principally through creation and implementation of a comprehensive 5-year Federal plan. The National Oceanic and Atmospheric Administration (NOAA) is designated as the lead agency for preparing that plan.

To achieve full cooperation at the policy making level, a formal interagency committee was created in June of 1978, under the auspices of the Federal Coordinating Council for Science, Engineering and Technology. The interagency group has been working diligently since its creation but, because of the complexity of the task, the first Federal 5-year plan is not quite ready for the Congress. I have assurances that it will be ready in a few weeks and the merchant marine and fisheries committee, as well as other committees, will fully review its contents.

The bill which is before the house today, H.R. 2520, would reauthorize this program at a level of $4.3 million for fiscal year 1980. We have reached an agreement with the Science and Technology Committee on this amount and the Senate Commerce Committee has also reported a bill for that level of appropriation.

Mr. Speaker, the use of the oceans is expanding rapidly—and many of these uses conflict with others. To resolve such conflicts adequately, we need to know more about the sources and kinds of pollutants in the marine environment, the fates of those pollutants, and their effect on plant and animal life. This legislation will assist in this coordination and information effort.

I urge support for H.R. 2520 and will now yield to the chairman of our Oceanography Subcommittee, the distinguished gentleman from Massachusetts.

□ 1245

Mr. Speaker, I now yield such time as he may consume to the very distinguished gentleman from Massachusetts (Mr. STUDDS), the chairman of the Subcommittee on Oceanography.

Mr. STUDDS. Mr. Speaker, I rise in support of H.R. 2520.

The purpose of this bill is to authorize funds for the implementation of the National Ocean Pollution Research and Development and Monitoring Planning Act for fiscal year 1980.

Last year, the Congress passed the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 (Public Law 95-273). The primary purpose of the act was to provide for coordination of ocean pollution research and monitoring activities conducted by disparate agencies in the executive branch, and to minimize the amount of duplication in those activities.

The act specified several coordinating mechanisms, the most important of which is the development every 2 years of a plan covering the Federal Government's ocean pollution research and monitoring program for the next 5 years. Specific components to be in each plan include: An assessment and priority ranking of national needs for ocean pollution research, development, and monitoring; a detailed specification and cataloging of existing Federal ocean pollution research and development and monitoring capabilities; policy recommendations for changes in the overall Federal level of effort to meet the priorities; and a description of actions to coordinate the budget review process to assure that individual agency requests for particular programs reflect the priorities established in the plan.

The act also authorizes the Administrator of the National Oceanic and Atmospheric Administration to issue grants or contracts to fill in the gaps between other existing Federal Government programs and the priorities established in the plan. The original authorization in the act was $5 million for fiscal year 1979. Because the first plan will not be completed until May 15, no funds have yet been appropriated for that purpose.

H.R. 2520 authorizes appropriations of $4.3 million for fiscal year 1980 to carry out the purposes of the act. This amounts to a reduction of 14 percent from the fiscal year 1979 authorization and is equal to the administration's budget request.

I urge passage of H.R. 2520.

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2520, the fiscal year 1980 authorization bill for the Ocean Pollution Research and Development and Monitoring Planning Act of 1978.

This legislation was passed in 1978 in order to develop a more effective means of coordinating the vast array of ocean pollution programs which are carried out within the Federal Government, and to be able to pinpoint more carefully important research gaps. This legislation provides for the development of a national plan, which would contain a cataloging of existing efforts, the designation of national needs in ocean pollution research, and a priority listing of research tasks which need to be undertaken in order to meet these national needs.

Last year, this program was authorized at a level of $5.0 million, with an appropriation level of $4.3 million for fiscal year 1979. This year, the Committee on Merchant Marine and Fisheries reported this legislation at $5.0 million, and the Committee on Science and Technology reported this bill at a level of $4.3 million for fiscal year 1980, making the authorization level consistent with the President's request.

I applaud the respective chairmen of both committees and subcommittees which have always been able to work together and reach agreement on matters which relate to both committees' jurisdictions. In this instance, the appropriate subcommittees have agreed upon a substitute which would authorize appropriations for fiscal year 1980 at a level of $4.3 million. Although this is below last year's authorization level, this should not be interpreted as a reduction in congressional interest and finding better ways to coordinate ocean pollution programs. It should, however, be interpreted as a way of more closely conforming the authorization levels to the actual appropriated amounts in the OMB request.

Mr. Speaker, I feel that this is a reasonable authorization level for this program, and with no other changes in the legislation, I strongly support its passage.

Mr. McCLOSKEY. Mr. Speaker, I now yield such time as he may consume to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I rise in support of the compromise worked out between the Committee on Science and Technology and the Committee on Merchant Marine and Fisheries which is now before the House.

Last year, Public Law 95-273, the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978, was enacted into public law. The purpose of the legislation before the House today is to amend that law and to authorize appropriations through fiscal year 1980.

H.R. 2520 was introduced on February 28 and was referred jointly to the Committees on Science and Technology and Merchant Marine and Fisheries. Within the Committee on Science and Technology it was further referred to our Subcommittee on Natural Resources and Environment.

When H.R. 2520 was introduced it carried an authorization for $5 million for fiscal year 1980. During public hearings on this legislation, our Subcommittee on Natural Resources and Environment determined that the administration budget request for activities under this act equals $4,300,000 for the coming fiscal year. As a result, our subcommittee strongly recommended that the authorization be reduced to that amount. The full Committee on Science and Technology concurred in this recommendation.

The bill before the House today reflects the fact that the Committee on Merchant Marine and Fisheries has joined with us in recommending to the House that the authorization for Public Law 95-273 be held to the President's budget request.

Mr. Speaker, the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 requires the executive branch to produce and forward to the Congress a 5-year plan covering Federal Government ocean pollution research, development, and monitoring programs over the next 5 years. Specific components required to be in the plan include an assessment and priority ranking of national needs for ocean pollution research, development and monitoring; a detailed specification and cataloging of existing Federal ocean pollution research, development and monitoring capabilities; policy recommendations for changes in the overall Federal level of effort to meet these priorities; and finally a description of actions taken to coordinate the budget review process to assure that individual agency requirements for particular programs reflect the priorities established in this 5-year plan.

Under the act, the first 5-year plan for Federal activities was to have been submitted to the Congress by February 15, 1979. The administration has requested an extension on that deadline and has recently circulated a draft plan for final comment. It is our expectation that the first 5-year plan will be made available within the next few days.

Because the plan itself will not be available until well after budgets are finalized for fiscal year 1980, the Committee on Science and Technology does not think that it would be appropriate at this time to authorize more than is already included in the President's request submitted to the Congress in January of this year. Therefore, I urge my colleagues to support this legislation so that this important work can go forward. I can assure my colleagues in the House that our committee will very carefully review the plan and that next year we will be prepared to come forward with more specific recommendations.

Mr. Speaker, I urge passage of H.R. 2520.

Mr. MURPHY of New York. Mr. Speaker, I yield such time as he may consume to the very distinguished gentleman from New York (Mr. AMBRO).

Mr. AMBRO. I thank the chairman.

Mr. Speaker, the Subcommittee on Natural Resources and Environment of the Committee on Science and Technology, which had segments of this bill, held hearings on March 7 and 8. The subcommittee and the full Committee on Science and Technology unanimously reported out its segments on March 15. This bill represents a 14-percent reduction in authorization levels to be funded in 1980, $2.2 million; in 1981, $1.7 million; and in 1982, $400,000.

The Office of Science and Technology Policy set up a Committee on Ocean Pollution Research, Development, and Monitoring which incorporated 11 disparate Federal agencies, plus OMB. Their report encompassing a most ambitious undertaking should have been ready on February 15. It will be ready, we are assured, sometime this month. We are assured as well that there will be timely annual reporting with respect to the followup on the original study.

I think the thrust of this legislation will serve the best interests of this Nation and I urge its adoption.

● Mr. WYDLER. Mr. Speaker, I rise in support of the bill, H.R. 2520, which would reauthorize the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978.

For millions of Americans who live in coastal areas, the sea exerts a major force on their daily lives. The ocean has long had major economic impacts on coastal areas based on fishing and tourism and it appears that within the next few decades man will greatly extend his utilization of the oceans of this planet.

Last year, Congress took a major step forward in passage of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 in an attempt to bring some order and coordination to the multitude of programs being operated in numerous departments, agencies and instrumentalities of the Federal Government. These programs relating to ocean pollution were generally uncoordinated and seemed to frequently result in unnecessary duplication. It is our hope that through this legislation the Federal Government would be able to develop the coordinated plan that would cover all Federal research, development and monitoring activities in the oceans and would not only give us guidance in where we were going but would allow us to better apply the resources available. I believe that that goal will soon be realized.

The first comprehensive plan to be developed under this act should be delivered to the Congress within the next few days. Early indications are that while it is not perfect, this plan will represent a major step forward in coordinating Federal activities and will itself lead to dramatic improvements in our ability to address problems of pollution in the marine environment.

Mr. Speaker, I am particularly pleased that both committees agreed to come forward recommending an authorization for the amount of $4.3 million which equals the President's budget request in this area. Last year, the Congress authorized $5 million under this act, and the bill was introduced this year again calling for $5 million. The reduction to $4.3 million represents a decrease of 14 percent, but it indicates that both of our committees are approaching our responsibilities in a fiscally sound manner.

Mr. Speaker, I heartily endorse the efforts of both committees and I would like to take this opportunity to commend the gentleman from Pennsylvania (Mr. WALKER) who serves as the ranking minority member on the Subcommittee on Natural Resources and Environment. His leadership in this area has been most effective.

Mr. Speaker, I urge adoption of the bill.●

☐ 1250

Mr. McCLOSKEY. I have no further requests for time and I yield back the balance of my time.

Mr. MURPHY of New York. I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 2520, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE AUTHORIZATIONS

Mr. MURPHY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3577) to amend the National Advisory Committee on Oceans and Atmosphere Act of 1977 to authorize appropriations to carry out the provisions of such act for fiscal years 1980 and 1981, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the National Advisory Committee on Oceans and Atmosphere Act of 1977 (33 U.S.C. 857–18) is amended—

(1) by striking out "1978, and" in the first sentence and inserting in lieu thereof "1978,",

(2) by striking out "1979." in the first sentence and inserting in lieu thereof "1979, and $550,000 for the fiscal year ending September 30, 1980.", and

(3) by striking the second sentence.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York (Mr. MURPHY) will be recognized for 20 minutes, and the gentleman from California (Mr. McCLOSKEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, an objective, regular, informed, and independent source of advice on ocean and coastal-related matters can be a valuable asset to the Congress and to our main civil oceans agency, the National Oceanic and Atmospheric Administration. Such advice has been received since 1971 from the National Advisory Committee on Oceans and Atmosphere (NACOA).

Before us, in H.R. 3577, we have a bill to extend the authorization for the operation of NACOA for fiscal year 1980. This 18-member Committee, pursuant to this legislation, would operate with a budget of $550,000 in the next fiscal year.

This represents a 5.7-percent increase over what the Committee spent in fiscal year 1979 but is a 3.9-percent-decrease from its authorized level in this fiscal year of $572,000.

The work of this Presidentially appointed Committee is vitally important as we move into new areas of oceans and coastal problems and solutions. The budget is a reasonable figure and has been closely reviewed by our committee.

On a more somber note I take this occasion to eulogize Dr. Donald McKernon, the Chairman of NACOA who died last week. Dr. McKernon epitomized those who have led the way in this country toward the goal of recognizing and utilizing our oceans to the fullest extent while remaining the safest possible controls over such development to protect the environment. He will be sorely missed by all who know him and his work.

I urge the support of my colleagues for H.R. 3577 and defer to the chairman of our Oceanography Subcommittee, the distinguished gentleman from Massachusetts.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Speaker, I, too, would like to echo the chairman's words of feeling for the late Don McKernon. All of us who worked on the oceans for many years will miss him very much.

Mr. Speaker, I rise in support of H.R. 3577.

The purpose of this legislation is to authorize appropriations for the National Advisory Committee on Oceans and Atmosphere (NACOA) for fiscal year 1980. As an advisory committee, NACOA provides an independent viewpoint of the Nation's policies in oceanic and atmospheric matters.

Established in 1971, NACOA was reestablished by Public Law 95-63 with a new legislative mandate in 1977. NACOA's duties include the performance of these functions:

The review of the Nation's marine and atmospheric activities;

An annual report to the President and the Congress and any additional reports upon request; and

Advice to the Secretary of Commerce with respect to the National Oceanic and Atmospheric Administration's (NOAA) carrying out of its programs.

The committee consists of 18 members who are appointed by the President for their knowledge and expertise in marine and atmospheric-related fields. The members come from academia, industry, public interest groups, State and local governments, and other areas of concern, but they may not be officers or employees of the Federal Government.

NACOA was authorized $520,000 in fiscal year 1978 and $572,000 in fiscal year 1979. After careful review of NACOA's program and its anticipated funding needs for fiscal year 1980, the Committee on Merchant Marine and Fisheries has calculated that to continue its present level of operations NACOA will require $550,000 in fiscal year 1980. This amounts to an increase of only 5.7 percent over the $520,100 NACOA will have spent in fiscal year 1979—including civil service grade and step increases and cost-of-living increases. Moreover, $550,000 is a 3.8-percent decrease from the $572,000 NACOA was authorized in fiscal year 1979.

H.R. 3577 originally contained language that would have authorized appropriations for NACOA for fiscal year 1981 in addition to fiscal year 1980. However, the committee believed that it would be impossible at this time to accurately assess NACOA's needs for fiscal year 1981. Consequently, H.R. 3577 authorizes funds for NACOA for fiscal year 1980 only.

Aside from the cut in the authorization level, the only other change in existing law which H.R. 3577 brings about is the elimination of the sentence that has allowed funds to be made available to NACOA until expended. Through careful budgetary scrutiny, the committee has learned that in actual fact NACOA has not had access to funds beyond the end of a fiscal year.

NACOA's funds are disbursed by NOAA, which assesses NACOA's needs at the beginning of each fiscal year and allocates funds accordingly. These funds are housed in the operations, research, and facilities line item in annual NOAA appropriations bills, and are not in practice returned to NACOA at the end of a fiscal year. This practice could be changed only by a change in the wording of NOAA's appropriations acts. Consequently, H.R. 3577 repeals the ineffective provision in current law.

I believe that by careful budgetary scrutiny and analysis of the current law, the committee has reported out a bill that will improve the functioning of NACOA, and I urge passage of H.R. 3577.

□ 1255

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3577, the bill which authorizes appropriations for carrying out the purposes of the National Advisory Committee on Oceans and Atmosphere. This committee was created by Congress to provide advice on major issues in the oceans and atmospheric policy areas. In 1977, Congress acted to reform this advisory committee by cutting the membership from 25 to 18 members, and by giving clear guidance on the types of information and advice which are useful to Congress and the administration. Again this year, our committee has examined NACOA's budget needs for fiscal year 1980 and arrived at an authorization level of $550,000 as an acceptable amount. This is below the fiscal year 1979 authorization level which was $572,000, and the net effect of this proposed authorization level results in a 5.7-percent increment over the fiscal year 1979 actual expenditures of NACOA.

I feel that this is a reasonable level of expenditures which is needed to maintain a strong advisory committee in specific substantive areas of oceans and atmosphere which are very important to the Nation. I strongly support the passage of this legislation.

Mr. Speaker, I want to join my colleagues in commending Ambassador McKernon who passed away. I recall in the 12 years I have served in this body perhaps the most enjoyable moment in those 12 years of service was in the testimony before the Subcommittee on Fish and Wildlife, when we reported out the bill to make the lobster a creature of the Continental Shelf.

I know the dialog between Ambassador McKernon and the distinguished gentleman from Massachusetts (Mr. STUDDS), as to whether the lobster was, indeed, a creature of the Continental Shelf has to go down in history as one of the great exchanges.

I think I will try to find it and put it in the RECORD today in memory of Ambassador McKernon.

Mr. McCLOSKEY. Mr. Speaker, I have no further requests for time.

Mr. MURPHY of New York. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 3577, as amended.

The question was taken.

Mr. GIAIMO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. We have a vote already. We have a vote on the first suspension.

Mr. GIAIMO. But, Mr. Speaker, we do not have one on this.

The SPEAKER pro tempore. No, we do not.

Mr. GIAIMO. Mr. Speaker, then I renew my request.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3 of rule XXVII and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the two bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on each motion on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 2805, by the yeas and nays; and

H.R. 3577, de novo.

The Chair will reduce to 5 minutes the time for the second electronic vote after the first such vote in this series.

FINANCIAL DISCLOSURE TECHNICAL AMENDMENTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2805, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIELson) that the House suspend the rules and pass the bill, H.R. 2805, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 338, nays 49, not voting 47, as follows:

[Roll No. 142]

YEAS—338

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Applegate
Ashley
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Beard, Tenn.
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Carney
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Clinger
Coelho
Coleman
Collins, Ill.
Conable
Conte
Corcoran
Cotter
Courter
Crane, Philip
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Dickinson
Dicks
Diggs
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
English
Erdahl
Erlenborn
Ertel
Evans, Ga.
Evans, Ind.
Fascell
Fazio
Ferraro
Findley
Fish
Fisher
Fithian
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Grisham
Guarini
Gudger
Hagedorn
Hall, Ohio
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hinson
Hollenbeck
Holtzman
Hopkins
Horton
Howard
Huckaby
Hutto
Hyde
Ichord
Ireland
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kazen
Kemp
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Latta
Leach, La.
Leath, Tex.
Lederer
Lehman
Leland
Lent
Levitas
Lewis
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McEwen
McHugh
McKay
Madigan
Maguire
Markey
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mica
Michel
Mikulski
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Pease
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pursell
Rahall
Railsback
Ratchford
Regula
Reuss
Rhodes
Richmond
Ritter
Roberts
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Rudd
Russo
Sabo
Santini
Sawyer
Scheuer
Schroeder
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Swift
Synar
Tauke
Taylor
Thomas
Thompson
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Watkins
Waxman
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Winn
Wirth
Wolff
Wright
Wyatt
Wydler
Yates
Young, Alaska
Young, Mo.
Zablocki

NAYS—49

Abdnor
Andrews, N. Dak.
Archer
Badham
Bauman
Bedell
Bonker
Carr
Cleveland
Collins, Tex.
Coughlin
D'Amours
Davis, S.C.
Devine
Edwards, Okla.
Fenwick
Florio
Gingrich
Glickman
Grassley
Hansen
Holt
Hughes
Jeffords
Kelly
Kildee
Kostmayer
Livingston
Marks
Mazzoli
Mottl
Murtha
O'Brien
Paul
Quillen
Rinaldo
Robinson
Rousselot
Runnels
Satterfield
Schulze
Symms
Walker
Weaver
Wilson, C. H.
Wolpe
Wylie
Yatron
Young, Fla.

NOT VOTING—47

Anderson, Ill.
Anthony
Ashbrook
Bouquard
Byron
Campbell
Conyers
Corman
Crane, Daniel
Duncan, Oreg.
Emery
Evans, Del.
Fary
Flippo
Flood
Foley
Ford, Mich.
Garcia
Guyer
Hall, Tex.
Hillis
Holland
Hubbard
Jacobs
Johnson, Colo.
Jones, Tenn.
Leach, Iowa
Lee
McDonald
McKinney
Ottinger
Patterson
Pepper
Pritchard
Quayle
Rangel
Rodino
Roe
St Germain
Stump
Traxler
Treen
Wampler
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Zeferetti

□ 1310

The Clerk announced the following pairs:

Mr. Pepper with Mr. Anderson of Illinois.

Mr. Hall of Texas with Mr. Bob Wilson.

Mr. Zeferetti with Mr. Hillis.

Mr. Fary with Mr. Quayle.

Mr. Conyers with Mr. Pritchard.

Mr. Flood with Mr. Daniel B. Crane.

Mrs. Byron with Mr. Williams of Ohio.

Mrs. Bouquard with Mr. McKinney.

Mr. Garcia with Mr. Lee.

Mr. Ford of Michigan with Mr. Leach of Iowa.

Mr. Hubbard with Mr. Guyer.

Mr. Jones of Tennessee with Mr. Emery.

Mr. Rangel with Mr. Evans of Delaware.

Mr. Rodino with Mr. Wampler.

Mr. Charles Wilson of Texas with Mr. Stump.

Mr. St Germain with Mr. Roe.

Mr. Foley with Mr. Holland.

Mr. Traxler with Mr. Jacobs.

Mr. Corman with Mr. Ottinger.

Mr. Duncan of Oregon with Mr. Anthony.

Mr. Patterson with Mr. Ashbrook.

Mr. Flippo with Mr. McDonald.

Mr. SEBELIUS changed his vote from "nay" to "yea."

Messrs. KELLY, LIVINGSTON, WOLPE, YATRON, and EDWARDS of Oklahoma changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1315

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b)(3), rule XXVII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE AUTHORIZATIONS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3577, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. Murphy) that the House suspend the rules and pass the bill, H.R. 3577, as amended.

The question was taken.

Mr. MOTTL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 340, nays 36, not voting 58, as follows:

[Roll No. 143]

YEAS—340

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coleman
Collins, Ill.
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Diggs
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Erdahl
Erlenborn
Ertel
Evans, Ga.
Fascell
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Florio
Ford, Tenn.
Forsythe
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Giaimo
Gilman
Gingrich
Ginn
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Guarini
Gudger
Hagedorn
Hall, Ohio
Hamilton
Hammerschmidt

Hance
Hanley
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hinson
Hollenbeck
Holt
Holtzman
Hopkins
Howard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jeffords
Jeffries
Jenrette
Johnson, Calif.
Jones, N.C.
Kastenmeier
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Long, La.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McEwen
McHugh
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Pease
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pursell
Rahall
Railsback
Ratchford
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Rose
Rosenthal
Rostenkowski
Rousselot
Roybal
Royer
Runnels
Russo
Sabo
Santini
Sawyer
Scheuer
Schroeder
Sebelius
Seiberling
Shannon
Sharp
Shumway
Shuster
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Swift
Tauke
Thomas
Thompson
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Walgren
Walker
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, C. H.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki

NAYS—36

Applegate
Archer
Blanchard
Brown, Ohio
Collins, Tex.
Crane, Philip
Edwards, Ala.
Edwards, Okla.
English
Evans, Ind.
Fountain
Glickman
Grisham
Hansen
Hyde
Ichord
Jenkins
Jones, Okla.
Kazen
Loeffler
Miller, Ohio
Mottl
Nichols
Paul
Quillen
Regula
Rudd
Satterfield
Schulze
Sensenbrenner
Skelton
Symms
Synar
Taylor
Volkmer
Watkins

NOT VOTING—58

Anderson, Calif.
Anderson, Ill.
Anthony
Ashbrook
AuCoin
Bouquard
Byron
Campbell
Coelho
Conyers
Corman
Crane, Daniel
Duncan, Oreg.
Emery
Evans, Del.
Fary
Fazio
Flippo
Flood
Foley
Ford, Mich.
Garcia
Gibbons
Guyer
Hall, Tex.
Hillis
Holland
Horton
Hubbard
Johnson, Colo.
Jones, Tenn.
Lee
Long, Md.
McDonald
McKay
McKinney
Matsui
Murphy, Pa.
Ottinger
Patterson
Pepper
Pritchard
Quayle
Rangel
Rodino
Roe
Roth
Shelby
Simon
St Germain
Stump
Traxler
Treen
Wampler
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Zeferetti

☐ 1320

The Clerk announced the following pairs:

Mr. Zeferetti with Mr. Anderson of Illinois.

Mr. Hall of Texas with Mr. Hillis.

Mr. Rodino with Mr. Wampler.

Mr. Pepper with Mr. Bob Wilson.

Mr. Simon with Mr. McKinney.

Mr. Foley with Mr. Williams of Ohio.

Mr. Corman with Mr. Roth.

Mrs. Byron with Mr. Lee.

Mr. AuCoin with Mr. Horton.

Mr. Fary with Mr. Emery.

Mr. McKay with Mr. Guyer.

Mr. Ottinger with Mr. Daniel B. Crane.

Mr. Long of Maryland with Mr. Ashbrook.

Mr. Traxler with Mr. Campbell.

Mr. St Germain with Mr. Evans of Delaware.

Mr. Roe with Mr. Anthony.

Mr. Rangel with Mr. Conyers.

Mr. Jones of Tennessee with Mr. Duncan of Oregon.

Mrs. Bouquard with Mr. Coelho.

Mr. Anderson of California with Mr. Flippo.

Mr. Fazio with Mr. Flood.

Mr. Shelby with Mr. Pritchard.

Mr. Charles Wilson of Texas with Mr. Quayle.

Mr. Stump with Mr. Ford of Michigan.

Mr. Gibbons with Mr. Hubbard.

Mr. Holland with Mr. Garcia.

Mr. Patterson with Mr. Murphy of Pennsylvania.

Mr. Matsui with Mr. McDonald.

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend section 8 of the National Advisory Committee on Oceans and Atmosphere Act of 1977 to authorize appropriations to carry out the provisions of such Act for fiscal year 1980, and for other purposes.".

A motion to reconsider was laid on the table.

PRESIDENT'S COMMISSION ON PENSION POLICY

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 532) to continue the work of the President's Commission on Pension Policy to develop a national retirement income policy in the United States, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

☐ 1325

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey (Mr. THOMPSON)?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, would the gentleman from New Jersey (Mr. THOMPSON) explain what this legislation is?

Mr. THOMPSON. Mr. Speaker, if the gentleman will yield, S. 532, which was passed by the Senate on April 30, 1979, provides a statutory basis for the President's Commission on Pension Policy and to continue the work of the Commission for a 2-year period following the date of enactment of this act. The bill authorizes the appropriation of $2 million beginning in fiscal year 1980, to carry out the provisions of the act.

The President's Commission on Pension Policy was established by Executive order on July 12, 1978. The purpose of the Commission is to conduct a comprehensive review of retirement income programs in the United States and to develop national retirement income policies.

Hearings on the administration's draft bill were held in the Subcommittee on Civil Service and General Services of the Senate Committee on Governmental Affairs on March 22, 1979. The subcommittee redrafted the bill as a substitute amendment. I am pleased that the bill, as passed by the Senate, strengthens the independence of the Commission and insures Commission consultation with congressional staff and our proper role in the appointment of members to vacancies on the Commission.

S. 532 has the support of my distinguished colleague, JOHN ASHBROOK, the ranking minority member of the Education and Labor Committee, and Mr. ERLENBORN, a leading minority member of the House pension task force.

Mr. Speaker, as I have become more deeply involved in our national retirement income problems as chairman of the pension task force, I become more and more disturbed by the chaotic development and irrational proliferation of uncoordinated retirement income programs. National and regional demographic and economic trends portend fiscal and social problems which, in the absence of a coherent national policy, we are unprepared to solve. I believe and hope the Commission will make a significant contribution to the development of a national policy. At the same time, I note that the administration has recognized that the work of the Commission will not delay the important task of correcting the inequities and defects of current law.

I wholeheartedly endorse the Commission's role and purpose in helping to prepare our Nation to enhance the quality of life in the future for all our citizens.

I urge my colleagues to join me and Mr. ASHBROOK in supporting this measure.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman for his explanation. This is a bill from the other body. Are there any nongermane amendments attached to it?

Mr. THOMPSON. Mr. Speaker, there are none.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, let me say I rise and take this time to support the request of the gentleman from New Jersey. I applaud the move by the President to create this commission which the President created by Executive order. It is the only commission looking at the overall question of retirement income policy.

There are other commissions that exist that have been appointed by various authorities, each one looking at a part of the retirement income picture. This is the only commission charged with looking at the whole of retirement income policy and putting into perspective the various parts.

The bill, I think, is modest in its funding, $2 million for 2 years. The commission already has a 1-year tenure under the Executive order. This bill would extend it for 2 additional years, but there will be interim reports of the commission during the 2-year period so the Congress need not wait for the whole additional 2 years before getting some help in identifying the myriad of problems that face this country relative to retirement income policy.

☐ 1330

Mr. BAUMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey (Mr. THOMPSON)?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pension Policy Commission Act".

SEC. 2. (a) The President's Commission on Pension Policy (hereinafter in this Act referred to as the "Commission"), established by Executive Order Numbered 12071, effective September 21, 1978, is authorized to continue in operation for two years following the date of enactment of this Act.

(b) During the period the Commission continues in operation the Commission shall—

(1) issue reports on problems facing the Nation's retirement systems,

(2) formulate recommendations for a national retirement income policy, and

(3) consult on a regular basis with committees of the Senate, the House of Representatives, and the Congress having jurisdiction over the Commission's work.

(c) The Commission shall submit a final report, including its recommendations and findings, to the President and the Congress. The Commission shall cease to exist ninety days after submission of its final report. All reports and papers of the Commission shall be delivered to the Administrator of General Services for deposit in the Archives of the United States.

(d) In carrying out its functions under this Act, and in making its findings and recommendations under subsection (c), the Commission shall seek to ensure that it maintains its independence from other officers and employees of the Government and any other person with special interest in its actions.

SEC. 3. (a)(1) The eleven members of the Commission appointed by the President before the date of the enactment of this Act, including the Chairman, may continue to serve for the duration of the Commission.

(2)(A) An appointment to a vacancy in the position of chairman of the Commission shall be made by the President, by and with the advice and consent of the Senate.

(B) An appointment to any other vacancy in the membership of the Commission shall be made by the President after consultation with the Congress.

(C) All appointments to vacancies in the membership of the Commission shall be made in such manner as to ensure that the Commission remains balanced in terms of the points of view represented and the functions performed by it.

(3) A quorum of the Commission shall consist of six members, except that the Commission may establish a lower number as a quorum for the purpose of taking testimony. The Commission is authorized to establish committees, and to delegate authority to them, when necessary to carry out its functions.

(4) Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall continue to receive the salary of their regular positions when engaged in the performance of duties of the Commission.

(5) When engaged in the performance of duties of the Commission, members of the Commission who are not full-time officers or employees of the United States shall be compensated at the maximum daily rate for GS-18 of the General Schedule.

(6) All members of the Commission who are not otherwise employed by the Federal Government shall be reimbursed for travel expenses, including per diem in lieu of subsistence, incurred in the performance of duties of the Commission, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(b) Subject to such rules as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service, and without regard to the provisions of chapter 51, subchapter III of chapter 53, and chapter 54 of that title, relating to classification and pay, is authorized to—

(1) appoint an Executive Director who shall be compensated at a rate not to exceed the rate in effect for level V of the Executive Schedule set forth in section 5316 of title 5, United States Code;

(2) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act, except that in no case shall employees be compensated at a rate in excess of the rate provided for employees in GS-17 of the General Schedule; and

(3) procure such temporary and intermittent services of experts and consultants as are necessary, as authorized by section 3109 of title 5, United States Code.

(c) The Commission is authorized to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, but such personnel shall not be considered Federal employees for any purpose other than for purposes of chapter 81 of title 5, United States Code, and for purposes of sections 2671 through 2680 of title 28, United States Code.

(d) Upon request of the Commission, the head of any executive department, agency or independent establishment of the United States is authorized to detail on a nonreimbursable basis its employees to the Commission to assist it in carrying out its duties.

(e) Financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) shall be provided to the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission, in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services.

SEC. 4. (a) Upon the request of the Commission, the head of each executive department, agency, or independent establishment of the United States that has an interest in or a responsibility with respect to the areas of the Commission's work shall appoint a liaison officer who shall work closely with the Commission and its staff in matters relating to such areas.

(b) In carrying out its duties, the Commission may seek the advice of individuals and groups interested in retirement, survivor, and disability policies including, but not limited to, State and local governments and public and private organizations working on such matters.

(c)(1) The Commission or, on authorization of the Commission, any committee of two or more members, may hold hearings and sit and act at such times and places as the Commission or such authorized committee may find advisable, and the provisions of section 1321 of title 28, United States Code, shall apply to witnesses invited to appear at hearings, and per diem and mileage allowances to witnesses shall be paid from funds appropriated to the Commission.

(2) The Commission is authorized to secure from any executive department, agency or independent establishment of the United States, information necessary to carry out its functions. Upon request of the Commission, the head of any executive department, agency or independent establishment shall furnish such information to the extent provided by law.

(d) The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(e) The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of research and surveys, the preparation of reports, and other activities necessary for the carrying out of its duties and responsibilities.

SEC. 5. There is authorized to be appropriated beginning with fiscal year 1980, $2,000,000 to carry out the provisions of this Act, which shall remain available until expended.

Mr. THOMPSON. Mr. Speaker, I think the bill has been adequately explained.

Mr. Speaker, I move the previous question on the Senate bill.

The previous question was ordered.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REVENUE BONDS FOR DISTRICT HOUSING FINANCE AGENCY

The SPEAKER pro tempore. This is District of Columbia Day. The Chair recognizes the gentleman from California (Mr. DELLUMS), chairman of the Committee on the District of Columbia.

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 3824) to amend the District of Columbia Self-Government and Governmental Reorganization Act to authorize the Council of the District of Columbia to delegate its authority to issue revenue bonds for undertakings in the area of housing to any housing finance agency established by it and to provide that payments of such bonds may be made without further approval, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3824

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 490 of the District of Columbia Self-Government and Governmental Reorganization Act, relating to revenue bonds and other obligations, is amended by adding after subsection (f) the following new subsection:

"(g)(1) The Council may delegate to any housing finance agency established by it (whether established before or after the date of the enactment of this section) the authority of the Council under subsection (a) to issue revenue bonds, notes, and other obligations to borrow money to finance or assist in the financing of undertakings in the area of housing. Any such housing finance agency may exercise authority delegated to it by the Council as described in the preceding sentence (whether such delegation is made before or after the date of the enactment of this section) only in accordance with this section.

"(2) Revenue bonds, notes, and other obligations issued by a housing finance agency of the District under a delegation of authority described in paragraph (1) shall be issued by resolution of the agency, and any such resolution shall not be considered to be an act of the Council.

"(3) The fourth sentence of section 446 shall not apply to (A) the expenditure of funds derived from the sale of any revenue bond, note, or other obligation issued by a housing finance agency established by the Council to which a delegation of authority described in paragraph (1) has been made, or (B) the payment (as to either principal or interest or both) of any such bond, note, or other obligation.".

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks in explanation of this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Speaker, I move to strike the last word. H.R. 3824, as reported by the full Committee on the District of Columbia is being offered as an amendment to section 490 of the home rule charter. This amendment is necessary for two reasons: First, this clarifies an ambiguity in this section in allowing the Council of the District of Columbia to delegate its authority to issue revenue bonds to another entity established by it. I would emphasize that implicit in the existing home rule charter is the right of the council to issue revenue bonds for undertakings in the area of housing.

Second, Mr. Speaker, the expenditure of the funds derived from the sale of the bonds, as well as the payment of principal and interest on the bonds, would not require congressional review as part of the District budget, thereby insuring the marketability of the bonds.

This amendment simply reinforces the original intent of Congress and would minimize any legal challenge to the Council's authority in this regard. In recognition of the right of the people of the District of Columbia to self-government, I urge the passage of this measure.

Mr. FAUNTROY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of H.R. 3824, a bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to authorize the Council of the District of Columbia to delegate its authority to issue revenue bonds for undertakings in the area of housing to any housing finance agency established by it and to provide that payments of such bonds may be made without further approval.

H.R. 3824 is required to insure the marketability of the revenue bonds. As long as principal and interest are subject to a line item veto by Congress, the revenue bonds may not be attractive to prospective investors.

H.R. 3824 also insures the authority of the Council of the District of Columbia to delegate its authority to issue revenue bonds for undertakings in the area of housing to any housing finance agency established by it.

It is of importance to note that these bonds would not be debts or obligations of the District of Columbia, and/or the United States, and the District of Columbia government would bear no financial liability for the payment of principal and interest.

The need for decent, safe, and affordable housing is pressing in the District of Columbia. This is particularly true in the case of housing for low- and moderate-income people.

The District has experienced a drastic decline in available low- and moderate-income housing—a loss of more than 13,000 units since the 1970 census, primarily rental housing—and the cost of remaining units is becoming increasingly expensive. A 1974 Washington Center for Metropolitan Studies survey found 27,000 low-income families, including 9,000 elderly, living in substandard or overcrowded housing.

According to April 1978 figures of the Federal Home Loan Bank Board, presented to the committe, sales prices of existing single family, conventionally financed houses in the Washington area have skyrocketed by nearly 60 percent in the past 5 years—from an average of $45,000 in 1973, to more than $71,000 presently.

However, income of District residents has not kept pace. Between 1974 and 1977, District of Columbia median household income rose by only 30 percent—half as much as the increase in cost of housing—from an average of $11,400 to an average of $14,800.

In other words, District families are being squeezed out of the homeownership market and into a decreasing number of rental dwellings. As a result, the District has the highest proportion of renter-occupied units of the 20 largest cities in the country—70 percent—and an unusually low vacancy rate. The evidence points to the situation's getting worse before it gets better.

The legislative Commission on Housing, charged by the Council to do an in-depth study of the housing crisis, found recently that the demand on the housing stock would increase through 1985. Taking into account currently planned residential building in the city, this demand will outstrip the supply by nearly 20,000 units over the period of 1977 to 1985, fueled by the entrance into the housing market of substantial numbers of new households from the postwar baby boom. In order to make up this shortage, net housing production will have to be increased by almost 4,000 units per year from 1981 through 1985.

In response to the need for housing finance agencies, during the last 15 years, 41 States and some cities have created housing finance agencies as a mechanism to provide low- and moderate-income housing.

These agencies issue revenue bonds, the proceeds of which are utilized by the agency to finance the construction, rehabilitation, conversion, and purchase of multi- and single-family residential structures which are consonant with stated public purposes of the agency. Primary among these purposes is provision of low- and moderate-income housing. The reservoir of privately generated capital by these tax-free revenue bonds makes possible the lending of substantial sums of money at below market interest rates. The availability of low-interest financing, combined with other resources, is the pivotal element which makes possible the development of housing which is affordable to low- and moderate-income families. The vast majority of housing finance agencies are quasi-public entities, with boards appointed by elected officials. The notable success of these agencies in producing substantial numbers of housing units has been attributable in large measure to their quasi-independent status which combines flexibility to operate with accountability to elected officials and advisory boards.

The government of the District of Columbia has indicated that the primary purpose of a District of Columbia Housing Finance Agency would be the provision of low- and moderate-income housing.

H.R. 3824 simply insures the authority of the City Council of the District of Columbia to delegate its authority to issue revenue bonds for undertakings in the area of housing to any housing finance agency established by it and provides that payment of such bonds may be made without further approval. I urge my colleagues to support this bill.

The SPEAKER pro tempore. The time of the gentleman from the District of Columbia (Mr. FAUNTROY) has expired.

(On request of Mr. HARRIS, and by unanimous consent, Mr. FAUNTROY was allowed to proceed for 2 additional minutes.)

Mr. HARRIS. Mr. Speaker, will my colleague yield on that point, please?

Mr. FAUNTROY. I would be happy to yield to the gentleman.

Mr. HARRIS. Mr. Speaker, I thank my colleague for yielding.

As I understand this bill, under the Home Rule Act the District of Columbia has the authority to issue revenue bonds; is that not true?

□ 1335

Mr. FAUNTROY. That is true.

Mr. HARRIS. But, of course, those revenue bonds are not marketable if the revenue which supports those bonds is subject to intervening action which might prevent those funds from going toward the projects which the bonds are supposed to support; is that basically the situation in which the District finds itself?

Mr. FAUNTROY. Mr. Speaker, that is basically the situation.

Mr. HARRIS. All this bill does in regard to the Housing Authority is to permit those revenue bonds to support the Housing Authority in its projects without intervening action which would deny such funds; is that correct?

Mr. FAUNTROY. Without question. The gentleman from Virginia (Mr. HARRIS) certainly understands the intent and purpose of this legislation.

Mr. HARRIS. Mr. Speaker, if my colleague will yield further, may I say that I rise in support of this legislation. Obviously a government such as this must have this revenue bond authority, and obviously they should be allowed to go ahead and issue such revenue bonds in a marketable manner.

☐ 1340

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of H.R. 3824, a bill to amend the Home Rule Act to clarify the Council of the District of Columbia's authority to delegate its revenue bonding authority to a housing finance agency, and to exempt the payment of principal and interest of such bonds from the appropriations process.

H.R. 3824 is a vital part of the District of Columbia's efforts to ease its severe housing problems by assisting the District in acquiring greater rental housing and homeownership opportunities for its low- and moderate-income citizens.

At present, the District is not eligible to receive certain Federal housing grants that are channeled only through State housing finance agencies. The District's ability to respond to its critical housing problems is substantially handicapped by the lack of a housing finance agency and the special HUD section 8 set-aside moneys which are available to such agencies.

This legislation is necessary for the District for two reasons. First, the city's Corporation Counsel as well as its bond counsel has determined that under the present law, the city does not have the authority to delegate its power to issue revenue bonds to a housing finance agency. Second, the legislation is necessary to enable the Housing Finance Agency, once it has the revenue bonding authority, to market the bonds. In the last Congress during hearings on a similar bill, the committee received testimony from a representative of Standard & Poors who wrote that in determining the rating of a particular bond issue, "We expect revenue bonds to be secured by a pledged revenue stream not requiring appropriations by any other governmental unit." The District's bond counsel stated that legislation authorizing the D.C. government to establish an independent agency authorized to issue bonds and exempting its assets and revenues from the appropriations process was a necessary prerequisite for the Council to establish a Housing Finance Agency.

The need for decent, safe, and affordable housing is pressing in the District of Columbia. The District has experienced a drastic decline in available housing since 1970. District families are being squeezed out of the homeownership market and into a decreasing number of rental dwellings. As a result, the District has the highest proportion of renter-occupied units of the 20 largest cities in the country—70 percent—and the vacancy rate continues to be unusually low.

A Housing Finance Agency, with its ability to offer tax-free bonds, can generate a large pool of low-cost loan money to be used to finance low- and moderate-income housing, thereby reducing some of the price pressure in the local housing market. None of this can happen, however, until Congress enacts H.R. 3824.

I strongly urge my colleagues to promptly pass this bill.

Mr. MAZZOLI. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise today in opposition to H.R. 3824 and to voice, briefly, my concern about the proliferation of and delegation of authority to issue revenue bonds.

My concern over revenue bonds goes back to my service in the Kentucky State Senate. There my committee work convinced me that too many governmental units and educational authorities in Kentucky were issuing revenue bonds—which do not need taxpayer authority for issuance.

In a sense, revenue bonds were being used as a dodge to avoid having to justify to the taxpayers' satisfaction the worthwhileness and the profitability of the facility to be constructed.

Such justification is, of course, necessary with general obligation bonds. These bonds must be approved by the voters, and provide the full faith and credit of the State or governmental unit to guarantee the eventual payment of principal and debt service on the outstanding bonds.

Furthermore, it came to my attention that revenue bonds were also misused by being issued to finance the construction of facilities and projects—such as libraries and college dormitories—which were, on their face and in historic fact, nonrevenue-producing activities.

There was an understanding among the political people, the underwriters, the bond purchasers, and the various authorities to which the government delegated the authority to issue these bonds that revenues sufficient to retire the bonds would never be realized by operation of the facilities built.

But, there was an additional understanding that this really did not matter anyway. The bondholders knew they would get their money eventually—that they really were not exposd or financially vulnerable—because the State or the municipality which established the authority stood behind the bonds.

In a sense, the revenue bond device in Kentucky allowed the government to issue bonds for public projects and to saddle the taxpayer with the bills—without ever having had to establish to the taxpayers' satisfaction the worthwhileness or need for the bond issue.

Really, Mr. Speaker, this is having your cake and eating it too.

I must emphasize here, Mr. Speaker, that I did not base my concerns over revenue bonds on the worthiness of the various projects in Kentucky where they were to be financed and constructed with such bonds. Largely they were in the public interest.

However, I challenged then—as I am challenging today with respect to the District of Columbia—the means used to achieve those worthy goals.

While D.C. Housing Authority bonds, for example, may not legally bind the Federal taxpayers in the event of default, it is evident—and historically the case—that the bonds would have no market value were not it well known and accepted that the resources of the District and of the United States—through the Federal payment—are ultimately available to retire these bonds.

If the projects are worthy, then any government should be willing to issue full faith and credit bonds—and be "up front" about it—by obtaining previous taxpayer approval for the bond issue.

I wholeheartedly endorse the concept of home rule for the District. I joined the House District Committee in the 93d Congress with the specific mission of helping to provide home rule to the Nation's Capital.

I have remained on the committee to help guarantee that the home rule process would not be aborted or ignored by the Congress—and to help secure full voting rights for the District in the House and the Senate.

It must be clear from my service on the D.C. Committee and my espousal of home rule for the District that my opposition to H.R. 3824 stems from no antagonism toward the District of Columbia.

Furthermore, I am aware of the shortages of low-income housing faced by the people of Washington. I feel construction of such housing is in the public interest for the District of Columbia.

However, my concern is that through measures such as H.R. 3824, Congress may cause the District of Columbia to rely ever more heavily on the device of creating a governmental authority and delegating to it the power to issue revenue bonds to construct worthy—but nonrevenue producing—facilities.

This is a seductive and alluring approach to financing local public works.

It becomes all the more seductive and alluring since periodic reviews and justifications of revenue bonds no longer would be required. Under current law, the District cannot pay principal and debt service on its bonds without congressional approval. The converse of this process is, of course, that revenue bonds now are not issued casually since they have to be justified to and reviewed by the congressional committees periodically.

As I have earlier stated. I do not like the revenue bond approach to financing public projects however worthy and whether located in Washington, D.C. or Louisville, Ky.

I stand ready to help the District of Columbia develop other avenues to create adequate, affordable housing for the District's people.

□ 1345

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from California (Mr. Rousselot).

(At the request of Mr. Rousselot and by unanimous consent, Mr. Mazzoli was allowed to proceed for 3 additional minutes.)

Mr. ROUSSELOT. As the gentleman might be aware, there is a bill now pending before the Ways and Means Committee, introduced by the chairman of the committee, the gentleman from Oregon (Mr. Ullman); the ranking member, the gentleman from New York (Mr. Conable); the chairman of the Banking, Finance and Urban Affairs Committee, the gentleman from Wisconsin (Mr. Reuss); and the minority member, the gentleman from Ohio (Mr. Stanton), that would have the effect of terminating, as of April 25, similar kinds of bond issues, although there is a debate in that particular bill, submitted by the gentleman from Oregon (Mr. Ullman), the chairman, that it should all be for low-income housing.

Now, how is this bill different, or is it different than what is now being denied to allow communities across the country? We have slews of them in now testifying before Ways and Means. Is the gentleman aware of that?

Mr. MAZZOLI. I am. If the gentleman would yield, I am not really sure I can answer the gentleman's question, but I think the difference is one without a degree of distinction. I think that basically the program, which is outlined in this bill for the District of Columbia, would be tantamount to the kinds of programs which the Ways and Means Committee and the gentleman from Texas and others have felt should be reviewed and in some cases, in view of the Chicago experience, might be prohibited in the future.

My experience with revenue bonds is very peripheral and dates back, however, to 12 years ago and my service in the State senate. I found rampant abuses of revenue bonds in Kentucky, my home State.

I believe that there could be, though I hope not, rampant abuses of this in the District of Columbia.

Mr. ROUSSELOT. If the gentleman would yield, why does the gentleman feel that might occur under this legislation?

□ 1350

Mr. MAZZOLI. There are several reasons why I think it might occur. I think basically revenue bonds are a sort of ruse and shell game to begin with. Mostly they are issued to construct a project which will not produce revenues. A library does not produce revenues. A college dormitory does not produce revenues.

I would suspect that low-income housing units will not produce revenue equal to the debt service and retirement of principal.

Mr. ROUSSELOT. Can the bonding funding be used for libraries under this legislation?

Mr. MAZZOLI. I use that as an example because that was the case in Kentucky. Here, it is primarily low-income housing because the D.C. City Council would delegate to the D.C. Housing Authority authority to issue revenue bonds to construct low-incoming housing.

Mr. ROUSSELOT. Under this legislation is it limited to low-income housing? That is the problem as to why Chairman Ullman put in the bill he did on April 25.

Mr. MAZZOLI. I would yield to the author of the bill, but in the opinion of the gentleman from Kentucky there would be nothing to limit it just for low-income housing.

Mr. ROUSSELOT. So this legislation before us does not necessarily limit it to low-income housing?

Mr. MAZZOLI. I stand to be corrected, but the gentleman from Kentucky does not believe it is so limited.

Mr. ROUSSELOT. Maybe we can get an answer from somebody else on that.

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the delegate from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, I have had the feeling that perhaps the gentleman's remarks would be better addressed to the measure introduced by Mr. Ullman and by Mr. Reuss, but it does include an exemption for low- and moderate-income housing.

The SPEAKER pro tempore. The time of the gentleman from Kentucky has again expired.

(At the request of Mr. Pickle and by unanimous consent, Mr. Mazzoli was allowed to proceed for 2 additional minutes.)

Mr. FAUNTROY. The bill as proposed is to be consistent, and is therefore consistent, with the intent of this measure as directed by our locally elected City Council, and as testified to by the Director of Housing, who would have the responsibility of implementing it.

Mr. MAZZOLI. I thank the gentleman.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, the question of whether we would use the tax code for the further building of houses throughout America through this form is before the Ways and Means Committee now. We do not know in what form it is going to end up, but it is a very heated issue. I understand this legislation would primarily limit it to low-income housing.

The bill that might or might not come out of the Ways and Means Committee may be amended to that extent, but the question that disturbs me is, if we pass this bill we then can proceed to issue these revenue bonds without any further clearance with the Congress. I do not think that this committee or the District ought to be put in any more difficult situation than any other city. If we go forward, they ought to be able to go forward also, but I question whether they ought to be able to go ahead in lieu of any settlement of this issue. I think they ought to be in the same situation.

Mr. MAZZOLI. I believe the city, the District of Columbia could, if the gentleman from the District of Columbia is correct, issue revenue bonds to build low-income housing. What it seeks to do in this legislation is to further insulate itself by delegating this authority to the Housing Authority which is a quasi-governmental unit. The Authority would then issue the bonds. So, as I understand it, housing would not be stopped if this bill is rejected today. The House of Representatives would not keep the District of Columbia from building low-income housing until such time as that may be prohibited as a matter of law.

The SPEAKER pro tempore. The time of the gentleman from Kentucky has again expired.

(At the request of Mr. Rousselot and by unanimous consent, Mr. Mazzoli was allowed to proceed for 4 additional minutes.)

□ 1355

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate the gentleman's yielding.

I just ask where the language is in this bill before us that would in fact restrict it to low-income housing. That has been the problem and complaint in many of these other cities, including Kentucky, and that was the concern. As I read this language, it gives the power to the council "to issue revenue bonds, notes, and other obligations to borrow money to finance or assist in the financing of undertakings in the area of housing."

I wonder if the chairman of this committee would object to an amendment to say "low-income housing" or something like that?

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding.

First of all, the statement with respect to low- and moderate-income housing is in the City Council's legislation. All the bill before us does is provide the City Council the authority to delegate its function to a housing agency.

Mr. ROUSSELOT. I understand.

Mr. DELLUMS. I think the tragedy of this debate is we are talking about apples and oranges. My distinguished colleague, the gentleman from Kentucky (Mr. Mazzoli) talks about his 10-year-old experience in Kentucky. The gentleman from Texas is talking about a piece of legislation that is not before us.

All this legislation does is allow the City Council to grant its authority to a housing agency. There has been documented evidence and documented testimony before our committee that there is a significant housing problem in the District of Columbia, particularly as it respects low- and moderate-income persons. The assumption of this legislation is that it will go specifically to solve those particular problems.

If the gentleman will yield just a little bit further, the specific programs authorized are a rental housing program, a homeownership program, a mortgage purchase program, a loan to lenders program. The agency—that is the agency that the City Council could delegate its authority to—would be able to take advantage of any and all Federal subsidy, insurance, or development tools which are or may be made available. Section 8, new, substantial rehabilitation programs, FHA insurance or coinsurance, section 244, or interest subsidy programs.

The District of Columbia has not been eligible for some of these programs by virtue of the fact that they do not have a housing agency. So the thought was that this legislation would provide the opportunity for the District of Columbia to relegate its authority to an agency, providing it with the mechanism to issue revenue bonds. I think the Congress ought to discuss the question on a broader basis, but I will say to my colleague, the gentleman from Texas, this is not a piece of legislation that would put the District of Columbia in front of any cities. The District of Columbia has not had this right as long as other cities have had it. What this does is put this city in the same ball park as any other city. If we want to deal with it on a generic basis with an organic piece of legislation, then we ought to appropriately debate the question at this time. I do not think we ought to get the business of the District of Columbia tied up at this moment, because this is not the issue.

Mr. MAZZOLI. Let me reclaim my time for a second. I promised I would yield to the gentleman from California and the gentleman from Texas, but I would like to reclaim my time to this extent. I would probably not be in the well of the House today opposing the bill if it were not for the fact that there is such a thing as a Federal payment. If D.C. were a State which within its own borders, settled its own financial affairs, who pays what would be immaterial. But here it is at least a possibility that the Federal taxpayer could be called upon to pay in the event there is a default in the bonds issued under authority of H.R. 3824.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding.

First of all, the gentleman is aware that in the hearings there was an explicit commitment in the record of the hearings by the Mayor of the District of Columbia, Marion Barry, to use this agency for the purpose of establishing moderate- and low-income housing, but that is a commitment that is part of the record of these proceedings.

The SPEAKER pro tempore. The time of the gentleman has expired.

(At the request of Mr. DELLUMS, and by unanimous consent, Mr. MAZZOLI was allowed to proceed for 1 additional minute.)

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from California.

Mr. DELLUMS. Finally, as I indicated to my distinguished colleague in the debate in the full committee where we cast this legislation with the recommendation that it come to the floor and that it pass, as I pointed out to my colleague, this is really a home rule issue, and we are not suggesting here that the District of Columbia ought to set up an agency or should not. We are providing the mechanism for them to be able to do it, and that they have in there an arsenal of tools to solve human problems in the District, one of which is housing, and a variety of opportunities. This is simply another alternative that in their wisdom they could decide to use or not use.

Mr. MAZZOLI. I would suggest to the gentleman that the District of Columbia could issue today such bonds if they wished. Why they have to have this delegation of authority, I cannot quite understand.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding.

If the intent of this legislation is only for low- and moderate-income housing, I cannot see that there would be any objection to including that in the language of the bill; can the gentleman?

The SPEAKER pro tempore. The time of the gentleman has expired.

(At the request of Mr. ROUSSELOT, and by unanimous consent, Mr. MAZZOLI was allowed to proceed for 3 additional minutes.)

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. I thank the gentleman for yielding.

As the distinguished chairman of the committee has indicated, the D.C. Council now operates under mandates to establish a Housing Finance Agency for the purpose of providing low- and moderate-income housing. As the chairman indicated only a moment ago, during the course of the hearings I specifically sought out the Mayor and the Director of the D.C. Housing and Community Development Department as to what his intent was with respect to implementation of the Housing Finance Agency.

I ask unanimous consent to insert at this point in the RECORD that portion of the statement made by Mr. MOORE, which explicitly states that the purpose of this Housing Finance Agency will be to provide low- and moderate-income housing for the people of the District of Columbia.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the District of Columbia?

There was no objection.

The statement is as follows:

> The District of Columbia needs the additional tool of a housing finance agency to help increase the overall supply of low and moderate income housing. The rapid escalation of housing costs and interest rates is making the potential for homeownership virtually impossible for low and moderate income persons in the District. Increased housing costs for middle income households, as well, are becoming prohibitive in the District. For example, the average sales price of a single family dwelling in the District in 1978 was $72,363, while the median family income in the District for 1977 was $14,382, according to the most recent available data. The going interest rate on conventional mortgages with 10 percent down and 90 percent financing is 10¾ percent, with one point to the seller and one point to the purchaser. This is equivalent to an annual percentage rate of 11 percent. The housing opportunities that would be provided through the establishment of a housing finance agency in the District will be predominantly for low and moderate income persons. It may be necessary to provide some assistance to moderate to middle income persons who cannot afford exsiting homeownership opportunities because of the high cost of housing. We expect that once the housing finance agency is functioning, there will be an increase in housing production, rehabilitation, and homeownership that might not otherwise be possible, because of the availability of lower interest rates and down payments.

☐ 1400

Mr. ROUSSELOT. I appreciate what the gentleman is saying and I know as an active representative the gentleman would try to make sure that that ensued.

The gentleman would have no objection to that language being in the bill, "low- and moderate-income housing"?

Mr. FAUNTROY. If the gentleman does not accept the statement in the RECORD.

Mr. ROUSSELOT. May I read it again? It says,

> To issue revenue bonds, notes and other obligations to borrow money to finance or assist in the financing of undertakings in the area of housing.

That is from page 2 of the bill. That is kind of broad.

That is where the gentleman from Wisconsin (Mr. REUSS), who is standing right beside the gentleman and the gentleman from Oregon (Mr. ULLMAN) felt it kind of got out of hand in some of the other cities of the country, including the gentleman's State, my State, for it no longer was just low- and moderate-income people that were benefiting from a production of housing. Would the gentleman object to that language being included?

Mr. DELLUMS. Would the gentleman yield to me?

Mr. MAZZOLI. The gentleman from Kentucky would yield to the gentleman from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. I would be happy to consult with my distinguished colleague from California to see if he does not mean to add, "consistent with the city council to provide low- and moderate-income housing."

Mr. MAZZOLI. I yield to the gentleman from California, my chairman (Mr. DELLUMS).

Mr. DELLUMS. Mr. Speaker, the chairman would have no objection to this language. I would simply say to my colleague that I think the legislative history we are making on the floor ought to make it very clear that we are talking about low- and moderate-income housing, but if the gentleman in some way does not believe that the legislative history is appropriate enough to pin down this, I certainly have on this side no objection to that language.

Mr. ROUSSELOT. I appreciate the gentleman's comment. My concern was on the basis of the other bonding authority that is now being used rather extensively around the country. The gentleman from Wisconsin can explain for himself why he introduced the bill he did, with Chairman ULLMAN.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. REUSS. Mr. Speaker, I rise to strike the requisite number of words.

I rise, Mr. Speaker, to express my vigorous support of this bill. It simply does unto the District of Columbia what every State government or practically every State government has long since done, set up a separate housing finance agency. It is a good thing. It is a method whereby low- and moderate-income housing can be provided with the State doing its share, and thus relieving us in Congress of the obligation of providing endless and sometimes not very edifying public housing projects.

I have listened intently to the colloquy by my colleagues, the gentleman from California (Mr. ROUSSELOT), the gentleman from the District of Columbia (Mr. FAUNTROY) and the gentleman from California (Mr. DELLUMS) and I agree with the thrust of what they were saying. Whether by virtue of the legislative history being made here today, or by virtue of specific language put in the bill either by way of an amendment today, or by the other body, or in conference, I think that the District of Columbia would do well to limit itself under this new authority to support for low- and moderate-income housing.

Indeed, as a cosponsor with the gentleman from Oregon (Mr. ULLMAN) of the bill which is now undergoing hearings in the Committee on Ways and Means, of which the distinguished gentleman from California is a member, I think that this would be the course of good sense and prudence for the District of Columbia.

I hope this measure will be passed, because we cannot ask the District of Columbia to participate in the task of providing decent housing for its lower-income people without giving them this simple tool. I hope we will vote in favor of it.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. REUSS. Surely.

Mr. ROUSSELOT. I appreciate my colleague yielding.

The gentleman does agree that the intent of this legislation is for bonding authority for low- and moderate-income housing, just as the intent of your introduction of the bill with Chairman ULLMAN in the Committee on Ways and Means was to stop bonding authority all over the country that was going to people desiring other than low- and moderate-income housing, is that correct?

Mr. REUSS. That is exactly correct.

□ 1405

Mr. ROUSSELOT. So that maybe it would not hurt to have it defined in this bill.

Mr. REUSS. It would not bother me in the least, although I think without it the intent is perfectly clear.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I would be glad to yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, I thank my colleague for yielding.

I would like to encourage the gentleman from California to offer the amendment the gentleman has proposed.

All too often I hear my colleagues say, "We are expressing our intent on the floor of the House," or "The report of the committee makes it clear," or "Some witness has made it clear."

One of the basic rules of statutory construction is that the clear language of the bill controls and we do not go back to this legislative history unless there is some ambiguity to be cleared up.

I think the clear language of this bill allows bonds to be issued for any housing purpose, without any limitation as to income, moderate, low income or otherwise.

Unless the amendment is offered, I do not think any court is even going to be looking at these deathless prose words of ours that are being delivered here today or the report of the committee; so I would hope that if everyone agrees, as they apparently do, that this is to be limited to low- and moderate-income housing, we would spell that out where it is meaningful and that is in the legislation itself.

Mr. REUSS. Mr. Speaker, I thank the gentleman for his contribution.

I note that the gentleman from California, indefatigable scribbler that he is, is composing an amendment even now. Even though I am not managing the bill, I would certainly vote for a plainly worded amendment to make it crystal clear that this authority is for low- and moderate-income housing, the kind worthy of public subsidy and support.

Mr. PICKLE. Mr. Speaker, will the gentleman from Wisconsin yield?

Mr. REUSS. Mr. Speaker, I would be glad to yield to my friend, the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, earlier I had stated in the debate that as I understand it, all the bill is doing is asking for the delegation of authority for the appropriate agency here in the District of Columbia to issue these bonds or to proceed with them. It ought not to put the District of Columbia in any better or worse position than any other city in the United States, which can do this without having to come to Congress.

Now, to that extent, I do not think anybody could differ with the bill. I would think the amendment that is pending would also improve it.

I simply want to point out, though that the passage of the bill itself does not automatically guarantee the issuance of these bonds. The question before the Ways and Means Committee is to determine what is moderate and low income, should we exempt that category, and more specifically, should we pass the mortgage bond guarantee bill pending before our committee.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. REUSS was allowed to proceed for 2 additional minutes.)

Mr. REUSS. Mr. Speaker, I thank the gentleman from Texas, if the gentleman has concluded his intervention.

I agree. I want to reiterate that if Congress in its wisdom later seeks to impose a restriction more restrictive than that contained in the intent of the District of Columbia bill before us, then, of course, the District of Columbia will have to abide by it, just like Texas, Wisconsin, and everybody else.

Mr. PICKLE. I understand.

AMENDMENT OFFERED BY MR. ROUSSELOT

Mr. ROUSSELOT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROUSSELOT: On page 2, line 12 insert immediately before the words "housing" the word "low and moderate income".

Mr. ROUSSELOT. Mr. Speaker, I think this places in the legislation the intent we have just discussed.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to my colleague, the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding.

I think the gentleman's amendment does certainly serve a very useful purpose in focusing in on the needs of low- and moderate-income housing in the District of Columbia. For that reason, on this side we certainly recommend approval of the amendment.

We certainly accept it.

Mr. ROUSSELOT. Mr. Speaker, I appreciate the gentleman's comment.

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Virginia, a member of the committee.

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, I would say, as the ranking minority member of the committee on the scene today, that the gentleman from California has made a real contribution to the legislation coming out of the committee and I commend the gentleman for doing so.

Mr. ROUSSELOT. Mr. Speaker, I appreciate my colleague's comments.

The SPEAKER. The question is on the amendment offered by the gentleman from California (Mr. ROUSSELOT).

The amendment was agreed to.

□ 1410

Mr. DELLUMS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE INTERIOR COMMITTEE SENDS THE HOUSE A GIANT TURKEY

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, this morning the House Interior and Insular Affairs Committee approved, without a quorum being present, H.R. 2609, a bill to more than double the authorizations for the Colorado River Basin Salinity Control Act. The major reason for this legislation, which will eventually cost the U.S. taxpayers more than $1 billion, and perhaps as much as

$2 billion, is to build the largest desalting plant in the world. This plant will enable less than 150 farms, on fewer than 65,000 acres to stay in production. Without this irrigation district, this giant waste of taxpayers money would not be needed. Even with this small irrigation district there are cheaper ways to meet salinity control requirements.

Mr. Speaker, this boondoggle is widely regarded as a "turkey" by those familiar with it. Efforts to examine alternatives to this major construction project were defeated in committee, although as many as 19 members voted for a study of the alternatives. I would urge my colleagues to be on the lookout for this giant turkey, and support efforts to send it back to the committee where it was hatched.

FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1980

Mr. GIAIMO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 107) setting forth the congressional budget for the U.S. Government for the fiscal year 1980 and revising the congressional budget for the U.S. Government for the fiscal year 1979.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. GIAIMO).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 107) with Mr. NATCHER in the chair.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, May 10, 1979, pending was an amendment offered by the gentleman from Florida (Mr. BENNETT).

Mr. BAUMAN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Fifty-two Members are present, not a quorum.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

☐ 1415

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

Mr. RUDD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the vital amendment offered by the gentleman from Florida (Mr. BENNETT).

There are a number of important defense programs that need great attention now, but which have been repeatedly cut over the years in order to add funds to other nondefense areas of the budget.

The Budget Committee noted in its deliberations on this budget resolution that U.S. aircraft procurement is insufficient, but failed to provide funds to make up this insufficiency. The funds under this amendment could be used for that purpose.

The Navy's shipbuilding program is well behind what is necessary to provide adequate maritime defense for our country and allies worldwide.

We need additional Aegis destroyers, Trident, and attack submarines, and funds to overhaul current vessels through the Navy's service life extension program (SLEP).

The funds provided under this amendment could be used for that purpose.

The President's budget requested an additional aircraft carrier, which was cut by the Budget Committee.

My own personal view is that we need the additional carrier, and these funds could be used for that purpose at the discretion of the authorizing and appropriations committees.

The President proposed to build a new CVV—a conventional aircraft carrier—at a cost of $1.7 billion.

I believe that it would be more prudent to build a new nuclear carrier, rather than a conventional carrier.

The United States now has less than 40 operational bases around the world.

The most recent loss of bases in Iran and the unfortunate changed relationship with Taiwan, which could make unavailable our current important land base there, further demonstrate our essential need for a long-range fast nuclear carrier from which to launch fighter aircraft.

The President's recent action to dispatch the U.S.S. *Constellation* to the Indian Ocean twice within a matter of weeks amply demonstrates the current and future strategic importance of U.S. carriers throughout the world.

In order to promote international stability, and to protect our own national interests, our President must be able to dispatch an American naval presence—if necessary, American military force—to any part of the world in the shortest possible time.

To do that, a new nuclear aircraft carrier is not only needed—it is absolutely essential.

The President's fiscal year 1980 request for a new aircraft carrier is testimony that such an additional naval vessel is necessary.

It makes sense to provide the best possible carrier wing that modern technology will allow, at the least possible cost.

A nuclear carrier has at least a 35-percent greater aircraft attack capability than any conventional carrier.

Over a 13-year operational period, the nuclear carrier is also at least as cost-effective as a conventional carrier, and likely even less expensive in absolute terms as well.

In a crisis—for example, in the eastern Mediterranean—a nuclear carrier could make a high-speed transit from Norfolk 2 days sooner than a conventional carrier.

And owing to its larger size and massive armoring, a nuclear carrier is able to absorb an inordinate number of hits in combat and still remain in action, where a smaller carrier could not.

Mr. Chairman, our national defense urgently needs additional aircraft carrier capability at sea.

I hope that this Congress has the foresight and wisdom to meet that need.

A new carrier is only one of many important possibilities under the gentleman from Florida's necessary amendment.

This amendment would provide the essential funds for any of a number of vital defense needs that are not adequately addressed under the fiscal year 1980 defense function as this budget resolution now stands.

I urge passage of the amendment.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. RUDD. I yield to the gentleman from Florida.

☐ 1420

Mr. BENNETT. Mr. Chairman, I appreciate the gentleman yielding.

I would like to point out that this is the exact amount of the carrier, but that this is not a carrier motion. The committee really should not have stricken a line item as that is not the charter function of the committee. By so doing, they struck $1.7 billion from the total budget for defense purposes.

I would like to erase a few myths about defense. There are a number I could mention, but I am going to stick to just two. First of all, many people say that the United States could blast the Russians off the map. That opinion is based on the fact that once we did have such tremendous nuclear superiority. But the fact is today as we are debating the SALT treaty, we find that the debate is on whether we shall cut down on the amount of nuclear military power the Russians have and raise ours to make both equal and this shows us clearly that there is not even parity today between our country and Russia and that Russia has the edge. What is our comparative strength in a conventional war? We had testimony before our committee this year about the strength of our country with regard to conventional warfare. Gen. Bernard Rogers, Army Chief of Staff was asked on February 5 by Congressman BAILEY:

> You are telling me that the Soviet Union is militarily stronger than the United States? Is that what you are saying?

In answer to that, General Rogers, who is Chief of Staff of the Army, replied in his testimony before our committee:

> Yes, that is what we are saying.

He was saying that the Soviets are in fact stronger than the United States in conventional warfare.

Later on in the hearing, last February 23, Secretary Percy A. Pierre, Assistant

Secretary of the Army for Research, Development and Acquisition, said:

> If we look at the equipment that we have in the field today and compare that equipment, item by item in terms of quality, overall the Soviets have better quality equipment in the field today.

Mr. BAILEY asked in the hearings on April 14:

> What would happen today in Europe and through 1985 if the Soviets decided that a major conventional assault is in order?

To this Gen. William Livsey, who is Commanding General of the Infantry School, said:

> We pretty well will get our tails beat.

Then Mr. BAILEY said:

> Do you know what the people in my district think of the U.S. Army? Unquestionably we are the top military power in the world, because that is what we are fed every day in the newspapers.

Gen. Thomas Lynch, the commandant of the U.S. Army Armor School, replied to that and said:

> In my personal opinion, we are not * * * the superior military power. We are behind the Soviets.

To which General Livsey replied:

> I share that opinion.

Now these are painful things for me to say to the Members, but the authorities of the military strength of the United States today have said that in the nuclear type of war we are definitely inferior, not even taking into consideration at all the question of what we need with regard to civilian defense. The estimate on that is that the Russians would lose 10 million casualties and we would lose about 100 million casualties.

With regard to conventional warfare, these commanding generals have spoken clearly and they say that we are inferior. They say that in a conventional war, we would "get our tails beat."

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think that the amendment offered by the gentleman from Florida (Mr. BENNETT) is a very reasonable amendment, and since we are moving toward the end of the consideration of the budget, it really represents the last time for this House to take a realistic and a responsible position on the subject of our national defense.

We have had amendments on virtually every other item, including some which the chairman of the Budget Committee has rightly regarded as minutiae. And yet, what ought to be the No. 1 priority of our national legislature, to protect the common defense and make sure that we are adequately financed in the field of defense weapons, has not really gotten much consideration.

We have had a few defense-oriented amendments which have come in as subamendments to the Simon amendment or to this amendment or to that amendment, and various other efforts have been made.

Yet, none of these proposals in one form or another, neither the amendment of the gentleman from California (Mr. CHARLES H. WILSON), or the amendment of the gentlewoman from Maryland (Mrs. HOLT), none of them has gotten anywhere. So this is our last chance to do something for defense.

☐ 1425

This amendment to increase $1.7 billion in the defense category is the last time for this House to say whether we are going to continue to do the same thing in the budget procedure that we have always done, or whether we have begun to read the signals from back home and examined the statistics, and are really going to make a serious effort now, not merely to keep up with the Russians, but hopefully to balance them with some new strength of our own.

I voted for the budget procedure some time ago when it went into effect. I was optimistic about it. But the practice of the budget procedure over the years that it has been in operation—and everybody knows this—has been to take money out of defense and put it into social programs.

Year after year after year after year the defense function gets cut down. In spite of the gallant fight that the gentlewoman from Maryland (Mrs. HOLT) has regularly made in the Budget Committee, it gets cut down, and eventually we end up with a reduction in our defense budget. It has been worse in some years than in other years, but this is the continuing experience.

What kind of a boost does this bring to the Soviet Union when we are talking about a strategic arms limitation agreement, when they know that every time we ask the House of Representatives to vote some extra money for defense, they vote it down?

Mrs. HOLT. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentlewoman from Maryland.

Mrs. HOLT. Mr. Chairman, I think the gentleman makes a very good point. One of the critical issues we are facing is that the President committed a 3-percent increase—a real increase—in the growth in our defense spending. I think that we have completely pulled the rug out from under him in this budget. Was that the gentleman's recollection of the testimony we heard?

Mr. STRATTON. The gentlewoman is absolutely correct. The President put a 3-percent increase in real terms into the budget, but that has been wiped out entirely. I must say I am a little bit disappointed that the President of the United States has not come in and fought hard for his figure. That was his pledge to the NATO nations. He brought us down to the White House to talk about the Panama Canal. He has talked to some other Members about gasoline rationing. But here in the crucial issue of defense, where recent reports tell that the votes of uncommitted Senators such as Senator NUNN depend on whether the administration is going to really increase our defense capability, he has done nothing at all.

Mr. RUDD. Mr. Chairman, will the gentleman yield for a question?

Mr. STRATTON. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Chairman, I would like to point out that the President himself asked for $126 billion defense outlay. This amendment is at a lower level of $124.2 billion, $1.8 billion, short of the President's request.

Mr. STRATTON. The gentleman is absolutely correct. This is the very least, I think, that we can do. Now, the thing that bothers me is that my good friend from Connecticut, the chairman of the Budget Committee, came to me earlier and said:

> Sam, we have cut quite a bit out of the budget, and I know that you are a strong supporter of defense. But don't worry about it; don't make too much of a stink, because we are going to go over to the Senate and we are going to work something out and everything will come out all right.

Well, in the first place I do not think that is a dignified way for the House of Representatives to operate. I like to tell my constituents that we are the responsible body, and that things may get a little kooky when you go over to the other side of the Capitol.

The CHAIRMAN. The time of the gentleman from New York (Mr. STRATTON) has expired.

Mr. STRATTON. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GIAIMO. Mr. Chairman, under the arrangement I made last week of objecting to all additional time, I object.

The CHAIRMAN. Objection is heard.

☐ 1430

Mr. GIAIMO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment. I would remind the Members that we have had several votes earlier on adding moneys to the defense budget on this resolution. We had one attempting to add money for fiscal year 1979 as part of the Simon amendment which we debated way back 2 weeks ago when we began debate on this resolution. Some of us may have forgotten, it has been that long ago. But at that time the House voted not to add additional money for defense to the 1979 budget resolution.

Last week we had a vote on adding moneys in the defense function very similar to the amendment which is presently before us, and that was soundly defeated by this committee. If I recall correctly, that amendment of last week would have added $2.5 billion in budget authority to the defense function. That was voted down, as I hoped it would be and urged it would be.

This is in effect the same effort once again except that it has a different number. They are saying, do not add $2.5 billion, add $1.7 billion, and I say that this should be voted down also. Why? There are $135 billion in the defense function—$135 billion—the only portion of the 1980 budget which has a substantial increase over 1979, the only portion which has almost 3 percent real growth as compared to the nondefense budgets.

We are asking every American to

tighten his belt and help us hold down Federal spending. We are asking everyone, every institution, every portion of the Federal budget, whether it be education or jobs, whatever, to hold the line. This year we want to get the budget deficit down, and next year we want to get it in balance. We are saying to Defense: Of your $135 billion we think you can do without this $1.7 billion that this amendment would add. The Appropriations Subcommittee on Defense has traditionally reduced the amounts which it has sought. They have not made a case for this $1.7 billion. They will tell you it is not for the aircraft carrier. I think it really is, witness that fact that I understand the Navy is lobbying these halls quite heavily today, and did over the weekend. They say it can be used for other things, and I say they can help us to get better control over this budget. I say that $135 billion for defense is a respectable number. They can do without this $1.7 billion. I plead and urge the Members, in the name of fiscal responsibility, in the name of asking everyone in America to share the belt-tightening, which comes about because of the necessity of balancing budgets and getting better control over Federal spending, I urge the Members to vote down this amendment, which in effect they did last week when it was once before before us.

Mr. Chairman, I yield back the remainder of my time.

Mrs. HOLT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, if we look at the average annual percentage rate of change in the functions over the past 10 years, we will see that the defense function has grown by 3.7 percent in outlays; community and regional development by 23.5 percent; education, 15.4 percent; health, 15.2 percent; income security, 15.8 percent. We just have not kept pace in trying to maintain our defense function. This is why we are in trouble now, and this is why it is so critical that we have a real 3-percent increase in the defense function, as the President agreed.

We were told by defense witnesses in committee that if we started hedging, playing games with this, that our NATO allies are going to recognize what we are doing. They are going to drop right out of the picture.

☐ 1435

Mr. STRATTON. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. I want to thank my colleague from Maryland (Mrs. HOLT) for yielding because she has been a real power on the Committee on the Budget and one of the few who would really speak up for defense.

We have just heard talk about sharing the reductions and sharing the burden; but the trouble is that it has been the defense budget that has done most of the sharing over the last 5 or 6 years that the budget resolution has been in effect.

On the eve of the debate on the SALT Treaty even the President tells us we must continue to spend money on defense, are we not willing to put money back into the budget to make that possible?

The fact of the matter is that even with the Bennett amendment defense is below the President's request. You can look at your figures in any way you care to but we are not only below the 3-percent increase we are almost below what we spent last year.

The Committee on Armed Services has added $2.7 billion to the budget after very careful analysis. That money is for Navy aircraft. There were not even enough aircraft in the President's budget to replace those that are going out by attrition in the course of the year. We also put in money for the MX missile which is something we are going to have to have if we really intend to show the Russians that we are going to try to stay up with them in spite of SALT II.

And, finally, when they take this resolution over to the Senate you know what will happen, they will split the difference and we will still end up on the short end of the stick once again.

So I think we ought to vote for the Bennett amendment and get defense back up a little bit to where it ought to be.

Mr. MATTOX. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to this and any amendment which increases the funding for national defense above the committee recommendation. The National Defense Task Force of the Budget Committee which I Chair held hearings addressing the level of funding for defense. In addition in the mark up of the budget resolution in the full committee there was a long and detailed debate on the funding level for defense. I believe the committee recommendation is the proper level of funding for defense.

The committee recommendation provides for an increase of $9.8 billion in budget authority and $10.2 billion in outlays as compared to the committee recommended levels for fiscal year 1979. In constant 1980 dollars, the committee recommendation provides a real increase of $2.2 billion in budget authority and $2.9 billion in outlays. This is the largest discretionary increase provided in any function in the budget.

The committee recommendation provides growth in areas most directly influencing readiness and modernization. They are research and development, procurement, operations and maintenance, and military construction. The committee recommendation provides for a real growth increase in these areas of 4.5 percent. This I believe is enough to meet the NATO commitment.

Defense real growth is held back and so are the nondefense parts of the budget. That balance is important. If we add to defense we destroy that balance, increase the deficit and make it far more difficult to pass this budget resolution.

Adding more money to the Pentagon does not necessarily mean there will be more real defense. We already know that unobligated balances are growing in defense, because in the past we have funded programs too early. Let us not do that this year.

We have a balanced budget resolution. Let us not destroy that balance, Mr. Chairman, I oppose this amendment.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. MATTOX. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Chairman, I had the privilege of accompanying the gentleman on a task force to NATO. I would like to ask the gentleman who led that task force whether or not Secretary General Luns of NATO and other generals and officers of NATO were not very concerned about the fact that we were not going to meet the 3-percent growth commitment our President had made to NATO and if that commitment was not made that our NATO allies would not go along with us. I think this was a general concurrence of opinion over there.

Mr. MATTOX. I think the gentleman is correct. I think it is obvious a lot of people are concerned with our meeting those commitments, but another thing we also found was that they reached up out of the air and plucked down 3 percent and said, "This is what we are going to do," and that 3 percent was not tied in any way directly to the actual needs of our forces in NATO. We repeatedly said, "3 percent means nothing. What are you going to spend the money for?" Each and every time we did that, they did not have a proper explanation for what they were actually going to spend the money.

They just took 3 percent and said. "That is what we are going to do." If you look at this budget resolution, what we have done is provided 4.5 percent for the forces in the readiness areas. I think that is a reasonable approach.

Mr. RUDD. The NATO allies do not understand that in the way that you have projected it.

There is one other item I think we should consider. The Russians have all over the world pushed us against the wall.

☐ 1440

They are putting submarines into Cuba, into Vietnam; the Panamanian Government and its soldiers are engaged in aiding the transport of arms to the Sandinista guerrillas in Nicaragua to create problems for our neighbors and for us on our southern borders. The Soviets would not create these problems if we had displayed a posture and will for a strong defense.

Mr. Chairman, I urge that the amendment be adopted.

Mrs. HOLT. Mr. Chairman, will the gentleman yield?

Mr. MATTOX. Yes, I will yield to the gentlewoman.

Mrs. HOLT. Mr. Chairman, I just wanted to ask about the unobligated balances. Since the gentleman mentioned those in the defense function, the gentleman did not say anything about the Health. Education, and Welfare having $46 billion; the commerce division or function having $19 billion; labor is $19 billion. We can just go right down the list. Nothing is ever said about those.

Mr. MATTOX. Mr. Chairman, if I can regain my time, I would simply say, those unobligated balances also worry me. The obvious thing is that the defense budget has bloated unobligated balances and cannot spend the money it has.

The increase in the nondefense areas in the last 10 years also concerns me.

Just because they have had rapid, unreasonable increase, does not justify our saying that just because they have increased, we ought to increase this defense budget as the gentlewoman suggests. That is what the gentlewoman was saying, and I do not agree with that concept. Just because somebody else has been unreasonable, we do not have to be unreasonable.

Mrs. FENWICK. Mr. Chairman, I move to strike the requisite number of words.

I would like to ask one question. What was the defense budget last year?

I yield to the gentleman from Connecticut (Mr. Giaimo).

Mr. GIAIMO. I am sorry, I did not hear the gentlewoman.

Mrs. FENWICK. What was the defense budget last year?

Mr. GIAIMO. In budget authority $125,468 million, and this year it is $135,263 million.

Mrs. FENWICK. So this is an increase of $10 billion; is that correct?

Mr. GIAIMO. A $9.8-billion increase over last year.

Mrs. FENWICK. Mr. Chairman, I thank the chairman.

Mr. GIAIMO. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto end in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was agreed to will be recognized for 45 seconds each.

(By unanimous consent, Mr. Stratton yielded his time to Mr. Bennett.)

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. Bennett).

Mr. BENNETT. Mr. Chairman, I want to address just briefly a few points that have been made; one is the unobligated balances.

We must realize that this has already been discussed at great length on the floor of the House. We know those unobligated balances are imposed upon the Department of Defense by the Congress itself and they do not represent a glut of unneeded funds, just funds appropriated for but not yet ready to be spent.

I hope the gentleman from Texas (Mr. Mattox) is listening, because if the gentleman had been listening before in the debate, the gentleman would realize that these funds are not available to be spent for other projects. They are required by Congress to be there and held for times when the things have to be paid for; so it is not fault of the Department of Defense for not spending that money, because it is not the time yet for the funds to be spent.

The second point I would like to make about this concerns the way in which to arrive at the amount of the defense budget that should be based on the threat that is upon our country and what it takes to meet that threat. It is not a logical thing just to say that we have so much money to spend in the Federal Government, and we will divide it up among the various agencies, adequate funds for defense should not be arrived at by that procedure.

The responsibility of the Federal Government is to be sustained, to be defended so that we have liberty and have independence in our country. That is the responsibility of the Federal Government, one of its most primary functions. We have to meet the threat, whatever it may be, wherever it falls.

History shows that from 15 years ago the personnel type of expenditure in our Government has gone up from 20 to 40 percent; and the military defense has gone down from 40 to 20 percent.

So we have been cutting our defense. I have quoted to you today what the commanding generals have said. For the first time since I have been in Congress, 31 years, they have said that we are no longer No. 1.

☐ 1445

(By unanimous consent, Mr. Sensenbrenner yielded his time to Mr. Edwards of Alabama.)

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. Edwards).

Mr. EDWARDS of Alabama. Mr. Chairman, it is not a matter of whether we are going to have a 3-percent or 2-percent or 4-percent increase in the defense budget; it is a matter of whether or not we can do the best job with the money we have. One of the great problems we have today is that, because of not having enough money, we are having to make some of the most uneconomical purchases of military supplies and equipment that one could imagine.

We ought to be buying twice as many F-14's and twice as many F-18's. Everybody agrees with that. But the money is not there.

We ought to be buying AV-8B's for the Marine Corps, but the money is not there. What has happened is that because of these restrictions in the budget, the AV-8B program has been zeroed.

We are buying half as many F-14's and F-18's as we should, and the result is that we are paying through the nose for the planes we are buying because they are uneconomical buys.

Looking at this year's budget on the purchase of F-14's and F-18's, we are going to be paying an average of about $45 million per plane simply because we are buying them at an uneconomical rate. If we can spend our money in such a way that we are buying these planes and other items of equipment at economical rates, we are going to save money in the long run.

Mr. Chairman, I urge the Members to support this $1.7 billion increase for defense. We continue to fall behind in our defense effort and this is dangerous in my opinion.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Simon).

Mr. SIMON. Mr. Chairman, I would simply point out briefly, No. 1, that we have increased the budget authority by $9.7 billion for this function, far above any other function; and, No. 2, for those who may have some concerns and believe that the figure should be a little higher, the Senate figure is an additional $2.5 billion above that figure.

We are going to go to conference, and in the conference committee there unquestionably will be some elevation of the House figure. This is a practical figure, and I hope we stick with it.

The CHAIRMAN. The Chair recognizes the chairman of the committee, the gentleman from Connecticut (Mr. Giaimo), to close debate.

Mr. GIAIMO. Mr. Chairman, I urge the Members to vote against this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. Bennett).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BENNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 209, not voting 37, as follows:

[Roll No. 144]

AYES—188

Abdnor
Ambro
Andrews, N. Dak.
Annunzio
Applegate
Archer
Ashbrook
Badham
Bafalis
Bailey
Barnard
Bauman
Beard, Tenn.
Bennett
Bereuter
Bethune
Bevill
Boggs
Boner
Bouquard
Bowen
Breaux
Brinkley
Brown, Ohio
Buchanan
Burgener
Butler
Byron
Carney
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Courter
Crane, Philip
Daniel, Dan
Daniel, R. W.
Davis, Mich.
Davis, S.C.
de la Garza
Derwinski
Devine
Dickinson
Dornan
Dougherty
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
English
Erlenborn
Evans, Del.
Evans, Ga.
Evans, Ind.
Fazio
Findley
Flood
Fountain
Frost
Gilman
Gingrich
Ginn
Goldwater
Gonzalez
Gore
Gradison
Grassley
Grisham
Gudger
Hagedorn
Hammerschmidt
Hance
Hansen
Harsha
Hightower
Hinson
Holt
Hopkins
Huckaby
Hutto
Hyde
Ichord
Ireland
Jeffries
Jenkins
Jones, N.C.
Kazen
Kelly
Kindness
Kramer
Lagomarsino
Latta
Leach, La.
Leath, Tex.
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Lott
Lungren
McClory
McDade
McEwen
Madigan
Marlenee
Marriott
Martin
Mathis
Mavroules
Mica
Michel
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, N.Y.
Murtha
Neal
Nelson
Nichols
O'Brien
Patten
Petri
Pickle
Price
Quillen
Regula
Rhodes
Ritter
Roberts
Robinson
Rose
Roth
Rousselot
Royer
Rudd
Runnels
Santini
Satterfield
Sawyer

Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Skelton
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Staggers
Stangeland
Stanton
Stenholm
Stockman
Stratton
Stump
Symms
Taylor
Thomas
Trible
Vander Jagt
Walker
Watkins
White
Whitehurst
Whitley
Whittaker
Wilson, C. H.
Wilson, Tex.
Winn
Wydler
Young, Alaska
Young, Fla.
Zablocki
Zeferetti

NOES—209

Addabbo
Akaka
Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Ashley
Aspin
Atkinson
AuCoin
Baldus
Barnes
Beard, R.I.
Bedell
Beilenson
Benjamin
Biaggi
Bingham
Blanchard
Boland
Bolling
Bonior
Bonker
Brademas
Brodhead
Brooks
Broomfield
Brown, Calif.
Broyhill
Burlison
Burton, John
Burton, Phillip
Carr
Cavanaugh
Chisholm
Clay
Coelho
Collins, Ill.
Conte
Corman
Cotter
Coughlin
D'Amours
Danielson
Dannemeyer
Daschle
Deckard
Dellums
Derrick
Dicks
Dingell
Dixon
Dodd
Donnelly
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Erdahl
Ertel
Fascell
Fenwick
Ferraro
Fish
Fisher
Fithian
Florio
Ford, Mich.
Ford, Tenn.
Forsythe
Fowler
Frenzel
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Glickman
Goodling
Gramm
Gray
Green
Guarini
Hall, Ohio
Hamilton
Hanley
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Holland
Hollenbeck
Holtzman
Horton
Howard
Hughes
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Jones, Okla.
Kastenmeier
Kildee
Kogovsek
Kostmayer
LaFalce
Lederer
Lehman
Leland
Long, Md.
Lowry
Lujan
Luken
Lundine
McCloskey
McCormack
McHugh
McKay
Maguire
Markey
Marks
Matsui
Mattox
Mazzoli
Mikulski
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Moorhead, Pa.
Murphy, Ill.
Murphy, Pa.
Myers, Ind.
Myers, Pa.
Natcher
Nedzi
Nowak
Oakar
Oberstar
Obey
Panetta
Pashayan
Paul
Pease
Perkins
Peyser
Preyer
Pursell
Rahall
Railsback
Ratchford
Reuss
Richmond
Rinaldo
Roe
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Simon
Slack
Smith, Iowa
Solarz
Spellman
Stack
Stark
Steed
Stewart
Stokes
Studds
Swift
Synar
Tauke
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Waxman
Weiss
Whitten
Williams, Mont.
Wirth
Wolff
Wolpe
Wright
Wylie
Yates
Yatron
Young, Mo.

NOT VOTING—37

Anderson, Ill.
Anthony
Campbell
Conyers
Crane, Daniel
Diggs
Duncan, Oreg.
Fary
Flippo
Foley
Guyer
Hall, Tex.
Hillis
Hubbard
Johnson, Colo.
Jones, Tenn.
Kemp
Leach, Iowa
Lee
Long, La.
McDonald
McKinney
Nolan
Ottinger
Patterson
Pepper
Pritchard
Quayle
Rangel
Rodino
St Germain
Treen
Wampler
Weaver
Williams, Ohio
Wilson, Bob
Wyatt

☐ 1500

The Clerk announced the following pairs:

On this vote:

Mr. Jones of Tennessee for, with Mr. Rodino against.

Mr. Hall of Texas for, with Mr. Fary against.

Mr. Daniel B. Crane for, with Mr. Conyers against.

Mr. Guyer for, with Mr. Rangel against.

Mr. Kemp for, with Mr. Pepper against.

Mr. Wampler for, with Mr. Williams of Ohio against.

Mr. Bob Wilson for, with Mr. McKinney against.

Messrs. VAN DEERLIN, ECKHARDT, DIXON, and LONG of Maryland changed their vote from "aye" to "no."

Mr. MICHEL changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1505

AMENDMENT OFFERED BY MR. FISH

Mr. FISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FISH: In the matter relating to the appropriate level of total new budget authority, increase the amount by $132 million;

In the matter relating to the appropriate level of total budget outlays, increase the amount by $8 million;

In the matter relating to the amount of the deficit, increase the amount by $8 million;

In the matter relating to the appropriate level of the public deficit, increase the amount by $8 million;

In the matter relating to the amount by which the statutory limit on the public debt should accordingly be increased, increase the amount by $8 million.

In the matter relating to Transportation (400), increase the amount for budget authority by $132 million; and increase the amount for outlays by $8 million.

Mr. FISH. Mr. Chairman, the President's budget was finalized before he advocated decontrol of domestic petroleum. Likewise, the Budget Committee's level for transportation was determined before the current shortage and allocation of gasoline.

Decontrol will mean higher gasoline prices, which will fall heaviest on those areas without an adequate mass transit alternative. Gasoline shortages will likewise aggravate the daily lives of persons who have no choice but to drive their car to and from work.

Over the years, mass transit has had to fight competing transportation interests, and only recently, with the passage of the Surface Transportation Assistance Act of 1978, can it be said to have come of age. Our people are entitled to fast, clean, safe, reliable surface transportation.

In his April 5 address to the Nation, the President gave official recognition to what Americans already knew—that mass transit was now involved in the total energy picture. Mass transit is essential to energy conservation. It is critical to any serious effort at reducing our Nation's dependence on foreign oil.

In that address, President Carter said:

> Mass transit ridership must increase in the coming years if we are to hold in check our consumption of precious liquid fuels. In order to increase ridership, we need to expand transit capacity in the short term at a faster rate than currently planned. And that increased capacity must be available at the times of the day when it can make a difference—during commuting hours.

Mr. Chairman, this amendment will restore $132 million in the transportation function of the budget for fiscal year 1980. The reason why I say restore, is because the funding level for the section 3 discretionary capital assistance program for mass transit is $132 million below the level for fiscal year 1980 approved by the Congress last October as part of the Surface Transportation Assistance Act of 1978. The intent of this amendment is to provide key Federal transportation assistance where it is needed the most. The section 3 program aids States and localities in the purchase of buses, construction of bus capital facilities, construction of new fixed guideway systems, and the extension and rehabilitation of existing subway and commuter rail systems. At his discretion the Secretary of Transportation may make grants directly to localities, authorities or to provide operators. It will, in short, carry out now the President's call to "expand transit capacity in the short term at a faster rate than currently planned."

While the amendment calls for $132 million increase in budget authority, the Congressional Budget Office estimates that this will result in actual budget outlays for fiscal 1980 of $8 million. The reason for the disparity between the level of budget authority and estimated outlays in this amendment is largely attributable to the normal time lag between bus and rail car orders and actual delivery. In my judgment, this is all the more reason to act now and not delay the start of capital programs which have such a long leadtime.

In spite of the fact that the conventional wisdom of today holds that "less is best," I urge my colleagues to vote for full funding of capital assistance because I believe, like other Members of this body, that each expenditure must be judged on a case-by-case basis, and that program shortfalls now will result in increased Federal expenditures in the future.

I say this for a number of reasons. Mass transit ridership increased in 1978 nationwide by approximately 5 percent. I do not find this growth surprising, nor do I believe it represents a peak. Rather, I think it is only a beginning of what is to come. The President's approach recognizes this. While each of us is aware of the need to control Government spending, to keep costs down and to curb inflation, cuts in this area would achieve none of these goals. I think it is undeniable that capital expenditure in this area today—facilitating ridership and reducing automobile use—means helping to curb our imports of oil tomorrow. We owe it to our people to act to help them adjust to higher costs and less supply.

The vehicle is before us—the authorization for fiscal year 1980—contained in the Surface Transportation Assistance Act. Events have passed by initial executive budgetary consideration. The need for alternative surface transportation is here. The time to elevate this development into a priority is now.

☐ 1510

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. FISH. I will be happy to yield to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I want to compliment the gentleman for his amendment but I do have a question. Does the money that is applicable or that he is talking about putting into the budget, would this affect programs such as electrification of railroads that have been waiting for this for some time? Is this money that can go into that area?

☐ 1515

Mr. FISH. It may go into that area. It is part of the appropriate use under the discretionary capital assistance program. If in the judgment of the Secretary this is a priority item, he has that discretion.

Mr. PEYSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if the gentleman from New York (Mr. FISH) would stay with the microphone, I am also curious about the problem of mass transit as it deals with buses in many areas now that either have very limited bus services or no bus services. Is this money applicable in those areas as well?

Mr. FISH. Mr. Chairman, if the gentleman will yield, it is not only applicable for the purchase of buses, but applicable for the construction of bus-related capital facilities, such as garage or a bus terminal.

Mr. PEYSER. Mr. Chairman, as the gentleman, I am sure, knows, in many of the areas that I represent and the gentleman represents and many of the other Members today are trying to find a means to respond to the energy crisis by promoting mass transit. One of the things that we are finding is that just in the last several weeks people are trying to use mass transit systems and are finding that the mass transit systems even where they exist are not adequate to handle the problem. It would seem to me that the kind of amendment that the gentleman is offering here with the use of this money would speak directly to improving that situation and getting the necessary equipment, the necessary conditions of these mass transit lines, whether it is bus or train, back into condition. Is this something the gentleman feels is the major thrust of his amendment?

Mr. FISH. That is precisely the thrust, and if we delay improving our capital stock of transit facilities now, with the long leadtime involved in ordering such things as railcars and buses, it will just be another year or so before we can produce for our people.

Mr. PEYSER. I would certainly support this effort, Mr. Chairman.

Mr. EDGAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment to raise the authority and budget level for public transit by $132 million.

This amendment is absolutely essential. The amendment will provide $132 million in budget authority, above the amounts in the budget resolution, for public transportation. Specifically, these funds are for public transit capital assistance. The extra money will set the stage for appropriation of the full amount of money intended for public transportation, as authorized by the Surface Transportation Assistance Act of 1978.

Why is this amendment essential? The reason is clear: Because of inflation, the Federal Government's capital budget for public transportation has—in real terms—been shrinking. The Carter 1980 transit budget has $400 million less buying power than the 1979 budget has.

The Budget Committee wisely has voted for some increases in the Carter request. But all of these increases have been for operating subsidies. No increase is proposed for capital spending.

Thus, with cars lining up for gasoline, here in Washington, in California, and elsewhere, our Federal Government proposes to cut back its mass transit efforts. We are going to be buying fewer buses and fewer railcars unless this amendment passes. We are going to be spending less, in real terms, on mass transit construction, unless this amendment passes.

It is pure insanity to reduce our efforts in the field of mass transit, during the present energy crisis.

To add to this insanity, highway spending in 1980 will keep pace with inflation, under the present budget.

As represented by the budget resolution, the current transportation policy of the United States is to encourage highway construction and to discourage mass transit investments.

In city after city, buses are full during the rush hours. Rail lines are becoming more and more overcrowded. We have little extra capacity out there to respond to this energy crisis.

The $132 million provided by this amendment is no cure-all, but it will help. The U.S. Urban Mass Transportation Administration will have no difficulty whatsoever in obligating these additional funds. The capital backlog has been growing worse and worse over the past few years, to the point where we now have twice as many applications into UMTA as UMTA can approve. The States and cities have matching funds ready, but the Federal Government cannot respond.

I understand the need to hold down Federal spending. But in an energy crisis, you do not cut back on mass transit. The Budget Committee has given us not one new penny for transit capital spending in 1980 over 1979; what we do have in the budget is buying less and less, because of inflation. I urge you to vote for this $132 million so that we can get more mass transit funds out in 1980, so that we can continue our efforts to provide more and more transit alternatives to America's commuters.

☐ 1520

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, we have been working on this budget resolution for many days now. I will not take my full time, but I do want to say that I strongly support the amendment offered by the gentleman from New York (Mr. FISH).

As has been said by previous speakers, at a time when we are trying to conserve energy, at a time when we are in the midst of a very real energy shortage, we ought to recognize this is certainly not the time to cut back on mass transit funding.

I am really appalled that both the President's budget and his subsequent messages on energy did not provide more emphasis on the field of mass transportation. If there is one solution or one thing that can be done to help with the energy crisis, it is to get people to utilize mass transportation and to provide the type of mass transportation that appeals to people. If we cannot appeal to people with mass transit systems that are at least 100 years old—and there are systems that are 100 years old in my district—we should get the kind of system that does appeal to people. We should have a mass transit program that will save energy.

The need for more and improved mass transit facilities is dramatically hammered home each day in television and newspaper accounts of long lines at gasoline service stations, frustrated commuters trying to obtain enough gasoline to get back and forth from their jobs, and pitifully inadequate—or in some cases—nonexistent mass transit facilities.

In the frustration of the driving public, I, too, find myself frustrated by the lipservice that the administration pays to the concept of mass transit. With an energy crunch as tight as we have ever had, I look to the White House to provide real leadership in building up our mass transit facilities.

I do not enjoy constantly targeting the administration for what I believe are real failings. But the evidence is hard to turn aside. There is no followthrough or no real commitment to the lipservice being paid by the administration to mass transit.

These "one-shot"cries for this program or that program leave, not only the Congress, but the American people confused by the lack of consistency. The issues confronting us, such as the inadequacy of mass transit, are far too serious to be abandoned casually. I wish Mr. Carter and his advisers would realize that they are doing the American people a grave injustice by their failures to work continually and forcefully for badly needed programs—and expansion and upgrading of our mass transit fits that category.

The Appropriations Subcommittee, of which I am a new member, has been working hard to find ways to fund public transportation. It has not been easy, however, since Mr. Carter has made no provision for this eventuality. His failure to make a solid commitment to increased Federal support of mass transit at a time when it is so desperately needed is a disservice to the hard-pressed citizens of this country.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield briefly to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I would

like to commend the gentleman from Pennsylvania (Mr. COUGHLIN) for his comments and also for his leadership on the subcommittee that deals with public transit and transportation priorities.

I commend the gentleman for his actions, because it is true that in an energy crisis, at a time of great need when many people are looking for alternatives to driving their private automobiles, it ought to be the policy of the United States to make a major investment in public transit.

That is not done at the expense of highways; it is simply balancing our transportation priorities. I think the gentleman from Pennsylvania (Mr. COUGHLIN) is right on target with his comments.

Mr. COUGHLIN. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. EDGAR), and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FISH).

The question was taken; and on a division (demanded by Mr. FISH) there were—ayes 18, noes 36.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: Decrease the amount of new budget authority for Natural Resources and Environment for fiscal year 1980 by $93,000,000.

Decrease the amount of outlays for Natural Resources and Environment for fiscal year 1980 by $327,000,000.

Decrease the aggregate amounts in the first section (other than the amount of the recommended level of Federal Revenues and the amount by which the aggregate level of Federal revenues should be decreased) accordingly.

□ 1525

Mr. JACOBS. Mr. Chairman, this amendment has the effect of cutting the President's budget request for water resources by 10 percent. The President requested about $4 billion in each category of authority and outlays. The committee, together with the Simon amendment, has had the effect of cutting part of the distance toward the 10 percent that I suggest, but not all the way.

The history of water projects is not a happy one, from the point of view of the taxpayers. To be sure, some of the projects have been effective, and to be sure, some projects have not been effective. To be sure, some estimates of the costs of the projects have been effective, and to be absolutely sure, many estimates of the ultimate cost of projects, as compared with the potential benefits, have been disastrously inaccurate, from the point of view of the taxpayers.

I might note that even to this moment such mythical cost factors as 3½-percent interest on loans is being included to determine cost benefits on many of the water projects that are in the President's budget. The public, I think, rightfully perceives the public works section of Federal spending to be very, very profitable for certain people; in consequence of which, it is commonly known, in the common parlance of the country, as pork barrel spending.

As I have said on previous occasions, to call upon the responsible committees in this area of spending to fry off just about 10 percent of the grease from this kind of pork spending does not seem unreasonable to me.

I might say, Mr. Chairman, that I cannot think of a more boring subject than to talk about these numbers—until they hit you in the pocketbook as a taxpayer.

The President came into office with a fabled hit list of water projects. There was great controversy, weeping, gnashing of teeth, and so on, and the administration no longer has a hit list, as I understand it.

Many people on the committee have suggested that this is precisely the area where the budget-conscious people should think about cutting Federal spending. Yet the cuts have been only very slight. I do not choose to specify projects myself, because one person's waste perhaps is another person's sound investment. But somewhere along the line it must be reasonable for the majority of the House of Representatives to conclude that a water project to stimulate the agricultural production, when, at the same time, the taxpayers are paying subsidies because of agricultural overproduction, represents something less than the best that the people of this country can expect from the House of Representatives.

There are other examples of wasteful projects. Some people say: Why should a person such as myself, who comes from Indianapolis, Ind.—we do not have any water projects there—butt in? And the answer is that for decade after decade my entire constituency has been required to butt in with its tax dollars for which it has received no benefit at all.

I think for 15 years we tried to get one levy in my town firmed up a little from the possibility of flooding, and because of these more glamorous of projects there apparently have not been sufficient funds to meet that kind of problem.

So I ask the committee to consider very carefully whether this is not the year, at least, to respond to the taxpayers, who, as I say, rightfully perceive this to be pork-barrel spending.

The Members will note that the committee has made a substantial cut in the President's request for budget authority. However, I suggest that this is not as substantial as it might appear. The President requested more budget authority than is the tradition in this budget, more money in the pipeline. The cut in the budget authority that the committee made was in effect almost no cut at all, insofar as projects are concerned.

All I am asking is that those responsible for putting up the dams and putting up the projects sharpen their pencils, and this is the only way I know of that this can be accomplished.

□ 1530

Mr. MYERS of Indiana. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I suppose people are thinking right now, "Seems we have been over this chapter before," and how often this body has had to rehash the subject that is in this amendment.

Generally, I certainly would support any amendment that would save the taxpayers of the country any money. I would today, too, if this amendment were were doing that.

My colleague from Indiana, a friend of mine, cited that some of the projects were financed at a rate of 3½ percent. And some, he suggested were inflated as far as the benefits were concerned.

I ask the Members, name one other function in the budget resolution that must meet this kind of test, that it repays any rate of interests figured in the benefit-cost ratio or that it must prove any benefits at all. Name one other function that must meet that test. I can assure you the Appropriations Committee, as well as the Authorization Committee, reviews these projects with a careful eye to make sure that the figures presented to the House are accurate. That is not to suggest that every project is infallible; of course not. There is not another function here where there are not some areas that could be cut. But that is the responsibility of the Appropriations Committee.

This Budget Committee has already made the cuts this year. The increase over the second budget resolution of last year is almost $11 million—only $11 million.

This amendment could cut it even further. Now, the gentleman again frequently uses the term pork barrel. Others say boondoggle. Let me tell you what kind of so-called pork barrel issues this would cut out. Flood control for the Dakotas, for Iowa, for Mississippi, Louisiana, Alabama, Arkansas, Texas, the millions of dollars of losses this year just in those States alone that you have read about in the newspapers. Just today I picked up the New York Times reporting the losses in West Virginia from floods.

Tell the people who lost their house that we are cutting out their flood control, the program that would save their property.

Last year I talked to a young man in my constituency in Indiana whose parents were both dead, and he was a student at Purdue University. He said, "Tell me what a pork barrel is, Mr. MYERS."

I said, "Well, I have asked a few who testified before our committee, and it is always a program in somebody else's district."

But he said, "Well, if they call in the project that would save my 80 acres of farmland that I am depending upon to put me through college, from flooding, as it was last year"—he lost 1 year's crop—"if I lose another crop this year, I am out of school. I will not get my education."

He said, "You tell your colleagues that if they are cutting out a pork barrel that saves my farm, I don't consider it a pork barrel, because my college education is hanging on flood control to save the 80 acres that are putting me through college, because my parents are gone."

Are those the kinds of pork barrels we want to cut out? Are those the ones we want to cut out by voting for this amendment? I do not think this body wants to do that.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to my colleague, the gentleman from Indiana.

Mr. JACOBS. Does 10 percent leave 90 percent to cover these dire needs the gentleman is talking about?

Mr. MYERS of Indiana. The gentleman is talking now about the priority; whose ox is gored.

The ongoing projects, do we want to slow them down so they will cost more money? Do we want to slow down the new starts where the floods are still being caused in these Members' States? The gentleman's own district is running out of water in Indianapolis. How soon, no one knows. But the authorities in Indianapolis tell us some time in the future they are going to need water.

How many cities in this country will be running out of water in the next few years, including the District of Columbia right here, who was on the verge of rationing water 2 years ago in August? These are the kinds of projects we are talking about.

Mr. JACOBS. The authorities in Washington are telling the authorities in Indianapolis they cannot have the project that they have asked for for about 10 years now. Now all they want is just a little bit off on the tax part.

Mr. MYERS of Indiana. I do not know what to make of that. I guess it means he did not get a program.

I am suggesting today that we do not want to vote for this amendment.

□ 1535

Mr. ROBERTS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition, of course, to this amendment. The only projects that the Water Resources Subcommittee approves are those that have to be repaid with interest are the water projects. They are only projects that have to have favorable cost-benefit ratios.

My friend from Indiana is wrong, in calling them "pork barrel." We say we cannot afford to support our own people who pay with interest, and in foreign aid there were 29 bills with 100 percent grants.

Mr. JACOBS. Mr Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Indiana.

Mr. JACOBS. Did the gentleman say that I voted for foreign aid programs?

Mr. ROBERTS. I do not know, did the gentleman?

Mr. JACOBS. No. I just have taxpayers where I come from.

Mr. ROBERTS. There are 29 projects in the foreign aid and other loan programs. The gentleman is correct when he says that some of the projects are still operating at 3¼ percent. They were approved about 18 years ago.

We are presently approving projects at 6⅞ percent and 7⅛ percent, the actual cost to the Government. All of these projects require repayment. All of them require repayment with interest. All of them require a contract enforceable at law.

These are capital investments that the Government must make. On the Mississippi River alone, the flood control projects have paid back 700 percent of the investment the Federal Government made, and then they were also supported by local interests.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, I thank the gentleman for yielding. It just strikes me that we are talking about over $530 billion in the budget resolution. We are talking about approximately $3.5 billion in outlays for public works projects out of the entire $530 plus billion. So far as I know—and there may be some exception—this $3.5 billion is the only money—the only money—in the budget that returns a fixed asset back to the taxpayers; a little over one-half of 1 percent of the whole budget. The rest of it is for services, for give aways, programs that cost without a real fixed asset being returned to the people. Some of these are necessary, do not misunderstand me, but this is the only part of this large budget that returns some good benefit in the way of navigation projects, flood control, and things that really aid people, make jobs and bring industrial development into the communities.

I think it would be a mistake to cut back the only thing that really returns direct benefits to our people by way of fixed asset.

Mr. ROBERTS. The gentleman is correct, and I certainly hope my colleagues will vote down this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The question was taken, and on a division (demanded by Mr. JACOBS) there were—ayes 14; noes 45.

Mr. JACOBS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1540

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business before the Committee is the demand by the gentleman from Indiana (Mr. JACOBS) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

□ 1545

AMENDMENT OFFERED BY MR. BARNES

Mr. BARNES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARNES: In section 1:

In the matter relating to the recommended level of Federal revenues increase the amount by $200,000,000;

In the matter relating to the appropriate level of total new budget authority increase the amount by $853,000,000;

In the matter relating to the appropriate level of total budget outlays increase the amount by $838,000,000;

In the matter relating to the amount of the deficit increase the amount by $638,000,000;

In the matter relating to the appropriate level of the public debt increase the amount by $638,000,000;

In the matter relating to the amount by which the statutory limit on the public debt should accordingly be increased, increase the amount by $638,000,000.

In Section 3:

In the matter relating to National Defense increase the amount for budget authority by $595,000,000; and increase the amount for outlays by $586,000,000.

In the matter relating to Allowances increase the amount for budget authority by $258,000,000; and increase the amount for outlays by $252,000,000.

Mr. BARNES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the reqeust of the gentleman from Maryland?

There was no objection.

Mr. BARNES. Mr. Chairman, during the last couple of weeks as we have considered the budget resolution, Member after Member has come to the well and pleaded the case of an interest that sought special treatment. I come to the well this afternoon to ask equal treatment for the employees of the Government in which we serve. As the Members know, the President of the United States and the administration of our Government has called upon everyone in the United States to hold the line at 7 percent salary increases next fiscal year in order to fight inflation. The Federal employees of the United States under the Federal Pay Comparability Act enacted by this Congress in 1970 would be entitled next year under the law we passed to at least 10.5 percent increases in their pay.

The Federal employees are prepared to do their part along with the rest of Americans to fight inflation and to hold the line, as the President has asked everyone to do, at 7 percent. They are not, however, willing to be unfairly discriminated against as the budget resolution recommended by the Committee on the Budget would call upon them to do, to hold the line at less than 7 percent, at 5.5 percent.

We have a national inflation program. We have a national comparability law with respect to Federal pay. The 5.5 percent cap recommended by the Committee on the Budget follows both the national inflation program and the Federal Pay Comparability Act. It is unfair, it is unjust and that is not simply my judgment. It is also the judgment of the President's chief inflation fighter, Fred Kahn who says, "I do not think it is fair to set stricter limits for Federal workers."

Mr. Kahn went on to say that no anti-inflation program will work if the burden is not distributed evenly.

Mr. Kahn said:

> The simple answer is it is unfair to hold Federal employees to only 5 percent.

Let us remember that when we talk about Federal employees we are not talking about only the civilian employees such as those who work here in the Congress, those who work in all the Federal agencies. We are also talking about the military, the people who serve in the Armed Forces of the United States.

There will be later this year discussed proposals to reinstitute the draft because we cannot keep good people in the U.S. military because we are not able to offer them sufficient incentive to remain in the defense of the United States.

If we are going to continue year after year to treat them unfairly, to not give them adequate compensation, is there any reason for people to want to remain in the Army or the Navy or the Coast Guard or the U.S. Marines? Of course there is not.

Let us also recall this afternoon when we vote on this issue that this is only a budget resolution. We are not today expending any funds but we are signaling to the President of the United States that this Congress is prepared to recognize we are all in this boat together, that inflation is the No. 1 problem in the United States, that we all should fight it together, that no segment of our society should be discriminated against, that the Federal employees are prepared to fight this battle, that all people in the United States are prepared to fight it but it will only be fought if there is a perception and a reality of equity and justice.

We have dedicated public servants in the United States who deserve the support of those of us who have been elected to the U.S. Congress.

☐ 1550

I think as I stand here this afternoon of those U.S. Marines guarding that embassy in Tehran when they were under siege a few weeks ago. Tell those Marines that you do not think they are worth 7 percent, along with everybody else. Tell those Marines that you think it is fair for the Teamsters to break the budget, but you do not think it is fair for the U.S. Marines to get adequate pay. I think it would be extraordinarily unfortunate if this afternoon we were to signal to the American people that not everyone is equal in this fight against inflation.

Mr. Chairman, I urge you, I do not beg you, because that would demean the dignity of the people with whom we work in the Federal Government, but I urge that we treat the Federal employees, civilian and military, fairly; treat them equally. Do not discriminate against them in this battle against inflation. Vote for this amendment.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BARNES. I yield to the gentleman from Maryland, my colleague.

Mr. MITCHELL of Maryland. Mr. Chairman, I think the gentleman makes out a very persuasive case, but I have some concerns, and that is, does the gentleman in any way provide for a kind of targeting to those lowest level employees who are making say $8,000 a year.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. BARNES) has expired.

Mr. MITCHELL of Maryland. Mr. Chairman, I move to strike the requisite number of words.

I would like to direct some questions to the gentleman from Maryland. Does the gentleman's amendment in any way target for those who are at the very bottom of the pay scale; if for example, an employee is making $8,500 a year, that is his grand total? Obviously, that person is entitled not only to 7 percent, but 10 percent in my opinion.

Does the gentleman in any way attempt to target for those who are at the very bottom of the scale?

Mr. BARNES. Well, this amendment does not make the targeting approach, although I think the gentleman's point is very well taken.

I would hope if this amendment is adopted, the relevant committee would take it into account as they consider the budget. But in that context, the gentleman is absolutely right, that the lower paid employees in the Government are hit very hard. They are hit very hard particularly by the increasing inflation rates that we are seeing. When the administration first proposed the 5.5 percent cap, their predictions with respect to inflation for this year were substantially lower than they are today. As we know, last week the Secretary of the Treasury admitted that the administration has made very serious undercalculations with respect to inflation. His words were, "We screwed up when we made our inflation predictions for next year."

At this time it is absolutely essential, particularly for the lowest paid employees of the Federal Government, to recognize the problem of inflation.

Mr. MITCHELL of Maryland. If there is an understanding that the appropriate committees will take into consideration targeting, I shall vote for the gentleman's amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I thank the gentleman for yielding. I just want to congratulate the gentleman in the well for bringing this to the attention of the House of Representatives. I think the gentleman has made a very important case. I just think when we are asking everybody else in the country to accept a 7-percent guideline, but for the second year in a row to pick out Federal Government employees, both blue collar and white collar workers and limit them to a 5.5-percent increase, I think is just discriminatory.

One of the things we are trying to do is get greater productivity out of Government employees and be concerned about morale. A lot of the concern here is about the effectiveness of our Government employees. To limit them again for a second year to a 5.5-percent wage increase when inflation is running at 10 or 11 percent, I think is highly discriminatory.

So I hope that the House will adopt this amendment and treat our own people fairly.

☐ 1555

Mr. MITCHELL of Maryland. Mr. Chairman, I wish to recapture my time. I do hope that this amendment will be supported, and I urge that it be supported by the Members.

There has been a lot of talk about fairness and equity, and obviously it is not "fair" that we "cheat" Federal employees and do not treat them in the same fashion that we treat others.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. I yield to the gentleman from Virginia.

Mr. FISHER. Mr. Chairman, I want to compliment the gentleman in the well, the gentleman from Maryland (Mr. BARNES), and the gentleman from Washington (Mr. DICKS), for their position in regard to this matter.

It was not so bad when the real wage insurance proposal was still alive, because that would have brought the Federal workers from 5.5 percent up to the 7-percent guideline along with other workers who fell below that, but now the real wage insurance proposal has bit the dust and Federal workers and others who received advances of only, say, 5½ percent are left completely in the lurch. They are way, way behind inflationary trends and the trends in wages and salaries for the country as a whole.

Mr. Chairman, that obviously to me is not fair and ought to be corrected.

Mr. DAVIS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. I yield to the gentleman from South Carolina.

Mr. DAVIS of South Carolina. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to congratulate the gentleman from Maryland (Mr. BARNES) who offered the amendment and say that I think what the gentleman from Virginia (Mr. FISHER) said is exactly right.

For too long we have held the Federal worker behind in the pay scale. To further hold him behind now at a time when inflation is really running rampant would be really a sin. It would be a shame to ask the Federal workers to bear the burden of something that is really maybe caused by the Federal Government.

Mr. Chairman, the only regret I have, I would say, is that this amendment would not apply to all Federal workers, because it should apply to Members of this House as well as to other employees.

Mr. MITCHELL of Maryland. Mr. Chairman, I thank the gentleman from South Carolina (Mr. DAVIS) for his remarks, and I yield back the balance of my time.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I hope that the House will not accept this amendment.

We would like to give the greatest amount of money possible to each group and to each function within the budget, but as I said when we sat down to begin this work, we have already given more than our taxpayers would like to have given.

I do not recall that when the President established his 7-percent wage guideline, it was intended to be a floor. It was intended to be a ceiling, as I recall, and one of the reasons why it was very slow in having an effect in our economy was the fact that it escalated everyone's aspirations up to 7 percent.

There will be some who will get less than 7 percent. That is unfortunate. Nevertheless, if we are to hold this budget anywhere near where it belongs—and in my judgment, we have already blown that—we had better defeat this amendment.

Mr. Chairman, when this debate began, I noted that both the President and the House Budget Committee had done a better, tighter job on this year's budget than ever before. But I also noted that if this House were going to live up to the wishes and expectations of our constituents, it would have to make substantial additional spending cuts of about $10 billion.

It is now apparent that this House has no intention of giving the people a fiscally sound budget. The Members have wrung their hands, struck their breasts, and moaned pitifully about the need to cut spending. But the majority Members have voted for the big spending anyway.

I supported the Latta substitute. It was drawn by the minority members of the Budget Committee and the House minority leadership. So, although it bore the name of the gentleman from Ohio (Mr. LATTA), it actually was the Republican alternative, and as such, carefully and clearly outlines the differences between the two parties on fiscal concerns.

It would reduce outlays—spending—by $9½ billion. It reduces the deficit by $9½ billion. And it provides for a tax cut of $15 billion by January 1, 1980.

To me, the outlay figure, that is the amount to be spent in the next fiscal year, is the critical number. If we control spending, we control the budget. The Latta amendment cut spending from $532.8 billion to $523.4 billion.

The House is going to approve a spending level 8 percent higher than last year. That is also what the President and the Senate favored. But that is definitely not what the people want.

Eight percent, or a $40 billion increase over last year, is a business-as-usual budget. It gives no signal of concern for fiscal responsibility. It is an endorsement of profligacy. It is a sign to America that Congress has not learned its lesson. It is firm evidence that the budget process, despite good intentions, has failed.

The American people have been asked to make sacrifices. They want to see a little sacrifice from Government spenders; $40 billion more does not sound like a sacrifice to me, or to them.

The $9½ billion cut in the Latta amendment was not extreme. But it would have spoken volumes to the people. It would have told them that we were on the path toward a balanced budget in 1981. That is the message they are waiting for, but this Congress will not give it to them.

The modest spending cuts in the Latta amendment amount to only about 2 percent. That is a small reduction which will not unduly disrupt our economy. The drafters of this amendment, including myself, were careful not to propose draconian reductions. We wanted the cuts to be deep enough to show, but not deep enough to cause harm.

The other critically important feature of the substitute amendment was the provision for a tax cut effective on January 1, 1980. American taxpayers have had their taxes increased every year because inflation has pushed them into higher tax brackets. They need, and deserve, a tax cut, and this House in this budget will give them none.

The temptation to balance the budget by raising taxes is strong. Congress found a huge social security tax increase irresistible in 1977. Inflation continues to raise personal and corporate taxes. Congress now wants a windfall profits tax. Congress is constantly asking for increased user fees.

The result is a fast increase in the percentage of GNP taken up by Federal taxes. That is not the way the taxpayers want us to balance the budget.

After the majority party voted down the fiscally responsible Latta substitute, it also defeated an even gentler series of spending reductions in the Holt-Regula amendment. Its spending cuts were even more modest than the Latta amendment. The rejection of that amendment is even stronger evidence that Congress simply will not change its spending patterns.

The worst of what some people call congressional insincerity was that some Members who voted against the responsible spending cuts in the Latta and Holt-Regula, apparently had fun voting for a balanced budget amendment, with deeper and more disruptive cuts, which they were sure could not pass.

In my judgment, Congress has done little or nothing this year to improve its general credibility. The growing lack of confidence can only be increased by our action on this bill.

I cannot support this demonstration of congressional disdain for the wishes of the people. I cannot vote for business-as-usual. I can only hope that this House will do better next year. And, of course, I shall vote against the excessive spending in this resolution.

But, I do want to reiterate that some tiny bit of progress has been made this year. I would like to encourage the President, and this body, to improve on this resolution next year. I still believe we can balance our budget without great harm to our economy if only we are willing to make some hard choices. Someday this body will have to do so. I hope it will be sooner rather than later.

Mr. GIAIMO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this amendment would add $853 million to the budget. It suggests also a revenue increase, because I suppose the theory is that if we pay people more, we generate more payroll and, therefore, they will pay more taxes, so we will get a return to the Treasury.

But the point is that even if we were to assume that all of that $200 million would be an accurate return, we would be talking about adding $653 million to the Federal payroll.

We are going to hear a great deal said today about the plight of the Federal employee. It is not easy for many of us to ever say "no" to Federal employees. Many of us who have been in Congress for a long time—and I have—know how difficult it is. They are articulate, they are very persuasive, and they are in close contact with their elected representatives.

But I submit to the Members that in this struggle against inflation, if we want to tie the President's hands, if we want to in effect surrender to the pressures of inflation now, then we can vote for this amendment, because that is the signal that we would be sending out to the country.

I believe that the Federal employees are not mistreated. I believe that when I came to Congress 20 years ago, one could have made a good case that the Federal employees at that time were mistreated, and that they did not have comparability with employees in the private sector. But I can say that in the years since then times have changed and the situation has changed, and Federal employees are not underpaid employees compared to those in the private sector. Certainly when we take into consideration the perquisites and the retirement benefits which Federal employees have, they are pretty good kinds of jobs to have.

I know this is not going to make me popular with my Federal employees back home, and I can see some of my colleagues who have many Federal employees in their districts rising to question me. But I am pleading with the Members that we have to start some place in this struggle against inflation, and the time to do it is right now with those people like ourselves who are paid by the Federal Government.

If we are to send out a message, by the adoption of this amendment, when we are asking organized labor and everyone else in the private sector to hold the line and try to stay within the guidelines, that we, the employees of the Federal Government are not going to hold the line, I will say to the Members that the American people are going to be most unhappy with their Congressmen.

☐ 1600

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Virginia.

Mr. HARRIS. I thank the gentleman for yielding.

Mr. Chairman, let me say that the gentleman and I have had colloquy on this point before. May I indicate to the gentleman that I sense a change in position. The gentleman may recall that last year he felt basically the same way with regard to——

Mr. GIAIMO. I am sure I did not change my position from last year. I have felt this way for a couple of years.

Mr. HARRIS. Except that the gentleman has indicated—if I may ask the gentleman--that he does not want to tie the President's hands. I have now received a communication from the President indicating that he has not decided yet what he is going to send over in the way of comparability in August.

Let me just ask the gentleman a question. If we retain in this budget the 5.5-percent limitation, that means that even if the President decides he will go to 7 percent in August, we must not foreclose this in our budget resolution. That is what is tying his hands.

Mr. GIAIMO. August is another time. We will be here with another resolution. It will depend upon what the committees of the House will do. We will reevaluate that situation in August, as well as everything in this budget, I am saying that we should not do it now.

Mr. HARRIS. If the gentleman will yield further, I will ask the gentleman this question: The gentleman does feel that, even if this amendment does not pass, the President still has the opportunity for requesting a 7-percent increase comparability if he decides to do that?

Mr. GIAIMO. I am not going to foreclose anyone's right in August or September to evaluate the economic condition at that time. What I am saying now is, let us try to hold the line on it now, in the springtime.

Mrs. SPELLMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, may I congratulate my colleague, the gentleman from Maryland, upon introducing this measure. I know it is not popular. I know that it is very easy to make the Federal employee the whipping boy. The chairman of the committee has indicated that it is very easy to give in to Federal employees.

I think if you will check the record you will find that this House has not given in to Federal employees in the last 3 years—even on measures which were supported by the President, the House has said "No."

I wonder if anybody has stopped to consider that blue collar increases are an entitlement. It is not a matter of whether we feel that we would like to give 5 percent or 7 percent or 10 percent or 2 percent. Those increases are an entitlement. There is no mechanism in the law to allow the President to limit those increases to 5 percent. As a matter of fact, that whole question is now in the courts. The litigation is costing the country millions of dollars. All we are talking about here is a matter of equity. The private sector has gone up 8 to 9 percent in each year. Each time the Federal employees have been held down.

On this whole matter of comparability which the chairman raised, there is a Board whose function is the determination of comparability; and the Board has said that to make Federal employees comparable we would have to raise them 10.5 percent. Not 5.5 percent, not even 7 percent, but 10.5 percent. If we are to live up to the very laws that we write, we ought to be increasing the salary by that amount.

All of us have dealings with the Federal bureaucracy, and I have always felt that the "bureaucracy" was a good word, that bureaucrats are the people who make the system work. But I have never seen such demoralized staffs as I am seeing today in the Federal Government. Every time those people turn around, something else is being put to them. Second-class citizens? I would say not. I would not even say they are treated as though they are third- or fourth-class citizens today.

☐ 1605

I say to the House that we ought to make this gesture, that we ought to leave that door open, for the committee has not had an opportunity to look at this. We are legislating through the budget. There is something wrong with our process. It goes backward. We should support this measure and allow the Civil Service Committee to make the decision after due deliberation, not cut the process off at the pass. Treat Federal employees as you would anyone else, not better, not worse, just equal—give them the same opportunity everyone else has—7 percent.

Thank you, Mr. Chairman.

Mr. DICKS. Mr. Chairman, will the gentlewoman from Maryland yield?

Mrs. SPELLMAN. I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I rise in support of the amendment.

The Chairman has raised a question on inflation guidelines. The Federal employees might be able to get 10.25 percent. All we are talking about is the 7-percent cap instead of a 5.5-percent cap. I think that is equitable and fair.

I would like to make a point that when the gentlewoman talks about inflation, we asked the administration what going from the $39-billion deficit to a $25-billion deficit would do in terms of reducing inflation, and the unanimous answer was less than one-tenth of 1 percent, if anything.

So, I do not think we can make an argument here on the basis of inflation. This committee is working to give us a deficit that will be around $24.5 billion, substantially below the President's deficit. I think it is time for us to be fair with the Federal Government employees. The gentlewoman is right. We are using them as a convenient scapegoat. I think it is wrong.

Mrs. SPELLMAN. If we were just to ask the President's own inflation fighter—and he was asked the question—he said that it was only fair.

The CHAIRMAN. The time of the gentlewoman from Maryland (Mrs. SPELLMAN) has expired.

Mrs. SPELLMAN. Mr. Chairman, I ask for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maryland?

Mr. GIAIMO. Mr. Chairman, I object. I would like to advise the gentlewoman from Maryland that last week we announced, in the interest of expediting the budget resolution—this is the third Monday now, we have been here 2 weeks, we are beginning the third week—we are going to object to any additional extension of time. We have been consistent. Therefore, I strenuously object.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words and I yield to the gentlewoman from Maryland (Mrs. SPELLMAN).

Mrs. SPELLMAN. Mr. Chairman, I thank the gentleman.

I merely want to quote the inflation fighter, Alfred E. Kahn, the Chairman of the Council on Wage and Price Stability, who said:

> I don't think, as a longrun proposition, it is fair to set a stricter limit for Federal workers.

And I would fully agree with the gentleman. It is unfair 2 years in a row to be setting stricter limits for the very people that we count on to help our own constituents. We have to turn to them day after day. And in the demoralized state that they are in, I am afraid we are just not going to be getting the kind of help from them that we rely on.

Mr. DICKS. Mr. Chairman, I rise in wholehearted support of the amendment offered by the gentleman from Maryland.

This would be the second consecutive year that Federal workers are asked to make an example of themselves in the fight against inflation. In light of the double-digit level of inflation that is a pretty costly example, of questionable effectiveness at best.

The 5.5-percent limitation has resulted in a severe morale problem for the Federal worker. While the President is trying to hold wage increases in the private sector to 7 percent, and in many cases has redefined the standard to allow larger wage hikes, Federal employees are singled out for a firm lower ceiling. It is not too surprising then that many Federal workers are beginning to see themselves as second-class citizens in the eyes of the Government.

The imposition of the 5.5-percent limitation has already had a severe impact on comparability with the private sector. At Puget Sound Naval Shipyard for instance we are paying a skilled engineer $2,000 less than he could get a year in the private sector. In fact he makes less than a plumber in our area. This type of treatment is not conducive to the type of productivity gains which virtually every economist feels are just as important as wage restraint in our fight against inflation. When Federal workers are treated like second-class citizens you will find that we are either unable to recruit anyone for important positions or we will have to settle for less qualified applicants than we need. In some areas this has already begun.

Obviously this limitation has not had a dramatic effect in encouraging wage restraint. I have yet to find one person who has told me he or she is willing to be satisfied with a smaller wage because of the example made of Federal employees.

For many in this body the 5.5-percent wage increase limitation has become a convenient device for cutting the Federal budget. I am, of course, sensitive to the budget constraints we face today. I have supported attempts to reduce spending, including all of the recent rescission requests, although it was not an easy decision. But are we really realizing savings by this move. More often than complaints about high spending, I hear from my constituents dissatisfaction with the effectiveness of Government. Much of that effectiveness is determined by the quality and motivation of Federal employees. The vast bulk of these workers have motivation and I believe are dedicated to doing their best in the public service. They would even be willing to make temporary sacrifices in promoting a national goal. But we do not appear to be asking for a temporary sacrifice. This will be the second year for the 5.5-percent limitation and the President's budget calls for reducing this level in coming years. I think there would be few who would be willing to bet that we can get down to a 5-percent inflation level in the next 2 years, at least without a recession. If we cannot the problems we are already beginning to see will be compounded.

The bottom line on this issue is fairness, and you cannot have a double standard for wage increases and still have fairness. Perpetuation of this limit is wrong. It will lead to serious consequences which will far outweigh any short-term benefit to the Federal budget. It will not be any easier to lift the limitation next year when we target a balanced budget and it will not likely be easy to lift it afterward.

But this is not the way to balance the budget. Industry to its great surprise found it could make even more when it quit paying its employees peanuts and gave them a livable wage through the early part of this century. Productivity gains more than offset the cost increases. Let us not make the same mistake.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. Barnes).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BARNES. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

☐ 1615

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business before the Committee is the demand of the gentleman from Maryland (Mr. Barnes) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DODD

Mr. DODD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dodd: Page 4, line 18, strike out "$217,332,000,000" and insert in lieu thereof "$217,542,000,000".

Page 4, line 19, strike out "$183,100,000,000" and insert in lieu thereof "$183,264,000,000".

Increase the aggregate amounts in the first section (other than the amount of the recommended level of Federal revenues and the amount by which the aggregate amount of Federal revenues should be decreased) accordingly.

Mr. DODD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. DODD. Mr. Chairman, let me explain very briefly what this amendment does. This amendment would provide $164 million in budget outlays and $210 million in budget authority under function 600, the income security section for the fiscal year 1980 budget. The $164 million in outlays and $210 million in authority would be added to the $11 million in outlays and $40 million in authority designated in the fiscal year 1980 budget resolution for the CSA administered emergency crisis intervention program.

☐ 1620

This amendment would bring the total outlays for low-income fuel assistance to $175 million which is the amount obligated for the 1978 fuel assistance program.

Mr. Chairman, there is not a Member of this body who does not have elderly, poor, and handicapped people living in their districts. There is also not a person in this body who is not debating within their own minds as to what our energy program ought to be.

Regardless of your position on control or decontrol of energy cost there should be no doubt in anyone's mind in this body that the cost of heating one's home in the months and years ahead is going to rise and rise dramatically.

Since 1972 the cost of heating a home in this country has risen 184 percent. A year ago at this time we have seen energy costs rise 30 percent. There should be no doubt in anyone's mind that by next year we will be faced with dramatic increases in the cost of providing the basic necessity of staying warm. This program has provided assistance for 1.6 million homes over the past 3 years. The amount allocated in the present budget of $11 million is not going to begin even to address the problem of people who are living on fixed incomes, people who are handicapped in this country or people who are living at the poverty levels or below. There is not a great deal of elasticity in the income of poor people in this country. It is estimated by the Department of Energy that an income level of a family making some $3,000 to $4,000 a year is spending well over $1,000, almost a third of their income, just in providing for energy. There is not a person in this body who wants to ask the elderly of this country or wants to ask the handicapped of this country or to ask the poor of this country to make the impossible choice, whether to stay warm or to have food; whether to go to a physician and take care of their health or to stay warm.

I would strongly urge my colleagues in this body to think carefully before they vote on this amendment.

Every single one of us here wants to try to keep budget levels down. We all recognize the importance of trying to minimize the cost of doing business at the Federal level. I would also suggest there is not a Member of this body who wants to see those whom we represent, those constituents who are in the three categories I mentioned: The elderly, the poor, and the handicapped, who wants to see those people suffer as a result of a policy that would work hardships enough on the middle and upper income families, but which would be devastating to the lower income whose budgets cannot accommodate the rising costs of energy.

The last point I would like to make to my colleagues here, is that this is not a program designed to help the Northeast, to help the New Yorks, the Bostons, and Chicagos of this country, the big cities, the urban areas.

I would like to point out to my colleagues in the past 3 years as I mentioned a moment ago 1.6 million households have benefited in this country as a result of the emergency fuel assistance program. In the West there have been some 64,000 homes. In the South there were some 300,000 households benefited by it. In the Southwest of this country there were 828,000 households benefited. In the Middle Atlantic States there were some 300,000 households.

In the Northeast, an area where I believe most people in this body believe the bulk of this assistance will be directed, only 113,000 households benefited from the emergency fuel assistance program. It is a national program. It gets cold in the Southwest, not just in the Northeast.

I would strongly urge my colleagues today to recognize that while we must have budget consciousness, we must also not avoid those people who are living at the very lowest levels of the economic spectrum.

Mrs. FENWICK. Mr. Chairman, I move to strike the requisite number of words.

I think that the reason for the allocation of funds that the gentleman has described is probably related to the income levels that are prescribed in the formula. Is that not so?

Mr. DODD. The figures I gave are from the Department of Energy.

Mrs. FENWICK. Mr. Chairman, I imagine if there were 800,000 in the South and only 300,000 in the North who used last year's funds, it must relate not to temperature but to income.

I would like to suggest to the gentleman and to all the people in this House who are concerned, we are going to have to pay some attention to this problem, yes.

□ 1625

I would like to suggest that home heating fuel oil should be exempt from that law of Congress which adds 90 cents a barrel unnecessarily to the transportation of fuel oil. I am referring, of course, to the Jones Act.

We can play around all we want with formulas, making additions to the deficit, but we ought to face some of the facts of life that contribute to high costs. This is one of them.

Mr. DODD. Mr. Chairman, will the gentlewoman yield.

Mrs. FENWICK. Yes.

Mr. DODD. Mr. Chairman, I would like to point out to the gentlewoman, and I appreciate the gentlewoman yielding, that this should not be an opportunity for us to debate the energy program of this country. That debate will come on this floor in the weeks that are ahead; but regardless of what our programs are, whether or not this Congress decides to continue controls or decontrol the price of oil, there is no doubt in anyone's mind that the cost of fuel is going to rise.

Mrs. FENWICK. Mr. Chairman, I agree with the gentleman; but I do not think the Budget Committee can accommodate this kind of legislating. I think we will have to enact the excess profits tax which the President has proposed to take care of low-income families who face this problem of heating.

Mr. DODD. Mr. Chairman, if the gentlewoman will yield further, that may occur; but we also know there is a good possibility that an excess profits tax may not pass this Congress. I am only suggesting that we do now what we will have to do later anyway.

I am asking only that the budget levels be that of last year, not to accommodate the rise in the cost of fuel, just last year's figures, to take care of the most needy in this land of ours, even though the cost of fuel is going up.

Mrs. FENWICK. Mr. Chairman, I know, the gentleman has been most articulate.

Mr. FISH. Mr. Chairman, will the gentlewoman yield?

Mrs. FENWICK. Yes; I yield to the gentleman from New York.

Mr. FISH. Mr. Chairman, I want to compliment the gentleman in the well, the gentleman from Connecticut (Mr. DODD) for this amendment which reaches a great and pressing need for the elderly, the poor, and the handicapped.

The existing programs we have had in place in the last two winters are totally inadequate, in my judgment. I certainly hear this from my constituents, and as the gentleman has so eloquently put it, for many people it puts them in a position of making a choice between food and warmth.

In the last Congress and again in this Congress I introduced a measure to provide for energy stamps for just the categories of people the gentleman is talking about.

I think we should consider matters such as a tax credit against heating oil costs.

The President recognized the need of these particular categories of people in his April address to us and to the Nation in which he said that the energy security fund was going to be the source for this type of assistance. At the time I listened to him and heard that mass transit and aid to poor people who could not pay their increased heating bills and all these other things, that he was relying far too much on this energy security fund, that these were national imperatives on their own and had to be addressed separate and apart from any funds resulting from a windfall profits tax.

Mrs. FENWICK. Mr. Chairman, surely we cannot on the floor of this House continue to legislate in the budget resolution what the committees ought to be doing in the legislative and appropriations process. I do not know why we have gone so far astray. We have committees that ought to be doing this, not the Budget Committee.

□ 1630

Mr. GIAIMO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I was just down here a few moments ago explaining why we should hold the line on the Federal employees on their cost-of-living increase, and now I am down here telling the Members why we should not vote this additional $210 million for fuel assistance payments for needy and old people.

It is not easy to do these things. It is so much easier to just say, "Sure, let's do it. Let's add it. It is only another $200 million."

Only another $200 million. This program started out some years ago when we had some very severe winters in the Northeast and in other parts of the country, and we started an emergency fuel program under which the Federal Government provided moneys to help people pay their fuel bills. The States got to like this program, and my Governor and every other Governor has been writing to the Federal Government each year since then—and I believe this was in the middle 1970's when we started this emergency program—and in effect their messages have been: "Keep up that emergency fuel money coming to us. We like it."

This has not been a well-administered program. It has been a program that has been badly administered. It has been badly administered, in my opinion, by the Community Services Administration. Payments have been late, payments have not been made in time, and, frankly, there has been a premium under this kind of slap-together emergency type legislation. We put a premium on those people who cannot afford to pay bills very easily and who fail to pay them, but we do not take care of those people who also cannot afford to pay bills but somehow or other pay their bills without going to the Community Services Administration.

The President has understood this problem, and he has been trying to get away from starting or continuing the program and creating a runaway program. This will be $200 million this year, it will be double that next year, and it will be triple that the year after. That is how Federal programs start. That is why we ran $40 billion and $50 billion deficits in past years. That is why the American people are telling us in a clear, ringing voice, "Get rid of your deficits. Get rid of Federal spending. Get control of your expenditures."

We are going to have to do something in the area of fuel bills. The fact of the matter is that we are not sure that we know what to do or how to do it. We are going to have to do something about meeting the needs of people brought about by inflation, higher rents, higher fuel prices, higher medical costs, and higher food bills.

Why do we single out fuel as a Federal responsibility when it never had been in the past until a couple of years ago? Because, I suspect, of the energy crisis which gives it a lot of pizzazz or sex appeal, if you will, and, therefore, that makes it something that the Federal Government can perhaps more easily justify and pass.

Mr. Chairman, I am urging the Members, if we are to get control of programs and not allow them to grow, that we should end them now, not after we add several hundred million dollars.

The President sent up a request for $40 million. That is a lot less than we have had in the program in prior years. The President has said: "Give me $40 million to enable me to meet some of the very dire emergencies." This is not to be scattered and spread all over the country in a way which would then require supplementals, bringing it into the area of several hundred million dollars more to meet the problem that poor people have because of increased fuel prices. The President said: "Give me the $40 million to meet some dire emergencies, and then we will try to see what we can work out in this whole area of increased costs to people, not just in fuel but in other things."

So, Mr. Chairman, I plead with the Members, do not start this program now as a new Federal giveaway program which will come back to haunt us and will make it that much more difficult for us to get control over our budget.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. Mr. Chairman, I want to underscore what the gentleman from Connecticut (Mr. GIAIMO) said about the mismanagement of this program. There have been a number of complaints around the country about the management of this program.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. GIAIMO) has expired.

Mr. JONES of Oklahoma. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to continue and underscore what the chairman of the Committee on the Budget said about the mismanagement of this program.

Because of a number of complaints around the country, the General Accounting Office has gotten into this issue. They are conducting a survey, and among the preliminary reports that I have heard so far is that this program administered by CSA is one of the more mismanaged programs in the Government.

This report comes at a time when we are trying to find a way to both balance the budget and cut out wasteful spending. Therefore, it seems ill-advised for this Congress to expand the budget with a program that has already demonstrated a great deal of mismanagement.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I appreciate the gentleman's yielding.

I am always impressed by the enormous knowledge and capability of the chairman of the committee, the gentleman from Connecticut (Mr. GIAIMO), and of the President of the United States. I was not aware that either of those gentlemen had the capacity to predict what the weather will be next year, whether it will be cold or not so cold. That is the first point I wanted to make.

□ 1635

The second point is that the gentleman's amendment does not increase or start up a new program. All he does is ask for a funding level that we had last year. That is all that he does.

The third point I want to make is that we have come upon a new way of killing off programs. If it is for the poor, if it is helpful, if it is good, let us get somebody, the GAO, the GXY, or somebody, to label it as a mismanaged program and smear it all over the Congress.

Mr. JONES of Oklahoma. I thank the gentleman for his comments.

The last statement the gentleman made is in fact an unfair indictment of the GAO. This is an effort to cut out wasteful programs. The GAO has studied wasteful programs in Defense, welfare programs, and all kinds of programs. I think the Congress has generally responded to the GAO's reports. In this particular case, because there has been a great deal of mismanagement in my own district in this program, I have also asked the GAO for a report. Their preliminary report is that my district is not atypical, that all across the country where these bucks have been thrown indiscriminately at this particular problem there has been tremendous waste and mismanagement. My point is that we should not be spending more money for this kind of mismanagement.

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as an advocate of deregulation of natural gas and also as one who has supported the issue, at least in principle, of decontrol of crude oil, I find myself arguing for the amendment. I have long argued that we need to provide incentive to provide additional energy and in doing so in the short term it will cost people in this country more to drive, more to heat their homes, and the people that the burden is going to fall greatest upon is the poor. While it seems the administration has cut this program back, maybe in anticipation of an energy security fund, I do not think it is fair for us, and particularly people of my belief, who say we need to price energy at its replacement value, to say that we should cut back this program to help the poor pay their fuel bills by 80 percent, the amount of assistance under the 1979 budget. I think, to have some logic in the position, if you do support decontrol, for a variety of reasons we have to recognize, as the President has done, that the poor need to be protected. While there may be mismanagement in the current program, I know that in my district it has provided much assistance to many poor people.

Mr. DODD. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Connecticut.

Mr. DODD. Mr. Chairman, just to reemphasize the points that have been made. There have been problems with this program, and I think all of us here recognize this. But do not penalize the people who are the beneficiaries of the program because the program may have management problems. We are talking about a level of funding that equals last year's level of funding. We are talking about an additional $164 million in outlays, not the $200 million plus that has been described by others. We are talking about a program that has been in place for 3 years, that has served some 3 million people in this country. It is estimated 200 million people in this country fall into the category of elderly, hard-hit poor, and handicapped, who need assistance. Ten percent of the people are benefiting as a result of this program. Do not blame them because CSA does not work.

Mr. GLICKMAN. Mr. Chairman, I would just like to ask the gentleman a question. It has been said three times. The gentleman's amendment in no way increases the level of this item over last year's budget?

Mr. DODD. That is correct.

Mr. GLICKMAN. The gentleman's amendment would make it exactly the same?

Mr. DODD. We are not trying to increase it at all but to maintain it at last year's level.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I want to thank the gentleman from Connecticut (Mr. DODD) and the gentleman from Minnesota (Mr. NOLAN) for offering this amendment. We have programs with real difficulties that meet real needs. The solution of the administration is to cut out the funding because we cannot come up with an adequate program. I think it is a real challenge for the Congress to come up with a program that works. Yet we are going down the road with deregulation of natural gas and deregulation of oil, and we find we are going to impact negatively upon the poor who cannot afford these new policies. The rejection of this particular amendment would mean we would have no ability to make a budget commitment. I have had many problems with CSA. I have had many problems with DOE, in terms of this particular program, but eliminating funds from the budget is not going to eliminate the needs of the poor. There will be a lot of people in many areas who are going to suffer if this fuel assistance program is not available to help them.

□ 1640

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I thank the gentleman for yielding.

The truth is not always pleasant. If something is badly administered, we should not continue—under the same program—to administer badly other people's money. Neither should Congress, by its own acts, elevate the cost of living with one hand and then take taxpayers' money to reduce the cost with the other. We do it over and over.

I have a bill which will cut the cost of distributing food from 19 to 33 percent. Why do we need an act of Congress to do it? Because we in Congress have allowed a Government agency to inflate those prices with their actions.

The same thing is happening to fuel oil on account of an act of Congress—charging an extra 90 cents a barrel for the privilege of carrying that American oil in American ships. It is $2 a barrel if you want to bring it around from Alaska.

If we mean it, if we are really interested in the poor, if we really are concerned, we ought to begin to remove some of the artificial costs that Congress has imposed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. Dodd).

The question was taken; and on a division (demanded by Mr. Dodd) there were—ayes 18, noes 22.

Mr. DODD. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

☐ 1645

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Connecticut (Mr. Dodd) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 222, not voting 33, as follows:

[Roll No. 145]

AYES—179

Addabbo
Akaka
Albosta
Ambro
Anderson, Calif.
Andrews, N.C.
Applegate
Atkinson
Bailey
Barnes
Beard, R.I.
Bedell
Benjamin
Bereuter
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bouquard
Bowen
Brodhead
Buchanan
Burton, John
Burton, Phillip
Byron
Carter
Cavanaugh
Cheney
Chisholm
Clay
Cleveland
Coleman
Collins, Ill.
Conte
Cotter
D'Amours
Davis, Mich.
de la Garza
Deckard
Dellums
Diggs
Dixon
Dodd
Donnelly
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Emery
Erdahl
Ertel
Evans, Del.
Evans, Ind.
Ferraro
Fish
Fithian
Flood
Florio
Ford, Mich.
Ford, Tenn.
Fowler
Frost
Garcia
Gaydos
Gilman
Glickman
Gonzalez
Goodling
Gore
Gray
Green
Guarini
Gudger
Hall, Ohio
Hamilton
Hammerschmidt
Harkin
Hawkins
Heckler
Hefner
Hollenbeck
Holtzman
Horton
Howard
Jeffords
Jones, N.C.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
Leach, Iowa
Lederer
Leland
Lent
Lowry
McDade
McHugh
Maguire
Markey
Marks
Mavroules
Mikulski
Mikva
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mottl
Murphy, Ill.
Murphy, N.Y.
Natcher
Neal
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Patten
Perkins
Peyser
Preyer
Pursell
Quillen
Rahall
Ratchford
Richmond
Rinaldo
Roe
Rosenthal
Roybal
Russo
Sabo
Santini
Scheuer
Seiberling
Shannon
Sharp
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Spellman
Staggers
Stangeland
Stanton
Stark
Stewart
Stokes
Studds
Tauke
Thomas
Thompson
Traxler
Vento
Walgren
Watkins
Waxman
Weiss
White
Whitley
Whittaker
Whitten
Wilson, C. H.
Wilson, Tex.
Wolpe
Yatron
Young, Mo.
Zeferetti

NOES—222

Abdnor
Alexander
Andrews, N. Dak.
Annunzio
Anthony
Archer
Ashbrook
Ashley
Aspin
AuCoin
Badham
Bafalis
Baldus
Barnard
Bauman
Beard, Tenn.
Beilenson
Bennett
Bethune
Bevill
Bonker
Brademas
Breaux
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Burgener
Burlison
Butler
Carney
Carr
Chappell
Clausen
Clinger
Coelho
Collins, Tex.
Corcoran
Corman
Coughlin
Courter
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dornan
Edwards, Ala.
Edwards, Okla.
English
Erlenborn
Evans, Ga.
Fary
Fascell
Fazio
Fenwick
Findley
Fisher
Flippo
Fountain
Frenzel
Fuqua
Gephardt
Giaimo
Gibbons
Gingrich
Ginn
Goldwater
Gradison
Gramm
Grassley
Grisham
Hagedorn
Hance
Hanley
Hansen
Harris
Harsha
Heftel
Hightower
Hinson
Holland
Holt
Hopkins
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, Okla.
Kelly
Kemp
Kindness
Kramer
LaFalce
Lagomarsino
Latta
Leach, La.
Leath, Tex.
Lee
Lehman
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, Md.
Lott
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDonald
McEwen
McKay
Madigan
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mazzoli
Mica
Michel
Miller, Calif.
Miller, Ohio
Mineta
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Pa.
Murtha
Myers, Ind.
Nedzi
Nelson
Nichols
O'Brien
Panetta
Pashayan
Paul
Pease
Petri
Pickle
Price
Railsback
Regula
Reuss
Rhodes
Ritter
Roberts
Robinson
Rose
Rostenkowski
Roth
Rousselot
Royer
Rudd
Runnels
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Snyder
Solomon
Spence
Stack
Steed
Stenholm
Stockman
Stratton
Stump
Swift
Symms
Synar
Taylor
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Volkmer
Walker
Weaver
Whitehurst
Williams, Mont.
Winn
Wirth
Wright
Wyatt
Wydler
Wylie
Yates
Young, Fla.
Zablocki

NOT VOTING—33

Anderson, Ill.
Broyhill
Campbell
Conable
Conyers
Crane, Daniel
Crane, Philip
Davis, S.C.
Duncan, Oreg.
Foley
Forsythe
Guyer
Hall, Tex.
Hillis
Hubbard
Johnson, Colo.
Jones, Tenn.
Long, La.
McKinney
Myers, Pa.
Patterson
Pepper
Pritchard
Quayle
Rangel
Rodino
St Germain
Treen
Wampler
Williams, Ohio
Wilson, Bob
Wolff
Young, Alaska

☐ 1705

The Clerk announced the following pairs:

On this vote:

Mr. Rodino for, with Mr. Hall of Texas against.

Mr. Jones of Tennessee for, with Mr. Pepper against.

Mr. Rangel for, with Mr. Philip M. Crane against.

Mr. Conyers for, with Mr. Daniel B. Crane against.

Mr. McKinney for, with Mr. Bob Wilson against.

Mr. Williams of Ohio for, with Mr. Young of Alaska against.

Mr. PURSELL and Mrs. BOGGS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1710

AMENDMENT OFFERED BY MR. FISHER

Mr. FISHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Fisher: On page 2, line 8, strike out the amount and insert in lieu thereof "$605,080,600,000" (budget authority).

On page 2, line 10, strike out the amount and insert in lieu thereof "$529,862,600,000" (outlays).

On page 2, line 13, strike out the amount and insert in lieu thereof "$20,862,600,000" (deficit).

On page 2, line 15, strike out the amount and insert in lieu thereof "$884,732,600,000" (public debt).

On page 2, line 17, strike out the amount and insert in lieu thereof "$57,300,600,000" (debt limit increase).

On page 5, line 16, insert the following new section:

Sec. . The Budget Committee of the House of Representatives shall recompute the appropriate level of estimated budget authority, and outlay for each functional category (except categories 900 and 950) to reflect a pro rata reduction of the total budget authority and outlay for each such category.

Mr. FISHER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. FISHER. Mr. Chairman, this is a fairly sweeping amendment that I am proposing, and I urge that the Members listen to what I have say about it.

The first budget resolution, when things work properly, signals to the whole country, as well as to our own committees, what kind of budget we think the country ought to have in the next fiscal year. In the course of time we get drawn into quite a lot of detail, perhaps more than is useful, but this helps us to see what we want the aggregates to be.

☐ 1715

The first resolution has become a kind of trial run, a preview of major legislation that will be considered during the next few months.

My amendment goes to the budget aggregates. This amendment reflects my judgment that outlays, as they now stand, are too high, and the deficit is not being reduced fast enough in fiscal 1980. I believe that if the budget is to reach balance in the following year, 1981, more rapid progress will have to be made in reducing that deficit in 1980. I propose cutting the budget as it now stands by some $2.5 billion. That is about one-half of 1 percent, and across the board, except for interest and undistributed offsetting receipts, which really cannot be dealt with in this way.

This is a significant cut, but still only one-half of 1 percent. I believe it can be absorbed without too much trouble by all of the categories that I would subject to this cut. This is about one-half the reduction proposed last week in the Holt-Regula amendment.

Now, it will be said that this is a meat-ax approach. Actually, it is a very small meat ax, nearer to the size of a scalpel.

It will be said that the so-called entitlement programs cannot be cut at all. Nonsense. They can be administered more efficiently. Eligibilities and durations of benefits can be scrutinized. Some contracts can be deferred, and so on.

After all, I am proposing only a one-half-percent reduction. And remember, please, that this first budget resolution is advisory only. It sets guidelines for our committees to pay attention to through the spring and summer as they deal with appropriations.

Now, what will happen if this amendment is passed? The House conferees will go to conference with a few Senators, with budget figures for budget authority, outlays, deficit and debt, some $2½ billion lower.

The budget that emerges from the conference may then be a bit lower. That is all.

The purpose of this, I repeat, is to send a signal as to what we think ought to be the guidelines from now until the second resolution in the fall.

This amendment should appeal to Republicans, Democrats, all who want somewhat lower 1980 outlays, all who want a somewhat reduced deficit, and all who want a better chance at balance in 1981. This will probably be the last opportunity in this first resolution to vote for a significant reduction to signal all our authorizing and appropriating committees and our Budget Committee that the whole process should be made to absorb.

□ 1720

Mr. GIAIMO. Mr. Chairman, I rise in opposition to the amendment.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Virginia, briefly.

Mr. FISHER. Just to finish what I was saying, this will be the last opportunity in this resolution to vote for a reduction, to signal our committees that they are to absorb and adjust to a $2.5 billion cut, a one-half-percent reduction. This, I think, is the effective way of keeping the pressure on for tightening up on our programs and moving a bit more rapidly toward a balanced budget.

Mr. GIAIMO. Mr. Chairman, I rise in opposition to the amendment. I want to commend the gentleman from Virginia, who is an able Member of this body and was a very able member of the Budget Committee during the period he was on it. I know how sincere he is and how dedicated and how much work and thought he puts into amendments of this type. I know his concern about trying to get better control over Federal spending.

But, I think that the committee has done a good job. I think we have addressed ourselves to maintaining a proper balance with all the programs and trying to meet the needs as best we can. We think that this would be a very brash and harsh reduction; $2.5 billion on top of all of the reductions which were in the budget when it was sent up to us by the President in January.

This cuts all kinds of programs. It would affect defense; it would affect education; it would affect health; it would affect veterans; it would affect income security. In all of these programs we would be hurting people if we were to adopt the gentleman's amendment.

We will have a better picture and a better idea in the coming weeks and months after our appropriations bills and our spending bills and our entitlement bills come to the floor. Then, in August we will be able to reassess and reevaluate this budget when we bring the second budget resolution to the floor.

I just say to my good friend from Virginia that I think it would be premature to make this drastic cut now in these programs, and I would urge the defeat of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. FISHER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FISHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 255, noes 144, not voting 35, as follows:

[Roll No. 146]

AYES—255

Abdnor
Ambro
Andrews, N.C.
Andrews, N. Dak.
Anthony
Applegate
Archer
Ashbrook
Aspin
AuCoin
Badham
Bafalis
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Benjamin
Bereuter
Bethune
Biaggi
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Burgener
Burton, John
Butler
Byron
Carney
Cavanaugh
Cheney
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
D'Amours
Daniel, R. W.
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dicks
Donnelly
Dornan
Duncan, Tenn.
Edgar
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flippo
Fountain
Fowler
Frenzel
Frost
Fuqua
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goodling
Gradison
Gramm
Grassley
Grisham
Gudger
Guyer
Hagedorn
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hefner
Hightower
Hinson
Holland
Hollenbeck
Holt
Hopkins
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Jones, N.C.
Jones, Okla.
Kastenmeier
Kelly
Kemp
Kindness
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lee
Lent
Levitas
Lewis
Livingston
Loeffler
Long, Md.
Lott
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McKay
Madigan
Marks
Marlenee
Marriott
Martin
Mathis
Mattox
Mavroules
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Minish
Mitchell, N.Y.
Mollohan
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Myers, Ind.
Neal
Nelson
Nichols
Nowak
Panetta
Pashayan
Paul
Petri
Pickle
Preyer
Pursell
Railsback
Regula
Rinaldo
Ritter
Robinson
Rose
Roth
Rousselot
Royer
Rudd
Runnels
Russo
Santini
Satterfield
Sawyer
Schroeder
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Slack
Smith, Nebr.
Snowe
Snyder
Solomon
Spellman
Spence
Stangeland
Stanton
Stark
Stenholm
Stockman
Stump
Symms
Synar
Tauke
Taylor
Thomas
Trible
Udall
Ullman
Vander Jagt
Vanik
Volkmer
Walgren
Walker
Watkins
Weaver
White
Whitehurst
Whitley
Whittaker
Whitten
Wilson, Tex.
Winn
Wirth
Wyatt
Wydler
Wylie
Yatron
Young, Fla.
Zablocki
Zeferetti

NOES—144

Addabbo
Akaka
Albosta
Alexander
Anderson, Calif.
Annunzio
Ashley
Atkinson
Bailey
Baldus
Bedell
Beilenson
Bennett
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Brademas
Brodhead
Burlison
Burton, Phillip
Carr
Carter
Chappell
Chisholm
Clay
Collins, Ill.
Corman
Cotter
Daniel, Dan
Danielson
Dellums
Dickinson
Dingell
Dixon
Dodd
Downey
Drinan
Early
Eckhardt
Edwards, Ala.
Edwards, Calif.
Fary
Fazio
Ferraro
Flood
Florio
Ford, Mich.
Ford, Tenn.
Garcia
Gaydos
Gephardt
Giaimo
Goldwater
Gonzalez
Gore
Gray
Green
Guarini
Hall, Ohio
Hawkins
Heckler
Heftel
Horton
Howard
Johnson, Calif.
Kazen
Kildee
Kogovsek
Lederer
Lehman
Leland
Lloyd
Lowry
McHugh
Maguire
Markey
Matsui
Mazzoli
Mikva
Mineta
Mitchell, Md.
Moakley
Moffett
Montgomery
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nolan
Oakar
Oberstar
Obey
Ottinger
Patten
Pease
Perkins
Peyser
Price
Quillen
Rahall
Ratchford
Reuss
Rhodes
Richmond

Roberts
Roe
Rosenthal
Rostenkowski
Roybal
Sabo
Scheuer
Seiberling
Shannon
Simon
Smith, Iowa
Solarz
Stack
Staggers
Steed
Stewart
Stokes
Stratton
Studds
Swift
Thompson
Traxler
Van Deerlin
Vento
Waxman
Weiss
Williams, Mont.
Wilson, C. H.
Wolff
Wolpe
Wright
Yates
Young, Alaska
Young, Mo.

NOT VOTING—35

Anderson, Ill.
Broyhill
Campbell
Conyers
Crane, Daniel
Crane, Philip
Davis, S.C.
Diggs
Dougherty
Duncan, Oreg.
Foley
Forsythe
Hall, Tex.
Hillis
Holtzman
Hubbard
Johnson, Colo.
Jones, Tenn.
Long, La.
McKinney
Myers, Pa.
O'Brien
Patterson
Pepper
Pritchard
Quayle
Rangel
Rodino
Schulze
Skelton
St Germain
Treen
Wampler
Williams, Ohio
Wilson, Bob

☐ 1735

The Clerk announced the following pairs:

On this vote:

Mr. Hall of Texas for, with Mr. Rodino against.

Mr. Jones of Tennessee for, with Mr. Conyers against.

Mr. O'Brien for, with Mr. Rangel against.

Mr. Schulze for, with Mr. Pepper against.

Mr. Wampler for, with Mr. Diggs against.

Mr. BLANCHARD changed his vote from "aye" to "no."

Mr. PURSELL, Mr. NELSON and Mrs. BOUQUARD changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1740

Mr. GIAIMO. Mr. Chairman, I ask unanimous consent that all debate on the concurrent resolution and all amendments thereto terminate immediately.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. HARKIN. Mr. Chairman, reserving the right to object, I wonder if the chairman of the committee would permit at least 5 minutes to those of us who have waited a week and a half and have only spoken less than 5 minutes on the resolution?

We have been debating this resolution for nearly 2½ weeks, and there are many of us who have only spoken 5 minutes on the entire resolution. I think the gentleman ought to allow us at least 5 minutes now to speak on our amendments. I would like to have at least that much time.

Mr. GIAIMO. Mr. Chairman, I withdraw my request.

The CHAIRMAN. The gentleman from Connecticut (Mr. GIAIMO) withdraws his unanimous-consent request.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PASHAYAN

Mr. PASHAYAN. Mr. Chairman, I offer an amendment in the nature of a substitute.

Mr. GIAIMO. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Connecticut (Mr. GIAIMO) reserves a point of order.

The Clerk will report the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. PASHAYAN: Strike all after the resolving clause and insert in lieu thereof the following:

That the Congress hereby determines and declares pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979—

(1) the recommended level of Federal revenues is $505.4 billion, and the amount by which the aggregate level of Federal revenues should be decreased is 0;

(2) the appropirate level of total new budget authority is $576.8 billion;

(3) the appropriate level of total budget outlays is $505.4 bilion;

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is zero; and

(5) the appropriate level of the public debt is $863.9 billion, and the amount by which the statutory limit on such debt should accordingly be increased is $33.9 billion.

SEC. 2. The Congress recognizes that the activities of off-budget Federal entities are excluded from the budget by law. The Congress recommends that a way be found to relate accurately the estimates of off-budget Federal entities and capital expenditures to the unified budget.

SEC. 3. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the first section of this resolution, the Congress hereby determines and declares pursuant to section 301(a)(2) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1979, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):
(A) New budget authority, $128.5 billion;
(B) Outlays, $117.9 billion.
(2) International Affairs (150):
(A) New budget authority, $12.3 billion;
(B) Outlays, $7.7 billion.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $5.3 billion;
(B) Outlays, $5.2 billion.
(4) Energy (270):
(A) New budget authority, $19.1 billion;
(B) Outlays, $7.6 billion.
(5) Natural Resources and Environment (300):
(A) New budget authority, $12.1 billion;
(B) Outlays, $11.3 billion.
(6) Agriculture (350):
(A) New budget authority, $4.7 billion;
(B) Outlays, $5.1 billion.
(7) Commerce and Housing Credit (370):
(A) New budget authority, $7.2 billion;
(B) Outlays, $3.0 billion.
(8) Transportation (400):
(A) New budget authority, $18.7 billion;
(B) Outlays, $17.3 billion.
(9) Community and Regional Development (450):
(A) New budget authority, $7.9 billion;
(B) Outlays, $7.2 billion.
(10) Education, Training, Employment and Social Services (500):
(A) New budget authority, $30.8 billion;
(B) Outlays, $29.9 billion.
(11) Health (550):
(A) New budget authority, $55.2 billion;
(B) Outlays, $51.1 billion.
(12) Income Security (600):
(A) New budget authority, $206.5 billion;
(B) Outlays, $174.0 billion.
(13) Veterans Benefits and Services (700):
(A) New budget authority, $20.2 billion;
(B) Outlays, $19.8 billion.
(14) Administration of Justice (750):
(A) New budget authority, $4.1 billion;
(B) Outlays, $4.2 billion.
(15) General Government (800):
(A) New budget authority, $4.2 billion;
(B) Outlays, $4.1 billion.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $6.2 billion;
(B) Outlays, $6.2 billion.
(17) Interest (900):
(A) New budget authority, $53.9 billion;
(B) Outlays, $53.9 billion.
(18) Allowances (920):
(A) New budget authority,—$0.3 billion;
(B) Outlays, —$0.3 billion.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, —$19.8 billion;
(B) Outlays, —$19.8 billion.

SEC. 4. Pursuant to section 304 of the Congressional Budget Act of 1974, the appropriate allocations for fiscal year 1979 made by H. Con. Res. 683 are revised as follows:

(a)—

(1) the recommended level of Federal revenues is $458,485,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is $15,000,000;

(2) the appropriate level of total new budget authority is $557,932,000,000;

(3) the appropriate level of total budget outlays is $494,342,000,000;

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $35,857,000,000; and

(5) the appropriate level of the public debt is $830,000,000,000, and the amount by which the statutory limit on such debt should accordingly be increased is zero.

(b)—

(1) National Defense (050):
(A) New budget authority, $126,096,000,000;
(B) Outlays, $114,132,000,000.
(2) International Affairs (150):
(A) New budget authority, $11,240,000,000;
(B) Outlays, $7,325,000,000.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $5,357,000,000;
(B) Outlays, $5,151,000,000.
(4) Energy (270):
(A) New budget authority, $7,592,000,000;
(B) Outlays, $7,338,000,000.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $8,696,000,000;
(B) Outlays, $8,822,000,000.
(17) Interest (900):
(A) New budget authority, $52,429,000,000;
(B) Outlays, $52,430,000,000.
(18) Allowances (920):
(A) New budget authority, $699,000,000;
(B) Outlays, $693,000,000.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, —$18,120,000,000;
(B) Outlays, —$18,120,000,000.

Mr. PASHAYAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. VOLKMER. Mr. Chairman, reserving the right to object, briefly, may I ask, does this amendment concern both 1979 and 1980?

Mr. PASHAYAN. No. Mr. Chairman,

if the gentleman will yield, this is just for fiscal year 1980.

Mr. VOLKMER. It is for fiscal year 1980, and that is all.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Does the gentleman from Connecticut (Mr. GIAIMO) insist upon his point of order?

Mr. GIAIMO. Mr. Chairman, as I understand it, this is a substitute for the entire concurrent resolution?

The CHAIRMAN. The gentleman is correct. It is an amendment in the nature of a substitute.

Mr. GIAIMO. In which case, Mr. Chairman, I do not insist on my point of order.

The CHAIRMAN. The gentleman is correct.

The Chair now recognizes the gentleman from California (Mr. PASHAYAN) for 5 minutes in support of his amendment in the nature of a substitute.

Mr. PASHAYAN. Mr. Chairman, I would like to commend my colleague, the gentleman from Virginia (Mr. FISHER), for his amendment, but I would like to add that I should like to ask this body to go a step further.

Mr. Chairman, over the past 2 weeks this body has become the battleground for differing economic philosophies and assumptions regarding the most prudent economic policy for the American people in 1980.

Under the most difficult circumstances the Budget Committee reported a resolution whose deficit is less than the President's budget request. The distinguished chairman of the committee should be strongly commended for the role he played.

Mr. Chairman, no matter what the divisions in this House may be, however, the American people have charged us with arriving at a balanced budget for 1980 and making sure that all waste and inefficiency is weeded out of the bureaucracy.

Consequently, the amendment that I offer today seeks to cut all recommended revenues by 5 percent. This would balance the budget. It is simple and straight forward.

In the remarks made by the distinguished chairman of the Budget Committee, it was made quite clear that the burden of cutting the recommended budget should not fall on particular programs. This amendment discriminates neither for nor against any one department or agency, or neither for nor against any one policy or program. All are held accountable to become fiscally sound in fiscal year 1980.

I would hope that there is not a Member in this Chamber who consciously does not believe that there is at least 5 percent that can be reduced in administrative expenses in the departments and agencies.

Let us remember that this is not the final budget resolution. In effect, all this resolution does is to give the budgetary framework for the other committees to use in planning for fiscal year 1980. This resolution is not the final decision on the fiscal year 1980 budget.

All I ask this body to do now, is to send back a budget resolution to the committees, asking them to work with 95 cents instead of a dollar. Let the committees determine in particular where the extra nickel can be taken out; or, if you will, even whether it can be taken out. Let us remember that this whole matter will again be debated later this session. Again, all I am suggesting with this amendment is that this Congress direct the committees to work on the idea of 95 cents for every budget dollar.

We all have our favorite priorities in Government; I have mine, and you have yours. They probably occur in 435 differing combinations. To balance the budget we all must sacrifice. I ask that you require a sacrifice of your favorite priorities as I do of mine. Let us spread the burden equally among us.

Mr. Chairman, the people of this country are not unaware. They have listened to the same arguments that have echoed from this Chamber, budget resolution after budget resolution. They are angry. They are not going to continue to tolerate budget deficits at their expense, and they should not.

Rarely in our country's business have the people called for a constitutional convention. But they are calling for one now. To date 30 States have demanded that such a convention be held. Should four more States follow in turn, the second constitutional convention in our Nation's history will have been launched.

Mr. Chairman, my amendment simply heeds this call. I am asking for no more than a resolution of Congress which asks the Federal Government to spend 95 cents rather than the dollar. We have the answer within our grasp. Let us not lose this chance. Let us all stand equal to the legacy of this body.

☐ 1745

Mr. GIAIMO. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end forthwith.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. SOLOMON. Mr. Chairman, reserving the right to object, I wish to offer a perfecting amendment to the amendment in the nature of a substitute offered by the gentleman from California (Mr. PASHAYAN).

Therefore, Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. GIAIMO. Mr. Chairman, I move that all debate on this amendment and all amendments thereto end forthwith.

The motion was agreed to.

The CHAIRMAN. The Chair will advise the gentleman from New York (Mr. SOLOMON) that he may still offer his amendment. It will be reported and it will be voted on.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOLOMON. Mr. Chairman, is the amendment in the nature of a substitute offered by the gentleman from California (Mr. PASHAYAN) still before the House, and will it be voted on?

The CHAIRMAN. The gentleman is correct.

PERFECTING AMENDMENT OFFERED BY MR. SOLOMON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PASHAYAN

Mr. SOLOMON. Mr. Chairman, I offer a perfecting amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Perfecting amendment offered by Mr. SOLOMON to the amendment in the nature of a substitute offered by Mr. PASHAYAN:

In section 1:

In the matter relating to the appropriate level of total new budget authority increase the amount by $6,700,000,000;

In the matter relating to the appropriate level of total budget outlays increase the amount by $5,600,000,000;

In the matter relating to the amount of the deficit increase the amount by $5,600,000,000;

In the matter relating to the appropriate level of the public debt increase the amount by $5,600,000,000;

In the matter relating to the amount by which the statutory limit on the public debt should accordingly be increased, increase the amount by $5,600,000,000.

In section 3:

In the matter relating to Function 050—National Defense increase the amount for budget authority by $6,700,000,000; and increase the amount for outlays by $5,600,000,000.

PREFERENTIAL MOTION OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. SOLOMON moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

☐ 1750

The CHAIRMAN. The gentleman from New York (Mr. SOLOMON) is recognized for 5 minutes in support of his preferential motion.

Mr. SOLOMON. Mr. Chairman, I just want to say we have gone through this with the Wilson amendment. We have gone through this with amendment after amendment. I think the honorable gentleman from New York (Mr. STRATTON), eloquently spoke earlier today on the need for increasing our appropriations for national defense. The Pashayan amendment would cut national defense by $6.7 billion. This amendment simply deletes that cut of 5 percent in the national defense category, section 50.

Mr. PASHAYAN. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. PASHAYAN. Mr. Chairman, may I stress that the whole idea behind this amendment that I have offered today is that everybody has to absorb some of the responsibility if we are going to balance the budget. I have my favorite programs. The gentleman from New York has his favorite programs.

I do not like to see the Department of Defense cut either. I am willing to cut the Department of Defense if I know that the rest of the Government is being cut in like manner. That is the idea behind this amendment. If we are going to start picking it apart, we will find ourselves back in the same quagmire from which I hope this amendment will allow us to emerge.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from New York (Mr. SOLOMON).

The preferential motion was rejected.

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from New York (Mr. SOLOMON) to the amendment in the nature of a substitute offered by the gentleman from California (Mr. PASHAYAN).

The perfecting amendment to the amendment in the nature of a substitute was rejected.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. PASHAYAN).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. PASHAYAN. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was refused.

So the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. HARKIN

Mr. HARKIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARKIN: In the matter relating to the appropriate level of total new budget authority increase the amount by $166,000,000;

In the matter relating to the appropriate level of total budget outlays increase the amount by $32,900,000;

In the matter relating to the amount of the deficit increase the amount by $32,900,000;

In the matter relating to the appropriate level of the public debt increase the amount by $32,900,000;

In the matter relating to the amount by which the statutory limit on the public debt should accordingly be increased, increase the amount by $32,900,000.

In the matter relating to Community and Regional Development (450) increase the amount for budget authority by $166,000,000; and increase the amount for outlays by $32,900,000.

Mr. HARKIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HARKIN. Mr. Chairman and members of the committee, I rise apprehensively to offer this amendment, knowing that the hour is late and that people want to get this bill over with. I do want to thank the gentleman from Connecticut for affording me at least 5 minutes to explain it.

It is essentially the same amendment I offered last week to the Mitchell amendment. What it does basically is increase the rural water and waste disposal grant program, the rural fire prevention program, and the rural development planning grant program of the Farmers Home Administration.

What we have is a budget from OMB that cuts drastically the water and waste disposal grant programs of the Farmers Home Administration from $282 million last year down to $264 million this year.

□ 1755

This is a very modest amendment. It only increases outlays by $32.9 million. The effect on the budget is small, but the effect in rural America is great. We have many small communities in this Nation that do not have good drinking water, do not have good waste disposal systems. What we are asking for is just a little bit of help to help provide clean drinking water and sewage disposal services to people in small towns. Right now, we have 1,820 grant applications pending which total $771 million. I am asking for some help from my urban friends. This is very meaningful to rural America.

OMB cut the entire fire protection grant program to zero, as if we do not have fires in rural areas. Of course we do, and those are the areas where we do not have the kind of equipment we need to put out those fires. Community planning grants are cut to zero. Yet, what we are trying to do is to come up with innovative ways of handling drinking water and waste water. In one area, as an example, rather than building sewage disposal systems for each town, we are laying plans for building a centralized system and bringing sewage from other towns to it to help cut the cost for all the small communities, and yet providing them with a good, effective, clean, environmentally sound way of getting rid of their waste products.

Many times in the budget process rural needs are overshadowed by urban needs. I can well understand that, but the money I am asking for is very small—$32.1 million. No. 1, it only increases the rural development program to keep pace with inflation. Second, these grants go to the neediest rural towns with the highest concentration of elderly people, and this is one of the highest priorities of the Congressional Rural Caucus.

Next to food, clothing, and shelter, it is my belief that clean water and adequate sewage disposal systems are the basic needs for most of our people in this country. Is it unfair to ask for clean water and sewage disposal systems? If Members want to help relieve the congestion in the cities, if they want to help keep people in the rural areas, as I do, I am asking for an aye vote on this amendment for $32.9 million to help us get cleaner water and waste disposal systems.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I commend the gentleman for his statement, and wish to associate myself with his remarks.

Mr. HARKIN. I thank the gentleman.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Is the gentleman adding to the rural water waste disposal grant program?

Mr. HARKIN. Yes, sir.

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from California.

Mr. JOHN L. BURTON. This would help the dairy areas in western Marin County and southern Sonoma County?

Mr. HARKIN. It would help communities of less than 10,000 population where there is a need and high concentration of elderly people.

Mr. GIAIMO. Mr. Chairman, I rise in opposition to this amendment. The President asked for $265 million in rural water and waste disposal grant programs, and $243 million in outlays. The committee went along with this recommendation. We think it is a reasonable level. This amendment would add $106 million to it.

I ask that the amendment be defeated.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Iowa.

Mr. HARKIN. Yes, it is true that the committee recommended $264 million, which was the Carter budget. That is down from last year, from $282 million. So, there has been a drastic cut in water and waste disposal programs, a drastic cut.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. HARKIN).

The amendment was rejected.

Mr. WRIGHT. Mr. Chairman, I take this time to observe that we appear finally to be nearing the ultimate vote on this bill. Our deliberation has consumed the better part of 2 full weeks. I want to congratulate the House and its membership on a responsible debate. I believe that the quality and the level of the discussion will match those on almost any other bill that has been before us in recent times. It has been tiresome to us. I know that many Members have hoped for an earlier resolution, but I want to say in behalf of the chairman, the gentleman from Connecticut (Mr. GIAIMO) that I do not believe I have ever seen a chairman handle a bill more adroitly and more patiently and more fairly than Mr. GIAIMO has done.

□ 1800

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to my friend, the distinguished minority leader.

Mr. RHODES. I want to associate myself with the remarks of the majority leader. This has, indeed, been a high level debate and I think a very valuable debate. It in many ways fulfills the dream and the promise that many of us felt when we set up the congressional budget system. The main idea was to make sure that every Member of the House knew what he was doing when he voted on the budget. If there is anybody who does not know what he is doing now, it must be because he did not attend the floor very carefully because he certainly could have found out.

I extend my congratulations not only to the Chairman but to the ranking minority member, the gentleman from Ohio (Mr. LATTA) and all the members of the committee. They have done a fine job.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: On page 6, line 3, immediately after the words "Sec. 5" insert "(a)"; and immediately after line 25 on page 6 insert the following:

"(b) In 1979 and 1980, the Committee on the Budget of the House of Representatives shall include in the report accompanying any concurrent resolution on the budget reported by the Committee a statement of any anticipated increases in Federal revenues for the ensuing fiscal year, specifying—

(1) the total amount of any such anticipated increases;

(2) the portion of such increases attributable to inflation;

(3) the portion of such increases attributable to growth of the gross national product;

(4) the portion of such increases attributable to previously scheduled tax rates or coverage resulting from provisions of existing law; and

(5) the portion of such increases attributable to proposed tax increases.

The statement shall include an estimate of the tax impact of each of the items so specified on individual taxpayers according to family size and income level, along with such recommendations as may be deemed appropriate."

Mr. ASHBROOK. Mr. Chairman, I do not believe it will be necessary to take the 5 minutes, but I would harken back to one statement our minority leader made. He said every Member here knows what is in the budget. I think that is generally true, but we do not always know what the assumptions are on which the budget is figured. For those of us who have been on the floor during debate, it is fair to recall that an amendment would be offered and they would project 3.5 percent. The gentleman from Maryland would ask a question, and somebody would say, 6 percent. We are not certain most of the time on the projections of increases in revenues. Some make them large; some make them small.

All this amendment would do—and I do not see any possible hooker in it—is require the Committee on the Budget in its educational aspect—and, after all, that is what the Committee on the Budget has been doing for the past several years: Educating the Membership as to the restraints that we must impose on ourselves; before that we would just pass 23 or 24 appropriations and we rarely balanced them out to the end—as a part of the educational process to break down the estimated revenue increases as they relate to inflation, as they relate to growth of the gross national product, as they relate to existing taxes, and as they relate to increased taxes. This would make the Members much better able to understand the bill, the amendments, and all the assumptions made.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from New York.

Mr. CONABLE. I thank my colleague for yielding.

I would urge strong support for this amendment by the House as a whole. It is, in fact, a truth-in-Government bill. We have backed into a lot of tax increases. This simply requires the Committee on the Budget to report the tax increases that occur not by action of the Congress but as a result of inflation or for other reasons, and it permits also the inclusion of a statement estimating the tax impact of each of the items so specified on individual taxpayers according to family size and income level, along with such recommendations as may be deemed appropriate. Frankly, I think we owe this to the American people to let them know what is happening to them, whether we have done it by direct action or whether the interaction of inflation and the graduated income tax are the reason for the increases that are being inflicted upon us.

□ 1805

Mr. ASHBROOK. I thank my colleague for that contribution. I would say to the Budget Committee this is not offered with the idea of causing you any problems, it is offered with the idea of having confidence in your ability in future years to break down the increases in revenues so that those of us sitting here will have a better idea of how it is allocated, how much is based on inflation, how much on actual increases in the GNP and across the board.

I think it shows a faith in the budget process and in no way would inhibit their operation or cause any additional problems.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. Yes, I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague yielding.

As a former member of the Budget Committee, let me assure the gentleman that this amendment is important for many reasons. We are on too many occasions just asked to refer to the committee report on many of these items you are asking be included in the resolution. Then needed alterations in these assumptions as different amendments are offered or different arguments are accepted, do not become clear to the Whole House. This would put it in print and force us to vote on whether we agree with those assumptions or not and I compliment the gentleman for his amendment.

Mr. ASHBROOK. I would say in conclusion as we listened to the amendments many times the assumptions of a Member in the well was challenged largely because they were not specific, referrable items we could look at. We had different assumptions. Some say 3 percent, some 4 percent, some 5 percent, some 6 percent. This as our colleague from New York said might bring more truth in Government.

I yield back the balance of my time.

Mr. GIAIMO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment, not because I am terribly opposed to what the gentleman from Ohio is trying to do but because I am concerned that he is imposing some very difficult jobs on the committee that we might not be able to comply with. For example, the gentleman says we shall include in the report accompanying any concurrent resolution on the budget a statement of any anticipated increases in Federal revenue for the ensuing year.

He then specifies, for example, the portion of such increases attributable to inflation.

It is not easy to put into a report the amount of increase in revenues and how much of it comes because of increased inflation, how much because of greater productivity, how much because of an increase in the real rate of growth in the economy. You are almost forcing on us a job that would be extremely difficult to do.

I would like an opportunity to study this further and see if there is a way in which we can accommodate the purpose the gentleman tries to accomplish.

To put in language like this which ostensibly would purport to help but, in fact, would confuse, I think is not wise and I oppose it.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. Yes, I will yield to the gentleman from Ohio.

Mr. ASHBROOK. I have listened to the entire debate. I would address this question to the chairman of the committee: Is it not true the entire budget is based on assumptions which might not necessarily break down the way I have broken them down?

Mr. GIAIMO. Mr. Chairman, an economist has to make a judgment as to what the revenues will be, for example, in the coming year. That is a judgment and an estimate.

When you start to break it down how much of that is going to come from a tax cut, how much from increased inflation, how much will come from a greater rate of economic growth, and how much will come because of productivity—that is when you get into trouble.

Mr. ASHBROOK. I thank my colleague for yielding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The question was taken; and on a division (demanded by Mr. ASHBROOK) there were—ayes 56, noes 112.

So the amendment was rejected.

□ 1810

Mr. GIAIMO. Mr. Chairman, I move to strike the last word.

My colleagues, you have been great. I do not know whether I will say that in a few minutes when we vote on final passage, but you have been great.

Please bear with us. I am not here to kill time or to delay or stall. I am here to thank you for a long, meaningful debate, which we started 3 Mondays ago and which I think has made a contribution to trying to arrive at a balanced budget figure.

Now, we are going to vote very shortly. Let me tell you the reason I am taking this time to speak. We need about 3 minutes. As I gather, there are no further amendments pending.

Does the gentleman from California have an amendment?

Well, I hear no response.

As a result of the adoption of the Fisher amendment, it is essential for us to report to you with a perfecting amendment which adjusts all of the functional categories to the $2.5 billion reduction which is in the Fisher amendment and which the gentleman from Virginia (Mr. Fisher) did not do. He instructed us to do that.

So we will have those figures in about 3 minutes, and we will offer it and then you will have the opportunity to vote on the amendment which will show a pro rata across the board reduction of $2.5 billion.

It will roughly show a reduction of $592 million in defense; $57 million in international affairs; $88 million in energy; a $56 million reduction in natural resources; $22 million reduction in agriculture; $33 million reduction in commerce and housing credits and $86 million reduction in transportation.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, could the gentleman summarize by telling us how much this reduces the deficit in final figures, considering all the ups and downs?

Mr. GIAIMO. I could summarize, but I prefer not to at the moment.

Mr. CONABLE. Beg pardon?

Mr. GIAIMO. I could summarize it, but I prefer not to at the moment.

Yes, I can respond to the gentleman. The Fisher amendment would reduce the deficit to $20 billion, 862 million, which would be a reduction from the $23.3 billion that is in the present committee bill, as amended.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. Yes. I will yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I thank the gentleman for yielding.

We have been on this bill for a long time now. When we started out, when the budget resolution came out of the committee, we had a deficit of $24.9 billion. If the Fisher amendment is implemented, the deficit will have gone down to about $20 billion.

I think since we are about to approach a vote on final passage of the resolution, it will be very helpful if the Chairman could briefly recapitulate for the members of the committee where the almost $5 billion in reductions have come from as a result of the adoption of the more significant amendments that were passed during the course of our consideration of the resolution.

☐ 1815

In other words, how did we go from $24.9 billion down to $20 billion?

Mr. GIAIMO. Mr. Chairman, going from $24.9 billion down to $20 billion comes as a result of this $2.5 billion which is in the Fisher amendment. I have mentioned some of the reductions. I did not complete some of the big ones.

Education would be reduced by $149 million, health by $271 million, and income security by $921 million. The Fisher amendment compels us to take a $921 million reduction in income security, and the gentleman knows of all the programs there.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the distinguished gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I would like to point out if the gentleman would permit me to do so, that what we have been doing here in the last several days is voting on items as though this were an authorization bill or an appropriation bill.

I would like to call the attention of the membership to the fact that this is simply a process of setting a series of general targets. These reductions will only occur if the Congress takes corresponding action when the actual appropriation bills and other relevant legislation is before us. It is worthwhile to have targets which call for restraint. Whether this actually happens, of course, is dependent upon the future actions of the Congress. But all the debate for the last several days has been centered as though this were consideration of an actual authorization bill or appropriation bill.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. Giaimo) has expired.

Mr. WHITTEN. Mr. Chairman, I move to strike the last word.

To continue, Mr. Chairman, may I say that what we have been doing—and the press has said it in many ways, but it is all the same—we have been voting on this resolution item by item as though this were actually the final authorization or the actual appropriation for the items discussed.

In the figures my distinguished colleague, the gentleman from Connecticut (Mr. Giaimo), has given the Members—and may I join with my colleagues here in saying what a masterful job he has done—actually we are setting up aggregate targets and targets under the various functional categories. Were we simply functional targets, and this breakdown is only to reflect general congressional intention at this time as to the overall thrust of the budget and to provide general guidance to the various committees of the House as to the direction of legislation which they may recommend.

So I want to repeat again that the figures we have are targets entirely. It is to be hoped at this time that we can reach them, but whether we do or not depends on the action of Congress on the specific recommendations of the individual committees. Later this year we will set the budget ceiling on total budget authority, total budget outlays, and total revenues but never on the various budget functions. As far as our action here is concerned, these are only targets, and I think the Record should clearly show that.

Mr. LATTA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think we would be remiss if we did not congratulate the chairman of the committee, the gentleman from Kentucky (Mr. Natcher), on the wonderful job he has done presiding over the House during these past many days. No one could have done a better job.

PERFECTING AMENDMENT OFFERED BY MR. GIAIMO

Mr. GIAIMO. Mr. Chairman, I offer a perfecting amendment.

The CHAIRMAN. The Clerk will report the perfecting amendment.

Mr. GIAIMO. Mr. Chairman, I ask unanimous consent that the perfecting amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

(The perfecting amendment is as follows:)

Perfecting amendment offered by Mr. Giaimo: In section 3:

In the matter relating to Function 050 decrease the amount for budget authority by 592,000,000 and decrease the amount for outlays by 625,000,000.

In the matter relating to Function 150 decrease the amount for budget authority by 57,000,000; and decrease the amount for outlays by 41,000,000.

In the matter relating to Function 250 decrease the amount for budget authority by 25,000,000; and decrease the amount for outlays by 28,000,000.

In the matter relating to Function 270 decrease the amount for budget authority by 88,000,000; and decrease the amount for outlays by 40,000,000.

In the matter relating to Function 300 decrease the amount for budget authority by 56,000,000; and decrease the amount for outlays by 60,000,000.

In the matter relating to Function 350 decrease the amount for budget authority by 22,000,000; and decrease the amount for outlays by 27,000,000.

In the matter relating to Function 370 decrease the amount for budget authority by 33,000,000; and decrease the amount for outlays by 16,000,000.

In the matter relating to Function 400 decrease the amount for budget authority by 86,000,000; and decrease the amount for outlays by 92,000,000.

In the matter relating to Function 450 decrease the amount for budget authority by 36,000,000; and decrease the amount for outlays by 38,000,000.

In the matter relating to Function 500 decrease the amount for budget authority by 142,000,000; and decrease the amount for outlays by 159,000,000.

In the matter relating to Function 550 decrease the amount for budget authority by 254,000,000; and decrease the amount for outlays by 271,000,000.

In the matter relating to Function 600 decrease the amount for budget authority by 950,000,000; and decrease the amount for outlays by 921,000,000.

In the matter relating to Function 700 decrease the amount for budget authority by 93,000,000; and decrease the amount for outlays by 105,000,000.

In the matter relating to Function 750 decrease the amount for budget authority by 19,000,000; and decrease the amount for outlays by 22,000,000.

In the matter relating to Function 800

decrease the amount for budget authority by 19,000,000; and decrease the amount for outlays by 22,000,000.

In the matter relating to Function 850 decrease the amount for budget authority by 28,000,000; and decrease the amount for outlays by 33,000,000.

Mr. GIAIMO. Mr. Chairman, I will be very brief. This amendment is the conforming amendment which the Fisher amendment compels the Committee on the Budget to present to the House.

What it does is this: it takes the $2.5 billion reduction which the Fisher amendment mandates, and it prorates it throughout the functions. Those are the functions that I was reading to the Members a few moments ago. This is the perfecting amendment which would accomplish that.

If Members are in favor of the Fisher amendment and the reduction, they would vote for this amendment. If they are opposed to it, they would vote against this perfecting amendment, as I intend to do.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I wonder if the gentleman could complete the reading of the figures? Before the "vote" birds get out of hand, I wonder if the gentleman could complete the reading of these programs as they are affected adversely by the Fisher amendment?

Mr. GIAIMO. Yes, I could, but only by functions and totals.

Mr. MITCHELL of Maryland. Yes.

Mr. GIAIMO, Mr. Chairman, I told the Members the reduction in income security was $921 million; it is $105 million in veterans; $22 million in administration of justice; $22 million in reductions in general government; and $33 million in general purpose fiscal assistance.

There is no change in interest, and on distributing offsetting receipts there would be a plus.

Mr. MITCHELL of Maryland. Mr. Chairman, I thank the gentleman. That clinches it for me.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Virginia.

□ 1820

Mr. FISHER. Mr. Chairman, my amendment goes to the major elements in our budget—the outlays, the budget authority, the deficit, the debt. It is my belief that the budget process as it has been established under law in this first budget resolution is for the purpose of setting out general guidelines for the budget policy of this country. That is what it is for. I think a margin on my amendment of over 100 votes indicates that the membership of this body believes that we can cut the outlays as they were at the time I placed my amendment by one-half of 1 percent, that this could be achieved through a general tightening. And, anyway, this is only a signal, a guideline. That is the purpose of the first budget resolution.

It does seem to me, with all due respect for my dear friend, the chairman of the Budget Committee, that this now is a stratagem to have another vote on the very same thing that was passed by a margin of 100. Of course, it has to be translated into categorical figures. I would have done that, except that we act as we go along on amendments, and it is impossible for me to come in here with a calculator and do definitive calculations.

Mr. GIAIMO. We have done that.

Mr. FISHER. This has been done. There may be a parliamentary reason why we have to take this vote again, but I urge my colleagues to stick by the vote we just took and which passed by a big margin, and send a clear message that we think this budget can be tightened down yet a bit more and instruct our conferees to that effect.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from California.

Mr. CORMAN. Mr. Chairman, first of all I thank the chairman of the Committee on the Budget for what the original budget resolution did in that area that is probably the most difficult of all to grapple with, and that is public assistance in title XX. We asked for less than a 50-percent increase over last year's budget. But we are in that function the Fisher amendment is going to cut $9 million off of. Income maintenance means lots of things. It means how much we pay our retired civil service—and some of them do not get off too badly—and it means social security. Let me suggest to the Members that there is very little given on the tables of the widows and the orphans and the aged and the crippled. And so if this amendment passes, we will be back asking the Members to protect the poorest of the poor. At least be as good to them as you are to retired GS-18's.

PARLIAMENTARY INQUIRIES

Mr. SNYDER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SNYDER. Mr. Chairman, would the Chair advise the committee, if the Giaimo amendment is defeated, does that negate the Fisher amendment in the aggregates?

The CHAIRMAN. The Chair will advise the gentleman from Kentucky that it will not change the amendment offered by the gentleman from Virginia (Mr. FISHER).

Mr. SNYDER. Since the Fisher amendment would still stand in the aggregate, when the committee rises and we go back in the House, then could the chairman of the committee offer an amendment to conform to the mathematical corrections that are necessary under the law?

The CHAIRMAN. The Chair will advise the gentleman from Kentucky that an amendment of that nature could be offered at this time or in the House. It could come in the Committee of the Whole or it could come in the House.

Mr. SNYDER. The defeat or the passage of the amendment now pending will have no effect upon the Fisher amendment in the aggregates?

The CHAIRMAN. The gentleman is correct.

Mr. SNYDER. I thank the Chair.

Mr. GIAIMO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GIAIMO. Mr. Chairman, this amendment conforms the budget resolution in its functional categories to the Fisher amendment?

The CHAIRMAN. The gentleman is correct.

□ 1825

Mr. GIAIMO. The Fisher amendment reduced the aggregates by $2½ billion. But the gentleman did not translate that reduction in aggregates of $2½ billion to the functional total categories. The gentleman told the committee to do it. We have just done that and made the reductions, which I enumerated before starting off with a $625 million reduction in defense and going on downward. That is in the amendment that is presently there.

If that amendment were to go down, my inquiry is, Mr. Chairman, if the Giaimo amendment were to be defeated, then we would have to file simultaneously an amendment which would make mathematical consistencies between the aggregates and the funds. And we would have to go back to the regular aggregates. Is that correct?

The CHAIRMAN. The Chair would like to advise the gentleman from Connecticut (Mr. GIAIMO), assuming that the amendment offered by the gentleman from Connecticut (Mr. GIAIMO) is defeated, and the committee rises and reports the resolution back to the House, an amendment would be in order to achieve mathematical consistency between the amendments that the gentleman has just stated to the committee.

Mr. WHITTEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WHITTEN. Mr. Chairman, 58 percent of the budget that we deal with this year are associated with programs which are indexed and have acceleration clauses in the basic law. That is, if the inflation rate is nine percent, the law calls for an additional nine percent to offset inflation. That is from a study that was made earlier this year by the Appropriations Committee.

When the number of laws that have embodied in the basic statute the word "entitlement" and contain escalator clauses and the 58 percent and referred to are added the expenditures from prior year obligations means that 75 percent of the expenditures in the budget now before this Congress are called for by the law itself.

This amendment on an appropriations bill would be subject to a point of order, since it would be changing the basic law, except that this is merely a target.

I ask the Chair, since this is only a target, if the rule is that you could not change basic law by this directive to cut money, would that apply to a target as well as it might to a basic action when we are fixing the final budget?

The CHAIRMAN. As the gentleman from Mississippi (Mr. WHITTEN) knows, this is the first concurrent resolution on the budget. The gentleman's statement as to the purposes of the first resolution is correct. The amendment, if adopted, does not change existing law.

This is the first concurrent resolution, as the gentleman knows.

Mr. LATTA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. LATTA. Mr. Chairman, pursuant to the last paragraph of the Fisher amendment, which the House overwhelmingly adopted, is it necessary for the House to now vote on an amendment such as the gentleman from Connecticut (Mr. GIAIMO) has offered? It merely says in the Fisher amendment that the Budget Committee of the House of Representatives shall recompute the appropriate level of estimated budget authority and outlay for each functional category, except categories 900 and 950, to reflect the pro rata reduction of the total budget authority and outlay for each such category.

I raise the question of whether or not we have to vote on the Giaimo amendment.

The CHAIRMAN. The Chair would like to advise the gentleman that under the amendment offered by the gentleman from Virginia (Mr. FISHER), certain figures must be computed by the Budget Committee. That is the effect of the pending amendment and it is consistent with the requirement of section 301 of the Budget Act to achieve mathematical consistency. Thus, the vote would come on the perfecting amendment, the amendment that is pending.

The question is on the perfecting amendment offered by the gentleman from Connecticut (Mr. GIAIMO).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LATTA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 272, noes 128, answered "present" 1, not voting 33, as follows:

[Roll No. 147]

AYES—272

Abdnor
Albosta
Ambro
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.

Benjamin
Bereuter
Biaggi
Boner
Bouquard
Bowen
Breaux
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Burgener
Butler
Byron
Carney
Cavanaugh
Cheney
Clausen
Cleveland

Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
D'Amours
Daniel, R. W.
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson

Dicks
Donnelly
Dornan
Dougherty
Downey
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flippo
Foley
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Goodling
Gore
Gradison
Gramm
Grassley
Grisham
Gudger
Guyer
Hagedorn
Hamilton
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hefner
Heftel
Hightower
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jeffords
Jeffries
Jenkins

Jenrette
Jones, N.C.
Jones, Okla.
Kastenmeier
Kelly
Kemp
Kindness
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lee
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, Md.
Lott
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McKay
Madigan
Marks
Marlenee
Marriott
Martin
Mathis
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Minish
Mitchell, N.Y.
Moffett
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Panetta
Pashayan
Paul

Petri
Pickle
Preyer
Pursell
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Rose
Rostenkowski
Roth
Rousselot
Royer
Rudd
Runnels
Russo
Santini
Satterfield
Sawyer
Schroeder
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Slack
Smith, Nebr.
Snowe
Snyder
Solomon
Spellman
Spence
Staggers
Stangeland
Stanton
Stenholm
Stockman
Stump
Symms
Synar
Tauke
Taylor
Thomas
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Volkmer
Walgren
Wampler
Watkins
Weaver
White
Whitehurst
Whitley
Whittaker
Wilson, Tex.
Winn
Wirth
Wyatt
Wydler
Wylie
Yatron
Zeferetti

NOES—128

Addabbo
Akaka
Alexander
Anderson, Calif.
Anthony
Bailey
Baldus
Bedell
Beilenson
Bennett
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Bonior
Brademas
Brodhead
Burlison
Burton, Phillip
Carr
Carter
Chappell
Chisholm
Clay
Collins, Ill.

Corman
Daniel, Dan
Danielson
Dellums
Dingell
Dixon
Dodd
Drinan
Early
Edgar
Edwards, Calif.
Fary
Fazio
Ferraro
Flood
Florio
Ford, Mich.
Ford, Tenn.
Garcia
Gephardt
Giaimo
Gonzalez
Gray
Green
Guarini
Hall, Ohio
Hammerschmidt
Hawkins

Heckler
Howard
Johnson, Calif.
Kazen
Kildee
Kogovsek
Lederer
Lehman
Leland
Lent
Long, La.
Lowry
McHugh
Maguire
Markey
Matsui
Mattox
Mikva
Mineta
Mitchell, Md.
Moakley
Mollohan
Murphy, Ill.
Nedzi
Nolan
Obey
Ottinger
Patten
Pease

Perkins
Peyser
Price
Quillen
Rahall
Ratchford
Reuss
Richmond
Roberts
Roe
Rosenthal
Roybal
Sabo
Scheuer
Seiberling

Shannon
Simon
Smith, Iowa
Solarz
Stack
Stark
Steed
Stewart
Stokes
Stratton
Studds
Swift
Thompson
Traxler
Vento

Waxman
Weiss
Whitten
Williams, Mont.
Wilson, C. H.
Wolff
Wolpe
Wright
Yates
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki

ANSWERED "PRESENT"—1

Burton, John

NOT VOTING—33

Anderson, Ill.
Bonker
Broyhill
Campbell
Conyers
Crane, Daniel
Crane, Philip
Davis, S.C.
Diggs
Duncan, Oreg.
Eckhardt

Hall, Tex.
Hillis
Holtzman
Hubbard
Jacobs
Johnson, Colo.
Jones, Tenn.
McKinney
Myers, Pa.
Patterson
Pepper

Pritchard
Quayle
Rangel
Rodino
Schulze
Skelton
St Germain
Treen
Walker
Williams, Ohio
Wilson, Bob

□ 1845

Mr. BEVILL changed his vote from "aye" to "no."

So the perfecting amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. GIAIMO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe we are just about ready to complete action on the budget resolution. I just want to take a couple minutes to tell you where we are. The resolution has $509 billion in revenues, the same as we brought from the committee.

The budget authority is somewhat reduced by $2.5 billion.

The outlays are reduced from $532.3 billion to $529.8 billion, a reduction of $2.5 billion by virtue of the Fisher amendment.

The deficit is down from $23.3 billion to $20.8 billion—$20.8 billion—the lowest deficit we have seen in many a year.

I would urge all Members to vote for this. I think we have exercised our will here. I think we have gone on at great length amending this resolution. There are items in this resolution that I do not like and do not agree with, primarily because of the adoption of the Fisher amendment. I would hope we could rectify some of them in conference, but we have to get to conference, which means we have to pass this resolution. Tomorrow is May 15, the day upon which we should have completed action, gone to conference and reported it back to the House with a completed conference report on the first budget resolution.

There are spending bills waiting. There are entitlement bills waiting in the wings to come up, starting the moment we adopt a budget resolution. There are supplemental appropriations which have a real dire emergency need attached to them which should be implemented by the House and the Senate, but which cannot be until the budget resolution is adopted.

So I would urge all Members to support this budget resolution with a budget deficit of $20.8 billion.

● Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to House Concurrent Resolution 107, first concurrent resolution on the fiscal year 1980 budget. During intensive debate of this resolution by the House, I have felt so deeply that approval of this budget will irreparably harm the poor, disadvantaged, elderly, and handicapped that I have stood before you on two separate occasions to speak in behalf of our national interest. The President's proposed budget cut into the heart of our human services programs in the name of "fighting inflation" and shortly thereafter the Senate saw fit to take another stab at these vital programs. The House was presented with the opportunity to reinstate human needs funding for fiscal year 1979 and fiscal year 1980 via the Mitchell human needs amendment and rejected this option last Thursday 130 to 277.

Absent the language of this amendment, which would have provided for such life-giving necessities as housing, food, jobs, and education, I see no other alternative than to vote against this budget resolution.

I have great respect both for the need to reduce our inflation rate and for the congressional budgetary process. This budget has allocated our national funding resources to the military and to those who are wealthy enough to take advantage of the options provided through our Government's system of tax loopholes and kick-backs. Such institutionalized elitism poses a critical threat to the survival of America's less fortunate and, therefore, I believe, to our national interest.

If Congress protects the interests of those for whom the choice is how to conserve their money and rejects the needs of those for whom there is no choice because there is no money, then I do not believe the fabric of this society can withstand the widespread deterioration in self-esteem of so many people. If the hope that a job can be found to increase the chance of self-sufficiency is extinguished, then I truly do not believe this Nation is looking after its own interests by denying all who are in need of the necessary life-support assistance to keep him or her working toward self-improvement.

The issue here is very simple: It is economic parity. At this time in this Nation's history we are having to make very difficult choices on our fiscal and humanitarian priorities. This resolution says those who have the most political muscle will have the most influence on our budget. I believe that in times of scarcity, sacrifice should be distributed equitably across the board. The fiscal year 1980 proposal as voted on today says that those who have the least economic resources must make the most sacrifices. I find this rationale totally unacceptable as do the members of the Congressional Black Caucus. We cannot support a budget that does not provide justice for all rather than justice for those who can afford it.●

● Mr. LUNDINE. Mr. Chairman, I support the first concurrent resolution on the fiscal 1980 budget, and believe it represents a reasonable national fiscal policy.

Overall, the resolution permits Government spending to grow at a real annual rate of 1 percent—well below the trends of the past 5 years. The budget deficit anticipated by the current resolution is $24.6 billion—about $3.8 billion below the level proposed by the Carter administration. The House figure, moreover, is $10 billion lower than the deficit level projected for fiscal 1979 and only about half as large as the deficit experienced in 1978. Achieving the targets contained in the resolution will show significant movement toward a more restrictive budgetary policy.

Until last fall, I opposed each House budget resolution because I considered the deficits too high and expenditure levels inappropriate in a period of economic recovery. In shaping this resolution, I feel the House Budget Committee faced hard choices and attempted to make the needed sacrifices as even-handed as possible.

The House included smaller increases in the defense budget than requested by the President. While I think additional savings in this area are possible, the House recommendations responsibly address our most vital concerns. The resolution emphasizes real budget increases of 4.5 percent in activities needed to meet our NATO commitments, as well as funding to assure a sufficiently strong strategic capability.

The House resolution also envisions cuts in domestic programs—with funding in many cases well below the fiscal 1979 levels. CETA public service jobs programs, for example, are reduced by over 40 percent. Some cutbacks included in the resolution require significant changes in statutes, affecting impact education aid, disability insurance, medicare/medicaid, veterans' programs. The savings from such revisions will be large in future years as well as in fiscal 1980: one of the recommendations—hospital cost containment legislation—would lower Government spending by $1.4 billion in fiscal 1980 and by nearly $22 billion over the next 5 years.

In the area of revenue sharing, however, I decided to oppose the Budget Committee's efforts to eliminate $2.3 billion of fiscal assistance to States. Since, in States like New York, commitments have been made to pass through much of this funding to local communities, an abrupt termination of the State program could cause considerable hardship.

I do not mean to suggest that the existing revenue-sharing program can never be changed. As Congress considers renewal legislation this year and next, I hope it will make a thorough assessment of the State assistance program. If the States are serious about their demands for balanced Federal budgets, they should be willing to find alternative revenue sources for at least some of these expenditures.

Ultimately, progress toward greater restraint will depend on effective congressional oversight. We must demand efficient programs and public services; we must be willing to consider changes in certain automatic expenditures currently beyond our control. With this resolution, I believe such a process will begin.●

● Mr. OTTINGER. Mr. Chairman, today I joined with my colleague from New York (Mr. FISH) in introducing an amendment to increase budget authority and outlays for mass transportation.

This amendment proposes to increase budget authority for UMTA by $132 million and outlays by $8 million. This represents the difference between the authorization in last year's Surface Transportation Assistance Act for section 3, discretionary capital improvement funds, and the administration's request for this program. This $132 million is intended to supplement the pot of money available for improving our mass transit capital plant.

The Budget Committee recommendation for mass transportation is 13.5 percent below the authorized level of $2,970 billion. The Budget Committee recommendation does restore $150 million for mass transit, which in the debate, was suggested for operating subsidies. These funds are badly needed, but I would like to point out that funds for capital improvements are needed, as well. Capital improvements in many cases reduce the need for operating subsidies, by reducing maintenance costs.

To gage the need for this type of money, let me use an example from southern New York State. In Westchester County, we have a rail commuter line which serves an area with a population of at least one-half million persons. The Upper Harlem commuter line takes about 3,500 commuter cars off the badly congested Westchester and New York highways each day. The equipment on the Upper Harlem line averages 30 years of age—the Metropolitan Transportation Authority in an application to UMTA for funds to electrify the line, stated that the equipment has "little or no service life—or resale value."

Due to the worn equipment, uncouplings are a common occurrence, and derailments and locomotive fires have plagued the lines in recent years. The cars on this line bounce badly, bumping into the walls of tunnels and against the platforms of the stations. The interior temperature of these cars reached 110° F during summer and below freezing in winter, according to the commuters, and through holes in the floor and ceilings, rain leaks in on the passengers.

The amount of capital improvement money for this project and for others, badly needed, is woefully inadequate. A UMTA assessment of capital demands last year estimated them to be $3 billion, over twice what the administration had requested.

On a nationwide scale, cutting back on capital improvements in mass transit is false economy. Our trains and buses and tracks and stations are investments in energy-wise transportation policy, and need to be kept in good repair. In order to preserve what we have, to improve it, to avoid unnecessary maintenance costs and improve efficiency and safety and, most of all, to provide a viable alternative to private auto transport during the impending energy crisis, this amendment deserves support.●

● Mr. WEISS. Mr. Chairman, the action to exclude the States from the general revenue sharing program will have disastrous consequences for numerous local governments and individual citizens and must be reversed.

The recommendation to exclude the State governments is based on a superficial and misleading evaluation of the evidence at hand. It is argued that State governments have accumulated unreasonably large surpluses while the Federal Government is experiencing large deficits, that the State governments generally perform limited functions, and that funds to the State governments could be deleted with little adverse effect. In fact, the size and significance of the State surpluses has been exaggerated, many State governments perform vital functions, and excluding the States would be hurtful.

Consider the following:

In 1979, it is estimated that the aggregate surplus to be realized by the various States will constitute only 3.6 percent of their total revenues, a modest amount that prudent management would require to provide for contingencies.

Most of the total surplus exists in a few States. Almost half of the surplus is held by three States: California, Alaska, and Texas. And, although California has the largest total surplus, it constitutes only 4.4 percent of its total revenues, and is rapidly being reduced.

Earlier press reports of enormous State surpluses were misleading because they quoted figures from the national income accounts that did not distinguish between general funds and social insurance funds. In fact, most of the amounts shown as surplus consisted of trust funds that were not available for current expenditures.

General revenue sharing payments to State governments are used for important social purposes. A full 32 percent of the revenue sharing payments to the States are used for education, and most of that is passed through to local school boards. Another 26 percent is used for a wide variety of social services, including mental health programs, State supplements to Federal SSI payments to the aged and disabled, and health programs. Other uses of the funds include transportation, environmental programs, and programs for the handicapped. Only 14 percent of the funds are used for capital construction projects.

In addition, it should be noted that over 40 percent of general revenue sharing funds is passed through to local governments to carry out these functions. A cutback in revenue sharing to the States would therefore eliminate substantial amounts of funds to needy cities, towns, and counties that directly provide services to their citizens. The notion that general revenue sharing funds to the States are expendable is a myth—they are clearly needed, and their termination would hurt the very localities whose funding the Budget Committee did not propose to cut.

Finally, it must be noted that the funds for fiscal year 1980 have already been appropriated, and that State governments have relied on these funds in preparing their budgets. Most State legislatures have adjourned or will have adjourned before final action is taken on this issue. To rescind appropriated funds with such short notice would cause great administrative as well as financial hardship and places in issue the good faith of this body.

Moreover, excluding the States represents a substantive policy change, not simply a reduction in funding level. A change of this significance should be considered by the authorizing committee in a deliberate fashion and the impact of such a change should be fully evaluated before any final action is taken.

The general revenue sharing program represented a major advance in Federal-State relations by providing a flexible source of funds to be used by the levels of governments most responsive to local needs. If a small number of States have made errors in financial management, the solution is not to deprive all States, however needy or prudent. It is essential that State governments be kept in the general revenue sharing program, and I urge adoption of this amendment to restore funding authorization for the State portion of general revenue sharing.●

● Mr. APPLEGATE. Mr. Chairman, I rise neither to support nor oppose House Concurrent Resolution 107, the budget of the U.S. Government for fiscal year 1980, but hopefully to offer constructive criticism and overview on the budgetary proceedings conducted thus far this week.

First of all, how can we find the proper means to balancing the Federal budget if, as has been stated, we are narrowing the deficit gap by a dependency on increasing inflation? Moreover, how can we then rationalize this to the American consumer and taxpayer? We cannot eliminate inflation until we reduce, not increase Federal spending to meet revenues. If increased revenues, which are additional taxes caused by inflationary higher income tax brackets, and spending continues at this present rate, we will be lucky to reach a balanced budget level by fiscal year 1990 instead of a projected 1981 which is the target for which I am aiming and voting as well as many other of my colleagues.

The Federal bureaucracy, that is regulatory agencies, agency boards, departments, commissions, et cetera, are where the necessary cuts in the budget must first be made combined with a reduction of their authority. The Congress, this great legislative body, conceived by the creators of our democracy to represent the people, to write the laws of this great Nation, and to serve them in their needs, has become a servant of a nonelected and unresponsive bureaucracy, and we better do something about it soon. Combine this with America's inequitable trade policies and you have a horrendous economic deficit which contributes to inflation and skyrocketing prices.

Allowing the growth of business and industry will allow for increasing the number of jobs and ultimately stabilize the overall economy. The greatest examples I can give are first the American pottery industry, which has been seriously injured by bad trade policies, and second the steel industry which was also hurt by trade. But, thanks to the efforts of many concerned interests that have at least partially reversed trade inequities they are coming back. Finally, the coal industry, which has been ravaged by the excessive powers of the Environmental Protection Agency and the Office of Surface Mining.

Government by bureaucracy has caused this Nation unnecessary expenditures of over $100 billion annually. An example of this is a recent study released by the Business Roundtables concerning the actual cost of complying with Government imposed regulations. A group of 48 companies, among them some of the biggest in this Nation, were examined for the added costs caused in 1977 by just six Federal regulatory agencies and programs. The total: $2.6 billion which equalled about 16 percent of those companies net profits, 10 percent of their capital expenditures and 40 percent of their research and development budgets for that year.

The study found that the Environmental Protection Agency was responsible for 77 percent of the added costs, while the Occupation Safety and Health Administration accounted for only 7 percent. The Equal Employment Opportunity Commission was responsible for 8 percent, the Department of Energy 5 percent, the Employee Retirement Income Security Act for 2 percent, and the Federal Trade Commission for 1 percent.

By any standard, these costs are highly inflationary and only result in increased prices for commodities. The cost-of-living for everyone thus increases and we have a new round of inflation. It is quite easy to see the need for strong and immediate action to be taken by this House if we are to eliminate this major source of inflation. One of those steps must be to reduce the authorization and appropriations of the many regulatory agency budgets, particularly when it comes to the paying of an inflated staff and the enforcement of needless, bureaucratic rules and regulations. These items are the real culprits when it comes to excessive government spending and should be the first items to be reduced.

I repeat what I have stated before, that this Congress has been made a bunch of fools through its own stupidity. It should be a reasonably simple procedure for Congress to regain its rightful authority on equal levels with its two brothers of democracy, the executive and judicial branches, but then nothing this Congress has ever done is simplistic.

In closing, Mr. Chairman, let me remind my colleagues that the American people are counting on us to provide them with economic relief from double digit inflation and a cost-of-living that only a few can afford, and that it is a responsibility of each and every Member of Congress to work to this end.

Thank you.●

Mr. GIAIMO. Mr. Chairman, I move that the Committee do now rise and report the concurrent resolution back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the concurrent resolution, as amended, be agreed to.

The motion was agreed to.

☐ 1850

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 107) setting forth the congressional budget for the U.S. Government for the fiscal year 1980 and revising the congressional budget for the U.S. Government for the fiscal year 1979, had directed him to report the concurrent resolution back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the concurrent resolution, as amended, be agreed to.

The SPEAKER. Under the statute, the previous question is ordered.

Is a separate vote demanded on any amendment?

If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the concurrent resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LATTA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 184, not voting 30, as follows:

[Roll No. 148]

YEAS—220

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Applegate
Ashley
Aspin
Atkinson
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bowen
Brademas
Brinkley
Brodhead
Brooks
Brown, Calif.
Burlison
Burton, Phillip
Byron
Carr
Cavanaugh
Coelho
Conte
Corman
Cotter

D'Amours
Danielson
Daschle
de la Garza
Derrick
Dicks
Dingell
Dodd
Donnelly
Dougherty
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Ala.
English
Ertel
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Fisher
Fithian
Flippo
Flood
Florio
Foley
Ford, Mich.
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Gingrich
Ginn
Glickman
Gonzalez
Gore
Gramm
Guarini
Gudger
Hall, Ohio
Hamilton

Hanley
Harkin
Harris
Hefner
Heftel
Hightower
Holland
Hollenbeck
Howard
Hughes
Hutto
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kildee
Kogovsek
Kostmayer
LaFalce
Leach, La.
Lederer
Lehman
Levitas
Lloyd
Long, La.
Long, Md.
Lowry
Lundine
McCloskey
McCormack
McHugh
McKay
Maguire
Markey
Marks
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Mikva
Miller, Calif.
Mineta
Minish

Moakley
Moffett
Mollohan
Montgomery
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
Oberstar
Obey
Panetta
Pease
Perkins
Peyser
Pickle
Preyer
Price
Pursell

Rahall
Ratchford
Reuss
Richmond
Roberts
Roe
Rose
Rosenthal
Rostenkowski
Russo
Sabo
Scheuer
Seiberling
Shannon
Sharp
Shelby
Simon
Slack
Smith, Iowa
Solarz
Spellman
Stack
Staggers
Steed
Studds
Swift

Synar
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Waxman
Whitley
Whitten
Williams, Mont.
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Wyatt
Yates
Yatron
Young, Mo.
Zablocki
Zeferetti

NAYS—184

Abdnor
Andrews, N. Dak.
Archer
Ashbrook
AuCoin
Badham
Bafalis
Bauman
Bennett
Bereuter
Bethune
Bouquard
Breaux
Broomfield
Brown, Ohio
Buchanan
Burgener
Burton, John
Butler
Carney
Carter
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coleman
Collins, Ill.
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
Deckard
Dellums
Derwinski
Devine
Dickinson
Diggs
Dixon
Dornan
Duncan, Tenn.
Edwards, Calif.
Edwards, Okla.
Emery
Erdahl
Erlenborn
Evans, Del.
Evans, Ind.
Fenwick
Findley
Fish
Ford, Tenn.
Forsythe
Frenzel
Garcia

Gilman
Goldwater
Gradison
Grassley
Gray
Green
Grisham
Guyer
Hagedorn
Hammerschmidt
Hance
Hansen
Harsha
Hawkins
Heckler
Hinson
Holt
Hopkins
Horton
Huckaby
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Kazen
Kelly
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Leland
Lent
Lewis
Livingston
Loeffler
Lott
Lujan
Luken
Lungren
McClory
McDade
McDonald
McEwen
Madigan
Marlenee
Marriott
Martin
Michel
Miller, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moore
Moorhead, Calif.
Mottl
Myers, Ind.

O'Brien
Oakar
Ottinger
Pashayan
Patten
Paul
Petri
Quillen
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roth
Rousselot
Roybal
Royer
Rudd
Runnels
Santini
Satterfield
Sawyer
Schroeder
Sebelius
Sensenbrenner
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Stark
Stenholm
Stewart
Stockman
Stokes
Stratton
Stump
Symms
Tauke
Taylor
Thomas
Trible
Vander Jagt
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whittaker
Wilson, C. H.
Winn
Wydler
Wylie
Young, Alaska
Young, Fla.

NOT VOTING—30

Anderson, Ill.
Broyhill
Campbell
Conyers
Crane, Daniel
Crane, Philip
Davis, S.C.
Duncan, Oreg.
Goodling
Hall, Tex.

Hillis
Holtzman
Hubbard
Johnson, Colo.
Jones, Tenn.
McKinney
Myers, Pa.
Patterson
Pepper
Pritchard

Quayle
Rangel
Rodino
Schulze
Skelton
St Germain
Treen
Walker
Williams, Ohio
Wilson, Bob

☐ 1905

The Clerk announced the following pairs:

On this vote:

Mr. St Germain for, with Mr. Jones of Tennessee against.

Mr. Pepper for, with Mr. Conyers against.

Mr. Duncan of Oregon for, with Mr. Broyhill against.

Mr. McKinney for, with Mr. Bob Wilson against.

Until further notice:

Mr. Rodino with Mr. Hall of Texas.

Mr. Rangel with Mr. Anderson of Illinois.

Mrs. Holtzman with Mr. Hillis.

Mr. Skelton with Mr. Treen.

Mr. Hubbard wtih Mr. Johnson of Colorado.

Mr. Davis of South Carolina with Mr. Goodling.

Mr. Myers of Pennsylvania with Mr. Daniel B. Crane.

Mr. Patterson with Mr. Williams of Ohio.

Mr. Campbell with Mr. Schulze.

Mr. Pritchard with Mr. Philip M. Crane.

Mr. Quayle with Mr. Walker.

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

AUTHORIZING CLERK TO CHANGE SECTION NUMBERS AND CORRECT PUNCTUATION IN ENGROSSMENT OF HOUSE CONCURRENT RESOLUTION 107

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that permission be given to the enrolling clerk to change section numbers and to correct punctuation in the engrossment of budget resolution (H. Con. Res. 107) just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

PERSONAL EXPLANATION

Mr. WYATT. Mr. Speaker, earlier today I was unavoidably absent during the vote on rollcall No. 144. Had I been present I would have voted "aye."

☐ 1205

RUSSIA'S USE OF CAM RANH BAY IN VIETNAM AS SUBMARINE BASE

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, the recent newspaper article (Washington Post, May 10, 1979) reporting the Soviet use of Vietnam's Cam Ranh Bay as a submarine base is most disturbing. Cam Ranh Bay, you remember, is the deepwater port that the Americans built into a modern and well equipped harbor for our use during the Vietnam conflict. The spy satellite pictures that confirm Russian subs using the port is an indication that the Soviets are widening their use of Vietnam as a military base. This fact is disturbing to us, as well as to other nations, including Japan. Cam Ranh Bay is a logical stopover point for Russian subs traveling to the Indian Ocean from the major U.S.S.R. submarine base at Vladivostok.

You will recall that in August of last year, I was one of eight Members of Congress who went to Vietnam concerning the POW and MIA issues. While there, we had extensive talks with leaders of the Vietnamese Government. Being concerned about the possible military use of Cam Ranh Bay, several of us asked questions about the use of this port by Russia. We were told emphatically that there was no Soviet use of Cam Ranh Bay whatsoever. When we asked if some of us could go there and observe it, permission was refused, being told that the Russians were not using it, and that "it is a matter of trust." I well remember then being told that it was their intention to not be dominated by Russia, China, or any other nation, but that they intended to remain an "independent and sovereign" country. We were also told that if they did not need a Soviet base in Vietnam "during the war with the United States," they certainly did not "need one now." Our committee report, submitted by Chairman G. V. **MONTGOMERY** and the delegation stated as follows:

FOREIGN MILITARY BASES IN VIETNAM

The committee closely questioned the Vietnamese officials as to whether there are Soviet bases at Haiphong and Cam Ranh Bay. The officials replied directly and emphatically that there are no Soviet bases at Cam Ranh Bay or elsewhere in Vietnam and that there are no plans for any in the future. They pointed out that at no time had they permitted foreign bases in their territory during the period of the war and that now the war is over and they have their independence and have weapons, there is no need to have such foreign bases in their territory.

The committee requested to go to Cam Ranh Bay but were not permitted to do so. However, from reliable sources it seems that Russian forces have not occupied Cam Ranh or Haiphong.

Two questions arise now, in light of the findings of the American spy satellite:

First. Did the Vietnamese leaders mislead us about Cam Ranh Bay when they said the Soviets were not using it? or

Second. Why has Vietnam changed its policy by allowing Russian submarines to use this deepwater port?

Would those of us who wanted to go to Cam Ranh Bay have seen something that the Vietnamese did not want us to see? Would we have encountered Russians? Would we have seen construction and other preparation for use of the base by Soviet subs?

Mr. Speaker, we Americans should be concerned over this report. We should be concerned because it shows that either the Vietnamese Government misled us Congressmen, or that the Vietnamese Government has changed its policy of not allowing foreign countries, such as Russia, to have military bases there. In either case, the matter is most serious.

With the SALT agreement with Russian imminent, we should see an example of restraint by the U.S.S.R. of its bulging military expansion—but we see continued and new growth now in Southeast Asia. During this time, our eyes are mostly focused on Russia's military capability in Europe, but we must now look closer to Russia's capability in the Far East, as it concerns us. Soviet submarines can now, by operating out of Cam Ranh Bay, easily shadow American ships and aircraft carriers in the Indian Ocean. This also poses a most serious threat to Japan's Mideast oil lifeline, which delivers most of the oil needed by that country.

In my opinion, the recent uncovering of Russia using Vietnam's Cam Ranh Bay as a sub base is a major discovery that cannot and should not be overlooked by this country, by this Congress, or by our President. Its significance shows, at the very least, an about-face of the Vietnamese Government allowing a foreign base to be established for the first time. It also shows Russia's intentions to push its military presence on all fronts.

Mr. Speaker, we should be concerned.

GAS RATIONING PLAN DESERVED TO BE DEFEATED

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. WEISS. Mr. Speaker, although I have long advocated the rationing of gasoline I voted against the administration's stand-by gas rationing plan because it was rife with inequities and would have been especially unfair to those whose livelihood necessitates the use of motor vehicles.

Saturday's New York Post carries an editorial on the House vote against the proposal and criticizes President Carter's petulant response to the outcome. The Post enumerates many of the difficulties with the legislation which I also felt to have more than warranted it's defeat.

The editorial likewise urges the President to present a plan that treats all areas of the country and all economic sectors fairly. I share this sentiment and I urge my colleagues to review this analysis, the text of which follows:

[From the New York Post, May 12, 1979]

GAS RATIONING DEBACLE: A CRISIS OF LEADERSHIP

Presidents of the United States are elected to lead, not to yield when confronted by a temporary defeat in Congress.

There is nothing inspirational about the sight of President Carter not only lashing out at Congress' rejection of his standby plan for gasoline rationing but attempting to hand over the responsibility for writing an acceptable version to Congress.

He has even offered to give Congress "every possible assistance, if and when they are willing to exhibit the willingness to take this necessary action in the interest of our country."

The sarcasm is gratuitous. It is political rhetoric, not a meaningful response. If the standby plan was so important, it should have been better prepared and far more skillfully promoted. Instead, it was flawed in many areas. It was doomed by inept lobbying. Its rejection raises the fundamental political question that if this is the best that can be achieved with Congress after two-and-a-half years in office, what is the prospect for even more important legislation between now and the election.

The obligation of the White House is to prepare a new version of its already heavily altered, compromised plan and persuade members of the Senate and House—and the country—that it would be effective and equitable.

The Carter plan was changed three times in the Senate to meet obvious failings pointed out by various Senators. This hardly spoke well for the original drafting. It should have been a warning of its likely reception in the House, where many parochial concerns were sure to emerge.

While the compromises conceded in the Senate version were meant to win rural votes, they in fact lost urban votes in the House. Instead of going for a straight-out allocation to the states based on "historic" use and leaving the details to state governors, Carter's plan sought, as usual, to dot every "i" and cross every "t." Initially, it gave permission for any number of cars per family, but this was quickly and properly changed to limit ration coupons to three cars per household. But then came special provisions for farmers against city commuters, and yet more favoring the West's long distance drivers over the heavy dependence on cars in the East.

Small wonder that the diversified factions in the House were in no mood to be wooed. When the President's chief domestic adviser Stuart Eizenstat began promising New York and other urban state members that taxis, trucks and delivery vehicles would get special consideration, so many compromises had been made as to render it almost meaningless.

The *coup de grace* was delivered by Energy Secretary James Schlesinger who, at the precise moment when he needed to keep his silence, told a House committee that, in effect, it didn't really matter much what happened to the standby plan because there was only a "zero possibility' that the President would have to use it—such as the closing of the Persian Gulf!

Where now? The President cannot abdicate in the face of reversal. He should instead be saying that he has just begun to fight.

Carter's debacle on Capitol Hill cannot be retrieved by recrimination. It was a tragic exercise in ineffectual leadership and legislative fumbling. It has portrayed the U.S. as a "pitiful giant." The White House cannot take refuge now in political gamesmanship.

OMB REPORT ON ORGANIZATIONAL STRUCTURE OF EXECUTIVE BRANCH SUPERFICIAL, INCOMPLETE, AND UNCLEAR

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, the Office of Management and Budget (OMB) has been engaged in the President's reorganization project on which, reportedly, $6.5 million and 2 years' time have been spent. The agency has considered, with varying degrees of thoroughness, the organizational structure of several areas of the executive branch of the Federal Government, including its natural resource functions. In fact, a proposal for reorganization of the natural resources function of the Federal Government has been developed and provided to Members of Congress in a 16-page document dated April 6, 1979, and titled "Proposal for Natural Resources Reorganization."

In my judgment, this document is superficial, incomplete, and nuclear. It is superficial because the problems with the existing organizational structure of the natural resource functions of the

Federal Government are not systematically identified. The document is incomplete because it lacks detail; in particular, it lacks an explicit statement of the costs and benefits of the proposed change. The document is unclear because it does not do what it purports to do, namely, inform the reader how the proposed Department of Resources would be organized.

For example, no where in the document can one determine precisely the relationship between the National Forest supervisor and the administrator of the proposed "forest and land administration". Nowhere in the document can one determine whether the Fish and Wildlife Service, the Heritage Conservation and Recreation Service, and the National Park Service will be combined or kept separate under the proposed "national parks, wildlife, and heritage administration". There are many, many other questions of this kind that could be raised.

Mr. Speaker, the administration's proposed Department of Natural Resources is a "pig-in-a-poke" if ever there was one. A pig-in-a-poke with huge dimensions, with a proposed staff of approximately 90,000 people and a budget of $8.6 billion. A pig-in-a-poke in which a single agency, formed by the merger of the Forest Service and the Bureau of Land Management, would manage 647 million acres of land—nearly 30 percent of the Nation's total land area—as well as resources upon which millions of Americans depend.

But regardless of my general objections, there is one feature of the proposed Department of Natural Resources that concerns me very much. As I noted a few moments ago, the forest and land administration would include the Forest Service and the Bureau of Land Management which are to be merged into one agency to be responsible for the management of 647 million acres of land. I am told by OMB officials working on the President's reorganization project that the basis for all planning done by this agency would be the Forest and Rangeland Renewable Resources Planning Act as it is today for the Forest Service. This is because—as recognized in an earlier OMB staff analysis on natural resources reorganization—the Resources Planning Act provides the implementing agency the most comprehensive natural resources planning authority.

I agree with this evaluation. But I find it strange, indeed, that such an evaluation, such a proposal would come from OMB.

OMB opposed congressional passage of the Resources Planning Act (RPA) and recommended against its signing by President Ford. OMB prevailed so that the President's Statement of Policy on the 1975 RPA assessment and program contained the absolute minimum amount of Presidential support. OMB has repeatedly recommended against full funding of the RPA program. For example, for 1978, the President's budget was 57 percent of the amount needed to implement the program; for fiscal year 1979, the President's budget was 72 percent of the needed amount; and for fiscal year 1980, it was 71 percent of the amount necessary to implement the program. Finally, in 1977, OMB prevailed against the Carter administration issuing a new statement of policy regarding the 1975 assessment and program, even after administration officials testified before the House Subcommittee on Forests on the need for such a statement. As a result, this administration has been operating on a statement of policy signed by President Ford.

Mr. Speaker, I find it strange and inconsistent that OMB would propose RPA as the basis for planning of 647 million acres of Federal land, given the history the agency has of opposing enactment and implementation of the legislation.

I do not object to OMB officials changing their minds. In fact, I would welcome their enthusiastic implementation of RPA. But I am skeptical that this is the agency's intent.

And if RPA were to become the basis for planning of 647 million acres of Federal land, and if this planning effort were to receive OMB budget support only at levels of the past, then, I would ask, is Federal land management planning worth its cost. Has it been worth it, for example, for the Forest Service to develop a plan for management of the National Forests as well as its research and State and private forestry activities, to gain public support for the plan, and then not to have sufficient funding to implement it.

Make no mistake about it, I fully support long-term planning, in general, and Federal land management planning, in particular. But I also support funding of the resulting plans at levels which they can be put into effect.

☐ 1910

THE WAR ON WASTE

The SPEAKER pro tempore (Mr. BEDELL). Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER. Mr. Speaker, it is my firm conviction that while the Congress has passed a budget resolution, it would have been possible to balance the budget without damaging current and important programs if we had begun a war on waste.

The method is simple: Congress must force the Federal agencies to police waste, fraud, and duplication, and abuse. The savings incurred will match the cuts proposed in the so-called Republican substitute.

A look at the evidence will confirm the worst suspicions of every Member.

In 1978, the prototype Inspector General at HEW identified $6 billion in waste at that agency—yet HEW spent $100,000 to celebrate its birthday;

The GSA scandal continues to unfold; fraud has been estimated to be $66 million annually by that agency's Special Prosecutor;

At HUD, $58,000 worth of special security equipment has been determined to be useless by agency officials because it is not properly guarded; and

At USDA an investigation has been launched into possible overcharges and kickbacks in grain sales to Jamaica.

What has this Congress done about fraud and waste? They have produced a seemingly endless series of reports and hearings—but there has been little action.

Hearings held in the 95th Congress by the Government Operations Committee found no effective, comprehensive auditing system in the Federal Government, and discovered serious shortages of auditors in many agencies.

The General Accounting Office released a report on September 19, 1978, that indicated the extent of the problem of waste. The report shows that the selected agencies reviewed have no established management information systems to identify fraud and in fact have not acted aggressively to identify waste.

Because of the lack of management information systems, the GAO said Federal agencies are unable to:

Estimate the extent of fraud in their programs;

Track fraud occurrences to determine trends;

Zero in on investigative targets;

Provide leads to investigators and auditors;

Direct investigative resources to the areas in which they are most needed; and

Pinpoint management procedures and program weaknesses which require strengthening to prevent recurrences of fraud.

It is time for Congress to declare a war on fraud and waste in these poor and unacceptable management practices that cheat the American taxpayers.

It is time for Congress to make it clear to the bureaucrats that waste, fraud, abuse, and duplication are on the way out.

And the way to do it is to hit the bureaucrats where it hurts—in their budgets.

And the time to do it is right now.

GAO says in their report that the Department of Justice estimated that fraud, abuse, and waste in the agencies studied ranged between one and ten percent. I submit that one percent is too low, but that if the fraud in these programs alone is 4 percent it will amount to $10 billion.

Mr. Speaker, it is possible to balance the Federal budget without sacrificing any important program needed by our people.

LET'S KEEP THE WILDLIFE RANGE FOR THE WILDLIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 10 minutes.

● Mr. WEAVER. Mr. Speaker, shouting "energy crisis," some people are trying to stampede us down the dangerous road of opening up the Arctic National Wildlife Range to petroleum exploration and development. I urge my colleagues not to fall for such nonsense. The simple fact is that the only people who would "freeze in the dark" if the Udall-Anderson substitute passes would be unemployed industry lobbyists.

The Udall-Anderson substitute takes a very responsible approach to energy development in Alaska. You have already heard that 95 percent of the onshore lands considered to be favorable for hydrocarbon discoveries and all of the offshore areas—where geologists consider two-thirds of Alaska's total potential to be—will be available for exploration and development under the Udall-Anderson substitute. I want to call your attention in particular to the national petroleum reserve—Alaska.

This is the area where we should be looking for oil, not the wildlife range. This is the area where economic reserves are most likely to be found, not the wildlife range. Here is what John Silcox, western region general exploration manager of Chevron U.S.A., said about the potential of the petroleum reserve, in a speech just this past week:

> The Department of Energy's most recent estimate is 5 billion barrels. The numbers I would use are 5 to 10 billion barrels, which would be as much as 10 percent of undiscovered U.S. reserves. However, responsible and plausible estimates of 20 to 30 billion barrels have also been made. So it's possible that we're talking about one-quarter of America's undiscovered reserves.
>
> Chevron considers the NPR-A a very exciting opportunity. I would have to say that this area stands as one of the highest potential single areas in the U.S. onshore today. *It may be the highest.* (Emphasis added.) (*Opening Alaska's National Petroleum Reserve,* remarks by John Silcox, Western Region General Exploration Manager, Chevron U.S.A., May 4, 1979, page 4. Full text attached for the record.)

The Udall-Anderson bill will open to private oil leasing, this area which Chevron says is "one of the highest potential single areas in the U.S. onshore today."

Now, I ask you, in all fairness, how can a bill which accomplishes that be considered inconsistent with our national energy goals? Breaux-Dingel would also open up this area. The difference is that Udall-Anderson makes priorities and balances the need to protect the porcupine caribou herd in the Arctic National Wildlife Range with the need to open up the petroleum reserve. Breaux-Dingell wants to give the oil industry everything—the petroleum reserve and the wildlife range.

We can save the porcupine caribou herd and still meet American energy needs. We do not have to give the oil companies all of Alaska. Let's open the petroleum reserve for petroleum development and keep the wildlife range for wildlife.●

THE ABUSE BY ALIENS OF THE SSI PROGRAM MUST BE STOPPED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, it is no news to anybody that Congress is trying to cut Federal spending. We have heard the word from our constituents, and every program is being given careful scrutiny to comb out any unnecessary spending.

Unfortunately, our welfare system is still burdened with a particular kind of abuse that I know we cannot afford. It seems that in some cases U.S. citizens are granted approval to have their relatives admitted to this country, and then the relatives end up receiving supplemental security income benefits. This happens despite the fact that the sponsoring citizen is required to sign an affidavit pledging financial support. Of the 214,000 aliens in this country estimated to be receiving SSI, 42,000 have been in the United States less than 5 years. And it is estimated that these aliens annually receive over $72 million under the supplemental security program, in just five States studied in a recent GAO report.

Recommendations to the Department of State, the Social Security Administration in the Department of Health, Education, and Welfare, and the Immigration and Naturalization Service, were included in a GAO report published early last year entitled "Number of Newly Arrived Aliens Who Receive Supplemental Security Income Needs To Be Reduced."

The supplemental security income program is a compassionate program to provide for America's aged, blind or disabled—our unfortunate poor. It is not a program to provide for the world's poor.

I have sponsored H.R. 110, a bill to amend title XVI of the Social Security Act to provide that supplemental security income benefits shall be payable to a resident alien only if he has continuously resided in the United States for at least 5 years.

In fact, the passage and enactment of this bill will conform with a Supreme Court decision in a similar area. In *Mathews* v. *Diaz,* 426 U.S. 67 (1976), the U.S. Supreme Court in a unanimous decision sustained the validity of social security legislation conditioning an alien's eligibility for benefits under medicare part B supplemental medical insurance program on his continuous residence in the United States for a period of 5 years and admission for permanent residence.

Diaz challenged the constitutionality of the permanent residence and 5-year residence requirements for medicare's part B supplemental enrollment. The district court ruled in favor of Diaz and other aliens who were denied enrollment. The Supreme Court reversed this decision. The fifth amendment and the 14th amendment protect the millions of aliens in the country from deprivation of life, liberty, or property without due process of law. That does not, however, lead to the further conclusion that all aliens are entitled to enjoy all the advantages of citizenship, or that all aliens must be placed in a single legal classification. I quote the Court:

> In particular, the fact that Congress has provided some welfare benefits for citizens does not require it to provide like benefits for all aliens. Neither the overnight visitor, the unfriendly agent of a hostile foreign power, the resident diplomat, nor the illegal entrant, can advance even a colorable constitutional claim to a share in the bounty that a conscientious sovereign makes available to its own citizens and some of its guests.

With respect to the 5-year residence requirement, the Court said that—

> Those who qualify under the test Congress has chosen may reasonably be presumed to have a greater affinity to the United States than those who do not.

Durational and permanent residence alien eligibility requirements have been upheld for the medicare program, and I see no reason why we should shoulder SSI expenses for newly arrived aliens—especially when many sponsors have apparently misrepresented their true intentions.

I urge my colleagues to support H.R. 110 and work with me to achieve its eventual enactment into law.●

NO NUKES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, during the course of this 1st session of the 96th Congress I have obtained the privilege of the floor under special orders a total of some four times, and on those occasions I have referred to what I consider to be some crying issues not only affecting the district I have the honor to represent but the entire country. One of those I spoke more about than others was the question of what I described as King Crime and the oppressive, almost obliterative, activity of organized crime in our country that resulted in such things as the attempted assassination of an assistant Federal district attorney in my district, and several other occurrences of the kind. But I never dreamed that a greater and far more ominous threat to the American people, in fact, many, many millions of other people besides Americans, in my opinion, in the nature of a national crime was being and continues to be perpetrated on our country. Particularly since last autumn, but more especially since the occurrences near Harrisburg at the so-called Three Mile Island area in Pennsylvania, has it become so obvious that the Congress, the executive leadership, and the President on down in the administrative branch of Government and industry are absolutely inescapably derelict in not addressing themselves to this crisis because, in deed and in fact, once any American becomes knowledgeable with the truth of what is happening in the course of this development, what is known as commercial nuclear fission development as a source for energy, I believe that, knowing these facts, there would be a sense of immediate urgency almost as if the country had been invaded. The one certainty about nuclear power is that the more we learn about it, the more uncertain people become about it and the more convincing, in my opinion, is the truth of the rallying cry, no nukes.

In the beginning we were told that nuclear power was the answer to all the energy problems of this or any other age. Today not even the most optimistic advocate of nuclear power will argue that it is anything more than a short-term proposition or claim that nuclear power will ever be more than a fraction of our generating capacity.

I have had occasion to dig out every single bit of debate that transpired in 1954 in both the Senate and the House when the Congress for the first time permitted the licensing of private commercial development of nuclear fission as a source of power or electricity. Unbelievably, not one word in all of that voluminous number of turgid pages of prose was there ever one word with reference to safety or to the undesirable products resulting from that kind of activity—not one word. Not one word.

□ 1915

The only thesis was the question that during that Congress in 1954, free enterprise, private enterprise was going to be turned loose on the development of nuclear fission power.

There was not one word mentioned about such things as the possibility of catastrophe. What to do with the noxious and poisonous waste products or what to do even with the plants themselves once they had been built. Those two basic questions are still unanswered today in our time.

The first nuclear plant in the United States which is now inoperative, because each one of these plants has life cycles of less than 40 years and the first one constructed in the United States stands as a highly dramatic symbol near Vallecito, Calif., abandoned but with a fence built around it, irradiating and the only protection is the fence so that people will not get too close, they hope. Nobody knows what to do with that plant. It is there.

No one has come out with a satisfactory answer on what to do with the 72 that are now operative when their life cycles have expired. There is no one who has an adequate National Forest Lawn Cemetery for nukes. No one has figured out a nukes heaven as yet and the only thing we have been getting is a nuke hell and the potential now every day, every day the clock ticks, the danger, the constant danger.

From glorious streams to shabby realities, nuclear power has had a short and calamitous journey. What once was proclaimed as a source so cheap that electricity would no longer be metered has become a source that in a freely competitive environment would not even hold its own. What once was presumed safe is now known to be profoundly dangerous. What once was said to be perfectly clean is now admitted to produce waste that cannot be disposed of in any satisfactory way.

Everything we know about nuclear power says it is not the answer to the dilemma of producing ample power at a price we can afford, social as well as economic.

This is an era when we are forced to turn to new technologies. We are being forced to reconsider, for instance, how to power the motor vehicles, because there is a limit to the petroleum and there is a limit as to how clean the conventional engine can be.

No one in the industry is willing to talk about this need, but it is there and it may well be that when a new fuel is found the gasoline engine will become a thing of the past, replaced by something better.

So should it be with electric power. Coal is abundant but it is dangerous to mine, dirty to use, and the mining leaves behind immense damage to the Earth.

Oil is expensive and less abundant and nuclear power once widely thought to be the answer, now clearly is not.

I believe that the time has come to reassess our whole commitment to the idea of nuclear fusion as a source of power.

Knowing the history of this in the Congress where at no time in or out of Congress have the American people ever had the issues squarely confronted with all the truths known about it so as to make a fair judgment as to how to make that all-important decision about what kind of a commitment to make, as the price to pay to obtain that as a source of energy.

□ 1925

I have, therefore, today introduced a bill which does that. Essentially it provides for a moratorium or prohibition of any further licensing or commissioning of any nuclear fission plant—even those now under construction. There would be no "nukes."

Second, it would provide for the orderly and gradual decommissioning of those now operational, and, thirdly, it would instruct our President that he in turn mandate the Ambassador to the U.N. of the United States that he initiate similar resolutions and similar policies so that America, setting the example, could obtain the cooperation of the world, because now, since we were the initiators and have had imitators throughout the world, we have the moral responsibility to see that the world also shares the precautions that we ought to take here.

The time has come, because no way has been found, as I say and repeat, with either played-out nuclear plants or the waste they create, to successfully and feasibly do something about them. These plants have lifespans, as I say and repeat, of less than 40 years.

My city, where I have protested it is a joinder in the venture known as the south Texas plant, which, if completed and licensed, would be the largest in the world, is a good example of the callous indifference of industry and public leadership in facing honestly and squarely these problems.

The plant, if it is operative and licensed, will definitely be a danger from the day it opens. It now has built-in fatal design and structural defects.

I have had the saddest and the most disturbing experience in my career in having had occasion to meet with and know six inspectors, three of whom are still working in the industry—and therefore, unless I wish to throw them to the wolves, I do not care to release their identities, because in this industry where we are so dependent on scientific leadership, the scientists are all beholden to the industry. They are intimidated by the industry. They are not free to speak the truth unless they want to give up their economic security, because outside that industry those who are prepared for it, such as nuclear engineers and scientists, cannot find employment anywhere else, and they will not; they will be proscribed.

Some of these inspectors with whom I have spoken have been intimidated, they have been physically assaulted, and they have been ordered not to reveal to the proper authorities some of the findings of their inspection. It is just absolutely unbelievable.

And what about the Congress? I dare say that there is not a Member in the Congress, either from my colleagues in the House or the Senate, who has ever assumed that, since the beginning when Congress permitted, there was anything but the most rigorous of inspections. This is not true. There is absolutely no viable, responsible accounting system of inspections now, and there has not been at any time since 1954. A meat packing plant is far more rigorously inspected and regulated than a nuke.

It is just absolutely incredible. The people have been lied to. The Congress has been kept in blinders, and even those who have raised questions have not pursued them or have not been willing to find what the truthful answers are to them.

I believe that this amounts to a crime. Under the Nuremberg principles, I am convinced that those responsible would be subject to indictment and conviction on the grounds of terracide, if not genocide.

So the time has come, because any major accident would produce the damage that might never be repaired and possibly could never even be measured. The Atomic Energy Commission (AEC) has never been honest with the American people or with the Congress. They have never revealed publicly the studies they made as long ago as the days before 1966.

One study, euphemistically called WASH No. 70, clearly pointed out—and this study was mandated by the Commission—the terrible consequences that could result from some malfunction or some accident or even some innocent miscalculation on the part of the human beings administering these plants. And yet at no time did that Commission ever distribute that report and that finding. They had a subsequent report that was even more ominous and more threatening. That has yet to be publicly divulged. The Nuclear Regulatory Commission does not inspect plants as they are being constructed on a continuous basis—they only do so periodically, relying on the plant owners and builders to assure quality and safety.

The time has come, because even when an accident has happened there is little or no way to adequately warn and inform the public, let alone take action to safeguard them. No one, even today, knows what the radiation dosage was at Three Mile Island and no one knows even the degree of damage to the plant itself. There are those who say no one was killed at Three Mile Island—but no one knows how many have been sentenced to death, only the execution remains to be carried out.

The time has come to stop opening new nuclear plants and to start replacing those we do have. That is what my bill, introduced today would do.

We have or can procure in a reasonable time, other ways to solve our power problems. We have no excuse to maintain this nuclear technology. We would do ourselves, our children, and our planet a favor by getting rid of it.

☐ 1925

But even now, its successor, or, rather, the agency created by the Congress later, the Nuclear Regulatory Commission, is absolutely not doing what everybody in America in and out of Congress assumed it had been doing, and they themselves cannot truthfully report what the conditions are. Listening to these inspectors, half of whom have worked in the majority of the plantsites in the United States, the people of Boston are under the menace daily and there is a potential for destruction at the Pilgrim plant, which is one of the most dangerous, according to these men. There are others, ranging from the one in New York to one where, indeed, you have already had accidents, in Alabama, and a couple of others, that if I were responsible as an administrator I would either resign or quit or commit suicide before I would remain silent, and I would shout from the rooftops the danger, the immenence of it, to these particular localities and human beings in the United States. We are not talking about just explosions.

THE STALKING BEAR AND THE MUTE EAGLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

● Mr. FLOOD. Mr. Speaker, the 20th anniversary of Captive Nations Week will be observed across our Nation and abroad in the period of July 15–21, 1979. Public Law 86–90, passed by Congress and signed by President Eisenhower in July 1959, is really more applicable today than it was 20 years ago. The week has become a national institution, and who detests it vehemently are the Red regimes across Euro-Asia and in the Caribbean. The basic reasons for this have been known for a generation by those who understood Public Law 86–90 and the analysis behind it.

Many insights into this outstanding law are provided in the article on "The Stalking Bear and the Mute Eagle," written by Dr. Lev E. Dobriansky of Georgetown University for publication in the internationally renowned journal, the Ukrainian Quarterly. As the author of the Captive Nations Week resolution, Dr. Dobriansky should know the essence of this law best. Moscow and its satraps have unremittingly castigated this law for the past generation, in time and intensity more than any other freedom action on our part. Why? The following analysis furnishes a major part of the answer:

THE STALKING BEAR AND THE MUTE EAGLE

(By Lev E. Dobriansky)

July 15–21, 1979 marks the 20th anniversary of Captive Nations Week. Twenty years ago, in July 1959, the U.S. Congress passed the Captive Nations Week resolution and President Eisenhower signed it into Public Law 86–90. Over the entire period annual observances of the Week have been held here and abroad, with official and popular interest expanding steadily.[1] On this "20th," and certainly for the 80's, the meaning, significance and content of Public Law 86–90 and the Week itself will be more poignant and impressive than ever before.

This is no idle or wishful prediction. All the essential trends and indicators point to this inevitable direction, and the essence of Public Law 86–90, which the renowned columnist David Lawrence described as "an historic document," relates inextricably to all of these. For instance, wasn't it indicative to many that soon after signing the historic Israeli-Egyptian treaty, both Menachem Begin and Anwar Sadat addressed themselves to Congress to warn about the new Soviet Russian threat in the Mideast? Aside from questions of perspective and arithmetic accuracy, Begin stated, "During the last two years, the Soviet Union took over by proxy six countries," then enumerated seven: Angola, Mozambique, South Yemen, Afghanistan, Ethiopia, Vietnam and Cambodia. The framework of captive nations analysis accommodates such data with ease and greater accuracy and meaning as well.

From another viewpoint, an American periodical portrays superbly "The Decline of U.S. Power." [2] One of its observations deserves sober thought. It states, "That erosion of power is the failure of U.S. leaders to recognize the connections between political, military and economic events and to develop coherent approaches that deal with them in an integrated fashion." How true this is. What the writers call for is technically a holistic approach for thought and action. Yet, despite their excellent recounting of events in the Mideast, Africa and elsewhere, they themselves fail to finger the basic power of Soviet Russian imperialism in all of its graded manifestations. The Saudi Deputy Planning Minister Faisal Basheer is quoted as saying, "We have to get our heads together and start looking at the bear." To which one can say better late than never. The Russian bear has been stalking for some time, and nowhere has this fact been more clearly illuminated than in the holistic context of captive nations analysis. Regrettable, isn't it, that the cumulative experiences of other victims should be long ignored and only when one's position is being threatened by the stalking bear that a sudden awareness emerges.

Another notable development is, of course, the playing of "the China card." The play is a process, not a one-shot deal. The way it was instituted last December and the shabby treatment given to our ally, the Republic of China, demonstrated with unmistakable impact the absence of any coherent approach and "integrated fashion" in the policy of this Administration. The reaction of our people and the redress provided by Congress in the U.S.-Taiwan Relations Act amply attest to this. But what has all this to do with the captive nations and the analysis itself? Namely everything, by wise of rational classification, balanced interpretation and suggestive policy, including trade, cultural exchange, human rights and other relevant matters.

To begin with, recent events in no way reduce Mainland China from being the largest captive nation on this planet. The Chinese Red regime in Peking may at this time be independent of Soviet Russian imperialist influence and domination, but this fact does not make the nation, the people itself, less captive under a communist, totalitarian rule that in origin and substantial development owes much of its existence to Moscow. Evolutionary captive nations analysis not only highlights these fundamental realities but also emphasizes the imperial character of the PRC. To be sure, on a lower scale than found in the Soviet Union, the Red Chinese imperium includes such captive nations as Tibet, Mongolia and Turkestan. In over frenzied haste to play the China card, which indicates weakness more than strength, these realities cannot be blindly ignored.

Of considerable importance and interest to captive nations analysis is also the stress placed by Peking on "Soviet hegemonism" and Moscow's "social imperialism." Since 1964 the Peking regime has displayed an open interest in the captive non-Russian nations in the U.S.S.R., and during his visit to the U.S. the vice-premier Teng Hsiao-ping seized every opportunity to hammer away on the two themes. A Red Chinese booklet circulating in this country has a chapter on "A Prison of Peoples" and begins in this vein: "The fanatic advocacy of Russian chauvenism by the Soviet revisionist renegade clique serves a double purpose: oppression of the non-Russian peoples in the U.S.S.R. and the bid for world hegemony." [3] Along this line many other examples could be recited, but how authentic is all of this?

In the light of the captive nations analytic framework what is witnessed here is one totalitarian imperialist denouncing a superior one, but with careful terminology. In the free Republic of China, where the finest Captive Nations Week observances have been consistently held, what Peking refers to as "Soviet hegemonism" is honestly described as "Soviet Russian domination"; what it calls "social imperialism" is also honestly specified as "Soviet Russian imperialism." Why the hesitation for full truth in these basic matters? The voluble and blunt Teng has yet to take this further definitional step. Or is he fearful of the spotlight also being thrown on Red China's imperium and its frustrated hegemonism? Such questions have not been raised in the world forum, except for those posed by captive nations analysts.

The broad picture depicted so far—really the world environment in which the U.S. finds itself today—bears crucial relevance to even the supposedly specialized and technical subject as the SALT II treaty. To evaluate the treaty *in vacuo* of these trends and declining U.S. power, veritably a contextual dis-linkage, would be the height of politico-economic naiveté. Apart from the very real but insular problems of monitoring, more than adequate verification (Marx long ago taught never to trust a Russian politico), code scrambling, the exclusion of certain strategic arms types and other issues, there is the broader problem of resultant psycho-political effect (for which the Russian politico always strives). Like SALT I, the new treaty, if ratified, would undoubtedly generate a euphoric feeling that both sides recognize the mutual destruction a nuclear exchange would reek, that an equivocal strategic parity would deter war, and that the way is clear between ostensibly responsible parties for even more open relations, involving above all freer trade and prime technological transfers to Moscow for the further buildup of its heavy war machine and the shoring up of its imperial economy.

Now, how does the CN (Captive Nations)

Footnotes at end of article.

analysis impinge on this issue? For one, it provides the best explanation and overview of the extensive environment in which the bear stalks while the eagle remains relatively mute. Soviet Russian penetrations in Asia, the Mideast, Africa and Latin America cannot be fully understood without a knowledge of the earliest captive nations. Also, the contribution of the analysis to the total picture has been regularly supplemented by its disclosures of the empire/state economy of the U.S.S.R. Without its systematic exploitation of captive non-Russian resources in the U.S.S.R., Moscow would never be capable of these global adventures. The exploitation of both the Russian and non-Russian populaces in this empire is measured best by the markedly disproportionate expenditures and resources devoted to the military and war preparedness. The historical fact is that the imperial U.S.S.R. economy has always been a war economy, and its military advancements in these past twenty years—quantitatively surpassing the U.S. in about every category of defensive and offensive weapons—have produced the largest military establishment in the world today. And, furthermore, Soviet military doctrine does not teach that a nuclear war is either unthinkable or unwinnable.

On this "20th," then, and looking forward to the 80's, what can we rationally expect in terms of these trends? Certainly, American dependence on the margin of superior military technology and the political rhetoric of being "the most powerful nation in the world" will have worn themselves out thin unless the margin is widened and quantitatively materialized in the production and deployment of new systems. Both for our economy in general and our military power a Veblenian veneration of technology and its productivities would be a blessing in these coming years. It would be the acme of historical irony if a SALT II were to lock us in a condition of military inferiority to the U.S.S.R. and run its course to 1985. Several years ago Brezhnev told his Communist Party satraps in Eastern Europe that by that time Moscow would be able to call the global shots.

Indeed, even before then, the rate of present developments should enable Moscow to flex its armed muscle in various trouble-spots of the world. Down the road nuclear blackmail and a nuclear Pearl Harbor are not beyond real possibility. Officials and others in our country who wishfully content themselves with the prospects in the 80's of deepened economic troubles and energy shortages in the U.S.S.R. completely misread this empire economy. This economy has always been riddled with grave economic problems, but never at the cost of its increasing military might. Even before the forced establishment of the U.S.S.R., the RSFSR, or simply Soviet Russia, had overwhelming economic problems, but Trotsky's Red Army was sustained in strength to create the first family of captive nations in the 1918–22 period.

The certainty of this evolving situation will undoubtedly bring the captive nations view and analysis to the fore. Particularly will this be true for those within the U.S.S.R. It defies comprehension how little weight in policy and action has been attached by our leaders to Ukraine as a case in itself. Here is the largest non-Russian nation not only in the U.S.S.R. but also in Eastern Europe, and yet fear and lack of imagination have obstructed efforts that would cause the bear to cringe. I am certain this will not be so in the critical phase that will face us in the 80's. After all, we shall have to consider, too, that about 43 percent of the U.S.S.R. armed services is non-Russian. The invincible power of nationalism will have to be tapped to overcome some of our other shortcomings. The experiences of Nazi Germany in this respect will have to be recited again.

SOME LESSONS FOR THE 20TH

Any annual observance, especially the "20th," is an occasion to look ahead, not backward, but always with the cumulative experiences of the past. One firm lesson from our experience is to maintain with deep conviction the truths of the CN analysis regardless of shifting styles and misleading policies of only momentary significance. As to style, Senator Jacob Javits of New York relates how an aide brought up the '78 Captive Nations Week to him and suggested it might be "out-of-date, old hat." The Senator, an original sponsor of the '59 resolution, rightly retorted "not on your life—those who hold these nations captive count on the fact that we'll be unable to run the course." [4] Very simply, so long as the captive nations exist as such in objective reality, which has been growing not contracting, the CN analysis is on terra firma. And no amount of illusory styles can enshroud this reality.

With regard to policies, they have carried many nominal tags these past 20 years, from "liberation" to "human rights." Despite these nominal styles, none has faced the captive nations reality in an integrated fashion, and each President, from Eisenhower to Carter, has shied from the resolution itself. A high point in this avoidance was reached by President Johnson who in his first term felt that the captive status of these nations was evaporating. As one report had it, "Captive nations, officials say, no longer is a true description of some of the Communist states where the regimes have gained a considerable degree of popularity." [5] The rape of Czechoslovakia four years later and the Brezhnev doctrine put an end to this illusion. In '76 a President who saw no Soviet domination over Eastern Europe, lost the presidency as a result.

The second notable lesson is that while our leaders have failed to understand Public Law 86–90, those in Moscow and elsewhere have grasped it fully. As the record shows, no subject in these past two decades has disturbed the Kremlin more consistently than this one. From Khrushchev down to the present, vehement opposition has been expressed.[6] G. Arbatov of the Moscow "think tank" has displayed it on several occasions. "The facts show" writes one Russian, "that the provocative activity of the organizers of Captive Nations Week increases sharply whenever the international situation is aggravated." [7] This isn't true, but Moscow's apologists, from K. to the present, have the habit of over-using the term "provacative." Why all this concern? Or is the captive nations idea thought-provoking in the light of truth?

Another lesson for the "20th" is the protracted lack of understanding of this subject in many spheres of our society. It's not as bad as it was 20 years ago, but from the White House down through our media and educational institutions working concepts still well indicate this. The baseless notions of the only captive nations being in Central-East Europe, of Eastern Europe stopping at the borders of the U.S.S.R. and of the Soviet Union being "a nation" still ill-grace the addresses and statements of our leaders and the media. Truly foolish phrases, such as "the Soviets," "the Soviet people," "nationally or ethnic groups," "national minorities" and the like distort completely the reality of the captive non-Russian nations in the U.S.S.R. With these conceptual illusions is it any wonder that the resolution and the CN analysis are barely understood. It is doubtful that even the many who comment on Public Law 86–90, have ever read it carefully and reflectively. In short, Moscow couldn't have a better opposition.

Not to be forgotten either is the particularly important lesson of how both Russian and non-Russian dissidence in the U.S.S.R. has aligned itself with the larger format of Public Law 86–90. Solzhenitsyn's letter to the Kremlin several years ago, urging Moscow to withdraw to its rightful Russian territory now in the U.S.S.R., Sakharov's advocacy of the freedom of the non-Russian nations, and the demands of all the non-Russian dissidents—Lithuanian, Latvian, Ukrainian, Georgian, Armenian and others—for their full national rights coincide perfectly with the essence and ramifications of Public Law 86–90. Some coincidence of thought? Hardly—for the sources of fact, principle and honest conviction are identical.

It is interesting to observe how leaders and analysts in Southeast Asia, the Mideast, Africa and Latin America go beyond the Cuban proxy and mythical Marxism to finger the stalking bear behind the aggressions against their countries. New stages, different actors, but the same basic source, themes and techniques in so-called revolutionary activity. Thus, another striking lesson conveyed by the resolution and the CN analysis: the experiences of other nations with the stalking bear—over two dozen of them and going back to 1918—make these so-called new experiences with the bear historically repetitive, old hat and outworn. It is intellectually pitiful that because of unfamiliarity with the background many of the leaders in the currently threatened areas fail to relate their experiences to those suffered by the now captive nations over the decades. This measure of ignorance is what Moscow has always banked heavily on for its successes. Above all, the U.S.S.R. is not to be exposed for what it really is—the worst empire under Soviet Russian rule in modern times.

Are there other lessons derived from the CN analysis for the "20th?" Yes, indeed. Based on Public Law 86–90, the analysis has illuminated the illusory aspects of "communist polycentrism," the drifts of Eurocommunism and detente. By distinguishing between the Red state and the underlying captive nation and people, the analysis conclusively showed that despite disagreements between Peking and Moscow, Moscow and Belgrade and so forth none of these will endanger its respective control over the underlying nation or nations.[8] Do you hear about the fad of polycentrism today? As to Eurocommunism, the CN analysis held firmly that none of the West European CPs would highlight Soviet Russian imperio-colonialism both within the U.S.S.R. and without, despite other seeming deviations from Moscow. None has. Listen to France's Paul Laurent: "Differences of opinion between Communist parties can under no circumstances be allowed to form an obstacle to joint action against imperialism and to the proclaiming of joint goals." [9]

Regarding the outworn and unrealistic term "detente" in today's world, the CN analysis concretely specified the illusions of detente—from moral to trade bases.[10] It went beyond to demonstrate the troika of the stalking bear. Who on the basis of very current events, not to speak of trends, could rationally contradict this troika? It consists of "(1) a steady, totalitarian and imperialist consolidation within its domain of power; (2) a divide and subvert process directed at the West, especially the dismantling of NATO; and (3) a progressive infiltration and undermining of the less developed areas of the world." [11] A pattern for the past, present and future? Consistent to a "t." Unfortunately, this consistent pattern will be increasingly bolstered by Moscow's continued military buildup and superiority in areas of both conventional and strategic weapons.

Finally, the beauty of the CN analysis has been its realistic emphasis on cumulative causation, i.e., the processal technique of imperialist Moscow—not restricted just to the Soviet Russian totalitarians, but going back 500 years—to exploit the resources of acquired non-Russian territories for the more than marginal thrust toward the domination of more non-Russian areas, whether in continental Euro-Asia or beyond. First the non-Russian nations now held captive

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Footnotes at end of article.

within the U.S.S.R., then those in Central-South Europe, also those in Asia, and in our period and with flexible variations throughout the third developing part of the world.

With the expedient troika pattern in mind, Brezhnev is perfectly in the tradition of his predecessors when he declared, "Peaceful coexistence does not mean the end of the struggle of the two world powers. The struggle between the proletariat and bourgeoisie, between world socialism and imperialism will be waged right up to the final victory of communism on a world scale." [12] This is just one of many similar official statements made by this ostensible cautious leader of the Soviet Russian gerontocracy. Undressing the quote of this typical Aesopian-Marxist language—such fantasies as proletariat, bourgeoisie, world socialism and communism—we're left with imperialism that preeminently characterizes Moscow alone at this stage. Typically, again, what the Russian politico does, behind a semantic facade he accuses others of doing. At this point, however, the stalking bear is threatening non-Russian resources in the Mideast and Africa—oil, chromium, vanadium, platinum, gold and other minerals—fundamentally vital to the Western industrial economies. In short, the Russian process is simply one of acquiring more captive nations, directly or indirectly.

FOOTNOTES

[1] For highlights of this development see author's "The Vulnerable Russians," New York, 1967; "Captive Nations Week, Red Nightmare, Freedom's Hope," USGPO, 1966; "Tenth Anniversary of the Captive Nations Week Resolution, 1959–1969," USGPO, 1966; "The Bicentennial Salute to the Captive Nations 1976" USGPO, 1977.

[2] "Business Week," March 12, 1979.

[3] Wei Chi. "The Soviet Union Under the New Tsars," Peking, 1978.

[4] Congressional Record, September 29, 1978, p. 32709.

[5] Bernard Gwertzman. "Captive Nations Soft-Pedaled," The Sunday Star, Washington, D.C., July 12, 1964.

[6] See, e.g.s., Richard M. Nixon's "Six Crises," 1962, p. 247 and John R. Cauley's "Washington Beat—Hobnobbing With History," Congressional Record, April 30, 1974, p. 12319.

[7] A Borisov. "U.S. Anti-Communism," International Affairs, Moscow, November 1970.

[8] See "Do You Know the Captive Nations? Who's Next—South Vietnam?" USGPO, 1972, pp. 11.

[9] Senator James A. McClure. "Captive Nations," USGPO, 1973, p. 7.
July 2, 1976, p. 3.

[10] Representative Edward J. Derwinski. "The Illusions of Detente," USGPO, 1974. pp. 10.

[11] "On The Threshold of New Captive Nations Week," Congressional Record reprint.

[12] Pravda," August 22, 1973.

PROPOSED TAX LAW CHANGE FOR VETERANS' ORGANIZATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, when Franklin Roosevelt addressed Congress after the declaration of war on Japan, he asked a rhetorical question of his audience: "When will this war end?" His answer is as accurate now as it was then:

> It will end just as soon as we make it end by our combined efforts, our combined strength, and our combined determination to fight through and work through until the end, * * * most certainly we should not settle for less.

The current dangers may not be as immediate now as they were in 1941, but I firmly believe that we must not waiver in our resolve to defend our Nation against all external threats.

In the past, the backbone of our strength has been the interest and active participation of our citizens in the Armed Forces and veterans support groups. Continued active involvement by Americans in such support groups is vital to the defense of our country.

With these thoughts in mind, I am introducing legislation today with Congressman CONABLE that will insure the future viability of such veterans organizations. These organizations now face a problem with their tax exempt status that threatens many of their programs.

In 1969, Congress added section 501(c) 19 to the Internal Revenue Code. This section granted tax-exempt status to certain groups of veterans. In order to qualify for such status, the group must be comprised of 75 percent "war veterans." The remaining 25 percent must be substantially comprised of veteran's widows, military cadets, et cetera.

The problem these organizations now face is simple: With a prolonged period of peace at hand, there are few "war veterans" leaving active military service. This situation, plus the natural attrition rate among surviving war veterans, is draining down the percentage of these veterans in section 501(c) 19 organizations. For instance, one such organization, the Air Force Association, has seen its membership of "war veterans" go from approximately 90 percent in 1975 to 82 percent in 1978. At this rate, they will drop below the 75-percent rate in the very near future. Other veterans organizations have similar problems.

Section 501(c) 19 was enacted at the height of the Vietnam conflict. It was a reaction to the times, and it is no longer responsive to the current climate of peace. If we are lucky enough to avoid armed conflict in the future, it will unduly penalize veterans organizations and stifle their programs.

For these reasons, I have introduced legislation to change the percentage requirements in section 501(c) 19. This change would provide that 75 percent of such organizations must be comprised of "veterans," instead of "war veterans." This change will preserve the intention of Congress when it enacted this section. It will preserve the essential character of these organizations as being veteran oriented. It will insure that their tax-exempt status is not threatened by a combination of natural attrition rates and a lack of armed conflict involving American citizens.

Currently, these organizations are tax exempt on income other than that which is nonbusiness related. Thus passage of my bill will have no revenue impact. Assuming that nothing is done, and that these organizations lose their tax-exempt status, the Joint Committee on Internal Revenue Taxation has indicated that the amount collected from these organizations would not be in excess of $5 million annually. Therefore, the revenue impact of this measure is negligible. Moreover, if these veterans groups lose their tax-exempt status under section 501(c) 19, it is likely that they would be forced to suspend many of their activities due to financial considerations. Under this analysis, the Government would not collect any additional taxes due to this change in status, and the Nation and our veterans would lose the benefits provided by these organizations.

I hope my colleagues will support Congressman CONABLE and me in this effort to provide relief to these noteworthy organizations.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OTTINGER) is recognized for 5 minutes.

● Mr. OTTINGER. Mr. Speaker, on rollcalls Nos. 142, 143, and 144 earlier today, I was unavoidably detained.

On rollcalls Nos. 142 and 143, both suspensions for financial disclosure, technical amendments, and national advisory commissions, I would have voted "aye."

On rollcall No. 144, the Bennett amendment to add defense funds to the already inflated military budget, I would have voted "nay." ●

PERSONAL EXPLANATION

● Mr. CAVANAUGH. Mr. Speaker, on Thursday, May 10, 1979, I took my paging system with me to the Senate side while I met with the junior Senator from Nebraska to discuss issues which were important to my State. When I returned to the floor of the House after the meeting concluded, I discovered that I had missed two recorded votes due to the malfunction of the paging instrument. Had I been here I would have voted "no" on rollcall No. 139, the amendment by Mr. KEMP to House Concurrent Resolution 107, and "aye" to rollcall No. 140, on the rule to House Resolution 262.●

ON WINNING A PULITZER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VAN DEERLIN) is recognized for 5 minutes.

● Mr. VAN DEERLIN. Mr. Speaker, the greatest honor any American newspaper can receive is the Pulitzer Prize. It was with a special sense of pride and pleasure, therefore, that I learned the San Diego Evening Tribune, edited by my old friend, Fred Kinne, had won the Pulitzer for its superlative coverage of the tragic airline crash last September 25 in San Diego's North Park area.

It was the worst air disaster in the Nation's history, claiming 144 lives. The carnage, confusion, and horror at the scene in the hours immediately following the crash literally defied description. Yet somehow the Tribune pulled it all together, in barely half an hour, in time to meet first-edition deadlines of the afternoon newspaper.

As a former newsman—and one-time journalistic colleague of Editor Kinne—I think I can appreciate the enormity of the task facing the 40 or 50 staffers deployed on the story after initial, fragmentary reports of the crash at 9:02 on that hot and muggy Monday morning.

Tribune Managing Editor Walter Miller described how it was done:

> With no room for hesitation, staff members responded quickly—from every department in the newsroom, from their offices, on their beats, from their homes.
>
> In those frantic minutes they interviewed witnesses, crash-site residents, hospital personnel, police officers, firefighters, and priests.
>
> Photographers were quickly on the scene and in the air over it. The Tribune's first edition, with the first reports San Diegans would read of the crash, carried two full pages of solid but cautious news about the tragedy—the size of which was strongly suspected but not immediately confirmed.
>
> A main story and six sidebars told the story, complemented by a page-one aerial photo of the crash site and other photos from the grim scene.

The first edition was just the beginning. Facing deadlines of 12:10 and 1:50 p.m. for the next two editions, the paper expanded its coverage to six pages. Through careful editing and some brilliant rewrite work, the reports were consistently accurate as well as lucid, even to the point of gaging the number of dead—a total that could not be confirmed for several days—in what turned out to be the worst air disaster in the Nation's history.

The award, for general local reporting, is only the second Pulitzer to come to San Diego. The previous award, 55 years earlier, went to Magner White of the now defunct San Diego Sun, for his story about a solar eclipse.

The new Pulitzer attests to the resurgence of journalistic quality in San Diego. Under the leadership of publisher Helen Copley, the Tribune and its sister publication, the San Diego Union, have shown dramatic improvement in recent years, in the scope, quality and fairness of their coverage.

Although San Diego is still technically a "one ownership" newspaper town, competition has been stimulated by the advent a year ago of the San Diego County edition of the Los Angeles Times and by the development of strong news departments by the local television stations and by all-news radio station KSDO. San Diegans are being served by ever stronger, highly professional news media.

And even though I was a continent away from the Tribune's city room at the moment it earned a Pulitzer, I can describe with unfailing accuracy the atmosphere at its command post—the desk of editor Fred Kinne. I was privileged to share 4 years with this man on the old San Diego Journal, where his superb leadership talents enabled an undermanned staff often to come out on top in its crosstown rivalry with the dominant Copely press.

Kinne's greatest attribute has always been a set of iron nerves. No matter what swirls around him, he is a picture of calm. Perhaps he always had it, but it was surely strengthened by months of wartime action as a fighter pilot in the ETO. Kinne is one of those rare persons who cannot be ruffled. Late-breaking and unexpected news events, the cacophony of telephones, printers shouting for copy—Fred reacts to these like a man tending his garden on a summer day.

In the stress of battle, or of competitive sports, or of something as unpredictable as the news business, calm begets calm—and confidence. It is an attribute invaluable in the handling of an event like San Diego's first commercial air crash in 51 years.

Mr. Speaker, there is another side to Fred Kinne of which all his colleagues are aware: The intense loyalty he inspires in his staff. I have seen Fred stand up for a newsroom worker in confrontation with management—or for journalistic integrity when challenged from outside by a powerful business or civic force. He had to defend me on more than one occasion.

Because of this character attribute—more desirable, even, than those purely professional qualities in the full measure of a man—a host of associates, past and present, cheer the honor finally accorded Fred Kinne.

Here is a winner who brings new honor to "the Pulitzer."●

AN AMENDMENT TO H.R. 3651

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. AuCoin) is recognized for 5 minutes.

● Mr. AuCOIN. Mr. Speaker, as the House prepares to resume consideration of the Alaska lands legislation, I would like to call the attention of my colleagues to an amendment that I will offer tomorrow to the Udall substitute, H.R. 3651.

The amendment establishes the Copper River Delta National Wildlife Refuge out of acreage now part of the Chugach National Forest. This refuge, 1.2 million acres, was provided for in the Alaska lands legislation passed by the House last year, and ought to be included again this year under the administration of the Fish and Wildlife Service.

The Copper River Delta is a critical habitat for more than 20 million waterfowl and shore birds. It is the sole nesting place of the Dusky Canada Goose and a major nesting ground for the rare Trumpeter Swan.

It is important that this area be designated as a refuge under the Fish and Wildlife Service because, quite simply, it has the expertise and primary responsibility for managing migratory bird habitats. The Forest Service, on the other hand, operates under an entirely different mandate—a multiple use mandate—under which wildlife values would surely conflict with its other development interests. The only responsibility of the Fish and Wildlife Service is to properly manage wildlife habitats.

Moreover, to do an effective job, the Forest Service would have to acquire the expertise which already exists in Fish and Wildlife, a highly inefficient use of Forest Service resources.

Beyond considerations of efficiency, however, it just makes good sense to place all of the key habitats for migratory species under one agency. The Fish and Wildlife Service already administers the wintering grounds for the Dusky Canada Goose in Oregon's Willamette Valley. This amendment would complement and complete Fish and Wildlife's existing management authority for this specie.

Because of the high wildlife values of the Copper River Delta and because the Fish and Wildlife Service has the expertise to manage it wisely, I urge my colleagues to support this amendment.●

OCCUPATIONAL THERAPY MEDICARE AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. Boggs) is recognized for 5 minutes.

● Mrs. BOGGS. Mr. Speaker, for several years I have been concerned about some serious deficiencies in the medicare program which have the effect of preventing many of our elderly and disabled citizens from receiving the medically necessary services they need. One of these services, which often means the difference between full recovery from an illness or injury or recurring disability or institutionalization, is occupational therapy. Occupational therapy is a rehabilitative service which is frequently used in the medical management of patients who suffer from heart attacks, cancer, strokes, arthritis, wasting neurological disorders, or psychiatric illness.

Treatment from an occupational therapist may, in addition to reducing specific pathology or impairment, help patients learn to use the newly restored or impaired part to meet the demands of daily living, thus speeding recovery and an early return to a more independent life.

Under the present medicare law, occupational therapy is a covered service for inpatients in hospitals and skilled nursing facilities, for outpatients in clinics attached to approved hospitals, and for recipients of home health care if they also require either intermittent skilled nursing or physical therapy or speech pathology.

This medicare coverage for occupational therapy is seriously inadequate in the areas of home health and outpatient benefits. Occupational therapy is reimbursable under the home health benefit only if the patient requires skilled nursing care, physical therapy, or speech pathology services. It is not medicare-reimbursable when provided at a freestanding rehabilitation center.

I am pleased to introduce today, with many of my distinguished colleagues as cosponsors, a bill which would correct these two costly and unnecessary restrictions. Specifically, my bill would permit medicare coverage for occupational therapy in the approved freestanding outpatient clinic and as a primary service in the home health setting.

There is tremendous need for this legislation among our elderly and disabled population. By conservative estimates some 9 million Americans over 65 years of age are limited in their daily life activity because of a chronic medical condition. These are precisely the people who are often in need of the services of an occupational therapist. They should not be denied these services by restrictions which arbitrarily limit the setting in which they can be provided.

The current medicare program recognizes the important role of occupational therapy in the provision of quality health care. However, the law will remain seriously deficient as long as the restrictions on outpatient and home health coverage are maintained. These restrictions are not cost effective—and they interfere with the timely provision of proper treatment. They encourage overutilization of hospitals and nursing homes, and often force decisions to terminate prematurely necessary treatment solely because coverage for the service is no longer available.

In the latter case, the beneficiary's risk of recurring disability and eventual return to the institution increases dramatically. Ultimately, a shortsighted attempt to save money results in nothing more than higher costs caused by poor care.

On several occasions in the past, the provisions of this bill have received strong congressional support. The Senate Finance Committee and the full Senate have approved it on three separate occasions. A major portion of the outpatient provision was part of H.R. 13097, a package of medicare amendments approved by the House nearly unanimously at the end of the 95th Congress. Apparently, time did not permit the Senate to consider the House bill.

Occupational therapy has been recognized by the private insurance industry as a valuable service contributing to the containment of today's health costs. The Health Insurance Association of America recommended to its 350 member companies inclusion of occupational therapy services in health benefits plans.

HIAA and its comprehensive coverage subcommittee in a Medical Economics Bulletin state:

> Occupational therapy is a professional health care service which, when properly used, can be instrumental in decreasing hospital confinement, disability, and the ultimate cost of health care . . . [occupational therapy] is a type of service which properly lies within the intended scope of broad Major Medical policies.

The HIAA statement is a followup action to its support of a resolution adopted by the National Association of Insurance Commissioners. The NAIC resolution recognizes the role of the occupational therapist as a provider of health care services and recommends that any plan or program which reimburses or provides benefits for health care services consider for inclusion occupational therapy services.

It appears to me that, in view of the alarming increase in health care costs in recent years, we should consider carefully these recommendations of the private insurance industry and support coverage for services, such as occupational therapy, which have proven to be cost effective as well as medically beneficial.

The 1978 Report of the President's Commission on Mental Health recommended that home care become an essential component of the continuum of mental and physical health care of the elderly. Occupational therapy is specifically designed to teach the homebound elderly to meet their daily life needs.

I believe that immediate action on this bill is warranted. I urge you to work with me to gain speedy congressional approval of its provisions to demonstrate our commitment to containing health cost, providing an alternative to institutionalization for our elderly and disabled Americans, and, most importantly, helping assure them a life of freedom and independence.

I insert a copy of the bill I am introducing:

H.R. —

A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for occupational therapy services, whether furnished as a part of home health services or otherwise

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1814(a)(2)(D) of the Social Security Act is amended by inserting ", occupational," immediately after "physical".

(b) Section 1835(a)(2)(A)(i) of such Act is amended by inserting ", occupational," immediately after "physical".

(c) Section 1835(a)(2) of such Act is further amended—

(1) by striking out "and" at the end of subparagraphs (B) and (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and"; and

(3) by adding after subparagraph (D) the following new subparagraph:

"(E) in the case of outpatient occupational therapy services, (i) such services are or were required because the individual needed occupational therapy services, (ii) a plan for furnishing such services has been established and is periodically reviewed by a physician, and (iii) such services are or were furnished while the individual is or was under the care of a physician.".

(d) The last sentence of section 1864(p) of such Act is amended by inserting "and occupational therapy services" after "speech pathology services".

Sec. 2. The amendments made by the first section of this Act shall be applicable in the case of services furnished on and after the first day of the first month which begins not less than thirty days after the date of the enactment of this Act.●

EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Neal) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, I call to the attention of the House a notification from the U.S. Export-Import Bank regarding proposed financing for the sale of U.S. equipment and services to complete the Inga-Shaba electric power transmission project in Zaire.

This notification was referred to me as chairman of the Banking Subcommittee on International Trade, Investment and Monetary Policy. Section 2 (b)(3)(i) of the Export-Import Bank Act of 1945, as amended, requires the Bank to notify Congress of proposed loans or financial guarantees or combinations thereof of $100 million or more. Unless Congress determines otherwise, the Eximbank may give final approval to the transaction after 25 days of continuous session of the Congress following notification.

In the notification I am submitting today, the Eximbank states its intention of extending a direct credit of $46,495,000 and guaranteeing private loans of the same amount to Societe Nationale d'Eletricite, the national electric utility of Zaire. The funds will purchase U.S. goods and services to complete the Inga-Shaba project, which will transmit power from western Zaire to the Shaba copperbelt in southeastern Zaire, a distance of about 1,100 miles. The Eximbank has previously financed sales involving this project.

I am inserting in the Record a letter from the Eximbank providing the details of this transaction. I will welcome any comments my colleagues wish to offer concerning this proposed financing arrangement.

Export-Import Bank of
the United States,
Washington, D.C., May 3, 1979.

The Speaker of the House of
Representatives,
The Speaker's Room, Washington, D.C.

Dear Mr. Speaker: Pursuant to Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States House of Representatives with respect to the following transaction involving U.S. exports to Zaire.

A. DESCRIPTION OF TRANSACTION

1. Purpose

Eximbank is prepared to extend a direct credit of $46,495,000 to Societe Nationale d'Electricite (Borrower) and to guarantee loans to the Borrower in the amount of $46,495,000 made by private financial institutions to facilitate the Borrower's purchase from the United States of goods and services necessary for completion of the Inga-Shaba Extra High Voltage Direct Current transmission line (Project). The Project will carry power from the Inga hydroelectric generating facilities in western Zaire to the Shaba Copperbelt in the southeastern part of the country, a distance of about 1,100 miles.

On November 21, 1973, Eximbank authorized a direct credit of $102,240,000 to the Borrower and guarantees on loans to the Borrower for the Project by private financial institutions in the amount of $136,240,000. Due to general world-wide inflation, certain design changes and unanticipated construction and transport problems, by late 1975 the estimated total costs of the Project had increased from $343,804,000 to $478,804,000, of which the United States costs increased from $227,200,000 to $303,340,000. As a result, on April 6, 1976, following the required Congressional review, Eximbank authorized a direct credit and a guarantee to the Borrower each in the amount of $34,263,000. This financing was expected to complete the Project.

However, in the past three years continued inflation, a slowing of construction due to a lack of local currency, a continuation of construction and transport problems plus the Shaba II invasion in May 1978 which resulted in destruction of certain Project installations, have caused further cost increases. Total Project costs are now estimated at $680,470,000 of which United States Costs are $419,421,000. The Project is now 80 percent complete, and commissioning is expected in early 1982. The equipment and material which is to be financed by Eximbank and the private financial institutions participating with Eximbank will be manufactured in the United States and the related services will be performed by United States firms.

2. Identity of the parties

Societe National d'Electricite was established in 1970 as the national electric utility of Zaire and is wholly owned by the Republic of Zaire (Republic). Its obligations will be guaranteed by the Republic.

3. Nature and use of goods and services

The principal goods to be exported from the United States for use in completing construction of the Project will consist of earth moving equipment, and steel transmission line towers. In addition, United States firms are performing and would continue to perform under the proposed financing various related construction and technical services in connection with the Project. The prime contractor is Constructeurs Inga-Shaba, a joint venture firm comprised of Morrison-Knudsen International Co. of Boise Idaho, International Engineering Co. of San Francisco, California, and Fischbach and Moore International Corp. of Houston, Texas. In addition to these principal U.S. suppliers, there are many other companies across the nation also supplying U.S. goods and services for this Project.

B. EXPLANATION OF EXIMBANK FINANCING

1. Reasons

Completion of the Project and the resulting provision of power to Shaba is essential if Zaire's national copper company, Gecamines, is to attain a projected increase in copper and cobalt production from 391,000 and 13,200 metric tons per annum, respectively, in 1978 to about 530,000 and 26,000 metric tons per annum, respectively, by 1982. Additional electric power will also be necessary if other copper/cobalt mines in Shaba are to expand their output. This increase in production is important to Zaire because copper and cobalt are Zaire's principal exports, accounting for over half of export earnings.

Eximbank has concluded that completing the Project makes the best sense at the present time and represents both the most efficient use of the existing investment in the line and the best means of supplying the required power to Shaba. Moreover, we believe that completing the Project offers the greatest likelihood for repayment of Eximbank's present investment in the Project of $305 million.

In reaching the decision to proceed with the Project Eximbank examined at length alternative methods of meeting Shaba's energy needs as well as the basic economics of the Project. With regard to the former, load forecasts prepared by Gecamines and the U.S. Bureau of Reclamation reflect an energy requirement for Shaba of 3,587 GWh for 1983 which is conservatively projected to grow to 3,697 GWh by 1987. Since existing hydro plants can, when adequately maintained, generate approximately 2,810 GWh in a wet year (only 2,000 GWh in a dry year), a potential deficit of at least 777 GWh in 1983 is forecast if the Inga-Shaba line is not completed. This deficit rises to approximately 1,500-2,000 GWh in the 1985–1987 period when 20 percent of the existing Shaba hydro facilities are retired, having been in service since the late 1920s.

It is concluded that the Inga-Shaba line should be able to operate at an average capacity utilization of 30 percent during the 1980s with a possibility of increasing this utilization to approximately 50 percent depending on the progress in other mining projects. The power supplied by the line is required for essential mining development now under way in Shaba since it is highly unlikely that new hydro installations in Shaba could be financed under present circumstances or completed by the spring of 1982 to meet the demand. Another option, a series of gas turbine power plants, is not viable because of the cost of securing the fuel.

Finally, the existing 220 kv line from Zambia is inadequate to provide the power. Consequently, it does not appear that alternative means for supplying the required power to Shaba when needed exist, while the economic impact of not providing necessary power by not completing the Project would be severe for the economy of Zaire and could adversely affect the likelihood of Eximbank's existing exposure being repaid.

Concerning Project financial projections, the Borrower has not yet set rates for Inga power in Shaba, and is not expected to do so until the line is virtually completed. Current Kwh power rates are about 11 mills to Gecamines and 20 mills to other users in Shaba. These rates will probably be increased substantially; however, the cost of energy for the incremental costs necessary to complete the Project is only about 27 mills per Kwh. It is estimated that a rate between 70 and 80 mills per Kwh would recover all Project costs. Depending on where rates are finally set, the Project will probably operate at a loss in the early years of its operation. Failure to complete the Project, however, would deprive the copperbelt of essential power.

In view of the above Eximbank has concluded that the best course of action is to proceed with the Project. Because of the large amounts involved in this transaction, the repayment term which is required and Zaire's continuing economic problems, Eximbank has also concluded that its loan and guarantee are necessary to complete the Project. The resulting export of United States goods and services will have a favorable impact on the United States economy in terms of the United States balance of payments and domestic employment.

2. The financing plan

The total cost of the additional United States goods and services necessary to complete the Project is $109,400,000. The costs will be financed as follows:

	Amount	Percent of U.S. costs
Cash payment by the borrower	$16, 410, 000	15.0
Eximbank direct credit at 8.75 percent	46, 495, 000	42.5
Private financing with Eximbank guarantee	46, 495, 000	42.5
Total	109, 400, 000	100.0

Eximbank will require that the cash payment be made in advance. In fact, the Borrower has nearly completed the required payment.

(a) Eximbank Charges

The Eximbank credit will bear interest at the rate of 8.75 percent per annum, Eximbank's current scale rate, payable semiannually. A commitment fee of ½ percent per annum will also be charged on the undisbursed portion of the Eximbank Credit. The private financial institutions being guaranteed by Eximbank will pay a guarantee fee to Eximbank of 1 percent per annum on the amounts they disburse to the Borrower. Also a commitment fee of ⅛ of 1 percent per annum will be charged on the undisbursed portion of the private financing guaranteed by Eximbank.

(b) Repayment Terms

The increased financing will be repaid in 30 semiannual installments beginning August 10, 1982, about six months after estimated completion of the Project. The private financing guaranteed by Eximbank will be repaid from the first 15 installments and the Eximbank direct credit will be repaid from the last 15 installments.

(c) Security

In recent years Zaire has experienced difficulty in meeting its foreign exchange obligations and has been forced to seek relief in the form of two general debt reschedulings covering certain maturities falling due in 1975, 1976 and 1977. These reschedulings were agreed to by the Zaire Paris Club, an informal group of official government creditors of Zaire whose purpose is to provide necessary debt relief on an equitable basis and on conditions acceptable to all such creditors. Eximbank to date has agreed to reschedule approximately $66,542,000 of Zaire obligations, approximately $41,000,000 of which represent sums paid by Eximbank to private commercial banks whose loans to Zaire were guaranteed by Eximbank. The rescheduled amounts are to be repaid in semiannual installments over approximately nine years and bear interest at Eximbank's scale rate in effect at the time the reschedulings were approved by Eximbank. Although it is expected that further debt relief will be necessary with respect to 1978 and 1979 maturities, it is hoped that a revised IMF Stand-by Agreement, coupled with assistance from other lenders, will lead to an improvement in Zaire's economic situation.

Considering these debt repayment problems, Eximbank required as a condition of its financing authorized April 6, 1976 that its debt service for the Project be met by a foreign exchange transfer which would take place outside of Zaire following sale of Zaire's copper in Europe and before the copper sales proceeds were remitted to Kinshasa. This arrangement came to be known as the Payment Facility Agreement (PFA). To date Eximbank's experience with the PFA has been favorable and our April 6, 1976 financing is current. In view of the continuation of Zaire's economic difficulties the subject increase will also be included under the PFA.

Sincerely yours,

H. K. ALLEN.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ANTHONY (at the request of Mr. WRIGHT), until 3:15 p.m. today, on account of official business.

Mr. CORMAN (at the request of Mr. WRIGHT), for today until 2:30 p.m., on account of official business.

Mr. MCKINNEY (at the request of Mr. RHODES), for today, on account of illness in the family.

Mr. PEPPER (at the request of Mr. WRIGHT), for today, on account of attending a memorial service for the late Mrs. Pepper.

Mr. RODINO (at the request of Mr. WRIGHT), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SENSENBRENNER) to revise and extend their remarks and include extraneous material:)

Mr. DERWINSKI, for 60 minutes, tomorrow, May 15.

Mrs. HECKLER, for 5 minutes today.

(The following Members (at the request of Mr. DONNELLY) to revise and extend their remarks and include extraneous material:)

Mr. WEAVER, for 10 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Ms. HOLTZMAN, for 5 miutes, today.

Mr. FLOOD, for 5 minutes, today.

Mr. JONES of Oklahoma, for 5 minutes, today.

Mr. OTTINGER, for 5 minutes, today.

Mr. CAVANAUGH, for 5 minutes, today.

Mr. VAN DEERLIN, for 5 minutes, today.

Mr. AUCOIN, for 5 minutes, today.

Mrs. BOGGS, for 5 minutes, today.

Mr. NEAL, for 5 minutes, today.

Mr. HEFTEL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WYDLER, to revise and extend his remarks during consideration of H.R. 2520, the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978.

(The following Members (at the request of Mr. SENSENBRENNER) and to include extraneous matter:)

Mr. WYDLER.

Mr. YOUNG of Alaska in two instances.

Mr. DANNEMEYER in two instances.

Mr. GOLDWATER.

Mr. HYDE.

Mr. GILMAN in three instances.

Mr. PURSELL.

Mr. SYMMS in two instances.

Mr. DECKARD.

Mr. GRASSLEY.

Mr. BEREUTER.

Mr. FRENZEL in two instances.

Mr. GREEN.

Mr. MICHEL in two instances.

Mr. LENT.

Mr. O'BRIEN.

Mr. TAUKE.

Mr. COLLINS of Texas in two instances.

Mr. HORTON.

Mr. DAVIS of Michigan.

Mr. ASHBROOK in two instances.

(The following Members (at the request of Mr. DONNELLY) and to include extraneous matter:)

Mr. ANDERSON of California in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Ms. HOLTZMAN in 10 instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. VENTO in two instances.

Mr. WOLFF in two instances.

Mr. WEISS in five instances.

Mr. DRINAN in 10 instances.

Mr. SKELTON in two instances.

Mr. BOLLING.

Mr. RANGEL.

Mr. MAGUIRE.

Mr. STARK.

Mr. DONNELLY.

Mr. CONYERS.

Mr. LONG of Louisiana.

Mr. GARCIA.

Mr. PEPPER.

Mr. HAMILTON.

Mr. MATSUI.

Mr. MURPHY of New York in five instances.

Mr. DINGELL in five instances.

Mr. WON PAT.

Mr. MILLER of California in three instances.

Mr. NEDZI.

Mr. UDALL in five instances.

Mr. HAWKINS.

Mr. NOLAN.

Mr. EDGAR in five instances.

Mr. JOHNSON of California.

Mr. LUNDINE.

Mr. EARLY

Mr. MOORHEAD of Pennsylvania.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 71. Joint resolution to authorize and request the President to proclaim the week of May 6 through 12, 1979, as "National Historic Preservation Week."

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 15, 1979, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1564. A letter from the Secretary of Agriculture, transmitting a comprehensive plan for the implementation of a human nutrition research and nutrition education program, together with a report on the study of regional nutrition centers, pursuant to sections 1427 and 1424, respectively, of the Food and Agriculture Act of 1977; to the Committee on Agriculture.

1565. A communication from the President of the United States, transmitting an amendment to the request for appropriations for fiscal year 1980 for the National Aeronautics and Space Administration (H. Doc. No. 96–124); to the Committee on Appropriations and ordered to be printed.

1566. A letter from the General Counsel of the Department of Defense, transmitting a draft of proopsed legislation to repeal statutory restrictions on the assignment of women in the Navy and Air Force; to the Committee on Armed Services.

1567. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Air National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1568. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting a draft of proposed legislation to amend section 2575 of title 10, United States Code, to provide for more efficient disposal of lost, abandoned, or unclaimed personal property that comes into the custody or control of military departments; to the Committee on Armed Services.

1569. A letter from the Acting Administrator of General Services, transmitting the stockpile report for April–September 1978, pursuant to section 4 of the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

1570. A letter from the Principal Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), transmitting a report on the organization of the dependents' education system, pursuant to section 1403 of Public Law 95–561; to the Committee on Education and Labor.

1571. A letter from the Acting Assistant Secretary of the Treasury (Administration), transmitting notice of a proposed revisions to the Department's system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1572. A letter from the Chairman, Civil Aeronautics Board, transmitting a report on the Board's activities under the Government in the Sunshine Act during calendar year 1978, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1573. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the Alpaugh Irrigation District, Tulare County, Calif., for a loan under the Small Reclamation Project Act, pursuant to section 4(c) of the act; to the Committee on Interior and Insular Affairs.

1574. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the Rainbow Municipal Water District of Fallbrook, San Diego County, Calif., for a loan under the Small Reclamation Projects Act pursuant to section 4(c) of the act; to the Committee on Interior and Insular Affairs.

1575. A letter from the Assistant Secretary of the Interior, transmitting notice of the proposed modification of the Grand Valley and Paradox Valley units, Colorado, of the Colorado River Basin Salinity Control Project, pursuant to section 208(a) of Public Law 93–320; to the Committee on Interior and Insular Affairs.

1576. A letter from the Assistant Attorney General (Civil Division), transmitting notice of the Justice Department's intention to discontinue its defense of the constitutionality of the provision of 10 U.S.C. 4308 which requires that individuals seeking to purchase surplus military arms be members of the National Rifle Association, pursuant to section 13(a) of Public Law 95–624; to the Committee on the Judiciary.

1577. A letter from the Assistant Secretary of the Army (Civil Works), transmitting an interim report by the Corps of Engineers on the streambank erosion control evaluation and demonstration program, pursuant to section 32 of Public Law 93–251, as amended; to the Committee on Public Works and Transportation.

1578. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on Duluth area stormwater flooding, Duluth, Minn., in partial response to section 102 of the River and Harbor Act of 1966; to the Committee on Public Works and Transportation.

1579. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing alterations at the Federal Building, U.S. Courthouse and Downtown Postal Station, Tampa, Fla., pursuant to section 7(a) of the Public Building Act of 1959, as amended; to the Committee on Public Works and Transportation.

1580. A letter from the Administrator of General Services, transmitting a prospectus proposing alterations at the Federal Building-Courthouse, 707 Florida Avenue, Baton Rouge, La., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

1581. A letter from the Administrator of General Services, transmitting a prospectus proposing alterations at the Hale Boggs

Federal Building and Courthouse, 500 Camp Street, New Orleans, La., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

1582. A letter from the Administrator of General Services, transmitting a prospectus proposing alterations at the Earle Cabell Federal Building-Courthouse, 1100 Commerce Street, Dallas, Tex., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

1583. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing a succeeding lease for space presently occupied in the 2001 Bryan Tower Building, Dallas, Tex., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

1584. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing a succeeding lease for space presently occupied in the Berkley Building, 1701 North Fort Myer Drive, Arlington, Va., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

1585. A letter from the Acting Administrator of General Services, transmitting, an amendment to a previously approved prospectus which proposed the lease of space in the Commonwealth Building, 1320 Wilson Boulevard, Arlington, Va., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

1586. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to improve and modernize the vocational rehabilitation program provided service-disabled veterans under chapter 31 of title 38, United States Code, and for other purposes; to the Committee on Veterans' Affairs.

1587. A letter from the Comptroller General of the United States, transmitting a report on inconsistencies in the awarding of financial assistance to students under four Federal programs (HRD-79-16, May 11, 1979); jointly, to the Committees on Government Operations and Education and Labor.

1588. A letter from the Comptroller General of the United States, transmitting a report on implementation problems associated with the requirements of the Speedy Trial of 1974 and the courts' efforts to comply with the act (GGD-79-55, May 2, 1979); jointly, to the Committees on Government Operations, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted May 11, 1979]

Mr. BROOKS: Committee on Government Operations. H.R. 3923. A bill to amend chapter 25 of title 44, United States Code, to extend for 2 years the authorization of appropriations for the National Historical Publications and Records Commission, and for other purposes (Rept. No. 96-114). Referred to the Committee of the Whole House on the State of the Union.

[Submitted May 14, 1979]

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2771. A bill to change the name of the Palmetto Bend Reservior on the Navidad River in Texas to Lake Texana (Rept. No. 96-142). Referred to the House Calendar.

Mr. BROOKS: Committee on Government Operations. H.R. 2444. A bill to establish a Department of Education, and for other purposes; with amendment (Rept. No. 96-143). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEARD of Rhode Island:

H.R. 4062. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the labeling of foods which are manufactured or produced outside the United States; to the Committee on Interstate and Foreign Commerce.

By Mrs. BOGGS (for herself, Mr. Addabbo, Mr. Bafalis, Mr. Bevill, Mr. Bingham, Mrs. Bouquard, Mr. Brodhead, Mr. Cleveland, Mr. Corman, Mr. Corrada, Mr. Derrick, Mr. Dougherty, Mr. Downey, Mr. Duncan of Tennessee, Mr. Edwards of California, Mr. Ertel, Mr. Evans of the Virgin Islands, Ms. Ferraro, Mr. Fisher, Mr. Florio, Mr. Ford of Tennessee, Mr. Fuqua, Mr. Garcia, Mr. Glickman, Mr. Guarini, Mr. LaFalce, Mr. Lederer, Mr. Lehman, Mr. Long of Maryland, Ms. Mikulski, Mr. Mikva, Mr. Mitchell of Maryland, Mr. Mitchell of New York, Mr. Moakley, Mr. Murphy of Pennsylvania, Mr. Nolan, Mr. Ottinger, Mr. Pepper, Mr. Perkins, Mr. Price, Mr. Pritchard, Mr. Rangel, Mr. Richmond, Mr. Roe, Mr. Rosenthal, Mr. Scheuer, Mrs. Spellman, Mr. Stark, Mr. Vento, Mr. Weiss, Mr. Young of Alaska, and Mr. Zeferetti):

H.R. 4063. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for occupational therapy services, whether furnished as a part of home health services or otherwise; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. CLAY:

H.R. 4064. A bill to amend title 39, United States Code, to provide that owners of motor vehicles leased by the U.S. Postal Service shall be exempt from the payment of State taxes and fees on those vehicles; to the Committee on Post Office and Civil Service.

By Mr. GLICKMAN:

H.R. 4065. A bill to amend section 501(c)(8)(A) of the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 4066. A bill to provide for the suspension of the granting of operating licenses for the orderly takeover of existing and operational nuclear fission powerplants by the U.S. Government, to require the President to order the ambassador to the United Nations to seek a ban on nuclear fission powerplants, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, Interstate and Foreign Commerce, and Foreign Affairs.

By Mr. GONZALEZ (for himself, Mr. Daschle, and Mr. Kogovsek):

H.R. 4067. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility to blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 4068. A bill to amend the Ethics in Government Act requiring a full public disclosure of any private contributions used to defray the cost of an official White House function; to the Committee on Post Office and Civil Service.

H.R. 4069. A bill to prohibit the use of private contributions to defray the cost of an official White House function, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JONES of Oklahoma (for himself and Mr. Conable):

H.R. 4070. A bill to amend the Internal Revenue Code of 1954 with respect to the exemption from tax of veterans organizations; to the Committee on Ways and Means.

By Mr. LaFALCE (for himself and Mr. St Germain).

H.R. 4071. A bill to amend the Currency and Foreign Transactions Reporting Act to allow for the payment of compensation to informers; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LaFALCE (for himself, Mr. Wolff, and Mr. St Germain):

H.R. 4072. A bill to amend the Currency and Foreign Transactions Reporting Act to provide for more efficient enforcement of its provisions by making it illegal to export or import large amounts of currency without filing the required reports; to the Committee on Banking, Finance and Urban Affairs.

H.R. 4073. A bill to amend the Currency and Foreign Transactions Reporting Act to allow U.S. Customs officials to search for currency in the course of their presently authorized search for contraband articles; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. MINISH:

H.R. 4074. A bill to authorize the Secretary of Energy to enter into a cooperative arrangement with the State of New Jersey respecting radium pollution in that State; to the Committee on Interior and Insular Affairs.

By Mr. NATCHER:

H.R. 4075. A bill to amend section 311(b) of the Federal Water Pollution Control Act to limit liability under such section to knowing and willful discharges and to provide certain defenses to liability under such section; to the Committee on Public Works and Transportation.

By Mr. PRICE (for himself and Mr. Bob Wilson) (by request):

H.R. 4076. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay provisions for physicians in the Armed Forces, and for other purposes; to the Committee on Armed Services.

H.R. 4077. A bill to amend title 10, United States Code, to extend the maximum age for eligibility for the financial assistance program of the Senior Reserve Officers' Training Corps by the period of time, not to exceed 4 years, that a student previously served on active duty in the Armed Services; to the Committee on Armed Services.

By Mr. RANGEL:

H.R. 4078. A bill to establish a National Commission on Alcoholism and Alcohol-Related Problems; to the Committee on Interstate and Foreign Commerce.

By Mr. STARK:

H.R. 4079. A bill to impose a windfall profit on domestic crude oil; to the Committee on Ways and Means.

By Mr. DORNAN:

H.R. 4080. A bill to amend the Internal Revenue Code of 1954 to provide for certain individuals who enlist in the Armed Forces of the United States a credit against income tax for each taxable year after a qualifying enlistment period, including taxable years after receiving an honorable discharge from the Armed Forces; to the Committee on Ways and Means.

By Mr. BRODHEAD:

H.R. 4081. A bill to amend title XVI of the Social Security Act to make it clear that any remuneration received by an individual for services performed in a sheltered workshop or work activities center is to be treated as earned income (and subject to disregard under the provisions applicable to earned income generally) for purposes of determining such individual's eligibility for supplemental security income benefits and the amount thereof; to the Committee on Ways and Means.

By Mr. CORCORAN:

H.R. 4082. A bill to amend chapter 6 of title 39, United States Code, to provide for delivery of certain time-sensitive business communications; to the Committee on Post Office and Civil Service.

By Mr. DAN DANIEL:

H.R. 4083. A bill to provide financial relief to volunteer safety officers, or their survivors, for death or disability suffered by such officers and medical expenses incurred by such officers in the line of duty, and for other purposes; to the Committee on the Judiciary.

By Mr. FAZIO (for himself, Mr. Dellums, Mr. Dixon, Mr. Edwards of California, Mr. Matsui, Mr. Patterson, Mr. Coelho, Mr. Mineta, Mr. Panetta, Mr. Pashayan, Mr. Royer, Mr. Thomas, Mr. Clausen, Mr. McCloskey, Mr. Lagomarsino, Mr. Stark, Mr. Johnson of California, Mr. Anderson of California, Mr. Lungren, Mr. Shumway, and Mr. Burgener):

H.R. 4084. A bill to provide for a cooperative agreement between the Secretary of the Interior and the State of California to improve and manage the Suisun Marsh in California; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. LEACH of Iowa:

H.R. 4085. A bill to provide for national treatment of all banks and to prohibit Edge Corporations from branching interstate; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SKELTON (for himself, Mr. Brinkley, Mr. Mitchell of New York, Mrs. Holt, Mr. Evans of the Virgin Islands, Mr. Davis of South Carolina, Mr. Hall of Texas, Mr. Ireland, Mr. Hance, Mr. Flippo, Mr. Stump, Mr. Dornan, Mr. Hughes, Mr. Corrada, Mr. Watkins, and Mr. Heftel):

H.R. 4086. A bill to amend the Federal Civil Defense Act of 1950, to provide for an enhanced civil defense program for fiscal years 1980 through 1986, and for other purposes; to the Committee on Armed Services.

By Mr. BROWN of Ohio (for himself, Mr. Abdnor, Mr. Akaka, Mr. Alexander, Mr. Anderson of California, Mr. Annunzio, Mr. Applegate, Mr. Archer, Mr. Bauman, Mr. Beard of Tennessee, Mr. Bedell, Mr. Bevill, Mr. Brademas, Mr. Broyhill, Mr. Carter, Mr. Collins of Texas, Mr. Corcoran, Mr. Corrada, Mr. Coughlin, Mr. Dan Daniel, Mr. Robert W. Daniel, Jr., Mr. de la Garza, Mr. Dingell, Mr. Dornan, Mr. Duncan of Oregon, Mr. Duncan of Tennessee, Mr. Emery, Mr. English, Mr. Ertel, Mr. Evans of Delaware, Mr. Florio, Mr. Forsythe, Mr. Fountain, Mr. Frenzel, Mr. Gephardt, Mr. Gibbons, Mr. Gore, Mr. Gradison, Mr. Guyer, Mr. Hamilton, Mr. Hanley, Mr. Hansen, Mr. Holland, Mr. Horton, Mr. Hughes, Mr. Jenrette, Mr. Johnson of Colorado, Mr. Kildee, Mr. Kindness, Mr. LaFalce, Mr. Lagomarsino, Mr. Lloyd, Mr. Long of Maryland, Mr. Lott, Mr. McCormack, Mr. McDade, Mr. McDonald, Mr. Miller of Ohio, Mr. Montgomery, Mr. Murphy of Illinois, Mr. Myers of Indiana, Mr. Nichols, Mr. Panetta, Mr. Patten, Mr. Pickle, Mr. Quillen, Mr. Rinaldo, Mr. Roe, Mr. Satterfield, Mr. Simon, Mr. Skelton, Mr. Snyder, Mr. Staggers, Mr. Stump, Mr. Thompson, Mr. Treen, Mr. Van Deerlin, Mr. Vento, Mr. Walgren, Mr. Whitehurst, Mr. Whitten, Mr. Bob Wilson, Mr. Winn, Mr. Wylie, Mr. Yatron, Mr. Young of Florida, Mr. Young of Missouri, Mr. Zablocki, Mr. Zeferetti, Mr. Flood, and Mr. Ambro):

H.J. Res. 326. Joint resolution to designate October 7, 1979, as "National Guard Day"; to the Committee on Post Office and Civil Service.

By Mr. DORNAN:

H.J. Res. 327. Joint resolution supporting the International Association of Machinists and Aerospace Workers in legal action against OPEC; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.J. Res. 328. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MOTTL:

H. Con. Res. 120. Concurrent resolution urging the President to attempt to bring about the establishment of an international food cartel involving the major food exporting countries which would use export prices for food commodities as a bargaining tool in negotiations with the Organization of Petroleum Exporting Countries for reasonable oil prices; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

170. By the SPEAKER: Memorial of the Assembly of the State of New York, relative to issuing a commemorative postage stamp honoring Homing Pigeons; to the Committee on Post Office and Civil Service.

171. Also, memorial of the Legislature of the State of Colorado, relative to domestic sugar production; jointly, to the Committees on Agriculture, and Ways and Means.

172. Also memorial of the Legislature of the State of Arizona, relative to the proposed Alaska National Interest Lands Act; jointly, to the Committees on Interior and Insular Affairs, and Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DELLUMS:

H.R. 4087. A bill for the relief of the West Oakland Health Council, Inc.; to the Committee on the Judiciary.

By Mr. DONNELLY:

H.R. 4088. A bill to authorize the Secretary of Commerce to sell two obsolete vessels to Coast Line Co., and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MATTOX:

H.R. 4089. A bill for the relief of Robert Jayson, William Jayson, and Jennie Jayson; to the Committee on the Judiciary.

By Mr. WATKINS:

H.R. 4090. A bill for the relief of Dhanumatiden Bhagubhai Bhakta and Darshanaden Bhakta; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 4091. A bill for the relief of Martin J. McKenna, Mary L. McKenna, and Steven M. McKenna; to the Committee on the Judiciary.

By Mr. MATTOX:

H. Res. 269. Resolution to refer the bill (H.R. 4089) entitled "A bill for the relief of Robert Jayson, William Jayson, and Jennie Jayson," to the Chief Commissioner of the U.S. Court of Claims; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. O'Brien and Mr. Nichols.

H.R. 336: Mr. Conyers, Mr. Long of Maryland, Mr. Weiss, Mr. Bonior of Michigan, Mr. Bonker, Mr. Brodhead, Mr. Dellums, Mr. Bedell, Mrs. Schroeder, Mr. Richmond, Ms. Holtzman, Mr. Wolff, Mr. Rahall, Mr. Stark, Mr. Wolpe, Mr. Stokes, Mr. Seiberling, Mr. Rodino, Mr. Fazio, Mr. Roybal, Mr. Rosenthal, Mrs. Chisholm, Mr. Miller of California, Mr. Zeferetti, Mr. Ottinger, Mr. Moakley, Mr. McHugh, Mr. Edwards of California, Mr. Gray, Mr. Mikva, Mr. Mitchell of Maryland, Ms. Ferraro, Mr. Guarini, Mr. Barnes, Mr. Simon, Mr. Sabo, Mr. Weaver, Mr. Mitchell of New York, and Mr. John L. Burton.

H.R. 654: Mr. Collins of Texas.

H.R. 1297: Mr. Beilenson and Mr. Barnes.

H.R. 1980: Mr. Symms, Mr. Cavanaugh, Mr. Carter, Mr. Coelho, Mr. Badham, Mr. Frenzel, Mr. Winn, Mr. Hyde, Mr. Robinson, Mr. Lagomarsino, and Mr. Mathis.

H.R. 1850: Mr. Van Deerlin, Mr. Addabbo, Mr. Alexander, Mr. Ambro, Mr. Anderson of Illinois, Mr. Bedell, Mr. Bevill, Mr. Biaggi, Mrs. Byron, Mr. Carney, Mr. Corcoran, Mr. Corrada, Mr. Coughlin, Mr. Derrick, Mr. Downey, Mr. Drinan, Mr. Duncan of Tennessee, Mr. Edgar, Mr. Evans of Georgia, Mr. Flood, Mr. Florio, Mr. Forsythe, Mr. Fountain, Mr. Ginn, Mr. Glickman, Mr. Gray, Mr. Gudger, Mr. Guyer, Mr. Hagedorn, Mr. Hall of Texas, Mr. Howard, Mr. Hughes, Mr. Jenkins, Mr. Jenrette, Mr. Kogovsek, Mr. Lagomarsino, Mr. Long of Maryland, Mr. Lott, Mr. McDonald, Mr. McEwen, Mr. Madigan, Mr. Maguire, Mr Marriott, Mr. Mathis, Mr. Michel, Mr. Mikva, Mr. Miller of Ohio, Mr. Montgomery, Mr. Moorhead of California, Mr. Neal, Mr. Nolan, Mr. Oberstar, Mr. Panetta, Mr. Patten, Mr. Pease, Mr. Preyer, Mr. Price, Mr. Rangel, Mr. Rinaldo, Mr. Roe, Mr. Rose, Mr. St Germain, Mr. Simon, Mr. Slack, Mr. Stanton, Mr. Symms, Mr. Whitehurst, Mr. Whittaker, Mr. Whitten, Mr. Charles Wilson of Texas, Mr. Wylie, Mr. Yatron, Mr. Young of Alaska, Mr. Young of Missouri, and Mr. Zeferetti.

H.R. 2196: Mr. Mazzoli, Mr. Minish, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Neal, Mr. Nolan, Ms. Oakar, Mr. Oberstar, Mr. O'Brien, Mr. Ottinger, Mr. Pickle, Mr. Rangel, Mr. Richmond, Mr. Rinaldo, Mr. Rodino, Mr. St Germain, Mr. Sawyer, Mr. Shuster, Mr. Skelton, Mr. Solarz, Mr. Stokes, Mr. Thompson, Mr. Walgren, Mr. Watkins, Mr. Weaver, Mr. Whitehurst, Mr. Winn, Mr. Wirth, Mr. Wolff, Mr. Won Pat, Mr. Zablocki, Mr. Akaka, Mr. Ashbrook, Mr. AuCoin, Mr. Beard of Rhode Island; Mr. Bennett, Mrs. Bouquard, Mr. Buchanan, Mr. Clay, Mr. Courter, Mr. Derwinski, Mr. Dougherty, Mr. Downey, Mr. Duncan of Oregon, Mr. Evans of West Virginia, Mrs. Fenwick, Mr. Flood, Mr. Forsythe, Mr. Frost, Mr. Gephardt, Mr. Gilman, Mr. Guarini, Mr. Hawkins, Mrs. Heckler, Mr. Hollenbeck, Mr. Hubbard, Mr. Hughes, Mr. Hutto, Mr. Jacobs, Mr. Jeffords, Mr. Jenkins, Mr. Jenrette, Mr. Johnson of California, Mr. Jones of North Carolina, Mr. Kramer, Mr. Lagomarsino, Mr. Levitas, Mr. Long of Louisiana, Mr. Maguire, Mr. Markey, and Mr. Mattox.

H.R. 2647: Mr. Stokes, Mr. Frost, Mr. Pepper, Mr. Fazio, and Mr. Cavanaugh.

H.R. 2648: Mr. Stokes, Mr. Frost, Mr. Pepper, Mr. Fazio, Mr. Cavanaugh, and Mrs. Fenwick.

H.R. 3050. Ms. Oakar.

H.R. 3064: Ms. Mikulski and Mr. Seiberling.

H.R. 3105: Mr. Lungren, Mr. Dan Daniel, Mr. Petri, Mr. Dornan, Mr. Lagomarsino, and Mr. Collins of Texas.

H.R. 3111: Mr. Trible.

H.R. 3153: Mr. Nolan.

H.R. 3293: Mr. Burgener, Mrs. Fenwick, Mr. Gephardt, Mr. Guarini, Mr. Hagedorn, Mr. Harkin, Mr. Marriott, Mr. Nolan, Mr. Wirth, and Mr. Young of Missouri.

H.R. 3294: Mr. Burgener, Mrs. Fenwick, Mr. Gephardt, Mr. Guarini, Mr. Hagedorn, Mr. Harkin, Mr. Marriott, Mr. Nolan, Mr. Wirth, and Mr. Young of Missouri.

H.R. 3295: Mr. Beilenson, Mr. Burgener, Mrs. Fenwick, Mr. Gephardt, Mr. Guarini, Mr. Hagedorn, Mr. Harkin, Mr. Marriott, Mr. Nolan, Mr. Wirth, and Mr. Young of Missouri.

H.R. 3335: Mr. Oberstar.

H.R. 3379: Mr. Fisher.

H.R. 3548: Mr. Leath of Texas, Mr. Kogovsek, and Mr. Lagomarsino.

H.R. 3584: Mr. Anthony.

H.R. 3613: Mrs. Spellman, Mr. Wolpe, Mr. Heftel, and Mr. Cleveland.

H.R. 3651: Mr. Harris, Mr. Won Pat, Mr. Blanchard, Mr. Aspin, Mr. Beard of Rhode Island, Mr. Panetta, and Mr. Edgar.

H.R. 3687: Mr. Whitten, Mr. Holland, and Mr. Charles Wilson of Texas.

H.R. 3808: Mr. Beard of Rhode Island.

H.R. 4006: Mr. Clausen and Mr. Trible.

H. Con. Res. 69: Mr. Forsythe.

H. Con. Res. 92: Mr. Lowry, Mr. McCloskey, Mr. Robert W. Daniel, Jr., Mr. Roe, Mr. Stokes, Mr. Coughlin, Mr. Maguire, and Mr. Erdahl.

H. Res. 186: Mr. Burgener, Mrs. Fenwick, Mr. Gephardt, Mr. Guarini, Mr. Hagedorn, Mr. Harkin, Mr. Marriott, Mr. Studds, Mr. Wirth, and Mr. Young of Missouri.

H. Res. 225: Mr. Hagedorn, Mr. Spence, Mr. Goodling, Mr. Bauman, Mr. Ginn, Mr. Findley, Mr. Jeffries, Mr. Lederer, Mr. Beard of Tennessee, Mr. Holland, Mr. Derrick, Mr. Daschle, and Mr. O'Brien.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 39

By Mr. AuCOIN:

—Page 26, after line 21, insert a new paragraph (3) and renumber subsequent paragraphs accordingly:

(3) Copper River National Wildlife Refuge, containing approximately one million two hundred thousand acres of public lands, as generally depicted on a map entitled "Copper River National Wildlife Refuge," dated April 1979.

By Mr. HUCKABY:

(Amendment to the amendment in the nature of a substitute offered by Mr. Breaux.)

—Pages 601, 602, and 603, title XIV, section 1403, strike completely and renumber subsequent sections accordingly.

Pages 603, 604, 605, and 606, title XIV, section 1404, strike completely and renumber subsequent sections accordingly.

By Mr. McCLOSKEY:

(Amendments to the amendment in the nature of a substitute offered by Mr. Udall.)

—Page 52, line 13, insert "significant" before "environmental".

Page 52, line 23, insert "significant" before "environmental".

—Page 112, line 4, strike out "entirely".

Page 112, line 4, strike "or is effectively surrounded by" after "within".

Page 112, line 5, strike out "or" and substitute a comma.

Page 112, line 6, after "Alaska" insert: "those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof,"

Page 112, line 10, after the period, insert: "Such access shall include, but not be limited to, the right to surface access across such unit, Reserve, or other public lands when, and to the extent, reasonably necessary to carry out such economic and other purposes.

(Amendments to the amendment offered by Mr. Breaux.)

—Page 299, strike out line 5 and all that follows down through line 6 on page 300.

Renumber succeeding subsections accordingly.

Page 403, strike out line 16 and all that follows down through line 21.

Renumber succeeding subsections accordingly.

Page 408, strike out line 16 and all that follows through line 7 on page 417.

Page 389, after line 13, insert the following:

(5) Misty Fjords Wilderness of approximately two million two hundred and eighty-five thousand acres, as generlly depicted on a map entitled "Misty Fjords National Monument", dated January 1979.

Renumber succeeding subsections accordingly.

—Page 367, after line 21, insert the following:

FISHERY PROTECTION

Sec. 403. The Secretary of Agriculture is authorized and directed to promulgate such regulations as he determines necessary to regulate mining activities on National Forest lands in Alaska in order to protect the water quality and quantity of and to prevent significant environmental degradation of the streams and other bodies of water in such lands. Before approving any proposed mining plan of operations for any such lands, the Secretary shall review each such plan and shall determine that such plan—

(1) is based upon studies which the Secretary concludes are adequate for evaluating the water quality, water quantity, fishery habitat, and other fishery values of the affected areas; and

(2) includes adequate provisions to protect water quality and quantity of, and to prevent significant environmental impacts deleterious to the fishery habitat or other fishery values of, any andromous fish stream or other body of water which might be affected by the mining and other activities proposed to be conducted in accordance with such plan.

—Page 533, strike out line 2 and all that follows through line 8 and insert in lieu thereof the following: "be necessary to assure adequate access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such access shall include, but not be limited to, the right to surface access across such unit, recreation area, conservation area, or other public lands when, and to the extent, reasonably necessary to carry out such economic and other purposes. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the values of the affected public lands.".

(Amendment to the amendment in the nature of a substitute offered by Mr. Udall.)

—On page 16, line 24, insert "rural" immediately before the word "Alaska".

On page 17, line 6, insert "noncommercial" immediately before the word "trade".

(Amendment to the amendment offered by Mr. Breaux.)

—On page 431, strike out line 15 and all that follows through line 5 on page 449 and insert in lieu thereof:

TITLE VII—SUBSISTENCE

PREFERENCE FOR SUBSISTENCE USES

Sec. 704. Except as otherwise provided in this Act, the taking of fish and wildlife and other wild renewable resources for nonwasteful subsistence uses by rural residents shall be the first priority consumptive use of such resources on the public lands in Alaska. Whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands in order to protect the natural stability and continued productivity of such populations, or to continue such uses, such priority shall be assured through appropriate limitations or restrictions based on—

(1) customary and direct dependence upon the populations as the mainstay of livelihood;

(2) local residency; and

(3) the availability of alternative resources.

STATE REGULATIONS

Sec. 705. (a) General Rules.—(1) Except as otherwise provided by this Act and other Federal laws, the State may regulate, in a manner consistent with the policies and requirements of this Act, the taking of fish and wildlife on the public lands for subsistence uses.

(2) If within one year after the date of enactment of this Act, the State enacts and implements laws of general applicability which are consistent with, and which provide for the preference and participation specified in sections 704 and 706, such State laws, unless and until repealed, shall supersede such sections insofar as such sections govern State regulation of the taking of fish and wildlife on the public lands for subsistence uses.

(3) State laws establishing a system of local committees and regional councils consistent with section 706 shall provide that the State rulemaking authority shall consider the advice and recommendations of the regional councils concerning the taking of fish and wildlife populations on public lands within their respective regions for subsistence uses. The regional councils may present recommendations, and the evidence upon which such recommendations are based, to the State rulemaking authority during the course of the administrative proceedings of such authority. The State rulemaking authority may choose not to follow any recommendation which it determines is not supported by substantial evidence presented during the course of its administrative proceedings, violates recognized principles of fish and wildlife conservation or would be detrimental to the satisfaction of rural subsistence needs. If a recommendation is not adopted by the State rulemaking authority, such authority shall make findings of fact detailing the basis for its failure to adopt the recommendation.

(b) Reimbursement.—(1) If the Secretary, after notice and hearing within eighteen months after the date of enactment of this Act, determines that the State is in compliance with the requirements of subsection (a), the Secretary shall annually reimburse the State during the period of such compliance, from funds appropriated to the Department of the Interior for such purposes, for reasonable costs relating to the establishment and operation of the regional councils and local advisory committees. Such reimbursement may not exceed 50 per centum of such costs in any fiscal year. Such costs shall be verified in a statement which the Secretary determines to be adequate and accurate. Sums paid under this subsection shall be in addition to any grants, payments, or other sums to which the State is entitled from appropriations to the Department of the Interior.

(2) Total payments to the State under this subsection shall not exceed the sum of $5,000,000 in any one fiscal year. The Secretary shall advise the Congress at least once in every five years as to whether or not the maximum payments specified in this subsection is adequate.

LOCAL AND REGIONAL PARTICIPATION

Sec. 706. (a) Establishment.—Except as otherwise provided in section 705, one year after the date of enactment of this Act, the Secretary shall implement this subsection and subsections (b) and (c) of this section and shall establish—

(1) at least seven Alaska subsistence resource regions which, taken together, include all public lands. The number and boundaries of the regions shall be sufficient to assure that regional differences in subsistence uses are adequately accommodated;

(2) such local advisory committees within each region as he finds necessary at such time as he may determine, after notice and hearing, that the existing State fish and game advisory committees do not adequately perform the functions of the local committee system set forth in paragraph (3)(D)(iv) of this subsection; and

(3) a regional advisory council in each subsistence resource region, which shall be composed of residents of the region and shall have the following functions:

(A) the review and evaluation of proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife within the region;

(B) the provision of a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife within the region;

(C) the encouragement of local and regional participation in the decisionmaking process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses; and

(D) the preparation of an annual report to the Secretary which shall contain—

(i) an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;

(ii) an evaluation of current and anticipated subsistence needs of fish and wildlife populations within the region;

(iii) a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs; and

(iv) recommendations concerning policies, standards, guidelines, and regulations to implement the strategy. The State fish and game advisory committees or such local committees as the Secretary may establish pursuant to paragraph (2) of this subsection may provide advice to, and assist, the regional advisory councils in carrying out the functions set forth in this paragraph.

(b) Staff.—The Secretary shall assign adequate qualified staff to the regional advisory councils and make timely distribution of all available relevant technical and scientific support data to the regional advisory councils and the State fish and game advisory committees or such local committees as the Secretary may establish pursuant to paragraph (2) of subsection (a).

(c) Advice.—The Secretary, in the exercise of his monitoring responsibility under section 707(a) and his closure and other administrative authority over the public lands, shall be guided by the annual report and advice of the Federal or State regional councils, as appropriate, concerning the management of fish and wildlife on the public lands within their respective regions for subsistence uses. The Secretary shall follow the advice of such councils unless he determines in writing that such advice is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs.

(d) Exercise of State Authority.—The Secretary shall not implement subsections (a) and (b) of this section if within one year from the date of enactment of this Act, the State exercises the authority to regulate the taking of fish and wildlife on the public lands for subsistence uses pursuant to subsection 705(a).

ADMINISTRATIVE PROVISIONS

Sec. 707. (a) Monitoring.—The Secretary shall monitor the provision and implementation by the State of the subsistence preference set forth in section 704 and shall advise the State and the appropriate committees of the Congress annually and at such other times as he deems necessary concerning—

(1) his views on the effectiveness of the State in providing such preference,

(2) any exercise of his closure or other administrative authority to protect subsistence resources or uses,

(3) the views of the State, and

(4) any recommendations he may have.

(b) Review by the Secretary.—If the Secretary, after notice and hearing, determines that the preference for subsistence uses has not been adequately and timely provided or implemented by the State, he shall so notify the State and indicate what changes he considers necessary to bring the State into compliance with the requirements of this title.

(c) Review by Local Committees and Regional Councils.—If a local committee or regional council established by the Secretary or the State pursuant to section 705 or 706 determines that the preference for subsistence uses has not been adequately and timely provided by the State within its region or that the State has failed to adequately implement laws enacted pursuant to section 705 such committee or council shall notify the Secretary and State in writing setting forth the facts upon which such determination is based and detailing efforts to obtain timely relief through available State grievance procedures. The Secretary shall investigate and report publicly on the results of his investigation. If the Secretary determines that the preference has not been adequately and timely provided by the State or that the State has failed to adequately implement laws enacted pursuant to section 705, he shall so notify the State and indicate what changes he considers necessary to bring the State into compliance with the requirements of this title.

(d) Administrative Action.—If, after having been provided a reasonable opportunity to do so, the State fails to make such changes as may be indicated by the Secretary under subsection (b) or (c) of this section, and the Secretary determines that such failure threatens the natural stability and continued productivity of affected fish or wildlife populations in the area concerned or the ability of rural residents to satisfy their subsistence needs, the Secretary shall close all or part of the public lands in such area to all consumptive uses of fish or wildlife populations affected by such failure except subsistence uses by local residents. The Secretary shall afford the State an opportunity to appeal such closure. Within thirty days after receipt of notice of such appeal, the Secretary shall afford the State a public hearing and, within thirty days after such hearing, shall make his final decision on such appeal. Unless the Secretary affirmatively establishes that the State is not in compliance with the requirements of this title and that such failure threatens the natural stability and continued productivity of affected fish or wildlife populations or the ability of rural residents to satisfy their subsistence needs, the Secretary shall revoke the closure. If the Secretary establishes that the State is not in compliance, and that such resulting threat does exist, he shall continue the closure, in whole or in part, until the State takes appropriate and timely action, or until such threat is otherwise ameliorated.

(e) Emergency Authority.—(1) Notwithstanding any other provision of this Act or other law, the Secretary, after consultation with the State and adequate notice and public hearing, may temporarily close any public lands (including those within any conservation system unit), or any portion thereof, to subsistence uses if necessary for reasons of public safety, administration, or to assure the natural stability and continued productivity of one or more fish or wildlife populations on such lands which are subject to such uses. If the Secretary determines that extraordinary measures must be taken for public safety or to assure the natural stability and continued productivity of a particular fish or wildlife population, the Secretary may immediately close the public lands, or any portion thereof, to subsistence uses of such fish or wildlife population. Such emergency closure shall be effective for a period not exceeding sixty days, unless the Secretary determines, after notice and public hearing, that such closure should be extended to protect the public safety or the natural stability and continued productivity of such population.

(2) If after notice to the State pursuant to subsection (b) or (c), the Secretary determines that extraordinary measures must be taken to satisfy the subsistence needs of local rural residents, he shall open the public lands, or any portion thereof, to subsistence uses by such residents. Such emergency action shall be effective when made, but shall not extend for a period of time greater than sixty days or until such time as the conditions which necessitated such action have been ameliorated, whichever time first occurs. An order issued pursuant to this paragraph shall provide that subsistence uses shall be subject to all State laws and regulations which are consistent with such order.

(f) Notification.—Notice of every administrative action, and the reasons justifying such action, taken pursuant to this section shall be published in the Federal Register and in at least one newspaper of general circulation within the State and information about such actions and reasons also shall be made available for broadcast on Alaskan radio stations in a manner reasonably calculated to inform local residents of the affected region.

COOPERATIVE AGREEMENTS

Sec. 708. The Secretary may enter into cooperative agreements or otherwise cooperate with other Federal agencies, the State, Native Corporations, other appropriate persons and organizations, and, acting through the Secretary of State, other nations to effectuate the purposes and policies of this title.

SUBSISTENCE AND LAND USE DECISIONS

Sec. 709. (a) Evaluation.—In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions, the head of the Federal agency having primary responsibility for such decision, or his designee, shall evaluate—

(1) the effect of such use, occupancy, or disposition on subsistence uses and needs,

(2) the availability of other lands for the purposes sought to be achieved, and

(3) other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes.

No such withdrawal, reservation, lease, permit, or other use, occupancy, or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency or his designee—

(1) gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to this title,

(2) gives notice of, and holds, a hearing in the vicinity of the area involved, and

(3) determines that (A) such a significant restriction of subsistence uses in necessary, consistent with sound management prin-

ciples for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and (C) adequate steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

(b) Environmental Impact Statement.—If the Secretary is required to prepare an environmental impact statement pursuant to the National Environmental Policy Act of 1969, he shall provide the notice and hearing, and include the findings, required by subsection (a) as part of such environmental impact statement.

(c) Selections by State and Natives.—Nothing herein shall be construed to prohibit or impair the ability of the State or any Native Corporation to make land selections and receive land conveyances pursuant to the Alaska Statehood Act or the Alaska Native Claims Settlement Act.

ACCESS

Sec. 710. (a) In General.—The Secretary shall ensure that persons engaged in subsistence uses shall have appropriate access to subsistence resources on the public lands, consistent with the provisions of this Act and the purposes for which the conservation system units have been designated, redesignated, or enlarged.

(b) Traditional Transportation.—Notwithstanding any other provision of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to such regulations as are necessary to prevent waste, or damage to fish, wildlife, or terrain.

RESEARCH

Sec. 711. The Secretary of the Interior, acting through the United States Fish and Wildlife Service and National Park Service and in cooperation with the State and other appropriate Federal agencies, shall undertake research on the fish and wildlife resources of the public lands and subsistence activities on such lands, in the course of which he shall seek data from, consult with, and utilize the special knowledge of subsistence users; and he shall make the results of such research available to the appropriate committees of the Congress, the State, the councils required to be established under this title, subsistence users, and other appropriate persons and organizations.

REGULATIONS

Sec. 712. Each Secretary shall prescribe such regulations as are necessary and appropriate to carry out their respective responsibilities under this title.

LIMITATIONS, SAVINGS CLAUSES

Sec. 713. Nothing in this Act shall be construed as—

(1) granting any property right in any fish or wildlife or other resource of the public lands; or as permitting the level of subsistence uses of fish and wildlife populations on such lands to be significantly expanded beyond the level of such areas occurring during the ten-year period before January 1, 1979,

(2) permitting any subsistence use of fish and wildlife on any portion of the public lands (whether or not within any conversation system unit) which was permanently closed to such uses on January 1, 1979, or as vesting elsewhere than in the Secretary any authority to manipulate habitat or to regulate harvesting, or other use of, any plants on any portion of the public lands;

(3) permitting the assignment or transfer by any individual of any privilege which may be granted with respect to subsistence uses; or

(4) modifying or repealing the provisions of any Federal law governing the conservation or protection of fish and wildlife, including the Fur Seal Act of 1966 (80 Stat. 1091; 16 U.S.C. 1151–1187), the Endangered Species Act of 1973 (87 Stat. 884; 16 U.S.C. 1531–1543), the Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361–1407), the Act entitled "An Act for the Protection of the Bald Eagle", approved June 8, 1940 (54 Stat. 250; 16 U.S.C. 742a–754), the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711s), the Federal Aid in Wildlife Restoration Act (50 Stat. 917; 16 U.S.C. 669–669i), the Fishery Conservation and Management Act of 1976 (90 Stat. 331; 16 U.S.C. 1801–1882), the Federal Aid in Fish Restoration Act (64 Stat. 430; 16 U.S.C. 777–777k), or any amendments to any one or more of such Acts.

(Amendment to the amendment in the nature of a substitute offered by Mr. Udall.)

—Page 23, strike out lines 8 through 12 and insert in lieu thereof.

Sec. 301. (a) The following areas are redesignated:

(1) Becharof National Monument is hereby redesignated as Becharof National Wildlife Refuge.

(2) Yukon Flats National Monument is hereby redesignated as the Yukon Flats National Wildlife Refuge except that those lands designated on the map entitled "White Mountains National Recreation Area", dated March 1979, shall be excluded from the Refuge and shall be managed as the White Mountains National Recreation Area.

(b) The White Mountains National Recreation Area, consisting of approximately one milion five hundred and forty thousand acres of public lands, shall be administered as a National Wildlife Refuge except that in administering the area, the Secretary shall emphasize recreational uses to the extent that such uses are compatible with the area.

(Amendments to the amendment offered by Mr. Breaux.)

—Page 330, line 11, strike out "eight million five hundred and" and insert "nine million".

—On page 425, line 8, strike "shall" and insert in lieu thereof "may".

On page 425, line 11, strike "shall" and insert in lieu thereof "may".

—Page 356, strike out line 23 and all that follows down through line 10 on page 358.

Page 358, line 11, strike out "(g)" and insert in lieu thereof "(f)".

Page 358, line 12, strike out "and Drilling Permits".

Page 358, beginning on line 14, strike out "or test drilling is being carried out under a permit approved under subsection (f)".

Page 358, line 19, strike out "or permit".

Page 358, line 23, strike out "or permit".

Page 358, beginning on line 24, strike out "or to the terms and conditions of the permit".

Page 359, strike out line 3 and all that follows down through line 18.

Page 359, line 19, strike out "(i)" and insert in lieu thereof "(g)".

Page 359, beginning on line 24, strike out "or any term or condition of a permit issued under subsection (f),".

Page 360, line 1, strike out "(1)" and insert in lieu thereof "(j)".

Page 361, line 23, strike out "(j)" and insert in lieu thereof "(h)".

Page 361, line 24, strike out "seven" and insert in lieu thereof "five".

Page 362, beginning on line 7, strike out "and an estimate of the volume of the oil and gas concerned".

Page 363, line 7, strike out "(k)" and insert in lieu thereof "(i)".

Page 363, strike out line 19 and all that follows down through line 22 and insert in lieu thereof the following:

(2) undertake drilling within the coastal plain for oil and gas during the five-year period beginning on the enactment date.

(Amendment to the amendment in the nature of a substitute offered by Mr. Udall.)

—Page 45, after line 2, insert the following:

ARCTIC NATIONAL WILDLIFE RANGE COASTAL PLAIN RESOURCE ASSESSMENT

Sec. 307. (a) Purpose.—The purpose of this section is to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife and wilderness resources of the coastal plain of the Arctic National Wildlife Range, and to authorize the exploration for oil and gas within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources.

(b) Definitions.—As used in this section—

(1) The term "coastal plain" means that area identified as such on the map entitled "Arctic National Wildlife Range", dated January 1979.

(2) The term "enactment date" means the date of the enactment of this Act.

(3) The term "exploratory activity" means surface geological exploration or seismic exploration, or both, for oil and gas within the coastal plain.

(c) Baseline Study.—(1) The Secretary, in consultation with the Governor of the State and interested persons, shall conduct a continuing study of the fish and wildlife (with special emphasis on caribou, grizzly bears, migratory birds, musk oxen, and polar bears) of the coastal plain. In conducting the study, the Secretary shall—

(A) assess the size, range, and distribution of populations of the fish and wildlife;

(B) determine the extent, location, and carrying capacity of the habitats of the fish and wildlife; and

(C) assess the impacts of human activities and natural processes on the fish and wildlife and their habitats.

Within eighteen months after the enactment date, the Secretary shall publish the results of the study as of that date and shall thereafter publish such revisions thereto as are appropriate as new information is obtained.

(2) There is authorized to be appropriated until October 1, 1987, the sum of $5,000,000 for purposes of conducting the study required under this subsection.

(d) Guidelines.—(1) Within two years after the enactment date, the Secretary shall by regulation establish initial guidelines governing the carrying out of exploratory activities. The guidelines shall be based upon the results of the study required under subsection (c) and such other information as may be available to the Secretary. The guidelines shall include such prohibitions, restrictions, and conditions on the carrying out of exploratory activities as the Secretary deems necessary or appropriate to ensure that exploratory activities do not significantly adversely affect the fish and wildlife, their habitats, or the environment, including, but not limited to—

(A) a prohibition on the carrying out of exploratory activity during caribou calving and post-calving seasons or during any other period in which human activity may have significant adverse effects; and

(B) a specification of the minimum support facilities and related manpower that are necessary to carry out exploratory activity.

(2) The initial guidelines prescribed by the Secretary to implement this subsection shall be accompanied by an environmental impact statement on exploratory activities. The initial guidelines shall thereafter be revised to reflect changes made in the baseline study and other appropriate information made available to the Secretary.

(e) EXPLORATION PLANS.—(1) After the initial guidelines are prescribed under subsection (d), any person may submit one or more plans for exploratory activity (hereinafter in this section referred to as "exploration plans") to the Secretary for approval. An exploration plan must set forth such information as the Secretary may require in order to determine whether the plan is consistent with the guidelines, including but not limited to—

(A) a description and schedule of the exploratory activity to be undertaken;

(B) a description of the equipment, facilities, and related manpower that will be used in carrying out the activity;

(C) the area in which the activity will be undertaken; and

(D) a statement of the anticipated effects that the activity may have on fish and wildlife, their habitats, and the environment.

(2) Upon receiving any exploration plan for approval, the Secretary shall promptly publish notice of receipt of the plan and the text of the plan in the Federal Register and newspapers of general circulation in the State. The Secretary shall determine, within one hundred and twenty days after any plan is submitted for approval, if the plan is consistent with the guidelines established under subsection (d). If the Secretary determines that the plan is so consistent, he shall approve the plan. Before making the determination, the Secretary shall hold at least one public hearing in the State for purposes of receiving the comments and views of the public on the plan. The Secretary, as a condition of approval of the plan under this section—

(A) shall require that all technical data and other information obtained as a result of carrying out the plan be submitted to the Secretary; and

(B) may require that such modifications be made to the plan as he considers necessary and appropriate to make it consistent with the guidelines.

(f) MODIFICATION TO EXPLORATION PLANS.—If at any time while exploratory activity is being carried out under an exploration plan approved under subsection (d), the Secretary, on the basis of information available to him, determines that continuation of further activities under the plan will significantly adversely affect one or more species of fish and wildlife, their habitat, or the environment, the Secretary may suspend the carrying out of activities under the plan for such time, make such modifications to the plan (or both suspend and so modify) as he determines necessary and appropriate.

(g) CIVIL PENALTIES.—(1) Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have violated any provision of a plan approved under subsection (e) or to have committed any act prohibited under subsection (j) shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $10,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited act committed, and, with respect to the violator, the history of any prior offenses, his demonstrated good faith in attempting to achieve timely compliance after being cited for the violation, and such other matters as justice may require.

(2) Any person against whom a civil penalty is assessed under paragraph (1) may obtain review thereof in the appropriate district court of the United States by filing a notice of appeal in such court within thirty days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2)(E) of title 5, United States Code.

(3) If any person fails to pay an assessment of a civil penalty against him under paragraph (1) after it has become final, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(4) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this subsection unless the matter is pending in court for judicial review or recovery of assessment.

(h) REPORT TO CONGRESS.—Not later than five years after the enactment date, the Secretary shall prepare and submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the identification of those areas within the coastal plain that have oil and gas production potential;

(2) the description of the fish and wildlife, their habitats, and other resources that are within the coastal plain;

(3) an evaluation of the adverse effects that the carrying out of further exploration for, and the development and production of, oil and gas within such areas will have on the resources referred to in paragraph (2);

(4) a description of how such oil and gas, if produced within such area, may be transported to processing facilities;

(5) an evaluation of how such oil and gas relates to the national need for additional domestic sources of oil and gas; and

(6) the recommendations of the Secretary with respect to whether further exploration for, and the development and production of, oil and gas within the coastal plain should be permitted and, if so, what additional legal authority is necessary to ensure that the adverse effects of such activities on fish and wildlife, their habitats, and other resources are avoided or minimized.

(i) EFFECT OF OTHER LAWS.—Until otherwise provided for in law enacted after the enactment date, all public lands within the coastal plain are withdrawn—

(1) from all forms of entry or appropriation under the mining laws; and

(2) from operation of the mineral leasing laws and sections 307 and 308.

(j) PROHIBITED ACTS.—No person may engage in any exploration activity unless pursuant to an exploration plan approved under subsection (e).

Page 74, beginning on line 13, strike out "thirteen million four hundred and thirty thousand acres" and insert in lieu thereof "eleven million five hundred and thirty thousand acres".

Amend the table of contents accordingly.

(Amendment to the amendment offered by Mr. BREAUX.)

—Page 311, line 3, insert "(1)" before "In".

Page 311, after line 15, insert the following:

(2) All public lands in each refuge in Alaska are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws.

Page 346, strike out line 17 and all that follows down through line 9 on page 350.

Redesignate succeeding sections accordingly.

Page 363, line 14, strike out "sections 307 and 308" and insert in lieu thereof "section 307".

Amend the table of contents accordingly.

(Amendment to the amendment in the nature of a substitute offered by Mr. Udall.)

—Page 31, delete lines 3 through 23 and insert in lieu thereof:

(8). (a) Teshekpuk-Utukok National Wildlife Refuge, containing those public lands generally depicted on the map entitled "Teshekpuk-Utukok National Wildlife Refuge", dated March 1979, which shall be managed to protect raptors and other migratory birds, polar bears, barren-ground grizzly bears, wolves, marine mammals, and the Western Arctic caribou herd; to protect Teshekpuk Lake and the Utukok River caribou calving grounds; to maintain adequate water quality and quantity; to protect the viability of subsistence reasources and to provide the opportunity for continuation of the subsistence uses by local residents; and to participate in cooperative management programs with adjacent landowners.

(b) Within one year after the date of the enactment of this Act, the Secretary shall establish an oil and gas leasing program within the Teshekpuk-Utukok National Wildlife Refuge in accordance with Title XII of this Act. The first sale of leases for exploration for, and development and production of, oil and gas within the refuge shall be held no later than eighteen months after the date of enactment of this Act.

Page 32, delete lines 19 down through line 16 on page 33.

Page 336, delete line 3 and renumber succeeding subsections accordingly.

Page 339, delete line 6 and renumber succeeding paragraphs accordingly.

Page 339, line 7, delete "1202(2)" and insert "1202(1)".

Page 339, line 8, delete "1202(3)" and insert "1202(2)".

Page 342, delete lines 16 down through line 24 on page 343 and redesignate succeeding sections accordingly.

Page 344, line 7, delete "section" and insert "sections".

Page 344, line 8, before "304(b)" insert "302(8) and".

Page 344, line 16, after "prepared" insert "(but this paragraph shall not apply with respect to oil and gas leasing within the Teshekpuk-Utukok National Wildlife Refuge)".

Page 345, line 8, delete "1202(3)" and insert "1202(2)".

Page 345, line 16, delete "1205(a)(3)" and insert "1205(a)(2)".

Page 345, line 5, delete "1205(a)(3)" and insert "1205(a)(2)".

Amend the Table of Contents accordingly.

By Mr. SEIBERLING:

—Page 26, line 23: after the word "million" strike "three hundred" and in lieu thereof insert "eight hundred and fifty".

—Page 44, line 22, after the period insert the following: "The Secretary shall report to the Congress the results of the study conducted under this section no later than seven years after the date of the enactment of this Act, or five years after the first lease sale pursuant to section 1208(d) of this Act, whichever is later.".

—Page 88, line 22, strike "seventy-eight" and in lieu thereof insert "fifty-six".

—At page 273, line 25, after the word "lands", insert the following: "which have been or may hereafter be".

At page 274, line 2, after "tion", insert the following: "or pursuant to the Alaska Native Claims Settlement Act".

At page 274, after line 3, insert the following:

Township 12 south, range 8 east, sections 1 through 36;

Township 12 south, range 7 east, sections 7 through 36;

Township 12 south, range 6 east, sections 10 through 15, 22 through 27, 34 through 36;

Township 13 south, range 7 east, sections 1 through 18;

Township 13 south, range 6 east, sections 1 through 18;

At page 274, line 14, after the word "Secretary,", insert the following: "or if any such lands are not conveyed to Arctic Slope Regional Corporation,".

At page 274, line 15, change the period to a semicolon, and insert the following: "the boundaries of the Park shall thereby be deemed to include such lands to the same extent as if the lands were included within such boundaries by this Act: *Provided*, That no such boundary change shall take effect until 90 days after the Secretary provides notice in writing to the Congress of his intention to consummate an acquisition that would result in such boundary change.".

At page 18, line 11, delete the word "March", and insert the word "May".

At page 71, line 21, delete the word "January", and insert the word "May".

—Page 296, line 20, after the word "the" insert: "centerline of the".

Page 297, line 25, after the word "Corporation" add the following: "State applications for selection of any of the above-described lands which are not subordinated to Chugach village selections shall be adjudicated and approved or disapproved pursuant to section 6(a) of the Alaska Statehood Act; *Provided, however*, That any disapproval of such State selections shall not vest any selection right in any Chugach village corporation.".

Page 299, line 12, after the word "1978" delete the rest of the subsection and in lieu thereof insert the following: "That any disapproval of such selection applications shall not vest any selection right in Chugach Natives, Incorporated.".

By Mr. SWIFT:

—Page 406, line 2, insert after the period the following: "With respect to those lands in the Special Management Areas of the Tongass National Forest, as depicted on the maps referred to in section 608, the Secretary shall, pursuant to existing authority, take such action as may be necessary to protect the water quality and quantity and minimize any adverse evironmental degradation of the streams and other bodies of water in such lands. In taking such action, the Secretary shall take into account the impact of mining activities on marine and fresh-water resources and shall require that the owner or operator of any mine conduct mining operations which will protect the habitat of anadromous and other marine fisheries resources.".

By Mr. YOUNG of Alaska:

—Page 534, lines 9 through 13, delete subsection (c) in its entirety and substitute therefore the following:

(c) Application of Section.—The provisions of this section shall apply to that highway route described as State of Alaska, Federal Aid Primary 65. Prior to executing an agreement pursuant to subsection (a) of this section, the aforementioned signatories shall consult with the head of any unit of local government which encompasses lands located adjacent to the highway route identified herein.

—Page 575, after line 18, add a new section as follows:

EXECUTIVE ACTIONS REGARDING ALASKA LANDS

Sec. 1115. (a) Prior Executive Actions.—(1) All proclamations, executive orders, public land orders, and similar orders issued by the President or the Secretary and which reserve to the United States any waters or any Federal public lands within the State of Alaska under authority of the Federal Land Policy and Management Act (90 Stat. 2743), the Antiquities Act (34 Stat. 225), or section 22(e) of the Alaska Native Claims Settlement Act which were issued on or after November 1, 1978 are hereby revoked to the extent that the lands and waters encompassed by any of such actions have not been designated as components of new conservation system units or additions to existing conservation system units by this Act, and such lands and waters are returned to the status which obtained prior to November 1, 1978, excepting those statutory or administrative withdrawals which have, subsequent to said date, expired by operation of law.

(2) After the date of enactment of this Act, Federal public lands withdrawn by any of those executive actions listed in paragraph (1) of this subsection subsequent to November 1, 1978, and which are designated as components of new conservation system units or additions to existing conservation system units by this Act shall not be subject to regulations adopted pursuant to the Federal Land Policy and Management Act, the Antiquities Act, or the Alaska Native Claim Settlement Act.

(3) After the date of enactment of this Act, those waters reserved to the United States by any of those executive actions listed in paragraph (1) of this subsection or by this Act shall be that quantity of water which is adequate for the fulfillment of the purposes of each new conservation system unit or addition to an existing unit designated by this Act, and previously reserved waters which are excess in quantity to the fulfillment of such purposes are returned to the status which obtained prior to November 1, 1978.

(b) Future Executive Actions.—No proclamation, executive order, public land order, or similar order issued by the President or the Secretary which reserves 5,000 acres or more, in the aggregate, of Federal public lands within the State of Alaska for national monuments, national parks, national preserves, national wildlife refuges, national forests, national recreation areas, national wild and scenic rivers, national conservation areas, or for related or similar purposes shall be issued under authority of the Federal Land Policy and Management Act (90 Stat. 2743), the Antiquities Act (34 Stat. 225), Section 22(e) of the Alaska Native Claims Settlement Act, or this Act, unless such withdrawal is specifically required by the terms of this Act or by a subsequent act of Congress.

H.R. 90

By Mr. SMITH of Iowa:

—Page 17, strike all of line 21 through page 188, line 7, and insert the following:

Sec. 113. (a) The first undesignated paragraph of section 7(b) of the Small Business Act is amended by inserting after "under subsection (b)" the following ", except as provided in subsection (c),";

(b) Section 7(c) of the Small Business Act is amended by adding the following new paragraphs:

"(3) With respect to a disaster occurring on or after October 1, 1978 and prior to October 1, 1982 on the Administration's share of loans made pursuant to paragraph (1) of subsection (b)—

"(A) if the loan proceeds are to repair or replace a primary residence and/or repair or replace damaged or destroyed personal property, the interest rate shall be 3 per centum on the first $55,000 of such loan;

"(B) if the loan proceeds are to repair or replace property damaged or destroyed and if the applicant is a business concern which is unable to obtain sufficient credit elsewhere, the interest rate shall be as determined by the Administration, but not in excess of 5 per centum per annum; and

"(C) if the loan proceeds are to repair or replace property damaged or destroyed and if the applicant is a business concern which is able to obtain sufficient credit elsewhere, the interest rate shall not exceed the current average market yield on outstanding marketable obligations of the United States with remaining period of maturity comparable to the average maturities of such loans and adjusted to the nearest one-eighth of 1 per centum plus 1 per centum: *Provided*, That 2 years after such loan is first approved and every 2 years thereafter for the term of the loan, if the Administration determines that the borrower is able to obtain a loan from non-Federal sources at reasonable rates and terms for loans of similar purposes and periods of time, the borrower shall, upon request by the Administration, apply for and accept such loan in sufficient amount to repay the Administration.

Provided, That no loan under subsection (b) (1) shall be made, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under such subsection would exceed $500,000, unless an applicant constitutes a major source of employment in an area suffering a disaster and is no longer in substantial operation as a result of such disaster, in which case the Small Business Administration, in its discretion, may waive the $500,000 limitation: *Provided further*, That an agricultural enterprise shall not be eligible for loan assistance under paragraph (1) of section 7(b) to repair or replace property other than residences and/or personal property unless it is declined for or would be declined for emergency loan assistance from the Farmers Home Administration under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961).

"(4) As used in this subsection—

"(A) Agricultural enterprises include those businesses engaged in the production of food and fiber, ranching and raising of livestock, aguaculture, and all other farming and agricultural related industries; and

"(B) Credit elsewhere means the availability of sufficient credit from non-Federal sources at reasonable rates and terms, taking into consideration prevailing private rates and terms in the community in or near where the concern transacts business for similar purposes and period of time.";

(c) Section 324 of the Consolidated Farm and Rural Development Act is amended by striking out the first sentence in subsection (a) and inserting in lieu thereof the following: "Loans made or insured under this subtitle shall be at rates of interest as follows:

"(1) with respect to loans or portions of loans up to the amount of the applicant's actual loss caused by the disaster, (A) if the applicant is unable to obtain sufficient credit elsewhere to finance the applicant's actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time, the interest rate shall be a rate prescribed by the Secretary not in excess of 5 per centum per annum, and (B) if the applicant is able to obtain sufficient credit elsewhere, the interest rate shall be the rate prescribed by the Secretary, but not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, plus not to exceed 1 per centum, as determined by the Secretary, and adjusted to the nearest one-eighth of 1 per centum: *Provided*, That the total amount outstanding and committed to the borrower hereunder shall not exceed $500,000, unless an applicant constitutes a major source of employment in an area suffering a disaster and is no longer in substantial operation as a result of such disaster, in which case the Secretary, in his discretion, may waive the $500,000 limitation; and

"(2) with respect to loans or portions of loans exceeding the amount of actual loss by the disaster, the interest rate shall be that prevailing in the private market for similar loans as determined by the Secretary.";

(d) Section 324 of the Consolidated Farm and Rural Development Act is amended by inserting after the first "Provided" the following: "for loans approved under subsection (a)(1)(B) that 2 years after such loan is first approved and every 2 years thereafter for the term of the loan, if the Secretary determines that the borrower is able to obtain a loan from non-Federal sources at reasonable rates and terms for loans of similar purposes and periods of time, the borrower shall, upon request by the Secretary, apply for and accept such loan in sufficient amount to repay the Secretary: *Provided further*,"; and

(d) Section 321 of the Consolidated Farm and Rural Development Act is amended by striking out in the first sentence all that follows after "with the assistance of such loan" through the end of the subsection and inserting in lieu thereof a period.

S. 869

By Mr. McCLORY:

—On page 2, following line 2, add the following new section:

"Sec. 2. Section 503 of Public Law 95–521 is amended by striking "July 1, 1979" and inserting "January 1, 1980" in lieu thereof."

EXTENSIONS OF REMARKS

SALEM COLLEGE COMMENCEMENT SPEAKERS ARMAND HAMMER AND GEORGE STINSON STRESS VALUE OF OUR AMERICAN SYSTEM

HON. MARK O. HATFIELD

OF OREGON

IN THE SENATE OF THE UNITED STATES

Monday, May 14, 1979

● Mr. HATFIELD. Mr. President, one of the most enjoyable rituals of spring is a visit to the college campus, and especially for an alumnus to participate in his alma mater's commencement.

On the first weekend in May, I had hoped to return to Salem College in West Virginia, of which I am a trustee, and where our colleague, Jennings Randolph's grandfather was a founder, and join in the activities culminating in the graduation of 219 fine young men and women.

One of the highlights in The Valley of Learning was an address by Dr. Armand Hammer, chairman of Occidental Petroleum Corporation. He spoke at a luncheon of the Centurion Club, composed of alumni and supporters of this splendid institution. James M. Frashure, chairman of the board of trustees, reviewed the college's successful development program, Dr. James C. Stam, Salem president, introduced Dr. Hammer, master of ceremonies was Frank Giammarino, chairman of the trustees' planning and development committee.

Describing himself as an "ardent capitalist," Dr. Hammer applauded the present day trend toward better communications and understanding between countries. The lowering of trade barriers will give way to more desirable political, social and cultural exchanges, he feels.

The world leader stated:

> Optimist that I am, I see a bright future in our international relations with both the Soviet Union and the Peoples Republic of China.

Salem's illustrious commencement speaker, a national industrial leader, George A. Stinson, is chairman of National Steel Corporation of which Weirton Steel Co. is a subsidiary, employing more than 12,000 persons in West Virginia.

He told the graduating seniors that:

> The fundamental faith of the American people in the free enterprise system remains unabated.

Urging them to defend its principles and help, he said:

> Create a producing building, modernizing, responsible and professional leadership for the 1980's and on into the 21st Century.

Senator Randolph, a graduate in the Class of 1924, and also a trustee for over 50 years, presented these outstanding Americans as candidates for the award of honorary doctorates. Both Dr. Hammer and Mr. Stinson received doctor of public service degrees.

Others receiving honorary degrees were: Dr. K. Duane Hurley, Salem College president emeritus, doctor of divinity; and Col. Bengt Helge Ljungquist, international dressage champion and equestrian coach, doctor of science.

Salem officials participating in the commencement ceremonies included: Dr. Ronald Champagne, vice president for academic administration; Ronald Meredith, director of Meredith Manor School of Horsemanship; Doyle K. Zwiebel, associate dean and registrar; and Elizabeth Whipple, professor emeritus.

Mr. President, the thoughts conveyed to the young minds and hearts of America by Mr. Stinson are of significant portent to our Nation's future, and Dr. Hammer's words of experience and wisdom in international trade, can benefit all of us.

I request that Mr. Stinson's commencement address, and Dr. Hammer's remarks to the Centurion Club, be printed in the Record.

Their statements follow:

Address by George A. Stinson

Dr. Stamm, Senator Randolph, graduating seniors, distinguished guests, ladies and gentlemen. It is a singular honor to have been asked to address the 1979 graduating class at Salem College. It is also a significant honor to share this platform with Senator Randolph, who has been a brilliant legislator—a long-time friend, and, as you know, a strong supporter of Salem College.

One evening, several weeks ago, I sat in my study at home and pondered over my not insignificant responsibility to provide you some thoughts today that would perhaps be of more than passing value. As the evening grew late, I began to think of you, of your future, and the kind of education that Salem College has provided you.

In my view, the leadership of Salem College has done an outstanding job in living up to its responsibility both to you, the students, and to the Nation which will be enriched by your contributions. Salem College has stuck to the task of preparing young men and women for practical careers, based on more work-related concepts and experience. I thought to myself: "What a marvelous concept, a college where young people can come to grips with careers as participants rather than academic spectators."

After talking with your president and Senator Randolph, I was delighted to find that at Salem College, "discovering careers" is much more than a slogan—it has become a proven and tested educational concept that is, in my opinion, at the very lead of modern educational thought.

In the darkness of that late April evening, my thoughts were typical of the commencement speaker who has an opportunity to communicate with tomorrow's leaders on the threshold of their careers. I asked myself: "What have you learned in your almost half-century experience that might help these young men and women, and through them, the future of the Nation?" Well, I thought to myself, I've had a lot of experience with practicing law, with business, with labor, with government. In fact, more experience than I care to admit at this point. There are things I have learned from each of these areas. But the combination of all these viewpoints leaves me with a central theme I would like to strike here today.

My most meaningful experience is that I've been able to see America's economic system evolve over the years and, as a member of government, legal and the business worlds, I've had an opportunity to see how America's economic system has met the challenge of the changing world and how it has remained steady, yet resilient, in meeting the Nation's needs.

This is more important to me today than any one of a host of other topics of brisk contemporary business interest, topics such as scientific management, capital creation, diversification and the march of technology about which I might talk.

These are subsidiary to the overall consideration of the future of our society and our economy. How well have our basic national concepts survived the test of the passage of time? Experience in the passage of time, of course, separates us here today, but it also allows us a common point of dialogue. While each of you is at the dawn of his or her career, I am at the mature part of mine—and it is from that difference that I draw the remarks I want to bring out today.

Your generation is starting out in an era of peace. It was the first responsibility of my generation of Americans upon reaching adulthood to go out and beat the enemies of American values from our shores and to make sure that in our generation and yours there would be an America. We did that. And it seems to me, we did it in pretty good order. In 1945, this Nation emerged as the undisputed leader of the world, with fundamental values intact.

Your generation has no clear and defined enemies attacking your country from without as we did. Our choice was difficult, but it was clear and the Nation fought as a whole. Your enemy is no less dangerous. It is just less defined, and lies within. That enemy is the erosion of national values.

In the aftermath of World War II, my generation of Americans chose to continue the precepts of private enterprise and productivity in America.

Our contemporaries in many other parts of the world, for many reasons, elected to move toward the precepts of socialism. In that connection, the experience of England—the United Kingdom—is of special interest to me because, having fought for freedom of choice in World War II, the British elected in the postwar years to embrace a form of socialism which we call the welfare state. I have been watching and comparing the progress of our two nations over the past thirty years with great interest. This interest has been heightened over the years by the increasing influence being brought to bear here in America by a very vocal, very aggressive, and a persistent minority of Americans advocating that we, too, should move toward a more socialistic economy.

Up until recently, I was concerned that perhaps the majority of Americans might be departing the precepts of free enterprise for the promises of more socialistic views. Just recently, however, the business roundtable, of which I am proud to be a member, sponsored a study that evaluated the attitudes of the American people toward our economic system. While there has been a general decline in the confidence of the American people toward government, business and labor organizations, the polls show that the fundamental faith of the American people in the free-enterprise system remains unabated.

I came here to talk about business and your place in the business world. But I must also talk of economic systems since, quite simply, in the free-enterprise system, business is the American economic system, and if that system fails, the future of business and industry fails with it.

Economic systems are seldom changed overnight. They evolve slowly. Right now our economic system is moving away from private enterprise very slowly, almost imperceptibly, but nevertheless relentlessly. It is doing so even though the overwhelming majority of the American people wish to sustain it. It is you who must prod the majority to make that wish known. Those of you graduating here today from Salem College, and the thousands of graduating seniors across the nation will determine the future of America's economic system. The silent majority has been too silent for too long.

What must be asked you is that you remain alert so that you, and those you influence, are able to make your decisions with full knowledge of the costs and benefits of each change brought to the arena of public influence and the political process.

As college graduates, it is your ceaseless responsibility to lead American intellect, to challenge, to debate, to bring the light of fact and reason, as well as the realities of cost and benefit to the issues of the day: So that those who have not been blessed with the kind of mental preparation for life with which you have had here at Salem College can make the right decisions, understanding the full implication of their results.

I dwell on these fundamental matters for this important reason: While I think my generation has done rather well in maintaining a strong and independent nation to pass onto your stewardship, I think that we have done rather a poor job of articulating and developing support for the precepts of free enterprise.

I further believe that certain fundamental precepts of the American business doctrine are being challenged at an ever-increasing rate. I also believe that your generation—like ours—will come to a point in the not-too-distant future, such as we and our British comrades did at the end of World War II, where you must make fundamental choices, I would urge you to be among the leaders of the informed and articulate majority who stand up and say:

"Before you allow a vocal minority to take the free enterprise economic system which has proven itself, over the years, and trade that system for a more socialistic system which has failed, time and time again, you must first show me your costs as well as your benefits."

For if there is anything that age teaches one, it is the fact that there are no economic "freebies."

Every social benefit has its social cost. Governments can postpone these costs. Governments can redistribute these costs, but someone, some day, must pay, and before we decide to vote ourselves a benefit, we should know who will pay and when they will pay.

In recent times, there has been a great deal of confusion between rights and needs, between responsibilities and requirements, and between the production of goods and services and the allocation of goods and services.

We, in the business world, are not in the business of allocating wealth, we are in the business of producing goods and services. I might add here that we have very little control of what goods and services are produced. You, as consumers, decide. You decide by your dollar votes in the marketplace. There is no coercion, no arbitrary decision. Each of you decide; what we produce, how much we produce, and for whom we produce.

I would like to emphasize that private business has proven it is the most efficient producer of the vast majority of goods and services required by a modern society.

We can do it faster. We can do it cheaper. And we can do it more efficiently than any government in the world has thus far been able to do.

Now, we all know that there are certain functions, such as defense, international representation, and some aspects of welfare that are more appropriately accomplished by Government, but I think that Great Britain has demonstrated to us, most emphatically, what happens when a nation attempts to secure the benefits of economic decisions before it has determined who is to pay for those benefits.

It is particularly instructive to review the record of socialism in the United Kingdom at this time, since these precepts are being re-evaluated today in England in the light of the victory of the conservatives led by Mrs. Thatcher—and we may learn from the debate. Perhaps the outcome of this election indicates that the people of Great Britain are turning away from the welfare state—only time can give us an answer.

Up until World War II, it was said that the sun never set on the British Empire and it was not only philosophically true, it was geographically precise.

Today, the sun sets very quickly on the British Empire, both figuratively and literally. In a very short time, the magnificence of the United Kingdom was quickly eroded.

Why? How? By what force was the mighty British Empire brought to such a humble state?

Well, we cannot overlook the worldwide fall of colonialism as a major factor, but there also can be no doubt that the erosion of free enterprise and capitalism ultimately led to the current disarray of the British economy.

Lord Louis Mountbatten, one of Great Britain's finest soldiers and statesmen, reminded the British people that:

"If a man wants prosperity, he must work for it, or else go without it. He won't get it merely by voting for it."

You and I and everyone judges the health of a society, in one aspect, by the quantity of goods and services available per capita—the GNP. With the exception of a very few functions such as defense, government and law enforcement, the primary creator of goods and services in America is private industry. We should not allow the allocation of resources to become confused with the creation of resources. Before you allocate, you must produce. It does you no good to have an ever-increasing share of an ever-decreasing pie.

It is the role of businessmen and women to provide the intellect to combine land, labor and capital into useful goods and services. Their actions are dictated by the demand of the consumer market, by your dollar votes. Businessmen and women must bid for resources, materials and labor they need and meet the demands of the marketplace.

Those of the business world then take those resources and produce, build, create, transport, market, in short, they are the muscle and the nerve system of a truly modern society, and I'd like to tell each of you that it is an exciting, rewarding, and satisfying experience to be a part of that system.

The opportunities for worthwhile careers have never been better and new careers are being created every day. A great number of jobs that my company fills every day never even existed when I began in the steel industry some 20 years ago.

What kind of career should you choose? No one can tell you that—least of all, me, but I can tell you that medical science is providing you with more than 70 years of life, at least 40 to 50 of which should be available for productive work, and it ought to be something you like to do. Most of you have a great deal of freedom to investigate different careers and places to work, at no time will you have a better opportunity to determine what you like to do and do best.

Choose a career with all that the word "career" means, but if at all possible, involve doing those things that you enjoy. Your career should permit you to make your maximum contribution to society. It should encourage you to learn and to progress and to lead others to do the same.

Life is too long and too important to just find "a" job. And the chances are that you will work harder and contribute more to a career in which you are interested and one which you like. The education you have received here at Salem College has taught you to make reasoned choices and your career is one of the most important and difficult.

To further point that you might think about before you launch off to the work force is that your graduation here is only a first step, important as it may be. There is so much to be learned and your ability to contribute to your own well-being and to society will depend, to a great degree, on how well you keep yourself up-to-date and competitive in your chosen career field.

Anyone who thinks his or her education stops here, had better go back and start again as a freshman, because you've got lots to learn. Life is continually changing—technology is changing—methods are changing. Considering the extended time-length of careers and the rapidity with which technology and methodologies change, you will be subject to at least three or four wrenching changes over a 35- or 40-year career. So, you had better keep up with the times, or you will find yourself sitting on the curb while everyone else passes you by.

A few final words about your generation. I think it is a great generation:

It's a work-oriented generation;

It's a give, rather than a take, generation;

It's a generation which is more concerned with building and producing than tearing down and consuming.

You are in the best possible position to consolidate the positive aspects of the change that came about as a result of the counter-culture of the 60s and 70s and create a producing, building, modernizing, responsible and professional leadership for the 80s and on into the 21st century.

Since I get the last few words to you as undergraduates, and since I am here representing the thousands of business organizations across this country, I'd like to formally welcome you to the productive world. We need producers. We need creators. We need the kind of background, intellect and youthful vigor that you can provide. In short, we need you and welcome you to the ranks.

I won't wish you good luck. I will wish you the dedication to prepare yourselves for opportunity and the opportunity that comes to those who are prepared.

REMARKS BY DR. ARMAND HAMMER

President Stam, members of the faculty, distinguished alumni, members of the Centurion Club and friends of Salem College:

I am delighted to be with you to participate in the Salem College commencement activities and to meet with all of you at this traditional Centurion Club brunch.

I am very proud to have been nominated by Salem for an honorary degree of Doctor of Public Service, particularly since it will be presented by my old friend, the distinguished Senator from the State of West Virginia, the Honorable Jennings Randolph.

After passing four score years, one certainly must show respect for tradition—and one of the great traditions at Salem College is that there has always been a Randolph on the board of trustees. Jennings is one of Salem's most outstanding graduates and the Randolph traditions have made great contributions to the heritage of this fine institution.

As you know, Jenning's grandfather was one of the founders of Salem College and the Senator's son, Jay carries on that tradition today, now that this father has assumed the position of trustee emeritus. It is in this same spirit that I wanted to present an endowment to what is now known as the Armand Hammer Equestrian Center. I understand it is the fastest growing program at Salem. After watching yesterday's Kentucky Derby I have even more appreciation of the beauty of equestrianship.

In 1921, when my younger colleague, Jennings, was a freshman here at Salem, I was graduated from Columbia College of Physicians and Surgeons as a doctor of medicine. As you may know, my future career took other directions, and I never practiced medicine although I've kept up my license. Last fall I came back to my alma mater to receive an honorary degree of doctor of laws. I stated at the time, in order to be consistent, that I did not plan to spend my remaining years practicing law. I'm sure that my many lawyer friends were relieved and grateful that I made this decision—as are the shareholders of Occidental Petroleum Corporation.

Let me make a minor correction to my earlier statement, however. I did practice medicine on two occasions about ten years ago. The first occurred on a Pam Am flight out of Europe when a call went up: "Is there a doctor on the plane?" I started to raise my hand, but my wife, Frances, said: "Armand, be careful, they'll sue you for malpractice." It was too late. The purser noticed and I was taken to the aft section of the plane where a man had passed out, presumably from a heart attack. I felt his pulse, smelled his breath and said: "This man hasn't had a heart attack; he simply has had too much to drink. Let him sleep it off . . ." I returned to my seat and proudly told my wife of my diagnosis. She responded: "You'd better call your lawyer as soon as we land."

The second time came during a recent annual meeting of Occidental, held in Los Angeles, when an elderly woman at the rear of the Beverly Hilton ballroom, had fallen to the floor and was unconscious. The cry went up: "Is there a doctor in the house?" I instinctively left the rostrum and went toward the patient. My diagnosis was that she was not suffering from a concussion, but had simply fainted after missing her step and twisting her ankle. When she came to, I gave instructions that she be taken home and put to bed. I later received a note from her, thanking me and saying she was getting better.

Thus, I stand before you as perhaps the only physician who has a batting average of 1,000 percent for correctly diagnosing an affliction.

Although I have rarely practiced medicine and certainly have no intention of practicing law, I look forward to the honorary degree I will receive here today. The degree of doctor of public service is different. I've had some practice in this area—in fact, I've tried to devote a major part of my life to some service to mankind.

I have been a businessman for more than 60 years and I have traveled throughout the world conducting business for Occidental Petroleum Corporation. Whether I'm negotiating with the Soviets, the Chinese, the Libyans, the Rumanians, the Poles, as well as our many customers in Western Europe, South America, and the Far East, I come before them wearing two hats, as it were. To my mind they are complementary and both fit well.

Under one of the hats I'm the chairman of the board of a large multinational corporation, an ardent capitalist who has responsibility to some 32,000 employees and 340,000 shareholders to make the very best business deal I possibly can.

Under the other hat I'm a man who can look back over a lifetime of involvement in world affairs and public service and can appreciate the fact that communications can lead to understanding—and understanding can lead to peaceful relations. I am practical enough to know there are still many obstacles in our path, but I think for the first time we are finding ways around them and that one important means to detente is through trade.

I would like to share with you this morning some thoughts I have on two subjects that are very close to my heart—detente between the world's two great superpowers—the United States and the Soviet Union—and the energy crisis that is truly upon us. While I'm quite optimistic that the Salt II agreement will be signed and ratified by Congress thus aiding detente. I'm very concerned about the latter—our energy problem which is growing progressively worse.

It is my firm belief that peace, harmony and prosperity in the world are not only created by conferences of national leaders and diplomats, but are promoted by day-to-day contacts and commerce among the peoples and institutions of nations. I believe that we businessmen can contribute to world peace and welfare by engaging in commerce that is profitable to the nation and business involved. I hope I have been able to contribute new ways of accomplishing that purpose. I will continue to try.

During more than half century I have been dedicated to the development of east-west trade in the interests of detente. Detente has been an oft-maligned word over the past few years. But even after the politicians of the world have finished chewing over it, the spirit of the concept is stronger than ever.

As a nation we do not buy the Soviet ideology. Neither do they buy ours, but there is no reason why we cannot trade with each other instead of threatening each other with nuclear bombs. What difference does it make if we can destroy them 10 times and they can destroy us five times? Neither of us wants to be destroyed even once.

Today, east-west relations have a good chance of becoming better. I attribute some of the success to the attitude of the Soviets in allowing greater emigration from Russia. You will recall that this was the reason negotiations for a trade agreement broke down about 6 years ago and led to the Jackson Varnick amendment. Now without any pressure on the Russians, they are permitting 5,000 emigrants a month to leave Russia, which is the highest ever. A summit meeting between President Carter and Secretary Brezhnev, each of whom I have the pleasure of calling a good friend, could have important results. I have even greater expectations for the future peace of the world now that the door to the People's Republic of China has been opened. I had the pleasure of meeting with Vice Chairman Teng Xiaoping during his visit to the United States and was impressed by his expressed desire to establish good relations with us. Mr. Teng talked about trade and diplomacy as the two elements that achieve understanding. To my mind, that's what detente is all about.

I used to say that the difference between a communist and a non-communist was a thousand dollars. Now I say it's an automobile.

There are over a million cars produced in the Soviet Union and over half go into private hands. A car owner in the U.S.S.R. sees himself in a different class than the man who walks or has to use public transportation. He becomes a fervent believer in private property.

This reminds me of a story published in the Literary Gazette in Moscow. An advertisement said an educated, single, 37-year-old woman was looking for male companionship—someone intelligent, who appreciates comforts of a home and who knows how to drive a car. She was snowed under with replies. One of them, from a Fyodur Fyodoraovich, said: "I am sending you a snapshot of myself and I eagerly await a photograph of your car."

Times seem to be changing. President Carter has succeeded in creating a Middle East peace between Egypt and Israel. If we have an understanding with the Soviets to keep the peace of the world, this will help to maintain the peace in the Middle East and Africa. The Russians are eager to expand International Trade, and with their abundance of natural resources, many business interests throughout the world are ready to negotiate.

Optimist that I am, I see a bright future in our international relations with both the Soviet Union and the People's Republic of China.

I strongly support President Carter in his efforts to normalize relations between the U.S., the Middle East and the two Communist super powers. When the rhetoric is over, we are still dealing from a position of strength. The Middle East, Russian and China still are potential powder kegs, but I suggest that today our position is much stronger because men of reason are attempting to "reason together."

I only wish the same could be said about the energy problem we face. This is truly the greatest threat to the way of life as we know it and our national security, as far as I'm concerned.

I hate statistics, but regretfully the numbers tell the story. Before the 1970's, the idea of a pattern of a habitual negative balance of trade for this country was thought to be an impossibility. After all, we were the strongest nation in the world, and everyone wanted what we had to offer in trade. Then came 1973, when the OPEC cartel rose up with a more expensive demand. We have been tied down by the OPEC cartel ever since.

Talk about statistics, in 1978 our balance of trade deficit was $28.5 billion—yes, that's $28.5 billion more going out than what we as a nation took in. The main cause of this deficit was the $40 billion we spent to import foreign oil. We now import close to 50 percent of the oil we use in the United States on a given day. Because of the price increases in foreign oil, our imports of OPEC oil in 1979, is expected to amount to some $50 to $55 billion. This drain is the major contributor to increasing inflation and a decreasing value of the dollar. Something has to be done and it must be done fast.

The President, in his latest energy message, has taken some bold steps in the right direction. If we have the foresight now to take advantage of our own resources, I feel that substantial progress can be made.

While the United States has an oil shortfall, it does have an abundance of two key energy resources—coal and shale oil—we must make maximum use of both of these in order to alleviate our present energy unbalance.

Salem College is in the heart of the coal country, so I know very well that you are very familiar with the problems surrounding greater coal development, Occidental's subsidiary, Island Creek Coal Company, has 1,000 employees in this general area who are your neighbors and they know the problems as well. Simply stated, the coal industry in the United States today has the ability to sustain production of at least 870 million tons per year. Domestic consumption and exports this year will amount to about 720 million tons. Therefore, the industry has the current capacity to meet an additional demand of approximately 150 million tons per year. Putting it another way, we have a shortfall of 150 million tons of coal per year.

We need to put this vital resource to work. It could amount to an oil savings as much as 1¼ million barrels per day.

The first order of business is to ease some of the unreasonable environmental standards that prevent the switching of many oil powered utility plants back to coal. Both the Soviet Union and Japan have mandated the use of coal for industrial and utility uses. Why can't we?

The "wheeling" of electricity generated by coal fired plants could have an immediate impact on the energy picture in the mid-Atlantic and Midwest States, if regulatory agencies and the involved utilities would merely resolve some of the jurisdictional matters and inequities that would arise. Under such a concept, the coal powered utility plants could generate and transmit energy to areas now dependent on oil or gas-fired plants.

With the price of a barrel of oil escalating at an alarming rate, the prospects of coal liquefaction and coal gasification become more and more attractive. Coal certainly can become our "ace in the hole" if we continue to support the promising research programs already underway.

Another tremendous domestic resource that has not yet been tapped is oil shale. There is the equivalent of close to 2 trillion barrels of oil locked up on the Rocky Mountains of northwestern Colorado, southeastern Utah and southwestern Wyoming. This is enough to supply all the needs for our country for 200 years.

I believe it can be done, if the Federal Government provides the proper support and incentives. I have been a proponent of shale oil for some 10 years, now, and Occidental Petroleum is the acknowledged leader in developing oil shale technology. Senator Randolph, in 1943, was one of the first men in Congress with the vision and foresight to see the need to utilize this greatest resource of ours. I quote from his statement in the Congressional Record of March 23, 1978, when he put in the Record a copy of my article on shale oil reprinted from the op ed page of the New York Times, "Mr. President, the first congressional initiative to develop nonnuclear energy technologies was in the mid-1940's when Senator Joseph O'Mahoney of Wyoming and I introduced in the Senate and House of Representatives, the synthetic liquid fuels act, which was signed by President Franklin Roosevelt on April 5, 1944. That law authorized the first federal programs for gasification of coal, liquefaction of coal, and production of synthetic crude oil from oil shale.

I have stated many, many times during the debate on energy legislation last year that much of the extensive knowledge and skill acquired on conversion of coal and oil shale into alternative fuels was lost in the intervening years. We are again realizing the importance of synthetic fuels. There will continue to be interfuel competition, but it is certain that soon America will be striving for fuels of several descriptions.

Oil shale has the potential of becoming an important energy resource. It is possible that 2 to 3 trillion barrels of oil are available from U.S. shale deposits. Under current economic and policy conditions production could reach 20,000 to 57,000 barrels per day by 1985.

Associated with the development of this resource are many unresolved issues. They include the role of the Federal Government in its development, environmental consequences of a large scale oil shale processing industry and social and economic planning related to this industry. Future leasing policies of the Department of the Interior, price supports, loan guarantees, tax policies related to oil shale development, and the establishment of a comprehensive national oil shale policy (possibly as part of a national energy policy) are vital factors which should be addressed.

Dr. Armand Hammer, a creative industry leader, pointed out recently in a challenging article in a March 17 issue of the Value Line Investment Survey, that oil shale should not be overlooked as a possible solution to our insatiable domestic need for liquid fuels. His knowledgeable discussion centers on Occidental Petroleum's Co.'s efforts on a 4,000-acre oil tract of land known as Logan Washington, located near Debeque, Colorado.

Mr. President, I commend this article to my colleagues, particularly those involved in efforts to adequately fund research and development in the energy field, and ask that it be printed in the RECORD."

Through our efforts a number of scientific breakthroughs have already been achieved that could make a commercial shale oil a reality by the late 1980's, a time when it would be most needed. The beauty of shale oil is that the deposits are well mapped out, so the risk of exploration is eliminated. There's no chance of drilling any dry holes.

Our Occidental engineers have developed a proprietary underground process, called modified in-situ, for recovering the oil from the mountains in commercial quantities, at reasonable costs in today's energy market and under environmentally acceptable conditions. Some 50 patents have already been issued and some 50 more are pending. We are proceeding with plans for a commercial project prototype plant capable of providing 50,000 barrels of oil per day by the mid 80's time period.

The program is a very exciting one, and we're not the only ones who believe our process will work. The Department of Energy is supporting the program through some joint funding support. A partnership of Gulf Oil and Standard of Indiana recently negotiated a $6 million licensing arrangement with Oxy to use our process at their oil shale development site. Two of the Nation's largest oil companies believe that Oxy has some answers.

I wish I had time to tell you more about the exciting possibilities of shale oil and why we must all get behind President Carter and Congress to push the development of a shale oil industry without any delay.

It is customary at commencement time to present a challenge to the graduating students as they prepare for the life before them. I can think of no greater challenge for all of us today than a concerted effort to put us back on the road to energy independence. The threat is real, but there are real solutions as well if our own energies are applied in the right directions. We need to back our President and work with Congress to meet this greatest challenge.

I've been blessed with an enormous amount of energy, and I still put it to use working some 14 hours a day. I attribute the success I have had to the 14 hours a day rather than being "lucky" as some have claimed. I have been a man of many dreams and I have been fortunate that so many of them have been realized. During my remaining years I will continue to strive to live up to the public service honor I receive today, and will always have a particularly warm spot in my heart for all of you here at Salem and for my friend, Senator Randolph. Jennings, I reflected flying down here that you and I are among the last few left who knew our mutual friend, Franklin Roosevelt—when he gave the order to go ahead and invest a billion dollars in the Manhattan project, after Einstein wrote him a letter, he was taking a greater risk than President Carter and the Congress would be taking today if it approved putting some of the billions expected from the windfall tax, in building a shale oil TVA. Occidental will give the government a free license. If it wasn't for this bold and courageous action, Hitler would have developed the atom bomb before us and we would all be his slaves. What a wonderful thing it would be to make new history today and to look forward together to the great future of these young graduates in a world of peace and prosperity for all.

Thank you very much.●

CONTINUING CRISIS IN FOSTER CARE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. MILLER of California. Mr. Speaker, the House will soon consider H.R. 3434, the child welfare amendments. The legislation contains long overdue and broadly supported reforms in the Federal foster care and adoption program. Most importantly, the legislation would place an emphasis on permanency for children, strengthening families and reducing wasteful and unnecessary costs to the State and Federal governments.

Similar legislation passed the House nearly 2 years ago by a landslide vote of nearly 5 to 1. The Ways and Means Committee deserves a great deal of credit in expediting action on this legislation. We can all only hope that, unlike the last time out, the Senate acts in a similarly expeditious manner. There are half a million foster children who need this legislation, and those who are truly concerned about their well-being are tired of the delays and the political machinations of a few who simply do not seem very concerned about improving the system and the lives of these children.

Report after report has endorsed the kind of reforms in this legislation. Virtually every organization dealing with social services, child welfare, youth advocacy, foster parents, and most State, county, and local organizations, as well as the administration, are in support of the thrust of this legislation. Further delay of its enactment is unconscionable.

The New York Times editorialized on the great need for this legislation yesterday. I urge my colleagues to read this editorial, and to strongly support H.R. 3434 when it comes before the House:

[From the New York Times, May 15, 1979]

FOSTER MOTHER'S DAY

For many women, the second Sunday in May is inescapably sad. These are the millions of mothers whose lives have been touch by the nation's system of foster care. Some are parents with serious personal problems whose children have been placed in other homes or foster care institutions. Some love their children but are too poor to care for them. Some are foster parents who want permanently to adopt children already in their homes temporarily but cannot afford to lose the benefits available only for foster care.

These problems are not new. Study after study has documented the waste of Federal dollars and the unmonitored, uneven activities of state and local child welfare agencies. But now, suddenly, the time seems ripe for reform.

A bill that would begin to reform the foster care system nationally passed the House Ways and Means Committee last week. It is likely to pass the full House soon and then move on to the Senate. And meanwhile, in New York City, which has a disproportionate number of foster children, City Council President Carol Bellamy and Controller Harrison Goldin seek tighter rules to force the city's 80 private foster care agencies better to serve foster care's original goals.

These goals seem to have eluded everyone. Foster care was intended as a stopgap for unwanted, abused or orphaned children. Such temporary care was recognized to be emotionally harmful; the idea was always to send children back home or to permanent adoptive homes as soon as possible.

But as the system has evolved, most of the 500,000 children in foster care today will become its victims, not beneficiaries. Typically, they will stay in "temporary" foster care for more than two years—and be jostled about from one home or institution to another. Foster care agencies will do little to speed their return to their families, or move them toward permanent adoptive homes.

The primary reason for the system's failures is not greed or ineptitude or cruelty, though all three exist. It is the perverse—cruel—economic incentive built into the system. Washington pays about half the $1.5 billion spent by various levels of government for foster care, but it pays only to support children *temporarily* in homes or institutions. For state, local and private agencies, there is no financial incentive to speed foster children to permanent homes. Nor is there any financial incentive to keep children from entering foster care in the first place. On the contrary, the incentives work the other way: the longer children are kept in limbo; the longer Washington pays.

The House bill would begin to rectify this perversity. It would provide funding for preventive services to keep families intact and to help children avoid foster care entirely. For those who do enter the system, the bill would widen the exits. It would encourage adoption by introducing a Federal adoption subsidy and by extending Medicaid benefits to adopted children to cover pre-existing illnesses. It would work to shorten the time children spend in foster care by setting performance standards for the states. The proposed legislation is not only humane; it would save money, too.

This is a good day for mothers—and the rest of us—to ask Congress: when?●

THE 39TH CONGRESSIONAL DISTRICT QUESTIONNAIRE RESULTS

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. DANNEMEYER. Mr. Speaker, the results are in on my first annual questionnaire to the 39th Congressional District of California. More than 21,000 individuals responded. I appreciate the level of response and wish to thank all those who did.

The 1979 questionnaire covered a wide range of issues. Among the topics covered were a balanced budget constitutional amendment, national health insurance, social security, Panama Canal, taxpayer financing of congressional elections, and energy. I think the results are most interesting.

More than four-fifths of those responding to the questionnaire support a constitutional amendment requiring a balanced budget. More than 90 percent support substantial reductions in Federal spending. The strength of support for these two issues shows that the American people are fed up with the deficit spending policies of the Congress and the present administration. I hope that my colleagues will take this message to heart to balance the budget, reduce spending and reduce taxes.

The issue of reinstating diplomatic relations with the Republic of China on Taiwan received the support of more than three-fourths of those responding. A number of people wrote comments questioning the policy of recognizing one country—mainland China—while derecognizing another one—Taiwan.

Proponents of taxpayer financing of congressional elections point to polls showing strong support for such a policy. The results of the poll of the 39th Congressional District show the exact opposite. Seventy-eight percent say no to the question of using tax dollars to finance congressional elections.

With the present energy situation, the results on questions dealing with this concern were also informative. Seventy percent were opposed to rationing while only twenty-five percent favored it. Seventy-one percent favored deregulation of energy. Expansion of nuclear energy showed the support of 74 percent of those responding.

Below are the results of the questioning:

39TH DISTRICT—1979 QUESTIONNAIRE RESULTS

[In percent]

	Yes	No	Undecided
1. Would you support a constitutional amendment requiring a balanced Federal budget except in times of war and national emergency declared by a ⅔ vote of each House of Congress?	83	14	3
2. Do you support substantial reduction in Federal spending to fight inflation—even if it means spending cuts on some popular Federal Government programs?	93	5	2
3. Do you support indexing the Federal tax code to make up for the effects of inflation (bracket creep)?	57	20	23
4. Should the Congress pass a national health insurance program paid for through payroll deductions?	22	72	6
5. Presently Federal Government employees are covered by the Civil Service retirement system and do not pay into the social security system. Do you think that Federal workers should be covered by social security and pay into the social security system?	66	28	6
6. To help shore up the social security system should full benefits be given at age 70 instead of the current age of 65?	12	84	4
7. Should President Carter reinstate diplomatic relations with the Republic of China on Taiwan?	76	16	8
8. Congress will be asked to approve funds implementing the Panama Canal treaties. Should the Congress approve these funds and turn over the canal to Panama?	18	77	5
9. Should tax dollars be used to finance congressional elections?	18	78	4
10. Recently criticism has been raised about the volunteer army. Do you think the draft should be reinstituted?	55	39	6
11. Do you favor rationing as a means of conserving energy?	25	70	5
12. Do you favor deregulation of energy to let supply and demand act to conserve energy and create a greater supply of energy?	71	23	6
13. Do you favor expansion of our nuclear energy capability to provide more energy supplies?	74	21	5
14. Do you wish to receive future questionnaires?	93	2	5

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TRENDS IN PAST ARMS RACES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. SKELTON. Mr. Speaker, recently I requested a study be done by the Congressional Research Service of the Library of Congress regarding arms races as reflected by history. Mark M. Lowenthal of C.R.S. prepared this excellent analysis entitled "Discernible Trends in Past Arms Races: A Brief Survey." I do strongly urge that the Members read it.

The text of article.

DISCERNIBLE TRENDS IN PAST ARMS RACES: A BRIEF SURVEY

DISCERNIBLE TRENDS IN PAST ARMS RACES

I. Introduction: Definitions and methodology

This study is a brief survey of past arms races, and an analysis of discernible trends in these races. No claim to comprehensiveness of coverage is made. A number of criteria for selection and some comments on Methodology should be noted at the outset.

Two major types of activity were the most frequently looked-for in selecting pertinent examples. The first was the unilateral build-up of one power in a manner representing a striking departure from previous policies; a corollary to this was an arms competition resulting from the reaction of neighboring or threatened powers to such a build-up. This criterion eliminated smaller augmentations of forces and pre-war mobilizations which were clearly related to an immediate increase in international tensions.

The second type of activity was the classical dual arms competition, i.e., one in which both powers compete with one another virtually from the outset, and in which the action-reaction phenomenon is more repetitive and cyclical than in the unilateral/reaction type noted above.

A brief survey revealed two other types of races which are less common, but are of interest nonetheless. The first is an arms race spurred on by a technological breakthrough which negates the previous advantage of one power, and thus places the rivals in a more equal competition for the start of a new round of competition. The second type, and one that is closely related to the technological breakthrough, is an arms competition which takes place largely in terms of the theories or strategies of the competitors, without very large changes in force size or composition.

These categories are not mutually exclusive, and, as will be seen, each of the arms races discussed below exhibits several of these characteristics.

It should also be noted that in certain cases it is difficult to differentiate between an ongoing international rivalry which leads to a military escalation, and an arms race which contributes to a deterioration in relations. Causation, in either case, is very difficult to determine with any certainty, and a certain reciprocal or mutual cause and effect relationship is usually evident. This being the case, the nature of the arms activity as a major change in policy goals has been a key determining factor in the final selection.

II. Past arms races: Synopses

Eight different arms races, spanning the period 1586–1941, were chosen as useful examples of one or more of these various types, and of meeting the basic criterion of being a major change in the arms policies of the state or states involved. Each of these arms races is described in brief narrative terms for the purpose of reference and in order to establish the basic context of the arms competition.

The Spanish Armada, 1586–88: The construction and planning of the Spanish Armada is perhaps a questionable entry, given the pre-existence of an undeclared war between Spain and England. However, the decision taken by King Philip of Spain in March 1586 to mount a major naval expedition against England did represent a significant change in Spanish policy, which was previously continental in nature. The construction and amassing of ships for the Armada was known to the English, who reacted by constructing a fleet of their own (1587), and by raising a large land force to defend against invasion.

The Military Preparations of Louis XIV, beginning 1661: For the first 18 years of Louis XIV's reign Cardinal Mazarin was in control of the government. Upon the Cardinal's death in 1661 the King assumed personal control of the government, based on royalist and absolutist concepts. Among those concepts to which Louis subscribed were the need for personal glory and territorial growth. As part of this program Louis, aided and also goaded by Marquis de Louvois, the Minister of War, reformed and expanded the French army, constructed a war fleet, militarized and rationalized the supporting services, and centralized state finances to support these efforts. Other European powers perceived this as a direct threat to the balance of power, and over half of the years of Louis' personal reign (1661–1715) were spent in wars, usually against European coalitions striving to combat French hegemony.

Build-up of Colonial Forces in North America, 1754–55: Throughout the 18th century Britain and France were rivals in Europe and in their North American colonies. In the several wars fought between the two powers between 1680 and 1763 the usual pattern was for the European continental conflict to eventually break out in North America as well. However, in this case, the French and Indian War predated its European corollary, the Seven Years' War, and began with a build-up of colonial forces. A major center of Anglo-French rivalry in North America was the Ohio Valley, control of which also meant control over further expansion into the heart of North America. In 1753 Marquis Duquesne, Governor-General of New France (Canada), sent an expedition to occupy the Ohio country, centering on present-day Pittsburgh. Efforts by the colony of Virginia to negotiate a French withdrawal proved unavailing, and so the colony mounted an expedition (February–July 1754) to challenge the French presence. This effort was defeated by the French, but also resulted in a British decision to increase its regular forces in North America by two regiments. Similarly, French reinforcements were also sent to New France. Major-General Edward Braddock's forces reached Virginia in April 1755; French forces reached Canada two months later, after successfully running a British blockade. In the spring of 1755 hostilities commenced with the successful British occupation of Nova Scotia, and the French victory over Braddock. Hostilities were not formally declared until 1756.

Anglo-French Steamboat Build-up, 1830s–1850s: Two major technological developments, the introduction of steam powered ships and the screw propeller, revolutionized naval architecture. The state most affected by these developments was Britain, which saw its current advantages in ships, shipbuilding and seamanship all threatened by the introduction of this new technology, and therefore favored the discouragement of their application. France, on the other hand, saw in these advances new opportunities in which to compete with Britain. It was largely France's willingness, under the direction of Henri Joseph Paixhans and Nicolas-Hippolyte Labrousse, to experiment with these changes that goaded the British Admiralty into adopting them as well, despite French efforts to minimize the provocative nature of their own naval activity. A competition developed of French-launched ships met with British responses, on almost one-to-one basis. Interestingly, while this new competition erased the British advantage in ships with sail, once the competition began in earnest British technological and industrial advantages outpaced the French again. However, the French willingness to take the lead in this naval transition, coupled with the larger French standing army, did lead to a number of panics in Britain over the possibility of an immiment French invasion, these panics usually coming on the heels of some diplomatic controversy.

The British Two-Power Standard, 1888–1904: Despite the seeming threat posed by the French steamboats, Britain remained the pre-eminent naval power through the rest of the 19th century. However, in the late 1880s fears began to grow in Britain over the combined naval strength of rival powers, primarily France and Russia. Colonial frictions with both powers, and the slow growth of the Franco-Russian entente led to concerns over a possible naval alliance aimed at Britain. The result was the so-called Two-Power Standard, the concept that the British Fleet should be as strong as the next two naval powers combined. A further factor in British thinking was the evolution of a new school of French naval strategy, the *Jeune Ecole*, which advocated an aggressive commerce raiding strategy (*guerre de course*), hoping to hit Britain's vulnerable commerce rather than confront its fleet. The effect on Britain of this well-publicized French strategy was a debate between those favoring standard large ships of the line and those favoring smaller but more numerous ships designed to combat a *guerre de course*. In the end the large ship faction prevailed, citing the different naval needs of Britain, i.e., overt sea control. However, the arms competition itself came to nothing for three reasons: the Franco-Russian entente had more of a Germanophobe rather than an Anglophobe orientation; by the late 1890s the rising and more direct German naval build-up replaced British concern over France and Russia; in 1904 Britain and France reached an entente, followed in 1907 by the Anglo-Russian entente.

The Anglo-German Naval Race, 1898–1904: Imperial Germany was the pre-eminent continental European power in the late 19th century, but under the direction of a government which had both legitimate security concerns over a two-front threat (France and Russia) and desires for greater world power German ambitions expanded. The German Navy became a unique expression of these concerns and desires, as well as one of the few truly national institutions in the federal German Empire. Under the direction of Admiral Alfred von Tirpitz the "Risk Theory" evolved: the creation of a large battle fleet would keep Britain neutral in the event of a continental war, and also make Germany more attractive to Britain as a prospective ally. Tirpitz did not take into consideration the possibility that Britain might perceive this new fleet as a potential threat as well, which was the case, especially in the midst of already troublesome relations between the two states. Despite the fact that Britain's naval superiority was never seriously challenged by the German program in real terms, British naval planners began to view the German growth with some alarm, especially after the development of the Dreadnought battleship. Larger, faster, more heavily armored and more heavily armed, this new class seemingly would negate previous British advantages in numbers. Britain, fearing the effect of this Dreadnought class, took the step of building it first, perhaps further escalating the race. By the period 1905–07 the naval competition was a definite policy factor in both nations, which continued, despite efforts to negotiate some agreement, until the outbreak of war in 1914.

German Rearmament, 1933–39: The accession of Hitler to power in Germany in 1933 saw the implementation of a policy of wholesale revision of the Versailles treaty which had disarmed and limited the Germany military. Hitler's rearmament program was in the planning stage and necessarily secret for the period 1933–34, but by 1935 Hitler publicly renounced the Versailles provisions and proclaimed his plans. In the international atmosphere prevalent at the time no action was taken by the Allied powers, an attitude which largely prevailed until 1937–38. Even during this period, with the German buildup well under way, there was vociferous debate within Britain and France as to the extent and implications of Hitler's activities. By September 1939, despite Allied rearmament programs now under way, Hitler was confident enough to believe that Allied preferences and German strength precluded the possibility of a war over the planned invasion of Poland.

U.E.-Japanese Naval Race, 1935–41: In 1935 Japan announced that it was leaving the Washington-London Treaty regime which had begun in 1922, as Japan had been unable to gain acceptance of the concept of parity with Britain and the United States. The United States, already below allowed treaty limits in naval strength, had begun a small naval construction program in 1934 under the Vinson-Trammell Act, which was a long term program to eventually reach treaty strength. However, Japanese plans, fueled by the increased military role in the government and policy, remained larger and more definite, its building-rate increasing five-fold between 1936 and 1946. The United States response remained low key and indifferent. In fact, despite continuing Japanese aggression in China and the outbreak of war in Europe, a decision was not made to build a full two-ocean Navy until the summer of 1940. However, such a Navy would not be ready before 1944 or 1945. Until then units would have to be parcelled out between the Atlantic and Pacific, resulting in a tug of war between the Pacific and the need to deter Japan, and the Atlantic and the need to support Britain.

III. Past arms races: Trends and analysis

The attached tables offers two different categorizations of the arms race considered. Table I lists the races by primary characteristic, noting also which of the unilateral build-ups also resulted in reactions by other powers. Table II gives the characteristics exhibited by each of the arms races, and also notes which ones were terminated by the outbreak of war.

From these illustrations it is obvious that each arms race exhibited a number of characteristics regardless of primary type or motivation.

Of the arms races identified for this brief overview all but two either started with or resulted in mutual competition. More interesting, perhaps, are the two races which had large theoretical components, i.e., races which were in part motivated by perceptions of the theoretical strategic challenge posed by another power. These two races—the British-French Steamboat Build-up and the British Two-Power Standard—were not resolved by war, not so much because of the nature of the race, but rather because of a change in the diplomatic climate.

This factor more than any other—the relationship of the arms race to the overall diplomatic relationship—appears to be among the most important. In those instances where relations were already extremely adversarial of overtly hostile, the arms competition was either a much more contributory factor to the eventual deterioration of relations or more crucial in feeding further antagonism. Some exception can be made in the case of the British Two-Power Standard, as relations between France and Russia, were still adversarial, albeit improving. What this would indicate, however, is that the more closely an arms program is related to the general national security/foreign policy of a nation and its adversarial diplomatic relations, the more dangerous it is in terms of ultimate resolution.

TABLE I.—PRIMARY CHARACTERISTICS OF PAST ARMS RACES

Unilateral buildup for aggression	Reaction to aggressive buildup	Mutual competition	Theoretical race	Technological breakthrough
Louis XIV		North America, 1754–55	British two-power standard	British-French steamboat.
Spanish Armada	English buildup			
Nazi Germany	Allied buildup	British-German naval, 1898–1941		
Japan Navy	United States buildup			

TABLE II.—DISCERNIBLE OVERALL CHARACTERISTICS OF PAST ARMS RACES

Race	Unilateral buildup for aggression	Reaction to aggressive buildup	Mutual competition	Theoretical race	Technological breakthrough	War
Spanish Armada	X	X	X			X
Louis XIV	X					X
North American Colonies			X			X
British-French steamboats			X	X	X	
British two-power standard				X		
British-German naval race			X		X	X
Nazi Germany versus Allies	X	X	X			X
Japan-United States naval race	X	X	X			X

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MRS. BRICKEN NAMED "WOMAN OF THE YEAR"

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. SKELTON. Mr. Speaker, a very outstanding lady from my home county of Lafayette was recently named "Woman of the Year" in her home community of Waverly, Mo. She is truly a remarkable person, and I include a copy of an article from the Waverly Times regarding Mrs. R. W. Bricken:

MRS. BRICKEN NAMED "WOMAN OF THE YEAR"

Mrs. R. W. Bricken was honored as "Woman of the Year" by the Xi Zeta Theta Chapter, Beta Sigma Phi Sorority on Saturday, April 14 at an Easter Bonnet Tea held at the Waverly Christian Church.

Mrs. Dennis Boland, president of the Xi Zeta Theta Chapter, welcomed the guests and introduced Mr. and Mrs. Rick Gilpin who sang "Easter Parade" and "Getting to Know You!"

Mrs. Boland then introduced the program chairman, Mrs. J. T. Moran, who presented Mrs. Jordan Kelling, author of the "Letters from Home" appearing weekly in the Waverly Times.

In her able and charming manner, Mrs. Kelling disclosed the sources of inspirations which she develops into letters and proved to be the background of her introduction of the "Woman of the Year", the former Frances Maryan Groves, now Mrs. Bricken.

It was recalled that she was born in the home in which she lives and was associated with her husband in the publishing of the local newspaper for 34 years, and she is active in the Democratic party.

Mrs. Bricken was chosen as 1979 "Woman of the Year" for community and church service. She has been president of the Waverly Christian Women's Fellowship for five years, was organizing president, Betty Shelby Chapter No. 2319, United Daughters of the Confederacy; organizing regent of Anthony Thomas Chapter, DAR; a long time member of K.P.M.T.N. Club MFWC and belongs to other clubs and patriotic organizations. She served as chairman of the Waverly Bicentennial Committee when Gen. JO Shelby Park was developed, was a member of the Waverly Park Board when the Port of Waverly Marina and Park were built and has been a member of the Waverly Cemetery Board for many years.●

NATIONAL HISTORIC PRESERVATION WEEK—SENATE JOINT RESOLUTION 71

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. DERWINSKI. Mr. Speaker, in 1966, over a decade ago, Congress enacted the National Historic Preservation Act. In my opinion this legislation codified the concept of a National Register of Historic Places and broadened the mission to include properties of State and local significance in survey and restoration effort.

At one time, historic preservation was considered an effort limited to the identification of Revolutionary era battlefields and Presidential resting places. Today, however, an active preservation program can be the means to saving a town's commercial area or housing base.

From essentially a piecemeal program designed to preserve single buildings, homes of the rich, battlefields and monuments, the preservation movement has developed into a coordinated strategy aimed at not only preserving the architectural integrity and environment but also finding new ways to use what we preserve.

It is therefore fitting and appropriate that the week of May 6–12 be designated as National Historic Preservation Week. I urge my colleagues in the House to approve this resolution to encourage Americans to think about historic preservation, which will serve to maintain the physical and cultural history of the United States for generations to come.●

SCIENCE AND THE AUTOMOBILE PART IV

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. BROWN of California. Mr. Speaker, on May 8, 9, and 10 I inserted the first three of a four part series from the Detroit Free Press on the automobile in the CONGRESSIONAL RECORD. Today I will be inserting the fourth of this excellent series on the role of science in the automobile industry.

The number of Federal agencies which have some role in regulating or working with the automobile industry is quite large. In large part this proliferation of agencies was caused by the failure of the automobile industry to develop a product which meets societal needs. The present gasoline shortages are in a large part due to the marketing of large, energy inefficient automobiles. The need for unleaded gasoline, and the shortage of unleaded gasoline is a result of an automobile industry decision to develop catalytic converters to meet air pollution standards, rather than an alternative engine or pollution control system. In short, the automobile industry has been responsible for severe problems in our society which they fail to take any responsibility for, and only begin to solve under strong government regulation.

Several weeks ago I testified to the Senate Committee on Commerce, Science, and Transportation, about the role of government and industry in future automotive development. During that testimony I called for the creation in the Office of the President of a new position of "Special Assistant for Automotive Affairs" which could help coordinate the various Federal agencies deeply involved in this matter.

I further urged government and industry to consider the successful government/industry relationships in Western Europe and Japan as useful models for getting out of our present confrontation approach. Quoting from my testimony, I said:

> The solution to our problems will not come from calls for protectionism, or from calls to relax or remove safety, fuel economy or auto emission regulations. I also doubt that additional government regulation, beyond that which is already law, will have much effect. We must have multiple solutions, and new approaches to solving this set of problems. The adversarial approach of U.S. government and industry to meeting our Nation's overwhelming social needs must change. While we may not be able to achieve the "consensus building" approach used by Japanese government and industry, we could certainly try adopting this approach and begin exploring the public directorship or "codetermination" approach of some European countries.

Mr. Speaker, there are many steps the Congress, through its various committees, could take to improve the interrelationship between government and the industry, and to lessen the adverse societal impacts of automobiles. I urge my colleagues to reflect on this matter, and work for constructive solutions.

The fourth article follows:

[From the Detroit Free Press, April 25, 1979]

U.S. VS. AUTOMAKERS—NO ONE WINS

(By Judith Serrin)

The problem with the American automobile industry, says David Gordon Wilson, is that, "to a certain extent, the automobile companies are afraid of competition."

Wilson, a mechanical engineering professor at Massachusetts Institute of Technology, recalls visiting scientists and researchers in Detroit as a member of the National Academy of Sciences panel reviewing proposed emissions guidelines of the Environmental Protection Agency.

Wherever he went, Wilson says, he asked the automotive men which they would prefer—government regulation or a system under which the companies could produce the cars they wanted, but the cars would be taxed based on their emissions.

Although company officials were publicly protesting the idea of emissions standards and saying the limits could not be met, Wilson recalls that privately "they universally said regulation." Wilson, who has been in automotive research more than 20 years, concluded the companies preferred the certainty of regulations to the uncertainties of competition. He says, "I suddenly lost a lot of my respect for the business."

Although he considers himself a general admirer of the American automobile industry, Wilson says the automobile "could be called a superbly suboptimized device, with 'suboptimized' meaning optimized by rules that are out of date."

The fault, he says, lies partly with the industry, for becoming locked into certain ways of doing things, and partly with government, for ineptness in bringing changes.

Over the past two decades, the relationship between government and the automobile industry—and the effects the relationship has on automotive scientists—has become increasingly intricate.

It is a relationship clouded on both sides with politics, ego and economics.

U.S. Secretary of Transportation Brock Adams wins headlines by calling for "reinvention of the automobile," which he says uses too much energy, but also calls for cutbacks in the U.S. rail system, considered to be a more energy-efficient way to move people.

The Office of Management and Budget pressures the Environmental Protection Agency and the National Highway Transportation Safety Administration to consider the cost of their regulations.

Chrysler and American Motors say government regulations may force them out of business.

Already, in fact, the EPA has granted several extensions on certain emissions standards of alleged economic effects on the industry.

At one meeting on automobile standards, a high official of the Volvo, the Swedish manufacturer, was asked how his company was able to meet U.S. standards when the much larger American companies could not.

He replied that, as a small company, Volvo had to meet the standards. The larger companies, he said, could try to get the standards changed.

It is generally felt, says Clarence Ditlow, executive director of the Center for Auto Safety, that the foreign auto companies reacted to U.S. government regulations by hiring scientists, and the American manufacturers by hiring lawyers.

One U.S. auto company official says he becomes discouraged with how technological problems are so often complicated by politics.

"Whom do you believe?" he asks. "We've deliberately said some things that were wrong, and they've deliberately said some things that were wrong."

Most of the relationship between industry and government researchers is in the area of regulation.

"Think of regulation as an industry," says Leo Clougherty, manager of chemical research for Chrysler. "There's a lot of jobs . . . It will not necessarily become more effective, but it will become bigger."

Industry scientists are generally quick to proclaim respect for their government counterparts.

"We do have parallel studies going on," says William Sherman, for many years research director for the Motor Vehicle Manufacturers' Association. But, he added, "it's not that we don't trust one another. It's more a matter of verification."

The first administrator of the Environmental Protection Agency, William Ruckelshaus, "set out to put our feet to the fire," an industry scientist says, and everyone else has followed suit.

The scientists tend, however, to forget the industry's contribution to the situation.

The National Traffic and Motor Vehicle Safety Act of 1966, for example, was passed, according to David L. Lewis, professor of business history at the University of Michigan, in large part because of General Motors' hiring of a private investigator to trail Ralph Nader after publication of Nader's book "Unsafe at Any Speed."

A Chrysler scientist accuses government officials of a "lack of experience, which does not make them recognize the problems of timing and production facilities."

He says, "They are young people and I think to some degree they're more idealistic than practical." But, he says, there's been some improvements in recent years and maybe government is being educated.

What some people see as education, others see as co-option: Show the government how much we are doing, take Brock Adams through the laboratories at Ford and General Motors, let them know how difficult the problems are and how much solving them will cost, and then they will trust our judgment on the matter.

Robert Ragsdale, project manager for the Department of Energy's Stirling engine contract, says he sometimes has suspicions along those lines.

"It may be that one reason (a company) takes the (research) contract is to show Congress, 'See what we're doing'," Ragsdale said. Then, he said, "it begins to come back that it might not take so long" for, say, a new engine, "and they may drop out of it."

In addition to quarrels about the principle of regulations, scientists often quarrel about the specific numbers.

Even Arie Haagen-Smit, the California biochemist who did pioneering research on smog and blamed the automobile industry for much of it was known to consider some government standards too stringent.

Before his death in 1977, Haagen-Smit told a fellow scientist, "It's the decimal system. They got my values and divided by 10."

After a study of the government's clean air policy, Eugene Seskin at Resources for the Future, concluded, "Perhaps the current standards could be justified," but added, "There's probably an overemphasis in trying to control the auto."

In some cases, he said, Congress makes decisions with "very little to go on, and not particularly solid information."

A Ford scientist agrees that government "will arbitrarily pick a number and say it can be achieved." But he believes that both the government and the industry regard regulations not as solid numbers, but as something to be negotiated, almost like a union contract.

From the government's view, he says, "If you give some limits that might not be achievable, through strenuous effort, they'll get the best out of industry that can be achieved."

From the industry's side, he notes, "the thing to do is to holler about everything" if the standard could be met, "and any relaxation you get is money you don't have to spend."

In the area of safety regulation, Donald Huelke, a professor of anatomy at the University of Michigan, worked with James O'Day at the U-M Highway Safety Research Institute to analyze how government-mandated safety equipment functioned in actual crashes.

Head restraints, they said, have been only 15 to 20 percent effective in reducing whiplash injury. It appears, Huelke says, that whiplash is a more complicated injury than previously assumed.

Energy-absorbing steering columns have reduced serious and fatal injuries, Muelka says, but he adds there is still a problem if the driver strikes the steering wheel from an angle. And, he says, although door lock standards have cut down on open-door ejections, "the incidence of ejection is still high, especially in rollovers."

The point, say the researchers is: "New standards should never be introduced without a formal review schedule date being established."

In addition to regulations, government money has some influence on how automobile scientists spend their time.

To date, the amount of government-sponsored research conducted by the four major automobile companies has been small.

The multimillion-dollar automobile research program that Secretary of Transportation Adams is urging would include some money for the manufacturers, but more for universities and research companies.

The theory, says Vincent Esposito, acting director of the transportation office at the Department of Energy is: "It is the responsibility of government to finance the high-risk research."

So far, the idea has brought mixed reactions, even among people who have urged a national commitment, similar to the space program, to the problem of producing a safe, fuel efficient, low-polluting automobile. There is concern that Adams' program is not specific enough, does not have a deadline, and therefore could end up achieving little.

At MIT, Professor Wilson objects, "I think the automobile has been heavily subsidized by society already. The idea of throwing tax money after it is ridiculous."

More commonly, industry scientists say government can help them by letting the companies exchange information on developments in safety and emissions control, both of which, they insist, offer no competitive advantages. Such exchanges are now barred under a consent decree signed in a California case 10 years ago, after the Justice Department charged the automobile companies with the equivalent of technology-fixing.

The decree is due to expire in October of this year, although the Justice Department has asked that it be extended.

Other methods of achieving government goals have been suggested—tax incentives, emissions taxes, requirements that the government buy only clean-running and fuel-efficient vehicles—and probably most unlikely of all, increased consumer demand for the safest, most energy efficient, least polluting car that can be bought.

The automotive companies say that demand is not there. They do feel, however, there is a consumer demand for a new model car from year to year—a demand developed after the marketing decision was made in the 1020s to change the appearance of cars from year to year.

That decision, industry critics say, shaped what automotive scientists and researchers have been doing for the past 55 years and, they add, caused the crisis automotive scientists face now.●

CONGRESSIONAL RESCUES OF NUCLEAR-WASTE POLICIES

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. WYDLER. Mr. Speaker, my previous messages have documented the inadequacies of Government plans for nuclear wastes. This final message in my series outlines how the Congress can rescue the situation. Rescue is indeed needed, or else the nuclear-component mainstay of our energy supply might be needlessly sacrificed over unwarranted fears about nuclear wastes.

Long-term preparations are necessary for nuclear wastes, because extensive construction will be required and complicated equipment is needed for radioactivity protection of workers. So when the administration fails to provide this planning, the Congress must act. Already some of these rescue attempts have been started by our Science and Technology Committee in the 1980 Department of Energy authorization bill (H.R. 3000). These are initial attempts to rescue the administration from the nuclear waste consequence of President Carter's phobia about reprocessing spent U.S. nuclear fuel. This current U.S. reprocessing policy may well be unique in the world and hopefully will endure no longer than the tenure of this present administration. But, like nuclear lifetimes, real planning for nuclear wastes is necessarily long term.

One rescue attempt in the 1980 Department of Energy authorization bill is the McCormack-Lujan amendment. It prohibits wastefulness of nuclear fuel resources by forbidding any inextricable burial of spent fuel elements. Another element of the committee rescue attempt in this bill is a $6,750,000 provision for the necessarily long leadtime development of waste solidification from reprocessed commercial fuels. Consistent with its reprocessing phobia, the administration had planned nothing. For both fuel resources and waste solidification the Congress thus took the initiative for responsible planning.

Beyond these immediately needed congressional initiatives, the Congress should now assess whether administration policies can realistically provide for the licensing and operating of nuclear-waste repositories in the required time. Many are fearful that without congressional action the repositories will be ready too late, if ever. Congress would be remiss if nuclear energy should thus founder for want of its constructive attention. Let us, therefore, now consider the National Evironmental Policy Act (NEPA), licensing and court appeals as these apply to the first full-scale, or even intermediate-scale, repository to be built by the Department of Energy.

An initial difficulty in getting started is the failure of the administration to provide planners with any criterion they can use for an early assessment of whether repository plans are confidently safe as distinct from being the ultimate in perfection. The Interagency Review Group report disappointingly fails even to discuss this. Without such a criterion, the Nation will perpetually seek, but never reach, the ultimate in repository performance, no matter where or at what cost in dollars and the safety of occupational workers to achieve added safety for the public. The Congress should guard against an administration quest for the nuclear-waste nirvana, instead of a fully safe, "real-world" solution.

The route planned by the administration for NEPA compliance necessitates a welter of environmental impact statements. Congress can instead indicate that one, or a minimal number, will suffice. One example of excess environmental impact statements for a repository is a required duplication by the Department of Energy as the licensee and the Nuclear Regulatory Commission as the licensor. The Congress can disapprove such duplications.

With regard to licensing, the basic question is whether the methods the administration presently proposed can ever lead to a licensed repository. Seasoned nuclear licensors have serious doubts. I believe that my colleagues in the Congress will be interested in the types of difficulties that lie ahead in licensing a repository. One type of difficulty is the multiple obstacle course that the administration has arranged for itself in licensing. Another type of difficulty might well be its naivete in believing that its licensing case can be made by the large number of unconvincing arguments it invokes.

The obstacle course planned for licensing a repository is truly impressive. Not just one, but in effect a sequence of licensing actions, is planned for each repository. Each in the sequence is likely to involve extensive reports and hearings. Even now these multiple obstacles are planned at the advent of such events as site selection, major excavations, loading radioactive wastes in the repository, and closing the repository. Maybe more will come. Coupled with these multiple licensing obstacles is multiple jeopardy from repeated court appeals that slow licensing and building, as we so well know from such examples as the Seabrook, N.H., reactor. In the spirit of President Carter's regulatory reform program, the Congress can consider whether both the licensing and the court appeals sequence can be limited to a minimal number of actions.

Regarding unconvincing arguments for licensing, the administration has a technical position that no one geological barrier fully sequesters the wastes from the public. Instead, it argues that a sequence of partially safe barriers does constitute adequate safety. Those who are lawyers know that a series of weak arguments hardly serves as a strong argument. The administration's arguments ensue from its historical fixation on a series of geological barriers, a fixation perpetuated in the interagency review group report. In contrast, most of the scientific community outside of the administration has progressed instead to basic reliance upon materials sciences to isolate the wastes at their buried source, with geology as a backup barrier. For example, already developed metallic canisters can reliably contain wastes for hundreds of years as certified by the administration, until their toxicity does not greatly exceed that of the uranium ore consumed to create these wastes. The Congress should turn the administration toward consideration of a fully reliant method for licensing.

Who knows but that our energy situation might become so desperate as to require even more assertive nuclear-waste actions by the Congress. Then perhaps a single congressional action might be wisely instituted to replace NEPA and licensing actions, much the same as the Alaskan pipeline action. In this connection, the Congress might prudently reconsider whether repositories for high-level wastes need to be licensed, as is now required by the Energy Reorganization Act of 1974. Other than for nuclear wastes, the Congress has generally not required facilities of one Government agency to be licensed by another. Still another assertive act by the Congress might be to invoke a respite in the nuclear-waste situation. Authorizing the alternative of multidecades of dry storage at the surface would allow radioactivity and heat to decay vastly thus lessening repository requirements before subsequent burial.

Other decisive and substantive actions will likely be weighed by the Congress. Outstanding among these is the question of States' rights on locating repositories within their boundaries. If State vetos hold, technically advantageous locations for repositories might be ruled out. If such vetos become widespread. Wastes might conceivably have to remain indefinitely under less safe conditions at the surface in each State, rather than buried underground. It is not at all unreasonable to suggest the logical sequel: Apportionment of all the existing wastes from defense activities to each State to add to their surface storage of commercial power wastes. Few would like that, yet we all share an interest in national security. Surely the Congress and proponents of bills on nuclear-waste State rights should ponder such major consequences of regionalism.

Mr. Speaker, it is clear that initiatives are required to produce decisive action on nuclear wastes. I believe that the Congress has a great responsibility to take necessary actions to rescue the country from the administration's faulty policies.●

BRONX YOUTH WEEK

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. BINGHAM. Mr. Speaker, I am pleased to bring to the attention of my colleagues the text of a proclamation which the Bronx delegation of the House of Representatives has issued in celebration of Bronx Youth Week.

Bronx Youth Week is being celebrated May 11 to 20, 1979, in conjunction with Bronx Week, an annual event. This year the focus of Bronx Week is on Bronx youth, education and educators.

Sadly, parts of the Bronx have become symbols of the decline and decay of our cities. Through the events of Bronx Week, we want to demonstrate that there is potential and promise in the Bronx and that our borough is alive with creativity and hope. The people of the Bronx want the rest of the country to know that there are many strong communities in the Bronx, and that there is a future for the Bronx if people of goodwill work together.

The week's events will commence with a ceremony to be held May 11 at the Rotunda of the Bronx County Courthouse. Other scheduled events include concerts, art displays, gymnastic events, and parades. A Student Congress will be held during which students will debate various issues, including ways to upgrade the Bronx.

We are proud of the citizens of our Borough for their tenacity, their fortitude and their optimism.

The text of the proclamation follows:

PROCLAMATION

Whereas, Our youth, with their freshness, their enthusiasm and their promise, enrich all our lives and constitute our greatest asset and our greatest hope for the future; and

Whereas: Education can open wide the doors to knowledge and achievement, and for the fulfillment of our youths' greatest aspirations and potential; and

Whereas: Our educators, through their dedication, creativity, understanding and vision serve, with the support of parent and community groups, to bring together our youth who have dreams, and the education which can help them realize those dreams;

Now therefore, be it known: That the week of May 11 to May 20 is hereby proclaimed to be "Bronx Youth Week" in the Borough of the Bronx. We urge our fellow citizens to join together in recognition and celebration of our youth, education, and our educators, which together ensure the enlightened progress of our civilization.

JONATHAN BINGHAM
TED WEISS
MARIO BIAGGI
ROBERT GARCIA
PETER PEYSER.●

REMARKS OF CHARLES E. BENNETT ON THE PASSING OF E. C. GATHINGS, FORMER CONGRESSMAN

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1979

● Mr. BENNETT. Mr. Speaker, the 30 years of service in the House of Representatives of E.C. "Took" Gathings were outstanding for his district and for the Nation and for mankind. He was a man dedicated to his job of being a Congressman; and he performed that responsibility with great ability and with kindness and gentlemanly behavior at all times. He was truly an outstanding Representative here in Congress and I join with my colleagues in sending our deepest sympathy to his beloved family. The most outstanding quality which I noted in his service here was warmth, friendship and consideration for all and persistence for the things he felt were important for our Nation and for mankind. In the debates on agricultural bills particularly, he was outstanding. He has been missed by us now for many years in the House and now with his passing he is missed by all Americans as a person who used life for the public good at all times.●

A STRONG WINDFALL PROFITS TAX

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. STARK. Mr. Speaker, today I am introducing a bill which provides for a strong windfall profits tax on all domestically decontrolled oil. This measure is designed to insure that the oil companies do not realize even greater profit at the expense of the American consumer as a result of President Carter's decision to decontrol domestically produced oil. The technical explanation of my legislation follows:

TECHNICAL EXPLANATION OF H.R. —

IN GENERAL

Under the bill, an 85-percent windfall profit tax would be imposed on crude oil price increases resulting from either price control deregulation or from future OPEC price increases. The tax generally would apply to price increases in excess of the amount to which producers would have been entitled if the price control regulations which were effective prior to President Carter's phased decontrol program had been retained with adjustments for inflation.

The tax would apply to the first sale of domestically produced crude oil. It would apply to the difference between the actual selling price of the oil and the adjusted ceiling price (as of March 1979) for the oil, adjusted for inflation. The tax would apply both to oil which currently is subject to price controls, and to oil which presently is not regulated. Thus, it would apply to production from stripper properties, from wells located north of the Arctic Circle, and to "newly discovered oil."

TAXABLE OIL

The tax generally would be imposed upon the holder of an economic interest in the producing property, and would apply to the sale of all domestically produced crude oil.

Taxable crude oil would be classified in one of three tiers. The first tier, which would be subject to the greatest amount of tax, essentially would be the oil that now is priced as lower tier oil but which will be released to the upper tier and eventually deregulated under the Administration's pricing policy. The second tier would consist of oil that now is upper tier oil, oil exempted from the first tier tax by reason of the phase-out of that tier through the property's historic decline curve. The third tier, which would be subject to the lowest amount of tax, would include oil produced from stripper properties, "newly discovered oil," oil produced from qualified tertiary enhanced recovery projects, and oil produced from wells north of the Arctic Circle.

STRUCTURE OF THE TAX

The bill would subject three categories of oil to the 85-percent windfall profit tax rate. The oil subject to this tax would be:

(1) Oil above the historic decline curve of the property,

(2) Oil in excess of this decline curve, and

(3) Oil which presently is not subject to regulation, and which is not classified in either category or (2).

The tax rate would be 85-percent of the difference between the actual selling price of the oil, and the base price appropriate to its classification. For the first category of oil, the initial base price would be the March 1979 ceiling price of lower tier oil, which averages about $6.00 per barrel. For the second category of oil, that which now is classified as upper tier oil it would be the March 1979 ceiling price of upper tier oil, which averages about $13.00 a barrel. For the final classification, it would be $16.00 adjusted for quality and location differentials. In each instance the base price, with respect to which any windfall profit is measured, would be adjusted monthly for net increases in the consumer price index. The windfall profit subject to tax under the bill would be any amount by which the price of a particular barrel of oil exceeds its adjusted 1979 base price.

(a) Lower tier tax

The amount of oil subject to the lower tier tax would be the oil produced on a property in excess of the amount represented by its historic decline curve. Thus, the lower tier tax base would depend on a particular property's historic decline rate, and its production for a specific month. No exception from the lower tier tax base would be made for "marginal properties." However, the lower tier tax base would not include oil produced from stripper wells, or from qualified tertiary enhanced recovery projects.

(b) Upper tier tax base

The upper tier tax base would be equal to 85-percent of the difference between the actual selling price of that oil and the March 1979 upper tier ceiling price, adjusted for inflation. The upper tier tax base would include all oil produced from a property in excess of its historic decline rate or from a property which first produced oil after 1972. However, it would not include oil produced north of the Arctic Circle, stripper oil, "newly discovered oil," or any incremental production resulting from a qualified tertiary enhanced recovery project.

(c) Tier 3 Tax Base

The tier 3 tax base would apply to oil not covered by either of the first two tax bases, including oil produced north of the Arctic Circle, oil produced from stripper properties, "newly discovered oil," and incremental production from qualified tertiary enhanced recovery projects. The windfall profit on third tier oil would be 85-percent of the difference between the adjusted price, prescribed by Treasury regulations, at which uncontrolled crude oil of the same quality, grade, and location would have sold in December 1979 if the average landed price for imported crude oil were $16.00 a barrel, and the wellhead sale price.

This phase of the tax would be permanent.

TAX CALCULATION

Taxpayers could deduct the increase in State severance taxes in excess of what would have been imposed if the barrel had been extracted and sold in March 1979 at its base price. For this purpose, increases in the rate of severance taxes after March 1979, would not be taken into account.

The windfall profit on a barrel of crude oil could not exceed net income attributable to that barrel. Net income for a taxable period would be determined by dividing taxable income from the property by the number of barrels of taxable crude oil produced from that property. Taxable income would be computed without any deductions for depletion, for the windfall profit tax, and for intangible drilling and development costs. However, the cost of drilling a dry hole on the property would be allowed as a deduction.

For purposes of determining percentage depletion under the income tax, gross income from the property would be reduced by the full amount of the windfall profit, not only the amount of the windfall profit tax, and taxable income would be determined without regard to the tax.

Generally, the purchaser of the crude oil would collect and pay over the windfall profit tax imposed with respect to the oil by deducting the amount of the tax payable to the producer.

EFFECTIVE DATE

The provisions of the bill would be effective on the first day of the first calendar month beginning after the date of enactment.●

SHATTERING THE SILENCE: THE PLIGHT OF SEMYON GLUZMAN

HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. MAGUIRE. Mr. Speaker, last Friday marked the end of the 8th year that has passed since Dr. Semyon Gluzman was arrested on charges of "anti-Soviet agitation and propaganda." Though an illegal search of his home failed to produce any evidence against him, Dr. Gluzman was found guilty of distributing censored publications, including a Nobel Prize-winning essay by Albert Camus.

The court sentenced him to 7 years in a strict-regime labor camp to be followed by 3 years of "internal exile." This harsh sentence for a first offender betrays the obvious intent of the Soviet Government to silence Dr. Gluzman's protests against political perversions of the psychiatric field of medicine. Based upon his own analysis of two conflicting, yet official, reports in the case of a leading Soviet human rights figure, Gen. Piotr Grigorenko, Dr. Gluzman had written an anonymous report exposing the use of psychiatry as a penal device in controlling dissidents.

Dr. Gluzman intensified his protests after his personal exposure to the cruelties and injustices of a prison camp. He and another inmate, Vladimir Bukovsky, secretely published a manual to aid dissidents in avoiding committal as psychotics. The manual was smuggled out of the camp and achieved wide recognition throughout the Soviet Union and the West. He led several hunger strikes against poor treatment of prisoners and refused to participate in the building of a new prison camp, sighting Soviet offical condemnation of that practice in Chilean prisons. He refused to testify to the "insanity" of an old friend and fellow activist, Leonid Plyushch.

For these action, Dr. Gluzman has been denied visits or correspondence with any outsiders and periodically confined to a punishment cell. In a letter smuggled out to his parents, he described how he has lived surrounded by "death from starvation, bullets, and torture." Wearing only a tunic, he endured temperatures of —85° F. when he was once forced to spend the night on a bed of frozen snow.

Mr. Speaker, Mr. Semyon Gluzman is a model of unselfish dedication in the face of overwhelming brute force. His writings have aided in the release of Piotr Grigorenko and Leonid Plyushch by embarrassing the Soviet Government with the exposed truth of their disgraceful actions. Now, even though his prison term will end tomorrow, he must still endure 3 years of "internal exile"; and there are threats of new charges. While his will remains strong, Dr. Gluzman's continual resistance to the conditions at his prison camp has seriously endangered his health.

He has requested that he be allowed to emigrate with his family to Israel. I ask that we, as a body, take action to secure Semyon Gluzman's release and emigration to his desired destination. Surely he deserves the same consideration that he himself has given to so many others.●

NATIONAL COMMISSION ON ALCOHOLISM AND ALCOHOL-RELATED PROBLEMS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. RANGEL. Mr. Speaker, I rise today to introduce a bill to establish a National Commission on Alcoholism and Alcohol Related Problems. This commission will be charged with examining the impact that problem drinking has on the economy, family members, coworkers, schoolmates, and the average citizen. It will assess the research, treatment, and rehabilitation efforts in this field. The commission will be composed of Members of the House of Representatives and the Senate, professionals in the field of alcoholism and alcohol-related health problems, and persons from the private and public sector who can provide the input needed to address these problems. The commission will report its findings to Congress so that the House of Representatives and the Senate can sensibly enact legislation based on the most recent and most thorough investigation of problem drinking.

I urge my colleagues to join me in this effort to reduce the economic, emotional, and health toll that alcoholism and alcohol-related problems have on the American society. The economic toll is of particular significance in these times of austerity that the Federal Government is facing. It has been estimated that alcoholism and alcohol abuse cost the United States more than $40 billion in 1975. This figure includes almost $13 billion in health and medical costs and over $19 billion in lost production. In these days of high inflation, it is especially important to keep the American work force as productive as possible.

The population over 16 years of age, estimated in 1975 at 155 million persons, used $42.3 billion worth of health care. In 1975 the estimated 10 million problem drinkers accounted for $8.4 billion expended, or almost 20 percent of all hospital care expenses in 1975. In 1972, the American Hospital Association estimated that more than 25 percent of all acute care beds were occupied by persons with alcohol-related problems.

As chairman of the Health Subcommittee of the Ways and Means Committee, I am especially sensitized to the urgent need to discover ways to manage the various factors contributing to run away hospital care costs. The commission will be specifically charged with studying the impact of alcoholism and alcohol-related problems on hospital costs and health insurance coverage.

Joseph Califano, Secretary of Health, Education, and Welfare, stated on October 17, 1978:

> More than 200,000 deaths each year may be associated with the misuse of alcohol, including half of our traffic fatalities, half of our homicides and one-third of our suicides.

Mr. Speaker, this figure alarms me very much, but even more alarming is that over 3 million teenagers are victims of alcohol abuse, not to mention reports that alcoholism is capturing some of our 7-year-old children. As a U.S. Representative and a father of two children, you can understand why I feel that the Federal Government is charged with an immediate responsibility to meet the challenge of alcoholism and alcohol-related problems. This commission will provide us with an assessment of current undertakings in the field along with recommendations for future actions. Let us begin this important work of finding long-range solutions to alcoholism and alcohol-related problems.●

ALASKAN CARIBOU ARE PROTECTED

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. YOUNG of Alaska. Mr. Speaker, in the debate over the Alaska lands bills now before this body, attention has constantly been drawn to Alaska's caribou herds and the potential for them being harmed by man's activities. Just a few days ago, the Washington Post published an editorial stating that not enough is known about caribou and therefore we should protect them with massive wilderness designations.

Much of the dispute concerns the Arctic National Wildlife Range. The range is used by the porcupine caribou herd as a calving and rearing ground. In addition, the range contains a tremendous potential for supplying oil and gas to this Nation. The problem is how to get these needed energy supplies out of the ground without harming the caribou. Some claim that it cannot be done, that hydrocarbon development will cause the caribou to "go the way of the buffalo." While I appreciate the emotional impact of such an argument, I think the facts show otherwise.

The enclosed telegram from Dr. Ronald Skoog, commissioner of the Alaska Department of Fish and Game, counters the claims of the wilderness advocates. Dr. Skoog has done years of research on caribou in Alaska and has testified before the House on a number of occasions. Very simply, Dr. Skoog states that oil exploration will not cause destruction of the porcupine herd "as long as the precautions identified in the Breaux-Dingell version of H.R. 39 are adhered to."

The Committee on Merchant Marine and Fisheries put a good deal of time and effort into developing a program that would allow adequate hydrocarbon exploration without damaging the porcupine herd. As you can see, even the caribou experts feel that it will work. I urge my colleagues to study Dr. Skoog's comments and vote in favor of the Merchant Marine and Fisheries Committee Alaska lands bill.

I insert the following in the RECORD:

JUNEAU, ALASKA,
May 10, 1979.

Hon. DON YOUNG,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: It is evident that proponents of the Udall bill on the (d) (2) Alaskan lands legislation have been using the arctic wildlife range caribou-oil issue as a major emotional argument to gather support for HR 3636. I would like to counter their concerns and claims with the following statement on this issue—one with which I have considerable professional experience and expertise, both in research and in management.

My knowledge is based upon 12 years of field research in Alaska—first with the U.S. fish and wildlife service and then with the Alaska department of fish and game, plus extensive exchange with American, Canadian, and Soviet colleagues, and finally as the State administrator of the Alaska department of fish and game. My 699-page phd dissertation at the University of California at Berkeley in 1968 was entitled the quote ecology of caribou in Alaska. Unquote. That work is one of the most definitive concerning the species, and encompasses most aspects of caribou biology, including population dynamics, food habits, range assessment, behavior, pathology, predator-prey relations, and movements patters.

A number of statements being made by the Udall bill supporters need correction and clarification. First, the porcupine herd is not the largest nor the last large migratory herd in Alaska.

Historically the western arctic herd has been larger and has moved greater distances in its migrations; presently that herd is recovering from a decline and now numbers in excess of 100,000 animals. At present there are 10 major herds and 12 minor herds in Alaska, and all ranges are in good condition with little evidence of over-grazing or deterioration.

Secondly, the main calving grounds of the porcupine herd are not on the coastal plain of the Arctic wildlife range—the area most favorable for oil exploration—but rather on the immediately adjacent foothills to the South.

Third, provided that disturbances during the 8-week calving period (May-June) and obstructions to movements do not occur or at least are minimal, caribou will be affected little by oil exploration, as the species is quite adaptable to disturbances by man as long as adequate habitat remains. The statement that caribou will go the way of the bison if oil exploration is allowed is simply not true—as long as the precautions identified in the Breaux-Dingell version of HR 39 are adhered to. The stipulations as procedures governing such exploration are most adequate to protect the porcupine herd, and I would hope the same also might be applied to all other federal lands in Alaska where any exploration activities are contemplated in order to protect other herds.

I hope the above statement will help to clarify this particular issue for you. There is no question in my mind that the Breaux-Dingell Bill will provide for the most and the best overall conservation of wildlife habitat in Alaska, while still permitting other uses of the land and resources. The greater opportunities afforded by this bill for recreational and subsistence hunting and fishing will allow the quote Alaskan way of life unquote to continue with minimal disruption.

RONALD O. SKOOG,
Commissioner.●

NATIONAL ARCHITECTURAL BARRIER AWARENESS WEEK

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. WOLFF. Mr. Speaker, the week of May 13–19 has been proclaimed by President Carter as "National Architectural Barrier Awareness Week." This was authorized by the passage in the 95th Congress, of House Joint Resolution 578. Awareness Week is designed not only to increase public knowledge of the problems that architectural barriers pose to the handicapped, but also to serve as a vehicle for increasing the public's awareness of the legal, attitudinal and educational barriers which prevent handicapped citizens from fully participating in the mainstream of our society.

Establishing a barrier free environment would benefit all of us. Handicapped individuals possess many talents and skills which are of great value to our society. These individuals are unable to utilize these skills because of mental and physical obstacles built by society.

Although strides have been made toward making our society barrier free, much work remains to be done in the public and the private sector. Attention at the Federal level should be directed toward altering existing Federal building and facilities which, under existing law, are not required to be free of barriers. Present laws apply only apply to those facilities built or altered after 1968. Because of this, many Federal buildings are either difficult or impossible to be utilized by the handicapped and disabled.

I believe that progress must continue on all fronts. State and local officials must join in this effort by developing comprehensive plans for altering existing Government buildings while also assuring that newly constructed buildings are totally available to the handicapped. I also urge the private sector to join in this effort by asking business and industry officials to survey their facilities to ascertain whether or not barriers exist which would impede any handicapped worker or customer from using the facility. Finally, there must be a partnership developed at all levels pledged toward not only continuing the effort to increase public awareness, but also pledged toward educating all Americans about the laws that protect the handicapped.

I am very proud to have cosponsored this measure during the 95th Congress with our distinguished colleague from Minnesota, the Honorable RICHARD NOLAN. I hope all of my colleagues will support the effort to direct national attention toward developing an architectural barrier free environment.●

SAVINGS ARE ESSENTIAL

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. COLLINS of Texas. Mr. Speaker, an excellent editorial on capitalism was written by Jim Wright, editorial director of the Dallas Morning News. The U.S. Industrial Council Educational Foundation reviewed the 1978 best editorials and saluted the winners. Wright has written many concise and articulate editorials on the American system. He was cited for this specific excellent editorial on how savings are essential to the capitalism system.

Socialism has been carrying many countries down. The United States has built the greatest civilization ever known in history by the encouragement and flexibility of capitalism. America needs more positive voice and support as Jim Wright of the Dallas News expresses in this sensible editorial.

Savings Make It Work

We owe our standard of living to a system known as "capitalism." The Communists have long used the word as though it were profane and the capitalist were engaging in acts not only unproductive but immoral.

Though the Communists themselves use a system of capital, if a distorted and inefficient variety, this ideological attitude by Moscow and Peking is perhaps understandable. Private capitalism, as opposed to the state capitalism of the Soviets, is indeed the linchpin of Western industrial power.

But if the Communists' scorn for capitalism is understandable, it is a mystery why this attitude is so prevalent in the West, the capitalist West, itself.

The opinion that there is something inherently wicked in the system of capitalism is, for some reason, most fervently held in the sectors of society most influential in passing their own convictions on to the majority.

And yet those vocal anti-capitalists of the media, the academy and politics are no less dependent than the investor and the factory worker on the productiveness of capitalism. Those who do not draw income from capitalist organizations live on taxes or philanthropy from such income. They are in a real sense biting the hand that feeds them.

Capitalism was born when man discovered that he could gather or kill more food than he and his family needed to consume. Soon he discovered that the savings could produce more than its own value. The grain not eaten could be used for seed to grow much more grain. The meat could be traded for better hunting weapons to make him a better hunter. The savings, the man found, enabled him to be a more efficient producer.

That fact, discovered so long ago, remains the core of capitalism. Savings, deferred from present consumption and invested in future productivity, have enabled us to produce more and more goods and services for each hour of work.

And yet, remarkably enough, in this country where capitalism has done the most, we have allowed the anti-capitalists to establish a tax system that punishes the savers, the thrifty, and rewards the spendthrifts.

We alone in the industrial world double-tax corporate profits from which much of our capital should be drawn. We tax capital gains at one of the toughest rates in the West. But the anti-thrift feature of the tax system can be shown even at the grass-roots level.

There are, let us say, three workers, Joe, Sam and Dan. They are the same age, make the same wage, have the same size families. Joe spends exactly what he earns. Sam saves part of every paycheck. Dan spends all he earns and borrows more to spend.

Who pays the most tax under our system? Sam, the saver does. He pays income taxes not only on his wages but on the interest on his savings. Dan, the one who spends on the cuff, pays less because the interest he pays is deductible.

This bias against the saver and the capital formation he makes possible is at the root of many of our most troublesome economic woes. It is time for us to recognize that we prosper only as capitalism thrives. And thrift—capital formation—is more than a virtue. For capitalism, it's a necessity.●

RECOGNITION TO SAN FERNANDO VALLEY CITIZEN RICHARD E. GULBRANSON

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. GOLDWATER. Mr. Speaker, it is my privilege and honor to give recognition today to the dedication of an outstanding citizen of the San Fernando Valley. Richard E. Gulbranson is an ardent supporter of the Constitution of the United States and a firm believer in the free enterprise system and individual freedom. California has been fortunate to have him as a resident for over a half a century.

Dick's many charitable and philanthropic activities are well known in the Valley and are document by the numerous awards and honors that he has received over the years. Among the most prestigious was being chosen "Man of the Year" in 1973 by the San Fernando Valley Business and Professional Association. He has been the recipient of the "Boss of the Year" award for outstanding service to the North Hollywood Jaycees (1972–1973) and received the Legion of Honor award from Kiwanis International also in 1973. Additionally, he was honored in the late 1950's with the Outstanding Citizenship award presented by the North Hollywood Coordinating Council and was recognized in 1974 for 10 years of service as director and chairman of the Southern California and Arizona Glaziers and Glassworkers Pension Plan.

His commitment to community involvement has been both generous and unselfish and includes membership in the North Hollywood Chamber of Commerce, the North Hollywood Kiwanis Service Club, past member of the board of directors of the Pacoima Lutheran Hospital and presently a member of its finance committee, past treasurer and one of the founding members of the board of directors of the San Fernando Valley Business and Professional Association, member of the board of regents of the California Lutheran College, and a member of St. Paul's First Lutheran Church. He is also an honored member of the board of trustees of the Citizens Legal Defense Alliance.

Dick was born and educated in Minnesota. After moving to California in 1929 he began his career which resulted in the founding of a highly successful business enterprise. He and his lovely wife Helen have one son, Richard Jr.

The citizens of the Valley are indeed fortunate to have a friend and neighbor like Richard Gulbranson.●

CONSERVATION ORGANIZATIONS SUPPORT UDALL-ANDERSON SUBSTITUTE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. UDALL. Mr. Speaker, there has been some confusion lately about the positions of American conservation organizations on the Alaska National Interests Conservation Act of 1979.

In order to set the record straight, a letter is going to every Member of the House of Representatives, signed by the heads of 22 major conservation and wildlife organizations. The letter details the organizations' support for the Udall-Anderson substitute and their opposition to both the Huckaby and Breaux-Dingell proposals and to every effort to weaken the Udall-Anderson substitute.

Mr. Speaker, we have reached the point of decision on the Alaska Lands Act. To quote the letter, no conservation vote in this Congress for the forseeable future "will be of greater magnitude or have greater impact."

A copy of the letter follows. I commend it to my colleagues' attention.

A Message From America's Conservation & Sport Hunting Leaders

May 14, 1979.

Dear Representative: By all accounts the votes may be very close when the House decides what kind of Alaska lands bill it will approve.

We want you to know where American's conservation and sportsmen's organizations stand. Our old friend and frequent champion John Dingell has said that "almost all the old line conservation organizations"[*] support his Breaux-Dingell alternative.

Not so. Some of our organizations represent conservation-oriented hunters and fishermen while the rest are composed of other conservationists. Together we speak of—and to—millions of Americans who love our nations land and its wildlife. We support only the Udall-Anderson Substitute—and we strongly oppose weakening amendments to that sound and carefully-balanced vehicle. We particularly want you to know that we strongly oppose any efforts to weaken by amendment the protection Udall-Anderson gives the wilderness of the Arctic National Wildlife Range coastal plain and of the Misty Fjords National Monument.

We reject altogether the Huckaby and Breaux-Dingell alternatives. Separately, or merged, they are simply unacceptable. They embody throughout their texts a basic approach which does not meet the established standards of land and wildlife conservation to which we and our members are dedicated.

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[*] Congressional Record, May 4, 1979, Page 9895.

The Udall-Anderson Substitute, on the other hand, has a strong conservation thrust while still encouraging reasonable development in the state. At the same time that it protects Alaska's wildlife and wilderness resources, it leaves open for development two-thirds of the highest potential mineralized lands and fully 95% of the most promising oil and gas acreage. It is a truly balanced bill.

A wealth of background information has been provided to you by our groups. If we can assist you further, please call any of us personally.

The essence, for us, is this: no land and wildlife conservation votes you will cast in your time in Congress will be of greater magnitude or have greater impact on us and our members. We respectfully urge your support for the Udall-Anderson Substitute.

Sincerely,

Thomas L. Kimball, Executive Vice President, National Wildlife Federation;
Marion Edey, Executive Director, League of Conservation Voters;
Louise Dunlap, President, Environmental Policy Center;
Victoria Leonard, Coordinator, Environmental Action;
Anthony Smith, President and General Counsel, National Parks and Conservation Association;
Rafe Pomerance, Legislative Director, Friends of the Earth;
Mike McCloskey, Executive Director, Sierra Club;
Thomas S. Deans, Executive Director, Appalachian Mountain Club;
Brock Evans, Executive Director, Federation of Western Outdoor Clubs;
Charles M. Clusen, Chairman, Alaska Coalition.
Russ Peterson, President, National Audubon Society;
Jack Lorenz, Executive Director, Izaak Walton League;
Russell Train, President, World Wildlife Fund;
Eileen Barthelmy, Executive Director, American League of Anglers;
William A. Butler, Executive Director, Environmental Defense Fund;
Mrs. W. Boulton Kelly, Jr., Chairman, National Affairs and Legislation Committee, Garden Club of America;
Ted Snyder, President, Sierra Club;
William Turnage, Executive Director, The Wilderness Society;
David Brower, President, Friends of the Earth;
John M. Adams, Executive Director, Natural Resources Defense Council;
Keith A. Argow, Executive Director, Trout Unlimited;
Elvis Stahr, Senior Counselor, National Audubon Society.●

FOR THE RECORD

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. HAWKINS. Mr. Speaker, on May 10, due to official business in my district in Los Angeles, Calif., I was unavoidably absent when the Mitchell amendment on human needs, rollcall No. 137, was voted on by the House during consideration of House Concurrent Resolution 107, the fiscal year 1980 budget resolution.

For the record, had I been on the floor at that time, I would have voted "yea." ●

BOB BAUMAN, MODERN HOUSE WATCHDOG

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. SYMMS. Mr. Speaker, I wish to commend my good friend and colleague, Bob Bauman, for his many contributions to the House of Representatives and to the cause of limiting the size of the Federal bureaucracy. I submit to the Record an article which appeared in the Washington Post on May 14, 1979, which discusses many of Bob's activities on the floor, particularly his strong involvement in fighting the Panama Canal treaties and their implementation. Bob is known not only as a "watchdog of the House," but also as a guardian of traditional American values by serving as the chairman of the American Conservative Union. I thank Bob for all of his hard work and many splendid accomplishments, and I am proud to serve with him in the Congress.

The article follows:

Bob Bauman, Modern House Watchdog

(By Mary Russell)

He is there every day, usually wearing a conservative blue suit that matches his ideology—a watchdog at the gates, trying to prevent Democratic proposals from becoming the law of the land.

Rep. Robert E. Bauman (R-Md.) is simply doing what comes naturally: manning the battlements of the House floor and staging guerrilla warfare on the Democratic majority.

He relishes delaying tactics. He has an endless supply of points of order and parliamentary maneuvers to harrass the opposition. He insists upon "putting the House on record," as Bauman calls it, by demanding recorded votes.

Until this Congress, Democrats brushed him off as bothersome and pesky but not significant enough to cause them to change their ways. "Every legislature needs a Bauman," House Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.) once said, as if to say every picnic needs a fly.

Now that assessment is changing. Bauman is winning some votes. He is branching out, taking an interest in more substantive issues.

He successfully led the move to cut foreign aid to Panama, a step that tipped off the Democratic leadership to the deep trouble facing legislation to implement the Panama Canal treaties.

He is considering a race for the seat of liberal Republican Sen. Charles McC. Mathias (Md.) in 1980. And he has just become chairman of the 250,000-member American Conservative Union, which gives him a forum for becoming better known nationally along with a fund-raising and grass-roots lobbying base.

Bauman used his position on the Merchant Marine Committee to alter the Panama Canal enabling legislation to the point that the administration is saying it comes close to violating the treaties. He has become the point man on the issue of lifting economic sanctions against Rhodesia, an issue he has a good chance of winning. And he has been appointed to the Rules Committee, through which most legislation must pass to reach the floor.

The change in Bauman's fortune is mostly symbolic of the times. Ideas once considered narrowly conservative are now getting serious attention as the House responds to the mood of the country. Bauman admits, "Conservatives can't take credit for that. The times are with us."

"In the old days, if we got an amendment cleared with the chairman and ranking Republican we were home free," said an aide to a major House committee. "Now we have to clear it with Bauman."

A Democratic vote-counter told Bauman: "It used to be we could tell Democrats coming on to the floor for a vote it was a Bauman amendment and we would get an automatic "no" vote. Now they want to know what the amendment's about."

Bauman went to Congress in a 1973 special election to fill the Eastern Shore seat.

With only a short interruption, he has worked on Capitol Hill since he was a Capitol page at the age of 16.

His knowledge of House procedures made him a natural to take over the role of conservative watchdog previously held by Iowa Republican H. R. Gross, who spent a lifetime battling Democratic spending measures.

But it was inevitable that Bauman would outgrow that. "Unlike H. R. Gross, Bauman is a very, very bright young man who has a great deal more intellectual latitude and a broader vision than H. R. Gross ever had," Rep. Edward Derwinski (R-Ill.) said.

Bauman is also benefitting from another situation—the discontent of some House conservatives, particularly the 35 freshman Republicans, with their leadership.

Freshman Republican Newt Gingrich of Georgia said many of the new Republicans look more to Bauman and Rep. John Rousselot (R-Calif.) for leadership than to elected leaders like Minority Leader John J. Rhodes of Arizona. "Rousselot and Bauman are the real leaders of the opposition party, Gingrich said. "They dominate the floor more than the real leadership does and sometimes they do it despite the Republican leadership."

Bauman, a frequent critic of House GOP leadership, said, "Creeping paralysis sets in. They have accepted the status of being in the minority for so long. They don't know how to capitalize on the conservative trend."

Some bloodletting among Republicans may come if Illinois Rep. John B. Anderson, the House Republican Conference chairman, runs for president of the Senate. If he does, he has said he would give up the No. 3 Republican leadership slot of conference chairman. Ohio Rep. Sam Devine, a conservative but bland veteran, would like the job. However, young members want a more dynamic leader and mention Bauman, Trent Lott (Miss.) or Bud Shuster (Pa.).

Asked what he would do if he were one of the Republican leaders, Bauman said he thinks it's time to attempt to revive the coalition of Republicans and conservative Democrats that dominated Congress in the 1950s and early '60s.

He says freshman Texas Democrats Marvin Leath and Phil Gramm are prime examples of conservatives who might join such a coalition.

In the next two weeks, when the implementing legislation for the canal treaties comes to the floor, Bauman will play a leading role.

One issue is cost. Bauman said he believes the treaties' actual cost to the taxpayers could be significantly greater than the administration's $4 billion figure.

Bauman said Panamanian leaders are demanding items not in the treaties—such as possession of all movable equipment and materials, retroactive tax jurisdiction over U.S. corporations in the canal zone, and renovation and repair of facilities—that could cost billions more.

While Bauman is as partisan a House member as exists, he has worked with Democrats, such as California Rep. Phillip Burton and merchant marine Chairman John Murphy of New York, who accepted many of Bauman's amendments to the Panama Canal legislation.

"Murphy was a prince. Maybe it was because I had 18 proxies in my pocket," Bauman said.

Bauman believes the treaty legislation will pass the House. But he says if the administration tries to change it significantly or reshape it to its liking in a House-Senate conference, it may fail on a final floor vote.

Bauman hopes to make the legislation objectionable enough to Panama that the country would reject the treaties and have to negotiate new ones.

Of the 1980 Senate race, Bauman says, "I don't have any present plans to run for Mathias' seat."

If Bauman is as smart as most people think he is, he's not likely to give up the relative safety of his House seat.

Maryland GOP Chairman Allan C. Levy said he hopes Bauman won't try "because he couldn't beat Mathias in a statewide race."

Rep. Majorie Holt, Bauman's Republican ideological twin in the Maryland delegation, said, "We talked every day and he'd keep saying he hasn't made up his mind but I really don't think he will."

Bauman said only a Democrat opponent such as former governor Marvin Mandel might make the race tempting. At 42, Bauman can afford to wait.●

A MEAT AX OVER AMTRAK

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. PURSELL. Mr. Speaker, the Interstate and Foreign Commerce Transportation Subcommittee recently completed action on Amtrak reauthorization legislation (H.R. 3996) and the full Commerce Committee is scheduled to take up the bill later this week.

It is my understanding that this version of H.R. 3996 would in effect accept most of the cutbacks in passenger train service called for by the administration in January. This important issue was the subject of a forward-looking and pragmatic article by Tom Wicker in the New York Times. I would like to bring Mr. Wicker's comments to the attention of my colleagues:

[From the New York Times, May 6, 1979]

A Meat Ax Over Amtrak

(By Tom Wicker)

Too little public attention is being paid to the fact that sometime this month Congress must decide whether to accede to Carter Administration proposals to cut Amtrak rail passenger service by 43 percent.

To do so seems quixotic in the face of the growing energy crisis. But it's true that Amtrak is a costly and so-far unsatisfactory service, and in the absence of public outcry Congress probably will go along with Transportation Secretary Brock Adams's contention that a smaller rail passenger system would make more sense. Mr. Adams argues that a truncated Amtrak would cost less in subsidies but be capable of expansion if automobile travel ever had to be curtailed.

Maybe so, but the likelihood is that Carter Administration budget concerns are at the root of the drive for curtailed rail service. That suspicion is heightened by reports that the Department of Transportation also is cutting Amtrak's order for Superliner cars from 284 to 197; deferring until 1983 Amtrak's plan to purchase other new passenger cars in 1981; and delaying from 1980 to 1981 an order for locomotives.

None of that seems to support Mr. Adams's claim that he wants to improve service within a smaller Amtrak system. Besides, on close examination, the idea that a curtailed service would be a better service seems simplistic. Changes need to be made but cutting service by 43 percent strikes many transportation experts as a strange way to begin.

Anthony Haswell of Chicago, founder of the National Association of Railroad Passengers, is one of the more authoritative critics of the Adams proposal—but not because he is an Amtrak admirer. In fact, he recently wrote Representative Sid Yates of Illinois that Amtrak "borders on a national disgrace. Many of the trains are on slower schedules than 40 years ago and on top of that have a terrible record of on-time performance. Heating and/or air conditioning breakdowns are a routine occurrence. Amtrak revenues now cover only 37 percent of its operating expenses . . . Amtrak trains bear no more relation to 'modern and efficient' rail passenger service than a turkey does to an eagle."

But in a separate letter to the editors of The New Republic, Mr. Haswell warned against "equating the case against Amtrak, which is strong, with the case against the passenger train, which is weak. Modern passenger trains, he pointed out are less polluting than automobiles, and much quieter than jets.

"Very little new right-of-ways will be needed for modernization of train service, and the cost of upgrading tracks will in most cases be more economical than building new expressways. Moreover, modern trains are relatively more energy-efficient than autos or planes."

On the other hand, "unlimited expansion of highways, airports and parking facilities will seriously damage the environment in terms of land occupation, air pollution, and noise levels." And even Amtrak has been able to show—in the Northeast Corridor, between Los Angeles and San Diego, on the Chicago-Detroit route—that "Americans will ride trains in large numbers when good service is provided."

What therefore needs to be done to achieve the tremendous potential of modern passenger trains? Mr. Haswell gave this prescription to The New Republic:

"Sufficient capital funding must be provided to upgrade track for fast and dependable service . . . obsolete repair, maintenance, and servicing facilities must be modernized . . . government must face up to the problem of wasteful labor practices mandated by labor agreements . . . government must also obtain the full cooperation of the various private railroad companies with publicly sponsored passenger operations . . . resources should be concentrated on short-to-medium distance routes in densely populated areas."

That, of course, is a far more complex prescription that Mr. Adams' 43 percent cut, which by itself would accomplish none of the objectives stated by Mr. Haswell. And as if to emphasize the simplistic nature of the cutback plan, Mr. Haswell sharply questioned the Adams proposal to continue certain long-distance routes on a less-than-daily basis—for example, triweekly service between New Orleans and Los Angeles.

Better results for taxpayers and travelers would be obtained, he suggested, from "separate sets of daily trains operated between Tucson/Phoenix/Los Angeles and between San Antonio/Houston/Baton Rouge/New Orleans." He even raised the question whether "a single entity operating an integrated national network" should not give way to "several separate regional entities" since the real need for passenger trains is "within distinct megalopolitan regions."

These views may be debatable but they do suggest Congress will be deluding itself and the country if it merely swings the Administration's meat ax. The task of providing decent rail passenger service as an alternative to more cars and more freeways is far more complicated than that.●

TRIBUTE TO KATHLEEN BARRETT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. MILLER of California. Mr. Speaker, I would like to bring the attention of my colleagues in the House the achievements of an outstanding individual, Kathleen Barrett. Since the time when I had the pleasure of working with her in the late George Moscone's office in the California Senate, Kathleen has been a champion of the rights of handicapped individuals. Defying the cerebral palsy which disabled her at birth, Kathleen continues to advocate for the civil rights of disabled people in State and national forums.

New Horizons, the magazine of the Children's Hospital of San Francisco, has recently published a feature on Kathleen Barrett. I would like to share this article with you.

The article follows:

Challenge and Activity Are Her Life

Kathleen Barrett is a young woman for whom the words: "You can't do that," are a challenge. Born 28 years ago with cerebral palsy, she has achieved more than many non-palsied persons. She is an instructor at UC Extension, active in sports, travels extensively on legislative matters and has been admitted to law school. A "charter member" of the Child Development Center's first nursery school at Children's Hospital she attributes many of her successful adjustments to Dr. Thelander and the Center.

She was given broad experience from the beginning. "You don't know a child's capability if you don't let him try. Environmental stimulation is what's important, not protection from everything. If I had been put into a wheelchair, I would not have learned to walk and to be independent."

And, she is independent. She lives on her own, drives a car. She is a student glider and power plane pilot. She loves gliding . . . "because physically I'm awkward. There's no way I can get away from it, when I'm in the glider it's quiet, beautiful and graceful.

"There's no 'right way' to do anything—I do whatever I want to do whatever way I can do it best."

Although she spent many years in special classes, Kathleen fought against the idea that handicapped children cannot be educated with other children. She was admitted to Rio Americano High School, from which she graduated with honors. "The only 'D' I had in high school," says Kathleen, "was in the Special Education class. I was told to learn to type, because I would never learn to write. That's something you never say to me; it's like waving a red flag before a bull." Kathleen now writes fairly legibly.

"People think a handicapped person is mentally retarded. Sometimes I have been hurt by this attitude, but never daunted."

For a long time, therapists had problems with teaching her to speak clearly. She finally learned to control her breath and tongue and today speaks quite well.

She has visited France, Germany, Australia and New Zealand on her own.

She puts herself in public situations. She has run for office from high school on and was a candidate for the Sacramento County Democratic Central Committee. She begins many of her speeches by saying, "I don't mind having cerebral palsy as much as you mind me having it."

She graduated with high honors from American River Community College, where she received the Bill J. Priest Award for Leadership. She entered the University of California at Davis, from which she graduated in 1977 on the Dean's Honor List. She's been admitted to law school and plans to audit some courses to determine if that is what she wants to do.

Meanwhile, she is active on legislative fronts working for the rights of handicapped people. She recently was appointed by the Governor to serve a three-year term as a board member of California Protection and Advocacy, Inc., a nonprofit, federally-funded program. She is a member-at-large of the Executive Committee of United Cerebral Palsy Association of California, Inc., and testifies when needed at hearings in Washington. She is active on several other boards and task forces dealing with problems of the handicapped and developmentally disabled.

Kathleen is a paid lecturer for UCD Extension Division on "Integration of Persons with Disabilities—the Hidden Factors." She has given talks to numerous groups, both private and governmental.

She has been a research assistant to former State Senator George Moscone. She now wants work as a research analyst or advocacy co-ordinator.

Her message comes out clearly. "Don't take away any challenge from disabled kids. Let them try. They have to have parents and doctors behind them, pulling for them; then, they have to hold up their own end."

Kathleen Barrett certainly has done that.●

E. C. "TOOK" GATHINGS

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. WHITTEN. Mr. Speaker, as one who has had the privilege of serving with many able legislators and capable men, it was with a great deal of sadness that I learned of the passing of one of the finest—former Congressman E. C. "Took" Gathings.

A native of Mississippi, named for a former Mississippi Congressman, E. C. Candler, "Took" long had an ambition to serve in the Congress. He worked hard to qualify himself—and then as Congressman—he proved his qualifications. He was a national Congressman, one who looked after the national interest, but never at the expense of his district and State. His primary interest was agriculture and all the legislation affecting the farmer and, thereby, the Nation passed during his 30 years of service was better because of "Took's" service.

"Took" Gathings was my close friend as are the members of his family. To his wife, Tolise, and his fine children, we extend our deepest sympathy.

The Nation has lost a fine public servant, and we have lost a deep, personal friend.●

WHAT IT MEANS TO BE AN AMERICAN

HON. H. JOEL DECKARD

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. DECKARD. Mr. Speaker, it has recently come to my attention from a very distinguished and respected constituent and teacher, Mrs. Stuart Graham of Washington, Ind., that she has a very outstanding student in her U.S. Government class who is most deserving of special recognition. Sally Strange, an 18-year-old senior at Washington High School, Washington, Ind., has written an outstanding composition on "What It Means To Be an American." The daughter of Mr. and Mrs. William L. Strange of Washington, Ind., Sally is the eldest of three children, with a brother, 15 years old, and a sister, 10 years old. I would like to share this composition with my colleagues at this time:

What It Means To Be an American

(By Sally Strange)

A-mer-i-can: (1) a person born or living in the United States; (2) a citizen of the United States. This is the definition of an American according to Webster's New World Dictionary. This definition suffices as a general explanation of an American, but behind this simple definition lies a much more complex and meaningful one.

An American is more than just a person who was born in the United States or a person who is living in the United States. The word "citizen" is more than just a word. A citizen of the United States has obligations and responsibilities, as well as privileges, rights and freedoms.

As a citizen of the United States, I have certain obligations and responsibilities to the United States. As a citizen, I must pledge my full and faithful allegiance to the United States. It is more than a pledge, for I must be ready to serve the United States in time of war or peace. It means that I must be ready to give my life, if necessary, in order to protect the United States and a democratic way of life. I am also obligated to obey all laws of the United States. I am responsible for being the best citizen I possibly can, by upholding the American way of life and by being unafraid to voice any new idea or criticism directed toward improving life in the United States.

Aside from obligations and responsibilities, a United States citizen is entitled to all of the privileges, civil rights and fundamental freedoms that the United States has to offer. To list all of these rights and freedoms would be a difficult task, for there are so many rights and freedoms an American has.

One of the most important privileges of an American is voting. Americans over the age of eighteen may vote. Voting gives people a chance to participate in the shaping of the government. The right of the sovereign people to participate in the election of the government is part of the basic concept of democracy, essential to the governmental structure in the United States. Voting is an important privilege that should not be abused.

An individual's civil rights and fundamental freedoms are found mainly in the Bill of Rights. The Bill of Rights consists of the first ten amendments to the Constitution. The first amendment is well known. It gives an American the freedom of speech, press, religion and assembly and petition.

The freedom of speech and press gives a person the right to express himself freely through the press. The freedom of religion gives an individual the right to worship as he pleases. The freedom of assembly and petition gives a person the right to demonstrate. There are, however, limitations placed on these and other freedoms. Americans can only exercise these rights as long as they do not violate the rights of another.

Since the days following the Declaration of Independence, Americans have been exercising their unalienable rights of life, liberty and the pursuit of happiness. As an American, I will uphold these and all other principles that America represents, so that America may remain the land of the free and the home of the brave.●

ALASKA NATIVES SUPPORT WISE USE OF RESOURCES

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. YOUNG of Alaska. Mr. Speaker, much of the debate on the Alaska lands bill has centered on the proposed molybdenum mine in Misty Fiords, located in southeast Alaska. Most criticism of the project has been directed at its supposed impact on fisheries. In fact, some fishermen have joined environmental groups in calling for wilderness designation in Misty Fiords.

I would like to inform my colleagues that wilderness designation is not favored by all Alaskans in southeast. The Sealaska Corporation, which was established to represent urban Natives in Alaska under the Alaska Native Claims Settlement Act, fully supports those provisions in the Interior and Merchant Marine and Fisheries Alaska bills that allow U.S. Borax to develop its molybdenum find. Further, they feel that mining can proceed "without damaging the fisheries and other resources" important to them.

I think it is important to recognize that Alaskans do support the committee bills. Sealaska speaks of the importance of the U.S. Borax project in terms of jobs and the regional, State, and national economies. I urge all Members to support the committee bills and thereby support the national interest.

I insert the enclosed letter in the RECORD:

SEALASKA CORPORATION,
Juneau, Alaska, May 4, 1979.

Hon. DON YOUNG,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN YOUNG: Sealaska Corporation, which numbers among its shareholders virtually all of the natives in southeast Alaska, supports the development of the U.S. Borax Quartz Hill molybdenum deposit in Misty Fiords.

I urge you to give favorable consideration to provisions like those in the Huckaby and Breaux-Dingell bills that will allow U.S. Borax to proceed with this mining project.

We think that mining at Quartz Hill under Forest Service management and under all existing environmental regulations can proceed without damaging the fisheries and other resources important to us.

Compatible multiple use of natural resources has always been the basis of our existence in southeast Alaska. Sealaska Corportation considers the U.S. Borax project a vital part of our regional economy. The proposed mine will create new jobs, stimulate existing small business and enable other investment for long term economic improvement in our region of the state.

Because the U.S. Borax project is important both to our region, to the State of Alaska and to the nation, I again urge you to allow U.S. Borax to mine at Quartz Hill, and to support provisions in whatever bill the House passes that will guarantee that their project can go forward.

Your consideration of our views is deeply appreciated.

Sincerely,

BYRON I. MALLOTT,
Chairman of the Board.●

HEALTH CARE COSTS: CONGRESS LOOKS AT SOLUTIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report from May 9, 1979, into the CONGRESSIONAL RECORD.

HEALTH CARE COSTS: CONGRESS LOOKS AT SOLUTIONS

The problem of rising health care costs is fairly well understood, but regrettably there is not much agreement on what should be done about it. Many proposals have been made, however, and the debate on health care costs is likely to occupy Congress for some time. The following are some proposals that may receive congressional attention this year:

Legislation to contain hospital costs: Of all the health care costs that concern Americans, hospital costs are perhaps the most serious. Charges for hospital services made up 40 percent of the nation's annual health care bill in 1977 (a percentage that has been increasing steadily over the years), yet these charges have moved up more quickly than any others. Between 1965 and 1977, hospital costs inflated 497 percent, an average rise of 12.3 percent per year. The pressure on insurance premiums and government budgets has been extreme because 94 cents of every dollar to cover hospital costs comes from third-party payers. Recent decreases in this high rate of inflation seem to have done little to calm fears that hospital costs are out of control.

The Carter Adminstiration has decided to address the issue directly by asking Congress to place a cap on rising hospital costs. Mr. Carter's bill would establish a nationwide, voluntary limit of 9.7 percent for increases in hospital costs during 1979, but hospitals that failed to stay within the limit would be subject to mandatory controls beginning in 1980. Certain hospitals (such as those in rural areas) would be exempt from controls altogether. The Carter Administration estimates that its bill would save Americans $53 billion in the 1980–1984 period. It regards the bill as one of the most important elements in the anti-inflation program, and has given the bill a high legislative priority.

A similar bill fared very poorly in Congress last year, so the President cannot be optimistic about the chances for this year's bill. While few observers doubt that Mr. Carter's plan would hold hospital costs in check, many are worried about the new problems it might create. For example, some hospitals would undoubtedly have to make cuts in services as a result of being unable to pass through their own costs. In general, it is difficult, as well as inequitable, to regulate costs in one sector of the economy without doing the same in others.

Legislation to curb fraud and abuse in federal health care programs: Because the federal government is one of the largest of all third-party payers, fraud and abuse in federal health care programs are significant factors in rising health care costs. The full extent of the fraud and abuse is not really known, but it is estimated to be enormous. A recent report put losses due to illegalities and improprieties in Medicare and Medicaid alone at $700 million per year, just a bit less than 2 percent of the $42 billion to be spent for those programs this year.

Many steps to curb fraud and abuse in federal health care programs are under consideration. Organizational reform and tough enforcement may help to trim up to $530 million from Medicare and Medicaid losses. One of the President's primary legislative initiatives will be a bill to permit authorities to slap administrative fines on violators. The fines would range up to $2,000 for each fraudulent claim, and up to $25,000 where fraud was continuous.

Legislation to assist health maintenance organizations: Health maintenance organizations (HMOs) have gained popularity with policy makers, especially in light of reports that they cut health care costs from 10 percent to 40 percent by discouraging unnecessary hospitalization. These pre-paid, fixed-price health care plans, which now number 199, serve 7.4 million Americans in Indiana and 36 other states. HMOs are thought to be one answer to high health care costs because they reverse some of the traditional forces of medical economics: for both providers of care and patients there are solid incentives to save.

The Carter Administration is committed to HMOs, and it has recently moved to improve the federal program of HMO assistance. On the legislative front, Mr. Carter may ask Congress to consider a bill to change the procedure under which HMOs are reimbursed for services rendered to Medicare and Medicaid recipients. The intent of the bill would be to encourage enrollment of more Medicare and Medicaid recipients in HMOs.

Legislation extending federal programs to prevent illness: As I mentioned in the previous newsletter, preventive medicine has gotten scant attention in our national health care policy. This omission is unfortunate because the prevention of illness before it can occur has always been a more effective approach to better health than remedial treatment once disease has struck. The savings from preventive medicine are difficult to calculate, but most of the experts agree that they can be substantial.

Congress has taken several steps to correct the imbalance in the past few years. In 1970 it established a program to prevent and treat alcoholism; 1972 saw the enactment of a program to prevent drug abuse and treat drug addicts; a comprehensive program of health promotion and information was set up in 1976. These programs are now before Congress again in the form of bills to reauthorize their funding for periods of one to three years. Initial hearings on the bills will begin soon. In addition, oversight hearings will be held on the alcoholism and drug abuse programs at a later time.●

TRIBUTE TO THE LATE COL. ROBERT HEINL, USMC, RETIRED

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. NEDZI. Mr. Speaker, a few days ago, a good friend of mine, Col. Robert Debs Heinl, passed away. He was only 62.

Bob Heinl was known to many of us primarily as the result of his longtime syndicated military column in the Detroit News. He was a hardliner in print, but a man easy to talk with personally—witty, full of stories, and a whiz in history. Philosophical differences were not allowed to stand in the way of courtesy and friendship.

His personal qualities were described with a fine touch by Pete Waldmeir, Detroit News columnist, in the latter's May 10 piece.

Under leave to extend my remarks in the RECORD, the article follows:

FAREWELL, COLONEL HEINL

(By Pete Waldmeir)

I never bought that iron rice bowl for Bob Heinl. I wish now that I had taken the time.

When I saw him last a year ago, Heinl had come into The Detroit News' Washington bureau to clean out his office. He said he was being eased into early retirement which he had not sought.

It was a chance meeting and I was uncomfortable and offered my condolences. But the old marine was philosophical.

"They broke my rice bowl," he said. "It happens to everybody, sooner or later."

"Your rice bowl?"

"It comes from the Chinese," Heinl explained, launching into yet another history lesson. "When they wanted to punish rebellious peasants, but didn't want to kill them.

"The rice bowl frequently was a peasant's only worldly possession. So to teach them respect and obedience, the mandarins would chop their bowls in half. It was the origin of an ancient oriental proverb: 'No man has an iron rice bowl.'

"We're all vulnerable."

Col. Robert Deb Heinl Jr., USMC-Ret., 62, died of a heart attack last Saturday while on vacation in the West Indies. His wife, Nancy, said yesterday that they were "on a beach on a beautiful island" and the night before Bob had eaten "the biggest lobster in the world and enjoyed every bite."

He was to be buried with full military honors—including the Marine Corps band—this morning from Washington's National Cathedral. Pomp, circumstance. Perfectly fitting.

Heinl was the military analyst of The News for 10 years. Let me say here that we were never that close philosophically. He was a militarist, a hawk on Vietnam, a blood and guts guy in the tradition of George Patton. Your blood and his guts.

But under all the bluster and bombast, beneath the bombardier mentality, there beat a heart of pure marshmallow. We were at opposite ends of the political spectrum and I disliked him actively for his allegiances.

He recognized mine, I'm sure, but never held them against me. A class guy. Even if he was an officer.

"A marine, eh, Waldmeir?" he asked sharply. "What rank?"

"Sergeant," I answered airily.

"Oh, yes," he said. "Well, we needed them—too."

It was, of course, all in jest. Bob Heinl didn't care that I was mostly a jock marine anymore than he cared that the late Al Blanchard, who worked with him in Washington, had been a trombone player in the Army band.

Heinl's news beat was the Pentagon and, while he was too often a spokesman for the military interests, he utilized his contacts there well. His office in the bureau, in fact, contained one file cabinet marked "classified" which he locked each night.

One day as some other staff members were waiting for Heinl to join them for lunch, they heard a loud crash behind his closed door. The "classified" file had tipped over, strewing files on the floor.

Heinl shooed away would-be helpers. "I'll do it," he said. "You aren't cleared to see these things."

In his last years on active duty, Heinl headed a military mission in Haiti. He subsequently was expelled by the late Papa Doc Duvalier for criticizing the Duvalier government.

"Papa Doc was afraid of both me and Nancy," Heinl explained. "He once told the U.S. State Department's Haitian desk that Nancy was a 'mambo'—a voodoo priestess—and accused her of causing hurricanes in Haiti by performing rites in New York!"

Every time a guy like Bob Heinl dies, a little of the individualist in all of us goes with him. But I still wish he could have had that iron rice bowl.●

MONSIGNOR JOSEPH P. MOORE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. MURPHY of New York. Mr. Speaker, the military academies of our Nation have produced, perhaps more than any other single source, some of the finest leaders this world has ever seen, in both the military and political fields. Leadership of such high quality derives primarily from the strong foundation which is laid by the traditions and outstanding educational programs at all the academies, and particularly the U.S. Military Academy at West Point.

The very embodiment of that concept of excellence is the Right Reverend Monsignor Joseph P. Moore who, over the years, has provided the dedication and devotion to mold these young men and women into the kinds of leaders so necessary for our democracy to function properly. While academic superiority has been the hallmark of West Point, there are equally important factors to be considered in the formation of exceptional leaders: The development of character, moral values, ethics and devotion to God and country, among others. It is in such areas as these that no amount of academic application can surpass the contributions of a dedicated spiritual leader who brings direction and motivation to the cadets in their formative years.

The Right Reverend Monsignor Joseph P. Moore has been at the very core of this spiritual development for a half century.

Monsignor Moore was ordained into the Catholic priesthood at Saint Patrick's Cathedral in New York, in 1929, exactly 50 years ago, as of May 25. Coincidentally, that was the fiftieth anniversary of St. Patrick's itself, which will celebarte its centennial on the same date as Monsignor Moore's golden anniversary of service to the church.

The first 10 years of his service were divided between Saint Peter's Church in Poughkeepsie, N.Y., serving the women of Vassar College, and Corpus Christi Church in New York City, where he tended to the spiritual needs of the students of Columbia University. At Corpus Christi, he also received into the Catholic Church the famous Trappist monk and spiritual writer, Thomas Merton.

In 1939, he came to Holy Trinity Chapel at the U.S. Military Academy at West Point as Assistant Pastor. He was appointed Pastor in August, 1948, and in 1953 he was designated a Monsignor with the rank of Papal Chamberlain. In 1956 he was appointed a Domestic Prelate by the Pope, earning the title of Right Reverend Monsignor.

During his service at West Point, he was dedicated to the cadets and military families living there. Under his guidance, the Holy Trinity Chapel was expanded to its present size to accommodate the largely increased numbers of Catholics in the Corps of Cadets and assigned military personnel. For 28 years, Monsignor Moore also organized and operated adult religious education programs, and study groups for the cadets and families, and was particularly active in church music with the cadet choir.

But most certainly his greatest contribution to West Point and to the Catholic Church is his service to the many thousands of cadets during their attendance at West Point, and his continued dedication to those thousands of graduates as they moved on to military and civilian careers. Many of us came back to him for advice and counsel, as his was one of the most prominent factors in our early development of attitudes, character, and values.

Since 1967, the people of Bronxville, N.Y., have had the pleasure and benefit of his guidance, where he was assigned as Pastor of Saint Joseph's Church. He has recently celebrated his 74th birthday with the people of Bronxville, but people all over the world who have enjoyed the benefits of his guidance and devotion to service to mankind, now join in joyous celebration of Monsignor Moore's 50th anniversary in the priesthood. With him, the world has truly been a richer place for each of us whose lives he has touched.●

TRIBUTE TO E. C. "TOOK" GATHINGS

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1979

● Mr. DE LA GARZA. Mr. Speaker, with you I mourn the passing of E. C. "Took" Gathings. Mr. Gathings was a gentleman in the legitimate sense of the word. I came as a young man to Congress in 1965. His guidance was invaluable to me during those early years while we both served on the Committee on Agriculture.

As a colleague, I knew "Took" Gathings to be an able and powerful legislator who worked for the best interests of Rural America. His contributions to agriculture will long be remembered.

E.C. "Took" Gathings was a good man. With his State and Nation, I will miss him.●

TORTURE IN NORTHERN IRELAND

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. WEISS. Mr. Speaker, despite repeated assurances from authorities in London and Ulster, systematic mistreatment of prisoners in Northern Ireland is continuing.

The many human rights violations committed in the detention centers and jails of the six counties have been carefully documented in numerous reports, including one recent investigation conduted by a British Government commission. Still, the torture and abuses go on.

Today's New York Daily News carries a column by Pete Hamill which addresses this issue in a most compelling way. Mr. Hamill interviews Father Raymond Murray, a leading Irish advocate of humane treatment for all prisoners in Ulster.

Mr. Hamill's column presents a shocking assessment of the situation in Northern Ireland today. I commend it to my colleagues:

NORTH IRELAND'S PAIN BECOMES EXCRUCIATING IN JAILS

(By Pete Hamill)

The priest was squashed in a corner booth in this coffee shop on 42d St., drinking tea with milk and nibbling only occasionally to select an exact word to express his horror at some of the things he has seen since 1971. The accent was unmistakable. Father Raymond Murray was a man of the North of Ireland. The subject was torture.

"I don't belong to any group," he said. "I got into this for one simple reason. The elemental violation of human rights. In 1971 I was just a parish priest. I did my work, and part of the work was as chaplain to the women's prison in Armagh. But there weren't many women inside, so I didn't know what was going on in other places. I was like most people in the North of Ireland, Catholic and Protestant. I didn't know."

Then in August 1971, the British Army used internment as a weapon against the Irish Republican Army. There were mass arrests all over the north; the arrests did not affect the IRA, since most of its members and leaders escaped the dragnet. But internment filled the jails and led to the steady debasement of most of the institutions of the north.

"There were two local fellows from Armagh who were lifted," Father Murray said. "And they were the first of the 'hooded men' that I heard of. They were held for days with hoods over their heads so they could see nothing, in solitary, with only hissing sounds in the room, deprived of food and sleep. I was told about them and started to investigate. Eventually I learned that this technique was widespread. The British Army has used it before, in Malaysia and God knows where else."

By December 1971, arrests across the province had spread, and Father Murray's anger had deepened. He went to visit the Crumlin Road Jail in Belfast to investigate continued reports of mistreatment of prisoners.

"That was where I got my big shock," he said. "And it was a moral shock. Until then I was a quiet individual the type of person who wouldn't lift a phone to complain about anything. I always thought that the state existed for the common good, that it represented the best intentions of human beings. And here, before my eyes, were men who had been grossly assaulted and abused."

Father Murray's hands trembled slightly, as he stirred his tea.

"Their injuries were appalling," he said, his voice struggling to contain his anger. "They had been beaten and kicked everywhere. Their backsides were black. As black as your boot. Their thighs and forearms were black, and there were rings around the blackness, yellow rings, purple rings. And a blackish green color. There were spotted bruises all over their chests and abrasions all over their bodies. It was disgusting and inhumane and I decided that I would have to do something about it."

Father Murray was not sympathetic to violence, but internment itself had been a huge act of state violence. Under the terms of the Special Powers Act, those arrested could be held without charge or trial for as long as the authorities wanted them held. Father Murray started to examine the methods used by the British Army and the Royal Ulster Constabulary Special Branch against those who had been interned. Two of the worst internment centers were in Holywood and Girdwood.

"In Girdwood, in Central Belfast, the men were put into what can only be described as cattle stalls," Father Murray said. "They would sit alone on a chair in a bare empty room, facing a white wall perforated with holes. If they so much as moved their heads, they were given a blow from behind. They would sit there for hours, sometimes days on end, deprived of food and water, as the hard men tried to break their will. The techniques were disgusting.

"There was, for instance, a simulated operating room. The men would be taken alone to this room as if they were to be operated on, there was a fascination by the interrogators on threats to the genitals. The men would be stripped, prepared for surgery, and police or army men dressed as doctors would inject them with anesthesia. Some of them, obviously, were terrorized. They would also have simulated executions, using blanks. A gun would be pressed against the head, and then they would pull the trigger. The men could smell the cordite. And there was electroshock, too. They used these things. I believe you call them cattle prods.

With the help of Father Denis Faul, the investigation widened. More than 700 individual complaints of torture and brutality were made to the authorities but there was not a single prosecution. Then, in late 1971, the London Sunday Times published a story confirming what the priests had discovered. The Compton Inquiry, the first of a series of British investigations of British Army activities, followed. So did a 1972 report by Amnesty International.

"Even their own reports confirmed what had happened," Murray said. "The language was that of the civil servant, but they had to admit what had happened. There were promises that such things would never happen again, but of course they did. That led to my second big moral shock. At first, I could believe that the abuses were the fault of a few bad apples. But then, when it kept happening, we realized that this policy had to be approved at the cabinet level. Their arguments seemed to be this: The IRA are desperate, cold blooded killers, and anything necessary to break the IRA was justified. In other words the end justifies the means."

In 1972, the Irish Republic in the south protested to the Strasbourg Commission on Human Rights about the treatment of interned prisoners in the north. Four years later, the commission report found the British guilty of torture and inhuman and degrading treatment. On an appeal, the torture charges were dropped, but the British were still found guilty of violating Article III of the laws of the Council of Europe.

"By then, they had gotten more subtle in many ways," Father Murray said. "When a detention center started to get a bad reputation, they moved to another one. The people who did the interrogations increased their numbers, to about 230. They had hard men and soft men. They published publicity pictures of the center at Castlereagh and made it look like a luxury hotel. But it went on, and it goes on. They'll ride you like a horse."

The purposes of all this were relatively simple. People who were not members of the IRA were arrested and then forced to disclose the names of neighbors they suspected of being IRA. The British Army wanted locations of arms dumps; they wanted to coerce uninvolved citizens into becoming informers. And like all military men, the British Army needed the statistics of success. One survey by the Queens University (Belfast) law facility showed that 70% to 80% of convicted prisoners in Northern jails were convicted solely on the basis of their own statements. The body counts mounted, but increasingly, the whole fabric of the society was being dehumanized.

"The Bennett Report last February again confirmed what we had been saying all along," Father Murray said. "Three doctors showed that such beatings and woundings could not have been self-inflicted. The doctors, by the way, were all Protestants, which doesn't really matter. They are civilized men. And they were sick about the way the medical profession had kept its silence in the face of evidence. In ten years, judges and lawyers and doctors had all been degraded."

Father Murray, who has also investigated the mistreatment of Protestant prisoners, said that one of the worst aspects of the past decade had been the way the truth had been kept from the British people.

"They're decent people," Father Murray said. "They don't want such atrocities committed in their name. But the politicians have covered it up for years now. I'm the worm's eye view. That's all I am. The politicians come to Northern Ireland and they see it from a helicopter. But I'm on the ground. The IRA reaction to such treatment is: shoot them. Our reaction is: Stop it. In the name of God, stop it. You're degrading us all. ●

HARRY S TRUMAN FOUNDATION AWARDS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. BOLLING. Mr. Speaker, our colleague, IKE SKELTON, who succeeded me as a member of the Harry S Truman Scholarship Foundation, delivered the following address at the Harry S Truman Scholarship Foundation awards ceremony in Independence, Mo., on May 6, 1979. In the Harry Truman tradition the foundation's purpose is to educate those who want to serve their country by preparing themselves to assume the responsibilities of Government service and active political participation. IKE reminds the scholarship winners that they are the next generation of political leaders and civil servants.

MORE THAN BOOK-LEARNING

(By Congressman IKE SKELTON)

Mr. Chairman, Mrs. Daniel, Members of the Board of Trustees, Truman Scholars and families . . . Good afternoon.

First of all, I'd like to say how very pleased I am to be here today, and how pleased I am to have been appointed to serve on the Board of Trustees of the Harry S Truman Scholarship Foundation. The perfect memorial to a remarkable man.

I'm sure that most of you are aware that President Truman did not have the opportunity to complete a structured four-year college program. Nevertheless, during his Presidency, he devoted much of his time and efforts to improving our school system in the hopes of providing a strong study program for all American citizens. He recognized the important role that schools play in our quickly advancing, highly technological society. He knew that for our country to keep advancing at this rate our school system must develop and progress. It was inevitable that education was and is a major concern of every Administration from that time.

It is perhaps ironic that today's college situation is exactly the opposite of what it was during President Truman's years in office. He was faced with huge increases in the number of applicants to colleges, but too few institutions, and inadequate curriculums is some of those that did exist; whereas, we now are confronted by a surplus of excellent schools but declining enrollment. There will always be problems in the system, and these undoubtedly will change from year to year. However, the point is this: President Truman, having never graduated from college, took it upon himself to become an outspoken advocate for this type of a study program and for making it possible for every American. Thanks to him and to others like him, now in 1979, colleges are plentiful, and there are programs to suit just about everybody's interests, needs, and schedules.

College, in many ways, is the building block of the future. It is the common denominator which enables our states and territories to continue working as a team, or as a nation, and enables us to avoid too much reproduction of effort. It is the jumping off point for great discoveries and innovation, and is the foundation that will keep us always a step ahead of other world powers.

President Truman was an avid reader and self-tutored scholar. Nevertheless, he did not recommend this system to others as their sole source of knowledge. He stressed the importance of obtaining a broad but structured college curriculum before specializing or devoting oneself to a particular field. As a matter of fact, I have a little anecdote that I'd like to share with you that clearly illustrates the importance he placed on schooling. At a dinner given in honor of Joshua Evans back in Washington, D.C., on January 24, 1951, President Truman rose and made these remarks:

"I want to express appreciation to this orchestra for rendering the things that I think most of, and I want to pay a compliment to that young Mr. Graham who sang here a while ago. He has a lovely voice, and I want to give him the same advice that I gave my daughter. He is 17 years old. You finish that education and get yourself a degree from a standard college—I don't care which one it is—because nobody can take that away from you. Then, if you feel that you want a musical career, go and get it. That is what my baby did. I wouldn't let her start in the musical profession until she had finished her education at George Washington University, and she not only spent 4 years getting herself a degree, she got me one for nothing!"

During his Presidency, he strove to insure that this basic academic opportunity would be available nationwide. The Harry S Truman Scholarship Foundation is truly a living memorial in that it perpetuates his good works for the benefit of young people interested in the art of government.

Its purpose (and I quote from the Foundation's brochure) is: "to EDUCATE those who want to serve their country by preparing themselves to assume the responsibilities of government service and active political participation." You probably have noticed that, up until this point, in all my talking about college, I have shyed away from the words "education" and "educate." Why? Because I find that the words "education" and "schooling" have become synonymous, and, in this case especially, it greatly disturbs me.

I sincerely hope that all of you here today realize that "education" is far more than book-learning, and much of it won't necessarily be found in a classroom. President Truman was most certainly an "educated" man, and yet, he never graduated with that college diploma. There is far more to an "education" than what you can learn from reading a book or from sitting in a classroom listening to a prepared lecture. Oh, I don't mean to downgrade the value of a college degree. In fact, I firmly believe that, in this day and age, it's an absolute must. It's a tool that is most helpful in today's world. However, having a degree does not mean that you have an education. College is only the beginning of your education—the mere foundation.

When you return to your respective colleges and universities, I want to encourage you to take full advantage of everything that you have at your disposal—your faculty, your library, your classmates. Everything. Fortify that foundation by learning as much as you possibly can. At the same time, take a look at yourself, not as a student, but as a person. What kind of a person are you? Figure out your capabilities and your deficiencies. Define your purposes and goals for the future. Then push yourself. Find new limits. Expand. Build on your strengths and your talents. Learn to circumvent and conquer your weaknesses, and make the very most of yourself.

As Truman Scholars, you've pledged to devote yourself to government service, and I commend you wholeheartedly for that. However, I want you to realize what a promise like this involves. You will not only need intelligence, which you obviously all have, you will need courage; you will need determination; you will need incredible amounts of energy; you will need compassion and unfaltering loyalty. In other words, you will need an "education," and that "education" is, not only of the mind, but more importantly it is of the spirit.

There's a story that some of you may have read by Elbert Hubbard called "A Message to Garcia." The setting of the story is the Spanish-American War. A young lieutenant by the name of Rowan is singled out to carry a message behind enemy lines in Cuba to a man called Garcia. As far as the reader is concerned, this is all the information that Rowan is given. Nevertheless, as soon as he is given these meager instructions by President McKinley, he sets off on his mission. Now, I want you to understand that this was a highly dangerous task and that Rowan's chances of returning, or even delivering the note for that matter, were slight. Well, the story does have a happy ending in that the insurgent Garcia receives the message, but that is not the point. The point of the story is this: Rowan didn't procrastinate. He didn't ask any questions or present any arguments. He was given his instructions, and he knew the rest was left entirely up to him. So what does this say about Rowan? It says that he obviously had the intelligence and the agility to travel behind the enemy lines. He certainly had the courage, the determination, and the energy to succeed in his mission. He loved his country enough to put its welfare before his own. He had the "education" that is needed to "assume the responsibilities of government service." And that's exactly the foundation upon which this country is built, and the need for such responsible men and women will continue. We need more Rowans. As Elbert Hubbard put it, "It is not book-learning young men need, nor instruction about this or that, but a stiffening of the vertebrae which will cause them to be loyal to a trust, to act promptly, concentrate their energies: do the thing—Bring a Message to Garcia."

I can see that you are all very gifted, bright students, but there are thousands of men and women with very similar backgrounds and credentials. There are literally scores of people who are intelligent and hold a college degree. Our country desperately needs people who have more than an agile mind and a piece of paper called a diploma. America needs people who have that special spark. We need more men and women who can get that "Message to Garcia." Harry Truman was one of those.

American citizens are the most fortunate people in the world. Our youth are the offspring of the grandest civilization ever known to mankind. We are all an integral part of one of the greatest governmental experiments ever to take place. We have an incredible history behind us and an extremely promising future. However, keep in mind that a democratic system is not an easy one to maintain. It has taken and will continue to take diligence and work on the part of every citizen. In order to fully enjoy our Constitutional rights, we must be willing to accept the duties and responsibilities that are required to insure those freedoms.

In order for this government "of the people," to work "for the people," it must be safeguarded and maintained "by the people." For the strength of a Democracy, just by definition, lies totally in the strength of the individuals who make up this nation. Our nation can never be any stronger than those men and women, as individuals, who live here.

All of you sitting here have your work cut out for you. You've promised to dedicate yourself to public service. You are the next generation of political leaders and civil servants and you must figure out how to most effectively administer, organize, and inspire a country full of volunteers to keep this nation the world leader that it is. Let me warn you, that's not easily done. It never has been. It requires the best education possible, and that's something you'll have to get yourself. In that way, "education" is somewhat like Democracy. No one else can do it for you. The Foundation cannot "educate" you. We can only help by means of a scholarship. No one can teach you anything. You have to do the learning. And, as I said before, it requires much more than just book-learning to be able to "assume the responsibilities of government service."

We have recently been warned by the Russian in exile, Alexander Solzhenitsyn, of the need for social leadership in the days to come, when he stated:

"The leadership which starts the third century of your national existence will have to bear burdens which are unprecedented in American history, the leadership which starts your third century of national existence will have to conduct its leadership at a very high spiritual and moral level. The dangers which await it will compel it to be worthy of the founders of your state."

As Solzhenitsyn points out, we have an unparalleled history behind us, and, looking at you today, I feel very confident that the future of our great nation is in very good hands.

Having been selected as Truman Scholars, you should be extremely proud. However, the heritage of the man from Independence for whom this Foundation is named, present a great challenge to each of you. It challenges you to become "educated"—both in the classroom and in the spirit. As you proceed from this day to get your "education," I hope that you will be ever mindful that "education" is more than mere book-learning—it involves the building of courage, determination, and loyalty. In preparing yourselves "to assume the responsibilities of government service and active political participation," you must ready yourselves to answer the call when you are asked to carry "A Message to Garcia." ●

"NO NUKES" LEADERS NEED FOCUS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. HYDE. Mr. Speaker, once more columnist Georgie Anne Geyer has sounded a note of commonsense in discussing a topic fraught with emotion and rhetorical overkill. I commend her excellent column to my colleagues' attention:

"NO-NUKES" LEADERS MUST FIND FOCUS

(By Georgie Anne Geyer)

WASHINGTON.—As I strolled up Pennsylvania Av., the folk singer of the moment was singing, "Welcome back, welcome back, welcome back."

It was a day of sunshine and flowers, the Capitol gleaming in the stunning spring sun, and a day in which sun power and flower power were supposed to put things in order in an imperfect world.

A few were dressed as skeletons, but even they had a kittenish air about them. Two American Sikhs were wearing white Sikh robes—and jogging shoes. California Gov. Jerry Brown mused that the crowd was odd, "a strange blend of left and right." And he was strange himself in his suit and vest. Jane Fonda, in a tight, strapless black top that most of us would like to wear but can't anymore, illustrated all the delicacy of a slim female Ayatollah Khomeini in her angry, contorted face as she now accused the American leaders of intended mass nuclear manslaughter.

Only two weeks ago, Avenging Angel Jane, who never drops a subject, warned the nation that Vietnam was not over. Sunday, as 60,000 anti-nuclear and new-old "cause people" gathered before the Capitol, that prophecy—that threat, that recrudescence of memories we thought we were setting behind us—was back with us again.

Yet after sitting for several hours watching the mostly very young, white, middle-class crowd, it occurred to me that (1) we were not really being "welcomed back" to the '60s at all and (2) the Vietnam we suffered over was dead. This was something else.

For one thing, the crowd was almost holiday gay. Despite the many extremist radical newspapers being sold, blaming nuclear development incongruously on "capitalism," Brown was right—there was no basic ideology. Indeed, that was what finally struck me about the whole thing. And disturbed me about it. It was an amorphous, largely spontaneous outcry for all that is good in the world and it was a condemnation of a world that is bad not because the "politicians" (the dirty word, after "nuclear," of the day) stubbornly and with malice aforethought refused to use the nonnuclear "technology that is there."

Now, to be honest about it, I don't know how safe nuclear energy is. I'd be a fool to say I do since it is clear that even an Einstein, alive today, wouldn't know. Clearly we need more study. But I do know some things that were not heard Sunday. I know that Vietnam, where I served as a correspondent four times, was a strategic absurdity. It was not, as the Jane Fondas would have us believe from here to eternity, some kind of special moral depravity of the United States. (Oddly enough, Fonda does not comment on the total moral squalor of Communist Vietnam today, from which boatloads escape at any risk.)

I also know that the anti-nuclear movement in this country is sadly suffering from lack of context. While the cause is totally different, unfortunately most of its members seem to suffer from the same regrettable and limiting American provincialism and messianism as the '60s antiwar demonstrators. They really believe this country is invincible. They really seem to think that democratic and rational order in societies is given, not something meticulously built and maintained at enormous historic risk and cost. They say the rest of the world will follow us.

Well, it won't. The French plan to supply 70 percent of their electricity from nuclear power by 1985. The developing countries regularly accuse us angrily of a new "imperialism" now for trying to stop their nuclear development. And the Soviets, while waging a nonstop campaign against nuclear power elsewhere through their front group, the World Peace Council, are going ahead avidly with developing nuclear power stations and with "theater nuclear weapons" (shortrange, meant for war-fighting) in Europe.

What I would like to suggest is a more realistic and reasonable context. The basic difference with Vietnam is simple: Vietnam meant getting us out of a situation we should never have been in.

The nuclear question is not a "welcome back" but a "where to?" It is a question of what our future—and thus, largely, democratic rule's future—is.

Vietnam was an absolute question; nuclear energy is a relative one. That was why I was surprised, at the country's first large antinuclear protest in the capital, that the key question never was raised: How much are the anti-nuclear people really willing to give up for an end to nuclear energy?●

LEARNED LONG AGO, HIS ART LIVES WITH HIM

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. DAVIS of Michigan. Mr. Speaker, County Commissioner Leno Pianosi of Chippewa County, Mich., in my district not only is a dedicated public servant but is a noted craftsman of woodwork as well. Leno's art is admired and enjoyed by all who have the pleasure of viewing it, and in this regard I want to call attention to and invite all art enthusiasts to see his exceptional handicraft, which is displayed in my office. There are other pieces of Leno's carvings displayed in the offices of Senators Riegle and Levin.

A couple of months ago an article appeared in one of my district's newspapers describing this Michigan gentleman's avocation. I am pleased to submit this article for your enjoyment:

[From the Sault Ste. Marie (Mich.) Evening News, Mar. 9, 1979]

Learned Long Ago, His Art Lives With Him

Sault, Mich.—The block of wood is a sterile prison.

Inside lurks the unknown.

A mermaid in a golden grotto . . . a comic frog . . . a hearty sea captain from the old port of Gloucester . . . a gentle unicorn frolicking in a woodsy glen? Perhaps a rollicking buccaneer from the dry Tortugas or a sad-faced saint?

Most eyes can't see them—most hearts can't feel them.

Leno Pianosi can. They invade his workaday world with insistent cries for freedom. And at night, when other people sleep, he works with savage chips of the chisel and sharp jabs of the penknife to give them life.

The shavings mount and finally the form bursts loose. It can be as delicate as a tiny walnut cross topped with the face of a tortured saint—or as massive as an oak library table showing the sinking of the S.S. Independence in 1853.

Sometimes his knife unlocks a free form ready to display its grace and beauty without pretence of utility.

Woodworking is a hobby—a skill—an art picked up long ago by a small boy in silent afternoons after school in the Canadian Sault. As a 10-year-old, Len would stop by to visit an elderly Finn whittling on the porch of his home.

The small boy and the old man would sit in silence, intent upon their work. Sometimes the boy would run into trouble with his piece—a neck would snap or an arm or leg lose its shape. The old man would reach over gently without saying anything and solve the problem. When the hidden form couldn't reach the lad's heart, the old man would take it out of his hands, make a couple of cuts, and the pattern of the finished picture would show.

The boy never heard the old man speak. He whittled and rocked and helped the lad and a skill was born.

The boy grew up, went into construction work and moved to Michigan. He married a Sault girl he had known from early school days, became head of the buildings and grounds department at Lake Superior State College and raised a family. He also became a county commissioner, but for years the old skill was pushed aside.

When the pressure became heavy, Pianosi began whittling. "You'd be surprised how much thinking you can do while you're cutting," he says. "It works, you know. I don't have an ulcer since I went back to whittling four or five years ago."

The pleasure is in seeing dreams take shape and in giving the results to friends—not from selling items, which he rarely does. "How can you put a price on something?" he asks. "When somebody likes something, you do it. If something reminds you of a person, you make it. The gift will last the way a friendship lasts."

He is never without a knife or two, and some small pieces of wood in his pockets. Fellow workers can follow his college rounds by the scattered trail of shavings left behind. His wife Jean can point out the spot in the TV room where he used to leave a pile of cuttings from whittling while watching. At county commission meetings his hands are often busy as he listens. The little carvings emerge in a steady stream.

Out of the hours of concentrated work, casual doodling and "just keeping my hands busy" has come a bewildering array of objects of every size. Clever and the charming, functional and decorative, large and small, they elbow each other aside on the workbench. Walking sticks of walnut and white oak elbow cherrywood bookends are crowded aside by handsome pipes fashioned with faces of ships captains and Indians, rubbed to a deep matte finish with tongue oil.

Aged driftwood, a scrap of basswood from a crate, oak from a sunken ship underwater more than 100 years, a chip from one of the city's stately elms cut down last year—each releases its imprisoned beauty.

Some will be heirlooms in the Pianosi family some day for his children and grandchildren, to hand down to their children. A massive library table carved from the wood of the Independence shows the boat which sank in Lake Superior in 1853 and the raft of survivors.

Two massive benches made from the oak of the Independence and the Vienna, also a victim of Whitefish Point waters, dominate the room they are in. One, of the Edmund Fitzgerald, shows the ill-fated ore boat on her way to the lake bottom on that stormy November night in 1975. Bobbing in the waves are haunting faces of crew members lost in the tragedy. "All you hear about now is the ship," Pianosi muses. "How about those 29 people? No one can bring them back." But they live on his Fitzgerald bench which looks sturdy enough to last a century.

His favorite? A portable hand-crafted chess board and case with detachable legs. Some of the medieval figures—the light ones of cherry and the dark ones of walnut—stand more than six inches tall, in stately splendor. The dignified kinds, austere bishops and sometimes lugubrious knights are all different—each one shaped by hand and showing its own special face to the world. Len intends this for his son.●

THE BLIGHT OF ILLITERACY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. MILLER of California. Mr. Speaker, illiteracy is a serious national problem. An entire segment of our citizenry who could become productive and contributing adults are written off because they are unable to read or write. I have introduced legislation in the House—Senator George McGovern is th author of the Senate bill—to establish a National Commission on Literacy. The Commission will be charged with the task of identifying the extent of the problem and recommending programs and policies designed to implement the group's findings.

In April, I participated in foresight hearings held by the Elementary, Secondary, and Vocational Education Subcommittee. We listened to noted educational experts predict that computer-literacy will become one of the new basic skills. If we do not make an attempt to close the widening gap of literacy for the current generation, it will not be possible to adequately prepare for our future literacy needs. However, while we must be mindful of the future, we must recognize and act to correct the current educational neglect of millions of our citizenry.

It is imperative that Members of Congress familiarize themselves with the national issue of functional illiteracy.

Newsweek published a story which highlights some of the major literacy issues and identified some successful local campaigns against illiteracy. I would like to share this article with you.

The article follows:

THE BLIGHT OF ILLITERACY

Intimidated by pencil and paper, they scurry in terror from a written job application. They are tied to their familiar neighborhoods and menial tasks. Because numbers are as baffling as words, they accept without question the cashier's change in a supermarket and the waiter's check in a restaurant. About 23 million American adults, as well as an estimated 13 percent of 17-year-olds, are functionally illiterate. They exist on the fringes of a society whose economic wheels are greased by the printed word. And they are ashamed: they live in fear that someday, someone will discover their secret.

A decade ago, James Allen, then the commissioner of education, called for a major drive to eliminate illiteracy by 1980. "This is education's moon," he said. But education's moon is still light-years away, and it seems to be receding. Although illiteracy—the inability to read or write a simple message—has steadily declined almost to the vanishing point, functional illiteracy—the failure to read or write well enough to be a productive citizen—is growing. Experts offer many explanations: a failure of the schools to emphasize basic skills; poor readers being passed along until they emerge from school with a diploma but no reading competency; too much television; a lack of parental involvement.

CRISIS

For whatever reasons, the job is not getting done. "This is really a crisis of rising standards," says psychologist Lauren Resnick of the University of Pittsburgh. "We're working on the problem of how to make people learn to live with print." Thomas Sticht of the National Institute of Education (NIE) estimates that a cook needs at least a seventh-grade education and a supply clerk a minimum ninth-grade competency. "Fifty years ago, if you could sign your name, you were considered functionally literate," Sticht observers. "But today, even jobs like cooking, especially in a large commercial kitchen, aren't simple-minded jobs."

Illiteracy is hardly confined to the impoverished warrens of society. One California state administrator sends his secretaries out of the office while he laboriously proofreads their letters. A Detroit union official panics at a bargaining session when he is handed a contract proposal. Ashamed, the wife of a Florida millionaire finally seeks help when her husband's death leaves her without anyone to decode her bank statements.

"There are a lot more illiterate people than we realize," says Kennedy Mumford, principal of an adult-education center in Miami. "But they haven't come to us for help. Most people seem to do very well in conversation. You wouldn't know they can't read, write or do arithmetic."

Sen. George McGovern has proposed a National Commission on Literacy to investigate the problem. Last month, the Rockefeller Foundation conducted a high-level national conference on strategies "to arrest the alarming decline in the reading and writing skills of American citizens." In Boston educational reformer Jonathan Kozol has called for a national literacy campaign modeled after the 1961 Cuban drive that, according to Castro government figures, reduced illiteracy in one year from 25 per cent to 5 per cent of the population. The Cuban achievement is generally considered to be a model literacy program for an underdeveloped country.

PRIORITIES

"The key to the success achieved by Cuba was the government's decision to establish reading as the nation's No. 1 priority," says Kozol, whose recent book, "Children of the Revolution," describes his experiences teaching Cuban youngsters. "If the U.S. Congress ever made the same decision, we could eradicate the reading crisis in one year." His plan would employ student volunteers and out-of-work teachers to instruct 25 million to 40 million Americans in basic reading and writing.

Kozol maintains that teaching people to read is easy. But most educators disagree. "In the great Cuban literacy campaign, they say they wiped out illiteracy," says psychologist Resnick. "They don't mean thew wiped out functional illiteracy, but raw illiteracy. We're working on a different problem. We are asking high-school students of today to reach the standards of high school. I think that's a proper goal, but it's a toughie."

For Lucas R., 23, a New York watch repairman who left school after eleventh grade, learning to read has been tough indeed. "Nobody knew I couldn't read," he says. "I can keep on talking about what I observe. I remember a lot."

Lucas is now studying at a branch of Literacy Volunteers, a New York outfit that runs reading classes and cooperates with large corporations such as Citicorp and New York Life to tutor students after work. Founded sixteen years ago, it is partially funded by Right to Read, a division of the U.S. Office of Education which is spending $5.2 million annually on such projects in 36 states. At any one time, 400 to 500 students are enrolled in the free New York programs.

GOALS

Literacy Volunteers matches one student to one tutor for two hours of lessons a week. Sometimes students have specific goals—such as taking a driving test or learning to help children with their homework. In other cases, it's simply a matter of picking up basic skills, and the tutors tailor the course to the individual. One student who had just bought a cat borrowed a book on Siamese cats and worked his way through it with his teacher. Another is now reading stories that his teacher writes—about people named Quentin who are Quakers and live in Quebec, for example—to learn phonetic spelling.

This kind of approach seems to pay off. In Oakland, Robert Wakeland teaches in one of 25 neighborhood centers, largely supported by local and Federal grants. He stresses breaking words into syllables—the old-fashioned way of teaching reading. But he brings a new twist to the technique. Because many of his students are old people who regularly attend church, his blackboard is covered with Biblical words broken down into syllables. Barely a Monday goes by, says Wakeland, without a student bringing in a new word he heard from the pulpit.

SHAKESPEARE

At the Adult Reading Academy of the New York City Community College, students dictate a personal anecdote to the teacher and then read it on paper. "Drawing a reading vocabulary from a whole notebook full of real life and thoughts is a very effective way to teach adults to read," says director Bonne August. But she also gives her students literature to sink their teeth into. Initially, poetry and fiction are introduced to the class by oral reading. "People who cannot read a Shakespearean sonnet can certainly understand it if it is presented in the right way," she says. Her point: adult ideas motivate adults.

Teaching reading to adults is expensive. Under the Adult Education Act of 1966, the government now provides $90.7 million a year for remedial training—much of it to combat illiteracy. But the social price of illiteracy is monumental. McGovern estimates that the annual national loss, from decreased productivity and social-welfare expenses, totals $6 billion. In Florida, where the Department of Education has launched a publicity campaign around the theme "Illiteracy: We Can't Afford It," the ultimate drain in lost state tax revenues from adult illiteracy is estimated at $700 million a year. One study estimates that all of Florida's illiterate men could be raised to an eighth-grade reading level at a state cost of $200 million.

Some benefits of literarcy are hard to measure on an accounting sheet. "Often young people who are considered to have school discipline problems are really people who cannot read," says James White, head of the Oakland reading program. "They cause trouble because they'd rather be known as troublemakers than slow learners." Largely superfluous in a technological society, young illiterates often become adult criminals. Albert Serling of New York's Empire State College estimates that 60 to 80 percent of illiterates move outside the law because they can't find legitimate work.

And even if they don't turn to crime, they are likely losers. They have scant hope for career advancement. They have little sense of life outside their confined world. They are cut off and pushed down. With no written past and no promised future, they have dropped out of the American dream.●

MULTIPLE SCLEROSIS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. MURPHY of New York. Mr. Speaker, as the most populous urban area in the United States, the New York City region has a particularly high incidence of the terrible affliction known as multiple sclerosis. It is an odd disease which is sometimes highly selective in its attacks and appears to be most prevalent in the United States, Canada, Australia, and New Zealand. And the causative factor has yet to be determined—theories range from genetic links to various types of yet-undiscovered viruses.

The accompanying article from the March 26, 1979, issue of New York magazine outlines some of the more prominent and tragic cases which have fallen on the public eye in recent years, but more important, the article focuses on the barriers which the scientific community has encountered in taming this debilitating disease.

There are clues everywhere; there are many avenues to follow, and many untried approaches to finding the key. But it still remains an elusive key, and we owe it to ourselves and the rest of our society to support research in multiple sclerosis just as we went all out in support of the attacks on polio and measles.

It is a costly venture, but one which simply must begin as soon as possible. I highly recommend the article for the information of those who might wish to join the battle against one of the most insidious afflictions known to modern man.

The article follows:

THE MYSTERY OF M.S.: WHO GETS IT AND WHO DOESN'T

(By Julie Wang)

At the height of a brilliant career, age 27, cellist Jacqueline DuPré suddenly found that she could no longer feel the strings of her beloved cello. In her last public appearance at Lincoln Center in 1973, which she remembers as "a complete catastrophe," she had to force her numb fingers into place by sight. She is now confined to a wheelchair and will never play the cello publicly again.

In 1945, Dr. Joseph Panzarella Jr., age 25, was dismissed from the army for a slight limp and weakness in one arm. Over the years he has become progressively more paralyzed, until he can now move only his head.

At 33, Gerald Shur, a top Justice Department investigator, noticed one night that he was seeing double. He felt nauseated, experienced pins and needles in his arms and legs, and thought he was having a stroke. When he awoke at the hospital next morning, he was blind.

These three people have a complex, debilitating and chronic disease, for which there is, as yet, no cure, but the key to its idiosyncrasies may lie in something as irritatingly avoidable as the measles virus. After a hundred years of research, scientists feel they may have some answers to, and thus the possibility of finding a treatment for multiple sclerosis.

It's not been for lack of clues that medicine has been puzzled for so long. As Dr. Sidney Houff says, "Researching multiple sclerosis is like opening Pandora's box." Scientists have known that this disease attacks young, white people in the middle to upper income brackets, that its victims are more frequently young women than young men and are usually in their thirties when it first strikes. Its range is extraordinarily clearly defined; it rarely affects anyone younger than 18 or older than 45; its incidence drops way down between the two tropics; and New York, a city with thousands of likely candidates, has a higher incidence of M.S. than almost anywhere else in the world. Here 80 in every 100,000 people have or will have it. Only in the Shetland and Orkney islands off the coast of Scotland is the incidence higher. There it has reached epidemic proportions—250 out of every 100,000 people have it.

But all of these facts are only superficial descriptions of the disease. They don't provide answers to how it works, where it comes from, or why it won't leave. Dr. Houff, who is a research associate at the Infectious Diseases Branch of the National Institute of Neurological and Communicative Disorder and Stroke, feels that "those answers wil come in the same way many medical discoveries are made, by accident." But the exciting thing is that the "accidental" finding may already have been made. Houff is one of a number of scientists who are finding that M.S. behaves like an autoimmune disease. The culprit, it is thought, could be anything from genetic predisposition to the measles virus. But let's take a look at some of the research and how the scientists are reaching these conclusions.

The Shetland and Orkney islands have provided us with a genetic lead. There scientists learned that blood relatives of a victim have a 5 percent chance of getting M.S. Danish researchers have also made the genetic link that more than 70 percent of M.S. victims carry a specific type of antigen or cell marker (antigens identify cells as your own and not that of another organism) called DW2. These DW2 antigens are most commonly found among Caucasians in northern Europe and in countries to which they have emigrated—the United States, Canada, Australia, and New Zealand—and so may explain why these are the countries in which M.S. is most prevalent. But this does not explain why northern Europeans who have moved south of the Mason-Dixon line in the United States get M.S. much less frequently than those in the North. Is there some protective effect in warmer weather?

And if so, why do white South Africans succumb to M.S. while not a single one of the 16 million Bantus there has ever been found to have the disease? Orientals and blacks rarely get M.S. Is it really a case of inherited susceptibility, or does something else play a role? Hygiene, for example. Scientists note the parallel with polio. When the polio virus strikes at an early age it produces lifelong immunity. When it attacks those who are older, who have been shielded from it by improved hygiene, it cripples. The relatively primitive Bantus may be building up immunity to whatever causes M.S. by exposure to it at an early age.

If there is an M.S. virus, and none has ever been found, it seems to strike sometime within the first fifteen years of life and then lies dormant until the body is further weakened by disease, diet, environmental conditions, or emotional stress. Epidemiologists find that people migrating from a high-risk to a low-risk area before the age of fifteen take on the low-risk characteristics of their new living area. After fifteen, they carry the high risk with them.

When it does attack, M.S. causes inflammation of the myelin sheath, the layers of protein and fatty tissue which surround and insulate nerves to prevent short circuits and speed up transit time. The myelin sheath gradually breaks down so that impulses are transmitted more slowly and erratically, and patients like Jacqueline DuPré experience numbness of the hands and legs, tingling, stumbling, extreme fatigue, and blurred vision or temporary blindness, like Gerald Shur.

"Because involvement of the optic nerve so drastically affects vision, fleeting loss of eyesight is one of the most common warning signs of M.S.," notes Byron Waksman, M.D., medical director of the National Multiple Sclerosis Society.

Sometimes the inflammatory reaction stops right there, and patients never get any worse. More frequently, however, the patient will experience intermittent attacks with progressively worsening symptoms, as the myelin continues to deteriorate. In an attempt to heal itself, scar tissue is formed. But this has the unfortunate effect of blocking still further the normal transmission of nerve impulses.

Symptoms vary according to the location of plaques. If the spinal cord is affected, the patient may suffer from weakness, lack of coordination, and, finally, paralysis of the trunk, hands, and feet, or loss of control of bowels and bladder. An attack on the brain can affect a patient's sense of balance, causing staggering and tremor, with slurred speech, double vision, jerky eye movements, and dizziness.

Even wild mood swings, from euphoraia to depression, that fail to respond in a normal way to mood-altering drugs may indicate M.S., say psychiatrists Richard Goodstein and Richard Ferrell of Dartmouth Medical School, especially when accompanied by muscle spasms and eye problems.

But none of these symptoms is unique to M.S. Most of us suffer periodically from tingling, numbness, dizziness, and depression. Three new tests help doctors diagnose M.S. more accurately. One measures the time it takes for an electrical impulse to travel from the eye, ear, or fingers to the brain. Since loss of myelin slows the transit time of nerve impulses from 225 mph to about 25 mph or less, this is a useful, though not conclusive, test.

The other two tests involve examining spinal fluid for unusual elements. During exacerbations of their disease, M.S. patients will have particles of basic protein—the major component of myelin—floating around in their spinal fluid.

M.S. patients also have very high level of antibodies in the spinal fluid. Antibodies are produced by the body to fight off disease and are rarely, if ever, found in the spinal fluid of healthy people. "The brain and spinal cord may be harboring a foreign organism that stimulates production of antibodies," says Dr. Waksman of the M.S. Society. When these antibodies are examined, during a process known as electrophoresis, they line up in a distinctive pattern, referred to as "oligoclonal bands."

The foreign organism causing the production of these antibodies was at first thought to be measles, since M.S. patients and their sibling carry particularly high levels of measles antibodies. For years scientists have been searching brain tissue of deceased patients, trying to find a measles virus tucked away somewhere. Dr. Albert Cook, director of neuroscience at Long Island College Hospital, and his group have reported finding measles viral protein in the jejunum, or upper intestine, of M.S. patients. So far, nobody has been able to duplicate their findings, and scientists have ascribed their results to contaminants. Cook, however, is convinced he is on the right track because other groups in Japan and Belgium have reported jejunal-cell abnormalities in M.S. patients. Cook believes that the measles virus may imprint its protein onto DNA of the jejunal cell and create a new cell protein that antibodies recognize as foreign and attack.

"When researchers look for measles virus they don't find it," says Cook, "because they're looking in the brain instead of the intestine."

Even if there is a virus for M.S., why does it attack so selectively? Every clue indicates that those susceptible to M.S. have inherited abnormal immune reactions. While they have higher levels of antibodies to a whole range of viruses, indicating that their bodies are constantly on the alert for disease, they have lower levels of lymphocytes, a type of white blood cell that also fights disease. And what lymphocytes they do have are less effective in combating such viruses as measles, parainfluenza, mumps, polio, and herpes simplex virus.

Investigators have also recently found that M.S. patients have fewer "suppressor" cells, which suppress or turn off the immune response. This may mean that instead of fighting invaders the antibodies and lymphocytes are turning against their own body cells and, in the case of M.S., attacking the central nervous system.

This is known as autoimmunity. Several other diseases, including myasthenia gravis and lupus erythematosis, are thought to be autoimmune diseases. When spinal fluid is withdrawn from M.S. patients during the inflammatory stage of the disease and a drop is tested by injection into the optic nerve of a tadpole, it attacks the myelin sheath surrounding this nerve. This could mean that something in the spinal fluid—antibodies, lymphocytes, or some toxic agent—is attacking the patient's own myelin. Whatever it is, it appears shortly after an M.S. attack and disappears when the patient improves.

To combat inflammation, and perhaps do the job of the missing suppressor cells, physicians find that cortisone and other steroids are useful in turning off the immune response. Some patients must take them regularly, to help relieve paralysis caused by brain inflammation. Others avoid them for as long as possible, fearing side effects.

However they cope with the disease, M.S. patients must face the possibility of 25 to 30 years of progressive disability. Although some are spared, most are afraid that they will end up in a wheelchair, or worse, and refuse to acknowledge that they have M.S. Many live in secret fear of being found out, the divorce rate is understandably high, and loneliness and depression are daily problems. The Multiple Sclerosis Society has been formed to try to help (see page 79).

Over the years hundreds of diets have been advocated, none of them any good, and some patients get hooked on vitamins as a cure. One man spent 45 minutes each morning just putting vitamins in bottles. His habit cost him $40 a week. Another spent thousands of dollars and every Sunday night sorting out the 50 he had to take with each meal, until he decided it was doing him no good. These crazy cures provide one good thing—hope. Hope plays a very powerful role in M.S. "While hope is known to have a placebo effect in all diseases," says Dr. John Sever, chief of the Infectious Diseases Branch of NINCDS, "it works to relieve symptoms in M.S. patients more frequently than in other patients. Any treatment that instills hope will help some of these patients some of the time." And many patients have their own ways of hoping. They hold on to the idea that a cure will be found and keep themselves as fit as possible through yoga, physiotherapy, and constant exercise. Even Jacqueline DuPré is hopeful that she may one day play the cello again.

Most M.S. victims seem to cope with the disease with remarkable courage. Although Jacqueline DuPré admits she went into a blue funk for a couple of years after her diagnosis, she now faces the world with quiet dignity and remains as active as possible. She recently narrated *Peter and the Wolf* while her husband, Daniel Barenboim, conducted the English Chamber Orchestra. She also gives master classes to aspiring young cellists and inspired her longtime friend Jim Wolfensohn, a New York investment banker and chairman of the executive committee of Carnegie Hall, to play Bach's Suite No. 1 only six months after starting to play the cello.

One of the remarkable things about M.S. is that it tends to recur when the patient is under either emotional or physical stress. Knowing this, some M.S. patients find psychotherapy helpful in navigating their way through times of emotional upsets. They also must avoid overexertion and anything which raises body temperature, both of which make symptoms worse.

While patients learn to live with the disease, scientists continue to search for effective medical treatment. The government, through the National Institute of Neurological and Communicative Disorders and Stroke, provides some $12 million in research funds each year, and the National Multiple Schlerosis Society raises an additional $6 million. Just this February $115,000 was raised at Carnegie Hall, where Vladimir Ashkenazy performed in honor of Jacqueline DuPré.

To date, scientists have tried everything from transfusing large numbers of white cells to boost defenses against a possible virus, to injecting myelin basic protein as a possible way of stimulating the production of suppressor cells in the patient's body.

A California investigator, Peter Dau, has recently tried replacing patients' plasma to remove whatever it is that attacks myelin. By combining this with large doses of immunosuppressant drugs, like methotrexate and Imuran, he is reported to be having "remarkable success."

Even if plasma replacement and immunosuppressant drugs help prevent the progression of disease, such treatment is costly and could have severe and unpleasant side effects. Furthermore, we still wouldn't know the underlying causes of the disease.

One of the most promising new leads in that direction is the work being done on slow viruses. Scientists have discovered that when certain viruses duplicate themselves, fragments may be accidentally formed. They are called defective interfering particles and are not infectious themselves but slow down infection by competing with the virus for materials needed in replication. This creates a slow, chronic disease or one which manifests itself in short bursts, whenever the patient becomes susceptible.

Although no such particles have yet been found in M.S. patients, in sheep Visna-virus particles have been discovered right in the central nervous system. There they produce a chronic, progressive demyelinating disease, inflammation of the brain, and elevated levels of antibodies in the spinal fluid. These antibodies, when tested, form oligoclonal bands, exactly as they do in M.S. As the disease develops, investigators have found, new forms of the original virus, probably mutants, appear and with each new mutant a new immune response develops. This would account for the sudden bursts of inflammation, or attacks of disease. It's just possible that fragments or mutants of a virus—perhaps measles—are causing M.S. in humans, and scientists simply have not been looking for them.

If measles, or a measles mutant, is the culprit, and nobody knows for sure yet, then the measles vaccine, introduced into this country in 1963, could produce results within the next ten years. "The research community is waiting with bated breath to see whether or not children immunized against measles get M.S. in their twenties or thirties," says Murray Bornstein, M.D., professor of neurology at Albert Einstein College of Medicine in the Bronx, who has spent the last 23 years researching the causes of M.S. "If meassles vaccine successfully wipes out M.S., then the disease will gradually fade away, as polio has. In ten years from now, when the sixteen-year-olds of today reach the target age for M.S., we may have the final answer."

FOR INFORMATION

Anyone with M.S. may call the New York Chapter of the Multiple Sclerosis Society at 682–6550, or write for information to 535 Fifth Avenue, New York 10017. The society also offers the following programs and services:

1. Recreation for a full day once a week. Patients are picked up in an ambulette and transported free of charge to a center for crafts, macramé, lectures, and other activities.
2. Group discussion one night every other week. Many participants are single, still working and hiding their condition from employers. They can discuss their fears and problems openly here.
3. Swimming and water therapy once a week for eight weeks, offered consecutively in each of the four boroughs.
4. Equipment lent on an open-ended basis, free of charge, to any M.S. patient with a doctor's note stating that she needs it. Items include hospital beds, walkers, wheelchairs, crutches, portable commodes, and canes.
5. Tele-friend provides telephone contact for those who need it.●

GASOLINE SHORTAGE: NEED TO EXPAND SUPPLY

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. DANNEMEYER. Mr. Speaker, on May 10, 1979, the House of Representatives wisely rejected the rationing plan submitted by the President.

I was one of those who voted against the plan because it is unwise from a policy standpoint to authorize a plan to apportion a shortage when our Government has not done all that it could to expand supply.

The figures in table 1 below show the low and high range of oil savings which can take place right now under existing law if the President will only exercise the authority he has. These steps should be taken before we spend any more time talking about sharing a shortage.

When you reflect on the fact that the existing shortage of crude oil is not more than 15 percent of our total daily usage of about 9 million barrels, the reduction in use the proposed actions would achieve would go a long ways toward solving the current shortage.

At this point I include in the RECORD a copy of my letter to the President outlining the six steps that he can take without any further legislative authority. In addition I have included a table that gives the offsets that would be possible in 1979.

The material follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 10, 1979.

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: The recent gasoline crisis in Southern California is bringing to a head the whole need of an energy policy for our country. While attempts must be made to fairly share any shortage, actions must be taken to increase supplies and reduce dependence on foreign fuel sources.

It has come to my attention that without any further legislative approval you could take the following six Executive initiatives to increase supply:

Steps to decrease foreign oil dependence

[*In barrels per day*]

1979 Offset	*Savings*
1. Convert oil-fired boilers to natural gas	701, 000
2. Convert dual-fired boilers from oil to natural gas	145, 000
3. Decontrol prices of oil immediately rather than phase them in over the next 2 years	160, 000
4. Permit the transfer of energy developed by coal sources in the Midwest to the Northeast	250, 000
5. Expedite the completion of 6 additional nuclear reactors currently in process	240, 000
6. Reduce the requirements for lead and approve MMT additives to gas	39, 000
Total	1, 535, 000

These initiatives could reduce oil useage by more than 17% by December, 1979. This amounts to decreasing the use of 1.5 million barrels per day. The Congress is asked to consider a rationing plan when it seems we in California are already on very short rationing. The American people will conserve fuel and accept rationing when they are convinced that the government is doing all it can to increase supply.

Your action on the above steps is needed.

Most respectfully yours,
WILLIAM E. DANNEMEYER,
Member of Congress.

TABLE 1.—1979 OIL OFFSETS POSSIBLE

Step	Oil offset (barrels per day)	Imports (in percent)	
		Total	Mid-East
Low range:			
1	701,000	8.0	19.4
2	145,000	1.7	4.0
3	160,000	1.8	4.4
4	250,000	2.9	6.7
5	240,000	2.8	6.6
6	39,000	.4	1.3
Total	1,544,000	17.6	42.7
High range:			
1	1,170,000	13.4	32.4
2	145,000	1.7	4.0
3	800,000	9.2	22.1
4	500,000	5.7	13.8
5	240,000	2.8	6.6
6	61,000	.7	1.7
Total	2,879,000	33.1	79.7

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FIRST SCHOOL BAND TO TAKE PART IN INTERNATIONAL MUSIC FESTIVAL

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. LENT. Mr. Speaker, last month I brought to the attention of my colleagues the fact that the Seaford High School Band, from the Fourth Congressional District which I have the honor to represent, had been selected as the first school band from the United States to take part in the International Youth Festival of Music held annually in Belgium.

It is now my pleasure to report to my colleagues that the Seaford High School musicians, under the baton of band director Joseph Manso, won top honors at the festival, and has come home with first prize and a medal in recognition of their fine performance.

An indication of the outstanding abilities of these young musicians and their director can be gained from the knowledge that the Seaford High School Band was in competition with some 75 other bands from schools all over Europe. To win first place honors with such competition on the very first appearance of an American band in the International Youth Festival of Music is truly an outstanding accomplishment and reflects great credit not only on the Seaford High School's students and faculty, but on the musical abilities of the young people of the entire United States.

Not to be overlooked in the magnificent conclusion to its historic journey is the fact that the Seaford band members put forth a major effort within a few weeks time to raise the thousands of dollars needed for transportation expenses. The musicians conducted paper drives, fruit and candy sales, pancake breakfasts, and other fundraising campaigns. With the help of community and booster clubs in Seaford the goal was met.

The entire project was a typically American accomplishment from beginning to end and it should make all of us very proud. I know my colleagues will join me in offering the heartiest congratulations to the members of the Seaford High School Band and to their director, Joseph Manso, on their momentous achievement.●

AUTHORIZING THE PRESIDENT TO PROCLAIM NATIONAL VOTER EDUCATION WEEK

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. GARCIA. Mr. Speaker, last week I introduced a joint resolution that would authorize the President to issue a proclamation designating the last week in September as National Voter Education Week.

The right to vote is a fundamental civil responsibility of every citizen. We have all witnessed with concern the serious and continuing decline in the numbers of citizens who have chosen to participate in the electoral process. This trend is one which I feel we all wish to see reversed. What is perhaps most alarming in this trend is the fact that since the voting age was lowered to 18 years, on average only 34 percent of the eligible voters in the 18 to 20 age bracket have participated in the electoral process.

The apathy of this group is very disturbing because these citizens should be the most enthused and most eager of us all to exercise their democratic franchise. The failure of nearly two-thirds of our young people to vote is a matter that warrants our concern and action. This is dramatized by the fact that the young people of our Nation are the leaders of the future.

It is my feeling that the people of this Nation, particularly our youth do not fully understand their responsibility. The strength of any democracy lies in the collective involvement of its citizens. The lack of participation of a large chunk of the nation precludes elected officials from truly assisting their needs and inclinations. A noninvolved citizen presents perhaps the greatest threat to the stability and continuance of the democratic institutions of a nation.

And we also find that those who do not participate are ultimately the most affected by the decision and mandates of a few.

It is timely and important that we begin to actively address this lack of interest of our citizens. Of particular interest to me is our youth because their attitudes of noninvolvement may well continue through their later years. If we reach our citizenry at an age where certain attitudes and cynicisms are not yet ingrained, we may be able to reverse the trend.

I am not alone in this concern. Just today I learned that the American Bar Association is completing a study on voter participation where they conclusively show the declining trend. From this study they will make a series of recommendations to the President on ways to address this problem. I am very pleased to see that the American Bar Association is taking initiatives on this issue.

In my proclamation I call upon institutions of learning to celebrate National Voter Education Week. I do so because I believe they provide the most accessible vehicle for contact with the youth and the older people of the Nation. Educators are trained to teach, and are the ideal persons to design programs, workshops or other innovative forms of transmitting concepts. Through the special instrument of a National Voter Education Week we can highlight the importance of participation in the democratic process.

A program which will clearly illustrate the impact the electoral process has on our democracy, will help to encourage greater participation and involvement of our youngest citizens. Furthermore, by reaching the young we can touch those adults that are closest to them.

The celebration of a National Voter Education Week will not solve the problem of lack of interest in the democratic process. However, it will provide a first step in that direction. Clearly we must reverse the decline of voter participation. By making a concerted effort to transmit our experience and knowledge to those who are more open, we can hope to encourage greater involvement.●

FACTS SPEAK FOR THEMSELVES—UDALL/ANDERSON SUBSTITUTE BEST FOR SPORT HUNTING

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. UDALL. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

Mr. Lee Dallager, National Vice-President of the Izaak Walton League of America has written me concerning the Alaska lands bill. The campaign of distortions directed at the Udall-Anderson substitute has reached unbelievable proportions. I am one Member who believes that the facts should speak for themselves. The following letter from Mr. Dallager and the enclosed mailgrams should help set the record straight as to which Alaska lands bill best meets the needs of the sport hunting public.

Des Moines, Iowa, May 10, 1979.

HON. MORRIS K. UDALL,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR MO: As National Vice-President of the Izaak Walton League of America, I want to let you know that our organization fully supports the Udall-Anderson bill as the best Alaska lands bill for sport hunters across America. The Udall-Anderson bill would permit sport hunting on the vast majority of Alaska lands and its strong, sound management policies would provide the habitat protection necessary to insure that healthy populations continue to exist for sport hunters for generations to come.

I am also a life member of the National Rifle Association. But I want you to know that I am very disturbed at the misinformation being distributed by the National Rifle

Association and their position in support of the Breaux-Dingell bill.

In particular, I recently received the enclosed mailgram from the National Rifle Association, informing me that the Udall-Anderson bill is an anti-hunting bill that would not allow hunting or state management of fish and game in Alaska. These are irresponsible and, it seems to me, deliberately misleading charges about a bill that I consider to be one of the most important conservation measures for sport hunting that I have ever seen. In addition, this mailgram said that my state Wildlife Federation supported the Breaux-Dingell bill. But the President of the Iowa Wildlife Federation has informed me that they are in full support of the Udall-Anderson bill, and has so communicated to the entire Iowa delegation.

Members of the Izaak Walton League in Iowa have urged the Iowa delegation to disregard the information they may receive encouraging them to support the Breaux-Dingell bill as the sport hunters choice, and we are working hard for the passage of your bill. I feel quite strongly that if we fail to enact the conservation measures of the Udall-Anderson bill the future of sport hunting in Alaska will be diminished.

Best wishes,

Lee Dallager,
National Vice-President.

NRA Mailgram

You can help defeat anti-hunters. Hunting on all public lands in U.S. at stake in Alaska lands bill now on floor. Breaux-Dingell bill allows hunting and State management fish & game; Udall bill doesn't. Your State Wildlife Federation also supporting Breaux-Dingell. Urgent you and friends immediately call or telegram by May 8: Rep. Smith 202-225-4426; local office 515-284-4634. Urge support Breaux-Dingell; oppose anti-hunting Udall bill.

Neal Knox,
NRA-ILA.

IWF Support

Hon. Morris Udall,
Cannon House Office Building,
Washington, D.C.

Iowa Wildlife Federation has met individually and singly with members of Iowa Congressional delegation, strongly supporting Udall-Anderson Alaska lands bill. IWF has been in support of this compromise bill since April 7 board meeting. We deplore the underhanded methods of the National Rifle Association in mis-using and mis-representing use of our name in supporting Breaux-Dingell bill. We have demanded that NRA send retraction telegram to people in Iowa. If this is not done, legal steps will be considered.

Charles W. Mills,
President, IWF.●

A TRIBUTE TO BOB BAUMAN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. MICHEL. Mr. Speaker, I know you share with me an admiration for our distinguished colleague from Maryland. Bob Bauman. I know how very much you personally appreciate the help he has given you in unraveling the often complex parliamentary situations we find ourselves in from time to time.

I know, too, how highly you value the opinions our colleague offers on matters of public policy. Just as there are many in the majority who appreciate the exemplary service Bob Bauman renders to this House, so do we Members of the minority. As a matter of fact, Bob Bauman's criticism of the leadership in this House has not been confined to the majority side, but to the minority side as well. I am not offended by what he says, but take it as another constructive effort on his part to make this body what it ought to be—the greatest deliberative legislative body known to man.

Mr. Speaker, we were proud of Bob Bauman's many contributions to this House and ask unanimous consent that today's Washington Post story entitled "Bob Bauman, Modern House Watchdog" be printed at this point in the Record.

The article follows:

[From the Washington Post, May 14, 1979]

Bob Bauman, Modern House Watchdog

(By Mary Russell)

He is there every day, usually wearing a conservative blue suit that matches his ideology—a watchdog at the gates, trying to prevent Democratic proposals from becoming the law of the land.

Rep. Robert E. Bauman (R-Md.) is simply doing what comes naturally: manning the battlements of the House floor and staging guerrilla warfare on the Democratic majority.

He relishes delaying tactics. He has an endless supply of points of order and parliamentary maneuvers to harass the opposition. He insists upon "putting the House on record," as Bauman calls it, by demanding recorded votes.

Until this Congress, Democrats brushed him off as bothersome and pesky but not significant enough to cause them to change their ways. "Every legislature needs a Bauman," House Speaker Thomas P. (Tip) O'Neil Jr. (D-Mass.) once said, as if to say every picnic needs a fly.

Now that assessment is changing. Bauman is winning some votes. He is branching out, taking an interest in more substantive issues.

He successfully led the move to cut foreign aid to Panama, a step that tipped off the Democratic leadership to the deep trouble facing legislation to implement the Panama Canal treaties.

He is considering a race for the seat of liberal Republican Sen. Charles McC. Mathias (Md.) in 1980. And he has just become chairman of the 250,000-member American Conservative Union, which gives him a forum for becoming better known nationally along with a fund-raising and grass-roots lobbying base.

Bauman used his position on the Merchant Marine Committee to alter the Panama Canal enabling legislation to the point that the administration is saying it comes close to violating the treaties. He has become the point man on the issue of lifting economic sanctions against Rhodesia, an issue he has a good chance of winning. And he has been appointed to the Rules Committee, through which most legislation must pass to reach the floor.

The change in Bauman's fortune is mostly symbolic of the times. Ideas once considered narrowly conservative are now getting serious attention as the House responds to the mood of the country. Bauman admits, "Conservatives can't take credit for that. The times are with us."

"In the old days, if we got an amendment cleared with the chairman and ranking Republican we were home free," said an aide to a major House committee, "Now we have to clear it with Bauman."

A Democratic vote-counter told Bauman: "It used to be we could tell Democrats coming on to the floor for a vote it was a Bauman amendment and we would get an automatic "no" vote. Now they want to know what the amendment's about."

Bauman went to Congress in a 1973 special election to fill the Eastern Shore seat.

With only a short interruption, he has worked on Capitol Hill since he was a Capitol page at the age of 16.

His knowledge of House procedures made him a natural to take over the role of conservative watchdog previously held by Iowa Republican H.R. Gross, who spent a lifetime battling Democratic spending measures.

But it was inevitable that Bauman would outgrow that. "Unlike H.R. Gross, Bauman is a very, very bright young man who has a great deal more intellectual latitude and a broader vision than H.R. Gross ever had," Rep. Edward Dewinski (R-Ill.) said.

Bauman is also benefitting from another situation—the discontent of some House conservatives particularly the 35 freshman Republicans, with their leadership.

Freshman Republican Newt Gingrich of Georgia said many of the new Republicans look more to Bauman and Rep. John Rousselot (R-Calif.) for leadership than to elected leaders like Minority Leader John J. Rhodes of Arizona. "Rousselot and Bauman are the real leaders of the opposition party," Gingrich said. "They dominate the floor more than the real leadership does and sometimes they do it despite the Republican leadership."

Bauman, a frequent critic of House GOP leadership, said, "Creeping paralysis sets in. They have accepted the status of being in the minority for so long. They don't know how to capitalize on the conservative trend."

Some bloodletting among Republicans may come if Illinois Rep. John B. Anderson, the House Republican Conference chairman, runs for president or the Senate. If he does, he has said he would give up the No. 3 Republican leadership slot of conference chairman. Ohio Rep. Sam Devine, a conservative but bland veteran, would like the job. However, young members want a more dynamic leader and mention Bauman, Trent Lott (Miss.) or Bud Shuster (Pa.).

Asked what he would do if he were one of the Republican leaders, Bauman said he thinks it's time to attempt to revive the coalition of Republicans and conservative Democrats that dominated Congress in the 1950s and early '60s.

He says freshman Texas Democrats Marvin Leath and Phil Gramm are prime examples of conservatives who might join such a coalition.

In the next two weeks, when the implementing legislation for the canal treaties comes to the floor, Bauman will play a leading role.

One issue is cost. Bauman said he believes the treaties' actual cost to the taxpayers could be significantly greater than the administration's $4 billion figure.

Bauman said Panamanian leaders are demanding items not in the treaties—such as possession of all movable equipment and materials, retroactive tax jurisdiction over U.S. corporations in the canal zone, and renovation and repair of facilities—that could cost billions more.

While Bauman is as partisan a House member as exists, he has worked with Democrats, such as California Rep. Phillip Burton and merchant marine Chairman John Murphy of New York, who accepted many of Bauman's amendments to the Panama Canal legislation.

"Murphy was a prince. Maybe it was because I had 18 proxies in my pocket," Bauman said.

Bauman believes the treaty legislation will pass the House. But he says if the administration tries to change it significantly or reshape it to its liking in a House-Senate conference, it may fail on a final floor vote.

Bauman hopes to make the legislation objectionable enough to Panama that the country would reject the treaties and have to negotiate new ones.

Of the 1980 Senate race, Bauman says, "I don't have any present plans to run for Mathias' seat."

If Bauman is as smart as most people think he is, he's not likely to give up the relative safety of his House seat.

Maryland GOP Chairman Allan C. Levy said he hopes Bauman won't try "because he couldn't beat Mathias in a statewide race."

Rep. Majorie Holt, Bauman's Republican ideological twin in the Maryland delegation, said, "We talked every day and he'd keep saying he hasn't made up his mind but I really don't think he will."

Bauman said only a Democratic opponent such as former governor Marvin Mandel might make the race tempting. At 42, Bauman can afford to wait.●

GREEN URGES SUPPORT FOR STRONG ALASKA BILL

HON. S. WILLIAM GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. GREEN. Mr. Speaker, tomorrow the House continues debate on one of the most important pieces of environmental legislation ever considered in this Chamber. The Alaska lands issue is one which has continued for several years and is overdue for resolution.

All of us are now asked to make difficult decisions about three separate and complex proposals which will determine future uses of this extraordinary State. The members of the House Interior and Insular Affairs Committee and the Merchant Marine and Fisheries Committee have worked diligently and spent long hours developing the three plans which are before us today. I feel that it is important for all of us to recognize the sincerity of each of the major participants in dealing with the Alaska question. Although we have sharp differences of opinion about specific ways in which to proceed, we all share a desire to serve in a responsible fashion the environmental and economic needs of today and those same needs of our grandchildren. In that light, Mr. Speaker, I commend those Members of the House who have labored so conscientiously on this issue.

In the 95th Congress, I was proud to support the chairman of the House Interior Committee, Mr. UDALL, in his efforts to provide a bill which would allow development of our natural resources in Alaska and would at the same time protect and preserve the unique wildlife and ecosystems which exist in that fragile part of the world. When this matter was considered in the House almost exactly 1 year ago, I supported all strengthening amendments and opposed all efforts to weaken last year's H.R. 39 and I was heartened when the overwhelming majority of my colleagues voted 277-31 in favor of the measure. However, end-of-the session pressures in the Senate prevented final approval of the measure and have led us to this legislation action.

As a cosponsor of Mr. UDALL's H.R. 39 as it was originally introduced in this Congress, I am today urging my colleagues to consider strongly the compromise measure which the gentleman from Arizona (Mr. UDALL) and the gentleman from Illinois (Mr. ANDERSON) have forged. As many Members know, I have spent a substantial amount of time in recent weeks assisting Mr. ANDERSON in taking head counts on this issue. I was also privileged on May 8 to join with my distinguished colleagues from New York (Messrs. SOLARZ and DOWNEY) in writing to other members of the New York delegation urging their support for the Udall-Anderson substitute. It is an honor to join with the Sierra Club, the Audubon Society, Friends of the Earth, and other organizations in working for enactment of this proposal.

Considerable mention has been made about this approach "locking up" the natural riches of Alaska. My reaction to that charge has always been to point out that "natural riches" can be of an esthetic as well as material type. However, as my May 8 letter noted, I "could not in good conscience ask for (Members') support if the Udall-Anderson bill did indeed lock Alaska up. This substitute is instead a carefully crafted compromise that really does balance development of needed resources with wilderness protection."

Under this approach, 40 percent of all the land in Alaska will be the property of the State, Alaska Natives, or other private landowners. Another 22 percent of all the land in Alaska will remain federally owned but outside the conservation system units. This area will be open to mineral entry for hardrock minerals, mineral leasing for oil and gas, logging and other development. Thus, 62 percent (232 million acres) of all the land in Alaska will be open to a wide variety of multiple uses, unaffected by the Udall-Anderson substitute. Further care has been taken to accommodate the interests of sport hunting and subsistence hunting and fishing.

After more than 17 formal field hearings, during which testimony was taken from over 2,000 witnesses, and after many more Washington hearings during this Congress and the last, changes are still being suggested to the various proposals. On May 8 Representatives Udall and Seiberling published and explained in the RECORD certain amendments they intend to offer to the Udall-Anderson substitute. These significant amendments clarify and liberalize language in the substitute concerning access to valid mining claims and rights to holders of unperfected mining claims in the national forest conservation systems in Alaska. I am pleased that interested parties have been able to arrive at acceptable language and I feel that these amendments should assuage the reservations held by several interests.

I think that an examination of the facts and a comparison of the three Alaska proposals would convince most observers that the Udall-Anderson approach is a reasonable and balanced one, which provides sufficient opportunity for development and protection of unmatched scenery, plant and animal life. I would request that my colleagues remember that vistas once despoiled cannot be replaced, that rivers and lakes once polluted take enormous time and sums of money to clean, and animal life once taken cannot be restored. I strongly recommend adoption of the Udall-Anderson substitute.●

CALIFORNIA FILES INJUNCTION AGAINST DOT TO SAVE PASSENGER RAILROADS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. MATSUI. Mr. Speaker, I rise in opposition to the Department of Transportation's proposed reduction of Amtrak routes. The plan is shortsighted and energy foolish.

Last week, the House considered an amendment to increase the amount for budget authority and budget outlays for Amtrak. The amendment was defeated by 31 votes.

That was last week, before massive service station closings, before lines of cars waiting for gasoline, 8 miles long.

I wonder how the House would vote today, after a weeklong demonstration that an alternative must be found for the gas-guzzling automobile.

One such alternative is the passenger railroad car, which has so ably served us for more than 100 years. Yet DOT's recommendation for the Amtrak route system ignores that.

Instead, in the name of fiscal integrity, DOT would dismantle the national passenger rail system, leaving us more at the mercy of the private automobile.

We should be adding new railroad lines, not killing off routes that are showing increasing ridership. We should be repairing tracks and upgrading equipment, not allowing railroad beds to decay.

We Californians are dealt a double blow by Amtrak reductions. Our shortage of gasoline is the most critical in the Nation. Yet instead of increasing our railroad service, the DOT proposal would eliminate routes, and reduce the quality of travel.

Time is running out for our Nation's passenger rail system. The DOT plan will go into effect if the House or the Senate does not pass a disapproval resolution by the end of next week. I am saddened that the House has not had an opportunity to vote on any of the resolutions, which have been bottled in the Interstate and Foreign Commerce Committee.

Due to the failure of Congress to act on a disapproval resolution, this morning the State of California filed an injunction in Sacramento to stop DOT. At noon, on the steps of the Capitol here in Washington, director of the California Department of Transportation, Adriana Gianturco, delivered a statement explaining California's position, and the national implications of the suit. At this point, I would like to insert her remarks into the RECORD:

Statement on Amtrak Lawsuit Presented by Adriana Gianturco, Director, California Department of Transportation

There are many states and millions of people in this country who are disillusioned, disappointed and confused at the U.S. Department of Transportation's intent to begin dismantling the nation's passenger rail service, our most energy-efficient mode of transportation, in the midst of an energy shortage—a shortage that shows every indication of becoming a crisis before any solutions are developed.

This being the first day of National Transportation Week Proclaimed by President Carter, it's particularly ironic that Congress has failed to take action to keep a crucial component of our transportation system intact. President Carter's proclamation reads, and I quote, "Transportation enriches our economy . . . because of transportation's importance, and to encourage greater safety and efficiency in the ways we develop and use it . . . I urge the governors of our states and other officials . . . to join with the U.S. Department of Transportation in observing this day and week. . . ." I fail to see how eliminating nearly half of the Nation's passenger rail system would be responsive to the President's call for safe and efficient transportation.

In observance of National Transportation Week, the state of California is today filing suit against the U.S. Department of Transportation, Amtrak, and the Federal Railroad Administration to prevent implementation of Secretary Adams' Amtrak route restructuring report on October 1.

The grounds for our lawsuit are as follows:

1. The U.S. Department of Transportation report does not include an environmental impact statement as required by the National Environmental Protection Act. Although a negative declaration is part of the report, it does not adequately address the adverse environmental effects that will result from the proposed cutbacks in the Amtrak system. These negative impacts include increased energy consumption by diversion of rail passengers to private automobile and a corresponding increase in air pollution; the elimination of all modes of public intercity transportation in some cities of the United States; the displacement of about 5,800 Amtrak employees nationwide and decreased business for small businesses which operate as satellite services to the railroad; and the conversion of some tracks to rail freight standards, which would make the reinstitution of passenger service on those tracks subject to future costly capital improvements.

In California, in particular, the U.S. DOT report would eliminate over 300 miles of passenger rail service including the San Joaquin service between Oakland and Bakersfield. The report would also restructure the Southwest Limited, the Los Angeles-Chicago train, so that the trip would take 11½ hours longer than it does now. The report would not provide for additional train service which is needed in the Los Angeles-San Diego corridor due to increasing ridership and the current energy shortage, and would not provide adequate service on the Coast Starlight operating between Los Angeles and Seattle.

2. The U.S. DOT report did not comply with the statutory mandate of Congress in the Amtrak Improvement Act of 1978. Specifically, the report does not consider the transportation needs of areas lacking in adequate alternative forms of transportation; does not consider national energy conservation efforts and the role of rail passenger service; and does not consider the unique advantages of rail service as compared to other modes of transportation, such as safety and fuel efficiency. Furthermore, the report does not consider how fare structure impacts ridership; does not define a future market other than existing Amtrak routes; and does not consider the negative effect of reduced rail passenger service on tourism.

3. The U.S. Department of Transportation proposal violates the National Historic Preservation Act. Twenty-three of the many railroad stations that would be closed have historic significance. (Four of these stations are already included on the National Register of Historic Places, seventeen are potentially eligible for inclusion—and these include stations in Stockton, Merced, Hanford, and Riverbank, California, and two stations are listed on local historical registers.) Under the DOT plan, a portion of the first transcontinental railroad route in the United States would also be eliminated. The National Historic Preservation Act requires compliance with certain procedures for mitigating adverse effects on historic resources. As we claim in our lawsuit, DOT made no effort to comply with these procedures, and the discontinuance of rail service that has been proposed may result in the actual elimination of many such historic places.

4. We are also claiming in our lawsuit that the DOT plan violates the Clean Air Act. Pursuant to that act, Federal administrators may not approve "programs or projects" that will aggravate air pollution in specially designated areas in which air quality is already poor. The Great Central Valley of California is designated such an area. The DOT proposal, which would eliminate the San Joaquin route, would have the effect of increasing automobile travel and air pollution in the Central Valley and would therefore have precisely the effect the Clean Air Act was designed to prevent.

5. We also feel the implementation of the U.S. DOT report raises serious constitutional issues concerning the right to travel of some individuals. Amtrak currently provides the only available mode of public intercity transportation for many communities in the country, and the proposed Amtrak cutbacks would eliminate public intercity transportation for some of these communities.

California is seeking an injunction against implementation of the U.S. DOT Amtrak restructuring report until the final report includes a detail environmental impact statement, all informtaion required by the Amtrak the constitutional issues involving the rights of travel of the citizens of California and other States.

We regret that we must resort to legal action in a final attempt to preserve our National Rail Passenger system. Before reaching this decision, we pursued all other avenues available to us, including testifying before congressional committees, conducting public hearings in California, and advising Amtrak and U.S. DOT of the probable results of the proposed cutbacks and the overwhelming public support for maintaining the Amtrak system.

We, in California, feel that rail passenger service in the United States should be expanded, rather than cut back, particularly in light of our energy situation and considering the amount of Federal funds going to other modes of transportation. It's really disturbing, at least to us in the west where we are waiting in lines for gas for up to three hours, that we are spending 16 times as much Federal dollars on highways as on Amtrak service and six times as much on air service as on Amtrak service, when the need for alternative, more energy efficient modes of transportation is evident. It simply doesn't make sense that the Federal Government continues to pour billions of dollars into a transportation mode we're unable to use, while cutting off an alternative mode that has experienced dramatic increases in patronage in recent months.

In California, we're beginning to see a decline in freeway travel—traffic in Los Angeles, for example, was down by 10 percent last week due to the gasoline shortage. On the other hand, rail patronage has been increasing at a substantial rate in our State. The coast starlight, the train between Los Angeles and Seattle, is the most heavily patronized, long-haul train in the Amtrak system and requires a three-week wait for reservations. The Sam Joaquin, operating between Bakersfield and Oakland, which will be eliminated under the U.S. DOT report, has shown a 60 percent increase in ridership in the last year and is running full with some standees. Ridership on the San Diegan service between Los Angeles and San Diego has tripled in less than three years and had the highest ridership ever last weekend.

The Los Angeles-San Diego train, on recent weekends, has been getting about 185 passenger miles per gallon of diesel fuel. This compares with the U.S. DOT figure for the U.S. average of 44 passenger miles per gallon for intercity auto.

Despite the demonstrated demand for passenger rail service in California and the obvious energy conservation benefits, the U.S. DOT report provides no track improvements and no additional trains for California and reduces the effectiveness of the existing service.

Although we in California are very concerned about the U.S. DOT's proposed Amtrak reductions, we see this as a national issue. The patterns we've been seeing in California are similar to what's being seen across the country, and we expect other States to be joining with us in our efforts to maintain and expand the National Rail Passenger system.●

FLORIDA SMALL BUSINESS PERSON OF THE YEAR

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. PEPPER. Mr. Speaker, Ms. Linda L. Kohler, president and chief executive officer of Florida Containers, Inc., of Sebring, Fla., has provided small business people everywhere with an outstanding example of American enterprise, advancing her polyesterene packing company from a small personal undertaking to a substantial concern which today serves 90 percent of the Florida market for egg cartons, as well as supply several other States and Puerto Rico. Ms. Kohler has deservingly been awarded the Small Business Administration's prestigious annual award: Florida Small Business Person of the Year.

Recognizing the critical need of her own family's poultry farm for a less expensive egg carton, Ms. Kohler established her business in 1969 at the age of 22. She and her father quickly developed a quality egg carton production line strictly for their own use. But Ms. Kohler realized the potential for a low-cost, high quality egg carton industry serving her entire State and, in 1971, the firm undertook its first major expansion. While growing to 70 employees, Florida Containers has also initiated product diversification by developing polyesterene hamburger cartons for a well-known restaurant chain in the area.

Throughout her company's history, Ms. Kohler has remained aware of the latest technological developments in processing equipment. For both this reason and her willingness to take calculated and intelligent business risks, she has been able to remain ahead of her competition while providing the finest customer services possible.

Through her unselfish and generous community involvement as an active member of the Sebring Chamber of Commerce and Sebring Industrial Board, Ms. Kohler has been instrumental in helping to bring new industries to the area. A spokesperson for the plastic foam packing industry, she has testified in behalf of her industry before congressional committees investigating the effects of fluorocarbons on the atmosphere. Ms. Kohler was recently honored with her appointment as member of the President's Federal paperwork reduction program.

We should all take special note of Ms. Kohler's accomplishments at this time. She is representative of the entrepreneurial spirit that we all admire.●

THE CONSERVATIVE VICTORY IN ENGLAND

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. GRASSLEY. Mr. Speaker, the recent election of Margaret Thatcher as Prime Minister of England is an event of great significance to all Western democracies. As is the traditional procedure in British politics, the parties in contention confronted the electorate with clearcut programs based on clearcut philosophical differences. Mrs. Thatcher and her Conservative colleagues did not equivocate and the English voter put them in office with the understanding that their election is a popular mandate to govern according to the detail and the spirit of the Conservative platform. This is the way of the British system and one of the reasons for its seniority among the world's democracies.

England has rejected the Labor Party's social spending policies that have so long stifled industry and the ordinary English citizen with tax burdens that discourage private investment and undermine the national work ethic. Mrs. Thatcher has announced that she and her Conservative government will halt the British march toward socialism and the welfare state. Renewed importance attaches to private enterprise, freedom of trade, national security, and a loosening of the regulatory bonds that have increasingly circumscribed the lives of the individual Englishman over recent decades.

This is what the English people voted for. They have consciously elected less government, and more individuality, less welfare and more freedom of choice, less government spending, less taxation and more emphasis on the private sector.

This should be an example and a lesson to those in Congress and the executive branch of the United States. The longing for conservative government and freedom from restrictive government regulations is no less a factor in American politics today than it was in England a few days ago. The British people have learned that they cannot spend their way to happiness, but they can spend themselves into bankruptcy and lose their traditional freedoms in the process.

We should learn from the British people. If we do not, we shall certainly be reminded that English blood still runs strongly in the veins of America.●

NEBRASKA HOSPITALS RESPOND TO SHUR

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. BEREUTER. Mr. Speaker, a number of weeks ago I brought to the attention of my colleagues a matter of great concern to the hospitals in my congressional district. I refer to the system for hospital uniform reporting (SHUR) that is to be implemented under regulations proposed by the Department of Health, Education, and Welfare. You will recall that this reporting system, mandated by section 19 of Public Law 95-142 is intended to provide information in a uniform way on costs, rates, capital assets, discharge and bill date. At that time, I indicated my intentions to survey all of the hospitals in my district, to gain some information about the probable effect of SHUR on those institutions.

The comment period on these regulations ended on April 23, and I now have data from a large number of hospitals in my district. I can say without reservation, that implementation of SHUR will have a severe, negative impact on every one of these institutions.

Of 34 hospitals in my district likely to be affected by SHUR, 20 responded to my request for information. Understandably, some of the smaller of these institutions do not have the resources for detailed analysis of the 606-page SHUR manual, and, therefore, are at some disadvantage in estimating its effect. In spite of this, and in spite of the fact that there may be some variations in the way a hospital calculated a particular figure, the results of my survey are stunning.

The hospitals in my district estimate an average cost of over $38,000 per institution to implement SHUR, and an average cost of $54,000 a year to maintain the system. Excluding the larger hospitals in the city of Lincoln, average cost of implementation comes to $27,590, and cost of maintaining the program, $24,333 per year.

I might add, parenthetically, that the accuracy of my calculations has been reinforced by a letter from the Lutheran Homes and Hospitals Society of America. That organization, which provides centralized management services to primarily rural hospitals, estimates that the cost of implementation will be about $15,000 to $20,000 per hospital and maintaining SHUR will average about $25,000 to $30,000 for the small hospitals under 50 beds.

Hospitals estimated that implementation would require approximately 2,000 additional employee hours. Costs for maintaining SHUR will of course be higher for larger institutions. Lincoln General Hospital, with 265 beds, predicts that SHUR will cost $141,000 a year. Bryan Memorial, 350 beds, and St. Elizabeth, with 208 beds, $100,000 and $99,000 per year, respectively. Average prediction for increased cost per day, per patient for both large and small instituions was $4.

In their comments, many of these institutions made the point that this expensive system is mandated at a time when public policy calls for lower hospital costs. The administrator of Jefferson County Memorial Hospital wrote:

> In this day of pressures for lowering health care costs, I am amazed how any administration can present a cost containment bill to Congress and then on the other hand, demand greater non-patient care expenditures.

SHUR fails to take into consideration differences between institutions, their size, location, and the level of care offered. Most small hospitals do not have the resources to deal with the new and complex accounting system imposed by SHUR. These institutions will have to add personnel and purchase additional computer services in order to comply with SHUR requirements.

Many of the hospitals make the point that SHUR is not simply a method of reporting, but that a whole new accounting system is being imposed on institutions that are functioning quite adequately with their present system. The business manager of St. Francis Memorial Hospital in West Point, Nebr., pointed out:

> Our hospital's present reporting system is based on responsibility reporting which enables us to accumulate data according to our organizational structure. The reports provide an effective management tool to evaluate each department's performance. With the SHUR system of functional reporting, we would still have to prepare our internal financial reports to maintain our day-to-day controls.

One administrator concludes:

> The SHUR program would be a double reporting system strictly for governmental information. . . . The fine detail requested under the SHUR program makes accumulation of the accounting and statistical information a nightmare.

These predictions cannot come as a complete surprise to those who have been involved in the development of this system. It was suggested in March of 1977, at the joint hearing on medicare-medicaid antifraud and abuse amendments that costs for a single hospital to convert to a uniform accounting system could run as high as $50,000. It was suggested that such an accounting system might overburden small rural hospitals and that certain categories might be excluded from the requirement.

The American Hospital Association at that time pointed out that imposition of the new system would be costly and might require many hospitals to use dual accounting systems. The AHA predicted that on a national basis, total conversion costs could reach $140 million.

These cost predictions are alarming but so are some questions about the usefulness of the system. The AHA suggested at the hearing that a large expensive system was being developed without any clear perception of how it would be used. SHUR will result in a massive data base. Management of such a data base will be costly. Even so we have no way of predicting that comparative reviews will be useful.

As I indicated earlier, HEW is proposing SHUR under the authority of section 19 of the medicare-medicaid antifraud and abuse amendments. Yet, there is no wording in section 19 to suggest that the uniform reporting system will be used to identify fraud and abuse. And there is no indication from HEW that SHUR could locate fraud and abuse.

Section 19 was not included in the original provisions of the proposed fraud and abuse legislation. That legislation, H.R. 3, was the subject of a joint hearing of the Subcommittee on Health (Committee on Ways and Means) and the Subcommittee on Health and Environment (Committee on Interstate and Foreign Commerce) in March of 1977. Shortly before the hearing, Congressmen Moss and Rogers had introduced H.R. 4211, which required uniform reporting and uniform accounting in medicare and medicaid program areas. This bill also was discussed at the joint hearing.

I might note that, while hospital participants were emphatic in their objection to the uniform accounting proposal, they were at a disadvantage. A representative of the American Federation of Hospitals, in a submitted statement, commented:

> Unfortunately other interested parties have not had time to prepare comments on the new uniform accounting amendment. We would hope that in the interest of fairness and opportunity for public comment, you will postpone consideration of this complex issue.

While no action was taken on H.R. 4211, an amendment introduced by Congressman Moss resulted in the addition of section 19, a uniform reporting requirement, to H.R. 3. Both committees clearly intended this to be a requirement for uniform reporting and not uniform accounting. I cite the report of the Committee on Ways and Means:

> Although proposals have been made to require uniform accounting as well as uniform reporting, the bill does not mandate a uniform accounting system. Your committee is not prepared to conclude that a uniform accounting system is necessary in order to generate the required comparable data. Your committee is inclined to believe at this time that the uniform reporting system, with specific documentation for the reported costs as part of the organization's accounting system, is sufficient. Recognizing that further study of this complex issue may be warranted, the Committee believes that it would be more appropriate to undertake such a study in the context of deliberations on proposed cost containment legislation, rather than the anti-fraud and abuse legislation.

Likewise, the Committee on Interstate and Foreign Commerce made clear its intention that uniform accounting was not to be implemented unless uniform reporting proved insufficient:

> Although this bill does not require uniform accounting as well as uniform reporting, the committee is convinced that the Secretary of HEW should develop model uniform accounting systems and that he should have the authority to require the use of such parts of the accounting system as he finds necessary in the future if his evaluation of uniform reporting indicates that it has not been sufficient to assure reliable and comparable data. The Committee notes that such authority is necessary to implement an effective and equitable hospital cost containment system, since payments based on comparative performances of like hospitals requires a high degree of comparability of cost data.

It would seem fair to state that in mandating SHUR at this time, HEW clearly has gone beyond the intent of Congress.●

THE 1980 OLYMPICS

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. BONER of Tennessee. Mr. Speaker, we are now arriving on the eve of the 1980 Olympic games. As we enter into the games, we must remember the principle upon which the games were founded: As a gathering of youths to better themselves and to understand people around the world. To do this, we must insure the safety of the athletes; the participation of all countries; and the nondiscriminatory treatment of citizens around the world.

As the host of the 1980 winter Olympics in Lake Placid, N.Y., we must take every precaution to guarantee the safety of the athletes. We must not let political ideologies interfere with the games as in the past. We must remember one of the most tragic dramas in Olympic history took place 7 years ago at the games in Munich, Germany, when eight members of the Black September Organization broke into 31 Connollystrasse, the building where the Israeli delegation was housed. They seized 11 Israelis, and 2 days later, the Israelis and 5 members of the Black September Organization were killed. This unforgettable experience should be averted at all costs. I am aware that the Lake Placid Olympic Committee is taking definite steps to deter and prohibit such happenings. With the appropriate steps, we can assure the athletes around the world of freedom from terrorist attacks, and the ability to compete without fearing such a disaster.

The Olympics are nonpolitical, amateur contests. All too often, the nations of the world are oblivious to this fact. The Olympics, through the years, have been plagued with political controversy. The results have occasionally led to countries boycotting the games, or being banned from competition. Political strife occurred in the last Olympics in Montreal, where some South African countries boycotted the Olympics, and the Taiwanese were banned from the games. I want to make a personal plea to all countries to attend the Olympic games in the spirit of harmony and unity. We can already see incidents of Asian countries threatening to boycott the 1980 Olympics; but in recent meetings, the Asian countries and the International Amateur Athletic Federation met, and compromised on the dispute. With this kind of attitude, there is no reason the 1980 Olympics cannot be one of the most successful ever.

It must be remembered when the multicolored five-circle flag is raised over the Olympic stadium, the Olympic Committee is in command, not the host country. When the flags are raised in Lake Placid and Moscow, there are certain guidelines the host country should follow. First, there should be unhampered participation of all athletes, coaches, and other officials from all nations. Second, there must be freedom for the press to pursue their stories and interview whomever they wish. Third, in the case of minority groups, such as the Jews in the Soviet Union, there should not be any practices of discriminatory ticket distribution. If these guidelines are adhered to, Olympics will be performed in the spirit of fairness and honesty among all nations.

Mr. Speaker, I want to congratulate the Lake Placid Olympic Committee and the U.S. Olympic Committee on the excellent job they are doing to rally Americans in support of the games. With their hard work and dedication, it will make the goals of the Olympic creed a reality.●

STANDBY RATIONING AUTHORITY

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. EARLY. Mr. Speaker, last week the House of Representatives refused to give the President standby rationing authority. Rationing is certainly not my first choice. I doubt that anyone believes rationing to be a long-term solution to an energy crisis. At best, it is a stop-gap measure in times of a severe energy emergency. There are too many liabilities related to rationing to make it a first choice of action during peacetime. Faced with the alternative, however, of widespread disruptions of normal daily business and social activities, rationing might at least allocate a gasoline shortage fairly among all income groups in every region of the Nation.

The resolution rejected by this body would have given the administration—the entire Nation—a fall back position in the event of another oil supply interruption. The Iranian shut-down earlier in the year and the 1973 Arab oil embargo clearly indicated the acute dependency of this Nation on foreign supplies of oil. Yet, we have no flexible framework to use in the event of another oil reduction or embargo.

The standby authority in the resolution was not a perfect tool. The resolution needed amending to meet the regional diversity of the Nation. The White House did amend its original proposal to reduce some of the worst fears of the farming community, of small businessmen, of delivery services, and the taxi industry among others. Yet, the administration's letters of intent failed to reassure a majority of Members that its amended proposal would minimize the adverse impact of rationing on their constituencies. Instead, the House catered to the parochial interests of each region. The administration and Congress now face a future fuel shortage without the needed flexibility to manage such a crisis. Congress has mistakenly chosen a subordinate role for the Nation in the event of another oil embargo. The Nation, in this respect, is vulnerable to foreign decisions and foreign instability affecting world oil supplies. The United States will continue to react to foreign factors affecting the Nation's energy supplies rather than actively shaping those events threatening the economic health of the country. Without standby rationing authority, the Nation faces the prospect of paralyzing delays in minimizing the harmful effects of a gasoline shortage. This resolution would have given the United States a flexible position to respond to a foreign decision to interrupt our oil supplies.

The normal rulemaking procedure would have applied to the standby rationing authority. Public comments would have prevented any one region or special interest group from thriving at the expense of another region or group of citizens. Congressional approval would also have been a prerequisite to activating any Presidentially backed rationing plan.

We need an option Mr. Speaker in the time of a severe gasoline shortage. The attitude expressed by the majority of this Chamber that the devil take the hindmost when State and regional interests are at stake is hostile to the Nation's economic prosperity.

Rationing is undesirable at any time. It is an imperfect device to allocate shortages on a fair basis. It would, hopefully, minimize the negative aspects of a gasoline shortage for the majority of the American people. Without some contingency authority to fairly allocate such a shortage, the low-income and fixed income groups in the country would otherwise bear a disproportionate share of the burden. The Nation will hopefully never face another embargo. But if the country must deal with a severe energy shortage, it would be in the best national interest to have a flexible standby authority to act quickly and uniformly on the problem. I am hopeful that the administration and Congress will remedy this situation prior to another curtailment or cutoff of our foreign oil supplies.●

JUNE 6 HEARINGS SCHEDULED ON SUNRISE-SUNSET LEGISLATION

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. LONG of Louisiana. Mr. Speaker, the Subcommittee on the Legislative Process of the House Committee on Rules will expand our inquiry into sunrise and sunset legislation and related measures to improve program review. A hearing will be held on June 6 to receive testimony by interested nongovernmental groups and organizations.

Program review legislation will affect not just the Federal agencies administering programs which will be subject to the review required by this legislation. All those served by Government programs will be affected as well. The ripple effects of our effort to increase the efficiency of legislative oversight and lower the cost of Government will reach every corner of our Nation. We must therefore hear from groups representing a diverse range of interests. Organizations desiring to testify before the Subcommittee on the Legislative Process at our hearings scheduled for June 6 at 2 p.m. are encouraged to call the subcommittee office at 202/225-1037.

The subcommittee will also take testimony on May 23 from the three legislative support agencies—CBO, CRS, and GAO—and from the Office of Management and Budget. Their testimony is expected to concentrate on the inventory and catalog requirements of H.R. 2 and H.R. 65.●

THE STATE DEPARTMENT ALLOWS SPIES AND TERRORISTS INTO OUR COUNTRY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. ASHBROOK. Mr. Speaker, the immigration laws clearly bar spies, terrorists, and subversives from visiting the United States. If there were some good reason to let one in, the Secretary of State could request a waiver from the Attorney General.

A few years ago Senator McGovern introduced an amendment to the State Department authorization bill that required the Secretary of State to request a waiver in all cases. Judging by their past record, Senator McGovern hardly needed to encourage the liberals in Foggy Bottom. I recently obtained a list of the individuals that the State Department recommended waivers for from 1977 to October 1978. The list had many subversives, intelligence agents, and terrorists. Some examples are:

Arnoldo Martinez Verdugo, Secretary General of the Communist Party of Mexico who wished to visit the Communist Party, U.S.A.

Andrey P. Fillipov, leader of the Young Communist League of the Soviet Union and the U.S.S.R. Committee of Youth Organizations who wished to attend the National Convention of the Young Workers Liberation League, the youth group of the C.P.U.S.A.

Mahmond Darwish, of the terrorist Palestine Liberation Organization.

Movain Tawfic Boussissou of the PLO.

Elias I. Khoury of the PLO.

Abed-Fattah of the PLO.

Mokhtar Hassan Sultania of the PLO and Secretary of PLO Unified Information Center which is the intelligence gathering of spying arm of the PLO.

All of the PLO people wished to attend a convention of the American-Arab Univesity Graduates, a pro-PLO group.

Jose Ramon Ballaguer, member of the Central Committee, Communist Party of Cuba.

Freddy Areni Torres Mejias, member of the Central Committee, Communist Party of Cuba.

Both of these wished to attend a conference of the Puerto Rican Socialist Party, a Castroite group that gives public as well as clandestine support to the terrorist FALN.

Our colleague Stephen Solarz was assured by the State Department that the McGovern amendment was not going to allow in PLO members. In a letter to Secretary of State Vance dated August 30, 1978, he protested that the State Department had provided him with information that was "misleading and incomplete."

I have studied the lengthy list of those who were granted visas and it is clear that the PLO and other subversive terrorists and spies have come in under the McGovern amendment. Due to the decline of intelligence gathering, other such undesirable aliens have come into our country.

It is time to repeal the McGovern amendment. It has done more harm than we can afford. I am reliably informed that the FBI and Justice Department have made some progress in stemming this tide in the last 3 months. The State Department would let them all in but maybe sounder minds will rule the day. The Congress is belatedly moving to correct this gross error. Time is running out.●

ROLLIE WHITE: A DEDICATED PUBLIC SERVANT

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. BAUMAN. Mr. Speaker, the State of Maryland recently lost a good citizen, and the Nation a dedicated public servant. Rollie H. White, Jr., a career foreign service officer who served both in Washington and in posts abroad, died recently after a short illness.

His father was a native of the Eastern Shore of Maryland, so Rollie White spent his boyhood in the area. When he retired, after having seen much of the world, he returned to the land of his youth and became an active citizen. He was widely known, respected, and admired, serving on various civic boards and teaching at Salisbury State College.

His loss has saddened not only his many friends in Maryland, but also those who knew and worked with him in the Federal Government.

At this point, Mr. Speaker, I would like to insert in the Record an article regarding Rollie White, and a tribute he received from the Salisbury Times newspaper:

SERVICE FOR WHITE

Rollie H. White, Jr., a retired foreign service officer and a former executive director of the Salisbury Area Chamber of Commerce, is dead at the age of 60.

He died in the Peninsula General Hospital Medical Center after a short illness.

White lived at Sharps Point and also had a home in Whitehaven.

He came to Salisbury in 1975 on retirement from foreign service, after duty with the government as a counsel general and deputy chief of missions in Finland for several years.

White joined the foreign service in 1942 and his assignments carried him to posts throughout much of the world.

In Moscow, he was second secretary of the U.S. Embassay. In Washington, he was special assistant to Undersecretary Averell Harriman. He spoke Russian and German fluently.

Born in Washington, he was a son of the late Rollie H. and Minerva Carr White. He was a member of St. Peter's Episcopal Church and was vice president of the Green Hill Yacht and Country Club.

He was on the board of trustees of the Ward Foundation and also on the board of trustees of Peninsula General Hospital Medical Center. White had been an instructor of several courses at Salisbury State College.

Surviving are his wife, Doris Jean Fitch White; four sons, Rollie H. White III, Laurel, Md., Thomas F. White, Washington, and Campbell C. and Wesley S. White, Salisbury; a sister, Mrs. John Lanigan, Washington; and several nieces and nephews.

Funeral services will be held at 11 a.m., Saturday in St. Peter's Episcopal Church. The Rev. Harry Riddle Johnson will officiate. Private graveside services will be held at Old Green Hill Episcopal Church Cemetery, near Quantico.

A memorial service is planned at noon Tuesday in the Bethlehem Chapel of the Washington National Cathedral.

The family suggests that, as a tribute to the memory of the deceased, contributions may be made to the Rollie H. White memorial hospice fund in care of the Maryland National Bank, Box 2318, Salisbury in care of William Postless Jr.

Arrangements are being handled by the Holloway Funeral Home.

ROLLIE H. WHITE, JR.

His roots were in Wicomico County.

And that's where they buried him not far from where he played as a boy.

Rollie H. White Jr., had spent many summers in nearby Whitehaven as a youngster. His father had been born in Whitehaven but was living in Washington.

Rollie H. White Jr. died the other day after a short illness. He was 60.

White had spent most of his life in service to the United States government. He had served in the Foreign Service and his assignments had carried him the world over from Moscow to Finland, from Kenya to South Africa.

At one time during his career, he had played a part in helping to make arrangements for the SALT talks. He was also at one time a special assistant to Undersecretary Averell Harriman in the State Department in Washington.

He retired from government service in 1974 and came to the Eastern Shore in 1975 to make his home. He had always loved the area, he told his many friends.

At age 55, White became the executive director of the Salisbury Area Chamber of Commerce. He made friends wherever he went.

He was low-key and quiet. This was how he went about getting his missions completed. While here, he became active in several organizations.

As director of the Chamber, he became Salisbury's promoter . . . a job he enjoyed.

With his death, the area has lost a good citizen. White was buried Saturday afternoon at the Old Green Hill Episcopal Church Cemetery near Quantico.

A memorial service is planned Tuesday at noon in the Bethlehem Chapel of the Washington National Cathedral so many of his friends in the capital may pay their respect.

The Cathedral is where White was once a choir boy. It's a fitting location for his friends to pay their final respects.●

JOHN KENNETH GALBRAITH CALLS FOR A FEDERAL OIL IMPORT CORPORATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. CONYERS. Mr. Speaker, the American people are making known in the clearest and bluntest ways their utter dissatisfaction with Federal energy policy, the Department of Energy, and the role of the multinational oil companies in managing the supply and pricing of oil products. Having experienced in the last few months the jolt of skyrocketing prices at the gas pump, citizens are now confronting the daily shocks of gasoline shortages, exhausting lines at service stations that remain open, the uncertainty of supplies over the next few months, and the longer-term threat to their mobility, livelihoods, and leisure time, should a scheme of oil rationing emerge. The intensity of public anger is such that even the most conservative, business-oriented leaders of Congress are issuing daily warnings of fundamental changes in the oil industry, including the possibility of nationalization.

At the top of the list of public concerns about energy, I would suggest, is the growing perception among citizens that the oil situation is out of control. There no longer is any confidence in the oil industry's ability to curb the price of imported oil, or to insure its supply and expand domestic supply, whatever the price, or of the Department of Energy's ability to manage an acute oil shortage judiciously and competently. Nor is there any confidence that the energy policies in place today will yield significantly greater energy self-sufficiency in the future. America's dependence on oil-producing countries, particularly OPEC, and on multinational oil corporations that owe allegiance to no single country have combined to raise public alarm higher than it has been in years.

A major element in the failure to provide for the amounts of oil the Nation requires at the prices it can afford has been our inability to come to terms with the price and supply of imported oil. There simply is no mechanism today for the United States to negotiate in the strongest manner with oil-producing countries, particularly OPEC, to lower the price for imported oil, or to limit the volume of imports as a means to influence the price. The consuming nations, including the United States, lack a countervailing market power which would permit them to deal on an equal footing with the oil producers.

This failure of policy was anticipated several years ago, when Congress wrote the Energy Policy and Conservation Act (1975), which provided the President with the authority to have the Federal Government exercise the exclusive right to purchase imported oil and to resell it in the United States. Unfortunately, this purchase authority (P.L. 95-163, sec. 456) has lain dormant ever since. To revive it, Representatives BENJAMIN ROSENTHAL, CHARLES ROSE, and myself on April 10, 1979 introduced The Oil Imports Act of 1979 (H.R. 3604) which provides for the establishment of a Federal nonprofit corporation as the sole importing agent for oil imported into the United States.

In this regard, I recently received a communication from Prof. John Kenneth Galbraith, which spells out the reasons why a Federal oil import corporation would go a long way in solving the energy emergency that exists today. Dr. Galbraith needs little introduction. As an economist, social philosopher, publicist, and Presidential advisor, few Americans outside of Government have had as great an impact on public thought and policy as he has. I recommend to my colleagues the following letter of John Kenneth Galbraith on the oil crisis and the means to solve it.

The Galbraith letter follows:

HARVARD UNIVERSITY,
Cambridge, Mass., May 7, 1979.

Congressman JOHN CONYERS, Jr.,
Rayburn House Building,
Washington, D.C.

DEAR CONGRESSMAN: I have now had a chance to read the Oil Imports Act of 1979. I am making haste to tell you that however great the political difficulties—and given the power of the oil companies no one will minimize these—this legislation is a completely logical answer to one part of the oil crisis. The OPEC countries have banded together as sellers of oil. This, however we may regret it, is their right. And we need also to remind ourselves that the power so to set prices has, in less direct form, long been exercised by the large firms that sell products to the raw-material-producing countries.

The fair and normal answer to the power of the seller is not indignation but countervailing power by the buyer. This we have long accepted. In our own markets, farm cooperatives are the answer to the traditional power of the sellers of farm equipment, fertilizer and supplies, including, needless to say, oil. The employers' organization is the answer to the power of the trade union as the power of the trade union is the answer to the corporate enterprise in the purchase of labor. The use of market power to answer market power is, in other words, deeply embedded in the most orthodox aspects of our system.

The singular feature of the oil market, as many have noticed, is that this vital power does not exist. The big oil companies, the Seven Sisters in particular, are so heavily committed to the oil-producing countries by contractual service and investment that they cannot assert themselves as buyers. And there is no reason why they should. Their corporate treasuries, no less than the exchequers of the OPEC countries, are the direct beneficiaries of the higher OPEC prices. There would be a stunning and possibly culpable neglect of interest were Exxon, Gulf, Mobile or the others to bargain down the prices which, when they are enhanced, so benefit them.

Accordingly, good market policy requires that there be a disinterested bargaining instrument. That is what H.R. 3604, as I read it, provides. I assuredly endorse it and I applaud the initiative which has caused you and Representatives Rosenthal, Rose, Bingham, Udall and others to take this step. To repeat, the creation of this bargaining instrument is the completely logical, completely plausible answer to the development of the bargaining power on the other side. It will, I venture, require some ingenuity, even on the part of the big oil companies, to argue to the contrary.

Yours faithfully,

JOHN KENNETH GALBRAITH.●

EULOGY TO COL. MICHAEL KOVATS DE FABRICY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. HORTON. Mr. Speaker, on April 21, the 9th Congress of the World Federation of Hungarian Freedom Fighters convened here in Washington to commemorate the 200th anniversary of the death of Col. Michael Kovats deFabricy. Although I was unable to be present, I understand from my good friend, Istvan B. Gereben, copresident of the federation, that the congress was highly successful.

During the memorial service for Colonel Kovats at the Old Chapel of Fort Myer on April 22, Maj. Gen. Donald Dawson, USAF (Ret.) delivered a moving eulogy which I would like to share with my colleagues. The eulogy speaks very appropriately of Colonel Kovats' significant contributions to the cause of American independence and to the Revolution which achieved it.

The text follows:

My friends: Old friends and new friends.

It is a high honor and a great privilege for me to be here with you and to have a part in these memorial services with the Hungarian Freedom Fighters Federation, paying tribute to the memory of the first Hungarian American freedom fighter.

I think it is important for those of us who have come here today to ask ourselves, "Why are we here?"

On a beautiful Sunday like this we could be in a hundred other places.

The answer should be loud and clear that we are here because we love and believe in freedom.

This country was founded by men and women from the old world coming to the new world.

They found here what they wanted and more importantly they were willing to fight to keep it.

If we want to keep it, we must be willing to fight to keep it.

If we don't have freedom, we must be willing to fight to get it.

If we have lost freedom, we must be willing to fight to regain it.

As horrible as war is, the loss of freedom is even more horrible.

The Hungarian freedom fighters met this acid test in 1956.

And if ever the time comes again that the test must be met, we must be willing to stand up and be counted.

That is the kind of man we are praising today—a Hungarian who came as a volunteer to this country over 200 years ago and laid down his life in a cause he believed to be right and in so doing made a great and lasting contribution. We are here in America—free men and free women, because of him and others like him.

May his spirit, and the spirit of all freedom fighters live on in our souls and in our lives every minute that God gives us.

We are commemorating the 200th anniversary of the heroic death of Colonel Michael Kovats deFabricy, a Hungarian-born Hussar officer of international reknown, who after a short service in the Austro-Hungarian Army served 16 years in the army of Frederick, The Great, King of Prussia, and fought for the liberation of his country from Hapsburg domination.

Toward the end of the Seven Years War (which lasted from 1756 to 1763), then Captain Kovats was captured by Austrian authorities while on a secret mission for Frederick in preparation for a Prussian military campaign on Hungarian territory. For various reasons, however, he was given amnesty by Maria Theresa, Queen of Hungary, and Empress of the Austrian Empire, on condition he retire from military service and begin a new life in his native country.

His status in the midst of pro-Vienna society, however, made his situation increasingly uneasy, and then he heard the clarion call of the American Declaration of Independence—that the message to all people who thrilled to the beckoning hope of individual freedom was to Kovats the mission of destiny. In the hope that a victory by the United States could aid him and others, independence-minded Hungarians to repel the autocratic reign of Joseph II, he offered his services to the American Congress in a letter to Benjamin Franklin closing with these fateful words, "fidelissimus and ad mortem" (most faithful unto death) which proved to be a true prophecy.

Kovats was joined in America by another European, a young Polish patriot, named Pulaski. The two spent four months in an effort to organize the four American cavalry regiments into a unified body of horsemen to fight in the light cavalry technique that was so successful in Europe.

This organization effort failed, however, and Pulaski resigned his commission as Commander of Cavalry. But the training was not without positive results, for he urged General Washington to ask the Congress to create an independent "Legion" assigned to the protection of the Congress in Philadelphia. He reminded Washington that Colonel Kovats was the only professional cavalry officer in the American forces who understood this type of warfare. Kovats was named commandant.

The new force, the "First American Legion" was intended by Kovats to become a a training school for light cavalry (Hussar) officers to be appointed eventually as commanding officers of special, detached units of light cavalry, light infantry and a few field pieces of great mobility like those in the fast changing "Little War" actions in Europe toward the end of the seven years war, which fitted the style of war faced by Washington's army also.

Fate, however, made a tragic end to all these plans and hopes of Kovats and Pulaski. The new British Commander-in-Chief, General Clinton took possession of Savannah, Georgia, in November 1778. It was clear that his next move would be directed against Charleston, South Carolina, the gate to the Carolinas and Virginia, home states of General Washington, Thomas Jefferson and other important leaders of the American Revolution.

In this critical situation, the young legion was ordered by General Washington to undertake the long march from their quarters in the north to the south which was under a very passive Commander, General Benjamin Lincoln.

Under repeated attacks by Indian tribes which were in the pay of the British, and suffering heavy losses in their ranks due to smallpox, the legion nevertheless slipped into beleaguered Charleston (the only American force to do so), and by reinforcing a weak defending force checked a movement among the city fathers to surrender that city to the British Army.

In front of the weak, improvised line of defense, just outside the city, during one of the Hussar-style sorties against the advancing British forces, Colonel Kovats was killed by enemy sharpshooters on May 11, 1779.

His personal sacrifice, however, was not in vain for after three days of unsuccessful attacks, the British departed and Charleston was secured for another year for General Washington and the cause of American independence. This was due to the training and spirit of the legion created by Colonel Kovats.

A few months later, on the 9th of October 1779, Kovats' faithful friend, Casimir Pulaski who led the legion after the death of Kovats lost his life in the attempt to recapture Savannah from the British. Michael Kovats was buried in an unmarked grave on the battlefield where he fell. Casimir Pulaski was buried at sea after he succumbed to his fatal wounds aboard a French war ship where he was carried by his French comrades.

The legion of the Hungarian and Polish heroes lost much of its strength at Savannah and integrated in other units. General George Washington decided to discontinue the cavalry regiment" organization. and suggested to Congress that it establish two "legions" instead, exactly copying the model recommended by General Pulaski. After the war, the entire American Army was named "legion", with sub-units named "sub-legions", carrying that name until 1812. Colonel Kovats' cavalry reforms were continued in the U.S. Army. Thousands of Hungarian "freedom fighters", led by the great Hungarian patriot, Louis Kossuth later found assylum in our country after the struggle against Austria and Russia. Hundreds of them served in the army of the United States during the Civil War, thus providing their and their own Nation's dedication to the ideals of liberty and independence.

After the 1956 Hungarian revolution against communist oppression and dominance more than 50,000 Hungarian freedom fighters came to America bringing the torchlight of the same fiery love of freedom and independence, and the Hungarians' everlasting dedication to basic human rights. This spirit of freedom loving Hungarians is still alive among us, led by the efforts of the rank and file of the Hungarian freedom fighters federation.

Posterity did not serve equal justice to these two European heroes. The millions of Polish immigrants in the United States succeeded in erecting impressive memorials, one of them an equestrian statue on Pennsylvania Avenue, to perpetuate the memory of General Casimir Pulaski. But the Hungarian hero, the first to initiate light cavalry training methods and tactics in the United States Army, is still without a memorial to his name.

From this point where we are now, we can see the tombs of several Hungarian-born heroes who fought and died for the United States in the course of the last 120 years, both in this country and on battlefields far away, in all parts of the world. Their dedication, their spirit and their courage made their first entry in American history with the life and deeds of Colonel Michael Kovats, commandant of the first American Legion.

And Colonel Kovats—even from an unmarked grave and without a statute to memorialize his service—lives yet in the heart of every freedom fighter, because they carry the torch of freedom and service dropped from his hand on the battlefield of Charleston that fateful day in 1779.

Our Federal Government has a beautiful building in Washington known as the Archives Building. It contains the important historical papers of our Nation, such as the Declaration of Independence which called to Colonel Kovats and our Constitution which gives us the rights for which he fought and gave his life.

Yes, these great expressions of free men are enshrined there, hermetically sealed and preserved by every scientific device. But, though they last forever as pieces of parchment, they are worthless unless they live in our hearts and unless our deeds mirror their high principles even as did Michael Kovats.●

MISINFORMATION ON THE ALASKA LANDS BILLS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. DINGELL. Mr. Speaker, much misinformation has been offered relating to the Alaska lands legislation—particularly with respect to those organizations that are represented as supporting the Udall-Anderson legislation.

A blatant example of this abuse can be found in the May 10, 1979 Congressional Record, Extension of Remarks, page 10784. A telegram was inserted stating that the Georgia Wildlife Federation, an affiliate of the National Wildlife Federation, was in support of the Udall-Anderson bill. This telegram was sent to the National Wildlife Federation's Washington, D.C. headquarters by the executive director of the State affiliate without the authority of the executive board of that group.

To clarify this misunderstanding, I am including in the Record a copy of a letter addressed to the Honorable Dawson Mathis of Georgia.

The text of this letter is most revealing:

Georgia Wildlife Federation,
Tucker, Ga., May 10, 1979.

Hon. Dawson Mathis,
Rayburn Building,
Washington, D.C.

Dear Dawson: I wanted to write you to thank you again for speaking to the Georgia Wildlife Federation and making the presentations at the awards banquet at our annual meeting last Saturday evening. I do realize how tight your schedule is, and I appreciate very much your finding the time to visit with us once again.

As you know, this last weekend at our annual meeting, there was considerable arm-twisting by various people to try to get the Georgia Wildlife Federation to endorse the Udall-Anderson Alaska position.

Of course, Dr. Fred Scroggin, President of the National Wildlife Federation was an invited speaker at that same annual banquet, and I am sure that you remember what he said at that time.

As I understand it, the National Wildlife Federation's position on Udall-Anderson is controversial, to say the least.

Dr. Scroggin says the NWF has endorsed Udall-Anderson. However, in the meantime (and the NWF annual meeting, at which this endorsement supposedly took place in the form of a resolution was only a very short time ago) some 18 state affiliates of NWF have renounced Udall-Anderson, including Dr. Scroggin's home State of Kentucky. Of course, Dr. Scroggin says Kentucky didn't dot its i's and cross its t's properly in its withdrawal of support, and, I suppose, under the circumstances, that's as well as he can counter.

Our delegate from Georgia to that National Wildlife Federation meeting, Col. Lindsey Henderson from Savannah, did, according to Dr. Scroggin, vote (on behalf of the Georgia Wildlife Federation) to endorse Udall-Anderson at that meeting.

Col. Henderson as our delegate from Georgia, cast all the votes for Georgia at that last meeting of the National Wildlife Federation. Col. Henderson says he *did not* vote to support Udall-Anderson.

After our banquet, Dr. Scroggin and Col. Henderson spoke to our Resolutions Committee about the NWF's alleged vote on Udall-Anderson. Col. Henderson produced a booklet of *all* the resolutions voted on at that National Wildlife Federation meeting. Dr. Scroggin had misplaced his own record of the NWF resolution and vote in question.

I saw Col. Henderson's book. Udall-Anderson is nowhere mentioned in that book. Nor are the names "Udall" or "Anderson" mentioned anywhere in that book.

Now, I was not at that National Wildlife Federation meeting, so I cannot tell you first hand what went on there. Let me state, however, that I have known Col. Henderson for a considerable period of time and I have always found him to be an honorable man, a gentleman, and truthful.

I *can* tell you what occurred at the Georgia Wildlife Federation annual meeting, since I am now the Secretary of the Georgia Wildlife Federation.

A resolution in support of Udall-Anderson was offered in Resolutions Committee.

That resolution failed even to get to the floor of the annual meeting, and no such resolution and no similar resolution was offered from the floor.

Another resolution was offered, which passed (see enclosed) which may have some bearing on the Alaska question.

Dawson, while I cannot speak for the entire Federation, it is my personal opinion that of the Georgia Delegation, you most closely reflect the thinking of the membership of the Federation; you have been a member of the Georgia Wildlife Federation for years and, I think, have voted our concerns in Congress. I, for one, appreciate it very much.

All this has been rather lengthy, but since there seems to have been some confusion among the Georgia Delegation, I thought I'd better write you to set the record straight. Since the time is very short, I'd appreciate it if you could communicate all this to the others. And please say "Howdy" for me to my old friends, Ed Jenkins and Newt Gingrich.

Best personal regards,

Guy Stancil, Jr.,
Secretary-Treasurer,
Georgia Wildlife Federation.

Resolution

Whereas: There are many anti-hunting groups attacking hunting, trapping, fishing, and firearms ownership, including the following:

Friends of Animals;
Fund for Animals;
Defenders of Wildlife;
Humane Society of the United States; and many others too numerous to list here, and

Whereas: Said "anti" groups often masquerade as conservation groups, and

Whereas: The Georgia Wildlife Federation has always supported scientific conservation, responsible game and wildlife management and has always supported hunting, fishing, trapping and responsible firearms ownership and use, and

Whereas: It is well known that the Georgia Wildlife Federation has always opposed the efforts of the above mentioned "anti" groups,

Now, therefore, be it resolved by the Georgia Wildlife Federation that the Georgia Wildlife Federation shall not let its name be used in any way in conjunction with any of the above mentioned "anti" groups, and that this resolution shall take precedence over any resolution to the contrary.

Done at the Annual meeting of the Georgia Wildlife Federation at Atlanta, Georgia this 6th day of May, 1979.●

SALUTE TO REV. GAETANO MARIA PICCINNI, PASTOR OF ST. DOMINIC CHURCH, BRONX, N.Y.

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. BIAGGI. Mr. Speaker, there is a tremendous spirit of kinship in dedication to spiritual and communal welfare among the people of the parish of St. Dominic in my home borough of the Bronx, N.Y. They have traditionally, as parishioners and a community, flocked together actively utilizing their God-given talents to enhance their temporal and spiritual lives. They have done so enthusiastically, and with great warmth. And they have welcomed many others to be a part of them. Into their midst, they recently formally embraced a new leader. He is the Reverend Gaetano Maria Piccinni, a learned and holy man who brings new and special qualities to the pastorship of St. Dominic. And I would like to share some of the excellence of that man of God with you now.

Gaetano Piccinni was born in the heart of New York City, the borough of Manhattan, on June 11, 1919, the son of Joseph and Donata Maria Popolizio, who are now deceased. He was to attend Public School 95 until the sixth grade when, in 1930, he went to Italy with his parents, and there completed his elementary education while developing a natural fluency in the Italian language.

Upon returning to the United States in 1933, he was enrolled at a well-known Bronx institution, DeWitt Clinton High School. It was, as we have later come to know, an introduction to the borough he was to serve so well for 25 years, first at St. Lucy and then as pastor of St. Dominic.

Following Clinton graduation with honors, young Gaetano attended Columbia University on scholarship, meriting placement on the dean's list. The award of a bachelor of arts degree in June 1941 was succeeded a year later in his gaining a master of arts degree in romance languages, with special honors in Italian. It was at this time that he published two books: "Blessed Frances Xavier Cabrini in America" and "Saints Cosmos and Damian, Wonder Workers of the Sick," which he had translated from the Italian.

In planning his thesis at Columbia, Gaetano Piccinni was attracted to and inspired by the life of St. Frances Xavier Cabrini. Consequently, he became aware of a strong desire within himself to serve the Lord. The Reverend Piccinni attributes his vocation to the priesthood to the intercession of St. Frances Xavier Cabrini. As he saw St. Frances serving as an apostle to the Italian immigrants, while contemplating his thesis, so too he realized that he was to serve as an apostle to the flock.

September 1942 saw him begin a teaching career at Oratory High School in Summit, N.J. And it was on February 27, 1945 that the young priestly candidate was accepted into his formal spiritual training at St. Joseph's Seminary, Dunwoodie, Yonkers, N.Y. The culmination of study and holy preparation was his ordination as the apostle of Christ he once imagined, on May 19, 1951. But his work as a prince of the church was only to begin.

His first assignment was the Church of the Immaculate Conception in North Tarrytown, N.Y. For, Gaetano Piccinni, a very learned man, was to serve as a model to the flock in the important work of the parish priest. In May 1952, his talents on behalf of the Lord were to lead him to the Church of Our Lady of Peace in Manhattan, and, in 1953, service as the Chaplain of Memorial Hospital through appointment by Archbishop Maguire. He specially administered to the sick and elderly, while maintaining his important role and functions as Associate Pastor of Our Lady of Peace.

And very happily and meaningfully for all who knew and loved him there, Father Piccinni was to come in May 1954 to the Church of St. Lucy in the Bronx, where he remained for 24 years. During his pastoral ministry at St. Lucy, he served as moderator of every parish adult organization. He functioned as the head of Catholic Charities under the leadership of the founder and first pastor, Msgr. Pasquale T. Lombardo. Significantly, he was also director of St. Lucy parochial school for 15 years.

On October 18, 1978, His Eminence, Terence Cardinal Cooke, appointed him pastor of the Parish of St. Dominic. It is truly a momentous occasion when a leader in God's service assumes the awesome responsibility of directing part of His province and providing the salvation of souls. His leadership, his example, and his loving care will serve him well in this very special new role.

To Reverend Piccinni, we extend our warmest good wishes that his tenure as pastor will be bountifully blessed. We hope that he and his parishioners will enjoy a great measure of happiness and prosperity through peace and comfort.

May God bless you Father Piccinni, and shine down upon you and the parishioners of St. Dominic. And may all your good work continue, as leader of and alongside the fine men and women of St. Dominic.●

PERSONAL EXPLANATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. SKELTON. Mr. Speaker, as I must give a speech in Kansas City tomorrow morning, one that has been scheduled for several months, I may miss part of the debate and some of the votes accompanying the Alaskan lands bill. However, it is my intention to support the Udall/Anderson substitute. While I will not be present on the House floor to join my colleagues in the discussion of this highly significant bill, I do want to encourage my friends to support Mr. UDALL in his relentless efforts to establish acceptable standards for land and wildlife conservation in Alaska.●

REAR ADMIRAL CRUDEN: A FINE MILITARY OFFICER

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. WON PAT. Mr. Speaker, for the past 2 years Guam has been privileged to host Rear Adm. David S. Cruden, who served there as Commander, Naval Forces in the Marianas (COMNAVMARIANAS).

Admiral Cruden is soon to assume new duties here in Washington, but will leave behind him the friendship of those who were fortunate to have known this fine officer and dedicated patriot.

Because of the importance of the military to the economy of Guam and partly because of the long tradition of the naval role in local affairs, the post of COMNAVMARIANAS has an unusually important place in our society. The people of Guam are always deeply concerned about those who assume this vital post, and I am proud to state that Adm. David S. Cruden is recognized as being a man of such quality and dedication that he will be long remembered as one of the outstanding naval officers to have served in that position.

I knew him before he was assigned to Guam. During his tenure in office, I had many occasions to meet with Admiral Cruden and work closely with him and his outstanding staff. I can say without reservation that in every instance, David Cruden worked to his utmost to eliminate the source of those problems which we often find between military and civilian communities which are in close approximation of each other.

Admiral Cruden is a fine practitioner of the art of public relations and he made strong efforts to reach out into the local civilian community to work closely with local officials as well.

The Admiral also shares my deep concern over the future need for a strong defense system in the Western Pacific and it is to his credit that the U.S. Navy is always prepared to do its duty in that part of the world.

It is my sincere hope that Admiral Cruden will carry on his concern for the role of Guam in America's Pacific strategy when he comes to the Nation's Capitol. The growing tendency by some Department of Defense officials to reduce our strength in the Pacific is most disturbing to me. Guam must continue to play a major role in our Pacific strategy if this Nation is to avoid a repetition of our mistakes prior to World War II when we were caught unprepared.

I must also note Admiral Cruden's key role in coordinating the military's efforts on Guam to halt the growing trafficking of narcotics. It is to his everlasting credit that the local military forces took quick and effective action to reduce the usage of narcotics among their personnel when the problem was recognized. Narcotics abuse is a major social problem in Guam and military bases in many parts of the globe. Admiral Cruden is aware of the need for swift action to halt this threat to our young people and his support of a strong civilian and military program to this end is most appreciated.

During his years of service, Admiral Cruden has achieved wide renown for his excellence of performance and leadership. We are most fortunate to have this man serving the people of the United States. On behalf of the people of Guam, I wish him the best of good fortune, good health, and happiness in his new position.

Mr. Speaker, I now ask that the following material be inserted in the RECORD:

REAR ADMIRAL DAVID S. CRUDEN, U.S. NAVY

Rear Admiral David S. Cruden was born in Winnipeg, Manitoba, Canada. He attended high school in Minneapolis, Minnesota before his appointment to the U.S. Naval Academy in 1949. He graduated from the Naval Academy in June 1953. Through subsequent advancements he attained the rank of Rear Admiral in 1977.

Upon graduation from the Naval Academy, he was assigned to the *USS Quincy* (CA–71) and served as Assistant Navigator of that ship until February 1954. From there, following a brief schooling period, he reported in 1954 to the *USS Brown* (DD–546), followed by a 6-month student tour at Submarine School, New London, Connecticut.

Rear Admiral Cruden then had a tour of duty as Supply Officer and Engineer in *USS Trout* (SS–566). From there he attended Nuclear Power Training in New London, Connecticut and Windsor, Connecticut before reporting to the Fleet Ballistic Missile submarine *USS Abraham Lincoln* (SSBN 602) Gold crew. After completing two years onboard *Lincoln* he was assigned as Executive Officer of *USS Sargo* (SSN–583), detaching in April 1964.

His second tour aboard a Fleet Ballistic Missile submarine was from 1964 until 1966 reporting as Executive Officer of USS *George Bancroft* (SSBN 643) BLUE crew. After a 6-month course at the Armed Forces Staff College, Admiral Cruden was then assigned as Commanding Officer, Nuclear Power School, Mare Island, California for the period 1967 through 1969.

In 1970 he became Commanding Officer of USS *Henry L. Stimson* (SSBN 655). Admiral Cruden was relieved of command of Stimson in 1971 and reported for duty with the Commander-in-Chief, U.S. Atlantic Fleet, Norfolk, Virginia. He was detached from that assignment in 1974 to assume command of Submarine Squadron Sixteen, Rota, Spain. Detached in 1976, Admiral Cruden was then assigned as Deputy Director, Strategic Systems Projects, Department of the Navy, Washington, D.C. on 30 September 1976.

As Deputy Director, Admiral Cruden was the primary assistant to the Director (Rear Admiral Levering Smith) for the research, development and production of the Navy's Fleet Ballistic Missile (FBM) Weapon System, which included the Polaris/Poseidon/

Trident missiles. Strategic Systems Project Office also exercised overall management control of the civilian-military Strategic Systems Project Office contractual team which brought the FBM system to operational readiness.

Admiral Cruden also had additional responsibilities related to the British Polaris force. These responsibilities resulted from the Nassau Pact and later the U.S./U.K. Sales Agreement under which the U.S. provided Polaris missiles (less warheads) on a continuing basis to the United Kingdom. In addition to missiles, the subsystems which make up the weapon system were also provided for installation in British-built nuclear-powered submarines. Admiral Cruden was detached from Strategic Systems Project Office on 8 July 1977 with orders to Guam, Marianas Island, as COMNAVMARIANAS.

Among many military decorations, Admiral Cruden wears the Legion of Merit, Meritorious Service Medal with star, the Meritorious Unit Commendation, Navy Unit Citation and the Korean Presidential Unit Citation.

Admiral Cruden is married to the former Sandra Annette Matthews of Lake City, South Carolina. They have three children; David Scott, Elizabeth Ann and Michael Selby.●

FINANCIAL DISCLOSURE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. LONG of Maryland. Mr. Speaker, each year at this time I make a voluntary disclosure of income, taxes, assets and liabilities.

For 1978, I paid taxes totaling $24,647.90 on an income of $61,982.12.

My Federal income tax was $17,444.21; State and local taxes totaled $4,174.19; real estate and sales tax totaled $3,029.50.

My chief source of income was $57,500 salary as Congressman. Other taxable income included: An annuity of $1,218.77 and dividends of $788.33 from the Teachers' Insurance Annuity Association, net rents of $1.691.88 from a farm in Harford County, Md.; $500 from Wertheim and Co. for a speech, $250 from the Sunpapers for four articles and $252.22 short-term capital gain on T. Rowe Price Growth Fund shares. Mrs. Long's total income was $25.00 from the Sunpapers for an article.

Following my longstanding policy, no gifts however small in whatever form were accepted by me or my staff—not even flowers or fruit.

Real property consists of a home in Ruxton, Md., purchased in 1946 for $32,000 and currently mortgaged for $2,700 with the Provident Savings Bank of Baltimore, and a 112-acre farm in Harford County, unencumbered, bought in 1965 for $118,000.

Contributions to the Federal retirement system for 1978 totaled $4,600. In nearly 17 years as Congressman, I have contributed a total of $48,047.76 to this fund, which cannot be withdrawn in cash. Estimated capital value of my Teachers' Insurance Annuity Association policies as of December 31, 1978 was $23,000. This also cannot be withdrawn as cash.

Other assets include a 1976 Buick, a 1977 Plymouth station wagon, home furnishings, my wife's jewelry (nearly all inherited), clothing, a small savings account of $1,500, and a checking account balance sufficient to pay current bills.●

NORTH IRELAND'S PAIN BECOMES EXCRUCIATING IN JAIL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. WOLFF. Mr. Speaker, I would like to call to the attention of my colleagues the article by the noteworthy columnist, Pete Hamill, on the violation of human rights in Northern Ireland.

[From the Daily News, May 14, 1979]

NORTH IRELAND'S PAIN BECOMES EXCRUCIATING IN JAIL

(By Pete Hamill)

The priest was squashed in a corner booth in this coffee shop on 42d St., drinking tea with milk and nibbling only occasionally to select an exact word to express his horror at some of the things he has seen since 1971. The accent was unmistakable. Father Raymond Murray was a man of the North of Ireland. The subject was torture.

"I don't belong to any group," he said. "I got into this for one simple reason. The elemental violation of human rights. In 1971 I was just a parish priest. I did my work, and part of the work was as chaplain to the women's prison in Armagh. But there weren't many women inside, so I didn't know what was going on in other places. I was like most people in the North of Ireland, Catholic and Protestant. I didn't know."

Then in August 1971, the British Army used internment as a weapon against the Irish Republican Army. There were mass arrests all over the north; the arrests did not affect the IRA, since most of its members and leaders escaped the dragnet. But internment filled the jails and led to the steady debasement of most of the institutions of the north.

"There were two local fellows from Armagh who were lifted," Father Murray said. "And they were the first of the 'hooded men' that I heard of. They were held for days with hoods over their heads so they could see nothing, in solitary, with only hissing sounds in the room, deprived of food and sleep. I was told about them and started to investigate. Eventually I learned that this technique was widespread. The British Army has used it before, in Malaysia and God knows where else."

By December 1971, arrests across the province had spread, and Father Murray's anger had deepened. He went to visit the Crumlin Road Jail in Belfast to investigate continued reports of mistreatment of prisoners.

"That was where I got my big shock," he said. "And it was a moral shock. Until then I was a quiet individual the type of person who wouldn't lift a phone to complain about anything. I always thought that the state existed for the common good, that it represented the best intentions of human beings. And here, before my eyes, were men who had been grossly assaulted and abused."

Father Murray's hands trembled slightly, as he stirred his tea.

"Their injuries were appalling," he said, his voice struggling to contain his anger. "They had been beaten and kicked everywhere. Their backsides were black. As black as your boot. Their thighs and forearms were black, and there were rings around the blackness, yellow rings, purple rings. And a blackish green color. There were spotted bruises all over their chests and abrasions all over their bodies. It was disgusting and inhumane and I decided that I would have to do something about it."

Father Murray was not sympathetic to violence, but internment itself had been a huge act of state violence. Under the terms of the Special Powers Act, those arrested could be held without charge or trial for as long as the authorities wanted them held. Father Murray started to examine the methods used by the British Army and the Royal Ulster Constabulary Special Branch against those who had been interned. Two of the worst internment centers were in Holywood and Girdwood.

"In Girdwood, in Central Belfast, the men were put into what can only be described as cattle stalls," Father Murray said. "They would sit alone on a chair in a bare empty room, facing a white wall perforated with holes. If they so much as moved their heads, they were given a blow from behind. They would sit there for hours, sometimes days on end, deprived of food and water, as the hard men tried to break their will. The techniques were disgusting.

"There was, for instance, a simulated operating room. The men would be taken alone to this room as if they were to be operated on. There was a fascination by the interrogators on threats to the genitals. The men would be stripped, prepared for surgery, and police or army men dressed as doctors would inject them with anesthesia. Some of them, obviously, were terrorized. They would also have simulated executions, using blanks. A gun would be pressed against the head, and then they would pull the trigger. The men could small the cordite. And there was electro-shock, too. They used these things, I believe you call them cattle prods.

With the help of Father Denis Faul, the investigation widened. More than 700 individual complaints of torture and brutality were made to the authorities but there was not a single prosecution. Then, in late 1971, the London Sunday Times published a story confirming what the priests had discovered. The Compton Inquiry, the first of a series of British investigations of British Army activities, followed. So did a 1972 report by Amnesty International.

"Even their own reports confirmed what had happened," Murray said. "The language was that of the civil servant, but they had to admit what had happened. There were promises that such things would never happen again, but of course they did. That led to my second big moral shock. At first, I could believe that the abuses were the fault of a few bad apples. But then, when it kept happening, we realized that this policy had to be approved at the cabinet level. Their argument seemed to be this: The IRA are desperate, cold blooded killers, and anything necessary to break the IRA was justified. In other words the end justifies the means."

In 1972, the Irish Republic in the south protested to the Strasbourg Commission on Human Rights about the treatment of interned prisoners in the north. Four years later, the commission report found the British guilty of torture and inhuman and degrading treatment. On an appeal, the torture charges were dropped, but the British were still found guilty of violating Article III of the laws of the Council of Europe.

"By then, they had gotten more subtle in many ways," Father Murray said. "When a detention center started to get a bad reputation, they moved to another one. The people who did the interrogations increased their numbers, to about 230. They had hard men and soft men. They published publicity pictures of the center at Castlereagh and made it look like a luxury hotel. But it went on, and it goes on. They'll ride you like a horse."

The purposes of all this were relatively simple. People who were not members of the IRA were arrested and then forced to disclose the names of neighbors they suspected of being IRA. The British Army wanted locations of arms dumps; they wanted to coerce uninvolved citizens into becoming informers. And like all military men, the British Army needed the statistics of success. One survey by the Queens University (Belfast) law faculty showed that 70 percent to 80 percent of convicted prisoners in Northern jails were convicted solely on the basis of their own statements. The body counts mounted, but increasingly, the whole fabric of the society was being dehumanized.

"The Bennett Report last February again confirmed what we had been saying all along," Father Murray said. "Three doctors showed that such beatings and woundings could not have been self-inflicted. The doctors, by the way, were all Protestants, which doesn't really matter. They are civilized men. And they were sick about the way the medical profession had kept its silence in the face of the evidence. In ten years, judges and lawyers and doctors had all been degraded."

Father Murray, who has also investigated the mistreatment of Protestant prisoners, said that one of the worst aspects of the past decade had been the way the truth had been kept from the British people.

"They're decent people," Father Murray said. "They don't want such atrocities committed in their name. But the politicians have covered it up for years now. I'm the worm's eye view. That's all I am. The politicians come to Northern Ireland and they see it from a helicopter. But I'm on the ground. The IRA reaction to such treatment is: shoot them. Our reaction is: Stop it. In the name of God, stop it. You're degrading us all."●

TRIBUTE TO E. C. GATHINGS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1979

● Mr. JOHNSON of California. Mr. Speaker, I was indeed saddened by the news of the recent death of our former colleague E. C. "Took" Gathings of Arkansas.

Took was already a ranking and influential member of the House Agriculture Committee when I came here as a freshman in 1959. During his 30 years of representing the First District of Arkansas, there were many important pieces of farm legislation which were enacted, and which helped to change the face of rural America. I am sure that all of these measures bore the imprint of his hard work and keen mind. He had a tremendous understanding of agriculture problems which was of inestimable value to his native Arkansas.

Much has been said about his important contribution during his long and faithful service, and I can only add my personal testament to his excellence as a legislator and great worth as a human being.

To his wife and family, my wife Albra and I extend our deepest sympathy. We hope that the knowledge of his fine accomplishments and great respect in the House will give them comfort during these grievous and difficult days.●

STOP REGISTRATION FOR THE DRAFT

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. DRINAN. Mr. Speaker, last Thursday the Armed Services Committee reported out its defense authorization bill for fiscal year 1980. Included in it is a provision which will require the Selective Service to begin registering all 18-year-old males for the draft after December 31, 1980.

Advocates of a return to the draft rely heavily on two assumptions: The All-Volunteer Force (AVF) is a failure, and the Selective Service Administration cannot meet new Department of Defense mobilization requirements without advance registration. The first assumption is somewhat puzzling in light of a report issued by the Department of Defense in December 1978 which concluded:

> The AVF has provided the military with a full-strength force of a quality equal to or superior to that achieved under the draft."

The second assumption cannot be taken seriously in light of testimony by the Acting Director of the Selective Service who said the DOD requirements could be met with slightly increased appropriations. Even the need for improved standards is highly questionable.

More fundamentally, to institute a registration program at a time when our country is not at war, nor immediately threatened by war, would be a gross violation of the individual freedoms of many of our country's young people.

People from all walks of life are joining in the fight to delete the provisions for registration from the defense bill. Milton Friedman has joined that fight. In the April 16, 1979 issue of Newsweek, Friedman explains why the campaign must be stopped. The article follows:

DON'T DRAFT GI JOE

(By Milton Friedman)

A new campaign has been launched to restore the draft. The initial sally has been a spate of articles reporting the failure of the armed services to meet their recruiting goals in the final three months of 1978: they enlisted only 90 per cent as many recruits as their plans called for.

Headlines about the "failure of the volunteer armed forces" blossomed. High military officers and ranking members of the Senate and House armed services committees viewed with alarm the prospective decline of U.S. military power unless conscription was promptly restored.

The public-relations bubble grew and grew—until it was pricked by Rep. Les Aspin of Wisconsin, who pointed out that the number of people in uniform—which is after all the true measure of existing military power—was 2,000 greater at the end of the year than the number the military services had budgeted for. The shortage in recruits had been more than made up by an excess of re-enlistments.

Of the same opinion still: The knowledgeable people who trumpeted one quarter's shortfall of recruits as a major failure of the whole concept of a volunteer armed force had access to the same data as Representative Aspin. Why did they proclaim success as failure?

The answer, I believe, is simple. The upper echelon of the military has never been fully reconciled to the end of conscription, to the need to attract volunteers by offering conditions of employment competitive with private industry. How much easier to press a button and comand a Selective Service Administration to round up a specified number of bodies, willing or not.

The military do not take this attitude for ignoble reasons. They are sincere patriots deeply concerned about the ability of the United States to defend itself against any threats to its security. However, they have spent their lives in a system that is based on command. That is what they have been trained for. It is asking a good deal to expect them to understand, let alone be enthusiastic about, a whole different approach in recruiting personnel.

As a member of the President's Commission on All-Volunteer Armed Force (chaired by Thomas Gates, former Secretary of Defense), I was repeatedly impressed with this attitude on the part of the high military officers with whom we met. They finally accepted a volunteer armed force only with great reluctance and only under extreme pressure from President Richard Nixon and Secretary of Defense Melvin Laird, both strong supporters of a volunteer force. The military, and their allies on the Hill, have been chafing at the bit ever since. They have taken every opportunity to renew the battle for conscription, and no doubt they shall continue to do so.

The fact is that the volunteer force is working extremely well. The average score of recruits on mental-aptitude tests is far higher today than it was under the draft. Quality has risen and every service has been able to meet its over-all quotas.

There are some difficult areas, particularly in the medical services and in the reserve forces.

In the medical area, the problem is of the military's own making. It results from their insistence that uniformed personnel provide medical services to both enlisted personnel and their families wherever they are stationed.

Solving the physician problem: The Gates report recommended that wherever possible, enlisted personnel and their families should use civilian medical facilities. Like private employers, the services could provide medical insurance as a fringe benefit, but is there any reason why they should furnish medical services in kind to personnel and their families living in the U.S. or Germany, for example?

We cited as evidence of the need for such a reform the fact that in 1969, uniformed physicians delivered 146,000 babies. Since our report was published, the military has stopped reporting that figure—but it surely remains far from negligible.

The problem of reserve forces is more difficult but hardly insoluble. In any event, despite the difficulties, the reserves now in existence are in far better condition to contribute quickly and effectively to our military effort than the reserves were under the draft, when they were manned primarily by men seeking to avoid the daft.

We need a strong military. We are endangered throughout the world by the decline in our military strength relative to that of Russia. But strength depends on spirit and not merely numbers. Our military will be far stronger if we recruit it by methods consistent with the basic values of a free society than if we resort to the methods of a totalitarian society.●

ISRAEL INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. GILMAN. Mr. Speaker, today is the 31st anniversary of the founding of the State of Israel.

When the State of Israel was proclaimed by David Ben-Gurion on May 14, 1948, it was immediately invaded from all sides. At its moment of birth, that nation was plunged into war with every one of its neighbors, and has had to fight three more wars to assure its survival.

This anniversary is different from all those that have come before it. Although it still faces threats from without, this year Israel is at peace with Egypt, its largest and most powerful neighbor.

The historic ceremony of the signing of the peace treaties took place in Washington on March 26, 1979. I was privileged to be able to witness that momentous, moving event. Soon thereafter, the instruments of ratification were exchanged in the Sinai desert, which has been the scene both of bloody war between the two nations and, at the other extreme of human experience, the revelation of the Law to Moses.

Throughout Israel's first 31 years, the United States has lent it strong support, and Israel, in turn, has been of invaluable assistance to us. Our relationship has been an extremely close one that is unparalleled in the history of U.S. foreign relations.

During the coming year, extremely difficult negotiations will be undertaken between Israel and the Palestinian inhabitants of the West Bank and Gaza. Israel will need to have the understanding and patience and support of the Government and people of the United States. Our Government must not be too hasty in pressing Israel to make unwarranted concessions, as it sometimes has done in the past, or to accuse Israel of being "intransigent" or "unyielding."

We have seen that with good will on all sides, peace can be achieved, if negotiations are given time and are accorded the attention and commitment of top-level decisionmakers.

Mr. Speaker, only a few days ago, our Nation paused to remember the victims of the Nazi holocaust. The memory of the holocaust reminds us that had a State of Israel existed during that period, the tragic destruction of European Jewry would have been avoided; the Jews of Europe would have had a refuge in the land of their forefathers. Since 1948, as other Jewish communities around the globe have been threatened, they too have found protection in the land of Israel. When religious tyranny menaces the Jews of Iran, they have Israel to turn to; and Israel is a beacon of hope for the Jews of the Soviet Union.

Israel, the only real democracy in the Middle East, is truly a "light to the nations" both in that region and all over the world. Beginning this year, it will have to face up to the new challenges of peace. I know that I speak for my colleagues and for the residents of my congressional district when I congratulate the people of the State of Israel on its 31st anniversary and look forward to our continued cooperation in this new era of peace.●

CANCER CENTERS EXPANDING COMMUNITY HEALTH WORK

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. KEMP. Mr. Speaker, Gerald P. Murphy, M.D., D. Sc., who is president of the Association of American Cancer Institutes and who heads the world's oldest cancer center at Roswell Park Memorial Institute, has made some cogent points about the program that Congress entitled in 1971, the "Conquest of Cancer" program.

While more than 1,000 persons a day die from cancer in this country, 395,000 per year, the present state of medical art can and is saving some 291,000 persons per year—that is, disease-free 5 years or more and apparently cured.

Using National Center for Health Statistics methodology, this works out to a saving of over $9 billion per year in the cost of work time lost and premature death, or over nine times the annual cost of the National Cancer Institute's research support. So we are getting a true bargain out of our investment today in biomedical research.

Dr. Murphy's association is now asking that $10 million of the funds appropriated to the National Cancer Institute be invested in greater work at the community level. I think you will find his justification for this request reasonable and I insert it in the RECORD as he has presented it to the appropriations committees of both Houses:

EXCERPTS OF GERALD P. MURPHY, M.D., D. SC.

The American Association of Cancer Institutes supports the Citizens' Budget already presented in oral and written testimony by other witnesses speaking to the subject of the National Cancer Institute fiscal 1980 appropriations. The Citizens' Budget is attached.

We are particularly interested in a $10 million appropriation by the Committee for the purpose of supporting cancer control work by cancer centers. This $10 million should be specifically appropriated within whatever overall amount is appropriated to the account of the National Cancer Institute.

The 1971 Panel of Consultants to the Senate noted (page 175 of Report 92–9, U.S. Senate, 14 April 1971) that as far back as 1945 official recommendations from government and nongovernment advisors spelled out the need for a nationwide system of cancer centers. "The number of centers prepared to give postgraduate training in cancer is not believed to be adequate to fill the need for specially trained personnel in in this field of medicine, and efforts should be made to develop such training at additional medical centers. This is important because of the long period required for training and the fact that only a few physicians can be taken for training at any one institution at any one time * * *. In addition to long-term courses in cancer, short courses of various kinds and other types of cancer-education activities for practicing physicians have been conducted in a number of communities. These activities should be continued and expanded."

Those 1945 recommendations proposed that the National Cancer Institute give aid to a few cancer centers strategically located and associated with one or more medical centers. "From the experience gained in these several demonstration centers, it should be possible to develop a plan applicable to the whole country to insure that cancer patients receive the best that medical science has to offer in the way of diagnosis and treatment." The 1945 recommendations further stated that, "In this connection, the work of the American College of Surgeons in stimulating the organization of approved cancer diagnostic and treatment clinics is of great importance in achieving the goal of one such clinic for every 50,000 persons and should be encouraged and assisted."

Since 1971, the gross geographical maldistribution of cancer centers has been very greatly ameliorated; cancer programs of the American College of Surgeons have been continued, expanded, including widespread diffusion and adoption of patient care and data retention standards, all of which contributed to significant saving of human life.

NATIONAL CANCER PLAN HAS SAVED LIVES

As others have testified, the 1950 percentage of cancer patients who were successfully treated was about 25%. In the next 20 years there was notable improvement resulting from establishment of new centers, various control programs, and expansion of existing staffs and institutions; and the percentage of cancer patients saved from death rose 8 percentage points to 33%. In the 10 years since then, during the administration of the National Cancer Act, the percentage of patients saved rose another 8.6% to total 41.6%, or the same number of percentage points in 10 years that before took 20 years to achieve.

CENTERS PROGRAM PROVES SUCCESSFUL

P.L. 93–352 was enacted July 23, 1974, and amended the section providing for fifteen new centers by eliminating the word "fifteen" so that as many cancer centers could be created as deemed necessary by the National Cancer Advisory Board. In terms of comprehensive centers, the Board has now recognized 21, which is not a large departure from the original scope of the comprehensive center program envisioned in the 1971 act, and which responds to congressional intent and recommendations coming forward at least since 1945.

Fuller use of the center concept; fuller use of control tools known to be effective; fuller implementation of new technology all could reduce death by cancer, and the cost of cancer, with better funding for activities of proven value.

At an average $20,000 cost per case of cancer in the U.S. and with 45 patients dying per hour, holding down appropriations for this life-saving, cost-saving work may be good for balancing that part of the national budget expressed by federal fiscal operations, but is extremely poor economy in balancing the national budget where family costs and government costs are considered as part of a whole. In fact, the more cancer there is, the greater the impact on federal revenues. The National Center for Health Statistics estimates the indirect costs of cancer deaths alone, that is, not the hospital, doctor's, drugs or other carecosts, but the time off from work because of illness and the years lost from shortened careers, to be $12.4 billion (*Social & Economic Costs of Cancer in the U.S.*, by Dorothy P. Rice, Director, and Thomas A. Hodgson, Economist, National Center for Health Statistics, June, 1978, paper delivered at Madrid, Spain, WHO conference). That $12.4 billion lost, if saved and subjected to a federal income tax of a minimum 20%, would produce revenue of $2.48 billion per year, or almost enough to triple the National Cancer Institute's appropriation without any real cost to the nation. Clearly, the entire $12.4 billion loss cannot be prevented now and, therefore, cannot be subjected to taxation now. But data presented to the National Cancer Advisory Board in its November, 1978, meeting showed that at least 291,000 cancer patients per year, out of a cohort of 700,000 new cases per year, are being saved from death by surgery, radiotherapy, chemotherapy, and immunotherapy. (See appended table) It is clear that there are important fiscal returns to the dollar in the National Cancer Program when such a saving of lives has already taken place. NCI appropriations could be doubled and the country would still save money.

CENTERS RESPONSIBILITIES INCREASED BY STATUTE

P.L. 95–622 was enacted 8 November 1978 and reaffirmed with minor language changes the charge to cancer centers under subsections (a) and (b) of section 408 of the 1971 National Cancer Act, continuing authority for centers' work "basic and clincial research into, training in, and demonsration of, advanced diagnostic, prevention, and treatment methods for cancer."

Information does reduce cancer and its causes. A number of cancer centers now serve as area information centers on workplace toxicology with regard to carcinogenic substances. Public access information systems are in place.

It takes only adequate appropriations to implement the new charge to the cancer centers enacted in the 1978 law, P.L. 95–622.

FEDERAL FUNDS INSURE SUPPORT FOR NATIONAL PRIORITIES

Cancer centers have done a strikingly successful job of finding state and local appropriations for this work and have attracted private donations in considerable amounts. But the partnership between the public and private sectors in support of building a comprehensive system of anticancer resources and programs nationwide cannot be accomplished without the federal appropriations which so often serve to support "core" activities, or to implement priorities hammered out in advisory sessions within the National Cancer Institute structure, or to exploit those aspects of public information work which federal grants and contracts have shown to be effective.

There has been consistency for several decades in the recommendations for cancer research and control work in the United States. As demonstrated earlier in this testimony, the environmental and public information work essential to successful anticancer programming was defined explicitly in 1945. The 1971 law spelled it out further. The 1974 and 1978 extensions of the National Cancer Act added to centers' responsibilities.

These centers are now engaged (1977 and 1978 survey reports to N.C.I.) in some $376 millions of project work of all kinds, not counting patient care per se, and not counting direct support funds coming from non-federal governments (which, in the overall, is used to fill in gaps left by erratic federal funding or work seen at the local, but not the federal level, to be essential to center operation).

The $376 million in project work is divided as follows:

[In millions]

NCI project support	$288
Other NIH project support	42
Other federal project support	14
State and local project support	2
Private support (most often from American Cancer Society)	30
	376

These projects are categorized as follows:

[In millions]

Research	$260
Manpower development	28
Cancer control	30
Core grants (often directly supporting research)	58
	376

With cancer control a relatively small portion of the whole project work, it is clear that central, core support is needed if long-delayed control projects, efforts using methods proven effective in past demonstrations but as yet unimplemented, are to be turned into real value to cancer patients and healthy people who can benefit from disease prevention services and information.

The fact that centers have richly earned this kind of federal support is seen in the accomplishments of the Conquest of Cancer Program. Most of the work detailed below was accomplished at cancer centers.

MAJOR ACHIEVEMENTS OF THE NATIONAL CANCER PROGRAM MARKERS

When the Congress enacted the National Cancer Act of 1971 is was following the advice in a Report by the Panel of Consultants on the Conquest of Cancer, consultants appointed by the Senate.

The Panel recommended that certain recognized guideposts should be followed, such as early detection so that cures could be multiplied by reason of finding cancer in patients before the disease spreads. The Panel knew that x-ray and other existing diagnostic tools often detected cancer too late, after it had metastasized. New detectors, or "markers" of microscopic or submicroscopic cancer had been developed and the Panel said in its Report section of "Areas of Greatest Importance" that, "Continuing research to seek biochemical and immunological means of detecting cancers early deserves expansion."

The National Cancer Plan has precisely implemented this mandate. Where only a few markers were in tentative use in 1971, the National Cancer Institute now reports 70. Roswell Park Memorial Institute, the comprehensive cancer center in Buffalo, N.Y., is working with 50 markers, for instance. In wide experimental and clinical use are 15 markers. Two are now on the market commercially and others are the subject of New Drug Applications to the Food & Drug Administration for eventual approval for the market.

Submicroscopic markers in use at the Johns Hopkins University School of Medicine lung project are routinely detecting respiratory tract cancer several months before the disease becomes apparent through traditional x-ray diagnosis.

MAMMOGRAPHY

Technology transfer, a subject emphasized in the Report of the Senate Panel on the Conquest of Cancer, has moved rapidly in the detection of breast cancer in time to save many lives.

One little-heralded, but extremely important, example of technology to come out of this work is the new x-ray equipment with laser scanning beam from an x-ray ionizing grid, amplified through a computer, which is the subject of a patent application from the University of Texas System Cancer Center, the M.D. Anderson Hospital at Houston. This new device can get excellent pictures in mamography with exposure to the patient of between 23 millirads and one-tenth of one rad. This is lower than the ambient radiation in some of our major cities in Mountain States and is providing accurate pictures which tell a patient she is free of breast cancer or, alternatively, can detect breast cancer at such an early stage that a very high chance of cure, indeed, can be offered the patient.

TREATMENT

Of approximately 700,000 annual cases of cancer in the U.S. currently, the National Cancer Institute estimates that 280,000 remain tumor-free after treatment by surgery or radiation, alone. This is 40%.

The American Cancer Society estimates that more than 3,000,000 people in the U.S. are alive today though they have had cancer. Of those, 2,000,000 have survived five or more years following their diagnosis.

The perspective on these trends appears in official data from the U.S. Public Health Service National Center for Health Statistics which gives the age-adjusted death rate from cancer in 1972 as 100.4 persons per 100,000 population, not counting respiratory cancer which is closely linked with cigarette smoking. This 100.4 figure improved to 98.8 persons per 100,000 population by 1976. (DHEW Publication No. (PHS) 78–1232, page 174)

Specific therapeutic improvements behind these data are:

1. Breast cancer (106,900 cases annually): Clinical trials, started 1972, tested postoperative chemotherapy. National Surgical Adjuvant Breast Project proved radical mastectomy no more effective than surgery of much smaller scope. Institute Nazionale Tumori, Milan, Italy, achieved significant improvement in four-year survival, increasing from a prior 71% level to 90%, among premenopausal women. Further, the Milan work among highest-risk patients, those with more than three lymph glands involved with tumor, produced a relapse-free survival of 51% where previous therapy produced only 23%. Further definition of the most effective chemotherapy for individual patients now possible through elaboration of work with estrogen-binding proteins. The work began in the 1960s before the National Cancer Plan began and has now led to entirely new designs of hormonal manipulation to aid the patient. Work under way at many locations including Roswell Park (Buffalo), Mayo, University of Pittsburgh, and Milan.

2. Malignant bone tumor (1,900 cases annually): Prior to the National Cancer Program only 20% curable. Amputation was routine. Post-operative chemotherapy has increased five-year disease-free survival to a projected 60%. Second operations in cases of relapse expand survival now to an estimated total of 70%. Much work accomplished at Sidney Farber (Boston), and University of Texas System Cancer Center.

3. Testicular: Before 1970 the best therapy for testicular cancer was producing long-term complete remissions in about 10% of patients. Remission rates now forecast 50% cure rate. Contract work at Indiana University and elsewhere.

4. Childhood Acute Lymphatic Leukemia: New tests differentiate types of this disease and allow specialization in regimens; 80% of null cell cases curable as a result; remainder of acute lymphatic leukemia patients are true high-risks and research now concentrates on them.

5. Wilm's Tumor: 40% of Wilm's tumor patients curable in 1971 with surgery, x-ray. Now with chemotherapy, plus the other two types of therapy, 90% curable. New regimens omit x-ray and thereby enhance children's growth and longevity. Work at Fox Chase (Philadelphia) and elsewhere.

6. Rhabdomyosarcoma; Ewing's sarcoma: 10% to 20% curable historically, 60% to 70% since National Cancer Plan started.

7. Small-cell lung carcinoma (20,000 cases annually): No effective therapy before 1972; median survival now one year; 25% of drug-responsive patients survive two years. Work at U.C.L.A., Fred Hutchinson Cancer Center, Mayo, Vanderbilt, Veterans Administration, and elsewhere.

8. Epidermoid lung carcinoma: With surgery indicated in 20% of patients, recurrence

rate reduced and survival now improved with immunological agent BCG injected directly into lung cavity. Large-scale trials under way.

9. Adult acute leukemia: Survival seldom lasted more than six months after diagnosis prior to National Cancer Plan. Dauorubicin work started before Plan was implemented produced remissions in 40% of patients by 1972, combination drug therapy boosted remissions to 65% so that, now, 12.5% survival has been achieved for patients diagnosed four years in one study and, in general, the median survival rate has doubled. There are a few long-term, disease-free survivors. Some of the places work has been accomplished are: N.C.I. (Baltimore), Memorial Sloan-Kettering, Southwest Oncology Group (U. of Kansas hq.).

10. Soft tissue sarcoma: Five-year survival, reached 39% in the 1960's, but the National Cancer Plan has opened an entire new treatment class—patients whose initial surgery was followed by a recurrence, for which there was little or no treatment. Adriamycin and DTIC are now used against recurrences with measurable success so that survival rates are expected to far exceed 39%. In addition, many amputations are now avoidable. Work going on at University of Texas System Cancer Center and elsewhere.

11. Hodgkin's disease (6,900 new cases annually): 72% survival now achieved with 4-drug combination therapy (MOPP). Since National Cancer Plan another 4-drug regimen produces 61% complete response among patients who fail the first, MOPP, regimen. Combined drug and radiotherapy at a Stanford study resulted in no deaths among patients in the study for over five years. Work under way at NCI, University of Texas System Cancer Center, Milan, Stanford, and elsewhere.

12. Ovarian (17,000 new cases annually): L-phenylalanine mustard (L-PAM) was the one drug used prior to 1971. Four drugs now used. Efficacy increase proven. Work under way at Mayo, Memorial Sloan-Kettering, Roswell Park, Mt. Sinai, University of Texas System, and elsewhere.

13. Colorectal (112,000 new cases annually): Surgery, alone, used prior to National Cancer Plan. Seven drugs now proven effective. Radiotherapy also showing effect. Work under way at Sidney Farber (Boston), University of Pittsburgh, Mt. Sinai, Mayo, Albany Medical College, U.C.L.A., Georgetown University, Miami, and elsewhere.

14. Bladder (35,000 new cases yearly); Prior to National Cancer Plan five-year survival was running about 30 percent; now raised to more than 50 percent with surgery and radiotherapy, including new radiation sensitizers. Two drugs are showing a response, as well. Work under way at Massachusetts General Hospital, Roswell Park (Buffalo), Sloan-Kettering (NYC), University of Virginia, University of Iowa, University of Texas System Cancer Center, University of California-LA, Mason Clinic (Seattle), Mayo, and University of Tennessee-Memphis, and elsewhere.

15. Malignant melanoma (13,600 cases annually): New procedures identify high risk patients, better surgical diagnosis and staging. Extensive lymph node dissection now proven unnecessary. World Health Organization using NCI drugs, data systems, immunotherapy (BCG) enhancement with significant improvements expected. Work under way at University of California-LA, University of Texas System Cancer Center, Mayo, NCI (Bethesda).

16. Brain tumor (11,600 cases—with central nervous system cancer—annually): Some improvement in survival; radiosentizer drugs now being tried. University of California at San Francisco reports in a 29-patient study more and longer disease stability than in any prior studies, 24 patients continuing under treatment more than one year. A very important, apparent step forward comes from aziridinylbenzoquione (AZQ), which produces a 100 percent life span increase in laboratory animals with cancer. AZQ proven to cross blood/brain barrier and treat tumors seldom reachable by other anticancer drugs. Work under way at Bowman-Gray (N.C.), U.C.L.A., Pavia, Italy, Duke, Indiana U., U. of Ky., Montefiore (Pittsburgh), NYU, Ohio State, St. Louis University, and elsewhere.

17. In General, "second-generation" drugs. National Cancer Plan is stepping up development of variations in formulation of drugs known to be effective but highly toxic. Work is meant to reduce nausea, hair loss, and other adverse reactions caused by many anticancer drugs. Most of the 50 known effective anticancer drugs are being subjected to scrutiny in this process.

COMMUNITY OUTREACH

In addition to the striking advances in markers and other diagnostic approaches, mammography, and statistically proven therapy outcome improvements, cancer centers have been moving strongly into direct community work of exactly the sort recommended in every major cancer planning document since at least 1945.

Prime examples are among a panoply of programs mounted by the University of Southern California Comprehensive Cancer Center in Los Angeles.

In the past five years this center has built on the historical program of the American College of Surgeons' Commission on Cancer to help Southern California hospitals gain approval according to the College's carefully worked-out standards of what constitutes an adequate cancer program at a community hospital. When the University of Southern California Comprehensive Cancer Center began this work only 30 hospitals in the area had approved programs. Last year the total exceeded 70, and the work goes on.

Typical of the way centers mount community aid projects, this employs usually full-time one or two center staff persons. But numerous institutions are involved in the upgrading so that literally dozens of persons are involved in administering this upgrading effort.

As an example, the program has trained approximately 120 medical secretaries, nurses, and others in the operation of a tumor registry. It is from tumor registries that the nation learns facts about cancer incidence, treatment outcomes, adherence to standards, and much of the epidemiological data that gives direction to cancer detection and therapy programs.

The work of training has become so demanding that the center has needed to help East Los Angeles College to institute a two-year training program for preparing tumor registry personnel. Center administrators note that such training programs in various parts of the country are gradually producing sufficient practitioners so that an emerging occupational title is being identified with all the benefits that go with standardization of duties, easy transfer of skills, and appropriate development and validation of curricula.

Another center program in Los Angeles trains oncology nurses. Up to recent time, general practice nurses were often the main health professional contact with patients after the major therapeutic intervention of surgery or radiotherapy was accomplished. This is clearly insufficient. Cancer patients need special nursing attention for their disease, recovery, and rehabilitation problems and oncology nursing has also become an emerging professional entity of great value.

These are just a few of the community outreach programs at this one comprehensive cancer center. Many such outreach programs were indicated in recommendations from advanced medical planners prior to enactment of the 1971 law.

COMMUNITY ASBESTOS INFORMATION

At the Fred Hutchinson Cancer Research Center in Seattle an asbestos education program is scheduled for 18 April 1979, typical of similar efforts in other parts of the country where asbestos handling is heavy. An expected 250 persons will take part in the meeting. Among them will be workers and/or their trade union representatives from the shipbuilding, cement, roofing, electric utility, oil, steel, transportation equipment, paper, tugboat, and lumber industries. There will be insurance claim specialists, including those from companies employing the indicated workers.

The Fred Hutchinson Cancer Research Center has organized the course to give useful facts on the relation between asbestos and cancer. To enhance the long-term usefulness of this one-day action, the Fred Hutchinson Cancer Research Center will put on stream the information developed at the 18 April meeting for use in its permanent Cancer Information Service. This service allows toll-free telephone querying from any point in the State of Washington. It informs health professionals and laymen. Any asbestos questions that arrive subsequent to the conference will get the benefit of the conference and, of course, updated information as it is put into the service system.*

Another three-year-old program administered by the Fred Hutchinson Cancer Research Center sends lay volunteers through special training so that they can take cervical cancer prevention efforts into geographically remote and sparsely populated areas that previously had no such programs. The work is designed to maximize the match between the ethnic make-up of the volunteers and the ethnic make-up of the communities to which they travel so that the educational and medical aspects of the program will be communicated with maximum effect.

The action is at the local level. The cancer patient's disease is most often detected at the local level. Private practitioners and community cancer facilities cannot be expected to use, and should not invest in, the sophisticated equipment and experimentation in use at centers. But the local activities cannot achieve the quality necessary to protect life to the fullest extent allowed by available technology without the critical mass of information, skills, and resources of a cancer center.

This is the pattern foreseen when it became clear that a national attack on this disease was necessary. It is the pattern set forth in the original National Cancer Act. It requires the seed money $10 million appropriation authorized by the Cancer Act extension and the addition of duties spelled out in those extensions.

CITIZENS' BUDGET FOR NATIONAL CANCER INSTITUTE (FISCAL 1980 COMPARED WITH 1979)

[In millions of dollars]

	1979	1980
Investigator initiated:		
Regular research grants	176.2	227.5
Clinical cooperative groups	31.5	36.3
Program projects	91.6	106.1
Radiation development	4.1	5.0
Clinical education	10.1	11.6
Research career	3.4	4.0
Training	21.5	24.3
Organ site task forces	17.3	19.2
Cancer center core support	63.0	71.0
Subtotal	418.6	505.0

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* This program has been very successful, involving to date such important employers as City Light, Mobil, Bethlehem Steel, Atlantic-Richfield, Pacific Car & Foundry, Scott Paper, Foss Tug & Launch, Lockheed, as well as spokesmen from the U.S. Consumer Product Safety Commission, health departments of six counties, and two state departments dealing with labor and health.

CITIZENS' BUDGET FOR NATIONAL CANCER INSTITUTE (FISCAL 1980 COMPARED WITH 1979)—Continued

[In millions of dollars]

	1979	1980
Coinitiated:		
Research emphasis grants	8.3	7.4
Research contracts	115.3	114.6
Subtotal	123.6	122.0
Government initiated:		
Supply contracts	92.5	94.6
Transferred to other agencies	23.4	24.4
Subtotal	115.9	119.0
Other resources:		
Center planning grants	.3	.6
Center technology transfer		10.0
Central patient data system	1.8	2.4
Construction	17.0	21.0
Subtotal	19.1	34.0
In-house research	83.6	90.7
Management and contribution to National Institutes of Health	105.4	112.0
Cancer control	66.7	72.3
Subtotal	255.7	275.0
Total	933.0	1,055.0

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DOE PLAN RAISES FEARS AND DOUBTS

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. TAUKE. Mr. Speaker, on Friday, May 11, 1979, Agriculture Secretary Bob Bergland announced a 100-percent mandatory diesel fuel allocation plan for agricultural areas currently being hit by a severe shortfall of the desperately needed fuel.

The plan is the kind of program I have been advocating to reallocate diesel fuel to agricultural areas during the spring planting season. I am pleased the administration has finally recognized the seriousness of the problem and taken immediate action to reallocate diesel fuel. Future food and fiber production is dependent on ample supplies of the fuel since 94 percent of all farm vehicles are powered by diesel.

However, I am fearful that the plan may be just another bureaucratic boondoggle leading to yet another regulatory mess.

The Department of Energy (DOE) apparently ignored the easiest route in reallocating disel fuel; that is, to simply channel fuel from areas which have an inordinate supply to areas experiencing shortfalls.

As I understand the program, it appears that farmers may be facing serious regulatory problems in obtaining adequate supplies of fuel. As a result the time involved in allocating the supplies may be too long.

My concerns over this unneeded entanglement of regulations were echoed at an energy workshop I sponsored in Cedar Rapids, Iowa, Saturday, May 12.

Oil jobbers and distributors, representatives from oil companies and refineries along with farmers expressed the same doubts and fears I have voiced concerning the allocation program.

An article in today's Wall Street Journal further points out these doubts and concerns, not only from Iowans, but from residents throughout the Midwest.

Mr. Speaker, I request that the article be printed in the RECORD so that my colleagues will understand the problems facing farmers this spring.

The article follows:

FARMERS GROWING EDGY OVER DIESEL FUEL DESPITE U.S. PROGRAM TO ASSURE SUPPLIES

(By Meg Cox)

Government officials assure farmers that the fuel shortage won't keep them from getting as much as they need for their tractors and other equipment, but Russell Buchanan, owner of a small fuel-supply company in Oskaloosa, Iowa, has his doubts.

"A lot of people in Washington, D.C., keep saying the farmers are going to get fuel. I want to know where and when, because they can't get any fuel until I get some," he declares.

On Friday, the government established a mandatory diesel fuel allocation program that Agriculture Secretary Bob Bergland said would "entitle farmers and others in the food and agriculture sector to 100% of their diesel fuel requirements." Under the program, wholesalers like Mr. Buchanan would be ordered to provide enough fuel to meet farmers needs and refineries could be instructed to move supplies to agricultural areas.

In compliance with previous, less formal directives, Mr. Buchanan already is giving all the diesel fuel he has to farmers and none to truckers or other customers. However, he says, one of his suppliers, Phillips Petroleum Co., will give him only 100,000 gallons this month, while the other, Continental Oil Co., won't give him any. In May last year, he sold 450,000 gallons of diesel fuel.

RUSH TO PLANT CORN

"The only thing that's prevented a crisis so far is rain," asserts Mr. Buchanan. Many farmers in the Corn Belt started out the spring with a full fuel tank and since then the ground has been too wet to give them much chance to empty it, he says.

Currently, weather permitting, farmers are swarming into the fields, rushing to get in the corn crop before the planting season passes. (An old rule of thumb holds that yields start dropping if seeds aren't sown before mid-May.)

Spot shortages of fuel have been widely reported. The more serious shortages appear to be centered in Iowa, Nebraska, Kansas and Missouri.

Nebraska expects to get about as much diesel fuel this month as it used last May, reports a spokesman for the state energy office, but usage of the fuel may have jumped as much as 25% since then, as farmers have traded up to diesel-powered tractors and added irrigation wells powered by diesel fuel.

The Iowa Energy Policy Council has been getting about 150 phone calls daily from "jobbers," or wholesalers who sell to such bulk buyers as farmers and service stations. Many, says Edward Stanek, the councils director, report "they had farmers in the fields who couldn't finish the day's work because they didn't have enough fuel."

COOPERATIVE EXPECTS SHORTAGES

The several thousand small farmer cooperatives that make up Farmland Industries Inc., will get only 80% of the fuel they say they will need to plant this spring, says Kenneth Nielson, an executive vice president for the Kansas City, Mo.-based regional cooperative.

Farmland Industries operates its own oil wells and refineries, but it produces only about 15% of the crude oil it uses, Mr. Nielson says. If a just-announced cutback from one of its major suppliers can't be made up elsewhere, the cooperative will only be able to provide 60% of its members' diesel fuel needs next month, he adds.

"President Carter keeps saying agriculture will get 100% of what it requires," he remarks, but "it appears they don't know how to get it to us."

The major oil companies say they don't have enough diesel fuel either. Edward Henkins, a Nebraska-based district manager for Standard Oil Co. (Indiana), says inventories were depleted by the severe winter. Diesel fuel and heating oil are essentially the same thing, so heavy sales of heating oil last winter reduced, refiners' stocks of diesel fuel. Moreover, the world-wide shortage of crude oil prevents them from increasing fuel supplies substantially.

"IT ISN'T A ROSY PICTURE"

"I don't mean to be a doomsday prophet," says Robert J. Robel, a professor of environmental biology and chairman of the Kansas Energy Advisory Council, but "it isn't a rosy picture."

Mr. Robel worries that as farmers try to cut back on fuel usage by reducing the number of trips across the field to cultivate and apply pesticides and fertilizers, "you're talking about reduced production."

The biggest dread for a Paxton, Neb., farmer, Ralph Holzfaster, is that after spending about $100 an acre to plant his 1,000 acres of corn, he mightn't have enough fuel to irrigate it this summer.

Although most of his irrigation wells are electrically powered, several are diesel-powered, and the tanks attached to them are bone dry. Furthermore, only half his crop is planted so far, and he has some 400 gallons of diesel fuel left, about 2,000 gallons fewer than he will need to finish.

"We can't get fuel, It's critical," says Mr. Holzfaster. "I've been trying to get fuel from other (than usual) suppliers, but there isn't any to be had, and farmers are just beginning to realize that."

Despite the tightness and reports of scattered crisis, Marvin Duncan, an agricultural economists with the Kansas City Federal Reserve Bank, cautions, "I wouldn't want to panic over it at this time. It's difficult to know if there's going to be a serious problem, or just a nuisance."●

MISINFORMATION ON THE ALASKA LANDS BILL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. DINGELL. Mr. Speaker, on May 9, a "Dear Colleague" was circulated with a copy of a letter from the National Wildlife Federation dated May 7, 1979. This letter stated that the Kentucky State affiliate of the National Wildlife Federation had withdrawn its support for the Breaux-Dingell bill. In addition, the communication stated that the Virginia State affiliate had also withdrawn its support. This is a misrepresentation of fact. Both Kentucky and Virginia State affiliates remain in support of the Breaux-Dingell bill. In fact, I have recently received a telegram from the Virginia State affiliate reaffirming their support:

TELEGRAM

MIDDLETOWN, VA.,
May 10, 1979.

Representative JOHN DINGELL,
Rayburn Office Building,
Washington, D.C.

This is a copy of message going to Thomas L. Kimball, executive secretary, National Wildlife Federation, Washington, D.C.

Five of our large statewide affiliates have endorsed Breaux-Dingell. Our conservation director has recommended support and our executive committee is committed to Breaux-Dingell amendment. We would be remiss to reverse our position.

W. J. LEVERIDGE,
President,
Virginia Wildlife Federation.●

FORKING OVER THE FARM

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. NOLAN. Mr. Speaker, on May 13, 1979, the Washington Post Magazine published an article by Steve Turner entitled, "Forking Over the Farm." Turner's article shines like a journalistic beacon in a slough of misinformation and shoddy analysis by reporters and economists who failed to do their homework.

Instead of pitting the moderate-size and large farmers belonging to the American Agriculture Movement against small farmers, Turner describes their common plight. Small farmers and farmers who expanded in an attempt to beat the cost-price squeeze, Turner reveals, are both facing the difficult problem of survival because of low farm commodity prices. Turner suggests that the recent "tractorcade attack on Washington may have been only the first front of a growing storm of frustration among small farmers going broke."

The article follows:

[From the Washington Post, May 13, 1979]

FORKING OVER THE FARM

(By Steve Turner)

Alfred Jordan sent his sympathies to Washington for the American Agriculture Movement's winter assault on Washington, but he and his tractor stayed home.

It wasn't simply that Jordan's tractor is small. And it wasn't a matter of distance: Jordan's farm is in Draydem, Md., only 70 miles south of the capital.

Nor is Jordan a farmer without problems. Far from it. But when AAM people with spreads as big as 4,000 acres of grain call themselves "small family farmers," Jordan—with his 100 acres of soybeans and tobacco—becomes invisible.

Nevertheless, the preponderance of this nation's farmers do work Jordan-size farms—farms at the bottom economic level of American agriculture. And their small-farm majority has importance far outstripping their minor 11 percent share of marketed farm products.

The small farm problem is quite simply one of survival. Census statistics show that about 4 million such operations have disappeared since 1935, many under roads and buildings, but most absorbed by other farms. There are about 1.8 million left. And Department of Agriculture economists expect as many as 27,000 more will go bust this year alone.

On the whole, the situation of the truly small farms is worse than even the cash-flow problems which brought commando tactics and tractors to the Federal Triangle. The moderate-size farms represented by the AAM are among those that eagerly gobble up the acreage of the faltering small fry as they go under.

But both kinds of farmers share the same sources of grief: the corporate-based centralization of American agriculture, the federal farm policy of "get big or get out" which has favored that centralization, and the high-technology farming that corporations and government have cooperatively spawned.

All those, of course, are natural outcomes of our tax-fed private enterprise system. And by the supposed rules of that system, an organization that can't compete will rightfully fail. (Except we forget the Lockheeds so quickly.) Which is why, when the small farmers complain that they can't make it, the dominant response tends to be: So what?

Dairyman Dick Wood thinks he has a good answer to that. "If we lose the small farms, we're going to end up paying a great deal more for food, no question about that. The choice is whether you pay small farmers enough to make a living, or else pay industrial conglomerates—Kraft, Tenneco, and such—the money their creative accountants decide they better have for the food they sell."

Wood was interviewed at the Northeast Regional Small Farms Conference held last fall in Poland Springs, Me. The subject of that conference was self-preservation. Alfred Jordan did go to that (courtesy of sponsorsoring federal agencies including the Agriculture Department, the Community Services Administration and Action), along with other small farmers from the Washington area and the East Coast states right up through New England.

For Wood, who is also president of the Maine chapter of the National Farmers Organization, the conference was close to home. But he was addressing national questions when he spoke.

"A lot of those [AAM-level farmers] got big scrabbling to survive," he said, "and a lot of their neighbors didn't survive because they did. They were pitted neighbor against neighbor, dog eat dog, and the whole country is getting to be the poorer for it. And a lot of the bigger guys wish they still were small. They got big in a kind of desperate attempt to beat the cost-price squeeze, and they find they aren't a hell of a lot better off, if any. They're just spinning over more money. Are you milking more now and enjoying it less? Most of us are."

What Wood meant by the country getting "poorer" is that rural society in many areas is withering as the small farms that sustained it disappear. But cities also suffer: small farms are the ones most easily adapted to coexist with urban sprawl. Located close to population centers, small farms offer high-quality fresh food at low prices.

They are also the most common links the American people have had with the land, a fact which has functional aspects as well as philosophical because small spreads have been the traditional entry points to farming for people with not much money.

Rising land costs are changing this stepping-stone role into an uncomfortably high threshold. "Family farmers are about the only group I know of," said Wood, "who constantly produce at just under cost. But [mainline economic institutions] know food production has to keep coming, so they kind of falsely inflate the value of real estate every year, and we all end up going back to the bank and borrowing more money. They've had to appreciate the value of farm land very rapidly to keep any kind of agriculture afloat."

So even small farmers struggling to pay their bills may be sitting on (mortgaged) hundred-thousand-dollar land investments. As the old saying has it, "Farmers live poor and die rich."

The squeeze factor of centralization shows up starkly in Agriculture Department statistics. Moderate-scale farmers of the AAM sort are about a third of the farm population, and produce about a third of the nation's agricultural product—three times the output of small farms, although small farms outnumber them two to one.

But all the rest of the nation's farm production, almost 60 percent, is grown or controlled by a mere six percent of all farms. The six percent are mammoth outfits (still mostly owned by single families or their private corportions) that do make AAM operations look tiny. And these high-rollers are nicely locked in with the major farm supply and food processor corporations collectively known as agribusiness.

World-renowned big crops come from this system (which depends heavily on export markets). But the negative effects may be even bigger in the end.

Beyond the serious alterations of rural life, there is the matter of soil erosion. Government and university reports now document that the nonrotating cash crops (corn, soybeans, wheat) and fence-to-fence planting with energy-devouring chemical fertilization—urged on by corporations and government subsidies alike—are causing ruinous depletion of topsoil.

Those fertilizers, not to mention pesticides and the giant new-age farm machines, consume gluttonous quantities of petroleum and petrochemicals. And the complete dominance of big farms in warm places has left whole regions of the nation (New England, for example) with the potential for food shortages if anything interferes seriously with long-haul freight systems.

Moreover, the furor about foreign investment in U.S. cropland has screened an even more basic development. "What is occurring now in the agricultural economy," says one highly placed Agriculture Department analyst, "is the process of separation of labor, management and capital." In final phase of management, and capital." In other words, the sophisticated final phase of industrialization has begun. And what that usually means is: Them that's got it, get it.

It also means that farmer militancy in general, including the self-protective movements now beginning among small farmers, is heading for collision with major inertial forces in the economy. The outcome, at some point, is likely to include pressure for democratic planning of the economy and elevation of social goals to equivalency with the great god profit. That means everyone will have to get involved in the debate, so some familiarity with the protagonists seems advisable.

The AAM brought its parity price support story to town (Who could forget it?). But here are some words from, and about, the small farm operators who stayed at home.

"Farmers are crazy," said the farmer. "At least, small farmers are crazy. We got to be crazy. Who else works so hard for so little and still likes it?"

"And who else would be dumb enough to think you can make a living buying retail and selling wholesale?" said another.

Other farmers around the table at the Northeast Regional Conference laughed or nodded ruefully in agreement. It was a moment of perverse self-congratulation among survivors, among successful small farmers such as Sebert Witt of Red House, W. Va., and Philip Perdue of Salisbury, Md.

Purdue, growing soybeans, corn, tomatoes and peppers, as well as broiler chickens, averages $15,000 to $16,000 taxable income per year. Witt gets about the same annual take from the eggs, vegetables and beef cattle he raises on his 125 acres. Dick Wood, with 90 head of cattle and a farm worth $150,000, annually sells about $20,000 worth of dairy products. But the first $6,000 of that goes to pay interest on his loans ("That's about average," he says). By the time other expenses are met, he says, there is usually no taxable income left. "We do a lot of barter," he says. "We get by."

Wood has been farming for 23 years. Witt, 60 years old, has farmed all but three years of his working life (service time excepted). Perdue, 38, grew up on a farm and has been at it since.

Although they are doing all right, these old hands remain uncomfortably close to a larger number who don't "get by." An Agriculture Department data analyst estimates 20 percent of the families who operate commercial small farms live below official poverty limits. The average net income from commercial small farms, says the analyst is probably about $2,300. The great majority of such farms can only continue operating because family members take off-farm jobs.

And if the testimony of even the successful small farmers is taken as evidence, their traditional conflicts with insects and weather are minor compared to the difficulties they have getting money, paying taxes assessed for the development potential of their land, getting government program assistance, finding machinery appropriate to their needs and replacing it when it does, and locating markets where they aren't simply run over by big-time buyers and sellers.

"If you're a small farmer in this country and depend on a small farm income," says livestock-raiser Gene Smith from Bowden, W. Va., "you've got to have problems."

So why do they keep doing it? The answer often seems to be an antic, irrational drive that bemuses the farmers themselves even as it motivates them.

Alfred Jordan puts it this way: "I like farming. I hope I never have to give it up." He grew up on a nearby farm and by now, at age 32, has been planting crops for 15 years. But never giving up means working winters oystering on the Potomac and St. Mary's rivers to supplement wife Vivian's pay from full-time work at Sears, Roebuck.

The Jordans are staying ahead of the game so far, although in addition to other problems facing small farmers, they must deal with the special hazards of their skin color.

In general, Agriculture Department statistics show that black farmers are disproportionately few among small farmers to begin with, and among small farmers they are least likely to have off-farm employment when they need it. One Agriculture Department analyst estimates poverty among black small farmers is about three times the 20 percent overall average.

The Jordans stand out from this bleak statistical background, but they are still in the picture. Their operation is the largest of the relatively few remaining black family farms in southern St. Mary's County. After years as tenant farmers, and despite a tight local land market, they managed recently to buy 20 acres of their own.

But Alfred Jordan still plants most of his crops on 80 additional acres he leases, or farms on a sharecrop basis with surrounding white landowners. In those sorts of arrangements, he says, color makes a difference.

Sharecropping is still common in St. Mary's County. Extension Agent Edward Swecker explains that the procedure is often used by landowners to cover their costs until the best sale price comes along.

Swecker says standard sharecrop arrangements in the area range from one-third to one-half of the crop going to the landowner. And by all accounts, it is customary for the owner to supply fertilizer, some or all equipment, even a house if the deal covers an entire farm. The rule of thumb seems to be that the less the owner furnishes, the greater the share the tenant should get.

Yet Alfred Jordan has never been able to get better than a 50-50 split, he says, and has never gotten more than fertilizer supplied in the bargain. By contrast, Paul and Catherine Roland, white former sharecroppers who now own a small farm down the road from the Jordans, never got significantly less than a two-thirds share in their 15 years of tenant farming.

"Once," recalls Paul Roland, "I got one-half plus equipment and a house. But it would have gone to two-thirds if I'd supplied the fertilizer."

The Rolands, who are neighbors of the Jordans, think that Alfred should hold out for a two-thirds share deal. But on one occasion when he did that, Jordan recalls, "the man just told me to go where I could get it. And he didn't say it nice."

Jordan would like to see a law passed to regulate sharecrop relations.

And, after examining his annual receipts, he would also like to see channels established for negotiating better treatment from food processors and farm suppliers. "The fertilizer people, the processors, they're making money.

"But the farmers aren't—we're about giving it away, and we're the ones that do all the work. What's a farmer to do? We feed the people. The marketing—there's the problem. The middlemen are making plenty [an old gripe and probably not true, see box above], and they ought to give more to the farmers."

"Now if [small farmers] all worked together," says Jordan, "we might get some satisfaction." There are indeed many white small farmers in their area, but the Jordans feel the old restrictions of race would be used against any black farmers who took the lead in trying to organize such an endeavor.

Extension Agent Swecker, who feels that some progress in attitude change is under way, confirms that no new blood is entering the farming community in St. Mary's. What was past, therefore, is still largely the future.

So, the transmission of farmland from generation to generation within families is increasingly crucial—if farmer's fever is passed along with it. Which is the case with Mark Melson, 22, of Bridgeville, Del. (roughly on a line between Washington and Rehoboth). Family land makes up most of the 215 acres on which Melson raises corn, soybeans and registered Angus cattle.

Mark Melson estimates the market worth of his total operation (including 29 head of the high-breed cattle) at about half a million dollars. His annual gross sales thus far, however, have not topped $35,000. And when he has paid all his operating costs, "Well, I'm in the hole. I was working [off the farm] full time until September," he says. But things are looking up: "If I keep at it for about five years and get rid of some debts, I could possibly clear $10,000 or $12,000."

Ten or 12 thousand? Some other line of work, perhaps, to encourage brighter prospects? No, says Melson. He wants to farm for life. He took it up when he was 10 years old, using one field of the family farm. He began full-scale operations after two years at a community college. "I was just born to work outside," he says.

In fact, Melson is looking for even more of the outside in which to work. He sees no charm in staying at the small-farm level. He would like to expand to 1,000 acres. But in the East Coast metropolitan corridor, expansion for any young farmer tends to be a problem defined by shrinking cropland, rising prices and competition from developers as well as farmers who already have 1,000 acres.

Melson's inheritance gives him an important head start. Otherwise, as he puts it, echoing the Agriculture Department report, "You've got to have a small fortune to get started."

Precisely. Various observers estimate that start-up costs for even a small-scale commercial farm in the East is about a quarter of a million dollars. Getting such a sum from most banks is not simple, and often impossible.

The federal government offers some relief through the Farmers' Home Administration, which an Agriculture Department publication describes as being "oriented specifically to serving the credit needs of farmers with limited resources."

FmHA assistance comes mainly in the form of low-interest, long-term loans. Low-income small farmers, for instance, can borrow money for farm ownership or improvement at three percent interest, or for operating expenses at five percent. The loans are then reviewed periodically and as the farm prospers (if it does), interest is scaled upward to the FmHA loan rate for clients without a "limited resource" problem (last winter, that rate stood at 8.5 percent). FmHA also makes a variety of emergency loans at low rates, and offers other standard-rate loans for a wide spectrum of purposes—including rural business starts and rural community improvements.

FmHA Administrator Gordon Cavanaugh expects to have $800 million available this year in assistance categories relevant to small farm acquisition. At the rate of $250,000 per farm, however, that would pay for only about 3,200 farm starts overall—almost nine times less than the number of farms expected to go under during the same period.

Farming alone when you do need a second job can be exhausting. As it is for Patti Brown, 22 and on her own, raising beef cattle and hay on 121 acres in Grafton, W. Va. "My Dad and Mom died," she says, "and I just stayed." The farm—worth an estimated $150,000—came down the inheritance line unobstructed.

But Brown has to work regular hours at a tractor sales agency to support herself and, in a reverse twist of the way it's supposed to go, her cattle. "I get up about 5 a.m.," she says, then does chores and goes to work, "and I get off at 5 p.m. I get done with my feeding about 6:30 or 7. Weekends, you do the feeding and then you've always got the fence to fix, or brush to cut . . . But I enjoy it."

"The best thing I like about farming," she adds, "is showing heifers." That means taking favored animals around to fairs—some as far as several states away—to enter in competition. There is prize money in it, but seldom enough to cover costs of the trip. What is more important (always excepting the socializing and contact among farmers in the same community field) is reputation.

Good heifers signify good breeding stock; heifers in good shape mean a good farm, a competent farmer. And the eventual outcome, all things being equal, should be increased income.

For small farmers like Brown, however, things aren't equal enough. Her breeding program may eventually yield good money. But in the long meantime, her beef sales are keeping her strapped. Stockyards serving small-scale growers don't draw the big buyers, she says, but those that do come never seem to bid each other up.

Brown sees government intervention as the only immediate way to regulate the price manipulations which depress the economic prospects of her farm. Things being what they are, however, she expects no such assistance. Like Alfred Jordan, she is ready for different forms of action. "Farmers have as much right to strike as anyone," she says. "Maybe more." Would she join a strike organization? "Yes," she says, and adds, "I don't know if those [tractor] parades and demonstrations have helped anything, but they might have let people know farmers aren't going to be run over anymore."

The federal Packers and Stockyards Act imposes penalties for the collusion among buyers Patti Brown suspects. Interestingly, however, none of the county extension agents interviewed for this article seemed to know about that law. Arranged prices in commodity markets are "the facts of life," said one. "I don't know of any legal way to stop it," said another.

Otherwise, Brown seems wise not to expect government assistance. "The federal government could use tax and commodity support programs to stop the trend toward ever-larger farms," says one Agriculture Department analyst, "but since the New Deal ended, we've always given the most to those who needed the least in agriculture."

A 1977 report of the Task Force on Southern Rural Development, for instance, noted that between 1950 and 1970, while 46 percent of government farm subsidies went to a mere 5 percent of the nation's farmers, 2.7 million people were displaced from southern farms.

"The previous administration," an Agriculture Department researcher says, "simply wrote off the small farms. The Carter administration says you can't ignore them, [but accepts] the need for small farmers to have an off-farm job. It's felt that we can improve their situation by technically improving their farming, and there needs to be more sources of extra income on small farms."

As Assistant Secretary of Agriculture Alex Mercure explained at the Northeast Regional Conference, this translates into government-assisted development of money-saving alternative energy systems and organic methods, plus money-earning food and fiber product varieties capable of being made on the farm.

"Secretary Bergland," the Agriculture Department analyst continues, "has put out a memo saying that it is our policy to increase small farm participation in USDA programs. But [given the economic forces at work], can you really affect the situation with the programs we've got? Most economists will say you can't."

Anthony Newcomb, who raises vegetables in Fairfax County, Va., sees farmers themselves as the source of change. One of the things he is trying to nourish is a positive interaction between farming and suburban existence. It would be ideal, he says, to have the majority of people's food "produced by someone they know personally."

The 200-acre Newcomb tract is one of the few thriving commercial farms surviving in a county that "used to be the primary dairy county in the state," says extension agent C. L. Hall, "until World War II, when we got into the people business."

Newcomb was one of those people—a government economist—until 15 years ago. But the desire to farm took him on a different path, one which he believes anyone with sufficient desire and competence can successfully follow.

The Newcombs use mostly organic farming methods, out of preference rather than to meet a specialized demand. "It doesn't make any significant difference in the production cost," Newcomb says, "and I find it doesn't make any significant difference to most of our customers, either."

In a similar vein, the Newcomb lifestyle, which he describes as "frugal," and "very different from most other people: we heat with wood, do all our own repairing, etc.," reflects conviction rather than necessity, although it meshes well with the economics of their farm. Last year, a "fair year," says Newcomb, they paid tax on $17,000 income.

"We could certainly make a living on far less acreage," says Newcomb. "We could get by with three hired people instead of, for instance, 15. But our labor situation is the unique aspect of the farm."

Hiring more help than needed, he says, allows the Newcombs to operate a kind of apprenticeship program for college-aged people who are "serious about learning farming."

The Newcombs also could expand if they chose, says Anthony. "Retail vegetable opportunities here are good. We could sell two to three times more than we do. But we're not in this to be commercially glorious. We want to satisfy the people here. We want to be permanent."

Newcomb believes that another hundred farmers also could fit permanently into the fresh-grown produce business around the city, and enjoy success as well as the metropolitan ambience. He is bullish on the prospects for small farmers in general. "In the next 10 years," he says, "I think the outlook is good that anyone who [really] wants to do it will be able to. The critical component of small farming is skilled labor, and as other costs go up, the return to your own skilled labor increases. People who do a lot of complaining just haven't got everything together."

If Newcomb had gone to a Small Farms Conference (the session for Virginians and others in the South was in Alabama), he might have been torn apart between farmers trying to dispute his ideas, and Agriculture Department people panting to elevate him as the all-time model small farmer. But he stayed home, leaving the field to the reform advocates who feel that competence and a pioneering spirit aren't enough to save small farms, or moderate-size farms either; that the context in which the pioneering gets done has to change to make success more likely.

Farmer groups themselves are spearheading those reform efforts, of course. But preeminent among the other organizations in the picture is the National Family Farm Coalition, which is coordinating growing nationwide support for the proposed Family Farms Development Act, which the coalition helped draft.

Introduced in 1978, the bill has Reps. Rick Nolan (D-Minn.) and George Brown (D-Calif.) as primary sponsors.

"Federal agriculture policy could encourage and maintain a farm and food system based on small and moderate sized family farms," says a coalition leaflet. Citing the multiple economic and environmental dangers of big-business farming, the leaflet adds, "Protecting America's family farmers is the most effective way to create a self-sustaining, environmentally sound, economically stable food system."

The proposed law, say coalition coordinators Catherine Leeza and Robin Rosenbluth, is an attempt to turn federal policy in that direction. It would create an investigative food price review board, would require food labels to show how much of the item price goes to farmers, would establish a production-goal system guaranteeing a fair return to farmers but putting a ceiling on gross sales per farm (it's high—$500,000), and would guarantee commodity price support levels at 90 percent of parity (100 percent for some) in exchange for enhanced soil conservation practices by farmers.

Meanwhile, the combined efforts of farmers, environmentalists, rural community organizers and the new generation of food policy advocacy groups now springing up have created a raft of approaches to holding farmland open for crops rather than condominiums: land trusts, agricultural property tax differentials and state programs that purchase farmers' development rights (so that if their land is sold, it must be sold for agricultural use).

And right behind the legal initiatives an organizing drive is under way to revitalize the small-farm community, draw in new farmer recruits and reestablish public awareness of the value and needed permanence of small farms in agriculture.

Pat Lewis Sackrey, co-director of the planning and organizing group called Center for Rural Communities in Amherst, Mass., emphasizes that this is no sentimental attempt to ennoble poverty, nor to turn back the clock. "We don't see homesteading as the wave of the future," says Sackrey, "and we don't see any value in trying to preserve hard-scrabble farming. But we do see a need to support the people who are doing that farming now, to assist them to do it better and get more out of it and move up to a level of satisfactory economic return at a small scale."

For Sackrey and a growing number of others that means an agriculture supportively integrated with local economies and local food systems. The search for direct aid to small farms is paralleled by an attempt to develop "community-based, community-owned food processing facilities," as one state agriculture official put it, "that would help an independent family farm system to exist in the face of a near-monopoly food industry."

That clearly suggests a decentralized, democratically controlled political-economic system, and movement toward that is an undercurrent in the push for agricultural change. It is a relatively abstruse factor, taking clearer shape in social rather than economic vision—a desire for self-reliant communities organized around productive work with the land. It is a vision of social relationships and purpose which updates Jeffersonian democracy, and in a tantalizing way lays claim to elements of national image and popular heritage.

Whether it will play down in St. Mary's County, or up in rural Delaware or West Virginia remains to be seen. Much has changed since the populist era of the 19th century, when small farmers (the only kind there were then except plantation owners) and industrial workers actually discussed cooperative programs to guide and regulate the economy.●

MORE UNIONS, CIVIC GROUPS ENDORSE UDALL-ANDERSON SUBSTITUTE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. UDALL. Mr. Speaker, the support for the Udall-Anderson substitute version of the Alaska lands bill is growing rapidly as we approach these votes. While many, many conservation groups, civic clubs, and unions are already supporting the bill, additional groups are making their support known.

Last week, two additional unions joined the Alaska Coalition and voiced their full support for the Udall-Anderson substitute: The International Association of Machinists and Aerospace Workers (AFL–CIO) and the Service Employees International Union (AFL–CIO).

For the information of my colleagues, I include in the RECORD, letters endorsing the Udall-Anderson substitute from the National Recreation and Park Association, the American Planning Association, and the National Intramural Recreational Sports Association.

NATIONAL RECREATION AND
PARK ASSOCIATION,
Arlington, Va., May 14, 1979.

Hon. MORRIS K. UDALL,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN UDALL: I am pleased to report that the National Recreation and Park

Association's Board of Trustees has voted unanimously to support H.R. 3651, the Udall-Anderson proposal relating to Alaska lands. The Board's action was taken during its mid-year meeting in Kansas City, Missouri on May 12.

The National Recreation and Park Association is a private, non-profit organization representing some 18,000 lay and professional persons involved in providing quality park and recreation experiences for all people. Our membership includes a large percentage of persons directly involved in the management of public park and recreation systems. In this position, they are committed to meeting the recreation needs of all Americans—including the elderly, handicapped, and those who seek both wilderness and non-wilderness recreation experiences.

Our Board was motivated by a concern for a balanced multiple-use approach, as well as the strict preservation of selected unique cultural and natural resources in Alaska. It found that the Udall-Anderson proposal provides the most balanced policy and strategy to rationally review and approve nationally significant land use decisions.

In making its decision, the Board found that your proposal was most responsive to several key issues:

The need to provide a balanced mix of park and recreation opportunities for all citizens.

An appropriate balance between renewable and non-renewable resource management objectives.

Provision of an effective means to resolve any intergovernmental land use planning and allocation conflicts.

Avoidance of the high probability of conflict at the Federal agency level by keeping resource allocation and transportation corridor decisions within a single agency.

Most effectively utilizing ecological determinents (ecosystem planning) in resource classification and management.

Is most responsive to the social and cultural needs of Alaska residents while recognizing the historical and future national interests in this region.

Retains future prerogatives of Congress relative to resource allocation decisions, especially in areas with extremely sensitive environmental conditions.

Thank you for your continuing leadership in this critical area of national concerns.

Sincerely,

JOHN H. DAVIS,
Executive Director.

AMERICAN PLANNING ASSOCIATION,
Washington, D.C., May 3, 1979.

Re: Alaska National Interest Lands Conservation Act.

Hon. MORRIS K. UDALL,
House of Representatives,
Washington, D.C.

DEAR MR. UDALL: The American Planning Association (APA), representing more than 20,000 urban and regional planners as well as planning officials, endorses your version of the Alaska National Interest Lands Conservation Act of 1979.

Alaska, as we all recognize, represents one of the last year frontiers remaining in the United States and APA believes its unique ecological characteristics deserve our immediate protection.

As planners, we are professionally responsible to evaluate all consequences and impacts of proposed actions and to weigh without bias all involved interests. In designating portions of Alaska's national forests, parks and wildlife refuges as wilderness, we are aware that this will prohibit energy resource development on those lands, something to especially consider in view of uncertain energy supplies. We agree that increased domestic energy production is in the national interest but not until useful land use impact analyses are undertaken to assess the degree of ecological damage from such development. Therefore, we believe it is best to preserve too much land at this time rather than too little. As a "Washington Post" editorial stated on March 9, 1979, "once oil wells are drilled, timber is cut and watersheds are altered, a Congress of the future cannot reverse a wrong decision".

We believe your bill is drawn in this spirit of cautious balance and we are pleased to offer our support.

If you need specific assistance from us, please call Allan A. Hodges, Assistant Executive Director, in our Washington, D.C. office.

Sincerely,

ISRAEL STOLLMAN, AICP.
Executive Director.

NATIONAL INTRAMURAL-
RECREATIONAL SPORTS
ASSOCIATION,
Atlanta, Ga., April 27, 1979.

Congressman UDALL,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN UDALL: The National Intramural-Recreational Sports Association, at its annual conference two weeks ago, unanimously passed a resolution in support of Alaskan public lands protection.

Please understand that the National Intramural-Recreational Sports Association wholeheartedly endorses and supports the Udall-Anderson bill (HR 3636). Our organization, made up of intramural/recreational sport professionals in over six hundred colleges and universities around the country, is very concerned with the successful passage of this bill. Our organization is one of the few national groups who, as part of their responsibilities, conduct outdoor recreational programs for college students. Membership in our organization is also available to, and embraced by, military installations around the world. The college students that partake in our intramural/recreational sports programs number in the millions.

The use of the wilderness for educational and recreational purposes is consistent with the NIRSA philosophy, principles, and professional ethics. We endorse and support maximum protection of these lands for use by all Americans. At this time, it is felt that the Udall/Anderson bill offers the greatest level of protection and preservation of these lands. If this bill should become so amended or altered as to lose its power of protection for these lands, NIRSA is going on record as to be in support of congressional legislation which will provide the strongest, most permanent protection available for our federally owned national wild lands in Alaska.

Congressman, again may I emphatically state that the National Intramural-Recreational Sports Association supports and endorses the Udall-Anderson bill (HR 3636). Please do not hesitate to call upon me to provide you with further input and/or support.

Hoping you will be successful in the passage of this bill, I remain available at your request.

Sincerely,

LAWRENCE S. PREO, Ph. D.,
President, NIRSA.●

PAPERWORK BURDEN CRUSHES TEACHERS, SCHOOL ADMINISTRATORS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. ASHBROOK. Mr. Speaker, there is a paper blizzard blowing from Washington and it knows no season. Not a winter creature, it operates 365 days a year and represents a crushing burden to the already hard-pressed local schools, their teachers and administrators.

The reason is very simple. Federal aid to education has become so complex that there are more than 125 different programs emanating from Washington. These have generated more than 1,100 pages of fine print regulations which in turn have placed a paperwork burden of unbelievable proportions on the local schools.

A HEW report shows that in fiscal year 1977, the various educational programs have generated 912,000 man-hours to fill out the Federal forms and 4,500,000 man-hours to fill out the State forms for Federal education programs required by Federal law. Note that latter figure: Much of the burden comes from State educational offices which are mandated to do certain things by Federal law. This adds up to a staggering 5,412,000 man-hours or at least 2,700 man-years of paperwork.

Reports in the Federal Register this year show an increase. Here is a sampling of some of the paperwork requirements in this bureaucratic blizzard that sweeps in from Washington:

TITLE AND ANNUAL MAN-HOURS

Application for State Student Incentive Grant Program, 448.

Application for Teacher Exchange Program, 2,520.

Financial Status and Performance Report—BOAE, 8,800.

Right to Read Financial and Performance Report, 4,640.

Basic Grant Program Student Validation Roster, 25,000.

Standard Application (nonconstruction) for Migrant Education Program, ESEA, Title I, none.

Financial Status Report For Adult-Education State Programs, none.

Annual Performance Report For Adult Education State Grant Programs, 4,480.

Financial Status And Performance Report, P.L. 94-142 and P.L. 89-313, 1,026.

A-102 Financial Status & Performance Reports—Discretionary Projects, 12,600.

Educational Opportunity Centers Program Financial Status and Performance Reports, none.

Veteran Student Enrollment Verification Report, 2,700.

Instructions For Completing The Financial Status Report And The Follow Through Grantee Performance Report, 510.

Financial And Performance Reports—Migrant Program Title I ESEA, 940.

Financial Status And Performance Reports—Title I, ESEA of 1965, 1,083.

Standard Application For (Non Construction) Library Research And Demonstration Program, 6,000.

Financial Status And Performance Reports—State Student Incentive Grant Program, 171.

Notification Of The Membership Of Adult Education State Advisory Councils, 28.

Application For Federal Assistance (Non Construction Programs)—Instructions For Ethnic Heritage Program, none.

Institutional Application For Public Service Education Program, 3,400.

Application For Domestic Mining And Mineral Fuel Conservation Fellowship, 1,200.

Call Report For Unregulated And Specialized Lenders Under The Federally Insured Student Loan Program, 338.

Certification As To Use Of Federally HEA Assisted Facilities Under Title VII of 1965, 150.

Financial Status And Performance Reports Cooperative Education Program, 1,550.

IHE Application For Handicapped Personnel Preparation, 27,000.

Application For Special Programs For Students From Disadvantaged Backgrounds, HEA, As Amended, 5,000.

Standard Application For Consumer Education And Metric Education, none.

Request For Deferment Of Repayment Because Of Armed Forces, Students, Peace Corps, Action Full-Time Volunteers, 1,666.

Instructions For Application For Federal Assistance-Women's Education Equity Act Program, none.

Application For Grant For Equipment & Materials To Improve Undergraduate Instruction, 12,000.

Application For Federal Assistance (Short Form)—Instructions For Arts Education Projects, 4,500.

Application For Federal Assistance. Instruction For Part A, Title IV, P.L. 92-318, 15,000.

Application For Federal Assistance (Non Construction Programs)—Instructions For Community Education, none.

Application For Federal Assistance (Non Construction Programs) For Emergency School Aid Act, Title VII, P.L. 92-318 As Amended—Instructions & Supplementary, 25,680.

Application For Emergency School Aid Act: Non Profit Organizations, 14,300.

Annual Program Plan Under Part B Of The Education of The Handicapped, 3,990.

Application For Fellowship For Indian Students, 2,200.

Indian Student Enrollment Certification, 1,625.

Report Of Handicapped Children Receiving Special Education And Related Services, 57.

Financial Status, Performance, And State Advisory Council Reports For Title IV, ESEA, P.L. 93-380, none.

Standard Application For Library Training Programs, Title II-B, HEA 1965, none.

Nominations For The National Advisory Council on Indian Education, 83.

Program Memorandum—Application, LSCA Titles I And II, 1,680.

State Student Financial Assistance Training Programs Application, 104.

Application For Federal Assistance (Non Construction Programs)—Education For The Handicapped—Preschool Incentive Grant, 570.

National Direct Report Of Defaulted Loans, Studen Loan Program, 1,650.

Endorsement Of Defaulted Notes (National Direct Student Loan Program, 5,000.

Financial Status & Performance Reports For Domestic Mining & Mineral Fuel Conservation Fellowship Program, 156.

Strengthening Research Library Resources Program, 3,200.

Vocational Education Graduate Leadership Development Program Application, 12,000.

Vocational Education Teacher Certification Fellowship Program Application, 20,000.

Application for Graduate and Professional Fellowships and Institutional Grants, 7,000.

Program Administrative Review, BEH, 6,316.

Reporting for State Student Financial Assistance Training Program, 288.

Financial Status and Performance Report for Community Service and Continuing Educational Programs Title IA, (State Grant), 880.

Financial Status and Performance Reports for College Library Resources, Library Training, and Equipment and Materials, 24,000.

State Plan For Education Information Centers, 5,600.

Lenders Application For Contract Of Federal Loan Insurance, 87.

Student Application for A HEAL Loan, 4,760.

HEAL Program Loan Transfer Statement, 520.

Validations Form-Basic Educational Opportunity Grant Program, 51,000.

Financial And Performance Report for Indochina Refugee Assistance Program, none.

Standard Application (Non-construction) For Gifted And Talented Program none.

State Plans And Reports For Vocational Education, 74,100.

State Plan For ESEA Title IV: Libraries And Learning Resources, Education, Innovation And Support, 3,770.

Lender's Manifest For Health Education Assistance Loans, 520.

Teacher Centers: Financial Status And Performance, 960.

Institutional Release Of Funds/Request For Additional Funds: CWS & SEOG, 500.

Sharing Business Success, 1,680.

ADS Student Validation Roster, 1,062.

Adult Education Clearinghouse, 200.

VETERANS ADMINISTRATION

Statement of Wages Paid to Trainee (Receiving Educational Benefits, 1,800.

Authorization and Certification of Entrance and Reentrance Into Training (Vocational Rehabilitation), 3,000.

Trainee Request For Leave (Vocational Rehabilitation), 10,000.

School Attendance Report, 3,500.

Request For Training Supplies, 2,000.

Annual Farm and Home Plan For Institutional On-Farm Course of Training (ch. 31), 600.

Farm Survey and Overall Farm and Home Plan-Self-Proprietor (ch. 31, Title 38, U.S.C.), 200.

Enrollment Certification (Under chapter 34, or 35, Title 38, U.S.C.), 240,000.

Vocational Placement Follow-up, 300.

Transfer of (Scholastic) Credit (Schools), 334.

Notice of Change in Student Status—Institutional Course Only, 20,833.

Monthly Certification of Flight Training, 60,000.

Application For Educational Assistance By a Spouse or Surviving Spouse, 2,000.

Application and Enrollment Certification Individualized Tutorial Assistance, 15,000.

Monthly Report of Training and Wages Under Chapter 31, Title 38, U.S.C., 12,500.

Monthly Certification of Training Under Chapter 34, Title 38, U.S.C., 180,000.

Compliance Report of Proprietary Institutions Apprenticeship Programs and On-The-Job Training Programs, 3,125.

Certification of Delivery of Advance Payment and Enrollment, 62,500.

State Veterans Home Project Planning Report, 80.

Application For a Medical School Grant, 1,800.

Occupational Graduate Employment Questionnaire, 650,000.

Application For Education Loan, 100,000.

Designation of Certifying Official, 3,000.●

FEDERAL PROCUREMENT IN LABOR SURPLUS AREAS

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. EDGAR. Mr. Speaker, the Northeast-Midwest Congressional Coalition has actively supported recent congressional and administrative actions affecting a policy designed to target Government purchases to firms in high-unemployment areas. The purpose of this policy, known as Defense Manpower Policy No. 4 (DMP-4), is to encourage the full utilization of existing production facilities and workers rather than creating new plants or moving workers, thus assisting in the maintenance of economic balance and employment stability. This policy has been virtually unused since its inception in 1952, because until recently both the legislative and executive branches were unwilling to use the Federal Government's purchasing power to stimulate economic development.

During the 95th Congress, significant improvements were made in the policy. In November 1977, DMP-4 was revised and reissued as DMP-4A, bringing it into conformance with Public Law 95-89, the Small Business Act Amendments of 1977. Major changes included:

Expanding the policy to include the targeting of grants and executive agreements;

Repealing the restriction imposed by the Maybank amendment from civilian agency procurement; and

Redefining the criteria for determining eligibile areas under DMP-4 and increasing the accuracy of targeting by restricting the size of labor surplus areas.

As part of the administration's urban initiative, President Carter established his commitment to the program in August 1978, with the issuance of Executive Order 12073, "Federal Procurement in Labor Surplus Areas."

On April 2, 1979, a subsequent revision in the policy was proposed incorporating this Executive order. I have reviewed the proposed DMP-4B, and I am deeply concerned that it is substantially less comprehensive than its predecessor. It is particularly important that this policy be strengthened at this time, for several reasons:

The policy has remained virtually unused since 1952, and despite recent attention, still is not widely known.

The labor surplus area program provides the administration with an effective tool to directly stimulate the private economy in distressed areas without significant cost to the Government. In fact, if it fulfills its potential, this program will provide a savings to the Government by reducing the need for income maintenance programs in distressed areas.

The program is anti-inflationary and provides a way of offsetting the possible effects of a recession in urban areas.

Confusion over responsibility for the program has hampered implementation efforts.

The number of recent revisions to the policy has strengthened the program, but also has added to confusion over specific aspects of it.

There is congressional concern that the impact of the multilateral trade agreements on the program will result in a weakened commitment to its implementation.

Because of the importance of this key urban initiative, I ask that my comments addressed to the Director of the Federal Preparedness Agency be printed in the RECORD.

The material follows:

NORTHEAST-MIDWEST
CONGRESSIONAL COALITION,
Washington, D.C., May 2, 1979.

MR. JOSEPH A. MITCHELL
Director, Federal Preparedness Agency,
Washington, D.C.

DEAR MR. MITCHELL: As Chairman of the Northeast-Midwest Congressional Coalition, I am, as you know, actively interested in the design and implementation of Defense Manpower Policy number Four A (DMP-4A). Consequently, I have reviewed the proposed revision of this policy—now known as DMP 4B—which was printed in the Federal Register on April 2, 1979, and am deeply concerned because it is substantially less comprehensive than DMP-4A. It fails to include a definition of terms, a discussion of program responsibility or reporting requirements. Given the number of change and improvements in the program, as well as changes in program responsibility which have taken place during the past two years, these omissions are serious. In the place of the sections deleted, DMP-4B refers the reader to Executive Order 12073 and implementing regulations for guidance in carrying out the program. This means that for an overall description of the program and of agency responsibilities, one must refer to a number of separate documents. It is my strong belief that simplicity, convenience, and clarity require a more comprehensive statement of the program in the final rule.

Specifically, I recommend the following changes:

1. Purpose; and 4. Policy.—DMP-4A directed attention to the award of "appropriate procurement contracts and grants, for the execution of agreements, and for the locating of new plants or facilities . . ." DMP-4B does not specify "execution of agreements" which I assume is included under the more general term "contracts." For clarification, however, a note should be added which explains that executive agreements are included under contracts.

5. Applicability and Scope.—DMP-4A specified that set-aside procedures used under this policy were to be applied to procurements, grants and agreements greater than $2,500. This specification was deleted from DMP-4A and should be included.

6. Definitions.—In order for the policy to be clearly and succinctly stated, definitions should be included under DMP-4B, as they were in DMP-4A. If definitions are not included, one must consult other documents to understand what the key terms labor surplus area, eligibility, and substantial performance mean.

7. Implementation; 8. Responsibility; and 9. Reporting Requirements.—The deletion of these major sections of DMP-4A seriously weakens the policy, particularly given the confusion that currently exists over program responsibility. The delegation of authority contained in E.O. 12073 is much more general than the specific lists of responsibilities in DMP-4A. Unlike other sections that were deleted, the reader has no other document to refer to in order to clarify the program responsibilities of agencies. Furthermore, as the Northeast-Midwest Institute pointed out in their report, "The Labor Surplus Area Program: A Key Urban Initiative in Transition," there is a need for further clarity in operational oversight. This revision of DMP-4A provides the opportunity to clarify each agency's responsibilities. DMP-4B, however, rather than providing this clarity, further weakens the policy by deleting this section.

The brevity and diminished clarity of DMP-4B could encourage further confusion and may be interpreted by some as a retreat from a commitment to full implementation. At a time when there is congressional concern over the impact the multilateral trade agreements will have on the implementation of this program, failure to seize the opportunity to strengthen the program by further clarification would be most unfortunate.

I would very much appreciate the opportunity to discuss my comments with you at greater length, prior to the drafting of the final rule. I will contact your office in the near future to arrange a mutually convenient time.

Thank you for your consideration of this matter.

Cordially,

ROBERT W. EDGAR,
Chairman.●

TRIBUTE TO THE JOHN P. McKEON POST, AMVETS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. DONNELLY. Mr. Speaker, I rise today to pay tribute to an outstanding organization in the Massachusetts 11th Congressional District, the John P. McKeon Post AMVETS.

The McKeon Post is celebrating a quarter of a century of service, dedication, and loyalty to the community and the Nation.

During its dynamic 25-year history, the John P. McKeon Post has been led by men who have exemplified the tradition and standards of American men; men who answered their country's call during times of war and crisis, then returned to their homes to serve their community in times of peace.

I would like to take this opportunity, Mr. Speaker, on the floor of the U.S. Congress to proudly read the roll of those who served as commanders of the John P. McKeon Post. They are:

Arthur F. Sutliff, James F. Donegan, Frank Thompson, Robert Shannon, Daniel J. Goggin, Francis S. Murphy, Robert F. McKeon, Jeremiah Coughlin, John S. Heaney, James I. Murrin, Chester D. Ovesen, and Paul D. Daly.

John M. O'Neil, Robert F. Timmons (deceased), Charles Carroll, George Tracey, Austin Kelly, William Donovan, James H. Graham, E. Frank Ciampoli, William F. Sheehan, John Monahan, Jr., Phillip Houten, Present Commander.

Further, Mr. Speaker, in order to acquaint my colleagues with the history of this fine organization, I submit as further extension of my remarks before the House today a copy of an address I had the privilege to deliver before the men and wives of the McKeon Post on Thursday, May 3, 1979, at the Hynes Veteran Memorial Auditorium in Boston. The material follows:

REMARKS BY BRIAN DONNELLY

Reverend Clergy, distinguished guests, officers, men and wives of the John P. McKeon Post:

First let me say that I am happy that I could join you all tonight for Austy Kelly's wedding reception.

I am very proud and honored to be addressing this gathering tonight. The McKeon Post has always been very important to me and I consider it a great honor that the committee has invited me to join you in celebrating the Post's twenty-fifth anniversary.

I was only eight years old when a group of young veterans—many of whom had recently returned from Korea—decided that they would form an association of their former comrades and incorporate this new association with the then new AMVETS.

Many of that original group are in this hall tonight. Maybe their hair is a little thinner and a cartridge belt wouldn't slip around their waists so easily—but they are just as dedicated now, twenty-five years later as they were when they hung that first sign by the Adams theater in 1954.

Dedication is the best word to describe the men of the McKeon Post—dedication to their commitment to their neighbors—dedication to the youth of our community—and most importantly, dedication to the same high ideals and love of country that motivated them in their youth.

It is hard to imagine a Dorchester without the McKeon Post. I, like every kid who grew up in Dorchester in the last twenty-five years saw the McKeon in all phases of community activities:

We saw all those men, marching rank after rank to and from Cedar Grove cemetery every memorial day—

We saw the sports nights, the boxing programs, the athletic teams sponsored by the Post—

We saw the good deeds and kind acts that made life a little more cheerful for the patients at Wrentham State Hospital—

We saw the smiles on the faces of our elderly each Christmas as they were enjoying the annual seniors party sponsored by the Post.

Like so many, I grew up in a neighborhood lucky enough to have a McKeon Post to serve as an example of leadership, charity and good will.

But what of the future? Will this organization, like so many others, become stagnant? Not very likely!

The Post has a certain vibrancy, a certain enthusiasm, a certain philosophy which sets it aside from all the others.

What you will not find at the McKeon Post—and I speak now as a member—you will not find an attitude that says "We who built and worked hard to make this Post what it is—we know best."

No ladies and gentleman, what you will find is a willingness to incorporate new blood and ideas into the organization—change in encouraged and listened to—proof of this is the number of Vietnam era vets who actively participate in Post affairs—they know their ideas and needs are welcomed not stifled.

Yes ladies and gentleman, be assured that this fine group will continue in its dynamic community role.

Be assured that all members—the young and not-so-young, will work together in the future to keep alive the ideals of the vets in that little store-front post . . . and be assured that, God willing, I'll have a drink with you when this outstanding organization celebrates its 50th anniversary.

Thank you and goodnight.

BRIAN DONNELLY.●

NORTHERN WILDERNESS SLASHED IN HUCKABY SUBSTITUTE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, we will soon cast our votes on the Alaskan National Interest Lands Conservation Act. As cosponsor of the Udall-Anderson substitute to H.R. 39, I ask my colleagues to join me in support of its balanced and reasonable provisions.

The Udall-Anderson substitute is a painstakingly refined version of the Alaska lands bill which passed the House by an overwhelming margin last year. Its language is the culmination of more than 3 years of intensive analysis and study. The authors have managed to balance Alaska's demands for resource development with the requirements of its peerless wilderness and wildlife—making this text the fine achievement of a long and thorough legislative effort.

By way of example, the provisions for designated wilderness, which I feel are the very heart of this legislation, vary widely between the Udall-Anderson and Huckaby substitutes. The latter would designate far less as statutory wilderness, as it deletes many proposals entirely and chips away critical portions of others. Representative examples of such cuts, as quoted from the dissenting views to the Interior Committee's report on H.R. 39, are as follows:

> In the Becharof National Wildlife Refuge, the House-passed bill of last year designed 400,000 acres of wilderness. The reported bill protects no wilderness at all.
>
> In the existing Kenai Fjords National Monument the House last year designated 340,000 acres of wilderness. The reported bill protects no wilderness at all.
>
> In the existing Kobuk Valley National Monument bill the House-passed bill designated over one million acres of wilderness. The reported bill recommends only 140,000 acres.
>
> In Mount McKinley National Park, the reported bill eliminates wilderness entirely—instead of the 5,400,000 acres of wilderness designated in last year's House-passed bill.
>
> There is no justification at all for such cuts.
>
> And other important wilderness proposals were drastically reduced in the reported bill:
>
> In the Arctic National Wildlife Range, the reported bill protects much of the existing Range, but fails to protect as wilderness the most critical area—the sensitive calving grounds of the Porcupine caribou herd.
>
> In the existing Admiralty Island National Monument, the reported bill only protects half of this island, slicing an ecosystem down the middle as if it were the last loaf of bread on a store shelf. The western portion of Admiralty would be put into a "special management area," which would not protect the essential bald eagle and brown bear habitat which deserves wilderness protection.
>
> The reported bill would split the existing Misty Fjords National Monument, with the northern part being placed in a National Park Service Preserve and the southern portion in the "special management area." The critical fishery areas (the Wilson, Blossom, and Keta Rivers) would be left entirely unprotected. We support wilderness designation for the entire Misty Fjords Monument.
>
> In Wrangell-St. Elias National Park and Preserve the House-passed bill designated 9,500,000 acres of wilderness. The reported bill protects only 4.78 million acres.
>
> The reported bill fails to designate wilderness in precisely those areas where it is needed the most—critical wildlife habitat such as caribou calving and wintering grounds, pristine river valleys, and the lowlands vital to wilderness recreation.

I find what Hubert Humphrey said when the Wilderness Act, of which he was the original sponsor, passed the Senate in 1963 particularly appropriate at this juncture:

> I do not believe it is necessary for me to speak at length about the undeniable benefits that wilderness resources will impart to future generations of Americans. As our civilization becomes progressively more mechanized, automated, and dehumanized, the value of preserving the primeval character of certain designated areas will increase manifold.
>
> This will represent a legacy of incomparable value to generations hundreds of years hence because it will be a gift beyond human creation.
>
> In fact, Mr. President, as a cosponsor of the proposed legislation as one who initiated it some years ago. . . . I wish to say that I am more proud of my name being listed as a cosponsor of this bill than of almost any other bill I supported in Congress.

Mr. Speaker, I am proud to have my name listed as a cosponsor of the Udall-Anderson substitute to H.R. 39, and I am excited at the chance this legislation offers the 96th Congress to leave a legacy of natural treasure to our nation's future. I urge my distinguished colleagues to take full advantage of this truly remarkable conservation opportunity by voting with me for the Udall-Anderson substitute when the Alaska lands bill comes to the floor.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meeting schedule for Tuesday, May 15, 1979, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 16

9:00 a.m.

Governmental Affairs
To consider the nominations of Mary P. Bass, of New York, to be Inspector General, Department of Commerce; Charles L. Dempsey of Virginia, to be Inspector General, Department of Housing and Urban Development; and Eldon D. Taylor, of Virginia, to be Inspector General, NASA.
Room to be announced

9:30 a.m.

Governmental Affairs
Civil Services and General Services Subcommittee
To hold oversight hearings on the activities of the Former Presidents Program and the Presidential Transition Program.
4200 Dirksen Building

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To continue oversight hearings to examine the Federal Government's policy relative to relocation of offices.
6226 Dirksen Building

Judiciary
To hold hearings on the nominations of Frank M. Johnson, Jr., of Alabama, to be U.S. Circuit Judge for the Fifth Circuit Court of Appeals, and Dolores K. Sloviter, of Pennsylvania, to be U.S. Circuit Judge for the Third Circuit.
2228 Dirksen Building

Labor and Human Resources
Business meeting to mark up S. 209, to provide for the establishment and implementation of Federal laws relating to the regulation of employee benefit plans.
4232 Dirksen Building

Select on Ethics
To continue hearings in conjunction with the investigation of Senator Talmadge's alleged abuse of certain financial reporting rules of the Senate.
1202 Dirksen Building

10:00 a.m.

Agriculture, Nutrition, and Forestry
Business meeting to consider the nomination of Thomas F. McBride, of the District of Columbia, to be Inspector General, Department of Agriculture; S. Res. 90, requesting a study of the Child Nutrition Act; and S. 1, to improve farm income; S. 1053, to increase the uses and effects of the Food for Peace program; and title II provisions of H.R. 3324, authorizing funds for fiscal year 1980 for the Peace Corps, (Food For Peace).
324 Russell Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Smithsonian Institution.
1223 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 and on proposed supplemental requests for fiscal year 1979, both for the U.S. Postal Service and offices within the Executive Office of the President.
1318 Dirksen Building

Commerce, Science, and Transportation
To hold oversight hearings on the status of conserving the salmon and steelhead fish stocks in the State of Washington.
235 Russell Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on the U.S. Postal Services' proposed involvement in the transfer of mail by electronics.
1224 Dirksen Building

Energy and Natural Resources
Business meeting on pending calendar business.
3110 Dirksen Building

Governmental Affairs
To resume hearings on S. 262 and 755, bills to require that all Federal agencies conduct a regulatory analysis before issuing regulations, and to require the use of less time consuming procedures to decide cases.
3302 Dirksen Building

Judiciary
Constitution Subcommittee
To hold hearings on S. 414, proposed University and Small Business Patent Procedures Act.
2228 Dirksen Building

11:00 a.m.
Select on Small Business
To hold hearings on the nomination of Paul R. Boucher, to be Inspector General, Small Business Administration.
424 Russell Building

2:00 p.m.
Energy and Natural Resources
Parks, Recreation, and Renewable Resources Subcommittee
To hold oversight hearings on the implementation of the National Forest Management Act.
3110 Dirksen Building

Labor and Human Resources
Health and Scientific Research Subcommittee
To resume markup of S. 570, to control increases in hospital revenues (hospital cost containment).
4232 Dirksen Building

MAY 17

8:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Department of Labor, CETA.
S–126, Capitol

8:30 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold hearings on the proposed GAO report on the Department of Energy's enforced crude oil reseller price controls.
3110 Dirksen Building

9:30 a.m.
Labor and Human Resources
Health and Scientific Research Subcommittee
To hold hearings on S. 772, 737, 1045, and 1075, bills to require drug companies to conduct post-marketing and scientific investigations of approved drugs, to transmit drug information to patients and doctors, and to provide more education to doctors and health professionals regarding the use of approved drugs.
4232 Dirksen Building

Select on Ethics
To continue hearings in conjunction with the investigation of Senator Talmadge's alleged abuse of certain financial reporting rules of the Senate.
6226 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 and on proposed supplemental requests for fiscal year 1979, both for offices within the Executive Office of the President and the U.S. Tax Court.
1318 Dirksen Building

Energy and Natural Resources
Business meeting on pending calendar business.
3110 Dirksen Building

Governmental Affairs
To hold oversight hearings on the proposed transfer of the functions of ACTION to other Federal agencies.
3302 Dirksen Building

Judiciary
*Antitrust, Monopoly and Business Rights Subcommittee
To resume hearings on S. 600, to preserve the diversity and independence of American business.
4200 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

2:30 p.m.
Foreign Relations
To hold hearings on the nomination of William M. Landau, of New York, to be a Member of the Board of Directors of the Overseas Private Investment Corporation, to be followed by consideration of this nomination.
4221 Dirksen Building

MAY 18

9:00 a.m
Finance
Taxation and Debt Management Generally Subcommittee
To hold hearings on S. 100, to provide a deduction for expenses incurred by the replanting of trees by the timber industry and environmental groups, and S. 394, to provide that certain authors and artists be considered employees of certain corporations under specified contracts.
2221 Dirksen Building

9:30 a.m.
Labor and Human Resources
Health and Scientific Research Subcommittee
To continue hearings on S. 772, 787, 1045, and 1075, bills to require drug companies to conduct post-marketing and scientific investigations of approved drugs, to transmit drug information to patients and doctors, and to provide more education to doctors and health professionals regarding the use of approved drugs.
4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for ConRail and U.S. Railway Association.
1224 Dirksen Building

Energy and Natural Resources
Business meeting on pending calendar business.
3110 Dirksen Building

Governmental Affairs
To resume hearings on S. 262 and 755, bills to require that all Federal agencies conduct a regulatory analysis before issuing regulations, and to require the use of less time-consuming procedures to decide cases.
3302 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Federal Railroad Administration.
1224 Dirksen Building

MAY 21

9:30 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To receive testimony from officials of the Department of Energy and certain oil companies on the supply situation of diesel fuel, gasoline and heating oil, both nationally and regionally.
3110 Dirksen Building

Select on Ethics
To resume hearings in conjunction with the investigation of Senator Talmadge's alleged abuse of certain financial reporting rules of the Senate.
1202 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the implementation of the Milwaukee railroad system.
235 Russell Building

2:30 p.m.
Finance
Health Subcommittee
To hold hearings on the provisions of home health benefits under the Medicare and Medicaid programs.
2221 Dirksen Building

MAY 22

9:00 a.m.
Judiciary
Antitrust, Monopoly, and Business Rights Subcommittee
To resume hearings on S. 600, to preserve the diversity and independence of American business.
5110 Dirksen Building

9:30 a.m.
*Energy and Natural Resources
To resume hearings on S. 685, proposed Nuclear Waste Policy Act.
3110 Dirksen Building

Select on Ethics
To continue hearings in conjunction with the investigation of Senator Talmadge's alleged abuse of certain financial reporting rules of the Senate.
1202 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To resume hearings on S. 796, proposed Railroad Deregulation Act.
235 Russell Building

Judiciary
To resume hearings on S. 382, to strengthen and facilitate the implementation of antitrust and procompetitive polices by agencies of the Federal Government.
2228 Dirksen Building

Labor and Human Resources
Education, Arts, and the Humanities Subcommittee
To resume oversight hearings to explore the areas of basic learning skills used in elementary and secondary schools.
4232 Dirksen Building

Select on Small Business
To hold hearings on the availability of investment capital to small businesses.
424 Russell Building

MAY 23

8:00 a.m.
*Veterans' Affairs
To hold oversight hearings on employment programs administered by the Department of Labor.
6226 Dirksen Building

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 885, proposed Pacific Northwest Electric Power Planning and Conservation Act.
3110 Dirksen Building

Judiciary
Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 265, proposed Equal Access to Justice Act.
5110 Dirksen Building

Select on Ethics
To continue hearings in conjunction with the investigation of Senator Talmadge's alleged abuse of certain financial reporting rules of the Senate.
Room to be announced.

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the activities of the banking system.
5302 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To continue hearings on S. 796, proposed Railroad Deregulation Act.
235 Russell Building

Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings to explore the status of efforts by the Environmental Protection Agency and Department of Justice to enforce Federal environmental requirements.
4200 Dirksen Building

MAY 24

8:30 a.m.

*Energy and Natural Resources
To continue hearings on S. 885, proposed Pacific Northwest Electric Power Planning and Conservation Act.
3110 Dirksen Building

9:30 a.m.

Judiciary
Constitution Subcommittee
To resume hearings on S. 506, proposed Fair Housing Amendments Act.
2228 Dirksen Building

Labor and Human Resources
To hold oversight hearings on the implementation of farm workers' collective bargaining programs.
4232 Dirksen Building

Select on Ethics
To continue hearings in conjunction with the investigation of Senator Talmadge's alleged abuse of certain financial reporting rules of the Senate.
Room to be announced.

10:00 a.m.

Banking, Housing, and Urban Affairs
To hold hearings on S. 35, to amend the Credit Control Act.
5302 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
To continue oversight hearings to explore the status of efforts by the Environmental Protection Agency and Department of Justice to enforce Federal environmental requirements.
4200 Dirksen Building

MAY 25

10:00 a.m.

Banking, Housing, and Urban Affairs
To continue hearings on S. 35, to amend the Credit Control Act.
5302 Dirksen Building

Joint Economic
To resume hearings on the Consumer Price Index figures, and on inflationary trends.
345 Cannon Building

JUNE 1

10:00 a.m.

Joint Economic
To hold hearings on the employment-unemployment situation for May.
5110 Dirksen Building

JUNE 5

10:00 a.m.

Commerce, Science, and Transportation
Communications Subcommittee.
To resume hearings on S. 611 and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast commercial uses of the electromagnetic frequency spectrum.
6226 Dirksen Building

JUNE 6

9:30 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold joint hearings with the House Subcommittee on Science, Research, and Technology of the Committee on Science and Technology, to examine U.S. policies and initiatives of the U.S. Conference on Science and Technology for Development.
5110 Dirksen Building

Veterans' Affairs
To hold hearings on S. 870, proposed GI Bill Amendments Act, S. 830, to eliminate the State's required payment in the educational assistance allowance program provided for veterans, and S. 881, to provide for the protection of certain Officers and employees of the VA assigned to perform investigative or law enforcement functions.
6226 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 611 and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast uses of the electromagnetic frequency spectrum.
1318 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To resume hearings on S. 796, proposed Railroad Deregulation Act.
235 Russell Building

Rules and Administration
To hold hearings on S. 623, proposed Senate Election Reform Act, to be followed by consideration of legislative and administrative business.
301 Russell Building

JUNE 7

9:00 a.m.

Labor and Human Resources
Health and Scientific Research Subcommittee
To hold oversight hearings on the implementation of the national blood policy program.
318 Russell Building

10:00 a.m.

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 611 and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast uses of the electromagnetic frequency spectrum.
6226 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To continue hearings on S. 796, proposed Railroad Deregulation Act.
235 Russell Building

Rules and Administration
To continue hearings on S. 623, proposed Senate Election Reform Act, to be followed by consideration of legislative and administrative business.
301 Russell Building

JUNE 8

10:00 a.m.

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 611 and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast uses of the electromagnetic frequency spectrum.
235 Russell Building

JUNE 12

9:00 a.m.

*Veterans' Affairs
To hold hearings on S. 689, proposed Veterans' Disability Compensation and Survivors Benefits Act.
6226 Dirksen Building

10:00 a.m.

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 950, proposed Omnibus Solar Energy Commercialization Act.
3110 Dirksen Building

JUNE 13

10:00 a.m.

Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 611, and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast uses of the electromagnetic frequency spectrum.
235 Russell Building

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To continue hearings on S. 950, proposed Omnibus Solar Energy Commercialization Act.
3110 Dirksen Building

JUNE 14

10:00 a.m.

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 611, and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast uses of the electromagnetic frequency spectrum.
235 Russell Building

JUNE 15

10:00 a.m.

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 611 and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast uses of the electromagnetic frequency spectrum.
235 Russell Building

JUNE 18

10:00 a.m.

Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 611 and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast uses of the electromagnetic frequency spectrum.
235 Russell Building

JUNE 19

10:00 a.m.

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 611, and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the

implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast uses of the electromagnetic frequency spectrum.
1202 Dirksen Building

Energy and Natural Resources
To hold oversight hearings on the activities of programs administered by the Surface Mining Control and Reclamation Act of 1977.
3110 Dirksen Building

JUNE 20

9:00 a.m.
*Veterans' Affairs
To hold hearings on S. 759, to provide for the right of the United States to recover the costs of hospital nursing home or outpatient medical care furnished by the Veterans' Administration to veterans for non-service-connected disabilities to the extent that they have health insurance or similar contracts.
6226 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To resume hearings on S. 796, proposed Railroad Deregulation Act.
235 Russell Building

JUNE 21

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to develop techniques for analyzing and stimulating technological and industrial innovation by the Federal Government.
6226 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To continue hearings on S. 796, proposed Railroad Deregulation Act.
235 Russell Building

Energy and Natural Resources
To resume oversight hearings on the activities of programs administered by the Surface Mining Control and Reclamation Act of 1977.
3110 Dirksen Building

JUNE 26

9:00 a.m.
Labor and Human Resources
To hold hearings on S. 1076, proposed Multiemployer Pension Plan Amendments Act.
4232 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
To resume oversight hearings on the trucking industry economic regulation by the Federal Government.
235 Russell Building

10:00 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 734, proposed Federal Power Marketing Revolving Fund Act.
3110 Dirksen Building

JUNE 27

9:00 a.m.
Labor and Human Resources
To continue hearings on S. 1076, proposed Multiemployer Pension Plan Amendments Act.
4232 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
To continue oversight hearings on the trucking industry economic regulation by the Federal Government.
235 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation to develop techniques for analyzing and stimulating technological and industrial innovation by the Federal Government.
6226 Dirksen Building

JUNE 28

10:00 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To resume hearings on S. 734, proposed Federal Power Marketing Revolving Fund Act.
3110 Dirksen Building

JULY 10

10:00 a.m.
Energy and Natural Resources
Energy Resources and Materials Production Subcommittee
To hold oversight hearings on the implementation of the Outer Continental Shelf Leasing program.
3110 Dirksen Building

JULY 12

9:30 a.m.
*Veterans' Affairs
To hold oversight hearings on the efforts made by the Veterans' Administration to provide information on benefits due incarcerated veterans.
6226 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Energy Resources and Materials Production Subcommittee
To resume oversight hearings on the implementation of the Outer Continental Shelf Leasing program.
3110 Dirksen Building

CANCELLATIONS

MAY 16

10:00 a.m.
Labor and Human Resources
Health and Scientific Research Subcommittee
To resume hearings on the roles of women in health and science.
4232 Dirksen Building

2:00 p.m.
Select on Ethics
To resume hearings in conjunction with the investigation of Senator Talmadge's alleged abuse of certain financial reporting rules of the Senate.
6226 Dirksen Building

MAY 17

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

MAY 23

10:00 a.m.
Labor and Human Resources
Health and Scientific Research Subcommittee.
To hold oversight hearings on the implementation of mental health policy programs.
4332 Dirksen Building

MAY 24

10:00 a.m.
*Labor and Human Resources
Health and Scientific Research Subcommittee
To continue oversight hearings on the implementation of mental health policy programs.
5110 Dirksen Building

HOUSE OF REPRESENTATIVES—*Tuesday, May 15, 1979*

The House met at 12 o'clock noon.

Msgr. James P. Cassidy, director, Department of health and hospitals, Archdiocese of New York, offered the following prayer:

Almighty God and Father of us all in the one human family, bless us and pour out Your sustaining grace on this august assembly.

May they fully realize the magnitude of the burden which has been conferred on them by You and the people of this country.

Inspire them, O Lord, to be wise in their judgments. May they always have before them Your greater good, which is the good of each and every person.

Keep them, O Lord, open and responsive to all the uncertainties found in this changing world.

Make them, O Lord, the defenders of freedom for everyone in God's human family, and today, in particular, remember the people of Cuba who celebrate the anniversary of their freedom.

Bless us, O Lord, with Your strength that we may always have the courage to do Your almighty will here and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Speaker announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 362, nays 9, answered "present" 1, not voting 62, as follows:

[Roll No. 149]

YEAS—362

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brodhead
Brooks
Broomfield
Brown, Calif.
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Cheney
Clausen
Clay
Cleveland
Clinger
Coelho
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Foley
Ford, Tenn.
Forsythe
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gradison
Gramm
Grassley
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harris
Harsha
Hawkins
Heckler
Heftel
Hightower
Hillis
Hinson
Holland
Holt
Hopkins
Horton
Howard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jeffords
Jeffries
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lehman
Leland
Lent
Lewis
Livingston
Loeffler
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Martin
Matsui
Mavroules
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Ritter
Roberts
Robinson
Roe
Rose
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Santini
Satterfield
Sawyer
Scheuer
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Spellman
Spence
St Germain
Stack
Staggers
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Treen
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Wampler
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—9

Dornan
Goodling
Jacobs
Lloyd
Mattox
Moakley
Schroeder
Walker
Wilson, Bob

ANSWERED "PRESENT"—1

McEwen

NOT VOTING—62

Barnard
Brinkley
Brown, Ohio
Burton, Phillip
Chappell
Chisholm
Coleman
Conyers
Crane, Daniel
Crane, Philip
Diggs
Dougherty
Duncan, Oreg.
Edgar
Edwards, Calif.
Evans, Ga.
Fary
Flood
Florio
Ford, Mich.
Fountain
Fowler
Gingrich
Ginn
Goldwater
Gray
Harkin
Hefner
Hollenbeck
Holtzman
Hubbard
Jenkins
Johnson, Colo.
Jones, Tenn.
Kastenmeier
Leach, La.
Lederer
Levitas
Long, La.
McDonald
Marriott
Mathis
Mazzoli
Mikva
Mitchell, Md.
Moorhead, Pa.
Murphy, Pa.
Myers, Pa.
Patterson
Rinaldo
Rodino
Rosenthal
Rostenkowski
Runnels
Sabo
Skelton
Solomon
Stangeland
Stokes
Watkins
Wilson, C. H.
Yatron

☐ 1220

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 65. Concurrent resolution authorizing the printing as a House document of a revised edition of "The Declaration of Independence and the Constitution of the United States of America"; and

H. Con. Res. 66. Concurrent resolution authorizing the printing as a House document of a revised edition of "Our Flag."

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 817. An act to amend the Act of July 2, 1940, as amended, to increase the amount authorized to be appropriated for the Canal Zone Biological Area.

CUBAN INDEPENDENCE DAY

(Mr. PEPPER asked and was given permission to address the House for 1 minute.)

Mr. PEPPER. Mr. Speaker, on this Cuban Independence Day it is my privilege and honor today to sponsor the Reverend James P. Cassidy, who has so movingly conducted our opening prayer in the House this day. Reverend Cassidy, who, among his many duties, is also chaplain for the Cuban Crusade for Relief and Rehabilitation, which serves to remind us every year since 1959 of the tragedy of the Cuban people under Fidel Castro.

Millions of Cubans, once our close, democratic neighbors, have been driven away from the country that still occupies a very special place in their hearts. It is their motherland which Castro and his violent band took over in order to impose his own Communist tyranny upon the people and stifle any dissent. Murder, torture, and imprisonment were inflicted upon the people. The right of the people to make their own decisions in political matters was denied and the wealth of the beautiful island-nation squandered, forcing Cuba into a position of dependence from the Soviet Union, which, today, further exploits Cubans and their land. Many times have we heard evidence of submarines, fighter planes and other electronically sophisticated gear being shipped to, stationed and serviced in Cuba. And recently, with renewed issues of contention fought out in southern Africa and the Horn of Africa, Russia has played an active part in ferrying Cuban soldiers there in force, directing them in fighting and supplying them with arms, from heavy artillery to sophisticated fighter planes and missiles.

When have we used the Cuban people so? We did support Cuba when she was still just a Spanish colony and we helped her win the struggle for independence early in this century, but we did not go in then and take the nation as our own colony. We respected the self-determination of Cuba. And where did the large numbers of Cuban people, in the hundreds of thousands, come, when Castro took over? To the United States, over 250,000 to my district. And we welcomed them, knowing that they would be responsible citizens, contributing to our Nation and our economy, as freedom-loving democratically inclined people. They have more than fulfilled our expectations. Even so, many lost all they had, even their professions, their relatives, their goods, their friends in coming. They did not come for personal gain, because they, for the most part, possessed more things and opportunities in Cuba, their home. They came to be free in a more appealing society than the dictatorship which has been the fate of Castro's Cuba.

Let us pray with the Reverend Father Cassidy for God's guidance and His mercy in helping us manage our complex affairs. And let Him help us do our parts in again restoring the political independence of Cuba, the "jewel of the Caribbean."

PERMISSION FOR SUBCOMMITTEE ON ENERGY RESEARCH AND PRODUCTION OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO MEET TODAY WHILE THE HOUSE IS IN SESSION

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Subcommittee on Energy Research and Production of the Committee on Science and Technology may be permitted to meet today while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, the gentleman from Washington (Mr. McCORMACK) knows how important this legislation is. We have gotten volumes of mail on it and have been lobbied by everybody in sight.

Is the gentleman sure he wants to deprive the committee of the chance to participate in this important legislation?

Mr. McCORMACK. Mr. Speaker, if the gentleman will yield, I agree with the gentleman's concern, and I agree with him on the importance of the legislation.

However, we are in the middle of a hearing, and we have a panel sitting, waiting for us to come back. The Members will have an opportunity to vote.

Mr. ROUSSELOT. The purpose of the committee's meeting is for hearing only?

Mr. McCORMACK. The gentleman is correct.

Mr. ROUSSELOT. Mr. Speaker, I appreciate the gentleman's position, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may be allowed to sit this afternoon while the House is in session under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, I know that the distinguished chairman of the committee has mentioned to me how critical the legislation that he has before him is. Is the gentleman planning a markup of the bill today?

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield, this is the last day we have in order to get the bill out and meet the deadline. It will not take too long.

Mr. ROUSSELOT. Mr. Speaker may I ask the gentleman, what bill is it?

Mr. STAGGERS. It is the Amtrak bill.

Mr. ROUSSELOT. Mr. Speaker, I have been unable to find my colleague, the gentleman from Ohio (Mr. DEVINE), and the gentleman mentioned he had not had a chance to talk with him.

Mr. STAGGERS. That is correct, but the gentleman from North Carolina (Mr. BROYHILL) said it would be all right with him.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2729, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT FOR FISCAL YEAR 1980

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2729) to authorize appropriations for activities of the National Science Foundation, with a Senate amendment thereto, disagree to the Senate amendment and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: Messrs. FUQUA, BROWN of California, SCHEUER, HARKIN, WYDLER, and HOLLENBECK.

□ 1225

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the bill on the Private Calendar.

BRIAN HALL AND VERA W. HALL

The Clerk called the bill (H.R. 934) for the relief of Brian Hall and Vera W. Hall.

There being no objection, the Clerk read the bill as follows:

H.R. 934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of determining the tax liability of Brian and Vera W. Hall under section 1034 of the Internal Revenue Code of 1954, they shall be deemed to have sold their residence at 759 Foxkirk Road, Glendale, California, prior to April 24, 1977, and within eighteen months of the date of purchase of their subsequent residence at Laguna Beach, California.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

ANNOUNCEMENT OF GENERAL OVERSIGHT HEARING ON OCCUPATIONAL SAFETY AND HEALTH ACT

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

● Mr. GAYDOS. Mr. Speaker, I wish to announce that the Subcommittee on Health and Safety, which I have the honor to chair, will conduct a general oversight hearing on the Occupational Safety and Health Act (OSHA) in Philadelphia, Pa., on Friday, May 18, 1979, from 9 a.m. to 5 p.m.

The hearing will be held in the first floor conference room in the Social Security Program Administration Building, 300 Spring Garden Street, Philadelphia, Pa.

Representatives of labor organizations, employers, the Occupational Safety and Health Administration, public interest groups as well as individual workers have been invited to appear before the subcommittee.●

PERSONAL EXPLANATION

(Mr. WEISS asked and was given permission to address the House for 1 minute and to reivse and extend his remarks.)

Mr. WEISS. Mr. Speaker, the following states how I would have voted on rollcall votes, which I unavoidably missed on Tuesday, April 24, 1979, because of official business of the Education and Labor Committee of the House:

Rollcall No. 94, a vote on final passage of the International Shipment of Lottery Material (H.R. 1301), which amends current law to permit the transportation and shipment of U.S.-produced lottery materials to foreign countries which have laws permitting lotteries. This bill does not permit shipments to nations where lotteries are illegal. The bill passed by a vote of 269 to 121. I was paired generally on this bill and would have voted in favor of it.

Rollcall No. 95, a vote on an amendment to the State Department Authorization (H.R. 3363), which sought to reduce the total U.S. contribution to the U.N. by the amount of U.S. dollars which the U.N. decides to use for mandatory technical assistance ($41 million). The amendment was rejected by a vote of 187 to 214. I would have voted against this amendment.

Rollcall No. 96, a vote on an amendment to H.R. 3363, which sought to cut the authorization across the board by 10 percent. This amendment was being considered in the Committee of the Whole House. It passed by a vote of 207 to 196 and later was rejected in the whole House in rollcall vote No. 97—see below. I was paired against this amendment and I would have voted against it.

Rollcall No. 97, a vote on the amendment to H.R. 3363, which sought to cut the authorization across the board by 10 percent. As noted in the previous paragraph this vote was taken in the whole House. It was rejected by a vote of 199 to 203. I was paired generally on the amendment and again would have voted against it.

Rollcall No. 98, a vote on a motion to order the previous question (and end debate) in order to vote on a motion to recommit H.R. 3363 to the House Foreign Affairs Committee. This motion passed by a vote of 265 to 138. I would have voted in favor of this motion.

Rollcall No. 99, a vote on final passage of H.R. 3363. H.R. 3363 passed by a vote of 256 to 146. I was paired generally on this vote would have voted in favor of final passage.

CHINA TRADE AGREEMENT

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHBROOK. Mr. Speaker, Commerce Secretary Kreps has completed an agreement with the People's Republic of China which if past administration dealings are a guide, will favor them and hurt us. The full details of this agreement have not been released. I would like to ask when was the last time Communist China held free and open elections, that included all parties who had a stake in the future of that nation? I would also like to know when the Communists submitted themselves to international observations of their process of selecting leaders? I think the answer to both questions is never.

Once again our President has triumphed in showing the gross hypocrisy of this Nation's foreign policy. How can the Commerce Department support granting most-favored-nation status to Communist China and still ban all trade with Rhodesia? It is unbelievable to me that anyone can seriously say that Communist China is a better defender of human rights than Rhodesia. It is a clear case of appeasing those who are our enemies in some vage hope that they will delay their next act of aggression. It would be far simpler and saner to help our friends in the hope that they would be strong enough to discourage such aggression.

Thankfully, this Congress will have the opportunity to act on this sham of an agreement. I hope my colleagues display more consistency and commitment to what is best for America than Mr. Carter and Mrs. Kreps.

THE FEDERAL BUDGET

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, the Budget Reform Act was enacted to achieve three major objectives.

The first goal was to enhance the doctrine of separation of powers by giving the legislative branch parity with the executive branch.

The second goal was to provide Congress with a legislative vehicle to participate in setting the Nation's priorities.

Control of the Federal budget is the cornerstone of our national policy.

The third goal was to avoid impoundment of funds by the executive branch.

While the process of achieving the first budget resolution may have seemed chaotic, in fact the system worked extremely well and justified the confidence of the Congress in establishing the Budget Act.

The chairman of the Committee on the Budget, the gentleman from Connecticut (Mr. GIAIMO), and the ranking minority member, the gentleman from Ohio (Mr. LATTA), deserve much credit for providing leadership, patience, and statesmanship in allowing the House to work its will without acrimony or unreasonable delay. Legitimate policy differences were effectively articulated and then resolved.

To allow a free-wheeling debate and set policy priorities for a Federal budget outlay of $529.8 billion representing approximately 21 percent of the gross national product, with a potential for change in 19 functional categories in a 9-day period, is a remarkable achievement.

INFLATIONARY POLICIES

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, Congress, and the inflationary policies it has enacted, are damaging the physical as well as the economic health of the American people.

As a physician, I know the bad effects that stress has on physical and mental health. Yet, a recent Yankelovich survey shows that 80 percent of Americans believe there is too much stress in their lives, and 44 percent say they are having a harder and harder time coping with the problems of everyday living. Frequently mentioned were high food prices, paying bills, and trying to save for the future.

These problems are a direct result of double-digit inflation, which itself is a direct result of congressional actions. Inflation, which causes the general price level to rise, is an increase in the supply of money and credit, which Washington controls.

The immoral policy of inflation, which robs the poor and the middle-class alike, but aids the speculator and the wealthy debtor, undoubtedly contributes to many strokes, heart attacks, and family breakups. And Congress—not the Arabs or the unions or the businessman or the consumer—is responsible.

□ 1230

MINORITY SHOULD HAVE SAY IN MARKUP

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, this morning when the House Administration Committee began its markup of taxpayer financing of elections, the chairman declared out of order an amendment to extend the bill's coverage to primary elections, despite the fact that the money used to pay these bills comes out of a fund which itself finances primary and general elections of Presidents.

This clouds a very controversial bill with further controversy and means that there will be much trouble in this House if the minority is not able to be heard on amendments that it thinks are fair.

NATIONAL MUSEUM DAY

Mr. GARCIA. Mr. Speaker, I call up the joint resolution (H.J. Res. 262) to declare May 18, 1979, to be "National Museum Day," and ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 262

Whereas museums hold in trust for future generations a substantial part of humankind's material patrimony produced and preserved by the skill of our ancestors and our contemporaries; and

Whereas museums encourage curiosity in the very young, offer enlightenment and education to the student, and provide a continuing source of enjoyment and cultural enrichment for all; and

Whereas museums are centers of research for scholars and contribute significantly to our knowledge of history, science, and the arts; and

Whereas museums enhance the quality of life in our communities and provide a sense of continuity and perspective which reinforces the cultural opportunities offered by schools, colleges, universities, libraries, and other institutions of learning; and

Whereas the museums of our Nation deserve recognition for their contribution to the preservation of the natural and cultural heritage of the United States and to the furtherance of understanding concerning the peoples of the United States and the peoples of other countries in the past, present, and future: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating May 18, 1979, as "National Museum Day" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that day with appropriate ceremonies, activities, and programs.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT OF 1979

Mr. UDALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 39) to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National

Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arizona (Mr. UDALL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 39, with Mr. SIMON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of Thursday, May 10, 1979, all time for general debate had expired.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DINGELL. Mr. Chairman, in order to clarify the procedures of the House, I believe it would be helpful if the House understood the rules under which we proceed.

For that reason, I would propound to the Chair a series of parliamentary inquiries.

The CHAIRMAN. If the gentleman from Michigan (Mr. DINGELL) would withhold for just 1 minute while the Chair reads a statement, it may clarify the situation here.

Pursuant to the rule the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs shall be considered by titles as an original bill for the purpose of amendment and each title shall be considered as having been read. The amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries shall be considered as an amendment in the nature of a substitute for the amendment recommended by the Committee on Interior and Insular Affairs and it shall be considered as having been read and it shall be in order to consider as a substitute for the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries the text of H.R. 3651 if offered by Representative UDALL, and said substitute if offered shall be considered as having been read.

The Clerk will designate section 1 of the Interior and Insular Affairs Committee amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

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Sec. 201. Establishment of new areas.
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Sec. 302. Purposes of refuges.
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Sec. 305. Cooperative management agreements.
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TITLE IV—NATIONAL FOREST SYSTEM

Sec. 401. Additions to national forests.
Sec. 402. Seward National Recreation Area.
Sec. 403. Mining and mineral leasing on certain forest lands.

TITLE V—NATIONAL WILD AND SCENIC RIVERS SYSTEM

Sec. 501. Additions to the National Wild and Scenic Rivers System.
Sec. 502. Potential additions.
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TITLE VI—DESIGNATION OF WILDERNESS STUDY WITHIN UNITS OR ADDITIONS TO UNITS OF THE NATIONAL PARK, NATIONAL WILDLIFE REFUGE, AND NATIONAL FOREST SYSTEMS

Sec. 601. Findings and purposes.
Sec. 602. Designation of wilderness within the National Park System.
Sec. 603. Designation of wilderness study within units of the National Park System.
Sec. 604. Designation of wilderness within the National Wildlife Refuge System.
Sec. 605. Wilderness reviews within conservation system units other than National Park System units.
Sec. 606. Designation of wilderness within National Forest System.
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TITLE VII—SUBSISTENCE MANAGEMENT AND USE

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Sec. 704. Preference for subsistence uses.
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Sec. 801. Conveyances to Village Corporations.
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Sec. 1004. Federal Coordination Committee.
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Sec. 1309. Prohibition on development.
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TITLE XIV—AMENDMENTS TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

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Sec. 1406. Retained mineral estate.
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Sec. 1408. Escrow account.
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Sec. 1410. Fire protection.
Sec. 1411. Shareholder homesites.
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TITLE XV—NATIONAL CONSERVATION AREAS

Sec. 1501. Establishment.
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The CHAIRMAN. Under the rule, the amendment offered by the Committee on Merchant Marine and Fisheries in the nature of a substitute is considered as having been read and open for amendment at any point.

The Clerk will now designate the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries.

The amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries reads as follows:

That this Act may be cited as the "Alaska National Interest Lands Conservation Act".

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Sec. 307. Mining within refuges.
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Sec. 605. Wilderness review within certain conservation system units.
Sec. 606. Designation of wilderness within the National Forest System.
Sec. 607. Wilderness review within the National Forest System.
Sec. 608. Designation of special management areas within the Tongass National Forest.
Sec. 609. Management rules for special management areas.
Sec. 610. National forest timber utilization program.
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Sec. 705. Local and regional participation.
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TITLE I—FINDINGS, POLICY, AND DEFINITIONS

FINDINGS

SEC. 101. Congress finds and declares that—

(1) through passage of the Alaska Statehood Act and the Alaska Native Claims Settlement Act, the Congress established policies for the disposition of the public lands in Alaska and provided for future economic, social, and cultural development in Alaska and for the fair and just settlement of claims in Natives and Native groups based on aboriginal land claims, while reserving decision as to which of the public lands in Alaska should be reserved in the national interest;

(2) a prompt and thorough resolution of the status of the public lands in the State of Alaska, in accordance with established congressional policies, is in the best interests of all the people of the United States, including residents of Alaska:

(3) certain public lands in the State of Alaska contain nationally and internationally significant scenic, historic, archeological, paleontological, scientific, cultural, recreational, fish and wildlife and wilderness resources, and these public lands represent a remarkable diversity of undisturbed ecosystems, including some not found elsewhere;

(4) wilderness is a distinguishing characteristic of public lands in Alaska, which affords an unrivaled opportunity for experiencing vast areas of land essentially unaltered by man's activities, and merits preservation for the benefit of future generations; but such wilderness is increasingly being altered and reduced by activities and intrusions associated with national and international demands for energy, mineral, and timber resources and other incompatible activities;

(5) several fish and wildlife species, including species which are threatened, endangered, or depleted in other parts of the Nation and the world, are dependent for their survival on the maintenance of appropriate natural habitats on the public lands in the State of Alaska;

(6) selective representation of the diverse natural communities, including pristine, free-flowing rivers, on public land in the State of Alaska should be preserved as units of Federal land management conservation systems for the benefit of present and future generations; and

(7) at the accelerated pace of population growth, settlement and related consumption of raw materials, the world is losing natural habitats and associated values at an alarming rate, and, therefore, the wilderness and the wilderness habitats of certain public lands in Alaska assume global importance since they are among the few remaining areas of such vast extent and their permanent protection is a reasonable and attainable national objective.

POLICY

SEC. 102. In order to secure for the American people of this and future generations an enduring heritage of untrammeled environments in the State of Alaska and to aid in the fulfillment of international conservation commitments of the United States, it is hereby declared to be the policy of the Congress that—

(1) it is necessary to immediately designate public lands in Alaska for inclusion in the National Park, National Wildlife Refuge, National Wild and Scenic Rivers, National Forest, National Trails, and National Wilderness Preservation Systems, which systems shall, in combination—

(A) preserve unrivaled scenic, geologic, and fish and wildlife values associated with natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems including but not limited to extensive unaltered arctic tundra, boreal forest, and coastal rain forest ecosystems;

(C) protect and preserve cultural values of Native and non-Native peoples and conserve renewable resources related to their subsistence needs;

(D) provide for the maintenance of sound populations of, and habitat for, fish and wildlife, including those species dependent on vast undeveloped areas, of inestimable value to the citizens of Alaska and the Nation;

(E) provide opportunities for compatible outdoor public recreation, protect and interpret historic, paleontological, and archeological sites, maintain wilderness resource values and related multiple watershed, flora, fauna, recreational, and subsistence resource values, and preserve free flowing rivers and associated resources;

(F) maintain opportunities for scientific research in undisturbed ecosystems; and

(G) provide for the management of multiple values in a manner which will permit utilization of natural resources, where appropriate, consistent with sound ecological principles;

(2) in the planning, management, and administration of these conservation system units—

(A) intangible values shall be considered on an equal basis with quantifiable values;

(B) sound ecological principles shall be adhered to; and

(C) full public participation shall be encouraged;

(3) the public should have access to the public lands in Alaska, including access to those public lands which constitute conservation system units, consistent with the purposes for which those units are established;

(4) those persons now dependent upon subsistence uses of the public lands in Alaska should be enabled to continue in that lifestyle, to the extent they may choose to do so and to the extent that the renewable resources of those public lands permit such uses to be continued and, within conservation system units, in a manner consistent with the purposes for which the units are established or expanded; and

(5) in carrying out the provisions of this Act, the Secretary and other officers of the Federal Government are to give continuing consideration to the interest of the State of Alaska and its subdivisions and the Native Corporations in maintaining a viable economy and providing employment for citizens of Alaska.

DEFINITIONS

SEC. 103. As used in this Act—

(1) The term "land" means lands, waters, and interests therein.

(2) The term "Federal land" means land the title to which is in the United States after the date of enactment of this Act.

(3) The term "public lands" means land situated in Alaska which, after the date of enactment of this Act, are Federal lands, except—

(A) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(B) land selections of a Native Corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(C) lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

(4) The term "fish and wildlife" means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

(5) The term "take" or "taking", as used with respect to fish or wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

(6) The term "plant" means any member of the plant kingdom, including seeds, roots and other parts thereof.

(7) The term "conservation system unit" means any unit in Alaska of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, or National Wilderness Preservation System, including existing units, units established, designated, or expanded by or under the provisions of this Act, additions to such units, and any such unit established, designated, or expanded hereafter.

(8) The terms "administer" or "administration" and "manage" or "management", as used with respect to any land within a conservation system unit, each means the operation, restoration, protection, maintenance, use, and preservation of lands within such unit in accordance with the purposes for which such unit was established or expanded.

(9) The term "Native Corporation" means any Regional Corporation, any Village Corporation, and any Urban Corporation.

(10) The term "Regional Corporation" has the same meaning as such term has under section 3(g) of the Alaska Native Claims Settlement Act.

(11) The term "Village Corporation" has the same meaning as such term has under section 3(j) of the Alaska Native Claims Settlement Act.

(12) The term "Urban Corporation" means those Native entities which have incorporated pursuant to section 14(h)(3) of the Alaska Native Claims Settlement Act.

(13) The term "Native land" means land owned by a Native Corporation or any Native group (as defined in section 3(d) of the Alaska Native Claims Settlement Act) and includes land which, as of the date of enactment of this Act, had been selected under the Alaska Native Claims Settlement Act by a Native Corporation or Native group and had not been conveyed by the Secretary (except to the extent such selection is determined to be invalid or has been relinquished) and land referred to in section 19(b) of the Alaska Native Claims Settlement Act.

(14) The term "Secretary" means the Secretary of the Interior, except that when such term is used with respect to any unit of the National Forest System, such term means the Secretary of Agriculture.

(15) The term "national preserve" means a unit of the National Park System in Alaska administered and managed in the same manner as a national park, except as otherwise provided in this Act and except that the taking of fish and wildlife for recreation and other purposes shall be allowed in a national preserve under appropriate regulation.

(16) The terms "wilderness" and "National Wilderness Preservation System" each have the same meaning as when used in the Wilderness Act (78 Stat. 890).

(17) The term "Alaska Statehood Act" means the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (72 Stat. 339).

(18) The term "State" means the State of Alaska.

(19) The terms "Alaska Native" and "Native" each have the same meaning as the term "Native" has in section 3(b) of the Alaska Native Claims Settlement Act.

(20) The term "Alaska Native Claims Settlement Act" means the Act entitled "An Act to provide for the settlement certain land claims of Alaska Natives, and for other purposes", approved December 18, 1971 (85 Stat. 688).

TITLE II—NATIONAL PARK SYSTEM

ESTABLISHMENT OF NEW AREAS

SEC. 201. The following areas are hereby established as units of the National Park System and, subject to valid existing rights, shall be administered by the Secretary under the laws governing the administration of such units and under the provisions of this Act:

(1) Aniakchak National Monument, containing approximately one hundred and thirty-eight thousand acres of public lands, and Aniakchak National Preserve, containing approximately three hundred and seventy-six thousand acres of public lands, as generally depicted on a map entitled "Aniakchak National Monument and Preserve", dated February 1979. The monument and preserve shall be managed to maintain the diversity of natural values of the areas and also for the following purposes, among others: To preserve and maintain Aniakchak Caldera and its associated volcanic features and landscape, including the Aniakchak River and other lakes and streams in their national state; to maintain natural water quality and quantity; to study, interpret, and assure con-

tinuation of the natural processes of biological succession; to protect habitat for and populations of fish wildlife, sea lions, seals, and other marine mammals, geese, swans, and other waterfowl; to protect the viability of subsistence resources and provide the opportunity for continuation of the traditional subsistence uses of local residents; and, in a manner consistent with the foregoing, to interpret geological and biological processes for visitors and provide opportunities for compatible outdoor recreation and environmental educational activities:

(2) Cape Krusenstern National Preserve, containing approximately five hundred and sixty thousand acres of public lands, as generally depicted on a map entitled "Cape Krusenstern National Preserve", dated February 1979. The preserve shall be managed for the following purposes, among others: To protect and interpret a series of archeological sites depicting every known cultural period in arctic Alaska; to provide for scientific study of the process of human population of the area from the Asian Continent; in cooperation with Native Alaskans, to preserve and interpret evidence of prehistoric and historic Native cultures; to protect habitat for seals and other marine mammals; to protect habitat and populations of birds, and other wildlife and fish resources; and to protect the viability of subsistence resources.

(3) Gates of the Arctic National Park, containing approximately four million eight hundred and one thousand acres of public lands and Gates of the Arctic National Preserve, containing approximately three million one hundred and fifty-one thousand acres of public lands, as generally depicted on a map entitled "Gates of the Arctic National Park and Preserve", dated February 1979. The park and preserve shall be managed for the following purposes, among others: to maintain the wild and undeveloped character of the area, including opportunities for visitors to experience solitude, and the natural environmental integrity and scenic beauty of the mountains, forestlands, rivers, lakes, and other natural features; to protect habitat for and populations of fish and wildlife, including, but not limited to, caribou, grizzly bear, Dall sheep, moose, wolves, and raptorial birds. Subsistence uses shall be permitted in the park where such uses are traditional in accordance with the provisions of title VII. Solely for purposes of title IX, the Western (Kobuk River) unit of the Preserve shall be considered to be a National Recreation Area.

(4) Kenai Fjords National Park, containing approximately four hundred thousand acres of public lands, as depicted on a map entitled "Kenai Fjords National Park", dated February 1979. The park shall be managed for the following purposes, among others: to maintain unimpaired the scenic and environmental integrity of the Harding Icefield, its outflowing glaciers, and coastal fjords and islands in their natural state; to protect seals, sea lions, other marine mammals, and marine and other birds and maintain their hauling and breeding areas in their natural state free of human activity which is disruptive to their natural processes. In a manner consistent with the foregoing, the Secretary is authorized to develop access to the Harding Icefield and to allow use of mechanized equipment on the icefield for recreation.

(5) Kobuk Valley National Monument, containing approximately one hundred and ninety thousand acres of public lands, and Kobuk Valley National Preserve, containing approximately one million five hundred and twenty-one thousand acres of public lands, as generally depicted on a map entitled "Kobuk Valley National Monument and Preserve", dated February 1979. The monument and preserve shall be managed for the following purposes, among others: To maintain the environmental integrity of the natural features of the Kobuk River Valley, including the Kobuk, Salmon, and other rivers, the boreal forest, and the Great Kobuk Sand Dunes, in its underdeveloped state; to protect and interpret, in cooperation with Native Alaskans, archeological sites associated with Native cultures; to protect migration routes for the Arctic caribou herd; to protect habitat for and populations of, fish and wildlife including but not limited to caribou, moose, black and grizzly bear, wolves, and waterfowl; and to protect the viability of subsistence resources. Subsistence uses shall be permitted in the monument in accordance with the provisions of title V.I. Aircraft landing access to designated sites on the upper Salmon River and other designated areas shall be permitted.

(6) Lake Clark National Park, containing approximately two million four hundred and forty thousand acres of public lands, and Lake Clark National Preserve, containing approximately one million two hundred and ten thousand acres of public lands, as generally depicted on a map entitled "Lake Clark National Park and Preserve", dated February 1979. The park and preserve shall be managed to maintain the diversity of natural values of the areas and also for the following purposes, among others: to protect the watersheds necessary for perpetuation of the salmon fishery in Bristol Bay; to maintain unimpaired the scenic beauty and quality of portions of the Alaska Range and the Aleutian Range, including active volcanoes, glaciers, free flowing rivers, lakes, waterfalls, and alpine meadows in their natural state; to maintain natural water quality and quantity; to protect habitat for and populations of all fish and wildlife, including but not limited to the Mulchatna Caribou herd, Dall sheep, grizzly bear, bald eagle, and peregrine falcon; to protect the viability of subsistence resources and provide the opportunity for continuation of the traditional subsistence uses of local residents; and, in a manner consistent with the foregoing, to provide opportunities for compatible public uses and other compatible outdoor recreation and environmental education activities.

(7) Misty Fjords National Preserve containing approximately one million one hundred thousand acres of public lands, as generally depicted on a map entitled "Misty Fjords National Preserve", dated February 1979. The boundaries of the Tongass National Forest are hereby revised to exclude the lands, waters, and interests therein within the preserve. The preserve shall be managed for the following purposes, among others: To protect and interpret the high quality scenic features of the Coast Range including steep-walled fjords and valleys and peaks; to maintain that portion of the Unuk River within the preserve, together with the Chickamin River and other streams and lakes, in their natural state; to protect habitat for, and populations of fish and wildlife including but not limited to salmon, mountain goats, bear, moose, wolf and waterfowl, raptors, and other species of birds. For the purposes of title IX, the Unuk River Valley within the preserve shall be considered a national recreation area. Aquacultural activities may be conducted within the Misty Fjords National Preserve under the provisions of subsection 612(b), notwithstanding any other provision of law or this Act.

(8) Wrangell-Saint Elias National Park, containing approximately eight million acres of public lands, and Wrangell-Saint Elias National Preserve, containing approximately one million one hundred thousand acres of public lands, as generally depicted on a map entitled "Wrangell-Saint Elias National Park and Preserve," dated March 1979. The park and preserve shall be managed to maintain the diversity of natural values of the areas and also for the following purposes, among others: to preserve and maintain unimpaired the scenic beauty and quality of high mountain peaks, foothills, glacial systems, lakes and streams, valleys and coastal landscape in their natural state; to maintain natural water quality and quantity; to protect habitat for and populations of fish and wildlife, including but not limited to marine mammals, caribou, grizzly bear, Dall sheep, moose, wolves, and trumpeter swans and other waterfowl; to protect the viability of subsistence resources and provide the opportunity for continuation of the traditional subsistence uses of local residents; and in a manner consistent with the foregoing, to provide opportunities for compatible outdoor recreation and environmental education activities.

(9) Yukon-Charley Rivers National Preserve, containing approximately one million seven hundred and ten thousand acres of public lands, as generally depicted on a map entitled "Yukon-Charley Rivers National Preserve", dated February 1979, which shall be managed to maintain the diversity of natural values of the area, and also for the following purposes, among others: to maintain the environmental integrity of the Charley River basin, including streams, lakes and other natural features, in its undeveloped natural condition for public benefit and use, including scientific study; to maintain natural water quality and quantity; to protect habitat for the populations of fish and wildlife, including but not limited to the peregrine falcon and other rapitorial birds, waterfowl, caribou, moose, Dall sheep, grizzly bear, and wolves; to protect the viability of subsistence resources and provide the opportunity for continuation of the traditional subsistence uses of local residents; and, in a matter consistent with the foregoing, to protect and interpret historical sites and events associated with the gold rush on the Yukon River and the geological and paleontological history and cultural prehistory of the area, and to provide opportunities for compatible outdoor recreational and environmental education. Aircraft landing access to designated sites in the Upper Charley River drainage shall be permitted.

ADDITIONS TO EXISTING AREAS

SEC. 202. The following units of the National Park System are hereby expanded and redesignated:

(1) Mount McKinley National Park by the addition of an area containing approximately two million five hundred and eighty-seven thousand acres of public lands, and an additional one million one hundred sixty-nine thousand acres of public land is hereby established as Mount McKinley National Preserve, as generally depicted on a map entitled "Mount McKinley National Park and Preserve," dated February 1979. The park additions and preserve shall be managed for the purpose among others of protecting and interpreting the entire mountain massif and additional scenic mountain peaks and formations and to protect brown/grizzly bear, moose, caribou, Dall sheep, wolves, swans and other waterfowl, and their habitat. That portion of the Alaska Railroad right-of-way within the park shall be subject to such laws and regulations applicable to the protection of fish and wildlife and other park values as the Secretary, with the concurrence of the Secretary of Transportation, may determine. The Alaska Land Use Council shall, in cooperation with the Secretary, conduct a study of the Kantishna Hills and Dunkle Mine areas of the park, and report thereon to the Congress not later than three years from the date of enactment of this act. The study and report shall evaluate the resources of the area, including but not limited to, fish and wildlife, public recreation opportunities, wilderness potential, historic resources, and minerals, and may include recommendations with respect to such resources as the Council may determine.

(2) Glacier Bay National Monument by the addition of an area containing approximately five hundred and twenty-three thousand acres of public land, and an additional

fifty-seven thousand acres of public land is hereby established as Glacier Bay National Preserve, as generally depicted on a map entitled "Glacier Bay National Monument and Preserve", dated February 1979; furthermore, the monument is hereby redesignated as "Glacier Bay National Park". The monument addition and preserve shall be managed for the purposes, among others, of protecting a segment of the Alsek River, animal habitat and migration routes, and a portion of the Fairweather Range including the northwest slope of Mount Fairweather.

(3) Katmai National Monument by the addition of an area containing approximately nine hundred and thirty-six thousand acres of public lands and an area of approximately four hundred and nine thousand acres of public land designated as the Katmai National Preserve, as generally depicted on a map entitled "Katmai National Park and Preserve", dated February 1979, for the purposes, among others, of protecting high concentrations of Alaskan brown bear and denning areas, and habitat for other fish and wildlife; to maintain the diversity of natural values and the environmental integrity of the area, including its rivers, lakes, and watersheds; to maintain unimpaired the natural water quality and quantity for significant salmon populations; to protect the viability of subsistence resources and provide the opportunity for continuation of the traditional subsistence uses of local residents; and to provide opportunities in the Alagnak addition for continuation of previously established subsistence uses. Furthermore, the monument is hereby redesignated as "Katmai National Park".

ADMINISTRATIVE PROVISIONS

SEC. 203. (a) GENERAL RULES.—The Secretary shall administer the lands, waters, and interests therein added to existing units, or established by the foregoing sections of the title, as new units of the National Park System in accordance with the provisions of law applicable to the National Park System and the provisions of Title IX respecting travel, the provisions of section 1108 respecting the taking of fish and wildlife, and other applicable provisions of this Act.

(b) KATMAI AND GLACIER BAY.—Lands, waters, and interests therein withdrawn or reserved for the former Katmai and Glacier Bay National Monuments are hereby incorporated within and made a part of Katmai National Park or Glacier Bay National Park, as appropriate. Any funds available for the purposes of such monuments are hereby made available for the purposes of Katmai National Park or Glacier Bay National Park, as appropriate.

(c) VALID NATIVE SELECTIONS.—Valid Native selections, or lands identified for selection pursuant to section 17(d)(2)(E) of the Alaska Native Claims Settlement Act, within boundaries of the Gates of the Arctic National Park and Preserve and Wrangell-Saint Elias National Park and Preserve as established under this Act, are hereby recognized and shall be honored and conveyed by the Secretary in accordance with the Alaska Native Claims Settlement Act and this Act.

(d) COMMERCIAL FISHING.—With respect to Malaspina Glacier area of Wrangell-Saint Elias National Park and the Dry Bay area of Glacier Bay National Preserve, the Secretary may take no action to restrict unreasonably the exercise of valid commercial fishing rights or privileges obtained pursuant to State or Federal law, including the use of Federal lands for campsites, cabins, motorized vehicles and aircraft landings on existing airstrips, directly incident to the exercise of such rights or privileges, except that this prohibition shall not apply to activities which the Secretary, after conducting a public hearing in the affected locality, finds constitute a significant expansion of the use of park lands beyond the level of such use during 1978.

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM

DEFINITIONS

SEC. 301. For purposes of this title—

(1) The term "conserve" means to use, and the use of, such methods and procedures which are necessary to insure, to the maximum extent practicable, the protection, maintenance, and management of fish and wildlife and plants, their habitats, and the ecological systems of which they form a constituent element, for the ecological, educational, aesthetic, cultural, recreational, and scientific enrichment of mankind. Such methods and procedures may include any activity associated with modern scientific fish and wildlife management, such as research, census, monitoring, law enforcement, the acquisition, maintenance, and enhancement of habitat, information, education, and extension service, hunting, fishing, trapping, and transplantation.

(2) The term "existing", if used in referring to any unit of the National Wildlife Refuge System in the State, means the unit as it existed on the day before the date of enactment of this Act.

(3) The term "refuge" means—

(A) any unit of the National Wildlife Refuge System established by section 304;

(B) any existing unit of the National Wildlife Refuge System not included within any unit referred to in subparagraph (A); or

(C) any unit of the National Wildlife Refuge System established in the State after the date of the enactment of this Act.

PURPOSES OF REFUGES

SEC. 302. The major purposes of each refuge are—

(1) to conserve the fish and wildlife that are designated in section 304 as significant fish and wildlife resources, and their habitat, within the refuge, as well as to conserve the other fish and wildlife and habitat within the refuge;

(2) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and habitat;

(3) to insure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (1), water quality and adequate water quantity within the refuge;

(4) to protect, maintain, or enhance, in a manner consistent with the purposes set forth in paragraphs (1) and (2) any special value of the refuge specified in section 304, as well as any other archeological, cultural, ecological, geological, historical, paleontological, or scenic value of the refuge; and

(5) to provide, in a manner consistent with the purposes set forth in paragraphs (1), (2), (3), and (4) above, the opportunity for continued subsistence uses by local rural residents.

ADMINISTRATION OF REFUGES

SEC. 303. (a) IN GENERAL.—Each refuge shall be administered by the Secretary, subject to valid existing rights, to achieve the major purposes set forth in section 302 and in accordance with the laws governing the administration of units of the National Wildlife Refuge System, the laws governing the conservation and protection of fish and wildlife and plants, and this Act.

(b) USES PERMITTED WITHIN REFUGES.—In applying section 4(d) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(d) with respect to each refuge, the Secretary may not permit any use, or grant easements for any purpose, described in such section 4(d) unless such use or purpose is compatible with the major purposes of the refuge set forth in section 302. The Secretary shall prescribe such regulations, and impose such terms and conditions, as may be necessary or appropriate to insure that activities carried out under such use or easements are so compatible.

(c) REFUGE CONSERVATION PLANS.—(1) The Secretary shall prepare, and from time-to-time, revise, a comprehensive conservation plan (hereinafter in this subsection referred to as the "plan") for each refuge.

(2) Before developing a plan for each refuge, the Secretary shall identify and describe—

(A) the populations and habitats of the significant fish and wildlife resources of the refuge and of other important fish and wildlife within the refuge;

(B) the special values of the refuge, and any other archeological, cultural, ecological, geological, historical, paleontological, recreational, mineral, scenic, or wilderness values of the refuge;

(C) areas within the refuge that are suitable for use as administrative sites or visitor facilities, or for visitor services, as provided for in sections 1104 and 1105;

(D) present and potential requirements for access with respect to the refuge, as provided for in title IX; and

(E) significant problems which may adversely affect the populations and habitats identified and described under subparagraph (A).

(3) Each plan shall—

(A) based upon the identifications and the descriptions required to be made under paragraph (2)—

(i) designate areas within the refuge according to their respective resources and values,

(ii) specify the programs for conserving fish and wildlife, and the programs relating to the values referred to in paragraph (2)(B), proposed to be implemented within each such area, and

(iii) specify the uses within each such area which may be compatible with the major purposes of the refuge; and

(B) set forth those opportunities which will be provided within the refuge for recreation, ecological research, environmental education, and interpretation of refuge resources and values, if such recreation, research, education, and interpretation is compatible with the major purposes of the refuge.

(4) The Secretary may, in conjunction with the preparation of any plan, review the suitability or nonsuitability of preserving, as wilderness, any land within the refuge concerned. The Secretary shall recommend that any land that he considers to be so suitable be proposed to the Senate and the House of Representatives for designation as wilderness in accordance with section 3(c) and (d) of the Wilderness Act. Nothing in this paragraph shall be construed as affecting the administration of any refuge in accordance with this title until Congress otherwise provides.

(5) In order to insure that the terms and conditions of cooperative management agreements which may be entered into under section 305 with respect to the refuge are appropriate, the Secretary may treat, but only for purposes of preparing the plan, land that is within, or near or adjacent to, the refuge as being within the boundary of the refuge.

(6) In preparing each plan and revisions thereto, the Secretary shall consult with the appropriate State agencies and Native Corporations, and shall hold public hearings in such locations in the State as may be appropriate to insure that residents of Native villages and political subdivisions of the State which will be primarily affected by the administration of the refuge concerned have the opportunity to present their views with respect to the plan or revisions.

(7) Before adopting a plan for any refuge, the Secretary shall publish notice of the proposed plan in the Federal Register, make copies of the plan available at each regional office of the United States Fish and Wildlife Service, and provide opportunity for public views and comment on the plan.

(8) The Secretary shall by regulation implement each plan prepared under this subsection.

(9) With respect to refuges established or redesignated by section 304, the Secretary shall prepare plans for—

(A) not less than 4 refuges within 3 years after the date of the enactment of this Act;

(B) not less than 10 refuges within 5 years after such date; and

(C) all refuges within 7 years after such date.

With respect to any refuge established in the State after the date of the enactment of this Act, the Secretary shall prepare a plan for the refuge within two years after the date of its establishment.

ESTABLISHMENT OF REFUGES

SEC. 304. (a) IN GENERAL.—The following are established as units of the National Wildlife Refuge System:

(1) ALASKA MARITIME NATIONAL WILDLIFE REFUGE.—(A) The Alaska Maritime National Wildlife Refuge shall consist of the existing Aleutian Islands, Bering Sea, Bogoslof, Chamisso, Forrester Island, Hazy Islands, Pribilof (Walrus and Otter Islands and Sea Lion Rocks), Saint Lazaria, Semidi, Simeonof, and Tuxedni National Wildlife Refuges (each of which shall be administered as an identifiable subunit of the Alaska Maritime National Wildlife Refuge) and of the public lands generally depicted on the map entitled "Alaska Maritime National Wildlife Refuge, dated March 1979, including—

(i) Cape Lisburne, Cape Thompson, Hagemeister Island, Fairway Rock, Sledge Island, Bluff Unit, Besboro Island, Stolbi Rock, Egg Island, the Shumagin Islands, the Barren Islands, Middleton Island, Latax Rocks, Harbor Island, Granite Island, Pye Islands, the Chiswell Islands, and those portions of King Island, the Punuk Islands, and the Trinity Islands not otherwise conveyed under the Alaska Native Claims Settlement Act; and

(ii) all islands, islets, rocks, reefs, spits, and spires, or portions thereof, which are off the coast of Alaska, are public lands, and are not conveyed under the Alaska Statehood Act or the Alaska Native Claims Settlement Act or not reserved for inclusion within the National Forest System or the National Park System.

(B) The significant fish and wildlife resources of the refuge are marine mammals and marine birds and other migratory birds.

(C) Archeological resources are a special value of the refuge.

(D) The Secretary shall negotiate with the applicable Native Corporations, pursuant to section 1101(f), for the conveyance of public lands or the provison of other valuable consideration, or both, to such Corporations in exchange for the selection rights or title to the bird cliffs of Saint Paul and Saint George Islands. If the exchange is agreed upon, the Alaska Maritime National Wildlife Refuge shall include the bird cliffs of Saint Paul and Saint George Islands.

(E) That portion of the refuge consisting of the public lands in Cape Lisburne shall be administered as an identifiable subunit of the refuge and shall be named and appropriately identified as the "Ann Stevens-Cape Lisburne" unit.

(2) ARCTIC NATIONAL WILDLIFE REFUGE.—(A) The Arctic National Wildlife Refuge shall consist of all lands within the existing Arctic National Wildlife Range and of the approximately nine million five hundred and fifty thousand acres of public lands generally depicted on the map entitled "Arctic National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are the Procupine caribou herd, wolves, barren-ground grizzly bears, musk oxen, polar bears, Dall sheep, and peregrine falcons and other migratory birds.

(C) Representative unspoiled Arctic physiographic regions and recreation are special values of the refuge.

(3) BECHAROF NATIONAL WILDLIFE REFUGE.—(A) The Becharof National Refuge shall consist of the approximately one million one hundred thousand acres of public lands generally depicted on the map entitled "Becharol National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are brown bears, salmon, and the Alaska Peninsula caribou herd.

(C) Volcanoes and the bear-denning islands of Becharof Lake are special values of the refuge.

(4) BERING LAND BRIDGE NATIONAL WILDLIFE REFUGE.—(A) The Bering Land Bridge National Wildlife Refuge shall consist of the approximately two million six hundred thousand acres of public lands generally depicted on the map entitled "Bering Land Bridge National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are grizzly bears, marine mammals, migratory birds, moose, and wolves.

(C) Archeological, geological, paleontological resources and the Serpentine Hot Springs area are special values of the refuge.

(D) The Secretary shall continue to permit, in a manner compatible with the major purposes of the refuge, reindeer grazing uses (including, but not limited to, the use of related facilities and equipment) within areas of the refuge in which such uses were permitted on January 1, 1976.

(5) COPPER RIVER NATIONAL WILDLIFE REFUGE.—(A) The Copper River National Wildlife Refuge shall consist of the approximately one million two hundred thousand acres of public lands generally depicted on the map entitled "Copper River National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are bears, mountain goats, migratory birds, salmon, and marine mammals.

(C) Scenic mountains, coastal wetlands, and glaciers are special values of the refuge.

(6) INNOKO NATIONAL WILDLIFE REFUGE.—(A) The Innoko National Wildlife Refuge shall consist of the approximately three million eight hundred and fifty thousand acres of public lands generally depicted on the map entitled "Innoko National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are migratory birds, moose, furbearers, and salmon.

(7) KANUTI NATIONAL WILDLIFE REFUGE.—(A) The Kanuti National Wildlife Refuge shall consist of the approximately one million four hundred and twenty thousand acres of public lands generally depicted on the map entitled "Kanuti National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are migratory birds, moose, and furbearers.

(C) Sithylemenkat Lake is a special value of the refuge.

(8) KENAI NATIONAL WILDLIFE REFUGE.—(A) The Kenai National Wildlife Refuge shall consist of all lands within the existing Kenai National Moose Range and of the approximately two hundred and forty thousand acres of public lands generally depicted on the map entitled "Kenai National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are mountain goats, moose, bears, salmon, Dall sheep, and migratory birds.

(C) Recreation is a special value of the refuge.

(9) KODIAK NATIONAL WILDLIFE REFUGE.—(A) The Kodiak National Wildlife Refuge shall consist of all those public lands within the existing Kodiak National Wildlife Refuge, and all other public lands, except the Barren Islands, lying within the boundary of the Kodiak Island Borough, generally depicted on the map entitled "Kodiak National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife of the refuge are Kodiak brown bears, salmon, marine mammals, and migratory birds.

(C) Nothing in this paragraph shall abrogate any existing Forest Service timber contract, prohibit the Secretary from exchanging lands under section 1101(f), or revoke existing cabin leases on the public lands added to the existing refuge by this paragraph.

(10) KOYUKUK NATIONAL WILDLIFE REFUGE.—(A) The Koyukuk National Wildlife Refuge shall consist of the approximately three million five hundred and forty thousand acres of public lands generally depicted on the map entitled "Koyukuk National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are migratory birds, moose, furbearers, and salmon.

(C) The Nogahabara sand dunes are a special value of the refuge.

(11) NOATAK NATIONAL WILDLIFE REFUGE.—(A) The Noatak National Wildlife Refuge shall consist of the approximately six million six hundred and eighty thousand acres generally depicted on the map entitled "Noatak National Wildlife Refuge", dated March 1979. (B) The significant fish and wildlife resources of the refuge are the Arctic caribou herd, Dall sheep, grizzly bears, migratory birds, moose, raptors, and wolves.

(C) The Noatak River is a special value of the refuge.

(12) NOWITNA NATIONAL WILDLIFE REFUGE.—(A) Unless subparagraph (D) applies, the Notwitna National Wildlife Refuge shall consist of the approximately one million five hundred and sixty thousand acres of public lands generally depicted on the map entitled "Nowitna National Wildlife Refuge", dated April 1978.

(B) The significant fish and wildlife resources of the refuge are migratory birds, peregrine falcons, moose, and martens and other furbearers.

(C) The Nowitna River is a special value of the refuge.

(D) If within one hundred and eighty days after the date of the enactment of this Act, the State relinquishes all claims (including land selections filed under section 6(b) of the Alaska Statehood Act) to lands located within T5S R26E KRM, T6S R24E KRM, T6S, R25E KRM, T6S R26E, KRM, and T8S R7E KRM; then upon acceptance of the relinquishment by the Secretary, the refuge shall consist of the approximately one million five hundred and sixty thousand acres of the public lands generally depicted on the map entitled "Nowitna National Wildlife Refuge", dated March 1979. The Secretary shall accept such relinquishment if it is properly executed by the State and upon acceptance shall convey to the State, under the Alaska Statehood Act and section 806(g) of this Act, the lands removed from the refuge by operation of this subsection.

(13) SELAWIK NATIONAL WILDLIFE REFUGE.—(A) The Selawik National Wildlife Refuge shall consist of the approximately two million one hundred and fifty thousand acres of public lands generally depicted on the map entitled "Selawik National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are peregrine falcons and other migratory birds, the Western Arctic caribou herd, salmon, and sheefish.

(C) Archaeological resources are special values of the refuge.

(D) The Selawik River is a special value of the refuge.

(E) The Secretary shall continue to permit, in a manner compatible with the major purposes of the refuge, reindeer grazing uses (including, but not limited to, the use of related facilities and equipment) within areas of the refuge in which such uses were permitted on January 1, 1956.

(14) TESHEKPAK-UTUKOK NATIONAL WILDLIFE REFUGE.—(A) The Teshekpuk-Utukck National Wildlife Refuge shall consist of those public lands generally depicted on the map entitled "Teshekpuk-Utukok National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are raptors and other migratory birds, polar bears, barren-ground grizzly bears, wolves, marine mammals, and the Western Arctic caribou herd.

(C) Teshekpuk Lake and the Utukok River caribou calving grounds are special values of the refuge.

(D) Within one year after the date of the enactment of this Act, the Secretary shall establish an oil and gas leasing program within the refuge in accordance with section 308. The first sale of leases for exploration for, and development and production of, oil and gas within the refuge shall be held no later than eighteen months after the date of enactment of this Act.

(15) TETLIN NATIONAL WILDLIFE REFUGE (A) The Tetlin National Wildlife Refuge shall consist of the approximately three million seven hundred and sixty-five thousand acres of public lands generally depicted on the map entitled "Tetlin National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are Dall sheep, grizzly bears, migratory birds, moose, and wolves.

(C) Glaciers, recreation, and scenic mountains are special values of the refuge.

(D) If within one hundred and eighty days after the date of the enactment of this Act, the State does not relinquish all claims (including land selections filed under section 6(b) of the Alaska Statehood Act) to one township of land selected by the State within the refuge, the boundary of the refuge shall be expanded to include T11N–R23E CRM. The Secretary shall accept such relinquishment if it is properly executed by the State and, upon acceptance, shall convey to the State, under the Alaska Statehood Act and section 806(g), T11N–R23E CRM.

(E) Regardless of any requirement that a wilderness review be conducted of areas within the refuge in accordance with section 3(c) and 3(d) of the Wilderness Act, rights-of-way for pipelines and other facilities that may be required under section 9 of the Alaska Natural Gas Transportation Act of 1976 may be authorized and granted.

(16) TOGIAK NATIONAL WILDLIFE REFUGE.—(A) The Togiak National Wildlife Refuge shall consist of all lands within the existing Cape Newenham National Wildlife Refuge and of the approximately two million nine hundred and twenty-four thousand acres of public lands generally depicted on the map entitled "Togiak National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are large mammals, salmonoids, marine mammals, and migratory birds.

(17) YUKON DELTA NATIONAL WILDLIFE REFUGE.—(A) The Yukon Delta National Wildlife Refuge shall consist of all lands within the existing Clarence Rhode National Wildlife Range and the Hazen Bay and Nunivak National Wildlife Refuges and of the approximately fourteen million sixty-one thousand acres of public lands generally depicted on the map entitled "Yukon Delta National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife of the refuge are migratory birds, marine mammals, musk oxen, and salmonoids.

(C) The Cape Mendenhall area and the Mount Roberts Volcanics on Nunivak Island are special values of the refuge.

(D) Subject to such reasonable regulations as the Secretary may prescribe, reindeer grazing, including necessary facilities and equipment, shall be permitted in the refuge within areas where such uses are, and in a manner which is, compatible with the major purposes set forth in section 302 (1) and (2).

(E) The Secretary shall administer the refuge to assure the continuation of navigation and access by boat and of commercial fisheries activities on the Yukon and Kuskokwim Rivers.

(18) YUKON FLATS NATIONAL WILDLIFE REFUGE.—(A) The Yukon Flats National Wildlife Refuge shall consist of the approximately eight million five hundred and sixty thousand acres of public lands generally depicted on the map entitled "Yukon Flats National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife of the refuge are migratory birds, caribou, moose, wolves, wolverines, and other furbearers, and salmon.

(b) OTHER SIGNIFICANT FISH AND WILDLIFE RESOURCES.—The significant fish and wildlife resources of the Izembek National Wildlife Range (which is hereby designated as the Izembek National Wildlife Refuge) are migratory birds, brown bears, and salmonoids.

(c) WHITE MOUNTAINS NATIONAL RECREATION AREA.—(1) There is established the White Mountains National Recreation Area that shall consist of the approximately one million five hundred and forty thousand acres of public lands generally depicted on the map entitled "White Mountains National Recreation Area", dated March 1979.

(2) The significant fish and wildlife of the recreation area are Dall sheep, caribou, moose, wolves, and wolverines.

(3) For purposes of this title and the National Wildlife Refuge Administration Act of 1966, the White Mountains National Recreation Area shall be deemed to be a refuge within the meaning of section 301(3)(A), and, in administering the recreation area, the Secretary shall emphasize use of the area for recreation purposes, to the extent that such use is compatible with the major purposes set forth in section 302.

COOPERATIVE MANAGEMENT AGREEMENTS

SEC. 305. (a) IN GENERAL.—The Secretary shall undertake to enter into a cooperative management agreement with any Native Corporation, the State, any political subdivision of the State, or any other person owning land which is located within, or adjacent or near to, any refuge. Each cooperative management agreement (hereinafter in this section referred to as an "agreement") shall provide that the land subject to the agreement shall be managed by the owner in a manner compatible with the major purposes of the refuge to which such land pertains.

(b) TERMS AND CONDITIONS.—Each agreement shall—

(1) set forth such uses of the land subject to the agreement which are compatible with the management goals set forth in subsection (a);

(2) permit the Secretary reasonable access to such land for purposes relating to the administration of the refuge and to carry out the obligations of the Secretary under the agreement;

(3) permit reasonable access to such land by officers of the State for purposes of conserving fish and wildlife;

(4) set forth those services or other consideration which the Secretary agrees to provide to the owner in return for the owner entering into the agreement, which services may include technical and other assistance with respect to fire control, trespass control, law enforcement, resource and land use planning, the conserving of fish and wildlife, and the protection, maintenance, and enhancement of any special values of the land subject to the agreement;

(5) set forth such additional terms and conditions as the Secretary and the owner may agree to as being necessary or appropriate to carry out the management goals set forth in subsection (a); and

(6) specify the effective period of the agreement.

BRISTOL BAY COOPERATIVE REGION

SEC. 306. (a) DEFINITIONS.—For purposes of this section—

(1) The term "Governor" means the Governor of the State.

(2) The term "legislature" means the Alaska State Legislature.

(3) The term "region" means the land (other than any land within the National Park System) within the Bristol Bay Cooperative Region as generally depicted on the map entitled "Bristol Bay—Alaska Peninsula", dated March 1979.

(b) PURPOSE.—The purpose of this section is to provide for the preparation and implementation of a comprehensive and systematic cooperative management plan (hereinafter in this section referred to as the "plan")—

(1) to conserve the fish and wildlife within the region;

(2) to ensure that any use within the region is carried out in a manner compatible with the conserving of such fish and wildlife;

(3) to provide for such exchanges of land among the Federal Government, the State, and other public or private owners as will facilitate the carrying out of paragraphs (1) and (2);

(4) to identify land within the region which is appropriate for selection by the State under section 6 of the Alaska Statehood Act; and

(5) to identify other land within the region that may be appropriate for congressional designation as conservation system units.

(c) FEDERAL-STATE COOPERATION IN PREPARATION OF PLAN.—If within three months after the date of enactment of this Act, the Governor notifies the Secretary that the State wishes to participate in the preparation of the plan, and that the Governor will, to the extent of his authority, manage State lands within the region to conserve fish and wildlife during such preparation, the Secretary and the Governor shall undertake to prepare the plan which shall contain such provisions as are necessary or appropriate to achieve the purposes set forth in subsection (b), including but not limited to—

(1) the identification of the significant resources of the region, including, but not limited to, fish and wildlife, mineral, geological, archeological, cultural, ecological, paleontological, recreational, scenic, wilderness, and historical resources;

(2) the identification of present and potential uses of land within the region;

(3) a determination with respect to which such uses are, or may be, compatible with the conserving of the fish and wildlife of the region;

(4) the designation of areas within the region according to their significant resources and the present or potential uses within each such area which are, or may be, compatible with the conserving of fish and wildlife;

(5) the identification of land (other than any land within the National Park System) which should be exchanged in order to facilitate the conserving of fish and wildlife and the management and development of compatible uses within the region;

(6) the identification of that land within the region which will be selected by the State under section 6 of the Alaska Statehood Act;

(7) the identification of land within the region that may be appropriate for congressional designation as conservation system units; and

(8) the specification of the activities that may be permitted in each area identified under paragraph (4) and the manner in which these activities shall be regulated by the Secretary or the State, as appropriate. The plan shall also—

(A) specify those elements of the plan that the Secretary and the Governor—

(i) may modify without the prior approval of Congress and the State, and

(ii) may not modify without such prior approval; and

(B) include a description of the procedures which will be used to make modifications to which paragraph (A)(i) applies.

(d) TAKING EFFECT OF PLAN.—If within three years after the date of the enactment of this Act, a plan has been prepared under subsection (c) which is agreed to by the Secretary and the Governor, the plan shall take effect with respect to the United States and the State, if, and only if—

(1) copies of the plan are submitted to both Houses of Congress by the Secretary, and to both houses of the legislature by the Governor, on February 1 of the year after the year in which the plan is agreed to by the Secretary and the Governor, except that the copies shall be delivered to the Clerk of the United States House of Representatives if the House is not in session and to the Secretary of the United States Senate if the Senate is not in session;

(2) Congress approves the plan under the procedures set forth in subsection (e); and

(3) the State takes appropriate action, before the close of the period set forth in subsection (f), to give the plan force and effect under State law.

(e) EXPEDITED CONGRESSIONAL APPROVAL PROCEDURES.—(1) The plan prepared under subsection (c) may not be considered to be approved by the United States unless, before the close of the one hundred twenty-day period beginning on the date on which copies thereof are submitted to Congress under subsection (d)(1), Congress adopts, by an affirmative vote of a majority of those present and voting in each House, a resolution of approval.

(2) For purposes of this subsection and subsection (g), the term "resolution of approval" means only a joint resolution, the matter after the resolving clause of which is as follows: "That Congress approves the taking effect of the Bristol Bay Cooperative Region plan submitted to Congress by the Secretary of the Interior on .", the blank space therein being filled with the day and year.

(3) A resolution of approval, once introduced, shall be referred to one or more committees by the Speaker of the House of Representatives or the President of the Senate, as the case may be.

(4)(A) If any committee to which a resolution of approval has been referred has not reported it at the end of sixty calendar days after its referral, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution of approval which has been referred to the committee.

(B) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution of approval), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution of disapproval.

(5)(A) When any committee has reported, or has been discharged from further consideration of, a resolution of approval, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate on the resolution of approval shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(6)(A) Motions to postpone, made with respect to the discharge from committee or the consideration of a resolution of approval, and motions to proceed to the consideration of other business, shall be decided without debate.

(B) Appeals from the decisons of the Chair relating to the application of the rules of the House of Representatives or the Senate, as the case may be, to the procedure relating to any resolution of approval shall be decided without debate.

(7) The one hundred twenty-day period referred to in paragraph (1) and subsection (g) and the sixty-day period referred to in paragraph (4)(A) shall be computed by excluding—

(A) the days on which either House is not in session because of an adjournment of more than three days to a day certain or an adjournment of the Congress sine die, and

(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House is not in session.

(8) This subsection is enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions of approval; and they supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(f) TIME PERIOD FOR ACTION BY STATE.—For purposes of subsection (d), the State must give force and effect to the plan under State law before the close of the one hundred twentieth day after the day on which copies of the plan are submitted to the legislature under paragraph (1) of such subsection.

(g) ACTION BY SECRETARY IF STATE DOES NOT PARTICIPATE IN PLAN.—If—

(1) the Secretary does not receive notification under subsection (c) that the State will participate in the preparation of the plan; or

(2) after the State agrees to so participate, the Governor submits to the Secretary written notification that the State is terminating its participation;

the Secretary shall prepare a plan containing the provisions referred to in subsection (c)(1) through (7) (and containing a specification of those elements in the plan which the Secretary may modify without the prior approval of Congress), and submit copies of such plan to both Houses of Congress as provided in subsection (d)(1), within three years after the date of the enactment of this Act. Such plan shall take effect with respect to the United States if before the close of the one hundred and twenty-day period beginning on the date on which copies thereof are so submitted to Congress, the Congress adopts, by an affirmative vote of a majority of those present and voting in each House, a resolution of approval. Subsection (e)(2) through (8) applies with respect to a plan prepared under this subsection.

(h) TRANSITIONAL PROVISIONS.—On the date of the enactment of this Act, all Federal land within the region, other than land within conservation systems units, shall be—

(1) withdrawn from all forms of entry or appropriation under the mining laws, and from operation of the mineral leasing laws, of the United States;

(2) under the jurisdiction of the United States Fish and Wildlife Service; and

(3) administered by the United States Fish and Wildlife Service, in consultation with the Alaska Land Use Council (established by section 1001), in the same manner as if such land were included within a refuge established under section 304;

until—

(A) the first day on which a plan is in effect with respect to both the United States and the State (in the case of a plan prepared under subsection (c)) or with respect to the United States (in the case of a plan prepared under subsection (g)) after which such land shall be administered as provided for in the plan; or

(B) the day—

(i) after the last day of the one hundred and twenty-day period provided for in subsection (e)(1) or subsection (g), as the case may be, if Congress does not approve the plan under the procedures set forth in subsection (e); or

(ii) after the last day of the one hundred and twenty-day period provided for in subsection (f); if the State does not give force and effect to a plan under State law within such period.

(i) ALASKA PENINSULA NATIONAL WILDLIFE REFUGE.—If Congress does not approve the plan under the procedures set forth in subsection (e), or if the State does not give force and effect to the plan under State law within the period provided in subsection (f)—

(1) there shall be immediately established the Alaska Peninsula National Wildlife Refuge that shall consist of the approximately two million five hundred and seventy thousand acres of public lands generally depicted on the map entitled "Alaska Peninsula National Wildlife Refuge", dated March 1979—

(A) the significant fish and wildlife resources of which are brown bears, salmonoids, the Alaska Peninsula caribou herd,

(2) On or after the date of enactment, of this Act, no person may locate, make an moose, migratory birds, and marine mammals, and

(B) the special values of which are active volcanoes, the Pavlof Mountains, Nelson Lagoon, coastlines, and recreation; and

(2) all other public lands within the region, other than those within conservation system units, that were withdrawn pursuant to section 17(d) or 22(e) of the Alaska Native Claims Settlement Act shall be available for selection by the State under the terms of the Alaska Statehood Act.

MINING WITHIN REFUGES

SEC. 307. (a) EXCEPTIONS TO GENERAL LAW.—The Secretary may permit mining within any refuge and any such mining shall be subject to the mining laws of the United States except as follows:

(1) With respect to any lands within a refuge established by this Act which are subject to a valid mining claim under the United States mining laws arising prior to the withdrawal of such lands from location, entry, and patent under such laws, the Secretary shall permit the person holding such claim to remove the minerals covered

by such claim in accordance with such reasonable regulations as the Secretary shall prescribe to ensure, to the maximum extent practicable, that such removal is carried out in a manner that is compatible with the major purposes of the refuge and the laws applicable to such refuge.

(2) On or after the date of enactment, of this Act, no person may locate, make an entry, or patent, except in the case of valid existing claims, under the United States mining laws lands within any refuge established by this Act until the comprehensive conservation plan for such refuge is prepared and approved in accordance with section 303(c).

(3) With respect to any person who locates a mining claim on or after such date of enactment on land within a refuge—

(A) such person shall receive right or title only—

(i) to the mineral deposits, and

(ii) to the use of such surface and subsurface resources that are reasonably required to carry out activities on the claim;

but subject to the condition that such person carry out such activities in compliance with the regulations prescribed under subparagraph (B);

(B) all prospecting, and all location, exploration, development, or production activity carried out on the claim, shall be subject to such reasonable regulations as the Secretary shall prescribe as being necessary or appropriate to ensure that such activity will be carried out in a manner that is compatible with the major purposes of the refuge and will be consistent with the comprehensive conservation plan for the refuge; and

(C) there is imposed on, and the Secretary shall collect from, such person a gross production royalty of 5 per centum, except that no royalty shall be required of the owner of a mining claim or claims whose total annual production is equal to or less than five thousand (5,000) tons of marketed ore unless such tonnage has a gross value in excess of $50,000. Notwithstanding this provision, no royalty shall be required under those circumstances in which the cost of collecting the royalty exceeds the amount of the royalty to be received.

(4) Each decision by the Secretary to permit or not to permit mining operations within a refuge shall be published in the Federal Register together with a statement of the reasons why the Secretary considers that the proposed mining operations would, or would not, be compatible with the major purposes of the refuge.

(5) If the Secretary determines that the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 do not apply to a decision by him regarding whether to permit mining operations on any refuge, the Secretary shall render a decision within six months after receiving an application to conduct such operations. If the Secretary determines that the requirements of such section 102(2)(C) are so applicable, he shall render the decision within three months after publication of the final environmental impact statement that is prepared with respect to the proposed mining operations.

(b) CERTAIN RECORDATIONS.—All mining claims within any refuge shall be filed and maintained as provided for under the Federal Land Policy and Management Act of 1976.

MINERAL LEASING WITHIN REFUGES

SEC. 308. (a) EXCEPTIONS TO GENERAL LAW.—The provisions of the Mineral Leasing Act of 1920 shall apply with respect to all refuges, except that the Secretary may grant leases under such Act of 1920 within any refuge only—

(1) if the comprehensive conservation plan for the refuge required under section 303(c) has been prepared (but this paragraph shall not apply with respect to oil and gas leasing within the Teshekpuk-Utukok National Wildlife Refuge);

(2) after competitive bidding for the leases; and

(3) if the leases contain such terms and conditions as the Secretary by regulation prescribes for the purpose of ensuring that all activities that are undertaken within the refuge with respect to such leasing, and the manner in which such activities are carried out, are compatible with the major purposes of the refuge.

(b) PROCEDURES.—(1) The decision by the Secretary to issue, or not to issue, any lease under the Mineral Leasing Act of 1920 that applies within a refuge shall be published by the Secretary in the Federal Register together with a statement setting forth the reasons why the Secretary considers that the proposed leasing would, or would not, be compatible with the major purposes of the refuge.

(2) If the Secretary determines that the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 do not apply to a decision by him regarding the issuance of a lease under such Act of 1920 that applies within any refuge, the Secretary shall render a decision within six months after receiving an application for the lease. If the Secretary determines that the requirements of such section 102(2)(C) are so applicable, he shall render the decision within three months after publication of the final environmental impact statement that is prepared with respect to the proposed lease.

ARCTIC NATIONAL WILDLIFE REFUGE COASTAL PLAIN RESOURCE ASSESSMENT

SEC. 309. (a) PURPOSE.—The purpose of this section is to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife and wilderness resources of the coastal plain of the Arctic National Wildlife Refuge, and to authorize the exploration for oil and gas within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources.

(b) DEFINITIONS.—As used in this section—

(1) The term "coastal plain" means that area identified as such on the map entitled "Arctic National Wildlife Refuge", dated March 1979.

(2) The term "enactment date" means the date of the enactment of this Act.

(3) The term "exploratory activity" means surface geological exploration or seismic exploration, or both, for oil and gas within the coastal plain.

(c) BASELINE STUDY.—(1) The Secretary, in consultation with the Governor of the State and interested persons, shall conduct a continuing study of the fish and wildlife (with special emphasis on caribou, grizzly bears, migratory birds, musk oxen, and polar bears) of the coastal plain. In conducting the study, the Secretary shall—

(A) assess the size, range, and distribution of populations of the fish and wildlife;

(B) determine the extent, location, and carrying capacity of the habitats of the fish and wildlife; and

(C) assess the impacts of human activities and natural processes on the fish and wildlife and their habitats.

Within eighteen months after the enactment date, the Secretary shall publish the results of the study as of that date and shall thereafter publish such revisions thereto as are appropriate as new information is obtained.

(2) There is authorized to be appropriated until October 1, 1987, the sum of $5,000,000 for purposes of conducting the study required under this subsection.

(d) GUIDELINES.—(1) Within two years after the enactment date, the Secretary shall by regulation establish initial guidelines governing the carrying out of exploratory activities. The guidelines shall be based upon the results of the study required under subsection (c) and such other information as may be available to the Secretary. The guidelines shall include such prohibitions, restrictions, and conditions on the carrying out of exploratory activities as the Secretary deems necessary or appropriate to ensure that exploratory activities do not significantly adversely affect the fish and wildlife, their habitats, or the environment, including, but not limited to—

(A) a prohibition on the carrying out of exploratory activity during caribou calving and post-calving seasons or during any other period in which human activity may have significant adverse effects; and

(B) a specification of the minimum support facilities and related manpower that are necessary to carry out exploratory activity.

(2) The initial guidelines prescribed by the Secretary to implement this subsection shall be accompanied by an environmental impact statement on exploratory activities. The initial guidelines shall thereafter be revised to reflect changes made in the baseline study and other appropriate information made available to the Secretary.

(e) EXPLORATION PLANS.—(1) After the initial guidelines are prescribed under subsection (d), any person may submit one or more plans for exploratory activity (hereinafter in this section referred to as "exploration plans") to the Secretary for approval. An exploration plan must set forth such information as the Secretary may require in order to determine whether the plan is consistent with the guidelines, including but not limited to—

(A) a description and schedule of the exploratory activity to be undertaken;

(B) a description of the equipment, facilities, and related manpower that will be used in carrying out the activity;

(C) the area in which the activity will be undertaken; and

(D) a statement of the anticipated effects that the activity may have on fish and wildlife their habitats, and the environment.

(2) Upon receiving any exploration plan for approval, the Secretary shall promptly publish notice of receipt of the plan and the text of the plan in the Federal Register and newspapers of general circulation in the State. The Secretary shall determine, within one hundred and twenty days after any plan is submitted for approval, if the plan is consistent with the guidelines established under subsection (d). If the Secretary determines that the plan is so consistent, he shall approve the plan. Before making the determination, the Secretary shall hold at least one public hearing in the State for purposes of receiving the comments and views of the public on the plan. The Secretary, as a condition of approval of the plan under this section—

(A) shall require that all technical data and other information obtained as a result of carrying out the plan be submitted to the Secretary; and

(B) may require that such modifications be made to the plan as he considers necessary and appropriate to make it consistent with the guidelines.

(f) PERMITS FOR DRILLING TEST WELLS.—(1) After the date that is five years after the enactment date, any person may apply to the Secretary for a permit authorizing the drilling of off-structure stratographic test wells for oil and gas within the coastal plain. The application must set forth such information as the Secretary may require in order to determine whether the proposed drilling is consistent with the guidelines established under subsection (d), including but not limited to—

(A) a description and schedule of the drilling activity to be undertaken;

(B) a description of the equipment, facilities, and related manpower that will be used in the drilling;

(C) the area in which the drilling will be undertaken; and

(D) a statement of the anticipated effects that the drilling may have on fish and wildlife, their habitats, and the environment.

(2) Upon receiving an application for a permit under paragraph (1), the Secretary shall promptly publish the application in the Federal Register and newspapers of general circulation in the State. The Secretary shall determine, within one hundred and twenty days after any permit application is submitted, if the proposed drilling is consistent with the guidelines established under subsection (d). Before making the determination, the Secretary shall hold at least one public hearing in the State for purposes of receiving the comments and views of the public on the proposed drilling. The Secretary shall establish such terms and conditions (including, but not limited to, appropriate area restrictions) of the permit as he considers necessary or appropriate to ensure that the proposed drilling is carried out in a manner consistent with the guidelines.

(g) Modification to Exploration Plans and Drilling Permits.—If at any time while exploratory activity is being carried out under an exploration plan approved under subsection (e) or test drilling is being carried out under a permit approved under subsection (f), the Secretary, on the basis of information available to him, determines that continuation of further activities under the plan or permit will significantly adversely affect one or more species of fish and wildlife, their habitat, or the environment, the Secretary may suspend the carrying out of activities under the plan or permit for such time, make such modifications to the plan or to the terms and conditions of the permit (or both suspend and so modify) as he determines necessary and appropriate.

(h) Permit Fees.—Each permittee under subsection (f) shall pay to the Secretary for each year (or portion thereof) in which the permit is in effect, a fee which shall be an amount (prorated among the total number of such permits in effect, in whole or in part, for such year) equal to the reasonable expenses incurred by the Secretary in administering this section during that year (which expenses shall include, but not be limited to, the costs of conducting the baseline study under subsection (c) during the immediately preceding year; except that, for the first year in which permits are issued under subsection (f), all costs incurred by the Secretary after the enactment date and until the close of the year before such first year in conducting the baseline study shall be so prorated).

(i) Civil Penalties.—(1) Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have violated any provision of a plan approved under subsection (e) or any term or condition of a permit issued under subsection (f), or to have committed any act prohibited under subsection (l) shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $10,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited act committed, and, with respect to the violator, the history of any prior offenses, his demonstrated good faith in attempting to achieve timely compliance after being cited for the violation, and such other matters as justice may require.

(2) Any person against whom a civil penalty is assessed under paragraph (1) may obtain review thereof in the appropriate district court of the United States by filing a notice of appeal in such court within thirty days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2)(E) of title 5, United States Code.

(3) If any person fails to pay an assessment of a civil penalty against him under paragraph (1) after it has become final, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(4) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this subsection unless the matter is pending in court for judicial review or recovery of assessment.

(j) Report to Congress.—Not later than seven years after the enactment date, the Secretary shall prepare and submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resoucres of the Senate a report containing—

(1) the identification of those areas within the coastal plain that have oil and gas production potential and an estimate of the volume of the oil and gas concerned;

(2) the description of the fish and wildlife, their habitats, and other resources that are within the coastal plain;

(3) an evaluation of the adverse effects that the carrying out of further exploration for, and the development and production of, oil and gas within such areas will have on the resources referred to in paragraph (2);

(4) a description of how such oil and gas, if produced within such area, may be transported to processing facilities;

(5) an evaluation of how such oil and gas relates to the national need for additional domestic sources of oil and gas; and

(6) the recommendations of the Secretary with respect to whether further exploration for, and the development and production of, oil and gas within the coastal plain should be permitted and, if so, what additional legal authority is necessary to ensure that the adverse effects of such activities on fish and wildlife, their habitats, and other resources are avoided or minimized.

(k) Effect of Other Laws.—Until otherwise provided for in law enacted after the enactment date, all public lands within the coastal plain are withdrawn—

(1) from all forms of entry or appropriation under the mining laws; and

(2) from operation of the mineral leasing laws and sections 307 and 308.

(l) Prohibited Acts.—No person may—

(1) engage in any exploration activity unless pursuant to an exploration plan approved under subsection (e); or

(2) undertake drilling within the coastal plain of off-structure stratographic test wells for oil and gas unless pursuant to a permit issued under subsection (f).

PORCUPINE CARIBOU HERD

Sec. 310. The Congress finds that the Porcupine caribou herd is a migratory species of national and international significance and deserves special protection. The Secretary, acting through the Secretary of State and in consultation with the Governor, shall initiate negotiations with the Government of Canada for the purpose of entering into a treaty to protect the Porcupine caribou herd and its habitat.

MISCELLANEOUS PROVISIONS

Sec. 311. (a) Previous Actions Regarding Refuge System in State.—(1) All proclamations, Executive orders, public land orders, and other administrative actions in effect on the day before the date of the enactment of this Act with respect to units of the National Wildlife Refuge System in the State shall remain in force and effect except to the extent that they are inconsistent with this Act or the Alaska Native Claims Settlement Act, and, in any such case, the provisions of such Acts shall prevail. All land within the boundaries described or depicted in any such action shall, if the unit of the National Wildlife Refuge System concerned is incorporated within any refuge established or redesignated by section 304, be included within such refuge.

(2) All funds available on such date of enactment for administration of any refuge shall remain available for the administration of such refuge.

(3) The designation of any existing refuge which is included within any refuge established by section 304, or which is redesignated by such section, is withdrawn.

(b) Related Amendments.—(1) Section 401 of the Act of June 15, 1935 (49 Stat. 383) is amended—

(A) by inserting "(including hardrock minerals and oil and gas)" immediately before ", shells," in subsection (a); and

(B) by striking out "suitable areas for migratory bird" in subsection (e).

(2) Section 4 of the Act of March 16, 1934 (commonly referred to as the Duck Stamp Act; 48 Stat. 451) is amended—

(A) by striking out "subsection (c)" in subsection (b) and inserting in lieu thereof subsections (c) and (d)"; and

(B) by inserting immediately after subsection (c) the following new subsection:

"(d) The Secretary of the Interior may utilize funds (but not exceeding in aggregate amount the funds attributable to excess revenue collections transferred to the fund under section 401 of the Act of June 15, 1935) made available under subsection (b) of this subsection to acquire lands, waters, and interests therein for the National Wildlife Refuge System. Lands, waters, and interest may be acquired under this subsection without regard to the limitations and requirements of the Migratory Bird Conservation Act.".

TITLE IV—NATIONAL FOREST SYSTEM

ADDITIONS TO NATIONAL FORESTS

Sec. 401. The following units of the National Forest System are hereby expanded:

(1) Tongass National Forest by the addition of three areas, Kates Needle, Juneau Icefield, and Brabazon Range, containing approximately one million four hundred and fifty thousand acres, as generally depicted on a map entitled "Additions to the Tongass National Forest", dated February 1979, which shall be filed and made available for public inspection in accordance with the provisions of section 1109.

(2) Chugach National Forest by the addition of three areas, Nellie Juan, College Fjord, and Rude River, containing approximately one million acres, as generally depicted on a map entitled "Chugach National Forest Additions Proposed", dated March 1979, which shall be filed and made available for public inspection in accordance with the provisions of section 1109.

SEWARD NATIONAL RECREATION AREA

Sec. 402. There is hereby established within the Chugach National Forest the Seaward National Recreation Area, containing approximately one million two hundred and fourteen thousand acres of public lands, as generally depicted on the map entitled "Seward

National Recreation Area—proposed", dated February 1979. The Secretary of Agriculture shall administer the recreation area in accordance with section 1111 and other applicable provisions of this Act, and the laws, rules, and regulations applicable to the National Forest System.

TITLE V—NATIONAL WILD AND SCENIC RIVERS SYSTEM

ADDITIONS TO THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

SEC. 501. (a) ADDITIONS.—Section 3(a) of the Wild and Scenic Rivers Act is amended by adding the following new paragraphs at the end thereof:

"(24) BIRCH CREEK, ALASKA.—The segment of the main stem from the south side of Steese Highway in township 7 north, range 10 east, Fairbanks meridian downstream to the Steese Highway Bridge to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(25) DELTA, ALASKA.—The segment from and including all of the Tangle Lakes to a point one-half mile north of Black Rapids; to be classified as a recreational river area except for the segment from the Tangle Lakes area to a point opposite milepost 212 on the Richardson Highway which shall be classified as a wild river area; to be administered by the Secretary of the Interior.

"(26) FORTYMILE, ALASKA.—The main stem within the State of Alaska; O'Brien Creek; South Fork; Napoleon Creek; Franklin Creek; Uhler Creek; Walker Ford downstream from the confluence of Liberty Creek; Wade Creek; Mosquito Fork downstream from the vicinity of Kechumstuck; West Fork Dennison Fork downstream from the confluence of Logging Cabin Creek; Dennison Fork downstream from the confluence of West Fork Dennison Fork; Logging Cabin Creek; North Fork; Hutchinson Creek; Champion Creek; the Middle Fork downstream from the confluence of Joseph Creek; and Joseph Creek; to be administered by tht Secretary of the Interior and to be classified as a scenic river area except for the Wade Creek segment which shall be classified as a recreational river area and the following segments which shall be classified as wild river areas: Mosquito Fork downstream from the vicinity of Kechumstuck to Ingle Creek, North Fork, Champion Creek, Middle Fork downstream from the confluence of Joseph Creek, and Joseph Creek. The classification of such segments of the Fortymile as wild river areas shall not preclude such access across such river segments as the Secretary determines to be reasonably necessary to permit commercial development of asbestos deposits in the North Fork drainage.

"(27) GULKANA, ALASKA.—The main stem from the outlet of Paxson Lake in township 12 north, range 2 west, Copper River meridian to the confluence with Sourdough Creek; the south branch of the west fork from the outlet of an unnamed lake in sections 10 and 15, township 10 north, range 7 west, Copper River meridian to the confluence with the west fork; the north branch from the outlet of two unnamed lakes, one in sections 24 and 25, the second in sections 9 and 10, township 11 north, range 8 west, Copper River meridian to the confluence with the west fork; the west fork from its confluence with the north and south branches downstream to its confluence with the main stem; the middle fork from the outlet of Dickey Lake in township 13 north, range 5 west, Copper River meridian to the confluence with the main stem; to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(28) ALAGNAK, ALASKA.—The segment from where the river crosses the western boundary of the Katmai National Preserve (in township 12 south, range 38 west) to the western boundary of township 13 south, range 43 west to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(29) UNALAKLEET, ALASKA.—From the headwaters in township 13 south, range 3 west, Kateel River meridian, extending downstream approximately 65 miles to the western boundary of township 18 south, range 8 west; to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(30) YUKON, (RAMPARTS SECTION), ALASKA.—The segment from the east boundary of township 12 north, range 11 west, to the west boundary of township 4 north, range 19 west, Fairbanks meridian, to be classified as a scenic river area and to be administered by the Secretary of the Interior.

"(31) The portions of the following rivers which form the boundary of, or are within, any national preserve or national park in Alaska: Alatna, Alagnak, Aniakchak (including its major tributaries), Charley (including its major tributaries), Chilikadrotna, Chitina, John, Kobuk, North Fork of the Koyukuk, Mulchatna, Salmon, Tinayguk, Tlikakila; each to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(32) The portions of the following rivers which form the boundary of, or are within, any national wildlife refuge in Alaska; Sheenjek (that portion north of 68 degrees latitude), Andreafsky (including the east fork), Ivishak, Kisaralik, Noatak (that portion from the headwaters to the confluence with the Kelly); each to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(33) KISARALIK, ALASKA.—The segment which is within the Bristol Bay Cooperative Region.

"(34) BEAVER CREEK, ALASKA.—The segment of the main stem from the vicinity of the confluence of the Bear and Champion Creeks downstream to its exit from the northeast corner of township 12 north, range 6 east, Fairbanks meridian within the White Mountains National Recreation Area, and the Yukon Flats National Wildlife Refuge, to be administered as a wild river by the Secretary of the Interior.".

(b) BOUNDARIES AND DEVELOPMENT PLANS.—Section 3(b) of the Wild and Scenic Rivers Act is amended by striking out "(b) The agency" and substituting "(b)(1) Except as otherwise provided in this Act, the agency" and by adding the following new paragraph at the end thereof:

"(2) For those rivers in Alaska listed in paragraphs (24) through (28) and (29) and (30) of subsection (a), the detailed boundaries referred to in this section shall be established, and the development plans prepared and published, within such period after the date of the enactment of this paragraph as is specified in the following list:

"One year: Delta, Fortymile, and Gulkana.

"Two years: Birch Creek and Yukon (Ramparts section).

"Three years: Unalakleet.

The detailed boundaries for the rivers listed in paragraphs (31), (32), and (33) of subsection (a) shall be established, and the development plans for such rivers shall be prepared and published, at the same time as, and in coordination with—

"(A) the submission to the Congress of the applicable management plan under the Alaska National Interest Lands Conservation Act (in the case of a river associated with a national preserve), or

"(B) the preparation of the applicable conservation plan under such Act (in the case of a river associated with a national wildlife refuge).

There shall not be included within such boundaries lands selected by Native Corporations or other valid rights of Alaskan Natives to lands without the consent of such Corporations or Natives if such valid rights were in existence immediately before the date of the enactment of this paragraph, except to the extent any such selection or right may hereafter be relinquished.".

POTENTIAL ADDITION

SEC. 502. (a) STUDY RIVERS.—Section 5(a) of the Wild and Scenic Rivers Act is amended by inserting after paragraph (75) the following new paragraphs:

"(76) Colville, Alaska.

"(77) Copper (Iliamna), Alaska.

"(78) Copper, Alaska: The segment from the confluence with the Chitina downstream to the mean high tide line.

"(79) Etivluk-Nigu, Alaska.

"(80) Holitna-Hoholitna, Alaska.

"(81) Ikpikpuk, Alaska.

"(82) Koyuk, Alaska.

"(83) Kuskokwim (Middle), Alaska: The segment between McGrath and Stoney River.

"(84) Melozitna, Alaska.

"(85) Mulchatna, Alaska: The segment from the southwest boundary of the Lake Clark National Preserve to the confluence with the Nushagak River.

"(86) Nelchina-Tazlina, Alaska.

"(87) Nuyakuk, Alaska.

"(88) Situk, Alaska.

"(89) Utukok, Alaska.

"(90) Nowitna (that portion within the Nowitna National Wildlife Refuge), Alaska.

"(91) Porcupine, Alaska.

"(92) Sheenjek (lower), Alaska.

"(93) Kanektok, Alaska.".

(b) STUDY PERIOD.—Section 5(b) of such Act is amended by adding the following new paragraph at the end thereof:

"(5) The studies of the rivers listed in paragraphs (76) through (93) shall be completed and reports thereon submitted—

"(A) for no less than five of such rivers within three years,

"(B) for no less than ten of such rivers within four years, and

"(C) for all of the remaining such rivers within five years,

after the date of enactment of this paragraph. The preceding sentence shall not apply to the rivers listed in paragraphs (76), (79), (81), and (89), and studies of such rivers shall be completed, and reports submitted not later than the time when the report in section 195(c) of the Naval Petroleum Reserves Production Act of 1976 (Public Law 94–258) is required to be submitted.".

ADMINISTRATIVE PROVISIONS

SEC. 503. (a) COOPERATIVE AGREEMENTS.—Section 10(e) of the Wild and Scenic Rivers Act is amended by adding the following at the end thereof: "In the case of rivers listed in paragraphs (24) through (34) of section 3(a), the Secretary may seek cooperative agreements with the owners of non-Federal lands adjoining such rivers to assure that the purpose of designating such rivers as wild and scenic rivers under this Act is served to the greatest extent feasible.".

(b) MINING AND MINERAL LEASING; STUDY RIVERS.—Section 9(b) of such Act is amended by adding the following at the end thereof: "Notwithstanding the foregoing provisions of this subsection or any other provision of this Act, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (76) through (93) of section 5(a), are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto, during the periods specified in section 7(b) of this Act.".

(c) INTERRELATIONSHIP OF APPLICABLE LAWS.—Section 10 of such Act is amended by inserting in the second sentence of section 10(c) before "and in the case of" the following: "(and the Acts under which particular national parks or preserves or wildlife ranges and refuges are established or enlarged)" and by striking out "these Acts" and substituting "this Act and such other Acts".

(d) ACQUISITION AUTHORITY.—Section 6 of such Act is amended by adding the following new subsection at the end thereof:

"(h) In the case of the rivers in Alaska listed in paragraphs (24) through (34), the provisions of section 1101 of the Alaska National Interest Lands Conservation Act shall apply in lieu of the provisions of this section.".

(e) PUBLIC LAND LAWS.—Section 8(b) of such Act is amended by adding the following at the end thereof: "Notwithstanding the foregoing provisions of this subsection or any other provision of this Act, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (76) through (93) of section 5(a) are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7(b) of this Act.".

TITLE VI—WILDERNESS DESIGNATION AND REVIEW

FINDINGS AND PURPOSES

SEC. 601. The Congress finds and declares that it is in the national interest that certain public lands in the State of Alaska within previously established units of the National Park, National Wildlife Refuge, and National Forest Systems and certain additions made to such systems by this Act be designated as wilderness and therefore as components of the National Wilderness Preservation System in order to preserve such areas as an enduring resource of wilderness for the benefit of all the American people of present and future generations. The Congress further finds that cetrain other public lands within such national conservation systems are of evident wilderness resource value but require more thorough study prior to designation as wilderness.

DESIGNATION OF WILDERNESS WITHIN THE NATIONAL PARK SYSTEM

SEC. 602. In furtherance of the purposes of the Wilderness Act and subject to valid existing rights, the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in Aniakchak National Monument and Preserve, Alaska, which comprise approximately two hundred and ninety thousand acres, as generally depicted on a map entitled "Aniakchak National Monument and Preserve", dated February 1979, and which shall be known as Aniakchak Wilderness.

(2) Certain lands in Gates of the Arctic National Park and Preserve, Alaska, which comprise approximately seven million twenty thousand acres, as generally depicted on a map entitled "Gates of the Arctic National Park", dated February 1979, and which shall be known as Gates of the Arctic Wilderness.

(3) Certain lands in Glacier Bay National Park, Alaska, which comprise approximately two million eight hundred and twenty thousand acres, as generally depicted on a map entitled "Glacier Bay National Park", dated February 1979, and which shall be known as Glacier Bay Wilderness.

(4) Certain lands in Katmai National Park and Preserve, Alaska, which comprise approximately three million six hundred and thirty thousand acres, as generally depicted on a map entitled "Katmai National Park and Preserve", dated February 1979, and which shall be known as Katmai Wilderness.

(5) Certain lands in Kobuk Valley National Monument and Preserve, Alaska, which comprise approximately one hundred and ninety thousand acres, as generally depicted on a map entitled "Kobuk Valley National Monument and Preserve", dated February 1979, and which shall be known as Kobuk Valley Wilderness.

(6) Certain lands in Lake Clark National Park and Preserve, Alaska, which comprise approximately two million five hundred thousand acres, as generally depicted on a map entitled "Lake Clark National Park and Preserve", dated February 1979, and which shall be known as Lake Clark Wilderness.

(7) Certain lands in Wrangell-Saint Elias National Park and Preserve, Alaska, which comprise approximately three million five hundred and twenty-five thousand acres, as generally depicted on a map entitled "Wrangell-Saint Elias National Park and Preserve", dated March 1979, and which shall be known as Wrangell-Saint Elias Wilderness. Use of previously existing primitive fish camp sites and use of motorized vehicles in furtherance of local commercial fishing operations shall be permitted to continue subject to such reasonable regulations as the Secretary deems desirable to maintain the wilderness character, water quality, and fish and wildlife values of the area.

(8) Certain lands in Yukon-Charley Rivers National Preserve, Alaska, which comprise approximately one million and forty thousand acres, as generally depicted on a map entitled "Yukon-Charley Rivers National Preserve", dated February 1979, and which shall be known as Yukon-Charley Wilderness.

DESIGNATION OF WILDERNESS STUDY WITHIN UNITS OF THE NATIONAL PARK SYSTEM

SEC. 603. In furtherance of the purposes of the Wilderness Act, the Secretary of the Interior shall review the nondesignated wilderness within the boundaries of each unit of the National Park System as established or as expanded by this Act, and shall report to the President and the Congress in accordance with sections 3(c) and (d) of the Wilderness Act, his recommendations as to the suitability or nonsuitability of all roadless areas within these boundaries for preservation as wilderness. Any subsequent designation as wilderness shall be accomplished in accordance with such subsections of the Wilderness Act. Recommendations for such units shall be submitted to the Congress on such basis that—

(1) no less than four are submitted within two years,

(2) no less than eight within three years, and

(3) all within four years after the date of enactment of this Act.

DESIGNATION OF WILDERNESS WITHIN THE NATIONAL WILDLIFE REFUGE SYSTEM

SEC. 604. In furtherance of the purposes of the Wilderness Act, and subject to valid existing rights, the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain land in the Alaska Maritime National Wildlife Refuge comprising approximately two million nine hundred thousand acres, as generally depicted on a map entitled "Alaska Maritime National Wildlife Refuge", dated March 1979, and which shall be known as Alaska Maritime Wilderness, Aleutian Islands Wilderness, Unimak Wilderness, and Semidi Wilderness.

(2) Certain land in the Arctic National Wildlife Refuge comprising approximately eleven million five hundred and thirty thousand acres, as generally depicted on a map entitled "Arctic National Wildlife Refuge", dated March 1979, and which shall be known as Arctic Wilderness.

(3) Certain land in the Bering Land Bridge National Wildlife Refuge, comprising approximately five hundred and forty-four thousand acres, as generally depicted on a map entitled "Bering Land Bridge National Wildlife Refuge", dated March 1979, and which shall be known as Bering Land Bridge Wilderness.

(4) Certain land in the Innoko National Wildlife Refuge, comprising approximately one million two hundred and forty thousand acres, as generally depicted on a map entitled "Innoko National Wildlife Refuge", dated March 1979, and which shall be known as Innoko Wilderness.

(5) Certain land in the Izembek National Wildlife Refuge, comprising approximately three hundred thousand acres, as generally depicted on a map entitled "Izembek National Wildlife Refuge", dated March 1979, and which shall be known as Izembek Wilderness.

(6) Certain land in the Kanuti National Wildlife Refuge, comprising approximately two hundred and fifty thousand acres, as generally depicted on a map entitled "Kanuti National Wildlife Refuge", dated March 1979, and which shall be known as Kanuti Wilderness.

(7) Certain land in the Kenai National Wildlife Refuge, comprising approximately one million four hundred and sixty-four thousand acres, as generally depicted on a map entitled "Kenai National Wildlife Refuge", dated March 1979, and which shall be known as Kenai Wilderness.

(8) Certain lands in the Koyukuk National Wildlife Refuge, comprising approximately three hundred and seventy thousand acres, as generally depicted on a map entitled "Koyukuk National Wildlife Refuge", dated March 1979, and which shall be known as Koyukuk Wilderness.

(9) Certain lands in the Noatak National Wildlife Refuge, comprising approximately five million four hundred and ten thousand acres, as generally depicted on the map entitled "Noatak Nattional Wildlife Refuge", dated March 1979, and which shall be known as Noatak Wilderness.

(10) Certain land in the Nowitna National Wildlife Refuge, comprising approximately two hundred and twenty-two thousand acres, as generally depicted on a map entitled "Notwitna National Wildlife Refuge", dated March 1979, and which shall be known as Notwitna Wilderness.

(11) Certain land in the Selawik National Wildlife Refuge, comprising approximately three hundred and sixty-five thousand acres, as generally depicted on a map entitled "Selawik National Wildlife Refuge", dated March 1979, and which shall be known as Selawik Wilderness.

(12) Certain lands in the Tetlin National Wildlife Refuge, comprising one million three hundred and sixty-three thousand acres, as generally depicted on a map entitled "Tetlin National Wildlife Refuge", dated March 1979, and which shall be known as the Tetlin Wilderness and the Chisana Wilderness.

(13) Certain lands in the Togiak National Wildlife Refuge, comprising approximately one million and seventy thousand acres, as generally depicted on the map entitled "Togiak National Wildlife Refuge", dated March 1979, and which shall be know as the Togiak Wilderness.

(14) Certain lands in the Yukon Delta National Wildlife Refuge, comprising two million six hundred and sixty-nine thousand acres, as generally depicted on a map entitled "Yukon Delta National Wildlife Refuge", dated October 1978, and which shall be know as the Andreafsky Wilderness, Clarence Rhode Wilderness, Ingakslugwat Hills Wilderness, and Kanektok Wilderness.

WILDERNESS REVIEWS WITHIN CERTAIN CONSERVATION SYSTEM UNITS

SEC. 605. (a) WILDERNESS REVIEW.—In furtherance of the purposes of the Wilderness Act and in accordance with the provisions of section 3(d) of that Act relating to public notice, public hearings, and review by State and other agencies, the Secretary of the Interior shall review, as to suitability or nonsuitability for preservation as wilderness, all lands within the conservation system units, other than refuges, those areas to be reviewed under section 603, and those areas designated as wilderness by this Act.

(b) DATES.—The Secretary of the Interior shall conduct his reviews, and the President shall advise the United States Senate and House of Representatives of his recommendations, in accordance with the provisions of sections 3 (c) and (d) of the Wilderness Act. The Secretary shall complete his reviews and the President shall advise the Congress of his recommendations with respect to no less than one-third of areas within three years after the date of enactment of this Act and with respect to the other two-thirds within seven years after such date of enactment. The Secretary shall give at least ninety days advance public notice of any hearing or other public meeting concerning such areas. Any recommendation of the President to the effect that such area or a portion thereof should be designated as wilderness shall become effective only if so provided by an Act of Congress.

DESIGNATION OF WILDERNESS WITHIN THE NATIONAL FOREST SYSTEM

SEC. 606. (a) In accordance with subsection 3(c), of the Wilderness Act (78 Stat. 892), the lands within the Tongass National Forest within the boundaries depicted as "Proposed Wilderness" on the maps referred to in the following paragraphs are hereby designated as wilderness, with the nomenclature and appropriate acreage as indicated below:

(1) Admiralty Island Wilderness of approximately five hundred and forty-one thousand acres, as generally depicted on a map entitled "Admiralty Island Wilderness", dated February 1979;

(2) Coronation Island Wilderness of approximately nineteen thousand one hundred and twenty-two acres, as generally depicted on a map entitled "Coronation-Warren-Maurelle Islands Wilderness", dated February 1979;

(3) Endicott River Wilderness of approximately ninety-four thousand acres, as generally depicted on a map entitled "Endicott River Wilderness", dated February 1979;

(4) Maurelle Islands Wilderness of approximately four thousand four hundred and twenty-four acres, as generally depicted on a map entitled "Coronation-Warren-Maurelle Islands Wilderness", dated February 1979;

(5) Petersburg Creek-Duncan Salt Chuck Wilderness of approximately fifty thousand acres, as generally depicted on a map entitled "Petersburg Creek-Duncan Salt Chuck Wilderness", dated February 1979;

(6) Russell Fjord Wilderness of approximately three hundred and fifty thousand acres, as generally depicted on a map entitled "Russell Fjord Wilderness", dated February 1979;

(7) South Baranof Wilderness of approximately three hundred and fourteen thousand acres, as generally depicted on a map entitled "South Baranof Wilderness", dated February 1979;

(8) South Prince of Wales Wilderness of approximately ninety-seven thousand acres, as generally depicted on a map entitled "South Prince of Wales Wilderness", dated February 1979;

(9) Stikine-LeConte Wilderness of approximately four hundred and forty-three thousand acres, as generally depicted on a map entitled "Stikine-LeConte Wilderness", dated February 1979;

(10) Tebenkof Bay Wilderness of approximately sixty-five thousand acres, as generally depicted on a map entitled "Tebenkof Bay Wilderness", dated February 1979;

(11) Tracy Arm-Fords Terror Wilderness of approximately six hundred and seventy-eight thousand acres, as generally depicted on a map entitled "Tracy Arms-Fords Terror Wilderness", dated February 1979;

(12) Warren Island Wilderness of approximately eleven thousand three hundred and fifty-three acres, as generally depicted on a map entitled "Coronation-Warren-Maurelle Islands", dated February 1979;

(13) West Chichagof-Yakobi Wilderness of approximately two hundred and sixty-five thousand acres, as generally depicted on a map entitled "West Chichagof-Yakobi Wilderness", dated February 1979.

(b) EXCHANGE.—(1) As provided under section 22(f) of the Alaska Native Claims Settlement Act, the Secretary of Agriculture is specifically authorized and directed, if the shareholders of Kootznoowoo, Incorporated, so elect, to exchange the timber rights to those lands selected for the village of Angoon under section 16 of the Alaska Native Claims Settlement Act for timber rights elsewhere within the Tongass National Forest in areas not designated as wilderness or wilderness study under this Act or other provisions of law. If the shareholders of Kootznoowoo, Incorporated, so elect, the timber rights to lands selected by that Corporation under section 16 of the Alaska Native Claims Settlement Act shall be conveyed to the Secretary of Agriculture. Within one year after such conveyance, the Secretary of Agriculture shall convey to Kootznoowoo, Incorporated, timber rights under this section which are of equal value to those conveyed to the Secretary. The conveyance of timber rights to the Secretary of Agriculture shall be conditioned upon the conveyance to Kootznoowoo, Incorporated, by the Secretary of Agriculture of timber rights of equal value under this section, except that if, within one year after conveyance of timber rights to the Secretary of Agricultre, he cannot identify timber rights of equal value by mutual agreement, Kootznoowoo, Incorporated, at its election, may either rescind the conveyance or identify not more than twenty-three thousand and forty acres of land within the Tongass National Forest otherwise available for exchange under this paragraph and timber rights in lands so identified shall then be conveyed to Kootznoowoo, Incorporated, by the Secretary of Agriculture. Timber on Admiralty Island with respect to which the Secretary of Agriculture acquires title under this paragraph shall not be sold or otherwise cut or disturbed, except for subsistence uses or as otherwise provided by this Act. Notwithstanding the provisions of section 21(c) of the Alaska Native Claims Settlement Act, for the purposes of these timber rights exchange, the basis of valuation of the timber rights granted Kootznoowoo, Incorporated, shall be the highest average market value of timber sold in Alaska during any one of the twenty years preceding the conveyance.

(2) As provided under section 21(c), 21 Settlement Act, the Secretary of Agriculture, may acquire by purchase the timber right of Kootznoowoo, Incorporated, which are to be exchanged pursuant to paragraph (1) of this subsection.

(3) In order for the Secretary of Agriculture to proceed as expeditiously as possible, lands withdrawn for selection by the Angoon Corporation pursuant to Alaska Native Claims Settlement Act shall remain open to selection by Kootznoowoo, Incorporated.

(4) In satisfaction of the rights of the Natives of Juneau and Sitka as provided by section 14(h)(3) of the Alaska Native Claims Settlement Act, the Secretary of Agriculture shall designate alternative lands of equal or greater timber value located in southeast Alaska, other than Admiralty Island for the benefit of Shee Atika, Incorporated. For purposes of this section, corporations formed pursuant to section 14(h)(3) of the Alaska Native Claims Settlement Act shall be considered as Village Corporations formed pursuant to section 16 of that Act. Upon notice that any such land is acceptable to Shee Atika, Incorporated, the Secretary shall immediate convey the surface estate in such land to such corporation and shall immediately convey the subsurface estate of the SEAlaska Corporation. As a condition to such conveyance, Shee Atika, Incorporated, shall release any claim to land selections on Admiralty Island and SEAlaska Corporation shall release any claim to subsurface rights on Admiralty Island which corresponds to the land selection rights so released by Shee Atika, Incorporated. In studying lands for designation as alternative selection lands under this subparagraph, the Secretary shall also attempt to locate national forest lands not on Admiralty Island suitable for an exchange of timber interest with Kootznoowoo, Incorporated, under paragraph (1). Nothing in this section shall be construed to affect any valid rights which Shee Atika, Incorporated, may have on Admiralty Island pursuant to section 14(h)(3) of the Alaska Native Claims Settlement Act nor shall it in any way be deemed to compel Shee Atika, Incorporated, to surrender any rights they may have on Admiralty Island prior to their voluntary acceptance of other land.

(5)(A)(i) Subject to the provisions of subparagraph (B) of this paragraph and further subject to all valid existing rights (including any valid mining claims), there is hereby vested in Goldbelt, Inc., all right, title, and interest of the United States in and to the surface estate of the following described lands:

COPPER RIVER MERIDIAN

Township 37 south, range 63 east, sections 1, 17, and 21;

Township 50 south, range 76 east, sections 31 and 32;

Township 51 south, range 74 east, section 2, S½; sections 10 and 11; section 12, S½; sections 13, 14, 23, 24, and 25;

Township 51 south, range 75 east, section 1; section 2, NE¼, S½; section 3, SE¼; section 7, S½, NW¼; section 8, S½; sections 9 through 23; section 24, NW¼; section 26, W½; sections 27 through 29; section 31, S½; sections 32 through 35;

Township 51 south, range 76 east, sections 5 and 6;

Township 52 south, range 74 east, sections 1, 12, and 13;

Township 52 south, range 75 east, section 4; section 5, N½; sections 6 and 7; section 8, NE¼; section 9, N½; section 18, SW¼; sections 19 and 20; section 21, NE¼, S½; sections 22, 26, 27, and 28;

Township 52 south, range 76 east, sections 26, 34, 35, and 36;

Township 52 south, range 77 east, section 29, section 32, N½; section 30, S½; section 31, W½;

Township 53 south, range 77 east, section 2, section 3, N½.

Containing twenty-seven thousand seven hundred and seventy-four acres more or less.

(ii) The conveyance under this subparagraph shall be subject to the terms and conditions of section 14(g) of the Alaska Native Claims Settlement Act and the right of the Secretary to identify and reserve easements provided in section 17(b) of the Alaska Native Claims Settlement Act and the right of the Secretary to include such reserved easements in the interim conveyance and patent of the lands conveyed in the paragraph. There is exceped from the conveyance in this subparagraph valid selections pursuant to section 14(h) of the Alaska Native Claims Settlement Act, any selection by the State of Alaska pursuant to section 6(a) of the Alaska Statehood Act which is hereafter approved by the Secretary of Agriculture, and any Native allotment application which is hereafter conveyed pursuant to the Act of May 17, 1906 (34 Stat. 197), and any valid existing right to the conveyance of title to any of the above described lands.

(B) A condition precedent to the grant and conveyance provided under subparagraph (A) of this paragraph is the adoption, within sixty days after the date of this Act, of a resolution by the Board of Directors of Goldbelt, Incorporated: (i) accepting such grant and conveyance provided in subparagraph (A) of this paragraph in exchange for its selection on Admiralty Island, and (ii) waiving and releasing any right, claim or interest of Goldbelt, Incorporated, in and to lands within Admiralty Island either selected by Goldbelt, Incorporated, or withdrawn for its selection pursuant to Public Land Order No. 5548. The acceptance of the conveyance authorized in subparagraph (A) of this paragraph and the additional conveyance of the surface estate of three thousand four hundred and twenty-two acres of other land off Admiralty Island validly selected and previously filed with the Secretary will constitute full satisfaction of the land entitlement of the Natives of Juneau provided under section 14(h)(3) of the Alaska Native Claims Settlement Act. Upon adoption of such resolution by the Goldbelt board, ownership of the land described in subparagraph (A)(i) of this paragraph shall be deemed to have vested in Goldbelt, Incorporated, as of the date of enactment of this Act. The Secretary shall thereafter issue an interim conveyance and patent including the easements authorized to be reserved in subparagraph (A)(ii).

(C) Upon adoption by the Board of Directors of Goldbelt, Incorporated of the resolution specified in subparagraph (B) of this paragraph and subject to valid existing rights and the provisions of subparagraph (A)(ii) of this paragraph, there shall be vested in SEAlaska Corporation the right of selection to all right, title, and interest in the subsurface estate of nineteen thousand six hundred and eighteen acres within the lands described in paragraph (A)(i). The selection of such nineteen thousand six hundred and eighteen acres is to be made by SEAlaska Corporation within two years; such selection shall not exceed one contiguous reasonably compact tract in each of the four blocks of land described in subparagraph (A)(i) and shall, to the extent feasible, follow section lines except that contiguity may be broken when land is unavailable for selection. The Secretary shall adjudicate and convey such selections subject to the applicable provisions of the Alaska Native Claims Settlement Act, including but not limited to section 14(g). Upon the adoption of the resolution by the Goldbelt board provided for in subparagraph (B) of this paragraph, all right, claim, or interest of SEAlaska Corporation to the subsurface estate of lands on Admiralty Island previously selected by Goldbelt, Incorporated, shall be extinguished.

(D) All the lands described in subparagraph (A)(i) of this paragraph are hereby withdrawn from all forms of appropriations under the Public Land laws, including selection by the State of Alaska, and are reserved for use by the Secretary for the purposes authorized in this subsection. This withdrawal shall terminate if the resolution by the Goldbelt board is not adopted.

(E) The Secretary of the Interior shall pay all reasonable costs, including consultant and attorney fees, incurred by Goldbelt, Incorporated, in the identification of suitable lands for conveyance to Goldbelt, Incorporated, outside Admiralty Island in exchange for its selection on Admiralty Island and in the negotiation of an exchange of its Admiralty Island selections. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this paragraph.

(6) In recognition of the considerable land selection costs incurred by Shee Atika, Incorporated, Goldbelt, Incorporated, and Kootznoowoo, Incorporated, in determining the validity of land withdrawals on Admiralty Island under section 14(h)(3) of the Alaska Native Claims Settlement Act, the Secretary of the Interior shall pay those reasonable and necessary land selection costs, including all court costs and reasonable attorneys fees, incurred prior to the date of conveyance of land to the three Native Corporations. Authorization for payment of such land selection costs shall begin in the fiscal year 1980, but shall include earlier costs.

(c) Access to Tracy Arm-Fords Terror.—For the purposes of providing for access, public safety, or public accommodation or services relative to recreational use of the Tracy Arms-Fords Terror Wilderness, the Secretary is authorized to use up to a total of one hundred and sixty acres at one or more sites at the western end of the wilderness in the vicinity of Sumdum, Williams Cove, or Harbor Island.

(d) Portage Equipment.—Existing mechanized portage equipment located at the head of Semour Canal on Admiralty Island may continue to be used.

WILDERNESS REVIEW WITHIN THE NATIONAL FOREST SYSTEM

Sec. 607. In furtherance of the purposes of the Wilderness Act the Secretary of Agriculture shall review the lands depicted as "Wilderness Study" on the following described maps and within three years report to the President and the Congress in accordance with section 3(c) and (d) of the Wilderness Act, his recommendations as to the suitability or nonsuitability of all areas within such wilderness study boundaries for preservation of wilderness: Nellie Juan-College Fjord, Chugach National Forest as generally depicted on a map entitled "Nellie Juan-College Fjord Study Area", dated February 1979.

DESIGNATION OF SPECIAL MANAGEMENT AREAS WITHIN THE TONGASS NATIONAL FOREST

Sec. 608. There are hereby designated the following special management areas within the Tongass National Forest:

(1) Duncan Canal Special Management Area of approximately ninety-one thousand acres as generally depicted on a map entitled "Duncan Canal Special Management Area", dated February 1979;

(2) Etolin Island Special Management Area of approximately eighty-two thousand acres as generally depicted on a map entitled "Etolin Island Special Management Area", dated February 1979;

(3) East Behm Canal Special Management Area of approximately two hundred and thirty-seven thousand acres as generally depicted on a map entitled "East Behm Canal Special Management Area", dated February 1979;

(4) Idaho Inlet-Mud Bay Special Management Area of approximately one hundred and nine thousand acres as generally depicted on a map entitled "Idaho Inlet-Mud Bay Special Management Area", dated February 1979;

(5) Karta Special Management Area of approximately thirty-nine thousand acres as generally depicted on a map entitled "Karta Special Management Area", dated February 1979;

(6) Rocky Pass Special Management Area of approximately eighty-two thousand acres as generally depicted on a map entitled "Rocky Pass Special Management Area", dated February 1979;

(7) South Misty Fjords Special Management Area of approximately nine hundred and thirty-eight thousand acres as generally depicted on a map entitled "South Misty Fjords Special Management Area", dated February 1979;

(8) West Admiralty Island Special Management Area of approximately four hundred and sixty-seven thousand acres as generally depicted on a map entitled "West Admiralty Island Special Management Area", dated February 1979; and

(9) Yakutat Forelands Special Management Area of approximately two hundred and sixty-nine thousand acres as generally depicted on a map entitled "Yakutat Forelands Special Management Area". dated February 1979.

MANAGEMENT RULES FOR SPECIAL MANAGEMENT AREAS

Sec. 609. (a) Applicable Laws.—Except as otherwise provided in this section, national forest system lands designated as special management areas under section 608 of this Act shall be managed in accordance with the laws applicable to such lands.

(b) Timber Sales.—No timber located on national forest system lands in special management areas shall be sold, unless and until the requirements of subsections (d) and (e) of this section have been met. The timber volume on these lands shall be included in determining the annual allowable sale quantity on the Tongass National Forest. Nothing in this subsection shall prevent the Secretary from taking such measures as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(c) Withdrawals.—All national forest system lands in special management areas are hereby withdrawn, subject to valid existing rights, from location, entry, and patent under the United States mining laws (30 U.S.C. 22–54). Where consistent with the land management plan for the area, the Secretary may classify lands within special management areas as suitable for locatable mineral exploration and development and open such lands to location entry and patent under the United States mining laws (30 U.S.C. 22–54). Subject to valid existing rights, all mining claims located within any special management area shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with protection of the scenic, scientific, cultural, and other resources of the area and any patent issued after the date of enactment of this Act shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations as the Secretary may prescribe.

(d) Waiver.—The Secretary of Agriculture is directed to monitor timber supply and demand in southeastern Alaska. If, at any time after ten years after the date of enactment of the act, the Secretary finds that timber in any special management area must be sold to maintain the timber supply to dependent industry at a rate of five hundred and twenty million board feet per year, he shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives, a request for a waiver of the prohibition on timber sales established in subsection (b) of this section. The proposed waiver shall describe the lands affected and the amount of timber on such lands which is anticipated to be sold. The request shall be accompanied by a report setting forth the basis for the Secretary's findings.

(e) Submission to Congress.—No waiver shall become effective unless within sixty calendar days of continuous session of the Congress after the request has been submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives, the Senate and the House of Representatives pass a concurrrent resolution approving such waiver.

(f) Applicable Rules.—For purposes of this subsection (e)—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are

excluded in the computation of the sixty-day calendar period.

(3) the term "resolution" means a concurrent resolution, the resolving clause of which is as follows: "That the House of Representatives and Senate approve the waiver of the statutory prohibition on timber sales contained in the report of the Secretary of Agriculture submitted to the Congress on 19 ."; the blank space therein shall be filled with the date on which the Secretary submits his report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(g) APPLICATION OF OTHER PROVISIONS.—Except as otherwise provided in this section, provisions of section 8(d) of the Alaska Natural Gas Transportation Act shall apply to the consideration of the resolution.

(h) STANDING OF STATE.—At any time after ten years after date of enactment of the Act, the State of Alaska shall have standing to petition the appropriate Federal district court for an order directing the Secretary of Agriculture to make the finding required by subsection (d) of this section and to transmit a waiver request pursuant to such subsection.

(i) SOUTH MISTY FJORDS FISHERIES CONSERVATION FUND.—

(1) ELIGIBILITY FOR BENEFITS.—(A) Subject to the provisions of this subsection, a salmon entry permit holder in Southeastern Alaska Districts numbered 1 and 2 (hereinafter in this subsection referred to as a "permit holder") shall be eligible for compensation for mining damage to fisheries (as defined in subparagraph (B)(ii)). Such compensation shall be awarded in any year for which there is an initial determination under paragraph (3) of such damage. Application for such compensation shall be made by permit holders in such manner and at such time as the Secretary of Commerce prescribes.

(B) For purposes of this subsection—

(i) the term "drainage area" means the portion of the South Misty Fjords Special Management Area comprising the "Keta, Blossom, and Wilson River Drainages", as depicted on the map referred to in section 608(7); and

(ii) the term "mining damage to fisheries" means damage to Pacific salmon fisheries in the drainage area caused by siltation or the deposit of harmful materials from mining.

(2) AMOUNT OF COMPENSATION.—(A) The amount of compensation to which a permit holder shall be eligible in any year shall be an amount equal to such holder's share (as determined under subparagraph (B)) of the mining damage to fisheries for such year (as determined under paragraph (3)).

(B) For purposes of subparagraph (A), a permit holder's share shall be a fraction—

(i) the numerator of which is equal to the average annual catch of Pacific salmon of the permit holder in Southeastern Alaska Districts numbered 1 and 2 during the three consecutive years ending with the year for which compensation is to be awarded, and

(ii) the denominator of which is equal to the average annual catch of Pacific salmon of all permit holders in such districts during such years.

(3) INITIAL DETERMINATION OF MINING DAMAGE TO FISHERIES.—(A) The Secretary of Commerce, in consultation with the Alaska Department of Fish and Game and the Secretary of Agriculture, shall make an annual determination in accordance with this paragraph of (i) the mining damage to fisheries, and (ii) the portion of such damage attributable to each mine operating in the drainage basin.

(B) The determinations required by subparagraph (A) shall be made on the basis of (i) techniques developed pursuant to paragraph (8)(A) to determine the quantity and concentration of materials harmful to salmon habitat and the extent of siltation in the drainage area, and (ii) annual studies made by the Alaska Department of Fish and Game of salmon escapement levels and a comparison of such levels with the salmon escapement index determined under paragraph (8)(C).

(C) Any determination of damage under this paragraph shall include a determination of the dollar value of such damage, using the average value during the year of Pacific salmon caught in Southeastern Alaska Districts numbered 1 and 2.

(D) The Secretary of Commerce shall notify an owner or operator of a mine in the drainage area of each determination under this paragraph affecting such mine, and shall publish notice of such determination in the Federal Register. The Secretary shall include with any such notice a complete discussion of the scientific methods, population assessment techniques, and information used to make such determination. In any case in which no request is made under paragraph (4)(A) for a review of a determination under this paragraph, such determination shall be deemed to be a final determination for purposes of paragraph (7).

(4) FINAL DETERMINATION OF MINING DAMAGE TO FISHERIES.—(A) Any owner or operator of a mine in the drainage area who is aggrieved by a determination under paragraph (3) may make a request of the Secretary of Commerce, not later than thirty days after notification of such determination, for a review of such determination. Upon receipt of such a request, the Secretary shall refer the matter to a hearing examiner appointed under section 3105 of title 5, United States Code. The hearing examiner shall, within one hundred twenty days after the matter is referred to him by the Secretary, adjudicate the case and render a final determination in accordance with section 554 of title 5, United States Code.

(B) A hearing conducted under this section shall be conducted within the United States Judicial District of Alaska.

(C) If no request is made for judicial review of a hearing examiner's determination, such determination shall be a final determination for purposes of paragraph (7).

(D) Any person who suffers legal wrong or who is adversely affected or aggrieved by the decision of a hearing examiner under this paragraph may, not later than sixty days after such decision is made, seek judicial review of such decision in the United States court of appeals for the ninth circuit.

(5) BURDEN OF PROOF.—Notwithstanding any other provision of law, there shall be a presumption in any adjudicatory administrative proceeding or judicial proceeding in which a determination made by the Secretary of Commerce under this subsection is at issue that such determination is valid.

(6) PAYMENTS TO ELIGIBLE FISHERMEN.—After making the initial determination of mining damage to fisheries under paragraph (3) for a year, the Secretary shall pay out of the fund, to the extent of amounts available in the fund and subject to paragraph (9)(B), to each permit holder the amount for which he is eligible under this subsection for such year. In any case in which the amount in the fund is not sufficient to fully pay all such amounts, each such amount shall be reduced proportionately. Upon acceptance by a permit holder of such a payment, the United States shall be subrogated to all rights of such permit holder with respect to which such payment is made.

(7) LIABILITY FOR DAMAGES.—In any case in which a final determination has been made with respect to the portion of mining damage to fisheries attributable to a particular mine, the owner or operator of such mine shall be liable to the Secretary of Commerce for the damages so determined. The amount of any such damages received by the Secretary shall be paid into the fund established pursuant to paragraph (9).

(8) GRANTS FOR STUDIES.—The Secretary of Commerce shall make grants out of the fund established pursuant to paragraph (9) to the Alaska Department of Fish and Game to enable such Department—

(A) during the three-year period beginning on the date of the enactment of this Act, to—

(i) develop standardized population assessment techniques for purposes of determining salmon escapement levels;

(ii) develop techniques for determining the reduction in numbers of salmon from siltation and other types of damage caused by mining; and

(iii) develop a salmon escapement index for the period 1960 through 1981, to provide an historical indicator of salmon productivity in the drainage area; and

(B) after such three-year period, to make the studies necessary for the determinations under this subsection.

The Secretary of Commerce and the Secretary of Agriculture shall provide such assistance as may be requested by such Department in carrying out the purposes of this paragraph.

(9) ESTABLISHMENT OF FUND.—(A) There is established in the Treasury of the United States the South Misty Fjords Fisheries Conservation Fund (hereinafter in this subsection referred to as the "fund"), to be administered by the Secretary of Commerce. The fund shall be available without fiscal year limitation as a revolving fund for the purposes of administering, and paying compensation awarded under, this subsection. The fund may sue or be used in its own name.

(B) The fund shall consist of—

(i) amounts received by appropriation pursuant to paragraph (10), and

(ii) amounts recovered by the Secretary of Commerce as damages pursuant to paragraph (7).

Sums may be expended from the fund only to such extent and in such amounts as are provided in advance in appropriation Acts. Sums in the fund which are not currently needed for the purpose of paying such awards shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(10) AUTHORIZATION.—There are authorized to be appropriated to the fund $500,000 for each of the fiscal years 1980, 1981, and 1982, for purposes of carrying out this subsection.

NATIONAL FOREST TIMBER UTILIZATION PROGRAM

SEC. 610. (a) SPECIAL PROGRAM.—(1) The Secretary of Agriculture is authorized and directed to carry out a special program of construction and maintenance of forest development roads for the purpose of making timber supplies more readily available and otherwise improve access on the Tongass National Forest. Such roads may be constructed in advance of timber sale offerings or under terms of a sale contract. Such authority is in addition to the authority set forth in the Act of October 13, 1964 (78 Stat. 1089; 16 U.S.C. 532–538).

(2) To accomplish the road construction and maintenance authorized by this subsection, and for precommercial thinning, the Secretary is hereby authorized to expend not to exceed $10,000,000 annually from National Forest Fund receipts not otherwise appropriated in addition to such sums as may otherwise be appropriated.

(b) LOANS.—(1) The Secretary of Agriculture is authorized and directed to establish a special program of insured or guaranteed loans to purchasers of national forest materials in Alaska to assist such purchasers in the acquisition of equipment and the implementation of new technologies which lead to the utilization of wood products which might otherwise not be utilized. The Secretary is authorized to promulgate such regulations as he deems appropriate to define eligibility requirements for the participation in the loan program and the terms and conditions applicable to loans made under the program. Except as otherwise provided in this section or regulations promulgated specifically for this loan program, such program shall be carried out in a manner which is consistent with other authorities available to be Secretary.

(2) To carry out the special loan program established by this section, there are hereby authorized to be appropriated $5,000,000 from National Forest Fund receipts not otherwise appropriated, to be deposited in a special fund in the Treasury of the United States to remain available until expended. Repayments of principal and interest and other recoveries on loans authorized by this section shall be credited to this fund and shall remain available until expended in order to carry out the purposes of this section.

(c) Study.—Within three years after the date of enactment of this Act, the Secretary of Agriculture shall prepare and transmit to the Senate and House of Representatives a study of opportunities (consistent with the laws and regulations applicable to the management of the National Forest System) to increase timber yields on national forest lands in Alaska.

INTERIM REPORT

Sec. 611. Within five years from the date of enactment of this Act and every two years thereafter, the Secretary shall review and report to Congress on the status of the Tongass National Forest in southeastern Alaska. This report shall include, but not be limited to, (1) the timber harvest levels on the forest since the enactment of this Act; (2) the impact of wilderness designation on the timber, fishing, and tourism industry in southeast Alaska; (3) measures instituted by the Forest Service to protect fish and wildlife in the forest; (4) the status of the small business set-aside program on the Tongass Forest; and (5) the kinds and level of uses taking place in the Special Management Areas designated by this Act. The study required by this section shall be conducted in cooperation and consultation with the State, affected Native Corporations, the southeast Alaska timber industry, the Southeast Alaska Conservation Council, and the Alaska Land Use Council.

SPECIAL PROVISIONS

Sec. 612. (a) Application Only to Alaska.—The provisions of this section are enacted in recognition of the unique conditions in Alaska. Nothing in this section shall be construed to expand, diminish, or modify the provisions of the Wilderness Act or the application or interpretation of such provisions with respect to lands outside of Alaska.

(b) Aquaculture.—In accordance with the goal of restoring and maintaining fish production in the State of Alaska, and in a manner which adequately assures protection, preservation, enhancement, and rehabilitation of the wilderness resource, the Secretary of the Interior or the Secretary of Agriculture, as appropriate, shall permit fishery research, management, enhancement, and rehabilitation activities within wilderness and wilderness study areas designated by this Act other than in units of the National Park System. Subject to reasonable regulations, permanent improvements and facilities such as fishways, fish weirs, fish ladders, fish hatcheries, spawning channels, stream clearance, egg planting, and other accepted means of maintaining, enhancing, and rehabilitating fish stocks may be permitted by the Secretary to achieve this objective. Any fish hatchery, fishpass, or other aquaculture facility authorized for any such area shall be constructed, managed, and operated in a manner that minimizes adverse impacts on the wilderness character of the area. Developments for any such activities shall involve those facilities essential to these operations and shall be constructed in such rustic manner as to blend into the natural character of the area. Reasonable access solely for the purposes of this subsection, including use of motorized equipment shall be permitted in furtherance of research, management, rehabilitation, and enhancement activities subject to reasonable regulations as the Secretary deems desirable to maintain the wilderness character, water quality, and fish and wildlife values of the area.

(c) Fishery Research.—Only fishery research may be authorized, in wilderness or wilderness study areas within units of the National Park System, as the Secretary determines to be necessary and desirable to study, manage, protect, restore, augment, or sustain indigenous fish populations. Fishery research activities permitted within units of the National Park System shall be undertaken in a manner that is consistent with the purposes for which such units are established or expanded. The construction or erection of permanent structures in support of these activities in wilderness or wilderness study areas within units of the National Park System shall not be permitted.

(d) Commercial Fisheries.—In accordance with the principles of sound fisheries management, the Secretary shall permit commercial fisheries activities (other than activities within processing facilities) within wilderness designated by this Act, except wilderness within national parks.

(e) Existing Cabins.—Previously existing public use cabins within wilderness designated by this Act, may be permitted to continue and may be maintained or replaced subject to such restrictions as the Secretary deems necessary to preserve the wilderness character of the area.

(f) New Cabins.—Within wilderness designated by this Act, the Secretary of the Interior or the Secretary of Agriculture, as appropriate—

(1) may construct and maintain a limited number of new public use cabins and shelters if such cabins and shelters are necessary for the protection of public health and safety or for the enhancement of recreation opportunities; and

(2) shall permit the construction and maintenance of trappers' cabins.

All such public use and trappers' cabins or shelters shall be constructed of materials which blends and are compatible with the immediate and surrounding wilderness landscape. The Secretary of the Interior or the Secretary of Agriculture, as appropriate, shall notify the House Committee on Merchant Marine and Fisheries, the House Committee on Interior and Insular Affairs, and the Senate Committee on Energy and Natural Resources of his intention to remove an existing or construct a new public use cabin or shelter and no such cabin or shelter shall be removed or constructed until thirty days (not counting days on which the House of Representatives or the Senate has adjourned for more than three days) after a notice of intention to remove or construct has been submitted to such committees, unless each committee by resolution waives the waiting period.

(g) Withdrawals.—Subject to valid existing rights, national forest wilderness established by this Act in the Tongass National Forest are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws, including, in both cases, all amendments thereto, and from any right of mineral entry which would otherwise have been available hereafter under the Wilderness Act or any other provision of law.

(h) Taking of Fish and Wildlife.—Within national forest wilderness designated by this Act, the Secretary of Agriculture shall permit taking of fish and wildlife on lands under his jurisdiction in accordance with applicable laws of the United States and the State of Alaska, except that the Secretary may designate zones where, and establish periods when, no taking of fish and wildlife shall be permitted for reasons of public safety, administration, public use and enjoyment, or protection of subsistence resources.

(i) Trapping.—The Secretary shall permit trapping within wilderness designated by this Act, other than wilderness within national parks.

(j) Guiding.—The Secretary shall permit guiding within wilderness designated by this Act, other than wilderness within national parks.

ADMINISTRATION

Sec. 613. (a) In General.—Except as otherwise expressly provided for in this Act, wilderness designated by this Act shall be administered in accordance with applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture for areas designated in sections 602 and 604 shall, as applicable, be deemed to be a reference to the Secretary of the Interior.

(b) Timber Contracts.—The Secretary of Agriculture is hereby directed to modify any existing national forest timber sale contracts applying to lands designated by this Act as wilderness by substituting, to the extent practicable, timber on the other national forest lands approximately equal in volume, species, grade, and accessibility for timber on relevant lands within such units.

ACQUISITION AUTHORITY

Sec. 614. The Secretary of Agriculture is authorized, in accordance with the provisions of section 1101, to acquire privately owned land within the boundary of any area designated as wilderness within the national forest by this Act.

TITLE VII—SUBSISTENCE MANAGEMENT AND USE

FINDINGS

Sec. 701. The Congress finds and declares that—

(1) the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on their Native lands is essential to their physical, economic, traditional, and Native cultural existence;

(2) the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses;

(3) the continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden decline in the populations of some wildlife species which are crucial subsistence resources, and by increased accessibility of remote areas containing subsistence resources;

(4) in order to fulfill the policies and purposes of the Alaska Native Claims Settlement Act and as a matter of equity, it is necessary for the Congress to invoke its constitutional authority over Native affairs and its constitutional authority under the property clause and the commerce clause to protect and provide the opportunity for continued subsistence uses on the public lands by Native and non-Native rural residents; and

(5) the national interest in the proper regulation protection, and conservation of fish

and wildlife on the public lands in Alaska and the continuation of the opportunity for a subsistence way of life by rural residents of Alaska require that an administrative structure be established for the purpose of enabling people who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on the public lands in Alaska.

POLICY

SEC. 702. It is hereby declared to be the policy of Congress that—

(1) consistent with sound management principles, the administration of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes of each unit established, designated, or expanded by or pursuant to this Act, the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so;

(2) nonwasteful subsistence uses of fish and wildlife and other renewable resources by local rural residents shall be a priority consumptive use of all such resources on the public lands of Alaska, and where it is necessary to restrict taking in order to assure the continued productivity of a fish or wildlife population or the continuation of such use of such population, the taking of such population for nonwasteful subsistence uses by local rural residents shall be given priority on the public lands over other consumptive uses; and

(3) except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the continued productivity of all wild renewable resources in Alaska shall cooperate with adjacent landowners and land managers including Native Corporations, appropriate State and Federal agencies and other nations.

DEFINITIONS

SEC. 703. (a) As used in this Act, the term "subsistence uses" means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary noncommercial trade consistent with the maintenance of a subsistence way of life. For the purposes of this section, the term—

(1) "family" means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) "barter" means the exchange of fish or wildlife or their parts, taken for subsistence uses—

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature.

(b) As used in this title, the term "continued productivity" means the biological and numerical status of a fish or wildlife population where its average annual recruitment rate equals or exceeds its average annual mortality rate, not in excess of the carrying capacity of its habitat, thereby insuring that the population will not become threatened.

PREFERENCE FOR SUBSISTENCE USES

SEC. 704. Except as otherwise provided in this Act, the taking of fish and wildlife and other renewable resources for nonwasteful subsistence uses by rural residents shall be a priority consumptive use of such resources on the public lands in Alaska. Whenever it is necessary to restrict the taking of a population of fish or wildlife on the public lands in order to protect the continued productivity of such population or to continue such uses, subsistence uses by local rural residents shall be the priority use. If further restriction is necessary in order to protect such productivity or to continue such uses, such restriction shall be implemented through appropriate limitations based on the application of the following criteria;

(1) local rural residency;

(2) availability of alternative resources; and

(3) customary and direct dependence upon the populations as the mainstay of livlihood.

LOCAL AND REGIONAL PARTICIPATION

SEC. 705. (a) Except as otherwise provided in subsection (d) of this section, one year after the date of enactment of this Act, the Secretary of the Interior shall establish—

(1) at least six Alaska subsistence resource regions which, taken together, include all public lands. The number and boundaries of the regions shall be sufficient to assure that regional differences in subsistence uses are adequately accommodated;

(2) such local advisory committees within each region as he finds necessary at such time as he may determine, after notice and hearing, that the existing State fish and game advisory committees do not adequately perform the functions of the local committee system set forth in paragraph (3)(D)(iv) of this subsection; and

(3) a regional advisory council in each subsistence resource region.

Each regional council shall be composed of residents of the region and shall have the following authority:

(A) the review and evaluation of proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife within the region;

(B) the provision of a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife within the region;

(C) the encouragement of local and regional participation in the decisionmaking process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses;

(D) the preparation of an annual report to the Secretary which shall contain—

(i) an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;

(ii) an evaluation of current and anticipated subsistence needs for fish and wildlife populations within the region;

(iii) a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs; and

(iv) recommendations concerning policies, standards, guidelines, and regulations to implement the strategy. The State fish and game advisory committees or such local committees as the Secretary may establish pursuant to paragraph (2) of this subsection may provide advice to, and assist, the regional advisory councils in carrying out the functions set forth in this paragraph.

(b) The Secretary of the Interior shall assign adequate qualified staff to the regional advisory councils and make timely distribution of all available relevant technical and scientific support data to the regional advisory councils and the State fish and game advisory committees or such local committees as the Secretary may establish pursuant to paragraph (2) of subsection (a).

(c)(1) The Secretary, in performing his monitoring responsibility pursuant to section 706 and in the exercise of his closure and other administrative authority over the public lands, shall consider the annual report and recommendations of the regional councils concerning the management of fish and wildlife on the public lands within their respective regions for subsistence uses.

(2) The recommendations of the regional councils shall—

(A) be based upon recognized principles of fish and wildlife conservation,

(B) not be detrimental to the satisfaction of rural subsistence needs, and

(C) shall set forth the factual basis for each recommendation.

(3) If a recommendation referred to in paragraph (1) of this subsection is not adopted by the Secretary, the Secretary shall provide the regional council which offered the recommendation, and the State, a written explanation detailing the basis for such failure. Such explanation shall be included in the administrative record relating to such recommendation.

(d)(1) If within one year after the date of enactment of this Act the State enacts and implements laws of general applicability which are consistent with, and which provide for the preference and participation specified in, sections 704 and 705, such laws, unless and until repealed, shall supersede such sections insofar as such actions govern State responsibility pursuant to this title for the taking of fish and wildlife on the public lands for subsistence uses. Laws establishing a system of local committees and regional councils consistent with section 705, shall provide that the State rulemaking authority shall consider the recommendations of the regional councils concerning the taking of fish and wildlife populations within their respective regions for subsistence uses.

(2) The recommendations of the regional councils shall—

(A) be presented to the State rulemaking authority during the course of the administrative proceedings of such authority,

(B) be based upon recognized principles of fish and wildlife conservation,

(C) not be detrimental to the satisfaction of rural subsistence needs, and

(D) shall set forth the factual basis for each recommendation.

(3) If a recommendation referred to in paragraph (1) of this subsection is not adopted by the State rulemaking authority, such authority shall provide the regional council which offered the recommendation a written explanation detailing the basis for such failure. Such explanation shall be included in the administrative record relating to such recommendation.

(e)(1) The Secretary of the Interior shall reimburse the State, from funds appropriated to the Department of the Interior for such purposes, for the reasonable costs relating to the establishment and operation of the regional advisory councils established by the State in accordance with subsection (d) and the operation of the State fish and game advisory committees so long as such committees are not superseded by the Secretary pursuant to paragraph (2) of subsection (a). Such reimbursement may not exceed 50 per centum of such costs in any fiscal year. Such costs shall be verified in a statement which the Secretary determines to be adequate and accurate. Sums paid under this subsection shall be in addition to any grants, payments, or other sums to which the State is entitled from appropriations to the Department of the Interior.

(2) Total payments to the State under this subsection shall not exceed the sum of $5,000,000 in any one fiscal year. The Secretary shall advise the Congress at least once in every five years as to whether or not the maximum payments specified in this subsection is adequate to insure the effectiveness of the program established by the State to provide the preference for subsistence uses of fish and wildlife set forth in section 704.

(f) If the State implements subsections

(a), (b), and (c) of this section, it shall implement section 703 by appropriate statute or regulation.

FEDERAL MONITORING

SEC. 706. The Secretary shall monitor the provision by the State of the subsistence preference set forth in section 704 on public lands under his jurisdiction, and shall advise the State and the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources of the Senate annually and at such other times as he deems necessary of his views on the effectiveness of the State in providing such preference, any exercise of his closure or other administrative authority to protect subsistence resources or uses, the views of the State, and any recommendations he may have.

JUDICIAL ENFORCEMENT

SEC. 707. In performance of his monitoring responsibilities required in section 706, if the Secretary and appropriate State agency are notified in writing by a local committee or regional council established by the Secretary or the State pursuant to section 705 that the preference for subsistence uses set forth in section 704 is not adequately provided in its region, setting forth the facts upon which such belief is based and detailing efforts to obtain timely relief through available State grievance procedures, the Secretary shall investigate and report publicly on the results of his investigation. If the Secretary determines that the preference for subsistence uses is not adequately provided and that timely relief has not been obtained, he shall submit his views to the Governor and seek to insure the adequate and timely provision of such preference through discussions with the State. The Secretary shall inform the committee or council which submitted the notification to him of the results of such discussions. If the Secretary determines in writing that, based on substantial evidence in the administrative record, the State has failed to make adequate and timely provision for the preference for subsistence uses after having been provided a reasonable opportunity to do so and that such failure threatens the ability of local rural residents to satisfy their subsistence needs, at the request of the committee or council which submitted the notification to him, the Secretary shall bring an action in the United States district court on behalf of such committee or council to require the State to take such actions as are necessary to provide such preference. Such action shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time and shall be expedited in every way by such court. Upon the filing of the complaint, if the pleadings indicate that the State has failed to adequately provide for the preference for subsistence uses, that such failure imminently threatens the ability of local rural residents to satisfy their subsistence needs, that immediate relief is necessary to assure that those residents who may have been adversely affected by such failure are provided a timely opportunity to satisfy such needs, and that immediate relief will not threaten the continued productivity of fish and wildlife populations toward which such relief may be directed, the district court shall issue an order directing the State to show cause why the features of the State's provision of the preference which render such provision inadequate should not be enjoined and the State be directed to permit the taking of such fish or wildlife populations only for subsistence uses by those residents who have been adversely affected by the State's failure to provide for the preference. No order granting such temporary relief shall be issued until the State has been provided an opportunity for hearing, and such order shall provide that such taking for subsistence uses shall be subject to regulation by the State in a manner which adequately provides for the satisfaction of the subsistence preference requirement. The court shall provide relief, other than temporary relief, by directing the State to submit regulations which satisfy the subsistence preference requirement. A final order shall be valid only for such period as normally provided for in the regulations at issue under State law. This section shall constitute the sole Federal judicial remedy created by this title for a local committee or regional council which determines that the preference for subsistence uses set forth in section 704 has not been adequately provided by the State in its region.

COOPERATIVE AGREEMENTS

SEC. 708. The Secretary may enter into cooperative agreements or otherwise cooperate with other Federal agencies, the State, Native Corporations, other appropriate persons and organizations, and, acting through the Secretary of State, other nations to effectuate the purposes and policies of this title.

SUBSISTENCE AND LAND USE DECISIONS

SEC. 709. (a) In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions, the head of the Federal agency having primary jurisdiction over such decision or his designee shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. No such withdrawal, reservation, lease, permit, or other use, occupancy or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency—

(1) gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to section 705,

(2) gives notice and opportunity for public hearing in the vicinity of the area involved, and

(3) determines that (A) such a significant retriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purpose of such use, occupancy, or other disposition, and (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

(b) If the Secretary is required to prepare an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act, he shall provide the notice and hearing and include the findings required by subsection (a) as part of such environmental impact statement.

(c) Nothing herein shall be construed to prohibit or impair the ability of the State or any Native Corporation to make land selections and receive land conveyances pursuant to the Alaska Statehood Act or the Alaska Native Claims Settlement Act.

ACCESS

SEC. 710. (a) The Secretary shall insure that persons engaged in subsistence uses shall have reasonable and nondestructive access to subsistence resources on the public lands.

(b) Notwithstanding any other provision of this Act or other law, the Seecretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other reasonable and nondestructive means of surface transportation traditionally employed for such purposes by local residents, subject to such regulations as are necessary to prevent waste, or damage to fish, wildlife, or terrain.

RESEARCH

SEC. 711. The Secretary, acting through the United States Fish and Wildlife Service and in cooperation with the State and other appropriate Federal agencies, shall undertake research on fish and wildlife and subsistence uses on the public lands; seek data from, consult with and make use of, the special knowledge of subsistence users; and make the results of such research available to the State, the local and regional councils established by the Secretary or State pursuant to section 705, and other appropriate persons and organizations.

REGULATIONS

SEC. 712. Each Secretary shall prescribe such regulations as are necessary and appropriate to carry out their respective responsibilities under this title.

CLOSURE TO SUBSISTENCE USES

SEC. 713. Notwithstanding any other provision of this Act or other law, the Secretary, after consultation with the State and adequate notice and public hearing, may temporarily close any public lands (including those within any conservation system unit), or any portion thereof, to subsistence uses of a particular fish or wildlife population for reasons of public safety or administration, to assure the continued productivity of such population, or to prevent damage to its habitat which will adversely affect such productivity. If the Secretary determines that an emergency situation exists and that extraordinary measures must be taken for public safety, to assure the continued productivity of a particular fish or wildlife population, or to prevent damage to its habitat which will adversely affect such productivity, the Secretary may immediately close the public lands, or any portion thereof, to subsistence uses of such population and shall publish the reasons justifying the closure in the Federal Register. Such emergency closure shall be effective when made for a period not exceeding sixty days, unless the Secretary determines, after notice and public hearing, that such closure should be extended to protect the public safety, assure the continued productivity of such population, or prevent damage to its habitat which will adversely affect such productivity.

LIMITATIONS, SAVINGS CLAUSES

SEC. 714. Nothing in this title shall be construed as—

(1) granting any property right in any fish or wildlife or other resource of the public lands or as permitting the level of subsistence uses of fish and wildlife on such lands to be significantly expanded beyond the level of such uses occurring during the ten-year period before January 1, 1978. No privilege which may be granted by the State to any individual with respect to subsistence uses may be assigned to any other individual;

(2) permitting any subsistence use of fish and wildlife on any portion of the public lands (whether or not within any conservation system unit) which was permanently closed to such uses on January 1, 1978;

(3) authorizing a restriction on the taking of a fish or wildlife population for nonsubsistence uses on the public lands unless necessary in order to protect the continued productivity of such population or to continue subsistence uses of such population; or

(4) modifying or repealing the provisions of any Federal law governing the conservation or protection of fish and wildlife, including but not limited to the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668jj), the Fur Seal Act of

1966 (16 U.S.C. 1151–1187), the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Act entitled "An Act for the Protection of the Bald Eagle", approved June 8, 1940 (16 U.S.C. 742a–754), the Migratory Bird Treaty Act (16 U.S.C. 703–711), the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669–669i), the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801–1882), the Federal Aid in Fish Restoration Act (16 U.S.C. 777–777k), or any amendments to any one or more of such Acts.

TITLE VIII—IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT AND ALASKA STATEHOOD ACT

CONVEYANCES TO VILLAGE CORPORATIONS

SEC. 801. (a) "CORE" TOWNSHIPS, ETC.—(1)(A) Except to the extent that conveyance of a surface estate would be inconsistent with section 12(a), 14(a), 14(b), or 22(l) of the Alaska Native Claims Settlement Act, subject to valid existing rights and section 803(a) of this Act, there is hereby conveyed to and vested in each Village Corporation for a Native village which is determined by the Secretary to be eligible for land under section 11 or 16 of the Alaska Native Claims Settlement Act, and which did not elect to acquire a former reserve under section 19(b) of such Act, all of the right, title, and interest of the United States in and to the surface estate in the public lands, as defined in such Act, in the township or townships withdrawn pursuant to section 11(a)(1) or 16(a) of such Act in which all or any part of such village is located. As used in this paragraph the term "Native village" has the same meaning such term has in section 3(c) of the Alaska Native Claims Settlement Act.

(B) Where two or more Village Corporations are entitled to the same land by virtue of the same township or townships embracing all or part of the Native villages, the conveyances made by paragraph (A) shall not be effective as to such lands until an arbitration decision or other binding agreement between or among the Corporations is filed with and published by the Secretary. Within thirty days of receipt of such decision or agreement, the Secretary shall publish notice of the decision or agreement in the Federal Register. Effective with such publication, title to the lands conveyed by subparagraph (A) shall vest in each Village Corporation as specified in the decision or agreement. For purposes of section 802, until title vests in the Village Corporation pursuant to this subparagraph, the Secretary shall consider the entire acreage involved chargeable to each Corporation's entitlement.

(2) Except to the extent that conveyance of a surface estate would be inconsistent with section 12(a), 14(a), or 22(l) of the Alaska Native Claims Settlement Act, subject to valid existing rights and section 803(a) of this Act, there is hereby conveyed to and vested in each Village Corporation for a Native village which is determined by the Secretary to be eligible for land under section 11 of such Act, and which did not elect to acquire a former reserve under section 19(b) of such Act, all of the right, title, and interest of the United States in and to the surface estate in the township or townships withdrawn pursuant to section 11(a)(2) of such Act in which all or any part of such village is located: *Provided*, That any such land reserved to or selected by the State of Alaska under the Acts of March 4, 1915 (38 Stat. 1214), as amended, January 21, 1929 (45 Stat. 1091), as amended, or July 28, 1956 (70 Stat. 709) and lands selected by the State which have been tentatively approved to the State under section 6(g) of the Alaska Statehood Act and as to which the State, prior to December 18, 1971, had conditionally granted title to, or contracts to purchase, the surface estate to third parties, including cities and boroughs within the State, and such reservations, selections, grants, and contracts had not expired or been relinquished or revoked by the date of this Act, shall not be conveyed by operation of this paragraph: *And provided further*, That the provisions of subparagraph (1)(B) of this subsection shall apply to the conveyances under this paragraph.

(3) Subject to valid existing rights and section 803(a) of this Act, there is hereby conveyed to and vested in each Village Corporation which, by the date of enactment of this Act, is determined by the Secretary to be eligible under the Alaska Native Claims Settlement Act to, and has elected to, acquire title to any estate pursuant to section 19(b) of the Alaska Native Claims Settlement Act, all of the right, title, and interest of the United States in and to the estates in a reserve, as such reserve existed on December 18, 1971, which was set aside for the use or benefit of the stockholders or members of such Corporation before the date of enactment of the Alaska Native Claims Settlement Act. Nothing in this paragraph shall apply to the Village Corporation for the Native Village of Klukwan, which Corporation shall receive those rights granted to it by the Act of January 2, 1976 (Public Law 94–204), as amended by the Act of October 4, 1976 (Public Law 94–456).

(4) Subject to valid existing rights and section 803(a) of this Act, and except where such lands are within a National Wildlife Refuge or the National Petroleum Reserve—Alaska, for which the Regional Corporation obtains in-lieu rights pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act, there is hereby conveyed to and vested in each Regional Corporation which, as a result of a conveyance of a surface estate by operation of paragraphs (1) and (2) of this subsection, is entitled under section 14(f) of the Alaska Native Claims Settlement Act to receive the subsurface estate corresponding to such surface estate all of the right, title, and interest of the United States in and to such subsurface estate.

(b) DOCUMENTS.—As soon as possible after the date of enactment of this Act, the Secretary shall issue to each Native Corporation referred to in subsection (a) interim conveyances or patents to the estate or estates conveyed to such Corporation by such subsection, but title shall be deemed to have passed on the date of enactment of this Act, or on the date of eligibility determination if subsequent thereto, notwithstanding any delay in the issuance of the interim conveyance or patents.

(c) RECONVEYANCES; DISPUTES.—A Village Corporations' obligation to reconvey lands under section 14(c) of the Alaska Native Claims Settlement Act shall arise only upon receipt of an interim conveyance or patent, whichever is earlier, under subsection (b) of this section or under such Act. For purposes of the Alaska Native Claims Settlement Act, legislative conveyances made by, or interim conveyances and patents issued pursuant to, this title shall have the same effect as if issued pursuant to sections 14(a), 14(b), 14(f), and 19(b) of the Alaska Native Claims Settlement Act and shall be deemed to have been so issued. Disputes between or among Native Corporations arising from conveyances under this Act shall be resolved by a board of arbitrators of a type described in section 12(e) of the Alaska Native Claims Settlement Act pertaining to disputes over land selection rights and the boundaries of Village Corporations.

(d) EXISTING RIGHTS.—All conveyances made by operation of this section or section 802 of this Act shall be subject to the terms and conditions of the Alaska Native Claims Settlement Act as if such conveyances or patents had been made or issued pursuant to that Act.

(e) DEFINITION.—Notwithstanding the provisions of section 102(6), for purposes of this title, the term "Native Corporation" means any Village Corporation, any Regional Corporation, any Urban Corporation, and any Native group, as such term is defined under sections 3(d) and 14(h)(2) of the Alaska Native Claims Settlement Act.

OTHER CONVEYANCES TO NATIVE CORPORATIONS

SEC. 802. (a) EXPEDITED PROCEDURES; SELECTION PRIORITIES.—(1) If a Native Corporation entitled to receive land under the Alaska Native Claims Settlement Act elects to utilize the expedited conveyance procedure provided by this section, then, within one hundred and eighty days after the date of enactment of this Act or after the date of its eligibility determination, if subsequent thereto, such Corporation shall file with the Secretary a document or documents which lists in order of preference such Corporation's priorities for the conveyance of all or any part of the amount of lands which such Corporation has selected under any one or another of the entitlement sections, subsections, or paragraphs of the Alaska Native Claims Settlement Act. Any Native Corporation not electing to utilize such expedited procedure shall receive conveyance of its total entitlement, less any lands conveyed pursuant to section 801, under the Alaska Native Claims Settlement Act.

(2) An election by a Native Corporation to utilize the expedited conveyance procedure provided by this section shall not affect any of its rights under the Alaska Native Claims Settlement Act except to the extent such Corporation receives a conveyance by operation of this Act.

(b) PRIORITY SELECTION AND CONVEYANCE PROCESS.—(1)(A) Within sixty days of the date of enactment of this Act, the Secretary shall publish in the Federal Register his best estimate of the total amount of land each Native Corporation is entitled to receive under the Alaska Native Claims Settlement Act.

(B) If the Secretary is unable to determine the total amount of the land entitlement of such Corporation under subparagraph (A), he shall, at least every six months thereafter, redetermine his best estimate of the total amount of such entitlement and publish in the Federal Register such estimate as redetermined. The Secretary shall continue to make such redeterminations until he is able to determine and publish the total amount of such land entitlement.

(C) For a period of thirty days after each date on which the Secretary publishes under subparagraph (B) of this subsection a revised estimate of the total amount of land a Native Corporation is entitled to receive under the Alaska Native Claims Settlement Act, the Corporation may file with the Secretary a document or documents amending or supplementing the priorities previously filed with the Secretary with respect to any land for which no conveyance has yet taken place. In the event that a Native Corporation files under the preceding sentence amended priorities with respect to any land which has also been validly selected by any other Native Corporation, such other Corporation similarly may, during the same thirty-day period, file amended priorities with respect to such selected land and any other land not previously conveyed which such other Corporation previously designated as lower priority than such selected land.

(2) Within one year after (A) the date of enactment of this Act, (B) the date on which a Native Corporation, not determined eligible by the Secretary and files a list of priorities under subsection (a) of this section, or (C) a Native Corporation files a

revised list of priorities as provided in subsection (b)(1)(C), whichever is later, the Secretary shall determine whether each land selection contained in such list is valid under the Alaska Native Claims Settlement Act and publish such determination in the Federal Register.

(3) Subject to valid existing rights, on the forty-fifth day following each date on which the Secretary publishes under paragraph (2) of this subsection a determination of the validity of each land selection contained in the priority list of land which a Native Corporation is entitled to receive under the Alaska Native Claims Settlement Act, there are hereby conveyed to and vested in such Corporation all of the right, title, and interest of the United States in and to those lands—

(A) which were determined by the Secretary to be validly selected by such Corporation under the Alaska Native Claims Settlement Act;

(B) which are of the highest priorities contained in the list of priorities filed by such Corporation; and

(C) which have a cumulative acreage which is equal to the last estimate of entitlement published by the Secretary pursuant to paragraph (1) of this subsection—

(i) reduced by the cumulative acreage of lands previously conveyed to such Corporation by operation of this Act or under the Alaska Native Claims Settlement Act; and

(ii) reduced as provided in paragraphs (4) and (5) of this subsection.

(4) In any case in which the Secretary determines under paragraph (2), (A) that a land selection contained in the list of priorities filed by a Native Corporation is invalid under the Alaska Native Claims Settlement Act, and (B) that the cumulative total of acreages of land selections contained in such list of higher priorities than the land selection referred to in subparagraph (A) does not exceed (i) the most recent determination under paragraph (1) of the estimate of the total land entitlement of such Corporation or (ii) the total acreage contained in such list of priorities, whichever is less, the total amount of lands to be conveyed by operation of paragraph (3) shall be reduced by an acreage which equals the acreage of the land selection referred to in subparagraph (A) until the Secretary receives in writing one of the items referred to in paragraph (6) with respect to the determination referred to in subparagraph (A) or until an amendment is made in the list of priorities filed by such Corporation which has the effect of eliminating such reduction.

(5) In any case in which the Secretary, before the date of conveyance of lands to a Native Corporation by operation of paragraph (3), determines—

(A) that a valid land selection contained in the list of priorities filed by a Native Corporation has also been validly selected under the Alaska Native Claims Settlement Act by one or more other Native Corporations, and

(B) that the cumulative total of acreages of land selections contained in such list as higher priorities than the land selection referred to in subparagraph (A) does not exceed (i) the most recent determination under paragraph (1) of the estimate of the total land entitlement of such Corporation, or (ii) the total acreage contained in such list of priorities, whichever is less, the total amount of lands to be conveyed by operation of paragraph (3) shall be reduced by an acreage which equals the acreage of the land selection referred to in subparagraph (A) until the Secretary receives in writing one of the items referred to in subparagraph (6) with respect to the determination referred to in subparagraph (A) or until an amendment is made in the list of priorities filed by such Corporation which has the effect of eliminating such reduction.

(6) Whenever the Secretary receives in writing—

(A) the acceptance by a Native Corporation of a determination of the Secretary to reduce the acreage of a conveyance to such Corporation under paragraph (4) or (5) of this subsection, or

(B) the results of a final decision on an action filed by a Native Corporation contesting the validity of a determination of the Secretary to reduce the acreage of a conveyance to such Corporation under paragraph (4) or (5) of this subsection, or

(C) the provisions of a final settlement or the results of a final decision on a dispute over whether a Native Corporation is entitled under the Alaska Native Claims Settlement Act to receive conveyance of lands which were the subject of a determination by the Secretary under paragraph (5) of this subsection, subject to valid existing rights, all of the right, title, and interest of the United States in and to any lands which the concerned Native Corporation is entitled to receive under the Alaska Native Claims Settlement Act as a result of the acceptance, decision, or settlement are hereby conveyed to and vested in such Corporation.

(7) Within ninety days after the date of a conveyance by operation of paragraph (3) or (6) of this subsection, the Secretary shall issue to the concerned Native Corporation interim conveyances or patents to the lands subject to such conveyance, but title shall be deemed to have passed on the date of such conveyance, notwithstanding any delay in the issuance of the interim conveyances or patents.

(c) Limitation.—Nothing in this section shall be construed as applying to lands conveyed by section 801(a) of this Act, except to the extent such conveyance reduces the Corporation's remaining acreage entitlement.

(d) Reduction of Overselections.—(1) Within one hundred and twenty days after the date on which an interim conveyance or patent is issued to a Native Corporation pursuant to subsection (b)(7), but not sooner than ninety days after such date, the Secretary may reduce the remaining selections of such Corporation to an amount of acreage equal to 125 per centum of the difference between (A) the Corporation's maximum possible land entitlement, as determined by the Secretary, and (B) the total acreage of land previously conveyed to such Corporation: *Provided*, That any land deemed a part of such 125 per centum with respect to selections by a Native Corporation under any one entitlement section or subsection of the Alaska Native Claims Settlement Act may not be deemed a part of such 125 per centum with respect to selections by said Corporation under any other section or subsection of such Act or with respect to selections by any other Native Corporation: *Provided further*, That any selected land which is the subject of litigation to determine, or is otherwise in dispute concerning whether such land was validly selected shall not be deemed a part of such 125 per centum and shall remain withdrawn for selection in addition to such 125 per centum until the validity of such selection is finally determined.

(2) Reductions pursuant to this subsection shall be made by the Secretary by rejecting such selected lands as the Corporation shall specify in writing to the Secretary or, if the Secretary receives no such specification within ninety days after issuance of the interim conveyance or patent, by rejecting the lowest priority lands on the list or lists provided by the Corporation pursuant to subsection (a) or any subsequent revision, if any, of such list or lists pursuant to subsection (b)(1)(C).

(3) When conveyances have been made to the Corporation which total the Corporation's total entitlement under the Alaska Native Claims Settlement Act, any remaining selections shall be rejected by the Secretary.

(e) Notwithstanding any other provision of this section, any Corporation which elects to use the expedited conveyance procedure provided by this section may at any time thereafter terminate said election by so advising the Secretary in writing, and such Corporation's remaining selections and any then remaining portion of its land entitlement shall be processed as if the Corporation had not elected the expedited process.

ADMINISTRATIVE PROVISIONS

Sec. 803. (a) 17(b) Easements on "Core" Township Lands.—For a period of one year from the date of enactment of this Act, the Secretary may identify and issue a decision to reserve in the patent those easements, pursuant to section 17(b) of the Alaska Native Claims Settlement Act, which are described in section 17(b) of said Act on lands conveyed by section 901 of this Act: *Provided*, That the Secretary shall not reserve a greater number of easements or more land for a particular easement or easements than is reasonably necessary and he shall be guided by the principles of subsection (b). Upon the finality of the decision so issued, such easements shall be reserved in the conveyance document or documents issued by the Secretary as required by section 901(b).

(b) Limitations Concerning Easements.—With respect to lands conveyed to Native Corporations the Secretary shall reserve only those easements which are described in section 17(b)(1) of Alaska Native Claims Settlement Act and shall be guided by the following principles:

(1) all easements should be designed so as to minimize their impact on Native life styles, and on subsistence uses; and

(2) each easement should be specifically located and described and should include only such areas as are necessary for the purpose or purposes for which the easement is reserved.

(c) Acquisition of Future Easements.—Whenever, after a conveyance has been made by this Act or under the Alaska Native Claims Settlement Act the Secretary determines that an easement not reserved at the time of conveyance or by operation of subsection (a) of this section is required for any purpose specified in section 17(b)(1) of the Alaska Native Claims Settlement Act he is authorized to acquire such easement by purchase or otherwise. The acquisition of such an easement shall be deemed a public purpose for which the Secretary may exercise his exchange authority pursuant to section 22(f) of the Alaska Native Claims Settlement Act.

(d) Status of Certain Lease Offers.—Offers for noncompetitive oil and gas leases under the Mineral Leasing Act of 1920 which were filed but which did not result in the issuance of a lease on or before December 18, 1971, on lands selected by, and conveyed before, on, or after the date of enactment of this Act to, Native Corporations or to individual Natives under paragraph (5) or (6) of section 14(h) as part of the entitlement to receive land under the Alaska Native Claims Settlement Act shall not constitute valid existing rights under section 14(g) of such Act or under this Act.

(e) Limitation.—This Act is not intended to modify, repeal or otherwise affect any provision of the Act of January 2, 1976 (89 Stat. 1145), as amended or supplemented by Public Laws 94–456 and 95–178, and shall not be construed as imposing any additional restriction on the use or management of those lands described in section 22(k) of the Alaska Native Claims Settlement Act.

TAX MORATORIUM EXTENSION

Sec. 804. Subsection (d) of section 21 of the Alaska Native Claims Settlement Act, as amended (85 Stat. 688, 713; 43 U.S.C. 1620 (d)), is amended to read:

"(d)(1) Real property interests conveyed, pursuant to this Act, to a Native individual, Native group, Village or Regional Corporation, or corporation established pursuant to section 14(h)(3) which are not developed or leased to third parties shall be exempt from State and local real property taxes for a period of twenty years from the vesting of title pursuant to the Alaska National Interest Lands Conservation Act (Stat.) or the date of issuance of an interim conveyance or patent, whichever is earlier, for those interests to such individual, group, or corporation: *Provided*, That municipal taxes, local real property taxes, or local assessments may be imposed upon any portion of such interest within the jurisdiction of any governmental unit under the laws of the State which is leased or developed for purposes other than exploration for so long as such portion is leased or being developed: *Provided further*, That easements, rights-of-way, leaseholds, and similar interests in such real property may be taxed in accordance with State or local law. All rents, royalties, profits, and other revenues or proceeds derived from such property interests shall be taxable to the same extent as such revenues or proceeds are taxable when received by a non-Native individual or corporation.

"(2) Any real property interest, not developed or leased to third parties, acquired by a Native individual, Native group, Village or Regional Corporation, or corporation established pursuant to section 14(h)(3) in exchange for real property interests which are exempt from taxation pursuant to paragraph (1) of this subsection shall be deemed to be a property interest conveyed pursuant to this Act and shall be exempt from taxation as if conveyed pursuant to this Act, when such an exchange is made with the Federal Government, the State government, a municipal government, or another Native Corporation, or, if neither party to the exchange receives a cash value greater than 25 per centum of the value of the land exchanged, a private party. In the event that a Native Corporation simultaneously exchanges two or more tracts of land having different periods of tax exemption pursuant to subsection (d), the periods of tax exemption for the exchanged lands received by such Native Corporation shall be determined (A) by calculating the percentage that the acreage of each tract given up bears to the total acreage given up, and (B) by applying such percentages and the related periods of tax exemption to the acreage received in exchange.".

ALASKA NATIVE ALLOTMENTS

SEC. 805. (a)(1) Subject to valid existing rights, all Alaska Native allotment applications made pursuant to the Act of May 17, 1906 (34 Stat. 197, as amended) which were pending before the Department of the Interior on December 18, 1971, and which describe land that was unreserved on December 13, 1968, are hereby approved on the one hundred and eightieth day following the effective date of this Act, except where provided otherwise by paragraph (3), (4), (5), or (6) of this subsection, or where the land description of the allotment must be adjusted pursuant to subsection (b) of this section, in which cases approval pursuant to the terms of this subsection shall be effective at the time the adjustment becomes final. The Secretary shall cause allotments approved pursuant to this section to be surveyed and shall issue trust certificates therefor.

(2) All applications approved pursuant to this section shall be subject to the provisions of the Act of March 8, 1922 (42 Stat. 415; 43 U.S.C. 270-11).

(3) When on or before the one hundred and eightieth day following the effective date of this Act the Secretary determines by notice or decision that the land described in an allotment application may be valuable for minerals, excluding oil, gas, or coal, the allotment application shall be adjudicated pursuant to the provision of the Act of May 17, 1906, as amended, requiring that land allotted under said Act be nonmineral: *Provided*, That "nonmineral", as that term is used in such Act is defined to include land valuable for deposits of sand or gravel.

(4) Where an allotment application describes land within the boundaries of a unit of the National Park System established on or before the effective date of this Act and the described land was not withdrawn pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act, or where an allotment application describes land which on or before December 18, 1971, was selected by or tentatively approved or confirmed to the State of Alaska pursuant to the Alaska Statehood Act and was not withdrawn pursuant to section 11(a)(1)(A) of the Alaska Native Claims Settlement Act from those lands made available for selection by section 11(a)(2) of the Act by any Native Village certified as eligible pursuant to section 11(b) of such Act, paragraph (1) of this subsection shall not apply and the application shall be adjudicated pursuant to the requirements of the Act of May 17, 1906, as amended.

(5) Paragraph (1) of this subsection and subsection (d) shall not apply and the Native allotment application shall be adjudicated pursuant to the requirements of the Act of May 17, 1906, as amended, if on or before the one hundred and eightieth day following the effective date of this Act—

(A) a Native Corporation files a protest with the Secretary stating that the applicant is not entitled to the land described in the allotment application, and said land is withdrawn for selection by the corporation pursuant to the Alaska Native Claims Settlement Act; or

(B) the State of Alaska files a protest with the Secretary stating that the land described in the allotment application is necessary for access to lands owned by the United States, the State of Alaska, or a political subdivision of the State of Alaska, to resources located thereon, or to a public body of water regularly employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternatives for access exist; or

(C) a person or entity files a protest with the Secretary stating that the applicant is not entitled to the land described in the allotment application and that said land is the situs of improvements claimed by the person or entity.

(6) Paragraph (1) of this subsection and subsection (d) shall not apply to any application pending before the Department of the Interior on December 18, 1971, which was knowingly and voluntarily relinquished by the applicant thereafter.

(b) Where a conflict between two or more allotment applications exists due to overlapping land descriptions, the Secretary shall adjust the descriptions to eliminate conflicts, and in so doing, consistent with other existing rights, if any, may expand or alter the applied-for allotment boundaries or increase or decrease acreage in one or more of the allotment applications to achieve an adjustment which, to the extent practicable, is consistent with prior use of the allotted land and is beneficial to the affected parties: *Provided*, That the Secretary shall, to the extent feasible, implement an adjustment proposed by the affected parties: *Provided further*, That the Secretary's decision concerning adjustment of conflicting land descriptions shall be final and unreviewable in all cases in which the reduction, if any, of the affected allottee's claim is less than 30 per centum of the acreage contained in the parcel originally described and the adjustment does not exclude from the allotment improvements claimed by the allottee: *Provided further*, That where an allotment application describes more than one hundred and sixty acres, the Secretary shall at any time prior to or during survey reduce the acreage to one hundred and sixty acres and shall attempt to accomplish said reduction in the manner least detrimental to the applicant.

(c) An allotment applicant may amend the land description contained in his or her application if said description designates land other than that which the applicant intended to claim at the time of application and if the description as amended describes the land originally intended to be claimed. If the allotment application is amended, this section shall operate to approve the application or to require its adjudication, as the case may be, with reference to the amended land description only: *Provided*, That the Secretary shall notify the State of Alaska and all interested parties, as shown by the records of the Department of the Interior, of the intended correction of the allotment's location, and any such party shall have until the one hundred and eightieth day following the effective date of this Act or sixty days following the mailing of the notice, whichever is later, to file with the Department of the Interior a protest as provided in subsection (a)(5) of this section, which protest, if timely, shall be deemed filed within one hundred and eighty days of the effective date of this Act notwithstanding the actual date of filing: *Provided further*, That the Secretary may require that all allotment applications designating land in a specified area be amended, if at all, prior to a date certain, which date shall be calculated to allow for orderly adoption of a plan of survey for the specified area, and the Secretary shall mail notification of the final date for amendment to each affected allotment applicant, and shall provide such other notice as the Secretary deems appropriate, at least sixty days prior to said date: *Provided further*, That no allotment application may be amended for location following adoption of a final plan of survey which includes the location of the allotment as described in the application or its location as desired by amendment.

(d) Where the land described in an allotment application pending before the Department of the Interior on December 18, 1971 (or such an application as adjusted or amended pursuant to subsection (b) or (c) of this section), was on that date withdrawn, reserved, or classified for powersite or powerproject purposes, notwithstanding such withdrawal, reservation, or classification the described land shall be deemed vacant, unappropriated, and unreserved within the meaning of the Act of May 17, 1906, as amended, and, as such, shall be subject to adjudication or approval pursuant to the terms of this section: *Provided, however*, That if the described land is included as part of a project licensed under part I of the Federal Power Act of June 10, 1920 (41 Stat. 24), as amended, or is presently utilized for purposes of generating or transmitting electrical power or for any other project authorized by Act of Congress, the foregoing provision shall not apply and the allotment application shall be adjudicated pursuant to the Act of May 17, 1906, as amended: *Provided further*, That where the allotment applicant commenced use of the land after its withdrawal or classification for powersite purposes, the allotment shall be made subject to the right of reentry provided the United States by section 24 of the Federal Power Act, as amended: *Provided further*, That any right of reentry reserved in a certificate of allotment pursuant to this section shall expire twenty years after the effective date of this Act if at that time the allotted land is not subject to a license or an application for a license under part I of the Federal Power Act, as amended, or actually utilized or being developed for a purpose authorized by that Act as amended, or other Act of Congress.

(e) Prior to issuing a certificate for an allotment subject to this section, the Secretary shall identify and adjudicate any record entry or application for title made under an Act other than the Alaska Native Claims Settlement Act, the Alaska Statehood Act, or the Act of May 17, 1906, as amended, which entry or application claims land also described in the allotment application, and shall determine whether such entry or application represents a valid existing right to which the allotment application is subject. Nothing in this section shall be construed to affect rights, if any, acquired by actual use of the described land prior to its withdrawal or classification, or as affecting national forest lands.

STATE SELECTIONS AND CONVEYANCES

SEC. 806. (a) EXTENSION OF SELECTION PERIOD.—(1) In furtherance and confirmation of the State of Alaska's entitlement to certain national forest and other public lands in Alaska for community development and expansion purposes, section 6(a) of the Alaska Statehood Act is amended by substituting "thirty-five years" for "twenty-five years".

(2) In furtherance and confirmation of the State of Alaska's entitlement to certain public lands in Alaska, section 6(b) of the Alaska Statehood Act is amended by substituting "thirty-five years" for "twenty-five years".

(b) SCHOOL LANDS SETTLEMENT.—(1) In full and final settlement of any and all claims by the State of Alaska arising under the Act of March 4, 1915 (38 Stat. 1214), as confirmed and transferred in section 6(k) of the Alaska Statehood Act, the State is hereby granted seventy-five thousand acres which it shall be entitled to select until January 4, 1994, from vacant, unappropriated, and unreserved public lands. In exercising the selection rights granted herein, the State shall be deemed to have relinquished all claims to any right, title, or interest to any school lands which failed to vest under the above statutes at the time Alaska became a State (January 3, 1959), including lands unsurveyed on that date or surveyed lands which were within Federal reservations or withdrawals on that date.

(2) Except as provided herein, such selections shall be made in conformance with the provisions for selections under section 6 (b) of the Alaska Statehood Act. Selections made under this subsection shall be in units of whole sections as shown on the official survey plats of the Bureau of Land Management, including protraction diagrams, unless part of the section is unavailable or the land is otherwise surveyed, or unless the Secretary waives the whole section requirement.

(3) Lands selected and conveyed to the State under this subsection shall be subject to the provisions of subsections (j) and (k) of section 6 of the Alaska Statehood Act.

(c) PRIOR TENTATIVE APPROVALS.—(1) All tentative approvals of State of Alaska land selections pursuant to the Alaska Statehood Act are hereby confirmed, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act, and the United States hereby confirms that all right, title, and interest of the United States in and to such lands is deemed to have vested in the State of Alaska as of the date of tentative approval; except that this subsection shall not apply to tentative approvals which, prior to the date of enactment of this Act, have been relinquished by the State, or have been finally revoked by the United States under authority other than authority under section 11(a)(2), 12 (a), or 12(b) of the Alaska Native Claims Settlement Act.

(2) Upon approval of a land survey by the Secretary, such lands shall be patented to the State of Alaska.

(3) If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on the basis within six months after notice of such election. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(4) Future tentative approvals of State land selections, when issued, shall have the same force and effect as those existing tentative approvals which are confirmed by this subsection and shall be processed for patent by the same administrative procedures as specified in paragraphs (2) and (3) of this subsection.

(d) PRIOR STATE SELECTIONS.—(1) In furtherance of the State's entitlement to lands under section 6(b) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act, all right, title, and interest of the United States in and to all vacant, unappropriated, and unreserved Federal lands, including land subject to subsection (1) of this section which are specified in the list entitled "Prior State of Alaska Selections to be Conveyed by Congress," dated July 24, 1978, submitted by the State of Alaska and on file in the Office of the Secretary of the Interior, except those Federal lands which have been withdrawn by Public Land Order Numbered — for utility corridor purposes and which lie in township 15 south, ranges 35 and 36 east, township 16 south, ranges 36, 37, and 38 east, township 17 south, ranges 36, 37, and 38 east (fractional), Umiat meridian, and township 35 north, ranges 24–30 east, township 36 north, ranges 19–30 east, township 37 north, ranges 17–29 east (fractional), Fairbanks meridian. Nothing in this section shall be construed as precluding any valid State selections of lands which are available for such selection or which have been validly selected in accordance with the Memorandum of Understanding between the State of Alaska and the United States dated September 1, 1972. If any of those townships listed above contain lands within the boundaries of any conservation system unit, national conservation area, national recreation area, new national forest or forest addition, established, designated, or expanded by this Act, then only those lands within such townships which have been previously selected by the State of Alaska shall be conveyed pursuant to this subsection.

(2) As soon as practicable after the date of enactment of this Act, the Secretary shall issue tentative approvals to such State selections as required by the Alaska Statehood Act and pursuant to subsection (1) of this section. The sequence of issuance of such tentative approvals shall be on the basis of priorities determined by the State.

(3) Upon approval of a land survey by the Secretary, such lands shall be patented to the State of Alaska.

(4) If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election for townships having no adverse claims on the public land records. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(5) Future valid State land selections shall be subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act.

(e) FUTURE "TOP FILINGS".—Subject to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act, the State, at its option, may file future selection applications and amendments thereto, pursuant to section 6 (a) or (b) of the Alaska Statehood Act or subsection (b) of this section, for lands which are not, on the date of filing of such applications, available within the meaning of section 6 (a) or (b) of the Alaska Statehood Act. Each such selection application, if otherwise valid, shall become an effective selection without further action by the State upon the date the lands included in such application become available within the meaning of subsections (a) or (b) of section 6 regardless of whether such date occurs before or after expiration of the States' land selection rights. Selection applications heretofore filed by the State may be refiled so as to become subject to the provisions of this subsection; except that no such refiling shall prejudice any claim of validity which may be asserted regarding the original filing of such application. Nothing contained in this subsection shall be construed to prevent the United States from transferring a Federal reservation or appropriation from one Federal agency to another Federal agency for the use and benefit of the Federal Government.

(f) RIGHT TO OVERSELECT.—(1) The State of Alaska may select lands exceeding by not more than 25 per centum in total area the amount of State entitlement which has not been patented or tentatively approved under each grant or confirmation of lands to the State contained in the Alaska Statehood Act or other law. If its selections under a particular grant exceed such remaining entitlement, the State shall thereupon list all sections for that grant which have not been tentatively approved in desired priority order of conveyance, in blocks no larger than one township in size; except that the State may alter such priorities prior to receipt of tentative approval. Upon receipt by the State of subsequent tentative approvals, such excess selections shall be reduced by the Secretary pro rata by rejecting the lowest prioritized selection blocs necessary to maintain a maximum excess selection of 25 per centum of the entitlement which has not yet been tentatively approved or patented to the State under each grant.

(2) The State of Alaska may, by written notification to the Secretary, relinquish any selections of land filed under the Alaska Statehood Act or subsection (b) of this section prior to receipt by the State of tentative approval, except that lands conveyed pursuant to subsection (g) of this section may not be relinquished pursuant to this paragraph.

(3) Section 6(g) of the Alaska Statehood Act is amended by adding at the end thereof the following new sentence: "As to all selections made by the State after January 1, 1979, pursuant to section 6(b) of this Act, the Secretary of the Interior, in his discretion, may waive the minimum tract selection size where he determines that such a reduced selection size would be in the national interest and would result in a better land ownership pattern.".

(g) CONVEYANCE OF SPECIFIED LANDS.—In furtherance of the State's entitlement to lands under section 6(b) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska all right, title, and interest of the United States in and to all vacant, unappropriated, and unreserved lands, including lands subject to subsection (e) of this section but which lie within those townships outside the boundaries of conservation system units, national conservation areas, national recreation areas, new national forests, and forest additions, established, designated, or expanded by this Act, which are specified in the list entitled "State Selection Lands May 15, 1978", dated July 24, 1978, submitted by the State of Alaska and on file in the Office of the Secretary of the Interior. The denomination of lands in such list which are not, on the date of enactment of this Act, available lands within the meaning of section 6(b) of the Alaska Statehood Act and this Act shall be treated as a future selection application pursuant to subsection (e) of this section.

(h) LIMITATION OF CONVEYANCES OF SPECIFIED LANDS; TENTATIVE APPROVALS; SURVEYS.—(1) Lands identified in subsection (g) are conveyed to the State subject to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act. All right, title, and interest of the United States in and to such lands shall vest in the State of Alaska as of the date of enactment of this Act, subject to those reservations specified in subsection (1) of this section.

(2) As soon as practicable after the date of enactment of this Act, the Secretary shall issue to the State tentative approvals to such lands as required by the Alaska Statehood Act and pursuant to subsection(1)of this section. The sequence of issuance of such tentative approval shall be on the basis of priorities determined by the State.

(3) Upon approval of a land survey by the Secretary, those lands identified in subsection (g) shall be patented to the State of Alaska.

(4) If the State elects to receive patent to any of the lands which are identified in subsection (g) on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election for townships having no adverse claims on the public land records. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(i) ADJUDICATION.—Nothing contained in this section shall relieve the Secretary of the duty to adjudicate conflicting claims regarding the lands specified in subsection (g) of this section, or otherwise selected under authority of the Alaska Statehood Act, subsection (b) of this section, or other law, prior to the issuance of tentative approval.

(j) CLARIFICATION OF LAND STATUS OUTSIDE UNITS.—As to lands outside the boundaries of a conservation system unit, national recreation areas, national conservation areas, new national forests and forest additions, the following withdrawals, classifications, or designations shall not, of themselves, remove the lands involved from the status of vacant, unappropriated, and unreserved lands for the purposes of subsection (d) or (g) of this section and future State selections pursuant to the Alaska Statehood Act or subsection (b) of this section:

(1) withdrawals for classification pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act; except that, in accordance with the Memorandum of Understanding between the United States and the State of Alaska dated September 2, 1972, to the extent that Public Land Orders Numbered 5150, 5151, 5181, 5182, 5184, 5187, 5190, 5194, and 5388 by their terms continue to prohibit State selections of certain lands, such lands shall remain unavailable for future State selection except as provided by subsection (e) of this Act;

(2) withdrawals pursuant to section 11 of the Alaska Native Claims Settlement Act, which are not finally conveyed pursuant to section 12, 14, or 19 of such Act;

(3) classifications pursuant to the Classification and Multiple Use Act (78 Stat. 987); and

(4) classifications or designations pursuant to the Federal Land Policy and Management Act (90 Stat. 2743).

(k) INTERIM PROVISIONS.—Notwithstanding any other provision of law, on lands selected by, or granted or conveyed to, the State of Alaska under section 6 of the Alaska Statehood Act or this Act, but not yet tentatively approved to the State:

(1) The Secretary is authorized to make contracts and grant leases, licenses, permits, rights-of-way, or easements, and any tentative approval or patent shall be subject to such contract, lease, license, permit, right-of-way, or easement; except that (A) the authority granted the Secretary by this subsection is that authority the Secretary otherwise would have had under existing laws and regulations had the lands not been selected by the State, and (B) the State has concurred prior to such action by the Secretary.

(2) On and after the date of enactment of this Act, 90 per centum of any and all proceeds derived from contracts, leases, licenses, permits, rights-of-way, or easements or from trespasses originating after the date of selection by the State be held by the Secretary until such lands have been tentatively approved to the State. As such lands are tentatively approved, the Secretary shall pay to the State from such account the proceeds allocable to such lands which are derived from contracts, leases, licenses, permits, rights-of-way, easements, or trespasses. The proceeds derived for contracts, leases, licenses, permits, rights-of-way, easements, or trespasses and deposited to the account pertaining to lands selected by the State but not tentatively approved due to rejection or relinquishment shall be paid as would have been required by law were it not for the provisions of this Act. In the event that the tentative approval does not cover all of the land embraced within any contract, lease, license, permit, right-of-way, easement, or trespass, the State shall only be entitled to the proportionate amount of the proceeds derived from such contract, lease, license, permit, right-of-way, or easement, which results from multiplying the total of such proceeds by a fraction in which the numerator is the acreage of such contract, lease, license, permit, right-of-way, or easement which is included in the tentative approval and the denominator is the total acreage contained in such contract, lease, license, permit, right-of-way, or easement; in the case of trespass, the State shall be entitled to the proportionate share of the proceeds in relation to the damages occurring on the respective lands.

(3) Nothing in this subsection shall relieve the State or the United States of any obligations under section 9 of the Alaska Native Claims Settlement Act or the fourth sentence of section 6(h) of the Alaska Statehood Act.

(l) EXISTING RIGHTS.—(1) All conveyances to the State under section 6 of the Alaska Statehood Act, this Act, or any other law, shall be subject to valid existing rights, to Native selection rights under the Alaska Native Claims Settlement Act, and to any right-of-way or easement reserved for or appropriated by the United States.

(2) Where, prior to a conveyance to the State, a right-of-way or easement has been reserved for or appropriated by the United States or a contract, lease, permit, right-of-way, or easement has been issued for the lands, the conveyance shall contain provisions making it subject to the right-of-way or easement reserved or appropriated and to the contract, lease, license, permit, right-of-way, or easement issued or granted, and also subject to the right of the United States, contractee, lessee, licensee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits previously granted, issued, reserved, or appropriated. Upon issuance of tentative approval, the State shall succeed and become entitled to any and all interests of the United States as contractor, lessor, licensor, permittor, or grantor, in any such contracts, leases, licenses, permits, rights-of-way, or easements, except those reserved to the United States in the tentative approval.

(3) The administration of rights-of-way or easements reserved to the United States in the tentative approval shall be in the United States, including the right to grant an interest in such right-of-way or easement in whole or in part.

(4) Where the lands tentatively approved do not include all of land involved with any contract, lease, license, permit, right-of-way, or easement issued or granted, the administration of such contract, lease, license, permit, right-of-way, or easement shall remain in the United States unless the agency responsible for administration waives such administration.

(5) Nothing in this subsection shall relieve the State or the United States of any obligations under section 9 of the Alaska Native Claims Settlement Act or the fourth sentence of section 6(h) of the Alaska Statehood Act.

(m) EXTINGUISHMENT OF CERTAIN TIME EXTENSIONS.—Any extensions of time periods granted to the State pursuant to section 17 (d)(2)(E) of the Alaska Native Claims Settlement Act are hereby extinguished, and the time periods specified in subsections (a) and (b) of this section shall hereafter be applicable to State selections.

(n) EFFECT ON THIRD-PARTY RIGHTS.—(1) Nothing in this section shall alter the rights or obligations of any party with regard to section 12 of the Act of January 2, 1976 (Public Law 94–204), sections 4 and 5 of the Act of October 4, 1976 (Public Law 94–456), or section 3 of the Act of November 15, 1977 (Public Law 94–178).

(2) Any conveyance of land to or confirmation of prior selections of the State made by this Act or selections allowed under this Act shall be subject to the rights of Cook Inlet Region, Incorporated, to nominate lands outside of its region with such nominations to be superior to any selection made by the State after July 18, 1975, including any lands conveyed to the State pursuant to subsection (g) of this section, and to the duty of the Secretary, with consent of the State, to make certain lands within the Cook Inlet Region available to the Corporation, both in accordance with the provisions of section 12(b) of the Act of January 2, 1976 (Public Law 94–204), as amended.

(3) Nothing in this title shall prejudice a claim of validity or invalidity regarding any third-party interest created by the State of Alaska prior to December 18, 1971, under authority of section 6(g) of the Alaska Statehood Act or otherwise.

(4) Nothing in this Act shall affect any right of the United States or Alaska Natives to seek and receive damages against any party for trespass against, or other interference with, aboriginal interests if any, occurring prior to December 18, 1971.

(o) STATUS OF LANDS WITHIN UNITS.—(1) Notwithstanding any other provisions of law, any land withdrawn pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act and within the boundaries of any conservation system unit, national recreation area, national conservation area, new national forest or forest addition, shall be added to such unit and administered accordingly unless, before, on, or after the date of the enactment of this Act, such land has been validly selected by and conveyed to a Native Corporation.

(2) Until conveyed, all Federal lands within the boundaries of a conservation system unit, national recreation area, national conservation area, new national forest or forest addition, shall be administered in accordance with the laws applicable to such unit.

(p) PYK LINE.—The second proviso of section 6(b) of the Alaska Statehood Act regarding Presidential approval of land selection north and west of the line described in section 10 of such Act shall not apply to any conveyance of land to the State pursuant to subsections (c), (d), and (g) of this section but shall apply to future State selections.

ALASKA LAND BANK

SEC. 807. (a) ESTABLISHMENT: AGREEMENTS.—(1) In order to enhance the quantity and quality of Alaska's renewable resources and to facilitate the coordinated management and protection of Federal, State, and Native and other private lands, there is hereby established the Alaska land bank program. Any private landowner is authorized as provided in this section to enter into a written agreement with the Secretary if his lands adjoin, or his use of such lands would directly affect, Federal land, Federal and State land, or State land if the State is not participating in the program. Any private landowner described in subsection (c)(2) whose lands do not adjoin, or whose use of such lands would not directly affect either Federal or State lands also is entitled to enter into an agreement with the Secretary of the Interior. Any private landowner whose lands adjoin, or whose use of such lands would directly affect, only State, or State and private lands, is authorized as provided in this section to enter into an agreement with the State of Alaska if the State is participating in the program. If the Secretary is the contracting party with the private landowner, he shall afford the State an opportunity to participate in negotiations and become a party to the agreement. An agreement may include all or part of the lands of any private landowner: *Provided*, That lands not owned by landowners described in subsection (c)(2) shall not be included in the agreement unless the Secretary, or the State, determines that the purposes of the program will be promoted by their inclusion.

(2) If a private landowner consents to the inclusion in an agreement of the stipulations provided in subsection (b)(1), (b)(2), (b)(4), (b)(5), and (b)(7), and if such owner does not require on any additional terms which are unacceptable to the Secretary or the State, as appropriate, the owner shall be entitled to enter into an agreement pursuant to this section. If an agreement is not executed within one hundred and twenty days of the date on which a private landowner communicates in writing his consent to the stipulations referred to in the preceding sentence, the appropriate Secretary or State agency head shall execute an agreement. Upon such execution, the private owner shall receive the benefits provided in subsection (c) hereof.

(3) No agreement under this section shall be construed as affecting any land, or any right or interest in land, of any owner not a party to such agreement.

(b) TERMS OF AGREEMENT.—Each agreement referred to in subsection (a) shall have an initial term of ten years, with provisions, if any, for renewal for additional periods of five years. Such agreement shall contain the following terms:

(1) The landowner shall not alienate, transfer, assign, mortgage, or pledge the lands subject to the agreement except as provided in section 14(c) of the Alaska Native Claims Settlement Act, or permit development or improvement on such lands except as provided in the agreement. For the purposes of this section only, each agreement entered into with a landowner described in subsection (c)(2) shall constitute a restriction against alienation imposed by the United States upon the lands subject to the agreement.

(2) Lands subject to the agreement shall be managed by the owner in a manner compatible with the management plan, if any, for the adjoining Federal or State lands, and with the requirements of this subsection. If lands subject to the agreement do not adjoin either Federal or State lands, they shall be managed in a manner compatible with the management plan, if any, of Federal or State lands which would be directly affected by the use of such private lands. If no such plan has been adopted, or if the use of such private lands would not directly affect either Federal or State lands, the owner shall manage such lands in accordance with the provisions of paragraph (1) of this subsection. Except as provided in (3) of this subsection, nothing in this section or the management plan of any Federal or State agency shall be construed to require a private landowner to grant public access on or across his lands.

(3) If the surface landowner so consents, such lands may be made available for local or other recreational use: *Provided*, That the refusal of a private landowner to permit the uses referred to in this subsection shall not be grounds for the refusal of the Secretary or the State to enter into an agreement with the landowner under this section.

(4) Appropriate Federal and/or State agency heads shall have reasonable access to such privately owned land for purposes relating to the administration of the adjoining Federal or State lands, and to carry out their obligations under the agreement.

(5) Reasonable access to such land by officers of the State shall be permitted for purposes of conserving fish and wildlife.

(6) Those services or other consideration which the appropriate Secretary or the State shall provide to the owner pursuant to subsection (c)(1) shall be set forth.

(7) All or part of the lands subject to the agreement may be withdrawn from the Alaska land bank program not earlier than ninety days after the landowner—

(A) submits written notice thereof to the other parties which are signatory to the agreement; and

(B) pays all Federal, State, and local property taxes and assessments which, during the particular term then in effect, would have been incurred except for the agreement, together with interest on such taxes and assessments in an amount to be determined at the highest rate of interest charged with respect to delinquent property taxes by the Federal, State, or local taxing authority, if any.

(8) The agreement may contain such additional terms, which are consistent with the provisions of this section, as seem desirable to the parties entering into the agreement: *Provided*, That the refusal of the landowner to agree to any additional terms shall not be grounds for the refusal of the Secretary or the State to enter into an agreement with the landowner under this section.

(c) BENEFITS TO PRIVATE LANDOWNERS.—So long as the landowner is in compliance with the agreement, he shall, as to lands encompassed by the agreement, be entitled to the benefits set forth below:

(1) In addition to any requirement of applicable law, the appropriate Secretary is authorized to provide technical and other assistance with respect to fire control, resource and land use planning, the management of fish and wildlife, and the protection, maintenance, and enhancement of any special values of the land subject to the agreement, all with or without reimbursement as agreed upon by the parties.

(2) As to Native Corporations and all other persons or groups that have received or will receive lands or interests therein pursuant to the Alaska Native Claims Settlement Act or sections 801 and 802 of this title, immunity from—

(A) adverse possession;

(B) real property taxes and assessments by the United States, the State, or any political subdivision of the State: *Provided*, That such immunity shall cease if the lands involved are leased or developed, as such terms are used in section 21(d) of the Alaska Native Claims Settlement Act;

(C) judgment in any action at law or equity to recover sums owed or penalties incurred by any Native Corporation or any officer, director, or stockholder of any such Corporation. On or before January 31 of each year beginning the fourth year after the date of enactment of this Act, the Secretary shall publish in the Federal Register and in at least three newspapers of general circulation in the State the percentage of conveyed land entitlement which each Native Corporation or group has elected to include in the Alaska land bank program as of the end of the preceding year.

(3) If the State enacts laws of general applicability which are consistent with this section and which offer any or all of the benefits provided in subsection (c)(2) hereof, as to private landowners who enter into an agreement referred to in subsection (a) to which agreement the State is a party, such laws, unless and until repealed, shall supersede the relevant subparagraph of subsection (c)(2) and shall govern the grant of the benefit so provided: *Provided*, That the enactment of such State laws shall not be construed as repealing, modifying, or otherwise affecting the applicability of the immunity from Federal real property taxes and assessments provided in subsection (c)(2)(B) or the immunity from judgments in any Federal action at law or equity provided in subsections (c)(2)(C).

(4)(A) Except as provided in subsection (c)(2), nothing in this section shall be construed as affecting the civil or criminal jurisdiction of the State of Alaska.

(B) Privately owned lands included in the Alaska land bank program shall be subject to condemnation for public purposes in accordance with applicable law.

(d) INTERIM GRANT OF BENEFITS.—Notwithstanding any other provision of this section, unless the landowner decides otherwise, the benefits specified in subsection (c)(2) shall apply to lands conveyed pursuant to the Alaska Native Claims Settlement Act, or sections 801 and 802 of this title for a period of three years from the date of conveyance of the date of enactment of this Act, whichever is later.

(e) REVENUE-SHARING, FIRE PROTECTION, ETC.—The provisions of section 21(e) of the Alaska Native Claims Settlement Act shall apply to all lands which are subject to an agreement under this section so long as the parties to the agreement are in compliance therewith.

(f) EXISTING CONTRACTS.—Nothing in this section shall be construed as impairing, or otherwise affecting in any manner, any contract or other obligation which was entered into prior to the enactment of this Act or which (1) applies to any land which is subject to an agreement, and (2) was entered into before the agreement becomes effective.

PROTECTION OF NATIVE LANDS IN CONTINGENCY AREAS UNDER TIMBER SALES

SEC. 808. Section 15 of the Alaska Native Claims Settlement Act is amended by inserting "(a)" after "Sec. 15." and by adding at the end of such section the following new subsection:

"(b) No land conveyed to a Native Corporation pursuant to this Act or by operation of the Alaska National Interest Lands Conservation Act which is within a contingency area designated in a timber sale contract let by the United States shall thereafter be subject to such contract or to entry or timbering by the contractor. Until a Native Corporation has received conveyances to all of the land to which it is entitled to receive under the appropriate section or subsection of this Act, for which the land was withdrawn or selected, no land in such a contingency area that has been withdrawn and selected, or selected, by such Corporation under this Act shall be entered by the timber contractor and no timber shall be cut thereon, except by agreement with such Corporation. For purposes of this subsection, the term 'contingency area' means any area specified in a timber sale contract as an area from which the timber contractor may harvest timber if the volume of timber specified in the contract cannot be obtained from one or more areas definitely designated for timbering in the contract.".

USE OF PROTRACTION DIAGRAMS

SEC. 809. With the agreement of the party to whom a patent is to be issued under this title, or the Alaska Native Claims Settlement Act, the Secretary, in his discretion, may base such patent on protraction diagrams in lieu of field surveys. Any person or corporation receiving a patent under this title or the Alaska Native Claims Settlement Act on the basis of a protraction diagram shall receive any gain or bear any loss of acreage due to errors, if any, in such protraction diagram.

STATUTE OF LIMITATIONS

SEC. 810. (a) Except for administrative determinations of navigability for purposes of submerged lands under the Submerged Lands Act, a decision of the Secretary under this title or the Alaska Native Claims Settlement Act shall not be subject to judicial review unless such action is initiated before a court of competent jurisdiction within two years after the day the Secretary's decision becomes final or the date of enactment of this Act, whichever is later: *Provided*, That the party seeking such review shall first exhaust any administrative appeal rights.

(b) Decisions made by a Village Corporation to reconvey land under section 14(c) of the Alaska Native Claims Settlement Act shall not be subject to judicial review unless such action is initiated before a court of competent jurisdiction within one year after the date of the filing of the map of boundaries as provided for in section 2650.5-4 of title 43, Code of Federal Regulations.

NATIONAL ENVIRONMENTAL POLICY ACT

SEC. 811. The National Environmental Policy Act of 1969 (83 Stat. 852) shall not be construed, in whole or in part, as requiring the preparation or submission of an environmental impact statement for withdrawals, conveyances, regulations, orders, easement determinations, or other actions which lead to the issuance of conveyances to Natives or Native Corporations, pursuant to the Alaska Native Claims Settlement Act, as amended or this title. Nothing in this section shall be construed as affirming or denying the validity of any withdrawals by the Secretary under section 14(h)(3) of the Alaska Native Claims Settlement Act.

TECHNICAL AMENDMENT TO PUBLIC LAW 94-204

SEC. 812. Section 15(a) of the Act of January 2, 1976 (Public Law 94-204, 89 Stat. 1154-1155), is amended—

(1) by striking out the description beginning with "Township 36 south, range 52 west;" and all that follows through "Township 41 south, range 53 west, section 1, 2, 11, 12, 13 S.M. Alaska, notwithstanding;" and inserting in lieu thereof the following:

"Township 36 south, range 52 west; all;

"Township 37 south, range 51 west, all;

"Township 37 south, range 52 west, all;

"Township 37 south, range 53 west, sections 1 through 4, 9 through 16, 21 through 24, and the north half of sections 25 through 28;

"Township 38 south, range 51 west, sections 1 through 5, 9, 10, 12, 13, 18, 24, and 25;

"Township 38 south, range 52 west, sections 1 through 35;

"Township 38 south, range 53 west, sections 1, 12, 13, 24, 25, and 26;

"Township 39 south, range 51 west, sections 1, 6, 7, 16 through 21, 28 through 33, and 36;

"Township 39 south, range 52 west, sections 1, 2, 11 through 15, and 22 through 24;

"Township 39 south, range 53 west, sections 33 through 36, and the south half of section 26;

"Township 40 south, range 51 west, sections 2 and 6;

"Township 40 south, range 52 west, sections 6 through 10, 15 through 21, and 27 through 36;

"Township 40 south, range 53 west, sections 1 through 19, 21 through 28, and 34 through 36;

"Township 40 south, range 54 west, sections 1 through 34;

"Township 41 south, range 52 west, sections 7, 8, 9, 16, 17, and 18;

"Township 41 south, range 53 west, sections 1, 4, 5, 8, 9, 11, 12, and 16;

"Township 41 south, range 54 west, section 6, S.M., Alaska;"; and

(2) by striking out "The" in the undesignated paragraph immediately following such description and inserting in lieu thereof "Notwithstanding the".

TITLE IX—TRANSPORTATION AND UTILITY SYSTEMS

DEFINITIONS

SEC. 901. For purposes of this title—

(1) The term "applicable law" means any law of general applicability (other than this title) under which any Federal department or agency has jurisdiction to grant any authorization (including but not limited to, any right-of-way, permit, license, lease, or certificate) without which a transportation or utility system cannot, in whole or in part, be established or operated.

(2) The term "applicant" means any public or private person, including, but not limited to, any Federal department or agency.

(3) The term "regulatory agency" means any Federal department or agency that has any function or duty under applicable law.

(4)(A) The term "transportation or utility system" means any type of system described in subparagraph (B) if—

(i) the entire route of the system will be within any conservation system unit or within any national recreation area, or national conservation area, in the State (and the system is not one that the department or agency having jurisdiction over the unit or area is establishing incident to its management of the unit or area); or

(ii) the route of the system will be—

(I) in part within any conservation system unit or national recreation area, or national conservation area, in the State; and

(II) in part within any public land (other than wilderness) that is under the jurisdiction of the Bureau of Land Management or the Forest Service;

but the entire route need not be entirely within such unit or area and land.

(B) The types of systems to which subparagraph (A) applies are as follows:

(i) Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.

(ii) Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.

(iii) Pipelines, slurry and emulsion systems, and conveyor belts for the transportation of solid materials.

(iv) Systems for the transmission and distribution of electric energy.

(v) Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communication.

(vi) Improved rights-of-way for snow machines, air cushion vehicles, and other all-terrain vehicles.

(vii) Roads, highways, railroads, tunnels, tramways, and other systems of general transportation.

Any system described in this subparagraph includes such related structures and facilities along the route of the system as may be minimally necessary for the operation and maintenance of the system.

EFFECT OF TITLE

SEC. 902. Except as specifically provided for in this title, applicable law shall apply with respect to the authorization and administration of transportation or utility systems.

PROCEDURAL REQUIREMENTS

SEC. 903. (a) IN GENERAL.—Notwithstanding any provision of applicable law, no action by any regulatory agency under applicable law with respect to the approval or disapproval of the authorization, in whole or in part, of any transportation or utility system shall have any force or effect unless the provisions of this section are complied with.

(b) CONSOLIDATED APPLICATIONS.—Within one hundred and twenty days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, in consultation with the heads of other appropriate regulatory agencies, shall jointly prescribe and publish a consolidated application form to be used for applying for the approval of each type of transportation or utility system. Each such application form shall be designed to elicit such information as may be necessary to meet the requirements of this title and the applicable law that applies with respect to the type of system concerned. For purposes of this section, the Secretary of Transportation shall be treated as the head of an appropriate regulatory agency in the case of any transportation or utility system described in section 901 (4)(B) (ii), (iii), or (vii); but with respect to any such system for which he does not have programmatic responsibility, the Secretary of Transportation shall provide to the other regulatory agencies concerned such planning and other assistance as may be appropriate.

(c) FILING.—Each applicant for the approval of any transportation or utility system shall file on the same day an application with the head of each appropriate regulatory agency. The applicant shall utilize the consolidated form prescribed under subsection (b) for the type of transportation or utility system concerned.

(d) AGENCY NOTICE.—(1) Within sixty days after the receipt of an application filed pursuant to subsection (c), the head of each regulatory agency with whom the application was filed shall inform the applicant in writing that, on its face—

(A) the application appears to contain the information required by this title and applicable law insofar as that agency is concerned; or

(B) the application does not contain such information.

(2) Any notice provided under paragraph (1)(B) shall specify what additional information the applicant must provide. If the applicant provides additional information, the head of the regulatory agency must inform the applicant in writing, within thirty days after receipt of such information, whether the information is sufficient.

(e) ENVIRONMENTAL IMPACT STATEMENT.—The draft of any environmental impact statement required under the National Environmental Policy Act of 1969 in connection with any application filed under this section shall be completed, within nine months from the date of filing, by the head of the regulatory agency having lead responsibility for the statement. Any such statement shall be jointly prepared by all regulatory agencies with which the application was filed under subsection (c). The final environmental impact statement shall be completed within one year from the date of such filing. Such nine-month and one-year periods may be extended for good cause by the regulatory agency head having responsibility for the preparation of such statement if he determines that additional time is necessary for such preparation, notifies the applicant in writing of such determination, and publishes notice of such determination, together with the reasons therefor, in the Federal Register. The provisions of section 304 of the Federal Land Policy and Management Act of 1976 shall apply to each environmental impact statement under this subsection in the same manner as such provisions apply to applications relating to the public lands referred to in such section 304. The regulatory agency having lead responsibility shall, in conjunction with such other regulatory agencies as may be interested, hold public hearings in the District of Columbia and an appropriate location in the State on each draft joint environmental impact statement and the views expressed therein shall be considered by all regulatory agencies concerned before publication of the final joint environmental impact statement.

(f) OTHER VIEWS.—During both the nine-month period, and the succeeding three-month period plus any extension thereof provided for in subsection (e), the heads of the regulatory agencies concerned shall solicit and consider the views of other Federal departments and agencies, the Alaska Land Use Council, the State, affected units of local government in the State, and affected corporations formed pursuant to the Alaska Native Claims Settlement Act, and, after public notice, shall receive and consider statements and recommendations regarding the application submitted by interested individuals and organizations.

(g) TENTATIVE AGENCY DECISION.—(1) Within four months after the final environmental impact statement is published in accordance with subsection (e) with respect to any transportation or utility system, each regulatory agency must make a tentative decision to approve or disapprove, in accordance with applicable law, each authorization that applies with respect to the system and that is within the jurisdiction of that agency.

(2) The head of each regulatory agency, in making a tentative decision referred to in paragraph (1), shall consider, and make detailed findings supported by substantial evidence, with respect to—

(A) the presence of the proposed transportation or utility system in any statewide transportation plan prepared by the State.

(B) the need for, and economic feasibility of, the transportation or utility system;

(C) alternative routes and modes of access, including a determination with respect to whether there is any economically feasible and prudent alternative to the routing of the system through or within a conservation system unit, national recreation area, or national conservation area and, if not, whether there are alternative routes or modes which would result in fewer or less severe adverse impacts upon the conservation system unit;

(D) the feasibility and impacts of including different transportation or utility systems in the same area;

(E) short- and long-term social, economic, and environmental impacts of national, State, or local significance, including impacts on fish and wildlife and their habitat, and on rural, traditional lifestyles;

(F) the impacts, if any, on the national security interests of the United States, that may result from approval or denial of the application for a transportation or utility system;

(G) any impacts that would affect the purposes for which the Federal unit or area concerned was established;

(H) measures which should be instituted to avoid or minimize negative impacts; and

(I) the short- and long-term public values which may be adversely affected by approval of the transportation or utility system versus the short- and long-term public benefits which may accrue from such approval.

STANDARDS FOR GRANTING CERTAIN AUTHORIZATIONS

SEC. 904. In any case in which there is no applicable law with respect to a transportation or utility system, the head of the regulatory agency concerned may make recommendations, for purposes of section 905(b), to grant such authorizations as may be necessary to establish such system, in whole or in part, within the conservation system unit concerned if he determines that—

(1) to allow such system within the unit would be compatible with the purposes for which the unit was established; and

(2) there is no economically feasible and prudent alternative route for the system.

For purposes of section 903, this section shall be treated as being applicable law.

AGENCY, PRESIDENTIAL, AND CONGRESSIONAL ACTIONS

SEC. 905. (a)(1) AGENCY ACTION IN CASES OTHER THAN THOSE INVOLVING SECTION 904 OR WILDERNESS AREAS.—In the case of any application for the approval of any transportation or utility system to which section 904 does not apply or that does not occupy, use, or traverse any area within the National Wilderness Preservation System, if, in compliance with section 903—

(A) each regulatory agency concerned tentatively decides to approve each authorization within its jurisdiction with respect to that system, then the system shall be deemed to be approved and each such agency shall promptly issue, in accordance with applicable law, such rights-of-way, permits, licenses, leases, certificates, or other authorizations as are necessary with respect to the establishment of the system; or

(B) one or more regulatory agencies tentatively decide to disapprove any authorization within its jurisdiction with respect to that system, then the system shall be deemed to be disapproved and the applicant for the system may appeal the disapproval to the President.

(2) If an applicant appeals under paragraph (1)(B), the President, within four months after receiving the appeal, shall decide whether to approve or deny the application. The President shall approve the application if he finds, after consideration of the factors set forth in section 903(g)(2), that such approval would be in the public interest. In making a decision, the President shall consider any environmental impact statement prepared pursuant to section 903(e), comments of the public and Federal agencies received during the preparation of such statement, and the findings and recommendations, if any, of each regulatory agency that rendered a decision with respect to the application. The President's decision to approve or deny the application shall be published in the Federal Register, together with a statement of the reasons for his determination.

(3) If the President approves an application under paragraph (2), each regulatory agency concerned shall promptly issue, in accordance with applicable law, such rights-of-way, permits, licenses, leases, certificates, or other authorizations as are necessary with respect to the establishment of the system.

(4) If the President denies an application under paragraph (2), the applicant shall be deemed to have exhausted his administrative remedies and may file suit in any appropriate Federal court to challenge such decision. With the consent of the applicant, the State shall have standing to appeal, on behalf of the applicant, any administrative or judicial decision which results from the implementation of this title.

(b) AGENCY ACTION IN CASES INVOLVING SECTION 904 OR WILDERNESS AREAS.—(1) In the case of any application for the approval of a transportation or utility system to which section 904 applies or that proposes to occupy, use, or traverse any area within the National Wilderness Preservation System, each regulatory agency concerned shall promptly submit to the President notification whether the agency tentatively approved or disapproved each authorization within its jurisdiction that applies with respect to the system. Such notification shall be accompanied by a statement of the reasons and findings supporting the agency position.

(2) Within four months after receiving all notification referred to in paragraph (1) and after considering such notifications, any environmental impact statement prepared pursuant to section 903(e), and the comments of the public and Federal agencies received during the preparation of such statement; the President shall submit to Congress his recommendation regarding whether or not the application for the system concerned should be approved by Congress under subsection (c). The President shall include with any such recommendation to Congress—

(A) the application which is the subject of his recommendation;

(B) a report setting forth in detail the relevant factual background and the reasons for his findings and recommendation;

(C) the joint environmental impact statement;

(D) a statement of the conditions and stipulations which would govern the use of the system if approved by the Congress.

(c) CONGRESSIONAL APPROVAL.—(1) No application for any transportation or utility system with respect to which the President makes a recommendation under subsection (b) (whether the recommendation is for approval or disapproval), shall be approved unless the Senate and House of Representatives approve a resolution described in paragraph (4) within the first period of one hundred and twenty calendar days of continuous session of the Congress beginning on the date after the date of receipt by the Senate and House of Representatives of such recommendation.

(2) For purposes of this subsection—

(A) continuity of session of the Congress is broken only by an adjournment sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one-hundred-and-twenty-day calendar period.

(3) This subsection is enacted by the Congress—

(A) as an exercise of the rulemaking power of each House of the Congress, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by paragraph (6) of this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as those relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(4) For purposes of this subsection, the term "resolution" means a joint resolution, the resolving clause of which is as follows: "That the House of Representatives and Senate approve the application for under title IX of the Alaska National Interest Lands Conservation Act submitted by the President to the Congress on , 19 ."; the first blank space

therein to be filled in with the appropriate transportation or utility system and the second blank therein to be filled with the date on which the President submits the application to the House of Representatives and the Senate.

(5) Except as otherwise provided in this subsection, the provisions of section 8(d) of the Alaska Natural Gas Transportation Act shall apply to the consideration of the resolution.

(6) After an application for a transportation or utility system has been approved by the Congress under this subsection, the appropriate regulatory agencies shall issue appropriate authorizations in accordance with applicable law; and, in any case in which section 904 applies, the head of the regulatory agency concerned shall grant to the applicant and thereafter administer (under the Federal Land Policy and Management Act of 1976) such legal interests in such lands or waters within the unit concerned as may be appropriate.

RIGHTS-OF-WAY TERMS AND CONDITIONS

SEC. 906. (a) TERMS AND CONDITIONS.—The Secretary, or the Secretary of Agriculture where national forest wilderness is involved, shall include in any right-of-way issued pursuant to an application under this title, terms and conditions which shall include, but not be limited to—

(1) requirements to insure that the right-of-way is used in a manner compatible with the purposes for which the affected conservation system unit, national recreation area, or national conservation area was established;

(2) requirements for restoration, revegetation, and curtailment of erosion of the surface of the land;

(3) requirements to insure that activities in connection with the right-of-way will not violate applicable air and water quality standards and related facility siting standards established pursuant to law;

(4) requirements, including the minimum necessary width, designated to control or prevent—

(A) damage to the environment (including damage to fish and wildlife habitat),

(B) damage to public or private property, and

(C) hazards to public health and safety;

(5) requirements to protect the interests of individuals living in the general area of the right-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes; and

(6) requirements to employ measures to avoid or minimize adverse environmental, social, or economic impacts.

(b) WILD AND SCENIC RIVERS SYSTEM.—Any transportation or utility system approved pursuant to this title which occupies, uses, or traverses any area within the boundaries of a unit of the National Wild and Scenic Rivers System shall be subject to such conditions as may be necessary to assure that the stream flow of, and transportation on, such river are not interfered with or impeded, and that the transportation or utility system is located and constructed in an environmentally sound manner.

(c) PIPELINE RIGHT-OF-WAY.—In the case of a pipeline described in section 28(a) of the Mineral Leasing Act of 1920, a right-of-way issued pursuant to this title shall be issued in the same manner as a right-of-way is granted under section 28, and the provisions of subsections (c) through (j), (l) through (q), and (u) through (y) of such section 28 shall apply to rights-of-way issued pursuant to this title.

SPECIAL ACCESS RIGHTS

SEC. 907. Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the values of the conservation system units, national recreation areas, and national conservation areas, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this Act or other law.

TEMPORARY ACCESS

SEC. 908. (a) IN GENERAL.—Notwithstanding any other provision of this Act or other law, the Secretary shall authorize and permit temporary access by the State or a private landowner to, within, or across any conservation system unit, national recreation area, national conservation area, or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, in order to permit the State or private landowner access to its land for purposes of survey, or geophysical, exploratory, or other temporary uses thereof whenever he determines such access will not result in permanent harm to the resources of such unit.

(b) STIPULATIONS AND CONDITIONS.—In providing temporary access pursuant to subsection (a), the Secretary may include such stipulations and conditions he deems necessary to insure that the private use of public lands is accomplished in a manner that is not inconsistent with the purposes for which the public lands are reserved and which insures that no permanent harm will result to the resources of the unit.

ACCESS TO INHOLDINGS

SEC. 909. Notwithstanding any other provisions of this Act or other law, in any case in which State owned or privately owned land or a valid mining claim or other valid occupancy is within or is effectively surrounded by one or more conservation system units, national recreation areas, national conservation areas, or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate and economically feasible access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the values of such lands.

NORTH SLOPE HAUL ROAD

SEC. 910. (a) IN GENERAL.—So long as that section of the North Slope Haul Road referred to in subsection (c) is closed to public use, but not including regulated local traffic north of the Yukon River, regulated industrial traffic and regulated high occupancy buses, such regulation to occur under State law, except that the Secretary, after consultation with the Secretary of Transportation, and the Governor of Alaska shall agree on the number of vehicles and seasonality of use, such section shall be free from any and all restrictions contained in title 23, United States Code, as amended, or in any regulations thereunder. The State shall have the authority to limit access, impose restrictions and impose tolls, notwithstanding any provision of Federal law.

(b) RELEASE.—The removal of restrictions shall not be conditioned upon repayment by the State to the Treasurer of the United States of any Federal-aid highway funds paid on account of the section of highway described in subsection (c), and the obligation of the State to repay these amounts is hereby released so long as the road remains closed as set forth in subsection (a).

(c) APPLICATION OF SECTION.—The provisions of this section shall apply to that section of the North Slope Haul Road, which extends from the southern terminus of the Yukon River Bridge to the northern terminus of the road at Prudhoe Bay.

VALID EXISTING RIGHTS

SEC. 911. Nothing in this title shall be construed to adversely affect any valid existing right of access.

APPLICATION OF TITLE

SEC. 912. This title shall apply with respect to any transportation or utility system for which no application under applicable law was made to any regulatory agency before the date of the enactment of this Act.

TITLE X—COORDINATION

ALASKA LAND USE COUNCIL

SEC. 1001. (a) ESTABLISHMENT.—There is hereby established the Alaska Land Use Council (hereinafter in this title referred to as the "Council").

(b) COCHAIRMEN.—The Council shall have Cochairmen. The Federal Cochairmen shall be appointed by the President of the United States with the advice and consent of the Senate. The State Cochairman shall be the Governor of Alaska.

(c) MEMBERS.—In addition to the Cochairmen, the Council shall consist of the following members:

(1) the head of the Alaska offices of each of the following Federal agencies: National Park Service, United States Fish and Wildlife Service, United States Forest Service, Bureau of Land Management, Heritage Conservation and Recreation Service, National Oceanic and Atmospheric Administration, and Department of Transportation; and

(2) the Commissioners of the Alaska Departments of Natural Resources, Fish and Game, Environmental Conservation, Transportation, and Community and Regional Affairs.

Any vacancy on the Council shall be filled in the same manner in which the original appointment was made.

(d) STATE DECISION NOT TO PARTICIPATE.—If the State elects not to participate on the Council or elects to end its participation prior to termination of the Council, the Council shall be composed of the Federal Cochairman and the agencies referred to in subsection (c) (1). The Council, so composed, shall carry out the administrative functions required by this title and shall make recommendations to Federal officials with respect to the matters referred to in subsections (i) and (j). In addition, the Council may make recommendations from time to time to State officials and private landowners concerning such matters.

(e) COMPENSATION AND EXPENSES.—(1) The Federal Cochairman shall be compensated at a rate to be determined by the President but not in excess of that provided for level IV of the Executive Schedule contained in title 5, United States Code.

(2) The other members of the Council who are Federal employees shall receive no additional compensation for service on the Council.

(3) While away from their homes or regular places of business in the performance of services for the Council, members of the Council who are Federal employees shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Gov-

ernment service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(4) The State Cochairman and other members of the Council referred to in subsection (c)(2) shall be compensated in accordance with applicable State law.

(f) ADMINISTRATIVE AUTHORITY.—(1) The Cochairmen, acting jointly, shall have the authority to create and abolish employments and positions, including temporary and intermittent employments; to fix and provide for the qualification, appointment, removal, compensation, pension, and retirement rights of Council employees; and to procure needed office space, supplies, and equipment.

(2) The office of the Council shall be located in the State of Alaska.

(3) Except as provided in subsection (d), within any one fiscal year, the Federal Government shall pay only 50 per centum of the costs and other expenses other than salaries, benefits, et cetera of members, incurred by the Council in carrying out its duties under this Act.

(4) The Council is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement. Each department and agency of the Federal Government is authorized and directed to cooperate fully in making its services, equipment, personnel, and facilities available to the Council. Personnel detailed to the Council in accordance with the provisions of this subsection shall be under the direction of the Cochairmen during any period such staff is so detailed.

(5) The Council is authorized to accept donations, gifts, and other contributions and to utilize such donations, gifts, and contributions in carrying out its functions under this Act.

(6) The Council shall keep and maintain complete accounts and records of its activities and transactions, and such accounts and records shall be available for public inspection.

(g) MEETINGS; AUTHORITIES; REPORTS.—(1) The Council shall meet at the call of the Cochairmen, but not less than four times each year.

(2) The Council may, for the purpose of carrying out the provisions of this section, hold such hearings, take such testimony, receive such evidence, and print or otherwise reproduce and distribute reports concerning so much of its proceedings as the Council deems advisable.

(3) No later than February 1, of each calendar year following the calendar year in which the Council is established, the Cochairmen shall submit to the President, the Congress, the Governor of Alaska, and the Alaska Legislature, in writing, a report on the activities of the Council during the previous year, together with their recommendations, if any, for legislative or other action in furtherance of the purposes of this section.

(h) RULES.—The Council shall adopt such internal rules of procedure as it deems necessary. All Council meetings shall be open to the public, and at least fifteen days prior to the date when any meeting of the Council is to take place the Cochairmen shall publish public notice of such meeting in the Federal Register and in newspapers of general circulation in various areas throughout Alaska.

FUNCTIONS OF THE COUNCIL

SEC. 1002. (a) STUDIES; PLANNING.—The Council shall conduct studies and advise the Secretary, the Secretary of Agriculture, other Federal agencies, the State, local governments, and Native Corporations with respect to ongoing, planned, and proposed land and resources uses in Alaska, including transportation planning, land use designation, fish and wildlife management, tourism, agricultural development, coastal zone management, preservation of cultural and historical resources, and such other matters as may be submitted for advice by the members.

(b) RECOMMENDATIONS.—It shall be the function of the Council—

(1) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to ways to improve coordination and consultation between said governments in wildlife management, transportation planning, wilderness review, and other governmental activities which appear to require regional or statewide coordination;

(2) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to ways to insure that economic development is orderly and planned and is compatible with State and national economic, social, and environmental objectives;

(3) to make recommendations to appropriate officials of the Government of the United States and the State of Alaska with respect to those changes in laws, policies, and programs relating to publicly owned lands and resources which the Council deems necessary;

(4) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to the inventory, planning, classification, management, and use of Federal and State lands, respectively, and to provide such assistance to Native Corporations upon their request;

(5) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to needed modifications in existing withdrawals of Federal and State lands;

(6) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to the programs and budgets of Federal and State agencies responsible for the administration of Federal and State lands; and

(7) to make recommendations to appropriate officials of the Government of the United States, the State of Alaska, and Native Corporations for land exchanges between or among them.

(c) COOPERATIVE PLANNING-MANAGEMENT.—(1) The Council shall recommend cooperative planning and management zones, consisting of areas of the State in which the management of lands or resources by one member materially affects the management of lands or resources of another member or members. Federal members of the Council are authorized and encouraged to enter into cooperative agreements with Federal agencies, with State and local agencies, and with Native Corporations providing for mutual consultation, review, and coordination of resource management plans and programs within such zones.

(2) With respect to lands, waters, and interests therein which are subject to a cooperative agreement in accordance with this subsection, the Secretary, in addition to any requirement of applicable law, may provide technical and other assistance to the landowner with respect to fire control, trespass control, law enforcement, resource use, and planning. Such assistance may be provided without reimbursement if the Secretary determines that to do so would further the purposes of the cooperative agreement and would be in the public interest.

(d) NONACCEPTANCE OF COUNCIL RECOMMENDATIONS.—If any Federal or State agency does not accept a recommendation made by the Council pursuant to subsection (l) or (j), such agency, within thirty days of receipt of the recommendation, shall inform the Council, in writing, of its reason for such action.

TERMINATION: ADVISORY COMMITTEE

SEC. 1003. (a) FULL REPORT OF COUNCIL.—Unless extended by the Congress, the Council shall terminate ten years after the date of enactment of this Act. No later than one year prior to its termination date, the Cochairmen shall submit in writing to the Congress a report on the accomplishments of the Council together with their recommendations as to whether the Council should be extended or any other recommendations for legislation or other action which they determine should be taken following termination of the Council to continue carrying out the purposes for which the Council was established.

(b) FEDERAL PARTICIPATION IN JOINT COMMISSION.—Notwithstanding any other provision of law, Federal participation in the Joint Federal-State Land Use Planning Commission for Alaska, established in section 17(a) of the Alaska Native Claims Settlement Act, shall cease upon the expiration of the ninety-day period following the date of enactment of this Act or the ninety-day period following the date of appointment of the Federal Cochairman of the Council, whichever is later: *Provided*, That in any event, the Commission shall terminate on June 30, 1979, as provided in section 17(a)(10) of the Alaska Native Claims Settlement Act.

(c) CITIZENS ADVISORY COMMITTEE.—The Council shall establish a committee of land-use advisers, made up of representatives of commercial and industrial land users in Alaska, recreational land users, wilderness users, environmental groups, Alaska Natives, local governments, and other citizens. The Cochairman shall appoint the members of the committee and, in so doing, shall to the maximum extent practicable provide a balanced mixture of National, State, and local perspective and expertise on land and resource use issues.

FEDERAL COORDINATION COMMITTEE

SEC. 1004. There is hereby established a Federal Coordination Committee composed of the Secretaries (or their designees) of Agriculture, Energy, the Interior, and Transportion; the Administrators of the Environmental Protection Agency, and the National Oceanic and Atmospheric Administration; and the Federal and State Cochairmen of the Council. Such Committee shall meet at least once every four months in order to coordinate those programs and functions of their respective agencies which could affect the administration of lands and resources in Alaska. The Federal Cochairman shall be the Chairman of the Committee. He shall be responsible for formulating an agenda for each meeting, after consultation with the other agency heads referred to herein, for providing any necessary staff support, and for preparing a brief summary of the disposition of matters discussed at each meeting. Such summary shall be published in the Federal Register.

TITLE XI—ADMINISTRATIVE PROVISIONS

LAND ACQUISITION AND EXCHANGES

SEC. 101. (a) GENERAL AUTHORITY.—Except as otherwise provided in this Act, the Secretary is authorized, in order to carry out the purposes of this Act, to acquire by purchase, donation, exchange, or otherwise any lands within the boundaries of any conservation system unit. Any such land owned by the State, a political subdivision of the State, or a Native Corporation which has Natives as a majority of its stockholders may only be acquired for such purposes with the consent of the State, such political subdivision of the State, or such Native Corporation, as the case may be.

(b) IMPROVED PROPERTY.—No improved property shall be acquired under subsection

(a) without the consent of the owner unless the Secretary first determines that such acquisition is necessary to the fulfillment of the purposes of this Act or to the fulfillment of the purposes for which the concerned conservation system unit was established or expanded.

(c) RETAINED RIGHTS.—The owner of an improved property on the date of its acquisition, as a condition of such acquisition, may retain for himself, his heirs and assigns, a right of use and occupancy of the improved property for noncommercial residential or recreational purposes, as the case may be for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the owner's interest in the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that such right is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(d) DEFINITION.—For the purposes of this section, the term "improved property" means—

(1) a detached single family dwelling, the construction of which was begun before January 1, 1978 (hereinafter in this section referred to as the "dwelling"), together with the land on which the dwelling is situated to the extend that such land—

(A) is in the same ownership as the dwelling or is Federal land on which entry was legal and proper, and

(B) is designated by the Secretary to be necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use,

together with any structures necessary to the dwelling which are situated on the land so designated, or

(2) property developed for noncommercial recreational uses, together with any structures accessory thereto which were so used on or before January 1, 1978, to the extent that entry onto such property was legal and proper.

In determining when and to what extent a property is to be considered an "improved property", the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1978, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed before such date.

(e) CONSIDERATION OF HARDSHIP.—The Secretary shall give prompt and careful consideration to any offer made by the owner of any property within a conservation system unit to sell such property, if such owner notifies the Secretary that the continued ownership is causing, or would result in, undue hardship.

(f) EXCHANGE AUTHORITY.—Notwithstanding any other provision of law, in acquiring lands for the purposes of this Act, the Secretary is authorized to exchange lands (including lands within conservation system units and within the National Forest System) or interests therein (including Native selection rights) with the corporations organized by the Native groups, Village Corporations, Regional Corporations, and the corporations organized by Natives residing in Juneau, Sitka, Kodiak, and Kenai, all as defined in the Alaska Native Claims Settlement Act, and other municipalities and corporations or individuals, the State (acting free of the restrictions of section 6(i) of the Alaska Statehood Act), or any Federal agency. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchange, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchanges may be made for other than equal value.

(g) ACQUIRED LANDS PART OF UNITS.—All lands, water, and interests therein acquired by the Secretary and located within the boundaries of any conservation system unit shall become part of such unit and subject to the laws and regulations applicable to such unit.

(h) SCENIC EASEMENTS.—The Secretary shall reserve all scenic easements which he determines to be necessary to protect the scenic and natural values of (1) Sukakpak Mountain and the other public lands within the area heretofore reserved for utility transmission systems, or (2) the public lands within the area described in section 1205(a). Scenic easement reserved or acquired under this subsection shall not unduly interfere with the construction, operation, or maintenance of any authorized utility transportation system or other authorized facility or development. In acquiring scenic easements pursuant to this subsection, the Secretary may utilize his authority under subsection (f) of this section or section 22(f) of the Alaska Native Claims Settlement Act.

ARCHEOLOGICAL AND PALEONTOLOGICAL SITES

SEC. 1102. Notwithstanding any acreage or boundary limitations contained in this Act with respect to the Cape Krusenstern National Preserve, the Bering Land Bridge National Wildlife Refuge, the Yukon-Charley Rivers National Preserve, and the Kobuk Valley National Monument and Preserve, the Secretary may designate Federal lands or he may acquire by purchase with the consent of the owner, donation, or exchange any significant archeological or paleontological site in Alaska located outside of the boundaries of such areas and containing resources which are closely associated with any such area. If any such site is so designated or acquired, it shall be included in and managed as part of such area. Not more than seven thousand five hundred acres of land may be designated or acquired under this section for inclusion in any single area. Before designation or acquisition of any property in excess of one hundred acres under the provisions of this section, the Secretary shall—

(1) submit notice of such proposed designation or acquisition to the appropriate committees of the Congress; and

(2) published notice of such proposed designation or acquisition in the Federal Register.

COOPERATIVE INFORMATION CENTERS

SEC. 1103. (a) ALASKA HIGHWAY CENTER.—The Secretary of the Interior is authorized to establish, after consultation with other appropriate Federal agencies, on not to exceed one thousand acres of Federal or other land at a site adjacent to the Alaska Highway, an information and education center for visitors to Alaska. The Secretary shall seek participation in the program planning, construction, and operation of the center from appropriate agencies of the State and representatives of Native groups in Alaska and may accept contributions of funds, personnel, and planning and program assistance for such State agencies, local agencies, Federal agencies, Native representatives, and other persons for purposes of such planning, construction, and operation. Before establishing any such center on any such site, the Secretary shall notify the appropriate committees of Congress of his intention to do so.

(b) ESTABLISHMENT OF OTHER CENTERS.—The Secretary of the Interior is authorized to establish in both Anchorage and Fairbanks, Alaska, an information and education center for visitors to Alaska, and the Secretary of Agriculture is authorized to establish in Juneau, Alaska, Ketchikan, Alaska, or Sitka, Alaska, another such information and education center. Each Secretary shall seek participation from the State, units of local government, and representatives of Native groups in Alaska, and may accept contributions from State agencies, local agencies, Federal agencies, Native representatives, and other persons in the same manner and to the same extent as is authorized under subsection (a) in connection with the Alaska Highway Center. Before establishing any such center in any such city, the concerned Secretary shall notify the appropriate committees of the Congress of his intention to do so. Each Secretary is authorized to lease or acquire by purchase, donation, or exchange such property in the concerned city, as may be necessary to carry out the purposes of this subsection, except that (1) any property owned by a State or local government may be acquired for such purposes only by donation or exchange, and (2) any property owned by any other person may be acquired for such purposes only with the consent of such person.

(c) ADMINISTRATION.—Any centers and facilities established under this section shall be administered under applicable laws and in accordance with such special regulations as the Secretary may promulgate.

ADMINISTRATIVE SITES AND VISITOR FACILITIES

SEC. 1104. (a) ESTABLISHMENT.—In conformity with the conservation and management plans prepared for each unit and the purposes of assuring the preservation, protection, and proper management of any conservation system unit, the Secretary may establish sites and visitor facilities—

(1) within the unit, if compatible with the purposes for which the unit is established, expanded, or designated by this Act, and the other provisions of this Act, or

(2) outside the boundaries of, and in the vicinity of, the unit.

To the extent practicable and desirable, the Secretary shall attempt to locate such sites and facilities on Native lands in the vicinity of the unit.

(b) AUTHORITIES OF SECRETARY.—For the purpose of establishing administrative sites and visitor facilities under subsection (a)—

(1) the Secretary and the head of the Federal agency having primary authority over the administration of any Federal land which the Secretary determines is suitable for use in carrying out such purpose may enter into agreements permitting the Secretary to use such land for such purposes;

(2) the Secretary, under such terms and conditions as he determines are reasonable, may lease or acquire by purchase, donation, exchange, or any other method (except condemnation) real property (under than Federal land) which the Secretary determines is suitable for carrying out such purposes; and

(3) the Secretary may construct, operate, and maintain such permanent and temporary buildings and facilities as he deems appropriate on land which is within, or in the vicinity of, any conservation system unit and with respect to which the Secretary has acquired authority under this subsection to use the property for the purpose of establishing an administrative site or visitor facility under subsection (a), except that the Secretary may not begin construction of buildings and facilities on land not owned

by the United States until the owner of such land has entered into an agreement with the Secretary, the terms of which assure the continued use of such buildings and facilities in furtherance of the purposes of this Act.

REVENUE-PRODUCING VISITOR SERVICES

SEC. 1105. (a) CONTINUATION OF EXISTING VISITOR SERVICES.—Notwithstanding any other provisions of law, the Secretary, under such terms and conditions as he determines are reasonable, shall permit any persons who, on or before January 1, 1978, were engaged in adequately providing any type of visitor service within any area established or added to a conservation system unit to continue providing such type of service and similar types of visitor services within such area if such service or services are consistent with the purposes for which such unit is established or expanded.

(b) PREFERENCE.—Notwithstanding provisions of law other than those contained in subsection (a), in selecting persons to provide (and in contracting for the provision of) any type of visitor service for any conservation system unit, the Secretary—

(1) shall give preference to the Native Corporation which the Secretary determines is most directly affected by the establishment or expansion of such unit by or under the provisions of this Act; and

(2) shall give preference to persons whom he determines, by rule, are local residents.

(c) DEFINITION.—As used in this section, the term "visitor service" means any service made available for a fee or charge to persons who visit a conservation system unit, including such services as providing food, accommodations, transportation, tours, and guides.

LOCAL HIRE

SEC. 1106. (a) PROGRAM.—The Secretary shall establish a program under which any individual who, by reason of having lived or worked in or near a conservation system unit, has special knowledge or expertise concerning the natural or cultural resources of such unit and the management thereof (as determined by the Secretary) shall be considered for selection for any position within such unit without regard to—

(1) any provision of the civil service laws or regulations thereunder which require minimum periods of formal training or experience,

(2) any such provision which provides an employment preference to any other class of applicant in such selection, and

(3) any numerical limitation on personnel otherwise applicable.

Individuals appointed under this subsection shall not be taken into account in applying any personnel limitation described in paragraph (3).

(b) REPORTS.—The Secretary shall from time to time prepare and submit to the Congress reports indicating the actions taken in carrying out the provisions of subsection (a) of this section together with any recommendations for legislation in furtherance of the purposes of this section.

MANAGEMENT PLANS

SEC. 1107. (a) SUBMISSION OF PLANS.—Within five years after the date of the enactment of this Act, the Secretary shall submit, in writing, to the appropriate committees of the Congress plans for managing each of the conservation system units established or expanded by title II of this Act. At any time after submitting a plan under this subsection, the Secretary may revise such plan in accordance with the provisions of this section.

(b) COORDINATION.—The Secretary shall coordinate the development and preparation of management plans for conservation system units which have similar characteristics.

(c) PLAN REQUIREMENTS.—Each plan described in subsection (a) shall identify management practices which will carry out the policies of this Act and will accomplish the purposes for which the concerned conservation system unit was established or expanded and shall include at least the following:

(1) Maps indicating areas of particular importance as to wilderness, natural, historical, wildlife, cultural, archeological, paleontological, geological, recreational, and similar resources and also indicating the areas into which unit will be divided for administrative purposes.

(2) A description of the programs and methods that will be employed to manage fish and wildlife resources and habitats, cultural, geological, recreational, and wilderness resources, and how each conservation system unit will contribute to overall resources management goals of that region. Such programs should include research, protection, restoration, development, and interpretation as appropriate.

(3) A description of the areas of potential or proposed development, indicating types of visitor services and facilities to be provided, the estimated costs of such services and facilities, and whether or not such services and facilities could and should be provided outside the boundaries of such unit.

(4) A plan for access to, and circulation within, such unit, indicating the type and location of transportation routes and facilities.

(5) A description of the programs and methods which the Secretary plans to use for the purposes of (A) encouraging the recognition and protection of the culture and history of the individuals residing, on the date of the enactment of this Act, in such unit and areas in the vicinity of such unit, and (B) providing and encouraging employment of such individuals.

(6) A plan for acquiring land with respect to such unit, including proposed modifications in the boundaries of such unit.

(7) A description (A) of privately owned areas, if any, which are within such unit, (B) of activities carried out in, or proposed for, such areas, (C) of the present and potential effects of such activities of such unit, (D) of the purposes for which such areas are used, and (E) of methods (such as cooperative agreements and issuance or enforcement of regulations) of controlling the use of such activities to carry out the policies of this Act and the purposes for which such unit is established or expanded.

(8) A plan indicating the relationship between the management of such unit and activities being carried out in, or proposed for, surrounding areas and also indicating cooperative agreements which could and should be entered into for the purpose of improving such management.

(d) CONSIDERATION OF FACTORS.—In developing, preparing, and revising a plan under this section and any study under section 1205 of lands within a conservation system unit, the Secretary shall take into consideration at least the following factors:

(1) The specific purposes for which the concerned conservation system unit was established or expanded.

(2) Protection and preservation of the ecological, environmental, wildlife, cultural, historical, archeological, geological, recreational, wilderness, and scenic character of the concerned unit and of areas in the vicinity of such unit.

(3) Providing opportunities for Native Alaskans residing in the concerned unit and areas adjacent to such unit to continue performing in such unit activities which they have traditionally or historically performed in such unit.

(4) Activities being carried out in areas adjacent to, or surrounded by, the concerned unit.

(e) HEARING AND PARTICIPATION.—In developing, preparing, and revising a plan under this section and any study under section 1205 of lands within a conservation system unit, the Secretary shall hold at least one public hearing in the vicinity of the concerned conservation unit, hold at least one public hearing in a metropolitan area of Alaska, and, to the extent practicable, permit the following persons to participate in the development, preparation, and revision of such plan:

(1) The Alaska Land Use Council and officials of Federal agencies whose activities will be significantly affected by implementation of such plan.

(2) Officials of the State and of political subdivisions of the State whose activities will be significantly affected by implementation of such plan.

(3) Officials of Native Corporations which will significantly be affected by implementation of such plan.

(4) Concerned local, State, and National organizations and interested individuals.

(f) ADVICE AND REPORTS.—During the period beginning on the date of the enactment of this Act and ending on the date the final plan described in subsection (a) is submitted to the appropriate committees of the Congress referred to in subsection (a), the Secretary—

(1) shall keep such committees advised of the status of the plans described in subsection (a), of activities being carried out under this section, and of any information which the Department of the Interior has pertaining to any conservation system unit; and

(2) shall, at least once every twelve months, submit to such committees a report indicating the status of the plan described in subsection (a), particular problems being encountered with respect to developing such plans and managing conservation system units, and the anticipated date of submission of such plans.

TAKING OF FISH AND WILDLIFE

SEC. 1108. (a) Nothing in this Act is intended to enlarge or diminish the responsibility and traditional authority of the State of Alaska for management of fish and wildlife on the public lands except as specifically provided by this Act, or to amend the Alaska constitution, and such responsibility and authority is recognized and confirmed in the State of Alaska in accordance with the provisions of this Act and other applicable Federal law.

(b) Except as specifically provided otherwise by this Act, nothing in this Act is intended to enlarge or diminish the responsibility and authority of the Secretary over the public lands, including the authority of the Secretary to designate areas where, and establish periods when, no taking of fish and wildlife shall be permitted on the public lands for reasons of public safety or administration, or to assure the continued productivity of a particular fish or wildlife population.

(c) The taking of fish and wildlife in all conservation system units, and in national conservation areas, national recreation areas, national forests, shall be carried out in accordance with the provisions of this Act and other applicable State and Federal law. Those areas designated as national parks or national monuments in the State shall be closed to the taking of fish and wildlife, except that—

(1) notwithstanding any other provisions of this Act, the Secretary shall administer and manage those units of the National Park System, and those additions to existing units, established by this Act to insure the opportunity for continued subsistence uses by local rural residents;

(2) sport and commercial fishing shall be authorized by the Secretary and carried out

in accordance with the provisions of this Act and other applicable State and Federal law; and

(3) the Secretary shall permit the taking of fish and wildlife on lands and waters under his jurisdiction within areas designated by this Act as national preserves for recreational or other purposes in accordance with the provisions of this Act and other applicable State and Federal law.

(d) (1) On all public lands where the taking of fish and wildlife for sport or commercial purposes is permitted in accordance with the provisions of this Act or other applicable State or Federal law, the Secretary shall permit, subject to reasonable regulations to insure compatibility, the establishment and use of campsites, cabins, tent platforms, shelters, and other necessary facilities and equipment directly related to the exercise of privileges to engage in such activities obtained pursuant to State or Federal law. Such facilities shall be established, maintained, and used in a manner consistent with the protection of the area in which they are located. All new facilities shall be constructed of materials which blend and are compatible with the immediate surrounding landscape. Upon termination of such use and such activities, any new cabins, structures or facilities shall be removed from the area by the permittee.

(2) This subsection shall not apply to any portion of any conservation system unit in which, after notice and opportunity for public hearing in the vicinity of the affected locality, the Secretary determines that the establishment or use of such facilities or equipment is a significant expansion of such facilities or uses which is detrimental to the purposes for which such unit in which the portion is located was established, including the wilderness character of any wilderness area within such unit.

MAPS

SEC. 1109. As soon as practicable after the date of enactment of this Act, a map and legal description of each conservation system unit, including each wilderness study area and each wilderness area, shall be filed with the appropriate committees of the Congress. Each such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the appropriate offices of (1) the Director of the National Park Service, (2) the Director of the United States Fish and Wildlife Service, and (3) the Chief of the United States Forest Service, and appropriate offices of the Alaska field directors of such services. Following publication of notice in the Federal Register and reasonable notice in writing to the appropriate committees of the Congress of his intention to do so, the Secretary may make minor adjustments in the boundaries of any of the conservation system units. Whenever possible, such adjusted boundaries shall follow hydrographic divides or embrace other key topographic features in all cases where straight line map boundaries approximate such features. The boundaries of areas added to the National Park, National Wildlife Refuge, and National Forest Systems in coastal areas, shall not extend seaward beyond the mean high tide line to include lands owned by the State of Alaska unless the State shall have concurred in such boundary extension and such extension is accomplished under the notice and reporting requirements of this Act.

MAJOR FEDERAL ACTION

SEC. 1110. No action concerning any conservation system unit in Alaska which is a major Federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 may be taken by the Secretary unless, in addition to meeting the other requirements of such Act, a report explaining in detail the action (and the basis and reason therefor) and an environmental impact statement concerning such action, have been submitted to the appropriate committees of the Congress at least sixty days prior to the commencement of such action.

ADMINISTRATION OF NATIONAL RECREATION AREAS

SEC. 1111. (a) National recreation areas established by this Act shall be administered by the Secretary as appropriate, in order to provide for public outdoor recreation use and enjoyment and for the conservation of the scenic, scientific, historic, fish and wildlife, and other values contributing to public enjoyment of such areas. Except as otherwise provided in this Act, the Secretary shall administer the recreation areas in a manner which in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, fish and wildlife, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of natural resources and the continuation of such existing uses and developments as will promote, or are compatible with, or do not significantly impair public recreation and conservation of the scenic, scientific, historic, fish and wildlife, or other values contributing to public enjoyment. In administering the recreation areas, the appropriate Secretary may utilize such statutory authorities pertaining to the administration of the National Park System, and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development compatible therewith.

(b) The lands within the recreation areas, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary under such reasonable regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interests in lands within the recreation areas in the manner described by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387), and he may permit the removal of leasable minerals from lands or interests in lands within the recreation areas in accordance with the mineral leasing laws, if he finds that such disposition would not have significant adverse effects on the administration of the recreation areas.

(c) All receipts derived from permits and leases issued on lands or interests in lands within the recreation areas under the mineral leasing laws shall be disposed of as provided in such laws; and receipts from the disposition on nonleasable minerals within the recreation areas shall be disposed of in the same manner as moneys received from the sale of public lands.

(d) This section does not apply to the White Mountains National Recreation Area established by section 304(c).

ADMINISTRATION OF NATIONAL PRESERVES

SEC. 1112. (a) GENERAL ADMINISTRATION.—A national preserve in Alaska shall be administered and managed as a unit of the National Park System in the same manner as a national park except as otherwise provided in this Act and except that the taking of fish and wildlife for recreation and other purposes shall be allowed in a national preserve under appropriate regulation, and applicable State and Federal law.

(b) HUNTING IN PRESERVE WILDERNESS.—The designation of wilderness in national preserves shall not alter National Park Service management practices as regards sport hunting. Sport hunting, including but not limited to commercial guiding operations, shall not be precluded or unreasonably impaired as a result of wilderness designation in national preserves. Subject to reasonable regulation, the Secretary shall permit within wilderness in national preserves, among other things, the establishment of hunting camps, the landing of aircraft, and the maintenance of airstrips at a level appropriate to insure public safety. Motorized uses authorized by the Secretary pursuant to this subsection shall be limited to those means of transportation specified in section 907.

GENERAL WILDERNESS REVIEW PROVISION

SEC. 1113. (a) Within five years from the date of enactment of this Act, the Secretary shall, in accordance with the provisions of section 3(d) of the Wilderness Act relating to public notice, public hearings, and review by State and other agencies, review, as to their suitability or nonsuitability for preservation as wilderness, all lands within national parks and national monuments not designated as wilderness by this Act and report his findings to the President.

(b) The Secretary shall conduct his review, and the President shall advise the United States Senate and House of Representatives of his recommendations, in accordance with the provisions of section 3 (c) and (d) of the Wilderness Act. The President shall advise the Congress of his recommendations with respect to such areas within seven years from the date of enactment of this Act.

(c) Nothing in this section shall be construed as affecting the administration of any national park or national monument in accordance with title II of this Act or other applicable provisions of law unless and until Congress provides otherwise by taking action on any Presidential recommendation made pursuant to subsection (b) of this section.

STATEWIDE CULTURAL ASSISTANCE PROGRAM

SEC. 1114. In furtherance of the national policy set forth in the first section of the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666), and in furtherance of the need to protect and interpret for the public benefit cultural and archeological resources and objects of national significance relating to prehistoric and historic human use and occupation of lands and waters in Alaska, the Secretary may, upon the application of a Native Corporation or Native group, provide advice, assistance, and technical expertise to the applicant in the preservation, display, and intepretation of cultural resources, without regard as to whether title to such resources is in the United States. Such assistance may include making available personnel to assist in the planning, design, and operation of buildings, facilities, and interpretive displays for the public and personnel to train individuals in the identification, recovery, preservation, demonstration, and management of cultural resources.

TITLE XII—MISCELLANEOUS

KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK

SEC. 1201. The second sentence of subsection (b)(1) of the first section of the Act entitled "An Act to authorize the Secretary of the Interior to establish the Klondike Gold Rush National Historical Park in the State of Alaska and Washington, and for other purpsoses", approved June 30, 1976 (90 Stat. 717), is amended to read as follows: "Lands or interests in lands owned by the State of Alaska or any political subdivision thereof may be acquired only by donation or exchange, and notwithstanding the provisions of subsection 6(i) of the Act of July 7, 1958 (72 Stat. 339, 342) commonly known as the Alaska Statehood Act, the State may include the minerals in any such transaction.".

NAVIGATION AIDS AND OTHER FACILITIES

SEC. 1202. (a) EXISTING FACILITIES.—Within areas added to the National Park, Wildlife Refuge, Forest, and Wild and Scenic Rivers Systems by this Act, access to, and operation, and maintenance of, existing air and water navigtation aids, communications sites and related facilities and existing facilities for weather, climate, and fisheries research and monitoring shall be permitted in accordance with the laws and regulations applicable to units of such systems, as appropriate. Access to and operation and maintenance of facilities for national defense purposes and related air and water navigation aids within or adjacent to such areas shall continue in accordance with the laws and regulations governing such facilities notwithstanding any other provision of this Act. Nothing in the Wilderness Act shall be deemed to prohibit such access, operation, and maintenance within wilderness areas designated by this Act.

(b) NEW FACILITIES.—The establishment, operation, and maintenance within any conservation system unit of new air and water navigation aids and related facilities, facilities for national defense purposes, and related air and water navigation aids, and facilities for weather, climate, and fisheries research and monitoring shall be permitted but only (1) after consultation with the Secretary or the Secretary of Agriculture, as appropriate, by the head of the Federal department or agency undertaking such establishment, operation, or maintenance and (2) in accordance with such terms and conditions as may be mutually agreed in order to minimize the adverse effects of such activities within such unit.

AMENDMENTS TO NAVAL PETROLEUM RESERVES PRODUCTION ACT OF 1976

SEC. 1203. Title I of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501–6507) is amended—

(1) by inserting "and the Committee on Merchant Marine and Fisheries of the House" immediately after "House of Representatives" each place it appears in section 104(d) and section 105 (a), (b)(2), and (c)(3); and

(2) by further amending section 105(c)—

(A) by inserting "archeological, paleontological," immediately after "historical," in paragraph (1)(B), and

(B) by striking out "within three years after the date of enactment of this title" in paragraph (3) and inserting in lieu thereof "on the same date as the study under subsection (b)".

WITHDRAWALS; MINERAL RIGHTS

SEC. 1204. Subject to valid existing rights, all public lands within the boundaries of any conservation system unit in Alaska are withdrawn from all forms of entry or appropriation under the mining laws and from the operation of the mineral leasing laws of the United States, except as otherwise specifically provided in this Act. All withdrawals and reservations of land for powersite purposes within the boundaries of a conservation system unit are hereby rescinded. In the case of lands in Alaska outside the boundaries of any such units, if an applicant for any Native allotment within any withdrawal or reservation for powersite purposes has complied with all applicable requirements, the Secretary may—

(1) grant the application for such allotment, and

(2) make an appropriate conveyance of land to such applicant,

as if the Secretary had declared such lands open to location, entry, or selection under section 24 of the Federal Power Act (16 U.S.C. 818), subject to the reservations specified in such section.

SCENIC HIGHWAY STUDY

SEC. 1205. (a) WITHDRAWAL.—Subject to valid existing rights, all public lands within an area, the centerline of which is the centerline of the Parks Highway from the entrance to Mount McKinley National Park to the Talkeetna junction which is one hundred and thirty-six miles south of Cantwell, the Denali Highway between Cantwell and Paxson, the Richardson Highway and Edgerton Highway between Paxson and Chitina, and the existing road between Chitina and McCarthy (as those highways and road are depicted on the official maps of the department of transportation of the State of Alaska) and the boundaries of which are parallel to the centerline and one mile distant therefrom on either side, are hereby withdrawn from all forms of entry or appropriation under the mining laws and from operation of the mineral leasing laws of the United States.

(b) STUDY.—During the three-year period beginning on the date of enactment of this Act, the Secretary shall study the desirability of establishing a Denali Scenic Highway to consist of all or part of the lands described in subsection (a) of this section. In conducting the studies, the Secretary, through a study team which includes representatives of the Secretary of Transportation, the National Park Service, the Bureau of Land Management, the State, and of each Regional Corporation within whose area of operation the lands described in subsection (a) are located, shall consider the scenic and recreational values of the lands withdrawn under this section, the importance of providing a symbolic and actual physical connection between the national parks in south central Alaska, and the desirability of enhancing the experience of persons traveling between those parks by motor vehicles. Members of the study team who are not Federal employees shall receive from the Secretary per diem (in lieu of expenses) and travel allowances at the rates provided for employees of the Bureau of Indian Affairs in Alaska in grade GS–15.

(c) COOPERATION NOTICE: HEARINGS.—In conducting the studies required by this section, the Secretary shall cooperate with the State and shall consult with each Village Corporation within whose area of operation lands described in this section are located and to the maximum extent practicable with the owner of any lands adjoining the lands described in subsection (a) concerning the desirability of establishing a Denali Scenic Highway. The Secretary, through the National Park Service, shall also give such public notice of the study as he deems appropriate, including at least publication in a newspaper or newspapers having general circulation in the area or areas of the lands described in subsection (a), and shall hold a public hearing or hearings at one or more locations convenient to the areas affected.

(d) REPORT.—Within three years after the date of enactment of this Act, the Secretary shall report to the President the results of the studies carried out pursuant to this section together with his recommendation as to whether the scenic highway studied should be established and, if his recommendation is to establish the scenic highway, the lands described in subsection (a) which should be included therein. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations and those of the Governor of Alaska with respect to creation of the scenic highways, together with maps thereof, a definition of boundaries thereof, an estimate of costs, recommendations on administration, and proposed legislation to create such a scenic highway, if creation of one is recommended.

(e) PERIOD OF WITHDRAWAL.—The lands withdrawn under subsection (a) of this section shall remain withdrawn until such time as the Congress acts on the President's recommendation, but not to exceed two years after the recommendation is transmitted to the Congress.

BUREAU OF LAND MANAGEMENT LAND REVIEWS

SEC. 1206. Notwithstanding any other provision of law, section 603 of the Federal Land Policy and Management Act of 1976 shall not apply to any lands in Alaska. However, in carrying out his duties under section 201 and section 202 of such Act and other applicable laws, the Secretary may identify areas in Alaska which he determines are suitable as wilderness and may, from time to time, make recommendations to the Congress for inclusion of any such areas in the National Wilderness Preservation System, pursuant to the provisions of the Wilderness Act. In the absence of congressional action relating to any such recommendation of the Secretary, the Bureau of Land Management shall manage all such areas which are within its jurisdiction in accordance with the applicable land use plans and applicable provisions of law. Nothing in this section shall be construed as relieving the Secretary of the duty of reviewing the wilderness values and recommending appropriate designations in the National Petroleum Reserve in Alaska in connection with the study required by section 105 of the National Petroleum Reserves Production Act of 1976 (Public Law 94–258).

ALASKA NATURAL GAS TRANSPORTATION ACT

SEC. 1207. Nothing in this Act shall be construed as imposing any additional requirements in connection with the construction and operation of the transportation system designated by the President and approved by the Congress pursuant to the Alaska Natural Gas Transportation Act of 1976 (Public Law 94–586; 90 Stat. 2903), or as imposing any limitations upon the authority of the Secretary concerning such system.

AUTHORIZATION FOR APPROPRIATION

SEC. 1208. There are hereby authorized to be appropriated $800,000,000 to carry out the provisions of this Act for fiscal years beginning after the fiscal year 1979 of which amount not more than $200,000,000 may be used for the establishment of public information and education sites and for construction of visitors facilities and related access to and within conservation system units established or expanded by this Act effective fiscal year 1980. No authority to enter into contracts or to make payments or to expend previously appropriated funds under this Act shall be effective except to the extent or in such amounts as are provided in advance in appropriation Acts.

TITLE XIII—MINERALS, ASSESSMENTS, EXPLORATION, DEVELOPMENT, AND EXTRACTION ON CONSERVATION SYSTEM UNITS

ALASKA MINERAL RESOURCE ASSESSMENT PROGRAM

SEC. 1301. (a) MINERAL ASSESSMENTS.—The Secretary of the Interior shall, to the full extent of his authority, assess the oil, gas, and other mineral potential on all public lands (other than those within the National Wildlife Refugee System) in the State in order to expand the data base with respect to the mineral potential of such lands. The mineral assessment program may include, but shall not be limited to, techniques such aside-looking radar imagery and, on public lands other than such lands within national parks and monuments, core and test drilling for geologic information, notwithstanding any restriction on such drilling under the Wilderness Act. In order to carry out mineral assessments authorized under this or any other law, including but not limited to, the National Uranium Resource Evaluation program, the Secretary shall allow for access by air for assessment activities permitted in this subsection to all public lands involved in such study. He shall consult with the Secretary of Energy and heads of other Federal agencies carrying out such programs, to determine such reasonable requirements as may be necessary to protect the resources of such area, including fish and wildlife. Such requirements may provide that access will not occur during nesting, calving, spawning, or such other times as fish and wildlife in the specific area may be especially vulnerable to such activities. The Secretary is authorized to enter into contracts with public or private entities to carry out all or any portion of the mineral assessment program.

(b) REGULATIONS.—Activities carried out in conservation system units under subsection (a) shall be subjected to regulations promulgated by the Secretary. Such regulations shall ensure that such activities are carried out in an environmentally sound manner—

(1) which does not result in lasting environmental impacts which appreciably alter the natural character of the units or biological or ecological systems in the units; and

(2) which is compatible with the purposes for which such units are established.

PRESIDENTIAL REPORT

SEC. 1302. (a) On or before October 1, 1981, and annually thereafter, the President shall transmit to the Congress all pertinent public information relating to minerals in Alaska gathered by the United States Geological Survey, Bureau of Mines, and any other Federal agency.

(b) On or before October 1, 1981, the President shall conduct a study and transmit it, together with his recommendations, to the Congress concerning the advisability of private mineral exploration or extraction activities in conservation systems units where such activities would otherwise be prohibited and the circumstances, if any, and procedures and conditions under which such activities might be permitted.

AREAS SUBJECT TO THE NATIONAL NEED RECOMMENDATION PROCESS

SEC. 1303. The process contained in sections 1304 and 1305 shall apply to all public lands within Alaska except for lands within units of the National Park System and the National Wilderness Preservation System.

RECOMMENDATIONS OF THE PRESIDENT TO CONGRESS

SEC. 1304. (a) RECOMMENDATION.—At any time after the date of enactment of this Act the President may transmit a recommendation to the Congress that mineral exploration, development, or extraction not permitted under this Act or other applicable law shall be permitted in a specified area of the lands referred to in section 1303. Notice of such transmittal shall be published in the Federal Register. No recommendation of the President under this section may be transmitted to the Congress before ninety days after publication in the Federal Register of notice of his intention to submit such recommendation.

(b) FINDINGS.—A recommendation may be transmitted to the Congress under subsection (a) if the President finds that, based on the information available to him—

(1) there is an urgent national need for the mineral activity; and

(2) such national need outweighs the other public values of the public lands involved and the potential adverse environmental impacts which are likely to result from the activity.

(c) REPORT.—Together with his recommendation, the President shall submit to the Congress—

(1) a report setting forth in detail the relevant factual background and the reasons for his findings and recommendation;

(2) a statement of the conditions and stipulations which would govern the activity if approved by the Congress; and

(3) in any case in which an environmental impact statement is required under the National Environmental Policy Act of 1969, a statement which complies with the requirements of section 102(2)(C) of such Act. In the case of any recommendation for which an environmental impact statement is not required under section 102(2)(C) of the National Environmental Policy Act of 1969, the President may, if he deems it desirable, include such a statement in his transmittal to the Congress.

(d) APPROVAL.—Any recommendation under this section shall take effect only upon enactment of a joint resolution approving such recommendation within the first period of one hundred and twenty calendar days of continuous session of Congress beginning on the date after the date of receipt by the Senate and House of Representatives of such recommendation. Any recommendation of the President submitted to Congress under subsection (a) shall be considered received by both Houses for purposes of this section on the first day on which both are in session occurring after such recommendation is submitted.

(e) ONE-HUNDRED-AND-TWENTY-DAY COMPUTATION.—For purposes of this section—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one-hundred-and-twenty-day calendar period.

EXPEDITED CONGRESSIONAL REVIEW

SEC. 1305. (a) RULEMAKING.—This subsection is enacted by Congress—

(1) as an exercise of the rulemaking power of each House of Congress, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by subsection (b) of this section and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as those relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(b) RESOLUTION.—For purposes of this section, the term "resolution" means a joint resolution, the resolving clause of which is as follows: "That the House of Representatives and Senate approve the recommendation of the President for in
submitted to the Congress for
19 .", the first blank space therein to be filled in with appropriate activity, the second blank space therein to be filled in with the name or description of the area of land affected by the activity, and the third blank space therein to be filled with the date on which the President submits his recommendation to the House of Representatives and the Senate. Such resolution may also include material relating to the application and effect of the National Environmental Policy Act of 1969 to the recommendation.

(c) REFERRAL.—A resolution once introduced with respect to such Presidential recommendation shall be referred to one or more committees (and all resolutions with respect to the same Presidential recommendation shall be referred to the same committee or committees) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) OTHER PROCEDURES.—Except as otherwise provided in this section the provisions of section 8(d) of the Alaska Natural Gas Transportation Act shall apply to the consideration of the resolution.

OIL AND GAS LEASING

SEC. 1306. (a) The Secretary shall establish, pursuant to the Mineral Leasing Act of 1920, an oil and gas leasing program on public lands other than those within conservation system units.

(b)(1)(A) In such areas as the Secretary deems favorable for the discovery of oil or gas, he shall conduct a study, or studies, or collect and analyze information obtained by permittees authorized to conduct studies under this section, of the oil and gas potential of such lands and those environmental characteristics and wildlife resources which would be affected by the exploration for and development of such oil and gas.

(B) The Secretary is authorized to issue permits for study, including geological, geophysical, and other assessment activities, if such activities can be conducted in a manner which is consistent with the purposes for which each affected area is managed under applicable law.

(2) The Secretary shall consult with the Secretary of Energy regarding the national interest involved in exploring for and developing oil and gas from such lands and shall seek the views of the Governor of the State of Alaska, Alaskan local governments, Native, Regional, and Village Corporations, the Alaska Land Use Council, representatives of the oil and gas industry, conservation groups, and other interested groups and individuals in determining which lands should be studied and/or leased for the exploration and development of oil and gas.

(3) The Secretary shall encourage the State to undertake similar studies on lands associated, either through geological or other land values or because of possible transportation needs, with public lands. The Secretary shall integrate these studies, to the maximum extent practicable, with studies on public lands so that needs for cooperation between the Federal Government and the State of Alaska in managing energy and other natural resources, including fish and wildlife, can be established early in the program.

(4) The Secretary shall report to the Congress by October 1, 1980, and yearly thereafter, on his efforts pursuant to this Act regarding the leasing of, and exploration and development activities on, such lands.

(c) At such time as the studies requested in subsection (b) are completed by the Secretary, or at such time as the Secretary determines that sufficient interest has been indicated in exploring an area for oil or gas, and leasing should be commenced, he shall identify those areas which he determines to be favorable for the discovery of oil or gas, hereinafter to be known as favorable petroleum geological provinces. In making such determination, the Secretary shall utilize all information obtained in studies conducted under subsection (b) of this section as well as any other information he may develop or require by regulation to be transmitted.

(d) Pursuant to the Mineral Leasing Act of 1920, as amended, the Secretary is authorized to issue leases, on the public lands described in this section, under such terms and conditions as he may, by regulation, prescribe. Areas which are determined by the Secretary to be within favorable petroleum geological provinces shall be leased only by competitive bidding.

(e) At such time as paying quantities of oil or gas are discovered under a noncompetitive lease issued pursuant to the Mineral Leasing Act of 1920, the Secretary shall suspend all further noncompetitive leasing in the area and shall determine the favorable petroleum geological province in proximity to such discovery. All further leasing in such area shall be in accordance with the requirements of subsection (d) of this section.

(f) Prior to any exploration activities on a lease issued pursuant to this section, the Secretary shall require the lessee to describe exploration activities in an exploration plan. He shall approve such plan if such activities can be conducted in conformity with such requirements as may be made by the Secretary for the protection and use of the land for the purpose for which it is managed under applicable law.

(g) Subsequent to a discovery of oil or gas in paying quantities, and prior to developing and producing such oil and gas, the Secretary shall require the lessee to describe development and production activities in a development and production plan. He shall approve such plan if such activities may be conducted in conformity with such requirements as may be made by the Secretary for the protection and use of the land for the purpose for which it is managed under applicable law.

(h) The Secretary shall monitor the performance of the lessee and, if he determines that due to significant changes in circumstances regarding that operation, including environmental or economic changes, new requirements are needed he may require a revised development and production plan.

(i) If the Secretary determines that immediate and irreparable damage will result from continuation in force of a lease, that the threat will not disappear and that the advantages of cancellation outweigh the advantages of continuation in force of a lease, he shall suspend operations for up to five years. If such a threat persists beyond such five-year suspension period, he shall cancel a lease and provide compensation to the lessee under such terms as the Secretary establishes, by regulation, to be appropriate.

TITLE XIV—AMENDMENTS TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

STOCK ALIENATION

SEC. 1401. (a) Section 7(h)(3) of the Alaska Native Claims Settlement Act is amended to read as follows:

"(3)(A) On December 18, 1991, all stock previously issued shall be deemed to be canceled, and shares of stock of the appropriate class shall be issued to each stockholder share for share subject only to such restrictions as may be provided by the articles of incorporation of the Corporation, or agreements between corporations and individual shareholders.

"(B) If adopted by December 18, 1991, restrictions provided by amendment to the articles of incorporation may include, in addition to any other legally permissible restrictions—

"(i) the denial of voting rights to any holder of stock who is not a Native, or a descendant of a Native, and

"(ii) the granting to the Corporation, or to the corporation and a stockholder's immediate family, on reasonable terms, the first right to purchase a stockholder's stock (whether issued before or after the adoption of the restriction) prior to the sale or transfer of such stock (other than a transfer by inheritance) to any other party, including a transfer in satisfaction of a lien, writ of attachment, judgment execution, pledge, or other encumbrance.

"(C) Notwithstanding any provision of Alaska law to the contrary—

"(i) any amendment to the articles of incorporation of a Regional Corporation to provide for any of the restrictions specified in clause (i) or (ii) of subparagraph (B) shall be approved if such amendment receives the affirmative vote of the holders of a majority of the outstanding shares entitled to be voted of the corporation, and

"(ii) any amendment to the articles of incorporation of a Native Corporation which would grant voting rights to stockholders who were previously denied such voting rights shall be approved only if such amendment received, in addition to any affirmative vote otherwise required, a like affirmative vote of the holders of shares entitled to be voted under the provisions of the articles of incorporation.".

(b) Section 8(c) of such Act is amended to read as follows:

"(c) The provisions concerning stock alienation, annual audit, and transfer of stock ownership on death or by court decree provided for Regional Corporations in section 7, including the provisions of section 7(h)(3), shall apply to Village Corporations; except that audits need not be transmitted to the Committee on Interior and Insular Affairs of the House of Representatives or to the Committee on Energy and Natural Resources of the Senate.".

(c) At the end of section 1606(h)(1) of title 43, United States Code, insert immediately before the period the words: "or by a stockholder who is a member of a professional organization, association, or board which limits the ability of that stockholder to practice his profession because of holding stock issued under this Act".

VENTING DATE FOR RECONVEYANCES

SEC. 1402. (a) Section 14(c)(1) of the Alaska Native Claims Settlement Act is amended by inserting "as of December 18, 1971" after "title to the surface estate in the tract occupied".

(b) Section 14(c)(2) of such Act is amended by inserting "as of December 18, 1971" after "title to the surface estate in any tract occupied".

(c) Section 14(c)(4) of such Act is amended to read:

"(4) the Village Corporation shall convey to the Federal Government, State, or to the appropriate Municipal Corporation, title to the surface estate for airport sites, airway beacons, and other navigation aids as such existed on December 18, 1971, together with such additional acreage and/or easements as are necessary to provide related governmental services and to insure safe approaches to airport runways as such airport sites, runways, and other facilities existed as of December 18, 1971.".

BASIS IN THE LAND AND RESERVES FROM LAND

SEC. 1403. Section 21(c) of the Alaska Native Claims Settlement Act is amended to read as follows:

"(c)(1) The receipt of land or any interest therein pursuant to this Act or of cash in order to equalize the values of properties exchanged pursuant to subsection 22(f) shall not be subject to any form of Federal, State, or local taxation. The basis for computing gain or loss on subsequent sale or other disposition of such land or interest in land for purposes of any Federal, State, or local tax imposed on or measured by income shall, at the option of the recipient, be—

"(A) the fair market value of such land or interest in land at the time of receipt; or

"(B) the amount realized on the sale or other disposition of such land or interest in land adjusted, by means of the price deflator index for the gross national product published by the United States Department of Commerce, to the time of receipt of such land or interest in land;

adjusted as provided in section 1016 of the Internal Revenue Code of 1954 (relating to adjustments to basis).

"(2) All rents, royalties, profits, and other revenues or proceeds derived from real property interests received pursuant to this Act shall be taxable to the same extent as such revenues or proceeds are taxable when received by a non-Native individual or corporation: *Provided*, That with respect to any such revenues or proceeds received by a Native individual, Native group, or Village or Regional Corporation with respect to which a deduction for depletion would otherwise be allowable under section 611 of the Internal Revenue Code of 1954 (relating to allowance of deduction for depletion) or any corresponding provision of State and local law, the amount of such deduction shall be the greater of—

"(A) an amount equal to the deduction as determined by such section 611, using as the basis on which the depletion is to be allowed with respect to any property that basis provided in section 21(c) of this Act for purposes of computing the gain or loss on subsequent sale or other disposition of such property; or

"(B) an amount equal to the amount of such revenue adjusted, by means of the price deflator index for the gross national product published by the United States Department of Commerce, to the time of receipt of the property interest from which the revenue is derived; or

"(C) an amount equal to the deduction computed pursuant to (section 613 of the Internal Revenue Code of 1954, relating to percentage depletion).".

TAXATION OF NATIVE CORPORATIONS

SEC. 1404. Section 21 of the Alaska Native Claims Settlement Act (43 U.S.C. 1620) is amended by adding two new subsections at the end thereof, as follows:

"(f) In the case of any Native Corporation establishment pursuant to this Act, income for purposes of any form of Federal, State, or local taxation shall not be deemed to include the value of—

"(1) the receipt, acquisition, or use of any resource information or analysis (including the receipt of any right of access to such information or analysis) relating to lands or interests therein conveyed selected but not conveyed, or available for selection pursuant to this Act;

"(2) the promise or performance by any person or by any Federal, State, or local government agency of any professional or technical services relating to the resources of lands or interests therein conveyed, selected but not conveyed, or available for selection pursuant to this Act, including, but not limited to, services in connection with exploration on such lands for oil, gas, or other minerals; and

"(3) the expenditure of funds, incurring of costs, or the use of any equipment or supplies by any person or any Federal, State, or local government agency, or any promise, agreement, or other arrangement by such person or agency to expend funds or use any equipment or supplies for the purpose of creating, developing, or acquiring the resource information or analysis described in paragraph (1) or for the purpose of performing or otherwise furnishing the services described in paragraph (2): *Provided*, That this paragraph shall not apply to any funds paid to a Native Corporation established pursuant to this Act or to any subsidiary thereof.

This amendment shall be effective as of December 18, 1971, and, with respect to each Native Corporation, shall remain in full force and effect for a period of twenty years thereafter or until the Corporation has received conveyance of its full land entitlement, whichever first occurs. Except as set forth in this subsection and in subsection (d) hereof, all rents, royalties, profits, and other revenues or proceeds derived from real property interests selected and conveyed pursuant to sections 12 and 14 shall be taxable to the same extent as such revenues or proceeds are taxable when received by a non-Native individual or corporation.

"(g)(1) Notwithstanding any other provision of law, each Native Corporation established pursuant to this Act shall be deemed to have become engaged in carrying on a trade or business as of the date it was incorporated for purposes of any form of Federal, State, or local taxation.

"(2) All expenses heretofore or hereafter paid or incurred by a Native Corporation established pursuant to this Act in connection with the selection or conveyance of lands pursuant to this Act, or in assisting another Native Corporation within or for the same region in the selection or conveyance of lands under this Act, shall be deemed to be or to have been ordinary and necessary expenses of such Corporation, paid or incurred in carrying on a trade or business for purposes of any form of Federal, State, or local taxation.".

UNDERSELECTIONS

SEC. 1405. Section 22(j) of the Alaska Native Claims Settlement Act is amended by identifying the existing paragraph as paragraph (1) and adding a paragraph (2) to read as follows:

"(2) Where lands selected and conveyed, or to be conveyed, to a Village Corporation are insufficient to fulfill the Corporation's entitlement under subsection 12(b), 14(a), 16(b), or 16(d), the Secretary is authorized to withdraw twice the amount of unfulfilled entitlement and provide the Village Corporation ninety days from receipt of notice from the Secretary to select from the lands withdrawn the land it desires to fulfill its entitlement. In making the withdrawal, the Secretary shall first withdraw public lands that were formerly withdrawn for selection by the concerned Village Corporation by or pursuant to subsection 11(a)(1), (11)(a)(3), 16(a), or 16(d). Should such lands no longer be available, the Secretary may withdraw public lands that are vacant, unreserved, and unappropriated, except that the Secretary may withdraw public lands which had been previously withdrawn pursuant to subsection 17(d)(1). Any subsequent selection by the Village Corporation shall be in the manner provided in this Act for such original selections.".

RETAINED MINERAL ESTATE

SEC. 1406. Section 12(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(c)) is amended by adding a new paragraph (4) to read as follows:

"(4) Where the public lands consist only of the mineral estate, or portion thereof, which is reserved by the United States upon patent of the balance of the estate under one of the public land laws, other than this Act, the Regional Corporations may select as follows:

"(A) Where such public lands were not withdrawn pursuant to subsection 11(a)(3), but are surrounded by or contiguous to lands withdrawn pursuant to said subsection and filed upon for selection by a Regional Corporation, the Corporation may, upon request, have such public land included in its selection and considered by the Secretary to be withdrawn and properly selected.

"(B) Where such public lands were withdrawn pursuant to subsection 11(a)(1) and are required to be selected by paragraph (3) of this subsection, the Regional Corporation may, at its option, exclude such public lands from its selection.

"(C) Where the Regional Corporation elects to obtain such public lands under subparagraph (A) or (B) of this paragraph it may select, within ninety days of receipt of notice from the Secretary, the surface estate in an equal acreage from other public lands withdrawn by the Secretary for that purpose. Such selections shall be in units no smaller than a whole section, except where the remaining entitlement is less than six hundred and forty acres, or where an entire section is not available. Where possible, selections shall be of lands from which the subsurface estate was selected by that Regional Corporation pursuant to subsection 12(a)(1) or 14(h)(9) of this Act, and, where possible, all selections made under this section shall be contiguous to lands already selected by the Regional Corporation or a Village Corporation. The Secretary is authorized, as necessary, to withdraw up to two times the acreage entitlement of the in lieu surface estate from vacant, unappropriated, and unreserved public lands from which the Regional Corporation may select such in lieu surface estate except that the Secretary may withdraw public lands which had been previously withdrawn pursuant to subsection 17(d)(1).

"(D) No mineral estate or in lieu surface estate shall be available for selection within the National Petroleum Reserve—Alaska or within Wildlife Refuges as the boundaries of those refuges exist on the date of enactment of this Act.".

CONVEYANCE OF PARTIAL ESTATES

SEC. 1407. (a) Section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) is amended by replacing the existing paragraph with the following paragraph to read as follows:

"(1) The Secretary may withdraw and convey to the appropriate Regional Corporation fee title to existing cemetery sites and historical places. Only title to the surface estate shall be conveyed for lands located in a Wildlife Refuge, when the cemetery or historical site is greater than 640 acres;".

(b) Sections 14(h)(2) and 14(h)(5) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613 (h)(2) and (h)(5)) are amended by adding to the end of each section "unless the lands are located in a Wildlife Refuge".

(c) Section 14(h)(6) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616-(h)(6)) is modified by adding at the end thereof a period and the following sentence: "Any minerals reserved by the United States pursuant to the Act of March 8, 1922 (42 Stat. 415), as amended, in a Native Allotment approved pursuant to section 18 of this Act during the period December 18, 1971, through December 18, 1975, shall be conveyed to the appropriate Regional Corporation, unless such lands are located in a wildlife refuge or in the Lake Clark areas as provided in section 12 of the Act of January 2, 1976 (Public Law 94–204), as amended".

(d) Section 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)) is amended by adding at the end thereof the following new paragraphs:

"(9) Where the Regional Corporation is precluded from receiving the subsurface estate in lands selected and conveyed pursuant to paragraph (1), (2), (3), or (5), or the retained mineral estate, if any, pursuant to paragraph (6), it may select the subsurface estate in an equal acreage from other lands withdrawn for such selection by the Secretary. Selections made under this paragraph shall be contiguous and in reasonably compact tracts except as separated by unavailable lands, and shall be in whole sections, except where the remaining entitlement is less than six hundred and forty acres. The Secretary is authorized to withdraw, up to two times the Corporation's entitlement, from vacant, unappropriated, and unreserved public lands, including lands solely withdrawn pursuant to section 17(d)(1), and the Regional Corporation shall select such entitlement of subsurface estate from such withdrawn lands within ninety days of receipt of notification from the Secretary.

"(10) Notwithstanding the provisions of subsection 22(h), the Secretary, upon determining that specific lands are available for withdrawal and possible conveyance under this subsection may withdraw such lands for selection by and conveyance to an appropriate applicant and such withdrawal shall remain until revoked by the Secretary.

"(11) For purposes set forth in subsections (h)(1), (2), (3), (5), and (6), the term Wildlife Refuges refers to Wildlife Refuges as the boundaries of those refuges exist in the date of enactment of this Act.".

(e) Any Regional Corporation which asserts a claim with the Secretary to the subsurface estate of lands selectable under section 14(h) of the Alaska Native Claims Settlement Act which are in a wildlife refuge shall not be entitled to any in lieu surface or subsurface estate provided by subsections 12(c)(4) and 14(h)(9) of such Act. Any such claim must be asserted within one hundred and eighty days after the date of enactment of this Act. Failure to assert such claim within the one-hundred-and-eighty-day period shall constitute a waiver of any right to such subsurface estate in a wildlife refuge as the boundaries of the refuge existed on the date of enactment of the Alaska Native Claims Settlement Act.

ESCROW ACCOUNT

SEC. 1408. (a) Subsection (a) of section 2 of Public Law 94–204 (89 Stat. 1146) is amended to read as follows:

"SEC. 2. (a)(1) During the period of the appropriate withdrawal for selection pursuant to the Settlement Act, any and all proceeds derived from contracts, leases, licenses, permits, rights-of-way, or easements, or from trespass occurring after the date of withdrawal of the lands for selection, pertaining to lands or resources of lands withdrawn for Native selection pursuant to the Settlement Act shall be deposited in an escrow account which shall be held by the Secretary until lands selected pursuant to that Act have been conveyed to the selecting Corporation or individual entitled to receive benefits under such Act.

"(2) Such proceeds which were received, if any, subsequent to the date of withdrawal of the land for selection, but were not deposited in the escrow account shall be identified by the Secretary within two years of the date of conveyance of this Act, whichever is later, and shall be paid, together with interest payable on the proceeds from the date of receipt by the United States to the date of payment to the appropriate Corporation or individual to which the land was conveyed by the United States: *Provided*, That interest shall be paid on the basis of a semiannual computation from the date of receipt of the proceeds by the United States to the date of payment with simple interest at the rate determined by the Secretary of the Treasury to be the rate payable on short-term obligations of the United States prevailing at the time of payment: *Provided further*, That any rights of a Corporation or individual under this section to such proceeds shall be limited to proceeds actually received by the United States, plus interest: *And provided further*, That moneys for such payments have been appropriated as provided in subsection (e) of this section.

"(3) Such proceeds which have been deposited in the escrow account shall be paid, together with interest accrued by the Secretary to the appropriate Corporation or individual upon conveyance of the particular withdrawn lands. In the event that a conveyance does not cover all of the land embraced within any contract, lease, license, permit, right-of-way, easement, or trespass, the Corporation or individual shall only be entitled to the proportionate amount of the proceeds, including interest accrued, derived from such contract, lease, license, permit right-of-way, or easement, which results from multiplying the total of such proceeds, including interest accrued, by a fraction in which the numerator is the acreage of such contract, lease, license, permit, right-of-way, or easement which is included in the conveyance and the denominator is the total acreage contained in such contract, lease, license, permit, right-of-way, or easement; in the case of trespass, the conveyee shall be entitled to the proportionate share of the proceeds, including a proportionate share of interest accrued, in relation to the damages occurring on the respective lands during the period the lands were withdrawn for selection.

"(4) Such proceeds which have been deposited in the escrow account pertaining to lands withdrawn but not selected pursuant to such Act, or selected but not conveyed due to rejection or relinquishment of the selection, shall be paid, together with interest accrued, as would have been required by law were it not for the provisions of this Act.".

(b) Section 2 of the Public Law 94–204 (89 Stat. 1146) is amended by adding a new subsection to read as follows:

"(e) There is authorized to be appropriated such sums as are necessary to carry out the purposes of this section.".

SELECTION REQUIREMENTS

SEC. 1409. Subsection (a)(2) of section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 (a)(2)), is amended by adding to the end of that subsection the following: "*Provided*, That the Secretary, in his discretion and upon the request of the concerned Village Corporation, may waive the whole section requirement where—

"(A)(i) a portion of available public lands of a section is separated from other available public lands in the same section by lands unavailable for selection or by a meanderable body of water;

"(ii) such waiver will not result in small isolated parcels of available public land remaining after conveyance of selected lands to Native Corporations; and

"(iii) such waiver would result in a better land ownership pattern or improved land or resource management opportunity; or

"(B) the remaining available public lands in the section have been selected and will be conveyed to another Native Corporation under this Act.".

FIRE PROTECTION

SEC 1410. Subsection (e) of section 21 of the Alaska Native Claims Settlement Act (43 U.S.C. 1620(e)) is amended by inserting the words "corporation organized under section 14(h)(3)," after "Native group," by replacing the comma following the citation "(64 Stat. 967, 1100)" with a period, and by making a revised sentence out of the remaining phrase by striking the words "and" and "also", replacing the comma after the word "lands" with the words "they shall", and replacing the word "forest" with "wildland".

SHAREHOLDER HOMESITES

SEC. 1411. Section 21 of the Alaska Native Claims Settlement Act is amended by adding a new subsection at the end thereof, as follows:

"(h) A real property interest distributed prior to December 18, 1991, by Village Corporation to a shareholder of such Corporation pursuant to a program to provide homesites its shareholders, shall be deemed conveyed and received pursuant to this Act: *Provided*, That the land received is restricted by covenant for a period not less than ten years to single-family (including traditional extended family customs) residential occupancy, and by such other covenants and retained interests as the Village Corporation deems appropriate: *Provided further*, That the land conveyed does not exceed one and one-half acres: *Provided further*, That the shareholder receiving the homesite, if the shareholder subdivides the land received, shall pay all Federal, State, and local taxes which would have been incurred but for this subsection, together with simple interest at six percent per annum calculated from the date of receipt of the land to be paid to the appropriate taxing authority.".

RECONVEYANCE TO MUNICIPAL CORPORATIONS

SEC. 1412. Section 14(c)(3) of the Alaska Native Claims Settlement Act is amended by striking out the semicolon at the end and inserting in lieu thereof the following new language: "unless the Village Corporation and the Municipal Corporation or the State in trust can agree in writing on an amount which is less than one thousand two hundred and eighty acres: *Provided further*, That any net revenues derived from the sale of surface resources harvested or extracted from lands reconveyed pursuant to this subsection shall be paid to the Village Corporation by the Municipal Corporation or the State in trust: *Provided, however*, That the word 'sale', as used in the preceding sentence, shall not include the utilization of surface resources for governmental purposes by the Municipal Corporation or the State in trust, nor shall it include the issuance of free use permits or other authorization for such purposes;".

LIMITATIONS

SEC. 1413. Except as specifically provided in this Act, (i) the provisions of the Alaska Native Claims Settlement Act are fully applicable to this Act, and (ii) nothing in this Act shall be construed to alter or amend any of such provisions.

TITLE XV—NATIONAL CONSERVATION AREAS

ESTABLISHMENT

SEC. 1501. The following areas are hereby established as national conservation areas in order to provide for the immediate and future protection of the lands in Federal ownership within the framework of a program of multiple use and sustained yield and for the maintenance of environmental quality:

(1) Baird Mountains National Conservation Area, including approximately one million three hundred and ten thousand acres of public lands, as generally depicted on the map entitled "Baird Mountains National Conservation Area—proposed", dated February 1979. Special values to be considered in the planning and management of the area are the range and migration routes of the caribou and the Squirrel River.

(2) Steese National Conservation Area, including approximately six hundred and eighty thousand acres of public lands, as generally depicted on the map entitled "Steese National Conservation Area—proposed", dated March 1979. Special values to be considered in planning and management of the area are: caribou range and Birch Creek.

ADMINISTRATIVE PROVISIONS

SEC. 1502. (a) The Secretary, through the Bureau of Land Management, shall administer the national conservation areas established in section 1501 pursuant to the applicable provisions of the Federal Land Policy and Management Act of 1976 dealing with the management and use of land in Federal ownership, and shall, within five years of the date of enactment of this Act, develop a land use plan for each such area.

(b) No public lands within any such national conservation area shall be transferred out of Federal ownership except by exchange pursuant to section 206 of the Federal Land Policy and Management Act. Where consistent with the land use plans for the area, mineral development may be permitted pursuant to the Mineral Leasing Act of 1920, as amended, and supplemented (30 U.S.C. 181–287) or the Materials Act of 1947, as amended (30 U.S.C. 601–603). Where consistent with the land use plan for the area, the Secretary may classify lands within national conservation areas as suitable for locatable mineral exploration and development and open such lands to entry, location, and patent under the United States mining laws (30 U.S.C. 22–54).

(c) Subject to valid existing rights, all mining claims located within any such unit shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with protection of the scenic, scientific, cultural, and other resources of the area and any patent issued after the date of enactment of this Act shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations as the Secretary may prescribe as aforesaid.

□ 1235

PARLIAMENTARY INQUIRY

The CHAIRMAN. Does the gentleman from Michigan seek recognition?

Mr. DINGELL. Yes; Mr. Chairman, I seek to propound a parliamentary inquiry to the Chair.

Mr. Chairman, I believe the Chair has set out with some clarity the parliamentary situation, but in order that it might be very clear I would direct to the Chair the following questions:

One, as I understand, the Interior Committee bill is the bill reported from the Committee on Interior and Insular Affairs, and is the principal document under which we labor. Is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. DINGELL. And made in order by the rule is the substitute which was reported from the Committee on Merchant Marine and Fisheries, is that correct?

The CHAIRMAN. That is correct, and that is the amendment that is pending.

Mr. DINGELL. And the bill from the Committee on Merchant Marine and Fisheries in the nature of a substitute is under the rule before this body without having to be offered?

The CHAIRMAN. That is correct.

Mr. DINGELL. And as I understand the rule, both bills are to be read by title. Is that correct?

The CHAIRMAN. Only the Interior text is read by title, but at this point only section 1 of that text has been read.

Mr. DINGELL. Only the Interior bill is read by title. That means, Mr. Chairman, that the Interior bill is open to amendment at any time during the reading of the title, is that correct?

The CHAIRMAN. Only the first part of the Interior bill has been read.

Mr. DINGELL. Only the first part of the Interior bill has been read, but the whole of the first part is open to amendment at this time?

The CHAIRMAN. The only portion of the Interior text that is pending is section 1, the table of contents and the short title, up to page 7.

Mr. DINGELL. I thank the Chair.

Mr. BREAUX. Mr. Chairman, I rise in support of the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries, the Breaux-Dingell bill.

Mr. Chairman and members of the committee, I take this opportunity to speak in support of the so-called Breaux-Dingell bill, which is now pending as an amendment in the nature of a substitute to the Interior Committee bill. All of us have literally been desieged by lobbyists, both for Breaux-Dingell and for the Udall-Anderson bill, but I dare say that most Members of Congress at this time are pretty well confused about which approach is the soundest from an environmental standpoint; which bill is the most balanced, and I hope many Members will wait to hear the debate before they make their final decisions.

Make no mistake about it, all the bills that are being considered today are strong environmental measures. The

Udall-Anderson bill is a strong environmental measure; the Huckaby approach is a strong environmental measure; so is the Breaux-Dingell bill, a very strong environmental bill.

We have some major differences, and I would like to outline the differences directly involved about Breaux-Dingell. One, we establish 128 million acres of Alaskan land in conservation units. That is more than any other bills presently pending. That is more acres than were originally recommended by the administration. That is more acres than are included in the Udall-Anderson bill, which has approximately 110 million acres. We have 128 million acres of land that we set aside in conservation units. That is larger than the State of California. It is about the size of all of New England, New York, New Jersey, and Pennsylvania combined that we set aside in conservation units, either in parks or park reserves or wildlife refuges or forests or recreation units.

□ 1240

In addition to that, we take 53.6 million acres, and we say in addition to being a conservation unit, these lands are going to be in a wilderness area, and a wilderness area is the most pristine designation of Federal land available. That means that no commercial activity of any type could ever take place in over 53.6 million acres of land. Our bill has 2 million acres more wilderness than was recommended by President Carter and Secretary Andrus. We are heavy in wilderness acres. We quadruple the size of the National Wilderness Preservation System—in one bill.

Some of you have heard about the RARE II controversy and how it recommends to set aside wilderness acres in the other parts of the lower 48. Let me give you a comparison of our wilderness designation and that proposed under RARE II. People talk about this great mass of wilderness set-aside under RARE II, 10 million acres for all of the United States, while the Breaux-Dingell bill sets aside almost 5 times as much just in one State, Alaska, with 53 million acres.

Let me tell you about mining and how we differ on mining from the Udall-Anderson approach. They say 70 percent of all the mining areas are open for mining in Alaska. I do not think we can say that. We cannot say that under the Breaux-Dingell bill 70 percent is closed or left open. The basic fact is that mining in Alaska is decades behind the lower 48. We just simply do not know basically where the areas that need to be mined in Alaska are, but I will tell you what we do do. The Stanford Research Institute identified 7 world class mining finds in the State of Alaska. Under the Breaux-Dingell bill all 7 of those are open for mining—assuming they can comply with all existing environmental laws. Under the Udall-Anderson bill, on the other hand, two of those areas are completely closed up because they are placed in wilderness areas. They will argue that they made some changes in their bill because they identify and preserve valid existing mining rights in these areas. Let me tell you something about that. If you are already a mining company and you have a valid existing mining claim, and you put it in the middle of a wilderness, you might have a valid claim, but you have a small problem. You cannot get to it; you cannot build a permanent road; you cannot do any commercial activity on it. And if it is in a wilderness, you are not going to be able to do any commercial development of a mining claim. So do not be misled by their approach.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BREAUX was allowed to proceed for 5 additional minutes.)

Mr. BREAUX. I thank the Committee for the additional time.

Let us talk about State land selection. We promised Alaska that they would be able to take 104 million acres of land so they would not be a continuing Federal problem or a drain on the Federal Treasury. They could develop their own land. They have only received a fraction of those lands up until now—36 million acres. The Breaux-Dingell bill does include approximately 1 million acres of State land within conservation units. They are going to create some problems, but it is a minimum amount of problems. Udall-Anderson places 6 million acres that the State has legitimately got a patent on and places them inside Federal conservation units. In addition, Udall-Anderson precludes the State from selecting an additional 12 million acres. That is going to create a tremendous amount of problems for the State. How are they going to be able to manage the 6 million acres of land that Udall-Anderson has surrounded by a conservation unit.

What about fishing? Fishing is a tremendous industry in the State of Alaska. Ten percent of all the fish caught in the whole United States comes from the State of Alaska. We promote fish enhancement programs, like fish hatcheries and fish development programs, in these conservation units. We have an area called Misty Fjords where there is a U.S. Borax mining claim. It is the second largest molybdenum claim in the whole world. It happens to be adjacent to 3 salmon streams that produce about 140,000 salmon a year out of 34 million produced by the United States. We take that, and we create a fisheries conservation fund that is going to pay fishermen if any damage is going to be done to any of the salmon in that area. In addition to that, we establish a very stringent, comprehensive planning program to insure that no damage will be done, but if anything occurs, there is a conservation fund to take care of it.

□ 1245

Sport hunting. You wonder why the sporting organizations like the rifle association and other legitimate wildlife hunting organizations back in your city support our bill? Because we keep open the prime sport hunting areas in Alaska. They say, "Well 90 percent is still left open." However, the 10 percent they closed happens to be some of the most prime hunting areas in all of the State of Alaska. It does not do any good to keep Anchorage open for hunting, because you do not hunt there. However, if you close the best sites in the State, you have done great damage to the future of well-regulated sport hunting in Alaska.

Subsistence. We both have subsistence provisions for the Natives. We take the approach that the State of Alaska knows best what is best for the Natives in the State rather than a bureaucrat in Washington. They give much more authority and power to Washington. And Udall-Anderson allows subsistence hunting, even for customary trade purposes like selling pelts, even when wildlife populations are in serious trouble.

Timber. We both protect the Tongass National Forest which is a great, beautiful area. We both have about 6 million acres which is closed to timbering in that area. However, we take the approach that 2 million acres in there should be set aside for 10 years and if we need it after 10 years let us look at it again.

The final thing I want to address is the question of the Arctic Coastal Plain. Udall-Anderson says this is the crown jewel of the State of Alaska. I believe we ought to protect the crown jewels, but let me tell you a little bit about the crown jewels we are talking about. Within the Arctic Refuge, we both have about 11 million acres in wilderness areas where you cannot do anything, no commercial development, no exploration. That is the beautiful part of the coastal range where the mountains, the timber area and the beautiful areas are protected.

We take 2 million acres out of the 18-million-acre refuge and we say, let us study it with a 7-year program to see if the caribou can survive with a minimum amount of exploration. We say you cannot have any development, any exploration for 2 years. Let us study the caribou; at the same time, after 2 years going to a program of assessing whether there might be any oil and gas in that area.

I have been up in that area. It is a pretty area, true, but in the wintertime it is solid ice. There is not a bush, there is not a tree, there is not a blade of grass. In the summertime it is a marsh. The biggest wildlife feature there in the summertime is mosquitoes. They have the biggest, healthiest mosquitoes, even better than we have in Louisiana. We are only talking about 2 million acres of the coastal plain, the beautiful areas with the trees and the streams are in a wilderness in both bills.

I just feel the people who are sitting at gasoline lines paying $1 a gallon for gasoline today, wondering how they are going to pay their heating bills in the wintertime and cooling bills in the summertime, with Iran completely shut off from all petroleum reserves, people in those circumstances want us to at least look and see whether there might be oil and gas in that particular area.

AMENDMENT OFFERED BY MR. UDALL AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. UDALL. Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

The CHAIRMAN. Pursuant to the rule, the amendment offered as a substitute for the amendment in the nature of a substitute is considered as read and open to amendment at any point.

The Clerk will designate the amendment.

The amendment offered as a substitute reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act, together with the following table of contents, may be cited as the "Alaska National Interest Lands Conservation Act of 1979".

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TITLE I—FINDINGS, POLICY, AND DEFINITIONS

FINDINGS

SEC. 101. Congress finds and declares that—

(1) through passage of the Alaska Statehood Act and the Alaska Native Claims Settlement Act, the Congress established policies for the disposition of the public lands in Alaska and provided for future economic, social, and cultural development in Alaska and for the fair and just settlement of claims of Natives and Native groups based on aboriginal land claims, while reserving decision as to which of the public lands in Alaska should be reserved in the national interest;

(2) through the designation of national monuments by Presidential proclamation and through interim protection by secretarial withdrawals, the Federal Government has properly and appropriately provided for protection of nationally and internationally significant scenic, historic, archeological, paleontological, scientific, cultural, recreational, widlife, and other resources of the public lands in Alaska, which represent a remarkable diversity of undisturbed ecosystems, including some not found elsewhere, but congressional action is required to afford the complete protection which such resources merit;

(3) wilderness is a distinguishing characteristic of public lands in Alaska, one which is central to the continuation of Alaska's cultural values, which affords an unrivaled opportunity for experiencing vast areas of land essentially unaltered by man's activities, and which merits preservation for the benefit of future generations; but such wilderness is increasingly being altered and reduced by activities and intrusions associated with national and international demands for energy, mineral, and timber resources and by other incompatible activities;

(4) several wildlife species, including species which are threatened endangered, or depleted in other parts of the Nation and the world, are dependent for their survival on the maintenance of appropriate wilderness habitats on the public lands in the State of Alaska;

(5) selective representation of the diverse natural communities, including pristine, free-flowing rivers, on public land in the State of Alaska should be preserved as units of Federal land conservation systems for the benefit of present and future generations;

(6) at the accelerated pace of population growth, settlement and related consumption of raw materials, the world is losing wilderness habitats and associated values at an alarming rate, and therefore the wilderness and the wilderness habitats of certain public lands in Alaska assume global importance

since they are among the few remaining areas of such vast extent and their permanent protection is a reasonable and attainable national objective;

(7) the continuation of the opportunity for subsistence uses by Alaska Natives of renewable resources on the public lands and on their Native lands is essential to their physical, economic, and cultural existence;

(8) the continuation of the opportunity for subsistence uses by some other rural residents of the State of Alaska of renewable resources on the public lands is essential to their physical, economic, and traditional existence;

(9) the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from renewable resources which supply rural residents dependent on subsistence uses;

(10) continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden decline in the populations of some wildlife species which are crucial subsistence resources, by increased accessibility of remote areas containing subsistence resources, and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management;

(11) in order to fulfill the policies and purposes of the Alaska Native Claims Settlement Act, and as a matter of equity, it is necessary for the Congress to invoke its constitutional authority over Native affairs and over management of the public lands to protect and provide the opportunity for continued subsistence uses on public lands by Alaska Natives and other residents of rural Alaska; and

(12) the national interest in the proper regulation, protection, and conservation of fish and wildlife on the public lands in Alaska and the continuation of the opportunity for a subsistence way of life by rural residents of Alaska require that an administrative structure be established which enables people who have personal knowledge of local conditions and requirements to have a meaningful role in the conservation and utilization of fish and wildlife and the management of subsistence uses on the public lands in Alaska.

POLICY

SEC. 102. In order to secure for the American people of this and future generations an enduring heritage of untrammeled environments in the State of Alaska and to aid in the fulfillment of international conservation commitments of the United States, it is hereby declared to be the policy of the Congress that—

(1) appropriate public lands in Alaska, in addition to those lands heretofore included within such systems by actions of the President and Secretary of the Interior, or by legislation, shall be included within the National Park, National Wildlife Refuge, Wild and Scenic Rivers, National Forest, and National Wilderness Preservation Systems, in order to—

(A) preserve unrivaled scenic, geologic, and wildlife values associated with natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems including but not limited to extensive unaltered arctic tundra, boreal forest, and coastal rainforest ecosystems;

(C) protect and preserve cultural values of Native and non-Native peoples and conserve renewable resources related to their subsistence needs;

(D) provide for the maintenance of sound populations of, and habitat for, fish and wildlife, including those species dependent on vast undeveloped areas, of inestimable value to the citizens of Alaska and the Nation;

(E) provide opportunities for compatible outdoor public recreation, protect and interpret historic, paleontological; and archeological sites, maintain wilderness resource values and related multiple watershed, flora, fauna, recreational, and subsistence resource values, and preserve free flowing rivers and associated resources;

(F) maintain opportunities for scientific research in undistributed ecosystems; and

(G) provide for the management of multiple values in a manner which will permit utilization of natural resources, where appropriate, consistent with sound ecological principles;

(2) in the planning, management, and administration of these conservative system units—

(A) intangible values shall be considered on an equal basis with quantifiable values;

(B) sound ecological principles shall be adhered to; and

(C) full public participation shall be encouraged;

(3) the public should have access to the public lands in Alaska, including access to those public lands which constitute conservation system units, consistent with the purposes for which those units are established,

(4) management policies on the public lands in Alaska are to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands, consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for which each conservation system unit has been established, designated, redesignated, or expanded; and, consistent with such principles and purposes, it is the policy of Congress that rural residents now engaged in a subsistence-oriented lifestyle, and their descendants, are to have the opportunity to continue in that lifestyle if they choose to do so;

(5) nonwasteful subsistence use of fish and wildlife and other renewable resources by rural residents shall be the first priority consumptive use of all such resources on the public lands of Alaska, and where it is necessary to restrict taking in order to assure the natural stability and continued productivity of a fish or wildlife resource or the continuation of subsistence uses by such residents of such resource, the taking of such resource for nonwasteful subsistence uses by such residents shall be given preference on the public lands over recreational, sport, or other consumptive uses;

(6) except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the natural stability and continued productivity of all wild renewable resources in Alaska, shall cooperate with adjacent landowners and land managers, including Native corporations, appropriate State and Federal agencies, and other nations; and

(7) in carrying out the provisions of this Act, the Secretary and other officers of the Federal Government are to give continuing consideration to the interest of the State of Alaska and its subdivisions and the Native Corporations in maintaining a viable economy and providing employment for citizens of Alaska.

DEFINITIONS

SEC. 103. As used in this Act—

(1) The term "land" means lands, waters, and interests therein.

(2) The term "Federal land" means land the title to which is in the United States after the date of enactment of this Act.

(3) The term "public lands" means lands situated in Alaska which, after the date of enactment of this Act, are Federal lands, except—

(A) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(B) land selections of a Native Corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(C) lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

(4) The term "fish and wildlife" means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

(5) The term "take" or "taking", as used with respect to fish or wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

(6) The term "plant" means any member of the plant kingdom, including seeds, roots, and other parts thereof.

(7) The term "conservation system unit" means any unit in Alaska of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, or National Wilderness Preservation System, including units existing on the date of the enactment of this Act, units established, designated, redesignated, or expanded by or under the provisions of this Act, additions to such units, and any such unit established, designated, or expanded hereafter.

(8) The terms "administer" or "administer" and "manage" or "management", as used with respect to any land within a conservation system unit, means the operation, restoration, protection, maintenance, use, and preservation of lands within such unit, in a manner intended to protect the entire ecosystems of such unit, and in accordance with the purposes for which such unit was established or expanded.

(9) The term "Native Corporation" means any Regional Corporation, any Village Corporation, and any Urban Corporation.

(10) The term "Regional Corporation" has the same meaning as such term has under section 3(g) of the Alaska Native Claims Settlement Act.

(11) The term "Village Corporation" has the same meaning as such term has under section 3(j) of the Alaska Native Claims Settlement Act.

(12) The term "Urban Corporation" means those Native entities which have incorporated pursuant to section 14(h)(3) of the Alaska Native Claims Settlement Act.

(13) The term "Native land" means land owned by a Native Corporation or any Native group (as defined in section 3(d) of the Alaska Native Claims Settlement Act) and includes land which, as of the date of enactment of this Act, had been selected under the Alaska Native Claims Settlement Act by a Native Corporation or Native group and had not been conveyed by the Secretary (except to the extent such selection is determined to be invalid or is relinquished) and land referred to in section 19(b) of the Alaska Native Claims Settlement Act.

(14) The term "Secretary" means the Secretary of the Interior, except that when

such term is used with respect to any unit of the National Forest System, such term means the Secretary of Agriculture.

(15) The terms "wilderness" and "National Wilderness Preservation System" have the same meaning as when used in the Wilderness Act (78 Stat. 890).

(16) The term "Alaska Statehood Act" means the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (72 Stat. 339), as amended.

(17) The term "State" means the State of Alaska.

(18) The term "Alaska Native" or "Native" has the same meaning as the term "Native" has in section 3(b) of the Alaska Native Claims Settlement Act.

(19) The term "Alaska Native Claims Settlement Act" means the Act entitled "An Act to provide for the settlement of certain land claims of Alaska Natives, and for other purposes", approved December 18, 1971 (85 Stat. 688), as amended.

(20) The term "subsistence uses" means the customary and traditional uses by Alaska residents of wild, renewable resources for direct personal or family use or consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible by products of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade. For the purposes of this paragraph the term—

(A) "family" means all persons related by blood, marriage, or adoption, or any person living within another person's household on a permanent basis; and

(B) "barter" means the exchange of fish or wildlife or their parts—

(i) for other fish or game or their parts; or

(ii) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature.

TITLE II—NATIONAL PARK SYSTEM

REDESIGNATED AND ADDITIONAL UNITS

SEC. 201. (a) REDESIGNATION.—The following units of the National Park System are hereby redesignated as follows:

(1) Bering Land Bridge National Monument is hereby redesignated as Bering Land Bridge National Preserve, with boundaries as generally depicted on the map entitled "Bering Land Bridge National Park and National Preserve", dated March 1979.

(2) Cape Krusenstern National Monument is hereby redesignated as Cape Krusenstern National Park.

(3) Gates of the Arctic National Monument is here redesignated as Gates of the Arctic National Park, with boundaries as generally depicted on the map entitled "Gates of the Arctic National Park", dated March 1979.

(4) Kenai Fjords National Monument is hereby redesignated as Kenai Fjords National Park.

(5) Kobuk Valley National Monument is hereby redesignated as Kobuk Valley National Park.

(6) Lake Clark National Monument is hereby redesignated as Lake Clark National Park.

(7) Yukon-Charley National Monument is hereby redesignated as Yukon-Charley National Preserve.

(8) Katmai National Monument is hereby redesignated as Katmai National Park and Preserve, with boundaries as generally depicted on the map entitled "Katmai National Park and National Preserve", dated April 1979.

(b) EXPANSIONS AND REDESIGNATIONS.—The following units of the National Park System are enlarged and redesignated as follows:

(1) Aniakchak National Monument is hereby enlarged by the addition of an area containing approximately one hundred and sixty thousand acres of public lands as generally depicted on a map entitled, "Aniakchak National Park and National Preserve", dated April 1979, and the whole is hereby redesignated as Aniakchak National Park and National Preserve.

(2) Mount McKinley National Park is hereby enlarged by the addition thereto and incorporation therein of Denali National Monument and the whole is hereby redesignated as Denali National Park and National Preserve, with boundaries as generally depicted on the map entitled "Denali National Park and Preserve", dated March 1979, but the mountain located at 63 degrees 04 minutes 15 seconds north by 151 degrees 00 minutes 20 seconds west shall retain the name Mount McKinley.

(3) Glacier Bay National Monument is hereby enlarged by the addition of an area containing approximately forty thousand acres of public lands as generally depicted on the map entitled "Glacier Bay National Park", dated Jauary 1979, and is hereby redesignated as Glacier Bay National Park.

(4) Noatak National Monument is hereby enlarged by the addition of an area containing approximately six hundred and sixty thousand acres of public lands as generally depicted on the map entitled "Noatak National Preserve", dated March 1979, and is hereby redesignated as Noatak National Preserve.

(5) Wrangell-Saint Elias National Monument is hereby enlarged by the addition of an area containing approximately one million two hundred and thirty thousand acres of public lands, with boundaries as generally depicted on the map entitled "Wrangell-Saint Elias National Park and Preserve", dated March 1979, and is hereby redesignated as Wrangell-Saint Elias National Park and Preserve.

(c) ADDITIONAL UNITS.—The following areas are hereby established as units of the National Park System and, subject to valid existing rights, shall be administered by the Secretary under the laws governing the administration of such units and under the provisions of this Act:

(1) Aniakchak National Preserve, containing approximately one hundred and sixty thousand acres of public lands, as generally depicted on a map entitled "Aniakchak National Park", dated January 1979.

(2) Lake Clark National Preserve containing approximately one million one hundred and fifty thousand acres of public lands, as generally depicted on a map entitled "Lake Clark National Park", dated January 1979.

ADMINISTRATIVE PROVISIONS

SEC. 202. (a) GENERAL RULES.—Subject to valid existing rights, the Secretary shall administer the lands, waters, and interests therein of all National Park Sytem units in Alaska in accordance with the provisions of law applicable to the National Park System and applicable provisions of this Act.

(b) REDESIGNATED UNITS.—Lands, waters, and interests therein withdrawn or redesignated national monuments specified in section 201 of this Act are hereby incorporated within and made a part of the appropriate national park or national preserve. Any funds available for the purposes of each such monument are hereby made available for the purposes of the appropriate national park or national preserve; and each such national park shall continue to be administered in accordance with the appropriate proclamation which designated each such area as a national monument. That portion of the Alaska Railroad right-of-way within Denali National Park shall be subject to such laws and regulations applicable to the protection of fish and wild-life and other park values as the Secretary, with the concurrence of the Secretary of Transportation may determine. Reindeer grazing, and use of necessary facilities and equipment, shall be permitted to continue on public lands within the Bering Land Bridge National Park.

(c) COMMERCIAL FISHING.—With respect to the Malaspina Glacier area of Wrangell-Saint Elias National Park and the Dry Bay area of Glacier Bay National Park, the Secretary may take no action to restrict unreasonably the exercise of valid commercial fishing rights or privileges obtained pursuant to State or Federal law, including the use of Federal lands for campsites, cabins, motorized vehicles, and aircraft landings on existing airstrips, directly incident to the exercise of such rights or privileges, except that this prohibition shall not apply to activities which the Secretary, after conducting a public hearing in the affected locality, finds constitute a significant expansion of the use of park lands beyond the level of such use during 1979.

(d) VALID NATIVE SELECTIONS; WRANGELL-SAINT ELIAS.—Valid Native selections or nominations of lands within boundaries of the Wrangell-Saint Elias National Park and Preserve, as redesignated under this Act, are hereby recognized and shall be honored and conveyed by the Secretary in accordance with the Alaska Native Claims Settlement Act.

(e) ENTRANCE FEES.—Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to any unit of the National Park System located in Alaska.

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM

REDESIGNATED UNITS

SEC. 301. The following areas are redesignated:

(1) Becharof National Monument is hereby redesignated as Becharof National Wildlife Refuge.

(2) Yukon Flats National Monument is hereby redesignated as Yukon Flats National Wildlife Refuge.

ADDITIONAL UNITS

SEC. 302. The following units of the National Wildlife Refuge System are hereby designated as follows:

(1) Alaska Maritime National Wildlife Refuge containing approximately two million nine hundred and eighty thousand acres of the existing units of the National Wildlife Refuge System specified in this paragraph and an addition thereto of approximately four hundred and sixty thousand acres of other public lands, as generally depicted on a map entitled "Alaska Maritime National Wildlife Refuge", dated January 1979, which shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others: to protect internationally significant marine birds, marine mammals, and the land, water, and other marine resources on which they rely; to perpetuate other indigenous fish and wildlife resources of the coastal marine environment; to maintain adequate water quality and quantity; to provide for national and international research on marine resources; to protect the viability of subsistence resources and provide the opportunity for continuation of subsistence uses by local residents; and to participate in cooperative management programs with adjacent landowners. The Alaska Maritime National Wildlife Refuge shall consist of the public lands of the following specifically described units consisting of islands, islets, rocks, reefs, capes, and spires in the coastal water and adjacent seas of Alaska:

(A) Chukchi Sea unit—including Cape Lisburne, Cape Thompson, and the existing Chamisso National Wildlife Refuge;

(B) Bering Sea unit—including the existing Bering Sea National Wildlife Refuge, Hagemeister Island, Fairway Rock, Sledge Island, Bluff Unit, Besboro Island, Punuk Islands, and Egg Island;

(C) Aleutian Islands unit—including the existing Aleutian Islands and Bogoslof National Wildlife Refuges, and all other public lands in the Aleutian Islands;

(D) Alaska Peninsula unit—including the existing Simeonof and Semidi National Wildlife Refuges, and all public lands on islands, islets, rocks, reefs, spires, and designated capes south of Katmai National Park to False Pass; and

(E) Gulf of Alaska unit—including the existing Forester Island, Hazy Islands, Saint Lazaria, and Tuxedni National Wildlife Refuges, the Barren Islands, Latax Rocks, Harbor, Pye, Middleton, Granite, and Chiswell Islands, and all islands, islets, rocks, and spires surrounding Kodiak and Afognak Islands and all other similarly located offshore public lands (except lands within the National Forest System), including any such public lands reserved for purposes of classification under section 17(d)(1) of the Alaska Native Claims Settlement Act.

(2) Alaska Peninsula National Wildlife Refuge, containing approximately one million five hundred and seventy thousand acres of public lands, as generally depicted on map entitled "Alaska Peninsula National Wildlife Refuge", dated January 1979, which shall be managed to maintain the diversity of natural values of this area and also for the following purposes, among others: to perpetuate the Alaska Peninsula caribou herd, significant brown bear, moose, sea otter, and other marine mammal populations, American bald eagles, peregrine falcons, shorebirds, and migratory waterfowl; to maintain supporting habitat including spawning habitat for salmon and sport fish species; to protect essential denning and stream-edge feeding areas in order to maintain the existing significant brown bear populations; to maintain adequate water quality and quantity; to preserve the free-flowing nature of numerous rivers and streams; to provide opportunities for scientific research and interpretive and environmental education uses and fish and wildlife oriented recreational uses; to protect the viability of subsistence resources and provide the opportunity for continuation of subsistence uses by local residents; and to participate in cooperative management programs with adjacent landowners.

(3) Innoko National Wildlife Refuge, containing approximately three million three hundred thousand acres of public lands, as generally depicted on a map entitled "Innoko National Wildlife Refuge", dated January 1979, which shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others; to perpetuate the nationally significant waterfowl, other migratory birds, furbearer, and mammal and fish populations and supporting habitats; to maintain adequate water quality and quantity; to provide opportunities for scientific research and interpretive and environmental education uses and fish and wildlife oriented recreational uses; to protect the viability of subsistence resources and provide the opportunity for continuation of subsistence uses by local residents; and to participate in cooperative management programs with adjacent landowners.

(4) Kanuti National Wildlife Refuge, containing approximately one million four hundred and fifty thousand acres of public lands, as generally depicted on a map entitled "Kanuti National Wildlife Refuge", dated April 1979, which shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others: to perpetuate nationally significant migratory waterfowl, other migratory birds, furbearer, and mammal populations utilizing the lands and waters of the area; to provide opportunities for scientific research and interpretive and environmental education uses and fish and wildlife oriented recreational uses; to maintain adequate water quality and quantity; to protect the viability of subsistence resources and provide the opportunity for continuation of subsistence uses by local residents; and to participate in cooperative management programs with adjacent landowners.

(5) Koyukuk National Wildlife Refuge, containing approximately three million six hundred and fifty thousand acres of public lands, as generally depicted on a map entitled "Koyukuk National Wildlife Refuge", dated January 1979, which shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others: to perpetuate nationally significant waterfowl and other migratory bird and fish resources utilizing the lands and waters of the area; to maintain significant furbearing and other mammal populations and supporting habitats; to protect the Nogahabara Dunes as a unique ecological feature; to provide opportunities for scientific research and interpretive and environmental education uses and fish and wildlife oriented recreational uses; to maintain adequate water quality and quantity; to protect the viability of subsistence resources and provide the opportunity for continuation of subsistence uses by local residents; and to participate in cooperative management programs with adjacent landowners.

(6) Nowitna National Wildlife Refuge, containing approximately one million five hundred and sixty thousand acres of public lands, as generally depicted on a map entitled "Nowitna National Wildlife Refuge", dated January 1979, which shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others: to perpetuate the nationally significant waterfowl, other migratory bird, and mammal populations utilizing the lands and waters of the area; to maintain fish resources and wildlife populations supporting habitats; to protect fish spawning and critical waterfowl use habitat along the Nowitna River; to maintain adequate water quality and quantity; to provide opportunities for scientific research and interpretive and environmental education uses and fish and wildlife oriented recreational uses; to protect the viability of subsistence resources and provide the opportunity for continuation of subsistence uses by local residents; and to participate in cooperative management programs with adjacent landowners.

(7) Selawik National Wildlife Refuge, containing approximately three million three hundred thousand acres of public lands as generally depicted on a map entitled "Selawik National Wildlife Refuge", dated April 1979, which shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others: to protect habitat for, and populations of, migratory birds, sheefish, caribou, and other fish and wildlife utilizing lands and waters within the area; to provide opportunities for scientific research and interpretive and environmental education uses and fish and wildlife oriented recreational uses; to protect sheefish spawning habitat along the Selawik River; to maintain adequate water quality and quantity; to continue, subject to such reasonable regulations as the Secretary may prescribe, reindeer grazing, husbandry and harvesting, including necessary facilities and equipment, within those areas which on January 1, 1976, were subject to reindeer grazing permits; to protect the viability of subsistence resources and provide the opportunity for continuation of subsistence uses by local residents; and to participate in cooperative management programs with adjacent landowners. No lands conveyed to any Native Corporation shall be considered to be within the boundaries of the refuge; if any such Corporation or Corporations desire to convey any such lands, the Secretary may acquire such lands with the consent of the owner, and any such lands so acquired shall become part of the refuge, pursuant to section 801(g)(3) of this Act.

(8) Teshekpuk National Wildlife Refuge, containing approximately two million six hundred thousand acres of public lands, as generally depicted on a map entitled "Teshekpuk National Wildlife Refuge", dated January 1979, which shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others: to protect internationally significant Arctic waterfowl species, and other migratory bird and fish resources utilizing the lands and waters of the area; to protect estuarine and coastal fresh water habitat utilized by large numbers of moulting snow geese and other waterbirds and marine mammals; to protect coastal denning habitat for polar bears; to protect significant caribou, moose, and grizzly bear resources; to protect representative Arctic life zones and the natural character of these habitats; to maintain adequate water quality and quantity; to protect the viability of subsistence resources and provide the opportunity for continuation of the traditional subsistence uses of local residents; and to participate in cooperative management programs with adjacent landowners.

(9) Tetlin National Wildlife Refuge, containing approximately seven hundred and seventy thousand acres of public lands, as generally depicted on a map entitled "Tetlin National Wildlife Refuge", dated January 1979, which shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others: to perpetuate and provide habitat for internationally significant migratory birds which utilize the area as well as all other forms of fish and wildlife; to perpetuate the Chisana caribou herd and significant Dall sheep, moose, and grizzly bear populations and their habitat; to maintain adequate water quality and quantity; protect the viability of subsistence resources and provide the opportunity for continuation of subsistence uses by local residents; to provide a variety of opportunities for scientific research and interpretive and environmental education uses and fish and wildlife oriented recreational uses; and to participate in cooperative management programs with adjacent landowners.

(10) Utukok National Wildlife Refuge, containing approximately four million five hundred thousand acres of public lands, as generally depicted on a map entitled "Utukok National Wildlife Refuge", dated January 1979, which shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others: to maintain integrity of the area to perpetuate the calving grounds of the significant population of the western Arctic caribou herd, and the various large carnivores associated with the herd; to perpetuate undisturbed habitat for the endangered peregrine falcon and significant populations of other raptors; to protect representative Arctic life zones and the natural character of these habitats; to protect the rock formations in the vicinity of the Utukok River, a unique geological feature; to preserve the free-flowing unmodified nature of numerous rivers and streams; to maintain adequate water quality and quantity; to protect the viability of subsistence resources depended upon by local users both within and beyond the boundaries of the area; and to participate in cooperative management programs with adjacent landowners.

ADDITIONS TO EXISTING UNITS

SEC. 303. The following units of the National Wildlife Refuge System are hereby expanded:

(1) Arctic National Wildlife Range by the addition of an area containing approximately nine million nine hundred thousand acres of public lands, as generally depicted on a map entitled "Arctic National Wildlife Range", dated January 1979, which shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others: to maintain the environmental integrity of the area for use by internationally significant populations of caribou and migratory birds; to perpetuate other migratory and resident fish and wildlife populations and their habitats; to protect representative Arctic life zones and the natural character of these habitats; to provide opportunities for scientific research and interpretive and environmental education uses; to protect coastal denning habitat for polar bear; to maintain adequate water quality and quantity; to protect the viability of subsistence resources and provide the opportunity for continuation of subsistence uses by local residents; and to participate in cooperative management programs with adjacent landowners.

(2) Cape Newenham National Wildlife Refuge by addition of an area containing approximately three million one hundred and thirty-five thousand acres of public lands, as generally depicted on a map entitled "Togiak National Wildlife Range", dated January 1979; furthermore, the Cape Newenham National Wildlife Refuge is hereby redesignated the Togiak National Wildlife Range, which shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others: to perpetuate the significant marine bird and mammal, migratory bird, and fishery resources of the mountain, river, and marine habitats of the Togiak area; to enhance and restore large mammal populations historically inhabiting the area; to protect the watershed of Bristol and Kuskokwim Bays; to maintain adequate water quality and quantity; to provide opportunities for scientific research and interpretive and environmental education uses and fish and wildlife oriented recreational uses; to protect the viability of subsistence resources and provide the opportunity for continuation of subsistence uses by local residents; and to participate in cooperative management programs with adjacent landowners.

(3) Clarence Rhode National Wildlife Range and Hazen Bay National Wildlife Refuge by the addition of an area containing approximately fourteen million and sixty-one thousand acres of public lands, as generally depicted on a map entitled "Yukon Delta National Wildlife Range", dated April 1979: furthermore, the Clarence Rhode National Wildlife Range and Hazen Bay National Wildlife Refuge are hereby redesignated as the Yukon Delta National Wildlife Range, which shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others; to perpetuate the internationally significant migratory bird, marine mammal, fish, and wildlife resources utilizing the lands and waters of the Yukon-Kuskokwim Delta and habitat supporting fish and wildlife populations; to provide opportunities for scientific research and interpretive and environmental education uses and fish and wildlife oriented recreational uses; to maintain adequate water quality and quantity; to protect the viability of subsistence resources and provide the opportunity for continuation of subsistence uses by local residents; to permit reindeer grazing, husbandry, and harvesting, including necessary facilities and equipment, within areas where such uses are, and in a manner which is, compatible with the other purposes specified in this paragraph; and to participate in cooperative management programs with adjacent landowners.

(4) Kenai National Moose Range, by addition of approximately two hundred and eighty thousand acres of public lands, as generally depicted on a map entitled "The Kenai National Wildlife Range", dated January 1979, furthermore, the Kenai National Moose Range is hereby redesignated the Kenai National Wildlife Range, which range shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others: to perpetuate a nationally significant population of moose and the habitat and population of indigenous mammal, waterfowl, other migratory and nonmigratory bird, and fishery resources; to maintain adequate water quality and quantity; to provide land management training opportunities for the public; to provide opportunities for scientific research and interpretive and environmental education uses and fish and wildlife oriented recreational uses; to protect the viability of subsistence resources and provide the opportunity for continuation of subsistence uses by local residents; and to participate in cooperative management programs with adjacent landowners.

(5) Kodiak National Wildlife Refuge, by addition of all public lands in the following described lands:

Seward Meridian, Alaska

Township 20 south, range 20 west, sections 31 through 32 inclusive;

Township 20 south, range 21 west, sections 14 through 16 inclusive, 20 through 23 inclusive, 26 through 29 inclusive, and 31 through 36 inclusive;

Township 20 south, range 22 west, sections 26, 27, and 34 through 36 inclusive;

Township 21 south, range 20 west, sections 4 west half; 5 through 7 inclusive, 8; 17 northwest quarter southwest quarter, 18;

Township 21 south, range 21 west all;

Township 21 south, range 22 west, sections 1 through 3 inclusive, 11 through 12 inclusive, 24;

Township 22 south, range 21 west, sections 1 north half, 2 through 9 inclusive, 10 north half southwest quarter.

ADMINISTRATIVE PROVISIONS

SEC. 304. (a) GENERAL RULES.—All proclamations, Executive orders, public land orders, and similar actions reserving any lands, waters, or interests therein for national wildlife refuge or wildlife range purposes within the boundaries of the areas established or redesignated as, or added to, units of the National Wildlife Refuge System by this Act shall remain in full force and effect, except to the extent that they are inconsistent with the Alaska Native Claims Settlement Act, this Act, or the purposes of any unit established by this Act, and in such case the provisions of such Acts shall prevail. All found available on the date of enactment of this Act, for the purposes of any unit of the National Wildlife Refuge System in Alaska shall continue to be available for the purposes of the appropriate conservation system unit established, enlarged, or redesignated by this Act. Each wildlife refuge shall be administered by the Secretary, subject to valid existing rights, in accordance with the laws governing the administration of units of the National Wildlife Refuge System, the laws governing the conservation and protection of fish and wildlife and plants, and applicable provisions of this Act. In applying section 4(d) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(d)) with respect to each wildlife refuge, the Secretary may not permit any use, or grant easements for any purpose, described in such section 4(d) unless such use (including but not limited to, any oil and gas leasing permitted under this section) or purpose is compatible with the purposes of the wildlife refuge and with the provision of opportunity for subsistence uses. The Secretary shall prescribe such regulations, and impose such terms and conditions, as may be necessary and appropriate to ensure that activities carried out under such use or easement are so compatible.

(b) MINERALS.—All public lands in each National Wildlife Refuge, National Wildlife Range, and any other National Wildlife Refuge System unit in Alaska are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws. The Secretary, however, in his discretion, may permit oil and gas leasing on such lands under this subsection and Title XII of this Act, except in wilderness, consistent with the National Wildlife Refuge Administration Act of 1966 if such activities are compatible with the purposes for which the affected Wildlife Refuge System unit was established or is managed. All receipts and revenues from any such leases on such lands shall be covered into the United States Treasury and be reserved in a separate fund for the operation research and rehabilitation of the National Wildlife Refuge System. Amounts in the fund shall remain available until expended, and may be expended without further appropriation.

(c) ILIAMNA AREA.—With respect to the area of the Iliamna watershed, as such area is depicted on the map entitled "Iliamna Area", dated March 1979, it is the express intent of the Congress that the lands and waters in such area be protected and managed for the primary purposes of watershed protection and fish production. Except for those lands to which the State is entitled pursuant to the Act of January 2, 1976 (89 Stat. 1145), all Federal lands within such area are hereby withdrawn from State selection under the Alaska Statehood Act or other laws, and on or after the date of enactment of this Act no Federal lands in such area shall be conveyed to the State except in exchange (pursuant to section 801(f) of this Act) for State lands located within the boundaries of one or more conservation system units. The Secretary shall make no such conveyance of Federal lands in such area unless and until he has determined that the State, by appropriate legislation and other actions has authorized and is ready, willing, and able to implement a plan for protection and management of the watershed and the fishery resources of such area consistent with the intent of the Congress. If within one year after the date of enactment of this Act the Secretary determines that the State has not acted to authorize, or is not ready, willing, and able to implement, such a plan, he shall so notify the Governor in writing and shall afford a ninety-day period thereafter for appropriate State actions. If after such period the State has not authorized or is not ready, willing, and able to implement such a plan, the Secretary may, by appropriate order, establish one or more units of the National Wildlife Refuge System within the area.

(d) SAVINGS PROVISION.—Nothing in this title shall be construed as repealing or otherwise affecting in any manner the functions of the Secretary set forth in sections 104 and 105 of the Naval Petroleum Reserves Production Act of 1976 (relating to the exploration for petroleum on, and the supply of certain petroleum from, the lands included within the Teshekpuk or Utukok National Wildlife Refuges and to studies required by such Act with respect to such lands).

(e) COMMERCIAL FISHING.—With respect to the units of the National Wildlife Refuge System designated, redesignated, or enlarged by this Act, the Secretary may take no action to restrict unreasonably the exercise of valid commercial fishing rights or privileges obtained pursuant to State or Federal law, or the use of Federal lands for campsites, cabins, motorized vehicles, and aircraft landings on existing airstrips directly incident to the exercise of such rights or privileges, except that this prohibition shall not apply to activities which the Secretary, after conducting a public hearing in the affected locality, finds constitute a significant expansion of the use of refuge lands beyond the level of such use during 1979.

COOPERATIVE MANAGEMENT AGREEMENTS

SEC. 305. (a) IN GENERAL.—The Secretary shall undertake to enter into a cooperative management agreement with any Native Corporation, the State, any political subdivision of the State, or any other person owning land which is located within, or adjacent or near to, any National Wildlife Refuge, National Wildlife Range, or National Wildlife Monument in Alaska. Each cooperative management agreement (hereinafter in this section referred to as an "agreement") shall provide that the land subject to the agreement shall be managed by the owner in a manner compatible with the major purposes of the refuge to which such land pertains and in a manner which will not diminish opportunities for subsistence uses in the refuge.

(b) TERMS AND CONDITIONS.—Each agreement shall—

(1) set forth such uses of the land subject to the agreement which are compatible with the management goals set forth in subsection (a);

(2) permit the Secretary reasonable access to such land for purposes relating to the administration of the refuge and to carry out the obligations of the Secretary under the agreement;

(3) permit reasonable access to such land by officers of the State for purposes of conserving fish and wildlife;

(4) set forth those services or other consideration which the Secretary agrees to provide to the owner in return for the owner entering into the agreement, which services may include technical and other assistance with respect to fire control, trespass control, law enforcement, resource and land use planning, the conserving of fish and wildlife, and the protection, maintenance, and enhancement of any special values of the land subject to the agreement;

(5) set forth such additional terms and conditions as the Secretary and the owner may agree to as being necessary and appropriate to carry out the management goals set forth in subsection (a); and

(6) specify the effective period of the agreement.

SPECIAL STUDY

SEC. 306. (a) FINDINGS.—The Congress finds that the barren ground caribou are a migratory species deserving of careful study and special protection, and that the Western Arctic and the Porcupine herds of such caribou are of national and international significance.

(b) BARREN-GROUND CARIBOU STUDY.—The Secretary of the Interior shall conduct, and the Governor of Alaska is urged to cooperate with the Secretary in conducting, an ecological study of the barren-ground caribou herds north of the Yukon and Tanana Rivers including, but not limited to, a determination of the seasonal migration patterns, reproduction and mortality rates, composition and age structure, behavioral characteristics, habitats (including calving and feeding areas) that are critical to their natural stability and productivity, and the effects of the herd of development, by man, predation, and disease. In conducting this study the Secretary shall review the experience of other Arctic circumpolar countries with caribou and reindeer, and is authorized to enter into such contracts as he deems necessary to carry out portions or all of this study.

The Secretary, acting through the Secretary of State and in consultation with the Governor, shall as soon as possible initiate negotiations with the Government of Canada for the purpose of entering into a treaty to protect the Porcupine caribou herd and its habitat.

TITLE IV—NATIONAL FOREST SYSTEM

ADDITIONS TO TONGASS AND CHUGACH NATIONAL FORESTS

SEC. 401. (a) EXPANSION OF EXISTING UNITS.—The following units of the National Forest System are hereby expanded—

(1) Tongass National Forest by the addition of three areas, Kates Needle, Juneau Icefield, and Brabazon Range, containing approximately one million four hundred and fifty thousand acres, as generally depicted on a map entitled "Additions to the Tongass National Forest", dated January 1979.

(2) Chugach National Forest by the addition of three areas, Nellie Juan and College Fjord, and Copper River, containing approximately one million eight hundred and ninety thousand acres, as generally depicted on a map entitled "Additions to the Chugach National Forest", dated March 1979.

(b) ADMINISTRATION.—Lands added to the Tongass and Chugach National Forests by this section shall be administered by the Secretary of Agriculture in accordance with the applicable provisions of this Act and the laws, rules, and regulations applicable to the national forest system. The protection of fish and wildlife and their habitat shall be the primary purpose for the management of the Copper River addition and the Copper River-Bering River portion of the existing Chugach National Forest, as generally depicted on the map appropriately referenced and dated March 1979. Other uses shall be permitted in a manner compatible with the protection of fish and wildlife and their habitat as set forth in special regulations which shall be promulgated by the Secretary of Agriculture.

ADMINISTRATIVE PROVISIONS

SEC. 402. (a) TIMBER CONTRACTS.—The Secretary is hereby directed to modify any existing national forest timber sale contracts applying to lands designated by this Act as wilderness by substituting, to the extent practicable, timber on the other national forest lands approximately equal in volume, species, grade, and accessibility for timber on relevant lands within such units.

(b) ACQUISITION AUTHORITY.—Except as otherwise specifically provided by this section, the Secretary is authorized, in accordance with the provisions of section 801, to acquire privately owned land within the boundary of any area designated as wilderness within the national forest by this Act.

(c) ADMIRALTY ISLAND NATIONAL MONUMENT.—(1) As provided under section 22(f) of the Alaska Native Claims Settlement Act, the Secretary is specifically authorized to acquire the timber rights to those lands selected for the village of Angoon under section 16 of the Alaska Native Claims Settlement Act by purchase or by exchange for timber rights elsewhere within the Tongass National Forest in areas not designated as wilderness or wilderness study areas under this Act or other provisions of law. If the shareholders of Kootznoowoo, Incorporated, so elect, the timber rights to lands selected by that corporation under section 16 of the Alaska Native Claims Settlement Act shall be conveyed to the Secretary of Agriculture, and within one year after such conveyance, the Secretary of Agriculture shall convey to Kootznoowoo, Incorporated, timber rights which are of equal value to those conveyed to the Secretary, except that if within one year after conveyance of such timber rights to the Secretary of Agriculture, he cannot identify timber rights which are mutually agreed to be of equal value under this section, Kootznoowoo, Incorporated, at its election, may either rescind the conveyance or identify not more than twenty-three thousand and forty acres of land within the Tongass National Forest, other than in wilderness or a national monument, otherwise available for exchange under this section and timber rights in lands so identified shall then be conveyed to Kootznoowoo, Incorporated, by the Secretary of Agriculture. Timber with respect to which the Secretary of Agriculture acquires title under this section shall not be sold or otherwise harvested, except for limited subsistence uses or as otherwise provided by this Act or other applicable law. Notwithstanding the provisions of section 21(c) of the Alaska Native Claims Settlement Act, for the purposes of these timber rights exchanges, the basis of valuation of the timber rights granted Kootznoowoo, Incorporated, shall be the highest market value of the timber during the twenty years preceding the conveyance.

(2) In satisfaction of the rights of the Natives of Sitka as provided by section 14(h)(3) of the Alaska Native Claims Settlement Act, the Secretary of Agriculture shall designate alternative lands of equal or greater timber value located in southeast Alaska other than Admiralty Island for the benefit of Shee Atika, Incorporated. For purposes of this section, corporations formed pursuant to section 14(h)(3) of the Alaska Native Claims Settlement Act shall be considered as Village Corporations formed pursuant to section 16 of that Act. Upon notice that any such land is acceptable to Shee Atika, Incorporated, the Secretary shall immediately convey the surface estate in such land to such corporation and shall immediately convey the subsurface estate to the SEAlaska Corporation. As a condition to such conveyance, Shee Atika, Incorporated shall release any claim to land selections on Admiralty Island and SEAlaska Corporation shall release any claim to subsurface right on Admiralty Island which corresponds to the land selections so released by Shee Atika, Incorporated. In studying lands for designation as alternative selection lands under this subparagraph, the Secretary shall also attempt to locate national forest lands not on Admiralty Island suitable for an exchange of timber interests with Kootznoowoo, Incorporated, under paragraph (1). Nothing in this section shall be construed to affect any valid rights which Shee Atika, Incorporated, may have on Admiralty Island pursuant to section 14(h)(3) of the Alaska Native Claims Settlement Act nor shall it in any way be deemed to compel Shee Atika, Incorporated, to surrender any rights they may have on Admiralty Island prior to their voluntary acceptance of other land.

(3) The Secretary is authorized and directed to convey to Goldbelt, Incorporated, representing the Natives of Juneau with respect to their land entitlements under section 14(h)(3) of the Alaska Natives Claims Settlement Act, and to SEAlaska, Incorporated, the lands and interests in lands described in paragraphs A and C of the Exchange Agreement, dated April 11, 1979, between those Corporations and the Departments of Agriculture and of the Interior on the terms and conditions set forth in such agreement. Such conveyances shall not be subject to the provisions of the National Environmental Policy Act of 1969 (83 Stat. 852), as amended. The terms of the Exchange Agreement, as filed with the Committee on Interior and Insular Affairs of the House of Representatives, are hereby ratified as to the duties and obligations of the United States and its agencies, Goldbelt, Incorporated, and SEAlaska, Incorporated, as a matter of federal law: *Provided*, That the agreement may be modified or amended, upon the written agreement of all parties thereto and appropriate notification in writing to the ap-

propriate committees of the Congress, without further action by the Congress.

(4) In recognition of the considerable land selection costs incurred by Shee Atika, Incorporated, Goldbelt, Incorporated, and Kootznoowoo, Incorporated, in determining the validity of land withdrawals on Admiralty Island under section 14(h)(3) of the Alaska Native Claims Settlement Act, and in identifying suitable lands for exchange outside Admiralty Island, the Secretary of the Interior shall reimburse those corporations for such reasonable and necessary land selection costs, including all costs for negotiating land exchanges, court costs, and reasonable attorney's and consultant's fees, incurred prior to the date of conveyance of land to such Native corporations. Authorization for payment of such land selection costs shall begin in the fiscal year 1980, but shall include earlier costs.

(d) Special Use Permits and Facilities.—Permits issued by the Forest Service, before the date of the enactment of this Act, for a dwelling or campsite in the Admiralty Island National Monument, Misty Fjords National Monument, or any wilderness area, shall expire not later than ten years after the date of enactment of this Act, except that the Special Use Permit for Thayer Lake Lodge shall be renewed as necessary for the longest of either—

(1) fifteen years after the date of enactment of this Act, or

(2) the lifetime of the permittee or the surviving spouse, whoever lives longer,
so long as the management of the lodge remains consistent with the purposes of the Admiralty Island National Monument.

(e) Taking of Fish and Wildlife.—Within national forest wilderness designated by this Act, the Secretary of Agriculture shall permit the taking of fish and wildlife in accordance with applicable laws of the United States and the State, except that the Secretary may designate zones where, and establish periods when, no taking of fish or wildlife shall be permitted for reasons of public safety, administration, public use, and enjoyment or protection of subsistence activities.

(f) Monuments.—For purposes of this Act, Admiralty Island National Monument and Misty Fjords National Monument shall be deemed to be conservation system units, and shall be administered by the Secretary of Agriculture, through the United States Forest Service, in accordance with the Proclamations Numbered 4611 and 4623 designating those monuments and with applicable provisions of law, including this Act.

(g) Fishery Protection.—The Secretary of Agriculture is authorized and directed to promulgate such regulations as he determines necessary to regulate mining activities on national forest lands in Alaska in order to protect the water quality and quantity of and to prevent environmental degradation of the streams and other bodies of water in such lands. Before approving any proposed mining plan of operations for any such lands, the Secretary shall review each such plan and shall determine that such plan—

(1) is based upon studies which the Secretary concludes are adequate for evaluating the water quality, water quantity, fishery habitat, and other fishery values of the affected areas; and

(2) includes adequate provisions to protect water quality and quantity of, and to prevent environmental impacts deleterious to the fishery habitat or other fishery values of, any anadromous fish stream or other body of water which might be affected by the mining and other activities proposed to be conducted in accordance with such plan.

PROTECTION OF NATIVE LANDS IN CONTINGENCY AREAS UNDER TIMBER SALES

Sec. 403. Section 15 of the Alaska Native Claims Settlement Act is amended by inserting "(a)" after "Sec. 15." and by adding the following new subsection at the end of such section:

"(b) No land conveyed to a Native Corporation pursuant to this Act, or by operation of the Alaska National Interest Lands Conservation Act of 1979, which is within a contingency area designated in a timber sale contract let by the United States shall thereafter be subject to such contract or to entry or timbering by the contractor. Until a Native Corporation has received conveyances to all of the land which it is entitled to receive under the appropriate section or subsection of this Act, for which the land was withdrawn or selected, no land in such a contingency area that has been withdrawn and selected, or selected, by such Corporation under this Act shall be entered by the timber contractor and no timber shall be cut thereon, except by agreement with such Corporation. For purposes of this subsection, the term 'contingency area' means any area specified in a timber sale contract as an area from which the timber contractor may harvest timber if the volume of timber specified in the contract cannot be obtained from one or more areas definitely designated for timbering in the contract.".

NATIONAL FOREST TIMBER IMPROVEMENT PROGRAM

Sec. 404. (a) Precommercial Thinning.—(1) The Secretary is authorized and directed to improve timber production from high quality timber growing sites in the Tongass National Forest through a program of precommercial thinning.

(2) To accomplish the precommercial thinning program of this section the Secretary is authorized to expend not more than $3,000,000 annually, to be appropriated from the general fund.

(b) Special Loan Program.—(1) The Secretary is authorized and directed to establish a special program of insured or guaranteed loans to purchasers of national forest materials in Alaska to assist such purchasers in the acquisition of equipment and the implementation of new technologies which lead to the utilization of wood products which might otherwise not be utilized. The Secretary is authorized to promulgate such regulations as he deems appropriate to define eligibility requirements for the participation in the loan program. Except as otherwise provided in this section or regulations promulgated specifically for this loan program, such program shall be carried out and the responsibilities of the Secretary under this section shall be discharged in a manner which is consistent with similar programs conducted by other authorities available to the Secretary, including the Rural Development Fund established under section 309A of the Consolidated Farm and Rural Development Act (—— U.S.C. ——).

(2) To carry out the special loan program established by this section, including reimbursements for costs incurred in the operation of the program and to cover administrative and other program costs, there are hereby authorized to be appropriated $5,000,000 from the general fund to remain available until expended. Repayments of principal and interest and other recoveries on loans authorized by this section shall be credited to the appropriate fund for the program established by this subsection, and shall remain available until expended in order to carry out the purposes of this subsection.

(3) Loans gauranteed under this subsection shall bear interest at such rates as are agreed upon by the lender and borrower, but not in excess of such rate as may be determined by the Secretary. Loans insured under this subsection shall bear interest at such rates as are determined by the Secretary, but not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the average maturity of such loans, adjusted to the nearest one-eighth of 1 per centum plus no more than one additional per centum, as such additional figure shall be determined by the Secretary.

(4) Any contract of insurance or guarantee executed by the Secretary under this subsection shall be an obligation supported by the full faith and credit of the United States and incontestable except for fraud or misrepresentation of which the holder has actual knowledge.

(5) The provisions of section 310B(6) of the Consolidated Farm and Rural Development Act shall apply to loans insured or guaranteed under this subsection.

(c) Study.—(1) Within three years after the date of enactment of this Act, the Secretary shall carry out a study, and transmit to the Senate and the House of Representatives a report thereon, to identify opportunities (consistent with the laws and regulations applicable to the management of the National Forest System" to increase timber yields on national forest lands in Alaska, and to reduce inefficient timber uses or waste of National Forest produced fiber. This study shall also seek ways to maximize the local utilization of timber from private lands, in a manner consistent with the financial interests of the landowners, for the benefit of the local economy. The study shall include but not be limited to consideration of barge log transport, dry land log storage, projected demand levels and market conditions, and the effects of different timber appraisal and scaling policies on waste of timber resources.

(2) The study required under paragraph (1) of this subsection shall be conducted in cooperation and consultation with the State, affected Native Corporations, and representatives of the southeast Alaska timber industry and conservation organizations.

TITLE V—NATIONAL WILD AND SCENIC RIVERS SYSTEM

ADDITIONS TO THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

Sec. 501. (a) Additions.—Section 3(a) of the Wild and Scenic Rivers Act is amended by adding the following new paragraphs at the end thereof:

"(24) Birch Creek, Alaska.—The segment of the main stem from the south side of Steese Highway in township 7 north, range 10 east, Fairbanks meridian downstream to the southern boundary of the Yukon Flats National Wildlife Monument; to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(25) Colville, Alaska.—From the headwaters in township 9 south, ranges 36 and 37 west, township 8 south, ranges 34 through 37 west, and township 7, ranges 35 and 36 west, Umiat meridian to the southern boundary of the Utukok National Wildlife Refuge, and from the eastern boundary of the Utukok National Wildlife Refuge to the mean high tide line; to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(26) Copper, Alaska.—The segment from the northern entrance to Wood Canyon to the confluence with the Tasnuna River, the segment not including lands within the Wrangell-Saint Elias National Park; to be classified as a wild river and to be administered by the Secretary of the Interior; and the segment form the confluence with the Tasnuna to the mean high tide line in the Chugach National Forest, not including lands within the Wrangell-Saint Elias National Park; to be classified as a scenic river and to be administered by the Secretary of Agriculture.

"(27) Delta, Alaska.—The segment from and including all of the Tangle Lakes to a point one-half mile north of Black Rapids, to be classified as a recreational river area except for the segment from the Tangle Lakes area to a point opposite milepost 212 on the Richardson Highway which shall be classified as a wild river area; to be administered by the Secretary of the Interior.

"(28) Etivluk-Nigu, Alaska.—From the northern boundary of the Noatak National Preserve, including its major tributary, the Nigu River, from the northern boundary of the Gates of the Arctic National Park, to the confluence with the Colville River; to be classified as a wild river and to be administered by the Secretary of the Interior.

"(29) Fortymile, Alaska.—The main stem within the State of Alaska; O'Brien Creek; South Fork; Napoleon Creek; Franklin Creek; Uhler Creek; Walker Fork downstream from the confluence of Liberty Creek; Wade Creek; Mosquito Fork downstream from the vicinity of Kechumstuck; West Fork Dennison Fork downstream from the confluence of Logging Cabin Creek; Dennison Fork downstream from the confluence of West Fork; Dennison Fork; Logging Cabin Creek; North Fork; Hutchinson Creek; Champion Creek; the Middle Fork downstream from the confluence of Joseph Creek; and Joseph Creek; to be administered by the Secretary of the Interior and to be classified as a scenic river area except for the Wade Creek segment which shall be classified as a recreational river area and the following segments which shall be classified as wild river areas: Mosquito Fork downstream from the vicinity of Kechumstuck to Ingle Creek, North Fork, Champion Creek, Middle Fork downstream from the confluence of Joseph Creek, and Joseph Creek. The classification of such segments of the Fortymile as wild river areas shall not preclude such access across river segments as the Secretary determines to be reasonably necessary to permit commercial development of asbestos deposits in the North Fork drainage.

"(30) Gulkana, Alaska.—The main stem from the outlet of Paxson Lake in township 12 north, range 2 west, Copper River meridian to the confluence with Sourdough Creek; the south branch of the west fork from the outlet of an unnamed lake in sections 10 and 15, township 10 north, range 7 west, Copper River meridian to the confluence with the west fork; the north branch from the outlet of two unnamed lakes one in sections 24 and 25, the second in sections 9 and 10, township 11 north, range 8 west, Copper River meridian to the confluence with the west fork; the west fork from its confluence with the north and south branches downstream to its confluence with the main stem; the middle fork from the outlet of Dickey Lake in township 13 north, range 5 west, Copper River meridian to the confluence with the main stem; to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(31) Alagnak, Alaska.—From the western boundary of Katmai National Park to the western boundary of township 13 south, range 43 west, not including lands within Katmai National Park; to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(32) Killik, Alaska.—From the northern boundary of the Gates of the Arctic National Park to the confluence with the Colville River; to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(33) Nowitna, Alaska.—The segment from the point where the river crosses the west limit of township 18 south, range 22 east, Kateel River meridian, to the southern boundary of the Nowitna National Wildlife Range; to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(34) Selawik, Alaska.—From a fork of the headwaters at the east boundary of section 8, township 12 north, 10 east, Kateel River meridian to the boundary of the Selawik Wildlife Refuge; to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(35) Unalakleet, Alaska.—From the headwaters in township 13 south, range 3 west, Kateel River meridian, extending downstream approximately 65 miles to the western boundary of township 18 south, range 8 west; to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(36) Yukon (Ramparts Section), Alaska.—The segment from the east boundary of township 12 north, range 11 west, to the west boundary of township 4 north, range 19 west, Fairbanks meridian; to be classified as a scenic river area and to be administered by the Secretary of the Interior.

"(37) The portions of the following rivers which form the boundary of, or are within, any national preserve in Alaska: Aniakchak (including its major tributaries), Charley (including its major tributaries), Chilikadrotna, Chitina, Mulchatna, Noatak (from its headwaters downstream to a point where it crosses the northern boundary of township 27 north, range 18 west, Kateel River meridian), Stony, and Telaquana, each to be classified as a wild river and to be administered by the Secretary of the Interior.

"(38) The portions of the following rivers which form the boundary of, or are within, any national wildlife refuge or national wildlife range in Alaska: Nowitna, Colville, Porcupine, Beaver Creek, Sheenjek, Andreafsky, Selawik, Ivishak, Kanektok, Kisaralik, Squirrel, and Utukok; each to be classified as a wild river area.".

(b) Boundaries and Development Plans.—Section 3(b) of the Wild and Scenic Rivers Act is amended by striking out "(b) The agency" and substituting "(b) (1) Except as otherwise provided in this Act, the agency" and by adding the following new paragraph at the end thereof:

"(2) For those rivers in Alaska listed in paragraphs (24), (25), (27), (29), (30), (35), and (36), of subsection (a), the detailed boundaries referred to in this section shall be established, and the development plans prepared and published, within such period after the date of the enactment of this paragraph as is specified in the following list:

"One year: Delta, Fortymile, and Gulkana.

"Two years: Birch Creek and Yukon (Ramparts section).

"Three years: Unalakleet, Colville, and Squirrel.

The detailed boundaries for the rivers listed in paragraph (26), (28), (31), (32), (33), (34), (37), and (38) of subsection (a) shall be established, and the development plans for such rivers shall be prepared and published, at the same time as, and in coordination with—

"(A) the submission to the Congress of the applicable management plan under section 808(c) of the Alaska National Interest Lands Conservation Act of 1979 (in the case of a river associated with a national monument or national park), or

"(B) the preparation of the applicable conservation plan under section 808(d) of such Act (in the case of a river associated with a national wildlife refuge or national wildlife range).

In the case of the rivers listed in paragraphs (24) through (39), in lieu of the acreage limitation specified in paragraph (1) of this subsection such boundaries may include an area extending up to two miles from the ordinary high water mark on both sides of each such river.".

POTENTIAL ADDITIONS

Sec. 502. (a) Study Rivers.—Section 5(a) of the Wild and Scenic Rivers Act is amended by inserting after paragraph (75) the following new paragraphs:

"(76) Ikpikpuk, Alaska: The entire river.

"(77) Koyuk, Alaska: The entire river.

"(78) Kuskokwim (Middle), Alaska: The segment between McGrath and Stony River.

"(79) Melozitna, Alaska: The entire river.

"(80) Mulchatna, Alaska: The segment from the southwest boundary of the Lake Clark National Preserve to the confluence with the Nushagak River.

"(81) Nelchina-Tazlina, Alaska: The entire river.

"(82) Nuyakuk, Alaska: The entire river.

"(83) Situk, Alaska: The segment from its headwaters, including Situk Lake, to a point one mile above the confluence with the Ahrnklin River.

"(84) Susitna, Alaska: The entire river.".

(b) Study Period.—Section 5(b) of such Act is amended by adding the following new paragraph at the end thereof:

"(4) The studies of the rivers listed in paragraphs (76) through (83) shall be completed and reports thereon submitted—

"(A) for no less than five of such rivers within three years, and

"(B) for no less than nine of such rivers within four years.

In the case of the river listed in paragraph (84), such study shall be completed, and a report submitted, at the same time as the submission to the Secretary of the Army by the Corps of Engineers of the phase I design memorandum of advanced engineering and design for the proposed project for the hydroelectric power on such river, as authorized by section 160 of Public Law 94-587 (but not later than six years after the date of the enactment of this paragraph). Nothing in section 7(b) or 8(b) or any other provision of this Act shall be construed to impede or prohibit planning activities or attendant funding associated with the carrying out of such phase I design memorandum.".

ADMINISTRATIVE PROVISIONS

Sec. 503. (a) Cooperative Agreements.—Section 10(e) of the Wild and Scenic Rivers Act is amended by adding the following at the end thereof: "In the case of rivers listed in paragraphs (24) through (38) of section 3(a), the Secretary may seek cooperative agreements with the owners of non-Federal lands adjoining such rivers to assure that the purpose of designating such rivers as wild and scenic rivers under this Act is served to the greatest extent feasible.".

(b) Mining and Mineral Leasing; Designated Rivers.—Section 9(a) of such Act is amended by adding the following at the end thereof: "Notwithstanding the foregoing provisions of this subsection or any other provision of this Act, all public lands which constitute the bed or bank or are situated within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (24) through (36) of section 3(a) are hereby withdrawn, subject to valid existing rights, during the period before establishment of the boundaries of such river from all forms of appropriation under the mining laws and from operation of the mineral leasing laws, including in both cases amendments thereto. Upon establishment of the boundaries of a river, such withdrawal under this section shall apply only to areas which are within the boundaries of the river, as established under section 3(b).".

(c) Mining and Mineral Leasing; Study Rivers.—Section 9(b) of such Act is amended by adding the following at the end thereof: "Notwithstanding the foregoing provisions of this subsection or any other provision of this Act, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (76) through (84) of section 5(a), are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto, during the periods specified in section 7(b) of this Act.".

(d) INTERRELATIONSHIP OF APPLICABLE LAWS.—Section 10 of such Act is amended by inserting in the second sentence of section 10(c) before "and in the case of" the following: "(and the Acts under which particular national parks or preserves or, wildlife ranges, wildlife refuges, and wildlife monuments, are established or enlarged)" and by striking out "these Acts" and substituting "this Act and such other Acts".

(e) SNOWMOBILES.—Section 10 of such Act is amended by adding the following new subsection at the end thereof:

"(f) In the case of the rivers referred to in paragraphs (24) through (38) of section 3(b), during periods of adequate snow cover or frozen river conditions, the use of snowmobiles for customary travel, transportation, and subsistence purposes by local residents shall be permitted by the Secretary, subject to such reasonable regulations as he deems necessary and appropriate. Such use shall be permitted only if such use was occurring on or before January 1, 1979.".

(f) ACQUISITION AUTHORITY.—Section 6 of such Act is amended by adding the following new subsection at the end thereof:

"(h) In the case of the rivers in Alaska listed in paragraphs (24) through (38), the provisions of section 801 of the Alaska National Interest Lands Conservation Act of 1979 shall apply in lieu of the provisions of this section.".

(g) PUBLIC LAND LAWS.—Section 8(b) of such Act is amended by adding the following at the end thereof "Notwithstanding the foregoing provisions of this subsection or any other provision of this Act, subject only to valid existing rights, including valid Native selection rights under the Alaska Native Claims Settlement Act, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (76) through (84) of section 5(a) are hereby withdrawn from entry, sale, State selection or other disposition under the public land laws of the United States for the periods specified in section 7(b) of this Act.".

OIL AND GAS PIPELINES ACROSS RIVERS AND TRAILS

SEC. 504. (a) RIGHTS-OF-WAY.—In the case of an application for an oil or gas pipeline described in section 28(a) of the Mineral Leasing Act of 1920, which would cross any area within the boundaries of the Iditarod Trail or a wild and scenic river in Alaska administered by the Secretary of the Interior, if the Secretary determines, after notice and opportunity for hearing, that there exists no feasible and prudent alternative route which would not cross such a trail or rivers he may grant a right-of-way for such pipeline in the manner provided in section 28 of the Mineral Leasing Act of 1920 and subject to the conditions referred to in subsection (b) except that for such purposes, the first sentence of section 28(b)(1) of the Mineral Leasing Act of 1920 shall not apply. This section shall apply to wild, scenic, or recreational rivers in Alaska in lieu of section 13(g) of the Wild and Scenic Rivers Act.

(b) PIPELINE PERMITS.—In the case of oil or gas pipelines described in section 28(a) of the Mineral Leasing Act of 1920, a permit granted under this section shall be issued in the same manner as a right-of-way is granted under such section 28, and the provisions of subsections (c) through (j), (l) through (r), and (v) through (y) of such section 28 shall apply to permits under this section in the same manner and to the same extent as to rights-of-way under such section 28. Any such permit under this section for such a pipeline which crosses any area within the boundaries of a wild, scenic, or recreational river in Alaska shall also be subject to such conditions as may be necessary to assure that the stream flow of such river is not interfered with or impeded, that the water quality of such river is not degraded, and that such pipeline is located, constructed, operated, and maintained in any such area in an environmentally sound manner.

TITLE VI—NATIONAL WILDERNESS PRESERVATION SYSTEM

FINDINGS AND PURPOSES

SEC. 601. The Congress finds and declares that it is in the national interest that certain public lands in the State of Alaska within previously established units of the National Park, National Wildlife Refuge, and National Forest Systems and certain additions made to such systems by this Act be designated as wilderness and therefore as components of the National Wilderness Preservation System in order to preserve such areas as an enduring resource of wilderness for the benefit of all the American people of present and future generations. The Congress further finds that certain other public lands within conservation system units are of evident wilderness resource value but require more thorough study prior to designation as wilderness.

DESIGNATION OF WILDERNESS AREAS WITHIN THE NATIONAL PARK SYSTEM

SEC. 602. (a) DESIGNATIONS.—In furtherance of the purposes of the Wilderness Act (78 Stat. 890) and subject to valid existing rights, the following lands are hereby designated as wilderness, and therefore, as units of the National Wilderness Preservation System:

(1) Certain lands in Aniakchak National Park and Preserve, Alaska, which comprise approximately three hundred thousand acres, as generally depicted on a map entitled "Aniakchak National Park and National Preserve", dated April 1979, and which shall be known as Aniakchak Wilderness.

(2) Certain lands in Bering Land Bridge National Preserve, Alaska, which comprise approximately seven hundred thousand acres, as generally depicted on a map entitled "Bering Land Bridge National Preserve", dated April 1979, and which shall be known as Bering Land Bridge Wilderness.

(3) Certain lands in Denali National Park and Preserve, Alaska, which comprise approximately two million eight hundred thousand acres, as generally depicted on a map entitled "Denali National Park and Preserve", dated April 1979, and which shall be known as Denali Wilderness.

(4) Certain lands in Gates of the Arctic National Park, Alaska, which comprise approximately eight million and fifty thousand acres, as generally depicted on a map entitled "Gates of the Arctic National Park", dated January 1979, and which shall be known as Gates of the Arctic Wilderness.

(5) Certain lands in Glacier Bay National Park, Alaska, which comprise approximately two million eight hundred and twenty thousand acres, as generally depicted on a map entitled "Glacier Bay National Park", dated January 1979, and which shall be known as Glacier Bay Wilderness.

(6) Certain lands in Katmai National Park, Alaska, which comprise approximately three million six hundred and thirty thousand acres as generally depicted on a map entitled "Katmai National Park", dated January 1979, and which shall be known as Katmai Wilderness.

(7) Certain lands in Kenai Fjords National Park, Alaska, which comprise approximately three hundred and forty thousand acres, as generally depicted on a map entitled "Kenai Fjords National Park", dated January 1979, and which shall be known as Kenai Fjords Wilderness.

(8) Certain lands in Kobuk Valley National Park, Alaska, which comprise approximately one million one hundred and forty thousand acres, as generally depicted on a map entitled "Kobuk Valley National Park", dated January 1979, and which shall be known as Kobuk Valley Wilderness.

(9) Certain lands in Lake Clark National Park and Preserve, Alaska, which comprise approximately two million six hundred and twenty thousand acres, as generally depicted on a map entitled "Lake Clark National Park", dated January 1979, and which shall be known as Lake Clark Wilderness.

(10) Certain lands in Noatak National Preserve, Alaska, which comprise approximately five million eight hundred and eighty thousand acres, as generally depicted on a map entitled "Noatak National Preserve", dated March 1979, and which shall be known as Noatak Wilderness.

(11) Certain lands in Wrangell-Saint Elias National Park and National Preserve, Alaska, which comprise approximately four million eight hundred thousand acres as generally depicted on map entitled "Wrangell-Saint Elias National Park and National Preserve", dated March, 1979, and which shall be known as Wrangell-Saint Elias Wilderness.

(12) Certain lands in Yukon-Charley National Preserve, Alaska, which comprise approximately one million and forty thousand acres, as generally depicted on a map entitled "Yukon-Charley National Preserve", dated March 1979, and which shall be known as Yukon-Charley Wilderness.

DESIGNATION OF WILDERNESS AREAS WITHIN THE NATIONAL WILDLIFE REFUGE SYSTEM

SEC. 603. In furtherance of the purposes of the Wilderness Act (78 Stat. 892) and subject to valid existing rights, the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Alaska Maritime National Wildlife Refuge comprising approximately two million nine hundred thousand acres, as generally depicted on a map entitled "Alaska Maritime National Wildlife Refuge", dated January 1979, and which shall be known as Alaska Maritime Wilderness, Aleutian Islands Wilderness, Unimak Wilderness, and Semidi Wilderness.

(2) Certain lands in the Arctic National Wildlife Range, Alaska, which comprise approximately thirteen million four hundred and thirty thousand acres, as generally depicted on a map entitled "Arctic National Wildlife Range", dated January 1979, and which shall be known as Arctic Wilderness.

(3) Certain lands in the Becharof National Wildlife Refuge, Alaska, which comprise approximately four hundred thousand acres, as generally depicted on a map entitled "Becharof National Wildlife Monument", dated January 1979, and which shall be known as Becharof Wilderness.

(4) Certain lands in the Innoko National Wildlife Refuge, Alaska, which comprise approximately one million two hundred and forty thousand acres, as generally depicted on a map entitled "Innoko National Wildlife Refuge", dated January 1979, and which shall be known as Innoko Wilderness.

(5) Certain lands in the Izembek National Wildlife Range, Alaska, which comprise approximately three hundred thousand acres, as generally depicted on a map entitled "Izembek National Wildlife Range", dated January 1979, and which shall be known as Izembek Wilderness.

(6) Certain lands in the Kanuti National Wildlife Refuge, Alaska, which comprise approximately three hundred thousand acres, as generally depicted on a map entitled "Kanuti National Wildlife Refuge", dated January 1979, and which shall be known as Kanuti Wilderness.

(7) Certain lands in the Kenai National Wildlife Range, Alaska, which comprise approximately one million four hundred and fifty thousand acres, as generally depicted on a map entitled "Kenai National Wildlife Range", dated January 1979, and which shall be known as Kenai Wilderness.

(8) Certain lands in the Koyukuk National Wildlife Refuge, Alaska, which comprise approximately nine hundred and seventy thousand acres, as generally depicted on a map entitled "Koyukuk National Wildlife Refuge", dated January 1979, and which shall be known as Koyukuk Wilderness.

(9) Certain lands in the Nowitna National Wildlife Refuge, Alaska, which comprise approximately five hundred and sixty thousand acres, as generally depicted on a map entitled "Nowitna National Wildlife Refuge", dated January 1979, and which shall be known as Nowitna Wilderness.

(10) Certain lands in the Nunivak National Wildlife Refuge, Alaska, which comprise approximately six hundred thousand acres, as generally depicted on a map entitled "Nunivak National Wildlife Refuge", dated January 1979, and which shall be known as Nunivak Wilderness.

(11) Certain lands in the Selawik National Wildlife Refuge, Alaska, which comprise approximately three hundred and sixty-five thousand acres, as generally depicted on a map entitled "Selawik National Wildlife Refuge", dated January 1979, and which shall be known as Selawik Wilderness.

(12) Certain lands in the Tetlin National Wildlife Refuge, Alaska, which comprise approximately one hundred thousand acres, as generally depicted on a map entitled "Tetlin National Wildlife Refuge", dated January 1979, and which shall be known as Tetlin Wilderness.

(13) Certain lands in the Togiak National Wildlife Range, Alaska, which comprise approximately one million and seventy thousand acres, as generally depicted on a map entitled "Togiak National Wildlife Range", dated January 1979, and which shall be known as Togiak Wilderness.

(14) Certain lands in the Yukon Delta National Wildlife Refuge, Alaska, which comprise approximately three million two hundred thousand acres, as generally depicted on a map entitled "Yukon Delta National Wildlife Refuge", dated January 1979, and which shall be known as Andreafsky Wilderness, Clarence Rhode Wilderness, Ingakslugwat Hills Wilderness, and Kanektok Wilderness.

(15) Certain lands on Afognak Island, Alaska, within the Kodiak National Wildlife Refuge as expanded by operation of this Act, as generally depicted on the map entitled "Devilpaw Wilderness", dated January 1979, and which shall be known as Devilpaw Wilderness.

DESIGNATION OF WILDERNESS AND WILDERNESS STUDY WITHIN THE NATIONAL FOREST SYSTEM

SEC. 604. (a) DESIGNATIONS.—In furtherance of the purposes of the Wilderness Act and subject to valid existing rights, the following lands are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Chugach National Forest, Alaska, including lands added to such forest under section 401, which comprises approximately five hundred and thirty thousand acres, as generally depicted on a map entitled, "Copper River Wilderness", dated April 1979, and which shall be known as Copper River Wilderness. The area depicted on such map as "Copper River Special Habitat Zone" shall be managed in accordance with land management plans which provide for uses of the area which are compatible with protection of fish and wildlife values.

(2) Certain lands in Admiralty Island National Monument, Tongass National Forest, Alaska, which comprise approximately nine hundred and twenty-one thousand acres, as generally depicted on a map entitled "Admiralty Island National Monument Wilderness", dated January 1979, and which shall be known as Admiralty Island Wilderness.

(3) Certain lands in the Tongass National Forest, Alaska, which comprise approximately nineteen thousand one hundred acres, as generally depicted on a map entitled "Coronation Islands Wilderness", dated April 1979, and which shall be known as Coronation Islands Wilderness.

(4) Certain lands in the Tongass National Forest, Alaska, which comprise approximately one hundred and three thousand acres, as generally depicted on a map entitled "Endicott River Wilderness", dated January 1979, and which shall be known as Endicott Wilderness.

(6) Certain lands in the Tongass National Forest, Alaska, which comprise approximately thirty-nine thousand acres, as generally depicted on a map entitled "Karta Wilderness", dated January 1979, and which shall be known as Karta Wilderness.

(7) Certain lands in the Tongass National Forest, Alaska, which comprise approximately four thousand four hundred acres, as generally depicted on a map entitled "Maurelle Island Wilderness", dated April 1979, and which shall be known as Maurelle Island Wilderness.

(8) Certain lands in Misty Fjords National Monument, Tongass National Forest, Alaska, which comprise approximately two million two hundred and eighty-five thousand acres, as generally depicted on a map entitled "Misty Fjords National Monument", dated January 1979, and which shall be known as Misty Fjords Wilderness.

(9) Certain lands in the Tongass National Forest, Alaska, which comprise approximately fifty thousand acres, as generally depicted on a map entitled "Petersburg Creek-Duncan Canal Wilderness Area", dated January 1979, and which shall be known as the Petersburg Creek-Duncan Canal Wilderness. The area depicted on such map as "Duncan Canal Special Habitat Zone", shall be managed in accordance with land management plans which provide for uses of the area which are compatible with protection of fish and wildlife values.

(10) Certain lands in the Tongass National Forest, Alaska, which comprise approximately one hundred and twenty one thousand acres, as generally depicted on a map entitled "Prince of Wales Wilderness", dated January 1979, and which shall be known as South Prince of Wales Wilderness.

(11) Certain lands in the Tongass National Forest, Alaska, which comprise approximately seventy-two thousand acres, as generally depicted on a map entitled "Rocky Pass Wilderness", dated January 1979, and which shall be known as Rocky Pass Wilderness.

(12) Certain lands in the Tongass National Forest, Alaska, including certain lands added to such forest under section 401, which comprise approximately three hundred and sixty thousand acres (excluding lands of Yak-Tat-Kwan Native Village Corporation and the Village of Yakutat), as generally depicted on a map entitled "Russell Fjord Wilderness", dated January 1979, and which shall be known as the Russell Fjord Wilderness. The area depicted on such map as "Yakutat Forelands Special Habitat Zone" shall be managed in accordance with land management plans which provide for uses of the area which are compatible with protection of fish and wildlife values. The Secretary of Agriculture may take no action to restrict unreasonably the exercise of valid commercial fishing rights or privileges obtained pursuant to State or Federal law, including the use of public lands for campsites, cabins, motorized vehicles, and aircraft landings on existing airstrips, directly incident to the exercise of such rights or privileges, except that this prohibition shall not apply to activities which the Secretary, after conducting a public hearing in the affected locality, finds constitute a significant expansion of the use of such lands beyond the level of such use during 1979.

(13) Certain lands in the Tongass National Forest, Alaska, which comprise approximately four hundred and sixty-eight thousand acres, as generally depicted on a map entitled "Stikine-LeConte Wilderness", dated January 1979, and which shall be known as the Stikine-LeConte Wilderness.

(14) Certain lands in the Tongass National Forest, Alaska, which comprise approximately three hundred and five thousand acres, as generally depicted on a map entitled "South Baranof Wilderness", dated January 1979, and which shall be known as the South Baranof Wilderness.

(15) Certain lands in the Tongass National Forest, Alaska, which comprise approximately sixty-five thousand acres, as generally depicted on a map entitled "Tebenkof Wilderness", dated January 1979, and which shall be known as Tebenkof Wilderness.

(16) Certain lands in the Tongass National Forest, Alaska, which comprise approximately six hundred and seventy-eight thousand acres, as generally depicted on a map entitled "Tracy-Arm-Fords Terror Wilderness", dated January 1979, and which shall be known as Tracy-Arm-Fords Terror Wilderness.

(17) Certain lands in the Tongass National Forest, Alaska, which comprise approximately eleven thousand four hundred acres, as generally depicted on a map entitled "Warren Island Wilderness", dated April 1979, and which shall be known as Warren Island Wilderness.

(18) Certain lands in the Tongass National Forest, Alaska, which comprise approximately three hundred and seventy-five thousand acres, as generally depicted on a map entitled "West Chicagof-Yakobi Wilderness", dated January 1979, and which shall be known as West Chicagof-Yakobi Wilderness.

(b) STUDIES.—(1) In furtherance of the purposes of the Wilderness Act, the Secretary of Agriculture shall review the national forest lands depicted as "Wilderness Study" on the following described map and within three years report to the President and the Congress in accordance with section 3(c) and (d) of the Wilderness Act, his recommendations as to the suitability or nonsuitability of all areas within such wilderness study boundaries for preservation of wilderness: Prince William Sound, Chugach National Forest, as generally depicted on a map entitled "Prince William Sound Wilderness Study Area", dated January 1979.

(2) In conjunction with the studies done pursuant to paragraph (1) of this subsection, the Secretary shall also conduct a study, and present his recommendations concerning any aquaculture and fish hatchery sites which should be developed to maintain and improve anadromous fish production.

(c) SPECIAL PROVISIONS; APPLICABLE ONLY TO ALASKA.—The provisions of this subsection are enacted in recognition of the unique conditions in Alaska. Nothing in this subsection shall be construed to expand, diminish, or modify the provisions of the Wilderness Act or the application or interpretation of such provisions with respect to lands outside of Alaska:

(1) AQUACULTURE.—In accordance with a goal of restoring and maintaining anadromous fish production in the Tongass and Chugach National Forest to optimum sustained yield levels, and in a manner which assures protection and preservation of wilderness resources, the Secretary of Agriculture may permit fishery research, management, enhancement, and rehabilitation activities within national forest wilderness

and wilderness study areas designated by this Act. Subject to reasonable regulations, and in accord with sound fisheries management principles, scientifically acceptable means of maintaining, enhancing, and rehabilitating anadromous fish stocks may be permitted by the Secretary as he determines to be necessary and desirable to study, manage, protect, restore, augment, or sustain such fish populations. Any aquaculture activity or facility authorized for any such area shall be developed, managed, and operated in a manner that minimizes impacts on the wilderness character of the area. Developments for any such activities shall involve only those minimum facilities essential to such operations and shall be constructed in such rustic manner as to blend into the natural character of the area. In constructing such facilities no significant alteration to the natural contours of the terrain and no permanent roads shall be permitted. Reasonable access, including temporary use of motorized equipment, may be permitted in furtherance of research, management, rehabilitation, and enhancement activities subject to such reasonable regulations as the Secretary deems desirable to maintain the wilderness character, water quality, and fish and wildlife values of the area.

(2) COOPERATIVE FISHERIES PLANNING.—(A) The Secretary of Agriculture is directed to implement a cooperative planning process for the enhancement of fisheries resources through fish hatchery and aquaculture facilities and activities in the Chugach and Tongass National Forests. Participation in this process shall include but not be limited to the State of Alaska and appropriate nonprofit aquaculture corporations. The Secretary may contract with private, nonprofit associations for services in such planning.

(B) Each subsequent revision of national forest management plans under the Forest and Rangeland Renewable Resources Planning Act of 1974 and the National Forest Management Act of 1976 shall contain a report on the status of the planning process undertaken under this paragraph, including, but not limited to, a description of current hatchery and aquaculture projects, an analysis of the success of these projects, and a prioritized list of projects anticipated for the duration of the management plan. The report shall be submitted by the Secretary to the Congress with recommendations for any legislative action which the Secretary may deem necessary to implement the proposed hatchery and aquaculture projects.

(3) EXISTING CABINS.—Previously existing public use cabins within national forest wilderness designated by this Act, may be permitted to continue and may be maintained or replaced subject to such restrictions as the Secretary deems necessary to preserve the wilderness character of the area.

(4) NEW CABINS.—Within national forest wilderness designated by this Act, the Secretary is authorized to construct and maintain a limited number of new public use cabins and shelters if such cabins and shelters are necessary for the protection of the public health and safety. All such cabins or shelters shall be constructed of materials which blend and are compatible with the immediate and surrounding wilderness landscape.

(5) COMMERCIAL FISHERIES.—In accordance with principles of sound fisheries management, the Secretary is authorized to permit commercial fisheries activities within national forest wilderness designated by this Act.

REVIEWS

SEC. 605. In furtherance of the purposes of the Wilderness Act, the Secretary shall review the nondesignated wilderness within the boundaries of each conservation system unit in Alaska, and shall report to the President and the Congress, in accordance with the provisions of sections 3 (c) and (d) of the Wilderness Act, his recommendations as to the suitability or nonsuitability of all roadless areas within these boundaries for preservation as wilderness. Any subsequent designation as wilderness shall be accomplished in accordance with such provisions of the Wilderness Act. Recommendations for such units shall be submitted to the Congress on such basis that—

(1) recommendations respecting no fewer than one-third of all such units are submitted within three years of the date of the enactment of this Act,

(2) recommendations respecting no fewer than two-thirds of all such units are submitted within seven years of the enactment of this Act, and

(3) recommendations respecting the remainder of all such units are submitted within ten years after the date of enactment of this Act.

The Secretary shall give at least ninety days' advance public notice of any hearing or other public meeting concerning such areas. Any recommendation of the President to the effect that such area or a portion thereof should be designated as wilderness shall become effective only if so provided by an Act of Congress.

TITLE VII—SUBSISTENCE

PREFERENCE FOR SUBSISTENCE USES

SEC. 701. Except as otherwise provided in this Act, the taking of fish and wildlife and other wild renewable resources for nonwasteful subsistence uses by rural residents shall be the first priority consumptive use of such resources on the public lands in Alaska. Whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands in order to protect the natural stability and continued productivity of such populations, or to continue such uses, such priority shall be assured through appropriate limitations or restrictions based on—

(1) customary and direct dependence upon the populations as the mainstay of livelihood;

(2) local residency; and

(3) the availability of alternative resources.

STATE REGULATIONS

SEC. 702. (a) GENERAL RULES.—(1) Except as otherwise provided by this Act and other Federal laws, the State may regulate, in a manner consistent with the policies and requirements of this Act, the taking of fish and wildlife on the public lands for subsistence uses.

(2) If within one year after the date of enactment of this Act, the State enacts and implements laws of general applicability which are consistent with, and which provide for, the preference and participation specified in sections 701 and 703, such State laws, unless and until repealed, shall supersede such sections insofar as such sections govern State regulation of the taking of fish and wildlife on the public lands for subsistence uses.

(3) State laws establishing a system of local committees and regional councils consistent with section 703 shall provide that the State rulemaking authority shall consider the advice and recommendations of the regional councils concerning the taking of fish and wildlife populations on public lands within their respective regions for subsistence uses. The regional councils may present recommendations, and the evidence upon which such recommendations are based, to the State rulemaking authority during the course of the administrative proceedings of such authority. The State rulemaking authority may choose not to follow any recommendation which it determines is not supported by substantial evidence presented during the course of its administrative proceedings, violates recognized principles of fish and wildlife conservation or would be detrimental to the satisfaction of rural subsistence needs. If a recommendation is not adopted by the State rulemaking authority, such authority shall make findings of fact detailing the basis for its failure to adopt the recommendation.

(b) REIMBURSEMENT.—(1) If the Secretary, after notice and hearing within eighteen months after the date of enactment of this Act, determines that the State is in compliance with the requirements of subsection (a), the Secretary shall annually reimburse the State during the period of such compliance, from funds appropriated to the Department of the Interior for such purposes, for reasonable costs relating to the establishment and operation of the regional councils and local advisory committees. Such reimbursement may not exceed 50 per centum of such costs in any fiscal year. Such costs shall be verified in a statement which the Secretary determines to be adequate and accurate. Sums paid under this subsection shall be in addition to any grants, payments, or other sums to which the State is entitled from appropriations to the Department of the Interior.

(2) Total payments to the State under this subsection shall not exceed the sum of $5,000,000 in any one fiscal year. The Secretary shall advise the Congress at least once in every five years as to whether or not the maximum payment specified in this subsection is adequate.

LOCAL AND REGIONAL PARTICIPATION

SEC. 703. (a) ESTABLISHMENT.—Except as otherwise provided in section 702, one year after the date of enactment of this Act, the Secretary shall implement this subsection and subsections (b) and (c) of this section and shall establish—

(1) at least seven Alaska subsistence resource regions which, taken together, include all public lands. The number and boundaries of the regions shall be sufficient to assure that regional differences in subsistence uses are adequately accommodated;

(2) such local advisory committees within each region as he finds necessary at such time as he may determine, after notice and hearing, that the existing State fish and game advisory committees do not adequately perform the functions of the local committee system set forth in paragraph (3)(D)(iv) of this subsection; and

(3) a regional advisory council in each subsistence resource region, which shall be composed of residents of the region and shall have the following functions:

(A) the review and evaluation of proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife within the region;

(B) the provision of a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife within the region;

(C) the encouragement of local and regional participation in the decisionmaking process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses; and

(D) the preparation of an annual report to the Secretary which shall contain—

(i) an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;

(ii) an evaluation of current and anticipated subsistence needs of fish and wildlife populations within the region;

(iii) a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs; and

(iv) recommendations concerning policies, standards, guidelines, and regulations to implement the strategy. The State fish and game advisory committees or such local committees as the Secretary may establish pursuant to paragraph (2) of this subsection may provide advice to, and assist, the regional advisory councils in carrying out the functions set forth in this paragraph.

(b) Staff.—The Secretary shall assign adequate qualified staff to the regional advisory councils and make timely distribution of all available relevant technical and scientific support data to the regional advisory councils and the State fish and game advisory committees or such local committees as the Secretary may establish pursuant to paragraph (2) of subsection (a).

(c) Advice.—The Secretary, in the exercise of his monitoring responsibility under section 704(a) and his closure and other administrative authority over the public lands, shall be guided by the annual report and advice of the Federal or State regional councils, as appropriate, concerning the management of fish and wildlife on the public lands within their respective regions for subsistence uses. The Secretary shall follow the advice of such councils unless he determines in writing that such advice is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs.

(d) Exercise of State Authority.—The Secretary shall not implement subsections (a) and (b) of this section if within one year from the date of enactment of this Act, the State exercises the authority to regulate the taking of fish and wildlife on the public lands for subsistence uses pursuant to subsection 702(a).

ADMINISTRATIVE PROVISIONS

Sec. 704. (a) Monitoring.—The Secretary shall monitor the provision and implementation by the State of the subsistence preference set forth in section 701 and shall advise the State and the appropriate committees of the Congress annually and at such other times as he deems necessary concerning—

(1) his views on the effectiveness of the State in providing such preference,

(2) any exercise of his closure or other administrative authority to protect subsistence resources or uses,

(3) the views of the State, and

(4) any recommendations he may have.

(b) Review by the Secretary.—If the Secretary, after notice and hearing, determines that the preference for subsistence uses has not been adequately and timely provided or implemented by the State, he shall so notify the State and indicate what changes he considers necessary to bring the State into compliance with the requirements of this title.

(c) Review by Local Committees and Regional Councils.—If a local committee or regional council established by the Secretary or the State pursuant to section 702 or 703 determines that the preference for subsistence uses has not been adequately and timely provided by the State within its region or that the State has failed to adequately implement laws enacted pursuant to section 702, such committee or council shall notify the Secretary and State in writing setting forth the facts upon which such determination is based and detailing efforts to obtain timely relief through available State grievance procedures. The Secretary shall investigate and report publicly on the results of his investigation. If the Secretary determines that the preference has not been adequately and timely provided by the State or that the State has failed to adequately implement laws enacted pursuant to section 702, he shall so notify the State and indicate what changes he considers necessary to bring the State into compliance with the requirements of this title.

(d) Administrative Action.—If, after having been provided a reasonable opportunity to do so, the State fails to make such changes as may be indicated by the Secretary under subsection (b) or (c) of this section, and the Secretary determines that such failure threatens the natural stability and continued productivity of affected fish or wildlife populations in the area concerned or the ability of rural residents to satisfy their subsistence needs, the Secretary shall close all or part of the public lands in such area to all consumptive uses of fish or wildlife populations affected by such failure except subsistence uses by local residents. The Secretary shall afford the State an opportunity to appeal such closure. Within thirty days after receipt of notice of such appeal, the Secretary shall afford the State a public hearing and, within thirty days after such hearing, shall make his final decision on such appeal. Unless the Secretary affirmatively establishes that the State is not in compliance with the requirements of this title and that such failure threatens the natural stability and continued productivity of affected fish or wildlife populations or the ability of rural residents to satisfy their subsistence needs, the Secretary shall revoke the closure. If the Secretary establishes that the State is not in compliance, and that such resulting threat does exist, he shall continue the closure, in whole or in part, until the State takes appropriate and timely action, or until such threat is otherwise ameliorated.

(e) Emergency Authority.—(1) Notwithstanding any other provision of this Act or other law, the Secretary, after consultation with the State and adequate notice and public hearing, may temporarily close any public lands (including those within any conservation system unit), or any portion thereof, to subsistence uses if necessary for reasons of public safety, administration, or to assure the natural stability and continued productivity of one or more fish or wildlife populations on such lands which are subject to such uses. If the Secretary determines that extraordinary measures must be taken for public safety or to assure the natural stability and continued productivity of a particular fish or wildlife population, the Secretary may immediately close the public lands, or any portion thereof, to subsistence uses of such fish or wildlife population. Such emergency closure shall be effective for a period not exceeding sixty days, unless the Secretary determines, after notice and public hearing, that such closure should be extended to protect the public safety or the natural stability and continued productivity of such population.

(2) If, after notice to the State pursuant to subsection (b) or (c), the Secretary determines that extraordinary measures must be taken to satisfy the subsistence needs of local rural residents, he shall open the public lands, or any portion thereof, to subsistence uses by such residents. Such emergency action shall be effective when made, but shall not extend for a period of time greater than sixty days or until such time as the conditions which necessitated such action have been ameliorated, whichever time first occurs. An order issued pursuant to this paragraph shall provide that subsistence uses shall be subject to all State laws and regulations which are consistent with such order.

(f) Notification.—Notice of every administrative action, and the reasons justifying such action, taken pursuant to this section shall be published in the Federal Register and in at least one newspaper of general circulation within the State and information about such actions and reasons also shall be made available for broadcast on Alaskan radio stations in a manner reasonably calculated to inform local residents of the affected region.

COOPERATIVE AGREEMENTS

Sec. 705. The Secretary may enter into cooperative agreements or otherwise cooperate with other Federal agencies, the State, Native Corporations, other appropriate persons and organizations, and, acting through the Secretary of State, other nations to effectuate the purposes and policies of this title.

SUBSISTENCE AND LAND USE DECISIONS

Sec. 706. (a) Evaluation.—In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions, the head of the Federal agency having primary responsibility for such decision, or his designee, shall evaluate—

(1) the effect of such use, occupancy, or disposition on subsistence uses and needs.

(2) the availability of other lands for the purposes sought to be achieved, and

(3) other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes.

No such withdrawal, reservation, lease, permit, or other use, occupancy, or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency or his designee—

(1) gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to this title,

(2) gives notice of, and holds, a hearing in the vicinity of the area involved, and

(3) determines that (A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and (C) adequate steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

(b) Environmental Impact Statement.—If the Secretary is required to prepare an environmental impact statement pursuant to the National Environmental Policy Act of 1969, he shall provide the notice and hearing, and include the findings, required by subsection (a) as part of such environmental impact statement.

(c) Selections by State and Natives.—Nothing herein shall be construed to prohibit or impair the ability of the State or any Native Corporation to make land selections and receive land conveyances pursuant to the Alaska Statehood Act or the Alaska Native Claims Settlement Act.

ACCESS

Sec. 707. (a) In General.—The Secretary shall ensure that persons engaged in subsistence uses shall have appropriate access to subsistence resources on the public lands, consistent with the provisions of this Act and the purposes for which the conservation system units have been designated, redesignated, or enlarged.

(b) Traditional Transportation.—Notwithstanding any other provision of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to such regulations as are necessary to prevent waste, or damage to fish, wildlife, or terrain.

RESEARCH

Sec. 708. The Secretary of the Interior, acting through the United States Fish and Wildlife Service and National Park Service and in cooperation with the State and other appropriate Federal agencies, shall undertake research on the fish and wildlife resources of the public lands and subsistence activities on such lands, in the course of which he shall seek data from, consult with, and utilize the special knowledge of subsistence users; and he shall make the results of such research available to the appropriate committees of the Congress, the State, the councils required to be established under this title, subsistence users, and other appropriate persons and organizations.

REGULATIONS

SEC. 709. Each Secretary shall prescribe such regulations as are necessary and appropriate to carry out their respective responsibilities under this title.

LIMITATIONS, SAVINGS CLAUSES

SEC. 710. Nothing in this Act shall be construed as—

(1) granting any property right in any fish or wildlife or other resource of the public lands; or as permitting the level of subsistence uses of fish and wildlife populations on such lands to be significantly expanded beyond the level of such uses occurring during the ten-year period before January 1, 1979.

(2) permitting any subsistence use of fish and wildlife on any portion of the public lands (whether or not within any conservation system unit) which was permanently closed to such uses on January 1, 1979, or as vesting elsewhere than in the Secretary any authority to manipulate habitat or to regulate harvesting, or other use of, any plants or any portion of the public lands;

(3) permitting the assignment or transfer by any individual of any privilege which may be granted with respect to subsistence uses; or

(4) modifying or repealing the provisions of any Federal law governing the conservation or protection of fish and wildlife, including the Fur Seal Act of 1966 (80 Stat. 1091; 16 U.S.C. 1151–1187), the Endangered Species Act of 1973 (87 Stat. 884; 16 U.S.C. 1531–1543), the Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361–1407), the Act entitled "An Act for the Protection of the Bald Eagle", approved June 8, 1940 (54 Stat. 250; 16 U.S.C. 742a–754), the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711s), the Federal Aid in Wildlife Restoration Act (50 Stat. 917; 16 U.S.C. 669–6691), the Fishery Conservation and Management Act of 1976 (90 Stat. 331; 16 U.S.C. 1801–1882), the Federal Aid in Fish Restoration Act (64 Stat. 430; 16 U.S.C. 777–777k), or any amendments to any one or more of such Acts.

TITLE VIII—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

LAND ACQUISITIONS AND EXCHANGES

SEC. 801. (a) GENERAL AUTHORITY.—Except as otherwise provided in this Act, the Secretary is authorized, in order to carry out the purposes of this Act, to acquire by purchase, donation, exchange, or otherwise any lands within the boundaries of any conservation system unit. Any such land owned by—

(1) the State or a political subdivision of the State;

(2) a Native Corporation which has Natives as a majority of its stockholders; or

(3) the actual occupant of a tract, title to the surface estate of which was on, before, or after the date of enactment of this Act conveyed to such occupant pursuant to section 14(c)(1) of the Alaska Native Claims Settlement Act.

may only be acquired for such purposes with the consent of the State, such political subdivision of the State, such Native Corporation or such occupant, as the case may be. Lands owned or validly selected by the State which are adjacent to, but outside of, the boundaries of a conservation system unit may only be acquired by exchange or donation for purposes of such conservation system unit, and when so acquired the lands shall become, and be administered as, a part of the unit to which they appertain and the boundaries of the unit shall thereby be deemed to include such lands to the same extent as if the lands were included within such boundaries by this Act. No such boundary change shall take effect after the Secretary provides reasonable notice in writing to the Congress of his intention to consummate an exchange or donation which would result in such boundary change.

(b) IMPROVED PROPERTY.—No improved property shall be acquired under subsection (a) without the consent of the owner unless the Secretary first determines that such acquisition is necessary to the fulfillment of the purposes of this Act or to the fulfillment of the purposes for which the concerned conservation system unit was established or expanded.

(c) RETAINED RIGHTS.—The owner of an improved property on the date of its acquisition, as a condition of such acquisition, may retain for himself, his heirs and assigns, a right of use and occupancy of the improved property for noncommercial residential or recreational purposes, as the case may be, for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the owners' interest in the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that such right is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(d) DEFINITION.—For the purposes of this section, the term "improved property" means—

(1) a detached single-family dwelling, the construction of which was begun before January 1, 1978 (hereinafter in this section referred to as the "dwelling"), together with the land on which the dwelling is situated to the extent that such land—

(A) is in the same ownership as the dwelling or is Federal land on which entry was legal and proper, and

(B) is designated by the Secretary to be necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated, or

(2) property developed for noncommercial recreational uses, together with any structures accessory thereto which were so used on or before January 1, 1978, to the extent that entry onto such property was legal and proper.

In determining when and to what extent a property is to be considered an "improved property", the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1979, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed before such date.

(e) CONSIDERATION OF HARDSHIP.—The Secretary shall give prompt and careful consideration to any offer made by the owner of any property within a conservation system unit to sell such property, if such owner notifies the Secretary that the continued ownership is causing, or would result in, undue hardship.

(f) EXCHANGE AUTHORITY.—Except as otherwise provided by Federal law, in acquiring lands for the purposes of this Act, the Secretary is authorized to exchange lands (including nonwilderness lands within conservation system units and within the National Forest System) or interests therein (including Native selection rights) with the corporations organized by the Native groups, Village Corporations, Regional Corporations, and Urban Corporations, and other municipalities and corporations or individuals, the State (acting free of the restrictions of section 6(i) of the Alaska Statehood Act), or any Federal agency. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchanged, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchanges may be made for other than equal value.

(g) STATUS OF LANDS WITHIN UNITS.—(1) Notwithstanding any other provision of law, any land withdrawn on or before the date of the enactment of this Act pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act and within the boundaries of any conservation system unit shall be added to such unit and administered accordingly unless, before, on, or after the date of the enactment of this Act, such land has been validly selected by and conveyed to a Native Corporation. At such time as the entitlement of any Native Corporation to land under the Alaska Native Claims Settlement Act is satisfied, any land within a conservation system unit selected by such Native Corporation shall, to the extent that such land is in excess of its entitlement, become part of such unit and administered accordingly.

(2) Until conveyed, all Federal lands within the boundaries of a conservation system unit shall be administered in accordance with the laws applicable to such unit and the applicable provisions of this Act.

(3) All lands, water, and interests therein acquired by the Secretary and located within the boundaries of any conservation system unit shall become part of such unit and subject to the laws and regulations applicable to such unit.

(h) SCENIC EASEMENTS.—The Secretary shall reserve or acquire all scenic easements which he determines to be necessary to protect the scenic and natural values of (1) Sukakpak Mountain and the other public lands within the area heretofore reserved for utility transmission systems, and (2) the public lands within the area described in section 813(a). Scenic easements reserved or acquired under this subsection shall not unduly interfere with the construction, operation, or maintenance of any authorized utility transportation system or other authorized facility or development. In acquiring scenic easements pursuant to this subsection, the Secretary may utilize his authority under subsection (f) of this section or section 22(f) of the Alaska Native Claims Settlement Act. Reservation or acquisition of scenic easements pursuant to paragraph (2) of this subsection shall be implemented at the conclusion of the study under section 813(b).

(i) RELINQUISHMENT OF SELECTIONS PARTLY WITHIN CONSERVATION UNITS.—Whenever a valid State or Native selection is partly in and partly out of the boundary of a conservation system unit, notwithstanding any other provision of law to the contrary, the State or any Native Corporation may relinquish its rights in any portion of any validly selected Federal land or water area which lies within the boundary of the conservation system unit. Upon relinquishment, the lands and waters so relinquished within the boundary of the conservation system unit shall become, and be administered as, a part of the conservation system unit. The total land entitlement of the State or Native Corporation shall not be affected by such relinquishment. In lieu of the lands and waters relinquished by the State, the State may select pursuant to the Alaska Statehood Act (as amended by this Act) an equal acreage of other lands available for such purpose. A Native Corporation may retain an acreage equal to that relinquished by such Corporation under this subsection from overselection lands on which selection applications were otherwise properly and timely filed. A relinquishment pursuant to this subsection shall not invalidate an otherwise valid State or Native Corporation land selection outside the boundaries of the conservation system unit on the grounds that, after such relinquishment, the remaining portion of the land selection no longer meets applicable requirements of size, compactness, or contiguity, or that the portion of the selection retained immediately outside the conservation system unit does not follow section lines along the boundary of the conservation system unit. The validity of the selection outside such boundary shall not be adversely affected by the relinquishment.

ACCESS

SEC. 802. (a) SPECIAL ACCESS RIGHTS.—Notwithstanding any other provision of this Act or other law, the Secretary shall permit on conservation system units the use of snowmachines; motorboats; airplanes able to land on snow, ice, water, or land; and nonmotorized surface transportation methods, for traditional activities permitted by this Act or other law, including travel to and from villages and homesites. Such uses shall be subject to reasonable regulations promulgated by the Secretary in order to protect the natural and other values of the conservation system units. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this Act or other law.

(b) TEMPORARY ACCESS.—(1) Notwithstanding any other provision of this Act or other law, the Secretary shall authorize and permit temporary access by the State or a private landowner to or across any conservation system unit, the National Petroleum Reserve—Alaska or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof in order to permit the State or private landowner access to its land for purposes of survey, geophysical, exploratory, or other temporary uses of such State or private lands whenever he determines such access will not result in permanent harm to the resources of such unit, Petroleum Reserve, or public lands.

(2) In providing temporary access pursuant to paragraph (1) the Secretary may include such stipulations and conditions he deems necessary to insure that the private use of public lands is accomplished in a manner that is not inconsistent with the purposes for which the public lands are reserved and which insures that no permanent harm will result to the resources of the unit.

(c) ACCESS TO INHOLDINGS.—Notwithstanding any other provision of this Act or other law, in any case in which State owned or privately owned land or a valid mining claim or other valid occupancy is entirely within one or more conservation system units or the National Petroleum Reserve in Alaska, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the values of the affected public lands.

(d) VALID EXISTING RIGHTS.—Nothing in this section shall be construed to adversely affect any valid existing right of access.

(e) ACCESS TO UNITS.—The Secretary shall take whatever actions may from time to time be necessary to provide public access to the conservation system units, consistent with the purposes for which each such unit is established, designated, redesignated, or expanded, and consistent with applicable provisions of law.

SCIENTIFIC AND CULTURAL RESOURCES

SEC. 803. (a) ARCHEOLOGICAL AND PALEONTOLOGICAL SITES.—Notwithstanding any acreage or boundary limitations contained in this Act with respect to the Cape Krusenstern National Park, the Bering Land Bridge National Park, the Yukon-Charley Rivers National Park, and the Kobuk Valley National Park, the Secretary may designate Federal lands or he may acquire by purchase with the consent of the owner, donation, or exchange any significant archeological or paleontological site in Alaska located outside of the boundaries of such areas and containing archeological or paleontological resources which are closely associated with any such area. If any such site is so designated or acquired, it shall be included in and managed as part of such area. Not more than seven thousand five hundred acres of land may be designated or acquired under this section for inclusion in any single area. Before designation or acquisition of any property in excess of one hundred acres under the provisions of this section, the Secretary shall—

(1) submit notice of such proposed designation or acquisition to the appropriate committees of the Congress; and

(2) publish notice of such proposed designation or acquisition in the Federal Register.

(b) STATEWIDE CULTURAL ASSISTANCE PROGRAM.—In furtherance of the national policy set forth in the first section of the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666), and in furtherance of the need to protect and interpret for the public benefit cultural and archeological resources and objects of national significance relating to prehistoric and historic human use and occupation of lands and waters in Alaska, the Secretary may, upon the application of a Native corporation or Native group, provide advice, assistance, and technical expertise to the applicant in the preservation, display, and interpretation of cultural resources, without regard as to whether title to such resources is in the United States. Such assistance may include making available personnel to assist in the planning, design, and operation of buildings, facilities, and interpretive displays for the public and personnel to train individuals in the identification, recovery, preservation, demonstration, and management of cultural resources.

COOPERATIVE INFORMATION AND EDUCATION CENTERS

SEC. 804. The Secretary is authorized, in consultation with other Federal agencies, to investigate and plan for an information and education center for visitors to Alaska on not to exceed one thousand acres of Federal land at a site adjacent to the Alaska Highway, and to investigate and plan for similar centers in Anchorage and Fairbanks, Alaska. For the purposes of this investigation, the Secretary shall seek participation in the program planning or operation of such centers (or in both such planning and operation) from appropriate agencies of the State of Alaska, and he is authorized to accept contributions of funds, personnel, and planning and program assistance from such State agencies, other Federal agencies, and Native and other organizations, groups or persons. The Secretary of Agriculture is authorized to investigate and plan for, in a similar manner, an information and education center for visitors to Alaska in either Juneau, Ketchikan, or Sitka, Alaska. No information center shall be developed pursuant to investigations and plans conducted under authority of this section unless and until such development is specifically authorized by Congress.

ADMINISTRATIVE SITES AND VISITOR FACILITIES

SEC. 805. (a) ESTABLISHMENT.—In conformity with the conservation and management plans prepared for each unit and the purposes of assuring the preservation, protection, and proper management of any conservation system unit, the Secretary may establish sites and visitor facilities—

(1) within the unit, if compatible with the purposes for which the unit is established, expanded, or designated by this Act, and the other provisions of this Act, or

(2) outside the boundaries of, and in the vicinity of the unit.

To the extent practicable and desirable, the Secretary shall attempt to locate such sites and facilities on Native lands in the vicinity of the unit.

(b) AUTHORITIES OF SECRETARY.—For the purpose of establishing administrative sites and visitor facilities under subsection (a)—

(1) the Secretary and the head of the Federal agency having primary authority over the administration of any Federal land which the Secretary determines is suitable for use in carrying out such purpose may enter into agreements permitting the Secretary to use such land for such purposes;

(2) the Secretary, under such terms and conditions as he determines are reasonable, may lease or acquire by purchase, donation, exchange, or any other method (except condemnation) real property (other than Federal land) which the Secretary determines is suitable for carrying out such purposes; and

(3) the Secretary may construct, operate, and maintain such permanent and temporary buildings and facilities as he deems appropriate on land which is within, or in the vicinity of, any conservation system unit and with respect to which the Secretary has acquired authority under this subsection to use the property for the purpose of establishing an administrative site or visitor facility under subsection (a), except that the Secretary may not begin construction of buildings and facilities on land not owned by the United States until the owner of such land has entered into an agreement with the Secretary, the terms of which assure the continued use of such buildings and facilities in furtherance of the purposes of this Act.

REVENUE-PRODUCING VISITOR SERVICES

SEC. 806. (a) CONTINUATION OF EXISTING VISITOR SERVICES.—Notwithstanding any other provision of law, the Secretary, under such terms and conditions as he determines are reasonable, shall permit any person who, on or before January 1, 1979, was engaged in adequately providing any type of visitor service within any area established or added to a conservation system unit to continue providing such type of service and similar types of visitor services within such area if such service or services are consistent with the purposes for which such unit is established or expanded.

(b) PREFERENCE.—Notwithstanding provisions of law other than those contained in subsection (a), in selecting persons to provide (and in contracting for the provision of) any type of visitor service for any conservation system unit, the Secretary—

(1) shall give preference to the Native Corporation which the Secretary determines is most directly affected by the establishment or expansion of such unit by or under the provisions of this Act; and

(2) shall give preference to persons whom he determines, by rule, are local residents.

(c) DEFINITION.—As used in this section, the term "visitor service" means any service made available for a fee or charge to persons who visit a conservation system unit, including such services as providing food, accommodations, transportation, tours, and guides.

LOCAL HIRE

SEC. 807. (a) PROGRAM.—After consultation with the Office of Personnel Management, the Secretary shall establish a program under which any individual who, by reason of having lived or worked in or near a conservation system unit, has special knowledge or expertise concerning the natural or cultural resources of such unit and the management thereof (as determined by the Secretary) shall be considered for selection for any position within such unit without regard to—

(1) any provision of the civil service laws or regulations thereunder which require minimum periods of formal training or experience,

(2) any such provision which provides an employment preference to any other class of applicant in such selection, and

(3) any numerical limitation on personnel otherwise applicable.

(b) REPORTS.—Within one year after the date of the enactment of this Act, and annually thereafter during each of the following ten years, the Secretary shall prepare and submit to the Congress a report indicating the actions taken in carrying out the provisions of subsection (a) of this section together with any recommendations for legislation in furtherance of the purposes of this section.

MANAGEMENT PLANS

SEC. 808. (a) SUBMISSION OF PLANS.—Within five years after the date of the enactment of this Act (or, in the case of any conservation system unit redesignated, established, or expanded by title III with respect to which a wilderness review is required under this Act, at the same time the President submits his recommendation concerning such unit under such section to the Congress), the Secretary shall submit, in writing, to the appropriate committees of the Congress plans for managing each of the conservation system units. At any time after submitting a plan under this subsection, the Secretary may revise such plan in accordance with the provisions of this section.

(b) COORDINATION.—The Secretary shall coordinate the development and preparation of management plans for conservation system units which have similar characteristics.

(c) NATIONAL PARK SERVICE PLAN REQUIREMENTS.—Each plan for a unit established, redesignated, or expanded by title I shall identify management practices which will carry out the policies of this Act and will accomplish the purposes for which the concerned National Park System unit was established or expanded and shall include at least the following:

(1) Maps indicating areas of particular importance as to wilderness, natural, historical, wildlife, cultural, archeological, paleontological, geological, recreational and similar resources and also indicating the areas into which such unit will be divided for administrative purposes.

(2) A description of the programs and methods that will be employed to manage fish and wildlife resources and habitats, cultural, geological, recreational, and wilderness resources, and how each conservation system unit will contribute to overall resources management goals of that region. Such programs should include research, protection, restoration, development, and interpretation as appropriate.

(3) A description of any areas of potential or proposed development, indicating types of visitor services and facilities to be provided, the estimated costs of such services and facilities, and whether or not such services and facilities could and should be provided outside the boundaries of such unit.

(4) A plan for access to, and circulation within, such unit, indicating the type and location of transportation routes and facilities, if any.

(5) A description of the programs and methods which the Secretary plans to use for the purposes of (A) encouraging the recognition and protection of the culture and history of the individuals residing, on the date of the enactment of this Act, in such unit and areas in the vicinity of such unit, and (B) providing and encouraging employment of such individuals.

(6) A plan for acquiring land with respect to such unit, including proposed modifications in the boundaries of such unit.

(7) A description (A) of privately owned areas, if any, which are within such unit, (B) of activities carried out in, or proposed for, such areas, (C) of the present and potential effects of such activities on such unit, (D) of the purposes for which such areas are used, and (E) of methods (such as cooperative agreements and issuance or enforcement of regulations) of controlling the use of such activities to carry out the policies of this Act and the purposes for which such unit is established or expanded.

(8) A plan indicating the relationship between the management of such unit and activities being carried out in, or proposed for, surrounding areas and also indicating cooperative agreements which could and should be entered into for the purpose of improving such management.

(d) NATIONAL WILDLIFE REFUGE CONSERVATION PLANS.—(1) The Secretary shall prepare, and from time to time revise, a comprehensive conservation plan (hereinafter in this subsection referred to as the "plan") for each unit in Alaska of the National Wildlife Refuge System (hereinafter referred to as "refuge"), including each National Wildlife Refuge, National Wildlife Range, and National Wildlife Monument.

(2) Before developing a plan for each refuge, the Secretary shall identify and describe—

(A) the populations and habitats of the significant fish and wildlife, resources of the refuge and of other important fish and wildlife within the refuge;

(B) the special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, recreational, mineral, scenic, or wilderness values of the refuge;

(C) areas within the refuge that are suitable for use as administrative sites or visitor facilities, or for visitor services, as provided for in sections 805 and 806;

(D) present and potential requirements for access with respect to the refuge, as provided for in section 802; and

(E) significant problems which may adversely affect the populations and habitats identified and described under subparagraph (A).

(3) Each plan shall—

(A) based upon the identifications and the descriptions required to be made under paragraph (2)—

(i) designate areas within the refuge according to their respective resources and values,

(ii) specify the programs for conserving fish and wildlife, and the programs relating to the values referred to in paragraph (2) (B), proposed to be implemented within each such area, and

(iii) specify the uses within each such area which may be compatible with the major purposes of, and the opportunity for subsistence uses within, the refuge; and

(B) set forth those opportunities which will be provided within the refuge for recreation, ecological research, environmental education, and interpretation of refuge resources and values, if such recreation, research, education, and interpretation is compatible with the major purposes of the refuge.

(4) In order to insure that the terms and conditions of cooperative management agreements which may be entered into with respect to the refuge are appropriate, the Secretary may treat, but only for purposes of preparing the plan, land that is within, or near or adjacent to, the refuge as being within the boundary of the refuge.

(5) In preparing each plan and revisions thereto, the Secretary shall consult with the appropriate State agencies and Native Corporations, and shall hold public hearings in such locations in the State as may be appropriate to insure that residents of Native villages and political subdivisions of the State which will be primarily affected by the administration of the refuge concerned have opportunity to present their views with respect to the plan of revisions.

(6) Before adopting a plan for any refuge, the Secretary shall publish notice of the proposed plan in the Federal Register, make copies of the plan available at each regional office of the United States Fish and Wildlife Service, and provide opportunity for public views and comment on the plan.

(7) The Secretary shall by regulation implement each plan prepared under this subsection.

(8) The Secretary shall prepare plans for—

(A) not less than five refuges within three years after the date of the enactment of this Act;

(B) not less than ten refuges within five years after such date; and

(C) all refuges within seven years after such date. With respect to any refuge established in the State after the date of the enactment of this Act, the Secretary shall prepare a plan for the refuge within two years after the date of its establishment.

(e) CONSIDERATION OF FACTORS.—In developing, preparing, and revising a plan under subsection (c) of this section and any study under section 813 of lands within a conservation system unit, the Secretary shall take into consideration at least the following factors:

(1) The specific purposes for which the concerned conservation system unit was established or expanded.

(2) Protection and preservation of the ecological, environmental, wildlife, cultural, historical, archeological, geological, recreational, wilderness, and scenic character of the concerned unit and of areas in the vicinity of such unit.

(3) Providing opportunities for Alaska Natives residing in the concerned unit and areas adjacent to such unit to continue performing in such unit activities which they have traditionally or historically performed in such unit.

(4) Activities being carried out in areas adjacent to, or surrounded by, the concerned unit.

(f) HEARING AND PARTICIPATION.—In developing, preparing, and revising a plan under subsection (c) of this section and any study under section 813 of lands within a conservation system unit, the Secretary shall hold at least one public hearing in the vicinity of the concerned conservation unit, hold at least one public hearing in a metropolitan area of Alaska, and, to the extent practicable, permit the following persons to participate in the development, preparation, and revision of such plan:

(1) The Alaska Advisory Coordinating Council and officials of Federal agencies whose activities will be significantly affected by implementation of such plan.

(2) Officials of the State and of political subdivisions of the State whose activities will be significantly affected by implementation of such plan.

(3) Officials of Native Corporations which will be significantly affected by implementation of such plan.

(4) Concerned local, State, and National organizations and interested individuals.

(g) ADVICE AND REPORTS.—During the period beginning on the date of the enactment of this Act and ending on the date the final plans described in this section are submitted to the appropriate committees of the Congress, the Secretary—

(1) shall keep such committees advised of the status of the plans of activities being carried out under this section, and of any information which the Department of the Interior has pertaining to any conservation system unit; and

(2) shall, at least once every twelve months, submit to such committees a report indicating the status of the plans described in this section, particular problems being encountered with respect to developing such plans and managing conservation system units, and the anticipated date of submission of such plans.

TAKING OF FISH AND WILDLIFE

SEC. 809. (a) NATIONAL PARK SYSTEM.—All areas of the National Park System in the State shall be closed to the taking of fish and wildlife, except—

(1) for the taking of fish and wildlife for those subsistence uses authorized under an appropriate Presidential Proclamation or title VII of this Act;

(2) for fishing authorized by the Secretary and carried out in accordance with applicable laws of the United States and the State; and

(3) for the taking of fish and wildlife for sport and other purposes which the Secretary shall, by regulation, permit within areas established by or under this Act as national preserves and which is carried out in accordance with applicable laws of the United States and the State.

Within the areas referred to in paragraph (3) of this subsection, the Secretary, for purposes of public safety, administration, or compliance with the provisions of applicable law, may designate zones where, and periods when, no such taking or any entry may be permitted. Except in emergencies, any regulations prescribing such designations shall be put into effect only after—

(A) consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities,

(B) public notice and an opportunity for public comment, and

(C) a finding by the Secretary that the designation is necessary for a purpose authorized by this paragraph.

Nothing in this paragraph shall be construed as enlarging or diminishing the authority of the State to manage fish and resident wildlife.

(b) OTHER CONSERVATION SYSTEM UNITS.—The taking of fish and wildlife in all conservation system units, other than those units in the National Park System, shall be subject to applicable provisions of Federal and State law, including this Act.

(c) CLOSURE AUTHORITY.—Except as otherwise provided by this Act, the Secretary may temporarily close any public lands (including those within any conservation system unit), or any portion thereof, to the taking of fish and wildlife if necessary for reasons of public safety, administration, or to assure the natural stability and continued productivity of one or more fish or wildlife populations on such lands.

(d) SPORT HUNTING GUIDE SERVICES.—(1) Notwithstanding any other provision of this Act or other law to the contrary, with respect to any public lands within a conservation system unit which during the three calender years immediately preceding January 1, 1979, were legally used by a person for sport hunting guide services pursuant to an exclusive, assigned guiding district permit or license, lawfully issued or authorized by any agency of the State of Alaska, if the Secretary finds that termination of such uses would result in serious economic hardship for such person, the Secretary shall offer to such person the option of—

(A) a permit for such person to continue in the exercise of such use on such lands in accordance with paragraph (2) of this subsection; or

(B) subject to the provisions of section 806 (including preferences provided by such subsection), a contractual right to furnish revenue-producing visitor services, other than for the taking of fish and wildlife on such lands.

(2) No permit issued pursuant to subparagraph (A) of paragraph (1) of this subsection shall be assignable or transferable, and each such permit shall—

(A) be effective for a period not to exceed—

(i) ten years from the date of enactment of this Act, or

(ii) the lifetime of the individual guide receiving such permit,

whichever is shorter;

(B) not authorize the person to whom it is issued to guide during any one year more hunters than the average annual number of hunters guided by such person during the three years immediately preceding January 1, 1979, or to take more of a particular wildlife species during any one year than the average annual number of such species reported taken from the same area by parties guided by such person during such three-year period;

(C) contain such other terms and conditions as the Secretary deems necessary in furtherance of the purposes of the relevant conservation system unit, including such reasonable limitations or prohibitions which the Secretary may from time to time impose on the taking of wildlife during such periods and within such areas as the Secretray may designate or on the means by which fish and wildlife may be taken; and

(D) shall be terminated by the Secretary without compensation for failure of such person to exercise such use in accordance with the terms and conditions of the permit or for failure to exercise such use in accordance with applicable provisions of Federal or State law.

The Secretary is authorized to require such data and information from permit applicants as he deems necessary and to impose appropriate permit restrictions as required by this subsection. Nothing in this subsection shall be deemed to create a compensable right in any public lands. It is the express intention of the Congress that the taking of wildlife except for subsistence uses in the units of the National Park System in Alaska, other than national preserves, be discontinued within ten years after the date of enactment of this Act.

(e) NONSUBSISTENCE TRAPPERS.—Notwithstanding any other provision of this Act or other law to the contrary, with respect to any public lands within conservation system units which during each of the three calendar years immediately preceding January 1, 1979, were legally used by any person for traplines pursuant to a permit or license lawfully issued or authorized by any agency of the United States or the State of Alaska, the Secretary, if he determines that serious economic hardship for such person would otherwise result, is authorized to permit such person to continue in the exercise of such use on such lands for a period not to exceed ten years from the date of enactment of this Act or the lifetime of the individual receiving such permit, whichever is shorter. No such permit shall be assignable or transferable; and each such permit shall—

(1) contain such terms and conditions as the Secretary deems necessary and determines to be consistent with the purposes of the affected conservation system unit, including such reasonable limitations or prohibitions which the Secretary may from time to time impose on the taking of wildlife during such periods and within such areas as the Secretary may designate;

(2) contain reasonable limitations or prohibitions on the means by which wildlife may be taken;

(3) entitle the person to whom it is issued to take during any one year no more wildlife of any species than the average annual number of that species taken by such person during the three years immediately preceding January 1, 1979; and

(4) be terminated by the Secretary without compensation for failure to exercise such use in accordance with its terms and conditions or for failure to exercise such use in accordance with applicable provisions of Federal or State law.

The Secretary is authorized to require such data and information from permit applicants as he deems necessary and to impose appropriate permit restrictions as required by this subsection. Nothing in this subsection nor any permit issued hereunder shall be deemed to create a compensable right in any public lands. It is the express intention of the Congress that trapping, except for subsistence purposes, within units of the National Park System in Alaska, other than national preserves, shall be discontinued within ten years after the date of enactment of this Act.

MAPS

SEC. 810. (a) IN GENERAL.—The boundary maps described in this Act shall be on file and available for public inspection in the office of the Secretary or the Secretary of Agriculture with regard to the National Forest System. In the event of discrepancies between acreages specified in this Act and those depicted on such maps, the maps shall be controlling, but the boundaries of areas added to the National Park, Wildlife Refuge, and National Forest Systems shall, in coastal areas, not extend seaward beyond the mean high tide line to include lands owned by the State of Alaska unless the State shall have concurred in such boundary extension and such extension is accomplished under the notice and reporting requirements of this Act.

(b) PUBLICATION, BOUNDARY LINES.—As soon as practicable after enactment of this Act, a map and legal description of each change in land management status effected by this Act, including the National Wilderness Preservation System, shall be published in the Federal Register and filed with the Speaker of the House of Representatives and the President of the Senate, and each such description shall have the same force and effect as if included in this Act. Correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Secretary. Whenever possible boundaries shall follow hydrographic divides or embrace other topographic or natural features. Following reasonable notice in writing to the Congress of his intention to do so the Secretary of the Interior or the Secretary of Agriculture, as appropriate, may make minor adjustments in the boundaries of the areas added to or established by this Act as units of National Park, Wildlife Refuge, Wild and Scenic Rivers, National Forest, and National Wilderness Preservation Systems.

NAVIGATION AIDS AND OTHER FACILITIES

SEC. 811. (a) EXISTING FACILITIES.—(1) Within conservation system units, reasonable access to, and operation and maintenance of, existing air and water navigation aids and related facilities and existing facilities for weather, climate, and fisheries research and monitoring shall be permitted in accordance with the laws and regulations applicable to the National Park, Wildlife Refuge, National Forest, and Wild and Scenic Rivers Systems, as appropriate.

(2) Notwithstanding any other provision of this Act, reasonable access to, and operation and maintenance of, existing facilities for national defense purposes, and related air and water navigation aids, within or adjacent to conservation system units shall continue in accordance with the laws and regulations governing such facilities.

(3) Nothing in the Wilderness Act shall be deemed to prohibit, within any conservation system unit, the carrying out of access, establishment, operation, and maintenance activities described in paragraphs (1) and (2).

(b) New Facilities.—The establishment, operation, and maintenance within any conservation system unit of new air and water navigation aid and related facilities, facilities for national defense purposes and related air and water navigation aids, and facilities for weather, climate, and fisheries research and monitoring may be permitted but only (1) after consultation with the Secretary or the Secretary of Agriculture, as appropriate, by the head of the Federal department or agency undertaking such establishment, operation, or maintenance; and (2) in accordance with such terms and conditions as may be mutually agreed in order to minimize the adverse effects of such activities within such unit.

TECHNICAL AMENDMENTS TO PRIOR STATUTES

Sec. 812. (a) Klondike Gold Rush National Historical Park.—The second sentence of subsection (b)(1) of the first section of the Act entitled "An Act to authorize the Secretary of the Interior to establish the Klondike Gold Rush National Historical Park in the States of Alaska and Washington, and for other purposes" approved June 30, 1976 (90 Stat. 717), is amended to read as follows: "Lands or interests in lands owned by the State of Alaska or any political subdivision thereof may be acquired only by donation or exchange, and notwithstanding the provisions of subsection 6(i) of the Act of July 7, 1958 (72 Stat. 339, 342), commonly known as the Alaska Statehood Act, the State may include the minerals in any such transaction.".

(b) Technical Amendment to Public Law 94-204.—Section 15(a) of the Act of January 2, 1976 (Public Law 94-204, 89 Stat. 1154-1155), is amended—

(1) by striking out the description beginning with "Township 36 south, range 52 west;" and all that follows through "Township 41 south, range 53 west, sections 1, 2, 11, 12, 13 S. M., Alaska, notwithstanding;" and inserting in lieu thereof the following:

"Township 36 south, range 52 west, all;

"Township 37 south, range 51 west, all;

"Township 37 south, range 52 west, all;

"Township 37 south, range 53 west, sections 1 through 4, 9 through 16, 21 through 24, and the north half of sections 25 through 28;

"Township 38 south, range 51 west, sections 1 through 5, 9, 10, 12, 13, 18, 24, and 25;

"Township 38 south, range 52 west, sections 1 through 35;

"Township 38 south, range 53 west, sections 1, 12, 13, 24, 25, and 26;

"Township 39 south, range 51 west, sections 1, 6, 7, 16 through 21, 28 through 33, and 36;

"Township 39 south, range 52 west, sections 1, 2, 11 through 15, and 22 through 24;

"Township 39 south, range 53 west, sections 33 through 36, and the south half of section 26;

"Township 40 south, range 51 west, sections 2 and 6;

"Township 40 south, range 52 west, sections 6 through 10, 15 through 21, and 27 through 36;

"Township 40 south, range 53 west, sections 1 through 19, 21 through 28, and 34 through 36;

"Township 40 south, range 54 west, sections 1 through 34;

"Township 41 south, range 52 west, sections 7, 8, 9, 16, 17, and 18;

"Township 41 south, range 53 west, sections 1, 4, 5, 8, 9, 11, 12, and 16;

"Township 41 south, range 54 west, section 6, S. M., Alaska;"; and

(2) by striking out "The" in the undesignated paragraph immediately following such description and inserting in lieu thereof "Notwithstanding the".

(c) Escrow Accounts, Public Law 94-204.—(1) Subsection (a) of section 2 of Public Law 94-204 (89 Stat. 1146) is amended to read as follows:

"(a)(1) During the period of the appropriate withdrawal for selection pursuant to the Settlement Act, any and all proceeds derived from contracts, leases, licenses, permits, rights-of-way, or easements, or from trespass occurring after the date of withdrawal of the lands for selection, pertaining to lands or resources of lands withdrawn for Native selection pursuant to the Settlement Act shall be deposited in an escrow account which shall be held by the Secretary until lands selected pursuant to that Act have been conveyed to the selecting corporation or individual entitled to receive benefits under such Act.

"(2) Such proceeds as were received, if any, subsequent to the date of withdrawal of the land for selection, but were not deposited in the escrow account shall be identified by the Secretary within two years of the date of conveyance or this Act, whichever is later, and shall be paid, together with interest payable on the proceeds from the date of receipt by the United States to the date of payment to the appropriate corporation or individual to which the land was conveyed by the United States. Interest under this section shall be paid on the basis of a semiannual computation from the date of receipt of the proceeds by the United States to the date of payment, with simple interest at the rate determined by the Secretary of the Treasury to be the rate payable on short-term obligations of the United States prevailing at the time of payment. Any rights of a corporation or individual under this section to such proceeds shall be limited to proceeds actually received by the United States plus interest. No payments shall be made under this section except to the extent that sufficient sums have been appropriated as provided in subsection (e) of this section.

"(3) Such proceeds which have been deposited in the escrow account shall be paid, together with interest accrued by the Secretary to the appropriate corporation or individual upon conveyance of the particular withdrawn lands. In the event that a conveyance does not cover all of the land embraced within any contract, lease, license, permit, right-of-way, easement, or trespass, the corporation or individual shall only be entitled to the proportionate amount of the proceeds, including interest accrued, derived from such contract, lease, license, permit, right-of-way, or easement, which results from multiplying the total of such proceeds, including interest accrued, by a fraction in which the numerator is the acreage of such contract, lease, license, permit, right-of-way, or easement which is included in the conveyance and the denominator is the total acreage contained in such contract, lease, license, permit, right-of-way, or easement; in the case of trespass, the conveyee shall be entitled to the proportionate share of the proceeds, including a proportionate share of interest accrued, in relation to the damages occurring on the respective lands during the period the lands were withdrawn for selection.

"(4) Such proceeds which have been deposited in the escrow account pertaining to lands withdrawn but not selected pursuant to such Act, or selected but not conveyed due to rejection or relinquishment of the selection, shall be paid, together with interest accrued, as would have been required by law were it not for the provisions of this Act.

"(5) Lands withdrawn under this subsection include all Federal lands identified under appendices A, B-1, and B-2 of the document referred to in section 12 of the Act of January 2, 1976 (Public Law 94-204) for Cook Inlet Region, Incorporated, and are deemed withdrawn as of the date established in subsection (a) of section 2 of the Act of January 2, 1976.".

(2) Section 2 of Public Law 94-204 (89 Stat. 1146) is amended by adding a new subsection to read as follows:

"(e) There is authorized to be appropriated such sums as are necessary to carry out the purposes of this section.".

(d) Amendment to Public Law 94-204.—Section 12(b) of the Act of January 2, 1976 (Public Law 94-204), as amended by section 3 of the Act of November 15, 1977 (Public Law 95-178), and section 4 of the Act of October 4, 1976 (Public Law 94-456), is hereby amended to add the following new subparagraphs:

"(7)(i) Until the obligations of the Secretary and the Administrator of General Services under subsection 12(b)(6) of this Act are otherwise fulfilled, Cook Inlet Region, Incorporated, may, by crediting the account established in subsection 12(b)(7)(ii), bid for surplus property, wherever located, in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484 (1949 as amended)) (hereinafter 'the Act'). No additional advertising shall be required other than that prescribed in section 484(e)(2) of the Act.

"(ii) The Secretary of the Treasury shall establish a Cook Inlet Region, Incorporated, surplus property account, which shall be available for the purpose of bidding on Federal surplus property. The balance of the account shall be the acre-equivalent exchange value established by subparagraph I(C)(2)(e) of the document referred to in this subsection, of the unfulfilled entitlement of Cook Inlet Region as of the effective date of this subsection to Federal acres or acre-equivalents under subparagraph I(C)(2)(g) of the document referred to in this subsection and shall be adjusted to reflect any future conveyance under subsection (b)(6).

"(iii) The basis of properties received by Cook Inlet Region, Incorporated, under this subsection shall be established in accordance with the provisions of this Act. Dispositions of surplus property under this subsection shall be treated as sales under the Federal Property and Administrative Services Act (40 U.S.C. 485 (1949 as amended)).

"(8) The Region, the Secretary, and/or the Administartor shall have until June 15, 1980, to complete the nomination of lands for the pool described in subsection (b)(6): *Provided, however*, That the Secretary shall report to Congress on June 15, 1979, and January 15, 1980, as to—

"(i) such studies and inquiries as shall have been initiated by the Secretary and the Administrator of General Services, or have been prepared by other holding agencies, to determine what lands, within the exterior boundaries of the Cook Inlet Region, can be made available to the Region to the extent of its entitlement;

"(ii) the feasibility and appropriate nature of reimbursement to Cook Inlet for its unfulfilled entitlement as valued in subparagraph I(C)(2)(e) of the Terms and Conditions; and

"(iii) such other remedial legislation or administrative action as may be needed.".

(e) Amendment to Alaska Statehood Act.—Section 6(g) of the Alaska Statehood Act is amended by adding at the end thereof the following new sentence: "As to all selections made by the State after January 1, 1979, pursuant to section 6(b) of this Act, the Secretary of the Interior, in his discretion, may waive the minimum tract selection size where he determines that such a reduced selection size would be in the national interest and would result in a better land ownership pattern.".

SCENIC HIGHWAY STUDY

Sec. 813. (a) Withdrawal.—Subject to valid existing rights, all public lands within an area, the centerline of which is the centerline of the Parks Highway from the entrance to Denali National Park to the Talkeetna junction which is one hundred and thirty-six miles south of Cantwell, the "Denali Highway" between Cantwell and Paxson, the "Richardson Highway" and "Edgerton Highway" between Paxson and Chitina, and the existing road between Chitina and McCarthy (as those highways and road are depicted on the official maps of the department of transportation of the State of Alaska) and the boundaries of which are parallel to the centerline and one mile distant therefrom on either side, are hereby withdrawn from all forms of entry or appropriation under the mining laws and from operation of the mineral leasing laws of the United States.

(b) Study.—During the three-year period beginning on the date of enactment of this Act, the Secretary shall study the desirability of establishing a Denali Scenic Highway to consist of all or part of the lands described in subsection (a) of this section. In conducting the studies, the Secretary, through a study team which includes representatives of the Secretary of Transportation, the National Park Service, the Bureau of Land Management, the State, and of each regional corporation within whose area of operation the lands described in subsection (a) are located, shall consider the natural, scenic, and recreational values of the lands withdrawn under this section, the importance of providing protection to those values, the desirability of providing a symbolic and actual physical connection between the national parks in south central Alaska, and the desirability of enhancing the experience of persons traveling between those parks by motor vehicles or otherwise. Members of the study team who are not Federal employees shall receive from the Secretary per diem (in lieu of expenses) and travel allowances at the rates provided for employees of the Bureau of Indian Affairs in Alaska in grade GS-15.

(c) Cooperation; Notice; Hearings.—In conducting the studies required by this section, the Secretary shall cooperate with the State and shall consult with each Village Corporation within whose area of operation lands described in this section are located and with the owners of any lands adjoining the lands described in subsection (a) concerning the desirability of establishing a Denali Scenic Highway. The Secretary, through the National Park Service, shall also give such public notice of the study as he deems appropriate, including at least publication in a newspaper or newspapers having general circulation in the area or areas of the lands described in subsection (a), and shall hold a public hearing or hearings at one or more locations convenient to the areas affected.

(d) Report.—Within three years after the date of enactment of this Act, the Secretary shall report to the President the results of the studies carried out pursuant to this section together with his recommendation as to whether the scenic highway studied should be established and, if his recommendation is to establish the scenic highway, the lands described in subsection (a) which should be included therein. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations and those of the Governor of Alaska with respect to creation of the scenic highway, together with maps thereof, a definition of boundaries thereof, an estimate of costs, recommendations on administration, and proposed legislation to create such a scenic highway, if creation of one is recommended.

(e) Period of Withdrawal.—The lands withdrawn under subsection (a) of this section shall remain withdrawn until such time as the Congress acts on the President's recommendation, but not to exceed two years after the recommendation is transmitted to the Congress.

OTHER LAWS

Sec. 814. (a) Alaska Natural Gas Transportation Act.—Nothing in this Act shall be construed as imposing any additional requirements in connection with the construction and operation of the transportation system designated by the President and approved by the Congress pursuant to the Alaska Natural Gas Transportation Act of 1976 (Public Law 94-586; 90 Stat. 2903), or as imposing any limitations upon the authority of the Secretary concerning such system.

(b) Limitation.—(1) This Act is not intended to modify, repeal, or otherwise affect any of the provisions of the Act of January 2, 1976 (89 Stat. 1145), as amended, and nothing in this Act shall be construed as altering the rights or obligations of any party with regard to section 12 of such Act, sections 4 and 5 of the Act of October 4, 1976 (Public Law 94-456) or section 3 of the Act of November 15, 1977 (Public Law 95-178).

(2) The establishment of boundaries for any conservation system unit by this Act shall neither enlarge nor diminish (A) the rights of Cook Inlet Region, Incorporated, to nominate any township available for nomination under section 12 of the Act of January 2, 1976, outside the Region or (B) the duty of the Secretary, with consent of the State, as required under section I(C)(2)(b) of the document referred to in section 12 of such Act, as amended, to convey lands outside Cook Inlet Region, and to make certain lands available within the Cook Inlet Region available to Cook Inlet Region, Incorporated, in accordance with the provisions of such Act as referenced in this subsection.

(3) Nothing in this Act shall be construed as imposing any additional restrictions on the use or management of those lands described in section 22(k) of the Alaska Native Claims Settlement Act.

(c) National Environmental Policy Act.—The National Environmental Policy Act of 1969 shall not be construed, in whole or in part, as requiring the preparation or submission of an environmental impact statement for withdrawals, conveyances, regulations, orders, easement determinations, or other actions which lead to the issuance of conveyances to Natives or Native Corporations, pursuant to the Alaska Native Claims Settlement Act or this Act. Nothing in this section shall be construed as affirming or denying the validity of any withdrawals by the Secretary under section 14(h)(3) of the Alaska Native Claims Settlement Act.

MINERAL WITHDRAWALS AND EXISTING CLAIMS

Sec. 815. (a) Withdrawals.—Subject to valid existing rights, all public lands within the boundaries of any conservation system unit in Alaska are withdrawn from all forms of entry or appropriation under the mining laws and from the operation of the mineral leasing laws of the United States, except as otherwise specifically provided in this Act. All withdrawals and reservations of land for powersite purposes within the boundaries of a conservation system unit are hereby rescinded.

(b) Mineral Claims and Leases.—After the date of enactment of this Act, any person who is the holder, on the date of the enactment of this Act, of any valid existing mineral claim or lease on public lands located within the boundaries of any conservation system unit in Alaska may carry out activities related to the exercise of rights under such claim or lease in accordance with regulations promulgated by the Secretary to assure that such activities are compatible, to the maximum extent feasible, with the purposes for which such unit was established.

(c) Recordation of Claims.—Except for mining claims on lands subject to the Mining in the Parks Act (90 Stat. 1342; 16 U.S.C. 1901 and following), all mining claims on public lands which lie within the boundaries of any conservation system unit are subject to the provisions of section 314 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743; 43 U.S.C. 1701 et seq.).

(d) Mining in the Parks Act.—The Act of September 28, 1976 (Public Law 94-249) shall not be construed to apply to any national monument which is not a unit of the national park system.

(e) Status of Certain Lease Offers.—Offers for noncompetitive oil and gas leases under the Mineral Leasing Act of 1920 which were filed but which did not result in the issuance of a lease on or before December 18, 1971, on lands selected by, and conveyed before, on, or after the date of enactment of this Act to, Native Corporations or to individual Natives under paragraph (5) or (6) of section 14(h) of the Alaska Native Claims Settlement Act as part of the entitlement to receive land under such Act shall not constitute valid existing rights under section 14(g) of such Act or under this Act.

(f) Remedy for Property Loss.—The holder of any patented or unpatented mining claim, and the holder of any mineral lease, which lies within the boundaries of any conservation system unit in Alaska who believes he has suffered a loss by operation of this section, or by orders or regulations issued pursuant thereto, may bring an action against the United States in United States District Court for Alaska to recover just compensation, which shall be awarded if the court finds that such loss constitutes a taking of property compensable under the Constitution. The court shall expedite its consideration of any claim brought pursuant to this section.

ALASKA MINERAL RESOURCE ASSESSMENT PROGRAM

Sec. 816. (a) Mineral Assessments.—(1) The Secretary of the Interior shall, to the full extent of his authority, assess the oil, gas, and other mineral potential on all public lands in the State of Alaska in order to expand the data base with respect to the mineral potential of such lands. The mineral assessment program may include, but shall not be limited to, techniques such as side-looking radar imagery and, on public lands other than such lands within units of the national park system, core drilling for geologic information, notwithstanding any restriction on such drilling under other law.

(2) For purposes of this Act, "core drilling" means the extraction by drilling of subsurface geologic samples in order to assess the metalliferous or other mineral values of geologic terrain, but shall not be construed as including exploratory drilling of oil and gas test wells.

(3) In order to carry out mineral assessments authorized under this or any other law, including but not limited to, the National Uranium Resource Evaluation program, the Secretary shall allow for access by

air for assessment activities permitted in this subsection to all public lands involved in such study, and shall consult with the Secretary of Energy and heads of other Federal agencies carrying out such programs, to determine such reasonable requirements as may be necessary to protect the resources of such area, including fish and wildlife. Such requirements may provide that access will not occur during nesting, calving, spawning, or such other times as fish and wildlife in the specific area may be especially vulnerable to such activities, the Secretary is authorized to enter into contracts with public or private entities to carry out all or any portion of the mineral assessment program.

(b) REGULATIONS.—Activities carried out in conservation system units under subsection (a) shall be subject to regulations promulgated by the Secretary. Such regulations shall ensure that such activities are carried out in an environmentally sound manner—

(1) which does not result in lasting environmental impacts which appreciably alter the natural character of the units or biological or ecological systems in the units; and

(2) which is compatible with the purposes for which such units are established.

(c) LIMITATION.—Nothing in this section shall be construed as permitting the drilling of oil and gas test wells or geophysical surveys conducted by seismic methods within areas designated as wilderness.

WILDERNESS ADMINISTRATION

SEC. 817. Except as otherwise expressly provided for in this Act, wilderness designated by this Act shall be administered in accordance with applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture for areas designated in section 402 shall, as applicable, be deemed to be a reference to the Secretary of the Interior.

AUTHORIZATION FOR APPROPRIATION

SEC. 818. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for fiscal years beginning after the fiscal year 1979. No authority to enter into contracts or to make payments or to expend previously appropriated funds under this Act shall be effective except to the extent or in such amounts as are provided in advance in appropriation Acts.

TITLE IX—IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT AND ALASKA STATEHOOD ACT

STOCK ALIENATION

SEC. 901. (a) Section 7(h)(3) of the Alaska Native Claims Settlement Act is amended to read as follows:

"(3)(A) On December 18, 1991, all stock previously issued shall be deemed to be canceled, and shares of stock of the appropriate class shall be issued to each stockholder share for share subject only to such restrictions as may be provided by the articles of incorporation of the corporation, or agreements between corporations and individual shareholders.

"(B) If adopted on or before December 18, 1991, restrictions provided by amendment to the articles of incorporation may include, in addition to any other legally permissible restrictions—

"(i) the denial of voting rights to any holder of stock who is not a Native, or a descendant of a Native, and

"(ii) the granting to the corporation, or to the corporation and a stockholder's immediate family, on reasonable terms, the first right to purchase a stockholder's stock (whether issued before or after the adoption of the restriction) prior to the sale or transfer of such stock (other than a transfer by inheritance) to any other party, including a transfer in satisfaction of a lien, writ of attachment, judgment execution, pledge, or other encumbrance.

"(C) Notwithstanding any provision of Alaska law to the contrary—

"(i) any amendment to the articles of incorporation of a regional corporation to provide for any of the restrictions specified in clause (i) or (ii) of subparagraph (B) shall be approved if such amendment receives the affirmative vote of the holders of a majority of the outstanding shares entitled to be voted of the corporation, and

"(ii) any amendment to the articles of incorporation of a Native Corporation which would grant voting rights to stockholders who were previously denied such voting rights shall be approved only if such amendment receives, in addition to any affirmative vote otherwise required, a like affirmative vote of the holders of shares entitled to be voted under the provisions of the articles of incorporation.".

(b) Section 8(c) of such Act is amended to read as follows:

"(c) The provisions concerning stock alienation, annual audit, and transfer of stock ownership on death or by court decree provided for regional corporations in section 7, including the provisions of section 7(h)(3), shall apply to Village Corporations; except that audits need not be transmitted to the Committee on Interior and Insular Affairs of the House of Representatives or to the Committee on Energy and Natural Resources of the Senate.".

(c) At the end of section 1696(h)(1) of title 43, United States Code, insert immediately before the period the words: "or by a stockholder who is a member of a professional organization, association, or board which limits the ability of that stockholder to practice his profession because of holding stock issued under this Act".

SELECTION REQUIREMENTS

SEC. 902. Subsection (a)(2) of section 12 of the Alaska Native Claims Settlement Act is amended by adding to the end of that subsection the following: "*Provided*, That the Secretary, in his discretion and upon the request of the concerned Village Corporation, may waive the whole section requirement where—

"(A)(i) a portion of available public lands of a section is separated from other available public lands in the same section by lands unavailable for selection or by a meanderable body of water;

"(ii) such waiver will not result in small isolated parcels of available public land remaining after conveyance of selected lands to Native Corporations; and

"(iii) such waiver would result in a better land ownership pattern or improved land or resource management opportunity; or

"(B) the remaining available public lands in the section have been selected and will be conveyed to another Native Corporation under this Act.".

RETAINED MINERAL ESTATE

SEC. 903. Section 12(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(c)), is amended by adding a new paragraph (4) to read as follows:

"(4) Where the public lands consist only of the mineral estate, or portion thereof, which is reserved by the United States upon patent of the balance of the estate under one of the public land laws, other than this Act, the Regional Corporations may select as follows:

"(A) Where such public lands were not withdrawn pursuant to subsection 11(a)(3), but are surrounded by or contiguous to lands withdrawn pursuant to said subsection and filed upon for selection by a Regional Corporation, the Corporation may, upon request, have such public land included in its selection and considered by the Secretary to be withdrawn and properly selected.

"(B) Where such public lands were withdrawn pursuant to subsection 11(a)(1) and are required to be selected by paragraph (3) of this subsection, the Regional Corporation may, at its option, exclude such public lands from its selection.

"(C) Where the Regional Corporation elects to obtain such public lands under subparagraph (A) or (B) of this paragraph, it may select, within ninety days of receipt of notice from the Secretary, the surface estate in an equal acreage from other public lands withdrawn by the Secretary for that purpose. Such selections shall be in units no smaller than a whole section, except where the remaining entitlement is less than six hundred and forty acres, or where an entire section is not available. Where possible, selections shall be of lands from which the subsurface estate was selected by that Regional Corporation pursuant to subsection 12(a)(1) or 14(h)(9) of this Act, and where possible, all selections made under this section shall be contiguous to lands already selected by a Regional Corporation or a Village Corporation. The Secretary is authorized, as necessary, to withdraw up to two times the acreage entitlement of the in lieu surface estate from vacant, unappropriated, and unreserved public lands from which the Regional Corporation may select such in lieu surface estate except that the Secretary may withdraw public lands which had been previously withdrawn pursuant to subsection 17(d)(1).

"(D) No mineral estate or in lieu surface estate shall be available for selection within the National Petroleum Reserve—Alaska (formerly Naval Petroleum Reserve Numbered 4) or within Wildlife Refuges as the boundaries of those refuges exist on the date of enactment of this Act.".

VESTING DATE FOR RECONVEYANCES

SEC. 904. (a) Section 14(c)(1) of the Alaska Native Claims Settlement Act is amended by inserting "as of December 18, 1971 (except that occupancy of tracts located in the Pribilof Islands shall be determined as of the date of initial conveyance of such tracts to the appropriate Village Corporation)" after "title to the surface estate in the tract occupied".

(b) Section 14(c)(2) of such Act is amended by inserting "as of December 18, 1971" after "title to the surface estate in any tract occupied".

(c) Section 14(c)(4) of such Act is amended to read:

"(4) the Village Corporation shall convey to the Federal Government, State, or to the appropriate Municipal Corporation, title to the surface estate for airport sites, airway beacons, and other navigation aids as such existed on December 18, 1971, together with such additional acreage and/or easements as are necessary to provide related governmental services and to insure safe approaches to airport runways as such airport sites, runways, and other facilities existed as of December 18, 1971.".

RECONVEYANCE TO MUNICIPAL CORPORATIONS

SEC. 905. Section 14(c)(3) of the Alaska Native Claims Settlement Act is amended by striking out the semicolon at the end and inserting in lieu thereof the following new language: "unless the Village Corporation and the Municipal Corporation or the State in trust can agree in writing on an amount which is less than one thousand two hundred and eighty acres: *Provided further*, That any net revenues derived from the sale of surface resources harvested or extracted from lands reconveyed pursuant to this subsection shall be paid to the Village Corporation by the Municipal Corporation or the State in trust: *Provided, however*, That the word 'sale', as used in the preceding sentence shall not include the utilization of surface resources for governmental purposes by the Municipal Corporation or the State in trust, nor shall it include the issuance of free use permits or other authorization for such purposes;".

CONVEYANCE OF PARTIAL ESTATES

SEC. 906. (a) Section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)), is amended by replacing the existing paragraph with the following paragraph to read as follows:

"(1) The Secretary may withdraw and convey to the appropriate Regional Corporation fee title to existing cemetery sites and historical places. Only title to the surface estate shall be conveyed for lands located in a Wildlife Refuge, when the cemetery or historical site is greater than six hundred and forty acres.".

(b) Sections 14(h)(2) and 14(h)(5) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613 (h)(2) and (h)(5), are amended by adding to the end of each section "unless the lands are located in a Wildlife Refuge".

(c) Section 14(h)(6) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(h)(6)), is modified by adding at the end thereof the following sentence: "Any minerals reserved by the United States pursuant to the Act of March 8, 1922 (42 Stat. 415), as amended, in a Native Allotment approved pursuant to section 18 of the Act during the period December 18, 1971, through December 18, 1975, shall be conveyed to the appropriate Regional Corporation, unless such lands are located in a Wildlife Refuge or in the Lake Clark areas as provided in section 12 of the Act of January 2, 1976 (Public Law 94-204), as amended.".

(d) Section 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)), is amended by adding at the end thereof the following new paragraphs:

"(9) Where the Regional Corporation is precluded from receiving the subsurface estate in lands selected and conveyed pursuant to paragraphs (1), (2), (3), or (5), or the retained mineral estate, if any, pursuant to paragraph (6), it may select the subsurface estate in an equal acreage from other lands withdrawn for such selection by the Secretary. Selections made under this paragraph shall be contiguous and in reasonably compact tracts except as separated by unavailable lands, and shall be in whole sections, except where the remaining entitlement is less than six hundred and forty acres. The Secretary is authorized to withdraw, up to two times the Corporation's entitlements, from vacant, unappropriated, and unreserved public lands, including lands solely withdrawn pursuant to section 17(d)(1), and the Regional Corporation shall select such entitlements of subsurface estate from such withdrawn lands within ninety days of receipt of notification from the Secretary.

"(10) Notwithstanding the provisions of subsection 22(h), the Secretary, upon determining that specific lands are available for withdrawal and possible conveyance under this subsection, may withdraw such lands for selection by and conveyance to an appropriate applicant and such withdrawal shall remain until revoked by the Secretary.

"(11) For purposes set forth in subsections (h) (1), (2), (3), (5), and (6), the term 'Wildlife Refuges' refers to Wildlife Refuges as the boundaries of those refuges exist on the date of enactment of this Act.".

(e) Any Regional Corporation which asserts a claim with the Secretray of the Interior to the subsurface estate of lands selectable under section 14(h) of the Alaska Native Claims Settlement Act which are in a Wildlife Refuge shall not be entitled to any in lieu surface or subsurface estate provided by subsection 12(c)(4) and 14(h)(9) of such Act. Any such claim must be asserted within one hundred and eighty days after the date of enactment of this Act. Failure to assert such claim within the one hundred and eighty-day period shall constitute a waiver of any right to such subsurface estate in a Wildlife Refuge as the boundaries of the refuge existed on the date of enactment of the Alaska Native Claims Settlement Act.

TAX MORATORIUM EXTENSION

SEC. 907. Subsection (d) of section 21 of the Alaska Native Claims Settlement Act, as amended (85 Stat. 688, 713; 43 U.S.C. 1601, 1620(d)), is amended to read:

"(d)(1) Real property interests conveyed, pursuant to this Act, to a Native individual, Native group, Village or Regional Corporation or corporation established pursuant to section 14(h)(3) which are not developed or leased to third parties shall be exempt from State and local real property taxes for a period of twenty years from the vesting of title or the date of issuance of an interim conveyance or patent, whichever is earlier, for those interests to such individual, group, or corporation: *Provided*, That municipal taxes, local real property taxes, or local assessments may be imposed upon any portion of such interest within the jurisdiction of any governmental unit under the laws of the State which is leased or developed for purposes other than exploration for so long as such portion is leased or being developed: *Provided further*, That easements, rights-of-way, leaseholds, and similar interests in such real property may be taxed in accordance with State or local law. All rents, royalties, profits, and other revenues or proceeds derived from such property interests shall be taxable to the same extent as such revenues or proceeds are taxable when received by a non-Native individual or corporation.

"(2) Any real property interest, not developed or leased to third parties, acquired by a Native individual, Native group, Village or Regional Corporation, or corporation established pursuant to section 14(h)(3) in exchange for real property interests which are exempt from taxation pursuant to paragraph (1) of this subsection shall be deemed to be a property interest conveyed pursuant to this Act and shall be exempt from taxation as if conveyed pursuant to this Act, when such an exchange is made with the Federal Government, the State government, a municipal government, or another Native Corporation, or, if neither party to the exchange receives a cash value greater than 25 per centum of the value of the land exchanged, a private party. In the event that a Native Corporation simultaneously exchanges two or more tracts of land having different periods of tax exemption pursuant to subsection (d), the periods of tax exemption for the exchanged lands received by such Native Corporation shall be determined (A) by calculating the percentage that the acreage of each tract given up bears to the total acreage given up, and (B) by applying such percentages and the related periods of tax exemption to the acreage received in exchange.".

FIRE PROTECTION

SEC. 908. Subsection (e) of section 21 of the Alaska Native Claims Settlement Act (43 U.S.C. 1620(e)), is amended by inserting the words "corporation organized under section 14(h)(3)," after "Native group," by replacing the comma following the citation "(64 Stat. 967, 1100)" with a period, and by making a revised sentence out of the remaining phrase by striking the words "and" and "also", replacing the comma after the word "lands" with the words "they shall", and replacing the word "forest" with "wildland".

SHAREHOLDER HOMESITES

SEC. 909. Section 21 of the Alaska Native Claims Settlement Act is amended by adding a new subsection at the end thereof, as follows:

"(j) A real property interest distributed prior to December 18, 1991, by a Village Corporation to a shareholder of such Corporation pursuant to a program to provide homesites to its shareholders, shall be deemed conveyed and received pursuant to this Act: *Provided*, That the land received is restricted by covenant for a period not less than ten years to single-family (including traditional extended family customs) residential occupancy, and by such other covenants and retained interests as the Village Corporation deems appropriate: *Provided further*, That the land conveyed does not exceed one and one-half acres: *Provided further*, That the shareholder receiving the homesite, if the shareholder subdivides the land received, shall pay all Federal, State, and local taxes which would have been incurred but for this subsection, together with simple interest at 6 per centum per annum calculated from the date of receipt of the land, to be paid to the appropriate taxing authority.".

UNDERSELECTIONS

SEC. 910. Section 22(j) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621 (j)), is amended, by identifying the existing paragraph as paragraph (1) and adding a paragraph (2) to read as follows:

"(2) Where lands selected and conveyed, or to be conveyed, to a Village Corporation are insufficient to fulfill the Corporation's entitlement under subsection 12(b), 14(a), 16(b), or 16(d), the Secretary is authorized to withdraw twice the amount of unfulfilled entitlement and provide the Village Corporation ninety days from receipt of notice from the Secretary to select from the lands withdrawn the land it desires to fulfill its entitlement. In making the withdrawal, the Secretary shall first withdraw public lands that were formerly withdrawn for selection by the concerned Village Corporation by or pursuant to subsection 11(a)(1), 11(a)(3), 16(a), or 16(d). Should such lands no longer be available, the Secretary may withdraw public lands that are vacant, unreserved, and unappropriated, except that the Secretary may withdraw public lands which had been previously withdrawn pursuant to subsection 17(d)(1). Any subsequent selection by the Village Corporation shall be in the manner provided in this Act for such original selections.".

ALASKA TOWNSITES

SEC. 911. (a) The townsite trustee shall convey all lands which—

(1) are within a patented townsite or which are the subject of an application for such patent under the Acts of March 3, 1891 (43 U.S.C. 732) or May 25, 1926 (43 U.S.C. 733-736), and

(2) were unoccupied on October 21, 1976,

to the home rule or first- or second-class city, if any, incorporated under the laws of the State of Alaska for the community in which the townsite was originally entered. Any remaining unobligated trust funds shall also be transferred to the city.

(b) Where a community has not incorporated a city under the laws of the State of Alaska, or a city does not wish to receive conveyance of the unoccupied lands in the townsite pursuant to subsection (a) of this section, the townsite trustee shall convey all unoccupied lands in the townsite for which he still retains title, without charge, to the State of Alaska for the community in which the townsite was originally entered, to be administered in the same manner as provided by Alaska law for administration of lands conveyed to the State of Alaska pursuant to section 14(c)(3) of the Settlement Act. Any remaining unobligated trust funds shall also be transferred by the trustee to the State. If, subsequent to conveyance of the unoccupied lands in the townsite to the State of Alaska, the community in which the townsite was originally entered incorporates a city under the laws of the State of Alaska, the State will convey to the city all unoccupied lands in the townsite for which it still retains title, without charge, together with any unobligated trust funds. This procedure will also apply in the event a city previously declining conveyance of unoccupied lands in the townsite indicates to the State its desire to receive conveyance.

(c) The Secretary shall proceed to process any pending townsite entry which has been filed by the townsite trustee and issue patent, if appropriate, to the townsite trustee. After the issuance of patent to the townsite trustee, the provisions of this section shall apply. In order to protect valid existing rights, the townsite trustee shall administer and discharge his trust on all tracts lawfully occupied on October 21, 1976, in accordance with the rules and regulations which governed such administration prior to the repeal of the Townsite Act.

ALASKA NATIVE ALLOTMENTS

SEC. 912. (a) APPROVAL OF APPLICATIONS.—(1) Subject to valid existing rights, all Alaska Native allotment applications made pursuant to the Act of May 17, 1906 (34 Stat. 197, as amended), which were pending before the Department of the Interior on or before December 18, 1971, and which describes land that was unreserved on December 13, 1968, are hereby approved on the one hundred and eightieth day following the effective date of this Act, except where provided otherwise by paragraph (3), (4), (5), or (6) of this subsection, or where the land description of the allotment must be adjusted pursuant to subsection (b) of this section, in which cases approval pursuant to the terms of this subsection shall be effective at the time the adjustment becomes final. The Secretary shall cause allotments approved pursuant to this section to be surveyed and shall issue trust certificates therefor.

(2) All applications approved pursuant to this section shall be subject to the provisions of the Act of March 8, 1922 (42 Stat. 415; 43 U.S.C. 270–11).

(3) When on or before the one hundred and eightieth day following the effective date of the Act the Secretary determines by notice or decision that the land described in an allotment application may be valuable for minerals, excluding oil, gas, or coal, the allotment application shall be adjudicated pursuant to the provision of the Act of May 17, 1906, as amended, requiring that land allotted under said Act be nonmineral: *Provided*, That "nonmineral", as that term is used in such Act, with regard to land in Alaska, is defined to include land valuable for deposits of sand or gravel.

(4) Where an allotment application describes—

(A) land which (i) is within the boundary of a National Park System unit established, designated, or redesignated on or before the date of enactment of this Act, and (ii) was not withdrawn pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act; or

(B) land patented or deeded to the State; or

(C) land which on or before December 18, 1971, was validly selected by or tentatively approved or confirmed to the State under the Alaska Statehood Act, and was not withdrawn pursuant to section 11(a)(1)(A) of the Alaska Native Claims Settlement Act from those lands made available for selection by section 11(a)(2) of such Act by any Native Village Corporation certified as eligible pursuant to section 11(b) of such Act,

paragraph (1) of this subsection and subsection (d) of this section shall not apply, and the Native allotment application shall be adjudicated pursuant to the Act of May 17, 1906, the Alaska Native Claims Settlement Act, and other applicable law.

(5) Paragraph (1) of this subsection and subsection (d) shall not apply and the Native allotment application shall be adjudicated pursuant to the requirements of the Act of May 17, 1906, as amended, if on or before the one hundred and eightieth day following the effective date of this Act:

(A) a Native Corporation files a protest with the Secretary stating that the applicant is not entitled to the land described in the allotment application, and said land is withdrawn for selection by the corporation pursuant to the Alaska Native Claims Settlement Act; or

(B) the State of Alaska files a protest with the Secretary stating that the land described in the allotment application is necessary for access to lands owned by the United States, the State of Alaska, or a political subdivision of the State of Alaska, to resources located thereon, or to a public body of water regularly employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternative for access exists; or

(C) a person or entity files a protest with the Secretary stating that the applicant is not entitled to the land described in the allotment application and that said land is the situs of improvement, valid mineral interest, or other legal interest in such land claimed by the person or entity.

(6) Paragraph (1) of this subsection and subsection (d) shall not apply to any application pending before the Department of the Interior on December 18, 1971, which was knowingly and voluntarily relinquished by the applicant thereafter.

(b) CONFLICTS.—(1) Where a conflict between two or more allotment applications exists due to overlapping land descriptions, the Secretary shall adjust the descriptions to eliminate conflicts, and in so doing, consistent with other existing rights, if any, may expand or alter the applied-for allotment boundaries or increase or decrease acreage in one or more of the allotment applications to achieve an adjustment which, to the extent practicable, is consistent with prior use of the allotted land and is beneficial to the affected parties: *Provided*, That the Secretary shall, to the extent feasible, implement an adjustment proposed by the affected parties.

(2) The Secretary's decision concerning adjustment of conflicting land descriptions shall be final and unreviewable in all cases in which the reduction, if any, of the affected allottee's claim is less than 30 per centum of the acreage contained in the parcel originally described and the adjustment does not exclude from the allotment improvements claimed by the allottee. Where an allotment application describes more than one hundred and sixty acres, the Secretary shall at any time prior to or during survey reduce the acreage to one hundred and sixty acres and shall attempt to accomplish said reduction in the manner least detrimental to the applicant.

(c) AMENDMENTS.—(1) An allotment applicant may amend the land description contained in his or her application if said description designates land other than that which the applicant intended to claim at the time of application and if the description as amended describes the land originally intended to be claimed. If the allotment application is amended, this section shall operate to approve the application or to require its adjudication, as the case may be, with reference to the amended land description only.

(2) The Secretary shall notify the State of Alaska and all interested parties, as shown by the records of the Department of the Interior, of the intended correction of the allotment's location and any such party shall have until the one hundred and eightieth day following the effective date of this Act or sixty days following mailing of the notice, whichever is later, to file with the Department of the Interior a protest as provided in subsection (a)(5) of this section, which protest, if timely, shall be deemed filed within one hundred and eighty days of the effective date of this Act notwithstanding the actual date of filing.

(3) The Secretary may require that all allotment applications designating land in a specified area be amended, if at all, prior to a date certain, which date shall be calculated to allow for orderly adoption of a plan of survey for the specified area, and the Secretary shall mail notification of the final date for amendment to each affected allotment applicant, and shall provide such other notice as the Secretary deems appropriate, at least sixty days prior to said date. No allotment application may be amended for location following adoption of a final plan of survey which includes the location of the allotment as described in the application or its location as desired by amendment.

(d) POWERSITE WITHDRAWALS.—(1) Where the land described in an allotment application pending before the Department of the Interior on or before December 18, 1971 (or such an application as adjusted or amended pursuant to subsection (b) or (c) of this section), was on that date withdrawn, reserved, or classified for powersite or power-project purposes, notwithstanding such withdrawal, reservation, or classification, the described land shall be deemed vacant, unappropriated, and unreserved within the meaning of the Act of May 17, 1906, as amended, and, as such, shall be subject to adjudication or approval pursuant to the terms of this section. If such described land is included as part of a project which on the date of the enactment of this Act was licensed or for which on such date an application for a license had been filed under part I of the Federal Power Act of June 10, 1920 (41 Stat. 24), as amended, or on such date was utilized for purposes of generating or transmitting electrical power or for any other project authorized by Act of Congress, paragraph (1) of this subsection shall not apply and the allotment application shall be adjudicated pursuant to the Act of May 17, 1906, as amended.

(2) If the allotment applicant commenced use of the land after its withdrawal or classification for powersite purposes, the allotment shall be made subject to the right of reentry provided the United States by section 24 of the Federal Power Act, as amended.

(3) Any right of reentry reserved in a certificate of allotment pursuant to this section shall expire twenty years after the date of issuance of such certificate if at that time the allotted land is not subject to a license or an application for license under part I of the Federal Power Act, as amended, or actually utilized or being developed for a purpose authorized by that Act, as amended, or other Act of Congress.

(e) VALID EXISTING RIGHTS.—Prior to issuing a certificate for an allotment subject to this section, the Secretary shall identify and adjudicate any record entry or application for title made under an Act other than the Alaska Native Claims Settlement Act, the Alaska Statehood Act, or the Act of May 17, 1906, as amended, which entry or application claims land also described in the allotment application, and shall determine whether such entry or application represents a valid existing right to which the allotment application is subject. Nothing in this section shall be construed to affect rights, if any, acquired by actual use of the described land prior to its withdrawal or classification or as affecting national forest lands.

FISCAL YEAR ADJUSTMENT

SEC. 913. (a) Moneys appropriated for deposit in the Alaska Native Fund for the fiscal year following enactment of this Act, shall, for the purposes of section 5 of Public Law 94–204 only, be deposited into the Alaska Native Fund on the first day of the fiscal year for which the moneys are appropriated, and shall be distributed at the end of the first quarter of the fiscal year in accordance with section 6(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1605(c)) notwithstanding any other provision of law.

(b) For the fiscal year in which this Act is enacted, the money appropriated shall be deposited within ten days after the date of such enactment, unless it has already been deposited in accordance with existing law, and shall be distributed no later than the end of the quarter following the quarter in which the money is deposited: *Provided*, That if the money is already deposited at the time of enactment of this Act, it must be distributed at the end of the quarter in which this Act is enacted.

(c) Notwithstanding section 38 of the Fiscal Year Adjustment Act or any other provisions of law, interest earned from the investment of appropriations made pursuant to the Act of July 31, 1976 (Public Law 94–373; 90 Stat. 1051), and deposited in the Alaska Native Fund on or after October 1, 1976, shall be deposited in the Alaska Native Fund within thirty days after enactment of this Act and shall be distributed as required by section 6(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1605(c)).

SUPPLEMENTAL GRANTS FOR NATIVE GROUPS

SEC. 914. The Secretary shall pay by grant to each of the Native Group Corporations established pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act and finally certified as a Native Group, an amount not more than $100,000 or less than $50,000 adjusted according to population of each Group. Funds authorized under this section may be used only for planning, development, and other purposes for which the Native Group Corporations are organized under the Settlement Act.

STATUTE OF LIMITATIONS

SEC. 915(a) Except for administrative determinations of navigability for purposes of determining ownership of submerged lands under the Submerged Lands Act, a decision of the Secretary under this title or the Alaska Native Claims Settlement Act shall not be subject to judicial review unless such action is initiated before a court of competent jurisdiction within two years after the day the Secretary's decision becomes final or the date of enactment of this Act, whichever is later: *Provided*, That the party seeking such review shall first exhaust any administrative appeal rights.

(b) Decisions made by a Village Corporation to reconvey land under section 14(c) of the Alaska Native Claims Settlement Act shall not be subject to judicial review unless such action is initiated before a court of competent jurisdiction within one year after the date of the filing of the map of boundaries as provided for by law or applicable regulations.

(c) Except as specifically provided in this Act, the provisions of the Settlement Act are fully applicable to this Act, and nothing in this Act shall be construed to alter or amend any of such provisions.

CONVEYANCES TO VILLAGE CORPORATIONS

SEC. 916. (a) "CORE" TOWNSHIPS, ETC.—(1)(A) Except to the extent that conveyance of a surface estate would be inconsistent with section 12(a), 14(a), 14(b), or 22(l) of the Alaska Native Claims Settlement Act, subject to valid existing rights and section 918 of this Act, there is hereby conveyed to and vested in each Village Corporation for a Native Village which is determined by the Secretary to be eligible for land under sections 11 or 16 of the Alaska Native Claims Settlement Act, and which did not elect to acquire a former reserve under section 19(b) of such Act, all of the right, title and interest of the United States in and to the surface estate in the public lands, as defined in such Act, in the township or townships withdrawn pursuant to section 11(a)(1) or 16(a) of such Act in which all or any part of such village is located. As used in this paragraph the term "Native village" has the same meaning such term has in section 3(c) of the Alaska Native Claims Settlement Act.

(B) Where two or more Village Corporations are entitled to the same land by virtue of the same township or townships embracing all or part of the Native villages, the conveyance made by paragraph (A) shall not be effective as to such lands until an arbitration decision or other binding agreement between or among the Corporations is filed with and published by the Secretary. Within thirty days of receipt of such decision or agreement, the Secretary shall publish notice of the decision or agreement in the Federal Register. Effective with such publication, title to the lands conveyed by subparagraph (A) shall vest in each Village Corporation as specified in the decision or agreement.

(2) Except to the extent that conveyance of a surface estate would be inconsistent with section 12(a), 14(a), or 22(l) of the Alaska Native Claims Settlement Act, subject to valid existing rights and section 903(a) of this Act, there is hereby conveyed to and vested in each Village Corporation for a Native village which is determined by the Secretary to be eligible for land under section 11 of such Act, and which did not elect to acquire a former Reserve under section 19(b) of such Act, all of the right, title, and interest of the United States in and to the surface estate in the township or townships withdrawn pursuant to section 11(a)(2) of such Act in which all or any part of such village is located: *Provided*, That any such land reserved to or selected by the State of Alaska under the Acts of March 4, 1915 (38 Stat. 1214), as amended, January 21,1929 (45 Stat. 1091), as amended, or July 28, 1956 (70 Stat. 709), and lands selected by the State which have been tentatively approved to the State under section 6(g) of the Alaska Statehood Act and as to which the State, prior to December 18, 1971, had conditionally granted title to, or contracts to purchase, the surface estate to third parties, including cities and boroughs within the State, and such reservations, selections, grants and contracts had not expired or been relinquished or revoked by the date of this Act, shall not be conveyed by operation of this paragraph: *And provided further*, That the provisions of subparagraph (1)(B) of this subsection shall apply to the conveyances under this paragraph.

(3) Subject to valid existing rights and section 903(a) of this Act, there is hereby conveyed to and vested in each Village Corporation which, by the date of enactment of this Act, is determined by the Secretary to be eligible under the Alaska Native Claims Settlement Act to, and has elected to, acquire title to any estate pursuant to section 19(b) of the Alaska Native Claims Settlement Act, all of the right, title, and interest of the United States in and to the estates in a reserve, as such reserve existed on December 18, 1971, which was set aside for the use or benefit of the stockholders or members of such Corporation before the date of enactment of the Alaska Native Claims Settlement Act. Nothing in this paragraph shall apply to the Village Corporation for the Native Village of Klukwan, which Corporation shall receive those rights granted to it by the Act of January 2, 1976 (Public Law 94–204), as amended by the Act of October 4, 1976 (Public Law 94–456).

(4) Subject to valid existing rights and section 903(a) of this Act, and except where such lands are within a National Wildlife Refuge or the National Petroleum Reserve—Alaska, for which the Regional Corporation obtains in-lieu rights pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act, there is hereby conveyed to and vested in each Regional Corporation which, as a result of a conveyance of a surface estate by operation of paragraphs (1) and (2) of this subsection, is entitled under section 14(f) of the Alaska Native Claims Settlement Act to receive the subsurface estate corresponding to such surface estate all of the right, title, and interest of the United States in and to such subsurface estate.

(b) DOCUMENTS.—As soon as possible after the date of enactment of this Act, the Secretary shall issue to each Native Corporation referred to in subsection (a) interim conveyances or patents to the estate or estates conveyed to such Corporation by such subsection, but title shall be deemed to have passed on the date of enactment of this Act, or on the date of eligibility determination if subsequent thereto, notwithstanding any delay in the issuance of the interim conveyances or patents.

(c) RECONVEYANCES; DISPUTES.—A Village Corporation's obligation to reconvey lands under section 14(c) of the Alaska Native Claims Settlement Act shall arise only upon receipt of an interim conveyance or patent, whichever is earlier, under subsection (b) of this section or under such Act. For purposes of the Alaska Native Claims Settlement Act, legislative conveyances made by, or interim conveyances and patents issued pursuant to, this title shall have the same effect as if issued pursuant to sections 14(a), 14(b), 14(f), and 19(b) of the Alaska Native Claims Settlement Act and shall be deemed to have been so issued. Disputes between or among Native Corporations arising from conveyances under this Act shall be resolved by a board of arbitrators of a type described in section 12(e) of the Alaska Native Claims Settlement Act pertaining to disputes over land selection rights and the boundaries of Village Corporations.

(d) EXISTING RIGHTS.—All conveyances made by operation of this section shall be subject to the terms and conditions of the Alaska Native Claims Settlement Act as if such conveyances or patents had been made or issued pursuant to that Act.

(e) EASEMENTS.—For a period of one year from the date of enactment of this Act, the Secretary may identify and issue a decision to reserve in the patent those easements, pursuant to section 17(b)(3) of the Alaska Native Claims Settlement Act, which are described in section 17(b)(1) of such Act on lands conveyed by this section, but the Secretary shall not reserve a greater number of easements or more land for a particular easement or easements than is reasonably necessary and he shall be guided by the principles of section 917 of this Act. Upon the finality of the decision so issued, such easements shall be reserved in the conveyance document or documents issued by the Secretary as required by this section.

LIMITATIONS; FUTURE AUTHORITY

SEC. 917. (a) LIMITATIONS CONCERNING EASEMENTS.—With respect to lands conveyed to Native Corporations the Secretary shall reserve only those easements which are described in section 17(b)(1) of the Alaska Native Claims Settlement Act and shall be guided by the following principles:

(1) all easements should be designed so as to minimize their impact on Native lifestyles, and on subsistence uses; and

(2) each easement should be specifically located and described and should include only such areas as are necessary for the purpose or purposes for which the easement is reserved.

(b) ACQUISITION OF FUTURE EASEMENTS.—Whenever, after a conveyance has been made by this Act or under the Alaska Native Claims Settlement Act, the Secretary determines that an easement not reserved at the time of conveyance is required for any purpose specified in section 17(b)(1) of the Alaska Native Claims Settlement Act, he is authorized to acquire such easement by purchase or otherwise. The acquisition of such an easement shall be deemed a public purpose for which the Secretary may exercise his exchange authority pursuant to section 22(f) of the Alaska Native Claims Settlement Act.

SUBMERGED LANDS

SEC. 918. (a) RIPARIAN CONVEYANCES.—(1) Whenever the United States conveys to any Native Corporation, pursuant to the Alaska Native Claims Settlement Act or this Act, land or an interest in land which abuts or surrounds either—

(A) a lake having a surface area of one hundred and sixty acres or more; or

(B) a meanderable stream,

of which the Secretary has administratively determined to be nonnavigable, the United States shall thereupon convey and relinquish all claims to such right, title, and interest as it may then have to the submerged land under such body of water to the median line or midpoint, as the case may be. For purposes of this section, the applicable rules for determining meanderability, median lines, midpoints, and partition lines shall be those contained in the United States Department of the Interior, Bureau of Land Management, Manual of Surveying Instructions, 1973.

(2) The submerged lands under lakes having a surface area of one hundred and sixty acres or more and the submerged lands under meanderable streams conveyed pursuant to this subsection will not be charged toward the acreage entitlement of any Native Corporation. Conveyance of an interest in the surface estate to any Village Corporation within the National Wildlife Refuge System or the National Petroleum Reserve—Alaska pursuant to this subsection shall not increase the number of acres of subsurface interest that may be selected by a Regional Corporation pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act. This subsection shall not be construed to change the requirements of section 12(a) of such Act that selections be made in whole sections, except that any portion of the submerged lands under a stream or lake accruing to an abutting owner other than the Native Corporation receiving a conveyance under the authority of this subsection shall be deemed land unavailable for selection by such Native Corporation.

(b) LIMITATION.—The provisions of subsection (a) shall not apply to any submerged lands within any area withdrawn or reserved on January 3, 1959, or which for any reason, other than an administrative determination of non-navigability by the Secretary, did not vest in the State of Alaska pursuant to the Submerged Lands Act (43 U.S.C. 1301 et seq.) or section 6(m) of the Alaska Statehood Act (72 Stat. 339). Any interest in submerged lands conveyed to any Native Corporation within any area to which the foregoing sentence applies shall be charged against the entitlement of such Native Corporation.

(c) RELATION TO UNITS.—(1) Whenever any land or interest in land to be conveyed to any Native Corporation underlies any body of water, and such submerged land or interest in submerged land is within the boundaries of any conservation system unit, the Native Corporation and the Secretary may mutually agree that such submerged land or interest in submerged land is to be retained in Federal ownership, and the Native Corporation shall thereupon receive uplands or an interest in uplands to the line of mean high water and shall receive the remainder of its entitlement pursuant to subsection (e) of this section.

(2) Whenever any land or interest in land to be conveyed to any Native Corporation underlies any body of water and such submerged land or interest in submerged land is outside any conservation system unit, the Native Corporation and the State of Alaska may mutually agree that such submerged land or interest in submerged land may be selected by and conveyed to the State under the provisions of section 6(b) of the Alaska Statehood Act, and the Native Corporation shall thereupon receive uplands or an interest in uplands to the line of mean high water and shall receive the remainder of its entitlement pursuant to subsection (e) of this section: *Provided*, That should the body of water overlying the submerged land or interest in submerged land to be selected by and conveyed to the State later be determined with finality by a court of competent jurisdiction to be navigable and to have vested in the State pursuant to section 6(m) of the Alaska Statehood Act, then State land selections previously filed upon such lands shall not diminish the State's land entitlement under section 6(b) of said Act, nor shall any such determination of navigability affect any Native Corporation's entitlement pursuant to the Alaska Native Claims Settlement Act. Land selections made pursuant to this paragraph shall not be subject to the size limitations of section 6(g) of the Alaska Statehood Act, as amended. Nothing in this section shall be deemed to extend the period for land selections made by the State pursuant to section 6(b) of the Alaska Statehood Act or this Act.

(d) PRIOR CONVEYANCES.—(1) Any Native Corporation which, prior to the date of election under subsection (f) and this section, has received an interim conveyance or patent to lands abutting or surrounding a body of water, which interim conveyance or patent describes the land conveyed or computes the quantity of land conveyed in a manner inconsistent with subsection (a) and such body of water is not subject to the provisions of subsection (b), shall be entitled, upon application to the Secretary, to have the land redescribed and the acreage recomputed in accordance with subsection (a), whereupon the Secretary shall issue to each Native Corporation a reformed interim conveyance, patent, or other recordable document conforming to the provisions of this section, subject to valid existing rights.

(2) In any instance in which the Secretary could have retained title to submerged land or an interest in submerged land under section (c)(1) of this section, or in which the State could have selected submerged land or an interest in submerged land under subsection (c)(2) of this section, the Secretary is authorized to receive reconveyance of such submerged land or an interest in submerged land from any Native Corporation owning submerged land or an interest in such submerged land: *Provided*, That if the surface estate and the subsurface estate of such submerged lands are owned by different Native Corporations, both corporations must reconvey the entire interest in such submerged lands to the Secretary: *Provided further*, That as to such reconveyed submerged lands or interests in submerged lands which would become available for State selection because such submerged lands or interests in submerged lands are outside the boundaries of any conservation system unit, that the State shall have filed a land selection application pursuant to section 6(b) of the Alaska Statehood Act and subsection (c)(2) of this Act. Upon acceptance by the Secretary of any reconveyance of submerged lands or interests in submerged lands which are outside the boundaries of any conservation system unit, such submerged lands or interests in submerged lands shall be deemed public lands.

(e) LANDS AVAILABLE.—(1) Any Native Corporation entitled to land or an interest in land pursuant to the provisions of this section shall receive title to such land or interest in land from among valid existing selections made by such corporation under the Alaska Native Claims Settlement Act or this Act. If such selections are insufficient to fulfill a Native Corporations's entitlement under this section, then the provisions of section 910 of this Act, shall apply to any Native Corporation so affected, but no land within the boundaries of any conservation system unit shall be withdrawn which was not withdrawn before the date of the enactment of this Act under section 11(a) of the Alaska Native Claims Settlement Act.

(2) All lands conveyed to any Native Corporation pursuant to this subsection shall be subject to the provisions of sections 12, 14, and 16 of the Alaska Native Claims settlement Act. Any selection made pursuant to this subsection shall not be subject to section 902 of this Act.

(f) OPTION.—If a Native Corporation elects to receive conveyances pursuant to the provisions of this section, it shall so notify the Secretary within one year after the date of this Act. Such election shall be final and irrevocable, and shall apply to all conveyances to that Native Corporation made pursuant to the Alaska Native Claims Settlement Act and this Act. Any election by the Native Corporation owning the surface estate shall be binding on the Native Corporation owning the subsurface estate. The Native Corporations within the Arctic Slope Region, however, shall have until thirty days after a final judicial decision and expiration of any appeal period regarding the effect of Public Land Order 82 within which to elect under this section.

(g) CONFLICTS.—If two or more Native Corporations are entitled to submerged land underlying the same body of water and not all such Native Corporations have made an election to receive conveyances under the provisions of this section, any conflict in land conveyances shall be resolved by voluntary written agreements between the parties or by binding arbitration as provided for in section 12(b) of the Alaska Native Claims Settlement Act.

(h) ADMINISTRATIVE PROVISIONS.—Submerged lands or interests in submerged lands which are within the bondaries of any conservation system unit and which are retained by or reconveyed to the Secretary pursuant to the provisions of this section shall become a part of such conservation system unit. Nothing in this section shall be construed to enlarge or diminish the Secretary's authority to make administrative determinations regarding the navigability of waters. Nothing in this section shall be construed to enlarge or diminish the rights of the United States, the State of Alaska, or any Native Corporation relating to the ownership, control, appropriation, use, and distribution of ground or surface waters.

(i) ENTITLEMENTS.—Nothing in this section shall be construed as enlarging or diminishing the land entitlement of any Native Corporation under any section of the Alaska Native Claims Settlement Act.

NANA AND COOK INLET REGIONAL CORPORATIONS LANDS

SEC. 919. (a) The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h)(8) of the Alaska Native Claims Settlement Act and this section:

Kateel River Meridian

Township 32 north, range 18 west, sections 3 through 10, 13 through 36, except those lands within the Kelley River drainage;

Township 32 north, range 17 west, sections 29 through 32, except those lands within the Kelley River drainage;

Township 31 north, range 18 west;

Township 31 north, range 17 west, sections

5 through 8, except those lands within the Kelley River drainage, 17 through 20, 29 through 32;

Township 30 north, range 19 west, sections 1 through 18;

Township 30 north, range 18 west, sections 1 through 9;

Township 30 north, range 17 west, section 6.

(b)(1) On or prior to one hundred eighty days from the date of enactment of this Act, NANA Regional Corporation, Incorporated, may select, pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act, from the lands withdrawn pursuant to subsection (a). In addition, on or prior to such date, Cook Inlet Region, Incorporated, if it receives the written consent of NANA Regional Corporation, Incorporated, and of the State of Alaska, may select from such lands, such selections to be credited against the Secretary's obligation under paragraph I(C)(1) of the document entitled, "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as Clarified August 31, 1976", and any such selections conveyed shall be conveyed in partial satisfaction of the entitlement of Cook Inlet Region, Incorporated, under section 12 of Public Law 94-204, as amended.

(2) The lands selected by NANA Regional Corporation, Incorporated, or Cook Inlet Region, Incorporated, unless otherwise provided in a waiver of this paragraph (b)(2) by the Secretary, shall consist of tracts which—

(A) contain not less than eight sections or 5,120 acres, whichever is less; and

(B) have boundaries which follow section lines, except where such boundary is the border of a meanderable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary (1) to follow section lines where township lines are offset along standard parallels caused by the convergence of meridians, (2) to conform to section lines where a section is less than standard size, or (3) to avoid crossing the boundary lines of conservation system units created by this Act, or of lands which are unavailable for selection).

(c) The Secretary shall convey the surface and subsurface estate of the acreage selected pursuant to subsection (b). Conveyances pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of either NANA Regional Corporation, Incorporated, or Cook Inlet Region, Incorporated under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) and not selected by either NANA Regional Corporation, Incorporated or Cook Inlet Region, Incorporated, the right to select land public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17(d)(1) of the Alaska Native Claims Settlement Act.

(f) Nothing in this section shall be construed as granting or denying to any Regional Corporation, including NANA Regional Corporation, Incorporated, or Cook Inlet Region, Incorporated, the right to select land pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act outside the areas withdrawn by sections 11 and 16 of such Act.

DOYON REGIONAL CORPORATION LANDS

SEC. 920. LAND EXCHANGE.—(a)(1) The Secretary is authorized, on the terms and conditions provided in this section and in section 922, to accept from Doyon, Limited, a Regional Corporation organized pursuant to the Alaska Native Claims Settlement Act, a relinquishment of all selections filed by that corporation under sections 12(c) and 14(h)(8) of such Act which—

(A) lie within the watershed of the Charley River, were withdrawn for selection by Doyon pursuant to section 11(a)(3) of such Act and lie with the following townships:

Fairbanks Meridian

Township 2 north, range 23, 24, 25, and 26 east,

Township 3 north, range 23, 24, 25, and 26 east,

Township 4 north, range 24, 25, and 26 east,

Township 2 south, range 20 east;

(B) lie in the following townships outside, but adjacent to, the Charley River watershed:

Fairbanks Meridian

Township 2 north, range 23 east,

Township 2 north, range 24 east, sections 19 through 21, 28 through 33, inclusive;

(C) lie within the following townships inside the Kanuti National Wildlife Refuge:

Fairbanks Meridian

Township 15 north, range 20 west sections 4 through 9, 16 through 18, inclusive,

Township 17 north, range 23 west; and

(D) lie within the following townships along the Yukon River:

Kateel River Meridian

Township 19 south, range 3 west. That portion lying west of the mean high water line of the Yukon River:

Township 20 south, range 3 west. All except the Yukon River and Bullfrog Island.

Township 21 south, range 3 west. That portion of sections 7, 8, and 9 lying south of Honeymoon Slough, and sections 16, 17, and 18.

Township 21 south, range 3 west. Sections 12 and 13 above the mean high water line of the Yukon River, and sections 2, 3, 10, 11, 14, 15, 19 through 23, and 27 through 34 all lying west of the mean high water line of the Yukon River.

(2) Doyon, Limited, shall have ninety days after the date of enactment of this Act to effect the relinquishment of all the land selections described in subsection (a) hereof, and shall not be entitled to any of the benefits of subsections (b), (c), and (d) hereof or of section 922 of this Act if the relinquishment of all such selections does not occur during that period.

(3) Following the relinquishment by Doyon, Limited, of all the land selections described in subsection (a) hereof, the Secretary shall determine the acreage so relinquished by such measuring techniques, including aerial photography but not ground surveys, upon which he and Doyon may agree.

(b)(1) In exchange for the lands relinquished pursuant to subsection (a) hereof, the Secretary shall convey to Doyon, Limited, pursuant to the provisions of the Alaska Native Claims Settlement Act, subject to valid existing rights and on the terms and conditions hereinafter set forth, such lands as Doyon may select, within one year after the Secretary's acreage determination pursuant to subsection (a)(3) hereof, on an acre-for-acre basis up to the total acreage so relinquished, from the following described lands:

Fairbanks Meridian

Township 35 north, range 7 west, sections 19 through 36.

Township 34 north, range 7 west, sections 1 through 21, and 28 through 33.

Township 29 north, range 13 west, sections 1 through 3, and 9 through 15.

Township 20 north, range 10 west, within the study area delineated in section 1422.

Township 20 north, range 11 west, within the study area delinated in section 1422.

Township 20 north, range 12 west, within the study area delineated in section 1422 and all remaining lands in the township which are outside of the Hodzana River watershed.

Township 21 north, range 10 west, within the study area delineated in section 1422.

Township 21 north, range 11 west, within the study area delineated in section 922 and all the remaining lands which lie in the southern two-thirds of that township which is outside of the Hodzana River watershed.

Township 21 north, range 12 west, within the study area delineated in section 922 and all remaining lands in the township which are outside of the Hodzana River watershed.

Township 1 north, range 25 east, sections 13, 14, 15, 21 through 28, and 33 through 36: *Provided*, That Doyon may not receive a land conveyance within any of the following watersheds:

(1) Arctic Creek, a tributary of Flume Creek;

(2) Diamond Fork of the Seventy-mile River;

(3) Copper Creek, a tributary of the Charley River.

Township 3 south, range 30 east, sections 1, 2, 3, 10 through 14, 23, 24, and 25: *Provided*, That Doyon may not receive a land conveyance within the watershed of Copper Creek, a tributary of the Charley River.

Township 3 south, range 30 east, sections 20 through 29 and 32 through 36.

Township 4 south, range 28 east, sections 10 through 15, 22 through 28, 33 and 36: *Provided*, That Doyon may not receive a land conveyance any closer than one mile to the mean high water line of the North Fork of the Fortymile River, nor any closer than one-half mile to Champion Creek.

Township 4 south, range 29 east, sections 18 through 22, and 25 through 36: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 4 south, range 30 east, sections 1, 2, 11, 12, 13, 24, 25, and 28 through 36: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 4 south, range 31 east, sections 6, 7, 8, 17 through 20, and 29 through 32: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 5 south, range 30 east, sections 1 through 6, 11, and 12: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 5 south, range 31 east, sections 4 through 9: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 5 south, range 25 east, sections 12, 13, and 24: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of the Middle Fork of the Fortymile River.

Township 5 south, range 26 east, sections 7, 8, and 17 through 20: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of the Middle Fork of the Fortymile River.

Township 6 south, range 18 east, sections 4 through 9 and 16 through 18.

Township 7 south, range 17 east, sections 12, 13, 24, 25, 26, and 36.

Township 7 south, range 18 east, sections 7, 8, 17 through 20, and 29 through 32.

Township 8 south, range 18 east, sections 1 through 4, 9 through 16, 21 through 28, and 33 through 36.

Township 6 south, range 28 east, sections 31 through 33: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Hutchison Creek.

Township 7 south, range 28 east, sections 4 through 9, 14 through 23, and 26 through 35.

Township 8 south, range 28 east, sections 2 through 11, and 14 through 18.

Township 7 south, range 21 east, sections 11 through 14, 23 through 26, 35, and 36.

Township 7 south, range 22 east, sections 2 through 11.

Copper River Meridian

Township 27 north, range 6 east, sections 1, 2, 11, and 12.

Township 27 north, range 7 east, sections 1 through 12.

Township 28 north, range 7 east, sections 21 through 36.

Township 28 north, range 6 east, sections 35 and 36.

(2) Unless a waiver of any such requirement is obtained from the Secretary, the lands selected by Doyon pursuant to subsection (b)(1) shall consist of tract which: (a) contain not less than eight sections or five thousand one hundred and twenty acres, whichever is smaller, except for the last tract required to complete Doyon's land entitlement; and (b) have boundaries which follow section lines, except where such boundary is the border of a navigable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary to follow section lines where township lines are offset along standards parallels caused by the convergence of meridians, to conform to section lines where a section is less than standard size, or to avoid crossing the boundary lines of conservation system units or of lands which are unavailable for selection). Selections under subsection (b)(1), subsection (c), and section 922 shall not be subject to or charged against the maximum acreage limitations set forth is paragraph 3B(2)(a) and (b) of the Stipulation and Agreement entered into by Doyon and the Secretary in Doyon, Limited against Morton, civil action numbered 1586–73, in the United States District Court for the District of Columbia.

(3) The lands selected by Doyon, Limited, and conveyed by the Secretary pursuant to subsection (a) hereof shall be treated as if such lands had been withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act and had been selected by Donyon pursuant to section 12(c) of that Act.

(4) Beginning on the date of enactment of this Act, the lands described in subsection (b)(1) hereof shall be withdrawn from all forms of appropriation under the public land laws as if such lands had been withdrawn pursuant to section 11(a) of the Alaska Native Claims Settlement Act. The Secretary is authorized to terminate such withdrawal with respect to lands not selected by Doyon, Limited, either one year after the Secretary's acreage determination pursuant to subsection (a)(3) hereof or, with respect to the lands subject to such release, upon the giving of notice by Doyon to the Secretary that the corporation is releasing its selection rights under this paragraph to all or part of the withdrawn lands, whichever first occurs. Such withdrawal shall not prevent reasonable surface studies or mineral exploration, including core drilling, by Doyon or its assign on the lands withdrawn, subject to such rules and regulations as the Secretary may prescribe: *Provided*, That the issuance of regulations under this subpargraph, or any permits thereunder, shall not be subject to any requirement for preparation of submission of an environmental impact statement contained in the National Environmental Policy Act of 1969.

(C)(1) During the withdrawal period specified in subsection (b)(4) hereof, the lands so withdrawn shall also be available for selection by Doyon, Limited, subject to the requirements of subsection (b)(2), in whole or partial satisfaction of its land entitlement under section 14(h)(8) of the Alaska Native Claims Settlement Act, and the period of withdrawal shall be extended with respect to any lands so selected until the date of conveyance pursuant to section 14(e) of such Act. The Secretary shall issue a decision to convey title to the lands selected by Doyon pursuant to this subparagraph, subject to valid existing rights, within one hundred and eighty days after each selection.

(2) At any time after enactment of this Act, but no later than six months after termination of the withdrawal provided in subsection (b)(4) hereof, any or all of the land entitlement of Doyon, Limited, under section 14(h)(8) of the Alaska Native Claims Settlement Act may be satisfied by Doyon's identification of the appropriate acreage within lands withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act, which were selected by Doyon on or before December 18, 1975, under section 12(c) of such Act, and have not been relinquished. Upon identification by Doyon, Limited, under this paragraph, such acreage shall no longer be deemed a section 12(c) selection, shall be charged against Doyon's section 14(h)(8) land entitlement and shall be conveyed by the Secretary to Doyon in accordance with the provisions of the Alaska Native Claims Settlement Act.

(3) In the event Doyon, Limited, effects a relinquishment under subsection (a) hereof, and the provisions of this paragraph thus become operative, the corporation shall not thereafter make selections under section 14 (h)(8) of the Alaska Native Claims Settlement Act on lands which were (a) withdrawn pursuant to section 11(a), but not selected under section 12(c) of such Act and (b) lie within a conservation system unit created or expanded pursuant to this Act: *Provided*, That all Doyon's other selection rights under section 14(h)(8) of the Alaska Native Claims Settlement Act shall not be affected.

HODZANA RIVER AND CIRCLE AREAS

SEC. 921. (a)(1) Subject to the provisions of subsection 920 (b) and (c) of this Act, the following described lands, during the period of withdrawal specified in subsection 920(b) (4), shall be set aside and managed as a study area by the United States Fish and Wildlife Service in cooperation with Doyon, Limited:

Beginning at elevation point 2970 which lies within the northeast one quarter of section 10, township 21 north, range 9 west Fairbanks meridian;

thence westerly following the crest of the ridgeline of which elevation point 2970 is a part through sections 10, 9, 8, 7, and 6 of township 21 north, range 9 west Fairbanks meridian to the true point of beginning which is the intersection of the crest of the ridgeline of which elevation point 2970 is a part with the township line which separates section 6, township 21 north, range 9 west Fairbanks meridian and section 1, township 21 north, range 10 west Fairbanks meridian;

thence from the true point of beginning; westerly following the crest of the ridgeline of which elevation point 2970 is a part through sections 1, 2, 3, 4, 9, 8, 5, 7, and 6 of township 21 north, range 10 west Fairbanks meridian, and through sections 1, 2, and 3 of township 21 north, range 11 west Fairbanks meridian to the intersection of the crest of the aforementioned ridgeline with the crest of the ridgeline which is the watershed boundary between the Hodzana River and west flowing tributaries of the South Fork of the Koyukuk River;

thence southerly and westerly along the crest of this watershed boundary through sections 3, 10, 15, 16, 17, 20, 21, 29, 32, and 31 of township 21 north, range 11 west Fairbanks meridian, section 36 of township 21 north, range 12 west Fairbanks meridian, sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 36, 34, and 35 of township 20 north, range 12 west Fairbanks meridian, and to the northeast one quarter of section 3, township 19 north, range 12 west Fairbanks meridian where the crest of the watershed of the Hodzana River turns in an easterly direction and becomes, first the divide between the watersheds of the Hodzana and Kanuti Rivers and then the divide between the Hodzana and Dall Rivers;

thence easterly along the crest of this watershed to the peak of Dall Mountain which lies within the southeast one quarter of section 1, township 19 north, range 11 west Fairbanks meridian;

thence northeasterly along the crest of Dall Mountain to the intersection of the crest of Dall Mountain with the line between township 20 north, range 9 west Fairbanks meridian and township 20 north, range 10 west Fairbanks meridian which intersection lies approximately on elevation point 3491, the highest point of Dall Mountain on the eastern line of section 36 township 20 north, range 10 west Fairbanks meridian;

thence north along the township line between townships 20 and 21 north, ranges 9 and 10 west Fairbanks meridian to the true point of beginning at the intersection of the crest of the heretofore described west trending ridgeline and this township line, which point lies between section 6 township 21 north, range 9 west Fairbanks meridian and section 1 township 21 north, range 10 west Fairbanks meridian.

This description is based upon United States Geological Survey Quadrangle Beaver, Alaska, 1956 with minor revisions 1972, on which land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management folios F–2, F–3, F–6, and F–7 Fairbanks meridian, and United States Geological Survey Quadrangle Bettles, Alaska 1956 with minor revisions 1973, on which land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management folios F–3, F–4, F–5, and F–6. The use of these quadrangles and the protracted land lines thereon is for purposes of convenience in describing the lands within the Hodzana River Study Area. The actual area is to be within the above described basin, and should any discrepancy appear upon the ground determination of the location of the watershed boundary, the watershed boundary shall control, not the land lines protracted upon the aforementioned United States Geological Survey Quadrangles.

(2) During the study period herein provided, Doyon, Limited, may, under such reasonable rules and regulations as the Secretary finds necessary to protect the water quality and quantity of the Hodzana River, conduct such investigations within the study area, including core drilling, which will not materially disturb the land surface, as are required to determine the extent of mineralization therein. During the study period, the Fish and Wildlife Service is authorized to undertake such studies of the Hodzana River and its environs as are required to determine the measures to undertake and the regulations necessary to protect and maintain the water quality and quantity of the Hodzana River should lands in its watershed be selected by Doyon, Limited, and the minerals therein be developed. Upon agreement with Doyon, Limited, the Secretary is authorized to extend the study period up to an additional two years; if so, the duration of the withdrawal from appropriation for the lands described in subsection (1) hereof and the time during which Doyon, Limited, may select such lands or identify such lands for conveyance shall be extended for a like period.

(3) The right of Doyon, Limited, to land conveyances within the study area shall be

limited to twenty-three thousand forty acres. Any selections or land identifications by the corporation within the study area also shall be subject to the provisons of subsections 921 (b) (2) of this Act, unless the results of the study indicate, and Doyon and the Secretary agree, that some or all of such requirements should be waived. Any lands within the study area which adjoin the Yukon Flats National Wildlife Refuge and which are not selected by Doyon, Limited, shall be added to that conservation system unit and administered accordingly.

(4) In the event Doyon receives conveyance in the study area, the corporation shall have those rights of access to the lands involved as are reasonably necessary for the economic operation of such mineral developments. Upon final termination of mining activity, Doyon shall restore any access roads and shall conduct such reasonable reclamation of the mining area as may be agreed upon by Doyon and the Secretary.

(5) The National Environmental Policy Act of 1969 shall not be construed, in whole or in part as requiring the preparation or submission of an environmental impact statement before the issuance of regulations under this paragraph, or any permit relating to mineral development, the conduct of any investigation in the study area, the conveyance of subsurface interests therein to Doyon or the grant of any easement or right-of-way to the lands involved. The Secretary, however, is authorized to promulgate such regulations as may reasonably be necessary to protect the water quality and quantity, and to prevent substantial adverse environmental degradation, of the Hodzana River. Any such regulations shall be coordinated with, and shall not be more stringent than, the applicable requirements under the Federal Water Pollution Control Act.

(b) In furtherance of the State's entitlement to lands under section 6(b) of the Alaska Statehood Act and regardless of whether such lands lie within the boundaries of a national park system unit established, designated, redesignated, or expanded by this Act, the United States shall convey to the State of Alaska all right, title and interest of the United States in:

(1) the following lands located south of Circle on the Yukon River:

Fairbanks Meridian

Township 8 north, range 18 east, section 1;

Township 8 north, range 19 east, That portion of sections 1 through 18, inclusive, lying south and west of the mean high water line of the Yukon River;

Township 8 north, range 20 east, That portion of sections 7 and 8 lying west of the mean high water line of the Yukon River;

Township 9, north range 17 east;

Township 9 north, range 18 east, That portion lying south and west of the mean high water line of the Yukon River;

Township 9 north, range 19 east, That portion lying south and west of the mean high water line of the Yukon River;

(2) Upon relinquishment by Doyon, Limited, of all land selections pursuant to section 920(a) of this Act, the lands described in subparagraphs 920(a) (1) (D).

DOYON AND FORTYMILE RIVER

SEC. 922. (a) Subject to the provisions of subsections (b) and (c) of this section, Doyon, Limited, shall have the right within one year after the date of enactment of this Act to identify some or all of the following described lands, previously selected by such corporation, in partial satisfaction of its entitlement under section 12(c) of the Alaska Native Claims Settlement Act:

(i) Lands withdrawn pursuant to section 17(d) (1) and formerly withdrawn pursuant to section 17(d) (2), of the Alaska Native Claims Settlement Act:

Fairbanks Meridian

Township 1 south, range 27 east, sections 24, 25, 34, 35, 36;

Township 1 south, range 28 east, sections 19. 20. 21. 28 through 32;

Township 2 south, range 27 east, sections 1 through 4, 8 through 12, 14 through 17, 19 through 22, 27 through 33;

Township 3 south, range 24 east, sections 19 through 25, 27 through 34;

Township 3 south, range 25 east, sections 2 through 5, 7 through 10, 15 through 22, 27 through 34;

Township 3 south, range 26 east, sections 13, 22 through 28, 31 through 36;

Township 3 south, range 27 east, sections 4 through 8, 17, 18;

Township 3 south, range 28 east, sections 1 through 5, 9 through 11, 14 through 16, 21 through 23, 26, 27;

Township 3 south, range 29 east, sections 11 through 15, 20 through 24, 26 through 34;

Township 4 south, range 25 east, sections 1 through 5, 8 through 17;

Township 4 south, range 26 east, sections 2 through 10, 17, 18;

Township 4 south, range 28 east, sections 1, 2;

Township 4 south, range 29 east, sections 1 through 18;

Township 5 south, range 25 east, sections 1, 4 through 10, 12 through 17, 20 through 24, 28, 29;

Township 5 south, range 26 east sections 4 through 8, 17 through 19;

Township 6 south, range 23 east, section 34;

Township 6 south, range 25 east, sections 22, 27, 28, 31 through 35;

Township 7 south, range 22 east, sections 23 through 26, 35, 36;

Township 7 south, range 23 east, sections 3 through 9, 17 through 19, 30, 31;

Township 7 south, range 24 east, sections 1, 2, 10 through 16, 21 through 24, 26 through 29, 31 through 34;

Township 7 south, range 25 east, sections 6 through 21, 28 through 33;

Township 8 south, range 21 east, sections 13, 23 through 27, 33 through 36;

Township 8 south, range 22 east, sections 1 through 4, 8 through 23, 28 through 33;

Copper River Meridian

Township 19 north, range 16 east, sections 3 through 9, 17 through 20;

Township 20 north, range 14 east, sections 1 through 18, 20 through 22;

Township 20 north, range 15 east, sections 2 through 11, 13 through 17, 21 through 28, 32 through 36;

Township 20 north, range 16 east, sections 13, 14, 21 through 29, 31 through 36;

Township 21 north, range 21 east, sections 2 through 10. 17 through 20. 30:

Township 21 north, range 13 east, sections 6 through 9, 15 through 22, 25 through 3[illegible];

Township 21 north, range 15 east, sections 30, 31, 32;

Township 22 north, range 12 east. sections 4 through 11, 13 through 28, 32 through 36;

Township 22 north, range 13 east, sections 18 through 21, 26 through 36;

Township 24 north, range 11 east, sections 22 through 27, 34 through 36;

Township 24 north, range 12 east, sections 3 through 33;

Township 24 north, range 13 east, sections 2 through 4, 7 through 11, 14 through 23, 30;

Township 25 north, range 11 east, sections 4 through 10, 14 through 18, 20 through 28, 34 through 36;

Township 25 north, range 12 east, sections 31, 32, 33;

Township 25 north, range 13. east, sections 1 through 3, 9 through 16, 21 through 23, 26 through 28, 32 through 35;

Township 26 north, range 13 east, sections 1 through 3, 12;

Township 26 north, range 14 east, sections 6 through 10, 14 through 18, 20 through 23, 26, 27, 31 through 36;

Township 27 north, range 9 east, sections 1 through 3, 9 through 12, 14 through 16, 19 through 23, 26 through 29, 32 through 34;

Township 27 north, range 10 east, sections 2 through 4, 9 through 11, 14 through 16, 22 through 27, 34 through 36;

Township 27 north, range 13 east, sections 3 through 10, 14 through 17, 21 through 28, 34 through 36;

Township 27 north, range 14 east, sections 30, 31, 32;

Township 28, north, range 9 east, sections 35, 36;

Township 28 north, range 10 east, sections 2 through 6;

(ii) Lands withdrawn pursuant to section 17(d) (2) of the Alaska Native Claims Settlement Act some or all of which may not be included within the boundaries of the Fortymile Wild, Scenic and/or Recreational River.

Fairbanks Meridian

Township 3 south, range 27 east, sections 19 through 36;

Township 3 south, range 28 east, sections 28 through 34;

Township 4 south, range 28 east, sections 3 through 6, 8 through 17, 19 through 33, 36;

Township 4 south, range 29 east, sections 19 through 22, 25 through 36;

Township 4 south, range 30 east, sections 1, 2, 11 through 13, 24, 25, 28 through 36;

Township 4 south, range 31 east, sections 6 through 8, 17 through 20, 29 through 32;

Township 5 south, range 25 east, sections 25 through 27, 33 through 36;

Township 5 south, range 26 east, sections 13 through 15, 20 through 35;

Township 5 south, range 27 east, sections 7 through 24, 29, 30;

Township 5 south, range 28 east, sections 2 through 5, 7 through 10, 15 through 23, 25 through 30, 33 through 36;

Township 5 south, range 29 east, sections 29 through 32;

Township 5 south, range 30 east, sections 1 through 6, 11, 12;

Township 5 south, range 31 east, sections 4 through 9;

Township 5 south, range 32 east, sections 24 through 27, 34 through 36;

Township 5 south, range 33 east, sections 2 through 4, 8 through 11, 14 through 22, 28 through 32;

Township 6 south, range 23 east, sections 2, 3, 10 through 15, 22 through 27, 35, 36;

Township 6 south, range 24 east, sections 13, 14, 17 through 36;

Township 6 south, range 25 east, sections 2 through 5, 7 through 11, 15 through 21, 29, 30.

(b) Doyon, Limited, shall have a right to identify only those lands described in subsection (a) hereof which are not included within a conservation unit pursuant to this Act, and each selection so identified shall be subject to the provisions of subsection 920 (b) (2) of this Act. The Secretary shall convey title to the land promptly after its identification by Doyon, Limited, subject to valid existing rights.

(c) The provisions of this section shall take effect only upon the execution and filing of a stipulation by Doyon Limited, consenting to the dismissal, with prejudice, of Doyon, Limited, against Andrus, Civil Action No. 78–1148 in the United States district court for the District of Columbia, within sixty days after the effective date of this Act.

AHTNA REGIONAL CORPORATION LANDS

SEC. 923. The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h) (8) of the Alaska Native Claims Settlement Act and this section:

Fairbanks Meridian

Township 20 south, range 5 west, sections 7 through 9. 11 through 14, 16 through 21, 23 through 26, 28 through 33, 35, 36;

Township 20 south, range 6 west, sections 1 through 36;

Township 20 south, range 7 west, sections 1 through 5, 8 through 14, 23 through 36;

Township 20 south, range 8 west, sections 1 through 28, 33 through 36;

Township 20 south, range 9 west, sections 22 through 27, 34 through 36.

(b) (1) On or prior to one hundred eighty days from the date of enactment of this Act, Ahtna, Incorporated, may select, pursuant to section 14(h) (8) of the Alaska Native Claims Settlement Act, from the lands withdrawn pursuant to subsection (a).

(2) The lands selected by Ahtna, Incorporated, unless otherwise provided in a waiver of this paragraph (b) (2) by the Secretary, shall consist of tracts which—

(A) contain not less than eight sections or one thousand two hundred eighty acres, whichever is less; and

(B) have boundaries which follow section lines, except where such boundary is the border of a navigable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary (1) to follow section lines where township lines are offset along standard parallels caused by the convergence of meridians, (2) to conform to section lines where a section is less than standard size, or (3) to avoid crossing the boundary lines of conservation system units created by this Act, or of lands which are unavailable for selection).

(c) The Secretary shall convey the surface and subsurface estate of the acreage selected pursuant to subsection (b). Conveyances pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of Ahtna, Incorporated, under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) and not selected by and conveyed to Ahtna, Incorporated, shall return to the public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17(d) (1) of the Alaska Native Claims Settlement Act.

BERING STRAITS REGIONAL CORPORATION LANDS

SEC. 924. (a) The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h) (8) of the Alaska Native Claims Settlement Act and this section:

Kateel River Meridian

Tract one—Township 6 north, range 36 west, sections 2, 3, 4, 9, 10, 11, 14, 15, 16;

Tract two—Township 1 north, range 40 west, sections 19, 20, 21, 28–33;

Tract three—Township 3 south, range 21 west, sections 23, 26, 35;

Township 4 south, range 21 west, sections 1, 2, 3;

Tract four—Township 7 south, range 35 west, sections 11, 14, 23, 26, 34, 35, 36;

Township 8 south, range 35 west, sections 1, 2, 3;

Tract five—Township 8 south, range 33 west, sections 19, 20, 21, 27–34;

Tract six—Township 10 south, range 9 west, section 31;

Township 10 south, range 10 west, sections 35, 36;

Township 11 south, range 9 west, sections 6, 7;

Township 11 south, range 10 west, sections 1, 2, 11, 12;

Tract seven—Township 16 south, range 13 west, sections 5, 6, 7, 8;

Tract eight—Fairway Rock located within Teller Quadrangle 65 degrees 35 minutes north, 165 degrees 45 minutes west.

Tract nine—Punuk Islands located within Saint Lawrence Quadrangle 63 degrees 5 minutes north, 168 degrees 50 minutes west.

(b) (1) On or prior to one hundred and eighty days from the date of enactment of this Act, Bering Straits Native Corporation may select, pursuant to section 14(h) (8) of the Alaska Native Claims Settlement Act, from the lands withdrawn pursuant to subsection (a) of this section.

(2) The lands selected by Bering Straits Native Corporation unless otherwise provided in a waiver of this paragraph (b) (2) by the Secretary shall consist of tracts which—

(A) are not less than the lesser of (1) the entire area within any single tract withdrawn pursuant to subsection (a), or (2) eight sections, or (3) five thousand one hundred and twenty acres; and

(B) have boundaries which follow section lines, except where such boundary is the border of a navigable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary (1) to follow section lines where township lines are offset along standard parallels caused by the convergence of meridians, (2) to conform to section lines where a section is less than standard size or (3) to avoid crossing the boundary lines of conservation system units created by this Act, or of lands which are unavailable for selection).

(c) The Secretary shall convey the surface and subsurface estate of the acreage selected pursuant to subsection (b) of this section. Conveyance pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of Bering Straits Native Corporation under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) of this section and not selected by and conveyed to Bering Straits Native Corporation shall return to the public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17(d) (1) of the Alaska Native Claims Settlement Act and the provisions of section 906(k) of this Act.

(f) Any selection pursuant to section 14 (h) (8) of the Alaska Native Claims Settlement Act of any land withdrawn by subsection (a) of this section shall preempt any prior selection by Bering Straits Native Corporation under any other authority of the same lands. Failure to select any particular lands withdrawn by subsection (a) of this section under section 14(h) (8) of the Alaska Native Claims Settlement Act will not affect any prior valid selection under section 14(h) (1) of the Alaska Native Claims Settlement Act but such prior selection shall be adjudicated and conveyed, if valid, pursuant to the Alaska Native Claims Settlement Act and any applicable regulations.

EKLUTNA VILLAGE CORPORATION LANDS

SEC. 925. EKLUTNA-STATE AGREEMENTS AND NEGOTIATIONS.—(a) The purpose of this section is to provide for the settlement of certain claims and litigation, and in so doing to consolidate ownership among the United States, the State of Alaska, the Municipality of Anchorage, Eklutna, Incorporated, and Cook Inlet Region, Incorporated, thereby facilitating land management, a fair implementation of the Alaska Native Settlement Act, the protection of State public park lands and resources, and appropriate development patterns in and about Anchorage, Alaska.

(b) The Secretary shall make conveyances and accept relinquishments of selections in accordance with the specific terms, conditions, covenants, reservations, and other restrictions set forth in any agreement respecting the lands described in subparagraph (1) below, executed by the State of Alaska, by the Municipality of Anchorage, and by Eklutna, Incorporated, and hereafter submitted to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs and filed with the Secretary, the execution and implementation of which agreements are hereby authorized as to those duties and obligations of the United States, the State of Alaska, the Municipality of Anchorage, and Eklutna, Incorporated, which arise under Federal law: *Provided, however*, That any conveyance under such agreement of lands to Eklutna, Incorporated, shall be only of the surface estate, with a subsequent conveyance to Cook Inlet Region, Incorporated, of the subsurface estate except as otherwise provided in subsection (h). In aid thereof:

(1) The following lands located within the townships described in sections 11(a) (1) and (2) of the Alaska Native Claims Settlement Act with respect to the Native Village of Eklutna are withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and including Public Law 94–204, except section 12 thereof, and from selection under the Alaska Statehood Act, or any statutes authorizing selections by the State of Alaska, all as heretofore amended:

(A) lands withdrawn or reserved for national defense purposes; and

(B) lands determined by the Secretary under section 3(e) (1) of the Alaska Native Claims Settlement Act not to be public lands for purposes of the Alaska Native Claims Settlement Act.

This withdrawal and the agreement shall not affect the administrative jurisdiction of the Department of Defense or any other holding agency over the lands withdrawn, but all forms of disposition other than in accordance with this section and the agreement are prohibited: *Provided*, That the foregoing to the contrary notwithstanding, prior to July 15, 1979, lands may be placed in the pool contemplated by part I.C.(2) of the document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as clarified 8–31–76", but only to the extent authorized on the effective date of this Act by that document under section 12 of Public Law 94–204 as amended heretofore and in accordance with the procedures and with the consents and approvals required by laws, regulations and Executive orders in effect immediately prior to the effective date of this Act; if the lands placed in that pool are not thereafter selected in accordance with part I.C. (2) of that document any agreement pursuant to this section shall govern: *Provided further*, That neither the revocation of certain withdrawals of lands made by subsection (b) effective upon the filing of the agreement, nor the expiration of the withdrawal made by subsection (b) in the event no agreement is reached, shall be deemed an action causing those lands affected thereby to be subject to disposition under such section 12 of Public Law 94–204. The withdrawal made by this subsection (b) will expire March 15, 1980, if an executed agreement described in this section is not filed by the parties thereto on or before that date with the Secretary in the Alaska State Office of the Bureau of Land Management; but if an agreement is so executed, rights under the agreement vest as of the effective date of this Act, and this withdrawal shall become permanent, except as otherwise provided in the agreement. The agreement shall not impose upon the United States obligations or outlays of funds, except as reasonable in the ordinary course of business, or impose any procedural requirements or require the reassignment of personnel; and any of its provisions to the extent to the contrary shall be void as against the Secretary.

(2) Upon termination or revocation of any national defense withdrawal or reservation or of any other withdrawal in effect December 19, 1971, respecting lands described in subsection (b)(1), or upon declaration of their excess status in whole or in part, whichever first occurs, but not before, and from time to time, the lands excessed or as to which the withdrawal is terminated or revoked shall be conveyed to Eklutna, Incorporated, as to the surface estate and Cook Inlet Region, Incorporated as to the subsurface estate, or to the State of Alaska (for reconveyance by the State of Alaska in whole or in part to the Municipality of Anchorage), as may be provided in the agreement described in this subsection; *Provided, however*, That such conveyance shall not be made of lands in the pool established under part I.C.(2) of the document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as clarified 8-31-76" under section 12 of Public Law 94-204 as amendment heretofore, unless and until removed from that pool in accordance with such part I.C.(2). This section and the agreement shall preempt the procedures of the Federal Property Act (40 U.S.C. 471, et seq., and of 41 C.F.R. 101-47.000 et seq.), (other than as to fixtures and personality) and the preference right for State selection of section 6(g) of the Alaska Statehood Act. The conveyances to Eklutna, Incorporated, of lands withdrawn by this subsection called for by the agreement shall not be subject to section 1613(c) of title 43, United States Code. This section shall revoke PLO 5187 as it pertains to any lands withdrawn by this subsection and any power project withdrawals other than Power Project 350 as to such lands, effective upon the date of filing of the agreement. Lands conveyed to the State of Alaska, the surface estate of lands conveyed to Eklutna, Incorporated, and the subsurface estate conveyed to Cook Inlet Region, Incorporated, pursuant to this section and the agreement, shall be charged against their respective entitlements under sections 12 and 14 of the Alaska Native Claims Settlement Act and be considered conveyed and received pursuant to such Act, and section 6 of the Alaska Statehood Act or section 906(c) of this Act.

(c) If an agreement to the following effect executed by the State of Alaska and Eklutna, Incorporated, is hereafter filed with the Secretary in the Alaska State Office of the Bureau of Land Management on or before April 2, 1980, the public lands as defined in the Settlement Act, located within township 17 north, range 3 east, Seward Meridian, Alaska, shall be deemed to have been withdrawn pursuant to section 11(a) of the Alaska Native Claims Settlement Act as of December 18, 1971, and, selection heretofore made by Eklutna, Incorporated, with respect to lands therein shall be processed by the Secretary as though said selections had been made within a township heretofore validly withdrawn pursuant to section 11(a) of such Act. If no such agreement is filed, this subsection shall not be held to affect the validity or invalidity of such selections. Whether or not any agreement is filed, this subsection shall not be held to affect the validity or invalidity of any third party interest heretofore created by the State of Alaska.

(d) Notwithstanding other provisions of this Act, the State and Eklutna, Incorporated, are each authorized to relinquish, in whole or in part, pursuant to either or both of the agreements contemplated by subsections (b) and (c) of this section; any one or more land selections affecting lands to be conveyed under the agreement to the other whether or not such selections have been previously approved or tentatively approved. The lands affected by the State selections so relinquished shall be deemed public lands as of December 18, 1971, as that term is defined in the Alaska Native Claims Settlement Act.

(e) Eklutna, Incorporated, and the Secretary shall stipulate to dismiss cause number A-78-24 Civil in the United States District Court for the District of Alaska, when the Secretary tenders to Eklutna, Incorporated, a conveyance of all lands in township 17 north, range 3 east, Seward Meridian, which are to be conveyed to Eklutna, Incorporated, under the agreement referred to in subsection (c).

(f) Eklutna, Incorporated, and the Secretary shall stipulate to dismiss cause number A-78-192 Civil in the United States District Court for the District of Alaska except as to the lands affected thereby which under the agreement referred to in subsection (b) are to remain in litigation in that cause, if any, when the Secretary tenders to Eklutna, Incorporated, a conveyance of all those lands which under the agreement the State agrees are to be conveyed to Eklutna, Incorporated, from among those selected at one time by the State under the authority of the Mental Health Enabling Act of 1956 (70 Stat. 709).

(g) The Secretary shall convey to Eklutna, Incorporated, as required by section 14 of the Alaska Native Claims Settlement Act, an acreage amount of its selections including also selections which after its relinquishments pursuant to the agreement appear necessary under this Act, equal to its entitlement under sections 14 and 12(b) of the Settlement Act, without regard to the acreage or interests which may ultimately be conveyed to Eklutna, Incorporated, under the agreement from within lands withdrawn by subsection (b). The agreement shall, however, require Eklutna, Incorporated, to subject to the land bank provisions of section 1102 of this Act one or more compact tracts of lands of at least equal acreage to that ultimately conveyed to Eklutna, Incorporated, under the agreement from those withdrawn by subsection (b) of this section. The agreement shall require Eklutna, Incorporated, to reconvey to the State lands from those subject to the land bank provisions, in an amount provided by the agreement, upon the occasion of each receipt of lands by Eklutna, Incorporated, from among those withdrawn by subsection (b) of this section. Lands received by the State in such a reconveyance from Eklutna, Incorporated, shall be charged, to the extent of the acreage received by Eklutna, Incorporated, in the relevant conveyance to it, against the State's entitlement under section 6 of the Alaska Statehood Act. If thereby the State receives more than its entitlements under the Act elected, it shall reconvey to the United States a compact tract of unencumbered State lands of equal acreage contiguous to lands belonging to the United States. Eklutna, Incorporated, shall also be subject to the Land Bank provisions of section 1102 of this Act, once an agreement under subsection (c) exists and thereafter from time to time, one or more compact tracts which equals the acreage amount by which Eklutna, Incorporated's entitlement would be over satisfied considering the acreage already conveyed to Eklutna, Incorporated; to the extent such a risk of over entitlement abates the lands may be withdrawn from the Land Bank in the manner provided in section 1102 of this Act.

(h) In the event that Eklutna, Incorporated, receives a conveyance from the United States of the surface estate in lands withdrawn by subsection (b) of this section pursuant to the agreement authorized in that subsection, and if a reconveyance is thereby occasioned from Eklutna, Incorporated, to the State of the surface estate in land subject to the land bank provisions of this Act, a conveyance of the subsurface estate in the lands conveyed to Eklutna, Incorporated, shall be withheld until the Secretary ascertains to whom the subsurface estate is to be conveyed under this subsection. The entity owning the subsurface estate in those reconveyed lands shall retain that interest, unless it is in the agreement or separately consents to convey the same to the State. In the event such entity so consents to convey the subsurface to the State, the Secretary shall convey the subsurface estate in the lands conveyed to Eklutna, Incorporated, to that entity; if such entity does not so consent, the subsurface estate in the lands conveyed to Eklutna, Incorporated, shall be conveyed to the State.

EKLUTNA-STATE-ANCHORAGE AGREEMENT

SEC. 926. (a) PURPOSE.—The purpose of this section is to provide for the settlement of certain claims and litigation, and in so doing to implement section 14 of the Alaska Native Claims Settlement Act under the unique circumstances of the Native Village of Eklutna, with respect to the municipality of Anchorage.

(b) REFERENCE DOCUMENT.—The terms, conditions, procedures, covenants, reservations, and other restrictions set forth in the document entitled "Agreement of Compromise and Settlement" submitted to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs, executed by Eklutna, Incorporated, and the municipality of Anchorage, acting by its mayor, and to be executed by the State of Alaska, acting by the commissioner of the department of community and regional affairs, are hereby ratified as to the rights, duties, and obligations of the State of Alaska, the municipality of Anchorage, and Eklutna, Incorporated, which arise among them under section 14(c) (2) and (3) of the Alaska Native Claims Settlement Act, and Eklutna, Incorporated, is discharged accordingly from the requirements of section 14(c)(3) of such Act as to all lands heretofore selected by it.

(c) CONDITION.—If, for any reason, the foregoing agreement is not ratified by the Anchorage Assembly, and executed by the State of Alaska on or before January 2, 1980, this section shall be of no force and effect.

KONIAG VILLAGE AND REGIONAL CORPORATION LANDS

SEC. 927. (a) DEFINITIONS.—As used in this section, the term—

(1) "Afognak Island" means Afognak Island, and Bear, Teck, Hogg, and Murphy Islands, above the line of mean high tide within the exterior boundaries of the Chugach National Forest.

(2) "Deficiency village acreage on the Alaska Peninsula" means the aggregate number of acres of public land to which "Koniag deficiency village corporations" are entitled, under section 14(a) of the Alaska Native Claims Settlement Act, to a conveyance of the surface estate on account of deficiencies in available lands on Kodiak Island, and to which Koniag, Incorporated, is entitled under section 14(f) of that Act to conveyance of the subsurface estate.

(3) "12(b) acreage on the Alaska Peninsula" means the aggregate number of acres of public lands to which "Koniag 12(b) Village Corporations" are entitled, under section 14(a) of the Alaska Native Claims Settlement Act by reason of section 12(b) of that Act, to conveyance of the surface estate and to which Koniag, Incorporated, under section 14(f) of that Act, is entitled to conveyance of the subsurface estate, less the aggregate acreage of 12(b) lands on Kodiak Island as to which Koniag 12(b) Village Corporations will receive conveyances, the latter being estimated to be approximately fifteen thousand acres.

(4) "Koniag Deficiency Village Corporation" means any or all of the following:

Afognak Native Corporation,
Nu-Nachk-Pit, Incorporated,
Ouzinkie Native Corporation,
Leisnoi, Incorporated.

(5) "Koniag 12(b) Village Corporation" means the village corporations listed in subparagraph (4) above, if within sixty days of the effective date of this Act Koniag, Incorporated, by a resolution duly adopted by its Board of Directors, designates them as such as a class, and all of the following: Natives of Akhiok, Incorporated, Old Harbor Native Corporation, Kaguyak, Incorporated, Karluk Native Corporation, and each of the corporations listed in subsection (e)(2) of this section which files a release as provided for in subsection (e)(1) of this section.

(6) "Koniag region" means the geographic area of Koniag, Incorporated, under the Alaska Native Claims Settlement Act.

(7) "Koniag village" means a Native village under the Alaska Native Claims Settlement Act which is within the Koniag region.

(8) "Koniag Village Corporation" means a corporation formed under section 8 of the Alaska Native Claims Settlement Act to represent the Natives of a Koniag village and any village corporation listed in subsection (e)(2) of this section which has filed a release as provided in subsection (e)(1) of this section.

(9) "Koniag 14(h)(8) lands on the Alaska Peninsula" means the aggregate number of acres of public lands to which Koniag, Incorporated Regional Native Corporation is entitled under section 14(h)(8) of the Alaska Native Claims Settlement Act, less the acreage of lands withdrawn for conveyance to that corporation by Public Land Order Numbered 5627 (42 F.R. 63170) and conveyed to that corporation.

(10) Any term defined in subsection 3(e) of the Alaska Native Claims Settlement Act has the meaning as therein defined.

(11) "Alaska Peninsula" means the Alaska Peninsula and all islands adjacent thereto which on or before the date of enactment of this Act were withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act for Koniag Village Corporations and Koniag, Incorporated, including but not limited to Sutwik, Hartman, Terrace, Nakchamik, and West and East Channel Islands, except those islands selected by Koniag, Incorporated, pursuant to section 15 of Public Law 94-204.

(b) CONVEYANCE TO NATIVE CORPORATIONS.—(1) In full satisfaction of (A) the right of Koniag, Incorporated, Regional Native Corporated, Regional Native Corporation to conveyance of Koniag 14(h)(8) lands on the Alaska Peninsula under the Alaska Native Claims Settlement Act; (B) the right of each Koniag Deficiency Village Corporation to conveyance under that Act of the surface estate of deficiency village acreage on the Alaska Peninsula; (C) the right of each Koniag 12(b) Village Corporation to conveyance under the Alaska Native Claims Settlement Act of surface estate of 12(b) acreage on the Alaska Peninsula; and (D) the right of Koniag, Incorporated, under the Alaska Native Claims settlement Act to conveyances of the subsurface estate of the deficiency village acreage on the Alaska Peninsula and of the 12(b) acreage on the Alaska Peninsula; and in lieu of conveyances thereof under this Act, or otherwise, the Secretary of the Interior shall, under the terms and conditions set forth in this section, convey as provided in subsection (c) of this section the surface estate of all of the public lands on Afognak Island except those lands referred to in subparagraphs 2 (A), (B), (C), and (D) of this subsection, and simultaneously therewith, the Secretary shall, under the terms and conditions set forth in this section, convey the subsurface estate of such lands to Koniag, Incorporated.

(2) There are excepted from the conveyances provided for in subparagraph (1) of this subsection:

(A) Selections of the State of Alaska on Afognak Island heretofore made under section 6(a) of the Alaska Statehood Act and described as follows:

Seward Meridian, Alaska

Parcel I

Township 22 south, range 17 west, section 31, southwest quarter;

Township 22 south, range 18, west, section 36, southeast quarter;

Township 23 south, range 17 west, sections 6, west half; 7, west half; 18, west half; 19, west half and southeast quarter; 20, southwest quarter; 29, west half; 30 all;

Township 23 south, range 18, west, sections 1, east half; 12, east half; 13 all; 24 all; 25 all;

Parcel II

Township 22 south, range 17 west, sections 30 all; 31 all;

Township 23 south, range 17 west, section 6, northeast quarter.

(B) Surface estate of lands on Afognak Island to which Afognak Native Corporation, Ouzinkie Native Corporation, and Natives of Kodiak, Incorporated, are entitled pursuant to the Alaska Native Claims Settlement Act and the subsurface estate of such lands.

(C) The lands on Afognak Island referred to in subsection (d) of this section if conveyed as therein provided.

(D) The following described lands:

Seward Meridian, Alaska

Township 20 south, range 20 west, sections 31 through 32 inclusive;

Township 20 south, range 21 west, sections 14 through 16 inclusive, 20 through 23 inclusive, 26 through 29 inclusive, and 31 through 36 inclusive;

Township 20 south, range 22 west, sections 26, 27, and 34 through 36 inclusive;

Township 21 south, range 20 west, sections 4 west half; 5 through 7 inclusive, 8; 17 northwest quarter southwest quarter, 18;

Township 21 south, range 21 west, all;

Township 21 south, range 22 west, sections 1 through 3 inclusive, 11 through 12 inclusive, 24;

Township 22 south, range 21 west, sections 1 north half, 2 through 9 inclusive, 10 north half southwest quarter.

(3) All public lands on the Alaska Peninsula withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act for Koniag Village Corporations and for Koniag, Incorporated, are hereby withdrawn, subject to valid existing rights and Native selection rights under that Act as modified by this Act, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act and shall remain so withdrawn subject to the provisions of section 306 of this Act. Following the filing with the Secretary of the Interior of (A) all resolutions pursuant to subparagraph (4) of this subsection, (B) the joint venture agreement referred to in subsection (c) of this section, and (C) releases by such of the Koniag Village Corporations referred to in subsection (e)(2) of this section as file releases as provided in subsection (e)(1) of this section, and upon the conveyances by the Secretary of the Interior of all public lands on Afognak Island to be conveyed as provided in subsection (c) of this section, all Native selection rights in and to public lands on the Alaska Peninsula withdrawn under section 11(a)(3) of the Alaska Native Claims Settlement Act for Koniag Village Corporations and for Koniag, Incorporated, shall, except as provided in subsection (g) of this section, be extinguished and all claims thereto arising under this Act or the Alaska Native Claims Settlement Act shall be barred, and such public lands (except as provided in subsection (g) of this section) shall be included within the Alaska Peninsula National Wildlife Refuge and administered accordingly.

(4) As a condition precedent to the conveyances provided for by subparagraph (1) of this subsection, Koniag, Incorporated, each Koniag Deficiency Village Corporation and each Koniag 12(b) Village Corporation, shall file with the Secretary of the Interior resolutions duly adopted by their respective boards of directors accepting the conveyances provided for in this subsection as being in full satisfaction of their respective entitlements to conveyances of Koniag 14(h)(8) lands on the Alaska Peninsula, of deficiency village acreage on the Alaska Peninsula and of 12(b) acreage on the Alaska Peninsula, and Koniag, Incorporated, shall further file with the Secretary of the Interior a resolution duly adopted by its board of directors accepting the provisions of subsection (1) of this section.

(5) The lands on Afognak Island conveyed pursuant to subparagraph (1) of this subsection shall remain open to hunting, fishing, and other recreational use otherwise permitted by applicable law (but without liability on the part of the grantee, except for willful acts, to any user by reason of such use), under and subject to the terms of cooperative-management agreements entered into by Koniag, Incorporated, and other affected Koniag Village Corporations, with the Secretary of the Interior, and such of the State agencies and of the political subdivisions of the State having jurisdiction over any portion of Afognak Island which desire to participate. The Secretary of the Interior is hereby authorized to enter into such agreements. Each agreement shall—

(A) permit the Secretary of the Interior reasonable access to such land to carry out the obligations of the Secretary under the agreement;

(B) permit reasonable access to such land by officers of the State for purposes of conserving fish and wildlife and of other State officers and employees and officers and employees of political subdivisions of the State parties to the agreement to carry out their responsibilities thereunder;

(C) set forth those services which any other party agrees to provide, which services may include technical and other assistance with respect to fire control, trespass control, law enforcement, resource and land use planning, the conserving of fish and wildlife, and the protection, maintenance, and enhancement of any special values of the land subject to the agreement;

(D) set forth such additional terms and conditions as the parties may agree to as being necessary and appropriate to carry out the terms of the agreement; and

(E) specify the effective period of the agreement.

(c) JOINT VENTURE.—The Secretary of the Interior shall convey the surface estate on Afognak Island to be conveyed under subsection (b)(1) of this section to a joint venture providing for the development of the surface estate on Afognak Island to be conveyed under this subsection, consisting of the Kiniag Deficiency Village Corporations, the Koniag 12(b) Village Corporations and Koniag, Incorporated (or wholly owned subsidiaries thereof), in which (1) the share of the Koniag Deficiency Village Corporations as a class in the costs and revenues of such joint venture is determined on the basis of a fraction, the numerator of which is the deficiency village acreage on the Alaska Peninsula and the denominator is the sum of the deficiency village acreage on the Alaska Peninsula plus the 12(b) acreage on the Alaska Peninsula plus the Koniag 14(h) acreage on the Alaska Peninsula, which fraction shall be multiplied by the number of acres on Afognak Island to be conveyed by reason of subparagraph (b)(1) of this subsection; (2) the share of the Koniag 12(b) Village Corporations as a class is determined on the basis of a fraction, the numerator of which is the 12(b) acreage on the Alaska Peninsula and the denominator of which is the denominator referred to in (1) above, which fraction shall be multiplied by the number of acres on Afognak Island referred to in (1) above; and (3) the share of Koniag, Incorporated, is determined on the basis of a fraction, the numerator of which is the Koniag 14(h) acreage on the Alaska Peninsula and the denominator of which is the denominator referred to in (1) above which fraction shall be multiplied by the number of acres on Afognak Island referred to in (1) above. In such joint venture, each Koniag Deficiency Village Corporation, shall participate in the share of the Koniag Deficiency Village Corporations as a class in the ratio that the entitlement of each to deficiency village acreage on the Alaska Peninsula bears to the total deficiency village acreage on the Alaska Peninsula and each Koniag 12(b) Village Corporation shall participate in the share of the Koniag 12(b) Village Corporations as a class in the ratio that the number of Natives enrolled under the Alaska Native Claims Settlement Act to the village that corporation represents bears to the number of Natives enrolled to all villages represented by Koniag 12(b) Village Corporations. The conveyance shall be made as soon as practicable after there has been filed with the Secretary of the Interior a duly executed joint venture agreement with provisions for sharing of and entitlements in costs and revenues of such venture as provided in this subsection. The conveyance shall not indicate the respective interests of each of the corporations in the surface estate conveyed but such interests shall be as provided in this subsection which shall be incorporated by reference into the conveyance. The subsurface estate in the foregoing lands shall be conveyed simultaneously to Koniag, Incorporated. Neither the joint venture, any Koniag Village Corporation having an interest in the joint venture or the lands conveyed thereto, nor Koniag, Incorporated, shall take or permit any action which may be inimical to bear denning activities on the Tonki Cape Peninsula.

(d) Ouzinkie Lands.—In the event the Ouzinkie Native Corporation and Koniag, Incorporated, within ninety days after the effective date of this Act, enter into an agreement to convey to the Kodiak Island Borough their respective rights, titles, and interests in and to the surface and subsurface estate respectively in the following described land:

Seward Meridian, Alaska

Township 27 south, range 20 west,
Sections 9 through 12 inclusive, all;
Sections 13, north half, excluding Monashka Bay; southwest quarter; north half southeast quarter, excluding Monashka Bay; southwest quarter southeast quarter;
Sections 14, 15, and 16, all;
Sections 21 and 22, all;
Section 23, north half, north half southwest quarter, southwest quarter southwest quarter, northwest quarter southeast quarter;
Section 24, north half northwest quarter;
Section 27, north half, southwest quarter, west half southeast quarter;

the Secretary of the Interior shall convey to Ouzinkie Native Corporation the surface estate and to Koniag, Incorporated, the subsurface estate in the following described land on Afognak Island:

Seward Meridian, Alaska

Township 22 south, range 19 west,
Sections 6, 7, 15, all;
Section 18, west half;
Sections 19, 22, 28, all;
Sections 31 through 35 inclusive, all;
Section 36, south half.

The agreement between Kodiak Island Borough, Ouzinkie Native Corporation and Koniag, Incorporated, may contain the provisions agreed to by the parties including, but not limited, to easements across the lands to be conveyed to the Kodiak Island Borough.

(e) Releases.—(1) Each village listed in paragraph (2) of this subsection which, through the Koniag Village Corporation listed alongside it, files with the Secretary of the Interior, within sixty days from the effective date of this Act, a release duly authorized by its board of directors releasing in consideration of the benefits provided for in this section, the United States, its officers, employees, and agents from all claims of the village and the village corporation to lands and interests therein arising under the Alaska Native Claims Settlement Act or compensation in any form therefor (except as provided in paragraph (3) of this subsection) along with a release by Koniag, Incorporated, duly authorized by its board of directors, releasing the United States, its officers, employees, and agents, from Koniag's claims to subsurface estate under the Alaska Native Claims Settlement Act arising out of the claims of such village or compensation in any form therefor (except as provided in paragraph (3) of this subsection) shall be deemed an eligible village under the Alaska Native Claims Settlement Act. This section shall be inoperative as to any such village which does not file such a release but shall be operative as to each of such villages which files such a release.

(2) The villages and Koniag village corporations referred to in the foregoing paragraph are:

Anton Larsen Bay
Bells Flats
Uganik
Litnik
Anton Larsen, Incorporated
Bells Flats Natives, Incorporated
Uganik Natives, Incorporated
Litnik, Incorporated
Port William
Ayakulik
Uyak
Shuyak, Incorporated
Ayakulik, Incorporated
Uyak Natives, Incorporated

(3) When Uyak Natives, Incorporated, Uganik, Natives, Incorporated, or Ayakulik, Incorporated (and Koniag, Incorporated, in respect of such corporations) executes a release as provided for in paragraph (1) of this subsection, the Secretary of the Interior shall convey to each village corporation executing such release the surface estate of the one square mile of land excluded from the Kodiak Island National Wildlife Refuge by Public Land Order No. 1634 an account of the village it represents. The Secretary of the Interior shall by reason of conveyance of surface estate to a village corporation under this paragraph (3) convey to Koniag, Incorporated, the subsurface estate in such lands.

(4)(A) There shall vest in the Native village corporation representing each village that files a release as provided for in paragraph (1) of this subsection the right to all revenues received by Koniag, Incorporated, from the Alaska Native Fund which would have been distributed to it by Koniag, Incorporated, under subsections (j) and (k) of section 7 of the Alaska Native Claims Settlement Act (Subject to subsection (1) of section 7 of that Act) had such village been determined to be eligible at the time of such distributions, less amounts heretofore paid by Koniag, Incorporated, under subsection (m) of section 7 of that Act to stockholders of such corporations as members of the class of at-large stockholders of Koniag, Incorporated.

(B) Each corporation representing a village that files a release as provided for in subsection (e)(1) of this section shall, on and after the date of enactment of this Act, be eligible—

(i) to share pro rata with all other Koniag Village Corporations in distributions of funds to village corporations made by Koniag, Incorporated, out of funds received on and after such date by Koniag, Incorporated, from the Alaska Native Fund or from any other source; and

(ii) for all other rights and privileges (except those claims to lands and interests therein arising under the Alaska Native Claims Settlement Act or to compensation which are the subject of such a release) to which Alaska Native village corporations are entitled under any applicable laws, except as limited by this subsection.

Nothing in this paragraph shall prohibit Koniag, Incorporated from withholding out of funds otherwise due a village corporation that files a release as provided for in subsection (e)(1) of this section, such sums as may be required to reimburse Koniag, Incorporated, for an equitable portion of expenses incurred by Koniag, Incorporated, in connection with or arising out of the defense of or assertion of the eligibility of the village represented by such corporation for benefits under the Alaska Native Claims Settlement Act, including costs incident to land selection therefor.

(f) Conditions.—All conveyances made by reason of this section shall be subject to the terms and conditions of the Alaska Native Claims Settlement Act as if such conveyances (including patents) had been made or issued pursuant to that Act.

(g) Limitations.—Nothing in this section shall be deemed to affect (1) section 15 of the Act of January 2, 1976 (Public Law 94–204) as amended by section 812(b) of this Act; (2) the right, subject to subsection (1) of this section, of Koniag, Incorporated, to in lieu subsurface estate on the Alaska Peninsula under sections 12(a)(1) and 14(f) of the Alaska Native Claims Settlement Act, less the acreage of such in lieu subsurface estate conveyed to Koniag, Incorporated, under the provisions of law referred to in paragraph (1) of this subsection; or (3) the right under the Alaska Native Claims Settlement Act of Koniag, Incorporated, subject to subsection (1) of this section to subsurface estate in and to the following described land:

Seward Meridian, Alaska

Township 37 south, range 48 west,
Section 9,
Sections 15 through 17 inclusive,
Sections 20 through 22 inclusive,
Sections 28, 33;
Township 37 south, range 49 west,
Sections 21 through 23 inclusive,
Sections 26 through 28 inclusive,
Sections 33 through 35 inclusive;
Township 38 south, range 48 west,
Sections 4 through 9 inclusive;
Township 38 south, range 49 west,
Sections 1 through 4 inclusive,
Sections 6 through 23 inclusive,
Sections 26 through 34 inclusive;
Township 38 south, range 50 west,
Sections 1 through 3, inclusive,
Sections 10 through 12 inclusive,
Sections 13 through 15 inclusive,
Sections 22 through 26 inclusive,
Sections 25, 26;
Township 39 south, range 49 west,
Sections 3 through 7 inclusive,
Sections 9 through 10 inclusive,
Sections 18, 19, 30;
Township 38 south, range 50 west,
Sections 1, 2, 7, 8, 12, 13,
Sections 15 through 18 inclusive,
Sections 20 through 22 inclusive,
Sections 24 through 27 inclusive,
Section 35.

(h) Withdrawal.—All public lands on Afognak Island, other than those lands referred to in subsections (b)(2) (A) and

(B) of this section are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act as amended, and shall remain so withdrawn until and unless conveyed pursuant to this Act. Any such lands not conveyed under this section except those lands described in subsection (b)(2)(D) may be opened by the Secretary of the Interior to the extent he deems appropriate.

(i) Access, Etc.—As additional consideration for the relinquishment by Koniag Village Corporations of rights to surface estate on the Alaska Peninsula and by Koniag, Incorporated, of rights to surface and subsurface estate thereon as provided in subsection (b)(4) of this section, Koniag, Incorporated, shall, solely for purpose of prospecting for, extraction and removal of subsurface resources retained by it under subsection (1) of this section on the Alaska Peninsula, have the same rights of access and use of surface estate, after consultation with the surface owner, as are now provided for in 50 CFR 29.32.

(j) Allocations.—The acreage to be allocated to Koniag, Incorporated, under section 12(b) of the Alaska Native Claims Settlement Act shall be determined as though each village listed in subparagraph (e)(2) of this section had selected 69,120 acres under section 12(a) of the Alaska Native Claims Settlement Act. Acreages alloted to other regional corporations under section 12(b) of the Alaska Native Claims Settlement Act shall be determined on the basis of the acreages actually conveyed to such villages under this section or the Alaska Native Claims Settlement Act.

(k) Timber Resources.—Koniag, Incorporated's interest in the timber resources of the joint venture referred to in subsection (c) of this section, determined as therein provided, shall for purposes of section 7(i) of the Alaska Native Claims Settlement Act be deemed to be Koniag's timber resources. Koniag, Incorporated, shall be entitled to deduct from its share of proceeds therefrom any and all expenses of the kind and nature which regional corporations are entitled to deduct from revenues from timber resources prior to the distributions required by said section 7(i).

(l) Minerals.—In conveying subsurface estate to Koniag, Incorporated, on the Alaska Peninsula, whether under subsection (g)(3) of this Act or as in lieu subsurface estate as provided in sections 12(a)(1) and 14(f) of the Alaska Native Claims Settlement Act, the Secretary of the Interior shall retain all minerals other than oil and gas and sand and gravel used in connection with prospecting for, extracting, storing, or removing oil and gas: *Provided*, That removal of oil and gas and sand and gravel shall, after consultation with the surface owner, be accomplished as on the date of enactment of this Act was provided in 50 CFR section 29.32: *Provided further*, That should it be judicially and finally determined that sand and gravel are not, under the Alaska Native Claims Settlement Act, a part of the subsurface estate appertaining to regional corporations, the Secretary shall make available to Koniag, Incorporated, its successors and assigns, at fair market value such sand and gravel as is reasonably necessary for prospecting for, extracting, storage or removal of oil and gas. Koniag, Incorporated, may in its discretion enter into agreements with the owner of the surface estate in such lands for the conveyance of the subsurface estate to the surface owner without compensation, but this provision shall not be construed to require such conveyances without Koniag, Incorporated's agreement.

(m) Maritime Refuge.—All public lands, including submerged lands, adjacent to and seaward of Afognak Island from the line of mean high tide to the exterior boundary of the former "Afognak Forest and Fish Culture Reserve," part of the existing Chugach National Forest, as reserved by proclamation dated December 24, 1892, and as shown on the diagram forming a part of the proclamation dated February 23, 1909, are hereby included within the Alaska Maritime National Wildlife Refuge and the lands described in subdivision (D) of subsection (b)(2) of this section are hereby included within the Kodiak National Wildlife Refuge: *Provided*, That notwithstanding the inclusion of Delphin and Discoverer Islands in the Alaska Maritime National Wildlife Refuge, the joint venture provided for in subsection (c) of this section shall be entitled to and there shall be conveyed to the joint venture in the conveyance provided for in subsection (c) hereof, the right to timber resources on such islands: *Provided*, That management and harvest of such timber resources shall be only in accordance with management plans jointly developed by the joint venture and the Secretary of the Interior.

(n) Limitation.—Section 910 of this Act shall not apply to Koniag, Incorporated or to any Koniag Village Corporation.

(o) Timber Contracts, Etc.—Nothing in this section shall abrogate any existing Forest Service timber contract on Afognak Island or revoke existing cabin leases on Afognak Island.

PRIBILOF ISLANDS ACQUISITION AUTHORITY

Sec. 928. (a) Findings.—Congress finds and declares that—

(1) certain cliff areas on Saint Paul Island and Saint George Island of the Pribilof Islands group in the Bering Sea and the entirety of Otter Island, Walrus Island, and the Sea Lion Rocks, are used by numerous species of migratory birds, several of them unique, as rookeries;

(2) these areas are of singularly high value for such birds;

(3) these cliff areas, from the line of mean high tide to and including the bluff and areas inland from them, and the entirety of Otter Island, Walrus Island, and the Sea Lion Rocks, properly ought to be made and be managed as a part or parts of the Alaska Maritime National Wildlife Refuge free of any claims of Native Corporation ownership;

(4) this can best be accomplished through purchase for cash by the United States;

(5) the implementation of the Alaska Native Claims Settlement Act and the remoteness of the Pribilof Islands have combined to prevent adequate definition of the previse boundaries of the bird cliff areas and agreement on prices per acre at this time, but that definition and agreement thereon is an achievable goal;

(6) the two Native Village Corporations, Tanadgusix, Incorporated, and Tanaq, Incorporated, and the Secretary believe that mutually acceptable terms can be reached as to price and areas to be transferred free of native corporation ownership to the Alaska Maritime National Wildlife Refuge; and

(7) the two Native Village Corporations have no objection to any cliff areas acquired under this section being studied for and designated as components of the National Wilderness Preservation System, so long as such study or designation shall not preclude development of boat harbors on Saint Paul or Saint George Islands outside any area so studied or designated.

(b) Negotiations.—In the event that Tanadgusix, Incorporated, and Tanaq, Incorporated, file with the Secretary of the Interior within one hundred and twenty days from the effective date of this Act, instruments duly authorized by their boards of directors, acceding to the terms of this section, then the Secretary is hereby directed to negotiate, and authorized to establish within two years from the date of this Act, the boundaries and prices. Upon proffer by the Village Corporations of satisfactory deeds to such land, together with a conveyance to the United States by the Aleut Regional Corporation, Incorporated, duly authorized by its Board of Directors, of the Corporation's interest in, or claims under the Alaska Native Claims Settlement Act to, the subsurface estate of such land, the Secretary shall accept such deeds and the land shall thereupon be included in the Alaska Maritime National Wildlife Refuge.

(c) Directions to Secretary.—In conducting such negotiations, the Secretary shall be directed as follows:

(1) The total area of land acquired shall be not more than ten thousand acres and not less than six thousand acres: *Provided*, That the Secretary shall not acquire more uplands, inland from the Bird Cliffs on Saint Paul and Saint George Islands than that equal to an overall average of one hundred sixty acres per mile of mean high tide line or a line drawn along the top edge of the cliffs, whichever is longer.

(2) The total price for such land shall be the fair value on the date of this Act as determined by any method, or preferably any number of methods, appropriate for valuing this unique habitat, as may be agreed upon by the Secretary and the concerned Native village corporations: *Provided*, That the average price shall be not less than $200 per acre nor more than $1,100 per acre.

(d) The Native Village Corporations may, with respect to any Bird Cliff area and for a corresponding reduction in consideration therefor, reserve in the deeds for such area, and the Secretary may accept such deeds, the right to prevent or control any development which by itself, or in conjunction with other factors, may be inimical to values of importance to them.

(e) Refuge.—All lands acquired under this section shall be incorporated within the Alaska Maritime National Wildlife Refuge and administered accordingly.

(f) Authorization.—There are hereby authorized to be appropriated for the purposes of this section, out of any money in the Treasury not otherwise appropriated, for the acquisition of such lands, not to exceed $11,000,000, to remain available until expended, and without regard to fiscal year limitation.

(g) Exchanges.—Nothing in this section shall prohibit the Secretary in his discretion from exercising the authority now vested in him by section 22(f) of the Alaska Native Claims Settlement Act to offer in addition to or in lieu of the terms of this agreement, lands or interests therein for exchange, where the Secretary and the concerned Native Village Corporations may agree to substitute such an exchange in whole or in part for the provisions of this section.

(h) Taxes.—The land or money under this section shall be deemed to be property exchanged within the meaning of section 21(c) of the Alaska Native Claims Settlement Act.

(i) Extension.—If the Village Corporations, or either of them, have not obtained the conveyance from the Aleut Regional Corporation referred to in subsection (b) above upon expiration of two years from the date of this Act the Provisions of this section shall be extended for two years to permit the Secretary to negotiate for and acquire the interests of the two Village Corporations, or either of them, in such lands, without such conveyance.

ARCTIC SLOPE REGIONAL CORPORATION LANDS

Sec. 929. (a) Purposes; Reference Document.—In order to further the purposes of:

(1) Satisfying land entitlements in the Arctic Slope Region;

(2) Consolidating and exchanging land holdings for the mutual benefit of the United

States and the Native Corporations within the Arctic Slope region; and

(3) Providing for oil and gas operations in the Kurupa Lake area, consistent with environmental protection.

Congress enacts this section. The specific terms, conditions, procedures, covenants, reservations and other restrictions set forth in the document entitled "Terms and Conditions for Land Exchanges and Resolution of Conveyancing Issues in Arctic Slope Region, Between the Department of the Interior and Arctic Slope Regional Corporation" (hereafter in this section referred to as "Terms and Conditions"), which was submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on   , 1979, are hereby incorporated in this section, and are ratified. as to the duties and obligations of the United States and the Arctic Slope Regional Corporation, as a matter of Federal law.

(b) Transfer to the United States.—The Secretary is authorized to accept from Arctic Slope Regional Corporation a relinquishment of all right, title, and interest of Arctic Slope Regional Corporation in the following described lands:

Fairbanks Meridian

Township 34 north, range 21 west, sections 4 through 9, 16 through 18;

Township 34 north, range 22 west, sections 1 through 6. 11 through 14;

Township 35 north, range 20 west, sections 1 through 24;

Township 35 north, range 21 west, sections 1 through 4, 9 through 16, 21 through 24, 28 through 33;

Township 35 north, range 22 west, sections 1 through 12. 17 through 20, 27 through 34;

Township 35 north, range 23 west, sections 1 through 3, 10 through 17, 20 through 24, 28, 29, 32, 33;

Township 36 north, range 21 west, sections 1 through 4, 9 through 20, 23 through 26. 29 through 32, 35, 36;

Township 36 north, range 22 west, sections 5 through 8, 25 through 36;

Township 36 north, range 23 west, sections 1, 5 through 8, 12 through 30, 34 through 36;

Township 36 north, range 24 west, sections 1 through 3, 10 through 12;

Township 37 north, range 21 west, sections 25 through 36;

Township 37 north, range 22 west, sections 25 through 36;

Umiat Meridian

Township 12 south, range 11 west, sections 17 through 20, 29, 30;

Township 12 south, range 12 west, sections 13 through 16, 21 through 28;

Township 17 south, range 2 west, partial, sections 3 through 6;

Township 17 south, range 3 west, partial sections 1 through 4;

Kateel River Meridian

Township 34 north, range 18 east, sections 9 through 16, 21 through 24.

(c) Land Exchange.—As a land exchange, contingent upon Arctic Slope Regional Corporation's relinquishment of lands described in subsection (b) and upon conveyance of lands described in paragraph (4) below, and subject to valid existing rights, (1) the Secretary shall convey to Arctic Slope Regional Corporation all right, title, and interest of the United States in the following described lands, subject to valid existing rights and to the terms, conditions, procedures, covenants, reservations, and restrictions specified in the "Terms and Conditions":

Umiat Meridian

Township 13 south, range 4 east, sections 1 through 36;

Township 14 south, range 3 east, sections 9 through 16, 21 through 28, 32 through 36;

Township 15 south, range 3 east, sections 25 through 30, 33 through 36;

Township 15 south, range 4 east, sections 6, 7, 18 through 36;

Township 16, south, range 3 east, sections 1 through 3, 6, 7, 9 through 16, 18 through 30;

(2) Subject to valid existing rights, the Secretary shall convey to Arctic Slope Regional Corporation all right, title and interest of the United States in the following described lands subject to the terms, conditions, procedures, convenants, reservations and restrictions specified in the "Terms and Conditions";

Umiat Meridian

Township 12 south, range 11 west, sections 17 through 20, 29, 30;

Township 12 south, range 12 west, sections 13 through 16, 21 through 28;

Kateel River Meridian

Township 34 north, range 18 east, sections 9 through 16, 21 through 24;

The Secretary shall except and reserve access easements for park-related purposes from Kurupa Lake to federally owned lands within Gates of the Arctic National Park limited to: The right to land and store aircraft at Kurupa Lake, the right to ingress and egress from the Lake along specific corridors leading to federally owned lands in Gates of the Arctic National Park, and the right to camp overnight at the lakeshore and along the specific easement corridors. The conveyance shall be subject to the following covenants: The requirement for a plan of oil and gas operations prior to any exploration or development activities, the authority of the Secretary to modify or revoke any plan of operations for oil and gas exploration which does not utilize availabel technologies least damaging to the resources of the Kurupa Lake area and surrounding Federal lands, and the authority of the Secretary to require good faith consultations to develop a plan of operations for oil and gas development which utilizes available technologies minimizing damage to the resources of the Kurupa Lake area and surrounding Federal lands. Such exceptions, reservations, and covenants shall be binding on Arctic Slope Regional Corporation, its successors and assigns;

(3) Subject to valid existing rights, the Secretary shall convey to Arctic Slope Regional Corporation all right, title, and interest of the United States, except sand and gravel, in the subsurface estate of the following described lands, subject to the terms, conditions, procedure, covenants, reservations, and restrictions specified in the "Terms and Conditions":

Umiat Meridian

Township 12 south, range 9 east, sections 1 through 12, 15 through 21;

Township 12 south, range 10 east, sectons 4 through 9;

(4) The Secretary is authorized to accept from Arctic Slope Regional Corporation a conveyance of all right, title, and interest of Arctic Slope Regional Corporation in the following described lands:

Umiat Meridian

Township 13 south, range 1 west, sections 31 through 36;

Township 13 south, range 1 east, sections 31 through 36;

Township 14 south, range 2 east, sections 6, 7, 18, 19, 30, 31;

Township 14 south, range 4 east, sections 1 through 3, 10 through 15, 22 through 27, 33 through 36;

Township 15 south, range 1 west, sections 1 through 6, 11, 12, 19, 20, 27 through 34;

Township 15 south, range 1 east, sections 5 through 8, 17 through 20;

Township 16 south, range 2 east, sections 13 through 15, 22 through 27, 34 through 36;

Township 16 south, range 4 east, sections 1 through 4, 9 through 16, 19 through 36;

Township 17 south, range 1 west, sections 1, 2, 5, 6, partial;

Township 17 south, range 1 east, partial;

Township 17 south, range 3 east, partial;

Township 16 south, range 2 west, sections 19 through 36;

Township 16 south, range 3 wset, sections 19 through 28, 33 through 36;

Township 15 south, range 4 west, sections 2 through 4, 9 through 11, 14 through 16, 19 through 23, 26 through 32;

Township 16 south, range 4 west, sections 5 through 8, 17 through 24.

(d) Transfers to Native Corporation.—The Secretary shall convey to Arctic Slope Regional Corporation all right, title, and interest of the United States in the following described lands selected or identified for selection pursuant to the Alaska Native Claims Settlement Act, and to the extent such lands lie outside the boundaries of the National Petroleum Reserve in Alaska:

Umiat Meridian

Township 3 south, range 6 west, sections 24 through 26, 33 through 36;

Township 4 south, range 6 west, sections 1 through 5, 7 through 36;

Township 4 south, range 7 west, sections 11 through 16, 19 through 36;

Township 4 south, range 8 west, sections 23 through 29, 32 through 36;

Township 5 south, range 6 west, sections 1 through 18;

Township 5 south, range 7 west, sections 1 through 36;

Township 5 south, range 8 west, sections 1 through 5, 7 through 36;

Township 5 south, range 9 west, sections 25 through 27, 34 through 36;

Township 6 south, range 6 west, sections 19, 30, 31;

Township 6 south, range 7 west, sections 1 through 18, 22 through 27, 34 through 36;

Township 7 south, range 6 west, sections 5 through 8, 17 through 20, 29 through 32;

Township 7 south, range 7 west, sections 1, 2, 11 through 14, 19 through 36;

Township 7 south, range 8 west, sections 19 through 36;

Township 7 south, range 9 west, sections 22 through 27, 34 through 36;

Township 8 south, range 6 west, sections 4 through 9, 16 through 36;

Township 8 south, range 7 west, sections 1 through 36;

Township 8 south, range 8 west, sections 1 through 18, 22 through 27, 34 through 36;

Township 9 south, range 6 west, sections 1 through 36;

Township 9 south, range 7 west, sections 1 through 36;

Township 9 south, range 8 west, sections 1 through 36;

Township 10 south, range 5 west, sections 19 through 36;

Township 10 south, range 6 west, sections 1 through 36;

Township 10 south, range 7 west, sections 1 through 36;

Township 10 south, range 8 west, sections 1 through 36;

Township 10 south, range 9 west, sections 19 through 36;

Township 10 south, range 10 west, sections 19 through 36;

Township 11 south, range 5 west, sections 1 through 18;

Township 11 south, range 6 west, sections 1 through 18;

Township 11 south, range 7 west, sections 1 through 21, 28 through 33;

Township 11 south, range 8 west, sections 1 through 36;

Township 11 south, range 9 west, sections 1 through 36;

Township 11 south, range 10 west, sections

1 through 36;

Township 11 south, range 11 west, sections 1 through 36;

Township 11 south, range 12 west, sections 1 through 36;

Township 11 south, range 13 west, sections 1 through 36;

Township 12 south, range 8 west, partial, sections 1 through 24;

Township 12 south, range 9 west, partial, sections 1 through 24;

Township 12 south, range 10 west, partial, sections 1 through 24;

Township 12 south, range 11 west, sections 1 through 16, 21 through 28;

Township 12 south, range 12 west, sections 1 through 12, 17 through 20, 29, 30;

Township 12 south, range 13 west, sections 1 through 30;

Kateel River Meridian

Township 34 north, range 16 east, sections 7 through 24;

Township 34 north, range 17 east, sections 7 through 24;

Township 34 north, range 18 east, sections 7, 8, 17 through 20.

(e) ACQUISITION AND EXCHANGE AUTHORITY.—(1) The Secretary is authorized, in order to carry out the purposes of this Act, to acquire by purchase or exchange any of the following described lands conveyed to Arctic Slope Regional Corporation pursuant to subsection (b)(1) of this section:

Umiat Meridian

Township 12 south, range 11 west, sections 17 through 20, 29, 30;

Township 12 south, range 12 west, sections 13 through 16, 21 through 28;

Kateel River Meridian

Township 34 north, range 18 east, sections 9 through 16, 21 through 24;

(2) Lands specified in paragraph (1) of this subsection may be acquired for such purposes only with the consent of Arctic Slope Regional Corporation. If such lands are so acquired by the Secretary, such lands shall become, and be administered as, a part of Gates of the Arctic National Park.

(3) To facilitate an exchange provided for in this subsection, the Secretary is authorized to make available to Arctic Slope Regional Corporation lands, or interests therein, from public lands within the Arctic Slope Region, as determined pursuant to section 7(a) of the Alaska Native Claims Settlement Act, including lands, or interests therein, within the National Petroleum Reserve in Alaska in the event that lands within the reserve are made subject to leasing under the Mineral Leasing Act of 1920, as amended, or are otherwise made available for purposes of development of oil, gas or other minerals.

(f) LAND EXCHANGE.—As as land exchange:

(1) contingent upon Arctic Slope Regional Corporation conveying the lands described in paragraph (2) below and upon receiving interim conveyances to the following described lands:

Umiat Meridian

Township 9 south, range 2 west, sections 22 through 28, 33 through 36;

Township 9 south, range 3 west, sections 1 through 3, 10 through 12;

Township 9 south, range 12 west, sections 1 through 18;

Township 9 south, range 13 west, sections 1 through 3, 10 through 15, 22 through 24; the Secretary shall convey to Arctic Slope Regional Corporation all right, title and interest of the United States in the following described lands:

Umiat Meridian

Township 9 south, range 12 west, sections 19 through 24;

Township 9 south, range 11 west, sections 4 through 9, 16 through 21;

Township 9 south, range 3 west, sections 13 through 15, 22 through 27;

Township 9 south, range 2 west, sections 28, 33;

(2) the Secretary is authorized to accept from Arctic Slope Regional Corporation a relinquishment of all right, title and interest of Arctic Slope Regional Corporation in the following described lands:

Umiat Meridian

Township 8 south, range 11 west, sections 13 through 15, 22 through 27;

Township 8 south, range 10 west, sections 7 through 11, 13 through 21, 28 through 33.

(g) KAKTOVIK EXCHANGE.—As a land exchange, contingent upon Kaktovik Inupiat Corporation conveying the lands described in paragraph (1) of this subsection and upon the Arctic Slope Regional Corporation conveying the lands described in paragraph (4) of this subsection—

(1) the Secretary is authorized to accept from Kaktovik Inupiat Corporation all right, title and interest of Kaktovik Inupiat Corporation in the surface estate of the following described lands:

Umiat Meridian

Township 2 south, range 23 east, sections 25 through 28, 33 through 36;

Township 2 south, range 24 east, sections 1 through 24, 29 through 32;

(2) the Secretary shall convey to Kaktovik Inupiat Corporation all right, title and interest of the United States in the surface estate of the following described lands:

All those lands on Kaktovik Island—Barter Island Group, Alaska, which were not properly selected by Kaktovik Inupiat Corporation on or before December 18, 1975, and which were not on January 1, 1979, in a defense withdrawal.

Provided, That such lands when conveyed to Kaktovik Inupiat Corporation shall be subject to the provisions of the Alaska Native Claims Settlement Act, including section 22(g) of said Act, except that the acreage limitation for village corporation selection of lands within the National Wildlife Refuge System shall not apply;

(3) Kaktovik Inupiat Corporation shall identify additional lands it desires to acquire pursuant to this exchange from within the following described lands, and to the extent necessary to acquire the surface estate of an aggregate total of twenty-three thousand and forty acres, including the lands conveyed by the Secretary to Kaktovik Inupiat Corporation pursuant to subsection (g)(2) hereof:

Umiat Meridian

Township 7 north, ranges 32 through 36 east;

Township 8 north, ranges 32 through 36 east;

Township 9 north, ranges 33 and 34 east;

or such other adjacent lands as the Secretary and Kaktovik Inupiat Corporation may mutually agree upon. Upon the concurrence of the Secretary in the lands identified, he shall convey to Kaktovik Inupiat Corporation all right, title and interest of the United States in the surface estate of the lands to identified; *Provided*, That such lands shall be contiguous to lands previously conveyed to Kaktovik Inupiat Corporation Pursuant to section 14(a) of the Alaska Native Claims Settlement Act; *Provided further*, That such lands when conveyed to Kaktovik Inupiat Corporation shall be subject to the provisions of the Alaska Native Claims Settlement Act, including section 22(g) of said Act, except that the acreage limitation for village corporation selection of lands within the National Wildlife Refuge System shall not apply;

(4) the Secretary is authorized to accept from Arctic Slope Regional Corporation a conveyance of all right, title and interest of Arctic Slope Regional Corporation in the subsurface estate of the following described lands:

Umiat Meridian

Township 2 south, range 23 east, sections 25 through 28, 33 through 36;

Township 2 south, range 24 east, sections 1 through 24, 29 through 32.

(h) WEYUK LANDS TRANSFER.—Upon the concurrence of the Secretary of Defense, the Secretary shall convey to Arctic Slope Regional Corporation all right, title and interest of the United States in all or part of the following described lands:

Beginning at Weyuk, United States Coast and Geodetic survey mark (1586) north 62 degrees east 2,900 feet, more or less, the true point of beginning of this description, thence north 1,100 feet, more or less, thence easterly, meandering along the coast approximately 2,000 feet, more or less, thence south 700 feet, more or less, thence west 1,800 feet, more or less, to the true point of beginning.

(i) NAVAL ARCTIC RESEARCH LABORATORY.—The Secretary shall convey to Ukpeagvik Inupiat Corporation all right, title and interest of the United States in the surface estate of the following described lands:

Umiat Meridian

Township 23 north, range 18 west, sections 13 fractional excluding interim conveyance numbered 045, 14 excluding northwest quarter; southwest quarter; west half southeast quarter, 23 excluding northwest quarter; west half northeast quarter; southwest quarter, southeast quarter, 24 excluding east half, southwest quarter and interim conveyance numbered 045, 28 excluding northeast quarter; southeast quarter, 29 fractional, 32 fractional, excluding United States Survey 4615, United States Survey 1432, and interim conveyance numbered 045, 33 excluding northeast quarter; east half east half northwest quarter; northeast quarter southeast quarter, northeast quarter northwest quarter southeast quarter and interim conveyance numbered 045.

(j) RIGHTS-OF-WAY, ETC.—(1) In recognition that Arctic Slope Regional Corporation has a potential need for access in an easterly direction from its landholdings in the Kurupa Lake area and the watershed of the Killik River to the Trans-Alaska corridor, the Secretary is authorized and directed, upon application by Arctic Slope Regional Corporation for a right-of-way in this region, to grant to such corporation, its successors and assigns, according to the provisions of section 28 of the Mineral Leasing Act of 1920, as amended, a right-of-way across the following public lands, or such other public lands as the Secretary and the Arctic Slope Regional Corporation may mutually agree upon, for oil and gas pipelines, related transportation facilities and such other facilities as are necessary for the construction, operation and maintenance of such pipelines:

Umiat Meridian

Township 11 south, range 10 west;

Township 10 south, ranges 8 through 10 west;

Township 10 south, range 7 west, sections 19 through 36;

Township 11 south, range 7 west, sections 1 through 18;

Township 11 south, range 6 west;

Township 11 south, range 5 west, sections 1 through 18;

Township 10 south, range 5 west, sections 19 through 36;

Township 10 south, ranges 1 through 4 west;

Township 10 south, ranges 1 through 10 east.

The final alinement and location of all facilities across public lands shall be in the discretion of the Secretary.

(2) The Secretary shall make available to

Arctic Slope Regional Corporation, its successors and assigns, such sand and gravel as is reasonably necessary for the construction or maintenance of any pipeline or facility and use of rights-of-way appurtenant to the exercise of the rights granted under this subsection, such sand and gravel to be provided to Arctic Slope Regional Corporation, its successors and assigns, for fair market value by negotiated sale.

(k) NEPA.—The National Environmental Policy Act of 1969 (83 Stat. 852) shall not be construed, in whole or in part, as requiring the preparation or submission of any environmental document for any action taken by the Secretary pursuant to this section.

(l) SURFACE USES, ETC.—(1) With respect to the following described lands, the subsurface estate of which is to be conveyed to Arctic Slope Regional Corporation pursuant to subsection (c) hereof:

Umiat Meridian

Township 12 south, range 9 east, sections 1 through 12, 15 through 21;

Township 12 south, range 10 east, sections 4 through 9;

Arctic Slope Regional Corporation shall have such use of the surface estate, including such right of access thereto, as is reasonably necessary to the exploration for and removal of oil and gas from said subsurface estate, subject to such rules and regulations by the Secretary that are applicable to the National Park System.

(2) The Secretary shall identify for Arctic Slope Regional Corporation, its successors and assigns, reasonably available sand and gravel which may be used without cost to the United States in the construction and maintenance of facilities and use of rights-of-way appurtenant to the exercise of the rights conveyed under this subsection; notwithstanding the provisions of section 601 et seq., title 30, United States Code, and sand and gravel shall be made available at no charge to Arctic Slope Regional Corporation.

(m) RELATION TO ENTITLEMENTS.—(1) The Secretary shall reduce the acreage charged against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(c) of the Alaska Native Claims Settlement Act by the amount of acreage determined by the Secretary to be conveyed by Arctic Slope Regional Corporation to the United States pursuant to subsection (c)(4) of this section.

(2) The Secretary shall charge against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(c) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Arctic Slope Regional Corporation pursuant to subsections (c)(1), (c)(2), (d), (f)(1), and (h) of this section.

(3) The Secretary shall reduce the acreage charged against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act by the amount of acreage determined by the Secretary to be conveyed by Arctic Slope Regional Corporation to the United States pursuant to subsection (g)(4) of this section.

(4) Notwithstanding the exception by the United States of sand and gravel, the Secretary shall charge against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Arctic Slope Regional Corporation pursuant to subsection (c)(3) of this section.

(5) The Secretary shall reduce the acreage charged against the entitlement of Kaktovik Inupiat Corporation pursuant to section 12(a) of the Alaska Native Claims Settlement Act by the amount of acreage determined by the Secretary to be conveyed by Kaktovik Inupiat Corporation to the United States pursuant to subsection (g)(1) of this section.

(6) The Secretary shall charge against the entitlement of Kaktovik Inupiat Corporation pursuant to section 12(a) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Kaktovik Inupiat Corporation pursuant to subsection (g)(2) and (3) of this section.

(7) The Secretary shall charge against the entitlement of Ukpeagvik Inupiat Corporation pursuant to section 12(a) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Ukpeagvik Inupiat Corporation pursuant to subsection (i) of this section.

(8) In no event shall the conveyances issued by the Secretary to Arctic Slope Regional Corporation, Kaktovik Inupiat Corporation, and Ukpeagvik Inupiat Corporation pursuant to the Alaska Native Claims Settlement Act and this section exceed the total entitlements of such Corporations under the Alaska Naive Claims Settlement Act, except as expressly provided for in subsection (g) of this section.

(n) RESERVED LANDS.—(1) Congress finds that it is in the public interest to reserve in public ownership the submerged lands in the bed of the Colville River and of the Nechelik Channel, Kupigruak Channel, Elaktoveach Channels, Tamayayak Channel, and Sakoonang Channel from the Colville River to the Arctic Ocean, and (2) notwithstanding any other provision of law, conveyance of the surface estate of lands selected by Kuukpik Corporation pursuant to section 12 (a) and (b) of the Alaska Native Claims Settlement Act and associated conveyance of the subsurface estate to Arctic Slope Regional Corporation pursuant to section 14(f) of such Act shall not include conveyance of the beds of the Colville River and of the channels named in this subsection, and the acreage represented by the beds of such river and of such named channels shall not be charged against the land entitlement of Kuukpik Corporation and Arctic Slope Regional Corporation pursuant to the provisions of the Alaska Native Claims Settlement Act.

(o) FUTURE OPTIONS TO EXCHANGE, ETC.—(1) Whenever, at any time within forty years after the date of enactment of this Act, public lands in the National Petroleum Reserve in Alaska or in the Arctic National Wildlife Range, within seventy-five miles of lands selected by a Village Corporation pursuant to the provisions of section 12(a)(1) of the Alaska Native Claims Settlement Act, are opened for purposes of commercial development (rather than exploration) of oil or gas, Arctic Slope Regional Corporation shall be entitled, at its option, within five years of the date of such opening, to consolidate lands by exchanging the in-lieu subsurface lands which it selected pursuant to the provisions of section 12(a)(1) of the Act for an equal acreage of the subsurface estate, identified by Arctic Slope Regional Corporation, beneath the lands selected by the Village Corporation. Prior to the exercise of such option, Arctic Slope Regional Corporation shall obtain the concurrence of the affected Village Corporation. The subsurface estate identified for receipt by Arctic Slope Regional Corporation pursuant to this subsection shall be contiguous and in reasonably compact tracts, except as separated by bodies of water or by lands which are unavailable for selection, and shall be in whole sections and, wherever feasible, in units of not less than one thousand two hundred and eighty acres.

(2) Arctic Slope Regional Corporation shall not be entitled to exchange, pursuant to the provisions of paragraph (1) of this subsection, any in-lieu subsurface estate which the corporation has developed for purposes of commercial extraction of subsurface resources; unless the Secretary determines such an exchange to be in the national interest.

(3) The Secretary shall take such steps as may be necessary to effectuate an exchange sought by Arctic Slope Regional Corporation in accordance with the provisions of paragraph (1).

(4) With regard to subsurface estates acquired by Arctic Slope Regional Corporation pursuant to this subsection, the Secretary may promulgate such regulations as may be necessary to protect the environmental values of the Reserve or Range and consistent with the regulations governing the development of those lands within the Reserve or Range which have been opened for purposes of development, including, but not limited to, regulations issued pursuant to section 22(g) of the Alaska Native Claims Settlement Act.

(p) CONDITIONS.—All lands or interests in lands conveyed by the Secretary in subsections (d), (f)(1), (g)(2), (g)(3), (h), and (i) of this section to Arctic Slope Regional Corporation or a village corporation, as the case may be, shall be subject to valid existing rights, and in accordance with, and subject to, the provisions of the Alaska Native Claims Settlement Act, as amended, as though the lands were originally conveyed to such corporation under the provisions of such Act.

COOK INLET VILLAGE SETTLEMENT

SEC. 930. Upon agreement with the Salamatoff Native Association and Cook Inlet Region, Incorporated, which agreement must conform substantially to the draft agreement filed with the Committee on Interior and Insular Affairs of the House of Representatives and such amendments thereto approved by the Secretary relating to Alexander Creek, Inc., the Secretary is directed (1) to modify the boundaries of the Kenai National Moose Range and make such conveyances as are required by said agreement; and (2) to convey such lands free of the restrictions imposed by section 22(1) of the Alaska Native Claims Settlement Act.

STATE OF ALASKA SELECTIONS

SEC. 931. (a) PRIOR TENTATIVE APPROVALS.—(1) All tentative approvals of the State of Alaska land selections pursuant to the Alaska Statehood Act are hereby ratified and confirmed, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act, and the United States hereby confirms that all right, title, and interest of the United States in and to such lands is deemed to have vested in the State of Alaska as of the date of tentative approval; except that this subsection shall not apply to tentative approvals which, prior to the date of enactment of this Act, have been relinquished by the State, or have been finally revoked by the United States under authority other than authority under section 11(a)(2), 12(a), or 12(b) of the Alaska Native Claims Settlement Act.

(2) Upon approval of a land survey by the Secretary, such lands shall be patented to the State of Alaska.

(3) If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election for townships having no adverse claims on the public land records. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election. The State shall bear the burden of loss of acreage due to errors, if any, in any such protraction survey.

(4) Future tentative approvals of State land selections, when issued, shall have the same force and effect as those existing tentative approvals which are confirmed by this subsection and shall be processed for patent by the same administrative procedures as

specified in paragraphs (2) and (3) of this subsection.

(b) Prior State Selections.—(1) All existing valid State land selections made pursuant to the Alaska Statehood Act are hereby confirmed, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act.

(2) As soon as practicable after the date of enactment of this Act, the Secretary shall issue tentative approvals to such State selections as required by the Alaska Statehood Act and pursuant to subsection (c) of this section. The sequence of issuance of such tentative approvals shall be on the basis of priorities determind by the State. All right, title, and interest of the United States shall vest in the State of Alaska upon issuance of such tentative approvals.

(3) Upon approval of a land survey by the Secretary, such lands shall be patented to the State of Alaska.

(4) If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election for townships having no adverse claims on the public land records. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election. The State shall bear the burden of loss of acreage due to errors, if any, in any such protraction survey.

(5) Future valid State land selections shall be subject only to reservations and withdrawals made on or before the date of enactment of this Act, to valid existing rights and to Native selection rights under the Alaskan Native Claims Settlement Act.

(c) Ajudication.—Nothing contained in this section shall relieve the Secretary of the duty to adjudicate conflicting claims regarding lands specified in this section, or otherwise selected under authority of the Alaska Statehood Act, or other law, prior to the issuance of tentative approval.

(d) Interim Provisions.—Notwithstanding any other provision of law, on lands selected by, or granted or conveyed to, the State of Alaska under section 6 of the Alaska Statehood Act or any other law, but not yet tentatively approved to the State—

(1) The Secretary is authorized to make contracts and grant leases, licenses, permits, rights-of-way, or easements, and any tentative approval or patent shall by subject to such contract, lease, license, permit, right-of-way, or easement; except that (A) the authority granted the Secretary by this subsection is that authority the Secretary otherwise would have had under existing laws and regulations had the lands not been selected by the State, and (B) the State has concurred prior to such action by the Secretary.

(2) On and after the date of enactment of this Act, 90 per centum of any and all proceeds derived from contracts, leases, licenses, permits, rights-of-way, or easements or from trespasses originating after the date of selection by the State shall be held by the Secretary until such lands have been tentatively approved to the State. As such lands are tentatively approved, the Secretary shall pay to the State from such account the proceeds allocable to such lands which are derived from contracts, leases, licenses, permits, rights-of-way, easements, or trespasses, except to the extent that such would be inconsistent with other provisions of law. The proceeds derived from contracts, leases, licenses, permits, rights-of-way, easments, or trespasses and deposited to the account pertaining to lands selected by the State but not tentatively approved due to rejection or relinquishment shall be paid as would have been required by law were it not for the provisions of this Act. In the event that the tentative approval does not cover all of the land embraced within any contract, lease, license, permit, right-of-way, easement, or trespass, the State shall only be entitled to the proportionate amount of the proceeds derived from such contract, lease, license, permit, right-of-way, or easement, which results from multiplying the total of such proceeds by a fraction in which the numerator is the acreage of such contract, lease, license, permit, right-of-way, or easement which is included in the tentative approval and the denominator is the total acreage contained in such contract, lease, license, permit, right-of-way, or easement; in the case of trespass, the State shall be entitled to the proportionate share of the proceeds in relation to the damages occurring on the respective lands.

(3) Nothing in this subsection shall relieve the State or the United States of any obligations under section 9 of the Alaska Native Claims Settlement Act or the fourth sentence of section 6(h) of the Alaska Statehood Act.

(e) Existing Rights.—(1) All conveyances to the State under section 6 of the Alaska Statehood Act or any other law, shall be subject to valid existing rights, to Native selection rights under the Alaska Native Claims Settlement Act, and to any right-of-way or easement reserved for or appropriated by the United States.

(2) Where prior to a conveyance to the State, a right-of-way or easement has been reserved for or appropriated by the United States or a contract, lease, license, permit, right-of-way, or easement has been issued for the lands, the conveyance shall contain provisions making it subject to the right-of-way or easement reserved or appropriated and to the contract, lease, license, permit, right-of-way, or easement issued or granted, and also subject to the right of the Untied States, contractee, lessee, licensee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits previously granted, issued, reserved, or appropriated. Upon issuance of tentative approval, the State shall succeed and become entitled to any and all interests of the United States as contractor, lessor, licensor, permitter, or grantor, in any such contracts, leases, licenses, permits, rights-of-way, or easements, except those reserved to the United States in the tentative approval.

(3) The administration of rights-of-way or easements reserved to the United States in the tentative approval shall be in the United States, including the right to grant an interest in such right-of-way or easement in whole or in part.

(4) Where the lands tentatively approved do not include all of the land involved with any contract, lease, license, permit, right-of-way, or easement issued or granted, the administration of such contract, lease, license, permit, right-of-way, or easement shall remain in the United States, unless the agency responsible for administration waives such administration.

(5) Nothing herein shall relieve the State or the United States of any obligations under section 9 of the Alaska Native Claims Settlement Act, or the fourth sentence of section 6(h) of the Alaska Statehood Act.

(f) Effect on Third-Party Rights.—Nothing in this section shall alter the rights or obligations of any party with regard to section 12 of the Act of January 2, 1976 (Public Law 94–204), sections 4 and 5 of the Act of October 4, 1976 (Public Law 94–456), or section 3 of the Act of November 15, 1977 (Public Law 95–178). Nothing in this title shall prejudice a claim of validity or invalidity regarding any third-party interest created by the State of Alaska prior to December 18, 1971, under authority of section 6(g) of the Alaska Statehood Act or otherwise.

CHUGACH VILLAGE CORPORATION LANDS

Sec. 932. (a) Notwithstanding the restrictions applicable to the village corporation selections under section 12(b) of the Alaska Native Claims Settlement Act imposed by section 12(a) of the Settlement Act, including but not limited to the sixty-nine thousand one hundred and twenty-acre conveyance limitation placed on land selected by village corporations within the National Forest, National Wildlife Refuge System, or State selected lands, the Secretary shall convey under section 14(a) of the Alaska Native Claims Settlement Act from lands previously selected from lands withdrawn pursuant to section 11 of such Act in the Chugach National Forest by the village corporations created by the enrolled residents of the villages of Chenega, Eyak and Tatitlek, those additional entitlement acreages which are reallocated to these corporations under section 12(b) of such Settlement Act by the Regional Corporation for the Chugach region.

(b) Within ninety days after the enactment of this act, the three village corporations referred to in subsection (a) of this section shall file with the Secretary a list of those lands selected by each of them under section 12(b) from lands withdrawn pursuant to section 11 of the Settlement Act from within the Chugach National Forest, in the order of priority in which they wish to receive conveyance to such lands: *Provided, however,* That the village of Chenega shall not be able to receive conveyance to lands selected pursuant to section 12(b) of the Settlement Act on the mainland in the area of Icy Bay and Whale Bay, as depicted on the mays entitled "Areas not available for Chenega 12(b) conveyance," dated April 1979: *Provided further;* That the village of Eyak shall not be able to receive conveyance to lands selected pursuant to section 12(b) of the Settlement Act in the area east of Mountain Slough and more than a thousand feet south of the Copper River Highway, as depicted on the map entitled "Areas not available for Eyak 12(b) conveyance," dated April 1979.

(c) The Board of Directors of Chugach Natives, Incorporated, shall, within ninety days after the enactment of this Act, file with the Secretary a resolution indicating the number of acres allocated to each of these village corporations under the regional corporation's existing sixty-four thousand four hundred-acre 12(b) allocation, and the basis on which future 12(b) allocations made by the Secretary, if any, are to be reallocated among the village corporations in the Chugach region.

(d) The Secretary shall process the lands for conveyance in the priority listed, and subject to the requirements of the settlement act for selection, tract size, compactness, and contiguity, convey to the corporations such acreage to which they entitled: *Provided, however,* That applications for selection filed by the State of Alaska, under section 6(a) of the Alaska Statehood Act, as amended, shall take precedence over such Chugach village corporation 12(b) selections within the Chugach National Forest, except in the area of Windy and Cedar Bays on Hawkins Islands, where applications for State selections in township 15 south, ranges 4 and 5 west of the Copper River Meridian, shall be subordinated to 12(b) selections filed by the Eyak Corporation; and except further in the area of Boswell Bay on Hinchenbrook Island, where State applications for selection in township 17 south, range 5 west of the Copper River meridian, except for those in sections 10 and 15 of said township, shall be subordinated to 12(b) selections filed by the Eyak Corporation.

(e) Should the corporations fail to timely file the information required by subsections (b) and (c) of this section or if the priority listing submitted under subsection (b) does not meet the tract size, compactness, or contiguity requirements of the Settlement Act, the Secretary may provide the corporations thirty days from the date of notice to file the information to make the necessary corrections.

(f) If any Chugach Village Corporation voluntarily relinquishes any selection of lands within the boundaries of a conservation system unit, such lands shall be added to such unit and administered accordingly.

CHUGACH REGIONAL CORPORATION LANDS

SEC. 933. (a) Subject to valid existing rights, within one hundred and eighty days after the enactment of this Act, Chugach Natives, Incorporated, shall be entitled to select public lands not reserved for purposes other than National Forests from within the Chugach Region under section 14(h) (8) of the Alaska Native Claims Settlement Act from within the boundaries of the Chugach National Forest. Chugach Natives, Incorporated, shall make no selection of lands within the areas identified on the maps entitled "Western Prince William Sound Areas Not Available for Chugach 14(h) (8) Selection" and "Copper River Delta Area Not Available for Chugach 14(h) (8) Selection," both dated April 1979.

(b) The Secretary shall receive and adjudicate such selections as though they were timely filed pursuant to section 14(h) (8) of the Alaska Native Claims Settlement Act, as though such lands were available for selection under such provision.

(c) The Secretary shall convey such lands selected pursuant to this authorization which otherwise comply with the applicable statutes and regulations: *Provided, however*, That the corporation shall make no selection of lands, which overlap selection applications filed by the State of Alaska under section 6(a) of the Alaska Statehood Act, as amended, on or before September 1, 1978, and as further described in the memorandum of understanding executed by the Chugach Natives, Incorporated, and the State of Alaska and hereinafter submitted to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs and filed with the Secretary.

(d) If Chugach Natives, Incorporated, elects to select any or all of its lands to which it is entitled under section 14(h) (8) of the Settlement Act from lands within the Chugach National Forest made available pursuant to this authority, the following lands within the Carbon Mountain regional deficiency area shall be adjudicated as though they were timely filed by Chugach Natives, Incorporated, under section 12(c) of the Settlement Act. Notwithstanding any prior relinquishment of 12(c) selections and subsequent selection of these lands by Chugach Natives, Incorporated, under section 14(h) (8) of the Settlement Act:

Township 16 south, range 9 east, sections 7 through 10, 16 through 31.

Township 19 south, range 9 east, sections 1 through 36.

Township 20 south, range 9 east, sections 1 through 36.

Township 20 south, range 10 east, sections 5 through 8, 17 through 20, 29 through 32.

(e) If legislation is enacted or a proposal implemented pursuant to section 934 of this Act, selections by the Chugach Natives, Incorporated, under this section shall also be subject to the provisions of such legislation or proposal.

CHUGACH REGION PARTY

SEC. 934. (a) PARTICIPANTS; PURPOSES.—The Secretary of the Interior, the Secretary of Agriculture, and the Alaska Advisory Coordinating Council, in conjunction with Chugach Natives, Incorporated, and the State of Alaska, if the State chooses to participate, are directed to study the land ownership and use patterns in the Chugach region. The objectives of the study are: to identify lands which can be made available for conveyance to the Chugach Natives, Incorporated; for the purpose of consolidation of land ownership patterns in the Chugach region; to improve the boundaries of and identify new conservation system units; to obtain a fair and just land settlement for the Chugach people; and realization of the intent, purpose, and promise of the Alaska Native Claims Settlement Act by the Chugach Natives, Incorporated. The study participants are directed to identify in-region and out-of-region lands, including lands within the Chugach National Forest and State lands but excluding lands in private ownership, which can be made available to Chugach Natives, Incorporated, in satisfaction of its regional land entitlement pursuant to section 12(c) of the Alaska Native Claims Settlement Act, to consider monetary payment in lieu of land and to consider all other options which the participants in the study consider to be appropriate to achieve the objectives set forth above.

(b) LANDS.—Lands identified to meet the study objectives outlined in subsection (a) shall be, to the maximum extent possible, lands of like kind and character to those traditionally used and occupied by the Chugach people and shall be, to the maximum extent possible, coastal accessible, and economically viable. The inclusion of lands within the areas designated as conservation system units or for wilderness study by this Act within the Chugach region shall not preclude the identification of those lands to meet the study objectives outlined in subsection (a).

(c) PROCEDURE.—In conducting the study, the study participants shall seek review and comment from the public, including the residents of the Chugach region, and shall meet with members of the public upon the request of such persons. The Secretary shall hold at least three public hearings, at least one of which shall be in Anchorage and at least two of which shall be in the Chugach region.

(d) REPORT.—The study shall be completed and the President shall report to the Congress within one year of the date of enactment of this Act. He shall also transmit with the report any legislation necessary to implement the study recommendations.

(e) DEADLINE.—Any selection deadlines for Chugach Natives, Incorporated, under section 12(c) of the Alaska Native Claims Settlement Act or section 14(h) (8) of such Act pursuant to section 933 of this Act are hereby extended and selection rights shall be exercised until six months following submission of the President's report to Congress, except that if all study participants agree to a proposal implementing the study objectives outlined in subsection (a) such selection rights may be exercised immediately thereafter.

(f) STATE LANDS.—The State of Alaska shall make no further land selections in the Chugach region until the Congress takes final action on any legislation transmitted by the President pursuant to this section or until implementation of a proposal agreed to by the participants in the study, whichever comes first: *Provided, however*, That nothing in this section shall impede or be interpreted so as to restrict the adjudication and conveyance of State selections filed before September 1, 1978: *Provided further*, That nothing contained in this section shall prevent the development of aquaculture sites identified by the Prince William Sound Management Council before July 1, 1978.

(g) INTERIM MANAGEMENT.—Until Congress takes final action on any legislation transmitted by the President pursuant to this section or until a proposal agreed to by the participants in the study is implemented, whichever comes first, the Secretary of the Interior and the Secretary of Agriculture shall manage lands under their control in the Chugach region in close consultation with Chugach Natives, Incorporated, and, to the maximum extent possible, in such a manner so as not to adversely affect or preclude any option which the participants in the study may consider.

(h) RELINQUISHED AREAS.—Any lands within the Wrangell-Saint Elias National Park previously selected by Chugach Natives, Incorporated, but relinquished pursuant to a proposal resulting from this section shall become a part of the park and administered accordingly.

TITLE X—TRANSPORTATION AND UTILITY SYSTEMS

SYSTEMS SUBJECT TO TITLE

SEC. 1001. (a) APPLICATION OF TITLE.—Rights-of-way for each transportation or utility system which occupies, uses, or traverses any public land within any conservation system unit in Alaska shall be approved, issued, and administered only as provided pursuant to this title.

(b) DEFINITIONS.—For purposes of this title—

(1) The term "right-of-way" includes easements, leases, licenses, or permits.

(2) The term "transportation or utility system" includes—

(A) canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water;

(B) pipelines and other systems for the transportation of gases and other liquids, including crude oil, condensate, natural gas, natural gas liquids, synthetic liquids and gaseous fuels, and any refined or fractionated product produced therefrom;

(C) pipelines, slurry and emulsion systems, and conveyor belts and related equipment for transportation of solid materials;

(D) systems for transmission and distribution of electric energy;

(E) systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communication;

(F) improved rights-of-way for snow machines, air cushion vehicles, and other all-terrain vehicles; and

(G) roads, highways, railroads, tunnels, tramways, landing strips for aircraft, and other systems of transportation.

APPLICATIONS

SEC. 1002. (a) CONSOLIDATED APPLICATIONS.—Within one hundred and twenty days after the date of enactment of this Act, the Secretaries of the Interior and Agriculture, in consultation with other appropriate Federal agencies, shall jointly prescribe and publish a consolidated application form to be used for applying for a right-of-way for a transportation or utility system subject to this title. Each such application form shall be designed to elicit such information as may be necessary, as determined under regulations jointly promulgated by such Secretaries and other agency heads, to meet fully the requirements of this title and all other applicable provisions of law concerning the approval of the right-of-way.

(b) FILING.—Each applicant for a right-of-way for any transportation or utility system subject to this title shall file an application with the Secretary or Secretaries concerned and with the heads of any other appropriate Federal agency or agencies, including regulatory agencies, as provided in this title and other applicable law. The applicant shall utilize the consolidated form prescribed under subsection (a).

(c) AGENCY NOTICE.—Within sixty days after the receipt of an application filed pursuant to subsection (b), the Secretary (or Secretaries) and the agency heads with whom such application was filed shall inform the applicant in writing that—

(1) the application appears on its face to

contain the information required by this title, other applicable law, and regulations; or

(2) the application does not contain such information.

Any notice provided under paragraph (2) shall specify what additional information the applicant must provide. This subsection shall not preclude the Secretary or any agency head from requiring the submission of such additional information as may be necessary for considering an application filed pursuant to subsection (b).

ENVIRONMENTAL IMPACT STATEMENT

SEC. 1003. The draft of any environmental impact statement required under the National Environmental Policy Act of 1969 in connection with any application filed under this title shall be completed within nine months from the date of acceptance by the Secretary of such application. The final environmental impact statement shall be completed within one year from the date of such acceptance. Such nine-month and one-year periods may be extended for good cause by the Secretary having responsibility for the preparation of such statement if he determines that additional time is necessary for such preparation, notifies the applicant in writing of such determination, and publishes notice of such determination, together with the reasons therefor, in the Federal Register. The provisions of section 304 of the Federal Land Policy and Management Act of 1976 shall apply to each environmental impact statement under this title in the same manner as such provisions apply to applications relating to the public lands referred to in such section 304.

COORDINATION OF RIGHT-OF-WAY REQUIREMENTS

SEC. 1004. When an application for a right-of-way to which this title applies is for a transportation or utility system on lands under the administrative authority of two or more departments or agencies of the United States, the department or agency heads concerned shall coordinate their authorities with respect to such application for purposes of—

(1) assuring consistent treatment of such applications;

(2) preparing only one complete environmental impact statement;

(3) avoiding duplication and inconsistent requirements and determinations;

(4) minimizing costs to the applicant and the Government; and

(5) maximizing intergovernmental coordination.

DECISION REGARDING APPLICATION

SEC. 1005. (a) PROCEDURES.—(1) Before making any decision to approve or disapprove an application filed under this title or to recommend that the Congress approve or disapprove such an application, the Secretary concerned shall solicit and consider the data, recommendations, and views of other appropriate Federal departments and agencies, the Alaska Advisory Coordinating Council, the State of Alaska, affected units of local government, and affected corporations formed pursuant to the Alaska Native Claims Settlement Act. Before making any decision, to approve or recommend approval, the Secretary concerned shall consider the final environmental impact statement prepared in connection with such application, together with all data, recommendations, and views submitted by interested persons respecting the draft environmental impact statement.

(2) Any decision to approve or disapprove any application filed under this title, and any decision to recommend congressional approval or disapproval of such an application, shall be made only after public notice and opportunity for comment by interested parties. In the case of an application to which subsection (e) applies, such opportunity for comment shall include hearings conducted in the District of Columbia and at an appropriate location in Alaska. Such hearings shall also be conducted at both such locations in the case of an application to which subsection (d) applies if the Secretary determines that such hearings are warranted or if the authority of law referred to in such subsection so requires.

(b) DEADLINE FOR DECISION.—Not later than four months after completion of the final environmental impact statement with respect to an application filed with the Secretary under this title, he shall—

(1) approve or disapprove such application (in the case of an application to which subsection (d) applies), or

(2) recommend that the Congress approve or disapprove such application (in the case of an application to which subsection (e) applies).

If no such environmental impact statement is required under the National Environmental Policy Act of 1969 with respect to such application, the Secretary shall take the action described under paragraph (1) or (2) not later than six months after the date on which the application was accepted by the Secretary.

(c) STATE APPROVAL.—No application for any transportation or utility system submitted under this title may be approved (or recommended by the Secretary for congressional approval) unless the Governor of the State of Alaska has notified the appropriate Secretary that all necessary permits and other approvals required under State law with respect to such system have been, or will be, issued.

(d) APPROVAL OR DISAPPROVAL IN ACCORDANCE WITH OTHER AUTHORITIES OF LAW.—(1) In the case of any application for approval of a transportation or utility system which (but for section 1001(a)) could be approved or disapproved by the Secretary in accordance with any Federal regulation or any provision of any Federal statute (other than the provisions of this title) after compliance with the procedures set forth in subsections (a), (b), and (c) of this section and with the provisions of sections 1002 and 1003, the Secretary shall—

(A) approve such application in accordance with such other authority of law, or

(B) disapprove such application in accordance with such other authority of law.

(2) If any application is disapproved as provided in paragraph (1)(B), the applicant may submit to the President an appeal of such disapproval. Upon such appeal, the Secretary shall transmit to the President the administrative record upon which the Secretary's disapproval was based. The President may, within three months after his receipt of such appeal, approve or disapprove such application. No such application may be approved by the President unless, on the basis of the administrative record and such other information as may be available to him, he determines that such approval is in the public interest and that—

(A) the right-of-way would be compatible with the purposes for which the affected conservation system unit was established, and

(B) there is no economically feasible and prudent alternative route and mode of access.

In making such decision the President shall consider any environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969 and any comments of the public and Federal agencies respecting such statement. The President shall publish his decision under this paragraph in the Federal Register together with a statement of the reasons for such decision (including a brief summary of the evidence and other information on which the decision was based). Upon receipt of notice of a disapproval by the President under this subsection, the applicant shall be deemed to have exhausted his administrative remedies and may bring an action for review as provided in chapter 7 of part I of title 5 of the United States Code.

(e) APPROVAL OR DISAPPROVAL BY CONGRESSIONAL RESOLUTION.—(1) In the case of any application for approval of a transportation or utility system other than an application referred to in subsection (d), after compliance with the applicable provisions of this title, the Secretary shall recommend approval or disapproval of such application and submit such recommendation to the Congress. Before making any such decision to recommend approval or disapproval of an application, the Secretary shall consider, and make detailed findings on, the following matters:

(A) the need for, and the economic feasibility of, the transportation or utility system which is the subject of the application;

(B) alternative routes and modes of access, including a determination with respect to whether there is any economically feasible and prudent alternative to the issuing of a right-of-way through a conservation system unit, and, if not, whether there are alternative routes or modes which would result in fewer or less severe adverse impacts upon the conservation system unit;

(C) the feasibility and impacts of including different transportation or utility systems in the same right-of-way;

(D) Short- and long-term adverse environmental impacts, including impacts on wildlife and fish and their habitat, particularly wildlife and fish and habitat of importance for subsistence hunting and fishing;

(E) short- and long-term adverse social and economic impacts, particularly impacts on rural, traditional lifestyles;

(F) any impacts which would adversely affect or prohibit the achievement of the purposes for which the conservation system unit was established;

(G) whether the transportation or utility system subject to the application can be constructed, operated, and maintained in a manner compatible with the purposes for which the affected conservation system unit was established and with the purposes of this Act;

(H) measures which should be instituted to avoid or minimize the impacts identified in subparagraphs (C) through (F); and

(I) the long-term public values which may be damaged or destroyed by issuance of the right-of-way versus the long- and short-term public benefits which may accrue from the existence of such right-of-way.

(2) The Secretary shall include in his submission to the Congress under this subsection—

(A) the application which is the subject of the recommendation;

(B) a report setting forth in detail the relevant factual background and the reasons for the recommendation;

(C) the environmental impact statement prepared in connection with such recommendation if such a statement is required under the National Environmental Policy Act of 1969;

(D) a statement of the conditions and stipulations which would govern the use of the right-of-way if approved by the Congress; and

(E) where applicable a recommendation for congressional approval of such related and ancillary facilities and temporary use permits as the Secretary deems necessary for construction and operation of the transportation or utility system involved.

CONGRESSIONAL CONSIDERATION

SEC. 1006. (a) DATE OF RECEIPT.—Any recommendation of the Secretary submitted to Congress under section 1005(e) shall be considered received by both Houses for purposes of this section on the first day on which both are in session occurring after such recommendation is submitted.

(b) JOINT RESOLUTION.—Any application transmitted to Congress under section 1005

(e) shall be deemed approved only upon enactment of a joint resolution by the Senate and House of Representatives approving such application within the first period of one hundred and twenty calendar days of continuous session of Congress beginning on the date after the date of receipt by the Senate and House of Representatives of such application.

(c) One-Hundred-and-Twenty-Day Computation.—For purposes of this section—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one-hundred-and-twenty-day calendar period.

(d) Expedited Congressional Review.—(1) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of each House of Congress, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by paragraph (2) of this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as those relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(2) For purposes of this section, the term "resolution" means a joint resolution, the resolving clause of which is as follows: "That the House of Representatives and Senate approve the application submitted to the Secretary of   for a right-of-way for   under this title across   submitted to the Congress on   , 19   ."; the first blank space therein to be filled in with the appropriate Secretary, the second such blank space to be filled in with transportation or utility system, the third blank space therein to be filled in with the name of the appropriate conservation system units or units in Alaska, and the fourth blank space therein to be filled with the date on which the Secretary submits the application to the House of Representatives and the Senate. Such resolution may also include material relating to the application and effect of the National Environmental Policy Act of 1969 with respect to the application.

(3) A resolution once introduced with respect to such application shall be referred to one or more committees (and all resolutions with respect to the same application shall be referred to the same committee or committees) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(4) (A) If any committee to which a resolution with respect to an application has been referred has not reported it at the end of sixty calendar days after its referral, it shall be in order to move either to discharge such committee from further consideration of such resolution or to discharge such committee from further consideration of any other resolution with respect to such application which has been referred to such committee.

(B) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same application) and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same application.

(5) (A) When any committee has reported, or has been discharged from further consideration of, the resolution, but in no case earlier than sixty days after the date of transmittal by the Secretary of the application to the Congress, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate on the resolution shall be limited to not more than four hours. This time shall be divided equally between those favoring and those opposing such resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to recommit the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such resolution was agreed to or disagreed to or, thereafter within such one-hundred-and-twenty-day period, to consider any other resolution respecting the same application.

(6) (A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(B) Appeals from the decision of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedures relating to a resolution shall be decided without debate.

ISSUANCE AND ADMINISTRATION OF RIGHT-OF-WAY

Sec. 1007. (a) Requirements.—After approval of any application for a right-of-way approved by the Secretary, the right-of-way shall be issued and administered in the manner provided by the appropriate authorities of law referred to in subsection 1005(d).

(b) Rights-of-Way Pursuant to Congressional Resolution.—(1) Within thirty days following the enactment of a joint resolution of approval under section 1005 of any application for a right-of-way, the Secretary shall issue the right-of-way.

(2) Each right-of-way issued pursuant to the approval of the Congress under section 1006 shall contain terms and conditions which shall include, but not be limited to—

(A) requirements to insure that the right-of-way is used in a manner compatible with the purposes for which the affected conservation system unit was established;

(B) requirements for restoration, revegetation, and curtailment of erosion of the surface of the land;

(C) requirements to insure that activities in connection with the right-of-way will not violate applicable air and water quality standards and related facility siting standards established by or pursuant to law;

(D) requirements designed to control or prevent—

(i) damage to the environment (including damage to fish and wildlife habitat),

(ii) damage to public or private property, and

(iii) hazards to public health and safety;

(E) requirements to protect the interests of individuals living in the general area of the right-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes; and

(F) requirements to employ measures to avoid or minimize any other environmental, social, or economic impacts.

Except with respect to aspects of the issuance and administration of the right-of-way which are governed by subparagraphs (A) through (F), the provisions of title V of the Federal Land Policy and Management Act of 1976 shall apply to the issuance and administration of each right-of-way issued pursuant to an approval by the Congress under section 1006.

CROSS REFERENCES

Sec. 1008. (a) Wild and Scenic Rivers.—For provisions relating to rights-of-way for pipelines affecting wild and scenic rivers, see section 505.

(b) Special and Temporary Access and Access to Inholdings.—For provisions relating to special and temporary access, access to inholdings, and access to conservation system units, see section 802.

(c) Subsistence Access.—For provisions relating to access for subsistence uses, see section 707.

TITLE XI—FEDERAL-STATE COORDINATION

ALASKA ADVISORY COORDINATING COUNCIL

Sec. 1101. (a) Establishment.—There is hereby established the Alaska Advisory Coordinating Council (hereafter in this title referred to as the "Council").

(b) Cochairmen.—The Council shall have two Cochairmen. The Federal Cochairman shall be the Secretary of the Interior or his designee. The State Cochairman shall be the Governor of Alaska or his designee.

(c) Members.—In addition to the Cochairmen, the Council shall consist of the following members:

(1) the head of the Alaska officers of each of the following Federal agencies: National Park Service, United States Fish and Wildlife Service, United States Forest Service, and the Bureau of Land Management;

(2) the Commissioners of the Alaska Departments of Natural Resources, and of Fish and Game; and

(3) two representatives of Native landowners or land managers, one chosen by the Secretary and one chosen by the Governor, selected from a list of nominees submitted by the Village Corporations and Regional Corporations and other interested Native organizations, groups, or entities.

Any vacancy on the Council shall be filled in the same manner in which the original appointment was made.

(d) State Decision Not To Participate.—If the State elects not to participate on the Council or elects to end its participation prior to termination of the Council, the Council shall be composed of the Federal Chairman, the heads of agencies referred to in subsection (c)(1), and the representatives referred to in subsection (c)(3), both of whom shall be appointed by the Secretary. The Council, so composed, shall carry out the administrative functions required by this title and shall make recommendations to Federal officials with respect to the matters referred to in subsections (i) and (j). In addition, the Council may make recommendations from time to time to State officials and private landowners concerning such matters.

(e) Compensation and Expenses.—(1) The members of the Council who are Federal employees shall receive no additional compensation for service on the Council.

(2) While away from their homes or regular places of business in the performance of services for the Council, members of the Council who are Federal employees shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(3) The State members of the Council shall be compensated in accordance with applicable State law.

(f) Administrative Authority.—(1) The Cochairmen, acting jointly, shall have the authority to create and abolish employments and positions, including temporary and intermittent employments; to fix and provide for the qualification, appointment, removal, compensation, pension, and retirement rights of Council employees; and to procure needed office space, supplies, and equipment.

(g) Meetings; Authorities; Reports.—The Council shall meet at the call of the Cochairmen, but not less than four times each year. In addition, the Council may, for the purpose of carrying out the provisions of this section, hold such hearings, take such testimony, receive such evidence, and print or otherwise reproduce and distribute reports concerning so much of its proceedings as the Council deems advisable. No later than February 1 of each calendar year following the calendar year in which the Council is established, the Cochairmen shall submit to the President, the Congress, the Governor of Alaska, and the Alaska Legislature, in writing, a report on the activities of the Council during the previous year, together with their recommendations, if any, for legislative or other action in furtherance of the purposes of this section.

(h) Rules.—The Council shall adopt such internal rules of procedure as it deems necessary. All Council meetings shall be open to the public, and at least fifteen days prior to the date when any meeting of the Council is to take place the Cochairmen shall publish public notice of such meeting in the Federal Register and in newspapers of general circulation in various areas throughout Alaska.

(i) Functions of the Council.—(1) The Council shall conduct studies and advise the Secretary, the Secretary of Agriculture, other Federal agencies, the State, local governments, and Native Corporations with respect to ongoing, planned, and proposed land and resources uses in Alaska.

(2) It shall be the function of the Council—

(A) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to ways to improve coordination and consultation between such governments in land and natural resource management and other governmental activities which appear to require regional or statewide coordination;

(B) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to ways to insure that economic development is orderly and planned and is compatible with State and national economic, social and environmental objectives;

(C) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to the inventory, planning, classification, management, and use of Federal and State lands, respectively, and to provide such assistance to Native Corporations upon their request;

(D) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to needed modifications in existing withdrawals of Federal and State lands;

(E) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to the programs and budgets of Federal and State agencies responsible for the administration of Federal and State lands; and

(F) to make recommendations to appropriate officials of the Government of the United States, the State of Alaska, and Native Corporations for land exchanges between or among them.

(j) Cooperative Planning-Management.—(1) The Council shall recommend cooperative planning and management zones, consisting of areas of the State in which the management of lands or resources by one member materially affects the management of lands or resources of another member or members. Federal members of the Council are authorized and encouraged to enter into cooperative agreements with Federal agencies, with State and local agencies, and with Native Corporations providing for mutual consultation, review, and coordination of resource management plans and programs within such zones.

(2) With respect to lands, waters, and interests therein which are subject to a cooperative agreement in accordance with this subsection, the Secretary, in addition to any requirement of applicable law, may provide technical and other assistance to the landowner with respect to fire control, trespass control, law enforcement, resource use, and planning. Such assistance may be provided without reimbursement if the Secretary determines that to do so would further the purposes of the cooperative agreement and would be in the public interest.

(k) Termination.—Unless extended by the Congress, the Council shall terminate ten years after the date of enactment of this Act. No later than one year prior to its termination date, the Cochairmen shall submit in writing to the Congress a report on the accomplishments of the Council together with their recommendations as to whether the Council should be extended or any other recommendations for legislation or other action which they determine should be taken following termination of the Council to continue carrying out the purposes for which the Council was established.

(l) Citizens Advisory Committee.—The Council shall establish a committee of land-use advisers, made up of representatives of commercial and industrial land users in Alaska, recreational land users, wilderness users, environmental groups, Alaska Natives, local governments, and other citizens. The Cochairmen shall appoint the members of the Committee and, in so doing, shall to the maximum extent practicable provide a balanced mixture of National, State, and local perspective and expertise on land and resource use issues.

ALASKA LAND BANK

Sec. 1102. (a) Establishment: Agreements.—(1) In order to enhance the quantity and quality of Alaska's renewable resources and to facilitate the coordinated management and protection of Federal, State, and Native and other private lands, there is hereby established the Alaska Land Bank Program. Any private landowner is authorized as provided in this section to enter into a written agreement with the Secretary if his lands adjoin, or his use of such lands would directly affect, Federal land, Federal and State land, or State land if the State is not participating in the program. Any private landowner described in subsection (c)(2) whose lands do not adjoin, or whose use of such lands would not directly affect, either Federal or State lands also is entitled to enter into an agreement with the Secretary. Any private landowner whose lands adjoin, or whose use of such lands would directly affect, only State, or State and private lands, is authorized as provided in this section to enter into an agreement with the State of Alaska if the State is participating in the program. If the Secretary is the contracting party with the private landowner, he shall afford the State an opportunity to participate in negotiations and become a party to the agreement. An agreement may include all or part of the lands of any private landowner. Lands not owned by landowners described in subsection (c)(2) shall not be included in the agreement unless the Secretary, or the State, determines that the purposes of the program will be promoted by their inclusion.

(2) If a private landowner consents to the inclusion in an agreement of the stipulations provided in subsections (b)(1), (b)(2), (b)(4), (b)(5), and (b)(7), and if such owner does not insist on any additional terms which are unacceptable to the Secretary or the State, as appropriate, the owner shall be entitled to enter into an agreement pursuant to this section. If an agreement is not executed within one hundred and twenty days of the date on which a private landowner communicates in writing his consent to the stipulations referred to in the preceding sentence, the Secretary or State agency head shall execute an agreement. Upon such execution, the private owner shall receive the benefits provided in subsection (c) hereof.

(3) No agreement under this section shall be construed as affecting any land, or any right or interest in land, of any owner not a party to such agreement.

(b) Terms of Agreement.—Each agreement referred to in subsection (a) shall have an initial term of ten years, with provisions, if any, for renewal for additional periods of five years. Such agreement shall contain the following terms:

(1) The landowner shall not alienate, transfer, assign, mortgage, or pledge the lands subject to the agreement except as provided in section 14(c) of the Alaska Native Claims Settlement Act, or permit development or improvement on such lands except as provided in the agreement. For the purposes of this section only, each agreement entered into with a landowner described in subsection (c)(2) shall constitute a restriction against alienation imposed by the United States upon the lands subject to the agreement.

(2) Lands subject to the agreement shall be managed by the owner in a manner compatible with the management plan, if any, for the adjoining Federal or State lands, and with the requirements of this subsection. If lands subject to the agreement do not adjoin either Federal or State lands, they shall be managed in a manner compatible with the management plan, if any, of Federal or State lands which would be directly affected by the use of such private lands. If no such plan has been adopted, or if the use of such private lands would not directly affect either Federal or State lands, the owner shall manage such lands in accordance with the provisions of paragraph (1) of this subsection. Except as provided in paragraph (3) of this subsection, nothing in this section or the management plan of any Federal or State agency shall be construed to require a private landowner to grant public access on or across his lands.

(3) If the surface landowner so consents, such lands may be made available for local or other recreational use. The refusal of a private landowner to permit the uses referred to in this subsection shall not be grounds for the refusal of the Secretary or the State to enter into an agreement with the landowner under this section.

(4) Appropriate Federal or State agency heads, or both, shall have reasonable access to such privately owned land for purposes relating to the administration of the adjoining Federal or State lands, and to carry out their obligations under the agreement.

(5) Reasonable access to such land by officers of the State shall be permitted for purposes of conserving fish and wildlife.

(6) Those services or other considerations which the appropriate Secretary or the State shall provide to the owner pursuant to subsection (c)(1) shall be set forth.

(7) All or part of the lands subject to the agreement may be withdrawn from the Alaska Land Bank Program not earlier than ninety days after the landowner—

(A) submits written notice thereof to the other parties which are signatory to the agreement; and

(B) pays all Federal, State, and local property taxes and assessments which, during the particular term then in effect, would have been incurred except for the agreement, together with interest on such taxes and assessments in an amount to be determined at the highest rate of interest charged with respect to delinquent property taxes by the Federal, State, or local taxing authority, if any.

(8) The agreement may contain such additional terms, which are consistent with the provisions of this section, as seem desirable to the parties entering into the agreement. The refusal of the landowner to agree to any additional terms shall not be grounds for the refusal of the Secretary or the State to enter into an agreement with the landowner under this section.

(c) Benefits to Private Landowners.—So long as the landowner is in compliance with the agreement, he shall, as to lands encompassed by the agreement, be entitled to the benefits set forth below:

(1) In addition to any requirement of applicable law, the appropriate Secretary is authorized to agree to provide technical and other assistance with respect to fire control, resource and land use planning, the management of fish and wildlife, and the protection, maintenance, and enhancement of any special values of the land subject to the agreement, all with or without reimbursement as agreed upon by the parties.

(2) As to Native Corporations and all other persons or groups that receive lands or interests therein pursuant to the Alaska Native Claims Settlement Act, or this Act, immunity from—

(A) adverse possession;

(B) real property taxes and assessments by the United States, the State, or any political subdivision of the State, except that such immunity from taxation and assessments shall cease if the lands involved are leased or developed, as such terms are used in section 21(d) of the Alaska Native Claims Settlement Act; and

(C) judgment in any action at law or equity to recover sums owed, or penalties incurred after the date of enactment of this Act, by any Native Corporation or any officer, director, or stockholder of any such Corporation.

On or before January 31 of each year beginning the fourth year after the date of enactment of this Act, the Secretary shall publish in the Federal Register and in at least three newspapers of general circulation in the State the percentage of conveyed land entitlement which each Native Corporation or group has elected to include in the Alaska Land Bank Program as of the end of the preceding year.

(3) If the State enacts laws of general applicability which are consistent with this section and which offer any or all of the benefits provided in subsection (c)(2) hereof, as to private landowners who enter into an agreement referred to in subsection (a) to which agreement the State is a party, such laws, unless and until repealed, shall supersede the relevant subparagraph of subsection (c)(2) and shall govern the grant of the benefit so provided, except that the enactment of such State laws shall not be construed as repealing, modifying, or otherwise affecting the applicability of the immunity from Federal real property taxes and assessments provided in subsection (c)(2)(B) or the immunity from judgments in any Federal action at law or equity provided in subsections (c)(2)(C).

(4)(A) Except as provided in subsection (c)(2), nothing in this section shall be construed as affecting the civil or criminal jurisdiction of the State of Alaska.

(B) Privately owned lands included in the Alaska Land Bank Program shall be subject to condemnation for public purposes in accordance with the provisions of this Act and other applicable law.

(d) Interim Grant of Benefits.—Notwithstanding any other provision of this section, unless the landowner decides otherwise, the benefits specified in subsection (c)(2) shall apply to lands conveyed pursuant to the Alaska Native Claims Settlement Act, or section 917 of this Act for a period of three years from the date of conveyance or the date of enactment of this Act, whichever is later.

(e) Revenue-Sharing, Fire Protection, etc.—The provisions of section 21(e) of the Alaska Native Claims Settlement Act shall apply to all lands which are subject to an agreement under this section so long as the parties to the agreement are in compliance therewith.

(f) Existing Contracts.—Nothing in this section shall be construed as impairing, or otherwise affecting in any manner, any contract or other obligation which was entered into prior to the enactment of this Act or which (1) applies to any land which is subject to an agreement under this section, and (2) was entered into before the agreement becomes effective.

TITLE XII—OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION

PURPOSE

Sec. 1201. The purpose of this title is to provide for the exploration, development, and production, through private commercial enterprise with appropriate environmental safeguards, of oil and gas resources on certain public lands in Alaska having potential for the occurrence of oil and gas.

AREAS COVERED

Sec. 1202. This title applies to—

(1) the National Petroleum Reserve—Alaska;

(2) nonwilderness portions of all units of the wildlife refuge system in Alaska which are subject to the provisions of section 304(b); and

(3) all public lands in Alaska which are not within any conservation system unit and which are managed by the Secretary of the Interior through the Bureau of Land Management.

APPLICABLE LAW

Sec. 1203. Exploration, development, and production of oil and gas on lands to which this title applies shall be conducted pursuant to the Mineral Leasing Act of 1920 except to the extent otherwise provided by this title.

EXPLORATION

Sec. 1204. (a) Permits.—On lands to which this title applies, the Secretary is authorized to issue permits in accordance with the provisions of this title for the exploration for oil and gas resources. Such permits may authorize seismic surveys, drilling of test wells, and other geological and geophysical oil and gas assessment activities.

(b) Plan.—Exploration activities under a permit referred to in subsection (a) may be conducted on the lands to which this title applies only pursuant to an exploration plan approved by the Secretary. An exploration plan submitted to the Secretary shall be approved by him if he finds that the exploration activities proposed in such plan can be conducted in conformity with such requirements as shall be established by the Secretary to—

(1) provide protection of the environmental, fish and wildlife, subsistence, and other values of the affected areas to the maximum extent feasible, and

(2) ensure compatibility with the purposes for which such areas are managed under applicable law.

(c) Information Obtained.—Any information obtained by any permittee under this section shall be made available to the Secretary at such times and in such manner as the Secretary shall, by rule, prescribe. The Secretary shall maintain the confidentiality of all information submitted to him under this subsection until—

(1) the issuance of a lease to such permittee, or his assignee, for the lands on which the permit data was acquired, or

(2) the time at which such data ceases to be of proprietary value, whichever is later but in no case later than ten years after such data was made available to the Secretary.

(d) Study by Secretary.—In such of the areas subject to this title as the Secretary deems favorable for the discovery of oil or gas, he shall collect and analyze information obtained by permittees authorized to conduct exploration activities under this section and conduct studies concerning the oil and gas potential of such lands and those environmental characteristics and fish and wildlife and subsistence resources which would be affected by the exploration for and development of such oil and gas resources.

(e) Consultation.—The Secretary shall consult with the Secretary of Energy regarding the national interest involved in exploring for and developing oil and gas from lands subject to this title and shall seek the views of the Governor of the State of Alaska, Alaskan local governments, Native Corporations, the Alaska Advisory Coordinating Council, representatives of the oil and gas industry, conservation groups, and other interested groups and individuals in determining which lands should be explored and leased for the development of oil and gas.

(f) State Studies.—The Secretary shall encourage the State to undertake studies on lands associated, either through geological or other land values or because of possible transportation needs, with lands subject to this title. The Secretary shall integrate these studies, to the maximum extent practicable, with studies conducted by the Secretary on lands subject to this title so that needs for cooperation between the United States and the State of Alaska in managing energy and other natural resources, including fish and wildlife, can be established early in the program.

DEVELOPMENT AND PRODUCTION

Sec. 1205. (a) Leasing.—In the case of the following lands, leases shall be issued only by competitive bidding:

(1) the National Petroleum Reserve—Alaska;

(2) the lands referred to in section 1202(2); and

(3) the lands referred to in section 1202(3) which the Secretary determines to be within a favorable petroleum geological province.

Noncompetitive leases may be issued on all other lands to which this title applies at such time the leases are issued. For purposes of this title, the term "favorable petroleum geological province" means an area determined by the Secretary to be favorable for the occurrence of oil or gas.

(b) Plan.—Development and production of oil or gas on lands to which this title applies shall be carried out only by a lessee in accordance with a development and production plan approved by the Secretary. Any such plan approved by the Secretary shall—

(1) contain provisions relating to all aspects of development and production of oil and gas, including transportation associated with such activities, and

(2) assure that such activities are conducted in conformity with such requirements as shall be established by the Secretary to—

(A) provide protection of the environmental, fish and wildlife, subsistence, and other values of the affected areas to the maximum extent feasible, and

(B) ensure compatibility with the purposes for which the lands concerned are managed under applicable law.

(c) Monitoring.—(1) The Secretary shall monitor the performance of any lessee having an oil or gas lease issued for lands to which this title applies. If the Secretary determines that because of significant changes in circumstances regarding such performance, including environmental or economic changes, new requirements are needed, he may require the submission of a revised development and production plan.

(2) If the Secretary determines that—

(A) immediate and irreparable damage will result from operations under a lease,

(B) the threat of such damage is likely to persist, and

(C) the advantages to the public of suspension of the lease outweigh the advantages to the public operations under the lease,

he shall suspend the lease for one or more periods, the total of which may not exceed five years. If the Secretary determines that subparagraphs (A), (B), and (C) of this subsection apply at the end of such five-year period, or any lesser period at the request of the lessee, the Secretary shall cancel such lease.

(3) Upon cancellation of a lease under paragraph (2), the lessee shall be provided such compensation as he shows the Secretary is equal to the lesser of—

(A) the fair value of the canceled rights as of the date of cancellation, taking into account both anticipated revenues and anticipated costs, including costs of compliance with all applicable laws and regulations, or

(B) the excess, if any, over the lessee's revenues from the lease of all consideration paid for and direct expenditures made on the lease.

PERIOD FOR ISSUANCE OF PERMIT OR LEASE

Sec. 1206. If the Secretary determines that the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 do not apply to a decision by him regarding the issuance of a permit or noncompetitive lease pursuant to this title, the Secretary shall render a decision respecting whether or not to issue such permit or lease within six months after receiving an application for the permit or lease which is properly filed under the relevant program established under this title. If the Secretary determines that the requirements of such section 102(2)(C) are so applicable, he shall render the decision within three months after the publication of the final environmental impact statement that is prepared with respect to the proposed permit or lease.

REPORT

Sec. 1207. The Secretary shall set forth in each report to the Congress under the Mining and Minerals Policy Act of 1970, information respecting actions carried out by him under this title including information concerning oil and gas production and the results of exploration activities, Federal revenues generated by such activities, and the environmental, subsistence, and other impacts of oil and gas development referred to in this title.

SPECIAL PROVISIONS FOR NATIONAL PETROLEUM RESERVE

Sec. 1208. (a) Exploration Permits.—Not later than two hundred and forty days after the date of the enactment of this Act, the Secretary shall establish a program for the consideration and issuance of exploration permits to applicants for public lands within the National Petroleum Reserve—Alaska, including public lands within the Teshepuk and Utukok National Wildlife Refuges.

(b) Schedule of Proposed Lease Sales.—Not later than two hundred and forty days after the date of the enactment of this Act, the Secretary shall publish a schedule of proposed lease sales under this title covering public lands within the National Petroleum Reserve—Alaska, including public lands in the Teshepuk and Utukok National Wildlife Refuges. In carrying out the provisions of this section, the Secretary shall consider and incorporate the results and findings of the studies required by section 105 of the Naval Petroleum Reserves Production Act of 1976. Nothing in this title shall relieve the Secretary of any responsibilities or deadlines under that Act.

(c) With respect to the public lands within the boundaries of the Utukok and Teshepuk National Wildlife Refuges, the Secretary shall (1) complete the comprehensive conservation plans required by section 808(d) within the time periods referred to in section 1208 (a) and (b), and (2) comply with requirements of section 304(b) regarding the application of the National Wildlife Refuge Administration Act of 1966, compatibility requirements and payments of receipts and revenues from leases on such lands.

(d) Not later than eighteen months after the date of enactment of this Act, the Secretary shall hold the first lease sale on lands subject to this section.

SPECIAL PROVISIONS FOR NONWILDERNESS WILDLIFE REFUGES

Sec. 1209. (a) Applicable Law.—The exploration for, and development and production of, oil and gas on nonwilderness areas within the National Wildlife Refuge System shall be carried out in accordance with the provisions of this title except to the extent otherwise provided in section 304(b). Such exploration, development, and production may be carried out in such manner notwithstanding any withdrawal of such areas from the operation of the mineral leasing laws of the United States.

(b) The Secretary may issue permits and leases pursuant to this title within the lands subject to this section only if the comprehensive conservation plan for the affected wildlife refuge or wildlife range required under section 808(d) of this Act has been prepared.

SPECIAL PROVISIONS FOR BUREAU OF LAND MANAGEMENT LANDS

Sec. 1210. Schedule for Lease Sales.—

(a) Exploration Permits.—Not later than two hundred and forty days after the date of the enactment of this Act, the Secretary shall establish a program for the consideration and issuance of exploration permits to applicants for lands to which this section applies.

(b) Not later than two hundred and forty days after the date of the enactment of this Act, the Secretary shall—

(1) publish a schedule of proposed lease sales under this title for public lands described in section 1205(a)(3), and

(2) establish a program of noncompetitive oil and gas leasing under this title for public lands described in section 1202(3) other than lands referred to in paragraph (1).

(c) At such time as paying quantities of oil or gas are discovered under a noncompetitive lease issued pursuant to this Act, the Secretary shall suspend all further noncompetitive leasing in the area and shall determine the favorable petroleum geological province in proximity to such discovery. All further leasing in such area shall be in accordance with section 1205(a)(3).

Mr. UDALL. Mr. Chairman, we approach today the most important land conservation votes that this House will cast in our generation. The stakes are high. There is a serious choice to be made. There are two competing bills and they are going head-to-head here in this debate. Each has its champions and each has support from some elements of our society but each approaches the problem of Alaska in a basically different way.

My friend from Louisiana (Mr. Breaux) has talked a little bit about some of the issues we will be debating here today and perhaps tomorrow.

Let me in the opening shot here on the Udall-Anderson substitute just touch on two issues if I can. One is oil and one is hunting. Now, they are going to wave a red flag around you and try to convince you that something you do this week may have some bearing on a fellow sitting in a gas line in Los Angeles or in your hometown. The fact is that the leadtimes are very long. If you started drilling today and you hit a bonanza as soon as you could get to it in the Arctic coast, that gasoline, that oil will get to the gas pumps sometime in the 1990's. That is the kind of leadtime we are talking about. That is no excuse for not getting on with the job. The geologists tell us about 20 to 25 percent of the remaining oil America is going to find will be found in Alaska. I believe we have to get on the job of locating it, drilling for it, exploring for it, and producing it.

So what do we do? What does Udall-Anderson do? Are we antioil exploration? You have a right to ask that question and it is a fair question.

Let me tell you what is the result of our bill on Alaska. Most of the oil the experts will tell you is not on land in Alaska. Most of it is offshore. There are 203 million acres of sedimentary basins that have been identified offshore in Alaska.

☐ 1250

Let me tell you how much is locked up by this bill. The answer is zero. Under other legislation produced by my friend, the gentleman from New York (Mr. Murphy) and which we all support, we now have in place good Outer Continental Shelf legislation. Plans are going forward and all the offshore lands in Alaska where the majority of the oil is to be found are left open by this bill.

Mr. Chairman, I have a statement to make and I will try to yield in a moment if I can. Let me complete my statement.

Two hundred and three million acres offshore, all available.

What do we have onshore? One hundred and forty-nine million acres is the figure. Of that 149 million acres, it consists of a lot of different areas in different parts of Alaska.

The most critical area is the so-called National Petroleum Reserve, Pet-4. It has been sitting up there for 50 years. There has been resistance to opening it up to private exploration.

We say in our bill the time has come to go into the National Petroleum Reserve, 22 million acres. Let us open it, not for Government development, but in private hands. That is a major concesssion. We are going to turn the oil companies loose in the National Petroleum Reserve.

In fact, the western regional general exploration manager of Chevron, not known as one of the wild conservationists in our country, in a speech this month talking about the differences between the Arctic wildlife range that we would leave closed for a time and say let us go there last, and Petroleum Reserve 4, he said this—this is the exploration manager of Chevron:

> The Department of Energy's most recent estimate is 5 billion barrels. *The numbers I would use are 5 to 10 billion barrels, which could be as much as 10 percent of undiscovered U.S. reserves.* However, responsible and plausible estimates of 20 to 30 billion barrels have also been made. So, it's possible that we're talking about one quarter of America's undiscovered reserves.
>
> *Chevron considers the NPRA a very excit-*

ing opportunity. I would have to say that this area stands as one of the highest potential single areas in the U.S. onshore today. It may be the highest. (emphasis added)

So out of 203 million acres offshore and 149 million onshore, there are 2 million acres we say do not touch. We say we will have to go there sooner or later, but if we have to drill the White House grounds, or Arlington Cemetery, or the Washington Monument, or the Arctic game range, let us go there last.

So we are fair on oil. The total amount of oil in the Arctic National Wildlife Range is now estimated at maybe 50 days' supply for the United States. So why go in there and ruin one of the most choice places in North America for a 50-day supply when the area that the western exploration manager of Chevron says is the primary one in this whole United States is made open by this bill, along with 120 million other acres?

I want to touch on the hunting question. I really regret the tone that this particular part of our debate has taken. I have no quarrel on gun legislation with the National Rifle Association. The plain fact is that there is no major dispute on the hunting question.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has expired.

(By unanimous consent, Mr. UDALL was allowed to proceed for 3 additional minutes.)

Mr. UDALL. Mr. Chairman, certainly there is not enough difference between these two bills to justify the kind of propaganda and the kind of confusion that we have had; so let me tell you what we have done to help the hunters in Alaska. The first thing we have done is that we have violated a basic rule of national parks. We have had national parks for 100 years. There has been a basic rule that you do not hunt in a national park. So what have we done? Out of 44 million acres of new national parks created in Alaska under our bill, we created a category called the National Park Preserve, for the sole purpose of making sport hunting available in those areas so that in our bill 17 million out of 44 million acres are available for sports hunting in the national parks. We violate that basic rule in order to preserve the kind of sport hunting that our opponents have talked about.

Last year it was not 17 million. It was 15 million and we heard not a peep from the National Rifle Association or anybody else. That was considered to be an adequate extension of the hunting privileges in the national parks; but the difference between Huckaby on the one hand is 21 million, and 17 million in the national parks in our bill on the other hand. Breaux-Dingell designates only 12.5 million as preserves.

□ 1255

Ninety percent of the State of Alaska will be left open for sport hunting under our bill. There are 375 million acres in that State, twice the size of Texas, and they are trying to tell us there is some big deal because out of 375 million total, we leave open 340 milllon and they leave open 345 million. If anyone can make a national fight or a big battle out of that difference, they are better at logic than I am.

Let me tell the Members about another basic difference as far as conservation is concerned in our bill as against the other bill. This is not for the hunters; this is against the hunters. This is a matter about which there has been a good bit of discussion. We do not have hard-rock mining in wildlife refuges; they are withdrawn in section 304(b). Bear and caribou and other wildlife habitats are not consistent with hard-rock mining.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I will yield to the gentleman when I am through, and I am almost through.

Mr. Chairman, there is a basic rule in national game refuges that they do not have hard-rock mining. Bear habitat and caribou habitat and wild waterfowl habitat really are not consistent with hard-rock mining.

Here is what Breaux-Dingell does. This is what brothers Dingell and Breaux do for the hunters. They open 63 million acres of wildlife refuges to hard-rock mining. This is what they are going to do.

Mr. DINGELL. Mr. Chairman, will the gentleman yield on that point?

Mr. UDALL. Mr. Chairman, I will tell the Members flatly that on the hunting issue our bill is the best choice.

I am sorry to see the question of gun control has been raised. If anybody can find anything in our bill that has any restriction on hunters or on the owners of guns or on carrying guns in any States of the Union—and they talk about gun control all over the United States—in this bill, I will eat a copy of my bill page by page without catsup or mustard.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I would call to the attention of the gentleman from Arizona the fact that he has just made another of the misstatements in connection with his legislation of which the RECORD here has been so rich today.

I wrote the Wildlife Refuge Administration Act in the Subcommittee on Fisheries and Wildlife Refuge. That statute curtailed mineral exploitation of the refuges about 15 years ago.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has expired.

(On request of Mr. DINGELL, and by unanimous consent, Mr. UDALL was allowed to proceed for 3 additional minutes.)

Mr. UDALL. Mr. Chairman, does the gentleman from Michigan (Mr. DINGELL) deny that the Breaux-Dingell substitute opens wildlife refuges to hard-rock mining? Does he deny it?

Mr. DINGELL. Mr. Chairman, if the gentleman will yield, Breaux-Dingell actually constrains and constricts existing law. Existing law and the law which has always applied with regard to refuges have always allowed hard-rock mining within refuges.

The Breaux-Dingell proposal actually constrains and constricts it in a number of ways. First of all, it no longer allows surface title to be passed to the miner something which can be done under existing law, the mining laws being something which has been under the jurisdiction of the Interior Committee which has slept very comfortably on this matter.

Furthermore, it does not allow any more use of the land than is necessary to extract the minerals.

Moreover, no mining may occur until a conservation plan has been adopted for the refuge. The conservation plan must outline methods of protecting the refuge, how its purposes and wildlife will be enhanced. It also delineates where, when, and how mining must be done to protect wildlife values.

No activity can occur in the refuge unless and until approved by the Secretary of Interior to be compatible with the purposes of the refuge and protection of animals and habitat.

In addition, a 5-percent royalty is applied to all extractions which goes to the Migratory Bird Fund for purchase of further refuge lands.

Mr. UDALL. Mr. Chairman, the gentleman has told me what I wanted to know, that the bill would allow the extraction of hard-rock minerals in 63 million acres of wildlife refuges.

Mr. DINGELL. And it can be done in those same refuges under existing law. Our proposal actually constricts existing law on mining.

Furthermore, I would point out for the benefit of the gentleman from Arizona (Mr. UDALL) that his bill also permits hard-rock mining in refuges. The gentleman is throwing a red herring across the debate here, and the gentleman has——

Mr. UDALL. Mr. Chairman, the gentleman talks about a red herring, and then we have heard all about gun control in 49 States.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I am looking at section 307(a) of the Breaux-Dingell substitute, and it starts out like this:

> The Secretary may permit mining within any refuge, and any such mining shall be subject to the mining laws of the United States except as follows:

Then it details the exceptions, which, as the gentleman has stated, deal with the matter of surface title and with restrictions on the manner of removal of minerals.

Mr. Chairman, can the gentleman point to the section of the Udall-Anderson substitute that opens the refuges to hard-rock mining?

Mr. UDALL. Mr. Chairman, I would like to know about it, because if it is there, I would help to take it out.

Mr. DINGELL. To which bill is the gentleman referring?

Mr. SEIBERLING. The Udall-Anderson substitute. Can the gentleman point out the section of that substitute?

Mr. DINGELL. Mr. Chairman, if the gentleman will yield, I will try to find it.

There are so many bills I am hard put to tell which one we are talking about.

Mr. SEIBERLING. This happens to be the one authorized by the rule which was adopted a couple of weeks ago.

Mr. DINGELL. I will try to find it.

Mr. UDALL. Mr. Chairman, we now approach the most important land conservation votes this House will cast in our generation.

Never again will we have such a choice to make. The implications and lasting significance of the votes each of us will cast today will be the last great land decision the Congress ever makes.

One year ago this week, the House of Representatives wrote itself a proud achievement as it passed—overwhelmingly—the Alaska National Interest Lands Act. Today, we have that opportunity again.

This year, unlike last, there is a serious choice to be made, head-to-head, between two competing substitute bills. Each has its champions, each has support from some elements of our society. Each addresses the future of our natural heritage in Alaska very differently.

The Breaux-Dingell substitute attempts to beguile us with an impressive substitute I have proposed. But this alternative is riddled with weaknesses, woven into the fabric of title after title. It creates novel and untested new land classifications; it assigns management responsibilities for archeological areas to the Fish and Wildlife Service, and for prime wildlife habitat to the Bureau of Land Management; it fragments the boundaries of parks, preserves, refuges, and wilderness areas on a wholesale basis; it attempts to pretend that the most serious potential land use conflicts do not exist by a sort of "see no evil" process of simply moving boundary lines around; it opens national wildlife refuges to discretionary mineral entry; it segments the natural unity of vital ecosystems; it proposes to open national park lands to trophy hunting; it slashes the wilderness proposals in southeast Alaska—and it poses a deadly threat to North America's most spectacular pageant of wildlife, the great Porcupine caribou herd.

This Breaux-Dingell substitute has been labeled "unacceptable" by the President and by those Cabinet officials who have responsibility for managing these resources. It has been labeled "unacceptable" by resource professionals having intimate knowledge of the lands and wildlife of Alaska. It has been labeled "unacceptable" by virtually every national environmental and conservation organizations, and by America's leading sport hunting groups—the National Wildlife Federation and the Izaak Walton League of America.

We have had argument and counterargument, and I think the contending lobbying groups have lobbied just about all they can.

Now we must choose.

We must choose first whether to water down these two clearly distinct choices by weakening amendments. A number of amendments have been proposed to my substitute, and of these I am prepared to accept those which do not do violence to our fundamental purposes and principles.

Mr. Breaux and Mr. Dingell and Mr. Huckaby and Mr. Young have every right to offer and accept amendments to this vehicle, and I do not intend to contest them.

When we are done with amendments, we will come to the real choice. The House will decide whether it will approve the Breaux-Dingell version or the Udall-Anderson version.

Mr. Chairman, I think we should focus for just a moment on those things we will not be deciding by that vote.

We will not be choosing between a secure energy future or gas lines next weekend. My substitute has no effect whatsoever on more than 95 percent of those lands onshore in Alaska which our expert agencies have rated as "favorable" or "high potential" for oil and gas discovery. My substitute opens all of the national petroleum reserve on the North Slope—all 22.5 million acres—an area that Chevron's chief exploration geologist calls possibly the highest potential area remaining onshore in the United States.

We will not be choosing between having lumber and logging jobs or having wilderness in southeast Alaska. Under my substitute, every existing job in the timber industry will be assured a continuing supply of timber and room for growth.

We will not be deciding between having a U.S. Borax molybdenum mine in the Misty Fjords or not having it—the mine can be developed and will have access for development under my substitute.

We will not be choosing whether there can be sport hunting in Alaska. Under my substitute, more than 90 percent of all the lands in Alaska will be totally unaffected as regards hunting. This includes the prime areas utilized by the major game species. Professional guides and outfitters will have a 10-year phaseout period to move any operations they have established in the 26.9 million acres of National Parks which will remain closed to sport hunting.

We will not be choosing whether the State and people of Alaska will have development in their future and a healthy, stable economy. This Congress has already been more generous with Alaska than with any of our States—generous in giving that State Federal lands, generous in tax revenues, generous in response to every plea to speed this development project or that development project. In the Udall-Anderson substitute there is no abrogation of our commitments to the State, just an affirmation of our commitments to the rest of Americans for their lands which remain theirs after all our largess to Alaskans.

We will not be choosing about gun control, nor about abortion, nor about nuclear powerplants, nor about prayer in the schools. The National Rifle Association's legendary lobbying machine notwithstanding, this substitute does not impose gun control nor any other of these social prohibitions. Udall-Anderson is neutral on gun control, as it is on abortion, prayer in schools, busing, access to the notes of reporters, and ethical standards for lobbying organizations which spread deliberate distortions—as had the National Rifle Association.

Mr. Chairman, the House can again pass a landmark conservation bill for our Federal lands in Alaska.

I believe the people of this country expect no less.

In our lifetimes, we have few opportunities to shape the very Earth on which our descendants will live their lives. In each generation we have carved up more and more of our once-great natural heritage. In most of our States, we are now engaged in enormously expensive salvage operations, to protect part of a watershed or a bit of wildlife habitat.

In Alaska we have this one last great chance to do it all right, from the start.

The national conservation groups have termed each of these votes—on amendments, on the choice between Udall-Anderson and Breaux-Dingell, and on final passage—as the "land and wildlife conservation votes of the century."

So long as you and I serve together in this House, we will cast no more important land and wildlife conservation votes than these.

My friends, we will shape this last great expanse of wild land, and the marks we choose to make or not make access these parts of Alaska will linger on the land far beyond our lifetimes. We will write, in these votes, our signatures across the very face of the living Earth.

I believe the substitute which Mr. Anderson and I have offered will best serve our people today and the generations of the future. I urge this House to make its choice boldly—and I ask for your support in voting for the Udall-Anderson substitute.

Mr. CLAUSEN. Mr. Chairman, I rise in opposition to the Udall-Anderson substitute.

The CHAIRMAN. The gentleman from California (Mr. Clausen) is recognized for 5 minutes.

Mr. CLAUSEN. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for an additional 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. SEIBERLING. Mr. Chairman, reserving the right to object, do I understand the gentleman is going to address the Udall-Anderson substitute?

Mr. CLAUSEN. Mr. Chairman, I want to address my position on which we were foreclosed from presenting under the agreement with the gentleman from Arizona (Mr. Udall) the other day when they chose not to proceed with the debate. I want to make certain I have enough time.

Mr. SEIBERLING. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. CLAUSEN) is recognized for 15 minutes.

□ 1300

Mr. CLAUSEN. Mr. Chairman, I rise in support of the Interior Committee bill as voted out by a majority of the members and also to relate my intent to support the improved Alaska lands bill as voted out by the Merchant Marine and Fisheries Committee.

I voted for H.R. 39 during the last Congress when it passed the House by overwhelming margin and would have voted for it again this year both in committee and in the House had it not been substantially changed when it was reintroduced. These major changes made it necessary for us to come up with a new Alaska lands bill.

I believe the committee bills both offer protection for all the "crown jewels" of Alaska and that we can take great pride in them. Both versions increase the wilderness system by over 250 percent and carefully classify millions more acres in recognition of a wide spectrum of values that make up the national interest, concerns, and needs including recreation and environmentally compatible development.

Both committee bills embody sound judgment based on lengthy and reasoned debate. We have provided for energy and mineral exploration with strong environmental safeguards and protection for existing jobs.

We have heard numerous arguments for and against the various Alaska lands proposals pending before the House. Unfortunately, advocates of some of the proposals have circulated some ambiguous statements adding to the difficulty in arriving at a reasoned position. We need to put the rhetoric behind us and present a careful and thorough accounting of the facts upon which our colleagues can base their final decision.

A full understanding of the issue would not be complete without a review of its history and the steps we have taken to arrive at the position we are at today.

During the 95th Congress, the House Interior and Insular Affairs Committee spent 2 years holding hearings and drafting a comprehensive Alaska lands bill. The bill was reported out of committee and passed the House with my support.

However, during the closing days of the Congress, it became apparent that we were not going to be able to complete the legislative process and be able to send a bill to the President unless we acted expeditiously. An ad hoc conference committee met round-the-clock to work out a final compromise which had the support of all the key members involved and the administration.

However, as a result of the limited time left before final adjournment, we were operating under a procedure which allowed one Member of the Senate to object to our bill and prevent further consideration. As I understand the events of those last hectic hours, the junior Senator from Alaska invoked this privilege and foreclosed the opportunity to complete an Alaska lands bill and put this issue behind us.

This was disappointing to all of us. We were not able to finalize the issue and knew we faced a lengthy and certain to be controversial reconsideration of it in the 96th Congress.

An unfortunate aspect of the current legislative struggle has been an attempt on the part of some to rewrite the original H.R. 39 and deny that the ad hoc agreement ever existed.

Since this House should render a decision on Alaska based on facts, I want to share with my colleagues those remarks made about the ad hoc compromise by certain of its participants. I am sure that these remarks will set the record straight regarding the existence of the agreement its sessions produced.

On October 14, shortly after the junior Senator from Alaska foreclosed our reaching a final agreement, the chairman of the Senate Energy and Natural Resources Committee, who had served as cochairman of the ad hoc conference sessions, expressed his appreciation to the gentleman from Arizona, the gentleman from Ohio, the Secretary of the Interior, the majority and minority staff, and the senior Senator from New Hampshire and said:

> We all had different points of view on the D-2 legislation but we all came together. We're all in agreement except on the question of access. We could have had a bill but objection was made on the question of access.

As many know, the objection was raised by the junior Senator from Alaska.

Statements have also emanated from the administration regarding this agreement. When announcing the President's Antiquities Act withdrawals in December 1978, Secretary Andrus observed that the withdrawals were necessary only because "passage of a more sweeping Alaska lands legislation was blocked by the threat of filibuster by one Senator."

I believe these statements provide more than adequate assurance that an agreement did, in fact, exist. The import of this is that the Huckaby or Interior Committee bill is identical to that agreement. Moreover, the Merchant Marine Committee measure rewrote that compromise and strengthened it by adding more lands to the wildlife refuge and wilderness categories.

Accordingly, it is a bit difficult to accept the assertion that these two bills are now "totally unacceptable" to backers of the Udall substitute when, in fact, the primary supporters of the Udall substitute were parties to creation of the Huckaby bill only 6 months ago.

This history demonstrates that the committee bills are the real compromise and reflect the balanced solution to this difficult issue.

When the 96th Congress convened we faced a decision on how the committee would address the issue. The committee had during the 95th Congress established a special Subcommittee on Alaska Lands in recognition of the immense and complex nature of the issue. However, the committee decided at the start of the session not to reestablish the special subcommittee but rather, to expedite the committee's work, we gave jurisdiction over the issue to the full committee.

Starting from the premise that there was no need to repeat all the lengthy debate of the past Congress, we built on the ad hoc committee's work and favorably reported comparable language.

The Interior Committee therefore positioned itself in such a way as to avoid the emotional and unproductive debate which would have occurred if we had started with extreme positions and provided a more reasoned framework from which we could move ahead and achieve a final agreement on the issue.

Without starting from this position, we feared that the emotional tenor of the debate would have escalated and we could possibly be left with no bill at all again this year. There would have been little hope of reaching a middle ground necessary for arriving at a final decision.

Such a deadlock would be tragic for Alaska and for the Nation as a whole. We all agree that the Alaska issue affords us a unique opportunity to preserve entire ecosystems, protect vast wildlife habitats and provide for recreational opportunities unequaled by anything in the Lower 48 States.

The Alaska lands issue is, without a doubt, the most significant and complex conservation issue to ever come before the Congress.

A significant factor in our decision to move forward with the ad hoc committee bill was the executive withdrawals made in 1978. Acting unilaterally, the Secretary of the Interior withdrew approximately 110 million acres citing "emergency" authority. Many of us questioned the wisdom of using executive authority when the issue was clearly one before the Congress and one which the Congress was in the process of acting on.

A few days later, the President acted unilaterally to establish 56 million acres of monuments again in direct conflict with action planned by the Congress. If one adheres to the separation of powers doctrine between the legislative and executive, it seems only proper that the Congress should have been permitted to work its will free and clear of any intervention in the legislative process by the executive branch.

The Interior Committee acted wisely in not allowing the President's move to unduly influence the committee's decision or confuse the issue.

In light of this past history, I believe the Interior Committee and the subsequent work of the Merchant Marine and Fisheries Committee has placed us in a position from which we can advance the issue through the House and reach a conference committee session in which the final negotiations will inevitably take place.

When the Interior Committee reported out the ad hoc committee compromise, many of us predicted that the Merchant Marine and Fisheries Committee which was scheduled to consider the legislation next would make a number of improvements in the legislation. The committee did exactly as we predicted and reported a bill with additional wilderness and wildlife refuge lands.

We are all committed to the best attainable, reasonable, responsive, and balanced land and resource conservation and management proposal for Alaska. We differ in our definitions of what is the best "balanced" proposal. The amending process which we face will enable us to focus more closely on this controversy and should bring us closer to an agreed upon version. I urge my colleagues to consider each amendment carefully and fully on its merits.

It is my hope that the balance we achieve will preserve vast areas without adverse economic effects on Alaska or the Nation. We all are acutely aware of the uncertainty of our energy resources and the impact foreign activities are having on this country. We must be fully committed to energy independence and not unwisely cut off the opportunity for oil discoveries which can ease this uncertainty. With this in mind, the committee has carefully drawn boundaries so as to omit areas identified as high potential areas for oil and gas.

The Merchant Marine Committee bill has worked out a provision on the Arctic National Wildlife Refuge which clearly recognizes the importance of determining in an environmentally sound fashion the onshore energy resources in this area. They insure the Congress the right to decide the manner in which these resources would be produced after adequate exploration and environmental assessments have been made. More specifically, the Merchant Marine Committee provision recommends 9.55 million acres be added to the existing range. The proposed additions would put almost all of the available wintering and migration habitat of the Porcupine caribou herd on the U.S. side of the border under the unified management of the Fish and Wildlife Service.

The coastal plain of the Arctic Wildlife Refuge is also visited each summer by approximately 115,000 Porcupine caribou on the last leg of their annual migration pattern. In recognition of this event, the bill provides for a 7-year biological study to determine the effect on the caribou of man's presence. Five years after the assessment begins, the Secretary may permit the drilling of offstructure stratigraphic test wells to determine the extent of the energy resources present. The area lies just east of Prudhoe Bay where the largest oil discovery ever made in the United States occurred. We frankly do not know if the oilfield extends into the refuge area and this procedure will allow us to find out. However, if at any time the Secretary finds that the activity is having an adverse impact on the wildlife resources, he may suspend such activities. The bill also specifically prohibits any developmental activities unless authorized by the Congress.

This procedure will allow us to determine exactly what resources are in the area, what activities are compatible with the caribou, and will prevent any hasty or irresponsible development at some future time.

The Interior Committee bill and Merchant Marine substitute also meticulously draw the wilderness boundaries to create wilderness additions—4 million acres in the Tongass National Forest—while maintaining all existing forest product-related jobs and honoring existing mining claims.

There are currently over 2,000 forest product-related jobs in southeast Alaska which rely on an allowable cut of 520 million board feet. Both committee bills assure that the allowable cut will remain at this level.

Major mineral discoveries have also been carefully left outside conservation units or placed in multiple-use-type management areas. As my colleague from Nevada (Mr. SANTINI) pointed out in his testimony before the Rules Committee, this Nation is in a precarious position relative to minerals. We are dependent on foreign supplies in much the same way that we rely on foreign sources of oil.

In Alaska we have the potential of meeting many of our mineral needs. Unfortunately, we do not know just what minerals are there but initial examination reveals that the State has the potential of yielding copper, zinc, silver, uranium, lead, molybdenum, gold, iron ore, nickel, cobalt, and platinum. The list also includes chromite, antimony, tungsten, mercury, tin, barite, and many others.

Both committee bills contain a provision requiring mineral assessment on public lands and requires a Presidential report to Congress annually on the results of the assessment. These provisions should be retained in our final bill.

I urge my colleagues to lend their support to the Merchant Marine Fisheries Committee substitute. In the event it does not prevail, I urge my colleagues to support the Interior version.

☐ 1305

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. CLAUSEN. I yield to my friend, the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. I thank the gentleman for yielding.

I would like to associate myself with the gentleman's remarks, and just for the clarification of the Members here in the committee, the agreement that the gentleman spoke of, which is now the so-called Huckaby bill, or the bill that we passed out of the Interior Committee, is the same legislation that a year ago, or last October, the gentleman from Arizona (Mr. UDALL), the gentleman from Ohio (Mr. SEIBERLING), and others agreed to in the late compromise of the 95th Congress; is that correct?

Mr. CLAUSEN. The answer is yes. I quoted, as the gentleman knows, from the remarks of the Senator from Washington (Mr. JACKSON) at a press conference.

Mr. SYMMS. I want to make that clear to the Members here that the Interior bill was agreed to at one time by the now supporters of the so-called Udall-Anderson bill, which is not at all the same bill.

Mr. CLAUSEN. That is correct. I might state to the gentleman that the reason that the committee moved with a measure of dispatch on accepting what, in effect, was the ad hoc conference committee agreement as the Huckaby substitute, was because of the number of concerns that have been expressed to us by the people of Alaska up there waiting for a decision to be made.

The unemployment question is very real. We have even heard comment to the effect of an increase in suicides occurring up there because of the uncertainties of the people of Alaska awaiting this major decision.

As the gentleman knows, the Governor of Alaska, who was actually elected on a conservation platform, had the support of the Sierra Club in Alaska. He is supporting this Breaux-Dingell substitute, and came down here to discuss with the members of the committee, as well as members of the conference, how strongly he feels about retaining these provisions in the Breaux-Dingell substitute.

Mr. SYMMS. If the gentleman would yield for one more question, then what the gentleman is saying is that if Members of this House decide to vote for the Breaux-Dingell bill, then they would be in fact voting for a great conservation measure which would be probably the landmark environmental vote of the century.

Mr. CLAUSEN. I think that by any standard, any means of measuring, frankly all three of these legislative proposals will go down in history as the largest conservation measures ever considered by the Congress.

☐ 1310

Mr. YOUNG of Alaska. Mr. Chairman, will the gentlemen yield?

Mr. CLAUSEN. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I am very pleased that the gentleman brought up this issue. We have—and everybody knows because I have stated this before in the well and Senator JACKSON stated it—we were all in agreement. That was October 14, 1978, but let us bring ourselves up to date. On February 7, 1979, before the full Interior Committee, and this is by Representative UDALL of Arizona:

> Let me get on the record here. We sat for three, I remember the moment because I was chairing this ad hoc thing. I said, "Gentlemen, we have done something very historic, we have got a bill. We have got an agreement. . . . I want to make it clear there was in principle a compromise agreed upon if people had not ruined it."

That is a direct quote from the chairman of the full Interior Committee, the gentleman from Arizona (Mr. UDALL). There was an agreement on the Huckaby bill.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from Arizona, since his name was mentioned.

Mr. UDALL. Mr. Chairman, I do not think it is really going to change many votes, what somebody did in a room last October. But let me set the record straight. I was chairman of that ad hoc conference. We did agree in principle after several days of negotiation, but there were a lot of details to be fleshed out, to be agreed upon, and a whole raft of things to be done by the staff, and the Senator from Alaska botched up that little party.

Mr. YOUNG of Alaska. I understand; but this is 1979.

Mr. UDALL. I just want to put it in the record. I do not think it has much to do with what we are doing today, but on May 8 the gentleman from Ohio (Mr. SEIBERLING), on page H2851, tells this whole story chapter and verse. I want to endorse what he said. It is a different ball game. It is akin to being in a poker game 10 minutes to midnight and I have a pair of deuces, and my opponent says, "I will split the pot with you." Time is about to run out.

Under this December 18 deadline we made a deal, the best deal we could make. Then, some guy named GRAVEL comes on and the chips are all over the floor. Then, we decide to play until 3 o'clock and we redeal the cards and we find that we do not have that situation in our hand and nobody asks to split the pot. We want a strong bill. That was a pretty lousy compromise. I made it and I would have fought for it on the floor, but it was upset by the Senator from Alaska and it has no status here today.

The CHAIRMAN. The Chair would simply point out that references to actions taken in the other body are contrary to the rules of the House.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I rise in opposition to the Udall-Anderson amendment. I know that all of my colleagues read the newspapers on a regular basis. Those who read past the headlines are no doubt aware that we are in the midst of an energy crisis and that energy has joined inflation, ridiculous Government spending, and confiscatory Federal taxation at the top of the list of consumer concerns. It is with this thought in mind that I wonder why we are even considering supporting the substitute offered by the gentleman from Arizona and the gentleman from Illinois. This overkill approach was not only rejected by the Interior and Insular Affairs Committee—a committee which the gentleman from Arizona chairs—but by the Merchant Marine and Fisheries Committee as well. The Interior bill was agreed to last fall by Mr. UDALL and others but they now reject it for some reason.

As I read it, the gentleman's substitute will lock up the Arctic Range coastal plain and prohibit the development of oil and natural gas. I have seen estimates that perhaps as many as 15 billion barrels of crude oil can be produced in that area alone. Fifteen billion barrels. Mr. Chairman, I am one Member who cannot go home and face my constituents and tell them that I supported legislation which would prohibit 15 billion barrels of oil from entering the market, particularly when gas stations are running out of gas, curtailing hours and contemplating shutting down altogether. Last week, news reports predicted long lines at the pumps by the end of this month. This week, the lines are already commonplace in many parts of the country. And we stand on this floor while our more liberal Members are talking about locking up 15 billion barrels of oil.

I know that my environmentalist friends will argue that the estimate of 15 billion barrels is an exaggerated one. I am not surprised—especially in light of the exaggerations and misconceptions put forth by those who have publicly backed this amendment. We keep hearing about "balance" and a "balanced approach." The Breaux-Dingell bill provides for an extended period in which the Arctic Range can be studied and tested for possible development. Is that not a balanced approach? I said possible development. Before any development, before any drilling, Congress must act on the results of those studies.

During consideration of H.R. 39 last year, I had the opportunity to review the impact of an Alaskan land lockup on gasoline users throughout the United States. In a study prepared by the U.S. Chamber of Commerce, it was estimated that the average American family of four would be denied 2,760 gallons of gasoline in the next decade, as a result of making a wilderness out of the Arctic Range, east of Prudhoe Bay, in the northeast corner of Alaska. For this reason alone, I cannot support this substitute.

Mr. Chairman, this issue has been the subject of heated debate in recent weeks. I have heard it all. Those of us who oppose the Udall-Anderson substitute have been labeled as coconspirators in the effort to stop conservation at all costs. Secretary Andrus has gone so far as to call prodevelopment groups, "the rape, ruin, and run boys." The extremist environmental groups have continued the campaign which they began last year and have deluged well-intentioned citizens with misinformation and overkill rhetoric. They have disseminated the message that a conspiracy to destroy the State of Alaska lurks within the Halls of Congress. It happened last year during consideration of H.R. 39 and this year's campaign has been equally intense. The same compromise which was agreed to during the waning days of the 95th Congress, agreed to by the gentleman from Arizona, by the administration, and by Congressman YOUNG and Senator STEVENS, has now been deemed unacceptable and the President has threatened the Congress with a veto, should we not see fit to adopt the measure before us now. The outside extremist pressure groups want to pull the strings and malign those of us who do not agree with them.

Mr. Chairman, I consider myself a conservationist. In fact, I voted for one of the original land set-asides in the West shortly after coming to Congress many years ago. But, Mr. Chairman, I will continue to draw the line at measures which will do nothing more than satisfy the irrational demands of a misguided minority. The President has assured us that he is doing everything possible to bring about an increased development of oil and gas within our own country yet his administration opposes legislation which will do just that. As the gas lines become longer, the prices go up and the Nation's Capital faces an invasion of thousands of tow-trucks, operated by disgruntled service station owners who cannot get gasoline, our President and many Members of this body are prepared to support legislation which will deny this country a much-needed source of fuel. It is no wonder that my friend from Idaho (Mr. SYMMS) has entitled H.R. 39, the Middle East Oil Dependency Act.

Mr. Chairman, I am not terribly thrilled with any of the proposals before us in this debate. The idea of colonialism does not appeal to me, particularly when we are talking about one of our own States. I have asked, "What about the people of Alaska? What do they want?" I cannot get an answer. Are we in Washington saying that the people of Alaska should be left out of this debate? Are we, in fact, telling them that they do not know anything about this issue, that they cannot grasp the situation as well as the wise men in Washington? Are we telling them that we know what is best for them? I, for one, can sympathize with my friend from Alaska. Here we stand in the face of the most complicated, comprehensive piece of conservation legislation that most of us will ever face in this body and we are ignoring the very people which it affects the most. The Governor of Alaska has been compelled to take out newspaper ads in Washington in order to convey to Congress the sentiments of his own people. The State's congressional delegation has been forced to accept compromises in order to appease the President and his environmentalist advisers.

Mr. Chairman, I have a number of reservations about this approach. Some of my colleagues will undoubtedly cover some of the other areas. My time is up so I will not elaborate about the strategic minerals which will be locked up in this legislation—minerals which we need for national defense purposes—minerals like platinum and gold and vanadium which we presently purchase from our adversaries in the Soviet Union. I will leave that to the gentleman from Idaho (Mr. SYMMS) and the gentleman from Nevada (Mr. SANTINI), members of the Committee on Interior and Insular Affairs.

Gun control is an issue in this debate. It is just a different kind of control than the proposals we are used to seeing around here.

Last Friday, the Washington Post covered a confrontation between Senator STEVENS of Alaska and Secretary Andrus. The Senator had indicated that the Udall-Anderson substitute constituted gun control by land control. Surprisingly enough, the article was fairly balanced. By Sunday, however, the Post editorial staff realized their mistake and returned to their longstanding policy of liberal bias. An editorial entitled "Alaskan Myths" followed. That column laid to rest the concept of accurate reporting. The Post now sees the issue as a pro-gun-control bill and has acted accordingly. Long an advocate of strict gun controls, they have somehow contrived the idea that, at the last minute, anti-gun-control groups have joined forces with the "rape, riot, and ruin boys" in an effort to block passage of the Udall-Anderson substitute.

Mr. Chairman, I have news for my colleagues. The gun control issue is not new. It was not dreamed up at the last minute. It does not surprise me that the administration is looking for another method in which to institute some kind of gun control. The President failed miserably last summer when the House of Representatives overwhelmingly supported a resolution to block the Carter-BATF plan for computerized data-bank registration of firearms. Now we are faced with a different type of gun control. We are simply looking at legislation that will prohibit the use of firearms on 44 million acres of Alaskan land. I wonder if my colleagues can possibly fathom how much land constitutes 44 million acres.

Mr. Chairman, those who say that this is not a gun control issue are wrong. The President has an obligation to his liberal constituency to give them some kind of gun control. The passage of the Udall-Anderson substitute will give him a little help. It will momentarily satisfy some of his friends on the left.

Mr. Chairman, it is interesting to hear the Members citing various groups which have announced support for the so-called Udall-Anderson substitute. I have talked to some of these groups. I found it interesting that they are not as united in support as we have been led to believe. Take the National Wildlife Federation. Some of the State organizations have broken with the national chapter and have supported the Breaux-Dingell bill. My own State of Ohio is one of those. I understand that the national leaders are very upset with this show of independence. So much for the grassroots. The Udall-Anderson bill was not before the Interior Committee. It was covered up outside the Congress by the special interests groups. It should be defeated and a more rational, balanced approach adopted.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, since the gentleman also mentioned me, let me note that, interestingly enough, neither Mr. HUCKABY nor Mr. BREAUX nor the gentleman from California were at the 2-day meeting last October—which was not a meeting of the other body, I might say, but a meeting of individuals who were interested in this bill—to try to get together and see if it was possible to reach some kind of consensus.

We found out it was not, but I want to clarify one further point. The statement has been made by the gentleman from Alaska (Mr. YOUNG) that the Huckaby bill is the same as a draft which was agreed to at this meeting of last October. Let me only say this: After the second day of that meeting Mr. UDALL asked the staff, many of whom had not even been there the whole time, to see if they could get together with the staff from the other body's committee and come up with their idea of what we had discussed and tried to agree upon.

The staff came in the next day with a draft, but at that point and before many of us had even examined the draft—and I might say it was accompanied with a list of about two dozen things that the staff said needed clarification because they did not know whether agreement had been reached—at that point, however, the whole thing fell apart bcause of the demands or additional things the junior Senator from Alaska requested.

And so, that happened, and I now have a two-page memorandum which I have had for some time from the staff of our subcommittee listing things that are in the Huckaby bill that were not even in the draft that was agreed to by the staff at that October meeting. So it does not bear any significant resemblance in many, many respects to the draft that none of us ever saw.

□ 1315

Mr. HUCKABY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it has been pointed out earlier, and I think as everyone knows, there are three basic bills before us today. I will certainly agree with the gentleman from Arizona, there is no purpose to be served by further dwelling on how these bills arrived. But the fact is a bill was reported out of the Interior Committee. This exact bill was then taken and modified by the Committee on Merchant Marine and Fisheries. It was modified in two basic areas. They changed the oil and gas provisions to get the Government out of the business of drilling for oil and gas, which I totally agree with and I think most of the Members of this House agree with, and they increased the acreage significantly that would be classified as wildlife refuges. Some of the land that was designated in the Interior bill as parks or park preserves was created and made wildlife refuges. It is my intent this afternoon to offer several amendments changing some of these refuges back to parks and other amendments dealing with natives. The gentleman from Nevada will be offering amendments dealing with minerals. So we will actually meld the Interior-passed bill and the Committee on Merchant Marine and Fisheries bill together on the floor of the House of Representatives.

There is then one competing bill, the so-called Udall-Anderson bill. What are going to be the differences in the two bills that we are finally talking about? We all know that we are talking about around 125 million acres of land owned and controlled by the Federal Government in various categories and classifications from wildernesses to park preserves to forests. But how are these areas treated?

The Arctic Wildlife Range has been mentioned. We are talking about oil. What is happening today? We are now making more heating oil, getting ready for next winter for the people in the Northeast, so we have lines in some places in the United States. I would suggest to the Members they can blame it on the major oil companies; they can blame it on the OPEC oil cartel; they can put the blame wherever they want to because of these gasoline lines. But we have got to have more oil if we are going to shorten those lines and eliminate those lines and if we are going to solve the heating problems of the people in the Northeast. The estimates range that from 25 to 60 percent of all the oil in America is in Alaska. We are getting only 5 percent of our American production today from Alaska. The gentleman from Arizona (Mr. UDALL) will tell us that he opens up 95 percent of all Alaska oil exploration. That simply is not true. If we look at his numbers and maps, the sedimentary basins he opens up for exploration, is only 85 percent, but even that is misleading. We do not know much about where the oil is in Alaska, to be truthful, because there has not been that much exploration up there.

Prudhoe Bay, America's largest oil field, is only a little area 10 miles by 15 miles. It could easily be in one of these wildernesses if it were not already there producing. I am suggesting to you there could very well be another Prudhoe Bay. Many geologists still believe that the best chance for that is in the Arctic Wildlife Range.

Our bill does not go up and rape and ruin this land. It calls for a 5-year study to examine the potential and then come back to Congress and let a future Congress make the determination of whether or not we should develop it.

□ 1320

A poll was taken from April 21 to May 9 by Cambridge Reports, Inc. It has not been made public yet but it shows an overwhelming majority of Americans, by more than 4 to 1, support the proposition that we should examine these lands, see what is there first even if it means damaging the environment to some degree, and we do not propose doing that, before you lock the land up and make it a wilderness.

The American people are crying for a commonsense approach. Let us look and see what we have before we write it off.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent Mr. HUCKABY was allowed to proceed for 2 additional minutes.)

Mr. HUCKABY. Just think about it. We may be trading off 2 million barrels a day, 4 million barrels of oil a day 5 years from now if we lock up this area. No one really knows because there has been no exploration there. The geologists feel it is even a better area than Pet–4. I will have to commend the gentleman from Arizona (Mr. UDALL). They have now finally agreed in their fourth version of legislation to open this area up for oil and gas exploration.

There was earlier discussion about raping the land by going in and doing hard-rock mineral exploration. Do you realize we are subject to a mineral cartel being formed just as an oil cartel has been formed? We are heavily dependent today on imported minerals. What is wrong with putting some American initiative and development that has made this country great, in Alaska, where we can prudently, economically and in an environmentally sound way develop the minerals that are so abundant in Alaska?

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I will be happy to yield to the gentleman from Louisiana.

Mr. BREAUX. I commend the gentleman for his statement. Is it not clear in the so-called Breaux-Dingell approach that on the Coastal Plain study area, no development can ever take place until the caribou studies are completed and until the Federal assessments are completed and until Congress by an act of Congress approves development in that area?

Mr. HUCKABY. Mr. Chairman, that is absolutely correct. We are not going to develop today. We are going to study and then make a decision on whether or not to put it into a wilderness or to development.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, yes, we have three bills before us today and all three are environmental bills. My preference would be the Huckaby bill that passed out of the Committee on Interior and Insular Affairs, because it was the agreement we reached last year. As my good friend from Arizona (Mr. Udall) has admitted, that happened. It is a new ballgame. I, too, will admit that. But that is my preference.

On the other end we have the Udall-Anderson bill that came out of the muggy, muggy bottom. Nobody really knows what has happened. There has been not 1 day of committee hearings, no input from many of the Members other than those principals involved and if you believe in the committee process you will take the middle road, the road that has the hearings, the input from the general public and as a developed bill through that process has been brought to this floor.

If you do not believe in the committee system, if you believe only in responding to special interests having legislation written by a small group of people who are on the floor of the House, then you vote for the Udall-Anderson bill.

There are those of you who received a brochure I sent out. There has been much said by Secretary Andrus about the "rape, ruin, and run guys." If you saw the brochure on this side that was handed over to you, on that side I am sorry to say it was delivered to you by mail, if you read that you saw what has happened to our State of Alaska, by the Government. The environmental damage in my State has been done by the Government. The Government of all the people, the Federal Government, not the State government, not the people of Alaska but the Federal Government because there were no controls and because there was an emergency.

□ 1325

Now, under the Breaux-Dingell bill, there are safeguards. The refuges have to meet the compatability test. The oil has to be studied and there are safeguards for the environment, recognizing the needs of this Nation.

I want to bring forth at this time some facts and some myths.

Myth: Ninety-five percent of Alaska's oil potential is open under the Udall amendment.

Now, is that a fact? No.

The fact is the Udall substitute statutorily closes 15 percent of the areas where oil and gas have potential.

More importantly, it locks up the Arctic wildlife range, which is estimated to hold up to 60 percent of Alaska's onshore potential.

Another thing about oil offshore, which has been mentioned. I do not support the offshore development to the degree that my good friend, the gentleman from Arizona does, because one of the greatest renewable resources we have in the great State of Alaska is our fishing industry.

Now, I have not heard from the environmental movement supporting any offshore development recently. This must be new news to me.

I want oil development—when it has to take place—to take place onshore.

Myth: Ninety percent of Alaska is open to sports hunting under the bill of my good friend, the gentleman from Arizona. And my good friend, the gentleman from Illinois.

Fact: Although in terms of raw acres, 90 percent may be open to sports hunters, the 10 percent which is closed provides the most important hunting. An analysis by the Alaska Department of Fish and Game indicates that the Udall amendment closes 38 percent of the Dall sheep hunting, 18 percent of the moose hunting, and 33 percent of the brown bear hunting.

Myth: Mining operations can occur in the wilderness areas. Now, we are going to be told and asked to vote on an amendment later on; but the facts are that at present there are no operating mines in the wilderness in the areas of the United States. Court cases have confirmed that wilderness and mining operations are inherently incompatible. Forest Service regulations also point to the incompatibility of the two; hence, including any major new find, such as the Greens Creek find or the U.S. Borax discovery, in wilderness amounts, frankly, to a shut down.

Yes; they have valid existing rights, but they are of little use to anyone.

Now, the Huckaby bill and the bill that passed this House, had the Borax area outside of the wilderness designation. Now we come back again with the Udall-Anderson bill and it puts it back in the wilderness designation, which precludes their mining operations.

Now, there is another problem that I really want my colleagues to listen to. The gentleman from Arizona (Mr. Udall) has stated that the State's lands rights are not adversely affected by the Udall bill. Approximately 4 million acres of existing State lands are included in the Udall boundaries as in-holdings.

The gentleman has stated we do not want to create in-holdings, but approximately 4 million acres are included within the boundaries. These lands will be subject to Federal land use controls which are de facto violations of States' rights, to use the statehood backed lands.

In addition, 12 million acres of lands the State selected in November 1978 to complete its Statehood Entitlement Act are blocked by the Udall amendment.

Mr. Chairman, I urge my colleagues to look at the middle road, support the committee bill of Breaux-Dingell.

The CHAIRMAN. For what purpose does the gentleman from Ohio (Mr. Seiberling) rise?

Mr. SEIBERLING. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. Is this to the Udall substitute?

Mr. SEIBERLING. Mr. Chairman, I have an amendment at the desk to the Udall-Anderson bill, which is actually a series of technical amendments which I will ask unanimous consent to offer en bloc.

Mr. DINGELL. Mr. Chairman, reserving a point of order, reserving the right to object to any unanimous-consent request relating to dispensation from reading of this wondrous compendium of documents, I have no objection to the gentleman proceeding.

Mr. BREAUX. I reserve the right to object, Mr. Chairman.

The CHAIRMAN. Since there is no other amendment pending to the Udall substitute, the amendment of the gentleman from Ohio may be offered.

PARLIAMENTARY INQUIRY

Mr. BREAUX. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Louisiana will state the parliamentary inquiry.

Mr. BREAUX. Mr. Chairman, assuming there is an amendment to be offered to the so-called Breaux-Dingell merchant marine version, that would take precedence over an amendment to the so-called Udall-Anderson interior bill?

The CHAIRMAN. The Chair has the option either to recognize the senior Member first or to first recognize that Member seeking to offer the amendment which will be preferential and first voted upon.

□ 1330

Mr. HUCKABY. Mr. Chairman, I have amendments at the desk for the Breaux-Dingell bill.

The CHAIRMAN. The Clerk will report the amendments.

PARLIAMENTARY INQUIRY

Mr. CLAUSEN. Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, what is the parliamentary situation? Is there an amendment to be offered by the gentleman from Ohio (Mr. Seiberling) or the gentleman from Louisiana (Mr. Huckaby)?

The CHAIRMAN. The Chair will state that the gentleman from Ohio (Mr. Seiberling) sought recognition to amend the Udall substitute, but the gentleman from Louisiana (Mr. HUCKABY) has an amendment to the Merchant Marine and Fisheries amendment in the nature of a substitute, and he will be recognized. The Chair will recognize the gentleman from Ohio (Mr. SEIBERLING) later for the purpose of offering his amendment.

Mr. CLAUSEN. I thank the Chair.

AMENDMENTS OFFERED BY MR. HUCKABY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. HUCKABY. Mr. Chairman, I offer amendments to the amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. HUCKABY to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries: Title II, page 299, line 4, add the following sentence: "No lands conveyed to the Native Corporation for the village of Nondalton shall be considered to be within the boundaries of the conservation unit; if the Corporation desires to convey any such lands, the Secretary may acquire such lands with the consent of the owner, and any such lands so acquired shall become part of the conservation unit, pursuant to section 1101(g) of this Act.".

Title III, page 326, line 9; after line 9 insert the following new subsection:

(F) No lands conveyed to any Native Corporation shall be considered to be within the boundaries of the refuge; if any such Corporation or Corporations desire to convey any such lands, the Secretary may aquire such lands with the consent of the owner, and any such lands so acquired shall become part of the refuge, pursuant to section 1101(g) of this Act.

Title VI, page 393, line 18: delete "Juneau and".

Page 395, line 4 through page 400, line 24: strike subsections (b)(5) and (b)(6) in their entirety, and substitute therefor the following:

(5) The Secretary is authorized and directed to convey to Goldbelt, Incorporated, representing the Natives of Juneau with respect to their land entitlements under section 14(h)(3) of the Alaska Natives Claims Settlement Act, and to SEAlaska, Incorporated, the lands and interests in lands described in paragraphs A and C of the Exchange Agreement, dated April 11, 1979, between those Corporations and the Departments of Agriculture and of the Interior on the terms and conditions set forth in such agreement. Such conveyances shall not be subject to the provisions of the National Environmental Policy Act of 1969 (83 Stat. 852), as amended. The terms of the Exchange Agreement, as filed with the Committee on Interior and Insular Affairs of the House of Representatives, are hereby ratified as to the duties and obligations of the United States and its agencies, Goldbelt, Incorporated, and SEAlaska, Incorporated, as a matter of federal law: *Provided*, That the agreement may be modified or amended, upon the written agreement of all parties thereto and appropriate notification in writing to the appropriate committees of the Congress, without further action by the Congress.

(6) In recognition of the considerable land selection costs incurred by Shee Atika, Incorporated, Goldbelt, Incorporated, and Kootznoowoo, Incorporated, in determining the validity of land withdrawals on Admiralty Island under section 14(h)(3) of the Alaska Native Claims Settlement Act, and in identifying suitable lands for exchange outside Admiralty Island, the Secretary of the Interior shall reimburse those corporations for such reasonable and necessary land selection costs, including all costs for negotiating land exchanges, court costs, and reasonable attorney's and consultant's fees, incurred prior to the date of conveyance of land to such Native corporations. Authorization for payment of such land selection costs shall begin in the fiscal year 1980, but shall include earlier costs.

Title VIII, page 470, line 11 through page 478, line 17; delete entire section, and substitute therefor the following:

ALASKA NATIVE ALLOTMENTS

SEC. 805. (a) APPROVAL OF APPLICATIONS.—(1) Subject to valid existing rights, all Alaska Native allotment applications made pursuant to the Act of May 17, 1906 (34 Stat. 197, as amended), which were pending before the Department of the Interior on or before December 18, 1971, and which describes land that was unreserved on December 13, 1968, are hereby approved on the one hundred and eightieth day following the effective date of this Act, except where provided otherwise by paragraph (3), (4), (5), or (6) of this subsection, or where the land description of the allotment must be adjusted pursuant to subsection (b) of this section, in which cases approval pursuant to the terms of this subsection shall be effective at the time the adjustment becomes final. The Secretary shall cause allotments approved pursuant to this section to be surveyed and shall issue trust certificates therefor.

(2) All applications approved pursuant to this section shall be subject to the provisions of the Act of March 8, 1922 (42 Stat. 415; 43 U.S.C. 270–11).

(3) When on or before the one hundred and eightieth day following the effective date of the Act the Secretary determines by notice or decision that the land described in an allotment application may be valuable for minerals, excluding oil, gas, or coal, the allotment application shall be adjudicated pursuant to the provision of the Act of May 17, 1906, as amended, requiring that land allotted under said Act be nonmineral: *Provided*, That "nonmineral", as that term is used in such Act, with regard to land in Alaska, is defined to include land valuable for deposits of sand or gravel.

(4) Where an allotment application describes—

(A) land which (i) is within the boundary of a National Park System unit established, designated, or redesignated on or before the date of enactment of this Act, and (ii) was not withdrawn pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act; or

(B) land patented or deeded to the State; or

(C) land which on or before December 18, 1971, was validly selected by or tentatively approved or confirmed to the State under the Alaska Statehood Act, and was not withdrawn pursuant to section 11(a)(1)(A) of the Alaska Native Claims Settlement Act from those lands made available for selection by section 11(a)(2) of such Act by any Native Village Corporation certified as eligible pursuant to section 11(b) of such Act,

paragraph (1) of this subsection and subsection (d) of this section shall not apply, and the Native allotment application shall be adjudicated pursuant to the Act of May 17, 1906, the Alaska Native Claims Settlement Act, and other applicable law.

(5) Paragraph (1) of this subsection and subsection (d) shall not apply and the Native allotment application shall be adjudicated pursuant to the requirements of the Act of May 17, 1906, as amended, if on or before the one hundred and eightieth day following the effective date of this Act:

(A) a Native Corporation files a protest with the Secretary stating that the applicant is not entitled to the land described in the allotment application, and said land is withdrawn for selection by the corporation pursuant to the Alaska Native Claims Settlement Act; or

(B) the State of Alaska files a protest with the Secretary stating that the land described in the allotment application is necessary for access to lands owned by the United States, the State of Alaska, or a political subdivision of the State of Alaska, to resources located thereon, or to a public body of water regularly employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternative for access exists; or

(C) a person or entity files a protest with the Secretary stating that the applicant is not entitled to the land described in the allotment application and that said land is the situs of improvement, valid mineral interest, or other legal interest in such land claimed by the person or entity.

(6) Paragraph (1) of this subsection and subsection (d) shall not apply to any application pending before the Department of the Interior on December 18, 1971, which was knowingly and voluntarily relinquished by the applicant thereafter.

(b) CONFLICTS.—(1) Where a conflict between two or more allotment applications exists due to overlapping land descriptions, the Secretary shall adjust the descriptions to eliminate conflicts, and in so doing, consistent with other existing rights, if any, may expand or alter the applied-for allotment boundaries or increase or decrease acreage in one or more of the allotment applications to achieve an adjustment which, to the extent practicable, is consistent with prior use of the allotted land and is beneficial to the affected parties: *Provided*, That the Secretary shall, to the extent feasible, implement an adjustment proposed by the affected parties.

(2) The Secretary's decision concerning adjustment of conflicting land descriptions shall be final and unreviewable in all cases in which the reduction, if any, of the affected allottee's claim is less than 30 per centum of the acreage contained in the parcel originally described and the adjustment does not exclude from the allotment improvements claimed by the allottee. Where an allotment application describes more than one hundred and sixty acres, the Secretary shall at any time prior to or during survey reduce the acreage to one hundred and sixty acres and shall attempt to accomplish said reduction in the manner least detrimental to the applicant.

(c) AMENDMENTS.—(1) An allotment applicant may amend the land description contained in his or her application if said description designates land other than that which the applicant intended to claim at the time of application and if the description as amended describes the land originally intended to be claimed. If the allotment application is amended, this section shall operate to approve the application or to require its adjudication, as the case may be, with reference to the amended land description only.

(2) The Secretary shall notify the State of Alaska and all interested parties, as shown by the records of the Department of the Interior, of the intended correction of the allotment's location and any such party shall have until the one hundred and eightieth day following the effective date of this Act or sixty days following mailing of the notice, whichever is later, to file with provided in subsection (a)(5) of this section, the Department of the Interior a protest as which protest, if timely, shall be deemed filed within one hundred and eighty days of the

effective date of this Act notwithstanding the actual date of filing.

(3) The Secretary may require that all allotment applications designating land in a specified area be amended, if at all, prior to a date certain, which date shall be calculated to allow for orderly adoption of a plan of survey for the specified area, and the Secretary shall mail notification of the final date for amendment to each affected allotment applicant, and shall provide such other notice as the Secretary deems appropriate, at least sixty days prior to said date. No allotment application may be amended for location following adoption of a final plan of survey which includes the location of the allotment as described in the application or its location as desired by amendment.

(d) Powersite Withdrawals.—(1) Where the land described in an allotment application pending before the Department of the Interior on or before December 18, 1971 (or such an application as adjusted or amended pursuant to subsection (b) or (c) of this section), was on that date withdrawn, reserved, or classified for powersite or power-project purposes, notwithstanding such withdrawal, reservation, or classification, the described land shall be deemed vacant, unappropriated, and unreserved within the meaning of the Act of May 17, 1906, as amended, and, as such, shall be subject to adjudication or approval pursuant to the terms of this section. If such described land is included as part of a project which on the date of the enactment of this Act was licensed or for which on such date an application for a license had been filed under part I of the Federal Power Act of June 10, 1920 (41 Stat. 24), as amended, or on such date was utilized for purposes of generating or transmitting electrical power or for any other project authorized by Act of Congress, paragraph (1) of this subsection shall not apply and the allotment application shall be adjudicated pursuant to the Act of May 17, 1906, as amended.

(2) If the allotment applicant commenced use of the land after its withdrawal or classification for powersite purposes, the allotment shall be made subject to the right of reentry provided the United States by section 24 of the Federal Power Act, as amended.

(3) Any right of reentry reserved in a certificate of allotment pursuant to this section shall expire twenty years after the date of issuance of such certificate if at that time the allotted land is not subject to a license or an application for license under part I of the Federal Power Act, as amended, or actually utilized or being developed for a purpose authorized by that Act, as amended, or other Act of Congress.

(e) Valid Existing Rights.—Prior to issuing a certificate for an allotment subject to this section, the Secretary shall identify and adjudicate any record entry or application for title made under an Act other than the Alaska Native Claims Settlement Act, the Alaska Statehood Act, or the Act of May 17, 1906, as amended, which entry or application claims land also described in the allotment application, and shall determine whether such entry or application represents a valid existing right to which the allotment application is subject. Nothing in this section shall be construed to affect rights, if any, acquired by actual use of the described land prior to its withdrawal or classification or as affecting national forest lands.

Title VIII, page 509, line 15, delete the words, "TECHNICAL AMENDMENT" and in place thereof insert the word, "AMENDMENTS".

Page 511, following line 15, insert the following new sections:

Sec. 813. Escrow Accounts, Public Law 94–204.—(1) Subsection (a) of section 2 of Public Law 94–204 (89 Stat. 1146) is amended to read as follows:

"(a)(1) During the period of the appropriate withdrawal for selection pursuant to the Settlement Act, any and all proceeds derived from contracts, leases, licenses, permits, rights-of-way, or easements, or from trespass occurring after the date of withdrawal of the lands for selection, pertaining to lands or resources of lands withdrawn for Native selection pursuant to the Settlement Act shall be deposited in an escrow account which shall be held by the Secretary until lands selected pursuant to that Act have been conveyed to the selecting corporation or individual entitled to receive benefits under such Act.

"(2) Such proceeds as were received, if any, subsequent to the date of withdrawal of the land for selection, but were not deposited in the escrow account shall be identified by the Secretary within two years of the date of conveyance or this Act, whichever is later, and shall be paid, together with interest payable on the proceeds from the date of receipt by the United States to the date of payment to the appropriate corporation or individual to which the land was conveyed by the United States. Interest under this section shall be paid on the basis of a semiannual computation from the date of receipt of the proceeds by the United States to the date of payment, with simple interest at the rate determined by the Secretary of the Treasury to be the rate payable on short-term obligations of the United States prevailing at the time of payment. Any rights of a corporation or individual under this section to such proceeds shall be limited to proceeds actually received by the United States plus interest. No payments shall be made under this section except to the extent that sufficient sums have been appropriated as provided in subsection (e) of this section.

"(3) Such proceeds which have been deposited in the escrow account shall be paid, together with interest accrued by the Secretary to the appropriate corporation or individual upon conveyance of the particular withdrawn lands. In the event that a conveyance does not cover all of the land embraced within any contract, lease, license, permit, right-of-way, easement, or trespass, the corporation or individual shall only be entitled to the proportionate amount of the proceeds, including interest accrued, derived from such contract, lease, license, permit, right-of-way, or easement, which results from multiplying the total of such proceeds, including interest accrued, by a fraction in which the numerator is the acreage of such contract, lease, license, permit, right-of-way, or easement which is included in the conveyance and the denominator is the total acreage contained in such contract, lease, license, permit, right-of-way, or easement; in the case of trespass, the conveyee shall be entitled to the proportionate share of the proceeds, including a proportionate share of interest accrued, in relation to the damages occurring on the respective lands during the period the lands were withdrawn for selection.

"(4) Such proceeds which have been deposited in the escrow account pertaining to lands withdrawn but not selected pursuant to such Act, or selected but not conveyed due to rejection or relinquishment of the selection, shall be paid, together with interest accrued, as would have been required by law were it not for the provisions of this Act.

"(5) Lands withdrawn under this subsection include all Federal lands identified under appendices A, B–1, and B–2 of the document referred to in section 12 of the Act of January 2, 1976 (Public Law 94–204) for Cook Inlet Region, Incorporated, and are deemed withdrawn as of the date established in subsection (a) of section 2 of the Act of January 2, 1976.".

(2) Section 2 of Public Law 94–204 (89 Stat. 1146) is amended by adding a new subsection to read as follows:

"(e) There is authorized to be appropriated such sums as are necessary to carry out the purposes of this section.".

Sec. 814. Amendment to Public Law 94–204.—Section 12(b) of the Act of January 2, 1976 (Public Law 94–204), as amended by section 3 of the Act of November 15, 1977 (Public Law 95–178), and section 4 of the Act of October 4, 1976 (Public Law 94–456), is hereby amended to add the following new subparagraphs:

"(7)(i) Until the obligations of the Secretary and the Administrator of General Services under subsection 12(b)(6) of this Act are otherwise fulfilled, Cook Inlet Region, Incorporated, may, by crediting the account established in subsection 12(b)(7)(ii), bid for surplus property, wherever located, in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484 (1949 as amended)) (hereinafter 'the Act'). No additional advertising shall be required other than that prescribed in section 484(e)(2) of the Act.

"(ii) The Secretary of the Treasury shall establish a Cook Inlet Region, Incorporated, surplus property account, which shall be available for the purpose of bidding on Federal surplus property. The balance of the account shall be the acre-equivalent exchange value established by subparagraph I(C)(2)(e) of the document referred to in this subsection, of the unfulfilled entitlement of Cook Inlet Region as of the effective date of this subsection to Federal acres or acre-equivalents under subparagraph I(C)(2)(g) of the document referred to in this subsection and shall be adjusted to reflect any future conveyances under subsection (b)(6).

"(iii) The basis of properties received by Cook Inlet Region, Incorporated, under this subsection shall be established in accordance with the provisions of this Act. Dispositions of surplus property under this subsection shall be treated as sales under the Federal Property and Administrative Services Act (40 U.S.C. 485 (1949 as amended)).

"(8) The Region, the Secretary, and/or the Administrator shall have until June 15, 1980, to complete the nomination of lands for the pool described in subsection (b)(6): *Provided, however*, That the Secretary shall report to Congress on June 15, 1979, and January 15, 1980, as to—

"(i) such studies and inquiries as shall have been initiated by the Secretary and the Administrator of General Services, or have been prepared by other holding agencies, to determine what lands, within the exterior boundaries of the Cook Inlet Region, can be made available to the Region to the extent of its entitlement;

"(ii) the feasibility and appropriate nature of reimbursement to Cook Inlet for its unfulfilled entitlement as valued in subparagraph I(C)(2)(e) of the Terms and Conditions; and

"(iii) such other remedial legislation or administrative action as may be needed.".

Title VIII, page 511, after line 15, add the following new section:

SUBMERGED LANDS

Sec. 814. (a) Riparian Conveyances.—(1) Whenever the United States conveys to any Native Corporation, pursuant to the Alaska Native Claims Settlement Act or this Act, land or an interest in land which abuts or surrounds either—

(A) a lake having a surface area of one hundred and sixty acres or more; or

(B) a meanderable stream, of which the Secretary has administratively determined to be nonnavigable, the United States shall thereupon convey and relinquish all claims to such right, title, and interest as it may then have to the submerged land under such body of water to the median line or midpoint, as the case may be. For purposes of this section, the applicable rules for determining meanderability, median lines, midpoints, and partition lines shall be those contained in the United States Department of the Interior, Bureau of Land Management, Manual of Surveying Instructions, 1973.

(2) The submerged lands under lakes having a surface area of one hundred and sixty acres or more and the submerged lands under meanderable streams conveyed pursuant to this subsection will not be charged toward the acreage entitlement of any Native Corporation. Conveyance of an interest in the surface estate to any Village Corporation within the National Wildlife Refuge System or the National Petroleum Reserve—Alaska pursuant to this subsection shall not increase the number of acres of subsurface interest that may be selected by a Regional Corporation pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act. This subsection shall not be construed to change the requirements of section 12(a) of such Act that selections be made in whole sections, except that any portion of the submerged lands under a stream or lake accruing to an abutting owner other than the Native Corporation receiving a conveyance under the authority of this subsection shall be deemed land unavailable for selection by such Native Corporation.

(b) Limitation.—The provisions of subsection (a) shall not apply to any submerged lands which, for any reason other than a determination of non-navigability, did not vest in the State of Alaska pursuant to the Submerged Lands Act, 43 U.S.C. 1301, et. seq., or section 6 of the Alaska Statehood Act. Any interest in submerged lands conveyed to any Native Corporation within any area to which the foregoing sentence applies shall be charged against the entitlement of such Native Corporation.

(c) Relation to Units.—(1) Whenever any land or interest in land to be conveyed to any Native Corporation underlies any body of water, and such submerged land or interest in submerged land is within the boundaries of any conservation system unit, the Native Corporation and the Secretary may mutually agree that such submerged land or interest in submerged land is to be retained in Federal ownership, and the Native Corporation shall thereupon receive uplands or an interest in uplands to the line of mean high water and shall receive the remainder of its entitlement pursuant to subsection (e) of this section.

(2) Whenever any land or interest in land to be conveyed to any Native Corporation underlies any body of water and such submerged land or interest in submerged land is outside any conservation system unit, the Native Corporation and the State of Alaska may mutually agree that such submerged land or interest in submerged land may be selected by and conveyed to the State under the provisions of section 6(b) of the Alaska Statehood Act, and the Native Corporation shall thereupon receive uplands or an interest in uplands to the line of mean high water and shall receive the remainder of its entitlement pursuant to subsection (e) of this section: *Provided*, That should the body of water overlying the submerged land or interest in submerged land to be selected by and conveyed to the State later be determined with finality by a court of competent jurisdiction to be navigable and to have vested in the State pursuant to section 6(m) of the Alaska Statehood Act, then State land selections previously filed upon such lands shall not diminish the State's land entitlement under section 6(b) of said Act, nor shall any such determination of navigability affect any Native Corporation's entitlement pursuant to the Alaska Native Claims Settlement Act. Land selections made pursuant to this paragraph shall not be subject to the size limitations of section 6(g) of the Alaska Statehood Act, as amended. Nothing in this section shall be deemed to extend the period for land selections made by the State pursuant to section 6(b) of the Alaska Statehood Act or this Act.

(d) Prior Conveyances.—(1) Any Native Corporation which, prior to the date of election under section (f) of this section, has received an interim conveyance or patent to lands abutting or surrounding a body of water, which interim conveyance or patent describes the land conveyed or computes the quantity of land conveyed in a manner inconsistent with subsection (a) and such body of water is not subject to the provisions of subsection (b), shall be entitled, upon application to the Secretary, to have the land redescribed and the acreage recomputed in accordance with subsection (a), whereupon the Secretary shall issue to each Native Corporation a reformed interim conveyance, patent, or other recordable document conforming to the provisions of this section, subject to valid existing rights.

(2) In any instance in which the Secretary could have retained title to submerged land or an interest in submerged land under section (c)(1) of this section, or in which the State could have selected submerged land or an interest in submerged land under subsection (c)(2) of this section, the Secretary is authorized to receive reconveyance of such submerged land or an interest in submerged land from any Native Corporation owning submerged land or an interest in such submerged land: *Provided*, That if the surface estate and the subsurface estate of such submerged lands are owned by different Native Corporations, both corporations must reconvey their entire interest in such submerged lands to the Secretary: *Provided further*, That as to such reconveyed submerged lands or interests in submerged lands which would become available for State selection because such submerged lands or interests in submerged lands are outside the boundaries of any conversion system unit, that the State shall have filed a land selection application pursuant to section 6(b) of the Alaska Statehood Act and subsection (c)(2) of this Act. Upon acceptance by the Secretary of any reconveyance of submerged lands or interests in submerged lands which are outside the boundaries of any conservation system unit, such submerged lands or interests in submerged lands shall be deemed public lands.

(e) Lands Available.—(1) Any Native Corporation entitled to land or an interest in land pursuant to the provisions of this section shall receive title to such land or interest in land from among valid existing selections made by such corporation under the Alaska Native Claims Settlement Act or this Act. If such selections are insufficient to fulfill a Native Corporation's entitlement under this section, then the provisions of section 910 of this Act shall apply to any Native Corporation so affected, but no land within the boundaries of any conservation system unit shall be withdrawn which was not withdrawn before the date of the enactment of this Act under section 11(a) of the Alaska Native Claims Settlement Act.

(2) All lands conveyed to any Native Corporation pursuant to this subsection shall be subject to the provisions of sections 12, 14, and 16 of the Alaska Native Claims Settlement Act. Any selection made pursuant to this subsection shall not be subject to section 902 of this Act.

(f) Option.—If a native Corporation elects to receive conveyances pursuant to the provisions of this section, it shall so notify the Secretary within one year after the date of this Act. Such election shall be final and irrevocable, and shall apply to all conveyances to that Native Corporation made pursuant to the Alaska Native Claims Settlement Act and this Act. Any election by the Native Corporation owning the surface estate shall be binding on the Native Corporation owning the subsurface estate. The Native Corporations within the Arctic Slope Region, however, shall have until thirty days after a final judicial decision and expiration of any appeal period regarding the effect of Public Land Order 82 within which to elect under this section.

(g) Conflicts.—If two or more Native Corporations are entitled to submerged land underlying the same body of water and not all such Native Corporations have made an election to receive conveyances under the provisions of this section, any conflict in land conveyances shall be resolved by voluntary written agreements between the parties or by binding arbitration as provided for in section 12(b) of the Alaska Native Claims Settlement Act.

(h) Administrative Provisions.—Submerged lands or interests in submerged lands which are within the boundaries of any conservation system unit and which are retained by or reconveyed to the Secretary pursuant to the provisions of this section shall become a part of such conservation system unit. Nothing in this section shall be construed to enlarge or diminish the Secretary's authority to make administrative determinations regarding the navigability of waters. Nothing in this section shall be construed to enlarge or diminish the rights of the United States, the State of Alaska, or any Native Corporation relating to the ownership, control, appropriation, use, and distribution of ground or surface waters.

(i) Entitlements.—Nothing in this section shall be construed as enlarging or diminishing the land entitlement of any Native Corporation under any section of the Alaska Native Claims Settlement Act.

Title VIII, page 511, following line 15, add a new section as follows:

SUPPLEMENTAL GRANTS FOR NATIVE GROUPS

Sec. . The Secretary shall pay by grant to each of the Native Group Corporations established pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act and finally certified as a Native Group, an amount not more than $100,000 or less than $50,000 adjusted according to population of each Group. Funds authorized under this section may be used for planning, development, and other purposes for which the Native Group Corporations are organized under the Settlement Act.

Title VIII, page 505, line 14, insert the words "the provisions of this Act and other" immediately preceding the existing words "applicable law."

Title VIII, page 511, following line 15, add a new section as follows:

AMENDMENT TO SECTION 22(G) OF ANCSA

Sec. . Section 22(g) of the Alaska Native Claims Settlement Act is amended by renumbering the existing subsection as paragraph (1), and by adding a new paragraph (2) as follows: "(2) The Secretary shall review the conditions as provided for in subsection (1) every five years after conveyance and shall determine whether the restrictions imposed therein remain necessary for the purpose of the wildlife refuge system unit."

Title XI, page 546, line 16 through page 547, line 2, delete entire subsection (a), and substitute therefor the following:

Sec. 1101. (a) General Authority.—Except as otherwise provided in this Act, the Secretary is authorized, in order to carry out the purposes of this Act, to acquire by purchase, donation, exchange, or otherwise any lands within the boundaries of any conservation system unit. Any such land owned by—

(1) the State or a political subdivision of the State;

(2) a Native Corporation which has Natives as a majority of its stockholders; or

(3) the actual occupant of a tract, title to the surface estate of which was on, before, or after the date of enactment of this Act conveyed to such occupant pursuant to section 14(c)(1) of the Alaska Native Claims Settlement Act, a descendant of such occupant, or

any subsequent transferee, so long as such lands are used by such transferee in a manner consistent with the purpose for which such tract was originally conveyed under said section 14(c)(1), may only be acquired for such purposes with the consent of the State, such political subdivision of the State, such Native Corporation or such occupant, as the case may be. Lands owned or validly selected by the State which are adjacent to, but outside of, the boundaries of a conservation system unit may only be acquired by exchange or donation for purposes of such conservation system unit, and when so acquired the lands shall become, and be administered as, a part of the unit to which they appertain and the boundaries of the unit shall thereby be deemed to include such lands to the same extent as if the lands were included within such boundaries by this Act. No such boundary change shall take effect until after the Secretary provides reasonable notice in writing to the Congress of his intention to consummate an exchange or donation which would result in such boundary change.

Title XIV, page 619, following line 19, add a new section as follows:

RELINQUISHMENT OF SELECTIONS PARTLY WITHIN CONSERVATION UNITS

SEC. . Whenever a valid State or Native selection is partly in and partly out of the boundary of a conservation system unit, notwithstanding any other provision of law to the contrary, the State or any Native Corporation may relinquish its rights in any portion of any validly selected Federal land, including land underneath waters, which lies within the boundary of the conservation system unit. Upon relinquishment, the Federal land (including land underneath waters) so relinquished within the boundary of the conservation system unit shall become, and be administered as, a part of the conservation system unit. The total land entitlement of the State or Native Corporation shall not be affected by such relinquishment. In lieu of the lands and waters relinquished by the State, the State may select pursuant to the Alaska Statehood Act as amended by this Act, an equal acreage of other lands available for such purpose. The Native Corporation may retain an equal acreage from overselection lands on which selection applications were otherwise properly and timely filed. A relinquishment pursuant to this section shall not invalidate an otherwise valid State or Native Corporation land selection outside the boundaries of the conservation system unit, on the grounds that, after such relinquishment, the remaining portion of the land selection no longer meets applicable requirements of size, compactness, or contiguity, or that the portion of the selection retained immediately outside the conservation system unit does not follow section lines along the boundary of the conservation system unit. The validity of the selection outside such boundary shall not be adversely affected by the relinquishment.

Title XIV, page 619, after line 19, add new section as follows:

ALASKA TOWNSITES

SEC. . (a) The townsite trustee shall convey all lands which—

(1) are within a patented townsite or which are the subject of an application for such patent under the Acts of March 3, 1891 (43 U.S.C. 732) or May 25, 1926 (43 U.S.C. 733–736), and

(2) were unoccupied on October 21, 1976, to the home rule or first- or second-class city, if any, incorporated under the laws of the State of Alaska for the community in which the townsite was originally entered. Any remaining unobligated trust funds shall also be transferred to the city.

(b) Where a community has not incorporated a city under the laws of the State of Alaska, or a city does not wish to receive conveyance of the unoccupied lands in the townsite pursuant to subsection (a) of this section, the townsite trustee shall convey all unoccupied lands in the townsite for which he still retains title, without charge, to the State of Alaska for the community in which the townsite was originally entered, to be administered in the same manner as provided by Alaska law for administration of lands conveyed to the State of Alaska pursuant to section 14(c)(3) of the Settlement Act. Any remaining unobligated trust funds shall also be transferred by the trustee to the State. If, subsequent to conveyance of the unoccupied lands in the townsite to the State of Alaska, the community in which the townsite was originally entered incorporates a city under the laws of the State of Alaska, the State will convey to the city all unoccupied lands in the townsite for which it still retains title, without charge, together with any unobligated trust funds. This procedure will also apply in the event a city previously declining conveyance of unoccupied lands in the townsite indicates to the State its desire to receive conveyance.

(c) The Secretary shall proceed to process any pending townsite entry which has been filed by the townsite trustee and issue patent, if appropriate, to the townsite trustee. After the issuance of patent to the townsite trustee, the provisions of this section shall apply. In order to protect valid existing rights, the townsite trustee shall administer and discharge his trust on all tracts lawfully occupied on October 21, 1976, in accordance with the rules and regulations which governed such administration prior to the repeal of the Townsite Act.

(d) Lands conveyed to a municipal corporation or to the State in trust pursuant to this section shall be credited toward the minimum acreage reconveyance requirement imposed upon Native village corporations by section 14(c)(3) of the Alaska Native Claims Settlement Act.

Title XIV, page 600, line 8 through line 12, delete these lines in their entirety, and substitute therefor the following:

VESTING DATE FOR RECONVEYANCES

SEC. 1402. (a) Section 14(c)(1) of the Alaska Native Claims Settlement Act is amended by inserting "as of December 18, 1971 (except that occupancy of tracts located in the Pribilof Islands shall be determined as of the date of initial conveyance of such tracts to the appropriate Village Corporation)" after "title to the surface estate in the tract occupied".

Title XIV, page 617, delete lines 9 through 19 and substitute therefor the following:

SEC. 1410. Subsection (e) of section 21 of the Alaska Native Claims Settlement Act (43 U.S.C. 1620(e)) is amended by inserting the words "corporation organized under section 14(h)(3)," after "Native group", by replacing the comma following the citation "(64 Stat. 967,1100)" with a period, and by adding the following sentence: "During those years when there are no substantial revenues derived from the development of such lands, they shall continue to receive wildland fire protection services from the United States at no cost."

Title XIV, page 619, after line 19, add a new section as follows:

ACCESS AND SURFACE USE

SEC. . (a) Notwithstanding any other provision of this Act or other law, in any case in which lands owned by regional native corporations, as set up as set forth in Public Law 92-203, are effectively surrounded by public lands within one or more conservation system units, or there is no economically feasible alternative other than access through public lands, the regional native corporation or its successors in interest shall be given by the Secretary such rights as may be necessary to insure adequate access for such economic and other purposes to the concerned land by such regional native corporation and its successor in interest.

(b)(1) Notwithstanding any other provision of this Act or other law, a regional native corporation owner of subsurface rights, or its successors in interest owner of subsurface rights underlying public land, shall have such use of the surface estate, including such right of access thereto, as provided for in subsection (a), as is reasonably necessary to the exploration for and the removal of minerals and mineral materials from said subsurface estate, subject to such regulation by the Secretary as is necessary to protect the environment from permanent harm.

(2) The United States shall make available to said subsurface owner, its successors, and assigns, such sand and gravel as is reasonably necessary for the construction of facilities and rights-of-way appurtenant to the exercise of the rights conveyed under this section, pursuant to the provision of Section 601, et seq., title 30, United States Code, and the regulations implementing that Statute which are then in effect.

Title XIV, page 619, after line 19, add a new section as follows:

FISCAL YEAR ADJUSTMENT

SEC. . (a) Moneys appropriated for deposit in the Alaska Native Fund for the fiscal year following enactment of this Act, shall, for the purposes of section 5 of Public Law 94–204 only, be deposited into the Alaska Native Fund on the first day of the fiscal year for which the moneys are appropriated, and shall be distributed at the end of the first quarter of the fiscal year in accordance with section 6(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1605(c)) notwithstanding any other provision of law.

(b) For the fiscal year in which this Act is enacted, the money appropriated shall be deposited within ten days after the date of such enactment, unless it has already been deposited in accordance with existing law, and shall be distributed no later than the end of the quarter following the quarter in which the money is deposited: *Provided*, That if the money is already deposited at the time of enactment of this Act, it must be distributed at the end of the quarter in which this Act is enacted.

(c) Notwithstanding section 38 of the Fiscal Year Adjustment Act or any other provisions of law, interest earned from the investment of appropriations made pursuant to the Act of July 31, 1976 (Public Law 94–373; 90 Stat. 1051), and deposited in the Alaska Native Fund on or after October 1, 1976, shall be deposited in the Alaska Native Fund within thirty days after enactment of this Act and shall be distributed as required by section 6(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1605(c)).

Title XIV, page 619, following line 19, add the following new sections:

AHTNA REGIONAL CORPORATION LANDS

SEC. 1414. The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h)(8) of the Alaska Native Claims Settlement Act and this section:

Fairbanks Meridian

Township 20 south, range 5 west, sections 7 through 9, 11 through 14, 16 through 21, 23 through 26, 28 through 33, 35, 36;

Township 20 south, range 6 west, sections 1 through 36;

Township 20 south, range 7 west, sections 1 through 5, 8 through 14, 23 through 36;

Township 20 south, range 8 west, sections 1 through 28, 33 through 36;

Township 20 south, range 9 west, sections 22 through 27, 34 through 36.

(b)(1) On or prior to one hundred eighty days from the date of enactment of this Act, Ahtna, Incorporated, may select, pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act, from the lands withdrawn pursuant to subsection (a).

(2) The lands selected by Ahtna, Incorporated, unless otherwise provided in a waiver of this paragraph (b)(2) by the Secretary, shall consist of tracts which—

(A) contain not less than eight sections or one thousand two hundred eighty acres, whichever is less; and

(B) have boundaries which follow section lines, except where such boundary is the border of a navigable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary (1) to follow section lines where township lines are offset along standard parallels caused by the convergence of meridians, (2) to conform to section lines where a section is less than standard size, or (3) to avoid crossing the boundary lines of conservation system units created by this Act, or of lands which are unavailable for selection).

(c) The Secretary shall convey the surface and subsurface estate of the acreage selected pursuant to subsection (b). Conveyances pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of Ahtna, Incorporated, under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) and not selected by and conveyed to Ahtna, Incorporated, shall return to the public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17(d)(1) of the Alaska Native Claims Settlement Act and the provisions of Section 806(k) of this Act.

ARCTIC SLOPE REGIONAL CORPORATION LANDS

Sec. 1415. (a) Purposes; Reference Document.—In order to further the purposes of:

(1) Satisfying land entitlements in the Arctic Slope Region;

(2) Consolidating and exchanging land holdings for the mutual benefit of the United States and the Native Corporations within the Arctic Slope region; and

(3) Providing for oil and gas operations in the Kurupa Lake area, consistent with environmental protection,

Congress enacts this section. The specific terms, conditions, procedures, covenants, reservations and other restrictions set forth in the document entitled "Terms and Conditions for Land Exchanges and Resolution of Conveyancing Issues in Arctic Slope Region, Between the Department of the Interior and Arctic Slope Regional Corporation" (hereafter in this section referred to as "Terms and Conditions"), which was submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on , 1979, are hereby incorporated in this section, and are ratified, as to the duties and obligations of the United States and the Arctic Slope Regional Corporation, as a matter of Federal law.

(b) Transfer to the United States.—The Secretary is authorized to accept from Arctic Slope Regional Corporation a relinquishment of all right, title, and interest of Arctic Slope Regional Corporation in the following described lands:

Fairbanks Meridian

Township 34 north, range 21 west, sections 4 through 9, 16 through 18;

Township 34 north, range 22 west, sections 1 through 6, 11 through 14;

Township 35 north, range 20 west, sections 1 through 24;

Township 35 north, range 21 west, sections 1 through 4, 9 through 16, 21 through 24, 28 through 33;

Township 35 north, range 22 west, sections 1 through 12, 17 through 20, 27 through 34;

Township 35 north, range 23 west, sections 1 through 3, 10 through 17, 20 through 24, 28, 29, 32, 33;

Township 36 north, range 21 west, sections 1 through 4, 9 through 20, 23 through 26, 29 through 32, 35, 36;

Township 36 north, range 22 west, sections 5 through 8, 25 through 36;

Township 36 north, range 23 west, sections 1, 5 through 8, 12 through 30, 34 through 36;

Township 36 north, range 24 west, sections 1 through 3, 10 through 12;

Township 37 north, range 21 west, sections 25 through 36;

Township 37 north, range 22 west, sections 25 through 36;

Umiat Meridian

Township 12 south, range 11 west, sections 17 through 20, 29, 30;

Township 12 south, range 12 west, sections 13 through 16, 21 through 28;

Township 17 south, range 2 west, partial, sections 3 through 6;

Township 17 south, range 3 west, partial, sections 1 through 4;

Kateel River Meridian

Township 34 north, range 18 east, sections 9 through 16, 21 through 24.

(c) Land Exchange.—As a land exchange, contingent upon Arctic Slope Regional Corporation's relinquishment of lands described in subsection (b) and upon conveyance of lands described in paragraph (4) below, and subject to valid existing rights, (1) the Secretary shall convey to Arctic Slope Regional Corporation all right, title, and interest of the United States in the following described lands, subject to valid existing rights and to the terms, conditions, procedures, covenants, reservations, and restrictions specified in the "Terms and Conditions":

Umiat Meridian

Township 13 south, range 4 east, sections 1 through 36;

Township 14 south, range 3 east, sections 9 through 16, 21 through 28, 32 through 36;

Township 15 south, range 3 east, sections 25 through 30, 33 through 36;

Township 15 south, range 4 east, sections 6, 7, 18 through 36;

Township 16, south, range 3 east, sections 1 through 3, 6, 7, 9 through 16, 18 through 30;

(2) Subject to valid existing rights, the Secretary shall convey to Arctic Slope Regional Corporation all right, title and interest of the United States in the following described lands subject to the terms, conditions, procedures, convenants, reservations and restrictions specified in the "Terms and Conditions":

Umiat Meridian

Township 12 south, range 11 west, sections 17 through 20, 29, 30;

Township 12 south, range 12 west, sections 13 through 16, 21 through 28;

Kateel River Meridian

Township 34 north, range 18 east, sections 9 through 16, 21 through 24;

The Secretary shall except and reserve access easements for park-related purposes from Kurupa Lake to federally owned lands within Gates of the Arctic National Park limited to: The right to land and store aircraft at Kurupa Lake, the right to ingress and egress from the Lake along specific corridors leading to federally owned lands in Gates of the Arctic National Park, and the right to camp overnight at the lakeshore and along the specific easement corridors. The conveyance shall be subject to the following covenants: The requirement for a plan of oil and gas operations prior to any exploration or development activities, the authority of the Secretary to modify or revoke any plan of operations for oil and gas exploration which does not utilize available technologies least damaging to the resources of the Kurupa Lake area and surrounding Federal lands, and the authority of the Secretary to require good faith consultations to develop a plan of operations for oil and gas development which utilizes available technologies minimizing damage to the resources of the Kurupa Lake area and surrounding Federal lands. Such exceptions, reservations, and covenants shall be binding on Arctic Slope Regional Corporation, its successors and assigns;

(3) Subject to valid existing rights, the Secretary shall convey to Arctic Slope Regional Corporation all right, title, and interest of the United States, except sand and gravel, in the subsurface estate of the following described lands, subject to the terms, conditions, procedure, covenants, reservations, and restrictions specified in the "Terms and Conditions.":

Umiat Meridian

Township 12 south, range 9 east, sections 1 through 12, 15 through 21;

Township 12 south, range 10 east, sections 4 through 9;

(4) The Secretary is authorized to accept from Arctic Slope Regional Corporation a conveyance of all right, title, and interest of Arctic Slope Regional Corporation in the following described lands:

Umiat Meridian

Township 13 south, range 1 west, sections 31 through 36;

Township 13 south, range 1 east, sections 31 through 36;

Township 14 south, range 2 east, sections 6, 7, 18, 19, 30, 31;

Township 14 south, range 4 east, sections 1 through 3, 10 through 15, 22 through 27, 33 through 36;

Township 15 south, range 1 west, sections 1 through 6, 11, 12, 19, 20, 27 through 34;

Township 15 south, range 1 east, sections 5 through 8, 17 through 20;

Township 16 south, range 2 east, sections 13 through 15, 22 through 27, 34 through 36;

Township 16 south, range 4 east, sections 1 through 4, 9 through 16, 19 through 36;

Township 17 south, range 1 west, sections 1, 2, 5, 6, partial;

Township 17 south, range 1 east, partial;

Township 17 south, range 3 east, partial;

Township 16 south, range 2 west, sections 19 through 36;

Township 16 south, range 3 west, sections 19 through 28, 33 through 36;

Township 15 south, range 4 west, sections 2 through 4, 9 through 11, 14 through 16, 19 through 23, 26 through 32;

Township 16 south, range 4 west, sections 5 through 8, 17 through 24.

(d) Transfers to Native Corporation.—The Secretary shall convey to Arctic Slope Regional Corporation all right, title, and interest of the United States in the following described lands selected or identified for selection pursuant to the Alaska Native Claims Settlement Act, and to the extent such lands lie outside the boundaries of the National Petroleum Reserve in Alaska:

Umiat Meridian

Township 3 south, range 6 west, sections 24 through 26, 33 through 36;

Township 4 south, range 6 west, sections 1 through 5, 7 through 36;

Township 4 south, range 7 west, sections 11 through 16, 19 through 36;

Township 4 south, range 8 west, sections 23 through 29, 32 through 36;

Township 5 south, range 6 west, sections 1 through 18;

Township 5 south, range 7 west, sections 1 through 36;

Township 5 south, range 8 west, sections 1 through 5, 7 through 36;

Township 5 south, range 9 west, sections 25 through 27, 34 through 36;

Township 6 south, range 6 west, sections 19, 30, 31;

Township 6 south, range 7 west, sections 1 through 18, 22 through 27, 34 through 36;

Township 7 south, range 6 west, sections 5 through 8, 17 through 20, 29 through 32;

Township 7 south, range 7 west, sections 1, 2, 11 through 14, 19 through 36;

Township 7 south, range 8 west, sections 19 through 36;

Township 7 south, range 9 west, sections 22 through 27, 34 through 36;

Township 8 south, range 6 west, sections 4 through 9, 16 through 36;

Township 8 south, range 7 west, sections 1 through 36;

Township 8 south, range 8 west, sections 1 through 18, 22 through 27, 34 through 36;

Township 9 south, range 6 west, sections 1 through 36;

Township 9 south, range 7 west, sections 1 through 36;

Township 9 south, range 8 west, sections 1 through 36;

Township 10 south, range 5 west, sections 19 through 36;

Township 10 south, range 6 west, sections 1 through 36;

Township 10 south, range 7 west, sections 1 through 36;

Township 10 south, range 8 west, sections 1 through 36;

Township 10 south, range 9 west, sections 19 through 36;

Township 10 south, range 10 west, sections 19 through 36;

Township 11 south, range 5 west, sections 1 through 18;

Township 11 south, range 6 west, sections 1 through 18;

Township 11 south, range 7 west, sections 1 through 21, 28 through 33;

Township 11 south, range 8 west, sections 1 through 36;

Township 11 south, range 9 west, sections 1 through 36;

Township 11 south, range 10 west, sections 1 through 36;

Township 11 south, range 11 west, sections 1 through 36;

Township 11 south, range 12 west, sections 1 through 36;

Township 11 south, range 13 west, sections 1 through 36;

Township 12 south, range 8 west, partial, sections 1 through 24;

Township 12 south, range 9 west, partial, sections 1 through 24;

Township 12 south, range 10 west, partial, sections 1 through 24;

Township 12 south, range 11 west, sections 1 through 16, 21 through 28;

Township 12 south, range 12 west, sections 1 through 12, 17 through 20, 29, 30;

Township 12 south, range 13 west, sections 1 through 30;

Kateel River Meridian

Township 34 north, range 16 east, sections 7 through 24;

Township 34 north, range 17 east, sections 7 through 24;

Township 34 north, range 18 east, sections 7, 8, 17 through 20.

(e) Acquisition and Exchange Authority.—(1) The Secretary is authorized, in order to carry out the purposes of this Act, to acquire by purchase or exchange any of the following described lands conveyed to Arctic Slope Regional Corporation pursuant to subsection (b)(1) of this section:

Umiat Meridian

Township 12 south, range 11 west, sections 17 through 20, 29, 30;

Township 12 south, range 12 west, sections 13 through 16, 21 through 28;

Kateel River Meridian

Township 34 north, range 18 east, sections 9 through 16, 21 through 24;

(2) Lands specified in paragraph (1) of this subsection may be acquired for such purposes only with the consent of Arctic Slope Regional Corporation. If such lands are so acquired by the Secretary, such lands shall become, and be administered as, a part of Gates of the Arctic National Park (3) To facilitate an exchange provided for in this subsection, the Secretary is authorized to make available to Arctic Slope Regional Corporation lands, or interests therein, from public lands within the Arctic Slope Region, as determined pursuant to section 7(a) of the Alaska Native Claims Settlement Act, including lands, or interests therein, within the National Petroleum Reserve in Alaska in the event that lands within the reserve are made subject to leasing under the Mineral Leasing Act of 1920, as amended, or are otherwise made available for purposes of development of oil, gas or other minerals.

(f) Land Exchange.—As a land exchange: (1) contingent upon Arctic Slope Regional Corporation conveying the lands described in paragraph (2) below and upon receiving interim conveyances to the following described lands:

Umiat Meridian

Township 9 south, range 2 west, sections 22 through 28, 33 through 36;

Township 9 south, range 3 west, sections 1 through 3, 10 through 12;

Township 9 south, range 12 west, sections 1 through 18;

Township 9 south, range 13 west, sections 1 through 3, 10 through 15, 22 through 24:

the Secretary shall convey to Arctic Slope Regional Corporation all right, title and interest of the United States in the following described lands:

Umiat Meridian

Township 9 south, range 12 west, sections 19 through 24;

Township 9 south, range 11 west, sections 4 through 9, 16 through 21;

Township 9 south, range 3 west, sections 13 through 15, 22 through 27;

Township 9 south, range 2 west, sections 28, 33;

(2) the Secretary is authorized to accept from Arctic Slope Regional Corporation a relinquishment of all right, title and interest of Arctic Slope Regional Corporation in the following described lands:

Umiat Meridian

Township 8 south, range 11 west, sections 13 through 15, 22 through 27;

Township 8 south, range 10 west, sections 7 through 11, 13 through 21, 28 through 33.

(g) Kaktovik Exchange.—As a land exchange, contingent upon Kaktovik Inupiat Corporation conveying the lands described in paragraph (1) of this subsection and upon the Arctic Slope Regional Corporation conveying the lands described in paragraph (4) of this subsection—

(1) the Secretary is authorized to accept from Kaktovik Inupiat Corporation all right, title and interest of Kaktovik Inupiat Corporation in the surface estate of the following described lands:

Umiat Meridian

Township 2 south, range 23 east, sections 25 through 28, 33 through 36;

Township 2 south, range 24 east, sections 1 through 24, 29 through 32;

(2) the Secretary shall convey to Kaktovik Inupiat Corporation all right, title and interest of the United States in the surface estate of the following described lands:

All those lands on Kaktovik Island—Barter Island Group, Alaska, which were not properly selected by Kaktovik Inupiat Corporation on or before December 18, 1975, and which were not on January 1, 1979, in a defense withdrawal.

Provided, That such lands when conveyed to Kaktovik Inupiat Corporation shall be subject to the provisions of the Alaska Native Claims Settlement Act, including section 22(g) of said Act, except that the acreage limitation for village corporation selection of lands within the National Wildlife Refuge System shall not apply;

(3) Kaktovik Inupiat Corporation shall identify additional lands it desires to acquire pursuant to this exchange from within the following described lands, and to the extent necessary to acquire the surface estate of an aggregate total of twenty-three thousand and forty acres, including the lands conveyed by the Secretary to Kaktovik Inupiat Corporation pursuant to subsection (g)(2) hereof:

Umiat Meridian

Township 7 north, ranges 32 through 36 east;

Township 8 north, ranges 32 through 36 east;

Township 9 north, ranges 33 and 34 east; or such other adjacent lands as the Secretary and Kaktovik Inupiat Corporation may mutually agree upon. Upon the concurrence of the Secretary in the lands identified, he shall convey to Kaktovik Inupiat Corporation all right, title and interest of the United States in the surface estate of the lands so identified; *Provided*, That such lands shall be contiguous to lands previously conveyed to Kaktovik Inupiat Corporation Pursuant to section 14(a) of the Alaska Native Claims Settlement Act; *Provided further*, That such lands when conveyed to Kaktovik Inupiat Corporation shall be subject to the provisions of the Alaska Native Claims Settlement Act, including section 22(g) of said Act, except that the acreage limitation for village corporation selection of lands within the National Wildlife Refuge System shall not apply;

(4) the Secretary is authorized to accept from Arctic Slope Regional Corporation a conveyance of all right, title and interest of Arctic Slope Regional Corporation in the subsurface estate of the following described lands:

Umiat Meridian

Township 2 south, range 23 east, sections 25 through 28, 33 through 36;

Township 2 south, range 24 east, sections 1 through 24, 29 through 32.

(h) Weyuk Lands Transfer.—Upon the concurrence of the Secretary of Defense, the Secretary shall convey to Arctic Slope Regional Corporation all right, title and interest of the United States in all or part of the following described lands:

Beginning at Weyuk, United States Coast and Geodetic Survey Survey Mark (1586) north 62 degrees east 2,900 feet, more or less, the true point of beginning of this description, thence north 1,100 feet, more or less, thence easterly, meandering along the coast approximately 2,000 feet, more or less, thence south 700 feet, more or less, thence west 1,800 feet, more or less, to the true point of beginning.

(i) Naval Arctic Research Laboratory.—The Secretary shall convey to Ukpeagvik Inupiat Corporation all right, title and interest of the United States in the surface estate of the following described lands:

Umiat Meridian

Township 23 north, range 18 west, sections 13 fractional excluding interim conveyance numbered 045, 14 excluding northwest quarter; southwest quarter; west half southeast quarter, 23 excluding northwest quarter; west half northeast quarter; southwest quarter, southeast quarter, 24 excluding east half, southwest quarter and interim conveyance numbered 045, 28 excluding northeast quarter; southeast quarter, 29 fractional, 32 fractional, excluding United States Survey 4615, United States Survey 1432, and interim conveyance numbered 045, 33 excluding northeast quarter; east half east half northwest quarter; northeast quarter southeast quarter; northeast quarter northwest quarter southeast quarter and interim conveyance numbered 045.

(j) Rights-of-Way, Etc.—(1) In recognition that Arctic Slope Regional Corporation has a potential need for access in an easterly direction from its landholdings in the Kurupa Lake area and the watershed of the Killik River to the Trans-Alaska Pipeline corridor, the Secretary is authorized and directed, upon application by Arctic Slope Regional Corporation for a right-of-way in this region, to grant to such corporation, its successors and assigns, according to the provisions of section 28 of the Mineral Leasing Act of 1920, as amended, a right-of-way across the following public lands, or such other public lands as the Secretary and Arctic Slope Regional Corporation may mutually agree upon, for oil and gas pipelines, related transportation facilities and such other facilities as are necessary for the construction, operation and maintenance of such pipelines:

Umiat Meridian

Township 11 south, range 10 west;
Township 10 south, ranges 8 through 10 west;
Township 10 south, range 7 west, sections 19 through 36;
Township 11 south, range 7 west, sections 1 through 18;
Township 11 south, range 6 west;
Township 11 south, range 5 west, sections 1 through 18;
Township 10 south, range 5 west, sections 19 through 36;
Township 10 south, ranges 1 through 4 west;
Township 10 south, ranges 1 through 10 east.

The final alinement and location of all facilities across public lands shall be in the discretion of the Secretary.

(2) The Secretary shall make available to Arctic Slope Regional Corporation, its successors and assigns, such sand and gravel as is reasonably necessary for the construction or maintenance of any pipeline or facility and use of rights-of-way appurtenant to the exercise of the rights granted under this subsection, such sand and gravel to be provided to Arctic Slope Regional Corporation, its successors and assigns, for fair market value by negotiated sale.

(k) NEPA.—The National Environmental Policy Act of 1969 (83 Stat. 852) shall not be construed, in whole or in part, as requiring the preparation or submission of any environmental document for any action taken by the Secretary pursuant to this section.

(l) Surface Uses, Etc.—(1) With respect to the following described lands, the subsurface estate of which is to be conveyed to Arctic Slope Regional Corporation pursuant to subsection (c) hereof:

Umiat Meridian

Township 12 south, range 9 east, sections 1 through 12, 15 through 21;
Township 12 south, range 10 east, sections 4 through 9;

Arctic Slope Regional Corporation shall have such use of the surface estate, including such right of access thereto, as is reasonably necessary to the exploration for and removal of oil and gas from said subsurface estate, subject to such rules and regulations by the Secretary that are applicable to the National Park System.

(2) The Secretary shall identify for Arctic Slope Regional Corporation, its successors and assigns, reasonably available sand and gravel which may be used without cost to the United States in the construction and maintenance of facilities and use of rights-of-way appurtenant to the exercise of the rights conveyed under this subsection; notwithstanding the provisions of section 601 et seq., title 30, United States Code, and sand and gravel shall be made available at no charge to Arctic Slope Region Corporation.

(m) Relation to Entitlements.—(1) The Secretary shall reduce the acreage charged against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(c) of the Alaska Native Claims Settlement Act by the amount of acreage determined by the Secretary to be conveyed by Arctic Slope Regional Corporation to the United States pursuant to subsection (c)(4) of this section.

(2) The Secretary shall charge against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(c) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Arctic Slope Regional Corporation pursuant to subsections (c)(1), (c)(2), (d), (f)(1), and (h) of this section.

(3) The Secretary shall reduce the acreage charged against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act by the amount of acreage determined by the Secretary to be conveyed by Arctic Slope Regional Corporation to the United States pursuant to subsection (g)(4) of this section.

(4) Notwithstanding the exception by the United States of sand and gravel, the Secretary shall charge against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Arctic Slope Regional Corporation pursuant to subsection (c)(3) of this section.

(5) The Secretary shall reduce the acreage charged against the entitlement of Kaktovik Inupiat Corporation pursuant to section 12 (a) of the Alaska Native Claims Settlement Act by the amount of acreage determined by the Secretary to be conveyed by Kaktovik Inupiat Corporation to the United States pursuant to subsection (g)(1) of this section.

(6) The Secretary shall charge against the entitlement of Kaktovik Inupiat Corporation pursuant to section 12(a) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary of Kaktovik Inupiat Corporation pursuant to subsection (g)(2) and (3) of this section.

(7) The Secretary shall charge against the entitlement of Ukpeagvik Inupiat Corporation pursuant to section 12(a) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Ukpeagvik Inupiat Corporation pursuant to subsection (i) of this section.

(8) In no event shall the conveyances issued by the Secretary to Arctic Slope Regional Corporation, Kaktovik Inupiat Corporation, the Ukpeagvik Inupiat Corporation pursuant to the Alaska Native Claims Settlement Act and this section exceed the total entitlements of such Corporations under the Alaska Native Claims Settlement Act, except as expressly provided for in subsection (g) of this section.

(n) Reserved Lands.—(1) Congress finds that it is in the public interest to reserve in public ownership the submerged lands in the bed of the Colville River and of the Nechelik Channel, Kupigruak Channel, Elaktoveach Channels, Tamayayak Channel, and Sakoonang Channel from the Colville River to the Arctic Ocean, and (2) notwithstanding any other provision of law, conveyance of the surface estate of lands selected by Kuukpik Corporation pursuant to section 12 (a) and (b) of the Alaska Native Claims Settlement Act and associated conveyance of the subsurface estate to Arctic Slope Regional Corporation pursuant to section 14(f) of such Act shall not include conveyance of the beds of the Colville River and of the channels named in this subsection, and the acreage represented by the beds of such river and of such named channels shall not be charged against the land entitlement of Kuukpik Corporation and Arctic Slope Regional Corporation pursuant to the provisions of the Alaska Native Claims Settlement Act.

(o) Future Option to Exchange, Etc.—(1) Whenever, at any time within forty years after the date of enactment of this Act, public lands in the National Petroleum Reserve in Alaska or in the Arctic National Wildlife Range, within seventy-five miles of lands selected by a Village Corporation pursuant to the provisions of section 12(a)(1) of the Alaska Native Claims Settlement Act, are opened for purposes of commercial development (rather than exploration) of oil or gas, Arctic Slope Regional Corporation shall be entitled, at its option, within five years of the date of such opening, to consolidate lands by exchanging the in-lieu subsurface lands which it selected pursuant to the provisions of section 12(a)(1) of the Act for an equal acreage of the subsurface estate, identified by Arctic Slope Regional Corporation, beneath the lands selected by the Village Corporation. Prior to the exercise of such option, Arctic Slope Regional Corporation shall obtain the concurrence of the affected Village Corporation. The subsurface estate identified for receipt by Arctic Slope Regional Corporation pursuant to this subsection shall be contiguous and in reasonably compact tracts, except as separated by bodies of water or by lands which are unavailable for selection, and shall be in whole sections and, wherever feasible, in units of not less than one thousand two hundred and eighty acres.

(2) Arctic Slope Regional Corporation shall not be entitled to exchange, pursuant to the provisions of paragraph (1) of this subsection, any in-lieu subsurface estate which the corporation has developed for purposes of commercial extraction of subsurface resources; unless the Secretary determines such an exchange to be in the national interest.

(3) The Secretary shall take such steps as may be necessary to effectuate an exchange sought by Arctic Slope Regional Corporation in accordance with the provisions of paragraph (1).

(4) With regard to subsurface estates acquired by Arctic Slope Regional Corporation pursuant to this subsection, the Secretary may promulgate such regulations as may be necessary to insure the compatibility of use of such acquired subsurface estate with the primary purposes, and to protect the environmental values, of the Reserve, Range, or Refuge which have been opened for purposes of development, including, but not limited to, regulations issued pursuant to section 22(g) of the Alaska Native Claims Settlement Act.

(5) Upon completion of any exchange of subsurface estates authorized by this subsection, the Secretary shall add to the Reserve, Range, or Refuge other adjacent or proximate public lands, both surface and subsurface, to replace the lands exchanged pursuant to this subsection.

(p) Conditions.—All lands or interests in lands conveyed by the Secretary in subsections (d), (f)(1), (g)(2), (g)(3), (h), and (i) of this section to Arctic Slope Regional Corporation or a village corporation, as the case may be, shall be subject to valid existing rights, and in accordance with, and subject to, the provisions of the Alaska Native Claims Settlement Act, as amended, as though the lands were originally conveyed to such corporation under the provisions of such Act.

BERING STRAITS REGIONAL CORPORATION LANDS

Sec. 1416. (a) The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h)(8) of the Alaska Native Claims Settlement Act and this section:

Kateel River Meridian

Tract one—Township 6 north, range 36 west, sections 2, 3, 4, 9, 10, 11, 15, 16;

Tract two—Township 1 north, range 40 west, sections 19, 20, 21, 28–33;

Tract three—Township 3 south, range 21 west, sections 23, 26, 35;

Township 4 south, range 21 west, sections 1, 2, 3;

Tract four—Township 7 south, range 35 west, sections 11, 14, 23, 26, 34, 35, 36;

Township 8 south, range 35 west, sections 1, 2, 3;

Tract five—Township 8 south, range 33 west, sections 19, 20, 21, 27–34;

Tract six—Township 10 south, range 9 west, section 31;

Township 10 south, range 10 west, sections 35, 36;

Township 11 south, range 9 west, sections 6, 7;

Township 11 south, range 10 west, sections 1, 2, 11, 12;

Tract seven—Township 16 south, range 13 west, sections 5, 6, 7, 8;

Tract eight—Fairway Rock located within Teller Quadrangle 65 degrees 35 minutes north, 165 degrees 45 minutes west.

Tract nine—Punuk Islands located within Saint Lawrence Quadrangle 63 degrees 5 minutes north, 168 degrees 50 minutes west.

(b)(1) On or prior to one hundred and eighty days from the date of enactment of this Act, Bering Straits Native Corporation may select, pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act, from the lands withdrawn pursuant to subsection (a) of this section.

(2) The lands selected by Bering Straits Native Corporation unless otherwise provided in a waiver of this paragraph (b)(2) by the Secretary shall consist of tracts which—

(A) are not less than the lesser of (1) the entire area within any single tract withdrawn pursuant to subsection (a), or (2) eight sections, or (3) five thousand one hundred and twenty acres; and

(B) have boundaries which follow section lines, except where such boundary is the border of a navigable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary (1) to follow section lines where township lines are offset along standard parallels caused by the convergence of meridians, (2) to conform to section lines where a section is less than standard size or (3) to avoid crossing the boundary lines of conservation system units created by this Act, or of lands which are unavailable for selection).

(c) The Secretary shall convey the surface and subsurface estate of the acreage selected pursuant to subsection (b) of this section. Conveyance pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of Bering Straits Native Corporation under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) of this section and not selected by and conveyed to Bering Straits Native Corporation shall return to the public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17(d)(1) of the Alaska Native Claims Settlement Act and the provisions of section 806(k) of this Act.

(f) Any selection pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act of any land withdrawn by subsection (a) of this section shall preempt any prior selection by Bering Straits Native Corporation under any other authority of the same lands. Failure to select any particular lands withdrawn by subsection (a) of this section under section 14(h)(8) of the Alaska Native Claims Settlement Act will not affect any prior valid selection under section 14(h)(1) of the Alaska Native Claims Settlement Act but such prior selection shall be adjudicated and conveyed, if valid, pursuant to the Alaska Native Claims Settlement Act and any applicable regulations.

BRISTOL BAY REGIONAL CORPORATION LANDS

SEC. 1417. (a) The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h)(8) of the Alaska Native Claims Settlement Act and this section:

Seward Meridian

Township 14 south, range 56 west, sections 6, 7, 18, 19 and 30.

(b) On or prior to one hundred and eighty days from the date of enactment of this Act, Bristol Bay Native Corporation may select, pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act, the lands withdrawn pursuant to subsection (a).

(c) The Secretary shall convey to Bristol Bay Native Corporation the surface and subsurface estate of the acreage elected by it. Conveyances pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of Bristol Bay Native Corporation, under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) and not conveyed to Bristol Bay Native Corporation, shall return to the public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17 (d)(1) of the Alaska Native Claims Settlement Act, subsection 204(e) of the Federal Land Policy and Management Act, and the provisions of section 806(k) of this Act.

BRISTOL BAY GROUP CORPORATION LANDS

SEC. 1418. (a) The roll prepared by the Secretary, which demonstrates that the individual Natives of Port Alsworth which is located in the Cook Inlet Region, are organized as Tanalian Incorporated and have enrolled at-large in the Bristol Bay Native Corporation, shall be determinative of the fact that said group corporation and its members shall be treated as if they were physically located within the Bristol Bay Region.

(b) Valid selections of the surface estate of available Federal public lands in the Port Alsworth area which were made by Tanalian Incorporated pursuant to Section 14(h)(2) of the Alaska Native Claims Settlement Act and regulations applicable thereto shall, if said group is finally determined to be an eligible Native group pursuant to Sections 3(d) and 14(h)(2) of the Alaska Native Claims Settlement Act, be conveyed to said group corporation in an amount to which it would otherwise have been entitled, under applicable regulations, had it been physically located within the boundaries of the Bristol Bay Region. Such conveyances shall not become final until Cook Inlet Region, Inc. and the Cook Inlet Region Villages have received interim conveyance or patent to their respective complete entitlements under Section 12 of P. L. 94–204 and those agreements reached with the United States and the State of Alaska thereunder.

(c) The Bristol Bay Native Corporation shall, within six months after the date of enactment of this Act, select an amount of subsurface estate from available Federal public lands within its boundaries and from lands previously withdrawn under Sections 11(a)(1) or 11(a)(3) of the Alaska Native Claims Settlement Act, equal to the amount of surface estate selected by Tanalian Incorporated. Such subsurface selections shall be in a single contiguous and reasonably compact tract. The subsurface estate selected pursuant to this section shall, if Tanalian Incorporated is finally determined to be an eligible Native group as aforesaid, be conveyed to Bristol Bay Native Corporation in an acreage amount equal to the surface estate entitlement of said Native group corporation, and in accordance with Section 14(h)(2) of the Alaska Native Claims Settlement Act and the regulations applicable thereto.

(d) Nothing contained in this section, or done pursuant to authorizations made by this section, shall alter or affect the acreage entitlements pursuant to section 12(c) of the Alaska Native Claims Settlement Act nor the boundaries of Cook Inlet Region, Inc. or Bristol Bay Native Corporation, respectively.

CHUGACH REGIONAL CORPORATION LANDS

SEC. 1419. (a) Subject to valid existing rights, within one hundred and eighty days after the enactment of this Act, Chugach Natives, Incorporated, shall be entitled to select public lands not reserved for purposes other than National Forests from within the Chugach Region under section 14(h)(8) of the Alaska Native Claims Settlement Act from within the boundaries of the Chugach National Forest. Chugach Natives, Incorporated, shall make no selection of lands within the areas identified on the maps entitled "Western Prince William Sound Areas Not Available for Chugach 14(h)(8) Selection" and "Copper River Delta Area Not Available for Chugach 14(h)(8) Selection," both dated April 1979, nor within the boundaries of the Copper River National Wildlife Refuge established by section 304(a)(5) of this Act.

(b) Chugach Natives, Incorporated shall select no lands pursuant to this section which were selected on or before September 1, 1978, by the State of Alaska pursuant to section 6(a) of the Alaska Statehood Act. State applications for selection of such lands shall be adjudicated and approved or disapproved pursuant to section 6(a) of the Alaska Statehood Act: *Provided, however*, That any disapproval of such selection applications shall not vest any selection right in the Chugach Natives, Incorporated.

(c) If Chugach Natives, Incorporated elects to select any lands from the entitlement made by section 14(h)(8) of the Alaska Native Claims Settlement Act from lands within the Chugach National Forest made available by this section, selection applications for the following lands within the Carbon Mountain regional deficiency area shall be adjudicated as though they were timely filed by Chugach Natives, Incorporated under section 12(c) of the Alaska Native Claims Settlement Act, notwithstanding any prior relinquishment of section 12(c) selections and subsequent selection of such lands by Chugach Natives, Incorporated under section 14(h)(8) of said act:

Township 16 south, range 9 east, sections 7 through 10, 16 through 31.

Township 19 south, range 9 east, sections 1 through 36.

Township 20 south, range 9 east, sections 1 through 36.

Township 20 south, range 10 east, sections 5 through 8, 17 through 20, 29 through 32.

(d) The Secretary shall receive and adjudicate selections pursuant to this section as though they were timely filed pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act, and as though such lands were available for selection under such provision. The Secretary shall convey those lands selected pursuant to this authorization which otherwise comply with applicable statutes and regulations.

(e) If legislation is enacted or a proposal implemented pursuant to section 1420 of this Act, selections by the Chugach Natives, Incorporated, under this section shall also be subject to the provisions of such legislation or proposal.

CHUGACH REGION STUDY

SEC. 1420. (a) PARTICIPANTS; PURPOSES.—The Secretary of the Interior, the Secretary of Agriculture, and the Alaska Advisory Coordinating Council, in conjunction with Chugach Natives, Incorporated, and the State of Alaska, if the State chooses to participate, are directed to study the land ownership and use patterns in the Chugach region. The objectives of the study are: to identify lands which can be made available for conveyance to the Chugach Natives, Incorporated; for the purpose of consolidation of land ownership patterns in the Chugach region; to improve the boundaries of and identify new conservation system units; to obtain a fair and just land settlement for the Chugach people; and realization of the intent, purpose, and promise of the Alaska Native Claims Settlement Act by the Chugach Natives, Incorporated. The study participants are directed to identify in-region and out-of-region lands, including lands within the Chugach National Forest and State lands but excluding lands in private ownership, which can be made available to Chugach Natives, Incorporated, in satisfaction of its regional land entitlement pursuant to section 12(c) of the Alaska Native Claims Settlement Act, to consider monetary payment in lieu of land and to consider all other options which the participants in the study consider to be appropriate to achieve the objectives set forth above.

(b) LANDS.—Lands identified to meet the study objectives outlined in subsection (a) shall be, to the maximum extent possible, lands of like kind and character to those traditionally used and occupied by the Chugach people and shall be, to the maximum extent possible, coastal accessible, and economically viable. The inclusion of lands within the areas designated as conservation system units or for wilderness study by this Act within the Chugach region shall not preclude the identification of those lands to meet the study objectives outlined in subsection (a).

(c) PROCEDURE.—In conducting the study, the study participants shall seek review and comment from the public, including the residents of the Chugach region, and shall meet with members of the public upon the request of such persons. The Secretary shall hold at least three public hearings, at least one of which shall be in Anchorage and at least two of which shall be in the Chugach region.

(d) REPORT.—The study shall be completed and the President shall report to the Congress within one year of the date of enactment of this Act. He shall also transmit with the report any legislation necessary to implement the study recommendations.

(e) DEADLINE.—Any selection deadlines for Chugach Natives, Incorporated, under section 12(c) of the Alaska Native Claims Settlement Act or section 14(h)(8) of such Act pursuant to section 933 of this Act are hereby extended and selection rights shall not be exercised until six months following submission of the President's report to Congress, except that if all study participants agree to a proposal implementing the study objectives outlined in subsection (a) such selection rights may be exercised immediately thereafter.

(f) STATE LANDS.—The State of Alaska shall make no further land selections in the Chugach region until the Congress takes final action on any legislation transmitted by the President pursuant to this section or until implementation of a proposal agreed to by the participants in the study, whichever comes first: *Provided, however,* That nothing in this section shall impede or be interpreted so as to restrict the adjudication and conveyance of State selections filed before September 1, 1978: *Provided further,* That nothing contained in this section shall prevent the development of aquaculture sites identified by the Prince William Sound Management Council before July 1, 1978.

(g) INTERIM MANAGEMENT.—Until Congress takes final action on any legislation transmitted by the President pursuant to this section or until a proposal agreed to by the participants in the study is implemented, whichever comes first, the Secretary of the Interior and the Secretary of Agriculture shall manage lands under their control in the Chugach region in close consultation with Chugach Natives, Incorporated, and, to the maximum extent possible, in such a manner so as not to adversely affect or preclude any option which the participants in the study may consider.

(h) RELINQUISHED AREAS.—Any lands within the Wrangell-Saint Elias National Park previously selected by Chugach Natives, Incorporated, but relinquished pursuant to a proposal resulting from this section shall become a part of the park and administered accordingly.

CHUGACH VILLAGE CORPORATION LANDS

SEC. 1421. (a) Notwithstanding the restrictions applicable to the village corporation selections under section 12(b) of the Alaska Native Claims Settlement Act imposed by section 12(a) of the Settlement Act, including but not limited to the sixty-nine thousand one hundred and twenty-acre conveyance limitation placed on land selected by village corporations within the National Forest, National Wildlife Refuge System, or State selected lands, the Secretary shall convey under section 14(a) of the Alaska Native Claims Settlement Act from lands previously selected from lands withdrawn pursuant to section 11 of such Act in the Chugach National Forest by the village corporations created by the enrolled residents of the villages of Chenega, Eyak and Tatitlek, those additional entitlement acreages which are reallocated to these corporations under section 12(b) of such Settlement Act by the Regional Corporation for the Chugach region.

(b) Within ninety days after the enactment of this act, the three village corporations referred to in subsection (a) of this section shall file with the Secretary a list of those lands selected by each of them under section 12(b) from lands withdrawn pursuant to section 11 of the Settlement Act from within the Chugach National Forest, in the order of priority in which they wish to receive conveyance to such lands: *Provided, however,* That the village of Chenega shall not receive conveyance to lands selected pursuant to section 12(b) of the Settlement Act on the mainland in the area of Icy Bay and Whale Bay, as depicted on the map entitled "Areas not available for Chenega 12(b) conveyance," dated April 1979: *Provided further,* That the village of Eyak shall not receive conveyance to lands selected pursuant to section 12(b) of the Settlement Act in the area east of Mountain Slough and more than a thousand feet south of the Copper River Highway, as depicted on the map entitled "Areas not available for Eyak 12(b) conveyance," dated April 1979: *Provided further,* That any lands acquired by the village of Eyak pursuant to this section from within the boundaries of the Copper River National Wildlife Refuge as established by section 304(a)(5) of this Act shall be subject to regulations which the Secretary may promulgate to insure the compatibility of use of such lands with the primary purposes, and to protect the environmental values, of such Refuge: *Provided further,* That upon conveyance of any lands from within the boundaries of the Copper River National Wildlife Refuge as authorized by this section, the Secretary shall add to the Refuge other adjacent or proximate public lands to replace those lands so conveyed.

(c) The Board of Directors of Chugach Natives, Incorporated, shall, within ninety days after the enactment of this Act, file with the Secretary a resolution indicating the number of acres allocated to each of these village corporations under the regional corporation's existing sixty-four thousand four hundred-acre 12(b) allocation, and the basis on which future 12(b) allocations made by the Secretary, if any, are to be reallocated among the village corporations in the Chugach region.

(d) The Secretary shall process the lands for conveyance in the priority listed, and subject to the requirements of the settlement act for selection, tract size, compactness, and the contiguity, convey to the corporations such acreage to which they are entitled: *Provided, however,* That applications for selection filed by the State of Alaska under section 6(a) of the Alaska Statehood Act shall take precedence over such Chugach village corporation 12(b) selections within the Chugach National Forest, except in the area of Windy and Cedar Bays on Hawkins Island, where applications for State selections in township 15 south, ranges 4 and 5 west of the Copper River Meridian, shall be subordinated to 12(b) selections filed by the Eyak Corporation; and except further in the area of Boswell Bay on Hinchenbrook Island, where State applications for selection in township 17 south, range 5 west of the Copper River meridian, except for those in sections 10 and 15 of said township, shall be subordinated to section 12(b) selections filed by the Eyak Corporation. State applications for selection of any of the above-described lands which are not subordinated to Chugach village selections shall be adjudicated and approved or disapproved pursuant to section 6(a) of the Alaska Statehood Act: *Provided, however,* That any disapproval of such State selections shall not vest any selection right in any Chugach village corporation.

(e) Should any Chugach village corporation fail to timely file the information required by subsections (b) and (c) of this section, or if the priority listing submitted under subsection (b) does not meet the tract size, compactness or contiguity requirements of the Alaska Native Claims Settlement Act or regulations applicable thereto, the Secretary may provide the affected corporation thirty days from the date of notice within which to file information necessary to meet the requirements of such act and regulations, and this Act.

(f) If any Chugach Village Corporation voluntarily relinquishes any selection of lands within the boundaries of a conservation system unit, such lands shall be added to such unit and administered accordingly.

COOK INLET VILLAGE SETTLEMENT

SEC. 1422. Upon agreement with the Salamatoff Native Association and Cook Inlet Region, Incorporated, which agreement shall conform substantially to the draft agreement, dated 1979, and filed with the Committee on Interior and Insular Affairs of the House of Representatives and such amendments thereto relating to Alexander Creek, Inc. which may be assented to by the Secretary and the State of Alaska, the Secretary is directed (1) to modify the boundaries of the Kenai National Moose Range in order to make such conveyances as are required by said agreement; and (2) to convey such lands to the village and regional corporations free from the restrictions imposed by section 22(l) of the Alaska Native Claims Settlement Act.

EKLUTNA VILLAGE CORPORATION LANDS

SEC. 1423. EKLUTNA-STATE AGREEMENTS AND NEGOTIATIONS.—(a) The purpose of this section is to provide for the settlement of certain claims and litigation, and in so doing to consolidate ownership among the United States, the State of Alaska, the Municipality of Anchorage, Eklutna, Incorporated, and Cook Inlet Region, Incorporated, thereby facilitating land management, a fair implementation of the Alaska Native Claims Settlement Act, the protection of State public park lands and resources, and appropriate development patterns in and about Anchorage, Alaska.

(b) The Secretary shall make conveyances and accept relinquishments of selections in accordance with the specific terms, conditions, covenants, reservations, and other restrictions set forth in any agreement respecting the lands described in subparagraph (1) below, executed by the State of Alaska, by the Municipality of Anchorage, and by Eklutna, Incorporated, and hereafter submitted to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs and filed with the Secretary, the execution and implementation of which agreement are hereby authorized as to those duties and obligations of the United States, the State of Alaska, the Municipality of Anchorage, and Eklutna, Incorporated, which arise under Federal law: *Provided, however*, That any conveyance under such agreement of lands to Eklutna, Incorporated, shall be only of the surface estate, with a subsequent conveyance to Cook Inlet Region, Incorporated, of the subsurface estate except as otherwise provided in subsection (h). In aid thereof:

(1) The following lands located within the townships described in sections 11(a) (1) and (2) of the Alaska Native Claims Settlement Act with respect to the Native Village of Eklutna are withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and including Public Law 94–204, except section 12 thereof, and from selection under the Alaska Statehood Act, or any statutes authorizing selections by the State of Alaska, all as heretofore amended:

(A) lands withdrawn or reserved for national defense purposes; and

(B) lands determined by the Secretary under section 3(e) (1) of the Alaska Native Claims Settlement Act not to be public lands for purposes of the Alaska Native Claims Settlement Act.

This withdrawal and the agreement shall not affect the administrative jurisdiction of the Department of Defense or any other holding agency over the lands withdrawn, but all forms of disposition other than in accordance with this section and the agreement are prohibited: *Provided*, That the foregoing to the contrary notwithstanding, prior to July 15, 1979, lands may be placed in the pool contemplated by part I.C.(2) of the document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as clarified 8–31–76", but only to the extent authorized on the effective date of this Act by that document under section 12 of Public Law 94–204 as amended heretofore and in accordance with the procedures and with the consents and approvals required by laws, regulations and Executive orders in effect immediately prior to the effective date of this Act; if the lands placed in that pool are not thereafter selected in accordance with part I.C.(2) of that document any agreement pursuant to this section shall govern: *Provided further*, That neither the revocation of certain withdrawals of lands made by subsection (b) effective upon the filing of the agreement, nor the expiration of the withdrawal made by subsection (b) in the event no agreement is reached, shall be deemed an action causing those lands affected thereby to be subject to disposition under such section 12 of Public Law 94–204. The withdrawal made by this subsection (b) will expire March 15, 1981, if an executed agreement described in this section is not filed by the parties thereto on or before that date with the Secretary in the Alaska State Office of the Bureau of Land Management; but if an agreement is so executed, rights under the agreement vest as of the effective date of this Act, and this withdrawal shall become permanent, except as otherwise provided in the agreement. The agreement shall not impose upon the United States obligations or outlays of funds, except as reasonable in the ordinary course of business, or impose any procedural requirements or require the reassignment of personnel; and any of its provisions to the extent to the contrary shall be void as against the Secretary.

(2) Upon termination or revocation of any national defense withdrawal or reservation or of any other withdrawal in effect December 19, 1971, respecting lands described in subsection (b)(1), or upon declaration of their excess status in whole or in part, whichever first occurs, but not before, and from time to time, the lands excessed or as to which the withdrawal is terminated or revoked shall be conveyed to Eklutna, Incorporated, as to the surface estate and Cook Inlet Region, Incorporated as to the subsurface estate, or to the State of Alaska (for reconveyance by the State of Alaska in whole or in part to the Municipality of Anchorage), as may be provided in the agreement described in this subsection: *Provided, however*, That such conveyance shall not be made of lands in the pool established under part I.C.(2) of the document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as clarified 8–31–76" under section 12 of Public Law 94–204 as amendment heretofore, unless and until removed from that pool in accordance with such part I.C.(2). This section and the agreement shall preempt the procedures of the Federal Property Act (40 U.S.C. 471, et seq., and of 41 C.F.R. 101–47.000 et seq.), (other than as to fixtures and personality) and the preference right for State selection of section 6(g) of the Alaska Statehood Act. The conveyances to Eklutna, Incorporated, of lands withdrawn by this subsection called for by the agreement shall not be subject to section 1613(c) of title 43, United States Code. This section shall revoke PLO 5187 as it pertains to any lands withdrawn by this subsection and any power project withdrawals other than Power Project 350 as to such lands, effective upon the date of filing of the agreement. Lands conveyed to the State of Alaska, the surface estate of lands conveyed to Eklutna, Incorporated, and the subsurface estate conveyed to Cook Inlet Region, Incorporated, pursuant to this section and the agreement, shall be charged against their respective entitlements under sections 12 and 14 of the Alaska Native Claims Settlement Act and shall be considered conveyed and received pursuant to such Act and section 6 of the Alaska Statehood Act or section 806(c) of this Act, respectively.

(c) If an agreement to the following effect executed by the State of Alaska and Eklutna, Incorporated, is hereafter filed with the Secretary in the Alaska State Office of the Bureau of Land Management on or before April 2, 1981, the public lands as defined in the Settlement Act, located within township 17 north, range 3 east, Seward Meridian, Alaska, shall be deemed to have been withdrawn pursuant to section 11(a) of the Alaska Native Claims Settlement Act as of December 18, 1971, and, selection heretofore made by Eklutna, Incorporated, with respect to lands therein shall be processed by the Secretary as though said selections had been made within a township heretofore validly withdrawn pursuant to section 11(a) of such Act. If no such agreement is filed, this subsection shall not be held to affect the validity or invalidity of such selections. Whether or not any agreement is filed, this subsection shall not be held to affect the validity or invalidity of any third party interest heretofore created by the State of Alaska.

(d) Notwithstanding other provisions of this Act, the State and Eklutna, Incorporated, are each authorized to relinquish, in whole or in part, pursuant to either or both of the agreements contemplated by subsections (b) and (c) of this section; any one or more land selections affecting lands to be conveyed under the agreement to the other whether or not such selections have been previously approved or tentatively approved. The lands affected by the State selections so relinquished shall be deemed public lands as of December 18, 1971, as that term is defined in the Alaska Native Claims Settlement Act.

(e) Eklutna, Incorporated, and the Secretary shall stipulate to dismiss cause number A–78–24 Civil in the United States District Court for the District of Alaska, when the Secretary tenders to Eklutna, Incorporated, a conveyance of all lands in township 17 north, range 3 east, Seward Meridian, which are to be conveyed to Eklutna, Incorporated, under the agreement referred to in subsection (c).

(f) Eklutna, Incorporated, and the Secretary shall stipulate to dismiss cause number A–78–192 Civil in the United States District Court for the District of Alaska except as to the lands affected thereby which under the agreement referred to in subsection (b) are to remain in litigation in that cause, if any, when the Secretary tenders to Eklutna, Incorporated, a conveyance of all those lands which under the agreement the State agrees are to be conveyed to Eklutna, Incorporated, from among those selected at one time by the State under the authority of the Mental Health Enabling Act of 1956 (70 Stat. 709).

(g) The Secretary shall convey to Eklutna, Incorporated, as required by section 14 of the Alaska Native Claims Settlement Act, an acreage amount of its selections including also selections which after its relinquishments pursuant to the agreement appear necessary under this Act, equal to its entitlement under sections 14 and 12(b) of the Settlement Act, without regard to the acreage or interests which may ultimately be conveyed to Eklutna, Incorporated, under the agreement from within lands withdrawn by subsection (b). The agreement shall, however, require Eklutna, Incorporated, to subject to the land bank provisions of section 807 of this Act one or more compact tracts of lands of at least equal acreage to that ultimately to be conveyed to Eklutna, Incorporated, under the agreement from those withdrawn by subsection (b) of this section. The agreement shall require Eklutna, Incorporated, to reconvey to the State lands from those subject to the land bank provisions, in an amount provided by the agreement, upon the occasion of each receipt of lands by Eklutna, Incorporated, from among those withdrawn by subsection (b) of this section. Lands received by the State in such a reconveyance from Eklutna, Incorporated, shall be charged, to the extent of the acreage received by Eklutna, Incorporated, in the relevant conveyance to it, against the State's entitlement under section 6 of the Alaska Statehood Act. If thereby the State receives more than its entitlements under the Act elected, it shall reconvey to the United States a compact tract of unencumbered State lands of equal acreage contiguous to lands belonging to the United States. Eklutna, Incorporated, shall also be subject to the Land Bank provisions of section 807 of this Act, once an agreement under subsection (c) exists and thereafter from time to time, one or more compact tracts which equals the acreage amount by which Eklutna, Incorporated's entitlement would be over satisfied considering the acreage already conveyed to Eklutna, Incorporated; to the extent such a risk of over entitlement abates the lands may be withdrawn from the Land Bank in the manner provided in section 807 of this Act.

(h) In the event that Eklutna, Incorporated, receives a conveyance from the United States of the surface estate in lands withdrawn by subsection (b) of this section pursuant to the agreement authorized in that subsection, and if a reconveyance is thereby occasioned from Eklutna, Incorporated, to the State of the surface estate in land subject to the land bank provisions of this Act, a conveyance of the subsurface estate in the lands conveyed to Eklutna, Incorporated, shall be withheld until the Secretary ascertains to whom the subsurface estate is to be conveyed under this subsection. The entity owning the subsurface estate in those reconveyed lands shall retain that interest, unless it in the agreement or separately consents to convey the same to the State. In the event such entity so consents to convey the subsurface to the State, the Secretary shall convey the subsurface estate in the lands conveyed to Eklutna, Incorporated, to that entity; if such entity does not so consent, the subsurface estate in the lands conveyed to Eklutna, Incorporated, shall be conveyed to the State.

EKLUTNA-STATE-ANCHORAGE AGREEMENT

SEC. 1424. (a) PURPOSE.—The purpose of this section is to provide for the settlement of certain claims and litigation, and in so doing to implement section 14 of the Alaska Native Claims Settlement Act under the unique circumstances of the Native Village of Eklutna, with respect to the municipality of Anchorage.

(b) REFERENCE DOCUMENT.—The terms, conditions, procedures, covenants, reservations, and other restrictions set forth in the document entitled "Agreement of Compromise and Settlement" submitted to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs, executed by Eklutna, Incorporated, and the municipality of Anchorage, acting by its mayor, and to be executed by the State of Alaska, acting by the commissioner of the department of community and regional affairs, are hereby ratified as to the rights, duties, and obligations of the State of Alaska, the municipality of Anchorage, and Eklutna, Incorporated, which arise among them under section 14(c) (2) and (3) of the Alaska Native Claims Settlement Act, and Eklutna Incorporated, is discharged accordingly from the requirements of section 14(c)(3) of such Act as to all lands heretofore selected by it.

(c) CONDITION.—If, for any reason, the foregoing agreement is not ratified by the Anchorage Assembly, and executed by the State of Alaska on or before January 2, 1980, this section shall be of no force and effect.

DOYON REGIONAL CORPORATION LANDS

SEC. 1425. LAND EXCHANGE.—(a)(1) The Secretary is authorized, on the terms and conditions provided in this section and in section 1426, to accept from Doyon, Limited, a Regional Corporation organized pursuant to the Alaska Native Claims Settlement Act, a relinquishment of all selections filed by that corporation under sections 12(c) and 14(h) (8) of such Act which—

(A) lie within the watershed of the Charley River, were withdrawn for selection by Doyon pursuant to section 11(a)(3) of such Act and lie with the following townships:

Fairbanks Meridian

Township 2 north, range 23, 24, 25, and 26 east,

Township 3 north, range 23, 24, 25, and 26 east,

Township 4 north, range 24, 25 and 26 east,

Township 2 south, range 20 east;

(B) lie in the following townships outside, but adjacent to, the Charley River watershed:

Fairbanks Meridian

Township 2 north, range 23 east,

Township 2 north, range 24 east, sections 19 through 21, 28 through 33, inclusive;

(C) lie within the following townships inside the Kanuti National Wildlife Refuge:

Fairbanks Meridian

Township 15 north, range 20 west, sections 4 through 9, 16 through 18, inclusive,

Township 17 north, range 23 west; and

(D) lie within the following townships along the Yukon River:

Kateel River Meridian

Township 19 south, range 3 west. That portion lying west of the mean high water line of the Yukon River.

Township 20 south, range 3 west. All except the Yukon River and Bullfrog Island.

Township 21 south, range 3 west. That portion of sections 7, 8, and 9 lying south of Honeymoon Slough, and sections 16, 17, and 18.

Township 21 south, range 4 west. Sections 12 and 13 above the mean high water line of the Yukon River, and sections 2, 3, 10, 11, 14, 15, 19 through 23, and 27 through 34 all lying west of the mean high water line of the Yukon River.

(2) Doyon, Limited, shall have ninety days after the date of enactment of this Act to effect the relinquishment of all the land selections described in subsection (a) hereof, and shall not be entitled to any of the benefits of subsection (b), (c), and (d) hereof or of section 1426 of this Act if the relinquishment of all such selections does not occur during that period.

(3) Following the relinquishment by Doyon, Limited, of all the land selections described in subsection (a) hereof, the Secretary shall determine the acreage so relinquished by such measuring techniques, including aerial photography but not ground surveys, upon which he and Doyon may agree.

(b)(1) In exchange for the lands relinquished pursuant to subsection (a) hereof, the Secretary shall convey to Doyon, Limited, pursuant to the provisions of the Alaska Native Claims Settlement Act, subject to valid existing rights and on the terms and conditions hereinafter set forth, such lands as Doyon may select, within one year after the Secretary's acreage determination pursuant to subsection (a)(3) hereof, on an acre-for-acre basis up to the total acreage so relinquished, from the following described lands:

Fairbanks Meridian

Township 35 north, range 7 west, sections 19 through 36.

Township 34 north, range 7 west, sections 1 through 21, and 28 through 33.

Township 29 north, range 13 west, sections 1 through 3, and 10 through 15.

Township 20 north, range 10 west, within the study area delineated in section 1426.

Township 20 north, range 11 west, within the study area delineated in section 1426.

Township 20 north, range 12 west, within the study area delineated in section 1426 and all remaining lands in the township which are outside of the Hodzana River watershed.

Township 21 north, range 10 west, within the study area delineated in section 1426.

Township 21 north, range 11 west, within the study area delineated in section 1426 and all the remaining lands in the township which are outside of the Hodzana River watershed.

Township 21 north, range 12 west, within the study area delineated in section 1426 and all remaining lands in the township which are outside of the Hodzana River watershed.

Township 1 north, range 25 east, sections 13, 14, 15, 21 through 28, and 33 through 36: *Provided,* That Doyon may not receive a land conveyance within any of the following watersheds:

(1) Arctic Creek, a tributary of Flume Creek;

(2) Diamond Fork of the Seventy-mile River;

(3) Copper Creek, a tributary of the Charley River.

Township 1 south, range 25 east, sections 1, 2, 3, 10 through 14, 23, 24, and 25: *Provided,* That Doyon may not receive a land conveyance within the watershed of Copper Creek, a tributary of the Charley River.

Township 3 south, range 30 east, sections 20 through 29 and 32 through 36.

Township 4 south, range 28 east, sections 10 through 15, 22 through 28, 33 and 36: *Provided,* That Doyon may not receive a land conveyance any closer than one mile to the mean high water line of the North Fork of the Fortymile River, nor any closer than one-half mile to Champion Creek.

Township 4 south, range 29 east, sections 18 through 22, and 25 through 36: *Provided,* That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 4 south, range 30 east, sections 1, 2, 11, 12, 13, 24, 25, and 28 through 36: *Provided,* That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 4 south, range 31 east sections 6, 7, 8, 17 through 20, and 29 through 32: *Provided,* That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 5 south, range 30 east, sections 1 through 6, 11, and 12: *Provided,* That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 5 south, range 31 east, sections 4 through 9: *Provided,* That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 5 south, range 25 east, sections 12, 13, and 24: *Provided,* That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of the Middle Fork of the Fortymile River.

Township 5 south, range 26 east, sections 7, 8, and 17 through 20: *Provided,* That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of the Middle Fork of the Fortymile River.

Township 6 south, range 18 east, sections 4 through 9 and 16 through 18.

Township 7 south, range 17 east, sections 12, 13, 24, 25, 26, and 36.

Township 7 south, range 18 east, sections 7, 8, 17 through 20, and 29 through 32.

Township 8 south, range 18 east, sections 1 through 4, 9 through 16, 21 through 28, and 33 through 36.

Township 6 south, range 28 east, sections 31 through 33: *Provided,* That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Hutchison Creek.

Township 7 south, range 28 east, sections 4 through 9, 14 through 23, and 26 through 35.

Township 8 south, range 28 east, sections 2 through 11, and 14 through 18.

Township 7 south, range 21 east, sections 11 through 14, 23 through 26, 35, and 36.

Township 7 south, range 22 east, sections 2 through 11.

Copper River Meridian

Township 27 north, range 6 east, sections 1, 2, 11, and 12.

Township 27 north, range 7 east, sections 1 through 12.

Township 28 north, range 7 east, sections 31 through 36.

Township 28 north, range 6 east, sections 35 and 36.

(2) Unless a waiver of any such requirement is obtained from the Secretary, the lands selected by Doyon pursuant to subsection (b)(1) shall consist of tract which: (a) contain not less than eight sections or five thousand one hundred and twenty acres, whichever is smaller, except for the last tract required to complete Doyon's land entitlement; and (b) have boundaries which follow section lines, except where such boundary is the border of a navigable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary to follow section lines where township lines are offset along stand-

ard parallels caused by the convergence of meridians, to conform to section lines where a section is less than standard size, or to avoid crossing the boundary lines of conservation system units or of lands which are unavailable for selection). Selections under subsection (b)(1), subsection (c), and section 1426 shall not be subject to or charged against the maximum acreage limitations set forth in paragraph 3B(2) (a) and (b) of the Stipulation and Agreement entered into by Doyon and the Secretary in Doyon, Limited against Morton, civil action numbered 1586–73, in the United States District Court for the District of Columbia.

(3) The lands selected by Doyon, Limited, and conveyed by the Secretary pursuant to subsection (b) hereof shall be treated as if such lands had been withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act and had been selected by Doyon pursuant to section 12(c) of that Act. Failure by Doyon, Limited to select its total land entitlement under subsection (b)(1) shall not affect the corporation's total land entitlement under sections 12(c) and 14(h)(8) of such act.

(4) Beginінng on the date of enactment of this Act, the lands described in subsection (b)(1) hereof shall be withdrawn from all forms of appropriation under the public land laws as if such lands had been withdrawn pursuant to section 11(a) of the Alaska Native Claims Settlement Act. The Secretary is authorized to terminate such withdrawal with respect to lands not selected by Doyon, Limited, either one year after the Secretary's acreage determination pursuant to subsection (a)(3) hereof or, with respect to the lands subject to such release, upon the giving of notice by Doyon to the Secretary that the corporation is releasing its selection rights under this paragraph to all or part of the withdrawn lands, whichever first occurs. Such withdrawal shall not prevent reasonable surface studies or mineral exploration, including core drilling, by Doyon or its assigns on the lands withdrawn, subject to such rules and regulations as the Secretary may prescribe: *Provided*, That the issuance of regulations under this subparagraph, or any permits thereunder, shall not be subject to any requirement for preparation of submission of an evironmental impact statement contained in the National Environmental Policy Act of 1969.

(C)(1) During the withdrawal period specified in subsection (b)(4) hereof, the lands so withdrawn shall also be available for selection by Doyon, Limited, subject to the requirements of subsection (b)(2), in whole or partial satisfaction of its land entitlement under section 14(h)(8) of the Alaska Native Claims Settlement Act, and the period of withdrawal shall be extended with respect to any lands so selected until the date of conveyance pursuant to section 14(e) of such Act. The Secretary shall issue a decision to convey title to the lands selected by Doyon pursuant to this subparagraph, subject to valid existing rights, within one hundred and eighty days after each selection.

(2) At any time after enactment of this Act, but no later than six months after termination of the withdrawal provided in subsection (b)(4) hereof, any or all of the land entitlement of Doyon, Limited, under section 14(h)(8) of the Alaska Native Claims Settlement Act may be satisfied by Doyon's identification of the appropriate acreage within lands withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act, which were selected by Doyon on or before December 18, 1975, under section 12(c) of such Act, and have not been relinquished. Upon identification by Doyon, Limited, under this paragraph, such acreage shall no longer be deemed a section 12(c) selection, shall be charged against Doyon's section 14(h)(8) land entitlement and shall be conveyed by the Secretary to Doyon in accordance with the provisions of the Alaska Native Claims Settlement Act.

(3) In the event Doyon, Limited, effects a relinquishment under subsection (a) hereof, and the provisions of this paragraph thus become operative, the corporation shall not thereafter make selections under section 14(h)(8) of the Alaska Native Claims Settlement Act on lands which were (a) withdrawn pursuant to section 11(a), but not selected under section 12(c) of such Act and (b) lie within a conservation system unit created or expanded pursuant to this Act: *Provided*, That all Doyon's other selection rights under section 14(h)(8) of the Alaska Native Claims Settlement Act shall not be affected.

(d)(1) In recognition of the potential need of Doyon, Limited for access in a southerly direction from its landholdings in the watersheds of the Kandik and Nation Rivers across the Yukon River, the Secretary shall review applications submitted by Doyon, Limited for one or more rights-of-way which, in order to provide for such access, would pass through public lands within the Yukon-Charley National Preserve.

(2) The Secretary shall approve an application reviewed under paragraph (1) of this subsection, and shall grant the right-of-way requested in such application, if he determines that there exists no economically feasible or otherwise reasonably available alternative route.

(3) Each right-of-way granted under this subsection shall be subject to such reasonable regulations issued by the Secretary as are necessary to minimize the adverse impact of such right-of-way upon any conservation system unit.

(4) No rights-of-way shall be granted under this subsection which would cross the Charley River or which would involve any lands within the watershed of the Charley River.

HODZANA RIVER AND CIRCLE AREAS

SEC. 1426. (a)(1) Subject to the provisions of subsection 1425 (b) and (c) of this Act, the following described lands, during the period of withdrawal specified in subsection 1425(b)(4), shall be set aside and managed as a study area by the United States Fish and Wildlife Service in cooperation with Doyon, Limited:

Beginning at elevation point 2970 which lies within the northeast one quarter of section 10, township 21 north, range 9 west Fairbanks meridian;

thence westerly following the crest of the ridgeline of which elevation point 2970 is a part through sections 10, 9, 8, 7, and 6 of township 21 north, range 9 west Fairbanks meridian to the true point of beginning which is the intersection of the crest of the ridgeline of which elevation point 2970 is a part with the township line which separates section 6, township 21 north, range 9 west Fairbanks meridian and section 1, township 21 north, range 10 west Fairbanks meridian;

thence from the true point of beginning; westerly following the crest of the ridgeline of which elevation point 2970 is a part through sections 1, 2, 3, 4, 9, 8, 5, 7, and 6 of township 21 north, range 10 west Fairbanks meridian, and through sections 1, 2, and 3 of township 21 north, range 11 west Fairbanks meridian to the intersection of the crest of the aforementioned ridgeline with the crest of the ridgeline which is the watershed boundary between the Hodzana River and west flowing tributaries of the South Fork of the Koyukuk River;

thence southerly and westerly along the crest of this watershed boundary through sections 3, 10, 15, 16, 17, 20, 21, 29, 32, and 31 of township 21 north, range 11 west Fairbanks meridian, section 36 of township 21 north, range 12 west Fairbanks meridian, sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 36, 34, and 35 of township 20 north, range 12 west Fairbanks meridian and to the northeast one quarter of section 3, township 19 north, range 12 west Fairbanks meridian where the crest of the watershed of the Hodzana River turns in an easterly direction and becomes, first the divide between the watersheds of the Hodzana and Kanuti Rivers and then the divide between the Hodzana and Dall Rivers;

thence easterly along the crest of this watershed to the peak of Dall Mountain which lies within the southeast one quarter of section 1, township 19 north, range 11 west Fairbanks meridian;

thence northeasterly along the crest of Dall Mountain to the intersection of the crest of Dall Mountain with the line between township 20 north, range 9 west Fairbanks meridian and township 20 north, range 10 west Fairbanks meridian which intersection lies approximately on elevation point 3491, the highest point of Dall Mountain on the eastern line of section 36, township 20 north, range 10 west Fairbanks meridian;

thence north along the township line between townships 20 and 21 north, ranges 9 and 10 west Fairbanks meridian to the true point of beginning at the intersection of the crest of the heretofore described west trending ridgeline and this township line, which point lies between section 6, township 21 north, range 9 west Fairbanks meridian and section 1, township 21 north, range 10 west Fairbanks meridian.

This description is based upon United States Geological Survey Quadrangle Beaver, Alaska, 1956 with minor revisions 1972, on which land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management folios F–2, F–3, F–6, and F–7 Fairbanks meridian, and United States Geological Survey Quadrangle Bettles, Alaska 1956 with minor revisions 1973, on which land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management folios F–3, F–4, F–5, and F–6. The use of these quadrangles and the protracted land lines thereon is for purposes of convenience in describing the lands within the Hodzana River Study Area. The actual area is to be within the above described basin, and should any discrepancy appear upon the ground determination of the location of the watershed boundary, the watershed boundary shall control, not the land lines protracted upon the aforementioned United States Geological Survey Quadrangles.

(2) During the study period herein provided, Doyon, Limited may, under such reasonable rules and regulations as the Secretary finds necessary to protect the water quality and quantity of the Hodzana River, conduct such investigations within the study area, including core drilling, which will not materially disturb the land surface, as are required to determine the extent of mineralization therein. During the study period, the Fish and Wildlife Service is authorized to undertake such studies of the Hodzana River and its environs as are required to determine the measures to undertake and the regulations necessary to protect and maintain the water quality and quantity of the Hodzana River should lands in its watershed be selected by Doyon, Limited, and the minerals therein be developed. Upon agreement with Doyon, Limited, the Secretary is authorized to extend the study period up to an additional two years; if so, the duration of the withdrawal from appropriation for the lands described in subsection (1) hereof and the time during which Doyon, Limited, may select such lands or identify such lands for conveyance shall be extended for a like period.

(3) The right of Doyon, Limited, to land conveyances within the study area shall be limited to twenty-three thousand forty acres. Any selections or land identifications by the corporation within the study area also shall be subject to the provisions of subsection

1425(b)(2) of this Act, unless the results of the study indicate, and Doyon and the Secretary agree, that some or all of such requirements should be waived. Any lands within the study area which adjoin the Yukon Flats National Wildlife Refuge and which are not selected by Doyon, Limited, shall be added to that conservation system unit and administered accordingly.

(4) In the event Doyon receives conveyance in the study area, the corporation shall have those rights of access to the lands involved as are reasonably necessary for the economic operation of such mineral developments. Upon final termination of mining activity, Doyon shall restore any access roads as may be agreed upon by Doyon and the Secretary.

(5) The National Environmental Policy Act of 1969 shall not be construed, in whole or in part, as requiring the preparation or submission of an environmental impact statement before the issuance of regulations under this paragraph, or any permit relating to mineral development, the conduct of any investigation in the study area, the conveyance of interests therein to Doyon or the grant of any easement or right-of-way to the lands involved. The Secretary, however, is authorized to promulgate such regulations as may reasonably be necessary to protect the water quality and quantity, and to prevent substantial adverse environmental degradation, of the Hodzana River. Any such regulations shall be coordinated with, and shall not be more stringent than, the applicable requirements under the Federal Water Pollution Control Act.

(b) In furtherance of the State's entitlement to lands under section 6(b) of the Alaska Statehood Act and regardless of whether such land lie within the boundaries of a conservation system unit established, designated, redesignated, or expanded by this Act, the United States shall, upon Doyon having met the terms and conditions set forth in section 1425(a)(1), convey to the State of Alaska all right, title and interest of the United States in:

(1) the following lands located south of Circle on the Yukon River:

Fairbanks Meridian

Township 8 north, range 18 east, section 1;

Township 8 north, range 19 east, That portion of sections 1 through 18, inclusive, lying south and west of the mean high water line of the Yukon River;

Township 8 north, range 20 east, That portion of sections 7 and 18 lying west of the mean high water line of the Yukon River;

Township 9 north, range 17 east;

Township 9 north, range 18 east, That portion lying south and west of the mean high water line of the Yukon River;

Township 9 north, range 19 east, That portion lying south and west of the mean high water line of the Yukon River;

(2) Upon relinquishment by Doyon, Limited, of all land selections pursuant to section 1425(a) of this Act, the lands described in subparagraph 1425(a)(1)(D).

DOYON AND FORTYMILE RIVER

SEC. 1427. (a) Subject to the provisions of subsections (b) and (c) of this section, Doyon, Limited, shall have the right within one year after the date of enactment of this Act to identify some or all of the following described lands, previously selected by such corporation, in partial satisfaction of its entitlement under section 12(c) of the Alaska Native Claims Settlement Act:

(i) Lands withdrawn pursuant to section 17(d)(1) and formerly withdrawn pursuant to section 17(d)(2), of the Alaska Native Claims Settlement Act:

Fairbanks Meridian

Township 1 south, range 27 east, sections 24, 25, 34, 35, 36;

Township 1 south, range 28 east, sections 19, 20, 21, 28 through 32;

Township 2 south, range 27 east, sections 1 through 4, 8 through 12, 14 through 17, 19 through 22, 27 through 33;

Township 3 south, range 24 east, sections 20 through 25, 27 through 34;

Township 3 south, range 25 east, sections 2 through 5, 8 through 10, 15 through 22, 27 through 34;

Township 3 south, range 26 east, sections 13, 22 through 28, 31 through 36;

Township 3 south, range 27 east, sections 4 through 8, 17, 18;

Township 3 south, range 28 east, sections 1 through 5, 9 through 11, 14 through 16, 21 through 23, 26, 27;

Township 3 south, range 29 east, sections 11 through 15, 20 through 24, 26 through 34;

Township 4 south, range 25 east, sections 1 through 5, 8 through 17;

Township 4 south, range 26 east, sections 2 through 10, 17, 18;

Township 4 south, range 28 east, sections 1, 2;

Township 4 south, range 29 east, sections 1 through 18;

Township 5 south, range 25 east, sections 1, 4 through 10, 12 through 17, 20 through 24, 28, 29;

Township 5 south, range 26 east, sections 4 through 8, 17 through 19;

Township 6 south, range 23 east, section 34;

Township 6 south, range 25 east, sections 22, 27, 28, 32 through 35;

Township 7 south, range 22 east, sections 23 through 26, 35, 36;

Township 7 south, range 23 east, sections 3 through 9, 17 through 19, 30, 31;

Township 7 south, range 24 east, sections 1, 2, 10 through 16, 21 through 24, 26 through 29, 31 through 34;

Township 7 south, range 25 east, sections 6 through 8, 17 through 21, 28 through 33;

Township 8 south, range 21 east, sections 13, 23 through 28, 33 through 36;

Township 8 south, range 22 east, sections 1 through 4, 8 through 23, 28 through 33;

Copper River Meridian

Township 19 north, range 16 east, sections 3 through 9, 17 through 20;

Township 20 north, range 14 east, sections 1 through 18, 20 through 22;

Township 20 north, range 15 east, sections 2 through 11, 13 through 17, 21 through 28, 32 through 36;

Township 20 north, range 16 east, sections 13, 14, 21 through 29, 31 through 36;

Township 21 north, range 12 east, sections 2 through 10, 17 through 20, 30;

Township 21 north, range 13 east, sections 1 through 5, 10 through 14, 23 through 36;

Township 21 north, range 15 east, sections 30, 31, 32;

Township 22 north, range 12 east, sections 4 through 11, 13 through 27, and 36;

Township 22 north, range 13 east, sections 18 through 21, 26 through 36;

Township 24 north, range 11 east, sections 22 through 27, 34 through 36;

Township 24 north, range 12 east, sections 3 through 33;

Township 24 north, range 13 east, sections 2 through 4, 7 through 11, 14 through 23, 30;

Township 25 north, range 11 east, sections 4 through 10, 14 through 18, 20 through 28, 34 through 36;

Township 25 north, range 12 east, sections 31, 32, 33;

Township 25 north, range 13 east, sections 1 through 3, 9 through 16, 21 through 23, 26 through 28, 32 through 35;

Township 26 north, range 13 east, sections 1 through 3, 12;

Township 26 north, range 14 east, sections 4 through 10, 14 through 18, 20 through 23, 26, 27, 31 through 36;

Township 27 north, range 9 east, sections 1 through 3, 9 through 12, 14 through 16, 20 through 23, 26 through 29, 32 through 34;

Township 27 north, range 10, sections 2 through 4, 9 through 11, 14 through 16, 21 through 27, 34 through 36;

Township 27 north, range 13 east, sections 3 through 10, 14 through 17, 21 through 28, 34 through 36;

Township 27 north, range 14 east, sections 30, 31, 32;

Township 28 north, range 9 east, sections 35, 36;

Township 28 north, range 10 east, sections 31 through 35;

(ii) Lands withdrawn pursuant to section 17(d)(2) of the Alaska Native Claims Settlement Act some or all of which may not be included within the boundaries of the Fortymile Wild, Scenic and/or Recreational River.

Fairbanks Meridian

Township 3 south, range 27 east, sections 19 through 36;

Township 3 south, range 28 east, sections 28 through 34;

Township 4 south, range 28 east, sections 3 through 6, 8 through 17, 19 through 33, 36;

Township 4 south, range 29 east, sections 19 through 22, 25 through 36;

Township 4 south, range 30 east, sections 1, 2, 11 through 13, 24, 25, 28 through 36;

Township 4 south, range 31 east, sections 6 through 8, 17 through 20, 29 through 32;

Township 5 south, range 25 east, sections 25 through 27, 33 through 36;

Township 5 south, range 26 east, sections 13 through 15, 20 through 35;

Township 5 south, range 27 east, sections 7 through 24, 29, 30;

Township 5 south, range 28 east, sections 2 through 5, 7 through 10, 15 through 23, 25 through 30, 33 through 36;

Township 5 south, range 29 east, sections 29 through 32;

Township 5 south, range 30 east, sections 1 through 6, 11, 12;

Township 5 south, range 31 east, sections 4 through 9;

Township 5 south, range 32 east, sections 24 through 27, 34 through 36;

Township 5 south, range 33 east, sections 2 through 4, 8 through 11, 14 through 22, 28 through 32;

Township 6 south, range 23 east, sections 2, 3, 10 through 15, 22 through 27, 35, 36;

Township 6 south, range 24 east, sections 13, 14, 17 through 36;

Township 6 south, range 25 east, sections 2 through 5, 7 through 11, 15 through 21, 29, 30;

Township 6 south, range 32 east, sections 1 through 5, 8 through 11, 14 through 17, 20 through 22, 27 through 29, 32 through 35;

Township 7 south, range 31 east, sections 13 through 17, 19 through 34;

Township 7 south, range 32 east, sections 3 through 5, 7 through 10, 13 through 30, 34 through 36;

Township 7 south, range 33 east, sections 4, 7 through 9, 16 through 21, 28 through 33.

Copper River Meridian

Township 26 north, range 14 east, sections 12, 13, 24 and 25.

(b) Doyon, Limited, shall have a right to identify only those lands described in subsection (a) hereof which are not included within a conservation unit pursuant to this Act, and each selection so identified shall be subject to the provisions of subsection 1425(b)(2) of this Act. The Secretary shall convey title to the land promptly after its identification by Doyon, Limited, subject to valid existing rights.

(c) The provisions of this section shall take effect only upon the execution and filing of a stipulation by Doyon Limited, consenting to the dismissal, with prejudice, of Doyon, Limited, against Andrus, Civil Action No. 78-1148 in the United States district court for the District of Columbia, within sixty days after the effective date of this Act.

KONIAG VILLAGE AND REGIONAL CORPORATION LANDS

SEC. 1428. (a) DEFINITIONS.—As used in this section, the term—

(1) "Afognak Island" means Afognak Island, and Bear, Teck, Hogg, and Murphy Islands, above the line of mean high tide within the exterior boundaries of the Chugach National Forest.

(2) "Deficiency village acreage on the Alaska Peninsula" means the aggregate number of acres of public land to which "Koniag deficiency village corporations" are entitled, under section 14(a) of the Alaska Native Claims Settlement Act, to a conveyance of the surface estate on account of deficiencies in available lands on Kodiak Island, and to which Koniag, Incorporated, is entitled under section 14(f) of that Act to conveyance of the subsurface estate.

(3) "12(b) acreage on the Alaska Peninsula" means the aggregate number of acres of public lands to which "Koniag 12(b) Village Corporations" are entitled, under section 14(a) of the Alaska Native Claims Settlement Act by reason of section 12(b) of that Act, to conveyance of the surface estate and to which Koniag, Incorporated, under section 14(f) of that Act, is entitled to conveyance of the subsurface estate, less the aggregate acreage of 12(b) lands on Kodiak Island as to which Koniag 12(b) Village Corporations will receive conveyances, the latter being estimated to be approximately fifteen thousand acres.

(4) "Koniag Deficiency Village Corporation" means any or all of the following:

Afognak Native Corporation,
Nu-Nachk-Pit, Incorporated,
Ouzinkie Native Corporation,
Leisnoi, Incorporated.

(5) "Koniag 12(b) Village Corporation" means the village corporations listed in subparagraph (4) above, if within sixty days of the effective date of this Act Koniag, Incorporated, by a resolution duly adopted by its Board of Directors, designates them as such as a class, and all of the following: Natives of Akhiok, Incorporated, Old Harbor Native Corporation, Kaguyak, Incorporated, Karluk Native Corporation, and each of the corporations listed in subsection (e)(2) of this section which files a release as provided for in subsection (e)(1) of this section.

(6) "Koniag region" means the geographic area of Koniag, Incorporated, under the Alaska Native Claims Settlement Act.

(7) "Koniag village" means a Native village under the Alaska Native Claims Settlement Act which is within the Koniag region.

(8) "Koniag Village Corporation" means a corporation formed under section 8 of the Alaska Native Claims Settlement Act to represent the Natives of a Koniag village and any village corporation listed in subsection (e)(2) of this section which has filed a release as provided in subsection (e)(1) of this section.

(9) "Koniag 14(h)(8) lands on the Alaska Peninsula" means the aggregate number of acres of public lands to which Koniag, Incorporated Regional Native Corporation is entitled under section 14(h)(8) of the Alaska Native Claims Settlement Act, less the acreage of lands withdrawn for conveyance to that corporation by Public Land Order Numbered 5627 (42 F.R. 63170) and conveyed to that corporation.

(10) Any term defined in subsection 3(e) of the Alaska Native Claims Settlement Act has the meaning as therein defined.

(11) "Alaska Peninsula" means the Alaska Peninusla and all islands adjacent thereto which on or before the date of enactment of this Act were withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act for Koniag Village Corporations and Koniag, Incorporated, including but not limited to Sutwik, Hartman, Terrace, Nakchamik, and West and East Channel Islands, except those islands selected by Koniag, Incorporated, pursuant to section 15 of Public Law 94-204.

(b) CONVEYANCE TO NATIVE CORPORATIONS.—(1) In full satisfaction of (A) the right of Koniag, Incorporated, Regional Native Corporation to conveyance to Koniag 14(h)(8) lands on the Alaska Peninsula under the Alaska Native Claims Settlement Act; (B) the right of each Koniag Deficiency Village Corporation to conveyance under that Act of the surface estate of deficiency village acreage on the Alaska Peninsula; (C) the right of each Koniag 12(b) Village Corporation to conveyance under the Alaska Native Claims Settlement Act of surface estate of 12(b) acreage on the Alaska Peninsula; and (D) the right of Koniag, Incorporated, under the Alaska Native Claims settlement Act to conveyances of the subsurface estate of the deficiency village acreage on the Alaska Peninsula and of the 12(b) acreage on the Alaska Peninsula; and in lieu of conveyances thereof this Act, or otherwise, the Secretary of the Interior shall, under the terms and conditions set forth in this section, convey as provided in subsection (c) of this section the surface estate of all of the public lands on Afognak Island except those lands referred to in subparagraphs 2 (A), (B), (C), and (D) of this subsection, and simultaneously therewith, the Secretary shall, under the terms and conditions set forth in this section, convey the subsurface estate of such lands to Koniag, Incorporated.

(2) There are excepted from the conveyances provided for in subparagraph (1) of this subsection:

(A) Selections of the State of Alaska on Afognak Island heretofore made under section 6(a) of the Alaska Statehood Act and described as follows:

Seward Meridian, Alaska

Parcel I

Township 22 south, range 17 west, section 31, southwest quarter;

Township 22 south, range 18, west, section 36, southeast quarter;

Township 23 south, range 17 west, sections 6, west half; 7, west half; 18, west half; 19, west half and southeast quarter; 20, southwest quarter; 29, west half; 30 all;

Township 23 south, range 18, west, sections 1, east half; 12, east half; 13 all; 24 all; 25 all.

Parcel II

Township 22 south, range 17 west, sections 30 all; 31 all;

Township 23 south, range 17 west, section 6, northeast quarter.

(B) Surface estate of lands on Afognak Island to which Afognak Native Corporation, Ouzinkie Native Corporation, and Natives of Kodiak, Incorporated, are entitled pursuant to the Alaska Native Claims Settlement Act and the subsurface estate of such lands.

(C) The lands on Afognak Island referred to in subsection (d) of this section if conveyed as therein provided.

(D) The following described lands:

Seward Meridian, Alaska

Township 20 south, range 20 west, sections 31 through 32 inclusive;

Township 20 south, range 21 west, sections 14 through 16 inclusive, 20 through 23 inclusive, 26 through 29 inclusive, and 31 through 36 inclusive;

Township 20 south, range 22 west, sections 26, 27, and 34 through 36 inclusive;

Township 21 south, range 20 west, sections 4 west half, 5 through 7 inclusive; 8; 17 northwest quarter southwest quarter, 18;

Township 21 south, range 21 west, all;

Township 21 south, range 22 west, sections 1 through 3 inclusive, 11 through 12 inclusive, 24;

Township 22 south, range 21 west, sections 1 north half, 2 through 9 inclusive, 10 north half southwest quarter.

(3) All public lands on the Alaska Peninsula withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act for Koniag Village Corporations and for Koniag, Incorporated, are hereby withdrawn, subject to valid existing rights and Native selection rights under that Act as modified by this Act, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act and shall remain so withdrawn subject to the provisions of section 306 of this Act. Following the filing with the Secretary of the Interior of (A) all resolutions pursuant to subparagraph (4) of this subsection, (B) the joint venture agreement referred to in subsection (c) of this section, and (C) releases by such of the Koniag Village Corporations referred to in subsection (e)(2) of this section as file releases as provided in subsection (e)(1) of this section, and upon the conveyances by the Secretary of the Interior of all public lands on Afognak Island to be conveyed as provided in subsection (c) of this section, all Native selection rights in and to public lands on the Alaska Peninsula withdrawn under section 11(a)(3) of the Alaska Native Claims Settlement Act for Koniag Village Corporations and for Koniag, Incorporated, shall, except as provided in subsection (g) of this section, be extinguished and all claims thereto arising under this Act or the Alaska Native Claims Settlement Act shall be barred.

(4) As a condition precedent to the conveyances provided for by subparagraph (1) of this subsection, Koniag, Incorporated, each Koniag Deficiency Village Corporation and each Koniag 12(b) Village Corporation, shall file with the Secretary of the Interior resolutions duly adopted by their respective boards of directors accepting the conveyances provided for in this subsection as being in full satisfaction of their respective entitlements to conveyances of Koniag 14(h)(8) lands on the Alaska Peninsula, of deficiency village acreage on the Alaska Peninsula and of 12(b) acreage on the Alaska Peninsula, and Koniag, Incorporated, shall further file with the Secretary of the Interior a resolution duly adopted by its board of directors accepting the provisions of subsection (1) of this section.

(5) The lands on Afognak Island conveyed pursuant to subparagraph (1) of this subsection shall remain open to hunting, fishing, and other recreational use otherwise permitted by applicable law (but without liability on the part of the grantee, except for willful acts, to any user by reason of such use), under and subject to the terms of cooperative-management agreements entered into by Koniag, Incorporated, and other affected Koniag Village Corporations, with the Secretary of the Interior, and such of the State agencies and of the political subdivisions of the State having jurisdiction over any portion of Afognak Island which desire to participate. The Secretary of the Interior is hereby authorized to enter into such agreements. Each agreement shall—

(A) permit the Secretary of the Interior reasonable access to such land to carry out the obligations of the Secretary under the agreement;

(B) permit reasonable access to such land by officers of the State for purposes of conserving fish and wildlife and of other State officers and employees and officers and employees of political subdivisions of the State parties to the agreement to carry out their responsibilities thereunder;

(C) set forth those services which any other party agrees to provide, which services may include technical and other assistance with respect to fire control, trespass control, law enforcement, resource and land use planning, the conserving of fish and wildlife, and the protection, maintenance, and enhancement of any special values of the land subject to the agreement;

(D) set forth such additional terms and conditions as the parties may agree to as being necessary and appropriate to carry out the terms of the agreement; and

(E) specify the effective period of the agreement.

(c) Joint Venture.—The Secretary of the Interior shall convey the surface estate on Afognak Island to be conveyed under subsection (b)(1) of this section to a joint venture providing for the development of the surface estate on Afognak Island to be conveyed under this subsection, consisting of the Koniag Deficiency Village Corporations, the Koniag 12(b) Village Corporations and Koniag, Incorporated (or wholly owned subsidiaries thereof), in which (1) the share of the Koniag Deficiency Village Corporations as a class in the costs and revenues of such joint venture is determined on the basis of a fraction, the numerator of which is the deficiency village acreage on the Alaska Peninsula and the denominator is the sum of the deficiency village acreage on the Alaska Peninsula plus the 12(b) acreage on the Alaska Peninsula plus the Koniag 14(h) acreage on the Alaska Peninsula, which fraction shall be multiplied by the number of acres on Afognak Island to be conveyed by reason of subparagraph (b)(1) of this subsection; (2) the share of the Koniag 12(b) Village Corporations as a class is determined on the basis of a fraction, the numerator of which is the 12(b) acreage on the Alaska Peninsula and the denominator of which is the denominator referred to in (1) above, which fraction shall be multiplied by the number of acres on Afognak Island referred to in (1) above; and (3) the share of Koniag, Incorporated, is determined on the basis of a fraction, the numerator of which is the Koniag 14(h) acreage on the Alaska Peninsula and the denominator of which is the denominator referred to in (1) above which fraction shall be multiplied by the number of acres on Afognak Island referred to in (1) above. In such joint venture, each Koniag Deficiency Village Corporation, shall participate in the share of the Koniag Deficiency Village Corporations as a class in the ratio that the entitlement of each to deficiency village acreage on the Alaska Peninsula bears to the total deficiency village acreage on the Alaska Peninsula and each Koniag 12(b) Village Corporation shall participate in the share of the Koniag 12(b) Village Corporations as a class in the ratio that the number of Natives enrolled under the Alaska Native Claims Settlement Act to the village that corporation represents bears to the number of Natives enrolled to all villages repreesnted by Koniag 12(b) Village Corporations. The conveyance shall be made as soon as practicable after there has been filed with the Secretary of the Interior a duly executed joint venture agreement with provisions for sharing of and entitlements in costs and revenues of such venture as provided in this subsection. The conveyance shall not indicate the respective interests of each of the corporations in the surface estate conveyed but such interests shall be as provided in this subsection which shall be incorporated by reference into the conveyance. The subsurface estate in the foregoing lands shall be conveyed simultaneously to Koniag, Incorporated. Neither the joint venture, any Koniag Village Corporation having an interest in the joint venture or the lands conveyed thereto, nor Koniag, Incorporated, shall take or permit any action which may be inimical to bear denning activities on the Tonki Cape Peninsula.

(d) Ouzinkie Lands.—In the event the Ouzinkie Native Corporation and Koniag, Incorporated, within ninety days after the effective date of this Act, enter into an agreement to convey to the Kodiak Island Borough their respective rights, titles, and interests in and to the surface and subsurface estate respectively in the following described land:

Seward Meridian, Alaska

Township 27 south, range 20 west,
Sections 9 through 12 inclusive, all;
Section 13, north half, excluding Monashka Bay; southwest quarter; north half southeast quarter, excluding Monashka Bay; southwest quarter southeast quarter;
Sections 14, 15, and 16, all;
Sections 21 and 22, all;
Section 23, north half, north half southwest quarter, southwest quarter southwest quarter, northwest quarter southeast quarter;
Section 24, north half northwest quarter;
Section 27, north half, southwest quarter, west half southeast quarter;

the Secretary of the Interior shall convey to Ouzinkie Native Corporation the surface estate and to Koniag, Incorporated, the subsurface estate in the following described land on Afognak Island:

Seward Meridian, Alaska

Township 22 south, range 19 west,
Sections 6, 7, 15, all;
Section 18, west half;
Sections 19, 22, 28, all;
Sections 31 through 35 inclusive, all;
Section 36, south half.

The agreement between Kodiak Island Borough, Ouzinkie Native Corporation and Koniag, Incorporated, may contain the provisions agreed to by the parties including, but not limited, to easements across the lands to be conveyed to the Kodiak Island Borough.

(e) Releases.—(1) Each village listed in paragraph (2) of this subsection which, through the Koniag Village Corporation listed alongside it, files with the Secretary of the Interior, within sixty days from the effective date of this Act, a release duly authorized by its board of directors releasing, in consideration of the benefits provided for in this section, the United States, its officers, employees, and agents from all claims of the village and the village corporation to lands and interests therein arising under the Alaska Native Claims Settlement Act or compensation in any form therefor (except as provided in paragraph (3) of this subsection) along with a release by Koniag, Incorporated, duly authorized by its board of directors, releasing the United States, its officers, employees, and agents, from Koniag's claims to subsurface estate under the Alaska Native Claims Settlement Act arising out of the claims of such village or compensation in any form therefor (except as provided in paragraph (3) of this subsection) shall be deemed an eligible village under the Alaska Native Claims Settlement Act. This section shall be inoperative as to any such village which does not file such a release but shall be operative as to each of such villages which files such a release.

(2) The villages and Koniag village corporations referred to in the foregoing paragraph are:

Anton Larsen Bay—Anton Larsen, Incorporated;
Bells Flats—Bells Flats Natives, Incorporated;
Uganik—Uganik Natives, Incorporated;
Litnik—Litnik, Incorporated;
Port William—Shuyak, Incorporated;
Ayakulik—Ayakulik, Incorporated; and
Uyak—Uyak Natives, Incorporated.

(3) When Uyak Natives, Incorporated, Uganik Natives, Incorporated, or Ayakulik, Incorporated (and Koniag, Incorporated, in respect to such corporations) executes a release as provided for in paragraph (1) of this subsection, the Secretary of the Interior shall convey to each village corporation executing such release the surface estate of the one square mile of land excluded from the Kodiak Island National Wildlife Refuge by Public Land Order No. 1634 an account of the village it represents. The Secretary of the Interior shall by reason of conveyance of surface estate to a village corporation under this paragraph (3) convey to Koniag, Incorporated, the subsurface estate in such lands.

(4)(A) There shall vest in the Native village corporation representing each village that files a release as provided for in paragraph (1) of this subsection the right to all revenues received by Koniag, Incorporated, from the Alaska Native Fund which would have been distributed to it by Koniag, Incorporated, under subsections (j) and (k) of section 7 of the Alaska Native Claims Settlement Act(Subject to subsection (1) of section 7 of that Act) had such village been determined to be eligible at the time of such distributions, less amounts heretofore paid by Koniag, Incorporated, under subsection (m) of section 7 of that Act to stockholders of such corporations as members of the class of at-large stockholders of Koniag, Incorporated.

(B) Each corporation representing a village that files a release as provided for in subsection (e)(1) of this section shall, on and after the date of enactment of this Act, be eligible—

(i) to share pro rata with all other Koniag Village Corporations in distributions of funds to village corporations made by Koniag, Incorporated, out of funds received on and after such date by Koniag, Incorporated, from the Alaska Native Fund or from any other source; and

(ii) for all other rights and privileges (except those claims to lands and interests therein arising under the Alaska Native Claims Settlement Act or to compensation therefor which are the subject of such a release) to which Alaska Native village corporations are entitled under any applicable laws, except as limited by this subsection. Nothing in this paragraph shall prohibit Koniag, Incorporated, from withholding out of funds otherwise due a village corporation that files a release as provided for in subsection (e)(1) of this section, such sums as may be required to reimburse Koniag, Incorporated, for an equitable portion of expenses incurred by Koniag, Incorporated, in connection with or arising out of the defense of or assertion of the eligibility of the village represented by such corporation for benefits under the Alaska Native Claims Settlement Act, including costs incident to land selection therefor.

(f) Conditions.—All conveyances made by reason of this section shall be subject to the terms and conditions of the Alaska Native Claims Settlement Act as if such conveyances (including patents) had been made or issued pursuant to that Act.

(g) Limitations.—Nothing in this section shall be deemed to affect (1) section 15 of the Act of January 2, 1976 (Public Law 94–204) as amended by section 812(b) of this Act; (2) the right, subject to subsection (1) of this section, of Koniag, Incorporated, to in lieu subsurface estate on the Alaska Peninsula under sections 12(a)(1) and 14 (f) of the Alaska Native Claims Settlement Act, less the acreage of such in lieu subsurface estate conveyed to Koniag, Incorporated, under the provisions of law referred to in paragraph (1) of this subsection; or (3) the right under the Alaska Native Claims Settlement Act of Koniag, Incorporated, subject to subsection (1) of this section to subsurface estate in and to the following described land:

Seward Meridian, Alaska

Township 37 south, range 48 west,
Section 9,
Sections 15 through 17 inclusive,
Sections 20 through 22 inclusive,
Sections 28, 33;
Township 37 south, range 49 west,
Sections 21 through 23 inclusive,
Sections 26 through 28 inclusive,
Sections 33 through 35 inclusive;
Township 38 south, range 48 west,
Sections 4 through 9 inclusive;
Township 38 south, range 49 west,
Sections 1 through 4 inclusive,
Sections 6 through 23 inclusive,
Sections 26 through 34 inclusive;
Township 38 south, range 50 west,
Sections 1 through 3, inclusive,
Sections 10 through 12 inclusive,
Sections 13 through 15 inclusive,
Sections 22 through 26 inclusive
Sections 35, 36;
Township 39 south, range 49 west,
Sections 3 through 7 inclusive,
Sections 9 through 10 inclusive,
Sections 18, 19, 30;
Township 38 south, range 50 west,
Sections 1, 2, 7, 8, 12, 13,
Sections 15 through 18 inclusive,
Sections 20 through 22 inclusive,
Sections 24 through 27 inclusive,
Section 35.

(h) Withdrawal.—All public lands on Afognak Island, other than those lands referred to in subsections (b)(2) (A) and (B) of this section are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act as amended, and shall remain so withdrawn until and unless conveyed pursuant to this Act. Any such lands not conveyed under this section except those lands described in subsection (b)(2)(D) may be opened by the Secretary of the Interior to the extent he deems appropriate.

(i) Access, Etc.—As additional consideration for the relinquishment by Koniag Village Corporations of rights to surface estate on the Alaska Peninsula and by Koniag, Incorporated, of rights to surface and subsurface estate thereon as provided in subsection (b)(4) of this section, Koniag, Incorporated, shall, solely for purpose of prospecting for, extraction and removal of subsurface resources retained by it under subsection (l) of this section on the Alaska Peninsula, have the same rights of access and use of surface estate, after consultation with the surface owner, as are now provided for in 50 CFR section 29.32.

(j) Allocations.—The acreage to be allocated to Koniag, Incorporated, under section 12(b) of the Alaska Native Claims Settlement Act shall be determined as though each village listed in subparagraph (e)(2) of this section had selected 69,120 acres under section 12(a) of the Alaska Native Claims Settlement Act. Acreages allotted to other regional corporations under section 12(b) of the Alaska Native Claims Settlement Act shall be determined on the basis of the acreages actually conveyed to such villages under this section or the Alaska Native Claims Settlement Act.

(k) Timber Resources.—Koniag, Incorporated's interest in the timber resources of the joint venture referred to in subsection (c) of this section, determined as therein provided, shall for purposes of section 7(i) of the Alaska Native Claims Settlement Act be deemed to be Koniag's timber resources. Koniag, Incorporated, shall be entitled to deduct from its share of proceeds therefrom any and all expenses of the kind and nature which regional corporations are entitled to deduct from revenues from timber resources prior to the distributions required by said section 7(i).

(l) Minerals.—In conveying subsurface estate to Koniag, Incorporated, on the Alaska Peninsula, whether under subsection (g)(3) of this Act or as in lieu subsurface estate as provided in sections 12(a)(1) and 14(f) of the Alaska Native Claims Settlement Act, the Secretary of the Interior shall retain all minerals other than oil and gas and sand and gravel used in connection with prospecting for, extracting, storing, or removing oil and gas: *Provided*, That removal of oil and gas and sand and gravel shall, after consultation with the surface owner, be accomplished as on the date of enactment of this Act was provided in 50 CFR section 29.32. Koniag, Incorporated may, in its discretion, enter into agreements with the owner of the surface estate in such lands for the conveyance of the subsurface estate to the surface owner without compensation, but this provision shall not be construed to require such conveyances without Koniag, Incorporated's agreement.

(m) Maritime Refuge.—All public lands, including submerged lands, adjacent to and seaward of Afognak Island from the line of mean high tide to the exterior boundary of the former "Afognak Forest and Fish Culture Reserve," part of the existing Chugach National Forest, as reserved by proclamation dated December 24, 1892, and as shown on the diagram forming a part of the proclamation dated February 23, 1909, are hereby included within the Alaska Maritime National Wildlife Refuge and the lands described in subdivision (D) of subsection (b)(2) of this section are hereby included within the Kodiak National Wildlife Refuge: *Provided*, That notwithstanding the inclusion of Delphin and Discoverer Islands in the Alaska Maritime National Wildlife Refuge, the joint venture provided for in subsection (c) of this section shall be entitled to and there shall be conveyed to the joint venture in the conveyance provided for in subsection (c) hereof, the right to timber resources on such islands: *Provided*, That management and harvest of such timber resources shall be only in accordance with management plans jointly developed by the joint venture and the Secretary of the Interior.

(n) Limitation.—Section 910 of this Act shall not apply to Koniag, Incorporated or to any Koniag Village Corporation.

(o) Timber Contracts, Etc.—Nothing in this section shall abrogate any existing Forest Service timber contract on Afognak Island or revoke existing cabin eases on Afognak Island.

PRIBILOF ISLANDS ACQUISITION AUTHORITY

Sec. 1429. (a) Findings.—Congress finds and declares that—

(1) certain cliff areas on Saint Paul Island and Saint George Island of the Pribilof Islands group in the Bering Sea and the entirety of Otter Island, Walrus Island, and the Sea Lion Rocks, are used by numerous species of migratory birds, several of them unique, as rookeries;

(2) these areas are of singularly high value for such birds;

(3) these cliff areas, from the line of mean high tide to and including the bluff and areas inland from them, and the entirety of Otter Island, Walrus Island, and the Sea Lion Rocks, properly ought to be made and be managed as a part or parts of the Alaska Maritime National Wildlife Refuge free of any claims of Native Corporation ownership;

(4) this can best be accomplished through purchase for cash by the United States;

(5) the implementation of the Alaska Native Claims Settlement Act and the remoteness of the Pribilof Islands have combined to prevent adequate definition of the previse boundaries of the bird cliff areas and agreement on prices per acre at this time, but that definition and agreement thereon is an achievable goal;

(6) the two Native Village Corporations, Tanadgusix, Incorporated, and Tanaq, Incorporated, and the Secretary believe that mutually acceptable terms can be reached as to price and areas to be transferred free of native corporation ownership to the Alaska Maritime National Wildlife Refuge; and

(7) the two Native Village Corporations have no objection to any cliff areas acquired under this section being studied for and designated as components of the National Wilderness Preservation System, so long as such study or designation shall not preclude development of boat harbors on Saint Paul or Saint George Islands outside any area so studied or designated.

(b) Negotiations.—In the event that Tanadgusix, Incorporated, and Tanaq, Incorporated, file with the Secretary of the Interior within one hundred and twenty days from the effective date of this Act, instruments duly authorized by their boards of directors, acceding to the terms of this section, then the Secretary is hereby directed to negotiate, and authorized to establish within two years from the date of this Act, the boundaries and prices. Upon proffer by the Village Corporations of satisfactory deeds to such land, together with a conveyance to the United States by the Aleut Regional Corporation, Incorporated, duly authorized by its Board of Directors, of the Corporation's interest in, or claims under the Alaska Native Claims Settlement Act to, the subsurface estate of such land, the Secretary shall accept such deeds and the land shall thereupon be included in the Alaska Maritime National Wildlife Refuge.

(c) Directions to Secretary.—In conducting such negotiations, the Secretary shall be directed as follows:

(1) The total area of land acquired shall be not more than ten thousand acres and not less than six thousand acres: *Provided*, That the Secretary shall not acquire more uplands, inland from the Bird Cliffs on Saint Paul and Saint George Islands than that equal to an overall average of one hundred sixty acres per mile of mean high tide line or a line drawn along the top edge of the cliffs, whichever is longer.

(2) The total price for such land shall be the fair value on the date of this Act as determined by any method, or preferably any number of methods, appropriate for valuing this unique habitat, as may be agreed upon by the Secretary and the concerned Native village corporations: *Provided*, That the average price shall be not less than $200 per acre nor more than $1,100 per acre.

(d) The Native Village Corporations may, with respect to any Bird Cliff area and for a corresponding reduction in consideration therefor, reserve in the deeds for such area, and the Secretary may accept such deeds, the right to prevent or control any development which by itself, or in conjunction with other factors, may be inimical to values of importance to them.

(e) Refuge.—All lands acquired under this section shall be incorporated within the Alaska Maritime National Wildlife Refuge and administered accordingly.

(f) Authorization.—There are hereby authorized to be appropriated for the purposes of this section, out of any money in the Treasury not otherwise appropriated, for the acquisition of such lands, not to exceed $11,000,000, to remain available until exepnded, and without regard to fiscal year limitation.

(g) Exchanges.—Nothing in this section shall prohibit the Secretary in his discretion from exercising the authority now vested in him by section 22(f) of the Alaska Native Claims Settlement Act to offer in addition to or in lieu of the terms of this agreement, lands or interests for exchange, where the Secretary and the concerned Native

Village Corporations may agree, to substitute such an exchange in whole or in part for the provisions of this section.

(h) Taxes.—The land or money under this section shall be deemed to be property exchanged within the meaning of section 21(c) of the Alaska Native Claims Settlement Act.

(i) Extension.—If the Village Corporations, or either of them, have not obtained the conveyance from the Aleut Regional Corporation referred to in subsection (b) above upon expiration of two years from the date of this Act the provisions of this section shall be extended for two years to permit the Secretary to negotiate for and acquire the interests of the two Village Corporations, or either of them, in such lands, without such conveyance.

NANA AND COOK INLET REGIONAL CORPORATIONS LANDS

Sec. 1430. (a) The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h)(8) of the Alaska Native Claims Settlement Act and this section:

Kateel River Meridian

Township 32 north, range 18 west, sections 3 through 10, 13 through 36, except those lands within the Kelley River drainage;

Township 32 north, range 17 west, sections 29 through 32, except those lands within the Kelley River drainage;

Township 31 north, range 18 west;

Township 31 north, range 17 west, sections 5 through 8, except those lands within the Kelley River drainage, 17 through 20, 29 through 32;

Township 30 north, range 19 west, sections 1 through 18;

Township 30 north, range 18 west, sections 1 through 9;

Township 30 north, range 17 west, section 6.

(b)(1) On or prior to one hundred eighty days from the date of enactment of this Act, NANA Regional Corporation, Incorporated, may select, pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act, from the lands withdrawn pursuant to subsection (a). In addition, on or prior to such date, Cook Inlet Region, Incorporated, if it receives the written consent of NANA Regional Corporation, Incorporated, and of the State of Alaska, may select from such lands, such selections to be credited against the Secretary's obligation under paragraph I(C)(1) of the document entitled, "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as Clarified August 31, 1976", and any such selections conveyed shall be conveyed in partial satisfaction of the entitlement of Cook Inlet Region, Incorporated, under section 12 of Public Law 94-204, as amended.

(2) The lands selected by NANA Regional Corporation, Incorporated, or Cook Inlet Region, Incorporated, unless otherwise provided in a waiver of this paragraph (b)(2) by the Secretary, shall consist of tracts which—

(A) contain not less than eight sections or 5,120 acres, whichever is less; and

(B) have boundaries which follow section lines, except where such boundary is the border of a meanderable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary (1) to follow section lines where township lines are offset along standard parallels caused by the convergence of meridians, (2) to conform to section lines where a section is less than standard size, or (3) to avoid crossing the boundary lines of conservation system units created by this Act, or of lands which are unavailable for selection).

(c) The Secretary shall convey the surface and subsurface estate of the acreage selected pursuant to subsection (b). Conveyances pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of either NANA Regional Corporation, Incorporated, or Cook Inlet Region, Incorporated under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) and not selected by either NANA Regional Corporation, Incorporated or Cook Inlet Region, Incorporated, shall return to the public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17(d)(1) of the Alaska Native Claims Settlement Act and the provisions of Section 806(k) of this Act.

(f) Nothing in this section shall be construed as granting or denying to any Regional Corporation, including NANA Regional Corporation, Incorporated, or Cook Inlet Region, Incorporated, the right to select land pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act outside the areas withdrawn by sections 11 and 16 of such Act.

Mr. HUCKABY (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HUCKABY. Mr. Chairman, on behalf of the gentleman from Alaska (Mr. Young) and myself, I am introducing a series of amendments to improve the implementation of the Alaskan Native Claims Settlement Act.

Most of these amendments have been previously published in the Congressional Record, and they have been subjected to critical analysis, not only by the staff but by the State of Alaska, the conservation community, and the concerned Native interests, all of which support these amendments. They fit basically into three categories.

One category of the amendments would resolve a series of technical legal problems in the Alaska Native Claims Settlement Act. The second category would perfect Native selection rights.

The remaining amendments would implement land exchange regarding the Federal Government, certain Native corporations, and, in some instances, the State of Alaska.

Mr. Chairman, to the best of my knowledge, there is no controversy surrounding these amendments, and I urge their adoption.

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from Louisiana.

Mr. BREAUX. Mr. Chairman, the gentleman from Louisiana (Mr. Huckaby) has discussed his amendments with members of the Committee on Merchant Marine and Fisheries. I think they are good amendments and have no objection to them. We would be willing to accept the amendments offered by the gentleman from Louisiana (Mr. Huckaby).

Mr. UDALL. Mr. Chairman, will the gentleman yield to me?

Mr. HUCKABY. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I am not prepared to contest the gentleman's amendments. From what I know, they are somewhat similar to some of the provisions we have in the Udall-Anderson substitute.

It seems to me the House committee has two broad choices: one between the Udall-Anderson proposal and the other between the Breaux-Dingell proposal, which is being modified to bring Breaux-Dingell and Huckaby into essentially one vehicle.

As far as I am concerned, the two gentlemen, the gentleman from Louisiana (Mr. Huckaby) and the gentleman from Louisiana (Mr. Breaux), are entitled to present their proposal in any fashion they desire, so I certainly do not oppose the amendments.

Mr. HUCKABY. Mr. Chairman, I thank the gentleman.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of the amendments and compliment the gentleman for offering them.

These amendments have been worked over for 2 years. They were originally in the second Udall-Gudger proposal.

There has been a lot of negotiation between the State, the Department of the Interior, and all those people involved, including the principals of this bill, and I commend the gentleman for offering the amendments and urge their adoption.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, we have no problem with the amendments, and I tend to agree with the statement of the gentleman from Arizona (Mr. Udall). The authors of the various bills ought to have a chance to perfect their amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Louisiana (Mr. Huckaby) to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The amendments to the amendment in the nature of a substitute were agreed to.

The CHAIRMAN. For what purpose does the gentleman from Ohio (Mr. Seiberling) seek recognition.

AMENDMENTS OFFERED BY MR. SEIBERLING TO THE AMENDMENT OFFERED BY MR. UDALL AS A SUBSTITUTE

Mr. SEIBERLING. Mr. Chairman, I have a group of amendments I wish to offer.

Mr. HUCKABY. Mr. Chairman, I also have amendments to the amendment in the nature of a substitute at the desk.

The CHAIRMAN. The Chair will state that he is advised by the Parliamentarian that the gentleman from Ohio (Mr. Seiberling) may offer his amendments, but that the votes will come on any amendments which would be offered to Breaux-Dingell before they will come on the amendments offered by the gentleman from Ohio (Mr. SEIBERLING).

The Clerk will report the amendments.

Mr. SEIBERLING. Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendments.

The amendments to the substitute read as follows:

Page 4, add to the Table of Contents:
Sec. 935. Protraction Diagrams.

Page 11, lines 17–18, strike "subsistence-oriented lifestyle" and insert in lieu thereof "subsistence way of life".

Page 18, strike lines 16 and 17, and renumber subsequent paragraphs accordingly.

Page 20, after line 16 insert the following paragraph:

(6) Lake Clark National Monument is hereby enlarged by the addition of an area containing approximately one million one hundred and fifty thousand acres of public lands, as generally depicted on the map entitled "Lake Clark National Park and Preserve," dated January 1979, and the whole is hereby redesignated as Lake Clark National Park and Preserve.

Page 20, strike line 17 and all that follows through line 5 on page 21.

Page 22, line 5, strike "Park" and in lieu thereof insert "Preserve".

Page 23, after line 5 insert the following:

(f) The Secretary shall administer and manage those units of the National Park System established or designated by this Act to ensure the opportunity for continuation of subsistence uses by local residents, where such uses were permitted on January 1, 1979.

Page 31, line 21, strike "the traditional".

Page 33, lines 13–14, strike "depended upon by local users both within and beyond the boundaries of the area" and insert in lieu thereof: "and provide the opportunity for continuation of subsistence uses by local residents".

Page 39, lines 13–14, strike "and with the provision of opportunity for subsistence uses," and insert in lieu thereof: "including the opportunity for continuation of subsistence uses by local residents.".

Page 42, lines 23–25, strike the remainder of section 305(a) beginning with "and" on line 23 and insert in lieu thereof: "including the opportunity for continuation of subsistence uses by local residents.".

Page 40, line 7, insert a comma after "operation".

Page 51, line 20, between "may" and "designate" insert: ", except as provided by section 704.".

Page 25, line 25, after "on" insert "a".

Page 44, line 17, change the first "of" to "on".

Page 77, line 15, strike "Ingaksulgwat" and insert in lieu thereof "Ingakslugwat".

Page 77, line 19, after "Act," insert "which comprise approximately fifty thousand acres,".

Page 100, line 15, strike "herein" and in lieu insert "in this section".

Page 102, line 2, strike "Act" and insert "title".

Page 120, line 3, strike "I" and insert "II".

Page 123, strike lines 20-21 and insert in lieu thereof "of the refuge including the opportunity for continuation of subsistence uses by local residents; and".

Page 127, line 21, strike "those".

Page 127, line 22, after "uses" insert "by local residents"; line 23, strike "title VII".

Page 128, line 5, between "other" and "purposes" insert nonsubsistence".

Page 133, line 19, strike "purposes" and insert "uses".

Page 153, after line 21 add the following: "Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1979.".

Page 166, lines 4–8, on line 4 strike section 908 beginning with "making" and insert in lieu thereof: "adding the following sentence: 'During those years when there are no substantial revenues derived from the development of such lands, they shall continue to receive wildland fire protection services from the United States at no cost.' ".

Page 169, line 20, add an additional subsection to section 911 to read as follows:

"(d) Lands conveyed to a municipal corporation or to the State in trust pursuant to this section shall be credited toward the minimum acreage reconveyance requirement imposed upon Native village corporations by section 14(c)(3) of the Alaska Native Claims Settlement Act."

Page 170, line 2, strike "describes" and insert "describe".

Page 173, line 3, between "on" and "December" insert "or before".

Page 185, after line 20 insert the following:

(c) RIGHTS OF ACTION.—Nothing in this Act shall be construed as enlarging or diminishing any right of the United States or any Alaska Natives to seek and receive an award of damages against any party for trespass against or any other interference with aboriginal interests, if any, occurring before December 18, 1971.

Page 187, line 12 strike "an administrative" and insert "a"; line 13, strike "by the Secretary".

Page 197, line 22, change the number following the word "range" from 3 to 4.

Page 199, line 7, change the number following the word "and" from "9" to "10".

Page 199, lines 9, 11, 13, 17, change the number "1422" to "921".

Page 199, lines 19, 24, change the number "922" to "921".

Page 199, line 20, delete the phrase "which lie in the southern two thirds of that township which is" and replace it with the phrase "in the township which are".

Page 202, line 18 change "thorough" to "through".

Page 203, line 10, change the number following the word "sections" from "21" to "31".

Page 204, line 4, change the last number in this line from "922" to "921".

Page 204, line 12, change "(a)" to "(b)".

Page 204, line 16, add a new sentence to this paragraph as follows: "A failure by Doyon, Limited to select its total land entitlement under subsection (b)(1) shall not affect Doyon's total land entitlement under sections 12(c) and 14(h)(8) of such Act."

Page 205, line 13, strike (C) and in lieu thereof insert (c).

Page 207, after line 2 insert a new subsection as follows:

(d)(1) In recognition of the potential need of Doyon, Limited, for access in a southerly direction from its landholdings in the watersheds of the Kandik and Nation Rivers across the Yukon River, the Secretary shall review applications submitted by Doyon, Limited for one or more rights-of-way which, in order to provide such access, would pass through, public lands within the Yukon-Charley National Preserve.

(2) The Secretary shall approve an application reviewed under paragraph (1) of this subsection, and shall grant the right-of-way requested in such application, if he determines that there exists no economically feasible or otherwise reasonably available alternative route.

(3) Each right-of-way granted under this subsection shall be subject to such reasonable regulations issued by the Secretary as are necessary to minimize the adverse impact of such right-of-way upon any conservation system unit.

(4) No rights-of-way shall be granted under this subsection which would cross the Charley River or which would involve any lands within the watershed of the Charley River.

Page 291, line 20, strike "except" and in lieu insert "provided".

Page 211, line 9, change the number "921" to "920".

Page 211, lines 21–22, delete "and shall conduct such reasonable reclamation of the mining area".

Page 212, line 17, following the word "shall", add a comma and the phrase "upon Doyon's meeting the terms and conditions set forth in section 920(A)(1).".

Page 213, line 4, change the number "8" which follows "and" to "18".

Page 214, line 13, change "19" to "20".

Page 214, line 15, change "7" to "8".

Page 215, line 16, change "31" to "32".

Page 215, line 25, following the word "through", change "21" to "8," and add "17 through 21,".

Page 216, line 2, change "27" to "28".

Page 216, line 15, after the word "range", change "21" to "12".

Page 216, line 18, delete this line and replace with "1 through 5, 10 through 14, 23 and 24".

Page 216, line 22, following the fifth word "through" delete "28, 32 through" and replace with "27, and".

Page 217, line 18, change "6" to "4".

Page 217, line 21, change "19" to "20".

Page 217, line 24, change "22" to "21".

Page 218, line, 9, change "2 through 6" to "31 to 35".

Page 241, line 24, change the semicolon following the word "half" to a comma, and change the comma following the word "inclusive" to a semicolon.

Page 242, lines 15 and 16, strike "subject to the provisions of section 305 of this Act" and in lieu thereof insert "for the purposes of this section."

Page 249, strike line 25 and all that follows through line 13 on page 250, and in lieu thereof insert the following:

Anton Larsen Bay, Anton Larsen, Incorporated.

Bells Flats, Bells Flats Natives, Incorporated.

Uganik, Uganik Natives, Incorporated.

Litnik, Litnik, Incorporated.

Port William, Shuyak, Incorporated.

Ayakulik, Ayakulik, Incorporated.

Uyak, Uyak Natives, Incorporated.

Page 251, line 8, change "(1)" to "(l)" [and in line 7, change "Subject" to "subject"].

Page 253, line 7, change "(1)" to "(l)" [and insert a comma after the word "section"].

Page 255, line 10, change "(1)" to "(l)".

Page 252, line 2, insert the word "therefor" before the first "which".

Page 254, line 5, change "25" to "35".

Page 255, line 13, insert "section" after "CFR".

Page 303, line 23, add a new section to title IX to read:

PROTRACTION DIAGRAMS

SEC. 935. With the agreement of the party to whom a patent is to be issued under this title, or the Alaska Native Claims Settlement Act, the Secretary, in his discretion, may base such patent on protraction diagrams in lieu of field surveys. Any person or corporation receiving a patent under this title or the Alaska Native Claims Settlement Act on the basis of a protraction diagram shall receive the gain or bear any loss of acreage due to errors, if any, in such protraction diagram.

Page 329, line 14, after the period add a new sentence as follows: "No agreement under this section shall be applicable to any lands which, on the date of enactment of this Act, were the subject of a mortgage, pledge, or other encumberance.".

Page 330, line 25, strike "the uses referred to in this subsection" and in lieu thereof insert "such uses".

Page 332, line 21, between "control," and "resource" insert "trespass control;"

Page 220, line 4, change the period to a semicolon and add the following:

Change the period to a semicolon, and add:

"Township 6 south, range 32 east sections 1 through 5, 8 through 11, 14 through 17, 20 through 22, 27 through 29, 32 through 35;

Township 7 south, range 31 east, sections 13 through 17, 19 through 34;

Township 7 south, range 32 east, sections 3 through 5, 7 through 10, 13 through 30, 34 through 36;

Township 7 south, range 32 east, sections 4, 7 through 9, 16 through 21, 28 through 33".

"Copper River Meridian"

"Township 26 north, range 14 east, sections 12, 13, 24, and 25."

Page 333, lines 14 and 15, strike "after the date of enactment of this Act".

Page 220, line 7, after "conservation" insert "system".

Page 18, line 1, insert a period after "Preserve", and strike all thereafter through line 3.

Page 19, line 17, strike "March" and insert "April".

Page 73, line 13, strike "National".

Page 75, line 15, strike "January" and insert "April".

Page 76, line 20, strike "January" and insert "April".

Page 77, line 13, strike "January" and insert "April".

Page 113, strike line 2 and in lieu insert "Preserve, the Yukon-Charley National Preserve, and the".

Page 114, line 6, before "may" insert "shall develop a program which".

Page 116, line 13, after "(2)" insert "Notwithstanding any other provisions of law,".

Page 116, line 17, after "land)" insert ", office space, housing, and other necessary facilities".

Page 116, line 17, strike "is" and insert "to be".

Page 117, line 25, after "tion" insert "or Corporations"; strike "is".

Page 274, line 1, strike "(b)(1)" and in lieu thereof insert "(c)(2)".

Page 333, lines 14 and 15, strike "after the date of enactment of this Act".

Page 275, line 8, change "28" to "27" and change "33" to "34".

Page 82, line 22, strike "seventy-eight" and in lieu thereof insert "fifty-six".

Page 296, line 20, after the word "the" insert "centerline of the".

Page 297, line 25, after the word "Corporation" add the following: "State applications for selection of any of the above-described lands which are not subordinated to Chugach village selections shall be adjudicated and approved or disapproved pursuant to section 6(a) of the Alaska Statehood Act: *Provided, however*, That any disapproval of such State selections shall not vest any selection right in any Chugach village corporation.".

Page 299, line 12, after the word "1978" delete the rest of the subsection and in lieu thereof insert the following: "That any disapproval of such selection applications shall not vest any selection right in Chugach Natives, Incorporated.".

Page 88, line 22, strike "seventy-eight" and in lieu thereof insert "fifty-six".

At page 273, line 25, after the word "lands" insert the following: "which have been or may hereafter be".

At page 274, line 2, after "tion" insert the following: "or pursuant to the Alaska Native Claims Settlement Act".

At page 274, after line 3, insert the following:

Township 12 south, range 8 east, sections 1 through 36;

Township 12 south, range 7 east, sections 7 through 36;

Township 12 south, range 6 east, sections 10 through 15, 22 through 27, 34 through 36;

Township 13 south, range 7 east, sections 1 through 18;

Township 13 south, range 6 east, sections 1 through 18;

At page 274, line 14, after the word "Secretary,", insert the following: "or if any such lands are not conveyed to Arctic Slope Regional Corporation,".

At page 274, line 15, change the period to a semicolon, and insert the following: "the boundaries of the Park shall thereby be deemed to include such lands to the same extent as if the lands were included within such boundaries by this Act: *Provided*, That no such boundary change shall take effect until 90 days after the Secretary provides notice in writing to the Congress of his intention to consummate an acquisition that would result in such boundary change.".

At page 18, line 11, delete the word "March", and insert the word "May".

At page 71, line 21, delete the word "January", and insert the word "May".

Page 296, line 20, after the word "the" insert: "centerline of the".

Page 297, line 25, after the word "Corporation" add the following: "State applications for selection of any of the above-described lands which are not subordinated to Chugach village selections shall be adjudicated and approved or disapproved pursuant to section 6(a) of the Alaska Statehood Act: *Provided, however*, That any disapproval of such State selections shall not vest any selection right in any Chugach village corporation.".

Page 299, line 12, after the word "1978" delete the rest of the subsection and in lieu thereof insert the following: "That any disapproval of such selection applications shall not vest any selection right in Chugach Natives, Incorporated.".

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. DINGELL. Mr. Chairman, reserving the right to object, will the gentleman restate his unanimous-consent request?

Mr. SEIBERLING. Mr. Chairman, I will have two unanimous-consent requests.

First of all, I ask unanimous consent that the amendments be considered as read, and, second, I ask unanimous consent that they be considered en bloc.

□ 1335

Mr. DINGELL. Mr. Chairman, I believe the order in which that unanimous-consent request should be made is that they be considered en bloc and then that they be considered as read.

Mr. SEIBERLING. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. DINGELL. Mr. Chairman, reserving the right to object again, can the gentleman tell me how many amendments he wants to have us consider en bloc?

Mr. SEIBERLING. If the gentleman will yield, this is the only group of amendments I will ask to be considered en bloc.

Mr. DINGELL. I appreciate that. But continuing my reservation of objection, Mr. Chairman, can the gentleman tell me how many amendments he wants to have us consider en bloc at this time?

Mr. SEIBERLING. I have not added them up. The gentleman has them all there. There are a considerable number of very minor technical amendments.

Mr. DINGELL. Mr. Chairman, are these the ones that appeared in the Congressional Record that were handed to me by the gentleman from Ohio?

Mr. SEIBERLING. That is correct.

Mr. DINGELL. Mr. Chairman, as I go through and count them I get one full page in the Congressional Record. Or do I get two pages or three pages of technical amendments?

Mr. SEIBERLING. There is more than one page. That is a page that was put together by a photocopier, so we have pages where those amendments appeared at different points in the Congressional Record.

Mr. DINGELL. Continuing my reservation of objection, Mr. Chairman, could the gentleman tell me what these technical amendments do? The House has not had a chance to consider them. They are part of that kaleidoscopic change we have undergone on Udall-Anderson, which is now undergoing a fourth draft and has never been considered by the committee, except the first one, and that in its most primitive form.

Can the gentleman tell me, what do these amendments do?

Mr. SEIBERLING. There are two amendments which I think are worthy of separate treatment, and I will describe them in a minute. The others simply correct technical errors.

Mr. DINGELL. The gentleman is not then asking us to consider all of them en bloc, but we are considering all but two en bloc?

Mr. SEIBERLING. No. I am asking that they all be considered en bloc.

Mr. DINGELL. Including the two that the gentleman feels should be given separate treatment?

Mr. SEIBERLING. If the gentleman will give me an opportunity, I will attempt to elucidate in answer to the gentleman's question.

Mr. DINGELL. Mr. Chairman, I am having a very difficult time following, Mr. Chairman, but under my reservation I will further yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, the amendments, with two exceptions, correct typographical and printing errors, land descriptions, restore other accidental omissions and make other corrections, which do not affect either the substantive or the policy provisions of the Udall-Anderson bill.

Mr. DINGELL. Would any of these add a whole new section?

Mr. SEIBERLING. No, sir.

Mr. DINGELL. Am I correct that one, on page 303, adds section 935, and specifies patent land may be received in Alaska for a protraction diagrams instead of field surveys?

Mr. SEIBERLING. I believe that that is a correction of a previous section.

Mr. DINGELL. Am I to understand that at page 23, line 4, the amendment adds a new subsection, specifying that subsistence hunting and fishing can occur in parks? Is that one of the gentleman's amendments?

Mr. SEIBERLING. That again is a

correction. That contains language part of which is in the bill now, but also corrects an omission which was inadvertently made in the bill. I do not know whether it was a printing error or drafting error, but it is only an omission of part of the language.

Mr. DINGELL. There are a couple more of these technical amendments that I would like to explore.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, how many amendments is the gentleman talking about?

Mr. SEIBERLING. I would be glad to give the gentleman a copy of this sheet and he can look at them himself.

Mr. ROUSSELOT. I would be delighted to look at it. How many amendments does the gentleman have that he is offering en bloc?

Mr. SEIBERLING. I would say 30——

Mr. ROUSSELOT. Thirty or forty, the gentleman is not sure how many?

Mr. SEIBERLING. Maybe 40. I have not bothered to add them up.

Mr. ROUSSELOT. Thirty or forty amendments en bloc? That is really kind of a whole bill, is it not?

Mr. SEIBERLING. They are a series of technical amendments.

Mr. ROUSSELOT. Mr. Chairman, I have a problem with this. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. DINGELL. Mr. Chairman, I would hope the gentleman would not object. I think this ought to be explored a little bit.

Mr. ROUSSELOT. How can we possibly consider that many? This is a whole substitute bill.

Mr. DINGELL. The gentleman has a pile of technical amendments. I would like to find out what they are.

Mr. Chairman, if I may persist in my reservation of objection, I think we can analyze these a little better and help the gentleman.

Reserving the right to object, Mr. Chairman, at pages 19, 71, 76, and 77, the amendments deal with references to the McKinley Park Division, the Gates of the Arctic Wilderness, and the Yukon Delta Wilderness; is that correct, changing them all?

Mr. SEIBERLING. The date alone is corrected.

Mr. DINGELL. Sir?

Mr. SEIBERLING. They correct the date.

Mr. DINGELL. At page 207 I understand the technical amendment adds a new subsection which provides for access through public lands within the Yukon-Charley National Preserve. Is that a technical amendment?

Mr. SEIBERLING. That was in the bill I submitted, as introduced, and it was accidentally omitted by the printer.

□ 1340

Mr. DINGELL. Mr. Chairman, I am just trying to find out. I understand there is one at page 303, which is a technical amendment adding a whole new section 935.

Mr. SEIBERLING. That is a section which was omitted also, as I understand it.

Mr. DINGELL. It specifies that patented land may be received in Alaska for protection by this program instead of complete field survey. Then I understand there is one at page 332.

Mr. SEIBERLING. That was in the previous bill, in the House-passed bill, and is referred to elsewhere in the Udall-Anderson bill. It was accidentally omitted in the course of printing that bill.

Mr. DINGELL. Continuing my reservation, Mr. Chairman, because I do not want to object, I want to find out what these things are.

At page 332, under the land bank program, the Secretary is authorized to provide certain services on land included in the program. Is that in the jurisdiction of the Interior Committee?

Mr. SEIBERLING. Is the gentleman referring to——

Mr. DINGELL. At page 332.

Mr. SEIBERLING. Insert the word "trespass" between the word "control" and the word "resource"?

Mr. DINGELL. It says that it adds a new service to be provided by the Federal Government, trespass control. Is that right?

Mr. SEIBERLING. It is not a new service. It is something that the Secretary can agree to undertake, in the category of things that he is entitled to permit within the conservation unit.

Mr. DINGELL. Is that a technical amendment?

Mr. SEIBERLING. The staff advises me that it is.

Mr. DINGELL. I guess the staff ought to know. They have been very busily engaged in drafting for the gentleman from Arizona and the gentleman from Ohio. Perhaps maybe we can address our attention to the one at page 114, section 803. I understand the Udall substitute set up a statewide cultural assistance program; however, the program is discretionary, as the bill specifies the Secretary may provide assistance. I understand that your amendment changes this from a "may" to a "shall." Is that right? So the Secretary now has to do that?

Mr. SEIBERLING. No. It remains discretionary, and this simply provides that he can develop a program which may do certain things.

Mr. DINGELL. Is not the word "shall" mandatory?

I am not a great scholar of the English language, but I am advised that "shall" is a mandatory term and "may" is permissive. If the English language has changed since I took English in college, I would appreciate the gentleman advising me.

Mr. SEIBERLING. Well, it says the Secretary is to have a program in his office under which he receives the various applications that are dealt with in that section. That much is mandatory. But the Secretary's action on the applications remains discretionary—"may" remains in the bill at that point.

Mr. DINGELL. Have we got his budget estimate as to the cost in this amendment?

Mr. SEIBERLING. The bill contemplates that he receive applications already. This does not alter that.

Mr. DINGELL. Yes, but do we know what the technical amendment is going to cost?

Mr. SEIBERLING. This does not change the substance or the costs of the bill. The bill already requires that he receive all of the applications in his office. All this does is say that he has to have a program for receiving them, which does not change the situation. It merely clarifies the meaning of the language.

Mr. DINGELL. How many technical amendments do we have? I am advised there are something on the order of 75. Is that right?

Mr. SEIBERLING. I have not made a count of these amendments, but I am advised by the staff—and I have not personally checked every one of these amendments—the staff has advised me that in every case they are technical amendments, which do not alter the substance at all of the bill. They correct omissions by the printer, et cetera.

Mr. DINGELL. Mr. Chairman, I must observe that we are proceeding in a most curious fashion. Here we do not legislate through the committee system, but rather we have a succession of drafts which are endorsed in the editorial columns, which are amended by letters from the Secretary and by a sequence of technical amendments which were prepared by the staff.

Of course the House is expected to take their word this is the absolute end in terms of protecting Alaska.

Mr. Chairman, I will not object, but I think this is an outrageous position.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio (Mr. SEIBERLING)?

Mr. CLAUSEN. Mr. Chairman, I reserve the right to object.

Mr. Chairman, in reading the technical amendments that have been presented here to me by the gentleman from Ohio (Mr. SEIBERLING), just on the first column alone, it appears there are about 36 technical amendments in that one column, so it suggests that we are dealing with somewhere in the vicinity of 75 to 80.

The CHAIRMAN. The Chair would advise the gentleman from California that the immediate request of the gentleman from Ohio (Mr. SEIBERLING) is to have the amendments considered en bloc.

Mr. CLAUSEN. Mr. Chairman, I would not object.

The CHAIRMAN. Is there objection to that portion of the request of the gentleman from Ohio?

Mr. SANTINI. Mr. Chairman, reserving the right to object, I would inquire of the gentleman, do any of the amendments, whatever the number—somewhere between 30 and 70—do any of those amendments have a substantive impact upon issues relative to hard rock mining concerns in the land areas affected?

□ 1345

Mr. SEIBERLING. There are no substantive amendments anywhere in this group. There is one amendment which I am going to insert which restates what I consider to be the intention of the act, of the bill, which is a noncontroversial amendment but makes it clear that any lands, State, native or private lands, which lie within the outer boundaries of the conservation unit in the Udall bill are not subjected to regulations which are applied to public lands. That could, of course, affect any lands, mineral or otherwise. But, otherwise there is nothing.

Mr. SANTINI. Do I understand from the gentleman from Ohio that two amendments will be segregated from the sizable pile of amendment proposals that are being discussed here, and will be addressed as an independent substantive issue?

Mr. SEIBERLING. Well, I intended to include that and one other amendment which changes the Killik River from a wildlife refuge to a study refuge as part of this bloc, but if anyone objects to that I will drop them out and simply have the technical amendments. I was trying to avoid fooling around with a couple of noncontroversial amendments.

Mr. SANTINI. Numbering somewhere between 50 and 70.

Mr. DINGELL. Mr. Chairman, if the gentleman will yield, in response to a question raised by the gentleman from Nevada, at page 211 there is an amendment that deletes language which says, "shall conduct such reasonable reclamation of the mining area."

Yet, as to mining areas of the Yukon Flats Wildlife Refuge, the gentleman from Arizona has just pointed out that there is no mining authorized by his bill in the refuge. But, here one of his technical amendments now deals with the question of the mining in a refuge. This is one of the reasons I am so distressed at the extraordinary process being applied by the gentleman from Ohio and the gentleman from Arizona They bring us a series of amendments. which come before us with dizzying rapidity. These amendments require further technical amendments which the gentleman assures us do not require mining in the refuges. But in fact, the gentleman from Ohio wisely, I think, tries to provide for reclamation of some of the mining that will take place in the refuge areas where that mining is denied by the gentleman from Arizona.

Mr. SANTINI. I must say, reclaiming my counsel and reservation, I share to some degree the understatement of the gentleman from Michigan about his distress with the pile of legislative proposals that we are supposed to digest in 30 seconds or less in the context of noncontroversial amendments.

Mr. UDALL. If the gentleman will yield further, most of these amendments were printed in the CONGRESSIONAL RECORD a week ago. That the whole procedure has been set up with the staff and interested Members can study them and see the impact.

Let me assure the gentleman that these are basically technical conforming changes of omissions made by the printer. There is nothing very sinister about it. I thought the majority and minority staff had looked them over pretty carefully. I took the position earlier that the forces on the other side are entitled to shape their forces any way they wanted to. I am not going to contest the Huckaby or Breaux forces writing any way they want to.

It would seem to me that those who are not in favor of the Udall approach would agree that we could make these kinds of technical amendments without extended colloquy or debate.

Mr. SANTINI. I understand the objection to colloquy or debate, but I do not think they are well placed in this context, Mr. Chairman, of offering a large number of amendments that number somewhere between 30 and 70, in the context of a technical amendment change, and then suggest that this is a norm for legislative product on the House floor.

□ 1350

I think it is a radical departure from the normal procedures of legislative practice here. We have some unique and remarkable precedents, but I cannot recall, in my brief tenure, an instance where an unnumbered pile of legislative proposals, rounding out somewhere between 30 and 70, was offered in the suggested context of clearing up some technicalities within the bill. I do have reservations about this apparent haphazard kind of legislative writing on the House floor. I certainly accept the representations of the gentleman from Ohio and my distinguished chairman that there is nothing of substance here. But if that be true, it would seem all the more imperative that it should have been addressed and taken care of prior to the consideration of this bill on the House floor. I think it is an indication—it is an indication, I would suggest, of the accelerated fashion in which this legislative proposal was put together. Given that circumstance, we have the kind of basic infirmity of 30 to 70 technical amendments being dumped in a pile on the desk at a time when we are deliberating on this legislation on the House floor. It certainly is novel at the very least, and perhaps sloppy at the very most. I think that remains to be seen in terms of ultimate legislative evaluation.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. WEAVER. Reserving the right to object, Mr. Chairman, I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. I thank the gentleman. I would just like to point out that it is so "novel" that the previous group of amendments offered by the gentleman from Louisiana (Mr. HUCKABY) was also a group of technical amendments to which we raised no objection. It seems to me that it is so "novel" that I cannot remember a bill passing through the House on which a whole raft of technical amendments were not offered, usually without anyone objecting. But since the point has been raised, let me explain what the last amendment was about that was referred to by the gentleman from Michigan.

Mr. DICKS. Regular order, Mr. Chairman.

The CHAIRMAN. Regular order is requested.

Is there objection to the initial request of the gentleman from Ohio (Mr. SEIBERLING)?

There was no objection.

The CHAIRMAN. Is there objection to the second request of the gentleman from Ohio (Mr. SEIBERLING) that the amendments be considered as read?

Mr. DINGELL. Reserving the right to object, what is the second unanimous-consent request?

Mr. SEIBERLING. If the gentleman will yield, that the amendments be considered as read.

Mr. DINGELL. These are the 75 amendments that we have just been discussing?

Mr. SEIBERLING. These are the sheaf I handed to the gentleman.

Mr. DINGELL. Of such obscure character and of such substantive quality that they do affect the overall tenor of the economy of draftsmanship that achieved such perfection in the words of the press?

Mr. Chairman, I withdraw my resrevation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio (Mr. SEIBERLING)?

Mr. KOSTMAYER. Mr. Chairman, reserving the right to object, these have been in the record for a full week. All of these Members protesting on the floor have had the opportunity to review these amendments for the past week. Where were they? Why were they not reading them, if they were so concerned about them?

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio (Mr. SEIBERLING)?

Mr. CLAUSEN. Mr. Chairman, reserving the right to object, I think really we should move with dispatch on this legislation. I think that the recommendation which was made by the gentleman from Arizona (Mr. UDALL), the chairman, that each of the proponents be afforded the opportunity to offer perfecting technical amendments meets with my approval. I think we ought to move with dispatch to permit this to occur.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio (Mr. SEIBERLING)?

Mr. BREAUX. Reserving the right to object, Mr. Chairman, as one of the authors on this side, the gentleman has an unusually large number of technical amendments. However, I do think they are technical in nature, and I have no objection to their being considered as read. I just wanted to make those comments.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio (Mr. SEIBERLING)?

□ 1355

Mr. ROUSSELOT. Reserving the right to object. I know we have had a long time to work on this bill. I am not on the gentleman's committee. Can the gentleman tell the rest of the House have all the rest of these amendments been considered in committee, these "technical" amendments?

Mr. SEIBERLING. A great many of them, in response to the gentleman, are the result of errors in the process of printing the bill that was introduced by the gentleman from Arizona (Mr. UDALL).

Mr. ROUSSELOT. Reserving the right to object, Mr. Chairman, did I understand, "errors" in the Udall bill?

Mr. SEIBERLING. Printers errors.

Mr. ROUSSELOT. Printers errors.

Mr. SYMMS. Mr. Chairman, will the gentleman yield on that point?

Mr. ROUSSELOT. I would be delighted to yield.

Mr. SYMMS. I thank the gentleman very much.

I have been a member of the Committee on Interior and Insular Affairs for as many years as I have been in the House. For the last 3 years while considering the Alaska bill, the Committee on Interior and Insular Affairs had not even had a hearing on the so-called Udall-Anderson bill, or considered any amendments for it. It has not even been considered by our committee. That is where this House is right now.

Mr. ROUSSELOT. Reserving the right to object, Mr. Chairman, does the gentleman mean none of these amendments—"technical" I understand—have not been considered?

Mr. SYMMS. This bill, the amendments, the whole can of worms has not been before the House Committee on Interior and Insular Affairs.

Mr. ROUSSELOT. Mr. Chairman, that certainly is an interesting can of worms.

Mr. Chairman, will the gentleman be able to explain all of these 80 or 75—we have heard two different numbers—can of worms to us, so we know what we are voting for? Is that allowable?

Mr. SEIBERLING. Mr. Chairman, it would be shorter just to have them read by the Clerk.

Mr. ROUSSELOT. Reserving the right to object, it is better to read them than have them explained?

Mr. SEIBERLING. It would be shorter to have them read, but I will be glad to explain them if we ever get through this particular item.

Mr. ROUSSELOT. Well, reserving the right to object, Mr. Chairman, could the gentleman also explain why all these technical amendments and errors occurred in the Udall bill? The reason I raise this question is I went through the post office reform with my good friend from Arizona, and I remember so much of that that I am hesitant to just jump on and say, "Oh, wow, they are only technical amendments and they are only errors here and there and we may not really know what we are buying."

I will withdraw my reservation and await with great anticipation the gentleman's explanation of the errors, the confusion, the disruption, the lack of the fact that they have never been presented to the committee at all.

I withdraw my reservation, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SEIBERLING. Mr. Chairman, let me first say I do not accept the characterization of the amendments as presented by the gentleman from California (Mr. ROUSSELOT) as he has just made them. However, I will not attempt to respond to each of the points.

Mr. BEDELL. Mr. Chairman, would the gentleman yield to me?

Mr. SEIBERLING. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I rise in support of the Udall-Anderson substitute to H.R. 39, the Alaska National Interest Lands Conservation Act of 1979.

The purpose of this legislation is to provide for the designation and conservation of certain public lands in the State of Alaska without creating undue adverse economic consequences and without compromising the legitimate rights and needs of Alaskans. The question is how this delicate balance should be defined and structured.

The House has been presented three basic options: The Huckaby bill, reported by the House Interior Committee; the Breaux-Dingell bill, reported by the Merchant Marine Committee; and the Udall-Anderson proposal, which closely approximates the Alaska Lands bill passed by the House last year. The task before us today is to cut through the rhetoric of the debate and make a judgment as to which approach constitutes the most equitable and effective method of achieving the multiple objectives set forth by this legislation.

I believe that the Udall-Anderson substitute best meets this criteria.

Unlike the Udall-Anderson substitute, the Breaux and Huckaby proposals are based on the fundamental premise that our Nation's uncertain energy situation requires immediate exploration and eventual development of every resource that holds even minimal energy potential. I believe that such a proposition, which suggests that to a large degree our environmental and energy concerns are mutually exclusive, oversimplifies the case and contains a pro-development bias which does not serve the national interest. In my view, we should resist the temptation to allow excessive exploration in favor of balanced consideration for energy development and conservation of Alaska's natural resources.

I, too, am concerned over our energy future. However, I think that we must keep the Alaska lands debate in perspective. I do not agree that the Breaux and Huckaby proposals, which, in effect, constitute a rush for development, are justified at the present time. Rather, I support the incremental approach presented in the Udall-Anderson substitute. This measure does not preclude future energy development or constitute a "lockup" of energy sources. However, it does reject the development-at-all-costs mentality which would jeopardize some of the most unique lands and wildlife known to the world.

The Breaux and Huckaby bills, in their shortsighted haste for development, fail to provide the protection and wise land management considered essential by many of our society's professional planners and managers. These bills contain provisions which needlessly sacrifice unique acreage and spectacular wildlife based on insufficient knowledge and speculation concerning potential oil and mineral sites when countless other miles of Alaskan acreage could first be explored and tapped without permanent, irreversible damage to valuable natural lands.

Mr. Chairman, I am convinced that the Udall-Anderson substitute contains workable provisions that strike the vital balance between economic interests and the public's interest in protecting these nationally significant lands for the benefit of Alaskans and future generations of all Americans. This proposal effectively demonstrates that our national economic objectives need not be compromised by responsible conservation efforts. Certainly the reasonable balance achieved by this legislation tempers excessive and premature developmental action which is unnecessary and which would be potentially damaging and assuredly irreversible.

Some opponents of the Udall-Anderson substitute contend that the legislation does not provide the State of Alaska with the flexibility it needs to determine its own future. I am sympathetic to this concern. However, because of the wide scope and far reaching implications of the three basic proposals before the House, I feel that I must support the proposal that best balances the environmental and development interests that sparked the Alaska lands controversy. And further, I think that in the final analysis, the State of Alaska will benefit from the reasonable and sound action the Udall-Anderson substitute promotes.

I submit these facts regarding the Udall-Anderson substitute: This legislation opens more than 95 percent of the "favorable" and "high potential" oil and gas sedimentary basins onshore, and all offshore, to availability for accelerated leasing by private industry, beginning with the 22-million-acre national petroleum reserve; the overwhelming bulk of Alaska's hardrock minerals will be available, ready to be tapped to the extent that mining becomes economically competitive in the future; more than 80 percent of Alaska's timber can be logged at an annual rate even higher than at present; over 17 million acres of prime Alaskan hunting land will be open for recreational hunting creating over a million and a half more acres of prime hunting areas than were included in last year's House-passed bill.

In sum, the Alaska lands bills reported to the House by the Interior and Merchant Marine Committees are unsatisfactory compromises of both the substance and intent of the bill so overwhelmingly supported and passed by the House last year. I firmly believe that the Udall-Anderson substitute is a sound and balanced approach to Alaska land protection, management, and enjoyment. It offers comprehensive protection for eco-systems and unique wildlife species to continue their spectacular life-cycles undisturbed. It provides ample opportunity for industry and developmental interests to explore and tap Alaska's vast resources and conserves some of these treasures for future use. And ultimately, it recognizes the need to grant the State of Alaska the flexibility it deserves to determine its own destiny.

I urge my colleagues to reaffirm their previous commitment to a meaningful and reasonable Alaska lands bill by supporting the Udall-Anderson substitute.

Mr. SEIBERLING. Mr. Chairman, as I have already explained, the vast majority, in fact all but two of these amendments are amendments that were not only previously noticed in the RECORD but they correct typographical and other printing errors such as in some land descriptions, they restore accidental omissions, and they make other similar corrections which do not affect the substance or policy provisions of the Udall-Anderson bill.

There are, however, Mr. Chairman, two amendments which I believe not to be in that category. However, they are not controversial, and I will explain them now.

The first is an amendment, included in the package we just presented, which deals with the Killik River, which is on the North Slope, north of the Brooks Range, and reclassifies it from a wild river category to a study category. The reason is that the Arctic Slope Regional Corporation has virtually completed receiving all of its lands under the Alaska Native Claims Settlement Act and this amendment recognizes that transfer, and by providing that this Killik River area which is included within some of the native lands, will be put in a study category until the Natives and the Department of the Interior can work out some consensus as to how they wish to proceed.

The foregoing is a concession that lessens the restrictions of the Udall-Anderson bill in that particular instance.

The other amendment is an amendment to respond to a point that I think has been beaten to death by the gentleman from Alaska (Mr. YOUNG) but I think it needs to be clarified because some people may not understand.

□ 1400

The Udall-Anderson bill, as does the Breaux-Dingell bill, as does the Huckaby bill, includes certain State-selected lands and certain State-owned lands on which they already have patent (as well as some Native or private lands) within the borders of some of the conservation system units in Alaska. I will not dwell on the pros and cons of how much of those lands ought to be within and outside or whether some of those lands have been validly selected by the State or what other contest is in existence with respect to some of those lands; but there is no question in my mind that the present text of the Udall-Anderson bill does not alter in any way the ability of the State or Natives to do what it will with those lands. To the extent that access is required to get to lands if they are surrounded by such conservation units, we guarantee the owners' ability to have access to those lands. This amendment does not deal with the question of access.

Mr. Chairman, I will yield to the gentleman in just 1 minute when I finish laying out what this amendment does.

All this amendment does is restate and make clear beyond any doubt that any State, Native or private lands, which may lie within the outer boundaries of the conservation system unit are not parts of that unit and are not subject to regulations which are applied to public lands which, in fact, are part of the unit.

It has already been pointed out that there are varying acreages; but this amendment reinforces the already ample protections accorded to such lands that are within the boundaries of such a park or refuge or other conservation area.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, is the gentleman saying that if there is an in-holding of State land and private land, be it Native or within a private individual's hands, that they have the right to build a road or a pipeline or a powerline to develop those things across the wilderness areas, or a park or a refuge or a wild and scenic river?

Mr. SEIBERLING. As far as the question of access is concerned, that is covered by a separate section dealing with access. It does grant them the absolute right to access to their in-holdings.

Mr. YOUNG of Alaska. Are there any catch words in the gentleman's amendment that say there is compatibility with the unit or anything like this that will preclude us because of some nice little sharp lawyer sitting down in one of the coalition areas?

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 1 additional minute.)

Mr. SEIBERLING. Mr. Chairman, what it does is say that the fact that it is within the boundaries drawn on the map for that conservation unit does not in any way change the status of that State, native, or private land or make it subject to any of the laws or regulations that pertain to U.S. public lands, so that those inholdings are clearly not controlled by anv of the public land laws of the United States.

Mr. YOUNG of Alaska. Mr. Chairman, may I ask again, if the gentleman will yield to me further, what is the effect of the clean air standard in the class I Clean Air Act; what would be the effect of that?

Mr. SEIBERLING. This is not an effort to amend the Clean Air Act or any of the other acts that are not public lands laws.

Mr. YOUNG of Alaska. Well, Mr. Chairman, if the gentleman will yield further, it is well and good to offer an amendment that looks good on the surface. I am just trying to make it clear for the record that if the gentleman is trying to attempt to make sure that the State has its right to its 4 million acres of land, that we are not circumvented or shortcut by the Clean Air Act or the compatibility test or the access provision, because if that is so, we do not have anything.

AMENDMENTS OFFERED BY MR. SEBELIUS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. SEBELIUS. Mr. Chairman, I offer Sebelius amendments 1 and 2 to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

PARLIAMENTARY INQUIRY

Mr. SEIBERLING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. SEIBERLING. Mr. Chairman, I do not believe we have voted on this amendment yet.

The CHAIRMAN. That is correct. As long as there are amendments pending for the Merchant Marine and Fisheries matter proposed, we will take those prior to voting on the gentleman's amendments.

The gentleman from Kansas (Mr. SEBELIUS) has, I understand, amendments to the Merchant Marine and Fisheries matter.

Mr. SEBELIUS. Mr. Chairman, I have amendments 1 and 2 to Breaux-Dingell.

I ask unanimous consent that the amendments be considered as read and printed in the RECORD and that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The amendments offered to the amendment in the nature of a substitute are as follows:

Section 201 of the Breaux-Dingell bill is amended by revising paragraph (3) (page 294, line 23) to read as follows:

"(3) Gates of the Arctic National Park, containing approximately eight million and fifty thousand acres of public lands, and Gates of the Arctic National Preserve, containing approximately sixty thousand acres of public lands as generally depicted on a map entitled 'Gates of the Arctic National Park and Preserve,' dated March 1978, which shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others: to preserve the undeveloped character of the park, including opportunities for visitors to experience solitude, and the environmental integrity and scenic beauty of the mountains, foothills, forelands, rivers, lakes, and other natural features; to maintain natural water quantity and quality; to protect habitat for populations of fish and wildlife, including but not limited to caribou, grizzly bear, Dall sheep, moose, wolves, and raptorial birds; to protect the viability of subsistence resources and provide the opportunity for continuation of the traditional subsistence uses of local residents; and, in a manner consistent with the foregoing, to provide opportunities for compatiable outdoor recreation and environmental education activities."

Section 201 of the Breaux-Dingell bill is amended

(A) by revising the first sentence of paragraph (8) (page 300, line 7) to read as follows:

"(8) Wrangell-Saint Eilas National Park, containing approximately eight million six hundred and seventy thousand acres of public lands, and Wrangell-Saint Elias National Preserves, containing approximately three million three hundred and eighty thousand acres of public lands, as generally depicted on a map entitled 'Wrangell-Saint Elias National Park and Preserve,' dated March 1978."; and

(B) by revising Section 304, subsection (a), paragraph (15) subparagraph (A) (page 327, line 9) to read as follows:

"(A) The Tetlin National Wildlife Refuge shall consist of the approximately seven hundred and four thousand acres of public lands generally depicted on the map entitled 'Tetlin National Wildlife Refuge,' dated May 19, 1978."

☐ 1405

Mr. SEBELIUS. Mr. Chairman, what I have offered here is two amendments en bloc to take two of our parks as we approved them last year and return them to the way they were when they left the House in last year's bill.

I want to state that as of this moment I am going to vote for Breaux-Dingell. I am not going to vote this way just because I am offering these amendments to Breaux-Dingell, but rather because I think these amendments improve that bill. However, the amendments are basically offered in the form of a protest to what this bill does to these areas.

The Committee on Interior and Insular Affairs did not go into amendments in detail this year. We got the Gudger substitute bill at the last minute, we got the Huckaby bill, and we also had the ad hoc committee resolution. With greater and longer deliberations on this last year, I knew where the nooks and crannies on these various issues were.

But today nobody wants amendments because they might improve the version of the other side. They want to fight it out on that basis, and I do not think that is fair or constructive. We cannot describe these issues as black and white, and some bill proponents are accepting no shades of gray.

I am not a ruin-and-run type, and I do think I would know a caribou if it bit me, and I think anybody would. I do not think the two extreme sides as they have been drawn up are valid at all.

So what I have done here is this: I have taken last year's House-passed bill and extracted the Gates of the Arctic and the Wrangell-Saint Elias area, language, which were among those areas where the boundaries were much more appropriate, and my amendment proposes to adopt the same boundaries for these areas as they left the House last year in H.R. 39.

In terms of any bill version, these areas constitute the two largest potential new units of the national park system in Alaska, and indeed they are the very finest. They will constitute the best of the magnificent wilderness parks of Alaska.

By my amendment, the Gates of the Arctic will be an 8,050,000-acre national park, joined by a small 60,000-acre national preserve. In the preserve, sport hunting may continue. Both the Breaux-Dingell and the Huckaby bills treat this area identically, and they gut this magnificent park area by cutting it in two parts by putting a large national preserve designation right up the middle. Hunting could occur here, and we could also see this center area opened up as a major transportation access way to other nonrelated destinations. The park is severely severed, and is consequently indefensibly reduced to almost half the park acreage contained in my amendment—last year's House-adopted boundaries.

For the Wrangell-St. Elias area, my amendment—again, identically as the House chose to adopt last year—will create an 8,670,000-acre national park, and a 3,380,000-acre national preserve. Both the Breaux-Dingell and Huckaby bills provide for smaller designations, but the most disastrous thing is that the Breaux-Dingell bill chops the preserve down to about one-third the size that the House adopted last year, and puts the area into a wildlife refuge.

While in both my amendment and the Breaux-Dingell chop-up sport hunting would be allowed in this area, the Breaux-Dingell wildlife refuge designation would also lay this same area open to hardrock mining, and who knows what else. Now this area was compromised in the first place to put it in the preserve category to satisfy a small number of trophy hunters. If you want my opinion, this whole area should have been put into the park.

But we compromised in the first place in 1978, unfortunately, to appease a few vocal hunters. Now we get hit again this year by raiding it a bit further by a few million acres by Breaux-Dingell to finish it off.

Mr. Chairman, I believe the House did the right thing and exercised good commonsense last year, and my amendment merely aims to restore that good sense this year. We are dealing with the two absolutely most superlative and major wilderness parks in Alaska, and we just must not be shortsighted here to help out a few parochial, private interests who want to exploit the resources for private gain at public expense. These are the American public's resources we are dealing with and parceling away. I urge the adoption of my amendment.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, may I ask, is the gentleman offering these amendments en bloc?

Mr. SEBELIUS. Mr. Chairman, if the gentleman will yield, they are offered en bloc.

Mr. CLAUSEN. Mr. Chairman, is it my understanding that both these amendments would in effect restore the boundaries of the national park area to coincide with the legislation, H.R. 39, that was adopted last year?

Mr. SEBELIUS. That is exactly my intent.

Mr. CLAUSEN. Mr. Chairman, I thank the gentleman. I supported H.R. 39 when passed by the House last year and commend my colleague for amending the Breaux-Dingell bill to restore these two magnificent park areas. His amendments further strengthen an already sound environmental measure. I intend to support his amendments and urge my colleagues to do so.

Mr. PHILLIP BURTON. Mr. Chairman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from California.

Mr. PHILLIP BURTON. Mr. Chairman, I would like to commend my colleague, the gentleman from Kansas (Mr. SEBELIUS), for his longstanding interest in protecting the integrity of the national park system, and I certainly share with him the conclusion that the Huckaby and the Breaux-Dingell proposals literally gut even existing units of the national park system in Alaska.

The gentleman's proposal is an effort offered in good faith, I am certain, based on the gentleman's consistent record of concern. His effort is to clean up two impossibly bad bills, and I regret that I must say they do not satisfy me at all.

I must point out to him and the House that patching up only two of the national park designations in those substitutes does not make the national park titles acceptable. Unfortunately, improving upon Gates of the Arctic and Wrangell-St. Elias areas in the Breaux-Dingell and Huckaby substitutes only goes 5 percent of the way. The remaining weakening park classifications and administrative provisions in those bills would still be inadequate.

The Breaux-Dingell and Huckaby substitutes are the largest raids on the National Park System ever proposed in the history of our Nation. Frankly, as chairman of the Parks Subcommittee, these are the most outrageous bills I have ever seen.

Even if the Sebelius amendment is incorporated, the Breaux-Dingell substitute would:

Take two existing units of the National Park System and transfer them to another agency. To cut Bering Land Bridge out of the park system and make it a refuge is like taking the Mesa Verde cliff dwellings out of the park system. To slice the Noatak River out of the park system is equivalent to making the Grand Canyon a wildlife refuge.

Unlike the National Park System Preserve, these so-called refuges could be opened to a host of industrial uses such as mining and pipelines which would not be allowed in park system units.

The north additions to Mount McKinley National Park, specifically made to protect wildlife that now range in and out of the existing park, would be downgraded to a preserve.

Two hundred thousand acres of important bear habitat and recreational lakes are dropped from the 1978 House-passed and Udall-Anderson Katmai National Park.

Cape Krusenstern, a major archeological site with virtually no sport hunting, is inexplicably made a national preserve.

The great 1.7-million-acre Kobuk Valley National Park in last year's House bill and Udall-Anderson is reduced to a 190,000-acre national monument with the remaining area made a national preserve.

Transportation title seriously weakens the existing law procedures for the granting of rights-of-way across national parks.

Decreases park system wilderness by over 12 million acres.

Cuts out important areas in the Bering Land Bridge National Preserve and Mount McKinley National Park to allow the State to select them.

This is only a partial listing. But I think the picture is clear—the arbitrary, and fragmented and weakened park system classifications and administrative provisions of the Breaux-Dingell substitute cannot be repaired by just fixing up parts of the Gates of the Arctic and Wrangell-St. Elias areas.

I commend the gentleman for taking a first step in the right direction, but it does not go far enough to protect the national park system areas in Alaska. In his separate views on the Huckaby substitute, Mr. SEBELIUS observed that the committee bill's "de-evaluation of protection is unacceptable. Such relegation to these lesser protection categories is designed to throw half of the national park system in Alaska open to sport and trophy hunting, and in some areas, to commercial resource exploitation."

I submit that the Breaux-Dingell substitute is even worse in its treatment of national parks than the Huckaby substitute, and neither bill can be made acceptable through patchwork amendments, however well intentioned.

The CHAIRMAN. The time of the gentleman from Kansas (Mr. SEBELIUS) has expired.

(On request of Mr. YOUNG of Alaska, and by unanimous consent, Mr. SEBELIUS was allowed to proceed for 2 additional minutes.)

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I would just like to ask the gentleman whereabouts in the Breaux-Dingell bill or in the Huckaby bill we gut any existing parks in the State of Alaska.

Mr. PHILLIP BURTON. Mr. Chairman, if the gentleman will yield, I have several items that I might refer to in my revision or extension of remarks. I do not think I am going to influence my colleague, the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. No. I would just like to know what areas the gentleman refers to.

Mr. PHILLIP BURTON. Mr. Chairman, this Breaux-Dingell substitute takes the existing areas of the national park system and transfers them to another agency.

Mr. YOUNG of Alaska. Not existing parks. They are not existing parks. They are not existing parks as of this day. They are proposed parks under the Udall-Anderson bill, and they are proposed parks under the Breaux-Dingell substitute. They are not existing parks.

☐ 1410

Mr. PHILLIP BURTON. By Executive order (Presidential proclamation), these areas are part of the national park system.

Mr. YOUNG of Alaska. They made them monuments and not parks.

Mr. SEBELIUS. Let me say that, as far as my personal attitude is concerned, I understand what is in last year's bill. The way we came through the Interior Committee this year, I am not sure what acres are what. I do think I understand last year's bill.

Mr. SANTINI. Mr. Chairman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from Nevada.

Mr. SANTINI. I thank the gentleman for yielding.

Do the proposed en bloc amendments offered by the gentleman from Kansas impact on hard rock mineral exploration?

Mr. SEBELIUS. If they do, they do to the extent that the wildlife refuge rules would apply to the portion that was preserved last year. In a park preserve you do not mine minerals. I did take some of the wildlife refuge area that was in the Breaux-Dingell bill and put it back in the preserve as it was last year.

Mr. SANTINI. Does the gentleman know whether it does or does not impact on mineral exploration or recovery?

The CHAIRMAN. The time of the gentleman from Kansas (Mr. SEBELIUS) has expired.

(On request of Mr. SANTINI and by unanimous consent, Mr. SEBELIUS was allowed to proceed for 2 additional minutes.)

Mr. SANTINI. Is the gentleman able to answer whether it does or does not impact on the hard rock mineral resources in the area?

Mr. SEBELIUS. My answer is the one I gave the gentleman. The only thing I would change is putting part of the wildlife refuge back in the preserve.

Mr. SANTINI. If there is a negative impact, in terms of possibilities of mineral exploration, is the gentleman aware of what mineral resources, nonfuel resources, are there now?

Mr. SEBELIUS. So far as I know, I have not paid any attention. Last year we went through this. We put it in preserve. We voted it out. And I am willing to rest on that. So far as Alaska, generally, I do not think we explored that enough. I have to acknowledge that. If we take that which we had locked up 10 years ago, we would not know if there were minerals there or not. We have taken pristine areas here. I am only fighting for them in the areas we had last year, because I think we had an understanding and we worked these out.

Mr. SANTINI. I appreciate the gentleman's explanation. I am concerned about any decisions we make with respect to certain areas because of an insufficient knowledge of our mineral resources.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Chairman, I support the Sebelius amendments en bloc relating to the Gates of the Arctic. I am a little bit surprised at the intransigence on both sides on this issue. It seems to me that the vote counts are very uncertain as we move through this day. I have taken my own polls. It seems to me that when good amendments are offered, amendments to either bill that you could support, you should support those amendments, in fact, with your vote. It is hard to tell which vehicle we will have to vote on eventually. It seems to me that we should accept good amendments when they are offered, and I suggest that these amendments are good amendments.

The CHAIRMAN. The time of the gentleman from Kansas (Mr. SEBELIUS) has again expired.

(On request of Mr. SYMMS and by unanimous consent, Mr. SEBELIUS was allowed to proceed for 2 additional minutes.)

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

For the sake of clarification, does the gentleman's two amendments offered en bloc expand wilderness areas, expand game refuges?

Mr. SEBELIUS. Actually, we take out preserves from the Gates of the Arctic and put them back in the park, and we take some of the preserves that were in last year's bill and put them in place of some of the wildlife refuges of Breaux-Dingell.

Mr. BEREUTER. I thank the gentleman.

Mr. GUDGER. Mr. Chairman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from North Carolina.

Mr. GUDGER. Mr. Chairman, I want to commend the gentleman from Kansas (Mr. SEBELIUS) for his work on this very difficult and complex system that was offered by the Huckaby and Breaux-Dingell on the Gates of Alaska area. It seems to me that they had six different management areas in an area which, classically, should be subject to one management, and those subject to one management be divided between parks and preserves. I see that the gentleman in the well has sought to correct this very obvious and very grotesque system that had been developed on the two bills that are proposed by the Udall-Anderson substitute.

☐ 1415

I would say this, that I appreciate what he is doing in going back to the previous session of Congress, but I suggest that he attain something very close to what the present Udall-Anderson substitute does with respect to these two national parks.

Now, does the gentleman propose to correct the other rather gross and obvious errors within these other bills, such as the division of Admiralty Island into two management areas and the division of Misty Fjords into two management areas and these other things which are so far foreign from the 95th Congress?

Mr. SEBELIUS. I picked on these two because I think they are the two that really stand out. As I said earlier, I, as of this moment, intend to vote for Breaux-Dingell, because of a lot of the sort of thing that goes through here, such as in Misty Fjords, where we have a deposit we have discovered, but had it been locked up 10 years ago, we and the rest of the world would never have known it was there for the good of man. These are two examples of what we have.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from Idaho.

Mr. SYMMS. I hope my good friend from North Carolina would clarify the record. Misty Fjord was left out last year of the House-passed bill. It was not in the wilderness area as the Udall-Anderson bill has it today.

Mr. SEBELIUS. I appreciate that. I have had that in mind.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

(At the request of Mr. SYMMS and by unanimous consent, Mr. SEBELIUS was allowed to proceed for 1 additional minute.)

Mr. SYMMS. I thank the gentleman for making the point that if it had been locked up 10 years ago that we would not know there is a molybdenum deposit in the area.

I want to make that point, because we are going to hear a lot of rhetoric this afternoon about how there is nothing being locked up in the Udall-Anderson bill, but we really do not know what is there. Once we lock it up and deprive people of the opportunity to go out and look for it, we are denying that access to those minerals or nonfuel minerals to the American citizen.

Mr. SEBELIUS. That is one of the basic reasons why I say I am going to vote for Breaux-Dingell, because it leaves a little more of that open. We have got acres and acres here of wonderful things.

Mr. SYMMS. I think the gentleman made a very good point.

Mr. SEBELIUS. Thank you.

Mr. SANTINI. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendments.

Mr. Chairman, I take this opportunity to address my colleagues in the committee, not because of vehement resistance to the legislative proposals of the gentleman from Kansas (Mr. SEBELIUS), but to use it as an illustrative starting point to examine the very fundamental deficiency in our legislative deliberations here.

When asked what was the impact on the hard rock minerals, the gentleman, and I am sure that his state of knowledge could be multiplied by 434, reflected he did not know. It does not reflect an aspersion upon the gentleman, because there is no more conscientious legislator in this body.

It is reflective of the endemic indifferences that characterizes much of the legislative pursuit that we engage in, when it impacts on a nonfuel mineral. Nonfuel minerals are affected by this amendment. It closes mineral activity in the North Wrangell which is a WRA in the Huckaby and a refuge in Breaux-Dingell. It blocks access across the Gates boot to the Anaconda and Kennecott finds.

What are the mineral resources there? Cobalt, copper, lead, zinc, and who knows how much more.

There is an important issue, a very important issue involving the survival of our Nation, our mineral stability. We are engaged both legislatively and in the Executive agencies of our Government in a progressive exercise of rape, run, and ruin of our domestic minerals industry. I think the facts are indisputable when objectively assessed.

☐ 1420

Cobalt—who cares about cobalt? No, it is not a furry little animal that comes out in February to see its shadow and then retreats to its hole. It is an indispensable ingredient in the manufacture of steel. There is no replacement known at this time. The steel industry of this Nation—those Members representing steel districts or steel States—recognize the importance of cobalt.

And where are most of the world's reserves of cobalt? Zaire, a nation of eminent stability and upon which we can rely for time immemorial for the import of cobalt, 30 percent; New Caledonia, 19 percent; and the U.S.S.R., 14 percent. Over 50 percent of the world's known reserves are contained in these three nations certainly a stable base upon which we are going to continue to predicate our steel industry survival.

The General Accounting Office last month concluded, "In the future the United States must strike a better balance between its materials problems in pursuit of other important national goals such as those for energy and environment."

It continued, "The need for good information about materials has never been more critical."

Approximately 75 percent of materials the General Accounting Office is talking about are mineral. We are in a mineral mess in this Nation that is going to emulate in terms of certain strategic minerals the misfortunes, the tragedies, and repeated mistakes that we have encountered in fuel minerals.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. SANTINI. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I thank the gentleman very much for making a very excellent point. I just wanted to add to it and say that we rely, 97 percent of the cobalt used in the United States of America is imported, and the Soviets import zero percentage of cobalt. I just bring that to the attention of the Members. I think the gentleman makes a good point, and I share his opinion.

Mr. SANTINI. I appreciate the gentleman's response.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. SANTINI. I am happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. Could the gentleman tell us whether there is any operating cobalt mine in Alaska?

Mr. SANTINI. No operating cobalt mine in Alaska today because, given the economic circumstances of recovery, they cannot have it; but Alaska represents, as the gentleman from Ohio knows, the last natural resource arena.

The CHAIRMAN. The time of the gentleman from Nevada has expired.

(By unanimous consent Mr. SANTINI was allowed to proceed for 2 additional minutes.)

Mr. SANTINI. One of the best potentials in the world for cobalt resources, is impacted by this legislation.

Mr. SEIBERLING. Can the gentleman tell me of any cobalt deposit of commercial size that the Udall-Anderson bill would block in terms of its development?

Mr. SANTINI. To the extent that it would preclude access to the two properties I previously alluded to. Certainly, that is a constraint to the extent that the Udall-Anderson legislation excludes 70 percent of the most favorable mineral arenas in the State of Alaska. It impinges upon unknown sources of cobalt and many other minerals.

The gentleman and I have had many discussions of this point, and he realizes it well.

Mr. SEIBERLING. Well, of course I do not accept the gentleman's premise now that the Udall-Anderson bill excludes access to any existing mineral deposit that anyone has any claim on. Second, I do not accept the gentleman's premise that there is included within the boundaries of the Udall-Anderson bill 70 percent of the known mineralized resource of Alaska.

Mr. SANTINI. I regret the gentleman cannot accept that. It happens to be facts that were developed in the course of one of the gentleman's hearings in which representatives of the Bureau of Mines and Department of Interior's own study demonstrated that when we break down the mineral resources of Alaska to most favorable, least favorable—70 percent of the most preferable areas were excluded from either mineral access or recovery.

☐ 1425

That was the Department of the Interior's conclusion, not the gentleman's and not mine. I think that that is an alarming consideration, given our dependency upon foreign imports of many minerals.

Mr. SEIBERLING. Will the gentleman yield further?

Mr. SANTINI. Certainly.

Mr. SEIBERLING. Of course, he says it is the Department of the Interior. Could the gentleman tell me which is the official agency of the Department of Interior that is charged with mineral exploration?

Mr. SANTINI. The USGS is the agency in charge of it, and the Bureau of Mines is the agency involved in minerals consideration?

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the proposal offered by our good friend, the gentleman from Kansas.

Mr. Chairman, the gentleman from Kansas is one of the most valued and respected Members of this body, and it is with a great deal of regret that I rise in opposition to the amendment which he offers. But I do commend him, because his amendment is a straightforward amendment, not a technical amendment, and it is not one of a remarkable succession of bills which is presented to this body without committee consideration or without conformity with the usual practices and traditions of the House.

I would like to address, if I could, the proposal offered by our good friend, the gentleman from Kansas, and point out why I think it is bad. Under the bill put forward by the Committee on Merchant Marine and Fisheries, the Breaux bill, the State of Alaska would give up a large amount of land approximating 100,000 acres to the Federal Government for inclusion in the Tetlin Refuge. The amendment which is offered by my dear friend, the gentleman from Kansas, as I read it, would undo that particular provision, and we would lose a lot of extremely valuable migratory bird and wildlife habitat in Tetlin Refuge.

I know the gentleman offers his amendment with the best of good intentions, and I respect his judgment on matters relating to parks, but I do know that the Tetlin Refuge is an extremely valuable refuge. It is one which produces a very large amount of migratory waterfowl, and it has habitat that does require management for the protection and the enhancement of those migratory waterfowl, which are a principal feature of that particular refuge.

The amendment offered by my good friend, the gentleman from Kansas, would eliminate those lands which could be included in a refuge. It would eliminate our action to afford substantial additional breeding ground habitat for migratory waterfowl, which are one of the great national treasures of the United States.

There are some other points about these matters. We have heard the comments as regards the movement of land from refuges into national parks. I think something else needs to be understood about this, and that is that as we constrict the lands available to hunting, we tend to concentrate hunters, which has an extremely bad effect upon wildlife populations.

Equally importantly to the pressure for increased hunting, which may be above and beyond that which is wise to the area, we tend to deny by placing lands in parks the opportunity for agencies skilled in the administration of wildlife to take steps to protect migratory waterfowl and to protect resident species of wildlife. That is one of the main reasons why the parks are not the place for careful and wise attention to wildlife values and the habitat of wildlife.

I was a park ranger years ago, and I know a little bit about the national parks. If you look, you will find that the gentleman from Wisconsin (Mr. REUSS) and I conducted one of the most scathing investigations of the Park Service and the close friendly and symbiotic relationship which they have with the park concessionaires. You will observe also that they participated actively not only in the disregard of laws relating to the protection of parks and civil service, but also with regard to the laws which control and dictate responsible functions of those concessionaires and those investigations. But with regard to wildlife and wildlife habitat, Park Service methodology for taking care of those matters is to simply let nature take its course. As a result, we have a situation occur such as that which took place when I was in the Rocky Mountain National Park: A monstrous overpopulation of elk, and one of the dirtiest and ugliest, unseemly shootouts inflicted upon animals ever known to bring that population down to levels that the Park Service would like to have them be. Starvation follows in the National Parks regularly the depletion of habitat.

Something else the Park Service did just a few years ago: They were not shooting grizzly bears out in Yellowstone any more; they were transplanting them with helicopters, but doing that from several hundred feet up. I am told that is pretty hard on grizzly bears because they bust like a melon when you drop them from that height.

What I am saying is, let us put these areas into the hands of agencies which understand wildlife, which have geologists who know how to administer and protect habitat so we do not get these unseemly consequences of lockups of the kind we would have in a national park. I say this with great respect for the gentleman from Kansas because he sees that the national parks are treasures, and they are, but they are national treasures that are not well administered and not always used for the benefit of all of the people.

The CHAIRMAN. The time of the gentleman has expired.

□ 1430

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do rise in support of the amendments that have been offered en bloc by the gentleman from Kansas (Mr. SEBELIUS). I do not, however, thereby transfer my affection to the bill which he has indicated he will support, the so-called Breaux-Dingell bill; to the contrary I would also take this time to indicate to the House that I am in support of the substitute that was offered earlier this afternoon by my friend and colleague from Arizona (Mr. UDALL).

I would also point out to the Members of the House who may take some comfort from the fact that the gentleman from Kansas (Mr. SEBELIUS) has offered these amendments.

I would point out that one of the national organizations, that has very carefully scrutinized all of the bills that are now before this body has said that while it is true that the Sebelius amendment corrects two of the more glaring cases where the so-called Breaux-Dingell bill seriously fragments national park boundaries, that there are dozens of other park and refuge units that are similarly compromised by that particular version of the bill. I would, therefore, Mr. Chairman, appeal particularly to the Members on my side of this aisle, not to be misled into thinking that with the adoption of this amendment and a few others that may be offered that we have somehow cured the basic defects in these bills that they now seek to merge and present an opposition to the so-called Udall-Anderson bill.

Let me take the moment or two I have remaining to say, I respect as much as any Member of this body the right of the gentleman from Alaska to represent as tenaciously and effectively as he does the right of his constituents. I take the position that I do, not, because I am opposed to him individually, but because I see a greater national interest involved than even the interests of the 480,000 or so people he represents.

Mr. Chairman, let me point out what the largest newspaper in my particular area of the country, the Middle West, has to say. They said it just a few weeks ago.

> As Congress decides that portions of Federal land in Alaska should be retained in national ownership and what management policies and what parts should be released to private ownership and private seeking enterprise.

That is the ultimate issue really involved in this legislation.

They went on to say:

> Keep in mind that what is conserved now can be developed later but what is developed now cannot be conserved later.

A conservative approach must tilt toward conservation. It is because I take a conservative approach toward the preservation of a great State of this Union, and there are, as has been said over and over again, there are simply no more Alaskas. This is the last opportunity that this body may have to deal in the proper fashion with this matter.

Again, I appeal to many Members on my own side of the aisle. A few days ago you got a letter signed by the distinguished former Governor of the State of Washington, Dan Evans, by Theodore Roosevelt IV, by Jim Buckley, the former Senator, and by Laurence Rockefeller, asking you to consider the Udall-Anderson substitute and what it could represent from our standpoint as Republicans to reclaim and restore the heritage that is rightfully ours, stemming from the time of Theodore Roosevelt and Gifford Pinchot, as a party that is dedicated to the conservation of the great national resources of our country.

This is not a partisan matter. I was kidded a little bit by my dear friend who is now standing here in the Chamber over the fact that some mistake was apparently made somewhere in the press with respect to my party identification. I am not ashamed as a Republican to be supporting the legislation that was drawn largely under the leadership of the gentleman from Arizona (Mr. UDALL) and the gentleman from Ohio (Mr. SEIBERLING).

☐ 1435

I do not claim to substitute for the kind of expertise that they represent on this issue. There were 2,000 witnesses, 25 days in the State; let no one be misled into thinking that this is a bill that has come out of "muggy-muggy bottom," as the expression was used. This is a bill that has received literally thousands of manhours of consideration.

In Alaska, in the lower 48, all over this country, thousands of our citizens have been asked to comment on this matter. Out of those hearings has come the product that we present to you as the so-called Udall-Anderson substitute.

I want very much my party to have that in mind as they cast their vote either today or tomorrow on this very important issue.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I will yield, of course, to my friend, the gentleman from Alaska.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. ANDERSON) has expired.

(At the request of Mr. YOUNG of Alaska, and by unanimous consent, Mr. ANDERSON of Illinois was allowed to proceed for 2 additional minutes.)

Mr. YOUNG of Alaska. Mr. Chairman, I want to thank my good friend, the gentleman from Illinois, for his position and also recognize the work that has been done on this bill on my behalf and on behalf of the people of my State.

As far as it being the Republican position, very frankly, if the Udall-Anderson bill did not take approximately 14 million acres out of the people's hands in Alaska that this Congress agree to grant to my State and if our way of life was protected without any question and if our economic base was guaranteed, then I would say that the Udall-Anderson bill would be acceptable; but it is not that type of bill. It is not the Republican position. I read the Republican doctrine more than anybody else and the individuals rights ought to be protected.

Mr. ANDERSON of Illinois. Mr. Chairman, I will reclaim my time and challenge what the gentleman has just said, that what I am arguing on this House is not the Republican position. There should not be a Republican or a Democrat position on an issue that is as important and fundamental as the conservation of the kind of resources that are represented in the State of Alaska. I simply refuse to look upon it as a partisan issue.

Mr. YOUNG of Alaska. Mr. Chairman, to take land from the people of my State is unconstitutional. It is morally wrong and it is not the Republican position.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I certainly commend the gentleman from Illinois for his statement. This is not a partisan issue. This is in the tradition of great Republican Presidents like Theodore Roosevelt. It is in the tradition of great Republican Secretaries of the Interior like Rogers Morton. His widow is supporting the Udall-Anderson position.

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman will allow me to add to that, I talked to Mrs. Morton off the floor of the Chamber just a few minutes ago. She told me how much it did indeed, mean to her late husband, Rogers C. B. Morton, a former colleague of many of us now serving in this Chamber, when he participated in that great action in 1973 when some of these very important lands were set aside for future generations of Americans. She does, indeed, feel deeply the responsibility that we have.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. ANDERSON) has again expired.

(At the request of Mr. SANTINI, and by unanimous consent, Mr. ANDERSON of Illinois was allowed to proceed for 2 additional minutes.)

Mr. SANTINI. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Nevada.

Mr. SANTINI. Mr. Chairman, I thank the gentleman for yielding.

In the gentleman's eloquence, the gentleman referred to his deliberations on consideration of the resources there. As a principal sponsor of the bill, did the gentleman specifically investigate and evaluate and conclude on the impact of the legislation the gentleman is sponsoring on the hard rock mineral resources of Alaska?

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman will permit me to respond, yes. It seemed to me as I looked over the product that is described as the Udall-Anderson bill that the boundaries have been very carefully drawn to exclude areas of known mineral potential; that five out of seven sites that were identified by the mining industry as having the greatest potential for development, five out of seven are completely outside of any conservation unit.

☐ 1440

Even though that leaves two that are inside the boundaries of the bill, it is my understanding that the economy of Alaska will be increased by nearly a billion dollars a year, with the five areas of known mineral potential that are open.

I just want to repeat again that we cannot say that because we have extended wilderness designation to these areas, we are simply locking them up. That lock will turn two ways, and if the great emergency that I know the gentleman seriously envisages as possible down the road should come, we certainly have it within the power and the discretion of this body to then say we will go in and begin to exploit those particular resources. But to gouge out at this present time and destroy irreplaceable parts of our national heritage would, I think, be absolutely unwise and unjust. It would be unwise to do it before the proof is positive that that action has to be taken.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. ANDERSON) has expired.

(On request of Mr. SANTINI, and by unanimous consent, Mr. ANDERSON of Illinois was allowed to proceed for 2 additional minutes.)

Mr. SANTINI. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Nevada.

Mr. SANTINI. Mr. Chairman, in terms of that quick turn of the lock, does the gentleman know the time it takes from the time of discovery of a mineral source to the time of recovery of that mineral source in the State of Alaska?

Mr. ANDERSON of Illinois. Mr. Chairman, I am sure, given the climatic conditions that exist, it would take a considerable time.

Mr. SANTINI. It would take from 10 to 20 months.

And what about the cobalt. We need the cobalt deposits, too.

Mr. ANDERSON of Illinois. Mr. Chairman, there is a possibility of making the assessments under the Udall-Anderson bill that would be necessary to tell us whether or not there are sufficient reasons to go in and exploit a particular deposit.

Mr. SANTINI. Mr. Chairman, let me ask the gentleman, what are the five principal resources in Alaska?

Mr. ANDERSON of Illinois. The five mineral resources? I am sure the gentleman, who is the greatest living expert here in Congress on that subject, will be taking all kinds of time later this afternoon, with the charts that he placed before us in the 95th Congress, and he will be telling us in great detail what they are and in what percentage they can be found.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman from Illinois (Mr. ANDERSON) for an exceptionally fine statement, as well as for his outstanding decision to support the conservationists' substitute, the Udall-Anderson bill.

Before I say anything more, I would like to sav that in room H-122, the Speaker's dining room, we are showing a video tape which we used in the Committee on Interior and Insular Affairs last year. It incorporates a number of slides that I took and that the staff took showing our hearing process and showing some of the same pictures that are reproduced out in the Speaker's lobby here, which I took in Alaska in 1975 and 1977. The video tape also has the sound track of some of our actual hearings, giving the Members a feeling of what we went through to develop this legislation.

Mr. Chairman, I want to lay one thing to rest. There is only one lineal descendant of the House-passed bill before us today, and that is the Udall-Anderson bill. This is the bill which is the closest to last year's House-passed bill, comparing all of the various aspects—acreage and others. It is the bill which is the closest to the spirit of last year's House-passed bill as well.

To say that this bill was developed without any hearings is, of course, absurd.

All of the substitutes before us are built around last year's House-passed bill. Some vary from it more than others. But the Committee on Interior and Insular Affairs, last year and in the year before that, conducted one of the most extensive investigations and sets of hearings ever conducted on any piece of legislation in this House. We not only heard over 2,000 witnesses in hearings held in every region of the country, including Alaska—we heard over 1,000 witnesses in Alaska and went to 20 villages and towns all over the State; I personally visited every one of the major areas covered by this bill—but we heard dozens and dozens of witnesses here both last year, the year before, and this year.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I will yield to the gentleman in just a moment. The gentleman has had a lot more time today than I have.

Mr. Chairman, we heard many, many witnesses on this legislation this year, and, as a result, we developed a substitute which was offered by the gentleman from North Carolina (Mr. GUDGER) in the committee, and the Udall-Anderson bill is almost identical to the Gudger substitute except for some additions that we have brought in, such as the transfer of State and Native lands which were worked out with the Natives and the Department of the Interior since that time, including a number of technical provisions dealing with Native land interests and the like.

Mr. Chairman, let me just say to the gentleman from Alaska (Mr. YOUNG), who has sat with me through many, many hours of these hearings himself, in fact, the gentleman nicknamed me "Old Ironpants" because I managed to outlast him in some of these interminable hearings. The gentleman knows full well that 90 percent of this bill and 90 percent of the Huckaby bill, as well as of the Breaux-Dingell bill, are all things that were worked out and are almost boilerplate for this legislation on Alaska.

☐ 1445

But it is the other 10 percent where we have some differences.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I agree with everything the gentleman said, but there is one thing that bothers me. As the gentleman well knows, after all of the 18 months of hearings and the witnesses we have heard, last year's House-passed bill was not introduced. It was far beyond anyone's imagination. It took 25 million acres more of land, it did not transfer State land, and, frankly, it was an abomination. We all know there were some very large discrepancies between the Udall-Anderson bill, which has had no hearings at all.

Mr. SEIBERLING. That is not correct.

Mr. YOUNG of Alaska. It has had no hearings at all.

Mr. SEIBERLING. That is not correct.

Mr. YOUNG of Alaska. Has it ever been before the committee?

Mr. SEIBERLING. That is not correct. If it were, then the Breaux-Dingell bill has had no hearings and the Huckaby bill has had no hearings.

Mr. YOUNG of Alaska. We have had 9 days of hearings. The Udall-Anderson bill has not had 1 day of hearings.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Massachusetts.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, this is the second time I have heard the expression made on that side, and I want to set the record straight. This was introduced in the Committee on Merchant Marine and Fisheries. I will tell you who sided against it. The gentleman from Alaska, and others. People said, "Gracious me, what happened to the bill we all passed with such a large number in the last Congress?" The Merchant Marine and Fisheries bill was introduced. That is the bill on which hearings were held. It passed this House by 330 to 30 something, by a large margin, and we lost it by 1 vote in the Merchant Marine and Fisheries Committee, 16 to 1. That is what happened to the bill on which so much work was done in the preceding Congress. The so-called Breaux-Dingell substitute was made available to Members 48 hours before we had a vote on it, and the day we had a vote on it we were given pages of major changes. So at least let us set the record straight.

There has not been any possible question. It is the bill as it passed the last Congress. It is not the bill which was dropped on us in the last moments, the Huckaby bill.

Mr. SEIBERLING. Mr. Chairman, I would simply like to point out that if you look outside in the Speaker's lobby you will see piles of various publications. You will see the studies that were made under then Secretary of the Interior, Rogers C. B. Morton, of each one of the areas which we used in our markup last year and on which our bill is based. You will see with respect to the actions of the President and the basis on which they withdrew the public lands and created national monuments, Incidentally, that was a little change which happened between last year and this year, one of the reasons why Udall-Anderson embodies some adjustments in the legislation.

Mr. SYMMS. How many acres difference was there?

Mr. SEIBERLING. Among the Members who voted against last year's House-passed bill are the gentleman from Alaska (Mr. YOUNG), the gentleman from Louisiana (Mr. BREAUX) and the gentleman from Louisiana (Mr. HUCKABY). So where does that leave us?

Mr. SYMMS. If the gentleman will yield, it shows they had good sense.

Mr. SEIBERLING. I believe the gentleman from Idaho also voted against it.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I think that should somewhat reassure the thinking of some of the Members here who are having this handed to them as a rape-and-run bill. There are many of us in the Congress who feel that that bill went too far.

Could the gentleman tell me the acreage differences in the bill he introduced and the one he agreed to in conference?

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

Mr. SYMMS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, for the clarification of some of the questions that have been raised here and for the information of some of the Members, I think we should go back and assume what the 1964 Wilderness Act says when we discuss this question. The gentleman from Nevada (Mr. SANTINI) brought up the subject of hard rock minerals.

☐ 1450

I want to quote to the members of the committee what the 1964 Wilderness Act says, because this mythology that is being passed around here that somehow we can mine in a wilderness area is not the case, and I think further mythology that somehow we can turn the key back on and get back into these areas is also a mistake.

Mr. DINGELL. Mr. Chairman, would the gentleman yield?

Mr. SYMMS. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, the gentleman from Ohio—and I would like to have his attention—claimed that this Udall-Anderson bill is a lineal descendant of last year's bill. And he invoked the name of a deceased, dear friend of mine and former member of the Cabinet, the Honorable Rogers C. B. Morton.

I would point out that Secretary Morton recommended, and last year the administration recommended that the Noatak be a refuge. It is not a refuge in the bill that the gentleman from Arizona (Mr. UDALL) has brought forward.

In addition to that, Mr. Rogers Morton—I do want to set the gentleman straight, because he is suffering from some confusion today—I do want to point out that Mr. Rogers C. B. Morton recommended 83 million acres and no wilderness in Alaska.

Now, just to give the gentleman one last modest bit of help that I really think he ought to have, and this is very important, and that is that we are now not the direct lineal descendant, but we are approximately five generations away from last year's bill if that in fact be so, on a proposal which has never been considered by a committee and one which has undergone the stress of major surgery in the form of 75 technical—I understand they were technical, and the gentleman assured the House they were—amendments which were, in fact, in large part, substantive to the proposal which he has here.

To say that this is the same bill that we considered last year is sort of like talking about the food value of soup that is made from the shadow of a pigeon that stood there a couple of weeks ago. It is not the real thing.

Mr. SYMMS. I thank the gentleman very much for that point.

I think we should make this clear. I also would like to thank the gentleman for making the point of what Rogers C. B. Morton's position was, 82 million acres of comanagement preserves areas, and refuges to protect the beauty of Alaska, but not to preclude these nonfuel and fuel minerals that may or may not be in Alaska.

I think we should make the point further, Mr. Chairman, that the question here about turning this key on and getting back into a hard rock mine, when we know from the record that in the lower 48 States many of the developed mines that are now operating in this country today have had claims staked on them for as long as 100 years before they actually ever became economically viable and were developed.

It has taken us as long as 100 years for many mines, from the time the first prospector staked the claim until fruition of actually extracting minerals.

I would also like to say that it distresses me to hear people talk about exploitation when we are talking about hard rock minerals which are the bedrock of civilization. We would not have this building we are in, if it were not for hard rock minerals. We would not have airplanes. We would not have hot and cold running water. We would not have many of the things we have.

Let me quote from the Wilderness Act:

> A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.

Does that sound like they are going to let us mine? If you think there is any mining going on in wilderness areas, start looking around the continental United States where we have wilderness areas and then come back and report to the Congress how far we are going toward solving our non-fuel-mineral crisis mining in wilderness areas. The answer is they are not mining in wilderness areas.

I can cite you example after example.

□ 1455

Mr. SANTINI. Mr. Chairman, will the gentleman yield?

Mr. SYMMS. I yield to the gentleman from Nevada, the chairman of the Subcommittee on Mines and Mining.

Mr. SANTINI. Mr. Chairman, the gentleman makes a very good and very fundamental point. I think another very fundamental point that deserves consideration by all of us as we examine the various individual pieces of legislation, is that as of today we do not know what minerals resources we are locking up or locking out.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. SYMMS. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

Mr. SEIBERLING. Mr. Chairman, reserving the right to object, how much more time does the gentleman expect to take?

Mr. SYMMS. I might need about 5 more minutes, but I think the gentleman from Nevada is making a very good point. I would like to hear him out.

Mr. SEIBERLING. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The CHAIRMAN. The Chairman recognizes the gentleman from Idaho (Mr. SYMMS) for 3 additional minutes.

Mr. SANTINI. We are making critical, basic, fundamental land use decisions with regard to whether we will or will not in the immediate future of this Nation ever explore for or recover any of the nonfuel mineral resources that we have left in the last arena for materials salvation for this Nation. We are making those decisions without the foggiest fundamental knowledge about what those mineral resources are. We have lines drawn on maps suggesting indications of possible mineral resources. That is the extent of our profound, empirical knowledge. We are now going forward to grandiosely exclude or include based on the flimsiest of factual data.

I believe every other fundamental consideration dealing with the uses of land in Alaska have received considerable examination and evaluation. Because there are no "Moms for Molybdenum" or "Teens for Tungsten," because the reality of it is that there is no political push of any kind coming from anywhere to examine the fundamental needs for nonfuel minerals, that subject has been, and with some special exceptions, generally igored. Some will contend that the wilderness is the best designation and there should not be any mining activity there. I think wilderness has received its fair day in court. I do not think hard rock minerals have even gotten in the courthouse door.

Mr. SYMMS. Mr. Chairman, I think there is one other point I would like to make. In 1921 the U.S. Department of the Interior recommended that the land where the largest open pit copper mine in the United States now was to be classified on the basis that there be no mining because they said it had no minerals, now a huge copper mine. That was done by the people who just did not think there were any minerals there. It is the same thing with the gentlemen from Arizona and Ohio, they are sincere but they do not know if there are minerals in the area they are going to lock up or not.

In another example, the U.S. Geodetic Survey in 1891 made the statement and recommended that there are no fuel minerals in the State of Texas. In 1889 they said the same thing about the State of California. These people said, "Don't let them explore for oil and gas in Texas; there is none down there. Why waste your time and money?"

So, we do not know what we are talking about, and I do not know where these gentlemen have been that come before us with a bill that has not even been considered by the House Interior Committee; has not been considered by the Committee on Merchant Marine and Fisheries, and has had no hearings. We do not know what is in them. All we know is that we are going to take millions of acres of land that the private entrepreneurs tell us they think has potential for oil and gas, and nonfuel minerals, and lock it up, thereby denying Americans the opportunity.

Mr. BREAUX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the risk of trying to throw cold water on all this, I do want to remind the committee that we are debating the Sebelius amendment, the amendment of the gentleman from Kansas, if anyone can remember what the amendment of the gentleman from Kansas does at this point. It seems that we have spent most of the time in not debating a particular amendment which is now pending and which is first in the order of voting, but debating the two versions of the bill presently pending.

On that, I would like to make a comment. If one-third of my congressional district, or of those of other Members, was being set aside in conservation areas, I think most of the members of the committee and most of the Members of the House of Representatives would want to find out how the people that live there feel about that. If we look at the record, it is very clear. The Governor of Alaska; Jay Hammond; the Lieutenant Governor of Alaska; the Legislature of the State of Alaska by a resolution adopted by that body, have come out very strongly and very clearly in support of the Breaux-Dingell approach. In addition, the representatives of the State of Alaska in this body and the other body, the two Senators from the State of Alaska and the Congressman who represents the State of Alaska in the House, have come out very strongly for the Breaux-Dingell approach as to how we should resolve the great Alaskan question.

□ 1500

I know that I am a Member of Congress, if I had one-third of the State of Louisiana being divided up and made into Federal conservation areas, would appreciate the Members of the House taking into consideration how I felt and how my Governor felt and how my State legislature felt about this issue, rather than what is being done to my State by bureaucrats in Washington. I really think this point needs to be made.

What I am saying is on the final debate, and we will get to that in a moment, I think what the people of Alaska feel and what the elected Representatives of that State feel is critically important, and on that issue they are in unanimous support of the Breaux-Dingell amendment.

Let us get back to the gentleman from Kansas (Mr. Sebelius). He takes areas that Breaux-Dingell has presently in the park preserves and makes them pure park. The basic difference is that in pure park you can go camping; you can go hiking; you can take pictures of birds; you can watch birds; but you cannot do any commercial fishing or you cannot do any wildlife management in the way that you can in a wildlife refuge.

Our version takes the approach that that area should be a park preserve, still managed by the Park Service but still managed as a park preserve. The management of the wildlife species would be done in an orderly fashion under the management of the Park Service.

The other portion of the Sebelius amendment effects the Wrangells-St. Elias Park and the Tetlin National Wildlife Refuge, two areas identified as the finest hunting areas in the entire State of Alaska. The Breaux-Dingell approach says that a portion of these areas should be a refuge. You can do birdwatching; you can do photography; you can go camping; you can go hiking. But in addition you can allow normal good, sound wildlife management, aggressive wildlife management. You can allow hunting and fishing. So I think the amendment of the gentleman from Kansas is deficient. I think we should try and go back and focus an those amendments and either vote them up or down. Heaven knows, we have discussed the amendments of the gentleman from Kansas enough. I think we ought to go ahead and vote on the gentleman's amendments and dispose of them. I would prefer they not be adopted.

Mr. Chairman, I yield back the remainder of my time.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the gentleman from Louisiana (Mr. Breaux) makes a good point when he suggests that we have not really been discussing this amendment. The basic difference, of the amendment, of the gentleman from Kansas (Mr. Sebelius) is to move from a park preserve to full park status the Gates of the Arctic and the Wrangells-St. Elias.

I think the gentleman from Michigan (Mr. Dingell) is incorrect in suggesting that the only mechanisms that we have are professional management for fostering game development. I think that there are some natural forces here that are operating, that will operate and will preserve and provide better sport opportunities and better sport hunting areas. The opinion that you cannot manage these, I think, is flawed. I do not think that is an accurate account of the law. It is not accurate in terms of a statement, so that is not a true reflection of what the situation is.

I think while these amendments slightly improve the Breaux-Dingell approach, they still do not make up for some of the major flaws in terms of the Arctic Wildlife Range or some of the other concerns I have.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

First of all, I would like to address the gentleman from Michigan (Mr. Dingell) who said that I was confused a moment ago.

Mr. DINGELL. If the gentleman will yield, no, I did not. I said the gentleman was suffering from some confusion.

Mr. SEIBERLING. I stand corrected. Let me say that the gentleman just prior to that remark said that the administration recommended that the Noatak be made a wildlife refuge, that last year it was recommended that the Noatak be made a wildlife refuge. The fact is that in last year's bill the Noatak was a park preserve, as it is in the Udall-Anderson bill, and that was what the administration recommended in September 1977.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman for yielding. I am having a great deal of difficulty helping my good friend, the gentleman from Ohio. The fact of the matter is that the administration recommended last year that the Noatak area in Alaska be included in the bill.

Mr. VENTO. The Noatak was a preserve in the bill last year.

I continue to yield to the gentleman from Ohio.

☐ 1505

Mr. SEIBERLING. The administration did not recommend that the Noatak be a wildlife refuge last year. What is more, as the gentleman knows, the Speaker in a letter to the chairman, the gentleman from Arizona (Mr. Udall), ruled that the Committee on Merchant Marine and Fisheries had no jurisdiction to convert an area of the National Park System, such as the Noatak National Monument, to a wildlife refuge. We do not contest that point. There are a number of actions like that in the Breaux-Dingell bill which were beyond the jurisdiction of the Committee on Merchant Marine ad Fisheries. This is being dealt with as an individually offered substitute and not a committee substitute. It, therefore, makes no difference.

I do believe that point needs to be brought up.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's insight and clarification of this issue.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield to me?

Mr. VENTO. I yield to the gentleman from Louisiana.

Mr. HUCKABY. I would like to point out to the gentleman from Ohio that I have an amendment pending at the desk which has been printed in the Congressional Record which I understand will be accepted by the Committee on Merchant Marine and Fisheries. It takes the Noatak area and makes it a park preserve.

Mr. VENTO. Mr. Chairman, I thank the gentleman for his contribution and agree with his amendment.

I just want to point out there has been a lot of discussion here about the mineral deposits in this area. I think the legislation proposed in the Udall-Anderson bill does a good job of offering ample opportunity for the development of the mineral resources and the assessment process in Alaska. The fact is that when we had individuals come before the committee over the last 3 years, we had a lot of interest in terms of leaving everything open with little or no commitment in terms of various types of management schemes. However, we had very little commitment in terms of dollars to flow in there and develop the resource.

The fact of the matter is that minerals in this area, even though then tend to be one and a half to three times as rich as mineral deposits in other parts of the world, are still economically infeasible because of transportation, high cost involved in development, and other problems.

I might further add in terms of minerals, for the consideration of our good subcommittee chairman of the Committee on Interior and Insular Affairs that the insinuation that we import so many minerals in this country is not because we do not have minerals in the Lower 48 and in Alaska which could de developed but simply because we choose not to develop them.

In other words, if we, for instance, permit patented claims and claims to go forward in Alaska, there is no due diligence in terms of development of hard-rock minerals claim so, in essence, what is being suggested in the Udall-Anderson measure is that we continue on with the minerals effort, that we leave almost 80 or 85 percent of the hard rock mineral area open to development.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Vento was allowed to proceed for 2 additional minutes.)

Mr. VENTO. The point is not a question of precluding the development. I think it is a question of whether we want to have reasonable and orderly development down the road in terms of these mineral resources. The questions are economic. The question is whether or not the capital flow will follow it, whether the commitment will follow. An example is the legislation or amendment proposed by the gentleman from Nevada and others will make efforts to strike a legislative initiative.

I think this particular concept is not one that has produced a development in the lower 48 nor will it do so in Alaska. The only thing we will accomplish is to slice up these ecosystems, we will slice up these conservation units for no good purpose, with the idea that patented claims will be made, that will sit there for years and years with little or no benefit to the American people.

The lock-up in this instance will not be a public lock-up, it will be a private one, it will be a lack of capital, a lack of initiative. It will certainly destroy what we have a chance to save in terms of holistic ecosystems in this area.

Mr. SANTINI. Mr. Chairman, will the gentleman yield to me?

Mr. VENTO. I will be glad to yield to the gentleman from Nevada.

Mr. SANTINI. I thank the gentleman for yielding, Mr. Chairman.

As the gentleman addresses this fundamentally important question of minerals, is the gentleman informed on the amount of nickel we import to the United States?

Mr. VENTO. Mr. Chairman, I understand we import almost half. I further understand the United States has a disproportionate of world nickel within the United States. In fact, the State of Minnesota has nickel deposits I think that are far more economic than those that might exist in Alaska that we know about. Even though they are much richer in terms of percentage, the cost of developing those precludes their development and will continue to preclude it for some time.

Mr. SANTINI. Mr. Chairman, the figure in 1978 was 77 percent of the nickel imported. The gentleman is correct in his reference to the mineral resource, nickel, as it exists in the State of Minnesota.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent Mr. VENTO was allowed to proceed for 3 additional minutes.)

Mr. VENTO. I yield further to the gentleman from Nevada (Mr. SANTINI).

Mr. SANTINI. What I apprehend, if the gentleman will continue with me, what I apprehend is that we make a series of substantial land management decisions about land uses, an almost total disregard of the hard-rock mineral resource. We simply relegate that to a position of obscurity.

Mr. VENTO. I disagree that we are making this in the dark. Certainly there is more knowledge that is needed about all parts of the lower 48 as well as Alaska, especially Alaska.

The point is the gentleman emphasizes how much we import. The gentleman does not emphasize what the resources of this country are that we could use that we would engage them, that we choose not to, because the capital resources is not there, the commitment is not there.

☐ 1510

The only thing there is the property right interest in terms of the 1872 mining law that will, which indeed has, locked it up under private hands.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I thank the gentleman.

I think that we might as well take this opportunity to get both sides of the mineral story out before the Members here.

I invite all the Members to look at the USGS official metallic minerals map of Alaska that is out in the Speaker's lobby with an overlay of the Udall-Anderson units on it and you will see that, unlike the lines drawn with a broad brush approach utilized in the map that Breaux-Dingell supporters refer to, a very precise contouring of the known mineralized zones of Alaska.

You will also see that, by and large, the boundaries of the units of the Udall-Anderson bill are carefully drawn to be outside those units wherever possible. That is the basis upon which we say that 64 percent—nearly two-thirds—of the areas with metallic mineral potential in Alaska are outside the boundaries of any of the Udall-Anderson conservation system units.

Mr. Chairman, several Members are asking me to yield, but I would like to finish this point.

Now, what is the report on the basis of which the gentleman from Nevada says that 70 percent of the highly favorable areas are included in this area?

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. VENTO) has again expired.

Mr. SEIBERLING. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota (Mr. VENTO) be allowed to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. SYMMS. Mr. Chairman, reserving the right to object, and in my reservation I would just like to ask the gentleman from Ohio if the gentleman would not reemphasize that 70 percent of the highly favorable areas are included in the wilderness area.

Mr. SEIBERLING. I was about to speak to that, if the gentleman would permit me.

Mr. SYMMS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. BREAUX. Mr. Chairman, reserving the right to object on the request for additional time, I think we have really debated the so-called Sebelius amendment more than enough. If I have an opportunity or the chairman of the full Committee on the Interior has an opportunity, we will ask that all debate on this amendment be terminated. We have debated it enough.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio that the gentleman from Minnesota (Mr. VENTO) be allowed to proceed for 3 additional minutes?

There was no objection.

Mr. VENTO. Mr. Chairman, I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I just think it is important to point out that the 70-percent figure that the gentleman from Nevada and the gentleman from Idaho have tossed out here is based on a study by Mr. Chuck Hawley of the Alaska Miners Association, himself a mining prospector and engineer, which he prepared and which later he submitted to the Bureau of Mines, which is not the official agency of the Department in terms of mineral exploration; but I think it is also important to get a couple other things in the record.

I would just like to point out that the Federal State Land Use Planning Commission for Alaska in a letter to Senator DURKIN last July 7 stated this to him:

> The national interest with respect to energy, other minerals, and forest resources is not jeopardized by proposed (d)(2) classifications. More importantly, (d)(2) classification represents a reversible decision, whereas some kinds of utilization or development of the (d)(2) lands might well have irreversible consequences.

Then he went on to say:

> It is generally agreed upon that Alaska minerals are not necessary to meet strategic mineral demands of the United States. Those metals that are potentially subject to cartelization worldwide are found in Alaska in only limited amounts. Alaska production could account for only a small fraction of national demand, even under greatly increased exploration and production efforts.

Then we had testimony by Mr. Bradford Tuck, an economist who serves as consultant to the Federal-State Land Use Planning Commission for Alaska:

> In every case the cost of mining in Alaska is substantially greater than the cost either in the Yukon territory or in the Lower 48 and at prevailing market prices the resource simply is not an economic resource.

The conclusion Mr. Tuck came up with was:

> The conclusion we came up with was that nothing over the time horizon that we are looking at claims to substantially alter the situation as it stands today.

☐ 1515

Then we had Prof. Matthew Berman, professor of economics at the Lyndon B. Johnson School of Public Affairs at the University of Texas testify before our committee, and this is what he said:

> * * * the economics of timber, agriculture and mining other than oil and gas are so unfavorable in Alaska that only a portion of the most valuable resources of the State will probably ever be developed. An Alaska lands bill similar to H.R. 39 is predicted to have little net impact on the economy of the State of Alaska, or on the economy of the United States.

Finally, Mr. Chairman, I would simply point out that the Udall-Anderson bill guarantees access to every valid existing mine in any conservation system unit—including each wilderness area—that would be created in the State of Alaska by that bill.

Mr. VENTO. Mr. Chairman, I thank the gentleman from Ohio (Mr. SEIBERLING).

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I think the problem in the lower 48, where the gentleman talked about the lack of will to develop resource, is this:

What happened is that almost 68 percent of the public lands, which may be one-third of our lands, have been excluded from mineral extraction and exploration.

The CHAIRMAN. The time of the gen-the man from Minnesota (Mr. VENTO) has expired.

(On request of Mr. SYMMS, and by unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. SYMMS. Mr. Chairman, will the gentleman yield further?

Mr. VENTO. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, to make my point, mining to any extent is not going on in any wilderness areas in the United States.

Mr. VENTO. Mr. Chairman, does the gentleman know if there are patented claims that have been denied to wilderness areas? That is an issue I have been involved with in various parts, and I find no ability to bar patented claims.

Mr. SYMMS. Mr. Chairman, the gentleman is right. But they have to comply with the agency that has jurisdiction.

For example, let me point out what has happened in the Boundary Waters Canoe Area and in Blue Range, Ariz. I am quoting:

> Access has been frustrated and mines have been closed out in the Boundary Waters Canoe Area, and in the White Clouds Wilderness Area. In Blue Range, Arizona, one company spent ten months to get a permit to build a temporary road one eighth of a mile long and to drill one hole. They then asked to build a longer road, but the Forest Service demanded that they use helicopters. The company ceased all operations. In Absoraka, Wyoming, a company was told it could use helicopters only between daylight and 9:00 AM and could only land on the claim site. Personnel had to walk or ride horses. In *Walton League* v. *St. Clair*, 497 F. 2d 851 (8th Cir. 1974), the court upheld the Forest Service's discretionary authority to thwart the intent of the valid rights clauses of the Wilderness Act by frustrating St. Clair's desire for reasonable access to his claims.

Mr. Chairman, I ask, how are we going to induce people to put up risk capital to develop mineral resources under those conditions? They just throw up their hands.

Mr. VENTO. What was that valuable mineral they were seeking in that area?

Mr. SYMMS. I am not sure of the mineral source.

Mr. VENTO. Mr. Chairman, the point is that these rights are protected within certain parameters, but we want to make certain we do not violate another resource, and that is the wilderness. The gentleman points out rules and regulations that permit development and assessment. He goes on to point out limits on patented claims in excess of 100 years old—for 100 years they have been sitting on these claims and done little or nothing and I might add many of these in the BWCA are fraudulent claims, but nonetheless, the Forest Service was on the side of protecting the property rights in the BWCA wilderness.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if my colleagues will forgive me, I will take about a minute on the pending amendment, and then I hope we can get a vote on it.

These mineral matters are important, and I think we will be here until the Fourth of July before some of my colleagues who feel very strongly on this issue have said everything they wish to say on the subject.

The pending amendment is the amendment offered by the gentleman from Kansas (Mr. SEBELIUS), and that would add some park areas back in the bill, the Wrangell-St. Elias and the Gates of the Arctic National Park, making it similar to our bill.

I personally have taken the view that the gentleman from Louisiana (Mr. BREAUX), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Louisiana (Mr. HUCKABY) have the right to have their substitutes or their vehicles presented exactly the way they want them; and with regard to any amendments they may wish to offer, I am going to support them.

With regard to amendments like that offered by the gentleman from Kansas (Mr. SEBELIUS), it goes about 2 percent of the way toward making a bad bill acceptable to me. I personally would support it, but it does not do much for the bill. There is still a lot wrong with Breaux and Huckaby.

Mr. SEBELIUS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Kansas.

Mr. SEBELIUS. Mr. Chairman, I did not intend to start all this lengthy discussion. I was simply making a point about the way this bill has been handled, and I wanted to improve the boundaries for these two beautiful parks. I would like to see a little more park area and a little less wildlife refuge. But I do not want the two sides to be so completely polarized. I do not think that any of these issues are black and white or that they are either fish or fowl. I would like to get a little different approach.

Mr. UDALL. Mr. Chairman, the gentleman is a valuable member of our committee, and his amendment would make the bill a little more palatable. They would not be enough to cause me to support the bill, but I would support the pending amendment.

Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto now cease.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Kansas (Mr. SEBELIUS) to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The amendments to the amendment in the nature of a substitute were agreed to.

☐ 1520

AMENDMENT OFFERED BY MR. BREAUX TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. BREAUX. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. BREAUX to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries: Strike out line 4 on page 601 through and including line 11 and page 606.

Mr. BREAUX. Mr. Chairman, this amendment is largely technical in nature. It deletes two sections of the bill which would have amended the Alaska Native Claims Settlement Act to resolve outstanding legal uncertainties created by that act.

These sections, sections 1403 and 1404 of the Breaux-Dingell bill, were adopted in the Senate committee last year and the House Interior Committee this year. They attempt to resolve some ongoing uncertainties about the tax status of land and services received by native village and regional corporations pursuant to the Native Claims Settlement Act.

Some members of the Ways and Means Committee have objected to this provision on the grounds that their committee should have had an opportunity to review these amendments. I agree with this objection. My amendment simply deletes these sections from the bill.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, would the gentleman classify this as a technical amendment or a substantive amendment?

Mr. BREAUX. I would classify this as a technical amendment. The gentleman from Ohio (Mr. SEIBERLING) might ask the gentleman from Michigan (Mr. DINGELL) whether he also classifies it as a technical amendment. He seems to have more difficulty than I do.

Mr. SEIBERLING. I am horro struck. Does the gentleman mean to say that the great Breaux-Dingell bill would need some technical amendments or some jurisdictional amendments? I am amazed, absolutely amazed.

Mr. BREAUX. I am not amazed. As the gentleman from Ohio so eloquently said that he had a few defects in his bill, we have a few defects in ours; and we are going to cure ours. We hope the gentleman can support our bill.

Mr. SEIBERLING. I commend the gentleman for curing the defects. I would point out this is one defect that the Udall-Anderson bill seems to be free of.

Mr. BREAUX. The gentleman had 93 defects. We only had two.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, I understand the amendment is a perfecting amendment, and we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. BREAUX) to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. EMERY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. EMERY. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. EMERY to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries: Page 363, after line 22, insert the following:

(m) ADDITIONAL EXPLORATION AND DRILLING.—No exploratory or commercial drilling for oil or gas, other than as provided in this section, shall be permitted within the coastal plain—

(1) unless authorized by a law which is enacted after the date of the enactment of this Act; and

(2) until the Secretary—

(A) has offered for lease all those areas in the Teshekpuk-Utukok National Wildlife Refuge having a reasonable oil and gas potential, and which the Secretary intends to offer for lease pursuant to section 304(a)(14)(D);

(B) finds that sufficient exploration of the oil and gas potential of the Teshekpuk-Utukok National Wildlife Refuge has been completed so that reliable estimates of the oil and gas potential of the refuge can be made based on the activities of the lessees and such other information as is available to the Secretary; and

(C) has submitted to the Congress a report containing—

(i) an identification of those areas of the refuge which have oil and gas potential and an estimate of the volume of the oil and gas concerned;

(ii) a description of how such oil and gas, if produced, may be transported to processing facilities; and

(iii) an evaluation of any environmental impacts which may occur as a result of the development of the oil and gas resources of the refuge and proposed measures to mitigate any adverse impacts.

□ 1525

Mr. EMERY. Mr. Chairman, I have had, I think, as much exposure to the various disagreements and alternatives on this legislation as any other Member of the House, since the Merchant Marine and Fisheries Committee has been dealing with its many difficult provisions now for over 2 years.

Probably the major controversy—at least the major controversy in my mind—is the question of the future of the coastal plain of the National Arctic Wildlife Refuge.

On one hand, we recognize the many very sensitive environmental issues on the coastal plain with respect to the caribou herd. On the other hand, we need to learn as much as possible about its oil and gas potential.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. EMERY. I yield to the gentleman from New York.

Mr. MURPHY of New York. The amendment of the gentleman from Maine, very carefully crafted, probably resolves one of the controversial points that affects the Breaux-Dingell bill. I think that the Merchant Marine and Fisheries Committee would be happy to accept it.

Mr. EMERY. I thank the gentleman for his support.

I would like to explain very quickly my purpose for introducing this amendment. Then I will yield to other people for their comments or questions.

The second feature of the controversy, of course, has been the need for developing whatever oil and gas reserves are in Alaska which may eventually help to mitigate our energy crisis, and which may be exploited in an environmentally acceptable manner.

What I have done, in plain English, is to provide an amendment which deemphasizes the entrance into the coast plain and accelerates the oil and gas exploration in Pet-4, which is that very tongue-twisting wildlife refuge that the Clerk so admirably pronounced.

My amendment is really quite simple. First of all, it prohibits drilling in the Arctic National Wildlife Range until Congress expressly votes to do it, and secondly, until leasing in Pet-4 has begun and until the Secretary of the Interior has had an opportunity to determine whether or not a suitable reserve of oil and gas exists in Pet-4 to warrant production in a safe efficient manner.

I thank the gentleman from New York (Mr. MURPHY) the chairman of the Merchant Marine and Fisheries Committee for his support. Now I will be glad to take questions.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. EMERY. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I think the gentleman has offered a constructive amendment to Breaux-Dingell and has shown sensitivity toward the problem that is inherent in the bill, which is that it focuses attention too much on the 5 percent of the high and favorable oil potential onshore in Alaska, which in the Arctic Wildlife Range, according to the best estimates—actually it is probably lower than that according to the latest estimates—and at the same time tends to distract people from paying attention to the other 95 percent or whatever it turns out to be.

I think that this is an excellent effort to try to shift the focus back on developing the major part of that whole equation. I would only like to point out, though, that under the gentleman's amendment, as I understand it, and if I am incorrect, I hope the gentleman will correct me, it would still permit seismic exploration in the Arctic National Wildlife Range by private industry. In fact, it would mandate that a program for that be permitted. Of course, the one thing that we differ on, as between Breaux-Dingell and Udall-Anderson, is that the Arctic Wildlife Range is so fragile that that should have been the last place we look; whereas, there is no real guarantee under the gentleman's amendment that the oil industry would not go in there anyway and try to take a look to the extent his amendment allows.

Mr. EMERY. If I might comment, the gentleman is 95 percent correct. He is quite correct in pointing out that my amendment deemphasizes the immediacy of moving into the most fragile environmental area in the Arctic Wildlife Range.

It does not violate the very important study provision which exists in the Breaux-Dingell bill, which I very strongly support, because, I think the gentleman would agree, whether it is now or in 10 years in which the Congress may make the decision to move into that environmentally fragile area, that it is important to have specific knowledge, not only of what oil and gas potential there is on the coastal plain, but also the nature of the damage that may be done to that caribou herd.

□ 1530

The Udall-Anderson bill does not provide a study of that specific situation.

Mr. SEIBERLING. Will the gentleman yield on that point?

Mr. EMERY. I yield.

The CHAIRMAN. The time of the gentleman from Maine has expired.

(By unanimous consent Mr. EMERY was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. As a matter of fact, the Udall-Anderson bill specifically mandates a barren ground caribou study on the entire Arctic Slope, and it provides for that study to be conducted over a period of years and a report made to the Congress.

But, the difficulty I have with the Breaux-Dingell bill is that, after 5 years of seismic exploration and other exploration, it mandates that exploration be permitted, and in fact conducted, even before we know the results of such a study. To me, that is a very significant difference. We ought not mandate any exploration there until we have completed the study of the impact on caribou, where we can do by virtue of the activities in Pet-4.

Mr. EMERY. The gentleman certainly agrees, though, that my amendment is a much more stringent approach.

Mr. SEIBERLING. It is a great improvement, I agree.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. EMERY. I yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, I appreciate the gentleman yielding. As a colleague of his on the Merchant Marine and Fisheries Committee, I have shared his concern about the Arctic Range. I too feel that his amendment is an improvement, but I wonder if, in trying to insure that the Arctic Range is the last area in which there is development, if the gentleman would not concede that it would be wiser to assure that the Arctic Range is, indeed, the very last area; that it would not be wiser to add all of the known refuges in the Outer Continental Shelf and apply the same procedures there as he does under his amendment to Pet-4, guaranteeing that indeed the Arctic Range, which is the critical calving area for the caribou herd, be last.

The CHAIRMAN. The time of the gentleman from Maine has again expired.

(By unanimous consent Mr. EMERY was allowed to proceed for 2 additional minutes.)

Mr. EMERY. I would answer my colleague from Oregon by simply pointing out that this legislation has nothing to do with the Outer Continental Shelf, and I do not think there is any way we can legislate in this bill the policy that will be established on the Outer Continental Shelf. If I were certain that this House was going to vote for a piece of legislation today that would correct all of the concerns in the Arctic National Wildlife Range, including the coastal plain, we might not have to consider my amendment. But I cannot state, and the gentleman cannot state, whether we are going to get wilderness status, or wide-open exploration on the wildlife range without any meaningful attempt to exercise restraint in this or in other areas.

I also point out that there are safeguards in my amendment to PET 4 and to its wilderness population by requiring a study be done on oil and gas discovered there; transportation problems, pipelines, and highways that may be necessary to get the people in and the oil out; and third, a report to the Congress on the environmental impact on PET 4. So, I think I achieve a balance. I am not able to come up with a perfect alternative, but this is better than what we have.

Mr. AuCOIN. If the gentleman will yield further, I would say again that I think the gentleman makes a contribution in offering this amendment. I just do not think that it goes far enough. I am afraid we are ignoring known reserves elsewhere and exposing a very critical ecological area to what could be ultimate development when there may not be a need to develop this area. I appreciate the gentleman's position in this discussion, it is a step in the right direction, but I do not think this position goes far enough.

Mr. EMERY. I hope the gentleman helps me make that step in the right direction.

☐ 1535

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think we are now approaching one of the core issues of the matter before the House. There is a rather striking difference between the bill that was reported by the Committee on Merchant Marine and Fisheries and the bill that was submitted by our good friend, the gentleman from Arizona, (Mr. UDALL) without any committee consideration, and that is in the study on caribou. It also is in regard to the assessment of resources, wildlife habitat, and also oil resources on the Arctic game range. Despite protestations of those on the other side, the Committee on Merchant Marine and Fisheries bill does not permit development on the Coastal plain of the Arctic Refuge. I know a little bit about this subject because I offered to the Congress the original legislation that created that proposal, and I spent years as chairman of the Subcommittee on Fisheries and Wildlife Conservation protecting that area against development. But that was before we had a major energy crisis, before we had gasoline station lines, and before we imported 50 percent of the petroleum products we use in this country and before we were seeing a potential outflow of dollars each year of $60 billion for oil, and before we faced the possibility of panicky development of that great national treasure.

What is the difference between the Udall-Anderson bill and the Breaux-Dingell bill? As regards the caribou study, first of all, there is no mandate in the Udall proposal that there be a study of caribou, but there is an absolute requirement that there be a study of caribou and how they are protected by man's actions under the Breaux-Dingell proposal, a significant difference.

The second difference: With regard to assessment of resources, remember, no development under either instance, the Breaux-Dingell or the Udall-Anderson, but a 7-year assessment of caribou, and at the end of the first 2 years of assessment of caribou habitat and how to protect them, then a 3-year magnetometer and seismic survey to find out what is the potential for oil and gas and during the last 2 years off-structure drilling would be permitted to ascertain what are the possibilities of petroleum.

Regulations issued by the Secretary of the Interior under the Refuge Administration Act would require several things, first, that the habitat be protected; second, that the animals be proected; and, third, that the purposes of the refuge be carried forward and that there be nothing done which would be destructive of any of the above.

Specifically required is that the petroleum assessment take place when the caribou are not there. Interestingly enough, the man who has studied caribou more than anybody else sent the committee just today a study of what are the facts with regard to caribou. This is the Commissioner of the Department of Game and Fish, and he tells us—and I will put this in the RECORD for the benefit of the gentleman from Ohio—that the main calving grounds of the porcupine herd are not on the Arctic Wildlife Range coastal area; they are in the foothills, some distance to the south. But more importantly, we do not allow any work to be done while the caribou are present. More importantly, we do not permit work to be done which would jeopardize them or their habitat. Contrary to what has been said, we do not allow the use of explosive charges in seismic work but rather only of large vibrators, which would be used only during the winter, and when the caribou are not present.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Yes, I will yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding. The gentleman from Michigan could stand a little help, too. I invite his attention to section 306(b) of the Udall-Anderson bill.

Mr. DINGELL. The gentleman will have to do that on his own time.

Mr. SEIBERLING. The gentleman from Michigan made the statement that there was no such study in the Udall-Anderson bill, and that is not so.

Mr. DINGELL. Let me just continue here. Under the Udall-Anderson bill, exploration would have to be done only by air borne magnetometer. A magnetometer is towed by an airplane and it tells there is a magnetic anomaly in the ground. But here is a study made by the U.S. Geological Survey which says as follows of the use of magnetometers up in the North Slope Country:

> Unfortunately, with gravity data alone it cannot be determined whether important reservoir and surface rocks have been truncated in the subsurface.

☐ 1540

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that I be permitted to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. SEIBERLING. Mr. Chairman, I reserve the right to object.

Mr. Chairman, I wonder if the gentleman would yield to me 30 seconds to correct the RECORD?

Mr. DINGELL. Mr. Chairman, I will be happy to yield the gentleman 30 seconds as soon as I finish.

Mr. SEIBERLING. Mr. Chairman, I thank the gentleman and withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Here is the real fact of the matter. You cannot tell what mineral deposits are there just by flying by with a magnetometer.

What is going to happen if we adopt the Udall-Anderson bill, the next time we have a major problem in this country with energy or other things, this Congress is liable to be stampeded into the most awful plundering of Alaska that the human mind can contemplate and the consequences of that are that we will be up defiling the Arctic game refuge and every one of these areas we are setting aside. That is why it is important we do legislate here in an orderly fashion. Let us set up a mechanism to find out what are the resources, find out what protections the wildlife requires, how to protect it, adopt the amendment offered by the gentleman from Maine.

I now yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, the gentleman made a statement at the start of his 5 minutes that the Udall-Anderson bill did not provide for any study.

Mr. DINGELL. Mr. Chairman, I did not say that. The gentleman was not listening. I said it does not mandate it. Ours mandates it. There is a difference.

Mr. SEIBERLING. Mr. Chairman, the gentleman is incorrect. I will just read the language of section 306(b).

> The Secretary of the Interior shall conduct an ecological study of the Barren-

> Ground caribou herd north of the Yukon and Tannana Rivers including but not limited to . . .

And then it goes on to mention a whole lot of aspects including the effects on a herd of developments by man.

Mr. DINGELL. Mr. Chairman, I will tell the gentleman why I said that. It is because if the money does not come through the Committee on Appropriations there is no requirement that that study take place. Under our proposal the study has to take place at the same time the exploratory work does so that there is no way that the secretary can evade the responsibility of making (a) the caribou study and (b) the assessment by hydrocarbons. That is the difference.

The language of the gentleman is very nice and I applaud it. It is a sign that he is concerned about this matter and I applaud that concern. But I point out that it is not mandatory because we have been mandating studies around here for years and they have been diligently ignored by the Department of the Interior.

The CHAIRMAN. The time of the gentleman has expired.

(On the request of Mr. SYMMS and by unanimous consent Mr. DINGELL was allowed to proceed for 1 additional minute.)

Mr. DINGELL. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I think the gentleman in the well makes a very good point. There is no time limit on section 306(b) that says when they have to have the study. It goes on and says:

> The secretary acting through the Secretary of State and consultation with the Governor, shall as soon as possible, enter into negotiations with the Government of Canada for the purpose of entering into a treaty.

We do not really know what that would lead to. I think the gentleman's point is good.

Mr. DINGELL. Mr. Chairman, it would lead us to suffering whether or not we are going to get that study on the basis of whim and caprice in the Department of the Interior, at the whim and caprice of the Office of Management and Budget and at the whim and caprice of the Appropriations committees of the House and Senate.

If I understand the priority of things around this place it is that caribou studies are going to get very low priority unless they are tied to mineral assessment.

Mr. SANTINI. Will the gentleman yield to me, Mr. Chairman?

Mr. DINGELL. I yield to the gentleman from Nevada.

Mr. SANTINI. I appreciate the gentleman's yielding.

I want to identify myself with the gentleman's well stated remarks. I only share the aspiration that some day we might elevate in terms of priority cobalt to the status of caribou.

Mr. DINGELL. I concur with the gentleman from Nevada.

Mr. MARRIOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to take a couple of minutes to make a few points regarding the energy and gas situation in these bills. I have no problem with the terms of this amendment though I do not believe it accomplishes much more than Breaux-Dingell. However, I would like to make a few points about the energy and gas situation in this country.

In the national energy plan that President Carter is working on, they make the point that we need to develop in this country 11 million barrels a day by 1985. That means we have got to increase production up to the 4 billion barrel level. That means we need to have 74 billion barrels of reserves in the United States by 1985 to maintain a 10-to-1 ratio of reserve to production.

☐ 1545

At the end of 1976 we had in this country 37.3 billion barrels of reserves. That means that by 1985 we have got to increase that by another 36.5 billion in order to be in a position to get 4 billion barrels a day of production.

The domestic proven reserves of the United States today are 31 billion barrels. The inferred oil reserves, that is, the revisions and extensions of existing fields, are 20 billion; so we have approximately 51 billion total barrels.

CRS in their Project Independence study indicated that we could, in fact, become independent if we decontrolled by June, if we put no windfall profit tax on the oil companies, if we had no change in the OSC Land Act, if the annual lease of 1.5 to 2 million acres of OSC land was continued for exploration and development and if there was no vertical divestiture, and finally if we moved into the Alaska area.

The second point then in terms of Alaska is this, that we do have in Alaska great potentials of oil. The last report I received was that we had between 16 and 25 billion barrels of oil on shore. Ten to twelve billion of those barrels are predicted to be in the Arctic range area.

The USGS and the Bureau of Mines say there is 10 billion which, by the way, represents one-third of the proven reserves of the United States. Those reserves are only about 75 miles from Prudhoe Bay, which is the largest oil land in history.

At this point there have been no wells drilled, no seismic or geophysical work, only flyover observations.

I think it would be a big mistake to tie up that land under the language of the Udall bill.

I think that one of the advantages that we have is that the transportation systems in place, the Alaska pipeline from Prudhoe Bay, now has the capacity to handle more oil than it is now handling and, therefore, that we ought to move in that direction.

This is a quote from the CSR report and I think it is an interesting one. It says:

> Alaska, however, offers areas in which undiscovered giant fields may still exist. It is these very large fields that offer the possibility of rapid and more efficient development which may meet the projections given above. However, the development must begin at once, given the lead time involved.

So it seems to me, Mr. Chairman, that we have basically here a national situation where we had better be developing the resources that we have or we are all going to be in trouble far more seriously than we are now.

In the Carter administration national energy plan No. 2, which just came off the press. I would like to give you these quotations. No. 1:

> As an immediate objective, the nation must reduce its dependence on foreign oil and its vulnerability to supply interruptions.

No. 2, Alaska:

> Production will be stimulated through steps to accelerate transportation systems. The $7.8 billion Alaska pipeline is in place, ready to receive over one-half million more barrels a day from that area.

The CHAIRMAN. The time of the gentleman from Utah (Mr. MARRIOTT) has expired.

(By unanimous consent, Mr. MARRIOTT was allowed to proceed for 2 additional minutes.)

Mr. MARRIOTT. Mr. Chairman, No. 3:

> Oil production in the lower 48 will fall even further during the near term, but, the administration goes on to say, its decline will be offset by more Alaskan oil from frontier regions.

Finally, turning to natural gas, of which this area has great potential, the NEP–II states:

> Sources of gas will be used in the order of their cost-effectiveness and security. Under present circumstances, the order of attractiveness is: No. 1, Alaska.

So my point, Mr. Chairman, is, in conclusion, that we have a national problem. We need more oil. We are running out of reserves.

☐ 1515

Mr. Chairman, this area of Alaska that the Udall bill ties up has 10 billion to 12 billion barrels of oil in it.

Mr. Chairman, in the name of commonsense, in the name of national priorities, and in the name of U.S. independence, I urge that we support the Breaux-Dingell language and strike down the language of the Udall bill.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. MARRIOTT. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, I rise in support of the amendment and compliment the gentleman from Maine (Mr. EMERY) for offering it.

It strikes me that this is a middle ground amendment and addresses an important area, by providing safeguards and guidelines that are important in identifying our oil and gas needs in this area, while at the same time providing a program for addressing environmental concerns and measuring environmental impacts in this very important wildlife refuge.

Mr. BREAUX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not like the amendment offered by the gentleman from Maine (Mr. EMERY). I do not think it really helps a great deal, although I think the gentleman has improved it by some of the changes he has made in it.

I would take just a minute to ask the gentleman from Maine if his amendment would do anything to take away from a study that has been authorized in the Breaux-Dingell approach. I refer to the 7-year study.

Mr. EMERY. Mr. Chairman, if the gentleman will yield, no, it absolutely does not.

Mr. BREAUX. Mr. Chairman, in the gentleman's interpretation, would any of the things we have spelled out in the study he prohibited by the gentleman's amendment?

Mr. EMERY. Positively not.

Mr. BREAUX. Mr. Chairman, I thank the gentleman for his response. In that sense, he has improved on the amendment.

Mr. Chairman, I take this opportunity to discuss the area we are talking about. We are talking about the Arctic Coastal Plain. The Arctic Coastal Plain contains 1.6 million acres, and there is a difference in the treatment that the Udall-Anderson bill makes to this area of wilderness.

Nobody knows what effect any development or exploration will have on the caribou. Everybody can agree that we do not know. Everybody can also agree that we do not know really what minerals are up there. We do not know what the hydrocarbon potential is. We do know it is an area about 55 miles east of Prudhoe Bay, the richest find in all of North America.

We do know the caribou should be studied. What we have done in the Breaux-Dingell approach is to spell out a 7-year plan. The first 2 years is devoted entirely to studying caribou and what effect any mineral development or exploration might have on caribou.

In addition, a major feature of our bill is the fact that we provide some upfront money. We require the industry which wants to go in and explore to put up the money to pay for the caribou study. All the caribou experts who have talked to us say, "We have not done enough studying on the caribou population and how they might be affected by any exploration or development," and they say they just do not have sufficient funds available.

So Breaux-Dingell takes the approach that we are going to get a fee from mineral companies interested in going in that areas and use it for the first 2 years to study the caribou.

After 2 years of doing nothing but studying, we would then allow private industry to come in and get a permit in order to do seismic and geological work. At the same time the study would be continued. Again there would be no drilling. There would only be studying and seismic work, which is not going to damage anything.

The Secretary must say that this exploratory work would not be done while the caribou are there. Heaven forbid, the caribou are only there between 6 and 8 weeks out of the year, and the work would be done when the caribou are not even in that area.

After 7 years of studying the caribou and also trying to determine whether there might be an oil or gas there, we then say that the Secretary shall make a report back to Congress, and that report shall be a recommendation either to prohibit development or to go ahead with development.

Then Congress, only by an act of both Houses, would have to authorize any development before it could occur. Absolutely no development could occur in this coastal plain unless Congress, after having all the facts before it, made a decision to allow development.

That is our approach. That is why I say the amendment offered by the gentleman from Maine (Mr. Emery) is really not needed, because what the gentleman from Maine says basically is, "All right, in addition to all that, we are not going to allow any development until we go out and look for oil and gas in Navy Petroleum Reserve 4 and all other areas in Alaska where there might be some potential." He says that the Secretary has to offer for lease all those areas in the Naval Petroleum Reserve having reasonable oil and gas potential before we can go ahead and proceed with the development of the coastal plain.

He has to also find there has been sufficient exploration when NPRA has been completed. He has to submit a report to Congress saying that all these things have been done.

The basic point is that I think the amendment offered by the gentleman from the Maine (Mr. Emery) says that he has to do so many different things that are really impossible to judge before he can go ahead with development of the Arctic Coastal Plain, even though there might be oil and gas there and even though we have done a 7-year study.

For that purpose, Mr. Chairman, I think it is just cumbersome, and I do not think the amendment really adds that much, although the gentleman has corrected it in a number of areas.

Mr. EMERY. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. Since I referred to the gentleman from Maine, I will yield to him.

Mr. EMERY. Mr. Chairman, I am not going to take much time in responding.

First, I wish to point out that I very much favor the position of the gentleman from Louisiana (Mr. Breaux) with respect to the caribou study.

This matter was studied extensively in the Committee on Merchant Marine and Fisheries, and I think it will give us a valuable tool in understanding what affects the caribou and what does not affect the caribou in that crucial area.

The concern I have is that with the things being left as they are, there will be no real incentive to look in that other area, which has been described as containing 90 or 95 percent of the potential oil and gas resource.

☐ 1555

So I think the gentleman might also interpret my amendment as a boost for the exploration for the potential oil and gas reserve that is in the area.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. Breaux) has expired.

(By unanimous consent, Mr. Breaux was allowed to proceed for 2 additional minutes.)

Mr. FORSYTHE. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from New Jersey.

Mr. FORSYTHE. Mr. Chairman, I just want to add my voice to those who have supported the Emery amendment.

As has been said by the gentleman from Louisiana (Mr. Breaux), it has tremendously guaranteed just how we are going to go in that very sensitive area of the study of the caribou. It does, I think, with the Emery amendment, now establish priorities for action, which was the one place where the gentleman's amendment and the Breaux bill perhaps did not go. But it is so important to have this kind of a situation involved because, as we know, we did not come through the House last year without having Federal exploration of the Arctic Range. It is important that we have this.

Mr. BREAUX. I appreciate the gentleman's comments.

The problem is that this Secretary is never going to find sufficient exploration has been done anywhere in Alaska to make that decision. That is my problem. If we had a different Secretary, I would trust him a little more.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Louisiana.

The gentleman has the term "sufficient exploration" in the language. What happens if, down the road, private industry is exploring in some areas, and perhaps we have another Prudhoe Bay area, and maybe all of the areas have not yet been offered for lease. Would it be possible to come in, if private industry desires and if studies indicate, and all of the other conditions of the Breaux-Dingell bill are met, to go into the Arctic Wildlife Range, or does every area have to be offered for lease, actually lease money exchanged and actually wells drilled?

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. Breaux) has again expired.

(By unanimous consent, Mr. Breaux was allowed to proceed for 2 additional minutes.)

Mr. EMERY. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Maine.

Mr. EMERY. Mr. Chairman, my intention is not to put some sneaky prohibition in the law which detracts from oil and gas development. If the gentleman will look at 308 as exists in this piece of legislation, he knows that it requires the Secretary of the Interior to establish a leasing program within a year and to provide lease sales within 18 months. That I think is a reasonable guarantee.

Mr. HUCKABY. But all of Pet-4 will not be offered in 18 months, as we know.

Mr. EMERY. The point is that we have required, pursuant to that section, that lease sales be made in those areas where oil and gas potential is considered to be the greatest. They cannot pick a mountain top where oil and gas does not exist. It is my intention that the Department of Interior, working under the law as in existence now, and that in this legislation, will proceed with all deliberate speed to making those areas of oil and gas potential, so far as we are aware of where it is available, for oil and gas leasing.

Mr. HUCKABY. Within 18 months?

Mr. EMERY. Within 18 months. It is my intention to at least begin the sales within that period of time. It is also my intention that the leasing operations go on as efficiently and as expeditiously as possible, so that we may develop whatever oil and gas potential exists in Pet 4. Our attention has been focused on that plan.

Mr. HUCKABY. What will happen in that area where a given basin is leased and there is no exploration in that area? Does that block out all of the Arctic Range?

Mr. EMERY. No. The intention of the amendment is not through some sneaky device to prohibit any oil and gas exploration.

☐ 1600

All I can say to the gentleman is if the company leases the tract to develop it, it is their waste of money, and they are the one paying for the program. I do not believe that is going to happen.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. BREAUX) has expired.

(At the request of Mr. MARRIOTT and by unanimous consent, Mr. BREAUX was allowed to proceed for 2 additional minutes.)

Mr. MARRIOTT. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I will be glad to yield to the gentleman from Utah.

Mr. MARRIOTT. I would like to say, before we get too muddled up in this language, that the Breaux-Dingell language is in fact the compromise language.

On the one hand, we could develop this land now, and that is what we probably should do, or we should withdraw it all together as the Udall-Anderson bill does.

The gentleman's bill is, in fact, a compromise bill, and we should not let that languish and let that slip by us in confusion.

Mr. SANTINI. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I am happy to yield to the gentleman from Nevada.

Mr. SANTINI. I appreciate the gentleman yielding.

May I ask the consequence or impact of the gentleman's amendment upon any potential hard rock mineral resource in the region affected by the amendment?

Mr. EMERY. I know of none, because my amendment deals with oil and gas, not hard rock minerals. While I have the minerals, I would like to observe and comment on the objections raised by the two gentleman from Louisiana. That simply is that there are a lot of people on the floor here and a lot of people who will be voting on this that have similar problems to mine in trying to balance a need for determining oil and gas reserves, with protecting the wildlife. And if we are very sure that we have got enough votes to pass the thing without making any compromise at all, that assists those of us who are worried about it, then do not support it.

If you feel that there is a real possibility of winning some support through a more moderate approach, I really think we ought to consider this.

Mr. BREAUX. I appreciate the gentleman's support for the bill.

Mr. EVANS of Delaware. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Udall-Anderson substitute, and I can assure you that I arrived at this conclusion after very long thought and at times some agonizing study. I understand the confusion surrounding the legislation, because it is quite complex.

It is not an easy question, although there are some who portray it as an easy question. It is not. But it is a chance to preserve for now and for future generations some of the most precious wildlife and scenic areas in the world, while at the same time, permitting in a responsible manner the development of oil. gas, minerals, and other assets which Alaska possesses.

Each of the proponents of the measures on the floor today, the gentleman from Louisiana (Mr. HUCKABY), the gentleman from Louisiana (Mr. BREAUX), and the gentleman from Michigan (Mr. DINGELL), the gentleman from Arizona (Mr. UDALL), and the gentleman from Illinois (Mr. ANDERSON), will tell you that their bill is the proper vehicle for balancing the needs of preservation and development.

However, in my opinion, the Huckaby bill and the Breaux-Dingell approaches are far more weighted to the needs of the developers than is prudent, at least at the present time.

To illustrate my point, let me compare only one aspect of these bills, that of oil exploration.

During the hearings, I asked everyone I possibly could the same identical question. How much high-potential oil and gas-producing lands lie outside the boundaries of H.R. 39, as authored by the gentleman from Arizona (Mr. UDALL), and cosponsored by over 140 Members of the House?

The answer I got time and time again was that 95 percent of Alaska's sedimentary basins having high potential or favorable geological characterisics for oil and gas would be opened for development—95 percent, ladies and gentlemen—yet, the oil companies are not satisfied.

The Udall-Anderson substitute lets private industry into the 22.5 million-acre national petroleum reserve. It lets them into nonwilderness refuges throughout the State. It mandates a leasing program on Federal lands outside conservation system units, administered by the Bureau of Land Management. But it does not, and wisely so, in my opinion, permit exploration into the coastal plain of the Arctic National Wildlife Range. That area should be the last and not the first place that we explore for oil and gas.

Mr. Chairman, I think too many people support the old thought of "Get all you can while the getting is good."

☐ 1405

Reluctantly, I have come to the conclusion that some of the oil companies follow that precept. I am reminded, Mr. Chairman, of the story of a shipwreck where a captin and his crew found themselves adrift in a lifeboat. The captain showed a great deal of vision in the lifeboat where they had some provisions of food and water. The captain kept in a secret compartment in that boat about a gallon of water that he thought they might need, and he kept it there because he felt that the pressures would be unbearable if the rest of that crew knew that the water was there.

I think that particular story illustrates some vision and some courage and some guts. I think we have the same responsibility today to avoid the pressure the Breaux-Dingell bill would set up. Their bill would establish a 7-year program of exploration by private oil companies. There is no doubt in my mind that this period will be the beginning of tremendous oil industry pressure to open up these lands for actual, full-scale development.

For one thing, the Breaux-Dingell approach prohibits on-structure drilling. Yet, the oil companies have told us again and again that the only way to actually be sure that there is oil in a given location is to drill for it. Second, it is inconceivable to me that the oil companies will sink millions of dollars into exploration without pressing hard to produce the oil that is found there. I think we need to explore elsewhere first.

The CHAIRMAN. The time of the gentleman from Delaware has expired.

(At the request of Mr. VENTO and by unanimous consent, Mr. EVANS of Delaware was allowed to proceed for 3 additional minutes.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Delaware. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just want to point out here that in terms of production and leases, the Federal Government has a massive leasing program. In fact, as of September 30, 1978, 104 million acres of Federal land—104 million acres of Federal land—is under lease for oil and gas exploration. Do the Members know how much of that 104 million acres, which includes offshore and onshore—and this information is from the Department of Energy, which has responsibility to maintain due diligence and development of that resource—do the Members know how much of that is developed today? Less than 1 million barrels a day come from that. That is a tremendous amount, but it is only about 5 percent of what our total need is.

So, I think there is a real question

about whether we have due diligence with regard to gas and oil production offshore. There is some gas there and other power sources, but I think the key figure is 1 million barrels of oil a day from over a hundred million acres of land that they have. Under Udall-Anderson, they have 100 million acres available, and as the gentleman from Delaware says, 95 percent of the land is to be developed. I think the gentleman makes a very important point.

Mr. EVANS of Delaware. I thank the gentleman from Minnesota for his contribution. I would like to point out one very important fact. We do not have a comprehensive energy bill yet. We do not know the effects of a comprehensive energy bill. We do not know what phased decontrol might do. We do not know what incentives for additional exploration and development of oil and gas in this country will do.

But what I am saying is that we should exercise some vision, as the captain of that ship that was shipwrecked did. All we are asking is that the oil companies look elsewhere first.

Let me repeat something that the distinguished gentleman from Arizona (Mr. UDALL) said in winding up the debate last year on H.R. 39. He paraphrased from a song about, "This land is my land; this land is your land; this land was made for you and me."

☐ 1610

I would like to point out that H.R. 39, the Udall-Anderson approach is a bill that is a bipartisan bill. It is for Republicans; it is for Democrats; and I think it is in the very best interests of the present as well as the future.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Delaware. I yield to the gentleman from Oregon.

Mr. AUCOIN. I appreciate the gentleman's yielding.

I want to strongly compliment the gentleman for the excellent remarks he has made just now, particularly with regard to the coastal plain of the Arctic Range. He is a valuable member of the Committee on Merchant Marine and Fisheries, and I have enjoyed serving with him. He has sat through 2 years, as I have, in that committee listening to the kind of debate that would stampede us.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. AUCOIN, and by unanimous consent, Mr. EVANS of Delaware was allowed to proceed for 2 additional minutes.)

Mr. AUCOIN. If the gentleman will yield further, for 2 years on this committee we have listened to arguments that would stampede us as a committee and as a Congress into opening up the Arctic Range for exploration, for test drilling, and the like, and ultimate development, because that is the natural consequence that would come from those initial activities. We have listened to the arguments, and we heard yesterday on the floor the arguments of long lines in California and the ultimate needs that we have in the Nation. I think it is just important, before we get stampeded, to take a look at what the best evidence is of the reserves that exist on the coastal plain of the Arctic Range.

It has been stated we do not have definitive data; that is true, not definitive data, but we have some pretty strong clues. Among those is information from the U.S. Geological Survey which indicates that the reserves in that area are very limited. As a matter of fact if we were to double the estimates of the U.S. Geological Survey, we would end up with a 38-day supply of oil to the United States—a 38-day supply of oil. Given the critical wildlife habitat, the critical wildlife use in this area, and given the fact that so many other areas of Alaska that will be developable under this legislation and under the Udall-Anderson legislation can be tapped, I ask the Members, what kind of a trade-off is that? Let us not be stampeded by facts of that kind, because they are fallacious.

Mr. EVANS of Delaware. If the gentleman will yield back my time, I thank my friend, the gentleman from Oregon, for his usual succinct, reasonable, and rational approach to developing solutions to some very complex problems.

Mr. MARRIOTT. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Delaware. I yield to the gentleman from Utah.

Mr. MARRIOTT. I thank the gentleman for yielding.

I want to make just one point. The gentleman is correct in saying that the Udall bill opens up 95 percent of the land, but he is also aware, is he not, that the 5 percent that is closed contains 60 percent of all the potential oil?

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. EVANS of Delaware was allowed to proceed for 1 additional minute.)

Mr. MARRIOTT. If the gentleman will yield further, if that is the case, and if, as the gentleman from Michigan (Mr. DINGELL) indicated, the caribou really are no problem, we should be able to balance out. Then is the gentleman still against developing that area?

Mr. EVANS of Delaware. If the gentleman would yield back my time, I am not against developing that area if we have to. We may have to one day, but considering the critical nature of the habitat there, considering the fact that we do not know what the impact will be, particularly on those caribou who are calving, I do not think we need to begin oil activities yet.

Mr. VENTO. Mr. Chairman, will the gentleman yield on that point?

Mr. EVANS of Delaware. I yield to the gentleman from Minnesota.

Mr. VENTO. We have a study, the third interim report of the effects of the trans-Alaska pipeline on caribou movements, and I think this is something the Members ought to look at. We do have information on what the impact is. We have a substantial change in terms of caribou calving affected by the trans-Alaska pipeline, which has been available to us for some time.

Mr. EVANS of Delaware. If the gentleman would yield back my time, there is a vast difference between a bull caribou and a cow. According to the studies I have reviewed, bull caribou may not be particularly affected by the presence of man. But female caribou are a different story. Cows are extremely skittish, will go so many miles out of their way to avoid man. This might well have a significant effect on the reproductive cycle, and ultimately could have a very adverse impact on caribou population. I thank the gentleman from Minnesota for his contribution.

The CHAIRMAN. The time of the gentleman from Delaware (Mr. EVANS) has expired.

Mr. HUCKABY. Mr. Chairman, I move to strike the last word.

Mr. SEIBERLING. Mr. Chairman, will the gentlman yield for an announcement?

Mr. HUCKABY. I yield to the gentleman from Ohio.

Mr. SEIBERLING. The Interior Committee's videotape of our hearings and the views of the various areas we are talking about is going to be shown one more time in H-122, if any Members wish to go down and take a look at it. Some have already been there. They will find it very interesting.

Mr. HUCKABY. I thank the gentleman.

Mr. Chairman, I rise to take strong exception to the gentleman from Delaware (Mr. EVANS) in what he has to say. His facts are just not correct and he is twisting them. You can go out and look at the maps that they have presented today, and you will see that only 85 percent of the sedentary bases, not 95 percent, are open for development under the Udall bill. Alaska's offshore oil potential is estimated to be some 16 to 25 billion barrels. However, at least half of this is expected to occur on the North Slope. Specifically, on the coastal plain of the Arctic Range the estimates range from 0.8 billion up to 14 billion barrels of oil. Accordingly, between 3 and 50 percent of all the total onshore gas and oil in Alaska is in the Arctic Wildlife Range. It is a big area there—between 3 and 60 percent.

☐ 1615

What if it is 60 percent? What if you do have another Prudhoe Bay there? They are using the argument, "We will hurt the caribou."

There are 3 herds in the Arctic region, caribou herds. Only 1 of the 3 has increased in size in the last 10 years and that is the herd where Prudhoe Bay is. The other 2 where man has not been, have declined in numbers.

We demonstrated in Prudhoe Bay that man and the environment can exist together.

I must ask the gentleman, how long do the gasoline lines have to get before the gentleman would be willing to explore the Arctic Wildlife Range? We are not talking about rushing in and doing it tomorrow. We are calling for a 7-year study and then let Congress assess and determine whether or not you are going to do that.

I would suggest to you if the Huckaby, Breaux-Dingell approach should not pass, within 2 or 3 years the Congress is going to stampede up there and start exploration without any studies.

Mr. EVANS of Delaware. Mr. Chairman, will the gentleman yield to me since he asked me a question?

Mr. HUCKABY. I will be glad to yield to the gentleman from Delaware.

Mr. EVANS of Delaware. I thank my friend for yielding.

I do not think it is a question of how long the gas lines will get.

Mr. HUCKABY. The gentleman's people in Delaware, I think, will.

Mr. EVANS of Delaware. I think it is a question of what we should be doing to develop a comprehensive energy proposal. What incentives should we be giving for exploration and development here? What should we be doing in terms of nuclear energy that is safe? What should we be doing in terms of developing solar energy? We have not been doing enough. I think we have to do that first. I think we have to look at what might occur as a result of the incentives that we give oil companies to develop here in the United States before we go into a critical habitat area such as the coastal plain of the Arctic National Wildlife Range. If we have to some day, then so be it. I do not think we have approached that today.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield to me?

Mr. HUCKABY. I will be happy to yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for bringing out one point I have stressed again and again and again. If you have the brochure, you might examine it. You have heard the gentleman from Delaware (Mr. EVANS) and the gentleman from Arizona (Mr. UDALL) say, "When it is needed we will go get it."

That is what I want to avoid. If you need it that badly you can be sure that critical habitat will disappear along with the caribou because the crunch will be there as it was in the pipeline.

This country told the companies to build a pipeline in 3 years. They did environmental damage not to the caribou but to my State by the overemployment of outsiders and now we have bankrupt companies, we have an economy that collapsed because this Congress did not take into consideration what would be the effects on Alaska. And that is what will happen in the Arctic Wildlife Range.

Mr. HUCKABY. The earliest you could expect any oil from the Arctic Wildlife Range would be in 10 years. That would be the earliest.

Mr. EVANS of Delaware. The gentleman is absolutely correct. If we go ahead and start now, it would be 10 or 15 years before the oil goes on stream. It is not going to prevent the oil shortage that exists now or the gasoline shortage or the long lines at gasoline stations and it would be incorrect for anyone to assume that that approach would accomplish that purpose.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. HUCKABY was allowed to proceed for 1 additional minute.)

Mr. EVANS of Delaware. May I say to my friend from Alaska whom I respect a great deal and he sits with me on the Committee on Merchant Marine and Fisheries, I do think it would be a lot surer of protection for the caribou if we went with the Udall-Anderson approach rather than going with an approach that will provide tremendous pressures.

We do not know what we are going to be able to explore for. We do not know what kind of an energy bill we will get.

Mr. HUCKABY. Mr. Chairman, if I might reclaim my time, that is the point. We do not know what we are trading off. A recent nationwide poll pointed out that by a ratio of 4 to 1 the American people would like to know what we are trading off before we make it a wilderness. We are saying, "Let us look, examine and see what we are going to give up."

Mr. EVANS of Delaware. I just say let us examine other areas first.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(On the request of Mr. SANTINI and by unanimous consent Mr. HUCKABY was allowed to proceed for 1 additional minute.)

Mr. SANTINI. Mr. Chairman, will the gentleman yield to me?

Mr. HUCKABY. I yield to the gentleman from Nevada.

Mr. SANTINI. We should know what we have in the ground and make a rational decision based on that and dealing with the somewhat myopic deduction that we can treat it like a safety deposit box and if we ever need it just go in and get the key and unlock the box. The fact remains if we ever reach the crisis where we do need it, it will take 10 years to get the box unlocked and by that time we will all be talking Siberian.

☐ 1620

We need to have the decision in place now.

I would suggest further that examining, as I know my friend, the gentlman from Delaware has, the acute reliance that our Nation is presently in terms of the world's known reserves of cobalt and manganese, over 50 percent, South Africa, Zaire, and Russia, know that without cobalt and manganese we do not make steel. All we have left in terms of potential domestic reserves sources for those resources is Alaska.

We do not know where they are mining them, but we have got to get them.

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the pending Emery amendment, which is not very controversial, close at 4:30.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona (Mr. UDALL)?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous consent request was agreed to will be recognized for 25 seconds each.

The Chairman now recognizes the gentleman from New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Chairman, I think we should vote for the Emery amendment. It does give the protection. It does give the priorities, and I hope it will be voted up.

(By unanimous consent, Messrs. EMERY, DINGELL, BEREUTER, MARRIOTT, and HOPKINS, yielded their time to Mr. MCCLOSKEY.)

The CHAIRMAN. The Chair now recognizes the gentleman from California (Mr. MCCLOSKEY).

Mr. McCLOSKEY. Mr. Chairman, this is one of the most difficult areas of the bill, involving the Arctic Wildlife Range. It seems to me that the amendment of the gentleman from Maine, if I understand it correctly, answers one of the arguments that Secretary Andrus and the Udall-Anderson proponents have advanced, that is that the coastal plain of the Arctic Wildlife Range should be the last area on the mainland of Alaska to be open for petroleum exploration and development.

Is it not the purpose of the gentleman's amendment to write into the Breaux-Dingell bill the requirement that there be no development until all other land areas on the North Slope of Alaska have been developed?

Mr. EMERY. Mr. Chairman, if the gentleman will yield, the gentleman is essentially correct. The purpose of my amendment is to limit the exploration and commercial drilling in the National Arctic Wildlife Range until Pet 4 has been thoroughly examined.

☐ 1625

Mr. McCLOSKEY. Mr. Chairman, I would like to associate myself with the comments made earlier today by the gentleman from Nebraska (Mr. BEREUTER) when he said, since neither of these bills received full markup in committee but were essentially choices between two omnibus bills, that we should try to perfect both bills, if possible on the floor of the House. We should write the same language into the Breaux-Dingell and Udall-Anderson bills in areas where we can agree.

Certainly the Emery amendment is an area where we can all agree and one that the Breaux-Dingell people accept. And as I understood the gentleman from Michigan. This was indeed his intent, that we do not want to permit development or drilling in the Arctic Wildlife Range until the rest of the North Slope in Pet-4 is developed.

Mr. Chairman, it therefore seems to me that both sides ought to accept the Emery amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. STACK).

Mr. STACK. Mr. Chairman, I rise in support of the Emery amendment.

(By unanimous consent, Mr. SEIBERLING yielded his time to Mr. WEAVER.)

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. Mr. Chairman, I just simply want to say that at the rate the United States is using up oil, we would go through the amount of oil we have in the Alaska Wildlife Range in anywhere from a month to a year.

There was one reference to speaking Siberian. When we have used up all this oil and have run out of it, we will be speaking Siberian. So it is up to us to leave some for our future generations and stop our outrageous use of oil in this country today. We must preserve these great wildlife areas that could never be rectified again once they are trammeled.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma (Mr. SYNAR).

Mr. SYNAR. Mr. Chairman, the RECORD contains a remark by my colleague from Louisiana (Mr. HUCKABY) and I quote:

> Geologist after geologist that I have spoken to who have done work on Alaska's North Slope are convinced that if there is another Prudhoe Bay in Alaska, it is most likely in the Arctic National Wildlife Range.

And a little further down—

> I suggest to you the Arctic Wildlife Range if opened to drilling today, every major company with the capability would be bidding fantastic dollars to get there because they are convinced the outcrop comes back up and is still the greatest potential onshore area in the United States today.

I am wondering if the chairman would comment on two initial questions: First, what is the basis for such varying estimates on the potential for oil and gas resources in the Arctic Range; and second, do you believe the scientific evidence available today supports this statement or contradicts it?

Mr. UDALL. Mr. Chairman, if the gentleman will yield, there are two reasons for this claim—the first mythical and the second political and ideological.

In 1972 during the great optimism which followed the Prudhoe Bay discovery, the State of Alaska speculated that the Arctic Range could contain as much as 14 billion barrels of oil. Last year, however, the U.S. Geological Survey reported the results of recent research, including near-shore seismic profiles, which indicates the potential of this area is roughly 400 million barrels of oil. Alaska's former chief petroleum geologist estimates 750 million barrels, enough to supply current U.S. demand for about 38 days, and well below the estimated economically recoverable threshold of 1 to 2 billion barrels for similar frontier areas in Alaska. Still, the hopes raised in the State's 1972 report persist.

The second reason for these claims is more ideological. The petroleum industry, in common with development interests generally, is opposed to withdrawing any area with potential mineral resources from exploration and development. Our current energy problems have made the Arctic Wildlife Range an ideal tactical issue for supporters of a prodevelopment Alaska lands bill, who continue to quote a multibillion barrel potential despite lack of any scientific merit whatsoever.

In summary, the latest published studies and testimony by the Department of Energy do not support these claims of high oil and gas potential. They contradict them in total. Industry may bid fantastic dollars for North Slope leases in the NRPA but it is highly doubtful if they would do so in the ANWR.

Mr. SYNAR. Is there or is there not a strong possibility of another Prudhoe Bay being located within the Arctic Range coastal plain?

Mr. UDALL. There is a strong probability that there is not a Prudhoe Bay size field located within the Arctic Range coastal plain. The latest USGS report states:

> In the western part of the ANWR, the prospects for large oil or gas deposits in rocks of the Ellesmerian sequence, (Prudhoe Bay's Reservoir Rocks) including traps of the Prudhoe Bay type, is very low.

Later in the report the author again states "the potential for such large Ellesmerian oil or gasfields beneath the coastal plain is low."

Furthermore, the USGS scientists state that in the rocks that are expected to trap oil in the coastal plain the fields "might contain in the range of 10 to 200 million barrels of oil." This is a significant difference from the 9.6 billion barrel Prudhoe Bay field, and well below the economic limit of 1 to 2 billion barrels needed for development.

Mr. SYNAR. If this Congress acts favorably on legislation such as yours, which closes the Arctic Range to oil and gas exploration, what impact will that action have on the immediate and near-term energy situation in this country, and what would be the impact on the long-term energy problem we face, say 25 to 30 years from now?

Mr. UDALL. The opening of the Arctic Range to exploration and development would have no positive effect upon the short-term energy problem we face for the next 10 years. In fact, it would have a short-term negative economic effect. Exploration of these lands would require the use of fuel, manpower, and economic resources by industry and government that would be far better invested elsewhere.

The time from leasing to production in Alaska has ranged from 5 years in the accessible areas of the Cook Inlet to over 10 years in more remote areas such as the North Slope. Oil or gas production from the Alaska National Wildlife Range (ANWR) would probably not be realized until after 1990 if exploration began immediately and economic discoveries were made next year.

Under a realistic exploration and development program, ANWR production—if economic reserves are found—would most likely be on line around the year 2000 or later.

To place the Arctic Range into the long-term energy problem one needs to look at the potential of the range in light of national demand. If we assumed no increase in daily oil demand for the future, the more accurate estimate of 400 million barrels for the Arctic Range is only a 20-day supply. The oil of the Wildlife Range may be produced someday, but it will likely be not as energy but for plastic or fertilizer. Nothing stops some future Congress from allowing the exploration for these uses if they are of sufficient national importance. Our energy advisers have told us that the best bet for short- medium- and long-term energy is the Outer Continental Shelf and the National Petroleum Reserve—Alaska—not the Wildlife Range.

Mr. SYNAR. Assuming a fairly constant increase in the price of oil worldwide, and assuming further that a sizable discovery is made in the Arctic Range, is there any way to forecast at about what point production of such a find would become economically feasible? How long would actual production take?

Mr. UDALL. Using rough economic estimates it could be assumed that noninflationary increases in world oil prices would make a sizable find in the Arctic Range economically feasible by the year 2000. Then assuming optimistically that the price of oil has reached the required level by the mid-1990's, and exploration were to be limited on this basis, production might begin between the years 2005 and 2015; but this hypothetical production may not even be for an energy market, as we have mentioned earlier.

Mr. SYNAR. Is there agreement that the offshore oil and gas potential is much greater than the onshore potential? Is offshore development economically feasible at this time? What are the relative cost comparisons between offshore and exploration onshore within the North Slope—particularly within the Arctic Range Coastal Plain?

Mr. UDALL. Published studies by the USGS and the State of Alaska have rated the offshore oil and gas potential significantly above the onshore. The ratio is roughly one-third onshore to two-thirds offshore. Industry has rated the Bristol Bay Outer Continental Shelf Basin as one of the highest potential areas of the entire U.S. Outer Continental Shelf.

Offshore development similar to conditions to be expected in Bristol Bay has been underway for over a decade in the Alaska Cook Inlet where fields as small as 75 million barrels have been producing from platforms. Striking economic differences can be seen when contrasting the 75 million barrels fields now producing in Alaskan waters with the 1 to 2 billion barrel field that is needed on land in the Arctic. It takes over 10 times the volume of oil to justify the costs of development in areas such as the Arctic Range than in promising Outer Continental Shelf areas such as Bristol Bay.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Maine (Mr. EMERY) to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The amendment to the committee amendment in the nature of a substitute was agreed to.

AMENDMENTS OFFERED BY MR. HUCKABY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. HUCKABY. Mr. Chairman, I offer two amendments to the amendment in the nature of a substitute, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

Amendments offered by Mr. HUCKABY to the amendment in the nature of a substitute offered by the Commitee on Merchant Marine and Fisheries: Page 295, between lines 23 and 24 insert the following new paragraph:

"(4) Imuruk National Preserve, containing approximately seven hundred thousand acres of public lands, as depicted on a map entitled "Bering Land Bridge National Wildlife Refuge and Imuruk National Preserve", dated March 1979, which shall be managed to protect and interpret examples of arctic plant communities, volcanic lava flows, ash explosions, and other geologic processes; to provide for archeological and paleontological study in cooperation with Native Alaskans, of the process of plant and animal migration, including man, between North America and the Asian Continent; to protect the viability of subsistence resources; and in a manner consistent with the foregoing, to provide for outdoor recreation and environmental education activities including public access for recreational purposes."

Pages 295 through 299: renumber existing paragraphs (4) through (7) as (5) through (8) accordingly.

Page 319, line 15: delete "two million, six hundred" and insert "one million, nine hundred".

Page 380, between lines 13 and 14 insert the following:

"(4) Certain lands in the Imuruk National Preserve, Alaska which comprise approximately five hundred and forty-four thousand acres, as generally depicted on a map entitled "Bering Land Bridge National Wildlife Refuge and Imuruk National Preserve", dated March 1979, and which shall be known as Imuruk Wilderness."

Pages 380 and 381: renumber paragraphs (4) through (6) as (5) through (7) accordingly.

Page 300, between lines 6 and 7 insert the following new paragraph:

"(9) Noatak National Preserve, containing approximately six million, six hundred and eighty thousand acres of public lands, as generally depicted on a map entitled "Noatak National Preserve", dated March 1979. The Preserve shall be managed to maintain the diversity of natural values of the area and also for the following purposes among others: To preserve the environmental integrity of the Noatak River and adjacent uplands within the preserve in such a manner as to assure the continuation of geological and biological processes unimpaired by adverse human activities and development; to maintain natural water quality and quantity; to protect habitat for and populations of fish and wildlife, including but not limited to the Arctic caribou herd, grizzly bear, Dall sheep, moose, wolves, waterfowl, raptors, and other species of birds; to protect the viability of subsistence resources and provide the opportunity for continuation of the traditional subsistence uses of local residents; and, in a manner consistent with the foregoing, to provide opportunities for scientific research, and compatible outdoor recreation and environmental education activities. The Secretary shall establish a board consisting of scientists and other experts in the field of arctic research in order to assist him in the encouragement and administration of research efforts within the preserve. All lands located east of the centerline of the main channel of the Noatak River which are—

(A) within—

(i) any area withdrawn under the Alaska Native Claims Settlement Act for selection by the Village of Noatak, and

(ii) any village deficiency withdrawal under section 11(a)(3)(A) of such Act which is adjacent to the area described in subparagraph (i) of this paragraph,

(B) adjacent to public lands within a unit of the National Park System as designated under this Act, and

(C) not conveyed to such Village or other Native Corporation before the final conveyance date, shall, on such final conveyance date, be added to, and include within, the adjacent unit of the National Park System (notwithstanding the applicable acreage specified in this paragraph) and managed in the manner provided in the foregoing provisions of this paragraph. For purposes of the preceding sentence the term "final conveyance date" means the date of the conveyance of lands under the Alaska Native Claims Settlement Act, or by operation of this Act, to the Village of Noatak, or to any other Native Corporation which completes the entitlement of such Village or other Corporation to conveyance of lands from the withdrawals referred to in subparagraph (A)."

Page 300, line 7, delete "(8)" and insert "(10)".

Page 301, line 10, delete "(9)" and insert "(11)".

Page 381, between lines 9 and 10 insert the following new paragraph:

"(8) Certain lands in the Noatak National Preserve, Alaska, which comprise approximately five million, four hundred and ten thousand acres, as generally depicted on the map entitled "Noatak National Preserve", dated March 1979, and which shall be known as Noatak Wilderness."

Page 381, line 10, delete "(7)" and insert "(9)".

Page 381, line 24, delete "(8)" and insert "(10)".

Page 384, delete lines 1 through 7 in their entirety, and renumber paragraphs (4) through (6) as (3) through (5) accordingly.

Page 385, renumber paragraphs (7) and (8) as (6) and (7) accordingly.

Page 385, delete lines 13 through 18 in their entirety.

Page 385, line 19, delete "(10)" and insert "(8)".

Page 386, remember paragraphs (11) through (14) as (9) through (12) accordingly.

Mr. HUCKABY (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana that the amendments be considered en bloc?

There was no objection.

Mr. HUCKABY. Mr. Chairman, both of these amendments deal with providing allotments of rather significant size. There is an acreage of 6,600,000 acres in the Imuruk area, and in the other, the Bering Land Bridge area, there is approximately 700,000 acres.

What I have done is worked with the principal authors of the bill of the Committee on Merchant Marine and Fisheries and reached a compromise whereby we might treat these lands like they were treated under the House Interior Committee passed bill.

So what I am proposing to do in this legislation or in these amendments is to take the Imuruk area and reclassify it as a park reserve and change the classification under the Breaux-Dingell bill, which is presently a wildlife refuge.

□ 1630

Mr. FORSYTHE. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from New Jersey.

Mr. FORSYTHE. We on this side support this amendment so far as the Breaux-Dingell bill is concerned.

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from Louisiana.

Mr. BREAUX. The gentleman's amendment is rather a major amendment, in the sense that it takes the Noatak Refuge and makes it into a park preserve.

Mr. HUCKABY. That is correct.

Mr. BREAUX. It takes the Bering Land Bridge area, which is now a refuge area in the Breaux-Dingell bill, and it brings it back into a park preserve.

Mr. HUCKABY. That is correct.

Mr. BREAUX. So what the gentleman is doing is attempting to bring the bill back to what he had these areas in in the original Interior Committee bill?

Mr. HUCKABY. Yes; that is right. These areas in the original Interior Committee bill were classified as park preserves.

Mr. BREAUX. Could the gentleman tell us approximately how much area is involved in these two areas?

Mr. HUCKABY. In the Noatak area we are taking the entire area, which is approximately 6,600,000 acres. In the Bering Land Bridge area we are redesignating 700,000 acres from a wildlife refuge back into a park preserve.

Mr. BREAUX. I take it, on the park preserve, you still would have hunting under the guidelines which would be set out by the Park Service, rather than the Fish and Wildlife Service?

Mr. HUCKABY. Yes; the gentleman is correct. Hunting is permitted under the designation of the park preserve, and it is carried out under the auspice of the park preserve rather than the U.S. Fish and Wildlife Service.

Mr. BREAUX. Mr. Chairman, I have no objection to the gentleman's amendment, and I am willing to accept it.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, could the gentleman simplify this? Does this make it closer to multiple use or closer to single use? Is this going to make the gas lines longer or shorter is what I am saying?

Mr. HUCKABY. It will have no impact on gas.

There could possibly be an impact—we really do not know, to be honest with you—on the hard rock area.

Mr. SYMMS. In which direction? Would it make it harder or easier to mine?

Mr. HUCKABY. Harder.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from California.

Mr. CLAUSEN. The amendment is confined to Breaux-Dingell; is that correct?

Mr. HUCKABY. Yes. It applies to the Breaux-Dingell bill. It is in the Huckaby bill.

Mr. CLAUSEN. We have no objection to the amendment.

Mr. SANTINI. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from Nevada.

Mr. SANTINI. The gentleman rang my bell when he indicated that there was a possibility of making it difficult to look for or recover minerals. To what specific extent will it make it harder to look for or recover minerals?

Mr. HUCKABY. To the extent that it is being classified as a park preserve instead of a wildlife refuge.

Mr. SANTINI. What specific legal consequences will flow from that change in land designation?

Mr. HUCKABY. You are going to be faced with the fact that we have specifically stated here in the legislative history the intent operating today that in wildlife refuges there is some mining done. I think we have clearly established here that we intend for additional hard rock mining to be done. To my knowledge, in park preserves there is no hard rock mining being done.

Mr. SANTINI. Does the gentleman know what minerals we have there?

Mr. HUCKABY. No. To my knowledge, there has been no mineral exploration in the Noatak area.

Mr. SANTINI. Does that suggest to the gentleman that, in terms of isolated consideration of hard rock mineral resources, that that is a logical way to proceed?

Mr. HUCKABY. No; it does not. But if the gentleman will bear with me, the gentleman realizes that we are faced with a very close vote in the House of Representatives on final passage, and whether we will have a halfway reasonable development bill or virtually a no-development bill at all for the minerals we so desperately need, this is a compromise to help us in that effort.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. HUCKABY) has expired.

(On request of Mr. BEREUTER and by unanimous consent, Mr. HUCKABY was allowed to proceed for 2 additional minutes.)

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I am pleased to cosponsor the amendment offered by my distinguished colleague from Louisiana. Essentially, the amendment would return the boundary and classification for the Noatak National Preserve to that which the House approved by its passage of H.R. 39 in the last Congress. In contrast, the Breaux-Dingell substitute to which the amendment is being offered would make the area a national wildlife refuge.

Establishment of the Noatak Preserve in the National Park Service is intended to protect the scientific values of a unique wilderness environment in arctic Alaska. The preserve would consist of approximately 6½ million acres of public lands in northwestern Alaska above the Arctic Circle and south of the Arctic Divide. It is the largest mountain-ringed river basin in America which is still largely unaffected by human activities.

The area encompasses a variety of physiological features: Nearly 300 miles of the Noatak River, a broad central basin containing the northwesternmost extension of the boreal forest in North America, and extensive mountains to the north and south.

The Noatak offers much to merit its classification as a preserve under the jurisdiction of the National Park Service. The area's array of plantlife may well be the most diverse in the entire northern latitude. The region is noted as a transition zone or a migration route for plants and animals respectively between subarctic and arctic environments. It supports a diversity of fish and wildlife. Some 37 species of mammals are represented in the Noatak. The basin is crossed twice a year by two-thirds of the arctic caribou herd and is prime habitat for the barren ground grizzly bear. The river provides habitat for about 22 species of fishes. Over 100 species of birds have been identified.

The area is also noted for some 200 archeological sites dating back thousands of years.

I think it is appropriate for Congress to provide the more restrictive classification of "preserve" to the Noatak so that its integrity and diversity can be maintained. The potential for coal within the region is rated low, and the oil and gas subprovince identified along the northern margin of the proposed area is considered to have low potential.

By adopting the "preserve" classification, the National Park Service will be able to limit public use in the area, and in so doing, protect for future generations a vast area of Alaska's striking beauty and valuable plant wildlife.

I urge the House to approve the amendment.

As a member of the House Committee on Interior and Insular Affairs, I was given an opportunity to vote on only two competing proposals—the so-called Huckaby bill which is before the House today and the Gudger proposal which I understand is very similar to the Udall-Anderson substitute also before us today.

During committee, I voted to report the Huckaby version of H.R. 39. I did so with some reservation. I stated at the time that I hoped when the bill came to the floor I would have the opportunity to vote for perfecting amendments. Needless to say, I was dismayed to learn that both sides of this debate had adopted the intransigent position that we were again to have only two choices. That philosophy has intensified and confused the debate on the Alaska lands legislation and has in my judgment, made it difficult, if not impossible, to make a responsible decision on the merits of each of the land areas we are trying to protect.

That is why I applaud the efforts of Mr. SEBELIUS, Mr. HUCKABY, and others for coming forward to offer their amendments. They enjoy my full support, and I urge the House to approve the Huckaby amendment before us.

□ 1635

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I will be happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. Of course, the gentleman's amendment is an improvement over the Breaux-Dingell bill in its present form, but I would like to ask the gentleman, as I understand it now, his amendment would mean that the Bering Land Bridge would be divided into two units, one a park preserve and the other a wildlife refuge, each administered by a different agency; is that correct?

Mr. HUCKABY. That is correct. We are not taking all of the Bering Land Strait and making it a park preserve, only the part where the lava fields are. We are leaving the areas that have excellent coastal water fowl habitat, that area highly inhabited as a wildlife refuge, which seems to me the most logical position for them.

Mr. SEIBERLING. Has the gentleman explored the management and administrative problems that might arise as a result of that?

Mr. HUCKABY. Well, we also have additional areas where we have adjacent boundaries as far as wildlife refuges and park preserves.

Mr. SEIBERLING. With respect to the Noatak, does the gentleman leave a part of the Noatak as a part of the recreation area as is done in, I believe, either Huckaby or Breaux-Dingell or both, or is the entire Noatak basin, under his amendment, a park preserve?

Mr. HUCKABY. There is still some wilderness preservation within the Noatak area.

Mr. SEIBERLING. But there is no national recreation area in the Kelly River basin under the gentleman's amendment?

Mr. HUCKABY. That is correct.

Mr. SEIBERLING. I thank the gentleman. That is also a distinct improvement.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Louisiana (Mr. HUCKABY) to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The amendments to the amendment in the nature of a substitute were agreed to.

Mr. KOSTMAYER. Mr. Chairman, I have two amendments.

The CHAIRMAN. Are these amendments to the Merchant Marine Committee amendment?

Mr. KOSTMAYER. To Udall-Anderson.

The CHAIRMAN. There is already an amendment pending to the Udall substitute. Another amendment to the Udall substitute is not in order at this point.

Mr. KOSTMAYER. Well, Mr. Chairman, they can be spoken on now and voted on later; is that correct?

The CHAIRMAN. They are not in order at this time.

AMENDMENT OFFERED BY MR. BREAUX TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. BREAUX. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The Clerk read as follows:

Amendment offered by Mr. BREAUX to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries: Page 293, lines 13 and 14; strike "maintain natural water quality and quantity" and in lieu thereof insert "maintain natural water quality and adequate water quantity"; and make the same change—

On page 298, line 17;

On page 300, lines 22 and 23;

On page 301, lines 23 and 24.

Page 585, between lines 3 and 4 add the following: "Notwithstanding any other provision of this Act, any section which authorizes, directly or indirectly, the enactment of new budget authority shall be effective for the fiscal year beginning October 1, 1979.".

Mr. BREAUX (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. SEIBERLING. Mr. Chairman, reserving the right to object, are these technical amendments?

Mr. BREAUX. Two more.

Mr. SEIBERLING. From the Breaux-Dingell camp?

Mr. BREAUX. That means the score is now 93 to 4.

Mr. SEIBERLING. Well, maybe these are much more substantive than the technical amendments that were previously offered.

Mr. BREAUX. They are probably better drafted, I would say to the gentleman.

Mr. SEIBERLING. Mr. Chairman, on that basis, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BREAUX. Mr. Chairman, these indeed, are technical amendments. They make some minor conforming changes in the bill and make it clear that none of the authorizations in the bill will take effect prior to the fiscal year 1980.

The Budget Committee had asked for this amendment to obviate any possible violations of section 402 of the Budget Act. The other addition, adding the words "an adequate water quantity" merely conform to title III of the bill and are a necessary and technical conforming change.

I would ask support of the technical amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. BREAUX) to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The amendment to the amendment on the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. LAGOMARSINO TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. LAGOMARSINO. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The Clerk read as follows:

Amendment offered by Mr. LAGOMARSINO to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries: Page 575, after line 18, insert the following:

CONGRESSIONAL REVIEW

SEC. 1115. (a) This section shall apply to any regulation issued by the Secretary under this Act, other than a regulation which is subject to a congressional approval, disapproval, or review procedure under another section of this Act.

(b) The provisions of section 551 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6421; 89 Stat. 871) shall apply to all regulations to which this section applies. In applying such section 551, each reference to an energy action shall be treated as a reference to such a regulation, and each reference to the President shall be treated as a reference to the Secretary.

Amend the table of contents accordingly.

☐ 1640

Mr. LAGOMARSINO (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LAGOMARSINO. Mr. Chairman, at this time I would like to offer an amendment to the Breaux amendment providing for a congressional review, a one-House veto, identical to the one included in the House-passed version of H.R. 39 last year, as well as the Meeds substitute which we considered at that time. I intend to offer this amendment to all three of the versions of the bill before us.

Mr. Chairman, the legislation before us today is massive in scope, as the proponents of all three bills have said. It is the largest land disposition and conservation issue of modern times. We are deciding the fate of millions of acres of invaluable land and resources in the State of Alaska. How this land will be managed in the future is a question involving grave responsibility for all of us.

But, the Secretary of the Interior is given enormous discretion. Perhaps it has to be that way, but such an important measure should not be left only to the bureaucracy, which has all too often in the past thwarted, ignored, or misinterpreted congressional intent. Not to provide a mechanism for review of legislation of this stature would prove to be a serious breach of our accountability to our American public, our constituents.

Although it appears obvious that a bill of this magnitude should provide for overall congressional review, none of the bills—none of them we are considering today—includes such a provision except in specific and limited instances. My amendment would not affect those portions of the legislation which incorporate their own congressional review mechanisms, but would enable Congress to oversee that our will in this issue is being properly reflected. I believe we should equally share in the responsibility of assuring that this land is utilized as we intend.

As I say, there is enormous discretion in the Secretary with regard to such things as access; with regard to traditional usages of wilderness land, and many other aspects. I think we would be derelict in our duty if we did not provide a mechanism, as we did last year, I repeat, to keep that oversight available to us. Congressional oversight here would do, in my opinion, three things:

The bureaucracy, particularly the Secretary of the Interior, would be much more careful in drafting regulations to make sure that they coincide with our intent and our will. Secondly, should he get out of line this House can—and I submit would, on occasion—override him. Thirdly, and perhaps this is the most important reason, if discussions and debate occur on something the Secretary does, no longer would we be able to pass the buck by saying, "Gee, we disagree with that. That is not what we intended at all, but there is nothing we could do about it."

We could not say that; therefore it would no longer be correct.

Mr. Chairman, I would urge my colleagues to vote for this congressional review provision, as they did last year in the House.

PARLIAMENTARY INQUIRY

Mr. KOSTMAYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KOSTMAYER. Mr. Chairman, I have spoken with the managers of both bills, and there does not seem to be any objection to voting on Mr. SEIBERLING's amendments. Until we do so, it precludes Members from offering amendments. I am wondering if we could do so at this time.

The CHAIRMAN. The Chair is willing to do that if there are no other amendments to the Merchant Marine Committee's amendment. At any point when there is not an amendment pending to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries, at that point we will vote on the Seiberling amendments.

☐ 1645

Mr. BREAUX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the amendment offered by the gentleman from California (Mr. LAGOMARSINO). As far as congressional review, I think it is something, as someone said over here, whose time has come. I think it is a good idea, and I do support it.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

The statement over here was that it is a bad bill whose time has come. But I have no objection to the gentleman's amendment. We understood he might offer it to our bill later down the road.

Mr. BREAUX. The time is definitely here. We support it.

Mr. FORSYTHE. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from New Jersey.

Mr. FORSYTHE. I thank the gentleman for yielding. We support the amendment.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from California.

Mr. CLAUSEN. I thank the gentleman for yielding.

The amendment conforms to legislation not only incorporated into the bill last year, but it has come through in other bills from the Committee on Public Works and Transportation. We have had the Levitas congressional review amendment. I support the legislation.

Mr. BREAUX. Mr. Chairman, I ask for a vote and yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Lagomarsino) to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. HUCKABY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. HUCKABY. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The Clerk read as follows:

Amendment offered by Mr. Huckaby to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries: Page 447, lines 20 through 23, strike entire sentence which states, "no privilege which may be granted by the state to any individual with respect to subsistence uses may be assigned to any other individual."

Explanation: This proposed amendment clarifies the application of the subsistence title by removing any implication that subsistence uses are to be limited to the present generation of subsistence users only. Further, because the preceding provisions in section 714 preclude the creation of any property right in fish or wildlife, the prohibition against assignment of subsistence privileges would have been inconsistent with the preceding portion of the section.

The definition of subsistence uses and users make it clear that the subsistence user class is an open class and may be entered by qualified persons of succeeding generations, as well as by those who now practice subsistence lifestyles.

Mr. HUCKABY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HUCKABY. Mr. Chairman, I think this is a very simple, noncontroversial technical amendment. Basically what it does is it strikes some language in the legislation. If I might read it, it says:

> No privilege which may be granted by the State to any individual with respect to subsistence uses may be assigned to any other individual.

When we were having hearings in Alaska, concern was raised, and once we got back and got thinking about it and talking to staff and attorneys and others of the possibility that this could be interpreted to mean that after one generation, the Natives' way of lifestyle could be affected, which we are providing for here in both pieces of legislation to be maintained, in that this legislation could possibly be then interpreted that they would no longer be afforded the opportunity to enjoy the subsistence rights that we afforded them under our bill.

It is my clear intent here and the reason I am offering this on the floor is so that future people looking at this will realize we intend for the Natives in future generations to have the same subsistence rights which we are granting to Natives under this bill.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I will be glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

The gentleman from Michigan (Mr. Dingell) is not here, so I feel constrained to ask if these technical amendments are really necessary.

Mr. HUCKABY. The gentleman can count this one as No. 5, if he likes. I just wanted to make very sure, because a few of the conservationist groups, the Sierra Club people, felt very strongly that they would like to have this language stricken so we can assure that future generations of Natives can continue their lifestyle.

Mr. SEIBERLING. I am in favor of that, but I thought I ought to note that it is a technical amendment of the gentleman's. I accept the amendment.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from California.

Mr. CLAUSEN. I thank the gentleman for yielding.

This would also apply to the whales, which is a subject of discussion up there in that part of the world?

Mr. HUCKABY. I guess it could be stretched that far.

Mr. CLAUSEN. We accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. Huckaby) to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The amendment to the amendment in the nature of a substitute was agreed to.

PARLIAMENTARY INQUIRY

Mr. BREAUX. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BREAUX. I would ask the Chair, is it appropriate now that we consider voting on the Seiberling amendment?

The CHAIRMAN. The Chair will put the question.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Alaska. There is an additional amendment to the Breaux-Dingell bill by the gentleman from Washington (Mr. Swift). Is that not what is before the House right now?

The CHAIRMAN. The Chair would make clear that voting on the Seiberling amendment does not preclude further amendments to the Merchant Marine and Fisheries amendment in the nature of a substitute.

The question is on the amendments en bloc offered by the gentleman from Ohio (Mr. Seiberling) to the substitute offered by the gentleman from Arizona (Mr. Udall).

The amendments to the substitute were agreed to.

□ 1650

AMENDMENT OFFERED BY MR. KOSTMAYER TO THE AMENDMENT OFFERED BY MR. UDALL AS A SUBSTITUTE

Mr. KOSTMAYER. Mr. Chairman, I offer an amendment to the amendment offered as a substitute.

The Clerk read as follows:

Amendment offered by Mr. Kostmayer to the amendment offered by Mr. Udall as a substitute: On page 20, line 7, strike 'March 1979" and insert "May 1979";

On page 20, line 8, insert after the period "All lands located east of centerline of the main channel of the Noatak River which are—

(A) within

(i) any area withdrawn under the Alaska Native Claims Settlement Act for selection by the village of Noatak, and

(ii) any village deficiency withdrawal under section 11(a)(3)(A) of such Act which is adjacent to the area described in subparagraph (i) of this paragraph.

(B) adjacent to public lands within a unit of the National Park System as designated under this Act, and

(C) not conveyed to such village or other Native Corporation before the final conveyance date, shall, on such final conveyance date, be added to and included within, the adjacent unit of the National Park System (notwithstanding the applicable acreage specified in this paragraph) and managed in the manner provided in the foregoing provisions of this paragraph. For purposes of the preceding sentence the term "final conveyance date" means the date of the conveyance of lands under the Alaska Native Claims Settlement Act, or by operation of this Act, to the Village of Noatak, or to any other Native Corporation which completes the entitlement of such Village or other Corporation to conveyance of lands from the withdrawals referred to in subparagraph (A).

Mr. KOSTMAYER (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KOSTMAYER. Mr. Chairman, very briefly my amendment provides that lands adjacent to Noatak National Reserve which were withdrawn for the purpose of native village elections would automatically be added to the national preserve if the village corporation does not actually select them.

I have spoken with the gentleman from Alaska (Mr. Young). I have also spoken with the gentleman from Arizona (Mr. Udall) and I believe he will accept it.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I do yield to the gentleman from Arizona.

Mr. UDALL. The amendment is a good amendment and it is acceptable to us.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield to me?

Mr. KOSTMAYER. I yield to my colleague from Alaska.

Mr. YOUNG of Alaska. I want to compliment the gentleman. We just voted on that same amendment as presented by the gentleman from Louisiana (Mr. Huckaby). Is it exactly the same?

Mr. KOSTMAYER. Mr. Chairman, it is not exactly the same.

Mr. YOUNG of Alaska. Perhaps the gentleman should not say that. We may not accept the amendment. I believe it is the same. It is the same as the one presented by the gentleman from Louisiana (Mr. Huckaby). I do believe it is acceptable to this side.

Mr. DINGELL. Mr. Chairman, I rise to strike the requisite number of words.

The CHAIRMAN. The Chair will point out to the gentleman from Michigan (Mr. Dingell) that the gentleman from Pennsylvania has not yet consumed his time.

Mr. KOSTMAYER. Mr. Chairman, I have a second amendment if it is appropriate.

The CHAIRMAN. The first amendment is still pending and the gentleman from Michigan will be recognized when the gentleman from Pennsylvania yields back his time.

Mr. KOSTMAYER. Mr. Chairman, I will yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, in the course of this debate I think some facts are becoming clear. One fact that I think needs some attention is the largest caribou herd in the American Arctic, the Western Arctic herd. We have heard a great deal about the Porcupine herd which exists along the Canadian border. It is smaller historically less important than the Western Arctic herd.

The Western Arctic herd is going to be subject under all of the bills before us today to the pressures of very intensive oil exploration. That Western Arctic herd has undergone a greater shrinkage in population than the Porcupine herd. With the exception of the herd which exists in McKinley National Park which has fallen from 10,000 to less than 1,000 animals—by the way that is the herd administered by the Park Service—has undergone perhaps the greatest decline in population of any major herd of caribou in Alaska.

Under the Breaux-Dingell proposal we would set up a 26 million-acre refuge to protect that herd. We would require the drilling which would take place in that refuge to be so conducted: First, that it would be compatible with the purposes for which the refuge would exist; second, it would be conducted so as to protect the animals; and third, it would be conducted so as to protect the habitat.

I would point out with all due respect to my good friend from Arizona (Mr. Udall) and the gentleman from Ohio (Mr. Seiberling), they do not afford that very precious national treasure the same level of protection.

When you hear concerns about wildlife and about protecting the area, think about the largest herd in Alaska and think about how you are going to protect it.

□ 1655

Understand that it will have less protection than would the Porcupine Herd, and understand that the Breaux-Dingell bill sets aside 26 million acres to protect that herd and at the same time allows oil development in the area.

Now, let us talk about another little problem that exists as regards wildlife. In the Copper River delta, the Udall proposal would set aside a refuge under administration of the Forest Service. Now, if my colleagues will go back to the library and read the books that exist as regard refuge administration by the Forest Service, they will find the Forest Service does administer some refuges, but they will find something else. There are no people assigned to the area. There are no biologists assigned to the area. They have never spent a nickel in the area. As a matter of fact, they are totally unaware at Forest Service headquarters that those refuges exist.

Now, it so happens that the Copper River delta is the breeding ground of the entire population of dusky Canadian goose. That is a species which was much afflicted, interestingly enough, by the earthquake which struck Alaska a few years ago. It affected water levels.

Now, let us take a look at what that means. That means that the population now exists in an area in which water levels have declined and the population is in substantial jeopardy by reason of that fact; but equally important, there is something else. The Forest Service has never administered its refuges. It will not and cannot do anything to affect the water levels and to do the other things that the Fish and Wildlife Service would routinely and regularly do in terms of trying to protect and enhance wildlife populations, wildlife habitat, and wildlife values.

Now, let us take a look over at Innoko. Peregren falcons, one of the most magnificent species of wild birds. The bill introduced by my good friend, the gentleman from Arizona (Mr. Udall), not after hearings, excludes almost the entire Peregren falcon population from that particular refuge. It also excludes the entire river.

Now, interestingly enough, it is the river which is a major marshalling and staging area for waterfowl which flow south, so that is excluded from refuge protection.

Now, let us take a look at something else which I think is of equal importance. The entire western edge of Alaska is an area of potholes and waterfowl habitat that is rarely equaled anywhere in the world. That is turned over by my good friend, or would be my good friend, the gentleman from Arizona, to the Park Service.

Now, the Park Service's inability to manage wildlife, its reluctance to do so, and its unwillingness to do anything to preserve wildlife populations is well known.

(By unanimous consent, Mr. Dingell was allowed to proceed for 2 additional minutes.)

Mr. DINGELL. Mr. Chairman, its total unwillingness to do anything to preserve and protect and enhance wildlife populations is well known.

Now, what does this mean? It means that from a wildlife standpoint, the bill sponsored by my good friend, the gentleman from Arizona, is highly deficient in terms of affording protection to wildlife in Alaska, waterfowl and caribou.

I think this House must understand that the Fish and Wildlife Service is the body which has the biologists, the expertise and a long history, as well as a mission, of protecting fish and wildlife in their habitat. Areas of that sort should be entrusted to that kind of agency, and not to the Forest Service or the Park Service, which neither care nor have a record of doing anything in the area of protection of those species.

Mr. McCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Yes, I do yield to the gentleman from California.

Mr. McCLOSKEY. Mr. Chairman, I thought one of the better provisions of the Dingell-Breaux bill which came through the Committee on Merchant Marine and Fisheries was the inclusion of this 22 million acres——

Mr. DINGELL. 26 million acres.

Mr. McCLOSKEY (continuing). Of this Pet–4 wildlife refuge, in order to protect the other herds of caribou which the arctic wildlife range legislation now has amended by the Emery amendment would do in the eastern arctic wildlife range.

Mr. DINGELL. That is correct.

Mr. McCLOSKEY. My understanding was that as these bills were being prepared, both sides polarized between Breaux-Dingell and Udall-Anderson, the Udall-Anderson argument was you were raiding the park system for 22 million acres of refuge.

Mr. DINGELL. Not raping it, we are not raping anybody, other than the Bureau of Land Management.

Mr. McCLOSKEY. I think the gentleman would not then disagree if we offered an amendment to the Udall-Anderson bill that substituted the Breaux-Dingell language creating a western arctic wildlife refuge, the Teshekpuk-Utukok Refuge.

Mr. DINGELL. Well, if the gentleman would permit, I would not object to that.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has again expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 1 additional minute.)

Mr. DINGELL. Mr. Chairman, that was in last year's bill. The gentleman from Arizona accepted it. I am unaware why the gentleman did not take it this year, but I was told by somebody that the Interior Committee and its members are reluctant to have too much area in this bill.

I am not reluctant to have too much area at all. I think the more area we can set aside for preservation and protection and wise use of the future, the better the Nation is served.

Mr. McCLOSKEY. Mr. Chairman, I thank the gentleman. Would the gentleman yield further for just one more question?

Mr. DINGELL. I would like to yield to the gentleman from Ohio.

Mr. SEIBERLING. Well, Mr. Chairman, as the gentleman will recall, last year when the gentleman offered in the Committee on Merchant Marine an amendment changing the Alaskan National Petroleum Reserve to a wildlife refuge designation, we supported that.

□ 1700

Mr. DINGELL. I am curious as to why the gentleman did not this year.

Mr. SEIBERLING. Well, for one very simple reason. It seems to me since it does not really change the main purposes of that area, which are to explore and develop oil, that it is a different situation.

Mr. DINGELL. Quite the contrary. The exploration for oil can go on in refuges. It can go on consistent with the Refuge Administration Act, and that kind of action would afford striking protection for the Naval Petroleum Reserve No. 4. I would hope we would be able to get that kind of protection in 22 million acres for one of the largest caribou herds in the world.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

(On request of Mr. SEIBERLING, and by unanimous consent, Mr. DINGELL was allowed to proceed for 1 additional minute.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Of course, Mr. Chairman, I think that protection is fine. What we did is take a look at it and find that there were basically two areas that had special wildlife significance.

Mr. DINGELL. Only for water fowl, not for caribou, because the caribou ranged all over the entirety of that area.

Mr. SEIBERLING. I agree, except that the Utukok area is a caribou calving area.

Mr. DINGELL. I want to protect that caribou herd, as well as the caribou herds over in the Arctic Refuge.

Mr. SEIBERLING. Mr. Chairman, let me ask the gentleman this:

Under the gentleman's bill, the same protections he would mandate in the study area of the national Arctic wildlife area relate to drilling only in the wintertime and do not apply——

Mr. DINGELL. On the contrary. The gentleman does not understand refuge administration.

Refuge administration, under the Refuge Administration Act which was written by the Committee on Merchant Marine and Fisheries, requires three things before any activity takes place in the refuge: No. 1, that the activity be compatible with the purpose for which the refuge was created; No. 2, that it not hurt wildlife; and No. 3, that it not hurt the habitat.

I would call the gentleman's attention to refuges all over the country that are being protected exquisitely well by those provisions.

Mr. SEIBERLING. Mr. Chairman, let me ask the gentleman this:

This is already an area of oil and gas exploration. If we designate that as a refuge, what is that going to do to the program for private exploration and development of the Naval Petroleum Reserve?

Mr. DINGELL. We have minerals development going on in the Kenais. It was praised by Tom Kimball of the National Wildlife Federation, who was on the other side in this matter. It was praised for what was being done. I got into this with the National Wildlife Federation, and we straightened that matter out.

I can tell the gentleman we can have good protection of the herd in that area, far better than ever was allowed under BLM or the bill offered by the gentleman from Arizona (Mr. UDALL) and the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I would like to ask the gentleman, what is a designation of the national petroleum reserve as a wildlife refuge going to do to the oil and gas program in that area?

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has again expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 3 additional minutes.)

Mr. DINGELL. Mr. Chairman, in answer to the gentleman, it is not going to inhibit either the development nor is it going to permit the destruction of habitat or wildlife in the area.

Mr. SEIBERLING. There are requirements that drilling and exploration only take place under certain circumstances.

Mr. DINGELL. No. I do not want the gentleman to obfuscate the issue. I want to make it very clear that the drilling afforded under the bill of the Committee on Merchant Marine and Fisheries would be greater than the drilling that would be permitted under the bill of the gentleman from Ohio (Mr. SEIBERLING) and the gentleman from Arizona (Mr. UDALL), but the protections would be far superior because it would be done under the Refuge Administration Act.

If the gentleman will turn around and consult with his staff, he will find that is one of the best pieces of legislation on public land administration ever written.

Mr. SEIBERLING. Mr. Chairman, I would like to ask the gentleman one more question.

The gentleman made the statement that the northwest caribou herd is the largest herd or is as large as the Porcupine herd.

Mr. DINGELL. It is larger than the Porcupine herd.

Mr. SEIBERLING. The Porcupine herd, according to every expert I have known, is as large as all the rest of the caribou in North America put together.

Mr. DINGELL. Historically, the northwest herd is larger than the Porcupine herd.

Mr. SEIBERLING. I am talking about the Porcupine herd as it presently exists.

Mr. DINGELL. The reason that is true is that that herd has undergone a tragic decline in numbers, and if we do the right thing by putting that area in refuge, we can bring that herd back. That is the inconsistency in the position of the gentleman from Ohio (Mr. SEIBERLING).

What I want to do is this: I want to protect all the caribou, and I think it can be done.

The gentleman from Ohio would have us believe we would drill for oil and gas in the Arctic Refuge, but the answer is that we are not doing that. We are going to protect the caribou. Then the decision will be made in Congress, legislation will be passed, and the bill will be sent for signature by the President.

That is a sufficient form of protection, and as a matter of fact, that is the highest form of protection we can give.

Mr. SEIBERLING. Mr. Chairman, I would like to say to the gentleman that we have not yet made these studies that his bill and our bill mandates.

Mr. DINGELL. That is right.

Mr. SEIBERLING. We do not really know whether oil and gas exploration is compatible with protecting the caribou.

Mr. DINGELL. Then why is the gentleman in such a big rush to start oil and gas development in Naval Petroleum Reserve No. 4?

Mr. SEIBERLING. Because it has already been started there.

□ 1705

Mr. DINGELL. No. On the contrary. There are a bunch of wells up there, and there is an oil field of 100 million barrels that is not even economical for the purposes of development. That is the economics of oil development in Alaska, to which I want to direct my attention to later.

Mr. SEIBERLING. The gentleman has to agree that, according to the USGS, the Alaska Petroleum Reserve has over 90 percent of the favorable oil reserve.

Mr. DINGELL. The hard fact is they do not know what is there. They have not struck very much oil up there in the petroleum reserves, because those bunglers in the USGS have been doing the drilling. As a matter of fact, one of the interesting things is that the USGS does not have the vaguest idea of what the hydrocarbon resources are in Alaska. They have been up there drilling, I think, between 100 and 120 dry holes. That is the accomplishment of the USGS. When you cite the USGS, be careful.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Oregon.

Mr. WEAVER. The caribou herds have fallen from 10,000 to 1,000?

Mr. DINGELL. Under the Park Service administration.

Mr. WEAVER. I just wanted to know. I thought the gentleman said earlier the BLM was in charge.

Mr. DINGELL. No. In Mount McKinley they have fallen from 10,000 to 1,000. McKinley, I think the gentleman knows, is under the administration of the Park Service.

Mr. WEAVER. I understand that. Is that the only place they are? The gentleman said the BLM was in charge of it, and now the gentleman is saying the Park Service is in charge of it.

Mr. DINGELL. The BLM was in charge of Petroleum Reserve No. 4. I was clear on that.

Mr. WEAVER. The caribou are not in Pet–4 now. They never go there.

Mr. DINGELL. The caribou have been in Pet–4 since geological times.

Mr. WEAVER. Then why does the gentleman select the BLM?

Mr. DINGELL. BLM is the agency which is administering.

Mr. WEAVER. The gentleman is not answering my question.

Mr. DINGELL. Of course, I am, if the the gentleman will listen.

Mr. WEAVER. Does the BLM and does the Alaska Wildlife Service have anything to do with those caribou?

Mr. DINGELL. The area is administered by BLM. The Alaska Fish and Wildlife does not have a thing to do with Mount McKinley.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is as good a time as any to take a look at the maps and see just what is in the National Petroleum Reserve in Alaska which the gentleman from Michigan would make into a wildlife refuge, and how it compares with the Arctic National Wildlife Range, in terms of petroleum, oil and gas potential.

This is a map showing the USGS indications of oil and gas potential in the State of Alaska. The red areas are areas of proven hydrocarbon reserves. That includes Prudhoe Bay and the Kenai Peninsula. The pink areas show high hydrocarbon potential. You will see there is a huge chunk of it in the National Petroleum Reserve Alaska and a small chunk on the coast of the Arctic National Wildlife Range.

The orange is areas of favorable hydrocarbon potential, and you will see another huge chunk up in the National Petroleum Reserve Alaska, and some smaller areas down here on the south coast.

The green is areas of geological conditions less favorable. Those are sedimentary basins, but according to USGS are not areas of high oil or favorable oil and gas potential, but they have the geography where some oil and gas is sometimes found.

If you drop a line down from Prudhoe Bay, roughly, everything that is west of that line is in the National Petroleum Reserve, until you get way over here near the west coast.

□ 1710

That is the area, which is about 90 percent of all the areas of high and favorable oil and gas potential, which the gentleman from Michigan (Mr. DINGELL) wants to put into a wildlife refuge. You will see two smaller parts of it that are put into wildlife refuges indicated here by the Udall-Anderson bill. Those are areas of known caribou calving and waterfowl breeding use.

The gentleman from Michigan (Mr. DINGELL) is going to have a mandated study of the impact of oil and gas exploration and development on caribou. But that study has not even been started yet. It is not even authorized by law.

The Udall-Anderson bill authorizes a study of the impact on caribou, but where the gentleman from Michigan says, nevertheless, without knowing what the impact is, he is going to put that in the wildlife refuge.

I suggest that if we really want to develop the oil and gas potential of this country, and most of it in Alaska is right there, then we better not have a study and put that into a wildlife refuge, because if later the study indicates that the impact is devastating, and we have had testimony in our committee that it is; then, what is that going to do to oil and gas exploration in the major portion of that high and favorable area in Alaska?

Everybody is straining at gnats. The oil companies because they are not satisfied with 95 percent or 97½ percent, they want 100 percent so they can go anywhere they please. They usually count on getting their way.

I am suggesting, if you want to talk about oil and gas, and the gentleman is one of the leading exponents of developing our resources, and God knows we should, you are going to really set it back if you go in here and make that a refuge without knowing what you are doing.

I would like to say one more thing and then I will yield.

There are not enough oil and gas exploration rigs in the whole of Alaska and a good part of the rest of the country to even begin to do a decent job of exploration in this huge area here, the National Petroleum Reserve in Alaska.

So why focus on this one little part of the Arctic National Wildlife Range, when they do not even have the facilities to do all the rest of the potential area in the next 15 years?

All I am suggesting is that this is a very useful debate at this time, because it brings out some really key considerations.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I would point out to the gentleman that drilling can take place in many of the refuges that will be set up by the bill he speaks in favor of up there in that area.

If he is trying to protect wildlife, why is it that the gentleman is advocating very small refuges and allowing drilling in them, instead of setting the whole area aside in refuges? If the gentleman's argument is correct, we inhibit drilling in the areas we set aside.

The gentleman wants to protect the porcupine herds, which are in good shape, but he does not want to protect the herd up there in Pet–4 which is in serious trouble.

Mr. SEIBERLING. Unlike the gentleman's bill, Udall-Anderson assures in the Teshepuk and Utukok areas that there will be no exploration until the Secretary develops a conservation plan.

Mr. DINGELL. We do the same thing in our bill. I think if the gentleman will check he will find that he does not.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

(At the request of Mr. DINGELL and by unanimous consent, Mr. SEIBERLING was allowed to proceed for 2 additional minutes.)

Mr. DINGELL. The answer is in every one of the refuges there can be nothing done until a conservation plan has been developed setting out how the species, the habitat, is protected and how any development will be compatible with refuge purposes.

Mr. SEIBERLING. We will check it out, but I am convinced the Udall-Anderson bill offers more protection for those areas.

Mr. McCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from California.

Mr. McCLOSKEY. This is a problem that has bedeviled me and several others for a number of years. It looks to me as though the arguments were made on acreage, so the bills would be acceptable to the largest possible constituency.

I want to ask the gentleman if we are trying to protect the caribou on the East Arctic Refuge why should we not try to protect the West and Central Arctic, and why should we not add, by amendment, 22 million acres of wildlife refuge permitting oil and gas exploration to go forward? What possibly can the environmentalists oppose about making a wildlife refuge out of 22 million additional acres?

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has again expired.

(At the request of Mr. McCLOSKEY and by unanimous consent, Mr. SEIBERLING was allowed to proceed for 2 additional minutes.)

Mr. McCLOSKEY. I have an amendment, when amendments are next in order on the Udall-Anderson bill, which makes the additions to the wildlife refuges.

☐ 1715

It will add 22.4 million acres of wildlife refuge. It will make of primary importance the drilling for oil, but it will permit the same kind of caribou study and protection of a wildlife refuge. I cannot believe I am hearing right, that the gentleman from Ohio is arguing against this being added to his bill, because it clearly adds 22.4 million acres of wildlife refuge, and yet should not interfere with the drilling of oil.

Mr. SEIBERLING. If the House wants to do that, that is its privilege, but I think it ought to understand the implications. The differences between the western area of the National Petroleum Reserve and the Arctic National Wildlife Range are twofold. One is that this is an area of small and fragile land on the east in the wildlife area, with fairly high hydrocarbon potential on the west. The second is that this western area in the petroleum reserve has already been impacted to some degree by man's activities in terms of oil and gas exploration and other activities, whereas the coastal area of the Arctic Wildlife Range is the least-impacted area known in North America in terms of coastal areas. We have the consideration of protecting the caribou, and also protecting all the other wildlife and the environmental factors involved. And on the other side, we have the question of why run the risk of creating a conflict by making a wildlife refuge in the area where most of the oil and gas is.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

(At the request of Mr. Huckaby and by unanimous consent, Mr. Seiberling was allowed to proceed for 2 additional minutes.)

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield.

Mr. HUCKABY. I wonder if the gentleman could tell us what has happened to the central Arctic caribou herd in the last 10 years? That is the herd that migrates in the Prudhoe Bay area.

Mr. SEIBERLING. Well, the central herd seems to be surviving. It is a very small herd, but it is not yet clear what the long-term impact on that herd is going to be. We do know this, that whereas male caribou will approach man's installations, apparently females, particularly during the calving season, will not. So no one really knows the answer to that question.

Mr. HUCKABY. The gentleman mentioned the calving season. Is it not correct that in the Arctic Wildlife Range the calving is actually done in the foothills of the mountains and not on the range itself, on the coastal area?

Mr. SEIBERLING. Mr. Dingell says it is, but I have talked to biologists who say to the contrary. Calving occurs in various places and varies from season to season. But a lot of it is right in this area which is marked pink and which is the area where, if I were a geologist, I would look first if I were going in there, because that is what the geologically favorable zone appears to be.

Mr. HUCKABY. That is correct, but the gentleman does concede the fact that the studies indicate that in the last 10 years in the Prudhoe Bay area, where man is present, the caribou herd has not decreased but is actually slightly increased.

Mr. SEIBERLING. No one has made a continuing study. I am certain that it has not increased. Mr. Dingell is more of an expert than I am. I will let him testify as to that.

Mr. UDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to make a report to my colleagues and to make a couple of suggestions. We are under instructions from the leadership over here on the majority side that we will move to rise at 5:30. There are several amendments. We have not gotten very far today. There has been a lot of general discussion today on broad, general issues, but we have not really gotten very far on the amendments.

I suggest to my colleagues that we could best use this next 10 minutes by getting a vote on the pending Kostmayer amendment, which everyone has forgotten. I am told that Mr. Swift has an amendment that will take just a minute or two, and that Mr. Vento has one. Mr. Kostmayer has another one.

If we did not take a lot of time in general conversation on things unrelated to these amendments, I think we could dispose of four or five of them in the next 10 minutes. We are going to have a long day tomorrow. The leadership advises me that we will come in at 10 o'clock and stay as long as necessary to finish the bill. We have made some progress, and if we could get rid of some four or five of these noncontroversial amendments we might get out of here at some reasonable hour tomorrow night.

☐ 1720

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from California.

Mr. CLAUSEN. I thank the gentleman for yielding.

Is it the intent of the chairman to fulfill the leadership's request to actually adjourn at 5:30?

Mr. UDALL. Approximately. Approximately, within 5 or 10 minutes if we are about to finish something.

Mr. CLAUSEN. How many amendments would the gentleman anticipate we would consider?

Mr. UDALL. I think we can take 3 or 4 or 5. I was just going to ask unanimous consent that all debate on the Kostmayer amendment end, and that will be done with. I hope, operating with the cooperation of the Members, we could get rid of several noncontroversial amendments in the next 10 minutes.

Mr. CLAUSEN. We have no objection to the unanimous consent request on the Kostmayer amendment.

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the pending Kostmayer amendment now cease.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Kostmayer) to the amendment offered by the gentleman from Arizona (Mr. Udall) as a substitute.

The amendment to the amendment offered as a substitute was agreed to.

AMENDMENT OFFERED BY MR. SWIFT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. SWIFT. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Swift to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries: Page 406, line 2, insert after the period the following: "With respect to those lands in the Special Management Areas of the Tongass National Forest, as depicted on the maps referred to in section 608, the Secretary shall, pursuant to existing authority, take such action as may be necessary to protect the water quality and quantity and minimize any adverse evnronmental degradation of the streams and other bodies of water in such lands. In taking such action, the Secertary shall take into account the impact of mining activities on marine and fresh-water resources and shall require that the owner or operator of any mine conduct mining operations which will protect the habitat of anadromous and other marine fisheries resources.".

Mr. SWIFT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. BREAUX. Reserving the right to object, Mr. Chairman, in addition to helping us find the amendment, I would also like to ask the author of the amendment, is this the amendment that he and the gentleman from Washington (Mr. Pritchard) worked on today and talked to the committee about?

Mr. SWIFT. It is.

Mr. BREAUX. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

Is this an amendment to Breaux-Dingell?

Mr. SWIFT. It is an amendment to Breaux-Dingell.

Mr. UDALL. If it is acceptable to them, I certainly will make no contest of it.

Mr. SWIFT. Mr. Chairman, I would like to speak very, very briefly.

Mr. Chairman, the primary intent of this amendment is to protect the valuable salmon fisheries resource. The protection of salmon resources is critical to the people of the Northwest, not only because of the dependence of commercial and sport fishermen on these species for their livelihood, but also because of the elegant life history of these delicate species. The range of the five species of Pacific salmon encompases from the furthest reaches of many streams in Alaska to areas off Japan in the North Pacific. One of the most critical areas of salmon habitat is in the streambed itself where conditions must be perfect for spawning. One of the key factors which can affect the quality of the streambed for spawning is whether or not siltation from mining or other activities has occurred within the streambed. This is why I am very concerned about the ways in which the proposed borax mining operation would be developed within the Misty Fjords area. Without substantial protection aimed specifically at salmon resources, these important stocks of pink and chum salmon could be severely impacted by the disposal of tailings from the mining operations.

Consequently, my colleague from Washington, JOEL PRITCHARD, and I have developed an amendment which focuses on the protection of these salmon resources if mining activities are undertaken in the Misty Fjords area. This protection would be afforded to all special management areas within the Tongass National Forest, and would require the Secretary of Agriculture to take such action as may be necessary to protect the water quality and quantity, and to minimize any adverse environmental degradation of the streams in this area. The Secretary would be required to take into account this impact of mining activities specifically on marine and freshwater resources, and it is mandated that the Secretary require that any mine operator conduct mining operations which will protect the entire habitat of anadromous and other marine fisheries resources. Although salmon are the most important and most sensitive resource in the area, there are also quantities of shellfish, herring, and other bottom fish which could be damaged by mining activities if they are not carried out properly.

Mr. PRITCHARD and I, both being representatives of coastal areas in Washington State, and with many commercial and sport salmon fishermen within our districts, have been very concerned with the possible development of any mining operation in the Misty Fjords Area.

Mr. McCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from California.

Mr. McCLOSKEY. I thank the gentleman for yielding.

I am in agreement with this amendment. I have, however, a question about the language, which says the owner or operator of any mine conducting mining operations must "protect the habitat of anadromous and other marine fisheries resources."

The molybdenum mine can go forward, but clearly if the molybdenum mine goes forward, and there is something like 10 to 15 miles of mine tailings, those mine tailings are going to have to be in part of the habitat of at least two of those streams. I want to make sure that we understand when we do this that we are not eliminating the company's ability to have a tailings pond to a minimal extent on what looks to be about 400 miles of the anadromous fishing stream. It looks like it would not involve more than 10 or 15 miles of salmon habitat, but it is going to involve that. We ought to be familiar with the fact that if we are going to accept this amendment, we have to have clear legislative history at least that those two little streams out of the 400 miles of it are going to be intruded on. Is it the gentleman's understanding that the amendment will not prevent the ability of the mine company to have a tailings pond?

Mr. SWIFT. The amendment says to "minimize any adverse environmental degradation of the streams" in the area.

Mr. McCLOSKEY. Yes, but the last section says to "protect the habitat of anadromous and other marine fisheries resources." It is not going to protect all of the habitat, but it is going to protect 99 percent.

Mr. SWIFT. That is correct.

Mr. McCLOSKEY. I thank the gentleman.

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Washington, my colleague (Mr. PRITCHARD).

☐ 1725

Mr. PRITCHARD. Mr. Chairman, I want to compliment the gentleman from Washington for putting this amendment on.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Washington State. This amendment has been carefully devised in order to assure sufficient protection for salmon fishery resources under the Breaux-Dingell version of the legislation. I feel that this amendment accomplishes that purpose, but does not preclude the possibility that mining activities can be undertaken if they are done in a way which protects these resources.

Given the combination of this amendment with an earlier amendment which was adopted in the Subcommittee on Fisheries and Wildlife Conservation and the Environment, I feel that anadromous and other marine fisheries resources are sufficiently protected. Fish and game districts 1 and 2, which are the fishermen who would be most severely impacted if the mining activities damaged salmon fisheries in any way. I am hopeful that this compensation scheme will have the effect of not paying off the fishermen for reduced salmon escapement levels, but rather that it will have a positive effect on the design of the mining operation so as to minimize the effects on the spawning habitat of the valuable salmon resource.

In committee, when the fisheries conservation fund was put into place, some other more general environmental protection language was deleted. The language which Congressman SWIFT and I propose is very similar to that language, and thus it would restore the standards for protection for the overall Misty Fjords habitat with respect to salmon as well as other marine fisheries resources.

This language is essential, in that we are setting a precedent in this area for any mining activity. I would not like to see mining precluded in the area, because we may have large deposits of significant ore bodies which can contribute to the national and global economy. If these quantities are sufficient so that they are capable of being developed in a manner which is consistent with the protection of these other living resources, then they should be allowed to be developed. If they cannot be safely developed, and the salmon cannot be protected, then the mine should not go forward. I feel that the Secretary of Agriculture has sufficient authority under this language to make this determination. If, however, we place the south Misty Fjords special management area under a wilderness designation, as we have done with the north Misty Fjords area, then I feel that it is unlikely that any mining operation will ever proceed. In fact, although it can be argued that a mining operation may proceed under a wilderness designation, or that the mining claim may be developed, the eventual regulations would probably be so onerous so as to make it impossible to operate, also, I feel that the designation of wilderness for an area in which such a mining operation is likely to exist, demeans the "wilderness" designation if mining actually occurs. Therefore, I would prefer that we be very straightforward about what we intend to do within this area. The intent of this amendment is to allow mining to go forward if it can be done in a way which protects salmon and other marine fishery resources.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I will be happy to yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I again compliment the gentleman.

I would like to clarify one point though in the gentleman's amendment for the record that we may have legislative history.

The gentleman speaks of protecting the habitat of marine fish. As the gentleman knows the U.S. Park's proposal calls for enhancement of the salmon habitat, Misty Fjords. Do I presume correctly the gentleman means habitat will not be destroyed resulting in serious mortality or a loss of productivity of fish?

Mr. PRITCHARD. That is correct. If you allow no changes in habitat you cannot allow any enhancement programs. I would agree with the gentleman.

Mr. YOUNG of Alaska. Does the gentleman in the well agree?

Mr. SWIFT. I agree with that.

Mr. YOUNG of Alaska. Mr. Chairman, I hope that is what both gentlemen mean because we cannot enhance the fisheries in Alaska if we protect the habitat to the extent it cannot be changed.

This is one of the crucial battles we have had in our committee. We hope in all the wilderness areas and all the park areas where the Breaux-Dingell bill is passed we will be able to improve upon what fish we have there now with what we have in past history.

I again thank the gentleman for his fine amendment.

Mr. SWIFT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to rise in support of the gentleman's amendment and urge the House to adopt it. It is a very good amendment.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from California (Mr. Clausen).

Mr. CLAUSEN. Mr. Chairman, we are prepared to accept the amendment. We understand this amendment goes to the Breaux-Dingell substitute.

Mr. SWIFT. That is correct.

Mr. Chairman, I yield back the balance of my time.

Mr. BREAUX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to put this in proper perspective. This will probably be the last vote we will have this evening. This amendment is to the Breaux-Dingell measure. The area we are talking about is an area in Tongass National Forest referred to as Misty Fjords. It is a very beautiful area. There are about three salmon streams which are near a valid existing mining claim U.S. Borax has. Borax has a molybdenum mine there. It is the second largest molybdenum mine in the world. Molybdenum is basically used in hardening of steel in order to make steel lighter. It is used in the manufacture of automobiles.

The approach of the Udall-Anderson bill makes all of this area a wilderness. I dare say if it is put into a wilderness, U.S. Borax and no one else will be able to mine the molybdenum that is needed, in that particular mining claim.

The Breaux-Dingell bill, on the other hand, sets this area into a special management area and sets up a fisheries conservation fund to help pay for any damage that might occur to the salmon streams in that area.

Bear in mind there are only three streams affected. The total flow of salmon from that area is about 140,000 salmon. That is what it was in 1978. That compares with about 34 million salmon this country harvested the same year on a national scale.

It is not such a big deal. We do not want to kill one salmon if it is not necessary, but in relation, in proper perspective, it is not that big an area we are talking about.

The Pritchard and Swift amendments to this area says we are going to add some additional precautions into Breaux-Dingell. I commend the gentlmean. I support his amendment. I think it is a good idea.

I do not want anyone to think the Breaux-Dingell would allow Borax to go in there and do mining with no concern for the environment.

There are about 10 pages of permits, single-spaced type, that they would have to get before they could ever do any mining in that area, under existing law. Everything from a clean air permit to a Federal water pollution control permit to a permit for dredge and fill to a permit to build a road, to a permit to get access through the area, and all these additional permits they would have to get under existing law.

The Swift-Pritchard amendment is supported by just everyone and adds yet another protection. With all of that I think we can finally say with finality that the Breaux-Dingell approach to Misty Fjords, as amended, is sound, it is sane, it makes good sense. I support the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. Swift) to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. KOSTMAYER TO THE AMENDMENT OFFERED BY MR. UDALL AS A SUBSTITUTE

Mr. KOSTMAYER. Mr. Chairman, I offer an amendment to the amendment offered as a substitute.

The Clerk read as follows:

Amendment offered by Mr. Kostmayer to the amendment offered by Mr. Udall as a substitute: On page 153, add the following new section after line 13:

"Sec. 818. Nothing in this Act shall be construed to apply the provisions of this Act, in any manner whatsoever, to any State or territory other than the State of Alaska. The provisions of this Act will apply to the State of Alaska only.".

On line 15, strike "Sec. 818" and insert in lieu thereof "Sec. 819".

Mr. KOSTMAYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KOSTMAYER. This is, I hope, Mr. Chairman, a noncontroversial amendment and a rather simple one.

The gentleman from Arizona (Mr. Udall) has accepted it.

There has been some concern that the restrictions imposed on sport hunting in the bill in Alaska might extend to other States, to the other 49 States. This amendment simply says—

On page 153, add the following new section after line 13:

"Sec. 818. Nothing in this Act shall be construed to apply the provisions of this Act, in any manner whatsoever, to any State or territory other than the State of Alaska. The provisions of this Act will apply to the State of Alaska only.".

On line 15, strike "Sec. 818" and insert in lieu thereof "Sec. 819".

□ 1730

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, this is a good amendment and puts down the spook stories that have been kicking around here that there was something in our bill that would affect guns and gun control in the other 49 States. This should nail it down, puts it beyond any question.

I commend the gentleman. The amendment is acceptable to us.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a classic example of offering an amendment to a bill that affects one State. As the chairman, the gentleman from the good State of Arizona said, this puts to rest the spooks that have been running around about antihunting, et cetera, to the Udall-Anderson bill; but listen to what the amendment does. It again sets the State of Alaska aside as a foreign country, to be treated as one and the people not as American citizens.

Now, all of a sudden people begin to wonder about this. Maybe this might affect my State; Arizona, Utah, Wyoming, Missouri, and other areas.

Well, may I ask this, my good friends. What is good for the goose should be good for the gander. Why should we be the exception in this case?

We are being diddled enough with this bill, anyway you want to go, with any one of these bills with a great amount of lands in them.

All of a sudden now we are being treated separately. It irritates me as I sit here and represent the people of the State of Alaska. Again, forget what the Alaskans want. If it does not affect us, it is a good amendment.

I just think it is a travesty and an injustice that this type of amendment comes forth at this time of the day to exempt all the other States in the Union with something that could potentially happen to them in the future.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Arizona.

Mr. UDALL. Well, I am appalled by the gentleman.

Mr. YOUNG of Alaska. Well, it would not be the first time, but go ahead.

Mr. UDALL. A Senator from the gentleman's own State sent out a communication saying that Udall-Anderson would be a gun control act in all the public lands in all the 49 States.

We offered an amendment that says it does not do any such thing; that the provisions of the Alaska National Lands Act applied to Alaska. We are not singling out Alaska for any separate discrimination at this time.

Mr. YOUNG of Alaska. Let us not kid ourselves. This is a precedent being set. This is a way to get a position and try to appease those other States. That is all it is.

Mr. UDALL. Mr. Chairman, does the gentleman want our bill if it passes to be a gun control bill in Nebraska and Kansas? He is going to give us a lot of votes.

Mr. YOUNG of Alaska. Is it a gun control bill?

Mr. UDALL. Yes.

Mr. YOUNG of Alaska. It is?

Mr. UDALL. No, it is not. I am saying, does the gentleman want it to be so construed? We can try to eliminate that inference.

Mr. YOUNG of Alaska. That is the quickest retreat I have ever seen.

Mr. Chairman, I think I have made my point. The point is that again this is supposedly trying to set it at rest. What is done in this committee today or tomorrow will live to haunt each one of us at future dates.

Mr. Chairman, right now I am not going to ask for any other time.

Mr. WEAVER. Mr. Chairman, is it proper to offer an amendment at this time to the Breaux-Dingell bill?

The CHAIRMAN. Such an amendment would be in order.

Mr. WEAVER. Mr. Chairman, I have an amendment. It is the identical amendment that I offered to the Breaux-Dingell bill.

PARLIAMENTARY INQUIRY

Mr. UDALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. UDALL. Mr. Chairman, I understood that an amendment is pending by the gentleman from Pennsylvania (Mr. KOSTMAYER).

The CHAIRMAN. Yes, to the Udall amendment; but amendments to the Merchant Marine bill take precedence and would be voted on first.

Does the gentleman from Oregon have a copy of the amendment?

Mr. WEAVER. It is just the identical amendment, Mr. Chairman.

The CHAIRMAN. Can the gentleman from Oregon supply a copy to the Clerk?

POINT OF ORDER

Mr. BAUMAN. Mr. Chairman, a point of order.

Mr. WEAVER. Mr. Chairman, at the behest of the leadership, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The gentleman from Maryland (Mr. BAUMAN) is recognized to make a point of order.

Mr. BAUMAN. Mr. Chairman, I make the point of order that a quorum is not present.

● Mr. FOWLER. Mr. Chairman, citizens in my home State of Georgia have expressed tremendous interest in the Alaska lands issue, though few States are as far apart in miles, topography, climate, and cultural tradition. But these differences pale before the overriding concern for safeguarding this important corner stone of our Nation's natural heritage—a heritage that is a source of pride for all Americans whether they dwell in Georgia, Maine, Montana, Arizona, or Alaska.

The Congress has an outstanding conservation record and a strong tradition of leadership in setting aside parklands, wildlife refuges, wilderness areas, wild and scenic rivers and recreation areas in nearly every State in the Union. I am personally gratified that last year we approved creation of a Chattahoochee National Recreation Area which will protect a beautiful river and its environs while enhancing outdoor recreation opportunities for the people of Georgia and visitors to my State.

Now the House must turn its attention to Alaska and we again bear the responsibility to act wisely in the national interest.

Mr. Chairman, the citizens in my State feel so strongly about protecting Alaska's wildlands that they have established an organization known as Georgians for Alaska to educate and inform others on this issue, and to generate additional support for passage of the best possible bill. Such interest and concern were clearly in evidence 2 years ago when nearly 200 citizens testified at the H.R. 39 field hearings in Atlanta. I myself personally testified in favor of the original H.R. 39 at that time.

The Udall-Anderson substitute offered this year has received my careful scrutiny and I have concluded that it merits my wholehearted endorsement. It is far superior to other pending versions regarding the level of protection extended to Alaska's wildlands. Perhaps the subject of greatest interest to Americans is the establishment of magnificent new National Park System units. Lake Clark, Wrangell-St. Elias, Kobuk Valley, and Gates of the Arctic are among the 13 national monuments established by President Carter that are undergoing further review in the Alaska lands legislation.

Only the Udall-Anderson substitute strengthens protection for these areas. It redesignates certain units as national parks to improve protective safeguards. It adds important acreage not included in the monuments, protects certain lands as national preserves, and designates the most sensitive and highly qualified lands as wilderness. The Huckaby and Breaux-Dingell substitutes are unacceptable because they reduce national park areas by millions of acres, and vastly reduce the acreage protected as wilderness.

Such actions benefit neither the State of Alaska nor the American public. Alaska's national parks could become the State's greatest drawing card for tourists and recreationists, helping to bolster an increasingly important segment of the economy. We must fully protect the integrity of these proposed parks and their superlative scenery, sensive lands and waters, and abundant and varied wildlife populations. It makes little sense to hack away at these national treasures in some misguided attempt to appease development interests.

Mr. Chairman, I urge my colleagues to support the Udall-Anderson substitute as the only measure that truly offers sound and comprehensive protection for these outstanding additions to our national park system.●

● Mrs. BYRON. Mr. Chairman, it is an honor for me to further express my full support of the Udall-Anderson substitute. I feel that this legislation meets the challenge which Alaska offers us today—the opportunity to protect and preserve some of nature's most unique and fragile areas while making provision for necessary resource development.

Unlike many other new members who are considering the future of Alaska D-2 lands for the first time, I have hiked and backpacked in Alaska. Several years ago I had the opportunity to join the House Interior Committee for 2 weeks of extensive hearings. Every possible effort was made to hear the views of the people affected. I listened closely to the hearing testimony as it was collected in numerous towns and villages from Anchorage and Fairbanks to Togiac and Anaktuvuk. I came home from Alaska with a better understanding of the people and treasures of this great State.

My entire family hiked and backpacked through the Lake Clark area and I know exactly which lowland areas the Breaux-Dingell and Huckaby measures fail to protect with wilderness designation—those which need the most protection. Without the protection afforded by the Udall-Anderson substitute, the calving ground of a caribou herd, and the habitat for other important wildlife might be in danger. Stunning clearwater lakes and their surrounding areas would be threatened with development.

I am also seriously concerned about the future of Admiralty Island and its magnificent wilderness expanses. Stocked with nesting bald eagles and brown bears, this majestic island also offers virgin forest areas. Even its only human inhabitants, the Angoon Native villagers, favor its designation as a wilderness area. Yet, the Breaux-Dingell and Huckaby measures would split this unique and self-contained island in half. Only the Udall-Anderson substitute gives full protection to this heritage of southeast Alaska.

Finally, only the Udall-Anderson substitute provides for an acceptable amount of wilderness designation for the Wrangell-St. Elias area. This truly spectacular region sports a variety of wildlife ranging from black and brown bears, mountain goats, and sheep to breathtaking vistas.

My trip to Alaska gave me the opportunity to see and enjoy personally this last frontier and I feel there is no equal for the spectaular crown jewels which this State boasts. It is my hope that a majority of my colleagues will join me today in support of the Udall-Anderson substitute, which in my estimation, gives us an opportunity to take an action that future generations will be able to look upon with pride.●

● Mr. EDWARDS of California. Mr. Chairman, today, I reaffirm my fullest support for this important piece of environmental legislation, the Udall-Anderson Alaskan Lands Act. As a cosponsor of this measure, I want to join with President Carter, Secretary of the Interior Cecil Andrus, and Secretary of Agriculture Bob Bergland who used Executive authority so wisely last December to protect over 100 million acres of Alaska's "crown jewels." The President is on record as saying that he will use his full resources and authority to protect this wonderland unless Congress passes superior legislation.

Alaska is our last frontier, and our last chance to protect wilderness lands in our country—the proper way. The United States, 120 years ago, embarked on an enthusiastic mission of constructing a transcontinental railroad. While this transportation link between the Pacific and Atlantic Oceans provided many industrial fruits, it left the great prairie, and hundreds of Native American Indians scarred forever. Alaska is too beautiful and too delicate to allow for the destruction which will be allowed to occur if we approve either the Breaux-Dingell substitute or the Huckaby substitute from this Chamber. Moreover, the President has specifically said that he will veto any bill which falls short of the Udall-Anderson legislation.

The Udall-Anderson bill is not a lockup of petroleum, it is not a transportation stifler, it is not a mineral lockup, it is not a hunter/trapper lockup, nor is it unreasonable. The Udall-Anderson bill reflects the generosity and fairness which the Congress and the American people have given to all the people of the State of Alaska. Many subsistence fishermen and hunters are alarmed at the high rate in which large salmon and caribou disappear each year because of commercial and sport activities. They only support the Udall-Anderson bill. It is sound, reasonable legislation that blends the best use of the last of our wild frontier with a comprehensive mineral, oil and gas development schedule. I want to express my gratitude to Mr. UDALL, JOHN SEIBERLING, and all of the Interior and Insular Affairs' staff who have worked on this fine legislation. The excellent public education program which the Alaskan Coalition has provided each Member should also be applauded at this time.

The central issue to this entire debate, which has been outlined by many Members here today is how our Federal lands are going to be managed in Alaska. Each of the three bills which are under consideration provide hundreds of millions of acres for oil and gas exploration. All three bills provide for considerable mineral activity. And all three bills provide for a generous land grant to the State of Alaska, the most generous in land grant history.

The real issue then turns toward determining how carefully we minimize the impact of oil and gas extraction, mining operations and other activities on the fragile ecosystems of this area. I think that it is important for all Members to realize this and to know that the Udall-Anderson bill helps to accelerate exploration and development but also assures the finest, most sensitive and beautiful areas are closed even if they have some potential for oil and gas. There are proven "high potential areas of oil and gas" which this bill opens up for development, while protecting the picturesque terrain of marginal, at best, developmental lands.

I believe that the Udall-Anderson bill, is indeed superior legislation to the President's monument designation of these lands. I urge each of my colleagues to approve this fine measure overwhelmingly and let our Senate colleagues know that the House of Representatives wants to have our President sign this bill into law very soon.●

Mr. UDALL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

☐ 1735

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SIMON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 39) to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested. A concurrent resolution of the House of the following title:

H. Con. Res. 107. Concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal year 1980 and revising the congressional budget for the U.S. Government for the fiscal year 1979.

The message also announced that the Senate insists upon its amendments to the bill (H. Con. Res. 107) entitled "a concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal year 1980 and revising the congressional budget for the U.S. Government for the fiscal year 1979," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MUSKIE, Mr. MAGNUSON, Mr. HOLLINGS, Mr. CHILES, Mr. BIDEN, Mr. JOHNSTON, Mr. SASSER, Mr. BELLMON, Mr. DOMENICI, Mr. PACKWOOD, Mr. ARMSTRONG, and Mr. BOSCHWITZ to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1007. An act to authorize supplemental international security assistance for the fiscal year 1979 in support of the peace treaty between Egypt and Israel and related agreements, and for other purposes.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2575, DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATION AUTHORIZATION ACT, 1979

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–158) on the resolution (H. Res. 271) providing for the consideration of the bill (H.R. 2575) to authorize appropriations for fiscal year 1979, in addition to amounts previously authorized, for procurement of aircraft, missiles, and naval vessels and for research, development, test, and evaluation for the Armed Forces, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 869, ETHICS IN GOVERNMENT ACT

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–160) on the resolution (H. Res. 273) providing for the consideration of the bill (S. 869), to amend section 207 of title 18, United States Code, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2641, CIVIL RIGHTS COMMISSION AUTHORIZATION ACT OF 1979

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–159) on the resolution (H. Res. 272) providing for the consideration of the bill (H.R. 2641) to amend section 106 of the Civil Rights Act of 1957 to raise the limitation on appropriations for the U.S. Commission on Civil Rights, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2295, COAST GUARD AUTHORIZATION, FISCAL YEAR 1980

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–157) on the resolution (H. Res. 270) providing for the consideration of the bill (H.R. 2295) to authorize appropriations for the Coast Guard for fiscal year 1980, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H. CON. RES. 107, FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1980

Mr. SIMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 107) setting forth the congressional budget for the U.S. Government for the fiscal year 1980 and revising the congressional budget for the U.S. Government for the fiscal year 1979 with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, has the minority been advised that it is the intention of the gentleman from Illinois to go to conference tonight?

Mr. SIMON. If the gentleman will Mr. Speaker, they have been consulted. We are scheduled to go into a conference committee tomorrow. The minority designees for the conference have been placed in the hands of the Speaker.

Mr. SENSENBRENNER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none and appoints the following conferees: Messrs. GIAIMO, Ashley, Obey, Simon, Mineta, Jones of Oklahoma, Solarz, Brodhead, Wirth, Panetta, Gephardt, and Latta, Mrs. Holt, and Messrs. Shuster, Frenzel, and Rudd.

THE MENTAL HEALTH SYSTEMS ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-125)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed:

To the Congress of the United States:

I am today submitting to Congress the Mental Health Systems Act. This proposed legislation establishes a new partnership between the federal government and the states in the planning and provision of mental health services. It seeks to assure that the chronically mentally ill no longer face the cruel alternative of unnecessary institutionalization or inadequate care in the community. It provides local communities with more flexible federal support for mental health services and places a new emphasis on the prevention of mental illness.

I am deeply committed to reducing the tragic toll which mental illness exacts from our citizens and our country. Less than one month after entering office I signed an Executive Order creating the President's Commission on Mental Health with Rosalynn Carter as Honorary Chairperson. I directed the Commission to undertake an intensive study of the mental health needs of our nation and to recommend appropriate ways of meeting these needs.

During our years in Georgia, both Rosalynn and I became keenly aware of the unmet needs of people in our state who suffered from mental and emotional disabilities. Those with chronic mental illness were too often locked away in isolated institutions far from family and friends. Children and adults with signs of developing mental and emotional problems did not have access to early detection and prevention programs. Community-based care was beginning to develop but was constantly stripped of its full potential by inflexible program models designed for the "average" community, rather than for the particular needs of a given locale or state. Special populations such as the elderly, children, and racial and ethnic minorities were not receiving care designed to meet their special needs. For those who required hospitalization there were almost no alternatives to large state mental hospitals. Aftercare was almost nonexistent for patients released from those hospitals who returned to their home communities.

While I am proud of what we accomplished in Georgia to begin to solve these problems, my concern that similar problems exist throughout the nation prompted me to establish the Commission and to ask it to report back to me in one year with its findings and recommendations. The excellent final report of the Commission presented to me last April made clear that the past 30 years had seen tremendous achievement on behalf of our mentally ill population. Not only had there been a dramatic shift of emphasis from inpatient care to community-based care, but great strides had been made in mental health-related research, and thousands of mental health personnel had been trained. However, the report also contained unmistakable evidence that there are unmet needs in every region of our country.

Some of the key Commission findings dramatically illustrated the challenges this nation faces in meeting the needs of the mentally ill:

—According to the most recent estimates, between ten and fifteen percent of the population—20-32 million Americans—need some form of mental health services at any one time.

—Substantial numbers of Americans do not have access to mental health care of high quality and at reasonable cost. For many, this is because of where they live; for others, it is because of who they are—their race, age, or sex; for still others, it is because of their particular disability or economic circumstance.

—There are approximately 1.5 million chronically mentally disabled adults in mental hospitals, nursing homes and other residential facilities. Many of these individuals could lead better lives in less restrictive settings if mental health and supporting services were available in their communities. The problem is that for them—and for the hundreds of thousands of patients who have been returned to their communities from large institutions over the past few years—such support services are seldom readily available. As a result, evidence indicates that half the people released from large state mental hospitals are readmitted within a year of discharge.

—There is insufficient emphasis at federal, state, and local levels on prevention and early detection of mental disorders. Infants and children would especially benefit from expanded prevention efforts, since early intervention with problems in physical, emotional and cognitive development can prevent more serious mental and emotional problems in the future.

—Conflicting policy objectives in various Federal health and mental health programs and between federal and state programs often lead to confusion, fragmentation of services, and a lack of continuity of care for those with mental and emotional problems. In addition, diverse federal planning requirements and poorly developed planning capabilities at the state and local levels have perpetuated the lack of integrated planning necessary to build a nationwide network of accessible public and private mental health services.

—The lack of flexibility in Federal funding of community-based services has prevented some communities from providing services to their underserved populations. Although over 700 Community Mental Health Centers provide services to almost 3 million patients annually, this model of organizing services cannot fit the needs of all people and all communities. Therefore, varying approaches to developing comprehensive community mental health services should be encouraged.

—About two-thirds of all mentally ill persons being treated in this country every year are receiving care in the general health care system. Nevertheless, cooperative working arrangements between general health care settings and community mental health programs are rare.

—Over the past several years, there has been a marked increase in the number of professional and paraprofessional mental health practitioners. However, rural areas, small towns, and poor urban areas still have only a fraction of the personnel they need. Many mental health facilities have a shortage of trained personnel. The mental health professions still have too few minority members, and there is a shortage of specialists trained to work with children, adolescents, and the elderly.

—Since 1969, our national mental health research capacity has undergone substantial erosion and our investment in mental health research is now so low that the development of new knowledge is jeopardized.

To deal with these and other problems in the mental health arena, the Commission developed a series of recommendations for bold new action to improve our nation's mental health. Many of these recommendations served as a blueprint for the proposed Mental Health Systems Act.

The proposed Act charts a new course for mental health care which promises comprehensiveness, flexibility and innovation. For the first time in the history of federal involvement with mental health care, a true, performance-based partnership would be created between the federal and state governments. Special emphasis is placed on the chronically mentally ill. Recognizing that this population has long been the most neglected of any mentally ill group, the proposed Act provides support to states which are phasing down large state hospitals, upgrading the quality of services in remaining institutions, and providing quality alternatives to institutionalization. I believe that these provisions of the Act will encourage the development of a comprehensive, integrated system of care designed to best serve the needs of chronically mentally ill adults and children.

Another innovation is the proposed Act's emphasis on prevention. States and localities are awarded grants to develop preventive and mental health promotion programs through public and professional education and demonstration projects. Such programs, I believe, will lay the foundation for the future in mental health care as we learn how to prevent mental illness before it occurs.

The proposed legislation gives a new and much needed flexibility to community mental health programs. It authorizes funds for one or more mental health services without requiring that a comprehensive package be developed as a prerequisite for financial assistance. This new flexibility will enable communities to provide services to their most underserved populations—whether the chronically mentally ill, children, the elderly, racial and ethnic minorities, the poor, rural residents, or other groups—and build toward a comprehensive system of care for the entire community over time. In addition, by providing financial incentives for closer coordination between ambulatory health care providers and mental health care providers, the Act takes an important step toward assuring that appropriate mental health care is available for all who need help.

The Act also guarantees increased availability of mental health personnel in underserved areas by requiring that mental health professionals who receive federal support for training work in an area with a shortage of mental health personnel for a period equal to the length of the support.

It is, of course, impossible for any one piece of legislation to meet all the mental health needs of the nation. The federal government has already sought to implement many of the recommendations of the Commission in other ways:

—To increase the development of new knowledge about mental illness, the 1980 budget provides additional funding for research into disabling mental illness, and for determining ways to improve the delivery of mental health care.

—To increase the availability of mental health services for the elderly, changes have been proposed increasing the Medicare reimbursement ceiling for outpatient mental health services and decreasing the beneficiary's co-payment requirement. Also, the Child Health Assurance Program will mandate that states provide mental health services for Medicaid-eligible children.

—To assist the chronically mentally ill to function effectively outside of institutions, the Departments of Health, Education, and Welfare and Housing and Urban Development have initiated a joint demonstration project which provides both housing and support services.

—To promote protection of the rights of the mentally ill, the Administration is funding demonstration projects which deliver advocacy services to the mentally ill and is studying existing advocacy programs to determine the appropriate role for the federal government in this area.

I am convinced that these actions and the passage of the Mental Health Systems Act will reduce the number of Americans robbed of vital and satisfying lives by mental illness. I ask the Congress to join with me in developing a new system of mental health care designed to deal more effectively with our nation's unmet mental health needs.

JIMMY CARTER.

THE WHITE HOUSE, *May 15, 1979.*

HUMAN RIGHTS ABUSES IN CENTRAL AFRICAN EMPIRE UNDER EMPEROR BOKASSA

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, yesterday in the Washington Star and this morning in the Washington Post there were news stories detailing a report by Amnesty International which accuses the government of Emperor Bokassa of the Central African Empire of murdering as many as 100 schoolchildren between the ages of 8 and 16, because they protested wearing uniforms which they could not afford to buy anyway.

The Washington Star reported:

> Amnesty said on April 18, soldiers of the Imperial Guard swept through homes in four areas of the capital of Bangui, rounded up the children and took them to the prison. . . .

The students were put in small cells sealed so tightly that about 20 of the children suffocated, Amnesty said. Some of the children were stoned by the guards to punish them for throwing stones at the imperial car. Some were stabbed with bayonets and others were beaten to death with clubs spiked with nails.

For the last 2 years I have been calling attention to the human rights abuses in the Central African Empire under the rule of Emperor Bokassa. In earlier reports I have also told you about Emperor Bokassa's blatant waste of his country's resources such as his $25 million coronation which was an attempt to duplicate Napoleon's coronation of 1804, his new gold crown worth $2.5 million and a gold throne and carriage. But what is so remarkable is that American foreign aid is still going to the Central African Empire.

THAT'S RIGHT!

The American taxpayer is going to provide Emperor Bokassa's government with $1.7 million in bilateral foreign aid in fiscal year 1979. And what is even worse, the administration wants to provide the Central African Empire with an additional $2,533,000 in bilateral foreign aid in fiscal year 1980. There are also multilateral programs which manage to take American tax dollars and send them to the Central African Empire.

As an example, the United Nation development program has a 5-year program now underway in the Central African Empire estimated to cost $11,700,000. Of course you know that the United States is the largest single contributor to the United Nations development program. In addition, our good friends at the World Bank on March 29 approved an IDA soft loan worth $2.5 million for the Central African Empire. Again, the United States is the largest single contributor to IDA.

So here is just one more example of how American tax dollars are being provided to assist the poorest of the poor while the government which is receiving the aid is carrying out a policy of beating its own children to death! It is time for this Congress to stop providing tax dollars to assist governments like that of Emperor Bokassa's.

Following are the news stories which appeared in the Washington Star and the Washington Post for our colleagues' further consideration.

The articles follow:

[From the Washington Star, May 14, 1979]

100 CHILDREN REPORTED SLAIN IN AFRICAN EMPIRE

PARIS (AP).—About 100 school children between the ages of 8 and 16 were killed by soldiers in the Central African Empire after protesting rules requiring them to buy and wear uniforms, Amnesty International reported today.

The Paris office of the human rights organization said students in the Central African Empire have been demonstrating against the rules about uniforms since the first of the year. The students have thrown stones at many official cars, including that of Emperor Bokassa I.

Amnesty said on April 18, soldiers of the Imperial Guard swept through homes in four areas of the capital of Bangui, rounded up the children and took them to the prison at Ngarangba.

The students were put in small cells sealed so tightly and about 20 of the children suffocated, Amnesty said. Some of the children were stoned by the guards to punish them for throwing stones at the imperial car. Some were stabbed with bayonets and others were beaten to death with clubs spiked with nails.

"Probably 100 children were killed and buried by the guards during the night in a common grave," Amnesty said. "One witness alone counted 62 bodies."

[From the Washington Post, May 15, 1979]

SOLDIERS IN CENTRAL AFRICAN EMPIRE ACCUSED OF KILLING DOZENS OF CHILDREN

PARIS, May 14.—The imperial guard of Emperor Bokassa I bayoneted, clubbed and stoned to death as many as 100 school children last month in the Central African Empire because they protested wearing uniforms to class, Amnesty International said today.

The Paris section of the human rights organization said the children, aged 8 to 16, were rounded up in the capital city, Bangui, on April 18 and taken to the central Ngarangba Prison to be punished.

The Amnesty report said the children had thrown stones at official cars, including Bokassa's.

Bangui youth have been restive since January when the Ministry of Education ordered students to begin wearing uniforms. The students said they could not afford the new clothes.

The January protests developed into violence when university students rioted in Bangui, damaging two factories and many shops around the university. Sources in Paris, who asked not to be named, estimate that between 50 and 100 persons were killed in those disturbances.

Travelers from the Central African Empire, a former French colony of 234,000 square miles, say "a reign of terror" has existed in Bangui since January.

Amnesty International, which won the Nobel Peace Prize in 1977 for its work on the plight of political prisoners, cited "numerous, varied and reliable sources, both African and European" for its report on the slayings of the school children.

Amnesty said Bokassa's guards swept through Bangui neighborhoods and arrested several hundred children.

"Some of the children were stoned by the imperial guards to punish them for having thrown stones at the imperial car," Amnesty said.

"Others were stabbed with bayonets, others died from blows by clubs containing nails. Probably nearly 100 children were killed and buried in a common grave during the night by the guards," the report said.

The organization said the students were locked in small cells sealed so tightly that about 20 of the children suffocated.

Amnesty said one witness counted 62 bodies.

The next day, Bokassa announced he was going to free those still in custody. "It appears that in fact some were released," Amnesty said.

[U.S. officials said they have heard reports from Central African Empire capital of Bangui that between 7 and 40 youths in their late teens had been killed. They said they doubted if they will get firmer information.]

☐ 1740

TRIBUTE TO GEN. CASIMIR PULASKI AND COL. MICHAEL KOVATS DE FABRICY

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 60 minutes.

Mr. DERWINSKI. Mr. Speaker, today, we join in honoring two valiant patriots who fought for American independence, and thus provided a great example of devotion and commitment to the cause of freedom and human dignity. These two men, Polish Count Casimir Pulaski and Hungarian Michael Kovats de Fabricy deserve our special attention and gratitude, on the bicentennial anniversary of their sacrifices for their adopted country.

The history of the Revolutionary War includes many momentous events and numerous examples of the great services performed by individuals as well as by various military units in the battle for American independence. One such outstanding force, was the "Pulaski Legion," as this country's first light cavalry unit. The legion enlisted approximately 330 men, which included American soldiers as well as recruits from among the Hessian prisoners of war.

The legion was commanded by Brig. Gen. Casimir Pulaski, who at the time of his arrival in this country, had already enjoyed worldwide fame, as a young, dashing leader in his native land of Poland. Pulaski was joined with Col. Michael Kovats, a seasoned Hussar officer and commander who had served 16 years in the army of Frederick II, the Great, King of Prussia.

After several attempts to liberate the Polish nation from Russian aggression, Pulaski offered his services to the American Revolution and requested that he be assigned under the direct command of General Washington.

After his splendid performance at the battle of Brandywine, Pa., Pulaski was given the rank of brigadier general and the title of "Commander-in-Chief of the U.S. Cavalry."

At this point, Pulaski made acquaintance with a Hungarian-born freedom fighter, Michael Kovats de Fabricy. A leader in the Prussian army, Kovats had been instrumental in setting up a large number of independent military units, combined mostly of light cavalry, Hussars, light infantry, and some field pieces during what was known as the "Seven Year War" between Maria Theresa, of Austria, and Frederick of Prussia. Due in large part to the extraordinary military tactics of Kovats, Frederick gained possession of Silesia, the original issue of the war. After a false accusation involving his military tactics, Kovats was arrested and banned from Prussia for the rest of his life. Although, he was later found not guilty, Kovats had been transported to Vienna, where he was released without punishment.

Although he was readmitted to the ranks of the Austro-Hungarian army with a promotion to major of the Hussars, Kovats retired and left Hungary at a time when Empress Maria Theresa ruled the Empire with an iron hand.

Kovats opportunity came when he was invited by General Washington to set up an independent unit from among the German-speaking population in the upper Pennsylvania region.

Recognizing their common goals, not only with regard to the preparation for building of the American cavalry service, but also with regard to their recognition of American independence as a further base of operation to achieve the independence of their respected nations, Casimir Pulaski and Michael Kovats became very good friends and comrades-in-arms.

Pulaski submitted his resignation as commander of the cavalry corps and presented a plan for the formation of an independent corps. On March 28, 1778, Congress gave its consent to the authorization and formation of the cavalry unit, and assigned Pulaski as brigadier general and Kovats as colonel of the legion.

The need for such an independent unit, originally named the "American Legion" or "Independent Legion," was undoubtedly great. The tactics and methods of leadership were provided by these two seasoned military officers, who both had experience in fighting for independence and liberty for their homelands. Pulaski understood the special character of the legions' service, and endlessly pushed for uniforms and equipment. Kovats took charge of recruiting and training the officers of the legion.

By the end of August 1778, the legion's training had been completed. Marching at the head of the 330 men, Pulaski took the legion to Philadelphia, where the Members of the Congress attended a review of the unit, the first international military force in the American Army, the French being the largest element among the officers, with some Germans, Poles, and Americans on the staff, and commanded by the only Hungarian, Colonel Kovats.

Pulaski's colorful personality caught the eyes of the American public and gave a degree of reassurance after the disastrous winter at Valley Forge. In the early campaign, the legion was engaged in skirmishes with the British along the Delaware River and upper Pennsylvania, where is showed its extraordinary skill in fighting for the cause of freedom.

In February, the Pulaski Legion was ordered to the southern theater, the under the lead of the Maj. Gen. Benjamin Lincoln. Part of the cavalry left for Charleston under the command of Colonel Kovats. Pulaski later joined them in Charleston after attempting to obtain more horses, materials, and food for his legion.

By January 1779, the British had taken possession of most of Georgia and occupied the port city of Savannah. The next move of the British was to enter South Carolina heading for Charleston. By the time the legion reached Charleston, the city was ready to surrender to the British.

Colonel Kovats along with General Pulaski lined up the legion in front of city hall, in order to give support to "fortification" of that city. The British force, totaling some 3,000, expected a quick and smooth surrender. Instead, they met fierce resistance, combined with Hussar-style sorties led by Pulaski and Kovats alternating in command. During one of these sorties, Kovats was hit by bullets of British sharpshooters, as he attempted to force his way through enemy lines. The legion suffered heavy losses but Charleston was saved.

The death of Colonel Kovats was a great loss to General Pulaski. Colonel Kovats was a most important factor in holding the legion in good discipline and control.

In the course of the long march to the South, the legion had lost more than half of its strength, being decimated by smallpox and the Indians who attacked them under direction of the British. On September 15, at Burley's Ferry on the Savannah River, Pulaski and his legion join the French forces and moved toward Savannah, Ga. In the unfortunate siege of Savannah, Pulaski made a bold effort to charge through the British line of defense and enter the city of Savannah. While advancing at the head of his men and exposed to tremendous fire, Pulaski received a mortal wound. Although the fall of Pulaski stopped the progress of the entire squadron, it has been noted that the heroism of Pulaski altered the course of the southern campaign of 1779, and from that point forward the American forces could not be stopped.

Although much credit has been given to the genius to these two heroes, I would like to insert at this point a discussion of the importance of the Legion from the point of view of its impact on U.S. military history. The following was written by Dr. Elemer Bako, a Finno-Ugaian specialist at the European Division of the Library of Congress:

The inovation introduced by Colonel Kovats and General Pulaski into the American Army received great "posthumous" recognition from General Washington who, in his army report, which was dated October 11, 1780, and submitted to the U.S. Congress, recommended the complete reorganization of the American cavalry, suggesting the establishment of two legions, of exactly the same size and type of organization of the legion under General Pulaski and Colonel Kovats. These two units, the legions of Colonels Armand and Lee—Light Horse Harry—served valiantly during the long, dangerous period of the British advance through South and North Carolina and Virginia.

A similar unit—legion—under the command of the Duc de Lauzun, which was part of the French expeditionary army in 1781—some 300 Hussars, mostly Hungarians, served in its ranks—fought valiantly against the dangerous cavalry of the British legion of the wild and merciless Tarleton. This unit assisted in the completion of the siege and capture of Yorktown, Virginia, and of the Army under General Cornwallis, in 1781—some of those Hussars remained in the United States after the Revolutionary War and became American citizens.

The ideas introduced into the American service by Colonel Kovats and proved as valid under the heroic leadership of General Pulaski and of Kovats himself, were later adopted for the entire Army. Following the conclusion of the war, the Army of General Washington continued its existence as the legion, and, under the able command of Gen. Anthony Wayne—who became acquainted with this type of service while having the Pulaski Legion attached to his brigade in 1778—it was victorious in the "Battle of Fallen Timbers," on the 20th of August, 1794, against a large force of Indians allied with the British, thus saving the second Presidency of George Washington.

It is also important to remember that the name "American Legion" first appeared under the signatures of the leaders of the Pulaski Legion. This name remained the designation of the entire U.S. Army, up to 1812.

Ever since, many elements of the Hungarian Hussar spirit and the bravery of the Polish lancers—often in combination with traditions of the Polish, Hungarian, French, and German cavalry, as it happened in the Pulaski Legion in which officers and men of these nations learned to serve together in complete harmony and discipline—have been recognized and, in some symbolic applications, retained for the usage of American cavalry—even in these times of modern cavalry. For example, we find the Hungarian Hussar sabre—two sabres crossed—as symbols of American cavalry, but now combined with an airplane or a tank. Various elements of the Hungarian and Polish uniforms and headgears are worn to this day by the cadets of West Point Academy and other military institutions. The so-called Hungarian knot as indicator of officers' ranks, worn on the sleeves of uniform jackets, was used for eight decades.

However, it is not the visible insignia, arms, or other pieces of equipment, but the principles of discipline, loyalty, selfless heroism, and dedication to the great ideals of a democratic society which make these two military heroes of the Polish and Hungarian nations so memorable for us. It is our duty to keep up their memory and the continuation of their inspiration to all freedom-loving nations and the hope for those people still longing for deliverance from oppression.

Mr. DORNAN. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from California.

Mr. DORNAN. Mr. Speaker, in calling to mind, today, the 200th anniversary of the death of America's first "American-Hungarian freedom fighter," the noble and courageous Col. Michael Kovats de Fabricy, we do much more than pay tribute to a brave and honorable soldier. The soldier, guardian of our hallowed tradition of liberty and justice, is but a symbol of a greater reality. For soldiers, however brave and honorable, pass away. But in their passing, they give witness to a timeless code of conduct and of chivalry, a code which serves to inspire, to ennoble, and to kindle the energies of the human spirit to passionate intensity; a code which enables us to look heavenward, in humble recognition of the fact that we are participants in an eternal, moral order, untouched by the corrosions of time.

Mr. Speaker, some two and one-half centuries ago, in 1724, there arose from the heartland of the Old World one chosen by providence to reshape the destiny of the New World—Michael de Kovats of Hungary. The future Colonel Kovats was born on the edge of the Hungarian plains—well known for their herds of horses, cattle, and sheep. His roots were, therefore, deep in the soil, a soil which nourished reverence for the order of nature as well as a sense of continuity and of spiritual union with the dead and those yet unborn. Indeed, who is to say that the seeds of liberty were not planted in young Kovats' soul as he gazed upon the wind-swept plains, where the wind blows freely and unhindered, and where one can ride for days on horseback, oblivious to the confinements of bondage or the chains of tyranny.

The young Kovats, at 20 years of age, joined the famed Hungarian Hussar cavalry regiment and distinguished himself throughout the second Silesian War in the army of Maria Theresa. He later served 16 years in the 1st Hussar Regiment in the Prussian Army of Frederick the Great, where he was decorated with the highest Prussian order, the "Pour le merite," and was regarded as one of the best "free corps" commanders of the Prussian King.

Throughout his years of distinguished military service, a period of trial and testing, Colonel Kovats' spirit was forged by the rigors of military hardship and discipline and tempered by the virtues of patriotic self-abnegation and love of liberty. It is a maxim founded on universal experience, Mr. Speaker, that, as a man speaks and acts, so he is. The spirit that animates a man reveals itself to others in word and deed.

The spirit that breathed life into Colonel Kovats' thoughts and deeds, which enabled him to combine the qualities of an officer and a gentleman, was an aristocratic spirit. His was an aristocracy, not of birth and wealth, but of character and intelligence, of virtue and wisdom. He was an exemplar of what Thomas Jefferson called "a natural aristocracy among men," the spirit of which distinguishes itself in a passionate love of excellence everywhere and in everything. It was his love of liberty—a liberty inseparable from order, virtue, and religion—that impelled him to take up the American cause and the struggle for independence. By aiding the cause of freedom in the colonies, he hoped to kindle the spirit of liberty in his fellow countrymen in Hungary, who suffered under the bitter bondage of Austrian rule.

A glimpse of the depth of Colonel Kovats' character may be had by citing a letter which he wrote to Benjamin Franklin on January 13, 1777. The prose at once ennobles and elevates, enabling the human spirit to transcend the exigencies of the temporal and, for a brief moment, savor truths which partake of the eternal. Let us, then, ponder the words of Colonel Kovats:

> I, who have the honor to present this letter to your Excellency, am also following the call of the Land, as the pioneers of freedom always did. I am a free man and a Hungarian. As to my military status, I was trained in the Royal Prussian Army and raised from the lowest rank to dignity of a Captain of the Hussars, not so much by luck and the mercy of chance than by most diligent self-discipline and the virtue of my arms. The dangers and the bloodshed of a great many campaigns taught me how to mold a soldier, and, when made, how to arm him and let him defend the dearest of the lands with his best ability under any conditions and development of the war.
>
> I am now here of my own free will, having taken all the horrible hardships and bothers of this journey, and I am willing to sacrifice myself wholly and faithfully as it is expected of an honest soldier facing the great hazards and dangers of the war, to the detriment of Joseph and as well for the freedom of your great Congress . . .
>
> Fidelissimus ad mortem,
>
> Michael Kovats de Fabricy.

Fidelissimus ad mortem (most faithful unto death). Colonel Kovats proved faithful to his words by giving his life in defense of Charleston, S.C., an act of heroism which proved instrumental in preventing the surrender of that city to the British for another year. He thereby became the first Hungarian to sacrifice his life in the service of the United States. It is written in the Scriptures: "Greater love than this no man has, that he lay down his life for his friends." Our own Gen. Douglas MacArthur, in his farewell address to the cadets at West Point, has eloquently written:

> The soldier, above all other men, is required to practice the greatest act of religious training—sacrifice. In battle, and in the face of danger and death, he discloses those divine attributes which his Maker gave him when he created man in His own image. No physical courage and no greater strength can take the place of the divine help which alone can sustain him. However hard the incidents of war may be, the soldier who is called upon to offer and to give his life for his country is the noblest development of mankind.

In giving his very life for the cause of liberty, Colonel Kovats also left behind his legacy as "founder of the modern American cavalry." After joining forces with the Polish patriot, Gen. Casimir Pulaski, he was named "colonel commandant" and put in full charge of training recruits in the tradition of the time-tested Hussars. Known as the "Pulaski Legion," Colonel Kovats' fighting unit was a combination of light cavalry, light infantry, and some artillery pieces, in strength and composition very similar to the organization of a "free corps" in the Prussian Army. George Washington himself recommended to Congress that the U.S. Cavalry should be organized on the model of the Pulaski Legion, advice which was later adopted by the entire American Army.

Mr. Speaker, as the shadows of the dark night of tyranny lengthen across the globe, the heroism, self-sacrifice, and love of liberty exemplified by Colonel Kovats can serve as a shining example of the price that must be paid if the liberty we cherish is to be preserved. "Liberty," as the prophet has said, "will not descend to a people; a people must raise themselves to it. It is a blessing that must be earned before it can be enjoyed."

I salute Col. Michael Kovats de Fabricy, a true soldier and patriot, who has carved his statue in the hearts of his people, and who proved faithful to the cause of liberty—unto death.

● Mr. MITCHELL of New York. Mr. Speaker, a true appreciation of all the freedoms we enjoy as Americans and a genuine recognition of the sacrifices that had to be made to make these freedoms possible prompt me to welcome the opportunity to participate in this tribute today.

It has been said many times that our Nation is a vast "melting pot" into which have come people from different nations and different cultures to make their contribution. With a "melting pot" individual identity is quickly submerged and all of the various ingredients assimilated into a finished product that has about it a sameness. To be sure, we do have a sound basis for that "melting pot" theory, but there is an equally strong case which can be made for another theory, one that I refer to as the mosaic theory.

Unlike the "melting pot" in which everything is blended, the mosaic retains the identity of its individual components which together form the grander picture.

A look at history provides support for my mosaic theory. And the two great men of the past being honored here today—Col. Michael Kovats de Fabricy and Brig. Gen. Casimir Pulaski—stand as a testimonial to the validity of that theory.

Each was an outstanding individual in his own right and each contributed magnificently and magnanimously to a cause which ignited an internal fire in the breasts of freedom lovers in the world over; the American Revolution. I will leave it to others far more conversant with the details of history to recount the specifics of these military heroes' deeds. I prefer to note their heritage; one a Hungarian, the other a Pole. To me, they, and those of their heritage who have followed, are partially responsible for the greatness of America today. And so are the Italians. And the Irish. And the Germans. And Scandanavians. And so on. Each ethnic group has given something special from their truly rich endowment and the result is a Nation and a people who are truly unique in the world community. We are a beautiful mosaic.

It is with a sense of humility that I join my colleagues in saluting two men who helped make the American dream come true. And it is with deep appreciation of the many contributions made by Hungarian Americans, Polish Americans, Irish Americans, Italian Americans—ethnic Americans in general—that I restate the pride I have in being part of it all.●

● Mr. PATTEN. Mr. Speaker, the year was 1777. Benjamin Franklin was the American Ambassador to the French Court in Versailles. He received a letter from Michael Kovats de Fabricy who offered his services as a soldier, "a free man and a Hungarian," to the Colonies and to "your great Congress" in the cause of freedom.

George Washington subsequently appointed Kovats as "master of exercise" in the cavalry unit that young Casimir Pulaski sought to organize and train. Congress sanctioned the formation of an independent cavalry corps—later called the Pulaski Legion—with Colonel Kovats in command. On April 18, 1778, Congress commissioned him colonel commandant of the new unit.

Kovats organized and trained his men meticulously. By September, the legion was ordered by General Washington to Princeton, N.J., to fight the British.

In February 1779, Kovats and his men moved to Yorktown, Pa. It was from there that they marched more than 1,000 miles to South Carolina to break the British siege at Charleston. Kovats, Pulaski, and their troops—under great strain and sickness—joined the southern troops in April and saved Charleston. Colonel Commandant Kovats died in battle there on May 11, 1779.

The 200th anniversary of the death of Colonel Commandant Kovats was duly recognized at Charleston last week by Hungarian-Americans as well as the fine people at the Citadel, an outstanding school of higher learning.

As the Representative of New Jersey's 15th Congressional District, I speak for more Hungarian-Americans than any other Member of Congress. In addition, I serve thousands of Polish-Americans.

I take great pride in participating in today's program, which honors our American patriots.●

● Mr. BENJAMIN. Mr. Speaker, it is my privilege today to pay tribute to two of our country's most distinguished Revolutionary War patriots, Brig. Gen. Casimir Pulaski and Col. Michael Kovats de Fabricy.

The heroism exhibited by these soldiers in our War of Independence is only one of many examples of the contributions made by early immigrants in their pursuit of freedom.

Gen. Casimir Pulaski was a Polish-born patriot responsible for organizing and leading the first light cavalry force in the United States. This unit came to be recognized as the "Pulaski Legion" and is noted for its importance in U.S. military history. General Pulaski utilized his expertise obtained from his prior military exploits in Poland while fighting against foreign domination of his homeland. His deep-rooted love of freedom led him to fight and ultimately sacrifice his life for his adopted country in its quest for independence from foreign rule.

Gen. Casimir Pulaski's untimely death at the Battle of Savannah was his final heroic act of devotion to the ideals of freedom and liberty to which he so unselfishly dedicated his life.

The commandant of the "Pulaski Legion" was the distinguished Col. Michael Kovats, a Hungarian-born patriot who also devoted his life to the struggle for independence in both his homeland and adopted country of America.

Colonel Kovats acquired his exemplary military and cavalry expertise on the battlegrounds of Hungary and Prussia where he earned early distinction as a member of the elite Hussars. Upon learning of the American struggle for independence, Colonel Kovats determined that freedom was an ideal to be fought for wherever it was denied. He journeyed to America where his record of military service in the war of independence served as an example of devotion to freedom and human dignity.

Like General Pulaski, Colonel Kovats' death during the conflict at Charleston, S.C. in May 1779, serves as a reminder of those sons of European nations who offered their swords and their lives so that the American Nation could be born in freedom and retain its democratic traditions.

I join with Americans of Hungarian and Polish descent in honoring these two patriots for their sacrifices and commitment to freedom. I also share their pride in these countrymen who so faithfully displayed the virtues exhibited by fellow Hungarian- and Polish-Americans in the United States for the 203 years of our Republic's existence.●

GENERAL LEAVE

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

☐ 1745

PRODUCTION SHOULD BE THE GOAL OF OUR NATIONAL ENERGY POLICY

The SPEAKER. Under a previous order of the House, the gentleman from Oklahoma (Mr. EDWARDS) is recognized for 15 minutes.

● Mr. EDWARDS of Oklahoma. Mr. Speaker, within the past week, we have seen numerous news stories about a gasoline shortage in the State of California and a gasoline rationing plan implemented in that State.

On the surface, it would appear that the California problem was brought about because gasoline supplies are not sufficient to meet the normal demand. However, a study by Cities Service Company's Petroleum Products Group indicates that the problem has been created by an unusual and unanticipated increase in consumption compounded by panic buying as spot shortages develop.

The study centered on Petroleum Allocation District V (PAD V), which includes California and four other States. While figures for California are not available, those figures available for PAD V are indicative of the situation in that State.

The study indicates that west coast refineries have produced an average of 1,033,000 barrels of gasoline per day during the first 17 weeks of 1979, compared to 959,000 barrels per day during the same period in 1978. This represents an 8-percent increase in production over last year.

However, demand has increased more rapidly than production. Consumer purchases in that region totaled 1,163,000 barrels per day in the first quarter of 1979, versus 1,068,000 per day in 1978, an increase of 9 percent.

Normally, the industry would not expect such an increase in demand prior to the approach of the peak driving season. Instead, the industry would be building inventories during this period. However, the unanticipated higher demand is preventing that buildup.

Because of the high demand, refiners could be expected to impose allocation controls at lower levels in an effort to prepare for the historical peak driving period. Spot shortages that have resulted, particularly with unleaded gasoline, have caused panic buying which has distorted normal demand patterns and made the problem worse.

According to the study, there is no indication that gasoline inventories are critically short compared to last year. Inventories for PAD V are only slightly lower—24,256,000 barrels for the period ending April 27, 1979, versus 24,561,000 barrels for the same period in 1978.

Further, the west coast problem did not come about without some warning. It actually began with the delivery of Alaskan crude oil which replaced the lighter, foreign crude oils which west coast refineries had been accustomed to processing. Alaskan crude oils typically produce lower yields of gasoline and higher yields of residual fuel oils.

As a result of the increased use of Alaskan crude oil in PAD V, cargos of gasoline actually began moving from the gulf coast to west coast markets as early as last year.

The same day this study came to my attention, I received a resolution from the board of supervisors of the county of Los Angeles. The board called for a reduction in gasoline prices, an investigation of oil company profits, and a DOE investigation of why there are not enough refineries to "solve the gasoline shortage."

Why are there not enough refineries? Planned west coast refineries have been scrapped because of California's restrictions on new "polluting" construction. The Air Quality Board blocked the Sohio Corp.'s attempt to build a complex at Long Beach to handle Alaskan crude and ship it via pipeline to available refineries near Midland, Tex. Perhaps it is only justice that those who have sacrificed energy production at the expense of environmental extremism should be the first to bear the burden of waiting 45 minutes in long lines to buy gasoline.

Amazingly, nowhere in the board of supervisors resolution is there any call for increased oil production.

Mr. Speaker, we cannot conserve our way out of our energy problems. For those who are concerned about gasoline shortages, there is only one answer: We must produce more. If there is any lesson in the California situation it is this: The Congress and the administration must begin now to change directions and make production, not just conservation, the goal of our national energy policy.●

THE AGE OF "EASY MONEY"

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, profit-hungry financial institutions and free-spending consumers are about to see a decade old cozy relationship backfire. The past 10 years have marked the era of "easy money." Consumers asking for $500 loans were handed $1,000, and wallets grew in thickness as more credit cards were added to them. Eager to join in the good life, Americans happily went into debt for hundreds of billions of dollars, trying not to think about the day it would have to be paid back. That day has come, and banks are slowly realizing that much of the money they have lent out is not being returned.

Since becoming chairman of the Subcommittee on Consumer Affairs, I have repeatedly expressed my concern that the explosion of easy credit in the marketplace would distort and disrupt the economy, as well as destroy many lives. The financial community scoffed at these warnings, throwing back statistics that purportedly showed that consumers were easily meeting their new debt burdens. These statistics are now souring, and as a recent article in the Wall Street Journal points out, the age of consumer credit is headed for a rocky road. Delinquencies are on the rise, as are personal bankruptcies, which are becoming a common form of avoiding heavy debts. As creditors become wary of their prior lending practices and consumers slow down their spending to pay off their loans, the economy is threatened with being sent into a tailspin.

The Wall Street Journal article describes the plight of several families trapped by the attraction of easy credit, and the dangers posed to the economy by similar problems across the country. The article follows:

CONSUMER DEBT LOAD, AFTER REACHING PEAK, MAY SIGNAL A RECESSION

(By Liz Roman Gallese)

For newlyweds Richard and Gladys Stallings in St. Paul, Minn., it was a great life while it lasted.

Although they had joint debt of $5,500 when they married two years ago, they kept right on spending until it climbed to $8,500. But then they borrowed an additional $2,500 last summer for appliances for their new home and they found that this time they couldn't keep up the payments.

"We were in over our heads," says Mrs. Stallings. "It had gotten to the point where we were getting calls from creditors every day."

So last December, the young couple, both now 32, bit the bullet and went to a local credit bureau for help. For the next two years, they will be paying about a third of their joint $1,480 monthly take home pay to wipe out the total $11,000 debt, and living on a stringent budget that allows a scant $60 a month for all but necessities.

BURGEONING BORROWING

With prices these days generally climbing much faster than paychecks, many people have been borrowing more than ever to buy what they need and don't need. As a result, consumer debt outstanding, including mortgage debt, surged to a record $1.16 trillion at the end of 1978, a 13% jump, from a year earlier. Credit remains quite easy for consumers to get, although bankers are starting to show more caution in granting loans (see story on page 22).

While most people haven't had any trouble paying what they owe, partly because credit payments are often stretched over a longer period than they used to be, more and more consumers, like the Stallingses, are finding the debt burden too heavy. And the situation may say something about the timing and severity of the recession that has been expected for so long economists say.

The ratio of consumer borrowing to net income has been higher than in more than a decade, including the peak of the last expansion period that predated the big 1975 recession, says Ken Goldstein, associate economist of the Conference Board, a business-research organization based in New York. Should consumers be so far in debt that they must curtail spending, all ingredients would be in place for production cutbacks, factory closedowns, and, finally, a recession, starting in the third quarter, he says.

Mr. Goldstein says the ratio of total new borrowing (minus amounts repaid on previous loans) to take home pay rose to a peak of 3.1% in the 1978 fourth quarter. The ratio was 2.8% in the 1973 first quarter, the peak expansion period before the last recession.

The ratio declined to 2.5% in the first quarter as the rise in consumer debt showed, he says, and this probably is one indicator of a coming recession. Every time the consumer-debt ratio passed a peak in the past, he explains, "a recession followed shortly thereafter."

Statistics also indicate that a rising number of Americans may be getting over their heads in debt. The American Bankers Association in Washington says installment-debt delinquencies have been creeping up, to an unadjusted 2.71% of all accounts by December 1978. At the end of 1974, just before the last recession, the delinquencies reached a peak of 3.13%.

"EXPLOSIVE SITUATION"

Bank credit cards, which have grown to represent 9% of all installment credit, also are showing sharply rising delinquencies. H. Spencer Nilson, a Los Angeles-based publisher of the "Nilson Report" credit-card newsletter, calls the increase so far this year "an explosive situation." He adds, "Never before in the history of our time have there been so many cards, so many lines of credit that exceed people's ability to repay."

The problem has begun to show up in rising collection and bankruptcy statistics. The American Collectors Association, a Minneapolis-based trade group, says the number of accounts turned over to collectors rose 5% last year, to 44.4 million from 42.2 million. The amount of money in such accounts climbed 10%, to $4.78 billion from $4.36 billion.

The U.S. Bankruptcy Court in Washington says that personal bankruptcies, after declining for three years, are headed up again. About 186,000 such bankruptcies are expected for the 12 months through June, up 8% from 172,423 a year before, it says.

Why are so many consumers borrowing beyond their ability to repay? The Credit Research Center at Purdue University in Lafayette, Ind., says credit is easy to get and consumers are more sophisticated about using it.

Inflation has also been a factor, William Dunkelberg, associate director of the center, says, "There's a feeling that we better buy the stuff now while we can pay the price." (Some economists see this trend easing, as retail sales increases start to lag the pace of inflation.) Mr. Dunkelberg also says that consumers realize creditors will let them extend payments if necessary. Even bankruptcy "carries less stigma" and is simpler than it used to be, he says.

Robert Gibson, president of the National Foundation for Consumer Credit in Washington, an association of 219 credit-counseling services, says the trend of overborrowing has been exacerbated by price increases that outpace wage increases. Families even came in for counseling during the Thanksgiving and Christmas season last year, a time of year when they usually don't want to face the problem, he says. About 300,000 people will seek the counseling services' help this year, up from the 250,000 in each of the past two years, he estimates.

Mel Stiller, executive director of the Consumer Credit Counseling Service of Eastern Massachusetts in Boston, says the average client is a 33-year-old who makes about $14,000 and owes $6,700 to 10 creditors. But he adds that clients include a cross-section of single, married and divorced people from all income levels.

Mr. Stiller says most of his clients simply are living beyond their means and can solve their problems by sticking to a budget. Another 25% have to raise their income or cut their living standards significantly to make ends meet, while another 5% are close to bankruptcy, he says.

For consumers, getting over their heads in debt is like a gathering storm that catches up all too quickly and often proves practically impossible to outrun.

Consider Richard and Gladys Stallings, the young couple from St. Paul. They each earn $15,000, he as a salesman and she as a teacher. When they were married two years ago, they had a back debt of $5,500—a $3,000 car loan, a $200 finance-company loan, $500 on charge accounts and credit cards, and a brand-new $1,800 personal loan they took out to wipe out checking-advance loans, pay for their wedding, and meet a few rent, car and other payments.

But rather than first pay off all those bills, the couple went right on spending and borrowing. While they did pay off the personal loan and $1,000 on the car loan, in February 1978 they took out another $3,000 loan from a credit union to consolidate and pay off bills from seven stores, plus repair costs for their cars, medical bills and attorney's fees. In addition, they spent $635 for a food service to stock their refrigerator, chalked up $400 in dental bills, and found themselves so overextended that they used all $1,500 from their checking-account advance to meet ordinary living expenses, such as rent.

Both say they couldn't see the bubble bursting, because they hadn't had any trouble meeting payments in the past. Besides, Mrs. Stallings says, "We spent out of necessity—for suits for Richard and for other things we needed, like vacations."

Last summer, with $8,500 in back bills and a brand-new baby, the couple bought a $28,900 home, figuring they could own a house for the same amount they paid for rent. But they didn't figure on big expenses for the baby, higher-than-expected fuel bills and new appliances. So they borrowed another $2,500, for the stove and refrigerator they needed and for the freezer and the washer-dryer they thought they ought to buy before prices went up.

Besides, says Mr. Stallings, "credit was so easy to get. We gave no thought to charging it. Any trouble, we went and got a loan."

That proved their undoing. Buying the house "was our big fault—maybe we should have waited," says Mr. Stallings. His wife adds, "No maybe about it—we should have."

Since seeking help, the Stallingses canceled checking-account credit lines and cut up all 10 of their credit cards. Laying the pieces of the cards like a jigsaw puzzle on a table "gave us a good feeling," says Mrs. Stallings. "They were a crutch, and I was addicted to them. But now it's all over."

Mrs. Stallings says she recently saved four months for the $125 she needed for a bed for the baby. "If I had the cards, I would have just bought it," she says. "But now if I can't pay for it, I won't buy it."

Not all debtors are free-wheeling spenders, of course. William Bernardinelli, a retired truck driver from Dorchester, Mass., whose $7,500 income barely covers necessities, recently took out a $500 loan to have his car fixed. He needed the car desperately for chores because he can't walk well, and he didn't have any money to get it fixed. But that loan piled on top of past debt proved too much. Recently, he filed for bankruptcy. "I had gotten into a bind, and I couldn't see any way out. I didn't have two nickels to rub together," he says.

Credit counselors say consumers who resort to bankruptcy are most often those who have been barely meeting bills in the first place and then get hit with surprise problems, such as an illness, a pay cut, or a failure to get a raise.

When Richard Albanese's income dropped to $11,200 from the mid 20s two years ago—because he couldn't take the pressure of his higher-paying managerial post—the 33-year-old insurance salesman from Brockton, Mass., tried but couldn't cut down. He and his wife, Cheryl, who earns $8,000 as a bookkeeper, figured they always had been able to meet bills and couldn't see "living like hermits." Says Mr. Albanese, "My father worked and saved. Then he died. So what did he save for?"

Besides, he says, credit is easy to get and hard to turn down. "When I went to a finance company for $400, they said, 'Sign here, and we'll send you $1,600.' When they put it in front of a person, he'll take it," Mr. Albanese says.

By last December, the couple had debts of $10,300 (plus a $30,000 mortgage), which came from banks, a credit union, finance companies and retailers—for cars, clothes and cash to pay bills. But then they separated. And Mr. Albanese discovered that he needed the $200 or so a month that he used to use to pay bills for a separate apartment and for child support. So in February, he filed for consolidation of his debt under the bankruptcy laws and agreed to pay $30 a week for three years to pay off part of his debt.

Of bankruptcy, he says, "I don't like it, but what's the alternative? It ruins my credit, but credit is what got me into trouble in the first place."●

THE CNL: THE SOLID SCORECARD

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 5 minutes.

● Mr. FLOOD. Mr. Speaker, as we approach the 20th anniversary of Captive Nations Week this July 15–21, it is important for all Americans and others to review the development of captive nations under the drive of Soviet Russian imperialist expansionism. I recommend the following analysis written by Dr. Lev E. Dobriansky of Georgetown University in "The CNL: The Solid Scorecard" for the reading of every American concerned with the security of our Nation:

The CNL: The Solid Scorecard

The Captive Nations List (CNL) was developed 20 years ago by the newly created National Captive Nations Committee, Inc. in Washington, D.C. The committee is based on Public Law 86–90. Its list, the CNL, is now generally well-known and accepted both here and abroad. One of America's most popular periodicals gave it nationwide currency several years ago.[13] The CNL reflects careful and accurate scholarship and is a source of great concern to Moscow and other Red regimes because it is a solid scorecard of communist aggressions and conquests for the past six decades. The CNL sums up what thousands of books have described in piecemeal.

Who are the captive nations, resulting primarily from Soviet Russian imperialism? This updated CNL shows them:

THE CAPTIVE NATIONS—WHO'S NEXT?

Country, People, and Year of Communist Domination:

Armenia	1920
Azerbaijan	1920
Byelorussia	1920
Cossackia	1920
Georgia	1920
Idel-Ural	1920
North Caucasia	1920
Ukraine	1920
Far Eastern Republic	1922
Turkestan	1922
Mongolia	1924
Estonia	1940
Latvia	1940
Lithuania	1940
Albania	1946
Bulgaria	1946
Yugoslavia (Serbs, Croats, Slovenians, etc.)	1946
Poland	1947
Romania	1947
Czecho-Slovakia	1948
North Korea	1948
Hungary	1949
East Germany	1949
Mainland China	1949
Tibet	1951
North Vietnam	1954
Cuba	1960
Cambodia	1975
South Vietnam	1975
Laos	1975

Disturbing trends of events on most continents justify the now perennial question "Who's next for the CNL?" Angola? Ethiopia? Afghanistan? Iran? Mozambique? Nicaragua? Republic of China? South Korea? Rhodesia? South Yemen?—and so on. Some observers have already classified some of these as captives because of the presence of

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Footnotes at end of article.

self-proclaimed Marxist regimes in the areas. From the viewpoint of cautious CNL analysis such conclusions at this stage are premature. All of the areas of conflict, notably in Africa, are conspicuously in a state of flux and subject to spontaneous change. The extent and rapidity of the change will depend on indigenous forces, the influence of contiguous states and the assertiveness of the West in countervailing Soviet Russian and proxy Cuban inroads.

The CNL is realistically open-ended. But its conceptual utilities are more than just this, as Red functionaries perceptively understand. Historically well-grounded, it shows in scoreboard fashion the incredible strides made by Moscow in the span of only three generations, and this regardless of deviations and hostilities between itself and a few of its offsprings. Significantly, much of this was accomplished long before it became the center of a so-called super-power contesting that of the U.S.

In addition to its scoreboard effect, the CNL serves as a constant reminder of the overall trends of Soviet Russian imperialism and Red totalitarianism since their inception in the 1918–20 period. Always banking on memory lapses or no memory at all, Moscow and its offsprings find this utility most disconcerting. Also, one would have to be quite obtuse to miss the corollary message of the CNL, namely the fundamental illegitimacy of all the Red regimes, conceived and built on conquest, Moscow-supported subversion, terrorism, and a methodical exploitation of nations and peoples for what is spuriously called "the final victory of communism."

Although the CNL is very plain and comprehensible to most analysts and readers, a few of our titled spokesmen on foreign policy have expressed difficulty with and opposition to it and the law which officially honors it. George F. Kennan, for example, has on several occasions criticized the law because of its politico-moral commitment to the eventual liberation and independence of the captive nations.[14] Without specifying them, he holds that two of the nations in the CNL "had never had any real existence, and the name of one of which appears to have been invented in the Nazi propaganda ministry during the recent war." For whatever reasons Kennan and others might shy from this dynamic truth, the U.S., true to its own unique revolution, is the living symbol of national independence, and its policy must always project this truth. As to the two nations, he doubtlessly had in mind, though he hesitated to identify them, Cossackia and Idel-Ural. In recorded history, the first goes back to the 18th century, the latter to 1917–20. It is interesting to note his Nazi ministry explanation; Moscow has invented this and uses it consistently.

The former secretary of state Dean Rusk has had chronic problems in understanding the CNL, even while in office, beginning in 1961. A Stevenson U.N. memo then was embarrassing to the secretary who in pending legislation displayed practically no knowledge of the origins of the USSR. Rusk thought Ukraine, Georgia and Armenia were traditional territorial parts of this "historical state." In recent years he has again been criticizing the CN analysis, and with some measure of bitterness.

Writing of "political stunts" or "silly maneuvers which have nothing to do with the real world in which we live," Rusk continues, "A prime example is the Captive Nations Resolution of 1959 which remains a part of the law of the land."[15] He also complains without specification. "One of the countries mentioned in the Resolution cannot be found in the Encyclopedia Britannica." All this is followed by the non-sequitur argument that a serious foreign policy for the nation as a whole is impossible if we "respond to the sentimental views of every group which has found refuge on our shores . . ."

Many often wondered in what world Rusk lived as secretary of state. His pitiful observations on the USSR, which is not seen as an empire, and his patent inability to explain our presence in Vietnam are just two examples of years of poor performance. The rather sophomoric reference to the encyclopedia indicates further intellectual weakness. The Britannica is not the bible of human knowledge. It has been inaccurate and defective in many areas concerning the non-Russia nations in the USSR.

As one report put it, "Although Rusk could not find the captive nations, he would have no trouble finding someone in Milwaukee, Racine or Kenosha with an interest in those nations."[16] No doubt, it is Idel-Ural again, as in Kennan's case. A little research on this subject would cure Rusk's difficulty. His non-sequitur argument is easily answered by saying that well-founded and determining ideas have nothing to do with groups as such.

Evaluate the ideas objectively regardless of its source. And, for factual accuracy, those in the CN analysis are purely American, based both on knowledge and in fundamental interest of our nation as a whole. Also, there is a strain of arrogance in spurning the richness of the direct experiences with Soviet Russia imperio-colonialism by those who have "found refuge on our shores."

Dealing with former secretaries of state seems to be a chronic problem. Even Kissinger does not come out well on the CN analysis. Back in 1972 he was queried about Captive Nations Week by the outstanding Miami radio analyst Alan Courtney. His typically ambiguous response was: "We, of course, support the right of nations everywhere, including Eastern Europe, to determine their own fate. But obviously circumstances have changed since the period when these resolutions were first introduced and when there was an expectation that there could be violent upheavals or peaceful changes of the government rapidly into a different form of government."[17]

Here, too, one wonders whether Dr. Kissinger ever read PL 86–90. His singling out "Eastern Europe" plainly indicates his limited understanding of the law. The law and the CN analysis are global in content.

Concentrating on substance, which the former secretary has a habit of skirting, it is of course true that transient conditions change, but who would intelligently deny the fixed conditions of Soviet Russian imperio-colonialism, Communist Party totalitarianism, and Moscow's global politico-economic warfare?

With these fixed conditions borne in mind—as the CN analytic framework demands—all relevant transient conditions in our contracting world can be soundly interpreted. In 1968, Brezhnev stated his doctrine in these terms, "When a threat to socialism appears in some Socialist country, a threat to the security of the community in general, this becomes no longer a problem of the people of that country but also a common problem for all socialist countries." Ergo, the muscle of Soviet Russian domination comes into play. How different is this today, despite all the ostensible politico-economic reforms?

Constantly on the aggressive move, Moscow played a major role in the Iran turmoil with anti-American broadcasts for months, linking anti-shahism to anti-Americanism. On this propaganda level the bear stalked while the eagle remained mute. The coup in Afghanistan was heavily stamped with Moscow's support of Communist Party members in military cells.

Iraq, for years a client of Moscow, suddenly fears the same fate, executes some forty CP members in similar military cells over the protests of Moscow and its East European satraps, and assists North Yemen to stave off South Yemen and its Moscow-backer, along with Cuban, East German and Ethiopian proxies. Just a glance at the map would show the gravity of these events, endangering Saudi Arabia and much of the Mideast, not to speak of oil and its crucial value to the West.

The stalk of the bear is clearly seen in Africa, too. With the setup of Marxist regimes in Angola, Zambia, Mozambique and Botswana, in time both East and West southern Africa could fall under complete communist dominance, depending heavily on Moscow. The fatal threat to Rhodesia and South Africa, as well as the cut-off of basic mineral supplies to the West, would be assured. The story and the director are the same; just a different state, different actors and at a different time.

As to the fixed condition of totalitarianism, it is sheer fantasy to suppose that our expanded relations with the Red regimes have made any substantial dent in their totalitarian structures. Some ten years ago Red China ringed with this theme: "The nature of Soviet revisionist social-imperialism, just as that of U.S. imperialism, will never change."[18] Despite the Carter Administration's recognition of Peking—at that with no extracted concessions and a humiliating cost to the Republic of China—this theme, part true, part fiction, continues to this day.

Until this tactical shift even Teng Xiaoping has reiterated it on many occasions. Only a fool could believe in an overnight ideological transformation on the part of the Chinese totalitarians whose background is soiled with over 60 million Chinese murdered since the 40's and some 27 million dissidents currently incarcerated in 7,000 prison camps. Temporary wall posters on democracy and human rights, relaxed emigration restrictions and cultural exchanges suitable to them are old techniques long employed by Moscow and now copied by Peking.

Other offsprings of Moscow may momentarily show their "independence," too, but the basic fact is that the empire within the empire, i.e. the USSR, in mixed power and in aggregate imperial product exceeds those of all other Red states combined. Romania under Ceausescu may show his maverickism from time to time, but his regime is as totalitarian as any of the others. A Red Romania wouldn't last for long without the existence of the USSR. The same applies to the most deviate of them all, Tito of Yugoslavia, another nest of captive nations.

From all of this and more the outlines of Moscow's global politico-economic warfare are evident. From the West extract as much as possible for "détente" and "peaceful coexistence" by wise of technological transfers and economic "aid' in trade and a SALT euphoria permitting wider gaps in military strength, at the same time extending its KGB operations of disinformation, subversion and terrorism; within its empire, sustain the totalitarian CP reins under the still prevailing Brezhnev doctrine and patiently deal with deviates through Vietnam, negotiations and even anti-communist groups; in the so-called third world, employ the old divide-and-conquer techniques in behalf of whatever causes but at least under the one cover of irrelevant Marxism for those seeking Soviet Russian material aid.

AN AMERICAN CAPTIVE NATIONS IDEOLOGY

During the heyday of détente NATO's secretary general, Dr. Joseph M. Lun, observed, "To the Communists détente means the exploitation of the peaceful instincts of the West, while waiting and working patiently to gain access to political power; in short, continuing the struggle by all means

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Footnotes at end of article.

short of war." [19] These words apply today as they will tomorrow. And they point to ideology, propaganda, covert operations, and tricks and cunning, as well as poise for the one chance. Sole dependence on arms and economic power is no guarantor of stability, as the Iran experience has illustrated.

This need of ideology is frequently researched and discussed in our highest governmental educational institutions. There are some who argue for the non-existence of this need; democracy in action, self-determination, and sufficient armed strength to defend ourselves and our most vital interests are enough. As one puts it, just serve as a model to others and all will be well. Events and developments contradict these simplistic views. The fradulent ideology of Marxism-Leninism reinforced by Soviet Russian imperialist power continues to change the world scene and threatens ever so much closely the vital interests of the U.S. and the free, non-totalitarian world.

In simplest terms, any ideology is nothing more than a dynamic system of interlocking ideas; the better and sounder it is, the more impressive and moving it is on minds and hearts activated by it. Public Law 86-90 contains the basic ingredients of an American captive nations ideology, and the CN analysis provides the structure of ideological thought shaped by history, principles, values and realism.

One conspicuous failing of our American mind-set is the silly notion that captive nations refers to those in Central/East Europe and that the subject is a refugee and ethnic concern which plays a role in national and local politics.

Nothing could be farther from the truth. The text of the law was written by a native-born American; its sponsorship in Congress was by outstanding American legislators; its support over the years has been across-the-board of organizations, groups and individual citizens; and its objective base engenders captive nations in Central/East Europe, within the USSR (meaning part of Eastern Europe and Asia) in other parts of Asia, and Cuba. Also, on what conceivable grounds can any human—American or otherwise—ignore and not profit by the brutalized experiences of other humans, over 1 billion of them.

But the law and the CN analysis are not just well-grounded in humanism, justice and human rights; they project a winning ideological framework, which Moscow and its satraps well comprehend, but unfortunately the same level of comprehension hasn't as yet been attained in the West. Hypothetically, if we were to find ourselves in a hot war with Moscow and its minions, and assuming no nuclear Pearl Harbor, all the elements of the captive nations ideology would inevitably fall into place in our national conscience, by sheer instinct if not by developed reasoning. Actually, it has been to prevent a hot outbreak of war that the ideology and its concentration on the proliferating captive nations has been advanced.

The ideational elements and factors constituting the ideology are the captive nations concept, the principles and values of our American tradition, a full-fledged human rights doctrine, and rationally established conceptual constructs. The captive nations concept is reflected in the CNL and extended CN analysis. The principles and values of the American tradition are developed extensively in the analysis and are stressed in PL 86-90, covering national independence, self-determination, the religious bases of our Republic, politico-economic freedom, private property and personal liberty.

These are the forces which made out of the U.S.A. a symbolic "America" in the eyes of men and women on all continents in this world. During our Bicentennial celebration in '76 it was through the CN analysis, by virtue of its focus on the last two remaining empires in our times, that almost exclusive emphasis was placed on the uniqueness of the American Revolution. In sharp contrast to the English, French and later Russian revolutions, the American one meant above all independence from an empire. How powerfully pertinent and applicable this truth is for today's America threatened by another empire and for captive nations seeking their independence from it.

When two years ago it was pointed out that human rights are old hat for the captive nations ideology, the sole motivation was for our policy-makers to put forth a full-fledged human rights doctrine. To repeat, "It cannot be repeated enough that human rights can become a constructive source of dynamism in our foreign policy and in its common denomination of all other issues, provided it is thought through clearly on the totalitarian/non-totalitarian structural distinction of captive nations inquiry, the three generic levels of human rights, and a single standard maintenance, with weighted application globally." [20]

The generic levels of human rights are personal, civil and national. As shown, the Administration has pressed on the first two, but has to date virtually ignored the third. Is it a refusal to face the facts? Is it fear, while the bear stalks and the eagle remains mute?

Finally, the additional, conceptual constructs of the ideology distinguish between the Red regimes and the underlying populace or nation (in truth, there is no such thing as "a communist nation") illumine the non-Russian nations in the USSR and the non-Han nations in the PRC, highlight the forces of Soviet Russia imperio-colonialism within the USSR as well as Red Chinese imperio-colonialist exploitation within the PRC, and project the poltrade policy, predicating trade with the two empires on the basis of cultural concessions.

All this and more really covers the waterfront. Yet it presents an integrated pattern of thought that precludes the repetition of myths and errors so common in public discussion and generates courses of action in the light of the objective facts and truths uncovered.

THE IMMEDIATE OUTLOOK

At this stage, between the two remaining empires the Soviet Russian one is by far and clearly the more dangerous to the peace of the world and the security of the U.S. and the non-totalitarian free world. Moscow's rapid and unremitting military buildup for over a decade points only in one direction—the attainment of a clear-cut military superiority in strategic and conventional weapons. The closer it approaches it—while the West wastes time and energy in debating SALT II and the entire, misleading SALT process, the modernization of weapons and so forth—the more strident will all the manifestations of Soviet Russian imperialism be.

With or without SALT II, it would be suicidal for us to ignore this uninterrupted trend of Soviet Russian militarism. As emphasized earlier, SALT II should not be evaluated *in vacuo*, devoid of the contextual picture of events, developments and conditions. Now, how is all this relevant to the CN analysis? Very pointedly. An imperial economy only half the size of ours couldn't possibly expend more resources for military objectives without a staggering cost of exploitation of both its Russian and captive non-Russian populations.

Concerning the former it is totalitarian; regarding the latter it is both totalitarian and imperialistic. From a human rights and other viewpoints, this is a crucial fact. But how many hear of it in the current discussion? In brief, the discussion requires broadening, and the CN analytical framework provides the broadest context. Agreement for agreements sake would be out of realistic context.

The production of missiles and their deployment, modernization, etc. take time, well into the 80's. In the immediate outlook, what can be done in the meantime? Many practical things, if we have the courage and imagination for them. One is the retained application of the CN poltrade concept in the Jackson-Vanik Amendment regarding trade with the USSR. The amendment was never restricted just to Jewish emigration. It has broader implications than this.

Another application of the CN poltrade stance is the search for a general amnesty of political prisoners in Moscow's primary empire. Trade in commodity slavery was abandoned by civilized Western powers in the last century. Why in this century trade with guardians of slave institutions?

As oil is becoming the Achilles Heel of the West, with tens of billions dollar transfer of wealth to others, the captive non-Russian nations in the USSR are the Achilles Heel of Moscow, with the striking potential of strategic transfer of basic security against war and for peace and freedom. Economics has never really been in terms of prices and dollars; it is in terms of values, the real values of life. The CN analysis has urged for years a methodical concentration on the non-Russian nations in the USSR. Moscow is very sensitive about this, and rightly so because of the mentioned reasons.

As an example, the center of the supposed second super-power is feverishly pushing today the 325th anniversary of the Pereyaslav treaty, ostensibly marking the "reunification of Ukraine with Russia." [21] Though most in the West don't understand the significance of this, it simply indicates the residual fear of Moscow that without the support of Ukraine—after all, the largest non-Russian nation not only in the USSR but in Eastern Europe as well—its strategy for more influence and domination is likely to go awry.

In the U.S. Congress today there are two resolutions calling for the resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine, both genocided by Stalin. Senator Goldwater and co-sponsors are advancing S. Con. Res. 9; on the House side, Representative Flood and co-sponsors are pressing for H. Con. Res. 72. Both resolutions seek the resurrection of the two churches.

By way of CN analysis another real test emerges with the Olympics in Moscow next year. Back in the 30's, Hitler attempted through the athletic conduit to demonstrate the superiority of the Aryan race. Brezhnev will make the same attempt for the Homo Sovieticus, the Soviet man. Those who are deluded to think the USSR is made up of "the Soviets," will probably buy this.

Lastly, the Helsinki Accords passed from Helsinki to Belgrade and now on to Madrid in 1980. The CN analysis urges a full-scale discussion of national rights and decolonization within the U.S.S.R. This wasn't so in Helsinki or Belgrade. Madrid is in the non-totalitarian world. Will our representatives have the knowledgeability and courage to make this a top priority item on the agenda? Or will we permit the really insecure bear to stalk while the eagle remains relatively mute? A future rests on the answers to these questions. The CN analysis is not without the certain answers.

FOOTNOTES

[13] "Who Will Be Next?" *The Reader's Digest*, October 1971, p. 122.

[41] *Memoirs 1950–1963*, v. II, Boston, p. 99.

[15] *Perceptions: Relations Between the United States and the Soviet Union*. Senate Foreign Relations Committee, USGPO, 1978, pp. 452–453.

[16] Richard Bradee. "Rusk Report on Captive Nations Stirs Protest," *Milwaukee Sentinel*, January 3, 1979.

Footnotes at end of article.

FOOTNOTES

[17] *Briefing*. TV, Radio Anchorman and Featured Commentators, June 27, 1972.

[18] "On Summing Up Experience," *Red Flag*, Peking, March 14, 1969.

[19] Do You Know the Captive Nations? Who's Next—South Vietnam? USGPO, 1972, p. 11.

[20] *Human Rights Are Old Hat for Captive Nations*, USGPO, 1977, p. 10.

[21] See Roman Solchanyk. "The Politics of Hematology and Contemporary Soviet Nationality Policy." *Radio Liberty Research*, March 30, 1979.

CUBAN INDEPENDENCE DAY MESSAGE

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. Pepper) is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, distinguished colleagues, this morning our opening prayer was given by the Reverend Monsignor James P. Cassidy, the chaplain for the Cuban Crusade for Relief and Rehabilitation.

I have attached a challenging message from that organization, daring Castro to celebrate the day of Cuban independence and freedom. He could hardly do so with a clear conscience, for it was he who stole the fruits of their freedom from the Cuban people and made himself the dictator of that once proud republic.

I think the following is for us all to remember and discuss among ourselves, that we may see fit to contribute to the restoration of the law of liberty to Cuba and her good people:

Cuban Crusade for Relief and Rehabilitation Association, Inc.

New York, N.Y.

Cuban Independence Day—1979

Crusade 1979.—Message honoring Cuban Patriots Jose Marti, General Antonio Maceoy Grajales and General Generoso Marquetti.

His Excellency President Jimmy Carter and administration, Honorable Speaker Thomas P. O'Neill, Jr., Congressmen Dante B. Fascell, Claude Pepper, John Buchanan, Jr. and all other members of the House and Senate:

Cuban Independence Day is also Cuban American and Latin-American Solidarity Day since it is the very first day of Hemispheric Brotherhood. In order to reflect the true sentiments of the majority of Cubans and Americans, who once having refreshed their memories as to the real historical facts that remain unchallenged today, we expose them for the universe to hear and see. The United States and its people in joining the Cuban patriots in their fight for freedom against Spanish tyranny and oppression of those days, did not exact their pound of flesh and colonize Cuba, as has always been and still is the case when large and powerful countries have aided small nations in their so-called freedom wars. America instead rejoiced together with Cuba on May 20th more than half a century ago celebrating their hard won freedom and aided a new democratic nation to be born, by helping them during their liberation battles and after, economically.

And today more than ever, it is necessary for our nation to point out to the world and its people, our record referring to, in all of our international dealings with any nation, small or large, we have always liberated or aided to liberate, but we have never colonized.

May 20th, Anniversary of the Republic of Cuba's Liberation Day is the first and best example of the United States' fraternal behavior towards a hemispheric brother's liberation struggle, the United States is your brother and not your master. The same is true for the rest of the world.

The above statements are self-evident truths forgotten under the stress of battle against an ever-aggressive opponent, who specializes in propaganda trickery, and who has enslaved nation's utilizing the false colours of liberation.

In the name of Americans, Cubans, Latin-Americans, and the peoples of the world at large, we challenge our totalitarian foes to produce just one May 20th in their so-called Liberation Wars of freedom throughout the world.

In one word, they cannot.

May 20th, Cuban Independence Day, Cuban-American Day, or Latin-American Solidarity Day is the actual Anniversary of America's foreign policy principles, Liberate and Aid as against the Dominate by Force and Colonize policy championed by our political enemies.

Americans, our duty and moral obligation is to hammer out these truths to world opinion by celebrating May 20th adequately and transmitting its strong message hemispherically and universally.

Americans, North, South, or Central stand united behind this American Universal Foreign Policy. Step forward and be counted on next May 20th.

May 20th, 1979—Dr. Joseph R. Julia, President-Cuban Crusade, Ms. Candelaria C. Ackay, President, Hemispheric Committee.—Ms. Alice C. Soblotne, President, Campaign 1979–80—Cuban Crusade, Dr. Alejandro D. Paniagua, Chairman, Hemispheric Committee, Campaign—1979–80.●

SPORTS ANTITRUST REFORM ACT OF 1979

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. Dixon) is recognized for 5 minutes.

● Mr. DIXON. Mr. Speaker, I rise in support of H.R. 2129, the Sports Antitrust Reform Act of 1979, which I am pleased to cosponsor with my colleague from Ohio, John Seiberling. This bill would remedy longstanding legal inconsistencies in this area, and end certain monopolistic practices in professional sports.

The first part of our bill would eliminate professional baseball's antitrust exemption, the product of an era in which no one had ever heard of television, free agents, astroturf or Reggie Jackson. In 1922, when Babe Ruth was still a pitcher with the Boston Red Sox, the Supreme Court held that "giving exhibitions of baseball" was "purely a state affair" and thus not subject to the antitrust laws. This determination has endured to the present day, ignoring both immense changes in the game—including the advent of broadcasting—and in the interpretation of the antitrust laws. Despite the fact that other sports have long since been held subject to these laws, baseball remains peculiarly immune; alone in its status as a self-regulating, Court-sanctioned monopoly.

This legal inconsistency has legitimized monopolistic actions which would be illegal in virtually any other business. Not only are owners free to set the dates and number of games and control ticket prices, they are, as a result of their exclusive control over franchises, able to exact concessions from State or local governments far beyond those reasonably necessary for their livelihood.

With a single exception, the 26 major league teams play in municipally owned or operated stadiums, paying as little as $21,000 in annual rent while earning, in 1977, $230 million in gross income. As a result, baseball owners are able to reap the benefits of public accountability while escaping the responsibilities of public accountability.

Clearly, this is a legal aberration which continues to harm the interests of sports fans and other members of the tax-paying public. Equally clearly, it is an aberration that only Congress can address. Twice the Supreme Court has had the opportunity to reverse its original determination, and twice it has refused to do so. Most recently, in the Curt Flood case, the Court, citing "positive congressional inaction," reaffirmed its earlier view that "the appropriate remedy lies with Congress." The first part of our bill provides that remedy. It merely requires professional baseball to play by the same rules which all other sports, indeed virtually all other industries, must observe.

While the primary focus of the bill is baseball's judicially created aberration, it does not ignore monopolistic practices in other professional sports. I am pleased that H.R. 2129 also addresses the problem of exclusive territorial restrictions, in which I have a special concern.

These restrictions, either in the form of formal league rules or informal "understandings," effectively prevent league members from playing their home games within the designated "territory" (usually a 75-mile radius) of another member. While recognized in sports and other businesses as a legitimate and often necessary means of maintaining a fair allocation of franchises, this practice is, in my view, unjustified in populous areas which have demonstrated an ability to support more than one team in a particular sport.

The effects of these restrictions have been felt primarily in Washington and Los Angeles, two cities in which I certainly have an interest. As a result of the Los Angeles Rams' impending move to Anaheim, the Los Angeles Coliseum, site of both the 1932 and the upcoming 1984 summer Olympic games, will be without a pro football tenant for the first time in 33 years. This would harm both the prestige of the city of Los Angeles, and the economy of this already depressed area. Meanwhile, professional baseball has been absent from Washington for 7 years, largely because the owner of the Baltimore Orioles insists on invoking his territorial prerogative to keep other franchises from encroaching on his fiefdom.

The evidence clearly indicates that both Washington and Los Angeles could support additional franchises. The L. A. Dodgers last year drew a major-league record 3.36 million fans, while 40 miles down the freeway, the California Angels attracted their highest total since they moved to Anaheim. And certainly no one familiar with Washington's love affair with the Redskins can deny that baseball can survive, indeed thrive in the Nation's Capital.

The second part of our bill addresses this inequity. It would prohibit the exercise of exclusive territorial restrictions in professional sports, except in areas—defined by the 75-mile standard—in which fewer than 2 million persons reside. This approach is similar to a bill introduced by my predecessor, Yvonne Burke, last session. It would recognize the legitimate use of territorial restrictions, while prohibiting their unrestricted, unreasonable use.

Mr. Speaker, it may be argued that professional sports are too trifling a matter for Congress to devote its scarce resources to. Indeed, from a raw dollar standpoint, sports have a statistically insignificant impact on the national economy. However, as Sports Illustrated, in an excellent 1978 series on "Money and Sports," points out—

> Though a piker by the standards of the Fortune 500, the sports industry scores heavily on other fronts. Apart from the revenue that sports earn for themselves, they generate billions of dollars for TV and for the cities in which they operate. Moreover, millions do not cheer the workers at IBM, nor is an estimated $50 billion gambled annually on whether Bethlehem Steel meets its production quotas. And not only are gaudy pleasure palaces erected in pro sports' honor, not only do they command special sections in our newspapers and dominate weekend TV viewing, but they permeate and influence our lives in myriad other ways that register on the Big Board.

Mr. Speaker, I am pleased to join my friend from Ohio as a cosponsor of this bill, and I hope the Congress will give it its full consideration.●

THE INTERIOR COMMITTEE SENDS THE HOUSE A GIANT TURKEY—AGAIN

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. Brown) is recognized for 5 minutes.

● Mr. BROWN of California. Mr. Speaker, yesterday I urged the Members of the House to be on the look out for a giant turkey, which was reported headed our way from the House Interior Committee. Here is an update for those who are wondering what happened since the last report.

The Committee on Interior and Insular Affairs decided that yesterday's action was premature, and their "turkey" needed another day of incubation in order to gather a legal quorum. This morning the "turkey" was again hatched, and again reported on its way to the House floor.

I urge my colleagues to be alert to efforts to rush H.R. 2609, a bill to more than double authorizations for the Colorado River Basin Salinity Control Act, past the full House. This legislation is a classic example of a bad bill, poorly conceived, generally criticized and extremely expensive for the taxpayers as a whole, and profitable for only a few. During the days to come I will detail my reasons for opposing this legislation, with its giant desalting plant. In the interim, I highly commend a recent General Accounting Office report entitled "Colorado River Basin Water Problems: How to Reduce Their Impact" (CED–79–11, May 4, 1979), which explains this matter in detail.●

OUT IN THE OPEN

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. Levitas) is recognized for 5 minutes.

● Mr. LEVITAS. Mr. Speaker, the Committee on Government Operations has recently reported a bill (H.R. 2444) establishing a separate Cabinet-level Department of Education. One of the considerations that should be uppermost in our thinking when legislation to create this Department comes before the House is the need for accountability. I submit for the Record the following editorial from the Atlanta Journal. It deals with the issue of making the education programs, which, today, are scattered in all corners of Government, identifiable and accountable.

[From the Atlanta Journal, May 2, 1979]

Out in the Open

The Senate has approved President Carter's proposal to take the "E" out of HEW by setting up a separate, Cabinet-level Department of Education. The House of Representatives has not yet made its decision on this issue which has grown unexpectedly controversial.

We have generally supported the president's efforts at executive reorganization, and therefore in the absence of compelling reasons for not doing so have supported the Education Department proposal. Critics have come up with some objections which would concern us if we thought they had proved their case—but they have not.

Like the critics, we do not want to see more federal regulation of education, nor do we want to see a federal department dominated by the National Education Association. These consequences are implicit in the Education Department proposal, opponents charge.

But are such arguments really valid? We already have a vast federal bureaucracy involved in education, and NEA and other groups have influence in it and attempt to gain more. It seems to us, however, that consolidating federal education programs into a separate department will make these programs more visible and therefore less subject to behind-the-scenes manipulation by special interest groups. With a separate Department of Education we would know who is responsible, and therefore the educational bureaucracy would be more under presidential and public control rather than less.

Administrative reorganization does not in itself mean new programs or new directions. Under it, the course of federal policy on education will continue to be determined by the appointments to top positions and the legislation enacted by Congress. The more policymaking is out in the open, the better—and a separate Education Department should help to make policy more responsive, as well as more efficient.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Rodino (at the request of Mr. Wright), for today, on account of illness in the family.

Mr. Lederer (at the request of Mr. Wright), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Sensenbrenner) and to revise and extend their remarks and include extraneous matter:)

Mr. Edwards of Oklahoma, for 15 minutes, today.

(The following Members (at the request of Mr. Williams of Montana) to revise and extend their remarks and include extraneous material:)

Mr. Weaver, for 10 minutes, today.
Mr. Annunzio, for 5 minutes, today.
Mr. Gonzalez, for 5 minutes, today.
Mr. Cavanaugh, for 5 minutes, today.
Mr. Flood, for 5 minutes, today.
Ms. Holtzman, for 5 minutes, today.
Mr. Pepper, for 5 minutes, today.
Mr. Dixon, for 5 minutes, today.
Mr. Brown of California, for 5 minutes, today.
Mr. Levitas, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Symms, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,158.

(The following Members (at the request of Mr. Sensenbrenner) and to include extraneous matter:)

Mr. Philip M. Crane.
Mr. Symms in two instances.
Mr. Shuster.
Mr. Paul in six instances.
Mr. Ashbrook in two instances.
Mr. Conte in two instances.
Mr. Fish.
Mr. Broomfield.
Mr. Derwinski.
Mr. Moorhead of California.
Mr. Rousselot in three instances.
Mr. Erlenborn.
Mr. Shumway.

(The following Members (at the request of Mr. Williams of Montana) and to include extraneous matter:)

Mr. Leland in two instances.
Ms. Mikulski in five instances.
Mr. Bailey.
Mr. McKay.
Mr. Stark in two instances.
Mr. Boland.
Mr. Harris.
Mr. Udall.
Mr. Frost.
Mr. Dellums.
Mr. Stokes.
Mrs. Byron.
Mr. Ratchford.
Mr. Studds.
Mr. Eckhardt.
Mr. Flippo.
Mr. Fauntroy.
Mr. Dodd.
Mr. Albosta.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 532. An act to continue the work of the President's Commission on Pension Policy to develop a national retirement income policy in the United States, and for other purposes.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 817. An act to amend the Act of July 2, 1940, as amended, to increase the amount authorized to be appropriated for the Canal Zone Biological Area; to the Committee on Merchant Marine and Fisheries.

ADJOURNMENT

Mr. WILLIAMS of Montana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 16, 1979, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1589. A letter from the Assistant Secretary of Defense (Comptroller), transmitting selected acquisition reports and SAR summary tables for the quarter ended March 31, 1979, pursuant to section 811(a) of Public Law 94–106; to the Committee on Armed Services.

1590. A letter from the First Vice President and Vice Chairman, Export-Import Bank of the United States, transmitting a statement describing a proposed transaction with the Electricity Supply Board of the Republic of Ireland exceeding $60 million pursuant to section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

1591. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting to authorize appropriations under title I of the Housing and Community Development Act of 1974 for fiscal years 1981, 1982 and 1983, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

1592. A letter from the Deputy Attorney General, transmitting a draft of proposed legislation to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on Education and Labor.

1593 A letter from the Deputy Assistant Secretary of the Interior, transmitting a report on modifications needed to insure the safety of the Gibson Dam, Sun River Project, Mont., pursuant to section 5 of Public Law 95–578; to the Committee on Interior and Insular Affairs.

1594. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of an application by the Eastern Municipal Water District of Hemet, Riverside County, Calif., for a loan under the Small Reclamation Projects Act, pursuant to section 4(c) of the act; to the Committee on Interior and Insular Affairs.

1595. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of an application by the Central Nebraska Public Power and Irrigation District of Holdrege, Nebr., for a loan under the Small Reclamation Projects Act, pursuant to section 4(c) of the act; to the Committee on Interior and Insular Affairs.

1596. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to improve the provision of mental health services and otherwise promote mental health throughout the United States; and for other purposes; to the Committee on Interstate and Foreign Commerce.

1597. A letter from the Secretary of Health, Education, and Welfare, transmitting notice of a delay in the submission of the first annual report on drug abuse prevention and treatment, required by section 3(b) of Public Law 95–461; to the Committee on Interstate and Foreign Commerce.

1598. A letter from the General Counsel, Department of Energy, transmitting notice of a meeting relating to the International Energy Program to be held on May 18, 1979, in Paris, France; to the Committee on Interstate and Foreign Commerce.

1599. A letter from the Director, Administrative Office of the United States Courts, transmitting notice of a possible delay in the submission of certain amendments to title II of the Speedy Trial Act of 1974, required by section 607 of the Congressional Budget Act of 1974; to the Committee on the Judiciary.

1600. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1601. A letter from the Chairman, Interagency Geothermal Coordinating Council, transmitting the third annual report on the geothermal energy, research, development and demonstration program, covering fiscal year 1978, pursuant to sections 104(d) and 302(a) of Public Law 93–410, and in partial response to the requirements of section 15 of Public Law 93–577; to the Committee on Science and Technology.

1602. A letter from the Director, National Science Foundation, transmitting the Foundation's annual report for fiscal year 1978 on the administration and enforcement of section 10 of the National Science Foundation Authorization Act, fiscal year 1978, relating to employee conduct and conflicts of interest, pursuant to section 10(c) of the act; to the Committee on Science and Technology.

1603. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to authorize a flexible environmental program of integrated financial assistance to States and local governments to plan, manage, and implement abatement and control strategies in a more efficient and effective manner; jointly, to the Committees on Agriculture, Interior and Insular Affairs, Interstate and Foreign Commerce, Merchant Marine and Fisheries, and Public Works and Transportation.

1604. A letter from the Comptroller General of the United States, transmitting a report on the medicare hospital certification system (HRD–79–37, May 14, 1979); jointly, to the Committees on Government Operations, Ways and Means, and Interstate and Foreign Commerce.

1605. A letter from the Secretary of Health, Education, and Welfare, transmitting reports that during the quarters ended September 30 and December 31, 1978, no payments were made for any experimental, pilot, demonstration, or other project all or any part of which was wholly financed with Federal funds under the Social Security Act, pursuant to section 1120(b) of the act; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 2585. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1980 and 1981; with amendment (Rept. No. 96–145). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 2795. A bill to amend the International Travel Act of 1961 to authorize additional appropriations, and for other purposes (Rept. No. 96–146). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee on Agriculture. H.R. 3546. A bill to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 1 year; with amendment (Rept. No. 96–147). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 4015. A bill to amend title 38, United States Code, to establish demonstration centers of geriatric research, education, and clinical operations within the Veterans' Administration (Rept. No. 96–148). Referred to the Committee of the Whole House on the State of the Union.

Mr. NEDZI: Committee on Armed Services. H.R. 3947. A bill to authorize certain construction at military installations for fiscal year 1980, and for other purposes; with amendment (Rept. No. 96–149). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Public Works and Transportation. H.R. 2814. A bill to authorize the Secretary of the Army to correct certain slope failures and erosion problems along the banks of the Coosa River (Rept. No. 96–150). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. H.R. 2335. A bill to provide for a research, development, and evaluation program to determine the feasibility of collecting in space solar energy to be transmitted to Earth and to generate electricity for domestic purposes; with amendment (Rept. No. 96–151). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 3303. A bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1980, and for other purposes, (Rept. No. 96–99, Pt. III). Referred to the Committee of the Whole House on the State of the Union.

Mr. REUSS: Committee on Banking, Finance and Urban Affairs. H.R. 3347. A bill to authorize appropriations for the international affairs functions of the Department of the Treasury for fiscal years 1980 and 1981; with amendment (Rept. No. 96–152). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee on Agriculture. H.R. 3683. A bill to amend the Consolidated Farm and Rural Development Act; with amendment (Rept. No. 96–153). Referred to the Committee of the Whole House on the State of the Union.

Mr. REUSS: Committee on Banking, Finance and Urban Affairs. H.R. 3875. A bill to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes; with amendment (Rept. No. 96–154). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 3939. A bill to establish an actuarially sound basis for financing retirement benefits for police officers, fire fighters, teachers, and judges of the District of Columbia and to make certain changes in such benefits, (Rept. No. 96–155). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 3951. A bill to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for the cost of construction of the rapid transit system of the National Capital Region, to provide an orderly method for the retirement of bonds issued by the Washington Metropolitan Area Transit Authority, to authorize an annual Federal payment to such Authority to provide assistance in meeting expenses of operation and maintenance of such system in order to reflect the special Federal relationship to such system, and for other purposes; with amendment (Rept. No. 96–156). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 270. Resolution providing for the consideration of H.R. 2295. A bill to authorize appropriations for the Coast Guard for fiscal year 1980 (Rept. No. 96–157). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 271. Resolution providing for the consideration of H.R. 2575. A bill to authorize appropriations for fiscal year 1979, in addition to amounts previously authorized, for procurement of aircraft, missiles, and naval vessels and for research, development, test, and evaluation for the Armed Forces, and for other purposes (Rept. No. 96–158). Referred to the House Calendar.

Mrs. CHISHOLM: Committee on Rules. House Resolution 272. Resolution providing for the consideration of H.R. 2641. A bill to amend section 106 of the Civil Rights Act of 1957 to raise the limitation on appropriations for the U.S. Commission on Civil Rights (Rept. No. 96–159). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 273. S. 869. An act to amend section 207 of title 18, United States Code, (Rept. No. 96–160). Referred to the House Calendar.

Mr. HAMILTON: Committee on Foreign Affairs. H.R. 4035. A bill to authorize supplemental international security assistance for the fiscal year 1979 in support of the peace treaty between Egypt and Israel, and for other purposes (Rept. No. 96–161). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE: Committee on Armed Services. H.R. 2603. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1980, and for other purposes; with amendment (Report No. 96–162). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. H.R. 2061. A bill to restructure the Federal Law Enforcement Assistance Administration, to assist State and local governments in improving the quality of their justice systems, and for other purposes; with amendment (Rept. No. 96–163). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 2859. A bill to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, to amend such act to facilitate the improvement of programs carried out thereunder, to authorize urban volunteer programs, and for other purposes; with amendment (Rept. No. 96–164). Referred to the Community of the Whole House on the State of the Union.

Mr. REUSS: Committee on Banking, Finance and Urban Affairs. H.R. 3930. A bill to amend the Defense Production Act of 1950 to extend the authority granted by such act and to provide for the purchase of synthetic fuels and synthetic chemical feedstocks, and for other purposes; with amendment (Rept. No. 96–165). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE: Committee on Armed Services. H.R. 4040. A bill to authorize appropriations for fiscal year 1980 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and for research, development, test, and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for fiscal year 1980 for civil defense, and for other purposes; with amendment (Rept. No. 96–166). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. H.R. 2218. A bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1980, 1981, and 1982; with amendment (Rept. No. 96–167). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. H.R. 3292. A bill to assist the States in developing fish and wildlife conservation plans, and for other purposes; with amendment (Rept. No. 96–168). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. H.R. 2462. A bill to authorize appropriations for the fiscal year 1980 for certain maritime programs of the Department of Commerce, and for other purposes; with amendment (Rept. No. 96–169). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. H.R. 1798. A bill to authorize appropriations to carry out the Fishery Conservation and Management Act of 1976 during fiscal years 1980, 1981, and 1982; with amendment (Rept. No. 96–170). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. H.R. 2043. A bill to amend the Water Bank Act for the purpose of authorizing the Secretary of Agriculture to adjust payment rates with respect to initial conservation agreements and to designate certain areas as wetlands, and for other purposes; with amendment (Rept. No. 96–171). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. H.R. 85. A bill to provide a comprehensive system of liability and compensation for oil-spill damage and removal costs, and for other purposes; with amendment (Rept. No. 96–172, Pt. I). Ordered to be printed.

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. H.R. 2035. A bill to authorize appropriations for fiscal years 1980, 1981, and 1982 to carry out cooperative programs with the States for the conservation of anadromous fish; with amendment (Rept. No. 96–173). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 2606. A bill to amend the Toxic Substances Control Act to extend the authorization of appropriations contained in such act; with amendment (Rept. No. 96–174). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Public Works and Transporation. H.R. 3502. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1980 and 1981; with amendment (Rept. No. 96–175, Pt. I). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce: H.R. 3502. A bill to amend the Hazardous Materials Transporation Act to authorize appropriations for fiscal years 1980 and 1981; with amendment (Rept. No. 96–175, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. H.R. 4016. A bill to authorize appropriations for the Federal Fire Prevention and Control Act of 1974; with amendment (Rept. No. 96–176). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2609. A bill to increase the appropriations ceiling for title I of the Colorado River Basin Salinity Control Act (act of June 24, 1974; 88 Stat. 266), and for other purposes; with amendment (Rept. No. 96–177). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 3763. A bill to amend the Office of Federal Procurement Policy Act, and for other purposes; with amendment (Rept. No. 96–178). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Public Works and Transportation. H.R. 3051. A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; with amendment (Rept. No. 96–179). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Public Works and Transportation. H.R. 2063. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for 3 additional years; with amendment (Rept. No. 96–180). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 2313. A bill to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such act; with amendment (Rept. No. 96–181). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 3633. A bill to amend title VIII of the Public Health Service Act to extend for 1 fiscal year the program of assistance for nurse training, and for other purposes; with amendment (Rept. No. 96–183). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 3641. A bill to extend for 8 fiscal years the expiring health information programs under title XVII of the Public Health Service Act, and for other purposes. (Rept. N. 96–184). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 3642. A bill to extend for 3 years the programs under section 789 and title XII of the Public Health Service Act relating to emergency medical services and to authorize assistance for poison control and assistance centers (Rept. No. 96–185). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 3509. A bill to extend for 3 fiscal years the authorizations for appropriations under the Safe Drinking Water Act (Rept. No. 96-186). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Senate Joint Resolution 14. Joint resolution to correct an error made in the printing of Public Law 95-613; with amendment (Rept. No. 96-187). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 3180. A bill to authorize certain supplemental appropriations for the Department of Energy for fiscal year 1979 and to make certain amendments relating to the administration of such Department, with an amendment (Rept. No. 96-188). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 3996. A bill to amend the Rail Passenger Service Act to extend the authorization of appropriations for Amtrak for 3 additional years, and for other purposes; with amendment (Rept. No. 96-189). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 3917. A bill to amend titles XV and XVI of the Public Health Service Act to revise and extend the authorities and requirements under those titles for health planning and health resources development, and for other purposes; with amendment (Rept. No. 96-190). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 3994. A bill to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal year 1980, to make certain technical changes, to strengthen the regulatory and enforcement mechanisms, and for other purposes; with amendment (Rept. No. 96-191). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2610. A bill to amend the Water Resources Planning Act (79 Stat. 244, as amended).

Reported from the Committee on Interior and Insular Affairs with amendments (Rept. No. 96-144, Pt. I). Referred to the Committee on Agriculture and to the Committee on Public Works and Transportation for a period ending not later than June 15, 1979, for consideration of such provisions of the bill and amendments as fall within the jurisdiction of those committees under cl. 1(a) and 1(p) of rule X, respectively, and ordered to be printed.

Mr. UDALL: Committee on Interstate and Foreign Comerce. H.R. 2975. A bill to establish the Channel Islands Marine National Park in the State of California, and for other purposes; with amendments (Rept. No. 96-182, Pt. I). Referred to the Committee on Merchant Marine and Fisheries for a period ending not later than June 15, 1979, for consideration of such provisions in the bill and amendments as fall within that committee's jurisdiction under clause 1(n)(4), rule X, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 4092. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to individuals who rent their principal residences for a portion of the real property taxes paid or accrued by their landlords; to the Committee on Ways and Means.

By Mr. DELLUMS (for himself and Mr. Miller of California):

H.R. 4093. A bill to regulate the sale, distribution, and export of infant formula in and to developing countries, and for other purposes; jointly, to the Committees on Foreign Affairs and Interstate and Foreign Commerce.

By Mr. DOWNEY:

H.R. 4094. A bill to amend section 701(a)(4) of the Omnibus Crime Control and Safe Streets Act to add new categories to the categories of individuals eligible to receive benefits under such section; to the Committee on the Judiciary.

By Mr. HARRIS:

H.R. 4095. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Ms. HOLTZMAN:

H.R. 4096. A bill to amend the Atomic Energy Act of 1954 to provide for inspectors to be present in control rooms of all nuclear powerplants, to assist the States in preparing emergency plans in the event of nuclear accidents, to require nuclear powerplant operators to monitor radiation levels in the vicinity of the powerplants, to require such operators to develop procedures for responding to emergency situations and to distribute information to the public regarding the manner of responding to such emergencies, and to require the Nuclear Regulatory Commission to conduct inspections of all operating nuclear powerplants within 6 months after the date of the enactment of this act; jointly, to the Committees on Interior and Insular Affairs and Interstate and Foreign Commerce.

(By Mr. JOHNSON of California (for himself, Mr. Miller of California, and Mr. Pashayan):

H.R. 4097. A bill to authorize the Secretary of the Interior to engage in feasibility studies of the enlargement of Shasta Dam and Reservoir, Central Valley Project, Calif., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MOORHEAD of Pennsylvania:

H.R. 4098. A bill establishing a National Domestic Development Bank, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 4099. A bill to provide public works, business financing, and other development assistance to alleviate economic distress; jointly, to the Committees on Banking, Finance and Urban Affairs and Public Works and Transportation.

By Mr. MOORHEAD of Pennsylvania (for himself, Mr. Blanchard, Mr. McKinney, Mr. Reuss, and Mr. Stanton):

H.R. 4100. A bill to provide business financing and financial institution liquidity to alleviate economic distress; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MOTTL:

H.R. 4101. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the exclusion from gross income of dividends received by individuals; to the Committee on Ways and Means.

By Mr. SHANNON (for himself, Mr. Brodhead, Mr. Dixon, Mr. Stark, Mr. Beilenson, Mr. Carr, Mr. Donnelly, Mr. Drinan, Mr. Edgar, Ms. Ferraro, Mr. Maguire, Mr. Sabo, Mr. Seiberling, Mr. Weaver, and Mr. Williams of Montana):

H.R. 4102. A bill to amend the Internal Revenue Code of 1954 to reduce by one-half the allowable deduction for business meals; to the Committee on Ways and Means.

By Mr. SHANNON (for himself, Mr. Bafalis, Mr. Cotter, and Mr. Kemp):

H.R. 4103. A bill to limit the retroactive application of section 1056 of the Internal Revenue Code of 1954 (as added by section 212 of the Tax Reform Act of 1976); to the Committee on Ways and Means.

By Mr. SOLARZ:

H.R. 4104. A bill to amend title XVI of the Social Security Act to provide that parents' income and resources shall not be attributed to a child under age 21 for purposes of determining such child's eligibility for SSI benefits, if such child is under a disability which is permanent and total; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 4105. A bill to amend the Rural Electrification Act of 1936 to provide for the financing of telecommunications facilities for broadband services in small towns and rural areas, and for other purposes; jointly, to the Committees on Agriculture and Interstate and Foreign Commerce.

By Mr. WAXMAN (for himself, Mr. Rangel, Mr. Eckhardt, and Mr. Gibbons):

H.R. 4106. A bill to amend title XI of the Social Security Act to authorize civil monetary penalties for certain fraudulent activities in the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.J. Res. 329. Joint resolution to declare May 18, 1979, to be National Museum Day; to the Committee on Post Office and Civil Service.

By Mr. WYLIE:

H.J. Res. 330. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.J. Res. 331. Joint resolution proposing an amendment to the Constitution of the United States to provide that Members of Congress who have been convicted of a felony and who have exhausted all judicial appellate procedures shall cease to hold office; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

173. By the SPEAKER: A memorial of the Legislature of the State of Alabama, relative to eliminating the statute of limitations on Nazi war criminals; to the Committee on Foreign Affairs.

174. Also, memorial of the Legislature of the State of Alaska, relative to establishing an Arctic Circumpolar Cultural and Technical Interchange Center; to the Committee on Foreign Affairs.

175. Also, memorial of the Legislature of the State of South Carolina, relative to continued support for the Republic of China; to the Committee on Foreign Affairs.

176. Also, memorial of the House of Representatives of the State of Hawaii, relative to a temporary Federal intergovernmental planning commission for Hawaii; to the Committee on Interior and Insular Affairs.

177. Also, memorial of the Senate of the State of Hawaii, relative to catalytic converters; to the Committee on Interstate and Foreign Commerce.

178. Also, memorial of the Legislature of the State of Michigan, relative to Sunday gasoline sales; to the Committee on Interstate and Foreign Commerce.

179. Also, memorial of the Legislature of the State of Alaska, relative to gun control; to the Committee on the Judiciary.

180. Also, memorial of the House of Representatives of the State of Hawaii, relative to financial assistance to States disproportionately affected by immigration; to the Committee on the Judiciary.

181. Also, memorial of the Legislature of the State of New Hampshire, requesting that Congress propose, or call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require that the Federal budget be balanced in the absence of a national emergency; to the Committee on the Judiciary.

182. Also, memorial of the Assembly of the State of New York, relative to urging the Veterans' Administration to conduct an immediate nationwide search to locate, treat, and rehabilitate any veteran of the Vietnam conflict who was contaminated by the defoliant Agent Orange; to the Committee on Veterans' Affairs.

183. Also, memorial of the Legislature of the State of Arkansas, relative to Federal inheritance taxes; to the Committee on Ways and Means.

184. Also, memorial of the Legislature of the State of Alaska, relative to Federal policy concerning land in Alaska; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

185. Also, memorial of the Legislature of the State of Alaska, relative to national interest lands in Alaska; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

186. Also, memorial of the House of Representatives of the State of Washington, relative to a constitutional amendment or an amendment to the Rules of the House of Representatives to achieve fiscal control of the Federal budget; jointly, to the Committees on the Judiciary and Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. YOUNG of Florida introduced a bill (H.R. 4107) for the relief of Giles Carr, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 160: Mr. Derrick, Mr. Burgener, and Mr. Cheney.

H.R. 1173: Mr. Kindness, Mr. Rousselot, Mrs. Holt, Mr. Robinson, Mr. Whitehurst, Mr. Bevill, Mr. Lagomarsino, Mr. Murphy of Pennsylvania, Mr. Bafalis, Mr. Solomon, Mr. Bowen, Mr. Miller of Ohio, Mr. Young of Alaska, Mr. Badham, Mr. Lott, Mr. Montgomery, Mr. Cleveland, Mr. Dornan, Mr. Lungren, Mr. Robert W. Daniel, Jr., Mr. Yatron, and Mr. Bauman.

H.R. 1297: Mr. Thompson.

H.R. 1644: Mr. Jenrette, Mr. McKay, Mr. Lowry, Mr. Hutto, Mr. Kogovsek, Mr. Courter, Mr. Stenholm, Mr. Atkinson, and Mr. Bereuter.

H.R. 1650: Mr. Walgren, Mr. Preyer, Mr. Andrews of North Carolina, Mr. Duncan of Tennessee, Mr. Broyhill, Mr. Van Deerlin, Mr. Murphy of Illinois, Mr. Rosenthal, Mr. Davis of South Carolina, Mr. Fuqua, Mr. Conte, Mr. Weiss, Mr. Murphy of Pennsylvania, Mr. Yatron, Mr. Oberstar, Mr. Lederer, Mr. LaFalce, Mr. Boland, Mr. Smith of Iowa, Mr. Quillen, Mr. Richmond, Mr. Zeferetti, Mr. Simon, Mr. Stockman, Mr. Corrada, Mr. Whitehurst, Mr. Studds, Mr Rodino, Mr. Lott, Mr. Thompson, Mr. Gonzalez, Mr. Holland, Mr. Barnes, and Mr. Mikva.

H.R. 2291: Mr. Carney, Mr. Dellums, Mr. Hall of Ohio, Mr. Kemp, Mr. Jeffords, Mr. Jenrette, Mr. Latta, Mr. Mitchell of New York, Mr. Nowak, Mr. Vander Jagt, Mr. Wampler, and Mr. Williams of Ohio.

H.R. 2773: Mr. Stack.

H.R. 3156: Mr. Whittaker and Mr. Lundine.

H.R. 3247: Mr. Ratchford.

H.R. 3282: Mr. Barnes, Mr. Bonior of Michgan, Mr. Dornan, Mr. Downey, Mr. Edwards of California, Mr. Gephardt, Mr. Guyer, Mr. Hollenbeck, Ms. Holtzman, Mr. Howard, Mr. Markey, Mr. Mitchell of Maryland, Mr. Ottinger, Mr. Rodino, Mr. Scheuer, Mr. Seiberling, Mr. Hawkins, Mr. Stark, Mr. Studds, Mr. Vento, Mr. Waxman, Mr. Zeferetti, Mr. Atkinson, Mr. Bingham, Mr. Fazio, Ms. Ferraro, Mr. Hopkins, Mr. Nolan, Mr. Roybal, Mr. Hughes, Mr. Beard of Rhode Island, Mr. Cotter, Mr. Evans of the Virgin Islands, Mr. Leland, Mr. Rinaldo, Mrs. Chisholm, Mr. Heftel, Mr. Mineta, and Mr. Rangel.

H.R. 3572: Mr. Ottinger, Mr. McDonald, Mr. Clay, Mr. Dornan, Mr. Snyder, Mr. Whitehurst, Mr. Mathis, Mr. Goldwater, Mr. Dan Daniel, Mr. Leach of Louisiana, Mr. Lujan, Mr. Mineta, Mr. Duncan of Tennessee, Mr. Ertel, Mr. Carter, Mr. Bafalis, Mr. Lagomarsino, Mr. Williams of Montana, Mr. Collins of Texas, Mr. Charles Wilson of Texas, and Mr. Roe.

H.J. Res. 318: Mr. Swift.

H. Con. Res. 15: Mr. Pursell, Mrs. Chisholm, Mr. Lagomarsino, Mr. Sebelius, Mr. Lungren, Mr. Rinaldo, Mr. Burgener, Mr. Blanchard, Mr. McClory, Mr. Kogovsek, Mr. Stack, Mr. Bafalis, Mr. Dellums, Mr. Moorhead of Pennsylvania, Mr. Stokes, Mr. Forsythe, and Mr. Murphy of New York.

H. Res. 190: Mr. Glickman, Mr. Bereuter, Mr. Leach of Iowa, Mr. Bevill, Mr. Fuqua, Mr. Natcher, Mr. Lowry, Mr. Stangeland, Mr. Slack, Mr. Harkin, Mr. Mitchell of New York, and Mr. Maguire.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

119. By the SPEAKER: Petition of Los Angeles County Board of Supervisors, Los Angeles, Calif., relative to gasoline prices; to the Committee on Interstate and Foreign Commerce.

120. Also, petition of the Palau Constitutional Convention, Koror, Palau, relative to work visas for Palauan students in the United States; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 39

By Mr. McCLOSKEY:

(An amendment offered to the amendment in the nature of a substitute offered by Mr. Udall.)

—On page 80, line 1, delete "two million two hundred and" and insert in lieu thereof "one million one hundred".

On page 80, line 2, delete "eighty-five".

On page 80, line 4, delete "January" and insert "May".

On page 87, between lines 11 and 12, insert:

"DESIGNATION OF THE SOUTH MISTY FJORDS SPECIAL MANAGEMENT AREA WITHIN THE TONGASS NATIONAL FOREST

Sec. 605. There is hereby designated the South Misty Fjords Special Management Area of approximately nine hundred and thirty-eight thousand acres as generally depicted on a map entitled 'South Misty Fjords Special Management Area', dated February 1979.

MANAGEMENT RULES FOR THE SPECIAL MANAGEMENT AREA

Sec. 606. (a) Applicable Laws.—Except as otherwise provided in this section, national forest system lands designated as a special management area under section 608 of this Act shall be managed in accordance with the laws applicable to such lands.

(b) Timber Sales.—No timber located on national forest system lands in special management areas shall be sold, unless and until the requirements of subsections (d) and (e) of this section have been met. The timber volume on these lands shall be included in determining the annual allowable sale quantity on the Tongass National Forest. Nothing in this subsection shall prevent the Secretary from taking such measures as may be necessary in the control of fire, insects, and diseases subject to such conditions as the Secretary deems desirable.

(c) Withdrawals.—All national forest system lands in special management areas are hereby withdrawn, subject to valid existing rights, from location, entry, and patent under the United States mining laws (30 U.S.C. 22–54). Where consistent with the land management plan for the area, the Secretary may classify lands within special management areas as suitable for locatable mineral exploration and development and open such lands to location entry and patent under the United States mining laws (30 U.S.C. 22–54). Subject to valid existing rights, all mining claims located within any special management area shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with protection of the scenic, scientific, cultural, and other resources of the area and any patent issued after the date of enactment of this Act shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations as the Secretary may prescribe.

(d) Waiver.—The Secretary of Agriculture is directed to monitor timber supply and demand in southeastern Alaska. If, at any time after ten years after the date of enactment of the Act, the Secretary finds that timber in any special management area must be sold to maintain the timber supply to dependent industry at a rate of five hundred and twenty million board feet per year, he shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives, a request for a waiver of the prohibition on timber sales established in subsection (b) of this section. The proposed waiver shall describe the lands affected and the amount of timber on such lands which is anticipated to be sold. The request shall be accompanied by a report setting forth the basis for the Secretary's findings.

(e) Submission to Congress.—No waiver shall become effective unless within sixty calendar days of continuous session of the Congress after the request has been submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives, the Senate and the House of Representatives pass a concurrent resolution approving such waiver.

(f) Applicable Rules.—For purposes of this subsection (e)—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are

excluded in the computation of the sixty-day calendar period.

(3) the term "resolution" means a concurrent resolution, the resolving clause of which is as follows: "That the House of Representatives and Senate approve the waiver of the statutory prohibition on timber sales contained in the report of the Secretary of Agriculture submitted to the Congress on 19 ."; the blank space therein shall be filled with the date on which the Secretary submits his report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(g) Application of Other Provisions.—Except as otherwise provided in this section, provisions of section 8(d) of the Alaska Natural Gas Transportation Act shall apply to the consideration of the resolution.

(h) Standing of State.—At any time after ten years after date of enactment of the Act, the State of Alaska shall have standing to petition the appropriate Federal district court for an order directing the Secretary of Agriculture to make the finding required by subsection (d) of this section and to transmit a waiver request pursuant to such subsection.

(i) South Misty Fjords Fisheries Conservation Fund.—

(1) Eligibility for benefits.—(A) Subject to the provisions of this subsection, a salmon entry permit holder in Southeastern Alaskan Districts numbered 1 and 2 (hereinafter in this subsection referred to as a "permit holder") shall be eligible for compensation for mining damage to fisheries (as defined in subparagraph (B) (ii)). Such compensation shall be awarded in any year for which there is an initial determination under paragraph (3) of such damage. Application for such compensation shall be made by permit holders in such manner and at such time as the Secretary of Commerce prescribes.

(B) For purposes of this subsection—

(i) the term "drainage area" means the portion of the South Misty Fjords Special Management Area comprising the "Keta, Blossom, and Wilson River Drainages", as depicted on the map referred to in section 608 (7); and

(ii) the term "mining damage to fisheries" means damage to Pacific salmon fisheries in the drainage area caused by siltation of the deposit of harmful materials from mining.

(2) Amount of compensation.—(A) The amount of compensation to which a permit holder shall be eligible in any year shall be an amount equal to such holder's share (as determined under subparagraph (B)) of the mining damage to fisheries for such year (as determined under paragraph (3)).

(B) For purposes of subparagraph (A), a permit holder's share shall be a fraction—

(i) the numerator of which is equal to the average annual catch of Pacific salmon of the permit holder in Southeastern Alaska Districts numbered 1 and 2 during the three consecutive years ending with the year for which compensation is to be awarded, and

(ii) the denominator of which is equal to the average annual catch of Pacific salmon of all permit holders in such districts during such years.

(3) Initial determination of mining damage to fisheries.—(A) The Secretary of Commerce, in consultation with the Alaska Department of Fish and Game and the Secretary of Agriculture, shall make an annual determination in accordance with this paragraph of (i) the mining damage to fisheries, and (ii) the portion of such damage attributable to each mine operating in the drainage basin.

(B) The determinations required by subparagraph (A) shall be made on the basis of (i) techniques developed pursuant to paragraph (8) (A) to determine the quantity and concentration of materials harmful to salmon habitat and the extent of siltation in the drainage area, and (ii) annual studies made by the Alaska Department of Fish and Game of salmon escapement levels and a comparison of such levels with the salmon escapement index determined under paragraph (8) (C).

(C) Any determination of damage under this paragraph shall include a determination of the dollar value of such damage, using the average value during the year of Pacific salmon caught in Southeastern Alaska Districts numbered 1 and 2.

(D) The Secretary of Commerce shall notify an owner or operator of a mine in the drainage area of each determination under this paragraph affecting such mine, and shall publish notice of such determination in the Federal Register. The Secretary shall include with any such notice a complete discussion of the scientific methods, population assessment techniques, and information used to make such determination. In any case in which no request is made under paragraph (4) (A) for a review of a determination under this paragraph, such determination shall be deemed to be a final determination for purposes of paragraph (7).

(4) Final determination of mining damage to fisheries.—(A) Any owner or operator of a mine in the drainage area who is aggrieved by a determination under paragraph (3) may make a request of the Secretary of Commerce, not later than thiry days after notification of such determination, for a review of such determination. Upon receipt of such a request, the Secretary shall refer the matter to a hearing examiner appointed under section 3105 of title 5, United States Code. The hearing examiner shall, within one hundred twenty days after the matter is referred to him by the Secretary, adjudicate the case and render a final determination in accordance with section 554 of title 5, United States Code.

(B) A hearing conducted under this section shall be conducted within the United States Judicial District of Alaska.

(C) If no request is made for judicial review of a hearing examiner's determination, such determination shall be a final determination for purposes of paragraph (7).

(D) Any person who suffers legal wrong or who is adversely affected or aggrieved by the decision of a hearing examiner under this paragraph may, not later than sixty days after such decision is made, seek judicial review of such decision in the United States court of appeals for the ninth circuit.

(5) Burden of proof.—Notwithstanding any other provision of law, there shall be a presumption in any adjudicatory administrative proceeding or judicial proceeding in which a determination made by the Secretary of Commerce under this subsection is at issue that such determination is valid.

(6) Payments to eligible fishermen.—After making the initial determination of mining damage to fisheries under paragraph (3) for a year, the Secretary shall pay out of the fund, to the extent of amounts available in the fund and subject to paragraph (9)(B), to each permit holder the amount for which he is eligible under this subsection for such year. In any case in which the amount in the fund is not sufficient to fully pay all such amounts, each such amount shall be reduced proportionately. Upon acceptance by a permit holder of such payment, the United States shall be subrogated to all rights of such permit holder with respect to which such payment is made.

(7) Liability for damages.—In any case in which a final determination has been made with respect to the portion of mining damage to fisheries attributable to a particular mine, the owner or operator of such mine shall be liable to the Secretary of Commerce for the damages so determined. The amount of any such damages received by the Secretary shall be paid into the fund established pursuant to paragraph (9).

(8) Grants for studies.—The Secretary of Commerce shall make grants out of the fund established pursuant to paragraph (9) to the Alaska Department of Fish and Game to enable such Department—

(A) during the three-year period beginning on the date of the enactment of this Act, to—

(i) develop standardized population assessment techniques for purposes of determining salmon escapement levels;

(ii) develop techniques for determining the reduction in number of salmon from siltation and other types of damage caused by mining; and

(iii) develop a salmon escapement index for the period 1960 through 1981, to provide an historical indicator of salmon productivity in the drainage area; and

(B) after such three-year period, to make the studies necessary for the determinations under this subsection.

The Secretary of Commerce and the Secretary of Agriculture shall provide such assistance as may be requested by such Department in carrying out the purposes of this paragraph.

(9) Establishment of fund.—(A) There is established in the Treasury of the United States the South Misty Fjords Fisheries Conservation Fund (hereinafter in this subsection referred to as the "fund"), to be administered by the Secretary of Commerce. The fund shall be available without fiscal year limitation as a resolving fund for the purposes of administering, and paying compensation awarded under, this subsection. The fund may sue or be used in its own name.

(B) The fund shall consist of—

(i) amounts received by appropriation pursuant to paragraph (10), and

(ii) amounts recovered by the Secretary of Commerce as damages pursuant to paragraph (7).

Sums may be expended from the fund only to such extent and in such amounts as are provided in advance in appropriation Acts. Sums in the fund which are not currently needed for the purpose of paying such awards shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(10) Authorization.—There are authorized to be appropriated to the fund $500,000 for each of the fiscal years 1980, 1981, and 1982, for purposes of carrying out this subsection."

On page 87, line 13, delete "Sec. 605" and insert "Sec. 607". Amend the Table of Contents accordingly.

H.R. 90

By Mr. HINSON:

—Page 19, strike out lines 1 and 2, and insert in lieu thereof the following: "October 1, 1978, and prior to October 1, 1982, shall be 1 per centum on the amount of such loan not over $10,000, 3 per centum on the amount of such loan over $10,000 but not over $55,000;".

—Page 19, line 2, strike out "loan" and insert in lieu thereof the following: "loan. Notwithstanding any other provision of law, the Administrator may, with respect to the Administration's share of any loan to which the preceding sentence applies and which is made with respect to a disaster occurring on or after October 1, 1978, and prior to October 1, 1982, cancel amounts up to $10,000 of the principal of such loan upon a finding of undue hardship or economic necessity. Any amount cancelled under the preceding sentence shall be applied to reduce the principal of such loan which bears interest at the higher rates.".

H.R. 4011

By Mr. SMITH of Iowa:

—Page 18, line 19, after the figure "$500,000" insert ", unless an applicant constitutes a major source of employment in an area suffering a disaster and is no longer in substantial operation as a result of such disaster, in which case the Small Business Administration, in its discretion, may waive the $500,000 limitation".

Page 20, line 14, after the figure "$500,000" insert ", unless an applicant constitutes a major source of employment in an area suffering a disaster and is no longer in substantial operation as a result of such disaster, in which case the Secretary, in his discretion, may waive the $500,000 limitation".

Page 21, line 4, strike "such loan" the second time it appears therein and insert "the Secretary".

S. 869

By Mr. KINDNESS:

—On page two, following line two, add the following new section to the bill:

"SEC. 2. Section 207 of title 18, United States Code, is amended by adding the following new subsection (e).

"(e) The prohibition contained in subsection (c) shall not apply with respect to the representation by any person of a State or local government, or any agency or instrumentality thereof, or any private, nonprofit organization or institution, by which such person is employed."

Redesignate subsections (e) through (j) as subsections (f) through (k) respectively.

—On page 2, following line 2, add the following new section to the bill:

"SEC. 2. Section 207 of title 18, United States Code, is amended by adding the following new subsection (e).

"(e) The prohibition contained in subsection (c) shall not apply with respect to the representation by any person of a State or local government, or any agency or instrumentality thereof, by which such person is employed."

Redesignate subsections (e) through (j) as subsections (f) through (k), respectively.

SENATE—*Tuesday, May 15, 1979*

(Legislative day of Monday, April 9, 1979)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by Hon. CARL M. LEVIN, a Senator from the State of Michigan.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Hear the words of the 25th Psalm:

Show me Thy ways, O Lord; teach me Thy paths. Lead me in Thy truth, and teach me: for Thou art the God of my salvation; on Thee do I wait all the day.—Psalms 25: 4, 5.

Eternal God, as we turn for a moment from the tumult of the world and the pressure of daily duties to focus on the unseen and the eternal, may we be freshly committed to the spiritual verities which abide from generation to generation. Hold ever before us the vision of Thy holiness and Thy perfection. Implant in us the truth of Thy word and the mandates of Thy law. Keep us and the Nation we serve under Thy transcendent judgment, for the judgments of the Lord are true and righteous altogether.

We pray in that name that is above every name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 15, 1979.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL M. LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNITED STATES-CHINA TRADE PACT

Mr. ROBERT C. BYRD. Mr. President, yesterday Secretary of Commerce Juanita Kreps and Chinese Foreign Trade Minister Li Qiang initialed a trade pact between the United States and the People's Republic of China. This represents a major step toward the normalization of economic ties between our countries. The agreement, which is now subject to review by both governments, is one in a series of agreements on scientific, technological, and business affairs which have successfully been concluded.

Because this new agreement could lead to the granting of most-favored-nation status to China, I am certain that, when the agreement is submitted to Congress, it will receive careful and thorough review.

For example, Congress will be concerned that the agreement provides necessary safeguards against disruption of U.S. markets by Chinese imports. The adequacy of protection provided to U.S. patent trademarks, and copyrights will also be reviewed.

Mr. President, I want to see continued growth in United States-China trade. I would hope that this agreement will provide the basis for such expansion. The current volume is low: In 1978, trade between our two countries totaled some $1.1 billion. During the current calendar year, that figure may be doubled.

The recently initialed agreement should serve the economic interests of both the United States and China. It should lead to higher levels of exports for each and, in so doing, improve the welfare of the citizens of both countries. In the case of the People's Republic of China, the higher volume of trade should assist with that country's move ahead in the modernization of its agricultural, industrial, and scientific sectors.

Mr. President, Secretary of Commerce Juanita Kreps and the delegation which accompanied her to China are to be commended for the contributions they have made to solidifying Sino-American economic ties. These strengthened economic ties can serve to strengthen the overall relations between the United States and the world's most populous nation.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I hope that after the disposition of Calendar Order No. 118, S. 586, the State Department authorization, today it might be possible to call up Calendar Order No. 102, S. 7, the Veterans' Health Care Act.

The Veterans' Affairs Committee is aware of two amendments to the legislation and rollcall votes may be anticipated on each of those amendments.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

Mr. President, I might say to the distinguished majority leader that we are in the process of trying to clear that precedence now, and I hope that before the day progresses much further we will be able to do that.

Mr. ROBERT C. BYRD. I thank the distinguished minority leader.

Mr. BAKER. Mr. President, I have no requirement for my time under the standing order and no request for it, and I yield it back at this time.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

RECOGNITION OF SENATOR EAGLETON

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Missouri is recognized for not to exceed 15 minutes.

S. 1133 AND S. 1134—OIL PRICE DECONTROL: WHAT WILL IT COST, AND WHAT WILL IT GET?

Mr. EAGLETON. Mr. President, seldom have I had the occasion to speak in the Senate in praise of the oil industry. But I rise today to commend the Mobil Oil Corp. for its candor in publicly conceding that deregulation of old oil prices is not necessary to provide incentives for new oil exploration. Some writers have described the Mobil statement as stunning but, considering the facts of oil company economics, the only stunning thing is that Mobil, alone in the industry, has had the courage or conscience to admit that there is no justification for decontrolling oil prices.

I have asked Energy Action to prepare an analysis of the 1978 10-K reports, which major oil companies are required to file with the Securities and Exchange Commission. Among other things, these reports list the average cost of producing crude oil in this country and its average selling price. The Energy Action report shows that for 16 major companies the average cost of producing crude oil was $1.83 per barrel, compared to an average selling price of $8.94 per barrel. That amounts to a 389-percent profit.

One of these companies objects in a footnote to the report that the SEC definition of production costs does not include all relevant factors such as exploration and development. While I disagree that this kind of item should be allowed as a cost of production, I nevertheless asked Energy Action to figure the crude oil profits using the oil companies' own definitions, as well as their own figures. The results of that analysis show a $3.66 per barrel production cost versus an $8.94 average selling price, or a 144-percent average profit margin.

Who can read these figures and then seriously suggest that the oil companies need to make even more money on domestic crude? Who in these inflationary times can seriously suggest that we ought to raise Pennzoil's markup from its current 736 percent to as much as 1,300 or 1,400 percent? But that is just what decontrol will do. After decontrol, Pennzoil still will be pumping that oil for $1.20 per barrel, but they will be selling it for $16 or more.

Mr. President, I ask unanimous consent that the analysis by Energy Action be printed in the Record following my remarks, along with a cover letter from Energy Action's director, Jim Flug.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EAGLETON. It has become clear, Mr. President, that despite all of the rhetoric on this issue, the decontrol debate boils down to just two questions: What will it cost, and what will it get us?

The answer to the first is "plenty." The administration has estimated decontrol could result in $31 billion in windfall profits between June 1979, and the end of 1982. Judging from the figures I am releasing today, I would guess that is an underestimate.

What can the American people expect in return for this bonanza to the oil companies? The answer to that question is "not much." The Congressional Budget Office has estimated that decontrol will add only 200,000 barrels per day by 1982, literally a drop in the bucket compared to the 18 million barrels per day we already use in this country.

When the second-largest oil company in the United States admits in a public statement that there is no justification for decontrolling old oil prices under these circumstances, I think the U.S. Senate has cause to ponder the administration's ill-advised decision to decontrol. With gasoline prices rising at an annual rate of 35 percent—as they have for the first 3 months of this year—with oil company profits surging to record levels, and with gasoline shortages cropping up all over the country, this is not the time to throw off all restraints and invite the oil companies to help themselves to even bigger unearned and unproductive profits.

Mr. President, I am a cosponsor of Senator Jackson's bill to block deregulation of crude oil prices before 1981. In the event that the Jackson bill does not pass, however, I am proposing additional legislation on behalf of Senators Sarbanes, Pell, Durkin, and myself. Our bill would defer any deregulation until January 1, 1980.

There are two good reasons for this 6-month deferral of the President's plan. Congress needs a reasonable amount of time in which to write an effective windfall profits tax. The experience with a similar measure in 1974 demonstrated the enormous complexities of devising such a tax. It certainly cannot be done in the space of time allowed under the administration's schedule.

But even if the tax could be designed in this short of a time, why should we give the oil companies a 6-month "free ride" of post-decontrol profits without a windfall profits tax? The President wants to give the oil companies this 6-month free ride. Between June 1 and January 1 we would have decontrol, but no windfall profits tax. That would be an open invitation to the oil companies to squeeze every possible nickel out of American consumers.

Mr. President, I also send to the desk a bill to establish a nonprofit Federal corporation to control future U.S. oil imports. Under the administration's deregulation proposal, price controls on U.S. crude oil will be removed entirely by October 1, 1981. Thereafter, the price of U.S. oil will be determined by the world market, which is to say by the OPEC cartel.

I always have believed that this country would benefit from dealing with OPEC on a government-to-government basis instead of allowing energy supplies and prices to be negotiated by a group of private oil companies. Decontrol makes Federal assumption of that role essential, for it is clear that henceforth U.S. oil companies will have a vested interest in the highest possible OPEC prices.

Every dollar increase that OPEC gets will add a dollar's value to U.S.-held reserves. At best, the proposed windfall tax would recapture only a small percentage of those negotiated profits. With the price of their own domestic oil pegged to OPEC prices, the American oil companies would have precious little incentive to negotiate a price favorable to our country. We need an import corporation which will work to keep the OPEC price down, not to jack it up.

The bill I am introducing today would establish a nonprofit Federal corporation exclusively empowered to negotiate foreign oil prices and to license imports of petroleum and petroleum products. The corporation would be empowered to consider a broad range of approaches, including sealed bids, to maximize this country's leverage as OPEC's leading customer.

Mr. President, I ask unanimous consent that the text of both of my bills be printed at this point in the Record.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 1133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Emergency Petroleum Allocation Act of 1973, no amendment to any regulation promulgated thereunder by the President after the date of enactment of this Act which has the effect of increasing the price of any fuel shall take effect until—

(1) the effective date of an Act of Congress which assesses a tax on any excess profits which may result from the promulgation of such amendment, or

(2) January 1, 1980, whichever first occurs.

S. 1134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; TABLE OF CONTENTS

Section 1. (a) This Act may be cited as the "Oil Imports Act of 1979".

(b) The table of contents of this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Definitions.

TITLE I—OIL IMPORTATION

Sec. 101. Limitations on importation.
Sec. 102. Administration of import limita-

TITLE II—AMERICAN OIL IMPORT CORPORATION

Sec. 201. Corporation established.
Sec. 202. Board of directors.
Sec. 203. Election of chairperson; compentions.
sation.
Sec. 204. Advisory Board.
Sec. 205. Officers and employees.
Sec. 206. Nonprofit nature of the Corporation.
Sec. 207. General authority of Corporation; restrictions.
Sec. 208. Report to Congress.
Sec. 209. Right to repeal, alter, or amend.
Sec. 210. Financing.
Sec. 211. Records and adult.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 301. Disclosure and speculation on petroleum information.

Sec. 302. Termination of technical purchase authority.

Sec. 303. Effective date.

FINDINGS

SEC. 2. The Congress finds that—

(1) energy resources, in particular crude oil and petroleum products, are a cornerstone of the American economy and the assured supply of which at reasonable prices is essential to the achievement of a full-employment economy and price stability;

(2) a major portion of the crude oil and petroleum products used in the United States consists of imports from other nations, the high cost of which and uncertain access to, pose a serious threat to the stability of the American economy and the well-being of the American people;

(3) the present and projected adverse effects to the American economy and to the American people of the high cost of an increasing demand of crude oil and petroleum products imported from other nations are aggravated by the concentration of control and secrecy of operation over the purchase, pricing, and allocation of such resources by a small number of private multinational corporations;

(4) in a deregulated marketplace where prices for United States-produced crude oil will be effectively controlled by the foreign producers cartel, United States importers, which also have domestic oil holdings, would have a vested interest in high foreign prices; and

(5) the public interest and the economic and strategic importance of crude oil and petroleum products imported from other nations require the direct, active participation of the government of the United States as the exclusive agent for the importation of such resources from other nations.

PURPOSE

SEC. 3. It is the purpose of this Act—

(1) to assure consumers that the proportion of the Nation's crude oil requirements which is imported is economically acquired, by establishing a coherent international oil policy based on negotiations involving the United States Government;

(2) to safeguard the Nation's interest in times of national emergency by insuring access to an adequate share of world oil supplies;

(3) to assure the most reasonable and equitable distribution of imported crude oil for maximum utilization of oil refining facilities within the United States;

(4) to encourage competition in domestic energy markets by assuring distributors and marketers equitable access to oil products imported from other countries; and

(5) to establish and safeguard the Nation's interest in the stable, economical, and equitable supply of petroleum imported from other nations through the agency of a nonprofit corporation under the United States Government.

DEFINITIONS

SEC. 4. For purposes of this Act—

(1) The term "Corporation" means the American Oil Import Corporation established under title II of this Act.

(2) The term "United States" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(3) The term "crude oil" includes natural gas condensates, but excludes methane.

(4) The term "petroleum products" includes all products refined or manufactured from crude oil and residual oil, with the exception of petrochemicals and manufactured products containing petrochemicals.

(5) The term "qualified buyer" means a citizen of the United States, or a corporation, or any department, agency, or other instrumentality of the United States or any State.

(6) The term "person" includes any individual, corporation, governmental agency, department, or instrumentality, or other entity.

TITLE I—OIL IMPORTATION

LIMITATIONS ON IMPORTATION

SEC. 101. (a) On and after the effective date of this Act, no person shall import into the United States any crude oil or petroleum products unless—

(1) such crude oil or petroleum products have been purchased from the Corporation, and a copy of the bill of sale verifying such purchase is submitted to the customs officer at the point or port of entry,

(2) such petroleum product is manufactured from crude oil purchased from the Corporation, and an affidavit attesting to such manufacture, together with a copy of the bill of sale verifying the original purchase of crude oil, is submitted to the customs officer at the point or port of entry, or

(3) the person importing such oil is in possession of a valid import permit, issued by the Corporation pursuant to subsection (b)(1), (2), or (3) and permitting the importation of the type, grade, and quantity of crude oil or petroleum product being imported and submits such import permit to the customs officer at the point or port of entry.

(b)(1) Effective during the 12-month period beginning on the effective date of this Act, the Corporation shall permit the importation into the United States by any person of barrels of crude oil and petroleum products not purchased from the Corporation only on the basis of barrels of crude oil and petroleum products which have been purchased from the Corporation, in accordance with the following table:

For each barrel of crude oil or petroleum product purchased by a person from the Corporation during the following periods (beginning with the effective date of this Act):	The person shall be entitled to import the following fraction or barrel of crude oil, any petroleum product, or any combination thereof:
1st through the 3rd month	1.00
4th through the 6th month	.75
7th through the 9th month	.75
10th through the 12th month	.25

(2) Effective beginning after the 12-month period referred to in paragraph (1), the Corporation shall not issue permits for the importation into the United States of crude oil and petroleum products which are not purchased from it by qualified buyers unless such importation is during an emergency, as determined by the President.

(3) In cases of national emergency, as determined by the President, the Corporation shall issue permits for the importation of crude oil and petroleum products to the extent necessary to insure access by the Armed Forces of the United States to needed supplies of crude oil and petroleum products.

(c) Crude oil and any petroleum product for the Strategic Petroleum Reserve established under part B of title I of the Energy Policy and Conservation Act shall be purchased from the Corporation.

(d) No restriction, fee, or duty shall apply with respect to the importation of crude oil or petroleum products into the United States under this Act.

ADMINISTRATION OF IMPORT LIMITATIONS

SEC. 102. (a) Except to the extent provided for in section 101(b), the Corporation shall act as the exclusive purchasing authority for—

(1) crude oil produced outside the United States for importation into the United States,

(2) crude oil produced outside the United States for sale to refiners outside the United States pursuant to subsection (g) of this section,

(3) petroleum products outside the United States for importation into the United States, and

(4) crude oil and any petroleum products for sale to the Strategic Petroleum Reserve established under part B of title I of the Energy Policy and Conservation Act.

(b) All crude oil and petroleum products purchased by the Corporation pursuant to subsection (a) shall be sold to qualified buyers free on board the point of purchase.

(c) The Corporation shall endeavor to buy and sell without overall profit or loss, taking into account amounts necessary to recover administrative costs.

(d) Notwithstanding any other provision of law relating to acquisition by agencies and instrumentalities of the United States, the Corporation may contract for the purchase of crude oil and petroleum products from any private individual, foreign state, or foreign or domestic corporation. Such purchases may be through direct purchase, the acceptance of sealed offers of sale, or any other means which, in the judgment of the Board of Directors of the Corporation, will enable the corporation to secure such commodities at the lowest real cost.

(e) The terms of any contract or agreement entered into by the Corporation to purchase crude oil or petroleum products shall, to the maximum extent practicable, be kept secret by the Corporation, its officers and employees, until deliveries begin under such contract or agreement.

(f)(1) Notwithstanding any other provision of law relating to purchases by agencies or instrumentalities of the United States, the Corporation shall, by the issuance of regulations, determine the system by which sales of crude oil and petroleum products purchased by the Corporation pursuant to this section shall be made to qualified buyers.

(2) No regulation shall be promulgated under authority of this subsection without full public notice and hearing on such regulation before its promulgation.

(3) Any regulation promulgated under authority of this subsection shall (A) encourage competition within the domestic petroleum industry, (B) allocate available supplies of crude oil and petroleum products equitably, and (C) insure the maximum utilization of petroleum refining facilities located within the United States.

(4) The Corporation shall exercise its authority under this subsection so as to assure the lowest price possible for the end users of such commodities.

(g) The Corporation shall sell crude oil and petroleum products exclusively for importation into the United States, except that the Corporation may sell crude oil to qualified buyers intending to refine it outside the United States for future importation into the United States in the form of petroleum products, if—

(1) the qualified buyer has contracted with the Corporation to import into the United States all petroleum products manufactured by it from crude oil sold to it by the Corporation; and

(2) the Corporation has taken care to insure the maximum utilization of petroleum refining facilities located within the United States.

(h) When the Board of Directors of the Corporation determines that action under this subsection is in the national interest, permits to import specified quantities, types, and grades of crude oil and petroleum products shall be auctioned by the Corporation under a system of sealed bids.

TITLE II—AMERICAN OIL IMPORT CORPORATION

CORPORATION ESTABLISHED

SEC. 201. There is authorized to be established a nonprofit corporation, to be known as the "American Oil Import Corporation". The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act.

BOARD OF DIRECTORS

Sec. 202. (a) The Corporation shall have a Board of Directors (hereinafter in this Act referred to as the "Board"), consisting of 5 members appointed by the President, by and with the advice and consent of the Senate. Not more than 3 members of the Board may be members of the same political party.

(b) The members of the Board (1) shall be selected from among citizens of the United States (not regular full-time employees of the United States) who are especially qualified to carry out their functions; (2) shall be selected so as to provide as nearly as practicable a broad representation of various regions of the country, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Corporation.

(c) The members of the initial Board of Directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act.

(d) The term of office of each member of the Board shall be 7 years; except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of such term; and (2) the terms of office of members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment, 2 at the end of 2 years, 2 at the end of 4 years, and 1 at the end of 7 years. No member shall be eligible to serve in excess of 2 consecutive terms of 7 years each. Notwithstanding the preceding provisions of this subsection, a member whose term has expired may serve until a successor has been qualified.

(e) Any vacancy in the Board shall not affect its power, but shall be filled in the manner in which the original appointments were made.

(f) Any member of the Board may be removed from office by the President only for inefficiency, neglect of duty, or malfeasance in office.

ELECTION OF CHAIRPERSON; COMPENSATION

SEC. 203. (a) The members of the Board shall annually elect one of their number as Chairperson. The members of the Board shall also elect one or more of them as a Vice Chairperson or Vice Chairpersons.

(b) The members of the Board shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Board pursuant to this subpart be entitled to receive compensation at the rate of $200 per day including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, equal to that authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

ADVISORY BOARD

SEC. 204. There shall be established by the President an Advisory Board to the Corporation, that shall consist of officers of the National Security Council, the Departments of Defense, Energy, State, Treasury, and Commerce, who shall be designated by the heads of such entities. Included shall be a representative of the Board of the Federal Reserve System. The Advisory Board shall meet periodically with the Directors of the Corporation to share information of the activities of the Corporation that pertain to the various departments and agencies, and information on the activities of such departments and agencies that pertain to the Corporation.

OFFICERS AND EMPLOYEES

SEC. 205. (a) The Corporation shall have a President, and not exceed three other officers as may be named and appointed, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, by the Board for terms fixed by the Board. Officers appointed under this subsection may be compensated, without regard to chapter 51 and chapter 53 of title 5, United States Code, relating to classification and pay, at a rate fixed by the Board. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation, other than the Chairperson and any Vice Chairperson, may receive any salary or other compensation from any source other than the Corporation during the period of employment by the Corporation. All officers shall serve at the pleasure of the Board.

(b) Except as provided in the second sentence of subsection (a), no political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, and employees of the Corporation.

(c) The officers and employees of the Corporation (including members of the Board) shall be subject to the provisions of part A of title VI of the Department of Energy Organization Act (relating to conflict of interest). In applying such provisions for purposes of this subsection, references therein to the "Department" shall be treated as references to the "Corporation" and functions assigned to the Secretary of Energy carried out by the Board. The Corporation shall be considered an independent agency of the United States for purposes of section 1924 and chapter 11 of title 18, United States Code.

NONPROFIT NATURE OF THE CORPORATION

SEC. 206. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(b) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(c) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

GENERAL AUTHORITY OF CORPORATION; RESTRICTIONS

SEC. 207. (a) In order to achieve the objectives and to carry out the purposes of this Act, the Corporation is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operation and the exercise of powers and responsibilities vested in it;

(2) to appoint such officers and employees as may be necessary to carry out such functions;

(3) without regard to section 3648 of the Revised Statutes (31 U.S.C. 529), to enter into and perform such contracts, leases, cooperative agreements, and other transactions and to make such grants as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession of the United States, or with any political subdivision thereof, or with any other person; and

(4) to sue and be sued in its own name in any court of the United States.

(b) All contracts and other obligations entered into by the Corporation shall be guaranteed by the full faith and credit of the United States. Nothing contained in this subsection shall be construed to commit the Federal Government to provide any sums for the payment of any obligation of the Corporation which exceeds amounts provided in advance in appropriation Acts or available from the Fund established under section 210.

(c) To carry out the foregoing purposes and engage in the foregoing activities, the Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–1001) to the extent consistent with this Act, except that the Corporation is prohibited from—

(1) engaging in the business of producing, transporting, or refining crude oil or refined petroleum products on its own account or on the account of others; and

(2) owning assets directly related to the producing, transporting, or refining of crude oil or refined petroleum products.

(d) All meetings of the Board of Directors of the Corporation shall be open to the public except that the Board may hold closed sessions to consider matters relating to individual employees, proprietary information, litigation and other matters requiring the confidential advice of counsel, commercial or financial information obtained from a person on a privileged or confidential basis, or the purchase of property or services whenever the premature exposure of such purchase would compromise the business interests of the Corporation. If any such meeting is closed pursuant to the provisions of this section, the Corporation shall thereafter (within a reasonable period of time) make available to the public a written statement containing an explanation of the reasons for closing the meeting.

(e) The Energy Information Administration of the Department of Energy shall furnish the Corporation information requested by the Corporation and necessary for it to carry out its responsibilities under this Act, and the Corporation shall be subject to the same limitations and restrictions on disclosure and use of that information as are applicable to the Energy Information Administration.

REPORT TO CONGRESS

SEC. 208. The Corporation shall submit an annual report for the preceding fiscal year ending September 30 to the President for transmittal to the Congress on or before the 15th day of February of each year. The report shall include a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation under this Act and such recommendations as the Corporation deems appropriate.

RIGHT TO REPEAL, ALTER, OR AMEND

SEC. 209. The right to repeal, alter, or amend this Act at any time is expressly reserved.

FINANCING

SEC. 210. (a) (1) There is established in the Treasury a fund which shall be known as the Public Energy Funds (hereinafter in this section referred to as the "Fund"), to be administered by the Secretary of the Treasury.

(2) Revenues from activities of the Corporation shall be deposited to the Fund.

(3) There are authorized to be appropriated by Congress to the Fund such sums as may be necessary to carry out this Act.

(4) Funds appropriated under this section shall remain available until expended.

(b) (1) The funds authorized to be appropriated by this section shall be used by the Corporation, in a prudent and financially responsible manner, solely for carrying out this Act.

(2) Funds appropriated and made available under this section shall be disbursed by the Secretary of the Treasury as needed to meet the obligations undertaken by the Corporation.

RECORDS AND AUDIT

SEC. 211. (a) (1) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. In addition to any other requirements, any person obtaining access to information under this paragraph shall be subject to the same limitations and prohibitions which would be applicable if that person were an employee of the Corporation.

(2) A full and complete report of each such independent audit shall be included in the annual report required by section 208.

(b) (1) The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(2) A full and complete report of each such audit shall be made by the Comptroller General to the Congress. A copy of each report shall be furnished to the President and to the Corporation at the time submitted to the Congress.

(c) Any audit under this section shall be conducted at the place or places where accounts of the Corporation are normally kept. The person or persons conducting the audit shall have access to all books, accounts, records, reports, files, and all ther papers, things, or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in possession and custody of the Corporation.

TITLE III—MISCELLANEOUS PROVISIONS

DISCLOSURE AND SPECULATION ON PETROLEUM INFORMATION

SEC. 301. (a) Chapter 93 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1924. Disclosure of information concerning crude oil or petroleum products and speculation thereon.

"Whoever, being an officer, employee, or person acting for or on behalf of the United States or any department or agency thereof, and having by virtue of his office, employment, or position, become possessed of information which might influence or affect the market value of crude oil or petroleum products, which information is by law or by the rules of such department or agency required to be withheld from publication until a fixed time, willfully imparts, directly or indirectly, such information, or any part thereof, to any person not entitled under the law or the rules of the department or agency to receive the same; or, before such information is made public through regular official channels, directly or indirectly speculates in any such product by buying or selling the same in any quantity; shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

"No person shall be deemed guilty of a violation of any such rules, unless prior to such alleged violation he shall have had actual knowledge thereof.".

(b) The section analysis for chapter 93 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1924. Disclosure of information concerning crude oil or petroleum products and speculation thereon.".

TERMINATION OF TECHNICAL PURCHASE AUTHORITY

SEC. 302. Section 13 of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 751) is hereby repealed.

EFFECTIVE DATE

SEC. 303. The provisions of this Act shall take effect—

(1) October 1, 1979; or

(2) the first day of the first month beginning more than 30 days after the date of the enactment of this Act; whichever first occurs.

Mr. EAGLETON. Mr. President, I yield back the remainder of my time.

EXHIBIT 1

MAY 14, 1979.

Hon. THOMAS F. EAGLETON,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR EAGLETON: You recently requested that we analyze the annual 10–K reports of the major oil companies particularly regarding the new SEC requirement that companies state their costs of producing oil and the price at which they sell oil in the United States.

Enclosed are two charts which provide the exact figures stated in the companies' 1978 10–K reports. The first chart shows the wide gap between company costs and price received. For the 16 companies listed, the difference or margin averaged $7.11 per barrrel or a mark-up of 389% on each barrel of oil produced in the United States by these companies. The differences or mark-ups ranged from a low of $6.15 per barrel (SOCAL) to a high of $10.15 per barrel (AMERADA HESS).

On the second chart we have doubled each of the cost figures on the basis of Mobil's claim in its 10–K report that the figure for cost provided to the SEC did not include all the costs and understated the actual figure by half. While the other companies did not make such an explicit statement (which leads us to believe that the costs stated in the 10–K are close to their actual costs), we nevertheless applied Mobil's assumption to all the cost data. As you can see the result was still dramatic—an average difference or mark-up of $5.28 per barrel or an increase of 144%. And these ranged from a low of $3.74 per barrel to a high of $8.51.

We hope this analysis is useful. If there is any additional work you would like us to do, please do not hesitate to ask.

Sincerely,

JAMES F. FLUG,
Director and Counsel.

MAJOR OIL COMPANY MARGINS ON U.S. CRUDE OIL PRODUCTION

[Dollar amounts per barrel]

Company	Average 1978 U.S. production cost	Average 1978 U.S. selling price	Difference	Difference as percent of cost
Exxon	$1.39	$8.06	$6.67	480
Mobil	1.52	8.33	6.81	448
Texaco	1.93	8.82	6.89	357
Socal	2.38	8.53	6.15	258
Gulf	2.64	8.90	6.26	237
Standard of Indiana	1.89	8.89	7.00	370
Arco	1.88	8.09	6.21	330
Shell	2.66	9.06	6.40	241
Conoco	1.44	8.90	7.46	518
Tenneco	1.42	10.24	8.82	621
Sun	1.86	8.04	6.18	332
Phillips	1.58	8.53	6.95	440
Union	1.39	7.77	6.38	459
Sohio	2.42	9.04	6.62	274
Amerada Hess	1.64	11.79	10.15	619
Pennzoil	1.20	10.03	8.83	736
Average	1.83	8.94	7.11	389

Source: 1978 form 10–K as filed by each company with the SEC.

MAJOR OIL COMPANY MARGINS ON U.S. CRUDE OIL PRODUCTION USING MOBIL OIL DEFINITION [1]

[Dollar amounts per barrel]

Company	Average 1978 U.S. production cost	Average 1978 U.S. selling price	Difference	Difference as percent of cost
Exxon	$2.78	$8.06	$5.28	109
Mobil	3.04	8.33	5.29	174
Texaco	3.86	8.82	4.96	128
Socal	4.76	8.53	3.77	79
Gulf	5.28	8.90	3.62	69
Standard of Indiana	3.78	8.89	5.11	135
Arco	3.76	8.09	4.33	115
Shell	5.32	9.06	3.74	70
Conoco	2.88	8.90	6.02	209
Tenneco	2.84	10.24	7.40	261
Sun	3.72	8.04	4.32	116
Phillips	3.16	8.53	5.37	170
Union	2.78	7.77	4.99	179
Sohio	4.84	9.04	4.20	87
Amerada Hess	3.28	11.79	8.51	259
Pennzoil	2.40	10.03	7.63	318
Average	3.66	8.94	5.28	144

[1] Source: Mobil Oil in its 1978 form 10–K states that actual production costs are approximately twice as much as the costs submitted under the SEC definition. While most other companies do not state this explicitly, the assumption is applied to all.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

TRIBUTE TO ALASKAN CHIEF ANDREW ISAAC

Mr. STEVENS. Mr. President, I would like to call attention to a great Alaskan chief, Andrew Isaac, who was bestowed an honorary doctorate at the University of Alaska commencement exercises last week. Born in an Athabascan trapping camp in 1898, Chief Isaac received no formal schooling, but today his wisdom concerning the changes he has seen in his lifetime transcend educational and cultural barriers. He is the traditional chief for all Athabascans, representing his people in gatherings from potlatches to committee hearings. I commend the University of Alaska for honoring this Alaskan.

Mr. President, I ask unanimous consent that the attached article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Traditional Chief, 81, Changes With the Times

(By Linda Wiggins)

(Note.—Alaskans Jo Anne Wold and Andrew Isaac are being awarded honorary degrees Sunday at the University of Alaska commencement exercises. Isaac is traditional chief of the Athabascans in the Interior.)

Andrew Isaac was born to Athabascan Indian parents at their winter trapping camp in 1898. A little over a week later his father took him to an old prospector's camp at Chicken Creek where James Thompson counted back ten days, recording Andrew's birth as April 16.

Over the past 81 years, Isaac has had to change and adapt to survive. He is chief to his people, but that role has changed and with it, Isaac.

No longer do his people flock around outside his home hoping to hear his words as they did in the days of the old chiefs. Today his speeches must be made in the board meetings of numerous corporations. No longer do his people wait for the command to hunt as they did in the days of the old chiefs. Today he must testify at game hearings to make the needs of his people known. No longer do the young men gather around to hear stories of the past so that they will be knowledgeable enough to someday be appointed chief. Today the young must seek education from colleges and universities in order to work for their people.

No longer is the chief's word the law of his people, but the chief still carries on. He still knows the needs of his people—all of them—and makes it his life's work to help them. Asking for neither salary nor recognition, he must fight for his people because that's the Indian way, but today he must follow other's rules.

As we sat after lunch in the Dot Lake Lodge and Isaac stirred sugar into his strong cup of tea, telling me of the lynx he's trapped this winter, I thought back to stories he's told about the old ways.

". . . In 1907 my dad brought home a wooden fifty pound box of sugar. We all broke off pieces and sucked or chewed on some. It was so terrible I remember spitting it out and wiping my mouth up and down my sleeve to get rid of every last bit of it. As kids will do, we put pieces in our pockets and walked around the village getting other kids to try it, telling them we liked it a lot. Their reaction was the same as ours. It was so different from anything we knew then."

Like Isaac's taste for sugar, every aspect of his Indian lifestyle has changed. Smiling, he recalled, "At the age of ten I got my first haircut and started wearing cloth instead of skin clothing, and I've never been warm enough since."

At 12 he started working for the white men who were rapidly moving into the area in search of gold. He was a guide for the prospectors, walking as far as Fairbanks and then returning by himself. "Working for these people was how I learned a little English," Isaac said.

He and his family lived in Ketchumstock until he was about 15, when an epidemic killed most of the population. The old chief there commanded that Isaac's great-grandfather move the survivors to Mansfield Lake. Later they moved to Tanana Crossing (later shortened to Tanacross), where the Indians had crossed the Tanana River for centuries as they hunted and trapped along the Eagle Trail, because the river was always shallow enough to be crossed on foot there. In 1945, Isaac moved his family along with a couple of other families to Dot Lake, on their main trap line, and he's lived there ever since.

Isaac became chief of his people in 1932 when he was appointed by his uncle, Chief Walter Isaac. It was the custom when an old chief was about to die that he appoint the new chief. According to Isaac there was nothing democratic about it. A man was chosen because of his honesty, his proven ability to help his people, and his understanding of the Indian ways. Isaac had been in training most of his life to take over the position of chief, a position he's held for 47 years.

In his later years, Isaac has been thrust into meetings with most of Alaska's prominent politicians, trying to make the needs of his people clear. Because of his unrelenting efforts in the Native Land Claims Settlement, he was named in 1972 as the Traditional Chief for all Athabascans in Alaska's Interior. This recognition has caused him to travel to many meetings representing his people, and it has made him feel responsible for the welfare of all the people in the 43 Athabascan villages of Alaska.

Isaac, who received no formal schooling, was educated in the old ways of the Athabascan Indians. This wisdom passed down to him by the old chiefs has made him able to cope with the new, alien circumstances.

It is a unique situation for one schooled in a different culture to transcend the barriers of another culture. However, that is precisely what Isaac has done. The University of Alaska, the highest institution of learning in the state, is honoring with a Doctorate degree this man whose life could serve as a definition for the world "humanitarian."

RECOGNITION OF SENATOR BAKER

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Tennessee (Mr. Baker) was to be recognized for not to exceed 15 minutes.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not run against Senator Baker's special order until we can contact him to see what his wishes are concerning that order. I know he is at a meeting.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time under the order for recognition of Mr. Baker be under the control of Mr. Stevens.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that I may yield 5 minutes of the time under my order at this time to the Senator from Wisconsin (Mr. Proxmire).

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin.

Mr. PROXMIRE. I thank my good friend the majority leader.

LIFTING OF RESTRICTIONS ON FEMALE PAGES

Mr. PROXMIRE. Mr. President, the passage of Senate Resolution 119 yesterday means good news for female applicants for the job as page in the U.S. Senate. The former restrictions embodied in Senate Resolution 112 passed in 1971 stipulated that any Senator appointing a female page had to file an agreement with the Sergeant at Arms stating that the Senator:

First, will be responsible for the safe transportation of the female page he appoints between the Senate and the page's place of local abode and return, and

Second, will assume full responsibility for the safety, well-being, and strict supervision of such female page while such page is in her place of local abode.

Clearly, Mr. President, this sex-based restriction has limited the opportunities for employment as a page by females. Even though a Senator may take a sincere personal interest in the well-being of a female page, he cannot possibly oversee a page's daily trips to and from the Senate. Nor can he supervise her activities away from the Senate.

Under Senate Resolution 112, now deleted, a Senator could have been held legally responsible for any injury to a female page under his supervision and this responsibility could not be waived by a statement from her parents.

Senate rule L, now in effect, clearly states that a Senator may not discriminate in his employment practices on the basis of sex. Therefore, the lifting of such references under Senate Resolution 112 will not impair or reduce this basic right of employment to any degree. Indeed, rule L strengthens the nondiscrimination requirements.

I wish to compliment the chairman of the Rules Committee (Mr. Pell) and the ranking minority member (Mr. Hatfield) for their leadership in making this very necessary correction in the procedures of the Senate, and I want to give every credit to the senior Senator from New York (Mr. Javits) for his longstanding support in the effort to remove this unduly restrictive and discriminatory provision.

● Mr. JAVITS. Mr. President, I would like to express my support for Senate Resolution 119 as amended by the Senate Rules Committee. Senator Proxmire and I introduced this measure in March, along with 25 of our colleagues, to eliminate those provisions of the Senate rules which require Senators to assume additional responsibility for female pages. This so-called "special responsibility clause" was adopted in 1971 as part of Senate Resolution 112, which opened the way for women to serve as Senate pages, elevator operators, Capitol police, and post office employees. The Rules Committee has now modified our resolution to repeal Senate Resolution 112 altogether. This more comprehensive approach will simplify the Senate rules, since protections for all female employees are contained in the recently implemented rule L, as well as remove the responsibility clause which we find particularly onerous:

In 1971 Senators Percy and Harris and I introduced Senate Resolution 112 to permit the appointment of female pages for the first time in the history of the Senate. I felt strongly then, as I do now, that young women are as able and eager to serve as pages as young men, and that they ought not to be treated any differently with respect to being pages. In fact, I was among the first to appoint a young lady to serve as my page.

At that time the Senate Rules Committee amended Senate Resolution 112 to require that the Senator appointing a female page assume the responsibility for her safety and well-being. I felt this differential treatment to be discriminatory, and expressed my opposition to the provisions on the Senate floor, as did several of my colleagues. However, realizing that there was a good chance the resolution would not pass without the responsibility provisions, and not wishing to deny the opportunity for women to become pages, we decided that it was in the best interest of the young women, and of the Senate as well, to accept the amendment.

Now, Mr. President, I think the time has come when we need no longer accept the distinction in treatment of male and female pages. In fact, there are some compelling reasons for the elimination of the special responsibility clause.

Earlier this year, as you know, rule L of the Senate Rules went into effect, which prohibits employment discrimination in the Senate on the basis of race, color, religion, sex, national origin, age, or state of physical handicap. I do not see how we can reconcile prohibiting employment discrimination on the one hand, while on the other continuing to impose the discriminatory treatment of those who serve in this very Chamber. Here, indeed, is the opportunity to elimnate differential treatment under our own roof.

I am also concerned by the legal responsibility imposed on Senators by these provisions. It is not possible for any Senator to insure the safety and supervision of his or her page away from the Senate, and I believe no Senator should be asked to assume such an enormous responsibility. This burden, coupled with the possible legal ramifications, present substantial disincentives in the appointment of female pages. By lifting these restrictions we will open up opportunities for more young women to gain the unique experience of being a Senate page.

Mr. President, the passage of this resolution represents the final step in the effort to end discrimination in the treatment of Senate pages, and is a significant move toward providing equal employment opportunities in the Senate. In addition, elimination of the special responsibility clause will relieve Senators from an unreasonable and onerous liability which has clouded the appointment of female pages until now.●

DISTURBING REACTIONS OF GERMANS SURVEYED ON TV "HOLOCAUST"

Mr. PROXMIRE. Mr. President, an article in the New York Times recently caught my attention. It summarized the results of a public opinion survey currently being conducted to measure the effects of the program "Holocaust" on the West German population.

Some of the results of this official poll are unsettling if not downright disturbing. For example, the newspaper Frankfurter Rundschau reports that a "horrifyingly high proportion"—30 percent—said after seeing the series that "Nazism was a basically good idea that was only carried out badly." In light of the fact that the neo-Nazi organization currently presents a viable threat to West German stability, this is a terrifying statistic. And coupled with this attitude is the fact that younger Germans, although they know few, if any Jews, have been conditioned to certain anti-Semitic prejudices to a "shockingly high degree."

Furthermore, Mr. President, and perhaps a bit ironically, the survey disclosed that those feeling Germans bear collective guilt for the Nazi persecution has increased, indicating that the nation continues to be haunted by the tragic incidents from its dark past.

Mr. President, the continuing success of German democracy rests, in part, on the new generation. This vital new blood must confront its country's history squarely, reconcile itself to the past tragedies, and move onward as courageous advocates of the ideals of human rights and democracy.

It is our responsibility to encourage the Germans in their difficult quest. And what better way to demonstrate our approval of their determined efforts than to ratify the Genocide Convention. Indeed, the time has come for the Senate to renounce this grotesque and heinous crime. After 30 years, Mr. President, the time has come for us to ratify the Genocide Convention.

I ask unanimous consent that the New York Times article, written by John Vinocur, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Germans Surveyed on TV "Holocaust"

(By John Vinocur)

Bonn, May 8.—A public opinion survey measuring the effect of "Holocaust" on West Germany has suggested that the American television series on the Nazi persecution of the Jews deeply touched large segments of the population, changing attitudes and providing a simplified but unique history lesson.

The survey, taken by West German television and the federal Office for Political Education, showed that 73 percent of a representative sample of the 14 million West Germans who watched the eight hours of programming in January found it valuable.

It led young people to report that they wanted to learn more about the Nazi era, and apparently changed the opinion of the viewers so that many now say they understand the moral background of West German reparations payments and oppose an end to the prosecution of war criminals.

At the same time, however, what the newspaper Frankfurter Rundschau called "a horrifyingly high proportion"—30 percent—said after seeing the series that "Nazism was a basically good idea that was only carried out badly." The percentage was unchanged from an opinion sampling taken before the program.

OLDER VIEWERS ALREADY KNEW

If younger viewers, particularly teenagers, reported they wanted to see "Holocaust" again, 73 percent of the over-40 group said they knew quite enough about the Nazi period.

More than half the viewers sampled said that "Holocaust" had brought them new knowledge of the period, and more than two-thirds agreed that the series was "good history instruction for those who didn't live through the era."

The percentages of those who found the programs particularly informative, as well as emotionally effecting, were so large that a commentator in the Frankfurter Allgemeine Zeitung raised the question of what "the schools and universities neglected over the last 30 years if a fictitious series can assume the role of a history lesson."

The effect of the series was particularly striking because it was shown on regional channels, rather than the national networks, and because it was widely denigrated in the press before the showing as a cheap, cloying, Hollywood-style commercial venture.

A SENSE OF REALISM

The German version was actually considered more effective by people who saw both it and the American version because the German-language text created a sense of realism that was enhanced by an absence of commercials.

The survey was based on polling two weeks before the programs and immediately after. About 2,800 people were involved. A third sample, now being tabulated, was made late last month to test attitudes over a longer period.

In terms of emotional reactions, 64 percent said, they were "deeply shaken" by the series, 22 percent reported "there were scenes that almost made me cry," and 39 percent told of feeling shame that "we Germans committed and tolerated such crimes." Nine percent said the programs defamed the Germans.

Over the test period, the number of people who felt that the 1944 plot by German officers to kill Hitler was justified rose from 49 to 63 percent. The group favoring legislation that would block the statute of limitations from stopping prosecution of Nazis rose from 15 to 39 percent, and the group wanting to halt trials of Nazis dropped from 51 to 35 percent.

"JEWS ONLY MAKE TROUBLE"

The percentage of those feeling Germans bear collective guilt for the persecution also increased, from 16 to 22 percent.

One of the questions in the sample involved the group's reaction to the proposition: "The Jews only make trouble with their ideas." Before the programs, 15 percent agreed; after, 9 percent agreed.

This result was interpreted by Tilman Ernst, a psychologist attached to the Office for Political Education, as showing that younger Germans, "although they seldom reveal anti-Semitic tendencies, and although they know few Jews or none at all, nonetheless have taken over certain prejudices to a shockingly high degree."

TIME TO END FEDERAL CENSORSHIP OF RADIO

Mr. PROXMIRE. Mr. President, for years I have been pleading with the Commerce Committee to recognize that we should give genuine reality to the first amendment to our Constitution and provide true freedom of the press.

Senators may ask, "What do you mean Senator? We do have freedom of the press in this country." Wrong.

Seventy-six percent of the people in this country get most of their news from radio and television. And yet we have an agency of this Government—the Federal Communications Commission—whose mission it is to license TV and radio and see that they operate in the so-called public interest. This is an arrogant affront to freedom that is not only wasteful and unnecessary, it is dangerous.

The FCC has required radio, for instance, to conform to requirements that demand a certain amount of time to be devoted to the news, limits the amount of time for advertising, and under the fairness doctrine and equal time rule dictates to radio stations and television how they must handle any criticism or editorial comment on political issues and political candidates.

This is an insufferable interference by Government with a basic American constitutional freedom. Imagine the outcry if someone were to introduce a bill to provide similar powers for the FCC to interfere with newspapers.

Fortunately, Mr. President, the Chairman of the Federal Communications Commission, Charles Ferris, has begun a process of freeing radio from some of those restrictions. He would let radio spend as much or as little time as they wished reporting the news, carrying advertising, and so forth. This is a good first step in the right direction. Chairman Ferris deserves praise and support for this action. After all, the only real argument there has ever been for Government control of radio has been the scarcity argument—that is, that with a limited number of possible frequencies, there must be some way to allocate them, and performance in the public interest should be the criterion.

But the fact is that there are a great variety of radio frequencies available, especially with the advent of frequency modulation. In fact, the number of radio stations available in virtually every town and city in this country is far greater than the number of daily newspapers. There are in fact more TV stations in the great majority of cities than newspapers. And yet we license and censor radio and TV, but respect the freedom of newspapers to operate freely.

Mr. President, an excellent editorial in yesterday's New York Times supports the freeing of radio from some of the shackles and irons of FCC controls. I call the attention of my colleagues to this editorial, because the New York Times has repeatedly expressed support for Government intervention in the economy. It has never been a conservative government-keep-your-hands-off ideology. Its editorials have generally been balanced and thoughtful. In this case the New York Times points to the fact that the marketplace has been more effective than regulation in meeting the public interest. FCC's studies show that most radio stations carry more news and less advertising than its guidelines prescribe.

Mr. President, I ask unanomius consent that the editorial to which I have referred, from the Monday, May 14 issue of the New York Times be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Listening to the Radio Market

Having begun to deregulate cable television, the Federal Communications Commission now wants to set radio free. It is considering staff proposals to repeal rules fixing the maximum broadcast time that may be filled with commercials and the minimum that must be devoted to news and other non-entertainment programs. Meanwhile, members of the House Commerce Communications subcommittee want Congress to go further, abolishing the fairness and equal time doctrines, granting permanent licenses and exacting a "spectrum fee" from broadcasters in exchange for their new freedom.

Whatever form deregulation ultimately takes, the larger point is already clear: the public can be safely—and better—served by leaving broadcasting to broadcasters.

Washington got into the business of regulating radio in 1927 because aggressive broadcasters kept encroaching on each other's frequencies. The Federal Radio Commission, predecessor to the F.C.C., chose not to auction frequencies to highest bidders. Instead, it awarded them free in return for pledges from licensees to serve the public interest, defined as educating as well as entertaining listeners.

That requirement has since been elaborated into burdensome restrictions. No more than 18 minutes each hour may be devoted to commercials. Stations must allocate at least 6 percent of air time to informational programs. And they must ascertain, through sampling techniques required by the F.C.C., the needs of their communities. Broadcasters are also instructed to report controversial issues "fairly" and to grant equal time to political candidates of all persuasions.

Much to Washington's surprise, the marketplace has been more effective than regulation in meeting the public's interest. Now that there are 8,400 stations instead of the 700 of the 1930's, broadcasters compete fiercely. F.C.C. studies show that most radio stations carry more news and less advertising than its guidelines prescribe. Why not, then, give broadcasters programming freedom? The commission initially intended to loosen the rules only for big cities but now appears likely to loosen up in rural areas as well.

Freeing the broadcast industry from its obligations as a public trustee should have a price—the fees proposed by Chairman Van Deerlin of the House committee, for use of the airwaves. Station owners counter that the spectrum fees would serve no regulatory purpose and merely raise revenue for Washington. We are persuaded by the sponsors of the fee idea who argue that if competitors today would happily pay hefty fees for existing radio frequencies, broadcasters who have used the airwaves for years ought not to get a free ride.

Fears that stations would become nonstop juke boxes are unfounded. Broadcasters are finding profit in 24-hour news coverage, evening talk shows, classical music, even revivals of mystery theater. We're glad the F.C.C. is listening.

Mr. PROXMIRE. I thank my good friend the majority leader, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska has 15 minutes.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may I be recognized now under my own order?

The ACTING PRESIDENT pro tempore. Yes.

RECOGNITION OF SENATOR ROBERT C. BYRD

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. I thank the Chair.

FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1980

Mr. ROBERT C. BYRD. Mr. President, on behalf of Senator Muskie—and I have cleared this with the distinguished acting minority leader—I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 107, the first concurrent resolution on the budget for fiscal year 1980.

The ACTING PRESIDENT pro tempore laid before the Senate House Concurrent Resolution 107 setting forth the congressional budget for the U.S. Government for the fiscal year 1980 and revising the congressional budget for the U.S. Government for the fiscal year 1979.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 107.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move to strike all after the resolving clause and insert in lieu thereof the text of Senate Concurrent Resolution 22, as agreed to by the Senate.

The ACTING PRESIDENT pro tempore. Without objection, the motion is agreed to.

Without objection, the concurrent resolution as amended, is agreed to.

The concurrent resolution (H. Con. Res. 107) as agreed to is as follows:

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that:

A Budget Balanced in 1981

(a) In order to achieve a balanced budget in fiscal year 1981, the following budgetary levels are appropriate for the fiscal years beginning on October 1, 1979, October 1, 1980. and October 1, 1981—

(1) the recommended level of Federal revenues is as follows:

Fiscal year 1980: $503,600,000,000;

Fiscal year 1981: $576,200,000,000;

Fiscal year 1982: $615,000,000,000;

and the amount by which the aggregate levels of Federal revenues should be increased or decreased is as follows:

Fiscal year 1980: +$100,000,000;

Fiscal year 1981: +$4,700,000,000;

Fiscal year 1982: —$49,900,000,000;

(2) the appropriate level of total new budget authority is as follows:

Fiscal year 1980: $600,300,000,000;

Fiscal year 1981: $637,200,000,000;

Fiscal year 1982: $686,800,000,000;

(3) the appropriate level of total budget outlays is as follows:

Fiscal year 1980: $532,600,000,000;

Fiscal year 1981: $575,600,000,000;

Fiscal year 1982: $614,100,000,000;

(4) the amount of the deficit or surplus in the budget which is appropriate in the light of economic conditions and all other relevant factors is as follows:

Fiscal year 1980: —$29,000,000,000;

Fiscal year 1981: +$600,000,000;

Fiscal year 1982: +$900,000,000;

(5) the appropriate level of the public debt is as follows:

Fiscal year 1980: $890,700,000,000;

Fiscal year 1981: $921,200,000,000;

Fiscal year 1982: $959,500,000,000;

the amount by which the temporary statutory limit on such debt should be accordingly increased is as follows:

Fiscal year 1980: $60,700,000,000;

Fiscal year 1981: $91,200,000,000;

Fiscal year 1982; $129,500,000,000.

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the preceding subsection of this resolution, the Congress hereby determines and declares pursuant to section 301(a) of the Congressional Budget Act of 1974 that, for the fiscal years beginning on October 1, 1979, October 1, 1980, and October 1, 1981, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:

(1) National Defense (050):

Fiscal year 1980:

(A) New budget authority, $137,800,000,000;

(B) Outlays, $124,300,000,000.

Fiscal year 1981:

(A) New budget authority, $148,100,000,000;

(B) Outlays, $135,800,000,000.

Fiscal year 1982:

(A) New budget authority, $157,900,000,000;

(B) Outlays, $147,000,000,000.

(2) International Affairs (150):

Fiscal year 1980:

(A) New budget authority, $12,000,000,000;

(B) Outlays, $7,900,000,000.

Fiscal year 1981:

(A) New budget authority, $13,500,000,000;

(B) Outlays, $8,000,000,000.

Fiscal year 1982:

(A) New Budget authority, $12,500,000,000;

(B) Outlays, $7,800,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1980:

(A) New Budget authority, $5,700,000,000;

(B) Outlays, $5,500,000,000.

Fiscal year 1981:

(A) New budget authority, $5,600,000,000;

(B) Outlays, $5,500,000,000.

Fiscal year 1982:

(A) New budget authority, $5,300,000,000.

(B) Outlays, $5,300,000,000.

(4) Energy (270):

Fiscal year 1980:

(A) New budget authority, $18,400,000,000;

(B) Outlays, $6,400,000,000.

Fiscal year 1981:

(A) New budget authority, $5,000,000,000;

(B) Outlays, $7,400,000,000.

Fiscal year 1982:

(A) New budget authority, $7,000,000,000;

(B) Outlays, $7,400,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 1980:

(A) New budget authority, $12,500,000,000;

(B) Outlays, $11,700,000,000.

Fiscal year 1981:

(A) New budget authority, $13,100,000,000;

(B) Outlays, $12,600,000,000.

Fiscal year 1982:

(A) New budget authority, $13,800,000,000;

(B) Outlays, $13,400,000,000.

(6) Agriculture (350):

Fiscal year 1980:

(A) New budget authority, $5,000,000,000;

(B) Outlays, $5,400,000,000.

Fiscal year 1981:

(A) New budget authority, $5,300,000,000;

(B) Outlays, $7,500,000,000.

Fiscal year 1982:

(A) New budget authority, $5,500,000,000;

(B) Outlays, $7,600,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1980:

(A) New budget authority, $6,800,000,000;

(B) Outlays, $3,200,000,000.

Fiscal year 1981:

(A) New budget authority, $5,800,000,000;

(B) Outlays, $3,700,000,000.

Fiscal year 1982:

(A) New budget authority, $6,200,000,000;

(B) Outlays, $3,500,000,000.

(8) Transportation (400):

Fiscal year 1980:

(A) New budget authority, $18,700,000,000;

(B) Outlays, $18,200,000,000.

Fiscal year 1981:

(A) New budget authority, $20,800,000,000;

(B) Outlays, $19,500,000,000.

Fiscal year 1982:

(A) New budget authority, $20,100,000,000;

(B) Outlays, $20,200,000,000.

(9) Community and Regional Development (450):

Fiscal year 1980:

(A) New budget authority, $9,000,000,000;

(B) Outlays, $8,200,000,000.

Fiscal year 1981:

(A) New budget authority, $9,800,000,000;

(B) Outlays, $8,500,000,000.

Fiscal year 1982:

(A) New budget authority, $9,600,000,000;

(B) Outlays, $8,900,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1980:

(A) New budget authority, $29,100,000,000;

(B) Outlays, $29,900,000,000.

Fiscal year 1981:

(A) New budget authority, $28,700,000,000;

(B) Outlays, $28,900,000,000.

Fiscal year 1982:

(A) New budget authority, $29,000,000,000;

(B) Outlays, $28,800,000,000.

(11) Health (550):

Fiscal year 1980:

(A) New budget authority, $58,100,000,000;

(B) Outlays, $53,600,000,000.

Fiscal year 1981:

(A) New budget authority, $68,700,000,000;

(B) Outlays, $60,000,000,000.

Fiscal year 1982:

(A) New budget authority, $79,100,000,000;

(B) Outlays, $66,400,000,000.

(12) Income Security (600):

Fiscal year 1980:

(A) New budget authority, $212,400,000,000;

(B) Outlays, $184,000,000,000.

Fiscal year 1981:

(A) New budget authority, $236,000,000,000:

(B) Outlays, $201,900,000,000.

Fiscal year 1982:

(A) New budget authority, $264,400,000,000:

(B) Outlays, $221,500,000,000.

(13) Veterans Benefits and Services (700):

Fiscal year 1980:

(A) New budget authority, $21,100,000,000;

(B) Outlays, $20,500,000,000.

Fiscal year 1981:

(A) New budget authority, $21,800,000,000;

(B) Outlays, $21,500,000,000.

Fiscal year 1982:

(A) New budget authority, $22,600,000,000;

(B) Outlays, $22,600,000,000.

(14) Administration of Justice (750):

Fiscal year 1980:

(A) New budget authority, $4,200,000,000;

(B) Outlays, $4,400,000,000.

Fiscal year 1981:

(A) New budget authority, $4,300,000,000;

(B) Outlays, $4,400,000,000.

Fiscal year 1982:

(A) New budget authority, $4,300,000,000;

(B) Outlays, $4,200,000,000.

(15) General Government (800):

Fiscal year 1980:

(A) New budget authority, $4,300,000,000;

(B) Outlays. $4,200,000,000.

Fiscal year 1981:

(A) New budget authority, $4,800,000,000;

(B) Outlays, $4,600,000,000.

Fiscal year 1982:

(A) New budget authority, $5,000,000,000;

(B) Outlays, $4,800,000,000.

(16) General Purpose Fiscal Assistance (850):

Fiscal year 1980:

(A) New budget authority, $8,500,000,000;

(B) Outlays, $8,500,000,000.

Fiscal year 1981:

(A) New budget authority, $8,600,000,000;

(B) Outlays, $8,600,000,000.

Fiscal year 1982:

(A) New budget authority, $8,700,000,000;

(B) Outlays, $8,700,000,000.

(17) Interest (900):

Fiscal year 1980:

(A) New budget authority, $56,000,000,000;

(B) Outlays, $56,000,000,000.

Fiscal year 1981:

(A) New budget authority, $57,700,000,000;

(B) Outlays, $57,700,000,000.

Fiscal year 1982:

(A) New budget authority, $58,400,000,000;

(B) Outlays, $58,400,000,000.

(18) Allowances (920):

Fiscal year 1980:

(A) New budget authority, $400,000,000;

(B) Outlays, $400,000,000.

Fiscal year 1981:

(A) New budget authority, $100,000,000;

(B) Outlays, $100,000,000.

Fiscal year 1982:

(A) New budget authority, $100,000,000;

(B) Outlays, $100,000,000.

(19) Undistributed Offsetting Receipts (950):

Fiscal year 1980:

(A) New budget authority, −$19,700,000,000;

(B) Outlays, −$19,700,000,000.

Fiscal year 1981:

1981:

(A) New budget authority, −$20,600,000,000;

(B) Outlays, −$20,600,000,000.

Fiscal year 1982:

(A) New budget authority, −$22,700,000,000;

(B) Outlays, −$22,700,000,000.

REVISIONS TO THE SECOND CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1979

SEC. 2. Pursuant to section 304 of the Congressional Budget Act of 1974:

(a) Section 1 of H. Con. Res. 683 is revised as follows:

(1) The recommended level of Federal revenues is $457,200,000,000 and the amount by which the aggregate level of Federal revenues should be decreased is $100,000,000.

(2) The appropriate level of total new budget authority is $560,700,000,000.

(3) The appropriate level of total budget outlays is $494,500,000,000.

(4) The amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $37,300,000,000.

(5) The appropriate level of the public debt is $833,900,000,000, and the amount by which the temporary statutory limit on such debt should accordingly be increased is $3,900,000,000.

(b) Section 2 of H. Con. Res. 683 is revised as follows:

(1) National Defense (050):

(A) New budget authority, $127,200,000,000;

(B) Outlays, $114,500,000,000.

(2) International Affairs (150):

(A) New budget authority, $12,000,000,000;

(B) Outlays, $7,700,000,000.

(3) General Science, Space, and Technology (250):

(A) New budget authority, $5,400,000,000;

(B) Outlays, $5,200,000,000.

(4) Energy (270):

(A) New budget authority, $7,600,000,000;

(B) Outlays, $7,400,000,000.

(5) Natural Resources and Environment (300):

(A) New budget authority, $12,900,000,000;

(B) Outlays, $11,300,000,000.

(6) Agriculture (350):

(A) New budget authority, $8,300,000,000;
(B) Outlays, $6,200,000,000.
(7) Commerce and Housing Credit (370):
(A) New budget authority, $5,900,000,000;
(B) Outlays, $2,900,000,000.
(8) Transportation (400):
(A) New budget authority, $19,800,000,000;
(B) Outlays, $17,000,000,000.
(9) Community and Regional Development (450):
(A) New budget authority, $9,400,000,000;
(B) Outlays, $9,800,000,000.
(10) Education, Training, Employment, and Social Services (500):
(A) New budget authority, $32,600,000,000;
(B) Outlays, $29,500,000,000.
(11) Health (550):
(A) New budget authority, $53,100,000,000;
(B) Outlays, $49,700,000,000.
(12) Income Security (600):
(A) New budget authority, $194,100,000,000;
(B) Outlays, $161,100,000,000.
(13) Veterans Benefits and Services (700):
(A) New budget authority, $20,400,000,000;
(B) Outlays, $20,200,000,000.
(14) Administration of Justice (750):
(A) New budget authority, $4,200,000,000;
(B) Outlays, $4,200,000,000.
(15) General Government (800):
(A) New budget authority, $4,300,000,000;
(B) Outlays, $4,200,000,000.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $8,500,000,000;
(B) Outlays, $8,600,000,000.
(17) Interest (900):
(A) New budget authority, $52,400,000,000;
(B) Outlays, $52,400,000,000.
(18) Allowances (920):
(A) New budget authority, $700,000,000;
(B) Outlays, $700,000,000.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, —$18,100,000,000;
(B) Outlays, —$18,100,000,000.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the conferees.

The motion was agreed to; and the Acting President pro tempore appointed Messrs. MUSKIE, MAGNUSON, HOLLINGS, CHILES, BIDEN, JOHNSTON, SASSER, BELLMON, DOMENICI, PACKWOOD, ARMSTRONG, and BOSCHWITZ conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, if the distinguished acting Republican leader is agreeable to yielding back the remainder of his time, I will yield back the remainder of my time.

Mr. STEVENS. Mr. President, I do yield back the time that was assigned to me.

Mr. ROBERT C. BYRD. Mr. President, I yield back my remaining time.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business with Senators permitted to speak therein up to 3 minutes each, with the period not to extend beyond 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ANNOUNCEMENT OF POSITION ON A VOTE—SPECIAL INTERNATIONAL SECURITY ACT OF 1979 (S. 1007)

Mr. COHEN. Mr. President, I wish to indicate for the record that, on yesterday, May 14, I was unavoidably detained in my return to Washington on an airline. Had I been present, I would have cast my vote in favor of S. 1007, authorizing $4.8 billion for military and economic assistance to Israel and to the Arab Republic of Egypt.

ORDER FOR CONSIDERATION OF S. 7 TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, upon the disposition of the pending bill, the Senate proceed to the consideration of S. 7, Calendar No. 102, the bill to revise and improve certain health care programs of the Veterans' Administration.

Mr. STEVENS. Reserving the right to object, that will come up following the disposition of the pending business?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

FOREIGN RELATIONS AUTHORIZATION ACT, 1980 AND 1981

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the pending business, S. 586, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 586) to authorize appropriations for the Department of State, International Communication Agency and Board for International Broadcasting for fiscal years 1980 and 1981, and a supplemental authorization for State for fiscal year 1979, and for other purposes.

The ACTING PRESIDENT pro tempore. Debate on any amendment in the first degree, except an amendment by the Senator from North Carolina (Mr. HELMS), relative to Rhodesia, on which there shall be 2 hours, shall be limited to 1 hour; debate on any amendment in the second degree or debatable motion shall be limited to 30 minutes; and debate on any appeal or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes. Amendments must be germane to the bill, with the exception of amendments No. 190 and 198, and one amendment each to be offered by the Senator from North Carolina (Mr. HELMS) and the Senator from Pennsylvania (Mr. SCHWEIKER). Vote on final passage of the bill shall occur no later than 8 p.m.

AMENDMENT NO. 198

The ACTING PRESIDENT pro tempore. The pending question is amendment No. 198, which the clerk will state.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS), for himself and Mr. HARRY F. BYRD, Jr., proposes an amendment numbered 198.

The amendment is as follows:

At the bottom of page 27, add the following:

NONENFORCEMENT OF SANCTIONS AGAINST RHODESIA

SEC. 405. Section 5 of the United Nations Participation Act of 1945 is amended—

(1) by striking out the second and third sentences of subsection (a) and inserting in lieu thereof the following: "In recognition of the settlement of March 3, 1978, reached by leaders representing a majority of Rhodesians, and of the willingness of the transitional government established pursuant to such settlement to participate in and negotiate in good faith at an all-parties conference without preconditions, and of the government chosen by free elections held in April 1979, and observed by international observers, no Executive order issued under this subsection may be enforceable after such elected government is installed."; and

(2) by striking out subsections (b) and (c).

Mr. TSONGAS. Will the majority leader yield?

Mr. ROBERT C. BYRD. Yes, I yield.

Mr. TSONGAS. Mr. President, I ask unanimous consent that Christopher Chamberlin of my staff be accorded the privilege of the floor during consideration of the Helms amendment on Rhodesia.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I renew my request that no time be charged to either side on the quorum, the absence of which I shall now suggest.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HEFLIN). Without objection, it is so ordered.

SUBSTITUTE FOR AMENDMENT NO. 198

Mr. ROBERT C. BYRD, Mr. President, I send to the desk an amendment in the nature of a substitute, which I will call up later. I merely send it to the desk at this time to ask that it be read by the clerk. I do not call it up at this moment.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), for himself and others, proposes an amendment in the nature of a substitute:

In lieu of the matter proposed to be added by the amendment, (No. 198, by Mr. HELMS), add the following:

PRESIDENTIAL DETERMINATION

SEC. 40. Not later than 14 days after the installation of a new government in Rhodesia (Zimbabwe) or June 30, 1979, whichever is earlier, the President shall prepare and transmit to the Congress a report setting forth a determination he has made with respect to paragraphs (1) and (2) of section 27 of the International Security Assistance Act of 1978, together with his reasons for making such a determination.

Mr. ROBERT C. BYRD. Mr. President, I will ask unanimous consent to have printed in the Record a letter addressed to me by the President, dated May 4.

In the letter, the President refers to the Case-Javits amendment to the International Security Assistance Act of 1978. With regard to making a determination concerning continued enforcement of sanctions against Rhodesia, the President states that, in compliance with that law, he will make his determination "no later than 2 weeks after its installation"—meaning a new government's installation.

He goes on to say:

> My determination will be based on a personal and thorough review of the law and all relative information. It will be made with a faithful regard for the law and will be carefully based on the evidence.

The President states, further:

> Pending my determination, I urge you not to support any initiative that would preempt existing law or prejudge the issue at stake.

Mr. President, I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, D.C., May 4, 1979.

Hon. Robert C. Byrd,
U.S. Senate, Washington, D.C.

To Senator Bob Byrd: I understand that amendments may be offered on the floor which would either lift the existing sanctions against Rhodesia or call on me to do so.

I am committed under Section 27 (Case-Javits Amendment) of the International Security Assistance Act of 1978 to making a determination with regard to the continued enforcement of sanctions against Rhodesia once "a government has been installed, chosen by free elections . . ." At my April 30 press conference, I confirmed my legal obligation to make the required determination. In compliance with the law, I will make my determination no later than two weeks after its installation.

My determination will be based on a personal and thorough review of the law and all relevant information. It will be made with a faithful regard for the law and will be carefully based on the evidence.

Pending my determination, I urge you not to support any initiative that would preempt existing law or prejudge the issue at stake.

Thank you for your support.

Sincerely,

Jimmy Carter.

Mr. ROBERT C. BYRD. Mr. President, it will be my intent a little later today, once the time has expired or has been yielded back on the amendment by Mr. Helms, to call up this amendment, which is cosponsored by the distinguished chairman of the committee, Mr. Church, and the distinguished ranking minority member, Mr. Javits, as well as other distinguished Senators, including Mr. Hatfield, Mr. McGovern, Mr. Tsongas, Mr. Muskie, and Mr. Kennedy. The time on the substitute will be 30 minutes, under the order that has been entered.

I merely refer to the substitute at this time so that our colleagues will be alerted to the fact that the substitute will be called up and will be voted on, and I express the hope that they will support the substitute.

Mr. President, I yield the floor.

Mr. CHURCH. Mr. President, first of all, I commend the distinguished majority leader for offering the substitute in which other Senators, including myself, have joined.

I think it would be an anomaly if Congress were not to permit the President of the United States to comply with the mandate, laid down by Congress in the last session, which is a part of the present law.

Nothing could be more reasonable than to give the President sufficient time to make his determination.

Provisions of the substitute proposal offered by the distinguished majority leader would enable him to make that determination not later than 14 days after the installation of a new government in Salisbury, and in any case no later than June 30, whichever is the earliest. I, therefore, see no good reason why the Senate should not give its support to the substitute proposal.

Mr. President, whatever one thinks of the result of the recent election in Rhodesia it would be highly inappropriate for Congress to act at this time with respect to sanctions.

As I have already indicated, last year Congress laid down a formula for lifting sanctions which clearly gives authority to the President with regard to two questions: The President is to determine if "the Government of Rhodesia has demonstrated its willingness to negotiate in good faith at an all-parties conference, held under international auspices, on all relevant issues;" and if "a government has been installed, chosen by free elections in which all political and population groups have been allowed to participate freely, with observation by impartial, internationally-recognized observers."

Mr. President, the law could not be clearer. We know what steps need to be taken, whether one feels that sanctions should be lifted or not. The first step is for the President to issue his determination with respect to these two conditions. As Secretary of State Cyrus Vance pointed out, for Congress to act before the Presidential determination is issued would be constitutionally improper and I might add contrary to the provisions of the present law.

According to our best information, a new government is to be installed in Rhodesia on June 1. The President has committed himself to making his determination within 2 weeks after the installation of this government. I do not see the reason or the justification for Congress to act just 3 or 4 weeks before the President is prepared to exercise his duly constituted authority. We would be acting before the President had a chance to consult with the new British Government and with other allies; and we would be acting contrary to the procedure which was laid down last year by Congress itself.

I am not in favor of a vote on Rhodesian sanctions at this time and I urge my colleagues to resist any attempt to rush to judgment on this critical foreign policy question.

I add only one further observation: There is a good deal at stake in the vote to be taken this afternoon. For several years now the United States has sought, with marked success, to obtain a better understanding and a larger degree of support from the black African countries.

By any standard of measurement, the importance of this support to American influence, along with the protection of American interests throughout Africa, may well be affected by the vote we take this afternoon.

Rhodesia, after all, was a possession of Great Britain. It once formed a part of the British Empire.

If the United States rushes to a judgment on the Rhodesian issue and lifts sanctions even before the newly elected government is installed, and even before the British Government has come to a judgment concerning it, who can doubt the devastating impact this will have on opinion throughout black Africa of the United States?

Nothing can be gained by such unseemly haste. Much can be lost.

Therefore, inasmuch as the majority leader has asked the Senate merely to defer a decision until such time as the President may comply with the law and inasmuch as this involves only a few weeks, I hope that the Senate exercises a reasonable judgment on this issue and adopts the substitute that will be offered.

Mr. President, the able Senator from South Dakota, Mr. McGovern, serves as the chairman of the Subcommittee on African Affairs in the Foreign Relations Committee. He is here to address this subject and will be momentarily available. I have asked that he be notified. He was in the Chamber a few minutes ago. While we wait for him to return to make his remarks, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator wish to have time charged for a quorum call against his side of the debate on the amendment?

Mr. CHURCH. Mr. President, I ask unanimous consent that the quorum call be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I think the distinguished chairman of the Foreign Relations Committee——

The PRESIDING OFFICER. Who yields time to the Senator from South Dakota?

Mr. McGOVERN. Will the Senator yield me about 5 or 6 minutes?

Mr. CHURCH. Mr. President, I will be

happy to yield such time as the Senator may require.

Mr. McGOVERN. Mr. President, as I said, the distinguished chairman of the Foreign Relations Committee (Mr. Church) had made the case very well against the proposal to immediately lift sanctions against Rhodesia. Without at this point going into the merits of whether or not the sanctions have served their purpose, or whether or not it would be in the interests of the United States or the world community to lift sanctions, I think it is quite clear that any move of that kind now, particularly a move taken by Congress, would be ill-advised and certainly ill-timed.

The law of the land, the so-called Case-Javits amendment adopted by Congress last year, which is now operative, provides that the President shall make this determination as to the wisdom of either lifting sanctions or maintaining them.

Second, it provides that the President shall not do that until "a government has been installed." So, Mr. President, it is obviously preempting the congressionally mandated intent of last year for Congress to now grab this authority that has been clearly delineated in the law to Presidential determination, and beyond that, to do it before any government has been installed in Rhodesia.

We will not be able to meet that term of the law until June 1, when it is expected that Bishop Muzorewa will be installed. In any event, it is clearly ill-timed for Congress to be considering this matter today.

I regret very much that both the President and Congress are debating this question in the absence of a finding by objective professional election observers of the kind that were mandated by an overwhelming vote in the Senate earlier this year. I regret that the action of the Senate was not accepted in the House of Representatives. I personally have great sympathy for the President of the United States in the responsibility that is now on him to make this judgment, which includes a judgment as to whether the election was a valid one or not, in the absence of that kind of professional advice. The proposal that Senator Hayakawa and I offered earlier this year, which provided for assistance to the President in reaching that judgment, would have served both the President and the country well.

In the absence of that, Mr. President, due to failure of the other body to follow what I think was a wise action by the Senate, 12 Senators, following the defeat of the Hayakawa-McGovern election observers proposal, commissioned reports on Rhodesia from five highly respected organizations.

Those organizations included the International Commission of Jurists, the American Bar Association, the National Bar Association, the Lawyers' Committee for Civil Rights Under Law, and the United Nations Association. We asked those organizations to appraise the American responsibility under our membership in the United Nations with regard to sanctions, and also to give us an evaluation on the constitutional structure in Rhodesia today, as to whether or not it met the conditions of majority rule.

Mr. President, three of those reports have been submitted. A few days ago the Lawyers Committee report was submitted for the Record. Two organizations, the American Bar Association and the International Commission of Jurists, expect to deliver their analyses within 2 weeks. I think this is one more example of the need to postpone judgment on this very important issue until all the evidence is before us.

Mr. President, I ask unanimous consent that the report by the United Nations Association, as well as the report by Prof. C. Palley, of the University of Kent at Canterbury, and other supporting material on this question, be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

United Nations Association
of the United States of America,
May 8, 1979.

Hon. George McGovern,
U.S. Senate,
Washington, D.C.

Dear Senator McGovern: We welcome the opportunity to join with several other organizations in responding to your April 13th letter regarding the United Nations' mandatory economic sanctions on Southern Rhodesia. As you may know, this is a matter to which the United Nations Association has given careful, and fairly continuous, attention for some time.

You will find attached a copy of our response to the three questions posed in your letter. Our research leads to the clear conclusion that the United States is legally obligated, as a Member of the United Nations, to comply with the Security Council's mandatory sanctions on Southern Rhodesia. Noncompliance with those sanctions would violate our treaty obligations under Articles 25 and 41 of the Charter and could call into question the willingness of this nation to comply with a wide range of treaty obligations into which we have entered voluntarily over the years.

If the United States Congress were to come to the conclusion that economic sanctions should no longer be imposed upon Southern Rhodesia, there is a legitimate avenue for the expression of that conclusion. It involves the same procedures used by the Security Council—with the active support of the United States—to impose the sanctions in 1966 and 1968. To bypass the Security Council on this matter would not only violate our treaty obligations under the Charter, but would also send a very unfortunate message to the UN Security Council, on which the United States has relied heavily in such sensitive areas as Cyprus, Lebanon, the Golan Heights, the Sinai, and Namibia.

Independent of the largely legal questions posed in your April 13th letter, it is proper, and indeed important, for anyone interested in this matter to ask:

What impact would the U.S. violation of its treaty obligations in this instance have on the confidence which other nations have in the United States' willingness to abide by its treaty obligations in many other areas?

How would a U.S. decision to abrogate unilaterally the Security Council's sanctions on Southern Rhodesia be viewed by the nations of Africa, which are of increasing economic and strategic importance to the United States?

How would a unilateral U.S. decision to bypass the UN sanctions on Southern Rhodesia be viewed by the contestants in the current civil war? Would it make more, or less, likely a peaceful reconciliation between these parties?

What impact would a U.S. decision to violate unilaterally the Security Council's sanctions have on the situation in southern Africa? Would it make more, or less, likely peaceful independence for Namibia and a resolution of the racial conflicts in South Africa? Would it make more, or less, likely an increased presence in southern Africa of forces hostile to the United States?

Finally, what impact would a unilateral U.S. lifting of the Security Council's sanctions on Southern Rhodesia have of the American public's perception of the substance and direction of U.S. policy towards its international legal obligations, and its interests in this increasingly important region?

Each is subject to a wide range of views, and none is dealt with in our attached response to your questions.

These non-legal questions will, no doubt, be a part of your deliberations on this matter, as are the questions of the United States' obligations under international law, which are addressed in our response.

Again, we appreciate the opportunity to have participated in your own research on this important subject, and look forward to working with you on these and other issues.

Sincerely,

Robert M. Ratner,
President.

QUESTION NUMBER ONE

What are the international legal obligations of the United States under the United Nations Charter and the United Nations participation act of 1945 with respect to Rhodesian sanctions?

On June 26, 1945 the United States signed the United Nations Charter. One month later the Senate, by an 89 to 2 vote, approved a Resolution of ratification. The treaty was soon signed by President Truman, and U.S. participation in it legally entered into force on October 24, 1945.

Chapter VII of the Charter defines the authority given the Security Council to deal with threats to the international peace and security. Article 39 authorizes the Council to "determine the existence of any threat to the peace, breach of the peace, or act of aggression" and to "decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."

Article 41 enumerates some of the "measures" cited above. Specifically, it authorizes the Security Council to "decide what measures not involving the use of armed force are to be employed . . ." and to "call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations . . ."

Finally, article 48 specifies the obligations each Member state of the U.N. assumes under Chapter VII of the Charter:

Article 48

(1) The action required to carry out the decisions of the Security Council for the maintenance of international peace and security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

(2) Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members. Finally, Article 25 of the Charter specifies the degree to which Member states are required to abide by Security Council decisions made pursuant to the Charter:

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the

Security Council in accordance with the present Charter.

The article provides no qualifications or exceptions.

The U.N. Charter clearly provides a mechanism through which the organization may require its Members to impose economic sanctions. This system begins with a finding by the Security Council that a "situation" constitutes a "threat to the international peace and security" (Articles 39 and 40). Once the Council has made that determination, it may take any of a number of actions, one of which is the imposition of economic sanctions. In doing so, the Council may require all or some of the Members of the U.N. to participate (Article 48).

Under these provisions of the Charter, the Security Council took action in December of 1966. Legally, Southern Rhodesia has been, and continues to be, a colony of Great Britain. Consequently, when the local white authorities in the British colony declared their independence from the British sovereignty, it fell upon the British to respond. Between November of 1965 and December of 1966, Britain came to the U.N. Security Council on several occasions asking the Council to approve a variety of voluntary measures designed to bring about an end to the rebellion.

In early December of 1966, Britain asked the Security Council to determine that "the present situation in Southern Rhodesia constitutes a threat to international peace and security", and thereby call into effect the mandatory machinery of Articles 39 and 41. The Council, with active U.S. support, agreed to do so. Moreover, at Britain's request, the Council imposed mandatory economic sanctions on trade in selected commodities with Southern Rhodesia (Resolution 232). A year and a half later, Britain returned to the Security Council and requested that the mandatory economic sanctions be widened so as to include virtually all trade and exchanges with the rebellious colony (Resolution 253). Like its 1966 predecessor, Security Council Resolution 253 was adopted with strong support from the United States.

It is worth noting at this point that pursuant to Article 27 Section 3 of the U.N. Charter, the United States could have prevented the Security Council from adopting any mandatory measures regarding Southern Rhodesia by casting a negative vote, commonly known as the veto. It is widely felt that the five permanent Members of the Council, each of which has a final say on most Resolutions, bear a special responsibility to uphold the Council decisions which they made possible. As noted by Arthur Goldberg, former Supreme Court Justice and the U.S. Permanent Representative to the U.N. at the time of the 1966 Sanctions Resolution:

> All members of the United Nations, as a result of these resolutions of the Security Council, including our own, became legally obligated to apply these sanctions in accordance with Article 25 of the Charter. (Statement to the House Committee on Foreign Affairs Subcommittee on International Organizations on 15 March 1973).

Ambassador Goldberg's explanation was echoed a year later by Secretary of State Kissinger who wrote Senator Russell Long:

> "The Rhodesian sanctions were adopted by the Security Council in accordance with provisions of the U.N. Charter concerning mandatory resolutions. I continue to believe that the United States should abide by its Charter obligations which became applicable when the sanctions resolutions were adopted with U.S. support."

Finally, Secretary of State Cyrus Vance commented in 1977 testimony before the Africa Subcommittee of the Senate Foreign Relations Committee on the process by which the Security Council imposed mandatory economic sanctions:

> "The economic sanctions imposed by the U.N. Security Council in 1966 and 1968 were based on the Council's right to determine that a threat to the peace existed in the Rhodesian situation and to invoke enforcement measures, as it did, under Chapter VII of the U.N. Charter. A legal obligation for all members states was thus created. As a permanent member of the Security Council the United States could have vetoed the sanctions resolutions. It did not, but in fact supported and voted for the sanctions. As a matter of international law, we are committed, under Article 25 of the Charter, to abide by them."

Since it appears that the United States has a legally binding obligation to abide by the Security Council's decision to impose mandatory economic sanctions, pursuant to Resolutions 232 and 253, it might be asked whether this type of obligation was clearly understood and accepted at the time the United States decided to become a party to the Charter.

A careful reading of the July 1945 Senate debate over the resolution for ratification of the United Nations Charter suggests that there was indeed a clear understanding of the functioning of Articles 39 and 41. The Senate debate is sprinkled with references to the new U.N. Security Council's authority to impose economic sanctions by which every Member must abide:

> If these measures short of force fail, then the Security Council may take such action . . . as may be necessary to maintain or restore the national peace and security. Such action may include demonstrations, blockades, and other operations . . . of the members of the United Nations. (Senator Lucas, July 25, 1945; S. 8020).

> In the case of a smaller state not a permanent member of the Security Council economic sanctions may be imposed to prevent conflict, transportation and communications facilities may be severed . . . (Senator Eastland, July 26, 1945; S. 8084).

Clearly the notion that the Security Council could and would impose mandatory economic sanctions was discussed at the time of the ratification debate.

We conclude, therefore, in response to this question, that:

1. The U.N. Charter provides a mechanism whereby the Security Council may impose mandatory economic sanctions.

2. The Security Council acted within the Charter in 1966 and 1968 when it imposed such sanctions on Southern Rhodesia.

3. The United States fully understood the meaning and dimensions of such charter obligations at the time it became a party to the U.N. charter and at the time it approved the imposition of these sanctions.

Consequently, the United States is legally obligated, through its treaty commitment to the U.N. Charter, to maintain these sanctions until or unless they are lifted by the Council.

QUESTION NUMBER TWO

Does the constitution approved by the white electorate of Rhodesia on January 30th meet the definition of the term "majority rule" within the intent of pertinent resolutions of the United Nations establishing a program of sanctions?

Among the first Security Council resolutions on Southern Rhodesia was Resolution 216, approved on November 12, 1965 immediately following the white minority's "unilateral declaration of independence." The Resolution condemned "the unilateral declaration of independence made by a racist minority in Southern Rhodesia." It took the view—consistently held by the Council since then—that the rebellion in Southern Rhodesia was reprehensible because it would not permit or lead to true majority rule. Over a period of years since that initial resolution, and culminating in Resolution 448 approved on April 30, 1979, the Council has approved twelve resolutions related to the situation in Southern Rhodesia. There has been a constant reaffirmation of the Council's opposition to minority rule, as first stated in Resolution 216, and a corollary support for majority rule.

Two of this series of twelve resolutions are central to the mandatory economic sanctions which are presently in place. The first is Resolution 232 of December 16, 1966 and the second is Resolution 253 of May 29, 1968. While, as mentioned, there were several other relevant Security Council resolutions prior and subsequent to these, they largely have adjusted and confirmed the sanctions imposed by 232 and 253. These two Resolutions, then, are the legal foundation for the comprehensive economic sanctions.

The intent of these two Security Council Resolutions is quite clear. Operative paragraph four of Resolution 232, for example, reaffirms Resolution 216 as well as "the inalienable rights of the people of Southern Rhodesia to freedom and independence in accordance with the Declaration of the Granting of Independence to Colonial Countries and Peoples . . ." [General Assembly Resolution 1514 (XV) of December 14, 1960] and "recognizes the legitimacy of their struggle to secure the enjoyment of their rights as set forth in the Charter of the United Nations . . ." Similar language is found in Resolution 253.

While the UN Charter makes many references to "rights," perhaps none is more simple and comprehensive than those provided in Article I, which sets forth the purposes of the Organization:

Article I

> (3) To achieve international cooperation in . . . promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 21 of the Universal Declaration of Human Rights provides:

Article 21

> (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives . . .
>
> (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

The right to participate without discrimination in the governance process is repeatedly recognized in the U.S. Constitution and is rightfully considered among the most fundamental of all human rights.

There do not appear to be any major distinctions in the January 30th Rhodesian constitution as regards the protection of rights of individuals to participate in the governance process on grounds of sex, language, or religion. In this regard the constitution does draw repeated distinctions between individuals on the basis of race. This is done both explicitly and implicitly in such a way as to insure that one's race has a direct bearing on one's rights to participate in governance.

Chapter III, Part III of the Rhodesian constitution sets forth the composition of the House of Assembly, the principal parliamentary body of the new government. Article 22 provides that:

Article 22

> There shall be 100 members of the House of Assembly of whom:
>
> (a) 72 shall be Black members duly elected thereto by voters enrolled on the common voters roll . . .
>
> (b) 20 shall be White members duly elected thereto by voters enrolled on the White voters roll . . .
>
> (c) 8 shall be White members duly elected thereto in accordance with (separate procedures).

Clearly, there is a distinction in the rights to participate in governance accorded to Rhodesian voters on the basis of their race.

This distinction is made all the more apparent when the proportion of seats reserved for whites is compared with the proportion of whites in the total population of the territory. Twenty-eight percent of the seats are to be held by this racial group which constitutes roughly three percent of the population. Moreover, according to Chapter XI, Articles 157 and 160 of the constitution, actions affecting any of the constitution's provisions, the electoral laws, education programs, medical services, the national parks, the jurisdiction of municipalities, housing standards, and other areas would require "the affirmative votes of . . . not less than seventy-eight members of the House of Assembly." In other words, government actions in these areas would be subject to the approval of at least six of the twenty-eight white members of the House of Assembly.

In light of these provisions, it must be concluded that the Rhodesian constitution does draw distinctions based on race in the rights accorded individuals to participate in the process of governance and public policy formulation. On that basis alone, the Rhodesian constitution does not meet the standards of "majority rule" as provided for in the Security Council's Resolutions which imposed the sanctions on Rhodesia.

There are decidedly contradictory elements in the new Rhodesian constitution. Chapter VIII is entitled "The Declaration of Rights" and it provides sixteen Articles in which specific rights are enumerated and described in some detail. Article 131 deals directly with the subject of "distinctions based on race." It prohibits "any written law" containing "any provision that is discriminatory" and any execution of the laws "in a discriminatory manner." The term discriminatory is then defined to include distinctions based on "race, tribe, place of origin, political opinions, color, or creed."

However, after making these sweeping statements, the Constitution goes on to *exempt* certain areas from this prohibition against discrimination. Areas in which discrimination is permissible include "adoption, marriage, divorce . . . or other matters of personal law", "entry into employment . . . in the case of persons who are . . . regarded, by virtue of a written law, as permanently resident in Zimbabwe Rhodesia", "the appropriation of public revenues or public funds", and "the exercise of any discretion relating to . . . criminal proceedings in any court . . ."

This list of potential exemptions to the constitutional guarantees of equal protection suggests that the opportunity exists for discrimination based on race, tribe, origin, political beliefs, or creed, principally in the adjudication of private or family law. In this regard, the Rhodesian constitution may fall short of the requirements of genuine "majority rule".

QUESTION NUMBER THREE

Do the provisions of that constitution and the electoral laws, regulations, and procedures established by the Government of Rhodesia permit a free and fair election in which:

(a) All population and political groups are permitted to participate freely?

(b) Equal representation is accorded to all citizens regardless of race, ethnic background, or political affiliation?

(c) Equal voting rights are provided for all citizens, regardless of race, ethnic background or political affiliation, on the principle of one citizen, one vote?

Subquestion (a)

It is difficult, based upon an examination of the constitution, electoral laws, and other regulations, to determine whether these permit a "free and fair election in which all population and political groups are permitted to participate freely". It must be borne in mind that during the period of these elections the territory was the site of a civil war, and as a result nearly all of it was under some form of military occupation or martial law. It is estimated that at the time of the elections, the Internal Settlement authorities had over 100,000 troops in the field, while the Patriotic Front authorities had over 20,000. At a minimum, such conditions are not conducive to "free" elections; normally they would be prohibitive.

Secondly, it should be noted that while the Rhodesian voter did have a choice of five parties from which to select during the recent elections, none of these political parties represented the members or the views of the Internal Settlement's principal adversaries in the current civil war, nor could they. Moreover, the internal wings of these two movements were legally banned by an act of the Internal Settlement authorities, and thus could not have participated in the electoral process. The Electoral Law approved by the Internal Settlement authorities provided that in order to participate in the elections, a political party must: (1) renounce the use of force; (2) accept the Rhodesian constitution which was approved on January 30, 1979 in a referendum of the white electorate; and (3) accept the Electoral Law and its procedures for voting. Viewed in the context of the civil war, and the banning of these two parties, it came as no surprise to the Internal Settlement that neither of the political parties which make up the Patriotic Front participated in the April elections.

Consequently, it is difficult to characterize the electoral laws and regulations as ones which would make possible a free and fair election "in which all political groups are permitted to participate freely."

Subquestion (b)

As noted elsewhere in this report, the constitution approved by the white electorate on January 30th in Article 22 specifically provides for separate electoral processes for White and Black racial groups. A voter's race is a central determinant in his constitutionally guaranteed franchise, and in the degree to which he is represented in the House of Assembly.

Roughly speaking, Whites are accorded eight times the parliamentary representation as are Blacks.

It is therefore necessary to conclude that the Rhodesian constitution, electoral laws and regulations do not permit a "free and fair election in which equal representation is accorded to all citizens regardless of race."

Subquestion (c)

This question is very similar to the previous two. As already noted, equal representation is not accorded to all voters regardless of their race. To the extent that "equal voting rights" are related to representation, one must conclude that voting rights are not accorded equally, but rather with a racial discrimination.

If, on the other hand, one separates the significance of voting representation from the simple right to vote, there does not appear to be any legal discrimination in one's right to vote based upon one's race. There is such discrimination, however, based upon one's political affiliation, as noted elsewhere in this report. A voter who supported the parties of the Patriotic Front would legally not be permitted to vote for either party since each was banned prior to the election.

Finally, as regards the question of whether the electoral process provided for "one man one vote" much depends upon one's definition of the term. Each individual voter did have one vote. However, white voters participated in both a white election to select twenty parliamentarians and a general election to select seventy two parliamentarians. Moreover, in a proportional sense, white voters—representing 3 percent of the population—ultimately selected 28 percent of the parliamentarians and participate in the selection of the remaining 72 percent. Conversely, black voters—representing 97 percent of the population—ultimately select 72 percent of the parliamentarians.

THE RHODESIAN ELECTION CAMPAIGN: ON WHETHER ELECTIONS WERE FAIR AND FREE AND WHETHER PRINCIPLES REQUESTED FOR RHODESIAN INDEPENDENCE HAVE BEEN SATISFIED

INTRODUCTION

At Geneva in 1976 Messrs. Smith, Mugabe and Nkomo all maintained that fair and free elections could not be held in Rhodesia because civil war was raging. The war has worsened, but Mr. Smith has now united with Bishop Muzorewa and Revd. Sithole in arguing that the 1979 election will be fair and free.

What are the criteria for deciding whether the elections have been fair and free? Fair means just, impartial, equitable, with equal conditions for all. Free means unrestricted, unhampered, and that voters' choice should be without external pressure or compulsion.

To decide whether elections have been fair and free it is pointless merely to scrutinize the electoral laws (although careful analysis will reveal serious improprieties). It is misleading merely to look at events on polling days. With hundreds of pressmen and observers being taken on tours "planned and prepared" by the Election Directorate, they are as unlikely to see pressures openly being applied to Africans as official visitors to Russia are to see infringements of human rights. Observers should examine the whole of the election campaign, and, because there was an indissolubly linked and determined pre-election campaign, that also. In other words, how were voters induced to come to the polls?

Following the Internal Agreement of 3 March 1978, preparations for the 1979 elections were made, with an intensification of activity after the Transitional Government in mid-January appointed an Election Directorate of 4 senior civil servants and a senior army and senior police officer.

This was mandated "to obtain as high a percentage poll as possible, to inform and educate voters, to motivate the voters to exercise their newly won right to vote; and the third aspect covered by this information psychological side was to conquer any propaganda which was directed by those who wished to disrupt and interfere with our election. Finally was the task of establishing the credibility of the election by providing facilities for overseas and local pressmen and for those observers who wished to come and observe our election."—(Mr. Malcolm Thompson, Chairman Election Directorate and Secretary to the Ministry of Manpower and Social Affairs at a press conference on 3 April 1979.)

Not only must the Transitional Government's administration of legislation and policy during the election run-up be examined, but the conduct on the ground of the various political and military actors (both those internally and externally based) needs scrutiny to show whether the elections have been fair and free.

THE WAR

The most obvious point endorsed by Mr. Smith at Geneva was that with a civil war raging (although guerillas use external bases they are Zimbabweans representing the views of part of the people) an election cannot be acceptable to the people as a whole or fair and free. The nonsensicality of such a hypothesis would be obvious were the question whether free and fair elections could have been held in Ethiopa, Uganda, Vietnam and the Lebanon during their civil wars. (Interestingly, Bishop Muzorewa invokes the precedent of the Lebanon in his justification for Rhodesian political parties maintaining private armies.)

All Rhodesia is under a state of emergency. Indeed, about 85% of the country is even under martial law. At least 6 sets of armed forces are operating: Mr. Smith's security forces; the private army euphemistically called auxiliary forces of the Rev. Sithole (mushrooming from a core of 200 Uganda-trained recruits); the private army of Bishop Muzorewa (mushrooming from a core of 300 Libyan trained recruits); the guerillas of Mr. Nkomo; Mr. Mugabe's guerillas and the recently formed Pfumo re Vanhu (Spear of the People) which is an auxiliary militia, numbering about 7,000, tenuously under the supervision of Mr. Smith's security forces, 90% drawn from the private armies of Bishop Muzorewa and Rev. Sithole with members remaining loyal to their own political leaders, and with about 10% of ex-guerillas from the Mugabe ranks (according to a security forces spokesman). All these forces are using violence and contending for different political goals. Mr. Smith, through his forces, seeks the highest possible election turnout so as to further international recognition and the ending of sanctions. Mr. Nkomo's and Mr. Mugabe's forces seek with all the violence they command to disrupt the elections and conquer Mr. Smith's Rhodesia, but they are likely, if they succeed, to turn then on each other.

Bishop Muzorewa's supporters (particularly in the Rusape and Umtali areas) have sought to intimidate Sithole supporters. Indeed, the Sithole faction has threatened to upset the elections as being in contravention of the electoral law. (Press Statement 6 April) The Bishop's reply to such allegations (Press Conference of 6 April) was that Rev. Sithole's supporters had been treating the Bishop's supporters in precisely the same fashion in other parts of the country under their control. Zanu's Tobias Chizigeni admits the auxiliaries' role:

"There is nothing wrong with armed people campaigning. The people with arms are the people who brought fair elections. The voters do not see this as strange." But he admits that opposition auxiliaries obstruct attempts of other parties to campaign (Financial Mail, 13th April). It is particularly significant that the forces involved are Pfumo re Vanhu, allegedly under government control, but factually working in different groups and areas for their own political leaders. Even before this, the Herald, which supports the internal settlement, had in an editorial on 26 March admitted that although "a lot of mud has been thrown at the auxiliary forces who have been accused of brutality, indiscipline and ruthless intimidation of political opponents, it is not denied that there is substance to these allegations." All these events have occurred against a background of auxiliaries burning huts, stealing property and young girls, and slaughtering cattle.

Brigadier Rich, of the Election Directorate, admitted on 3 April that "auxiliaries have tried to prevent if not make it difficult for people from opposing parties to put their spiel over". The widespread and continuing intimidation by these forces is evidenced in a small number of cases reported in the Herald and by statements to me by both Europeans and Africans with personal knowledge of events.

Because Emergency Regulations impose censorship on the press and prohibit the publication of any news or comment relating directly or indirectly to any "act of any description whatsoever of the Security Forces of the Government for the purpose of combating or suppressing terrorism or reducing the incidence thereof in Rhodesia" (Emergency Powers Maintenance of Law and Order (Amendment) Regulation 1978 (No. 6) of which all editors were reminded by the Department of Information on 14 March 1979), little appears in the local press, and the Rhodesian public not in direct contact with events, remains ignorant.

This ban was temporarily lifted on the first day of the election for the benefit of observers. The ban makes it difficult to discover whether security force action is genuinely on security grounds alone or is also in part to suppress political opposition. Nonetheless I must, by giving a few examples, substantiate the allegations of widespread intimidation by the various private armies and the auxiliaries. Chief Chirau's ZUPO, which has no army, complained that its candidates had been assaulted near Que Que by Muzorewa auxiliaries (Herald, 8 March).

ZUPO's deputy leader instanced several attempts in 3 areas by UANC auxiliaries to disrupt canvassing, and witnessed tribesmen in Zwimba being forced by guntoting auxiliaries on to trucks taking them to a UANC meeting (Financial Mail, 13th April 1979). Rev. Sithole's ZANU complained of similar attacks (Herald, 23 March). The Bishop's UANC complained of attacks by the ZANU private army (Herald, 6 March). On the 28 January the African farm manager of an adjacent European farm was murdered in the Mondoro Reserve and the body found with a note "Down with Sithole, Down with Smith" pinned to his body. The inference drawn was that the Muzorewa UANC operating in the area were responsible (Personal communication from European farmer). According to a businessman from the Gokwe area a medium who refused to come to a UANC meeting to support the Bishop was shot by UANC auxiliaries.

The Commander of one of the Bishop's transit camps, together with two of his men, was sentenced to 6 years' imprisonment with hard labour for, on 22 February, kidnapping and assaulting ZANU supporters. The UANC Commander put in a plea of mitigation that "his actions were authorised by people in authority—he was following orders" (Herald, 8 March 1979). When the security forces left the Mondoro Reserve on 6 January it was handed over to the Bishop's private army. Subsequently, such barbaric acts of burning huts, stealing property, slaughtering cattle, torturing people for information and for purposes of intimidating them to vote for the UANC led to Army Reservists being called back to cordon off adjacent European farms.

When questioned by pressmen about the activities of the so-called auxiliaries and the control exercised over them by the security forces, the Army Chief replied evasively: "The degree of control anyone can exercise over trained disciplined soldiers and the degree of control we can expect from relatively untrained ex-terrorists is surely two different things." (Herald, 20 March) What is of tremendous import when considering whether elections have been free and fair is that, according to the Bishop's newspaper (Drums of Zimbabwe, 5 April), nearly three-quarters of the Tribal Trust Land and African purchase areas were occupied by so-called auxiliaries.

THE PEARCE COMMISSION

In assessing whether elections have been free and fair, guidance can be obtained from the tests accepted by Sir Alec Douglas Home's and Mr. Heath's Government and set out 7 years ago in dealing with earlier constitutional proposals in the Pearce Commission Report (Cmnd. 4964). Lord Pearce asked "Have normal political activities, conducted in a peaceful and democratic manner, been permitted to our satisfaction? And, if not, to what extent has this affected the answers we got?" (para. 140). He also analyzed the allegations of intimidation as being crucial and said, "If it is proved, or even held to be likely that, through intimidation, through undue influence and pressure and through fear, men and women have not revealed their true opinions, then our Commission's findings would be at best inconclusive." (para. 333)

Were normal political activities, conducted peacefully and democratically, both possible and permitted? With civil war raging it is clearly impossible that politics be peacefully conducted. Nonetheless, modifying Lord Pearce's test, and accepting the desire of the Transitional Government to hold an election one must then ask, "Was the election democratic and were normal political activities permitted?" It is fully conceded that intensive measures for maintaining order and protecting voters must be taken. There must be great difficulty in holding any kind of election, let alone a free election, in the circumstances prevailing in Rhodesia where parts of the country are, because of war risks, inaccessible to candidates. It is difficult to conceive of any free and fair election being held under the auspices of the security forces (however well-disciplined and impartial) especially where "saturation" cover is necessary to protect voters in certain areas (Herald 16 March) and when the election will also be under the auspices of the so-called auxiliaries (Sunday Mail 18 March).

To decide whether measures restricting political opposition are justified involves balancing wartime security needs against the right of politicians (and their audience of voters) to put forward differing political views. There have been in operation since September 1978 bans against those internal political parties whose externally based guerrillas continued fighting (i.e. Mr. Nkomo's ANC and Mr. Mugabe's ZANU). The newspaper supporting Mr. Nkomo, The Zimbabwe Times, was banned, and despite promises by its editor not to oppose the government of the day, permission to resume its publication has not been granted. The Bishop sought to justify continuation of the ban in the 3 weeks preceding the election.

Formally the Patriotic Front leaders were asked, and from time to time are still asked, to participate in the elections, but, on refusal, their internal leadership and even grass roots supporters were detained and denied any opportunity of participating in the elections whether as candidates acting independently of their parties or as voters. They could not even participate in the campaign. The Government's justification is "because the internal wings of the Patriotic Front were actively assisting the terrorists operating in the country."

The ban will only be lifted when the Patriotic Front indicates its readiness to participate peacefully in the electorial process (Rhodesia Ministry of Information Press Statement 171/79/TW, 6 March). Most of those likely actively to oppose the Internal Settlement, to mount an abstention or boycott campaign, or to encourage a spoilt ballot campaign were preventively detained. On 10 April 1979 there were approximately 510 political detainees at Wha-Wha, most of whom had been held since the banning of the Nkomo ANC and Mugabe ZANU in September 1978.

In addition, over 700 persons are held in camps attached to security bases in the Tribal Trust Lands or in prisons throughout the country (e.g. Kana (near Loreto mission), Sinoia, Chikurubi, Gwelo, Marandellas, Connemara), while allegedly, according to ZAPU members, both ZANU and ZAPU supporters have recently "disappeared"—since their whereabouts are unknown the spokesman could not decide whether they had been lifted by the security forces or joined guerrilla fighters. (My information cannot be confirmed by an international organisation lest its status in Rhodesia be jeopardised. I have spoken to a lawyer who recently visited Wha-Wha and was told of over 200 detainees there.)

ZAPU's own figures on 15th April were 1279 detainees throughout Rhodesia.) Most of the 200 have been arrested in the last two months and some in the last three weeks. Allegedly, their arrest has been on security grounds. The validity or otherwise of this assertion is impossible to ascertain.

Lawyers who inquire are informed by the security forces that martial law requires no further answers to be given.

A specific example given me by a barrister was the taking of all the villagers and the chief of Ndema (near Selukwe) and other villagers from a line of villages to the Donga security force base and refusal by the senior officer to give any reason other than grounds of security. Senior members of the banned ANC whom I met (one was constantly moving lest he be arrested and be detained again—another was required to report twice daily to the police—and another had been detained but was now released) were convinced that the detentions were based on the likelihood of such persons opposing voting in the elections.

They had not themselves organised a boycott or spoilt paper campaign or spoken publicly against the election, fearing that they would immediately be detained. Opposition to the Internal Settlement is in practice impossible. They instanced Dr. Pswarayi who required release from detention on grounds of ill-health, but was released only a fortnight ago on condition that he should not participate in or talk politics. It is quite improper to insist that leaders of the banned ANC and ZANU must agree to participate in elections under a Constitution which they regard as a sham majority rule Constitution. They will not, by participation, legitimate something contrary to their principles.

Apart from the Patriotic Front, it is quite possible for individuals (such as Mr. Allan Savory) genuinely to feel that the Internal Settlement is not in the best interests of the country. Mr. Savory now faces prosecution for causing alarm and despondency because he condemned the election and said it would exacerbate the war (Sunday Mail, 15th April). The possibility that persons could be bona fide and opposed to the election was incomprehensible to the Election Directorate. When asked by a journalist whether facilities and protection would be afforded to those who wished to campaign against the election and to urge voters to abstain, the chairman could not grasp the issue, saying that such an attitude could only occur in a referendum and that it was the duty of the Directorate to ensure as high a poll as possible.

It is quite possible for people who are not members of the Patriotic Front to reject the Internal Settlement and election as being unlikely to end the war and as not bringing about a majority rule constitution.

Serious allegations of intimidation to force voters to vote in favour of their parties have been made against the Bishop's and the Rev. Sithole's armies. For example, in the Mtoko area alternate sweeps are made by Muzorewa auxiliaries and then by Sithole auxiliaries, each armed group threatening villagers to vote for their party whether they like it or not. (My informant is a resident of the area.) Similar allegations are made about the Gokwe area where the auxiliaries seize businessmen's cars to go about "canvassing." (My informant is a local businessman.) Similar intimidation, but this time by African members of the security forces, is alleged to have occurred at Zhomba near Que Que where huts of villagers who told soldiers they would not vote were burned.

At Sidakeni Township on 8 April, UANC auxiliaries carrying arms forced householders to attend a UANC meeting. Similarly, on the same Sunday, villagers were rounded up and herded into Mtoko to attend a UANC mass meeting on the Monday. The youth group of the parties also intimidate householders and businessmen in townships into making donations to pay for canvassing for the election. This is alleged to be happening in Highfield today (12 April).

Factors examined by Lord Pearce were alleged Governmental intimidation (through denial of the right to hold public meetings, pressure of propaganda, pressure of District Commissioners and police at meetings, and 30-day detention by the police), pressure by employers and intimidation and pressures by Africans on Africans. There is no doubt, in my mind, that apart from the two parties led by Chiefs Chirau and Ndiweni (against whom such allegations have not been publicised) Africans have on a massive scale intimidated Africans on the issues of whether or not and for whom they should or should not vote. In itself this makes any election unfair and unfree.

Whereas Lord Pearce, 7 years ago, did not find that Mr. Smith's Government and white employers had intimidated Africans, the evidence about this election, using the same criteria now as then, reveals that there has been undue influence and pressure by the Government and both these and implied, indeed sometimes even expressed, threats of unpleasant consequences by employers. Circumstances now are very different.

The pressure of Transitional Government propaganda has been intense, the most extensive propaganda exercise the country has ever seen now having been mounted. It has included a series of leaflet and poster campaigns, leaflets to each household asking "all white Rhodesians (to) assist immeasurably by helping their black employees to understand the election procedures . . . and, where possible actually going to the polls with them." (Government advertisement on cover of The Farmer, official journal of the RNFU, 6 April).

The television and the radio have emitted continuous messages urging householders and other employers not only to educate their employees how to vote, but to encourage them to vote and to give them facilities to watch and hear programmes on voting. Newspapers are filled with Government voting advertisements, especially those designed for African readers. For example 6-1/6 pages of the 12-page The Rise 7 April, were filled by Government voting advertisements. On 9 April, 4-1/8 of the 15 effective pages of the Herald were filled by Government voting advertisements. Not only have black domestic servants been got at through their white employers directly, but employers are also asked to send them to hear teams of civil servants explaining how and the need to vote at schools, on the radio and television.

Similar teams of civil servants have been to European farms throughout the country—approximately a team for each three farms. European employers have brought all their black labour, wives and families to hear such teams speak. As the Director of the Branch of Special Duties said on 6 April, "It was not the Department's business to tell people who they should vote for, but to make them aware of the need to vote." White commerce and industry have been exhorted to get all black employees to vote. All public relations officers were asked by their organisations to play a significant part in the historic event of the election (Herald 5 April).

The Election Directorate disclosed that they had "enlisted support and assistance of many organisations in this country, ARNI, ACCOR, the Farming Unions, with the women's organisations and many, many other organisations." They had given "tremendous assistance to us in putting out our material and assisting us" (Mr. Findlay, Deputy-Secretary to the Ministry of Information, 3 April). Indeed, apart from daily governmental reports from areas about voting intentions, employers would report on employees' feelings and then governmental teams would be sent to speak to those reported upon and to "try to overcome difficulties in particular areas."

The Chairman of the Directorate said that a farmer, in despair, had told him 3 weeks earlier that, if a poll were held then, only 5 percent of his employees would vote. He therefore "sent out various people to look at the situation there," and he had advised the political parties to go in. Last week the farmer had told him: "Now we will get a 90 percent poll" (Press Conference 3 April)

The effectiveness of visits by such government teams was also made clear to me by one European farmer (from the Norton area) who told me that the black employees and wives and dependents of that farmer and the 2 adjacent farms were gathered together by the respective white farmers so that the team spoke to an audience of over 400 people. The farmers all indicated their intention of similarly bringing their employees and families together to the polling points when these moved in on the polling days.

The scale of the operation is indicated by the fact that in that area there will be a polling point for every 3 farms. Throughout the country there will be "well over 2,000 different polling points" with 240 mobile polling stations (The Herald 28 March). This means an average, a polling point for every 1,400 voters with voting continuing over a 5-day period.

Whereas Lord Pearce found the presence of District Commissioners and Police at Commission meetings not to be intimidatory, the situation now is very different. Villagers have for security reasons been herded into keeps (protected villages) under the control of the DCs and armed guards. They are then summoned to the DCs office to be educated about voting and the necessity for this. Doubtless they will be similarly invited or reminded by armed messengers and guards to vote on polling day. Whether they are objectively threatened or not, they are certainly subjectively fearful of those in authority and who are armed. There has been no possibility in such circumstances of conducting a sophisticated abstention or spoilt ballot campaign.

The only ideology presented to the Africans of Rhodesia has been a "vote for the settlement" one. It will not be surprising if there is a high percentage ballot in a number of areas. Employees in towns, especially Salisbury (where Shona support for the Bishop is strong, as well as the feeling "Let's give it a try"—the remark most Africans in the street gave me) are likely to vote. Agricultural workers on European farms are a particularly vulnerable group. On some farms over 90 percent are aliens (Malawians, Mocambiquans—mainly Nyanja, Zambians and other migrant workers).

There are about 250,000 alien Africans who form 9 percent of the electorate of 2,800,000 person eligible to vote in this election, the election by law having been specally amended for this purpose for this election only. (Figures derived from the 1969 Census and the Monthly Digest of Statistics March 1979 include only such alien Africans who have lived in Rhodesia for two years and can therefore vote.) All alien farm workers are here on conditional permits. If dismissed (and I am reliably informed by a European farmer about some of his neighbours' willingness to threaten their employees as well by an African barrister, a ZAPU supporter, who has had numerous complaints from farm workers in the Hartley area of such threats of dismissal) such alien workers could, and in their own opinions would, be deported to their countries of origin.

The parallel would be if 90 percent of the electorate consisted on alien Asians (say from Pakistan) present in the United Kingdom on temporary workers' permits who were told by their employers that if they did not vote they would be dismissed. Or putting a more likely analogy, if they did not vote Labour then a Conservative Government would be returned with an immigration policy of repatriation—sophisticated farmers tell their employees to vote "yes" otherwise the war will not end and their jobs will be lost.

The approximate figures of alien Africans subject to this pressure are in the vicinity of

130,000 agricultural workers (excluding a further 21,000 contract workers), 24,000 mineworkers and 27,000 domestic servants. (Figures used are those in the Census 1969 pp. 188–189).

Quite different from Lord Pearce's finding of some verbal pressures, particularly on European farms, there is in this election nor mere verbal pressure only, but also the physical taking of employees to the polls. The Emergency Powers Act Chapter 83, which provides for the maintenance of law and order, peace and essential services has been sued in an ultra vires fashion to issue Emergency Powers (Election) Regulations to enable "farmers and miners to use their tractors and trailers . . . to carry voters to and from the polling stations. Normally these concessions are restricted to the immediate area of the farm or mine, but the extension has been granted to enable farmers and miners to provide election transport for the labour forces and others in the area"—(Ministry of Information Press Statement 261/79/RH 10 April 1979)

Similarly, every white householder has, by a Transitional Government leaflet, been exhorted, in respect of their employees, to cooperate in assisting their black employees to vote and "where possible, actually going to the polls with them."

Another factor mentioned by Lord Pearce was threats of occult powers and the censure of the family and ancestral spirits, which may cause Africans who believe in the spirit world to be harmed and therefore to prefer conformity rather than the risk of such harm. He felt that such fears would be disregarded as they had for centuries been part of the daily lives of Africans (pars. 402–4). In this election the situation has been quite different. According to ZUPO (Chief Chirau's party) "Some political parties were playing on the African's fear of ancestral spirits (mudzimi) to win votes in the election".

Youths had gone to homes saying the "spirits would get him" if the householder did not vote (Herald 4 April). ZUPO's deputy leader claims that auxiliaries claim "to be possessed by ancestor spirits who can divine whether or not people have voted." (Financial Mail, 13 April 1979). Mr. Chikerema of the Bishops' party said:

"I am going to call the spirit mediums to get the required vote . . . I will call on the top 10 mediums in the country and they will never allow that I am not returned to this first African majority rule Parliament.' (Herald 16 March)

Observers should read the full story headline "Spirit Mediums a major influence on the political scene" in the Sunday Mail of the 25th March. It carries a photograph of the Bishop with Mr. Chikerema and the medium of the spirit Negonda at a UANC rally at Zvimba TTL. Speeches by mediums are now a feature at all the Bishop's UANC meetings.

According to an observer of a meeting about a fortnight ago in the Mondoro Reserve, Bishop Muzorewa introduced 4 mediums representing the spirit powers and told the audience in this context that, "if you don't follow me you will be in trouble".

In my opinion, had Lord Pearce been privileged to see the current election campaign, he would have found that there had been intimidation not only by Africans of all parties, internal and external, of other Africans of all other parties, but he would also have found intimidation by employers and undue influence by the Transitional Government and its servants. There is no doubt that persons in positions of influence and authority and able to confer economic benefits have used their position to ensure that those subject to their influence have voted. The reason for this was manifested by the Register-General. He said:

"It has been estimated that the employed population in this country together with their dependents eligible to vote represents approximately 45 percent of the population. So if 45 percent of all Europeans and non-Africans who are 5 percent vote . . . therefore (there will be) 50 percent . . . And this is what we are trying to do: to get them to vote."—(Press conference 3 April)

It is quite improper that civil servants, who should be a-political, should play so political a role as they have done in the election. Only the provision of information, voter education and voting facilities can be their proper functions. Anything more, such as exhorting voters to exercise the franchise in a country where it is not the citizen's duty to vote, but where he is free in law to indicate political opposition by abstention or split balloting is outside the scope of proper conduct by civil servants.

One can scarcely imagine that employees of the Scottish and Welsh Offices would have seen it as proper for them positively to have urged Scottish and Welsh voters to vote in the devolution referendums so as "to obtain as high a percentage poll as possible." (Mr. Thompson, Chairman of Election Directorate, 3 April). Nor would the equivalent chief electoral officer have said it is the "duty" of every eligible person to vote when asking all householders to take their servants to vote (TV appearance on 4 April). Similarly, it is unlikely that the Education Secretary would have circulated teachers, as African teachers were circulated, that they should explain "it was the people's duty to vote". (Secretary for Education's circular reported in the Herald 5 April).

It is inconceivable that the C.I.G.S. would have, as did Lieutenant-General Walls, Commander of Combined Operations, "urged all to vote and condemned those who called upon people not to vote." (Herald, 18 March). Nor would he have said, as did General Walls in reply to a question whether the armed forces were going beyond the task of providing security at the polls and "actually influencing the direction of voters", "Well, let's make the point first that the government strategy is based on making those elections as successful as possible". (RBC TV transcript of interview on 15 February).

This misconception about what is or is not political is apparent both in speeches of Ministers and civil servants. The Minister of Mines, addressing the Chamber of Mines, was both explicit about his aims and ignorant of the meaning of the word "political". He said, "Our most immediate problem in the political field is to ensure a good turnout at the election.

"The higher percentage poll we get, the easier it will be for our friends overseas to help us gain recognition and the removal of sanctions. Government's campaign to get people to vote is, of course, totally, nonpolitical. It has one object only—that is to get the people to vote . . . Please make every endeavour to get your employees to cast their vote."—(Speech published by Ministry of Information on 4 April—Press Statement 241/79/JEP).

Civil servants have justified their activity by saying that they are merely explaining the electoral process and were not being involved in politics. The Deputy Secretary of the Ministry of Internal Affairs and a member of the Election Directorate said:

"We are all civil servants whoever comes into power and we are completely non-political. The same applies to Provincial Commissioners, etc. . . . We are endeavouring to make a success of this election and to ensure as big a turn out as possible. We merely say "Turn out and vote and it's up to the political parties to tell their followers which way the would like them to vote."—(Press conference 3 April)

Such an attitude is blind to the fact that, just as urging people not to vote is a political act, so is urging people to vote. Ironically, Assistant Commissioner Hedges of the British South Africa Police, also of the Election Directorate and taking the line that the Directorate and security forces were not political, said:

"If one looks at the forthcoming election as the overall national strategy for the future, then one can look in perspective at the job the police force has in common with other arms of the security forces, which is to support in toto this political strategy to ensure that the election is a success".—(Press conference 3 April)

He admitted, in answer to a question which sought to make the point whether the arrangements were designed not only for people to exercise their vote in calm and peace but also to allow absention, then voting in peace was the sole object: "to this end the entirety of the police force and all of its adjuncts and auxiliaries (and I talk about non-security force auxiliaries) is totally geared."

The Chairman of the Directorate, the Secretary for Manpower and Social Affairs, said: "We will not be satisfied that we have done our job properly if we have not until the very last hour of polling encouraged more and more people to vote."

In answer to a later question he said: "Anything which could have an effect on the turnout of voters we must as a Directorate discourage."

Mr. Findley of the Directorate, Deputy Secretary for the Ministry of Information, was reported in Herald of 17 March as saying: "We have to work up a frenzy-almost a hysteria. The election must have this momentum behind it. A maximum percentage poll is our future. The Rhodesian whites and educated blacks have a national duty to put this across to the lesser educated people of this country."

It is here fair to point out the great stake and motivation civil servants have in the success of the election, their own futures depend on it; the 1979 Constitution gives them, through senior officials on the Commissions and the preservation of Civil Service independence and the maintenance of merit criteria, a major say in the running of the country; and, perhaps most important of all, Section 165 of the 1979 Constitution provides for tax-free remittance of pensions outside Zimbabwe Rhodesia, while Parts III and IV of the Third Schedule make most generous pension provision for public servants and members of the uniformed forces. These, it should be noted, are specially entrenched provisions of the Constitution (Second Schedule and Section 157(2) (b) (i)).

As was pointed out earlier, there was also no ability to conduct normal political activities in a peaceful and democratic manner. Particular reference is made to: the "auxiliary forces who were barring various political party candidates from campaigning in certain frozen areas"—ZANU's chief spokesman who demanded performance of an assurance by the Commander of Combined Operations "that for the whole duration of the election campaign, the auxiliaries, regardless of their political affiliations, would not be allowed to take part in politics." (Herald 28 March); the arbitrariness and inconsistency of the Combined Operations Headquarters system of censorship which had been expanded and intensified not merely to curb the overseas press from revealing war secrets but also "to interfere with the local Press which had always leaned over backwards to co-operate voluntarily with the military authorities" (see Sunday Mail 25 March) and the "great blanket of security" and censorship of information surrounding the election (Herald 2 April quoting the Commissioner of the BSA Police), together with the Emergency Regulations making any freedom of speech or ability to seek information a farce; the tight security system making opposition impossible to organise; the detention of opposition politicians and banning of their parties, effectively removing them from the electoral scene; and to martial law in most of the country, combined with a bitter civil war, making free and fair elections and normal political activities impossible.

A relevant factor in deciding whether the election has been fair and free, and which has not yet been analysed, is the electoral law and the mode of its application in letter and spirit. As indicated earlier, rapid scrutiny of the Constitution 1979, the Electoral Act 1979, the Electoral (Temporary Provisions) Act 1978, the Electoral Regulations 1979 (R.G.N. No. 242 of 1979) and Rhodesia Proclamation No. 12 of 1979 (R.G.N. No. 281 of 1979) might indicate to the uninitiated observer that nothing unusual was involved in the current elections.

Both the electoral law (and special changes in it for the specific purpose of this election) and its administration are open to question. I will here ignore as being unfounded the subjective suspicions of ZAPU and ZANU members, who allege that the electoral officers throughout the country, who as civil servants have the strongest possible motives for obtaining a maximum poll, will abuse their position by miscounting, by validating spoilt votes or by allowing extra ballot papers to be "found"—especially as there have been 6,000,000 ballot papers (with an electorate of 2,000,000) printed to give flexibility and possibility of voting at scattered points to ensure secrecy of voting. I will also ignore the allegation that the postal vote system has been abused by not confining it to persons who will not be in the constituency on polling day or who because of ill-health or military duties may be unable to attend on any polling day (Electoral Act Section 67).

ZAPU in fact alleges that large numbers of Africans have already been induced to vote postally, but I have heard no evidence to support this allegation. I will assume the utmost good faith on the part of the returning officers and their assistants.

I must mention the advantages I enjoy over other observers: I have witnessed 4 earlier elections and an earlier referendum campaign in Rhodesia, being fully conversant with the Electoral Law and I have been present informally in Rhodesia for nearly 4 weeks of the election campaign rather than coming in "cold".

THE ELECTORAL LAW

I turn now to the Electoral law. There are three categories of issues which require analysis: suspicious changes in the normal electoral law for the specific purposes of this election; offences against the electoral law and which could result in election results being upset on a large scale; and gaps in the electoral law which, together with discretion by administrators, have made abuses possible.

The major change is the provision (Section 175(10)(a)) which modifies the normal citizenship requirement for voters—in itself a specially entrenched provision of the constitution—so as to permit 250,000 alien Africans, forming 9 percent of the electorate and highly susceptible to pressure, to vote in this election only. This is particularly noteworthy because, until the present, Rhodesian Governments have been unwilling even to grant citizenship to such aliens (let alone going so far as to permit them to vote) and have rigidly applied immigration controls.

The second unusual features is that Africans do not need to register as voters, merely requiring to present themselves at polling booths with some documentary evidence in the case of males, and if this is lacking for females, they may be accompanied in lieu of proof by a male relative. It is true that some African countries such as Zambia, Angola, Mozambique, Tanzania and Swaziland have had elections without requiring a voters' registration. There are major distinctions to be made. First, the number of votes to be cast has not been a political issue. Second, elections in such countries have been far less likely to be influenced by aliens, as they do not have such an extensive system of alien migrant labour which could form 9 percent of the electorate.

The third change is that the provisions of the Electoral Act relative to election expenses (limiting the amounts permissible; and requiring proper records to be kept with returns being made to the returning officer) are not to apply to the African candidates for the 72 seats in this first general election. There is therefore no limitation, except the provisions as to corrupt practices such as bribery and treating, on the use of money by African candidates. Having witnessed previous elections, I am astounded by the expenditures candidates and parties have incurred in the current elections. As judged by the scope and extent of advertising, they far exceed the normal amounts spent.

The fourth temporary change is that, although section 117 makes it an illegal practice (grounds for an election petition) for persons to hire conveyances e.g. buses and other public service vehicles, the Emergency Powers Act has been used in an ultra vires fashion to make Regulations exempting the candidates and their agents from this section. Parties are proposing to hire buses and bring in voters by the busload—a long-standing practice used in the past for African political meetings to swell the numbers. (See Emergency Powers (Election) (Amendment) Regulations 1979 (No. 1).

As the Registrar General said: Regulations would "set aside for this election the section of the Electoral Act" that contains such prohibitions (Sunday Mail 8 April). A similar misuse of the Emergency Powers Act has already been mentioned in respect of exemption of farmers and miners from the law governing Road Service Permits to enable them to provide election transport for their labour forces and others.

These ultra-vires Regulations have been relied on in the course of the election by the Bishop to ferry bus loads of voters on the 2nd day of the election from Salisbury to Nortion, where the UANC was doing less well. With the absence of any registration constituencies have no significance; voters can vote anywhere, the justification being to avoid intimidation. The parallel would be if voters from South East England could be used into Paddington to vote in a marginal seat.

The fifth unusual provision is the establishment of an Electoral Supervisory Commission by the Electoral (Temporary Provisions) Act 1978. It is quite extraordinary for a legislature to set up a Commission to ensure that elections are fair and free and to supervise them. This implies that such elections may not be, or may be thought not to be, fair and free. In fact, this is a supplementary propaganda device to buttress the credibility of the elections, assuming the Electoral Supervisory Commission reports favourably on their conduct.

The seven man Commission consists of five African business men and farms, supporters of the Internal Settlement parties, Professor R.H. Christie, Dean of the Faculty of Law at the University of Rhodesia, and Mr. Justice Macaulay as Chairman. The Commission cannot enjoy the confidence of Africans opposed to the Settlement.

Its two European Members, obviously the most influential in the Commission's decisions, being sophisticated lawyers, in particular and to my knowledge do not enjoy the confidence of the African people as a whole. Professor Christie is regarded as unsympathetic to African Nationalists, and has, as a member of the Rhodesian Air Force, participated in Rhodesian air strikes. Mr. Justice Macaulay has presided over many in camera trials in the Special Courts where death sentences are imposed on guerillas.

From study of the election campaign it is apparent that there have been a number of corrupt practices, which could lead to declaring the election candidates void. Section 112(1) provides that "Any person who, directly or indirectly, by himself or by any other person—

(a) Makes use of or threatens to make use of any force, violence or restraint or any unnatural means whatsoever upon or against any person; or

(b) Inflicts or threatens to inflict by himself or by any other person any temporal or spiritual injury, damage, harm or loss upon or against any person; or

(c) Does or threatens to do anything to the disadvantage of any person; in order to compel or induce that person . . .

(ii) To vote or to refrain from voting; shall be guilty of the offense of undue influence."

There is no doubt that the Patriotic Front, the UANC Muzorewa auxiliaries, and the ZANU Sithole auxiliaries have all committed this offence. If with the knowledge and approval or consent of a candidate, or any of his agents, there has been a corrupt practice, the election of such candidate shall be void (section 129(a)). Evidence would show that in all the 8 electoral districts where candidates have stood, their auxiliaries have to their knowledge and certainly without any publicly expressed disapproval (indeed with the approval of the Bishop at a Press Conference on 6 April) committed the corrupt practice of undue influence. On this basis all Muzorewa UANC and all Sithole ZANU candidates are liable to be unseated.

Again, the use of spirit mediums by the UANC clearly comes under this section. Since they are used at all UANC meetings it appears that the Bishop and all his candidates are liable to be unseated.

The allegation is also made against Bishop Muzorewa and his church hierarchy in Bulawayo that he has stated that only churches which assist him by inducing their members to vote will be assisted by him in reopening their schools (closed by guerrilla activity) and given financial help. The evidence was given by a ZAPU supported who corroborated it by evidence of a split in the church in Bulawayo because of the attitude of clergy and parishioners towards the Bishop. If such allegations can be substantiated, then it may come within the terms of Section 113(1)(a) which deals with bribery.

It is arguable that many white employers are also guilty under the section in seeking to induce their black employees to vote. Their conduct could be construed as indirectly threatening to do something to the disadvantage of their employees. Some farmers will doubtless directly threaten their agricultural workers with loss of employment. Each case will depend on the particular facts, but there is no doubt that all employees are susceptible to indirect pressure, the urban employees being unwilling to displease their employers, domestic servants being in constant close contact with their employers who seek to take them to the polling booths, and the agricultural workers who fear job loss and, in the case of aliens, deportation.

All the candidates are aware of the Transitional Government's exhortations to householders and farmers and must be taken to know and approve of such indirect pressure. Indeed, the Rev. Sithole appealed to Europeans "to arrange for their African employees and all who come under their sphere of influence to vote". (Herald 5 April) Similarly the conduct of District Commissioners and of armed messengers in the keeps in reminding persons of the need to vote could be construed by the inhabitants as tantamount to indirect threats. It is doubtful, however, whether such subjective feelings would be construed by a Rhodesian court as amounting to undue influence.

Allegations are being made by senior ZAPU supporters that white employers of black domestic servants have invited them to bring their families to town to stay with them (in accommodation and with food provided by their employers) in order to enable them to vote. Allegedly, they have told servants that it would be quite in order to bring in their families for this purpose—normally employers do not allow this as it is a criminal offence, contrary to legislation governing zoning and local accommodation, for persons other than servants themselves to be given accommodation.

If such allegations can be proved then the corrupt practice of treating would have been committed. The Electoral Act Section III(1) (b) provides that:

> "Any person who corruptly by himself or by any other person whether before, during or after an election, directly or indirectly, gives or provides or pays wholly or in part the expense of giving or providing any food, . . . lodging or provision to or for any person (b) on account of such person or any other person . . . being about to vote . . . at an election shall be guilty of the offence of treating."

An election petition to void the election of the Rev. Sithole could also be lodged. A candidate who has been convicted and sentenced to imprisonment for a term of six months or more and has not received a free pardon is disqualified for election for the period of his imprisonment and for a further period of five years from the date of his discharge from such imprisonment (Section 21(1)(c) read with Sections 174(a) and Section 52(2)(a). In 1968, the Rev. Sithole was sentenced to six years' imprisonment for inciting the murder of Mr. Smith. He was released late in 1974. Five years since his discharge have not elapsed and there has been no public announcement that he has been given a free pardon.

It is also arguable that six of the Rev. Sithole's ZANU candidates do not have the necessary residential qualifications for voter registration which are required also of candidates for election to Parliament. (Section 19(1)(c), read with Section 20 section 174(a)(i). The same argument applied to two of the Bishop's candidates. There is some doubt on this point because candidates for the first election are not required to be registered voters and the apparent disqualifying factor, ceasing to reside for a continuous period of 12 months in the constituency, may be interpreted as applying only to the disqualification of voters and not as a voter's qualification which candidates must meet. It should be added that 5 others of the Bishop's candidates' residence qualifications are in doubt.

At this point it is relevant to draw attention to the functions of the Registrar General. Section 175(5) requires the Registrar General to delete the name of a candidate from the voting lists if at any time prior to polling day it appears to him that such candidate was not eligible or has become ineligible. It is surprising that there has been no deletion of the Rev. Sithole's name. Similarly, there has been no action taken in respect of Mr. Walter Mthimkulu of the Bishop's UANC, although the Sunday Mail 8 April 1979 disclosed that Mr. Mthimkulu had been resident overseas for many years and had not resumed residence in Rhodesia for a continuous period of 12 months. One must assume therefore that the Registrar General does not interpret the residential qualification as requiring candidates to have been resident for a continuous period of 12 months in Rhodesia after returning to the country.

The final category of circumstances which requires mention is gaps in the electoral law where there is no express provision governing conduct which suggests the election has not been fair. Although the electoral law does not place any limit on the election expenditure of parties and of Governments, this is a matter to which enlightened democracies such as the U.S. have directed attion. There has been a massive propaganda campaign mounted by the Government which, apart from considerable cash outlay in advertising and publications, has involved the whole administration of the country for the last month being diverted into election preparation and almost total relegation of other work. The cost must have been tremendous in opportunity cost terms.

When the Registrar General was asked what authority existed for this expenditure he justified it as follows: there was no expenditure of taxpayers' money; there was merely a taking advantage of facilities provided; political parties were limited in what they could spend (in fact, untrue); "there is in fact no law against what assistance the Government is giving to political parties on this one." (Press conference 3 April) The sums being spent by Bishop Muzorewa's UANC are so large, however, that it seems that the Bishop has large resources available.

Ironically, in October 1976, the Bishop had so little money at his disposal that he was on the point of sending half his delegation to the Geneva Conference back to Rhodesia when the Scandinavian Governments offered to assist with hotel bills. Subsequently, he obtained money from the Shah of Iran and more recently, particularly since July 1978, he visited South Africa and has made favourable speeches about maintaining trade links with South Africa (Herald April 6). Allegedly, according to the Rhoodie tapes and the Rand Daily Mail (4 April) "the Rhodesian project" referred to in the Erasmus Commission Report's evidence concerning the South African Information Department's misuse of funds was payments to the Bishop to maintain friendly relationships with the South African Government.

There are two other small gaps in the law which is now being applied very differently from the manner discretion was applied in earlier elections. Section 124(5) prohibits placards or circulars containing any limitation of a ballot paper and indicating or purporting to advise any person as to the manner in which such person should record his vote, unless the returning officer has prior to its printing certified that such a document contains no representation likely to mislead a voter as to his rights. The section was strictly observed in previous elections and there were few occasions on which returning officers permitted imitations of ballot papers in election literature.

In this election, the Bishop's UANC posters picture a mock ballot paper with an X in favour of the UANC. Presumably, returning officers have permitted such posters—otherwise their publications would be an illegal practice which could lead to the unseating of the Bishop's candidates.

Another example exists of discretion being used in a fashion quite different from that hitherto employed. It is an offence against the municipal bye-laws of Salisbury, without permission, to display posters in parks, on trees, on light standards and traffic islands. Enforcement has always been rigorous in central and local government elections. This time a Council spokesmen commented that "Council did not wish to upset parties." (Sunday Mail 8 April)

At a press conference immediately preceding the election the Directorate announced that a cross had recently been discovered to be a bad sign in African tradition. Accordingly returning officers would generously interpret any mark, whether cross, tick, circle or anything else, if it could conceivably be thought of as voting for a party, as a valid vote. Extensive spoiling of papers, should it occur despite the absence of facilities for conducting a campaign to this end because of restrictions on opposition political activity, should not be accepted as voting. It will of course be argued that an "unsophisticated" electorate voting on a proportional representation system for the first time will result in massive spoiling of papers and that spoilt papers are not equivalent to a "no" vote.

However, they are in my opinion an indication that the voter felt compelled by circumstances to give the appearance to those in authority that he was voting. The argument that spoilt ballots are inevitable with an "unsophisticated" electorate can be countered by experience in Irish and Northern Ireland elections when P.R. was first used and where (certainly in the west of Ireland) voters were "unsophisticated", but the percentage of spoilt papers has not been notably higher than in first-past-the-post simple majority voting systems.

Yet another impropriety, not governed by the electoral law, is the role civil servants in the Ministry of Internal Affairs have played in establishing parties for purposes of the election. It was on the initiative and advice of a senior civil servant in that Ministry, who thought that more support might be gained in Matabeleland than would be the case if the only chiefly party were ZUPO (that of Chief Chirau, who is Shona) that Chief Ndiweni split away from ZUPO and set up his UNFP to woo the Matabele vote. A senior civil servant in fact artificially created a split and a new party for the election.

CONCLUSION

As the facts set out above show, the election cannot be regarded as fair or free and must be considered tainted by the conduct of all the major actors on the Rhodesian political scene and in their civil war. Even if, by a leap of imagination, observers convince themselves that free and fair elections were held, no United Kingdom Government should be diverted from the principles upheld by successive Governments by the chimera of the election. To decide whether independence should be granted and recognition given, any United Kingdom Government should examine whether the Constitution is acceptable to the people of Rhodesia as a whole and whether it ensures unimpeded progress to majority rule.

So far as acceptability is concerned it should be obvious that with a civil war raging, with the total absence of any opportunity to express approval or dissatisfaction in a referendum of the African people (cp. the contrast of the opportunity Europeans were given in the referendum to endorse Mr. Smith's Internal Settlement) and with the suppression of opposition to the Internal Settlement combined with censorship and banning of publications condemning the Internal Settlement there can be no proof of acceptability of the Constitution to the African population as a whole.

Apart from these factors indicating that "non-acceptability" is the feeling of large numbers of Africans, it is necessary to direct attention to varying degrees of acceptability in different regions of the country. This is essential because of the deep tribal divisions between the Shona and Ndebele and the differences of the political influence exercised by the Internal Settlement parties and the guerilla, externally led parties in urban and rural areas. The Shona and Ndebele divisions will be relatively easy to detect, if they exist, because the 22 percent who speak Ndebele (Ndebele 14 percent, Kalanga 5 percent, Tonga 2 percent, Venda 1 percent) occupy the western third of the country. The 78 percent Shona speakers (Kore Kore 12 percent, Manyika 13 percent, Karanga 22 percent, Zezuru 18 percent, Rozvi 9 percent, Ndau 3 percent, Shangaan 1 percent) occupy the central and eastern two thirds of Rhodesia.

There is some overlapping of populations in the Midlands constituency.

Scrutiny may also reveal urban and rural differences, not only because of the political factors and the relative degrees of control of the security forces and of the guerillas, but also because 50 percent of Africans in employment live in urban areas and form the vast bulk of the urban African population. They are as a population group more subject to undue influence from white employers, but urban Africans constitute only about 17 percent of the population. In rural areas, where in 1969 the remaining 83 percent of the population resides employed Africans, more vulnerable to threats, form a relatively small proportion of the total population group. (These figures have been derived from the Census 1969).

However, in the last two years rural Africans have streamed into the towns. Some observers consider that the African populations of Salisbury and Bulawayo have, as a result of the civil war, doubled. This may result in an even higher urban poll from townships saturated by army, police and reservists.

A group which is disenfranchised is made up of approximately 250,000 Zimbabweans outside Rhodesia. According to Red Cross figures there are about 175,000 refugees (20,000 in Botswana, 55,000 in Zambia, 100,000 in Mozambique). This figure does not include a large number of refugees in ZANU camps in Mozambique not yet under Red Cross supervision. Nor does it include the guerillas or trainee recruits. It goes without saying that all this group is opposed to the Internal Settlement.

International politicians, Rhodesian political candidates and the African electorate have not noticed a hiatus in the arrangements for the Zimbabwe Rhodesia Constitution 1979. Learning from the 1976 Kissinger Proposals, which seemed at first sight to promise majority rule in two years, but which were in reality hedged by conditions. Mr. Smith has ingeniously devised the 1979 Constitution. It has no provision fixing a definite time for the dissolution of Mr. Smith's current Parliament elected in 1977.

Section 2 of the 1979 Constitution allows the President under the 1969 Constitution to fix a date for the dissolution of the Parliament controlled by Mr. Smith, the coming into operation of the 1979 Constitution and the calling together of the newly elected Parliament. The President's discretion must, constitutionally be exercised on Mr. Smith's advice.

The official justification for keeping Mr. Smith's Parliament in existence throughout the election is that otherwise there would be a vacuum, and that there should always be a Parliament in existence in case emergency action needs to be taken. This is specious. Any Parliamentarian knows that, apart from financial powers, Parliament is scarcely necessary.

What is necessary is a Government in office and this is in any event provided for by the continued existence of the Transitional Government, which remains in being until dismissed or replaced by the President acting on Mr. Smith's advice. This Government is armed with plenary powers by the Emergency Powers Act (which even enable provisions of the Electoral Act to be suspended for this election by Regulations) and the existence of martial law.

The holding of the current election is on one basis fraudulent. The African electorate thinks it is electing a majority rule Government and a Parliament which will inevitably take office speedily. Even candidates are unaware that they will, after the election, be receiving a letter from the Clerk to Parliament telling them that they are only potentially "members" and will not be entitled to claim any salary until they are made members by the coming into operation of the Constitution 1979. (Hitherto M.P.s have become such on the date of their election and have been entitled to draw salaries forthwith). Of course, to placate them, Mr. Smith might issue Emergency Powers (Salaries of Members of Parliament) Regulations giving them salaries.

Mean while Mr. Smith's own Parliament stands adjourned until 28th May and its members draw their salaries. If and when Mr. Smith advises the President to fix a date for the coming into operation of the 1979 Constitution even then the new Parliament need not meet for up to a further three months, when their first session must start. (Constitution 1979 Schedule 3 Part II Para 6). This gives Mr. Smith 4 months, assuming he acts with speed in fixing a date for the meeting of the new so-called majority rule Parliament.

More sinister interpretations, knowing Mr. Smith's record, are probable. Mr. Smith wished to eat and have his cake simultaneously. Had the election proved a failure, or if he failed to get international recognition, he would have kept his own recallable Parliament, and he would, as he has said in answer to a journalists' hypothetical question, "have thought again" i.e. dropped the Internal Settlement as unworkable. An even more devious possibility remains. The Register General of Elections confirmed on 12th April that when Mr. Smith's Parliament is to be dissolved is unknown, and is "a political decision". The Executive Council, asked to comment, refused. Bishop Muzorewa has told a journalist that it is unlikely that the new Government will be in operation before October 1979.

In fact, Mr. Smith is free, apart from political pressures from the Bishop's supporters (but he can offset this with Sithole support should Sithole do badly in the election) to continue without bringing the new Constitution into operation. He can treat the election as a gigantic Gallup poll with the Bishop still in the Transitional Government and described as Prime Minister elect. During that time Mr. Smith can freely amend the Constitution and retains absolute power—all the Transitional Government Ministers including the Bishop are Smith's nominees. Once be brings the Constitution into operation Mr. Smith can not amend the Constitution (for example to do a deal with the Patriotic Front or to induce the United States to provide the whites with financial guarantees).

The abdication of power by Mr. Smith has still to be seen. He has at the moment all the trump cards and can offer to attend on international conference, still retaining constitutional power to implement any deal and producing out of his electoral hat the black leader with most internal support. This delay could be justified publicly, and even to South Africa, which has recently provided helicopters and military equipment for the election exercise, as being designed to gain stability through an internationally agreed settlement.

Even if he brings the 1979 Constitution into operation there is still no true majority rule. The constitution provides for a form of power sharing cabinet for 5 years during which 4 of the 15 cabinet ministers must be Europeans. Furthermore most of the vital functions of any Government are removed from its control. All the functions relating to the administration of law and order, the machinery of justice, the armed forces and the public services are placed in the hands of independent commissions largely consisting of senior civil servants and persons of "ability and experience in administration" while persons engaging actively in central or local politics for the preceding three years are ineligible. (Sections 88, 92, 100, 105 of the Constitution 1979).

Depoliticisation is arguably a sensible technique of government in a divided society, but the practical result in Rhodesia will be to strip the new Government of real power and to place it in the hands of white civil servants, police officers and soldiers, thereby denying the black majority any opportunity of effective administrtion of their own policies.

Nor can things be changed constitutionally. With the Commission controlling army, police and civil service, a coup is not an easy alternative. Neither the Commissions nor the disproportionate number of white M.P.s (28 out of 100) can be altered without the agreement of 6 white as well as all black M.P.s. In the case of the white seats there is, after 10 years, an alternative mode of constitutional amendment. Thereafter, a commission headed by the Chief Justice with 2 other persons elected by the 28 white M.P.s and with 2 persons (presumably African) nominated by the President, may recommend to Parliament that the number of white seats be reduced.

The 1979 Constitution certainly does not meet the criterion, laid down by successive British governments, of ensuring unimpeded progress to majority rule. Nor is it acceptable to the people of Rhodesia as a whole. If the criteria for recognition have now been abandoned and all that matters is that the election should have been reasonably free and fair in the circumstances prevailing in Rhodesia and although taking place under a sham majority rule Constitution, the answer to demands for recognition must in view of all the evidence above surely be, if impartially answered, that the election was neither fair nor free by any electoral standards applicable in Western democracies or even according to those prevailing in elections preceding the grant of independence to developing African or Asian States.

Apart from the wide scale intimidation and undue influence applied by the Transitional Government by employers and by the Bishop's and The Reverend Sithole's parties and by the banned parties through their armies, and through corrupt electoral practices, the point must be made that no alternative choice was made available to the African people. The only ideology and set of proposals in this election was a "support the Settlement" one. The African population was not given the opportunity to understand all the issues in this election, being given no alternative to Mr. Smith's Internal Settlement.

Rhodesian Elections: A Confidence Trick

The first of the international observers to report their impressions of the Rhodesian election, in which Bishop Muzorewa scored a clear victory yesterday, called the affair "a gigantic confidence trick."

Lord Chitnis, director of the Rowntree Trust and a former official of the Liberal Party, hurried directly from the plane which brought him from Salisbury to the Africa Centre in London to give his assessment.

Not only was the Rhodesian election a confidence trick, he said, it was also "a fraud" perpetrated on "a cowed and indoctrined electorate."

Lord Chitnis, chief executive of the Rowntree Trust which some years ago donated 60,000 (sixty thousand) pounds sterling to Bishop Muzorewa, the victor of the Rhodesian election, said that after two days he abandoned the Rhodesian Government arranged trips to observe polling, and went on his own.

He said that his first impression of the Rhodesian polling system was that it was remarkably well organised, and he accepted that returning officers made every effort to maintain the secrecy of the vote and to show voters how to proceed.

But he claimed that the Rhodesian Government "propaganda machine" and the activities of the security forces amounted to massive pressure on the people of Rhodesia to go to the polls. "Many people we saw did want to vote and knew who they wanted to vote for, but basically what we saw was a cowed and indoctrinated electorate," he said.

Lord Chitnis said that Britain and the rest of the world wanted to know whether there had been "a fair and free election." And because of the pressure on people to vote, he claimed that the election had been neither fair nor free.

Employers had ensured their employees voted, the tribal auxiliaries of the various leaders of the internal settlement had exerted pressure, and in the "protected villages" no one had been allowed out until he had made his cross on a ballot form.

Lord Chitnis claimed that one of the internal black leaders had told him the election was neither free nor fair, and another had said he knew intimidation had taken place.

Pressed by reporters to substantiate his allegations, Lord Chitnis spoke of school teachers who had refused to act as tellers being put in prison, employers driving their workers to the polls, and security authorities in protected villages ensuring everyone had voted.

Lord Boyd, who headed the observer team sent out by the Conservative Party, is expected back in London within the next few days and will report to Mrs. Thatcher.

On the assessment of Lord Boyd and his assistants the next Conservative government will shape its policy on Rhodesia, though Mr. Pym, the spokesman on foreign affairs, has said that if the internal settlement is shown by the elections in Rhodesia to be acceptable to the people of that country, then any British Government would be bound to recognise Rhodesia and lift sanctions.

Free and Fair?

The 1979 Rhodesian Election

INTRODUCTION

In advance of the elections, Rhodesia's transitional government announced that it would welcome the presence of international observers to assess whether the forthcoming elections were free and fair. In response to this general invitation, though without a specific one, I, together with my research assistant, Eileen Sudworth seconded from the Catholic Institute for International Relations, went to Rhodesia to observe the elections on behalf of the British all-party Parliamentary Group on Human Rights.

Our terms of reference, bearing in mind the Group's belief that political rights are human rights, were to judge whether the elections were free and fair: In particular we were asked:

1. To assess the political content and atmosphere of the election campaign, including the freedom of expression and organization both for those contesting the election and for those opposed to the new constitution, thus to determine the extent to which the election can be seen as a test of the acceptibility of the internal settlement.

2. To assess the legal and security context within which the election is to take place, and in particular the difficulties of holding an election in Rhodesia given the imposition of martial law, the continuing state of emergency and the various pieces of security legislation which are still in effect there.

3. To assess the electoral process itself, including an analysis of the Electoral Act and an examination of the impartiality of the state machinery in the conduct of the election.

Since we believed that crucial to any proper assessment of the elections was observation of the election campaign, we arrived in Rhodesia before the five-day polling began on April 17th. My colleague travelled to Rhodesia on April 5th and I arrived on April 12th. The Observer Centre for the elections began its operations on Monday April 16th, the day before the commencement of polling, to coincide with the arrival in Rhodesia of the majority of the international observers and on that day we applied for and were granted observer status. We left Rhodesia on Tuesday April 23rd.

In addition to meetings in and around the capital, we traveled extensively during our stay. Between us we visited seven out of the eight electoral provinces—Bulawayo and Wankie in Matabeleland North; Gwelo and Chiwundura TTL in Midlands; Hartley, Karoi and Urungwe TTL in Mashonaland West; Bindura Sipolilo and Kandeya TTL in Mashonaland Central; Bromley, Marandellas, Mudzi TTL and Mtoko TTL in Mashonaland East; Umtali, Chipinga and Musikavantlu TTL in Manicaland; Beitbridge and Mtetengwe TTL in Matabeleland South. We traveled both with government and party officials—including two days on the road with UANC party officials, two days on government facility trips and two days traveling with Rev. Ndabaningi Sithole on his private plane—and on our own, using our own contacts and interpreters and with no governmnt escort or security. We included in our visits political meetings and rallies and observation at some 17 polling stations in a wide variety of localities—townships, Tribal Trust Lands, protected villages and European farms.

We held discussions with all the black leaders of the transitional government—two of them in private; a number of party officials and candidates; officials from the Ministry of Foreign Affairs including Mr. P. K. van der Byl, co-Minister for Foreign Affairs; officials from the Ministry of Internal Affairs, including District Commissioners; the Chairman of the National Election Directorate, Mr. Malcolm Thompson, members of the security forces and special branch; presiding officers and polling officers at the elections. With the exception of one or two minor officials, we were treated with the utmost courtesy and (in view of the situation) co-operation.

Outside official circles, we talked to farmers; members of the National Unifying Force, the main white opposition party to the Rhodesia Front; church missionaries and local clergy; personnel from the International Red Cross; students; youth workers; the African National Farmers Union; representatives from a wide range of national women's organisations; teachers; the Catholic Commission for Justice and Peace in Rhodesia; journalists both from inside the country and abroad; concerned individuals including the Rt. Hon. Garfield Todd, former Prime Minister of Southern Rhodesia. Finally, of course, we talked to a great many ordinary voters and potential voters at random during our travels.

Bearing in mind the length of our stay, the extent of our travels, the wide variety of people to whom we talked and drawing on my experience as an election organiser and political campaign manager in Britain together with my colleague's personal experience of living in Rhodesia and, in recent years, her close and continual contact with the situation there, I believe that we were in a very good position to make an assessment of whether or not the Rhodesian elections were fair and free.

CONCLUSIONS

The recent election in Rhodesia was nothing more than a gigantic confidence trick designed to foist on a cowed and indoctrinated black electorate a settlement and a constitution which were formulated without its consent and which are being implemented without its approval.

The major prize in the election was international recognition and the lifting of sanctions. A high percentage poll was all that was deemed necessary to hoodwink the international community and secure recognition. All that was required of the electorate was a ballot paper with a mark on it—a blank cheque signed by the bewildered and always patient, still waiting, black majority.

To achieve this end, and under impossible war conditions, the electorate was brainwashed by propaganda on an alarming scale, cajoled by false and dishonest promises of peace and intimidated in the most callous fashion to vote.

Foreign observers were invited in to watch this brilliantly stage-managed performance so that, deceived by political sleight of hand, they could subsequently impress international opinion through their favourable reports. We cannot play our appointed role in this process and endorse this blatent attempt to perpetuate a fraud and justify a lie.

RECOMMENDATIONS

Our aim was to assess the freedom and fairness of the Rhodesian elections. We would not therefore presume to suggest what future policy should be adopted towards Rhodesia by the British and American governments. We would however like to make the following recommendations which stem directly from our experience as observers:

1. These elections should be discounted in any government policy decisions about Rhodesia. It was not a valid test of opinion and its results are meaningless.

2. Free and fair elections cannot be held in Rhodesia under the present circumstances. For there to be a true test of black opinion there would need to be a ceasefire, which would of necessity presuppose the participation in the election of the Patriotic Front, significant demilitarisation, the lifting of press and other censorship to allow a free political climate and impartial supervision by the United Nations, this would involve not simply observers but a UN peacekeeping force.

THE ELECTIONS AND THE TEST OF ACCEPTABILITY

Rhodesia's Prime Minister, Mr. Ian Smith, in an impassioned plea to international observers and press in Meikles Hotel, Salisbury on Friday, April 19th, argued that, despite their perfidy in the past, Britain and the United States could not destroy the six principles which "have been stated time and time again". He was referring to the six principles which have formed the basis of the policy of successive British governments towards Rhodesia since Rhodesia's Unilateral Declaration of Independence in November 1965. The six principles are:

1. unimpeded progress to majority rule
2. guarantees against retrogressive constitutional amendments
3. an immediate improvement in the political status of Africans
4. progress towards the ending of racial discrimination
5. an assurance to the British government that any basis proposed for independence is acceptable to the people of Rhodesia as a whole
6. guarantees that there would be no oppression of majority by minority or of minority by majority

Mr. Smith went on to explain that five of the six principles had been met through the signing of the March 3 Agreement and that the only one outstanding—that any settlement should be acceptable to the people of Rhodesia as a whole—had been satisfied by the current elections. "Well", he asked, "we have complied with them all now. What more do you want?"

This question of whether or not the April elections meet the acceptability requirement is likely to be crucial in determining future British and American policy towards Rhodesia. Since governments are relying on international observers at the election to supply the answer—and Lord Carrington, Britain's new Foreign Secretary, has said as much publicly—we believe it is important to deal with this question first. Was the Rhodesian electorate voting on the acceptability of the March 3 Agreement?

In March 1979, twelve months after the signing of the March 3 Agreement and some five or six weeks prior to polling, Mr. Francis Zindoga, UANC National Chairman and co-Minister of Justice, Law and Order, said that he was "shocked to find that the people in the rural districts of Matabeleland knew virtually nothing about the March 3 Agreement, the new 1979 majority rule Constitution and the need to vote in the April election". He went on to say that "the same ignorance about the March 3 Agreement and the new Constitution applied to the Victoria and Manicaland Provinces". He laid the blame for this squarely on the "transitional Government and the internal nationalist parties involved in the March 3 Agreement". (National Observer, March 8, 1979)

Had this situation changed in the weeks running up to the election? It is quite clear—from scrutinising the vast amount of election propaganda in the press, on the radio and on television; from the speeches of politicians reported in the media, at political meetings and party rallies; from the large number of people to whom we spoke, including politicians and party officials—that the March 3 Agreement and the new Constitution played absolutely no part in the election campaign. Whilst whites had been given the opportunity to approve the terms of the new Constitution in a referandum held in January 1979, the issues were not presented, nor debated, nor submitted for approval to the black electorate.

We asked a wide variety of people (and indeed we in turn were asked by a large number of people) why there had been no referendum on the settlement proposals for the blacks. Some whites argued that blacks were incapable of understanding the technicalities and implications of what is a very sophisticated document. Black politicians argued that such a referendum was unnecessary. At a press conference at the UANC Election Headquarters on April 13th, Bishop Muzorewa, when asked why the Constitution was never approved by blacks, replied that "power is the most important thing, (and) that this was why we asked the whites whether they approved of the Constitution which would govern them under a new power. There was no need to ask the blacks whether they wanted power." This view was echoed in a private interview with Rev. Sithole. Chief Chirau took a similar view. He explained to us, again in a private interview, the mechanics of consultation between the internal leaders and their supporters. The people, he said, were always consulted prior to talks and there was a system of reporting back to the people. Furthermore, he argued, "I do not see why the African people need to be asked. The blacks are the receivers, the whites are the givers. That is why we asked the whites."

Critics of the March 3 Agreement and the new Constitution argued to us that this position was profoundly dishonest. They reminded us of the Pearce Commission in 1972 which had visited Rhodesia to assess whether the terms of the Smith-Home settlement proposals were acceptable to black Rhodesians. At that time an orchestrated 'No' campaign had been organised under the leadership of Bishop Muzorewa. If the constitutional proposals were deemed relevant then, it was argued, there was no reason to believe that the terms of any agreement should have diminished in significance. Indeed, it was maintained, they were likely to have increased in importance after seven years of brutal and bloody civil war. Critics went on to argue that power had not been transferred from the minority to the majority and that this was precisely why the war had continued following the signing of the March 3 Agreement.

Whilst acknowledging the legitimacy of safeguarding the interests of the white community in some way, the critics maintained that there was a crucial difference between guaranteeing minority rights and entrenching white privilege, between ensuring that the white community had a political role in the future Zimbabwe and and instituting a blocking mechanism which so completely circumscribed a new black government and effectively pre-empted necessary change. Mr. Bryon Hove, sacked from his position as co-Minister of Justice, Law and Order for advocating a period of positive discrimination, was frequently cited as an example of how power remained very firmly in white hands.

Nor were constitutional issues deemed irrelevant by the leaders of the political parties themselves. Bishop Muzorewa, in response to a question about the entrenched clauses, replied that "72 seats is a majority—far more than 28". In private, leading UANC officials took a more cynical view. At various times during our stay, a number of individual UANC officials argued that people made constitutions and therefore people could change them, that once in power the constitution was irrelevant and would be thrown out (despite the undertaking in the party manifesto to "uphold and protect" the Constitution) and even on one occasion (Mr. Ayoub Kara, UANC Director of Elections) that the constitution would be easy to change since 14 out of the 28 nominally Rhodesia Front seats in parliament were in reality "white UANC". Bishop Muzorewa's simple arithmetic of course glosses over the fact that even the 72 black MP's acting in concert could not change the Constitution (for an analysis of the Constitution, see the submission of a British all-party delegation on Congress, March 1979, reproduced here as Appendix 1). Mr. Kara's assertion ignores the 'blood chit' signed by Rhodesia Front MP's pledging never to vote against the party and to resign if they did so (The Herald, April 6, 1979). Whether, given their own profound dissatisfaction with the March 3 Agreement, the internal black leaders would have been able to sell the settlement proposals to the electorate must remain an unanswered question.

It is important to point out here that those opposed to the March 3 Agreement or who wanted to campaign for a boycott of the election were not allowed to voice their opinion. Throughout the entire time of our visit we did not hear a single dissenting voice in the press, on the radio, on television, or at meetings. (Those who did voice opposing views to us in private did so with considerable apprehension and fear of reprisals. One highly educated urban black who boycotted the election told us that only ourselves and his wife knew that he had not voted and he was afraid that others might find out.)

Indeed, immediately before the election week an unspecified number of political supporters of the Patriotic Front were arrested. A Ministry of Law and Order spokesman confirmed that "a limited number" of people had been arrested and that the arrests "were confined to those known to support the policies of the terrorist organizations that will attempt to disrupt next week's elections by forcible means". Nor is this action surprising in view of the statement made in Parliament on February 28, 1979 by Mr. Mukono, the co-Minister of Defence:

"As far as we ZANU are concerned, those who will prevent others from voting, and those who will deliberately refuse to vote during the elections, will be regarded as enemies of the state." (Parliamentary Debates, Vol. 99, No. 42, Col. 3071)

The Election Director of Chief Ndiweni's United National Federal Party (which subsequently won 9 seats in the election) protested "in the very strongest terms" about the arrests. "These elections", he said, "must be seen to be free and fair, but how can they be when innocent people are being arrested? The UNFP believes this is the start of a dictatorship in our land." (The Herald, April 13, 1979)

Suppose for a moment we take the analogy of Britain's entry into the EEC. Those in favour of Britain's entry are allowed unlimited funds and are given every facility to put forward their views, the voices of those opposed are silenced. The terms of Britain's entry are not put before the British electorate and no referendum is held. Instead the government proceeds with elections to the European Parliament. The result of those elections cannot be interpreted as massive support for Britain's entry into the EEC. Similarly in Rhodesia—with the preclusion of all political opposition to the March 3 Agreement, with the deliberate avoidance of the constitutional issues by the contending politicians, with the absence of a referendum—the results of an election simply to decide which leader will head the Government cannot be interpreted as a massive endorsement of the settlement proposals. Our inescapable conclusion is that the election can only be seen as a deliberate attempt to bypass the test of acceptability.

If the elections were not about the March 3 Agreement and the new Constitution, what were they about? Despite all the points made above, can the elections be interpreted as a sign of faith or hope by a war-weary electorate in the black internal leaders—a kind of political leap in the dark? To assess these questions we need to examine the policies put forward at the election and the methods used to persuade people to vote.

WE ARE ALL GOING TO VOTE

In this appalling situation of near anarchy and bloodshed, was a free and fair election possible at all? In 1976, even before the advent of the private armies and before the war escalated to its present proportions, Mr. Ian Smith thought not. In the absence of a ceasefire, with the continuation of military operations, martial law and security legislation, was a free and fair election feasible any more in 1979? What was the role of these warring factions during the election? What other sectors of society rallied round the ubiquitous slogan "We are all going to vote" to ensure the success of the election?

The transitional government was quite open about the fact that a high turnout was desperately needed in order to ensure international recognition and the lifting of sanctions. To this end, the government co-opted the entire white power structure—employers of industrial labour, farmers, employers of domestic servants and civil servants. In a letter circulated to farmers and employers (reproduced in full as Appendix III) Mr. Malcolm Thompson, Chairman of the National Election Directorate wrote:

"A high percentage poll is the most effective way of proving to the Western world that we have majority support for the internal settlement. In this way we also have the best opportunity of achieving recognition and the lifting of sanctions, which must be the aim of all Rhodesians. We appeal therefore to all white Rhodesians for their utmost co-operation in assisting their black employees to vote in the April election * * * All white Rhodesians can assist immeasurably by helping their black employees to understand the election procedures, dispelling any fears they may have and, *where possible, actually going to the polls with them.*" (Emphasis added.)

In our view, the enthusiastic co-operation of white employers and farmers with Mr. Thompson resulted in considerable coercion of their black employees to vote.

Using official employment and residential statistics, it can be estimated that some 890,750 black voters (about 30 percent of the total black electorate) consist of employees or their wives living in the urban areas, on mines or in other sectors of employment such as construction, domestic service, education or the public service.

In a full page advertisement in the Sunday Mail, Bishop Muzorewa appealed to employers "to get them (their employees) to the polling booths. Give them time off duty. Arrange transport for them. If you believe in what we in the UANC wish to achieve, then please canvass the support of your employees on our behalf". (The Sunday Mail, April 15, 1979). Employers certainly did provide company trucks, cars, etc. to take people to the polls and the regulations governing the number of passengers which might be carried on a truck trailer were lifted for the period of the elections. Under the Emergency Powers (Election) (Amendment) Regulations 1979 (No. 1), published as a notice in the Government Gazette, trucks and trailers could carry more than the maximum seven passengers allowed in the existing regulations so long as they were taking people to or from polling stations.

Domestic servants (according to government figures in 1979 there were 119,200 domestic servants in Rhodesia), many of whom had never been in their employers' cars in their lives, were told that the car was ready to take everybody to vote. An election official in Bulawayo, Hillside said on the television news of April 21st, that there had been a very high turn out the first day of voting. When asked whether the voters were mainly black or white, he replied that they were about half and half because the whites brought with them their domestic staff. A religious sister told us that she had talked to some domestic servants who had not wanted to vote but had been given no choice by their employers.

Although most polling stations were open for the entire five days, many firms allocated a specific time for their employees to go and vote. One informant told us that there was no way that he could remain seated at his desk and abstain from voting. We were told that at W. Dahmer and Company, Msasa, Salisbury on the first day of polling the entire labour force was taken in batches by a company truck to the polling station. In each case they were accompanied by a white employer who stood by whilst the employees lined up and voted. We were told that the employer then personally checked the employees' register at the company to ensure that everyone had gone and voted. Employees were given no choice. Similar methods were reported from a nearby firm, the Norton Motor Company. Banks often closed early or for a specific period so that employees would have no excuse for not voting. Mobile polling stations serviced large numbers of mines and factories. When the mobile polling station arrived, mines and factories shut down operations and told their employees to go and vote.

FARMERS

Using official employment and census data, it is estimated that some 492,490 black voters (about 17 percent of the total black electorate) consist of employees working on white farms and their wives. A significant proportion, about 30 percent, are from Malawi, Mozambique and Zambia. European Farmlands were generally served by mobile polling stations. The authorities would tell the white farmer when to expect a polling station and it would be up to the farmer to organise his labour force and provide transport to take them to the poll. Amendments to the law were made to enable tractor drivers to drive on any road as long as they were carrying people to or from polling stations. (Existing regulations restrict tractors being driven more than 10km from farm boundaries or mining locations). The Electoral Law was amended for this election to enfranchise anyone 18 years and over who had lived in the country for two years or more.

The call by the government to farmers to help transport their employees was again met with an overwhelming response. Over and above this, though, we heard reports, in the Mazoe area for example, that employees had been threatened with loss of their ration cards (which enables the labourer to obtain his food rations twice a day) if they did not vote. We also heard reports that people were afraid of losing their jobs if they did not vote, and this fear was particularly acute among the immigrant farm labourers. The Sunday Mail (April 22nd) for example reported on the Triangle Sugar Estates, with 35,000 black residents, in the Victoria Province: "The company's policy is to encourage our labourers to vote" said public relations officer, Mr. Jack Coaton. He said no one was forced to vote and that he expected a poll of 80 percent to 90 percent on the estate. At section 19 of the estate one worker said "he doesn't know of anyone who was forced to vote" but adds "some of us do not feel secure in our jobs if we don't." Two days after polling began, the Triangle Estates recorded a 98 percent poll (The Herald, April 20th).

We visited Moy Farm in the Karoi area which was serviced by a mobile polling station. This maize and tobacco farm covered some 3,000 acres. As we arrived a lorry full of people arrived from a nearby farm to vote. We were told that, once these had voted, the polling station would close since these were the last of the voters. Everyone seemed very certain that all potential voters had voted. Mrs. Chisholm, the owner of the farm, together with several whites waiting with her for the polling to end, told us that they did not know of a single worker who had refused to vote. Mrs. Chisholm told us that the vast majority of her workers and those on the farms nearby were from Malawi. We asked the presiding officer how he knew the voters had the necessary residence qualifications since he was not asking for any form of identification and he told us that it was left up to the farmers to decide who was eligible.

At a visit one evening to Chipinga Social Club we talked with a white farmer from the area. He owned a tea plantation with about 250 workers, he told us. When we met him he was still in his security forces uniform, was slightly drunk and was brandishing a Mauser and dropping live ammunition into the ashtray. He told us that as soon as he finished patrol in the morning (the first day of polling) he was going to return to his farm and see which of his "Kaffirs" (a derogatory term used to describe black Rhodesians and similar in connotation to the word "nigger" hadn't voted. In our opinion, there was absolutely no way that any of this man's employees would refuse to go to the polling station.

High percentage polls on European farmland were recorded. In the agricultural estates at Chipinga an 80 percent poll was recorded by the end of the second day of polling. At Umvukwes a 90 percent poll was recorded in the white farming area after 3 days of polling and a 100 percent poll was expected. Mr. Selby Chance of Sandford Farm said he had a 100 percent turnout on his farm of 250 eligible voters. (The Herald, April 21). The District Commissioner for Bindura, Mazoe and Concession areas (all white farming areas) estimated that he had 119,000 potential voters and 79.4 percent had voted by the end of the third day of polling. (The Herald, April 21).

THE CIVIL SERVICE

Mr. Ian Smith said on April 14th, "As the observers will find, the entire complex operation of staging a first election for 2.8 million voters has been planned by and will be carried out by civil servants and every polling booth will be manned by black and white civil servants. So far, not even our fiercest detractors have questioned the integrity of our public service." (The Sunday Mail, April 15th) It is worth pointing out that white civil servants, as with the rest of the white community, had a stake in ensuring that these elections were successful and resulted in international recognition and the lifting of sanctions. Again, as with the white community in general, it was in the interest of the white civil servants to promote a high turnout which would be interpreted as an endorsement of a Constitution that offered the whites a very good deal. Moreover, extraordinary guarantees—in the form of entrenched clauses—ensure that the civil service cannot be tampered with by the new government, that pensions are guaranteed and are payable outside the country. Thus whilst not questioning the integrity of the white civil servants, one could certainly question their impartiality. It is also worth noting—although this is a minor point—that the presiding officers, that is those in charge at the polling stations, at this first black majority election were white.

A far more important point concerns the role of teachers in the election process. Many of the black polling officers were teachers. In a letter to teachers, March 27th, 1979, (reproduced as Appendix IV), the Secretary for Education, Mr. A. J. Smith, appealed to them to help in the elections. He reminded the teachers of their duty to spread education as widely as possible and drew attention to the "grave problem of closed schools" because of the war. "Small wonder" the letter went on "that people everywhere want normality; normality brings a reopening of schools—something everyone desires". Mr. Smith continued "we are approaching a time when every teacher can and should play a vital role in bringing stability back to our country". Whilst it was not, he said, his intention of involving his Ministry in politics, he differentiated between an interest in civics—in this case holding an election—and political involvement. "We face a threefold challenge of fear, apathy and ignorance" he went on. "As teachers, you are respected people, and can do a great deal to overcome these challenges." One of the ways they could help was to explain that "it is the people's duty to vote". The letter concluded "Many of you have been asked to participate as officials in the elections. In some cases teachers who are not liable to be called up, have nevertheless been asked by the authorities to assist. I wish to make it quite clear that I expect teachers to respond to such requests.

Mr. Smith's assertion of the apolitical nature of their proposed involvement in the election was not the way that some teachers saw it. They argued that to become involved as polling officers would be seen as identification with the March 3 Agreement. Apart from fears about their own safety if they participated, they felt that they were being used by the State machinery to ensure the success of a fraudulent election based on a fait accompli. Some teachers felt it immoral, in the absence of a referendum, to advocate voting in an election which they knew would be seen as an endorsement of a Constitution which had never been explained to the people. Moreover, in the past—at the time of the emerging nationalist movements—teachers were advised to steer clear of politics. They resented now being co-opted into an election designed to consolidate white supremacy.

Teachers were not, however, simply "asked to participate" and given the option of refusing. Confidential directives were issued to teachers ordering them to serve as polling officers. "Failure to comply with this direction will be an offence and will render you liable to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment". (A copy of such a direction is reproduced as Appendix V).

We questioned Mr. Malcolm Thompson, Chairman of the Election Directorate, about this. He assured us that polling officers were normally volunteers from teachers and the civil service. He said, however, that they had received "messages" from various areas, particularly from teachers, that they were afraid that if they were to be associated with helping the election process, their lives would be in danger. He said "From all over the country came the message 'Please couldn't you demand that we take part', so we did this and issued a directive. In one area, for example, we only wanted 12 polling officers but received a deputation from 60 teachers saying 'Please order us, we all want to do it, we will share out the money, don't leave any of us out because this would be dangerous' ".

We asked whether, if a person refused to become a polling officer, he would face charges. Mr. Thompson told us that he would but that he did not know of anyone who had been charged. We then told him about a letter (a photocopy of which and subsequent bail notices had been given to us) written to the Rt. Hon. Garfield Todd from a group of fifteen teachers at Shabani Mine School who had been arrested and imprisoned for refusing to be polling officers.

We then asked Mr Thompson whether, in view of his reassurances that the directive was simply a formality, we could assume that the charges facing those who had refused to become polling officers would also be regarded as a formality and those charged would be leniently dealt with. Mr Thompson replied that "the law must take its course". He added that those who had refused were in a minority. Nevertheless "you must realise that these people could have put the entire process in jeopardy. I would hope for leniency but there are so many imponderables in this. The whole thing has worked like a charm but we had to make all sorts of contingency plans".

THE SECURITY FORCES

One of the most bizarre features of the election was that the Rhodesian security forces, one of the main protagonists of the civil war the brunt of which, as Mr. Ian Smith freely admitted, has been borne by what he describes as "our poor innocent tribesmen", should be appointed the protectors of the people and the guardians of the democratic process. Officially, the security forces were empowered to escort people to the polls "when requested", to guard the polling officers and the polling stations and of course to continue the war against those trying to disrupt the elections.

Fear of the security forces in the rural areas is understandable when one remembers the conduct of the war and the usual reaction of the people in rural areas to the approach of security forces is to run away and hide. It is the same security forces who have burned down homes, destroyed crops and cattle, herded people into protected villages and killed people for breaking curfew or 'running with terrorists', who during the election period were urging people to vote and 'escorting' them to the polls. One example of electioneering is a leaflet distributed by the security forces and addressed to ZIPRA forces and Mujibas. The leaflet contains photographs of Rhodesia's military might and the copy runs:

"The people of Zimbabwe are going to vote in the one man one vote majority rule elections. If you try to stop the people from voting you will be going against the will of the people and the Zimbabwe People's army will kill you. Listen well because this is your only warning. The Zimbabwe People's Army is powerful and if you try to stop the people from voting you will meet your death. The powerful army of the people of Zimbabwe is here to protect the people when they choose their majority rule government in the one man one vote elections.

Forward with peace for the people—that is what the people want."

(The leaflet is reproduced as Appendix VI).

The following are cases which were brought to our attention and which describe some of the activities of the security forces during the election:

A garage in Mount Pleasant, Salisbury, which employs around fifteen black workers received a visit from the security forces who said that they had heard that the employees did not want to vote and were being 'uncooperative'. The employees denied this but were told to expect a visit from (UANC) auxiliaries. The auxiliaries visited the garage on April 16th and told the employees to be ready to go to vote at 9:30 am the next morning. At 9:30 am the next morning (day one of polling) all were taken to the polling station by their employer.

In Matibi TTL, according to a white informant called up into the security forces for the election and serving in that area, "the majority (of voters) have been herded in by patrols but most Kraals only have women left there by the time the patrols reach them".

In Jani village in Mangwende TTL the people were told by the security forces that if they did not go to vote their village would be bombed.

In the Shabani area on the evening of April 17th, lorry loads of soldiers approached the Wedza school area but dropped the soldiers out of sound of the villages. Many people at Wedza slept in the fields or in the mountains that night (because of a visit by security forces the previous night) but early the next morning some soldiers approached on foot, fanned out and swept fields and hills. Others went directly to the villages. The people were gathered together and marched six or eight miles to Msipani where a mobile polling station had arrived. As one voter commented, "what can you do when you are surrounded by guns and the soldiers want you to go?"

In Buhera TTL about 20 lorries full of soldiers arrived at our informant's village and told the people to "go and vote or else we will bomb your homes".

At Chendambuya in the Makoni District, on April 16th, security forces came to the village and warned the people against moving away from it. The next morning at about 5:30 a.m. the people were rounded up and taken to the polling station 3 km away.

In Mrewa security forces and auxiliaries made sure that whoever they came across went to vote. Also in this area, buses were stopped by soldiers and the people were asked whether they had voted. Those who said they had not were taken off the bus and taken to vote. Similar instances were reported from the Mtoko area and on the route between Fort Victoria and Chiredzi.

In the Sipolilo area on Good Friday, April 13, security forces came to our informant's village and wanted people to go to a meeting to teach people how to vote. The kraalhead refused and said that his people were not interested in the elections. The security forces went away and reported to headquarters. Security forces subsequently returned and some 15 people were shot and killed including our informant's daughter, aged 14, his son, aged 9, and his nephew, an infant aged 2 years.

Not surprisingly there was a clear correlation between a high poll and areas where there was a concentration of security forces. This was particularly evident in protected villages. We visited Penemene protected village in the Beitbridge area on the second day of polling and arrived (under military escort) at approximately 11.00 a.m. Polling was being conducted at the site where a new school was being constructed. This protected village, we were told, had been in existence for a year. There were no voters in sight. We asked the presiding officer the estimated number of voters for this polling station. He replied, with great precision, "437". We asked how many people had voted. He replied "437—435 yesterday and two this morning." He added that he had thought it would be necessary to call the people together to get them to vote but that he had not needed to. Similar high polls were recorded in protected villages throughout the country. Two protected villages in the Chipinga District reported a 90 percent poll at the end of the first day's polling (The Herald, April 18). In one of the protected villages in this area the number of voters was 3,026 but 3,542 had voted—a 117 percent poll (The Herald, April 21). At Kungume protected village in Chiweshe Tribal Trust Land, a mobile polling station arrived on the third day of polling. By 10.00 a.m. the poll was recorded at 95 percent. In protected villages to the south east of the country between Chipinga and Mozambique, polling was near to 100 percent, reported Brigadier Jacobs (The Sunday Mail, April 22). Given the captive audience of the protected villages, we would not have thought that any form of threats or intimidation would have been necessary. Nevertheless we heard reports that in some protected villages the security forces had told the people that they would not be allowed out of the gates of the village to tend their crops and their cattle until they had voted. One informant told us that in Protected Village 21 in Chiweshe Tribal Trust Land the gates of the village were closed at 4.00 p.m. on Monday, April 16 (the day before polling was to commence) and only reopened on Saturday, April 21 (the day polling ended).

Whilst on the subject of captive audiences, it is important to note that mobile polling stations visited prisons throughout the country recording the prisoner's vote. We asked Mr. Malcolm Thompson to clarify who in prison was eligible to vote and to give us some idea of what the results had been. Mr. Thompson told us that all those sentenced to less than six months imprisonment, all those on remand, political detainees detained without trial and martial law detainees were eligible to vote. Leaving aside petty criminals it seemed to us quite extraordinary that the government should lock up its political opponents and then ask them to vote 'freely and fairly' for those leaders to whom they are opposed. Mr. Thompson told us that to his surprise four prisons had recorded a 100 percent poll. (A senior official in the prison service subsequently told us that a 100 percent poll had been recorded in nineteen prisons throughout the country). Mr. Thompson also told us that he had been informed by the Director of Prisons that in all the prisons throughout the country 85 percent of those eligible had voted.

THE AUXILIARIES

When assessing the role of the auxiliaries in the election, their terror tactics and intimidation of the people in the areas in which they operate must be taken into account. In the run-up to the election, we heard numerous reports that, in addition to being offered incentives such as free beer, cold drinks, cigarettes and so on, people were being forcibly rounded up and taken to political rallies to demonstrate support for particular parties. Both Rev. Sithole and Chief Chirau told us that this was a typical UANC tactic. The Special Branch Officer in charge of the ZANU auxiliaries confided that those with the biggest rallies were those who had the most buses and who could 'persuade' the most people.

Bussing of voters was allowed following an amendment to the Electoral Law but we were assured by the Election Directorate that 38,000 people woud need to be bussed in order to affect the voting results. (This figure is based on the average estimated number of votes needed to obtain one seat in parliament assuming a 100% poll). In practice the figure needing to be used to affect a seat varied from around 6,000 in Mashonaland Central to 50,000 in Mashonaland West). We are quite prepared to accept that bussing of voters did not substantially affect the voting results. Nevertheless attempts to push voters into provinces with the most seats or into areas where the parties thought the poll would be low or where they felt they needed the maximum number of supporters did occur and is a clear indication of the nature of the election campaign and the attitude of the parties towards voting.

Chief Chirau told us on April 18 (the second day of polling) that he had gone that day to cast his vote in his area (Chirau TTL). "There are about 40,000 or more people in my area. Yesterday I was told that about 4,000 people had voted. Other people did not. They had been told by the auxiliaries (UANC) not to cast their votes at my council hall, that the UANC would send buses to take them to vote in other areas "otherwise we'll fix you. Today they were transported to other areas". We asked Chief Chirau whether he would lodge a complaint with the Electoral Commission (a commission set up by the government to give an 'independent' assessment of the elections). He replied, "What is the point? Everyone is aware of the problem. The response from the security forces is that they are supposed to be in charge of the auxiliaries but I cannot see it."

The following are some of the accounts given to us by a variety of informants during our visit:

In a number of African townships, party youth gangs went from door to door between midnight on April 16 (the day before polling) and 2:00 am on April 17, waking up the inhabitants and telling them to go to the polling stations as an exhibition of 'spontaneous enthusiasm'.

In Banket one person told us that, although she did not want to vote since she did not see how the election would change anything, she had gone to the polls. She told us that both ZANU and UANC auxiliaries together with the Banket police had gone from door to door in the township telling everyone to vote or 'just you wait'. She was afraid that party officials would know if she did not go to the polling station.

In Seke TTL, we were told, armed UANC auxiliaries went from village to village, beating up people and forcing them to go to the polls at gunpoint.

In Zwimba TTL, we were told, auxiliaries addressed election meetings saying that non-voters would be shot. Our informant had been present at the meeting. Another informant told us that around Kutama in Zwimba TTL people were rounded up on the night before polling began by UANC auxiliaries. They had to walk 4 km to Chikambi village where they were put on buses to go some 30 km way to vote at Gangarawa (also known as the Five Mile Peg). They must have arrived there in the early hours of the morning and were forced to wait until the polling stations opened. Our informant did not know how many were taken but said that it was hundreds—so many that not all of them could vote on the first day and had to remain at the polling station until the following day. (This was despite the fact that there was another, much nearer, polling station).

Also in this area we heard a report from another source that the UANC auxiliaries went from village to village telling people that there would be a camera inside the polling booth and anyone whose picture did not appear would be shot.

There were numerous reports of anxiety about the ink in which voters had to dip their hands (this ink was completely invisible and could only be detected with the use of special machines). Its purpose was to prevent people voting more than once. The inking process was applied to both black and white voters. Its effects, we were told, lasted between 2 and 3 weeks. In many areas auxiliaries are reported to have told people that they would come round after the election to check hands to see whether people had voted.

Whilst we do not believe that the auxiliaries would be able to check in this way whether or not people had voted, the important point is that people believed they could or were sufficeintly worried (as with the story about cameras in the polling booths) not to take any chances.

THE GUERRILLAS

The Patriotic Front had refused the invitations of the transitional government to take part in the elections. Since in their view the March 3 Agreement and the new Constitution were a "sell out", the Patriotic Front refused to take part in an election which would be seen as an endorsement of the settlement proposals and which was based on a commitment to a Constitution in their view wholly unacceptable. Guerrillas on the ground were invited to vote but only on terms tantamont to surrender. The Patriotic Front therefore announced that it would not only boycott but would disrupt the election process.

It was extremely difficult to gain an accurate picture of guerrilla activity during the election period. Many government officials informed us that they were surprised at guerrilla inactivity. Our security briefings from government officials referring only to those incidents directedly related to polling, that is attacks on voters going to and from the polls or attacks on polling stations themselves. Whilst guerrilla leaders had promised to disrupt the elections, we were told by many black internal politicians that the guerrillas were actively helping in the election campaign. Rev. Sithole, for example, told us that the vast majority of both ZIPRA and ZANLA guerrillas liked the agreement made by the transitional government and were in favour of the elections. They were, he said, helping to put up ZANU posters and were encouraging people to vote. He told us, for example, that the ZANU candidate, Phineas Sithole, had travelled in the Wankie district with ZIPRA forces. Many other people (who could be classed as political supporters of the Patriotic Front) so understood that the people were facing massive intimidation from the authorities that they were telling people to vote if forced to do so and that no harm would come to them from the guerrillas.

According to official statistics, during the period of the election, 218 guerrillas, 17 members of the security forces and 7 auxiliaries were killed in contacts. General Walls, Head of Combined Operations, announced that over the Easter weekend, 90 guerrillas had been hunted down and killed. This, he said, was a record for this year and demonstrated how well the security forces were adapting to the escalating war (The Herald, April 16, 1979). On April 17 (the first day of polling) it was reported in the press that Fort Victoria fuel depot had been hit by a rocket but no-one had been injured; that there had been a mortar attack at Willowvale, near Salisbury causing minor damage; that one person was injured and another killed in a land mine explosion on the Fort Victoria to Beitbridge road; that guerrillas had killed 3 black civilians; and that the Security Forces had killed 11 guerrillas and 6 'terrorist collaborators'. On April 18, it was reported that there had been an "ineffectual" mortar attack from Kazangula in Zambia; that guerrillas had injured one man, killed 3 and abducted 98 people in an attack on a farm workers' village in the northern operational area; that 4 black civilians were killed and another 18 injured after 4 landmines had been detonated in the TTL's; and that 2 black civilians had been killed by guerrillas and one other in crossfire.

This was the pattern throughout the election. Obviously the fear of land mines or the fear of being shot at on the way to or from the polls resulted in considerable intimidation of people not to vote. It was undoubtedly in the areas of greatest guerrilla activity, notably in Matabeleland South and Victoria, that the poll was lowest.

Whilst we are in no doubt that large numbers of people wanted to vote and knew precisely for whom they wanted to vote, in our view the intimidation and coercion were so widespread as to render the election results meaningless. The only thing we feel that can be said with any certainty about these elections is that one side was more effective in intimidating the population than the other, (and this is not surprising in view of the resources at its disposal). Jubilation by the authorities about the high percentage poll is thus mere hypocrisy and the election cannot be regarded as anything other than a complete fraud.

This would have been the case even if the conduct of the polling process had been impeccable. However, as we examine in the next section, this was far from being the case.

INSIDE THE POLLING BOOTHS

There were some 700 polling stations in operation for the election. The vast majority of these were 'static' and stayed open for the five day period. There were over 200 mobile polling stations (including some airborne ones) and there were also some polling stations described as 'static mobiles'. We saw one such polling station at Chirewa in the Mtoko TTL and asked what the term 'static mobile' meant. We were told by the presiding officer that, if the voters did not come to them, they could go somewhere else and find the voters. Polling stations differed—some were District Commissioners offices or community halls, others were sheds or tin huts and indeed we almost fell over one mobile polling station which suddenly appeared on the pavement in Salisbury close to our hotel and outside a betting shop. We asked Mr. Malcolm Thompson what had governed the choice of polling stations and he told us that this had been left to the civil administration and the security administration. The choice tended to be for localities which could be best defended, although they had avoided military bases and police stations in case people got the wrong idea, (although one polling station we visited in the Mtoko TTL was a military/internal affairs base). The security considerations explained, Mr. Thompson said, the tendency towards District Commissioners' offices rather than, for example, mission stations or hospitals being used.

The polling booths themselves were very like those in Britain. The major difference between inside the Rhodesian polling booth and inside a British one was the liquid for dipping hands and the machine into which hands were inserted to check whether a voter had already voted. The system seemed to work remarkably well and, although most polling stations reported some instances of people trying to vote twice, we do not believe that there was double voting on any significant scale.

We were assured by the Election Directorate that the same instructions had been issued to all polling officers. Nevertheless there were considerable difference between one polling station and another. In some for example at Gwinyai Primary School in Harare, Salisbury and in an African township in Bindura, the conduct was impeccable and was exactly like a British polling station. In others, such as one at Kotwa in the Mudzi TTL, there was considerable confusion and chaos. Nevertheless, the presiding officer and polling officer did everything in their power to preserve the secrecy of the ballot. In others, such as the Kweche school polling station in the Kapfunde area, anyone who showed the slightest hesitation had their papers marked for them. Outside some polling stations there were orderly party supporters and groups of people signing party songs such as ones we visited in Salisbury and Bindura. In others, most notably the one at the protected village at Karanda in Kandeya TTL, queues of sullen voters were processed in regimented fashion, four at a time, under the eagle eye of the hostile white presiding officer.

In view of the fact that there was no registration of voters and in view of the fact that the Electoral Law was changed to enfranchise all those residents in the country for two years or more, we were concerned what directives had been issued to ensure that all those voting were eligible to vote. The rule seems to have been that, when in doubt, some form of identification would be asked for. We have to say, however, that in our visits to 17 polling stations throughout the country we did not see a single voter being asked for or produce any form of identification whatsoever either to prove age or residence.

Ballot papers were stamped by election officials with a very simple stamp (usually a letter in a circle) to avoid the possibility of fraudulent ballot papers being entered into the box. In many polling stations, the pad of two hundred ballot papers being used had been stamped, in others whole pads had been stamped beforehand and were lying in a store—for example at the Old Superintendent's Office polling station in Harare and at Nharira School polling station in Harare. We asked Mr. Malcolm Thompson the significance of the stamping system since we had held whole pads of ballot papers which had been previously stamped. He admitted that they had noted "people getting ahead of themselves because of the rush" but that ballot papers were under the scrutiny of the presiding officer and that we must accept the integrity of the presiding officer. He added, quite rightly that the only way to really observe the polling would be to stay at a particular polling station from dawn to dusk.

We also asked him about the change in the electoral law relating to the stamping of ballot papers, namely:

"If the number of ballot papers which do not bear the official mark does not exceed 5 percent of the ballot papers issued at the election and, in addition, the number of such ballot papers, together with all the other ballot papers included in the count does not exceed the total number of ballot papers issued by the returning officer, then the ballot papers shall not be rejected merely because they do not contain the official mark." (Parliamentary Debates, February 20, 1979)

We were particularly concerned about this since we had heard several reports of people "having voted already" before the election began. Whilst this may simply be attributed to confusion, it is true that the UANC auxiliaries were using "mock ballot papers" in their efforts to teach people how to vote, that people had filled in these papers, and that these had been taken away by UANC auxiliaries. (The Sunday Mail, April 15, 1979)

He replied that this was an attempt to cater for small and understandable errors at polling stations. He hold us that, for example, in an election the presiding officer had used a date stamp instead of the polling stamp. The change in the electoral law was to allow for such mistakes.

Again the Electoral Law was changed for this election to the effect that, if the presiding electoral officer was of the opinion that a voter could not read or write he "may assist him to cast his vote" (Parliamentary Debates, February 20, 1979). This we felt was an important amendment since an estimated 70% of the adult black population is considered functionally illiterate. When we asked UANC officials about this new proviso, they vehemently denied it and said that only the papers for blind people could be marked and that in these circumstances a friend would be allowed to mark the blind person's ballot paper. Several polling officers to whom we spoke told us that they could only mark the papers of blind people or of those who were so afflicted with nervous disorders that they were unable to hold a pencil. Yet at the Kweche polling station, mentioned above, in the space of the thirty minutes or so we spent there before the helicopter came to collect us, we saw many people's papers being marked for them by the white presiding officer. In one case a woman who was both illiterate and mute brought a friend with her. The friend was told to wait outside, that this was a secret ballot and she was not allowed to assist. The presiding officer then marked the ballot paper after the woman had indicated the symbol of her choice. When we questioned Mr. Thompson about this, he said that perhaps some presiding officers had been "over-enthusiastic" and that the rule was that polling officers could assist illiterates if he or she requested it.

Again at Kweche polling station, we saw large numbers of young people whose age was at best questionable. Surprised that no one was asking for any form of identification, we raised this matter with the presiding officer with the result that the next young person to pass his table was asked his age. He replied that he was over eighteen and was given a ballot paper with no more ado. This happened a few more times during our visit. Since it occurred to us that the polling officers might be from the area and might consequently know the people and therefore who was under age or not, we asked the polling officers whether they knew the area. None of them did. Indeed they had only arrived an hour previously and one of the polling officers could not even tell us precisely where we were.

An additional change in the electoral law (although not strictly relevant to the conduct of the polling stations) was the removal of any restrictions on the amount of money which a party could spend on the election campaign. And certainly there was no evidence of any shortage of funds, although where these came from one can only speculate. This was particularly true of the UANC. We arrived one day unannounced at the UANC Election Headquarters and were shown into Ayoub Kara's office. Whilst we were there, a continual stream of candidates and election officials came in for money and petrol coupons. Mr. Kara had a draw of a filing cabinet stuffed with bundles of dollars, signed loose cheques and books of (very scarce) petrol coupons. In his professional life, one of us was weaned on tales of the Lloyd George Fund but he never thought he would see them enacted before his very eyes.

Many people, in particular many foreign observers, took the view that the proper conduct of the polling process was the most important part of assessing the election. This is not surprising since it was at precisely this point of the electoral process that foreign observers were invited in. As we have attempted to show, though conduct at the polling stations was not a major issue and praise or criticisms of it are fairly trivial factors in judging whether the election was free and fair. Nevertheless we came to an overall view that it was a most impressive feat of organisation. As we have tried to show, at some polling stations the administration could not be faulted by even the most stringent British standards. At others, though, it was lax to a disgraceful degree. Certainly there were deficiencies in election law and practice which would not be tolerated in a more conventional election. But, and we repeat this point yet again, our case against the election does not rest of our view of the polling process.

Mr. McGOVERN. Mr. President, I think it is very wise that the distinguished majority leader (Mr. ROBERT C. BYRD) has given us an alternative proposal here which does not really argue the merits or the demerits of sanctions at this point, but simply gives the President a couple of weeks to make that decision after the new government has been installed, but in no case later than June 30. There are many reasons why a quick, hasty judgment on the recent elections ought to be deferred. To lift sanctions now would be endorsing a government which is threatened by many internal weaknesses. Reverend Sithole, who won 12 of the 72 black seats in the Parliament, is boycotting the government and calling for an internationally supervised investigation, on the grounds that the election was, in his words, "one big cheat."

In addition, Bishop Muzorewa is being challenged by his own top deputy, who was nearly expelled from the party after he accused Bishop Muzorewa of being a dictator who was running the party with the help of a tribal Mafia.

Mr. President, I am not attempting to evaluate these charges, but simply to remind the Senate that the winner of the election is being challenged, and that the nature of the election process itself has been challenged by the black leaders who have been close to Bishop Muzorewa. I think all of these things, together with the arguments that Senator CHURCH has made, argue the logic of the majority leader's proposal that we give the President a little time in making this decision.

In any event, we should not set aside the current law which makes this a Presidential determination and, second, we should respect the express provision of that law that no decision on sanction be made until after a new government has been duly installed.

For these reasons, I hope very much that the proposal by the Senator from North Carolina will be rejected, and that the Senate will go ahead on the alternative proposal by Senator BYRD, the majority leader.

Mr. President, I yield back the remainder of my time.

Mr. HAYAKAWA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TSONGAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TSONGAS. Will the Senator yield me 15 minutes?

Mr. CHURCH. Of course, the Senator may have 15 minutes. I believe the Senator is to address the Helms amendment relating to lifting sanctions against Rhodesia. At 2:30, under the unanimous-consent agreement, the Senate will vote on a different Helms amendment, one that relates to American contributions——

The PRESIDING OFFICER. The Chair is informed that the time limit is 2:15 for the vote and 2:05 for the debate to start on that amendment. So there are only 15 minutes remaining.

Mr. CHURCH. Then the Senator has 15 minutes remaining. I am glad to yield him 15 minutes for the purpose he described, after which, there will be time for the senior Senator from Massachusetts to address the amendment which will be voted on at 2:15.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. TSONGAS. Mr. President, I rise to speak in opposition to Senator JESSE HELM's amendment which would lift U.S. economic sanctions against Rhodesia.

Mr. President, the issue of Rhodesian sanctions is at the core of our policy toward Africa. Any decision to abandon U.N. sanctions against Rhodesia has the most grave implications for our relations with Africa and the Third World. This amendment, if passed into law, will strike a mortal blow to the President's efforts to mediate the conflicts in sourthern Africa. A vote to lift sanctions will accelerate and regionalize the local wars now raging in southern Africa. I want to make clear Mr. President, that the amendment now before us is a very serious matter.

Quite frankly, I am astonished that my good friend, Senator HELMS of North Carolina, has introduced this amendment at the present time. I am not opposed to a Senate debate on Rhodesian sanctions, but I cannot imagine a more inopportune moment for such a debate to take place.

Mr. President, this amendment to lift sanctions is premature. It puts the Senate in the unpleasant predicament of judging on a matter which the Senate has assigned to President Carter for decision. I refer to the Case-Javits amendment to the International Security Assistance Act of 1978. The Case-Javits amendment calls upon the President to evaluate the election in Rhodesia and then to determine if it was free and fair and open to the participation of all political groups. If the President makes a positive determination on these questions, then he is compelled by the Case-Javits amendment to lift sanctions.

Secretary of State Vance recently met with Senators HELMS, HAYAKAWA, and DECONCINI. Mr. Vance assured my distinguished colleagues that the President would abide by the law of the land. The President will make his determination on the elections after the new government is installed in Zimbabwe-Rhodesia.

I feel strongly that the Senate should respect the law which President Carter will obey. If the Senate acts now on the sanctions question, it will effectively preempt the President's legal obligation to decide on the issue of Rhodesian sanctions. We will contradict the purpose of our own legislation. We will disrupt the orderly consideration of this important matter.

A hasty decision on the sanction's issue also will hurry past the growing controversy over the recent election in Rhodesia. Many mistakenly assume that all the election reports are favorable to Mr. Smith and his colleagues. Mr. President, I want to emphasize in the strongest terms that there is significant disagreement on the conduct of the Rhodesian elections.

Several reports and articles have described the elections as exemplary. These reports have been widely publicized. They are not the entire picture, however. There are other reports which state that the elections were not free and fair.

For example, Lord Chitnis, formerly the British Liberal Party's adviser on elections, has declared in his report that the election was "a confidence trick," and that the electorate was "brainwashed by propaganda on an alarming scale, cajoled by false and dishonest promises of peace and intimidated in the most callous fashion to vote." He also found that the mobile polling booths visited prisons throughout the country recording the prisoners' vote. I quote Lord Chitnis' report:

> We asked Mr. Malcolm Thompson to clarify who in prison was eligible to vote and to give us some idea of what the results had been. Mr. Thompson told us that all those sentenced to less than six months imprisonment, all those on remand, political detainees detained without trial, and martial law detainees were eligible to vote. Leaving aside petty criminals it seemed to us quite extraordinary that the government should lock up its political opponents and then ask them to vote "freely and fairly" for those leaders to whom they are opposed. Mr. Thompson told us that, to his surprise, four prisons had recorded a 100% poll.

Lord Chitnis' report cannot be ignored. He was in Rhodesia before most of the observers arrived, and traveled extensively in the country, frequently without Rhodesian military escort.

There are other disquieting reports coming out of Rhodesia. Reverend Sithole, the leader of one of the parties on the ballot, has repudiated the election, calling it a Big Cheat. Mr. Sithole declares that he will not take the 12 seats in Parliament his party won in the election.

It is clear to me that the information we have received so far is not unanimous on the election. It is simply too early to judge what really happened.

I have not made my own judgment on the election, and I do not intend to, until I have all the facts. I will consult all the reports and accounts of the election. I will read the transcripts of the hearings on Rhodesia which the House Foreign Affairs Committee will hold later this month. I will defer my decision until the President has made his determination. When he announces his decision, I will carefully consider all the facts at my disposal and decide if I agree or disagree with the President's findings. I can think of no justification for the Senate to act differently. This is simply too serious an issue for a hasty, precipitate decision.

Mr. President, there will be and there should be an animated debate on the elections and on the other criteria set down by the Case-Javits amendment. These are important issues which, by law, we must consider carefully.

It will be unfortunate, however, if my distinguished colleagues consider the Case-Javits conditions in a vacuum. First of all, it will be difficult, indeed, to reach agreement on such concepts as "free and fair," or "open to the participation of all groups," or "willingness to negotiate at an all-parties conference on all relevant issues": These conditions in the Case-Javits amendment are imprecise and invite subjective, personal interpretations. I doubt whether Senator HELMS and I could ever agree on what a free and fair election should be.

It makes sense that our deliberations here should include consideration of the more substantial dimensions of the Rhodesian elections. I am going to list a number of factors here, all of which are outside the Case-Javits framework. I invite my colleagues to consider carefully these larger implications of the vote today:

First, the United States simply cannot ignore without cost its responsibilities under the United Nations Charter and our vote in favor of United Nations sanctions. If we unilaterally lift sanctions, we abrogate our legal obligations under the U.N. Charter and undermine the authority of the Security Council and the U.N. itself.

Second, a sanctions lift will place the United States in a de facto alliance with the limited white rule government of Bishop Muzorewa. We would join with South Africa as the two announced friends of Rhodesia and thereby eliminate our capability to negotiate an international solution. We will also incur the wrath of key African allies such as oil-rich Nigeria.

Third, our de facto alliance with Rhodesia will encourage neighboring states to accept the assistance of the Soviets and the Cubans. A sanctions lift thus would threaten to escalate and internationalize the Rhodesian war.

Fourth, there are no signs that the new Muzorewa government will be any more effective than its predecessor in fighting the war. The guerrilla armies are inside Rhodesia and moving about freely. Whites are still emigrating in large numbers. The change in government has not altered the long-term trend of guerrilla advance and government retreat.

The fifth and last factor is the constitution of the new government. This is the document which will guide the government and its policies. I have consulted expert evaluations of that constitution authored by two organizations: The Members of Congress for Peace Through Law and the National Bar Association. I have yet to see two more reports forthcoming from the United Nations Association and the International Commission of Jurists. The reports in my possession conclude that the constitution restates white minority rule in new terms. The ingredients are a bit different, but the recipe is essentially the same.

Now, we may object to this constitution for moral and legal reasons, as well we should, but the real question to ask is how will black Rhodesians respond to the government which authored it? I am talking about the basic viability of the new regime. Can it be capture the allegiance of blacks? There was never a black referendum on the constitution. Only whites were granted that privilege. Black opinion has yet to be expressed. The popular will on this issue is of paramount importance. It will determine whether there will be war or peace.

I would like to read to you the assessment of the constitution in the National Bar Association Report:

> The new constitution adopted by the white minority of Rhodesia preserves existing power relationships in Rhodesia, and thereby denies majority rule. The white minority is given a grossly disproportionate quota of seats in the legislature that provides them with the power to veto the amendment of important constitutional provisions and other laws. The white minority retains control over important governmental institutions, including the police, armed forces, judiciary, and civil service. Equally important, the new constitution fails to provide for the protection of basic human rights.

I want to draw the attention of my colleagues to these basic human rights guaranteed in the new Rhodesian constitution. In the words of the National Bar Association, the Declaration of Rights in the Constitution is a "shocking document." I read to you now one of the 12 basic rights guaranteed to the citizens of the new Rhodesia:

> No person shall be subjected to torture or to inhuman or degrading punishment or other such treatment.

I think that wording is an exemplary guarantee of a basic human right—freedom from torture. The Rhodesian Constitution, however, adds some interesting qualifiers to that basic human right. I quote:

> No treatment reasonably justifiable in the circumstances of the case to prevent the escape from custody of a person who has been lawfully detained shall be held to be in contravention of subsection (I) on the ground that it is degrading.

Translated from legal jargon, that section I just read permits degrading treatment of any prisoner. Now, the second qualification, and I quote:

> Nothing contained in or done under the authority of any written law shall be held to be in contravention of subsection (I) to the extent that the law in quesion auhorizes the doing of anything by way of punishment or other treatment which might lawfully have been so done in Zimbabwe Rhodesia immediately before the fixed date.

Translated, that passage means that any punishment of prisoners permitted under the Smith government will be permissible under the new constitution. Torture has been widespread under martial law and this provision permits it to continue.

Other basic rights listed in the constitution have similar crippling qualifications. I will not list them all here. I do request unanimous consent that the National Bar Association's report be reprinted in the RECORD.

Can the new Rhodesian Government succeed with their constitution? I cannot answer that question with any confidence. It is fair to say, however, that the outlook for this new government does not differ significantly from the regime it replaces.

So there you have the five factors, each representing an acute danger to U.S. interests in southern Africa if sanctions are lifted now.

I think my colleagues should know that I am not irrevocably committed to sanctions. I would gladly reconsider my position if the Rhodesian Government agrees to a U.N.-sponsored, all-parties, constitutional conference with an election to follow.

Under no circumstances do I favor an immediate decision. Instability defines the Rhodesian situation. All the facts are not at our disposal. We might easily jump on the deck of a sinking ship if we act too quickly. I urge patience and a cool assessment of developments.

Mr. President, there is no question in my mind that a vote to lift sanctions now would be a reckless, ill-considered, precipitous act. So much is at stake, the issue of sanctions is so central to our Africa policy that a decision made in haste today would discredit this distinguished body in our Nation and around the world. I cannot urge my colleagues strongly enough to join me in opposition to this amendment.

Mr. President, let me make just a few personal observations. We talked about the Constitution that is the basis of this election. Let me provide an analogy. The white population in Rhodesia is about 4 percent of the population of that country. That figure coincides with the Greek-American population in this country. Let me suppose the following set of facts:

If the Greek-American community got together in the United States and decided to pass a constitution in which we would determine the elections of this country and we would be guaranteed 28 percent of the Senate, how would the rest of the Members of this body feel about it, I suspect they would not be very happy. Yet, that is exactly what happened in Rhodesia. I think that kind of perspective is needed at this point.

Secondly, let me make a prediction. This issue is by far the most emotional issue in black Africa. It seems to me, from the statements made by various black African leaders, that this, indeed, is the litmus test on whether the United States, which talks about the majority rule, civil rights, and the rule of law, is really serious or whether, indeed, when push comes to shove, it is supportive of white-dominated regimes. If we are the first country to lift sanctions against Rhodesia, I think it will be a sad state of affairs for this country and will bode ill over the long term in terms of black Africa.

I was at a conference 10 days ago with some Soviet African specialists, talking about this particular issue. There is no doubt that the best thing that can happen to the Soviet cause in Africa is for the United States to adopt the Helms amendment. It seems to me that the United States should stop playing into the hands of the Soviets. It seems to me that our Nation should adopt policies that enhance our position in black Africa, not detract from it.

I hope that, on the merits of the United States posture in black Africa, this amendment will be defeated and will be defeated resoundingly. Then we can get back to the principles of majority rule and civil rights, that we have talked about in this country for such a long time.

Mr. President, I ask unanimous consent to have printed in the Record the report of the National Bar Association dated May 8, 1979.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE NATIONAL BAR ASSOCIATION ON RECENT DEVELOPMENTS WITH RESPECT TO RHODESIA

INTRODUCTION

This report is submitted in response to the April 13, 1979, letter signed by twelve members of the Senate requesting the views of the National Bar Association on various questions pertaining to Rhodesia. The National Bar Association deeply appreciates the opportunity to have its views on this important issue considered by Congress and is willing to assist Congress in any way it can on matters pertaining to the Rhodesian problem in the future.

SUMMARY

This report addresses the three questions concerning the current state of affairs in Rhodesia that were submitted to the National Bar Association and four other organizations by 12 members of the United States Senate. This report concludes:

(1) The United Nations' charter is a binding treaty that imposes upon the United States, and other member states, an affirmative obligation to cooperate with the enforcement actions of the United Nations' Security Council, including the Rhodesian sanctions. A unilateral lifting of those sanctions by the United States would constitute, as a matter of law, a breach of those treaty obligations and would establish a harmful precedent for the breach of other United Nations' Charter obligations by other parties.

(2) The new Constitution adopted by the white minority of Rhodesia preserves existing power relationships in Rhodesia, and thereby denies majority rule. The white minority is given a grossly disproportionate quota of seats in the legislature that provides them with the power to veto the amendment of important constitutional provisions and other laws. The white minority retains control over important governmental institutions, including the police, armed forces, judiciary and civil service. Equally important, the new Constitution fails to provide for the protection of basic human rights.

(3) The elections were conducted in an atmosphere of coercion and intimidation wholly inconsistent with the democratic process. Further, elections held pursuant to a constitution that is undemocratic and unjust, and that was approved by less than three percent of the population, cannot be considered "free and fair" regardless of the alleged size of the voter turnout.

I. What are the international legal obligations of the United States under the United Nations Charter and the United Nations

Participation Act of 1945 with respect to Rhodesian sanctions?

A. Background of U.N. sanctions

A review of Rhodesia's history reveals that the present tensions there are a direct outgrowth of the subjugation of the African majority since 1890, the date the first major contingent of white settlers arrived under the aegis of the British South Africa Company and its substantial "police" force. Though the Company's Charter expired and was replaced by a "constitution" in 1923, the African majority continued to be denied human rights and meaningful participation in the government and economy through such devices as enforced racial segregation, exclusionary franchise qualifications, educational barriers, land ownership restrictions, and severe repression by police forces. This pattern has continued under every subsequent constitution, including the present constitution, each of which was adopted exclusively by the white minority.

In 1964, Great Britain granted independence to Malawi and Zambia, former members of the Federation of Rhodesia and Nyasaland founded upon constitutions providing for actual majority rule. However, the third Federation member, Southern Rhodesia, rejected British efforts to bring about a peaceful transition to majority rule and self determination under democratic terms, and, in 1965, unilaterally declared itself independent. These developments, coupled with Britain's admitted inability to influence the government of the entrenched minority, led to the imposition by the United Nations Security Council of selective mandatory sanctions in 1966 (Resolution 232) and more comprehensive economic sanctions in 1968 (Resolution 253).

B. The nature of the obligations

The Constitution of the United States provides in Article 6(2) that treaties made under the authority of the United States shall be "the supreme law of the land . . ." The United Nations Charter is a binding treaty of the United States. The Charter was submitted to the Senate for ratification as a treaty and was considered a treaty in the ensuing debates. *See e.g.* 91 Cong. Rec. 7119 (1945). Various articles of the Charter provide that resolutions of the Security Council are binding on all member states. For example, Article 25 provides that the members "agree to accept and carry out the decisions of the Security Council in accordance with the present Charter." More specifically, Article 2(5) provides that "[a]ll members shall . . . refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action."

Such preventive or enforcement action is authorized under Article 41, the basis for the Rhodesia sanctions, which provides:

"The Security Council may decide what measures not involving the use of armed forces are to be employed to give effect to its decisions, and it may call upon the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations." *See also* Articles 48(1) and 49.

U.N. Charter provisions expressly vest authority in the Security Council to impose economic embargoes. Pursuant to this authority, the Security Council has enacted resolutions mandating comprehensive economic sanctions against Rhodesia. The federal courts of this nation have found these resolutions to constitute binding treaty obligations of the United States. *See e.g. Diggs* v. *Schultz*, 470 F. 2d 461 (D.C. Cir.), *cert. denied*, 411 U.S. 931 (1972).

C. The specific content of the obligations

The Security Council, pursuant to the Charter of the United Nations, adopted Resolution 253 on May 29, 1968. In that resolution, the Security Council, in mandatory and unambiguous terms, called upon all member states to (1) prevent the import of all Rhodesian commodities and products; (2) prevent any activities by their citizens which promote Rhodesian exports as well as any dealings in exported Rhodesian products, including the transfer of funds to Rhodesia for such purposes; (3) prevent shipment of Rhodesian products in their registered carriers, in carriers registered to their nationals as well as the carriage of Rhodesian products across their territories; (4) prevent the sale or supply of all but a few categories of commodities (i.e., medical and humanitarian goods) to Rhodesia; (5) restrict investments in and other capital transfers to Rhodesia and (6) carry out these sanctions in accordance with Article 25 of the Charter, with special emphasis upon compliance by member states with primary responsibility under the Charter, (i.e., permanent Security Council members such as the United States) for the maintenance of international peace and security.

To further aid the implementation of binding international legal obligations under the U.N. Charter and to set forth a comprehensive framework for U.S. participation in the United Nations, the U.S. Congress in 1945 passed the U.N. Participation Act, 22 U.S.C. § 287 a-e. Section 5 of that Act grants express authority to the President of the United States to implement, through orders, rules, and regulations, Security Council measures enacted under Article 41 of the U.N. Charter. That article, as stated above, pertains to the use of economic sanctions rather than armed force.

The Executive branch has implemented the Rhodesian sanctions, with the aid of the U.N. Participation Act, through Executive Orders and regulations administered by the Treasury and Commerce Departments. It is through these channels that the U.S. has met its international legal obligations to impose economic sanctions against Rhodesia—except for the brief period during which this country imported Rhodesian chrome under the Byrd Amendment.

D. Breach of the obligations

Should the U.S. now choose to unilaterally cease its participation in the Rhodesian sanctions program prior to a Security Council determination to end such sanctions, such action clearly would contravene the affirmative obligation of all Member states (under Charter provisions discussed above) to refrain from economic dealings with Rhodesia while Security Council sanctions are in effect. U.S. courts previously have determined that such dealings with Rhodesia would constitute a breach of U.S. treaty obligations. *See Diggs v. Schultz, supra.*

The consequences of a complete breach of the sanctions by the United States, in our view, are very serious. The United Nations was established following World War II principally to meet the obvious need for a permanent international organization with the mandate to assist in the settlement of disputes threatening the security of the international community. The Security Council was vested with authority to use both military and non-military means to fulfill this purpose. Aside from the Rhodesian problem, the Council has employed its enforcement powers to resolve armed disputes principally through military means—through the use of U.N. peacekeeping forces.

A unilateral breach of these sanctions by the United States would, by virtue of the important role of this country in the maintenance of international peace, security, and the rule of law, would have a tremendous precedential impact. As indicated above, the Security Council is the principal dispute settlement organ of the United Nations and, throughout that organization's history, has had primary responsibility for the maintenance of international peace and security. A unilateral breach of sanctions would voice to the world that the United States considers meaningless Charter provisions binding U.N. members to comply with mandatory economic sanctions—the most important peacekeeping action which can be undertaken by the Security Council barring the use of force—and thereby would undermine the ability of the United Nations to fulfill one of its most important functions.

II. Does the Constitution approved by the white electorate of Rhodesia on January 30th meet the definition of the term "majority rule" within the intent of pertinent resolutions of the United Nations establishing a program of sanctions?

The central theme of recent Rhodesian history has been the attempt by the white minority to retain control over the country in blatant disregard for the interests and rights of the overwhelming black majority of the population. The Security Council adopted the Rhodesian sanctions for the purpose of bringing this history to an end, and to enable the people of Rhodesia to attain all powers of self determination—that is, to freely determine their political status and to freely pursue their economic, social and cultural development without any distinctions as to race, creed or color. General Assembly Res. No. 1514 (XV), referenced in Security Council Resolution Nos. 217, 232 and 253. Sanctions may be lifted only after the Security Council determines that these conditions have been achieved.

The issue to be addressed in this section is whether and to what extent the above mentioned conditions of majority rule and self determination are attainable under the new Rhodesian Constitution drafted by the Smith regime (hereinafter the "Smith Constitution"). The real effect of the recent elections in Rhodesia must therefore be evaluated in the context of the constitution that authorized them.

The National Bar Association's views regarding the Smith Constitution are summarized as follows: the Smith Constitution makes it extremely unlikely that self determination for the majority of the people will ever become a reality in Rhodesia. Under its terms, the white minority, comprising no more than three percent of the population, is given perpetual control over several critical institutions of power including the police, the armed forces, the civil service, and the judiciary. Furthermore, the three percent white minority must be given 28 of the 100 seats in the House and 10 of the 30 seats in the Senate. The effect of these provisions is to prevent the black majority, that comprise over ninety-seven percent of the population, from having any meaningful control over their economic, social, or political destinies. Not surprisingly, only the white minority was allowed to vote in the January 30, 1979 referendum held for the purpose of approving the Smith Constitution.

Equally disturbing, the Smith Constitution does not allow for the protection of basic human rights. Although the document summarizing the Smith Constitution entitled "Proposals for a New Constitution for Rhodesia," that was prepared and distributed by the Smith government, claims to promulgate a "Declaration of Rights," an examination of the full text of the Smith Constitution reveals that each of those rights is riddled with so many fundamental exceptions as to render them virtually meaningless.

A. The Smith Constitution denies majority rule

First, and most important, the Smith Constitution creates a system of representation designed to preserve the political power of the three percent white minority indefinitely.

Of the 100 seats in the House, 28 *must* be held by whites; of the 30 seats in the Senate, 10 *must* be held by whites. Moreover, only the white population can vote for the white-only seats. In contrast, both black and white voters participate in the election of the remaining representatives. This quota system will remain in effect for 10 years, and continue thereafter unless a commission composed of the Chief Justice (who, because of the required qualifications, will be white), two persons selected by the 28 white members of the House and two persons selected by the President, recommends that it be revised or abolished. The constitution seems to preserve the seven-to-one voting power of whites indefinitely.

Second, the limitation of black representatives to 72 seats was intended to provide a white veto over any significant changes in the Smith Constitution. Any changes in the provisions that ensure white control (as discussed below) over the judiciary, armed forces, police, civil service, various regulatory commissions, land reform, as well as the constitutional provision preserving the 28 white seats, must be approved by at least 78 members of the House. Since 28 of the 100 seats in the House must be held by whites it necessarily follows that the white minority has a veto over any attempt to alter those provisions, which the Smith Constitution refers to as "entrenched."

Third, the Smith Constitution preserves the existing judiciary and legal system. The qualifications for judges (persons presently judges or who have been attorneys for 10 years in a Roman-Dutch common law system in which English is an official language), and for membership on the Judicial Service Commission, which recommends judicial appointments, guarantee that the bench will remain overwhelmingly composed of present members or other whites for decades. Moreover, under the Smith Constitution, judges have no authority for a period of 10 years to enforce the Declaration of Rights in relation to existing discriminatory law, which laws will remain in effect in the absence of legislative repeal. Finally, the constitution provides no basis for redress of *de facto* discrimination, which is an integral part of the Rhodesian social and economic system, because the Declaration of Rights prohibits only discrimination pursuant to written law.

Fourth, the Smith Constitution ensures that other government institutions, including the civil service, police force, and the armed forces, remain indefinitely under white minority control. By constitutional design, the qualifications for membership on the commissions that regulate these institutions ensure that the majority of their members will remain white.

Fifth, the Smith Constitution places severe restraints on the power of the government to acquire land for "settlement purposes," i.e., land reform. Government acquisition of agricultural land for such purposes is allowed only with respect to land not substantially used for agricultural purposes (i.e. land that is idle) for a continuous period of at least five years, with periods of disuse due to "public disorder" being disregarded. In effect, this provision eliminates any possibility of significant land reform, which is badly needed, since Rhodesia's most fertile land is largely held and actually farmed by the small group of white settlers.

B. The Declaration of Rights

The "Declaration of Rights" is a shocking document. Although it purports to provide twelve basic rights to the citizens of Rhodesia, in fact, the majority of its text is devoted to enumerating exceptions to those rights. The result is a declaration of rights eviscerated beyond meaning.

The shocking quality of the "Declaration of Rights" is exposed by examining any of the twelve rights. We have selected two sections for an extended discussion: the protection of right to life and the protection from inhuman treatment. The deceptive summary of those rights, made available by the Smith government, provided no elaboration of the scope of those rights whatsoever. However, when the full text of those rights is consulted, an altogether different picture emerges.

The "Protection of right to life," Section 120 of the Smith Constitution, provides as follows:

(1) No person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offense of which he has been convicted.

(2) A person shall not be regarded as having been deprived of his life in contravention of this section if he dies as the result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably justifiable in the circumstances of the case—

(a) for the defense of any person from violence or for the defense of property; or

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or

(c) for the purpose of suppressing a riot, insurrection or mutiny or of dispersing an unlawful gathering; or

(d) in order to prevent the commission by that person of a criminal offense; or

(e) if he dies as the result of a lawful act of war.

(3) It shall be sufficient justification for the purpose of subsection (2) in any case to which that subsection applies if it is shown that the force used did not exceed that which might lawfully have been used in the circumstances of that case under the law in force immediately before the fixed date.

The meaning of Section 120 is apparent and abhorrent. Whatever "right" is contained in subsection (1) of Section 120 is totally gutted by the numerous exceptions subsequently contained in subsections (2) and (3). Subsection (2) of this section authorizes the use of deadly force in almost every conceivable set of circumstances. And, if that were not enough, subsection (3) authorizes the use of deadly force under any circumstances in which it would have been lawful under prior Rhodesian law.

The "Protection from inhuman treatment," Section 123, provides:

(1) No person shall be subjected to torture or to inhuman or degrading punishment or other such treatment.

(2) No treatment reasonably justifiable in the circumstances of the case to prevent the escape from custody of a person who has been lawfully detained shall be held to be in contravention of subsection (1) on the ground that it is degrading.

(3) Nothing contained in or done under the authority of any written law shall be held to be in contravention of subsection (1) to the extent that the law in question authorizes the doing of anything by way of punishment or other treatment which might lawfully have been so done in Zimbabwe Rhodesia immediately before the fixed date.

Again, the pattern is clear: what is provided in the subsection (1) of Section 123 is gutted by the exceptions contained in subsections (2) and (3). Thus, while subsection (1) of Section 123 states that no one shall be punished in a degrading manner, subsection (2) states that no degrading punishment shall be held to contravene this right as long as the degrading punishment is employed to prevent a person from escaping. Further, subsection (3) states that no punishment authorized by Rhodesian law in effect immediately before the Smith Constitution went into effect will ever be held to contravene the right not to be subjected to torture or other inhumane or degrading punishment or treatment.

These are by no means the worst of the "rights" contained in the Declaration of of Rights. The entire Declaration, contained in Chapter VIII of the Smith Constitution, should be examined. However, we briefly note the following:

The "Protection of right to personal liberty" (Section 121) is not contravened by preventive detention, which detention is reviewable only by a tribunal whose majority will be white.

The "Protection from slavery and forced labor" (Section 122) does not apply to persons lawfully detained but not convicted of any crime—e.g. preventive detention.

The "Protection from arbitrary search or entry" (Section 125) is not contravened by any action taken in the interests of defense, public safety, public order, public morality, public health or town and country planning, or for the purpose of protecting the rights or freedoms of other persons.

The provision that guarantees due process and fair trial, referred to as "Provisions to secure protection of law" (Section 126), is not contravened by secret hearings or testimony, or the prevention of certain witnesses from giving testimony.

The "Protection of freedom of conscience" (Section 127) is not contravened by any action taken "in the interests of defence, public safety, public order, public morality or public health."

The "Protection of freedom of expression" (Section 128) and the "Protection of freedom of assembly and association" (Section 129) are not contravened by any action taken, "in the interests of defence, public safety, public order, the economic interests of the State, public morality or public health."

The "Protection of freedom of movement" (Section 136) is not contravened by preventive detention.

The "Protection from discrimination" (Section 131) does not apply to "the appropriation of public revenues or other public funds."

Finally, during periods of public emergency, the Declaration of Rights has no effect whatever (Section 132).

In sum, the Smith Constitution clearly does not provide a foundation for self-determination for the majority of the Rhodesian people. Under the Smith Constitution, blacks will make up the majority of a virtually powerless legislature, while whites will continue to control the essential governmental machinery, including the civil service, the armed forces, the police, and the judiciary. It could not be more clear that this constitution was drafted for the purpose of continuing a status quo which the privileged minority has enjoyed for nearly 90 years.

Two conclusions follow: (a) from the standpoint of the majority of Rhodesian citizens, the elections under the Smith Constitution were (and any future elections under this constitution must be) a largely meaningless exercise, and (b) the basic circumstance which triggered the imposition and continuation of U.N. sanctions (i.e., the historical unwillingness of the minority to concede genuine power to the majority through peaceful means) has not changed.

III. Do the provisions of that constitution and the electoral laws, regulations and procedures established by the Government of Rhodesia permit a free and fair election in which:

(A) All population and political groups are permitted to participate freely?

(B) Equal representation is accorded to all citizens regardless of race, ethnic background, or political affiliation?

(C) Equal voting rights are provided for all citizens, regardless of race, ethnic background or political affiliation, on the principle of one citizen, one vote?

In addressing Question 3 and its subparts, the National Bar Association has assumed that the reference to "free and fair election" is intended to raise the issue of whether or not the recent elections in Rhodesia satisfied the requirements of the Case-Javits Amendment. We will first address why the elections failed to satisfy those requirements and then address the specific questions raised in your letter.

Section 27 of the International Security Assistance Act of 1978 (the "Case-Javits Amendment") requires the President to lift sanctions only upon the fulfillment of two conditions that:

(1) the Government of Rhodesia has demonstrated its willingness to negotiate in good faith at an all-parties conference, held under international auspices, on all relevant issues; and (2) a government has been installed, chosen by free elections in which all political and population groups have been allowed to participate freely, with observation by impartial, internationally recognized observers.

With respect to the first requirement, it is our judgement that the Rhodesian regime has never committed itself in good faith to an all-parties conference under international auspices, on all relevant issues. In September of 1978, Smith publicly stated his willingness to negotiate without preconditions.

These utterances, however, were not accompanied by actions conducive to settlement talks. Days after his "without pre-conditions" statement, the regime conducted a series of devastating raids on refugee and base camps in Zambia and Mozambique, killing approximately 1200 men, women and children. These raids, which have continued, are utterly inconsistent with an offer of negotiation and, in our view, constitute a repudiation of any such offer. Further, since the Smith statement, the regime has not taken any steps of which we are aware to prepare for a conference under international auspices.

The second requirement of Section 27, the installation of a government based on free elections, has not yet been and, under present conditions, cannot be fulfilled by the recent elections. First, the elections were held pursuant to a constitutional scheme that has been accepted by less than three percent of the population and that is, as elaborated above, designed (like previous constitutions adopted by the white minority) to ensure the continued political and economic subjugation of the black majority.

Further, there have been reports from a wide range of reliable sources—including the Parliamentary Human Rights Association of the U.K., Professor Claire Palley, University of Kent at Canterbury, the Catholic Commission for Justice and Peace, and numerous press reports from Salisbury—indicating the elections were held in an atmosphere charged with violence and intimidation that is not conducive to the democratic process. These reports provide factual documentation that (a) the private armies of the internal settlement members intimidated dissenters and even ordinary citizens who did not actively support the Smith regime; (b) the Smith regime employed, and continues to employ, various coercive tactics ostensibly to "protect" the population from exposure to guerillas, including the herding of masses of citizens into "protected villages," which have been described as concentration camps; (c) the Smith regime reportedly has a "starvation policy" that restricts the movement of food in order to coerce citizens to move to protected villages; and (d) the Smith regime subjects to severe censorship any information (including press reports) considered adverse to the internal settlement plan; (e) ninety percent of the land is under martial law; (f) the two principal opposition parties, the Zimbabwe African National Union (ZANU) and the Zimbabwe African Peoples Union (ZAPU), have been banned and were not allowed to participate in the election; and (g) the elections took place without advance registration of African voters, thereby maximizing the possibility for abuse and manipulation of the voting process.

As stated above, the second requirement of the Case-Javits Amendment is that the elections be "fair." It is clear that the terms of the Smith Constitution, as well as the conditions prevailing in Rhodesia today, preclude any possibility that the elections can be deemed fair.

In sum, our response to the specific questions posed in this section are as follows:

(a) ZANU and ZAPU were banned by statute from participating in the elections and, therefore, it cannot be said that the entire population and all political groups were permitted to participate freely in the elections;

(b) The requirement of the Smith Constitution that twenty eight of the one hundred seats in the House and ten of the thirty seats in the Senate must be held by whites, thus giving twenty-eight percent of the House and thirty-three percent of the Senate to three percent of the population is fundamentally incompatible with one man, one vote and majority rule. Under no formula can this be said to accord equal representation to all citizens of Zimbabwe regardless of race, ethnic background or political affiliation;

(c) White Rhodesians were permitted to vote twice—once for white representatives to the House and Senate, and once for black representatives to the House and Senate. On the other hand, Black Rhodesians were permitted to vote *only* for Black representatives to the House and Senate. It cannot be disputed that this formula violates the principle of one person, one vote.

As a final matter, we note that the question whether the recent elections in Rhodesia were free and fair is premised on an invalid assumption: that there is a relationship between the voter turnout and whether or not the black majority approve of the Smith Constitution. The two have literally nothing to do with each other. If the Smith government wanted to determine whether or not the black majority approved of the Smith Constitution, it would have submitted that document to the black majority for its approval. No such approval was sought because, in fact, no such approval would have been given.

The recent voting in Rhodesia was in regard to approved political parties, not the Smith Constitution. When similar elections are held in the Soviet Union, and virtually every other communist country, the voter turnout is always overwhelming. Yet, the United States routinely rejects efforts to see those high voter turnouts as indicia of the approval of the form of government under which they were held.

There are three basic reasons for such rejection: (1) the question of approval of the form of government was not put to the voters, (2) certain political parties were banned from participation in the elections, and (3) the vote took place in a context of coercion.

All three apply to Rhodesia. The Smith Constitution was not voted on by the black population. ZANU and ZAPU were banned from participation in the elections. And, coercion was employed to get black voters to the polls. For example, the Parliamentary Human Rights Association, a group accredited by the British government, reports that large numbers of Rhodesians were forceably transported to polling places in trucks and buses. The report also details coercion by forces stationed in protected villages and by employers on farms and in work places. In addition, a similar account of villagers being forceably transported to polling places is documented in the April 23, 1979, Christian Science Monitor. Thus, the voter turnout was attributable to the desperate efforts of the Smith regime to force its black population to the polls, in the belief that the world would equate high black voter turnout with approval of the Smith Constitution.

For all the reasons cited above, the recent elections cannot be considered free and fair within the meaning of the Case-Javits requirements.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Will the Senator yield me some time?

Mr. CHURCH. Yes, I am happy to yield to the Senator from Massachusetts.

WORLD HEALTH ORGANIZATION

Mr. KENNEDY. Mr. President, we shall soon have before us an amendment (No. 190) that is seemingly technical in nature—apparently harmless and reasonable in its wording.

It simply says that furnishing of technical assistance by the U.N. and its specialized agencies shall not be considered an expense of the U.N. and its specialized agencies * * * for which the United States is obligated to pay its share. It is offered in the name of budgetary reform.

But what does this amendment really do, Mr. President?

It is not budgetary reform. It is drastic budgetary surgery of essential United Nations programs that affect the health and lives of millions of people around the world, including the United States.

It prevents the United States from contributing its full share of assessed costs of U.N. agencies.

It opens a Pandora's box by encouraging other countries to take similar unilateral action, and to interpret the organic statutes of the United Nations to suit their whim—all of which will lead to financial chaos, not budgetary reform.

More importantly, Mr. President, this amendment will most seriously affect the World Health Organization, and its crucial programs in disease surveillance and control.

Because 60 percent of WHO's budget is for technical assistance—such important programs as its worldwide disease surveillance and control effort—will be jeopardized. These programs not only directly affect the health of the American people, but affect the lives of countless millions of people in the Third World.

Mr. President, I know from first-hand experience of the importance of WHO programs. As chairman of both the Subcommittee on Health and the former Subcommittee on Refugees, I have closely followed WHO programs around the world. I have attended the World Health Assembly in Geneva and the recent WHO conference on primary health care in Alma Ata.

I have personally witnessed in the field the great human needs that WHO programs meet. One cannot walk through villages in India or Bangladesh or the Middle East or Southeast Asia and not be moved by the sight of malnutrition and disease. I have seen the small figures of children warped and deformed from hunger. I have seen their parents aged before their time, hollowed eyes peering out of diseased bodies.

But what has disturbed me the most is that much of the disease and malnutrition that I have seen is preventable and unnecessary. Where there has been an effective WHO presence or U.N. program, much has been prevented, and hunger and deprivation have been ameliorated. Yet it is these life-saving programs that are jeopardized by this amendment.

Again, Mr. President, these programs do not just help others. They have a direct impact upon our own citizens. The WHO smallpox eradication program is a prime example. The U.S. contribution to this decade-long campaign was some $25 million. But because smallpox has been erased from the face of the Earth, we have been able to terminate our own domestic smallpox vaccination program, saving some $125 million domestically each year.

We were spending approximately $125 million a year to control smallpox in the United States. We would have been unable to be effective unless we had a worldwide smallpox program. There is only one agency in the world that can conduct a worldwide smallpox program. That happens to be the World Health Organization. They targeted the various areas of the world in which smallpox had been developing, and they have effectively rid the world of smallpox now.

Clearly, disease control is cost effective. And to have it sacrificed in the name of budgetary reform—as this amendment alleges—is not only wasteful of our taxpayer's money, but wasteful of millions of lives.

Finally, Mr. President, this amendment curtailing our full participation in WHO programs, comes at a time when we, as a member country, have been urging increased WHO action in international health programs.

Two years ago I attended the world Health Assembly in Geneva, and urged a greater role for WHO. President Carter sent a message offering strong U.S. support. Last year Secretary Califano attended the annual WHO meeting, and in behalf of the American people announced a series of actions we would take to strengthen our cooperation with WHO, and to reaffirm our commitment to help all nations—especially developing nations—raise their standard of health.

And this week, just as we are considering this amendment, Mrs. Carter and Secretary Califano are representing the United States in the World Health Assembly meeting. But their ability to reflect the American people's support of WHO will be sadly undermined, and the effective work of this United Nations agency will be tragically jeopardized, if we adopt this restrictive and unnecessary amendment today.

I remind the Senate, Mr. President, that there are 15,600,000 children under 5 years of age that die every year from preventable diseases—15.1 million of those children die in the developing countries of the world.

The only way we will ever be effective in trying to help those children is if the developing nations of the world are going to develop primary care and preventive health care.

There is only one international agency and one institution that exists in the world that has the credibility of working with Third World countries—and that is the World Health Organization. And the way they are able to help is with technical assistance.

I share the concern that millions of our people share about the immediate humanitarian issues of the day—the boat people of Southeast Asia, about the thousands lost in Nicaragua and Iran. But we are talking about 15 million children under 5 that die every year, who are not on the front pages of the newspapers. They are not on the TV stations of the country.

Their fate is obliterated from the radio stations. But they die, nonetheless.

And there is only one United Nations organization that is attempting to try to help them, and that is the World Health Organization.

Our contribution is absolutely minimal. It has, in fact, declined in significance because of the devaluation of the American dollar. Most comes in the form of technical assistance, better than half of it.

The effect of the amendment of the Senator from North Carolina destroys the U.S. commitment to try to do something about children in this world, particularly those that live in Third World countries, and particularly those whose lives can at least be saved because of the resources and the technology we now have in terms of preventable diseases.

Mr. President, speaking on the issue of international health, on an issue which is generally supported by all Americans, and parents understand the importance of these types of vaccinations. inoculations for the great killers of the world, every parent insists on it—or should insist on it—for their children. For just the few million dollars, we have an opportunity to make a most extraordinary contribution in terms of world humanity.

The effect of the Senator from North Carolina is to frustrate that attempt.

For that reason and the other reasons I have listed, I oppose the amendment.

Mr. President, I ask that the texts of two letters I received from Secretary Vance and Secretary Califano be printed in the Record. I yield back the remainder of my time.

There being no objection, the letters were ordered to be printed in the Record, as follows:

The Secretary of State,
Washington, May 8, 1979.

Hon. Edward M. Kennedy,
U.S. Senate.

Dear Ted: I enclose a copy of a recent letter to Senator Church about the effect of the Helms Amendment on the assessed budgets of the United Nations and Specialized Agencies. I am sure you realize the devastating consequences this prohibition would have on our interests in these organizations.

The Department of State Authorization Bill, which is scheduled for floor debate in the Senate tomorrow, includes Section 107 to repeal the Helms Amendment. I hope you will support it and speak against any efforts to restrict U.S. payments to the assessed budgets of international organizations. Also, I hope you will continue to oppose efforts to repeal the McGovern Amendment which provides flexibility for visa waivers.

With warm regards,
Sincerely,

Cy.

The Secretary of State,
Washington, D.C. April 6, 1979.

Hon. Frank Church,
U.S. Senate.

Dear Frank: Brian Atwood has informed me of your willingness to insert language in the Department of State FY–1980 Authorization Bill to overcome the Helms Amendment restriction on U.S. payments to international organizations. Meanwhile, I understand Senator Hollings has agreed to an authorization solution to this problem and therefore will not object to the Senate Foreign Relations Committee's action.

I want to express my strong personal support for your initiative. The Helms' prohibition is now preventing all U.S. contributions to the UN system and is jeopardizing a number of global programs of vital interest to the United States such as IAEA's nuclear safeguards program. With the Congress' support, we have been trying to reassert this country's traditional leadership role in the UN. Repeal of the Helms Amendment will be critical in that effort.

I am deeply grateful for your help.
Sincerely,

Cy.

The Secretary of Health, Education, and Welfare,
Washington, D.C. May 5, 1979.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Ted: The Senate is scheduled this week to consider the Foreign Relations Authorization Act for FY 1980 and 1981 (S. 586), which contains a provision allowing the United States to resume its regular assessed payments to the World Health Organization and other U.N. agencies. Because I consider the work of WHO to be so important to the health of the American people—as well as those who live in developing countries—I am writing in order to share with you my belief that prompt Congressional action on this issue is critical.

In the closing days of the 95th Congress, language was added to the State Department FY 1979 Appropriation Act which prohibits funds from being made available "for the furnishing of technical assistance by the United Nations and its specialized agencies." This action precludes the United States from making any of its 1979 payments to the U.N. and its ten specialized agencies (including WHO), because the regulations of those agencies bar them from accepting assessed payments which have conditions attached. Thus, although the United States is legally obligated to make these payments, it is currently unable to do so.

If we do not make our 1979 payments to these specialized agencies, they will be forced to cut back their activities, many of which serve important U.S. interests (e.g., nuclear safeguards, exchange of meteorological data, and promotion of air navigation safety).

In the case of WHO, the effects could be substantial and devastating. Our regular payment to WHO constitutes 25 percent of its assessed budget, and the cutbacks would directly affect WHO programs of which the United States is a major beneficiary, such as:

Worldwide disease surveillance and control (through efforts of WHO, smallpox has been eradicated from the world—an unprecedented accomplishment);

Worldwide research on heart disease, cancer and infectious diseases;

Worldwide data collection, analysis and dissemination in such diverse fields as health technology, care of the elderly, adverse drug reactions, and disease classifications;

Research on nutrition, disease agents in food, environmental pollutants, narcotics, animal disease, and many other matters of vital assistance to our scientists and laboratories.

Last May, at the President's request, I led the U.S. Delegation to the World Health Assembly in Geneva. On behalf of the American people, I announced a series of actions we would take to strengthen our cooperation with WHO and to reaffirm our commitment to help all nations—and especially the developing nations—to raise their level of health. This statement was tremendously well received, confirming our international reputation for compassion and leadership in health.

This week, while you vote on whether to permit the United States to resume its payments to WHO, Mrs. Carter and I will be attending this year's World Health Assembly meeting, in order to further the spirit of cooperation launched last year. However, the failure to restore our ability to make our regular annual payments to WHO inevitably undermines any progress we might make in international health cooperation, and raises unnecessary questions regarding our credibility in that form, particularly among the developing nations.

The House of Representatives recently adopted a provision restoring our ability to make our annual payments to WHO. In view of the benefits to the United States of the collaborative health activities of WHO, and the need to sustain our rightful position of leadership within that organization, I would urge you to support the provisions of S. 586, as reported by the Foreign Relations Committee, which would lift the prohibition on our 1979 contribution to WHO.

At the same time, I would hope that you would reject efforts—which are likely to be made during Senate consideration of this measure—to reduce our annual payments to these organizations by the amount of technical assistance they provide. While to some that may seem like a compromise, in the case of WHO its effect would be seriously adverse because of the large volume of technical assistance services WHO provides, and of which we are a major beneficiary.

Sincerely,

JOSEPH A. CALIFANO, JR.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as remains available.

Mr. President, how much time remains.

The PRESIDING OFFICER (Mr. STEWART). One minute.

Mr. CHURCH. One minute?

The PRESIDING OFFICER. Yes.

Mr. CHURCH. I reserve the time.

The PRESIDING OFFICER. The Senator would have more time at 2:05 p.m.

Mr. CHURCH. Would the Chair oblige me by explaining that again?

The PRESIDING OFFICER. At 2:05, the Senate will proceed to amendment No. 190.

Mr. CHURCH. How much time will there be for debate on that amendment?

The PRESIDING OFFICER. Ten minutes, equally divided.

Mr. CHURCH. Ten minutes equally divided.

Then I have 6 minutes.

Mr. President, as the able Senator from Massachusetts pointed out, if the United Nations agencies take no action to remove technical assistance from their assessed budgets in fiscal year 1980 and beyond, the Helms amendment on which the Senate will be voting in 10 minutes would have the effect of placing the United States in arrears for its share of that portion of the United Nations agencies' budgets which are devoted to furnishing technical assistance.

The question is whether the affected agencies will submit, in effect, to a unilateral determination by one member state as to what the assessed budget should or should not include.

AMENDMENT NO. 190

The PRESIDING OFFICER. If the Senator will suspend, the clerk will state amendment No. 190.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 190.

The amendment is as follows:

On page 10, line 2, insert the following after "agencies": "except that, effective January 1, 1980, the furnishing of technical assistance by the United Nations and its specialized agencies shall not be considered an expense of the United Nations within the meaning of article 17 of the United Nations Charter and section 8 of the United Nations Participation Act, or of the specialized agencies within the meaning of their charters or organic statutes, for which the United States is obligated to pay its share.".

Mr. CHURCH. Mr. President, in effect, the adoption of this amendment means that the United States can determine unilaterally whether or not it will pay any specialized agency for the technical assistance carried on by that agency, or whether, in the alternative, we will withhold our contribution for that technical assistance.

The first thing that is wrong with the Helms amendment is that it is contrary to our solemn covenants, to our treaty obligations, to the promises that we made as a member of the United Nations.

We either abide by the rules of the organization or try, as this amendment tries, to write our own rules.

The technical assistance rendered by these various organizations, Mr. President, is of great importance to the United States. It includes nuclear safeguards. It includes exchange of meterological data. It includes promotion of air navigation safety. It includes protection of patents.

A few years ago, I served at the United Nations as a member of the American delegation. I remember at that time that the Soviet Union was playing the very game that the Senator from North Carolina would have us play. It was withholding from the amounts assessed to Soviet Union in accordance with the U.N. organic statutes and U.N. charter a certain part because it disapproved of the peacekeeping activity in which the United Nations was engaged.

Far from strengthening the position of the Soviet Union in the United Nations, as the Senator from North Carolina argues his amendment would do for us, it gravely embarrassed and weakened the position of the Soviet Union at the United Nations. I can bear personal witness to that fact.

If we now start to play that game, it is not going to strengthen our influence at the United Nations. It is not going to help us fashion or shape the decisions made there. It is going to have precisely the opposite effect.

We will continue to be embarrassed and weakened because we are saving to ourselves the right to determine what proportion of our assessment we will pay. We would thus invite every other member of the United Nations to do likewise, for what we reserve to ourselves we can hardly deny to others.

This is an amendment that should be rejected decisively. When the time for the vote occurs at 2:15, I say that it is my intention to move to table the Helms amendment.

Mr. JAVITS. Will the Senator yield?

Mr. CHURCH. I am happy to yield.

The PRESIDING OFFICER. If the Senator will suspend, the Senator has no more time.

Mr. JAVITS. All right.

The PRESIDING OFFICER. The Senator from North Carolina has the remaining time.

Mr. HELMS. Mr. President, I ask unanimous consent that the Senator from New York be allowed to proceed for 1 minute, with the time not being charged to anybody.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, the key point to buttress, as has just been said, and we debated this yesterday, is that all this money, with very minor exception, goes to the five agencies in whose organic statute it is stated that there will be technical assistance. That, in my judgment, should be underlined and highlighted. We undertook that obligation when we joined those specialized agencies. We really would be going back directly on our agreement and our word if we took any other course than to repeal the Helms amendment. Therefore, I hope the Senate will reject the amendment.

I thank the Senator for his courtesy.

The PRESIDING OFFICER (Mr. STEWART). The Senator from North Carolina has the remaining time.

Mr. HELMS. Mr. President, I do not want to appear heavy-handed in disagreeing with my friends, but they could not be more wrong. They are 180 degrees off course.

What we are talking about is an international tax on the American people. If Senators want to vote to let the United Nations impose a tax on what should be a foreign aid appropriation, Senators should feel free to do that.

I am growing weary of the specious arguments and misrepresentations by the State Department and others with respect to this amendment.

In the first place, the Helms compromise affects only U.S. domestic law and U.S. legislative procedures. It imposes no reservations upon the U.N. Charter or the various organic statutes. It does not say that we will not pay. It only says that we will not pay for technical assistance as a mandatory assessment.

The distinguished chairman of the Foreign Relations Committee is bound to know that the budgetary process of the United Nations is in a mess. The United States is not the only country that knows this. Other countries in addition to the Soviet Union, I might add, are complaining about it.

It is a matter of whether we want to impose an international tax upon the American people. This Senator says, "No." That is all the amendment involves.

The Helms amendment affects only the fiscal year 1979 appropriation. It would not become permanent law. It provides that none of the fiscal year 1979 funds can be used for the furnishing of technical assistance.

Since the United Nations insisted on comingling all funds and refused to take technical assistance out of the mandatory assessment, the United Nations claimed that it could not accept any of the fiscal year 1979 contribution.

The Helms compromise, on which we will vote in 1 or 2 minutes, says that technical assistance is not a mandatory obligation of the United States, and that means we can pay it or not, as we choose, on a voluntary basis.

I submit that the Members of Congress owe it to the American people to oversee this sort of thing and not turn over additional millions upon millions of dollars to the United Nations.

Mr. President, I am sorry that there will not be an up-and-down vote on this question, but I urge Senators not to vote to table this amendment; because if they do, they will be voting approval of an international tax on the American people, whom we are supposed to be representing in this Chamber.

If I have any time remaining, Mr. President, I yield it back.

Mr. CHURCH. Mr. President, all time having expired, I move to table the amendment.

Mr. HELMS. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Hampshire (Mr. DURKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Michigan (Mr. RIEGLE), the Senator from North Carolina (Mr. MORGAN), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that the Senator from Montana (Mr. BAUCUS) and the Senator from Montana (Mr. MELCHER) are absent on official business.

I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of a death in the family.

Mr. STEVENS. I announce that the Senator from Kansas (Mr. DOLE) is necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness.

The PRESIDING OFFICER. Are there any Senators in the Chamber wishing to vote?

The result was announced—yeas 54, nays 35, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—54

Bayh
Bellmon
Bentsen
Biden
Boren
Bradley
Bumpers
Burdick
Chafee
Chiles
Church
Cranston
Culver
Danforth
DeConcini
Durenberger
Eagleton
Ford
Glenn
Gravel
Hart
Hatfield
Heflin
Heinz
Huddleston
Jackson
Javits
Kassebaum
Kennedy
Leahy
Levin
Long
Magnuson
Mathias
Matsunaga
McGovern
Metzenbaum
Moynihan
Muskie
Nelson
Nunn
Packwood
Pell
Percy
Proxmire
Pryor
Randolph
Ribicoff
Sarbanes
Stennis
Stewart
Tsongas
Weicker
Williams

NAYS—35

Armstrong
Baker
Boschwitz
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Cochran
Cohen
Domenici
Exon
Garn
Goldwater
Hatch
Hayakawa
Helms
Hollings
Humphrey
Jepsen
Laxalt
Lugar
McClure
Pressler
Roth
Schmitt
Schweiker
Simpson
Stevens
Stone
Talmadge
Thurmond
Tower
Wallop
Warner
Young
Zorinsky

NOT VOTING—11

Baucus
Dole
Durkin
Inouye
Johnston
Melcher
Morgan
Riegle
Sasser
Stafford
Stevenson

So the motion to lay on the table Mr. HELMS' amendment No. 190 was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 198

The PRESIDING OFFICER. The question recurs on agreeing to amendment No. 198.

Who yields time?

Mr. HELMS. Mr. President, I ask that the amendment be stated.

The PRESIDING OFFICER. The clerk will report.

Mr. HELMS. Mr. President, I hope the Chair will keep order.

The PRESIDING OFFICER. Will Senators clear the aisle and take their seats.

Mr. HELMS. Mr. President, I renew my request that the Senate be in order.

I thank the Chair.

LIFTING SANCTIONS AGAINST ZIMBABWE-RHODESIA

Mr. President, the pending amendment has just one purpose, and that is to lift the sanctions against Zimbabwe-Rhodesia, and I submit, Mr. President, it is time to lift all sanctions against Zimbabwe-Rhodesia.

All the conditions of the Case-Javits amendment have been met. The transitional government of Rhodesia time and time again has offered to meet with the so-called Patriotic Front. Every offer to meet in good faith at an all-parties conference has been rejected by the so-called Patriotic Front and its allies.

Moreover, any objective assessment will acknowledge that the most free and open election in the history of the continent of Africa has just taken place in Zimbabwe-Rhodesia, despite efforts to frustrate it. There was a 65-percent turnout at the polls, and I cannot recall in recent memory, Mr. President, a record such as that in any election in the United States.

THE PRESIDENT HAS HAD TIME TO ACT

Mr. President, the President of the United States has had ample time to act under the terms of Case-Javits approved by this Senate last year, and by the House, and signed into law by the President.

I want to lay down a little bit of perspective about the way the Senator from North Carolina feels about this matter, and I think I can best do that—may we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HELMS. I think I can best do that by reading a telegram which I sent to President Carter on May 4. I said:

> Dear Mr. President,
>
> As I told Dan Tate—

I might say Dan Tate is a legislative man for the President—

> As I told Dan Tate this past Thursday, I do not desire what some might otherwise interpret as a partisan confrontation on the question of lifting sanctions against Zimbabwe-Rhodesia. I sincerely want to work with you in this regard.
>
> However, I feel obliged to convey to you my concerns that the American people are not being told the complete and accurate story relative to official assessments of the manner in which the recent elections in Zimbabwe-Rhodesia were conducted.

Then my telegram to President Carter continued:

> Mr. President, I have this information and I do not wish to use it to your disadvantage. Therefore, I solicit in the most sincere way possible your consideration of an immediate lifting of sanctions. For you to fail to do so would be a contradiction of a very clear understanding contained in the Case-Javits amendment last year, which I accepted in good faith, and which the Congress approved overwhelmingly in equally good faith.
>
> I appeal to you for the privilege of working with you to do what our Government ought to do without further delay.

Mr. President, I do not know what more I could have done. But do you know the reaction to that telegram from the administration and the State Department? Absolute silence.

They do not want to work with anybody. What they want to do is misrepresent the facts, and they have done it and are continuing to do it. If the Senate chooses to reject this amendment, this Senator is going to be very disappointed.

Today, Mr. President, Bishop Muzorewa sent this cablegram to the President of the United States. Let me read it to the Senate:

> As Prime Minister-elect of the new black majority government of Zimbabwe-Rhodesia, it is my duty to address an urgent appeal to you on behalf of my black fellow countrymen. While you are waiting to reach your decision regarding the recognition of my government and the lifting of sanctions, the death toll in the terrorist war continues to mount. During the month of April, 837

> people lost their lives in the fighting in my country. No fewer than 811, which is over 96 percent of the total, were blacks. This causes me very great grief and concern, and I would hope that it does not leave you unmoved.

Bishop Muzorewa's cablegram to the President continues:

> I have no doubt at all that if you, as the acknowledged leader of the free world, were to give an immediate and positive indication of your intention to recognize my government as soon as it takes office, and at the same time to lift sanctions, it would have a dramatic effect on this situation. I know from my own contacts that many of the guerrillas in the country are disenchanted with the fighting, particularly now that the objective of black majority rule has been achieved. This was confirmed by their failure to carry out the orders of their leader to disrupt the recent elections. Nevertheless, they are reluctant to burn their boats and return to their homes until they see whether your government is going to change its previous policy of supporting their external leaders.

Then he goes on to say:

> The removal of punitive sanctions would go a long way toward alleviating the suffering of my people. The resultant expansion of the economy would enable me to proceed at once with development schemes in the rural areas and with the extension of educational facilities, particularly in the technical field. These would provide opportunities for employment and education which are at present denied to my people, and would lead not only to reduced recruitment into the terrorist ranks, but also to increased defections from them. By lifting sanctions, you would thus be making a real and positive contribution to de-escalation of the war.

Continuing to read the Muzorewa cable:

> Ambassador Young has expressed the fear that if you take these steps, your government will be committing itself to massive economic and military aid. I assure you that those fears are groundless. All I am asking is that you should remove the fetters which you imposed on the previous white minority government, and of which the principal victims have been and still are my black fellow countrymen. Ambassador Young has also said lifting sanctions would also harm American commercial interests in Africa. I cannot believe that you, sir, with your dedication to the cause of human rights, would be swayed by that argument. The massive support which I received at the recent election was essentially a vote for the peaceful solution which I offered, and I appeal to you not to delay your endorsement of the validity of that vote.

Mr. President, I have just read, as I said, a cablegram sent to President Carter from Bishop Muzorewa. Let me tell you a little bit about Bishop Muzorewa.

Working with the State Department, I invited Bishop Muzorewa to this country last year. In fact, I took him to North Carolina. I took him to Asheville, over in the mountainous section of my State. I will never forget that day, because we had ample opportunity to discuss his motivations, his attitudes, and his ideals.

We went to a Methodist home at which a beautiful little white haired lady who had been a missionary to Rhodesia is now living. We had lunch with her. This was the lady who had converted him to Christianity, who taught him English, and I heard him discuss with this dear lady his hopes and dreams for his people.

Now, this man is not a politician in the derogatory sense of the word. This is a man who is deeply interested in his people. This is the man who is now pleading with the President of the United States: "Don't delay further, Mr. President," he is saying, "go ahead and set us free."

I would think, Mr. President, that this cablegram from Bishop Muzorewa would not fall on deaf ears of a President of the United States who has had so much to say about human rights. If we believe in human rights in this country, Mr. President, let us act to put an end to the terrorism, the murders, the slaughter that are going on in Rhodesia today.

For my part, I am not impressed by very much that Mr. Andrew Young says. If there ever were a man afflicted with foot-in-mouth disease, it is our Ambassador Young, and I have some resentment at the fact that he is taking over as Secretary of State in this matter.

But I have even greater resentment at the misrepresentation that has flowed in discussing this matter.

So I say again, Mr. President, that President Carter has had ample time to act under the terms of Case-Javits. More than 3 weeks have passed since the election was held in Zimbabwe-Rhodesia. That election was covered widely by the media. Many of the reporters went over there looking for irregularities, and they came back and said, "We did not find them." Not nearly as many as have been reported in some of the metropolitan areas of our own country, I say to my friend from Virginia. A number of observer teams were present in Rhodesia, several from the United States on an independent basis, from Britain, France, Germany, and other countries. Unfortunately, due to actions taken by the African Affairs Subcommittee of the House of Representatives, no official observers were sent from this country. That was a bad mistake. It is as though they wanted to sit back and say, "Well, there probably were irregularities," when all of the evidence, Mr. President, points to the contrary. The State Department did not see fit to comply with the spirit of the Case-Javits amendment and send an official observer representing this administration. I think that ought to be taken into consideration.

So what do we have? We have a situation in which the information available to the President of the United States is the very same information available to Senators, Members of the House of Representatives, and the general public; and this information has been available for 3 weeks.

ADMINISTRATION DELIBERATIONS ON LIFTING SANCTIONS

I do not know how to put this delicately, Mr. President, so I will just say it like it is: The administration has been deliberately dragging its feet, pretending to be accumulating information on which to base a decision. And there may be a move in the Senate today to certify that. I regret it, because it is wrong. It is wrong, in the first place, because it represents a breach of good faith by this Congress.

On this process of accumulating information, what is really going on? The President's people already have it. I have it. I have precisely the same information that the administration has, information which I received from the Defense Intelligence Agency, the Central Intelligence Agency, and the State Department. Interestingly enough, I am also reliably informed that the information compiled by CIA, DIA and State contains not one scintilla of what you would call hard intelligence, but, rather, only second-hand accounts from foreign observer teams, news accounts, and information of that sort.

If that is all administration is going to do, Mr. President, what kind of game are we playing? To rephrase it, what kind of game are they playing?

Mr. Andrew Young is running the show, not Secretary Vance. Not President Carter but Andrew Young.

I submit that is not a desirable situation.

So while the President deliberates about what to do about lifting sanctions under the Case-Javits formula, he has really sought no information on which to base his decision beyond the information that has long since been available to the general public.

AFTER A GOVERNMENT IS INSTALLED

Mr. President, the Case-Javits amendment, which amended legislation that I offered last year, and which I accepted on this floor in good faith, states as follows in Section 27:

> In furtherance of the foreign policy interests of the United States, the Government of the United States shall not enforce sanctions against Rhodesia after December 31, 1978, provided that the President determines that—(1) the Government of Rhodesia has demonstrated a willingness to negotiate in good faith at an all-parties conference held under international auspices, on all relevant issues; and (2) a government has been installed, chosen by free elections in which all political and population groups have been allowed to participate freely, with observation by impartial, internationally recognized observers.

Case-Javits thereby set up a standard for Rhodesia to meet if it desired the United States to lift sanctions. Following the approval of the Case-Javits amendment—the deliberations and debate on which were witnesses from these very galleries by the newly elected leader of Zimbabwe-Rhodesia, Bishop Muzorewa has—he sat right up there in the gallery—thoughtful Rhodesians made good faith efforts to meet these conditions, assuming that the conditions had been laid down by our Government in equally good faith.

That is what they are watching today, Mr. President. They said:

> We acted in good faith. Now how about the good faith of the United States Government?

It has been said:

> Well, we ought not harm the President in this.

I told the President I wanted to work

with him, but he is not interested in having anyboby work with him, or at least that is the sad conclusion which I have drawn. Only Ambassador Young has his ear, and I reiterate that is a sad, sad circumstance for this Government.

I said a while ago that Bishop Muzorewa came to this country at my invitation, which was extended only after consultation with the State Department. He returned to Rhodesia with the message of Case-Javits approved on this floor. That message was:

> "Go ahead and hold free and open elections and seek talks with the Patriotic Front in a good faith attempt to achieve a political solution to the brutal guerrilla war which was then," and is now, "being waged by that so-called Patriotic Front."

MEETING THE CONDITIONS OF CASE-JAVITS

The first step toward meeting the conditions of Case-Javits was the transitional government's good-faith attempts to meet with the Patriotic Front at an all-parties conference specified by Case-Javits. I might add that that same condition existed with the Patriotic Front as well. It should be emphasized that it was a two-way street. Case-Javits not only applied to the transitional government; it applied also to the Patriotic Front.

But by the time the four leaders of the transitional government arrived in the United States, they were ready to meet with the Patriotic Front at that all-parties conference. This information was conveyed to the State Department, first under my instructions, and then later by the leaders of the transitional government themselves.

This good-faith attempt to meet with the so-called Patriotic Front at an all-parties conference without preconditions was rejected by the leaders of that Front, Joshua Nkomo and Robert Mugabe. There is no doubt about that, because the State Department acknowledges that this is so.

Thereafter numerous secret attempts were made by members of the transitional government to meet with one or more of the Front leaders throughout the period between the time of passage of Case-Javits and the elections which were conducted in April.

In the final analysis, each attempt at reconciliation by the transitional government with those guerrilla leaders was rejected flat out of hand. Thus, the transitional government proceeded with its plans to hold free and open elections.

A constitution was drawn up and voted on by the white minority that held political power in Rhodesia. It was made clear that the constitution did in fact give a disproportionate share of the political power to the white minority but only for such a period of time to insure that skilled whites would not flee Zimbabwe-Rhodesia, thereby leaving the country's economy and infrastrucure in shambles—which happened to be a disastrous mistake made by other black African nations which forced the white people to leave.

The provisions of the new constitution of Zimbabwe-Rhodesia are similar to those found in a number of other black African States. In those states also, whites were temporarily given a disproportionate share of the power after independence in order to keep the white expertise in place during the transition period.

As I recall during hearings on the McGovern-Hayakawa bill, it was pointed out that the President of Tanzania, Julius Nyerere, was elected with a sizable white vote in his favor. Thus, attempts to claim that racial views will prevail on political issues do not stand the test of history or even of common sense.

FREE AND OPEN ELECTIONS, INTERNATIONALLY OBSERVED

During the election period in Rhodesia, from April 17 through April 21, nearly 65 percent of the eligible voters of Rhodesia turned out to vote.

This is a fair question to ask: Was it a free and open vote? I say again that scores of newspaper reporters and television correspondents and observers from all around the world have said it was. Not perfect, but I do not suppose there has ever been a perfect election held anywhere in the world, certainly not in the United States.

I have at my desk the reports of a number of those observer teams including Freedom House, the Institute of American Relations, and others. I have a large file of newspaper articles which the Library of Congress has compiled and which it has made available, along with observer team reports, to all Senators and all Members of the House of Representatives who have requested it.

All of these articles and reports point to a free and open election, and certainly attest to the fact that there were international observers aplenty in Rhodesia during the election.

Thus I say again, Mr. President, that the conditions of Case-Javits have been met, and these were the only conditions that the Senate put on the lifting of sanctions against Rhodesia.

IT IS TIME FOR A DECISION

Mr. President, I do not believe the Senate can hold its head very high if it does not go ahead and fulfill its commitment to this nation on the other side of the world. That is the reason I have followed this matter so carefully through the years. It is time for a decision.

The President, for whatever reason, has chosen not to act under the terms of Case-Javits, so it is up to us to act.

Mr. President, I believe for the moment I will reserve the remainder of my time, but I will first yield to the distinguished Senator from Virginia.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, the time has come to lift the embargo against Rhodesia. Majority rule elections in Rhodesia began on April 17, 1979, nearly a month ago, and the results have been widely reported and extensively analyzed.

Nearly 65 percent of the voting age black population of Rhodesia voted approval of the internal settlement worked out between white Rhodesians and representatives of the black population led by Bishop Abel Muzorewa.

This is nearly double the percentage who voted in congressional elections in the United States last year.

As a result of the elections, Ian Smith will give up his position as Prime Minister which position he has held for nearly 14 years. He will be succeeded by his black colleague, Bishop Muzorewa.

Rhodesia has complied with virtually every request made of it by the United States, with the one exception of refusing to permit armed terrorists to operate within its borders.

Rhodesian elections were based on the principle of one-man, one-vote; which the United States sought and to which the Rhodesians agreed. The blacks will soon take over that Government which action the American State Department has long sought. The voter turnout shows that Bishop Muzorewa and his associates have the strong support of the black population of Rhodesia.

So what more does the American State Department want? What more does President Carter want?

These elections are a commendable and almost unique example in the history of Africa of a voluntary transfer of power from a white-dominated government to a black-dominated government. The electoral process by which this transfer was accomplished has itself received minute and careful scrutiny and a generally favorable reaction.

Certainly, the elections exceeded all standards prevalent in other African nations, most of which do not permit any political activity whatsoever.

The time has come to lift sanctions against Rhodesia.

The question presented is simple: Will the United States support Soviet-inspired terrorism by blockading a moderate pro-Western black African government, or will the United States give democracy a chance in Africa by permitting trade with a friendly, and popularly elected government?

The alternatives to the government of Bishop Muzorewa are the Marxist-oriented, Soviet-backed terrorists.

A choice is inescapable. Zealots at the State Department have made clear their intention to support tacitly a war of terrorist aggression by continuing the participation of the United States in an effort to destroy the economy of a friendly people. To me, that choice is unacceptable and irresponsible.

In my view, the Senate and the Congress are obligated to act to correct the inaction of the President, which, by continuing economic sanctions, threatens the survival of a friendly nation and supports the cause of Soviet-directed terrorism.

If this policy of inaction is continued, if sanctions against Zimbabwe-Rhodesia are not lifted, then it will be merely a matter of time before a pro-Soviet police state will be established in Zimbabwe-Rhodesia, and a great experiment in African democracy will end. That is the plain fact of the matter, and it is indisputable.

The United States has been the acknowledged champion of democracy throughout the world. Countless millions seeking freedom and self-rule have looked to this country for hope and for example. That includes, I believe, most of the 6 million black Rhodesians as well as the white minority.

The PRESIDING OFFICER. Who yields time?

Mr. STONE. Mr. President, I yield 10 minutes to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, the central principle at issue here, it seems to me, is the question of whether Congress should act in accordance with the law or whether we should act in haste in defiance of what is now the law of the land, the Case-Javits amendment. It seems to me the language in the present law is very clear. It calls for a determination, not by the Senate of the United States, as to whether or not the terms have been met for lifting sanctions, but a determination by the President. The language says, "provided that the President determines," and so on, "that these conditions have been met." It further provides that this determination shall not be made by the President or anyone else until a government has been installed.

So, Mr. President, the principal problem I have with the proposal by the Senator from North Carolina is that it not only, in effect, repeals existing law, but it also invades the President's authority in the field of foreign policy, which was underscored by the action taken by the Congress last year. Beyond that, it does all of this before we have a government in power.

The state of Rhodesia legally is still a part of the British Empire. Not one government anywhere in the world, South Africa included, has ever recognized Rhodesia, not a single government. So, for us to move unilaterally today in lifting sanctions not only defies the constitutional policies and constitutional authority of the President; it not only stands on its head the Case-Javits language that was written into law last year; but it does these things at the most awkward of all times, with no government in control in Rhodesia at the present time, no legally recognized government, no government recogized by one single state, one country on the face of the Earth.

For us to move at this stage would make it very difficult, if not impossible, for consultations to go forward with our allies, the British. It would prevent President Carter from formulating a joint approach with the new British Government.

We have been advised that Secretary Vance is due to meet with the new Foreign Secretary of Britain, Lord Carrington, on May 20, a little more than a week away. The purpose of that meeting, in major part, is to review the whole issue of where the two parties stand with reference to Rhodesia and hopefully, to work out a common policy in the wake of the Rhodesian election. I think it is far better that the Senate remain true to its duty as a deliberative body than to rush to judgment on a matter having grave implications for our policy in Africa as a whole.

The Senator from North Carolina makes the point that, since the election, the newly elected leader, Bishop Muzorewa, has so consolidated his power that the guerrilla forces are on the verge of surrendering and are only waiting for a signal from the outside to lay down their arms. Mr. President, this is completely in defiance of the realities, however uncomfortable, that we have to face with regard to Rhodesia. Yesterday's Washington Star carries a report of an analysis by the Rhodesian Defense Minister, Hilary Squires, who, by no stretch of the imagination, could be charged with having sympathies to the terrorists, the guerrillas. Yet, according to this article:

> Defense Minister Hilary Squires, meanwhile, said yesterday that there are more black guerrilla terrorists in Rhodesia than ever before and that they pose a "great potential danger."
>
> He also asserted in a broadcast that current moves to transfer power to Muzorewa are not solving the country's problems.
>
> Squires issued his warning one day after the two wings of the Patriotic Front guerrilla alliance led by black guerrillas Joshua Nkomo and Robert Mugabe announced in Ethiopia that they have adopted a joint constitution and set up a joint operations command despite nearly 20 years of bitter rivalry.

The article continues:

> Squires said that while the majority rule election and the Conservative Party victory in Britain have engendered a mood of euphoria in Rhodesia, "the public must not think that any problems have been solved."

There is no room for complacency.

Mr. President, I cite this not to prove any particular point about the situation in Rhodesia other than to demonstrate that it is still very confused, that conflict is the order of the day.

It was only a few days ago that the Vice President of Bishop Muzorewa, James Chikerema, had a falling out with the bishop, accusing him in his words of running a dictatorship with the help of the tribal Mafia.

Now, this from the No. 2 man in the majority recently winning the Rhodesian election.

We also have the analysis of Reverend Sithole stating he regarded the whole election as a big cheat.

Mr. President, it does not serve any useful purpose to belabor these points about whether the election was fair or whether it was not.

The point that I think the Senate has to keep in mind this afternoon is that the proposal by the Senator from North Carolina, in effect, sets aside the carefully thoughtout formula that we worked out here in the Congress last year that provides the terms under which the President shall make his determination.

The majority leader (Mr. ROBERT C. BYRD) earlier today, read a letter from President Carter to the majority leader in which he says that he will make a decision on sanctions once a government has been installed, chosen by free elections.

This is language right out of the Case-Javits amendment.

The President goes on to say:

> At my April 30 press conference, I confirmed my legal obligation to make the required determination. In compliance with the law, I will make my determination no later than two weeks after its installation.

Mr. President, we are going to have an opportunity here a little later on to vote on a substitute provision that gives the President the authority, or that reaffirms the authority, that was given him by the Congress last year and which is perfectly consistent with the President's own stated pledge not to delay this matter, to give the Congress and the Nation the benefit of his determination no later than 2 weeks after the installation of the new government.

On that basis, Mr. President, I hope very much that the Senate will reject the amendment by the Senator from North Carolina.

Mr. President, I yield back the remainder of my time.

Mr. STONE. I thank the Senator from South Dakota.

I yield 3 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes.

Mr. TSONGAS. Could that be extended to 5 minutes?

Mr. STONE. I think we are running a little late on time.

May I ask what time is left?

The PRESIDING OFFICER. Fifteen and one-half minutes.

Mr. STONE. I yield 4 minutes to the Senator.

Mr. TSONGAS. I thank the Senator for compromising.

Mr. President, I will make my points quickly.

No. 1, this election was held pursuant to a constitution. The only people who voted on the constitution were white. That is 4 percent of the population of Rhodesia.

How would we like it if 4 percent of the people in this country got together, put together a constitution which gave them 28 percent of the seats in this body, a lock held on the judiciary, on the civil service, the police or military, and then said, "OK, let's have an election"?

We would be outraged. That is what happened in Rhodesia.

If we sanction that kind of system, it seems to me we have no one to blame but ourselves.

The second point is that there is one thing we should recognize in the world. That is, the growing forces of nationalism, the forces of history that determine so much of world events, the deep-seated emotions in black Africa, stemming from the tide of many years of colonialism, are something we have to consider.

Black Africa is looking to this vote as a litmus test as to what, indeed, the United States feels toward the racist regimes that have proliferated in southern Africa.

The question is whether we will be the first government to state, in effect, that a white-controlled minority government in Rhodesia is somehow all right.

We can do that, but we will pay a price. We will pay a price in terms of the feelings in black Africa, and we are going to get involved the same way we got involved in Southeast Asia.

The third point is this: There is no government as interested in seeing this amendment pass as the Soviet Union.

The Soviets are not capable of effective action in the Third World, and they wait, licking their chops, for us to make this kind of mistake. They want entree into black Africa, and if this Senate passes this kind of amendment, we give them that entree.

We did the same thing recently in Ethiopia, and we have lost a good friend. I know Ethiopia. I spent 2 years there. We will do exactly the same thing now.

Let the Soviets make their own successes. Let us not give them these free rides, or attempt to snatch defeat from the jaws of victory. If we want to aid the Soviets, let us do it in other ways and not give them this way of getting their entree into black Africa.

If we pass this, we will see Cuban involvement, we will see Russian involvement, in southern Africa.

We have the perfect circle, because Congress will be called upon in certain future commitments regarding foreign troops and aid.

I say, let us have it in an approach that takes U.S. interests to heart and not do all it can to bring about defeat in the Third World.

I thank the Senator for the time.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. I yield 10 minutes to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I thank the distinguished Senator.

Mr. President, I appreciate the opportunity to make a statement here today in support of this amendment, because in this particular area the distinguished Senator from North Carolina has led the fight, I think, for freedom in Africa, and I think for the benefit of our Nation as well as the free nation of Zimbabwe-Rhodesia.

Mr. President, exactly 2 weeks ago, in a fair and democratic election, the people of Zimbabwe-Rhodesia have spoken. They said to us in no uncertain terms that they want peace. Peace which can carry in itself, after years of senseless hostility and bloodshed, the sweet promise of reconciliation, understanding, and love. Peace which can provide the long-desired opportunity for everybody to build up a better future for the coming generations. Peace which can teach both children and parents to smile. Peace which can restore the faith of the people in the endless beauty of life.

By voting overwhelmingly for a peaceful future, the people of Zimbabwe-Rhodesia also told us that they positively disagree with the militant philosophy of the two principal guerilla leaders, Joshua Nkomo and Robert Mugabe. This in turn indicates that neither Nkomo nor Mugabe have the support of the majority of Rhodesians.

Finally, Rhodesia's peaceful election demonstrated that the vast majority of Rhodesians fully endorse the internal settlement.

In the light of these facts it is only understandable that the outcome of Rhodesia's first democratic election was celebrated by both black and white Rhodesians.

In Washington, so far as the Administration is concerned, the word is distinctly different. President Carter, confronted with the undeniable facts of the Rhodesian elections, pronounced it as a step in the right direction but hastened to add that he would decide whether or not to lift sanctions only after his staff had assessed the election's fairness. U.N. Ambassador Andrew Young, the administration's point man on African policy, raised doubts concerning the fairness of the election. In an interview, published in Newsweek on May 7, 1979, he spoke out against the recognition of the new Rhodesian Government even if all the facts would indicate that the election was a fair and democratic one.

Some aides to the President have actually ruled out the possibility that the President will recognize the new government of Zimbabwe-Rhodesia. Another possibility; namely, the removal of sanctions without diplomatic recognition, has also been rejected by the same aides. The arguments on behalf of this policy are well known. American recognition would only trigger further Soviet and Cuban adventurism in Africa. Such a policy could reverse gains, allegedly made by the Carter administration in Black Africa, anger American Blacks, who are a prime Carter constituency, and embitter the guerilla leaders, Joshua Nkomo and Robert Mugabe.

It is perhaps needless to say that such arguments are not only unsound and unconvincing, but they also bear witness to the total incompetency and absolute lack of commonsense of the current administration. Africa, as it stands today, is a continent that is suffering beyond measure from political division, military irresponsibility, and economic weakness. Failure to attempt to effect a change in these negative factors could lead to anarchy which would be far more dangerous to the United States and eventually to the entire world than the vague possibility of a violent Soviet response.

Moreover, I do believe, that the United States owes some courage to the rest of the world. This courage demands from us that our policy shall not be beset by mysterious fears, but by values which can further positive development, reasonable international order, and political harmony. A continuation of the administration's Africa policy or nonpolicy, to use a more apt word for its incompetency, would only further anarchy in Africa and encourage small terrorist groups to disregard the legitimate opinion of the majority. Herein lies the real danger for the people of the black continent and not in the furtherance of positive developments like the recent election in Zimbabwe-Rhodesia. In view of the total incompetency of the Carter administration to form a sound and reasonable Africa policy, it is the constitutional duty of the Congress to shape the very principles of such policy. First, the United States must have the courage to recognize the new realities in Africa including the possibility of multiracial governments in different countries. Second, the United States must support countries which have expressed their choice to build up a democratic society. Third, the United States must discourage terrorism and political adventurism in Africa. Fourth, in the formulation of our Africa policy, greater weight should be given to our global-national interests rather than to domestic political considerations alone.

Unless we understand the political necessity of these principles our policy toward Africa will remain skewed, counterproductive, and will inevitably fail.

Mr. President, recently I was in the great State of Connecticut and traveled all over the State with John Davis Lodge, former Governor of Connecticut, a former Member of Congress, a war hero, a former ambassador to Spain and Argentina, a man who has had a lifetime of service to his fellow man, and one of the great people in this country. He, together with some others with whom I met, including Robin Moore, the famed novelist, recounted a series of tales of what really has been going on in Rhodesia. They explained to me their concerns that our Government is going to be the ruination of that land, rather than provide assistance toward the salvation of that land.

Mr. Lodge has written an article entitled "The Election in Rhodesia, April 17–21, 1979," and I ask unanimous consent to have it printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE ELECTION IN RHODESIA, APRIL 17–21, 1979

Having recently returned from Rhodesia where I was an election observer, I can report that Rhodesia is involved in a cruel implacable war with our common enemy, who supplies the weapon, the ordnance, the logistics for the terrorist marauders led by Joshua Nkomo and Robert Mugabe. We Americans and the British are assisting our enemies with sanctions against our friends and with aid to Zambia and Mozambique, the staging areas for the Communist incursions orchestrated by Moscow.

Some Americans have been carping and nitpicking at the conduct of the recent elections, forgetting irregularities in our own past involving such activities as tinkering with voting machines, voting entire cemeteries, and dragooning some people to go to the polls, while bullying others not to. We really do not come into court with clean hands. Furthermore, it has not yet been explained how our attitudes, our legislation and our sanctions serve the national interest of the United States.

The disadvantages to the U.S.A. of such a policy are readily apparent. Our sanctions support bullets rather than ballots. Congressman Solarz of Brooklyn declared imperiously that he and President Carter require the Rhodesians to produce an arbitrary voting figure of 55 percent of the electorate. Yet, so great is the disaffection of the American voter that we produced less than 35 percent in our election last November. The Rhodesians produced 63.9 percent, a truly impressive result. Congressman Solarz of the House Committee on International Relations, has stated that in any event, the election is meaningless because the government of Rhodesia is illegitimate being the result of secession from British Colonial rule. He ignores, or is ignorant of the fact that our own American government is the current successor to the revolutionary government constituted during our war against the

British. Surely then, we are at least as illegitimate as the Rhodesians.

The one-man, one-vote election in Rhodesia has also been criticized on the ground that it was held under martial law, made necessary by the terrorists supplied and equipped by the Russians and aided and abetted by Britain and the United States. The fact is that the election could hardly have been held without martial law.

It has been objected that the some 250,000 whites have more representation than they should have with respect to the 6 million blacks. Yet, when Kenya gained its independence, the whites representing 4% of the population were given 30% of the seats in parliament. When Tanzania became independent the whites, who are 1% of the population, received 30% of the seats. In Zambia, the very small white minority received 15 out of 30 seats, or 50%. It is pertinent, also, to point out that our American Constitution, at the beginning, denied the vote to blacks, women and the poor who owned no property.

Bishop Muzorewa's government's top priority is not to reduce the parliamentary representation of the whites, but rather to discourage an exodus of the whites. Without the whites, the Nkomo and Mugabe terrorists would unquestionably take power amid carnage of the bloodiest kind. We should think of protecting the blacks rather than punishing the whites.

Moreover, if Rhodesia's white minority and the majority of its blacks are content with the Salisbury settlement, it is a monstrous impertinence for the governments of other nations and above all, our own to oppose it. The opposition of the United Nations is totally unacceptable and raises, in a very real way the question of American membership in a body now dominated by Russia.

The five day election in Rhodesia held in the midst of a dreadful war, was in sober truth, a kind of miracle.

The terrorists have been engaged in obscene atrocities of the most appalling kind: incinerating people in their own homes by setting fire to their houses while their family is forced to look on; cutting off a man's nose, lips, and ears and forcing his wife to cook it and eat it before his very eyes. They are using land mines with horrible effect on buses full of black school children. They are bestial mercenary hit-men paid by Russia to do their dirty work for them.

Indeed, 97% of the dead have been black. The black majority is terrified by the terrorists. They want the whites to remain. The terrorist goons and gangsters are the people who constitute the so-called "patriotic front", an appellation which disguises its true function which is to be the spearhead of the ruthless Russian drive into Africa. These are the monsters with whom some Senators and Congressmen want the established government of Rhodesia to sit down and confer at an "all party Congress." Yet Nkomo and Mugabe were repeatedly invited to participate in the election. They refused because their real objective is to destroy the electoral system, to dismantle democracy in order to create a satellite socialist autocracy on the Russian model.

Beyond peradventure of doubt, they seek not accommodation but domination. They seek to conquer Rhodesia for Soviet Russia so that the red infection can then, while we shout about apartheid, spread south to South Africa, the most valuable prize of all with its diamond mines, its gold mines, its ports and its harbors, and the tanker route around the Cape of Good Hope from which they hope to impede the movement of tankers carrying oil from the Middle East to the U.S.A.

For the Rhodesians this is their finest hour. For us and for the British, the red tide is nearly at the flood.

Wake up America, before it is too late.

Mr. HATCH. Mr. President, during that particular set of discussions with former Ambassador Lodge, he made some very good points which are made in his statement that I have inserted in the RECORD. I commend him for having the interest in going to Rhodesia and doing as much as he has done.

Mr. President, I yield back the remainder of my time to the distinguished Senator from North Carolina.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I yield 3 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am strongly opposed to the lifting of sanctions against Rhodesia at this time. This amendment is totally premature and is sure to damage our African and worldwide interests.

First, the new Rhodesian Government has not even been formally installed in Salisbury.

Second, we have not received the final reports on the recent elections from the individuals who observed them.

Third, we have just received 3 out of 5 of the comprehensive analyses commissioned by Senator MCGOVERN and me and 10 other Senators. I joined with Senator MCGOVERN in releasing these three reports last Saturday, May 12, and I request that the full text of our joint statement be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. The National Bar Association, the United Nations Association, and the Lawyers' Committee for Civil Rights Under Law submitted the first three reports, and we expect to hear shortly from the American Bar Association and the International Commission of Jurists.

These reports all address our international legal obligations, the January Constitution, and the degree to which the recent elections are free and fair under existing constitutional provisions, regulations, and procedures. They should make an important contribution to the decisions of the Congress and the administration on our future policies in Rhodesia and Southern Africa.

Fourth, we have not received the President's determination on whether or not the conditions for lifting sanctions under last year's Case-Javits amendment have been fulfilled.

Fifth, the recent British elections have added a new element into America's Rhodesian policy. We must now consult with the new government on what further steps should be taken, consistent with our close and long-established working relationship with Britain on this issue.

Finally, we have not consulted either with black African states or with other members of the U.N. Security Council, pursuant to the U.N. Participation Act of 1945. It would be tragic for the United States to unilaterally violate the embargo decisions of the Security Council in which we have veto power, and to set a precedent for other states to do the same where major interests of ours may be engaged.

President Carter has undertaken to report to the Congress shortly after the new Rhodesian Government is installed in Salisbury, in response to the Case-Javits amendment enacted last year. We should let the President respond to the ground rules established by the Congress last year instead of suddenly revising them and throwing into doubt the consistency of purpose of the United States.

Let us move deliberately, taking into full account the recommendations of the administeration, of our allies, and of independent experts.

I recognize, Mr. President, that there are important differences on the recent elections in Rhodesia—differences of fact and opinion. I for one believe that the constitutional basis for these elections is unfair and that the elections have been neither free nor open to all political and population groups, as required by existing legislation if sanctions are to be lifted. I request that a memorandum on the Rhodesian elections, prepared by the Washington Office on Africa, be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. KENNEDY. But I am prepared to consider all the evidence and all relevant viewpoints before reaching a final conclusion on the merits. That is the least all of us should do until we receive and can evaluate the reports still to be submitted to us. I therefore urge the defeat of any move to lift the embargo against Rhodesia at this time.

EXHIBIT 1

STATEMENT ON RHODESIAN ELECTION RESULTS COMMISSIONED BY SENATORS KENNEDY, MCGOVERN, AND OTHERS

Senator Edward M. Kennedy and Senator George McGovern have jointly released three reports on the recent Rhodesian elections and U.S. legal obligations to comply with U.N. sanctions on Rhodesia—prepared by the Lawyers' Committee for Civil Rights Under Law, the United Nations Association of the U.S.A., and the National Bar Association. The results of two additional reports prepared by the American Bar Association and the International Commission of Jurists will be released shortly.

On April 13, 1979, Senators Kennedy and McGovern headed a group of 12 Senators who requested these five organizations, with a distinguished reputation in the field of international affairs and international law, to provide (1) an analysis of U.S. international responsibilities with regard to sanctions in Rhodesia, (2) an analysis of the Rhodesian constitution, and (3) an analysis of the fairness of the recent election.

On releasing the results of these studies, Senators Kennedy and McGovern commented: "these reports raise many critical issues which must be dealt with in the debate on U.S. maintenance of the Rhodesian sanctions. We plan to work actively to oppose any legislation which would unilaterally repeal U.S. participation in these sanctions, for such an abrogation of U.S. international commitments would severely damage U.S. relations with African nations and seriously call into question the extent of U.S. willingness to abide by its treaty obligations—a situation which would have far-reaching implications for our relations with all nations."

The report prepared by the Lawyers' Committee for Civil Rights Under Law, a privately-funded civil rights legal organization which involves private lawyers throughout the country in the defense of all citizens' civil rights, concludes: "The United States is obligated under the United Nations Charter and the United Nations Participation Act of 1945 to maintain sanctions against Rhodesia until the United Nations Security Council decides that the situation in Rhodesia no longer presents a threat to world peace, and that current conditions in that country warrant a lifting of sanctions." The report further finds that the definition of "majority rule" has not been met by the constitution recently approved by the white Rhodesian electorate, and that the provisions of that constitution and the electoral laws, regulations and procedures established by the Rhodesian government did not permit a free and fair election in which all groups are permitted to participate freely with no discrimination based on race, ethnic background or political affiliation.

The study conducted by the United Nations Association of the USA, a private, non-profit, non-partisan organization dedicated to broadening public understanding of the United Nations and other international matters, concludes: "the United States is legally obligated, as a Member of the United Nations, to comply with the Security Council's mandatory sanctions on Southern Rhodesia. Non-compliance with these sanctions would violate our treaty obligations under the . . . (UN) Charter." The report goes on to find that ". . . the Rhodesian constitution does draw distinctions based on race in the rights accorded individuals to participate in the process of governance and public policy formulation. On that basis alone, the Rhodesian constitution does not meet the standards of 'majority rule' as provided for in the Security Council's resolution which imposed the sanctions on Rhodesia." The report further finds that the provisions of the constitution and the electoral laws, regulations and procedures established by the Rhodesian government do not permit a free and fair election.

The report prepared by the National Bar Association, which represents Black attorneys across the United States and works to protect the civil and political rights of all citizens, concludes: "A unilateral lifting of those sanctions by the United States would constitute, as a matter of law, a breach of those treaty obligations and would establish a harmful precedent for the breach of other United Nations Charter obligations by other parties." It makes the further finding that "The new Constitution adopted by the white minority of Rhodesia preserves existing power relationships in Rhodesia, and thereby denies majority rule. . . . The white minority retains control over important governmental institutions, including the police, armed forces, judiciary, and civil service. Equally important, the new Constitution fails to provide for the protection of basic human rights." The NBA finally concludes that "the elections were conducted in an atmosphere of coercion and intimidation wholly inconsistent with the democratic process. Further, elections held pursuant to a constitution that is undemocratic and unjust, and that was approved by less than three percent of the population, cannot be considered 'free and fair' regardless of the alleged size of the voter turnout."

Joining Senators Kennedy and McGovern in requesting these studies were: Senators Alan Cranston, Frank Church, Mike Gravel, Patrick J. Leahy, William Proxmire, Paul E. Tsongas, Birch Bayh, Mark O. Hatfield, Carl Levin and Donald W. Riegle, Jr.

Exhibit 2

(Memorandum Prepared by the Washington Office on Africa)

The Rhodesian Election: Free and Fair?

The internal settlement regime has announced that more than 60 percent of the eligible African voters participated in the Rhodesian election of April 17–21. The ballots have not yet been counted, and reports from the Rhodesian election are still preliminary and scattered.

We want to bring to your attention several reasons why this turnout does not necessarily mean that the election has been free and open to all political and population groups, as required by the Case-Javits amendment in order for sanctions to be lifted. Furthermore, a majority turnout in the election does not constitute African endorsement of the internal settlement or the advent of majority rule in Rhodesia.

As John Burns stated in the New York Times on April 19th, "Estimates of the fairness [of the elections] are likely to hinge on the intimidation issue."

Numerous reports cite intimidation to urge Africans to vote by agents of the internal settlement—the security forces, the police and private armies or "auxiliaries" loyal to Bishop Abel Muzorewa and Rev. Ndabaningi Sithole. In the more than 85 percent of the country under martial law, the elections could hardly be a free expression of the will of the people. The Financial Times reported on April 18th:

"Under martial law provisions, the security forces have adopted a much tougher approach to the rural tribal trust lands where the guerillas are concentrated. Huts of suspected collaborators are burnt and food is being used as a major weapon in the war . . ."

Virtually every able-bodied white male up to the age of 60 was called up during the election, and all the polling stations were "guarded" by the same security forces which have been fighting the war.

In addition, half a million Africans living in barbed wire-enclosed, police-guarded "protected villages" in the rural areas had no choice but to vote. The New York Times reported that the turnout in these areas was high, and the Washington Post of April 20th said that journalists "watched thousands of residents in the protected villages turn out under the protection of armed guards."

Special concern also focused on the so-called "auxiliaries" loyal to members of the internal settlement, who have spent the last several months "teaching people to vote".

The April 19th New York Times reported:

"In the first two days of voting here for a black majority government some voters have charged that the auxiliaries had intimidated them into casting ballots and directed support for particular parties . . . By dusk tonight, most of the adults [at Tangewena] had been to the voting station . . . But discussions indicated that many had done so at the insistence of young campaign workers for Rev. N. Sithole, whose supporters have been accused of widespread intimidation in the townships. . ."

There have also been some reports of harassment of voters by the Patriotic Front, which opposed the election. But several reporters, including John Burns of the New York Times, said that intimidation by guerrillas was much less than they expected.

2. Fear of losing their jobs was widely reported to have been another major factor in getting Africans to vote. The Rhodesian government asked white farmers to "ensure" that their African farm laborers went to the polls and issued leaflets urging white householders to accompany their servants to the polls [Financial Times, April 18].

The number of Africans subject to pressure by employers to vote is quite large. Close to 61 percent of the 2.8 million Africans eligible to vote live in urban areas and white farming districts "where access can be denied the guerrillas with relative ease" [The Guardian (London), March 28th]. The Washington Post noted that farm laborers and their wives alone count for more than one-quarter of all eligible voters.

Here are just a few examples of the numerous reports of employer pressure on Africans to vote:

"Mr. Chenjerai Madzonga, a farm clerk, said: 'We will be forced to vote, otherwise I might lose my job. If you are asked to do something by a farmer you have to do it whether you like it or not.' "—Daily Telegraph (London), April 7th

"More widespread, however, appears to be coercion by whites anxious to produce a large turnout . . . At Centenary village truckloads of farm laborers were brought in to the polls. 'I don't know why I am here,' said one of them, Sande Murondatsimba, as he queued to vote. 'My employer has forced me.' "—Christian Science Monitor, April 20th

"[Observers] have seen obedient farm laborers, driven in trucks and flatbeds to the rural booths by their white bosses, lined up by the hundreds waiting patiently to vote . . ."—Washington Post, April 20th

3. The parties that make up the Patriotic Front are banned and have therefore been prevented from participating in the election. Many opponents of the election have been arrested. This factor alone should bring a negative determination under the Case-Javits guidelines on whether "all political and population groups" have been allowed to participate.

Two to three thousand supporters of ZANU and ZAPU are in detention, despite promises of their release more than a year ago. Their names and the names of their leaders cannot even be mentioned in the newspapers, radio or television, which continued to be censored during the election campaign and polling.

Amnesty International testified before joint hearings of the Subcommittees on Africa and on International Organizations of the House Foreign Affairs Committee on April 2nd that:

"Despite indications at the time of the March agreement that the Transitional Government would review the cases of sentenced political prisoners, this has not been done. On the contrary, those political prisoners who complete their sentences are immediately detained without trial for a further period. Nor has there been any reduction in the numbers of people appearing before the courts charged with political offenses either of a violent or a non-violent nature, so the sentenced political prisoner population is larger now than at any time in Rhodesian history."

Arrests continued during the elections, as the Washington Post reported on April 22nd:

"It seems that many blacks working to organize boycotts or a campaign to spoil ballots were arrested. But no one has been able to pin this down. Opposition sources put the number in western Rhodesia alone at between 900 and 1000, but police officials said only a 'few hundred' were picked up."

4. The election procedures themselves were grossly inadequate and left open many possibilities for fraud. According to the Rhodesian Parliamentary Debate on the election law on February 20th, 1979, there was no prior registration of African voters and therefore no voters roll or statistics against which to check the results. According to the Electoral Act, if the presiding electoral officer is of the opinion that a voter cannot read or write he "may assist him to cast his vote." This means that as many as 70 percent of the voters who are considered functionally illiterate may not have voted in secret. Also, five percent of the ballot papers (some 140,000 votes) were not required to bear the stamp of the receiving officer. This provision left the door open for ballot-rigging.

The Financial Times (London) reported on April 18th:

"Some observers believe a significant number of spoiled papers can be expected. There are persistent reports of black voters writing Mr. Ian Smith's name on their ballot papers . . ." as a way for those who believe the elections will not really transfer power to spoil their ballots.

5. The observers and journalists who went to Rhodesia during the polling are not in a position to judge whether the election has been free or fair. The activities of the internal settlement regime and the contending forces in the weeks and months leading up to the elections have in large part determined whether Africans will vote. As Mr. John Deary, Chairman of the Catholic Commission for Justice and Peace, told the Africa Subcommittee of the House Foreign Affairs Committee on March 28th:

"Whatever inducements, either to vote or not to vote, that are already taking place in the country will not necessarily be apparent to the observers because they will simply not be there yet . . ."

In addition, the regime has excluded journalists whom they consider prohibited immigrants. One journalist who did come, Paul Ellman of the Guardian (London), reported on April 17th that he was brought into the police station just as the election started and told that the Attorney General of Rhodesia had decided that there was ground for a case against him under the emergency regulations for spreading "alarm and despondency."

As far as we know, no international organizations sent observers to the Rhodesian election, as called for under the Case-Javits language. International groups such as the United Nations, the Organization of African Unity, and the International Commission of Jurists stayed away so as not to give credibility to the elections being held by an illegal regime that is recognized nowhere in the world.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. I yield myself 3 minutes.

Mr. President, the issue here is, will we or will we not at long last pursue a consistent policy, or are we going to flap all over the lot?

Together with Senator CASE, I wrote a consistent policy. That policy says that if the President finds that first, the Government of Rhodesia is willing to negotiate in good faith, in an all-parties conference, and so forth; and second, and if a government has been installed in Rhodesia, chosen by free elections with observation by impartial, internationally recognized observers, then, if he finds those things affirmatively, sanctions are lifted as of December 31, 1978, by the man who is the only one with the authority either to impose them or to lift them.

We would be trying, by the Helms amendment, to abort that process in a very dangerous situation. If the President finds affirmatively on the two facts I just mentioned, then everything that Senator HELMS wants is done: the sanctions are lifted. If he does not find those facts, the ball is still in our court.

It is no open-and-shut case about whether these elections were fair or unfair. We had wonderful observers from Freedom House who say that they were fair. Other observers say it was under a martial law situation, that masters of plantations took their workers to the polls, that there were soldiers around, and that it was not a fair election.

If we do not rush to a judgment, this will give the nations around Rhodesia—Zambia, Tanzania, and others—a chance to cool off. It is not a situation in which we want to throw more wood on the fire. There is plenty there already. Let us take it easy for the next 6 weeks. Let the President decide, and then let us proceed. We have the power to reverse him by passing a law, just as Senator HELMS wants us to do now. If this amendment is passed in the Senate today, it has to go to the House and has to be signed by the President. What is the flap? Why should we take a decisive action now which could materially embroil not only this country but the world as well, when it is unnecessary?

Let the President have an opportunity to make this decision. That is all we ask. Then the ball is back in our court. If he makes it affirmatively, the sanctions are lifted. If not, we can yet decide, just as we can today. But all the Helms amendment will do is throw new logs and gasoline on a fire which is already burning brightly and killing many, many people and will kill many more. Nothing in the Helms amendment is going to stop the guerrilla war in Rhodesia, but a little good sense, a little judgment——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I yield myself 1 additional minute.

A little good sense and a little judgment and playing it cool may do it.

The virtue of the present law, which Senator CASE and I drafted, is that it calls for just that kind of a policy. So I say to my colleagues let us play it out; let us not abort it. It was right to begin with. Senators voted it to begin with. It is still right. Let us continue it.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, how much time remains to the opponents of the amendment?

The PRESIDING OFFICER. Six minutes and twenty-two seconds.

Mr. CHURCH. How much time remains to the proponents?

The PRESIDING OFFICER. Twenty-three minutes and thirty-five seconds.

Mr. CHURCH. I think that given that ratio it would be altogether appropriate for the proponents to use such time as they wish so that the remaining 6 minutes may be withheld until near the conclusion of the debate.

Mr. HELMS. Mr. President, I am anxious to hear the Senator's comments. So go ahead.

Mr. CHURCH. I wish to wait until the debate is about ready to conclude.

Will the Senator yield to me? I will be glad to proceed if the Senator wants to listen to me. I will be glad if he will yield me his time for that purpose.

The PRESIDING OFFICER. If no one yields time time will be evenly charged to both sides.

Who yields time?

The time will be charged equally to both sides.

Mr. CHURCH. Mr. President, when all time has been yielded back and the debate has concluded on the Helms amendment, it will be my purpose to offer a substitute amendment. That amendment is joined in by the majority leader, Senator ROBERT C. BYRD, by Senator JAVITS and myself, Senator HATFIELD, Senator McGOVERN, Senator TSONGAS, Senator MUSKIE, and Senator KENNEDY. Its purpose will simply be that of giving the President an opportunity to do what Congress told the President to do.

It will simply be to give the President an opportunity to comply with existing law.

The substitute will read:

> Not later than 14 days after the installation of a new government in Rhodesia, Zimbabwe, or June 30, 1979, whichever is earlier, the President shall prepare and transmit to the Congress a report setting forth a determination he has made with respect to paragraphs 1 and 2 of section 27 of the International Security Assistance Act of 1978, together with his reasons for making such a determination.

I just cannot believe that Congress would lay down the criteria by which the President is to judge the elections that have taken place in Rhodesia and then not give him an opportunity to make those determinations.

I cannot believe that we would preempt the President after we ourselves have told him what we expect of him and he has asked us for 2 weeks following the installation of the new Government within which to make the determination and report to Congress.

It may be that there are those in this Chamber who want to do the worst possible damage to the stature and reputation of the United States in black Africa by forcing us to a vote prematurely before the President can act or before Great Britain can act. After all, this nation was not formerly a possession of the United States. This country was formerly a possession of Great Britain. It would be unseemly indeed if the United States were the first to take action even before the new British Government can decide what its policy with respect to this newly elected government is to be.

For these reasons, Mr. President, I do hope that this substitute will be overwhelmingly approved by the Senate.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will pass equally divided to both sides.

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. Will the Chair advise the Senator from North Carolina the time situation as to both sides.

The PRESIDING OFFICER. The Senator from North Carolina has 23½ minutes and the Senator from Idaho has 2 minutes and 22 seconds.

Mr. HELMS. Mr. President, it is my intent to yield time, but I wish to be notified when I have 5 minutes remaining if the Chair will accommodate the Senator from North Carolina.

The PRESIDING OFFICER. The Chair is pleased to assist the Senator in that regard.

Mr. HELMS. I am delighted to yield to the distinguished Senator from California who has been so active in this cause and to whom I am so grateful. I yield 10 minutes to him.

Mr. HAYAKAWA. Mr. President, I

thank the distinguished Senator from North Carolina. There are many ways in which he and I have shared the same experience as regards this Rhodesia question.

While on the subject, I wish to pay tribute to my distinguished friend from South Dakota, Senator McGOVERN, with whom I joined in calling for an observer team to be sent to observe the elections in Rhodesia. This was an attempt to provide the President with information on the basis of which to make a judgment as to the nature of these elections and the quality of those elections. It was an attempt to inform ourselves.

The Senate wisely backed Senator McGOVERN and the Senator from California. The House of Representatives chose not to do so.

But in cooperating with Senator McGOVERN in this, this was merely a symbol of my deep desire to cooperate with the administration also in trying to solve this problem which has, it seems to me, divided us more sharply than necessary.

Three days after the elections in Rhodesia were completed on April 21, I called Assistant Secretary Richard Moose, Assistant Secretary for African Affairs of the State Department—I think it was on April 24—to talk to him about what I felt the future of Zimbabwe is likely to be and to hear his opinions.

We had a long and fruitful conversation lasting over an hour. I told him very clearly at that time that I did not want to have a confrontation with the administration; I wished to work with the administration in finding solutions to the Zimbabwe problem that would both acknowledge the existence of a new nation, the foundation of a new nation, and at the same time save face for the administration, because the administration had proved itself mistaken in its predictions as to what such an election would do.

In other words, what I was trying to do was to work with the administration in finding a mutually satisfactory solution.

I asked Mr. Moose to communicate with Secretary Vance, with the President, and whoever else was necessary, and I told him I would be available any time for consultation with them.

I heard nothing from Mr. Moose nor from anybody else in the State Department.

Finally, on May 7 they set up a meeting with Secretary Vance, and Secretary Vance met with Senator HELMS, Senator DECONCINI, Senator SCHWEIKER, and with me.

Mr. President, at that time Secretary Vance did not consult with us, he did not ask our opinions on anything. He told us what the administration had already decided, which was that they were going to make no decision for another month or go.

I must say I was deeply disappointed in this because I believed—and I am sure Senator HELMS believed, and some of us believed—at least, there were certain advantages in taking early action on the lifting of sanctions.

Whether we were right or wrong, the fact that we were not asked or our opinions were not asked, but their conclusion was announced to us—3 weeks after the elections are over we are still not being consulted on these matters—is something that has disturbed me very much.

I was not prepared to support Senator HELMS' amendment, wise as its intentions are, because I felt we ought to give the administration a chance to work with us because, as you said and as I say, Senator HELMS, we both offered to work with them and they totally ignored us. You said your telegram was met with absolute silence. My offers were met with the same kind of response and, therefore, we are compelled to force the issue, and we do not like to do so because I do not want to force the administration into doing so.

One of the frequent arguments against the new constitution is that 4 percent of the population elect 28 percent of the seats in the new Zimbabwe Parliament. This argument is totally factitious. This is a normal condition in developing African nations.

Tanzania, in creating its own constitution and its own new parliament after independence, had a parliament of 71 members, with 50 open seats, open that is for blacks; 10 were reserved for Asians, and 11 for Europeans.

In short, the 1960 constitution of Tanzania set aside 30 percent of the seats there for 1 percent of the population because the African population was 8.6 million, and the combined Asian-European population was 90,000.

In Kenya, a similar thing happened. They adopted a constitution in 1960 in which 30 percent of the seats of the legislature went to minority groups which constituted only 4 percent of the population.

Let me add one more statistic. In Zambia there was a complex arrangement in which 15 seats were reserved for 84,000 Europeans, and an equal number of seats, another 15, went to 3.5 million Africans. There is a real disproportion. But this is normal in the developing nations in which the skills—the technological skills, the agricultural skills, the trading skills—and the investments are provided by Europeans and often Asians, and the blacks at the beginning have little to contribute.

One very important reason for pushing for the immediate lifting of sanctions is this: The administration continues to fear that Zambia, Mozambique, Malawi, Botswana, Tanzania, and other frontline nations will be very much upset and will be very hostile as a result of our lifting sanctions.

I maintain, Mr. President, that the opposite can be the case if we present the case properly.

Zambia, Mozambique, Malawi, and Botswana are all economic disaster areas, and part of the economic disasters they are suffering is because they are trying to observe the United Nations' sanctions against Rhodesia. To lift the sanctions is to enable these nations, especially Zambia, which is really in trouble, and Mozambique which is really in trouble, to start trading again and be rescued from starvation and disaster. As a matter of fact, in a couple of months, this is going to happen in Zambia, and if we accompany our lifting of sanctions with messages to the frontline nations, we are doing it as much for their benefit as for Rhodesia's because Rhodesia is a powerful agricultural and industrial economy that is capable of helping all these other nations out, and I do not think we have anything to fear from hostility on their part.

It seems to me, Mr. President, we have to distinguish between the wishes of the few educated leaders in Africa, educated in American universities or at the London School of Economics, literate in English or French, literate in political science, from the great African masses, whose voices, whose opinions, we rarely hear.

We are paying far too much attention to self-appointed educated, English-speaking spokesmen of these nations rather than to the people themselves.

The question I would like to address myself to is: Is the United States a world leader? Senator McGOVERN, my good friend, says the United States must not act unilaterally. I believe the United States must act unilaterally when everyone else is too timid to do so. That is practically the definition of failure of leadership, the fear of acting unilaterally.

At least six black nations are ready to recognize and lift sanctions on Zimbabwe the moment a greater nation does, either Great Britain or ourselves. The United Kingdom is ready to lift sanctions when we do. So are Canada, Australia, Germany, France, Mauritius, and so on. The question is are we a world leader or do we have to wait patiently in line and follow after little, tiny nations, including Gabon and Malawi, to recognize Zimbabwe?

Mr. TSONGAS. Mr. President, will the Senator yield to me?

Mr. HAYAKAWA. Let me explain to the Senator from Massachusetts that I only have 1 more minute, and then I will yield at that time.

Let me wind up by saying on the basis of my own experience, especially as a college president, that one of the greatest things I have learned is that the failure to make a decision or even a decision to postpone a decision are decisions in themselves of which unscrupulous elements will take advantage.

If we strike while the iron is hot right now it is possible to help Zambia, Mozambique, Malawi, Botswana, Tanzania, as well as Rhodesia. It is possible to help the whole south African Continent if we are decisive now.

Given enough time, all you are going to do is perpetuate for a long time to come the killing of blacks.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HAYAKAWA. I thank the Chair. I say we must make a decision now and possibly gain from it.

I thank the Senator from North Carolina.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second for the yeas and nays? There is a sufficient second.

The yeas and nays were ordered.

Mr. TSONGAS. Mr. President, will the Senator yield for a question?

Mr. HELMS. On the Senator's time. I yield 5 minutes to the Senator from Iowa.

Mr. JEPSEN. Mr. President, just 3 hours ago I heard a gentleman named Bayard Rustin deliver the most reasoned and compelling arguments for lifting sanctions on Zimbabwe-Rhodesia. He stated very concisely and very simply, "Do we recognize and support the most democratic process that has evolved in emerging nations of Africa?" He asked that question, and he answered in the affirmative.

He pointed out that the new constitution of Zimbabwe-Rhodesia is much more complete with equal rights today than our own Constitution was when we started. Women can vote under that constitution; blacks can vote under that constitution; nonproperty owners can vote.

He went on to say that it would be a positive influence on all of South Africa to have a functioning, successful integrated government in Rhodesia.

He went on to say that he was for democracy and black rule. He said, "You are going to have black rule without democracy," and we certainly experienced and witnessed that. We recognized, however, Idi Amin for a long time, and we are hastening to do the same now while that country is still being looted, raped, pillaged, and people murdered.

But he also pointed out that you cannot have a democracy without black rule, and Rhodesia has now demonstrated its willingness and desire to provide both. Mr. President these thoughts and many other constructive facts were presented by a black who led the civil rights march on Washington, D.C., and who has served mankind by campaigning for equal rights and justice throughout the world. It was my privilege to hear him today, just 3 hours ago.

Mr. President, I appreciate and understand what those who oppose this amendment are saying here today. I know that they mean well when they say we must allow the President time to act. The President has had time to act and in fact has been acting, through his appointed ambassador to United Nations, Andrew Young. The President, through Andrew Young, has ridiculed the elections in Rhodesia, elections that were viewed literally through a picture window, with worldwide television and news media coverage. Andy Young has been traveling the world telling countries what the President of the United States stands for. That is a fact—the President cannot say he is getting information to act. The President has been acting—acting against the newly democratically elected government of Rhodesia through his personal representative, Mr. Young. So talk about giving the President time—1 month after elections—1 month after the most highly publicized election in recent history.

Senator McGovern must realize how Andy Young feels. I sat in the hearing he had on sending observers to the Rhodesian elections. I heard him recommend to Andy Young and a man named Moose that they not fight the Senate in their desire to send observers. I read the papers the next day with interest when they reported that Mr. Young had said the elections were phony and not valid—and that the U.N. has recommended increasing sanctions.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JEPSEN. Will the Senator from North Carolina yield me 1 more minute?

Mr. HELMS. One minute.

Mr. JEPSEN. The sad fact is that President Carter, Andy Young, and Moose already have their minds made up: Strangle the last breath out of a young new nation that wants to live—and whose people have made great personal changes and accommodations to do so.

Mr. President and fellow Senators, let us vote for something that is morally, economically, and basically right, good and fair. The evidence is abundantly clear that lifting sanctions on Rhodesia meets all those criteria. Let us vote to lift them and renew the world's faith and belief in us—and renew our faith in ourselves.

ZIMBABWE/RHODESIA: ELECTED OFFICIALS DESERVE U.S. SUPPORT

● Mr. GARN. Mr. President, the people of Zimbabwe-Rhodesia participated in an electoral process of the utmost import. Some 60 percent of the Rhodesian people voted in these elections despite the difficult conditions which prevailed in that country. Every effort was made to insure that international observers were free to judge the "freeness and fairness" of the elections. In fact, the Washington Post, no great supporter of Ian Smith, reported that:

> The Rhodesian government in an unprecedented manner has turned this war ravaged country into a glass house open to the close inspection of 70 international observers and 200 news correspondents here for the elections.

I very much regret that the administration and the Congress decided not to send observers to these elections. Nevertheless, the initial assessment of those organizations which did travel to Rhodesia has been nearly unanimous in judging the elections both free and fair. As the distinguished senior Senator from North Carolina has observed:

> The choice is clear. On one hand we have Marxist terrorists supported by Communist guns and money . . . on the other hand we have a Methodist bishop elected by the majority of the country's voters.

The Carter administration seems almost embarrassed by the stark simplicity of the situation. It has painted itself into a corner, and is not sure how to extricate itself from this self-imposed predicament. In fact, to listen to Andrew Young and other administration spokesmen, one would have to assume that the administration actually likes the position it is now it, and fully intends to persist in its ill-conceived policy.

The blatant arrogance of those black African States which are most vehemently opposed to the constitutional experiment being conducted in Rhodesia is surely ludicrous. The fact of the matter is that they would not recognize a free and fair election if it came up and hit them in the face. Nor is Andrew Young immune to demanding some abstract perfection from the people of Rhodesia. Dr. Chester A. Crocker, a respected scholar in African affairs and director of African studies at Georgetown University's Center for Strategic and International Affairs, has taken careful note of this phenomenon. Dr. Crocker writes that the new constitution and elections—

> Represent a new phase in a gradual process of change—a compromise between black and white parties that need each other. We should not compare it with an ideal vision of some burgeoning black democracy thriving under the rule of law and enlightened social policies. No such alternative exists, to be imposed on Rhodesia. Nor would it be likely to emerge as a result of a Patriotic Front military victory.

Our distinguished colleague, Senator Helms, is offering an amendment today which would cause the United States to cease its support for those guerrilla factions who adamantly oppose a peaceful transition of power in Rhodesia through constitutional processes. It would, in effect, state that the blacks in Rhodesia, many of whom have long participated in the struggle to achieve majority rule, are more than capable of judging where their interests lie. Mr. President, I would hope that my colleagues join me in supporting Senator Helms' amendment. In addition, I ask that Dr. Crocker's analysis, "They May Make a Decisive Difference," together with that of George F. Will, "Rhodesia: Step-by-Step Democracy" to be printed in the Record.

The material follows:

"THEY MAY MAKE A DECISION DIFFERENCE"

(By Chester A. Crocker)

Foreign observers of the Rhodesian elections now taking place will be asked a lot of the wrong questions. One is whether the election will stop the fighting. The answer is that the war will continue, whatever the election result. The conflict has become so highly militarized that a purely political or diplomatic process is unlikely to end it. But criticism of the election on this ground misses the point.

So does the claim that the vote is meaningless when the Patriotic Front is excluded from the ballot. The issue is not who wins, but how big the vote is. The election is only a measurement, in very crude terms, of the current balance of forces by people who have to live with the result and want to be on the winning side.

What should be asked is whether the election indicates that the "internal settlement" is workable—or could be. A relatively large vote would suggest that the answer is yes, while a small vote points the other way. But the vote itself is not an ideal way to make this judgment. It artificially freezes the balance of forces at a particular moment in time. A second problem is that the government should have many advantages in an election process that it controls and supports with all available resources. A third is the ambiguous position adopted by Joshua Nkomo and Robert Mugabe, the Patriotic Front leaders. On the one hand, they have threatened disruption and an escalation of violence; on the other, they have let it be known through their supporters that people can vote if they are pressured to—the election is a non-event anyway. Unsure of the outcome and their own ability to coerce, the external leaders want to have it both ways.

This means that the best we can hope for from foreign observers and press reports is a crude impression of the value of the "internal settlement," filtered through the bias common to all mortals. We are, in a word, forced back upon our own reading of recent Rhodesian history. Different people have different ways of judging what works.

Some would argue that the key question is whether Rhodesia's new constitution offers a fair deal to the African majority. They proceed to compare it, unfavorably, with Western democratic principles or to the Anglo-American proposals put forward in 1977 as a basis for negotiation between the warring parties.

That misses the point. The 1978 internal agreement provides both for substantial change toward African control and for substantial guarantees and safeguards for the white minority. It represents a new phase in a gradual process of change—a compromise between black and white parties that need each other. We should not compare it with an ideal vision of some burgeoning black democracy thriving under the rule of law and enlightened social policies. No such alternative exists, to be imposed on Rhodesia. Nor would it be likely to emerge as a result of a Patriotic Front military victory. The settlement may be imperfect, but what are the alternatives?

A second test is whether a post-election, multiracial government can survive politically when no one recognizes it. It would depend almost completely on South African support, and confront the hostility not only of the PF guerrillas but also of their Soviet Cuban and East German advisers and the neighboring African states. Is it not inevitable that international black support for the new government would evaporate once it became clear that sanctions were still in force, diplomatic isolation still almost universal, and the government unable to generate new resources for development and black advancement? The answer is "probably," but these questions stack the deck. They are a self-fulfilling prophecy.

Current Western policy in the Rhodesian conflict is not "neutral"; it denies support and legitimacy to some parties while also suggesting that the others, their sworn opponents, are perfectly entitled to receive arms, money and diplomatic backing from the outside world. That policy made sense while whites continued to monopolize economic and political power and showed no sign of movement toward African rule. After the election, however, it may be the surest possible formula to drive Salisbury still further into the arms of South Africa, while legitimizing communist intervention.

The third issue is military. A few weeks ago, a senior American official stated publicly that only "massive U.S. military support" could save the internal parties. That is wrong, and the current military balance in Rhodesia as well as the history of warfare in Africa demonstrates as much. We are trying to scare ourselves out of doing something we might otherwise wish to do—take another look at the internal settlement—by describing it as futile. For the past 14 years, Western policy-makers have consistently underestimated the staying power of the Salisbury government; bleak forecasts continue to help sustain current policy.

The position of Salisbury has never depended on massive outside forces or large amounts of fancy military technology. Rather, it has depended on smart tactics, good intelligence, superior morale (both black and white), and the active or passive involvement of many Africans on the government's side. The 4 percent white minority would have been ousted many years ago if this were not the case.

Today, a complex stalemate exists, with the government continuing to hold the edge in military terms. It is in Botswana, Zambia and Mozambique, not Rhodesia, that one can expect to see the development of a vacuum of military power. In the months ahead, the key military questions will be who, if anyone, fills those vacuums and who wins the internal race to organize, train, feed and arm the many uncommitted black Rhodesians.

So we return to the question of elections. However insignificant they may be as a model of free political competition, they may be the closest Rhodesians will ever come to one. Simply by *happening*, they will make a difference to all parties—perhaps a decisive difference—in the struggle to maintain momentum and sustain morale. Election observers and the people who listen to them have a heavier responsibility than they may know.

RHODESIA: STEP-BY-STEP DEMOCRACY

(By George F. Will)

Immediately after the election in Rhodesia, Andrew Young said on television that the elections were "stolen" before they occurred, "when the constitution was drawn up." Young, the U.S. ambassador to the United Nations, said this in the presence of Bayard Rustin, a black civil-rights leader who had been in Rhodesia to observe the elections.

Rustin saw in Young's remark the implication (which is the position of the terrorist Patriotic Front) that the black leaders who participated in the election are, at best, Uncle Toms or, at worst, collaborators. Rustin pounced on Young, denouncing the "supreme arrogance" of assuming that the black leaders, "many of whom have served up to 10, 12 years in prison," cannot be trusted to judge their people's interests.

It is true that Rhodesia's constitutional formula for allocating power today gives whites disproportionate advantages. But the formula is explicitly transitional. And complaints about deviations from "one man, one vote" should not issue from the United States where, under permanent constitutional provisions, 14 states with 4.7 percent of today's population have 28 percent of the Senate seats. Rhodesia has done what the American Founding Fathers dd when they resolved the dispute between the big and little states at the Constitutional Convention in 1787. That is, Rhodesia has accommodated constitutional arrangements to powerful interests.

And the United States should not be sniffy about nations that expand democracy step-by-step through constitutional evolution. In 1790, suffrage in America was, primarily, the right of wealthy white males; and not until 1964 did all blacks have an effective right to vote.

There was pressure on all Rhodesians to participate in the elections. But the terrorists used bombings and killings to discourage voting, which they called a "war crime." About 60 percent of the eligible electorate vote anyway. (In 1978, in Andrew Young's Georgia, the figure was 18.6 percent.)

Rustin was struck by the "fantastic enthusiasm" of the voters. As for one loser's charge of election irregularities (a charge made the day the votes were counted, after five days of voting), Rustin says:

"I'll give you the timing. At 11 o'clock in the morning he said the elections were perfectly fair. At 2 o'clock in the afternoon it appeared that he had lost. At 4 o'clock he called a press conference to denounce it."

In 1978, Congress stipulated that, in order to decide whether to lift sanctions against Rhodesia, the president must decide whether a govenment has been chosen by free elections. So, having eschewed the "arrogance of power" that (allegedly) made the United States the "policeman of the world," the United States seems prepared to become the "poll-watcher of the world." But in Rhodesia the administration refused to watch.

It refused to send observers and, as The Washington Star says, it seems to regard as an "embarrassment" the modest victory for democracy in Rhodesia. This is not only because the administration underestimated the potential for a peaceful transfer of power to the black majority. It also is because evidence of that potential is, The Star says, "inconvenient."

The administration seems to regard as moral equals the black leaders within Rhodesia who have helped to plant the seedling of majority rule, and the terrorists based outside Rhodesia who vow to uproot it. That, at any rate, is the logic of Young's position, and the secretary of state either cannot or will not control his propagandizing subordinate.

The "front-line" African countries attacking Rhodesia's internal settlement are not famous for civil liberties. Regarding those and other critics of the settlement, The Washington Post says, there is something "unattractive in this spectacle of people playing at concern for free elections. And this is especially true when it is inconceivable that the United States would expect the Patriotic Front, if it won the war, to hold elections of any kind. By any international standard of democratic practice you care to invoke, the Rhodesians did pretty well."

The grand fact is that Rhodesia now has an elected black prime minister. But critics like Young judge every Rhodesian development by the standard of whether it will "end the war." That standard eventually will dictate surrender to those who will settle for nothing less than surrender. There are people in Washington who favor essentially that, lest the Russians send in the Cubans, thereby souring "detente."

But there is an alternative to preemptive surrender as a way of ending a war. Win it.●

OUR COMMITMENT TO THE U.N.

● Mr. DOLE. Mr. President, the issue we face today is basically a very simple one: How are American taxpayer's funds to be spent? American taxpayers have worked hard for their incomes, and we want to see their share of taxes spent in the best overall interests of the Nation. Individual taxpayers are not allowed to withhold part of their tax dollars from the Government, because they may disagree with how the Government decides to spend their money. However, this system is fair and equitable because every taxpayer, through his vote and public participation in decisionmaking, has an opportunity to affect the budget process, and we in the Senate should remain cognizant of this process.

The United States was instrumental in helping found the United Nations some 35-years ago. The Congress, representing the American people, felt it was in the Nation's best interests, as well as in the interests of world peace and progress, to support the United Nations with our financial contributions and we in Congress today continue to support this concept. The U.S. agreed to appropriate funds consistent with an agreed-upon U.N. formula because we believed the formula was fair and equitable, and because we believed the United States had an input into the financial distribution system. In recent years, however, the United Nations has tended to stray from its original charter. With the rapid expansion of membership to include Third World countries, the U.N. has subtly shifted its mission in many areas from a theme of impartiality and mediation to one of advocacy.

The U.N. was meant to be a forum for the international community to air disagreements, share mutual concerns, and work together for world peace and stability. Under its charter, the U.N. was not meant to become an advocate for special interests groups—certainly not terrorist groups such as the Palestine Liberation Organization whose tenets contradict the very core of the U.N. charter.

The United States still believes, and this Senator still believes, that the United Nations has a useful and necessary role to fulfill, with respect to our participation in the U.N. We have not sought to unduly influence that body's decisions by using our financial contributions, the largest of any member, as a club to force our views on anyone. Nevertheless, the United States is not required to support U.N. programs that violate the spirit of the U.N. charter and which are decided upon by blocs of countries more interested in pursuing their own political goals rather than the international aims of the U.N.

An example of this was the amendment offered yesterday by the distinguished Senator from New York (Mr. MOYNIHAN), also our former Ambassador to the U.N. the amendment would delete the U.S. share of funds to be spent on the Committee on the Inalienable Rights of the Palestinian People, a committee whose whole purpose is the destruction of another member of the United Nations. The distinguished Senator from New York castigated the State Department, and rightly so, for allowing the meaning of the U.N. charter to deteriorate by not insisting upon compliance with it. In his words:

> We are frittering away the integrity of the United Nations Secretariat by allowing the establishment within it of illegal activities forbidden by the charter, but imposed by a security council with a totalitarian majority. There is a time when principle requires us to protest.

Today Senator HELMS and I along with numerous colleagues, are sponsoring an amendment that will allow the United States to take appropriate action insisting upon U.N. adherence to its own principles. The long-term goal of our amendment is budgetary reform within the U.N. The immediate consequence would be to prevent the United States from being forced into supporting programs inconsistent with either the principles of our own national policy and heritage or those of the U.N. charter.

Our amendment would not require the United States to duck our legitimate obligation or skirt our legal financial assessments. We merely state that as of January 1, 1980, the United States no longer finds the furnishing of technical assistance by the United Nations to be an obligation of the U.S. Treasury. At the discretion of the United States however, we could still furnish these funds when we found them to be appropriate, and consistent with the mission of the U.N.

Mr. President, I therefore urge the Senate to favorably consider this measure and help this country take a position of active leadership for constructive reform of the U.N. budgetary process, and a return to the original concepts of the U.N. Charter, which the United States continues to believe in and support.●

The PRESIDING OFFICER. Who yields time? If neither side is yielding time, the time will be charged equally to both sides.

The proponents have 6 minutes and 8 seconds remaining; the opponents have 2 minutes and 22 seconds. [After a pause.] The Senator from North Carolina asked the Chair to advise him when he had 5 minutes remaining. He now has 5 minutes remaining.

Mr. HELMS. I thank the Chair. [After a pause.] Mr. President, does the Senator from North Carolina have the floor?

The PRESIDING OFFICER. The Senator does have the floor.

Mr. HELMS. What is the time situation?

The PRESIDING OFFICER. The Senator now has 2 minutes and 41 seconds remaining.

UP AMENDMENT 146

(Purpose: To amend the United Nations Participation Act of 1945 with respect to the enforceability of sanctions against Rhodesia)

Mr. HELMS. Mr. President, I yield back the time and send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment to amendment No. 198 numbered 146:

Beginning on page 1, line 1, strike out all that appears after the word "Rhodesia" and substitute in lieu thereof, the following:

SEC. 405. Section 5 of the United Nations Participation Act of 1945 is amended—

(1) by striking out the second and third sentences of subsection (a) and inserting in lieu thereof the following: "Notwithstanding any other provision of law, in recognition of the settlement of March 3, 1978, reached by leaders representing a majority of Rhodesians, and of the willingness of the transitional government established pursuant to such settlement to participate in and negotiate in good faith at an all-parties conference without preconditions, and of the government chosen by free elections held in April, 1979, and observed by international observers, no Executive order issued under this subsection may be enforceable through June 1, 1980."; and

(2) by striking out subsections (b) and (c).

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. What is the time agreement on the new amendment in the second degree?

The PRESIDING OFFICER. To be equally divided, 15 minutes to the Senator from North Carolina and 15 minutes to the floor manager, the Senator from Idaho.

Mr. HELMS. I thank the Chair.

Mr. President, this amendment to my amendment would, in effect, remove sanctions for 1 year. Rather than lifting sanctions completely, it would simply suspend them until June 1, 1980. Thus, on June 1, 1980, sanctions would go back into effect automatically, without any action on the part of Congress or the President.

Of course, the President could, if he felt that it would help the cause of peace and the interests of the United States, lift sanctions himself, or he could allow them to go back into effect, whichever he thought would be better. The effect of this amendment would be to preserve the President's prerogative in the future, giving us time to see how the Muzorewa government works out.

The fact that sanctions could go back into effect would be a powerful incentive, Mr. President, for the Muzorewa government to enter into a policy of reconciliation and economic progress, and bring all of the peoples of Rhodesia into the benefits of a free economy.

Thus, it continues to give the United States leverage over the future of Rhodesia.

Mr. President, I submit that this amendment should eliminate some of the objections which have been raised here today. It preserves the President's prerogative and it preserves the prerogative of Congress. It gives us leverage over the future actions of the Rhodesian Government. It also gives Bishop Muzorewa a genuine chance to show what he can do in Rhodesia to bring about peace and prosperity.

Mr. President, in that connection, let me remind the Senate of the cablegram that was sent to President Carter today by Bishop Muzorewa. Bishop Muzorewa pleaded with President Carter to give his country a chance, to give his country a chance now, to put an end to the guerrilla warfare, slaughter, and bloodshed there. I think for one, it is high time that this Senate took a position to give Bishop Muzorewa and the other people in that strife-torn country a chance. I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. DECONCINI). Who yields time?

If no one yields time, the time will be equally charged against both sides. Who yields time?

Mr. TSONGAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. TSONGAS. Equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. CHURCH. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

I withhold that, Mr. President.

Mr. President, it is always the custom and the courtesy of this institution to permit any Senator to obtain the yeas and nays who asks for them. As the manager of this bill, I have asked for the yeas and nays. I know that the Senate will not deny such a request, because it would break with all traditions and cause a precedent to be created here which none of us would wish to live with in the future. I believe that as soon as there are Senators in the Chamber of a sufficient number, the yeas and nays will be granted in accord with that tradition. I cannot believe, Mr. President——

Mr. HELMS. Mr. President, while the Senator is waiting for a sufficient number for a second——

Mr. CHURCH. Mr. President, I do not yield the floor. I have the floor.

Mr. HELMS. Very well.

Mr. CHURCH. How much time remains to me, Mr. President?

The PRESIDING OFFICER. Seven minutes remain to the Senator from Idaho.

Mr. CHURCH. Very well, I intend to continue to speak until there are sufficient Senators here present to honor the custom that is invariably extended to Senators who desire a yea-and-nay vote. I think that we have to recognize that an attempt is being made here to prevent the Senate from having a record vote and I think that that is entirely wrong. I have never known of an occassion when a record vote has been denied.

Mr. MOYNIHAN. Will the Senator yield for a comment?

Mr. CHURCH. I shall yield for a question only, without losing my right to the floor.

Mr. MOYNIHAN. Is my understanding correct that the persons opposed to the resolution which is sought to be voted on feel that there was a sufficiently accurate vote taken in Rhodesia? I believe that is their contention.

Mr. CHURCH. I believe that is their contention.

Mr. MOYNIHAN. And they believe very much in voting and being recorded?

Mr. CHURCH. That is their argument.

Mr. MOYNIHAN. Will the Senator then explain to me why they do not wish to be recorded in this case?

Mr. CHURCH. I cannot fathom what would motivate them to attempt to break with all tradition and refuse to permit a record vote on a matter of this importance.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. CHURCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CHURCH. I thank the Chair.

Mr. HELMS. Mr. President, may I have the floor in my own right?

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Let me get to my own desk.

Mr. President, I am a little amused at the righteous indignation of my good friend from Idaho. He knows better than what he said. The Senator from North Carolina was not trying to block a vote. As a matter of fact, he was going to demand it. I think the Senator knows that.

What this Senator was trying to do was to prevent this from being an amendment in the nature of a substitute. There was a parliamentary inquiry, and I think the record will show that the Chair inadvertently, and I have no criticism of the Chair whatsoever, did not recognize the first Senator who sought recognition. That is all right. But I do not want the record to show that the Senator from North Carolina was trying to block a vote on the amendment. That is what I have been fighting for.

We would not have had this problem, I say to my friend from Oregon, if we could have had an up or down vote on the original Helms amendment. But no, there has been a great conspiracy on this floor to block a vote. There have been all sorts of amendments drafted, there have been huddles out in the cloakroom, when all the Senator from North Carolina wanted was an up or down vote on his amendment. But no, they were afraid they might lose that.

First, they enlisted the aid of the distinguished majority leader. My first information was that my friend from West Virginia was going to submit the substitute amendment himself. Then he thought better of it and it was submitted by Mr. Church on the part of himself and Mr. Kennedy and others.

Let the record be clear, I would like a situation where there would never be another tabling motion, where every vote would be up or down. But I do not like this situation where we have an up or down vote when we want it, but when the other side does not want it, that is too bad.

We are talking about arithmetic here and the distinguished chairman of the committee knows what this situation is. For him to pretend or even imply that anything else was afoot is not worthy of him.

I am sorry he did it and I think upon reflection he will be sorry, also.

Mr. President, as far as I am concerned, I am delighted to yield back the remainder of my time, if the chairman will, so that we can proceed with a vote.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. HELMS. Mr. President, in that case, I am not yielding back the time, unless it is going to be yielded back on both sides.

Mr. LEVIN. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I rise to urge the Senate to reject the amendment offered by the Senator from North Carolina (Mr. Helms).

Senator Helms' amendment would reverse the commitment made by this Senate in the Case-Javits amendment a year ago. The Senate at that time determined to defer to the President the decision to lift sanctions following the assessment of the political situation in Rhodesia.

Under that amendment, if the President should find that the elections in Rhodesia were, indeed, conducted in a fair and free manner, and if he found that the government has demonstrated real willingness to negotiate in good faith, then the sanctions could be lifted.

Since this Presidential evaluation is expected in a matter of weeks, I urge the patience of my colleagues. For the consequences of prematurely lifting sanctions might damage our international reputation, and could augment the already real sufferings of the people of Rhodesia.

Let us not preempt the decisionmaking process that we, ourselves, set in motion, for even if the President's determination were to run counter to the judgment of this body we retain the privilege to adopt this amendment after that determination is made.

Mr. President, I urge my colleagues to support instead the substitute amendment proposed by the Senator from West Virginia (Mr. Robert C. Byrd), which is in keeping with our previous action and which places a time limit on a Presidential determination in the matter.

The PRESIDING OFFICER. Who yields time?

If no one yields time, it is equally divided.

Mr. HELMS. Mr. President, I am certainly willing to yield back my time, if the opponents are.

Mr. LEVIN. We are not so prepared, Mr. President.

Mr. HELMS. Well, I observe, Mr. President, that the shoe is on the other foot now.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Would the Chair advise the Senator from North Carolina the time situation?

The PRESIDING OFFICER. All time has expired.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, regular order, please. There is too much delay going on here.

Mr. McGOVERN. Mr. President, I object to any withdrawal of the quorum call.

Mr. HELMS. Mr. President, will the Chair restate that? The Senator was not using his microphone. I do not know what he said.

The PRESIDING OFFICER (Mr. Burdick). It is my understanding he asked that the rollcall be discontinued.

Mr. McGOVERN. No. I objected to any call for interruption of the quorum.

The PRESIDING OFFICER. I am sorry. I did not hear it.

Objection is heard.

Mr. HELMS. I agree with the Senator, but I want regular order.

The PRESIDING OFFICER. The regular order is for the clerk to continue to call the roll.

Mr. HELMS. Right.

The second assistant legislative clerk resumed the call of the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. McGOVERN. Mr. President, I object.

Mr. HELMS. I will be back in 2 minutes, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The second assistant legislative clerk resumed the call of the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. McGOVERN. Mr. President, I object.

Mr. HELMS. I will be back in 2 minutes, Mr. President.

The PRESIDING OFFICER. The clerk will continue.

The second assistant legislative clerk resumed the call of the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DECONCINI). Without objection, it is so ordered.

UP AMENDMENT NO. 147

(Purpose: Expressing the sense of the Congress on the nonenforcement of sanctions against Zimbabwe Rhodesia)

Mr. SCHWEIKER. Mr President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SCHWEIKER) for himself and Mr. DECONCINI, Mr. CANNON, Mr. DANFORTH, Mr. GARN, Mr. GOLDWATER, Mr. HATCH, Mr. HEINZ, Mr. HUMPHREY, Mr. LAXALT, Mr. LUGAR, Mr. SCHMITT, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, Mr. YOUNG, and Mr. EXON proposes an unprinted amendment numbered 147.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

On page 6 after line 4 insert a new section as follows:

NONENFORCEMENT OF SANCTIONS AGAINST ZIMBABWE RHODESIA

SEC. 303. (a) The Congress finds and declares, with respect to section 27 of the International Security Assistance Act of 1978 that—

(1) the Government of Zimbabwe Rhodesia has demonstrated its willingness to negotiate in good faith at an all-parties conference, held under international auspices, on all relevant issues; and

(2) Zimbabwe Rhodesians have approved free elections the transfer of power to a black majority government.

(b) It is the sense of the Congress that the President, not later than ten days after the installation of the black majority government pursuant to such elections, should determine that the provisions of paragraphs (1) and (2) of section 27 of the International Security Assistance Act of 1978 have been substantially complied with and should not enforce sanctions against Zimbabwe Rhodesia.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent to yield a minute——

Mr. HELMS. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HELMS. What is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Pennsylvania to the bill.

Mr. HELMS. How did we get from the Helms amendment to the Schweiker amendment when the yeas and nays have been ordered?

The PRESIDING OFFICER. The yeas and nays order does not preclude amendments from being offered that have precedence over the pending amendment.

Mr. HELMS. This is an amendment to the bill rather than to my amendment?

The PRESIDING OFFICER. Yes.

Mr. HELMS. I thank the Chair for the clarification.

Mr. SCHWEIKER. I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent that Tom Getman of my staff be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SCHWEIKER. Mr. President, the goal of a black majority government in Zimbabwe-Rhodesia has long commanded the interest of the international community. Despite past frustrations, installation of a black majority government chosen by free elections is near. Nearly 65 percent of all eligible voters cast ballots in a manifest display of support for the Salisbury agreement to transfer power to the black majority within a constitutional framework.

The United States originally enforced sanctions against Rhodesia (which I supported) to symbolize our aversion to that nation's governmental structure. Lifting of those sanctions was made conditional upon the transition to a black majority government.

In section 27 of the International Security Assistance Act of 1978, Congress directed that sanctions against Zimbabwe-Rhodesia shall not be enforced upon a Presidential determination that, first, the transitional Government of Zimbabwe-Rhodesia has demonstrated its willingness to negotiate in good faith at an all-parties conference held under international auspices, on all relevant issues, and second, a government has been installed in Zimbabwe-Rhodesia chosen by free elections in which all political and populations groups have been allowed to participate freely, and attended by impartial, internationally recognized observers.

During a visit to this country last October, the members of the executive council of the transitional government, following the so-called Anglo-American plan, offered a no-holds-barred discussion with the Patriotic Front to resolve differences peacefully. Mr. Nkomo and Mr. Mugabe, summarily rejected this overture. By then threatening to convert the April elections into an "orgy of destruction," the front clearly showed its contempt for the democratic process and its belief that armed force was the only way to go.

However, the people of Zimbabwe-Rhodesia, by taking the first steps of a participatory democracy for their nation, underscored the fallacy of such contentions. On a continent where individual national governments are predominantly autocratic, and where tribal rivalries and foundering post-colonial societies are ripe for exploitation by anti-democratic forces, the world witnessed a truly remarkable demonstration of an orderly transfer of power conducted under extremely adverse conditions. These elections were successfully held despite the indifference or open hostility of a majority of the international community and the murderous campaign of the Patriotic Front. That is no small testament to democracy. Zimbabwe-Rhodesia deserves a chance to succeed.

The validity of these elections has been the source of considerable, often unfounded, speculation. The Carter administration spurned the transitional government's invitation to monitor the elections because, through the application of contorted logic, it assumed that to do so would confer legitimacy on the transition process and compromise our supposed impartiality.

It is worth recalling that the Senate in March voted 66 to 27 to send a team of impartial, professional observers to monitor the elections, but, unfortunately, the McGovern-Hayakawa resolution was rejected by the House Foreign Affairs Subcommittee on Africa.

Despite the failure of this effort, the validity of the elections was amply reported on by international observers and news media with considerable poll-watching experience. An observer delegation from Freedom House, a highly respected human rights organization whose members include black civil rights activist, Bayard Rustin, and U.S. special representative to the United Nations for political affairs, Allard Lowenstein, reported that Zimbabwe-Rhodesia "has never had so inclusive and free an election—the elections in most underdeveloped countries are less free. In a world in which peaceful change does not and cannot occur all at once, this election is a useful and creditable step toward the establishment of a free society in Zimbabwe-Rhodesia," and represents a "significant advance toward majority rule in Zimbabwe-Rhodesia."

(Mr. EXON assumed the chair.)

I am holding a copy of this report in my hand, Mr. President. It is a very convincing report. It is a very impartial report done by people who normally have not been sympathetic to the point of view expressed previously by the leadership of that country.

I hope that anybody who has objective, independent point of view will take the time to read this report. The report is extremely convincing in view of the framework under which it was written, in view of the people who signed the report, and in view of the people who make up the Board of Freedom House.

The Freedom House report again attests to the validity of the elections by declaring that the results clearly reflect the will of the majority in Zimbabwe-Rhodesia. Can we be so shortsighted as to disregard these findings? Are we prepared to undermine the progress that has been made by blindly pursuing our present bankrupt policy?

I believe it is time to reverse this policy and avert the rendezvous with disaster which our current stance inadvertently encourages.

In order to increase the incentives for those working toward a constitutional settlement in Zimbabwe-Rhodesia, I am calling up for consideration along with my colleague from Arizona, Senator DE-

Concini and 15 other cosponsors, an amendment affirming the support of Congress for the present settlement and calling off the economic sanctions against a black majority government in Zimbabwe-Rhodesia.

This amendment is a logical corollary to the Case-Javits amendment of last year, (now law) and recognizes the emerging realities in Zimbabwe-Rhodesia, by finding substantial compliance with the preconditions in section 27. It declares the "sense of the Congress" that the President, after a reasonable examination of the evidence now available to him, should make a similar determination and lift sanctions no later than 10 days after the installation of the new black majority government.

Despite the compelling case for an end to sanctions, the administration pleads for additional time to weigh the evidence. Beyond that, it is asserted that sanctions should be maintained until the new government demonstrates its viability or tries to reconcile differences with the patriotic front. That it is warmed-over revival of the defunct Anglo-American plan, which Joshua Nkomo himself long ago declared to be "dead and buried." How long will we cling to such illusions? How many more conditions must be added before the new black majority government proves its worthiness?

Only in this morning's Post did we see the headline, "Rhodesia Gains Support From British Government." It states:

> Britain's new Conservative Government today reaffirmed its commitment to recognize the biracial government of Rhodesia if British observers report that the recent election there was sufficiently free and fair.

It could not be clearer that a change of policy is obviously in the works. How many more conditions must be added before the new black majority government proves its worthiness? Additional demands clearly transcend the scope of the Case-Javits amendment. Moreover, can we logically argue that Zimbabwe-Rhodesia now must demonstrate its long-term survivability when the sanctions jeopardize this very goal? Clearly certain aspects of the constitutional settlement need further refinement, but the transition to black majority rule cannot be accomplished overnight. Neither can it be reversed.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. SCHWEIKER. I would be glad to.

Mr. JAVITS. Mr. President, is it not a fact that if the Senator's amendment carries, this leaves intact the thrust of the Case-Javits amendment, in that we say to the President, "This is what we believe are the answers to the two questions posed by Case-Javits, and this is what we believe you should say"? If the President disagrees with us, he has an opportunity to say he disagrees with us, and why. But we tell him what we want and what we find. Is that not the essential thrust of the Senator's proposal?

Mr. SCHWEIKER. The Senator is correct; I think he essentially does say what the thrust and intent of my amendment are. This makes it clear that the Senate has expressed its judgment and made a finding. By the same token, it does not change the present statutory language of the Senator's original amendment that was adopted, and leaves the President free to make a finding.

I might say I am hopeful and optimistic that if the Senate takes such a position, he will see the matter the same way.

Mr. JAVITS. He will find as we do. That is what the Senator is seeking to attain, is it not?

Mr. SCHWEIKER. That is right.

Mr. JAVITS. But it does not abort the process. He has an opportunity to find what he thinks is the proper answer, even though we have said, "We give you our answer, Mr. President; this is the answer as we see it"?

Mr. SCHWEIKER. That is true.

Mr. JAVITS. And the ball is again in our court; we can always do what Senator Helms wants to do, is that not correct?

Mr. SCHWEIKER. That is correct.

Mr. JAVITS. Mr. President, I am very much for the Senator's proposal, and I will vote for it.

Mr. SCHWEIKER. I thank the Senator.

Mr. President, is the United States so arrogant as to assume that the people in Zimbabwe-Rhodesia cannot make the necessary changes during a specified time frame of 5 to 10 years, when we denied the fruits of democracy to many of our own people for an unconscionably longer period? In fact some would argue that we took 200 years.

The Secretary of State has asserted that congressional support for a change in administration policy toward Zimbabwe-Rhodesia would in effect usurp the President's constitutional prerogative in making foreign policy.

Mr. President, I do not believe my amendment would do that. My amendment would suggest the finding of the Senate, and state our conclusion, but still leave the final determination to the President. The Congress, as a coequal partner in the decisionmaking process, has every right to express itself on the criteria for a change in our Rhodesian policy. We promulgated it last year and the President accepted. What the Congress has the right to impose it also has the right to withdraw. The "sense of the Congress" amendment that the Senator from Arizona (Mr. DeConcini) and I offer today does not preclude the President from making an independent determination of the status of the situation in Zimbabwe-Rhodesia; rather, it counsels against unnecessary dilatory tactics and prompts an expedited decision by the President.

Passage of this amendment will conconvey now to all parties our abiding interest in the development of a democratic Zimbabwe-Rhodesia and, our conviction that a continuation of present administration policy would severely inhibit this objective. It would be especially tragic if the United States, long the proponent of political liberty and democratic pluralism, were to give less than full support to a fledgling constitutional democracy.

If a constitutional democracy under black majority rule fails now, or founders, because the United States did not actively support it with the timely lifting of sanctions after all preconditions have been met, the probability is strong that Zimbabwe-Rhodesia ultimately will be ruled by forces hostile to the West and to democratic government.

Since this amendment acts upon the criteria established in section 27 leading to the nonenforcement of sanctions, it is clearly the most appropriate manner of proceeding. Section 27 is the basis upon which the administration will determine the transition process in Zimbabwe-Rhodesia.

For these reasons, I believe this amendment merits the support of the Senate and acceptance by the President in our quest to promote a Zimbabwe-Rhodesia consistent with our values and compatible with our interests.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. SCHWEIKER. For a question?

Mr. HELMS. No, I want to speak.

Mr. SCHWEIKER. All right; just so I can protect my cosponsor with some time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Senator.

Mr. President, the distinguished Senator from Pennsylvania is saying exactly what the Senator from North Carolina has been pleading for all this afternoon. I do not know what the delay has been. I like the language of his amendment.

I would point out just one thing to him, if I may have his attention.

Mr. SCHWEIKER. I am sorry; yes.

Mr. HELMS. The Senator is aware that this amendment, which I favor and strongly support and for which I commend him, is not going anywhere, because it is going to be stricken when the committee substitute is adopted, but the Senator will have a vote on it, which would express——

Mr. SCHWEIKER. Mr. President, I would not agree with that assumption, because the Senator presumes that if we prevail on this particular vote, the sentiment would be such that we could well prevail on the next vote.

Mr. HELMS. I agree with that, and I hope the Senator is absolutely correct, because we are going to have a vote along the same lines right after his vote, but I would call his attention to page 6 of the bill. His amendment adds section 303 following section 302, and I call to his attention that all of that has been stricken out, and it will never get to conference.

Mr. SCHWEIKER. No, I do not agree with that, I say to my colleague. It certainly will get to conference, if it is voted for here by the majority.

Mr. HELMS. I hope the Senator is right. If we could have some assurance from the distinguished manager of the bill or the distinguished majority leader, I would appreciate it. But I invite the Senator's attention to what he is adding his amendment to. Unlike Winston Churchill, I do not like to end a sentence with a preposition, but I wanted to make that point.

Mr. SCHWEIKER. I agree with the Senator's point that that language has been stricken.

Mr. HELMS. The Senator and I do not disagree. He knows that we have worked together, and he has done a splendid job on this, and I am grateful to him for what he has done. But what the Senator is saying is, approve his amendment and then approve the Helms amendment, and we will have it all locked up and be absolutely certain about it.

Mr. SCHWEIKER. Well, I think we have to lock up what best this body will pass, and what best will be effective in achieving the policy my friend and I want to achieve.

Mr. HELMS. And achieve in conference what is best for us and what is best for Rhodesia.

Again I commend the Senator; he has done a great job and I am very proud of him.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Who has control of the time in opposition?

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I have no desire to control the time. I would be happy to give it to the Senator from North Carolina, but I gather he is for the amendment. I am perfectly agreeable to giving it to the Senator from New York, but he is also for it.

Mr. JAVITS. The Senator from New York, if the Senator will yield, would be glad to take control of the time and ask anyone who wishes to speak in opposition to make it manifest, and I will yield him the time.

Mr. BAKER. Mr. President, I yield control of my time in opposition to the Senator from New York.

The PRESIDING OFFICER. Who yields time?

Mr. SCHWEIKER. Mr. President, I yield to the Senator from Arizona.

Mr. DeCONCINI. Mr. President, I send to the desk a substitute amendment.

Mr. ROBERT C. BYRD. Mr. President, the Senator's amendment is not in order at this time unless Senators yield their time back. Does the Senator from Pennsylvania yield back the remainder of his time?

The PRESIDING OFFICER. The Chair rules that an amendment cannot be offered until the time has been yielded back on the matter now before the Senate. Who yields time?

Mr. McGOVERN. Mr. President, will someone yield me 1 minute to speak in opposition?

Mr. JAVITS. Yes; I yield the Senator 2 minutes.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. McGOVERN. Mr. President, with all due respect to the amendment being offered by the Senator from Pennsylvania, I cannot support this amendment for the simple reason that, again, it preempts the President's authority in making foreign policy. We clearly legislated last year, under the Case-Javits amendment, that the President would make this determination, based on due consideration.

Now we have an amendment which tells the President what to do. It says that 10 days after the new government is installed—it does not say that he will make a determination, it says he shall lift sanctions. So we are really talking about a difference in degree here between the amendment offered by the Senator from Pennsylvania and the amendment of the Senator from North Carolina. I do not see enough difference to persuade me that this is a worthy amendment, and I hope it will be defeated.

Mr. JAVITS. Mr. President, I will yield another minute, if the Senator will now yield to me.

Mr. McGOVERN. I yield.

Mr. JAVITS. I asked the Senator specifically about that question. The point is that the Senator's language does leave the President free. He does not lock him in by law but says how the Senate makes its findings—and I think a majority of the Senate feels this way. Senator DeConcini and Senator Schweiker, I think, have hit just the right note for a Senate consensus. But I do not think that this amendment is compatible with, or consistent with the Helms amendment, which has to be displaced in my judgment. It is my belief that a majority of the Senate does not feel that we wish to make an affirmative finding. The Senator from South Dakota may vote against it and so may others, but I think that this amendment has touched what I believe to be the Senate's fundamental view.

If it does not lock the President in as a matter of law, then I think it is completely compatible with the Case-Javits point of view, which is to leave the President free to give us his findings. I think that the Schweiker-DeConcini amendment does this.

Mr. McGOVERN. The Senator has sharpened my difference with him on this point. It is true that a sense of the Congress resolution of this kind does not have the force of law, but where I disagree with the Senator is that we are in a position now to reach a judgment as to what the President should do. I do not feel that I am in that position. I wish the Congress had approved the observer team that the Senate wanted to send to Rhodesia. On the basis of that kind of a report I think we would be in the position to make that kind of a decision. In the absence of that, I feel the President is entitled to a little time. I feel we do need time to sort this out. On that basis I am still in opposition to the amendment.

Mr. TSONGAS. Will the Senator yield?

Mr. JAVITS. I yield 3 minutes in opposition.

Mr. DeCONCINI. Will the Senator yield?

Mr. SCHWEIKER. How much time? I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Massachusetts has been yielded 3 minutes in opposition. The Chair recognizes the Senator from Massachusetts.

Mr. TSONGAS. Thank you, Mr. President. Let me restate the position in which we find ourselves. There is no question there is a difference between the substitute that is now on the floor and the Helms amendment in terms of its legal impact. There is no question about that. But I have two concerns: One is the issue of whether, indeed, we can make a determination. The fact that there may be a consensus does not mean we can make a determination.

The second issue which I think is more critical is that I believe that there is either a majority or near majority which would have voted for the majority leader's substitute.

I think it is important for the record to show that a vote on the Schweiker-DeConcini amendment does not reflect what the vote would have been on the Byrd substitute. In fact, it is my own view that it would have been either the majority or close to that. I think when we attend the conference the kind of message that we send from the Senate should be clearly understood, that what we are talking about here is the best available situation as opposed to what would have been the majority. I just wanted to put that on the record. I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SCHWEIKER. I yield 5 minutes to the Senator from Arizona.

Mr. DeCONCINI. I rise in support of the Schweiker amendment. I think it is, as the Senator from New York has stated, the middle ground in this particular problem the Senate faces.

The United States did the right thing, in the opinion of this Senator, in imposing an embargo on Rhodesia some years ago. This Senator did not vote to lift that embargo in 1977. The reason for that was very clear. It was to have some representation and have majority rule in that country. I think it is right, Mr. President, that the United States and the people of the United States take some credit for achieving success.

We know in foreign matters and foreign policy that the success is not always exactly what we would like to see. But, indeed, in this case we have had an election where 65 percent of the population turned out to vote in the election. This is despite threats by the Patriotic Front. I think the black majority voted in this particular election and, in fact, now will have an opportunity to rule.

Granted the argument that the whites have greater proportionate votes in the parliament than they do by numbers, but, nevertheless, the majority is black. That is one of the strict conditions that the United States had imposed by its embargo.

Political groups and various other groups have observed this and for the most part are in support of a conclusion that this will bring black majority rule to Zimbabwe-Rhodesia. We have Mr. Weston, of the Freedom House, who is certainly known as a leading black civil rights activitist, who has said:

> Zimbabwe-Rhodesia has never had so inclusive and free an election. The elections in most underdeveloped countries are less free. In a world where change does not and cannot occur all at once, this election is

a useful, credible step toward the establishment of a free society in Zimbabwe-Rhodesia

And—

represents a significant advance toward majority rule in Zimbabwe-Rhodesia.

Mr. President, we should not be afraid to stand up and take some credit. When I say we, I mean we in the United States and the U.S. Senate. There is no reason at all that we should sit back and not accept what we had imposed on Zimbabwe-Rhodesia. It is my belief that the compromise submitted by the Senator from Pennsylvania does just that.

This says that it is the sense of the Senate that the President, not later than 10 days after the installation of a black majority government, should determine that the provisions of paragraphs 1 and 2 of section 107 of that Assistance Act have been substantially complied with.

This is a call from the Senate saying that we feel that America has achieved a victory in foreign policy and now is the time to accept the accolades, realizing far more work has to be done and assistance may have to be forthcoming by the United States, but we have no reason to hang our head in shame and say that our conditions have not been met.

I yield back the remainder of my time.

Several Senators addressed the Chair.

Mr. JAVITS. Mr. President, I yield 4 minutes in opposition to the Senator from Illinois.

Mr. PERCY. Mr. President, I rise to speak and to ask the Senate a few questions. I believe recent developments in Rhodesia require a complete reassessment of our position and our policy toward that country. I trust the administration is actively undertaking a study of what that position and policy should be. My main concern is that they be given a reasonable amount of time to accomplish that study, and that we not try to force it or prejudge it by any action of the Senate.

The President is required, by the Case-Javits amendment to the International Security Assistance Act of 1978, which I fully supported, to make a determination about the nature of the elections in Rhodesia. Most reports on the election so far have been largely favorable. Yet we do have some very disturbing accounts, such as one which recently appeared in the Christian Science Monitor. Mr. President, I ask unanimous consent that that article be printed in the RECORD at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. The situation described is in a small village where blacks were intimidated by armed members of the private army of Bishop Abel Muzorewa. The Bishop, if he knew about it, was obviously condoning coercive forces to force people into voting.

While we all marvel at the very large voter turnout, we must also consider how many voters made an appearance at the polls against their wills.

I have seen many types of coercion in Cook County elections. I have observed it all my adult life there. But certainly this action, if the report is correct, is an indication that this was not an entirely free election. The resolution before us has the provision that Congress finds that these elections were free.

The Senator from Illinois simply does not know that for a fact, yet. And the Senator from Illinois would like the President to have a chance to make that determination after obtaining all the information he possibly can. He may very well make the determination that the elections were free.

The Case-Javits amendment also requires the President to determine that a new government has been installed in Rhodesia. This has not been done, and is not expected to be done until late May or early June. Bishop Muzorewa and leaders of the other parties who won seats in the election are still trying to put the government together. We do not even know what position, if any, will be given to Ian Smith. We do not have a clear picture of what steps the newly-elected British Government plans to take in Rhodesia. Secretary Vance plans to travel to London on May 20, to begin consultations with Mrs. Thatcher's government.

The point is, Mr. President, that there are still many missing parts to the picture. I am not arguing to maintain the status quo in Rhodesia—not at all.

Recent events in Rhodesia dictate that we should evolve a new policy toward Rhodesia, and I reserve the right to support lifting sanctions in the future. My only concern is that we do so after we have all the facts in hand. I think it would be imprudent to rush ahead and make a determination until we have all of those facts. The Congress, in its wisdom, decided last year that we would give the President a chance to make that determination and send it to us for study. We do not have to accept it, but I would like to have the benefit of that study available before I vote.

I think it behooves us to approach the issue in a methodical manner. It seems reasonable, therefore, to give the President enough time to be fully informed and to advise the Congress, as we saw fit to direct the President last year. I want to stand on that position, therefore, and shall vote in opposition to the pending amendment.

EXHIBIT 1

HOW RHODESIANS GOT OUT THE VOTE

(By Gary Thatcher)

SALISBURY, RHODESIA.—First came the "mujibas" (small boys) just after nightfall, warning the people to be ready.

Then around midnight the men with machine guns strode into the small village in rural Rhodesia.

They barked the orders, the people assembled and began the three-mile trek through the bush country. After hours of marching and nervous waiting, they finally did what they had been ordered to do—they voted.

This is the story told this reporter in an isolated tribal area in Rhodesia. It is one of intimidation and coercion. The guntoting men allegedly responsible were reportedly members of an auxiliary army loyal to Bishop Abel Muzorewa, who is likely to be the first black prime minister of Rhodesia.

It is impossible to determine the extent of coercion invloved in the recent Rhodesian election, it which a total of 1.8 million people—or 63 percent of eligible voters—went to the polls.

Most international observers have concluded that coercion was not a major factor behind the large turnout. But most observers only saw the voting while on government-sponsored trips. If the reports coming from this small village are to be believed, thousands of persons from a single area were "herded" to the polls at gunpoint.

Taken in context, the incident does not necessarily mean this country's first majority rule elections were seriously flawed. But it does raise serious questions about the role of the so-called auxiliary armies.

The story was first related by one resident of the area, then corroborated by two others. All spoke only on condition that their own names and that of their village would be withheld. What follows is a paraphrasing of the story they told.

The troops first appeared in the area some nine weeks prior to the election. At first they wore ragged, mismatched clothes—often sporting khaki shirts with the initials "UANC" inked on the chest. (UANC is the abbreviation for Bishop Muzorewa's United Africa National Council.)

SOMETIMES THEY STAGED RALLIES

Later they began wearing brown uniforms, with T-shirts bearing the words "Pfumo Revhanu." (The words means "Spear of the People" and are the name given to quasiofficial "auxiliary armies"—some apolitical, but most loyal to a particular political candidate—which supplement Rhodesia's regular security forces. Official estimates are that they control some 10 percent of the tribal lands in Rhodesia, or about 4 million acres.)

The troops did not train their machine guns toward any villagers. Often, they would simply fire them into the air to frighten people. But there were stories of them beating some people with clubs.

The men usually would visit villages between 11 p.m. and 1 a.m. Some nights, they would simply hold rallies, berating other political parties and the Patriotic Front (the guerrilla force based in Zambia and Mozambique).

ALL-NIGHT INDOCTRINATION SESSIONS

More dreaded were the "pungwa" sessions, in which young people were carried away from the village for all-night indoctrination sessions. The troops showed a marked preference for selecting girls—some as young as 13—for the "pungwas."

Stories came back to the village of the girls being forced to sing political songs for hours on end while the soldiers got drunk. Then, too, there were the stories of sexual molestation and rape.

The initials UANC were repeatedly hammered at the villagers. But they were warned not to report anything to authorities.

"They told people, 'You must vote for UANC. If you don't, we will come afterward and shoot you,'" said one villager, who wore green shorts and a small beaded necklace.

The people were carried by bus to a polling place some eight miles away.

At the polling place, the villagers saw some 14 more buses. Thousands of people were waiting to vote and get back to their villages. They were pushing and shoving to get through the line. Nevertheless, some were forced to come back the next day, repeating the ordeal, when the polls closed before they could vote.

AGAIN THE POLLS WERE CLOSED

This reporter attempted to verify the villagers' story by visiting the polling place they mentioned. On the way, seven large chartered buses—normally based in a city some 60 miles

> distant—rumbled past on the desolate back-road.
>
> The polling place was shut down, however, even though it was an hour before the official closing time. A government official explained, "The fellows from the political parties told us no more people would be coming."
>
> Now that the election is over, the Rhodesian Government is proclaiming it a major success, but to many people, it was merely an exercise in rule by the gun.
>
> "It's no good to force people to vote," says one man in a buff-and-brown pullover shirt and tattered gray pants.
>
> "I think a lot of people would have voted anyway," says his companion, "but now they hate [the people that made them vote]."

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, will the Senator yield me 5 minutes?

Mr. SCHWEIKER. I yield 5 minutes.

Mr. THURMOND. Mr. President, I rise in favor of the Schweiker amendment. There has been some question here whether the elections are fair. I simply want to call to the attention of the Senate that the Rhodesian elections were given a clean bill of health by the 200-odd newsmen who covered them and by some half-dozen observer teams from different countries. These observers ranged from conservative to left-of-center liberals. Among the American observers, for example, were Bayard Rustin, who as the Senators will recall, played a leading role in our own black civil rights movement, and former Representative Allard K. Lowenstein of New York, who, as the Senators will recall, played a leading role in opposing the Vietnam war.

As examples of how the large international corps of press correspondents viewed the election, I want to quote one brief statement from the New York Times and another one from the Washington Star.

John Burns, the New York Times correspondent in Rhodesia, wrote:

> A common view was that the election, despite a number of important qualifications relating to the methods used to get voters to the polls in tribal areas, probably was one of the fairest ever held in Africa and, as an influential American delegation put it, freer than most that are held in the Third World.

The Washington Star correspondent, Lawrence Pintak, reported in much the same terms:

> The first universal suffrage election here has left the general impression that the exercise was largely free of overt government intimidation and marks a positive step toward true majority rule.
>
> Despite the fact that 72 international observers and more than 200 reporters—most of the latter eager to find fault—scoured the vast country for five days in search of irregularities, few concrete examples were uncovered.

The sanctions that were imposed on Rhodesia constituted an act of folly from the very first. If we wanted to be consistent about imposing economic sanctions on countries which do not have majority rule, we would have had to impose such sanctions on something like 90 percent of the member nations of the UN. But to continue to impose sanctions against Rhodesia after that country has taken the difficult and dramatic step to majority rule would be worse than folly—in my opinion it would be the hight of immorality, and treason to the cause of world freedom.

The choice in Rhodesia is brutally simple. On the one hand we have the black majority government which has just been elected, which is strongly anti-Communist and pro-Western, and which is committed to the free enterprise system and to continued cooperation between the races. On the other hand, we have the two guerrilla movements, led by Joshua Nkomo and Robert Mugabe, which are armed and guided by the Soviet Union, China, Cuba, and the other Communist states; which are committed to the mass expulsion of the white minority from Rhodesia and have already engaged in dozens of bloodthirsty massacres against both blacks and whites; and which have made no bones about the fact that they intend to impose a one-party Marxist dictatorship if they come to power.

Mr. President, I believe we ought to applaud what went on over there, and do everything we can to encourage the leaders of that government now.

Mr. President, Mr. Stanton Evans, the distinguished syndicated columnist, has written a remarkable article describing the experiences and the findings of the ACU team and of other American observers.

Mr. Evans quoted Bishop Muzorewa, who is slated to become Prime Minister, as saying:

> We have seen what has happened in other nations where people have become too emotional about their independence. The whites panicked and left, and those countries have suffered as a result. People are starving in Mozambique. We do not want that to happen here. We want our independence to be meaningful, so that the country prospers and people do not go to bed hungry.

Mr. President, it seems to me that after every step has been taken to provide honest, free elections, what more can we do? Now is the time, I think, to encourage these pro-Western, anti-Communist leaders, who were elected there. Otherwise, we shall pursue a course that, in my judgment, will inure to the detriment of our own country, the United States.

I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. SCHWEIKER. I yield the Senator from Idaho 2 minutes.

Mr. CHURCH. Mr. President, it is obvious that the Senate wishes to take some action today on the question of Rhodesia, the elections that have recently occurred there, and the government that will soon be installed in power in Salisbury. The proposition offered us by the distinguished Senator from Pennsylvania is much to be preferred over that offered by the able Senator from North Carolina. If the Senate were to approve the Helms amendment, we would be taking action that contradicts present law.

We would be attempting to make a decision here that contradicts the instructions we gave the President before we have given him a chance to follow those instructions. We would be saying to the world that before he has had an opportunity to act, or the British Government has had an opportunity to act, the U.S. Senate is going to prejudge the case.

On the other hand, the Schweiker proposal avoids these dilemmas, avoids contradictory and inconsistent action, at variance with what the Congress decided last year, because it simply expresses the sense of the Congress——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHURCH. Two more minutes.

Mr. SCHWEIKER. I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator has a minute and 54 seconds.

Mr. SCHWEIKER. I yield 1 minute and 54 seconds to the Senator.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CHURCH. It merely expresses the sense of the Congress that the President, not later than 10 days after the installation of the black majority government, which gives to the President a reasonable time that is comparable, indeed, to the time he asks, he asked for 14 days, this would give him 10 days after the installation of the government to make his findings as called for under present law.

It goes on to express the sense of the Senate that on the basis of evidence we now have before us, we think, we believe, that he ought to make findings that would have the effect of lifting sanctions and giving legitimacy to the Salisbury government.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CHURCH. So I hope the Senate supports this.

Mr. SCHWEIKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Vote!

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, is there any time for anybody else to speak on this amendment?

The PRESIDING OFFICER. The Senator from New York is managing the time in opposition.

Mr. JAVITS. I will happily yield, if there is no other opposition Senator; how much time does the Senator want?

Mr. HELMS. How much time remains?

The PRESIDING OFFICER. Eighteen minutes and 52 seconds remain to the Senator from New York.

Mr. JAVITS. Fine. I yield 10 minutes to the Senator.

Mr. HELMS. I can assure the Senator I will not use nearly that. I thank him for the time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I cannot tell the Chair how delighted I am with the sequence of events here today. The Senator from North Carolina has been here since about 1:30, trying his best to overcome some considerable parliamentary maneuvering, when all that the Senator from North Carolina has wanted is for this Senate to send a message to the President of the United States that enough is enough.

I am delighted with the language of the amendment of the Senator from Pennsylvania. I do have concerns about whether it will stay in the bill, but we will see about that. But I hope it will. I hope there is good faith on both sides about it.

As for the Presidential determination, I say again, Mr. President, that President Carter has had more than ample time to make a judgment.

The truth of the matter is that the State Department and the administration resisted sending a team of observers to Rhodesia. I am now reliably informed that the President has available to him precisely what most of the people interested in this subject have had available to them, including reports from various observers, press reports, et cetera.

So this had been largely much ado about nothing. If we could have had a rollcall vote up or down earlier this afternoon, we would have been out of here 3 hours ago.

The Senator from North Carolina would have been willing to accept any sort of language, in any sort of form, to send a message to President Carter that enough is enough in terms of delay—and I think he is going to get the message.

We never know. We can make inquiries of the State Department. We can make inquiries of the administration. We can send a telegram pledging good faith to work with the President, and it is just as if it had dropped down into a canyon.

I do not know whether they have any typewriters that are operative down at the White House or the State Department. Senator HAYAKAWA has had the same experience, and all we have asked at any time—and I will put this in the form of a question to my friend from California—all we have asked is that the White House, the State Department, get moving on this thing.

Is that not correct?

Mr. HAYAKAWA. Yes, indeed.

We also asked we be included in the deliberations, to some degree, at least, so that we would feel we had our input.

Because the Senator and I worked with this problem long enough, we do have something to say. But, as the Senator says, we are totally ignored and might just as well be dropped in a deep, deep, deep canyon.

Mr. HELMS. Exactly.

I thank the Senator. I want him to know I really enjoyed working with him, with the distinguished Senator from Pennsylvania, with the Senator from Arizona (Mr. DECONCINI), and others on this matter.

Finally, we have arrived at the moment of truth. We have a situation where all of those who were so righteously indignant about this thing now say, "Let's pass this sense of the Senate resolution," when we could have that at 2:30. But, no, they were going to try to defeat old Senator HELMS, and I do not think they quite did it, because unless I miss my guess there is going to be an overwhelming vote in favor of this amendment.

REPORT OF OBSERVERS FROM THE INSTITUTE OF AMERICAN RELATIONS

Mr. President, speaking of information on which to base a judgment, I have a dear colleague letter which I distributed to all Senators covering a preliminary report of a group of American observers of the recent elections in Zimbabwe-Rhodesia.

Mr. President, I would like to call the Members attention to this report written by a delegation of American observers to the recent election in Zimbabwe-Rhodesia. The delegation contained a former Member of Congress and a number of staff personnel known personally and professionally by many of us in the Senate.

The report is particularly timely, and is the most detailed and comprehensive report on the elections yet issued.

The analysis and conclusions of this report make it clear why Prime Minister Thatcher recently stated that there appeared to be no further justification for the continuation of economic sanctions against Zimbabwe-Rhodesia.

This report also makes it very difficult to understand why Ambassador Young and certain lesser lights in the administration continue attempts to bad mouth and discredit the elections in Zimbabwe-Rhodesia.

This report, and others like it, make it clear that the elections in Zimbabwe-Rhodesia were fair and free, done by means of a secret ballot.

It also describes the bloody and ruthless attempts by the guerrilla forces to terrorize voters and keep them away from the polls. It notes that although numbers of voters were shot or blown up by mines planted in the road near the polls by terrorists, that an astonishingly high 64 percent of the eligible voters turned out to cast their ballots. Many of these voters walked for 5 or 10 miles and stood in long lines for hours waiting for their turn to vote.

The report notes the efforts made by the security forces to protect the voters in the face of guerrilla intimidation, and explains why martial law had no negative impact on the voting process.

The report states that although it would be preferable in a theoretic sense for a coalition government to be formed in Zimbabwe-Rhodesia containing all the warring factions, that this is not attainable under circumstances now in prospect. It points out the tribal and personal antagonisms between the leaders of the main warring factions, and describes the difficulties of including a ruthless and intensely committed marxist, Mr. Mugabe, in a government where other leaders prefer pluralism, democracy, and a free economy.

The report notes that Bishop Muzorewa through compromise and personal integrity has pulled together a coalition capable of governing.

It suggests that the bishop has now built up a considerable degree of momentum and enthusiasm in his country, and won an astonishingly large victory at the polls.

The cold water which this administration seems intent upon pouring on Bishop Muzorewa appears aimed at destroying this sense of momentum, rather than helping it along.

This seems to me to be the worst sort of bad judgment.

By its aloof and disapproving posture, outspoken members of this administration seem intent upon making the new government of Zimbabwe-Rhodesia appear to be illegitimate—thus encouraging the terrorists to continue their violence, and in effect, handing the Soviets a diplomatic hunting license to step up pressure on Zimbabwe-Rhodesia.

If the administration considers the new government of Zimbabwe-Rhodesia illegitimate, it can hardly complain too vigorously if the Soviets provide guns and landmines to attack the new government and its people.

In addition, members of this administration apparently have the silly notion that by continuing sanctions, this will significantly increase the pressure on Bishop Muzorewa to compromise with his guerrilla opponents.

Do Ambassador Young and his colleagues really think that these economic sanctions, which have only a marginal impact on the Rhodesian economy, are a serious consideration to the government of Zimbabwe-Rhodesia beside the real and horrifying pressures posed by the disruption and carnage caused by the guerrillas themselves?

This delegation of observers is convinced, based on their discussions with Bishop Muzorewa and on commonsense, that Bishop Muzorewa and his colleagues will continue to offer amnesty to guerrillas, and will offer them a place in government if it can be done on terms which will not destroy democracy in the process. Marginal American economic sanctions are not likely to have the slightest inducement value whatsoever on encouraging the Zimbabwe-Rhodesian Government to do what they already want to do anyway. All sanctions do is to encourage the guerrillas to think that international opinion is behind them, and embolden them to continue their efforts to seize absolute power by means of force.

Mr. President, as this report makes clear, even Zambia, a frontline state, has quietly dropped economic sanctions against Rhodesia and is now involved in very large-scale trade with this country—exporting copper and importing corn, meat, and other Rhodesian products. Since the frontline states themselves are now dropping these sanctions, how can they possibly expect higher standards from us? More broadly, to deny American recognition to, and to impose sanctions on, the new government of Bishop Muzorewa, while extending diplomatic recognition to a wide variety of brutal regimes elsewhere in the world—many of whom came to power by coups and violence—strikes me as both hypocritical and inconsistent.

By its aloof and negative posture toward Bishop Muzorewa's new government, which seems to indicate that the administration feels the government will be illegitimate, only unfortunate results are accomplished: I can think of at least five bad consequences of this policy.

First. This posture detracts from the favorable momentum developed by the bishop's recent overwhelming victory at the polls.

Second. This posture encourages the Marxist guerrillas to hold out in the belief that international pressures may yet help unseat the bishop and open the way for their own triumph.

Third. It gives the Soviets a virtual diplomatic hunting license to step up their own efforts to undermine the new Zimbabwe-Rhodesian government.

Fourth. It throws Bishop Muzorewa's government totally into the arms of the South Africans, whose help will now be necessary to stave off attacks from the guerrillas armed by the Soviets.

Fifth. By pressing for an unattainable coalition government containing all the warring factions, the result is to weaken a potentially workable government of moderates which will be installed on June 1.

This counterproductive policy is so irrational, that I have become convinced that the President has inadvertently glommed onto a political tar baby. He may not be able to separate himself from this unfortunate creature without antagonizing Ambassador Young and endangering his own survival at the primary elections next spring.

It would be a virtual act of mercy for Congress to put an end to the President's political suffering, and simply take the policy out of his hands. And quite apart from humanitarian considerations, this would also be an act of statesmanship.

I ask unanimous consent that this dear colleague letter and the report to which I alluded be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 9, 1979.

DEAR COLLEAGUE: Attached you will find a report by a delegation, the members of which are known personally to many of us in the Senate, which observed the recent elections in Zimbabwe-Rhodesia and met privately with leaders of all the warring factions, including representatives of the two guerrilla forces. The findings of this delegation closely parallel those of other groups from legislatures in other countries which also attended the elections. This report, however, delves more deeply into the technical aspects of the election than did others, and it examines some of the broader policy issues as well.

This delegation, like others, would have preferred to see a broad coalition government installed in Zimbabwe-Rhodesia consisting of all the warring factions. But they reluctantly came to the conclusion that this option was simply unattainable under foreseeable circumstances; and by a single minded pursuit of this unreachable comprehensive political solution, we seriously risk impairing the chances of Bishop Muzorewa to achieve a narrower, but workable, government.

In their conversations with internal and external leaders, the delegation discovered that virtually every major faction leader wanted the top job in Zimbabwe for himself. But there is, of course, room for only one prime minister. They also detected intense tribal and personal animosities among the various leaders. They found it improbable that Mr. Nkomo, leader of the Soviet backed Matabele guerrilla force, would ever agree to serve under Mr. Mugabe, whose power base is largely in the Shona tribe and whose arms came from China. And they found it very difficult to imagine how a workable government could be formed containing an intensely committed marxist, Mr. Mugabe, and other leaders who prefer pluralism, democracy, and a free economy.

As for the practical value of U.S. economic sanctions as an inducement to Bishop Muzorewa to compromise with his guerrilla opponents, the delegation concluded that such easily evaded pressures were minimal beside those posed by the disruption and violence caused by the guerrillas themselves. If it becomes possible to bring Mugabe and Nkomo out of the bush and into a government on terms which will permit pluralism and democracy to survive, the delegation became convinced that Bishop Muzorewa would do so in his own interest, and in the interest of his country.

The reaction of the front line states to the United States dropping sanctions may not be as great as some seem to fear. Already Zambia maintains extensive trading relations with Zimbabwe-Rhodesia, exporting copper and other products and importing corn, meat, and other articles. Since front line states are themselves quietly dropping sanctions against Zimbabwe-Rhodesia, they can hardly protest too convincingly if others outside the region emulate their action.

Finally, I am utterly convinced that many within the Administration have already decided keep sanctions on if it is politically possible in the United States. Ambassador Young is traveling around the globe spreading the message that the elections in Zimbabwe-Rhodesia were rigged.

I think it is important at this point that this Administration understand that there are others besides Ambassador Young who have strong views on American policy toward Zimbabwe-Rhodesia.

Sincerely,

JESSE HELMS.

REPORT OF AMERICAN OBSERVERS OF THE INSTITUTE OF AMERICAN RELATIONS ON THE RECENT ELECTIONS IN ZIMBABWE-RHODESIA

BIOGRAPHICAL SKETCH OF THE DELEGATION*

Hon. Charles Brownson: Publisher; President, Former Members of Congress (an association); Former Congressman; Past Chairman of the Subcommittee on International Operations of the Government Operations Committee, House of Representatives.

Beldon Bell: Deputy Director, House Republican Study Committee; Former Indiana Deputy Attorney General; candidate for Congress; editor.

Dr. Richard T. McCormack: Senate Staff; Former Senior White House, Treasury Department and Peace Corps official, Author, *Asians in Kenya*, Conflicts and Politics; former candidate for Congress.

Elvira Orley: Legislative Director, Senator Hayakawa; Attorney.

ELECTIONS IN ZIMBABWE-RHODESIA

A SUMMARY AND INTRODUCTION

On April 16, elections began in Zimbabwe-Rhodesia to determine the views of the people as to the future leadership of the nation.

Because of the importance in determining whether these elections were, in fact, fair and free, international observers and literally hundreds of reporters converged upon Zimbabwe-Rhodesia to monitor the election process.

The Institute of American Relations offered to finance the trip of a bipartisan group of observers with ties to the Congress to examine the elections from the technical point of view. Because of the shortness of notice of the invitation, not all those of us who were invited were ultimately able to accept. However, three of the four members of our delegation had actually run for Congress at one point or other in their careers, some in districts where poll watchers had more than a pro forma function; and we were therefore very alert for any indications of fraud, coercion, intimidation of or by campaign workers, or other election irregularities. Moreover, two members of our delegation had had extensive professional experience in African affairs. One member had written his Ph. D. dissertation on the politics and conflicts of pre-independence Kenya, a study which had involved a six month field trip to Kenya in 1964.

It was hoped that this combination of political and African experience would enable the delegation to view the elections from a technical point of view within an African context, as to the relative degree of fairness and freeness.

During the course of the five-day election, members of our delegation rose every morning at dawn to begin a full day of visits to various parts of Zimbabwe-Rhodesia in order to observe the polling process. We were provided military aircraft and trucks for transportation.

During these visits to polling stations, we interviewed hundreds of voters, officials, campaign workers, and ordinary citizens. Frequently, these people spoke English, but interpreters were used when dealing with tribesmen who spoke only Shona or Matabele languages. Most frequently, we were accompanied by reporters from the international and local press.

In contrast to the British delegation of observers, which felt it should reserve its judgment for political superiors in England, we in the American delegation openly discussed our evolving judgments and questions with members of the local and international media on a daily basis. We were anxious to pool our own information and insights with those gathered independently by the press, and we felt it important that the press see openly how our own judgments were evolving. In point of fact, as the days of the election progressed, a very large degree of concensus developed among most of the international observers and the great bulk of the press representatives as to the nature of the election process. We differed individually on some details, but generally not on the major issues.

In the evening after a full day of visiting polling stations, all the observers and press representatives gathered at a central location to hear the military and political officials responsible for conducting and securing the election discuss the day's developments. In full view of cameras, we then posed the questions that had arisen in the course of the day. Every irregularity or problem discovered by each individual and every rumor was thus aired before everyone else.

In addition to visiting polling stations on tours arranged by Zimbabwe-Rhodesian officials, members of our delegation also made independent and totally unannounced visits to other polling stations. At times, we also requested helicopter pilots to transport us to other locations on the spur of the moment. Except for one or two instances where there were unusual security problems, our requests were invariably granted.

We also met, both individually and in larger gatherings, the most senior members of the present Rhodesian Government, and the leading black politicians contesting the elections. This included private conversations with the Prime Minister, the Foreign Minister, the Director of Intelligence, the top military officers, and the man who ultimately won the election, Bishop Muzorewa.

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*Delegation sponsored by the Institute of American Relations.

Members of our delegation also met privately with representatives of the guerrilla forces of both Mr. Nkomo and Mr. Mugabe. One of the members of our delegation flew to Maputo, Mozambique to discuss the situation with members of Mr. Mugabe's Central Committee.

Finally, we met privately with members of parliament from Britain, Germany, France, Belgium and Australia as well as diplomatic representatives from South Africa, to gain from them their views as to the overall political and diplomatic implications of the election.

Out of these visits and conversations, it was possible in a short period of time to obtain a fairly clear picture of the election process itself, and of the economic, political, military and diplomatic context in which the election was held.

PRINCIPAL CONCLUSIONS BY THE DELEGATION ON THE ELECTION

Fair and free election

The election process itself was fair and free to a remarkable extent. The military forces of Zimbabwe-Rhodesia provided security, but did not intimidate the voters. However, a few scattered instances of overly zealous and partisan black auxiliaries, though not observed by us, were reported by a member of the press in an outlying tribal trust area.

Secret ballot

The balloting itself was conducted in secrecy by individual voters who were prevented from voting more than once by means of an ultra violet screening device.

Guerrilla intimidations

The Mugabe and Nkomo forces made a major effort to disrupt the elections by physical intimidation and by attempting to discredit the election in the eyes of the black Rhodesians. Mr. Mugabe's efforts among his own Shona tribe were largely unsuccessful—although a number of voters were shot or blown up by mines which his forces had placed in the roads. However, Mr. Nkomo's Matabele tribesmen, which constitute about a 10% minority in the largely Shona Zimbabwe-Rhodesian population, voted in significantly lower numbers.

Armed struggle

Both Mr. Mugabe and Mr. Nkomo's representatives had indicated that they intend to attempt to overthrow the results of the election and secure a dominant position in the power structure of Zimbabwe-Rhodesia by means of force if necessary.

Possible strategy

We were repeatedly informed that it was important that the prestige and power of Bishop Muzorewa and his new government be assisted in every way possible to keep the favorable momentum going. If the West provides support for the new Zimbabwe-Rhodesian government, observers in the area hope that this may encourage Mugabe and Nkomo to compromise with Muzorewa. Right now, it seems clear that Nkomo and Mugabe each believes that he will ultimately be able to gain total power by force, and each therefore disdains compromise. It seems to those observers important to disabuse the external leaders of the notion that they can gain total power by slaughtering and intimidating more helpless people with the armed help of the Soviets who have their own ulterior and non-idealistic motives for involvement.

Prospects for compromise

The prospects for Mr. Mugabe compromising with Bishop Muzorewa appear to some area experts somewhat higher than for Mr. Nkomo, both for tribal and personal reasons. Mr. Nkomo was for many years the leader of the move to free Zimbabwe from white rule, and he is reported to be uncomfortable playing second fiddle to anyone else.

Mr. Mugabe, on the other hand, comes from the majority Shona tribe and may therefore believe that he had at least a minimum chance to realize his ambitions through the democratic process under certain circumstances.

Potential for anarchy

Many observers with long experience in southern Africa felt that it was important that the officer corps in Rhodesia, though largely still white, be kept substantially intact during the next few years—though under a black Defense Minister. Democracy can only function where essential security can be provided. If the Zimbabwe-Rhodesian army disintegrates, which military experts feel would be inevitable if the present officer corps were suddenly disbanded or demoralized then the stage would merely be set for yet another military confrontation and bloody civil war between the Shona forces of Mr. Mugabe and the Matabele forces of Mr. Nkomo, one armed and supported by China, the other by the Soviet Union. With these rival armed forces maneuvering throughout the country, anarchy might well prevail as in post-independence Congo, with the essential white experts, farmers and technicians which hold the modern sector of the economy together fleeing en masse.

South African intentions

South African diplomats stated that their country is determined to prevent communist or militant front line rule from becoming established in Zimbabwe, and is very likely to engage its full military and economic power to prevent Mr. Mugabe or Mr. Nkomo from coming to power by means of force and East bloc arms. The potential military power in the context of this region has impressed many experts.

Model for future

Moderate South African leaders have stated that if the multi-racial experiment in Zimbabwe-Rhodesia succeeds, their own hand will almost certainly be strengthened sufficiently to enable them to move their own country toward more liberal and just racial policies. However, if the Zimbabwe Rhodesian experiment in multi-racial gradualism fails and the nation lapses into violence, tribalism and economic and political chaos, then the hard liners in South Africa will be correspondingly strengthened, and racial progress may be set back for years.

Although it is true that already successful multi-racial societies in Africa have emerged, such as that of Kenya, these were established before the arrival of the Soviet Union and Cubans on any large scale, and during the period when the United States was a powerful moderating force in much of Africa.

Zimbabwe seems likely to be an important test case to see whether the challenge of Soviet armed dissidents can be met and a truly free economy and a democratic multiracial society established under the conditions presently prevailing in the southern part of the African continent.

Majority stake in gradualism

Although there is a substantial and growing black middle class in Zimbabwe-Rhodesia, at present, white Rhodesians, with their skills and capital, provide the indispensable backbone of the modern sector of the economy. If these people can be provided with security and an incentive to remain, national prosperity will gradually rise. More and more opportunity for blacks will be present, and standards of living for all Zimbabwe-Rhodesia's citizens will be steadily enhanced. Alternatively, if Mr. Mugabe's policies of nationalization, socialization and one party rule are realized, then the whites as well as the black entrepreneural class seem likely to leave the nation, together with their capital and skills. Similar patterns in other African nations suggest that while such policies might be beneficial to the small group of new people who would take over the Govenment, this would be a great misfortune for the great bulk of the nation's citizens who have an important, if often unarticulated, stake in stability and gradual progress.

We heard Bishop Muzorewa stress this theme in a number of speeches. It would seem in the interests of both Zimbabwe and our own ideals to help him realize his vision.

QUESTIONS ABOUT THE ELECTION IN ZIMBABWE EXAMINED BY OUR DELEGATION

The impact of martial law on the elections

As is well known, two significant, and mutually antagonistic, guerrilla forces in Zimbabwe-Rhodesia had vowed to prevent the people from voting with threats of violent death. Without the presence of large numbers of security forces to guarantee the safety of the voters, Mr. Mugabe's forces in the north and east, and Mr. Nkomo's forces in the south and west, would undoubtedly have prevented the election from taking place. But the really operative question involving martial law was whether the army's role and presence had had a chilling or coercive impact on the voters or the campaigning.

Except for one or two reports brought to the attention of election officials by a member of the press, in which a handful of overly partisan black auxilliaries from remote tribal trust territories were said to have attempted to persuade tribesmen to vote for candidates favored by these individual auxilliaries, the observers neither saw nor, except for one or two unconfirmed reports, heard of any attempt by the military forces to intimidate the voters or to interfere with the campaigning of the candidates.

Quite to the contrary, outside virtually every major polling station, the press and observers noted the presence of dozens of rival campaign workers vigorously exhorting the passing voters to support their candidates.

The observers also interviewed scores of voters to determine whether the army had forced tribesmen to vote. We found not a single instance where this had taken place. In fact, as the election proceeded into its third day, it became obvious that the Matabele people, a minority tribe located in the south and west of Zimbabwe, were boycotting the election in significant numbers. There were a number of reasons for this which are discussed elsewhere in this paper. However, the important fact is that the army made no attempt to force them to come to the polls, and they stayed home. However, the Shona, Malawi, and Zambian tribesmen living side by side with the Matabele in these regions did turn out to vote in large numbers.

We concluded, based on our observations, that the presence of the military and martial law did not compromise the elections in any way. They merely served to guarantee that voters could campaign for the candiddate of their choice, make their way to the polls, vote, return to their homes and survive.

Impact of threats by guerrilla forces to kill anyone who voted

A few days before the election, Mr. Mugabe made radio broadcasts threatening the lives of those who voted. To counteract this and other threats, the Army of Zimbabwe mobilized its full strength and dispersed around polling stations throughout the country. On the first day of the polling, in areas where Mr. Mugabe's forces were strong, there was a certain amount of apprehension among voters standing in a few of the lines in front of polls. This apprehension was particularly noticeable among tribesmen who worked and lived on farms distant from the villages regularly protected by the armed forces or militia. Interviews with these people established that they had decided to vote because they desperately hoped that the new government elected by the majority of the people would be able to end the fighting and restore peace. But they were very apprehensive about being mortered while standing in the lines (and there were in fact freshly dug slit trenches to provide shelter from any morter attack at a few of the most remote and exposed polling stations).

At a few of these remote locations, farm workers were also apprehensive about retaliation after the elections were over. However, this apparent unease was visible only in a very small percentage of polling stations, and even this vanished after the first day or two of polling. Far more characteristic was the festival-like atmosphere at most polling stations, with dozens of chanting, singing, dancing groups of campaign workers waving placards with the pictures and slogans of their favored candidates.

The Mugabe and Nkomo forces made some direct attempts to intimidate the voters. In one instance, Mr. Hugabe's people lined up 90 villagers the night before the election, warned them not to vote, and then opened fire on them with Russian submachine guns, killing three and wounding five of them. (Interestingly, however, two of those wounded in this attack reportedly limped to the polls a day later and voted with the rest of the villagers). In a few scattered areas, Mugabe's people planted mines in the road which exploded killing a number of blacks. In one remote area, they burned down hundreds of huts.

Among the Shona tribesmen and their relatives which comprise 80 percent of the people of Zimbabwe, the tactics of terror and intimidation were completely unsuccessful, even though Mr. Mugabe himself is a member of this tribe.

On the other hand, Mr. Nkomo's Matabele tribesmen were more responsive to threats and exortations. A significant percentage of this minority tribe did not vote. This was partly because they took Mr. Nkomo's threats seriously, and partly because the Matabele people, which formerly ruled the far more numerous Shona, resent the very idea that they should now be under the dominion of the Shona. Under majority rule, this, of course, is inevitable—unless Mr. Nkomo is ultimately able to impose a military solution with the help of his Soviet and Cuban advisors and their arms. The prospect of this reversal of roles on the part of the Matabele and the Shona—while popular with the more numerous Shona—is understandably not appealing to Zimbabwe's former master tribe, the Matabele.

In some cases, educated Matabele government workers participated in the polling process, as did all other government workers in Zimbabwe, black and white. But they did so with extreme reluctance and they feared retaliation among their families by Mr. Nkomo's forces.

Were workers on white-owned farms and factories forced to vote?

From the first day, the international observers of the election were particularly concerned about the prospect that white employers would force black workers to come to the polls with the threat of loss of jobs. Extensive efforts were made to interview black voters to determine whether or not this had actually happened. Although it is possible that this may have happened in scattered instances, to our best knowledge, neither the international observers nor the hundreds of reporters present uncovered a single case of this happening. Moreover, since there were no records kept of individuals who did or did not vote, there would be no way for any enforcement of such a policy. Instead of voting, a worker could have simply gone fishing and no one would have been the wiser.

What does seem to have been an operating factor was this: black workers are used to taking orders from their employers. And undoubtedly, it was evident that the employers were intending to vote themselves and that they verbally encouraged their employees also to vote, though not for any particular candidate, providing transportation if requested, in some instances.

So on one hand, the workers on white-owned farms and factories were being encouraged by their employers to vote, and at the same time, the workers were ordered by the guerrilla forces not to vote on pain of death. It is hard to judge how the individual black weighed these factors in his own mind, but it would appear that they decided to take a risk for peace and black majority rule and nearly 64 percent of the estimated eligible voters turned out to cast their votes.

Potential ballot box stuffing

In an area as large and disrupted as present-day Zimbabwe, where people are voting for the first time, there is always the potential of some ballot box stuffing. However, to guard against this taking place, individual ballots were numbered, and the boxes themselves kept sealed and under guard at all times. While no one can guarantee that some irregularity did not take place at one of the hundreds of polling stations, there was not a single rumor or report of any irregularity of this kind. Moreover, to have had any significant result on the election, fairly large scale organized fraud would have had to have taken place. The small prospect that this could have been accomplished undetected—given the presence of hundreds of international reporters and observers, and thousands of partisans of individual candidates all over the country serving as official and unofficial poll watchers—make it seem exceedingly unlikely that this sort of thing took place. Also given the stakes in Zimbabwe of this election being perceived as fair and free by the international community, it would appear most improbable that the election authorities would have run the massive risk which tampering with the process would have entailed.

How did the lack of voter registration impact the process?

The lack of voter registration was important for a number of reasons.

First, it made certain that the number of eligible voters would only be estimated based on census data that was more than ten years old. While this means that probably the overall estimate of total numbers of potential voters was fairly close, individual areas and regions probably had significantly inflated or deflated estimates of potential voters. In the war that has raged throughout the country for the past several years, significant migrations of population have taken place, as people fled to more secure areas. Also, there are significant numbers of migrant workers who travel from tribal areas to harvest the sugar crops or participate in other seasonal economic activities.

We would have preferred to see a careful voter registration process, and had their been a lower voter turnout, the lack of absolutely accurate data on the total number of potential voters might have inclined some of us to question whether a majority of the people had actually cast their ballots for the new government.

However, the fact that 63.9% of the estimated voters turned out for the election on a country-wide basis provided for us a sufficiently comfortable margin to give us confidence that a majority of Zimbabwe's citizen voters had, in fact, expressed their preferences at the polls.

Also given the constant migration process, the fact that undoubtedly some voters preferred to cast their vote away from areas where they were well known to avoid recognition at the polls by guerrilla observers, the fact that registering for the vote would have put some tribesmen in the uncomfortable position of being on official lists of those who cooperated with the voting, thus discouraging them from participating at all, made us understand why the decision had been made not to organize a pre-election voter registration.

In fact, the government went to great lengths to ensure that voters could hide the fact that they had voted, should they so desire, when they returned to exposed tribal homes after polling. The only mark made to ensure that people could not vote twice was a chemical dip for fingers that was visable for at least one week under special ultra violet light.

Finally, it should be noted that the Anglo-American voting plan for Zimbabwe also called for no pre-registration of voters, a common omission in third world elections.

Did Mr. Mugabe and Mr. Nkomo, the guerrilla leaders have an opportunity to participate?

The government made efforts to encourage the guerrilla leaders and their followers to participate in the polling process, including special radio broadcasts.

However, it was probably quite clear to Mr. Mugabe and Mr. Nkomo that they would almost certainly lose, probably humiliatingly, any free and fair election.

As noted earlier, Mr. Nkomo's tribal base consists of a small tribe, the Matabele, which is feared and distrusted by the majority peoples, the Shona, who have vivid folk memories of the rapacity and tyranny with which this off-shoot of the Zulu tribe had formerly exercised its rule in the days before Europeans arrived to supplant them.

Mr. Nkomo's only hope of winning power in Zimbabwe, given this tribal situation, consists of a military victory of his Matabele forces, armed and advised by the Soviets and Cubans.

Thus, it is fair to assume that Mr. Nkomo will never submit to majority rule as long as he can hope to achieve a military victory—prospects for which are discussed elsewhere in this paper.

Mr. Mugabe, on the other hand, has a tribal connection with the majority Shona peoples, and is by all accounts a charismatic and articulate politician. However, his propensity for ruthless violence, and his deeply held Marxist political and economic views have made him deeply distrusted by large numbers of Zimbabwe-Rhodesians, black and white.

An indication how Mr. Mugabe might have fared at the polls is indicated by the results of the actual election. In overwhelming numbers the people of Zimbabwe voted for a peaceful Methodist bishop whom they trusted over a probably more intelligent and articulate former guerrilla leader, Mr. Sithole, whom they did not trust. Mr. Mugabe no doubt wanted to avoid the humiliation at the polls suffered by his former colleague, Mr. Sithole, and thus, boycotted the election. He apparently has placed his hopes on violence and Chinese arms as the most promising ticket to power.

After the election, a member of our group flew to Mozambique to meet with Mr. Mugabe's central committee members. Mr. Mugabe's people clearly indicated that they had rejected the idea of participating in these elections, though stating they might have under United States auspices. They declared that they would continue fighting for fifty years if necessary to "liberate" the people of Zimbabwe, regardless of the carnage and destruction that may be required.

Would the results have been differend had the election been supervised by United Nations personnel?

Virtually none of the observers or press representatives watching the election in

Zimbabwe thought that the actual election process as we saw it unfold would have been any different had several hundred United Nations officials been present. This election was free of any significant fraud. The majority of Zimbabwe's citizens wanted a Methodist bishop named Muzorewa as their new prime minister and they freely elected him.

On the other hand, the external leaders, Mr. Mugabe and Mr. Nkomo, who command important personal armies, would clearly prefer that the present security forces of Zimbabwe be disbanded and replaced by a United Nations security force to supervise the transfer of power. These guerrilla forces undoubtedly believe that with the disbanding of the regular security forces, the United Nations military presence would be far less effective in resisting pressures by the guerrilla forces both during and after any election. And once the highly professional security forces now in existence are disbanded, there would be almost no possibility of reconstituting them to their present state of effectiveness. Thus, the stage would be set for the other two armed elements, Mr. Mugabe and Mr. Nkomo's forces, to contest for power among themselves without hindrance from a powerful third force.

Another less important consideration regarding any new election is the enormous expense associated with the process of organizing, securing and conducting an election in a country involved in guerrilla warfare.

In this case, much of the able-bodied white male population was mobilized for police and army duties together with thousands of black auxiliaries to provide essential security to voters threatened with death.

The cost of the election and mobilization, and the indirect loss to the GNP represented by the diversion of much of the trained population to military and security duties was reported to run into many millions of dollars.

The constitutional questions

The fact that 28 seats out of 100 were reserved for white Zimbabwe-Rhodesians and that the present members of the civil service and officer corps are guaranteed against summary removal from their positions for between five and ten years was clearly the most troubling aspect of the election to most observers and press visitors.

However, even the Anglo-American plan has called for 20 seats to be reserved for whites, with some room for upward negotiation of that number had the Rhodesians supported the plan. So this was not the main question. The main question was whether Zimbabwe would really be under majority rule if the civil service and the officer corps were still largely white for another five years or so as is now in prospect under the present constitutional provisions.

If considerations of pure merit and competence were the determinant, there is no doubt that most, though not all, of the present incumbents of civil service and military would keep their jobs. Both observers and press were struck by the high quality of officers and civil servants whom they met, with only a few exceptions. In their professionalism and informality, the officers reminded many observers and press personnel of the quality found in the Israeli army. The civil servants, particularly those working out in the rural tribal trust areas, seemed to be both intelligent and dedicated to the welfare of the people.

All this must be honestly stated even at the risk of appearing to be unduly biased toward the present officials and officers. From a pragmatic point of view alone, it would appear that for many of these people to remain in office for a few more years to train the coming generation of black Zimbabwe officers and civil servants would be useful.

The important thing to bear in mind about the future is that with the black majority in the new Parliament, the power of the purse, the black ministers in charge of most government departments and ministries, the certainty of constitutional revision over the next five or ten years, and other similar pressures which events have already set in motion ensures that black Zimbabwe-Rhodesians will have a constantly expanding role in the political and economic life of the nation. But it will be a gradual, smooth transition.

On the other hand, if many of the remaining white officers were summarily removed from their jobs today to make way for less trained black Rhodesians, it is probable that the small but highly effective Zimbabwe-Rhodesian army—which is already 80% black and has more than 100 black officers—would rapidly lose ground against the forces of the two rival guerrilla armies.

The deteriorating security situation would then set the stage for an exodus of trained white personnel in all areas of the economy and government. The two rival forces of the guerrillas, one largely Shona and armed by China, the other largely Matabele and armed by Russia would later fight among themselves for supremacy in a long, bloody, ruthless civil war.

We question whether running such major risks would be in the interest of the majority of Zimbabwe's citizens.

Finally, though we recognize that the constitution as it now stands temporarily retains power for white Zimbabwe-Rhodesians disproportionate to their numbers, the constitution nevertheless has set in motion an inexorable process toward an ever increasing black role in Zimbabwe.

When asked about the shortcomings of the constitution, Bishop Muzorewa made a number of interesting observations. He noted that the constitution was a compromise. That neither blacks nor whites were completely satisfied with the final result and that there would be subsequent pressures to amend the constitution, as time went on. But for now, this was the best constitution that could be obtained, and that the 64 percent of Zimbabwe's citizens who voted under its terms was an indication that the majority of the country's people implicitly understood the necessity for, and validity of, this compromise.

It might also be noted that even the American constitution was originally a hard fought compromise between urban and rural interest, between capital and labor, between big states and small states. It took more than 150 years before women were permitted to vote, before American blacks were truly afforded equality of status with whites, before senators were elected by the people. Even today, smaller states are disproportionately represented in the Senate and there is no direct election of the President.

When examining the constitutional shortcomings of the Zimbabwe constitution, we might think about the compromises made in our own constitution to ensure majority acceptance and economic and political stability even at the cost of injuring certain purely democratic theories. Rather than trying to impose American ideas of what a constitution for Zimbabwe should be, perhaps the people of Zimbabwe should be given some years to work out these matters on their own by democratic means and gradualist measures.

Was any vote buying in evidence or practical?

There was not a single instance of vote buying even rumored. And even if money had been offered to a voter, there was no way the one who was bribing could have verified that his money had produced a sympathetic vote. The process of balloting was secret.

Was it possible for someone to vote more than once?

As each voter filed into the polls, his hand was inserted into a box containing an ultra violet light. If nothing appeared on his hand, he then filed past and dipped his hand into a solution containing a fluid which showed up under ultra violet light. This solution stuck to the hand of a voter for over a week, and made it impossible for him to come into the polls at another location and pass the ultra violet light test. Our delegation of observers tested the fluid on our own hands and tried every polling place subsequently visited to determine whether we could avoid detection. We were invariably detected. There was only one flaw in the system. If a voter immediately upon leaving the polls shook hands with a friend while the solution was still wet on his own hand, it would occasionally rub off onto the hand of the friend and show up when the friend tried to vote himself. However, it left a distinct pattern on the hand different from that which came from dipping, and the few instances of confusion caused by this were quickly clarified. No amount of washing or scrubbing would remove the mark left by the solution. We concluded that it was, therefore, not possible to vote more than once.

Did the majority of the people in Zimbabwe, many of whom are illiterate, understand what they were voting for?

The answer to that question is both yes and no. In terms of having a sophisticated grasp of all the issues, and a clear idea of what the future prospects were, one would have to say that the great bulk of voters were only generally informed.

On the other hand, dozens of interviews established that there was a widespread belief that the elections leading to a black prime minister offered some hope that the war could be brought to a gradual end. And the individual candidates had literally thousands of volunteer workers bringing the candidates' views and message to the people in all parts of the country.

Moreover, it was clear to observers that Bishop Muzorewa had by far the most effective and enthusiastic volunteer workers in the black community. And those of us who were familiar with elections in the United States were not surprised to see him ultimately triumph over Mr. Sithole and Mr. Chirau, whose organizations were distinctly inferior in quality and quantity to that of the Bishop. It should be emphasized that the workers for all candidates were volunteers. Though undoubtedly they existed at some level, we did not encounter a single paid campaign worker for a single candidate.

Why in some districts did as many as 110 percent of the estimated voters turn out? Did this mean local fraud or, possibly, a deliberate attempt by the government to underestimate the available vote so as to make the final result more impressive?

In a number of districts, this phenomenon appeared—something that was initially very disturbing to some of us. However, by carefully examining the districts where this had taken place, it turned out that it had been caused by the presence of migrant workers in places, by the influx of people to the protected villages in other areas and by movement from rural to urban areas over the past ten years since the census in still other regions. There was also reportedly a significant number of individuals who voted away from their home areas in order to avoid being noticed by any local guerrilla representatives. However, we were unable to verify this latter aspect from our interviews or independent observation.

Did the international observers and press really see what was going on?

The international observers and press, who were being flown around the country on military helicopters and trucked to the polls by military vehicles wanted to determine whether they were really being shown representative polling stations, or whether they were merely being shown model areas—political Potemkin villages—to impress, but which were unrepresentative of the election process as a whole.

Many of us, having visited Vietnam during the conflict, were very alert to the potential dangers of this sort of situation. As a consequence not only did we visit more than 60 polling stations on our regularly scheduled tours, but we also made unexpected detours—requesting the helicopter pilots to go to one location instead of another while en route. We also made independent visits to other polling stations without our escorts on an individual basis. But the patterns were invariably the same wherever we went.

Who really represents the people of Zimbabwe?

We wanted to know if Muzorewa, Sithole, and Chirau were really popular black leaders or whether they were merely stooges for the whites, political Uncle Toms, wth no real following among the blacks; and if Nkomo and Mugabe were the real popular leaders of the people of Zimbabwe.

We observed a tremendous amount of enthusiasm, particularly for Muzorewa, wherever he appeared at the polls and there were monster rallies for him during the campaign. The press reported the same thing. All of his workers were volunteers, as were those of the other candidates. And the election results were in direct proportion to the degree of enthusiasm and volunteer support which were perceived by the international observers and the press. As noted before, Mr. Nkomo does have considerable support among the Matabele people, a minority tribe, and he would undoubtedly win an election among this tribe. But the Shona peoples constituting 80% of the nation, obviously prefer someone of their own ethnic grouping, and not Mr. Nkomo, as the leader of the nation. We would also assume that if Mr. Mugabe thought that he could have come to power by participating in an election, then he would have done so. We assume that he concluded that the Bishop would have drubbed him as badly as he did Mr. Sithole, also a former Shona terrorist of charismatic nature who chose to try to gain power through elections.

At the risk of over-simplification, our observer group concluded that it was partly a question of ballots versus bullets. It appears that Mugabe and Nkomo think that they have a better chance of coming to power by means of strategem and the gun rather than through the polls. We also believe it is very probable that the enthusiasm shown by the Mugabe guerrila forces for disbanding or weakening the regular Zimbabwe army and the supervision of a new election by the United Nations personnel and forces was largely a tactical maneuver. If by any means the regular army can be dissolved or seriously weakened, subsequently moving any United Nations force aside will be a comparatively simple task, and the forces of the guerrillas will then be in a position to impose their own rule and ideology on Zimbawa-Rhodesia.

Why did Mr. Sithole claim that the election was rigged after the ballots were counted and he had lost?

Although it is obviously impossible to read the mind of another individual, the following facts may have a bearing on this situation.

Members of our delegation spoke privately with Mr. Sithole during the course of the election week. We asked him a number of questions in these conversations, including whether he thought the process of election was fair and free. Both to us, and to members of the press who posed similar questions, Mr. Sithole responded overwhelmingly in the affirmative.

Mr. Sithole is an extremely able man—considered by many the most intelligent and articulate of the candidates running. He has an ample ego, and very large ambitions. His campaign appeared well financed. Under these circumstances, Mr. Sithole suffered a crushing loss in the election—winning only 12 seats. His chief rival, Bishop Muzorewa, won more than fifty seats. Another contender, Chief Chirau, who has also raised some questions about the elections, didn't win a single seat.

Mr. Sithole and Mr. Chirau suffered serious loss of face, as well as personal disappointment at the results. For them to claim that the elections were unfair would be one way to minimize the embarrassment and possibly create international pressures for new elections, when they might be able to build better organizations and increase their overall vote. Threatening to raise an international fuss over the elections would also be an important bargaining device with those who actually won the elections to help secure important seats in the cabinet to be formed.

We noticed in our own conversations with Bishop Muzorewa that he didn't express full confidence in Mr. Sithole, a former guerrilla fighter with a dubious reputation among many Zimbabwe-Rhodesians. One could imagine that the Bishop might dispense with Mr. Sithole altogether, or fob him off with a minor cabinet post—if he could. His own majority status in the Parliament now gives him the power to do exactly that. And we would guess that Mr. Sithole may have decided to put a little heat on the Bishop.

It is significant that neither Mr. Sithole nor Mr. Chirau has been able to document assertions about major election irregularities in the week since the polling has passed.

BROADER POLICY QUESTIONS

What is the extent of Soviet, Cuban and Chinese involvement in the guerrilla conflict over Zimbabwe, and what are the Soviet objectives in this part of Africa?

The delegation saw large quantities of Soviet and Chinese arms captured on various battlefields, though diplomatic sources stated that Soviet and Cuban combat personnel do not appear to be directly involved on any significant scale.

However, the big stakes in Africa today are not, of course, in Zimbabwe-Rhodesia alone, but in South Africa and the rest of the continent.

Some observers feel that it is possible that Soviet support for militant guerrillas in Zimbabwe-Rhodesia may be a part of a larger African campaign.

It may be that among other things, the Soviets hope to disrupt the South African economy by helping to embroil it in external and internal conflict and thus create additional strains on the Western economy as a whole.

In addition, if by its aloof and disapproving posture, the American and British Governments indicate that the new government in Zimbabwe-Rhodesia is illegitimate, the Soviets may consider this to be the equivalent of a diplomatic hunting license to move against Zimbabwe-Rhodesia's new government.

Alternatively, if the United States and Britain recognize the new government and broaden their contacts with its personnel, the Soviets may think twice about stepping up their involvement at a time when they are apparently anxious to create a favorable climate in the United States to ensure passage of the SALT Treaty, secure removal of certain trade sanctions, and avoid other forms of geopolitical pressures which the West is capable of organizing in areas where the Soviet Union herself is vulnerable.

However, large scale Soviet and Cuban involvement from the territories of Zambia and Mozambique would require the cooperation of the governments of both countries. In the past, these governments were not anxious to provoke increased retaliation by the armies of Zimbabwe-Rhodesia which could lead to serious economic disruption and destruction.

Any stepping up of such cooperation might invite large scale and long lasting military operations against the guerrillas in these countries.

There is no doubt but that dropping sanctions by the United States toward the new government of Zimbabwe would produce some verbal protests. But it is not clear that serious, long lasting action beyond these protests would emerge from Africa unless by its own internal divisions and hesitation the Administration gave signs that it could be influenced by such actions. It should be noted that even front line Zambia now maintains extensive trade with Rhodesia and can hardly protest too convincingly if others follow suit.

Can the military and political situation in Zimbabwe be stabilized short of capitulating to the guerrilla forces?

Zimbabwe-Rhodesia's military personnel appeared confident that there was every prospect of containing the guerrillas, though acknowledging that there would be no immediate end to the fighting. They cited a number of reasons for their confidence.

1. Unlike jungle terrain, which provides impenetrable cover for hidden guerrillas, Rhodesia is largely an open countryside. In the outlying regions, a man's tracks in the dusty soil can be followed for days after he passes. Thus, it is somewhat more difficult for guerrillas to operate in this terrain unless they have the complete support of the local people.

2. Mr. Nkomo's Matabele guerrillas are handicapped by the fact that they are hated and feared by Mr. Mugabe's Shona forces. According to local observers, any attempt by either Nkomo's or Mugabe's group to penetrate the tribal areas of the other immediately results in their being reported. When the two forces meet in areas where their relative spheres of influence overlap, they have been known to open fire on each other. All attempts which have been made by the Soviets and others to bring about a uniting of the two guerrilla forces appear to have failed almost at once because of these conflicting tribal and personal rivalries and tensions. Future attempt at a reconciliation seem probable, but prospects for success appear dim to most area experts with whom we discussed the matter.

3. Rhodesian officers and political leaders also expressed the belief that with the enormous mandate received by Bishop Muzoewa, and the prospect of greatly increased black role in the new government, that there will be increasing cooperation by the ordinary black Rhodesians to bring a gradual end to the fighting.

Certainly, it was the impression of our observers in discussions with individual Zimbabwe-Rhodesians that the people, black and white, rural and urban, are deeply tired of the strain, disruption, and carnage of the war. While there may be a certain amount of romanticism associated with leftist guerrillas in the minds of many in the West, there appeared to us to be no such feeling in the villages of Zimbabwe-Rhodesia preyed upon by terrorists in the night to extort food, to kidnap the young for unwilling cannon fodder, and to butcher the tribal elders.

But however tired the people of the nation may be of the war and its costs, a number of practical difficulties appear to stand in the way of a comprehensive political compromise solution, beginning with the fact that the patriotic front is itself divided into two major, mutually antagonistic, factions.

Even if Mr. Mugabe personally were brought into a coalition, local experts believe that elements of Mugabe's own armed forces would continue to fight on with the help of externally provided arms. Some American diplomats in the area have already noted serious personal and tribal tensions within Mugabe's own organization and army. And, of course, even if Mr. Mugabe were to compromise, his rival in Zambia, Mr. Nkomo, would almost certainly continue fighting with the help of Soviet arms and money.

Bishop Muzorewa has, however, managed to pull together a coalition of Zimbabwe moderates and a number of the warring factions by means of compromise. It appears that he has a chance to succeed in stabilizing Zimbabwe over time. And we have the option to increase or decrease his chances of success by dropping or retaining sanctions, and extending or withholding recognition.

If Bishop Muzorewa appears to be a long-term winner, the chances of significant numbers of others later accepting his offer of amnesty and joining his government seem improved. But if the others are encouraged to think that he is possibly only a passing phenomenon, vulnerable to attack, they will undoubtedly take heart.

The next chapter in the Zimbabwe-Rhodesian story is not going to be a neat or clean one. The process of mopping up the guerrillas is inevitably going to be messy and continue for some years.

Should the United States, and the West in general, turn a cold shoulder on Bishop Muzorewa and the new government of Zimbabwe, it is obvious that Muzorewa will be forced into the full embrace of the South Africans in order to survive attacks from Soviet and Chinese armed insurgents. And survive he may, but at the cost of permanently weakening his reputation in much of the rest of Africa, and even to some extent in his own country.

It would seem in the interest of the United States to offer the Bishop an alternative short of total dependence on South Africa. By helping to discredit him, by refusing to associate with him or his government, and by continuing largely ineffective sanctions, it is difficult to imagine what proportional tangible benefits are gained.

In the new government of Zimbabwe-Rhodesia, obviously, serious people prefer a coalition consisting of all factions. But this appears to most of the experts with whom we met to be an utterly impractical objective at this time.

Although undoubtedly past American diplomatic pressures in southern Africa have speeded up the inevitable progress toward racial justice, some diplomats with whom we talked feel that we may have pushed this matter in the region about as far and as fast as it can be moved at present.

In societies with deeply held feelings—however unattractive they may be to others outside—political leaders can only move so far ahead of public opinion without being replaced in office by harder line individuals more in tune with the views of the country's real power structure.

Some have argued that we have already gone far toward accomplishing many of our objectives in southern Africa, helping set in motion events that have now taken on a dynamic of their own. The pace may be slower than we would ideally prefer. But this was also true in the United States where many years elapsed between the landmark Brown vs. Board of Education decision and broader implementation. The process is still not complete.

Good diplomacy sometimes requires a certain amount of patience and time to achieve longer range objectives.

Finally, some regional experts with whom we spoke felt that the West should begin to give more attention to other problems in this part of the world that threaten the lives and sercurity of ordinary African citizens.

In particular, the cynical Soviet practice of arming dissident tribal leaders and factions to wreak subsequent havoc among African societies and economies is something that surely deserves more active consideration by the American government.

● Mr. MUSKIE. Mr. President, I will vote for the Schweiker amendment with some reluctance—because it is substantially better than the Helms amendment and appears to be the least we can do today.

The question of Rhodesian sanctions has been debated many times in this body. There are many who feel strongly that the sanctions should be lifted while others feel just as strongly that sanctions should continue. It is a legitimate question for all Senators.

But before we vote on that question alone, we ought to ask ourselves what the outcome will signify—at this time—to the Rhodesians and to our adversaries and allies worldwide. We have not heard the evidence gathered by any observers to the recent elections, and indeed the new government chosen in those elections has not yet been formed. How can we responsibly make a decision on sanctions now?

What would such a decision say about the willingness of the Congress to be a responsible partner in foreign policy?

Last year Congress took the initiative and passed the Case-Javits amendment. This section of the International Security Assistance Act of 1978 authorizes the President to examine certain conditions regarding the political situation in Rhodesia before he can lift sanctions.

And yet today we were asked to accept the Helms amendment which would preempt the decisionmaking process vested in the President—a process we authorized in Case-Javits.

Passage of this amendment would raise serious questions about Congress' ability to play a responsible role in foreign policy formulation. As lawmakers, we can help chart the President's direction as he carries out this country's foreign policy. But when we attempt to unilaterally take charge of the helm of the ship, Congress becomes irresponsible and places in jeopardy the same foreign policy process we claim to be protecting.

The President has firmly committed himself to abide by the Case-Javits amendment. Pursuant to the law, the President will make a determination regarding sanctions, after a new Rhodesian Government has been installed. This new government will take over during the first part of June.

The majority leader had prepared an amendment which would be consistent with the law in calling on the President to make his determination by June 30 or 14 days after the new government is installed, whichever is earliest. I would prefer that amendment. This provision allows adequate time for the President to carefully examine the Rhodesian situation and to consult with other concerned nations, including Great Britain.

Our goal in Rhodesia is majority rule and government stability. Sanctions were imposed to effectuate these goals. To lift these sanctions prematurely would vitiate that goal and could severely damage the efforts of the United States to bring lasting stability to not only Rhodesia but the entire southern Africa region.

The Schweiker amendment, being a sense of Congress resolution, preserves the President's prerogative while expressing the position of the Senate.●

● Mr. DOLE. Mr. President, some 35-years ago the United States was instrumental in helping found the United Nations. The Congress, representing the American people, felt it was in the Nation's best interests, as well as in the interests of world peace and progress, to support the United Nations with our financial contributions as well as our moral commitment and we in Congress today continue to support this concept. We have found in recent years, however, that the United Nations has tended to stray from its original charter. With the rapid expansion of membership to include Third World countries, the United Nations has subtly shifted its mission in many areas from a theme of impartiality and mediation to one of advocacy. This is nowhere more apparent than in Africa.

The U.N. was meant to be an international forum for the world community to bring its disagreements, share mutual concerns, and work together for world peace and stability. Under its charter, the U.N. was not meant to become an advocate for special interest groups—certainly not terrorist groups such as the Patriotic Front whose actions contradict the very core of the U.N. Charter.

ZIMBABWE-RHODESIA

In the recent past the United States complied with U.N. sanctions against the racist government in Mr. Ian Smith's Rhodesia. Mr. President, last year's International Security Assistance Act directed that sanctions against Zimbabwe-Rhodesia be suspended upon a Presidential determination that the government there had made a good faith attempt to negotiate at an all-parties conference and that a freely elected government had been installed with the participation of all political and population groups. The interim government led by Mr. Ian Smith did agree to meet with all parties at a conference, however, the Soviet-supplied, Marxist-dominated guerrilla groups known as the Patriotic Front declined to participate.

PRECONDITIONS MET

As a result the white minority government moved ahead on its own in its plans for a transition to black majority rule. In January a new constitutional blueprint was ratified for the establishment of a new democratic government—a government which for the first time would allow all population groups an opportunity to vote and hold office. This historic election took place on April 20, 1979, monitored by international and impartial observers. It now appears extremely likely that the new era ushered in on that date by an overwhelming 65 percent participation of eligible voters will meet the preconditions we in this body required for the lifting of economic sanctions.

Critics of the Ian Smith regime—and I had many reservations about the legality, the motivations and the actions of that government—claimed that the new election would change nothing, and that the election itself is a sham. The Senator from Kansas is convinced however, that the white minority in Rhodesia has at last seen the futility of its racist, bigoted programs. This transition to a full participation, majority-rule government is a meaningful change, a real, first step of progress.

There is the claim that because the new constitution still reserves 28 percent of the seats in Parliament for the white minority we must reject the entire process of change. Many other countries we recognize today in Africa are not known for their attention to democratic freedom, due process, and human rights. This by no means exculpates Rhodesia. But there is a ferment of change in detectable amounts on Rhodesia and South Africa of which we must work to take advantage to aid in the transition.

ELECTIONS EVIDENCE OF SUPPORT

Within Zimbabwe-Rhodesia the black population and its moderate leaders warmly embrace this opportunity for a peaceful transition. They do not want to see the massive white flight that would come about if the Patriotic Front forced its theories of government upon the people. It would take decades to recover from the damage to the economy and technology such a flight would cause. Instead they hope to see the same orderly transition of power that accompanied the change from colonial status in Kenya.

The administration tells us that it is not reasonable to support the new black majority government because it excludes such a large and potentially dangerous group as the Patriotic Front—that no solution would be viable while opposing armies remain in contention.

This is decisionmaking by appeasement and capitulation. We did not follow that route in the Middle East when we achieved the peace agreement between Egypt and Israel—excluding the large and troublesome terrorist group called the Palestine Liberation Organization. The administration should have learned from that experience that it is not possible to compromise on every position, not when your opponent calls for the cmplete rejection of your every right to existence.

We must encourage the moderate governments of Africa. We must give every opportunity for the new government in Zimbabwe-Rhodesia to succeed. Our constructive involvement can improve the conditions for success or failure for this desperate last chance experiment.

Mr. President, I support the lifting of sanctions with the successful example of the elections before us. It is the hope of this Senator that the United States will show a greater willingness to work with those truly representative and legitimate parties who are prowestern for constructive progress in the future.●

● Mr. GLENN. Mr. President, I am opposed to amendments which I believe would have the dual effect of undermining the Case-Javits provisions and of giving full congressional endorsement to one side of an African dispute whose basic resolution must ultimately come from all sides.

Under the Case-Javits amendment, the President is required to lift sanctions against Rhodesia if he determines that a black majority government has been chosen in a fair, free and democratic manner. The President is now following this mandate of determination that was passed on this floor only last year. He is now receiving a full range of information concerning the entire Rhodesian process. His options are many: he may determine that this new government is a truly genuine majority-rule government and that it is committed to specific, phased steps to consolidate itself and improve upon its provision. This government could, for example, make commitments to allow blacks to change its constitution that was drafted and approved by whites-only. Such commitment might be accompanied by phased modifications of our Nation's economic relations with the new government.

My point, Mr. President, is that these are careful decisions best left for Executive determination. Certainly no coherent or well-informed determination of this type is going to be made here on the Senate floor amidst circulation of the "X" report the "Y" report and the "Z" report on the Rhodesian elections accompanied by the ideological pedigree of whoever the "observer" was. We have enough trouble in certain parts of this Nation "observing" our own elections for irregularities without being so presumptious as to attempt to make foreign policy based upon conflicting and unstandardized reports of "experts" and media.

I am voting against all amendments in the interests of permitting the President to make a more full and complete analysis of the Rhodesian situation than is possible on this Senate floor today.●

Mr. HELMS. I thank the Chair and I thank my friend from New York for yielding to me.

I am delighted we have finally reached an accord that the Senate is finally going to say, "Lift the sanctions, lift the sanctions against Rhodesia."

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, how much time do I have?

The PRESIDING OFFICER. Thirteen minutes and six seconds.

Mr. JAVITS. Mr. President, I am prepared, if there is no other Member who wishes to speak in opposition, to yield back that time in opposition.

If there any other Member who wishes to speak in opposition?

Is there any time remaining for the proponents?

The PRESIDING OFFICER. None.

Mr. JAVITS. Mr. President, I yield back the time for the opposition.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that the Senator from Montana (Mr. BAUCUS) is absent on official business.

I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of death in the family.

Mr. STEVENS. I announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness.

The PRESIDING OFFICER. Is there any Senator in the Chamber who wishes to cast a vote?

The result was announced—yeas 75, nays 19, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—75

Armstrong
Baker
Bellmon
Bentsen
Boren
Boschwitz
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cochran
Cohen
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Exon
Ford
Garn
Goldwater
Gravel
Hart
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Jackson
Javits
Jepsen
Kassebaum
Laxalt
Leahy
Long
Lugar
Magnuson
Mathias
Matsunaga
McClure
Melcher
Morgan
Muskie
Nunn
Packwood
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Roth
Schmitt
Schweiker
Simpson
Stennis
Stevens
Stewart
Stone
Talmadge
Thurmond
Tower
Wallop
Warner
Weicker
Williams
Young
Zorinsky

NAYS—19

Bayh
Biden
Bradley
Chafee
Cranston
Culver
Eagleton
Glenn
Kennedy
Levin
McGovern
Metzenbaum
Moynihan
Nelson
Pell
Percy
Sarbanes
Stevenson
Tsongas

NOT VOTING—6

Baucus
Inouye
Johnston
Riegle
Sasser
Stafford

So Mr. SCHWEIKER's amendment (No. UP 147) was agreed to.

Mr. SCHWEIKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. GLENN). The Senate will be in order.

The majority leader's comment is well taken. The Senate is not in order. The Senate will please be in order. Senators please take their seats or remove themselves from the Chamber.

The question now recurs on agreeing to the amendment of the Senator from North Carolina to his own amendment.

Mr. ROBERT C. BYRD and Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia, the majority leader.

Mr. ROBERT C. BYRD. Mr. President, I have had some discussions with Mr. HELMS.

Without losing my right to the floor, I yield to him, with the understanding that I not lose my right to the floor, for any statement he wishes to make.

The PRESIDING OFFICER. Without objection, debate will be in order.

Mr. HELMS. Mr. President, I am delighted with the events here this afternoon. Frankly, I did not foresee that at the end of the tunnel would be almost a unanimity among those who have been scrapping it out.

Mr. NELSON. Mr. President, may we have order? I cannot hear the distinguished Senator.

The PRESIDING OFFICER. The point of the Senator is well taken. May we have order? Will the Senator use his microphone or turn the volume up?

Mr. HELMS. It is my soft, dulcet southern tone which is soft-spoken. [Laughter.]

As the distinguished majority leader has indicated, we have discussed the situation and, as I understand it, we will have, unless a change is made, two rollcall votes: One on the amendment I submitted yesterday afternoon, and then the perfecting amendment which I submitted this afternoon.

Mr. President, the amendment can be set forth by the distinguished majority leader, which I am delighted to cosponsor, and I am going to ask unanimous consent that the yeas and nays on my perfecting amendment be vitiated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HELMS. I thank the Chair.

Now, Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 148

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), for himself, Mr. HATFIELD, Mr. CHURCH, Mr. SCHWEIKER, Mr. HELMS, and Mr. JAVITS, proposes an unprinted amendment numbered 148:

S. 586

In lieu of the language proposed to be inserted insert the following:

PRESIDENTIAL DETERMINATION

SEC. 405. Not later than 14 days after the installation of a new government in Rhodesia (Zimbabwe) or June 30, 1979, whichever is earlier, the President shall prepare and transmit to the Congress a report setting forth a determination he has made with respect to paragraphs (1) and (2) of section 27 of the International Security Assistance Act of 1978, together with his reasons for making such a determination.

NONENFORCEMENT OF SANCTIONS AGAINST ZIMBABWE RHODESIA

SEC. 303. (a) The Congress finds and declares, with respect to section 27 of the International Security Assistance Act of 1978 that—

(1) the Government of Zimbabwe Rhodesia has demonstrated its willingness to negotiate in good faith at an all-parties conference, held under international auspices, on all revelant issues; and

(2) Zimbabwe Rhodesians have approved through free elections the transfer of power to a black majority government.

(b) It is the sense of the Congress that the President, within the time limits of subsection (A) should determine that the provisions of paragraphs (1) and (2) of section 27 of the International Security Assistance Act of 1978 have been substantially complied with and should not enforce sanctions against Zimbabwe Rhodesia.

The PRESIDING OFFICER. There is a time limit on this amendment to be equally divided on both sides.

Who yields time?

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. ROBERT C. BYRD. Yes.

Mr. JAVITS. I think we have arrived at a solution, and I hope the Senate approves it. It is not necessarily my solution. I would have preferred the substitute which the majority leader, Senator CHURCH and I, and a number of others had prepared, which was to give the President a little more time so that in a matter as delicate as this he could have given us his view before we decided.

We could have also decided the way Senator HELMS wished us to or some other way. But I sense the sentiment of the Senate to be to make a finding but without making it binding finally. That is just what this does. We make our own finding. We say we think that the Case-Javits amendment has been complied with, to wit, that there was an election, that there were disinterested observers, that the people who were elected offered or were willing to negotiate with the Patriotic Front, and so on. That is the finding which is made in this amendment. We say that it is the sense of the Congress that the President should, within the time limit, make the same finding. If he does not choose to, we still have the ball in our court, and we can still do what we please.

That, I think, is the temper of the Senate which I have gathered from this debate. I did not start that way, I started with the majority leader and FRANK CHURCH in the belief that we should simply give the President a chance to decide under Case-Javits. That is not the way the Senate felt. So without it being binding—without the Helms language, "notwithstanding any other law," et cetera—this amendment is acceptable to me. I think it fairly represents what people feel around here and, at the same time, does what I wanted: not to lock us all in, not to lock the President in, but to give him a chance to let us have his views and his findings. This was the original purpose that Senator CASE and I had in mind.

I think this amendment is a fair solution. I think Senator HELMS, like the majority leader, has been cooperative. We could have done this with four or five rollcalls, which have now been swept aside, and I hope the Senate approves it.

Mr. ROBERT C. BYRD. Mr. President, what we now have is a fusion of the amendment which I had stated would be called up on behalf of myself and several Senators, including Mr. CHURCH, Mr. JAVITS, Mr. HATFIELD, Mr. MUSKIE, Mr. MCGOVERN, Mr. KENNEDY, Mr. TSONGAS, Mr. EAGLETON, and Mr. METZENBAUM, and the amendment which has just been adopted offered by Mr. SCHWEIKER, cosponsored by Mr. DECONCINI, so we have a fusion of the two now.

Mr. President, the amendment offered by Senator HELMS would have had the effect of requiring the lifting of sanctions immediately after the installation of a new government in Rhodesia.

This substitute amendment—which combines the earlier amendment I intended to call up with portions of the amendment by Senators SCHWEIKER and DECONCINI—provides an alternative, and, I believe, much more reasonable course of action than the Helms amendment. This substitute amendment would require the President, consistent with the Case-Javits amendment to the International Security Assistance Act of 1978, to proceed with his determination with regard to the continued enforcement of sanctions against Rhodesia. The law specifies that such a determination will be made once "a government has been installed, chosen by free elections in which all political and population groups have been allowed to participate freely, with observation by impartial, internationally recognized observers."

It is the sense of the Senate, as expressed in the Schweiker-DeConcini amendment, that these conditions have been met. We all know that the recent elections in Rhodesia have been both praised and denounced in the international community. Personally, I have been impressed by some of the reports about the relative fairness and freedom of the elections. That view is reflected in the sense of the Senate amendment.

Under this amendment which I am now proposing, the President would make his determination no later than 14 days after the installation of the new government in Rhodesia, or, in any case, no later than June 30, 1979. The June 30 date is included so that in the event there should be an unexpected delay in the installation of the new government, the President would still be required to reach his determination within a reasonable period of time. The amendment would require that the President provide Congress with a report, setting forth his determination and his reasons for that determination, within a specified time period. The President would be required to make his determination on a prompt and timely basis.

President Carter has stated that he fully intends to comply with the Case-Javits amendment. He has informed me by letter that he will make such a determination no later than 2 weeks after the new government in Rhodesia-Zimbabwe is installed. That installation is expected to take place about June 1.

This amendment offers a positive alternative for the Senate. It takes into account the President's pledge to act in good faith to comply with the existing law; yet it also establishes a specific but reasonable time frame within which he must act.

So we now have a fusion of the language of the original amendment I intended to call up—which was going to be supported by the chairman and ranking member of the Committee on Foreign Relations, among others—and the sense-of-the-Senate language the Senate has just approved, which was offered by Mr. Schweiker. This amendment gives all Senators a chance to vote "aye" again, and I hope the Senate will support it.

I am ready to yield back my time. I yield to the Senator from North Carolina.

Mr. HELMS. Mr. President, one thing is clear: This message will not only get to Salisbury, Rhodesia, it is going to get to London and the new government there will hear it, and I think the Senate is well on its way to taking an action that it should have taken a good while ago, but I am glad we have reached this resolution.

I say again I am always delighted to join with the majority leader whenever I can on any matter.

Mr. ROBERT C. BYRD. The Senator always has the right to join with the majority leader, as he has just done.

Mr. SCHWEIKER. Mr. President, I want to thank the distinguished majority leader for exercising some real leadership in this situation. I appreciate very much the opportunity to vote on the original Schweiker-DeConcini amendment. I thank him for including that in his amendment. I think it is a very equitable solution and expresses the sense of the Senate.

Mr. ROBERT C. BYRD. I thank the Senator for his kind words and his contribution.

I yield to Mr. Tsongas who seeks to speak.

Mr. TSONGAS. Mr. President, I hate to break up this wedding party, but let me inject a vote of dissent. It is unfortunate that we will not have a vote on the Byrd substitute because what we are doing today—and the Senator from North Carolina stated it quite well—is we are sending a message, and the interpretation is going to be that the vote that just took place, which will be matched by the vote now, is the true sentiment of the Senate on the basic issue of sanctions. That simply is not the case.

What we have here is a compromise where people are opting out, for reasons that are not illegitimate, what is basically possible. The fact is that in the votes we are taking, in the counts we are taking, at least 40 Senators would have voted for the original Byrd substitute.

We are sending a message to black Africa by those totals suggesting that overwhelmingly this Senate is going to be in accord with the white-controlled government now in Rhodesia. It is not simply a case of by voting, that is going to go away. This issue is going to come back, and every country in black Africa is going to take note of it.

I wish somehow the original substitute by the majority leader could have been voted on because that would have been a true reflection of the feelings of the Senate.

We are choosing a road. We are at the crossroads, and as time goes on, it will come back to haunt us.

I have gone into my reasons previously, but I would hope that Senators would vote against this proposal. However well intended it is, I think it is important to send a message that not everyone in the Senate is prepared to live with this kind of compromise. It is an important issue; it will be there for a long time, and I hope at least some Senators will vote no, to suggest that the original Byrd amendment would have been preferable.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, who has the time in opposition?

The PRESIDING OFFICER. The Senator from New York and the Senator from West Virginia are in control of the time.

Mr. ROBERT C. BYRD. I yield back my time.

Mr. JAVITS. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment——

Mr. HELMS. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. The yeas and nays have already been ordered on the underlying amendment, which has to be voted on in any event.

Mr. HELMS. Mr. President, will the Chair repeat that?

The PRESIDING OFFICER. This will be followed by a yea and nay vote on essentially the same issue, on which the yeas and nays have already been offered, the amendment of the Senator from Pennsylvania.

Mr. HELMS. All right. I will let it go by.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, if there is going to be a rollcall vote, let us have it on this amendment.

Mr. HELMS. I agree with the majority leader.

Mr. JAVITS. Yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment (UP No. 148) of the Senater from West Virginia (Mr. Robert C. Byrd). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, debate is not in order during the rollcall, but I think Senators should know that there is still the vote on passage of this bill to come, and that could very well be a rollcall vote.

The call of the roll was resumed and concluded.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Johnston) and the Senator from Michigan (Mr. Riegle) are necessarily absent.

I further announce that the Senator from Montana (Mr. Baucus) is absent on official business.

I also announce that the Senator from Tennessee (Mr. Sasser) is absent because of death in the family.

Mr. STEVENS. I announce that the Senator from Vermont (Mr. Stafford) is absent due to illness.

The PRESIDING OFFICER. Are there any Senators in the Chamber who have not voted?

The result was announced—yeas 83, nays 11, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—83

Armstrong
Baker
Bellmon
Bentsen
Boren
Boschwitz
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cochran
Cohen
Cranston
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Exon
Ford
Garn
Goldwater
Gravel
Hart
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Jackson
Javits
Jepsen
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McClure
Melcher
Metzenbaum
Morgan
Muskie
Nelson
Nunn
Packwood
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Roth
Sarbanes
Schmitt
Schweiker
Simpson
Stennis
Stevens
Stevenson
Stewart
Stone
Talmadge
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Young
Zorinsky

NAYS—11

Bayh
Biden
Bradley
Culver
Eagleton
Glenn
Kennedy
McGovern
Moynihan
Pell
Percy

NOT VOTING—6

Baucus
Inouye
Johnston
Riegle
Sasser
Stafford

So Mr. Robert C. Byrd's amendment (UP No. 148) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 198 by the Senator from North Carolina, as amended.

Mr. CHURCH. Mr. President, I am of the understanding that the distinguished Senator from North Carolina is prepared to vitiate the yeas and nays.

Mr. TSONGAS. Mr. President, I will object to that and force a vote on the issue.

There has been no unanimous-consent request to remove the vote so there is no point in my objecting until that is done.

Mr. CHURCH. Let me say to the Senator that we have just voted——

The PRESIDING OFFICER. Will the Senate please be in order?

Mr. CHURCH. The Senate, by a yea and nay vote, has approved——

Mr. LEAHY. Mr. President, we cannot hear.

The PRESIDING OFFICER. May we have order in the Senate, please? The Senator's point is well taken. The Senators will take their seats or remove themselves to the cloakroom, please.

The Senator from Idaho.

Mr. CHURCH. Mr. President, the Senate, by a vote of 83 to 11, has just approved the Byrd amendment, or the Byrd compromise amendment. If we now proceed to another rollcall vote, we shall be voting for a second time on the identical proposition.

Mr. TSONGAS. Will the Senator yield?

Mr. CHURCH. Yes.

Mr. TSONGAS. There were a number of us who voted for the Byrd substitute because it was preferable to the original amendment but who are opposed to the notion of lifting the sanctions. There is no other vehicle, given the fact that the original amendment is as it is, to express that sentiment. That is why I shall object to any attempt to ask unanimous consent to vitiate the vote on this issue.

Mr. CHURCH. I understand the Senator's position. I, therefore, suggest that we proceed to a yea and nay vote.

The PRESIDING OFFICER. The question is on amendment No. 198, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Louisiana (Mr. Johnston) and the Senator from Michigan (Mr. Riegle) are necessarily absent.

I further announce that the Senator from Montana (Mr. Baucus) is absent on official business.

I also announce that the Senator from Tennessee (Mr. Sasser) is absent because of death in the family.

Mr. STEVENS. I announce that the Senator from Vermont (Mr. Stafford) is absent due to illness.

The PRESIDING OFFICER. Are there any Senators in the Chamber who have not yet voted? Any Senators who have not yet voted?

The result was announced—yeas 74, nays 21, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—74

Armstrong
Baker
Bellmon
Bentsen
Boren
Boschwitz
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cochran
Cohen
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Exon
Ford
Garn
Goldwater
Gravel
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Jepsen
Kassebaum
Laxalt
Leahy
Long
Lugar
Magnuson
Mathias
Matsunaga
McClure
Melcher
Morgan
Nunn
Packwood
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Roth
Schmitt
Schweiker
Simpson
Stennis
Stevens
Stewart
Stone
Talmadge
Thurmond
Tower
Wallop
Warner
Weicker
Williams
Young

NAYS—21

Bayh
Biden
Bradley
Cranston
Culver
Eagleton
Glenn
Hart
Kennedy
Levin
McGovern
Metzenbaum
Moynihan
Muskie
Nelson
Pell
Percy
Sarbanes
Stevenson
Tsongas
Zorinsky

NOT VOTING—5

Baucus
Johnston
Riegle
Sasser
Stafford

So Mr. Helms' amendment (No. 198), as amended, was agreed to.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. May we have order in the Chamber, please.

Mr. HATCH. Will the distinguished Senator yield a few minutes to me?

Mr. CHURCH. I am happy to yield to the Senator.

Mr. HATCH. Mr. President, in an attempt to not bring up another amendment tonight, the distinguished Senator from Idaho has agreed to chat with me about section 103 of this act.

The amendment I was going to bring up provides for greater congressional control over future budgets by striking the new provisions in this bill which create permanent authorizations, allow funds to be transferred among accounts, and allow appropriations to remain available for expenditure instead of expiring at the end of the fiscal year for which they are appropriated.

I personally feel it is not good budget policy to allow open-ended appropriations and to create permanent authorizations which allow funds to be transferred among accounts, and allow appropriations to remain available for expenditure instead of expiring at the end of the fiscal year for which they are appropriated.

I ask the distinguished Senator from Idaho to explain this and to explain how he feels that the Senate Department has not abused this type of provision and the constraints that they will place upon themselves which are expected by the U.S. Senate. If the distinguished Senator can do that to my satisfaction, I will withhold my amendment.

Mr. CHURCH. I thank the Senator, first, for his inquiry.

Since 1971, the committee has been providing authorities for increases in nondiscretionary employer benefits authorized by law, adverse currency fluctuation costs, and other contingency costs on a year-by-year basis. The committee felt this year that, based upon the record of the department, and in an effort to streamline the authorization bills and eliminate unnecessary annual authorization provisions, it made sense to give the department permanent authority to increase salaries abroad, to take into account cost-of-living considerations, to make the necessary adjustments when American money either declines in value or rises in value vis-a-vis a particular foreign currency, and to permit, on a permanent basis, the department to transfer money among four major line item authorizations, so long as that practice is not abused, and limited by the provisions of the act which the Senator will find on page 8, beginning on line 12, which make clear that these intradepartmental transfers could not increase any line item by 10 percent.

I say to the Senator that we have long permitted that degree of flexibility in the administration of the foreign aid program, and we saw no reason not to permit a similar degree of flexibility in connection with the operations of the State Department.

This will not mean that the committee will lose any control over the Department. I call the Senator's attention to page 10 of the committee report, the last sentence of the second paragraph, which reads:

> The committee expects to be informed on an annual basis concerning the use of these authorities.

Taken together, what this means is that the committee will permit these routine adjustments to be made, but insists on being informed fully when they are made, so that when we detect any abuse or pattern of abuse, we immediately can change the provision of the law and return ourselves once more to the practice of annual authorization.

I assure the Senator that the committee will remain alert to any possible abuse. But based upon our experience with the Department since 1971, we felt the time had come to make this authority permanent, so that we would not have to take it up each year, with each succeeding authorization bill.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HATCH. I yield to the distinguished Senator from Washington.

Mr. MAGNUSON. Of course, all these are subject to yearly appropriations. We look at them every year, and sometimes an authorization extends for 3 years or 1 year. We take a look at the authorization and we appropriate. I assure the Senator from Utah that the appropriations are a little more skimpy than the authorizations.

[Laughter.]

Mr. CHURCH. We do have a double check; and the Appropriations Committee, of course, reviews the actual amounts of money in each of these categories each year, as the Senator knows.

I should like to say one other thing to the Senator. I do not really believe that allowing the State Department to use the money that is authorized and appropriated until it is expended is a bad practice. On the contrary, I think that to insist that the money be cut off at the end of the fiscal year is what makes for waste and unwise use of the money.

I have seen many cases in which a frantic effort is made at the end of the year to get all the authorized money spent, no matter how it is spent, so that the Department can come back the next year and say, "We spent all the money you gave us last year. We need all of that and more this year." I really think we waste more money by insisting that it all be spent within the 12-month period than we do by permitting it to be spent wisely, once authorized.

Mr. HATCH. As the Senator knows, I am concerned about these so-called uncontrollables behind which many of us in the Senate hide year after year.

I suggest that part of the problem is that we authorized too much money in those situations where they have to spend the money during the year, and it is a never ending process. If we give a large budget authority and allow it to be open-ended over a period of years, it can run out of control.

Last year, we appropriated $835 million for administration of Foreign Affairs, $407 million for international organizations and conferences, $21 million for international commissions, $112 million for migration and refugee assistance.

These are the accounts that would be affected by this transfer provision. In terms of last year's figures, under this provision, we could have increased contributions to international organizations by $41 million, a 13-percent increase above the appropriation for that item, within an eligible account last year. This is a potential for abuse that I am concerned about, and that is one reason why I have considered bringing up an amendment to correct that possibility of abuse.

Mr. CHURCH. The Senator's point is well taken. I can assure him that the committee will watch this carefully, so that should we feel that the privilege we extend through this permanent authorization is being abused, we will take corrective action.

Let me say one other word about the working of the committee, particularly in reference to the Senator's point that we sometimes authorize too much money and that this creates a problem.

The committee has tried very hard to avoid authorizing too much money in any bill it has brought to the floor or will bring to the floor.

With reference to the substantive programs, the aid programs, the Foreign Relations Committee has cut a third of a billion dollars from the administration's request for economic and military aid. That has eliminated all the requested increases and actually has reduced next year's level of authorized spending below this year's level of spending.

So not only have we resisted the requests of the administration for increases in foreign spending in these fields but, also, we actually are reducing spending below present levels.

Mr. HATCH. I appreciate the comments of the distinguished Senator from Idaho.

I add that I do not believe that the appropriations process is the place to make changes in the authorization level, and I believe the distinguished Senator agrees with me on that.

The purpose of the authorization process is to authorize the amount Congress feels reasonably can be spent on various items. Then the Appropriations Committee works within these upper limits with the amount of available resources to set appropriations levels. But the authorization process is where the detailed decision should be made. The Appropriations Committee does not have the time to exercise, and should not be asked to exercise, the amount of oversight over Government agencies' budgets that the authorizing committees can devote to that process. By allowing this transferability of authorizations for appropriations, the authorizing committee may be abdicating its responsibility to the Appropriations Committee.

I believe that this particular provision of section 103 diminishes the congressional control over Federal spending.

If I understand the distinguished Senator from Idaho, he does not disagree with those comments, but feels as though the Oversight Committee will watch over this matter and be very careful in seeing that there are no abuses with regard to this particular provision.

Mr. SARBANES. Mr. President, will the Senator yield for an observation?

Mr. HATCH. I am delighted to yield for an observation.

Mr. SARBANES. I suggest to the Senator from Utah that this provision may in fact work out to give us much better budget control for this reason. If we watch very careful shifts, if they should be made—they may not be made—but if they should be made, then we get a better reading of the priorities that the executive is setting. Otherwise, if we do not do it, they have a tendency to want to try to push up their figures in all four categories in order to provide for any contingency that they can foresee.

What this enables us to do is to really sort of—I do not want to say catch them out—that is probably not the right expression—but to identify them if they move and then in the next year you can not only take into account as to where it is going but you can also take into account as to where it is coming from and come in with a much tighter fitted control with respect to the authorization. Otherwise, what does the Department try to do to you? We have been trying to ferret that out, and I think with some success. They try to hold up all of those limits. So we think it will work out in practice especially if it is monitored closely by the committee. We appreciate the interest of the Senator from Utah. It is going to end up giving us a tighter clamp on the budget of the Department.

Mr. HATCH. Mr. President, if I understand the distinguished Senator from Maryland and the distinguished Senator from Idaho, they do not disagree with my assertions here today. Is that correct?

Mr. CHURCH. The Senator is correct.

Mr. HATCH. The Foreign Relations Committee will monitor this very carefully and make sure there are no abuses to the extent of its ability to do so.

Mr. CHURCH. I point out to the Senator in connection with this bill, which deals with the ordinary operating expenses of the Department and does not give us as much opportunity for making substantial cuts as the substantive programs, we have, nevertheless, cut this bill $5.8 million below the administration's request.

Mr. HATCH. I understand.

I make this point. Although I disagree that this is good policy, because of the lateness of the hour and desire of all Senators to be able to complete this business at the earliest possible time, I will not bring up my amendment.

Mr. President, I thank the Senator from Idaho and the Senator from Maryland for their willingness and ability to discuss this matter here today. Although, as I said before, I do not totally agree with the policy considerations, I feel as though the record has been made. I think a good-faith effort has been made to explain this section and the ramifications thereof by these distinguished Senators, and I appreciate that. I will not call up my amendment, and I hope we will proceed with the final vote on this bill.

Mr. CHURCH. I thank the Senator and I agree with him that this colloquy has been helpful.

Mr. MAGNUSON. Mr. President, today we have before us Senate bill 586, the Foreign Relations Authorizations Act. Incorporated in this bill is Senate Concurrent Resolution 14 calling for a moratorium of indefinite duration on commercial killing of whales. I wish to take this opportunity to once again draw your attention to the plight of these magnificent creatures. It is essential that we reaffirm at this time the commitment of the people of the United States to protect these awesome inhabitants of the seas.

The reluctance of whaling nations to abide by the protective measures established by the International Whaling Commission is cause for grave concern. Compliance with the international whaling management measures is tenuous, at best, and difficult, if not impossible, to monitor and enforce. The result is a continued decline in certain whale populations and a growing sense of frustration among those desirous of protecting these delightful beings from the depredations of man.

I have jointly initiated a measure to place sanctions on those determined to thwart the desires of the international community to protect the remaining whale populations. This was done by amending the Fishery Conservation and Management Act to require the Secretary of Commerce to deny access to the U.S. fishery conservation zone to any nation found in violation of an international whaling or fishery conservation program. While effective, this provision only affects those nations fishing in our fishery conservation zone; thus some further measure must be instituted that will reach all whaling nations.

The U.S. delegation must present a consensus at the forthcoming meeting of the International Whaling Commission in July. I believe passage of this provision will give a clear indication to the U.S. delegation and to the IWC itself that the American people, as represented by this Congress, are opposed to the commercial killing of whales.

A moratorium on commercial whaling would provide a respite in the taking of whales that would allow those stocks that are depleted or declining to begin to recover. It would also provide a situation that would allow for effective enforcement: Theoretically under the moratorium, no commercial whaling would occur and thus anyone attempting to traffic whale products would be in obvious violation and appropriate sanctions could be invoked. This moratorium would not prohibit scientific investigations concerning cetacean populations and would provide the time to compile more adequate information on whale stocks.

Approval of this provision by the Senate will serve as a clear demonstration to the world that the American people are determined to end the pursuit and slaughter of these rare and intelligent creatures. I urge my colleagues to support this measure.

Mr. STEVENS. May I ask my good friend from the State of Washington a few questions?

Mr. MAGNUSON. Certainly.

Mr. STEVENS. Do I understand that this amendment refers only to commercial whaling and does not touch upon the issue of aboriginal subsistence whaling?

Mr. MAGNUSON. Yes, it refers only to commercial whaling.

Mr. STEVENS. Does this amendment change in any way the policy of the Marine Mammal Protection Act and the Endangered Species Act?

Mr. MAGNUSON. It reiterates and strengthens those policies and points out the shortcomings of the IWC in implementing the 1946 treaty with respect to commercial whaling. Whaling by nations which are not members of the IWC appears to be increasing and makes effective conservation by the IWC impossible.

Mr. STEVENS. The IWC has always differentiated between aboriginal subsistence whaling and commercial whaling, in recognition of the cultural and nutritional significance of aboriginal whaling and of the relatively small scale of such whaling. U.S. policy similarly has given strong recognition to the importance of aboriginal whaling in the Marine Mammal Protection Act and the Endangered Species Act which provide that subsistence taking by Alaskan Natives is exempted from regulations so long as certain conditions are met. The Marine Mammal Protection Act furthermore directs the administration to initiate the amendment of any existing international treaty to make the treaty consistent with the purposes and policies of the Marine Mammal Protection Act, among which is special protection of aboriginal taking and the allowance of regulation only when procedural safeguards are observed.

The administration must continue to recognize the unique status of aboriginal whaling and work to insure that both the whales and the Eskimo culture are preserved. It is my understanding that nothing in this amendment is inconsistent with the policies of the Marine Mammal Protection Act, including the policy with respect to aboriginal whaling. Is that correct?

Mr. MAGNUSON. Yes, the question of the IWC's authority over aboriginal whaling is currently being litigated in the Ninth Circuit Court of Appeals. But regardless of the outcome of that suit, the policy of the Government is to treat aboriginal whaling differently from commercial whaling, as expressed in the positions that the United States takes at the IWC meetings. The amendment to S. 586 refers only to commercial whaling and is not, and is not intended to be, at all inconsistent with the policies previously expressed by Congress with respect to aboriginal whaling.

EGYPTIAN-ISRAELI PEACE PACT

● Mr. DOLE. Mr. President, great hope for peace in the Middle East was raised by the signing of the Egyptian-Israeli peace agreement and the euphoria that followed has eased into a mood of subdued expectations. In the months ahead we await the resolution of remaining, unanswered questions and the determination of the participants' good will toward each other. But I believe this agreement can form the basis for a stable, long lasting, and comprehensive peace for that tragic land.

I am by nature an optimist, and I foresee that when the other Arab States see the eventual benefits arising out of this historic rapprochement, their strident denunciations will moderate and they will be more inclined to join this policy of reason, and abandon the habit of violence, terror, and war. It may take a long time and require much effort from all parties, as did this agreement. It is now and will continue to be in the best interests of the United States to encourage this process, to take an active role whenever required, and to help however we are able.

For there is an inescapable fact about the world embodied in the framework of this peace treaty; smaller, vulnerable nations cannot afford to compromise their security unless their strongest ally—the United States—shows itself willing to become involved in the settlement and what must come afterward. Israel exists on the thin margin of survival, surrounded, until now, by a sea of hostility and defended only by the blood of her citizens. By leaning on the United States for necessary support these nations gambled to end three decades of bloodshed on terms acceptable to both parties. President Sadat of Egypt and Prime Minister Begin of Israel desperately needed American military strength, American economic assistance, and American political commitment.

Peace is a very valuable and all too rare commodity in the Middle East. Peace is also of strategic importance, not only to the parties directly involved, but also to the United States. Many Americans have contacted me and other Members of the Congress, however, concerning the high cost of this agreement in terms of American tax dollars. We have closely scrutinized foreign aid requests, especially in this era of fiscal restraint and inflation, to be sure the costs are reasonable in terms of our foreign policy goals.

In this case, for instance, the cost of another Mid-East war would be astronomical and would undoubtedly exceed the cost of our present foreign assistance to all Mid-East nations combined, besides the long-term detrimental effect on all U.S. taxpayers. The U.S. commitment to this agreement is reasonable and equitable. The majority of American aid will be in the form of loans only, to Egypt and Israel, at the current commercial interest rate of about 10 percent. Our actual investment is low, therefore, and the profits of peace we shall reap will be great not only for Egypt and Israel, but for all mankind.

President Sadat and Prime Minister Begin showed their peoples how to respond reasonably to the ferment of change in the world. Both men took great risks for the good of their countries. If we can help keep that spirit of peace alive and prospering we may indeed be able to look forward to a true Middle East settlement. Mr. President, I believe the legislation, favorably acted upon by the Senate yesterday, will aid in this endeavor.●

● Mr. MUSKIE. Mr. President, the Foreign Relations Authorization bill, S. 586, includes a fiscal year 1979 supplemental authorization of $105 million, a fiscal year 1980 authorization of $2.1 billion, and a fiscal year 1981 authorization of $2.35 billion.

This legislation needs to be addressed in the context of the budget process for these three fiscal years.

The fiscal 1979 revised second budget resolution targets, as approved by the Senate, specifically include in the international affairs function the migration and refugee supplemental of $105 million.

The fiscal year 1980 first budget resolution targets approved by the Senate provide for $12.0 billion in budget authority and $7.9 billion in outlays for the international affairs function. The fiscal 1981 budget authority and outlay targets are $13.5 billion and $8.0 billion, respectively.

The Committee on Foreign Relations has reported or will soon report four major fiscal 1980 authorization bills that relate to function 150, international affairs. These are the Foreign Relations Authorization Act (this bill), the International Security Assistance Act, the International Development Assistance Act, and the Omnibus Multilateral Development Bank Act.

While the committee on foreign relations is making every effort to hold down the level of authorizations in these bills, it is likely that in total the authorizations, if fully funded, would exceed the fiscal 1980 and fiscal 1981 targets of the first budget resolution as passed by the Senate.

In past years, the Appropriations Committee has made significant cuts from the levels authorized for these programs, and there is every reason to expect that this pattern will continue in fiscal year 1980 and fiscal year 1981. The Appropriations Committee will have to make a special effort to stay within the fiscal year 1981 budget resolution targets, however, because the resolution targets for that year reflect considerable constraint.

At this time, we believe it is reasonable to assume that the Appropriations Committee will be able to accomplish any necessary reductions to meet the stringent budget targets. I am confident that these cuts will be forthcoming.

On this basis, I will not object to the levels authorized by S. 586. I am prepared, however, to vote for lower levels this summer and in the summer of 1980 when the foreign assistance and State Department appropriation bills come before the Senate.

In closing, Mr. President, I want to acknowledge the efforts made by the Committee on Foreign Relations. I am a member of that committee and I know they have worked very hard to meet the Budget Committee targets. I especially wish to commend the distinguished senior Senator from Idaho, Mr. CHURCH, for his able and conscientious efforts to report legislation that meets the targets in the budget resolution.●

● Mr. KENNEDY. Mr. President, as chairman of the Judiciary Committee, I wish to make a brief comment on section 109 of the pending bill, and to offer my support for this action to expand the authority to waive certain requirements for granting nonimmigrant business and tourist visas for visitors coming from countries where visa fraud is very low.

I know this provision is supported by the Department of State, and I fully agree with its purpose. It would perhaps save as much as $1.5 million annually, by reducing the procedures and personnel now required in granting these nonimmigrant visas today. It would involve some 20 countries that might initially qualify for such a waiver, and the number of persons entering the United States legally without a visa would increase by only 1.4 percent.

Mr. President, I believe this provision represents a good and necessary interim step to ease some of the growing roadblocks and procedural problems surrounding the issuance of nonimmigrant visas for tourists and businessmen. We need to remove unnecessary paperwork and procedures that hamper such nonimmigrant movement, and which not only adds unnecessary costs to the Department of State budget overseas, but places unreasonable hurdles in 20th century commerce and movement.

In the days ahead, the Judiciary Committee will consider other reforms of immigration law that I hope will further facilitate travel to and from the United States—without risking fraud or illegal immigration to our country. We are currently working closely with the Justice Department and the Immigration and Naturalization Service to bring better management and efficiency to the administration of its programs to both enforce and service the immigration laws of our land. And we will also continue to do so with the Department of State as well.

But this section of the bill is a good first step in the right direction.●

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. CHURCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 3363, that the Senate proceed to its immediate consideration, that all after the enacting clause be stricken, and that the text of S. 586, as amended by the Senate, be substituted therefor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3363) to authorize appropriations for fiscal years 1980 and 1981 for the Department of State, the International Communication Agency, and the Board for International Broadcasting.

The Senate proceeded to the consideration of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. CHURCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Louisiana (Mr. JOHNSTON) and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that the Senator from Montana (Mr. BAUCUS) is absent on official business. I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of death in the family.

Mr. STEVENS. I announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness.

The PRESIDING OFFICER. Have all Senators in the Chamber voted?

The result was announced—yeas 84, nays 10, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—84

Armstrong
Baker
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cochran
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Exon
Ford
Glenn
Goldwater
Hart
Hatfield
Hayakawa
Heflin
Heinz
Helms
Huddleston
Humphrey
Inouye
Jackson
Javits
Jepsen
Kassebaum
Kennedy
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McGovern
Melcher
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Ribicoff
Roth
Sarbanes
Schmitt
Schweiker
Simpson
Stennis
Stevens
Stevenson
Stewart
Stone
Talmadge
Tower
Warner
Weicker
Williams
Zorinsky

NAYS—10

Garn
Hatch
Hollings
Laxalt
McClure
Proxmire
Thurmond
Tsongas
Wallop
Young

NOT VOTING—6

Baucus
Gravel
Johnston
Riegle
Sasser
Stafford

So the bill (H.R. 3363), as amended, was passed, as follows:

H.R. 3363

That this Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1980 and 1981".

TITLE I—STATE DEPARTMENT

AUTHORIZATION OF APPROPRIATIONS—FISCAL YEARS 1980 AND 1981

SEC. 101. (a) There are authorized to be appropriated for the Department of State for the fiscal years 1980 and 1981, to carry out the authorities, functions, duties, and responsiiblities in the conduct of the foreign affairs of the United States and other purposes authorized by law, the following amounts:

(1) For "Administration of Foreign Affairs", $849,423,000 for the fiscal year 1980 and $1,009,815,000 for the fiscal year 1981: *Provided*, That no funds authorized herein may be expended to lobby the United States Senate directly or indirectly on behalf of any arms control treaty or agreement in contravention of section 1913 of title 18, United States Code.

(2) For "International Organizations and Conferences", $502,945,000 for the fiscal year 1980 and $525,082,000 for the fiscal year 1981.

(3) For "International Commissions", $26,733,000 for the fiscal year 1980 and $26,081,000 for the fiscal year 1981.

(4) For "Migration and Refugee Assistance", $248,951,000 for the fiscal year 1980 and $254,188,000 for the fiscal year 1981.

(b) Funds appropriated under paragraph (2) of section 101 may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise of the Inalienable Rights of the Palestinian People (or any similar successor entity), and

(2) 25 percent of the amount budgeted for that year for the Special Unit on Palestinian Rights (or any similar successor entity).

ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

SEC. 102. Of the amounts authorized to be appropriated by section 101(4) of this Act for the fiscal year 1980 and for the fiscal year 1981, $25,000,000 for each such fiscal year shall be available only for assistance for the resettlement in Israel of refugees from the Union of Soviet Socialist Republics and from Communist countries in Eastern Europe.

NONDISCRETIONARY PERSONNEL COSTS, CURRENCY FLUCTUATIONS, AND OTHER CONTINGENCIES

SEC. 103 (a) The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (70 Stat. 890), is amended by adding at the end thereof the following:

"SEC. 24. (a) There are authorized to be appropriated for the Department of State for each fiscal year, in addition to amounts otherwise authorized to be appropriated for the Department of State, such sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and such sums as the Director of the Office of Management and Budget determines and so certifies to the Congress are necessary, in order to mtaintain the budgeted level of operation of the Department of State, to offset adverse fluctuations in foreign currency exchange rates occurring after November 30 of the preceding fiscal year.

"(b) Amounts appropriated for a fiscal year under this section are authorized to remain available until expended.

"(c) Amounts authorized to be appropriated by any Act authorizing appropriations for the Department of State for a fiscal year for the 'Administration of Foreign Affairs' account, the 'International Organizations and Conferences' account, the 'International Commissions' account, or the 'Migration and Refugee Assistance' account may be appropriated for such fiscal year for any other such account, except that the total amount appropriated for a fiscal year for any such account may not exceed by more than 10 percent the amount specifically authorized to be appropriated for such account for such fiscal year.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1979.

UNITED STATES-YUGOSLAVIA BILATERAL SCIENCE AND TECHNOLOGY AGREEMENT

Sec. 104. In addition to the amounts authorized to be appropriated by section 101 of this Act, there are authorized to be appropriated $1,400,000 for the fiscal year 1980 and $1,400,000 for the fiscal year 1981, each amount for each such fiscal year to remain available until expended in payment of the United States share of expenses of a five-year bilateral science and technology agreement between the United States and Yugoslavia, following entry into force of such agreement.

ADDITIONAL FISCAL YEAR 1979 AUTHORIZATION FOR MIGRATION AND REFUGEE ASSISTANCE

Sec. 105. Section 101(a)(4) of the Foreign Relations Authorization Act, Fiscal Year 1979, is amended by striking out "$116,536,000" and inserting in lieu thereof "$221,446,000".

LIMITATIONS ON AUTHORIZATIONS OF APPROPRIATIONS

Sec. 106. Notwithstanding any other provision of this Act, the amount authorized to be appropriated under this title for the fiscal year 1980 shall not exceed $1,610,052,000 and for the fiscal year 1981 shall not exceed exceed $1,790,166,000. The Secretary of State is authorized to reduce any amount authorized to be appropriated for administrative purposes under this title for the fiscal year 1980 or 1981, as the case may be, in order to carry out the provisions of this section.

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

Sec. 107. The Department of State Appropriation Act, 1979, is amended in the provision under the heading entitled "CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS" by striking out after "$327,676,000" the comma and the following: "of which no part may be made available for the furnishing of technical assistance by the United Nations or any of its specialized agencies".

EFFECTIVE DATE FOR CERTAIN PROMOTIONS OF FOREIGN SERVICE OFFICERS

Sec. 108. The promotion for each of 64 Foreign Service officers of classes 8 and 7 to the next higher class, as the case may be, for which the Senate gave its advice and consent on March 21, 1979, and which was attested to on March 22, 1979, shall be considered for all purposes to take effect on December 17, 1978: *Provided,* That any payments made in implementation of this section shall be from funds previously authorized and appropriated for fiscal year 1979.

WAIVER OF CERTAIN NONIMMIGRANT VISA REQUIREMENTS

Sec. 109. Section 212(d)(4) of the Immigration and Nationality Act of 1952 (28 U.S.C. 1182(d)(4)) is amended by inserting before the period at the end thereof a comma and the following: "or (D) in the case of an alien who is a nonimmigrant described in section 101(a)(15)(B) and—

"(i) who is seeking admission to the United States for a period of not more than ninety days;

"(ii) who is a national of a foreign country which has the lowest rate of violations of nonimmigrant status under this Act; and

"(iii) who is a national of a foreign country which extends reciprocal privileges to United States citizens and nationals".

CONSULATES

Sec. 110. (a) The following Foreign Service posts shall not be closed or, if closed on the date of enactment of this Act, shall be reopened as soon as possible after such date: Salzburg, Austria; Bremen, Germany; Nice, France; Turin, Italy; Goteborg, Sweden; Adana, Turkey; Tangier, Morocco; Mandalay, Burma; Brisbane, Australia; and Surabaya, Indonesia.

(b) Notwithstanding any other provision of law relating to limitations on the number of Federal employees, such additional positions as may be necessary for the Department of State to carry out the purposes of this section are authorized to be allocated.

PERSONNEL STUDY AND REPORTING REQUIREMENT

Sec. 111. The Secretary of State shall, in consultation with the appropriate committees of the Congress, conduct a study of the personnel needs and resources of the Department of State in light of the reporting and analysis requirements of the Department of State as well as its statutorily required commercial and consular functions, and its other functions required by law, and its responsibilities to support outside the United States its own operations and the operations of other departments and agencies of the United States. The Secretary of State shall prepare and transmit to the Congress, after completion of such study but not later than January 1, 1980, a report setting forth any recommendation which may result from such study for changes in the numbers or allocation of positions considered necessary to enable the Department of State adequately to discharge all such requirements, functions and responsibilities.

IMPROVEMENTS IN FOREIGN NATIONAL PAY PLANS

Sec. 112. (a) It is the sense of the Congress that the Secretary of State should—

(1) improve coordination between the Department of State and the Department of Defense and other departments and agencies of the United States operating outside the United States with respect to foreign national pay systems and wage schedules to the extent that—

(A) joint wage surveys and uniform pay schedules are adopted in countries where two or more departments or agencies of the United States directly employ foreign nationals, and

(B) Department of Defense wage rates are included in wage surveys of the Department of State where the Department of Defense operates under indirect-hire arrangements;

(2) monitor the establishment of wage rates outside the United States more closely to insure that United States missions—

(A) operate under salary schedules that reflect private sector average pay or average pay ranges,

(B) include the cost of severance in making pay adjustments, and

(C) survey jobs in the private sector which represent as closely as possible the work force of the mission; and

(3) substitute prevailing local retirement plans for civil service retirement with respect to the retirement of foreign nationals employed by the United States.

(b) Section 444(b) of the Foreign Service Act of 1946 is amended by inserting before the period at the end thereof the following: "and such regulations as the Secretary may prescribe".

ISSUANCE OF VISAS TO MEMBERS OF PROSCRIBED ORGANIZATIONS

Sec. 113. Section 21 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2691), is amended—

(1) by inserting "(a)" immediately after "Sec. 21."; and

(2) by adding at the end thereof the following:

"(b) This section shall not, however, apply to representatives of purported labor organizations in countries where such organizations are in fact instruments of a totalitarian state.

"(c) This section does not apply with respect to any alien who is a member, officer, representative, or spokesman of the Palestine Liberation Organization.".

TITLE II—INTERNATIONAL COMMUNICATION AGENCY

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 201. There are authorized to be appropriated for the International Communication Agency $426,982,000 for the fiscal year 1980 and $460,379,000 for the fiscal year 1981 to carry out international communication, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law.

NONDISCRETIONARY PERSONNEL COSTS AND CURRENCY FLUCTUATIONS

Sec. 202. (a) Title VII of the United States Information and Educational Exchange Act of 1948 is amended by adding at the end thereof the following:

"NONDISCRETIONARY PERSONNEL COSTS AND CURRENCY FLUCTUATIONS

"Sec. 704. (a) Amounts appropriated for any fiscal year to carry out this Act are authorized to remain available until expended.

"(b) There are authorized to be appropriated for the International Communication Agency, in addition to amounts otherwise authorized to be appropriated, such sums as may be necessary for any fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law, and such additional sums as the Director of the Office of Management and Budget determines and so certifies to the Congress are necessary, in order to maintain the budgeted level of operation of the International Communication Agency, to offset adverse fluctuations in foreign currency exchange rates occurring after November 30 of the preceding fiscal year.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1979.

BOARD OF FOREIGN SCHOLARSHIPS

Sec. 203. (a) Section 106(e) of the Mutual Educational and Cultural Exchange Act of 1961 is amended—

(1) in the second sentence, by striking out "the Board,";

(2) in clause (ii) of the second sentence, by striking out "such Board,"; and

(3) by adding at the end thereof the following: "Members of the Board shall be entitled to such expenses and per diem in lieu of subsistence as provided for under clause (i) of the preceding sentence and, while performing services for the Board, to compensation at a rate, prescribed by the Director of the International Communication Agency, not in excess of the daily rate for the first step of GS–15 of the General Schedule under section 5332 of title 5, United States Code.".

(b) The amendments made by subsection (a) shall take effect on October 1, 1979.

DISTRIBUTION WITHIN THE UNITED STATES OF CERTAIN FILMS

Sec. 204. Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the International Communication Agency shall, upon receipt of reimbursement for any expenses involved, make available to the Administrator of General Services, for deposit in the National Archives of the United States, a master copy of the films entitled "Aspen" and "Margaret Mead—Reflections", and the Administrator shall make copies of such films available for purchase and public viewing in the United States.

ADMINISTRATIVE AUTHORITIES

Sec. 205. (a)(1) Section 1001 of the United States Information and Education Exchange Act of 1948 and section 104(f) of the Mutual Educational and Cultural Exchange Act of 1961 are repealed.

(2) Section 1304(a) of title 5, United States Code, is amended by striking out "209a, and 1434" and inserting in lieu thereof "and 209a".

(b)(1) Section 801(5) of the United States Information and Educational Exchange Act of 1948 is amended to read as follows:

"(5) to employ persons on a temporary basis without regard to the civil service and classification laws, when such employment is provided for by an appropriation Act; and".

(2) Section 804(1) of such Act is amended to read as follows:

"(1) employ, without regard to the civil service and classification laws, aliens within the United States and abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages or the preparation and production of foreign language programs when suitably qualified United States citizens are not available, and aliens so employed abroad may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act for such time and under such conditions and procedures as may be established by the Director of the International Communication Agency and the Attorney General;".

(c) Section 602(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474) is amended—

(1) by striking out "or" at the end of paragraph (19);

(2) by striking out the period at the end of paragraph (20) and inserting in lieu thereof a semicolon and "or"; and

(3) by inserting immediately after paragraph (20) the following:

"(21) the Director of the International Communication Agency with respect to the furnishing of facilities in foreign countries and reception centers within the United States.".

(d) Section 108(a) of the Mutual Educational and Cultural Exchange Act of 1961 is amended—

(1) by inserting "(1)" immediately after "Sec. 108. (a)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding any other provision of law, the Director of the International Communication Agency may provide, on a reimbursable basis, services within the United States in connection with exchange activities otherwise authorized by this Act when such services are requested by a department or executive agency of the United States. Reimbursements under this paragraph shall be credited to the applicable appropriation of the International Communication Agency.".

(e) Section 801(3) of the United States Information and Educational Exchange Act of 1948 is amended to read as follows:

"(3) whenever necessary in carrying out title V of this Act, to purchase, rent, construct, improve, maintain, and operate facilities for radio transmission and reception, including the leasing of associated real property (either within or outside the United States) and the alteration, improvement, and repair of such property, without regard to section 322 of the Act entitled 'An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1932 (40 U.S.C. 278a), and any such real property or interests therein which is outside the United States may be acquired without regard to section 355 of the Revised Statutes of the United States (40 U.S.C. 255) if the sufficiency of the title to such real property or interests therein is approved by the Director of the International Communications Agency;".

TECHNICAL AMENDMENTS

Sec. 206. (a) Section 801(1) of the United States Information and Educational Exchange Act of 1948 is amended by striking out "within the limitation of such appropriations as the Congress may provide".

(b) Section 804 of such Act is amended—

(1) in paragraph (10), by striking out "five" and inserting in lieu thereof "ten";

(2) by striking out "and" at the end of paragraph (13);

(3) in paragraph (14), by striking out the comma and all that follows thereafter and inserting in lieu thereof a semicolon; and

(4) by adding at the end thereof the following:

"(15) hire passenger motor vehicles;

"(16) purchase passenger motor vehicles for use abroad, and right-hand drive vehicles may be so purchased without regard to any maximum price limitation established by law;

"(17) procure services of experts and consultants in accordance with section 3109 of title 5, United States Code;

"(18) notwithstanding section 3648 of the Revised Statutes (31 U.S.C. 529), make advances of funds; and

"(19) notwithstanding section 5946 of title 5, United States Code, pay dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others.".

(c) Section 806 of such Act is amended by striking out "are authorized to be made" and inserting in lieu thereof "shall be".

EFFECTIVE DATE

Sec. 207. The amendments made by sections 205 and 206 shall take effect on October 1, 1979, and any new authority provided for by such amendments involving the expenditure of appropriated funds shall be effective for any fiscal year only to such extent and in such amounts as provided in appropriation Acts.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 301. (a) Section 8(a) of the Board for International Broadcasting Act of 1973 is amended to read as follows:

"Sec. 8. (a)(1) There are authorized to be appropriated to carry out the purposes of this Act—

"(A) $86,917,000 for the fiscal year 1980 and $91,787,000 for the fiscal year 1980, of each such amount not less than $800,000 shall be available only to carry out the provisions of this Act other than the provisions of paragraph (1) of section 4(a); and

"(B) such additional amounts for any fiscal year as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and such additional amounts for any fiscal year as the Director of the Office of Management and Budget determines and so certifies to the Congress are necessary, in order to maintain the budgeted level of operation for RFE/RL, Incorporated, to offset adverse fluctuations in foreign currency exchange rates occurring after November 30 of the preceding fiscal year.

"(3) Amounts appropriated for a fiscal year under this subsection are authorized to remain available until expended.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1979.

USE OF BROADCASTING FACILITIES BY COMMUNIST COUNTRIES

Sec. 302. Section 307 of the Foreign Relations Authorization Act, Fiscal Year 1979, is repealed.

REPORTING REQUIREMENT

Sec. 303. The Board for International Broadcastng Act of 1973 is amended by adding the following new section:

"Sec. 10. Under the authority of section 4(a)(3) of this Act, the Board shall prepare and transmit to the Congress, on or before October 1, 1979, a report setting forth alternative plans for the relocation to the territory of the United States of such relocation to the territory of the United States of such activities of RFE/RL, Incorporated, as would result in the transfer to the United States of not less than 10 percent, 25 percent, and 50 percent, respectively, of the total personnel of RFE/RL, Incorporated. For each such alternative plan, the report shall include—

"(1) proposals for the timing of such transfers and the recommended location in the United States of such personnel;

"(2) estimates of the costs and amortization period for such plan;

"(3) a consideration of the impact of such plan on the operating efficiency of RFE/RL, Incorporated, and on the effectiveness of RFE/RL, Incorporated, in achieving its program objectives; and

"(4) any other significant anticipated consequences of such a relocation.".

TITLE IV—MISCELLANEOUS PROVISIONS

EGYPTIAN-ISRAELI CULTURAL, SCIENTIFIC, AND ECONOMIC RELATIONS

Sec. 401. It is the sense of the Congress that it should be the policy of the United States to promote and encourage cultural, scientific, and economic relations between the Arab Republic of Egypt and the State of Israel.

APPLICATION OF THE INTERNATIONAL ORGANIZATIONS ACT TO THE INTERNATIONAL LABOR ORGANIZATION

Sec. 402. Section 12 of the International Organizations Immunities Act is amended by inserting "or may continue to be extended to the International Labor Organization" after "Unity".

MORATORIUM ON THE COMMERCIAL KILLING OF WHALES

Sec. 403. (a) The Congress finds and declares that—

(1) whales are a unique marine resource of great esthetic and scientific interest to mankind and are a vital part of the marine ecosystem;

(2) the protection and conservation of whales are of particular interest to citizens of the United States;

(3) in 1971 the Congress adopted resolutions requesting the Secretary of State to negotiate a ten-year moratorium on the commerical killing of whales;

(4) the United States, which effectively banned all commercial whaling by United States nationals in December 1971 has sought an international moratorium on the commerical killing of whales since 1972;

(5) the United Nations Conference on the Human Environment adopted a resolution in 1972 calling for a ten-year moratorium on commercial whaling;

(6) the United Nations Governing Council for Environment Programs in 1973 and 1974 confirmed such call for a ten-year moratorium, and the Council continues to support ongoing efforts relating to whale conservation;

(7) the International Convention for the Regulation of Whaling, signed in 1946, as implemented by the International Whaling Commission, is not providing adequate protection to whales;

(8) the data-gathering structure established under the International Whaling Commission has not provided all the available data necessary for sound whale conservation;

(9) there is strong evidence that the members of International Whaling Commission

continue to import, in some instances in increasing amounts, whale products from countries not members of the Commission; and

(10) defects in the implementation of the International Convention for the Regulation of Whaling by the International Whaling Commission allow harvests of the declining whale species.

(b) The Congress hereby urges—

(1) the International Whaling Commission to agree to a moratorium on the commercial killing of whales; and

(2) Brazil, Denmark, Iceland, Japan, Norway, the Soviet Union, and the Republic of Korea, as parties to the International Convention for the Regulation of Whaling and which still engage in commercial whaling, and Chile, the People's Republic of China, Peru, Portugal, the Democratic Republic of Korea, Spain, and Taiwan, as countries which are not parties to the Convention and which still engage in commercial whaling, to recognize and comply voluntarily with a moratorium on the commercial killing of whales, as endorsed by the United Nations Conference on the Human Environment and the United Nations Governing Council for Environment Programs.

ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS

Sec. 404. (a)(1) There shall be in the Executive Office of the President an Assistant to the President for National Security Affairs (hereafter in this section referred to as the "Assistant to the President") who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The Assistant to the President shall perform such functions with respect to national security affairs and the activities of the National Security Council as the President may prescribe.

(3) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(25) Assistant to the President for National Security Affairs.".

(b)(1) There shall be in the Executive Office of the President a Deputy Assistant to the President for National Security Affairs (hereafter in this section referred to as the "Deputy Assistant to the President") who shall be appointed by the President, by and with the advice and consent of the Senate.".

(2) The Deputy Assistant to the President shall perform such functions as the Assistant to the President may prescribe.

(3) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"(70) Deputy Assistant to the President for National Security Affairs.".

(c) The provisions of this section shall take effect—

(1) with respect to any appointment to the office of the Assistant to the President, immediately after the individual holding such office on the date of enactment of this Act ceases to hold such office;

(2) with respect to any appointment to the office of the Deputy Assistant to the President, immediately after the individual holding such office on the date of enactment of this Act ceases to hold such office; and

(3) on the date of enactment of this Act as to such vacant office or offices, if the office of the Assistant to the President or the office of the Deputy Assistant to the President is vacant on such date.

TRAVEL EXPENSES FOR DEPENDENTS OF EMPLOYEES OF THE STATE DEPARTMENT AND THE INTERNATIONAL COMMUNICATION AGENCY

Sec. 405. (a) Section 5924(4)(B) of title 5, United States Code, is amended by striking out "one annual trip" and inserting in lieu thereof a comma and the following: "in the case of dependents traveling to obtain secondary education, one annual trip, or in the case of dependents traveling to obtain undergraduate college education, two annual trips,".

(b) The amendment made by subsection (a) shall take effect on October 1, 1979.

PROVISIONS CONCERNING UNITED STATES CITIZENS ABROAD

Sec. 406. Section 611 of Public Law 95–426 is amended by—

(1) striking out subsection (a)(2) and inserting in lieu thereof the following: "(2) American statutes and regulations should be designed so as not to create competitive disadvantage for individual American citizens living abroad and working in international markets;";

(2) striking out "1979" in the first line of subsection (b) and inserting in lieu thereof "1980";

(3) striking out subsection (b)(1) and inserting in lieu thereof the following: "(1) identifies all United States statutes and regulations which treat United States citizens living abroad differently from United States citizens residing within the United States, or which may cause, directly or indirectly, competitive disadvantage for Amercans working abroad relative to the treatment by other major trading nations of the world of their nationals who are working outside their territory;";

(4) striking out the world "inequitable" in subsection (b)(3) and inserting in lieu thereof the words "competitively disadvantaging"; and

(5) inserting, after the word "living" in subsection (b)(3), the words "and working".

NO FUNDS ARE AUTHORIZED BY THIS ACT FOR FISCAL YEAR 1981

Sec. 407. Notwithstanding any other provision of this Act, no funds are authorized by this Act for fiscal year 1981.

PRIVATE SECTOR REPRESENTATIVES ON UNITED STATES DELEGATIONS TO WORLD ADMINISTRATIVE RADIO CONFERENCE

Sec. 408. The provisions of sections 203, 205, 207, and 208 of title 18, United States Code, shall not apply to a private sector representative on the United States Delegation to the World Administrative Radio Conference to be convened in Geneva September 24, 1979, who is specifically designated to speak on behalf of or otherwise represent the interest of the United States at such Conference, with respect to a particular matter: *Provided*, That (1) The Secretary of State or his designee certifies that no Government employee on the delegation is as well qualified to represent United States interests with respect to such matter, and (2) such designation serves the national interest. All of such representatives shall have on file with the Department of State the financial disclosure report required for special government employees.

PRESIDENTIAL DETERMINATION

Sec. 409. Not later than fourteen days after the installation of a new government in Rhodesia (Zimbabwe) or June 30, 1979, whichever is earlier, the President shall prepare and transmit to the Congress a report setting forth a determination he has made with respect to paragraphs (1) and (2) of section 27 of the International Security Assistance Act of 1978, together with his reasons for making such a determination.

NONENFORCEMENT OF SANCTIONS AGAINST ZIMBABWE RHODESIA

Sec. 410. (a) The Congress finds and declares, with respect to section 27 of the International Security Assistance Act of 1978 that—

(1) the Government of Zimbabwe Rhodesia has demonstrated its willingness to negotiate in good faith at an all-parties conference, held under international auspices, on all relevant issues; and

(2) Zimbabwe Rhodesians have approved through free elections the transfer of power to a black majority government.

(b) It is the sense of the Congress that the provisions of paragraphs (1) and (2) of section 409 of this Act, should determine that the provisions of paragraphs (1) and (2) of section 27 of the International Security Assistance Act of 1978 have been substantially complied with and should not enforce sanctions against Zimbabwe Rhodesia.

Amend the title so as to read: "An Act to authorize appropriations for the Department of State, International Communication Agency, and Board for International Broadcasting for fiscal year 1980, and a supplemental authorization for State for fiscal year 1979, and for other purposes."

UP AMENDMENT NO. 149

(Purpose: To amend the title.)

Mr. CHURCH. Mr. President, I send to the desk an amendment to the title of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. Church) proposes an unprinted amendment numbered 149:

Amend the title to read:

"To authorize appropriations for the Department of State, International Communication Agency, and Board for International Broadcasting for fiscal years 1980 and a supplemental authorization for State for fiscal year 1979, and for other purposes."

The title amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHURCH. Mr. President, I ask unanimous consent that further consideration of S. 586 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 3363.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I wish to express my deep personal appreciation to Pat Shea, Dave Keaney, and Pauline Baker, the staff assistants who have helped me on the floor throughout the Senate's deliberation on this bill, and to tell them that their expertise has been of great help to me and to the other members of the committee.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. JAVITS. Mr. President, I would like to thank, on my staff, Don Herr, who was with me throughout the consideration of the bill, and again to express my appreciation for the cooperation of Senator Church, and to the majority staff for its cooperation in respect to the management of the bill.

Mr. CHURCH. Mr. President, may I once again express my gratiude to the distinguished Senator from New York for the kind of support that he has given me in the management of the bill in the best traditions of the bipartisan foreign policy; and I also wish to express on his behalf as well as my own special appreciation to the majority leader for his work this afternoon in coming to the resolution of a very difficult problem that might otherwise have left the Senate badly split. His efforts made it possible to achieve a consensus that I think was of great service to the Senate.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished chairman of the committee (Mr. CHURCH), and I thank the Senator from New York (Mr. JAVITS), the ranking Republican member. I thank them first of all and most of all for the excellent work they have done in connection with this bill. I thank the Senator from Idaho for his kind remarks, and I appreciate the support of all the Senators who worked together in arriving at the compromise to which the Senator has alluded.

Mr. JAVITS. Mr. President, if the Senator will yield, I would like to thank the minority leader for his leadership. He facilitated everything I did on this side, and made possible such effectiveness as I had.

Mr. BAKER. Mr. President, that sounds so good I wish it were true.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS' HEALTH CARE AMENDMENTS OF 1979

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate, under the order previously entered, Calendar Order No. 102.

The PRESIDING OFFICER. In accordance with the previous order, the Chair lays before the Senate S. 7, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 7) amending title 8, United States Code, to revise and improve certain health care programs of the Veterans' Administration to authorize the construction, alteration, and acquisition of certain medical facilities, and to expand certain benefits for disabled veterans.

The Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs with an amendment to strike all after the enacting clauses and insert the following:

That (a) this Act may be cited as the "Veterans' Health Care Amendments of 1979".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—HEALTH SERVICES PROGRAMS

PRIORITY FOR MEDICAL EXAMINATIONS FOR SERVICE-CONNECTED DISABILITIES

SEC. 101. Clause (3) of section 612(i) is amended by inserting "(including any veteran being examined to determine the existence or rating of a service-connected disability)" before the period.

DENTAL SERVICES AND TREATMENT FOR CERTAIN VETERANS

SEC. 102. (a) Section 601 is amended—

(1) by amending subclause (ii) of clause (C) of paragraph (4)—

(A) by striking out "or" and inserting in lieu thereof a comma; and

(B) by adding a comma and "or (ii)" after "(2)"; and

(2) by striking out "authorized" in subclause (i) of clause (A) of paragraph (6) and inserting in lieu thereof "described".

(b) Subsection (b) of section 612 is amended—

(1) by striking out "or" at the end of clause (5);

(2) by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or";

(3) by adding at the end thereof the following new clause:

"(7) (A) from which a veteran of World War I, World War II, the Korean conflict, or the Vietnam era who was held as a prisoner of war for a period of not less than six months is suffering, or (B) from which a veteran who has a service-connected disability rated as total is suffering."; and

(4) by adding below clause (7) (as added by clause (3) of this subsection) the following new sentences:

"In no event may expenditures in any fiscal year after the fiscal year ending September 30, 1979, for dental services, treatment, and related appliances furnished through contracts with private facilities under this section exceed the amount expended for dental services, treatment, and related appliances so furnished under this section in the fiscal year ending September 30, 1978. Not later than ninety days after the date of enactment of the Veterans' Health Care Amendments of 1979, the Administrator shall prescribe regulations to ensure that, notwithstanding the provisions of subsection (i) of this section, special priority in the furnishing of outpatient dental services, treatment, and related appliances under this section and of dental treatment, services, and related appliances as a part of hospital care and medical services under this chapter shall be accorded in the following order, unless compelling medical or dental reasons require that such care be provided more expeditiously:

"(A) To any veteran for a service-connected dental disability.

"(B) To any other veteran described in the numbered clauses of this subsection.

"(C) To any veteran with a disability rated as service-connected.".

(c) The second sentence of subsection (f) of section 612 is amended—

(1) by inserting "(i)" before "to any such veteran"; and

(2) by inserting before the period a comma and "and (ii) outpatient dental services and treatment, and related dental appliances, to any veteran described in section 612(b) (7) (A)".

READJUSTMENT COUNSELING PROGRAM FOR VETERANS OF THE VIETNAM ERA

SEC. 103. (a) (1) Subchapter II of chapter 17 is amended by inserting after section 612 the following new section:

"§ 612A. Eligibility for readjustment counseling and related mental health services

"(a) Upon the request of any veteran who served on active duty during the Vietnam era, the Administrator shall, within the limits of Veterans' Administration facilities, furnish counseling to such veteran to assist such veteran in readjusting to civilian life if such veteran requests such counseling within two years after the date of such veteran's discharge or release from active duty or two years after the effective date of this section, whichever is later. Such counseling shall include a general mental and psychological assessment to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.

"(b) (1) If, on the basis of the assessment furnished under subsection (a) of this section, a physician employed by the Veterans' Administration (or, in areas where no such physician is available, a physician carrying out such function under a contract or fee arrangement with the Administrator) determines that the provision of mental health services to such veteran is necessary to facilitate the successful readjustment of the veteran to civilian life, such veteran shall, within the limits of Veterans' Administration facilities as defined in section 601(4) (A), (B), and (C) (vi) of this title, be furnished such services on an outpatient basis under the conditions specified in clause (1) (B) of section 612(f) of this title. For the purposes of furnishing such mental health services, the counseling furnished under subsection (a) of this section shall be considered to have been furnished by the Veterans' Administration as a part of hospital care. Any hospital care and other medical services considered necessary on the basis of the assessment furnished under subsection (a) of this section shall be furnished only in accordance with the eligibility criteria otherwise set forth in this chapter (including the eligibility criteria set forth in section 611(b) of this title).

"(2) Mental health services furnished under paragraph (1) of this subsection may, if determined to be essential to the effective treatment and readjustment of the veteran, include such consultation, counseling, training, services, and expenses as are described in section 601(6) (B) of this title.

"(c) Upon receipt of a request for counseling under this section from any individual who has been discharged or released from active military, naval, or air service but who is not eligible for such counseling, the Administrator shall—

"(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining mental health care and services from sources outside the Veterans' Administration; and

"(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service and the Veterans' Administration for review of such individual's discharge or release from such service.

"(d) The Chief Medical Director may provide for such training of professional, paraprofessional, and lay personnel as is necessary to carry out this section effectively, and, in carrying out this section, may utilize the services of paraprofessionals, individuals who are volunteers working without compensation, and individuals who are veteran-students (as described in section 1685 of this title), in initial intake and screening activities.

"(e) The Administrator, in cooperation with the Secretary of Defense, shall take such action as the Administrator considers appropriate to notify veterans who may be eligible for assistance under this section of such potential eligibility.".

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 612 the following new item:

"612A. Eligibility for readjustment counseling and related mental health services.".

(b) In the event of a declaration of war by the Congress after the date of the enactment of this Act, the Administrator of Veterans' Affairs, not later than 6 months after the date of such declaration, shall determine and recommend to the Congress whether eligibility for the readjustment counseling and related mental health services provided for in section 612A of title 38, United States Code (as added by subsection (a) of this section) should be extended to the veterans of such war.

PILOT PROGRAM FOR TREATMENT AND REHABILITATION OF VETERANS WITH ALCOHOL OR DRUG DEPENDENCE OR ABUSE DISABILITIES

SEC. 104. (a) Subchapter II of chapter 17 is amended by adding at the end thereof the following new section:

"§ 620A. Treatment and rehabilitation for alcohol or drug dependence or abuse disabilities; pilot program

"(a) (1) The Administrator, in furnishing hospital, nursing home, and domiciliary care and medical and rehabilitative services under this chapter, may conduct a pilot program under which the Administrator may contract for care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities of eligible veterans suffering from alcohol or drug dependence or abuse disabilities. Such pilot program shall be planned, designed, and conducted by the Chief Medical Director, with the approval of the Administrator, so as to demonstrate any medical advantages and cost effectiveness that may result from furnishing such care and services to veterans with such disabilities in contract facilities as authorized by this section, rather than in facilities over which the Administrator has direct jurisdiction.

"(2) Before furnishing such care and services to any veteran through a contract facility as authorized by paragraph (1) of this subsection, the Administrator shall approve (in accordance with criteria which the Administrator shall prescribe) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.

"(b) The Administrator, in consultation with the Secretary of Labor and Director of the Office of Personnel Management, may take appropriate steps to (1) urge all Federal agencies and appropriate private and public firms, organizations, agencies, and persons to provide appropriate employment and training opportunities for veterans who have been provided treatment and rehabilitative services under this title for alcohol or drug dependence or abuse disabilities and have been determined by competent medical authority to be sufficiently rehabilitated to be employable, and (2) provide all possible assistance to the Secretary of Lábor in placing such veterans in such opportunities.

"(c) Upon receipt of an application for treatment and rehabilitative services under this title for an alcohol or drug dependence or abuse disability from any individual who has been discharged or released from active military, naval, or air service but who is not eligible for such treatment and services, the Administrator shall—

"(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining treatment and rehabilitative services from sources outside the Veterans' Administration; and

"(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service and the Veterans' Administration for review of such individual's discharge or release from such service.

"(d) (1) Any person serving in the active military, naval, or air service who is determined by the Secretary concerned to have an alcohol or drug dependence or abuse disability may not be transferred to any facility in order for the Administrator to furnish care or treatment and rehabilitative services for such disability unless such transfer is during the last thirty days of such member's enlistment period or tour of duty, in which case such care and services provided to such member shall be provided as if such member were a veteran. Any transfer of any such member for such care and services shall be made pursuant to such terms as may be agreed upon by the Secretary concerned and the Administrator, subject to the provisions of the Act of March 4, 1915 (31 U.S.C. 686).

"(2) No person serving in the active military, naval, or air service may be transferred pursuant to an agreement made under paragraph (1) of this subsection unless such person requests such transfer in writing for a specified period of time during the last thirty days of such person's enlistment period or tour of duty. No such person transferred pursuant to such a request may be furnished such care and services by the Administrator beyond the period of time specified in such request, unless such person requests in writing an extension for a further specified period of time and such request is approved by the Administrator.

"(e) The Administrator may not furnish care and treatment and rehabilitative services under subsection (a) of this section after the last day of the fifth fiscal year following the fiscal year in which the pilot program authorized by such subsection is initiated.

"(f) Not later than March 31, 1983, the Administrator shall report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the findings and recommendations of the Administrator pertaining to the operation through September 30, 1982, of the pilot program authorized by this section.".

(b) The table of sections at the beginning of chapter 17 is amended by adding after the item relating to section 620 the following new item:

"620A. Treatment and rehabilitation for alcohol or drug dependence or abuse disabilities; pilot program.".

PILOT PROGRAM OF PREVENTIVE HEALTH-CARE SERVICES

SEC. 105. (a) Chapter 17 is amended by adding at the end thereof the following new subchapter:

"Subchapter VII—Preventive Health-Care Services Pilot Program

"§ 661. Purpose

"The purpose of this subchapter is to provide for a preventive health-care services pilot program under which the Administrator may attempt to (1) ensure the best possible health care for certain veterans with service-connected disabilities rated at 50 per centum or more and for certain veterans being furnished treatment involving a service-connected disability under this chapter, by furnishing to such veterans feasible and appropriate preventive health-care services, and (2) determine the cost-effectiveness and medical advantages of furnishing such preventive health-care services.

"§ 662. Definition

"For the purposes of this subchapter, the term 'preventive health-care services' means—

"(1) periodic medical and dental examinations;

"(2) patient health education (including nutrition education);

"(3) maintenance of drug use profiles, patient drug monitoring, and drug utilization education;

"(4) mental health preventive services;

"(5) substance abuse prevention measures;

"(6) immunizations against infectious disease;

"(7) prevention of musculoskeletal deformity or other gradually developing disabilities of a metabolic or degenerative nature;

"(8) genetic counseling concerning inheritance of genetically determined diseases;

"(9) routine vision testing and eye care services;

"(10) periodic reexamination of members of likely target populations (high-risk groups) for selected diseases and for functional decline of sensory organs, together with attendant appropriate remedial intervention; and

"(11) such other health-care services as the Administrator may determine to be necessary to provide effective and economical preventive health care.

"§ 663. Preventive health-care services

"(a) (1) In order to carry out the purpose of this subchapter, the Administrator, within the limits of Veteran's Administration facilities and in accordance with regulations which the Administrator shall prescribe, may furnish to any veteran described in section 612(f) (2) of this title, and to any veteran receiving care and treatment under this chapter involving a service-connected disability, such preventive health-care services as the Administrator determines are feasible and appropriate.

"(2) In connection with preventive health-care services furnished under paragraph (1) of this subsection, the Administrator, in accordance with regulations which the Administrator shall prescribe, may institute appropriate controls and carry out followup studies (including research) to determine the medical advantages and cost-effectiveness of furnishing such preventive health-care services.

"(b) In carrying out the pilot program provided for by this subchapter, the Administrator may not furnish preventive health-care services after September 30, 1983.

"(c) In carrying out this subchapter, the Administrator shall emphasize the utilization of interdisciplinary health-care teams composed of various professional and paraprofessional personnel.

"(d) The Administrator may not expend to carry out the program provided for in this subchapter more than $3,500,000 in the fiscal year ending September 30, 1980, more than $5,000,000 in the fiscal year ending September 30, 1981, more than $7,000,000 in the fiscal year ending September 30, 1982, or more than $9,000,000 in the fiscal year ending September 30, 1983.

§ 664. Reports

"The Administrator shall include in the annual report to the Congress required by section 214 of this title a comprehensive report on the administration of this subchapter, including such recommendations for additional legislation as the Administrator considers necessary."

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following:

"Subchapter VII—Preventive Health-Care Services Pilot Program

"661. Purpose.
"662. Definition.
"663. Preventive health-care services.
"664. Reports.".

HOSPITAL AND NURSING HOME CARE AND MEDICAL SERVICES WITHIN THE UNITED STATES FOR COMMONWEALTH ARMY VETERANS AND NEW PHILIPPINE SCOUTS

SEC. 106. (a) Subchapter IV of chapter 17 is amended by redesignating section 634 as section 635 and by inserting after section 633 the following new section:

"§ 634. Hospital and nursing home care and medical services in the United States

"The Administrator, within the limits of Veterans' Administration facilities, may furnish hospital and nursing home care and medical services to Commonwealth Army veterans and new Philippine Scouts for the treatment of the service-connected disabilities of such veterans and scouts.".

(b) The table of sections at the beginning of chapter 17 is amended by striking out the item relating to section 634 and inserting in lieu thereof the following new items:

"634. Hospital and nursing home care and medical services in the United States.
"635. Definitions.".

EFFECTIVE DATE OF CERTAIN PROVISIONS

SEC. 107. The amendments made to title 38, United States Code, by sections 102, 103, 104, 105, and 106 of this Act shall be effective on October 1, 1979.

TITLE II—CONTRACT-CARE PROGRAMS

DEFINITION OF "VETERANS' ADMINISTRATION FACILITIES"

SEC. 201. (a) Paragraph (4) of section 601 is amended—

(1) by inserting "or of a veteran described in section 612(g) of this title if the Administrator has determined, based on an examination by a physician employed by the Veterans' Administration (or, in areas where no such physician is available, by a physician carrying out such function under a contract of fee arrangement), that the medical condition of such veteran precludes appropriate treatment in facilities described in clauses (A) and (B) of this paragraph" before the semicolon at the end of subclause (ii) of clause (C);

(2) by striking out "or" after the semicolon at the end of subclause (iv) of clause (C), and striking out the period at the end of such clause and inserting in lieu thereof a semicolon and the following new subclauses; "(vi) mental health services described in section 612A of this title for a veteran in Alaska or Hawaii; or (vii) diagnostic services necessary for determination of eligibility for, or of the appropriate course of treatment in connection with, the provision of medical services at independent Veterans' Administration outpatient clinics to obviate the need for hospital admission."; and

(3) by adding below clause (C) the following new sentence:

"In the case of any veteran for whom the Administrator contracts to provide treatment in a private facility pursuant to the provisions of this paragraph, the Administrator shall periodically review the necessity for continuing such contractual arrangement pursuant to such provision.".

(b) Not later than February 1, 1980, and annually thereafter, the Chief Medical Director of the Veterans' Administration shall submit to the appropriate committees of the Congress, through the Administrator of Veterans' Affairs, a full report on the implementation of section 601(4)(C)(v) of title 38, United States Code, and the amendments made by this section, and on the numbers of veterans provided contract treatment (and the average cost and duration thereof) in each State (as defined in section 101(20) of title 38, United States Code) in the categories described in the following provisions of such title: sections 601(4)(C), 610(a), 612(a), 612(f)(1)(A), 612(f)(1)(B), 612(f)(2), 612(g), 612A (as added by section 103(a)(1) of this Act), and section 620A (as added by section 104(a) of this Act).

EMERGENCY MEDICAL SERVICES AT NATIONAL CONVENTIONS OF RECOGNIZED VETERANS' SERVICE ORGANIZATIONS

SEC. 202. Section 611 is amended by adding at the end thereof the following new subsection:

"(c) The Administrator may contract with any organization recognized by the Administrator for the purposes of section 3402 of this title to provide for the furnishing by the Administrator, on a reimbursable basis (as prescribed by the Administrator), of emergency medical services to individuals attending any national convention of such organization, except that reimbursement shall not be required for services furnished under this subsection to the extent that the individual receiving such services would otherwise be eligible under this chapter for medical services.".

TITLE III—CONSTRUCTION, ALTERATION, LEASE, AND ACQUISITION OF MEDICAL FACILITIES

REVISION OF AUTHORITY FOR CONSTRUCTION, ALTERATION, LEASE, AND ACQUISITION OF MEDICAL FACILITIES

SEC. 301. (a) Subchapter I of chapter 81 is amended to read as follows:

"Subchapter I—Acquisition and Operation of Medical Facilities

"§ 5001. Definitions

"For the purposes of this subchapter:

"(1) The term 'alter', with respect to a medical facility, means to repair, remodel, improve, or extend such medical facility.

"(2) The terms 'construct' and 'alter', with respect to a medical facility, include such engineering, architectural, legal, fiscal, and economic investigations and studies and such surveys, designs, plans, working drawings, specifications, procedures, and other similar actions as are necessary for the construction or alteration, as the case may be, of such medical facility and as are carried out after the completion of the advanced planning (including the development of project requirements and preliminary plans) for such facility.

"(3) The term 'medical facility' means any facility or part thereof which is, or will be, under the jurisdiction of the Administrator for the provision of health-care services (including hospital, nursing home, or domiciliary care or medical services), including any necessary building and auxiliary structure, garage, parking facility, mechanical equipment, trackage facilities leading thereto, abutting sidewalks, accommodations for attending personnel, and recreation facilities associated therewith.

"(4) The term 'committee' means the Committee on Veterans' Affairs of the House of Representatives or the Committee on Veterans' Affairs of the Senate, and the term 'committees' means both such committees.

"§ 5002. Acquisition of medical facilities

"(a) The Administrator shall provide medical facilities for veterans entitled to hospital, nursing home, or domiciliary care or medical services under this title.

"(b) No medical facility may be constructed or otherwise acquired or altered except in accordance with the provisions of this subchapter.

"(c) In carrying out this subchapter, the Administrator—

"(1) shall provide for the construction and acquisition of medical facilities in a manner that results in the equitable distribution of such facilities throughout the United States, taking into consideration the comparative urgency of the need for the services to be provided in the case of each particular facility; and

"(2) shall give due consideration to excellence of architecture and design.

"§ 5003. Authority to construct and alter, and to acquire sites for, medical facilities

"(a) Subject to section 5004 of this title, the Administrator—

"(1) may construct or alter any medical facility and may acquire, by purchase, lease, condemnation, donation, exchange, or otherwise, such land or interests in land as the Administrator considers necessary for use as the site for such construction or alteration;

"(2) may acquire, by purchase, lease condemnation, donation, exchange, or otherwise, any facility (including the site of such facility) that the Administrator considers necessary for use as a medical facility; and

"(3) in order to assure compliance with section 5010(a)(2) of this title, in the case of any outpatient medical facility for which it is proposed to lease space and for which a qualified lessor and an appropriate leasing arrangement are available, shall execute a lease for such facility within 12 months after funds are made available for such purpose.

"(b) Whenever the Administrator considers it to be in the interest of the United States to construct a new medical facility to replace an existing medical facility, the Administrator (1) may demolish the existing facility and use the site on which it is located for the site of the new medical facility, or (2) if in the judgment of the Administrator it is more advantageous to construct such medical facility on a different site in the same locality, may exchange such existing facility and the site of such existing facility for the different site.

"(c) Whenever the Administrator determines that any site acquired for the construction of a medical facility is not suitable for that purpose, the Administrator may exchange such site for another site to be used for that purpose or may sell such site.

"§ 5004. Congressional approval of certain medical facility acquisitions

"(a) In order to ensure the equitable distribution of medical facilities throughout the United States, taking into consideration the comparative urgency of the need for the services to be provided in the case of each particular facility—

"(1) no appropriation may be made for the construction, alteration, or acquisition (not including exchanges) of any medical facility which involves a total expenditure of more than $2,000,000 unless each committee has first adopted a resolution approving such construction, alteration, or acquisition and setting forth the estimated cost thereof; and

"(2) no appropriation may be made for the lease of any space for use as a medical facility at an average annual rental of more than $500,000 unless each committee has first adopted a resolution approving such lease and setting forth the estimated cost thereof.

"(b) In the event that the President or the Administrator proposes to the Congress the funding of any construction, alteration, lease, or other acquisition to which subsection (a) of this section is applicable, the Administrator shall submit to each committee, on the same day, a prospectus of the proposed medical facility. Such prospectus shall include—

"(1) a detailed description of the medical facility to be constructed, altered, leased, or otherwise acquired under this subchapter, including a description of the location of such facility;

"(2) an estimate of the cost to the United States of the construction, alteration, lease, or other acquisition of such facility (including site costs, if applicable); and

"(3) an estimate of the cost to the United States of the equipment required for the operation of such facility.

"(c) The estimated cost of any construction, alteration, lease, or other acquisition that is approved under this section, as set forth in the pertinent resolutions described in subsection (a) of this section, may be increased by the Administrator in the contract for such construction, alteration, lease, or other acquisition by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction, alteration, lease, or other acquisition costs, as the case may be, from the date of such approval to the date of contract, but in no event may the amount of such increase exceed 10 per centum of such estimated cost.

"(d) In the case of any medical facility approved for construction, alteration, lease, or other acquisitions by each committee under subsection (a) of this section for which funds have not been appropriated within one year after the date of such approval, either such committee may by resolution rescind its approval at any time thereafter before such funds are appropriated.

"(e) In any case in which the Administrator proposes that funds be used for a purpose other than the purpose for which such funds were appropriated, the Administrator shall promptly notify each committee, in writing, of the particulars involved and the reasons why such funds were not used for the purpose for which appropriated.

"(f) The Administrator may accept gifts or donations for any of the purposes of this subchapter.

"§ 5005. Structural requirements

"(a) Each medical facility (including each nursing home facility for which the Administrator contracts under section 620 of this title and each State home facility constructed or altered under section 5031 of this title) shall be of fire, earthquake, and other natural disaster resistant construction in accordance with standards which the Administrator shall prescribe on a State or regional basis after surveying appropriate State and local laws, ordinances, and building codes and climatic and seismic conditions pertinent to each such facility. When an existing structure is acquired for use as a medical facility, it shall be altered to comply with such standards.

"(b)(1) In order to carry out this section, the Administrator shall appoint an advisory committee to be known as the 'Advisory Committee on Structural Safety of Veterans' Administration Facilities', on which shall serve at least one architect and one structural engineer who are experts in structural resistance to fire, earthquake, and other natural disasters and who are not employees of the Federal Government.

"(2) such advisory committee shall advise the Administrator on all matters of structural safety in the construction and altering of medical facilities in accordance with the requirements of this section and shall review and make recommendations to the Administrator on the regulations prescribed under this section.

"(3) The Associate Deputy Administrator, the Chief Medical Director or the designee of the Chief Medical Director, and the Veterans' Administration official charged with the responsibility for construction shall be ex officio members of such advisory committee.

"§ 5006. Construction contracts

"(a) The Administrator may carry out any construction or alteration authorized under this subchapter by contract if the Administrator considers it to be advantageous to the United States to do so.

"(b)(1) The Administrator may obtain, by contract or otherwise, the services of individuals who are architects or engineers and of architectural and engineering corporations and firms, to the extent that the Administrator may require such services for any medical facility authorized to be constructed or altered under this subchapter.

"(2) No corporation, firm, or individual may be employed under the authority of paragraph (1) of this subsection on a permanent basis.

"(c) Notwithstanding any other provision of this section, the Administrator shall be responsible for all construction authorized under this subchapter, including the interpretation of construction contracts, the approval of materials and workmanship supplied pursuant to a construction contract, approval of changes in the construction contract, certification of vouchers for payments due the contractor, and final settlement of the contract.

"§ 5007. Reports to congressional committees

"(a) In order to promote effective planning for the orderly construction, replacement, and alteration of medical facilities in accordance with the comparative urgency of the need for the services to be provided by such facilities, the Administrator shall submit to each committee an annual report on the construction, replacement, and alteration of medical facilities. Such report shall be submitted to the committees on the same day each year and shall contain—

"(1) a five-year plan for the construction, replacement, or alteration of those medical facilities that, in the judgment of the Administrator, are most in need of construction, replacement, or alteration;

"(2) a list, in order of priority, of not less than ten hospitals that, in the judgment of the Administrator, are most in need of construction or replacement; and

"(3) general plans (including projected costs, site location, and, if appropriate, necessary land acquisition) for each medical facility included in the five-year plan required under clause (1) of this subsection or the list required under clause (2) of this subsection.

The first such report shall be submitted not later than September 1, 1979, and each succeeding report shall be submitted not later than June 30 of each year.

"(b) The Administrator shall submit to each committee not later than January 31 of each year (beginning in 1981) a report showing the location, space, cost, and status of each medical facility the construction, alteration, lease, or other acquisition of which has been approved under section 5004 (a) of this title and, in the case of the second and each succeeding report made under this subsection, which was uncompleted as of the date of the last preceding report made under this subsection.

"§ 5008. Contributions to local authorities

"The Administrator may make contributions to local authorities toward, or for, the construction of traffic controls, road improvements, or other devices adjacent to a medical facility if considered necessary for safe ingress or egress.

"§ 5009. Garages and parking facilities

"(a) The Administrator may construct, alter, operate, and maintain, on reservations of medical facilities, garages and parking facilities for the accommodation of privately owned vehicles of employees of such facilities and vehicles of visitors and other individuals having business at such facilities.

"(b)(1) The Administrator may establish and collect (or provide for the collection of) fees for the use of such garages and parking facilities at such rate or rates which the Administrator determines would be reasonable under the particular circumstances; but no fee may be charged for the accommodation of any publicly or privately owned vehicle used in connection with the transportation of a veteran to or from any medical facility for the purposes of examination or treatment or in connection with any visit to any patient in such facility. Employees using such garages shall make such reimbursement therefor as the Administrator may deem reasonable.

"(2) The Administrator may contract, by lease or otherwise, with responsible persons, firms, or corporations for the operation of such parking facilities, under such terms and conditions as the Administrator shall prescribe, and without regard to the laws concerning advertising for competitive bids.

"(c)(1) here are authorized to be appropriated such amounts as are necessary to finance in part the construction, alteration, operation, and maintenance of garages and parking facilities (other than the construction or alteration of any garage or parking facility involving the expenditure of more than $2,000,000). Amounts appropriated under the authority of this section, and all income from fees collected for the use of such garages and parking facilities, shall be administered as a revolving fund to effectuate the provisions of this section, but only to the extent provided for in appropriation Acts.

"(2) The revolving fund shall be deposited in a checking account with the Treasurer of the United States, except that such amounts thereof as the Administrator may determine to be necessary to establish and maintain operating accounts for the various garages and parking facilities may be placed in depositories selected by the Administrator.

"§ 5010. Operation of medical facilities

"(a)(1) The Administrator, subject to the approval of the President, is authorized to establish and operate not less than one hundred and twenty-five thousand hospital beds in medical facilities over which the Administrator has direct jurisdiction for the care and treatment of eligible veterans. The Administrator shall staff and maintain, in such a manner as to ensure the immediate acceptance and timely and complete care of patients, sufficient beds and other treatment capacities to accommodate, and provide such care to, eligible veterans applying for admission and found to be in need of hospital care or medical services.

"(2) The Administrator shall maintain the bed and treatment capacities of all Veterans' Administration medical facilities so as to ensure the accessibility and availability of such beds and treatment capacities to eligible veterans in all States and to minimize delays in admissions and in the provision of hospital, nursing home, and domiciliary care, and of medical services furnished pursuant to section 612 of this title.

"(3) The Chief Medical Director shall periodically analyze agencywide admission policies and the records of those eligible veterans who apply for hospital care and medical services but are rejected or not immediately admitted or provided such care or services, and the Administrator shall annually advise each committee of the results of such analysis and the number of any additional beds and treatment capacities and the appropriate staffings and funds therefor found necessary to meet the needs of such veterans for such necessary care and services.

"(b) The Administrator, subject to the approval of the President, is authorized to establish and operate not less than twelve thousand beds during fiscal year 1980, and during each fiscal year thereafter, for the furnishing of nursing home care to eligible veterans in facilities over which the Administrator has direct juridiction. The beds authorized by this subsection shall be in addition to the beds provided for in subsection (a) of this section.

"(c) When the Administrator determines, in accordance with regulations which the Administrator shall prescribe, that a Veterans' Administration facility service a substantial number of veterans with limited English-speaking ability, the Administrator shall establish and implement procedures, upon the recommendation of the Chief Medical Director, to ensure the identification of sufficient numbers of individuals on such facility's staff who are fluent in both the language most appropriate to such veterans and in English and whose responsibilities shall include providing guidance to such veterans and to appropriate Veterans' Administration staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.

"§ 5011. Use of Armed Forces facilities

"The Administrator and the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy may enter into agreements and contracts for the mutual use or exchange of use of hospitals and domiciliary facilities, and such supplies, equipment, and material as may be needed to operate such facilities properly, or for the transfer, without reimbursement of appropriations, of facilities, supplies, equipment, or material necessary and proper for authorized care for veterans, except that at no time shall the Administrator enter into any agreement which will result in a permanent reduction of Veterans' Administration hospital and domiciliary beds below the number established or approved on June 22, 1944, plus the estimated number required to meet the load of eligibles under this title, or in any way subordinate or transfer the operation of the Veterans' Administration to any other agency of the Government.

"§ 5012. Partial relinquishment of legislative jurisdiction

"The Administrator, on behalf of the United States, may relinquish to the State in which any lands or interests therein under the supervision or control of the Administrator are situated, such measure of legislative jurisdiction over such lands or interests as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of legislative jurisdiction shall be initiated by filing a notice thereof with the Governor of the State concerned, or in such other manner as may be prescribed by the laws of such State, and shall take effect upon acceptance by such State.

"§ 5013. Property formerly owned by the National Home for Disabled Volunteer Soldiers

"If by reason of any defeasance or conditional clause or clauses contained in any deed of conveyance of property to the National Home for Disabled Volunteer Soldiers, which property is owned by the United States, the full and complete enjoyment and use of such property is threatened, the Attorney General, upon request of the President, shall institute in the United States district court for the district in which the property is located such proceedings as may be proper to extinguish all outstanding adverse interests. The Attorney General may procure and accept, on behalf of the United States, by gift, purchase, cession, or otherwise, absolute title to, and complete jurisdiction over, all such property.

"§ 5014. Use of federally owned facilities; use of personnel

"(a) The Administrator, subject to the approval of the President, may use as medical facilities such suitable buildings, structures, and grounds owned by the United States on March 3, 1925, as may be available for such purposes, and the President may by Executive order transfer any such buildings, structures, and grounds to the control and jurisdiction of the Veterans Administration upon the request of the Administrator.

"(b) The President may require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in the construction and alteration of medical facilities, and the President may employ for such purposes individuals and agencies not connected with the Government, if in the opinion of the President such is desirable, at such compensation as the President may consider reasonable.

"§ 5015. Acceptance of certain property

"The President may accept from any State or other political subdivision, or from any person, any building, structure, equipment, or grounds suitable for the care of disabled persons, with due regard to fire or other hazards, state of repair, and all other pertinent considerations. The President may designate which agency of the Federal Government shall have the control and management of any property so accepted.".

(b)(1) Subchapter II of chapter 81 is amended by resdesignating sections 5011, 5012, 5013, and 5014 as sections 5021, 5022, 5023, and 5024, respectively.

(2) Section 5022(b) (as so redesignated) is amended by striking out the comma and "clinical, medical, and outpatient treatment" after "administrative".

(c) The table of sections at the beginning of chapter 81 is amended by striking out the item relation to subchapter I and all that follows through the item relating to section 5014 and inserting in lieu thereof the following:

"Subchapter I—Acquisition and Operation of Medical Facilities

"Sec.
"5001. Definitions.
"5002. Acquisition of medical facilities.
"5003. Authority to construct and alter, and to acquire sites for, medical facilities.
"5004. Congressional approval of medical facility acquisitions.
"5005. Structural requirements.
"5006. Administrative provisions.
"5007. Reports to congressional committees.
"5008. Contributions to local authorities.
"5009. Garages and parking facilities.
"5010. Operation of medical facilities.
"5011. Use of Armed Forces facilities.
"5012. Partial relinquishment of legislative jurisdiction.
"5013. Property formerly owned by National Home for Disabled Volunteer Soldiers.
"5014. Use of federally owned facilities; use of personnel.
"5015. Acceptance of certain property.

"Subchapter II—Procurement and Supply

"5021. Revolving supply fund.
"5022. Authority to procure and dispose of property and to negotiate for common services.
"5023. Procurement of prosthetic appliances.
"5024. Grant of easements in Government-owned lands.".

EFFECTIVE DATES

SEC. 302. (a) Except as provided in subsection (b) of this section, the amendments made by this title shall take effect on October 1, 1979.

(b)(1) The amendments made by this title shall not apply with respect to the acquisition, construction, or alteration of any medical facility (as defined in section 5001(3), as added by section 301(a) of this Act) if such acquisition, construction, or alteration (not including exchange) was approved before October 1, 1979, by the President.

(2) The provisions of section 5007(a), as added by section 301(a) of this Act, shall take effect on the date of the enactment of this Act.

TITLE IV—BENEFITS PAYABLE TO PERSONS RESIDING OUTSIDE THE UNITED STATES

CHILDREN ADOPTED UNDER LAWS OF FOREIGN COUNTRIES

SEC. 401. Paragraph (4) of section 101 is amended—

(1) by inserting "(A)" before "The" and redesignating clauses (A), (B), and (C) as clauses (i), (ii), and (iii), respectively; and

(2) by adding at the end of such paragraph the following new subparagraph:

"(B) For the purposes of subparagraph (A) of this paragraph, in the case of an adoption under the laws of any jurisdiction other than a State (as defined in section 101(20) of this title and including the Commonwealth of the Northern Mariana Islands)—

"(i) a person residing outside any of the States shall not be considered to be a legally adopted child of a veteran during the lifetime of such veteran (including for purposes of this subparagraph a Commonwealth Army veteran or new Philippine Scout, as defined in section 1766 of this title) unless such person—

"(I) was less than eighteen years of age at the time of adoption;

"(II) is receiving one-half or more of such person's annual support from such veteran;

"(III) is not in the custody of such person's natural parent, unless such natural parent is such veteran's spouse; and

"(IV) is residing with such veteran (or in the case of divorce following adoption, with the divorced spouse who is also an adoptive or natural parent) except for periods during which such person is residing apart from such veteran (or such divorced spouse) for purposes of full-time attendance at an educational institution or during which such person or such veteran (or such divorced spouse) is confined in a hospital, nursing home, other health-care facility, or other institution; and

"(ii) a person shall not be considered to have been a legally adopted child of a veteran as of the date of such veteran's death and thereafter unless—

"(I) at any time within the one-year period immediately preceding such veteran's death, such veteran was entitled to and was receiving a dependent's allowance or similar monetary benefit under this title for such person; or

"(II) for a period of at least one year prior to such veteran's death, such person met the requirements of clause (i) of this subparagraph.".

STUDY OF BENEFITS PAYABLE TO PERSONS RESIDING OUTSIDE THE UNITED STATES

SEC. 402. (a) The Administrator of Veterans' Affairs, in consultation with the Secretary of State, shall carry out a comprehensive study of benefits payable under the provisions of title 38, United States Code, to persons who reside outside the fifty States and the District of Columbia. The Administrator shall include in such study—

(1) an analysis of the issues involved in the payment of such benefits to persons who reside outside the fifty States and the District of Columbia, together with analyses of such aspects of the economy of each foreign country and each territory, possession, and Commonwealth of the United States in which a substantial number of persons receiving such benefits reside as are relevant to such issues (such as the rate of inflation, the standard of living, and health care, educational, housing, and burial costs);

(2) an analysis of the issues involved in the payment of such benefits as the result of adoptions under laws other than the laws of any of the fifty States or the District of Columbia;

(3) an analysis of the amounts and method of payment of benefits payable to persons entitled, by virtue of sections 107 and 1765

of such title, to benefits under chapters 11, 13, and 35 of such title;

(4) estimates of the present and future costs of paying monetary benefits under such title to persons described in clauses (1) and (3);

(5) an evaluation of the desirability of continuing to maintain the Veterans' Administration Regional Office in the Republic of the Philippines, taking into consideration (A) the current and expected future workloads of such office, (B) the estimated cost in fiscal years 1981 through 1985 of continuing to maintain such regional office, (C) the feasibility and desirability of transferring appropriate functions of such regional office to the United States Embassy in the Republic of the Philippines, and (D) a provisional plan, which the Administrator shall develop, for the closing of such office and so transferring such functions, together with cost estimates for fiscal years 1981 through 1985 for the implementation of such plan assuming that such office is closed before October 1, 1981; and

(6) an evaluation of the effects of the amendments to such title made by section 401 of this Act.

(b) Not later than February 1, 1980, the Administrator shall report to the Congress and to the President on the results of such study together with the Administrator's recommendations for resolving the issues to be analyzed and evaluated in such study.

(c) The Administrator shall (1) carry out the study required under subsection (a) of this section in conjunction with the study required under section 308(a) of the Veterans' and Survivors' Pension Improvement Act of 1978 (Public Law 95-588), and (2) submit the reports of such studies as a combined report.

TITLE V—MISCELLANEOUS PROVISIONS

ACCEPTANCE OF PAYMENT FOR TRAVEL OF EMPLOYEES

Sec. 501. Section 4108 is amended by adding after subsection (c) the following new subsection:

"(d) Notwithstanding any other provision of law, the Administrator may prescribe regulations establishing conditions under which officers and employees of the Department of Medicine and Surgery who are nationally recognized principal investigators in medical research may be permitted, in connection with their attendance at meetings or in performing advisory services concerned with the functions or activities of the Veterans' Administration, or in connection with acceptance of significant awards or with activity related thereto concerned with functions or activities of the Veterans' Administration, to accept payment, in cash or in kind, from non-Federal agencies, organizations, and individuals, for travel and such reasonable subsistence expenses as are approved by the Administrator pursuant to such regulations, to be retained by such officers and employees to cover the cost of such expenses or deposited to the credit of the appropriation from which the cost of such expenses is paid, as may be provided in such regulations.".

CONFIRMATION OF DEPUTY ADMINISTRATOR OF VETERANS' AFFAIRS

Sec. 502. (a) The first sentence of section 210(d) is amended by striking out "by the Administrator" and inserting in lieu thereof "by the President, by and with the advice and consent of the Senate".

(b)(1) The amendment made by subsection (a) shall take effect (A) on the date on which a vacancy first occurs in the office of Deputy Administrator of Veterans' Affairs after the date of the enactment of this Act or on such earlier date as the President submits to the Senate, for the advice and consent of the Senate, the nomination of any individual for appointment to such office, or (B) on the date of the enactment of this Act if such office is vacant on such date.

(2) The Administrator of Veterans' Affairs may designate the individual holding the office of Deputy Administrator of Veterans' Affairs on the date of the enactment of this Act, or any other individual, to serve in such office in an acting capacity pending the first appointment of an individual to such office as provided for in the amendment made by subsection (a).

OVERSEAS AUTHORITIES

Sec. 503. (a) Section 230 is amended by striking out subsection (c).

(b) Section 235 is amended—

(1) in the matter preceding clause (1), by striking out "or to the Veterans' Administration office in Europe, established pursuant to section 230(c) of this title,";

(2) in clause (2), by striking out "and (7)" and inserting in lieu thereof "(7), and (11)"; and

(3) by inserting after clause (5) the following new clauses:

"(6) Section 5724a(a)(3) of title 5 (relating to subsistence expenses for 30 days in connection with the return to the United States of the employee and such employee's immediate family).

"(7) Section 5724a(a)(4) of title 5 (relating to the sale and purchase of the residence or settlement of an unexpired lease of the employee when transferred from one station to another station and both stations are in the United States, its terriories or possessions, or the Commonwealth of Puerto Rico).".

(c)(1) The section heading of section 235 is amended by striking out "oversea" and inserting in lieu thereof "overseas".

(2) The item relating to section 235 in the table of sections at the beginning of chapter 3 is amended by striking out "oversea" and inserting in lieu thereof "overseas".

CONFORMING AMENDMENTS TO REFLECT PREVIOUS ADJUSTMENTS MADE IN DEPARTMENT OF MEDICINE AND SURGERY SALARY SCHEDULES

Sec. 504. (a) Subsection (a) of section 4107 is amended to read as follows:

"(a) The annual rates or ranges of rates of basic pay for positions provided in section 4103 of this title shall be as follows:

"SECTION 4103 SCHEDULE

"Chief Medical Director, $68,909.

"Deputy Chief Medical Director, $66,104.

"Associate Deputy Chief Medical Director, $63,315.

"Assistant Chief Medical Director, $61,449.

"Medical Director, $52,429 minimum to $59,421 maximum.

"Director of Nursing Service, $54,429 minimum to $59,421 maximum.

"Director of Podiatric Service, $44,756 minimum to $56,692 maximum.

"Director of Chaplain Service, $44,756 minimum to $56,692 maximum.

"Director of Pharmacy Service, $44,756 minimum to $56,692 maximum.

"Director of Dietetic Service, $44,756 minimum to $56,692 maximum.

"Director of Optometric Service, $44,756 minimum to $56,692 maximum.".

(b) Paragraph (1) of subsection (b) of such section is amended to read as follows:

"(1) The grades and annual ranges of rates of basic pay for positions provided for in paragraph (1) of section 4104 of this title shall be as follows:

"PHYSICIANS AND DENTIST SCHEDULE

"Director grade, $44,756 minimum to $56,692 maximum.

"Executive grade, $41,327 minimum to $53,729 maximum.

"Chief grade, $38,160 minimum to $49,608 maximum.

"Senior grade, $32,442 minimum to $42,171 maximum.

"Intermediate grade, $27,453 minimum to $35,688 maximum.

"Full grade, $23,087 minimum to $30,017 maximum.

"Associate grade, $19,263 minimum to $25,041 maximum.

"NURSE SCHEDULE

"Director grade, $38,160 minimum to $49,608 maximum.

"Assistant Director grade, $32,442 minimum to $42,171 maximum.

"Chief grade, $27,453 minimum to $35,688 maximum.

"Senior grade, $23,087 minimum to $30,017 maximum.

"Intermediate grade, $19,263 minimum to $25,041 maximum.

"Full grade, $15,920 minimum to $20,699 maximum.

"Associate grade, $13,700 minimum to $17,813 maximum.

"Junior grade, $11,712 minimum to $15,222 maximum.

"CLINICAL PODIATRIST AND OPTOMETRIST SCHEDULE

"Chief grade, $38,160 minimum to $49,608 maximum.

"Senior grade, $32,442 minimum to $42,171 maximum.

"Intermediate grade, $27,453 minimum to $35,688 maximum.

"Full grade, $23,087 minimum to $30,017 maximum.

"Associate grade, $19,263 minimum to $25,041 maximum.".

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak therein up to 5 minutes each, the period not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GOP TAX INCREASE

Mr. HAYAKAWA. Mr. President, this Congress has done a lot of talking about proposition 13, but that is all. Although at the end of the last Congress the Senate voted overwhelmingly in favor of tax cuts, similar measures have been rejected four times in this Congress. Big spending Democrats, and Republicans who still cannot imagine a tax cut paying for itself, have worked together to be "fiscally conservative" and balance the budget. It would be nice to balance the budget. In fact, it is terribly important to balance the budget. However, I refuse to balance the budget by increasing taxes, rather than by cutting spending.

Congress has deemed deficits which pay for spending as appropriate—in fact, indispensable. I am shocked and disappointed in the attitude of this Congress and in the Friday, April 27, 1979 issue of the Wall Street Journal I found my thoughts echoed. I ask unanimous consent that the editorial titled "The GOP Tax Increase" be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The GOP Tax Increase

Although the Congress is not yet through with the budget for fiscal year 1980, it is already clear that if the budget is to be balanced, it will be in the future and on the back of taxpayers.

Viewing the actions of his colleagues on the Budget Committee, Senator Orrin Hatch complained that all of their decisions "put the taxpayer last." The Senator has a good case. The first thing the committee did was to decide how much money it wanted to spend; then it simply accepted the level of taxes necessary to pay for it. The balanced budget promised for 1981 is to be achieved not by any cuts in spending, but by automatic real tax increases resulting from inflation pushing people into higher brackets.

The Senate showed it was not of a different mind than the Budget Committee. Senator Proxmire's amendment to reduce spending lost 23–67. Senator Roth's amendment to hold the increase in spending to the same 7% level that President Carter seeks for the private sector was defeated on a 36–56 vote. And Senator Lugar's amendment to prevent a 20% increase in food stamps lost 30–61. Indeed, a large assortment of amendments to hold down spending and taxes went down to defeat this week on the Senate floor. It is true that the Budget Committee cut defense, but the funds were reallocated to social programs.

To its credit the Senate held the 1980 deficit to the $29 billion level sought by the President, down from the current fiscal year. But the reduction in the deficit has not translated into a reduction in new borrowing for FY 1980 because of the growth in borrowings by the off-budget agencies. Thus, the smaller deficit doesn't reduce total federal credit demands.

The route from now to 1981's balanced budget is a scenic one for big spenders, taking them through an additional $81 billion in spending and $114 billion in higher taxes. This is an abrupt turnaround from last October when the Senate overwhelmingly passed the Nunn amendment, which combined Kemp-Roth type tax reductions with spending limitations. In the past six months the spenders have been able to regain ground sufficiently to raise spending over the 1980–82 period by $42 billion above the levels in the Nunn amendment and push up taxes by $68 billion.

Clearly, the tax cutters and spending limiters have lost the initiative. Despite Proposition 13, despite the movement for a constitutional amendment for a balanced budget, despite the clear verdict of November's election, the low-spending, low-tax people are back on their habitual defensive. What accounts for this sudden reversal of their fortunes?

The initiative was lost when Republicans and conservatives stopped talking about lower taxes and returned to their old litany about balancing the budget. As the Democratic majorities are in the process of proving, the budget can be balanced by raising taxes. By putting all their rhetorical eggs in the balanced-budget basket, the Republicans condemn themselves to a somnolent role as tax collectors for the Democrats.

This habitual fate was avoided last year when the Republican Kemp-Roth bill put tax cuts squarely at the center of the political agenda. Having preached and practiced for four decades that deficits are good, the Democrats were in no position to complain about the bill's static-analysis deficits. The issues were clearly drawn: tax cuts for everybody vs. spending increases for special interests; economic growth vs. dependency on federal handouts. Having no ammunition of their own against the Kemp bill, the Democrats were forced to pass Senator Nunn's version of it.

Republican economists, though, were never happy about abandoning the budget deficit emphasis. More imbued with Keynes than they admit, and intent on not admitting past error, they were simply unable to comprehend the notion of stimulating the economy through providing incentives and eliminating deficits by faster growth. After November, they managed to persuade the GOP pols that they had lost in the elections and had better go back to proven tactics, the ones that made them a permanent minority for the past generation. So the GOP has stopped trying to hone an idea that had the Democrats in the corner, has forsaken issues for personality and is going gaga over a flashy Texan who likes wage-price controls. In Congress, meanwhile, the Republicans are back to accommodating and have saved the day for the Democratic spenders.

It has been educational, if disheartening, to watch the maneuvering that first defused the tax cut movement by turning it into a balanced budget movement, and then turned a balanced budget into a revenue measure. Now we are back to the politics of yesteryear. Taxes will be cut after the budget is balanced. Let's see, that will be the year after the year after next. Meanwhile, taxes will rise by $153 billion.

REPRESSING ECONOMIC NEWS

Mr. HAYAKAWA. Mr. President, I have just published a book on the subject of communication. I was therefore fascinated last Friday to see an article by Walter B. Wriston which dealt with money as a form of communication. As a semanticist, I was pleased with Mr. Wriston's analysis of money as a system of symbols whose purpose is to communicate price. I am in firm agreement with his position that any form of price controls, whether voluntary guidelines or mandatory ceilings, infringe on individual liberty as surely as control of the press. I ask unanimous consent that Mr. Wriston's article, "Repressing Economic News," from the May 4, 1979 Wall Street Journal be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

REPRESSING ECONOMIC NEWS

(By Walter B. Wriston)

Every business has its hazards. People in the news business complain that one of their own special hazards is taking the blame for all the bad news in the world. And since much of the bad news nowadays frequently has something to do with governments, governments especially are often angry at the press. In fact, there are about 90 countries in the world today whose leaders object to bad news so much that they have abolished the free press. They operate on the theory that if bad news is not reported, it doesn't exist.

Editors and publishers in countries where the press remains free recognize this attitude for the threat that it is. They combat it constantly by defending their right to publish the news as they see it, and also by reminding the public that the First Amendment is the very linchpin of our liberty.

To get blamed for acts you do not commit, or for the bad news created by somebody else, is a hazard that is not unique to the news business. It happens to bankers, businessmen, labor leaders and almost anyone else involved in handling money. And we in the business community are being treated to an especially strong dose of this misdirected anger right now.

The bad news that business has been reporting is inflation. The price of everything is going up, which is another way of saying that the value of our money is going down. Since only the government prints money, it does not like people being told that the value of its product is deteriorating. So we find government spokesmen traveling around the country telling people that the real villains in this inflation story are businessmen who are raising their prices or labor unions which are raising wages.

SUPPRESSING THE BAD NEWS

But rising prices do not cause inflation, they report it. When a government—any government—starts trying to eliminate inflation by controlling wages and prices, what it is really doing is asking all of us to suppress the bad news that it has printed too much money. The way to stop the bad news about the deteriorating value of our money, according to government, is to conceal this from the people by freezing wages and prices.

Prices and wages represent an essential form of economic speech; money is just another form of information. When the freedom of this economic speech is restricted, we are all not only penalized, we are misled. In (Federal Reserve) Governor Wallich's words: "Inflation is like a country where nobody speaks the truth."

Prices enable consumers to communicate with producers and tell them what they want or don't want. If prices are censored, or frozen, they cannot tell producers what goods or services people want or don't want to purchase. Examples abound.

When the government artificially restrained prices for natural gas, the price told consumers that this form of energy was relatively cheap and in ample supply. Believing what they heard, people built houses heated with natural gas. The same controlled price told producers that people don't want much natural gas—it was not in demand—and therefore they had no incentive to increase production. Everybody was being deceived and we all know about the results in the winter of 1976–77. People are often deceived also about the nature of money.

As a piece of paper in your pocket, money has no intrinsic value, it is worthless. Its only value consists in what it represents, which is a claim on a share of the world's goods and services. If the government increases the pieces of paper faster than the private sector can produce goods and services, then every piece of paper is going to represent a smaller claim on whatever people have to sell. The only way to keep that from happening is either to increase the production of something salable, or else slow down production of the pieces of paper.

The plain fact is that the reason we have inflation in this country is that since 1967 the government has caused the money supply to grow nearly three times as fast as the goods and services that can be bought with it. That statement can be fiddled with an footnoted until everybody forgets what they're talking about. But the bad news will not go away. And no amount or kind of wage and price controls can make the government's paper money worth more of the world's goods than the world is prepared to give for it.

Governments' ability to devastate an economy and blame it on someone else can never be overestimated. They don't even have to print their own paper. They have frequently managed to do it with gold and silver. Ancient Rome added cheap alloys to its gold coins and suffered inflation as a result. Spain had a monopoly on the riches of El Dorado—the precious metals flowing into Europe from Mexico and Peru formed the basis for an inflation that in the end destroyed the Spanish Empire.

Every time a new silver consignment arrived at Seville a ripple of price increases spread across Europe because there was suddenly more money with which to buy things. And because the effect was always felt first and strongest in Spain, that country continuously occupied top place in the inflationary table. Spanish costs became increasingly uncompetitive, and the Dutch got rich buying cheaper goods in the north and shiping them south.

The Spanish solution was to sink merchant ships and hang businessmen.

You can find the same story of unsuccessful repression of economic news being repeated all the way back to the Roman Emperor Diocletian, who may have coined the best name yet for government price controls: the argumentum baculinum, or the argument of the club.

What Diocletian could not accomplish with the Roman legions and Philip the Second could not do with the Spanish Armada, the Council of Wage and Price Stability now proposes to do with a staff of 233 civil servants. Once again we hear repeated the rephrasing of Diocletian's edict which began with a notable assertion. "Uncontrolled economic activity is a religion of the godless."

Whatever the government—any government—decides to call its price control methods doesn't really matter. Whether it's jawboning, incomes policy, voluntary guidelines, mandatory ceilings, or an economic police state, it all comes back to Diocletian's argumentum baculinum. All it means is that the government threatens to hit you harder later on if you don't behave after it hits you the first time. History demonstrates that once a government picks up that club, it finds it very hard to put it down again.

The American press would not tolerate for one moment an attempt by the government to suppress news of riots or political demonstrations on the grounds that it wants to "insure domestic tranquility." The press knows a threat to the First Amendment when it sees one.

Yet on the grounds of "insuring price stability," the government assumes the power to tell us what we can be paid for our labor and what we can charge for our products, and the only question asked by most of the press it: Will it work? That is the wrong question. The right question is: How does it affect individual liberty? Is not one of the most basic human rights the right of a person to sell his or her labor at what the market will bring?

There are ten amendments in the Bill of Rights, although sometimes it seems that the press is so busy defending the first one, that it is hard to get equal time for the other nine.

Let me recall one of them—the Ninth Amendment—which few people ever read any more, let alone defend. It says: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." Is something being disparaged when the government's chief inflation-fighter tells a group of businessmen, as he did recently in Chicago, that "We will, with a degree of enthusiasm that I suspect many of you may consider unseemly, identify the miscreants publicly"?

QUALIFYING AS A MISCREANT

A miscreant, according to my dictionary, is someone who is villainous, unscrupulous and devoid of conscience. And now all you have to do to qualify for that description, in the eyes of your government, is to insist on your right to decide what wage you're willing to work for, or how much to charge for whatever you're selling. I do not believe that was the kind of society the Founding Fathers had in mind, or one that many Americans will enjoy living in if it becomes a permanent condition—which it shows every sign of doing.

The government adopts monetary policies and fiscal policies which produce inflation in response to popular demand. Since there is no "Truth in Politics" law we must rely on the vigilance of the press to reveal the true costs of those policies. When we come to understand what is happening, I do not believe that Americans are ready to sell their birthright of individual freedom. But someone has to make it clear that the collision course between government price and wage controls and personal liberty is inevitable because, in the end, government allocation of economic resources requires force. Someone has to point out—and keep pointing out—that every time the tide recedes a little after one of these floods of "emergency" regulations, there is less sand left on the beach for free people to stand on.

If it finally gets down to a single grain, even though that grain is labeled "free speech and the First Amendment," you'll find that it isn't worth much.

APRIL IN WASHINGTON

Mr. HAYAKAWA. Mr. President, the following was recently brought to my attention. The author, Ray Nelson, is not new to the Washington, D.C., area. He has seen the spring season here for 19 years. He makes a point that, I believe, is well taken: Appreciation should be extended to the men and women whose efforts make it possible for us to enjoy the beauty of our city. Rarely are efforts such as these recognized for their great value to the citizens of and visitors to our Nation's Capital. I ask unanimous consent that Mr. Nelson's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF RAY NELSON

In our Capital City of Washington, there is often divided opinion, and opposing views, in the market place of politics and international affairs. This makes the scene varied and rich.

Yet, here in the Springtime, I do not think there is any likely division of opinion on one subject most pleasing to us all. And that is that Washington, surely is one of the most beautiful cities on Earth.

Indeed, this particular Spring is one of the most beautiful and lovely of them all, a conspiracy of flora and fauna and of weather. The chill of temperature and prevailing precipitation have added to, rather than detracted, from the floral performance.

Spring suddenly exploded, giving us a pastel hue of flowers and blooms, many like drifting clouds among our avenues and across our spacious parks. Colors and shapes outlined our inlets and basins and along the river's edge. Floral mounds like snowbanks nestled along buildings and other structures.

Only yesterday, it was windy March, the last lingering hold of Winter. Then, individually and collectively, the flowers and shrubs and trees followed each other pell mell, and nature put her indelible stamp on our American Capital. Tourists multiplied along with the flowers, and competed in hue and raiment. It's all part of April in Washington.

First, bold crocuses sampled the season, and proclaimed bravely that all was in readiness. Quickly, came families and friends of various roots and bulbs—daffodils, hyacinths, tulips, azaleas, dogwoods and limbs and boughs of cascading green up and down boulevards and across greenswards. Early on, and too quickly departed, were the cherry blossoms, the very symbol of Washington in the Springtime.

Across our broad nation, there are many identities—the grandeur of the Northwest, the charm of the South, the fertility of the Midwest, the incomparable desert of the Southwest, and lure of the far West, and the quaintness of historic New England. Nowhere in America does one place speak for Springtime as does our nation's Capitol.

Washington's beauty is second to none—stately London, reminding us of the line, "Oh, to be in England now that April's there"; or, "Paris in the Spring"; or Amsterdam, when it's tulip time in Holland, or the incredible beauty of Rio de Janeiro and its harbor.

I would like to end this little paean with April having faded on a brief note of appreciation to the horticulturists and flower tenders of our Capitol City, from various governmental operations including that of the Architect of the Capitol, who so ably assisted dear Mother Nature by helping to cast a Merlin-like spell. We await further surprises and visual pleasures. Well done.

FLOOD INSURANCE, RIOT REINSURANCE, AND CRIME INSURANCE PROGRAMS

Mr. STEWART. Mr. President, the Committee on Banking, Housing, and Urban Affairs has ordered reported S. 903, as amended, for favorable action by the Senate. This bill, originally introduced by me on April 5, 1979, at the request of the administration, would extend the flood insurance, riot reinsurance, and crime insurance programs administered by the Federal Insurance Administration, and would authorize the appropriation of $74 million for flood studies and maps, which are required in order to carry out the program.

As introduced, S. 903 provided for a 2-year extension of the insurance programs and a 2-year authorization for appropriations for flood studies. During committee markup of the bill, I sponsored an amendment to limit all reauthorizations to 1 year, and this was adopted by the committee. I offered this amendment in the belief that a 1-year extension is necessary at this time to insure the continuation of these important programs without interruption, while at the same time preserving for the Congress its oversight control.

In limiting the extension of these programs to 1 additional year ending September 30, 1981, I stated to the committee that the Subcommittee on Insurance, which I chair, would be conducting hearings later in the session, and that I believe that further legislative action should be deferred until the committee has had adequate opportunity to review the operation and progress of the programs of the Federal Insurance Administration.

Mr. President, with this background, I urge my colleagues to consider and to pass S. 903 when it is raised for floor action.

ANNUAL MEETING OF THE CHAMBER OF COMMERCE

Mr. PERCY. Mr. President, a number of us from the Senate and the House attended the annual meeting of the Chamber of Commerce of the United States on Tuesday evening, May 1, in Washington, D.C. During the course of the evening remarks were delivered by the new incoming chairman of the Chamber of Commerce of the United States, Mr. Jay Van Andel, who has succeeded Shearon Harris. The address given by Mr. Van Andel as well as the address of Richard L. Lesher, president of the chamber, during the course of the 67th annual meeting presented a challenge to the Nation, to the executive branch of Government, and to the Congress, and I commend their careful reading to my colleagues.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY JAY VAN ANDEL

It is both an honor and a challenge to follow Shearon Harris as your chairman. In one of the most critical periods in the economic history of this nation, when there sometimes seems to be no end to the scourge of inflation, he doggedly carried a message to the people of the country. He offered a program to solve our economic dilemma. I know that he almost doubled his initial speaking commitment, making more than 40 such speeches throughout the United States.

Last May, Shearon Harris stood before us and said, "At this Annual Meeting we have shown that it is possible to solve social problems without bankrupting the Treasury and beggaring our prosperity." He challenged us: "At the next meeting, let us show that we are putting that theory into practice."

Shearon accepted his own challenge. With the support of President Dick Lesher and the excellent staff of the Chamber of Commerce, he traveled the country, setting out a carefully-detailed economic program . . . a program to gradually reduce the rate of inflation—without causing havoc in the marketplace.

That message is being heard by the people of this nation. The Congressional elections last Fall were a clear indication that voters want more responsible economic policy from their elected representatives.

Unfortunately, there are still many people in this country—some of them in positions of leadership who are unwilling to follow the course recommended by the Chamber. They believe further manipulation of the system, via the mechanism of controls, is a substitute for sound economic policy. They shun the concept of a balanced budget. They still sing the old song of tax and tax and spend and spend.

Those people have not recognized that the price tag on every governmental promise must ultimately be paid in hard currency—that deficits lead to either bankruptcy or inflation—that when inflation shrinks the value of the currency, liberty also shrinks—that freedom is tied to solvency—and solvency is tied to the value of our money.

There once was a man named Lenin who was an expert on the techniques of destroying governments and freedom. He wrote out a formula for the overthrow of a government like ours—the first step, he said—is to debase the currency.

He knew the relationship between solvency and freedom. He knew that inflation eats away at the very vitals of a free society—ultimately drives the government into insolvency or receivership, and that among governments receivership becomes dictatorship.

I intend to continue the anti-inflation effort during my year as your chairman. The Chamber will also continue to be a leading voice in the fight to prevent mandatory wage and price controls. We must not allow our leaders to repeat the mistakes of the past. Four thousand years of history offer overwhelming evidence that wage and price controls do not work—they are the wrong medicine for the wrong patient.

Unless we attack directly the basic cause of inflation—government deficits and fiscal policies—guidelines will not help either. Guidelines are like a movable finish line. To be realistic, they must be extended continually to accommodate rising inflation.

But that inflation is the result of faulty government economic policy. So, the guidelines cannot contain inflation until inflation is under control . . . and when it is under control, we don't need them! The free market competitive system with a sound currency based on sound governmental fiscal policies provides the best guidelines in the world—automatically—intrinsically.

How do we cure inflation? Through a combination of tax limitation and a spending limitation at the federal government level. It is not enough to limit the amount of tax. We must also put a limit on the authority of the Congress to spend, to prevent the value of our money from being diluted.

The first step is a statutory limit to be enacted by the Congress. If Congress does not act, however, an alternative should be a permanent prohibition to irresponsible spending in the form of a constitutional amendment to limit spending and balance the budget. This must be proposed by the Congress and ratified by the states.

In my personal view there should also be a limit on the number of terms members of the Congress can serve. This will encourage citizen representation at the highest levels of government, instead of the lifetime-tenure, professional politicians who lose touch with the real world outside of Washington.

Beyond the anti-inflation fight there are other problems in need of our attention in the coming year:

Deregulation at the federal level is a must. We will continue to support the concept of Sunset Laws, to require periodic review of all federal regulatory activities and eliminate those no longer necessary. We will resist further expansion of federal regulatory activity which places greater economic burdens on the economy. We must bring about a reduction of federal government involvement in our lives. Our society is suffering from governmental pollution which is stultifying the economy and rendering our basic freedoms unsafe.

Social Security costs cannot be ignored any longer. Forecasts for the future solvency of the plan are not encouraging. Attempts to alleviate the problem through increases in payroll taxes and business contributions are counterproductive. The purchasing power of the consuming public is already strained. There are better solutions.

Teenage unemployment must be recognized as a critical problem. It must be addressed through new legislation establishing a minimum wage differential for young people entering the work force and deferring further increases. To further ignore this large segment of society will only serve to minimize their future contributions, simply to satisfy the special interests of a few.

Energy cost and availability are critical problems in need of imaginative solutions. There is no reason for this country to be so heavily reliant on OPEC for petroleum. We have within our own borders enormous amounts of oil and natural gas which could be available to the American consumer now.

We have in the United States enough coal to serve our energy needs for hundreds of years.

We now have an opportunity to replace outmoded and ill-conceived energy policy and at the same time to address other issues of concern to us and our North American neighbors.

Just consider for a moment the prospect of a cooperative effort among Mexico, Canada and the United States. An effort of this kind might have as its objectives energy self-sufficiency, an improved standard of living and greater socio-economic and political cooperation for our three countries.

By beginning to work more closely, we would strengthen the currencies of the three nations, provide new markets for their combined work forces and introduce new efficiencies into the distribution of the petroleum resources of all three countries.

This, plus the lifting of price controls on our oil and gas, the increased use of domestic alcohol as a fuel additive, and the advanced new stripper technology available to increase production of old wells, which the lifting of price controls makes feasible, can make North America independent of all OPEC oil in as little as four years.

The vast influx of the dollars now being sent to OPEC countries for oil, going instead into the North American economy, is mind-boggling in its economic and political impact on all the people of this continent.

Profits are the lifeblood of a healthy economy. Besides providing a principal support to the pension system, the insurance system and to government itself at all levels, they are the only reliable source for increased job opportunities, increased productivity and the resultant increase in living standards for all.

Inflation and unwise taxation policies have reduced the profitability of American business so much that we no longer have the most productive factories and work force in the world. It's time for a change in direction. Despite some media rhetoric, increased profits, based on the productivity increases from profit plow-backs, benefit the entire nation.

All of these programs are critical to the future of our country. I welcome the opportunity to take part in activating them.

One of the reasons I have accepted proudly the honor of being your chairman this year is that I have a personal commitment to the greatness of America. I have witnessed its promise and shared in its rewards. I want my children and yours, and the generations to come to have that same opportunity.

I believe that if government continues to expand its influence over the lives of its citizens, as it has for the last forty years, future generations will be denied that opportunity. Incentive, productivity, personal choice of work, of education, literature and beliefs . . . even the ownership of private property will disappear. As government reaches deeper into the lives of each of us, our economic freedom is diminished. Our personal and political freedoms slip away.

Twenty-eight years ago Mr. Otto Seyforth the then president of the Chamber of Commerce of the United States said from this platform:

"If we knew we were faced with the choice between freedom and slavery, we would all choose wisely—if we knew. But we often do not know. Day by day we make decisions which vitally affect our freedom—without knowing or understanding that it is freedom truly that is at stake.

"Some say you can't eat freedom. By the same token you also can't eat faith and honor and decency—you can't eat the consolations of religion—you can't eat beautiful music—you can't eat the glory of a sunset or faith in the goodness of God. You can't eat most of the deep promptings of the spirit which are the real mainsprings of human endeavors and progress."

But can you imagine a world without them?

It is a human characteristic that we take for granted resources as precious as freedom . . . until it is too late. Benjamin Franklin said:

"When the well is dry, we know the wealth of water."

Let's not wait until the well is dry of our personal and economic freedoms. We must continue to work as leaders of American business, to preserve our free enterprise system and its Siamese twin—personal liberty. There is no greater inspiration to do so than that contained in the words of Winston Churchill as he spoke of another compelling challenge at the onset of World War II:

"Still if you will not fight when you can easily win without bloodshed, if you will not fight when your victory can be sure and not too costly, you may come to the moment when you will HAVE to fight with all the odds against you and you have only a precarious chance of survival. There may even be a worse case; you may have to fight when there is no hope of victory because it is better to perish than to live as slaves."

BUSINESS LEADERSHIP: THE NEXT ERA IN AMERICAN HISTORY

(An Address by Richard L. Lesher)

It is a great honor and privilege to be called upon to stand in for our Chairman of the Board.* During the past year, Shearon Harris has done a truly superb job of taking the message to all corners of the land, through speeches and media appearances. He has appeared before committees of Congress and students on campus. In my opinion, he is one of the most articulate business leaders in America, and that is what this speech is about—business leadership.

As we worked together throughout this year and as we prepared for this special occasion, we came to several conclusions:

First, it is critical that this nation get back on the course of pursuing economic growth—without inflation—through private enterprise.

Second, recent history has demonstrated that this goal can be achieved only if our society respects individual freedom, initiative and incentive and if we gear our activities toward work, thrift and reward.

Third, the time has come and the conditions are present which will make it possible to achieve these goals.

And fourth, the business community—because of its economic philosophy and its unshakable faith in the integrity, rights and potential of each individual; because of its experience; because of its organization; and because of its recently effective legislative and political activism—is uniquely positioned and qualified to provide an era of political, economic and social leadership.

We can chart this nation's destiny during the 1980's and inspire the world by our constant promotion of freedom, hard work, thrift and reward. These are the fundamental ingredients of sustained noninflationary growth and a more broadly based prosperity.

The business community is being blessed with this opportunity for one obvious reason—the failure of an opposing philosophy which has largely dominated this country since World War II. The intellectuals who led this movement told the American people that, as a wealthy nation, we could do anything for anyone. They were never concerned that we were increasingly living beyond our means, for they sincerely believed there was absolutely nothing government could not do.

But as a result of the years of political and economic mismanagement created by this refusal to live within any limits, we are now hearing an indirect admission of failure from these same thought leaders, an admssion that contains an incredible irony.

Consider that the same people who only a short period ago were reassuring us that they knew just what must be done to keep our economy growing and prosperous are now saying that no one really knows why one nation prospers and grows while another does not. And they go even further. Some now tell us, since noninflationary growth suddenly seems almost impossible, that we should rethink the traditional American idea that growth itself is even desirable. Instead, we are told to prepare ourselves for less—for lives in which we will lower our horizons and our hopes.

Thankfully, one of the most encouraging things about living in the United States today is that so many clear-headed, intelligent people reject this defeatist philosophy. Consider the words of Irving Kristol, who pointed out that the whole debate about economic growth is absurd:

"Where people are given the freedom to engage in economic activities for the purpose of bettering their condition, and most important, where the entrepreneur is given the freedom to innovate, then you get economic growth. Where such freedoms are restricted by government, you get relatively slow or no economic growth." [1]

There could be no more dramatic example of the truth of Kristol's words than America's own revolutionary experiment in self-government. And what made this experiment so exciting is that, for the first time in history, government was to be the servant, not the master of the people. The whole idea was to protect the freedoms of individuals, not just from outsiders, but from insiders as well—and especially from those in office.

As Henry Grady Weaver explained in his historic book, 'The Mainspring of Human Progress," this protection of the individual and limitation of the power of the state was the very essence of the American Revolution; it was what made it unique . . . and what allowed it to succeed.[2]

So many governments today call themselves revolutionary and progressive. But most are nothing more than old-world governments with new face lifts—states in which a select few hold nearly absolute power over the many. Our revolution was genuine, the real McCoy, and that's a point that we should be sure our children understand.

For, as Weaver noted, look what our revolution permitted us to accomplish.[3]

Not having to worry about being robbed of life, liberty and property, Americans were free to concentrate their energies on the production of useful goods and services.

There was nothing complicated or mysterious about it. Prosperity came from production.

The key to that production was an honest day's work, an honest day's pay and careful attention to saving and to the constant improvement of the means of production.

The capital that resulted from savings made it possible to build up tremendous resources in the form of more efficient tools of production, thereby ensuring a rapid and sustained improvement in the American standard of living.

America's record speaks for itself. In this republic only a fraction of the world's population, with no monopoly on natural resources, created more new wealth than in all previous history, and the benefits of that wealth have been more widely distributed here than in any other country in history.

And all because of a philosophy that unleashed the creative energies of millions of men and women, leaving them free to work out their own affairs within a system of voluntary cooperation based on enlightened self-interest and moral responsibility.

The rich usually live well under any system. But our own history provides dramatic proof that a person of modest means, willing to work hard, can best succeed in a climate of freedom which provides individual opportunity, rewards achievement and places a premium on dynamic economic growth.

These basic rights of freedom, private property and reward are fragile concepts which must be constantly guarded.

In 1790, John Philpott Curran wrote that the condition upon which God has given liberty is eternal vigilance—and that, if we break this condition, servitude is at once the consequent and punishment.[4]

Many of our founding fathers and others who have followed have given us ample warning.

Schumpeter, about 40 years ago, warned that our very success will be our downfall.

And we have been successful—more so than any nation in history.

But we have been fundamentally unwise in our handling of the American economy.

Many critics of the private enterprise system never lose a chance to point out that not every citizen is participating equally in the American dream.

Yet rather than try to improve that system, these critics have been concentrating on expanding the size and power of government in order to more effectively manipulate and control the private economy.

The poor, the tired and the huddled masses came to our shores with the dream of an equal opportunity to pursue happiness and success. They wanted an equal chance at the beginning of the race. But, as former Secretary of the Treasury Bill Simon, author of "A Time for Truth," pointed out in an address last year in California, the do-gooders in recent years have tried to guarantee that all citizens reach the finish line at the same time.[5]

Think about that for a moment. Do we want a guarantee of opportunity to succeed, or a guarantee of success? The socialists have tried the latter and it doesn't work.

Whereas our forefathers' legacy of constitutional equality entitled everyone to go as far in life as their effort and ability would take them, our recent, increasing attachment to the principle of egalitarianism has produced precisely the opposite result. Egalitarianism punishes those who are the most hard-working and ambitious, and it rewards those who are not.

And the American people, by refusing to contest more forcefully government's bid to spend more of their money and regulate more closely their lives, have acquiesced in the steady erosion of the very foundation of our society—those same fundamental principles which originally permitted us to achieve such unparalleled prosperity.

The principle of frugality has been all but destroyed. An explosion in deficit spending has witnessed:

The federal budget in balance only four times during the past 25 years;

The quadrupling of the federal budget since 1962;

A doubling of the national debt in just the past eight years;

An expansion, officially labeled austere, of the federal budget by 22.5 percent in just the past two years;

A projected budget starting this year under which, for the first time, spending would be at the rate of more than $1 million a minute;

And through it all, an expansion of the money supply at twice the rate of the nation's production of new goods and services.

But the people in the administration tell us to look somewhere, anywhere, else for the cause of inflation. I say to them, look in the mirrors of your own glass house and stop throwing stones.

We hear so much about the federal debt—which is about $792 billion. But other obligations of the federal government (pensions and the like) push the total to almost $2 trillion. Those are alarming figures, but no one gets alarmed because it's impossible to comprehend what a billion is or what a trillion is. So let me put it in terms we can comprehend. Your share of the federal debt and mine, the share of each of us individually, is about $46,000.

If we had to sign a note for that amount, we would be alarmed. But the truth is that, in effect, we already have signed. For unless it reneges, the federal government will be expecting us to cover the obligations it has run up in our name. These are the numbers that explain, irrefutably, what is causing inflation and why our willingness to work, save and invest has been undermined.

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*Shearon Harris, Chairman of the Chamber of Commerce of the United States, was compelled to cancel his scheduled address to the Annual Meeting's First General Session due to illness.

[1] "The Economics of Growth," *The Wall Street Journal*, November 16, 1978.

[2] "The Mainspring of Human Progress," Henry Grady Weaver, pp. 195 and 198.

[3] *Ibid*, pp. 250 and 251.

[4] Speech on the Right of Election of Lord Mayor of Dublin, July 10, 1790.

[5] Former Treasury Secretary William Simon addressed the 1979 Outlook Conference in San Francisco, sponsored by the Bay Area Council, on November 29, 1978.

Inflation has made it more difficult for Americans to save. And seeing the value of their dollars depreciating so rapidly, they have become less willing to save.

As a result we are being transformed into a nation of consumption, living from paycheck and dependent each year upon more and more credit to maintain the same standard of living.

But government's influence in virtually every area of our society has intensified this problem by encouraging many Americans not to work and by penalizing those who do. Since 1970, our welfare programs have grown and multiplied.

Programs such as food stamps, welfare, unemployment compensation and subsidized housing have been all but open-ended, and the benefits themselves have not been accompanied by sufficient work requirements.

Thus, this entire phenomenon of massively redistributing wealth from those who produce to those who do not has come to be portrayed as a perfectly normal way for society to function, even though it has all been accomplished at the expense of initiative, self-respect and a healthy, productive private enterprise economy. Gradually, more and more Americans are opting to yield what remains of their personal and economic freedoms in exchange for some form of government "security."

The same holds true for regulations where the government has assumed a supervisory role over everything we do from the production—or nonproduction—of energy, to the cars we drive, the clothes we wear, the food we eat and the homes we live in.

Financing the cost of government has now become the greatest disincentive to work, save and invest. And unlike Germany, Switzerland and Japan, which place a high priority on encouraging saving and investment, our government imposes a double taxation on corporate dividends. Result? Last year, the United States, the country we all consider the leader of the free world, experienced:

The lowest rate of productivity in the industrialized West;

The second lowest rate of investment;

The lowest number of patents issued in any year since 1964;

A rate of inflation which was rapidly rising and a currency whose value was rapidly falling.

From this entire postwar episode, two conclusions must be drawn: First, those who have suffered most from these unwise collectivist policies have been the poor—the very people who were intended to benefit from the federal campaign of compassion; and second, unless we take corrective measures, the private enterprise system as we know it, with all its abundance and freedoms, will not endure.

Inflation is a terrible burden for the poor, the elderly, the disabled and anyone living on a fixed income.

When government artificially props up the price of milk and sugar, sets aside millions of acres to limit grain production and excessively restricts farmers' use of water and pesticides, it is the poor who are hurt most by higher food prices.

When government raises the price of energy and housing—for example, by forbidding any exploring for energy or harvesting of timber on some 300 million acres of wilderness, by forever delaying the construction of nuclear power plants and unnecessarily closing down plants already in operation, and by taxing the domestic production of oil while actually subsidizing higher priced purchases from OPEC—it is the low income family whose budget will be squeezed the most.

When government arbitrarily enforces a higher minimum wage ostensibly to "protect" unskilled Americans, it will be the marginally profitable firms, often located in rundown neighborhoods, that will be forced to lay off or not hire hundreds of thousands of able-bodied low income teenagers.

While needless, expensive regulations and excessive taxation harm all businesses, those most adversely affected will be the small firms struggling to get established or to stay alive in poor neighborhoods.

And it is not the wealthy person, but the low income consumer who suffers most when costly and questionable safety regulations raise the price of needed goods and services beyond his reach.

Thoughtful analysis by many scholars warns us that a welfare state contains inherent flaws that make collapse inevitable. As we continue to tax production and reward idleness, is it any wonder that fewer people are willing to work?

All of us know that inflation is an evil—that it is our number one national problem. But I would guess there are many here today who are concerned, but not worried, about inflation. The feeling may be—sure, things cost more, but I'm not worried as long as my income continues to rise.

Well, let me try to bring the evil of inflation home to you more vividly. Our rate of inflation is going to run this year around 10 percent. If that continues for 20 years, the results will be mind-boggling.

Today, it costs $71 per week to feed a family of four. Twenty years of 10 percent inflation will bring that to $478 per week.

Today, the average new car cost is $5000. Twenty years from now, adjusting only for 10 percent per annum inflation, the cost will be $33,000.

Today, the average new house costs $59,000; 20 years from now, that same house will cost $397,000. (If that doesn't shock you, the 30-year figure is $1,030,000.)

We should worry, for ourselves and our children. For the most part, during periods of rapid inflation, income does not rise as fast as prices because of the rapid acceleration of taxes.

Therefore, we come to our central point: The American business community must provide the necessary leadership to lead the United States out of its economic quagmire.

Shearon Harris wrote the President on two occasions and made specific recommendations as to how his administration could immediately reduce the rate of inflation. Here are some of the suggestions:

Cut the federal budget an additional $5-10 billion.

Initiate an unbiased review of federal pay scales, which exceed compensation in the private sector by at least 40 percent.

Immediately review his policy of permanently locking and designating as wilderness some 300 million acres of land which contain large quantities of such needed raw materials as lumber, oil, gas and coal.

Repeal further increases in the minimum wage, support a youth wage differential and eliminate entirely the Davis-Bacon Act.

Ease some of EPA's most excessive air and water regulations, a move which could save Americans tens of billions of dollars over the next decade without sacrificing needed safeguards against pollution.

Cut spending for regulatory agencies. President Carter's budget asks for an additional 12 percent increase. Each dollar appropriated for government regulatory agencies results in $20 of regulatory costs to consumers.

To date, the President has adopted none of the Chamber's recommendations. In fact, Vice President Mondale said last week that the President would not sign any law that repeals or amends the Davis-Bacon Act. We must regretfully conclude that he has not provided the leadership the country needs.

I saw a letter to the editor in a Washington newspaper which I would like to paraphrase because it tells it so well. The letter goes like this:

I was raking leaves when I was approached by a visitor from outer space and he asked for directions.

He said, "How do I get out of this insane asylum?"

"This is not an insane asylum—this is the United States of America," I replied.

He said, "Isn't this the place where you pay farmers not to grow crops while some people go hungry?"

I said, "Yes, but . . ."

He said, "Isn't this the place that is having difficulty buying oil from abroad while your government penalizes your oil companies, makes fun of them and prohibits drilling in your richest fields in Alaska?"

I said, "Yes, but . . ."

He said, "Isn't this the place that penalizes work and rewards laziness?"

I said, "Well, yes."

"And," he continued, "when jobs are scarce, wages are high and teenage unemployment is at dangerous levels, you require employers to pay a higher wage, thereby aggravating those problems?"

I replied yes, and he thanked me and walked away. As he left, I heard him say to himself, "I guess I shouldn't have asked an inmate how to get out. If he knew, he wouldn't still be there."

Well ladies and gentlemen, I hasten to add that this is not an insane asylum; America is still the greatest country on earth. But let's face it, our leaders in Congress and the administration do indeed make some incredible decisions.

And I must ask, Why? The answer is politics. The Congress and the President know that an unrealistically high minimum wage is inflationary, but they refuse a remedy for fear of political repercussions.

The same is true of the Davis-Bacon law, or federal pay scales or opening Alaskan lands for production of oil and gas and natural resources.

For too long, our policies have been unduly influenced by vocal minorities who pretend to represent the majority. We refer especially to environmentalists, professional "consumerists" and labor unions.

Our challenge is to make the politics of private enterprise the politics of the majority.

And we are very close.

The big spenders are out of step and going out of style.

That is the essence of the Proposition 13 revolt. All over America, citizens are rebelling against big government, taxes and inflation.

Both major national parties are beginning to reflect the new mood in their platforms.

Last November many candidates, espousing private enterprise economics, swept out of office many big spenders.

The business community was involved.

The National Chamber Alliance for Politics, our political action committee, entered 83 tough races and won 50 of them, or 60 percent.

There is hope.

There is promise.

These changes take time, but we are on the way.

Just think what more we can do with more such people in Congress.

The business community proved during the 95th Congress that it is capable of filling the leadership void.

During the 95th Congress, billed as overwhelmingly liberal, we nevertheless beat back common situs, the so-called labor law reform bill and the so-called Consumer Protection Agency. The Chamber's overall legislative record showed a remarkable 69 victories against only 13 losses (and 25 partial victories).

We also received amazing response and support for our 17-point questionnaire distributed during the 1978 congressional elections. Sixty-two percent of all candidates responded, and overwhelming majorities supported our proposals to limit federal spending, achieve a balanced budget by 1982 or sooner, provide tax relief for both individuals and business to spur more capital investment, and require impact statements for costly regulations.

Now the business community must look to the future and provide legislative solutions at the national level, practical solutions at the community level and political solutions at every level.

Our highest priority at the national level must be to generate legislation which will encourage much more vigorous growth in the private economy.

We must concentrate on eliminating the disincentives to investment which have led to such a serious drop in productivity.

That requires an end to double taxation of dividends and the institution of a rollover provision that would make available to all equity investors the tax advantage now enjoyed by homeowners.

We need to work for the passage by Congress of legislation which provides both a reduction in individual tax rates and a limitation of federal spending.

More and more—and I am thrilled to witness this—the business community is becoming active at the community level in helping to solve local problems. We are assisting local governments in the overall management of cities, and we are providing leadership for private sector alternatives which can significantly reduce the growth and cost of government in every local area. And that relieves the strain on taxpayers, thereby freeing up more money to reinvest, creating new economic growth and providing more jobs.

We need to continue our stepped-up efforts to speak out on the issues, to educate, to motivate and to lead.

Most importantly, if the business community is to succeed in bringing government under control and unleashing the dynamism of the private economy, it must become involved in the political process at every level of the country.

Registering to vote, being informed about candidates and issues and voting regularly constitute only the most minimal responsibility of citizenship.

Communicating with candidates about issues, working for pro-business candidates and providing financial support either directly or through a PAC is a major responsibility for all of us.

Let's quit supporting incumbents just to hedge our bets. If their economic policies are wrong—don't support them.

Activism is the name of the game today. Active, dynamic and visible leadership from business people will be the difference. It is already happening.

The timing is perfect. Most Americans are tired of the old politics—the economic policies that have failed. They are eager to turn away from big government wherever promising alternatives are offered in the private sector.

Who will lead? Who will provide the ideas, the energy and the dedication at this critical point in American history?

The answer is clear. The business leadership that is represented in this auditorium today. All of us who make up the National Chamber federation. The millions of people in that federation who are dedicated to building a better America. The management teams in our 80,000 corporations that are members. The leaders in 2600 state and local chambers and 1300 national trade and professional associations. And our millions of employees and shareholders who have a personal stake in private enterprise.

The federation has a potential for decisive action which is unmatched in this land. We stand at the moment of opportunity.

And so, let us close with these thoughts.

No problem, no matter how great or seemingly insoluble—and that includes the energy crisis and the twin evils of inflation and recession—can stand in the way of a free people competing to find solutions and brave new horizons.

And that is why the resolution of those problems will never be found inside a governing department, bureau, agency or commission. No, the true greatness of America lies elsewhere—within the hearts and minds of people in thousands of homes, churches, schools, laboratories, offices and plants all across this land, where new ways are being found to solve old problems.

This is what freedom and human progress and America are all about. And with God's help, that is what all of us must fight to preserve.

A FRIEND SHOULD BE WELCOME

Mr. PERCY. Mr. President, it has been an American tradition that our gates should be open to political exiles. Even today we are welcoming to our shores thousands of Vietnamese and Eastern Europeans leaving their native countries to seek greater personal security and freedom.

In keeping with this tradition, it is my feeling that we should also be prepared to admit to the United States the Shah of Iran, who cannot return to his country. In the Shah's case, there is also the compelling reason that, whatever mistakes he may have made, he was for 25 years, under six Presidents, a good friend and firm ally of our Nation.

I think it would be entirely appropriate and desirable for the United States to let the Shah know that, if and when he wants to come to this country, he is welcome.

SENATOR LEAHY AND THE SOLAR GLOBAL MARKETING SURVEY BILL

Mr. PERCY. Mr. President, in the last Congress I introduced the solar global marketing survey bill (S. 1066) with Senator LEAHY as a prime cosponsor. This is a small but important bill which, if enacted, would go a long way to further our ability to export solar products and technologies to developing countries. The growth potential for solar energy in developing countries is enormous. Germany, Israel, France, and other countries are aggressively marketing their solar technologies abroad, and we should be doing the same.

I recently reintroduced this solar marketing bill with Senator JOHN HEINZ as a cosponsor. At that time, I inadvertently omitted the name of Senator PATRICK LEAHY as a cosponsor. I apologize to Senator LEAHY for this omission. Last year he played a leadership role in promoting this legislation.

I ask unanimous consent that Senator LEAHY be made a cosponsor of the solar global market survey bill.

The PRESIDING OFFICER (Mr. EXON). Without objection, it is so ordered.

ETHICS DAY

Mr. WALLOP. Mr. President, as the Washington Post so aptly pointed out on its editorial page this morning, today is "Ethics Day," the due date for Government officials and a select group of Government employees to file extensive financial disclosure statements.

It is an appropriate moment to reflect on the state of our collective ethical conscience. As the editorial notes, here in Washington we have lost sight of the broad meaning of "ethics." That term has come to symbolize all the things public officials cannot do, rather than serving as guiding principles for all we should do.

One of the reasons for this distortion of traditional notions of ethics is the Ethics Code hastily adopted by Congress in response to the public outcry, stemming from Watergate, for honesty and integrity of public officials. While Congress was well intentioned in the adoption of the code, its ill-considered rules of conduct have engendered a strong negative concept of ethics. Members are so obsessed with conduct that would constitute a breach of the ethical rules that they have lost sight of the broader meaning of ethics.

The time has come for Congress to reconsider the Ethics Code. Ethical responsibilities should be redefined in positive terms which go beyond disclosure and reporting requirements to provide a concrete set of principles by which we should be bound.

I ask unanimous consent that the Washington Post editorial entitled "Ethics Day" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ETHICS DAY

Today is Ethics Day in Washington. Ethics Day is not a holiday, and it is not an anniversary and it is surely not a celebration. But it does, indisputably, mark a moment worth commemorating: the deadline for an estimated 11,000 big-shot federal government workers to file elaborate personal financial statements disclosing all manner of nitty-gritty detail about their income, assets, debts and relationships, if any, with private businesses. This obligation grows out of legislation passed last year, which also led to the creation of the new Office of Government Ethics. Not that this particular preoccupation is the exclusive preserve of the executive branch. The travails of Sen. Herman Talmadge, after all, are taking place before a group called the Senate Select Committee on Ethics.

While the Talmadge hearings are of political importance, as are the questions raised earlier this year about whether the new federal ethics law and regulations might be driving good people out of town, there is another element in all this worth considering. It is the debased and degraded—revealingly so—way in which people in this capital use the term "ethics" in the first place. Ethics, as a concept, has been miniaturized, like an electronic chip. It has been rendered trivial by being considered only in its least interesting aspect. And it has also been turned inside out: Even the shrunken concept of ethics we begin with is further distorted by the Washington way of considering it only in the negative. Does not a Washington call to consider a question of ethics invariably mean a call to consider whether they have been violated or breached? Ethics in this city is a code word for suspected theft—and usually small bore, nickels-and-dimes theft at that. When someone steals a whole natural resource or a city or an industry we don't call it an ethics question, but rather a matter of policy.

This awful exercise in counter-alchemy—habitually turning gold into lead—affects many terms in Washington, of course, not just the once (and elsewhere) honored concept of ethics. "Human rights" certainly had a deserved and stirring ring to it until it was ground up into moral hamburger in the nation's political discourse. And there are others. But today, on Ethics Day, it is enough to make a pitch for our politicians at least to *contemplate* the possibility of rescuing both the term and its meaning from terminal cheapening and misuse. They could begin—as could the public as a whole, for that matter—by recognizing that even as we are focused on these secondary and superficial manifestations of ethical issues, we are refusing to acknowledge, let alone to address, the genuine ethical questions before the society.

From a host of so-called social issues dealing with the role of the state in matters of birth and death and family relationships, to the awesome but immediate questions of energy risks and benefits, the government now finds itself in the insistent presence of questions that go to the heart of the society's understanding of its own ethical values. How good it would be if this city were to communicate to its increasingly hostile constituents around the country an understanding of the true ethical issues before it—and a willingness to deal with them.

MARY MURTAGH

Mr. KENNEDY. Mr. President, on Sunday night Mary Murtagh, who was a member of my Senate office staff for 8 years and who had been the liaison officer for the Office of Technology Assessment for the past 2 years, suffered a severe cerebral hemorrhage. She died last night at George Washington University Hospital at the age of 38, and I deeply mourn her loss.

Mary first joined my staff as a volunteer in 1969, and the circumstances of that beginning tell a good deal about Mary's character and dedication. She had worked as a claims representative for the Social Security Administration in Dearborn, Mich., for several years, and in 1969 she was promoted to the job of claims examiner in Baltimore.

Soon after she arrived in Baltimore, she appeared in my Senate office and offered to work as a volunteer. And so at 5 o'clock each weekday afternoon for the next 8 months, she drove from Baltimore to the Russell Building, working until past midnight in the mail room of my office, then driving back to Baltimore to her apartment.

Her ability was as impressive as her commitment, and in 1970 she joined my staff as a legislative assistant. She was brilliant at her work, as skillful in organizing others as she was in analyzing the dozens of difficult issues she handled.

It is fair to say that there would not have been a 200-mile limit bill without Mary Murtagh. She specialized on issues affecting Massachusetts. She was a champion of community development and historical preservation. She knew every mayor and selectman in every city, town, and village in our Commonwealth. For years, she worked on the complex Islands Trust legislation to preserve the beauty of Cape Cod. And she was an equally effective champion on many other issues, especially women's rights.

She had a gentle manner that belied her boundless energy. In the midst of her demanding Senate responsibilities, she enrolled at night at Georgetown University Law Center. As in everything else she did, she excelled, earning an invitation to join the law review, and achieving an outstanding academic record while earning her degree.

For the past 2 years, branching out, she had become liaison officer of OTA, coordinating the activities of the Director, the Senate and House Members, and the advisory committee members, winning the praise, respect, and friendship of everyone she knew.

And so there is a special tragedy in Mary's death so young—so many hurdles overcome, yet so much promise unfulfilled; so many things accomplished yet so many more to do; and saddest of all, so many friends left behind, who feel her loss so deeply.

In one of his greatest poems, Milton wrote of the death of a friend who had died too young:

> "For Lycidas is dead, dead ere his prime,
> Young Lycidas, and hath not left his peer.
> Who would not sing for Lycidas?"

Everything that Mary Murtagh touched, she left better than she found it. She was one of the finest aides and most loyal friends I ever had. I mourn her tragic death today, as do her many, many friends.

IRAN

Mr. BAKER. Mr. President, the distinguished majority leader yesterday spoke eloquently in condemnation of the continuing persecution of Iranian citizens. Few revolutions are free of bloodshed, but fewer still have been so saturated in the blood of their victims, summarily tried and vengefully executed. We can only hope that at some point in the near future the rulers of Iran will feel sufficiently secure in their position that the killing will end.

As the majority leader noted yesterday, the civilized world has been strangely muted in its response to the growing list of victms of this revolution. So long as the new rulers of Iran are content to remain outside the civilized community of nations, virtually all of which offer their citizens some semblance of legal process, we will remain powerless to influence or redress the perversion of due legal process that now passes for "justice" in Iran. I do not believe and I will never believe that the people of Iran, the modern day heirs of ancient Persia, have sanctioned this form of justice.

Now we have heard an announcement of the so-called courts of Iran that the Shah and his family are similarly marked for execution, not in their native country, but wherever they may be found. Some of that family, Mr. President, is in the United States, and if decency prevails, more of it may soon be. Mr. President we in the civilized world are not powerless to prevent these executions, and prevent them we must. We should state very clearly that we will not allow the importation to this country of the reign of terror that has been visited on the people of Iran. I believe this Government should say this very plainly, that we are committed to justice, not to vengeance, and I would hope other governments do likewise.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PROPOSED MENTAL HEALTH SYSTEMS ACT—MESSAGE FROM THE PRESIDENT—PM 72

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers, which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am today submitting to Congress the Mental Health Systems Act. This proposed legislation establishes a new partnership between the federal government and the states in the planning and provision of mental health services. It seeks to assure that the chronically mentally ill no longer face the cruel alternative of unnecessary institutionalization or inadequate care in the community. It provides local communities with more flexible federal support for mental health services and places a new emphasis on the prevention of mental illness.

I am deeply committed to reducing the tragic toll which mental illness exacts from our citizens and our country. Less than one month after entering office I signed an Executive Order creating the President's Commission on Mental Health with Rosalynn Carter as Honorary Chairperson. I directed the Commission to undertake an intensive study of the mental health needs of our nation and to recommend appropriate ways of meeting these needs.

During our years in Georgia, both

Rosalynn and I became keenly aware of the unmet needs of people in our state who suffered from mental and emotional disabilities. Those with chronic mental illness were too often locked away in isolated institutions far from family and friends. Children and adults with signs of developing mental and emotional problems did not have access to early detection and prevention programs. Community-based care was beginning to develop but was constantly stripped of its full potential by inflexible program models designed for the "average" community, rather than for the particular needs of a given locale or state. Special populations such as the elderly, children, and racial and ethnic minorities were not receiving care designed to meet their special needs. For those who required hospitalization there were almost no alternatives to large state mental hospitals. Aftercare was almost non-existent for patients released from those hospitals who returned to their home communities.

While I am proud of what we accomplished in Georgia to begin to solve these problems, my concern that similar problems exist throughout the nation prompted me to establish the commission and to ask it to report back to me in one year with its findings and recommendations. The excellent final report of the Commission presented to me last April made clear that the past 30 years had seen tremendous achievement on behalf of our mentally ill population. Not only had there been a dramatic shift of emphasis from inpatient care to community-based care, but great strides had been made in mental health-related research, and thousands of mental health personnel had been trained. However, the report also contained unmistakable evidence that there are unmet needs in every region of our country.

Some of the key Commission findings dramatically illustrated the challenges this nation faces in meeting the needs of the mentally ill:

—According to the most recent estimates, between ten and fifteen percent of the population—20–32 million Americans—need some form of mental health services at any one time.

—Substantial numbers of Americans do not have access to mental health care of high quality and at reasonable cost. For many, this is because of where they live; for others, it is because of who they are—their race, age, or sex; for still others, it is because of their particular disability or economic circumstance.

—There are approximately 1.5 million chronically mentally disabled adults in mental hospitals, nursing homes and other residential facilities. Many of these individuals could lead better lives in less restrictive settings if mental health and supporting services were available in their communities. The problem is that for them—and for the hundreds of thousands of patients who have been returned to their communities from large institutions over the past few years—such support services are seldom readily available. As a result, evidence indicates that half the people released from large state mental hospitals are readmitted within a year of discharge.

—There is insufficient emphasis at federal, state, and local levels on prevention and early detection of mental disorders. Infants and children would especially benefit from expanded prevention efforts, since early intervention with problems in physical, emotional and cognitive development can prevent more serious mental and emotional problems in the future.

—Conflicting policy objectives in various Federal health and mental health programs and between federal and state programs often lead to confusion, fragmentation of services, and a lack of continuity of care for those with mental and emotional problems. In addition, diverse federal planning requirements and poorly developed planning capabilities at the state and local levels have perpetuated the lack of integrated planning necessary to build a nationwide network of accessible public and private mental health services.

—The lack of flexibility in Federal funding of community-based services has prevented some communities from providing services to their underserved populations. Although over 700 Community Mental Health Centers provide services to almost 3 million patients annually, this model of organizing services cannot fit the needs of all people and all communities. Therefore, varying approaches to developing comprehensive community mental health services should be encouraged.

—About two-thirds of all mentally ill persons being treated in this country every year are receiving care in the general health care system. Nevertheless, cooperative working arrangements between general health care settings and community mental health programs are rare.

—Over the past several years, there has been a marked increase in the number of professional and paraprofessional mental health practitioners. However, rural areas, small towns, and poor urban areas still have only a fraction of the personnel they need. Many mental health facilities have a shortage of trained personnel. The mental health professions still have too few minority members, and there is a shortage of specialists trained to work with children, adolescents, and the elderly.

—Since 1969, our national mental health research capacity has undergone substantial erosion and our investment in mental health research is now so low that the development of new knowledge is jeopardized.

To deal with these and other problems in the mental health arena, the Commission developed a series of recommendations for bold new action to improve our nation's mental health. Many of these recommendations served as a blueprint for the proposed Mental Health Systems Act.

The proposed Act charts a new course for mental health care which promises comprehensiveness, flexibility and innovation. For the first time in the history of federal involvement with mental health care, a true, performance-based partnership would be created between the federal and state governments. Special emphasis is placed on the chronically mentally ill. Recognizing that this population has long been the most neglected of any mentally ill group, the the proposed Act provides support to states which are phasing down large state hospitals, upgrading the quality of services in remaining institutions, and providing quality alternatives to institutionalization. I believe that these provisions of the act will encourage the development of a comprehensive, integrated system of care designed to best serve the needs of chronically mentally ill adults and children.

Another innovation is the proposed Act's emphasis on prevention. States and localities are awarded grants to develop preventive and mental health promotion programs through public and professional education and demonstration projects. Such programs, I believe, will lay the foundation for the future in mental health care as we learn how to prevent mental illness before it occurs.

The proposed legislation gives a new and much needed flexibility to community mental health programs. It authorizes funds for one or more mental health services without requiring that a comprehensive package be developed as a prerequisite for financial assistance. This new flexibility will enable communities to provide services to their most underserved populations—whether the chronically mentally ill, children, the elderly, racial and ethnic minorities, the poor, rural residents, or other groups—and build toward a comprehensive system of care for the entire community over time. In addition, by providing financial incentives for closer coordination between ambulatory health care providers and mental health care providers, the Act takes an important step toward assuring that appropriate mental health care is available for all who need help.

The Act also guarantees increased availability of mental health personnel in underserved areas by requiring that mental health professionals who receive federal support for training work in an area with a shortage of mental health personnel for a period equal to the length of the support.

It is, of course, impossible for any one piece of legislation to meet all the mental health needs of the nation. The federal government has already sought to implement many of the recommendations of the Commission in other ways:

—To increase the development of new knowledge about mental illness, the 1980 budget provides additional funding for research into disabling mental illness, and for determining ways to improve the delivery of mental health care.

—To increase the availability of mental health services for the elderly, changes have been proposed increasing the Medicare reimbursement ceiling for outpatient mental health services and decreasing the beneficiary's co-payment requirement. Also, the Child Health Assurance Program will mandate that states provide mental health services for Medicaid-eligible children.

—To assist the chronically mentally ill to function effectively outside of institutions, the Departments of Health, Education, and Welfare and Housing and Urban Development have initiated a joint demonstration project which provides both housing and support services.

—To promote protection of the rights of the mentally ill, the Administration is funding demonstration projects which deliver advocacy services to the mentally ill and is studying existing advocacy programs to determine the appropriate role for the federal government in this area.

I am convinced that these actions and the passage of the Mental Health Systems Act will reduce the number of Americans robbed of vital and satisfying lives by mental illness. I ask the Congress to join with me in developing a new system of mental health care designed to deal more effectively with our nation's unmet mental health needs.

JIMMY CARTER.

THE WHITE HOUSE, *May 15, 1979.*

MESSAGES FROM THE HOUSE

At 12:15 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 107. A concurrent resolution setting forth the congressional budget for the United States Government for the fiscal year 1980 and revising the congressional budget for the United States Government for the fiscal year 1979.

At 2:11 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2520. An act to amend the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize appropriations to carry out the provisions of such Act for fiscal year 1980; and

H.R. 3577. An act to amend section 8 of the National Advisory Committee on Oceans and Atmosphere Act of 1977 to authorize appropriations to carry out the provisions of such Act for fiscal year 1980, and for other purposes.

ENROLLED BILL SIGNED

At 5:49 p.m., a message from the House of Representatives delivered by Mr. Gregory, announced that the Speaker has signed the following enrolled bill:

S. 532. An act to continue the work of the President's Commission on Pension Policy to develop a national retirement income policy in the United States, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. MAGNUSON).

HOUSE BILLS PLACED ON THE CALENDAR

The following bills were read twice by their titles and placed on the calendar:

H.R. 2520. An act to amend the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize appropriations to carry out the provisions of such Act for fiscal year 1980; and

H.R. 3577. An act to amend section 8 of the National Advisory Committee on Oceans and Atmosphere Act of 1977 to authorize appropriations to carry out the provisions of such Act for fiscal year 1980, and for other purposes.

COMMUNICATIONS

The PRESIDING OFFICER laid before the Senate the following communications, together with accompanying reports, documents, and papers, which were referred as indicated:

EC–1398. A communication from the Secretary of Agriculture, reporting, pursuant to law, relating to the National Advisory Council on Child Nutrition; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1399. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a Comprehensive Plan for Implementing the National Food and Human Nutrition Research and Education and Information Programs required by Section 1427 of the Food and Agriculture Act of 1977; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1400. A communication from the Architect of the Capitol, transmitting, pursuant to law, the Semiannual Report of the Architect of the Capitol for the period October 1, 1978 through March 31, 1979; to the Committee on Appropriations.

EC–1401. A communication from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting a draft of proposed legislation to amend section 2575 of title 10, United States Code, to provide for more efficient disposal of lost, abandoned or unclaimed personal property that comes into the custody or control of military departments; to the Committee on Armed Services.

EC–1402. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a Stockpile Report for April-September 1978; to the Committee on Armed Services.

EC–1403. A communication from the General Council of the Department of Defense, transmitting a draft of proposed legislation to repeal statutory restrictions on the assignment of women in the Navy and Air Force; to the Committee on Armed Services.

EC–1404. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application by the Alpaugh Irrigation District, Tulare County, California, for a loan under the Small Irrigation Projects Act (70 Stat. 1044, as amended); to the Committee on Energy and Natural Resources.

EC–1405. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application by the Rainbow Municipal Water District of Fallbrook, San Diego, California, for a loan under the Small Reclamation Projects Act (70 Stat. 1044, as amended); to the Committee on Energy and Natural Resources.

EC–1406. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the Hale Boggs Federal Building and Courthouse, 500 Camp Street, New Orleans, Louisiana, in the amount of $1,415,000; to the Committee on Environment and Public Works.

EC–1407. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the Federal Building-Courthouse, 707 Florida Avenue, Baton Rouse, Louisiana, in the amount of $700,000; to the Committee on Environment and Public Works.

EC–1408. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the Earle Cabell Federal Building-Courthouse, 1100 Commerce Street, Dallas, Texas, in the amount of $900,000; to the Committee on Environment and Public Works.

EC–1409. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the Federal Building-U.S. Courthouse and Downtown Postal Station, Tampa, Florida, in the amount of $2,001,000; to the Committee on Environment and Public Works.

EC–1410. A communication from the Chairman, National Commission on Social Security, transmitting, pursuant to law, a special report on the National Commission on Social Security; to the Committee on Finance.

EC–1411. A communication from the Chairman, United States International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the United States International Trade Commission for the fiscal year 1981; to the Committee on Finance.

EC–1412. A communication from the Chairman, Civil Aeronautics Board, transmitting, pursuant to law, a report relating to the administration of the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC–1413. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Speedy Trial Act—Its Impact on the Judicial System Still Unknown," May 2, 1979; to the Committee on the Judiciary.

EC–1414. A communication from the Assistant Attorney-General, Department of Justice, reporting, pursuant to law, that the Department of Justice, after consultation with the Department of the Army, has determined to discontinue its defense of the constitutionality of the provision of 10 U.S.C. section 4308, which is being challenged in the case of *Geoffrey S. Gavvett, et al.* v. *Clifford Alexander, et al.* (USDC D.C.) Civil Action No. 78–2130; to the Committee on the Judiciary.

EC–1415. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Inconsistencies in Awarding Financial Aid to Students Under Four Federal Programs," May 11, 1979; to the Committee on Labor and Human Resources.

EC–1416. A communication from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, that the report on drug abuse prevention and treatment has been delayed because of the need to include information from all parts of the Department that carry out any functions relating to drug abuse prevention; to the Committee on Labor and Human Resources.

EC–1417. A communication from the Administrator, Veterans Administration, transmitting a draft of proposed legislation to improve and modernize the vocational rehabilitation program provided service-disabled veterans under chapter 31 of title 38, United

States Code, and for other purposes; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Finance, without amendment:

S. 1132. An original bill to authorize appropriations for the U.S. International Trade Commission and the U.S. Customs Service for fiscal year 1980, and for other purposes (Rept. No. 96-143).

By Mr. CHILES, from the Committee on Governmental Affairs, without amendment:

S. 756. A bill to authorize appropriations for the Office of Federal Procurement Policy for fiscal years 1980 through 1984 (Rept. No. 96-144).

By Mr. STEWART, from the Committee on Banking, Housing, and Urban Affairs, with an amendment and an amendment to the title:

S. 903. A bill to extend the crime insurance and riot reinsurance programs under title XII of the National Housing Act, the national flood insurance program under the National Flood Insurance Act of 1968, to authorize appropriations for studies under the National Flood Insurance Act of 1968 for the fiscal years 1980 and 1981, and for other purposes (Rept. No. 96-145).

REAUTHORIZATION OF FEDERAL INSURANCE ADMINISTRATION INSURANCE PROGRAMS

Mr. STEWART. Mr. President, the Committee on Banking, Housing, and Urban Affairs has ordered reported S. 903, as amended, for favorable action by the Senate. This bill, originally introduced by me on April 5, 1979, at the request of the administration, would extend the flood insurance, riot reinsurance, and crime insurance programs administered by the Federal Insurance Administration, and would authorize the appropriation of $74 million for flood studies and maps, which are required in order to carry out the program.

As introduced, S. 903 provided for a 2-year extension of the insurance programs and a 2-year authorization for appropriations for flood studies. During committee markup of the bill, I sponsored an amendment to limit all reauthorizations to 1 year, and this was adopted by the committee. I offered this amendment in the belief that a 1-year extension is necessary at this time to insure the continuation of these important programs without interruption, while at the same time preserving for the Congress its oversight control.

In limiting the extension of these programs to 1 additional year ending September 30, 1981, I stated to the committee that the Subcommittee on Insurance, which I chair, would be conducting hearings later in the session, and that I believe that further legislative action should be deferred until the committee has had adequate opportunity to review the operation and progress of the programs of the Federal Insurance Administration.

Mr. President, with this background, I urge my colleagues to consider and to pass S. 903 when it is raised for floor action.

By Mr. STEWART, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment and an amendment to the title:

S. 717. A bill to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 2 years (Rept. No. 96-146).

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 199. A bill to amend the Shipping Act, 1916, to strengthen the provisions prohibiting rebating practices in the U.S. foreign trades (Rept. No. 96-147).

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1140. An original bill to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1980 and 1981, and for other purposes (Rept. No. 96-148).

S. 1141. An original bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal year 1980 (Rept. No. 96-149).

By Mr. MOYNIHAN, from the Committee on Environment and Public Works, without amendment:

S. 1142. An original bill authorzing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes (together with additional views) (Rept. No. 96-150).

By Mr. CULVER, from the Committee on Environment and Public Works, without amendment:

S. 1143. An original bill to extend the authorization for appropriations for the Endangered Species Act of 1973, and for other purposes (together with additional views) (Rept. No. 96-151).

S. 1144. An original bill to authorize appropriations for the Quiet Communities Act for fiscal years 1980 and 1981 (Rept. No. 96-152).

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

S. 1145. An original bill to amend the Public Works and Economic Development Act to extend the authorization for 1 year, and for other purposes (Rept. No. 96-153).

By Mr. PRYOR, from the Committee on Governmental Affairs, with an amendment:

S. 716. A bill to amend the Retired Federal Employees Health Benefits Act, as amended, with respect to the Government contribution toward subscription charge (Rept. No. 96-154).

S. 383. A bill to extend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes (Rept. No. 96-155).

By Mr. CHURCH, from the Committee on Foreign Relations, without recommendation:

H.R. 3173. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize international security assistance programs for fiscal years 1980 and 1981, and for other purposes.

H.R. 3324. An act to authorize appropriations for fiscal year 1980 for international development and economic assistance programs and for the Peace Corps, and for other purposes.

By Mr. PRYOR, from the Committee on Governmental Affairs, with amendments:

S. 387. A bill to amend title 5 of the United States Code to provide paid leave for a Federal employee participating in certain athletic activities as an official representative of the United States (Rept. No. 96-156).

By Mr. MORGAN, from the Committee on Banking, Housing, and Urban Affairs, with amendments:

S. 1064. A bill to amend and extend title V of the Housing Act of 1949 (Rept. No. 96-157).

RURAL HOUSING AMENDMENTS OF 1979

Mr. MORGAN. Mr. President, the Committee on Banking, Housing, and Urban Affairs has favorably reported S. 1064, the Rural Housing Amendments of 1979. This bill, introduced by me on May 2, 1979, would extend and provide appropriations authority for seven rural housing programs administered by the Farmers Home Administration of the Department of Agriculture. It would, in addition, make nine changes in the way the FmHA conducts its programs.

As chairman of the Subcommittee on Rural Housing and Development, I would urge my colleagues to support this legislation. It is, I believe consistent with the efforts of the Congress, and the administration, to hold Federal spending down. It is also consistent with the efforts of this body, over the years, to enact legislation that will improve housing programs in rural America.

In the course of considering this year's bill, the Subcommittee on Rural Housing and Development received testimony from the Administrator of the Farmers Home Administration, Department of Agriculture; the Assistant Secretary for Housing, the Department of Housing and Urban Development; and representatives of three national organizations which have extensive contacts and broad experience in rural housing activities, Rural America, the Housing Assistance Council, and the National Rural Housing Coalition.

Almost all of this testimony is supportive of the committee bill. The bill was marked up on May 10, 1979. No major amendments were offered; nor were major changes made in the bill during the committee markup. In short, I know of no strong differences of viewpoint regarding this proposed legislation, despite the fact that it would result in significant policy and program changes.

The committee bill, S. 1064, is similar to S. 1000, the bill submitted by the administration, in providing for the extension and reauthorization of rural housing programs. The committee bill differs from the administration bill chiefly in limiting spending authority to 1 year, instead of the 2 requested. The committee bill provides for new budget authority of $1,135.7 million and for outlays of $140.5 million in 1980. Both of these figures are within the Senate Budget Committee's recommendations.

The committee bill also would establish new policy directives for allocating FmHA housing assistance, for disposing of properties owned by the FmHA, and for providing housing for migrant farmworkers. It would clarify congressional intent concerning FmHA policies governing the prepayment or refinancing of loans made to sponsors of housing for low and moderate income rural families. It would, in addition, make several minor but needed changes in the existing law covering the refinancing or recently constructed houses in rural areas, compensation for structural defects, technical assistance grants, and the sponsorship of rental assistance housing.

Under existing law, FmHA programs

are directed toward benefiting lower income families. Recent evidence, however, indicates that there has been a drift of benefits from lower to higher income groups. In order to reverse this trend, and to clarify the intent of the Congress, the bill would direct the Secretary of Agriculture to target housing assistance to those families which have the greatest needs. Such targeting is especially necessary at this time when Federal housing assistance funds are so critically short of meeting needs.

Under existing law, FmHA may dispose of property it owns as a result of foreclosure actions in "as is" condition. Under the amendment contained in the committee bill, FmHA would be prohibited from selling such property for residential purposes unless it meets standards of liveability, or is to be brought up to such standard before being occupied. This change in FmHA policy would eliminate the possibility of windfall profits and other abuses in connection with the sale of reclaimed housing in "as is" condition.

Under its existing policies, FmHA will not assist in providing housing for migrant farmworkers unless it meets standards for year-round living. The result, too frequently, has been squalid housing for farmworkers, or no housing at all, rather than housing that is safe and sanitary, although not "standard" for year-round use. The committee bill would authorize FmHA to assist in building rental housing for migrant farmworkers suitable for seasonal occupancy, and would encourage FmHA to tailor the Federal investment to the need, rather than continue a policy of neglect.

The committee bill would clarify the congressional intent in enacting rural housing loan programs that FmHA should maintain projects that have been constructed with FmHA loans as housing for low and moderate income persons during the original loan period. The committee bill would require that FmHA, in carrying out Congress' intent, take appropriate action to insure that such housing will be available during the remaining term of the mortgage. Without this provision it is believed that some housing sponsors could, on paying off FmHA below-market rate loans, ignore the commitment made at the time of the original loan to provide needed housing for low and moderate income persons.

The committee bill also would establish a maximum contribution of 25 percent of income for rents paid by residents of FmHA-assisted farmworker housing. This provision would extend to farmworkers the same benefits now provided lower-income residents of FmHA rental housing and those residing in HUD-supported section 8 and low-rent public housing.

Mr. President, I believe the Rural Housing Amendments of 1979 are important to our rural housing efforts. They will give the Farmers Home Administration better tools to improve housing conditions in rural America. I urge my colleagues in the Senate again to consider and to support them.

By Mr. CULVER, from the Committee on Environment and Public Works, with amendments:

H.R. 2676. An act to authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1980, and for other purposes (Rept. No. 96–158).

By Mr. ZORINSKY, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment:

S. 261. A bill to amend the Consolidated Farm and Rural Development Act to authorize loans for the construction and improvement of subterminal storage and transportation facilities for certain types of agricultural commodities, to provide for the development of State plans to improve such facilities within the States or within a group of States acting together on a regional basis, and for other purposes (Rept. No. 96–159).

By Mr. GRAVEL, from the Committee on Environment and Public Works, with amendments and an amendment to the title:

S. 480. A bill amending the Water Resources Planning Act to authorize appropriations for fiscal years 1980 and 1981 (Rept. No. 96–160).

By Mr. MUSKIE, from the Committee on Environment and Public Works, without amendment:

S. 1146. An original bill to amend title XIV of the Public Health Service Act, as amended by the Safe Drinking Water Act (88 Stat. 1680, 42 U.S.C. 300j), to extend for 3 fiscal years the authorization for appropriations, and for other purposes (Rept. No. 96–161).

S. 1147. An original bill to extend certain provisions of the Toxic Substances Control Act for 3 years (Rept. No. 96–162).

S. 1148. An original bill to reauthorize title I of the Marine Protection, Research, and Sanctuaries Act, and for other purposes (Rept. No. 96–163).

By Mr. WILLIAMS, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1149. An original bill to amend and extend certain Federal laws relating to housing, community, and neighborhood development and preservation and related programs, and for other purposes (together with additional views) (Rept. No. 96–164).

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1150. An original bill to provide business financing and other development assistance to alleviate economic distress (together with additional and minority views) (Rept. No. 96–165).

S. 932. A bill to extend the Defense Production Act of 1950, as amended (Rept. No. 96–166).

By Mr. BAYH, from the Committee on the Judiciary, without amendment:

S. 721. A bill to amend the Civil Rights Act of 1957 to authorize appropriations for the U.S. Commission on Civil Rights for fiscal year 1980 (together with additional views) (Rept. No. 96–167).

By Mr. ZORINSKY, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment:

S. 985. A bill to amend the Consolidated Farm and Rural Development Act (Rept. No. 96–168).

By Mr. STEVENSON, from the Committee on Banking, Housing, and Urban Affairs, with an amendment and an amendment to the title:

S. 737. A bill to provide authority to regulate exports, to improve the efficiency of export regulation, and to minimize interference with the right to engage in commerce (Rept. No. 96–169).

S. 976. A bill to authorize appropriations for the international affairs functions of the Department of the Treasury for fiscal years 1980 and 1981 (Rept. No. 96–170).

By Mr. RANDOLPH, from the Committee on Environment and Public Works, with amendments:

S. 835. A bill to extend the Appalachian Regional Development Act and title V of the Public Works and Economic Development Act of 1965 and to provide for a nationwide system of multistate regional development commissions to promote balanced development in the regions of the Nation (Rept. No. 96–171).

By Mr. RANDOLPH, from the Committee on Environment and Public Works, without amendment:

S. 1156. An original bill to amend and reauthorize the Solid Waste Disposal Act (Rept. No. 96–172).

By Mr. KENNEDY, from the Committee on the Judiciary:

S. 1157. An original bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1980, and for other purposes (Rept. No. 96–173).

By Mr. CHAFEE, from the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation, with amendments:

S. 838. A bill to amend the Anadromous Fish Conservation Act in order to extend the authorization for appropriations to carry out the purposes of the act, and to initiate an emergency investigation on the striped bass in Atlantic coastal waters (Rept. No. 96–174).

By Mr. RANDOLPH, from the Committee on Environment and Public Works, without amendment:

S. 436. A bill to amend section 15(d) of the Tennessee Valley Authority Act of 1933 to increase the amount of debt which may be incurred by the Tennessee Valley Authority (Rept. No. 96–175).

By Mr. HART, from the Committee on Environment and Public Works, with an amendment:

S. 562. A bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 505 of the Energy Reorganization Act of 1974, as amended, and for other purposes (together with additional views) (Rept. No. 96–176).

By Mr. CRANSTON, from the Committee on Veterans' Affairs, with an amendment and an amendment to the title:

S. 1039. A bill to amend title 38, United States Code, to extend and revise a program of grants to State homes for veterans and to extend and expand a program of exchange of medical information, and for other purposes (together with minority views) (Rept. 96–177).

By Mr. CRANSTON, from the Committee on Veterans' Affairs, with an amendment:

S. 330. A bill to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration, and for other purposes (Rept. No. 96–178).

By Mr. RANDOLPH, from the Committee on Environment and Public Works; without amendment.

S. Res. 161. An original resolution authorizing the printing of the report entitled "Special Bridge Replacement Program, Eighth

Annual Report to Congress" as a Senate document. Referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WILLIAMS, from the Committee on Human Resources:

The following-named persons to be Members of the National Museum Services Board:

Douglas Dillon, of New York; and

Neil Harris.

The following-named persons to be Members of the National Advisory Council on Women's Educational Programs:

Sr. M. Isolina Ferre, of Puerto Rico;

Anna Doyle Levesque, of Rhode Island; and

Susan Margaret Vance, of Illinois.

(The above nominations from the Committee on Human Resources were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. CHURCH, from the Committee on Foreign Relations:

Sally Angela Shelton, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States to Grenada and the Commonwealth of Dominica, and as Envoy Extraordinary and Minister Plenipotentiary of the United States to Saint Lucia.

(The above nomination from the Committee on Foreign Relations was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

POLITICAL CONTRIBUTIONS STATEMENT

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Sally A. Shelton.

Post: Ambassador to Barbados.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, n.a.

3. Children and spouses names, n.a.

4. Parents names, Mr. & Mrs. H. B. Shelton, none.

5. Grandparents names, deceased, none.

6. Brothers and spouses names, J. Bryan Shelton, none.

7. Sisters and spouses names, Mary Shelton Cochran, spouse deceased, none.

By Mr. CHURCH, from the Committee on Foreign Relations:

Lawrence A. Pezzullo, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States to Nicaragua.

(The above nomination from the Committee on Foreign Relations was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

POLITICAL CONTRIBUTIONS STATEMENT

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year on the nomination and ending on the date of the nomination.

Nominee: Lawrence A. Pezzullo.

Post: Ambassador to Nicaragua.

Contributions, amount, date, and donee: (if none, write none).

1. Self, none.

2. Spouse, none.

3. Children and spouses' names, Ralph, Susan, David, none.

4. Parents names, deceased none.

5. Grandparents, names, deceased, none.

6. Brothers, and spouses' names, deceased, none.

7. Sisters' and spouses' names, Mrs. Josephine Zinargo, Mrs. Anna Zingaro, Mr. and Mrs. Al Magliano, Mr. and Mrs. Charles Grassl, Mrs. Mary DiPiazza, none.

By Mr. CHURCH, from the Committee on Foreign Relations:

Walter Leon Cutler, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States to Iran.

(The above nomination from the Committee on Foreign Relations was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

POLITICAL CONTRIBUTIONS STATEMENT

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Cutler, Walter L.

Post: Ambassador.

Contributions, amount, date, and donee: (if none, write none).

1. Self, Walter L. Cutler. None.

2. Spouse, Sarah B. Cutler. None.

3. Children and spouses, names, Allen B. Cutler, Thomas A. Cutlers.

4. Parents, names, Esther C. Bradley.

5. Grandparents names, none.

6. Brothers and spouses, names, none.

7. Sisters and spouses, names, Sally D. Cutler.

By Mr. CHURCH, from the Committee on Foreign Relations:

Philip Henry Alston, Jr., of Georgia, now Ambassador Extraordinary and Plenipotentiary of the United States to Australia, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Nauru.

(The above nomination from the Committee on Foreign Relations was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

POLITICAL CONTRIBUTIONS STATEMENT

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Philip Henry Alston, Jr.

Post: Proposed Nominee as United States Ambassador to Australia.

Nominated: March 1977.

Contributions, amount, date, and donee:

1. Self, Philip H. Alston, Jr., $1,200, January 25, 1973, Democratic Nat'l. Com.; $100, February 9, 1973, Democratic Party of Ga.; $200, August 22, 1973, Democratic Party of Ga.; $100, November 8, 1973, Sam Nunn Senate Campaign; $100, November 9, 1973, Finance Committee for Sam Nunn; $500, December 17, 1973, Georgians for Talmadge; $100, January 7, 1974, Sam Nunn Finance Com.; $100, January 23, 1974, Democratic Party of Ga.; $210, March 1974, Refund from Talmadge Fund; $10, July 3, 1974, Democratic Nat'l. Com.

$50, July 10, 1973, Salute to Andrew Young; $50, July 17, 1974, Andrew Young Dinner; $30, October 14, 1974, Andrew Young Breakfast; $50, November 1, 1974, Phil Landrum; $10, January 6, 1975, Thank You Sam Nunn Com.; $200, March 14, 1975, Com. for Jimmy Carter; $200, March 19, 1975, Com. for Jimmy Carter; $200, October 24, 1975, Com. for Jimmy Carter; $400, December 16, 1975, Com. for Jimmy Carter; $15, March 15, 1976, Democratic Nat'l. Com.; $50, June 16, 1976, Democratic Convention Housing Account.

$25, October 1976, Andrew Young Campaign; $200, October 18, 1976, Democratic Nat'l Com. (Victory Fund); $200, October 21, 1976, Democratic Nat'l. Com. (Victory Fund); $25, October 29, 1976, Elliott Levitas Campaign; $100, December 22, 1976, Wyche Fowler for Congress Committee; $50, March 18, 1977, Wyche Fowler for Congress Committee.

In addition, between December, 1974 and July, 1976, I expended on behalf of the candidacy of Jimmy Carter for President for long-distance telephone calls, transportation, stationery, postage the sum of $1,278.20, which amount was refunded to me by check in September, 1976, from the Committee for Jimmy Carter.

2. Spouse, Elkin G. Alston, $4,000, May 7, 1973, Jimmy Carter; $200, September 12, 1973, Democratic Party of Ga.; $2,000, April 10, 1974, Jimmy Carter; $75, July 24, 1975, Jimmy Carter; $50, February 4, 1976, Jimmy Carter for President; $465, February 2, 1976, Jimmy Carter; $300, February 12, 1976, Jimmy Carter for President; $100, February 14, 1976, Jimmy Carter for President; $256*, June 23, 1976, Jimmy Carter for President.

3. Children and spouses, son, John Goddard Alston, Spouse, Gayle S. Alston, $200, March 13, 1975, Jimmy Carter Appreciation Dinner; $200, November 1975, Jimmy Carter; $50, January 27, 1976, Jimmy Carter; $75, February 16, 1976, Jimmy Carter (check to George Hart, who issued his check for $150).

Daughter, Elkin A. Cushman, spouse, James E. Cushman, no response to inquiry; believed by nominee with complete certainty to be nominal in amount.

4. Parents, Philip H. Alston and May L. Alston (both deceased 1962).

5. Grandparents (both deceased).

6. Brothers and spouses, James L. Alston, Lucille V. Alston, no response to inquiry; believed by nominee with complete certainty to be nominal in amount.

Robert C. Alston, Tudor Alston, $100, March 5, 1975, Jimmy Carter; $25, September 18, 1975, Jimmy Carter; $200, November 5, 1975, Jimmy Carter; $100, March 3, 1976, Jimmy Carter; $61, December 31, 1976, Wyche Fowler for Congress.

7. Sisters and spouses, Birnie Alston Jordan, Fletcher Jordan, Jr., $50 January 12, 1976; $50 February 26, 1976; $25 March 12, 1976; $25 May 4, 1976; $50 June 11, 1976; $100 June 28, 1976; $10 July 1, 1976; $25 October 14, 1976.

Anne Alston Glenn, Jack F. Glenn, $400, 1975, Jimmy Carter Campaign for President; $1,600, 1976, Jimmy Carter Campaign for President; $200, 1976, Carter/Mondale Victory Celebration; $51, 1976, Democratic National Committee Victory Fund: $200, 1977, Wyche Fowler Campaign for U.S. Congressman, 5th Dist. of Ga.; $50, 1977, Paul Coverdell Campaign for U.S. Congressman, 5th Dist. of Ga.

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*This was for two air fares to New York for the Democratic Convention on a chartered plane. We elected not to go on this plane and this sum of $256.00 was refunded shortly after July 10, 1976 by a check from the Committee for Jimmy Carter.

By Mr. CHURCH, from the Committee on Foreign Relations:

Alfred L. Atherton, Jr., of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Arab Republic of Egypt.

(The above nomination from the Committee on Foreign Relations was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

POLITICAL CONTRIBUTIONS STATEMENT

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Alfred L. Atherton, Jr.
Post: Cairo.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses, names, Lynne and Ravi Dat, $80, 1975–78, Democratic Party; Michael Atherton, none.
4. Parents, Reed Atherton, names, none.
5. Grandparents, names, none.
6. Brothers and spouses, names, Robert and Jean Atherton, none.
7. Sisters and spouses, names, none.

Mr. CHURCH. Mr. President, as in executive session, I also report favorably sundry nominations in the Diplomatic and Foreign Service which previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD on April 23, 1979, at the end of the Senate proceedings.)

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, APR. 16 TO APR. 23, 1979

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Dole: Italy	Lira	0	0	1,489,660	$1,765	0	0	1,489,660	$1,765
Total			0		1,765		0		1,765

HERMAN E. TALMADGE, Chairman.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, SELECT COMMITTEE ON ETHICS, FROM JAN. 9 TO JAN. 26, 1978

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Daniel J. Swillinger: Korea			$239.30		$2,431				$2,670.30
Total			239.30		2,431				2,670.30

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1978

Name and continent	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency[1]
Senator Robert Morgan: Europe									$540.00
Angelo Codevilla: Europe									1,936.00
Elliot E. Maxwell: Europe									150.00
Edward Levine: South America									43.00
Abram N. Shulsky: Europe									944.00
Kenneth deGraffenreid: Europe									1,382.00
Daniel A. Childs: Europe									2,207.20
George E. Pickett Europe									2,207.20
William G. Miller: Europe									1,342.05
Total									10,751.45

[1] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Total	$10,751.45

BIRCH BAYH,
Chairman, Select Committee on Intelligence.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LONG (from the Committee on Finance):

S. 1132. A bill to authorize appropriations for the U.S. International Trade Commission and the U.S. Customs Service for fiscal year 1980, and for other purposes. Original bill reported and placed on the calendar.

By Mr. EAGLETON (for himself, Mr. SARBANES, Mr. PELL, and Mr. DURKIN):

S. 1133. A bill to prohibit deregulation of oil pricing until January 1, 1980; or until such time as there is enacted an excess profits tax; to the Committee on Energy and Natural Resources.

By Mr. EAGLETON:

S. 1134. A bill to establish a Federal nonprofit corporation as the importing agent for the crude oil and petroleum products imported into the United States; to the Committee on Energy and Natural Resources.

By Mr. CANNON (for himself and Mr. Laxalt):

S. 1135. A bill to add certain lands to the Moapa Indian Reservation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CULVER (by request) (for himself, Mr. Muskie, Mr. Chafee, Mr. Gravel, and Mr. Magnuson):

S. 1136. A bill to authorize a flexible environmental program of integrated financial assistance to States and local governments to plan, manage and implement abatement and control strategies in a more efficient and effective manner; to the Committee on Environment and Public Works.

By Mr. COCHRAN:

S. 1137. A bill to direct the Administrator of the Environmental Protection Agency to request the National Academy of Sciences to conduct a study concerning standardizing certain tests for determining potential carcinogenicity, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SCHWEIKER:

S. 1138. A bill to amend the Federal Food, Drug, and Cosmetic Act to encourage the prompt approval of safe and effective drugs for human use; to the Committee on Labor and Human Resources.

By Mr. DOMENICI:

S. 1139. A bill to amend the Internal Revenue Code of 1954 to provide for the partial exclusion of interest from gross income; to the Committee on Finance.

By Mr. CANNON (from the Committee on Commerce, Science, and Transportation):

S. 1140. A bill to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1980 and 1981, and for other purposes. Original bill reported and placed on the calendar.

S. 1141. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal year 1980. Original bill reported and placed on the calendar.

By Mr. MOYNIHAN (from the Committee on Environment and Public Works):

S. 1142. A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes. Original bill reported and placed on the calendar.

By Mr. CULVER (from the Committee on Environment and Public Works):

S. 1143. A bill to extend the authorization for appropriations for the Endangered Species Act of 1973, and for other purposes. Original bill reported and placed on the calendar.

S. 1144. A bill to authorize appropriations for the Quiet Communities Act for fiscal years 1980 and 1981. Original bill reported and placed on the calendar.

By Mr. BURDICK (from the Committee on Environment and Public Works):

S. 1145. A bill to amend the Public Works and Economic Development Act to extend the authorization for 1 year, and for other purposes. Original bill reported and placed on the calendar.

By Mr. MUSKIE (from the Committee on Environment and Public Works):

S. 1146. A bill to amend title XIV of the Public Health Service Act, as amended by the Safe Drinking Water Act (88 Stat. 1680, 42 U.S.C. 300j), to extend for 3 fiscal years the authorization for appropriations, and for other purposes. Original bill reported and placed on the calendar.

S. 1147. A bill to extend certain provisions of the Toxic Substances Control Act for 3 years. Original bill reported and placed on the calendar.

S. 1148. A bill to reauthorize title I of the Marine Protections, Research, and Sanctuaries Act, and for other purposes. Original bill reported and placed on the calendar.

By Mr. WILLIAMS (from the Committee on Banking, Housing, and Urban Affairs):

S. 1149. A bill to amend and extend certain Federal laws relating to housing, community, and neighborhood development and preservation and related programs, and for other purposes. Original bill reported and placed on the calendar.

By Mr. PROXMIRE (from the Committee on Banking, Housing, and Urban Affairs):

S. 1150. A bill to provide business financing and other development assistance to alleviate economic distress. Original bill reported and placed on the calendar.

By Mr. CANNON (by request):

S. 1151. A bill to improve the quality of rail service in the United States through financial assistance which encourages railroad restructuring; to the Committee on Commerce, Science, and Transportation.

By Mr. McCLURE (for himself and Mr. Church):

S. 1152. A bill to define and clarify terms used in that patent from the United States dated June 29, 1911, granting certain lands to the State of Idaho; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON (for himself, Mr. Williams, Mr. Randolph, Mr. Kennedy, Mr. Riegle, Mr. Javits, Mr. Stafford, and Mr. Matsunaga):

S. 1153. A bill to amend title XX of the Social Security Act to authorize expenditures thereunder for the provision, in certain instances, of emergency shelter to adults in danger of physical or mental injury; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 1154. A bill for the relief of Daniel E. and Mary Resciniti, individually and as parents and natural guardians of Anthony Peter Resciniti and Leo Rescinit, and for the relief of Anthony Peter Resciniti and Leo Rescinit; to the Committee on the Judiciary.

By Mr. PERCY:

S. 1155. A bill to amend the Intergovernmental Personnel Act of 1970 to provide for improvement in personnel productivity, and for other purposes; to the Committee on Governmental Affairs.

By Mr. RANDOLPH (from the Committee on Environment and Public Works):

S. 1156. A bill to amend and reauthorize the Solid Waste Disposal Act. Original bill reported and placed on the calendar.

By Mr. KENNEDY (from the Committee on the Judiciary):

S. 1157. A bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1980, and for other purposes. Original bill reported and placed on the calendar.

By Mr. GARN (for himself and Mr. Boren, Mr. Jepsen, Mr. Bellmon, Mr. Goldwater, Mr. Hatch, Mr. Hayakawa, Mr. Humphrey, Mr. Laxalt, Mr. Lugar, Mr. Simpson, Mr. Stevens, Mr. Thurmond, Mr. Young, Mr. Exon, and Mr. Zorinsky):

S. 1158. A bill to amend the Clean Air Act and the Clean Air Act Amendments of 1977 to delay for 1 year certain provisions relating to areas which fail to meet national ambient air quality standards; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EAGLETON (for himself, Mr. Sarbanes, Mr. Pell, and Mr. Durkin):

S. 1133. A bill to prohibit deregulation of oil pricing until January 1, 1980, or until such time as there is enacted an excess profits tax; to the Committee on Energy and Natural Resources.

By Mr. EAGLETON:

S. 1134. A bill to establish a Federal nonprofit corporation as the importing agent for the crude oil and petroleum products imported into the United States; to the Committee on Energy and Natural Resources.

(The remarks of Mr. Eagleton when he introduced the bills appear elsewhere in today's proceedings.)

By Mr. CANNON (for himself and Mr. Laxalt):

S. 1135. A bill to add certain lands to the Moapa Indian Reservation, and for other purposes; to the Committee on Energy and Natural Resources.

● Mr. CANNON. Mr. President, I introduce for appropriate reference a bill to add some 70,000 acres of public domain lands in southern Nevada to the Moapa Paiute Indian Reservation.

Considerable planning has already been undertaken by the tribe for utilization of this land and the tribe has consulted on a regular basis with the State and local governments. This transfer is important in the tribe's drive for self-sufficiency by providing a realistic base for housing, cattle and farming operations and economic development. The bill is drafted to protect all existing easements, mineral and water rights, and other legitimate claims to uses of the land which currently exist. The tribe's interest is solely in the few arable acres available and in its cattle-grazing operation.

The reservation on which the tribe is based presently consists of 1,185 acres. The reservation was originally created with a land base of 2 million acres but was reduced to its present size within several years. This legislation will restore 70,000 of those acres which represents about 4 percent of the original size.

Over the years the tribe has remained very small, dependent, and static. Recently, however, the tribe has begun a rejuvenation which has been remarkable. The population has increased by almost 100 percent since 1970, fueled by a return of a majority of the tribal membership. The population threatens to double again in the next few years. The number of young people approaching marriage age now represents 15 percent of tribal membership, a dramatic increase from recent past. This interest of the young in remaining on the reservation and of tribal members returning and contributing to the welfare of the tribe is most encouraging. However, almost all available reservation land is now being used for either housing, community facilities, commercial enterprises or a farming operation of 546 acres. There is little room for expansion.

To keep pace with the growth of the tribe and its ambitious plans, this proposed increase in the size of the reservation is vital. Among the acres to be transferred are some 800 acres of potentially farmable land. Most of the rest of the land is suitable for expansion of the tribe's cattle operation. My colleagues may wonder why it takes 70,000 acres to sustain a modest cattle operation until you understand that almost 50 acres of such land are necessary to sustain one cow for a month.

The Moapa Tribe has shown great versatility and imagination in recent years in providing self-sustaining and profitable enterprises for its members. The most ambitious project involves a greenhouse tomato growing effort which will eventually include 15 acres of production to feed the insatiable markets of Las Vegas and the west coast. My colleagues may recall eating some of these tomatoes in the Senate restaurant recently as guests of the tribe. Another recent project is a leather goods workshop producing fine leather products for sale through outlets throughout the Nation. A project envisioned on a parcel of this land through which a major highway passes is creation of a gas station and direct outlet market for traditional Indian handicrafts, the leather products and greenhouse tomatoes.

These enterprises, together with the cattle and farming expansion facilitated by this legislation will go far toward ending the unemployment and dependency too often the status of Indian communities. I believe this is but a modest contribution this Congress can make toward the determined and resourceful goals of the Moapa Tribe.●

By Mr. CULVER (by request) (for himself, Mr. Muskie, Mr. Chafee, Mr. Gravel, and Mr. Magnuson):

S. 1136. A bill to authorize a flexible environmental program of integrated financial assistance to States and local governments to plan, manage, and implement abatement and control strategies in a more efficient and effective manner; to the Committee on Environment and Public Works.

INTEGRATED ENVIRONMENTAL ASSISTANCE ACT OF 1979

● Mr. CULVER. Mr. President, at the request of the administration, I am today introducing the Integrated Environmental Assistance Act of 1979.

This bill gives State and local governments greater flexibility in addressing serious pollution problems. It allows them to combine Environmental Protection Agency (EPA) administrative grants into a single "integrated environmental plan." Consolidating these grants will eliminate unnecessary paperwork which burdens local governments. It also provides the flexibility for States to direct more EPA funds to high priority programs, while assuring an adequate commitment to the environmental objectives of all Agency programs.

Under this proposal, for example, a State with particularly severe water pollution can develop a comprehensive cleanup plan drawing upon its hazardous waste, clean water and clean air grant funds. If the integrated plan is approved by EPA, the State or local government may voluntarily transfer as much as 20 percent of the funds from one EPA program to another in order to provide additional resources to implement the comprehensive plan. This gives States additional resources to deal with particularly urgent environmental problems. Iowa, for example, might use these resources to develop a plan to control hazardous wastes. There is an urgent need to initiate such an effort because of the possible contamination of Iowa's major underground water supplies.

The integrated approach eliminates redundant paperwork by allowing States to submit a single application and combined audit and progress reports for programs covered by the plan. Consolidating and reducing the volume of forms needed to comply with Federal programs will greatly benefit smaller communities and will help assure that the maximum resources and manpower will be devoted to a town's most serious environmental degradation.

Mr. President, while certain specific provisions of this legislation may be modified and improved, it offers the prospect of an innovative approach to implementing EPA programs at the State and local levels. As chairman of the Resource Protection Subcommittee, I look forward, along with Senator Muskie, to consideration of this bill by the Environment and Public Works Committee later this year.

Senator Muskie has asked me to include his statement on the Integrated Environmental Assistance Act of 1979 in the Record at this time.

The administration has also sent a section-by-section analysis describing the legislation. I ask unanimous consent that the bill and the section-by-section analysis be printed in the Record.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 1136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Integrated Environmental Assistance Act of 1979."

DECLARATION OF POLICY

Sec. 2. The Congress, recognizing the interrelationships of environmental problems and solutions addressed under the laws administered by the United States Environmental Protection Agency, and recognizing the interaction of environmental problem-solving with other social and economic issues affecting the quality of human life, declares that it shall be the policy of the Federal Government, in cooperation with state and local governments, to promote comprehensive approaches to management of environmental programs.

OBJECTIVE

Sec. 3. The objective of the Act is to increase the substantive effectiveness and management efficiency of State and local assistance programs administered by the Environmental Protection Agency by (1) fostering recipient initiative, and (2) encouraging flexibly integrated, simplified, and consistent program planning and implementation.

DEFINITIONS

Sec. 4. As used in this Act—

(1) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) The term "assistance" (as used in this Act) means a grant or cooperative agreement as determined by the Administrator under the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501, et seq.).

(3) The term "base fiscal year" means, for each covered program, the fiscal year prior to the year in which the covered program is included under an approved integrated program plan.

(4) The term "covered program" means any environmental program (other than the programs of assistance for construction of waste water treatment facilities authorized by section 201 of the Federal Water Pollution Control Act, as amended) for which the Administrator has responsibility, and which permit or require environmental programs on the part of States, local governments, or interstate agencies, including programs under:

(A) Federal Water Pollution Control Act, as amended (33 U.S.C. 1151, et seq.).

(B) Clean Air Act, as amended (42 U.S.C. 7401, et seq.).

(C) Title XIV of the Public Health Service Act, as amended (Safe Drinking Water Act, 42 U.S.C. 300f, et seq.).

(D) Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).

(E) Toxic Substances Control Act (15 U.S.C. 2601 et seq.).

(F) Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136, et seq.).

(G) Noise Control Act (42 U.S.C. 4901, et seq.).

(H) Atomic Energy Act, as amended (42 U.S.C. 2200, et seq.).

(I) Other provisons of the Public Health Service Act, as amended (42 U.S.C. 201, et seq.).

(J) Functions transferred by Reorganization Plan No. 3 (5 U.S.C. Reorg. Plan of 1970, No. 3).

(5) The term "integrated assistance" means a single grant or cooperative agreement awarded under this Act for covered programs in lieu of two or more separate, individual assistance awards made pursuant to the Acts enumerated in paragraph 4 above.

(6) The term "integrated program plan" means a document, submitted under section 5 of this Act as part of an assistance application, which sets forth a plan of activities and related expenditures to carry out the objectives of this Act and the covered programs which are included.

(7) The term "interstate agency" means any agency of two or more local governments in different States, or any agency established by two or more States, with authority to receive assistance under a covered program.

(8) The term "local government" means a city, town, borough, county, parish, or other public body created by or pursuant to State law, or representative organizations of such bodies (such as Councils of Governments), or an Indian tribe or authorized Indian tribal organization or Alaska Native Village, or any other public entity eligible to receive assistance under a covered program.

(9) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(10) The term "supplementary assistance" means funds awarded to integrated assistance recipients, in addition to those funds available under the covered programs, to support specific projects generally of a nonrecurring nature in accordance with the policies and award criteria set forth in section 13 of this Act.

INTEGRATED PROGRAM PLAN

SEC. 5(a). In situations where a program establishes a complex of environmental activities, time schedules and required accomplishments which over-lap programs or do not fit neatly under any single covered program, the Administrator may award assistance to support activities which will meet problems and manage such programs more efficiently and effectively than assistance under a single program (or assistance under two uncoordinated programs). Such awards may include but are not limited to multidisciplinary inspections, enforcement and monitoring activities defining and dealing with the cross-program consequences of activities under covered programs; unifying regulations and/or procedures across covered program lines; coordinating time deadlines across program lines; innovative approaches to solving new environmental problems which cut across program lines; consolidating and integrating multiple permits into a single permit or permit process; and similar activities which constitute or reflect coordinated actions across program lines.

(b) Each State or other applicant for integrated assistance under this Act shall:

(1) Submit an integrated program plan as part of its assistance application, which addresses the objectives of not less than two covered programs; ensures consistency with paragraph (a) and the objectives of this Act; and represents an integrated approach to planning, development, implementation, and/or improvement of the covered programs.

(2) Provide for the coordination and administration of each integrated program plan by a single agency.

(c) The Administrator shall establish procedures which assure that the applicant (1) encourages and assists public participation in the development of a proposed integrated program plan and (2) in developing the final plan for submission, gives appropriate consideration to the public comments received.

APPROVAL OF INTEGRATED PROGRAM PLAN

SEC. 6. (a)(1) The Administrator shall establish requirements governing his approval of an integrated program plan and award of integrated assistance. These requirements shall seek—

(A) To increase the substantive effectiveness and management efficiency of covered environmental programs by encouraging comprehensive integrated environmental planning, implementation and management by the U.S. Environmental Protection Agency, the States, and local governments, and to do so in a flexible, voluntary manner;

(B) To encourage and allow Federal, State and local environmental agencies to refocus a portion of their resources on problems and priorities that cut across existing statutory assistance categories, as they are recognized;

(C) To encourage and allow Federal, State, and local environmental agencies to test and start up new approaches to solving environmental problems that cut across existing assistance categories;

(D) To provide incentives to encourage State and local governments to assume greater authority and responsibility;

(E) To improve and simplify the administration of State and local assistance by reducing paper work, duplication of effort and reporting requirements;

(F) To simplify environmental reporting, permitting, and other requirements affecting the public where possible; and

(G) To promote Federal consistency in decision-making.

(2) Such requirements, consistent with national objectives, shall promote applicant discretion in developing a program to meet its particular environmental needs. In reviewing applications the Administrator shall also consider the degree to which the covered programs (i) routinely consider or are developing the capacity to consider the effects of one program on the other(s) and (ii) have or are developing supporting common data bases and planning and evaluation processes where appropriate.

(b) Integrated assistance shall not be used to expand a recipient's activities beyond a scope which the Administrator determines is consistent with the purposes of the covered programs included under the recipient's integrated program plan.

(c) The Administrator shall complete review of the applicant's proposed plan in a timely fashion (including portions related to fund transfers under section 10) and may approve it in whole or in part. In the event of disapproval, the Administrator shall notify the applicant in writing within 30 days. Notwithstanding any time limitation arising from any provision of law or regulation affecting the covered programs, an applicant shall have not less than 60 days from the day of receipt of a notice of disapproval to make application for categorical assistance.

(d) The Administrator shall not approve an integrated program plan unless he determines:

(1) that the objectives of this Act and of the covered programs are adequately addressed therein;

(2) that the requirements he promulgates pursuant to section 6 of this Act have been met;

(3) that the proposed program plan adequately considers cross-program consequences; and

(4) that the proposed program contains efficient and effective management mechanisms.

(e) The Administrator shall not award integrated assistance to a State unless the governor has signed the assistance application containing the integrated program plan. The Administrator shall not award assistance to a general purpose unit of local government unless the chief executive officer of that unit of government has signed the assistance application containing the integrated program plan.

AUTHORITY; LIMITATIONS

SEC. 7. (a) From sums appropriated under the covered programs and section 17 of this Act, the Administrator may award integrated assistance in accordance with integrated program plans approved under section 6 to States, local governments and interstate agencies to enable them to carry out the objectives of this Act and of covered programs.

(b) Award of integrated assistance in one fiscal year shall not obligate the recipient to seek or the Administrator to award such integrated assistance in any subsequent fiscal year. The Administrator shall not renew an integrated assistance award unless he determines, based on his evaluation of the recipient's performance and its current proposed program, that the recipient's program has and will effectively serve the purposes of this Act and the covered programs included in its integrated program plan. In making his evaluation, the Administrator shall consider:

(1) the extent to which actions in covered programs were considered jointly and made consistent in a manner which is likely to enhance environmental quality;

(2) management efficiency;

(3) savings to the public,

(4) likelihood of effective implementation;

(5) replicability in other State or local programs;

(6) the extent to which integration was fostered by moving related covered programs onto common schedules;

(7) the extent to which overall assessments of the combined impacts of covered programs are considered in an integrated fashion; and

(8) value in helping the covered programs address new environmental problems or priorities.

(c) Integrated and supplementary assistance shall not be used for construction, except that such assistance may be used for preliminary facility and site planning where consistent with the requirements of a covered program included under the integrated program plan.

(d)(1) For fiscal year 1980, the Administrator shall develop and publish criteria consistent with the policy and objectives of this Act for competitive selection of not more than 15 States and 25 local governments for participation in the program authorized by this Act.

(2) The Administrator shall assess the program during the year to determine if the policy and objectives of this Act are being met. If the Administrator determines it is appropriate, he may allow participation of up to 30 States and 50 local governments for fiscal year 1981.

(3) During fiscal year 1981 the Administrator shall make a second assessment of the program and shall submit an interim report to the Congress before June 30, 1981. Thereafter, if the Administrator determines the program is achieving the objectives of the Act, he may open the program to other eligible States, local governments, and interstate agencies.

ASSISTANCE FOR LOCAL GOVERNMENTS AND INTERSTATE AGENCIES

SEC. 8. (a) A local government or interstate agency may receive integrated assistance in the following ways:

(1) By pass-through under an approved integrated State program plan (in the case of an interstate agency, under one or more such plans); or

(2) Directly from the Administrator, if:

(i) the State or States in which the local government or interstate agency lies do not receive integrated assistance; or

(ii) such State or States do not, in the judgment of the Administrator, provide adequately for participation of the local government or interstate agency; or

(iii) such State or States otherwise concur.

(b) In addition, integrated assistance under Paragraph (a) may include funds from a covered program of assistance to States under which the local gocernment or interstate agency is otherwise ineligible, provided the affected State or States concur and the Administrator determines that award would be consistent with the purposes of the covered program.

(c) Nothing in this Section shall be construed to require a local government or interstate agency to seek integrated assistance in lieu of categorical assistance for which the local government or interstate agency is otherwise eligible.

STATE/LOCAL CONSULTATION

SEC. 9. In developing its integrated program plan, the State shall provide for consultation with local governments.

FUNDING FOR LOCAL PARTICIPATION

SEC. 10. To the extent a local government is given responsibility by a State for activities under the State's integrated program plan, the Administrator shall assure that the plan provides funding from State or Federal funds.

FUNDING FLEXIBILITY

SEC. 11. In developing its integrated program plan, an applicant may propose to transfer funds among the various covered programs included under such plan, except that the applicant may in no event propose to transfer from any covered program an amount in excess of 20 per centum of the Federal sum allocated in that year for that covered program and the equivalent portion of non-Federal project funds.

ACCOUNTABILITY

Sec. 12. The Administrator may establish procedures under which accountability for expenditures (including expenditure of non-Federal funds) will be related to a recipient's approved integrated program plan, in lieu of accounting for expenditures by program areas.

SUPPLEMENTARY ASSISTANCE

Sec. 13. (a) Availability.—Recipients of integrated assistance shall be entitled to compete for supplementary assistance from funds appropriated under the authority of section 17. Ten percent of funds appropriated under section 17 shall be set aside for such supplementary assistance for local government participants.

(b) Criteria for Award.—The Administrator shall develop and publish criteria for award on a competitive basis of supplementary assistance under paragraph (a), consistent with the policies and objectives of this Act. At a minimum, such criteria shall include the following considerations:

(1) the extent to which the application reflects an integrated approach to environmental problem solving;

(2) the extent to which the proposed activities would use or lead to development of integrated management processes which are innovative and have potential for replicability;

(3) the likelihood of success; and

(4) the extent to which the proposed program provides for integration of environmental efforts with related energy, transportation, and other social and economic activities.

ADMINISTRATIVE PROVISIONS

Sec. 14. (a) Unobligated Sums.—Of the sums otherwise available to a recipient under this Act, any unobligated sums (including unobligated allotments and sums later deobligated) shall be available for award to other participants in the program under this Act or shall be used to otherwise accomplish, through contract or other appropriate means, the objectives of this Act and the covered programs, in accordance with regulations of the Administrator.

(b) Maintenance of Effort.—

(1) No integrated assistance shall be awarded in any fiscal year unless the Administrator determines that a recipient will expend in that fiscal year, from non-Federal funds for other than non-recurrent costs, an amount which is not less than the amount expended for such purposes during the base fiscal year. Notwithstanding this provision, the Administrator may award integrated assistance if he determines that a reduction has resulted from a general non-selective reduction in expenditures in programs of executive branch agencies of the applicable unit of government.

(2) The provision in paragraph (1) shall be used in lieu of other matching and maintenance-of-effort requirements of the covered programs. If a recipient resumes separate assistance for a covered program, the recipient shall be held to the matching and maintenance-of-effort requirements (as modified by law or regulation during the period of integrated assistance) which would have been applicable under that covered program in the year following the base fiscal year.

EFFECTIVE DATE AND CRITERIA DEVELOPMENT

Sec. 15. (a) This Act shall be applicable to assistance awarded for fiscal year 1980 and the subsequent four fiscal years.

(b) Within 180 days following the date of passage of this Act, the Administrator shall publish criteria for development of integrated program plans.

REGULATIONS

Sec. 16. The Administrator is authorized to issue necessary regulations for implementation of this Act.

AUTHORIZATION

Sec. 17. There are authorized to be appropriated, in addition to funds authorized to be appropriated under the covered programs, $25,000,000 for supplementary assistance under section 13 for fiscal year 1980 and such sums as may be necessary for each of the fiscal years 1981–84, to remain available until expended.

DETAIL OF PERSONNEL

Sec. 18. The Administrator, at the request of any recipient under this Act, may detail personnel of the Environmental Protection Agency (including commissioned officers of the Public Health Service assigned to the Environmental Protection Agency) to the recipient for the purpose of carrying out an approved integrated program plan, and may reduce the amount of assistance to the recipient by the amount of pay, allowances, traveling, expenses, and other costs related to the detail.

SUNSET PROVISION; REPORT TO CONGRESS

Sec. 19. This Act shall expire on September 30, 1984, unless extended by Congress. The Administrator shall submit to the Congress no later than September 30, 1983, a report setting forth the extent to which States, local governments, and interstate agencies have established and implemented integrated environmental quality management programs, an evaluation of such programs, and recommendations with respect to continuing the integrated assistance program.

Section-by-Section Analysis Integrated Environmental Assistance Act of 1979

In his 1977 Environmental Message, the President directed the Environmental Protection Agency to prepare proposed legislation to integrate the Agency's various categorical grants supporting State and local environmental programs.

One of the principal objectives in creating EPA was to provide a framework to deal with interrelated environmental problems, and to implement programs and solutions in a more effective and efficient manner. In an attempt to encourage integrated environmental programs, the Agency has allowed administrative integration of categorical State program assistance for several years. In fiscal year 1978, sixteen States were participating in this program, even though it does not provide flexibility for States to transfer funds to meet their own unique environmental priorities and needs.

The draft "Integrated Environmental Assistance Act of 1979" has been developed to alleviate the problems identified in EPA's attempt at integration under its administrative authority. The Act would allow States to apply for integrated assistance, if they so desire, in lieu of separate categorical assistance. The Administrator of the Environmental Protection Agency is given the authority to award integrated assistance when a State submits a plan demonstrating that it can effectively implement an integrated environmental program.

Consistent with the President's commitment, the Act encourages integration of environmental planning by States and local governments and strengthens coordination between State and Federal programs. The Act also increases the recipient's flexibility to address its particular environmental priorities, to propose redirection of Federal assistance, and to simplify and improve administration of environmental programs.

Section 1—Short Title.

Self-explanatory.

Section 2—Declaration of Policy.

This section declares the policy of Congress to be that comprehensive approaches to management of environmental programs are necessary at all levels of government—local, State, and Federal. Current program fragmentation often leaves gaps and allows over-laps which reduce environmental program effectiveness.

Section 3—Objective.

Section 3 states that the objective of the Act is to provide a mechanism to encourage EPA program recipients to design integrated environmental programs tailored to their specific needs.

Section 4 provides basic definitions under the Act. In defining "covered programs" it establishes that integrated assistance may include program elements that address the objectives of any legislation for which the EPA Administrator is responsible (except for grants for the construction of wastewater treatment works). The integrated assistance program would permit use of assistance funds to support activities which are within EPA's mandate, but for which there is currently no assistance funding available.

Section 5—Integrated Program Plan.

Section 5 describes conditions that make integration appropriate; i.e., where separate program assistance may leave gaps or result in over-laps in environmental planning, management or implementation. It lists several examples of activities which can be integrated, and it establishes the basic content of integrated program plans. Integrated program plans must address the objectives of not less than two covered programs and they must adequately integrate the covered programs included. The section also requires that a single agency provide for the coordination and management of each recipient's proposed activities and that the public be adequately involved in development of integrated plans.

Section 6—Approval of Integrated Program Plan.

Section 6(a) lists potential benefits of integrated assistance on which the Administrator is to base his requirements governing approval of integrated program plans. The approval requirements are to be flexible enough to promote each applicant's discretion in meeting its particular needs, provided the proposed integrated program is consistent with National objectives. The Administrator must also require that integrated program plans adequately consider the effects of one program on others and use common data bases and planning and evaluation processes when appropriate.

Section 6(b) limits a recipient's activities to those the Administrator determines are consistent with the purposes of the covered programs included in the recipient's integrated plan.

Section 6(c) requires timely Administrator review of proposed integrated program plans. The Administrator may approve all or part of the integrated program plan. However, if he denies an applicant's inclusion of any categorical program in an integrated award, the Act provides the applicant not less than 60 days to apply for categorical assistance for that program.

Section 6(d) establishes criteria for the Administrator's review of integrated program plans.

Section 6(e) requires the Governor of a State and the Chief executive officer of a local government to sign integrated assistance applications. This requirement is included to assure, high level support and involvement in program integration.

Section 7—Authority; Limitations.

Section 7(a) authorizes the Administrator to award integrated assistance in lieu of categorical assistance to achieve the objectives of the Act and the substantive requirements of the covered programs included in each applicant's integrated program plan.

Section 7(b) clearly states that neither award of, nor application for, integrated assistance in one year obligates the Administrator to approve, nor the State to apply for, integrated assistance in a subsequent year. In fact, it requires the Administrator to make an affirmative finding that a previous year's award effectively served the purposes of the Act and the covered programs. It also provides criteria for the Administrator to consider in making this determination.

Section 7(c) is self explanatory.

Section 7(d) restricts participation to 15 States and 25 local governments in 1980 and, provided the Administrator finds the program was successful in 1980, to 30 States and 50 local governments in 1981. It requires competitive selection of recipients in 1980 which should assure that only the most capable States will receive integrated awards that year.

Section 8—Assistance for Local Governments and Interstate Agencies.

Section 8 enhances EPA's ability to fund local programs by permitting local governments and interstate agencies to receive integrated assistance, with State concurrence. All current authorities for local governments and interstate agencies to receive categorical program grants continue in effect.

Normally local governments and interstate agencies will receive integrated grants as a pass-through from the State; however, under this legislation EPA may directly award integrated assistance to local governments and interstate agencies when the State either does not apply for integrated assistance, or does not make adequate provision for the local government or interstate agency, and the applicant is otherwise eligible to receive funds under the covered programs.

Local governments or interstate agencies may receive integrated assistance for programs for which they are not otherwise directly eligible, if the State consents and the Administrator agrees to their application. Generally, in such cases, the amount of the State's allotment will be reduced by the amount of the assistance to the local government.

Section 9—State/Local Consultation.

Section 9 emphasizes the requirement that States consult with local governments during the process of developing integrated program plans.

Section 10—Funding for Local Participation.

Section 10 requires that a local entity which is given responsibility for carrying out particular elements or outputs contained in an integrated program plan be given State or Federal funds through that plan, to meet its responsibility.

Section 11—Funding Fexibility.

Section 11 authorizes the Administrator to permit applicants flexibility to propose to transfer funds among the covered programs in their approved plans with a restriction. The State plan may not reduce the amount of funding for any categorical program to less than 80% of the level provided under the categorical assistance approach. (Funding flexibility also applies to non-Federal funds.) If it is appropriate to the approved plan, for example, it would be possible to increase the funds in one program by shifting 20% of the funds from all the others. In other words, each categorical allocation could be reduced by up to 20%, and that sum could be used by any combination of the others—as long as the activity is one for which the Administrator is responsible and is within the scope of the covered programs included under the recipients' integrated program plan.

Section 12—Accountability.

Section 12 is designed to tie recipient expenditures to the approved integrated program plan, and to relate recipient accounting to that plan, in lieu of current requirements for accounting by individual programs.

Section 13—Supplementary Assistance.

Section 13 allows each applicant for integrated assistance to compete with others for funds—called supplementary assistance—in addition to the amounts available from the allotments of the covered programs. Applicants applying for supplementary assistance will propose nonrecurring projects that are innovative, of special national significance, or that address other special environmental needs. Acceptable projects may include establishment of an environmental permit system, development of a State civil penalties program, start-up costs associated with assumption of pesticides enforcement delegation, establishment of State regional pollution control offices, or creation of an agency-wide environmental inspection system.

Section 13 also provides criteria which the Administrator will consider in ranking and selecting supplementary assistance projects.

Section 14—Administrative Provisions.

Section 14(a) provides for use of unobligated funds by the Administrator—by reallotment, contract, or other appropriate means—to achieve the purposes for which they were intended if the recipient does not achieve the expected program accomplishments.

Section 14(b) establishes a single maintenance-of-effort to replace the several existing matching and maintenance-of-effort requirements. This requires that the recipient expend in the fiscal year—for recurrent costs, e.g. salaries, personnel benefits, and other continuing costs—an amount that is not less than the amount spent for such purposes during the base fiscal year. The base fiscal year is the year prior to the year each covered program entered into integrated assistance. EPA may reduce the amount of non-Federal funds required if there is a general reduction in expenditures of executive branch agencies of the recipient.

Section 15—Effective Date and Criteria Development.

Section 15 establishes that integrated assistance may be awarded beginning in fiscal year 1980 and for four years thereafter.

The Administrator is to issue regulations to establish the program promptly (within 180 days) after passage of the Act.

Section 16—Regulations.

Section 16 provides general authority for EPA to issue necessary regulations to implement the Act.

Section 17—Authorization.

Section 17 provides, in addition to funds authorized to be appropriated under covered programs, that there be $25,000,000 authorized for supplementary assistance for the 1980 fiscal year and that such sums as necessary be authorized for the period 1981–84.

Section 18—Detail of Personnel.

Section 18 allows the Administrator to detail EPA employees to recipients to assist in carrying out an approved integrated program plan. Thus, EPA can provide any needed technical assistance, training or extra manpower. The section also allows the Administrator to reduce the recipient's assistance amount by the cost related to the detail.

Section 19—Sunset Provision; Report to Congress.

Section 19 establishes a "sunset provision". The Act will expire on September 30, 1984, unless Congress extends it.

The section also requires the administrator to submit a report to Congress by September 30, 1983, which describes the extent recipients have integrated programs under the Act, evaluates those programs, and makes recommendations with respect to continuing the integrated assistance program.●

● Mr. MUSKIE. Mr. President, I am cosponsoring today legislation that will provide new flexibility in the way States and localities manage environmental protection programs. In some cases, Federal assistance flows into separate categories such as air pollution control programs, water pollution control programs, pesticide programs, et cetera, with too little attention paid to integrating these programs when they address common problems.

The administration's bill is an attempt to stimulate innovation for environmental programs for the purpose of integrating efforts. If implemented properly, this could lead to better use of resources, improved plans for environmental protection efforts, and more effective implementation of environmental cleanup programs.

Let me distinguish this legislative proposal from a proposal discussed in 1974 and 1975 which bears a superficial similarity. That proposal was an effort to create "consolidated grants." The purpose of that legislative effort was to curtail drastically Federal grants to States in the environmental protection area, and to replace those grants with a single consolidated block grant. The net effect of that proposal could have been a significant destruction of important State environmental protection programs. The Congress uniformly resisted that proposal. It died.

The legislation the administration has sent up today is different. It does not call for curtailing any other programs. In fact, it proposes to add $25 million in additional funds to supplement the process of integrating existing programs.

A key goal stated in the statute is to develop comprehensive environmental programs. This is an important need in developing adequate pollution control efforts. This is not limited to EPA programs. It means bringing together all governmental activities that play an important role in creating environmental damage and developing a continuing process to make those activities become supportive of environmental protection efforts.

I am certain there will be features in this legislation that I will want to modify, and that other Members will want to modify. But I appreciate the efforts of the administration in discussing this legislation and making useful modifications prior to its submission to Congress. I intend to schedule a hearing on this legislation as soon as time permits.

There are some developments which, if they occurred, would seriously damage the prospects of this legislation moving forward. I think it would be useful to mention those briefly here. First would be any hint that this program is viewed as a substitute for existing programs or a means of curtailing funding for existing programs. Second, the legislation cannot be a vehicle for waiving any requirements of existing programs.●

By Mr. SCHWEIKER:

S. 1138. A bill to amend the Federal Food, Drug, and Cosmetic Act to encourage the prompt approval of safe and effective drugs for human use; to the Committee on Labor and Human Resources.

DRUG REGULATION IMPROVEMENT ACT OF 1979

● Mr. SCHWEIKER. Mr. President, drugs are a vital, cost-effective part of medical care in the United States. The proper use of safe and effective medicines has saved many lives, prevented serious disability and contributed to substantial reductions in the need for costly hospital care. Yet for many Americans, satisfactory drug therapy is not available. New drugs, or drugs with fewer serious adverse effects, need to be developed by researchers and the pharmaceutical industry and approved by the Food and Drug Administration.

Today I am introducing new legislation aimed at improving the administration of our Nation's drug laws and encouraging the development of new, safe and effective drugs to treat illnesses. The Drug Regulation Improvement Act of 1979 is not designed as a comprehensive overhaul of the drug laws, as has been proposed by the Carter administration. Rather, the bill focuses specifically on the need to encourage innovative research and expedite the drug approval process, in ways that are consistent with the protection of the public health and the safety of participants in drug research investigations.

One important feature of the Drug Regulation Improvement Act is the series of provisions which begin to "deregulate" the early stages of drug research, a concept pioneered by former Representative Paul Rogers during the 95th Congress in his role as chairman of the House of Representatives Subcommittee on Health and the Environment. The earliest stages of drug testing are in many ways the most important, because, they determine which new drugs will be developed. Only about 1 in 10 of the drugs that are tested is selected for further study and ultimately submitted to FDA for approval. Experience shows that the early stages of research are also the safest.

Under the terms of my bill, the FDA will in the future regulate such research investigations only in order to insure the health and safety of human research subjects, and will not become involved in assessing the design of these preliminary studies. Drug developers will also have the option of bypassing the FDA and obtaining authorization to proceed with the research from the institution where the study is to be conducted, if that institution has met certain requirements and has been authorized by FDA to review and grant approval for the type of research that is proposed. By providing for institutional, rather than Federal review of these early investigations of new drugs, the bill allows drug investigators to do a quick, preliminary screen and determine which drugs are most promising and merit further development. After a decision is made on the basis of the early tests, the requirements of existing law with respect to drug investigations would come into play. The bill would not alter the standards governing the ultimate approvability of the drug.

Another provision of the bill is designed to facilitate the early stages of drug research by providing for the timely resolution of scientific questions which may arise. Representatives of the drug developer will have the opportunity to meet and discuss the problem with FDA officials. If no agreement is reached, a review of the issues by an expert advisory committee is provided for, upon request of the drug sponsor.

The second major feature of the bill deals with procedures for FDA review and approval of a drug after all the testing has been completed and a final application for marketing has been submitted. Under current procedures, as many as 200 volumes of data and individual case reports must be submitted to FDA. If everyone at the FDA spent all their working hours reviewing this material, there would not even be enough time to turn all the pages, let alone carefully evaluate the data. For this reason, my bill envisions greater use of detailed summaries as a basic for drug approval. These summaries would provide FDA with all the information it needs to evaluate whether or not the drug can be approved as safe and effective for human use. The bill would not deny FDA reviewers access to the raw data, however, since it may be necessary to check the summary against samples of the data or to examine pivotal study data in greater detail. Use of summaries is already gaining advocates within the FDA and is common procedure in many developed countries. The bill makes it clear that submission of a summary which is materially false or misleading is an offense punishable by criminal penalties under the Federal Food, Drug, and Cosmetic Act.

The bill clarifies the time limits in existing law, stating plainly that the 180-day statutory time limit for FDA to come to a decision on a drug applies not only to the original application, but also to any supplemental application which is submitted to FDA. It also contains provisions clarifying the responsibilities of drug reviewers.

Within 30 days after an application for drug approval is received, the sponsor will be notified of the names of the reviewers who will be in charge of the application. The reviewers will work simultaneously to complete all required medical, statistical, pharmacological, chemical and manufacturing, and bioavailability reviews within the statutory time limit of 180 days, unless a longer period is agreed upon by the FDA and the applicant for drug approval.

In addition, the bill gives the drug sponsor the right to request a review of any questions relating to the approvability of the drug by an advisory committee composed of representatives of consumer and health care provider interests and scientific experts. The advisory committee will submit its findings in writing, and the Secretary of the Department of Health, Education, and Welfare will be required to respond to the advisory committee's findings when issuing a final order to approve or disapprove the drug.

Lastly, my bill addresses the problem of drugs which have been approved for marketing since 1962. Although the situation is somewhat confused in the wake of recent court decisions, the Food and Drug Administration has interpreted existing law to require duplication of effort by a second manufacturer who wishes to market a post-1962 drug. Even after the patent on a drug expires, if a second company plans to market a so-called generically equivalent drug, it is required to demonstrate all over again that the drug is safe and effective.

Compelling second manufacturers to reinvent the wheel obviously entails high costs and inhibits competition, while at the same time it may be ethically questionable to conduct tests in human beings when we know that a safe and effective drug is available. This duplicate testing is not now required for drugs which were approved by FDA before 1962, nor is it required for antibiotics.

My bill attempts to alleviate the burden that current law, as now interpreted, has placed on drug manufacturers and on competition in the drug industry by allowing FDA to establish an abbreviated application procedure, like that which is now used for pre-1962 drugs, for post-1962 drugs which have been on the market for at least 5 years. This provision should also free FDA resources and allow FDA reviewers more time to concentrate on speedy approval of truly innovative new drugs.

The abbreviated procedure outlined in my bill contains safeguards to insure that the drugs in question will indeed be equivalent to the originally approved drug. The second manufacturer would have to meet standards of strength, quality, purity and bioavailability and to submit all the other required information on manufacturing and product composition as part of the abbreviated application process. In many cases, particularly with respect to oral dosage forms, this will require some human testing. However, the second manufacturer will no longer have to prove that the drug is safe and effective: he will simply have to demonstrate that his product is equivalent to the drug that FDA has already approved as safe and effective.

Taken together, I believe the provisions of this bill will help alleviate some of the unnecessary delays which have impeded drug development and approval under the current law. Later this week, the Senate Subcommittee on Health and Scientific Research, on which I serve as ranking Republican, will be addressing these and other issues related to drug regulatory reform in public hearings. I look forward to receiving witnesses' observations on my bill as the subcommittee begins its consideration of drug bills during the 96th Congress. I plan to work closely with the members of the subcommittee in an effort to develop legislation which will be in the best interest of all Americans who use drugs or who suffer from health problems for which the development of new drugs is urgently needed.

Mr. President, I ask unanimous consent that the Drug Regulation Improvement Act be printed in the Record at this point, along with a brief fact sheet outlining some of the major points of the bill.

There being no objection, the bill and

fact sheet were ordered to be printed in the RECORD, as follows:

S. 1138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; REFERENCE TO ACT

SECTION 1. (a) This Act may be cited as the "Drug Regulation Improvement Act of 1979".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act unless otherwise indicated.

(c) Whenever in the amendments made by this Act the title "Secretary" is used, the reference shall be considered to be made to the Secretary of the Department of Health, Education, and Welfare unless otherwise indicated.

SUBMISSION OF SUMMARIES OF DRUG INVESTIGATIONS

SEC. 2. (a) Section 301 is amended by adding the following new subsection (s) at the end:

"(s) The submission of any report, summary or other information required under section 505 which is false or misleading in any material respect.".

(b) Section 505 (b) is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking "Such persons shall submit to the Secretary as a part of the application (1) full reports of investigations which have been made to show whether or not such drug is safe for use and whether such drug is effective in use;", and inserting in lieu thereof the following: "Such application shall include, as prescribed by the Secretary, (A) (i) full reports of the investigations that have been conducted in order to show whether or not such drug is safe for use and whether such drug is effective in use, or (ii) a comprehensive and detailed summary of such investigations, prepared in such form as the Secretary may prescribe, including a detailed description of each investigation undertaken, and tables, compilations, and analyses of all data and information obtained from each investigation relevant to the evaluation of the safety and effectiveness of the drug;";

(3) by renumbering paragraphs (2), (3), (4), (5), and (6) as subparagraphs (B), (C), (D), (E), and (F); and

(4) by inserting the following new paragraph at the end thereof:

"(2) Submission of a summary under paragraph (1) (A) (ii), shall not limit the access of the Secretary to full reports of investigations as described in paragraph (1) (A) (i). In the event that a summary is submitted, the Secretary may require the applicant to submit additional information, including full reports of some or all of the investigations described in paragraph (1) (A) (i), if he determines that such information is necessary to make a determination as to whether the grounds for denying approval under subsection (d) apply.".

ADVISORY COMMITTEE REVIEW

SEC. 3. (a) Section 505 (c) is amended to read as follows:

"(c) (1) Not later than 30 days after the filing of an application under this subsection, the Secretary shall notify the applicant of the names of those individuals that shall be responsible for reviewing the data and information contained in the application. All required reviews shall be completed within the time specified in paragraph (2) and, to the maximum extent feasible, shall be conducted concurrently.

"(2) Within 180 days after the filing of any application under this subsection, or such additional period as may be agreed upon by the Secretary and the applicant, the Secretary shall—

"(A) approve the application if he then finds that none of the grounds for denying approval specified in subsection (d) applies; or

"(B) (i) give the applicant notice of an opportunity for a hearing before the Secretary under subsection (d) on the question whether such application is approvable, subject to the provisions of paragraph (3); and

"(ii) give the applicant notice of an opportunity to request a review under subsection (d) before an advisory committee appointed by the Secretary on the question of whether the application is approvable, subject to the provisions of paragraph (4).

"(3) If the applicant elects to accept the opportunity for a hearing, or a hearing and a review, he shall make such election by written request within 30 days after notice by the Secretary, and such hearing shall commence not more than 90 days after the expiration of such 30 days, unless the Secretary and the applicant otherwise agree. Any such hearing shall thereafter be conducted on an expedited basis, and the Secretary's order thereon shall be issued within 90 days after the date fixed by the Secretary for filing final briefs.

"(4) (A) If the applicant elects to request a review, he shall make such election by written request within 30 days after the notice by the Secretary, and such review shall commence not more than 90 days after the expiration of such 30 days, unless the Secretary and the applicant otherwise agree. Any such review shall thereafter be conducted on an expedited basis. The findings of the advisory committee shall be submitted to the Secretary in writing, and the Secretary shall set forth a written response to such findings.

"(B) An advisory commitee shall be composed of representatives of consumer and health care provider interests and scientific experts who are qualified by experience and training to evaluate the risks and benefits of drugs.

"(C) Upon agreement by the applicant and the Secretary, any review conducted under paragraph (2) (B) (ii) may be conducted in combination with the hearing provided for in paragraph (2) (B) (i).".

(b) Section 505 (d) is amended—

(1) by inserting "and a review," after "opportunity for a hearing,"; and

(2) by inserting "or summary reports," after "reports," in paragraph (1).

ABBREVIATED APPLICATION PROCEDURE

SEC. 4. Section 505 is amended—

(1) by redesignating subsections (e), (f), (g), (h), (i), and (j) as subsections (f), (g), (h), (i), (j), and (k), respectively; and

(2) by inserting the following new subsection (e) after subsection (d):

"(e) The Secretary may by regulation prescribe an abbreviated application procedure with respect to a drug for which an application has been approved and in effect for at least 5 years in accordance with subsection (d). Beginning 5 years after an application is approved by the Secretary in accordance with this section, the Secretary may waive the requirement in subsection (b) (1) (A) that a person submit, with regard to subsection (d) (1) and (2), full reports or summary of investigations as part of the application, if he determines—

"(1) that there has been sufficient experience with the drug to justify such a waiver; and

"(2) that the drug with respect to which the abbreviated application is filed meets appropriate standards of identity, strength, quality, purity, stability, bioavailability, and all other requirements established pursuant to this Act.".

DRUG RESEARCH INVESTIGATIONS

SEC. 5. (a) Section 505(j), as redesignated by this Act, is amended—

(1) by redesignating paragraphs (1), (2), and (3), as subparagraphs (A), (B), and (C), respectively;

(2) by inserting (1) after (j); and

(3) by inserting the following new paragraph (2) at the end:

"(2) (A) The Secretary shall promulgate regulations for drug research investigations. Such regulations shall require any person who intends to conduct a drug research investigation to obtain a drug research registration before dispensing, or allowing to be dispensed, a drug as part of the investigation. Such registration may, at the discretion of the applicant for registration, be obtained from the Secretary, or from the institution where the drug research investigation is to be conducted if the institution has been authorized to issue such a registration by the Secretary.

"(B) Any application for registration under this paragraph shall contain the following:

"(i) a description of the drug that is to be registered;

"(ii) reports of all prior investigations and experience involving the drug, including, if any, preclinical investigations, clinical investigations, and clinical experience;

"(iii) a description of the investigation to be conducted under the registration, stating its purpose and duration, the maximum number of humans to be included as participants, the categories of humans who will be participants, the maximum dose of the drug to be dispensed to any participant, the maximum period during which any participant will receive the drug, specific procedures to be followed to assure that the participants will not be subjected to an unreasonable and substantial risk of illness or injury, each site of the investigation, and the names of the investigators; and

"(iv) such information as is necessary to determine whether the requirements in subparagraph (E) are or will be met.

"(C) An application for registration of a drug under this paragraph shall be approved and the registration requested in the application shall be issued unless the Secretary (or if the application for registration of the drug was submitted to an institution, the institution) determines that—

"(i) the investigation proposed in the application for the registration is not within the scope of a drug research investigation;

"(ii) the proposed investigation does not comply with the conditions required under subparagraph (E) for registration under this section;

"(iii) the proposed investigation will subject human participants in the investigation to an unreasonable and substantial risk of illness or injury; or

"(iv) the application for registration fails to contain information required under subparagraph (B) or contains an untrue statement of material fact.

An application submitted to an institution shall be disapproved by the institution if the investigation proposed in the application is not within a category of investigations which the Secretary has determined under subparagraphs (I) and (J) may be reviewed by an institution.

"(D) (i) An application for a registration which is made to an institution shall be evaluated and approved or disapproved by the institution in accordance with such procedures as the institution has established.

"(ii) If an application for a registration is made to the Secretary, the Secretary upon receipt of the application, shall notify the applicant of the date the application was received by the Secretary. The application shall be deemed approved and the registration requested in the application shall be deemed issued upon the expiration of the 30-day period beginning on the date the application is received by the Secretary, unless within such period the Secretary notifies the applicant that the Secretary has determined that the investigation proposed in the application should be delayed pending a determination whether the application should be disapproved.

"(iii) If notice is given under division (ii) respecting an application, the drug shall not be dispensed to a human as part of a drug research investigation until a registration is issued by the Secretary.

"(iv) If notice is given under division (ii) respecting an application, the Secretary shall, within the sixty-day period beginning on the date the notice was given (or within such longer period as may be authorized or granted under division (v)), either approve the application and issue the registration requested, or commence formal proceedings to disapprove the application, unless the application has been withdrawn. Before disapproving an application, the Secretary shall, as expeditiously as possible—

"(I) afford the applicant an opportunity to meet with appropriate officers and employees of the Department to discuss and, if possible, resolve any questions that prevented approval of the application and issuance of the registration;

"(II) provide the applicant with a written statement of the measures that the Secretary determines are required to be taken before the application may be approved and the registration issued, and offer to confer with the applicant respecting such measures, if such questions are not resolved in meetings with such officers and employees or the opportunity to so resolve such questions is declined; and

"(III) provide for a review, upon request by the applicant, by an advisory committee appointed by the Secretary as provided under subsection (c) (4) (B).

"(v) An applicant may request the Secretary to extend the sixty-day period provided in division (iv). The Secretary shall, at his discretion, either grant or deny the request. If during such sixty-day period an applicant submits material not contained in the original application, the Secretary shall have, in addition to such sixty-day period, a reasonable period of time, not exceeding 30 days, to review such material.

"(E) In order to obtain a registration of a drug under this section, the applicant for registration shall agree to—

"(i) distribute the drug only to experts who are qualified by scientific training and experience to investigate the drug, or the nature of diseases, injuries, and other conditions in humans, and who are named in the registration;

"(ii) require that the drug not be dispensed to humans other than by, or under the supervision of, the investigators named in the registration;

"(iii) conduct the investigation in accordance with the description contained in the application approved for the registration;

"(iv) establish and maintain records, and submit reports (in accordance with regulations promulgated under this paragraph) to the Secretary, regarding the investigation to assist in determining whether the conditions of registration are being fulfilled;

"(v) report (in accordance with regulations promulgated under this paragraph) to the Secretary, regarding newly discovered risks of the drug, to assist in determining whether human participants are being subjected to an unreasonable and significant risk of illness or injury;

"(vi) comply with the requirements of this paragraph, and

"(vii) ensure that the drug is not promoted or commercialized.

If a registration is issued by an institution, the reports required by divisions (iv) and (v) of this subparagraph shall also be submitted to the institution.

"(F) The Secretary shall revoke any registration issued under this paragraph (and an institution shall revoke a registration issued by it under this paragraph), if the Secretary (or institution) determines that—

"(i) the registrant has failed to comply with the conditions of registration;

"(ii) the human participants in the investigation under the registration are subject to an unreasonable and substantial risk of illness or injury; or

"(iii) the investigation being conducted under the registration is no longer within the scope of a drug research investigation or, in the case of an investigation being conducted under a registration issued by an institution, is no longer within a category of investigations which the Secretary has determined under subparagraphs (I) and (J) may be reviewed by an institution.

"(G) (i) Pending completion of an institution's proceedings to determine whether a registration issued by such institution should be revoked under subparagraph (F), the institution may suspend the registration if the institution has reason to believe that the suspension is necessary to eliminate an unreasonable and substantial risk of illness or injury to human participants in the investigation being conducted under the registration. Such a suspension shall be issued in accordance with, and be subject to, such procedures as the institution has established.

"(ii) (I) Pending completion of formal proceedings to determine whether a registration issued under this section should be revoked under subparagraph (F), the Secretary may suspend the registration if the Secretary has reason to believe that the suspension is necessary to eliminate an unreasonable and substantial risk of illness or injury to human participants in the investigation being conducted under the registration.

"(II) An order of suspension by the Secretary shall become effective on the date specified in the order, and shall remain in effect until completion of the proceedings to determine whether the registration should be revoked or until the order of suspension is withdrawn by the Secretary.

"(III) In the event the Secretary suspends a registration, proceedings to revoke the registration shall be commenced and completed on an expedited basis.

"(iii) Any registration of a drug under this section may at any time be withdrawn by the registrant.

"(H) (i) An institution may issue a registration for a drug research investigation to be conducted at such institution if—

"(I) the investigation is within a category of investigations which the Secretary has determined in accordance with subparagraph (I) may be reviewed by an institution; and

"(II) the Secretary has authorized such institution to issue such registration and has not terminated such authority.

"(ii) An institution authorized to issue such a registration shall make available to the public a statement of the procedures which the institution will follow in carrying out the requirements of this paragraph.

"(iii) For purposes of this paragraph, the term 'institution' means an establishment primarily engaged in health care research or delivery, but does not include an establishment which is engaged in the manufacture or distribution of a drug for commercial purposes.

"(I) (i) The Secretary shall by regulation determine the categories of investigations which may be reviewed by an institution. Such regulations shall authorize review, by an institution, of a category of investigations, if the Secretary determines that review by an institution is adequate to provide reasonable assurance that the investigations within the category will not present a risk of illness or injury to participants in the investigations because of—

"(I) the safety of the procedures which will be followed in the investigations; or

"(II) the nature of the drug to be dispensed in the course of the investigations.

"(J) The Secretary shall by regulation establish standards and requirements to be met by an institution as conditions to being authorized to issue registrations. Such regulations shall establish—

"(i) standards for the administrative arrangements and capabilities of an institution to carry out the responsibilities of an institution under this paragraph, and to avoid a conflict of interest between the institution and an applicant for a registration to be issued by the institution;

"(ii) standards for the process by which an institution will review an application for a registration to determine—

"(I) if the investigation proposed in the application is within the scope of a drug research investigation, and within a category of investigations which may be reviewed by an institution;

"(II) if the proposed investigation will comply with the requirements of subparagraph (E); and

"(III) if human participants in such investigation will be subjected to an unreasonable and substantial risk of illness or injury;

"(iii) requirements for reporting by an institution to the Secretary respecting drug research investigation registration applications made to the institution, approvals and disapprovals of such applications, and suspensions and terminations by the institution of drug research investigations;

"(iv) standards for the process by which the institution will suspend or terminate an investigation being conducted at the institution upon a finding by the institution—

"(I) that the registrant for the investigation has failed to comply with the conditions of the registration;

"(II) that the human participants in the investigation are subject to an unreasonable risk of injury or illness; or

"(III) that the investigation is no longer a drug research investigation, or within a category of investigations which may be reviewed by the institution; and

"(v) requirements to assure the safety of human participants in investigations conducted at an institution under a registration issued by such institution.

"(K) Any institution may apply to the Secretary to be authorized to issue a drug research investigation registration. Such an application shall be approved by the Secretary if the Secretary determines that the institution meets the requirements established under subparagraph (J). Not later than one year after the date the Secretary first receives applications under this subparagraph, the Secretary shall publish in the Federal Register a list of the institutions which have had applications approved. The Secretary shall keep such list current.

"(L) The Secretary may terminate the authority of an institution to issue a drug research investigation registration if the Secretary determines—

"(i) that the institution is not in compliance with the requirements established under subparagraph (J), or

"(ii) that the institution has issued a registration for an investigation not within a category of investigations which may be reviewed by an institution.

"(M) The Secretary shall make periodic reviews to determine—

"(i) if institutions authorized to issue drug research investigation registrations are in compliance with the requirements established under subparagraph (J), and "(ii) if the investigations conducted under such registrations are within a category of investigations which may be reviewed by an institution.

"(N) In suspending or revoking a registration issued under this paragraph, the Secretary shall specify the steps, if any, that should be taken regarding an orderly transition of the participants in the investigation under such registration to other methods of treatment in order to prevent illness or injury to such participants from immediate discontinuance of the investigation.".

(b) Section 201 is amended by adding a new subsection at the end:

"(aa) The term 'drug research investigations' means—

"(1) investigations involving the use of a drug with respect to which no approved application exists under section 505 (a) through (d), or

"(2) investigations involving the use of a drug, with respect to which an approved application under section 505 (a) through (d) does exist for purposes other than those specified in the approved application,

in a small number of humans of normal health, or with the disease, injury or condition under investigation, which investigations are intended to study the clinical pharmacology in humans of the drug, to assess preliminarily the drug's safety and effectiveness, or to study, by use of the drug, biological mechanisms in humans.".

MAJOR POINTS OF SCHWEIKER DRUG REGULATION IMPROVEMENT ACT

1. Provides for greater use of detailed, comprehensive summaries, instead of raw data and individual case reports, as the basis for Food and Drug Administration drug approval decisions. FDA would continue to have access to all data developed in support of a new drug application, and the submission of a materially false or misleading summary would be a prohibited act subject to penalties under the existing federal Food, Drug, and Cosmetic Act.

2. Clarifies the responsibilities of FDA reviewers and applicability of statutory deadlines. Drug sponsors would be informed who will be reviewing the drug approval application within 30 days. The required reviews are to be conducted concurrently and completed within the statutory time limit (180 days, unless a longer period is agreed upon by FDA and the sponsor). Statutory deadlines clearly apply to supplemental applications as well as the original drug approval application.

3. Authorizes review of questions with respect to drug approval decisions by an advisory committee, if requested by a drug sponsor. The advisory committee, composed of consumers, health care providers and scientific experts, must submit written findings to the Secretary, and he must respond to those findings in issuing a final order approving or disapproving the drug.

4. Facilitates drug research by providing for informal consultation between FDA and drug sponsors and authorizing advisory committee reviews of scientific disputes that arise in connection with the research, and by allowing researchers to bypass FDA and obtain authorization to begin preliminary studies from health care institutions. The early stages of drug research would be regulated only to the extent necessary to safeguard the rights of human subjects of the research. Prior to the initiation of human studies, plans for preliminary drug testing may be submitted to and approved by the institution where the research will be conducted, instead of FDA, at the option of the drug sponsor.

5. Eliminates requirements for unnecessary duplicate testing of post-1962 drugs by authorizing the establishment of an abbreviated application procedure, providing that there has been sufficient experience (at least five years) with the drug. Second manufacturers would no longer be required to conduct complete, independent testing to establish the safety and effectiveness of a drug that FDA has already determined to be safe and effective; they would only be required to demonstrate equivalence and meet other appropriate requirements (including standards of identity, strength, quality, purity, stability, and bioavailability) under the Act.●

By Mr. DOMENICI:

S. 1139. A bill to amend the Internal Revenue Code of 1954 to provide for the partial exclusion of interest from gross income; to the Committee on Finance.

● Mr. DOMENICI. Mr. President, one of the dilemmas of a period of high inflation such as we are experiencing today is similar to that experienced by the doughnut maker. If you try to skimp by making the hole larger, it takes more dough to get around it.

In the average household, the same problem surfaces in regard to savings accounts. With double-digit inflation there is no incentive for a family to have a savings account. Such an account, including the interest paid by the bank, diminishes in real dollar terms by a percentage which is determined by subtracting the percent of interest from the extent of inflation.

In terms of debt credit the opposite incentive exists. Buy now and pay back later with cheaper dollars. And because of inflation whatever you purchase today will cost more tomorrow anyway. It almost seems prudent to withdraw all liquid assets and invest them in debt.

Statistics show these two trends to be happening today. Americans are deeper in debt in larger numbers than ever before. Savings accounts in America also average $1,500 per person less than in European countries.

Mr. President, the legislation I introduce today would provide a sound reason for maintaining a savings account. It would exempt the interest earned by savings from taxation as long as the rate of inflation is larger than the rate of interest to a maximum account of $4,000.

This would allow the average family the opportunity to have a savings account—always a prudent investment to fall back on—but will also increase the capital available to banks.

An additional important feature of this bill would require that the Internal Revenue Service inform every taxpayer on his tax forms the precise inflation rate for the preceding taxable year. This will tell the taxpayer how much his take-home pay was declining in real dollars terms or whether he has been able to keep abreast with inflation. If no progress in curbing inflation is evident, it will make the taxpayer—and voter—madder at a time he is ordinarily at his angriest, namely taxtime.

Mr. President, every American family should have a small nest egg. It is a practical necessity and economically desirable. Every taxpayer should be informed of the rate of inflation for the preceding tax year.

My legislation will provide for both.

Mr. President, I ask unanimous consent that an analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS

THE PROPOSAL

For each percentage point that inflation exceeds 6.25 percent per year, each taxpayer could exclude $40 in savings account—but not savings certificates—interest from his income for taxation purposes. The determining rate of inflation is the December over December percent change in the Consumer Price Index in the previous calendar year. For tax year 1979, the relevant inflation rate is the 9.0 percent rate recorded in 1978. Thus, if the proposal were to be effective for 1979 tax returns, each filer could exclude up to (9.0−6.25=) 2.75×$40 or $110 of savings account interest from gross income. Joint returns would be permitted to exclude twice the allowed amount.

THE OBJECTIVE

The proposal is intended to raise the real after-tax rate of return on savings accounts during periods of high inflation and, thereby, to encourage saving.

A deposit of $1,000 at the beginning of 1978 in a savings account paying 5 percent interest would have resulted in a balance of $1,050 at the end of the year.[1] However, the $50 interest income is subject to personal income tax. If the marginal rate were 20 percent, the tax would have been $10, leaving an after-tax balance of $1,040. In addition, because of inflation, the purchasing power of this balance at year end had fallen to $954. Thus, the real after-tax loss on the $1,000 savings deposit was $46.

The Domenici proposal would free the $50 interest earnings from tax and leave the saver in this case with a real loss of $36.70, except that the tax relief would be provided in tax year 1979 to those earning interest in 1979, rather than in 1978, the year of the 9 percent inflation.[2] However, rapid inflation rates do persist, so that a 9 percent inflation rate in 1978 is likely to be followed by a similar rate in 1979.

LIMITATION OF THE PROPOSAL

At existing savings account interest rates (maximum of 5 percent at federally insured commercial banks and 5.25 at federally insured savings institutions), the proposal would never prevent what would otherwise be negative real rates of return on savings accounts. That is, the Domenici proposal in all cases reduces a loss; it does not result in a positive real rate of return.

For rates of inflation between the rate of interest earned (5 to 5.25 percent) and 6.25 percent, the lost value of purchasing power resulting from inflation is greater than the interest earned. At a rate of inflation above 6.25 percent, say, 7.25 percent, the loss of purchasing power to inflation would be greater than the value of the income exemption for all taxpayers. For example, inflation of 7.25 percent means that $40 in interest income is exempt from federal taxation. In order to earn $40 in interest at a rate of 5 percent, a deposit of $800 is required. A 7.25 percent inflation reduces the purchasing power of $800 by $54. Even at the highest marginal tax rates, the value of the income exclusion is never as great as the loss in the real value of the principal required to earn the excluded income.

BUDGET AND ECONOMIC IMPACT

In order to project the reduction in tax revenues that would result from this proposal, inflation is assumed to moderate to 8.2 percent in 1979 (from 9.0 percent in 1978) and to 7.6 percent in 1980. (These rates are taken from CBO's most recent forecast.) Thus, the maximum interest

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Footnotes at end of article.

income exclusion for tax years 1979 to 1981 would be $110, $78 and $54, respectively. Assuming only a minor increase in savings deposits as a result of the income exclusion, CBO estimates that the revenue loss from this propcsal for tax years 1979 to 1981 would be: $1.75 to 1.25 billion, $1.5 to $1.0 billion and $1.25 to .75 billion. A budgetary change of such small magnitude does not significantly affect the economy's path in the macroeconometric models which we use to assess such policy changes. If, however, a 9 percent inflation in one year dropped to a 4 percent rate the next, savers could earn a positive real rate of interest in the second year and qualify for the $110 interest income exclusion which is based on the inflation rate in the previous year. Even in this case, savers of substantial means could probably earn higher after-tax rates of return on tax-exempt state and local securities and should not be expected to shift large quantities of funds into savings accounts. Some savers, though, could be expected to increase their savings balances or hold them longer. In the limiting case in which all taxpayers increased their savings account balances so as to take full advantage of the interest income exclusion, with 9 percent inflation, Treasury revenues would be reduced by about $2.5 billion from the level obtained if the income had been earned in taxable form.

FOOTNOTES

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[1] In these examples, simple rather than compound interest is used.

[2] One alternative to using the previous year's inflation rate to calculate the current year's interest exclusion is to use the current year's inflation rate. However, that would mean that taxpayers would not know the amount of interest exclusion for a tax year until that year was over, i.e. the December CPI is not available until January. Another alternative that would avoid this and other complexities would be to simply add a $100 interest income exclusion to the existing $100 dividend exclusion.●

By Mr. CANNON (by request):

S. 1151. A bill to improve the quality of rail service in the United States through financial assistance which encourages railroad restructuring; to the Committee on Commerce, Science, and Transportation.

RAILROAD RESTRUCTURING AND EMPLOYMENT EFFICIENCY

● Mr. CANNON. Mr. President, today I am introducing by request of the Department of Transportation, legislation to establish a program to facilitate railroad restructuring and employment efficiency.

On March 27 of this year I introduced, by request, S. 796, a bill to deregulate the railroad industry. That bill is designed to allow the financially ill rail industry the rate flexibility necessary to the internal generation of funds so crucial to the effort to make the rail industry a healthy private sector mode of transportation within our national transportation network.

Mr. President, because of the transitional time required for the railroad industry to realize the anticipated financial benefits of deregulation, this bill I am introducing today complements S. 796 by providing for a temporary program of financial assistance to promote the voluntary restructuring of the national rail system.

Mr. President, I ask unanimous consent that the text of the bill, along with the Secretary's letter of transmittal and section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Rail Restructuring Assistance Act of 1979".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the national interest requires a rail transportation system in the private sector which is capable of moving the Nation's freight safely and efficiently; and

(2) the railroad industry faces significant capital needs which it must meet through a reduction in excess facilities and through improvements in asset and manpower utilization.

(b) It is declared to be the purpose of the Congress in this Act to foster a safe and efficient rail transportation system by providing transitional financial assistance which facilitates—

(1) restructuring of railroad facilities and related projects that emphasize higher density operations and the elimination of uneconomic plant; and

(2) improved asset and manpower utilization.

RESTRUCTURING ASSISTANCE

SEC. 3. Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. § 821 *et seq.*) is amended by inserting the following new sections at the end thereof:

"RESTRUCTURING ASSISTANCE

"SEC. 518. (a) The Secretary is authorized to provide financial assistance through repayable credits constituting a debt or equity financing to any Class I railroad (as determined by the Commission in accordance with 49 U.S.C. 11145(a)), other than the Consolidated Rail Corporation, or any subsidiary of such a Class I railroad to pay any share of the cost of restructuring its facilities, including related labor protection costs, and acquiring securities pursuant to a restructuring. The Secretary shall make debt or equity financial assistance available under this section only if the Secretary determines that—

"(1) the assistance will result in significant railroad restructuring and this restructuring would not be likely to be achieved unless such assistance is provided; and

"(2) (A) the railroad has agreed to restructuring under a plan submitted in accordance with subsection (h) of this section; or

"(B) the assistance will be used to fund a project approved by the Secretary under section 5(a)–(d) of the Department of Transportation Act (49 U.S.C. § 1654(a)–(d)), and the railroad shows that the project will result in significant restructuring.

"(b) The Secretary shall provide financial assistance under subsection (a) of this section by purchasing a fixed debt obligation issued by a railroad or where the Secretary determines that an equity financing is essential to a restructuring, the Secretary may provide financial assistance under this section by purchasing Senior Preferred Stock. The Secretary may purchase a fixed debt obligation issued as a trustee certificate by the trustee of a railroad in reorganization under chapter 11 of the United States Code or under section 77 of the Bankruptcy Act in the form of a trustee certificate. The Secretary shall purchase a trustee certificate only if the Secretary finds that the restructuring is necessary for the establishment of a self-sustaining railroad.

"(c) A fixed debt obligation which the Secretary purchases under this section shall provide that on the fifth anniversary of the date of original issuance, interest (at ¾ of the rate established by the Secretary of the Treasury as of the most practicable date immediately preceding execution of a financing agreement and taking into account the current average yield on outstanding marketable securities of the United States having comparable maturities) shall begin to accrue. Beginning on the sixth anniversary of the date of original issuance, accrued interest and principal shall be payable annually in equal aggregate installments such that on a date not later than the 20th anniversary of the date of original issuance, the principal and all accrued interest shall have been repaid. Consistent with subsection (f) of this section, the Secretary may require a railroad or a subsidiary receiving assistance under this section to convey to the Secretary a security position which accords the Secretary a lien and priority of payment which are subordinate to those of the railroad's present and prospective secured creditors (and any claims having a priority of payment senior to secured creditors) but are first in time and right to those of all present and prospective unsecured creditors.

"(d) Where the Secretary makes a determination under subsection (b) of this section, the Secretary may, in purchasing trustee certificates or at any time thereafter, agree with the trustee of a railroad in reorganization under chapter 11 of title 11 of the United States Code or under section 77 of the Bankruptcy Act to exchange trustee certificates for Senior Preferred Stock issued in connection with a plan of reorganization approved by the reorganization court.

"(e) Senior Preferred Stock shall be an equity security issued by a railroad or its subsidiary. Each share of Senior Preferred Stock shall—

"(1) in accordance with the laws of the issuer's state of incorporation governing dividends on and redemption of preferred stock—

"(A) be subject to redemption at par commencing no later than the 6th anniversary of the date of original issuance and ending not later than the 20th anniversary of the date of original issuance in amounts which will aggregate the initial par value of the share and return the aggregate of dividends cumulated and due;

"(B) have dividends payable annually (at ½ the rate established by the Secretary of the Treasury as of the most practicable date immediately preceding execution of a financing agreement taking into account the current average yield on outstanding marketable securities of the United States having comparable maturities) beginning on the sixth anniversary of the date of original issuance and computed on the average outstanding par amount of the share for the 12 months preceding each payment; and

"(C) have dividend and redemption declarations and payments which are cumulative and not subject to the discretion of the issuer's board of directors or shareholders;

"(2) be optionally redeemable by the issuer, and upon any optional redemption, shall return the outstanding par value plus the aggregate of dividends cumulated and due (pro rata for any part of a year after the fifth anniversary of the date of original issuance) as of the date of an optional redemption;

"(3) be nonvoting and have an initial par value of $10,000;

"(4) be senior in right with respect to dividend and redemption payments and in case of any liquidation or dissolution of the issuer only to all of the issuing corporation's equity securities whenever issued; and

"(5) be issued by the company either then owning all of the facilities to be rehabilitated or improved or which will, at the completion of an acquisition, own all of the facilities acquired in whole or in part with assistance provided under this section; such company having a capitalization at the time of issuance which consists solely of equity.

"(f) Before providing any financial assistance under this section, the Secretary shall require the railroad, its subsidiary or both receiving assistance to agree to such terms and conditions as are sufficient, in the Secretary's judgment, to assure that significant restructuring will occur, that all financial assistance provided under this section will be used as prescribed by the Secretary, and that there is a reasonable likelihood that the financial assistance will be repaid.

"(g) Whenever a railroad or its subsidiary receiving assistance under this section defaults on any provision of a financing agreement or a security purchased pursuant to this section, the Secretary shall be entitled (but not required) to appoint from time to time two members to the board of directors of the railroad or the subsidiary or both, at the Secretary's option, who shall serve until the financial assistance has been repaid in full or for a lesser period as determined by the Secretary. The Secretary shall also be entitled to exercise all remedies in law or equity and may request the Attorney General of the United States to commence a civil action for damages, specific performance or any other available remedy in any appropriate court.

"(h) Each railroad or its subsidiary which applies for assistance under subsection (a) (2)(A) of this section shall submit a restructuring plan which has been approved by the railroad's board of directors, demonstrates the railroad's or its subsidiary's ability to repay the financial assistance and identifies specific coordinations, consolidations or other restructuring actions which the railroad proposes to undertake. The Secretary shall establish regulations governing the scope, content and format of the restructuring plan.

"EMPLOYMENT EFFECTIVENESS IMPROVEMENT ASSISTANCE

"SEC. 519. (a) The Secretary is authorized under such terms and conditions as the Secretary shall prescribe to provide financial assistance to any Class I railroad other than the Consolidated Rail Corporation to cover up to one hundred per centum of the railroad's payments to any eligible employee or former employee to whom the railroad is obligated to make payments under a labor-management agreement which results in a significant change in railroad operating practices or work rules and which the Secretary determines will significantly improve manpower effectiveness. In making such determination, the Secretary shall consider the relationship of the railroad's labor costs to its revenues and any evidence of efficiency gains that the railroad and labor organizations may demonstrate.

"(b) The Secretary shall make financial assistance available under this section by purchasing a fixed debt obligation, including a trustee certificate, which shall be unsecured but otherwise have the terms and conditions of fixed debt obligations under section 518(c) of this title.

"(c) Before providing any financial assistance under this section, the Secretary shall require the railroad receiving assistance to agree to such terms and conditions as are sufficient in the Secretary's judgment to assure that the railroad has, through a long-term change in operating practices or work rules, improved its manpower effectiveness.

"(d) Whenever a railroad receiving assistance under this section defaults on any provision of a financing agreement or security purchased pursuant to this section, the Secretary shall be entitled to exercise all remedies in law or equity and may request the Attorney General of the United States to commence a civil action for damages, specific performance or any other available remedy in any appropriate court.

"AUTHORIZATION

"SEC. 520. There is authorized to be appropriated to the Secretary for purposes of providing financial assistance under sections 518 and 519 for fiscal years 1980 through 1984 without fiscal year limitation such sums as are necessary, not to exceed $1,475,000,000 of which no more than $275,000,000 in the aggregate shall be used for the payment of related labor protection costs under section 518 and for section 519, to be available until expended. Assistance is authorized for any fiscal year only to the extent provided in appropriation acts."

TECHNICAL AMENDMENTS

SEC. 4. (a) Section 501 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. § 821) is amended by—

(1) renumbering paragraphs (2) through (7) as (4) through (9) and adding the following new paragraphs:

"(2) 'consolidation' means the combination of separate rail facilities into fewer facilities and the abandonment of the excess facilities, except that 'consolidation' does not include the combination by a single railroad of multiple tracks into fewer tracks where the tracks do not constitute separate physical and operating lines of railroad;

"(3) 'coordination' means the combination of rail freight traffic flows through the use of joint facilities arrangements or internally that result in a reduction of service on at least one facility and includes (but is not limited to) arrangements for joint use of tracks or other facilities and the acquisition or sale of assets."; and

(2) striking "and" after renumbered paragraph (8), striking the period after renumbered paragraph (9) and inserting in its place a semicolon and adding the following new paragraphs:

"(10) 'restructuring' means any activity, including consolidations, coordinations, mergers and abandonments, involving rehabilitation or improvement of any facility or its transfer, which activity improves the long-term profitability of any railroad or railroads and which results in the enhancement of the national rail freight system through the achievement of higher average traffic densities and improved asset utilization.

"(11) 'subsidiary' means any corporation in an unbroken chain of corporations beginning with a Class I railroad, if each corporation other than the last corporation in the chain owns voting securities possessing more than 50% of the total combined voting power in one of the other corporations in the chain."

(3) revising renumbered subparagraph (5) (E) to read as follows:

"(E) shop or repair facilities or any other property used or to be used directly in rail freight transportation services or for originating, teminating, improving, and expediting the movement of freight by rail;"

(4) revising renumbered paragraph (8) by adding after "note," "trustee certificate," and by striking "or" before "improvement" and by inserting ", or to facilitate a restructuring" before the semicolon.

(b) Section 510 of such Act (45 U.S.C. § 830) is amended by inserting ", obligations and Senior Preferred Stock" after "shares" and "to the Federal government" after "railroads".

(c) Section 511(1) of such Act (45 U.S.C. § 831(1)) is amended as follows:

(1) by revising clause (1)(A) to read as follows:

"(A) will not make any discretionary dividend payments except as provided for in the Secretary's agreement to guarantee its obligation; and"; and

(2) by striking paragraph (2) and renumbering paragraph (3) as paragraph (2).

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., May 9, 1979.
Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith is a bill "To improve the quality of rail service in the United States through financial assistance which achieves railroad restructuring."

This bill, combined with the previously transmitted Railroad Deregulation Act of 1979 (S. 796), will substantially improve the prospects of once again making the rail industry a healthy part of the national transportation system. We would appreciate your treating this bill as Title II of S. 796.

BACKGROUND AND NEED

In the Railroad Revitalization and Regulatory Reform Act of 1976 ("Act"), Congress stated that its purpose was to enable the national railroad system to remain in the private sector while providing adequate, safe, and efficient transportation services. In sections 504 and 901 of the Act, the Congress directed the Secretary to study the problems of the railroad industry and advise the Congress on the best means to achieve this goal. Title V of the Act was intended to enable the Secretary to provide railroads with interim assistance to mitigate further deterioration of the national rail transportation system.

On October 10, 1978, the preliminary report mandated by the Congress in sections 504 and 901 of the Act was transmitted to the Congress. The report stated that the Nation's railroads were facing a crisis and estimated a capital shortfall of $13 to $16 billion over the decade 1976–1985. The report concluded that if the railroads are to be returned to financial health and remain in the private sector, a number of steps must be taken: the inequitable burden of economic regulation must be removed; the government must change its policies toward other modes of transportation; the railroads must restructure themselves physically and corporately; railroads must improve the management of their assets; and a limited program of Federal financial assistance is required during the phase-in of deregulation.

The problem of over regulation is addressed in S. 796, the proposed "Railroad Deregulation Act of 1979", which is presently before the Congress. That bill would help railroads to meet their capital needs by establishing a more flexible rate structure and through internally generated funds by facilitating abandonments of uneconomic service and facilities and changes in corporate structures. Because it will take some time for the railroad industry to realize the financial benefits of deregulation, the enclosed bill, which we anticipate will become a title of the proposed "Railroad Deregulation Act of 1979", establishes a temporary program to provide seed money for the restructuring process and to improve employment efficiency.

The enclosed bill seeks to facilitate railroad restructuring and improve employment efficiency through two five year programs authorizing a total of $1.475 billion in financial assistance. The bulk of the funds would be available to promote restructuring, which would involve a consolidation and reduction of duplicate tracks and facilities, discontinuance of uneconomic service, rationalization of routes and terminal facilities, and improvement in operating efficiencies. The elimination of excess capacity would enable railroads to reduce their maintenance and property tax expenditures and increase their liquidity by the sale of nonproductive property and facilities. By discontinuing uneconomic service and rationalizing routes and terminal facilities, railroads would improve cash flow.

Under the current financial assistance programs for railroads (title V of the Act), projects have involved substantial rehabilitation of facilities but only isolated restructuring. Although section 505 of the Act provides attractive subsidies, its ability to promote restructuring has been limited in two respects: 1) the solvent railroads which might foster significant restructuring are not eligible under the present Act; and 2) the Secretary is not permitted to condition assistance on a railroad's agreement to restructure its system. Absent a restructuring obligation or a solvent partner, financially-weak railroads have been unwilling to undertake restructuring voluntarily because they believe that significant restructuring will have an immediate, adverse effect on cash flow, regardless of long term benefits.

The enclosed bill is intended to promote restructuring of the national rail system by requiring applicant railroads to undertake significant restructuring as a condition to Federal assistance. The proposed low cost Federal assistance should provide the flexibility which was lacking in the prior program and thus contribute materially and directly to needed restructuring.

The bill would also provide for a new five year program to improve the environment for effective employment of labor in the railroad industry. The Secretary would be authorized to loan funds to a railroad to pay up to one hundred percent of payments to employees who suffer financial loss due to a change in work rules or operating practices which are designed to improve system productivity.

The loan guarantee program (section 511 of the Act) has been used by a limited number of railroads to assist formation of capital for high-return projects likely to produce immediate income, for example, the repair of rolling stock.

Because recipients of loan guarantees pay prevailing interest rates and such projects constitute an appropriate use of these funds, no major changes are proposed for that program.

PRINCIPAL CHANGES TO EXISTING LAW

Under existing law, the Secretary's authority to make commitments to provide preference share assistance under section 505 terminates as of September 30, 1979. The bill maintains the section 511 loan guarantee program substantially unchanged, allows the section 505 preference share program to terminate and adds a restructuring assistance program and a program to improve manpower effectiveness with the following features:

1. (a) Low-cost assistance which will be available only where the financing will result in significant restructuring based on either a restructuring plan submitted by a railroad or activities of the Secretary pursuant to section 5 of the Department of Transportation Act as amended by section 401 of the Act.

(b) Funding through low interest Federal loans (or, at the Secretary's discretion, redeemable preferred stock). In order to balance the tax consequences of the financing mechanisms, railroads would pay beginning on the sixth anniversary of original issuance interest on loans at a rate equal to ¾ of the cost of borrowing to the United States and dividends on senior preferred stock at a rate equal to ½ of the Federal cost of borrowing. Both kinds of securities would enjoy a five year moratorium on all accruals and be fully repayable within 20 years.

(c) Labor protection as an allowable, repayable cost of the restructuring.

2. Loans which cover the cost of employee displacements resulting from projects to improve manpower effectiveness.

IMPACTS ON THE ENVIRONMENT

Because the proposed legislation is expected to improve the quality of service and operating efficiency of a fuel-efficient transportation mode, no significant adverse impact on the environment is anticipated.

The Office of Management and Budget has advised that submission of this bill is in accord with the Administration's program.

Sincerely,

BROCK ADAMS.

SECTION-BY-SECTION ANALYSIS OF THE RAIL RESTRUCTURING ASSISTANCE ACT OF 1979

SEC. 1. This section sets out a short title for the Act.

SEC. 2. This section states that Congress finds that the national interest requires an efficient rail transportation system and that this can be achieved if the railroad industry overcomes its significant capital needs by reducing excess capacity and improving manpower and asset utilization. It further states that Congress' purpose in this Act is to provide transitional financial assistance which produces a multiplier effect by facilitating restructuring of the national rail system.

SEC. 3. This section would add three new sections at the end of title V of the 4R Act (45 U.S.C. § 821 *et seq.*). Section 518 supplements the existing Redeemable Preference Share Program of section 505 (45 U.S.C. § 825) with a new low cost program to assist railroads which engage in restructuring. Section 519 provides loans to encourage projects which will improve manpower utilization. Section 520 authorizes the appropriation of funds for sections 518 and 519.

Section 518 (a) would authorize the Secretary to provide assistance (either alone or as a participant with other investors) to any Class I railroad ("railroad"), other than Conrail, or its subsidiary (if the subsidiary is itself not a Class I railroad) to achieve significant restructuring. The assistance may be used for the purchase of securities or the rehabilitation, improvement, or acquisition of facilities (including track maintenance equipment and related labor protection costs) which the Secretary, based upon a restructuring plan provided to the Secretary under section 518(h) or as part of a restructuring project supported by the Secretary under section 5(a)-(d) of the Department of Transportation Act, or both, determines will contribute to significant railroad restructuring that would not likely be achieved without Federal assistance.

Section 518(b) would authorize the Secretary to provide assistance to railroads by making loans to railroads including the purchase of trustee certificates from the trustees of railroads in reorganization, or where the Secretary determines that an equity financing is essential to a restructuring, by purchasing Senior Preferred Stock issued by railroads. However, the Secretary may purchase trustee certificates only if the Secretary finds that the restructuring is necessary for the establishment of a self-sustaining railroad.

Section 518(c) would require debt instruments (including trustee certificates) to provide that beginning on the fifth anniversary of the date of original issuance interest shall accrue at a rate equal to ¾ of the cost of borrowing to the United States (determined by the Secretary of the Treasury as closely as possible to the date the financing agreement is executed). Beginning on the sixth anniversary of the date of original issuance, interest and principal shall be payable in equal annual installments such that on a date not later than the 20th anniversary of the date of original issuance, all principal and all accrued interest will have been repaid. If the Secretary cannot find that a railroad has the ability to repay an unsecured loan, the Secretary may still provide debt financing by securing the United States through a lien and a priority of payment which are senior to those of all present and prospective unsecured creditors but junior to those of all present and prospective unsecured creditors but junior to those of all present and prospective secured creditors and claimants having a priority of payment over secured creditors.

Section 518(d) would provide that, with the approval of the reorganization court, the Secretary and the trustee may agree to convert trustee certificates into Senior Preferred Stock if the Secretary makes the determination required under section 518(b).

Section 518(e) would establish that Senior Preferred Stock is—

(1) mandatorily redeemable over a maximum twenty year period beginning no later than the sixth anniversary of the date of original issuance, and requiring payment of cumulative dividends beginning on such sixth anniversary at a rate equal to ½ the cost of borrowing to the United States (determined by the Secretary of the Treasury as closely as possible to the date a financing agreement is executed) and based upon the average outstanding par value (which declines as redemption payments are made) for the preceeding year; dividends and redemption payments being mandatory to the extent permitted by state law;

(2) optionally redeemable and returning outstanding par plus any cumulated and due dividends;

(3) nonvoting with an initial par value of $10,000;

(4) senior only to all other equity securities of the issuer; and

(5) issued by the corporation owning all of the facilities to be rehabilitated or improved or which is acquiring property with Federal assistance, which corporation has a capital structure at the time of issuance consisting solely of equity, thus permitting control of subsequent debt displacments of security.

Section 518(f) would require the railroad and/or its subsidiary receiving assistance to agree to terms which the Secretary believes will assure that significant restructuring will occur and that all assistance will be repaid and used as intended.

Section 518(g) would provide that should a railroad or its subsidiary default on a financing agreement, the Secretary may appoint two members to the board of directors of the signatory railroad, the subsidiary, or both, at the option of the Secretary. The Secretary also has all remedies provided for contractually in the financing agreement and those inherent in law and equity.

Section 518(h) would require each railroad or subsidiary which applies for assistance under section 518(a)(2)(A) to present the Secretary with a restructuring plan for the railroad approved by the railroad's board of directors, which would assist the Secretary in determining the project's potential for furthering restructuring and the railroad's or its subsidiary's ability to repay the assistance.

Section 519 would authorize the Secretary to provide financial assistance to cover up to 100% of the payments of a railroad other than Conrail to an employee or former employee under a labor management agreement which embodies significant changes in railroad operating practices or work rules and which the Secretary determines will significantly improve manpower effectiveness. The Secretary shall consider the relationship of the railroad's labor costs to its revenues and any evidence of efficiency gains that the railroad and labor organizations may present. The Secertary shall provide financial assistance under this section by purchasing a fixed debt obligation under a financing agreement which the Secretary believes will ensure that the assistance is used as intended by this section. Fixed debt obligations shall be unsecured but otherwise have similar terms and conditions as those purchased under proposed section 518. Section 520 authorizes up to $1.475 billion to be appropriated for fiscal years 1980 through 1984 for purposes of sections 518 and 519, the funds to remain available until expended. However, no more than $275 million in the aggregate shall be used for the payment of related labor protection costs under section 518 and for section 519.

Sec. 4. Subsection (a) would add to section 501 of the 4R Act three new definitions which deal with restructuring assistance and are consistent with the Secretary's existing title V regulations and financing agreements and a definition of "restructuring". "Consolidation" would mean the combination of multiple facilities into fewer facilities and the abandonment of the excess facilities but would not include the combination of a single railroad's multiple track line into a single track line. "Coordination" would mean the combination of rail traffic which results in a reduction of traffic on at least one facility. "Restructuring" would mean any activity including consolidations, coordinations, mergers and abandonments, involving rehabilitation or improvement of any facility or its transfer, which activity improves the long-term profitability of any railroad or railroads and which results in the enhancement of the national rail freight system through the achievement of higher average traffic densities and improved asset utilization. "Subsidiary" would mean a company whose voting shares are owned or controlled by a railroad either directly or through intermediate companies. A railroad may set up a subsidiary as either a holding company or an operating company. A subsidiary established to issue Senior Preferred Stock would, in accordance with proposed subsection 518(e) (5), own all of the facilities involved in a project and have a capital structure consisting solely of equity, thus enabling risks, benefits and assets to be isolated from the parent company and permitting the transaction to be fully controlled through the financing agreement which shall include necessary provisions of financial support such as lines of credit from the railroad to its subsidiary. It would also redefine "obligation" to make that word consistent with proposed section 518 and redefine "facilities" to clarify the intent of Congress that for purposes of title V, the term "facilities" includes only structures which are directly involved in the transportation process and does not include structures, such as industrial plants to manufacture supplies for the railroad industry, or supplies prior to sale. Subsection (b) would exempt the issuance and sale of obligations and Senior Preferred Stock from Federal and State law dealing with the issuance and sale of securities but only to the extent of the interest acquired by the Federal government. Subsection (c) would amend section 511 of the 4R Act to permit the Secretary through the financing agreement to tailor dividend payment restrictions to the current and prospective financial condition of an applicant.●

By Mr. McCLURE (for himself and Mr. Church):

S. 1152. A bill to define and clarify terms used in that patent from the United States dated June 29, 1911, granting certain lands to the State of Idaho; to the Committee on Energy and Natural Resources.

● Mr. McCLURE. Mr. President, at the request of the Idaho attorney general I am today introducing legislation which will serve to define and clarify terms used in that patent from the United States dated June 29, 1911, granting certain lands to the State of Idaho. The language merely states that for purposes of this patent, use as a public park shall be deemed to include leasing of certain parcels of land within the park boundaries to members of the general public for recreational homesites. It does not seek to expand the leasing practice, but merely recognizes what has accrued in the past as a legitimate use of the land. A companion bill has been offered in the House by Congressmen Symms and Hansen, and it is my hope both bodies will afford the measure early consideration.

Mr. President, the land in question encompasses the Heyburn State Park, which has been owned, maintained, and operated by the State of Idaho as a public outdoor recreation area since its purchase from the Federal Government in 1911. It is a uniquely beautiful site encompassing approximately 5,000 acres in the Idaho panhandle. The park is named for Senator Weldon Heyburn, who represented Idaho in this body from 1903 until his death in 1912, and who was the prime mover behind the park's creation. Senator Heyburn had initially hoped to create a national park on this site; and while the Senate approved his plan, efforts to bring the House into concurrence were not successful. What was finally agreed to was language allowing the State of Idaho to buy the tract for use as a park. Soon after Congress had opened the way, the State purchased the park for the sum of $11,379.17, the appraised value of the site. In June of 1911, title to the land was issued to the State; however, Secretary of the Interior Walter L. Fisher had prepared a patent that not only required the land to be used in perpetuity as a public park, but also included other restrictions. Breach of these provisons would result in reversion of the land to the Federal Government. Senator Heyburn was outraged by the limited deed; and with the support of Governor Hawley of Idaho, he introduced Senate Joint Resolution 114 directing the Secretary of the Interior to issue a good and sufficient conveyance, in lieu of the conditional patent which had been given. The Senate quickly passed this resolution.

In October 1912, Senator Weldon Heyburn died in office. His resolution had not been considered in the House, and without the Senator to push it, the resolution and the issue it represented dropped from sight. Heyburn State Park continued under the conditional deed granted to Idaho in 1911. I have obtained a copy of that patent, and ask unanimous consent that it be printed in the Record at this point in my remarks.

There being no objection, the patent was ordered to be printed in the Record, as follows:

4–1043.

The United States of America, to all to whom these presents shall come, Greeting:

Whereas, the act of Congress approved April 30, 1908—35 Stat. 70, 78—authorizes the conveyance to the State of Idaho of the following described subdivisions or any part thereof, formerly a part of the Coeur D'Alene Indian Reservation in Idaho, viz: sections one, two, and twelve, township forty-six north, range four west, Boise meridian; sections thirty-five and thirty-six, township forty-seven north, range four west, Boise meridian; all of those portions of sections two, three, four, five, six, seven, eight, nine, ten, and eleven, township forty-six north, range three west, Boise meridian, lying south and west of the Saint Joe River in said township; all of those portions of sections thirty-one and thirty-two, township forty-seven north, range three west, Boise meridian, lying south and west of the Saint Joe River in said township, to be maintained by said state as a public park, for such consideration and upon such terms and conditions as the secretary of the interior shall prescribe; and

Whereas, by appraisement under direction of and approved by the secretary of the interior, the purchase price to be paid by the state of Idaho for the said lands has been fixed at $11,379.17, and said secretary has directed that said lands be conveyed to the state, upon payment by it of said sum, upon the following terms and conditions, to wit: the lands are to be by said state held, used, and maintained solely as a public park, and for no purpose inconsistent therewith, the title to revert to the United States of America, absolutely if the said lands, or any portion thereof, shall not be, or shall cease to be, so used and maintained by the state, or shall be alienated by said state; and in event of the violation by the state of any of the conditions or covenants herein contained, or its failure to carry out the same, then the United States may thereupon or at any time thereafter enter upon, and into the exclusive possession of, the said lands and the whole thereof, and of all improvements thereon, and have, hold, seize, and possess the same: expressly excepting and reserving to the United States of America, however, all valuable mineral deposits in the said lands, together with the exclusive right to mine and remove the same, and to permit, license, or authorize the mining and removal thereof, in such manner, upon such terms, and under such conditions as the congress may prescribe; and also the right to flood or overflow the said lands, and to permit, license, or authorize the same, for domestic, irrigation, and power purposes; and

Whereas, the State of Idaho, by the act of the legislature thereof approved March 16, 1909, has appropriated out of the public moneys of said state, and made available, the aforesaid sum so fixed by the said appraisement, for the purchase from the United States of the lands aforesaid; and

Whereas, the State of Idaho has applied to purchase, under and by virtue of the said acts of congress and the legislature of the state, all of the above described lands and has made full payment therefor:

Now know ye, that the United States of America, in consideration of the premises, and pursuant to the said act of congress, has given and granted, and by these presents does give and grant, unto the said State of Idaho, all and singular the tracts above described; to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belongings, unto the said State of Idaho forever; upon and subject, however, to the terms, conditions, and reservations prescribed by the secretary of the interior and hereinabove set forth.

Mr. McCLURE. Mr. President, history has proven Senator Heyburn's concern about this conditional patent was well founded. It is uncertainty about this conditional language which necessitates the legislation I am introducing today.

Almost from the outset, the State, as a part of its park operation, began leasing cottage sites on a small portion of the parklands. This practice continued from that time uninterrupted and unchallenged, until March 3, 1976, when the

Solicitor of the Department of the Interior, notified the State that in the Solicitor's opinion, the cottage leases do not carry out the required public park purposes, and that the State has therefore violated the conditions of the patent. The Solicitor has opined that the reversionary interest is held by the United States on behalf of the Coeur d'Alene Indian Tribe, and that title to the parkland should be confirmed in the United States in trust for the tribe. On December 30, 1976, the State filed suit to obtain a declaratory judgment on the status of Heyburn State Park, and the Federal Government later filed a quiet title action against the State. The situation has been further complicated by intervention of the tribe and leaseholders as parties to the actions.

There has been little progress in the legal action to date, and the matter is essentially no nearer a resolution than when it first arose over 3 years ago. Attempts at a negotiated settlement have been fruitless. I think the letter I received from the Idaho attorney general does a good job of explaining this situation, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 16, 1979.

Hon. JAMES A. MCCLURE,
U.S. Senate,
Dirksen Building,
Washington, D.C.

DEAR SENATOR MCCLURE: As you may be aware, the State of Idaho currently faces the possible loss of title to Heyburn State Park in northern Idaho. The dispute arose when the Department of the Interior notified the state in March of 1976 that the state's cottage site leasing practice in the park was not within the definition of "public park purposes" as required by the patent to the lands. The State Board of Land Commissioners holds title to all real property for the State of Idaho and has authorized the Attorney General to protect title to the park and defends the state's leasing practice.

Litigation on the issue has continued since January of 1977. The Coeur d'Alene Indian Tribe and the Department of the Interior are seeking a court ordered reversion of the park to the Tribe. The loss of the park would be unjust and inequitable. For these reasons we seek your support for congressional resolution of the dispute.

Heyburn State Park is located in northern Idaho, in Benewah County, approximately twenty miles east of the Washington border and 100 miles west of the Montana border. In 1978 approximately 300,000 visitors enjoyed the park, coming primarily from the regions of northern Idaho, eastern Washington and western Montana. The park consists of nearly 7,000 acres of land which encompasses three lakes. The state has leased float homes and summer home sites in the park since 1911 when the state received the patent to the property. Today, leaseholds comprise less than one-third of one percent of the total land in the park. All rental income received from the leaseholds is expended for improvements in the park. Of the approximately 161 lessees, an estimated 40% are residents of Washington State and approximately 60% are residents of Idaho.

In 1911 the state paid fair market value, $11,379.17, for the park. Records of the Bureau of Indian Affairs show that the northern Idaho Indian agent in fact received this consideration on behalf of and for the Tribe. The Tribe most certainly had knowledge of the state's leasing practice from 1911 as they made regular visits, at least annually, to the park. Obviously, the Tribe saw the numerous float homes and cabins increasing over the years to the present number of approximately 161 leaseholds, yet the Tribe made no objection until 1972, when Tribal counsel informed the Tribe that the leaseholds might constitute a violation of the patent resulting in a reversion to the federal government to be held in trust for the Tribe. It is readily apparent that the Tribe is using the leasing issue merely as a means of obtaining title to the park.

This conclusion is buttressed by the Tribe's official position concerning leaseholds. If the park reverts, the Tribe is on record that it will continue the leaseholds in their "park" with longer term leases and improvements for the benefit of the lessees. This hypocritical position reveals that the Tribe's sole motive is to obtain title to the park.

The federal government and the Department of the Interior also had notice of the state's leasing program from its inception. United States Forest Service personnel visited the park in 1919 and 1920 and encouraged leasing summer home sites to generate income and increase the use of the park. Between 1934 and 1941 the National Park Service directly supervised a large CCC camp in the park. The CCC workers built an access road solely for the primary area of cabin sites and partially constructed a lodge for the benefit of lessees. Correspondence of this period proves that the National Park Service knew of the leaseholds, expended over $150,000.00 for improvements, and actually assisted in planning cites for leaseholds. In 1946, the U.S. Army used the then abandoned CCC camp as summer vacation housing for soldiers. In 1965, the Heritage Conservation & Recreation Service, an agency of the Department of the Interior, approved Heyburn State Park for federal recreational funds. HCRS then, after on-site inspections in 1966 and 1968, matched the state's expenditure of $48,000.00. It is clear that the Department of the Interior and/or other federal agencies were aware of and participated in the practice of developing leaseholds in the park.

Our expert historian, Professor Thomas Cox, of San Diego State University, who has studied Heyburn State Park and parks throughout the northwest region and the entire nation, assures us that Congress did not intend to restrict the state's use and management of the park. Additionally, the findings of Professor Cox clearly indicate that cottage site leasing was a valid public park use when the park was conveyed to the state in 1911.

Even today cottage sites or recreational home sites are on state park lands in Montana, New York, Wyoming, Ohio, South Dakota, Connecticut, Pennsylvania, Michigan, and Vermont. Home sites are also leased on federal lands at Priest Lake, Idaho (U.S. Forest Service); Apostle Islands National Lakeshore, Wisconsin (National Park Service); Pictured Rocks National Lakeshore, Michigan (National Park Service); Indiana Dunes National Lakeshore, Indiana; and Sleeping Bear Dunes National Lakeshore. Federal leasing also continues at numerous other U.S. Forest Service and Bureau of Reclamation sites.

One park leasing program of particular interest is that at Mackinac Island State Park in Michigan. Leasing of cottage sites began under the auspices of the federal government when Mackinac was a National park. The land was deeded to the State of Michigan in 1895. The deed contains the same restrictive "park purposes only" language as does the Heyburn State Park deed. Leasing continues to the present day, and notably, the Michigan governor's summer residence is located in the park.

The current lawsuit concerning this dispute is time consuming, costly, and, although the state believes it will prevail, the outcome of litigation is never certain. Moreover, the possibility of appeals could delay the resolution of the problem for years.

The attached proposed amendment would allow the state to retain title to the land and continue its present cottage site leasing program but restrict the state from leasing new or additional sites. Congressional adoption of this amendment would completely and finally resolve the dispute over title to the park. Therefore, we request your full support and influence on behalf of this bill.

Sincerely,

DAVID H. LEROY,
Attorney General, State of Idaho.

Mr. McCLURE. As is apparent from the Attorney General's remarks the purpose of this effort is to preserve the park for the use and enjoyment of all the people of Idaho, including members of the Coeur d'Alene tribe who are now, and have always been able to enjoy the park, just as equally as the other citizens of the State. Even though the State is fully confident in the correctness of its legal position, the matter has already gone on for 3 years without resolution, and if the litigation is allowed to drag on it could be years more before anyone knows the status of the property. This bill merely attempts to provide equity for all the people of Idaho whose tax dollars purchased the park in the first place, and for those people who have entered into the leases in good faith and have invested significant amounts in improvement of the lots in question.

As the Attorney General notes, the portion of the park which has been subject to lease constitutes less than one-third of 1 percent of the total park area. In all cases, the leases provide that public access to the sites shall not be inhibited. It is unconscionable that the Government reclaim this State park, important to the economic and recreational life of the region as it is, after all these years on the basis of such a questionable violation of a faulty patent. The situation has already cost the parties a great deal of time and money, and it is, in my judgment, utterly ridiculous that it has gone as far as it has. It is time for us to resolve the matter, as it should have been in 1911, and I am certain my colleagues will agree. I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for purposes of that patent dated June 29, 1911 and recorded with the General Land Office as Patent Number 213295 wherein the United States conveyed to the State of Idaho for value received those certain lands now encompassing the Heyburn State Park of Idaho, and for no other purpose, use as a public park as required by such patent shall be deemed to include leasing of certain parcels of land therein to members of the general public for recreational homesites, and shall not be deemed to constitute alienation of land so leased by the State of Idaho; provided such definition shall apply only to those parcels which have been subject to lease up to and including January 1, 1979.●

By Mr. CRANSTON (for himself, Mr. Williams, Mr. Randolph, Mr. Kennedy, Mr. Riegle, Mr. Javits, Mr. Stafford, and Mr. Matsunaga):

S. 1153. A bill to amend title XX of the Social Security Act to authorize expenditures thereunder for the provision, in certain instances, of emergency shelter to adults in danger of physical or mental injury; to the Committee on Finance.

DOMESTIC VIOLENCE

● Mr. CRANSTON. Mr. President, today, joined by Senators Williams, Randolph, Kennedy, Riegle, Javits, Stafford, and Matsunaga, I am introducing S. 1153, a bill to amend title XX of the Social Security Act. This amendment would assure that States, in the provision of services under title XX, would not be prohibited from distributing funds for the provision of emergency shelter—for a period of time not to exceed 30 days in any 6-month period—as a protective service to an adult in danger of physical or mental injury, neglect, maltreatment, or exploitation. This provision was supported last year by the administration and was approved by the Senate Finance Committee as part of H.R. 7200, but was not taken up before adjournment.

Mr. President, in March 1978, as chairman of the Child and Human Development Subcommittee of the Committee on Human Resources, I chaired hearings concerning domestic violence and the need for greater Federal effort in this area. Reports and testimony submitted to the subcommittee emphasized the growing incidence of domestic violence, the enormous social costs of the problem—both for the victims and society, in general—and the inability of existing programs to meet the growing demand for assistance and shelter for domestic violence victims and their dependents. One study suggested that the number of wives suffering extreme violence at some time in their marriage may be as great as 5 million, with some battered regularly; another study, funded by the National Institute of Mental Health, found that nearly 2 million American couples have used—not including threats—a lethal weapon on one another during their marriage and that, among randomly selected couples, 1 of 6 during a single year had engaged in violent acts—such as beatings, throwing objects at one another, or threats with a knife or gun.

Mr. President, on August 1, 1978, the Senate, by voice vote, approved S. 2759, legislation that I had introduced to establish a program designed to increase the participation by State, local communities, nonprofit organizations and individual citizens in efforts to prevent domestic violence and provide assistance to victims of domestic violence. Unfortunately, no action was taken on S. 2759 by the House before the end of the 95th Congress.

Mr. President, at the appropriate time, I would be willing to introduce for consideration by the Senate a domestic violence initiative comparable to that which cleared the Senate last year, but with changes and modifications as a result of negotiations with House sponsors of domestic violence legislation.

However, Mr. President, I believe that, at the present time, the most appropriate step is for the House to work its will on domestic violence legislation. Until the House demonstrates a willingness to approve such a new categorical legislative initiative to help alleviate the problem of domestic violence, pursuing further action by the Senate would be premature and possibly counterproductive.

Thus, I have decided not to introduce, at this time, legislation establishing a new and separate program to deal with the problem of domestic violence. At this time, efforts on behalf of enactment of such a new program would be best directed toward enlisting administration support and achieving successful consideration in the House.

Mr. President, I continue to believe that there is a need for Government assistance to provide shelter and other assistance to victims of domestic violence and to prevent domestic violence. I also believe that it is important to get the administration involved as much as possible in efforts to grapple with this very large problem.

Mr. President, I was pleased when, in an April 26 letter from Secretary Califano, I was informed that, on April 27, the administration would announce plans for a number of steps to deal with this problem—steps along the lines of those that would have been required under S. 2759, the domestic violence bill approved by the Senate last year. The Interdepartmental Committee on Domestic Violence, outlined in an April 27 memorandum to various Department heads from the President, should facilitate the coordination of Federal programs that currently provide, or could provide, assistance to victims of domestic violence. The establishment of Secretary Califano of an Office of Domestic Violence within HEW should assure a focal point for HEW's own efforts to prevent domestic violence and provide shelter and other assistance for its victims.

Mr. President, more needs to be done in order to provide the opportunity for local organizations and public agencies to seek appropriate Federal assistance for support of their efforts. The bill we propose today would help in that direction by assuring that States would not be prohibited from using funds provided under title XX for the provision, in certain instances, of emergency services for adults.

Mr. President, I ask unanimous consent that S. 1153 be printed at this point in the Record, followed by the texts of Secretary Califano's letter, the President's memorandum, and a news release of the Secretary's announcement.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 1153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2002(a)(11) of the Social Security Act (42 U.S.C. 1397(a)(11)) is amended by striking out the semicolon and "and" at the end of subparagraph (C) and inserting a comma in lieu thereof, by striking out the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon and "and", and by inserting at the end thereof the following new subparagraph:

"(E) any expenditure for the provision of emergency shelter, for not in excess of thirty days in any six-month period, provided as a protective service to an adult in danger of physical or mental injury, neglect, maltreatment, or exploitation.".

The Secretary of Health,
Education, and Welfare,
Washington, D.C., April 26, 1979.

Hon. Alan Cranston,
Chairman, Subcommittee on Child and Human Development, Labor and Human Resources Committee, Washington, D.C.

Dear Alan: On Friday, I will make a formal announcement of the Department's initiative on domestic violence. Because of your strong interest in this area, I wanted you to know of our plans in advance.

An Office on Domestic Violence will be established within the Department, which will have responsibility for gathering and disseminating information on domestic violence, and coordinating the Department's research, technical assistance, and training activities relating to domestic violence projects.

As you may know, the President has also asked me to chair an Interdepartmental Committee on Domestic Violence to coordinate an overall review of federal programs, which provide, or could provide, assistance to victims of domestic violence.

As we consider additional options to deal with this significant problem, we would like to have the benefit of your experience in this field. I have, therefore, asked Dick Warden and his staff to consult with you about your ideas for addressing this issue.

I look forward to working with you and your colleagues during the coming months.

Sincerely,

Joseph A. Califano, Jr.

The White House,
Washington, April 27, 1979.

Memorandum for The Secretary of Defense, the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Director of the Action Agency, the Chairman of the Commission on Civil Rights, the Director of the Community Services Administration.

Each year three to six million acts of severe violence occur in American homes. Victims, who represent every race and socioeconomic status, are often seriously injured. This Administration is committed ultimately to the cessation of such violence and immediately to the relief of those who suffer its consequences.

To address this growing crisis I am asking the Secretary of Health, Education, and Welfare to chair an Interdepartmental Committee on Domestic Violence to coordinate a review of federal programs which currently provide or could provide assistance to victims of domestic violence, and to formulate a work plan by June 15 to guide our future actions. Please designate a policy-level member of your department or agency to serve as a member of this committee with Secretary Califano.

This directive manifests my personal concern that the tragedy of domestic violence be eliminated and its victims be comforted and assisted wherever possible.

Jimmy Carter.

STATEMENT BY JOSEPH A. CALIFANO, JR.

I am announcing several steps to focus attention and resources on a problem of major proportions which has too long remained in the dark—violence among family members; particularly between spouses.

Most acts of domestic violence go unreported, but it is estimated that as many as six million incidents occur in American families each year. Spouse abuse, like child abuse, cuts across all social, economic, and racial lines and victims are often seriously, and sometimes fatally, injured.

Although HEW and other federal agencies fund a range of programs and services such as medical care, legal services, housing, income assistance, counseling and therapy, which can assist victims of domestic violence, there has been little coordination at the federal level and little information about the resources which exist. The Interdepartmental Committee on Domestic Violence announced by the President today, and which he has asked me to chair, will review the programs of 10 federal departments and agencies and develop a coordinated plan of action.

To marshal HEW's efforts to address the problem and bring relief to victims, I am establishing an Office on Domestic Violence. This office will be the central point for coordination of all HEW research and social services related to spouse abuse and for information on programs to assist its victims. It will coordinate activities with the Justice Department's Family Violence Program in the Law Enforcement Assistance Administration, which is concerned with the criminal aspects of the problem. It will also develop an information clearinghouse for victims of spouse abuse and for organizations developing programs at the local level.

The problems of spouse abuse require a coordinated, effective response. I believe that the actions the President and I are taking todav are important early steps in beginning to fashion that response.●

● Mr. RIEGLE. Mr. President, I watched with a great sense of accomplishment on Monday as the Senate passed S. 440, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979. As chairman of the Alcoholism and Drug Abuse Subcommittee, I worked actively to amend this legislation in wavs to treat problems related to alcohol abuse in a more comprehensive manner. Therefore, I am particularly pleased that I was able to include in this bill provisions for the letting of contracts and grants to public and private organizations for the purpose of providing assistance to individuals—spouses and dependents—who need emergency shelter to prevent accidents of domestic violence related to alcohol or need shelter as a result of alcohol-related domestic violence.

Provision of assistance to families of alcoholic abusers who may be in danger of physical violence is a step in the right direction. But unfortunately, it is only a small step. Therefore, I am happy to join today with the chairman of the Child and Human Development Subcommittee, Senator CRANSTON, in offering a bill to amend title XX of the Social Security Act which will allow title XX expenditures for the provision of emergency shelter as a protective service to adults in danger of physical injury. Our Nation cannot afford to let domestic violence continue to disrupt and all too often destroy the lives of its innocent victims.

This bill authorizes States to use a portion of their title XX allocation, at their discretion, to provide emergency shelter, for not in excess of 30 days in any 6-month period, as a protective service to an adult in danger of physical or mental injury or maltreatment. I, again, do not believe that this amount will solve the problem of domestic violence. But it is a significant Federal commitment to helping States, localities, and volunteer groups deal with individual victims who face violence in their own homes.

I wish to commend my colleague, Senator CRANSTON, for his distinguished leadership in attempting to solve this most distressing national problem. The knowledge and concern shown by Senator CRANSTON, as well as Senators WILLIAMS, KENNEDY, and JAVITS, during the previous Congress as we drafted the bill S. 2759, which was passed by the Senate last year, was most impressive; and I am proud to again have had the opportunity to work with these distinguished colleagues in offering this amendment. I strongly hope that every other Member of the Senate will join with us in our effort to aid the manv individuals of all economic and social circumstances who fall victim to force and violence in their homes.●

By Mr. PERCY:

S. 1155. A bill to amend the Intergovernmental Personnel Act of 1970 to provide for improvement in personnel productivity, and for other purposes; to the Committee on Governmental Affairs.

INCREASING GOVERNMENT PRODUCTIVITY

● Mr. PERCY. Mr. President, I am today introducing the Intergovernmental Productivity Improvement Act of 1979, to help State and local governments better manage their budgets and personnel and thereby stretch their tax dollars even further.

Private industry's productivity rate is frequently discussed in Congress. There is widespread agreement that an improvement in the productivity growth rate must be a component of a national anti-inflation program. Our productivity growth rate has sagged in this country in the past decade, averaging only 1.6 percent a year. Compare this with an annual productivity growth rate of over 3 percent between 1945 and 1965 and the annual increases of 5 percent and 6 percent that our foreign trading partners achieve. It is no wonder that our goods are more expensive. We have not put the investment into our plant and equipment that will keep productivity growth high. Excessive Federal regulation has also sapped industry's ability to invest. Congress acted last year to reduce the capital gains tax to spur investment and the Senate Governmental Affairs Committee is now in the midst of hearings on legislation that will inject economic considerations into the promulgation of Federal regulations. Both of these are important steps in encouraging the private sector to be more productive.

Congress has done little, however, even to acknowledge that poor productivity has a serious impact on the way our State and local governments are managed. The General Accounting Office (GAO) has made a very valuable contribution to our understanding in this field and last December released an important study and recommendations on how the Federal Government can assist State and local governments in productivity improvement programs.

Proposition 13 and the national calls for balanced budgets have ushered in a new era in public administration. For the first time in decades, limitations are being placed on Federal expenditures and grants to States, counties, and municipalities. It is more important than ever before that we act to increase public sector productivity as we have begun to do with industry productivity. The bill I am proposing today, introduced by Representatives TOM CORCORAN and PAUL SIMON in the House (H.R. 2735), moves us in that direction.

As students of government finance know, State and local expenditures have increased rapidly in the past 15 years. Between 1955 and 1976; for example, State and local spending jumped an astounding 600 percent; employment increased by 150 percent and related personnel compensation costs climbed by 204 percent. All of these measures exceed the 102-percent increase in the Consumer Price Index for the same period. What is more, in 1976, State-local spending represented over 15 percent of the gross national product, compared with just 8.6 percent 20 years before. During the same time period, Federal expenditures rose from 18 percent to 22.5 percent of gross national product. The growth in State and local government spending, abetted by Federal grants, has truly been the hallmark of government growth in the past 20 years.

During this phenomenal rise in government spending, productivity growth at all government levels has been slow. In its report of last December, GAO pointed out that—

> Although the state-of-the-art of productivity measurement in the State and local sector is still in its infancy, one study suggests that part of the State and local expenditure growth between 1962 and 1967 was due to low productivity. Other studies indicate marked differences between public and private sector performance in the same service area. For example, a study of refuse collection in New York City by E.S. Savas found that the city paid twice as much as private sector firms operating in the same area to collect a ton of garbage.

On the other hand, towns and States that have undertaken productivity improvement programs have found great benefits. GAO found that these local programs enabled governments to hold costs steady while increasing services and to actually decrease costs in other cases. Despite these successes, a GAO survey of 50 States and selected counties and municipalities points up the need for more attention to this important area. Only 19 percent of State and 17 percent of local governments responding to the GAO survey used productivity as a "primary strategy" to control costs. Most resorted to budget cuts to control costs, as the following GAO chart reveals.

PRIMARY STRATEGIES USED BY STATE AND LOCAL GOVERNMENTS TO DEAL WITH INCREASING COSTS

Type of government	Budgetary belt tightening	Reduction or elimination of services	Productivity improvements	Revenue increases	Other	Total
State:						
Number	10	0	3	0	3	16
Percent	62.4	0	18.8	0	18.8	100
County:						
Number	60	1	6	10	3	80
Percent	75.0	1.3	7.5	12.5	3.7	100
City:						
Number	110	12	38	17	3	180
Percent	61.1	6.7	21.1	9.4	1.7	100
Total:						
Number	180	13	47	27	9	276
Percent	65.2	4.7	17.0	9.8	3.3	100

Mr. PERCY. Productivity growth does not mean simply cutting back on personnel or making employees work longer hours. On the contrary, human resources are an integral force behind productivity improvement. Last fall in Chicago, I convened a conference on inflation, to which I invited Illinois business, labor, and farm leaders. Comptroller General Staats spoke at our conference on the importance of productivity in the fight against inflation. He made a number of valuable observations, but I would like to quote one which applies directly to the question of government productivity improvements. Mr. Staats said:

> Efforts to meet the expectation of workers for better working conditions and to make more effective use of their ingenuity and creativity represents one of the significant opportunities for productivity growth. We must remove the old—and still latent—impression that increased productivity is just a euphemism for beating more work out of labor for the same pay.
>
> In a quality of employment survey taken by the Labor Department in 1969 and 1972, workers ranked pay high, but they also wanted other opportunities: training; better use of their talents; greater flexibility in work patterns, leisure and retirement; health and safety protection on the job; and greater control over performance of work.
>
> To achieve the twin objectives of greater productivity and worker satisfaction, a variety of human resources programs have been tested. Those that seem to show the most promise are systems that take into account various aspects of the workplace, including recognition for performance and training, a voice in plans and decisions about how work is to be done, safety and health protection, and appropriate equipment to do the job.

Although these comments were addressed to private productivity efforts, I believe they pertain as well to government productivity and the ways in which management can work with government workers to increase performance and job satisfaction.

Comptroller General Staats highlighted the need for productivity improvement at the State and local level in a speech earlier this year. He touched on several points and one of his recommendations was that the Federal Government implement a program that would provide the technical and financial assistance to States, counties and towns to enable them to improve their management and productivity.

Mr. President, I ask unanimous consent that the text of the Comptroller General's remarks be included in the RECORD at the close of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. The purpose of the bill I am introducing today is meant to be a step in the direction recommended by GAO. The Intergovernmental Productivity Improvement Act is designed specifically to authorize funding through the Intergovernmental Personnel Act for general management improvement projects. The existing act is administered by the Office of Personnel Management and it is this bureau that would be authorized by the legislation to make grants of up to 90 percent to cover costs of "developing and carrying out programs or projects to strengthen the capability to improve productivity" of State and local governments. The legislation is drafted to encourage innovation and diversity and flatly prohibits governments from merely using grants as substitutes for other funds already earmarked for productivity programs. In other words, our legislation encourages the development of new programs and new ways to deal with spending patterns.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PERCY. I was pleased to see that a number of groups have endorsed the concept of Federal leadership in improving State and local productivity. Last fall, for example, a program of this type was strongly supported by the executive directors of the Council of State Governments, the National Association of Counties, the National Governors' Association, the National Conference of State Legislatures, the National League of Cities, the U.S. Conference of Mayors, and the International City Management Association. I look forward to working with these groups and other interested individuals this year in the Governmental Affairs Committee as we begin to look more closely at this idea. I believe its time has come and that we are long overdue for an emphasis on controlling government spending through productivity increases.

EXHIBIT 1

GAO'S VIEW OF THE FEDERAL ROLE IN IMPROVING STATE AND LOCAL GOVERNMENT PRODUCTIVITY

I am pleased to be here today to address this distinguished and diverse group of representatives of State and local governments, employee unions, Federal agencies, national associations, and public interest groups. However diverse, we are all concerned about improving State and local government productivity; we are also committed to helping define the Federal Government's role in carrying out this objective. I hope that today's workshop will provide some of the critical information needed by the National Productivity Council to activate an effective Federal policy and program to help improve productivity in this important sector of the economy.

As one who has had a long interest in the subject of productivity growth, I am encouraged by the increasing attention being given to the part which improved productivity can play in fighting inflation and reducing the cost of Government. The President, in his economic report, stressed the importance of increasing productivity as a major solution to our inflation problem. Last week the President reiterated this in a speech on inflation to a group of State and local officials.

Over the past several years, GAO's interest and involvement in the productivity arena in both their public and private sectors has intensified for several important reasons:

Productivity growth rates in the U.S. have slowed significantly in the past 10 years.

Productivity improvement enhances our ability to compete in world markets.

Improved productivity is a major factor in reducing and curbing inflation.

Public sector productivity is increasingly important to our economy.

For these major reasons, GAO has designated national productivity as a major issue area and has allocated a significant amount of resources to studying productivity in the three primary sectors of the economy.

In our work, we have attempted to define the appropriate Federal roles in improving productivity in both private and public sectors. Nine months ago we released a comprehensive report, "The Federal Role In Improving Productivity—Is The National Center For Productivity And Quality Of Working Life The Proper Mechanism?" In this study we concluded that the Federal Government has many policies and programs currently affecting national productivity growth and cited the need for stronger leadership from the Federal Government.

In that report we stated that: "We can no longer afford to let productivity 'take care of itself.'" This principle is recognized by every other industrial nation—all of which understand the critical role of productivity in meeting their national objectives and have had, for many years, extensive national programs to promote productivity growth.

Many U.S. productivity efforts now underway in the private sector, State and local Governments, and some areas of the Federal Government. These efforts are worthwhile and deserve support and encouragement but, in themselves, are not adequate. Greater Federal involvement is needed because only the Federal Government has the authority to deal with issues on a national basis and to induce changes that are needed to correct the downward trend.

With regard to the private sector, it seems likely that we shall continue, as in the past, to rely primarily on the profit motive and competition in free markets to stimulate economic progress and productivity growth. However, as we have stated, the Government plays an important role in setting the framework for private enterprise through such areas as economic policies, tax laws, regulations, and funds expended to support productivity advances.

Last month we held a seminar with prominent economists, business leaders, and union representatives to help define the roles that the Federal Government and GAO should play in improving private sector productivity. The consensus of the group was the need for better cooperation between business, unions, and Government. Our work in this area will concentrate on investigating the relationships between Federal agencies and private firms which affect private sector productivity and identifying Federal actions which contributed to or detract from the productivity of particular industries.

An example of our work is an international review on manufacturing productivity. In our report we emphasized the importance of technological innovation and diffusion in sustaining our industrial productivity growth.

In reference to the Federal Government, recent trends indicate Federal productivity has risen only 1.2 percent per year since 1967. This rate, comparable to the private sector, warrants increased attention by GAO. Our recent work in improving Federal productivity has been centered on ways to improve the productivity of common Government functions. We feel that an evaluation of common functions on an agency-by-agency basis can yield greater improvement because of the benefit of exchanging good methods and procedures.

Of our six ongoing studies in this area of common functions. improving the productivity of Federal debt collection is a good example of our work. In our recently issued report we recommend ways Federal collection standards can be revised to incorporate certain effective commercial practices. These standards are now being revised based on our work.

STATE AND LOCAL ISSUE

Although concern for State and local governmental performance has existed since the early 1900's, Federal, State and local officials have shown renewed interest in productivity itself in recent years. With State and local government expenditures now comprising over 15 percent of the GNP, the fiscal status and productivity of this sector has become more important for a healthy national economy. Similarly, the importance of productivity for State and local governments themselves has increased as the State and local community searches for new ways to cope with resource scarcity. Proposition 13 and various related initiatives in other States have served to spur concern for State and local productivity and ways to improve it.

Federal concern for State and local productivity improvement has been further stimulated by realization that successful implementation of many Federal social and regulatory programs is critically dependent on effective State and local management of these programs.

These concerns prompted GAO to embark on a study of State and local productivity, culminating in our recent report, "State And Local Government Productivity Improvement: What Is The Federal Role?" This report was based on field work at 46 State and local governments, as well as a questionnaire sent to a random sample of States and localities.

I would like to briefly summarize the central findings of this report for your consideration this morning.

First of all, our study confirmed what most of you here today already know: State and local productivity improvement can bring about significant gains in service performance and fiscal health in these governments.

Jurisdictions ranging from Los Angeles County to Niagara Falls reported significant dollar savings as a result of implementing productivity improvement programs. In addition, many studies have revealed marked differences in productivity for the same services among comparable jurisdictions; for example, differences of as much as 500 percent have been identified in refuse collection productivity among comparable cities. Productivity improvement programs can help many Governments to increase their productivity at least to the levels of the more efficient States and localities.

In spite of these potential benefits, most State and local governments nevertheless do not have significant productivity improvement programs. More important, local governments with the greatest need for productivity improvement—governments in fiscal distress—utilize this strategy the least; according to our survey, only 6 percent of fiscally troubled local governments reported using productivity improvement as their primary approach to control costs. On the other hand, 24 percent of local governments without fiscal problems used productivity improvement as a primary strategy.

In fact, some local governments in fiscal distress report that budget reductions fall first on management analysis functions, forcing curtailment of ongoing productivity improvement programs. This finding shows the unfortunate fate that often befalls organizations experiencing cutbacks or decline: The worse things get, the worse they become.

Why is productivity improvement so often praised in the abstract but so little used in practice by State and local governments? Basically, productivity improvement does not come easily to State and local governments. Because the benefits derived from productivity programs are often long-range and diffuse, they are not adequately appreciated by the public, while the associated fiscal and organizational costs receive inordinate recognition. Consequently, managers embarking on productivity improvement face considerable resistance and risk.

Major barriers that impede State and local productivity efforts include:

Limited rewards accruing to top managers;

Internal bureaucratic and employee resistance;

Large initial financial investment needed to start a program;

Limited capacity of State and local organizational systems, such as budget processes and information systems;

Lack of trained analytic expertise; and

Inadequate measures available to analyze service output.

To overcome these barriers, the concern of top management for productivity must be strong and compelling. Clearly, a strong commitment by top management, ideally in cooperation with employee groups, is needed to mount an effective and sustained productivity improvement program.

In our study, we identified two primary ways the Federal Government can help improve State and local productivity:

1. Provide Federal technical and financial assistance for management improvement:

2. Change the Federal grants system to remove negative barriers and provide more prospective incentives for productivity improvement.

MANAGEMENT IMPROVEMENT ASSISTANCE

In the management assistance area the primary impetus for productivity improvement programs must come from the initiative of interested top managers within each jurisdiction.

However, because of the limited availability of in-house expertise and information, most State and local governments have relied on some form of external assistance to support development of their productivity improvement programs. Thus, we believe that, with the requisite internal management commitment to productivity improvement, Federal management assistance can play an important, supportive role for States and localities.

How can the Federal Government most effectively provide this kind of assistance? We have concluded that an effective Federal effort should consist of a two-pronged program to improve the capacity of both the Federal Government and State and local governments:

1. The Federal Government should improve its own capacity to respond to States and localities interested in productivity improvement.

There are a number of important programmatic activities the Federal Government should undertake here, including:

Improving techniques for measuring the productivity of public services.

Collecting and disseminating comparative performance data for selected State and local services.

Improving the assessment and transfer of new technologies with maximum payoff for State and local productivity. For example, the International Urban Technology Exchange Program was organized by local government public interest groups in France, West Germany, the United Kingdom, and the U.S. to perform transfers of technologies into local governments.

Achievements to date have included the actual transfer of a complex French computer method for refuse collection to U.S. cities and the transfer of an American equipment management information system to several European cities.

2. Second, the Federal Government should support the capacity of States and localities to launch their own productivity improvement programs.

Federal seed money supports productivity efforts by helping State and local governments upgrade existing staff skills, hire new analytic staff, or procure services for outside contractors. Furthermore, our study showed that Federal seed money can help stimulate the initiation of productivity programs in some jurisdictions by reducing programs start-up costs, thereby enabling top management to overcome budgetary resistance to management innovations. Federal technical assistance from agencies as diverse as the Office of Personnel Management and the Navy Department have also proven to be valuable to States and localities seeking information and advice on innovative management practices and procedures.

THE FEDERAL GRANTS SYSTEM

The Federal Government achieves its most significant impact on State and local productivity through the Federal grants system. The productivity implications of Federal grants, comprising over 25 percent of State and local spending, could be far-reaching compared with the small direct Federal investment in management improvement programs.

We have concluded that the impact is often negative due to the myriad of regulations and excessive "red tape" imposed. We have further concluded that the most promising way for the Federal Government to improve State and local productivity rests in rewarding productivity improvement in the functions supported by these grants. This could be be done by incorporating positive productivity incentives in aid formulas and reimbursement schemes. At this time, most Federal grant programs do not reward grantees for improving productivity, but in fact provide disincentives to productivity improvement. Grantees achieving cost savings with Federal funds must typically return the savings to the Federal Government.

RECOMMENDATIONS

Finally, in our report, we recommend a three-part Federal strategy for productivity improvement which you may also want to consider today:

1. Develop a Federal general management improvement program to assist States and localities in executing innovative improvement projects and to sponsor needed research and development in public management.
2. Make fundamental changes in the grants system to remove negative barriers and promote positive incentives for productivity improvement.
3. Establish a strong Federal focal point for State and local productivity improvement to provide leadership for existing Federal management assistance efforts and to lead in developing new Federal policies in this area.

Over the past several years, all levels of the public sector have come to realize that certain common challenges must be dealt with. These are: Governing under conditions of resource scarcity and restoring citizens' confidence in government. Productivity improvement can be an effective way for each level of government to handle these challenges. The productivity of each level of government can be greatly enhanced by a stronger intergovernmental partnership.

I look forward to working with you this morning to chart the course of this strengthened partnership.

EXHIBIT 2

S. 1155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Productivity Improvement Act of 1979".

SEC. 2. (a) The Intergovernmental Personnel Act of 1970 (42 U.S.C. 4721, et seq.) is amended by inserting after title IV the following new title:

"TITLE V—INTERGOVERNMENTAL PRODUCTIVITY IMPROVEMENT

"DECLARATION OF PURPOSE

"SEC. 501. The purpose of this title is to establish a program to assist State and local governments to strengthen their capability to improve productivity.

"PRODUCTIVITY IMPROVEMENT GRANTS

"SEC. 502. (a) The Office of Personnel Management is authorized to make grants to a State, or general local government, or a combination of general local governments, for up to 90 per centum of the costs of developing and carrying out programs or projects to strengthen the capability to improve productivity of State and local governments. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in the planning, implementation, and assessment of such grants.

"(b) An application for a grant shall be made at such time or times, and contain such information, as the Office may prescribe. The Office may make a grant under subsection (a) of this section only if the application therefor—

"(1) is signed by the Governor or chief executive officer of the general local government, or combination of local governments, applying for the grant;

"(2) provides for meeting a specific productivity need of the State or local governments;

"(3) provides assurance that the making of a Federal grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for the same purposes as that grant; and

"(4) sets forth clear and practicable actions for the improvement of management capability for increased productivity, such as—

"(A) supporting specific projects or programs which enhance productivity by demonstrating how to maintain the same quantity or quality of service at the same or lower cost;

"(B) assessing State or local government needs for new or improved productivity-related systems or subsystems;

"(C) strengthening one or more areas of management to improve productivity, such as program planning and evaluation, program and policy analysis, organization, information management, cost reduction, work and performance measurement, or administrative services;

"(D) utilizing available and potential knowledge, ability, and skills of public employees and managers and private individuals and organizations to increase the efficiency and effectiveness of governmental activities;

"(E) undertaking research and demonstration projects to develop and apply better techniques to improve productivity of State and local governments, including projects conducted by State and local government employees and projects conducted by institutions of higher education or other appropriate nonprofit organizations under grants or contracts; and

"(F) increasing intergovernmental cooperation in productivity improvement with respect to such matters as information management, administrative services, and intergovernmental financial management.

"(c) A grant under this title may not be made solely for the same purposes as grants under title II or title III. However, any grant project which includes personnel management and training components may be funded under this title if the overall purpose of the project is to strengthen the capability to improve productivity.

"(d) An application for a grant from a general local government or a combination of general local governments shall first be submitted by the applicant to the Governor for review, comments, and recommendations. The Governor may refer the application to a State office designated by the Governor for review. Comments and recommendations (if any) made as a result of the review, and a statement by the general local government or combination of such governments that it has considered the comments and recommendations of the Governor, shall accompany the application to the Office. Comments and recommendations of the Governor shall not be required to accompany the application if the general local government or combination of such governments certifies to the Office that the application has been before the Governor for review and comment for a period of thirty days without comment by the Governor. An explanation in writing shall be sent to the Governor of a State by the Office whenever the Office does not concur with recommendations of the Governor in approving any local government applications.

"TECHNICAL ASSISTANCE

"SEC. 503. The Office of Personnel Management may furnish technical advice and assistance, on request, to any State or general local government seeking to improve its productivity. The Office may waive, in whole or in part, payments from any such government for the costs of furnishing such assistance. All such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

"GRANTS TO OTHER ORGANIZATIONS

"SEC. 504. (a) The Office of Personnel Management is authorized to make grants to other organizations to pay up to 90 per centum of the costs of projects and programs to strengthen the capability to improve productivity of State and local governments if the Office—

"(1) finds that State or local governments have requested the proposed project or program;

"(2) determines that the capability to provide such assistance does not exist, or is not readily available, within the Federal or the State or local governments requesting such assistance, or if such capability does exist, that such government or association is not disposed to provide such assistance; and

"(3) approves the project or program as meeting such requirements as may be prescribed by the Office of Personnel Management in its regulations pursuant to this Act.

"(b) For the purpose of this section, 'other organization' has the same meaning as given it in section 304(b).

"DISTRIBUTION OF PRODUCTIVITY IMPROVEMENT GRANTS

"SEC. 505. (a) The Office of Personnel Management shall allocate the money available for grants under this title in such manner as will most nearly provide an equitable distribution of the grants among States and between State and local governments, taking into consideration such factors as the size of the population, number of employees affected, the urgency of the programs or projects, the need for funds to carry out the purposes of this title, and the potential of the governmental jurisdiction concerned to use the funds most effectively. The provisions of section 606 of this Act shall not apply with respect to funds appropriated for grants authorized by this title.

"(b) In administering grant funds under this title, the Office may allocate funds to States to be used in conjunction with funds allocated under section 606 of this Act. States are encouraged to establish statewide programs for the use of all grant funds under this Act. Grantees may use the funds provided for personnel management and training and those provided for productivity purposes in a combined manner.

"EVALUATION OF PRODUCTIVITY IMPROVEMENT GRANT PROGRAM

"SEC. 506. (a) The Comptroller General of the United States shall audit, review, and evaluate the implementation of the provisions of this title by the Office of Personnel Management.

"(b) Not less than thirty months nor more than thirty-six months after the effective date of this title, the Comptroller General shall prepare and submit to the Congress a report on his audit conducted pursuant to subsection (a).".

(b)(1) Such Act is further amended—

(A) by redesignating title V as title VI; and

(B) by redesignating sections 501 through 513 as sections 601 through 613, respectively.

(2) Sections 203(a) and 303(c) of such Act (42 U.S.C. 4723(a) and 4743(c)) are each amended by striking out "506(a)" and "513" each place they appear and inserting in lieu thereof "606(a)" and "613", respectively.

(3) Section 601 of such Act (as redesignated) (42 U.S.C. 4761) is amended by striking out "and V" and inserting in lieu thereof "V, and VI".

SEC. 3. The amendments made by this Act shall take effect on the later of—

(1) October 1, 1979; or

(2) the date of the enactment of this Act.●

By Mr. GARN (for himself and Mr. BOREN, Mr. JEPSEN, Mr. BELLMON, Mr. GOLDWATER, Mr. HATCH, Mr. HAYAKAWA, Mr. HUMPHREY, Mr. LAXALT, Mr. LUGAR, Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, Mr. YOUNG, Mr. EXON, and Mr. ZORINSKY):

S. 1158. A bill to amend the Clean Air Act and the Clean Air Act Amendments of 1977 to delay for 1 year certain provi-

sions relating to areas which fail to meet national ambient air quality standards; to the Committee on Environment and Public Works.

CLEAN AIR ACT AMENDMENTS

Mr. GARN. Mr. President, under the Clean Air Act Amendments of 1977, every State in the country was to have submitted to the Environmental Protection Agency, by December 31, 1978, a revised State implementation plan (SIP) outlining how the State was to reach compliance with ambient air quality standards. Only three States (and the District of Columbia) submitted their SIP's on time.

The EPA was to approve those SIP's, or suggest modifications. Final approval had to be given, under the statute, by June 30, 1979. As of March 31, only 16 States had even submitted SIP's, and none have as yet been approved. EPA reports that the processing of a SIP takes a minimum of 4 months, so it is virtually impossible that any significant number of States will have approved plans by the deadline.

Under the law, if a State does not have an approved SIP on July 1, EPA must refuse any construction permits, must cut off all EPA grant and contract money to the State, and order a cutoff of all highway trust fund money. It is true that EPA has talked about not applying these sanctions strictly, but it is not clear from the law that EPA will have an option; it is even less certain that environmental groups will refrain from lawsuits designed to force the cutoffs.

For these reasons, Senator BOREN, Senator JEPSEN and I, with a number of cosponsors, are today introducing a bill to delay the deadline for approval of the implementation plan until June 30, 1980. Some States have raised the point that extending the SIP approval date by 1 year will leave only 30 months before the date by which the State must be in compliance. Consequently, our bill would also extend the compliance deadline until December 31, 1983, so that the revised SIP can produce compliance in an orderly manner.

This proposal is not an attempt to rewrite the Clean Air Act. It simply recognizes that the 1979 deadline was too short, and provides a way to avoid turning over the management of local affairs to EPA bureaucrats. A similar bill, introduced by Congressman WES WATKINS on the House side, already has 130 cosponsors. I think the interest in legislation along these lines is evident.

Mr. President, there is another reason to pass this legislation at this time. Right now we are seeing lines at gas stations reminiscent of the worst we saw in 1973 and 1974, during the Arab oil embargo. There is no clear-cut reason for these lines, but a number of contributing factors. The point is that the States are going to have to cope with these lines, and with the pressures for fuel economy and supplies that they will feel this summer. It is entirely possible, and in my view desirable, that some States may wish to revise plans now in the works, or before EPA. The arbitrary deadline of the 1977 amendments makes that kind of revision difficult, if not impossible, and this legislation would provide additional breathing room. For all these reasons, Mr. President, I urge prompt action on this very necessary bill.

Mr. JEPSEN. Mr. President, I rise in support of the measure just introduced by the distinguished senior Senator from Utah and I am pleased to join Senator GARN in its sponsorship.

I do not believe, Mr. President, that anybody opposes the improvement of air quality. I do feel, however, that States which have in good faith attempted to formulate State implementation plans, should be allowed sufficient time to do so. Several States are having difficulties with their plans because they need more time to gather data in order to develop effective air quality programs. As an official with the Iowa Development Commission recently told me, "It's hard to develop a plan when you don't know what it is you're trying to control."

Iowa, and most agricultural States, are experiencing great difficulty in developing control strategies for fugitive dust. Although Iowa has included a control strategy for fugitive dust in its current plan, I have learned that this strategy will not put the State in compliance by the 1982 deadline. Yet the State Department of Environmental Quality, under extreme pressure to produce a plan by the unrealistic deadline of June 30, 1979, has been forced to outline a control strategy that will not effectively solve the fugitive dust problem.

My neighboring State of Illinois is having numerous difficulties in meeting this deadline, and I have been informed that up to 20 States may share Illinois' problems. Before ozone control strategies can be developed, the State legislature must approve an inspection and maintenance program involving motor vehicle testing stations. If and when these stations are established, they must be given sufficient time to gather data. All of these steps must be taken before the States can even begin to develop effective ozone control strategies.

Mr. President, I have mentioned only two examples of the many problems which States are experiencing as they attempt to formulate these implementation plans. I am afraid that by being forced to meet the June 30, 1979 deadline many States may come up with plans that ultimately will not address the true air quality problems that exist. The old maxim "haste makes waste" never had a truer application than in this situation.

I do not believe it is the intention of this bill to bring to a stop the orderly development of reasonable State implementation plans nor to postpone until a later date another deadline which might again cause frantic, drastic, nonprudent actions on the part of the Federal or State governments. Rather, it is the intent that an orderly development of practical, reasoned and well-considered plans will continue during this extended period.

I am pleased to endorse a measure which will allow States time to formulate thoughtful, intelligent responses to their numerous and varied air quality problems.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. MUSKIE, the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 2, the Sunset Act of 1979.

S. 50

At the request of Mr. HATFIELD, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 50, the Beverage Container Reuse and Recycling Act of 1979.

S. 76

At the request of Mr. STONE, the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Washington (Mr. JACKSON), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 76, to amend the Social Security Act to authorize payment under medicare for certain services performed by Chiropractors.

S. 94

At the request of Mr. BENTSEN, the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of S. 94, a bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the amount of the deduction for payments into retirement savings on the basis of the compensation of their spouses, and for other purposes.

S. 100

At the request of Mr. PACKWOOD, the Senator from Idaho (Mr. CHURCH) and the Senator from Washington (Mr. JACKSON) were added as cosponsors of S. 100, a bill to amend the Internal Revenue Code of 1954 to provide a deduction for expenses incurred for reforestation, and for other purposes.

S. 196

At the request of Mr. THURMOND, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 196, to provide chiropractic treatment when requested for veterans eligible for outpatient medical care.

S. 246

At the request of Mr. BENTSEN, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 246, a bill to amend the Internal Revenue Code of 1954 to encourage greater individual savings.

S. 252

At the request of Mr. GLENN, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 252, the Anti-Arson Act of 1979.

S. 262

At the request of Mr. RIBICOFF, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 262, the Reform of Federal Regulation Act of 1979.

S. 414

At the request of Mr. BAYH, the Senator from Washington, (Mr. MAGNUSON), was added as a cosponsor of S. 414, The University and Small Business Patent Procedures Act.

S. 654

At the request of Mr. GOLDWATER, the Senator from North Carolina (Mr. MORGAN) was added as a cosponsor of S. 654, a bill to remove residency requirements and acreage limitations applicable to land subject to reclamation laws.

S. 669

At the request of Mr. BAYH, the Senator from Alabama, (Mr. HEFLIN), was added as a cosponsor of S. 669, Industrially Funded Personnel.

S. 739

At the request of Mr. LAXALT, the Senator from Utah (Mr. GARN), the Senator from Nevada (Mr. CANNON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. MCCLURE), the Senator from North Dakota (Mr. YOUNG), the Senator from Alaska (Mr. STEVENS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Wyoming (Mr. SIMPSON), the Senator from New Mexico (Mr. SCHMITT), the Senator from North Carolina (Mr. MORGAN), and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of S. 739, to amend title 28, United States Code, relating to venue in the district courts and the courts of appeals.

S. 740

At the request of Mr. WILLIAMS, the Senator from New Hampshire (Mr. DURKIN) was added as a cosponsor of S. 740, the Home Ownership Opportunity Act.

S. 830

At the request of Mr. JAVITS, the Senator from New Hampshire (Mr. DURKIN) and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of S. 830, the amendments of the GI Bill Improvement Act.

S. 884

At the request of Mr. WALLOP, the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 884, a bill to require the Secretary of Transportation to make incentive grants, and to reduce the apportionment of Federal-aid highway funds to States based upon the percentage of motor vehicles exceeding the 55-mile-per-hour speed limit on either rural or urban public highway systems within each State.

S. 892

At the request of Mr. LEAHY, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 892, a bill for extension of authorization for appropriations for the rural development extension, small farm research, and small farm extension programs.

S. 1070

At the request of Mr. PERCY, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1070, a bill to provide a 3-year residency requirement for aliens receiving supplemental security income benefits and to require every alien admitted for permanent residence to have a sponsor who will contract to support him for 3 years, or to have other means of support.

S. 1090

At the request of Mr. TALMADGE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1090, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code relating to church retirement plans.

S. 1091

At the request of Mr. TALMADGE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1091, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code relating to church retirement plans.

S. 1092

At the request of Mr. TALMADGE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1092, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code relating to church retirement plans.

SENATE JOINT RESOLUTION 62

At the request of Mr. PELL, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 62, a joint resolution "to declare May 18, 1979, to be 'National Museum Day' ".

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. DECONCINI, the Senator from California (Mr. HAYAKAWA) was added as a cosponsor of Senate Concurrent Resolution 24, expressing the sense of the Congress on the nonenforcement of sanctions against Zimbabwe-Rhodesia.

SENATE RESOLUTION 161—ORIGINAL RESOLUTION REPORTED AUTHORIZING PRINTING OF "SPECIAL BRIDGE REPLACEMENT PROGRAM, EIGHTH ANNUAL REPORT TO CONGRESS"

Mr. RANDOLPH, from the Committee on Environment and Public Works, reported the following original resolution, which was referred to the Committee on Rules and Administration:

SENATE RESOLUTION 161

Resolved, That the annual report of the Secretary of Transportation to the Congress of the United States (in compliance with section 144, title 23, United States Code), entitled, "Special Bridge Replacement Program, Eighth Annual Report to Congress" be printed with illustrations as a Senate document.

SEC. 2. There shall be printed five hundred additional copies of such document for the use of the Committee on Environment and Public Works.

AMENDMENTS SUBMITTED FOR PRINTING

NUCLEAR REGULATORY COMMISSION AUTHORIZATION—S. 562

AMENDMENT NO. 200

(Ordered to be printed and to lie on the table.)

Mr. METZENBAUM submitted an amendment intended to be proposed by him to S. 562, a bill to require the Nuclear Regulatory Commission to give States timely notification of the transporting of nuclear wastes.

● Mr. METZENBAUM. Mr. President, today I am introducing legislation which requires the Nuclear Regulatory Commission to notify State officials when hazardous nuclear wastes are shipped through their States. This language is identical to an amendment which passed the House Interior Committee last week.

Surprisingly, the NRC does not already issue such notification to State authorities, despite the dangers that transporting such waste present to the general population. The NRC is by law given advance notification by shippers of nuclear waste, and NRC issues licenses for those shipments, but the NRC does not notify State officials when those shipments actually occur. This lack of clear NRC policy became apparent in my home area of Cleveland recently when State officials learned, almost by accident, that nuclear wastes from the Three Mile Island plant were being transported on the Ohio Turnpike through a very populous part of the State. Neither the State department of energy nor the State highway patrol were notified of those shipments.

The fact is that accidents do occur during the transporting of nuclear wastes, and we should take every precaution to avert a potential catastrophe. Between 1973 and 1977 the Ohio Department of Transportation investigated eight separate incidents involving the transportation of radioactive materials, including five involving trucks and three involving airplanes. This amendment will give State officials the advance time they need to minimize the public danger from transporting nuclear wastes by all modes, including truck, rail, and air. State officials may require that those wastes be shipped only during off-peak traffic hours or only under police escort. But, in any case, State officials have a right to know when nuclear wastes are being shipped through their State. This amendment will give State officials and the general public the information which they should have in the first place.

Mr. President, I ask unanimous consent that two newspaper articles be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Cleveland Plain Dealer, May 4, 1979]

TRACKING ATOM WASTES

State officials have a right to know when radioactive wastes enter Ohio. That seems to be a matter of such common sense that we are startled by the attitude of federal officials and shippers responsible for such wastes being hauled across Ohio unbeknown to officials of the state.

The attitude seems to be that since no law requires that notification be made, there is no need to do so. Full speed ahead and damn the natives, as it were.

But in Berea, through which nuclear wastes from the Three Mile Island plant in Pennsylvania have been trucked on the Ohio Turnpike, there is an ordinance requiring two weeks' notice and a permit for transportation of hazardous substances in the city. In fact, 23 Cuyahoga County communities had similar laws on Jan. 1.

The question of jurisdiction in the case of the turnpike, which is run by an independent, quasi-public commission, could get to be sticky if an attempt were made to enforce the Berea ordinance. Also, the question of how a hazardous material is defined could drag through the courts.

But we are in total agreement with Robert S. Ryan, Ohio energy director and vice chairman of the Ohio Nuclear Safety Task Force, who said the state should have been notified of nuclear waste shipments—two already have been made and more are expected—as a matter of principle.

Ohio is a sovereign state and has a right—indeed, is required by its duty to its citizens—to exercise surveillance of hazardous materials within its borders.

But Ryan knew nothing of the shipments. Neither did any other state official, including Col. Adam Reiss, commandant of the State Highway Patrol, who said "I think Ohio should be notified in advance and I believe that positive inspection of each load should be made before shipment for compliance with federal regulations covering hazardous wastes."

At the least, the state might want to escort the waste-bearing trucks from border to border in Ohio, even though the material is sealed in steel and lead casks and supposedly is accident-proof.

We cannot help but wonder whether secrecy has been employed by federal officials and shippers due to worry about public concern over safety of nuclear materials. If that is so, it is reprehensible. It is crystal clear to us that prior notification of state officials—and through them local officials—is much the preferable alternative.

Federal responsibility for en route nuclear wastes is at best confused and at worst unknown. Since responsibility in the case of an accident ultimately would fall on state and local resources, it only stands to reason that those officials should be informed about shipments passing through their jurisdictions.

[From the Cleveland Press, May 4, 1979]

Radioactive Wastes Trucked Through Ohio

(By Bob Modic)

Radioactive wastes from the Three Mile Island plant in Pennsylvania, site of the nation's worst nuclear accident, are being transported across Ohio, a federal spokesman affirmed.

But he said the nuclear wastes are no different from those normally shipped across the country from other nuclear power plants, including Ohio's Davis-Besse plant near Port Clinton.

Davis-Besse has transported its wastes to a storage site in Barnwell, S.C., every couple of months since it opened in late 1977, said a spokesman for Toledo Edison Co. which owns the plant with the Illuminating Co.

The wastes from Three Mile Island are moving across Ohio now because South Carolina officials have refused to accept them since the Mar. 28 accident, said the spokesman for the federal Nuclear Regulatory Commission.

They are now being trucked to a depository in Richland, Wash., he said.

Although radioactive, they are at a low level and are primarily sludge produced from the plant, he said.

Three shipments have been sent from Three Mile Island since the accident so far and perhaps dozens more will be transported over the next several months, he said.

The wastes do not include the cooling water that became contaminated during the accident, he said. This will be stored on site until decontaminated.

NRC regulates the preparation and packaging of the low-level wastes from nuclear plants, the spokesman said. This includes solidifying the sludge into a plastic-like form and encasing it in a metal shield.

Commercial trucking companies then haul the wastes which, in the case of those from Three Mile Island, are taken along the Ohio Turnpike.●

ERISA IMPROVEMENTS ACT OF 1979—S. 209

AMENDMENT NO. 201

(Ordered to be printed and referred to the Committee on Finance and the Committee on Labor and Human Resources.)

Mr. PELL submitted an amendment intended to be proposed by him to S. 209, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 for the purposes of simplifying, clarifying, and improving Federal law relating to the regulation of employee benefit plans, to foster the establishment and maintenance of plans, and for other purposes.

● Mr. PELL. Mr. President, I am today submitting an amendment to the ERISA Improvements Act of 1979 (S. 209) to correct an inequity in the tax treatment of pensions for employees of nonprofit organizations.

Under the current law, employees of profitmaking organizations are given preferential tax treatment on profit-sharing plans, while no similar treatment is available to employees of nonprofit organizations or unions. My proposal would correct this inequity.

Nonprofit organizations may not, of course, sponsor profit-sharing plans for their employees. Therefore, in many cases an account is set up for the employee into which are paid regular employer contributions, the total of which may be withdrawn upon retirement. This is called a defined contribution plan. In addition, a pension plan may be set up where the employee is eligible for a certain amount per week or per month upon retirement. This is called a defined benefit plan.

Under the present law, employees must withdraw the full amount from the defined contribution plan at the same time they begin to receive the pension they have earned under the defined benefit plan in order to be eligible for preferential tax treatment. If they retire from their job before age 65 and decide to take only the lump sum they are due under the defined contribution plan, it is taxable as normal income.

However, a person who is participating in a profit-sharing plan can withdraw the proceeds before retirement and still be eligible to receive retirement benefits from the pension plan sponsored by his employer. He can income-average the lump sum he has received from the profit-sharing plan.

I do not question the fairness of this provision. I do believe however, that based on equity, persons who work for unions and public nonprofit organizations which have defined contribution plans should be eligible for the same tax treatment as persons participating in profit-sharing plans. Since, by law, nonprofit organizations and unions cannot sponsor profit-sharing plans, we should make sure that their employees do not suffer a grave inequity in taxation.●

DEPARTMENT OF COMMERCE MARITIME PROGRAMS AUTHORIZATION—S. 640

AMENDMENT NOS. 202 AND 203

(Ordered to be printed and to lie on the table.)

Mr. WEICKER submitted the following two amendments intended to be proposed by him to S. 640, a bill to authorize appropriations for the fiscal year 1980 for certain maritime programs of the Department of Commerce, and for other purposes.

● Mr. WEICKER. Mr. President, as the Senate prepares to consider S. 640 a bill to authorize appropriations to the maritime programs to the Department of Commerce I would like to call my colleague's attention to amendments that I will offer.

These amendments are designed to help the U.S. fishing industry build and grow to meet the future needs of our Nation.

Even though, the recently passed Fisheries Conservation and Management Act of 1976, that establish a 200-mile zone, is generally working in favor of our fisherman it is not enough. Our trade deficit in fisheries continues to grow and could reach $2.5 billion this year; 70 percent of our food fish is imported.

One area of the fisheries that needs help is the shoreside facilities including processing, landing, dockage, storage, freezing et cetera. Proper shoreside facilities are essential to the industry.

My amendments would first, add shoreside facilities to section 1104 of the Merchant Marine Act of 1936 providing for obligation loan guarantees and second, add shoreside facilities to section 607 of the same act which provides for a tax deferred Capital Construction Fund.

These amendments would not transfer or add any money to the fisheries.

Mr. President I ask unanimous consent that the next of the amendments be printed in the Record.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

Amendment No. 202

On page 3, after line 11, add the following:

Sec. 5. Section 1104 (a) of the Merchant Marine Act, 1936 is amended by—

(1) redesignating paragraph (4) as (5);

(2) inserting after subparagraph (3) the following:

"(4) financing or refinancing fisheries facilities;" and

(3) inserting after paragraph (5) (as redesignated by this section) the following: "For the purpose of this paragraph (4) the term 'fisheries facilities' means new and used landing, receiving, processing, storage and distribution facilities together with all equipment, including land where appropriate.".

Amendment No. 203

On page 3, after line 11, add the following:

Sec. 4. Subsection (a) of section 607 of the Merchant Marine Act, 1936 (46 U.S.C. 1177) is amended to read as follows:

"(a) Agreement Rules.—Any citizen of the United States owning or leasing one or more eligible vessels (as defined in subsection (k)(1)), or one or more fisheries facilities (as defined in subsection (k)(9)), may enter into an agreement with the Secretary of Commerce under, and as provided in, this section to establish a capital construction fund (hereinafter in this section referred to as the 'fund') with respect to any or all of such vessels or fisheries facilities. Any agreement entered into under this section shall be for the purpose of providing—

"(1) replacement vessels, additional vessels, or reconstructed vessels, built in the United States and documented under the laws of the United States for operation in the United States, foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States, or

"(2) replacement, additional, or reconstructed fisheries facilities in the United States, and shall provide for the deposit in the fund of the amounts agreed upon as necessary or appropriate to provide for qualified withdrawals under subsection (f). The deposits in the fund, and all withdrawals from the fund, whether qualified or nonqualified, shall be subject to such conditions and requirements as the Secretary of Commerce may by regulations prescribe or are set forth in such agreement; except that the Secretary of Commerce may not require any person to deposit in the fund for any taxable year more than 50 percent of that portion of such person's taxable income for such year (computed in the manner provided in subsection (b)(1)(A)) which is attributable to the operation of the agreement vessels or fisheries facilities or from the sale or marketing of fish or fish products (as defined in paragraphs (11) and (12) of subsection (k)).".

(b) Ceiling on Deposits.—Subsection (b) of section 607 of such Act is amended—

(1) in subparagraph (A) of paragraph (1) by inserting "or which is attributable to the operation of the agreement fisheries facilities or from the sale or marketing of fish or fish products" before the comma at the end thereof;

(2) in subparagraph (B) of paragraph (1) by inserting "or fisheries facilities" after "vessels"; and

(3) in subparagraph (C) of paragraph (1) and in paragraph (2) by inserting "or fishery facility" after "vessel" each place it appears.

(c) Qualified Withdrawals From the Fund.—Subsection (f) of section 607 of such Act is amended—

(1) in subparagraph (A) of paragraph (1) by inserting "or a fisheries facility," after "vessel"; and

(2) in subparagraph (C) by inserting ", a fisheries facility," after "reconstruction of a qualified vessel".

(d) Tax Treatment of Qualified Withdrawals.—Subsection (g) of section 607 of such Act is amended—

(1) in paragraphs (2) and (3) by inserting "fisheries facility," after "vessel," each place it appears; and

(2) in paragraph (4) by inserting "fisheries facilities," after "vessels,".

(e) Definitions.—Subsection (k) of section 607 of such Act is amended by adding at the end thereof the following new paragraphs:

"(9) The term 'fisheries facilities' means new or used landing, receiving, processing, storage and distribution facilities, together with all necessary equipment, including land where appropriate.

"(10) The term 'agreement facility' means any fisheries facility which is subject to an agreement entered into under this section.

"(11) The term 'fish' means any species of living aquatic resources excluding aquatic mammals and birds.

"(12) The term 'fish products' means any product which is made wholly or in part from any fish or portion thereof, except products which contain fish only in small proportions and which are exempted from definition as a fishery product by the Secretary.".●

NOTICES OF HEARINGS

SELECT COMMITTEE ON SMALL BUSINESS

● Mr. NELSON. Mr. President, I wish to announce that the Select Committee on Small Business will hold hearings in room 424 of the Russell Office Building on May 24 and 25. The hearings will convene at 10 a.m. to consider "The Economic Concentration in the Newspaper Publishing Industry." Witnesses will be announced at a later date.

Interested persons should contact the committee office, 224-5175.●

COMMITTEE ON GOVERNMENTAL AFFAIRS

● Mr. RIBICOFF. Mr. President, I wish to announce that the Committee on Governmental Affairs will hold a hearing on proposals to transfer the functions of ACTION to other agencies, on Thursday, May 17, 1979, at 10 a.m. in room 3302 of the Dirksen Senate Office Building.

Witnesses will include the Honorable Don Bonker; the Honorable Clement Zablocki; the Honorable Paul Tsongas; the Honorable Gordon Humphrey; James T. McIntyre, Jr., Director, Office of Management and Budget; Sam Brown, Director, ACTION; Ken Allen, executive director, National Center for Voluntary Action; Betty Herman, president, National Association of RSVP Directors; Milton Kotler, executive director, National Association of Neighborhoods; and Dr. Paul Kerschner, associate director, National Retired Teachers Association, American Association of Retired Persons.●

SELECT COMMITTEE ON SMALL BUSINESS

● Mr. NELSON. Mr. President, I wish to announce that the Select Committee on Business will hold a hearing in Billings, Mont., on June 1, 1979. The hearing will convene at 10 a.m. in room 3033 of the Federal Building to consider "The Impact of Railroad Deregulation on Small Business." Witnesses will be announced at a later date.

Interested persons should contact the committee office, 224-5175.●

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY OF THE DISTRICT OF COLUMBIA

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Governmental Efficiency and the District of Columbia Subcommittee of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 16, 1979, to hold a hearing on the relocation of Government agencies.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PARKS, RECREATION, AND RENEWABLE RESOURCES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Parks, Recreation, and Renewable Resources Subcommittee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 16, 1979, beginning at 2 p.m. to hold an oversight hearing on the National Forest Management Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE FATEFUL ILLUSIONS OF SALT II

● Mr. GOLDWATER. Mr. President, an article which appeared in the May issue of Reader's Digest entitled "The Fateful Illusions of SALT II" by Ralph Kinney Bennett should be by read every Member of the Congress. As we begin debate on SALT II I request that this article be printed at this point in the Record.

The reprint follows:

The Fateful Illusions of SALT II

(By Ralph Kinney Bennett)

Stretching the length of the Soviet Union, from the Carpathians in the west to the Stanovoi Range in the east, is a deadly constellation of concrete—1,500 intercontinental-ballistic-missile silos. About once a month, an SS-17 or SS-18 is test-fired from one of them. Then, from a huge underground "hold building," another missile is drawn to refill the silo.

(How many ICBMs are in these underground buildings? We don't know. How many additional missiles are hidden in the vast Soviet landmass? Again, we don't know.)

For more than six years now, the Strategic Arms Limitation Talks designed to fashion the SALT II treaty between the United States and the Soviet Union have produced a thick smog of political rhetoric and mystifying mathematics. When you penetrate this mist, you encounter two grave facts:

1. SALT II would not limit the number of missiles and nuclear warheads in the Soviet arsenal. Contrary to the impression fostered by our government, it will merely limit launchers, the devices from which missiles are fired. Accordingly, nuclear-weapons limitation, the primary objective of the United States when it entered the talks, is not in the agreement.

2. Despite our satellites, radars and other electronic sensing devices, we have been unable to determine the true size of the Soviet strategic missile force. Thus, accurate, unimpeachable data, the very basis for a rational agreement, of any kind, are missing from SALT II.

In the light of these facts, the American people, through their Congress, must seriously question whether an arms agreement should, or even *can*, be made with the pathologically secretive Soviets.

Hidden story. Common sense dictates that the most important factors in assessing Soviet strategic strength are the number and characteristics (range, accuracy, destructive power) of their missiles and warheads. From the outset of SALT negotiations, however, it became clear the Soviets would not share any such information. And, since it has been impossible by satellites and other technical means to gain complete, accurate knowledge, we have been forced to rely on imperfect and sometimes erroneous intelligence estimates.

A satellite camera cannot see through the roof of a missile plant. Furthermore, the Soviets often move missiles out of their factories at night, and in random batches, to frustrate estimates of their rate of production. And the four principal Soviet missile works—at Moscow, Gorki, Dnepropetrovsk and Bisk—are frequently hidden by thick cloud cover.

So, our common sense gave way to a curious kind of convenience. Since ICBM silos are extensive constructions not easily concealed, U.S. intelligence began counting launchers instead of missiles. "The primary currency of the [SALT] negotiations became limits on missiles or their characteristics," says former SALT negotiator Paul Nitze. "This has proved to be the wrong currency."

Just how wrong can be judged by examining the evolution of Soviet missile forces. In recent years, 1200 Soviet ICBMS have been removed from their silos and replaced by more sophisticated models. Western intelligence sources puzzle over what happened to those 1200 "old" missiles. Satellite photographs reveal no trace of where the ICBMS were taken. (Between 200 and 300 have been fired in mass training exercises.) Some may still be nearby, in the huge factory-like buildings at each of the 26 ICBM complexes. Others may be in extensive underground installations the Soviets are known to have been building since World War II.

The 1200 replaced missiles are only part of the hidden story. An ICBM must be periodically removed from its silo for maintenance, such as replacement of worn guidance gyroscopes (constantly spinning inside the missile). For this reason, Russian ICBM complexes keep a "maintenance float" of extra missiles. In addition, there is a "pipeline float"—missiles to replace damaged or malfunctioning ICBMS. These extras could constitute another 2000 operational ICBMS beyond the 1200 replaced missiles.

Beware a "Breakout." The possibility of such hidden missiles raises the question of what the Soviets plan to do with them. A close examination of Soviet capability and strategic doctrine provides a sobering clue.

When American ICBMs are launched, equipment in their silos is heavily damaged by takeoff blast. Skilled construction crews would need six weeks to repair a Minute-man silo to fire another missile. This is accepted because of our belief that a nuclear war would be one great, fiery "spasm" with no second round.

The Soviets have a decidely different view: A nuclear war is to be fought and survived—no matter how destructive. The U.S.S.R. therefore emphasizes the re-use of missile launchers. The latest Soviet missiles are encased in a canister with a compressed-gas generator. The gas pops the missile out of the silo before the engines ignite to send the missile on its way, leaving the silo undamaged. With this "cold-launch technique—an American idea once turned down by our Defense Department, then picked up by the Soviets—U.S. missile experts estimate that the Soviets could launch a second ICBM from the same silo in as little as two hours after the first.

When our negotiators brought up the reload-refire matter in the SALT II talks, the Soviets agreed not to develop, test or deploy a "rapid" reload system—but only after insisting that their launchers did not fall into this category. Nevertheless, satellite and other intelligence indicates that about half of Soviet silos have been or will be fitted with cold-launched missiles (SS–17s, SS–18s and newer ICBMs now being developed).

Many defense analysts are deeply concerned that the potential hidden storehouses of Soviet ICBMs, backed up by this refire capacity, may enable the U.S.S.R. to achieve a "breakout"—a sudden deployment of weapons that, as the Congressional special subcommittee on SALT put it, "could quickly tip the strategic advantage" in their favor.

Added worries. Even by the conservative estimates used in SALT II, the Soviets will have at least 7000 thermonuclear warheads by 1985. Breakout could suddenly add many more. The United States stopped production of enriched uranium for nuclear weapons in 1964, hoping the Russians would follow suit. Instead, the Soviets increased production and continue it today.

And, though our atmospheric sensors give us a general idea of Soviet nuclear-weapons-material production, without their cooperation we have no exact knowledge of how many warheads they are stockpiling. One highly placed intelligence source in Washington says, "Altogether there could well be twice as many warheads in the Soviet arsenal as our SALT negotiators believe will be deployed."

An added worry is the SS–16 ICBM. The Soviets have used two stages of this large missile to create a smaller, mobile one—the SS–20. Although a protocol to SALT II would prohibit deployment of a mobile ICBM system before 1981, at least 100 SS–20s have already been deployed.

The Soviets claim this is an "intermediate-range" ballistic missile, poised mainly against NATO forces in Europe, but one group of these missiles has been spotted in the center of the Soviet Union at an apparent ICBM installation. And analysts are wary of Soviet claims that the SS–20 is not of intercontinental range. Our monitoring indicates that when the Soviets tested it they loaded on 1000 pounds of ballast. If this unnecessary weight was eliminated, the missile could easily be of ICBM range.

And the SS–16 itself is a subject of concern. Many SS–16 first stages were built, but then disappeared. These first stages could be quickly mated to the two stages that make up the SS–20, thus throwing another large ICBM into the strategic balance at some critical moment. Moreover an SS–16—in fact, all Soviet ICBMs—need not be fired from a silo. They could be launched from virtually any pre-surveyed (for guidance) site, even from inside a building with a false roof.

How many SS–16s and SS–20s are there? We don't know.

Cat-and-mouse game. The Soviets can precisely gauge our missile force simply by attending appropriations hearings on Capitol Hill, reading the aerospace press or looking at easily obtained maps showing the nine Air Force bases were our ICBMs are located. By contrast, trying to learn about a new Soviet missile involves imprecise, long-range detective work.

For the most part, we rely on radar tracking of test firings and the reading of intercepted telemetry—the flow of electronic information sent back to the ground by the missile itself. Experts further attempt to get a "thumbprint" of a new missile by analyzing the type of silo, cranes and service vans at a launch site. But the uncooperative Soviets play cat-and-mouse with us by disguising equipment, encoding the telemetry coming from a missile and even hiding its true flight characteristics by adding or subtracting weight.

Our detective work has recently become even more difficult. The sale of the operational manual of our KH–11 satellite to the Soviets by a CIA employee has enabled them to take steps to elude the satellite's photographic and electronic sensing equipment. And the U.S. pullout from Iran, where we operated an extensive array of radar and sensing devices, has severely hampered eavesdropping on prime Soviet test ranges.

Intelligence analysts are proud of our surveillance technology, but they feel we may have been oversold on it by those eager to promote arms control. Some spy-satellite cameras can pick out objects the size of a pie plate. But the cameras can't penetrate darkness or clouds. And in covering the huge Soviet landmass, satellite analysts must look where they think they will find something. In the mid-1970s the Russians constructed four gigantic radar installations, possibly the largest in the world, near the Arctic Circle. It was two years before our satellites detected all of them, and then only after a tip from a defector.

Vast numbers of such Soviet military installations have been spotted by satellites, but remain shrouded in mystery. More than 150 heavily guarded, Pentagon-size structures, obviously of high military value, have been pinpointed all over the Soviet Union. But what goes on inside them?

The limitations of our surveillance systems make many experienced intelligence analysts incredulous at the smooth assurances of the State Department and the Arms Control and Disarmament Agency that we will be able to "verify" SALT II.

Raging controversy. The Administration says SALT II is the "centerpiece" of American foreign policy, an important step in stopping the "arms race" while preserving strategic "equivalence." But SALT II critics point to the steady decline of U.S. strategic strength and the dramatic growth of Soviet power that have accompanied the protracted negotiations. They see the lack of true constraints in the treaty and the concomitant American trend of unilateral arms limitation (cancellation of the B-1 bomber, delays of the MX missile) as ensuring the Soviets, within the next half decade, the capacity to destroy our ICBM force while using less than half of their missile force.

Yet the real problem with SALT lies outside the treaty—in the great unknown concerning true Soviet ballistic-missile and warhead production. It seems almost inconceivable that the United States has allowed so many years of negotiations (and U.S. concessions) to go by without obtaining the most rudimentary information from the Soviets about their missile production. A rational revelation of their strategic inventory—and the *certain* means of confirming the figures—should have been the premier and absolutely non-negotiable demands of the United States. Unless that great unknown is pierced, SALT II limitations on "launchers" are meaningless, and neither an elaborate treaty nor the interest of Moscow in true "peaceful coexistence" can be counted upon.

TRUTH OR CONSEQUENCES

The Soviet doctrine regarding the utility of nuclear weapons is quite different [from ours]. As we are finally beginning to realize, the Soviets are not interested in mutual deterrence and nuclear stalemate. To the Soviets, clear nuclear superiority is the ultimate weapon of coercive diplomacy—through which they think they could achieve checkmate without having to fight either a nuclear or a conventional war.

The debate over SALT II presents a unique opportunity for telling this truth. If, mesmerized by old illusions about disarmament and new ones about détente, we accept the treaty, we will be taking not a step toward peace but a leap toward the day when a President of the United States may have to choose between the surrender of vital national interests and nuclear holocaust. But if we see the SALT II treaty for what it truly is—American acquiescence in the Soviet drive for overwhelming military superiority—we will give ourselves a last chance to restore the strategic balance that is the only guarantee of peace in the nuclear age.

(Former Under Secretary of State Eugene V. Rostow in *Commentary.*) ●

PROTECTING INTELLIGENCE SOURCES

● Mr. **BENTSEN**. Mr. President, I rise today to urge prompt congressional action on S. 191, which would protect the identities of intelligence officers who perform difficult work under dangerous conditions. This legislation is vital to a strong intelligence service, and I today call on the Senate Judiciary and Intelligence Committees to convene prompt hearings and to report a bill to the full Senate.

My legislation would make it a crime for past or present employees of the Central Intelligence Agency to reveal the identity of intelligence officers who need protection. It would prohibit disclosure by past or present intelligence employees of the names, addresses or telephone numbers of acting protected officers. It would provide for punishment of up to 10 years in prison for violators.

Mr. President, restrictions on disclosure now exist for sensitive matters relating to tax information, atomic energy secrets, and other aspects of Government. It is incredible that in the intelligence field, where disclosure can literally mean the difference between life and death, between acquiring and not acquiring valuable intelligence information, the current laws safeguarding officers' confidentiality are so weak as to be virtually nonexistent.

In recent years our intelligence service has undergone tremendous stress. Abuses have been revealed. Changes have been made. Intelligence activities have undergone unprecedented scrutiny. Strong congressional oversight has been initiated. Important steps have been taken to insure that our intelligence service meets the standards of our free and open society. This makes our Nation unique among the great powers of the world, and it sets us far apart from our adversaries in totalitarian states.

To protect our liberties, to defend the interests of our democratic society, and to meet the challenges of a dangerous world, we must have a strong and effective intelligence service. We face adversaries willing to exploit every opportunity, probe every weakness, and play upon uncertainty and instability in every corner of the world. We must be prepared. To be prepared, we must have an intelligence capability that is second to none.

There can be no excuse for former or acting intelligence employees violating their trust and endangering our Nation by exposing intelligence personnel. My legislation would punish this senseless and stupid conduct. It is a carefully drawn proposal designed to meet a troublesome problem. It recognizes that we must act, but not overreact.

It includes vital procedural safeguards to insure that when wrongdoing is found, it can be addressed the way it should be addressed: By the appropriate congressional committees, by law enforcement, by the courts. At the same time, my legislation recognizes that an intelligence agency cannot function most effectively when its renegade employees expose its officers.

In recent years a small band of disgruntled former employees has taken exposure for exposure's sake to new heights of danger and recklessness. They play a deadly game. They threaten harm to the personal safety of our officers, and to the vital function they perform.

At a recent Youth Festival in Havana, Philip Agee and his group vowed to continue their crusade to destroy the American intelligence capability. They have, by now, published the names of over 1,000 people they claim are American intelligence personnel. I believe very strongly that this reckless disregard for our Nation's welfare, this de facto service to our Nation's enemies, must be stopped and punished to the greatest degree possible.

At the conclusion of my remarks today, I would like to place in the RECORD a letter I have received from Admiral Turner, Director of the CIA, discussing the dangers of identities disclosure. Let me summarize for my colleagues the problems of my bill is designed to address:

First. Identities disclosure provides terrorists with a golden opportunity to commit violent acts against our intelligence personnel. It provides hostile intelligence agencies with a chance to harm our officers, perhaps under the guise of terrorist violence. Disclosure can be deadly. Richard Welch, our station chief in Athens, Greece, was murdered in 1975 shortly after his identity was made public in the Athens Daily News.

Second. Identities disclosure causes serious harm to the morale of our intelligence employees, who face the possibility of being victimized not only by foreign counterintelligence, but by renegade Americans. Their families are placed in great jeopardy. Their already dangerous and difficult tasks are further complicated if not fully compromised.

Third. Identities disclosure can have a negative effect on our ability to tap foreign intelligence sources who may doubt our ability to keep a secret. Some valuable information has undoubtedly been lost. Concern has been expressed by allied intelligence services. My legislation would help address these concerns.

Fourth. Identities disclosure can threaten the lives and intelligence capabilities of foreign sources. Many of these sources live in totalitarian states, and they are placed in great jeopardy by disclosure of Americans with whom they may have had dealings. It is essential that those who must deal with us can rely on the confidentiality that is crucial to intelligence gathering. For foreign sources, disclosure can be deadly.

Fifth. Identities disclosure, for direct and indirect reasons, can diminish the effectiveness of American personnel. Once exposed, they may have to break contact with foreign sources, even if the dangers are not immediate. Some may have to be taken off duty completely. Others may have to be reassigned. We lose years of training and experience. We lose the benefits of knowledge and insights gained from those years of experience. We may be forced to bring in new personnel who must undergo years of activity to make up the lost ground.

Sixth. Identities disclosure can create great risks for undisclosed American operatives in other parts of the world. Hostile foreign counterintelligence services can trace the careers of disclosed American officers, and can make educated guesses about our operations in other nations. This further threatens American personnel and the foreign intelligence sources they deal with.

Mr. President, I believe my legislation would provide an important step forward in our ability to gather intelligence in this dangerous world. It is no panacea. There will still be disclosures. There will always be dangers.

We must provide our intelligence officers the best protection we can. They risk their lives on our behalf, defending freedoms we value in a world where freedom is the exception and not the rule. They do so when exposure could mean death or injury to them, failure to their important mission, and danger to our country.

Mr. President, the world is faced with instabilities and risk, with danger and uncertainty, with challenges and opportunities. We cannot shrink from our great responsibility. I urge my colleagues to join me in supporting legislation to protect our intelligence officers, to improve our intelligence capacity, and to send a message to friend and foe alike, that we have gotten our intelligence house in order, that we are moving forward again.

I request that the letter from Admiral Turner be printed in the RECORD, for my colleagues to consider.

Admiral Stansfield Turner's letter follows:

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., May 10, 1979.

Hon. LLOYD BENTSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENTSEN: This is in response to your request for an assessment of the damage caused by unauthorized disclosures of the identities of persons engaged or assisting in foreign intelligence activities.

Unauthorized disclosures of sensitive information concerning CIA personnel, sources and methods, and intelligence activities have damaged the Agency's ability to perform its assigned mission. Among the most damaging disclosures, totally devoid of any redeeming social value, have been those identifying CIA personnel whose affiliation with the Agency is not publicly acknowledged.

The unauthorized disclosure of the identities of CIA officers has had an adverse impact on the effectiveness of our intelligence activities and on the professional effectiveness and morale of our personnel. The safety and well-being of our officers and their families have also been jeopardized. Such disclosures have damaged the nation's credibility in its relationships with essential foreign sources of intelligence, who are appalled by the seeming inability of our country to keep a secret and who believe their own lives and liberty are imperiled. Current law has proven to be inadequate in deterring these unauthorized disclosures, and they continue to be made with virtual impunity. The net result is a damaged intelligence capability and reduced national security.

Unauthorized disclosures of intelligence officer identities have been extensive; most have been made by former CIA employees who are avowedly determined to destroy the Agency by exposing those who serve their country, often at great peril and personal sacrifice, in the clandestine corps. Leading the list is Phillip Agee who to date has published the names of some 1200 alleged CIA personnel. At a recent World Youth Festival in Havana, Agee escalated his personal vendetta against the CIA to a declaration of open war by reaffirming to the world his intention of fighting the CIA by continuing to expose its personnel and operations. Towards this end he has published a new book entitled "Dirty Work: The CIA in Western Europe." The book contains instructions on how to identify and expose CIA personnel and operations and is promoted as identifying over 700 CIA personnel in Europe alone. Agee has also launched publication of "Covert Action Information Bulletin," which he, along with others, plans to publish bimonthly with the hope that the publication will become "a permanent weapon in the fight against the CIA, the FBI, military intelligence, and all other instruments of U.S. imperialist oppression throughout the world." Mr. Agee has stated that he intends to organize a worldwide network of "agents," called "CIA Watch," to expose CIA personnel and methods of operation. That such disclosures are made with relative impunity and commercial success must certainly encourage the continuation and expansion of this destructive activity.

Security considerations preclude our confirming or denying specific instances of purported identification of CIA personnel. Suffice it to say that a substantial number of these allegations have been accurate. The destructive effects of these disclosures have been varied and wide-ranging.

CIA's relations with foreign sources of intelligence have been impaired. Sources have evinced increased concern for their own safety. Some active sources and individuals contemplating cooperation with the United States have terminated or reduced their contact with us. Sources have questioned how the U.S. Government could expect foreigners to provide information in view of continuing disclosures of information that jeopardized their careers, liberty and lives.

Nearly all major foreign intelligence services with which we have liaison relationships have undertaken reviews of their relations with the Agency. Some immediately ascertainable results of continuing disclosures include reduction of contact and reduced passage of information. In taking these actions, several liaison services have explicitly cited disclosures by former CIA employees.

We are increasingly being asked to explain how we can guarantee the safety of individuals who cooperate with us when we cannot protect our own officers from exposure. Since many of our most valuable intelligence sources live in societies where anything less than total allegiance to the state could subject an individual to loss of life or liberty, they rightfully demand absolute assurance that their cooperative relationship with us will remain sacrosanct. You can imagine the chilling effect it must have on a source who one day discovers that the individual with whom he has been in contact has been openly identified as a CIA officer. The impact in this regard is twofold: first, there is a substantial adverse impact on the Agency's ability to collect intelligence; secondly, some of our foreign sources who must remain in place despite the disclosure may be subject to severe sanctions.

Unauthorized disclosures of intelligence officer identities are responsible for reducing the effectiveness of intelligence personnel and operations. CIA operations officers identified through unauthorized disclosures by former colleagues are as severely compromised as those identified by hostile foreign services.

The professional effectiveness of officers so compromised is substantially and sometimes irreparably damaged. They must reduce or break contact with sensitive covert sources. Continued contact must be coupled with increased defensive measures that are inevitably more costly and time-consuming. Some CIA officers must be removed from their assignments and returned from overseas at substantial cost. Years of irreplaceable area experience and linguistic skill are lost. Reassignment mobility of the compromised officer is impaired. As a result, the pool of experienced CIA officers is being reduced. Such losses are deeply felt in view of the fact that, in comparison with the intelligence services of our adversaries, we are not a large organization.

Replacement of officers thus compromised is difficult and, in some cases, impossible. In small U.S. installations abroad, the position formerly filled by the compromised officer is itself compromised. The career implications of such a compromise, especially when it occurs early in the officer's career, are severe not only to the individual but also to the Agency, whose ability to recruit qualified personnel for operational assignments is impaired.

In addition, not only do such disclosures bespeak of guilt by association with regard to the CIA officer's active contacts, but once the officer's identity is disclosed counterintelligence analysis by adversary services allows the careers of identified officers to be traced through previous assignments producing an expanded pattern of compromise through association. Such disclosures also sensitize hostile security services and foreign populations to CIA presence, making our job far more difficult.

Finally, such disclosures place CIA personnel in increased danger. Given the presence of terrorist or violence-prone organizations in many countries, CIA officers publicly identified are subject to harassment and substantial danger of injury or death. Perhaps most insidious is the effect of disclosure on intelligence officers' families. Phillip Agee's book "Dirty Work" lists the overseas addresses of alleged intelligence officers as well as the names of their wives, making the latter potential targets in their own right.

There is a pressing need for effective legislation to discourage these unauthorized disclosures. The credibility of our country in its relationships with foreign liaison services and agent sources, the personal safety and well-being of patriotic Americans serving their country, and the professional effectiveness and morale of our country's intelligence officers are all at stake.

As matters now stand the intentional exposure of covert intelligence personnel with impunity implies a governmental position of neutrality in the matter. It suggests that U.S. intelligence officers are "fair game" for those members of their own society who take issue with the existence of CIA or find other motives for making these unauthorized disclosures. Specific statutory prohibition of such action is critical to the maintenance of an effective foreign intelligence service. It is imperative that a message be sent that the unauthorized disclosure of the identities of intelligence officers is intolerable.

We have, of course, discussed the problem of unauthorized disclosures of intelligence officer identities with the Intelligence Oversight Committees. The House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence are supportive and appear to be in basic agreement with the need for remedial legislation. The Department of Justice has been studying the problem in the context of a comprehensive approach to broader questions concerning "leaks" of classified information. I continue to believe that identities legislation is urgently needed. I sincerely appreciate your genuine concern about our intelligence capabilities and wholeheartedly support your efforts to call attention to and deal with this serious problem.

Yours sincerely,

Stansfield Turner.●

THE SMALL FAMILY FARMERS

● Mr. HEINZ. Mr. President, I am deeply concerned over the future of the small, family farm in this country. Statistics reveal that these operations are becoming increasingly scarce. Unless this trend can be reversed, American agriculture will be severely hurt.

The small, family farm plays a crucial role in our society. It is an essential element in our food supply and has a moderating influence on food prices. The family farm provides employment and income for our rural residents. A healthy agriculture sector is central to a strong rural economic base and the family farm provides numerous social benefits to our small communities.

Yet, our agriculture and tax policies continue to discriminate against the small, family farmer. Our present commodity support programs need to be reviewed to determine whether we are contributing to further corporate-based centralization of American agriculture. Present USDA rsearch must be reevaluated to insure that the needs of the small farm are being met.

Pennsylvania is predominantly a State of small and medium sized farms. Through the hard work and commitment of our farmers, these operations are efficient and productive. The dairy products, vegetables, beef, and other commodities produced are essential to numerous markets. Proximity to the urban Eastern corridor allows fresh and nutritious products to be available with a minimum of transportation costs. In light of our growing energy shortages we cannot allow these farms to go out of business.

One of the major problems facing the small, family farmer is access to credit. Several months ago, I introduced S. 582, the Farm Entry Assistance Act, along with Senator Nelson, Senator Stafford, and others. This legislation is designed to assist the beginning farmer in getting the credit necessary to purchase or lease his own farm. The cost of capitalizing a small commercial farm in the East now requires an investment of at least $250,000. Clearly a program is needed to allow young people of limited means the credit necessary to start their careers in agriculture. We have had hearings on this legislation and I am hopeful the bill will soon be reported to the Senate.

Sunday, the Washington Post ran an excellent article on the problems facing the small, family farm and the importance of these operations. The article details many of these issues I have raised today. I would like to bring the article to the attention of my colleagues and ask that it be printed in the Record.

The article follows:

Forking Over the Farm

(By Steve Turner)

Alfred Jordan sent his sympathies to Washington for the American Agriculture Movement's winter assault on Washington, but he and his tractor stayed home.

It wasn't simply that Jordan's tractor is small. And it wasn't a matter of distance: Jordan's farm is in Drayden, Md., only 70 miles south of the capital.

Nor is Jordan a farmer without problems. Far from it. But when AAM people with spreads as big as 4,000 acres of grain call themselves "small family farmers," Jordan—with his 100 acres of soybeans and tobacco—becomes invisible.

Nevertheless, the preponderance of this nation's farmers do work Jordan-size farms—farms at the bottom economic level of American agriculture. And their small-farm majority has importance far outstripping their minor 11 percent share of marketed farm products.

The small farm problem is quite simply one of survival. Census statistics show that about 4 million such operations have disappeared since 1935, many under roads and buildings, but most absorbed by other farms. There are about 1.8 million left. And Department of Agriculture economists expect as many as 27,000 more will go bust this year alone.

On the whole, the situation of the truly small farms is worse than even the cash-flow problems which brought commando tactics and tractors to the Federal Triangle. The moderate-size farms represented by the AAM are among those that eagerly gobble up the acreage of the faltering small fry as they go under.

But both kinds of farmers share the same sources of grief: the corporate-based centralization of American agriculture, the federal farm policy of "get big or get out" which has favored that centralization, and the high-technology farming that corporations and government have cooperatively spawned.

All those, of course, are natural outcomes of our tax-fed private enterprise system. And by the supposed rules of that system, an organization that can't compete will rightfully fail. (Except we forget the Lockheeds so quickly.) Which is why, when the small farmers complain that they can't make it, the domainant response tends to be: So what?

Dairyman Dick Wood thinks he has a good answer to that. "If we lose the small farms, we're going to end up paying a great deal more for food, no question about that. The choice is whether you pay small farmers enough to make a living, or else pay industrial conglomerates—Kraft, Tenneco, and such—the money their creative accountants decide they better have for the food they sell.

Wood was interviewed at the Northeast Regional Small Farms Conference held last fall in Poland Springs, Me. The subject of that conference was self-preservation. Alfred Jordan did go to that (courtesy of sponsoring federal agencies including the Agriculture Department, the Community Services Administration and Action), along with other small farmers from the Washington area and the East Coast states right up through New England.

For Wood, who is also president of the Maine chapter of the National Farmers Organization, the conference was close to home. But he was addressing national questions when he spoke.

"A lot of those [AAM-level farmers] got big scrabbling to survive," he said, "and a lot of their neighbors didn't survive because they did. They were pitted neighbor against neighbor, dog eat dog, and the whole country is getting to be the poorer for it. And a lot of the bigger guys wish they still were small. They got big in a kind of desperate attempt to beat the cost-price squeeze, and they find they aren't a hell of a lot better off, if any. They're just spinning over more money. Are you milking more now and enjoying it less? Most of us are."

What Wood meant by the country getting "poorer" is that rural society in many areas is withering as the small farms that sustained it disappear. But cities also suffer: small farms are the ones most easily adapted to coexist with urban sprawl. Located close to population centers, small farms offer high-quality fresh food at low prices.

They are also the most common links the American people have had with the land, a fact which has functional aspects as well as philosophical because small spreads have been the traditional entry points to farming for people with not much money.

Rising land costs are changing this stepping-stone role into an uncomfortably high threshold. "Family farmers are about the only group I know of," said Wood, "who constantly produce at just under cost. But [mainline economic institutions] know food production has to keep coming, so they kind of falsely inflate the value of real estate every year, and we all end up going back to the bank and borrowing more money. They've had to appreciate the value of farm land very rapidly to keep any kind of agriculture afloat."

So even small farmers struggling to pay their bills may be sitting on (mortgaged) hundred-thousand-dollar land investments. As the old saying has it, "Farmers live poor and die rich."

The squeeze factor of centralization shows up starkly in Agriculture Department statistics. Moderate-scale farmers of the AAM sort are about a third of the farm population, and produce about a third of the nation's agricultural product—three times the output of small farms, although small farms outnumber them two to one.

But all the rest of the nation's farm production, almost 60 percent, is grown or controlled by a mere six percent of all farms. The six percent are mammoth outfits (still mostly owned by single families or their private corporations) that do make AAM operations look tiny. And these high-rollers are nicely locked in with the major farm supply and food processor corporations collectively known as agribusiness.

World-renowned big crops come from this system (which depends heavily on export markets). But the negative effects may be even bigger in the end.

Beyond the serious alterations of rural life, there is the matter of soil erosion. Government and university reports now document that the nonrotating cash crops (corn, soybeans, wheat) and fence-to-fence planting with energy-devouring chemical fertilization—urged on by corporations and government subsidies alike—are causing ruinous depletion of topsoil.

Those fertilizers, not to mention pesticides and the giant new-age farm machines, consume gluttonous quantities of petroleum and petrochemicals. And the increased dominance of big farms in warm places has left whole regions of the nation (New England, for example) with the potential for food shortages if anything interferes seriously with long-haul freight systems.

Moreover, the furor about foreign investment in U.S. cropland has screened an even more basic development. "What is occurring now in the agricultural economy," says one highly placed Agriculture Department analyst, "is the process of separation of labor, management and capital." In other words, the sophisticated final phase of industrialization has begun. And what that usually means is: Them that's got it, get it.

It also means that farmer militancy in general, including the self-protective movements now beginning among small farmers, is headed for collision with major inertial forces in the economy. The outcome, at some point, is likely to include pressure for democratic planning of the economy and elevation of social goals to equivalency with the great god profit. That means everyone will have to get involved in the debate, so some familiarity with the protagonists seems advisable.

The AAM brought its parity price support story to town (Who could forget it?). But here are some words from, and about, the small farm operators who stayed at home.

"Farmers are crazy," said the farmer. "At least, small farmers are crazy. We got to be crazy. Who else works so hard for so little and still likes it?"

"And who else would be dumb enough to think you can make a living buying retail and selling wholesale?" said another.

Other farmers around the table at the Northeast Regional Conference laughed or nodded ruefully in agreement. It was a moment of perverse self-congratulation among survivors, among successful small farmers such as Sebert Witt of Red Horse, W. Va., and Philip Perdue of Salisbury, Md.

Perdue, growing soybeans, corn, tomatoes and peppers, as well as broiler chickens, average $15,000 to $16,000 taxable income per year. Witt gets about the same annual take from the eggs, vegetables and beef cattle he raises on his 125 acres. Dick Wood, with 90 head of cattle and a farm worth $150,000, annually sells about $20,000 worth of dairy products. But the first $6,000 of that goes to pay interest on his loans. ("That's about average," he says). By the time other expenses are met, he says, there is usually no taxable income left. "We do a lot of barter," he says. "We get by."

Wood has been farming for 23 years. Witt, 60 years old, has farmed all but three years of his working life (service time excepted). Perdue, 38, grew up on a farm and has been at it since.

Although they are doing all right, these old hands remain uncomfortably close to a larger number who don't "get by." An Agriculture Department data analyst estimates 20 percent of the families who operate commercial small farms live below official poverty limits. The average net income from commercial small farms, says the analyst, is probably about $2,300. The great majority of such farms can only continue operating because family members take off-farm jobs.

And if the testimony of even the successful small farmers is taken as evidence, their traditional conflicts with insects and weather are minor compared to the difficulties they have getting money, paying taxes assessed for the development potential of their land, getting government program assistance, finding machinery appropriate to their needs and replacing it when it dies, and locating markets where they aren't simply run over by big-time buyers and sellers.

"If you're a small farmer in this country and depend on a small farm income," says livestock-raiser Gene Smith from Bowden, W.Va., "you've got to have problems."

So why do they keep doing it? The answer often seems to be an antic irrational drive that bemuses the farmers themselves even as it motivates them.

Alfred Jordan puts it this way: "I like farming. I hope I never have to give it up." He grew up on a nearby farm and by now, at age 32, has been planting crops for 15 years. But never giving up means working winters oystering on the Potomac and St. Mary's rivers to supplement wife Vivian's pay from full-time work at Sears, Roebuck.

The Jordans are staying ahead of the game so far, although, in addition to other problems facing small farmers, they must deal with the special hazards of their skin color.

In general, Agriculture Department statistics show that black farmers are disproportionately few among small farmers to begin with, and among small farmers they are least likely to have off-farm employment when they need it. One Agriculture Department analyst estimates poverty among black small farmers is about three times the 20 percent overall average.

The Jordans stand out from this bleak statistical background, but they are still in the picture. Their operation is the largest of the relatively few remaining black family farms in southern St. Mary's County. After years as tenant farmers, and despite a tight local land market, they managed recently to buy 20 acres of their own.

But Alfred Jordan still plants most of his crops on 80 additional acres he leases, or farms on a sharecrop basis with surrounding white landowners. In those sorts of arrangements, he says, color makes a difference.

Sharecropping is still common in St. Mary's County. Extension Agent Edward Swecker explains that the procedure is often used by landowners to cover their costs until the best sale price comes along.

Swecker says standard sharecrop arrangements in the area range from one-third to one-half of the crop going to the landowner. And by all accounts, it is customary for the owner to supply fertilizer, some or all equipment, even a house if the deal covers an entire farm. The rule of thumb seems to be that the less the owner furnishes, the greater the share the tenant should get.

Yet Alfred Jordan has never been able to get better than a 50–50 split, he says, and has never gotten more than fertilizer supplied in the bargain. By contrast, Paul and Catherine Roland, white former sharecroppers who now own a small farm down the road from the Jordans, never got significantly less than a two-thirds share in their 15 years of tenant farming.

"Once," recalls Paul Roland, "I got one-half plus equipment and a house. But it would have gone to two-thirds if I'd supplied the fertilizer."

The Rolands, who are neighbors of the Jordans, think that Alfred should hold out for a two-thirds share deal. But on one occasion when he did that, Jordan recalls, "the man just told me to go where I could get it. And he didn't say it nice."

Jordan would like to see a law passed to regulate sharecrop relations.

And, after examining his annual receipts, he would also like to see channels established for negotiating better treatment from food processors and farm suppliers. "The fertilizer people, the processors, they're making money.

"But the farmers aren't—we're about giving it away, and we're the ones that do all the work. What's a farmer to do? We feed the people. The marketing—there's the problem. The middlemen are making plenty [an old gripe and probably not true, see box above], and they ought to give more to the farmers."

"Now if [small farmers] all worked together," says Jordan, "we might get some satisfaction." There are indeed many white small farmers in their area, but the Jordans feel the old restrictions of race would be used against any black farmers who took the lead in trying to organize such an endeavor.

Extension Agent Swecker, who feels that some progress in attitude change is under way, confirms that no new blood is entering the farming community in St. Mary's. What was past, therefore, is still largely the future.

So, the transmission of farmland from generation to generation within families is increasingly crucial—if farmers' fever is passed along with it. Which is the case with Mark Melson, 22, of Bridgeville, Del. (roughly on a line between Washington and Rehoboth). Family land makes up most of the 215 acres on which Melson raises corn, soybeans and registered Angus cattle.

Mark Melson estimates the market worth of his total operation (including 29 head of the high-breed cattle) at about half a million dollars. His annual gross sales thus far, however, have not topped $35,000. And when he has paid all his operating costs, "Well, I'm in the hole. I was working [off the farm] full time until September," he says. But things are looking up: "If I keep at it for about five years and get rid of some debts, I could possibly clear $10,000 or $12,000."

Ten or 12 thousand? Some other line of work, perhaps, to encourage brighter prospects? No, says Melson. He wants to farm for life. He took it up when he was 10 years old, using one field of the family farm. He began full-scale operations after two years at a community college. "I was just born to work outside," he says.

In fact, Melson is looking for even more of the outside in which to work. He sees no charm in staying at the small-farm level. He would like to expand to 1,000 acres. But in the East Coast metropolitan corridor, expansion for any young farmer tends to be a problem defined by shrinking cropland, rising prices and competition from developers as well as farmers who already have 1,000 acres.

Melson's inheritance gives him an important head start. Otherwise, as he puts it, echoing the Agriculture Department report, "You've got to have a small fortune to get started."

Precisely. Various observers estimate that start-up costs for even a small-scale commercial farm in the East is about a quarter of a million dollars. Getting such a sum from most banks is not simple, and often impossible.

The federal government offers some relief through the Farmers' Home Administration, which an Agriculture Department publication describes as being "oriented specifically to serving the credit needs of farmers with limited resources."

FmHA assistance comes mainly in the form of low-interest, long-term loans. Low-income small farmers, for instance, can borrow money for farm ownership or improvement at three percent interest, or for operating expenses at five percent. The loans are then reviewed periodically and as the farm prospers (if it does), interest is scaled upward to the FmHA loan rate for clients without a "limited resource" problem (last winter, that rate stood at 8.5 percent). FmHA also makes a variety of emergency loans at low rates, and offers other standard-rate loans for a wide spectrum of purposes—including rural business starts and rural community improvements.

FmHA Administrator Gordon Cavanaugh expects to have $800 million available this year in assistance categories relevant to small farm acquisition. At the rate of $250,000 per farm, however, that would pay for only about 3,200 farm starts overall—almost nine times less than the number of farms expected to go under during the same period.

Farming alone when you do need a second job can be exhausting. As it is for Patti Brown, 22 and on her own, raising beef cattle and hay on 121 acres in Grafton, W. Va. "My Dad and Mom died," she says, "and I just stayed." The farm—worth an estimated $150,000—came down the inheritance line unobstructed.

But Brown has to work regular hours at a tractor sales agency to support herself and, in a reverse twist of the way it's supposed to go, her cattle. "I get up about 5 a.m.," she says, then does chores and goes to work, "and I get off at 5 p.m. I get done with my feeding about 6:30 or 7. Weekends, you do the feeding and then you've always got the fence to fix, or brush to cut . . . But I enjoy it."

"The best thing I like about farming," she adds, "is showing heifers." That means taking favored animals around to fairs—some as far as several states away—to enter in competition. There is prize money in it, but seldom enough to cover costs of the trip. What is more important (always excepting the socializing and contact among farmers in the same community field) is reputation.

Good heifers signify good breeding stock; heifers in good shape mean a good farm, a competent farmer. And the eventual outcome, all things being equal, should be increased income.

For small farmers like Brown, however, things aren't equal enough. Her breeding program may eventually yield good money. But in the long meantime, her beef sales are keeping her strapped. Stockyards serving small-scale growers don't draw the big buyers, she says, but those that do come never seem to bid each other up.

Brown sees government intervention as the only immediate way to regulate the price manipulations which depress the economic prospects of her farm. Things being what they are, however, she expects no such assistance. Like Alfred Jordan, she is ready for different forms of action. "Farmers have as much right to strike as anyone," she says. "Maybe more." Would she join a strike organization? "Yes," she says, and adds, "I don't know if those [tractor] parades and demonstrations have helped anything, but they might have let people know farmers aren't going to be run over any more."

The federal Packers and Stockyards Act imposes penalties for the collusion among buyers Patti Brown suspects. (Interestingly, however, none of the county extension agents interviewed for this article seemed to know about that law. Arranged prices in commodity markets are "the facts of life," said one. "I don't know of any legal way to stop it," said another.)

Otherwise, Brown seems wise not to expect government assistance. "The federal government could use tax and commodity support programs to stop the trend toward ever-larger farms," says one Agriculture Department analyst, "but since the New Deal ended, we've always given the most to those who needed the least in agriculture."

A 1977 report of the Task Force on Southern Rural Development, for instance, noted that between 1950 and 1970, while 46 percent of government farm subsidies went to a mere 5 percent of the nation's farmers, 2.7 million people were displaced from southern farms.

"The previous administration," an Agriculture Department researcher says, "simply wrote off the small farms. The Carter administration says you can't ignore them, [but accepts] the need for small farmers to have an off-farm job. It's felt that we can improve their situation by technically improving their farming, and there needs to be more sources of extra income on small farms."

As Assistant Secretary of Agriculture Alex Mercure explained at the Northeast Regional Conference, this translates into government-assisted development of money-saving alternative energy systems and organic methods, plus money-earning food and fiber product varieties capable of being made on the farm.

"Secretary Bergland," the Agriculture Department analyst continues, "has put out a memo saying that it is our policy to increase small farm participation in USDA programs. But [given the economic forces at work], can you really affect the situation with the programs we've got? Most economists will say you can't."

Anthony Newcomb, who raises vegetables in Fairfax County, Va., sees farmers themselves as the source of change. One of the things he is trying to nourish is a positive interaction between farming and suburban existence. It would be ideal, he says, to have the majority of people's food "produced by someone they know personally."

The 200-acre Newcomb tract is one of the few thriving commercial farms surviving in a county that "used to be the primary dairy county in the state," says extension agent C. L. Hall, "until World War II, when we got into the people business."

Newcomb was one of those people—a government economist—until 15 years ago. But the desire to farm took him on a different path, one which he believes anyone with sufficient desire and competence can successfully follow.

The Newcombs use mostly organic farming methods, out of preference rather than to meet a specialized demand. "It doesn't make any significant difference in the production cost," Newcomb says, "and I find it doesn't make any significant difference to most of our customers, either."

In a similar vein, the Newcomb lifestyle, which he describes as "frugal," and "very different from most other people: we heat with wood, do all our own repairing, etc.," reflects conviction rather than necessity, although it meshes well with the economics of their farm. Last year, a "fair year," says Newcomb, they paid tax on $17,000 income.

"We could certainly make a living on far less acreage," says Newcomb. "We could get by with three hired people instead of, for instance, 15. But our labor situation is the unique aspect of the farm."

Hiring more help than needed, he says, allows the Newcombs to operate a kind of apprenticeship program for college-age people who are "serious about learning farming."

The Newcombs also could expand if they chose, says Anthony. "Retail vegetable opportunities here are good. We could sell two to three times more than we do. But we're not in this to be commercially glorious. We want to satisfy the people here. We want to be permanent."

Newcomb believes that another hundred farmers also could fit permanently into the fresh-grown produce business around the city, and enjoy success as well as the metropolitan ambience. He is bullish on the prospects for small farmers in general. "In the next 10 years," he says, "I think the outlook is good that anyone who [really] wants to do it will be able to. The critical component of small farming is skilled labor, and as other costs go up, the return to your own skilled labor increases. People who do a lot of complaining just haven't got everything together."

If Newcomb had gone to a Small Farms Conference (the session for Virginians and others in the South was in Alabama), he might have been torn apart between farmers trying to dispute his ideas, and Agriculture Department people panting to elevate him as the all-time model small farmer. But he stayed home, leaving the field to the reform advocates who feel that competence and a pioneering spirit aren't enough to save small farms, or moderate-size farms either; that the context in which the pioneering gets done has to change to make success more likely.

Farmer groups themselves are spearheading those reform efforts, of course. But preeminent among the other organizations in the picture is the National Family Farm Coalition, which is coordinating growing nationwide support for the proposed Family Farms Development Act, which the coalition helped draft.

Introduced in 1978, the bill has Reps. Rick Nolan (D-Minn.) and George Brown (D-Calif.) as primary sponsors.

"Federal agriculture policy could encourage and maintain a farm and food system based on small and moderate sized family farms," says a coalition leaflet. Citing the multiple economic and environmental dangers of big-business farming, the leaflet adds, "Protecting America's family farmers is the most effective way to create a self-sustaining, environmentally sound, economically stable food system."

The proposed law, say coalition coordinators Catherine Leeza and Robin Rosenbluth, is an attempt to turn federal policy in that direction. It would create an investigative food price review board, would require food labels to show how much of the item price goes to farmers, would establish a production-goal system guaranteeing a fair return to farmers but putting a ceiling on gross sales per farm (it's high—$500,000), and would guarantee commodity price support levels at 90 percent of parity (100 percent for some) in exchange for enhanced soil conservation practices by farmers.

Meanwhile, the combined efforts of farmers, environmentalists, rural community organizers and the new generation of food policy advocacy groups now springing up have created a raft of approaches to holding farmland open for crops rather than condominiums: land trusts, agricultural property tax differentials and state programs that purchase farmers' development rights (so that if their land is sold, it must be sold for agricultural use).

And right behind the legal initiatives an organizing drive is under way to revitalize the small-farm community, draw in new farmer recruits and reestablish public awareness of the value and needed permanence of small farms in agriculture.

Pat Lewis Sackrey, co-director of the planning and organizing group called Center for Rural Communities in Amherst, Mass., emphasizes that this is no sentimental attempt to ennoble poverty, nor to turn back the clock. "We don't see homesteading as the wave of the future," says Sackrey, "and we don't see any value in trying to preserve hard-scrabble farming. But we do see a need to support the people who are doing that farming now, to assist them to do it better and get more out of it and move up to a level of satisfactory economic return at a small scale."

For Sackrey and a growing number of others that means an agriculture supportively integrated with local economies and local food systems. The search for direct aid to small farms is paralleled by an attempt to develop "community-based, community-owned food processing facilities," as one state agriculture official put it, "that would help an independent family farm system to exist in the fact of a near-monopoly food industry."

That clearly suggests a decentralized, democratically controlled political-economic system, and movement toward that is an undercurrent in the push for agricultural change. It is a relatively abstruse factor, taking clearer shape in social rather than economic vision—a desire for self-reliant communities organized around productive work with the land. It is a vision of social relationships and purpose which updates Jeffersonian democracy, and in a tantalizing way lays claim to elements of national image and popular heritage.

Whether it will play down in St. Mary's County, or up in rural Delaware or West Virginia remains to be seen. Much has changed since the populist era of the 19th century, when small farmers (the only kind there were then except plantation owners) and industrial workers actually discussed cooperative programs to guide and regulate the economy.●

IMPRESSIONS OF KENNEBUNKPORT, MAINE

● Mr. MUSKIE. Mr. President, Dagny Edwards Hess of Brooklyn, N.Y., recently sent me a copy of a prose poem she wrote about one of the most interesting and beautiful places on Earth—Kennebunkport, Maine.

Kennebunkport and her neighbor, Kennebunk, typify the special character of Maine life. They are beautiful places, certainly. That they have been popular summer resorts for more than a century is evidence of their charm.

But they are special to me for many reasons a casual tourist might overlook. Ms. Hess describes some of those reasons in a poem as beautiful as her subject.

Mr. President, I request that the poem, "Impressions of Kennebunkport, Maine" by Dagny Edwards Hess, printed in the Brooklyn Star, Friday, October 20, 1970, be printed in today's Record.

The poem follows:

Impressions of Kennebunkport, Maine

Seagulls wheeling high . . . cawing raucously . . . circling giddily in the sky.

Houses decked in Sunday best . . . aproned with roses—like hostesses about to greet a favorite guest!

Lobsters . . . broiled . . . baked . . . boiled fried . . . stewed'n'stuffed . . . so delicious . . . one can never get enough!

White, puff-cheeked sailboats . . . skimming along with the breeze . . . Ballerinas spinning a-tiptoe, with graceful ease!

Tides running in, Tides running out, Tides rule the days (and nights) without a doubt!

The rocks of Kennebunkport . . . high jagged cliffs . . . resisting the onslaught of slamming surf and time . . . The rocks . . . majestic, massive, mighty bulwarks of Maine's beautifully rugged sea coast line.

Hundreds of friendly homes away from home for fortunate vacationers . . . Inns, Hotels, Motor Resorts with many charms to welcome visitors with open arms!

Tourist—tempting names: Sleepy Hollow Cottages . . . Land's End . . . The Anchorage . . . Cape Porpus . . . Dun Rovin' . . . Pleasant Valley . . . Meadow Glen . . . Shawmut Inn . . . Nonantum . . . The Colony . . . Narraganset-By-the-Sea . . . these are but a few delightful spots that cater to the vacationer on a restful spree!

Kennebunkport—a tidy, crispy white pinafore of a town with a freshly scrubbed look on its shining face—a peaceful, somewhat drowsy Colonial-type village—yet wakeful enough to be in step with the times . . . an Artist's and Photographer's delight, as they strive to capture its obvious loveliness from dawn until dark.

Picturesque lobster shacks and fishing wharves abound . . . also the sad remnants of old Shipyards with handsome, sturdy boats still being built by loving hands following proudly and skillfully the honored trade of seafaring grandfathers and their fathers.

Rambling roses cover doorway open wide . . . daisies and tiger lilies hug the roadside . . . Scudding white clouds and bright sails intermingle with rainbow-hued, reflected salt-boathouses on stilts along the placid, winding Kennebunkport River fringed with the fragrant tall pines of Maine.

Restaurants galore for every taste and purse . . . Antique and gift shops all around, rubbing shoulders with the Grocery Store!

Artists' Galleries everywhere . . . no matter where one roams—in garages . . . stores . . . or even in lovely private homes!

Home-made Candy Shops . . . where Lollipops, Fudge, and Pebble Candies are favorite choices.

The playhouse summer Theatre and Arundel Opera House—where the voices of players and singers may be heard—vying with the meadow bird!

Other sightseeing tidbits along the way include: the Historical Society; a Brick Museum: ancient trollies on display in an open-air Trolley Museum; Country Fairs on cool, green lawns of tiny, white churches; occasional, outdoor Country Auctions, where the Auctioneer's humor is a show in itself; an old Grist Mill by a quiet pond . . . and finally—the still serenity of a Franciscan Monastery which extends a most gracious, welcoming invitation to ALL visitors to enter and enjoy its beautifully landscaped grounds—gardens and woodland trails, with picnic tables and rest benches—statues, shrines and grottoes—truly a magnificent "Cathedral in the Pines"!

All these and more—delightful moments and sights by the score to store in memory's treasure trove. . . . Kaleidoscopic glimpses of the Kennebunks to stir the emotion—clean, cool air and wide, wide beaches laced with the bracing salt-tang of the Atlantic Ocean—(if one could but bottle that air for a permanent souvenir!)

Then, there are the lovely wayside chapels and white steeple towers perched atop churches with ancient, Roman-numeraled clocks that still denote the hours . . . A fantastic "Wedding Cake House' with curlicued, widow's walks . . . oldfashioned gardens for leisurely talks . . . oldfashioned, wide porches with oldfashioned rockers to while the hours away. . . . Father Time seems to hold his breath in this quaint, Colonial Village that will never know death. (Any place that has so much variegated life and loveliness to offer, must surely go on forever!)

Kennebunkport—with all its attractive distractions—is a potpourri of today's Americana, flirting with the past—winking an eye with a charming, alluring, over-the-shoulder glance!●

AN ANNIVERSARY FOR FREEDOM

● Mr. DOLE. Mr. President, two centuries have passed since a Hungarian officer commanding foreign troops in the defense of the American Revolution fell in the Battle of Charleston. So long as freedom is ours, we will recall with veneration the name and valor of Col. Michael Kovats de Fabricy.

But anniversaries should be more than a simple celebration of the past. They ought to speak to our present, and offer inspiration for the days ahead. Surely, we would all do well to recall Colonel Kovats' message in offering his sword to Benjamin Franklin: "Faithful unto death."

Today, even on this historic anniversary, freedom is under assault in many lands, including the ancestral homeland of Colonel Kovats and millions of American Hungarians who followed his path across the seas. As freedom's ultimate guardian, we must never forget the example we set for people everywhere who long to emulate the liberties we take for granted.

In making our foreign policy, in approaching the nations of the world, let us never forget that America was constructed upon a foundation of ideals. Insofar as we ignore our heritage, we disappoint more than American people; we reject the role history has cast for us.

We cannot betray our national identity. We can never forget the millions who languish behind intellectual and spiritual chains, where political expression is rigidly controlled by a faceless state, and where individuality itself is brutally scourged.

Do we need any further reason to examine meticulously a new SALT treaty? Do we require any additional proof that American strength is all that stands between hope and despair for millions of people the world over? Can we be so blind to the lessons of the recent past as to close our eyes and wish for the best from the Soviets?

In the complex and highly technical debate opening before us, nothing is as certain as this: that our very existence as a free nation depends upon our ability to deter the forces of aggression. I will not now, nor will I ever, cast a vote that threatens to weaken that ability. For all of us will have to answer to future generations.

Might we, too, embrace the message of Colonel Kovats, and remain faithful unto death to the freedoms that make life itself worth living.●

GERALD SMITH SUPPORTS SALT II

● Mr. CULVER. Mr. President, America's chief negotiator in the first strategic arms limitation talks, Gerald Smith, recently assessed the arguments for and against the SALT II agreement and concluded that the treaty is an important and necessary step toward restraining nuclear arms competition.

In an address made April 20 in New Orleans, Ambassador Smith pointed out that rejection of SALT "would increase the relative Soviet advantage in an area where they already have clear superiority—in their command of information" about weapons developments. He noted that "with or without SALT we need to keep track of Soviet strategic force deployments. But without SALT, the Soviets could take any concealment measures available, thus making our monitoring task harder."

Ambassador Smith is currently responsible for negotiations to limit the spread of nuclear weapons. SALT is directly related to this important goal, he argues, and if SALT is rejected, "the integrity of this essential nonproliferation treaty will be cast into doubt and our task of trying to control proliferation will be substantially increased."

In order that all Senators may have the benefit of this distinguished diplomat's views on the vital question of SALT, I ask that this address be printed in the RECORD.

The address is as follows:

SALT PERSPECTIVES

(By Ambassador Gerard Smith)

It is more than six years since I had responsibilities for SALT I negotiations and I will use that as an excuse for sparing you a lot of the detailed arithmetic of SALT II. There have been many reports about SALT in the press but no official texts are yet available. A few issues remain unresolved—but enough has been negotiated to let us understand the likely outcome.

Right at the start I would stress that with or without SALT we are in for a continuation of the fateful competition with the Soviet Union in the field of strategic weapons. Since the time before SALT—almost a decade ago when the Soviets were far behind—they have been mounting large, broadly based missile programs. We have also been modernizing our forces but in the case of our land-based intercontinental missiles, ICBMs, with less dynamism. Despite this we are not in an inferior position. We lead the Soviets in a number of important strategic areas. Our forces are more survivable, reliable and diverse. But even if SALT II comes about, we probably will have to go in for extensive improvement measures if we are to avoid in the future a perceived imbalance between Soviet and American strategic forces. The basic question is—can we improve our strategic position with less risk and cost within a SALT II framework than in the absence of SALT.

Before considering SALT II, let us look briefly at the experience under SALT I.

The main product was the Anti-Ballistic Missile Treaty limiting ABM sites to two for each nation. Many of us think that treaty averted a costly and absurd competition to try to build defensive ballistic missile systems. In the late 1960's there were outspoken proponents for deploying defensive missiles to reduce damage which attacking Soviet missiles could do to our population centers and to our land-based offensive missiles, the Intercontinental Ballistic Missiles. Then it was realized that any such defensive system could probably be neutralized by the other side's simply deploying more offensive missiles—and to the extent that an ABM system did promise to be effective, it could be destabilizing since it might lead a nation to believe it could attack the other while expecting to deflect the brunt of the retaliation.

I think it is generally recognized that this ABM Treaty has worked. Secretary of Defense Brown recently said it had contributed greatly to stability. The Soviets did not complete the one existing system which they have around Moscow. The limit was later reduced from two to one site for each side and we later decommissioned the one site which we had built. The ABM Treaty was reviewed by the parties in 1977 and found to be effective. It will be reviewed again in 1982.

The second of the SALT I agreements was called an "interim freeze". It limited the aggregate number of intercontinental and submarine ballistic missile launchers to approximately the number which then were in existence or under construction. U.S. heavy bombers were excluded and we had significant leads in warheads and technology, but the Soviets had substantially more ICBM launchers and were permitted to keep them under SALT I. The freeze thus had an *appearance* of strategic inequality although this was not the case if our other strategic forces were taken into consideration. Psychologically, the freeze got off to a poor start. And for some reason there was an expectation that the Soviets would not substantially modernize and improve their missile forces as permitted under the freeze, a great expectation which was disappointed. I think that is a major factor in the negative attitude which a number of people now have towards SALT II.

Also agreed during SALT I were two arrangements of special significance for the problem of nuclear accidents—the agreement on measures to reduce the risk of outbreak of nuclear war and the agreement to modernize the Washington-Moscow Hot Line. They are largely forgotten now, but the Hot Line has more than once proved its use in emergencies and the war risk reduction agreement could be of importance in the future.

As part of SALT I, it was agreed that fulfillment of the commitments would be monitored by what were called "National Technical Means of Verification", a euphemism for some of the intelligence systems of the two sides, including satellite photography. This proviso, in effect, legitimized the use of intelligence systems for arms control which seemed to me an extraordinary thing for the Soviets to agree to.

The two sides also took commitments not to interfere with the operation of these intelligence systems and not to conceal from the weapons systems limited by the agreements. These "no interference and no concealment" understandings have been an important plus for our intelligence systems. With or without SALT we need to keep track of Soviet strategic force deployments. But without SALT, the Soviets could take any concealment measures available, thus making our monitoring task harder.

There was also established by SALT I a Standing Consultative Commission whose function is to consider ambiguities which might arise and clarify doubts as to possible violations. This group has met frequently and has operated successfully. A number of ambiguities have been clarified. On some occasions practices which were considered inconsistent with the agreements have ceased and both Presidents Ford and Carter have certified that there have been no violations of the 1972 agreements. Although by its terms the "freeze" expired in 1977, both countries have stated they would do nothing contrary to it while SALT II negotiations continue. In fact, the Soviets even now are decommissioning some ballistic missile submarines in order to stay under a ceiling called for by this freeze. This shows that the Soviets take SALT seriously.

I would say that American security is better now, after almost 7 years of operating under SALT I, than if the ABM Treaty and the missile freeze had not been approved by the Congress in 1972 and an unlimited competition had continued. We have gained confidence that certain commitments taken by the Soviet Union in strategic arms limitations can be verified. We are approaching SALT II, not as something new and untried, but as a continuation of a process that we have learned to live with and to count on.

The SALT II negotiation has been going on since November of 1972. The American Delegation is made up of diplomats, technicians, and officers of the Army, Navy and Air Force. At times Members of Congress have participated to good effect and Congressional Committees have been kept fully and currently informed. It is my understanding that the treaty and related documents, when and if submitted by the President to the Senate for advice and consent, will have support of the Joint Chiefs of Staff, the Secretary of Defense and the Secretary of State.

It is reported that the main effects of the agreements would be:

The total number of strategic nuclear delivery vehicles on each side would be subject to equal ceilings—2,400 at the start and 2,250 by the end of 1981.

The Soviets would have to dismantle some 270 launchers to get under the ceiling. The United States would not have to dismantle any systems that currently are operational and could, in fact, build over two hundred additional launchers before reaching the ceiling.

There would be equal sub-ceilings on various categories of missiles containing MIRV's which are multiple warheads that can target more than one aim point.

Each side could only test and deploy one new type of ICBM which cannot contain more than 10 warheads.

The number of warheads that could be placed in existing missiles would be frozen at the maximum number tested in present missiles. This limit is very important. It restricts the Soviets' ability to capitalize on their larger missile throw-weight. One type of Soviet missile, for example, without this constraint could contain 30 or more warheads.

Testing and deployment of moble ICBMs would be prohibited during the first 2 years but after that would be permitted under the treaty.

There would be a number of additional limitations on the size of missiles.

The treaty would lapse at the end of 1985 but either side could terminate it sooner on giving 6 months' notice.

In sum, SALT II would—for the first time—place limits on all types of central strategic systems, bombers as well as ballistic and cruise missiles.

For the first time it would partially reverse the arms competition in offensive systems and call for reduction from an existing force level.

For the first time it would put some constraint on the total number of warheads the sides could have. It would not solve the ICBM vulnerability problem (which I will mention later), but it would put finite limits on the size of the threat to our land-based ICBMs.

For the first time it would put restraints on the competition to develop and field new and better weapons by limiting each side to testing and deploying only one new ICBM by 1985.

Proponents point out that these are significant restraints and that if SALT is rejected, there will be a renewed open competition with large additional costs as well as increases in the risks of escalation and war. In the absence of SALT II, the Soviets could substantially increase their forces. It is estimated that in the absence of SALT in 6 years of an open competition the Soviets could have as many as 3,000 strategic launchers as opposed to the SALT limit of 2,250. They could also have two to three thousand more warheads than SALT II would allow.

What is the case against SALT II? It is said that SALT I didn't stop the Soviets' strategic programs which may soon be superior to our forces, so why agree to SALT II? And SALT I did not lead to the expected relaxation of Soviet-American tensions. During the past six years the Soviets have engaged in an adventurist foreign policy which has been destructive of a number of U.S. aims.

I would point out that useful arms control arrangements should not be limited to times of superpower good behavior. The treaty prohibiting nuclear tests in the atmosphere followed shortly after the Cuban missile crisis. SALT I was concluded only a few weeks after the U.S. started bombing Haiphong in Vietnam, a Communist ally of the USSR.

I would say that underlying most of the opposition's arguments is a belief that in an open competition not limited by arms control, United States superior technology would give us some advantage. Claims are made that the existence of the arms control relationship tends to moderate our reaction to Soviet bad behavior abroad and that SALT II would be a psychological constraint on modernization of U.S. forces.

It is said that the SALT process has lulled us into inertia and has had no such effect on the Soviets and in the absence of agreed arms limitations we would be more keenly aware that we had to do much more.

Critics of SALT are especially concerned about the predicted vulnerability of our land-based ballistic missiles, the ICBM vulnerability problem. They believe that in a short time the Soviets will have the capability to destroy almost all of them, a threat which they think will tend to make the United States reluctant to stand up to the Soviets in a crisis. I would inject here this thought—if ever the Soviets were tempted to such a desperate act as attacking our ICBMs, they would have to make the risky calculation that the Americans would never fire their missiles before Soviet missiles hit American targets. I wonder. The Soviets would also know that in such an event the U.S. would still have 5 to 6 thousand warheads in the alert bomber force and on its missile submarines at sea. Nevertheless, this ICBM vulnerability question needs more attention. It can be remedied under SALT limits if that proves necessary.

Critics also emphasize that the Soviets could keep some 300 launchers for very large ballistic missiles now in their force while the United States could not deploy any. Admittedly, this provision would look better if it allowed the United States to build the same number of such launchers as the Soviets now have. It seems to me that this clause would have little or no practical effect on U.S. forces during the life of SALT II. The U.S. has no use for and does not plan to deploy this kind of missile. And the situation would be exactly the same if the treaty was not ratified. On the Soviet side there would be some 300 very large launchers * while we would not deploy any. Nothing in the treaty would prevent the testing or deployment of our new heavier missile, the MX.

Critics also don't like the fact that effective limitations would not be placed on a Soviet bomber "Backfire" which, though not truly intercontinental, does have some capability to strike targets in the United States. There are many more nuclear capable NATO fighter bombers which can strike targets in the USSR and which also would not be SALT limited nor would the strategic forces of the UK and France.

Certainly there are weaknesses in our strategic forces that need correction and certainly SALT does not solve all our strategic problems. But I believe SALT would make these problems more manageable. The SALT constraints would not prohibit any U.S. programs designed to reduce or eliminate present weaknesses. What modernization measures are necessary involves important issues needing enlightened debate. But a judgment about SALT should not depend on whether one favors these measures or not. SALT does not require or prevent any of them. Secretary of Defense Brown recently said that SALT II would make the strategic balance more predictable and would place important limits on the threat we will face.

I have a hunch that some SALT criticism reflects the frustrating knowledge that it is easier to persuade a third of the Senate to vote no to a treaty than it is to persuade a majority of both House and Senate to vote for very large increases in defense budgets for years to come. But that hardly seems to warrant a negative conclusion about SALT II.

Critics believe that the Soviets do not hold to our doctrine that the main function of strategic arms is to deter the other side from using or threatening to use its strategic forces. They say that the Soviets are planning not only to deter but to fight a nuclear war to a successful conclusion with damage limited by their weapon systems and by a large scale civil defense program to protect their people. These critics feel that strategic arms control will not work to our interest in the absence of acceptance by the USSR and the US of a common strategic doctrine. Only a few critics stress, however, that to be credible such an alleged Soviet strategic doctrine, if imitated by the U.S., would require, among other things, a large scale American civil defense program.

Looming behind much of the criticism of the SALT package is doubt on the part of critics as to the verifiability of commitments to be taken. They fear that the Soviets will violate the agreements and steal a march on the United States. I sometimes wonder how some critics have reached two conclusions simultaneously: 1) that the agreements are much too advantageous to the Soviets, and 2) that the Soviets would violate their terms. If, in fact, they were to the Soviet advantage, why would they fail to honor them?

In considering verification, keep in mind that it does not involve trusting the Soviets. It does involve confidence that our intelligence systems have proved capable of monitoring performance of SALT obligations. In addition, in SALT II (by a provision which is unique in arms control arrangements) the sides have disclosed the exact composition of their present strategic forces and have agreed to update this "data base" to reflect future changes. Secretary of Defense Brown recently said, "We are confident that no significant violation of the treaty could take place without the U.S. detecting it." We would be able to respond with appropriate actions before any serious adverse impact on the strategic balance could take place. The relatively short life of the treaty, which would end in 1985 and in addition could be terminated on 6 months' notice, is good insurance that the Soviets cannot gain any advantage from not living up to its provisions. Even such a tough SALT scrutinizer as my friend, Paul Nitze, takes a somewhat relaxed view of the matter. In an article in Foreign Affairs in 1976 he wrote, "I personally take the verification issue less seriously than most because the limits are so high that what could be gained by cheating against them would not appear to be strategically significant." But the President has assured us that he will not approve any agreements that cannot be adequately verified. I think that assurance can be relied on.

Intelligence about Soviet stategic arms is a combination of knowledge about present capabilities and estimates about future developments. SALT helps in both respects. Present deployments can be more precisely

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*If not more.

determined since the Soviets are not permitted under the agreements to conceal weapons systems which are limited and they have agreed not to interfere with our National Means of Verification. As for estimating future deployments, the agreement spells out the maximum permitted levels of the limited systems, thus simplifying somewhat the problem of prediction of future force levels. The absence of this "predictability", which would result fom a SALT rejection, would make the future strategic balance more uncertain which would be destabilizing.

You may be wondering whether in the Soviet Union there are also critics of SALT. While we don't hear their vocies, I suspect that there are. Here are a few points they may be making:

1. The USSR would have to reduce its forces while the Americans could increase theirs.

2. The Americans will have many highly accurate air-launched cruise missiles during the life of the treaty and the Soviets will have few or none at all.

3. Soviet submarines are of lower quality and Soviet access to the high seas is much more constrained than the American's. And the Americans have forward bases for their missile submarines in Europe and the Soviets have none.

4 The Soviets have four nuclear adversaries with strategic forces the U.S., the UK, France and China—and the Americans have but one.

5. The Soviets have an inferior heavy bomber force. The United States has over 300 truly intercontinental bombers.

6. The Soviets have nearly three-quarters of their warheads in vulnerable ICBMs while the United States has nearly three-quarters of its in less vulnerable systems—bombers and submarines.

7. The United States can count on many hundreds of nuclear capable fighter bombers deployed close to the Soviet Union which could destroy hundreds of targets in Russia. These systems are unlimited by the agreement.

There is another angle of criticism coming from some liberal politicians, academics and church people. Unlike our conservative and more weapon oriented critics, these critics find the SALT package to be too little, too loose, too permissive; some call it a sham. They want sharp reductions and tighter constraints on weapons characteristics. But SALT II would include unprecedened and significant qualitative and quantitative constraints Sometimes such critics remind one of Aesop's wry remark, "It is easy to propose impossible solutions."

I have not attempted a comprehensive survey of criticisms of the SALT package, but I think these will give you an idea of what is troublesome to SALT opponents.

There are several other important considerations to have in mind before drawing conclusions.

My responsibilities are now in the field of non-proliferation—to try to control the spread of nuclear weapons around the world. This is called horizontal proliferation, as opposed to vertical, which refers to the build-up by the 2 superpowers of their nuclear forces.

To my mind the threat to American security from horizontal proliferation is substantially greater than that presented by the continuing improvement in Soviet forces. Imagine the instabilities that would be created if and when more nations have nuclear weapons or even a weapons potential. This is no empty anxiety. Recently we read reports that Pakistan appears headed in that direction. It is not difficult to think of other areas in the world where—continuing to carry out traditional rivalries will be much more dangerous with nuclear weapons present. A key country for our nonproliferation efforts is India which exploded a nuclear device 5 years ago. One can hardly expect India formally to give up a weapons option if there is little prospect that the superpowers are going to agree to put their nuclear weapons under some constraints.

One of the main instruments to contain the spread of nuclear weapons is the Non-Proliferation Treaty which has been in force for almost ten years. Over 100 countries have taken commitments not to go for nuclear weapons. But there is a basic bargain embedded in this treaty. Those non-weapons countries' commitments are expressly contingent on Soviet and American progress in controlling their nuclear arms. If the efforts to this end of the last six years are rejected by the Senate, the integrity of this essential Non-Proliferation Treaty will be cast into doubt and our task of trying to control proliferation will be substantially increased. That, to my mind, is a very important reason for getting on with SALT II. I was glad to see a recent press report that the President had stressed this important aspect of SALT.

If SALT II is rejected, the continuance of the ABM Treaty could be in doubt and we could once again face a race to deploy defensive missile systems. When, in 1972, the first SALT agreemnts were presented to the Congress, they included the statement which I had made to the Soviets at the direction of President Nixon that if a SALT II treaty limiting offensive forces to match the ABM Treaty was not reached, that could constitute a justifiable cause for abrogation of the ABM Treaty. If SALT II is rejected, there will be calls for terminating the ABM Treaty—especially from those concerned with the defense of our increasingly vulnerable ICBMs. In fact, one group of SALT opponents has already proposed abrogation of this treaty. And the USSR could take the same position that we had reserved for ourselves in 1972. Whether the ABM Treaty survived or not would then be entirely up to the Soviets—who face nuclear threats from the three smaller nuclear powers for which ABMs might be effective.

If the ABM Treaty is lost, we would again be in an unlimited strategic competition in which the Soviets would no longer be committed not to interfere with our technical means of verification and not to conceal their launchers.

Gone also would be the S.C.C. consulting mechanism which has worked well to clear up ambiguities. I think these would be substantial losses for our intelligence capabilities. It certainly would not offer a favorable prospect for strategic stability.

It has been said that SALT will prejudice the interests of our allies, but the leaders of France, England and Germany expressly and publicly endorsed the SALT package at the recent winter meeting in Guadalupe. Last month Chancellor Schmidt told a meeting in Hamburg that rejection of SALT would be a "catastrophe".

I couldn't put the case for SALT better than Schmidt did recently in the Bundestag. "SALT II can be concluded only in the form of a compromise . . . if everyone involved will accept something that is not fully in line with their own interests—it is necessary to differentiate between critical remarks involving individual aspects of this package . . . and the great world political significance of the whole treaty—otherwise the whole world will suffer a most serious confidence crisis."

Our turning away from SALT limitations would increase the relative Soviet advantage in an area where they already have clear superiority—in their command of information. They have the ability to predict the size and quality of American strategic forces of the future merely by studying our defense budgets and reading Congressional documents. Before SALT I we had to depend solely on hard won intelligence. In SALT I we obtained a degree of predictability about what Soviet force levels would be during the ABM Treaty and at the end of the 5-year freeze. We also gained an advantage from the Soviet commitment not to interfere with our means of verification or to conceal limited arms from them. As a result, so-called worst case planning has had less of a role in Pentagon thinking. Without SALT ceilings for the future, our uncertainties would increase. This again would hardly make for stability.

Perhaps the most serious loss that the SALT rejection would entail would be the conclusion by our friends and antagonists abroad that the U.S. Government was incapable of conducting a coherent foreign policy. If the product of six years of negotiation is brought to naught, what would be the chances for success in other negotiations like the Comprehensive Test Ban and Mutual Balanced Force Reductions?

And in the current, uneasy state of relations with our allies, rejection would prejudice economic and political cooperation as well as defense policy coordination. U.S. influence and leadership around the world would suffer badly.

What about possible Senate approval but with proposed amendments or reservations? If they were substantive and required that the negotiation be reopened and the bargaining resumed, it seems likely to me that the renegotiation would fail. Agreed Soviet-American arms limitations are reached only as a result of concessions and counter-concessions which in turn are the result of internal bargaining in Washington and I believe also in Moscow. Nothing is agreed until everything is agreed. To start afresh would mean to reopen the whole bargain—not just to negotiate for one or more additional provisions. How would we feel if, after reaching total agreement, Moscow then said that there were just a few more items on which we must reach agreement before we had a deal?

Our choice, therefore, it seems to me, is to continue to modernize our forces for some 6 years under agreed SALT II ceilings with certain limitations on Soviet and American weapons systems *or* to go back to an unlimited competition. On balance, I believe the United States will be in a relatively better position if we pursue force modernization programs under the SALT II package than if we go ahead in unlimited competition. But I think we should recognize that SALT II is no panacea, that it does not warrant the euphoric expectations generated at the time of SALT I, and that it is a step, a necessary move toward more significant reductions and constraints which we should press for in the years ahead.

While the Senate alone has the constitutional mandate to give its advice and consent to treaty ratification, the collective common sense of the American people, all of whom have a very high personal stake in the outcome, will also be of crucial importance.●

THE GENOCIDE CONVENTION AND COMMUNISM

● Mr. GOLDWATER. Mr. President, today I wish to address an issue that has been pending in the Senate for many, many years now, I believe as far back as 1949. It is a subject about which I have expressed serious reservation in the past, but which I have continued to review. I am referring to the Genocide Convention.

CONCERNS ABOUT INTERPRETATION OF CONVENTION

My concern about the convention has stemmed from its technical language and not from its purpose. There can be no doubt as to where I stand on the issue of genocide. I condemn it as an abomination alien to everything sacred to humankind. But when I think about genocide, I think of the planned annihilation of an entire people, similar to the unthinkable deeds committed by the Nazis.

Until now, my concern has been that the convention possibly defines genocide to mean much more than this generally accepted definition. For example, the convention definition of genocide applies to crimes against a national, ethnical, racial or a religious group, in whole or in part. I have wondered what the words in part mean and whether if, taken literally, it would apply to actions against a single individual.

Moreover, I have asked questions about the provision of the convention which makes it an international crime not only to commit actions directed at extinguishing an entire people, but at causing serious bodily or mental harm to individuals within a group. I felt advocates of the convention should explain whether this language applies to prejudice or intolerance, short of an effort to destroy an entire group.

The convention also defines genocide to include imposing measures intended to prevent births within the group. I have wondered if this provision could apply to birth control measures which are a part of Government programs underway in some underdeveloped nations.

My next question arises out of the fact that the convention applies to rulers, public officials, or private individuals. Does this mean that every American from the President down to the simplest citizen could be brought to trial in a foreign court for committing the above actions?

Finally, I have been disturbed at a possible loophole in the convention which may allow the terrible crimes of totalitarian Communist rulers to escape condemnation under the convention.

RECOMMENDED UNDERSTANDINGS AND DECLARATION

Mr. President, since my objections were first raised, there has been considerable attention given to the convention, both in committee and by its leading sponsors. Much of this activity has focused precisely on the questions which have troubled me, and I must say that there has been considerable movement toward attempting to fairly meet these questions. I wish to take this opportunity to express my appreciation to the proponents of the convention, and especially to the Senator from Wisconsin (Mr. PROXMIRE) for reviewing in a serious way the criticisms which many of us have made.

As I understand it, the committee has now proposed that the convention should be ratified only with the accompanying approval by the Senate of four major conditions, including three understandings and one declaration.

ACTS CONSTITUTING GENOCIDE LIMITED

The first understanding would clarify that no one can be charged with genocide unless there is an intent to destroy an entire group as a group. The actions must be directed at the destruction of an entire group because it is a particular national, ethnical, racial, or religious group and the actions must affect not just a few individuals in the group, but a substantial part of the group.

It is further my impression that advocates of the convention interpret substantial part as being such a large number that the destruction or loss of that part would cause the destruction of the whole group as a viable entity.

The second understanding addresses what the meaning of the term mental harm is. This understanding clarifies that mental harm means only the permanent impairment of mental faculties.

According to the committee report, this clarifies that mental anguish caused by prejudice and intolerance generally, no matter how much to be deplored, are not outlawed by the convention.

RIGHT TO DECIDE WHERE PERSONS ARE TRIED

The third understanding is for the purpose of assuring that the United States will retain the right to prosecute our own citizens within the United States regardless of where the alleged act was committed. As I interpret the understanding, it means that the United States will have the final say as to where an American citizen would be tried under the convention.

Related to this purpose is a proposed declaration which would prevent the convention from coming into effect for the United States until after implementing legislation has been enacted. To me, this will further strengthen our ability to protect against the trial of American citizens in foreign courts unless and until some future U.S. law or extradition treaty would permit it.

CLARIFICATION ASKED REGARDING APPLICATION OF CONVENTION TO COMMUNIST ATROCITIES

Mr. President, these changes definitely improve and clarify the convention and the circumstances in which it might be applied. If approved, they would go a long way toward meeting many of the major objections which I and others have made to the convention.

However, in my opinion, there still remain two serious questions which are unanswered. First, I am troubled that the United States would not reserve the power of determining what disputes relating to the interpretation, application, or fulfillment of the convention may be referred to the International Court of Justice and what may not. Second, and this is my greatest doubt, I am concerned the atrocities being committed routinely by Communist regimes will somehow escape the convention.

Mr. President, I would like to discuss a specific example in order to test whether the Genocide Convention would apply to communism or would not.

Let us examine the actions of the great new friends of the Carter administration, the Red Chinese. As terrible as the crimes of other regimes have been, such as the Nazis and Soviets, in my opinion the Chinese Communists have surpassed everyone in modern times by their massive crimes against humanity. Not to ignore the Soviets, however, on a subsequent occasion I will address the possible application of the Genocide Convention to the Russians as well, particularly in the context of Ukraine.

INTERNATIONAL COMMISSION OF JURISTS FINDS RED CHINA GUILTY OF GENOCIDE

Mr. President, there is documented proof from a world judicial institution that the tyrants who are running the Government of China have committed genocide. Yes, at the same time that the American President is favoring them with his smiles and giving his apparent blessing to their past and present deeds, the Red Chinese have been condemned by a responsible international organization for committing genocide.

In a report to the International Commission of Jurists by its Legal Inquiry Committee on Tibet in 1960, the following conclusion was made:

> The evidence placed before the Legal Inquiry Committee satisfied them that the Chinese in Tibet intended to destroy as such a religious group, namely Buddhists in Tibet.

The report continued:

> There was strong evidence of killing and the forcible transfer of children with the destruction of this group in view.

Further, the committee stated:

> Violation of their right to exist as a religious group was proven . . . (A) Tibetan who would not give up his religion was killed or ran the risk of being killed . . .

Of course, Mr. President, this report and the inhuman deeds of the Chinese Communists in Tibet are virtually censored from any statements by the Carter administration today. Apparently they would rather just forget about it. But the report is a fact and the savage crimes were committed.

EVIDENCE OF GENOCIDE BY COMMUNIST CHINA

Now, let us examine some of the specific proof which the ICJ investigative body relied upon in reaching its conclusion. In the committee's words:

> The evidence shows four principal facts:
>
> (a) That the Chinese will not permit adherence to and practice of Buddhism in Tibet;
>
> (b) that they have systematically set out to eradicate this religious belief in Tibet;
>
> (c) that in pursuit of this design they have killed religious figures because their religious belief and practice was an encouragement and example to others;
>
> (d) that they have forcibly transferred large numbers of Tibetan children to a Chinese materialist environment in order to prevent them from having a religious upbringing.
>
> These four facts reveal, it is considered, an attempt to destroy the Tibetan part of the Buddhist religious group by two methods which will fall specifically within the terms of Article II of the Convention for the Prevention and Punishment of Genocide, and are also considered to represent a crime under international law independent of that Convention.

It is interesting that the committee found that the problem of reconciling communism and religion is recognized as impossible by the Chinese Communist Party. This is as true today, of course, as it was then.

HUMILIATION, MURDER, BEATINGS OF RELIGIOUS BELIEVERS

Now, it will not sound nice to the ears of those who pander to the dictators in Red China, but among the documented evidence uncovered by the committee is the following example of the methods employed by the Chinese in order to break religious beliefs in Tibet. In 1957 three high lamas were first humiliated by having their hair pulled and being beaten. Then, it is reported:

> Three pits were dug and the lamas were placed inside. The public were then made to urinate on them. The Chinese then invited the lamas to fly out of the pit. Then they were taken off to prison and they were chained together around the neck and made to carry human dung in baskets.

Another incident described in the report concerns the abbot of a monestary who was made to eat grass and harnessed like a horse. People of the village were then forced to ride him and beat him.

These are the gentle deeds, Mr. President, committed by the good new friends of the Carter administration. These are the kind of dictators and tyrants for whom President Carter has shunned Taiwan.

But let us continue. There is another specific example given by the committee of typical deeds by the Communists. This one involves the arrest and imprisonment of about 30 lamas and monks. According to the report:

> They were made to kneel on broken glass and stone and to rest their elbows on them.

They were made to suffer this ordeal during lengthy questioning.

The report continues on and on in a similar manner. The evidence shows that serious bodily harm, floggings, public degradations and starvation, among other tactics, were used with the intent to eliminate religious beliefs in Tibet.

CHILDREN FORCIBLY REMOVED FROM PARENTS

Moreover, the committee report found:

> There is no doubt on the evidence that large numbers of children, many being tiny babies, have been taken under force or the threat of force from their homes and transferred from Tibet to China.

For example, in one village new born children were taken away by the Communist medical staff. If they were not taken, their mothers would not be able to work. In other words, babies were ripped out of the arms of their mothers and sent away to China for political indoctrination. If parents resisted, they were beaten, their hair was pulled out, they were not fed, they were not given jobs.

Based on the overwhelming evidence of incredibly cruel deeds committed as part of official Chinese Communist policies, the Legal Inquiry Committee made its unequivocal finding of genocide by China.

This report verified an earlier opinion reached by the International Commission of Jurists itself that a prima facie case existed of the violation of the Genocide Convention by Red China, and the same conclusion would clearly be reached today regarding the destruction of religion by the Red Chinese dictators in all areas under their hegemony, including the mainland of China.

STRAIGHT ANSWERS WANTED

Mr. President, this leads me to the point of this discussion. Since there is clear and explicit evidence that the Chinese have committed genocide and since this was the finding of an official international body, does the Department of State, which would obviously have an important role in interpreting the convention, believe that it would apply when acts of this type are committed by Communist nations?

If the Chinese regime should become a party to the convention and continue to commit actions of the type condemned by the International Commission of Jurists, would the State Department press for international condemnation and trial of the Communists? Or would the Department find that it is only friends of the United States, such as Rhodesia or South Africa, or some other ally, who could possibly commit bad deeds, but when it comes to the Communists there is always an exception and a double standard or no standard at all?

If I get some straight answers to this question, which I shall develop further in my next speech regarding Soviet crimes, I will be more favorably inclined towards ratification of the convention; but if it is not to be applied even-handedly, then I must have serious reservations.●

FINANCIAL STATEMENT OF SENATOR LEAHY

Mr. LEAHY. Mr. President, for years I have made available a copy of my financial statement to the public. I did this before coming to the Senate while a State's attorney in Vermont, and I have done so each year I have been in the Senate. In addition, I have made available to anyone interested copies of income tax returns filed by my wife and myself for each year I have served as a Member of the U.S. Senate.

In continuance of this practice, I ask that my personal financial statement be printed in the RECORD.

The financial statement is as follows:

Net assets of Patrick L. Leahy and Marcelle P. Leahy as of December 31, 1978

Equity (appraised value less outstanding mortgage balance) in Vermont home	$32,742.47
Equity (appraised value less outstanding mortgage balance) in McLean, Virginia residence used by Leahy family during Senate session	18,378.01
Amount paid in and on deposit in Federal Retirement System as of December 31, 1978	16,019.43
Life insurance cash value	2,000.00
Total of all personal property (furniture, savings accounts, automobiles, clothing, etc.) less personal liabilities in the form of non-mortgage loans outstanding to Vermont banks	20,000.00
Total net assets	89,139.91
Total income in addition to Senate salary (reported in detail with the Secretary of the Senate)	10,644.00

	1977	1978
Net worth	$83,151.34	$89,139.91
Taxes paid (Federal, Vermont, and local)	15,165.50	14,793.34
Outside income	8,525.00	10,644.00

OLDER AMERICANS MONTH

● Mr. DOMENICI. Mr. President, for more than two decades we have set aside the month of May to commemorate the contributions made to this country by our Nation's elderly. Older Americans Month has become an American tradition.

Older Americans are the fastest growing segment of the American population. Last year their numbers increased at a rate of 2.9 times faster than the under-60 population. Today, there are 34 million older Americans whereas there were only 4.9 million in 1900. Today, one of every 7 persons in America is 60 or over. The 75-plus age group is 10 times larger and the 85-plus age group is 17 times bigger today than they were in 1900. More than 25 years have been added to the average American life span since 1900. Increasing the life expectancy from 47 years in 1900 to 73.2 years in 1977 is one of the great medical achievements of this century. But, this poses a major challenge to make the added years—years older Americans can enjoy with dignity.

As we all know, increasing age can bring certain problems. Loss of income, reduced social status, isolation, sickness and the loss of independence are facts faced by our older people. Our older Americans are burdened by rising energy bills, utility costs, and food costs. Rapid inflation in this country has undermined the ability of senior citizens to maintain a decent life style and a proper standard of living.

The Congress has tried to recognize and meet the needs of older Americans. In 1965, the older Americans Act was enacted and the following year, Congress appropriated $7.5 million for aging programs.

In fiscal year 1978 that figure rose to $696.7 million. Presently, there are close to 580 area agencies on aging across the country covering approximately 90 percent of the eligible population. The nutrition program is serving over 475,000 congregate meals a day and an additional 85,000 meals are home delivered to older persons.

Social services delivery to older persons has approximately doubled over the past 2 years. Transportation, home chores, home health care, information and referral, legal counseling, home repair, escort, outreach, and other services are designed to assist elderly persons to lead independent lives in their homes and communities.

Older Americans Month gives us all a chance to reflect on the past and time to think about the kind of lives we want our elderly to lead in the future. It is a special time to honor the elderly for their past achievements and the continuing contribution they are making to the well-being of our society. It is a time to bring all members of our community together to increase the opportunities for older Americans to play an even greater role based on their experience, skills, and wisdom. It is a time to reach out to senior citizens living in isolation and despair and bring them back into society's mainstream.

Mr. President, growing old in America must be the concern of the young, as well as the old, the rich and the poor, urban and rural, government and private sector and for all religious, social, cultural, ethnic, and civic groups and organizations. As Americans we all must share the responsibility to continue to seek ways to improve the quality of life of our senior citizens. We all have the duty to insure that our older Americans live independent and productive lives. During this month and throughout the year let us recognize their contributions and strengthen their role in America's society.●

DIPLOMATIC DEAFNESS

● Mr. HATFIELD. Mr. President, the difficult economic circumstances which this country faces are affecting many people in profoundly different ways. One of the most serious problems is that taxpayers are asked to shoulder increasingly onerous burdens on behalf of wasteful Government programs. The problem is compounded by the ironic fact that too often this waste and growth in central government generate a real feeling of helplessness and isolation—a sense of citizen alienation from the very process of democracy which their tax moneys support.

Recently I received a unique letter from a constituent, Karen Wilson, of Gresham, Oreg. She summed up in her letter the frustrations and anxieties many Americans feel today toward the institutions that represent them. More interesting yet, the letter has been set to verse. So that my distinguished colleagues may benefit from this lyrical rendition of one taxpayer's honest and growing concern about the direction of Government, I ask that it be printed in full in the RECORD.

The letter follows:

GRESHAM, OREG.,
May 3, 1979.

Hon. MARK HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: I do not represent a minority.

I do not belong to a social, religious, or labor organization.

I am not associated with a cult, a clan, or a commune.

I am not wealthy enough to contribute to your next election campaign.

I am not poor enough to be an issue, a threat or an embarrassment.

I am not handicapped.

In this International Year of the Child, I am too old to be remembered.

At 32, not yet a senior citizen, I am too young to be forgotten.

I am, however, a white female, a single parent, an employed person, a registered voter, and a concerned citizen.

I would like to be heard. But why should you listen? Only one reason—

I pay taxes. Now, please, pay attention:

DIPLOMATIC DEAFNESS

I'm tired of taxes,
Tired of bills,
Tired of doing without
Life's many frills.

I'm tired most of all
Of a well-known craft
Commonly called
The "political shaft".

Special interests
Get the congressional ear.
Well, I've two special interests
Called children, so dear.

Won't you listen?
Won't you lend a hand
To middle income folks
Across the land?

Money talks,
Or so they say,
I have so little—
It has little to say.

It takes big bucks
To get ahead.
It takes a bundle
To even stay fed.

Rent is high.
Wages are low.
Saving is impossible.
Its a hard row to hoe.

I'm white collar labor,
And proud to be,
But at my income level
Nothing is free.

I earn too much
To qualify for
Food stamps, welfare
Housing and so much more.

If I earn so much
That I can't apply
For government aid,
Then please tell me why . . .

Ends barely meet
And I can never afford
To buy junk food
Or gas to hoard.

An economy car
Is what I'll own,
If I can manage
To pay off my loan.

But the cost of insurance,
Maintenance and gas
Makes it seem like a luxury.
Economical? My ass!

My paycheck isn't worth
The paper it's printed on.
In a matter of seconds
It's entirely gone!

For my kiddies need clothes,
Food and child care too;
Medical fees, electrical bills
And the rent all come due.

Uncle Sam taxes
Every dollar I get.
I'd be better off
To up and quit!

To sit on my fanny
And claim I can't work
At the expense of the taxed—
Some hard-working jerk.

Because 27 per cent
Of my total income
Is the government's bite.
And I wonder how come?

Why do you need
All of my cash?
To pay for "perks"?
Weapons?—A political bash?

There's too much waste,
Too many studies,
Too many favors
Owed too many buddies.

Administrators are many
And their privileges are too.
When you're on top
It's a pretty good view.

But on my level
(Halfway 'twixt poverty and wealth)
The only thing great
Is the state of my health.

Consumers are asked
To watch what they spend
While government costs
Increase without end.

Welfare is great
For those in need,
But it's abused
We're all agreed.

Past presidents deserve
Retirement, it's true,
But they're getting
Far more than what's due.

Loopholes for the rich—
Unjust and unfair!
But tax loopholes are
Unmistakeably there!

Lobbyists exist
For nearly every cause,
But only money can buy
A change in the laws.

I go to the polls
Every election day
To support, to protest
To have my say.

But try as I may
I never can win.
Being a middle income person
Is an unforgiveable sin.

Yes, I'm tired of taxes,
Tired of bills,
Tired of
Governmental ills.

I'm tired most of all
Of not being heard
I voted for you—
But I'm getting the bird!
Sincerely,

KAREN M. WILSON.●

MR. ROLAND C. TRICE—RHODE ISLAND SMALL BUSINESS PERSON OF THE YEAR, 1979

● Mr. CHAFEE. Mr. President, small business has played an important role in the economic life of the United States.

There are millions of smaller firms in the United States—over 36,000 in the State of Rhode Island alone. We count on them for 56 percent of our national private sector employment, 45 percent of the gross national product, and over half of our important industrial inventions and innovations.

The enormous potential of our small business community gives us a chance to tackle some of our most severe social and economic problems without setting up more top-heavy Government programs.

During this week—National Small Business Week—this potential should be recognized by the American public as well as Government officials. When we assist small businesses to become stronger and healthier, we are helping the entire U.S. economy to become stronger, thereby creating new jobs, improving productivity, and increasing foreign trade.

Today, I wish to make special mention of one small business person from my own State, whose own experience has demonstrated that a partnership between the Government and business can work to the benefit of us all.

Mr. President, an outstanding resident of my State has been selected as the Rhode Island Small Business Person of the Year for 1979. Mr. Roland C. Trice of Cumberland, R.I. has been named the winner of this most prestigious award by the Small Business Administration.

Each year SBA selects a person who has realized great success in establishing an owner-operated small business. However, this year, no finer choice could have been made than that of Mr. Trice. His career in business in a true Horatio Alger story, and his successful and prosperous firm is an example of the rewards that can come from dedication and hard work.

Having grown up in a welfare family of 13, Mr. Trice was forced to leave school in the sixth grade and take minimal jobs in order to help his family survive. All of his promotions in his work were earned through his indomitable will to succeed during which time he worked nights to obtain both junior and senior high school diplomas.

In 1964, the first year that the National Small Business Week was celebrated throughout the Nation, Mr. Trice left his job as an insurance salesman to open his first business—a small laundromat.

Faced with the need for increasing capital to repair and maintain his laundry equipment, Mr. Trice aspired to the goal of opening a retail paint and home decorating store.

During his early years, he had learned much about interior house decorating from a variety of jobs and experiences, and the establishment of a paint, wallpaper, and floor covering store seemed the natural direction for Mr. Trice's skills in management, sales, and home decoration.

With the help of a Small Business Administration loan, Mr. Trice's goal was soon realized, and he opened his store. Without the assistance of the Rhode Island Small Business Administration, and in particular the efforts of Mr. Charles Fogarty, director of the State SBA office, Mr. Trice's Cumberland Color Center Store would not have been possible.

Through long hours of labor, 7 days a week, Mr. Trice built his new business into a growing company, until expansion to a larger building became necessary. Again, SBA provided help in the form of a second direct loan. Both of the SBA loans were paid in full under the agreed terms.

Today, Mr. Trice's business has an estimated worth of $1 million. His career truly exemplifies success in the free enterprise system at its best through dedication, hard work, and perserverance. It is also proof that Government assistance, such as that provided by SBA, can make a critical difference to individuals, communities, and our overall economy. His story is an inspiration to all business people, who have shared a dream of owning their own successful company, of providing quality products and goods to their own community, and of experiencing the responsibility and independence that comes from such a business.

Just as small businesses throughout the Nation contribute to the economic and social well-being of their communities, so too, Mr. Trice has always been highly active in community affairs. He is a charter member and president of the Rhode Island Chapter of the National Decorating Products Association a member and past director of the Cumberland-Lincoln Rotary Club, and a member of the Blackstone Valley Chamber of Commerce.

I know all of my colleagues join me in congratulating Mr. Roland Trice on receiving this important award and on a job well done for American business.●

MICHAEL NOVAK AND "THE DEER HUNTER"

● Mr. SCHMITT. Mr. President, among Washington's syndicated columnists, Michael Novak brings to the discussion of public policy a unique set of credentials. Theologian as well as journalist, scholar as well as practical politician, Novak characteristically cuts through ideological arguments about issues to focus on the human concerns that underlie them.

A case in point is his recent column on "The Deer Hunter," the Academy Award-winning film about America's involvement in Vietnam. Novak looks beyond the controversy surrounding the film—indeed, beyond the controversy that surrounded the war—to its sensitive portrayal of those Americans of eastern European ancestry who labor for their country in time of peace and, again and again in this century, have died for their country in time of war. His column of May 9 in the Washington Star, "Eastern Europeans and the Deer Hunter," is a tribute to them. Concurring with its sentiments, I request that it be printed in the RECORD.

The article follows:

EASTERN EUROPEANS AND "THE DEER HUNTER"

(By Michael Novak)

The "Deer Hunter" is one of the most important (and moving) films of recent years, and I am rather glad I waited to see it until the controversy around it had bloomed in full force. Most of the criticism made of it evaporated in the darkened theater.

No film has ever gotten closer to the marrow of the Eastern European-American imagination. President Carter these days talks a lot about Russian intentions with regard to SALT. I advise him to see this film about Russian-Americans before he convinces himself that he understands the Russians.

A good friend of mine, Kenneth Kovach, directed the choir that sang in the wedding scenes, filmed in St. Theodosius church in Cleveland. A Ukrainian-American woman in that city told me how her three sons came home from the film awakened, profoundly stirred. Eastern European-Americans have never seen themselves in such a film before. "That's the way we are, mom," they told her. "They don't like it, but that's the way we are."

Her three sons are in college. They are not of the same social class as the roughnecks of the film. They did not mean that the film is literal, descriptive. Its scenes of fighting, wild dancing and exuberant emotion are altogether Slavic in feeling, but in the way that *Portnoy's Complaint* is Jewish. The film does not show the way we are, descriptively, but the way (in a sense) we would like to be imagined. No one born Eastern European needs to pay $300 for a weekend at Esalen to learn how to scream, yell, shout or exhibit anger; to kiss, to touch or to be tender.

"The Deer Hunter" is not a realistic film. It is symbolic, like a floodlit stained-glass window in rapid motion, like Byzantine paintings. Its imagination is not pragmatic, cool, empirical, descriptive, but turbulent and mythic. It evokes gambling scenes from Dostoevsky, peasant dancing and drinking scenes from Tolstoy. There are touches of James Fenimore Cooper's *The Deerslayer* in it, too. But the mountains in it are not those of Pennsylvania. In Pennsylvania, the hills are rounded; no craggy peaks there. For a moment, the soul is taken back to the Tatra mountains, to European mountains, wherever the actual footage was shot.

"Russian roulette" is a perfect symbol for the Slavic view of the world. The world is not a morality play. The good suffer, the evil prosper, history does not select moral goodness for survival. In World War I, when Polish-Americans constituted 4 per cent of the population, they took 12 per cent of U.S. casualties. World War II was nearly as hard on Eastern European-American populations. For a hundred years, including the years of immigration, the young males of Eastern European communities have been decimated in epidemics, industrial accidents and war after war.

Some survive. But many of the best and the bravest—as if by irrational roulette—are maimed or die. Every neighborhood bears such evidence. In this film, Stephen loses his limbs, Nicholas his life. Chance decided their fates. Why in the dizzying maelstrom does only Vronsky live? Sheer chance.

The image of roulette is a deliberately non-moral image. That is why, I think, the anti-war activists hate it so. They have declared themselves saints in their own private morality play. They cannot stand the thought that something far deeper than Sunday-school morality happened to Indochina, in whose cruel lottery millions have already died and millions more will yet before the bloodshed ceases. The United States was neither the originator nor the necessary cause of the horrors of Indochina.

Morley Safer reported on this film for CBS (April 16): "The men are submissive bumpkins, the slobbering American with a heart of gold, a rich dilettante's idea of 'just folks,' all Brando and beer halls and gutter wisdom . . . They're not even caricatures of Americans." This, I think, is a stupid slur. Submissive? These men obeyed the law. Bumpkins? They breathed the fumes, heard the constant din, felt the searing flame of molten steel, as did their fathers, so that Morley Safer could drive his cars and fly his airplanes. Michael Cimino, the director, was not portraying exact descriptions, on the one hand, or caricatures, on the other. He was showing, symbolically, the harsh and cruel world of daily life, in America and everywhere else. And he portrays this world with awe at unsung capacities for beauty, endurance, comradeship, fierce determination of will and raw courage in our population.

There was no Russian roulette in Vietnam, and there are no craggy mountains near Clairton, Pa. The anti-war movement told as many lies about the war as anyone else did. By taking sides neither with the doves nor the hawks, and by showing how brave men endure brutal chance, Michael Cimino told a truth deeper than politics. The experience of nothingness is our daily-bread.●

THE DEATH OF LESTER FLATT

● Mr. BAKER. Mr. President, I would like to note the passing of a remarkable figure in American music—Lester Flatt, a bluegrass singer and guitar player from Tennessee, who carried his music to all parts of the country and beyond.

Lester Flatt was born in Overton County and reared in White County, Tenn. He came to Nashville to sing and play with Bill Monroe and the Bluegrass Boys in the 1940's, where his distinctive tenor voice and guitar playing reached wide audiences over WSM's Grand Ole Opry.

Mr. Flatt was probably best known as the leader of Lester Flatt, Earl Scruggs and the Foggy Mountain Boys. Their "Foggy Mountain Breakdown" was the theme song in the movie, "Bonnie and Clyde," and their song, "The Ballad of Jed Clampett" was used on the long-running TV series, "The Beverly Hillbillies."

Wendell Rawls, Jr., writing in today's New York Times, quotes composer John Hartford on the musical mark made by Lester Flatt and the banjo of Earl Scruggs: "They came to St. Louis and changed my life," he recalled. "I couldn't believe what I was hearing, or what I was seeing. Lots of us have spent hundreds of hours trying to duplicate the sound. A hundred years from now, you will see Lester Flatt being credited with a significant musical impact. The body of his musical contribution will be acclaimed."

We will miss Lester Flatt, but his music will live on, and his contributions will influence generations of performers and audiences alike.

I submit for the Record, articles published in the New York Times and the Washington Post.

The articles follow:

[From the New York Times, May 15, 1979]

Lester Flatt Is Buried in Tennessee's Hills

(By Wendell Rawls, Jr.)

Sparta, Tenn., May 14.—Lester Flatt returned today to the hard, unyielding, Tennessee hill country whence he and his music came.

The bluegrass singer and guitar picker, who died last Friday after a long illness, was buried in the rust-colored earth beneath a grove of oak trees at Oaklawn Memorial Cemetery. He was 64 years old.

Mr. Flatt was best known as the leader of Lester Flatt, Earl Scruggs and the Foggy Mountain Boys, the bluegrass band whose most successful songs were "Foggy Mountain Breakdown," used as the theme song for the movie "Bonnie and Clyde," and "The Ballad of Jed Clampett," from the television series "The Beverly Hillibillies."

Today the Hunter Funeral Home chapel overflowed with hundreds of his hometown friends who heard the craggy-faced, drawling Mr. Flatt eulogized as "a giant in country music" and credited as "the finest product" of this small Cumberland plateau town.

"DEEP IN THE RICH SOIL"

"It is fitting that he be planted in the sacred sod of White County," said Mr. Flatt's preacher cousin, the Rev. Leland Flatt.

The Rev. Oland Bassham said, "His music was rooted deep in the rich soil of this great land of ours."

The Lewis Family, from Lincolnton, Ga., widely recognized as a premier blue grass gospel singing group, sang their wailing melodies between eulogies, while babies cried, children swung on a tree limb outside the chapel, and an old man hunkered down to whittle a cedar stick.

Neighbors of all walks and dress, varying from three-piece suits and cowboy boots to soiled denim overalls and brogans, fingered away tears and unconsciously tapped their feet in time to the haunting strains of "I'll Meet You in the Morning."

BORN INTO NEAR-POVERTY

Lester Flatt was born into near-poverty in these hard-scrabble hills. His family moved here when he was a youngster. As a child he sang in the Baptist Church choir, and as a professional performer, he included traditional fundamentalist hyms in the Foggy Mountain Boys' repertoire.

In 1944, Mr. Flatt joined the band led by Bill Monroe whose Bluegrass Boys was a Grand Ole Opry regular feature. It was with Mr. Monroe that Mr. Flatt met Earl Scruggs, whose lightning-fast, three-finger banjo style somewhow meshed with Mr. Flatt's plaintive, tenor harmony. They left the Monroe band about four years later to form their own group and they became world famous until they split up about 10 years ago.

Each formed his own band, Mr. Flatt naming his the Nashville Grass. Last February, while Mr. Flatt was recovering from a cerebral hemorrhage, Mr. Scruggs visited him in the hospital and opened up the possibility of their getting together for a couple of concerts. It was believed to be the first time they had spoken in a decade.

John Hartford, who composed "Gentle on my Mind," recalled the first time he heard Lester Flatt.

"They came to St. Louis and changed my life," he said yesterday. "I hadn't started to drive yet, I was about 14 years old, and I stood right up against the stage and I couldn't believe what I was hearing, or what I was seeing. I went home and started copying Earl Scrugg's banjo-playing note for note. What little singing I did, I learned from Lester.

"Lots of us have spent hundreds of hours trying to duplicate the sound. A hundred years from now, you will see Lester Flatt being credited with a significant musical impact, the body of his musical contribution will be acclaimed."

The distinctive Flatt and Scruggs sound combined a moaning dobro, a squealing, sawing fiddle, a thumping bass, Mr. Flatt's rhythm guitar, and Mr. Scrugg's banjo, which had the sound of clanging crystal. They could move from a mournful ballad to the romping and stomping of "Salty Dog Blues" as smoothly as a racecar driver changing gears.

The Foggy Mountain Boys were the first country music performers to appear on stage at Carnegie Hall, and as Mr. Flatt remembered it to Jack Hurst in his history of the Grand Ole Opry:

"Dorothy Kilgallen, who was one of the critics in New York then, put a write-up in the paper the morning of the day of our show. In it, she said something about 'the hicks from the sticks are coming to town and this is to warn you in time to get out.' But that night we had a hall full of people who evidently hadn't got the word."

MORE HALLS FULL OF PEOPLE

There were more halls full of people for Flatt and Scruggs, and then in the 1960s they rode the wave of folk music to international fame.

Yesterday, after memorial services in Hendersonville, Tenn., attended by about 250 of Mr. Flatt's music-industry friends, Roy Acuff said, "Lester was a man you could trust."

Today, Mr. Bassham said that Mr. Flatt was "born again" in Christianity about a year ago and told him that it was "the greatest show date I've ever played." And he remembered that Mr. Flatt used to sing a song with the words, "Ain't Nobody Gonna Miss Me When I'm Gone."

Cousin Leland Flatt reckoned that we would.

[From the Washington Post, May 12, 1979]

Lester Flatt, 64, Leader in Bluegrass Revival, Dies

(By Barbara Taylor)

Bluegrass guitarist-singer Lester Flatt died yesterday in a Nashville hospital at the age of 64.

Mr. Flatt, who had undergone heart surgery in 1975 and other major surgery a year later, had returned to the stage of the Grand Ole Opry in March although he had been described as being near death last November after a brain hemorrhage.

Half of the Flatt and Scruggs team in the early 1960s that led bluegrass music's resurgence, Mr. Flatt described a few months ago his most cherished accomplishments: "We should be proud of being able to accomplish what we set out to do. We wanted to be in a field to ourself. We had a sound all our own."

Expressing his belief that the acoustic style of country-mountain music will not die out, he said: "There always will be somebody to carry it on. It's been good for us since it started."

Mr. Flatt's last appearance in this area was Oct. 15 at a bluegrass festival near Williamsburg. Then, as during the whole 1978 festival season, he sat on a stool while playing his famous rhythm guitar and singing his most popular songs.

These included "The Ballad of Jed Clampett," which had meant instant recognition for him, his former partner, banjoist Earl Scruggs, and the Foggy Mountain Boys as the theme song for television's "Beverly Hillbillies." The performance last October further impressed upon the fans the steady deterioration of Mr. Flatt's health. They remembered when his shows included the "Granny" dance, performed on television by Irene Ryan.

Mr. Flatt, a native of Overton County in East Tennessee, got his first musical inspiration from his father and his first attempts in music were on the banjo. But the fine musical ear that was to be his passport to a career soon told him that the five-string instrument was not for him, and he switched to the guitar.

Like so many country musicians in the early 1930s, Mr. Flatt had to look elsewhere for money to support his family, and the cotton mills of North Carolina and Virginia were the answer. Therefore, Mr. Flatt was no youngster when he finally gave up the security and the drudgery of the mills to rely on his voice and his guitar for a living.

By the early 1940s, he and his wife, Gladys, were touring with one of the most popular bands in the Southeast, Charlie Monroe and the Kentucky Pardners. It was during this period that his distinctive voice began to be recognized, as he sang the tenor part over Monroe, the elder brother of Bill Monroe, known as the father of bluegrass.

Soon after Lester and Gladys Flatt left Charlie Monroe's band, the call came from Nashville seeking his voice and guitar for Bill Monroe's band The Bluegrass Boys, who had made their entry into radio station WSM's Grand Ole Opry a few years earlier.

It was with Bill Monroe that Mr. Flatt found his future partner, Scruggs, with whom his name is most often linked. It was Flatt and Scruggs who were on the "Beverly Hillbillies," wrote and recorded "Foggy Mountain Breakdown," which later became the theme song for the movie "Bonnie and Clyde," recorded live at Carnegie Hall, and received a broadcast contract from Martha White Mills, a Tennessee flour firm that kept them on early-morning radio and the Opry for years. They were synonymous with the word "bluegrass" for more than 20 years.

The partnership that began in 1948 when Flatt and Scruggs left Bill Monroe survived, although not without some difficulties, the surge of folk music.

Their success in those years, in fact, was considered by some to be the harbinger of their split. As Scruggs' sons became professional musicians, serious differences developed about the type of music the band should play.

The announcement, surprising to few, that the partners were splitting came in February 1969. Scruggs and his sons, Randy and Gary, formed the Earl Scruggs Review.

Scruggs visited Mr. Flatt in the hospital early this year.

"Earl and I hadn't spoken in 10 years," Mr. Flatt said later. "But when I was in the hospital, Earl came to see me. It came as quite a surprise and made me feel real good."

Yesterday afternoon, Scruggs said, "He was very talented. His record speaks for itself. . . . He just had a talent that people enjoyed. He was blessed with a good following. We had a lot of good memories together."

After the breakup, Mr. Flatt formed the Nashville Grass, taking with him all but one of the Foggy Mountain Boys. Such names as Paul Warren, Jake Tullock and Jake Graves, close to legendary on their particular instruments, were part of the original Nashville Grass.

In 1973, another legendary name, Curly Sechler joined the band and was still part of the Nashville Grass when its leader died.

Although counting heavily on his longtime associates, Mr. Flatt had fostered the development of new young stars, such as Marty Stuart on the mandolin and Blake Williams on the banjo. Before Stuart, there was Roland White, another young mandolin player, who had survived the extinction of the Kentucky Colonels.

This emphasis on young mandolin players was a departure from the old Flatt and Scruggs image, mainly because of the rift that existed over the split with Bill Monroe, considered by some the epitome of bluegrass mandolinists.

After the break with Scruggs, Mr. Flatt had several successful albums, both with the Nashville Grass and in reunion with one of his former singing partners, Mac Wiseman.

Mr. Flatt's survivors include a daughter, Brenda Green of Hendersonville, Tenn., three brothers, three sisters and two grandchildren.●

DEATHS CAUSED BY THREE MILE ISLAND

● Mr. GRAVEL. Mr. President, I am deeply disturbed by assertions being put forth by nuclear advocates concerning the accident at the Three Mile Island nuclear plant in Pennsylvania.

One is the claim that the accident at Three Mile Island (TMI) is proof that nuclear power is safe because, until TMI, the nuclear industry had accumulated 460 reactor-years of "safe" operation. This is false, because there have been numerous other accidents over the years, including one at the Browns Ferry plant in Alabama in 1975 which brought two reactors to the brink of a catastrophic meltdown. But even if there had been no other accidents prior to TMI, 460 reactor-years of safe operation would not be something to brag about.

Let us assume that TMI indicates that we can expect a TMI-type accident once in every 460 reactor-years' operation. With 72 plants now licensed to operate, that could mean such an accident once every 6½ years or less. With 300 plants operating within the next few years, as advocated by the administration and nuclear industry, it could mean a TMI-type accident once approximately every year and a half. I do not think Americans want to allow such a risk to be inflicted on them.

Another point being made by nuclear advocates is that we should not blame the reactor for the accident; the problem was human error. I am at a loss to understand why that should give us any reassurance whatsoever, since no one has yet figured out how to build and operate nuclear plants without humans. It is, in fact, the inability to ever completely eliminate human error from any undertaking which is a very good reason not to allow nuclear plants to operate.

A third assertion made by the nuclear apologists following TMI is, in my opinion, the most fraudulent. It is the false claim that no one was killed or injured by the accident.

While it is true that the amount of radiation released was not enough to cause people to drop dead in the streets from acute radiation poisoning, we must remember that exposure to even tiny amounts (such as the amounts released at TMI) can cause cancer and leukemia, in addition to genetic injury. Whether the victims of radiation poisoning die immediately or 5, 10 or 20 years after their exposure is not of enormous importance—they will still be just as dead.

Based on figures supplied by the Nuclear Regulatory Commission, it can now be established that 12 human beings have been irreversibly condemned to die from cancer or leukemia due to this accident. The number could be, and in all probability is, considerably higher.

The method for calculating the number of deaths is included in an interesting and unique new book by John W. Gofman, M.D., Ph.D., entitled "Irrevy: An Irreverent, Illustrated View of Nuclear Power," published by the Committee for Nuclear Responsibility, P.O. Box 11207 San Francisco, Calif. 94101.

Mr. President, I ask that two items from "Irrevy" be printed in the RECORD. First, a section dealing with TMI, and second, an affidavit by Dr. Gofman dated June 5, 1978, detailing why nuclear power is unacceptable and illegal in his opinion.

The material follows:

[From "IRREVY: An Irreverent, Illustrated View of Nuclear Power" by John W. Gofman, M.D., Ph.D. Committee for Nuclear Responsibility, P.O. Box 11207, San Francisco, CA 94101]

ACCIDENT

As "Irrevy" goes to press, the nuclear power accident at Three Mile Island (PA) is still going on. Almost everything we would say about the accident is already in "Irrevy" except for this:

According to the Nuclear Regulatory Commission, the dose to the public so far* is 1,800 "person-rems" . . . a figure which we regard with extreme skepticism because it turns out there existed almost no monitoring system, and because that estimated dose excludes a significant additional internal dose from the radioactive Carbon-14 released.

A person-rem is the dose (in rems) per person, times the number of people who receive it (or, rems times people). A rem is a unit of energy from radiation; there are, of course, 1000 millirems in a rem, so one millirem can be written 0.001 rem. It is the energy of ionizing radiation which breaks important molecules in our cells. Most injured cells will not go on to become cancers, but some will.

For every 300 person-rems of whole-body irradiation delivered to a population (adults and children mixed), one person has been condemned to die later from cancer or leukemia. (At least one death per 300 person-rems).

Suppose an exposure-rate is "only" 2 millirems (0.002 rems) per hour per person, but exposure continues for 3 days (72 hours) and it reaches 1,000,000 people. You multiply the people by the rems to get person-rems, and you divided by 300 to estimate the number who will die later from the irradiation (the rems, hours, and persons "cancel out"):

$$\left(\frac{0.002\text{ rems}}{\text{hour}}\right)(72\text{ hr})\times(1{,}000{,}000\text{ persons})$$
$$\times\left(\frac{1\text{ death}}{300\text{ person-rems}}\right)=480\text{ deaths.}$$

It is a fraud to imply that a dose "equivalent to just a few chest X-rays" to a million people would be safe. If you give low-dose radiation to a lot of people (whether from nukes, X-rays, or Mother Nature), you will kill just as many people as if you gave high-dose radiation to just a few people, providing the number of person-rems is the same. Its not hard to understand, if you remember that 6 × 2 = 12, but 2 × 6 also = 12.

AFFIDAVIT

Dr. John W. Gofman being duly sworn, deposes and says:

As a result of my education and research in relevant areas, I feel qualified to make the statements which follow in this affidavit. A detailed biography is attached as Exhibit 1.

If called upon to testify in the trial of the Trojan Decommissioning Alliance defendants, I would testify as follows:

I have carefully examined the performance of the regulatory processes in nuclear energy and conclude that these processes do not work and do not provide any protection to the public from injury by nuclear energy.

It is my opinion that the operation of the Trojan Nuclear Power Plant or any other nuclear power plant creates an immediate hazard to members of the public as a direct result of its creation of artificial radionuclides, such nuclides creating the hazard of cancer, leukemia, and genetic injury to the public.

It is a fallacy to think that an accident is required to create the hazard. The hazard is created the moment the radionuclides are generated in the nuclear power plant. This is so for the following reasons, my reasons being extensively supported in the research papers appended as Exhibits 2, 3, 4, 5, 6, and 7.

[Note.—Exhibits 2–7, which are lengthy, technical papers, are not provided here. Information on obtaining them is available from the Committee for Nuclear Responsibility, Box 11207, San Francisco, CA 94101.]

REASON 1

There is no such thing as a safe dose of radiation with respect to cancer, leukemia, or genetic-muttaion injury.

REASON 2

All authoritative bodies have held that we must operate on the basis that there will be such injuries in proportion to the accumulated dose of radiation, down to the lowest doses.

REASON 3

It is not credible that the entire nuclear fuel cycle can ever contain the radionuclides perfectly, with or without accidents. Indeed, such nuclides are released during so-called normal operations. Therefore, it follows that injury to humans is guaranteed the moment that a plant starts to operate and to create the nuclides. In fact, the killing starts even before a plant operates because the mining and milling operations (to obtain the uranium fuel) create massive quantities of radioactive tailing-wastes; to fuel a single nuclear plant for a single year can create a half-billion pounds of tailings. The tailings release radon gas to the biosphere—gas which would otherwise not reach the biosphere. Such radon gas and its daughter radionuclides are killing people now, and will continue to do so for at least the next billion years.

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* The NRC later doubled this estimate.

REASON 4

The workers in the nuclear power plants receive a dose which will provoke genetic injury, and because of intermarriage with non-workers, this will result in the genetic degradation of the population-at-large, one of the most serious of all types of human injury. Although the number of regular workers at a nuclear facility may be small, the number to be irradiated by this industry is not small because temporary "non-nuclear" workers—even utility truck-drivers—are brought in to do the "hot" repair jobs, and to share the radiation exposure with the regular workers. Since workers start receiving irradiation the moment the plant begins operation, the injury is, in effect, established the moment the plants starts to operate.

REASON 5

These has been gross deception of the public and public misunderstanding concerning the so-called "permissible" or "tolerance" dose of radiation. The public has been misled into believing that such doses are without medical effect, when in truth such "permissible" doses represent nothing other than a legalized permit to commit random murder upon members of the population.

REASON 6

Even though the injury manifests itself after periods measured in years, the actual injury is done to the genetic materials, namely genes and chromosomes, immediately upon irradiation. Thus, it would be totally false to assume there is no immediate injury involved. The injury is immediate, is a danger now, even though visibly manifest at a later time.

REASON 7

It is only the simplest of logic which is required to demonstrate that the essence of protection of one's health and life, and that of one's children (and their children) must necessarily reside in preventing the production of the radionuclides, since once produced, these radionuclides will guarantee human injury and deaths. The only way to prevent the production of the radionuclides is not to have nuclear power plants operate.

REASON 8

It may be inappropriately assumed that the operation of a nuclear power plant is not an "immediate" threat to health and life. For the reasons outlined above, the threat is immediate. A simple, and highly relevant, analogy is provided by the occurrence of a fire. We do not consider it rational for one to wait to try putting out a fire simply because the flames have not started to burn our clothing or our skin. Also, we do not consider fire-fighters to be destroying property when they must hack away at furniture and other property-objects and real estate in the effort to control the blaze. Properly in a fire, we consider the threat immediate no matter how far the flames have spread at a given moment, and we take action on this basis. The situation is no different for a nuclear power plant. Prevention of the injury and death of members of the public from the operation of a nuclear power facility is a public service. I am aware of no instance in the civilian economy where we take it as a premise that injury and murder of members of the public are to be regarded as beneficient acts.

REASON 9

Since the regulatory processes do not work to protect the public, and since the regulatory authorities continue to grant licenses for the random murder of members of the public through the licensing of nuclear power facilities, it is abundantly clear that the public can count upon no protection against victimization through the regulatory process.

CURRICULUM VITAE: JOHN W. GOFMAN

Birth: September 21, 1918 in Cleveland, Ohio.

Education: Grade and high school in Cleveland, Ohio. A.B. in Chemistry from Oberlin College, 1939. Ph. D. in Nuclear/Physical Chemistry from the University of California at Berkeley, 1943.

Dissertation: The discovery of Pa-232, U-232, Pa-233, and U-233. The slow and fast neutron fissionability of U-233. The discovery of the 4n + 1 radioactive series.

M.D. from the School of Medicine, University of California at San Francisco, 1946. Internship in internal medicine at the University of California Hospital, San Francisco, 1946–1947.

Positions: Academic appointment in 1947 in the Division of Medical Physics, Department of Physics, University of California at Berkeley. Advancement in 1954 to the full professorship, a position held to the present time, with shift to Emeritus status in December, 1973.

Concurrent appointment since 1947 as either instructor or lecturer in Medicine in the Department of Medicine, University of California, San Francisco.

Additional appointments held: (1) Associate Director, Lawrence Livermore Laboratory, 1963–1969. Resigned this post to return to full-time teaching and research. Remained as Research Associate at Lawrence Laboratory through February, 1973.

(2) Founder and first Director of the Biomedical Research Division of the Lawrence Livermore Laboratory, 1963–1965. This work was done at the request of the Atomic Energy Commission for the purpose of establishing a program of overall evaluation of the effects of all types of nuclear energy activities upon man and the biosphere.

(3) Member of the U.S. government's Advisory Board for NERVA (Nuclear Engine Rocket Vehicle Application), approximately 1963–1966.

(4) Member of the Reactor Safeguard Committee, University of California, Berkeley, approximately 1955–1960.

(5) Group Leader with the Plutonium Project (for the Manhattan Project) at the University of California, Berkeley, 1941–1943.

(6) Physician in Radioisotope Therapy, Donner Clinic, University of California, Berkeley, 1947–1951.

(7) Consultant to the Research Division of the Lederle Laboratories, American Cyanamid Corporation, 1952–1955.

(8) Medical Director, Lawrence Radiation Laboratory (Livermore), 1954–1957.

(9) Consultant to the Research Division of the Riker Laboratories, approximately 1962–1966.

(10) Medical consultant to the Aerojet-General Nucleonics Corporation, with special emphasis on the hazards of ionizing radiation, for approximately eight years during the 1960's.

(11) Scientific consultant to Vida Medical Systems, 1970–1974; co-invented the VIDA heart monitor, a pocket-worn computer to detect and announce the occurrence of serious cardiac irregularities; invented a skin cardiographic electrode now widely used throughout the USA.

Honors and awards: (1) Gold-headed Cane Award, University of California Medical School, 1946, presented to the graduating senior who most fully personifies the qualities of a "true physician."

(2) Modern Medicine Award, 1954, for outstanding contributions to heart disease research.

(3) The Lyman Duff Lectureship Award of the American Heart Association in 1965, for research in atherosclerosis and coronary heart disease.

(4) The Stouffer Prize (shared) 1972, for outstanding contributions to research in arteriosclerosis.

(5) American College of Cardiology, 1974; selection as one of twenty-five leading researchers in cardiology of the past quarter-century.

Publications: Approximately 150 scientific publications in the following fields:

(1) Lipoproteins, atherosclerosis, and coronary heart disease.

(2) Ultracentrifugal discovery and analysis of the serum lipoproteins.

(3) Characterization of familial lipoprotein disorders.

(4) The determination of trace elements by X-ray spectrochemical analysis.

(5) The relationship of human chromosomes to cancer.

(6) The biological and medical effects of ionizing radiation, with particular reference to cancer, leukemia, and genetic diseases.

(7) The lung-cancer hazard of plutonium.

(8) Problems associated with nuclear power production.

Books: (1) What We Do Know about Heart Attacks.

(2) Dietary Prevention and Treatment of Heart Attacks (with Alex V. Nichols and E. Virginia Dobbin).

(3) Coronary Heart Disease.

(4) Population Control through Nuclear Pollution (with Arthur Tamplin).

(5) Poisoned Power: The Case against Nuclear Power Plants (with Arthur Tamplin).

(6) Advances in Biological and Medical Physics (co-editor with John H. Lawrence and Thomas Hayes; a multi-volume series).

(7) Contributor of chapters to numerous books, including some on nuclear engineering, cancer induction, biochemical and biophysical research methods, heart disease, and effects of radiation.

Teaching: (1) Application of radioactive tracers to chemical, biological, and medical problems.

(2) The biological and medical effects of ionizing radiation.

(3) Mechanisms of cancer-induction.

(4) Atherosclerosis and heart disease.

(5) Environmental factors in the induction of cancer.

(6) Epidemiological approaches in cancer and heart-disease research.

(7) Research guidance of some 25 students toward the doctorate in biophysics or medical physics.

Patents: (1) The slow and fast neutron fissionability of uranium-233, with its application to production of nuclear power or nuclear weapons.

(2) The sodium uranyl acetate process for the separation of plutonium from uranium and fission products from irradiated fuel.

(3) The columbium oxide process for the separation of plutonium from uranium and fission products from irradiated fuel.

Current work: (1) Continuation of research on induction of cancer and leukemia by ionizing radiations from radionuclides and X-ray sources, as well as the biological hazards of plutonium.

(2) Guidance of Ph.D. research dissertations of students in the biophysics program at the University of California.

(3) Independent consulting.

(4) Chairman, The Committee for Nuclear Responsibility (uncompensated public-interest work).●

SALT II

● Mr. LAXALT. Mr. President, 19 months after the expiration of SALT I, agreement has been reached with the Soviet Union on all but the final touches of a SALT II. The negotiations have been long and arduous and the administration is to be commended for its tenacity in bringing us an agreement, which we all hope will be an equitable and verifiable step toward enhancing our national security and stabilizing the nuclear arms race.

Yet, to be honest, I already have my doubts. I would like to see an equitable, verifiable SALT agreement. No sane person can be entirely comfortable with the vast stocks of, and the spiraling rate of growth in, strategic weapons. But although the precise terms are not yet available, let me assure my colleagues at the outset that under no circumstances will I support a treaty detrimental to our national security, however laudable its intent.

As many of my colleagues are aware, the Economist of London is a highly prestigious publication on arms control matters. In a recent editorial it argues very strongly first that SALT II is not verifiable; second, that SALT II is ambiguous; and third, that political pressures after signing could be such that threats to our national security might go unnoticed until "dangerously late in the day."

Mr. President, these are serious charges from a most influential journal. For the information of my colleagues, I ask that the text of the editorial "With Vision Dimmed" from the May 12, 1979, issue of the Economist be printed in the Record in full.

The editorial follows:

With Vision Dimmed

The great debate on Salt-2 is under way. Debaters beware: it can't all be checked.

On Wednesday—19 months after it was supposed to happen—the United States announced that it had reached agreement with the Soviet Union on Salt-2, the treaty designed to limit long-range nuclear weapons. Only a few small details remain to be settled. The treaty and its associated documents are scheduled to be signed by Mr. Carter and Mr. Brezhnev in the middle of June, possibly in Vienna. Once the text—it will run to scores of pages—is released in two to three weeks' time, every clause will be examined microscopically. And behind all the argument about numbers, sizes and kinds of weapons, an even more nagging question will be asked about the principle of verification—the idea that each side should be able to assure itself that the other is keeping to the agreed limits.

The United States has always said that any treaty would have to be verifiable. This principle has been the bedrock of American arms control policy since the second world war. Many disarmament plans have foundered on it. Salt-1 was possible in 1972 because American reconnaissance satellite technology had by then progressed enough to be able to see and record the things described in the agreement. American officials have insisted that Salt-2 will have to be verifiable as well. But along the way two things have happened that make this, in any strict sense of the word, impossible.

First, Salt-2 now includes a lot of provisions which simply cannot be checked by satellites or any other available equipment. Nothing short of turning Russia into a completely open society would disclose some things the treaty sets limits on: the number of wardheads invisibly packed into each missile nose cone; the range of cruise missiles (you can increase the range by replacing some of the warhead with some fuel inside an apparently unchanged weapon); improvements to the Backfire bomber. To complicate the checking business still more, the Russians will be allowed to send some of the telementry data from their missile tests back to earth in secret code, although they have agreed not to codify information needed for the verification of Salt, and the administration is confident that Russian scrambling of signals the Americans want to read will be easily detectable. The Americans will have to take their word for it that the only data being "encrypted" is information on things not covered by Salt limitations.

WHAT IS "ESSENTIAL?"

Second, in addition to these inherently invisible things, the United States is going to have trouble checking everything that used to be checkable when it had monitoring equipment based in Iran. The loss of the Iranian watching-and-listening stations has set off a non-argument in the United States. The CIA director says it would take until about 1984 (only a year before Salt-2 expires) before new equipment and techniques can make up for the loss in Iran. The secretary of defense says that "essential" checking can be resumed by next year.

Depending on what you mean by "essential", there is no reason in logic why they cannot both be right. The main question, however, is not how long it will take to get back to some level of monitoring. It is whether it is right for the Carter administration to claim that the Salt-2 treaty will be verifiable when part of it isn't.

A POLITICAL, NOT A SCIENTIFIC, JUDGMENT

The administration's argument is that (after the 12-month recovery-from-Iran period) some Russian violations might still remain undetected, but that any serious ones would be noticed in good time, the Russians would be warned and American counteraction taken if necessary. Maybe; maybe not. A lot will depend on a subjective judgment of how serious is serious. This judgment, because of the secrecy of the verification methods, will have to be made by officials in the White House, the state department and the defence department—men subject to the pull and push of political pressures, to the hope that they are wrong to suspect the Russians of cheating, to Russian protestations and political coercion—instead of by a technical finding based on clear treaty language. There have been several instances of alleged Russian violations of Salt-1 on which the experts could not agree, and Salt-1 was much easier to check than Salt-2 is going to be.

It does not constitute a denial of Mr. Carter's good faith to worry that he, or some future president, might make an erroneous judgment under such pressures, perhaps leading to a damaging delay in the American response, on one of the many imprecise provisions of the Salt-2 treaty (What is a "launcher"? When is a mobile missile "deployed"? What is a "heavy bomber"?) and that they might be swayed in making such a judgment by the domestic or international political mood at the time. Obviously, no American president will accept a clear-cut threat to his country's security. But he might be understandably reluctant, in so opaque a situation, to recognise the approach of such a threat until dangerously late in the day. This is not real "verification". Public opinion, both in the United States and in the rest of the non-communist world which also has a vital stake in Salt-2, understands that word to mean something different. It thinks it means that each detail of the treaty's specifications can and will be checked. The fact that the United States is about to sign a not-completely-verifiable treaty does not in itself mean that Salt-2 should be thrown out. It does mean that signing Salt-2 will unavoidably be a bit like buying a used car.●

SENSE ON NATURAL GAS

● Mr. GARN. Mr. President, the current issue of Harper's magazine contains an article by Tom Bethell about natural gas and the United States. The article, in turn, contains more sense about energy than anything I have read in a long time. I can only hope that Mr. Bethell writes a similar article about the Government's insane gasoline regulation before we do ourselves irreparable harm.

I ask that the article be printed in the Record.

The article follows:

The Gas Price Fixers

(By Tom Bethell)

From time to time, American politicians assume the responsibilities of businessmen by adjudicating the price at which this or that commodity shall be sold. We can be grateful that this does not happen more often. When politicians decide to wrest control of the market, they are inclined to discover in themselves great funds of virtue and compassion, in consequence of which they decide to set a "fair" price, a "just" price, which usually turns out to be a low price. This is because the consumers of a given commodity will always heavily outnumber the producers of it, while all alike have one vote. The resulting low price tends to discourage the producers, who may well go into a new line of business—preferably one that has been overlooked by the politicians. A shortage of the original commodity results.

The foregoing is a brief history of natural-gas production in the United States in the past quarter-century. Some may notice that the description equally applies to apartments in cities where rent control has been enacted; it applies also to numerous other commodities in various centuries and countries. Robert Schuettinger and Eamonn Butler, in their recent book *Forty Centuries of Wage and Price Controls*, demonstrate that time and again price controls have led to shortage. In the United States this began with the American Revolution, when a food shortage at Valley Forge was brought about by regulated prices that had, according to the historian Albert Bolles, "precisely the opposite effect to that intended, for prices were increased rather than diminished by the adoption of the measure."

At first sight an arid topic, no doubt of interest only to legal specialists and fine-print readers, natural-gas pricing turns out upon examination to be among the most ideological issues of our time; the subject (according to one estimate) of the most protracted and heated Congressional debate since World War II (the voting on this issue alone constitutes a fairly accurate litmus test of the ideological composition of Congress); its history offering an unrivaled glimpse of the way good legislative intentions can turn into a nearly insoluble bureaucratic muddle. It is the regulatory case history *par excellence*.

PRODUCTION AND PRICING

Natural gas—methane, in its most common form—is an efficient, high-Btu (British thermal unit) fuel, used in industrial boilers and, to a lesser extent, for domestic consumption (space heating and cooking). It is similar to, but not to be confused with, old-fashioned low-energy coal gas used to light streetlamps in Sherlock Holmes's London). On a Btu-equivalent basis, natural gas accounts for about 30 percent of U.S. energy use, and is distributed through 200,000 miles of pipelines, representing assets of $26 billion. It is by far the most desirable source of energy from the point of view of environmental cleanliness. For this reason, the deregulation of natural-gas prices has been supported by the Sierra Club and other environmental groups, on the theory that higher prices would force conservation of the fuel. About 20 trillion cubic feet (Tcf) of natural gas in consumed annually in the United States.

In discussing price, the unit normally used is 1,000 cubic feet (Mcf), an amount of gas with the same energy as one-sixth of a barrel of oil. Thus, the energy in a barrel of oil selling for $12 could be replaced at the same cost by natural gas if the gas were sold for $2 per Mcf. The question of natural gas "reserves" will be taken up later, but suffice it to say that according to almost all estimates, it is now believed that there is more natural gas still underground than anyone imagined a few years ago. According to the Pitts Energy Group (of independent producers) in Dallas, "vast supplies" of natural gas remain to be produced (the word produced in gas industry parlance means "taken out of the ground"). The Pitts study reports that "over 20 years of low prices have left 98 percent of prospective sediments untouched by drilling." Writing in a recent issue of The Public Interest, Rep. David Stockman of Michigan noted that 97 percent of the natural-gas resource base "has yet to be disturbed by a production well bore."

Natural gas was first discovered in conjunction with oil-well drilling after the first world war, primarily in Texas, Oklahoma, and Kansas; but it did not become an important source of energy until after World War II. In the early years it was simply "flared off" at the wellhead, because without pipelines and a system of distribution, there was no way the gas could be used. Toward the end of the 1930s, however, such a distribution system was under construction, and in 1938 Congress passed the Natural Gas Act, which brought interstate pipelines under the control of the Federal Power Commission (FPC). Since consumers obviously could not easily switch to a different utility company, the FPC was empowered to regulate pipeline and utility prices. But the wellhead price—the price of the gas coming out of the ground—was not regulated.

This changed in 1954, with the *Phillips Petroleum Co.* v. *Wisconsin* case, a landmark decision embedded in the consciousness of oil- and gasmen everywhere. Phillips Petroleum wanted to raise the price of natural gas to 4 cents per Mcf—up from 3 cents (an almost unbelievably low price, showing how Americans easily became accustomed to the idea of energy as a practically free commodity). The city of Milwaukee objected to this increase, however, and appealed to the FPC. The commission ruled that it could not control wellhead prices, but this decision was appealed to the U.S. Supreme Court, which reversed the finding and ruled that the FPC did indeed have the authority to control the wellhead price.

Almost immediately, there was a move in Congress to amend the Natural Gas Act specifically to exempt the gas producers—i.e., those who were out in the field drilling for oil and gas—from price regulation. The desired amendment, called the Harris-Fulbright bill, duly passed Congress in 1956. Then came another development that the gas industry looks back on with a good deal of wistfulness. President Eisenhower vetoed the bill. The problem was that the Republican Senator from South Dakota, Francis Case, told the Senate that he had been offered a $2,500 campaign contribution by a representative of the Superior Oil Company of Texas—payable on the understanding that he would vote for the bill.

Eisenhower liked the idea of natural-gas deregulation, he emphasized, but he nevertheless vetoed it, pointing out as he did so that "a body of evidence has accumulated indicating that private persons, apparently representing only a very small segment of a great and vital industry, have been seeking to further their own interest by highly questionable activities."

In the next twenty-two years, attempt after attempt would be made to deregulate natural-gas prices, in almost every Congress. But never again would the measure pass both Houses.

In Senate debate of the Harris-Fulbright bill, Sen. Thomas C. Hennings of Missouri, who opposed deregulation along with thirty-seven others, including Sen. John F. Kennedy, pointed out that "the greatest enemy within the country of a truly competitive free enterprise is the creeping, and hidden, and camouflaged monopolist who, year in and out, has sought to fix prices. . . . That is what the real originators, within the big oil companies, of the pending measure aim to do. . . ."

There was a double irony here, and indeed there still is, bcause much of the same "big oil monopolist" rhetoric is heard today, and in fact has never ceased being a part of public oratory ever since oil companies came into existence. The irony was that to avoid an alleged monopoly, that of "big oil," the Senator urged refuge in a *true* monopoly, that of government pricing.

The other irony, and it is a sad one, is that natural-gas production never was anything remotely resembling a monopoly, nor is it today (even if it is true—as it is—that the largest natural-gas producers are also oil companies). It is important to clarify this because the image that we all semiconsciously tend to share when the words "natural gas" are uttered is the cartoon image of . . . the hand on the valve. A pipeline is heading off into the distance, a cactus beside it, perhaps, or a sand dune, and in the foreground there is a big wheel valve, and standing nearby there is a large Texan smoking a cigar, or more likely, these days, an Arab wearing a burnoose)—with his hand on the valve. And you understand that he is shutting it off. Then he will wait for the price to go up. (Similar fantasies have long been entertained about shipping magnates ordering their freighters to wait off-shore for a month or two.)

Now, as far as the Arab countries are concerned, where monarchs with medieval power run the whole show, the hand-on-the-wheel image undoubtedly has a good deal of truth to it. But for Texas—or Louisiana, which is now the most important natural gas-producing state—the image of the single pipeline with the strategically placed valve is utterly wrong. It would be more accurate to think of the pipeline systems in the Gulf-states area as resembling the diagram of the New York subway system metastasized a hundredfold: shut one valve off and there are still a thousand alternative ways the gas can flow to its destination.

It is instructive that no one knows exactly how many natural-gas producers there are in the United States—there are so many of them. It is estimated that in the 1950s, however, before the wellhead price was effectively regulated, there were 20,000 independent producers. With price regulation, this number dropped to about 10,000 in the early 1970s; today the number is up again, to perhaps 12,000 independents (defined as companies that produce less than 10 billion cubic feet annually).

The industry is highly competitive, with an entry cost that is low compared with that of many industries—$4 or $5 million, according to David Foster, president of the Natural Gas Supply Association in Washington, D.C. "All you need," he said, "is enough capital to buy a lease, hire a geologist, a rig, and a drilling crew." By 1960, there were 5,600 producers selling gas to the interstate pipeline system. The twenty-two largest sellers in 1961 sold 55 percent of interstate gas, which is a lower level of concentration than is found in the average manufacturing industry. Sales by the largest producer have never exceeded 9.2 percent of the market (achieved by the Humble Oil Company in 1971).

Despite these facts, the Federal Power Commission (following orders from the Supreme Court) set about the task of regulating the wellhead price of gas, and was so successful that the price of new gas contracts actually was somewhat lower in 1968 than it had been in 1960. The inevitable result of rigid price controls was soon felt.

By September, 1968, Robert B. Helms noted, in a booklet entitled Natural Gas Regulation: An Evaluation of FPC Price Controls, that

> the commission was slowly becoming aware of a looming shortage of natural gas. In fact, 1968 was the first year the American Gas Association reserve data showed annual consumption to be larger than additions to reserves. . . . By 1971 the FPC had gone to great lengths to document the shortage situation brought about by declining exploratory drilling and growing demand.

But there was another element to the story, and it is what has made natural gas a favorite topic for students of government regulation. As long as the gas did not leave the state in which it came out of the ground, it was not subject to price controls. This was called intrastate gas: produced, for example, in Morgan City, Louisiana, and sold in Baton Rouge, Louisiana. Thus, by the late 1960s a dual market had developed: a market for gas that crossed state lines (regulated); and a free market for gas that did not. Until the mid-Sixties, the interstate price of gas was about 2 cents per Mcf higher than the intrastate price (16 cents and 14 cents per Mcf respectively). This ensured that new gas discoveries were constantly committed to the interstate market—i.e., were "signed up" for delivery to the big consuming areas of the Northeast. The critically important changeover occurred in about 1970, when, because of growing demand in the producer states (especially the movement of many petrochemical companies to Texas and Louisiana), the free-market price of gas (by then about 20 cents) moved above the regulated price (18 cents). At that point, new gas was rarely committed to the interstate market. It was kept in its home state whenever possible. That was really the beginning of the "energy crisis."

This dual market is of particular interest because it has in addition had the unintended effect of creating a "controlled experiment" in the realm of government regulation. The effect of price regulation in the interstate market could be compared with the behavior of a free market in the same commodity.

THE DUAL MARKET

The threatening energy crisis of the early 1970s was hastened along because many of the long-term contracts that interstate pipeline companies had signed with the gas producers in the 1950s were beginning to expire as the '70s progressed. The dual market meant that the pipeline companies began to encounter considerable difficulty in buying new gas to replace the old—not because it wasn't there to be had, but because the gas producers did not want to sell it to the interstate pipelines at a low price when they could sell it within the state at a high price. By 1974, for example, the disparity between the two markets was equivalent to a factor of four: 26 cents per Mcf interstate; more than $1 in the free market. Less gas began to flow through the interstate pipelines, therefore, and shortages developed. Demand for the fuel nevertheless remained high because of its artificially low price.

In the realm of natural gas, then, this dual market and its inevitable economic effect simply became the "energy crisis." That was all there was to it. But this was rarely understood, because whenever someone began to suggest that the energy crisis was not "real"—as in a way it was not if it was merely the product of government folly—then many people would interpret this to mean that the crisis was unreal in the sense that the gas producers were "withholding" the fuel from markets. This was perfectly true, of course, but not in quite the way that the skeptics imagined. But before examining these two senses of "withholding," it is important to realize that there was another cause of the energy crisis as it affected natural gas: the quadrupling of prices in 1973 by OPEC.

Many people have failed to understand the psychological effect of this, because they have imagined that whatever oil and natural gas is still underground in this country is no doubt "owned" by some half-dozen huge oil companies. (People are inclined to believe this, because when they say "fill 'er up" at the gas station, they are likely to be dealing with Exxon or Texaco or any one of a small handful of large companies.) But, in fact, oil and natural gas "in place" are owned by a combination of landowners and those who own mineral rights to these lands. Many of these rights are indeed leases owned by "big oil." But many are not. It is estimated that as many as 1.2 million Americans are "royalty owners" of oil and gas: people who own the geologically appropriate land or have leased such land (about one-third of these royalty owners are in Texas).

The effect of the OPEC price increase was for these landowners and leaseholders—often lawyers or otherwise fairly wealthy people who were not in desperate need of ready cash—to mentally join OPEC. They knew that their own oil and gas, even though still under the ground, was now "worth" the new high price.

There was, however, a strong incentive for them to *keep* it under the ground, because the government in its wisdom was telling them that they could sell it only for a fraction of what they perceived its true value to be. (They perceived correctly, too, in view of the subsequent failure to produce "alternative energy" below OPEC prices; this is another way of saying that OPEC's price increase itself was not, as some seem to think, "excessive.")

This outlook—mentally joining OPEC—applied to oil as well as gas, of course, because oil's price had been frozen domestically in the wage-price controls imposed by President Nixon in 1971, and these price controls were still in effect at the time of the OPEC price increase. Precisely because of this price increase, it then became politically difficult to remove the domestic price controls on oil, which remain in effect to this day—President Ford, having refused to avail himself of an opportunity to remove them in 1975 (perhaps the most serious economic error of his Presidency). President Carter has now promised to decontrol oil over the next two years. He also wants to tax away much of the "windfall profits," on the peculiar theory that Americans will feel better about paying more for oil if the money goes to the government rather than to oil companies.

Government policy has therefore skewed the oil market in favor of foreign rather than domestic production (there are additional, complex reasons for this), but government policy even more seriously skewed natural-gas production in favor of the free rather than the regulated market. Leaseholders and landowners who wanted to sell their wares were quite happy to do so—as long as the pipeline to which the well was connected did not cross a state line. For example, in 1973 Gov. Edwin Edwards announced that a large natural-gas field had been discovered in Plaquemines Parish, in southern Louisiana. It contained enough gas to fill all of New Orlean's energy needs for fifty years. The problem was that the only pipeline anywhere near the field went heading straight off to Washington and New York. The governor announced that the field would not, therefore, be developed until it could be reached by an intrastate pipeline. Why send the gas to the very people who were ordering that it be sold at a fraction of its value?

The South had lost the other war between the states, but this skirmish they were determined not to lose. Since the most important producing states were in the South, government policy had indeed created new hostilities. The way many residents of Texas, Oklahoma, and Louisiana saw it—and not just oilmen in those states but almost anyone who read the newspapers—the people up there in New York and Washington and Boston were reluctant to look for oil and gas themselves, especially offshore, because to do so might spoil their view or pollute the beach or make the air dusty. "Thanks, but no thanks," the northerners were perceived as saying to the South. "You go on drilling up your bayous or swamps or whatever it is you have down there, and go on sending us the stuff at one-eighth of its true value!"

One might interpolate here the basic point that the energy crisis has often not been understood because people find it hard to believe that quite ordinary economic incentives (sometimes disparaged as "lemonade-stand economics") apply on the large scale of the natural-gas industry just as much, and in precisely the same way, as on the small scale of the individual. The problem has been that a number of quite influential people—Congressmen, for example—believe this *ought not* to be the case, even if in fact it is. Pro-regulation liberals in Washington—people who may in some instances have arrived in the capital during the Kennedy Administration, bought a house there in 1961, and since seen the value of that house increase by a factor of eight—would perfectly well understand that a "housing shortage" would result if President Carter, taking pity on newcomers, were somehow to decree that no house in the capital could be sold above a certain (low) price. Houses would not be sold, and a "housing crisis" would ensue. In the same way—just the same way—there was an energy crisis. With energy, however, the advocate of regulation is inclined to say that things ought to be different. Perhaps he is right, but in reality they are not different. Nor will they be until the day comes when the government passes laws *compelling* landowners to extract their natural gas, *compelling* them to sell it on the interstate market, and so on. Perhaps, then, the problem has been that some lawmakers have not fully appreciated how much the economic system depends on—and is at the mercy of—voluntary behavior.

As a result, bumper stickers began appearing in the South recommending that Yankees should be allowed to "Freeze in the Dark." Congressmen, "consumer advocates," and a new breed of "energy activists" from the big consuming regions of the Northeast then began retailing with accusations that natural gas was being "withheld" from the market. Perpetual confusion has surrounded his point, since there are two senses in which "withholding" can occur. To their own detriment, the oil and gas companies have not done a satisfactory job of explaining the difference between the two.

"1001 YEARS OF NATURAL GAS"

The confusion arises because the companies have denied (truthfully, as far as anyone has been able to show) that any *illegal* withholding of gas resulted—that is to say, "shutting in" wells that were already delivering gas under contract. But there was another sense in which of course withholding occurred, in which newly discovered gas was committed to the instrastate market (as nearly all new gas was) or simply was never taken out of the ground at all. Gas industry spokesmen call this "economic withholding," and it has been widely practiced ever since the disparity between the two prices opened up in the early 1970s.

The moral here seems to be that as long as government has only a tenuous or partial grip over an industry (as was the case, of course, with the FPC's control over the natural-gas industry) the result is likely to be chaotic. Better to have a complete grip (which in this case would involve the power to order people to take oil and gas out of the ground), or no grip at all (which would have entailed deregulation of the wellhead price).

The deregulation "option" was continually resisted, however, by many Congressmen and consumerists, who had by this time become falsely persuaded that we were "running out" of natural gas (in which case rationing, not the free market, became the moral imperative).

To many people, the conclusion that we were running out of fossil fuel has always seemed reasonable, because it is based on a premise that is self-evident although misleading. Natural gas is "finite" and "nonrenewable" (so the argument runs), therefore we are running out of it. No one seems to have pointed out what a coincidence it was that we should find ourselves to be "running out" of natural gas just at the time when a large gap opened up between the regulated and the free-market price.

Again, the industry did not help its own cause here by casually releasing figures dealing with "natural-gas reserves"—figures that the industry understood, but that journalists, many of them grappling with "energy" for the first time, did not. Typical of many such cases was a cover story in *Newsweek* in January, 1973, complete with photographs, headlined: U.S. FUEL RESERVES: HOW LONG WILL THEY LAST? Superimposed on a picture of a natural-gas pipeline was the figure: ELEVEN YEARS. (In the main text, the reader was admonished that "with but 6 percent of the world's population, the U.S. guzzles 33 percent of the globe's energy.") The reader was not told what the word *reserves* meant, however. The problem with it is that it suggests to the unwary a known quantity, arrived at after every conceivable subterranean cavity has been reconnoitered, measured, and its contents quantified.

There are three categories of reserves—"proved," "probable," and "possible"—and the figures that we hear whenever the energy crisis is discussed are proved reserves: very conservative figures that describe a *working inventory* of natural gas in wells that have *already been drilled*. As the cost of drilling a gas well is now more than a quarter of a million dollars, on average, and as with any given bore there is only a one-in-ten chance of finding gas, it does not come as a surprise to learn that the vast majority of potential gas-bearing sediments have not been drilled at all. The misleading nature of the figure given in *Newsweek* (and in many other journals at that time) becomes apparent when one considers that now, six years later, U.S. proved reserves amount not a 5-year supply but to a 10.74-year supply.

The point is that, as with any other commodity, producers and sellers do not need to keep more than a certain amount of "inventory" on hand. It is not economical to do so. Reserve figures therefore tell us not so much about what is underground so much as about what projected future demand will be; this results in the producers drilling only enough to have a sufficient supply "in reserve," just as A&P managers must decide how large a supply of Yuban or Maxwell House they shall have "in reserve." When all of this is taken into account, and especially when the incentive provided by market prices is included, the *Wall Street Journal*'s 1977 estimate of "1001 years of natural gas" seems closer to the mark.

THE CONGRESSIONAL DEBATE

This, then, was the situation when the Carter Administration came to Washington: a lot of natural gas available—at a price—in the producing states; a growing scarcity in the consuming states. In 1976 Carter had made a campaign promise to deregulate natural gas, but in retrospect it seems clear that he just said that because he was in Oklahoma that day. Most probably he didn't understand the issue at all—the world of oil independents, roughnecks, and wildcatters being about as remote from his safe little squared-away, government-regulated, government-subsidized world of peanut storage as it is possible to imagine. And to the extent that Carter might have understood the oil and gas industry he would have thoroughly disapproved of it as a manifestation of entrepreneurial recklessness very much akin to gambling: fortunes made or lost at the turn of a drill—a fundamentally immoral world, not at all like the safely incremental climate of civil servitude (5 percent per annum increase for everyone) in which he had spent his entire life. Not surprising, then, that he soon perceived the energy crisis to be the moral equivalent of war. He smote the oil companies hip and thigh, denounced the special interests, and vowed to veto anything resembling a deregulation bill that might come out of Congress.

He brandished a National Energy Plan, in which the intention was to do away with the dual natural-gas market by extending price controls to the intrastate market. Professor Edward Mitchell, a frequently consulted expert on energy matters, has called this a "shortage policy." Carter, of course, was by this time surrounded by advisers for whom shortages were a dream come true; nice shortages. (Now you see why this is such an ideological issue!) With shortages, people could be exhorted to make sacrifices; taxes could be imposed to encourage conservation; and then these taxes could be repaid to the needy or the worthy—people who insulated their houses, for example. At any rate, the Carter team would have a lot of tax money to redistribute, by way of favors. In short, energy could be made into another income redistribution program.

There were, it was true, one or two clouds on the horizon, such as the director of the U.S. Geological Survey, Dr. Vincent McElvay, who did a naughty thing, giving a speech in Boston in which he said that domestic natural-gas reserves were huge ("about ten times the energy value of all [previous] oil, gas, and coal reserves of the United States combined"). He was fired shortly after that (they implied he was too old), as was Dr. Christian Knudsen, the author of a study released by the Energy Research and Development Administration concluding that at $2.25 per Mcf the nation would be "awash" with natural gas.

The only problems remaining were to get Congress to approve the taxes, and to pass a bill extending price controls to the intrastate market. Sen. Russell Long put a stop to the taxes after the House had gone a long way toward approving Carter's plan: the nation will remain permanently in the Louisiana's Senator's debt for this achievement—a rare instance in which Congressional seniority was actually put to good purpose.

As for the extension of price controls, this turned out to be difficult, too. The price in the intrastate market had by now risen to about $2 per Mcf, and at this price more and more drilling and more drilling rigs were being set up—in fact there weren't enough rigs to go around—and more and more gas was being found. More states were becoming "producer" states, too—not just in the South. Several Western states were finding a lot of gas: Montana, Colorado, and Wyoming, for example. Thus, political support for deregulation was inevitably growing with time.

Nevertheless, the House of Representatives took Speaker Thomas P. ("Tip") O'Neill's advice and passed the natural-gas bill as the Administration had proposed it. The Senate went in the opposite direction, however, despite tremendously delaying tactics by Sens. James Abourezk of South Dakota and Howard Metzenbaum of Ohio, who kept the Senate up all night at one point, so fearful were they that a deregulation bill would pass. But pass it did. Thus, the House-Senate conference committee would have to reconcile two bills that wholly opposed each other: one removing price controls, the other extending them nationwide.

Meanwhile, there was an interesting development in Texas. By the end of 1977, the high intrastate price had produced so much new gas that the price "turned around" and started to drop well below the $2 mark. The market system was working exactly as it was supposed to, in other words, but this had its alarming aspect, as Congress by this time was debating a compromise bill that would unify the two markets at a regulated price of $1.75 (as of April 20, 1977, the price would be adjusted for inflation so that by 1979, when such a bill would became law, the price would run to approximately $2 per Mcf). If, however, the free market price fell much below this, there would be a danger that Congress would perceive it was now setting the regulated price too *high*: a "floor" price, in other words, rather than a "ceiling" price. There would inevitably be a move by the liberals in Congress to lower the legislated price below the new intrastate level. (Indeed, there was such a move.)

The Texas Railroad Commission, which has authority over oil and gas production rates in the state, came to the rescue at this crucial hour, putting into effect a "conservation" measure limiting output of gas, thus shoring up the price. (The rationale for this, as natural-gas industry spokesmen never tire of explaining, is that for obscure geological reasons more gas can in the long run be extracted from a well if it is taken out of the ground slowly.)

Be that as it may, the intrastate price then held steady at about $1.95, and the Congressional debate continued undisturbed by distant price fluctuations. A coalition of centrists led by Sen. Henry Jackson of Washington supported the new Natural Gas Policy Act, which was in turn opposed by an unusual alliance of conservatives from the producing states (who didn't want the government interfering with their—comparatively—free markets), and those on the ideological Left, such as Senators Metzenbaum and Edward F. Kennedy (who thought the proposed new regulated price was too high).

CONSUMER VERSUS PRODUCER

The transcript of the natural-gas debate in the 95th Congress covers hundreds of pages of the *Congressional Record*. But one frequently heard argument deserves to be rescued from the archives and examined before it is entirely lost from view. This is the claim by those who opposed deregulation—and Senator Kennedy was typical in this respect—that they were looking out for the interests of "consumers" by preventing the price from climbing.

The significant point is that when a customer in Massachusetts, for example, buys natural gas, only 20 percent of his bill pays for gas; the rest helps to pay for the pipeline that brought the gas almost 2,000 miles to his home. Thus, an increase in the wellhead price of gas adds only a small fraction to domestic gas bills. But—because the pipeline must be amortized anyway—if gas supplies are interrupted or reduced, as they were in the 1970s (because of the diversion of new supplies to the intrastate market), then the consumer's bill will rise considerably because the contant pipeline costs must be "loaded" onto a diminished number of customers. Therefore, regulated prices have hurt the consumer, not helped him.

This was pointed out by Warren T. Brookes in a column in the Boston Herald-American. He described a case in which the total price of gas to the consumers rose in two years from $1.72 to $3.38, while the price of the raw fuel went up only 20 cents. Of the $1.66 increase, $1.44 was in the rising cost of the pipeline service. The main reason for this rise was the decline in the flow of natural gas through the nation's major pipeline. . . . This is why a study done for Brooklyn Union Gas Company in 1975 showed that if new natural gas were deregulated, and the pipelines were kept full by new gas costing $2.50, Brooklyn Union's cost to the consumer would be $3.98; but if regulation remained and the downward trend in natural gas production from the West continued, the consumer price would be $4.45.

Despite uncontroverted arguments such as this, Senator Kennedy persisted in his denunciation of higher wellhead prices, saying that they have been "burdening consumers directly and indirectly with billions of dollars in higher costs. I could not vote to saddle them with additional billions of dollars in still higher costs." A typical statement by someone favoring regulation, with the dollar-and-cents reality obscured by the rhetoric of billions.

Similar arguments were made by Senator Kennedy's former aide James Flug (who runs a well-financed anti-oil company operation out of Washington), Ralph Nader, Reps. Toby Moffett and Rev. Robert Drinan, and many others, all of whom alleged that they had the consumers at heart. This may legitimately be doubted, however, in view of the facts about pipeline costs. If only these men had taken more interest in the price paid by the consumers, rather than the price charged at the wellhead, it would be so much easier to believe their consumerist rhetoric. As it is, one is left with the distinct impression that they are more interested in making life difficult for the producers than easy for the consumers.

In any event, the "conference report" compromise passed the Senate by a vote of 57–42 on September 27, 1978, and the House later concurred by a margin of 231–168. President Carter signed the Natural Gas Policy Act into law on November 9, 1978. It extended price controls to the intrastate market, with the distant promise of deregulation in 1985—but, of course, by then a new Congress would be in Washington, and one in no way bound by the actions of its predecessors.

The new act is a lawyer's dream and a legal nightmare—sixty-two pages of fine print establishing twenty-four different categories of gas. Here is Category 6, for example:

> New Onshore Production Wells Deeper than 5000 feet: gas from new wells in an old reservoir within 2½ miles of an old well provided that new well is outside existing proration unit (applied to well begun 2/19/77 and thereafter capable of commercial production).

As Sen. Ernest Hollings of South Carolina said in the course of the debate, "We all could become gas lawyers." According to one report, some of the independents, unable to afford the necessary legal advice, have given up in disgust and gone into other lines of business—bowling alleys, for instance. The majors, of course, can easily afford the lawyers, and so one undoubted effect of the bill, as with so much of what Congress does, will be to make life harder for the small-business entrepreneur. At the same time, of course, it will make life relatively easier for the majors, all of which have plenty of lawyers on their payrolls and which will therefore be in a position to pick up any pieces of the market abandoned by the independents.

Earl Turner, executive vice-president of the Texas Independent Producers and Royalty Owners Association, says that as of March, 1970, the new gas act has been "a little short of disastrous." There has been a 15 percent decline in drilling, he said, "because of confusion in meeting requirement obligations," i.e., red tape. He said that there were 300 unused drilling rigs "stacked up," with "about 250 new rigs coming on line from the manufacturers." Before the bill was passed, of course, rigs had been hard to find. Independents, Turner explained, drill 90 percent of the exploratory wells in the United States. Most of these companies employ only half-a-dozen to a dozen people most of the time. "Now they've been asked to look at a complex law," Turner said, "and most of them simply threw up their hands."

Another fear is that it will take a long time for the new, higher regulated prices allowed under the act to take effect. By a 3–2 decision earlier this year, the Federal Energy Regulatory Commission (which has now replaced the old FPC) ruled that the price-escalator clauses written into old natural-gas contracts would not be automatically "triggered" by the new ceiling prices now allowed. "What this means," said David Foster, of the Natural Gas Supply Association, "is that the decision wiped out what some say is 70 percent of the price incentives we thought we were getting. The matter then came up for rehearing, and Energy Secretary James Schlesinger sent over some testimony saying that Chairman Curtis of FERC had been wrong. Then the commission, by a 4–1 vote, did modify its interpretation somewhat. But lawyers believe it will take three years of legal maneuvering for ceiling prices to be applied to existing contracts."

The interesting thing is that if and when these "ceiling prices" are arrived at, they very probably *will* turn out to be higher than the free-market price would have been. Then and only then will Senator Kennedy and his friends come out for deregulation, just as they did last year with the airlines.

There are already indications that the wellhead prices under the new act are turning out to be higher than the free-market price. The Oklahoma legislature, for example, has now passed a bill keeping the price of some gas sold within the state below the price ceiling allowed by the new act. Cal Hobson, the Oklahoma state legislator who introduced this bill, says that under the Natural Gas Policy Act "price ceilings are turning out to be price floors, because whenever they can, the producers have been claiming the highest price." There is little incentive for the state regulatory agencies responsible for ruling on these price claims to turn them down, because the higher the prices are (in some cases) the higher the state "severance" taxes are—taxes on oil and gas taken out of the ground. Most people seem to agree that this is the eventual fate of the regulated price; it becomes a price that no producer has any incentive to undercut. In the end, then, prices turn out to be higher than they would have been without regulation.

Meanwhile, there is still another provision of the new act that seriously disturbs the gas industry. This is the so-called incremental-pricing requirement, which is a plan to charge large industrial users of gas more than domestic users. A few years ago, of course, this seemed like a good idea. We were then still mesmerized by the Club of Rome and the "era of limits." But after the inter- and intrastate markets were unified, a "bubble" of one trillion cubic feet of excess supply was discovered in the intrastate market. At that point, Energy Secretary Schlesinger tried to get the industrial market back. SCHLESINGER URGES SHIFT TO GAS USE was the suprising *New York Times* headline in January this year. But the act was passed by this time, the damage was done, and plans go ahead to charge industries using natural gas a higher prices.

The fear is that many industries may *already* have turned to oil—fed up as they are with interrupted gas supplies, low priority if it is short, and now the threat of higher prices. Rush Moody, a former FPC commissioner, spoke before the Gas Men's Roundtable of Washington in November, 1978, and he said: "I have an intuitive feeling that a substantial portion of the traditional natural-gas industrial market has already disappeared and is not likely to return even though more gas has now become available." He attributed the surplus gas "hubble" to a fall-off in demand resulting from this "pressure against the industrial gas user," adding: "Though the commission is oft-times accused of inconsistency, I would have to say the one consistent philosophic guidepost which has remained steady through changes in commission personnel over the past eight years has been the very simple notion that boiler fuel consumption of natural gas is inherently immoral and must to the maximum extent of the commission's abilities be eliminated."

The result of this policy has been to force the industrial user into the market for imported crude oil. Petroleum has moved from 21.9 percent of the industrial market in 1973 to a 26.7 percent share in 1977. "How ironic," Moody concluded, "that a government avowedly dedicated to reducing U.S. dependence on imported fuels is engaged in policies which have had as their only result a greater U.S. dependence on imported fuels."

The worst effect of a continued shift of industrial users away from natural gas, however, will be once again to force domestic consumers to pay greatly increased prices for the diminished quantities of gas traveling in the pipeline. (At present, only one-third of the natural gas consumed is put to domestic use.) In effect, then, households rather than industries will be compelled to amortize the enormous cost of pipeline construction, which, incidentally, has gone up, from $120,000 per mile in 1965 to $1.7 million per mile in 1977. It was for this reason, then, that James Schlesinger recently urged industries to go on burning natural gas in their boilers.

It may be seen, then, that the government involvement in natural-gas pricing has been a disaster. It is particularly discouraging to consider how much larger the natural-gas market might have grown, as a percentage of U.S. energy needs, if the rigid price controls of the 1960s had not been in place, resulting frequently in the shunning of new gas customers. And if the market had grown, we would now be that much less dependent on foreign oil. A large part of the problem, it is now apparent, stems from the clamorous activism inherent in the word *policy*. Time and again, in recent years, we have been told that the United States must adopt an "energy policy." Somebody must *do something* about energy, and nobody seems to have appreciated that for years and years thousands of people in the oil and gas industry have *been* doing something, namely delivering oil and gas to U.S. consumers at the lowest price in the world. But small, and then larger, interferences in the market resulted in inequalities of supply and demand, which in turn led to the appeal that government should do even more. A Department of Energy was formed, thus creating jobs for a lot of people who had been crying out for an "energy policy," and these policymakers will be almost bound to introduce further distortions in the market. Because of their high salaries, they will not be content to do nothing, although that would probably be the best energy policy the government could adopt.

When one reads the protracted legislative debate on natural-gas pricing, it becomes apparent that the main reason legislators are unable to do anything useful in this realm is that they do not know what they are talking about. They do not have enough information at their disposal; they do not understand the business they are attempting to regulate, they are unable to act quickly enough in response to movements in the market. By no means all legislators are to blame. Many representatives and Senators—and in recent years this has meant almost exactly half of each body—instinctively realize their shortcomings, and these are the ones who vote to deregulate. Having satisfied themselves that the industry in question is competitive, they are then prepared to let it get on with the job.

But the other half, the dangerous half, is really of a more totalitarian cast of mind, believing in their hearts that a monopoly indeed is a good thing: a *government* monopoly. They don't know as much as the oil and gasmen, they may concede, but they are possessed of purer motives and therefore deserve to prevail. They are concerned about consumers, not profits. They have good intentions, they know, and characteristically they find it very, very hard to believe that good intentions can produce anything but excellent results. And so they vote themselves the power to interfere—just enough to keep supply and demand out of whack.

The evidence is by now overwhelming that self-interested producers competing with one another end up serving the customer far more handsomely than idealistic legislators ever can, but unfortunately it has been difficult to persuade voters of the truth of this in recent years—especially voters with a college education. This really is the "crisis of capitalism": until we can perceive that the independent driller whose goal in life is to become a millionaire works to our advantage more effectively than the selfless "consumer advocate" in Washington, whose true goal surely is the attainment of personal power (even if he does call it "fairness"), then we will always have an energy crisis on our hands.●

NATIONAL ARCHITECTURAL BARRIER AWARENESS WEEK

● Mr. DOLE. Mr. President, last year each House of Congress passed a resolution to recognize the third week in May of 1978 and 1979 as National Architectural Barrier Awareness Week. The legislation was enacted into law as an attempt to increase public awareness of physical barriers which persons with disability face.

An architectural barrier may be many things to many people. For the person unloading groceries it may be the door which pulls out rather than swings in. For a person with balance problems it may be an uneven walkway.

For a person pushing a baby carriage, it may be a flight of steps. While these are barriers which the majority of Americans may expect to confront from time to time, the legislation is intended to focus on critical barriers—those which make unnecessary restrictions on persons with physicial impairments.

Many, if not most, persons who are considered handicapped would have much greater mobility if there were no artificial obstacles built into their paths. As an alternative to inaccessible construction, doors can be widened, drinking fountains can be lowered, telephone booths can be lowered, elevator instructions can be raised, curbs can be ramped, alarms can give visual as well as auditory warnings, and changes in height can be accentuated by changes in color.

Many changes to enhance accessibility of a building need not be expensive, but can be addressed through common sense measures.

If a building is designed to be accessible from the blueprint stage of planning, then the additional cost of accessibility is extremely small.

Three years ago I introduced legislation which was incorporated as an amendment to the 1976 Revenue Act. My amendment allowed businessmen a tax deduction of up to $25,000 per year for expenses incurred in the removal of architectural and transportational barriers. That provision expires this year.

Presently, I am contemplating new legislation which would extend this tax provision, or one which would provide even greater incentive for the removal of barriers. I hope to have this legislation ready to introduce in the near future.

The problems of architectural barriers are real obstacles which handicapped individuals encounter. For the most part, a little forethought and planning could keep these barriers from being built in the first place. However, as serious as architectural barriers may be, they represent but a small portion of the barriers which disabled persons encounter continually. Barriers in transportation, barriers in employment, barriers in the law, barriers in recreational activities, and barriers in attitude are other recurrent problems.

Admittedly, these are not simple issues to address, for to remedy many of them would require a complete reassessment of our attitudes toward the handicapped. While this may not be easy, it can and should be done. Many disabled persons are perfectly capable of assuming their responsibilities as concerned and involved citizens. They are ready to work, to participate in our government, and to serve in community and church activities.

Unfortunately, they are not always given the opportunity to fulfill these commitments. I feel that it is immoral when we restrict a person from developing his skills and capabilities, and view barriers—all barriers—in this light.

During this National Architectural Barrier Awareness Week I urge everyone to look for and recognize architectural as well as mental barriers which we erect. The barriers may be big, but they can be broken down. I would urge all of my colleagues in the Congress to accept this challenge and to do what we can to give greater mobility to persons with impairments.

GOTEBORG CONSULATE

● Mr. DURENBERGER. Mr. President, I rise today in support of section 110 of S. 586, the Foreign Relations Authorization Act for fiscal years 1980 and 1981. As approved by the Senate Foreign Relations Committee this section requires that the American consulates in 10 cities be kept open indefinitely. I believe that the Carter administration's plan to close these consulates was unwise as well as uneconomical, and I commend the Foreign Relations Committee for its addition of this section to the bill before us today.

One of the consulates included on the President's "hit list" was the Goteborg, Sweden, consulate. On March 5, 1979, I wrote to the Secretary of State vehemently protesting this action. The official reply informed me that this was an "economy" move, a part of the President's efforts to reduce the size of the Federal Government. Mr. President, it is precisely because of false economy moves such as this—where the costs incurred far outweigh the benefits—that inflation continues to plague our economy with little sign of any positive impact from the administration's so-called anti-inflation program.

In ordering the closing of the Goteborg consulate, the administration has ignored severe foreign policy costs. Here we are closing our consulate, while the Soviet Union is planning to build a multimillion dollar trade and cultural center in the same city. Moreover, in these days of anti-Americanism in so many corners of the globe, the Swedish reaction to U.S. withdrawal has been one of outrage and disappointment. A petition of protest was signed by 250,000 of the 750,000 residents of Goteborg. The Goteborg Poster protested in a recent editorial that—

> Those in power in Washington would be insensitive if they looked upon the continuance of the consulate from a strictly economical point of view. The consulate symbolizes an understanding and a great community of interests which cannot be neglected.

I could not agree more with this statement. There is a great historical tradition of friendship and cooperative ventures between the United States and Sweden. In 1780 Sweden became the first nation to recognize our nascent nation. And in 1797 the Goteborg consulate was opened by Vice President Thomas Jefferson as one of the first American consulates outside of capital cities.

This tradition of friendship has been more than a relationship between governments. It has been a close relationship between the American and Swedish people, something which those of us from Minnesota feel very keenly. Close to a million Swedes have emigrated to the United States through Goteborg. Their contributions to our country and to my State should never be underestimated. The transformation of the rolling plains of the Upper Midwest into one of the world's most productive agricultural regions bears a very strong Scandinavian imprint.

The effect on United States-Swedish trade would be damaging. This consulate performs valuable trade promotion functions, the loss of which would especially hurt small- and medium-sized businesses which relay on the trade promotion functions of the Goteborg and other consulates. The logic escapes me of an action which would add to our trade deficit and hurt our economy.

So, Mr. President, there are foreign policy, historical, economic and human reasons for keeping this consulate open. Add to these the questions raised by the House Foreign Relations Committee about the accuracy of the estimated savings, and what we are left with is a proposal which most definitely would not be in our national interest.

The Goteborg consulate is an important part of the U.S. Government. I urge that section 110 of S. 586 be passed by this body.●

MISCARRIAGE OF JUSTICE IN THE LETELIER-MOFFITT ASSASSINATION

● Mr. KENNEDY. Mr. President, the President of the Chilean Supreme Court decided yesterday to deny the U.S. request to extradite three Chilean officers indicted last August by a U.S. grand jury for their role in the assassinations of Orlando Letelier and Ronni Moffitt on September 21, 1976. He also put into severe question whether these officers would even be prosecuted seriously in Chile. This decision is a mockery of justice, which raises the most serious question about the independence of the Chilean judiciary under the Pinochet regime. American courts found the evidence sufficient to convict the assassins here in the United States. But the Chilean court will not even acknowledge that there is enough evidence to prosecute, let alone to extradite the alleged conspirators.

Gen. Manuel Contreras Sepulveda, Capt. Armando Fernandez, and Col. Pedro Espinoza of the Chilean intelligence service face charges in this country for their part in the conspiracy that killed Mr. Letelier, former Foreign Minister and Ambassador to the United States, and Mrs. Moffitt, a U.S. citizen, on the Streets of Washington, D.C.

On September 18, 1978, the U.S. Government formally requested the extradition of these three men to this country. On February 14 this year a Washington jury handed down a guilty verdict in the trial of the three Cuban-born U.S. residents charged with murdering Orlando Letelier and his assistant Ronni Moffitt at the behest of the Chilean secret police. The Government's key witness at the trial was Michael Vernon Townley, a Chilean intelligence agent who named Contreras, Fernandez, and Espinoza as having directed him to carry out the assassination. Yet today, over 7 months after our Government's extradition request, these men remain in Chile—and today we hear that their criminal activities may well go unpunished.

The United States and Chile have long shared a democratic tradition and a respect for the rule of law. But it is a sad day indeed when the Chilean court, which had a proud tradition until the Pinochet regime came into power, issues a judgment that reverses that history of judicial independence in Chile. Unless full justice is done in this case, the decision will serve to bolster a system of political repression in Chile, to absolve the military government of responsibility for previous criminal, terrorist acts, and thus encourage such acts in the future.

The most basic human rights of the people of Chile continue to be violated. The murders of a respected Chilean leader and his American assistant in the United States—and of numerous other political enemies of the Pinochet regime in Chile and abroad—go unpunished. The terrorism of Chilean secret police is condoned by the Chilean court.

The President of the Chilean Supreme Court is in effect saying that Chile is not yet interested in seeing that justice be done to those who conspire to murder its former ministers and their associates. His decision will initiate review by other members of the Supreme Court. It is absolutely vital that these men be brought to trial to answer for their crime. And it is vital that Chile realize the determination of the United States that this case of government-directed terrorism be solved justly and in its totality.

By again delaying the prosecution of those responsible for such terrorist acts, Chile presents the United States with a crucial test of its policies. Regarding the Letelier-Moffitt assassination, our Government should take all the necessary steps to bring the remaining conspirators to justice. And in the larger field of United States-Chilean relations as a whole, our reaction to this case must underline to the Chilean Government the continuing U.S. concern for the restoration of democracy and human rights to the people of Chile.

Yesterday's decision in Chile contrasts miserably with those arrived at in this country. Here, due process led to the conviction of the murders of Letelier and Moffitt. In the wake of this verdict, the Chilean court's refusal to even permit an immediate trial of the remaining conspirators is doubly unjust. Indeed, in a sense it contradicts the very concept of an extradition treaty for, while an American jury has obviously found the evidence on the case sufficient to convict, a Chilean judge subject to pressures from the Pinochet regime chooses to deny that the evidence is not yet adequate to prosecute let alone extradite the accused men.

Last May, in a Senate floor speech, I expressed my reservations regarding certain cosmetic changes and concessions to world public opinion made by the Chilean Government. I regret that these reservations have since proved to be well grounded, and that this latest incident further confirms my earlier fears. Time and again, I have reviewed for the U.S. Senate continuing violations of human rights and suppression of democracy in Chile. That is why I opposed government credits for Chile. That is why I opposed any military assistance or supply to Chile.

Last August, I joined with concerned organizations in holding a legislative conference on the future of United States-Chilean relations. That conference also underlined the overwhelming reasons for continued pressure to restore human rights and democracy in that unfortunate country. And in December Representative HARKIN and I called for an investigation of the abandoned mine in Lonquen, Chile where the bodies of missing Chilean political prisoners were found. It was later reported that at least 13 of those people were buried alive and died of asphyxiation in an old lime kiln.

While the diminished violence in Chile during the last year has provided a welcome respite from the early Pinochet years, the military government has still not provided a full accounting for the hundreds of disappeared persons whose families have still had no news of their fate. Unfortunately, impressions in the early part of this year of growing liberalization in Chile were to some extent misleading. For example, while some 136 exiles have been allowed to return to Chile, according to figures published by the regime in late 1978, scores of thousands remain in exile. Just 2 weeks ago 365 May Day demonstrators were arrested under the internal security laws and there are ominous indications that the Pinochet regime will use the demonstrations as a pretext for renewed repression.

Although the majority of these arrests have been referred to the civil courts, at least 19 are threatened with trials from military courts. The fact that the Pinochet regime is presently drafting a strong antiterrorism bill is the ultimate hypocrisy, given its past responsibility for international terrorism and its continued repression of internal dissent.

In late February, the monthly magazine of the Catholic Church's Vicaria de Solidaridad in Chile described how, during January and February:

> Certain events have transpired that cause us to speak of a worsening of political repression and signal to us that practices that presumably had been overcome have been reinitiated. Concretely, during these months the security forces of the government have made arrests in the provinces as well as the capital. Many of these arrests are illegal and some accompanied by torture.

The report was followed by ample documentation.

Mr. President, we in the United States have already denied all further military and economic aid to Chile for its repeated human rights violations and denial of democracy to its citizens. Yet today, it seems that these signals have not been strong enough. President Carter has committed our country to strong sanctions against governments which have condoned acts of international terrorism or which harbor individuals who have committed such acts. We should now seriously consider applying additional pressure on Chile, such as section 607 of the Foreign Assistance Act which prohibits bilateral aid to countries harboring international terrorists and limits access of terrorist governments to both bilateral and multilateral aid.

I welcome the administration's decision to recall Ambassador Landau from Santiago for consultations. In addition, we should recall all military personnel from Chile and deny U.S. visas to Chilean military or intelligence personnel. We should also halt immediately the military deliveries to Chile still in the pipeline.

Moreover, we should discuss with our Ambassador further measures to reinforce our insistence that justice be done in this case. We should withdraw all but essential U.S. personnel from Chile and consider permanent recall of our Ambassador. We should consider trade sanctions against Chile. And we should suspend any further Export-Import Bank credits or OPIC guarantees, including up to $40 million presently under consideration for a water pipeline project. Above all, we should work with other concerned countries in Europe and Latin America and elsewhere, to bring international pressure to bear on the Pinochet regime.

Furthermore, we should scrutinize more closely the continuing loans and investments made by U.S. private banks in Chile. This "backdoor aid" has enabled the Pinochet regime to continue its rule despite the widespread domestic and international opposition to its suppression of political, economic, and social freedom in Chile. During the current session of Congress, Representative HARKIN and I intend to reintroduce the Bank Loans Disclosure Act, which will require U.S. banks lending to human rights violators such as Chile to disclose the exact amounts of such loans. It is impossible to separate the interests of one section of society from those of another in an era when all are interdependent. The purpose of the Bank bill is thus a vital one—to determine the extent to which U.S. bank loans are undermining our policy of encouraging human rights and the growth of democratic institutions throughout the world.

Beyond these actions remains the issue of trade sanctions against the Pinochet regime. Last November, the AFL–CIO and other national labor unions in the labor association of the Hemisphere, ORIT, proposed a trade boycott in response to the continuing repression of union rights in Chile. This is an important time for all unions to consider implementing trade sanctions should the Pinochet regime continue to deny union rights, and especially if it fails to see that justice is done in the Letelier-Moffitt murders.

Mr. President, Senator CHURCH and I wrote yesterday to President Carter about the serious problems in United States-Chilean relations which we now face as a result of the Supreme Court President's decision. In our letter, we express serious concern over the Chilean refusal to extradite three intelligence officers indicted for conspiracy to assassinate former Foreign Minister and Ambassador Orlando Letelier and his associate Ronni Moffitt, and we call for a strong U.S. response, including suspension of all aid, recall of Ambassador Landau and other U.S. personnel, and review of the entire U.S. relationship with Chile. I request that the full text of our letter to the President be inserted at this point in the Record. I also request that the State and Justice Department comments on the Chilean decision be inserted in the Record.

The text of the Senator's letter to President Carter follows:

Dear Mr. President: We share your serious concern over the refusal by the Chief Justice of the Chilean Supreme Court to consider extraditing—and by a further delay in deciding whether to prosecute at all—three Chilean intelligence officers indicted by a U.S. grand jury last August for their part in the assassination of Orlando Letelier and Ronni Moffitt. It is clear that the Chilean intelligence service had organized a murder plot against the former Foreign Minister and Ambassador to the United States and that the bomb it had planted killed not only Mr. Letelier but an American citizen Mrs. Moffitt.

In the aftermath of the convictions of others responsible for these murders last February and of the overwhelming weight of evidence presented to the Supreme Court of Chile, we believe that this Chilean refusal to extradite the individuals in question is bound to have a serious negative impact on U.S.-Chilean relations.

We hope that you will immediately recall Ambassador Landau from Chile, authorize a vigorous appeal to other members of the Chilean Supreme Court, and consider taking the following actions pending full justice in this tragic case. These actions are also appropriate in light of the Pinochet regime's continued denial of human and democratic rights.

1. Suspension of all assistance, credits and guarantees, including economic and military deliveries now in the "pipeline".

2. Denial of bilateral and, to the extent possible, multilateral aid pursuant to section 607 of the Foreign Assistance Act which prohibits such aid to countries harboring international terrorists.

3. Recall of all military personnel from our Embassy and other missions in Santiago, and denial of visas to Chilean military and intelligence personnel.

4. Review our entire relationship with Chile if its Government continues to decline to extradite these individuals.

We are prepared to meet with members of your Administration at the earliest possible time, to discuss these and other measures to ensure that political assassination in Washington will be punished as well as deterred in the future.

With thanks and best wishes,

Sincerely,

Edward M. Kennedy,
Chairman, Committee on the Judiciary.
Frank Church,
Chairman, Committee on Foreign Relations.

State Department Statement on Decision of President of Chilean Supreme Court

We are gravely disappointed by the decision yesterday of the President of the Supreme Court of Chile in the Letelier-Moffitt murder case. On the ground of insufficient evidence, Dr. Borquez refused to extradite the three Chilean military officers indicted by a Federal Grand Jury in Washington, D.C. for first degree murder and murder of a foreign official.

The evidence submitted by the United States to the Chilean Supreme Court was clearly sufficient to sustain extradition. The strength of that evidence was confirmed on February 14, 1979 by a jury in this city which convicted two other defendants in the case of first degree murder and murder of a foreign official. Instead of granting extradition Dr. Borquez ordered that a Chilean military court begin a trial proceeding. We do not believe that yesterday's decision was consistent with international norms of justice.

We strongly believe that extradition would permit the most expeditious and fair method for pursuing justice in this case.

The United States will appeal and urge reversal of the Borquez decision. It will be reviewed by a panel of the Supreme Court within the next five-six weeks. This review will, according to Chilean precedent, involve an open hearing in which evidence and argument will be presented in public. The USG remains hopeful that the panel of the Supreme Court conducting the review will order extradition.

In the light of yesterday's decision, Secretary of State Vance has asked Ambassador Landau to return for consultation and to participate in a thorough review of all facets of our relations with the Chilean government.

Department of Justice Statement

Terrence B. Adamson, Special Assistant to the Attorney General and Director, Office of Public Information, today issued the following Statement on behalf of the Attorney General and the Department of Justice:

The Attorney General and the Department of Justice are deeply disappointed by the decision announced by the President of the Chilean Supreme Court not to extradite to the United States the three defendants charged with the assassination of Orlando Letelier and Ronni Moffitt. In signing the petition, of the United States government for extradition, the Attorney General personally reviewed the evidence presented by the United States government to the Chilean Supreme Court. The Attorney General and the Department of Justice believe the evidence was more than sufficient to justify extradition. In fact, some of that evidence was used by the United States in the trial in Washington, D.C., earlier this year which resulted in the convictions of three co-defendants in the case. In addition to the fact that this case involved a heinous crime, this case is particularly important to the Department of Justice because Mr. Letelier was a foreign official murdered in the United States. The Department of Justice is committed to ensuring that this case set no precedent for this type of terrorist act. The Department will consult with the Department of State on a response to the Chilean government regarding the court's decision and the fact that appeal of this decision is possible to a panel of the entire Chilean Supreme Court.●

SOUTH CAROLINA LEGISLATURE REJECTS REORGANIZATION PLAN

● Mr. HOLLINGS. Mr. President, it is my privilege today to bring to the attention of my colleagues a joint resolution passed by the South Carolina State Legislature. The resolution would "reject the reorganization plan of President Carter which would transfer the Forest Service and portions of the Soil Conservation Service and other farm programs from the Department of Agriculture to a new Department of Natural Resources and to other Federal departments." The legislature of South Carolina adds its voice to a growing chorus of opposition to this reorganization effort.

I, and other of my colleagues, have spoken out repeatedly on this topic with respect to the transfer of both the National Oceanic and Atmospheric Administration and the Forest Service. Proposals of this sort, which move the Forest Service or NOAA around and reorganize natural resources programs, have been rejected time and again for very sound reasons, chief among them being that the pieces proposed for transfer function effectively where they are. The USDA administers a well integrated program to enhance and protect agriculture and the viability of rural America. Congress gave USDA the lead in rural development because other Federal agencies were not responsive to rural needs. The rural community is an important segment of our society and deserves to be well provided for in the Federal structure.

The Forest Service has been doing a commendable job of preserving both public and private lands and the loan program has made it possible for rural communities to prosper from economic development that would otherwise have been stalled. A strong and vigorous agricultural economy, an abundance of food and fiber at reasonable prices, and a thriving network of rural communities across this nation are essential to the well being of this country and its way of life. These people of rural America do not need to be the guinea pigs of the Office of Management and Budget's reorganization plan with its unsubstantiated claims of efficiencies and improvements. We need to protect our rural communities. We need sensitive and sensible management of our timber resources. We need wise management of our marine and coastal resources. None of this can be supported by the President's plan. Both of the segments that the President's plan proposes to move to the Department of Interior, NOAA, and the Forest Service, are too valuable to be toyed with in this haphazard way. We should continue to strive for economy and efficiency in government, but we cannot accomplish it by sacrificing our "centers of excellence" to the gods of political expediency. Mr. President, I request that the full text of the resolution be printed in the Record.

The resolution follows:

A Concurrent Resolution

Whereas, on March 1, 1979, President Carter announced a reorganization plan which will include the creation of a new Department of Natural Resources; and

Whereas, the Forest Service and portions of the Soil Conservation Service of the United States Department of Agriculture would be transferred to this new department and additionally the business and loan activities of the Farmers Home Administration would be merged into a new development financing program to be handled by the Commerce Department's Economic Development Administration; and

Whereas, Congress, under the Reorganization Act, has sixty days to reject these proposals or they automatically take effect; and

Whereas, conservation districts, state soil conservation agencies, land grant universities, and other units of state and local government have closely established working relationships with existing USDA agencies that should not be disrupted by organizational shifting at the national level; and

Whereas, USDA programs have demonstrated success because of their highly decentralized pattern of administration, one which is designed to be flexible enough to respond to the myriad of natural resource conditions on both public and private lands; and

Whereas, unless the Congress in examining these proposals is able to ascertain cost savings which are not now readily apparent, which cost savings will increase efficiency and eliminate unnecessary expenses, the members of the General Assembly believe that this reorganization proposal should be rejected by Congress. Now, therefore,

Be it resolved by the Senate, the House

of Representatives concurring: That the members of the General Assembly hereby memorialize Congress to reject the reorganization plan of President Carter which would transfer the Forest Service and portions of the Soil Conservation Service and other farm programs from the Department of Agriculture to a new Department of Natural Resources and to other federal departments.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, to each United States Senator from South Carolina, each member of the House of Representatives of Congress from South Carolina, the Senate of the United States and the House of Representatives of the United States.●

S. 673—ACTION AND REPORT OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. JACKSON. Mr. President, today the Committee on Energy and Natural Resources completed action and ordered reported S. 673, for which the committee had joint referral of only title II. The committee reported the bill, with amendments, by a voice vote with no objections. The committee's amendments and the report language explaining the reasons for its actions have been transmitted to the Senate Armed Services Committee for inclusion in the reported bill and the joint report. I ask that the letter of transmittal to Senator STENNIS and the committee's contribution to the joint report be printed in the RECORD.

The material follows:

WASHINGTON, D.C.,
May 15, 1979.

Hon. JOHN C. STENNIS,
Chairman, Senate Armed Services Committee, Washington, D.C.

DEAR MR. CHAIRMAN: The Committee on Energy and Natural Resources has completed action on Title II of S. 673, which was jointly referred to our committee and the Senate Armed Services Committee. I am enclosing the committee's recommendations for budgetary changes and directions to the Department of Energy regarding the programs in Title II.

I understand that these changes will be incorporated in the bill as reported by both committees so that the Energy Committee amendments may be considered as amendments to the amendment in the nature of a substitute bill reported by the Armed Services Committee.

Sincerely yours,
HENRY M. JACKSON,
Chairman.

COMMITTEE ON ENERGY AND NATURAL RESOURCES AMENDMENTS

The Committee on Energy and Natural Resources, to which was jointly referred only title II of S. 673, recommended certain amendments to title II of the Armed Services Committee substitute. Amendments recommended by the Energy Committee, which appear in bold face brackets and bold face italics in the bill as reported to the Senate, are as follows:

On page , after line , insert "(A) For Naval Petroleum Reserves, $78,200,000." and renumber the items following.

On page , line , strike the figure "$108,890,000." and insert "$114,890,000.".

On page , line , strike the figure "$8,500,000" and insert "$15,500,000.".

RECOMMENDATIONS OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Summary of funding actions

[In millions of dollars]

Title II	President's request	E. & N.R. action	E. & N.R. change
Operating expenses	466.384	477.684	+11.3
Plant and capital equipment	58.400	65.400	+7.0
Total	524.784	543.084	+18.3

ENERGY AND NATURAL RESOURCES COMMITTEE HEARINGS

The Energy Research and Development Subcommittee of the committee held two days of hearings on the Department of Energy national security programs with potential civilian applications, with the administration's budget request for the fiscal year 1980. The subcommittee received testimony on Friday, March 16, 1979, from Admiral H. G. Rickover, Director of Naval Reactors, Department of Energy, and on Friday, March 30, 1979, from Mr. George Weisz, Director, Office of Safeguards and Security, Department of Energy. On Tuesday, March 27, 1979, testimony was submitted to the subcommittee by Mr. R. L. Schriever, Acting Director, Office of Inertial Confinement Fusion, Department of Energy. The Subcommittee received testimony on laser fusion from Dr. Robert Sproull, President of the University of Rochester, Rochester, N.Y. and from Dr. Henry Gomberg, Chairman of the Board, KMS Industries, Ann Arbor, Mich., and Dr. Robert Hofstadter, Professor at Stanford University, Palo Alto, Calif., on April 5, 1979.

Section 201—Operating expenses

(1) Naval Petroleum Reserves

	Millions
Appropriated fiscal year 1979	$119.894
Requested fiscal year 1980	72.900
Committee recommendation fiscal year 1980	78.200
Increase	+5.300

Budget Request.—The Administration request for the Naval Petroleum Reserves program in fiscal year 1980 is $72.9 million.

Action of the Committee on Energy and Natural Resources.—The committee voted to increase the authorization for the Naval Petroleum Reserves from $72,900,000 to $78,200,000. This $5,300,000 increase will continue the hydrocarbon exploration program at Naval Petroleum Reserves No. 1 and No. 2 in both the Stevens and Carneros zones. The committee noted that the exploratory drilling completed thus far has added 25,000,000 barrels of additional oil reserves and this amendment rejected the proposal in the President's budget request which would terminate the search for oil and gas on the Naval Petroleum Reserves.

(2) Inertial Confinement Fusion

	Millions
Appropriated fiscal year 1979	$104.0
Requested fiscal year 1980	107.8
Committee recommendation fiscal year 1980	113.8
Increase	+6.0

Budget Request.—The Department of Energy requested $108.9 million for operating expenses for the Inertial Confinement Fusion program.

Action of the Committee on Energy and Natural Resources.—The Committee on Energy and Natural Resources voted to increase the authorization for operating expenses by $6 million for activities which may lead to the perfection of laser fusion as an energy source. $5.5 million of this is intended for operating funding for a 12 terawatt National Laser Users Facility, and the remaining $.5 million is for increased operating funds for activities associated with the industrial laser system which is to be up-graded to the 4 terawatt level, with capital equipment procurement authorized elsewhere.

The committee, by its action to increase the funding for energy-related activities, does not suggest that the reallocation of funds within the program should be made if additional funds are not appropriated for these purposes.

(3) Naval Reactor Development

	Millions
Appropriated fiscal year 1979	$271.783
Requested fiscal year 1980	241.367
Committee recommendation fiscal year 1980	241.367
Increase	0

Budget Request.—The naval reactor development program request for fiscal year 1980 operating expenses is $241.4 million. Of this sum, $160.1 million is for submarine propulsion reactors, $55.6 million is for surface ship propulsion reactors, $16.9 million is for supporting research, and $8.8 million is for personnel resources.

Action of the Committee on Energy and Natural Resources.—The Committee on Energy and Natural Resources approved the DOE request for operating expenses without amendment.

(4) Nuclear Materials Security and Safeguards

	Millions
Appropriated fiscal year 1979	$40.151
Requested fiscal year 1980	39.667
Committee recommendation fiscal year 1980	39.667
Increase	0

Budget Request.—The DOE request for operating expenses for the nuclear materials security and safeguards program was $39.7 million, which represents a small decrease from the appropriation for fiscal year 1979.

Action of the Committee on Energy and Natural Resources.—The committee voted to approve the Presidential request for operating expenses for fiscal year 1980. The committee recommended last year that a program for training foreign nationals in safeguards techniques be initiated using existing facilities, such as the Barnwell Nuclear Fuel Plant to carry-out Sec. 202 of P.L. 95–242. To date, the DOE has not followed that committee directive. The committee strongly reiterates its intent that the DOE implement a pilot project at the Barnwell Plant in safeguards training, utilizing the safeguards systems developed with the fiscal year 1979 program funding.

Section 202, plant and capital equipment

(1) Inertial Confinement Fusion

	Millions
Requested fiscal year 1980	$18.0
Committee recommendation fiscal year 1980	25.0
Increase (decrease)	+7.0

Budget Request.—The Department of Energy requested $18 million for plant and capital equipment activities, of which $8.5 million was for capital equipment not related to construction. The remaining $9.5 million in authorization includes $8 million increased total authorization for Project 75–3–b. High Energy Laser Facility and $1.5 million for Project 80–PE&D–1, Plant engineering and design.

Action of the Committee on Energy and Natural Resources.—The committee voted to increase the authorization for capital equipment not related to construction by $7 million. The increase included $2.5 million for equipment needed to improve diagnostic and data collection capabilities at the 12 terawatt National Laser Users Facility. The remaining $4.5 million for capital equipment procurement is intended for up-grading an existing industrial laser system to the 4 terawatt level and to procure additional diagnostic equipment necessary to interpret experiments.

(2) Naval Reactor Program

	Millions
Requested fiscal year 1980	$37.0
Committee recommendation fiscal year 1980	37.0
Increase (decrease)	0

Budget Request.—The requested capital equipment budget of $15.8 million will be used to supply equipment for the design, development, and testing of improved reactors for submarine and surface ship propulsion. Training facilities and computer upgrading activities will also be supported.

In addition the budget request included $21.2 million in construction authorization for project 80–GPP–1; general plant projects and project 80–AE–1, Fluids and corrision test facilities upgrading.

Action of the Committee on Energy and Natural Resources.—The committee approved the budget for plant and capital equipment as requested without amendment.

(3) Nuclear Materials Security and Safeguards

	Millions
Requested fiscal year 1979	$3.4
Committee recommendation fiscal year 1979	3.4
Increase (decrease)	0

Budget Request.—The Department of Energy requested $3.4 million for capitol equipment not related to construction.

Action of the Committee on Energy and Natural Resources.—The committee recommends authorization of the $3.4 million requested.

DETAILED SUMMARY OF ENERGY AND NATURAL RESOURCES COMMITTEE ACTIONS

DEPARTMENT OF ENERGY FISCAL YEAR 1980 AUTHORIZATION REQUEST—NATIONAL SECURITY PROGRAMS WITH POTENTIAL CIVILIAN APPLICATIONS

[In millions of dollars]

Program	Requested, fiscal year 1980	Proposed, E. & N.R. action	Change
Title II—Operating expenses:			
Naval petroleum reserves	72.900	78.200	+5.300
Inertial confinement fusion	108.890	114.890	+6.000
Naval reactor development	241.367	142.367	0
Nuclear materials security and safeguards	43.227	43.227	0
Title II—Plant and capital equipment:			
Project 75-3-b, high energy laser facility, Los Alamos Scientific Laboratory, New Mexico	8.000	8.000	0
Project 80-P.E. & D.-1, plant engineering and design	1.500	1.500	0
Project 80-AE-1, fluids and corrosion test facilities upgrading, various locations	17.900	17.900	0
Project 80-GPP-1, general plant projects	3.300	3.300	0
Capital equipment not related to construction:			
(a) Interial confinement fusion	8.500	15.500	+7.000
(b) Naval reactor development	15.800	15.800	0
(c) Nuclear materials security and safeguards	3.400	3.400	0

COMMITTEE ACTION

The Committee on Energy and Natural Resources approved title II of the bill, as amended, by voice vote, with no objections, and ordered the bill, S. 673, reported on April 15, 1979.●

OLD IDEA FOR SAVING ENERGY CATCHING ON

● **Mr. KENNEDY.** Mr. President, we in the Congress often overlook the contributions made by individual citizens in increasing the efficient use of energy. I would like to give credit to two such persons who have shown the potential energy savings possible in the residential area.

The first person is Gene Leger of my home State of Massachusetts. He has built a superinsulated house, combined it with passive solar and required just $30 worth of natural gas for backup heating. His next home will be so weatherproofed no backup system at all is needed. Mr. Leger's building costs are the same as conventional houses, due to the absence of ductwork.

The second individual deserving commendation is Harry Hart, a Smithsonian employee-turned-builder in Springfield, Va. The subdivision homes he builds use 80 percent less energy than normal, a real selling point with buyers.

Both of these gentlemen are reviving an energy-saving concept first devised at the University of Illinois during World War II to achieve low-cost housing for veterans. Called the "Lo-Cal House," a double wall of insulation and triple-glazed windows are essential features.

I would like to print in the RECORD three articles describing an old energy saving idea whose time has definitely come. I would urge the Congress to read about the work of these builders, for it shows that individual ingenuity has a definite role to play in addressing our energy needs.

The articles follow:

[From the Worcester Sunday Telegram, Apr. 22, 1979]

AND NO EXTRA CONSTRUCTION CHARGES—SOLAR HOME IS HEATED FOR $30 A YEAR

EAST PEPPERELL—When Gene Leger built his six-room solar house last year off Hollis Road, he figured he could heat it for under $100 a year.

He didn't anticipate the coldest February since 1945, or all those overcast days.

This year's heating season is just about over in his solar house that cost no more to build than a conventional house the same size, according to Leger.

"And it looks like $30 for the year," Leger said.

He can document the figure because he has separate meters for forced hot water heat, hot water and cooking, all of which the Legers do with gas.

Leger's December heating bill was just $1, and he's expecting it to run "just about the same for April." Gas heat for the intervening months came to $2.97 for January, $17 for February, and $4.90 for March.

It's been "an experience" and "a real joy," he said, living in what he calls the only double-walled passive solar house in New England.

"What did you pay for heat this winter?" is a question Leger admitted he likes to ask.

People hate to remember. And it's "going to get worse," he tells them.

According to Leger, the fact that the experiment has exceeded his expectations is "all the more astonishing" because he didn't "completely finish" the house before the winter set in. This means the six-room house is somewhat less energy efficient than it could have been, Leger explained.

A couple of weeks ago, a team of scientists from Princeton University's Center for Environmental Studies visited the house, Leger said and made infiltration tests which showed where the "leaks" are.

"If we take care of those, I expect the heating bill will be down around $10," Leger said. "If we wanted to go farther and seal the windows with thermal shades, I would guess $5."

But as the house stands, he said the Princeton team was "very impressed."

"We have had to turn the heat on sometimes, but only for an hour or so, and then it lasts a couple of days," Leger said.

He noted that in January the Japanese gas burner didn't go on at all for 21 of the month's first 26 days.

Leger said the average temperature of the house is 63 degrees.

"People will say we must be freezing. They'll say they could save money, too, if they turned their thermostats down to 63." Leger said, but his family isn't freezing, and 63 degrees in a conventional house is something else again.

"The secret is our high humidity. It's 60 per cent, and there are no drafts," Leger explained, noting that conventionally heated houses are known for being extremely dry. Here heat radiates away from the body. Drafts make it feel even more chilly.

"We don't ever keep it much above 66 or 67 degrees. If we did, and we started any kind of activity, we'd get too warm."

One "extra" benefit of living in a superinsulated house is the quietness.

"It's extremely quiet. You know how windy February was; we didn't hear the wind. You don't know what's going on outside. You might hear the rain, but only if you were near the window."

Leger, whose business is electronics, built the 1,200 square foot ranch style house to prove that he could provide an energy-efficient home that somebody earning $15,000 a year—maybe even less—could afford, and one that wouldn't look like a monstrosity, either." He has found it gratifying to see his experiment bear out his claims for practicality.

Leger built his house according to the principle known as "direct gain." The entire house is both collector and storer. Prevailing winds, hills, weather and location on the lot are important in planning any passive solar home. For his house, he put together a lot of energy-efficient ideas and used some new building techniques. Although insulation is very important to the effectiveness of a solar house, Leger said a solar house is "more than just a lot of insulation."

Although he said that contractors will claim that energy efficiency has to add thousands of dollars to the cost of housing, that simply isn't so.

"It does not cost any more to build this than a conventional house," Leger said.

His baseboard heat installation, a total of 42 feet has proved to be more than needed according to Leger; most houses of comparable size have about 150 feet. That meant he saved $500 on that item alone. "That $500 went to pay for additional walls and some of the insulation," he added.

Leger said "considerably less plumbing" was involved in the construction of the solar house. "These dollars saved helped buy additional insultation."

Elimination of electrical outlets on outside walls, a significant energy-saving feature, added up to savings in labor, wire and outlet boxes.

"All the savings that we realized went to pay for additional insulation," Leger said.

Leger said this house, which the familly has been occupying since December, is for sale. He's also ready to build others just like it.

He paused, then chuckled with satisfaction.

"The house I'm designing now has no heating system at all."

[From the Energy Insider, Mar. 19, 1979]

COMBINES KNOWN CONSERVATION TECHNIQUES—ENERGY-EFFICIENT BUILDER SAVING 80 PERCENT IN HOME HEATING COSTS

A Northern Virginia builder using well-known construction techniques has successfully built six new houses that are saving their owners as much as 80 percent in home heating costs this winter.

One of the houses, a three-bedroom home on a one-acre lot in the Giles Knoll subdivision in Springfield, costs its owners $73,490—including about $2,000 for the special energy-saving construction and design features.

The houses, all located in the same subdivision and built by Harry Hart, a former Smithsonian Institution employee turned builder, are put together with double insulation and double walls. They face south, which permits the sun to warm them in winter, and have doubled glazed windows to keep out the cold. They also have an enclosed area inside the front door for the same purpose.

As a result at least one couple: Thomas and Ronnie Brogan of 7514 Rolling Rd., have had only one oil delivery this winter—on January 16, when 101.9 gallons were put in their tank.

Based on consumption so far, they probably will use less than 175 gallons for the heating season—about 17 percent of the 1,200 gallons used by the average house in the Washington area.

The seasonal bill for the average house will run about $685 this year. The Brogans probably will pay a little less than $100.

"It's great if it works," said Robert C. Johnson, executive vice president of the Northern Virginia Builders Association, a group Hart hasn't yet joined. NVBA had planned a couple of years ago to build an experimental energy-efficient house, "but the project bombed," Johnson said.

The association decided instead to wait on the results of two other experimental houses—one built by the State of Arkansas and the other by the National Association of Home Builders Research Foundation. Johnson said his association is still waiting to find out the results of those experiments.

Hart said that only one builder has expressed interest in his houses, and in that case all the man was interested in was his contemporary design which incorporates some of the features.

"That's fantastic," said James M. Windsor, executive vice president of the Oil Heat Association of greater Washington. "He's (Hart) really beat a Thermos bottle."

The construction techniques Hart used in his Giles Knoll subdivision have been known for years, but apparently no one ever put them together in an energy-saving package because fuel costs lacked the urgency they now have.

The houses' double walls prevent cold from being conducted through lumber into the house—a problem even when ordinary walls are well insulated. They have double the recommended insulation in the walls (6 inches) and double the recommended amount in the ceiling (12 inches).

There are no windows on the east and west sides of the house.

With oil costing about 58 cents a gallon, the Brogans, who paid $73.490 for their house and one-acre tract, would pay for the extras in less than four years.

Ronnie Brogan admits she and her husband were skeptical about the energy-saving claims when Giles Knoll's houses went on sale.

"Truthfully, we didn't buy the house for energy savings," she said. "We just didn't think it would save that much in this area. We bought it for the design and layout."

But she and her husband became believers after they received their first fuel bill—for 63 cents on October 10 for 1.1 gallons. That amount was how much they had used since their last delivery, on April 21.

The Brogans also save on air-conditioning costs. Their July electric bill ($43) and August bill ($45) were only a few dollars more than their January bill ($40).

Hart, a cheerful, 45-year-old native of Iowa, decided after 18 years at the Smithsonian that "I didn't like working for the government anymore. Now was the time to move if I was going to do something else."

His decision was helped along when his wife said to him one day, "Why don't you just quit?"

He did, and after taking a course offered by the Small Business Administration ("What they do is scare the hell out of you"), he formed Hart Development Corp.

THE LO-CAL HOUSE

It was while he was still at the Smithsonian that Hart became interested in energy and how to save it. "We did an exhibit, 'Our Changing Land,' for the Bicentennial. We put an oil pump in the basement of the natural history museum. It was a symbol of the problem."

Later, while looking at other builders' work to get ideas for what he might do, Hart came to a realization: "It kind of makes me cry to go around and look at some of the things going up. No one is paying attention."

Most of Hart's ideas came from the Small Homes Council at the University of Illinois, which designed what is called the "Illinois Lo-Cal House." The council was the first group to make public comprehensive data on energy-saving techniques in home building. Almost all of Hart's ideas, as he freely acknowledges, can be found in a 1945 publication of the Small Homes Council, which was originally established to develop plans for a cheap housing for returning World War II veterans.

Few of the techniques have been used by builders since then, Wayne L. Shick, a professor of architecture at the University of Illinois, said "It's a grind, but there's been no price pressure, and now there is. People are frantic about their fuel bills."

According to Shick, a Lo-Cal-designed house is far more economical than a house with solar collectors. Shick said that a solar system that would save 100 gallons of fuel oil per heating season could cost from $5,000 to $6,000, and is subject to costly maintenance over its life.

There are no maintenance costs for the Lo-Cal features, and it can save up to 80 percent of fuel costs, according to the performance of the Hart homes and a few others that have been built elsewhere in the country.

Shick said one Massachusetts builder constructed a Lo-Cal house that used only $30 worth of heating during the last heating season.

At what will be Lee-Brooke subdivision, his second venture, a few blocks off Rolling Road, Harry Hart is superintending construction of 39 more Lo-Cal-inspired houses. They'll be on the market in the spring.

Does Hart think other builders will give him competition?

"I don't know," he said. "Houses in Fairfax seem to sell whether or not they are well-designed or well-sited or well-built."

THE "ILLINOIS LO-CAL HOUSE"

The increasing scarcity of fuels makes it imperative to include more energy conservation features in our housing.

This circular describes the design, construction, and predicted performance of a house that uses approximately one-third of the energy needed to heat a house of the same size which is built to meet 1974 insulation standards (United States Department of Housing and Urban Development standards for houses located in areas having a heating season of between 4500 and 8000 degree-days). Because of its low-energy requirements for heating, the house has been called the "Illinois Lo-Cal House." If the Lo-Cal House is compared to the typical house of 1950, the savings are even more dramatic.

The two features which account for the exceptional reduction are:

(1) Superior insulation.

(2) Solar orientation.

Of the reduction, about 80% or more is due to the heavy insulation. The remaining reduction is due to the location of most of the windows in the south wall, where they act as solar collectors.

DESIGN AND CONSTRUCTION FEATURES

Insulation

1. Heavy ceiling insulation.
2. Heavy wall insulation.
3. Improved floor and crawl-space wall insulation.
4. Triple-glazed glass areas.
5. Complete vapor retarder (barrier).

Solar

1. Major axis of house oriented east-west.
2. Roof overhang designed for solar control.
3. No windows on the east and west walls.
4. Minimal glass areas on the north wall.
5. Major glass areas on the south wall.

General features

1. Can be built with standard, readily available building materials.
2. No new technology or labor skills are required.
3. Design conforms to current practice.
4. Design adapts to various lot orientations.

Benefits

1. Low-cost heating system.
2. Low-energy cost for heating.
3. Low-cost cooling system.
4. Low-energy cost for cooling.
5. Favorable ratios of benefit to cost.
6. Improved acoustic performance.

Design A. The basic plan was designed for use on a lot with the street on the north.

1. The living room and bedrooms are arranged on the south side of the house.

2. The family-kitchen area is on the north; however, it opens to the living room, from which it receives solar benefits.

3. The entrance vestibule, baths, utility and storage areas are also on the north.

4. Most of the windows (85 percent) are located on the south wall. The remaining windows are to meet code requirements for light and ventilation. There are no windows in the east and west walls. This is the best arrangement for thermal efficiency of the house. East and west windows should be used only when view is a prevailing requirement. In such cases, the windows should be small and well shaded in the summer.

CONSTRUCTION DETAILS*

This design is considered appropriate for most areas of the United States having a heating season of 4500 degree-days or more.

Roof-ceiling construction

The roof-ceiling construction is designed with the soffit of the overhang at the same level as the ceiling of the house. This simple modification of the usual roof-ceiling design provides space to extend thick ceiling insulation over the outside wall and to maintain adequate ventilation above the insulation.

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* Additional details and engineering analyses will be published in: Technical Note 14: Details and Engineering Analysis of the Illinois Lo-Cal House—$7.50.

Twelve inches of insulation, combined with the ceiling structure, provides a total thermal resistance (R) of 38.5 compared to an R of 19.5 for the 1974 house.

A complete vapor retarder (barrier) is located immediately below the ceiling insulation. This may be a 6-mil polyethylene film or an aluminum foil on the back of the ceiling finish material.

Outside wall construction

The outside wall is composed of a double-framed wall with staggered studs spaced a distance of 8½" from face-to-face. This permits the installation of insulation which, combined with the other elements of the wall, results in a total thermal resistance (R) of at least 33. This is over 2½ times the R-value required for the 1974 house.

A vapor retarder (barrier) must be installed at the interior surface of the inner stud wall. Polyethylene film or foil-backed gypsum wallboard is suitable for this application. Either blanket or fill-type insulation may be used. The thickness of the wall may be varied in accordance with climatic conditions and energy costs.

Several secondary benefits are gained by the use of the double wall. With the staggered-stud construction, no through conduction of heat occurs at the wood framing. During construction, electric wires can be run between the double exterior walls without drilling, thus reducing the labor cost of electrical installation. The slot between the top plates of the wall permits venting of water vapor to the attic space. The thick, insulated wall and triple-glazed windows will reduce sound transmission.

Floor-foundation insulation

The most effective method of reducing heat loss through the floor is to insulate both the floor of the house and the perimeter wall of the fully-enclosed crawl space. The Lo-Cal design uses R–19 insulation in the floor, and R–10 insulation on the perimeter wall of the crawl space. With this insulation, heat loss through the floor never exceeds 1 Btu per sq. ft., and the crawl-space temperature is generally above 45 F. When practical, hot-water pipes and heating ducts should be installed above the floor insulation; otherwise, they should be insulated.

Window design

The triple-glazed windows of the Lo-Cal House are designed for low heat loss and high solar gain in winter, and low solar gain in summer. The design is based on a study which shows that the solar gain minus heat loss of south, triple-glazed windows averages 200 to 400 Btu per sq. ft. per day (see page 6, "Solar Mechanics"). In the one-story plan, 85 percent of the window area is on the south wall, and in the two-story design, all windows may be south. Small windows on other walls may be desired for view.

Triple-glazing consists of a standard window with sealed insulating glass plus a storm window with removable screen. For the Lo-Cal House a double-hung window with a height of 50" was selected. This height correlates with a roof overhang which is located 16" above the window and extends outward 30" to the edge of the gutter. The south windows are exposed to sunlight in the winter, and are shaded in the summer. In late summer and early fall, when the roof overhang shades only the upper part of the window, more shading can be provided by shade screens or other devices. Since the house is so highly insulated, the 122 square feet of south windows provides optimum solar gain (see page 7, "Performance"). This south glass area is about 8% of the gross floor area of the house.

TABLE 1.—*Design heat loss*
(Btu per hour)

Components:	*Lo-Cal House*	*1974 house*
Ceiling (1568 sq. ft.)	2,980	5,960
Wall (1160 sq. ft.)	2,670	6,960
Floor (1568 sq. ft.)	1,570	3,140
Window (144 sq. ft.)	4,000	7,020
Doors (40 sq. ft.)	200	200
Infiltration (½ air change per hour)	8,470	8,470
Total design heat loss	19,890	31,750

(Note that the infiltration loss, based on ½ air change per hour, is assumed the same for both houses. Note also that for the Lo-Cal House, the infiltration loss accounts for over 40% of the total loss.)

Heat loss calculations

Table 1 summarizes the heat losses for the five component surfaces and infiltration for the Lo-Cal House and the 1974 house. These calculations are made in accordance with accepted engineering practice, and do not include solar gains or internal heat gains.

Heating system

In the weather simulation for Madison, Wisconsin (1961), the maximum heat loss of the house is computed to be 16,530 Btu per hr.; the maximum heat loss for a day is 240,000 Btu. A number of options are available for the heating system.

The simplest system with the lowest cost would be individual room electric heating, such as baseboard units located under the windows. These units would have a total rated output of only 6 kilowatts, and the advantage of individual room thermostatic control.

Cooling system

For mechanical cooling, small individual room units could easily carry the load. Although these units offer the advantage of individual room control, they are noisier than a central cooling system.

A central system using an outdoor air-cooled compressor can be provided at a fairly low cost. The cooled air would be distributed through an overhead duct located in the main hall. At a higher cost, the air-handling system can be designed to bring outdoor air into the duct system.

For the daily cooling load of 142,000 Btu, a central unit with a cooling capacity of 8000 to 9000 Btu per hr. would suffice on most days. A larger unit would handle those times when the hourly load is extreme, but the normal operation would be intermittent; as a result, the relative humidity would fluctuate and be uncomfortable. Better comfort is obtained from an air conditioner which is slightly undersized so that the compressor and the fan operate continuously.

If occasional unusually large internal heat gains are anticipated, as from a large gathering of people in warm weather, an auxiliary cooling unit would be desirable.

Exhaust fans

Kitchen and bathroom exhaust fans, either manually or automatically controlled, will remove excess heat and moisture generated by cooking and bathing.

Solar mechanics

Sunlight through the windows heats the interior surfaces of the house; the structure and furnishings absorb heat and warm the air; insulation retains warmth in the house, even after sundown. With maximum insulation and major south windows of insulating glass, the house itself becomes an efficient solar collector.

The net heat gain (or loss) of a window varies with the latitude, month, window orientation, solar transmission and heat transmission, outdoor temperature, atmospheric conditions and percentage of sunlight, reflected sunlight, and shading of the window. With the seasonal change of sun angle, the solar gain of south windows is highest of all in winter, moderate in spring and fall, and low in summer.

The average daily solar gain of a south triple-glazed window exceeds the average 24-hour heat loss through the window; this net heat gain is about 200 to 400 Btu per sq. ft. per day during the heating season. In some regions with more sunshine and snow cover, the heat gain may be much higher. Generally, this benefit of solar heating by south triple-glazed windows applies to the cold climates of the United States. In the moderate winter climates, with less than 4500 degree-days, south double-glazed windows have similar benefits.

Shading of Windows. While the south windows provide solar heat for the house from October to April, the windows should be shaded to minimize solar gain from June to October.

(a) Trees. Deciduous trees are most useful because they are in leaf during the warm season of the year when shading is desirable. They do not interfere with winter solar gain since their leaves have fallen prior to the heating season.

(b) Roof Overhang. With the seasonal change in sun angle, the roof overhang above windows can be designed to achieve the amount of shading or sun exposure desired.

(c) Other Shading Devices. Awnings, shade screens, shutters, blinds, foils, or draperies can limit solar gain of windows. For example, in conjunction with a roof overhang, shade screens over the lower half of windows can stop most of the solar gain of south windows in August and September.

The illustrations show sun angles for latitudes of 39° and 43° with the profile of the roof overhang and south window of the Lo-Cal House. At 43° latitude, the south windows are over 90% exposed to the sun from October 21 to February 21. From April 21 to August 21, the south windows are shaded 80% or more: The roof overhang could be designed to shade the window all summer; however, this is not desirable since it would also shade the windows and seriously reduce the solar gain during the spring heating season. Therefore, some other shading device should be used to block the sunlight during August and September.

PREDICTED PERFORMANCE

Design conditions

Calculations of energy requirements for both the Lo-Cal House and the 1974 house are based on the same conditions of weather, range of internal air temperature, air infiltration rate, and internal gains. In the 1974 house, the windows were placed with one-third of the total window area on each of the north and south walls and one-sixth on each of the east and west walls.

Comfort conditions

For both houses, the room-air temperatures were permitted to vary within a range of 68 F to 78 F. Most people will accept air temperatures a few degrees above or below 72 F, especially when energy is saved.

Winter performance

Actual heating costs for the Lo-Cal House can be verified only by building and testing a demonstration house under controlled monitored conditions. Full-scale confirmation of predicted results would require the building of a large number of lived-in houses in widespread areas of the United States and Canada.

The heating analysis of the house can be expressed as: Heat input = Heat loss.

The heat inputs are: (1) internal gains from persons, lighting, refrigerator, range, television, water heating, etc., (2) solar gains principally from windows, and (3) input from heating system which uses fuel or electricity.

The heat losses are made up of: (1) transmission losses through the house shell (ceiling, walls, windows, doors, and floors), and (2) infiltration. Since as yet no demonstration house of this design is available to measure actual performance, the only recourse is to make a thorough engineering analysis, taking into account all energy inputs to the Lo-Cal House. For this purpose, a mathematical model* was utilized and weather data (1961) for Madison, Wisconsin, were arbitrarily selected. The degree-days for the locality amounted to 7564 DD for 1961. In this analysis, the assumed internal heat gain was from two persons, plus an internal heat gain equivalent to 10 kwh per day, which amounts to 51,000 Btu per day. The computer analysis is summarized in Table 2.

TABLE 2.—*Summary of heat loss and heat gains*

(All units are in millions of Btu per season)

Losses or gains:	*Lo-Cal House*	*1974 house*
Annual Heat Losses (Sept. 15-May 30)	40.3	61.9
A. Internal Heat Gain	13.1	13.1
B. Net Solar Heat Gain	14.3	10.8
C. Input Required from Heater	12.9	38.0
D. Total Gain and Input	40.3	61.9

In order to heat the Lo-Cal House for a year, the owner would need to buy: 129 gallons of fuel oil, or 174 therms of natural gas, or 3806 kwh of electrical-resistance heating.

The owner of a house built to current (1974) standards would have to buy about three times the above amounts each heating season; the fuel requirements for a 1950 house would be even higher.

Summer performance

Due to the superior insulation, the Lo-Cal House gains heat very slowly and the summer cooling load is never very high. With the assumed internal heat gain of 51,000 Btu per day, the maximum cooling requirement is approximately 142,000 Btu per day in the Madison, Wisconsin, climate. For energy conservation, internal heat gains should be kept as low as possible during warm weather. For example, a large gathering of people in the house would substantially increase the cooling load.

For the purpose of the computer analysis, the cooling season was considered to be from May 1 through October 31. The total cooling load (including internal gains) for the period was computed to be 8.3 million Btu. Assuming that 1 kwh of electricity will deliver at least 6000 Btu of cooling, the energy required for cooling would be approximately 1400 kwh. At 4 cents per kwh, the cost for cooling would be $56 for the season. This cost could be reduced by using additional shading of the south windows during August and September, and could be further reduced by using night air cooling when the outdoor air temperature and humidity are suitable.●

THE SENATE COAL CAUCUS

● Mr. BAYH. Mr. President, I take the floor today as a charter member of what is being called the "Senate Coal Caucus." Thanks to the efforts of the distingished majority leader, Senators representing coal producing States have been brought together in opposition to proposed Environmental Protection Agency sulfur dioxide emissions standards for new powerplants which, if imposed, would remove from production vast quantities of our Nation's most abundant energy source.

I commend the outstanding leadership of Senator Byrd in focusing the Nation's attention on the enormous stakes involved in any change in the sulfur dioxide standards at a time when Congress and the administration have articulated a national commitment to the increased use of coal. In his statements on the floor and in his conversations and correspondence with the President, Senator Byrd has shown the folly in making this standard more stringent, particularly when EPA is unable to justify such a move from a health standpoint. I want to thank the majority leader for keeping my staff apprised of his efforts to affect a realistic response from EPA during my absence from the Senate.

Thursday, in my first full day back with my colleagues, I was able to meet with a group of Hoosier mine workers, coal shippers and mine operators, as well as representatives of the electric utilities, to discuss the impacts of the EPA's proposed standards on the State of Indiana. I should point out, Mr. President, that for the first time since I can remember we have the regulator and regulated predicting virtually the same impact that would result from proposed regulations. The data produced by the EPA and the National Coal Association showed that, depending on the proposed standard, our access to vast amounts of higher sulfur coal would be in jeopardy.

It is my opinion, Mr. President, that without a clear showing that significant public health benefits would result there is no need to change the current sulfur dioxide standard. It seems to me that we ought to be committed to increasing the production of coal, developing coal's potential use as a liquid and gaseous fuel, stimulating research into removing the sulfur from coal, perfecting our ability to mine coal without despoiling the land and reclaiming the land once the coal is extracted. In other words, Mr. President, I believe the agencies of this Government ought to be working on ways to get the coal out of the ground rather than adopting policies aimed at keeping it there.

Once again, Mr. President, I want to commend the majority leader for his role in catalyzing Senate opposition to a change in the sulfur dioxide standard. I look forward to working with the chairman of the Senate Coal Caucus, the distinguished Senator from Kentucky, Mr. Ford, and the vice chairman, Senator Heinz, in developing strategies to fulfill our commitment to expanding the use of coal.●

STATEMENT OF SENATOR STAFFORD ON OPPORTUNITIES FOR IMPROVED USE OF THE HOOVER FBI BUILDING

● Mr. SIMPSON. Mr. President, our colleague from Vermont (Mr. Stafford) is absent due to illness today. He had intended to place a statement in the Record, with an article from the Washington Post, an editorial from the Washington Star, and a recent letter from FBI Director Webster, concerning the opportunity for better use of the ground floor space in the J. Edgar Hoover FBI Building. On his behalf, I ask that Senator Stafford's remarks as well as the other items be printed in the Record.

The material follows:

THE NEED FOR "A LESS ARROGANT AND MORE HUMAN FACE" ON THE HOOVER FBI BUILDING

Mr. Stafford. Considerable attention has been given in the Washington press recently on the possibility that shops might be established on a portion of the ground floor of the J. Edgar Hoover FBI Building, which faces Pennsylvania Avenue here in Washington.

As the one who has sought to focus attention on the opportunity for mixed commercial-Government use of Federal office buildings for the past couple of years, I believe this issue has real significance for Federal building policy. A recent Washington Post editorial, in discussing the possibility, noted: "There have been endless statements and musings on the subject, however, in recent days and months, and these have only reinforced our own belief that the proposal (to put shops on the Pennsylvania Avenue side of the Hoover Building) is a good one."

I submit an article from the Washington Post, an editorial from the Washington Star, and a response from FBI Director Webster, for the Record.

[From the Washington Star]

MIXED USE FOR THE FBI BUILDING

Maybe every losing streak comes to an end eventually after all. It looks as though something good may be about to happen to the FBI.

Nothing much, maybe, by the standards of big-league luck, but, compared to the way things have been going for J. Edgar Hoover's tattered rearguard, a pretty welcome event at that. It's the appearance of shops in a certain Pennsylvania Avenue building that the architecturally squeamish tend to think of as Dillinger's revenge. The FBI may rent out first floor space that now presents forbidding walls to the street.

The thought is that part of the facade facing Pennsylvania Avenue could house small eating places, flower stalls, toy shops and similarly well-behaved retail establishments rather than remaining as grimly blank as it is now. Mixed office and commercial use is the new pattern for federal buildings like this one; there's a desire to humanize the bureaucracy by letting non-bureaucrats inside its burrows.

It's not a new idea. Back in Walter Washington's administration, the Municipal Planning Office, now the Office of Planning and Development, was urging commercial use of the FBI building as part of the long-range Pennsylvania Avenue development.

The proposal was coolly received in 1976, partly because of FBI security anxieties, partly because of the weight of customs; a federal building was a federal building and who ever heard of using it for anything but federal operations? Since then, of course, there has been a softening of rigidities in all directions. Over on 17th Street, there are some happy coexistences of government offices and non-government operations. If a daytime cafeteria can turn into a nighttime disco without undermining the Republic, anything is possible.

Courtyard benches have already done a bit to take the curse off the FBI building. A few benign shop windows would further ameliorate the Maginot Line look. Now that the possibility has support from within the FBI, it could come about. It's high time.

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*U.S. Army Corps of Engineers, Construction Engineering Research Laboratory "Thermal Loads Analysis and Systems Simulation Program."

[From the Washington Post, Apr. 28, 1979]

FBI PLAZA FACES AN INSTITUTIONAL HURDLE

(By Wolf Von Eckardt)

There was a flicker of hope earlier this month, that the FBI would do its part to make Pennsylvania Avenue the lively and impressive "Main Street of the Nation" it ought to be.

But the flicker died.

The FBI is again as silent and inscrutable as the super block-long concrete wall along the facade of the J. Edgar Hoover Building that divides the eastern and western stretches of the avenue with an intimidating dead space.

The flicker of hope was that FBI Director William H. Webster promised to at least consider piercing that forbidding wall with small shops and to invite some human activity into the forecourt of the building.

Webster wrote Sen. Robert T. Stafford (R-Vt.) that he had ordered an assessment of the security problems involved in making a small part of this public building public.

Since that letter was written three weeks ago, "there is no further news," says the FBI press office.

It was a bad idea in the first place to make the headquarters of the nation's secret police the most dominant building on the nation's foremost ceremonial avenue. But J. Edgar Hoover wanted a prominent monument, and in those days—early in the '60s—J. Edgar got what he wanted.

The incongruity of placing a high security institution in the heart of a shopping center should have become apparent when the architects of the Hoover Building tried to make it smile a little. They proposed an arcade along the Pennsylvania Avenue facade.

Mr. Hoover was horrified. He allowed that muggers might hide in those shadows and molest his employees.

So in place of their arcade the architects tried to modulate the Pennsylvania Avenue facade a little. This, however, was frustrated by a then-member of the Fine Arts Commission, Gordon Bunshaft of Skidmore, Owings and Merrill, the architect who designed the Hirshhorn Museum and Sculpture Garden. Wielding a ballpoint pen on the architects' rendering the formidable Bunshaft sketched in that formidable wall.

Times and formidabilities have changed, and Bunshaft's retired boss, Nathaniel A. Owings, is now quoted as saying. "It's always been our belief, intent and desire" that retail shops should exist in front of the FBI building.

What is confusing about that is that Owings was chairman of the President's Advisory Commission on Pennsylvania Avenue, as well as the head of Bunshaft's firm, at the time the final design of the FBI building, blank wall and all, was approved.

But the politics of architecture is as confusing as the architecture of politics.

At any event, it was not Owings, nor the present Pennsylvania Development Corp., but the city's Municipal Planning Office under Ben. W. Gilbert, which in January 1976 officially proposed that retail space be carved out of the FBI colossus. The idea became feasible with the passage of the Public Buildings Cooperative Use Act, which permits the federal government to lease space for shops and other public amentities in its buildings.

The city's proposal for an "FBI Plaza" with shops and kiosks, worked out by urban designer John Fondersmith, argues that if the dead space between Ninth and 10th Streets is bad now, it will be even more disastrous in the future.

It will break a flow of activity generated by new offices and retail complexes west of the FBI building, and shops, exhibits and housing east of it. New development along Pennsylvania Avenue is no longer a pipe dream. It is underway.

Fondersmith showed in some detail how the 11 bays of the building fronting Pennsylvania Avenue could be opened up by simply removing the concrete panels. Three bays would remain open as a gate into the FBI building's forecourt, and the remainder would house shops measuring about 30 by 30 feet, offering books, souvenirs, refreshments, films and other items of interest to tourists, including those who visit the FBI displays on crime fighting and espionage.

The MPO's study was submitted to the FBI, but Webster's predecessor, Clarence M. Kelly, rejected the idea on the ground that foreign spies might infiltrate the ranks of shopkeepers and customers.

The bars and "adult" bookstores and peep shows that surround the J. Edgar Hoover Building now are presumably so sleazy that no self-respecting foreign agent would go near them.

Left to its own devices, the FBI will probably take its own sweet time to "assess the security problems," that is, figure out how to keep its restricted areas restricted. Once the Bureau has decided where to post its guards and place its locks, it will consult with the General Services Administration's Public Building Service, which is actually in charge of the building. GSA estimates that some 40,000 square feet of commercial space can and should be made available.

GSA also estimates that at the speed at which this matter is moving, it will be at least five years before an appropriations request for the necessary alterations of the Hoover Building could pass Congress.

The rest of Pennsylvania Avenue, however, is coming along at such a splendid pace that it is time for the attorney general and perhaps even the president to nudge the FBI out of its paranoia.

A few more shops in downtown Washington may not be of earth-shaking importance. But speedy action on the MPO proposal would be a symbol that the FBI is in earnest about a less arrogant and more human face.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C. April 30, 1979.

LETTER TO THE EDITOR,
The Washington Post,
Washington, D.C.

DEAR SIR: When I read Mr. Wolf Von Eckardt's April 28th article "Scaling The Wall," followed the next day by your editorial "Cop 'n Shop," I had to wonder why someone had suddenly pushed the panic button.

It was as recent as February 16th that representatives of the Pennsylvania Avenue Development Corporation first called on me to discuss the FBI's role in the long-term redevelopment project. Interest was expressed in converting approximately 8,000 square feet of our building along Pennsylvania Avenue into store fronts. Reasons given were largely esthetic rather than based on any specific need for commercial activity. It was suggested that store fronts would help break the unrelieved mass of concrete thereby creating an atmosphere attractive to visitors and future residents of the area.

I explained to those in attendance that the FBI wanted and expected to be a good neighbor and to participate as much as possible in a well coordinated development program. I explained further that there were serious space and security problems which would need to be carefully explored. All of those in attendance, including then GSA Administrator Jay Solomon, accepted and agreed with my position. Apparently my position needs to be explained publicly in more detail.

Contrary to Mr. Von Eckardt's article, the space behind the blank panels is not "dead space." All of it is in use for offices and classrooms and all of it must be replaced. To do this, as Mr. Solomon recognized, would require construction of additional closed spaces on the second floor of our building in an area now used as an open promenade. GSA must be willing to provide the additional space.

The second consideration and by far the most important one, is security. I am not at all concerned about the kind of shops which would occupy the space or the clientele since the Pennsylvania Avenue Development Corporation has assured me that the FBI would have final approval on this. Nor am I really concerned about stores making it more easy for unauthorized personnel to reach the interior of the FBI building (although fire code exit requirements could complicate matters). My real concern, and one that ought readily to be recognized, is in protecting the security of our communications and computer systems, FBI Headquarters contains highly classified information, not only about on-going criminal investigations, but about our top priority foreign counterintelligence programs. Taking into account the present state of technology, not to mention what it is likely to be in the near future, these considerations have to be addressed and are of a higher priority than a natural desire to have an attractive and hospitable exterior. If we can have both, but only if we can have both, then I'm ready to get on with the planning.

If we cannot, then I am still willing to consider architectural alternatives which would not encroach upon our space and security needs.

If beauty is in the eye of the beholder then it is easy to understand that someone like Mr. Von Eckhardt, who referred in his article to the FBI as the "nation's secret police," would no doubt feel threatened by a large building with an FBI emblem on it. That feeling of hostility is not universally shared. At least 500,000 visitors per year visit our building and take our tour. I have encouraged public use and enjoyment of our lovely interior courtyard, with its fountain, staircase and promenade. We have added benches and planters. Last year we held five public concerts in the courtyard and this year twelve have been planned.

Our feasibility study is well underway. Time is not "a wasting."

Sincerely,

WILLIAM H. WEBSTER,
Director.●

REFUGEE SUCCESS STORY

● Mr. KENNEDY. Mr. President, there has been much written in recent days about the rapid progress refugees from Indochina have made in normalizing their lives in our land. But few refugee success stories are more compelling than that of the family of Ba Anh Chu, who now live in Arlington, Va.

Just 4 years ago, on April 27, 1975—3 days before the Saigon government collapsed—the Chu family made a desperate flight from Vietnam, arriving in the United States with a few suitcases of clothes and family mementos.

But last Sunday, at the graduation ceremonies at Catholic University, the four Chu children all graduated together, and with the highest academic honors. The Chus are the first family ever to have four children graduate in the same year from the university with such high honors.

As Provost Joseph Nuesse told the Washington Post, "It's a most extraordinary occurrence. The Chu family is certainly a most extraordinary family."

Mr. President, the story of the Chu family not only continues one of the oldest themes in our Nation's history, but tells us again that refugees coming to our shores never really tax our resources, but enrich our society and culture and contribute to our Nation's strength and well-being.

I would like to share with the Senate the remarkable story of the Chu family and I ask that an article from the Washington Post be printed in the RECORD.

The article follows:

[From the Washington Post, May 13, 1979]

FOUR IN VIET REFUGEE FAMILY EXCEL AT CU

(By Lawrence Feinberg)

At Catholic University yesterday, Tam-Anh Chu, 21, graduated with the highest average in engineering—3.95 out of a possible 4.0 for straight-A grades. He had only one B in four years of undergraduate study.

His brother, Nhi-Anh, 22, also graduated summa cum laude in electrical engineering with a grade-point average of 3.87.

Their younger sister, Tu-Anh, 20, received her degree magna cum laude in biochemistry. Another sister, Nhat-Anh, 23, graduated with a straight-B average in nursing.

The four graduates, smiling and self-assured yesterday, are Vietnamese refugees who left their country in 1975 during the tormented two months before the fall of the Saigon government. They live with their parents, both of whom are former high school principals, in a crowded apartment in South Arlington.

"When we came to this country, we had no money," said their father, Ba-Anh Chu, who now works in the drafting department of the Washington Gas Light Company. "At least our family was together . . . That was very important."

Yesterday, officials said that they believe the Chus are the first family ever to have four children graduate in the same year from Catholic University and that no other large family had ever done so well academically.

"It's a most extraordinary occurrence," said Provost C. Joseph Nuesse, who has been at Catholic University for 34 years. "The Chu family is certainly a most extraordinary family."

But winning honors together is nothing new for the Chus.

In 1974, all four had honor grades in South Vietnam's national baccalaureate exam for high school graduates. Tu-Anh, then only 15, was the youngest student ever to take the examinations. She scored among the top 1 percent. Her brother, Tam-Anh, did even better, receiving the highest mark in the Dalat section of the country.

The next March and early April after a college term in Saigon, all four Chu children left Vietnam for the United States on student visas.

Their parents left on April 27, 1975, just three days before South Vietnam surrendered to Communist forces.

Even though the family had lived well in Dalat, a resort city about 100 miles north of Saigon, they said they came to the United States with only a few suitcases of clothes, books, and family mementos.

The children had student visas to attend Frostburg State College in western Maryland. The four Chus applied to Catholic University when they read in a newspaper article that it was offering scholarships to Vietnamese refugees. Catholic University gave full four-year scholarships to all four of them.

Ba-Anh Chu said his children had attended a French elementary school run by Catholic nuns. When his oldest child, Nhat-Anh, was about to enter seventh grade in a school headed by his wife, he said the family decided that all the children should go together. Nhi-Anh skipped one grade, Tam-Anh skipped two grades, and Tu-Anh skipped three grades.

"They were all ready," he said. "Why shouldn't they go ahead together?"

During their four years at Catholic University the four drove together to the campus almost every day in a series of used cars. Both sons majored in engineering. They will be going together next fall to the Massachusetts Institute of Technology, where both will be working for doctoral degrees and both have teaching fellowships.

Tu-Anh said she majored in biochemistry because she has wanted to be a doctor since seventh grade. Next fall she plans to be a first-year student at The Medical College of Virginia, in Richmond, though how to pay for it, she said, is a major worry.

Nhat-Anh, who majored in nursing, will be going to work as a nurse, probably at Children's Hospital in Washington.

"They're good, very good, said John D. Sherman, an assistant professor of engineering. "They're serious, but they're personable, too, and they get along with their classmates . . . They seem to be fitting into the American way of life very well."

As Nhi-Anh explains it, though, the adjustment didn't come easily and still isn't complete, and the family doesn't want to be absorbed completely by American culture.

Even though the Chus had studied English for six years in Vietnam, Nhi-Anh said they had difficulty with spoken English when they came to the United States.

Also, he said, "We're kind of shy, and we don't go out for things very much." For about a year, he said, few American students spoke with them, and the Chus kept mostly to themselves or socialized with the 35 other Vietnamese enrolled at Catholic University.

"I think that's the typical American attitude," he said, "to play things down and go about your own business."

During the past two years, as they have been in smaller advanced classes, the Chus said they have gotten to know their American classmates better, though their closest friends are still Vietnamese.

"I really enjoyed the nursing school," said Nhat-Anh Chu. "Some of the RNs and the other students have been beautiful to me. They've helped me a lot."

But she added, "Even though we are becoming U.S. citizens, we cannot forget about our own country."

Most of the time, Nhat-Anh said, she wears American clothes, but sometimes she said she went to class in the ao dai, the long, traditional Vietnamese dress.

"We want to keep the best of our country," she said. "We still are Vietnamese."

Nhi-Anh said the most important thing they have kept is their family which lives together in a three-bedroom garden apartment.

"Materially, the people are much better off here than they are in Vietnam," he said. "But our families are more important. That we are living together as a family, we like that very much."

Besides going to university together, the Chu children have a family band, which started playing together in Vietnam. It now performs occasionally at Vietnamese community functions in Northern Virginia.

Three of the Chus—all except Nhat-Anh—have black belts in karate. The two sons play Ping-Pong, and Nhi-Anh blamed the sport for the few Bs he got. "I fooled around with it too much," he said.

Their father, Ba-Anh, said he now earns about $14,600 a year at the gas company. Their mother, who had been a poet in Vietnam as well as a school principal, stays at home. "I want to do that," she said. "I want to help my family."

During the summer, the three oldest children have held several jobs, ranging from work as computer programmers to selling shoes and being an orderly at St. Elizabeths Hospital.

Tu-Anh, the youngest, said she worked a little, but spent most of her summers studying.

In a few weeks Nhat-Anh will start work as a nurse, her father said, mainly to help her brothers and sister get more education.

"Most of the money I earn will go for the others," Nhat-Anh said. "I think they need it."●

FRANCIS TARKENTON

● Mr. DURENBERGER. Mr. President, last week's announcement by Francis Tarkenton that he is retiring from professional football gave me cause to reflect on the contributions he has made to sports fans everywhere.

When Tarkenton joined the Minnesota Vikings in 1961, critics said he was too small to play professional football. According to his detractors, his arm was too weak. But his most grievous sin, said the skeptics, was his unorthodox style. "Quarterbacks in the National Football League pass from the pocket. A quarterback who scrambles away from his protection would not last," they said.

Tarkenton overcame their criticism. Not only did he endure, he became a star and revolutionized the NFL. We forget that the style of quarterbacking fans take for granted today was pioneered by Tarkenton. He was the heretic who scrambled behind the line of scrimmage, avoiding would-be tacklers until he could find an open receiver. Tarkenton was the first to make the short pass to his running backs an integral part of his game.

Eighteen years after the critics said Tarkenton would not last in the NFL, he is headed for the Hall of Fame. In those 18 years he has set records in every major category for quarterbacks. Perhaps his most remarkable achievement has been his 47,003 yards gained passing—26.7 miles. No quarterback in the long history of the NFL has come close to that figure.

Tarkenton has given the game something more than records, however. He has given the NFL style and class and has given the fans 18 years of excitement. During his career, Tarkenton has thrilled football fans in Minnesota and throughout the country.

Francis Tarkenton has given something else to the NFL and professional sports. In victory and defeat he has been gracious, recognizing the skills of his opponents and the support of the fans.

And, with the class that has marked his career, Tarkenton is retiring from his profession while he is on top. He is stepping down after one of his best seasons, leaving his fans and his colleagues with pleasant memories of the best quarterback to play the game.●

PUSH-EXCEL CITIZENSHIP EDUCATION CAMPAIGN

Mr. JEPSEN. Mr. President, today Operation PUSH (People United to Save Humanity), through its spiritual leader and founder, the Reverend Jesse Jackson, introduced a major new education concept for youth citizenship education to be carried out preferably by local schools through course curriculum.

I support Operation PUSH and the Reverend Jackson in their campaign for youth citizen education. It is the duty and responsibility of every elected official to encourage educational pursuits and citizen participation in our democratic form of government and free society. Our Nation is best served when all of its citizens are participating in the political process.

Mr. President, young people today are faced with many challenges and changes. The challenge of change which confronts this Nation must and should be addressed by all, but particularly the youth of America. What we do here in this Chamber, and how we as a Congress respond to the challenges of energy, inflation, employment, housing, and other national concerns will be the legacy and work for future generations to address.

Therefore, Mr. President, I encourage my colleagues of this Senate to support Operation PUSH and Reverend Jackson and the PUSH-EXCEL movement for citizenship education with emphasis being directed to voter registration. I agree with Reverend Jackson, that "upon graduation from high school, every senior should walk across the stage with a diploma in one hand symbolizing knowledge and wisdom, and a voter registration card in the other symbolizing power and responsibility."

Mr. President, I have a press statement issued by the Reverend Jesse L. Jackson, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PUSH-EXCEL MOVEMENT LAUNCHES CITIZENSHIP EDUCATION CAMPAIGN

(By Reverend Jesse L. Jackson)

These public officials and leaders have joined with the PUSH-EXCEL movement to launch a major new educational concept to be carried throughout the country. It is the concept of youth citizenship education. We argue that, upon graduation from high school, every senior should walk across that stage with a diploma in one hand symbolizing knowledge and wisdom, and a voter registration card in the other symbolizing power and responsibility.

We will implement the concept on Thursday, May 17 (the 25th Anniversary of the 1954 Brown-Supreme Court Decision), at the Washington, D.C. Armory, where the approximate 7,000 eligible seniors in Washington, D.C. will hold a rally and everyone will register to vote.

For too long, citizenship education and voter registration have been conducted in the context of politics (mostly partisan, usually focused around an individual politician's campaign for office), rather than in the non-partisan context of education. The result has been a decline in the participation in the democratic political process for most of this century. In 1976, of approximately 150 million eligible voters, only approximately 84 million (or 56%) participated—66 million chose to ignore the process altogether. Of those who chose not to participate, youth (18–24) headed the list. Since vote is voice, we know that those who are voting are being heard, and those who are not speaking are not being heard. PUSH-EXCEL contends that the issue is not so much apathy as it is ignorance and fear of a process that is not understood.

Further, PUSH-EXCEL contends, if we educate and breed the 3.1 million young people graduating from high school each year (12 million every four years) into responsible citizenship, that people with power tend to behave differently than people without power. Thus, citizenship education and voter registration becomes a means of curbing violence and vandalism in and around our schools, and also is a means of preventing our youth from escaping through drugs, alcohol and sexual promiscuity—all of which are power placebos.

We know that you cannot educate in a vacuum or out of context, so Operation PUSH will begin to urge our young people, black, brown and white, to use their vote responsibly to end racial polarization, to fight for jobs and a full employment economy and to urge that our nation create alternative renewable energy resources and technology that will allow for continued economic stability and progress in a safe and healthful environment.

RE-REFERRAL OF S. 588

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 588 (Calendar No. 145) be re-referred to the Commission on Governmental Affairs, with instructions to report back no later than June 4; provided further that that committee's consideration of the bill be limited to title II.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 918 ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, upon the disposition of Calendar Order No. 102, the health care programs of the Veterans' Administration bill, but not prior to 4 o'clock p.m., the Senate proceed to the consideration of Calendar Order No. 132, S. 918, the Small Business Administration bill, provided that there be no nongermane amendments in order to that bill, with the exception of an amendment by Mr. CHURCH, and, of course, amendments germane to the Church amendment would be in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PERCY ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized on tomorrow, Mr. PERCY be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, are there any other orders for the recognition of Senators tomorrow?

The PRESIDING OFFICER. There are none.

Mr. ROBERT C. BYRD. I thank the Chair.

AUTHORITY TO FILE REPORTS UNTIL MIDNIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the committees of the Senate be authorized to file reports and report bills and resolutions until midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO 11:30 A.M. TOMORROW AND FOR CONSIDERATION OF S. 7

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11:30 a.m. tomorrow, and that immediately upon the conclusion of the order recognizing Mr. PERCY, the Senate then proceed to the consideration of S. 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, there will be rollcall votes tomorrow, and in all likelihood the Senate will stay in past the 6:30 p.m. hour. It could be fairly late. There will be rollcall votes on Thursday.

RECESS TO 11:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 11:30 a.m. tomorrow.

The motion was agreed to; and at 7:55 p.m., the Senate recessed until tomorrow, Wednesday, May 16, 1979, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 15, 1979:

NUCLEAR REGULATORY COMMISSION

Victor Gilinsky, of Maryland, to be a member of the Nuclear Regulatory Commission for the term of 5 years expiring June 30, 1984 (reappointment).

POSTAL RATE COMMISSION

A. Lee Fritschler, of the District of Columbia, to be a Commissioner of the Postal Rate Commission for the term expiring October 14, 1982, vice Frank P. Saponaro, term expired.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Major General Harold Frank Hardin, Jr., [redacted], Army of the United States (brigadier general, United States Army).

IN THE MARINE CORPS

The following-named officer under the provisions of title 10, United States Code, section 5202, to be assigned to a position of importance and responsibility designated by the President, in grade as follows:

To be general

Lt. Gen. Kenneth McLennan, [redacted], U.S. Marine Corps.

EXTENSIONS OF REMARKS

RABBI SAMUEL STAHL ON EINSTEIN

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. GONZALEZ. Mr. Speaker, of the many things that were uttered and printed concerning the great Albert Einstein recently on the occasion of the centenary of his birth, the most eloquent and unique was the sermon by a great religious leader of San Antonio, Tex., of Temple Beth-El, one of the most venerable and venerated temples in the Southwest if not the entire United States.

Because of its unique perspective I believe sincerely it will interest every American, whether Jewish or not.

I therefore, Mr. Speaker, offer the text of this address at this point:

THE JUDAISM OF ALBERT EINSTEIN

Recently, during a commercial for a bank, television viewers were told: "You don't have to be an Einstein to understand our free checking account system." The name Einstein, in everyday conversation, is synonymous with genius. His discovery of the Theory of Relativity, while still a patent clerk in Zurich, Switzerland, in the early 1900's, called attention to his towering intellectual prowess. Fascinating to admirers was the mind of Albert Einstein. When he died, doctors removed his brain for a study that still continues almost 24 years later.

This year we mark the 100th anniversary of the birth of Albert Einstein. We remember him not only for his phenomenal intellect, but also for his eccentricities and his absent-mindedness. Once he used a check as a book mark and then lost the check. There was that time that he went on a trip with a bag packed by his wife but never opened the bag. On one occasion, he helped a young girl with her arithmetic problems and she got all the answers wrong.

Many recall him as a kind, warm, fatherly and humble person, saintly but yet disheveled in appearance. So consumed was he by his work that in everyday conversation with him, he would appear removed, pre-occupied and distracted.

Albert Einstein was born, lived, and died a Jew. Yet his Judaism was very complex.

He was born to an assimilated family in Germany. They practiced little formal religion and hardly ever attended synagogue. In their life style, they were more German than Jewish.

Albert Einstein imitated his parents to the extent that he, too, never observed the rites and ceremonies of Judaism. Yet his Jewish identification was much more pronounced. As a Jew, he will be remembered as a fervent Zionist, as a believer in a God-concept fashioned by Spinoza, and as an uncompromising social idealist.

ZIONIST

Until 1919, when Einstein was 40, Einstein was a universalist. He hated all nationalisms and could never support the notion of a Jewish homeland in Palestine. But conditions in post-war Germany converted him into a passionate Zionist. The anti-Semitism of that time and place seared him. Jews were being blamed for the rampant inflation and unemployment in post-war Germany. Einstein was personally attacked as a Jew. Some right-wing newspapers charged that his Theory of Relativity was a foul plot to discredit German science. A few intensely patriotic German scientists wrote articles defaming the relativity theory as "Bolshevism in Physics" and "Jewish Mathematics". More and more Jewish students were being refused admission to the universities of Germany. He became convinced that the Jewish people needed a national home to preserve and build their idealism and to secure a place of refuge.

Two years later, in 1921, Einstein toured the United States at the invitation of Chaim Weizmann, the Russian-born British chemist who had become the acknowledged leader of Zionism. One of his major missions was to raise funds for the proposed Hebrew University on Mt Scopus in Jerusalem. He gave heart-felt support to the Hebrew University. It held out a promise to rekindle Jewish idealism. It also provided an outstanding education to Jewish students from Russia, Poland, Romania, and Germany, who were being rejected by schools of higher learning in their own countries because of their Jewish identity.

His dedication to Zionism deepened over the years. In 1929, Arabs mercilessly killed Jews in a massive blood-bath in Palestine, to protest Jewish colonization there. Soon after, he wrote the plea which was published in American and European newspapers. He reminded readers of these periodicals that Jews paid for every inch of the land of Palestine, that Jews and Arabs could live together harmoniously as neighbors if these blood-thirsty gangsters were rooted out, and that the ideals of Zionism deserved world support.

The Holocaust further intensified his feelings of Zionism. So identified was he with Zionism that, in 1952, when President Chaim Weizmann died, Einstein was invited to become his successor. He declined on the grounds that he had neither the time nor the patience to perform the many ceremonial roles incumbent upon a President of the State of Israel.

Yet, though he never held any position of responsibility in the Zionist movement nor in the government of the State of Israel, his convictions were best expressed in his own words: "Palestine will be a center of culture for all Jews, a refuge for the most grievously oppressed, a field of action for the best among us, a unifying ideal, and a means of attaining inward health for the Jews of the whole world."

BELIEVER IN SPINOZISTIC GOD

Yet, Einstein was more than a secular nationalist Jew. He was not a synagogue goer nor a ceremonial practitioner. However, he had a deep faith in God. Einstein believed in the God of Spinoza. Spinoza was excommunicated by the Jewish leadership of Amsterdam in the 1600's for his heretical views. Yet, liberal Jewish groups hail Spinoza for his theological insights. In fact, the Library of the Hebrew Union College in Cincinnati once contained a Spinoza Room, with many of Spinoza's writings. Spinoza believed that God revealed himself in the harmony of everything that exists. Yet this God, who is responsible for order in the world, is not a personal deity. He is not concerned with the thoughts and actions of individual human beings. Everything in the universe, from the smallest electron to the largest planet, was connected in some logical way by a higher power. Everything had to work according to a well-laid-out plan and there was nothing "chancy" about the universe. Einstein once made the comment: "God is clever, but He is never malicious."

UNCOMPROMISING IDEALIST

Einstein had difficulty drawing a close connection between God and His human creations. However, Einstein was an outspoken and an uncompromising crusader for human rights. He followed the admonition of the Ethics of the Fathers: "In a place where there are no men, strive thou to be a man." He was not one to go along with majority opinion. He usually stood on the unpopular side of issues. He fiercely opposed Germany's desire to put all Europe in flames during World War I. He denounced the madness of Germany's war efforts. A document called "Manifesto to the Civilized World" was circulated among the scientists, philosophers, writers, musicians and artists in various German universities. It said that Germany had to go to war to prevent her own destruction. It affirmed that German militarism and German culture were interwoven. Most of the academicians signed the Manifesto. Einstein read it and laughed. He called it an "Epic in Lunacy."

As obsessed as Einstein was with peace, for a significant period of his life, he ceased being a pacifist. He was convinced that Hitler was such a threat and a menace that he had to be stopped, even by force. Ironically, he, who from earliest childhood hated soldiers, uniforms, and war and killing, assisted in the development of the most destructive weapon ever conceived by human beings, an atomic bomb that could eradicate the lives of thousands of people in less than a second.

However, he understood that if America did not build an atomic bomb, Hitler would gain possession of such a bomb and would inflict even more barbaric destruction on the world.

With his hatred of Hitler in mind, Einstein wrote President Roosevelt to ask for full government support for what became known as "The Manhattan Project" culminating in the construction of America's atom bomb.

Being a lover of peace, Albert was later distressed by the horrors of atomic warfare. He was sickened by the awful explosions over Nagasaki and Hiroshima. He recognized the serious dangers of nuclear build-up. The United States was the first nation to have the atomic bomb. In the future, it had to exercise certain moral restraints with respect to its use.

He foresaw that the American monopoly on the bomb would not last indefinitely. Soon other nations would develop their own nuclear weapons. Wars between nations with nuclear weapons would mean global destruction.

Einstein proposed that no one government should hold the secret to the bomb, but that it should be the possession of a world government association to be founded by the United States, the Soviet Union, and Great Britain—the only three powers with great military strength.

Only when these nations come to agree on the control of the atomic and hydrogen bomb can international peace ever become a reality.

Thus, as a Zionist, as a believer in a naturalist God, and as a pursuer of peace, Einstein distinguished himself as a Jew.

Judaism suited his temperament and his

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

personality. When once asked what impressed him the most about Judaism, he gave the following answer: "Pursuit of knowledge for its own sake, a fanatical love of justice, and a desire for personal independence." Indeed, in his own life, he embodied all three. Amen.●

FOREIGN IMPORTS VERSUS U.S. PRIVATE ENTERPRISE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. CONTE. Mr. Speaker, I would like to call the attention of my colleagues to an address I had the honor to present before the Beloit Corp., which is as follows:

REMARKS BY THE HONORABLE SILVIO O. CONTE

Good morning. It is indeed an honor to be here today to address this distinguished group. Beloit Corporation, characterized by a tradition of quality, service and innovation, is an example of the type of enterprise upon which our strong American economy was built. And Beloit offers the hope for future growth and expansion of our economy as they continue to provide increased employment opportunities, profits and technical knowledge. Sales in 1953 of $25 million has risen today to a level in excess of $250 million. From a single operating plant in Beloit, Wisconsin, in 27 years Beloit has expanded her network worldwide to include manufacturing centers in 14 of the world's key markets. Employment opportunities generated by the corporation have risen from 1200 to 8000. And of crucial importance is the emphasis which Beloit continues to place on research and development. Over $50 million invested in the last 10 years alone helps to assure high performance and competitive products for the pulp and paper industry around the globe.

Yet, in spite of the improvements in both size and productivity, the successes of Beloit are being eroded by a relatively new phenomenon—the dramatically increasing number of foreign imports which have infiltrated U.S. markets. All of us are aware of the benefits of a free trade system—I will be the first to herald free and fair trade. But the current system in which the U.S. operates can hardly be regarded as such. Under the guise of free trade, substantial non-tariff barriers, including subsidies, non-uniform methods of valuation, insurance schemes and the like, continue to be erected, distorting trade practices and inspiring discrimination. I will not say the U.S. has been immune to the protectionist sentiment of the seventies—yet hardly to the degree employed by our other major trading partners.

Such protection places the U.S. producer at a considerable disadvantage with respect to the competitive nature of our goods—both exports and those products consumed in the domestic market. Economists have noted that the most striking development in U.S. international trade has been the emergence in 1977 and the continuation in 1978 and 1979 of an unprecedented trade deficit in the merchandise account—a deficit which has undermined confidence in the dollar and sapped America of her economic vitality. There are remedies to this balance of trade disequilibrium—but short term solutions will no longer suffice. What is required, and now, is a new trading system—one marked by equality of opportunity for all nations. This of course, is the projected aim of the recently completed Multilateral Trade Negotiations. In addition to lowering tariff barriers to trade, for the first time they seek to provide uniform codes for dealing with the current aberrations in the international trade arena. The substantive changes are supposed to yield positive benefits to the American economy, private enterprise and the Beloit Corporation in particular. It is both the foreign trade position of the U.S. and the Multilateral Trade Negotiation agreements which I would like to address myself to today.

The U.S. traditionally has been the most self-sufficient of the industrialized world economies. Prior to the seventies, the U.S. retained a high degree of independence as she dabbled in economic affairs. Yet, this has changed in the seventies. Currently, 10% of the GNP is accounted for by the international trade balance. And although this percentage is small relative to our trading partners, its absolute value dwarfs that of any other nation. In fact, the 1977 export figures were $176 billion while imports were $187 billion. And our increasing dependence on the outside world has occurred at precisely a time when protectionist sentiment has reared its ugly head. Worldwide, nation dealing with increasing levels of unemployment, high inflation and more citizen demands on the government take the easy way out and resort to domestic solutions. Yet, such narrow vision in times of increasing interdependence has already wrought havoc with the international economy and threatens to continue this trend.

The Multilateral Trade Negotiations are being touted as the way in which to stem this rising tide of protectionism. The culmination of five years of intense bargaining among 99 nations, it attempts to provide a new framework for international trade. Dealing for the first time with the non-tariff barriers, the agreements have come out with codes on government procurement, technical standards, import licensing, agriculture, countervailing duties, dumping and customs valuation. The last three are of particular importance to industries such as yours, threatened by the rapid influx of foreign imports.

As you are only too painfully aware, a large percentage of the market for paper making machinery has been eroded by foreign imports. In fact, recent data show that imports have risen from 1.3% of the U.S. market to 18% in 1978. If this was solely a consequence of declining comparative advantage, we might be willing to shoulder the burden of lost markets. But the U.S. market is being captured through the unfair practices of foreign governments who subsidize the production, marketing and credit costs of their paper industry machinery sold abroad. I have written to the President, advising him of the current problems faced by your industry and requested his investigation of this. Yet, a long term solution, universal in scope, is the only real answer. And Mr. Strauss claims that the new code on subsidies and countervailing duties will provide such a solution.

A countervailing duty, as you may know, is a special duty levied (or in your case, not levied) for the purpose of off-setting any bounty or subsidy bestowed upon the manufacture, production or export of merchandise. The signatories of the MTN agree not to use export subsidies if they will in turn threaten material injury to the industry of another signatory. The term injury has been expanded to include not only present injury, but the threat of injury or the retardation of the establishment of such an industry. This more encompassing definition is meant to transform the traditional duties, often characterized as burial assistance, to a form of preventive insurance for U.S. firms. The bulk of the new subsidy code deals with procedures for the handling of countervailing duty complaints. In the past, the difficulties of investigation, the time consuming nature of the process and the long delay before the duties were finally secured had made the countervailing duty an almost useless tool. The new code attempts to hasten the process by offering consultation options to the signatories which entail a reasonable opportunity in which to clarify the situation and provide solutions before the traditional measures are begun. Prior consultation, in effect, is another form of preventive action, exhibiting foresight rather than the usual hindsight in dealing with this important issue. And if this consultation bears no fruit within a thirty day period, the complaint then proceeds to a conciliation committee which has sixty days in which to present findings and to recommend appropriate measures.

With regard to anti-dumping, the code provides for a new definition of dumping. The test will no longer be whether the import is sold at less than fair market value. If products can be proved to be exported at less than comparable prices for like products at home, a finding of dumping would be automatic. If there is an adverse effect on either the *volume* or *prices* of domestic goods, retaliatory measures can be taken against such exporters. The code also provides for a Committee on anti-dumping practices which has a similar framework and purpose as the conciliation committee mentioned above—to facilitate consultation among signatories.

The third area of interest to American industries threatened by imports is the custom valuation code. This code institutes a uniform standard of valuation for all imports. Currently, nine different methods of valuation are used, which in effect means that nine different import values and subsequently nine different duties can be assessed. The new method of appraisal is designed at least to be neutral, fair and uniform. Termed the transaction value, it is the price actually paid or payable for a product. No longer will prices and duties be subject to the whims of those who utilize the code to their advantage . . . instead a uniform system will prevent this discriminatory and distorting action.

Some have already raised the cry that Strauss has negotiated away all of our bargaining chips. Others claim that Mr. Strauss is far too good a negotiator to leave the U.S. without considerable flexibility. Regardless of who is right, I should point out that a trump card still remains in U.S. hands—that trump is the safeguard clause which is unaffected by the MTN. Safeguards are employed even when import competition is gaining the home market purely on the basis of comparative advantage, *if* a home producer is faced with serious market disruption. The basic idea is to hold imports at bay while giving the threatened industry some time to adjust to the new realities. By not bargaining away this escape clause, America is thus assured continued flexibility in dealing with other nations and continued protection for the domestic producer. To sum it up in one sentence, these codes are meant to provide a more equitable global trading system in which all nations and all industries within those nations are afforded similar opportunities for growth and expansion.

Thus, they should not be judged simply on the economic benefits which accrue to the U.S. What is crucial is whether the MTN stems the rising tides of protectionism which continues to distort trade. The U.S. economy, currently plagued by a host of problems cannot prosper in such an environment. America needs to expand her export markets, she needs to reduce inflation, she needs to create greater employment opportunities, she needs to correct her trade deficit and finally she needs to restore confidence in the dollar. Two things are necessary to realize these goals.

One is a freer world economy, the second, a strong private enterprise system. As in the past, we need the pragmatic, efficient, yet innovative spirit of private enterprise. Government and business must join hands in an effort to restore the economy to its position of strength.

We need the help of Corporations such as the Beloit group to once again assure a healthy America. The corporations have been crying for a fair shake—an equal opportunity for expansion and growth. The Administration claims that the trade negotiation agreements will provide you with such and simultaneously the chance for U.S. economic recovery.

I have summarized for you this morning the arguments I have been presented in favor of the New Trade Agreements. What I would like you to do now, and later as things continue to develop, is to give me your reactions and views to this.

Although I may have sounded like it at times, I am not now a proponent of the MTN. I have serious misgivings. I am a proponent of free trade, but only if it is shown to be truly "fair trade". I want United States manufacturers to be on an equal footing. If that means adopting protectionists measures to counteract those of our so-called trading partners, then I'll be a protectionist. In this instance, the burden of proof is clearly on the administration.

On another note, I know that you are interested in product liability. The Department of Commerce working within the Department of Justice has come up with a Draft Uniform Product Liability Law. The text appears in the January 12th issue of the Federal Register.

The Department of Commerce hopes that states will adopt the provisions on their own. If not, the Congress could impose the basic standards on the states by statute.

I have here copies of a summary of the Uniform law. I would appreciate it if you could look this over in the next week or so and let me know what you think of it. I would also appreciate your letting me know whether we should leave this up to the states or try to pass a federal law imposing this on the states. With regard to imposing the standards by Federal law, I should warn you that such a bill would probably invite some dangerous amendments (i.e. federalization of workmen's compensation). So keep that in mind in deciding whether to pursue this at the federal, as opposed to the state level.

I hope that this has been a profitable morning for you and I look forward to the feedback I anticipate that this talk has generated. Thank you.●

BLACK-HISPANIC DEMOCRATIC COALITION

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. LELAND. Mr. Speaker, I want to take this opportunity to share with my colleagues the details of an historic and unusual meeting which occurred in Houston, Tex., this past weekend. There, for the first time in history, representatives of the newly formed Black-Hispanic Democratic Coalition held a town-hall meeting. At this meeting, members of these growing minority communities, who have often been divided in the past, were given the chance to talk about their common problems with political and community leaders from around the country. The issues raised ranged from the 1980 census to inflation and unemployment. Additionally, the coalition invited the Subcommittees on Census and Population and on Crime to conduct hearings in Houston. I believe that the insight provided by witnesses from the black and Hispanic communities gave the subcommittees a unique understanding of our problems, and will greatly enhance the future work of Congress.

The coalition, on which I am honored to serve as cochairman, plans increasing activity to promote the well-being and advancement of the black and Hispanic people, we hope to be a productive and effective influence on this Congress.

I would, at this time, like to submit for the Record how I would have voted on the recorded votes which were considered on Monday, May 7 during my participation in these activities in Houston:

Rollcall No. 121, "yea."
Rollcall No. 122, "nay."
Rollcall No. 123, "nay."

UNIVERSAL NATIONAL SERVICE?

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. PAUL. Mr. Speaker recently Nobel Laureate Milton Friedman gave some excellent economic arguments against universal national service in Newsweek.

Although I believe the most important arguments against national service, conscription, and registration are moral and constitutional, as well as military, I would like to bring some of Dr. Friedman's comments to my colleagues attention:

UNIVERSAL NATIONAL SERVICE

(By Milton Friedman)

A by-product of the campaign against a volunteer armed force has been renewed support for universal national service. Congressman Paul McCloskey of California and fourteen co-sponsors recently introduced a bill that would require every young man and woman to serve either for two years in the military forces or for one year in some form of civilian service. Presidential candidate John Connally has long supported a similar system of national service. . . .

It is tempting, at first sight, to escape the obvious inequity and arbitrariness of a system of selective military service by including all young people and assigning them to a wider range of national tasks, such as service in hospitals, schools, slum areas, national parks and so on. That would equalize the burden of compulsory service while at the same time staffing the military.

Universal national service is an idea of long standing. Indeed, the most persuasive case for it that I know is contained in a book published in 1887, "Looking Backward," by Edward Bellamy, which sold in the millions and sparked a widespread national movement. Edward Bellamy clubs sprang up all over the country.

His book sketched a fictional utopia. A Rip van Winkle character goes to sleep in 1887 and wakes up in the year 2000, to find the world changed into a veritable paradise. Looking backward, his new companions explain how this paradise emerged in the 1930s from the hell of the 1880s.

One major element was universal national service. All youngsters were conscripted at age 21 to serve 24 years in the "industrial army." During the first three years, they do the world's dirty work, and are "assignable to any work at the discretion of . . . supervisors." These three years are "a sort of school, and a very strict one, in which men are taught habits of obedience, subordination and devotion to duty." For the next 21 years, the members of the "industrial army" are given a choice of occupations to follow, subject, of course, "to necessary regulation." At age 45, they are discharged from labor, though subject to special calls until age 55, and enjoy an affluent retirement.

It sounds fine. But it so happens that I read Bellamy during the 1930s. What struck me most forcibly about his "industrial army" was its uncanny resemblance to the Hitler Jugend—battalions of happy blue-eyed Aryans marching off with shovels on their shoulders singing "Deutschland über alles."

The comparison is not fanciful. The young who are conscripted for "good" purposes must be given basic training. Who decides what that shall consist of? What ideas shall they be indoctrinated with? What purposes are "good"? Someone has to assign the youngsters to various activities. Someone has to enforce discipline on them. What a power to fall into the wrong hands. What a power for the wrong hands to seek.

A monstrosity: The well-meaning current sponsors of universal national service will recoil at that prospect. They would insist on letting the youngsters choose for themselves how they serve. That is what happens now, via the market system, in which market wages equate supply and demand. But universal national service is meaningless unless it involves equal pay—which also means control and direction of labor. Even Bellamy had no illusions about that. During the first three years of service, he permitted no choice. Thereafter, he proposed to equate supply and demand by varying the number of hours of work required, but even so, "a man able to do duty, and persistently refusing, is sentenced to solitary imprisonment on bread and water until he consents."

No. However appealing at first sight, universal national service is a monstrosity utterly inconsistent with a free society. It should be shunned like the plague it is.●

FRANCES BURTENSHAW: AMERICAN MOTHER OF THE YEAR

HON. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. McKAY. Mr. Speaker, it is my distinct honor today to pay tribute to a fine woman in my district, Mrs. Frances Davis Burtenshaw of Logan, Utah, who recently was selected by the American Mothers Committee as American Mother of the Year.

The award was established 44 years ago to help develop and strengthen the moral and spiritual foundations of the American home and spotlight the role of mothers in the home, the community, the nation and the world.

Mrs. Burtenshaw and her husband, Claude, are both friends of mine, and I can testify to the soundness of the committee's decision.

Mrs. Burtenshaw is the mother of six

daughters and two sons and the grandmother of 17 youngsters. She is a former missionary and a drama teacher. Her children, and all of her friends, know her as one of the warmest, most selfless individuals in their experience.

I believe that these are attributes of all mothers, with variations only in degree. These qualities often serve as the glue which holds the modern American family together in spite of strong social pressures which threaten to undercut the integrity of the family unit.

Many of us are concerned about the trend displacement of the family's central role in our society. Several factors are contributing to this trend—factors both within and without the realm of government concern. Whatever the cause, the tragic results of these attacks on the family unit are plainly seen in any number of social indicators, and government often must step in at great cost to clean up the debris.

Mr. Speaker, the real strength of our nation is not measured in terms of GNP or in terms of ICBM's or in troops stationed at home or overseas. The true foundation of our strength is to be found in homes which are blessed with loving parents like Frances Burtenshaw.●

ECONOMIST WALTER W. HELLER COMMENTS ON U.S. POLICIES

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. VENTO. Mr. Speaker, my good friend and constituent, Walter W. Heller, regent's professor of economics, University of Minnesota recently had the occasion to present his comments on the American economy to the Trilateral Commission in Tokyo.

As always, Dr. Heller is eminently worth listening to, because of his ideas and his lucid analyses of complicated economic forces. I want, particularly, to call attention to his remarks on fiscal monetary policy and inflation and wage-price restraints.

I am pleased to include these segments of a wide-ranging economic survey in the CONGRESSIONAL RECORD and to share with my colleagues the wisdom of one of our great minds, Walter W. Heller:

EXCERPTS FROM A PRESENTATION OF DR. WALTER W. HELLER TO THE TRILATERAL COMMISSION IN TOKYO

FISCAL-MONETARY POLICY

Implicit in this forecast of a soft U.S. economy is a judgment that U.S. monetary-fiscal policy is restrictive and will become more so. Let me make that explicit.

As to budget policy, I have already cited some evidence on taxes and government purchases that suggests moderation if not outright restriction. The projected shrinkage in the federal deficit from $49 billion in fiscal 1978 to $33 billion this year and $28 billion next year (on Mr. Carter's no-recession assumption) is further evidence of the move toward more restrictive fiscal policy. (But don't be surprised if the actual deficit in fiscal 1980 weighs in at about $40 billion as the slowdown shrinks revenues and boosts transfer payments.)

An interesting perspective on U.S. deficits is provided by recent OECD figures showing overall government deficits as a percentage of GNP in the seven major OECD countries. For 1977, 1978 and projected 1979, the U.S., to use Mr. Miyoshi's metaphor, won the gold medal with the smallest deficits, averaging less than 1 percent of the GNP. Germany's government deficits, by contrast, averaged 3 percent, and Japan's, 6 percent of the GNP (or, more precisely, GDP).

Looking ahead to 1980, Mr. Carter's budget proposal reflects a coupling of his innate fiscal conservatism with the "Proposition 13 mood" of the country. Let me cite four quick measures of how restrained the Carter budget is:

It calls for only a 7.7 percent rise in spending as against an average of 12.2 percent from 1973 to 1978.

It would bring the ratio of federal spending down to 21 percent of GNP from its high of nearly 23 percent in 1975–76.

The $531 billion of projected spending falls $20 billion short of merely funding current services under current laws.

And in economic terms, the high-employment deficit would shrink from $31 billion in 1978 to $23 billion in 1979 and $8 billion in 1980.

In the U.S., that truly qualifies as fiscal austerity. And the Congressional budget committees, far from upsetting the fiscal applecart, have gone Mr. Carter one better by shaving the Carter deficit by another $5 to $10 billion.

INFLATION AND WAGE-PRICE RESTRAINT

Picking apart the generally dismal double-digit inflation numbers of recent months (I refer to the consumer and producer prices indexes—the GNP deflator has held in about 8½ percent area for the past half year), one can find some rays of hope on two fronts:

From October to March, taking out energy, housing and the farm component of food, the remaining two-thirds of the Consumer Price Index has risen at 6½ percent rate. What's the purpose of this calculation? After the next couple of months—when the inflation readings are bound to be bad—the farm, housing and later the energy components of inflation should taper off significantly.

The average hourly earnings index, which was up 8.4% from February to October last year, has held to an 8.3% rise from October to March—no acceleration of underlying wage-price is reflected here.

On the qualitative side, one can see a number of inflationary forces that should be less virulent as the year goes on:

The worst of any food price rise, barring drouth or deluge, lies behind us.

The stabilizing of the dollar will reduce the import-price push.

The peaking of interest rates will remove another cost-push force, especially from housing and business costs.

Oil price impacts will be less pronounced later in 1979. Granted, the 20% to 25% rise in OPEC prices this year will add from $10 to $12 billion to the U.S. fuel bill. But perhaps three-quarters of this cost in price upthrust will be behind us by late summer. It is true that Mr. Carter's decontrol program will raise the average price of domestic oil from $10.44 per barrel in December 1978 to $15.60 in December 1980. But the price impact in 1979 will be modest, and the overall effect of full decontrol (after October 1981) on the price level is estimated variously at 0.5 to 0.8%.

Are mandatory controls on the way in 1979 or 1980? The U.S. public wants them, demonstrating that it had failed to learn its lesson on mandatory wage-price controls (perhaps because we economists have failed to get the lesson across). Well over 50% say "yes" on public opinion polls asking whether ceilings should be put on prices and wages. But several factors militate against them:

(1) to a man, the Carter policy-makers abhor the straitjacket of such controls—the loss of economic freedom, the chicanery and cheating they invite, the warping of resource allocation they generate, and so on. Alfred Kahn, as usual, puts it most graphically: "Direct controls are a stinking mess."

(2) leading members of Congress that would have to legislate controls authority—like Congressman Reuss and Senator Proxmire—have voiced sharp opposition.

(3) the business community, which tacitly and often vocally supported controls in 1971, is almost solidly opposed today.

In brief, I count the odds at roughly three to two against surrendering to direct controls.●

FUSION RESEARCH AT LAWRENCE LIVERMORE LABORATORY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. STARK. Mr. Speaker, I strongly support exploration of fusion energy as an alternative to fission energy. The following article on fusion research appeared in the May 15, 1979, New York Times and outlines the important role of the Lawrence Livermore Laboratory in Livermore, Calif. I commend this article to my colleagues:

FUSION: THE ANSWER TO FISSION?

(By Walter Sullivan)

Never before has the derivation of energy through the splitting of atoms been in greater disrepute. The accident at the Three Mile Island nuclear power plant in Pennsylvania has been followed by reports suggesting that even low-level radiation from such plants can be hazardous.

Might the answer be fusion—deriving nuclear energy by combining small atoms instead of splitting big ones, It should produce far less hazardous waste and, it is hoped, ultimately burn fuel that is virtually unlimited.

Sufficient research progress has been made to embolden the Department of Energy to set a step-by-step timetable leading to construction of the first demonstration fusion reactor to generate power.

However, that high point in the effort to harness the energy of the sun will have to be preceded by a succession of difficult decisions, progressively setting aside all but one of the potential paths toward fusion.

Fission is a contrived process. In a reactor, it generates a wide range of lethal byproducts whose safe handling is a problem. Fusion, on the other hand, is nature's way. It is what makes stars shine, providing the solar energy that has made life possible on earth. A fusion reactor would produce helium, which is not radioactive, although the process would generate radioactivity in the reactor's structural materials. .

In fission, massive atoms such as those of uranium 235 are split. But in a fusion reactor, the nuclei of very small atoms, such as the two heavy forms of hydrogen (deuterium and tritium), would be fused into helium nuclei. In both cases, the resulting atoms weigh slightly less than those entering the reaction and the residual mass is converted into a great deal of energy.

Researchers in a half-dozen countries are trying to harness fusion reactions. Though some have been working on the problem for 30 years, they admit that fusion is for the next generation, not this one.

Tempering their optimism is an awareness of the history of today's atomic reactors. What a generation ago seemed a golden path to cheap, almost unliimted energy has proved to be a costly, rocky road, still far from its goal and beset by difficulties.

Nevertheless, last month John W. Deutch, Assistant Secretary for Energy Technology in the Department of Energy, told a Senate subcommittee that "significant commercial development" of fusion should begin in about 2020.

TWO APPROACHES TO PROBLEM

Two routes toward fusion are being pursued. One is magnetic confinement, which, in a "magnetic bottle," seeks to squeeze and heat fuel sufficiently for atomic nuclei to fuse and release energy. The other is "inertial confinement," in which converging high-energy beams crush a pellet of fuel to sufficient temperature and density.

Magnetic confinement, using the so-called Tokamak method, which originated in the Soviet Union, is the most advanced line of attack. Large-scale Tokamak devices are being built in Britain, Japan, the Soviet Union and at Princeton University in the United States.

The Princeton device, known as the Tokamak Fusion Test Reactor, has a projected cost of $240 million. It is to begin operation in 1981 and is expected to be the first fusion device to generate as much energy as is injected into the reaction chamber. It will not, however, "break even" by matching the power needed to run the entire operation.

In a Tokamak, deuterium-tritium gas is heated until the atoms shed their electrons, forming a plasma of electrically charged particles that can be confined magnetically.

In the Princton reactor, the temperature and density of the plasma are increased by firing electrically neutral beams into the plasma. The neutral particles can traverse the magnetic fields confining the plasma.

Last summer, the predecessor of the giant machine being built at Princeton—the Princton Large Torus—demonstrated that the high temperatures needed for a power-generating Tokamak could be achieved. In a parallel advance at the Massachusetts Institute of Technology, another Tokamak design substantially increased the combination of plasma density and confinement time.

Two other designs are being funded by the Department of Energy. These are the Doublet III machine being developed by the General Atomic Company in San Diego and the Elmo Bumpy Torus at Oak Ridge National Laboratory in Tennessee.

Scientists are also planning an international device that would go one step farther, exploring the problems of converting fusion energy into electricity. This facility, the International Tokamak Reactor, should achieve "ignition"—a situation in which helium, formed by the fusion of deuterium and tritium, becames hot enough to sustain the reaction without further energy input.

PULSES OF POWER

Officials of the Department of Energy, concerned at the complexity and cost of the Tokamak approach and at the fact that it would generate power in pulses rather than continuously, have decided to support as well a rival approach using "mirror machines," in which heated plasma particles fly between intense magnetic fields that act as mirrors.

A Mirror Fusion Test Facility is being built at the Lawrence Livermore Laboratory, which is operated by the University of California. The facility, to be completed in 1981 at a cost of $94.2 million, will explore the feasibility of two mirror configurations. If one proves practical, it could mean a device smaller, simpler and cheaper than a Tokamak that might be able to generate power continuously.

The first milestone in the Energy Department's timetable, set for 1983, is choosing between the Tokamak and mirror-machine approaches.

The next major decision, slated for 1986, will be a choice between lasers and particle beams as the best way to smash fuel pellets.

At the Livermore Laboratory, another device, the Shiva-Nova laser machine, is expected to cost at least $197 million. The Shiva facility, which is already in operation, converges 20 laser beams on a fuel pellet, crushing its deuterium-tritium droplet to 10,000 times the original density. For a billionth of a second, it delivers more energy to the target than that in all the power lines of the United States.

DOUBLING OF DELIVERED ENERGY

Adding additional beams for the Nova phase of the project will more than double its power, and the device, when completed about 1983, should generate more fusion energy than is delivered to the pellet by the lasers. But because the lasers are inefficient, the power required to operate Nova will far exceed that produced.

Several laboratories—notably the Los Alamos Scientific Laboratory in New Mexico, the KMS Fusion Company in Ann Arbor, Mich., the University of Rochester in New York and the Naval Research Laboratory—are seeking to develop more efficient lasers.

Efforts to do the job with converging beams of electrons are concentrated chiefly at Sandia Laboratories near Albuquerque, N.M., where the first-phase of a giant Electron Beam Fusion Accelerator is to be completed in about a year. The Argonne National Laboratory in Illinois is exploring an approach using beams of heavier atoms.

In each case, when a choice between rival approaches has been made, an Engineering Test Facility will be built to develop the technology. The facility to test the winner in the Tokamak versus mirror-machine competition will cost some $600 million.

By 1995, these facilities should have advanced far enough for the Energy Department to make its choice between magnetic confinement and pellet crushing. Eight years will then be spent building an Engineering Power Reactor at a cost of $1 billion, to begin operation in 2004. A year later, a decision could be made on building a demonstration plant to begin generating power in 2015.

Fusion will not be without its problems, although they are expected to be far less difficult than those of fission energy. Tritium, required for the fuel of systems now under development, does not occur in nature in any abundance. It must be made in the reactor by transforming lithium, which itself is not abundant, although some believe enough can be found on land to last 1,000 years. Tritium, which is radioactive, is also hazardous if released. Ultimately, it is hoped fusion reactors will achieve sufficiently high temperatures to use pure deuterium fuel, available in all sea water.●

GOVERNMENT INTERVENTION AND SUBSIDIES

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. PAUL. Mr. Speaker, this city is inundated by the special interests seeking Government interventions and subsidies. Some are sought in a vain attempt to repair the effects of past Government interventions.

But this is the path to economic ruin.

The elected officials of the city of Angleton, Tex., understand this, unlike most of the Washington politicians. Recently the mayor and city council of Angleton passed an eloquent resolution in response to Trailways Bus Co.'s request for help in obtaining a subsidy from the taxpayers.

The answer to Trailway's problems—as the city council points out—is deregulation, not Federal subsidies.

Because of its clear-headed approach to the questions of regulations and subsidies, I would like to call this excellent resolution to my colleagues' attention, with the hope that they may take its lessons to heart:

RESOLUTION NO. 224, CITY OF ANGLETON, TEX.

Whereas, Trailways Bus Company has requested that the City of Angleton write to the Texas State Department of Transportation in support of Trailways application for inclusion in the State's "Program of Projects", so that Trailways may receive federal funds provided by the Surface Transportation Assistance Act of 1978, and;

Whereas, it has been represented that Trailways needs these funds to continue to provide the bus service presently available to the City of Angleton because they have "suffered from declining load factors and squeezed profits for several years", and;

Whereas, it has been represented further that these conditions have been brought about for many reasons, which include "deregulation of airlines" and "continued tight restrictions by the regulatory agencies on the bus industry, prohibiting free competition in our (bus) industry", and;

Whereas, the City Council of the City of Angleton is of the opinion that the proper solution to these problems would be the deregulation of the bus industry rather than the use of Federal subsidy;

Now, therefore, be it resolved by the City Council of the City of Angleton, Texas: That the deregulation of the bus industry would be and is in the best interests of the citizens of this City and of this country.

Passed and adopted on the 24th day of April, 1979.

CHARLES W. COLE,
Mayor.

Attest:

RUTH HERTEL,
City Secretary.●

HERMANN HOSPITAL

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1979

● Mr. LELAND. Mr. Speaker, I would like to bring to the attention of the Congress that today, May 14, marks the inauguration of the life flight long distance program at Hermann Hospital in Houston, Tex.

August 1, 1976, Hermann Hospital, with the assistance of the University of Texas Medical School, established a 24-hour-a-day emergency helicopter transport system which extends the emergency treatment services of the world renowned Texas Medical Center to the scene of an accident or disaster. The creation of the life flight program resulted from the increasing number of serious accidents and critical illnesses that require the sophisticated services available only at the Texas Medical Center. Also, the increased traffic congestion of the Houston area has made it difficult for ground emergency vehicles to quickly transport emergency patients in critical situations.

Life flight is staffed by registered nurses specializing in emergency care and residents from the University of Texas Department of Surgery. This program has responded to a vital need in emergency treatment and has meant the saving of countless lives by reaching victims in life-threatening situations.

Today's inauguration of the life flight long-distance program now provides emergency services to and from any area in the continental United States, Mexico, Central America, South America, and Canada. Each turboprop jet will be equipped to accommodate three patients with a registered nurse trained in comprehensive emergency treatment. Life flight long-distance jets are an extension of Hermann Hospital's Emergency/Trauma Center with medication and life-supporting equipment.

I highly commend the life flight program and its creators for their foresight and contributions to the delivery of health care in the Houston area. Their continuing efforts are an example for the entire Nation. I hope other health care facilities will institute similar programs in the near future.●

GAS RATIONING

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. BAILEY. Mr. Speaker, it is only reasonable and responsible for this country to have a standby gas rationing program to rely on should a severe gasoline shortage occur.

However, we need a plan that is going to be fair to all citizens, one that is responsive to their needs. In my opinion, President Carter's proposal was neither fair nor responsive but was vague and insensitive toward the needs of rural States.

My own State of Pennsylvania, with the greatest rural population in the country came up a "loser" when the formula for allocating gas was based solely on the State's historic use.

The historic-use variable failed to be flexible enough to recognize that there is a difference in geographic need for gasoline; some persons must drive longer distances to economically survive.

Many persons in rural areas such as parts of my district, the 21st Congressional District of Pennsylvania, must drive many miles just to get to and from their work. Also, they rely on their cars to get to grocery stores and for any emergency transportation. There is no mass transportation for them to fall back on when gasoline becomes scarce.

If the administration's plan was willing to give extra allocations to areas like the District of Columbia and Florida to accommodate tourism, then it is only fair that Pennsylvania and other States with rural populations be given enough gas to accommodate necessity. But the historic-use formula was not fair and was vaguely defined.

Although in theory it seemed logical, in actuality it was inequitable. Having been computed by considering the total amount of gasoline consumed per year by each State, including residential and nonresidential consumption each State's allotment would be based on figures from 1975 until the time the President implemented the rationing plan. But, according to this plan, a Maryland driver would have been given several gallons less per month than a Virginia driver facing precisely the same circumstances, because one State sold more gas than another.

The lack of information concerning the historic-use formula is further illustrated by the plan failing to explain how States that got the least gas, like Pennsylvania, were considered.

In addition to this confusion, there was no time to evaluate the plan properly. During the week, the proposal was altered several times, copies of the final plan were few and difficult to secure, and information from the White House was nearly nonexistent.

Without doubt, we need a rationing plan to weather a severe gas shortage. But we need one that will adequately provide for all sections of the country. To devise such a balanced proposal, I think it is imperative to keep the plan open to input from all concerned Members.●

NEED FOR VA HOSPITALS IN BALTIMORE

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Ms. MIKULSKI. Mr. Speaker, I wish to submit the following statement to supplement the colloquy which took place on the House floor on May 3 between Representatives FLORIO, GIAIMO, ROBERTS, and me. The issue under discussion was the need for the proposed Veterans' Administration hospitals in Baltimore. The following statement further details my views on this issue.

In the metropolitan Baltimore area there are 250.000 veterans. In the State of Maryland 621,000 veterans depend on medical services provided by the VA. It is expected that by 1985 half of the veterans in the State will be over 60 years of age. With these facts in mind, the VA must be able to make changes in their health care systems to best accommodate this generation of veterans who will be requiring increased and different health-related services.

Outpatient services in the Baltimore area are now located at Loch Raven VA Hospital and two other facilities. The Loch Raven Hospital sees 71,000 patients on an outpatient basis annually. Since Loch Raven cannot handle the great influx of patients demanding ambulatory care, it has set up an outpatient facility in downtown Baltimore at the Federal building. This outpatient clinic saw 85,000 patients last year. This means of administering outpatient care, by shifting patients between facilities, has resulted in a lack of continuity of the health care services that these veterans receive. The new VA facility will provide a centralized health care system to these patients who now move among the various outpatient clinics, constantly seeing different doctors.

The Loch Raven Hospital was designed as a tuberculosis hospital. Its facilities are not well suited to the needs of an all around medical hospital. It is obsolescent and its design seriously exacerbated a nursing shortage problem we had last year. With the construction of a new VA hospital, Loch Raven could be converted into an extended care facility. Patients would be moved from one facility to the other, reducing the length of acute hospital stay and thereby reducing costs.

The construction of a new VA Hospital would solve many problems which currently face some of the existing facilities. Safety code violations which often tend to include fire hazards and "dead-end" corridors would be eliminated if the new VA facility would be built. Also of importance to patients will be the hospital's new location. Being downtown, the new facility would be easily accessible to its patients by public transportation—which is not the case with some of the existing facilities. The hospital would also solve one of the major problems facing the VA in Baltimore—it will fulfill the much needed demand for acute psychiatric beds—there will be 60 at the new facility.

Providing adequate high quality health care for the veterans of Baltimore—and of Maryland—is a serious task requiring serious consideration. It is vital that no hasty judgments be made that could jeopardize the quality of that care.●

A TAX CREDIT FOR HIGHER EDUCATION

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. HARRIS. Mr. Speaker, today I am introducing legislation that would allow individuals to claim a tax credit for a portion of the expenses of higher education. Tuition tax credits are a simple, direct, and effective way to help families deal with the skyrocketing costs of college.

The Harris bill covers the broad spectrum of postsecondary education. More than 10 million students at a variety of institutions—public and private; 4-year and 2-year—would benefit from passage of this legislation. Colleges, universities, community and junior colleges, business schools, trade schools, technical institutions, and vocational training centers are all eligible institutions under my bill.

NEED FOR ASSISTANCE

As we all know, middle-income families are finding it increasingly difficult to pay for college expenses. The college entrance examination board reports that between 1970 and 1977 the average tuition and fees for 4-year colleges rose 54 percent at private institutions and 57 percent at public institutions. A survey put out by the board in April 1978 indicated that for the 1978–79 school year the average total costs of attending a private, 4-year college will be $5,110, with tuition and fees alone averaging $2,647.

With medical, food, housing, and energy costs escalating at double-digit inflation rates, it is apparent that increased costs for education are cutting into already tight budgets. The burden of higher costs for college on top of the rising costs of the basic necessities has resulted in a decrease in the rate at which middle-income persons are attending college over the last 10 years. According to a Brookings Institution study:

> Students with family incomes between $15,000 and $25,000 a year face a substantially wider tuition gap relative to their ability to pay than either richer or poorer students.

It is indeed time to grant relief to those who need it.

My bill provides direct assistance in meeting the costs of higher education by allowing a tax credit for a portion of expenses for tuition, fees, books, supplies, and equipment. Specifically, a taxpayer under my bill could claim a tax credit of: 100 percent of expenses not exceeding $200; 75 percent of expenses over $200 but not exceeding $500; and 25 percent of expenses over $500 but not exceeding $1,500.

When expenses for tuition, fees, books, supplies, and equipment equal or exceed $1,500, a tax credit of $675 may be claimed.

The following table indicates the assistance a resident of Virginia attending one of the Commonwealth's public institutions would receive under my bill:

College	Approximate annual expenses[1]	Tax credit	Percent of expenses offset by credit
George Mason University	$868	$517.00	59.6
Mary Washington College	970	542.50	55.9
Northern Virginia Community College	450	387.50	86.1
University of Virginia	884	521.00	58.9
Virginia Polytechnical Institute and State University	657	464.25	70.7
College of William and Mary	1,108	577.00	52.1

[1] For tuition, books, and certain fees.

Although the assistance provided to those attending the least expensive schools is greater in terms of a percentage of the cost of attending college, the assistance to those attending the more expensive schools is greater in dollar amounts.

HIGHER EDUCATION ENROLLMENTS

In the Eighth Congressional District of Virginia we have a large number of students attending schools of higher education.

Almost 40,000 students are enrolled in the Northern Virginia Community College and 8,700 students attend George Mason University. Additionally, many other students, living in my district, attend one of the many fine public and private schools within the Commonwealth or elsewhere in the United States.

Furthermore, a large percentage of high school graduates in the Eighth Congressional District are deciding to continue their education. Last year, 75 percent of seniors who graduated from the Fairfax County public schools decided to attend some form of postsecondary education. In the city of Alexandria, 67 percent elected to continue their educational pursuits, as did 41 percent in Prince William County.

RELIEF NOW

My bill attempts to correct a major deficiency in our tax laws. Presently, the law provides relief only for educational expenses incurred for training required to maintain one's position of employment. No relief is provided for students who are pursuing education or training for their career. Thus, a $50,000-a-year business executive can take a tax deduction for the expenses of a refresher course in management techniques; but a young college student, struggling to make ends meet, cannot take a deduction for an equivalent course. The former is considered to be incurring a "business expense" whereas the latter is merely incurring a "personal expense." I believe it is unfair that those who need the assistance most are ineligible under our present laws. That is why I am introducing the Harris tuition tax credit bill today.●

TOWN HALL MEETING OF BLACK/HISPANIC DEMOCRATIC COALITION

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. LELAND. Mr. Speaker, I would like to share with my colleagues a recent New York Times article which highlights the events of the townhall meeting of the Black/Hispanic Democratic Coalition in Houston, Tex. on May 5, and the participation of my colleague, Congressman Bob Garcia, who conducted a field hearing of the Subcommittee on Census and Population in Houston at the request of the coalition.

I commend this article to my colleagues' attention:

HOUSTON HEARING TOLD OF MEXICAN-AMERICAN FEARS ON 1980 CENSUS

(By John M. Crewdson)

Houston, May 6.—Representatives of a variety of Mexican-American groups are expressing strong fears that next year's nationwide census will again pass many of them by, with a resulting loss of jobs, federally financed programs and, perhaps most important, influence at the polls over the decade to come.

At a day-long hearing of the House Subcommittee on Census and Population held here Friday, Mexican-American spokesmen took issue with much of the Census Bureau's proposed methodology, including its extensive use of mail questionnaires, the difficulty of obtaining Spanish-language forms, an insufficiency of Spanish-speaking enumerators and what was viewed as a lack of effort to counter the historic distrust of government among minorities.

Representative Robert Garcia, a Bronx Democrat who is the subcommittee's chairman, said that Friday's hearing was one of several to be held in areas "where historically there have been massive undercounts" of black and Hispanic residents.

A similar hearing was held in New York on March 30 at which the subcommittee was told of four census takers who were caught filing fictitious reports in a census dry-run in lower Manhattan.

GAP OF 300,000 REPORTED

The Houston area Urban League, which was among the groups that offered testimony, has estimated that Harris County, which includes Houston, was undercounted by more than 300,000 individuals in the 1970 census, with a resulting loss to the region of more than $6 million in Federal revenue sharing funds alone. The 1970 Census set Houston's population at 1.23 million.

"We'll never be able to turn the corner for all Americans unless we have the data to start with," declared Mr. Garcia. He has said that he cannot recall being counted himself in the 1970 census, and he remains unconvinced that the effort next year, which will cost more than $1 billion, will be significantly more comprehensive despite assurances from Census officials that improvements have been made.

By the Census Bureau's own estimates, one of every seven Hispanic-Americans was missed in 1970, as against one of every 14 Blacks and one of every 50 whites.

Many of the approximately five million individuals who were passed over in 1970 have a special stake in the accuracy of the census. The figures gathered next year will be used not only to apportion Federal, state and local voting districts but also to help set guidelines for equal employment opportunity programs and to determine how some $60 billion in Federal funds for job training, educational assistance and general revenue sharing will be dispensed each year.

Moreover, carrying out the provisions of the Federal Voting Rights Act designed to ensure minority political participation through such means as bilingual ballots depends on a precise knowledge of the size of the minority population in a given community.

For its part, the Census Bureau says it is making "special efforts" to count members of minorities next year, among them the inclusion of a place to note Hispanic origin on all of the 160 million forms that will be mailed to 90 percent of the nation's households.

In 1970, only one in five census forms included such a question, and the bureau's subsequent figures on Hispanic-American population were estimates projected from that sample.

Next year, moreover, each of the English-language forms, the only ones to be mailed out, will contain a notice in Spanish advising recipients that they can obtain a Spanish-language census questionnaire in the mail by clipping a coupon and sending it in. No such notice was included on the 1970 form.

SPANISH-SPEAKING ENUMERATORS

Households that receive no census form in the mail or do not return one will be visited by enumerators. The Census Bureau says it is hiring more Spanish-speaking enumerators next year and preparing Spanish-language radio and television announcements encouraging particiaption in the census.

Michael Farrell, a counsel for the census subcommittee, noted that in the past enumerators had been poorly trained and paid and were fearful of canvassing minority neighborhoods. He also said he feared that the public service announcements were likely to be broadcast "at 2 o'clock in the morning."

"We may have a repeat," Mr. Farrell said on Friday, "We may not have any more reliable information about Hispanics following the 1980 census than we did in 1970, and the people most likely to be undercounted are those who most need the money affected by the undercount."

The subcommittee and the witnesses alike cited the "mail-back" technique as a major shortcoming, pointing out that in several preliminary tests conducted around the country fewer than half the homes in poorer neighborhoods had filled out and returned the forms.

A long string of witnesses echoed the same misgivings: that the complexity of the forms, especially a longer version that will go to one household in five, was certain to diminish the response, and that it would simply not reach homes in poorer urban or rural neighborhoods that were not numbered or were lived in by more than one family.

One witness, Jose Garcia, told the subcommittee, "In the Southwest, it is not uncommon for many households to share a single address—you'll find one house in back of the other."

There is also concern among Hispanic-American groups and subcommittee members that many Spanish-speaking families will not go to the trouble to obtain a Spanish-language form.

Even those families that do make that effort may find the form inadequate, said Mr. Farrell. There is space to list only seven family members, and while only 5 percent of all American families are larger than that, the figure for Hispanic-Americans is closer to 12 percent.

HISTORIC FEAR OF GOVERNMENT

There are other examples of what some groups, including the Mexican-American Legal Defense and Education Fund, view as a cultural bias. Although there is a question devoted to whether a dwelling has electricity and indoor plumbing, there is no way to indicate whether they are in working order.

The second major concern voiced at the hearing was the effect upon the census from the historic fear of government among minority residents, a fear that is especially prevalent among the estimated six million to eight million undocumented aliens who are living in this country illegally.

Apart from the assumption that many illegal residents simply do not want to be counted, the Census Bureau's effort to find them may be hampered by the fact that in the summer, when much of the enumeration will take place, many such families are engaged in migratory farm labor and have no fixed address.

Ben T. Reyes, a Texas State Senator who appeared on Friday, told the subcommittee that, in his view, there was some ground for concern among Mexican-Americans about cooperating with the census. In the census pretest in Austin, Mr. Reyes said, 50 to 60 undocumented aliens who had been interviewed by census takers were seized the next day by the Immigration and Naturalization Service.

"It may be a coincidence," Mr. Reyes said, "but we don't feel like it was."

Dr. Mark Ferber, a Census official traveling with the subcommittee, said later that he believed the appearance of the immigration service in Austin on the heels of the Census Bureau had been a coincidence. He said his agency had asked service to stop such sweeps in other areas for "a couple of months" after the census takers had departed.

Dr. Ferber said he was sure there had not been any collaboration between the two agencies, and he noted that the divulging of census information by a bureau employee, even to another Federal agency, was a felony.

The most serious long-term consequence of the undercounting of minorities may well be diminished participation by them in the political process.

Under the Voting Rights Act, any change in voting districts, made since November 1972 must be approved by the Justice Department, and Federal challenges to redistricting over the past two years have resulted in gains in Hispanic representation on city and council governmental bodies.

BLOCK-BY-BLOCK DATA SOUGHT

But Choco Meza, an official of the Southwest Voter Registration and Education Project, told the subcommittee that unless data on Hispanic population was broken down block by block it would be useless for redistricting smaller cities and towns.

"We have worked in many counties where the entire city is in one enumeration district," Miss Meza said, adding that "In our past experience with reapportionment we have found that even the Department of Justice has had problems with the data provided for some district because there is no block data."

At present, the Census Bureau does not plan to produce such data for cities with populations smaller than 10,000 people.●

NO MAGIC CURE FOR INFLATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. PAUL. Mr. Speaker, Barron's editorials are invariably well-argued and based on free-market principles. The one in the May 7 issue is no exception.

In it, Mr. James Grant rightly criticizes General Motors for an advertising campaign supporting the administration's price and wage guidelines.

Since neither prices nor wages cause inflation—inflation is an increase in the supply of money and credit, which causes a rise in the general price level—GM is wrong to support the guidelines. Guidelines or outright controls cause even more damage than plain inflation, since they repress inflation, where it has an even worse effect than open inflation.

Big business' record of supporting free enterprise, rather than Government interventions that help large corporations, is not an encouraging one.

Barron's is correct in criticizing GM's ad campaign, and especially the inflation and guidelines, which are both wholly owned subsidiaries of the Federal Government.

I would like to call this editorial, and also the excellent suggestion it makes for bureaucrats' life savings, to my colleagues attention:

THE 7-PERCENT SOLUTION: THERE'S NO MAGIC POTION TO CURE INFLATION

(By James Grant)

General Motors, which knows a thing or two about making cars and trucks, lately has begun to manufacture essays for magazines. This is an odd bit of diversification, for the essay is a hand-made product which has never been satisfactorily mass-produced. It is true that the literary market is unregulated and that labor is abundant, if sometimes surly and raffish, but the trade is hard and grudging with money. In any case, General Motors recently published its views on the Administration's voluntary wage and price guidelines. The burden of the essay, which evidently was drafted by press agents, revised by clergymen and polished by lawyers in the single hope of avoiding offense to any member of either side of the First Family, is that the company will play ball. ("Because the President wishes it so. . . .") The piece is headed "How to Slow the Rate of Inflation" and is crowned by the slogan "A voluntary program will work if everyone volunteers."

But it won't. Hardly anyone who bothered to get out of bed in the morning between 1971 and 1974 can doubt that mandatory controls did more harm than good. Yet voluntary controls, insofar as they hold down prices artificially, must in time cause the same shortages and dislocations as the mandatory kind. If everyone volunteers, the effect is the same as if the scheme were compulsory, and guidelines overnight become indistinguishable from controls. Thus only an ineffective voluntary regime can hope to succeed—succeed in not making matters worse—whereas "effective" guidelines, because they so closely resemble mandatory controls, must necessarily work the same mischief.

Everyone, as we say, won't volunteer. The United Rubber Workers Union, which is locked in contract talks with Uniroyal, went to court last Friday to seek a restraining order against the Council on Wage and Price Stability. The union charged the Council with meddling and said that it would have made a deal already except for threats of reprisals from the White House. The Council, for its part, denied it had intervened but added significantly that if the final contract does exceed the allowable standards, "we will do everything we can to protect the public interest." The union's motion was denied. Meanwhile, George Meany, patriarch of the AFL–CIO, has called for an end to the guidelines and a return to full-fledged coercion, so that everyone can suffer together. The U.S. Industrial Council, which represents a free-market constituency of 5,000 corporations, has asked that it be included out.

But big business, by and large, has beaten a path to Washington. In February, some 300 of the nation's largest 500 firms hadn't endorsed the Council guidelines; by contrast, today all but 53 have agreed to comply. In general, the guidelines ask that firms hold their price increases to half a percentage point below the average annual increase in 1976–77, at the pain of public rebuke or the loss of government contracts. If "uncontrollable" costs make that impossible, a company may seek the alternative profits test, which restrains margins this year to the best two of the past three fiscal years. In the case of Girard Co., for example, parent of Girard Trust Bank in Philadelphia, the rules have obliged it to limit its future dividend hikes because it is bumping up against the Council's allowable margins for financial institutions. Sears Roebuck, which has been losing sales for eight months, basked in national publicity while bowing to a 5% cut in its catalogue prices. As for wages, the Council asks that they be held to a rise of 7% annually, which, inflation rips along for the rest of the year at the same rate as in the first three months, implies a loss of real income of 6% in 1979.

That fact alone would explain the lack of union volunteers and the ominous growth of labor unrest. With each month through March, the number of strikes this year has increased, from 301 in January to 326 in February to 447 in March—in all, 1,074 as against 751 in the same span in 1978. Like the AFL–CIO, which has filed suit against the Council on the ground that the guidelines are not at all voluntary but are extralegal and compulsory, the United Auto Workers Union rejects out of hand the 7% solution. So do growing numbers of white collar workers who are changing jobs to get the raise that their former company volunteered not to give them.

Plainly, then, if the Council is toothless, its gums are like a vise. A case in point is aluminum, which is an interesting study because it is an industry ostensibly rigged from Pittsburgh. If so, the argument runs, why not do the job from Washington, in the public interest? Thus, the Council has prevailed on Alcoa to trim a four-cent rise in the price of primary ingot by a penny, to 58½ cents a pound. Overseas, meanwhile, the white metal was heading toward 70 cents. Result: a heavy outflow of aluminum scrap to foreign markets, where the return is highest. Funds which might have otherwise gone to expand domestic smelting capacity, now running full-bore, are not available. Naturally, the trouble is more complicated than that: price controls on energy, as well as environmental opposition, have also played hob. But eventually, comments one close observer, "shortages will emerge, breaking the guidelines and driving domestic prices . . . above the levels which [would probably have prevailed in the Council's absence.]"

Guidelines, in fact, exacerbate nearly all the evils that inspired them in the first place. "The great mass of those who put their trust in the traditional order," wrote Thomas Mann of the German inflation of 1919–23, "the innocent and the unworldly, all those who do productive and useful work but don't know how to manipulate money . . . all these are doomed to suffer." Inflation makes cynics; guidelines, in failing, as they must fail, make them more bitter. Inflation stirs jealousies; guidelines, in pillorying an occasional scapegoat, stir them harder. Inflation distorts prices; guidelines, in trying to suppress that distortion, make a bad thing worse. This is the fundamental economic objection to any kind of controls—that prices, which have a lot to say, are throttled as bearers of bad news. "It might be helpful," commented Walter Wriston, chairman of Citicorp, last week, "to remember that prices and wages represent an essential form of economic speech and that money is just another form of information." In a changing economy, prices must change, and some must pierce a federally sanctioned average. But for the Council to make an exception to the rule is to risk the wrath of those not similarly favored. Not to make the exception is to guarantee a shortage, which in turn will set off a chain of other dislocations. The Council's only hope is a timely recession and the dignity of a quiet retreat. Failing that dispensation, pressure will build for the government to "do something." Time and again the Administration has shunned mandatory controls; yet as recently as Sept. 19, 1977, it shunned guidelines, too—"It is our judgment," Stuart Eizenstat, assistant to the President for domestic affairs, said in a letter to Sen. John Tower (R., Texas), "that a program under which the Federal government promulgates formal numerical guidelines such as those of the early 1960s would not be a desirable or effective remedy for inflation."

Off and on now for 4,000 years, so a new historical survey relates (Forty Centuries of Wage and Price Controls, by Robert L. Schuettinger and Eamonn F. Butler, Heritage Foundation, Washington, D.C.), inflation-ridden governments have been rounding up the usual suspects. They have hanged and jailed them for keeping a black market, but the punishments have served no purpose except to gratify the rulers who meted them out. The book is morbid reading, because the same pageant is futilely played out, generation after generation. Now comes the Council, another chapter in the history of an unborn historian, who will amuse himself a hundred years from now to think that economic medicine men reigned in a nation that could create an IBM and split it 4-for-1. If inflation is a lie, then controls are the cover-up. The deceit is that the nation cannot pay its bills but prints the money to finance them. In this ancient process the Council is powerless. For a while, some prices will not be raised, or will rise more slowly than they otherwise would, but monetary forces will out. It is the simple truth that the Federal Reserve Board has been making too much money and that Congress for years has been voting unconscionable deficits, and that this is the cause of inflation.

Last week, on the eve of the Conservative victory in control-bound Britain, the Financial Times printed a light-hearted letter from an Oxford don named Dr. P. J. Cuff. The letter suggested that government ministers should be made to put their assets into bonds, which they would hold throughout their term in office. In a time of runaway interest rates and soaring prices, of course, the bonds would suffer appalling market erosion, which would come out of the ministerial hide. We laughed before we saw in this jest the inspired reform it is. Inflation, to anyone in Washington with a fat income and a house in the District or one of its neighboring boom towns, is like the beat of the rain on a well-shingled roof. What better prod for a reduction in spending than for the guilty parties to see their life's savings go up in smoke? What surer road to the elusive balanced budget.●

CONGRESSMAN FROST FILES ADDITIONAL PERSONAL FINANCIAL INFORMATION

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. FROST. Mr. Speaker, I am today making public a balance sheet and income statement showing assets, liabilities, and net worth for myself and my wife, Valerie. The information contained therein is valid through today, May 15, 1979.

I am releasing the balance sheet and income statement because the standard financial disclosure required under the Ethics in Government Act of 1978 is not as informative as I would like to be with my constituency.

The complete disclosure follows:

BALANCE SHEET: MARTIN AND VALERIE FROST

(AS OF MAY 15, 1979)

ASSETS	
House and lot, 1910 Kessler Parkway, Dallas, Tex	$60,000
House and lot, 8508 Riverside Road, Alexandria, Va.	85,000
Note receivable from Shaw's of San Antonio, Tex.	13,100
Home furnishings and other personal effects	10,000
Savings, Wright Patman Congressional Federal Credit Union	1,000
Checking account	2,000
Automobiles:	
1976 Ford Granada	2,000
1971 AMC Gremlin	700
Total	2,700
Stocks and bonds:	
1 share IBM	300
12 shares Ensearch	300
U.S. Savings Bonds	300
Total	900
Total assets	174,700
LIABILITIES	
Mortgages:	
Trinity Mortgage Co.. of Dallas (Dallas residence)	34,200
National Homes Acceptance Corp. (Alexandria residence)	74,600
Installment loans:	
First National Bank of Dallas	$13,800
Patman Federal Credit Union	5,800
DCASR Dallas Federal Credit Union (Automobile)	500
Open Charge Accounts (balances)	1,100
Total liabilities	130,000
NET WORTH	
Total assets	174,700
Total liabilities	130,000
Total net worth	44,700
1979 INCOME STATEMENT	
Congressional salary	57,500
Rental from Dallas residence	4,800
Interest from note receivable	800
Honorariums to date	150
Interest and dividends	100
Total income	63,350

●

FORD BLASTS BUSINESSMEN

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. VENTO. Mr. Speaker, as is widely known, Henry Ford II chairman of the Ford Motor Co., is relinquishing his position of leadership in this giant enterprise.

Mr. Ford, in a reflective frame of mind, recently reviewed for a management conference at the University of Chicago some of what he believes are the shortcomings of capitalism and of businessmen.

What he has to say is constructive and deserves widespread attention. I am pleased to include in the CONGRESSIONAL RECORD at this point an article from the Chicago Sun-Times which was reprinted in the St. Paul Dispatch, April 27, 1979:

FORD BLASTS BUSINESSMEN

CHICAGO.—"The great majority of capitalism's problems today reflect the failure of businessmen to take politics and new social movements as seriously as they should have," according to Henry Ford II.

Speaking at a University of Chicago Business School management conference here Thursday, Ford added:

"Often, businessmen have refused to respond to what's valid in the critics' case. With the benefit of hindsight, businessmen should have tried to respond sooner and more positively to broad social demands for pollution controls—which is one area where market forces aren't sufficient and where some government regulation clearly is necessary."

Ford said his own industry should have responded sooner to the growing demand for smaller, more fuel-efficient cars.

"But, though we did introduce the subcompact Falcon in the early 1960s, we didn't really make an all-out effort in the subcompact field until the 1970s," when the Pinto was introduced.

The Ford Motor Co. chairman pointed out that his company actually anticipated the demand for safer cars by offering seat belts as an option as early as 1956.

"Though we advertised the option extensively, we had trouble selling those seat belts," he said. "The public didn't want to spend the extra money on them. And so we stopped trying to push the safety belt. With the benefit of hindsight, it is my personal conviction that that was a mistake.

We owed it both to ourselves and to the public to work harder at marketing safety belts and other safety features.

"Had we done so in the decade following 1956, we might have succeeded ultimately in converting the public to the advantages of safer cars, and at the same time we might have avoided many of the regulations with which we and our customers must presently deal. We also, might have avoided being branded as merchants of unsafe products."

Business representatives must stop using bombast instead of articulate response to anti-business ideologists, said Ford. "Capitalists who were smart enough to make America the richest and most powerful nation the world has ever known" have responded to "these critics' cogent and articulate arguments with inarticulate grunts" on many occasions, he added.

"We have often been reduced to debating these individuals with an arsenal of concepts that has been out of date for decades," Ford said. "The cause of capitalism is the cause of the public interest. Our failure to defend this assertion is certainly a shortcoming that ought to be dealt with.

"Today, one of capitalism's greatest shortcomings is its inability to make a better case for itself—to boast of the high quality of the conditions in its factories, the excellence of its products, the fairness of its pricing, the value of its contribution to social life."

Capitalism has survived for one reason—because it worked, Ford said. "It is not perfect, it is not free from sin, but it has worked. It is clearly something that all businessmen can be proud of. We must learn to convey that pride to the American people."●

ARE PROFITS TOO HIGH?

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. PAUL. Mr. Speaker, are profits too high? As a necessary antidote to some of the publicity about profits, I would like to bring an excellent essay from National Review Bulletin to my colleagues' attention.

Written by M. Stanton Evans, the article demonstrates how necessary profits are, and why they are not too high. In fact, they are too low.

The workers of our Nation, the articulate Mr. Evans points out, need strong profitability more than the managers do.

It is past time that the Government altered its anti-profits tax and inflation policies, for the sake of our whole society.

[From the National Home Review]

AT HOME

(By M. Stanton Evans)

One problem with discussion of economic issues in this country is that so much of it occurs against a backdrop of complete misinformation. Take, for instance, the recent outcry about the rise of corporate profits. Opinion surveys reveal widespread misunderstanding about the size and nature of profits, with substantial majorities in some cases believing profit margins are as high as 30% or 45% of sales. Such notions, which are totally at variance with the facts, obviously aid the efforts of Ralph Nader and others to stir antagonism toward American business.

These misunderstandings, be it said, are encouraged by the kind of media play sometimes accorded data on profits. A couple of representative headlines on recent profits statistics tell us: "Profits Soared at a 44% Rate at End of '78" (Washington Post), and "Surge In Firms' Profits Endangers Wage Curb" (Washington Star). From headlines of this sort, the impression is inevitably conveyed that U.S. corporations are reaping enormous gains at the expense of consumers and/or workers. Nothing could be further from the truth.

Consider that claim of a 44% profit "rate"—which could easily lead the reader to conclude that U.S. firms had profit margins in this range. In fact, the figure referred to is not a profit margin, but a rate of increase, which is something altogether different. Thus, if I had a $1 profit last year and a $2 profit this year, my rate of increase is 100%, but my profit margin (or return on investment) is likely to be microscopic.

It also turns out that the 44% figure blazoned in the headlines is not even an accurate statement of the rate of increase. Profit had slumped in the third quarter of '78, then recovered in the fourth quarter, growing by 9.7%. If this rate of improvement had been maintained throughout the year, then the annual rate of increase would have been 44.8%. But since the rate did not prevail throughout the year, the number is meaningless. The actual rate of increase for all of 1978 was 26.4%.

And remember, all these numbers are simply rates of increase, in terms of before-tax dollar profits. By themselves, they tell us nothing about profit margins in 1978—a figure which is readily available but blithely ignored in the stories. If we take a look at this statistic, we discover the average profit margin for U.S. companies in the fourth quarter of 1978 was exactly 5.5 percent, up from 5.1 percent a year before. In other words, the profit hike that is ballyhooed by the Post as a "44 percent rate" was in fact an increase of 4/10s of 1 percent of sales.

These actual margin figures, moreover, represent a long-term decline in profit levels. A decade ago, manufacturing firms in the United States had an average margin of 6.6 percent—a full percentage point higher than the level prevailing now. A giant like General Motors, supposedly impervious to economic problems, has seen its margin cut almost in half—from 10.3 percent in 1965 to 5.5 percent in 1978. For American business as a whole, profits fell from 6.3 percent of Gross National Product in 1965 to 3.2 percent in 1976.

(Even these facts don't tell the whole story. Approximately one-third of reported profits in the fourth quarter of 1978 were inventory profits—reflecting simply the inflationary difference between the price at which an item was acquired in the past and the price for which it sells today.)

An additional irony in this debate is that the people with the biggest stake in corporate profitability are not the managers, but the workers. It is a little-noted fact of economic life that American workers, to a large and increasing degree, are the owners of American business, and that their future well-being is directly tied to the question of whether business can make a profit. This ownership has been acquired through employee pension funds, which have grown enormously in recent years and which are, for the most part, invested in the stock market.

The phenomenon of worker-ownership has been described by economist Peter Drucker—first in a lengthy article in The Public Interest, then in a book, The Unseen Revolution. Drucker observes that, since the birth of the corporate pension fund idea in 1950, these programs have proliferated in all directions until they have become the dominant factor in the market. As of 1976, he notes, pension funds owned about 35 percent of the common stock of publicly held corporations. By 1985, he estimates, the proportion will rise to between 50 percent and 60 percent. Even as things stand, the larger funds among them own sufficient shares to control the one thousand largest corporations.

Company payments to these funds are taken out of before-tax profits (the kind that have been causing all the recent uproar), and the long-term ability of the economy to sustain the funds depends on profit levels, also. In a sample year and industry (1973, chemicals), Drucker finds, pension funds took 35 percent of pre-tax profits, federal taxes another 32 percent, and state and local taxes another 5 percent. In labor-intensive industries (such as construction), the pension-fund percentage is even higher. In many industries, indeed, "well over half of all total profits will belong to employees' pension funds."

In the long run, of course, the ability of these funds to meet their obligations will depend on cash-flow considerations, which means dividends, and dividends come only from profits and can be robust only if the business in question is thriving. Any way you slice it, American workers have a vested interest in bigger, rather than smaller, business profits.●

HOUSE OF REPRESENTATIVES—*Wednesday, May 16, 1979*

The House met at 10 a.m.

The SPEAKER. The prayer will be offered by our inhouse guest chaplain. Rev. Charles Mallon, St. Matthias Church, Lanham, Md.

Rev. Charles Mallon offered the following prayer:

Praise you servants of the Lord, praise the name of the Lord. Blessed be the name of the Lord both now and forever.—Psalms 113.

Father, we open today's session by giving praise to Your name. This session, as did the thousands of sessions before it, starts with a prayer of recognition to Your power and domain.

We praise You and bless You for Your ever presence in both our personal lives as well as in our public trusts.

We praise Your name and bless it today and every day as we come together in pursuit of Your perfect plan for all mankind.

We ask that when this day is over, that You will speak well of us, that You will praise us and bless us for having been faithful servants in the pursuit of this Your perfect plan.

Anoint each of us then with the likeness of Your Son, that we might give fitting praise and blessing to Your name. Amen.

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BEREUTER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BEREUTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 328, nays 5, answered "present" 1, not voting 100, as follows:

[Roll No. 150]

YEAS—328

Abdnor
Addabbo
Akaka
Albosta
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Aspin
AuCoin
Bafalis
Bailey
Baldus
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boland
Bolling
Boner
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Broomfield
Brown, Ohio
Burlison
Butler
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clay
Cleveland
Clinger
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Daschle
Davis, Mich.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Donnelly
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Flood
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Gore
Gradison
Gramm
Grassley
Green
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lehman
Leland
Lent
Levitas
Loeffler
Long, Md.
Lott
Lowry
Lujan
Luken
McClory
McCloskey
McCormack
McDade
McDonald
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mattox
Mazzoli
Mica
Michel
Mikulski
Mikva
Miller, Ohio
Minish
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Nedzi
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Patten
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Ratchford
Regula
Reuss
Rhodes
Richmond
Ritter
Roberts
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Rudd
Russo
Satterfield
Sawyer
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thompson
Traxler
Treen
Trible
Udall
Ullman
Vander Jagt
Vento
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Winn
Wirth
Wolff
Wolpe
Wright
Wydler
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—5

Bereuter
Goodling
Jacobs
Mitchell, Md.
Schroeder

ANSWERED "PRESENT"—1

McEwen

NOT VOTING—100

Ambro
Anderson, Calif.
Anthony
Applegate
Ashbrook
Ashley
Atkinson
Badham
Barnard
Beilenson
Bethune
Boggs
Bonior
Bonker
Brooks
Brown, Calif.
Broyhill
Buchanan
Burgener
Burton, John
Burton, Phillip
Byron
Chisholm
Clausen
Coelho
Coleman
Conyers
Corman
Coughlin
Danielson
Dannemeyer
Davis, S.C.
Dellums
Diggs
Dixon
Dodd
Dornan
Dougherty
Duncan, Oreg.
Edgar
Edwards, Calif.
Fazio
Florio
Ford, Mich.
Gephardt
Goldwater
Gray
Grisham
Hawkins
Heckler
Hefner
Hubbard
Johnson, Calif.
Lagomarsino
Lee
Lewis
Livingston
Lloyd
Long, La.
Lundine
Lungren
Mathis
Matsui
Mavroules
Miller, Calif.
Mineta
Moorhead, Calif.
Moorhead, Pa.
Neal
Nelson
Nichols
Nolan
Panetta
Pashayan
Patterson
Rangel
Rinaldo
Rodino
Rousselot
Royer
Runnels
Sabo
Santini
Scheuer
Shumway
Spellman
Stark
Thomas
Van Deerlin
Vanik
Volkmer
Walgren
Walker
Waxman
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wyatt
Yatron

□ 1020

Ms. HOLTZMAN, Mr. DAN DANIEL, and Mr. BUTLER changed their vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on May 10, 1979 the President approved and signed a bill of the House of the following title:

H.R. 2283. An act to amend the Council on Wage and Price Stability Act to extend the authority granted by such Act to September 30, 1980, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1097. An act to establish a national tourism policy, a Cabinet level coordinating council and a nonprofit corporation as an implementing agency to carry out the national tourism policy.

PERMISSION FOR SUBCOMMITTEE ON ENERGY RESEARCH AND PRODUCTION OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO MEET TODAY DURING 5-MINUTE RULE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Subcommittee on Energy Research and Production of the Committee on Science and Technology be permitted to meet today during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON OVERSIGHT AND REVIEW OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO MEET TODAY DURING 5-MINUTE RULE

Mr. FARY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Oversight and Review of the Committee on Public Works and Transportation be permitted to meet today during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. RUSSO. Mr. Speaker, on rollcall vote No. 141, I was away on official business and was unable to vote on the resolutions. Had I been present, I would have voted "yea" on rollcall No. 141.

Mr. Speaker, I ask unanimous consent that my statement may appear in the permanent RECORD immediately following that vote.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

☐ 1025

THE FISHER AMENDMENT TO THE FIRST BUDGET RESOLUTION

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the House, in Committee the other day, in adopting the so-called Fisher amendment to the first budget resolution, destroyed whatever semblance of fairness existed in that resolution and, at the same time, threw into a cocked hat the so-called game plan that the managers of the budget had for going into conference with the Senate without a revenue-sharing provision for the States so that that could be used as a bargaining chip in order to persuade the Senate conferees to restore some of the domestic welfare cuts that were included in the budget resolution adopted by the other body.

The Members will recall, Mr. Speaker, that the Fisher amendment while it cut $592 million in defense outlays, at the same time cut some $921 million in income maintenance including social security, $159 million in education, $271 million in health, and $86 million in transportation programs, among others. And, of course, the worst is yet to come, because the conference committee will undoubtedly restore the $592 million defense cut; indeed, it will probably add another $1.5 billion or $2 billion, for good measure. But it is equally likely that the various social welfare cuts made by the Fisher amendment not only will not be restored in conference but will be significantly increased.

That result would not only betray the urgent needs and hopes of the American people, it would demonstrate conclusively that the budget resolution process itself works against the best interests of the American people. In that event I will urge my colleagues to join me in working for the repeal of the legislation which mandates the budget resolution process.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that, in connection with the debate on H.R. 39 yesterday and also today, all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT OF 1979

Mr. UDALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 39) to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arizona (Mr. UDALL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 39, with Mr. SIMON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, May 15, 1979, pending were the Merchant Marine and Fisheries Committee amendment in the nature of a substitute; a substitute amendment therefor offered by the gentleman from Arizona (Mr. UDALL) and an amendment offered by the gentleman from Pennsylvania (Mr. KOSTMAYER) to the Udall substitute.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not wish to delay action on the Kostmayer amendment, but this amendment was proposed originally by the gentleman from Pennsylvania (Mr. KOSTMAYER) and the gentleman from Missouri (Mr. SKELTON) who was unavoidably absent yesterday.

At the conclusion of yesterday's debate, the gentleman from Alaska was accusing our side of this debate of trying to set up special provisions applying only to Alaska and not the rest of the country, and that somehow that is a bad thing to do.

First of all the gentleman cannot be serious in his statement or I would submit he would delete a good many provisions from the bill he supports.

The bill before us which the gentleman supports has these provisions: Section 612(a)—and I quote from page 420 of the Breaux-Dingell bill—"Application only to Alaska—The provisions of this section are enacted in recognition of the unique conditions in Alaska. Nothing in this section shall be construed to expand, diminish, or modify the provisions of the Wilderness Act with respect to lands outside of Alaska." And this section goes on to provide for:

First. Aquaculture. In a way tailored specifically for Alaska, with the help of the gentleman from Alaska;

Second. Commercial fisheries activities, in a way tailored for the State of Alaska, with the help of the gentleman from Alaska;

Third. Public-use cabins. In a way tailored for the State of Alaska, with the considerable input of the gentleman from Alaska; and

Fourth. And other provisions tailored for the State of Alaska, and reflecting the work of the gentleman from Alaska. For example, under provisions of all bills, Alaskans get to continue subsistence hunting in all parks, monuments, and other.

And Alaskans get to continue sport hunting including with guides in most conservation units, even though in virtually no other national parks in the country is hunting of any kind allowed.

But these are not the only sections of the Breaux-Dingell bill (or either of the other two bills) which is "special" for Alaska:

Section 907 of the Breaux-Dingell bill is "Special Access Rights"—and those are special rights for Alaska only, including rights regarding the use of snowmobiles; motorboats; airplanes; and nonmotorized surface transportation—and all of those provisions were put in there (as in the other bills) at the urging and with the strong support of the gentleman from Alaska.

So, there are lots of things before us now that are special deals for Alaska, and they are before us because of the tireless efforts, the effective advocacy of the gentleman from Alaska.

I noticed earlier this week that the gentleman had in the RECORD an amendment to section 910 of the Breaux-Dingell bill. That is a special deal for Alaska, removing the obligation to repay Federal highway aid funds under certain conditions. That is a special-for-Alaska only provision. And it is typical of the kind of provisions which the gentleman from Alaska has supported not only with regard to this bill but with regard to others:

When we passed the Federal Land Policy and Management Act (FLPMA), we repealed the Homestead Act except in Alaska:

When we passed the Strip-Mining Act, we set up one rule for strip mines throughout the country except in Alaska;

And here is a good one: Under the Mineral Leasing Act, the royalties for leasing the oil and gas and other leaseable minerals on Federal lands is divided between the Federal Government and the State government—it is divided 50-50 except for Alaska: and the State of Alaska gets not 50 percent, not 75 percent, but 90 percent of the royalties from Federal oil and gas leases—and that is special for Alaska. I presume that the gentleman from Alaska has no objection to that.

The gentleman from Alaska cannot have it both ways. Either Alaska is unique or it is not. If the gentleman is opposed to special treatment for Alaska, I am prepared to join him in making sure that Alaska is treated just like all the other States—just like Arizona, I may say to the gentleman. Would he like to start with the Mineral Leasing Act?

Mr. Chairman, I want to make clear that the comment in the RECORD on p. 11187 yesterday, in a rather heated exchange with my friend, the gentleman from Alaska, where the reporter has me saying that this is a gun control bill, is contrary to the speech I made earlier in the day on p. 11129, and several dozen other pronouncements I have made in this Chamber on that subject.

Mr. Chairman, I yield to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I thank the gentleman for yielding.

Mr. Chairman, first, I want to thank the gentleman from Pennsylvania for his assistance in offering the amendment that I would have offered yesterday had I been able to be present. However, I was unable to be here during that part of the session.

This amendment is a very simple amendment. It lays to rest the so-called myth that the Udall-Anderson substitute involves restraint on hunting throughout the entire part of the United States. That is not so.

First, I would like to say that my study of the Udall substitute clearly negates this. However, there are those who persist and, as a result, this amendment was offered to lay that to rest for all time.

The amendment clearly states this: that the provisions of this act shall apply only to the State of Alaska, and even if they are right, it will apply only to Alaska and, in my opinion, the proponents of that position are incorrect.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, for my benefit, is the gentleman in the well saying that Alaskans are different from people in Missouri, in the gentleman's district?

Mr. SKELTON. I am saying that there are many people who have been misled.

Mr. YOUNG of Alaska. Wait. I did not ask the gentleman that. Is the gentleman saying that Alaskans are different from those in Missouri, they are not Americans?

□ 1030

Mr. SKELTON. If the gentleman would be kind enough, I will answer the question.

Mr. YOUNG of Alaska. I am not talking about that. I asked the gentleman a specific question.

Mr. SKELTON. I am answering your question. I am saying that there are many people who have been misled into thinking that this bill applies to Missouri, Montana, Pennsylvania, and many other places, when in truth and fact the title, as well as everything that is in it, points to the fact that it applies to Alaska only.

Second, I am also saying that what is being said about this infringing upon all of the hunting rights of Americans, is untrue. I have gone over this bill. It just is not there.

Mr. YOUNG of Alaska. May I ask the gentleman a question? If it is not there, then why is the amendment not necessary?

Mr. UDALL. If the gentleman would yield. I do not think it is necessary.

Mr. YOUNG of Alaska. Why is it being offered?

Mr. UDALL. We wanted to remove a question that was raised by one of the Senators from Alaska, who said this is going to bring gun control to all of the other 49 States. The gentleman's amendment says it does not. I would hope we would clear the air with this amendment.

Mr. YOUNG of Alaska. All I would say is it does not apply in your bill, and the amendment is not necessary.

Mr. UDALL. I agree it is not necessary.

Mr. YOUNG of Alaska. Vote it down.

Mr. HUCKABY. Mr. Chairman, would the gentleman yield?

Mr. UDALL. I yield to the gentleman from Louisiana.

Mr. HUCKABY. It seems to what the gentleman from Missouri is proposing is an extremely dangerous precedent for this House to say, "Here we are with a Federal regulation that can affect only one State in the area of gun control." That is what the gentleman is talking about, and that it does not apply to the other 49 States.

Mr. UDALL. Gun control in Alaska or gun control anywhere else.

Mr. SKELTON. What the gentleman is saying, if I may ask the question, is whether this involves gun control. No. 1, the gentleman may be aware of the fact that I won the Freedom Award last year for being against gun control. I have been and always will be against gun control. This bill has nothing whatsoever to do with gun control. It deals with the issue of hunting in States other than Alaska. That is the issue that has been raised. It is actually a specter. This amendment puts that issue to rest. It is a specter. It is no longer an issue in this matter.

Mr. UDALL. The gentleman is correct.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Each of these bills imposes some limitation on sport hunting in Alaska. The Breaux-Dingell bill closes, I think, about 5.3 percent of the State to sport hunting. The Huckaby bill, I think, closed about 5.7.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. Udall) has expired.

(At the request of Mr. Kostmayer and by unanimous consent, Mr. Udall was allowed to proceed for 1 additional minute.)

Mr. KOSTMAYER. The Udall-Anderson bill closes, I think, about 7.2 percent of the State to sport hunting.

All we are saying is these restrictions imposed on sport hunting in the bill will not be imposed on any of the other 49 States. That is all. It is a simple amendment.

I urge the Members of the House to adopt it by voice vote quickly.

Mr. UDALL. Let me just add one thing: With the acceptance yesterday of the Sebelius amendment to the Breaux-Dingell bill, this whole hunting business really ought to be put to rest, because now under our bill, 91 percent of the State of Alaska is open for sport hunting; and under Breaux-Dingell, as amended yesterday by the Sebelius amendment, it is 92 percent. So this whole flap about sport hunting now gets down to a difference of 1 percent over an area twice the size of Texas. We open up 91 percent and they open up 92 percent. Big deal.

□ 1035

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, that argument of 10 percent amount of gas, amount of oil, all these figures are all, like I say, so much—I will not say it because we are on the record and I will not make the same mistake the gentleman has made. What we are arguing about is the area where the game exists, where we have managed it properly over the years. That is the difference, a small percentage. Let us not kid ourselves.

Mr. UDALL. Mr. Chairman, I hope we can vote on this amendment.

Mr. BREAUX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to draw the Members' attention to exactly what the situation is at this point. The amendment is not that important, but I want to talk about something that I consider to be the height of hypocrisy.

The gentleman from Missouri is very concerned about some of the features in the Udall-Anderson bill. He is so concerned about some of the features which he thinks are totally unacceptable that he is offering an amendment that says, "Those bad features only apply to Alaska. They do not apply to my State. They do not apply to the other 49 States of the Union. They are that bad. I want to make it clear that it does not apply to my State and not to your State if you are not from Alaska."

If he gets the amendment accepted, then he votes for Udall-Anderson. He does not mind putting something on the State of Alaska which is totally unacceptable to the State of Missouri and to the State of Louisiana and to the 49 States of the Union. But, he does not mind saying, "All right, these bad features, Alaska, we are going to stick it to you."

That is exactly what he is saying and doing by this amendment. I do not really think it makes a great deal of difference, but I just think it is very unusual—not improper; it is proper and it is a germane amendment—but to say, "This bill is so bad I do not want it to apply to my State, and if I can get this amendment accepted, it only sticks it to Alaska and I am going to vote for the bill."

If it is unacceptable in Missouri, if it is unacceptable in the other 48 States, then it should be unacceptable to Alaska also.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Arizona.

Mr. UDALL. Let me make one quick point, if I can. Alaska is a special area. Don Young successfully offered something like 80 amendments in committee last year. Most of them dealt with special treatment for Alaska. In the extension of my remarks I will point out that in the Breaux-Dingell bill, which the gentleman from Alaska supports, an entire section, 612(a), is headed, "Application Only to Alaska."

Mr. BREAUX. Let me go ahead on my time. There are a lot of sections in the gentleman's bill and in our bill that apply only to Alaska.

Mr. UDALL. Exactly.

Mr. BREAUX. Those sections I would not mind applying to Louisiana, or the gentleman would not mind applying to Arizona. Those are good features that should apply in a special case, but for him to have the attitude that, "I do not want this bad feature to apply to my State, but it is all right to apply it to Alaska," is a totally different situation.

He is saying, "This feature is so bad that I do not want it to apply to any other State except Alaska."

If we say a feature is good, sure, let it apply to Alaska, and if it is germane let it apply, but if we take the position that it is totally unacceptable but is all right to apply to Alaska, I think is the height of hypocrisy.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I think the gentleman in the well points to something important. If a bill of the kind of the Udall-Anderson bill were to be before us dealing with Arizona, we would not be able to constrain the gentleman from Arizona; we would literally have to physically keep him in his seat because of the outrage he would feel about closing up massive areas of his State to business opportunity; massive areas of his State to mineral exploration; massive areas of his State to transportation, to hunting, and to outdoor recreation, because that is what the proposal of the gentleman from Arizona does.

As to the amendment offered by the gentleman from Missouri, I support it because it is probably an improvement on the other side's bill. What it does is, it states with great perfection that which is most obvious; and that is, that the Udall-Anderson bill does not apply to any State except Alaska, and I think well so, or it would not get three votes in this place.

□ 1040

Mr. BREAUX. If I could just conclude, I totally agree with the observations of the gentleman, but if it is so bad, it should not apply to the gentleman's State. I think in the final vote it should not apply to the State of Alaska.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

I also thank the gentleman very much for making a very good point in what we are doing here today. I would just like to ask the gentleman—and this question might better be asked of the distinguished gentleman from Michigan (Mr. DINGELL), who has been a longtime expert in this House on hunting and the gun question in general—how long will it be, if we apply this to one State, before it can be applied to other States?

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Michigan.

Mr. DINGELL. The answer is, it is clearly a precedent, and the gentleman can bet the same crowd of folks who want to close up hunting, mineral development, oil exploration, and all the other things, will be rushing forward to suggest that it apply to Arizona, to the gentleman's State, or perhaps to Louisiana, Michigan, and God knows where.

Mr. SYMMS. If the gentleman would yield further, there is one other question I want to ask. Where do most of the hunters in Alaska come from—from Alaska, or from the lower 48, or is it about 50 to 50?

Mr. BREAUX. Maybe somebody can enlighten us.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. In the areas in which we speak, from the lower 48.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. BREAUX) has expired.

Mr. GUDGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I spent my life in the courtroom, and throughout most of that experience I have learned to respect the truth of an old adage: If the law is with you, argue the law; if the facts are with you, argue the facts; but if neither the law nor the facts are with you, muddy the water.

What is this act we are talking about? Its title is clear—to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the national park, national wildlife refuge, national forest, and so on.

All that the Skelton amendment does is say that the act does exactly what the title says it does. It relates to the State of Alaska.

Yesterday we spent more than an hour arguing on trivia with a great big smoke screen "muddying the water" concerning technical amendments offered by my friend, the gentleman from Ohio (Mr. SEIBERLING) to his bill, after similar technical amendments had been accepted without the slightest protest by him and his supporters with respect to the Breaux-Dingell bill. I am submitting, Mr. Chairman, that I know the integrity and the character and the brilliance of the gentleman from Alaska. I am well aware of the skill of the gentleman from Louisiana and the gentleman from Michigan, and the hard work of the chairman of the Interior Committee, the gentleman from Arizona (Mr. UDALL), and the chairman of the Subcommittee on Public Lands, the gentleman from Ohio (Mr. SEIBERLING).

We are dealing with serious matters here, but we have wasted a lot of time muddying water. I do think we need to get on down to dealing with the real substance and the differences of these bills, which are significant. I submit that the gentleman from Arizona (Mr. UDALL) has said that the Skelton amendment does nothing except say that this act does what the title says it does—it relates to Alaska. I submit that he should be permitted to accept the Skelton amendment if it clarifies some concern in the mind of the gentleman from Missouri (Mr. SKELTON). However unnecessary it may be, it does not damage the bill. I submit that the amendment should be adopted.

Mr. WILLIAMS of Montana. Mr. Chairman, will the gentleman yield?

Mr. GUDGER. I yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. I thank the gentleman for yielding.

I support the amendment of the gentleman from Missouri (Mr. SKELTON), and I do so because folks at home want met to support that amendment. Let me tell the Members what the supporters of this bill have done with my hunting and fishing friends back in Montana. They have told them that this Alaska bill jeopardizes hunting in Montana. Let me say that again. They have said to my hunting friends in Montana that this bill jeopardizes their right to hunt in Montana. Further, they have said it is a gun control bill. Montanans know that I am a longtime opponent of nonsensical gun control legislation.

I think I have a right—no, obligation— to tell this House that the supporters of this legislation have been guilty of misrepresentation. These telegrams and phone calls which I have received from outraged hunters in Montana are unfortunate. The misinformation which has been spread throughout the Big Sky country has blurred the distinction between these two bills. It is misleading, and it has created unnecessary apprehension. I really believe the supporters of this legislaton owe my people in Montana an apology, not for educating them but rather for propagandizing in a misleading manner.

I thank the gentleman again for yielding.

Mr. GUDGER. I thank the gentleman for his comments.

Mr. Chairman, I yield back the remainder of my time.

□ 1045

Mr. SYMMS. Mr. Chairman, I ask unanimous consent that all 49 States besides Alaska be added to this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

Mr. KOSTMAYER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KOSTMAYER) to the amendment offered by the gentleman from Arizona (Mr. UDALL) as a substitute.

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 19, noes 11.

So the amendment to the amendment offered as a substitute was agreed to.

AMENDMENT OFFERED BY MR. SEIBERLING TO THE AMENDMENT OFFERED BY MR. UDALL AS A SUBSTITUTE

Mr. SEIBERLING. Mr. Chairman, I offer an amendment to the amendment offered as a substitute.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING to the amendment offered by Mr. UDALL as a substitute: Page 57, after line 7, insert:

RIGHTS OF HOLDERS OF UNPERFECTED MINING CLAIMS ON NATIONAL FOREST LANDS IN ALASKA

SEC. 405. (a) DEFINITIONS.—As used in this section—

(1) The term "applicable withdrawal" means the Notice of Proposed Withdrawal under the Federal Land Policy and Management Act of 1976, dated December 5, 1978 (43 Federal Register 57134).

(2) The term "unperfected claim" means a mining claim—

(A) which is on national forest lands in Alaska,

(B) with respect to which a valid mineral discovery, within the meaning of the mining laws of the United States, was not made as of the date of the applicable withdrawal, and

(C) which was, as of such date, properly, located, recorded and maintained.

(3) The term "core claim" means—

(A) a patented mining claim, or

(B) an unpatented mining claim which—

(i) contained a valid mineral discovery within the meaning of the mining laws of the United States as of the date of the applicable withdrawal, and

(ii) was, as of such date, properly located, recorded, and maintained.

(b) Application of Section.—This section applies only to mining claims on public land which—

(1) is included under this Act within a conservation system unit in Alaska, and

(2) was included in the applicable withdrawal and, on the date of such withdrawal, was within the national forest system.

(c) Entitlement.—Any holder of an unperfected mining claim who meets the requirements of this section shall be entitled as provided in this section—

(1) to receive an exploration permit with respect to such claim, and

(2) upon making a valid mineral discovery on such claim within the meaning of the mining laws of the United States, to receive a patent to the minerals only.

(d) Exploration Permits.—(1) Permits authorizing the exploration of an unperfected claim shall be issued by the Secretary under this section upon application under subsection (e) if the Secretary determines that—

(A) an application for such permit has been submitted within 270 days after the date of the enactment of this Act and such application meets the requirements of subsection (e),

(B) the unperfected claim is within a three-quarter mile radius of the exterior boundary of one or more of core claims, and both the unperfected claim and core claim were held by the applicant as of May 1, 1979 (or were acquired by such applicant after such date by inheritance or devise), and

(C) the unperfected claim and core claim which is within the radius referred to in subsection (B) are properly located, recorded, and maintained, to the extent required by law, as of the date of the Secretary's determination under this subsection.

(2)(A) Each exploration permit issued under this section shall terminate on the date 5 years after the date of the enactment of this Act or, where applicable, the date provided under subparagraph (B).

(B) For any permit application with respect to which the Secretary fails to meet the 18-month deadline under subsection (e) for any reason (including delays caused by administrative or judicial proceedings) beyond the control of the applicant, the exploration permit issued under this section shall terminate at the end of the period (after expiration of the 5-years referred to in subparagraph (A)) as is equal to the time during which the Secretary failed to meet such deadline.

(3) Any permit under this section shall include such reasonable conditions and stipulations as may be necessary as provided under regulations promulgated by the Secretary for general application to mining exploration within the national forest system.

(e) Applications for Exploration Permits.—An application under subsection (c) shall contain—

(1) the applicant's name, address, and telephone number;

(2) the name of the claim, the date of location of the claim, the date of recordation of the claim and the serial number assigned to such claim under the Federal Land Policy and Management Act of 1976, and

(3) evidence that the requirements of subparagraphs (B) and (C) of subsection (d)(1) are met.

Upon the Secretary's determination that the requirements of subsection (d) are met with respect to any claim, the Secretary shall issue an exploration permit for such claim not later than 18 months after the date on which he receives the application under this subsection concerning such claim.

(f) Valid Mineral Discovery.—(1) If the holder of an unperfected claim for which an exploration permit was issued under this section notifies the Secretary, before the expiration of such permit, that he has made a valid mineral discovery within the meaning of the mining laws of the United States on such claim, and if the Secretary determines that such claim contains a valid mineral discovery, the holder of such claim shall be entitled to the issuance of a patent only to the minerals in such claim pursuant to the mining laws of the United States, together with a right to use so much of the surface of the land on such claim as may be necessary for mining and milling purposes, subject to such reasonable regulations as the Secretary may prescribe for general application to mining and milling activities within the national forest system.

(2) Any unperfected claim for which an exploration permit under this section was issued shall be conclusively presumed to be abandoned and shall be void upon expiration of such permit unless the owner of such claim has notified the Secretary in writing as provided in paragraph (1).

(g) Leases for Milling Purposes.—(1) The Secretary may issue leases on lands under his jurisdiction (including lands within any conservation system unit) at fair market value for use for miling purposes in connection with the milling of minerals from any claim described in subsection (f)(1).

(2) A lease may be issued under this subsection only if the Secretary determines—

(A) that the issuance of such lease will not cause irreparable harm to a conservation system unit, and

(B) that the use of such leased area for such purposes will cause less environmental harm than the use of any other available location.

(3) A lease under this subsection shall be subject to such reasonable terms and conditions as the Secretary deems necessary.

(4) A lease issued under this subsection hall terminate—

(A) at such time as the mineral deposit is exhausted; or

(B) upon the failure of the lessee to use the leased site for two consecutive years unless such non use is waived annually by the Secretary.

(h) Access to Mining Claims.—The holder of an unperfected claim with respect to which a valid mineral discovery is made under an exploration permit under this title shall be entitled to the same access rights as the holder of a valid mining claim is entitled to under section 802(c). The holder of an unperfected claim with respect to which an exploration permit is in effect under this section shall be entitled to such adequate access, as described in section 802 (c), as may be necessary to carry out exploration under such permit.

(i) Public Notice.—The Secretary shall provide public notice of the requirements of this section not later than 90 days after the date of the enactment of this Act.

(j) Savings Provisions.—(1) Nothing in this section shall affect any valid existing right.

(2) Nothing in this section affects the authorities of the Secretary under any other provision of law to regulate mining activities within conservation system units.

(3) Nothing in this section shall be construed to affect, in any way, any other provision of Federal law outside the State of Alaska.

Page 53, after line 3, insert the following:

"(f) Blossom River Fisheries Protection Zone.—Section 405 shall not apply to any unperfected claim (within the meaning of such section) which is located within one mile of the center line of the Blossom River from its headwaters to its confluence with the Wilson Arm.".

Mr. SEIBERLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. DINGELL. Mr. Chairman, reserving the right to object, I am not sure this is a germane amendment, a technical amendment or a perfecting amendment. I am not certain what it says and I really do not know who supports it.

Yesterday, after considerable explanation, the gentleman from Ohio convinced me we would be prudent in having offered a list of 75 so-called technical amendments. I guess that proves I am a pretty reasonable fellow. But I am troubled about this process of amending this work of passive perfection which has been so zealously guarded and so scantily considered by the House.

Will the gentleman tell me what this amendment does?

Mr. SEIBERLING. Mr. Chairman, the amendment was printed in the Record for May 8 so the gentleman has had some time in which to peruse it if he chose to do so.

Mr. DINGELL. I have been so busy reading the other gentleman's amendments I have not had time to read it. Can the gentleman tell me what it does?

Mr. SEIBERLING. Mr. Chairman, this is an amendment which, in response to certain points which have been raised in hearings on the Alaska lands legislation, addresses certain unique problems regarding unperfected mining claims associated with the establishment of conservation system units in the national forests in Alaska. We have carefully worked out an amendment which we feel is going to benefit numerous holders of mining claims including individual miners as well as the larger companies such as U.S. Borax, Noranda, and Inspiration Copper.

Mr. DINGELL. Mr. Chairman, did I understand the gentleman to say the staff had sat down with them?

Mr. SEIBERLING. Mr. Chairman, we have had discussions with some of these people from the mining industry.

Mr. DINGELL. Mr. Chairman, perhaps I should yield to the staff to support the amendment.

Mr. SEIBERLING. Mr. Chairman, if the gentleman will permit me, I will explain. The staff, as well as the chairman and myself, have had conversations with representatives of the mining industry concerning this amendment. The purpose of this amendment is to permit the holder of unperfected mining claims which are within three-quarters of a mile of perfected mining claims, to have a 5-year grace period to perfect those unperfected claims, even though they are in a national monument or wilderness area in the national forest in Alaska. For the benefit of the gentleman and others who may not have read Chairman UDALL's detailed explanation of this amendment in the CONGRESSIONAL RECORD of May 8, I will offer to have printed in the RECORD at this point a brief explanation of this amendment and the rationale for applying it to the national forests conservation system units in Alaska.

EXPLANATION

FIVE-YEAR GRACE PERIOD

This amendment, concerning unperfected mining claims will provide a 5-year grace period under certain circumstances during which holders of such unperfected mining claims on national forest conservation units in Alaska will have the opportunity to "prove-up" their claims.

Generally, unperfected mining claims are those claims which have been properly located, recorded, and maintained, but on which there have not been made a valid mineral discovery within the meaning of the mining laws of the United States. The effect of our amendment is to give the individual miners and large companies alike, a 5-year period to explore their unperfected claims within a national forest conservation system unit to allow them to attempt to make a valid mineral discovery.

This amendment is equitable in that it will benefit not only the large mining conglomerates but also the individual miner. It is intended to provide a workable means of distinguishing those claim holders who have diligently worked their claims and made valid discoveries within the meaning of the mining laws of the United States from those who have carried out widespread claim-staking on Federal lands as a highly speculative venture with little serious expectation of developing those claims.

THREE-QUARTER MILE RADIUS OF VALID CLAIM

In brief, the amendment will provide that any person who owned a valid claim as of the date of the Forest Service withdrawal (December 5, 1978) and who owned unperfected mining claims within a three-quarter-mile radius of one of his valid claims, will have 5 years during which he may work toward making a valid mineral discovery on such unperfected claims. Of course, his claims would be required to have been duly located, recorded, and maintained under State and Federal laws.

PATENT TO MINERALS ONLY

If the holder makes a valid mineral discovery within the meaning of the mining laws of the United States during the 5-year period, he will be entitled to a patent to the minerals and the right to use so much of the surface as may be needed for mining and milling purposes. Additionally, he will have all rights of reasonable access accorded holders of valid mining claims if he makes a valid discovery.

LEASES FOR MILLING PURPOSES

The Secretary of Agriculture will be authorized to offer to the holder of such claims, leases for milling purposes on other national forest lands—either outside or inside the conservation system units—if it would be more environmentally sound to have the milling facilities located away from the claim itself.

SECRETARIAL DECISION WITHIN 18 MONTHS

We would require the Secretary to notify the public within 90 days after enactment of this act as to what they need to do to take advantage of this 5-year grace period. Once holders who believe their claims qualify have submitted requests for exploration permits, the Secretary must make a decision within 18 months. If the Secretary delays his decisions longer than the 18 months for any reason beyond the control of the claimholder, the claimholder will receive an extension to this 5-year period equal to the amount of time a final decision on his application was delayed. The latter feature is designed to provide in essence a sanction against the Secretary for foot-dragging if such should occur.

If at the end of the 5-year period or appropriate extension, the claimholder has not made a valid mineral discovery, then he is conclusively presumed to have abandoned his unperfected claim.

RATIONALE FOR AMENDMENT APPLYING ONLY TO NATIONAL FOREST LANDS

Congress has traditionally treated the issue of mineral withdrawals in national forest wilderness areas more flexibly than in national parks or wildlife refuges. National parks and wildlife refuges have been almost without exception completely withdrawn from new mineral entry upon the date of the unit's establishment. The secretarial, Presidential, or congressional actions establishing these areas have not normally allowed for new mineral discovery on unperfected mining claims. It has clearly been the intent of Congress to restrict mineral activity in these areas to claims which were valid at the time of establishment of the conservation system unit. Those who had valid existing rights as of the date of the withdrawal are of course fully protectetd in their ownership and exercise of those rights.

Recent passage of the Park Mining Act (Public Law 94-249)—which governs the exercise of valid rights in national park units—and the Federal Land Policy Management Act (Public Law 94-579)—which requires an act of Congress to open presently withdrawn refuges to new mineral entry—reinforce congressional and public desire to limit mining activity in national parks and wildlife refuges only to those who held valid rights at the time of the unit's establishment.

In national forest wilderness areas Congress has been a little bit more flexible. In some areas we have allowed new mineral entry for a set period of time and in other areas we have withdrawn the wilderness area immediately, subject to valid existing rights. The Alaska lands bill which the House passed last year took the latter approach as does the Udall-Anderson bill as it now stands. The amendment would make the Udall-Anderson bill considerably more liberal on this issue.

After a very detailed look at the concerns of the mining industry in Alaska generally and southeast Alaska in particular, the gentleman from Arizona (Mr. UDALL) and I think this is a fair approach. The applicability of the section is limited to national forests, because that is the only area where there is an equitable argument for giving some special consideration to mining claim holders and because we do not want to change the protection traditionally provided to national park and wildlife refuges. Holders of claims in national parks and wildlife refuges are being treated in the same manner as they have been traditionally within the national park or wildlife refuge systems.

Mr. DINGELL. Mr. Chairman, the gentleman would open the national monuments and the national forest to mining?

Mr. SEIBERLING. The Udall-Anderson bill permits all valid existing mineral rights to be preserved. This says if someone has some patented or perfected mining claims in a particular area and they wish to continue to explore around those claims within three-quarters of a mile to prove up some additional unperfected claims, that they may have a 5-year grace period within which to do so.

Mr. DINGELL. Did the original Udall-Anderson bill foreclose this?

Mr. SEIBERLING. This is something that is not in either the Breaux-Dingell bill or the original Udall-Anderson.

Mr. DINGELL. My question just relates to the Udall-Anderson. Did the original Udall-Anderson bill foreclose this?

Mr. SEIBERLING. The action of the President in creating national monuments foreclosed perfecting unperfected mining claims as well as locating new mining claims in the national forests that are in those national monuments.

Mr. DINGELL. Then am I to understand that the gentleman is opening up the national monuments to mining?

Mr. SEIBERLING. The Udall-Anderson bill protects all valid existing claims and this is providing for a capability to explore additional unperfected claims if such claims are within three-quarters of a mile of such valid claims.

Mr. DINGELL. I know, but this amendment does?

Mr. SEIBERLING. This amendment says that in addition to the patented claims and the perfected claims, we will permit the completion of the exploration on the areas surrounding those perfected or patented claims, so that certain additional unperfected claims can be explored and, if valid mineral discoveries are made, developed.

Mr. DINGELL. Does this deal with the transportation question, too?

Mr. SEIBERLING. No, but there will be an amendment clarifying that.

Mr. DINGELL. How does one get to these perfecting claims if he cannot have access and transportation in and out of the area?

Mr. SEIBERLING. Well, I believe section 802(c) of the Udall-Anderson bill provides adequate surface or other access to the extent necessary to permit the development of a valid existing mining claim.

Mr. DINGELL. Through wilderness areas?

Mr. SEIBERLING. Through wilderness, through parks, through any conservation system unit in Alaska.

Mr. DINGELL. Is the gentleman planning to introduce later amendment on this point?

Mr. SEIBERLING. The very identical amendment practically that is in the gentleman's bill.

Mr. DINGELL. Oh, the gentleman is copying our bill?

Mr. SEIBERLING. No; the gentleman has copied ours.

Mr. DINGELL. No, no. I beg the gentleman's pardon. We do not copy anybody's bill.

Mr. SEIBERLING. Well, that is what happened.

Mr. DINGELL. Does this constitute "rape, ruin, and run," by opening monuments to mining?

Mr. SEIBERLING. The statements have been made by the gentleman himself and others supporting the gentleman's bill that the Udall-Anderson bill prohibits access to valid existing claims; so what we are doing is saying well, it does not, and I have just given the gentleman the section which permits that.

Mr. DINGELL. The gentleman is agreeing with me that the gentleman's bill did prohibit access.

Mr. SEIBERLING. No. I just finished saying that it does not.

Mr. DINGELL. Well, why is the gentleman offering this amendment, then?

Mr. SEIBERLING. This amendment does not deal with the access question; but the gentleman asked me about the access question and I said that in due course we would have an amendment or someone will to clarify that point.

Mr. DINGELL. Why is the gentleman offering the amendment, if it is not necessary?

Mr. SEIBERLING. It is not necessary but it is desirable and certainly of benefit to interests with mining claims within conservation system units in the national forests of Alaska.

Mr. DINGELL. Is this like the last amendment, which with great clarity restated the obvious and said that the bill here only applies to Alaska and does not deal with Missouri, Iowa and Michigan?

Mr. SEIBERLING. When a long train of misstatements of fact about the Udall-Anderson bill produces a misconception it is sometimes desirable to restate the obvious.

Mr. DINGELL. Then the gentleman offered the amendment, because of misstatements?

Mr. SEIBERLING. This amendment has nothing to do with that. This is a substantive amendment.

Mr. DINGELL. Then is this amendment unnecessary?

Mr. SEIBERLING. No; it is a desirable amendment from the standpoint of individual miners and other holders of mining claims in the national forests conservation system units in Alaska who would otherwise be precluded from perfecting additional unperfected mining claims in either of the three bills before the House.

The CHAIRMAN. Does the gentleman from Michigan object to the unanimous consent request?

Mr. DINGELL. Mr. Chairman, I just wanted to understand what the amendment did.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio (Mr. SEIBERLING)?

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. SEIBERLING) is recognized for 5 minutes.

Mr. SEIBERLING. Mr. Chairman, while not done in the way that I would prefer to do it, I have pretty well laid out the purpose and effect of this amendment in response to the gentleman from Michigan, and unless anybody has any questions, I will be glad to proceed to a vote on this.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Louisiana.

Mr HUCKABY. Mr. Chairman, the gentleman started out by saying that the staff had conferred with U.S. Borax on these amendments.

Mr. SEIBERLING. Well, I misspoke myself. The staff has not talked to U.S. Borax as to the exact language of this amendment but they have been informed as to the general provisions in the amendment. They have talked to spokesmen for the mining industry.

Mr. HUCKABY. But they have not spoken with the industry itself concerning it, then?

Is it the gentleman's intent through this amendment, or series of amendments, that the gentleman plans to offer regarding the Quartz Hill mine to clearly state that they can build a road to support a mine with 700 employees; that the clean air restrictions for class 1 for a wilderness will be waived so that a mine can be developed?

Mr. SEIBERLING. In response to the gentleman, this amendment does not deal with questions of access or any other question, except giving the opportunity to perfect additional claims in these national forest conservation system units—not just the Borax mine.

The question of surface access is already covered by the Udall-Anderson bill in language that is virtually identical to the Breaux-Dingell bill and the Huckaby bill.

Mr. HUCKABY. In the Udall-Anderson bill, with the classifications where they are, would the gentleman not concede that with this amendment or any other amendments it will be totally impossible for a molybdenum mine to be developed at Quartz Hill, a full scale operating mine with the air emissions that it will have to emit? How can they do that?

Mr. SEIBERLING. Mr. Chairman, if the gentleman will yield me back my time, I will simply say that as far as the surface access to inholdings is concerned, that is already quite clearly provided for in the Udall-Anderson bill to the virtually same extent that it is provided for in the Breaux-Dingell bill and the Huckaby bill.

□ 1055

But since statements have been made that surface access could not be obtained——

Mr. HUCKABY. It has not been able to be obtained.

Mr. SEIBERLING. If the gentleman will allow me to proceed, they have not decided to develop the mine yet. They are still in the exploratory phase.

Mr. HUCKABY. Is it not true they have asked for the right?

Mr. SEIBERLING. Mr. Chairman, I have not yielded to the gentleman. I will yield in a moment if he will permit me to finish my response.

The Udall-Anderson bill provides for all necessary access. It mandates that adequate access for economic and other purposes be given to all valid existing mining claims, in fact to all inholdings of any sort in the national forest as well as in any of the conservation units in Alaska.

However, because statements have been made that surface access could not be obtained, an amendment will be offered by either me or one of the other Members which will provide that surface access will be mandated to the extent it is necessary to develop the claim. Just to make it clear, that is one of the things involved.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I do not yield at the moment.

Mr. Chairman, I would also say in response to the gentleman's point about the Clean Air Act that this is not a class I area. It is a class II area, and under class II areas, the only way they could be prevented from going ahead and developing the mine in that area would be if the State of Alaska decided to make it a class I area. Obviously the State is not about to do that, but if they do, that is their privilege. Neither this bill nor the Clean Air Act prohibits this from being operated.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding.

Under the conditions that the exploration went forward, was there any assurance given to U.S. Borax that they would be treated specially in terms of any legislation or in terms of final management of resources in Alaska?

Mr. SEIBERLING. Mr. Chairman, the Udall-Anderson bill treats all holders of valid existing claims within national forests conservation system units in Alaska the same.

Mr. VENTO. Mr. Chairman, let me ask, was there any provision or were there any assurances that they would be given special consideration, as the gentleman from Louisiana (Mr. HUCKABY) advises or that we ought to circumvent the clean air standards or circumvent the water standards?

In other words, when others went forward and made claims in Alaska, there was never any assurance that we would sidestep it or make special provisions in this legislation for them to operate a mine, nor are we in any way trying to show any bias to them.

We are saying in this legislation, or the gentleman is saying that the wilderness resources should be dictated in terms of what is the best utilization of that resource, and insofar as possible valid existing mining claims, they are all protected in wilderness areas as to any resource we have.

Mr. SEIBERLING. That is right.

Mr. VENTO. They did this when they began the exploration.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. SEIBERLING was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, in fairness, of course, to them, at the time they began this exploration, this was not a national monument.

Mr. VENTO. Mr. Chairman, if the gentleman will yield further, had they made their patented claim at that time?

Mr. SEIBERLING. No, not patented claims, but they have apparently made mineral discoveries on a certain portion of their claims. But here is the problem: they had not completed their explorations and core drilling to determine the extent of this ore deposit or body on some unperfected claims.

So what we are doing in this amendment is to provide that not only they but other owners of valid existing claims can go in a radius of three-quarters of a mile from their existing perfected or patented claims to prove up additional areas and perfect those claims within 5 years. But we are not treating U.S. Borax any differently than anybody else.

Mr. VENTO. Mr. Chairman, if the gentleman will yield, I commend the gentleman for offering his amendment. I think it clears up the issue in the fact that others can prove their claims in these wilderness areas. I commend the gentleman.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, the gentleman's amendment takes care of about 30 percent of the problem of U.S. Borax, but does the amendment preclude the application of regulations that come under the Wilderness Act? Are we just saying, "Yes, they can," and the Wilderness Act comes down with regulations saying, "No, they can't"?

Mr. SEIBERLING. Mr. Chairman, this does not deal with the Wilderness Act in any way, shape or form. It has nothing to do with the Wilderness Act. It has nothing to do with the consideration of the provisions——

Mr. YOUNG of Alaska. Mr. Chairman, for the record I wish to make that clear.

Mr. SEIBERLING. Mr. Chairman, I have the time, and if the gentleman will permit me to respond, I will yield again to him.

The provisions of the President's declaration which created the national monument withdrew it from mineral entry. What this does is to say, to the extent this amendment permits changes in the area within three-quarters of a mile in radius from the valid existing mining claims, they can—subject to the provisions of our amendment—go ahead and continue to prove up additional unperfected, but properly located and maintained, mining claims. That is all it does. It has nothing to do with whether it is a wilderness or not or whether it would function as a wilderness or not.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

Mr. ICHORD. Mr. Chairman, I move to strike the requisite number of words, and I do so for the purpose of making an inquiry of the gentleman from Ohio (Mr. SEIBERLING).

The CHAIRMAN. The gentleman from Missouri (Mr. ICHORD) is recognized for 5 minutes.

☐ 1100

Mr. ICHORD. Mr. Chairman, I want to make sure I understand the amendment offered by the gentleman from Ohio.

It was Presidential action that established this area as a monument area; is that correct?

Mr. SEIBERLING. Correct.

Mr. ICHORD. Of course, the Udall-Anderson bill continues with the area as a monument area. Does the Breaux-Dingell bill or the Huckaby bill treat the area different from a monument area?

Mr. SEIBERLING. The Breaux-Dingell and Huckaby bill chop out about one-half of the Misty Fjords National Monument and half of the Admiralty Island National Monument.

Mr. ICHORD. This is not a monument area in the Breaux-Dingell bill then?

Mr. SEIBERLING. The Borax area is not. But part of the Misty Fjords is.

Mr. ICHORD. Let me ask one of the authors of the Breaux-Dingell bill, the Breaux-Dingell bill does not treat this area as a monument?

Mr. BREAUX. Mr. Chairman, if the gentleman will yield, the gentleman is talking about which area?

Mr. ICHORD. I am concerned about the Borax area that the gentleman from Ohio is discussing. I am concerned about the precedent that the gentleman from Ohio may be setting in opening up monument areas, and I raise the question as to whether the Udall-Anderson bill did not misclassify the area, to begin with. This is my question, because I have some experience, I will state to the gentleman from Ohio, about monument areas that predate the experience of the gentleman from Ohio by many years. I do not think you have any of the U.S. monument areas open to mining. This is the point I am bringing out. I think the Udall-Anderson bill misclassified the area, to begin with.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. The gentleman is absolutely right. Last year's House-passed bill had it in an outside area. It was not in the wilderness. In the Huckaby bill, in the compromise, it was cut off.

And, frankly, here is something I remember. The Borax mine would be in a special management area under the Breaux-Dingell. It is managed like the forest, but it is closed to all further entry.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, the gentleman from Louisiana was trying to rise to point out that this mine in this area is not in a wilderness area in Breaux-Dingell, and so that the mining could go forward. But there is a question——

Mr. ICHORD. It is not a mining area. They have it in a monument area.

Mr. DINGELL. That is right. But the point the gentleman from Ohio is failing to make to the House, which is a very important point, is that in monuments and in wilderness areas mining is almost proscribed by the Clean Air Act, which requires no degradation and, as a result, particulates and other emissions which closely accompany the mining operation are foreclosed not by the Wilderness Act but by the Clean Air Act. And for the gentleman from Ohio to come forward and say that this amendment solves the problem as regards the mine down there of Borax is not true, because the Clean Air Act would probably preclude it or at least would involve Borax in very long and protracted litigation to such a degree that they might find it uneconomical to mine.

Mr. ICHORD. The gentleman is making the point that is more involved than the law governing monument areas.

Mr. DINGELL. That is correct.

Mr. ICHORD. Namely, the Clean Air Act.

Mr. DINGELL. That is correct.

There is also the problem of transportation, which the gentleman from Ohio very neatly finesses, by saying, well, it is probably not necessary if he is going to offer an amendment later on. This all points up to the way the gentleman from Ohio and the gentleman from Arizona has handled their bill. No hearings were held on the bill. Nobody knows what the bill does except they, and they are told with great rapidity and frequency by the staff about what this bill does. It would be very nice if the staff were Members of Congress, had an election certificate, so that we could have their vote and their participation in this debate instead of just having them whisper to the gentleman from Ohio. But the hard fact is that that is not the way it is done. The regular process of the Congress has not been observed by the gentleman from Ohio and the gentleman from Arizona. They have gone through four different drafts. They have given us 75, I think, maybe 90 or 100, perfecting amendments. They now come forward with this amendment. They just finished with an amendment which says that this bill does not apply to any other State, which is perhaps the finest statement of the obvious that I have ever seen in my career here.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. Ichord) has expired.

(At the request of Mr. Huckaby and by unanimous consent, Mr. Ichord was allowed to proceed for 2 additional minutes.)

☐ 1105

Mr. SEIBERLING. Reserving the right to object, Mr. Chairman, the gentleman from Missouri asked me a question and never gave me an opportunity to respond. I do not know why I should agree to this unanimous-consent request unless he is going to at least show the courtesy to me of allowing me to respond to the point that he has raised.

Mr. ICHORD. I will let the gentleman from Ohio argue that with the gentleman from Louisiana, because I did not make the request for the additional 2 minutes. I thought that the gentleman from Ohio (Mr. Seiberling) did have sufficient time to answer the question. The gentleman from Ohio did not answer the question to my satisfaction.

Mr. SEIBERLING. I asked the gentleman if he would yield, and he declined to do so.

Mr. ICHORD. Let me state to the gentleman that if the request of the gentleman from Louisiana is not objected to by the gentleman from Ohio, I will gladly yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana (Mr. Huckaby)?

There was no objection.

Mr. SEIBERLING. If the gentleman would yield, the point that I want to clarify, so that the gentleman would understand exactly what this amendment does, is as follows: In the first place the amendment is not just addressed to the U.S. Borax Co. The reference to that firm was an example that I used as a mining operation that would be benefited by this. All of the relevant areas subject to mineral claims in the affected national monuments and the affected wilderness areas that are in the Breaux-Dingell bill or the Huckaby bill or the Udall bill, if this amendment were adopted in all three bills, would benefit from this, because they would then be able to perfect numerous claims beyond their presently perfected or patented claims.

Now, as a matter of fact, in last year's House-passed bill, the same area that is in the Udall-Anderson bill as a wilderness within the national monument, including the area that the U.S. Borax is in, was withdrawn from mineral entry, so they would have been prevented by that bill from perfecting additional claims without this kind of an amendment.

As to the clean air question, I responded previously to the gentleman from Michigan, so it is not necessary to reiterate.

I thank the gentleman for yielding.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. If I have time left, I will be glad to yield to the gentleman from Louisiana (Mr. Huckaby).

Mr. HUCKABY. What it really amounts to, in last year's House-passed bill, the southern half of Misty Fjords was not a wilderness. The environmentalists found out that U.S. Borax wanted to actually develop a large commercial mine there, so this year this area has wilderness characteristics all of a sudden, so it should be a wilderness to preclude any development up there. And that is the bottom line of what is happening.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield further?

Mr. ICHORD. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Last year, originally in the subcommittee bill, the Misty Fjords area was designated a wilderness; because the Tongass land use management plan had not yet been completed and the gentleman from Washington (Mr. Meeds) made a big point of that, there was some uncertainty as to how much available timber was needed to protect the existing level of jobs in the timber products industry up there.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. Ichord) has expired.

(At the request of Mr. Seiberling and by unanimous consent, Mr. Ichord was allowed to proceed for 1 additional minute.)

Mr. SEIBERLING. Therefore we dropped the wilderness designation, but still withdrew the entire Misty Fjords area from mineral entry. In the full committee, we made that change to guarantee that there would be a margin of timber. It was withdrawn from any further mineral entry.

Since that time we have received the completed Tongass land use management plan. It does say there will be sufficient timber remaining under the provisions of the plan, which the Udall-Anderson bill incorporates, and therefore it is again given the wilderness designation in the bill this year. That is the explanation.

I thank the gentleman.

Mr. SYMMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think one thing we need to put in perspective here for the members of this Committee is that only 6 percent of the lands in Alaska are in the national forest system. So it does not apply to the rest of Alaska. That is the first thing.

The second thing I referred to would be to ask the Members to take a look at these charts, at some time during the day, that are in the well of the House, to show the dependence that the United States has on foreign sources for nonfuel minerals, as compared to our adversaries, the Soviets.

I think it is a rather explanatory example just to look at the charts. They speak for themselves. Where we are reliant very heavily on many of the very critical nonfuel minerals, the Soviets are not at all.

Now, to get back into the specifics of the amendment, this is another typical amendment that people somehow think if they get this amendment on the so-called Udall-Anderson bill, that then they are not hurting the future security of this country because they are going to allow a some small amount of exploration minerals in the national forest system.

☐ 1110

But, how far do they go? They go three-quarters of a mile from the staking of existing claims. Valid existing rights in a State like Alaska, which is a new undeveloped State, is a very serious problem. It is not only a new State, but it is a huge State, and we do not know where all the minerals may be in Alaska because they have only made a superficial examination of Alaska to date. So, we do not know where the minerals are.

I would just like to state to the gentleman from Ohio that if he would take a look at this chart I hold up here, for example, if the valid existing claim would be here and we go out here three-quarters of a mile—and the gentleman from Ohio and the gentleman from Arizona supposedly do not believe in waste, representing the environmental interests that they do so ably—I think this is a very wasteful amendment because if it is limited to three-quarters of a mile, what if the vein goes out and really gets into better ore, or out past the three-quarter mile mark? If the existing claim is here and they are mining out here, and here is the three-quarter mile mark and here is the ore going on, they cannot mine it. So, it is a wasteful amendment—very, very wasteful.

Who says the three-quarter mile mark is the right figure? Why not 10 miles; a half mile; a quarter mile? Why three-quarter mile? Who knows? The saying in the mining industry is, "Until you dig for the ore, you do not know whether it is there or not."

So, it is an arbitrary distinction, and very wasteful.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. SYMMS. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I think we can even go farther, and this has never been brought out on the floor of the House with regard to mining, that we are never going to have the U.S. Government going into Alaska or to any place and ascertaining and certifying whether or not there are minable minerals in a certain area, because we not only have to find where the ore is, I would state to the gentleman from Idaho—and I am sure the gentleman from Alaska will concur—someone has to do enough core drilling on nearly all ore bodies to find whether or not the ore is in sufficient quantities to justify mining.

Mr. SYMMS. Correct.

Mr. ICHORD. So, it is more than knowing where the ore is. It is a matter of finding a body of ore in sufficient quantity to afford to set up a large mine.

Mr. SYMMS. Attract a little risk capital.

Mr. ICHORD. We are never going to have the Government of the United States do it—at least, I hope so. The cost to the U.S. Government would be astronomical.

Mr. SYMMS. In order to get a mine going, we have to get a mill site approved, and that site is going to have to comply with another set of rules and regulations. If it has to be outside of the area of the actual mining so that it can be environmentally properly sited in the area, with this amendment, it is just a superficial amendment by which some people think they can get off the hook.

What we are doing here is denying the citizens of the United States the opportunity to find out what is in Alaska in the first place, and then if we need it, we will not be able to go get it.

The other question I think that should come up is, they say they have 5 years in this bill they have drawn. The Secretary can delay a miner; for example, if the amendment requires a miner to go to the Secretary to obtain an exploration permit—this is a dramatic change in the law, a departure from traditional guaranteed access—the Secretary can delay for 18 months before granting a permit, and that 18 months is subtracted from the 5 years. So, they have 3½ years. In 3½ years they are barely able to get into the ground.

Mr. UDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we get a good deal of heat on these amendments, because there are great matters at stake, and I understand that strong feelings of Members on both sides. But, I would hope that we could get very soon to a vote on the Seiberling amendment. We have taken the posture that the Breaux-Dingell and Huckaby forces are entitled to present their alternative, and we have not contested the amendment. I would hope that this amendment, which makes major concessions—not enough to satisfy my friend from Idaho—but makes major concessions to the mining industry, would be acceptable to everybody and we would get on to something else.

Mr. Chairman, I do want to yield briefly to the gentleman from Connecticut (Mr. RATCHFORD).

□ 1115

Mr. RATCHFORD. Mr. Chairman, I thank the gentleman for yielding. I have prepared a detailed statement and a strong statement in support of the Udall-Anderson version of the bill, but in view of the technical and protracted nature of the debate, I would simply like to submit that statement.

Mr. Chairman, I rise today in support of the Udall-Anderson substitute bill. As an avid fisherman and outdoorsman, as a father of three boys who love the outdoors. I urge support for Udall-Anderson—support which will secure this beautiful land for today, and, more importantly, for my sons, their generation, and generations to come. It is this beautiful and untouched wilderness of Alaska—the vast open spaces on a scale no longer imaginable in the lower 48 States—that most concerns me. This wilderness protects our healthiest wildlife population, and represents the last really large, and unspoiled wilderness region in the United States.

The Udall-Anderson substitute will preserve many of these precious areas that have been considered for wilderness classification for years. Extensive research has been channeled into this Alaskan wilderness proposal by the Department of Interior, and by congressional committees. I have chosen to support Udall-Anderson substitute, because it protects the wilderness in a comprehensive way, using an integrated ecosystem approach. The wilderness designations provided for in this bill will protect the area in question here from harmful development, but will not preclude existing airplane, motorboat, motor vehicle, and sport hunting use. I think it is important for all sportsmen to know this. The rights of the sportsmen are preserved, and, indeed advanced, by the Udall-Anderson substitute.

To preserve only fragments of wilderness would be even less effective in Alaska, than elsewhere. Biologists stress the importance of wilderness designation to Alaskan wildlife, and to the caribou and brown bear that range over hundreds of miles, and require unaltered habitat. Many species of birds need pure waters and undisturbed nesting areas, before they migrate each fall to winter in areas across the lower 48 States.

The 1964 Wilderness Act provides us with the unique mechanism to give special areas like the Arctic National Wildlife Range and Admiralty Island the sensitive protection that they need. Preserving Alaskan wilderness now will insure that the greatest wilderness area in the United States receives that protection.

Mr. Chairman, the prime movers of this substitute bill have worked long and hard to strike a balance between all interests at stake, and I commend them for that. To my colleagues in this Chamber, I say to you, let us not lose our last chance to preserve the most beautiful and pristine land in the Nation. Let us keep the undisturbed nature and wildlife there intact. Let us remember the mistakes of the lower 48 States. Let us not repeat those mistakes. If we keep land and resources intact now, and the national interest would be best served by their development access later, then future Congresses can make that judgment. But once mines are drilled, timber is cut, watersheds altered, and animal species driven to extinction, we cannot reverse our decision. A vote for Udall-Anderson is a vote for our generation, for our children, and for generations to come. Let us cast such a vote to preserve and secure this beautiful corner of America. Thank you, Mr. Chairman.

Mr. UDALL. Mr. Chairman, I received this morning on this whole mining question and on the pending Seiberling amendment a letter from the Secretary of Agriculture. I will not read it; I will put it in the revision of remarks. What he says in this letter is:

> When U.S. Borax is prepared to undertake commercial development of a mine at Quartz Hill the Department of Agriculture will be prepared to grant surface access for use in connection with mining operations.

He goes on to say that the Seiberling proposal, while under any one of the three bills, mining in the national forests will be carried out with due consideration for resources and other values—under the Seiberling proposal:

> The wilderness and national monument designations of Misty Fiords and Admiralty Island, while providing somewhat better protection than the other bills before the House for the fisheries and other resources of these areas, will not prevent or substantially interfere with the development of working mines at Quartz Hill or Greens Creek.

Throughout these hearings, and in my committee, I have made it clear, and I want to assure my friends today, that U.S. Borax is entitled to develop the mine; we need the molybdenum, although we are exporting it now—we do not need it immediately—we do need that mine. I am committed to see that they get surface access, the right to mill, and all of the other things needed to put it into operation. I think we have made a record here today that this can be done, protecting the wilderness designation, and that it was an existing valid right before it went into the national monument.

The Seiberling amendment gives them the right to go out three-quarters of a mile and perfect claims; it is not what U.S. Borax wants, but it represents a major concession.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

As we were talking about this, reading the Wilderness Act, the Wilderness Act specifically addresses the responsibilities of the Secretary of Agriculture in terms of what he can and cannot do. Of course, we have such a phrase as "reasonable regulations," and I am not altogether certain that they are reasonable. But at least that is the intent of Congress in this act. But it also provides very specific egress to the mining claims; it provides road construction; it provides the President with the opportunity to designate road construction in these constraints, as well as the Secretary of Agriculture.

Mr. UDALL. The U.S. Borax Co. would like them taken out of wilderness entirely. We did that last year. We could not satisfy them. They wanted 20,000 acres, then 40,000 acres. But mining can go on in national parks, is going on in national parks, can go on in wilderness areas. Our attempt today is to make a record so that everyone is assured that this U.S. Borax mine is going to go forward if they ever decide to go forward. We cannot file their impact statements for them.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

Mr. Chairman, I am just astounded to be here on the floor hearing the chairman saying how mining is going on, in view of the court case in 1969 between the wilderness system and the Izaak Walton League. In Izaak Walton League against St. Clair, the court held.

> There is an inherent inconsistency in the Congressional Act and it falls in the lap of the court to determine which purpose Congress deemed most important and thus intended. In this court's opinion the Wilderness objectives override the contrary mineral right provision of the statute—and of necessity the regulation promulgated pursuant thereto. Otherwise the Congressional Act is a nullity.

There is no mining going on, in wilderness area.

Mr. UDALL. I hope we can make a record today that will guide any court in trying to decide what we intend to do. My intention is that this mine be opened up, that it be developed, that the country get the benefit of it, and that we get the molybdenum that is there. I am going to accept the amendment proposed by the gentleman from California (Mr. McCloskey).

The CHAIRMAN. The time of the gentleman from Arizona (Mr. Udall) has expired.

(At the request of Mr. Symms, and by unanimous consent, Mr. Udall was allowed to proceed for 3 additional minutes.)

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

Mr. Chairman, the point is that when the chairman makes these statements that they want 10,000 acres, 20,000, 40,000, 50,000, it is as though U.S. Borax is doing something wrong. All they are trying to do is provide us, the American citizens, with some minerals, and they might make a profit out of it, hopeful!

Mr. UDALL. I am for the mining industry.

Mr. SYMMS. Why not make it multiuse, then?

Mr. UDALL. The mining industry has a reputation in some circles of raping and ruining. And of all of the examples I have seen in a long time, the attitude of U.S. Borax has been unyielding; it has been unswerving.

I said in the committee, and the gentleman was there, if you will send your lawyers and engineers to sit with our lawyers and engineers, we will write in the bill the section, the township, the place where the roads are going to go. We did not even hear from them. They will not agree to anything except, take it out of the monument and turn the whole thing loose in the Misty Fiords, and they are not going to get their hands on it if I have anything to do with it.

The text of the letter I have referred to reads as follows:

Washington, D.C.
May 16, 1979.

Hon. Morris K. Udall,
Chairman, House Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: This is in response to your request for comments from the Department of Agriculture regarding the ability of holders of valid mineral rights, as of December 1, 1978, which may include U.S. Borax, Noranda, and others to proceed with their exploration and potential development activities in the Misty Fiords and Admiralty Island National Monuments under H.R. 3651, the Udall-Anderson substitute.

As I have stated to you and other Members on this issue, this Department believes that the designation of wilderness on these two national monuments under your bill would not cause a substantial reduction in the ability of the two companies, or others similarly situated, to carry out mining operations on valid claims.

The access to mining claims provision in H.R. 3651 fully covers the access needs of all holders of valid mineral claims in National Forest conservation system units in Alaska. Furthermore, the proposed amendment to section 802 which Mr. Seiberling and Mr. McCloskey have noted in the Congressional Record, if adopted, would further expand and clarify the guarantees of surface and other access in the bill.

Although much has been said about our earlier decision to deny U.S. Borax permission to build a road to facilitate further exploration of their claims, it should be stressed that that decision does not prejudice in any way the granting of permission to construct road access when it is actually needed for the economic development of a mine.

When U.S. Borax is prepared to undertake commercial development of a mine at Quartz Hill, the Department of Agriculture will be prepared to grant surface access for use in connection with mining operations.

You also requested our comments on the amendment by Mr. Seiberling regarding additional rights to holders of unperfected mining claims on conservation system units in the National Forests of Alaska. The effect of this amendment, if adopted, would be to expand substantially the number of unperfected claims on which the two companies previously mentioned, as well as other holders of unperfected mining claims, will be able to work toward making valid mineral discoveries.

Under any one of the three bills before the House, mining in National Forests in Alaska will have to be carried out with due consideration for the resource and other values of those lands. Under H.R. 3651, Mr. Seiberling's proposed amendment, the wilderness and national monument designations of Misty Fiords and Admiralty Island, while providing somewhat better protection than the other bills before the House for the fisheries and other resources of these areas, will not prevent or substantially interfere with the development of working mines at Quartz Hill or Greens Creek.

Sincerely,

Bob Bergland,
Secretary.

□ 1120

Mr. SYMMS. It is a thing about Breaux-Dingell that has an impact on that area. I support Breaux-Dingell.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Minnesota (Mr. Vento).

Mr. VENTO. I thank the chairman for yielding.

The point that has been brought up about the 1969 court case, I want to advise the gentleman I did some work on that. The point is you have the Secretary of Agriculture on the side of the mining companies who want to do exploring. He was in their corner, so to speak, with regard to fulfilling the responsibility that he has under the Wilderness Act. That is important to note. It is important to note he was the only one who submitted a brief on the side of the exploration that was supposed to go forward. It was only prospecting, but you have a mosaic of land there. There are State and Federal lands, you have the State involved in fighting it. You have a difference in terms of water rights. It is not applicable and I do not think the guiding rule in terms of mining issues is with regard to States.

I just wanted to advise the gentleman from Idaho (Mr. Symms), because yesterday he used the same case and I think that it is not the guidepost or the benchmark that we should use in making a determination about wilderness.

As I pointed out yesterday there has been no instance in which you can demonstrate denial of a patented mining claim in a wilderness area. No one has withdrawn or taken away their property.

I thank the chairman.

Mr. UDALL. Mr. Chairman, I ask a vote on the Seiberling amendment.

Mr. SEIBERLING. To the amendment offered by the gentleman from Arizona (Mr. Udall) as a substitute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Seiberling) to the amendment offered by the gentleman from Arizona (Mr. Udall) as a substitute.

The amendment to the amendment offered as a substitute was agreed to.

AMENDMENT OFFERED BY MR. M'CLOSKEY TO THE AMENDMENT OFFERED BY MR. UDALL AS A SUBSTITUTE

Mr. McCLOSKEY. Mr. Chairman, I offer four amendments to the amendment offered as a substitute, and I ask unanimous consent that they may be considered en bloc. I have the understanding from the Udall-Anderson sponsors that the amendments are acceptable.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. FORSYTHE. Mr. Chairman, reserving the right to object to the request for consideration en bloc, I would yield under that reservation to the gentleman from California to tell us what the amendments are.

Mr. McCLOSKEY. Mr. Chairman, the four amendments are these:

Two of them try to lock up what the chairman (Mr. Udall) just said; that both sides to this controversy agree that the Borax mine should go forward.

One of the amendments writes into law what this letter from the Secretary of Agriculture says, that they will grant surface mining.

The second loosens somewhat the water quality standard because, as the gentleman from Michigan said, in a wilderness area there can be no degradation of water quality. This would limit it to significant degradation.

The third amendment adopts essentially the Breaux-Dingell language as to Pet-4 and adds 22.5 million acres of wildlife refuge on the North Slope and it is in response to the dialog we had at the close of the debate yesterday that this 22.4 million acres ought to be wildlife refuge to protect the caribou. While drilling will go forward under both bills, this would add the protection of Breaux-Dingell which is an environmental protection, to the whole North Slope and not just the Arctic Wildlife Refuge.

Mr. FORSYTHE. I thank the gentleman.

Further reserving the right to object, I am happy that Breaux-Dingell is a source of such good language. I merely wish the gentleman would let us get on and pass Breaux-Dingell.

I withdraw my reservation.

Mr. McCLOSKEY. Mr. Chairman, I am not sure Breaux-Dingell might not pass. I have other amendments later to try to perfect it.

Let me describe the fourth amendment if I may.

The fourth amendment rights another provision of the Breaux-Dingell bill which I thought was an appropriate one which we added in the Committee on Merchant Marine and Fisheries. This appears at pages 16 and 17. It points out if there is going to be subsistence priority it will be only for rural Alaskan residents and for noncommercial purposes only.

Mr. YOUNG of Alaska. Mr. Chairman, will my friend from California yield?

Mr. McCLOSKEY. I will be glad to yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Has the gentleman ever been to Yukon, Alaska? Downtown Yukon is like being in a rural area.

Mr. McCLOSKEY. Mr. Chairman, I understand that the gentleman from Alaska (Mr. YOUNG) denies that Alaskans are like all others. But this is to pick up the language of the gentleman from Alaska (Mr. YOUNG) out of Breaux-Dingell and put it in Udall-Anderson so I assume he will have no objection.

Mr. SYMMS. Mr. Chairman, I object to considering these amendments en bloc at this time.

The CHAIRMAN. Objection is heard. The gentleman from California (Mr. McCLOSKEY) will indicate which amendment he would like to offer.

Mr. McCLOSKEY. Mr. Chairman, I would like to start with my amendment No. 14.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLOSKEY to the amendment offered by Mr. UDALL as a substitute:

Page 31, strike out line 3 and all that follows down through line 23.

Page 32, strike out line 19 and all that follows down through line 16 on page 33.

Page 31, after line 2, insert the following new paragraph:

(8) Teshekpuk-Utukok National Wildlife Refuge, containing approximately twenty-two million five hundred thousand acres of public lands, including the lands which comprise the National Petroleum Reserve-Alaska, as generally depicted on the map entitled "Teshekpuk-Utukok National Wildlife Refuge", dated May 19, 1979, which shall be managed to maintain the integrity and natural diversity of natural values of the area and also for the following purposes, among others: to protect internationally significant Arctic waterfowl species, and other migratory bird and fish resources utilizing the lands and waters of the area; to protect estuarine and coastal fresh water habitat utilized by large numbers of moulting snow geese and other waterbirds and marine mammals; to protect coastal denning habitat for polar bears; to protect significant caribou, moose, and grizzly bear resources; to protect representative Arctic life zones and the natural character of these habitats; to perpetuate the calving grounds of the significant population of the western Arctic caribou herd, and the various large carnivores associated with the herd; to perpetuate undisturbed habitat for the endangered peregrine falcon and significant populations of other raptors; to protect rock formations in the vicinity of the Utukok River, a unique geological feature; to protect the free-flowing unmodified nature of numerous rivers and streams; to maintain adequate water quality and quantity; to protect the viability of subsistence resources depended on by local users both within and beyond the boundaries of the area; and to participate in cooperative management programs with adjacent landowners.

Page 336, strike out line 3 and substitute:

(1) the Teshekpuk-Utukok National Wildlife Refuge;

Page 342, line 23, strike out the comma and all that follows down through line 24 and substitute "(also designated under section 302 as the Teshekpuk-Utukok National Wildlife Refuge).

Page 343, line 5, strike out the comma and all that follows down to the period in line 7.

Page 343, line 13 and 14 and substitute:

(c) COMPREHENSIVE CONSERVATION PLANS.—For the National Petroleum Reserve-Alaska (also designated under section 302 as the Teshekpuk-Utukok National Wildlife Refuge).

□ 1125

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. McCLOSKEY. Mr. Chairman, this amendment picks up the Breaux-Dingell language on the Teshekpuk-Utukok National Wildlife Refuge. It includes the entire national petroleum reserve in the $22\frac{1}{2}$ million acres, as a national wildlife refuge, subject to the oil and gas leasing provisions of title XII, except that the first sale of leases within the refuge will be held within 18 months.

Essentially the purpose of this amendment is to recognize that the two caribou herds on the northern slope that are not protected as the porcupine caribou are being protected will be protected by the new wildlife refuge. In all other respects, it is the same.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I would be glad to yield to the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, the oil and gas lease provisions, are they the same as Udall-Anderson or Breaux-Dingell? They are vastly different.

Mr. McCLOSKEY. Well, let me read to the gentleman precisely what they are, because they are slightly different, but they are primarily Breaux-Dingell.

Mr. HUCKABY. Primarily from where?

Mr. McCLOSKEY. Well, let me read to the gentleman precisely so that the gentleman has it.

Mr. HUCKABY. Basically, may I ask, are the OCS provisions going to apply in Pet-4, as suggested by Udall-Anderson?

Mr. McCLOSKEY. I will have to defer to Udall-Anderson on that.

Can the gentleman from Arizona (Mr. UDALL) answer the gentleman's question? I cannot about the OCS. I can only identify Breaux-Dingell as extending the same wildlife protection to the Pet-4 as we have in other refuges, subject to the same conditions.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I would be glad to yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, the gentleman has stated it correctly. The oil and gas provisions of Udall-Anderson would apply to the areas the gentleman has, and in that respect it would be different; but the amendment is acceptable to us on this side.

Mr. McCLOSKEY. Mr. Chairman, I thank the gentleman.

Mr. FORSYTHE. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I am glad to yield to the gentleman from New Jersey.

Mr. FORSYTHE. Mr. Chairman, I am concerned if this amendment does include the provisions of Udall-Anderson as far as the leasing provisions are concerned. Is dual leasing included?

Mr. McCLOSKEY. It does include dual leasing, but it includes accelerated leasing.

Mr. FORSYTHE. Well, then, it is not totally Udall-Anderson?

Mr. McCLOSKEY. Well, it provides for the dual leasing provisions of leasing first for exploration and then for development; but it requires the accelerated leasing provisions of Breaux-Dingell.

Mr. FORSYTHE. Then it does provide for dual leasing.

Mr. McCLOSKEY. That is right.

Mr. FORSYTHE. I think that is a very serious problem. It is in the OCS bill, and I, among many others, objected to that, but we were not successful.

I am concerned to see dual leasing spread onshore.

Mr. McCLOSKEY. Do I understand the gentleman does not want Breaux-Dingell extended to protect this 22.4 million acres because of the dual leasing provision?

Mr. FORSYTHE. That is not my point. I am talking about the different leasing provisions. If we had taken Breaux-Dingell completely that would be a great improvement, but the gentleman has not.

Mr. McCLOSKEY. My primary goal is to protect the 22.4 million acres. If they are better protected by dual leasing, it seems to me they should be.

□ 1130

If that is a separate issue, if the gentleman wants to offer an amendment to this amendment in order to prevent the leasing, that is fine with me, too. But I think the key part of this amendment is to protect that 22.4 million acres, as the gentleman's own bill does. That is my purpose.

Mr. FORSYTHE. Mr. Chairman, I am in full sympathy there, and I regret that the gentleman did not stay with the

Breaux-Dingell bill as far as all the Pet-4 situation is concerned because I think it is far superior.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened with some concern to the debate here in which my good friend, the gentleman from California (Mr. McCLOSKEY) has described the amendment, a copy of which I have before me.

I am unclear from the debate as to whether my good friend, the gentleman from California, seeks to convert the national petroleum reserve-Alaska into two separate refuges as in the Udall bill or to a refuge in its entirety or whether he deals here with the question of the leasing practices which would be engaged in.

Mr. Chairman, I will yield to the gentleman from California (Mr. McCLOSKEY) to let him tell me the answer.

Mr. McCLOSKEY. Mr. Chairman, this amendment is offered pursuant to the debate yesterday, and it was the gentleman from Michigan (Mr. DINGELL) who persuaded me, both in committee and in his floor argument, that we should make provision and protection for the caribou, which the Dingell-Breaux bill does, by proposing wildlife protection on most of the North Slope and this area, in addition to the Arctic Wildlife Refuge.

I thought, in preparing this amendment, that I was acceding in particular to the arguments of the gentleman from Michigan (Mr. DINGELL), who said that this 22.4 million acres ought to be in wildlife refuge.

Mr. DINGELL. Mr. Chairman, I am very pleased that the gentleman from California (Mr. McCLOSKEY) and I are in agreement that it ought to be classified as a wildlife refuge, but what I am trying to flind out is: what does the amendment do?

Does the amendment convert National Petroleum Reserve-Alaska into a refuge, as in the Udall bill, or does it do something else? Does it deal just with the leasing practices? That is the question I direct to my friend.

Mr. McCLOSKEY. It does both.

Mr. DINGELL. In other words, does the gentleman set up the same refuge?

Mr. McCLOSKEY. It creates the same refuge.

Mr. DINGELL. Is it the same refuge in the Udall bill or is it to be established as is in the Breaux-Dingell bill?

Mr. McCLOSKEY. It is the refuge established in Breaux-Dingell.

Mr. DINGELL. The same grounds?

Mr. McCLOSKEY. The same grounds, containing 22.4 million acres. This is what the amendment says:

> Teshekpuk-Utukok National Wildlife Refuge, containing approximately 22,500,000 acres of public lands, including the lands which comprise the National Petroleum Reserve-Alaska, as generally depicted on the map . . .

Mr. DINGELL. Mr. Chairman, I may have a different amendment. The amendment I have just says that it will set up Teshekpuk-Utukok National Wildlife Refuge, as generally depicted on the map, entitled "Teshekpuk-Utukok National Wildlife Refuge," dated March 1979.

What I am trying to be sure of is this: are we constituting the entirety of National Petroleum Reserve-Alaska refuge under this amendment?

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend, the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, my staff tells me that the effect of this is to overlay on the national petroleum reserve a game refuge, so it is for both statuses. The refuge is status No. 2, and the Petroleum Reserve functions are also kept alive. Also there has been some confusion about the language in section 925 of the Udall-Anderson bill, H.R. 3651 as it applies to the Alaska Railroad. This section establishes a mechanism for the settlement of conflicting claims for Federal land that have been made by the Eklutna Native Village Corp., the State of Alaska, and the city of Anchorage. It does not in any way reduce or enlarge whatever land holdings which may be necessary for the Alaska Railroad to continue its present operations through the Eklutna area, nor does it alter in any way the provisions of the Alaska Native Claims Settlement Act relative to determining what may be the smallest practicable tracts for the operation of any Federal facilities. The section does provide that the Railroad will retain administrative jurisdiction over its land holdings in this area.

When implementing this section, the Secretary of the Interior should recognize the unique status of the Alaska Railroad as a commercial enterprise performing a typically nongovernmental function. The Railroad is structured like a business and does not receive an appropriation for operating expenses. It competes with other forms of transportation and its rates are regulated by the Interstate Commerce Commission. The Secretary should not allow any conveyance of Railroad lands that would prevent its continued operations or otherwise increase the cost to the Government to operate the Railroad.

Mr. DINGELL. That is the same as we have in the Breaux-Dingell bill.

Mr. UDALL. We open it up for oil exploration and development in private hands, which is what I thought the gentleman said in his colloquy he wanted.

Mr. DINGELL. Mr. Chairman, I have no quarrel with that, but I guess the gentleman now has a quarrel with the gentleman from Ohio (Mr. SEIBERLING), who protested during colloquy and was critical of any efforts to set this precious area aside as a refuge for protection of the wonderful animals and magnificent terrain.

Mr. McCLOSKEY. Mr. Chairman, that is precisely the point of the gentleman from Michigan (Mr. DINGELL). I did not agree with the gentleman from Ohio (Mr. SEIBERLING) yesterday. I thought the gentleman from Michigan was right, and this amendment, therefore, was offered. So the answer to the question is "Yes."

Mr. DINGELL. Mr. Chairman, I am delighted, and I do not have any objection to the amendment. I hope we can get some agreement with our colleagues on the Committee on Interior and Insular Affairs. This seems to be the beginning of a constructive dialog..

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. McCLOSKEY) to the amendment offered by the gentleman from Arizona (Mr. UDALL) as a substitute.

The amendment to the amendment offered as a substitute was agreed to.

AMENDMENT OFFERED BY MR. BREAUX TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. BREAUX. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BREAUX to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries: Page 278: Strike out all after line 2 on page 278 through line 9 on page 622 and insert in lieu thereof the following:

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TITLE I—FINDINGS, POLICY, AND DEFINITIONS

FINDINGS

SEC. 101. Congress finds and declares that—

(1) through passage of the Alaska Statehood Act and the Alaska Native Claims Settlement Act, the Congress established policies for the disposition of the public lands in Alaska and provided for future economic, social, and cultural development in Alaska and for the fair and just settlement of claims in Natives and Native groups based on aboriginal land claims, while reserving decision as to which of the public lands in Alaska should be reserved in the national interest;

(2) a prompt and thorough resolution of the status of the public lands in the State of Alaska, in accordance with established congressional policies, is in the best interests of all the people of the United States, including residents of Alaska;

(3) certain public lands in the State of Alaska contain nationally and internationally significant scenic, historic, archeological, paleontological, scientific, cultural, recreational, fish and wildlife, and wilderness resources, and these public lands represent a remarkable diversity of undisturbed ecosystems, including some not found elsewhere;

(4) wilderness is a distinguishing characteristic of public lands in Alaska, which affords an unrivaled opportunity for experiencing vast areas of land essentially unaltered by man's activities, and merits preservation for the benefit of future generations; but such wilderness is increasingly being altered and reduced by activities and intrusions associated with national and international demands for energy, mineral, and timber resources and other incompatible activities;

(5) several fish and wildlife species, including species which are threatened, endangered, or depleted in other parts of the Nation and the world, are dependent for their survival on the maintenance of appropriate natural habitats on the public lands in the State of Alaska;

(6) selective representation of the diverse natural communities, including pristine, free-flowing rivers, on public land in the State of Alaska should be preserved as units of Federal land management conservation systems for the benefit of present and future generations; and

(7) at the accelerated pace of population growth, settlement and related consumption of raw materials, the world is losing natural habitats and associated values at an alarming rate, and, therefore, the wilderness and the wilderness habitats of certain public lands in Alaska assume global importance since thy are among the few remaining areas of such vast extent and their permanent protection is a reasonable and attainable national objective.

POLICY

SEC. 102. In order to secure for the American people of this and future generations an enduring heritage of untrammeled environments in the State of Alaska and to aid in the fulfillment of international conservation commitments of the United States, it is hereby declared to be the policy of the Congress that—

(1) it is necessary to immediately designate public lands in Alaska for inclusion in the National Park, National Wildlife Refuge, National Wild and Scenic Rivers, National Forest, National Trails, and National Wilderness Preservation Systems, which systems shall, in combination—

(A) preserve unrivaled scenic, geologic, and fish and wildlife values associated with natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems including but not limited to extensive unaltered arctic tundra, boreal forest, and coastal rain forest ecosystems;

(C) protect and preserve cultural values of Native and non-Native peoples and conserve renewable resources related to their subsistence needs;

(D) provide for the maintenance of sound populations of, and habitat for, fish and wildlife, including those species dependent on vast undeveloped areas, of inestimable value to the citizens of Alaska and the Nation;

(E) provide opportunities for compatible outdoor public recreation, protect and interpret historic, paleontological, and archeological sites, maintain wilderness resource values and related multiple watershed, flora, fauna, recreational, and subsistence resource values, and preserve free flowing rivers and associated resources;

(F) maintain opportunities for scientific research in undisturbed ecosystems; and

(G) provide for the management of multiple values in a manner which will permit utilization of natural resources, where appropriate, consistent with sound ecological principles;

(2) in the planning, management, and administration of these conservation system units—

(A) intangible values shall be considered on an equal basis with quantifiable values;

(B) sound ecological principles shall be adhered to; and

(C) full public participation shall be encouraged;

(3) the public should have access to the public lands in Alaska, including access to those public lands which constitute conservation system units, consistent with the purposes for which those units are established;

(4) those persons now dependent upon subsistence uses of the public lands in Alaska should be enabled to continue in that lifestyle, to the extent they may choose to do so and to the extent that the renewable resources of those public lands permit such uses to be continued and, within conservation system units, in a manner consistent with the purposes for which the units are established or expanded; and

(5) in carrying out the provisions of this Act, the Secretary and other officers of the Federal Government are to give continuing consideration to the interest of the State of Alaska and its subdivisions and the Native Corporations in maintaining a viable economy and providing employment for citizens of Alaska.

DEFINITIONS

SEC. 103. As used in this Act—

(1) The term "land" means lands, waters, and interests therein.

(2) The term "Federal land" means land the title to which is in the United States after the date of enactment of this Act.

(3) The term "public lands" means land situated in Alaska which, after the date of enactment of this Act, are Federal lands, except—

(A) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(B) land selections of a Native Corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(C) lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

(4) The term "fish and wildlife" means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropoid or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

(5) The term "take" or "taking", as used with respect to fish or wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

(6) The term "plant" means any member of the plant kingdom, including seeds, roots and other parts thereof.

(7) The term "conservation system unit" means any unit in Alaska of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, or National Wilderness Preservation System, including existing units, units established, designated, or expanded by or under the provision of this Act, additions to such units, and any such unit established, designated, or expanded hereafter.

(8) The terms "administer" or "administration" and "manage" or "management", as used with respect to any land within a conservation system unit, each means the operation, restoration, protection, maintenance, use, and preservation of lands within such unit in accordance with the purposes for which such unit was established or expanded.

(9) The term "Native Corporation" means any Regional Corporation, any Village Corporation, and any Urban Corporation.

(10) The term "Regional Corporation" has the same meaning as such term has under section 3(g) of the Alaska Native Claims Settlement Act.

(11) The term "Village Corporation" has the same meaning as such term has under section 3(j) of the Alaska Native Claims Settlement Act.

(12) The term "Urban Corporation" means those Native entities which have incorporated pursuant to section 14(h)(3) of the Alaska Native Claims Settlement Act.

(13) The term "Native land" means land owned by a Native Corporation or any Native group (as defined in section 3(d) of the Alaska Native Claims Settlement Act) and includes land which, as of the date of enactment of this Act, had been selected under the Alaska Native Claims Settlement Act by a Native Corporation or Native group and had not been conveyed by the Secretary (except to the extent such selection is determined to be invalid or has been relinquished) and land referred to in section 19(b) of the Alaska Native Claims Settlement Act.

(14) The term "Secretary" means the Secretary of the Interior, except that when such term is used with respect to any unit of the National Forest System, such term means the Secretary of Agriculture.

(15) The term "national preserve" means a unit of the National Park System in Alaska administered and managed in the same manner as a national park, except as otherwise provided in this Act and except that the taking of fish and wildlife for recreation and other purposes shall be allowed in a national preserve under appropriate regulations.

(16) The terms "wilderness" and "National Wilderness Preservation System" each have the same meaning as when used in the Wilderness Act (78 Stat. 890).

(17) The term "Alaska Statehood Act" means the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (72 Stat. 339).

(18) The term "State" means the State of Alaska.

(19) The terms "Alaska Native" and "Native" each have the same meaning as the term "Native" has in section 3(b) of the Alaska Native Claims Settlement Act.

(20) The term "Alaska Native Claims Settlement Act" means the Act entitled "An Act to provide for the settlement of certain land claims of Alaska Natives, and for other purposes", approved December 18, 1971 (85 Stat. 688).

TITLE II—NATIONAL PARK SYSTEM

ESTABLISHMENT OF NEW AREAS

SEC. 201. The following areas are hereby established as units of the National Park System and, subject to valid existing rights, shall be administered by the Secretary under the laws governing the administration of such units and under the provisions of this Act:

(1) Aniakchak National Monument, containing approximately one hundred and thirty-eight thousand acres of public lands, and Aniakchak National Preserve, containing approximately three hundred and seventy-six thousand acres of public lands, as generally depicted on a map entitled "Aniakchak National Monument and Preserve", dated February 1979. The monument and preserve shall be managed to maintain the diversity of natural values of the areas and also for the following purposes, among others: To preserve and maintain Aniakchak Caldera and its associated volcanic features and landscape, including the Aniakchak River and other lakes and streams in their natural state; to maintain natural water quality and quantity; to study, interpret, and assure continuation of the natural processes of biological succession; to protect habitat for and populations of fish wildlife, sea lions, seals, and other marine mammals, geese, swans, and other waterfowl; to protect the viability of subsistence resources and provide the opportunity for continuation of the traditional subsistence uses of local residents; and, in a manner consistent with the foregoing, to interpret geological and biological processes for visitors and provide opportunities for compatible outdoor recreation and environmental educational activities.

(2) Cape Krusenstern National Preserve, containing approximately five hundred and sixty thousand acres of public lands, as generally depicted on a map entitled "Cape Krusenstern National Preserve", dated February 1979. The preserve shall be managed for the following purposes, among others: To protect and interpret a series of archological sites depicting every known cultural period in arctic Alaska; to provide for scientific study of the process of human population of the area from the Asian Continent; in cooperation with Native Alaskans, to preserve and interpret evidence of prehistoric and historic Native cultures; to protect habitat for seals and other marine mammals; to protect habitat and populations of birds, and other wildlife and fish resources; and to protect the viability of subsistence resources.

(3) Gates of the Arctic National Park, containing approximately eight million acres of public lands, as generally depicted on a map entitled "Gates of the Arctic National Park and Preserve", dated March, 1978. The park and preserve shall be managed for the following purposes, among others: To maintain the wild and undeveloped character of the area, including opportunities for visitors to experience solitude, and the natural environmental integrity and scenic beauty of the mountains, forestlands, rivers, lakes, and other natural features; to protect habitat for and populations of fish and wildlife, including, but not limited to, caribou, grizzly bear, Dall sheep, moose, wolves, and raptorial birds. Subsistence uses shall be permitted in the park where such uses are traditional in accordance with the provisions of title VII. Solely for purposes of title IX, the Western (Kobuk River) unit of the Preserve shall be considered to be a National Recreation Area.

(4) Imuruk National Preserve, containing approximately seven hundred thousand acres of public lands, as depicted on a map entitled "Bering Land Bridge National Wildlife Refuge and Imuruk National Preserve", dated March 1979, which shall be managed to protect and interpret examples of arctic plant communities, volcanic lava flows, ash explosions, and other geologic processes; to provide for archeological and paleontological study in cooperation with Native Alaskans, of the process of plant and animal migration, including man, between North America and the Asian Continent; to protect the viability of subsistence resources; and in a manner consistent with the foregoing, to provide for

outdoor recreation and environmental education activities including public access for recreational purposes.

(5) Kenai Fjords National Park, containing approximately four hundred thousand acres of public lands, as depicted on a map entitled "Kenai Fjords National Park", dated February 1979. The park shall be managed for the following purposes, among others: To maintain unimpaired the scenic and environmental integrity of the Harding Icefield, its outflowing glaciers, and coastal fjords and islands in their natural state; to protect seals, sea lions, other marine mammals, and marine and other birds and maintain their hauling and breeding areas in their natural state free of human activity which is disruptive to their natural processes. In a manner consistent with the foregoing, the Secretary is authorized to develop access to the Harding Icefield and to allow use of mechanized equipment on the icefield for recreation.

(6) Kobuk Valley National Monument, containing approximately one hundred and ninety thousand acres of public lands, and Kobuk Valley National Preserve, containing approximately one million five hundred and twenty-one thousand acres of public lands, as generally depicted on a map entitled "Kobuk Valley National Monument and Preserve", dated February 1979. The monument and preserve shall be managed for the following purposes, among others: To maintain the environmental integrity of the natural features of the Kobuk River Valley, including the Kobuk, Salmon, and other rivers, the boreal forest, and the Great Kobuk Sand Dunes, in its underdeveloped state; to protect and interpret, in cooperation with Native Alaskans, archeological sites associated with Native cultures; to protect migration routes for the Arctic caribou herd; to protect habitat for and populations of fish and wildlife including but not limited to caribou, moose, black and grizzly bear, wolves, and waterfowl; and to protect the viability of subsistence resources. Subsistence uses shall be permitted in the monument in accordance with the provisions of title VII. Aircraft landing access to designated sites on the upper Salmon River and other designated areas shall be permitted.

(7) Lake Clark National Park, containing approximatly two million four hundred and forty thousand acres of public lands, and Lake Clark National Preserve, containing approximately one million two hundred and ten thousand acres of public lands, as generally depicted on a map entitled "Lake Clark National Park and Preserve", dated February 1979. The park and preserve shall be managed to maintain the diversity of natural values of the areas and also for the following purposes, among others: to protect the watersheds necessary for perpetuation of the salmon fishery in Bristol Bay; to maintain unimpaired the scenic beauty and quality of portions of the Alaska Range and the Aleutian Range, including active volcanoes, glaciers, free flowing rivers, lakes, waterfalls, and alpine meadows in their natural state; to maintain natural water quality and quantity; to protect habitat for and populations of all fish and wildlife, including but not limited to the Mulchatna Caribou herd, Dall sheep, grizzly bear, bald eagle, and peregrine falcon; to protect the viability of subsistence resources and provide the opportunity for continuation of the traditional subsistence uses of local residents; and, in a manner consistent with the foregoing, to provide opportunities for compatible public uses and other compatible outdoor recreation and environmental education activities.

No lands conveyed to the Native Corporation for the village of Nondalton shall be considered to be within the boundaries of the conservation unit; if the Corporation desires to convey any such lands, the Secretary may acquire such lands with the consent of the owner, and any such lands so acquired shall become part of the conservation unit, pursuant to section 1101(g) of this Act.

(8) Misty Fjords National Preserve containing approximately one million one hundred thousand acres of public lands, as generally depicted on a map entitled "Misty Fjords National Preserve", dated February 1979. The boundaries of the Tongess National Forest are hereby revised to exclude the lands, waters, and interests therein within the preserve. The preserve shall be managed for the following purposes, among others: To protect and interpret the high quality scenic features of the Coast Range including steep-walled fjords and valleys and peaks; to maintain that portion of the Unuk River within the preserve, together with the Chickamin River and other streams and lakes, in their natural state; to protect habitat for, and populations of fish and wildlife including but not limited to salmon, mountain goats, bear, moose, wolf and waterfowl, raptors, and other species of birds. For the purposes of title IX, the Unuk River Valley within the preserve shall be considered a national recreation area. Aquaculture activities may be conducted within the Misty Fjords National Preserve under the provisions of subsection 612(b), notwithstanding any other provision of law or this Act.

(9) Noatak National Preserve, containing approximately six million, six hundred and eighty thousand acres of public lands, as generally depicted on a map entitled "Noatak National Preserve", dated March 1979. The Preserve shall be managed to maintain the diversity of natural values of the area and also for the following purposes among others: To preserve the environmental integrity of the Noatak River and adjacent uplands within the preserve in such a manner as to assure the continuation of geological and biological processes unimpaired by adverse human activities and development; to maintain natural water quality and quantity; to protect habitat for and populations of fish and wildlife, including but not limited to the Arctic caribou herd, grizzly bear, Dall sheep, moose, wolves, waterfowl, raptors, and other species of birds; to protect the viability of subsistence resources and provide the opportunity for continuation of the traditional subsistence uses of local residents; and, in a manner consistent with the foregoing, to provide opportunities for scientific research, and compatible outdoor recreation and environmental education activities. The Secretary shall establish a board consisting of scientists and other experts in the field of arctic research in order to assist him in the encouragement and administration of research efforts within the preserve.

(10) Wrangell-Saint Elias National Park, containing approximately eight million acres of public lands, and Wrangell-Saint Elias National Preserve, containing approximately three million three hundred thousand acres of public lands, as generally depicted on a map entitled "Wrangell-Saint Elias National Park and Preserve", dated March 1978. The park and preserve shall be managed to maintain the diversity of natural values of the areas and also for the following purposes, among others: to preserve and maintain unimpaired the scenic beauty and quality of high mountain peaks, foothills, glacial systems, lakes and streams, valleys and coastal landscape in their natural state; to maintain natural water quality and quantity; to protect habitat for the populations of fish and wildlife, including but not limited to marine mammals, caribou, grizzly bear, Dall sheep, moose, wolves, and trumpeter swans and other waterfowl; to protect the viability of subsistence resources and provide the opportunity for continuation of the traditional subsistence uses of local residents; and, in a manner consistent with the foregoing, to provide opportunities for compatible outdoor recreation and environmental education activities.

(11) Yukon-Charley Rivers National Preserve, containing approximately one million seven hundred and ten thousand acres of public lands, as generally depicted on a map entitled "Yukon-Charley Rivers National Preserve", dated February 1979, which shall be managed to maintain the diversity of natural values of the area, and also for the following purposes, among others: to maintain the environmental integrity of the Charley River basin, including streams, lakes and other natural features, in its undeveloped natural condition for public benefit and use, including scientific study; to maintain natural water quality and quantity; to protect habitat for and populations of fish and wildlife, including but not limited to the peregrine falcon and other raptorial birds, waterfowl, caribou, moose, Dall sheep, grizzly bear, and wolves; to protect the viability of subsistence resources and provide the opportunity for continuation of the traditional subsistence uses of local residents; and, in a matter consistent with the foregoing, to protect and interpret historical sites and events associated with the gold rush on the Yukon River and the geological and paleontological history and cultural prehistory of the area, and to provide opportunities for compatible outdoor recreational and environmental education. Aircraft landing access to designated sites in the Upper Charley River draining shall be permitted.

ADDITIONS TO EXISTING AREAS

SEC. 202. The following units of the National Park System are hereby expanded and redesignated:

(1) Mount McKinley National Park by the addition of an area containing approximately two million five hundred and eighty-seven thousand acres of public lands, and an additional one million one hundred sixty-nine thousand acres of public land is hereby established as Mount McKinley National Preserve, as generally depicted on a map entitled "Mount McKinley National Park and Preserve", dated February 1979. The park additions and preserve shall be managed for the purpose among others of protecting and interpreting the entire mountain massif and additional scenic mountain peaks and formations and to protect brown/grizzly bear, moose, caribou, Dall sheep, wolves, swans and other waterfowl, and their habitat. That portion of the Alaska Railroad right-of-way within the park shall be subject to such laws and regulations applicable to the protection of fish and wildlife and other park values as the Secretary, with the concurrence of the Secretary of Transportation, may determine. The Alaska Land Use Council shall, in cooperation with the Secretary, conduct a study of the Kantishna Hills and Dunkle Mine areas of the park, and report thereon to the Congress not later than three years from the date of enactment of this act. The study and report shall evaluate the resources of the area, including but not limited to, fish and wildlife, public recreation opportunities, wilderness potential, historic resources, and minerals, and may include recommendations with respect to such resources as the Council may determine.

(2) Glacier Bay National Monument by the addition of an area containing approximately five hundred and twenty-three thousand acres of public land, and an additional fifty-seven thousand acres of public land is hereby estabilshed as Glacier Bay National Preserve, as generally depicted on a map entitled "Glacier Bay National Monument and Preserve", dated February 1979; furthermore, the monument is hereby redesignated as "Glacier Bay National Park". The monument addition and preserve shall be managed for the purposes, among others, of protecting a segment of the Alsek River, animal habitat

and migration routes, and a portion of the Fairweather Range including the northwest slope of Mount Fairweather.

(3) Katmai National Monument by the addition of an area containing approximately nine hundred and thirty-six thousand acres of public lands and an area of approximately four hundred and nine thousand acres of public land designated as the Katmai National Preserve, as generally depicted on a map entitled "Katmai National Park and Preserve", dated February 1979, for the purposes, among others, of protecting high concentrations of Alaskan brown bear and denning areas, and habitat for other fish and wildlife; to maintain the diversity of natural values and the environmental integirty of the area, including its rivers, lakes, and watersheds; to maintain unimpaired the natural water quality and quantity for significant salmon populations; to protect the viability of subsistence resources and provide the opportunity for continuation of the traditional subsistence uses of local residents; and to provide opportunities in the Alagnak addition for continuation of previously established subsistence uses. Furthermore, the monument is hereby redesignated as "Katmai National National Park".

ADMINISTRATIVE PROVISIONS

SEC. 203. (a) GENERAL RULES.— The Secretary shall administer the lands, waters, and interests therein added to existing units, or established by the foregoing sections of the title, as new units of the National Park System in accordance with the provisions of law applicable to the National Park System and the provisions of Title IX respecting travel, the provisions of section 1108 respecting the taking of fish and wildlife, and other applicable provisions of this Act.

(b) KATMAI AND GLACIER BAY.—Lands, waters, and interests therein withdrawn or reserved for the former Katmai and Glacier Bay National Monuments are hereby incorporated within and made a part of Katmai National Park or Glacier Bay National Park, as appropriate. Any funds available for the purposes of such monuments are hereby made available for the purposes of Katmai National Park or Glacier Bay National Park, as appropriate.

(c) VALID NATIVE SELECTIONS.—Valid Native selections, or lands identified for selection pursuant to section 17(d)(2)(E) of the Alaska Native Claims Settlement Act, within boundaries of the Gates of the Artic National Park and Preserve and Wrangell-Saint Elias National Park and Preserve as established under this Act, are hereby recognized and shall be honored and conveyed by the Secretary in accordance with the Alaska Native Claims Settlement Act and this Act.

(d) COMMERCIAL FISHING.—With respect to Malaspina Glacier area of Wrangell-Saint Elias National Park and the Dry Bay area of Glacier Bay National Preserve, the Secretary may take no action to restrict unreasonably the exercise of valid commercial fishing rights or privileges obtained pursuant to State or Federal law, including the use of Federal lands for campsites, cabins, motorized vehicles and aircraft landings on existing airstrips, directly incident to the exercise of such rights or privileges, except that this prohibition shall not apply to activities which the Secretary, after conducting a public hearing in the affected locality, finds constitute a significant expansion of the use of park lands beyond the level of such use during 1978.

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM

DEFINITIONS

SEC. 301. For purposes of this title—

(1) The term "conserve" means to use, and the use of, such methods and procedures which are necessary to insure, to the maximum extent practicable, the protection, maintenance, and management of fish and wildlife and plants, their habitats, and the ecological systems of which they form a constituent element, for the ecological, educational, aesthetic, cultural, recreational, and scientific enrichment of mankind. Such methods and procedures may include any activity associated with modern scientific fish and wildlife management, such as research, census, monitoring, law enforcement, the acquisition, maintenance, and enhancement of habitat, information, education, and extension service, hunting, fishing, trapping, and transplantation.

(2) The term "existing", if used in referring to any unit of the National Wildlife Refuge System in the State, means the unit as it existed on the day before the date of enactment of this Act.

(3) The term "refuge" means—

(A) any unit of the National Wildlife Refuge System established by section 304;

(B) any existing unit of the National Wildlife Refuge System not included within any unit referred to in subparagraph (A); or

(C) any unit of the National Wildlife Refuge System established in the State after the date of the enactment of this Act.

PURPOSES OF REFUGES

SEC. 302. The major purposes of each refuge are—

(1) to conserve the fish and wildlife that are designated in section 304 as significant fish and wildlife resources, and their habitat, within the refuge, as well as to conserve the other fish and wildlife and habitat within the refuge;

(2) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and habitat;

(3) to insure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (1), water quality and adequate water quantity within the refuge;

(4) to protect, maintain, or enhance, in a manner consistent with the purposes set forth in paragraphs (1) and (2) any special value of the refuge specified in section 304, as well as any other archeological, cultural, ecological, geological, historical, paleontological, or scenic value of the refuge; and

(5) to provide, in a manner consistent with the purposes set forth in paragraphs (1), (2), (3), and (4) above, the opportunity for continued subsistence uses by local rural residents.

ADMINISTRATION OF REFUGES

SEC. 303. (a) IN GENERAL.—Each refuge shall be administered by the Secretary, subject to valid existing rights, to achieve the major purposes set forth in section 302 and in accordance with the laws governing the administration of units of the National Wildlife Refuge System, the laws governing the conservation and protection of fish and wildlife and plants, and this Act.

(b) USES PERMITTED WITHIN REFUGES.—In applying section 4(d) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(d)) with respect to each refuge, the Secretary may not permit any use, or grant easements for any purpose, described in such section 4(d) unless such use or purpose is compatible with the major purposes of the refuge set forth in section 302. The Secretary shall prescribe such regulations, and impose such terms and conditions, as may be necessary or appropriate to insure that activities carried out under such use or easements are so compatible.

(c) REFUGE CONSERVATION PLANS.—(1) The Secretary shall prepare, and from time-to-time, revise, a comprehensive conservation plan (hereinafter in this subsection referred to as the "plan") for each refuge.

(2) Before developing a plan for each refuge, the Secretary shall identify and describe—

(A) the populations and habitats of the significant fish and wildlife resources of the refuge and of other important fish and wildlife within the refuge;

(B) the special values of the refuge, and any other archeological, cultural, ecological, geological, historical, paleontological, recreational, mineral, scenic, or wilderness values of the refuge;

(C) areas within the refuge that are suitable for use as administrative sites or visitor facilities, or for visitor services, as provided for in sections 1104 and 1105;

(D) present and potential requirements for access with respect to the refuge, as provided for in title IX; and

(E) significant problems which may adversely affect the populations and habitats identified and described under subparagraph (A).

(3) Each plan shall—

(A) based upon the identifications and the descriptions required to be made under paragraph (2)—

(i) designate areas within the refuge according to their respective resources and values,

(ii) specify the programs for conserving fish and wildlife, and the programs relating to the values referred to in paragraph (2) (B), proposed to be implemented within each such area, and

(iii) specify the uses within each such area which may be compatible with the major purposes of the refuge; and

(B) set forth those opportunities which will be provided within the refuge for recreation, ecological research, environmental education, and interpretation of refuge resources and values, if such recreation, research, education, and interpretation is compatible with the major purposes of the refuge.

(4) The Secretary may, in conjunction with the preparation of any plan, review the suitability or nonsuitability of preserving, as wilderness, any land within the refuge concerned. The Secretary shall recommend that any land that he considers to be so suitable be proposed to the Senate and the House of Representatives for designation as wilderness in accordance with section 3(c) and (d) of the Wilderness Act. Nothing in this paragraph shall be construed as affecting the administration of any refuge in accordance with this title until Congres otherwise provides.

(5) In order to insure that the terms and conditions of cooperative management agreements which may be entered into under section 305 with respect to the refuge are appropriate, the Secretary may treat, but only for purposes of preparing the plan, land that is within, or near or adjacent to, the refuge as being within the boundary of the refuge.

(6) In preparing each plan and revisions thereto, the Secretary shall consult with the appropriate State agencies and Native Corporations, and shall hold public hearings in such locations in the State as may be appropriate to insure that residents of Native villages and political subdivisions of the State which will be primarily affected by the administration of the refuge concerned have the opportunity to present their views with respect to the plan or revisions.

(7) Before adopting a plan for any refuge, the Secretary shall publish notice of the proposed plan in the Federal Register, make copies of the plan available at each regional office of the United States Fish and Wildlife Service, and provide opportunity for public views and comment on the plan.

(8) The Secretary shall by regulation implement each plan prepared under this subsection.

(9) With respect to refuges established or redesignated by section 304, the Secretary shall prepare plans for—

(A) not less than 4 refuges within 3 years after the date of the enactment of this Act;

(B) not less than 10 refuges within 5 years after such date; and

(C) all refuges within 7 years after such date.

With respect to any refuge established in the State after the date of the enactment of this Act, the Secretary shall prepare a plan for the refuge within two years after the date of its establishment.

ESTABLISHMENT OF REFUGES

SEC. 304. (a) IN GENERAL.—The following are established as units of the National Wildlife Refuge System:

(1) ALASKA MARITIME NATIONAL WILDLIFE REFUGE.—(A) The Alaska Maritime National Wildlife Refuge shall consist of the existing Aleutian Islands, Bering Sea, Bogoslof, Chamisso, Forrester Island, Hazy Islands, Pribilof (Walrus and Otter Islands and Sea Lion Rocks), Saint Lazaria, Semidi, Simeonof, and Tuxedni National Wildlife Refuges (each of which shall be administered as an identifiable subunit of the Alaska Maritime National Wildlife Refuge) and of the public lands generally depicted on the map entitled "Alaska Maritime National Wildlife Refuge", dated March 1979, including—

(i) Cape Lisburne, Cape Thompson, Hagemeister Island, Fairway Rock, Sledge Island, Bluff Unit, Besboro Island, Stolbi Rock, Egg Island, the Shumagin Islands, the Barren Islands, Middleton Island, Latax Rocks, Harbor Island, Granite Island, Pye Islands, the Chiswell Islands, and those portions of King Island, the Punuk Islands, and the Trinity Islands not otherwise conveyed under the Alaska Native Claims Settlement Act; and

(ii) all islands, islets, rocks, reefs, spits, and spires, or portions thereof, which are off the coast of Alaska, are public lands, and are not conveyed under the Alaska Statehood Act or the Alaska Native Claims Settlement Act or not reserved for inclusion within the National Forest System or the National Park System.

(B) The significant fish and wildlife resources of the refuge are marine mammals and marine birds and other migratory birds.

(C) Archeological resources are a special value of the refuge.

(D) The Secretary shall negotiate with the applicable Native Corporations, pursuant to section 1101(f), for the conveyance of public lands or the provision of other valuable consideration, or both, to such Corporations in exchange for the selection rights or title to the bird cliffs of Saint Paul and Saint George Islands. If the exchange is agreed upon, the Alaska Maritime National Wildlife Refuge shall include the bird cliffs of Saint Paul and Saint George Islands.

(E) That portion of the refuge consisting of the public lands in Cape Lisburne shall be administered as an identifiable subunit of the refuge and shall be named and appropriately identified as the "Ann Stevens-Cape Lisburne" unit.

(2) ARCTIC NATIONAL WILDLIFE REFUGE.—(A) The Arctic National Wildlife Refuge shall consist of all lands within the existing Arctic National Wildlife Range and of the approximately nine million five hundred and fifty thousand acres of public lands generally depicted on the map entitled "Arctic National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are the Porcupine caribou herd, wolves, wolverines, barren-ground grizzly bears, musk oxen, polar bears, Dall sheep, and peregrine falcons and other migratory birds.

(C) Representative unspoiled Arctic physiographic regions and recreation are special values of the refuge.

(3) BECHAROF NATIONAL WILDLIFE REFUGE.—(A) The Becharof National Refuge shall consist of the approximately one million one hundred thousand acres of public lands generally depicted on the map entitled "Becharof National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are brown bears, salmon, and the Alaska Peninsula caribou herd.

(C) Volcanoes and the bear-denning islands of Becharof Lake are special values of the refuge.

(4) BERING LAND BRIDGE NATIONAL WILDLIFE REFUGE.—(A) The Bearing Land Bridge National Wildlife Refuge shall consist of the approximately one million nine hundred thousand acres of public lands generally depicted on the map entitled "Bering Land Bridge National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are grizzly bears, marine mammals, migratory birds, moose, and wolves.

(C) Archeological, geological, paleontological resources and the Serpentine Hot Springs area are special values of the refuge.

(D) The Secretary shall continue to permit, in a manner compatible with the major purposes of the refuge, reindeer grazing uses (including, but not limited to, the use of related facilities and equipment) within areas of the refuge in which such uses were permitted on January 1, 1976.

(5) COPPER RIVER NATIONAL WILDLIFE REFUGE.—(A) The Copper River National Wildlife Refuge shall consist of the approximately one million two hundred thousand acres of public lands generally depicted on the map entitled "Copper River National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are bears, mountain goats, migratory birds, salmon, and marine mammals.

(C) Scenic mountains, coastal wetlands, and glaciers are special values of the refuge.

(6) INNOKO NATIONAL WILDLIFE REFUGE.—(A) The Innoko National Wildlife Refuge shall consist of the approximately three million eight hundred and fifty thousand acres of public lands generally depicted on the map entitled "Innoko National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are migratory birds, moose, furbearers, and salmon.

(7) KANUTI NATIONAL WILDLIFE REFUGE.—(a) The Kanuti National Wildlife Refuge shall consist of the approximately one million four hundred and twenty thousand acres of public lands generally depicted on the map entitled "Kanuti National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are migratory birds, moose and furbearers.

(C) Sithylemenkat Lake is a special value of the refuge.

(8) KENAI NATIONAL WILDLIFE REFUGE.—(A) The Kenai National Wildlife Refuge shall consist of all lands within the existing Kenai National Moose Range and of the approximately two hundred and forty thousand acres of public lands generally depicted on the map entitled "Kenai National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are mountain goats, moose, bears, salmon, Dall sheep, and migratory birds.

(C) Recreation is a special value of the refuge.

(9) KODIAK NATIONAL WILDLIFE REFUGE.—(A) The Kodiak National Wildlife Refuge shall consist of all those public lands within the existing Kodiak National Wildlife Refuge, and all other public lands, except the Barren Islands, lying within the boundary of the Kodiak Island Borough, generally depicted on the map entitled "Kodiak National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife of the refuge are Kodiak brown bears, salmon, marine mammals, and migratory birds.

(C) Nothing in this paragraph shall abrogate any existing Forest Service timber contract, prohibit the Secretary from exchanging lands under section 1101(f), or revoke existing cabin leases on the public lands added to the existing refuge by this paragraph.

(10) KOYUKUK NATIONAL WILDLIFE REFUGE.—(A) the Koyukuk National Wildlife Refuge shall consist of the approximately three million five hundred and forty thousand acres of public lands generally depicted on the map entitled "Koyukuk National Wildlife Refuge" dated March 1979.

(B) The significant fish and wildlife resources of the refuge are migratory birds, moose, furbearers, and salmon.

(C) The Nogahabara sand dunes are a special value of the refuge.

(11) NOATAK NATIONAL WILDLIFE REFUGE.—(A) The Noatak National Wildlife Refuge shall consist of the approximately six million six hundred and eighty thousand acres generally depicted on the map entitled "Noatak National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are the Arctic caribou herd, Dall sheep, grizzly bears, migratory birds, moose, raptors, and wolves.

(C) The Noatak River is a special value of the refuge.

(12) NOWITNA NATIONAL WILDLIFE REFUGE.—(A) Unless subparagraph (D) applies, the Nowitna National Wildlife Refuge shall consist of the approximately one million five hundred and sixty thousand acres of public lands generally depicted on the map entitled "Nowitna National Wildlife Refuge", dated April 1978.

(B) The significant fish and wildlife resources of the refuge are migratory birds, peregrine falcons, moose, and martens and other furbearers.

(C) The Nowitna River is a special value of the refuge.

(D) If within one hundred and eighty days after the date of the enactment of this Act, the State relinquishes all claims (including land selections filed under section 6(b) of the Alaska Statehood Act) to lands located within T5S R26E KRM, T6S R24E KRM, T6S R25E KRM, T6S R26E KRM, and T8S R7E KRM; then upon acceptance of the relinquishment by the Secretary, the refuge shall consist of the approximately one million five hundred and sixty thousand acres of the public lands generally depicted on the map entitled "Nowitna National Wildlife Refuge", dated March 1979. The Secretary shall accept such relinquishment if it is properly executed by the State and upon acceptance shall convey to the State, under the Alaska Statehood Act and section 806(g) of this Act, the lands removed from the refuge by operation of this subsection.

(13) SELAWIK NATIONAL WILDLIFE REFUGE.—(A) The Selawik National Wildlife Refuge shall consist of the approximately two million one hundred and fifty thousand acres of public lands generally depicted on the map entitled "Selawik National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are peregrine falcons and other migratory birds, the Western Arctic caribou herd, salmon, and sheefish.

(C) Archaeological resources are special values of the refuge.

(D) The Selawik River is a special value of the refuge.

(E) The Secretary shall continue to permit, in a manner compatible with the major purposes of the refuge, reindeer grazing uses (including, but not limited to, the use of related facilities and equipment) within areas of the refuge in which such uses were permitted on January 1, 1976.

(F) No lands conveyed to any Native Corporation shall be considered to be within the boundaries of the refuge; if any such Corporation or Corporations desire to convey any such lands, the Secretary may acquire such lands with the consent of the owner, and any such lands so acquired shall become part of the refuge, pursuant to section 1101(g) of this Act.

(14) TESHEKPUK-UTUKOK NATIONAL WILDLIFE REFUGE.—(A) The Teshekpuk-Utukok

National Wildlife Refuge shall consist of those public lands generally depicted on the map entitled "Teshekpuk-Utukok National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are raptors and other migratory birds, polar bears, barren-ground grizzly bears, wolves, marine mammals, and the Western Arctic caribou herd.

(C) Teshekpuk Lake and the Utukok River caribou calving grounds are special values of the refuge.

(D) Within one year after the date of the enactment of this Act, the Secretary shall establish an oil and gas leasing program within the refuge in accordance with section 308. The first sale of leases for exploration for, and development and production of, oil and gas within the refuge shall be held no later than eighteen months after the date of enactment of this Act.

(15) TETLIN NATIONAL WILDLIFE REFUGE.—(A) The Tetlin National Wildlife Refuge shall consist of the approximately seven hundred and sixty-five thousand acres of public lands generally depicted on the map entitled "Tetlin National Wildlife Refuge", dated March 1978.

(B) The significant fish and wildlife resources of the refuge are Dall sheep, grizzly bears, migratory birds, moose, and wolves.

(C) Glaciers, recreation, and scenic mountains are special values of the refuge.

(D) If within one hundred and eighty days after the date of the enactment of this Act, the State does not relinquish all claims (including land selections filed under section 6(b) of the Alaska Statehood Act) to one township of land selected by the State within the refuge, the boundary of the refuge shall be expanded to include T11N-R23E CRM. The Secretary shall accept such relinquishment if it is properly executed by the State and, upon acceptance, shall convey to the State, under the Alaska Statehood Act and section 806(g), T11N-R23E CRM.

(E) Regardless of any requirement that a wilderness review be conducted of areas within the refuge in accordance with section 3(c) and 3(d) of the Wilderness Act, rights-of-way for pipelines and other facilities that may be required under section 9 of the Alaska Natural Gas Transportaton Act of 1976 may be authorized and granted.

(16) TOGIAK NATIONAL WILDLIFE REFUGE.—(A) The Togiak National Wildlife Refuge shall consist of all lands within the existing Cape Newenham National Wildlife Refuge and of the approximately two million nine hundred and twenty-four thousand acres of public lands generally depicted on the map entitled "Togiak National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife resources of the refuge are large mammals, salmonoids, marine mammals, and migratory birds.

(17) YUKON DELTA NATIONAL WILDLIFE REFUGE.—(A) The Yukon Delta National Wildlife Refuge shall consist of all lands within the existing Clarence Rhode National Wildlife Range and the Hazen Bay and Nunivak National Wildlife Refuges and of the approximately fourteen million sixty-one thousand acres of public lands generally depicted on the map entitled "Yukon Delta National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife of the refuge are migratory birds, marine mammals, musk oxen, and salmonoids.

(C) The Cape Mendenhall area and the Mount Roberts Volcanics on Nunivak Island are special values of the refuge.

(D) Subject to such reasonable regulations as the Secretary may prescribe, reindeer grazing, including necessary facilities and equipment, shall be permitted in the refuge within areas where such uses are, and in a manner which is, compatible with the major purposes set forth in section 302 (1) and (2).

(E) The Secretary shall administer the refuge to assure the continuation of navigation and access by boat and of commercial fisheries activities on the Yukon and Kuskokwim Rivers.

(18) YUKON FLATS NATIONAL WILDLIFE REFUGE.—(A) The Yukon Flats National Wildlife Refuge shall consist of the approximately eight million five hundred and sixty thousand acres of public lands generally depicted on the map entitled "Yukon Flats National Wildlife Refuge", dated March 1979.

(B) The significant fish and wildlife of the refuge are migratory birds, caribou, moose, wolves, wolverines, and other furbearers, and salmon.

(b) OTHER SIGNIFICANT FISH AND WILDLIFE RESOURCES.—The significant fish and wildlife resources of the Izembek National Wildlife Range (which is hereby designated as the Izembek National Wildlife Refuge) are migratory birds, brown bears, and salmonoids.

(c) WHITE MOUNTAINS NATIONAL RECREATION AREA.—(1) There is established the White Mountains National Recreation Area that shall consist of the approximately one million five hundred and forty thousand acres of public lands generally depicted on the map entitled "White Mountains National Recreation Area", dated March 1979.

(B) The significant fish and wildlife of the the recreation area are Dall sheep, caribou, moose, wolves, and wolverines.

(3) For purposes of this title and the National Wildlife Refuge Administration Act of 1966, the White Mountains National Recreation Area shall be deemed to be a refuge within the meaning of section 301(3)(A), and, in administering the recreation area, the Secretary shall emphasize use of the area for recreation purposes, to the extent that such use is compatible with the major purposes set forth in section 302.

COOPERATIVE MANAGEMENT AGREEMENTS

SEC. 305. (a) IN GENERAL.—The Secretary shall undertake to enter into a cooperative management agreement with any Native Corporation, the State, any political subdivision of the State, or any other person owning land which is located within, or adjacent or near to, any refuge. Each cooperative management agreement (hereinafter in this section referred to as an "agreement") shall provide that the land subject to the agreement shall be managed by the owner in a manner compatible with the major purposes of the refuge to which such land pertains.

(b) TERMS AND CONDITIONS.—Each agreement shall—

(1) set forth such uses of the land subject to the agreement which are compatible with the management goals set forth in subsection (a);

(2) permit the Secretary reasonable access to such land for purposes relating to the administration of the refuge and to carry out the obligations of the Secretary under the agreement;

(3) permit reasonable access to such land by officers of the State for purposes of conserving fish and wildlife;

(4) set forth those services or other consideration which the Secretary agrees to provide to the owner in return for the owner entering into the agreement, which services may include technical and other assistance with respect to fire control, trespass control, law enforcement, resource and land use planning, the conserving of fish and wildlife, and the protection, maintenance, and enhancement of any special values of the land subject to the agreement;

(5) set forth such additional terms and conditions as the Secretary and the owner may agree to as being necessary or appropriate to carry out the management goals set forth in subsection (a); and

(6) specify the effective period of the agreement.

BRISTOL BAY COOPERATIVE REGION

SEC. 306. (a) DEFINITIONS.—For purposes of this section—

(1) The term "Governor" means the Governor of the State.

(2) The term "legislature" means the Alaska State Legislature.

(3) The term "region" means the land (other than any land within the National Park System) within the Bristol Bay Cooperative Region as generally depicted on the map entitled "Bristol Bay—Alaska Peninsula", dated March 1979.

(b) PURPOSE.—The purpose of this section is to provide for the preparation and implementation of a comprehensive and systematic cooperative management plan (hereinafter in this section referred to as the "plan")—

(1) to conserve the fish and wildlife within the region;

(2) to ensure that any use within the region is carried out in a manner compatible with the conserving of such fish and wildlife;

(3) to provide for such exchanges of land among the Federal Government, the State, and other public or private owners as will facilitate the carrying out of paragraphs (1) and (2);

(4) to identify land within the region which is appropriate for selection by the State under section 6 of the Alaska Statehood Act; and

(5) to identify other land within the region that may be appropriate for congressional designation as conservation system units.

(c) FEDERAL-STATE COOPERATION IN PREPARATION OF PLAN.—If within three months after the date of enactment of this act, the Governor notifies the Secretary that the State wishes to participate in the preparation of the plan, and that the Governor will, to the extent of his authority, manage State lands within the region to conserve fish and wildlife during such preparation, the Secretary and the Governor shall undertake to prepare the plan which shall contain such provisions as are necessary or appropriate to achieve the purposes set forth in subsection (b), including but not limited to—

(1) the identification of the significant resources of the region, including, but not limited to, fish and wildlife, mineral, geological, archeological, cultural, ecological, paleontological, recreational, scenic, wilderness, and historical resources;

(2) the identification of present and potential uses of land within the region;

(3) a determination with respect to which such uses are, or may be, compatible with the conserving of the fish and wildlife of the region;

(4) the designation of areas within the region according to their significant resources and the present or potential uses within each such area which are, or may be, compatible with the conserving of fish and wildlife;

(5) the identification of land (other than any land within the National Park System) which should be exchanged in order to facilitate the conserving of fish and wildlife and the management and development of compatible uses within the region;

(6) the identification of that land within the region which will be selected by the State under section 6 of the Alaska Statehood Act;

(7) the identification of land within the region that may be appropriate for congressional designation as conservation system units; and

(8) the specification of the activities that may be permitted in each area identified under paragraph (4) and the manner in which these activities shall be regulated by the Secretary or the State, as appropriate. The plan shall also—

(A) specify those elements of the plan that the Secretary and the Governor—

(i) may modify without the prior approval of Congress and the State, and

(ii) may not modify without such prior approval; and

(B) include a description of the procedures which will be used to make modifications to which paragraph (A)(i) applies.

(d) Taking Effect of Plan.—If within three years after the date of the enactment of this Act, a plan has been prepared under subsection (c) which is agreed to by the Secretary and the Governor, the plan shall take effect with respect to the United States and the State, if, and only if—

(1) copies of the plan are submitted to both Houses of Congress by the Secretary, and to both houses of the legislature by the Governor, on February 1 of the year after the year in which the plan is agreed to by the Secretary and the Governor, except that the copies shall be delivered to the Clerk of the United States House of Representatives if the House is not in session and to the Secretary of the United States Senate if the Senate is not in session;

(2) Congress approves the plan under the procedures set forth in subsection (e); and

(3) the State takes appropriate action, before the close of the period set forth in subsection (f), to give the plan force and effect under State law.

(e) Expedited Congressional Approval Procedures.—(1) The plan prepared under subsection (c) may not be considered to be approved by the United States unless, before the close of the one hundred twenty-day period beginning on the date on which copies thereof are submitted to Congress under subsection (d)(1), Congress adopts, by an affirmative vote of a majority of those present and voting in each House, a resolution of approval.

(2) For purposes of this subsection and subsection (g), the term "resolution of approval" means only a joint resolution, the matter after the resolving clause of which is as follows: "That Congress approves the taking effect of the Bristol Bay Cooperative Region plan submitted to Congress by the Secretary of the Interior on .", the blank space therein being filled with the day and year.

(3) A resolution of approval, once introduced, shall be referred to one or more committees by the Speaker of the House of Representatives or the President of the Senate, as the case may be.

(4)(A) If any committee to which a resolution of approval has been referred has not reported it at the end of sixty calendar days after its referral, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution of approval which has been referred to the committee.

(B) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution of approval), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution of disapproval.

(5)(A) When any committee has reported, or has been discharged from further consideration of, a resolution of approval, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate on the resolution of approval shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(6)(A) Motions to postpone, made with respect to the discharge from committee or the consideration of a resolution of approval, and motions to proceed to the consideration of other business, shall be decided without debate.

(B) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives or the Senate, as the case may be, to the procedure relating to any resolution of approval shall be decided without debate.

(7) The one hundred twenty-day period referred to in paragraph (1) and subsection (g) and the sixty-day period referred to in paragraph (4)(A) shall be computed by excluding—

(A) the days on which either House is not in session because of an adjournment of more than three days to a day certain or an adjournment of the Congress sine die, and

(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House is not in session.

(8) This subsection is enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions of approval; and they supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(f) Time Period for Action by State.—For purposes of subsection (d), the State must give force and effect to the plan under State law before the close of the one hundred twentieth day after the day on which copies of the plan are submitted to the legislature under paragraph (1) of such subsection.

(g) Action by Secretary if State Does Not Participate in Plan.—If—

(1) the Secretary does not receive notification under subsection (c) that the State will participate in the preparation of the plan; or

(2) after the State agrees to so participate, the Governor submits to the Secretary written notification that the State is terminating its participation;

the Secretary shall prepare a plan containing the provisions referred to in subsection (c)(1) through (7) (and containing a specification of those elements in the plan which the Secretary may modify without the prior approval of Congress), and submit copies of such plan to both Houses of Congress as provided in subsection (d)(1), within three years after the date of the enactment of this Act. Such plan shall take effect with respect to the United States if before the close of the one hundred and twenty-day period beginning on the date on which copies thereof are so submitted to Congress, the Congress adopts, by an affirmative vote of a majority of those present and voting in each House, a resolution of approval. Subsection (e)(2) through (8) applies with respect to a plan prepared under this subsection.

(h) Transitional Provisions.—On the date of the enactment of this Act, all Federal land within the region, other than land within conservation system units, shall be—

(1) withdrawn from all forms of entry or appropriation under the mining laws, and from operation of the mineral leasing laws, of the United States;

(2) under the jurisdiction of the United States Fish and Wildlife Service; and

(3) administered by the United States Fish and Wildlife Service, in consultation with the Alaska Land Use Council (established by section 1001), in the same manner as if such land were included within a refuge established under section 304;

until—

(A) the first day on which a plan is in effect with respect to both the United States and the State (in the case of a plan prepared under subsection (c)) or with respect to the United States (in the case of a plan prepared under subsection (g)) after which such land shall be administered as provided for in the plan; or

(B) the day—

(i) after the last day of the one hundred and twenty-day period provided for in subsection (e)(1) or subsection (g), as the case may be, if Congress does not approve the plan under the procedures set forth in subsection (e); or

(ii) after the last day of the one hundred and twenty-day period provided for in subsection (f); if the State does not give force and effect to a plan under State law within such period.

(i) Alaska Peninsula National Wildlife Refuge.—If Congress does not approve the plan under the procedures set forth in subsection (e), or if the State does not give force and effect to the plan under State law within the period provided in subsection (f)—

(1) there shall be immediately established the Alaska Peninsula National Wildlife Refuge that shall consist of the approximately two million five hundred and seventy thousand acres of public lands generally depicted on the map entitled "Alaska Peninsula National Wildlife Refuge", dated March 1979—

(A) the significant fish and wildlife resources of which are brown bears, salmonoids, the Alaska Peninsula caribou herd, moose, migratory birds, and marine mammals, and

(B) the special values of which are active volcanoes, the Pavlof Mountains, Nelson Lagoon, coastlines, and recreation; and

(2) all other public lands within the region, other than those within conservation system units, that were withdrawn pursuant to section 17(d) or 22(e) of the Alaska Native Claims Settlement Act shall be available for selection by the State under the terms of the Alaska Statehood Act.

MINING WITHIN REFUGES

Sec. 307. (a) Exceptions to General Law.—The Secretary may permit mining within any refuge and any such mining shall be subject to the mining laws of the United States except as follows:

(1) With respect to any lands within a refuge established by this Act which are subject to a valid mining claim under the United States mining laws arising prior to the withdrawal of such lands from location, entry, and patent under such laws, the Secretary shall permit the person holding such claim to remove the minerals covered by such claim in accordance with such reasonable regulations as the Secretary shall prescribe to ensure, to the maximum extent

practicable, that such removal is carried out in a manner that is compatible with the major purposes of the refuge and the laws applicable to such refuge.

(2) On or after the date of enactment, of this Act, no person may locate, make an entry, or patent, except in the case of valid existing claims, under the United States mining laws lands within any refuge established by this Act until the comprehensive conservation plan for such refuge is prepared and approved in accordance with section 303(c).

(3) With respect to any person who locates a mining claim on or after such date of enactment on land within a refuge—

(A) such person shall receive right or title only—

(i) to the mineral deposits, and

(ii) to the use of such surface and subsurface resources that are reasonably required to carry out activities on the claim;

but subject to the condition that such person carry out such activities in compliance with the regulations prescribed under subparagraph (B);

(B) all prospecting, and all location, exploration, development, or production activity carried out on the claim, shall be subject to such reasonable regulations as the Secretary shall prescribe as being necessary or appropriate to ensure that such activity will be carried out in a manner that is compatible with the major purposes of the refuge and will be consistent with the comprehensive conservation plan for the refuge; and

(C) there is imposed on, and the Secretary shall collect from, such person a gross production royalty of 5 per centum, except that no royalty shall be required of the owner of a mining claim or claims whose total annual production is equal to or less than five thousand (5,000) tons of marketed ore unless such tonnage has a gross value in excess of $50,000. Notwithstanding this provision, no royalty shall be required under those circumstances in which the cost of collecting the royalty exceeds the amount of the royalty to be received.

(4) Each decision by the Secretary to permit or not to permit mining operations within a refuge shall be published in the Federal Register together with a statement of the reasons why the Secretary considers that the proposed mining operations would, or would not, be compatible with the major purposes of the refuge.

(5) If the Secretary determines that the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 do not apply to a decision by him regarding whether to permit mining operations on any refuge, the Secretary shall render a decision within six months after receiving an application to conduct such operations. If the Secretary determines that the requirements of such section 102(2)(C) are so applicable, he shall render the decision within three months after publication of the final environmental impact statement that is prepared with respect to the proposed mining operations.

(b) Certain Recordations.—All mining claims within any refuge shall be filed and maintained as provided for under the Federal Land Policy and Management Act of 1976.

MINERAL LEASING WITHIN REFUGES

Sec. 308. (a) Exceptions to General Law.—The provisions of the Mineral Leasing Act of 1920 shall apply with respect to all refuges, except that the Secretary may grant leases under such Act of 1920 within any refuge only—

(1) if the comprehensive conservation plan for the refuge required under section 303(c) has been prepared (but this paragraph shall not apply with respect to oil and gas leasing within the Teshekpuk-Utukok National Wildlife Refuge);

(2) after competitive bidding for the leases; and

(3) if the leases contain such terms and conditions as the Secretary by regulation prescribes for the purpose of ensuring that all activities that are undertaken within the refuge with respect to such leasing, and the manner in which such activities are carried out, are compatible with the major purposes of the refuge.

(b) Procedures.—(1) The decision by the Secretary to issue, or not to issue, any lease under the Mineral Leasing Act of 1920 that applies within a refuge shall be published by the Secretary in the Federal Register together with a statement setting forth the reasons why the Secretary considers that the proposed leasing would, or would not, be compatible with the major purposes of the refuge.

(2) If the Secretary determines that the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 do not apply to a decision by him regarding the issuance of a lease under such Act of 1920 that applies within any refuge, the Secretary shall render a decision within six months after receiving an application for the lease. If the Secretary determines that the requirements of such section 102(2)(C) are so applicable, he shall render the decision within three months after publication of the final environmental impact statement that is prepared with respect to the proposed lease.

ARCTIC NATIONAL WILDLIFE REFUGE COASTAL PLAIN RESOURCE ASSESSMENT

Sec. 309. (a) Purpose.—The purpose of this section is to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife and wilderness resources of the coastal plain of the Arctic National Wildlife Refuge, and to authorize the exploration for oil and gas within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources.

(b) Definitions.—As used in this section—

(1) The term "coastal plain" means that area identified as such on the map entitled "Arctic National Wildlife Refuge", dated March 1979.

(2) The term "enactment date" means the date of the enactment of this Act.

(3) The term "exploratory activity" means surface geological exploration or seismic exploration, or both, for oil and gas within the coastal plain.

(c) Baseline Study.—(1) The Secretary, in consultation with the Governor of the State and interested persons, shall conduct a continuing study of the fish and wildlife (with special emphasis on caribou, grizzly bears, migratory birds, musk oxen, and polar bears) of the coastal plain. In conducting the study, the Secretary shall—

(A) assess the size, range, and distribution of populations of the fish and wildlife;

(B) determine the extent, location, and carrying capacity of the habitats of the fish and wildlife; and

(C) assess the impacts of human activities and natural processes on the fish and wildlife and their habitats.

Within eighteen months after the enactment date, the Secretary shall publish the results of the study as of that date and shall thereafter publish such revisions thereto as are appropriate as new information is obtained.

(2) There is authorized to be appropriated until October 1, 1987, the sum of $5,000,000 for purposes of conducting the study required under this subsection.

(d) Guidelines.—(1) Within two years after the enactment date, the Secretary shall by regulation establish initial guidelines governing the carrying out of exploratory activities. The guidelines shall be based upon the results of the study required under subsection (c) and such other information as may be available to the Secretary. The guidelines shall include such prohibitions, restrictions, and conditions on the carrying out of exploratory activities as the Secretary deems necessary or appropriate to ensure that exploratory activities do not significantly adversely affect the fish and wildlife, their habitats, or the environment, including, but not limited to—

(A) a prohibition on the carrying out of exploratory activity during caribou calving and post-calving seasons or during any other period in which human activity may have significant adverse effects; and

(B) a specification of the minimum support facilities and related manpower that are necessary to carry out exploratory activity.

(2) The initial guidelines prescribed by the Secretary to implement this subsection shall be accompanied by an environmental impact statement on exploratory activities. The initial guidelines shall thereafter be revised to reflect changes made in the baseline study and other appropriate information made available to the Secretary.

(e) Exploration Plans.—(1) After the initial guidelines are prescribed under subsection (d), any person may submit one or more plans for exploratory activity (hereinafter in this section referred to as "exploration plans") to the Secretary for approval. An exploration plan must set forth such information as the Secretary may require in order to determine whether the plan is consistent with the guidelines, including but not limited to—

(A) a description and schedule of the exploratory activity to be undertaken;

(B) a description of the equipment, facilities, and related manpower that will be used in carrying out the activity;

(C) the area in which the activity will be undertaken; and

(D) a statement of the anticipated effects that the activity may have on fish and wildlife, their habitats, and the environment.

(2) Upon receiving any exploration plan for approval, the Secretary shall promptly publish notice of receipt of the plan and the text of the plan in the Federal Register and newspapers of general circulation in the State. The Secretary shall determine, within one hundred and twenty days after any plan is submitted for approval, if the plan is consistent with the guidelines established under subsection (d). If the Secretary determines that the plan is so consistent, he shall approve the plan. Before making the determination, the Secretary shall hold at least one public hearing in the State for purposes of receiving the comments and views of the public on the plan. The Secretary, as a condition of approval of the plan under this section—

(A) shall require that all technical data and other information obtained as a result of carrying out the plan be submitted to the Secretary; and

(B) may require that such modifications be made to the plan as he considers necessary and appropriate to make it consistent with the guidelines.

(f) Permits for Drilling Test Wells.—(1) After the date that is five years after the enactment date, any person may apply to the Secretary for a permit authorizing the drilling of off-structure stratographic test wells for oil and gas within the coastal plain. The application must set forth such information as the Secretary may require in order to determine whether the proposed drilling is consistent with the guidelines established under subsection (d), including but not limited to—

(A) a description and schedule of the drilling activity to be undertaken;

(B) a description of the equipment, facilities, and related manpower that will be used in the drilling;

(C) the area in which the drilling will be undertaken; and

(D) a statement of the anticipated effects that the drilling may have on fish and wildlife, their habitats, and the environment.

(2) Upon receiving an application for a permit under paragraph (1), the Secretary shall promptly publish the application in the Federal Register and newspapers of general circulation in the State. The Secretary shall determine, within one hundred and twenty days after any permit application is submitted, if the proposed drilling is consistent with the guidelines established under subsection (d). Before making the determination, the Secretary shall hold at least one public hearing in the State for purposes of receiving the comments and views of the public on the proposed drilling. The Secretary shall establish such terms and conditions (including, but not limited to, appropriate area restrictions) of the permit as he considers necessary or appropriate to ensure that the proposed drilling is carried out in a manner consistent with the guidelines.

(g) Modification to Exploration Plans and Drilling Permits.—If at any time while exploratory activity is being carried out under an exploration plan approved under subsection (e) or test drilling is being carried out under a permit approved under subsection (f), the Secretary, on the basis of information available to him, determines that continuation of further activities under the plan or permit will significantly adversely affect one or more species of fish and wildlife, their habitat, or the environment, the Secretary may suspend the carrying out of activities under the plan or permit for such time, make such modifications to the plan or to the terms and conditions of the permit (or both suspend and so modify) as he determines necessary and appropriate.

(h) Permit Fees.—Each permittee under subsection (f) shall pay to the Secretary for each year (or portion thereof) in which the permit is in effect, a fee which shall be an amount (prorated among the total number of such permits in effect, in whole or in part, for such year) equal to the reasonable expenses incurred by the Secretary in administering this section during that year (which expenses shall include, but not be limited to, the costs of conducting the baseline study under subsection (c) during the immediately preceding year; except that, for the first year in which permits are issued under subsection (f), all costs incurred by the Secretary after the enactment date and until the close of the year before such first year in conducting the baseline study shall be so prorated).

(i) Civil Penalties.—(1) Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have violated any provision of a plan approved under subsection (e) or any term or condition of a permit issued under subsection (f), or to have committed any act prohibited under subsection (l) shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $10,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited act committed, and, with respect to the violator, the history of any prior offenses, his demonstrated good faith in attempting to achieve timely compliance after being cited for the violation, and such other matters as justice may require.

(2) Any person against whom a civil penalty is assessed under paragraph (1) may obtain review thereof in the appropriate district court of the United States by filing a notice of appeal in such court within thirty days from the date of such order and by simulaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706 (2)(E) of title 5, United States Code.

(3) If any person fails to pay an assessment of a civil penalty against him under paragraph (1) after it has become final, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(4) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this subsection unless the matter is pending in court for judicial review or recovery of assessment.

(j) Report to Congress.—Not later than seven years after the enactment date, the Secretary shall prepare and submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the identification of those areas within the coastal plain that have oil and gas production potential and an estimate of the volume of the oil and gas concerned;

(2) the description of the fish and wildlife, their habitats, and other resources that are within the coastal plain;

(3) an evaluation of the adverse effects that the carrying out of further exploration for, and the development and production of, oil and gas within such areas will have on the resources referred to in paragraph (2);

(4) a description of how such oil and gas, if produced within such area, may be transported to processing facilities;

(5) an evaluation of how such oil and gas relates to the national need for additional domestic sources of oil and gas; and

(6) the recommendations of the Secretary with respect to whether further exploration for, and the development and production of, oil and gas within the coastal plain should be permitted and, if so, what additional legal authority is necessary to ensure that the adverse effects of such activities on fish and wildlife, their habitats, and other resources are avoided or minimized.

(k) Effect of Other Laws.—Until otherwise provided for in law enacted after the enactment date, all public lands within the coastal plain are withdrawn—

(1) from all forms of entry or appropriation under the mining laws; and

(2) from operation of the mineral leasing laws and sections 307 and 308.

(l) Prohibited Acts.—No person may—

(1) engage in any exploration activity unless pursuant to an exploration plan approved under subsection (e); or

(2) undertake drilling within the coastal plain of off-structure stratographic test wells for oil and gas unless pursuant to a permit issued under subsection (f).

(m) Additional Exploration and Drilling.—No exploratory or commercial drilling for oil or gas, other than as provided in this section, shall be permitted within the coastal plain—

(1) unless authorized by a law which is enacted after the date of the enactment of this Act; and

(2) until the Secretary—

(A) has offered for lease all those areas in the Teshekpuk-Utukok National Wildlife Refuge having reasonable oil and gas potential, and which the Secretary intends to offer for lease pursuant to section 304(a)(14)(D);

(B) finds that sufficient exploration of the oil and gas potential of the Teshekpuk-Utukok National Wildlife Refuge has been completed so that reliable estimates of the oil and gas potential of the refuge can be made based on the activities of the lessees and such other information as is available to the Secretary; and

(C) has submitted to the Congress a report containing—

(i) an identification of those areas of the refuge which have oil and gas potential and an estimate of the volume of the oil and gas concerned;

(ii) a description of how such oil and gas, if produced, may be transported to processing facilities; and

(iii) an evaluation of any environmental impacts which may occur as a result of the development of the oil and gas resources of the refuge and proposed measures to mitigate any adverse impacts.

PORCUPINE CARIBOU HERD

Sec. 310. The Congress finds that the Porcupine caribou herd is a migratory species of national and international significance and deserves special protection. The Secretary, acting through the Secretary of State and in consultation with the Governor, shall initiate negotiations with the Government of Canada for the purpose of entering into a treaty to protect the Porcupine caribou herd and its habitat.

MISCELLANEOUS PROVISIONS

Sec. 311. (a) Previous Actions Regarding Refuge System in State.—(1) All proclamations, Executive orders, public land orders, and other administrative actions in effect on the day before the date of the enactment of this Act with respect to units of the National Wildlife Refuge System in the State shall remain in force and effect except to the extent that they are inconsistent with this Act or the Alaska Native Claims Settlement Act, and, in any such case, the provisions of such Acts shall prevail. All land within the boundaries described or depicted in any such action shall, if the unit of the National Wildlife Refuge System concerned is incorporated within any refuge established or redesignated by section 304, be included within such refuge.

(2) All funds available on such date of enactment for administration of any refuge shall remain available for the administration of such refuge.

(3) The designation of any existing refuge which is included within any refuge established by section 304, or which is redesignated by such section, is withdrawn.

(b) Related Amendments.—(1) Section 401 of the Act of June 15, 1935 (49 Stat. 383) is amended—

(A) by inserting "(including hardrock minerals and oil and gas)" immediately before ", shells," in subsection (a); and

(B) by striking out "suitable areas for migratory bird" in subsection (e).

(2) Section 4 of the Act of March 16, 1934 (commonly referred to as the Duck Stamp Act; 48 Stat. 451) is amended—

(A) by striking out "subsection (c)" in subsection (b) and inserting in lieu thereof "subsections (c) and (d)"; and

(B) by inserting immediately after subsection (c) the following new subsection:

"(d) The Secretary of the Interior may utilize funds (but not exceeding in aggregate amount the funds attributable to excess revenue collections transferred to the fund under section 401 of the Act of June 15, 1935) made available under subsection (b) of this subsection to acquire lands, waters, and interests therein for the National Wildlife Refuge System. Lands, waters, and interest may be acquired under this subsection without regard to the limitations and requirements of the Migratory Bird Conservation Act.".

TITLE IV—NATIONAL FOREST SYSTEM

ADDITIONS TO NATIONAL FORESTS

SEC. 401. The following units of the National Forest System are hereby expanded:

(1) Tongass National Forest by the addition of three areas, Kates Needle, Juneau Icefield, and Brabazon Range, containing approximately one million four hundred and fifty thousand acres, as generally depicted on a map entitled "Additions to the Tongass National Forest", dated February 1979, which shall be filed and made available for public inspection in accordance with the provisions of section 1109.

(2) Chugach National Forest by the addition of three areas, Nellie Juan, College Fjord, and Rude River, containing approximately one million acres, as generally depicted on a map entitled "Chugach National Forest Additions Proposed", dated March 1979, which shall be filed and made available for public inspection in accordance with the provisions of section 1109.

TITLE V—NATIONAL WILD AND SCENIC RIVERS SYSTEM

ADDITIONS TO THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

SEC. 501. (a) ADDITIONS.—Section 3(a) of the Wild and Scenic Rivers Act is amended by adding the following new paragraphs at the end thereof:

"(24) BIRCH CREEK, ALASKA.—The segment of the main stem from the south side of Steese Highway in township 7 north, range 10 east, Fairbanks meridian downstream to the Steese Highway Bridge to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(25) DELTA, ALASKA.—The segment from and including all of the Tangle Lakes to a point one-half mile north of Black Rapids; to be classified as a recreational river area except for the segment from the Tangle Lakes area to a point opposite milepost 212 on the Richardson Highway which shall be classified as a wild river area; to be administered by the Secretary of the Interior.

"(26) FORTYMILE, ALASKA.—The main stem within the State of Alaska; O'Brien Creek; South Fork; Napoleon Creek; Franklin Creek; Uhler Creek; Walker Fork downstream from the confluence of Liberty Creek; Wade Creek; Mosquito Fork downstream from the vicinity of Kechumstuck; West Fork Dennison Fork downstream from the confluence of Logging Cabin Creek; Dennison Fork downstream from the confluence of West Fork Denison Fork; Logging Cabin Creek; North Fork; Hutchinson Creek; Champion Creek; the Middle Fork downstream from the confluence of Joseph Creek; and Joseph Creek; to be administered by the Secretary of the Interior and to be classified as a scenic river area except for the Wade Creek segment which shall be classified as a recreational river area and the following segments which shall be classified as wild river areas: Mosquito Fork downstream from the vicinity of Kechumstuck to Ingle Creek, North Fork, Champion Creek, Middle Fork downstream from the confluence of Joseph Creek, and Joseph Creek. The classification of such segments of the Fortymile as wild river areas shall not preclude such access across such river segments as the Secretary determines to be reasonably necessary to permit commercial development of asbestos deposits in the North Fork drainage.

"(27) GULKANA, ALASKA.—The main stem from the outlet of Paxson Lake in township 12 north, range 2 west, Copper River meridian to the confluence with Sourdough Creek; the south branch of the west fork from the outlet of an unnamed lake in section 10 and 15, township 10 north, range 7 west, Copper River meridian to the confluence with the west fork; the north branch from the outlet of two unnamed lakes, one in sections 24 and 25, the second in sections 9 and 10, township 11 north, range 8 west, Copper River meridian to the confluence with the west fork; the west fork from its confluence with the north and south branches downstream to its confluence with the main stem; the middle fork from the outlet of Dickey Lake in township 13 north, range 5 west, Copper River meridian to the confluence with the main stem; to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(28) ALAGNAK, ALASKA.—The segment from where the river crosses the western boundary of the Katmai National Preserve (in township 12 south, range 38 west) to the western boundary of township 13 south, range 43 west to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(29) UNALAKLEET, ALASKA.—From the headwaters in township 13 south, range 3 west, Kateel River meridian, extending downstream approximately 65 miles to the western boundary of township 18 south, range 8 west; to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(30) YUKON RAMPARTS SECTION, ALASKA.—The segment from the east boundary of township 12 north, range 11 west, to the west boundary of township 4 north, range 19 west, Fairbanks meridian, to be classified as a scenic river area and to be administered by the Secretary of the Interior.

"(31) The portions of the following rivers which form the boundary of, or are within, any national preserve or national park in Alaska: Alatna, Alagnak, Aniakchak (including its major tributaries), Charley (including its major tributaries Chilikadrotna, Chitina, John Kobuk, North Fork of the Koyukuk, Mulchatna, Salmon, Tinayguk, Tlikakila; each to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(32) The portions of the following rivers which form the boundary of, or are within, any national wildlife refuge in Alaska: Sheenjek (that portion north of 68 degrees latitude), Andreafsky (including the east fork), Ivishak, Kisaralik, Noatak (that portion from the headwaters to the confluence with the Kelly); each to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(33) KISARALIK, ALASKA.—The segment which is within the Bristol Bay Cooperative Region.

"(34) BEAVER CREEK, ALASKA.—The segment of the main stem from the vicinity of the confluence of the Bear and Champion Creeks downstream to its exist from the northeast corner of township 12 north, range 6 east, Fairbanks meridian within the White Mountains National Recreation Area, and the Yukon Flats National Wildlife Refuge, to be administered as a wild river by the Secretary of the Interior.".

(b) BOUNDARIES AND DEVELOPMENT PLANS.—Section 3(b) of the Wild and Scenic Rivers Act is amended by striking out "(b) The agency" and substituting "(b)(1) Except as otherwise provided in this Act, the agency" and by adding the following new paragraph at the end thereof:

"(2) For those rivers in Alaska listed in paragraphs (24) through (28) and (29) and (30) of subsection (a), the detailed boundaries referred to in this section shall be established, and the development plans prepared and published, within such period after the date of the enactment of this paragraph as is specified in the following list:

"One year: Delta, Fortymile, and Gulkana.

"Two years: Birch Creek and Yukon (Ramparts section).

"Three years: Unalakleet.

The detailed boundaries for the rivers listed in paragraphs (31), (32), and (33) of subsection (a) shall be established, and the development plans for such rivers shall be prepared and published, at the same time as, and in coordination with—

"(A) the submission to the Congress of the applicable management plan under the Alaska National Interest Lands Conservation Act (in the case of a river associated with a national preserve), or

"(B) the preparation of the applicable conservation plan under such Act (in the case of a river associated with a national wildlife refuge).

There shall not be included within such boundaries lands selected by Native Corporations or other valid rights of Alaskan Natives to lands without the consent of such Corporations or Natives if such valid rights were in existence immediately before the date of the enactment of this paragraph, except to the extent any such selection or right may hereafter be relinquished.".

POTENTIAL ADDITION

SEC. 502. (a) STUDY RIVERS.—Section 5(a) of the Wild and Scenic Rivers Act is amended by inserting after paragraph (75) the following new paragraphs:

"(76) Colville, Alaska.

"(77) Copper (Iliamna), Alaska.

"(78) Copper, Alaska: The segment from the confluence with the Chitina downstream to the mean high tide line.

"(79) Etivluk-Nigu, Alaska.

"(80) Holitna-Hoholitna, Alaska.

"(81) Ikpikpuk, Alaska.

"(82) Koyuk, Alaska.

"(83) Kuskokwim (Middle), Alaska: The segment between McGrath and Stoney River.

"(84) Melozitna, Alaska.

"(85) Mulchatna, Alaska: The segment from the southwest boundary of the Lake Clark National Preserve to the confluence with the Nushagak River.

"(86) Nelchina-Tazlina, Alaska.

"(87) Nuyakuk, Alaska.

"(88) Situk, Alaska.

"(89) Utukok, Alaska.

"(90) Nowitna (that portion within the Nowitna National Wildlife Refuge), Alaska.

"(91) Porcupine, Alaska.

"(92) Sheenjek (lower), Alaska.

"(93) Kanektok, Alaska.".

(b) STUDY PERIOD.—Section 5(b) of such Act is amended by adding the following new paragraph at the end thereof:

"(5) The studies of the rivers listed in paragraphs (76) through (93) shall be completed and reports thereon submitted—

"(A) for no less than five of such rivers within three years.

"(B) for no less than ten of such rivers within four years, and

"(C) for all of the remaining such rivers within five years,

after the date of enactment of this paragraph. The preceding sentence shall not apply to the rivers listed in paragraphs (76), (79), (81), and (89), and studies of such rivers shall be completed, and reports submitted not later than the time when the report in section 195(c) of the Naval Petroleum Reserves Production Act of 1976 (Public Law 94-258) is required to be submitted.".

ADMINISTRATIVE PROVISIONS

SEC. 503. (a) COOPERATIVE AGREEMENTS.—Section 10(e) of the Wild and Scenic Rivers Act is amended by adding the following at the end thereof: "In the case of rivers listed in paragraphs (24) through (34) of section 3(a), the Secretary may seek cooperative agreements with the owners of non-Federal lands adjoining such rivers to assure that the purpose of designating such rivers as wild and scenic rivers under this Act is served to the greatest extent feasible.".

(b) MINING AND MINERAL LEASING; STUDY RIVERS.—Section 9(b) of such Act is amended by adding the following at the end thereof: "Notwithstanding the foregoing provisions of this subsection or any other provision of this Act, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (76) through (93) of section 5(a), are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto, during the periods specified in section 7(b) of this Act.".

(c) INTERRELATIONSHIP OF APPLICABLE LAWS.—Section 10 of such Act is amended by inserting in the second sentence of section 10(c) before "and in the case of" the following: "(and the Acts under which particular national parks or preserves or wildlife ranges and refuges are established or enlarged)" and by striking out "these Acts" and substituting "this Act and such other Acts".

(d) ACQUISITION AUTHORITY.—Section 6 of such Act is amended by adding the following new subsection at the end thereof:

"(h) In the case of the rivers in Alaska listed in paragraphs (24) through (34), the provisions of section 1101 of the Alaska National Interest Lands Conservation Act shall apply in lieu of the provisions of this section.".

(e) PUBLIC LAND LAWS.—Section 8(b) of such Act is amended by adding the following at the end thereof: "Notwithstanding the foregoing provisions of this subsection or any other provision of this Act, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (76) through (93) of section 5(a) are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the period specified on section 7(b) of this Act.".

TITLE VI—WILDERNESS DESIGNATION AND REVIEW

FINDINGS AND PURPOSES

SEC. 601. The Congress finds and declares that it is in the national interest that certain public lands in the State of Alaska within previously established units of the National Park, National Wildlife Refuge, and National Forest Systems and certain additions made to such systems by this Act be designated as wilderness and therefore as components of the National Wilderness Preservation System in order to preserve such areas as an enduring resource of wilderness for the benefit of all the American people of present and future generations. The Congress further finds that certain other public lands within such national conservation systems are of evident wilderness resource value but require more thorough study prior to designation as wilderness.

DESIGNATION OF WILDERNESS WITHIN THE NATIONAL PARK SYSTEM

SEC. 602. In furtherance of the purposes of the Wilderness Act and subject to valid existing rights, the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in Aniakchak National Monument and Preserve, Alaska, which comprise approximately two hundred and ninety thousand acres, as generally depicted on a map entitled "Aniakchak National Monument and Preserve", dated February 1979, and which shall be known as Aniakchak Wilderness.

(2) Certain lands in Gates of the Arctic National Park and Preserve, Alaska, which comprise approximately seven million twenty thousand acres, as generally depicted on a map entitled "Gates of the Arctic National Park", dated February 1979, and which shall be known as Gates of the Arctic Wilderness.

(3) Certain lands in Glacier Bay National Park, Alaska, which comprise approximately two million eight hundred and twenty thousand acres, as generally depicted on a map entitled "Glacier Bay National Park", dated February 1979, and which shall be known as Glacier Bay Wilderness.

(4) Certain lands in the Imuruk National Preserve, Alaska which comprise approximately five hundred and forty-four thousand acres, as generally depicted on a map entitled "Bering Land Bridge National Wildlife Refuge and Imuruk National Preserve", dated March 1979, and which shall be known as Imuruk Wilderness.

(5) Certain lands in Katmai National Park and Preserve, Alaska, which comprise approximately three million six hundred and thirty thousand acres, as generally depicted on a map entitled "Katmai National Park and Preserve", dated February 1979, and which shall be known as Katmai Wilderness.

(6) Certain lands in Kobuk Valley National Monument and Preserve, Alaska, which comprise approximately one hundred and ninety thousand acres, as generally depicted on a map entitled "Kobuk Valley National Monument and Preserve", dated February 1979, and which shall be known as Kobuk Valley Wilderness.

(7) Certain lands in Lake Clark National Park and Preserve, Alaska, which comprise approximately two million five hundred thousand acres, as generally depicted on a map entitled "Lake Clark National Park and Preserve", dated February 1979, and which shall be known as Lake Clark Wilderness.

(8) Certain lands in the Noatak National Preserve, Alaska, which comprise approximately five million, four hundred and ten thousand acres, as generally depicted on the may entitled "Noatak National Preserve", dated March 1979, and which shall be known as Noatak Wilderness.

(9) Certain lands in Wrangell-Saint Elias National Park and Preserve, Alaska, which comprise approximately three million five hundred and twenty-five thousand acres, as generally depicted on a map entitled "Wrangell-Saint Elias National Park and Preserve", dated March 1979, and which shall be known as Wrangell-Saint Elias Wilderness. Use of previously existing primitive fish camp sites and use of motorized vehicles in furtherance of local commercial fishing operations shall be permitted to continue subject to such reasonable regulations as the Secretary deems desirable to maintain the wilderness character, water quality, and fish and wildlife values of the area.

(10) Certain lands in Yukon-Charley Rivers National Preserve, Alaska, which comprise approximately one million and forty thousand acres, as generally depicted on a map entitled "Yukon-Charley Rivers National Preserve", dated February 1979, and which shall be known as Yukon-Charley Wilderness.

DESIGNATION OF WILDERNESS STUDY WITHIN UNITS OF THE NATIONAL PARK SYSTEM

SEC. 603. In furtherance of the purposes of the Wilderness Act, the Secretary of the Interior shall review the nondesignated wilderness within the boundaries of each unit of the National Park System as established or as expanded by this Act, and shall report to the President and the Congress in accordance with sections 3 (c) and (d) of the Wilderness Act, his recommendations as to the suitability or nonsuitability of all roadless areas within these boundaries for preservation as wilderness. Any subsequent designation as wilderness shall be accomplished in accordance with such subsections of the Wilderness Act. Recommendations for such units shall be submitted to the Congress on such basis that—

(1) no less than four are submitted within two years,

(2) no less than eight within three years, and

(3) all within four years after the date of enactment of this Act.

DESIGNATION OF WILDERNESS WITHIN THE NATIONAL WILDLIFE REFUGE SYSTEM

SEC. 604. In furtherance of the purposes of the Wilderness Act, and subject to valid existing rights, the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain land in the Alaska Maritime National Wildlife Refuge comprising approximately two million nine hundred thousand acres, as generally depicted on a map entitled "Alaska Maritime National Wildlife Refuge", dated March 1979, and which shall be known as Alaska Maritime Wilderness, Aleutian Islands Wilderness, Unimak Wilderness, and Semidi Wilderness.

(2) Certain land in the Arctic National Wildlife Refuge comprising approximately eleven million five hundred and thirty thousand acres, as generally depicted on a map entitled "Arctic National Wildlife Refuge", dated March 1979, and which shall be known as Arctic Wilderness.

(3) Certain land in the Innoko National Wildlife Refuge, comprising approximately one million two hundred and forty thousand acres, as generally depicted on a map entitled "Innoko National Wildlife Refuge", dated March 1979, and which shall be known as Innoko Wilderness.

(4) Certain land in the Izembek National Wildlife Refuge, comprising approximately three hundred thousand acres, as generally depicted on a map entitled "Izembek National Wildlife Refuge", dated March 1979, and which shall be known as Izembek Wilderness.

(5) Certain land in the Kanuti National Wildlife Refuge, comprising approximately two hundred and fifty thousand acres, as generally depicted on a map entitled "Kanuti National Wildlife Refuge", dated March 1979, and which shall be known as Kanuti Wilderness.

(6) Certain land in the Kenai National Wildlife Refuge, comprising approximately one million four hundred and sixty-four thosuand acres, as generally depicted on a map entitled "Kenai National Wildlife Refuge", dated March 1979, and which shall be known as Kenai Wilderness.

(7) Certain lands in the Koyukuk National Wildlife Refuge, comprising approximately three hundred and seventy thousand acres, as generally depicted on a map entitled "Koyukuk National Wildlife Refuge", dated March 1979, and which shall be known as Koyukuk Wilderness.

(8) Certain land in the Nowitna National Wildlife Refuge, comprising approximately two hundred and twenty-two thousand acres, as generally depicted on a map entitled "Nowitna National Wildlife Refuge", dated March 1979, and which shall be known as Nowitna Wilderness.

(9) Certain land in the Selawik National Wildlife Refuge, comprising approximately three hundred and sixty-five thousand acres, as generally depicted on a map entitled "Selawik National Wildlife Refuge", dated March 1979, and which shall be known as Selawik Wilderness.

(10) Certain lands in the Tetlin National Wildlife Refuge, comprising one million three hundred and sixty-three thousand acres, as generally depicted on a map entitled "Tetlin National Wildlife Refuge",

dated March 1979, and which shall be known as the Tetlin Wilderness and the Chisana Wilderness.

(11) Certain lands in the Togiak National Wildlife Refuge, comprising approximately one million and seventy thousand acres, as generally depicted on the map entitled "Togiak National Wildlife Refuge", dated March 1979, and which shall be known as the Togiak Wilderness.

(12) Certain lands in the Yukon Delta National Wildlife Refuge, comprising two million six hundred and sixty-nine thousand acres, as generally depicted on a map entitled "Yukon Delta National Wildlife Refuge", dated October 1978, and which shall be known as the Andreafsky Wilderness, Clarence Rhode Wilderness, Ingakslugwat Hills Wilderness, and Kanektok Wilderness.

WILDERNESS REVIEWS WITHIN CERTAIN CONSERVATION SYSTEM UNITS

Sec. 605. (a) Wilderness Review.—In furtherance of the purposes of the Wilderness Act and in accordance with the provisions of section 3(d) of that Act relating to public notice, public hearings, and review by State and other agencies, the Secretary of the Interior shall review, as to suitability or nonsuitability for preservation as wilderness, all lands within the conservation system units, other than refuges, those areas to be reviewed under section 603, and those areas designated as wilderness by this Act.

(b) Dates.—The Secretary of the Interior shall conduct his reviews, and the President shall advise the United States Senate and House of Representatives of his recommendations, in accordance with the provisions of sections 3 (c) and (d) of the Wilderness Act. The Secretary shall complete his reviews and the President shall advise the Congress of his recommendations with respect to no less than one-third of areas within three years after the date of enactment of this Act and with respect to the other two-thirds within seven years after such date of enactment. The Secretary shall give at least ninety days advance public notice of any hearing or other public meeting concerning such areas. Any recommendation of the President to the effect that such area or a portion thereof should be designated as wilderness shall become effective only if so provided by an Act of Congress.

DESIGNATION OF WILDERNESS WITHIN THE NATIONAL FOREST SYSTEM

Sec. 606. (a) In accordance with subsection 3(c), of the Wilderness Act (78 Stat. 892), the lands within the Tongass National Forest within the boundaries depicted as "Proposed Wilderness" on the maps referred to in the following paragraphs are hereby designated as wilderness, with the nomenclature and appropriate acreage as indicated below:

(1) Admiralty Island Wilderness of approximately five hundred and forty-one thousand acres, as generally depicted on a map entitled "Admiralty Island Wilderness", dated February 1979;

(2) Coronation Island Wilderness of approximately nineteen thousand one hundred and twenty-two acres, as generally depicted on a map entitled "Coronation-Warren-Maurelle Islands Wilderness", dated February 1979;

(3) Endicott River Wilderness of approximately ninety-four thousand acres, as generally depicted on a map entitled "Endicott River Wilderness", dated February 1979;

(4) Maurelle Islands Wilderness of approximately four thousand four hundred and twenty-four acres, as generally depicted on a map entitled "Coronation-Warren-Maurelle Islands Wilderness", dated February 1979;

(5) Petersburg Creek-Duncan Salt Chuck Wilderness of approximately fifty thousand acres, as generally depicted on a map entitled "Petersburg Creek-Duncan Salt Chuck Wilderness", dated February 1979;

(6) Russell Fjord Wilderness of approximately three hundred and fifty thousand acres, as generally depicted on a map entitled "Russell Fjord Wilderness", dated February 1979;

(7) South Baranof Wilderness of approximately three hundred and fourteen thousand acres, as generally depicted on a map entitled "South Baranof Wilderness", dated February 1979;

(8) South Prince of Wales Wilderness of approximately ninety-seven thousands acres, as generally depicted on a map entitled "South Prince of Wales Wilderness", dated February 1979;

(9) Stikine-LeConte Wilderness of approximately four hundred and forty-three thousand acres, as generally depicted on a map entitled "Stikine-LeConte Wilderness", dated February 1979;

(10) Tebenkof Bay Wilderness of approximately sixty-five thousand acres, as generally depicted on a map entitled "Tebenkof Bay Wilderness", dated February 1979;

(11) Tracy Arm-Fords Terror Wilderness of approximately six hundred and seventy-eight thousand acres, as generally depicted on a map entitled "Tracy Arm-Fords Terror Wilderness", dated February 1979;

(12) Warren Island Wilderness of approximately eleven thousand three hundred and fifty-three acres, as generally depicted on a map entitled "Coronation-Warren-Maurelle Islands", dated February 1979;

(13) West Chichagof-Yakobi Wilderness of approximately two hundred and sixty-five thousand acres, as generally depicted on a map entitled "West Chichagof-Yakobi Wilderness", dated February 1979.

(b) Exchange.—(1) As provided under section 22(f) of the Alaska Native Claims Settlement Act, the Secretary of Agriculture is specifically authorized and directed, if the shareholders of Kootznoowoo, Incorporated, so elect, to exchange the timber rights to those lands selected for the village of Angoon under section 16 of the Alaska Native Claims Settlement Act for timber rights elsewhere within the Tongass National Forest in areas not designated as wilderness or wilderness study under this Act or other provisions of law. If the shareholders of Kootznoowoo, Incorporated, so elect, the timber rights to lands selected by that Corporation under section 16 of the Alaska Native Claims Settlement Act shall be conveyed to the Secretary of Agriculture. Within one year after such conveyance, the Secretary of Agriculture shall convey to Kootznoowoo, Incorporated, timber rights under this section which are of equal value to those conveyed to the Secretary. The conveyance of timber rights to the Secretary of Agriculture shall be conditioned upon the conveyance to Kootznoowoo, Incorporated, by the Secretary of Agriculture of timber rights of equal value under this section, except that if, within one year after conveyance of timber rights to the Secretary of Agriculture, he cannot identify timber rights of equal value by mutual agreement, Kootznoowoo, Incorporated, at its election, may either rescind the conveyance or identify not more than twenty-three thousand and forty acres of land within the Tongass National Forest otherwise available for exchange under this paragraph and timber rights in lands so identified shall then be conveyed to Kootznoowoo, Incorporated, by the Secretary of Agriculture. Timber on Admiralty Island with respect to which the Secretary of Agriculture acquires title under this paragraph shall not be sold or otherwise cut or disturbed, except for subsistence uses or as otherwise provided by this Act. Notwithstanding the provisions of section 21(c) of the Alaska Native Claims Settlement Act, for the purposes of these timber rights exchange, the basis of valuation of the timber rights granted Kootznoowoo, Incorporated, shall be the highest average market value of timber sold in Alaska during any one of the twenty years preceding the conveyance.

(2) As provided under section 21(c), 21 Settlement Act, the Secretary of Agriculture may acquire by purchase the timber rights of Kootznoowoo, Incorporated, which are to be exchanged pursuant to paragraph (1) of this subsection.

(3) In order for the Secretary of Agriculture to proceed as expeditiously as possible, lands withdrawn for selection by the Angoon Corporation pursuant to the Alaska Native Claims Settlement Act shall remain open to selection by Kootznoowoo, Incorporated.

(4) In satisfaction of the rights of the Natives of Sitka as provided by section 14(h)(3) of the Alaska Native Claims Settlement Act, the Secretary of Agriculture shall designate alternative lands of equal or greater timber value located in southeast Alaska other than Admiralty Island for the benefit of Shee Atika, Incorporated. For purposes of this section, corporations formed pursuant to section 14(h)(3) of the Alaska Native Claims Settlement Act shall be considered as Village Corporations formed pursuant to section 16 of that Act. Upon notice that any such land is acceptable to Shee Atika, Incorporated, the Secretary shall immediately convey the surface estate in such land to such corporation and shall immediately convey the subsurface estate to the SEAlaska Corporation. As a condition to such conveyance, Shee Atika, Incorporated, shall release any claim to land selections on Admiralty Island and SEAlaska Corporation shall release any claim to subsurface rights on Admiralty Island which corresponds to the land selection rights so released by Shee Atika, Incorporated. In studying lands for designation as alternative selection lands under this subparagraph, the Secretary shall also attempt to locate national forest lands not on Admiralty Island suitable for an exchange of timber interests with Kootznoowoo, Incorporated, under paragraph (1). Nothing in this section shall be construed to affect any valid rights which Shee Atika, Incorporated, may have on Admiralty Island pursuant to section 14(h)(3) of the Alaska Native Claims Settlement Act nor shall it in any way be deemed to compel Shee Atika, Incorporated, to surrender any rights they may have on Admiralty Island prior to their voluntary acceptance of other land.

(5) The Secretary is authorized and directed to convey to Goldbelt, Incorporated, representing the Natives of Juneau with respect to their land entitlements under section 14(h)(3) of the Alaska Natives Claims Settlement Act, and to SEAlaska, Incorporated, the lands and interests in lands described in paragraphs A and C of the Exchange Agreement, dated April 11, 1979, between those Corporations and the Departments of Agriculture and of the Interior on the terms and conditions set forth in such agreement. Such conveyances shall not be subject to the provisions of the National Environmental Policy Act of 1969 (83 Stat. 852), as amended. The terms of the Exchange Agreement, as filed with the Committee on Interior and Insular Affairs of the House of Representatives, are hereby ratified as to the duties and obligations of the United States and its agencies, Goldbelt, Incorporated, and SEAlaska, Incorporated, as a matter of federal law: *Provided*, That the agreement may be modified or amended, upon the written agreement of all parties thereto and appropriate notification in writing to the appropriate committees of the Congress, without further actions by the Congress.

(6) In recognition of the considerable land selection costs incurred by Shee Atika, Incorporated, Goldbelt, Incorporated, and Kootznoowoo, Incorporated, in determining

the validity of land withdrawals on Admiralty Island under section 14(h)(3) of the Alaska Native Claims Settlement Act, and in identifying suitable lands for exchange outside Admiralty Island, the Secretary of the Interior shall reimburse those corporations for such reasonable and necessary land selection costs, including all costs for negotiating land exchanges, court costs, and reasonable attorney's and consultant's fees, incurred prior to the date of conveyance of land to such Native corporations. Authorization for payment of such land selection costs shall begin in the fiscal year 1980, but shall include earlier costs.

(c) Access to Tracy Arm-Fords Terror.—For the purposes of providing for access, public safety, or public accommodation or services relative to recreational use of the Tracy Arm-Fords Terror Wilderness, the Secretary is authorized to use up to a total of one hundred and sixty acres at one or more sites at the western end of the wilderness in the vicinity of Sumdum, Williams Cove, or Harbor Island.

(d) Portage Equipment.—Existing mechanized portage equipment located at the head of Semour Canal on Admiralty Island may continue to be used.

WILDERNESS REVIEW WITHIN THE NATIONAL FOREST SYSTEM

Sec. 607. In furtherance of the purposes of the Wilderness Act the Secretary of Agriculture shall review the lands depicted as "Wilderness Study" on the following described maps and within three years report to the President and the Congress in accordance with section 3(c) and (d) of the Wilderness Act, his recommendations as to the suitability or nonsuitability of all areas within such wilderness study boundaries for preservation of wilderness: Nellie Juan-College Fjord, Chugach National Forest as generally depicted on a map entitled "Nellie Juan-College Fjord Study Area", dated February 1979.

DESIGNATION OF SPECIAL MANAGEMENT AREAS WITHIN THE TONGASS NATIONAL FOREST

Sec. 608. There are hereby designated the following special management areas within the Tongass National Forest:

(1) Duncan Canal Special Management Area of approximately ninety-one thousand acres as generally depicted on a map entitled "Duncan Canal Special Management Area," dated February 1979;

(2) Etolin Island Special Management Area of approximately eighty-two thousand acres as generally depicted on a map entitled "Etolin Island Special Management Area", dated February 1979;

(3) East Behm Canal Special Management Area of approximately two hundred and thirty-seven thousand acres as generally depicted on a map entitled "East Behm Canal Special Management Area", dated February 1979;

(4) Idaho Inlet-Mud Bay Special Management Area of approximately one hundred and nine thousand acres as generally depicted on a map entitled "Idaho Inlet-Mud Bay Special Management Area", dated February 1979;

(5) Karta Special Management Area of approximately thirty-nine thousand acres as generally depicted on a map entitled "Karta Special Management Area", dated February 1979;

(6) Rocky Pass Special Management Area of approximately eighty-two thousand acres as generally depicted on a map entitled "Rocky Pass Special Management Area", dated February 1979;

(7) South Misty Fjords Special Management Area of approximately nine hundred and thirty-eight thousand acres as generally depicted on a map entitled "South Misty Fjords Special Management Area", dated February 1979;

(8) West Admiralty Island Special Management Area of approximately four hundred and sixty-seven thousand acres as generally depicted on a map entitled "West Admiralty Island Special Management Area", dated February 1979; and

(9) Yakutat Forelands Special Management Area of approximately two hundred and sixty-nine thousand acres as generally depicted on a map entitled "Yakutat Forelands Special Management Area", dated February 1979.

MANAGEMENT RULES FOR SPECIAL MANAGEMENT AREAS

Sec. 609. (a) Applicable Laws.—Except as otherwise provided in this section, national forest system lands designated as special management areas under section 608 of this Act shall be managed in accordance with the laws applicable to such lands.

(b) Timber Sales.—No timber located on national forest system lands in special management areas shall be sold, unless and until the requirements of subsections (d) and (e) of this section have been met. The timber volume on these lands shall be included in determining the annual allowable sale quantity on the Tongass National Forest. Nothing in this subsection shall prevent the Secretary from taking such measures as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(c) Withdrawals.—All national forest system lands in special management areas are hereby withdrawn, subject to valid existing rights, from location, entry, and patent under the United States mining laws (30 U.S.C. 22–54). Where consistent with the land management plan for the area, the Secretary may classify lands within special management areas as suitable for locatable mineral exploration and development and open such lands to location entry and patent under the United States mining laws (30 U.S.C. 22–54). Subject to valid existing rights, all mining claims located within any special management area shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with protection of the scenic, scientific, cultural, and other resources of the area and any patent issued after the date of enactment of this Act shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations as the Secretary may prescribe. With respect to those lands in the Special Management Areas of the Tongass National Forest, as depicted on the maps referred to in section 608, the Secretary shall, pursuant to existing authority, take such action as may be necessary to protect the water quality and quantity and minimize any adverse environmental degradation of the streams and other bodies of water in such lands. In taking such action, the Secretary shall take into account the impact of mining activities on marine and fresh-water resources and shall require that the owner or operator of any mine conduct mining operations that will protect the habitat of anadromous and other marine fisheries resources.

(d) Waiver.—The Secretary of Agriculture is directed to monitor timber supply and demand in southeastern Alaska. If, at any time after ten years after the date of enactment of the Act, the Secretary finds that timber in any special management area must be sold to maintain the timber supply to dependent industry at a rate of five hundred and twenty million board feet per year, he shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives, a request for a waiver of the prohibition on timber sales established in subsection (b) of this section. The proposed waiver shall describe the lands affected and the amount of timber on such lands which is anticipated to be sold. The request shall be accompanied by a report setting forth the basis for the Secretary's findings.

(e) Submission to Congress.—No waiver shall become effective unless within sixty calendar days of continuous session of the Congress after the request has been submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives, the Senate and the House of Representatives pass a concurrent resolution approving such waiver.

(f) Applicable Rules.—For purposes of this subsection (e)—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day calendar period.

(3) the term "resolution" means a concurrent resolution, the resolving clause of which is as follows: "That the House of Representatives and Senate approve the waiver of the statutory prohibition on timber sales contained in the report of the Secretary of Agriculture submitted to the Congress on 19 .", the blank space therein shall be filled with the date on which the Secretary submits his report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(g) Application of Other Provisions.—Except as otherwise provided in this section, provisions of section 8(d) of the Alaska Natural Gas Transportation Act shall apply to the consideration of the resolution.

(h) Standing of State.—At any time after ten years after date of enactment of the Act, the State of Alaska shall have standing to petition the appropriate Federal district court for an order directing the Secretary of Agriculture to make the finding required by subsection (d) of this section and to transmit a waiver request pursuant to such subsection.

(i) South Misty Fjords Fisheries Conservation Fund.—

(1) Eligibility for benefits.—(A) Subject to the provisions of this subsection, a salmon entry permit holder in Southeastern Alaska Districts numbered 1 and 2 (hereinafter in this subsection referred to as a "permit holder") shall be eligible for compensation for mining damage to fisheries (as defined in subparagraph (B)(ii). Such compensation shall be awarded in any year for which there is an initial determination under paragraph (3) of such damage. Application for such compensation shall be made by permit holders in such manner and at such time as the Secretary of Commerce prescribes.

(B) For purposes of this subsection—

(i) the term "drainage area" means the portion of the South Misty Fjords Special Management Area comprising the "Keta, Blossom, and Wilson River Drainages", as depicted on the map referred to in section 608(7); and

(ii) the term "mining damage to fisheries" means damage to Pacific salmon fisheries in the drainage area caused by siltation or the deposit of harmful materials from mining.

(2) Amount of compensation.—(A) The amount of compensation to which a permit holder shall be eligible in any year shall be an amount equal to such holder's share (as determined under subparagraph (B)) of the mining damage to fisheries for such year (as determined under paragraph (3)).

(B) For purposes of subparagraph (A), a permit holder's share shall be a fraction—

(i) the numerator of which is equal to the average annual catch of Pacific salmon of the permit holder in Southeastern Alaska Districts numbered 1 and 2 during the three consecutive years ending with the year for which compensation is to be awarded, and

(ii) the denominator of which is equal to the average annual catch of Pacific salmon of all permit holders in such districts during such years.

(3) Initial determination of mining damage to fisheries.—(A) The Secretary of Commerce, in consultation with the Alaska Department of Fish and Game and the Secretary of Agriculture, shall make an annual determination in accordance with this paragraph of (i) the mining damage to fisheries, and (ii) the portion of such damage attributable to each mine operating in the drainage basin.

(B) The determinations required by subparagraph (A) shall be made on the basis of (i) techniques developed pursuant to paragraph (8) (A) to determine the quantity and concentration of materials harmful to salmon habitat and the extent of siltation in the drainage area, and (ii) annual studies made by the Alaska Department of Fish and Game of salmon escapement levels and a comparison of such levels with the salmon escapement index determined under paragraph (8) (C).

(C) Any determination of damage under this paragraph shall include a determination of the dollar value of such damage, using the average value during the year of Pacific salmon caught in Southeastern Alaska Districts numbered 1 and 2.

(D) The Secretary of Commerce shall notify an owner or operator of a mine in the drainage area of each determination under this paragraph affecting such mine, and shall publish notice of such determination in the Federal Register. The Secretary shall include with any such notice a complete discussion of the scientific methods, population assessment techniques, and information used to make such determination. In any case in which no request is made under paragraph (4) (A) for a review of a determination under this paragraph, such determination shall be deemed to be a final determination for purposes of paragraph (7).

(4) Final determination of mining damage to fisheries.—(A) Any owner or operator of a mine in the drainage area who is aggrieved by a determination under paragraph (3) may make a request of the Secretary of Commerce, not later than thirty days after notification of such determination, for a review of such determination. Upon receipt of such a request, the Secretary shall refer the matter to a hearing examiner appointed under section 3105 of title 5, United States Code. The hearing examiner shall, within one hundred twenty days after the matter is referred to him by the Secretary, adjudicate the case and render a final determination in accordance with section 554 of title 5, United States Code.

(B) A hearing conducted under this section shall be conducted within the United States Judicial District of Alaska.

(C) If no request is made for judicial review of a hearing examiner's determination, such determination shall be a final determination for purposes of paragraph (7).

(D) Any person who suffers legal wrong or who is adversely affected or aggrieved by the decision of a hearing examiner under this paragraph may, not later than sixty days after such decision is made, seek judicial review of such decision in the United States court of appeals for the ninth circuit.

(5) Burden of proof.—Notwithstanding any other provision of law, there shall be a presumption in any adjudicatory administrative proceeding or judicial proceeding in which a determination made by the Secretary of Commerce under this subsection is at issue that such determination is valid.

(6) Payments to eligible fishermen.—After making the initial determination of mining damage to fisheries under paragraph (3) for a year, the Secretary shall pay out of the fund, to the extent of amounts available in the fund and subject to paragraph (9) (B), to each permit holder the amount for which he is eligible under this subsection for such year. In any case in which the amount in the fund is not sufficient to fully pay all such amounts, each such amount shall be reduced proportionately. Upon acceptance by a permit holder of such a payment, the United States shall be subrogated to all rights of such permit holder with respect to which such payment is made.

(7) Liability for damages.—In any case in which a final determination has been made with respect to the portion of mining damage to fisheries attributable to a particular mine, the owner or operator of such mine shall be liable to the Secretary of Commerce for the damages so determined. The amount of any such damages received by the Secretary shall be paid into the fund established pursuant to paragraph (9).

(8) Grants for studies.—The Secretary of Commerce shall make grants out of the fund established pursuant to paragraph (9) to the Alaska Department of Fish and Game to enable such Department—

(A) during the three-year period beginning on the date of the enactment of this Act, to—

(i) develop standardized population assessment techniques for purposes of determining salmon escapement levels;

(ii) develop techniques for determining the reduction in numbers of salmon from siltation and other types of damage caused by mining; and

(iii) develop a salmon escapement index for the period 1960 through 1981, to provide an historical indicator of salmon productivity in the drainage area; and

(B) after such three-year period, to make the studies necessary for the determinations under this subsection.

The Secretary of Commerce and the Secretary of Agriculture shall provide such assistance as may be requested by such Department in carrying out the purposes of this paragraph.

(9) Establishment of fund.—(A) There is established in the Treasury of the United States the South Misty Fjords Fisheries Conservation Fund (hereinafter in this subsection referred to as the "fund"), to be administered by the Secretary of Commerce. The fund shall be available without fiscal year limitation as a revolving fund for the purposes of administering, and paying compensation awarded under, this subsection. The fund may sue or be used in its own name.

(B) The fund shall consist of—

(i) amounts received by appropriation pursuant to paragraph (10), and

(ii) amounts recovered by the Secretary of Commerce as damages pursuant to paragraph (7).

Sums may be expended from the fund only to such extent and in such amounts as are provided in advance in appropriation Acts. Sums in the fund which are not currently needed for the purpose of paying such awards shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(10) Authorization.—There are authorized to be appropriated to the fund $500,000 for each of the fiscal years 1980, 1981, and 1982, for purposes of carrying out this subsection.

NATIONAL FOREST TIMBER UTILIZATION PROGRAM

Sec. 610. (a) Special Program.—(1) The Secretary of Agriculture is authorized and directed to carry out a special program of construction and maintenance of forest development roads for the purpose of making timber supplies more readily available and otherwise improve access on the Tongass National Forest. Such roads may be constructed in advance of timber sale offerings or under terms of a sale contract. Such authority is in addition to the authority set forth in the Act of October 13, 1964 (78 Stat. 1089; 16 U.S.C. 532–538).

(2) To accomplish the road construction and maintenance authorized by this subsection, and for precommercial thinning, the Secretary is hereby authorized to expend not to exceed $10,000,000 annually from National Forest Fund receipts not otherwise appropriated in addition to such sums as may be appropriated.

(b) Loans.—(1) The Secretary of Agriculture is authorized and directed to establish a special program of insured or guaranteed loans to purchasers of national forest material in Alaska to assist such purchasers in the acquisition of equipment and the implementation of new technologies which lead to the utilization of wood products which might otherwise not be utilized. The Secretary is authorized to promulgate such regulations as he deems appropriate to define eligibility requirements for the participation in the loan program and the terms and conditions applicable to loans made under the program. Except as otherwise provided in this section or regulations promulgated specifically for this loan program, such program shall be carried out in a manner which is consistent with other authorities available to the Secretary.

(2) To carry out the special loan program established by this section, there are hereby authorized to be appropriated $5,000,000 from National Forest Fund receipts not otherwise appropriated, to be deposited in a special fund in the Treasury of the United States to remain available until expended. Repayments of principal and interest and other recoveries on loans authorized by this section shall be credited to this fund and shall remain available until expended in order to carry out the purposes of this section.

(c) Study.—Within three years after the date of enactment of this Act, the Secretary of Agriculture shall prepare and transmit to the Senate and House of Representatives a study of opportunities (consistent with the laws and regulations applicable to the management of the National Forest System) to increase timber yields on national forest lands in Alaska.

INTERIM REPORT

Sec. 611. Within five years from the date of enactment of this Act and every two years thereafter, the Secretary shall review and report to Congress on the status of the Tongass National Forest in southeastern Alaska. This report shall include, but not be limited to, (1) the timber harvest levels on the forest since the enactment of this Act; (2) the impact of wilderness designation on the timber, fishing, and tourism industry in southeast Alaska; (3) measures instituted by the Forest Service to protect fish and wildlife in the forest; (4) the status of the small business set-aside program on the Tongass Forest; and (5) the kinds and level of uses taking place in the Special Management Area designated by this Act. The study required by this section shall be conducted in cooperation and consultation with the State, affected Native Corporations, the southeast Alaska timber industry, the Southeast Alaska Conservation Council, and the Alaska Land Use Council.

SPECIAL PROVISIONS

Sec. 612. (a) Application Only to Alaska.—The provisions of this section are enacted in recognition of the unique conditions in Alaska. Nothing in this section shall be construed to expand, diminish, or modify the provisions of the Wilderness Act or the application or interpretation of such provisions with respect to lands outside of Alaska.

(b) Aquaculture.—In accordance with the goal of restoring and maintaining fish production in the State of Alaska, and in a manner which adequately assures protection, preservation, enhancement, and rehabilitation of the wilderness resource, the Secretary of the Interior or the Secretary of Agriculture, as appropriate, shall permit fishery research, management, enhancement, and rehabilitation activities within wilderness and wilderness study areas designated by this Act other than in units of the National Park System. Subject to reasonable regulations, permanent improvements and facilities such as fishways, fish weirs, fish ladders, fish hatcheries, spawning channels, stream clearance, egg planting, and other accepted means of maintaining, enhancing, and rehabilitating fish stocks may be permitted by the Secretary to achieve this objective. Any fish hatchery, fishpass, or other aquaculture facility authorized for any such area shall be constructed, managed, and operated in a manner that minimizes adverse impacts on the wilderness character of the area. Developments for any such activities shall involve those facilities essential to these operations and shall be constructed in such rustic manner as to blend into the natural character of the area. Reasonable access solely for the purposes of this subsection, including use of motorized equipment shall be permitted in furtherance of research, management, rehabilitation, and enhancement activities subject to reasonable regulations as the Secretary deems desirable to maintain the wilderness character, water quality, and fish and wildlife values of the area.

(c) Fishery Research.—Only fishery research may be authorized, in wilderness or wilderness study areas within units of the National Park System, as the Secretary determines to be necessary and desirable to study, manage, protect, restore, augment, or sustain indigenous fish populations. Fishery research activities permitted within units of the National Park System shall be undertaken in a manner that is consistent with the purposes for which such units are established or expanded. The construction or erection of permanent structures in support of these activities in wilderness or wilderness study areas within units of the National Park System shall not be permitted.

(d) Commercial Fisheries.—In accordance with the principles of sound fisheries management, the Secretary shall permit commercial fisheries activities (other than activities within processing facilities) within wilderness designated by this Act, except wilderness within national parks.

(e) Existing Cabins.—Previously existing public use cabins within wilderness designated by this Act, may be permitted to continue and may be maintained or replaced subject to such restrictions as the Secretary deems necessary to preserve the wilderness character of the area.

(f) New Cabins.—Within wilderness designated by this Act, the Secretary of the Interior or the Secretary of Agriculture, as appropriate—

(1) may construct and maintain a limited number of new public use cabins and shelters if such cabins and shelters are necessary for the protection of public health and safety or for the enhancement of recreation opportunities; and

(2) shall permit the construction and maintenance of trappers' cabins.

All such public use and trappers' cabins or shelters shall be constructed of materials which blend and are compatible with the immediate and surrounding wilderness landscape. The Secretary of the Interior or the Secretary of Agriculture, as appropriate, shall notify the House Committee on Merchant Marine and Fisheries, the House Committee on Interior and Insular Affairs, and the Senate Committee on Energy and Natural Resources of his intention to remove an existing or construct a new public use cabin or shelter and no such cabin or shelter shall be removed or constructed until thirty days (not counting days on which the House of Representatives or the Senate has adjourned for more than three days) after a notice of intention to remove or construct has been submitted to such committees, unless each committee by resolution waives the waiting period.

(g) Withdrawals.—Subject to valid existing rights, national forest wilderness established by this Act in the Tongass National Forest are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws, including, in both cases, all amendments thereto, and from any right of mineral entry which would otherwise have been available hereafter under the Wilderness Act or any other provision of law.

(h) Taking of Fish and Wildlife.—Within national forest wilderness designated by this Act, the Secretary of Agriculture shall permit taking of fish and wildlife on lands under his jurisdiction in accordance with applicable laws of the United States and the State of Alaska, except that the Secretary may designate zones where, and establish periods when, no taking of fish and wildlife shall be permitted for reasons of public safety, administration, public use and enjoyment, or protection of subsistence resources.

(i) Trapping.—The Secretary shall permit trapping within wilderness designated by this Act, other than wilderness within national parks.

(j) Guiding.—The Secretary shall permit guiding within wilderness designated by this Act, other than wilderness within national parks.

ADMINISTRATION

Sec. 613. (a) In General.—Except as otherwise expressly provided for in this Act, wilderness designated by this Act shall be administered in accordance with applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture for areas designated in sections 602 and 604 shall, as applicable, be deemed to be a reference to the Secretary of the Interior.

(b) Timber Contracts.—The Secretary of Agriculture is hereby directed to modify any existing national forest timber sale contracts applying to lands designated by this Act as wilderness by substituting, to the extent practicable, timber on the other national forest lands approximately equal in volume, species, grade, and accessibility for timber on relevant lands within such units.

ACQUISITION AUTHORITY

Sec. 614. The Secretary of Agriculture is authorized, in accordance with the provisions of section 1101, to acquire privately owned land within the boundary of any area designated as wilderness within the national forest by this Act.

TITLE VII—SUBSISTENCE MANAGEMENT AND USE

FINDINGS

Sec. 701. The Congress finds and declares that—

(1) the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on their Native lands is essential to their physical, economic, traditional, and Native cultural existence;

(2) the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses;

(3) the continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden decline in the populations of some wildlife species which are crucial subsistence resources, and by increased accessibility of remote areas containing subsistence resources;

(4) in order to fulfill the policies and purposes of the Alaska Native Claims Settlement Act and as a matter of equity, it is necessary for the Congress to invoke its constitutional authority over Native affairs and its constitutional authority under the property clause and the commerce clause to protect and provide the opportunity for continued subsistence uses on the public lands by Native and non-Native rural residents; and

(5) the national interest in the proper regulation protection, and conservation of fish and wildlife on the public lands in Alaska and the continuation of the opportunity for a subsistence way of life by rural residents of Alaska require that an administrative structure be established for the purpose of enabling people who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on the public lands in Alaska.

POLICY

Sec. 702. It is hereby declared to be the policy of Congress that—

(1) consistent with sound management principles, the administration of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes of each unit established, designated, or expanded by or pursuant to this Act, the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so;

(2) nonwasteful subsistence uses of fish and wildlife and other renewable resources by local rural residents shall be a priority consumptive use of all such resources on the public lands of Alaska, and where it is necessary to restrict taking in order to assure the continued productivity of a fish or wildlife population or the continuation of such use of such population, the taking of such population for nonwasteful subsistence uses by local rural residents shall be given priority on the public lands over other consumptive uses; and

(3) except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting continued productivity of all wild renewable resources in Alaska shall cooperate with adjacent landowners and land managers including Native Corporations, appropriate State and Federal agencies and other nations.

DEFINITIONS

Sec. 703. (a) As used in this Act, the term "subsistence uses" means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary noncommercial trade consistent with the maintenance of a subsistence way of life. For the purposes of this section, the term—

(1) "family" means all persons related by

blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) "barter" means the exchange of fish or wildlife or their parts, taken for subsistence uses—

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature.

(b) As used in this title, the term "continued productivity" means the biological and numerical status of a fish or wildlife population where its average annual recruitment rate equals or exceeds its average annual mortality rate, not in excess of the carrying capacity of its habitat, thereby insuring that the population will not become threatened.

PREFERENCE FOR SUBSISTENCE USES

Sec. 704. Except as otherwise provided in this Act, the taking of fish and wildlife and other renewable resources for nonwasteful subsistence uses by rural residents shall be a priority consumptive use of such resources on the public lands in Alaska. Whenever it is necessary to restrict the taking of a population of fish or wildlife on the public lands in order to protect the continued productivity of such population or to continue such uses, subsistence uses by local rural residents shall be the priority use. If further restriction is necessary in order to protect such productivity or to continue such uses, such restriction shall be implemented through appropriate limitations based on the application of the following criteria;

(1) local rural residency;

(2) availability of alternative resources; and

(3) customary and direct dependence upon the populations as the mainstay of livelihood.

LOCAL AND REGIONAL PARTICIPATION

Sec. 705. (a) Except as otherwise provided in subsection (d) of this section, one year after the date of enactment of this Act, the Secretary of the Interior shall establish—

(1) at least six Alaska subsistence resource regions which, taken together, include all public lands. The number and boundaries of the regions shall be sufficient to assure that regional differences in subsistence uses are adequately accommodated;

(2) such local advisory committees within each region as he finds necessary at such time as he may determine, after notice and hearing, that the existing State fish and game advisory committees do not adequately perform the functions of the local committee system set forth in paragraph (3) (D) (iv) of this subsection; and

(3) a regional advisory council in each subsistence resource region.

Each regional council shall be composed of residents of the region and shall have the following authority:

(A) the review and evaluation of proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife within the region;

(B) the provision of a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife within the region;

(C) the encouragement of local and regional participation in the decisionmaking process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses;

(D) the preparation of an annual report to the Secretary which shall contain—

(i) an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;

(ii) an evaluation of current and anticipated subsistence needs for fish and wildlife populations within the region;

(iii) a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs; and

(iv) recommendations concerning policies, standards, guidelines, and regulations to implement the strategy. The State fish and game advisory committees or such local committees as the Secretary may establish pursuant to paragraph (2) of this subsection may provide advice to, and assist, the regional advisory councils in carrying out the functions set forth in this paragraph.

(b) The Secretary of the Interior shall assign adequate qualified staff to the regional advisory councils and make timely distribution of all available relevant technical and scientific support data to the regional advisory councils and the State fish and game advisory committees or such local committees as the Secretary may establish pursuant to paragraph (2) of subsection (a).

(c) (1) The Secretary, in performing his monitoring responsibility pursuant to section 706 and in the exercise of his closure and other administrative authority over the public lands, shall consider the annual report and recommendations of the regional councils concerning the management of fish and wildlife on the public lands within their respective regions for subsistence uses.

(2) The recommendations of the regional councils shall—

(A) be based upon recognized principles of fish and wildlife conservation.

(B) not be detrimental to the satisfaction of rural subsistence needs, and

(C) shall set forth the factual basis for each recommendation.

(3) If a recommendation referred to in paragraph (1) of this subsection is not adopted by the Secretary, the Secretary shall provide the regional council which offered the recommendation, and the State, a written explanation detailing the basis for such failure. Such explanation shall be included in the administrative record relating to such recommendation.

(d) (1) If within one year after the date of enactment of this Act the State enacts and implements laws of general applicability which are consistent with, and which provide for the preference and participation specified in, sections 704 and 705, such laws, unless and until repealed, shall supersede such sections insofar as such sections govern State responsibility pursuant to this title for the taking of fish and wildlife on the public lands for subsistence uses. Laws establishing a system of local committees and regional councils consistent with section 705, shall provide that the State rulemaking authority shall consider the recommendations of the regional councils concerning the taking of fish and wildlife populations within their respective regions for subsistence uses.

(2) The recommendations of the regional councils shall—

(A) be presented to the State rulemaking authority during the course of the administrative proceedings of such authority,

(B) be based upon recognized principles of fish and wildlife conservation,

(C) not be detrimental to the satisfaction of rural subsistence needs, and

(D) shall set forth the factual basis for each recommendation.

(3) If a recommendation referred to in paragraph (1) of this subsection is not adopted by the State rulemaking authority, such authority shall provide the regional council which offered the recommendation a written explanation detailing the basis for such failure. Such explanation shall be included in the administrative record relating to such recommendation.

(e) (1) The Secretary of the Interior shall reimburse the State, from funds appropriated to the Department of the Interior for such purposes, for the reasonable costs relating to the establishment and operation of the regional advisory councils established by the State in accordance with subsection (d) and the operation of the State fish and game advisory committees so long as such committees are not superseded by the Secretary pursuant to paragraph (2) of subsection (a). Such reimbursement may not exceed 50 per centum of such costs in any fiscal year. Such costs shall be verified in a statement which the Secretary determines to be adequate and accurate. Sums paid under this subsection shall be in addition to any grants, payments, or other sums to which the State is entitled from appropriations to the Department of the Interior.

(2) Total payments to the State under this subsection shall not exceed the sum of $5,000,000 in any one fiscal year. The Secretary shall advise the Congress at least once in every five years as to whether or not the maximum payments specified in this subsection is adequate to insure the effectiveness of the program established by the State to provide the preference for subsistence uses of fish and wildlife set forth in section 704.

(f) If the State implements subsections (a), (b), and (c) of this section, it shall implement section 703 by appropriate statute or regulation.

FEDERAL MONITORING

Sec. 706. The Secretary shall monitor the provision by the State of the subsistence preference set forth in section 704 on public lands under his jurisdiction, and shall advise the State and the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources of the Senate annually and at such other times as he deems necessary of his views on the effectiveness of the State in providing such preference, any exercise of his closure or other administrative authority to protect subsistence resources or uses, the views of the State, and any recommendations he may have.

JUDICIAL ENFORCEMENT

Sec. 707. In performance of his monitoring responsibilities required in section 706, if the Secretary and appropriate State agency are notified in writing by a local committee or regional council established by the Secretary or the State pursuant to section 705 that the preference for subsistence uses set forth in section 704 is not adequately provided in its region, setting forth the facts upon which such belief is based and detailing efforts to obtain timely relief through available State grievance procedures, the Secretary shall investigate and report publicly on the results of his investigation. If the Secretary determines that the preference for subsistence uses is not adequately provided and that timely relief has not been obtained, he shall submit his views to the Governor and seek to insure the adequate and timely provision of such preference through discussions with the State. The Secretary shall inform the committee or council which submitted the notification to him of the results of such discussions. If the Secretary determines in writing that, based on substantial evidence in the administrative record, the State has failed to make adequate and timely provision for the preference for subsistence uses after having been provided a reasonable opportunity to do so and that such failure threatens the ability of local rural residents to satisfy their subsistence needs, at the request of the committee or council which submitted the notification to him, the Secretary shall bring an action in the United States district court on behalf of such committee or council to require the State to take such actions as are necessary to provide such preference. Such action shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time and shall be expedited in every way by such court. Upon the filing of the complaint, if the pleadings indicate that the State has failed to adequately provide for the preference for subsistence uses, that such failure imminently threatens the ability of local rural residents to satisfy their subsistence needs, that immediate relief is necessary to assure that those residents who may have been adversely affected by such failure are provided a timely opportunity to satisfy such needs, and that immediate relief will not threaten the continued productivity of fish and wildlife populations toward which such relief may be directed, the district court shall issue an order directing the State to show cause why the features of the State's provision of the preference which render such provision inadequate should not be enjoined and the State be directed to permit the taking of such fish or wildlife populations only for subsistence uses by those residents who have been adversely affected by the State's failure to provide for the preference. No order granting such temporary relief shall be issued until the State has been provided an opportunity for hearing, and such order shall provide that such taking for subsistence uses shall be subject to regulation by the State in a manner which adequately provides for the satisfaction of the subsistence preference requirement. The court shall provide relief, other than temporary relief, by directing the State to submit regulations which satisfy the subsistence preference requirement. A final order shall be valid only for such period as normally provided for in the regulations at issue under State law. This section shall constitute the sole Federal judicial remedy created by this title for a local committee or regional council which determines that the preference for subsistence uses set forth in section 704 has not been adequately provided by the State in its region.

COOPERATIVE AGREEMENTS

Sec. 708. The Secretary may enter into cooperative agreements or otherwise cooperate with other Federal agencies, the State, Native Corporations, other appropriate persons and organizations, and, acting through the Secretary of State, other nations to effectuate the purposes and policies of this title.

SUBSISTENCE AND LAND USE DECISIONS

Sec. 709. (a) In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions, the head of the Federal agency having primary jurisdiction over such decision or his designee shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. No such withdrawal, reservation, lease, permit, or other use, occupancy or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency—

(1) gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to section 705,

(2) gives notice and opportunity for public hearing in the vicinity of the area involved, and

(3) determines that (A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purpose of such use, occupancy, or other disposition, and (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

(b) If the Secretary is required to prepare an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act, he shall provide the notice and hearing and include the findings required by subsection (a) as part of such environmental impact statement.

(c) Nothing herein shall be construed to prohibit or impair the ability of the State or any Native Corporation to make land selections and receive land conveyances pursuant to the Alaska Statehood Act or the Alaska Native Claims Settlement Act.

ACCESS

Sec. 710. (a) The Secretary shall insure that persons engaged in subsistence uses shall have reasonable and nondestructive access to subsistence resources on the public lands.

(b) Notwithstanding any other provision of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other reasonable and nondestructive means of surface transportation traditionally employed for such purposes by local residents, subject to such regulations as are necessary to prevent waste, or damage to fish, wildlife, or terrain.

RESEARCH

Sec. 711. The Secretary, acting through the United States Fish and Wildlife Service and in cooperation with the State and other appropriate Federal agencies, shall undertake research on fish and wildlife and subsistence uses on the public lands; seek data from, consult with and make use of, the special knowledge of subsistence users; and make the results of such research available to the State, the local and regional councils established by the Secretary or State pursuant to section 705, and other appropriate persons and organizations.

REGULATIONS

Sec. 712. Eeach Secretary shall prescribe such regulations as are necessary and appropriate to carry out their respective responsibilities under this title.

CLOSURE TO SUBSISTENCE USES

Sec. 713. Notwithstanding any other provision of this Act or other law, the Secretary, after consultation with the State and adequate notice and public hearing, may temporarily close any public lands (including those within any conservation system unit), or any portion thereof, to subsistence uses of a particular fish or wildlife population for reasons of public safety or administration, to assure the continued productivity of such population, or to prevent damage to its habitat which will adversely affect such productivity. If the Secretary determines that an emergency situation exists and that extraordinary measures must be taken for public safety, to assure the continued productivity of a particular fish or wildlife population, or to prevent damage to its habitat which will adversely affect such productivity, the Secretary may immediately close the public lands, or any portion thereof, to subsistence uses of such population and shall publish the reasons justifying the closure in the Federal Register. Such emergency closure shall be effective when made for a period not exceeding sixty days, unless the Secretary determines, after notice and public hearing, that such closure should be extended to protect the public safety, asure the continued productivity of such population, or prevent damage to its habitat which will adversely affect such productivity.

LIMITATIONS, SAVINGS CLAUSES

Sec. 714. Nothing in this title shall be construed as—

(1) granting any property right in any fish or wildlife or other resource of the public lands or as permitting the level of subsistence uses of fish and wildlife on such lands to be significantly expanded beyond the level of such uses occurring during the ten-year period before January 1, 1978. No privilege which may be granted by the State to any individual with respect to subsistence uses may be assigned to any other individual;

(2) permitting any subsistence use of fish and wildlife on any portion of the public lands (whether or not within any conservation system unit) which was permanently closed to such uses on January 1, 1978;

(3) authorizing a restriction on the taking of a fish or wildlife population for nonsubsistence uses on the public lands unless necessary in order to protect the continued productivity of such population or to continue subsistence uses of such population; or

(4) modifying or repealing the provisions of any Federal law governing the conservation or protection of fish and wildlife, including but not limited to the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668jj), the Fur Seal Act of 1966 (16 U.S.C. 1151–1187), the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Act entitled "An Act for the Protection of the Bald Eagle", approved June 8, 1940 (16 U.S.C. 742a–754), the Migratory Bird Treaty Act (16 U.S.C. 703–711), the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669–669i), the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801–1882), the Federal Aid in Fish Restoration Act (16 U.S.C. 777–777k), or any amendments to any one or more of such Acts.

TITLE VIII—IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT AND ALASKA STATEHOOD ACT

CONVEYANCES TO VILLAGE CORPORATIONS

Sec. 801. (a) "Core" Townships, Etc.—(1) (A) Except to the extent that conveyance of a surface estate would be inconsistent with section 12(a), 14(a), 14(b), or 22(l) of the Alaska Native Claims Settlement Act, subject to valid existing rights and section 803(a) of this Act, there is hereby conveyed to and vested in each Village Corporation for a Native village which is determined by the Secretary to be eligible for land under section 11 or 16 of the Alaska Native Claims Settlement Act, and which did not elect to acquire a former reserve under section 19(b) of such Act, all of the right, title, and interest of the United States in and to the surface estate in the public lands, as defined in such Act, in the township or townships withdrawn pursuant to section 11(a)(1) or 16(a) of such Act in which all or any part of such village is located. As used in this paragraph the term "Native village" has the same meaning such term has in section 3(c) of the Alaska Native Claims Settlement Act.

(B) Where two or more Village Corporations are entitled to the same land by virtue of the same township or townships embracing all or part of the Native villages, the conveyance made by paragraph (A) shall not be effective as to such lands until an arbitration decision or other binding agreement between or among the Corporations is filed with and published by the Secretary. Within thirty days of receipt of such decision or agreement, the Secretary shall publish notice of the decision or agreement in the Federal Register. Effective with such publication, title to the lands conveyed by subparagraph (A) shall vest in each Village Corporation as specified in the decision or agreement. For purposes of section 802, until title vests in the Village Corporation pursuant to this subparagraph, the Secretary shall consider the entire acreage involved chargeable to each Corporation's entitlement.

(2) Except to the extent that conveyance

of a surface estate would be inconsistent with section 12(a), 14(a), or 22(l) of the Alaska Native Claims Settlement Act, subject to valid existing rights and section 803 (a) of this Act, there is hereby conveyed to and vested in each Village Corporation for a Native village which is determined by the Secretary to be eligible for land under section 11 of such Act, and which did not elect to acquire a former reserve under section 19(b) of such Act, all of the right, title, and interest of the United States in and to the surface estate in the township or townships withdrawn pursuant to section 11(a)(2) of such Act in which all or any part of such village is located: *Provided*, That any such land reserved to or selected by the State of Alaska under the Acts of March 4, 1915 (38 Stat. 1214), as amended, January 21, 1929 (45 Stat. 1091), as amended, or July 28, 1956 (70 Stat. 709) and lands selected by the State which have been tentatively approved to the State under section 6(g) of the Alaska Statehood Act and as to which the State, prior to December 18, 1971, had conditionally granted title to, or contracts to purchase, the surface estate to third parties, including cities and boroughs within the State, and such reservations, selections, grants, and contracts had not expired or been relinquished or revoked by the date of this Act, shall not be conveyed by operation of this paragraph: *And provided further*, That the provisions of subparagraph (1)(B) of this subsection shall apply to the conveyances under this paragraph.

(3) Subject to valid existing rights and section 803(a) of this Act, there is hereby conveyed to and vested in each Village Corporation which, by the date of enactment of this Act, is determined by the Secretary to be eligible under the Alaska Native Claims Settlement Act to, and has elected to, acquire title to any estate pursuant to section 19(b) of the Alaska Native Claims Settlement Act, all of the right, title, and interest of the United States in and to the estates in a reserve, as such reserve existed on December 18, 1971, which was set aside for the use or benefit of the stockholders or members of such Corporation before the date of enactment of the Alaska Native Claims Settlement Act. Nothing in this paragraph shall apply to the Village Corporation for the Native Village of Klukwan, which Corporation shall receive those rights granted to it by the Act of January 2, 1976 (Public Law 94–204), as amended by the Act of October 4, 1976 (Public Law 94–456).

(4) Subject to valid existing rights and section 803(a) of this Act, and except where such lands are within a National Wildlife Refuge or the National Petroleum Reserve—Alaska, for which the Regional Corporation obtains in-lieu rights pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act, there is hereby conveyed to and vested in each Regional Corporation which, as a result of a conveyance of a surface estate by operation of paragraphs (1) and (2) of this subsection, is entitled under section 14 (f) of the Alaska Native Claims Settlement Act to receive the subsurface estate corresponding to such surface estate all of the right, title, and interest of the United States in and to such subsurface estate.

(b) Documents.—As soon as possible after the date of enactment of this Act, the Secretary shall issue to each Native Corporation referred to in subsection (a) interim conveyance or patents to the estate or estates conveyed to such Corporation by such subsection, but title shall be deemed to have passed on the date of enactment of this Act, or on the date of eligibility determination if subsequent thereto, notwithstanding any delay in the issuance of the interim conveyances or patents.

(c) Reconveyances; Disputes.—A Village Corporation's obligation to reconvey lands under section 14(c) of the Alaska Native Claims Settlement Act shall arise only upon receipt of an interim conveyance or patent, whichever is earlier, under subsection (b) of this section or under such Act. For purposes of the Alaska Native Claims Settlement Act, legislative conveyances made by, or interim conveyances and patents issued pursuant to, this title shall have the same effect as if issued pursuant to sections 14(a), 14(b), 14(f), and 19(b) of the Alaska Native Claims Settlement Act and shall be deemed to have been so issued. Disputes between or among Native Corporations arising from conveyances under this Act shall be resolved by a board of arbitrators of a type described in section 12 (e) of the Alaska Native Claims Settlement Act pertaining to disputes over land selection rights and the boundaries of Village Corporations.

(d) Existing Rights.—All conveyances made by operation of this section or section 802 of this Act shall be subject to the terms and conditions of the Alaska Native Claims Settlement Act as if such conveyances or patents had been made or issued pursuant to that Act.

(e) Definition.—Notwithstanding the provisions of section 102(6), for purposes of this title, the term "Native Corporation" means any Village Corporation, any Regional Corporation, any Urban Corporation, and any Native group, as such term is defined under sections 3(d) and 14(h)(2) of the Alaska Native Claims Settlement Act.

OTHER CONVEYANCES TO NATIVE CORPORATIONS

Sec. 802. (a) Expedited Procedures; Selection Priorities.—(1) If a Native Corporation entitled to receive land under the Alaska Native Claims Settlement Act elects to utilize the expedited conveyance procedure provided by this section, then, within one hundred and eighty days after the date of enactment of this Act or after the date of its eligibility determination, if subsequent thereto, such Corporation shall file with the Secretary a document or documents which lists in order of preference such Corporation's priorities for the conveyance of all or any part of the amount of lands which such Corporation has selected under any one or another of the entitlement sections, subsections, or paragraphs of the Alaska Native Claims Settlement Act. Any Native Corporation not electing to utilize such expedited procedure shall receive conveyance of its total entitlement, less any lands conveyed pursuant to section 801, under the Alaska Native Claims Settlement Act.

(2) An election by a Native Corporation to utilize the expedited conveyance procedure provided by this section shall not affect any of its rights under the Alaska Native Claims Settlement Act except to the extent such Corporation receives a conveyance by operation of this Act.

(b) Priority Selection and Conveyance Process.—(1)(A) Within sixty days of the date of enactment of this Act, the Secretary shall publish in the Federal Register his best estimate of the total amount of land each Native Corporation is entitled to receive under the Alaska Native Claims Settlement Act.

(B) If the Secretary is unable to determine the total amount of the land entitlement of such Corporation under subparagraph (A), he shall, at least every six months thereafter, redetermine his best estimate of the total amount of such entitlement and publish in the Federal Register such estimate as redetermined. The Secretary shall continue to make such redeterminations until he is able to determine and publish the total amount of such land entitlement.

(C) For a period of thirty days after each date on which the Secretary publishes under subparagraph (B) of this subsection a revised estimate of the total amount of land a Native Corporation is entitled to receive under the Alaska Native Claims Settlement Act, the Corporation may file with the Secretary a document or documents amending or supplementing the priorities previously filed with the Secretary with respect to any land for which no conveyance has yet taken place. In the event that a Native Corporation files under the preceding sentence amended priorities with respect to any land which has also been validly selected by any other Native Corporation, such other Corporation similarly may, during the same thirty-day period, file amended priorities with respect to such selected land and any other land not previously conveyed which such other Corporation previously designated as lower priority than such selected land.

(2) Within one year after (A) the date of enactment of this Act, (B) the date on which a Native Corporation, not determined eligible by the Secretary and files a list of priorities under subsection (a) of this section, or (C) a Native Corporation files a revised list of priorities as provided in subsection (b) (1)(C), whichever is later, the Secretary shall determine whether each land selection contained in such list is valid under the Alaska Native Claims Settlement Act and publish such determination in the Federal Register.

(3) Subject to valid existing rights, on the forty-fifth day following each date on which the Secretary publishes under paragraph (2) of this subsection a determination of the validity of each land selection contained in the priority list of land which a Native Corporation is entitled to receive under the Alaska Native Claims Settlement Act, there are hereby conveyed to and vested in such Corporation all of the right, title, and interest of the United States in and to those lands—

(A) which were determined by the Secretary to be validly selected by such Corporation under the Alaska Native Claims Settlement Act;

(B) which are of the highest priorities contained in the list of priorities filed by such Corporation; and

(C) which have a cumulative acreage which is equal to the last estimate of entitlement published by the Secretary pursuant to paragraph (1) of this subsection—

(i) reduced by the cumulative acreage of lands previously conveyed to such Corporation by operation of this Act or under the Alaska Native Claims Settlement Act; and

(ii) reduced as provided in paragraphs (4) and (5) of this subsection.

(4) In any case in which the Secretary determines under paragraph (2), (A) that a land selection contained in the list of priorities filed by a Native Corporation is invalid under the Alaska Native Claims Settlement Act, and (B) that the cumulative total of acreages of land selections contained in such list of higher priorities than the land selection referred to in subparagraph (A) does not exceed (i) the most recent determination under paragraph (1) of the estimate of the total land entitlement of such Corporation or (ii) the total acreage contained in such list of priorities, whichever is less, the total amount of lands to be conveyed by operation of paragraph (3) shall be reduced by an acreage which equals the acreage of the land selection referred to in subparagraph (A) until the Secretary receives in writing one of the items referred to in paragraph (6) with respect to the determination referred to in subparagraph (A) or until an amendment is made in the list of priorities filed by such Corporation which has the effect of eliminating such reduction.

(5) In any case in which the Secretary, before the date of conveyance of lands to a Native Corporation by operation of paragraph (3), determines—

(A) that a valid land selection contained in the list of priorities filed by a Native Corporation has also been validly selected under the Alaska Native Claims Settlement Act by one or more other Native Corporations, and

(B) that the cumulative total of acreages of land selections contained in such list as higher priorities than the land selection referred to in subparagraph (A) does not exceed (i) the most recent determination under paragraph (1) of the estimate of the total land entitlement of such Corporation, or (ii) the total acreage contained in such list of priorities, whichever is less, the total amount of lands to be conveyed by operation of paragraph (3) shall be reduced by an acreage which equals the acreage of the land selection referred to in subparagraph (A) until the Secretary receives in writing one of the items referred to in subparagraph (6) with respect to the determination referred to in subparagraph (A) or until an amendment is made in the list of priorities filed by such Corporation which has the effect of eliminating such reduction.

(6) Whenever the Secretary receives in writing—

(A) the acceptance by a Native Corporation of a determination of the Secretary to reduce the acreage of a conveyance to such Corporation under paragraph (4) or (5) of this subsection, or

(B) the results of a final decision on an action filed by a Native Corporation contesting the validity of a determination of the Secretary to reduce the acreage of a conveyance to such Corporation under paragraph (4) or (5) of this subsection, or

(C) the provisions of a final settlement or the results of a final decision on a dispute over whether a Native Corporation is entitled under the Alaska Native Claims Settlement Act to receive conveyance of lands which were the subject of a determination by the Secretary under paragraph (5) of this subsection, subject to valid existing rights, all of the right, title, and interest of the United States in and to any lands which the concerned Native Corporation is entitled to receive under the Alaska Native Claims Settlement Act as a result of the acceptance, decision, or settlement are hereby conveyed to and vested in such Corporation.

(7) Within ninety days after the date of a conveyance by operation of paragraph (3) or (6) of this subsection, the Secretary shall issue to the concerned Native Corporation interim conveyances or patents to the lands subject to such conveyance, but title shall be deemed to have passed on the date of such conveyance, notwithstanding any delay in the issuance of the interim conveyances or patents.

(c) Limitation.—Nothing in this section shall be construed as applying to lands conveyed by section 801(a) of this Act, except to the extent such conveyance reduces the Corporation's remaining acreage entitlement.

(d) Reduction of Overselections.—(1) Within one hundred and twenty days after the date on which an interim conveyance or patent is issued to a Native Corporation pursuant to subsection (b)(7), but not sooner than ninety days after such date, the Secretary may reduce the remaining selections of such Corporation to an amount of acreage equal to 125 per centum of the difference between (A) the Corporation's maximum possible land entitlement, as determined by the Secretary, and (B) the total acreage of land previously conveyed to such Corporation: *Provided*, That any land deemed a part of such 125 per centum with respect to selections by a Native Corporation under any one entitlement section or subsection of the Alaska Native Claims Settlement Act may not be deemed a part of such 125 per centum with respect to selections by said Corporation under any other section or subsection of such Act or with respect to selections by any other Native Corporation: *Provided further*, That any selected land which is the subject of litigation to determine, or is otherwise in dispute concerning whether such land was validly selected shall not be deemed a part of such 125 per centum and shall remain withdrawn for selection in addition to such 125 per centum until the validity of such selection is finally determined.

(2) Reductions pursuant to this subsection shall be made by the Secretary by rejecting such selected lands as the Corporation shall specify in writing to the Secretary or, if the Secretary receives no such specification within ninety days after issuance of the interim conveyance or patent, by rejecting the lowest priority lands on the list or lists provided by the Corporation pursuant to subsection (a) or any subsequent revision, if any, of such list or lists pursuant to subsection (b)(1)(C).

(3) When conveyances have been made to the Corporation which total the Corporation's total entitlement under the Alaska Native Claims Settlement Act, any remaining selections shall be rejected by the Secretary.

(e) Notwithstanding any other provision of this section, any Corporation which elects to use the expedited conveyance procedure provided by this section may at any time thereafter terminate said election by so advising the Secretary in writing, and such Corporation's remaining selections and any then remaining portion of its land entitlement shall be processed as if the Corporation had not elected the expedited process.

ADMINISTRATIVE PROVISIONS

Sec. 803. (a) 17(b) Easements on "Core" Township Lands.—For a period of one year from the date of enactment of this Act, the Secretary may identify and issue a decision to reserve in the patent those easements, pursuant to section 17(b) of the Alaska Native Claims Settlement Act, which are described in section 17(b) of said Act on lands conveyed by section 901 of this Act: *Provided*, That the Secretary shall not reserve a greater number of easements or more land for a particular easement or easements than is reasonably necessary and he shall be guided by the principles of subsection (b). Upon the finality of the decision so issued, such easements shall be reserved in the conveyance document or documents issued by the Secretary as required by section 901(b).

(b) Limitations Concerning Easements.—With respect to lands conveyed to Native Corporations the Secretary shall reserve only those easements which are described in section 17(b)(1) of Alaska Native Claims Settlement Act and shall be guided by the following principles:

(1) all easement should be designed so as to minimize their impact on Native life styles, and on subsistence uses; and

(2) each easement should be specifically located and described and should include only such areas as are necessary for the purpose or purposes for which the easement is reserved.

(c) Acquisition of Future Easements.—Whenever, after a conveyance has been made by this Act or under the Alaska Native Claims Settlement Act the Secretary determines that an easement not reserved at the time of conveyance or by operation of subsection (a) of this section is required for any purpose specified in section 17(b)(1) of the Alaska Native Claims Settlement Act he is authorized to acquire such easement by purchase or otherwise. The acquisition of such an easement shall be deemed a public purpose for which the Secretary may exercise his exchange authority pursuant to section 22(f) of the Alaska Native Claims Settlement Act.

(d) Status of Certain Lease Offers.—Offers for noncompetitive oil and gas leases under the Mineral Leasing Act of 1920 which were filed but which did not result in the issuance of a lease on or before December 18, 1971, on lands selected by, and conveyed before, on, or after the date of enactment of this Act to, Native Corporations or to individual Natives under paragraph (5) or (6) of section 14(h) as part of the entitlement to receive land under the Alaska Native Claims Settlement Act shall not constitute valid existing rights under section 14(g) of such Act or under this Act.

(e) Limitation.—This Act is not intended to modify, repeal, or otherwise affect any provision of the Act of January 2, 1976 (89 Stat. 1145), as amended or supplemented by Public Laws 94–456 and 95–178, and shall not be construed as imposing any additional restriction on the use or management of those lands described in section 22(k) of the Alaska Native Claims Settlement Act.

TAX MORATORIUM EXTENSION

Sec. 804. Subsection (d) of section 21 of the Alaska Native Claims Settlement Act, as amended (85 Stat. 688, 713; 43 U.S.C. 1620(d)), is amended to read:

"(d)(1) Real property interests conveyed, pursuant to this Act, to a Native individual, Native group, Village or Regional Corporation, or corporation established pursuant to section 14(h)(3) which are not developed or leased to third parties shall be exempt fom State and local real property taxes for a period of twenty years from the vesting of title pursuant to the Alaska National Interest Lands Conservation Act (— Stat. —) or the date of issuance of an interim conveyance or patent, whichever is earlier, for those interests to such individual, group, or corporation: *Provided*, That municipal taxes, local real property taxes, or local assessments may be imposed upon any portion of such interest within the jurisdiction of any governmental unit under the laws of the State which is leased or developed for purposes other than exploration for so long as such portion is leased or being developed: *Provided further*, That easements, rights-of-way, leaseholds, and similar interests in such real property may be taxed in accordance with State or local law. All rents, royalties, profits, and other revenues or proceeds derived from such property interests shall be taxable to the same extent as such revenues or proceeds are taxable when received by a non-Native individual or corporation.

"(2) Any real property interest, not developed or leased to third parties, acquired by a Native individual, Native group, Village or Regional Corporation, or corporation established pursuant to section 14(h)(3) in exchange for real property interests which are exempt from taxation pursuant to paragraph (1) of this subsection shall be deemed to be a property interest conveyed pursuant to this Act and shall be exempt from taxation as if conveyed pursuant to this Act, when such an exchange is made with the Federal Government, the State government, a municipal government, or another Native Corporation, or, if neither party to the exchange receives a cash value greater than 25 per centum of the value of the land exchanged, a private party. In the event that a Native Corporation simultaneously exchanges two or more tracts of land having different periods of tax exemption pursuant to subsection (d), the periods of tax exemption for the exchanged lands received by such Native Corporation shall be determined (A) by calculating the percentage that the acreage of each tract given up bears to the total acreage given up, and (B) by applying such percentages and the related periods of tax exemption to the acreage received in exchange.".

ALASKA NATIVE ALLOTMENTS

Sec. 805. (a) Approval of Applications.—(1) Subject to valid existing rights, all Alaska Native allotment applications made pursuant to the Act of May 17, 1906 (34 Stat. 197, as amended), which were pending before the Department of the Interior on or before December 18, 1971, and which describes land that was unreserved on December 13, 1968, are hereby approved on the one hundred and eightieth day following the effective date of this Act, except where provided otherwise by paragraph (3), (4), (5), or (6) of this subsection, or where the land description of the allotment must be adjusted pursuant to subsection (b) of this section, in which cases approval pursuant to the terms of this subsection shall be effective at the time the adjustment becomes final. The Secretary shall cause allotments approved pursuant to this section to be surveyed and shall issue trust certificates therefor.

(2) All applications approved pursuant to this section shall be subject to the provisions of the Act of March 8, 1922 (42 Stat. 415; 43 U.S.C. 270–11).

(3) When on or before the one hundred and eightieth day following the effective date of the Act the Secretary determines by notice or decision that the land described in an allotment application may be valuable for minerals, excluding oil, gas, or coal, the allotment application shall be adjudicated pursuant to the provision of the Act of May 17, 1906, as amended, requiring that land allotted under said Act be nonmineral: *Provided*, That "nonmineral", as that term is used in such Act, with regard to land in Alaska, is defined to include land valuable for deposits of sand or gravel.

(4) Where an allotment application describes—

(A) land which (i) is within the boundary of a National Park System unit established, designated, or redesignated on or before the date of enactment of this Act, and (ii) was not withdrawn pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act; or

(B) land patented or deeded to the State; or

(C) land which on or before December 18, 1971, was validly selected by or tentatively approved or confirmed to the State under the Alaska Statehood Act, and was not withdrawn pursuant to section 11(a)(1)(A) of the Alaska Native Claims Settlement Act from those lands made available for selection by section 11(a)(2) of such Act by any Native Village Corporation certified as eligible pursuant to section 11(b) of such Act,

paragraph (1) of this subsection and subsection (d) of this section shall not apply, and the Native allotment application shall be adjudicated pursuant to the Act of May 17, 1906, the Alaska Native Claims Settlement Act, and other applicable law.

(5) Paragraph (1) of this subsection and subsection (d) shall not apply and the Native allotment application shall be adjudicated pursuant to the requirements of the Act of May 17, 1906, as amended, if on or before the one hundred and eightieth day following the effective date of this Act:

(A) a Native Corporation files a protest with the Secretary stating that the applicant is not entitled to the land described in the allotment application, and said land is withdrawn for selection by the corporation pursuant to the Alaska Native Claims Settlement Act; or

(B) the State of Alaska files a protest with the Secretary stating that the land described in the allotment application is necessary for access to lands owned by the United States, the State of Alaska, or a political subdivision of the State of Alaska, to resources located thereon, or to a public body of water regularly employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concernings access are based and that no reasonable alternative for access exists; or

(C) a person or entity files a protest with the Secretary stating that the applicant is not entitled to the land described in the allotment application and that said land is the situs of improvement, valid mineral interest, or other legal interest in such land claimed by the person or entity.

(6) Paragraph (1) of this subsection and subsection (d) shall not apply to any application pending before the Department of the Interior on December 18, 1971, which was knowingly and voluntarily relinquished by the applicant thereafter.

(b) Conflicts.—(1) Where a conflict between two or more allotment applications exists due to overlapping land descriptions, the Secretary shall adjust the descriptions to eliminate conflicts, and in so doing, consistent with other existing rights, if any, may expand or alter the applied-for allotment boundaries or increase or decrease acreage in one or more of the allotment applications to achieve an adjustment which, to the extent practicable, is consistent with prior use of the allotted land and is beneficial to the affected parties: *Provided*, That the Secretary shall, to the extent feasible, implement an adjustment proposed by the affected parties.

(2) The Secretary's decision concerning adjustment of conflicting land descriptions shall be final and unreviewable in all cases in which the reduction, if any, of the affected allottee's claim is less than 30 per centum of the acreage contained in the parcel originally described and the adjustment does not exclude from the allotment improvements claimed by the allottee. Where an allotment application describes more than one hundred and sixty acres, the Secretary shall at any time prior to or during survey reduce the acreage to one hundred and sixty acres and shall attempt to accomplish said reduction in the manner least detrimental to the applicant.

(c) Amendments.—(1) An allotment applicant may amend the land description contained in his or her application if said description designates land other than that which the applicant intended to claim at the time of application and if the description as amended describes the land originally intended to be claimed. If the allotment application is amended, this section shall operate to approve the application or to require its adjudication, as the case may be, with reference to the amended land description only.

(2) The Secretary shall notify the State of Alaska and all interested parties, as shown by the records of the Department of the Interior, of the intended correction of the allotment's location and any such party shall have until the one hundred and eightieth day following the effective date of this Act or sixty days following mailing of the notice, whichever is later, to file with the Department of the Interior a protest as provided in subsection (a)(5) of this section, which protest, if timely, shall be deemed filed within one hundred and eighty days of the effective date of this Act notwithstanding the actual date of filing.

(3) The Secretary may require that all allotment applications designating land in a specified area be amended, if at all, prior to a date certain, which date shall be calculated to allow for orderly adoption of a plan of survey for the specified area, and the Secretary shall mail notification of the final date for amendment to each affected allotment applicant, and shall provide such other notice as the Secretary deems appropriate, at least sixty days prior to said date. No allotment application may be amended for location following adoption of a final plan of survey which includes the location of the allotment as described in the application or its location as desired by amendment.

(d) Powersite Withdrawals.—Where the land described in an allotment application pending before the Department of the Interior on or before December 18, 1971 (or such an application as adjusted or amended pursuant to subsection (b) or (c) of this section), was on that date withdrawn, reserved, or classified for powersite or power-project purposes, notwithstanding such withdrawal, reservation, or classification, the described land shall be deemed vacant, unappropriated, and unreserved within the meaning of the Act of May 17, 1906, as amended, and, as such, shall be subject to adjudication or approval pursuant to the terms of this section. If such described land is included as part of a project which on the date of the enactment of this Act was licensed or for which on such date an application for a license had been filed under part I of the Federal Power Act of June 10, 1920 (41 Stat. 24), as amended, or on such date was utilized for purposes of generating or transmitting electrical power or for any other project authorized by Act of Congress, paragraph (1) of this subsection shall not apply and the allotment application shall be adjudicated pursuant to the Act of May 17, 1906, as amended.

(2) If the allotment applicant commenced use of the land after its withdrawal or classification for powersite purposes, the allotment shall be made subject to the right of reentry provided the United States by section 24 of the Federal Power Act, as amended.

(3) Any right of reentry reserved in a certificate of allotment pursuant to this section shall expire twenty years after the date of issuance of such certificate if at that time the alloted land is not subject to a license or an application for license under part I of the Federal Power Act, as amended, or actually utilized or being developed for a purpose authorized by that Act, as amended, or other Act of Congress.

(e) Valid Existing Rights.—Prior to issuing a certificate for an allotment subject to this section, the Secretary shall identify and adjudicate any record entry or application for title made under an Act other than the Alaska Native Claims Settlement Act, the Alaska Statehood Act, or the Act of May 17, 1906, as amended, which entry or application claims land also described in the allotment application, and shall determine whether such entry or application represents a valid existing right to which the allotment application is subject. Nothing in this section shall be construed to affect rights, if any, acquired by actual use of the described land prior to its withdrawal or classification or as affecting national forest lands.

STATE SELECTIONS AND CONVEYANCES

Sec. 806. (a) Extension of Selection Period.—(1) In furtherance and confirmation of the State of Alaska's entitlement to certain national forest and other public lands in Alaska for community development and expansion purposes, section 6(a) of the Alaska Statehood Act is amended by substituting "thirty-five years" for "twenty-five years".

(2) In furtherance and confirmation of the State of Alaska's entitlement to certain public lands in Alaska, section 6(b) of the Alaska Statehood Act is amended by substituting "thirty-five years" for "twenty-five years".

(b) School Lands Settlement.—(1) In full and final settlement of any and all claims by the State of Alaska arising under the Act of March 4, 1915 (38 Stat. 1214), as confirmed and transferred in section 6(k) of the Alaska Statehood Act, the State is hereby granted seventy-five thousand acres which it shall be entitled to select until January 4, 1994, from vacant, unappropriated, and unreserved public lands. In exercising the selection rights granted herein, the State shall be deemed to have relinquished all claims to any right, title, or interest to any school lands which failed to vest under the above statutes at the time Alaska became a State (January 3, 1959), including lands unsurveyed on that date or surveyed lands which were within Federal reservations or withdrawals on that date.

(2) Except as provided herein, such selections shall be made in conformance with the provisions for selections under section 6(b) of the Alaska Statehood Act. Selections made under this subsection shall be in units of whole sections as shown on the official survey plats of the Bureau of Land Management, including protraction diagrams, unless part of the section is unavailable or the land is otherwise surveyed, or unless the Secretary waives the whole section requirement.

(3) Lands selected and conveyed to the State under this subsection shall be subject to the provisions of subsections (j) and (k) of section 6 of the Alaska Statehood Act.

(c) PRIOR TENTATIVE APPROVALS.—(1) All tentative approvals of State of Alaska land selections pursuant to the Alaska Statehood Act are hereby confirmed, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act, and the United States hereby confirms that all right, title, and interest of the United States in and to such lands is deemed to have vested in the State of Alaska as of the date of tentative approval; except that this subsection shall not apply to tentative approvals which, prior to the date of enactment of this Act, have been relinquished by the State, or have been finally revoked by the United States under authority other than authority under section 11(a)(2), 12(a), or 12(b) of the Alaska Native Claims Settlement Act.

(2) Upon approval of a land survey by the Secretary, such lands shall be patented to the State of Alaska.

(3) If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(4) Future tentative approvals of State land selections, when issued, shall have the same force and effect as those existing tentative approvals which are confirmed by this subsection and shall be processed for patent by the same administrative procedures as specified in paragraphs (2) and (3) of this subsection.

(d) PRIOR STATE SELECTIONS.—(1) In furtherance of the State's entitlement to lands under section 6(b) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act, all right, title, and interest of the United States in and to all vacant, unappropriated, and unreserved Federal lands, including lands subject to subsection (1) of this section which are specified in the list entitled "Prior State of Alaska Selections to be Conveyed by Congress", dated July 24, 1978, submitted by the State of Alaska and on file in the Office of the Secretary of the Interior, except those Federal lands which have been withdrawn by Public Land Order Numbered

for utility corridor purposes and which lie in township 15 south, ranges 35 and 36 east, township 16 south, ranges 36, 37, and 38 east, township 17 south, ranges 36, 37, and 38 east (fractional), Umiat meridian, and township 35 north, ranges 24–30 east, township 36 north, ranges 19–30 east, township 37 north, ranges 17–29 east (fractional), Fairbanks meridian. Nothing in this section shall be construed as precluding any valid State selections of lands which are available for such selection or which have been validly selected in accordance with the Memorandum of Understanding between the State of Alaska and the United States dated September 1, 1972. If any of those townships listed above contain lands within the boundaries of any conservation system unit, national conservation area, national recreation area, new national forest or forest addition, established designated, or expanded by this Act, then only those lands within such townships which have been previously selected by the State of Alaska shall be conveyed pursuant to this subsection.

(2) As soon as practicable after the date of enactment of this Act, the Secretary shall issue tentative approvals to such State selections as required by the Alaska Statehood Act and pursuant to subsection (i) of this section. The sequence of issuance of such tentative approvals shall be on the basis of priorities determined by the State.

(3) Upon approval of a land survey by the Secretary, such lands shall be patented to the State of Alaska.

(4) If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election for townships having no adverse claims on the public land records. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(5) Future valid State land selections shall be subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act.

(e) FUTURE "TOP FILINGS".—Subject to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act, the State, at its option, may file future selection applications and amendments thereto, pursuant to section 6 (a) or (b) of the Alaska Statehood Act or subsection (b) of this section, for lands which are not, on the date of filing of such applications, available within the meaning of section 6 (a) or (b) of the Alaska Statehood Act. Each such selection application, if otherwise valid, shall become an effective selection without further action by the State upon the date the lands included in such application become available within the meaning of subsections (a) or (b) of section 6 regardless of whether such date occurs before or after expiration of the State's land selection rights. Selection applications heretofore filed by the State may be refiled so as to become subject to the provisions of this subsection; except that no such refiling shall prejudice any claim of validity which may be asserted regarding the original filing of such application. Nothing contained in this subsection shall be construed to prevent the United States from transferring a Federal reservation or appropriation from one Federal agency to another Federal agency for the use and benefit of the Federal Government.

(f) RIGHT TO OVERSELECT.—(1) The State of Alaska may select lands exceeding by not more than 25 per centum in total area the amount of State entitlement which has not been patented or tentatively approved under each grant or confirmation of lands to the State contained in the Alaska Statehood Act or other law. If its selections under a particular grant exceed such remaining entitlement, the State shall thereupon list all sections for the grant which have not been tentatively approved in desired priority order of conveyance, in blocs no larger than one township in size; except that the State may alter such priorities prior to receipt of tentative approval. Upon receipt by the State of subsequent tentative approvals, such excess selections shall be reduced by the Secretary pro rata by rejecting the lowest prioritized selection blocs necessary to maintain a maximum excess selection of 25 per centum of the entitlement which has not yet been tentatively approved or patented to the State under each grant.

(2) The State of Alaska may, by written notification to the Secretary, relinquish any selections of land filed under the Alaska Statehood Act or subsection (b) of this section prior to receipt by the State of tentative approval, except that lands conveyed pursuant to subsection (g) of this section may not be relinquished pursuant to this paragraph.

(3) Section 6(g) of the Alaska Statehood Act is amended by adding at the end thereof the following new sentence: "As to all selections made by the State after January 1, 1979, pursuant to section 6(b) of this Act, the Secretary of the Interior, in his discretion, may waive the minimum tract selection size where he determines that such a reduced selection size would be in the national interest and would result in a better land ownership pattern.".

(g) CONVEYANCE OF SPECIFIED LANDS.—In furtherance of the State's entitlement to lands under section 6(b) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska all right, title, and interest of the United States in and to all vacant, unappropriated, and unreserved lands, including lands subject to subsection (e) of this section but which lie within those townships outside the boundaries of conservation system units, national conservation areas, national recreation areas, new national forests, and forest additions, established, designated, or expanded by this Act, which are specified in the list entitled "State Selection Lands May 15, 1978", dated July 24, 1978, submitted by the State of Alaska and on file in the Office of the Secretary of the Interior. The denomination of lands in such list which are not, on the date of enactment of this Act, available lands within the meaning of section 6(b) of the Alaska Statehood Act and this Act shall be treated as a future selection application pursuant to subsection (e) of this section.

(h) LIMITATION OF CONVEYANCES OF SPECIFIED LANDS; TENTATIVE APPROVALS; SURVEYS.—(1) Lands identified in subsection (g) are conveyed to the State subject to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act. All right, title, and interest of the United States in and to such lands shall vest in the State of Alaska as of the date of enactment of this Act, subject to those reservations specified in subsection (i) of this section.

(2) As soon as practicable after the date of enactment of this Act, the Secretary shall issue to the State tentative approvals to such lands as required by the Alaska Statehood Act and pursuant to subsection (i) of this section. The sequence of issuance of such tentative approvals shall be on the basis of priorities determined by the State.

(3) Upon approval of a land survey by the Secretary, those lands identified in subsection (g) shall be patented to the State of Alaska.

(4) If the State elects to receive patent to any of the lands which are identified in subsection (g) on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election for townships having no adverse claims on the public land records. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(i) ADJUDICATION.—Nothing contained in this section shall relieve the Secretary of the duty to adjudicate conflicting claims regarding the lands specified in subsection (g) of this section, or otherwise selected under authority of the Alaska Statehood Act, subsection (b) of this section, or other law, prior to the issuance of tentative approval.

(j) Clarification of Land Status Outside Units.—As to lands outside the boundaries of a conservation system unit, national recreation areas, national conservation areas, new national forests and forest additions, the following withdrawals, classifications, or designations shall not, of themselves, remove the lands involved from the status of vacant, unappropriated, and unreserved lands for the purposes of subsection (d) or (g) of this section and future State selections pursuant to the Alaska Statehood Act or subsection (b) of this section:

(1) withdrawals for classification pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act; except that, in accordance with the Memorandum of Understanding between the United States and the State of Alaska dated September 2, 1972, to the extent that Public Land Orders Numbered 5150, 5151, 5181, 5182, 5184, 5187, 5190, 5194, and 5388 by their terms continue to prohibit State selections of certain lands, such lands shall remain unavailable for future State selection except as provided by subsection (e) of this Act;

(2) withdrawals pursuant to section 11 of the Alaska Native Claims Settlement Act, which are not finally conveyed pursuant to section 12, 14, or 19 of such Act;

(3) classifications pursuant to the Classification and Multiple Use Act (78 Stat. 987); and

(4) classifications or designations pursuant to the Federal Land Policy and Management Act (90 Stat. 2743).

(k) Interim Provisions.—Notwithstanding any other provision of law, on lands selected by, or granted or conveyed to, the State of Alaska under section 6 of the Alaska Statehood Act or this Act, but not yet tentatively approved to the State:

(1) The Secretary is authorized to make contracts and grant leases, licenses, permits, rights-of-way, or easements, and any tentative approval or patent shall be subject to such contract, lease, license, permit, right-of-way, or easement; except that (A) the authority granted the Secretary by this subsection is that authority the Secretary otherwise would have had under existing laws and regulations had the lands not been selected by the State, and (B) the State has concurred prior to such action by the Secretary.

(2) On and after the date of enactment of this Act, 90 per centum of any and all proceeds derived from contracts, leases, licenses, permits, rights-of-way, or easements or from trespasses originating after the date of selection by the State be held by the Secretary until such lands have been tentatively approved to the State. As such lands are tentatively approved, the Secretary shall pay to the State from such account the proceeds allocable to such lands which are derived from contracts, leases, licenses, permits, rights-of-way, easements, or trespasses. The proceeds derived for contracts, leases, licenses, permits, rights-of-way, easements, or trespasses and deposited to the account pertaining to lands selected by the State but not tentatively approved due to rejection or delinquishment shall be paid as would have been required by law were it not for the provisions of this Act. In the event that the tentative approval does not cover all of the land embraced within any contract, lease, license, permit, right-of-way, easement, or trespass, the State shall only be entitled to the proportionate amount of the proceeds derived from such contract, lease, license, permit, right-of-way, or easement, which results from multiplying the total of such proceeds by a fraction in which the numerator is the acreage of such contract, lease, license, permit, right-of-way, or easement which is included in the tentative approval and the denominator is the total acreage contained in such contract, lease, license, permit, right-of-way, or easement; in the case of trespass, the State shall be entitled to the proportionate share of the proceeds in relation to the damages occurring on the respective lands.

(3) Nothing in this subsection shall relieve the State or the United States of any obligations under section 9 of the Alaska Native Claims Settlement Act or the fourth sentence of section 6(h) of the Alaska Statehood Act.

(l) Existing Rights.—(1) All conveyances to the State under section 6 of the Alaska Statehood Act, this Act, or any other law, shall be subject to valid existing rights, to Native selection rights under the Alaska Native Claims Settlement Act, and to any right-of-way or easement reserved for or appropriated by the United States.

(2) Where, prior to a conveyance to the State, a right-of-way or easement has been reserved for or appropriated by the United States or a contract, lease, permit, right-of-way, or easement has been issued for the lands, the conveyance shall contain provisions making it subject to the right-of-way or easement reserved or appropriated and to the contract, lease, license, permit, right-of-way, or easement issued or granted, and also subject to the right of the United States, contractee, lessee, licensee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits previously granted, issued, reserved, or appropriated. Upon issuance of tentative approval, the State shall succeed and become entitled to any and all interests of the United States as contractor, lessor, licensor, permittor, or grantor, in any such contracts, leases, licenses, permits, rights-of-way, or easements, except those reserved to the United States in the tentative approval.

(3) The administration of rights-of-way or easements reserved to the United States in the tentative approval shall be in the United States, including the right to grant an interest in such right-of-way or easement in whole or in part.

(4) Where the lands tentatively approved do not include all of land involved with any contract, lease, license, permit, right-of-way, or easement issued or granted, the administration of such contract, lease, license, permit, right-of-way, or easement shall remain in the United States unless the agency responsible for administration waives such administration.

(5) Nothing in this subsection shall relieve the State or the United States of any obligations under section 9 of the Alaska Native Claims Settlement Act or the fourth sentence of section 6(h) of the Alaska Statehood Act.

(m) Extinguishment of Certain Time Extensions.—Any extensions of time periods granted to the State pursuant to section 17 (d)(2)(E) of the Alaska Native Claims Settlement Act are hereby extinguished, and the time periods specified in subsections (a) and (b) of this section shall hereafter be applicable to State selections.

(n) Effect on Third-Party Rights.—(1) Nothing in this section shall alter the rights or obligations of any party with regard to section 12 of the Act of January 2, 1976 (Public Law 94-204), sections 4 and 5 of the Act of October 4, 1976 (Public Law 94-456), or section 3 of the Act of November 15, 1977 (Public Law 94-178).

(2) Any conveyance of land to or confirmation of prior selections of the State made by this Act or selections allowed under this Act shall be subject to the rights of Cook Inlet Region, Incorporated, to nominate lands outside of its region with such nominations to be superior to any selection made by the State after July 18, 1975, including any lands conveyed to the State pursuant to subsection (g) of this section, and to the duty of the Secretary, with consent of the State, to make certain lands within the Cook Inlet Region available to the Corporation, both in accordance with the provisions of section 12(b) of the Act of January 2, 1976 (Public Law 94-204), as amended.

(3) Nothing in this title shall prejudice a claim of validity or invalidity regarding any third-party interest created by the State of Alaska prior to December 18, 1971, under authority of section 6(g) of the Alaska Statehood Act or otherwise.

(4) Nothing in this Act shall affect any right of the United States or Alaska Natives to seek and receive damages against any party for trespass against, or other interference with, aboriginal interests if any, occurring prior to December 18, 1971.

(o) Status of Lands Within Units.—(1) Notwithstanding any other provisions of law, any land withdrawn pursuant to section 17 (d)(1) of the Alaska Native Claims Settlement Act and within the boundaries of any conservation system unit, national recreation area, national conservation area, new national forest or forest addition, shall be added to such unit and administered accordingly unless, before, on, or after the date of the enactment of this Act, such land has been validly selected by and conveyed to a Native Corporation.

(2) Until conveyed, all Federal lands within the boundaries of a conservation system unit, national recreation area, national conservation area, new national forest or forest addition, shall be administered in accordance with the laws applicable to such unit.

(p) PYK Line.—The second proviso of section 6(b) of the Alaska Statehood Act regarding Presidential approval of land selection north and west of the line described in section 10 of such Act shall not apply to any conveyance of land to the State pursuant to subsection (c), (d), and (g) of this section but shall apply to future State selections.

ALASKA LAND BANK

Sec. 807. (a) Establishment: Agreements.—(1) In order to enhance the quantity and Quality of Alaska's renewable resources and to facilitate the coordinated management and protection of Federal, State, and Native and other private lands, there is hereby established the Alaska land bank program. Any private landowner is authorized as provided in this section to enter into a written agreement with the Secretary if his lands adjoin, or his use of such lands would directly affect, Federal land, Federal and State land, or State land if the State is not participating in the program. Any private landowner described in subsection (c)(2) whose lands do not adjoin, or whose use of such lands would not directly affect either Federal or State lands also is entitled to enter into an agreement with the Secretary of the Interior. Any private landowner whose lands adjoin, or whose use of such lands would directly affect, only State, or State and private lands, is authorized as provided in this section to enter into an agreement with the State of Alaska if the State is participating in the program. If the Secretary is the contracting party with the private landowner, he shall afford the State an opportunity to participate in negotiations and become a party to the agreement. An agreement may include all or part of the lands of any private landowner: *Provided*, That lands not owned by landowners described in subsection (c)(2) shall not be included in the agreement unless the Secretary, or the State, determines that the purposes of the program will be promoted by their inclusion.

(2) If a private landowner consents to the inclusion in an agreement of the stipulations provided in subsections (b)(1), (b)(2), (b)(4), (b)(5), and (b)(7), and if such owner does not require on any additional

terms which are unacceptable to the Secretary or the State, as appropriate, the owner shall be entitled to enter into an agreement pursuant to this section. If an agreement is not executed within one hundred and twenty days of the date on which a private landowner communicates in writing his consent to the stipulations referred to in the preceding sentence, the appropriate Secretary or State agency head shall execute an agreement. Upon such execution, the private owner shall receive the benefits provided in subsection (c) hereof.

(3) No agreement under this section shall be construed as affecting any land, or any right or interest in land, of any owner not a party to such agreement.

(b) Terms of Agreement.—Each agreement referred to in subsection (a) shall have an initial term of ten years, with provisions, if any, for renewal for additional periods of five years. Such agreement shall contain the following terms:

(1) The landowner shall not alienate, transfer, assign, mortgage, or pledge the lands subject to the agreement except as provided in section 14(c) of the Alaska Native Claims Settlement Act, or permit development or improvement on such lands except as provided in the agreement. For the purposes of this section only, each agreement entered into with a landowner described in subsection (c)(2) shall constitute a restriction against alienation imposed by the United States upon the lands subject to the agreement.

(2) Lands subject to the agreement shall be managed by the owner in a manner compatible with the management plan, if any, for the adjoining Federal or State lands, and with the requiremetns of this subsection. If lands subject to the agreement do not adjoin either Federal or State lands, they shall be managed in a manner compatible with the management plan, if any, of Federal or State lands which would be directly affected by the use of such private lands. If no such plan has been adopted, or if the use of such private lands would not directly affect either Federal or State lands, the owner shall manage such lands in accordance with the provisions of paragraph (1) of this subsection. Except as provided in (3) of this subsection, nothing in this section or the management plan of any Federal or State agency shall be construed to require a private landowner to grant public access on or across his lands.

(3) If the surface landdowner so consents, such lands may be made available for local or other recreational use: *Provided*, That the refusal of a private landowner to permit the uses referred to in this subsection shall not be grounds for the refusal of the Secretary or the State to enter into an agreement with the landowner under this section.

(4) Appropriate Federal and/or State agency heads shall have reasonable access to such privately owned land for purposes relating to the administration of the adjoining Federal or State lands, and to carry out their obligations under the agreement.

(5) Reasonable access to such land by officers of the State shall be permitted for purposes of conserving fish and wildlife.

(6) Those services or other consideration which the appropriate Secretary or the State shall provide to the owner pursuant to subsection (c)(1) shall be set forth.

(7) All or part of the lands subject to the agreement may be withdrawn from the Alaska land bank program not earlier than ninety days after the landowner—

(A) submits written notice thereof to the other parties which are signatory to the agreement; and

(B) pays all Federal, State, and local property taxes and assessments which, during the particular term then in effect, would have been incurred except for the agreement, together with interest on such taxes and assessments in an amount to be determined at the highest rate of interest charged with respect to delinquent property taxes by the Federal, State, or local taxing authority, if any.

(8) The agreement may contain such additional terms, which are consistent with the provisions of this section, as seem desirable to the parties entering into the agreement: *Provided*, That the refusal of the landowner to agree to any additional terms shall not be grounds for the refusal of the Secretary or the State to enter into an agreement with the landowner under this section.

(c) Benefits to Private Landowners.—So long as the landowner is in compliance with the agreement, he shall, as to lands encompassed by the agreement, be entitled to the benefits set forth below:

(1) In addition to any requirement of applicable law, the appropriate Secretary is authorized to provide technical and other assistance with respect to fire control, resource and land use planning, the management of fish and wildlife, and the protection maintenance, and enhancement of any special values of the land subject to the agreement, all with or without reimbursement as agreed upon by the parties.

(2) As to Native Corporations and all other persons or groups that have received or will receive lands or interests therein pursuant to the Alaska Native Claims Settlement Act or sections 801 and 802 of this title, immunity from—

(A) adverse possession;

(B) real property taxes and assessments by the United States, the State, or any political subdivision of the State: *Provided*, That such immunity shall cease if the lands involved are leased or developed, as such terms are used in section 21(d) of the Alaska Native Claims Settlement Act:

(C) judgment in any action at law or equity to recover sums owed or penalties incurred by any Native Corporation or any officer, director, or stockholder of any such Corporation. On or before January 31 of each year beginning the fourth year after the date of enactment of this Act, the Secretary shall publish in the Federal Register and in at least three newspapers of general circulation in the State the percentage of conveyed land entitlement which each Native Corporation or group has elected to include in the Alaska land bank program as of the end of the preceding year.

(3) If the State enacts laws of general applicability which are consistent with this section and which offer any or all of the the benefits provided in subsection (c)(2) hereof, as to private landowners who enter into an agreement referred to in subsection (a) to which agreement the State is a party, such laws, unless and until repealed, shall supersede the relevant subparagraph of subsection (c)(2) and shall govern the grant of the benefit so provided: *Provided*, That the enactment of such State laws shall not be construed as repealing, modifying, or otherwise affecting the applicability of the immunity from Federal real property taxes and assessments provided in subsection (c)(2)(B) or the immunity from judgments in any Federal action at law or equity provided in subsections (c)(2)(C).

(4)(A) Except as provided in subsection (c)(2), nothing in this section shall be construed as affecting the civil or criminal jurisdiction of the State of Alaska.

(B) Privately owned lands included in the Alaska land bank program shall be subject to condemnation for public purposes in accordance with the provisions of this Act and other applicable law.

(d) Interim Grant of Benefits.—Notwithstanding any other provision of this section, unless the landowner decides otherwise, the benefits specified in subsection (c)(2) shall apply to lands conveyed pursuant to the Alaska Native Claims Settlement Act, or sections 801 and 802 of this title for a period of three years from the date of conveyance of the date of enactment of this Act, whichever is later.

(e) Revenue-Sharing, Fire Protection, Etc.—The provisions of section 21(e) of the Alaska Native Claims Settlement Act shall apply to all lands which are subject to an agreement under this section so long as the parties to the agreement are in compliance therewith.

(f) Existing Contracts.—Nothing in this section shall be construed as impairing, or otherwise affecting in any manner, any contract or other obligation which was entered into prior to the enactment of this Act or which (1) applies to any land which is subject to an agreement, and (2) was entered into before the agreement becomes effective.

PROTECTION OF NATIVE LANDS IN CONTINGENCY AREAS UNDER TIMBER SALES

Sec. 808. Section 15 of the Alaska Native Claims Settlement Act is amended by inserting "(a)" after "Sec. 15." and by adding at the end of such section the following new subsection:

"(b) No land conveyed to a Native Corporation pursuant to this Act or by operation of the Alaska National Interest Lands Conservation Act which is within a contingency area designated in a timber sale contract let by the United States shall thereafter be subject to such contract or to entry or timbering by the contractor. Until a Native Corporation has received conveyances to all of the land to which it is entitled to receive under the appropriate section or subsection of this Act, for which the land was withdrawn or selected, no land in such a contingency area that has been withdrawn and selected, or selected, by such Corporation under this Act shall be entered by the timber contractor and no timber shall be cut thereon, except by agreement with such Corporation. For purposes of this subsection, the term 'contingency area' means any area specified in a timber sale contract as an area from which the timber contractor may harvest timber if the volume of timber specified in the contract cannot be obtained from one or more areas definitely designated for timbering in the contract.".

USE OF PROTRACTION DIAGRAMS

Sec. 809. With the agreement of the party to whom a patent is to be issued under this title, or the Alaska Native Claims Settlement Act, the Secretary, in his discretion, may base such patent on protraction diagrams in lieu of field surveys. Any person or corporation receiving a patent under this title or the Alaska Native Claims Settlement Act on the basis of a protraction diagram shall receive any gain or bear any loss of acreage due to errors, if any, in such protraction diagram.

STATUTE OF LIMITATIONS

Sec. 810. (a) Except for administrative determinations of navigability for purposes of submerged lands under the Submerged Lands Act, a decision of the Secretary under this title or the Alaska Native Claims Settlement Act shall not be subject to judicial review unless such action is initiated before a court of competent jurisdiction within two years after the day the Secretary's decision becomes final or the date of enactment of this Act, whichever is later: *Provided*, That the party seeking such review shall first exhaust any administrative appeal rights.

(b) Decisions made by a Village Corporation to reconvey land under section 14(c) of the Alaska Native Claims Settlement Act shall not be subject to judicial review unles such action is initiated before a court of competent jurisdiction within one year after the date of the filing of the map of boundaries as provided for in section 2650.5–4 of title 43, Code of Federal Regulations.

NATIONAL ENVIRONMENTAL POLICY ACT

SEC. 811. The National Environmental Policy Act of 1969 (83 Stat. 852) shall not be construed, in whole or in part, as requiring the preparation or submission of an environmental impact statement for withdrawals, conveyances, regulations, orders, easement determinations, or other actions which lead to the issuance of conveyances to Natives or Native Corporations, pursuant to the Alaska Native Claims Settlement Act, as amended or this title. Nothing in this section shall be construed as affirming or denying the validity of any withdrawals by the Secretary under section 14(h) (3) of the Alaska Native Claims Settlement Act.

AMENDMENTS TO PUBLIC LAW 94–204

SEC. 812. Section 15(a) of the Act of January 2, 1976 (Public Law 94–204, 89 Stat. 1154–1155), is amended—

(1) by striking out the description beginning with "Township 36 south, range 52 west;" and all that follows through "Township 41 south, range 53 west, sections 1, 2, 11, 12, 13 S.M. Alaska, notwithstanding;" and inserting in lieu thereof the following:

"Township 36 south, range 52 west, all;

"Township 37 south, range 51 west, all;

"Township 37 south, range 52 west, all;

"Township 37 south, range 53 west, sections 1 through 4, 9 through 16, 21 through 24, and the north half of sections 25 through 28;

"Township 38 south, range 51 west, sections 1 through 5, 9, 10, 12, 13, 18, 24, and 25;

"Township 38 south, range 52 west, sections 1 through 35;

"Township 38 south, range 53 west, sections 1, 12, 13, 24, 25, and 26;

"Township 39 south, range 51 west, sections 1, 6, 7, 16 through 21, 28 through 33, and 36;

"Township 39 south, range 52 west, sections 1, 2, 11 through 15, and 22 through 24;

"Township 39 south, range 53 west, sections 33 through 36, and the south half of section 26;

"Township 40 south, range 51 west, sections 2 and 6;

"Township 40 south, range 52 west, sections 6 through 10, 15 through 21, and 27 through 36;

"Township 40 south, range 53 west, sections 1 through 19, 21 through 28, and 34 through 36;

"Township 40 south, range 54 west, sections 1 through 34;

"Township 41 south, range 52 west, sections 7, 8, 9, 16, 17, and 18;

"Township 41 south, range 53 west, sections 1, 4, 5, 8, 9, 11, 12, and 16;

"Township 41 south, range 54 west, section 6, S.M., Alaska;"; and

(2) by striking out "The" in the undesignated paragraph immediately following such description and inserting in lieu thereof "Notwithstanding the".

SEC. 813. ESCROW ACCOUNTS, PUBLIC LAW 94–204.—(1) Subsection (a) of section 2 of Public Law 94–204 (89 Stat. 1146) is amended to read as follows:

"(a) (1) During the period of the appropriate withdrawal for selection pursuant to the Settlement Act, any and all proceeds derived from contracts, leases, licenses, permits, rights-of-way, or easements, or from trespass occurring after the date of withdrawal of the lands for selection, pertaining to lands or resources of lands withdrawn for Native selection pursuant to the Settlement Act shall be deposited in an escrow account which shall be held by the Secretary until lands selected pursuant to that Act have been conveyed to the selecting corporation or individual entitled to receive benefits under such Act.

"(2) Such proceeds as were received, if any, subsequent to the date of withdrawal of the land for selection, but were not deposited in the escrow account shall be identified by the Secretary within two years of the date of conveyance or this Act, whichever is later, and shall be paid, together with interest payable on the proceeds from the date of receipt by the United States to the date of payment to the appropriate corporation or individual to which the land was conveyed by the United States. Interest under this section shall be paid on the basis of a semiannual computation from the date of receipt of the proceeds by the United States to the date of payment, with simple interest at the rate determined by the Secretary of the Treasury to be the rate payable on short-term obligations of the United States prevailing at the time of payment. Any rights of a corporation or individual under this section to such proceeds shall be limited to proceeds actually received by the United States plus interest No payments shall be made under this section except to the extent that sufficient sums have been appropriated as provided in subsection (e) of this section.

"(3) Such proceeds which have been deposited in the escrow account shall be paid, together with interest accrued by the Secretary to the apropriate corporation or individual upon conveyance of the particular withdrawn lands. In the event that a conveyance does not cover all of the land embraced within any contract, lease, license, permit, right-of-way, easement, or trespass, the corporation or individual shall only be entitled to the proportionate amount of the proceeds, including interest accrued, derived from such contract, lease, license, permit, right-of-way, or easement, which results from multiplying the total of such proceeds, including interest accrued, by a fraction in which the numerator is the acreage of such contract, lease, license, permit, right-of-way, or easement which is included in the conveyance and the denominator is the total acreage contained in such contract, lease, license, permit, right-of-way, or easement; in the case of trespass, the conveyee shall be entitled to the proportionate share of the proceeds, including a proportionate share of interest accrued, in relation to the damages occurring on the respective lands during the period the lands were withdrawn for selection.

"(4) Such proceeds which have been deposited in the escrow account pertaining to lands withdrawn but not selected pursuant to such Act, or selected but not conveyed due to rejection or relinquishment of the selection, shall be paid, together with interest accrued, as would have been required by law were it not for the provisions of this Act.

"(5) Lands withdrawn under this subsection include all Federal lands identified under appendices A, B–1, and B–2 of the document referred to in section 12 of the Act of January 2, 1976 (Public Law 94–204(for Cook Inlet Region, Incorporated, and are deemed withdrawn as of the date established in subsection (a) of section 2 of the Act of January 2, 1976.".

(2) Section 2 of Public Law 94–204 (89 Stat. 1146) is amended by adding a new subsection to read as follows:

"(e) There is authorized to be appropriated such sums as are necessary to carry out the purposes of this section.".

SEC. 814. AMENDMENT TO PUBLIC LAW 94–204.—Section 12(b) of the Act of January 2, 1976 (Public Law 94–204), as amended by section 3 of the Act of November 15, 1977 (Public Law 95–178), and section 4 of the Act of October 4, 1976 (Public Law 94–456), is hereby amended to add the following new subparagraphs:

"(7) (i) Until the obligations of the Secretary and the Administrator of General Services under subsection 12(b) (6) of this Act are otherwise fulfilled, Cook Inlet Region, Incorporated, may, by crediting the account established in subsection 12(b) (7) (ii), bid for surplus property, wherever located, in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484 (1949 as amended)) (hereinafter 'the Act'). No additional advertising shall be required other than that prescribed in section 484(e) (2) of the Act.

"(ii) The Secretary of the Treasury shall establish a Cook Inlet Region, Incorporated, surplus property account, which shall be available for the purpose of bidding on Federal surplus property. The balance of the account shall be the acre-equivalent exchange value established by subparagraph I(C) (2) (e) of the document referred to in this subsection, of the unfulfilled entitlement of Cook Inlet Region as of the effective date of this subsection to Federal acres or acre-equivalents under subparagraph I(C) (2) (g) of the document referred to in this subsection and shall be adjusted to reflect any future conveyances under subsection (b) (6).

"(iii) The basis of properties received by Cook Inlet Region, Incorporated, under this subsection shall be established in accordance with the provisions of this Act. Dispositions of surplus property under this subsection shall be treated as sales under the Federal Property and Administrative Services Act (40 U.S.C. 485 (1949 as amended)).

"(8) The Region, the Secretary, and/or the Administrator shall have until June 15, 1980, to complete the nomination of lands for the pool described in subsection (b) (6): *Provided, however*, That the Secretary shall report to Congress on June 15, 1979, and January 15, 1980, as to—

"(i) such studies and inquiries as shall have been initiated by the Secretary and the Administrator of General Services, or have been prepared by other holding agencies, to determine what lands, within the exterior boundaries of the Cook Inlet Region, can be made available to the Region to the extent of its entitlement;

"(ii) the feasibility and appropriate nature of reimbursement to Cook Inlet for its unfulfilled entitlement as valued in subparagraph I(C) (2) (e) of the Terms and Conditions; and

"(iii) such other remedial legislation or administrative action as may be needed.".

SUBMERGED LANDS

SEC. 815. (a) RIPARIAN CONVEYANCES.—(1) Whenever the United States conveys to any Native Corporation, pursuant to the Alaska Native Claims Settlement Act or this Act, land or an interest in land which abuts or surrounds either—

(A) a lake having a surface area of one hundred and sixty acres or more; or

(B) a meanderable stream,

of which the Secretary has administratively determined to be nonnavigable, the United States shall thereupon convey and relinquish all claims to such right, title, and interest as it may then have to the submerged land under such body of water to the median line or midpoint, as the case may be. For purposes of this section, the applicable rules for determining meanderability, median lines, midpoints, and partition lines shall be those contained in the United States Department of the Interior, Bureau of Land Management, Manual of Surveying Instructions, 1973.

(2) The submerged lands under lakes having a surface area of one hundred and sixty acres or more and the submerged lands under meanderable streams conveyed pursuant to this subsection will not be charged toward the acreage entitlement of any Native Corporation. Conveyance of an interest in the surface estate to any Village Corporation within the National Wildlife Refuge System or the National Petroleum Reserve—Alaska pursuant to this subsection shall not increase the number of acres of subsurface interest that may be selected by a Regional Corporation pursuant to section 12(a) (1) of the Alaska Native Claims Settlement Act.

This subsection shall not be construed to change the requirements of section 12(a) of such Act that selections be made in whole sections, except that any portion of the submerged lands under a stream or lake accruing to an abutting owner other than the Native Corporation receiving a conveyance under the authority of this subsection shall be deemed land unavailable for selection by such Native Corporation.

(b) Limitation.—The provisions of subsection (a) shall not apply to any submerged lands which, for any reason other than a determination of non-navigability, did not vest in the State of Alaska pursuant to the Submerged Lands Act, 43 U.S.C. 1301, et. seq., or section 6 of the Alaska Statehood Act. Any interest in submerged lands conveyed to any Native Corporation within any area to which the foregoing sentence applies shall be charged against the entitlement of such Native Corportaion.

(c) Relation to Units.—(1) Whenever any land or interest in land to be conveyed to any Native Corporation underlies any body of water, and such submerged land or interest in submerged land is within the boundaries of any conservation system unit, the Native Corporation and the Secretary may mutually agree that such submerged land or interest in submerged land is to be retained in Federal ownership, and the Native Corporation shall thereupon receive uplands or an interest in uplands to the line of mean high water and shall receive the remainder of its entitlement pursuant to subsection (e) of this section.

(2) Whenever any land or interest in land to be conveyed to any Native Corporation underlies any body of water and such submerged land or interest in submerged land is outside any conservation system unit, the Native Corporation and the State of Alaska may mutually agree that such submerged land or interest in submerged land may be selected by and conveyed to the State under the provisions of section 6(b) of the Alaska Statehood Act, and the Native Corporation shall thereupon receive uplands or an interest in uplands to the line of mean high water and shall receive the remainder of its entitlement pursuant to subsection (e) of this section: *Provided,* That should the body of water overlying the submerged land or interest in submerged land to be selected by and conveyed to the State later be determined with finality by a court of competent jurisdiction to be navigable and to have vested in the State pursuant to section 6(m) of the Alaska Statehood Act, then State land selections previously filed upon such lands shall not diminish the State's land entitlement under section 6(b) of said Act, nor shall any such determination of navigability affect any Native Corporation's entitlement pursuant to the Alaska Native Claims Settlement Act. Land selections made pursuant to this paragraph shall not be subject to the size limitations of section 6(g) of the Alaska Statehood Act, as amended. Nothing in this section shall be deemed to extend the period for land selections made by the State pursuant to section 6(b) of the Alaska Statehood Act or this Act.

(d) Prior Conveyances.—(1) Any Native Corporation which, prior to the date of election under subsection (f) of this section, has received an interim conveyance or patent to lands abutting or surrounding a body of water, which interim conveyance or patent describes the land conveyed or computes the quantity of land conveyed in a manner inconsistent with subsection (a) and such body of water is not subject to the provisions of subsection (b), shall be entitled, upon application to the Secretary, to have the land redescribed and the acreage recomputed in accordance with subsection (a), whereupon the Secretary shall issue to each Native Corporation a reformed interim conveyance, patent, or other recordable document conforming to the provisions of this section, subject to valid existing rights.

(2) In any instance in which the Secretary could have retained title to submerged land or an interest in submerged land under section (c)(1) of this section, or in which the State could have selected submerged land or an interest in submerged land under subsection (c)(2) of this section, the Secretary is authorized to receive reconveyance of such submerged land or an interest in submerged land from any Native Corporation owning submerged land or an interest in such submerged land: *Provided,* That if the surface estate and the subsurface estate of such submerged lands are owned by different Native Corporations, both corporations must reconvey their entire interest in such submerged lands to the Secretary: *Provided further,* That as to such reconveyed submerged lands or interests in submerged lands which would become available for State selection because such submerged lands or interests in submerged lands are outside the boundaries of any conservation system unit, that the State shall have filed a land selection application pursuant to section 6(b) of the Alaska Statehood Act and subsection (c)(2) of this Act. Upon acceptance by the Secretary of any reconveyance of submerged lands or interests in submerged lands which are outside the boundaries of any conservation system unit, such submerged lands or interests in submerged lands shall be deemed public lands.

(e) Lands Available.—(1) Any Native Corporation entitled to land or an interest in land pursuant to the provisions of this section shall receive title to such land or interest in land from among valid existing selections made by such corporation under the Alaska Native Claims Settlement Act or this Act. If such selections are insufficient to fulfill a Native Corporation's entitlement under this section, then the provisions of section 910 of this Act shall apply to any Native Corporation so affected, but no land within the boundaries of any conservation system unit shall be withdrawn which was not withdrawn before the date of the enactment of this Act under section 11(a) of the Alaska Native Claims Settlement Act.

(2) All lands conveyed to any Native Corporation pursuant to this subsection shall be subject to the provisions of sections 12, 14, and 16 of the Alaska Native Claims Settlement Act. Any selection made pursuant to this subsection shall not be subject to section 902 of this Act.

(f) Option.—If a native Corporation elects to receive conveyances pursuant to the provisions of this section, it shall so notify the Secretary within one year after the date of this Act. Such election shall be final and irrevocable, and shall apply to all conveyances to that Native Corporation made pursuant to the Alaska Native Claims Settlement Act and this Act. Any election by the Native Corporation owning the surface estate shall be binding on the Native Corporation owning the subsurface estate. The Native Corporations within the Arctic Slope Region, however, shall have until thirty days after a final judicial decision and expiration of any appeal period regarding the effect of Public Land Order 82 within which to elect under this section.

(g) Conflicts.—If two or more Native Corporations are entitled to submerged land underlying the same body of water and not all such Native Corporations have made an election to receive conveyances under the provisions of this section, any conflict in land conveyances shall be resolved by voluntary written agreements between the parties or by binding arbitration as provided for in section 12(b) of the Alaska Native Claims Settlement Act.

(h) Administrative Provisions.—Submerged lands or interests in submerged lands which are within the boundaries of any conservation system unit and which are retained by or reconveyed to the Secretary pursuant to the provisions of this section shall become a part of such conservation system unit. Nothing in this section shall be construed to enlarge or diminish the Secretary's authority to make administrative determinations regarding the navigability of waters. Nothing in this section shall be construed to enlarge or diminish the rights of the United States, the State of Alaska, or any Native Corporation relating to the ownership, control, appropriation, use, and distribution of ground or surface waters.

(i) Entitlements.—Nothing in this section shall be construed as enlarging or diminishing the land entitlement of any Native Corporation under any section of the Alaska Native Claims Settlement Act.

SUPPLEMENTAL GRANTS FOR NATIVE GROUPS

Sec. 816. The Secretary shall pay by grant to each of the Native Group Corporations established pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act and finally certified as a Native Group, an amount not more than $100,000 or less than $50,000 adjusted according to population of each Group. Funds authorized under this section may be used only for planning, development, and other purposes for which the Native Group Corporations are organized under the Settlement Act.

AMENDMENT TO SECTION 22(g) OF ANCSA

Sec. 817. Section 22(g) of the Alaska Native Claims Settlement Act is amended by renumbering the existing subsection as paragraph (1), and by adding a new paragraph (2) as follows: "(2) The Secretary shall review the conditions as provided for in subsection (1) every five years after conveyance and shall determine whether the restrictions imposed therein remain necessary for the purpose of the wildlife refuge system unit.

TITLE IX—TRANSPORTATION AND UTILITY SYSTEMS

DEFINITIONS

Sec. 901. For purposes of this title—

(1) The term "applicable law" means any law of general applicability (other than this title) under which any Federal department or agency has jurisdiction to grant any authorization (including but not limited to, any right-of-way, permit, license, lease, or certificate) without which a transportation or utility system cannot, in whole or in part, be established or operated.

(2) The term "applicant" means any public or private person, including, but not limited to, any Federal department or agency.

(3) The term "regulatory agency" means any Federal department or agency that has any function or duty under applicable law.

(4)(A) The term "transportation or utility system" means any type of system described in subparagraph (B) if—

(i) the entire route of the system will be within any conservation system unit or within any national recreation area, or national conservation area, in the State (and the system is not one that the department or agency having jurisdiction over the unit or area is establishing incident to its management of the unit or area); or

(ii) the route of the system will be—

(I) in part within any conservation system unit or national recreation area, or national conservation area, in the State; and

(II) in part within any public land (other than wilderness) that is under the jurisdiction of the Bureau of Land Management or the Forest Service;

but the entire route need not be entirely within such unit or area and land.

(B) The type of systems to which subparagraph (A) applies are as follows:

(i) Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.

(ii) Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.

(iii) Pipelines, slurry and emulsion systems, and conveyor belts for the transportation of solid materials.

(iv) Systems for the transmission and distribution of electric energy.

(v) Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communication.

(vi) Improved rights-of-way for snow machines, air cushion vehicles, and other all-terrain vehicles.

(vii) Roads, highways, railroads, tunnels, tramways, and other systems of general transportation.

Any system described in this subparagraph includes such related structures and facilities along the route of the system as may be minimally necessary for the operation and maintenance of the system.

EFFECT OF TITLE

SEC. 902. Except as specifically provided for in this title, applicable law shall apply with respect to the authorization and administration of transportation or utility systems.

PROCEDURAL REQUIREMENTS

SEC. 903. (a) IN GENERAL.—Notwithstanding any provision of applicable law, no action by any regulatory agency under applicable law with respect to the approval or disapproval of the authorization, in whole or in part, of any transportation or utility system shall have any force or effect unless the provisions of this section are complied with.

(b) CONSOLIDATED APPLICATIONS.—Within one hundred and twenty days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, in consultation with the heads of other appropriate regulatory agencies, shall jointly prescribed and publish a consolidated application form to be used for applying for the approval of each type of transportation or utility system. Each such application form shall be designed to elicit such information as may be necessary to meet the requirements of this title and the applicable law that applies with respect to the type of system concerned. For purposes of this section, the Secretary of Transportation shall be treated as the head of an appropriate regulatory agency in the case of any transportation or utility system described in section 901(4)(B)(ii), (iii), or (vii); but with respect to any such system for which he does not have programmatic responsibility, the Secretary of Transportation shall provide to the other regulatory agencies concerned such planning and other assistance as may be appropriate.

(c) FILING.—Each applicant for the approval of any transportation or utility system shall file on the same day an application with the head of each appropriate regulatory agency. The applicant shall utilize the consolidated form prescribed under subsection (b) for the type of transportation or utility system concerned.

(d) AGENCY NOTICE.—(1) Within sixty days after the receipt of an application filed pursuant to subsetcion (c), the head of each regulatory agency with whom the application was filed shall inform the applicant in writing that, on its face—

(A) the application appears to contain the information required by this title and applicable law insofar as that agency is concerned; or

(B) the application does not contain such information.

(2) Any notice provided under paragraph (1)(B) shall specify what additional information the applicant must provide. If the applicant provides additional information, the head of the regulatory agency must inform the applicant in writing, within thirty days after receipt of such information, whether the information is sufficient.

(e) ENVIRONMENTAL IMPACT STATEMENT.—The draft of any environmental impact statement required under the National Environmental Policy Act of 1969 in connection with any application filed under this section shall be completed, within nine months from the date of filing, by the head of the regulatory agency having lead responsibility for the statement. Any such statement shall be jointly prepared by all regulatory agencies with which the application was filed under subsection (c). The final environmental impact statement shall be completed within one year from the date of such filing. Such nine-month and one-year periods may be extended for good cause by the regulatory agency head having responsibility for the preparation of such statement if he determines that additional time is necessary for such preparation, notifies the applicant in writing of such determination, and publishes notice of such determination, together with the reasons therefor, in the Federal Register. The provisions of section 304 of the Federal Land Policy and Management Act of 1976 shall apply to each environmental impact statement under this subsection in the same manner as such provisions apply to applications relating to the public lands referred to in such section 304. The regulatory agency having lead responsibility shall, in conjunction with such other regulatory agencies as may be interested, hold public hearings in the District of Columbia and an appropriate location in the State on each draft joint environmental impact statement and the views expressed therein shall be considered by all regulatory agencies concerned before publication of the final joint environmental impact statement.

(f) OTHER VIEWS.—During both the nine-month period, and the succeeding three-month period plus any extension thereof provided for in subsection (e), the heads of the regulatory agencies concerned shall solicit and consider the views of other Federal departments and agencies, the Alaska Land Use Council, the State, affected units of local government in the State, and affected corporations formed pursuant to the Alaska Native Claims Settlement Act, and, after public notice, shall receive and consider statements and recommendations regarding the application submitted by interested individuals and organizations.

(g) TENTATIVE AGENCY DECISION.—(1) Within four months after the final environmental impact statement is published in accordance with subsection (e) with respect to any transportation or utility system, each regulatory agency must make a tentative decision to approve or disapprove, in accordance with applicable law, each authorization that applies with respect to the system and that is within the jurisdiction of that agency.

(2) The head of each regulatory agency, in making a tentative decision referred to in paragraph (1), shall consider, and make detailed findings supported by substantial evidence, with respect to—

(A) the presence of the proposed transportation or utility system in any statewide transportation plan prepared by the State;

(B) the need for, and economic feasibility of, the transportation or utility system;

(C) alternative routes and modes of access, including a determination with respect to whether there is any economically feasible and prudent alternative to the routing of the system through or within a conservation system unit, national recreation area, or national conservation area and, if not, whether there are alternative routes or modes which would result in fewer or less severe adverse impacts upon the conservation system unit;

(D) the feasibility and impacts of including different transportation or utility systems in the same area;

(E) short- and long-term social, economic, and environmental impacts of national, State, or local significance, including impacts on fish and wildlife and their habitat, and on rural, traditional lifestyles;

(F) the impacts, if any, on the national security interests of the United States, that may result from approval or denial of the application for a transportation or utility system;

(G) any impacts that would affect the purposes for which the Federal unit or area concerned was established;

(H) measures which should be instituted to avoid or minimize negative impacts; and

(I) the short- and long-term public values which may be adversely affected by approval of the transportation or utility system versus the short- and long-term public benefits which may accrue from such approval.

STANDARDS FOR GRANTING CERTAIN AUTHORIZATIONS

SEC. 904. In any case in which there is no applicable law with respect to a transportation or utility system, the head of the regulatory agency concerned may make recommendations, for purposes of section 905(b), to grant such authorizations as may be necessary to establish such system, in whole or in part, within the conservation system unit concerned if he determines that—

(1) to allow such system within the unit would be compatible with the purposes for which the unit was established; and

(2) there is no economically feasible and prudent alternative route for the system.

For purposes of section 903, this section shall be treated as being applicable law.

AGENCY, PRESIDENTIAL, AND CONGRESSIONAL ACTIONS

SEC. 905. (a)(1) AGENCY ACTION IN CASES OTHER THAN THOSE INVOLVING SECTION 904 OR WILDERNESS AREAS.—In the case of any application for the approval of any transportation or utility system to which section 904 does not apply or that does not occupy, use, or traverse any area within the National Wilderness Preservation System, if, in compliance with section 903—

(A) each regulatory agency concerned tentatively decides to approve each authorization within its jurisdiction with respect to that system, then the system shall be deemed to be approved and each such agency shall promptly issue, in accordance with applicable law, such rights-of-way, permits, licenses, leases, certificates, or other authorizations as are necessary with respect to the establishment of the system; or

(B) one or more regulatory agencies tentatively decide to disapprove any authorization within its jurisdiction with respect to that system, then the system shall be deemed to be disapproved and the applicant for the system may appeal the disapproval to the President.

(2) If an applicant appeals under paragraph (1)(B), the President, within four months after receiving the appeal, shall decide whether to approve or deny the application. The President shall approve the application if he finds, after consideration of the factors set forth in section 903(g)(2), that such approval would be in the public interest. In making a decision, the President shall consider any environmental impact statement prepared pursuant to section 903(e), comments of the public and Federal agencies received during the preparation of such statement, and the findings and recommendations, if any, of each regulatory

agency that rendered a decision with respect to the application. The President's decision to approve or deny the application shall be published in the Federal Register, together with a statement of the reasons for his determination.

(3) If the President approves an application under paragraph (2), each regulatory agency concerned shall promptly issue, in accordance with applicable law, such rights-of-way, permits, licenses, leases, certificates, or other authorizations as are necessary with respect to the establishment of the system.

(4) If the President denies an application under paragraph (2), the applicant shall be deemed to have exhausted his administrative remedies and may file suit in any appropriate Federal court to challenge such decision. With the consent of the applicant, the State shall have standing to appeal, on behalf of the applicant, any administrative or judicial decision which results from the implementation of this title.

(b) AGENCY ACTION IN CASES INVOLVING SECTION 904 OR WILDERNESS AREAS.—(1) In the case of any application for the approval of a transportation or utility system to which section 904 applies or that proposes to occupy, use, or traverse any area within the National Wilderness Preservation System, each regulatory agency concerned shall promptly submit to the President notification whether the agency tentatively approved or disapproved each authorization within its jurisdiction that applies with respect to the system. Such notification shall be accompanied by a statement of the reasons and findings supporting the agency position.

(2) Within four months after receiving all notification referred to in paragraph (1) and after considering such notifications, any environmental impact statement prepared pursuant to section 903(e), and the comments of the public and Federal agencies received during the preparation of such statement; the President shall submit to Congress his recommendation regarding whether or not the application for the system concerned should be approved by Congress under subsection (c). The President shall include with any such recommendation to Congress—

(A) the application which is the subject of his recommendation;

(B) a report setting forth in detail the relevant factual background and the reasons for his findings and recommendation;

(C) the joint environmental impact statement;

(D) a statement of the conditions and stipulations which would govern the use of the system if approved by the Congress.

(c) CONGRESSIONAL APPROVAL.—(1) No application for any transportation or utility system with respect to which the President makes a recommendation under subsection (b) (whether the recommendation is for approval or disapproval), shall be approved unless the Senate and House of Representatives approve a resolution described in paragraph (4) within the first period of one hundred and twenty calendar days of continuous session of the Congress beginning on the date after the date of receipt by the Senate and House of Representatives of such recommendation.

(2) For purposes of this subsection—

(A) continuity of session of the Congress is broken only by an adjournment sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one-hundred-and-twenty-day calendar period.

(3) This subsection is enacted by the Congress—

(A) as an exercise of the rulemaking power of each House of the Congress, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by paragraph (6) of this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as those relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(4) For purposes of this subsection, the term "resolution" means a joint resolution, the resolving clause of which is as follows: "That the House of Representatives and Senate approve the application for   under title IX of the Alaska National Interest Lands Conservation Act submitted by the President to the Congress on   19 ."; the first blank space therein to be filled in with the appropriate transportation or utility system and the second blank therein to be filled with the date on which the President submits the application to the House of Representatives and the Senate.

(5) Except as otherwise provided in this subsection, the provisions of section 8(d) of the Alaska Natural Gas Transportation Act shall apply to the consideration of the resolution.

(6) After an application for a transportation or utility system has been approved by the Congress under this subsection, the appropriate regulatory agencies shall issue appropriate authorizations in accordance with applicable law; and, in any case in which section 904 applies, the head of the regulatory agency concerned shall grant to the applicant and thereafter administer (under the Federal Land Policy and Management Act of 1976) such legal interests in such lands or waters within the unit concerned as may be appropriate.

RIGHTS-OF-WAY TERMS AND CONDITIONS

SEC. 906 (a) TERMS AND CONDITIONS.—The Secretary, or the Secretary of Agriculture where national forest wilderness is involved, shall include in any right-of-way issued pursuant to an application under this title, terms and conditions which shall include, but not be limited to—

(1) requirements to insure that the right-of-way is used in a manner compatible with the purposes for which the affected conservation system unit, national recreation area, or national conservation area was established;

(2) requirements for restoration, revegetation, and curtailment of erosion of the surface of the land;

(3) requirements to insure that activities in connection with the right-of-way will not violate applicable air and water quality standards and related facility siting standards established pursuant to law;

(4) requirements, including the minimum necessary width, designated to control or prevent—

(A) damage to the environment (including damage to fish and wildlife habitat),

(B) damage to public or private property, and

(C) hazards to public health and safety;

(5) requirements to protect the interests of individuals living in the general area of the right-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes; and

(6) requirements to employ measures to avoid or minimize adverse environmental, social, or economic impacts.

(b) WILD AND SCENIC RIVERS SYSTEMS.—Any transportation or utility approved pursuant to this title which occupies, uses, or traverses any area within the boundaries of a unit of the National Wild and Scenic Rivers System shall be subject to such conditions as may be necessary to assure that the stream flow of, and transportation on, such river are not interferred with or impeded, and that the transportation or utility system is located and constructed in an environmentally sound manner.

(c) PIPELINE RIGHT-OF-WAY.—In the case of a pipeline described in section 28(a) of the Mineral Leasing Act of 1920, a right-of-way issued pursuant to this title shall be issued in the same manner as a right-of-way is granted under section 28, and the provisions of subsections (c) through (j), (l) through (q), and (u) through (y) of such section 28 shall apply to rights-of-way issued pursuant to this title.

SPECIAL ACCESS RIGHTS

SEC. 907. Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, the use of snow machines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the values of the conservation system units, national recreation areas, and national conservation areas, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this Act or other law.

TEMPORARY ACCESS

SEC. 908. (a) IN GENERAL.—Notwithstanding any other provision of this Act or other law, the Secretary shall authorize and permit temporary access by the State or a private landowner to, within, or across any conservation system unit, national recreation area, national conservation area, or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, in order to permit the State or private landowner access to its land for purposes of survey, or geophysical, exploratory, or other temporary uses thereof whenever he determines such access will not result in permanent harm to the resources of such unit.

(b) STIPULATIONS AND CONDITIONS.—In providing temporary access pursuant to subsection (a), the Secretary may include such stipulations and conditions he deems necessary to insure that the private use of public lands is accomplished in a manner that is not inconsistent with the purposes for which the public lands are reserved and which insures that no permanent harm will result to the resources of the unit.

ACCESS TO INHOLDINGS

SEC. 909. Notwithstanding any other provisions of this Act or other law, in any case in which State owned or privately owned land or a valid mining claim or other valid occupancy is within or is effectively surrounded by one or more conservation system units, national recreation areas, national conservation areas, or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate and economically feasible access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the values of such lands.

NORTH SLOPE HAUL ROAD

SEC. 910. (a) IN GENERAL.—So long as that section of the North Slope Haul Road referred to in subsection (c) is closed to public use, but not including regulated local traffic north of the Yukon River, regulated industrial traffic and regulated high occupancy buses, such regulation to occur under State law, except that the Secretary, after consultation with the Secretary of Transportation, and the Governor of Alaska shall agree on the number of vehicles and seasonality of use, such section shall be free from any and all restrictions contained in title 23, United States Code, as amended, or in any regulations thereunder. The State shall have the authority to limit access, impose restrictions and impose tolls, notwithstanding any provision of Federal law.

(b) RELEASE.—The removal of restrictions shall not be conditioned upon repayment by the State to the Treasurer of the United States of any Federal-aid highway funds paid on account of the section of highway described in subsection (c), and the obligation of the State to repay these amounts is hereby released so long as the road remains closed as set forth in subsection (a).

(c) APPLICATION OF SECTION.—The provisions of this section shall apply to that section of the North Slope Haul Road, which extends from the southern terminus of the Yukon River Bridge to the northern terminus of the road at Prudhoe Bay.

VALID EXISTING RIGHTS

SEC. 911. Nothing in this title shall be construed to adversely affect any valid existing right of access.

APPLICATION OF TITLE

SEC. 912. This title shall apply with respect to any transportation or utility system for which no application under applicable law was made to any regulatory agency before the date of the enactment of this Act.

TITLE X—COORDINATION

ALASKA LAND USE COUNCIL

SEC. 1001. (a) ESTABLISHMENT.—There is hereby established the Alaska Land Use Council (hereinafter in this title referred to as the "Council").

(b) COCHAIRMEN.—The Council shall have Cochairmen. The Federal Cochairman shall be appointed by the President of the United States with the advice and consent of the Senate. The State Cochairman shall be the Governor of Alaska.

(c) MEMBERS.—In addition to the Cochairmen, the Council shall consist of the following members:

(1) the head of the Alaska offices of each of the following Federal agencies: National Park Service, United States Fish and Wildlife Service, United States Forest Service, Bureau of Land Management, Heritage Conservation and Recreation Service, National Oceanic and Atmospheric Administration, and Department of Transportation; and

(2) the Commissioners of the Alaska Departments of Natural Resources, Fish and Game, Environmental Conservation, Transportation, and Community and Regional Affairs.

Any vacancy on the Council shall be filled in the same manner in which the original appointment was made.

(d) STATE DECISION NOT TO PARTICIPATE.—If the State elects not to participate on the Council or elects to end its participation prior to termination of the Council, the Council shall be composed of the Federal Cochairman and the agencies referred to in subsection (c)(1). The Council, so composed, shall carry out the administrative functions required by this title and shall make recommendations to Federal officials with respect to the matters referred to in subsections (i) and (j). In addition, the Council may make recommendations from time to time to State officials and private landowners concerning such matters.

(e) COMPENSATION AND EXPENSES.—(1) The Federal Cochairman shall be compensated at a rate to be determined by the President but not in excess of that provided for level IV of the Executive Schedule contained in title 5, United States Code.

(2) The other members of the Council who are Federal employees shall receive no additional compensation for service on the Council.

(3) While away from their homes or regular places of business in the performance of services for the Council, members of the Council who are Federal employees shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(4) The State Cochairman and other members of the Council referred to in subsection (c)(2) shall be compensated in accordance with applicable State law.

(f) ADMINISTRATIVE AUTHORITY.—(1) The Cochairmen, acting jointly, shall have the authority to create and abolish employments and positions, including temporary and intermittent employments; to fix and provide for the qualification, appointment, removal, compensation, pension, and retirement rights of Council employees; and to procure needed office space, supplies, and equipment.

(2) The office of the Council shall be located in the State of Alaska.

(3) Except as provided in subsection (d), within any one fiscal year, the Federal Government shall pay only 50 per centum of the costs and other expenses other than salaries, benefits, et cetera of members, incurred by the Council in carrying out its duties under this Act.

(4) The Council is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement. Each department and agency of the Federal Government is authorized and directed to cooperate fully in making its services, equipment, personnel, and facilities available to the Council. Personnel detailed to the Council in accordance with the provisions of this subsection shall be under the direction of the Cochairmen during any period such staff is so detailed.

(5) The Council is authorized to accept donations, gifts, and other contributions and to utilize such donations, gifts, and contributions in carrying out its functions under this Act.

(6) The Council shall keep and maintain complete accounts and records of its activities and transactions, and such accounts and records shall be available for public inspection.

(g) MEETINGS; AUTHORITIES; REPORTS.—(1) The Council shall meet at the call of the Cochairmen, but not less than four times each year.

(2) The Council may, for the purpose of carrying out the provisions of this section, hold such hearings, take such testimony, receive such evidence, and print or otherwise reproduce and distribute reports concerning so much of its proceedings as the Council deems advisable.

(3) No later than February 1, of each calendar year following the calendar year in which the Council is established, the Cochairmen shall submit to the President, the Congress, the Governor of Alaska, and the Alaska Legislature, in writing, a report on the activities of the Council during the previous year, together with their recommendations, if any, for legislative or other action in furtherance of the purposes of this section.

(h) RULES.—The Council shall adopt such internal rules of procedure as it deems necessary. All Council meetings shall be open to the public, and at least fifteen days prior to the date when any meeting of the Council is to take place the Cochairmen shall publish public notice of such meeting in the Federal Register and in newspapers of general circulation in various areas throughout Alaska.

FUNCTIONS OF THE COUNCIL

SEC. 1002. (a) STUDIES; PLANNING.—The Council shall conduct studies and advise the Secretary, the Secretary of Agriculture, other Federal agencies, the State, local governments, and Native Corporations with respect to ongoing, planned, and proposed land and resources uses in Alaska, including transportation planning, land use designation, fish and wildlife management, tourism, agricultural development, coastal zone management, preservation of cultural and historical resources, and such other matters as may be submitted for advice by the members.

(b) RECOMMENDATIONS.—It shall be the function of the Council—

(1) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to ways to improve coordination and consultation between said governments in wildlife management, transportation planning, wilderness review, and other governmental activities which appear to require regional or statewide coordination;

(2) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to ways to insure that economic development is orderly and planned and is compatible with State and national economic, social, and environmental objectives;

(3) to make recommendations to appropriate officials of the Government of the United States and the State of Alaska with respect to those changes in laws, policies, and programs relating to publicly owned lands and resources which the Council deems necessary;

(4) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to the inventory, planning, classification, management, and use of Federal and State lands, respectively, and to provide such assistance to Native Corporations upon their request;

(5) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to needed modifications in existing withdrawals of Federal and State lands;

(6) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to the programs and budgets of Federal and State agencies responsible for the administration of Federal and State lands; and

(7) to make recommendations to appropriate officials of the Government of the United States, the State of Alaska, and Native Corporations for land exchanges between or among them.

(c) COOPERATIVE PLANNING-MANAGEMENT.—(1) The Council shall recommend cooperative planning and management zones, consisting of areas of the State in which the management of lands or resources by one member materially affects the management of lands or resources of another member or members. Federal members of the Council are authorized and encouraged to enter into cooperative agreements with Federal agencies, with State and local agencies, and with Native Corporations providing for mutual consultation, review, and coordination of resource management plans and programs within such zones.

(2) With respect to lands, waters, and interests therein which are subject to a coop-

erative agreement in accordance with this subsection, the Secretary, in addition to any requirement of applicable law, may provide technical and other assistance to the landowner with respect to fire control, trespass control, law enforcement, resource use, and planning. Such assistance may be provided without reimbursement if the Secretary determines that to do so would further the purposes of the cooperative agreement and would be in the public interest.

(d) Nonacceptance of Council Recommendations.—If any Federal or State agency does not accept a recommendation made by the Council pursuant to subsection (i) or (j), such agency, within thirty days of receipt of the recommendation, shall inform the Council, in writing, of its reason for such action.

TERMINATION: ADVISORY COMMITTEE

Sec. 1003. (a) Full Report of Council.—Unless extended by the Congress, the Council shall terminate ten years after the date of enactment of this Act. No later than one year prior to its termination date, the Cochairmen shall submit in writing to the Congress a report on the accomplishments of the Council together with their recommendations as to whether the Council should be extended or any other recommendations for legislation or other action which they determine should be taken following termination of the Council to continue carrying out the purposes for which the Council was established.

(b) Federal Participation in Joint Commission.—Notwithstanding any other provision of law, Federal participation in the Joint Federal-State Land Use Planning Commission for Alaska, established in section 17(a) of the Alaska Native Claims Settlement Act, shall cease upon the expiration of the ninety-day period following the date of enactment of this Act or the ninety-day period following the date of appointment of the Federal Cochairman of the Council, whichever is later: *Provided*, That in any event, the Commission shall terminate on June 30, 1979, as provided in section 17(a)(10) of the Alaska Native Claims Settlement Act.

(c) Citizens Advisory Committee.—The Council shall establish a committee of land-use advisers, made up of representatives of commercial and industrial land users in Alaska, recreational land users, wilderness users, environmental groups, Alaska Natives, local governments, and other citizens. The Cochairman shall appoint the members of the committee and, in so doing, shall to the maximum extent practicable provide a balanced mixture of National, State, and local perspective and expertise on land and resource use issues.

FEDERAL COORDINATION COMMITTEE

Sec. 1004. There is hereby established a Federal Coordination Committee composed of the Secretaries (or their designees) of Agriculture, Energy, the Interior, and Transportation; the Administrators of the Environmental Protection Agency, and the National Oceanic and Atmospheric Administration; and the Federal and State Cochairmen of the Council. Such Committee shall meet at least once every four months in order to coordinate those programs and functions of their respective agencies which could affect the administration of lands and resources in Alaska. The Federal Co-chairman shall be the Chairman of the Committee. He shall be responsible for formulating an agenda for each meeting, after consultation with the other agency heads referred to herein, for providing any necessary staff support, and for preparing a brief summary of the disposition of matters discussed at each meeting. Such summary shall be published in the Federal Register.

TITLE XI—ADMINISTRATIVE PROVISIONS

LAND ACQUISITION AND EXCHANGES

Sec. 1101. (a) General Authority.—Except as otherwise provided in this Act, the Secretary is authorized, in order to carry out the purposes of this Act, to acquire by purchase, donation, exchange, or otherwise any lands within the boundaries of any conservation system unit. Any such land owned by—

(1) the State or a political subdivision of the State;

(2) a Native Corporation which has Natives as a majority of its stockholders; or

(3) the actual occupant of a tract, title to the surface estate of which was on, before, or after the date of enactment of this Act conveyed to such occupant pursuant to section 14(c)(1) of the Alaska Native Claims Settlement Act, a descendant of such occupant, or any subsequent transferee, so long as such lands are used by such transferee in a manner consistent with the purpose for which such tract was originally conveyed under said section 14(c)(1),

may only be acquired for such purposes with the consent of the State, such political subdivision of the State, such Native Corporation or such occupant, as the case may be. Lands owned or validly selected by the State which are adjacent to, but outside of, the boundaries of a conservation system unit may only be acquired by exchange or donation for purposes of such conservation system unit, and when so acquired the lands shall become, and be administered as, a part of the unit to which they appertain and the boundaries of the unit shall thereby be deemed to include such lands to the same extent as if the lands were included within such boundaries by this Act. No such boundary change shall take effect until after the Secretary provides reasonable notice in writing to the Congress of his intention to consummate an exchange or donation which would result in such boundary change.

(b) Improved Property.—No improved property shall be acquired under subsection (a) without the consent of the owner unless the Secretary first determines that such acquisition is necessary to the fulfillment of the purposes of this Act or to the fulfillment of the purposes for which the concerned conservation system unit was established or expanded.

(c) Retained Rights.—The owner of an improved property on the date of its acquisition, as a condition of such acquisition, may retain for himself, his heirs and assigns, right of use and occupancy of the improved property for noncommercial residential or recreational purposes, as the case may be for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the owner's interest in the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that such right is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(d) Definition.—For the purposes of this section, the term "improved property" means—

(1) a detached single family dwelling, the construction of which was begun before January 1, 1978 (hereinafter in this section referred to as the "dwelling"), together with the land on which the dwelling is situated to the extent that such land—

(A) is in the same ownership as the dwelling or is Federal land on which entry was legal and proper, and

(B) is designated by the Secretary to be necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use,

together with any structures necessary to the dwelling which are situated on the land so designated, or

(2) property developed for noncommercial recreational uses, together with any structures accessory thereto which were so used on or before January 1, 1978, to the extent that entry onto such property was legal and proper.

In determining when and to what extent a property is to be considered an "improved property", the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1978, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed before such date.

(e) Consideration of Hardship.—The Secretary shall give prompt and careful consideration to any offer made by the owner of any property within a conservation system unit to sell such property, if such owner notifies the Secretary that the continued ownership is causing, or would result in, undue hardship.

(f) Exchange Authority.—Notwithstanding any other provision of law, in acquiring lands for the purposes of this Act, the Secretary is authorized to exchange lands (including lands within conservation system units and within the National Forest System) or interests therein (including Native selection rights) with the corporations organized by the Native groups, Village Corporations, Regional Corporations, and the corporations organized by Natives residing in Juneau, Sitka, Kodiak, and Kenai, all as defined in the Alaska Native Claims Settlement Act, and other municipalities and corporations or individuals, the State (acting free of the restrictions of section 6(i) of the Alaska Statehood Act), or any Federal agency. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchanged, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchanges may be made for other than equal value.

(g) Acquired Lands Part of Unit.—All lands, water, and interests therein acquired by the Secretary and located within the boundaries of any conservation system unit shall become part of such unit and subject to the laws and regulations applicable to such unit.

(h) Scenic Easements.—The Secretary shall reserve all scenic easements which he determines to be necessary to protect the scenic and natural values of (1) Sukakpak Mountain and the other public lands within the area heretofore reserved for utility transmission systems, or (2) the public lands within the area described in section 1205(a). Scenic easements reserved or acquired under this subsection shall not unduly interfere with the construction, operation, or maintenance of any authorized utility transportation system or other authorized facility or development. In acquiring scenic easements pursuant to this subsection, the Secretary may utilize his authority under subsection (f) of this section or section 22(f) of the Alaska Native Claims Settlement Act.

ARCHEOLOGICAL AND PALEONTOLOGICAL SITES

Sec. 1102. Notwithstanding any acreage or boundary limitations contained in this Act with respect to the Cape Krusenstern National Preserve, the Bering Land Bridge National Wildlife Refuge, the Yukon-Charley Rivers National Preserve, and the Kobuk Valley National Monument and Preserve, the Secretary may designate Federal lands or he may acquire by purchase with the consent of the owner, donation, or exchange any significant archeological or paleontological sites in Alaska located outside of the boundaries of such areas and containing resources which are closely associated with any such area. If any such site is so designated or acquired, it shall be included in and managed as part of such area. Not more than seven thousand five hundred acres of land may be designated or acquired under this section for inclusion in any single area. Before designation or acquisition of any property in excess of one hundred acres under the provisions of this section, the Secretary shall—

(1) submit notice of such proposed designation or acquisition to the appropriate committees of the Congress; and

(2) publish notice of such proposed designation or acquisition in the Federal Register.

COOPERATIVE INFORMATION CENTERS

SEC. 1103. (a) ALASKA HIGHWAY CENTER.—The Secretary of the Interior is authorized to establish, after consultation with other appropriate Federal agencies, on not to exceed one thousand acres of Federal or other land at a site adjacent to the Alaska Highway, an information and education center for visitors to Alaska. The Secretary shall seek participation in the program planning, construction, and operation of the center from appropriate agencies of the State and representatives of Native groups in Alaska and may accept contributions of funds, personnel, and planning and program assistance for such State agencies, local agencies, Federal agencies, Native representatives, and other persons for purposes of such planning, construction, and operation. Before establishing any such center on any such site, the Secretary shall notify the appropriate committees of Congress of his intention to do so.

(b) ESTABLISHMENT OF OTHER CENTERS.—The Secretary of the Interior is authorized to establish in both Anchorage and Fairbanks, Alaska, an information and education center for visitors to Alaska, and the Secretary of Agriculture is authorized to establish in Juneau, Alaska, Ketchikan, Alaska, or Sitka, Alaska, another such information and education center. Each Secretary shall seek participation from the State, units of local government, and representatives of Native groups in Alaska, and may accept contributions from State agencies, local agencies, Federal agencies, Native representatives, and other persons in the same manner and to the same extent as is authorized under subsection (a) in connection with the Alaska Highway Center. Before establishing any such center in any such city, the concerned Secretary shall notify the appropriate committees of the Congress of his intention to do so. Each Secretary is authorized to lease or acquire by purchase, donation, or exchange such property in the concerned city, as may be necessary to carry out the purposes of this subsection, except that (1) any property owned by a State or local government may be acquired for such purposes only by donation or exchange, and (2) any property owned by any other person may be acquired for such purposes only with the consent of such person.

(c) ADMINISTRATION.—Any centers and facilities established under this section shall be administered under applicable laws and in accordance with such special regulations as the Secretary may promulgate.

ADMINISTRATIVE SITES AND VISITOR FACILITIES

SEC. 1104. (a) ESTABLISHMENT.—In conformity with the conservation and management plans prepared for each unit and the purposes of assuring the preservation, protection, and proper management of any conservation system unit, the Secretary may establish sites and visitor facilities—

(1) within the unit, if compatible with the purposes for which the unit is established, expanded, or designated by this Act, and the other provisions of this Act, or

(2) outside the boundaries of, and in the vicinity of, the unit.

To the extent practicable and desirable, the Secretary shall attempt to locate such sites and facilities on Native lands in the vicinity of the unit.

(b) AUTHORITIES OF SECRETARY.—For the purpose of establishing administrative sites and visitor facilities under subsection (a)—

(1) the Secretary and the head of the Federal agency having primary authority over the administration of any Federal land which the Secretary determines is suitable for use in carrying out such purpose may enter into agreements permitting the Secretary to use such land for such purposes;

(2) the Secretary, under such terms and conditions as he determines are reasonable, may lease or acquire by purchase, donation, exchange, or any other method (except condemnation) real property (other than Federal land) which the Secretary determines is suitable for carrying out such purposes; and

(3) the Secretary may construct, operate, and maintain such permanent and temporary buildings and facilities as he deems appropriate on land which is within, or in the vicinity of, any conservation system unit and with respect to which the Secretary has acquired authority under this subsection to use the property for the purpose of establishing an administrative site or visitor facility under subsection (a), except that the Secretary may not begin construction of buildings and facilities on land not owned by the United States until the owner of such land has entered into an agreement with the Secretary, the terms of which assure the continued use of such buildings and facilities in furtherance of the purposes of this Act.

REVENUE-PRODUCING VISITOR SERVICES

SEC. 1105. (a) CONTINUATION OF EXISTING VISITOR SERVICES.—Notwithstanding any other provision of law, the Secretary, under such terms and conditions as he determines are reasonable shall permit any persons who, on or before January 1, 1978, were engaged in adequately providing any type of visitor service within any area established or added to a conservation system unit to continue providing such type of service and similar types of visitor services within such area if such service or services are consistent with the purposes for which such unit is established or expanded.

(b) PREFERENCE.—Notwithstanding provisions of law other than those contained in subsection (a), in selecting persons to provide (and in contracting for the provision of) any type of visitor service for any conservation system unit, the Secretary—

(1) shall give preference to the Native Corporation which the Secretary determines is most directly affected by the establishment or expansion of such unit by or under the provisions of this Act; and

(2) shall give preference to persons whom he determines, by rule, are local residents.

(c) DEFINITION.—As used in this section, the term "visitor service" means any service made available for a fee or charge to persons who visit a conservation system unit, including such services as providing food, accommodations, transportation, tours, and guides.

LOCAL HIRE

SEC. 1106. (a) PROGRAM.—The Secretary shall establish a program under which any individual who, by reason of having lived or worked in or near a conservation system unit, has special knowledge or expertise concerning the natural or cultural resources of such unit and the management thereof (as determined by the Secretary) shall be considered for selection for any position within such unit without regard to

(1) any provision of the civil service laws or regulations thereunder which require minimum periods of formal training or experience,

(2) any such provision which provides an employment preference to any other class of applicant in such selection, and

(3) any numerical limitation on personnel otherwise applicable.

Individuals appointed under this subsection shall not be taken into account in applying any personnel limitation described in paragraph (3).

(b) REPORTS.—The Secretary shall from time to time prepare and submit to the Congress reports indicating the actions taken in carrying out the provisions of subsection (a) of this section together with any recommendations for legislation in furtherance of the purposes of this section.

MANAGEMENT PLANS

SEC. 1107. (a) SUBMISSION OF PLANS.—Within five years after the date of the enactment of this Act, the Secretary shall submit, in writing, to the appropriate committees of the Congress plans for managing each of the conservation system units established or expanded by title II of this Act. At any time after submitting a plan under this subsection, the Secretary may revise such plan in accordance with the provisions of this section.

(b) COORDINATION.—The Secretary shall coordinate the development and preparation of management plans for conservation system units which have similar characteristics.

(c) PLAN REQUIREMENTS.—Each plan described in subsection (a) shall identify management practices which will carry out the policies of this Act and will accomplish the purposes for which the concerned conservation system unit was established or expanded and shall include at least the following:

(1) Maps indicating areas of particular importance as to wilderness, natural, historical, wildlife, cultural, archeological, paleontological, geological, recreational, and similar resources and also indicating the areas into which unit will be divided for administrative purposes.

(2) A description of the programs and methods that will be employed to manage fish and wildlife resources and habitats, cultural, geological, recreational, and wilderness resources, and how each conservation system unit will contribute to overall resources management goals of region. Such programs should include protection, restoration, development, and interpretation as appropriate.

(3) A description of the areas of potential or proposed development, indicating types of visitor services and facilities to be provided, the estimated costs of such services and facilities, and whether or not such services and facilities could and should be provided outside the boundaries of such unit.

(4) A plan for access to, and circulation within, such unit, indicating the type and location of transportation routes and facilities.

(5) A description of the programs and methods which the Secretary plans to use for the purposes of (A) encouraging the recognition and protection of the culture and history of the individuals residing, on the date of the enactment of this Act, in such unit and areas in the vicinity of such unit, and (B) providing and encouraging employment of such individuals.

(6) A plan for acquiring land with respect to such unit, including proposed modifications in the boundaries of such unit.

(7) A description (A) of privately owned areas, if any, which are within such unit, (B) of activities carried out in, or proposed for such areas, (C) of the present and potential effects of such activities on such unit, (D) of the purposes for which such areas

are used, and (E) of methods (such as cooperative agreements and issuance of enforcement of regulations) of controlling the use of such activities to carry out the policies of this Act and the purposes for which such unit is established or expanded.

(8) A plan indicating the relationship between the management of such unit and activities being carried out in, or proposed for, surrounding areas and also indicating cooperative agreements which could and should be entered into for the purpose of improving such management.

(d) CONSIDERATION OF FACTORS.—In developing, preparing, and revising a plan under this section and any study under section 1205 of lands within a conservation system unit, the Secretary shall take into consideration at least the following factors:

(1) The specific purposes for which the concerned conservation system unit was established or expanded.

(2) Protection and preservation of the ecological, evironmental, wildlife, cultural, historical, archeological, geological, recreational, wilderness, and scenic character of the concerned unit and of areas in the vicinity of such unit.

(3) Providing opportunities for Native Alaskans residing in the concerned unit and areas adjacent to such unit to continue performing in such unit activities which they have traditionally or historically performed in such unit.

(4) Activities being carried out in areas adjacent to, or surrounded by, the concerned unit.

(e) HEARING AND PARTICIPATION.—In developing, preparing, and revising a plan under this section and any study under section 1205 of lands within a conservation system unit, the Secretary shall hold at least one public hearing in the vicinity of the concerned conservation unit, hold at least one public hearing in a metropolitan area of Alaska, and, to the extent practicable, permit the following persons to participate in the development, preparation, and revision of such plan:

(1) The Alaska Land Use Council and officials of Federal agencies whose activities will be significantly affected by implementation of such plan.

(2) Officials of the State and of political subdivisions of the State whose activities will be significantly affected by implementation of such plan.

(3) Officials of Native Corporations which will significantly be affected by implementation of such plan.

(4) Concerned local, State, and National organizations and interested individuals.

(f) ADVICE AND REPORTS.—During the period beginning on the date of the enactment of this Act and ending on the date the final plan described in subsection (a) is submitted to the appropriate committees of the Congress referred to in subsection (a), the Secretary—

(1) shall keep such committees advised of the status of the plans described in subsection (a), of activities being carried out under this section, and of any information which the Department of the Interior has pertaining to any conservation system unit; and

(2) shall, at least once every twelve months, submit to such committees a report indicating the status of the plan described in subsection (a), particular problems being encountered with respect to developing such plans and managing conservation system units, and the anticipated date of submission of such plans.

TAKING OF FISH AND WILDLIFE

SEC. 1108. (a) Nothing in this Act is intended to enlarge or diminish the responsibility and traditional authority of the State of Alaska for management of fish and wildlife on the public lands except as specifically provided by this Act, or to amend the Alaska constitution, and such responsibility and authority is recognized and confirmed in the State of Alaska in accordance with the provisions of this Act and other applicable Federal law.

(b) Except as specifically provided otherwise by this Act, nothing in this Act is intended to enlarge or diminish the responsibility and authority of the Secretary over the public lands, including the authority of the Secretary to designate areas where, and establish periods when, no taking of fish and wildlife shall be permitted on the public lands for reasons of public safety or administration, or to assure the continued productivity of a particular fish or wildlife population.

(c) The taking of fish and wildlife in all conservation system units, and in national conservation areas, national recreation areas, and national forests, shall be carried out in accordance with the provisions of this Act and other applicable State and Federal law. Those areas designated as national parks or national monuments in the State shall be closed to the taking of fish and wildlife, except that—

(1) notwithstanding any other provision of this Act, the Secretary shall administer and manage those units of the National Park System, and those additions to existing units, established by this Act to ensure the opportunity for continued subsistence uses by local rural residents;

(2) sport and commercial fishing shall be authorized by the Secretary and carried out in accordance with the provisions of this Act and other applicable State and Federal law; and

(3) the Secretary shall permit the taking of fish and wildlife on lands and waters under his jurisdiction within areas designated by this Act as national preserves for recreational or other purposes in accordance with the provisions of this Act and other applicable State and Federal law.

(d)(1) On all public lands where the taking of fish and wildlife for sport or commercial purposes is permitted in accordance with the provisions of this Act or other applicable State or Federal law, the Secretary shall permit, subject to reasonable regulations to insure compatability, the establishment and use of campsites, cabins, tent platforms, shelters, and other necessary facilities and equipment directly related to the exercise of privileges to engage in such activities obtained pursuant to State or Federal law. Such facilities shall be established, maintained, and used in a manner consistent with the protection of the area in which they are located. All new facilities shall be constructed of materials which blend and are compatible with the immediate surrounding landscape. Upon termination of such use and such activities, any new cabins, structures or facilities shall be removed from the area by the permittee.

(2) This subsection shall not apply to any portion of any conservation system unit in which, after notice and opportunity for public hearing in the vicinity of the affected locality, the Secretary determines that the establishment or use of such facilities or equipment is a significant expansion of such facilities or uses which is detrimental to the purposes for which such unit in which the portion is located was established, including the wilderness character of any wilderness area within such unit.

MAPS

SEC. 1109. A soon as practicable after the date of enactment of this Act, a map and legal description of each conservation system unit, including each wilderness study area and each wilderness area, shall be filed with the appropriate committees of the Congress. Each such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the appropriate offices of (1) the Director of the National Park Service, (2) the Director of the United States Fish and Wildlife Service, and (3) the Chief of the United States Forest Service, and appropriate offices of the Alaska field directors of such services. Following publication of notice in the Federal Register and reasonable notice in writing to the appropriate committees of the Congress of his intention to do so, the Secretary may make minor adjustments in the boundaries of any of the conservation system units. Whenever possible, such adjusted boundaries shall follow hydrographic divides or embrace other key topographic features in all cases where straight line map boundaries approximate such features. The boundaries of areas added to the National Park, National Wildlife Refuge, and National Forest Systems in coastal areas, shall not extend seaward beyond the mean high tide line to include lands owned by the State of Alaska unless the State shall have concurred in such boundary extension and such extension is accomplished under the notice and reporting requirements of this Act.

MAJOR FEDERAL ACTION

SEC. 1110. No action concerning any conservation system unit in Alaska which is a major Federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 may be taken by the Secretary unless, in addition to meeting the other requirements of such Act, a report explaining in detail the action (and the basis and reason therefor) and an environmental impact statement concerning such action, have been submitted to the appropriate committees of the Congress at least sixty days prior to the commencement of such action.

ADMINISTRATION OF NATIONAL RECREATION AREAS

SEC. 1111. (a) National recreation areas established by this Act shall be administered by the Secretary as appropriate, in order to provide for public outdoor recreation use and enjoyment and for the conservation of the scenic, scientific, historic, fish and wildlife, and other values contributing to public enjoyment of such areas. Except as otherwise provided in this Act, the Secretary shall administer the recreation areas in a manner which in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, fish and wildlife, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of natural resources and the continuation of such existing uses and developments as will promote, or are compatible with, or do not significantly impair public recreation and conservation of the scenic, scientific, historic, fish and wildlife, or other values contributing to public enjoyment. In administering the recreation areas, the appropriate Secretary may utilize such statutory authorities pertaining to the administration of the National Park System, and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development compatible therewith.

(b) The lands within the recreation areas, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary under such reasonable regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interests in lands within the recreation areas in the manner described by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387), and he may permit the removal of leasable minerals from lands or interests in lands within the recreation areas in accordance with the mineral leasing laws, if he finds that such disposition would not have significant adverse effects on the administration of the recreation areas.

(c) All receipts derived from permits and leases issued on lands or interests in lands within the recreation areas under the mineral leasing laws shall be disposed of as provided in such laws; and receipts from the disposition on nonleasable minerals within the recreation areas shall be disposed of in the same manner as moneys received from the sale of public lands.

(d) This section does not apply to the White Mountains National Recreation Area established by section 304(c).

ADMINISTRATION OF NATIONAL PRESERVES

SEC. 1112. (a) GENERAL ADMINISTRATION.—A national preserve in Alaska shall be administered and managed as a unit of the National Park System in the same manner as a national park except as otherwise provided in this Act and except that the taking of fish and wildlife for recreation and other purposes shall be allowed in a national preserve under appropriate regulation, and applicable State and Federal law.

(b) HUNTING IN PRESERVE WILDERNESS.—The designation of wilderness in national preserves shall not alter National Park Service management practices as regards sport hunting. Sport hunting, including but not limited to commercial guiding operations, shall not be precluded or unreasonably impaired as a result of wilderness designation in national preserves. Subject to reasonable regulation, the Secretary shall permit within wilderness in national preserves, among other things, the establishment of hunting camps, the landing of aircraft, and the maintenance of airstrips at a level appropriate to insure public safety. Motorized uses authorized by the Secretary pursuant to this subsection shall be limited to those means of transportation specified in section 907.

GENERAL WILDERNESS REVIEW PROVISION

SEC. 1113. (a) Within five years from the date of enactment of this Act, the Secretary shall, in accordance with the provisions of section 3(d) of the Wilderness Act relating to public notice, public hearings, and review by State and other agencies, review, as to their suitability or nonsuitability for preservation as wilderness, all lands within national parks and national monuments not designated as wilderness by this Act and report his findings to the President.

(b) The Secretary shall conduct his review, and the President shall advise the United States Senate and House of Representatives of his recommendations, in accordance with the provisions of sections 3(c) and (d) of the Wilderness Act. The President shall advise the Congress of his recommendations with respect to such areas within seven years from the date of enactment of this Act.

(c) Nothing in this section shall be construed as affecting the administration of any national park or national monument in accordance with title II of this Act or other applicable provisions of law unless and until Congress provides otherwise by taking action on any Presidential recommendation made pursuant to subsection (b) of this section.

STATEWIDE CULTURAL ASSISTANCE PROGRAM

SEC. 1114. In furtherance of the national policy set forth in the first section of the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666), and in furtherance of the need to protect and interpret for the public benefit cultural and archeological resources and objects of national significance relating to prehistoric and historic human use and occupation of lands and waters in Alaska, the Secretary may, upon the application of a Native Corporation or Native group, provide advice, assistance, and technical expertise to the applicant in the preservation, display, and interpretation of cultural resources, without regard as to whether title to such resources is in the United States. Such assistance may include making available personnel to assist in the planning, design, and operation of buildings, facilities, and interpretative displays for the public and personnel to train individuals in the identification, recovery, preservation, demonstration, and management of cultural resources.

CONGRESSIONAL REVIEW

SEC. 1115. (a) This section shall apply to any regulation issued by the Secretary under this Act, other than a regulation which is subject to a congressional approval, disapproval, or review procedure under another section of this Act.

(b) The provisions of section 551 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6421; 89 Stat. 871) shall apply to all regulations to which this section applies. In applying such section 551, each reference to an energy action shall be treated as a reference to such a regulation, and each reference to the President shall be treated as a reference to the Secretary.

TITLE XII—MISCELLANEOUS

KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK

SEC. 1201. The second sentence of subsection (b)(1) of the first section of the Act entitled "An Act to authorize the Secretary of the Interior to establish the Klondike Gold Rush National Historical Park in the State of Alaska and Washington, and for other purposes", approved June 30, 1976 (90 Stat. 717), is amended to read as follows: "Lands or interests in lands owned by the State of Alaska or any political subdivision thereof may be acquired only by donation or exchange, and notwithstanding the provisions of subsection 6(i) of the Act of July 7, 1958 (72 Stat. 339, 342) commonly known as the Alaska Statehood Act, the State may include the minerals in any such transaction.".

NAVIGATION AIDS AND OTHER FACILITIES

SEC. 1202. (a) EXISTING FACILITIES.—Within areas added to the National Park, Wildlife Refuge, Forest, and Wild and Scenic Rivers System by this Act, access to, and operation, and maintenance of, existing air and water navigation aids, communications sites and related facilities and existing facilities for weather, climate, and fisheries research and monitoring shall be permitted in accordance with the laws and regulations applicable to units of such systems, as appropriate. Access to and operation and maintenance of facilities for national defense purposes and related air and water navigation aids within or adjacent to such areas shall continue in accordance with the laws and regulations governing such facilities notwithstanding any other provision of this Act. Nothing in the Wilderness Act shall be deemed to prohibit such access, operation, and maintenance within wilderness areas designated by this Act.

(b) NEW FACILITIES.—The establishment, operation, and maintenance within any conservation system unit of new air and water navigation aids and related facilities, facilities for national defense purposes, and related air and water navigation aids, and facilities for weather, climate, and fisheries research and monitoring shall be permitted but only (1) after consultation with the Secretary or the Secretary of Agriculture, as appropriate, by the head of the Federal department or agency undertaking such establishment, operation, or maintenance and (2) in accordance with such terms and conditions as may be mutually agreed in order to minimize the adverse effects of such activities within such unit.

AMENDMENTS TO NAVAL PETROLEUM RESERVES PRODUCTION ACT OF 1976

SEC. 1203. Title I of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501–6507) is amended—

(1) by inserting "and the Committee on Merchant Marine and Fisheries of the House" immediately after "House of Representatives" each place it appears in section 104(d) and section 105 (a), (b)(2), and (c)(3); and

(2) by further amending section 105(c)—

(A) by inserting "archeological, paleontological," immediately after "historical," in paragraph (1)(B), and

(B) by striking out "within three years after the date of enactment of this title" in paragraph (3) and inserting in lieu thereof "on the same date as the study under subsection (b)".

WITHDRAWALS; MINERAL RIGHTS

SEC. 1204. Subject to valid existing rights, all public lands within the boundaries of any conservation system unit in Alaska are withdrawn from all forms of entry or appropriation under the mining laws and from the operation of the mineral leasing laws of the United States, except as otherwise specifically provided in this Act. All withdrawals and reservations of land for powersite purposes within the boundaries of a conservation system unit are hereby rescinded. In the case of lands in Alaska outside the boundaries of any such units, if an applicant for any Native allotment within any withdrawal or reservation for powersite purposes has complied with all applicable requirements, the Secretary may—

(1) grant the application for such allotment, and

(2) make an appropriate conveyance of land to such applicant,

as if the Secretary had declared such lands open to location, entry, or selection under section 24 of the Federal Power Act (16 U.S.C. 818), subject to the reservations specified in such section.

SCENIC HIGHWAY STUDY

SEC. 1205. (a) WITHDRAWAL.—Subject to valid existing rights, all public lands within an area, the centerline of which is the centerline of the Parks Highway from the entrance to Mount McKinley National Park to the Talkeetna junction which is one hundred and thirty-six miles south of Cantwell, the Denali Highway between Cantwell and Paxson, the Richardson Highway and Edgerton Highway between Paxson and Chitina, and the existing road between Chitina and McCarthy (as those highways and road are depicted on the official maps of the department of transportation of the State of Alaska) and the boundaries of which are parallel to the centerline and one mile distant therefrom on either side, are hereby withdrawn from all forms of entry or appropriation under the mining laws and from operation of the mineral leasing laws of the United States.

(b) STUDY.—During the three-year period beginning on the date of enactment of this Act, the Secretary shall study the desirability of establishing a Denali Scenic Highway to consist of all or part of the lands described in subsection (a) of this section. In conducting the studies, the Secretary, through a study team which includes representatives of the Secretary of Transportation, the National Park Service, the Bureau of Land Management, the State, and of each Regional Corporation within whose area of operation the lands described in subsection (a) are located, shall consider the scenic and recreational values of the lands withdrawn under this section, the importance of providing a symbolic and actual physical connection between the national parks in south central Alaska, and the desirability of enhancing the experience of persons traveling between those parks by motor vehicles. Members of the study team who are not Federal employees shall receive from the Secretary per diem (in lieu of expenses) and travel allowances at the rates provided for employees of the Bureau of Indian Affairs in Alaska in grade GS-15.

(c) COOPERATION NOTICE: HEARINGS.—In conducting the studies required by this section, the Secretary shall cooperate with the State and shall consult with each Village Corporation within whose area of operation lands described in this section are located and to the maximum extent practicable with the owner of any lands adjoining the lands described in subsection (a) concerning desirability of establishing a Denali Scenic Highway. The Secretary, through the National Park Service, shall also give such public notice of the study as he deems appropriate, including at least publication in a newspaper or newspapers having general circulation in the area or areas of the lands described in subsection (a), and shall hold a public hearing or hearings at one or more locations convenient to the areas affected.

(d) REPORT.—Within three years after the date of enactment of this Act, the Secretary shall report to the President the results of the studies carried out pursuant to this section together with his recommendation as to whether the scenic highway studied should be established and, if his recommendation is to establish the scenic highway, the lands described in subsection (a) which should be included therein. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations and those of the Governor of Alaska with respect to creation of the scenic highways, together with maps thereof, a definition of boundaries thereof, an estimate of costs, recommendations on administration, and proposed legislation to create such a scenic highway, if creation of one is recommended.

(e) PERIOD OF WITHDRAWAL.—The lands withdrawn under subsection (a) of this section shall remain withdrawn until such time as the Congress acts on the President's recommendation, but not to exceed two years after the recommendation is transmitted to the Congress.

BUREAU OF LAND MANAGEMENT LAND REVIEWS

SEC. 1206. Notwithstanding any other provision of law, section 603 of the Federal Land Policy and Management Act of 1976 shall not apply to any lands in Alaska. However, in carrying out his duties under section 201 and section 202 of such Act and other applicable laws, the Secretary may identify areas in Alaska which he determines are suitable as wilderness and may, from time to time, make recommendations to the Congress for inclusion of any such areas in the National Wilderness Preservation System, pursuant to the provisions of the Wilderness Act. In the absence of congressional action relating to any such recommendation of the Secretary, the Bureau of Land Management shall manage all such areas which are within its jurisdiction in accordance with the applicable land use plans and applicable provisions of law. Nothing in this section shall be construed as relieving the Secretary of the duty of reviewing the wilderness values and recommending appropriate designations in the National Petroleum Reserve in Alaska in connection with the study required by section 105 of the National Petroleum Reserves Production Act of 1976 (Public Law 94-258).

ALASKA NATURAL GAS TRANSPORTATION ACT

SEC. 1207. Nothing in this Act shall be construed as imposing any additional requirements in connection with the construction and operation of the transportation system designated by the President and approved by the Congress pursuant to the Alaska Natural Gas Transportation Act of 1976 (Public Law 94-586; 90 Stat. 2903), or as imposing any limitations upon the authority of the Secretary concerning such system.

AUTHORIZATION FOR APPROPRIATION

SEC. 1208. There are hereby authorized to be appropriated $800,000,000 to carry out the provisions of this Act for fiscal years beginning after the fiscal year 1979 of which amount not more than $200,000,000 may be used for establishment of public information and education sites and for construction of visitors facilities and related access to and within conservation system units established or expanded by this Act effective fiscal year 1980. No authority to enter into contracts or to make payments or to expend previously appropriated funds under this Act shall be effective except to the extent or in such amounts as are provided in advance in appropriation Acts. Notwithstanding any other provision of this Act, any section which authorizes, directly or indirectly, the enactment of new budget authority shall be effective for the fiscal year beginning October 1, 1979.

TITLE XIII—MINERALS, ASSESSMENTS, EXPLORATION, DEVELOPMENT, AND EXTRACTION ON CONSERVATION SYSTEM UNITS

ALASKA MINERAL RESOURCE ASSESSMENT PROGRAM

SEC. 1301. (a) MINERAL ASSESSMENTS.—The Secretary of the Interior shall, to the full extent of his authority, assess the oil, gas, and other mineral potential on all public lands (other than those within the National Wildlife Refuge System) in the State in order to expand the data base with respect to the mineral potential of such lands. The mineral assessment program may include, but shall not be limited to, techniques such as side-looking radar imagery and, on public lands other than such lands within national parks and monuments, core and test drilling for geologic information, notwithstanding any restriction on such drilling under the Wilderness Act. In order to carry out mineral assessments authorized under this or any other law, including but not limited to, the National Uranium Resource Evaluation program, the Secretary shall allow for access by air for assessment activities permitted in this subsection to all public lands involved in such study. He shall consult with the Secretary of Energy and heads of other Federal agencies carrying out such programs, to determine such reasonable requirements as may be necessary to protect the resources of such area, including fish and wildlife. Such requirements may provide that access will not occur during nesting, calving, spawning, or such other times as fish and wildlife in the specific area may be especially vulnerable to such activities. The Secretary is authorized to enter into contracts with public or private entities to carry out all or any portion of the mineral assessment program.

(b) REGULATIONS.—Activities carried out in conservation system units under subsection (a) shall be subject to regulations promulgated by the Secretary. Such regulations shall ensure that such activities are carried out in an environmentally sound manner—

(1) which does not result in lasting environmental impacts which appreciably alter the natural character of the units or biological or ecological systems in the units; and

(2) which is compatible with the purposes for which such units are established.

PRESIDENTIAL REPORT

SEC. 1302. (a) On or before October 1, 1981, and annually thereafter, the President shall transmit to the Congress all pertinent public information relating to minerals in Alaska gathered by the United States Geological Survey, Bureau of Mines, and any other Federal agency.

(b) On or before October 1, 1981, the President shall conduct a study and transmit it, together with his recommendations, to the Congress concerning the advisability of private mineral exploration or extraction activities in conservation systems units where such activities would otherwise be prohibited and the circumstances, if any, and procedures and conditions under which such activities might be permitted.

AREAS SUBJECT TO THE NATIONAL NEED RECOMMENDATION PROCESS

SEC. 1303. The process contained in sections 1304 and 1305 shall apply to all public lands within Alaska except for lands within units of the National Park System and the National Wilderness Preservation System.

RECOMMENDATIONS OF THE PRESIDENT TO CONGRESS

SEC. 1304. (a) RECOMMENDATION.—At any time after the date of enactment of this Act the President may transmit a recommendation to the Congress that mineral exploration, development, or extraction not permitted under this Act or other applicable law shall be permitted in a specified area of the lands referred to in section 1303. Notice of such transmittal shall be published in the Federal Register. No recommendation of the President under this section may be transmitted to the Congress before ninety days after publication in the Federal Register of notice of his intention to submit such recommendation.

(b) FINDINGS.—A recommendation may be transmitted to the Congress under subsection (a) if the President finds that, based on the information available to him—

(1) there is an urgent national need for the mineral activity; and

(2) such national need outweighs the other public values of the public lands involved and the potential adverse environmental impacts which are likely to result from the activity.

(c) REPORT.—Together with his recommendation, the President shall submit to the Congress—

(1) a report setting forth in detail the relevant factual background and the reasons for his findings and recommendation;

(2) a statement of the conditions and stipulations which would govern the activity if approved by the Congress; and

(3) in any case in which an environmental impact statement is required under the National Environmental Policy Act of 1969, a statement which complies with the requirements of section 102(2)(C) of such Act. In the case of any recommendation for which an environmental impact statement is not required under section 102(2)(C) of the National Environmental Policy Act of 1969, the President may, if he deems it desirable, include such a statement in his transmittal to the Congress.

(d) APPROVAL.—Any recommendation under this section shall take effect only upon enactment of a joint resolution approving such recommendation within the first period of one hundred and twenty calendar days of continuous session of Congress beginning on the date after the date of receipt by the Senate and House of Representatives of such recommendation. Any recommendation of the President submitted to Congress under subsection (a) shall be considered received by both Houses for purposes of this section on the first day on which both are in session occurring after such recommendation is submitted.

(e) ONE-HUNDRED-AND-TWENTY-DAY COMPUTATION.—For purposes of this section—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one-hundred-and-twenty-day calendar period.

EXPEDITED CONGRESSIONAL REVIEW

SEC. 1305. (a) RULEMAKING.—This subsection is enacted by Congress—

(1) as an exercise of the rulemaking

power of each House of Congress, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by subsection (b) of this section and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as those relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(b) RESOLUTION.—For purposes of this section, the term "resolution" means a joint resolution, the resolving clause of which is as follows: "That the House of Representatives and Senate approve the recommendation of the President for in submitted to the Congress on 19 .", the first blank space therein to be filled in with appropriate activity, the second blank space therein to be filled in with the name or description of the area of land affected by the activity, and the third blank space space therein to be filled with the date on which the President submits his recommendation to the House of Representatives and the Senate. Such resolution may also include material relating to the application and effect of the National Environmental Policy Act of 1969 to the recommendation.

(c) REFERRAL.—A resolution once introduced with respect to such Presidential recommendation shall be referred to one or more committees (and all resolutions with respect to the same Presidential recommendation shall be referred to the same committee or committees) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) OTHER PROCEDURES.—Except as otherwise provided in this section the provisions of section 8(d) of the Alaska Natural Gas Transportation Act shall apply to the consideration of the resolution.

OIL AND GAS LEASING

SEC. 1306. (a) The Secretary shall establish, pursuant to the Mineral Leasing Act of 1920, an oil and gas leasing program on public lands other than those within conservation system units.

(b)(1)(A) In such areas as the Secretary deems favorable for the discovery of oil or gas, he shall conduct a study, or studies, or collect and analyze information obtained by permittees authorized to conduct studies under this section, of the oil and gas potential of such lands and those environmental characteristics and wildlife resources which would be affected by the exploration for and development of such oil and gas.

(B) The Secretary is authorized to issue permits for study, including geological, geophysical, and other assessment activities, if such activities can be conducted in a manner which is consistent with the purposes for which each affected area is managed under applicable law.

(2) The Secretary shall consult with the Secretary of Energy regarding the national interest involved in exploring for and developing oil and gas from such lands and shall seek the views of the Governor of the State of Alaska, Alaskan local governments, Native, Regional, and Village Corporations, the Alaska Land Use Council, representatives of the oil and gas industry, conservation groups, and other interested groups and individuals in determining which lands should be studied and/or leased for the exploration and development of oil and gas.

(3) The Secretary shall encourage the State to undertake similar studies on lands associated, either through geological or other land values or because of possible transportation needs, with public lands. The Secretary shall integrate these studies, to the maximum extent practicable, with studies on public lands so that needs for cooperation between the Federal Government and the State of Alaska in managing energy and other natural resources, including fish and wildlife, can be established early in the program.

(4) The Secretary shall report to the Congress by October 1, 1980, and yearly thereafter, on his efforts pursuant to this Act regarding the leasing of, and exploration and development activities on, such lands.

(c) At such time as the studies requested in subsection (b) are completed by the Secretary, or at such time as the Secretary determines that sufficient interest has been indicated in exploring an area for oil or gas, and leasing should be commenced, he shall identify those areas which he determines to be favorable for the discovery of oil or gas, hereinafter to be known as favorable petroleum geological provinces. In making such determination the Secretary shall utilize all information obtained in studies conducted under subsection (b) of this section as well as any other information he may develop or require by regulation to be transmitted.

(d) Pursuant to the Mineral Leasing Act of 1920, as amended, the Secretary is authorized to issue leases, on the public lands described in this section, under such terms and conditions as he may, by regulation prescribe. Areas which are determined by the Secretary to be within favorable petroleum geological provinces shall be leased only by competitive bidding.

(e) At such time as paying quantities of oil or gas are discovered under a noncompetitive lease issued pursuant to the Mineral Leasing Act of 1920, the Secretary shall suspend all further non-competitive leasing in the area and shall determine the favorable petroleum geological province in proximity to such discovery. All further leasing in such area shall be in accordance with the requirements of subsection (d) of this section.

(f) Prior to any exploration activities on a lease issued pursuant to this section, the Secretary shall require the lessee to describe exploration activities in an exploration plan. He shall approve such plan if such activities can be conducted in conformity with such requirements as may be made by the Secretary for the protection and use of the land for the purpose for which it is managed under applicable law.

(g) Subsequent to a discovery of oil or gas in paying quantities, and prior to developing and producing such oil and gas, the Secretary shall require the lessee to describe development and production activities in a development and production plan. He shall approve such plan if such activities may be conducted in conformity with such requirements as may be made by the Secretary for the protection and use of the land for the purpose for which it is managed under applicable law.

(h) The Secretary shall monitor the performance of the lessee and, if he determines that due to significant changes in circumstances regarding that operation, including environmental or economic changes, new requirements are needed, he may require a revised development and production plan.

(i) If the Secretary determines that immediate and irreparable damage will result from continuation in force of a lease, that the threat will not disappear and that the advantages of cancellation outweigh the advantages of continuation in force of a lease, he shall suspend operations for up to five years. If such a threat persists beyond such five-year suspension period, he shall cancel a lease and provide compensation to the lessee under such terms as the Secretary establishes, by regulation, to be appropriate.

TITLE XIV—AMENDMENTS TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

STOCK ALIENATION

SEC. 1401. (a) Section 7(h)(3) of the Alaska Native Claims Settlement Act is amended to read as follows:

"(3)(A) On December 18, 1991, all stock previously issued shall be deemed to be canceled, and shares of stock of the appropriate class shall be issued to each stockholder share for share subject only to such restrictions as may be provided by the articles of incorporation of the Corporation, or agreements between corporations and individual shareholders.

"(B) If adopted by December 18, 1991, restrictions provided by amendment to the articles of incorporation may include, in addition to any other legally permissible restrictions—

"(i) the denial of voting rights to any holder of stock who is not a Native, or a descendant of a Native, and

"(ii) the granting to the Corporation, or to the corporation and a stockholder's immediate family, on reasonable terms, the first right to purchase a stockholder's stock (whether issued before or after the adoption of the restriction) prior to the sale or transfer of such stock (other than a transfer by inheritance) to any other party, including a transfer in satisfaction of a lien, writ of attachment, judgment execution, pledge, or other encumbrance.

"(C) Notwithstanding any provision of Alaska law to the contrary—

"(i) any amendment to the articles of incorporation of a Regional Corporation to provide for any of the restrictions specified in clause (i) or (ii) of subparagraph (B) shall be approved if such amendment receives the affirmative vote of the holders of a majority of the outstanding shares entitled to be voted of the corporation, and

"(ii) any amendment to the articles of incorporation of a Native Corporation which would grant voting rights to stockholders who were previously denied such voting rights shall be approved only if such amendment received, in addition to any affirmative vote otherwise required, a like affirmative vote of the holders of shares entitled to be voted under the provisions of the articles of incorporation.".

(b) Section 8(c) of such Act is amended to read as follows:

"(c) The provisions concerning stock alienation, annual audit, and transfer of stock ownership on death or by court decree provided for Regional Corporations in section 7, including the provisions of section 7(h)(3), shall apply to Village Corporations; except that audits need not be transmitted to the Committee on Interior and Insular Affairs of the House of Representatives or to the Committee on Energy and Natural Resources of the Senate.".

(c) At the end of section 1606(h)(1) of title 43, United States Code, insert immediately before the period the words: "or by a stockholder who is a member of a professional organization, association, or board which limits the ability of that stockholder to practice his profession because of holding stock issued under this Act".

VESTING DATE FOR RECONVEYANCES

SEC. 1402. (a) Section 14(c)(1) of the Alaska Native Claims Settlement Act is amended by inserting "as of December 18, 1971 (except that occupancy of tracts located in the Pribilof Islands shall be determined as of the date of initial conveyance of such tracts to the appropriate Village Corporation)" after "title to the surface estate in the tract occupied".

(b) Section 14(c)(2) of such Act is amended by inserting "as of December 18, 1971" after "title to the surface estate in any tract occupied".

(c) Section 14(c)(4) of such Act is amended to read:

"(4) the Village Corporation shall convey to the Federal Government, State, or to the appropriate Municipal Corporation, title to the surface estate for airport sites, airway beacons, and other navigation aids as such existed on December 18, 1971, together with additional acreage and/or easements as are necessary to provide related governmental services and to insure safe approaches to airport runways as such airport sites, runways, and other facilities existed as of December 18, 1971.".

UNDERSELECTIONS

SEC. 1403. Section 22(j) of the Alaska Native Claims Settlement Act is amended by identifying the existing paragraph as paragraph (1) and adding a paragraph (2) to read as follows:

"(2) Where lands selected and conveyed, or to be conveyed, to a Village Corporation are insufficient to fulfill the Corporation's entitlement under subsection 12(b), 14(a), 16(b), or 16(d), the Secretary is authorized to withdraw twice the amount of unfulfilled entitlement and provide the Village Corporation ninety days from receipt of notice from the Secretary to select from the lands withdrawn the land it desires to fulfill its entitlement. In making the withdrawal, the Secretary shall first withdraw public lands that were formerly withdrawn for selection by the concerned Village Corporation by or pursuant to subsection 11(a)(1), (11)(a)(3), 16(a), or 16(d). Should such lands no longer be available, the Secretary may withdraw public lands that are vacant, unreserved, and unappropriated, except that the Secretary may withdraw public lands which had been previously withdrawn pursuant to subsection 17(d)(1). Any subsequent selection by the Village Corporation shall be in the manner provided in this Act for such original selections.".

RETAINED MINERAL ESTATE

SEC. 1404. Section 12(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 (c)) is amended by adding a new paragraph (4) to read as follows:

"(4) Where the public lands consist only of the mineral estate, or portion thereof, which is reserved by the United States upon patent of the balance of the estate under one of the public land laws, other than this Act, the Regional Corporations may select as follows:

"(A) Where such public lands were not withdrawn pursuant to subsection 11(a)(3), but are surrounded by or contiguous to lands withdrawn pursuant to said subsection and filed upon for selection by a Regional Corporation, the Corporation may, upon request, have such public land included in its selection and considered by the Secretary to be withdrawn and properly selected.

"(B) Where such public lands were withdrawn pursuant to subsection 11(a)(1) and are required to be selected by paragraph (3) of this subsection, the Regional Corporation may, at its option, exclude such public lands from its selection.

"(C) Where the Regional Corporation elects to obtain such public lands under subparagraph (A) or (B) of this paragraph it may select, within ninety days of receipt of notice from the Secretary, the surface estate in an equal acreage from other public lands withdrawn by the Secretary for that purpose. Such selections shall be in units no smaller than a whole section, except where the remaining entitlement is less than six hundred tions 1 through 3, 10 through 17, 20 through 24, 28, 29, 32, 33;

Township 36 north, range 21 west, sections 1 through 4, 9 through 20, 23 through 26, 29 through 32, 35, 36;

Township 36 north, range 22 west, sections 5 through 8, 25 through 36;

Township 36 north, range 23 west, sections 1, 5 through 8, 12 through 30, 34 through 36;

Township 36 north, range 24 west, sections 1 through 3, 10 through 12;

Township 37 north, range 21 west, sections 25 through 36;

Township 37 north, range 22 west, sections 25 through 36;

Umiat Meridian

Township 12 south, range 11 west, sections 17 through 20, 29, 30;

Township 12 south, range 12 west, sections 13 through 16, 21 through 28;

Township 17 south, range 2 west, partial, sections 3 through 6;

Township 17 south, range 3 west, partial, sections 1 through 4;

Kateel River Meridian

Township 34 north, range 18 east, sections 9 through 16, 21 through 24.

(c) LAND EXCHANGE.—As a land exchange, contingent upon Arctic Slope Regional Corporation's relinquishment of lands described in subsection (b) and upon conveyance of lands described in paragraph (4) below, and subject to valid existing rights (1) the Secretary shall convey to Arctic Slope Regional Corporation all right, title, and interest of the United States in the following described lands, subject to valid existing rights and to the terms, conditions, procedures, covenants, reservations, and restrictions specified in the "Terms and Conditions":

Umiat Meridian

Township 13 south, range 4 east, sections 1 through 36;

Township 14 south, range 3 east, sections 9 through 16, 21 through 28, 32 through 36;

Township 15 south, range 3 east, sections 26 through 30, 33 through 36;

Township 15 south, range 4 east sections 6, 7, 18 through 36;

Township 16, south, range 3 east, sections 1 through 3, 6, 7, 9 through 16, 18 through 30;

(2) Subject to valid existing rights, the Secretary shall convey to Arctic Slope Regional Corporation all right, title and interest of the United States in the following described lands subject to the terms, conditions, procedures, covenants, reservations and restrictions specified in the "Terms and Conditions":

Umiat Meridian

Township 12 south, range 11 west, sections 17 through 20, 29, 30;

Township 12 south, range 12 west, sections 13 through 16, 21 through 28;

Kateel River Meridian

Township 34 north, range 18 east, sections 9 through 16, 21 through 24;

The Secretary shall except and reserve access easements for park-related purposes from Kurupa Lake to federally owned lands within Gates of the Arctic National Park limited to: The right to land and store aircraft at Kurupa Lake, the right to ingress and egress from the Lake along specific corridors leading to federally owned lands in Gates of the Arctic National Park, and the right to camp overnight at the lakeshore and along the specific easement corridors. The conveyance shall be subject to the following covenants: The requirement for a plan of oil and gas operations prior to any exploration or development activities, the authority of the Secretary to modify or revoke any plan of operations for oil and gas exploration which does not utilize available technologies least damaging to the resources of the Kurupa Lake area and surrounding Federal lands, and the authority of the Secretary to require good faith consultations to develop a plan of operations for oil and gas development which utilizes available technologies minimizing damage to the resources of the Kurupa Lake area and surrounding Federal lands. Such exceptions, reservations, and covenants shall be binding on Arctic Slope Regional Corporation, its successors and assigns;

(3) Subject to valid existing rights, the Secretary shall convey to Arctic Slope Regional Corporation all right, title, and interest of the United States, except sand and gravel, in the subsurface estate of the following described lands, subject to the terms, conditions, procedure, covenants, reservations, and restrictions specified in the "Terms and Conditions.":

Umiat Meridian

Township 12 south, range 9 east, sections 1 through 12, 15 through 21;

Township 12 south, range 10 east, sections 4 through 9;

(4) The Secretary is authorized to accept from Arctic Slope Regional Corporation a conveyance of all right, title, and interest of Arctic Slope Regional Corporation in the following described lands:

Umiat Meridian

Township 13 south, range 1 west, sections 31 through 36;

Township 13 south, range 1 east, sections 31 through 36;

Township 14 south, range 2 east, sections 6, 7, 18, 19, 30, 31;

Township 14 south, range 4 east, sections 1 through 3, 10 through 15, 22 through 27, 33 through 36;

Township 15 south, range 1 west, sections 1 through 6, 11, 12, 19, 20, 27 through 34;

Township 15 south, range 1 east, sections 5 through 8, 17 through 20;

Township 16 south, range 2 east, sections 13 through 15, 22 through 27, 34 through 36;

Township 16 south, range 4 east, sections 1 through 4, 9 through 16, 19 through 36;

Township 17 south, range 1 west, sections 1, 2, 5, 6, partial;

Township 17 south, range 1 east, partial;

Township 17 south, range 3 east, partial;

Township 16 south, range 2 west, sections 19 through 36;

Township 16 south, range 3 west, sections 19 through 28, 33 through 36;

Township 15 south, range 4 west, sections 2 through 4, 9 through 11, 14 through 16, 19 through 23, 26 through 32;

Township 16 south, range 4 west, sections 5 through 8, 17 through 24.

(d) TRANSFERS TO NATIVE CORPORATION.—The Secretary shall convey to Arctic Slope Regional Corporation all right, title, and interest of the United States in the following described lands selected or identified for selection pursuant to the Alaska Native Claims Settlement Act, and to the extent such land lies outside the boundaries of the National Petroleum Reserve in Alaska:

Umiat Meridian

Township 3 south, range 6 west, sections 24 through 26, 33 through 36;

Township 4 south, range 6 west, sections 1 through 5, 7 through 36;

Township 4 south, range 7 west, sections 11 through 16, 19 through 36;

Township 4 south, range 8 west, sections 23 through 29, 32 through 36;

Township 5 south, range 6 west, sections 1 through 18;

Township 5 south, range 7 west, sections 1 through 36;

Township 5 south, range 8 west, sections 1 through 5, 7 through 36;

Township 5 south, range 9 west, sections 25 through 27, 34 through 36;

Township 6 south, range 6 west, sections 19, 30, 31;

Township 6 south, range 7 west, sections 1 through 18, 22 through 27, 34 through 36;

Township 7 south, range 6 west, sections 5 through 8, 17 through 20, 29 through 32;

Township 7 south, range 7 west, sections 1, 2, 11 through 14, 19 through 36;

Township 7 south, range 8 west, sections 19 through 36;

Township 7 south, range 9 west, sections 22 through 27, 34 through 36;

Township 8 south, range 6 west, sections 4 through 9, 16 through 36;

Township 8 south, range 7 west, sections 1 through 36;

Township 8 south, range 8 west, sections 1 through 18, 22 through 27, 34 through 36;

Township 9 south, range 6 west, sections 1 through 36;

Township 9 south, range 7 west, sections 1 through 36;

Township 9 south, range 8 west, sections 1 through 36;

Township 10 south, range 5 west, sections 19 through 36;

Township 10 south, range 6 west, sections 1 through 36;

Township 10 south, range 7 west, sections 1 through 36;

Township 10 south, range 8 west, sections 1 through 36;

Township 10 south, range 9 west, sections 19 through 36;

Township 10 south, range 10 west, sections 19 through 36;

Township 11 south, range 5 west, sections 1 through 18;

Township 11 south, range 6 west, sections 1 through 18;

Township 11 south, range 7 west, sections 1 through 21, 28 through 33;

Township 11 south, range 8 west, sections 1 through 36;

Township 11 south, range 9 west, sections 1 through 36;

Township 11 south, range 10 west, sections 1 through 36;

Township 11 south, range 11 west, sections 1 through 36;

Township 11 south, range 12 west, sections 1 through 36;

Township 11 south, range 13 west, sections 1 through 36;

Township 12 south, range 8 west, partial, sections 1 through 24;

Township 12 south, range 9 west, partial, sections 1 through 24;

Township 12 south, range 10 west, partial, sections 1 through 24;

Township 12 south, range 11 west, sections 1 through 16, 21 through 28;

Township 12 south, range 12 west, sections 1 through 12, 17 through 20, 29, 30;

Township 12 south, range 13 west, sections 1 through 30;

Kateel River Meridian

Township 34 north, range 16 east, sections 7 through 24;

Township 34 north, range 17 east, sections 7 through 24;

Township 34 north, range 18 east, sections 7, 8, 17 through 20.

(e) ACQUISITION AND EXCHANGE AUTHORITY.—(1) The Secretary is authorized, in order to carry out the purposes of this Act, to acquire by purchase or exchange any of the following described lands conveyed to Arctic Slope Regional Corporation pursuant to subsection (b)(1) of this section:

Umiat Meridian

Township 12 south, range 11 west, sections 17 through 20, 29, 30;

Township 12 south, range 12 west, sections 13 through 16, 21 through 28;

Kateel River Meridian

Township 34 north, range 18 east, sections 9 through 16, 21 through 24.

(2) Lands specified in paragraph (1) of this subsection may be acquired for such purposes only with the consent of Arctic Slope Regional Corporation. If such lands are so acquired by the Secretary, such lands shall become, and be administered as, a part of Gates of the Arctic National Park.

(3) To facilitate an exchange provided for in this subsection, the Secretary is authorized to make available to Arctic Slope Regional Corporation lands, or interests therein, from public lands within the Arctic Slope region, as determined pursuant to section 7(a) of the Alaska Native Claims Settlement Act, including lands, or interests therein, within the National Petroleum Reserve in Alaska in the event that lands within the reserve are made subject to leasing under the Mineral Leasing Act of 1920, as amended, or are otherwise made available for purposes of development of oil, gas or other minerals.

(f) LAND EXCHANGE.—As a land exchange: (1) contingent upon Arctic Slope Regional Corporation conveying the lands described in paragraph (2) below and upon receiving interim conveyances to the following described lands:

Umiat Meridian

Township 9 south, range 2 west, sections 22 through 28, 33 through 36;

Township 9 south, range 3 west, sections 1 through 3, 10 through 12;

Township 9 south, range 12 west, sections 1 through 18;

Township 9 south, range 13 west, sections 1 through 3, 10 through 15, 22 through 24;

the Secretary shall convey to Arctic Slope Regional Corporation all right, title and interest of the United States in the following described lands:

Umiat Meridian

Township 9 south, range 12 west, sections 19 through 24;

Township 9 south, range 11 west, sections 4 through 9, 16 through 21;

Township 9 south, range 3 west, sections 13 through 15, 22 through 27;

Township 9 south, range 2 west, sections 28, 33;

(2) the Secretary is authorized to accept from Arctic Slope Regional Corporation a relinquishment of all right, title and interest of Arctic Slope Regional Corporation in the following described lands:

Umiat Meridian

Township 8 south, range 11 west, sections 13 through 15, 22 through 27;

Township 8 south, range 10 west, sections 7 through 11, 13 through 21, 28 through 33.

(g) KAKTOVIK EXCHANGE.—As a land exchange, contingent upon Kaktovik Inupiat Corporation conveying the lands described in paragraph (1) of this subsection and upon the Arctic Slope Regional Corporation conveying the lands described in paragraph (4) of this subsection—

(1) the Secretary is authorized to accept from Kaktovik Inupiat Corporation all right, title and interest of Kaktovik Inupiat Corporation in the surface estate of the following described lands:

Umiat Meridian

Township 2 south, range 23 east, sections 25 through 28, 33 through 36;

Township 2 south, range 24 east, sections 1 through 24, 29 through 32;

(2) the Secretary shall convey to Kaktovik Inupiat Corporation all right, title and interest of the United States in the surface estate of the following described lands:

All those lands on Kaktovik Island—Barter Island Group, Alaska, which were not properly selected by Kaktovik Inupiat Corporation on or before December 18, 1975, and which were not on January 1, 1979, in a defense withdrawal.

Provided, That such lands when conveyed to Kaktovik Inupiat Corporation shall be subject to the provisions of the Alaska Native Claims Settlement Act, including section 22(g) of said Act, except that the acreage limitation for village corporation selection of lands within the National Wildlife Refuge System shall not apply;

(3) Kaktovik Inupiat Corporation shall identify additional lands it desires to acquire pursuant to this exchange from within the following described lands, and to the extent necessary to acquire the surface estate of an aggregate total of twenty-three thousand and forty acres, including the lands conveyed by the Secretary to Kaktovik Inupiat Corporation pursuant to subsection (g) (2) hereof:

Umiat Meridian

Township 7 north, ranges 32 through 36 east;

Township 8 north, ranges 32 through 36 east;

Township 9 north, ranges 33 and 34 east; or such other adjacent lands as the Secretary and Kaktovik Inupiat Corporation may mutually agree upon. Upon the concurrence of the Secretary in the lands identified, he shall convey to Kaktovik Inupiat Corporation all right, title and interest of the United States in the surface estate of the lands so identified: *Provided*, That such lands shall be contiguous to lands previously conveyed to Kaktovik Inupiat Corporation. Pursuant to section 14(a) of the Alaska Native Claims Settlement Act: *Provided further*, That such lands when conveyed to Kaktovik Inupiat Corporation shall be subject to the provisions of the Alaska Native Claims Settlement Act, including section 22(g) of said Act, except that the acreage limitation for village corporation selection of lands within the National Wildlife Refuge System shall not apply;

(4) the Secretary is authorized to accept from Arctic Slope Regional Corporation a conveyance of all right, title and interest of Arctic Slope Regional Corporation in the subsurface estate of the following described lands:

Umiat Meridian

Township 2 south, range 23 east, sections 25 through 28, 33 through 36;

Township 2 south, range 24 east, sections 1 through 24, 29 through 32.

(h) WEYUK LANDS TRANSFER.—Upon the concurrence of the Secretary of Defense, the Secretary shall convey to Arctic Slope Regional Corporation all right, title and interest of the United States in all or part of the following described lands:

Beginning at Weyuk, United States Coast and Geodetic Survey Mark (1586) north 62 degrees east 2,900 feet, more or less, the true point of beginning of this description, thence north 1,100 feet, more or less, thence easterly, meandering along the coast approximately 2,000 feet, more or less, thence south 700 feet, more or less, thence west 1,800 feet, more or less, to the true point of beginning.

(i) NAVAL ARCTIC RESEARCH LABORATORY.—The Secretary shall convey to Ukpeagvik Inupiat Corporation all right, title and interest of the United States in the surface estate of the following described lands:

Umiat Meridian

Township 23 north, range 18 west, sections 13 fractional excluding interim conveyance numbered 045, 14 excluding northwest quarter, southeast quarter, 24 excluding east half, quarter, 23 excluding northwest quarter; west half northeast quarter; southwest quarter, southeast quarter, 24 excluding east half, southwest quarter and interim conveyance numbered 045, 28 excluding northeast quarter; southeast quarter, 29 fractional, 32 fractional, excluding United States Survey 4615, United States Survey 1432, and interim conveyance numbered 045, 33 excluding northeast quarter; east half east half northwest quarter; northeast quarter southeast quarter; northeast quarter northwest quarter southeast quarter and interim conveyance numbered 045.

(j) Rights-of-Way, Etc.—(1) In recognition that Arctic Slope Regional Corporation has a potential need for access in an easterly direction from its landholdings in the Kurupa Lake area and the watershed of the Killik River to the Trans-Alaska Pipeline corridor, the Secretary is authorized and directed, upon application by Arctic Slope Regional Corporation for a right-of-way in this region, to grant to such corporation, its successors and assigns, according to the provisions of section 28 of the Mineral Leasing Act of 1920, as amended, a right-of-way across the following public lands, or such other public lands as the Secretary and Arctic Slope Regional Corporation may mutually agree upon, for oil and gas pipelines, related transportation facilities and such other facilities as are necessary for the construction, operation and maintenance of such pipelines:

Umiat Meridian

Township 11 south, range 10 west;

Township 10 south, ranges 8 through 10 west;

Township 10 south, range 7 west, sections 19 through 36;

Township 11 south, range 7 west, sections 1 through 18;

Township 11 south, range 6 west;

Township 11 south, range 5 west, sections 1 through 18;

Township 10 south, range 5 west, sections 19 through 36;

Township 10 south, ranges 1 through 4 west;

Township 10 south, ranges 1 through 10 east.

The final alinement and location of all facilities across public lands shall be in the discretion of the Secretary.

(2) The Secretary shall make available to Arctic Slope Regional Corporation, its successors and assigns, such sand and gravel as is reasonably necessary for the construction or maintenance of any pipeline or facility and use of rights-of-way appurtenant to the exercise of the rights granted under this subsection, such sand and gravel to be provided to Arctic Slope Regional Corporation, its successors and assigns, for fair market value by negotiated sale.

(k) NEPA.—The National Environmental Policy Act of 1969 (83 Stat. 852) shall not be construed, in whole or in part, as requiring the preparation or submission of any environmental document for any action taken by the Secretary pursuant to this section.

(1) Surface Uses, Etc.—(1) With respect to the following described lands, the subsurface estate of which is to be conveyed to Arctic Slope Regional Corporation pursuant to subsection (c) hereof:

Umiat Meridian

Township 12 south, range 9 east, sections 1 through 12, 15 through 21;

Township 12 south, range 10 east, sections 4 through 9;

Arctic Slope Regional Corporation shall have such use of the surface estate, including such right of access thereto, as is reasonably necessary to the exploration for and removal of oil and gas from said subsurface estate, subject to such rules and regulations by the Secretary that are applicable to the National Park System.

(2) The Secretary shall identify for Arctic Slope Regional Corporation, its successors and assigns, reasonably available sand and gravel which may be used without cost to the United States in the construction and maintenance of facilities and use of rights-of-way appurtenant to the exercise of the rights conveyed under this subsection; notwithstanding the provisions of section 601 et seq., title 30, United States Code, and sand and gravel shall be made available at no charge to Arctic Slope Regional Corporation.

(m) Relation to Entitlements.—(1) The Secretary shall reduce the acreage charged and forty acres, or where an entire section is not available. Where possible, selections shall be of lands from which the subsurface estate was selected by that Regional Corporation pursuant to subsection 12(a)(1) or 14(h)(9) of this Act, and, where possible, all selections made under this section shall be contiguous to lands already selected by the Regional Corporation or a Village Corporation. The Secretary is authorized, as necessary, to withdraw up to two times the acreage entitlement of the in lieu surface estate from vacant, unappropriated, and unreserved public lands from which the Regional Corporation may select such in lieu surface estate except that the Secretary may withdraw public lands which had been previously withdrawn pursuant to subsection 17(d)(1).

"(D) No mineral estate or in lieu surface estate shall be available for selection within the National Petroleum Reserve—Alaska or within Wildlife Refuges as the boundaries of those refuges exist on the date of enactment of this Act.".

CONVEYANCE OF PARTIAL ESTATES

Sec. 1405. (a) Section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) is amended by replacing the existing paragraph with the following paragraph to read as follows:

"(1) The Secretary may withdraw and convey to the appropriate Regional Corporation fee title to existing cemetery sites and historical places. Only title to the surface estate shall be conveyed for lands located in a Wildlife Refuge, when the cemetery or historical site is greater than 640 acres;".

(b) Sections 14(h)(2) and 14(h)(5) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613 (h)(2) and (h)(5)) are amended by adding to the end of each section "unless the lands are located in a Wildlife Refuge".

(c) Section 14(h)(6) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(h)(6)) is modified by adding at the end thereof a period and the following sentence: "Any minerals reserved by the United States pursuant to the Act of March 8, 1922 (42 Stat. 415), as amended, in a Native Allotment approved pursuant to section 18 of this Act during the period December 18, 1971, through December 18, 1975, shall be conveyed to the appropriate Regional Corporation, unless such lands are located in a wildlife refuge or in the Lake Clark areas as provided in section 12 of the Act of January 2, 1976 (Public Law 94-204), as amended".

(d) Section 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)) is amended by adding at the end thereof the following new paragraphs:

"(9) Where the Regional Corporation is precluded from receiving the subsurface estate in lands selected and conveyed pursuant to paragraph (1), (2), (3), or (5), or the retained mineral estate, if any, pursuant to paragraph (6), it may select the subsurface estate in an equal acreage from other lands withdrawn for such selection by the Secretary. Selections made under this paragraph shall be contiguous and in reasonably compact tracts except as separated by unavailable lands and shall be in whole sections, except where the remaining entitlement is less than six hundred and forty acres. The Secretary is authorized to withdraw, up to two times the Corporation's entitlement, from vacant, unappropriated, and unreserved public lands, including lands solely withdrawn pursuant to section 17(d)(1), and the Regional Corporation shall select such entitlement of subsurface estate from such withdrawn lands within ninety days of receipt of notification from the Secretary.

"(10) Notwithstanding the provisions of subsection 22(h), the Secretary, upon determining that specific lands are available for withdrawal and possible conveyance under this subsection, may withdraw such lands for selection by and conveyance to an appropriate applicant and such withdrawal shall remain until revoked by the Secretary.

"(11) For purposes set forth in subsections (h)(1), (2), (3), (5), and (6), the term Wildlife Refuges refers to Wildlife Refuges as the boundaries of those refuges exist in the date of enactment of this Act.".

(e) Any Regional Corporation which asserts a claim with the Secretary to the subsurface estate of lands selectable under section 14(h) of the Alaska Native Claims Settlement Act which are in a wildlife refuge shall not be entitled to any in lieu surface or subsurface estate provided by subsections 12(c)(4) and 14(h)(9) of such Act. Any such claim must be asserted within one hundred and eighty days after the date of enactment of this Act. Failure to assert such claim within the one-hundred-and-eighty-day period shall constitute a waiver of any right to such subsurface estate in a wildlife refuge as the boundaries of the refuge existed on the date of enactment of the Alaska Native Claims Settlement Act.

ESCROW ACCOUNT

Sec. 1406. (a) Subsection (a) of section 2 of Public Law 94-204 (89 Stat. 1146) is amended to read as follows:

"Sec. 2. (a)(1) During the period of the appropriate withdrawal for selection pursuant to the Settlement Act, any and all proceeds derived from contracts, leases, licenses, permits, rights-of-way, or easements, or from trespass occurring after the date of withdrawal of the lands for selection, pertaining to lands or resources of lands withdrawn for Native selection pursuant to the Settlement Act shall be deposited in an escrow account which shall be held by the Secretary until lands selected pursuant to that Act have been conveyed to the selecting Corporation or individual entitled to receive benefits under such Act.

"(2) Such proceeds which were received, if any, subsequent to the date of withdrawal of the land for selection, but were not deposited in the escrow account shall be identified by the Secretary within two years of the date of conveyance of this Act, whichever is later, and shall be paid, together with interest payable on the proceeds from the date of receipt by the United States to the date of payment to the appropriate Corporation or individual to which the land was conveyed by the United States: *Provided*, That interest shall be paid on the basis of a semiannual computation from the date of receipt of the proceeds by the United States to the date of payment with simple interest at the rate determined by the Secretary of the Treasury to be the rate payable on short-term obligations of the United States prevailing at the time of payment: *Provided further*, That any rights of a Corporation or individual under this section to such proceeds shall be limited to proceeds actually received by the United States plus interest: *And provided further*, That moneys for such payments have been appropriated as provided in subsection (e) of this section.

"(3) Such proceeds which have been deposited in the escrow account shall be paid, together with interest accrued by the Secretary to the appropriate Corporation or individual upon conveyance of the particular withdrawn lands. In the event that a conveyance does not cover all of the land embraced within any contract, lease, license, permit, right-of-way, easement, or trespass, the Corporation or individual shall only be entitled to the proportionate amount of the proceeds, including interest accrued, derived from such contract, lease, license, permit, right-of-way, or easement, which results from multiplying the total of such proceeds, including interest accrued, by a fraction in which the numerator is the acreage of such contract, lease, license, permit, right-of-way, or easement which is included in the conveyance and the denominator is the total acreage contained in such contract, lease, license, permit, right-of-way, or easement; in the case of trespass, the conveyee shall be entitled to the proportionate share of the proceeds, including a proportionate share of interest accrued, in relation to the damages occurring on the respective lands during the period the lands were withdrawn for selection.

"(4) Such proceeds which have been deposited in the escrow account pertaining to lands withdrawn but not selected pursuant to such Act, or selected but not conveyed due to rejection or relinquishment of the selection, shall be paid, together with interest accrued, as would have been required by law were it not for the provisions of this Act.".

(b) Section 2 of the Public Law 94-204 (89 Stat. 1146) is amended by adding a new subsection to read as follows:

"(e) There is authorized to be appropriated such sums as are necessary to carry out the purposes of this section.".

SELECTION REQUIREMENTS

SEC. 1407. Subsection (a)(2) of section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a)(2)), is amended by adding to the end of that subsection the following: *"Provided,* That the Secretary, in his discretion and upon the request of the concerned Village Corporation, may waive the whole section requirement where—

"(A)(i) a portion of available public lands of a section is separated from other available public lands in the same section by lands unavailable for selection or by a meanderable body of water;

"(ii) such waiver will not result in small isolated parcels of available public land remaining after conveyance of selected lands to Native Corporations; and

"(iii) such waiver would result in a better land ownership pattern or improved land or resource management opportunity; or

"(B) the remaining available public lands in the section have been selected and will be conveyed to another Native Corporation under this Act.".

FIRE PROTECTION

SEC. 1408. Subsection (e) of section 21 of the Alaska Native Claims Settlement Act (43 U.S.C. 1620(e)) is amended by inserting the words "corporation organized under section 14(h)(3)," after "Native group", by replacing the comma following the citation "(64 Stat. 967,1100)" with a period, and by adding the following sentence: "During those years when there are no substantial revenues derived from the development of such lands, they shall continue to receive wildland fire protection services from the United States at no cost.".

SHAREHOLDER HOMESITES

SEC. 1409. Section 21 of the Alaska Native Claims Settlement Act is amended by adding a new subsection at the end thereof, as follows:

"(h) A real property interest distributed prior to December 18, 1991, by Village Corporation to a shareholder of such Corporation pursuant to a program to provide homesites to its shareholders, shall be deemed conveyed and received pursuant to this Act: *Provided,* That the land received is restricted by convenant for a period not less than ten years to single-family (including traditional extended family customs) residential occupancy, and by such other covenants and retained interests as the Village Corporation deems appropriate: *Provided further,* That the land conveyed does not exceed one and one-half acres: *Provided further,* That the shareholder receiving the homesite, if the shareholder subdivides the land received, shall pay all Federal, State, and local taxes which would have been incurred but for this subsection, together with simple interest at six percent per annum calculated from the date of receipt of the land to be paid to the appropriate taxing authority.".

RECONVEYANCE TO MUNICIPAL CORPORATIONS

SEC. 1410. Section 14(c)(3) of the Alaska Native Claims Settlement Act is amended by striking out the semicolon at the end and inserting in lieu thereof the following new language: "unless the Village Corporation and the Municipal Corporation or the State in trust can agree in writing on an amount which is less than one thousand two hundred and eighty acres: *Provided further,* That any net revenues derived from the sale of surface resources harvested or extracted from lands reconveyed pursuant to this subsection shall be paid to the Village Corporation by the Municipal Corporation or the State in trust: *Provided, however,* That the word 'sale', as used in the preceding sentence, shall not include the utilization of surface resources for governmental purposes by the Municipal Corporation or the State in trust, nor shall it include the issuance of free use permits or other authorization for such purposes;".

LIMITATIONS

SEC. 1411. Except as specifically provided in this Act, (i) the provisions of the Alaska Native Claims Settlement Act are fully applicable to this Act, and (ii) nothing in this Act shall be construed to alter or amend any of such provisions.

ALASKA TOWNSITES

SEC. 1412. (a) The townsites trustee shall convey all lands which—

(1) are within a patented townsite or which are the subject of an application for such patent under the Acts of March 3, 1891 (43 U.S.C. 732) or May 25, 1926 (43 U.S.C. 733-736), and

(2) were unoccupied on October 21, 1976, to the home rule or first- or second-class city, if any, incorporated under the laws of the State of Alaska for the community in which the townsite was originally entered. Any remaining unobligated trust funds shall be transferred to the city.

(b) Where a community has not incorporated a city under the laws of the State of Alaska, or a city does not wish to receive conveyance of the unoccupied lands in the townsite pursuant to subsection (a) of this section, the townsite trustee shall convey all unoccupied lands in the townsite for which he still retains title, without charge, to the State of Alaska for the community in which the townsite was originally entered, to be administered in the same manner as provided by Alaska law for administration of lands conveyed to the State of Alaska pursuant to section 14(c)(3) of the Settlement Act. Any remaining unobligated trust funds shall also be transferred by the trustee to the State. If, subsequent to conveyance of the unoccupied lands in the townsite to the State of Alaska, the community in which the townsite was originally entered incorporates a city under the laws of the State of Alaska, the State will convey to the city all unoccupied lands in the townsite for which it still retains title, without charge, together with any unobligated trust funds. This procedure will also apply in the event a city previously declining conveyance of unoccupied lands in the townsite indicates to the State its desire to receive conveyance.

(c) The Secretary shall proceed to process any pending townsite entry which has been filed by the townsite trustee and issue patent, if appropriate, to the townsite trustee. After the issuance of patent to the townsite trustee, the provisions of this section shall apply. In order to protect valid existing rights, the townsite trustee shall administer and discharge his trust on all tracts lawfully occupied on October 21, 1976, in accordance with the rules and regulations which governed such administration prior to the repeal of the Townsite Act.

(d) Lands conveyed to a municipal corporation or to the State in trust pursuant to this section shall be credited toward the minimum acreage reconveyance requirement imposed upon Native village corporations by section 14(c)(3) of the Alaska Native Claims Settlement Act.

RELINQUISHMENT OF SELECTIONS PARTLY WITHIN CONSERVATION UNITS

SEC. 1413. Whenever a valid State or Native selection is partly in and partly out of the boundary of a conservation system unit, notwithstanding any other provision of law to the contrary, the State or any Native Corporation may relinquish its right in any portion of any validly selected Federal land, including land underneath waters, which lies within the boundary of the conservation system unit. Upon relinquishment, the Federal land (including land underneath waters) so relinquished within the boundary of the conservation system unit shall become, and be administered as, a part of the conservation system unit. The total land entitlement of the State or Native Corporation shall not be affected by such relinquishment. In lieu of the lands and waters relinquished by the State, the State may select pursuant to the Alaska Statehood Act as amended by this Act, an equal acreage of other lands available for such purpose. The Native Corporation may retain an equal acreage from overselection lands on which selection applications were otherwise properly and timely filed. A relinquishment pursuant to this section shall not invalidate an otherwise valid State or Native Corporation land selection outside the boundaries of the conservation system unit, on the grounds, that, after such relinquishment, the remaining portion of the land selection no longer meets applicable requirements of size, compactness, or contiguity, or that the portion of the selection retained immediately outside the conservation system unit does not follow section lines along the boundary of the conservation system unit. The validity of the selection outside such boundary shall not be adversely affected by the relinquishment.

AHTNA REGIONAL CORPORATION LANDS

SEC. 1414. The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h)(8) of the Alaska Native Claims Settlement Act and this section:

Fairbanks Meridian

Township 20 south, range 5 west, sections 7 through 9, 11 through 14, 16 through 21, 23 through 26, 28 through 33, 35, 26;

Township 20 south, range 6 west, sections 1 through 36;

Township 20 south, range 7 west, sections 1 through 5, 8 through 14, 23 through 36;

Township 20 south, range 8 west, sections 1 through 28, 33 through 36;

Township 20 south, range 9 west, sections 22 through 27, 34 through 36.

(b)(1) On or prior to one hundred eighty days from the date of enactment of this act, Ahtna, Incorporated, may select, pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act, from the lands withdrawn pursuant to subsection (a).

(2) The lands selected by Ahtna, Incorporated, unless otherwise provided in a waiver

of this paragraph (b)(2) by the Secretary, shall consist of tracts which—

(A) contain not less than eight sections or one thousand two hundred eighty acres, whichever is less; and

(B) have boundaries which follow section lines, except where such boundary is the border of a navigable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary (1) to follow section lines where township lines are offset along standard parallels caused by the convergence of meridians, (2) to conform to section lines where a section is less than standard size, or (3) to avoid crossing the boundary lines of conservation system units created by this Act, or of lands which are unavailable for selection).

(c) The Secretary shall convey the surface and subsurface estate of the acreage selected pursuant to subsection (b). Conveyances pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of Ahtna, Incorporated, under any section of the Alaska Native Claims Settlement Act

(e) Any lands withdrawn under subsection (a) and not selected by and conveyed to Ahtna, Incorporated, shall return to the public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17(d)(1) of the Alaska Native Claims Settlement Act and the provisions of Section 806(k) of this Act.

ARCTIC SLOPE REGIONAL CORPORATION LANDS

SEC. 1415. (a) PURPOSES; REFERENCE DOCUMENT.—In order to further the purposes of:

(1) Satisfying land entitlements in the Arctic Slope Region;

(2) Consolidating and exchanging land holdings for the mutual benefit of the United States and the Native Corporations within the Arctic Slope region; and

(3) Providing for oil and gas operations in the Kurupa Lake area, consistent with environmental protection,

Congress enacts this section. The specific terms, conditions, procedures, covenants, reservations and other restrictions set forth in the document entitled "Terms and Conditions for Land Exchanges and Resolution of Conveyancing Issues in Arctic Slope Region, Between the Department of the Interior and Arctic Slope Regional Corporation" (hereafter in this section referred to as "Terms and Conditions"), which was submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on   , 1979, are hereby incorporated in this section, and are ratified as to the duties and obligations of the United States and the matter of Federal law.

(b) TRANSFER TO THE UNITED STATES.—The Secretary is authorized to accept from Arctic Slope Regional Corporation a relinquishment of all right, title, and interest of Arctic Slope Regional Corporation in the following described lands:

Fairbanks Meridian

Township 34 north, range 21 west, sections 4 through 9, 16 through 18;

Township 34 north, range 22 west, sections 1 through 6, 11 through 14;

Township 35 north, range 20 west, sections 1 through 24;

Township 35 north, range 21 west, sections 1 through 4, 9 through 16, 21 through 24, 28 through 33;

Township 35 north, range 22 west, sections 1 through 12, 17 through 20, 27 through 34;

Township 35 north, range 23 west, sec-

against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(c) of the Alaska Native Claims Settlement Act by the amount of acreage determined by the Secretary to be conveyed by Arctic Slope Regional Corporation to the United States pursuant to subsection (c)(4) of this section.

(2) The Secretary shall charge against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(c) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Arctic Slope Regional Corporation pursuant to subsections (c)(1), (c)(2), (d), (f)(1), and (h) of this section.

(3) The Secretary shall reduce the acreage charged against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act by the amount of acreage determined by the Secretary to be conveyed by Arctic Slope Regional Corporation to the United States pursuant to subsection (g)(4) of this section.

(4) Notwithstanding the exception by the United States of sand and gravel, the Secretary shall charge against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Arctic Slope Regional Corporation pursuant to subsection (c)(3) of this section.

(5) The Secretary shall reduce the acreage charged against the entitlement of Kaktovik Inupiat Corporation pursuant to section 12(a) of the Alaska Native Claims Settlement Act by the amount of acreage determined by the Secretary to be conveyed by Kaktovik Inupiat Corporation to the United States pursuant to subsection (g)(1) of this section.

(6) The Secretary shall charge against the entitlement of Kaktovik Inupiat Corporation pursuant to section 12(a) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Kaktovik Inupiat Corporation pursuant to subsection (g) (2) and (3) of this section.

(7) The Secretary shall charge against the entitlement of Ukpeagvik Inupiat Corporation pursuant to section 12(a) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Ukpeagvik Inupiat Corporation pursuant to subsection (i) of this section.

(8) In no event shall the conveyances issued by the Secretary to Arctic Slope Regional Corporation, Kaktovik Inupiat Corporation, and Ukpeagvik Inupiat Corporation pursuant to the Alaska Native Claims Settlement Act and this section exceed the total entitlements of such Corporations under the Alaska Native Claims Settlement Act, except as expressly provided for in subsection (g) of this section.

(n) RESERVED LANDS.—(1) Congress finds that it is in the public interest to reserve in public ownership the submerged lands in the bed of the Colville River and of the Nechelik Channel, Kupigruak Channel, Elaktoveach Channels, Tamayayak Channel, and Sakoonang Channel from the Colville River to the Arctic Ocean, and (2) notwithstanding any other provision of law, conveyance of the surface estate of lands selected by Kuukpik Corporation pursuant to section 12 (a) and (b) of the Alaska Native Claims Settlement Act and associated conveyance of the subsurface estate to Arctic Slope Regional Corporation pursuant to section 14(f) of such Act shall not include conveyance of the beds of the Colville River and of the channels named in this subsection, and the acreage represented by the beds of such river and of such named channels shall not be charged against the land entitlement of Kuukpik Corporation and Arctic Slope Regional Corporation pursuant to the provisions of the Alaska Native Claims Settlement Act.

(o) FUTURE OPTION TO EXCHANGE, ETC.—(1) Whenever, at any time within forty years after the date of enactment of this Act, public lands in the National Petroleum Reserve in Alaska or in the Arctic National Wildlife Range, within seventy-five miles of lands selected by a Village Corporation pursuant to the provisions of section 12(a)(1) of the Alaska Native Claims Settlement Act, are opened for purposes of commercial development (rather than exploration) of oil or gas, Arctic Slope Regional Corporation shall be entitled, at its option, within five years of the date of such opening, to consolidate lands by exchanging the in-lieu subsurface lands which it selected pursuant to the provisions of section 12(a)(1) of the Act for an equal acreage of the subsurface estate, identified by Arctic Slope Regional Corporation, beneath the lands selected by the Village Corporation. Prior to the exercise of such option, Arctic Slope Regional Corporation shall obtain the concurrence of the affected Village Corporation. The subsurface estate identified for receipt by Arctic Slope Regional Corporation pursuant to this subsection shall be contiguous and in reasonably compact tracts, except as separated by bodies of water or by lands which are unavailable for selection, and shall be in whole sections and, wherever feasible, in units of not less than one thousand two hundred and eighty acres.

(2) Arctic Slope Regional Corporation shall not be entitled to exchange, pursuant to the provisions of paragraph (1) of this subsection, any in-lieu subsurface estate which the corporation has developed for purposes of commercial extraction of subsurface resources; unless the Secretary determines such an exchange to be in the national interest.

(3) The Secretary shall take such steps as may be necessary to effectuate an exchange sought by Arctic Slope Regional Corporation in accordance with the provisions of paragraph (1).

(4) With regard to subsurface estates acquired by Arctic Slope Regional Corporation pursuant to this subsection, the Secretary may promulgate such regulations as may be necessary to insure the compatibility of use of such acquired subsurface estate with the primary purposes, and to protect the environmental values, of the Reserve, Range or Refuge which have been opened for purposes of development, including, but not limited to, regulations issued pursuant to section 22(g) of the Alaska Native Claims Settlement Act.

(5) Upon completion of any exchange of subsurface estates authorized by this subsection, the Secretary shall add to the Reserve, Range or Refuge other adjacent or proximate public lands, both surface and subsurface, to replace the lands exchanged pursuant to this subsection.

(p) CONDITIONS.—All lands or interests in lands conveyed by the Secretary in subsections (d), (f)(1), (g)(2), (g)(3), (h), and (i) of this section to Arctic Slope Regional Corporation or a village corporation, as the case may be, shall be subject to valid existing rights, and in accordance with, and subject to the provisions of the Alaska Native Claims Settlement Act, as amended, as though the lands were originally conveyed to such corporation under the provisions of such Act.

BERING STRAITS REGIONAL CORPORATION LANDS

SEC. 1416. (a) The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h)(8) of the Alaska Native Claims Settlement Act and this section:

Kateel River Meridian

Tract one—Township 6 north, range 36 west, sections 2, 3, 4, 9, 10, 11, 14, 15, 16;

Tract two—Township 1 north, range 40 west, sections 19, 20, 21, 28–33;

Tract three—Township 3 south, range 21 west, sections 23, 26, 35;

Township 4 south, range 21 west, sections 1, 2, 3;

Tract four—Township 7 south, range 35 west, sections 11, 14, 23, 26, 34, 35, 36;

Township 8 south, range 35 west, sections 1, 2, 3;

Tract five—Township 8 south, range 33 west, sections 19, 20, 21, 27–34;

Tract six—Township 10 south, range 9 west, section 31;

Township 10 south, range 10 west, sections 35, 36;

Township 11 south, range 9 west, secctions 6, 7;

Township 11 south, range 10 west, sections 1, 2, 11, 12;

Tract seven—Township 16 south, range 13 west, sections 5, 6, 7, 8;

Tract eight—Fairway Rock located within Teller Quadrangle 65 degrees 35 minutes north, 165 degrees 45 minutes west.

Tract nine—Punuk Islands located within Saint Lawrence Quadrangle 63 degrees 5 minutes north, 168 degrees 50 minutes west.

(b) (1) On or prior to one hundred and eighty days from the date of enactment of this Act, Bering Straits Native Corporation may select, pursuant to section 14(h) (8) of the Alaska Native Claims Settlement Act, from the lands withdrawn pursuant to subsection (a) of this section.

(2) The lands selected by Bering Straits Native Corporation unless otherwise provided in a waiver of this paragraph (b) (2) by the Secretary shall consist of tracts which—

(A) are not less than the lesser of (1) the entire area within any single tract withdrawn pursuant to subsection (a), or (2) eight sections, or (3) five thousand one hundred and twenty acres; and

(B) have boundaries which follow section lines, except where such boundary is the border of a navigable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary (1) to follow section lines where township lines are offset along standard parallels caused by the convergence of meridians, (2) to conform to section lines where a section is less than standard size or (2) to avoid crossing the boundary lines of conservation system units created by this Act, or of lands which are unavailable for selection).

(c) The Secretary shall convey the surface and subsurface estate of the acreage selected pursuant to subsection (b) of this section. Conveyance pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of Bering Straits Native Corporation under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) of this section and not selected by and conveyed to Bering Straits Native Corporation shall return to the public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17(d) (1) of the Alaska Native Claims Settlement Act and the provisions of section 806(k) of this Act.

(f) Any selection pursuant to section 14 (h) (8) of the Alaska Native Claims Settlement Act of any land withdrawn by subsection (a) of this section shall preempt any prior selection by Bering Straits Native Corporation under any other authority of the same lands. Failure to select any particular lands withdrawn by subsection (a) of this section under section 14(h) (8) of the Alaska Native Claims Settlement Act will not affect any prior valid selection under section 14(h) (1) of the Alaska Native Claims Settlement Act but such prior selection shall be adjudicated and conveyed, if valid, pursuant to the Alaska Native Claims Settlement Act and any applicable regulations.

BRISTOL BAY REGIONAL CORPORATION LANDS

SEC. 1417. (a) The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h) (8) of the Alaska Native Claims Settlement Act and this section:

Seward Meridian

Township 14 south, range 56 west, sections 6, 7, 18, 19 and 30.

(b) On or prior to one hundred and eighty days from the date of enactment of this Act, Bristol Bay Native Corporation may select, pursuant to section 14(h) (8) of the Alaska Native Claims Settlement Act, the lands withdrawn pursuant to subsection (a).

(c) The Secretary shall convey to Bristol Bay Native Corporation the surface and subsurface estate of the acreage selected by it. Conveyances pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of Bristol Bay Native Corporation, under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) and not conveyed to Bristol Bay Native Corporation, shall return to the public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17 (d) (1) of the Alaska Native Claims Settlement Act, subsection 204(e) of the Federal Land Policy and Management Act, and the provisions of section 806(k) of this Act.

BRISTOL BAY GROUP CORPORATION LANDS

SEC. 1418. (a) The roll prepared by the Secretary, which demonstrates that the individual Natives of Port Alsworth which is located in the Cook Inlet Region, are organized as Tanalian Incorporated and have enrolled at-large in the Bristol Bay Native Corporation, shall be determinative of the fact that said group corporation and its members shall be treated as if they were physically located within the Bristol Bay Region.

(b) Valid selections of the surface estate of available Federal public lands in the Port Alsworth area which were made by Tanalian Incorporated pursuant to section 14(h) (2) of the Alaska Native Claims Settlement Act and regulations applicable thereto shall, if said group is finally determined to be an eligible Native group pursuant to sections 3(d) and 14(h) (2) of the Alaska Native Claims Settlement Act, be conveyed to said group corporation in an amount to which it would otherwise have been entitled, under applicable regulations, had it been physically located within the boundaries of the Bristol Bay Region. Such conveyances shall not become final until Cook Inlet Region, Inc. and the Cook Inlet Region Villages have received interim conveyance or patent to their respective complete entitlements under section 12 of Public Law 94–204 and those agreements reached with the United States and the State of Alaska thereunder.

(c) The Bristol Bay Native Corporation shall, within six months after the date of enactment of this Act, select an amount of subsurface estate from available Federal public lands within its boundaries and from lands previously withdrawn under sections 11(a) (1) or 11(a) (3) of the Alaska Native Claims Settlement Act, equal to the amount of surface estate selected by Tanalian Incorporated. Such subsurface selections shall be in a single contiguous and reasonably compact tract. The subsurface estate selected pursuant to this section shall, if Tanalian Incorporated is finally determined to be an eligible Native group as aforesaid, be conveyed to Bristol Bay Native Corporation in an acreage amount equal to the surface estate entitlement of said Native group corporation, and in accordance with section 14(h) (2) of the Alaska Native Claims Settlement Act and the regulations applicable thereto.

(d) Nothing contained in this section, or done pursuant to authorizations made by this section, shall alter or affect the acreage entitlements pursuant to Section 12(c) of the Alaska Native Claims Settlement Act nor the boundaries of Cook Inlet Region, Inc. or Bristol Bay Native Corporation, respectively.

CHUGACH REGIONAL CORPORATION LANDS

SEC. 1419. (a) Subject to valid existing rights, within one hundred and eighty days after the enactment of this Act, Chugach Natives, Incorporated, shall be entitled to select public lands not reserved for purposes other than National Forests from within the Chugach Region under section 14(h) (8) of the Alaska Native Claims Settlement Act from within the boundaries of the Chugach National Forest. Chugach Natives, Incorporated, shall make no selection of lands within the areas identified on the maps entitled "Western Prince William Sound Areas Not Available for Chugach 14(h) (8) Selection" and "Copper River Delta Area Not Available for Chugach 14(h) (8) Selection," both dated April 1979, nor within the boundaries of the Copper River National Wildlife Refuge established by section 304(a) (5) of this Act.

(b) Chugach Natives, Incorporated shall select no lands pursuant to this section which were selected on or before September 1, 1978 by the State of Alaska pursuant to section 6(a) of the Alaska Statehood Act. State applications for selection of such lands shall be adjudicated and approved or disapproved pursuant to section 6(a) of the Alaska Statehood Act: *Provided, however,* that any disapproval of such selection applications shall not vest any selection right in Chugach Natives, Incorporated.

(c) If Chugach Natives, Incorporated elects to select any lands from the entitlement made by section 14(h) (8) of the Alaska Native Claims Settlement Act from lands within the Chugach National Forest made available by this section, selection applications for the following lands within the Carbon Mountain regional deficiency area shall be adjudicated as though they were timely filed by Chugach Natives, Incorporated under section 12(c) of the Alaska Native Claims Settlement Act, notwithstanding any prior relinquishment of section 12(c) selections and subsequent selection of such lands by Chugach Natives, Incorporated under section 14(h) (8) of said act:

Township 16 south, range 9 east, sections 7 through 10, 16 through 31.

Township 19 south, range 9 east, sections 1 through 36.

Township 20 south, range 9 east, sections 1 through 36.

Township 20 south, range 10 east, sections 5 through 8, 17 through 20, 29 through 32.

(d) The Secretary shall receive and adjudicate selections pursuant to this section as though they were timely filed pursuant to section 14(h) (8) of the Alaska Native Claims Settlement Act, and as though such lands were available for selection under such provision. The Secretary shall convey those lands selected pursuant to this authorization which otherwise comply with applicable statutes and regulations.

(e) If legislation is enacted or a proposal implemented pursuant to section 1420 of this Act, selections by the Chugach Natives, Incorporated, under this section shall also be subject to the provisions of such legislation or proposal.

CHUGACH REGION STUDY

SEC. 1420. (a) PARTICIPANTS; PURPOSES.—The Secretary of the Interior, the Secretary of Agriculture, and the Alaska Advisory Coordinating Council, in conjunction with Chugach Natives, Incorporated, and the State of Alaska, if the State chooses to participate, are directed to study the land ownership and use patterns in the Chugach region. The objectives of the study are: to identify lands which can be made available for conveyance to the Chugach Natives, Incorporated; for the purpose of consolidation of land ownership patterns in the Chugach region; to improve the boundaries of and identify new conservation system units; to obtain a fair and just land settlement for the Chugach people; and realization of the intent, purpose, and promise of the Alaska Native Claims Settlement Act by the Chugach Natives, Incorporated. The study participants are directed to identify in-region and out-of-region lands, including lands within the Chugach National Forest and State lands but excluding lands in private ownership, which can be made available to Chugach Natives, Incorporated, in satisfaction of its regional land entitlement pursuant to section 12(c) of the Alaska Native Claims Settlement Act, to consider monetary payment in lieu of land and to consider all other options which the participants in the study consider to be appropriate to achieve the objectives set forth above.

(b) LANDS.—Lands identified to meet the study objectives outlined in subsection (a) shall be, to the maximum extent possible, lands of like kind and character to those traditionally used and occupied by the Chugach people and shall be, to the maximum extent possible, coastal accessible, and economically viable. The inclusion of lands within the areas designated as conservation system units or for wilderness study by this Act within the Chugach region shall not preclude the identification of those lands to meet the study objectives outlined in subsection (a).

(c) PROCEDURE.—In conducting the study, the study participants shall seek review and comment from the public, including the residents of the Chugach region, and shall meet with members of the public upon the request of such persons. The Secretary shall hold at least three public hearings, at least one of which shall be in Anchorage and at least two of which shall be in the Chugach region.

(d) REPORT.—The study shall be completed and the President shall report to the Congress within one year of the date of enactment of this Act. He shall also transmit with the report any legislation necessary to implement the study recommendations.

(e) DEADLINE.—Any selection deadlines for Chugach Natives, Incorporated, under section 12(c) of the Alaska Native Claims Settlement Act or section 14(h)(8) of such Act pursuant to section 933 of this Act are hereby extended and selection rights shall not be exercised until six months following submission of the President's report to Congress, except that if all study participants agree to a proposal implementing the study objectives outlined in subsection (a) such selection rights may be exercised immediately thereafter.

(f) STATE LANDS.—The State of Alaska shall make no further land selections in the Chugach region until the Congress takes final action on any legislation transmitted by the President pursuant to this section or until implementation of a proposal agreed to by the participants in the study, whichever comes first: *Provided, however,* That nothing in this section shall impede or be interpreted so as to restrict the adjudication and conveyance of State selections filed before September 1, 1978: *Provided further,* That nothing contained in this section shall prevent the development of aquaculture sites identified by the Prince William Sound Management Council before July 1, 1978.

(g) INTERIM MANAGEMENT.—Until Congress takes final action on any legislation transmitted by the President pursuant to this section or until a proposal agreed to by the participants in the study is implemented, whichever comes first, the Secretary of the Interior and the Secretary of Agriculture shall manage lands under their control in the Chugach region in close consultation with Chugach Natives, Incorporated, and, to the maximum extent possible, in such a manner so as not to adversely affect or preclude any option which the participants in the study may consider.

(h) RELINQUISHED AREAS.—Any lands within the Wrangell-Saint Elias National Park previously selected by Chugach Natives, Incorporated, but relinquished pursuant to a proposal resulting from this section shall become a part of the park and administered accordingly.

CHUGACH VILLAGE CORPORATION LANDS

SEC. 1421. (a) Notwithstanding the restrictions applicable to the village corporation selections under section 12(b) of the Alaska Native Claims Settlement Act imposed by section 12(a) of the Settlement Act, including but not limited to the sixty-nine thousand one hundred and twenty-acre conveyance limitation placed on land selected by village corporations within the National Forest, National Wildlife Refuge System, or State selected lands, the Secretary shall convey under section 14(a) of the Alaska Native Claims Settlement Act from lands previously selected from lands withdrawn pursuant to section 11 of such Act in the Chugach National Forest by the village corporations created by the enrolled residents of the villages of Chenega, Eyak and Tatitlek, those additional entitlement acreages which are reallocated to these corporations under section 12(b) of such Settlement Act by the Regional Corporation for the Chugach region.

(b) Within ninety days after the enactment of this Act, the three village corporations referred to in subsection (a) of this section shall file with the Secretary a list of those lands selected by each of them under section 12(b) from lands withdrawn pursuant to section 11 of the Settlement Act from within the Chugach National Forest, in the order of priority in which they wish to receive conveyance to such lands: *Provided, however,* That the village of Chenega shall not receive conveyance to lands selected pursuant to section 12(b) of the Settlement Act on the mainland in the area of Icy Bay and Whale Bay, as depicted on the map entitled "Areas not available for Chenega 12(b) conveyance," dated April 1979: *Provided further,* That the village of Eyak shall not receive conveyance to lands selected pursuant to section 12(b) of the Settlement Act in the area east of Mountain Slough and more than a thousand feet south of the Copper River Highway, as depicted on the map entitled "Areas not available for Eyak 12(b) conveyance," dated April 1979: *Provided further,* That any lands acquired by the Village of Eyak pursuant to this section from within the boundaries of the Copper River National Wildlife Refuge as established by section 304(a)(5) of this Act shall be subject to regulations which the Secretary may promulgate to insure the compatibility of use of such lands with the primary purposes, and to protect the environmental values, of such Refuge: *Provided further,* That upon conveyance of any lands from within the boundaries of the Copper River National Wildlife Refuge as authorized by this section, the Secretary shall add to the Refuge other adjacent or proximate public lands to replace those lands so conveyed.

(c) The Board of Directors of Chugach Natives, Incorporated, shall, within ninety days after the enactment of this Act, file with the Secretary a resolution indicating the number of acres allocated to each of these village corporations under the regional corporation's existing sixty-four thousand four hundred-acre 12(b) allocation, and the basis on which future 12(b) allocations made by the Secretary, if any, are to be reallocated among the village corporations in the Chugach region.

(d) The Secretary shall process the lands for conveyance in the priority listed, and subject to the requirements of the settlement act for selection, tract size, compactness, and contiguity, convey to the corporations such acreage to which they are entitled: *Provided, however,* That applications for selection filed by the State of Alaska under section 6(a) of the Alaska Statehood Act shall take precedence over such Chugach village corporation 12(b) selections within the Chugach National Forest, except in the area of Windy and Cedar Bays on Hawkins Island, where applications for State selections in township 15 south, ranges 4 and 5 west of the Copper River Meridian, shall be subordinated to 12(b) selections filed by the Eyak Corporation; and except further in the area of Boswell Bay on Hinchenbrook Island, where State applications for selection in township 17 south, range 5 west of the Copper River meridian, except for those in sections 10 and 15 of said township, shall be subordinated to section 12(b) selections filed by the Eyak Corporation. State applications for selection of any of the above-described lands which are not subordinated to Chugach village selections shall be adjudicated and approved or disapproved pursuant to section 6(a) of the Alaska Statehood Act: *Provided, however,* That any disapproval of such State selections shall not vest any selection right in any Chugach village corporation.

(e) Should any Chugach village corporation fail to timely file the information required by subsections (b) and (c) of this section, or if the priority listing submitted under subsection (b) does not meet the tract size, compactness or contiguity requirements of the Alaska Native Claims Settlement Act or regulations applicable thereto, the Secretary may provide the affected corporation thirty days from the date of notice within which to file information necessary to meet the requirements of such Act and regulations, and this Act.

(f) If any Chugach Village Corporation voluntarily relinquishes any selection of lands within the boundaries of a conservation system unit, such lands shall be added to such unit and administered accordingly.

COOK INLET VILLAGE SETTLEMENT

SEC. 1422. Upon agreement with the Salamatoff Native Association and Cook Inlet Region, Incorporated, which agreement shall conform substantially to the draft agreement dated   1979 and filed with the Committee on Interior and Insular Affairs of the House of Representatives and such amendments thereto relating to Alexander Creek, Inc. which may be assented to by the Secretary and the State of Alaska, the Secretary is directed (1) to modify the boundaries of the Kenai National Moose Range in order to make such conveyances as are required by said agreement; and (2) to convey such lands to the village and regional corporations free from the restrictions imposed by section 22(l) of the Alaska Native Claims Settlement Act.

EKLUTNA VILLAGE CORPORATION LANDS

SEC. 1423. EKLUTNA-STATE AGREEMENTS AND NEGOTIATIONS.—(a) The purpose of this section is to provide for the settlement of certain claims and litigation, and in so doing to consolidate ownership among the United States, the State of Alaska, the Municipality of Anchorage, Eklutna, Incorporated and Cook Inlet Region, Incorporated, thereby facilitating land management, a fair implementation of the Alaska Native Settlement Act, the protection of State public park lands and resources, and appropriate development patterns in and about Anchorage, Alaska.

(b) The Secretary shall make conveyances and accept relinquishments of selections in accordance with the specific terms, conditions, covenants, reservations, and other restrictions set forth in any agreement respecting the lands described in subparagraph (1) below, executed by the State of Alaska, by the Municipality of Anchorage, and by Eklutna, Incorporated, and hereafter submitted to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs and filed with the Secretary, the execution and implementation of which agreement are hereby authorized as to those duties and obligations of the United States, the State of Alaska, the Municipality of Anchorage, and Eklutna, Incorporated, which arise under Federal law: *Provided, however,* That any conveyance under such agreement of lands to Eklutna, Incorporated, shall be only of the surface estate, with a subsequent conveyance to Cook Inlet Region, Incorporated, of the subsurface estate except as otherwise provided in subsection (h). In aid thereof:

(1) The following lands located within the townships described in sections 11(a) (1) and (2) of the Alaska Native Claims Settlement Act with respect to the Native Village of Eklutna are withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and including Public Law 94–204, except section 12 thereof, and from selection under the Alaska Statehood Act, or any statutes authorizing selections by the State of Alaska, all as heretofore amended:

(A) lands withdrawn or reserved for national defense purposes; and

(B) lands determined by the Secretary under section 3(e)(1) of the Alaska Native Claims Settlement Act not to be public lands for purposes of the Alaska Native Claims Settlement Act.

This withdrawal and the agreement shall not affect the administrative jurisdiction of the Department of Defense or any other holding agency over the lands withdrawn, but all forms of disposition other than in accordance with this section and the agreement are prohibited: *Provided*, That the foregoing to the contrary notwithstanding, prior to July 15, 1979, lands may be placed in the pool contemplated by part I.C.(2) of the document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as clarified 8–31–76", but only to the extent authorized on the effective date of this Act by that document under section 12 of Public Law 94–204 as amended heretofore and in accordance with the procedures and with the consents and approvals required by laws, regulations and Executive orders in effect immediately prior to the effective date of this Act; if the lands placed in that pool are not thereafter selected in accordance with part I.C.(2) of that document any agreement pursuant to this section shall govern: *Provided further,* That neither the revocation of certain withdrawals of lands made by subsection (b) effective upon the filing of the agreement, nor the expiration of the withdrawal made by subsection (b) in the event no agreement is reached, shall be deemed an action causing those lands affected thereby to be subject to disposition under such section 12 of Public Law 94–204. The withdrawal made by this subsection (b) will expire March 15, 1981, if an executed agreement described in this section is not filed by the parties thereto on or before that date with the Secretary in the Alaska State Office of the Bureau of Land Management; but if an agreement is so executed, rights under the agreement vest as of the effective date of this Act, and this withdrawal shall become permanent, except as otherwise provided in the agreement. The agreement shall not impose upon the United States obligations or outlays of funds, except as reasonable in the ordinary course of business, or impose any procedural requirements or require the reassignment of personnel; and any of its provisions to the extent to the contrary shall be void as against the Secretary.

(2) Upon termination or revocation of any national defense withdrawal or reservation or of any other withdrawal in effect December 19, 1971, respecting lands described in subsection (b)(1), or upon declaration of their excess status in whole or in part, whichever first occurs, but not before, and from time to time, the lands excessed or as to which the withdrawal is terminated or revoked shall be conveyed to Eklutna, Incorporated, as to the surface estate and Cook Inlet Region, Incorporated as to the subsurface estate, or to the State of Alaska (for reconveyance by the State of Alaska in whole or in part to the Municipality of Anchorage), as may be provided in the agreement described in this subsection: *Provided, however*. That such conveyance shall not be made of lands in the pool established under part I.C.(2) of the document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as clarified 8–31–76" under section 12 of Public Law 94–204 as amendment heretofore, unless and until removed from that pool in accordance with such part I.C.(2). This section and the agreement shall preempt the procedures of the Federal Property Act (40 U.S.C. 471, et seq., and of 41 C.F.R. 101–47.000 et. seq.), (other than as to fixtures and personalty) and the preference right for State selection of section 6(g) of the Alaska Statehood Act. The conveyances to Eklutna, Incorporated, of lands withdrawn by this subsection called for by the agreement shall not be subject to section 1613(c) of title 43, United States Code. This section shall revoke PLO 5187 as it pertains to any lands withdrawn by this subsection and any power project withdrawals other than Power Project 350 as to such lands, effective upon the date of filing of the agreement. Lands conveyed to the State of Alaska, the surface estate of lands conveyed to Eklutna, Incorporated, and the subsurface estate conveyed to Cook Inlet Region, Incorporated, pursuant to this section and the agreement, shall be charged against their respective entitlements under sections 12 and 14 of the Alaska Native Claims Settlement Act and shall be considered conveyed and received pursuant to such Act and section 6 of the Alaska Statehood Act or section 806(c) of this Act, respectively.

(c) If an agreement to the following effect executed by the State of Alaska and Eklutna, Incorporated, is hereafter filed with the Secretary in the Alaska State Office of the Bureau of Land Management on or before April 2, 1981, the public lands as defined in the Settlement Act, located within township 17 north, range 3 east, Seward Meridian, Alaska, shall be deemed to have been withdrawn pursuant to section 11(a) of the Alaska Native Claims Settlement Act as of December 18, 1971, and, selection heretofore made by Eklutna, Incorporated, with respect to lands therein shall be processed by the Secretary as though said selections had been made within a township heretofore validly withdrawn pursuant to section 11(a) of such Act. If no such agreement is filed, this subsection shall not be held to affect the validity or invalidity of such selections. Whether or not any agreement is filed, this subsection shall not be held to affect the validity or invalidity of any third party interest heretofore created by the State of Alaska.

(d) Notwithstanding other provisions of this Act, the State and Eklutna, Incorporated, are each authorized to relinquish, in whole or in part, pursuant to either or both of the agreements contemplated by subsections (b) and (c) of this section; any one or more land selections affecting lands to be conveyed under the agreement to the other whether or not such selections have been previously approved or tentatively approved. The lands affected by the State selections so relinquished shall be deemed public lands as of December 18, 1971, as that term is defined in the Alaska Native Claims Settlement Act.

(e) Eklutna, Incorporated, and the Secretary shall stipulate to dismiss cause number A–78–24 Civil in the United States District Court for the District of Alaska, when the Secretary tenders to Eklutna, Incorporated, a conveyance of all lands in township 17 north, range 3 east, Seward Meridian, which are to be conveyed to Eklutna, Incorporated, under the agreement referred to in subsection (c).

(f) Eklutna, Incorporated, and the Secretary shall stipulate to dismiss cause number A–78–192 Civil in the the United States District Court for the District of Alaska except as to the lands affected thereby which under the agreement referred to in subsection (b) are to remain in litigation in that cause, if any, when the Secretary tenders to Eklutna, Incorporated, a conveyance of all those lands which under the agreement the State agrees are to be conveyed to Eklutna, Incorporated, from among those selected at one time by the State under the authority of the Mental Health Enabling Act of 1956 (70 Stat. 709).

(g) The Secretary shall convey to Eklutna, Incorporated, as required by section 14 of the Alaska Native Claims Settlement Act, an acreage amount of its selections including also selections which after its relinquishments pursuant to the agreement appear necessary under this Act, equal to its entitlement under sections 14 and 12(b) of the Settlement Act, without regard to the acreage or interests which may ultimately be conveyed to Eklutna, Incorporated, under the agreement from within lands withdrawn by subsection (b). The agreement shall, however, require Eklutna, Incorporated, to subject to the land bank provisions of section 807 of this Act one or more compact tracts of lands of at least equal acreage to that ultimately to be conveyed to Eklutna, Incorporated, under the agreement from those withdrawn by subsection (b) of this section. The agreement shall require Eklutna, Incorporated, to reconvey to the State lands from those subject to the land bank provisions, in an amount provided by the agreement, upon the occasion of each receipt of lands by Eklutna, Incorporated, from among those withdrawn by subsection (b) of this section. Lands received by the State in such a reconveyance from Eklutna, Incorporated, shall be charged, to the extent of the acreage received by Eklutna, Incorporated, in the relevant conveyance to it, against the State's entitlement under section 6 of the Alaska Statehood Act. If thereby the State receives more than its entitlements under the Act elected, it shall reconvey to the United States a compact tract of unencumbered State lands of equal acreage contiguous to lands belonging to the United States. Eklutna, Incorporated, shall also be subject to the Land Bank provisions of section 807 of this Act, once an agreement under subsection (c) exists and thereafter from time to time, one or more compact tracts which equals the acreage amount by which Eklutna, Incorporated's entitlement would be over satisfied considering the acreage already conveyed to Eklutna, Incorporated; to the extent such a risk of over entitlement abates the lands may be withdrawn from the Land Bank in the manner provided in section 807 of this Act.

(h) In the event that Eklutna, Incorporated, receives a conveyance from the United States of the surface estate in lands withdrawn by subsection (b) of this section pursuant to the agreement authorized in that subsection, and if a reconveyance is thereby occasioned from Eklutna, Incorporated, to the State of the surface estate in land subject to the land bank provisions of this Act, a conveyance of the subsurface estate in the lands conveyed to Eklutna, Incorporated, shall be withheld until the Secretary ascertains to whom the subsurface estate is to be conveyed under this subsection. The entity owning the subsurface estate in those reconveyed lands shall retain that interest, unless it in the agreement or separately consents to convey the same to the State. In the event such entity so consents to convey the subsurface to the State, the Secretary shall convey the subsurface estate in the lands conveyed to Eklutna, Incorporated, to that entity; if such entity does not so consent, the subsurface estate in the lands conveyed to Eklutna, Incorporated, shall be conveyed to the State.

EKLUTNA-STATE-ANCHORAGE AGREEMENT

SEC. 1424. (a) PURPOSE.—The purpose of this section is to provide for the settlement of certain claims and litigation, and in so doing to implement section 14 of the Alaska Native Claims Settlement Act under the unique circumstances of the Native Village of Eklutna, with respect to the municipality of Anchorage.

(b) REFERENCE DOCUMENT.—The terms, conditions, procedures, covenants, reservations, and other restrictions set forth in the document entitled "Agreement of Compromise and Settlement" submitted to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs, executed by Eklutna, Incorporated, and the municipality of Anchorage, acting by its mayor, and to be executed by the State of Alaska, acting by the commissioner of the department of community and regional affairs, are hereby ratified as to the rights, duties, and obligations of the State of Alaska, the municipality of Anchorage, and Eklutna, Incorporated, which arise among them under section 14(c)(2) and (3) of the Alaska Native Claims Settlement Act, and Eklutna, Incorporated, is discharged accordingly from the requirements of section 14(c)(3) of such Act as to all lands heretofore selected by it.

(c) CONDITION.—If, for any reason, the foregoing agreement is not ratified by the Anchorage Assembly, and executed by the State of Alaska on or before January 2, 1980, this section shall be of no force and effect.

DOYON REGIONAL CORPORATION LANDS

SEC. 1425. LAND EXCHANGE.—(a)(1) The Secretary is authorized, on the terms and conditions provided in this section and in section 1426, to accept from Doyon, Limited, a Regional Corporation organized pursuant to the Alaska Native Claims Settlement Act, a relinquishment of all selections filed by that corporation under sections 12(c) and 14(h)(8) of such Act which—

(A) lie within the watershed of the Charley River, were withdrawn for selection by Doyon pursuant to section 11(a)(3) of such Act and lie with the following townships:

Fairbanks Meridian

Township 2 north, range 23, 24, 25, and 26 east,

Township 3 north, range 23, 24, 25, and 26 east,

Township 4 north, range 24, 25, and 26 east,

Township 2 south, range 20 east;

(B) lie in the following townships outside, but adjacent to, the Charley River watershed:

Fairbanks Meridian

Township 2 north, range 23 east,

Township 2 north, range 24 east, sections 19 through 21, 28 through 33, inclusive;

(C) lie within the following townships inside the Kanuti National Wildlife Refuge:

Fairbanks Meridian

Township 15 north, range 20 west, sections 4 through 9, 16 through 18, inclusive,

Township 17 north, range 23 west; and

(D) lie within the following townships along the Yukon River:

Kateel River Meridian

Township 19 south, range 3 west. That portion lying west of the mean high water line of the Yukon River.

Township 20 south, range 3 west. All except the Yukon River and Bullfrog Island.

Township 21 south, range 3 west. That portion of sections 7, 8, and 9 lying south of Honeymoon Slough, and sections 16, 17, and 18.

Township 21 south, range 4 west. Sections 12 and 13 above the mean high water line of the Yukon River, and sections 2, 3, 10, 11, 14, 15, 19 through 23, and 27 through 34 all lying west of the mean high water line of the Yukon River.

(2) Doyon, Limited, shall have ninety days after the date of enactment of this Act to effect the relinquishment of all the land selections described in subsection (a) hereof, and shall not be entitled to any of the benefits of subsections (b), (c), and (d) hereof or of section 1426 of this Act if the relinquishment of all such selections does not occur during that period.

(3) Following the relinquishment by Doyon, Limited, of all the land selections described in subsection (a) hereof, the Secretary shall determine the acreage so relinquished by such measuring techniques, including aerial photography but not ground surveys, upon which he and Doyon may agree.

(b)(1) In exchange for the lands relinquished pursuant to subsection (a) hereof, the Secretary shall convey to Doyon, Limited, pursuant to the provisions of the Alaska Native Claims Settlement Act, subject to valid existing rights and on the terms and conditions hereinafter set forth, such lands as Doyon may select, within one year after the Secretary's acreage determination pursuant to subsection (a)(3) hereof, on an acre-for-acre basis up to the total acreage so relinquished, from the following described lands:

Fairbanks Meridian

Township 35 north, range 7 west, sections 19 through 36.

Township 34 north, range 7 west, sections 1 through 21, and 28 through 33.

Township 29 north, range 13 west, sections 1 through 3, and 10 through 15.

Township 20 north, range 10 west, within the study area delineated in section 1426.

Township 20 north, range 11 west, within the study area delineated in section 1426.

Township 20 north, range 12 west, within the study area delineated in section 1426 and all remaining lands in the township which are outside of the Hodzana River watershed.

Township 21 north, range 10 west, within the study area delineated in section 1426.

Township 21 north, range 11 west, within the study area delineated in section 1426 and all the remaining lands in the township which are outside of the Hodzana River watershed.

Township 21 north, range 12 west, within the study area delineated in section 1426 and all remaining lands in the township which are outside of the Hodzana River watershed.

Township 1 north, range 25 east, sections 13, 14, 15, 21 through 28, and 33 through 36: *Provided*, That Doyon may not receive a land conveyance within any of the following watersheds:

(1) Arctic Creek, a tributary of Flume Creek;

(2) Diamond Fork of the Seventy-mile River;

(3) Copper Creek, a tributary of the Charley River.

Township 1 south, range 25 east, sections 1, 2, 3, 10 through 14, 23, 24, and 25: *Provided*, That Doyon may not receive a land conveyance within the watershed of Copper Creek a tributary of the Charley River.

Township 3 south, range 30 east, sections 20 through 29 and 32 through 36.

Township 4 south, range 28 east, sections 10 through 15, 22 through 28, 33 and 36: *Provided*, That Doyon may not receive a land conveyance any closer than one mile to the mean high water line of the North Fork of the Fortymile River, nor any closer than one-half mile to Champion Creek.

Township 4 south, range 29 east, sections 18 through 22, and 25 through 36: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 4 south, range 30 east, sections 1, 2, 11, 12, 13, 24, 25, and 28 through 36: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 4 south, range 31 east, sections 6, 7, 8, 17 through 20, and 29 through 32: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 5 south, range 30 east, sections 1 through 6, 11, and 12: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 5 south, range 31 east, sections 4 through 9: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 5 south, range 25 east, sections 12, 13, and 24: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of the Middle Fork of the Fortymile River.

Township 5 south, range 26 east, sections 7, 8, and 17 through 20: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of the Middle Fork of the Fortymile River.

Township 6 south, range 18 east, sections 4 through 9 and 16 through 18.

Township 7 south, range 17 east, sections 12, 13, 24, 25, 26, and 36.

Township 7 south, range 18 east, sections 7, 8, 17 through 20, and 29 through 32.

Township 8 south, range 18 east, sections 1 through 4, 9 through 16, 21 through 28, and 33 through 36.

Township 6 south, range 28 east, sections 31 through 33: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Hutchison Creek.

Township 7 south, range 28 east, sections 4 through 9, 14 through 23, and 26 through 35.

Township 8 south, range 28 east, sections 2 through 11, and 14 through 18.

Township 7 south, range 21 east, sections 11 through 14, 23 through 26, 35, and 36.

Township 7 south, range 22 east, sections 2 through 11.

Copper River Meridian

Township 27 north, range 6 east, sections 1, 2, 11, and 12.

Township 27 north, range 7 east, sections 1 through 12.

Township 28 north, range 7 east, sections 31 through 36.

Township 28 north, range 6 east, sections 35 and 36.

(2) Unless a waiver of any such requirement is obtained from the Secretary, the lands selected by Doyon pursuant to subsection (b)(1) shall consist of tract which: (a) contain not less than eight sections or five thousand one hundred and twenty acres, whichever is smaller, except for the last tract required to complete Doyon's land entitlement; and (b) have boundaries which follow section lines, except where such boundary is the border of a navigable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary to follow sec-

tion lines where township lines are offset along standard parallels caused by the convergence of meridians, to conform to section lines where a section is less than standard size, or to avoid crossing the boundary lines of conservation system units or of lands which are unavailable for selection). Selections under subsection (b)(1), subsection (c), and section 1426 shall not be subject to or charged against the maximum acreage limitations set forth is paragraph 3B(2) (a) and (b) of the Stipulation and Agreement entered into by Doyon and the Secretary in Doyon, Limited against Morton, civil action numbered 1586–73, in the United States District Court for the District of Columbia.

(3) The lands selected by Doyon, Limited, and conveyed by the Secretary pursuant to subsection (b) hereof shall be treated as if such lands had been withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act and had been selected by Doyon pursuant to section 12(c) of that Act. Failure by Doyon, Limited to select its total land entitlement under subsection (b)(1) shall not affect the corporation's total land entitlement under sections 12(c) and 14(h)(8) of such act.

(4) Beginning on the date of enactment of this Act, the lands described in subsection (b)(1) hereof shall be withdrawn from all forms of appropriation under the public land laws as if such lands had been withdrawn pursuant to section 11(a) of the Alaska Native Claims Settlement Act. The Secretary is authorized to terminate such withdrawal with respect to lands not selected by Doyon, Limited, either one year after the Secretary's acreage determination pursuant to subsection (a)(3) hereof or, with respect to the lands subject to such release, upon the giving of notice by Doyon to the Secretary that the corporation is releasing its selection rights under this paragraph to all or part of the withdrawn lands, whichever first occurs. Such withdrawal shall not prevent reasonable surface studies or mineral exploration, including core drilling, by Doyon or its assigns on the lands withdrawn, subject to such rules and regulations as the Secretary may prescribe: *Provided*, That the issuance of regulations under this subparagraph, or any permits thereunder, shall not be subject to any requirement for preparation of submission of an environmental impact statement contained in the National Environmental Policy Act of 1969.

(C)(1) During the withdrawal period specified in subsection (b)(4) hereof, the lands so withdrawn shall also be available for selection by Doyon, Limited, subject to the requirements of subsection (b)(2), in whole or partial satisfaction of its land entitlement under section 14(h)(8) of the Alaska Native Claims Settlement Act and the period of withdrawal shall be extended with respect to any lands so selected until the date of conveyance pursuant to section 14(e) of such Act. The Secretary shall issue a decision to convey title to the lands selected by Doyon pursuant to this subparagraph, subject to valid existing rights within one hundred and eighty days after each selection.

(2) At any time after enactment of this Act, but no later than six months after termination of the withdrawal provided in subsection (b)(4) hereof, any or all of the land entitlement of Doyon, Limited, under section 14(h)(8) of the Alaska Native Claims Settlement Act may be satisfied by Doyon's identification of the appropriate acreage within lands withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act, which were selected by Doyon on or before December 18, 1975, under section 12(c) of such Act, and have not been relinquished. Upon identification by Doyon, Limited, under this paragraph, such acreage shall no longer be deemed a section 12(c) selection, shall be charged against Doyon's section 14(h)(8) land entitlement and shall be conveyed by the Secretary to Doyon in accordance with the provisions of the Alaska Native Claims Settlement Act.

(3) In the event Doyon, Limited, effects a relinquishment under subsection (a) hereof, and the provisions of this paragraph thus become operative, the corporation shall not thereafter make selections under section 14(h)(8) of the Alaska Native Claims Settlement Act on lands which were (a) withdrawn pursuant to section 11(a), but not selected under section 12(c) of such Act and (b) lie within a conservation system unit created or expanded pursuant to this Act: *Provided*, That all Doyon's other selection rights under section 14(h)(8) of the Alaska Native Claims Settlement Act shall not be affected.

(d)(1) In recognition of the potential need of Doyon, Limited for access in a southerly direction from its landholdings in the watersheds of the Kandik and Nation Rivers across the Yukon River, the Secretary shall review applications submitted by Doyon, Limited for one or more rights-of-way which, in order to provide for such access, would pass through public lands within the Yukon-Charley National Preserve.

(2) The Secretary shall approve an application reviewed under paragraph (1) of this subsection, and shall grant the right-of-way requested in such application, if he determines that there exists no economically feasible or otherwise reasonably available alternative route.

(3) Each right-of-way granted under this subsection shall be subject to such reasonable regulations issued by the Secretary as are necessary to minimize the adverse impact of such right-of-way upon any conservation system unit.

(4) No rights-of-way shall be granted under this subsection which would cross the Charley River or which would involve any lands within the watershed of the Charley River.

HODZANA RIVER AND CIRCLE AREAS

SEC. 1426. (a)(1) Subject to the provisions of subsection 1425 (b) and (c) of this Act, the following described lands, during the period of withdrawal specified in subsection 1425(b)(4), shall be set aside and managed as a study area by the United States Fish and Wildlife Service in cooperation with Doyon, Limited:

Beginning at elevation point 2970 which lies within the northeast one quarter of section 10, township 21 north, range 9 west Fairbanks meridian;

thence westerly following the crest of the ridgeline of which elevation point 2970 is a part through sections 10, 9, 8, 7, and 6 of township 21 north, range 9 west Fairbanks meridian to the true point of beginning which is the intersection of the crest of the ridgeline of which elevation point 2970 is a part with the township line which separates section 6, township 21 north, range 9 west Fairbanks meridian and section 1, township 21 north, range 10 west Fairbanks meridian;

thence from the true point of beginning; westerly following the crest of the ridgeline of which elevation point 2970 is a part through sections 1, 2, 3, 4, 9, 8, 5, 7, and 6 of township 21 north, range 10 west Fairbanks meridian, and through sections 1, 2, and 3 of township 21 north, range 11 west Fairbanks meridian to the intersection of the crest of the aforementioned ridgeline with the crest of the ridgeline which is the watershed boundary between the Hodzana River and west flowing tributaries of the South Fork of the Koyukuk River;

thence southerly and westerly along the crest of this watershed boundary through sections 3, 10, 15, 16, 17, 20, 21, 29, 32, and 31 of township 21 north, range 11 west Fairbanks meridian, section 36 of township 21 north, range 12 west Fairbanks meridian, sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 36, 34, and 35 of township 20 north, range 12 west Fairbanks meridian, and to the northeast one quarter of section 3, township 19 north, range 12 west Fairbanks meridian where the crest of the watershed of the Hodzana River turns in an easterly direction and becomes, first the divide between the watersheds of the Hodzana and Kanuti Rivers and then the divide between the Hodzana and Dall Rivers;

thence easterly along the crest of this watershed to the peak of Dall Mountain which lies within the southeast one quarter of section 1, township 19 north, range 11 west Fairbanks meridian;

thence northeasterly along the crest of Dall Mountain to the intersection of the crest of Dall Mountain with the line between township 20 north, range 9 west Fairbanks meridian and township 20 north, range 10 west Fairbanks meridian which intersection lies approximately on elevation point 3491, the highest point of Dall Mountain on the eastern line of section 36 township 20 north, range 10 west Fairbanks meridian;

thence north along the township line between townships 20 and 21 north, ranges 9 and 10 west Fairbanks meridian to the true point of beginning at the intersection of the crest of the heretofore described west trending ridgeline and this township line, which point lies between section 6 township 21 north, range 9 west Fairbanks meridian and section 1 township 21 north, range 10 west Fairbanks meridian.

This description is based upon United States Geological Survey Quadrangle Beaver, Alaska, 1956 with minor revisions 1972, on which land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management folios F-2, F-3, F-6, and F-7 Fairbanks meridian, and United States Geological Survey Quadrangle Bettles, Alaska 1956 with minor revisions 1973, on which land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management folios F-3, F-4, F-5, and F-6. The use of these quadrangles and the protracted land lines thereon is for purposes of convenience in describing the lands within the Hodzana River Study Area. The actual area is to be within the above described basin, and should any discrepancy appear upon the ground determination of the location of the watershed boundary, the watershed boundary shall control, not the land lines protracted upon the aforementioned United States Geological Survey Quadrangles.

(2) During the study period herein provided, Doyon, Limited, may, under such reasonable rules and regulations as the Secretary finds necessary to protect the water quality and quantity of the Hodzana River, conduct such investigations within the study area, including core drilling, which will not materially disturb the land surface, as are required to determine the extent of mineralization therein. During the study period, the Fish and Wildlife Service is authorized to undertake such studies of the Hodzana River and its environs as are required to determine the measures to undertake and the regulations necessary to protect and maintain the water quality and quantity of the Hodzana River should lands in its watershed be selected by Doyon, Limited, and the minerals therein be developed. Upon agreement with Doyon, Limited, the Secretary is authorized to extend the study period up to an additional two years; if so, the duration of the withdrawal from appropriation for the lands described in subsection (1) hereof and the time during which Doyon, Limited, may select such lands or identify such lands for conveyance shall be extended for a like period.

(3) The right of Doyon, Limited, to land conveyances within the study area shall be

limited to twenty-three thousand forty acres. Any selections or land identifications by the corporation within the study area also shall be subject to the provisions of subsection 1425(b)(2) of this Act, unless the results of the study indicate, and Doyon and the Secretary agree, that some or all of such requirements should be waived. Any lands within the study area which adjoin the Yukon Flats National Wildlife Refuge and which are not selected by Doyon, Limited, shall be added to that conservation system unit and administered accordingly.

(4) In the event Doyon receives conveyance in the study area, the corporation shall have those rights of access to the lands involved as are reasonably necessary for the economic operation of such mineral developments. Upon final termination of mining activity, Doyon shall restore any access roads as may be agreed upon by Doyon and the Secretary.

(5) The National Environmental Policy Act of 1969 shall not be construed, in whole or in part, as requiring the preparation or submission of an environmental impact statement before the issuance of regulations under this paragraph, or any permit relating to mineral development, the conduct of any investigation in the study area, the conveyance of interests therein to Doyon or the grant of any easement or right-of-way to the lands involved. The Secretary, however, is authorized to promulgate such regulations as may reasonably be necessary to protect the water quality and quantity, and to prevent substantial adverse environmental degradation, of the Hodzana River. Any such regulations shall be coordinated with, and shall not be more stringent than, the applicable requirements under the Federal Water Pollution Control Act.

(b) In furtherance of the State's entitlement to lands under section 6(b) of the Alaska Statehood Act and regardless of whether such lands lie within the boundaries of a conservation system unit established, designated, redesignated, or expanded by this Act, the United States shall, upon Doyon having met the terms and conditions set forth in section 1425(a)(1), convey to the State of Alaska all right, title and interest of the United States in:

(1) the following lands located south of Circle on the Yukon River:

Fairbanks Meridian

Township 8 north, range 18 east, section 1;

Township 8 north, range 19 east, That portion of sections 1 through 18, inclusive, lying south and west of the mean high water line of the Yukon River;

Township 8 north, range 20 east, That portion of sections 7 and 18 lying west of the mean high water line of the Yukon River;

Township 9 north, range 17 east;

Township 9 north, range 18 east, That portion lying south and west of the mean high water line of the Yukon River;

Township 9 north, range 19 east, That portion lying south and west of the mean high water line of the Yukon River;

(2) Upon relinquishment by Doyon, Limited, of all land selections pursuant to section 1425(a) of this Act, the lands described in subparagraph 1425 (a)(1)(D).

DOYON AND FORTYMILE RIVER

SEC. 1427. (a) Subject to the provisions of subsections (b) and (c) of this section, Doyon, Limited, shall have the right within one year after the date of enactment of this Act to identify some or all of the following described lands, previously selected by such corporation, in partial satisfaction of its entitlement under section 12(c) of the Alaska Native Claims Settlement Act:

(i) Lands withdrawn pursuant to section 17(d)(1) and formerly withdrawn pursuant to section 17(d)(2), of the Alaska Native Claims Settlement Act:

Fairbanks Meridian

Township 1 south, range 27 east, sections 24, 25, 34, 35, 36;

Township 1 south, range 28 east, sections 19, 20, 21, 28 through 32;

Township 2 south, range 27 east, sections 1 through 4, 8 through 12, 14 through 17, 19 through 22, 27 through 33;

Township 3 south, range 24 east, sections 20 through 25, 27 through 34;

Township 3 south, range 25 east, sections 2 through 5, 8 through 10, 15 through 22, 27 through 34;

Township 3 south, range 26 east, sections 13, 22 through 28, 31 through 36;

Township 3 south, range 27 east, sections 4 through 8, 17, 18;

Township 3 south, range 28 east, sections 1 through 5, 9 through 11, 14 through 16, 21 through 23, 26, 27;

Township 3 south, range 29 east, sections 11 through 15, 20 through 24, 26 through 34;

Township 4 south, range 25 east, sections 1 through 5, 8 through 17;

Township 4 south, range 26 east, sections 2 through 10, 17, 18;

Township 4 south, range 28 east, sections 1, 2;

Township 4 south, range 29 east, sections 1 through 18;

Township 5 south, range 25 east, sections 1, 4 through 10, 12 through 17, 20 through 24, 28, 29;

Township 5 south, range 26 east, sections 4 through 8, 17 through 19;

Township 6 south, range 23 east, section 34;

Township 6 south, range 25 east, sections 22, 27, 28, 32 through 35;

Township 7 south, range 22 east, sections 23 through 26, 35, 36;

Township 7 south, range 23 east, sections 3 through 9, 17 through 19, 30, 31;

Township 7 south, range 24 east, sections 1, 2, 10 through 16, 21 through 24, 26 through 29, 31 through 34;

Township 7 south, range 25 east, sections 6 through 8, 17 through 21, 28 through 33.

Township 8 south, range 21 east, sections 13, 23 through 28, 33 through 36;

Township 8 south, range 22 east, sections 1 through 4, 8 through 23, 28 through 33;

Copper River Meridian

Township 19 north, range 16 east, sections 3 through 9, 17 through 20;

Township 20 north, range 14 east, sections 1 through 18, 20 through 22;

Township 20 north, range 15 east, sections 2 through 11, 13 through 17, 21 through 28, 32 through 36;

Township 20 north, range 16 east, sections 13, 14, 21 through 29, 31 through 36;

Township 21 north, range 12 east, sections 2 through 10, 17 through 20, 30;

Township 21 north, range 13 east, sections 1 through 5, 10 through 14, 23 through 36;

Township 21 north, range 15 east, sections 30, 31, 32;

Township 22 north, range 12 east, sections 4 through 11, 13 through 27, and 36;

Township 22 north, range 13 east, sections 18 through 21, 26 through 36;

Township 24 north, range 11 east, sections 22 through 27, 34 through 36;

Township 24 north, range 12 east, sections 3 through 33;

Township 24 north, range 13 east, sections 2 through 4, 7 through 11, 14 through 23, 30;

Township 25 north, range 11 east, sections 4 through 10, 14 through 18, 20 through 28, 34 through 36;

Township 25 north, range 12 east, sections 31, 32, 33;

Township 25 north, range 13 east, sections 1 through 3, 9 through 16, 21 through 23, 26 through 28, 32 through 35;

Township 26 north, range 13 east, sections 1 through 3, 12;

Township 26 north, range 14 east, sections 4 through 10, 14 through 18, 20 through 23, 26, 27, 31 through 36;

Township 27 north, range 9 east, sections 1 through 3, 9 through 12, 14 through 16, 20 through 23, 26 through 29, 32 through 34;

Township 27 north, range 10 east, sections 2 through 4, 9 through 11, 14 through 16, 21 through 27, 34 through 36;

Township 27 north, range 13 east, sections 3 through 10, 14 through 17, 21 through 28, 34 through 36;

Township 27 north, range 14 east, sections 30, 31, 32;

Township 28 north, range 9 east, sections 35, 36;

Township 28 north, range 10 east, sections 31 through 35;

(ii) Lands withdrawn pursuant to section 17(d)(2) of the Alaska Native Claims Settlement Act some or all of which may not be included within the boundaries of the Fortymile Wild, Scenic and/or Recreational River.

Fairbanks Meridian

Township 3 south, range 27 east, sections 19 through 36;

Township 3 south, range 28 east, sections 28 through 34;

Township 4 south, range 28 east, sections 3 through 6, 8 through 17, 19 through 33, 36;

Township 4 south, range 29 east, sections 19 through 22, 25 through 36;

Township 4 south, range 30 east, sections 1, 2, 11 through 13, 24, 25, 28 through 36;

Township 4 south, range 31 east, sections 6 through 8, 17 through 20, 29 through 32;

Township 5 south, range 25 east, sections 25 through 27, 33 through 36;

Township 5 south, range 26 east, sections 13 through 15, 20 through 35;

Township 5 south, range 27 east, sections 7 through 24, 29, 30;

Township 5 south, range 28 east, sections 2 through 5, 7 through 10, 15 through 23, 25 through 30, 33 through 36;

Township 5 south, range 29 east, sections 29 through 32;

Township 5 south, range 30 east, sections 1 through 6, 11, 12;

Township 5 south, range 31 east, sections 4 through 9;

Township 5 south, range 32 east, sections 24 through 27, 34 through 36;

Township 5 south, range 33 east, sections 2 through 4, 8 through 11, 14 through 22, 28 through 32;

Township 6 south, range 23 east, sections 2, 3, 10 through 15, 22 through 27, 35, 36;

Township 6 south, range 24 east, sections 13, 14, 17 through 36;

Township 6 south, range 25 east, sections 2 through 5, 7 through 11, 15 through 21, 29, 30;

Township 6 south, range 32 east, sections 1 through 5, 8 through 11, 14 through 17, 20 through 22, 27 through 29, 32 through 35;

Township 7 south, range 31 east, sections 13 through 17, 19 through 34;

Township 7 south, range 32 east, sections 3 through 5, 7 through 10, 13 through 30, 34 through 36;

Township 7 south, range 33 east, sections 4, 7 through 9, 16 through 21, 28 through 33.

Copper River Meridian

Township 26 north, range 14 east, sections 12, 13, 24 and 25.

(b) Doyon, Limited, shall have a right to identify only those lands described in subsection (a) hereof which are not included within a conservation unit pursuant to this Act, and each selection so identified shall be subject to the provisions of subsection 1425 (b)(2) of this Act. The Secretary shall convey title to the land promptly after its identification by Doyon, Limited, subject to valid existing rights.

(c) The provisions of this section shall take effect only upon the execution and filing of a stipulation by Doyon, Limited, consenting to the dismissal, with prejudice, of Doyon, Limited, against Andrus, Civil Action No. 78–

1148 in the United States district court for the District of Columbia within 60 days after the effective date of this Act.

KONIAG VILLAGE AND REGIONAL CORPORATION LANDS

Sec. 1428. (a) Definitions.—As used in this section, the term—

(1) "Afognak Island" means Afognak Island, and Bear, Teck, Hogg, and Murphy Islands, above the line of mean high tide within the exterior boundaries of the Chugach National Forest.

(2) "Deficiency village acreage on the Alaska Peninsula" means the aggregate number of acres of public land to which "Koniag deficiency village corporations" are entitled, under section 14(a) of the Alaska Native Claims Settlement Act, to a conveyance of the surface estate on account of deficiencies in available lands on Kodiak Island, and to which Koniag, Incorporated, is entitled under section 14(f) of that Act to conveyance of the subsurface estate.

(3) "12(b) acreage on the Alaska Peninsula" means the aggregate number of acres of public lands to which "Koniag 12(b) Village Corporations" are entitled, under section 14(a) of the Alaska Native Claims Settlement Act by reason of section 12(b) of that Act, to conveyance of the surface estate and to which Koniag, Incorporated, under section 14(f) of that Act, is entitled to conveyance of the subsurface estate, less the aggregate acreage of 12(b) lands on Kodiak Island as to which Koniag 12(b) Village Corporations will receive conveyances, the latter being estimated to be approximately fifteen thousand acres.

(4) Koniag Deficiency Village Corporation" means any or all of the following:

Afognak Native Corporation,
Nu-Nachk-Pit, Incorporated,
Ouzinkie Native Corporation,
Leisnoi, Incorporated.

(5) "Koniag 12(b) Village Corporation" means the village corporations listed in subparagraph (4) above, if within sixty days of the effective date of this Act Koniag, Incorporated, by a resolution duly adopted by its Board of Directors, designates them as such as a class, and all of the following: Natives of Akhiok, Incorporated, Old Harbor Native Corporation, Kaguyak, Incorporated, Karluk Native Corporation, and each of the corporations listed in subsection (e)(2) of this section which files a release as provided for in subsection (e)(1) of this section.

(6) "Koniag region" means the geographic area of Koniag, Incorporated, under the Alaska Native Claims Settlement Act.

(7) "Koniag village" means a Native village under the Alaska Native Claims Settlement Act which is within the Koniag region.

(8) "Koniag Village Corporation" means a corporation formed under section 8 of the Alaska Native Claims Settlement Act to represent the Natives of a Koniag village and any village corporation listed in subsection (e)(2) of this section which has filed a release as provided in subsection (e)(1) of this section.

(9) "Koniag 14(h)(8) lands on the Alaska Peninsula" means the aggregate number of acres of public lands to which Koniag, Incorporated Regional Native Corporation is entitled under section 14(h)(8) of the Alaska Native Claims Settlement Act, less the acreage of lands withdrawn for conveyance to that corporation by Public Land Order Numbered 5627 (42 F.R. 63170) and conveyed to that corporation.

(10) Any term defined in subsection 3(e) of the Alaska Native Claims Settlement Act has the meaning as therein defined.

(11) "Alaska Peninsula" means the Alaska Peninsula and all islands adjacent thereto which on or before the date of enactment of this Act were withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act for Koniag Village Corporations and Koniag, Incorporated, including but not limited to Sutwik, Hartman, Terrace, Nakchamik, and West and East Channel Islands, except those islands selected by Koniag, Incorporated, pursuant to section 15 of Public Law 94-204.

(b) Conveyance to Native Corporations.—(1) In full satisfaction of (A) the right of Koniag, Incorporated, Regional Native Corporation to conveyance of Koniag 14(h)(8) lands on the Alaska Peninsula under the Alaska Native Claims Settlement Act; (B) the right of each Koniag Deficiency Village Corporation to conveyance under that Act of the surface estate of deficiency village acreage on the Alaska Peninsula; (C) the right of each Koniag 12(b) Village Corporation to conveyance under the Alaska Native Claims Settlement Act of surface estate of 12(b) acreage on the Alaska Peninsula; and (D) the right of Koniag, Incorporated, under the Alaska Native Claims settlement Act to conveyances of the subsurface estate of the deficiency village acreage on the Alaska Peninsula and of the 12(b) acreage on the Alaska Peninsula; and in lieu of conveyances thereof under this act, or otherwise, the Secretary of the Interior shall, under the terms and conditions set forth in this section, convey as provided in subsection (c) of this section the surface estate of all of the public lands on Afognak Island except those lands referred to in subparagraphs 2 (A), (B), (C), and (D) of this subsection, and simultaneously therewith, the Secretary shall, under the terms and conditions set forth in this section, convey the subsurface estate of such lands to Koniag, Incorporated.

(2) There are excepted from the conveyances provided for in subparagraph (1) of this subsection:

(A) Selections of the State of Alaska on Afognak Island heretofore made under section 6(a) of the Alaska Statehood Act and described as follows:

Seward Meridian, Alaska

Parcel I

Township 22 south, range 17 west, section 31, southwest quarter;

Township 22 south, range 18 west, section 36, southeast quarter;

Township 23 south, range 17 west, sections 6, west half; 7, west half; 18, west half; 19, west half and southeast quarter; 20, southwest quarter; 29, west half; 30 all;

Township 23 south, range 18, west, sections 1, east half; 12, east half; 13 all; 24 all; 25 all;

Parcel II

Township 22 south, range 17 west, sections 30 all; 31 all;

Township 23 south, range 17 west, section 6, northeast quarter.

(B) Surface estate of lands on Afognak Island to which Afognak Native Corporation, Ouzinkie Native Corporation, and Natives of Kodiak, Incorporated, are entitled pursuant to the Alaska Native Claims Settlement Act and the subsurface estate of such lands.

(C) The lands on Afognak Island referred to in subsection (d) of this section if conveyed as therein provided.

(D) The following described lands:

Seward Meridian, Alaska

Township 20, south, range 20 west, sections 31 through 32 inclusive;

Township 20 south, range 21 west, sections 14 through 16 inclusive, 20 through 23 inclusive, 26 through 29 inclusive, and 31 through 36 inclusive;

Township 20 south, range 22 west, sections 26, 27, and 34 through 36 inclusive;

Township 21 south, range 20 west, sections 4 west half, 5 through 7 inclusive; 8; 17 northwest quarter southwest quarter, 18;

Township 21 south, range 21 west, all;

Township 21 south, range 22 west, sections 1 through 3 inclusive, 11 through 12 inclusive, 24;

Township 22 south, range 21 west, sections 1 north half, 2 through 9 inclusive, 10 north half southwest quarter.

(3) All public lands on the Alaska Peninsula withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act for Koniag Village Corporations and for Koniag, Incorporated, are hereby withdrawn, subject to valid existing rights and Native selection rights under that Act as modified by this Act, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act and shall remain so withdrawn subject to the provisions of section 306 of this Act. Following the filing with the Secretary of the Interior of (A) all resolution pursuant to subparagraph (4) of this subsection, (B) the joint venture agreement referred to in subsection (c) of this section, and (C) releases by such of the Koniag Village Corporations referred to in subsection (e)(2) of this section as file releases as provided in subsection (e)(1) of this section, and upon the conveyances by the Secretary of the Interior of all public lands on Afognak Island to be conveyed as provided in subsection (c) of this section, all Native selection rights in and to public lands on the Alaska Peninsula withdrawn under section 11(a)(3) of the Alaska Native Claims Settlement Act for Koniag Village Corporations and for Koniag, Incorporated, shall, except as provided in subsection (g) of this section, be extinguished and all claims thereto arising under this Act or the Alaska Native Claims Settlement Act shall be barred.

(4) As a condition precedent to the conveyances provided for by subparagraph (1) of this subsection, Koniag, Incorporated, each Koniag Deficiency Village Corporation and each Koniag 12(b) Village Corporation, shall file with the Secretary of the Interior resolutions duly adopted by their respective boards of directors accepting the conveyances provided for in this subsection as being in full satisfaction of their respective entitlements to conveyances of Koniag (14) (h)(8) lands on the Alaska Peninsula, of deficiency village acreage on the Alaska Peninsula and of 12(b) acreage on the Alaska Peninsula, and Koniag, Incorporated, shall further file with the Secretary of the Interior a resolution duly adopted by its board of directors accepting the provisions of subsection (1) of this section.

(5) The lands on Afognak Island conveyed pursuant to subparagraph (1) of this subsection shall remain open to hunting, fishing, and other recreational use otherwise permitted by applicable law (but without liability on the part of the grantee, except for willful acts, to any user by reason of such use), under and subject to the terms of cooperative-management agreements entered into by Koniag, Incorporated, and other affected Koniag Village Corporations, with the Secretary of the Interior, and such of the State agencies and of the political subdivisions of the State having jurisdiction over any portion of Afognak Island which desire to participate. The Secretary of the Interior is hereby authorized to enter into such agreements. Each agreement shall—

(A) permit the Secretary of the Interior reasonable access to such land to carry out the obligations of the Secretary under the agreement;

(B) permit reasonable access to such land by officers of the State for purposes of conserving fish and wildlife and of other State officers and employees and officers and employees of political subdivisions of the State parties to the agreement to carry out their responsibilities thereunder.

(C) set forth those services which any other party agrees to provide, which services may include technical and other assistance with respect to fire control, trespass control, law enforcement, resource and land use planning, the conserving of fish and wildlife, and the protection, maintenance, and enhancement of any special values of the land subject to the agreement;

(D) set forth such additional terms and conditions as the parties may agree to as being necessary and appropriate to carry out the terms of the agreement; and

(E) specify the effective period of the agreement.

(c) Joint Venture.—The Secretary of the Interior shall convey the surface estate on Afognak Island to be conveyed under subsection (b)(1) of this section to a joint venture providing for the development of the surface estate on Afognak Island to be conveyed under this subsection, consisting of the Koniag Deficiency Village Corporations, the Konaig 12(b) Village Corporations and Koniag, Incorporated (or wholly owned subsidiaries thereof), in which (1) the share of the Koniag Deficiency Village Corporations as a class in the costs and revenues of such joint venture is determined on the basis of a fraction, the numerator of which is the deficiency village acreage on the Alaska Peninsula and the denominator is the sum of the deficiency village acreage on the Alaska Peninsula plus the 12(b) acreage on the Alaska Peninsula plus the Koniag 14(h) acreage on the Alaska Peninsula, which fraction shall be multiplied by the number of acres on Afognak Island to be conveyed by reason of subparagraph (b)(1) of this subsection; (2) the share of the Koniag 12(b) Village Corporations as a class is determined on the basis of a fraction, the numerator of which is the 12(b) acreage on the Alaska Peninsula and the denominator of which is the denominator referred to in (1) above, which fraction shall be multiplied by the number of acres on Afognak Island referred to in (1) above; and (3) the share of Koniag, Incorporated, is determined on the basis of a fraction, the numerator of which is the Koniag 14(h) acreage on the Alaska Peninsula and the denominator of which is the denominator referred to in (1) above which fraction shall be multiplied by the number of acres on Afognak Island referred to in (1) above. In such joint venture, each Koniag Deficiency Village Corporation, shall participate in the share of the Koniag Deficiency Village Corporations as a class in the ratio that the entitlement of each to deficiency village acreage on the Alaska Peninsula bears to the total deficiency village acreage on the Alaska Peninsula and each Koniag 12(b) Village Corporation shall participate in the share of the Koniag 12(b) Village Corporations as a class in the ratio that the number of Natives enrolled under the Alaska Native Claims Settlement Act to the village that corporation represents bears to the number of Natives enrolled to all villages represented by Koniag 12(b) Village Corporations. The conveyance shall be made as soon as practicable after there has been filed with the Secretary of the Interior a duly executed joint venture agreement with provisions for sharing of and entitlements in costs and revenues of such venture as provided in this subsection. The conveyance shall not indicate the respective interests of each of the corporations in the surface estate conveyed but such interests shall be as provided in this subsection which shall be incorporated by reference into the conveyance. The subsurface estate in the foregoing lands shall be conveyed simultaneously to Koniag, Incorporated. Neither the joint venture, any Koniag Village Corporation having an interest in the joint venture or the lands conveyed thereto, nor Koniag, Incorporated, shall take or permit any action which may be inimical to bear denning activities on the Tonki Cape Peninsula.

(d) Ouzinkie Lands.—In the event the Ouzinkie Native Corporation and Koniag, Incorporated, within ninety days after the effective date of this Act, enter into an agreement to convey to the Kodiak Island Borough their respective rights, titles, and interests in and to the surface and subsurface estate respectively in the following described land:

Seward Meridian, Alaska

Township 27 south, range 20 west,
Sections 9 through 12 inclusive, all;
Sections 13, north half, excluding Monashka Bay; southwest quarter; north half southeast quarter, excluding Monashka Bay; southwest quarter southeast quarter;
Sections 14, 15, and 16, all;
Sections 21 and 22, all;
Section 23, north half; north half southwest quarter, southwest quarter southwest quarter, northwest quarter southeast quarter;
Section 24, north half northwest quarter;
Section 27, north half, southwest quarter, west half southeast quarter;

the Secretary of the Interior shall convey to Ouzinkie Native Corporation the surface estate and to Koniag, Incorporated, the subsurface estate in the following described land on Afognak Island:

Seward Meridian, Alaska

Township 22 south, range 19 west,
Sections 6, 7, 15, all;
Section 18, west half;
Sections 19, 22, 28, all;
Sections 31 through 35 inclusive, all;
Section 36, south half.

The agreement between Kodiak Island Borough, Ouzinkie Native Corporation and Koniag, Incorporated, may contain the provisions agreed to by the parties including, but not limited, to easements across the lands to be conveyed to the Kodiak Island Borough.

(e) Releases.—(1) Each village listed in paragraph (2) of this subsection which, through the Koniag Village Corporation listed alongside it, files with the Secretary of the Interior, within sixty days from the effective date of this Act, a release duly authorized by its board of directors releasing, in consideration of the benefits provided for in this section, the United States, its officers, employees, and agents from all claims of the village and the village corporation to lands and interests therein arising under the Alaska Native Claims Settlement Act or compensation in any form therefor (except as provided in paragraph (3) of this subsection) along with a release by Koniag, Incorporated, duly authorized by its board of directors, releasing the United States, its officers, employees, and agents, from Koniag's claims to subsurface estate under the Alaska Native Claims Settlement Act arising out of the claims of such village or compensation in any form therefor (except as provided in paragraph (3) of this subsection) shall be deemed an eligible village under the Alaska Native Claims Settlement Act. This section shall be inoperative as to any such village which does not file such a release but shall be operative as to each of such villages which files such a release.

(2) The villages and Koniag village corporations referred to in the foregoing paragraph are:

Anton Larsen Bay—Anton Larsen, Incorporated;
Bells Flats—Bells Flats Natives, Incorporated;
Uganik—Uganik Natives, Incorporated;
Litnik—Litnik, Incorporated;
Port William—Shuyak, Incorporated;
Ayakulik—Ayakulik, Incorporated; and
Uyak—Uyak Natives, Incorporated.

(3) When Uyak Natives, Incorporated, Uganik, Natives, Incorporated, or Ayakulik, Incorporated (and Koniag, Incorporated, in respect of such corporations) executes a release as provided for in paragraph (1) of this subsection, the Secretary of the Interior shall convey to each village corporation executing such release the surface estate of the one square mile of land excluded from the Kodiak Island National Wildlife Refuge by Public Land Order No. 1634 an account of the village it represents. The Secretary of the Interior shall by reason of conveyance of surface estate to a village corporation under this paragraph (3) convey to Koniag, Incorporated, the subsurface estate in such lands.

(4)(A) There shall vest in the Native village corporation representing each village that files a release as provided for in paragraph (1) of this subsection the right to all revenues received by Koniag, Incorporated, from the Alaska Native Fund which would have been distributed to it by Koniag, Incorporated, under subsections (j) and (k) of section 7 of the Alaska Native Claims Settlement Act (Subject to subsection (1) of section 7 of that Act) had such village been determined to be eligible at the time of such distributions, less amounts heretofore paid by Koniag, Incorporated, under subsection (m) of section 7 of that Act to stockholders of such corporations as members of the class of at-large stockholders of Koniag, Incorporated.

(B) Each corporation representing a village that files a release as provided for in subsection (e)(1) of this section shall, on and after the date of enactment of this Act, be eligible—

(i) to share pro rata with all other Koniag Village Corporations in distributions of funds to village corporations made by Koniag, Incorporated, out of funds received on and after such date by Koniag, Incorporated, from the Alaska Native Fund or from any other source; and

(ii) for all other rights and privileges (except those claims to lands and interests therein arising under the Alaska Native Claims Settlement Act or to compensation therefor which are the subject of such a release) to which Alaska Native village corporations are entitled under any applicable laws, except as limited by this subsection.

Nothing in this paragraph shall prohibit Koniag, Incorporated, from withholding out of funds otherwise due a village corporation that files a release as provided for in subsection (e)(1) of this section, such sums as may be required to reimburse Koniag, Incorporated, for an equitable portion of expenses incurred by Koniag, Incorporated, in connection with or arising out of the defense of or assertion of the eligibility of the village represented by such corporation for benefits under the Alaska Native Claims Settlement Act, including costs incident to land selection therefor.

(f) Conditions.—All conveyances made by reason of this section shall be subject to the terms and conditions of the Alaska Native Claims Settlement Act as if such conveyances (including patents) had been made or issued pursuant to that Act.

(g) Limitations.—Nothing in this section shall be deemed to affect (1) section 15 of the Act of January 2, 1976 (Public Law 94-204) as amended by section 812(b) of this Act; (2) the right, subject to subsection (1) of this section, of Koniag, Incorporated, to in lieu subsurface estate on the Alaska Peninsula under sections 12(a)(1) and 14(f) of the Alaska Native Claims Settlement Act, less the acreage of such in lieu subsurface estate conveyed to Koniag, Incorporated, under the provisions of law referred to in paragraph (1) of this subsection; or (3) the right under the Alaska Native Claims Settlement Act of Koniag, Incorporated, subject to subsection (1) of this section to subsurface estate in and to the following described land:

Seward Meridian, Alaska

Township 37 south, range 48 west,
Section 9,
Sections 15 through 17 inclusive,
Sections 20 through 22 inclusive,
Sections 28, 33;
Township 37 south, range 49 west,
Sections 21 through 23 inclusive,
Sections 26 through 28 inclusive,
Sections 33 through 35 inclusive;
Township 38 south, range 48 west,
Sections 4 through 9 inclusive;
Township 38 south, range 49 west,
Sections 1 through 4 inclusive,
Sections 6 through 23 inclusive,
Sections 26 through 34 inclusive;
Township 38 south, range 50 west,
Sections 1 through 3, inclusive,
Sections 10 through 12 inclusive,
Sections 13 through 15 inclusive,
Sections 22 through 26 inclusive,
Sections 35, 36;
Township 39 south, range 49 west,
Sections 3 through 7 inclusive,
Sections 9 through 10, inclusive,
Sections 18, 19, 30;
Township 38 south, range 50 west,
Sections 1, 2, 7, 8, 12, 13,
Sections 15 through 18 inclusive,
Sections 20 through 22 inclusive,
Sections 24 through 27 inclusive,
Section 35.

(h) Withdrawal.—All public lands on Afognak Island, other than those lands referred to in subsections (b)(2) (A) and (B) of this section are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act as amended, and shall remain so withdrawn until and unless conveyed pursuant to this Act. Any such lands not conveyed under this section except those lands described in subsection (b)(2)(D) may be opened by the Secretary of the Interior to the extent he deems appropriate.

(i) Access, Etc.—As additional consideration for the relinquishment by Koniag Village Corporations of rights to surface estate on the Alaska Peninsula and by Koniag, Incorporated, of rights to surface and subsurface estate thereon as provided in subsection (b)(4) of this section, Koniag, Incorporated, shall, solely for purpose of prospecting for, extraction and removal of subsurface resources retained by it under subsection (1) of this section on the Alaska Peninsula, have the same rights of access and use of surface estate, after consultation with the surface owner, as are now provided for in 50 CFR section 29.32.

(j) Allocations.—The acreage to be allocated to Koniag, Incorporated, under section 12(b) of the Alaska Native Claims Settlement Act shall be determined as though each village listed in subparagraph (e)(2) of this section had selected 69,120 acres under section 12(a) of the Alaska Native Claims Settlement Act. Acreages allotted to other regional corporations under section 12(b) of the Alaska Native Claims Settlement Act shall be determined on the basis of the acreages actually conveyed to such villages under this section or the Alaska Native Claims Settlement Act.

(k) Timber Resources.—Koniag, Incorporated's interest in the timber resources of the joint venture referred to in subsection (c) of this section, determined as therein provided, shall for purposes of section 7(i) of the Alaska Native Claims Settlement Act be deemed to be Koniag's timber resources. Koniag, Incorporated, shall be entitled to deduct from its share of proceeds therefrom any and all expenses of the kind and nature which regional corporations are entitled to deduct from revenues from timber resources prior to the distributions required by said section 7(i).

(l) Minerals.—In conveying subsurface estate to Koniag, Incorporated, on the Alaska Peninsula, whether under subsection (g)(3) of this Act or as in lieu subsurface estate as provided in sections 12(a)(1) and 14(f) of the Alaska Native Claims Settlement Act, the Secretary of the Interior shall retain all minerals other than oil and gas and sand and gravel used in connection with prospecting for, extracting, storing, or removing oil and gas: *Provided*, That removal of oil and gas and sand and gravel shall, after consultation with the surface owner, be accomplished as on the date of enactment of this Act was provided in 50 CFR section 29.32.

Koniag, Incorporated may, in its discretion, enter into agreements with the owner of the surface estate in such lands for the conveyance of the subsurface estate to the surface owner without compensation, but this provision shall not be construed to require such conveyances without Koniag, Incorporated's agreement.

(m) Maritime Refuge.—All public lands, including submerged lands, adjacent to and seaward of Afognak Island from the line of mean high tide to the exterior boundary of the former "Afognak Forest and Fish Culture Reserve," part of the existing Chugach National Forest, as reserved by proclamation dated December 24, 1892, and as shown on the diagram forming a part of the proclamation dated February 23, 1909, are hereby included within the Alaska Maritime National Wildlife Refuge and the lands described in subdivision (D) of subsection (b)(2) of this section are hereby included within the Kodiak National Wildlife Refuge: *Provided*, That notwithstanding the inclusion of Delphin and Discoverer Islands in the Alaska Maritime National Wildlife Refuge, the joint venture provided for in subsection (c) of this section shall be entitled to and there shall be conveyed to the joint venture in the conveyance provided for in subsection (c) hereof, the right to timber resources on such islands: *Provided*, That management and harvest of such timber resources shall be only in accordance with management plans jointly developed by the joint venture and the Secretary of the Interior.

(n) Limitation.—Section 910 of this Act shall not apply to Koniag, Incorporated or to any Koniag Village Corporation.

(o) Timber Contracts, Etc.—Nothing in this section shall abrogate any existing Forest Service timber contract on Afognak Island or revoke existing cabin leases on Afognak Island.

PRIBILOF ISLANDS ACQUISITION AUTHORITY

Sec. 1429. (a) Findings.—Congress finds and declares that—

(1) certain cliff areas on Saint Paul Island and Saint George Island of the Pribilof Islands group in the Bering Sea and the entirety of Otter Island, Walrus Island, and the Sea Lion Rocks, are used by numerous species of migratory birds, several of them unique, as rookeries;

(2) these areas are of singularly high value for such birds;

(3) these cliff areas, from the line of mean high tide to and including the bluff and areas inland from them, and the entirety of Otter Island, Walrus Island, and the Sea Lion Rocks, properly ought to be made and be managed as a part or parts of the Alaska Maritime National Wildlife Refuge free of any claims of Native Corporation ownership;

(4) this can best be accomplished through purchase for cash by the United States;

(5) the implementation of the Alaska Native Claims Settlement Act and the remoteness of the Pribilof Islands have combined to prevent adequate definition of the precise boundaries of the bird cliff areas and agreement on prices per acre at this time, but that definition and agreement thereon is an achievable goal;

(6) the two Native Village Corporations, Tanadgusix, Incorporated, and Tanaq, Incorporated, and the Secretary believe that mutually acceptable terms can be reached as to price and areas to be transferred free of Native Corporation ownership to the Alaska Maritime National Wildlife Refuge; and

(7) the two Native Village Corporations have no objection to any cliff areas acquired under this section being studied for and designated as components of the National Wilderness Preservation System, so long as such study or designation shall not preclude development of boat harbors on Saint Paul or Saint George Islands outside any area so studied or designated.

(b) Negotiations.—In the event that Tanadgusix, Incorporated, and Tanaq, Incorporated, file with the Secretary of the Interior within one hundred and twenty days from the effective date of this Act, instruments duly authorized by their boards of directors, acceding to the terms of this section, then the Secretary is hereby directed to negotiate, and authorized to establish within two years from the date of this Act, the boundaries and prices. Upon proffer by the Village Corporations of satisfactory deeds to such land, together with a conveyance to the United States by the Aleut Regional Corporation, Incorporated, duly authorized by its board of directors, of the Corporation's interest in, or claims under the Alaska Native Claims Settlement Act to, the subsurface estate of such land, the Secretary shall accept such deeds and the land shall thereupon be included in the Alaska Maritime National Wildlife Refuge.

(c) Directions to Secretary.—In conducting such negotiations, the Secretary shall be directed as follows:

(1) The total area of land acquired shall be not more than ten thousand acres and not less than six thousand acres: *Provided*, That the Secretary shall not acquire more uplands, inland from the Bird Cliffs on Saint Paul and Saint George Islands than that equal to an overall average of one hundred sixty acres per mile of mean high tide line or a line drawn along the top edge of the cliffs, whichever is longer.

(2) The total price for such land shall be the fair value on the date of this Act as determined by any method, or preferably any number of methods, appropriate for valuing this unique habitat, as may be agreed upon by the Secretary and the concerned Native Village Corporations: *Provided*, That the average price shall be not less than $200 per acre nor more than $1,100 per acre.

(d) The Native Village Corporations may, with respect to any Bird Cliff area and for a corresponding reduction in consideration therefor, reserve in the deeds for such area, and the Secretary may accept such deeds, the right to prevent or control any development which by itself, or in conjunction with other factors, may be inimical to values of importance to them.

(e) Refuge.—All lands acquired under this section shall be incorporated within the Alaska Maritime National Wildlife Refuge and administered accordingly.

(f) Authorization.—There are hereby authorized to be appropriated for the purposes of this section, out of any money in the Treasury not otherwise appropriated, for the acquisition of such lands, not to exceed $11,000,000, to remain available until expended, and without regard to fiscal year limitation.

(g) Exchanges.—Nothing in this section shall prohibit the Secretary in his discretion from exercising the authority now vested in him by section 22(f) of the Alaska Native Claims Settlement Act to offer in addition to or in lieu of the terms of this agreement, lands or interests therein for exchange, where the Secretary and the concerned Native Village Corporations may agree to substitute such an exchange in whole or in part for the provisions of this section.

(h) TAXES.—The land or money under this section shall be deemed to be property exchanged within the meaning of section 21(c) of the Alaska Native Claims Settlement Act.

(i) EXTENSION.—If the Village Corporations, or either of them, have not obtained the conveyance from the Aleut Regional Corporation referred to in subsection (b) above upon expiration of two years from the date of this Act the provisions of this section shall be extended for two years to permit the Secretary to negotiate for and acquire the interests of the two Village Corporations, or either of them, in such lands, without such conveyance.

NANA AND COOK INLET REGIONAL CORPORATIONS LANDS

SEC. 1430. (a) The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h)(8) of the Alaska Native Claims Settlement Act and this section:

Kateel River Meridian

Township 32 north, range 18 west, sections 3 through 10, 13 through 36, except those lands within the Kelley River drainage;

Township 32 north, range 17 west, sections 29 through 32, except those lands within the Kelley River drainage;

Township 31 north, range 18 west;

Township 31 north, range 17 west, sections 5 through 8, except those lands within the Kelley River drainage, 17 through 20, 29 through 32;

Township 30 north, range 19 west, sections 1 through 18;

Township 30 north, range 18 west, sections 1 through 9;

Township 30 north, range 17 west, section 6.

(b)(1) On or prior to one hundred eighty days from the date of enactment of this Act, NANA Regional Corporation, Incorporated, may select, pursuant to section 14 (h)(8) of the Alaska Native Claims Settlement Act, from the lands withdrawn pursuant to subsection (a). In addition, on or prior to such date, Cook Inlet Region, Incorporated, if it receives the written consent of NANA Regional Corporation, Incorporated, and of the State of Alaska, may select from such lands, such selections to be credited against the Secretary's obligation under paragraph I(C)(1) of the document entitled, "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as Clarified August 31, 1976", and any such selections conveyed shall be conveyed in partial satisfaction of the entitlement of Cook Inlet Region, Incorporated, under section 12 of Public Law 94–204, as amended.

(2) The lands selected by NANA Regional Corporation, Incorporated, or Cook Inlet Region, Incorporated, unless otherwise provided in a waiver of this paragraph (b)(2) by the Secretary, shall consist of tracts which—

(A) contain not less than eight sections or 5,120 acres, whichever is less; and

(B) have boundaries which follow section lines, except where such boundary is the border of a meanderable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary (1) to follow section lines where township lines are offset along standard parallels caused by the convergence of meridians, (2) to conform to section lines where a section is less than standard size, or (3) to avoid crossing the boundary lines of conservation system units created by this Act, or of lands which are unavailable for selection).

(c) The Secretary shall convey the surface and subsurface estate of the acreage selected pursuant to subsection (b). Conveyances pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of either NANA Regional Corporation, Incorporated, or Cook Inlet Region, Incorporated under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) and not selected by either NANA Regional Corporation, Incorporated or Cook Inlet Region, Incorporated, shall return to the public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17(d)(1) of the Alaska Native Claims Settlement Act and the provisions of Section 806(k) of this Act.

(f) Nothing in this section shall be construed as granting or denying to any Regional Corporation, including NANA Regional Corporation, Incorporated, or Cook Inlet Region, Incorporated, the right to select land pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act outside the areas withdrawn by sections 11 and 16 of such Act.

ACCESS AND SURFACE USE

SEC. 1431. (a) Notwithstanding any other provision of this Act, or other law, in any case in which lands owned by regional native corporations, as set up as set forth in Public Law 92–203, are effectively surrounded by public lands within one or more conservation systems units, or there is no economically feasible alternative other than access through public lands, the regional native corporation or its successors in interest shall be given by the Secretary such rights as may be necessary to insure adequate access for such economic and other purposes to the concerned land by such regional native corporation and its successor in interest.

(b)(1) Notwithstanding any other provision of this Act or other law, a regional native corporation owner of subsurface rights, or its successors in interest owner of subsurface rights underlying public lands, shall have such use of the surface estate, including such right of access thereto, as provided for in subsection (a), as is reasonably necessary to the exploration for and the removal of minerals and mineral materials from said subsurface estate, subject to such regulation by the Secretary as is necessary to protect the environment from permanent harm.

(2) The United States shall make available to said subsurface owner, its successors, and assigns, such sand and gravel as is reasonably necessary for the construction of facilities and rights-of-way appurtenant to the exercise of the rights conveyed under this section, pursuant to the provision of section 601, et seq., title 30, United States Code, and the regulations implementing that Statute which are then in effect.

FISCAL YEAR ADJUSTMENT

SEC. 1432. (a) Moneys appropriated for deposit in the Alaska Native Fund for the fiscal year following enactment of this Act, shall, for the purposes of section 5 of Public Law 94–204 only, be deposited into the Alaska Native Fund on the first day of the fiscal year for which the moneys are appropriated, and shall be distributed at the end of the first quarter of the fiscal year in accordance with section 6(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1605(c)) notwithstanding any other provision of law.

(b) For the fiscal year in which this Act is enacted, the money appropriated shall be deposited within ten days after the date of such enactment, unless it has already been deposited in accordance with existing law, and shall be distributed no later than the end of the quarter following the quarter in which the money is deposited: *Provided*, That if the money is already deposited at the time of enactment of this Act, it must be distributed at the end of the quarter in which this Act is enacted.

(c) Notwithstanding section 38 of the Fiscal Year Adjustment Act or any other provisions of law, interest earned from the investment of appropriations made pursuant to the Act of July 31, 1976 (Public Law 94–373; 90 Stat. 1051), and deposited in the Alaska Native Fund on or after October 1, 1976, shall be deposited in the Alaska Native Fund within thirty days after enactment of this Act and shall be distributed as required by section 6(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1605(c)).

TITLE XV—NATIONAL CONSERVATION AREAS

ESTABLISHMENT

SEC. 1501. The following areas are hereby established as national conservation areas in order to provide for the immediate and future protection of the lands in Federal ownership within the framework of a program of multiple use and sustained yield and for the maintenance of environmental quality:

(1) Baird Mountains National Conservation Area, including approximately one million three hundred and ten thousand acres of public lands, as generally depicted on the map entitled "Baird Mountains National Conservation Area—proposed", dated February 1979. Special values to be considered in the planning and management of the area are the range and migration routes of the caribou and the Squirrel River.

(2) Steese National Conservation Area, including approximately six hundred and eighty thousand acres of public lands, as generally depicted on the map entitled "Steese National Conservation Area—proposed", dated March 1979. Special values to be considered in planning and management of the area are: caribou range and Birch Creek.

ADMINISTRATIVE PROVISIONS

SEC. 1502. (a) The Secretary, through the Bureau of Land Management, shall administer the national conservation areas established in section 1501 pursuant to the applicable provisions of the Federal Land Policy and Management Act of 1976 dealing with the management and use of land in Federal ownership, and shall, within five years of the date of enactment of this Act, develop a land use plan for each such area.

(b) No public lands within any such national conservation area shall be transferred out of Federal ownership except by exchange pursuant to section 206 of the Federal Land Policy and Management Act. Where consistent with the land use plans for the area, mineral development may be permitted pursuant to the Mineral Leasing Act of 1920, as amended, and supplemented (30 U.S.C. 181–287) or the Materials Act of 1947, as amended (30 U.S.C. 601–603). Where consistent with the land use plan for the area, the Secretary may classify lands within national conservation areas as suitable for locatable mineral exploration and development and open such lands to entry, location, and patent under the United States mining laws (30 U.S.C. 22–54).

(c) Subject to valid existing rights, all mining claims located within any such unit shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with protection of the scenic, scientific, cultural, and other resources of the area and any patent issued after the date of enactment of this Act shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations as the Secretary may prescribe as aforesaid.

Mr. BREAUX (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. UDALL. Mr. Chairman, reserving the right to object, this amendment seems to be about 15 pounds, and it was not printed in the RECORD, according to my friend, the gentleman from Louisiana (Mr. BREAUX). I have never seen it until this instant.

Could the gentleman tell us what it is?

Mr. BREAUX. Mr. Chairman, I will be glad to.

Will the gentleman yield under his reservation of objection?

Mr. UDALL. Yes, I yield to the gentleman from Louisiana.

Mr. BREAUX. Mr. Chairman, I would say to the chairman of the committee and to all the Members of this House that this, indeed, is not a technical amendment.

I have come to the conclusion that we have debated this bill, I will say to the committee chairman, all day yesterday and we are debating it for approximately an hour or an hour and a half today, and I think it has come to the point where we need to fish or cut bait.

As a brief explanation of what the amendment does, it combines the features of the Breaux-Dingell amendment and takes the amendments that were adopted yesterday and compiles them into an amendment which we will offer to Breaux-Dingell.

□ 1135

It basically is a compilation of the Breau-Dingell-Huckaby approach. And the amendments of the gentleman from Louisiana have been adopted and incorporated in the amendment that is pending at the desk at the present time.

Mr. UDALL. Mr. Chairman, further reserving the right to object, the gentleman disappoints me a little bit, in that we had no warning of this. This would be a major development in the whole debate here.

Will the gentleman tell me, is the purpose here to try to reverse what the Committee on Rules decided was the fair way to proceed, that they set up an order of amendments, and that the vote would come first on the Udall-Anderson substitute?

Mr. BREAUX. If the gentleman will yield, I will respond to the gentleman.

Mr. UDALL. I yield to the gentleman from Louisiana.

Mr. BREAUX. The gentleman does not state the case correctly at all.

The clear intent of all of the parties involved—and I think the gentleman knew this—was that, with the Breaux-Dingell and Huckaby approach, we were going to try and mesh those two versions on the floor. I think what has happened yesterday, those two versions have been now meshed on the floor. I am offering an amendment which would incorporate the features of the Huckaby bill passed by the Interior Committee with the features of the Breaux-Dingell bill passed by the Merchant Marine and Fisheries Committee. I think it is entirely appropriate that the House have an opportunity to vote on that approach.

Mr. UDALL. The gentleman puts me in a dilemma. The Committee on Rules, supported by the vast majority of the House, had decided on an orderly way to make a choice between these two broad alternatives. The two gentlemen from Louisiana had one alternative; I had another.

There has been much talk about gamemanship, who gains how many votes if you have to cast a yes or no vote, and there seems to be some idea that somebody was going to gain 40 or 50 votes, depending upon whether you voted yes or no. I have a little more respect than that for the intelligence of the Members of the House. What I fear is that the impact of proceeding in this fashion is that it would cut off further amendments.

Mr. BREAUX. This is simply an amendment to the Breaux-Dingell approach. It does not preclude any additional amendments if this amendment is adopted or defeated. The House can continue to work its will. It is just an amendment to the Breaux-Dingell approach. If it is adopted, it could be still further amended; if it is defeated, it could be still further amended.

Mr. UDALL. If this is a clean version of Breaux-Dingell, as the rules provide, and not an attempt to change the vote around, then I would have no objection.

Mr. BREAUX. As the author of the amendment, I would say that it is very clear that what I have tried to do with the amendment that is presently pending is what we said we would do, and that is combine the best features of the Huckaby bill reported by the full Interior Committee with the best features of the Breaux-Dingell bill reported by the Merchant Marine and Fisheries Committee. That is now being offered as an amendment to the Breaux-Dingell bill.

Mr. UDALL. Further reserving the right to object, if that is the correct status, I will tell the gentleman that my philosophy has been yesterday and today that the gentleman from Louisiana and his colleagues have the right to present your alternative in any reasonable fashion you see fit, and I have not contested amendments in that regard. If this is simply to clean up a clean version of Breaux-Dingell, I would have no objection to it.

Mr. SEIBERLING. Mr. Chairman, reserving the right to object, we have had a number of amendments offered to the Breaux-Dingell bill and some to the Huckaby bill, I believe. Now, first of all, and reserving the right to object, I would like to ask the gentleman, does this incorporate all of the amendments that have been adopted so far on the floor to the Breaux-Dingell bill?

Mr. BREAUX. If the gentleman will yield, in the way of explanation I will get into that. But to answer, on the gentleman's reservation of objection, it includes the Emery amendment, it includes the Swift-Pritchard amendment, it includes the Huckaby amendments, it includes the Breaux technical amendments, it includes the Lagomarsino amendment, it includes the Seiberling amendment.

Mr. SEIBERLING. Are there amendments that were adopted that it does not include? Can the gentleman answer that question?

Mr. BREAUX. If the gentleman will yield, let me yield to the gentleman from Michigan to respond to the question.

Mr. DINGELL. Mr. Chairman, I just want to observe that this, as I have been informed, is simply a compromise between the gentleman from Louisiana (Mr. BREAUX) and the gentleman from Louisiana (Mr. HUCKABY).

□ 1140

The answer, if the gentleman would permit, does not include substantive amendments which would do away with anything that the committee has adopted yet.

Mr. BREAUX. Mr. Chairman, will the gentleman yield on his reservation?

Mr. SEIBERLING. Mr. Chairman, reserving the right to object, I will yield to the gentleman from Louisiana.

Mr. BREAUX. I think I have stated for the record very clearly the amendments it does include. I am not sure if there are any additional amendments that were adopted that are not included. I have stated the ones that were included. The ones I did not list are the ones not included.

Mr. SEIBERLING. Reserving the right to object, are there any provisions that were not in the Breaux-Dingell bill or were not in the Huckaby bill?

Mr. BREAUX. I respond to the gentleman that all of the substantive amendments that were adopted in the debate yesterday are included in the Breaux-Dingell and Huckaby bill that is now passed.

Mr. SEIBERLING. I am not talking about amendments. Are there provisions in this new proposal, this amendment, which are not in either the Breaux-Dingell bill or the Huckaby bill?

Mr. BREAUX. If the gentleman will yield further, the answer to the gentleman's question is no.

Mr. SEIBERLING. Is there any nongermane matter in the gentleman's opinion?

Mr. BREAUX. In the gentleman's opinion, no, because no matters are included in the amendment as presently pending that are not already included in the original Breaux-Dingell or included in the committee's bill from the Interior Committee.

Mr. SEIBERLING. I would just like to observe that the gentleman from Michigan (Mr. DINGELL) has repeatedly attempted to portray the Udall-Anderson bill as something that nobody had a chance to look at, as having been amended several times before it was finally introduced, and now, without anyone having seen the version until this very minute, and we obviously have not had a chance to even read it, the gentleman comes in with a combined Huckaby-Breaux-Dingell bill.

I do not know how we evaluate that, but if the gentleman wants to offer it, I suppose it is his privilege to offer whatever he wants to

Mr. WEAVER. Mr. Chairman, would the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, I yield to the gentleman from Arizona (Mr. Udall).

PARLIAMENTARY INQUIRY

Mr. UDALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Arizona will state his parliamentary inquiry.

Mr. UDALL. Mr. Chairman, in the event that the pending amendment of the gentleman from Louisiana, which has been offered, is adopted, would that foreclose further perfecting amendments to the so-called Breaux-Dingell substitute?

The CHAIRMAN. This pending amendment could not be further amended, but additional language could be added at the end of the Merchant Marine and Fisheries Committee amendment in the nature of a substitute.

Mr. UDALL. If the gentleman will yield further, I am prepared to stay here another month, if necessary, to get action on this. But I hope we do get to a showdown. I think both sides are ready. If this is a step of completing the merging and blending of the Huckaby-Breaux-Dingell bill and getting their side ready to go, I would simply say we could be ready to go fairly soon.

The gentleman from California (Mr. McCloskey) has a few more amendments pending. The gentleman from Minnesota (Mr. Vento) has one. I am not aware of too many others here.

We would be prepared to complete the perfecting of our amendment and maybe get to a final showdown some time this afternoon.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. Mr. Chairman, reserving the right to object, I yield to the gentleman from Louisiana.

Mr. HUCKABY. In response to the chairman of the Interior Committee, that is exactly what we have done here, and we have stated repeatedly that it was our intention to meld the Merchant Marine and Fisheries bill with the Interior bill, and that is exactly what we will find in these developments, with the additional amendments that were offered and accepted yesterday by the Breaux-Dingell amendment.

Mr. WEAVER. Mr. Chairman, reserving the right to object, I yield to the gentleman from Arizona (Mr. Udall).

Mr. UDALL. Mr. Chairman, I have no objection to the gentleman and his colleague from Louisiana putting their amendment in the form that they want. If that is what this is I think it ought to be adopted. I will vote for it.

Mr. WEAVER. Mr. Chairman, reserving the right to object, this has been sprung on us out of the blue.

I yield to the gentleman from Louisiana (Mr. Breaux) to tell me, is this really a substitute.

Mr. BREAUX. This is an amendment. I would say to the gentleman, the gentleman could really not say that anything has been sprung on him. The contents of the amendment on the desk are the Breaux-Dingell bill and the Huckaby bill combined with the amendments that were adopted on the floor yesterday. We have been debating this for 2 days. Nothing has been sprung. There is nothing in there that is not included in the Breaux-Dingell or the Interior Committee bill.

Mr. WEAVER. Further reserving the right to object, Mr. Chairman, are there copies of the amendment?

Mr. BREAUX. There are copies at the desk for the chairman of the Interior Committee.

□ 1145

Mr. WEAVER. Further reserving the right to object I simply say, Mr. Chairman, that this is at least new to this Member, and I intend to object just for a very brief time.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from Arizona.

PARLIAMENTARY INQUIRY

Mr. UDALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. UDALL. My parliamentary inquiry is, in the event that the pending Breaux amendment to the Breaux-Dingell substitute is adopted, would that preclude further amendments to the pending Udall-Anderson substitute?

The CHAIRMAN. It would not.

Mr. UDALL. I am satisfied, and I will support the pending amendment.

Mr. WEAVER. Mr. Chairman, I withdraw my reservation of objection.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Alaska. What were the Members objecting to?

The CHAIRMAN. The gentleman from Louisiana has asked unanimous consent to dispense with the reading of the amendment.

Mr. YOUNG of Alaska. That is what I wanted to know. I want it on the record.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. PHILLIP BURTON. Mr. Chairman, reserving the right to object, I would like to ask our distinguished colleague in the well, is this the 479-page amendment that the gentleman has before the House?

Mr. BREAUX. The gentleman is correct.

Mr. PHILLIP BURTON. Would the gentleman help me with reference to one or two of the items? Will the gentleman tell me the nature of the change on page 88(a)?

Mr. BREAUX. The gentleman obviously sees that I do not have the amendment in front of me. I would say that 88(a) is probably the section of the bill that came from the gentleman's committee, the Interior Committee. I think the gentleman probably is familiar with that.

Mr. PHILLIP BURTON. The reason why I asked that question is that the gentleman has several items scratched out and several handwritten additions inserted therein. I just wondered what the import of the scratched-out lines and the added written-in-by-hand modifications were.

Mr. BREAUX. If the gentleman will yield, if the gentleman would remove his reservation of objection I would intend to explain the amendment.

Mr. PHILLIP BURTON. I have one or two other questions. I would like to know, on page 259, with reference to standard for granting certain authorizations, does that represent——

The CHAIRMAN. For what purpose does the gentleman from Michigan rise? Does the gentleman from Michigan (Mr. Dingell) raise a point of order?

Mr. DINGELL. Mr. Chairman, I believe on this reservation which is now pending, we ought to proceed with the regular order.

The CHAIRMAN. The question is, Is there objection to the request of the gentleman from Louisiana.

Mr. PHILLIP BURTON. I am reserving the right to object.

Mr. DINGELL. Mr. Chairman, I demand regular order.

The CHAIRMAN. Regular order has been demanded.

Mr. PHILLIP BURTON. I would like to make this point, Mr. Chairman: I was on the floor. I have the time, and I reserve the right to object.

The CHAIRMAN. When regular order is demanded, the Chair is required to put the request to the body.

Mr. DINGELL. Mr. Chairman, I will not demand regular order.

The CHAIRMAN. The gentleman from Michigan withdraws his demand for regular order, and the gentleman from California (Mr. Phillip Burton) is recognized.

Mr. PHILLIP BURTON. I would pose the question to the gentleman from Louisiana, on page 259 of the amendment, I would like to know what section 904 embodies. Is it the Breaux-Dingell or is it the Huckaby amendment?

Mr. BREAUX. I respond to the gentleman, if the gentleman will yield, that section the gentleman referred to is contained in the original Breaux-Dingell bill presently pending as an amendment.

Mr. PHILLIP BURTON. On page 417 of the floor amendment I would like to know, with reference to the Fairbanks Meridian, whether that entails the Breaux-Dingell or Huckaby language

□ 1150

Mr. BREAUX. Those, I will respond to the gentleman, if the gentleman will yield, are the Huckaby amendments which were adopted yesterday.

Mr. PHILLIP BURTON. On page 442 of the subcommittee floor amendment, I would like to know whether or not the Afognak Island definition is included in Breaux or Dingell or Huckaby.

Mr. BREAUX. That is the Huckaby amendments, I will respond to the gentleman, that were adopted yesterday on the floor.

Mr. PHILLIP BURTON. And on page 466 of the floor amendment, I would like to know under "Negotiations" what version of the two proposals that represents.

Mr. BREAUX. I would respond to the gentleman, if the gentleman will yield, those are the Huckaby definitions that are in the Interior Committee bill.

Mr. PHILLIP BURTON. If I may ask this following question, it appears to me there is a slight difference in the print on pages 476 and 479 of this floor amendment. I would like to know whether page 476 represents the Breaux-Dingell amendment or whether it represents the Huckaby amendment, and the same with reference to page 479.

Mr. BREAUX. I would say that 476 is the Breaux-Dingell amendment which is presently pending. Page 479 is also the Breaux-Dingell amendment.

Mr. PHILLIP BURTON. I commend the gentleman for having mastered this 479-page amendment.

Mr. BREAUX. I thank the gentleman for his compliment.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BREAUX. Mr. Chairman, I think we stated very clearly that at some point in this discussion and debate on the Alaskan lands we are going to get to the voting stage. I would like to say to my colleagues that we are now there. What we clearly said that we were going to attempt to do on the floor is to mesh the Breaux-Dingell bill which was reported by the Committee on Merchant Marine and Fisheries with the best features of the bill coming from the Committee on Interior and Insular Affairs offered by the gentleman from Louisiana (Mr. Huckaby). We have incorporated the best features, and this amendment I am now offering is the Breaux-Dingell-Huchaby amendment to the pending Breaux-Dingell bill. I think we have incorporated the best features of the amendments which were adopted yesterday on the floor.

One of the major objections to the existing Breaux-Dingell bill was by some who had some concerns about what we were doing on the coastal plain and about how much we might take advantage of that fragile area under the existing Breaux-Dingell. However, what we have incorporated in the Breaux-Dingell-Huckaby bill now pending are the amendments offered by the gentleman from Maine yesterday, Mr. Emery. The whole entire Emery plan is now meshed with the Breaux-Dingell features on the coastal plain.

Additionally, there was some concern about the Borax problem in the Misty Fjords area and about how we might damage the salmon streams. What we have done in our Breaux-Dingell-Huckaby bill now is to incorporate the amendments of the gentleman from Washington (Mr. Pritchard). Those amendments setting up additional protection for those salmon streams in that area are incorporated.

In addition, we have taken the Interior Committee amendments offered yesterday by the gentleman from Louisiana (Mr. Huckaby) with regard to the Noatak area and the Bering Land Bridge, where we had a wildlife refuge in the Breaux-Dingell bill, we have now taken those areas and put them in a park preserve, as the Interior Committee did when they marked up the bill.

In addition, we have taken the gentleman from California's (Mr. Lagomarsino) congressional veto of regulations and put it into the Breaux-Dingell compromise bill which we now have.

In addition, one of the major changes we have accepted in this Breaux-Dingell-Huckaby compromise is those amendments offered by the gentleman from Kansas (Mr. Sebelius).

With regard to the Gates of the Arctic and the Wrangells, in the Wrangells we have taken those areas and split them between a park and a park preserve.

In addition, with the Gates of the Arctic we have changed the designation there, and we have prohibited sport hunting in some of the most fragile areas that some of the environmental concerns said we should lock up and close. We have accepted the gentleman's amendment.

We have a bill that has more acreage and that has more conservation units in it than any bill we are going to get a vote on in this Congress with regard to Alaska. We have 128 million acres in conservation units. We have over 50 million acres in wilderness areas, which is more than the President asked for and more than Secretary Andrus recommended to this Congress. What we have at this point is a valid approach to Alaskan lands. I think that we can develop the areas that need to be developed yet because of the amendments that were adopted. We now have a product on which anyone can stand up and say, That is a good environmental bill. That bill goes further from an environmental standpoint than was ever requested by the President or was ever requested by his Secretary of the Interior, Secretary Andrus. It is a balanced approach.

□ 1155

It is a balanced approach, it is one I think will go far to solving the problem of whether you want to be for Udall or for the original Breaux-Dingell.

We now have the Breaux-Dingell-Huckaby measure which we said we were going to try to put together on the floor. It is one I think which takes care of all of the key issues which were addressed yesterday in the general debate and all of the key issues which were addressed in the many and numerous "Dear Colleague" letters that were floating back and forth.

We have a product here about which one can say, "This is a good compromise."

It includes some things with which I do not quite agree but on the basis of a total product it is a good product.

The Breaux-Dingell-Huckaby approach with the amendments adopted yesterday I think is something we can all support. Let us pass this. I think we will see the Alaskan lands issue settled very quickly in a positive and sound matter.

Mr. FORSYTHE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment that has been offered by the gentleman from Louisiana (Mr. Breaux).

I think this is truly a compromise that has pulled together the features this Congress should enact to make sure we do have not only a very fine and very sensitive environmental bill which has been said by those on all sides that all bills are good environmental bills. This now truly does that. It does a lot more. I think it protects the essential potential resources of the State of Alaska. It does not open them up. It provides the machinery, for instance in the Arctic Range, where there is this potential for oil. It does not mandate, as a matter of fact, it does not even permit the development of oil in that Arctic Range but it establishes a rational machinery so we can move forward.

In the bill in the Pet-4 it establishes, again, private development of that Pet-4 and mandates through the Emery amendment that be done before the Artic Range. It also is more sensitive in terms of the mineral resources in the State of Alaska, but not without tremendous sensitivity to, again, the environmental concerns. It has done things in terms of the minerals and the mining, in terms of eliminating the taking of surface rights and by establishing a mining claim.

I think this does many, many, many things that do make this a bill that this whole House should be able to support and one that I think for the future of the whole Nation truly is going to be landmark legislation that not only is going to protect the ecology, the environment, the fish and wildlife, but also the people, the needs and demands of the people of Alaska and the State of Alaska.

It protects those very important Indian claims, the Native claims and it protects the important State claims that keeps faith with the Statehood Act which this Congress passed.

In all of these ways I think this is important legislation and I urge my colleague to support it, to vote for it, and I would hope this becomes a product of this House when we finish the Alaskan bill, hopefully very soon.

Mr. HUCKABY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment offered to us I think truly represents the best possible balance that can be put together to preserve the environment and to develop Alaska in an orderly way in those areas where there are extremely high potentials for oil and gas and the seven major mineral finds in Alaska.

We still have all of the protections, even more protections now, after the session of yesterday, with the Emery amendment to the Arctic Wildlife Range.

Our bill, the combined bill, the offerings of the Committee on Interior and Insular Affairs and also the Committee on Merchant Marine and Fisheries offers as much, if not more, protection to the caribou than does the other choice before you.

In addition we have incorporated 11.4 million acres into park preserves that had previously been classified as wildlife refuges. I think it is a significant concession.

I would like to remind the Members of the Cambridge poll that was released yesterday that shows by an overwhelming majority, more than 4 to 1, the American people strongly feel we should know what we are giving up in Alaska before we give it up.

□ 1200

Let us at least examine and see what is there before we lock it up as a wilderness. This combined bill meets that mandate of the American people.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I would be happy to yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, I would like to ask the gentleman from Louisiana, is this amendment that we have before us a full new bill; I mean, is it just the whole total package?

Mr. HUCKABY. No, it is not.

Mr. WEAVER. It is not?

Mr. HUCKABY. No, it is not. It is a combination of the Breaux-Dingell bill which we worked on yesterday and amendments we accepted to it, which was married together with the Interior bill.

As the gentleman knows, the Interior bill was the original bill that the Committee on Merchant Marine took and made changes that they reported.

I would dare say that 90 percent of the language of the Merchant Marine bill and the Interior bill were identical when we came to the floor and now that they are merged together, 95 percent.

Mr. WEAVER. The gentleman misunderstands. I am saying, is this the whole bill? Is this amendment going to be added on to something else?

Mr. HUCKABY. This is the bill.

Mr. WEAVER. It is the whole full bill that is being offered as a substitute?

Mr. HUCKABY. It is the complete combined committees of the majority of the Interior Committee and the majority of the Merchant Marine Committee.

Mr. WEAVER. But what I am saying, it is a complete substitute for Breaux-Dingell, utterly and completely?

Mr. HUCKABY. It is a complete substitute.

Mr. WEAVER. A complete substitute; there is not a word outside of this amendment that we will be considering?

Mr. HUCKABY. Well, I cannot say that. There may be Members that may offer amendments to our bill. I have no control over that.

Mr. WEAVER. If the gentleman will yield further, I understand that we cannot amend this further.

Mr. HUCKABY. I believe the gentleman is wrong, as I understand it.

Mr. WEAVER. Mr. Chairman, I move to strike the requisite number of words.

PARLIAMENTARY INQUIRY

Mr. WEAVER. Mr. Chairman, I just wanted to ask a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. WEAVER. Mr. Chairman, this amendment we have before us is not amendable?

The CHAIRMAN. That is correct. It does not preclude——

Mr. WEAVER. New sections?

The CHAIRMAN (continuing). Amendments added to the end of the Merchant Marine bill.

Mr. WEAVER. But the language in it cannot be amended, cannot be further perfected?

The CHAIRMAN. That is correct.

Mr. WEAVER. If we find imperfections in the bill, in this amendment, they could not then further be changed? The imperfections would have to stand; is that correct?

The CHAIRMAN. Direct amendments would be precluded; but the gentleman from Oregon or any Member could offer amendments at the end of the Merchant Marine and Fisheries bill.

Mr. WEAVER. Mr. Chairman, I appreciate that.

I wonder if the gentleman from Louisiana (Mr. BREAUX) would allow me to yield to the gentleman for some questions.

My understanding now is that this is a full new bill completely and whole and that it cannot be amended. Therefore, I would like to ask, how long has it been that this has been prepared? How long did the gentleman have, this morning?

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield.

Mr. BREAUX. To answer the gentleman, it is an amendment. There is nothing in the amendment, I would say to the gentleman, that is not in the Breaux-Dingell, which has been passed by the Merchant Marine and Fisheries Committee. It has been around for several weeks, if not months.

It has nothing in it that is not already contained in the Huckaby bill which has been around an equal amount of time. There is nothing in it that has not already been adopted on the floor yesterday.

Mr. WEAVER. But its compilation, how long has it been compiled as it is put before us.

Mr. BREAUX. Since we have had the Breaux-Dingell-Huckaby bill floating around the Congress.

Mr. WEAVER. No; the compilation of what the gentleman has presented today as an amendment, when did the gentleman do the compilation of putting together this amendment?

Mr. BREAUX. Sometime shortly after the Interior Committee completed action on the Huckaby bill and the Merchant Marine and Fisheries completed action on the Breaux bill.

Mr. WEAVER. May I ask the gentleman why the gentleman did not offer this amendment earlier in the debate?

Mr. BREAUX. Because we also added yesterday amendments adopted by Members on the floor.

□ 1205

Mr. WEAVER. I see. How many acres of wilderness are there in this bill?

Mr. BREAUX. 53.6 million.

Mr. WEAVER. In the substitute?

Mr. BREAUX. That is correct.

Mr. WEAVER. 53.6 million acres. What would happen if we found that there were corrections needed or if we found imperfections in this amendment? Could we perfect those imperfections in the amendment on the floor here? Parliamentarily, we could not do that, could we?

Mr. BREAUX. No. Mr. Chairman, I will respond to the gentleman, if the gentleman will yield, by saying that the gentleman can offer amendments after this amendment is either voted up or down. It does not prohibit him from offering any amendments to the bill.

Mr. WEAVER. We could not, if we found imperfections in this amendment, offer amendments to it? If it were adopted, we could not further amend it, could we?

Mr. BREAUX. Mr. Chairman, the gentleman knows the rules of the House. The gentleman knows that an amendment in the third degree is not in order. If this amendment is not adopted or defeated, the genleman could offer amendments at that point.

Mr. WEAVER. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on this comment that has been made, I intend to go along with the authors of the amendments so that they can get the bill in the shape they want it. I think that is in the spirit that the chairman of the Committee on Interior and Insular Affairs has espoused.

But it behooves me to make this comment on that process. I think it really is doing a disservice to this House. Contrary to any explanation that might come forward, this is the fourth major bill we have had before us. In retrospect, as we look back at the action of the Committee on Interior and Insular Affairs that has been taken, the authors of the legislation in the Committee on Merchant Marine and Fisheries had ample opportunity to meld anything they wanted to meld together. As a matter of fact, they came up with a completely different approach. Now, today on the floor we face a fourth approach in terms of measures.

I think very few Members know the precise difference. When we say we are going to meld together two bills, I just want to point out there are 26 million acres of difference between the Huckaby approach initially and the approach of the Committee on Merchant Marine and Fisheries.

The gentleman from Louisiana has pointed out that they have opted for the higher figure in terms of resource designations and in terms of unit designations, but there are a lot of other little side points that ought to be considered.

For instance, are the maps the same? Will the boundaries be the same? All these points internal in these bills have reference points back to those maps, and I think that ought to be made clear.

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Louisiana.

Mr. BREAUX. Mr. Chairman, I will say to the gentleman, if he is concerned that anything is changed in those maps, that the maps are the same. The maps are the same in the Breaux-Dingell bill. There has been no change.

Mr. VENTO. Mr. Chairman, the point is that there are 26 million acres difference between these bills, the Breaux-

Dingell bill and the Huckaby bill. The gentleman says they are the same.

Either we have to opt for the maps in the Breaux-Dingell approach or for the other approach as designated in the other maps. There is a difference in the maps that exist of 26 million acres.

Mr. BREAUX. Mr. Chairman, will the gentleman yield further?

Mr. VENTO. I yield to the gentleman from Louisiana.

Mr. BREAUX. Mr. Chairman, I will say to the gentleman that I think I explained very clearly and I think the gentleman from Louisiana (Mr. Huckaby) explained how we combined the two features of the bills. The amendments were offered on the floor. Amendments were offered to the Huckaby bill, and now amendments are offered to the Breaux-Dingell bill.

Mr. VENTO. Mr. Chairman, I just want to repeat that I think this does a disservice to the Members who have to vote.

I have been sitting here during the entire discussion, and I do not know precisely what is in the other bill. I know the other bill was dropped on the desk at 11:30 this morning, and in the meantime we have had extensive debate and discussion. I think that is a disservice to this House, and I think this issue ought to be pointed out. The Committee on Merchant Marine and Fisheries had adequate time to meld these things together in the committee. They have had the time to do it. For Members to come here and vote on this and make decisions in terms of definitive land management in Alaska, under this process, is not the proper way to go.

Mr. Chairman, I support the process on the basis that the Members ought to have the bill in the condition they want it, but I do not think it is a good process.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, what we have done is exactly what we have said our intent was from day one, and that was to merge the two bills on the floor of the House of Representatives so that if other Members wish to participate in offering amendments, they could. That is what happened yesterday and today. I offered amendments to it.

Mr. VENTO. Mr. Chairman, I disagree with that approach. It is an all-Louisiana bill that we have here now, I guess. I disagree with the approach we have taken in terms of this matter and in terms of a major piece of legislation.

There is a difference between these bills, and I think that melding together is not the synchronized process that the two gentlemen from Louisiana and the gentleman from Michigan have attempted to characterize it.

Mr. HUCKABY. Mr. Chairman, may I point out that we did it on the floor so that other Members could participate and offer amendments if they so desire, such as the gentleman from Kansas (Mr. Sebelius) and others. Otherwise they would have been excluded from the process. We thought this was the more democratic way.

Mr. VENTO. It does not provide an opportunity for the process to work. They had the opportunity yesterday to amend the Breaux-Dingell bill. What was that all about, then?

Mr. HUCKABY. Mr. Chairman, if the gentleman will yield, those amendments were incorporated.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I would just like to ask one question.

Could the gentleman from Louisiana (Mr. Huckaby) tell me how much acreage is in the national park system, excluding park preserves, in this amalgamated amendment?

Mr. VENTO. Mr. Chairman, I yield to the gentleman from Louisiana (Mr. Breaux) to respond to that question.

□ 1210

Mr. BREAUX. Mr. Chairman, I would respond to the gentleman that parts of the Wrangell-St. Elias area has been increased into a park preserve from a wildlife refuge, and the Gates of the Arctic has been increased as park preserve. They are the only two areas that have been increased, but they have been increased on the side of additional park preserve acreage as opposed to refuge acreage.

Mr. SEIBERLING. Can the gentleman tell me what the total acreage is?

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. Vento) has expired.

(By unanimous consent, Mr. Vento was allowed to proceed for 1 additional minute.)

Mr. SEIBERLING. Mr. Chairman, can the gentleman tell me what the total acreage is?

Mr. BREAUX. I can respond to the gentleman by saying that approximately 11 million additional acres in parks or park preserves, as opposed to the original Breaux-Dingell bill.

Mr. SEIBERLING. Parks and park preserves. Could the gentleman tell me what the total acreage in park preserves is in this amalgamated amendment?

Mr. BREAUX. The addition is in parks and in park preserves, as opposed to refuges.

Mr. SEIBERLING. So 11 million acres additional parks. Is sport hunting allowed in those 11 million acres in this amalgamated amendment?

Mr. BREAUX. If the gentleman will yield, as the gentleman knows, the answer is no, hunting is not allowed in the parks.

Mr. SEIBERLING. I thank the gentleman.

Mr. VENTO. Mr. Chairman, I might just point out to the Members that the initial Breaux-Dingell had 32.1 million in park preserves, the Huckaby had 42.1 million. This, the gentleman says, is 11 million more, which exceeds either of those bills.

Mr. BREAUX. If the gentleman will yield, if the gentleman followed the Sebelius amendment yesterday, he would realize that is where the 11 million more acres come from. We adopted the Sebelius amendment, and that is the difference in acreage.

Mr. VENTO. My understanding is that his amendment was to redesignate preserve into park.

Mr. BREAUX. No, that is not correct.

Mr. GUDGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my comments will be brief. It seems to me that this is one of the most ill-starred marriages that I have recently observed. We have the experience here where yesterday a bill which had been distributed and circulated, printed under the titled number H.R. 3651, was the subject of some 79 correcting amendments. The two gentlemen who offer these bills now for marriage fought against those technical amendments, suggesting that a bill that had gone through all of the preparation and qualification of H.R. 3651 should not require such amendments.

Mr. BREAUX. Mr. Chairman, will the gentleman yield on that point?

Mr. GUDGER. Let me suggest that, whenever you undertake in a legislative body a last-minute amalgamation of amendments, a consolidation of concepts, there are inevitably going to be substantial needs for small technical corrections. It was done here yesterday against the objections of those who now will have to ask us to accommodate this action on their new 485-page consolidation.

Mr. BREAUX. Mr. Chairman, will the gentleman yield on that point?

Mr. GUDGER. At this point I will not yield.

Mr. BREAUX. The gentleman was referring to me, and when he says something that is not correct, I should have an opportunity to correct the gentleman.

Mr. GUDGER. Mr. Chairman, I certainly intend to yield to the gentleman eventually, but I want to finish my statement. My statement is this: We are now calling upon the Congress of the United States to approve a document which could not have been consolidated until the amendments of yesterday were adopted and made possible to work into this marriage and into this merger of concepts. Now, I submit that this is asking a lot, I think, of each of us. We had H.R. 3651 long enough to make the 79 technical corrections on that. We are not going to have any such time with respect to this new work product where you have consolidated the concept, accommodated amendments, and written a new document overnight.

Mr. BREAUX. If the gentleman will yield, I would make the following two comments. No. 1, as the gentleman will remember, I did not object to the technical amendments of the gentleman from the Interior Committee. In fact, I said they were fine. I supported them. That is fine.

The second point is that, as the gentleman full well knows, the Breaux-Dingell amendment, which we are now getting ready to vote upon, is either approved or disapproved after the vote. The gentleman has every right to come in afterward and offer further amendments.

Mr. GUDGER. I thank the gentleman for that observation, but, Mr. Chairman, I would respond by saying that it is very hard for me to read 479 pages, looking for technical amendments, within 1½ hours.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. GUDGER. I yield to the gentleman from Alaska.

□ 1215

Mr. YOUNG of Alaska. Does my memory fail me that we had a Gudger-Udall substitute bill before the full Interior Committee that was submitted to the Members the day we took it up and were asked to vote on it? Is that my memory?

Mr. GUDGER. The gentleman is quite right that there was a Gudger-Udall-Seiberling substitute offered at the time that the Huckaby substitute was offered, but it was printed 3 days previously and had been made available the day previously.

Mr. YOUNG of Alaska. The Huckaby bill had been presented a month previous to that time, and we received your bill the day we took up the meeting; and the gentleman is the author of that bill. I do not see that much difference in that and we are asked to vote on it.

Mr. GUDGER. That is correct. There was an option given in that committee, but on that option, the Gudger amendment was defeated, was rewritten into H.R. 3561, and in that a new form was printed and widely distributed before this floor action here today.

Mr. HUCKABY. Mr. Chairman, would the gentleman yield, since he mentioned my name.

Mr. GUDGER. I yield to the gentleman from Louisiana (Mr. HUCKABY).

Mr. HUCKABY. Just very briefly, I would like to point out that I, along with my colleague from Louisiana, never objected or even spoke on the 90-some-odd technical amendments of the gentleman from Ohio (Mr. SEIBERLING). If one would look at yesterday's CONGRESSIONAL RECORD, at the changes, the amendments that were accepted by Breaux-Dingell, this merely represents those. Everything else had been merged long before and had been printed in the CONGRESSIONAL RECORD.

Mr. GUDGER. I thank the gentleman for his explanation. Someone spoke against the technical amendments yesterday, and I submit that there are going to be a lot of technical amendments needed on this.

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Louisiana.

Mr. Chairman, I am unaware of anybody who objected. For the benefit of my good friend, the gentleman from North Carolina (Mr. GUDGER), I am unaware of anybody who objected to—what was it—75 or 90 technical amendments that were offered yesterday.

The only thing that was done yesterday was to try and inquire as to what they were. I remember I specifically said to the gentleman from Ohio, and I am sure he recalls, I did not object.

I felt that he ought to have an opportunity to perfect his bill.

Now, to address this matter, I think it ought to be brought to light what is really happening here. The gentleman from Louisiana (Mr. HUCKABY) and the gentleman from Louisiana (Mr. BREAUX) have submitted now to the committee an amendment, which embodies a number of things.

First of all, it embodies some matters that are regarded as important to the gentleman from Louisiana (Mr. HUCKABY) in including more park preserve acreage in the legislation. I do not happen to have a great deal of enthusiasm for that, but since the gentleman from Louisiana (Mr. HUCKABY) was the gentleman who offered the language which prevailed in the Interior Committee, and since the gentleman from Louisiana (Mr. BREAUX) has ably led the committee on Merchant Marine and Fisheries in its consideration of this, I think they ought to have an opportunity to present to the House a melding of those two proposals.

Now, what is the difference between that which transpired yesterday and the Breaux-Dingell and the Huckaby proposals? It is really very simple. First of all, we adopt the Emery Arctic Game Range amendment of yesterday. It specifies no development can occur on the coastal plain of the Arctic game range until the 7-year study of caribou and energy resources have been completed and extensive oil development has occurred in NPRA, and all potential leases have been let by the Secretary of Interior.

Essentially, it says the range will be developed last of all. It also included the Seiberling amendment of yesterday, which dealt with the 8.1 million-acre park, which would be established in the Gates of the Arctic, I personally do not happen to favor that, because I think it is far too restrictive, but I am prepared to support it as a compromise between the Interior Committee and the Committee on Merchant Marine and Fisheries. It will set up the Wrangell-St. Elias Park Preserve, which is identical to last year's House-passed bill.

Again, I do not think that is particularly good, but in the interest of arriving at a compromise, I will support that also.

It adds two changes from that which was done yesterday by the committee as regards Breaux-Dingell.

The Huckaby amendment redesignates the Noatak as a park preserve, identical to last year's House-passed bill. I am advised that the gentleman from Arizona and the gentleman from Ohio, and, I guess, the gentleman from North Carolina (Mr. GUDGER) and the gentleman from Oregon (Mr. WEAVER), support this.

Also, an amendment dealing with the Bering land bridge designates portions of this area as a preserve, and it partially cures objections raised by the environmental community. But it does one thing. It establishes waterfowl production areas as a refuge so that they can be managed to assure that that population remains high and that they are protected in the fullest capacity. That is a very delicate population.

□ 1220

That is a very delicate population. In like fashion, it says the areas which should be set aside, the lava fields and the areas which have archeological value, can be managed by the Park Service, something which they do very well. But, it does seek to have the Fish and Wildlife manage the wildlife refuge, something they do very well and which the Park Service does exquisitely badly.

It includes something adopted yesterday on fisheries protection included in the Swift-Pritchard amendment, which added language providing a greater degree of water quality and habitat protection.

It sets up the Lagomarsino amendment which was adopted yesterday relating to congressional review of regulations promulgated pursuant to this act, something which the House has voted on on many occasions and generally approved in principle.

Last of all, it embodies the Huckaby proposal with respect to native land exchange, which was a section included in the Udall bill which was approved by the committee yesterday as an amendment offered by the gentleman from Louisiana (Mr. HUCKABY). That is a very simple thing.

Unfortunately, because of the way the parliamentary situation is, a very long amendment has to be adopted to accomplish all these goals. Otherwise, we would be here interminably long. This way, we can have one vote adopting that which we have already done, and we achieve the support for the Breaux-Dingell bill of the gentleman from Louisiana (Mr. HUCKABY), and his colleagues who, I think, reported out an excellent bill from the Committee on Interior and Insular Affairs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. BREAUX) to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DINGELL. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. DINGELL. Mr. Chairman, I withdraw my point of order of no quorum.

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) withdraws his point of order.

RECORDED VOTE

Mr. DINGELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 18, as follows:

[Roll No. 151]

AYES—416

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill

Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Burgener
Burlison
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Flood
Florio
Foley
Ford, Mich.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Mathis
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Santini
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Treen
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NOES—0

NOT VOTING—18

Ashley
Broyhill
Burton, John
Davis, S.C.
Dellums
Diggs
Duncan, Oreg.
Eckhardt
Ford, Tenn.
Harris
Hubbard
Long, La.
Martin
Matsui
Moorhead, Pa.
Nichols
Rodino
Scheuer

□ 1235

Mr. BARNARD changed his vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

□ 1240

AMENDMENTS OFFERED BY MR. M'CLOSKEY TO THE AMENDMENT OFFERED BY MR. UDALL AS A SUBSTITUTE

Mr. McCLOSKEY. Mr. Chairman, I offer amendments, and I ask unanimous consent that these three amendments to which I referred earlier in the debate be considered en bloc. I understand the gentleman who had a reservation before has withdrawn that reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. BREAUX. Mr. Chairman, reserving the right to object, I would ask the author of the amendments if he will just run by a quick explanation of what the amendments do.

Mr. McCLOSKEY. Mr. Chairman, if the gentleman will yield, these are the three amendments that I had been prepared to offer earlier en bloc, but to which the gentleman from Alaska (Mr. YOUNG) objected because of concern with one of the amendments.

That amendment writes into the Udall-Anderson bill the language of Breaux-Dingell on subsistence definitions. It states that it is rural residents only who will have that primary subsistence right and that it will be limited to noncommercial trade.

The other two amendments are intended to write provisions into the Misty Fjords section to guarantee that the molybdenum mine can go forward.

These are the three amendments I read to the House earlier and described to the House earlier. I offer them en bloc, and I understand they are accepted by the proponents of the Udall-Anderson bill.

Mr. BREAUX. Mr. Chairman, further reserving the right to object, these amendments are amendments to the Udall substitute?

Mr. McCLOSKEY. They are.

Mr. BREAUX. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. McCLOSKEY to the amendment offered by Mr. UDALL as a substitute: Page 52, line 13, insert "significant" before "environmental".

Page 52, line 23, insert "significant" before "environmental".

Page 112, line 4, strike out "entirely".

Page 112, line 4, insert "or is effectively surrounded by" after "within".

Page 112, line 5, strike out "or" and substitute a comma.

Page 112, line 6, after "Alaska" insert: "those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof,"

Page 112, line 10, after the period, insert: "Such access shall include, but not be limited to, the right to surface access across such unit, Reserve, or other public lands when, and to the extent, reasonably necessary to carry out such economic and other purposes.

On page 16, line 24, insert "rural" immediately before the word "Alaska".

On page 17, line 6, insert "noncommercial" immediately before the word "trade".

Mr. McCLOSKEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McCLOSKEY. Mr. Chairman, the first two amendments are intended to make it crystal clear in the legislative history on the bill that if we adopt Udall-Anderson, the molybdenum mine, the second largest find in the world, will be allowed to go forward.

The proponents of that mine have raised a basic question that if the Udall-Anderson bill is adopted designating this area to be wilderness, the south part of the Misty Fjords area—and I would like to point it out on the map; it is this area here—that if it is wilderness, water quality requirements, access requirements, the ability to put in a power mine, and the ability to put in toilets, all of which are forbidden in wilderness areas, can be prevented under the law.

One of these two amendments writes into law the provision that the mine operators are guaranteed surface access through the wilderness area to the mine site. The second amendment permits a very limited degradation of water quality, because under the Udall-Anderson bill and under the Wilderness Act no degradation is permitted.

These amendments are consistent with the provisions we adopted yesterday to protect commercial fishermen so that there would be no significant intrusion on the salmon resource. But it must be recognized that if there are, say, 400 miles of salmon spawning grounds we wish to protect, there is no way this second largest molybdenum mine in the world can be operated unless a few miles of these streams are taken for mining purposes. If the Members will look at the map, it would appear that not more than 10 miles or perhaps more than 400 miles of salmon spawning streams would be affected. But I think we ought to be honest here and concede that some water degradation will occur.

Mr. ROUSSELOT. Mr. Speaker, the House is not in order.

The CHAIRMAN. The House is not in order, and while the gentleman has made that point, the Chair would take this opportunity to also advise visitors in the gallery that they are not in any way to indicate approval or disapproval of actions or speeches taken by the Members here.

The gentleman from California (Mr. McCLOSKEY) is recognized.

Mr. McCLOSKEY. Mr. Chairman, what we want to make clear is that we are being honest; that in this wilderness area we are going to permit a mine, not any mine, but a large mine that may have 20 square miles of tailings, and there is going to be some intrusion in some minor part of the salmon spawning area and we are going to permit that intrusion and the operators are going to be permitted to mine despite that intrusion.

□ 1245

I understand—and the gentleman from Arizona (Mr. UDALL) can answer this if there is any question—it is clearly the intention in this bill that ultimately there will be an area blocked off around the mining operations that will not be wilderness, so that we will not have this conflict between wilderness and the operation of a mine.

Mr. UDALL. If the gentleman will yield, let me say to the gentleman that I want to reiterate the comments I made this morning when we had a rather extended debate on this problem.

As I understand the amendment and the proposal that we have made, this remains in wilderness—the entire area—but the Wilderness Act provides for mining within wilderness areas. And we nailed down that in this area a large mining operation, in the terms and in the size that the gentleman described, is going to be permitted.

I read into the RECORD a letter from the Secretary of Agriculture in which we nail him down and get this very clear from the standpoint of the administering agency. But we intend that this mine which is needed by the country will be put into production, that they will have adequate roads, they will have access, they will have a place for their mills and dumps and their tailings and all of the rest.

I want to make that clear.

Mr. McCLOSKEY. Mr. Chairman, I would like to express the hope that at some future time boundaries be drawn around this mine so that we make it absolutely clear that we do not perpetuate an inherent conflict between wilderness and mining.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I want to make this one point. As I understand it, the U.S. district court held that it was inherently incompatible to have mining in a wilderness area.

Is the gentleman's understanding of his amendment that it would make it clear that, notwithstanding that court decision, access and mining operation could go forward? Is that the gentleman's intent?

Mr. McCLOSKEY. Absolutely. That is correct. I want to say, if I may respond further to that question, that the purpose of this dialog earlier, the reason for the problem here is the desire to have a wilderness on the one hand but, on the other hand, permit a mining operation which has not yet perfected precisely where its access road will be, where the powerlines will be, where the appurtenances to the mine, the mill site, the tailings, will be. I hope at some future time when those sites are determined, we will specifically amend the law so that there is a specific area where the mine is operated that is not wilderness and we no longer have this conflict. That is my hope.

Mr. UDALL. Mr. Chairman, if the gentleman will yield, the court decision turned on the point that the congressional intent was unclear and that they read the congressional intent to say that where you have a conflict between a mining operation and the wilderness, the wilderness will prevail. I have tried to make the history here, and I think we have done it three or four times now, that the intention is very clear. This amendment does not apply to just Borax. This applies to all of the national forest wilderness areas in the State of Alaska.

The CHAIRMAN. The time of the gentleman from California (Mr. McCLOSKEY) has expired.

(By unanimous consent, Mr. McCLOSKEY was allowed to proceed for 2 additional minutes.)

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman from Arizona (Mr. UDALL), just for the record again, answer this question: Is there any mine today that is operating within a wilderness area?

Mr. UDALL. I am told that there is.

Mr. YOUNG of Alaska. We have not been able to find it. My point is—and maybe this is information that the gentleman from Ohio (Mr. SEIBERLING) has—does this amendment now quiet that question that mining will be allowed in wilderness areas?

Mr. UDALL. I hope that we can reconfirm the original intent of the Wilderness Act. The Wilderness Act protects existing rights. Indeed, the Wilderness Act gave until 1984 to file new claims and they are all protected.

The mining industry says, "Oh, yes, you give it to us on paper, but it is not there in practice."

And one of the things we are trying to do in this colloquy and in this amendment is to spell out that in practice in these areas in Alaska where you have mining claims, that mining is going to be permitted and access will be given.

The CHAIRMAN. The time of the gentleman from California (Mr. McCLOSKEY) has expired.

(By unanimous consent, Mr. McCLOSKEY was allowed to proceed for 2 additional minutes.)

Mr. McCLOSKEY. Mr. Chairman, I would like to explain this third amendment. The third amendment requires some legislative history because it hits a very difficult question. We are giving, if this bill is enacted into law, primary subsistence rights to Alaskan Natives and rural residents.

□ 1250

We want to make very sure that that subsistence is limited to subsistence and is not translated as the Indians in the Klamath River in California have translated subsistence into a meaning that subsistence includes the catching of salmon and selling of that salmon to restaurants and thereby earning a living, which has been argued by the Bureau of Indian Affairs to constitute subsistence.

This amendment, in my judgment, strengthens the Udall-Anderson bill by adding the same definition of subsistence that appears in the Dingell-Breaux bill. It says, and it says it explicitly, that Federal subsistence uses will be limited to the customary and traditional uses by Alaska residents.

This amendment adds the word "rural" to Alaskan residents, so that we assure that we are not dealing with the citizens of Ketchikan or Juneau or Fairbanks with respect to subsistence hunting or fishing.

The second amendment makes it clear that the subsistence taking of fish and wildlife for personal family consumption, for barter, or sharing for personal or family consumption and for customary trade, and here we have inserted the word "non-commercial" so that the language reads customary "non-commercial" trade.

There are Natives who sell salmon or furs in their own areas for the cash requirements of village life. This is not commercial trade in the sense that they are not selling these salmon or furs to restaurants in cities and thereby making the $20,000 a year some of the Indians along the Klamath are making today under allegedly subsistence fishing rights.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Arizona.

Mr. UDALL. I want to make it clear that I support these amendments, and I hope they will be adopted.

Mr. GUDGER. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I would be glad to yield to the gentleman from North Carolina.

Mr. GUDGER. I want to commend the

gentleman on his concerns about the subsistence uses issue.

The CHAIRMAN. The time of the gentleman from California (Mr. McCloskey) has expired.

(At the request of Mr. Gudger and by unanimous consent, Mr. McCloskey was allowed to proceed for 2 additional minutes.)

Mr. GUDGER. I think that the reference of "rural" by way of definition of the Alaskan residents and the clearing of the definition as to what is commercial and what is noncommercial and the right of the Alaskan Natives to take for certain specified uses is very important.

I look on title VII of the Udall-Anderson bill, which deals with subsistence, as one of the most delicately drawn titles in the Udall-Anderson substitute, and I am gratified that the gentleman's amendment feeds right into this complex and does what I think is very proper.

Mr. McCLOSKEY. It is a point I have been trying to make in this debate, that this, in effect, puts into the Udall-Anderson bill the language of Breaux-Dingell, and there are many of the provisions of the Breaux-Dingell bill which, in my judgment, are environmentally beneficial. We have had 22.4 million acres added earlier today in wildlife refuges. We have had this amendment from Breaux-Dingell to protect and limit subsistence rights.

It seems to me that those who have said one bill is proenvironmental and one bill is not are just plain wrong. These bills, as they come together, are rapidly reaching a point where I think both of them are environmental bills.

Mr. GUDGER. I would like to make this further observation with respect to the Udall-Anderson approach to subsistence uses, the fact that it leaves the responsibility with the Secretary of being the final assurer to the Natives that their rights are protected, to me, is vitally important.

Mr. McCLOSKEY. I would feel a little more comfortable if the Secretary would exercise a little more control over the Bureau of Indian Affairs in subsistence fishing matters.

Mr. GUDGER. Mr. Chairman, when I spoke last week in support of the Udall-Anderson substitute, I stated my opinion that only the Udall-Anderson substitute, of the three proposals before us, deserved the title, Alaska National Interest Lands Conservation Act. I contended that it alone corresponds closely to the bill which the House passed, 277 to 31, just 1 year ago.

Now I rise to urge that one of the most important respects in which it retains the carefully balanced character of last year's bill is the way in which the Udall-Anderson substitute provides for those native Americans and other residents of rural Alaska who are dependent upon continued subsistence uses of the wild renewable resources of the vast public lands in Alaska.

This is a subject of real importance, not only to the individuals directly involved, but to the Nation and to all of us concerned with the protection and furtherance of human rights and cultural identity.

As an Interior Committee member who took pride in the sound bill passed by the House last year, I shared the widespread disappointment when the Senate failed to act on that H.R. 39, and I joined scores of our colleagues in writing the President, urging him to act to prevent the issue from being settled by default. As we are all aware, President Carter did act, as did Secretaries Andrus and Bergland. Certainly they deserve the thanks of the Nation for taking the actions they did. In particular, I think the President is to be commended for upholding an important American tradition by explicitly providing, in his proclamations designating the new national monuments in Alaska, for continued subsistence uses by native Americans and others. Now, I rise to strongly urge that we do not undercut the President—and that we reaffirm the pledge that the House made last year to the people of rural Alaska, that these subsistence uses will be protected.

I submit that if we adopt the Huckaby or the Breaux-Dingell substitutes we will be reneging on the commitment made by the House bill last year, the protection of subsistence uses written into the President's monuments proclamation and the American practice of honoring and protecting the native human rights and customs previously referred to.

Indeed, we suggest that both the Huckaby and Breaux-Dingell substitutes fall short of adequately protecting those Alaskans who depend on subsistence uses of Alaskan wild, renewable public land resources and that each of these substitutes in effect surrenders our national responsibility to enforce and protect the native Americans' access to these resources by continuing in the appropriate Secretary the ultimate authority and responsibility to manage these lands so as to protect the native Americans continuing subsistence use rights.

I submit that a strong argument can be made that the responsibility of the appropriate Secretary to protect and assure these rights is constitutional, deriving from articles I and IV of our U.S. Constitution, that they cannot appropriately be delegated to States and local units of government absent ultimate appeal to the Secretary without constituting a breach of trust and that the duty of the Secretary to protect and enforce has been supplemented and made specific by the provisions contained in the treaty of 1867 under which the United States acquired Alaska. In that treaty, our Government expressly undertook to be responsible for Alaska's Native people—an obligation which was specifically recognized by the Congress in enacting the Alaska Native Claims Settlement Act and further expressly reasserted in the conference report on that act wherein the Congress stated its intention that both the Secretary of the Interior and the State "take immediate action necessary to protect the subsistence needed by the Natives."

We concede that all three proposals—Udall-Anderson, Huckaby, and Breaux-Dingell—contain provisions calling for regional councils, local committees, and State participation in fish and wildlife management and the protection of subsistence uses. We urge, however, that there is a vast difference between the placing of ultimate responsibility in the Secretary under Udall-Anderson and the requirement of resort to the courts under section 707 of Huckaby and Breaux-Dingell, where there has developed an alleged failure to provide subsistence use preferences such as threatens the ability of subsistence-dependent Alaskan residents to satisfy their subsistence needs. In other words, Huckaby and Breaux-Dingell both ultimately leave to the courts and not to the appropriate Secretary the responsibility for guaranteeing the protection of subsistence uses and neither Huckaby nor Breaux-Dingell contains the clear expression and language of Udall-Anderson, which I quote, from section 701:

> The taking of fish and wildlife and other wild renewable resources for nonwasteful subsistence uses by rural residents shall be the first priority use of such resources on the public lands of Alaska. . . .

Section 707 of the Huckaby and Breaux-Dingell substitutes requires the appropriate Secretary to file suit in district court in the State of Alaska on behalf of local subsistence uses upon the Secretary's finding that the State has failed to adequately provide preference to subsistence uses, where upon the court is authorized to issue temporary orders requiring the State to issue corrective regulations subject to court approval, here again, a constitutional question arises under Huckaby and Breaux-Dingell as to whether or not a clearly executive function has been delegated to the judiciary and thereby the judiciary granted a supervisory management role over public lands.

We strongly recommend the Udall-Anderson substitute which avoids this pitfall, retains in the Secretary the ultimate management authority to protect the subsistence uses of Native Alaskans and assures that with respect to Alaska we will not renew the difficult dilemma experienced in the Pacific Northwest where the courts refused to mandate the enforcement of State regulations promulgated at the direction of Federal courts.

The language contained in title 7 of the Udall-Anderson substitute pertaining to subsistence uses continues the approach which was developed and approved by the Interior and Merchant Marine Committees last year. Under the Udall-Anderson substitute if it should be necessary to act to protect subsistence resources or uses, the Secretary is authorized only to take appropriate administrative action which normally will consist of nothing more than the issuance of a closure order on a particular portion of the public lands. Only the issue of whether such an order was appropriate under the circumstances would be judically reviewable. The courts would not be permitted to intrude into the State management process. It is important to note that the International Association of Fish and Wildlife agencies participated in the development of the Udall-Anderson approach to this important issue. That approach not only avoids the potentially divisive and inflammatory results of a new "Boldt decision" case, but also relies on long established and familiar administrative powers of the Secretary—exactly what the Conference Committee had in mind when it drafted the final form of the Alaska Native Claims Settlement Act.

So, Mr. Chairman, I think that it is absolutely clear that the Udall-Anderson substitute is vastly preferable, on this point alone, to either the Breaux-Dingell or the Huckaby bills which are before us.

But there are further differences which underscore just how preferable the Udall-Anderson bill is.

For example, the Huckaby bill would impose an additional, unnecessary, and duplicative layer of bureaucracy by mandating the formation of a "subsistence resources commission" for each national park or national monument where the taking of fish and wildlife for subsistence uses is permitted. These commissions would be formed in addition to the regional and local bodies which the reported bill—like the preferred bill and the House bill of 1978—mandates to insure local participation in the administrative procedures. Such "commissions" would probably be composed of many of the same people, drawing additional sums for expenses, filing additional reports, and adding to the bureaucratic delays and inefficiencies which can only impair the ability of State and Federal land managers to discharge their responsibilities efficiently. I see no reason why the House would want to vote for more bureaucracy and more redtape.

Let me give another example, Mr. Chairman, related to this question of administrative procedures and local advisory bodies. The subsistence titles in the various bills which have been considered by the Congress over the past 2 years have differed in a number of significant respects. However, until the introduction of the Breaux-Dingell bill there was at least one major element of the title to which all parties have been in agreement. That element is the relationship between regional councils and the State boards of game and fisheries.

At the beginning of the subsistence debate, over 2 years ago, rural interests argued for the establishment of regional subsistence councils with complete regulatory autonomy while other interests argued with equal vigor that rural people should be provided nothing more than an advisory role in the management of subsistence resources in their area. After long and arduous negotiation the State of Alaska, and the Alaska Native community agreed to language which is set forth in section 702(a)(3) of the Udall-Anderson substitute. That language tracks verbatim from section 705(d) of the Huckaby bill and its companion section in S. 9, both of which are drawn from last year's House-passed bill with some slight refinements.

Under the Udall-Anderson approach regulatory authority remains in the State boards but recommendations from regional councils are granted a presumption of validity which shifts the burden or proof for rejecting a regional proposal to the State boards. Under the Breaux-Dingell approach regional recommendations submitted to the State boards are entitled to no particular respect and may be rejected at will by a board regardless of the merits of the recommendation. In other words, Mr. Speaker, regional boards established pursuant to the Breaux-Dingell bill will be totally advisory in nature, a major compromise in the commitment of this body last year to provide rural people with a meaningful opportunity to participate in the decisionmaking process which is critical to the survival of their culture and the subsistence way of life.

It is particularly important to stress that this change was made over the contrary urgings and protests of both the rural Alaskan community and the State of Alaska.

Mr. Chairman, we are all hearing a great deal these days about the remoteness of government and the feelings of people that they have little say in matters which directly affect their own lives. Certainly those of us who serve here in the House, the branch of the Federal Government closest to the people, are very much aware of the discontent and the sense of unfairness that comes when people do not have an effective voice in government. So, I do not see why we in the House should vote for a bill—either bill—that goes the other way, that deprives local people of an effective voice on a subject so important to them and their heritage.

Finally, Mr. Chairman, let me conclude with a final note of clarification. I have seen some materials being circulated to Members which alleged that the Breaux-Dingell bill is preferable because the Udall-Anderson bill's subsistence provisions give some sort of "preference for commercial activities" and also give subsistence users a preference "even when there are healthy wildlife populations." These allegations are incorrect.

The first of these charges apparently refers to the fact that the definition of "subsistence uses" in Udall-Anderson has a reference to "customary trade" while the definition in Breaux-Dingell refers to "customary noncommercial trade consistent with the maintenance of a subsistence way of life." But I submit that what this difference really demonstrates is that the Breaux-Dingell bill is confusing and even illogical. What is "noncommercial trade consistent with the maintenance of a subsistence way of life?" Clearly it is not "barter," for all three bills also use that word—so it must be something else, if indeed it means anything at all. I myself do not think that it does mean anything, for it is vague and undefined and somewhat a contradiction in terms; and this difference—between the straightforward, clear Udall-Anderson bill which has the same language on this point as the House-passed bill of last year, and the confusing, badly drafted Breaux-Dingell bill—certainly does not mean that one bill gives a "preference" to commercial uses.

As to the second allegation, I need only point out that the "Preference for Subsistence Uses" sections in each bill are almost identical—and they have the same criteria for assuring that subsistence uses will have priority in the event that it is necessary to restrict the taking of fish or wildlife in order to protect the natural stability and continued productivity of those fish or wildlife populations. Again, the only difference between the two bills is that Udall-Anderson straightforwardly states that nonwasteful subsistence uses are "the first priority consumptive use" while the Breaux-Dingell bill would make subsistence only "a priority consumptive use." What does that latter term mean, Mr. Chairman? I am sure that it is far from clear. I am also sure that this difference in terminology does not mean that Udall-Anderson is wrong—it only means that Breaux-Dingell, here as in so many other instances, is unclear, confusing and badly drafted.

For all these reasons, Mr. Chairman, I think that the choice is obvious, as far as subsistence is concerned—and that the right choice is the Udall-Anderson bill.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I want to commend the gentleman for these amendments. I want to make one observation.

The CHAIRMAN. The time of the gentleman from California (Mr. McCLOSKEY) has expired.

(At the request of Mr. SEIBERLING and by unanimous consent, Mr. McCLOSKEY was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, in my opinion, the language of the Udall-Anderson bill with respect to the protection of the water and fisheries and the fisheries resources, the language of the Udall-Anderson bill with respect to guaranteed access, in my opinion and in the opinion of the author of the bill, already provides for what that one of the gentleman's amendments would say.

Mr. McCLOSKEY. I have to concede that. It is included in the body of the bill. It was not included in the definition. I wanted to lock it up ironclad.

Mr. SEIBERLING. I am not referring to the subsistence definition. I am referring to the other two amendments with respect to surface and significant impact on fisheries resources. Let me say in my view the present language, in effect, does what the gentleman's amendments do.

☐ 1255

All the gentleman's amendments do is make explicit that which seems to me to be necessarily implied by the language of the Udall-Anderson bill, but I think it is important also to say this: That there is a fine distinction. If, for example, Borax wanted to go outside of their mining area and build a water impoundment dam, for example, in the Blossom or the Keta Rivers, today, that would certainly have a significant impact on the fishery resources and would not be covered either by the Udall-Anderson or the gentleman's bill.

Mr. McCLOSKEY. I agree.

Mr. SEIBERLING. Does the gentleman agree with that?

Mr. McCLOSKEY. I do agree with it. Clearly, there is no way that a mine could or should be operated in a way that would impose any significant damage on those salmon hatcheries or spawning grounds or the route through those two fjords by which they reach their spawning grounds. If the operation would materially intrude on that salmon fishery, it would have to close down.

Mr. SEIBERLING. I think the gentleman is correct. When we were up there in 1977 and visited the Misty Fjord——

The CHAIRMAN. The time of the gentleman from California has again expired.

(At the request of Mr. SEIBERLING and by unanimous consent, Mr. McCLOSKEY was allowed to proceed for 30 additional seconds.)

Mr. SEIBERLING. The United States Borax people went to great lengths to assure us that their tailings ponds and other facilities were going to be so constructed that any effluent from those ponds going into those rivers would meet the requirements of the Clean Water Act and would not have an adverse impact on the fishery resources. I think it is important to understand that this amendment is passed in the light of that kind of assurance that they gave us.

I compliment the gentleman for offering it.

Mr. SANTINI. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Nevada.

Mr. SANTINI. I thank the gentleman for yielding. I am concerned, not with the sincerity or intent of the gentleman's proposal, but the practicality of its implementation——

The CHAIRMAN. The time of the gentleman from California has again expired.

(At the request of Mr. SANTINI and by unanimous consent, Mr. McCLOSKEY was allowed to proceed for 2 additional minutes.)

Mr. SANTINI. Is the gentleman aware of any location in the United States of America where a successful mining activity was conducted in the context of a wilderness locale?

Mr. McCLOSKEY. No, I have heard of small mines, but certainly nothing like this molybdenum mine. The closest to it is at Climax, Colo., and I have seen the tailings. They create an outrageous scar on the landscape. Both of these bills accept that scar on this landscape.

Mr. SANTINI. If I might pursue that further, the U.S. Forest Service said, as a result of that report on wilderness areas in 1978, that there was no active mining activity being conducted in any wilderness area managed by the U.S. Forest Service. I do not believe that there is mining activity being conducted anywhere in the United States in a wilderness area involving over four people in the production activity. That is probably as it should be.

Mr. McCLOSKEY. I quite agree with the gentleman. As I expressed the hope earlier, the difficulty in this particular case is that both sides agree the mining ought to go forward, and I think we have no choice. Mining and wilderness are basically incompatible. Ultimately, when the mine can identify the precise area of its operation—and one of the amendments of the gentleman from Ohio does this—I think ultimately there is going to be an area blocked off and offered to the company.

We say, "Do you want 20 square miles?"

They did not accept, but ultimately boundaries should be drawn which take the mine operating area out of wilderness lands.

Mr. SANTINI. Does the gentleman perceive that there is any inherent practical problem in creating an expectation from the land managers that somehow, side by side, we are going to have an area untrammeled by man and make a major mineral production of whatever nature?

Mr. McCLOSKEY. Let me say that I backpack in the High Sierras every summer, and I see mining operations in the Sierras.

Mr. SANTINI. There has been no successful mineral production in any wilderness area.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent Mr. McCLOSKEY was allowed to proceed for 1 additional minute.)

Mr. McCLOSKEY. I just wanted to make this one statement: Anybody who has hiked in the High Sierras, which is probably the loveliest wilderness area within the United States, will find that there is a mine just over Bond Pass at the edge of Yosemite Park. Backpackers and people who love the wilderness, frankly, somewhat enjoy the mine, and people go to the mines. Throughout the entire High Sierras old mines are objects of, I suppose, some historic and scenic interest.

This molybdenum mine, however, is not going to be one of the most attractive parts of Misty Fjords, but I would not want to give up 1200 square miles of wilderness, because of those inconsistencies, and I think we can narrow it at some future time by narrowly defining the boundaries around the mine itself.

□ 1300

Mr. SANTINI. What the past legislative history demonstrates is that at least in the last Congress neither the gentleman from Arizona nor the advocates of the other position thought that it was practically conceivable to have this particular mining proposal conducted in a wilderness area, and I think there were some very solid and good reasons that went into the discussion in the last Congress.

Mr. McCLOSKEY. I agree with the gentleman. As I say, I hope we can remedy that situation in the near future.

Mr. SANTINI. I hope we can have the gentleman's endorsement regarding future mines and wilderness compatible with backpacking.

The CHAIRMAN. The time of the gentleman from California (Mr. McCLOSKEY) has expired.

Mr. BREAUX. Mr. Chairman, I move to strike the requisite number of words. I do so only to speak very briefly to the gentleman's amendments and just to make a rather simple observation which I think should be made at this point. The gentleman has, I think, three amendments that he has offered to the Udall-Anderson bill, and these amendments have been embraced very eloquently as being very acceptable by the gentleman from Ohio (Mr. SEIBERLING). The point I make here is that his amendments deal with three very critical environmental areas on the issues of subsistence for Alaskan Natives, on the question of access to mines in wilderness, and on the question of the standards to be used in the Borax area up in Misty Fjords. All three of these are very critical environmental issues.

The gentleman from California on all of these has taken the language that is contained in the Breaux-Dingell-Huckaby bill and offered it to the Udall-Anderson bill. The point is if that bill is so good, and the gentleman from this side on the Udall-Anderson bill think it is such a proper approach, why not just go ahead and vote for the Breaux-Dingell-Huckaby bill in the first place, because all of those issues and all of those standards are already in the Breaux-Dingell-Huckaby bill. Besides, since we got such a resounding, overwhelming show of support on the last recorded vote for Breaux-Dingell-Huckaby, I would think that is a clear indication of how the Members of the House feel.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

I would like to point out that I, too, voted for the Breaux-Dingell-Huckaby amendment.

Mr. BREAUX. That is a very wise vote.

Mr. SEIBERLING. The Breaux-Dingell-Huckaby bill, I suppose it is called now.

Mr. BREAUX. We could call it the Breaux-Dingell-Huckaby-Seiberling, if the gentleman would like.

Mr. SEIBERLING. No, that combination still would drop about half of the Misty Fjord National Monument and also Admiralty Island National Monument. There are many other strong differences that make it unacceptable.

Mr. BREAUX. I will not yield to the gentleman any more.

The Udall-Anderson has so many problems in their version of these areas, because they take some of the prime existing minesites and put them in the middle of a wilderness. Now they are trying to do it piecemeal. You are going to work some little exceptions so you might be able somehow to get into the wilderness and get to the mine. The way we are trying to handle the problems is if there is a valid mine, we just do not put it in the wilderness; thereby we eliminate the problems created by the Udall-Anderson approach. I still say they have not corrected the problem because the wilderness law is very basic. If the area is wilderness, there will be no commercial activity; there will be no permanent roads constructed. I think that is the law of the land. I think case history has proven that, and by trying to work these little narrow exceptions, this does not solve the problem.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

I want to compliment the gentleman. I believe the area they speak of in the Misty Fjords—forget Borax for a moment—the wilderness designation would preclude the capability of sea travel or inland travel by boat, and all of these people who want to go see it. That is what the act says. We have not written that exemption in this part of the provision especially for ships, and they cannot get in there, so it is locked up nicely. Nobody can see it.

Mr. BREAUX. I thank the gentleman.

I have no objection to the amendments offered by the gentleman from California. I just think that in voting for his amendments we just recognize that the Breaux-Dingell-Huckaby bill is the best approach.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. McCLOSKEY) to the amendment offered by Mr. UDALL as a substitute.

The amendments to the amendment offered as a substitute were agreed to.

☐ 1305

AMENDMENTS OFFERED BY MR. AU COIN TO THE AMENDMENT OFFERED AS A SUBSTITUTE BY MR. UDALL

Mr. AuCOIN. Mr. Chairman, I offer 2 amendments to the amendment offered as a substitute, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

Mr. YOUNG of Alaska. Mr. Chairman, reserving the right to object, does the gentleman have copies?

Mr. AuCOIN. Copies have been provided to my friend, the gentleman from Alaska, to the minority side.

Mr. YOUNG of Alaska. Mr. Chairman, I hate to say it, but because we have cut so many trees down, we have a lot of paper before us.

Mr. AuCOIN. Mr. Chairman, the answer to my friend is, yes, I provided both amendments to the gentleman. If the gentleman has a question I will be delighted to answer it.

Mr. YOUNG of Alaska. I would like to see the amendments before I withdraw my reservation of the right to object. Could the gentleman explain the amendments?

Mr. AuCOIN. If the gentleman has a question I will be delighted to answer it.

Mr. YOUNG of Alaska. Mr. Chairman, what are the amendments?

Mr. AuCOIN. The two amendments adopt, first of all, language from the Breaux-Dingell bill that would create a wildlife refuge in the Copper River delta area. The gentleman is familiar with this. It is in the Breaux-Dingell bill. It is not in the Udall bill and it would conform the Udall bill in that respect to Breaux-Dingell.

In addition, the second amendment provides a wilderness overlay over one small portion of that refuge in the eastern portion. That is all the amendments do. They need to be considered en bloc in order to be debated up or down on their merits.

Mr. YOUNG of Alaska. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon that the amendments be considered en bloc?

There was no objection.

Mr. AuCOIN. Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The amendments are as follows:

Amendments offered by Mr. AuCOIN to the amendment offered as a substitute by Mr. UDALL: Section 302, page 26, after line 21, insert a new paragraph (3) and renumber subsequent paragraphs accordingly:

(3) Copper River National Wildlife Refuge, containing approximately one million two hundred thousand acres of public lands, as generally depicted on a map entitled " Copper River National Wildlife Refuge," dated April, 1979, which shall be managed to maintain the diversity of natural values of the area and also for the following purposes, among others; to protect internationally significant habitat for trumpeter swans, dusky Canada geese, and other migratory waterfowl nesting in the combined deltas of the Copper and Bering Rivers; to protect the single most significant staging area, mostly estuarine, for large numbers of shorebirds and waterfowl whose nesting and wintering habitats are already under protection; to maintain supporting habitat for commercially significant salmon, shellfish, and other sport fish species; to maintain range for brown bears, moose, goats, and furbearers, as well as marine mammals; to protect the sea cliffs at Cape Saint Elias as a unique geological and historical feature; to maintain water quality and quantity; to preserve the free-flowing unmodified nature of numerous rivers and streams; to provide opportunities for scientific research, for interpretive and environmental education uses, and for fish and wildlife oriented recreational uses; to protect the viability of subsistence resources and provide the opportunity for continuation of subsistence uses by local residents; and to participate in cooperative management programs with adjacent landowners.

Page 45, amend line 18 to read "acres, as generally".

Page 45, line 20, delete "March" and insert "May".

Section 603, page 74, after line 23, add new paragraph (4) and renumber subsequent paragraphs accordingly:

(4) Certain lands in the Copper River National Wildlife Refuge, Alaska, which comprise approximately five hundred and thirty thousand acres, as generally depicted on a map entitled "Copper River National Wildlife Refuge," dated April, 1979, and which shall be known as Copper River Wilderness.

Section 604, page 78, delete lines 8 through 18 and renumber subsequent paragraphs accordingly.

Mr. AuCOIN. Mr. Chairman, in a few minutes we are going to decide between either the Udall-Anderson approach or the Breaux-Dingell-Huckaby approach. None of us know at this moment which of those two versions of the Alaska bill will prevail.

It seems important to me that whichever version does prevail a critical area that most people recognize as being important to migratory water fowl should be preserved as a wildlife refuge. I refer to the Copper River Delta Wildlife Refuge that now is provided for only in the Breaux-Dingell-Huckaby bill.

My amendment would make the same provision for the Copper River Delta in the Udall-Anderson bill and I understand the chairman of the Committee on Interior and Insular Affairs has no objection to it.

Mr. UDALL. Mr. Chairman, will the gentleman yield to me?

Mr. AuCOIN. I yield to the gentleman from Arizona.

Mr. UDALL. The provision the gentleman offers was in the bill that I supported and which passed the House last year. It was omitted this year, because of an agreement between the Forest Service and the Interior Department in which some additional larger forest units were created. I will probably lose my Smokey Bear button from the Forest Service if I go along with it, but I will not object to the gentleman's amendment.

Mr. AuCOIN. Mr. Chairman, I appreciate the gentleman's statement.

I do not believe there is any objection from my colleagues.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I at this time have no objection. It is in the Breaux-Dingell bill. The only thing is, it again points out the inadequacies of the muggy, muggy swamp bill that arose with these vapors, you know. It is too bad it had to occur, but if it went through the normal committee processes, this would never have happened. I am glad to see you are accepting the many, many amendments from Breaux-Dingell. Hopefully you will see the wisdom of voting for the better of the two bills.

Mr. AuCOIN. I will vote for the better of the two bills, the gentleman may be sure of that.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield to me?

Mr. AuCOIN. I yield to the gentleman from California.

Mr. CLAUSEN. The gentleman has discussed the amendments with us and we have no objection thereto.

Mr. AuCOIN. Mr. Chairman, I yield back the balance of my time.

Mr. BREAUX. Mr. Chairman, I move to strike the requisite number of words.

Very briefly, Mr. Chairman, again this is the same as the last amendment. They have taken the provisions of the Breaux-Dingell-Huckaby bill and are now trying to incorporate them into the Udall-Anderson bill. I have no objection to that. I think it is a fine step. We made the Copper River Delta area a refuge in the

Breaux-Dingell-Huckaby bill. They did not. They are now accepting one of the amendments we have already included in our original legislation. I think again this is an example of why the Breaux-Dingell-Huckaby bill is an acceptable approach and was so the first time around.

There are so many arguments which have come to the fore in the general debate on this bill as to why our bill was bad from an environmental standpoint. Now in all of these critical areas like subsistance, like access, and like mining in wilderness areas, and like the Copper River Delta Refuge, that were so bad a couple of days ago, we now see the Udall-Anderson forces are starting to embrace these concepts which we had originated in the Breaux-Dingell-Huckaby version.

I am glad they now come to that point. I think it is a strong indication that our approach was a better approach in the beginning.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Arizona.

Mr. UDALL. I appreciate the gentleman yielding.

I am afraid we are going to hear this speech each time we have an amendment where we try to meet legitimate objections. I would point out to the gentleman the parenthood of this amendment was in last year's Udall bill when it passed the House and we retreated only because we wanted to make peace between the Forest Service and the Interior Department.

☐ 1310

I hope the gentleman, before the gentleman finishes, will tell the House about that 3 million acres in the Sebelius amendment that was added back into Breaux-Dingell yesterday, all of which was taken directly from the Udall-Anderson bill; so there is a little movement on both sides. The gentleman ought to concede that.

Mr. BREAUX. Mr. Chairman, I would say to the distinguished gentleman, with regard to the Copper River Delta, as I remember the facts, I think it was added to the Merchant Marine and Fisheries Committee during our markup. It is not a product that was originally a product of last year's Interior Committee. It was something that we put together in the Merchant Marine and Fisheries Committee that was ultimately adopted in last year's House-passed bill.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I commend my colleagues on the Interior Committee for accepting this language; but I point out that in the very curious process that went into putting together the Udall-Anderson bill in some fashion that I cannot explain, perhaps the gentleman from Arizona can, they moved the refuge of a species that is fully dependent upon that area into the handling of the U.S. Forest Service.

The point we have been making now for 2 days has been that the Breaux-Dingell-Huckaby approach is a sensible one. It is environmentally sound. It has many features which were totally lacking in the Udall-Anderson bill, something on which no hearings were held and no committee consideration was given.

I point out that in our committee we did have consideration. We did have opportunity for these matters to be discussed. That is the reason that the Breaux-Dingell-Huckaby bill is a better proposal than the Udall-Anderson bill.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Oregon (Mr. AuCoin) to the amendment offered as a substitute by the gentleman from Arizona (Mr. Udall).

The amendments to the amendment offered as a substitute were agreed to.

AMENDMENT OFFERED BY MR. LAGOMARSINO TO THE AMENDMENT OFFERED AS A SUBSTITUTE BY MR. UDALL

Mr. LAGOMARSINO. Mr. Chairman, I offer an amendment to the amendment offered as a substitute.

The Clerk read as follows:

Amendment offered by Mr. Lagomarsino to the amendment offered as a substitute by Mr. Udall: Page 153, after line 21, insert the following:

CONGRESSIONAL REVIEW

Sec. 819. (a) This section shall apply to any regulation issued by the Secretary under this Act, other than a regulation which is subject to a congressional approval, disapproval, or review procedure under another section of this Act.

(b) The provisions of section 551 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6421; 89 Stat. 871) shall apply to all regulations to which this section applies. In applying such section 551, each reference to an energy action shall be treated as a reference to such a regulation, and each reference to the President shall be treated as a reference to the Secretary.

Amend the table of contents accordingly.

Mr. LAGOMARSINO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, is this the identical amendment that the gentleman offered to the Breaux-Dingell bill?

Mr. LAGOMARSINO. Absolutely identical, except for where it goes in the bill.

Mr. UDALL. All right; we accepted it earlier. We accept it now with regard to our bill.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to my colleague, the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, the gentleman has discussed the amendment, and it is identical to that which was offered yesterday in the Breaux-Dingell bill; so we are prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Lagomarsino) to the amendment offered by Mr. Udall as a substitute.

The amendment to the amendment offered as a substitute was agreed to.

AMENDMENT OFFERED BY MR. VENTO TO THE AMENDMENT OFFERED BY MR. UDALL AS A SUBSTITUTE

Mr. VENTO. Mr. Chairman, I offer an amendment to the amendment offered as a substitute.

The Clerk read as follows:

Amendment offered by Mr. Vento to the amendment offered by Mr. Udall as a substitute: Page 26, line 23, after the word "million" strike "three hundred" and insert in lieu thereof "eight hundred and fifty" and change the date of the map reference to "May, 1979."

Mr. VENTO. Mr. Chairman, this inserts some 550,000 acres into a refuge, the Innoko refuge, that is established in two of the three major proposals as they came before the House.

This adds an area that was deleted in the approach that Udall-Anderson makes as an amendment to the basic vehicle. It is present in the other pending amendments. I do not think there is any major controversy over the nature of the boundaries. There are approximately the same or about the same as they were in the Breaux-Dingell approach, as well as the Huckaby bill that came from the Interior Committee.

I want to restore those refuge boundaries in the Udall-Anderson approach that we have before us today.

It is an important area for waterfowl development. It is the lower Innoko unit. It is the area west of the Yukon and bounded on the east by the current refuge boundary, it was excluded in the Innoko Refuge area, and in my judgment should be restored because of its location ecosystem importance and management clarity.

☐ 1315

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the chairman of the committee.

Mr. UDALL. Mr. Chairman, I support the gentleman's amendment, and I will now listen to the speech from the gentleman from Michigan about why it is very sinister to accept amendments to try to improve and perfect the bill as we get to the time of voting. I will listen to that lecture with interest.

Mr. VENTO. Mr. Chairman, I yield to the gentleman from Michigan (Mr. Dingell).

Mr. DINGELL. Mr. Chairman, I feel the need to deal with this on my own time.

Mr. VENTO. Mr. Chairman, I yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this will be viewed with great distress on the part of my colleague, the gentleman from Arizona (Mr. Udall), because I really rise to rejoice in most heartfelt fashion that wisdom has visited upon my colleagues who support Udall-Anderson and to see that they are now recognizing, with the adoption of another amendment, the wisdom of the Committee on Merchant Marine and Fisheries in trying to protect wildlife habitat by creating wildlife refugees from lands which they, in some curious fashion ignored.

On the contrary, it is not my intention, I tell my good friend, the gentleman from Arizona (Mr. UDALL) to be critical with the lateness of his reform but, rather, to rejoice in it and simply point out that again the dire comments and predictions of the gentleman from Arizona (Mr. UDALL), the gentleman from Ohio (Mr. SEIBERLING), and others about how bad the Dingell-Breaux-Huckaby proposal was, are again proven wrong. It is well written that imitation is the finest form of flattery.

We have shown them again that there is a need to protect wildlife and its habitats. Again they adopt provisions of Breaux-Dingell for protection of wildlife, with regard to habitat or management of the wildlife where it is.

So I disappoint my friend, the gentleman from Arizona (Mr. UDALL), by not making no derogatory comments but, rather, by rejoicing that virtue has struck him. Let us hope it moves him further, to support our bill.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I thank the gentleman very much for yielding.

I think the gentleman from Michigan (Mr. Dingell) makes an excellent point. I think we have been witnessing a parade of Members amending the so-called Udall-Anderson bill to try to somehow make it so they can get a few more votes. That is obviously their intent.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my friend, the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, let us not confuse this acceptance of amendments. The facts are that there are still 5.2 million acres of wilderness in southeast Alaska which will shut down for sure one of the pulp mills and put 2,500 people out of work.

There is still a question of the borax mine, and there is still 16 million acres of land in the Udall-Anderson bill, so let us not kid ourselves, that it makes it any more palatable to me or to the people in Alaska.

Mr. DINGELL. Mr. Chairman, the gentleman from Alaska (Mr. YOUNG) is entirely correct. While the gentleman from Arizona (Mr. UDALL) has been accepting amendments that makes his bill more acceptable, the bill still contains many defects relating to minerals, relating to oil, relating to protection of public lands, relating to wilderness designations and wilderness boundaries, and relating to management of wilderness.

The bill is still deficient, and it has a country mile or more to go before it has been perfected to the point where I think I could support the Udall-Anderson proposal, as opposed to the Breaux-Dingell-Huckaby proposal, which in my opinion is much more carefully drafted.

Mr. Chairman, I yield to my friend, the gentleman from Arizona (Mr. UDALL), who has a look of surprise on his face.

Mr. UDALL. Mr. Chairman, I thank the gentleman for yielding, and I thank the right reverend Mr. DINGELL for that sermon. I will look forward to another one after this.

Mr. DINGELL. It is written that it is always better to rejoice at the return of the sinner.

Mr. UDALL. Mr. Chairman, I thank my friend, the gentleman from Michigan (Mr. DINGELL), for that sermon and for that advice.

Mr. PASHAYAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was interested in the comments of my colleagues, the gentleman from Illinois and the gentleman from Ohio. I refer to their comments of yesterday in pointing out the nonpartisan nature in which they think this Congress should approach this landmark bill, if you will.

They used the occasion to refer to President Teddy Roosevelt. I should like to say that Teddy Roosevelt stood for a lot of things other than preserving lands. He also stood for a strong and active national defense. He also stood for the idea that when the U.S. Government gives its word, that word ought to be kept in the manner, in the fashion, and in the spirit in which it was given in the first place. He was a great President for many reasons, among other things certainly for his belief in the word of the United States.

What I have to talk about today is the word of the United States as it relates to this matter of the Alaska land bill.

The history of the treatment of the Alaskan people by the Federal Government ever since 1965 has been an unhappy history.

□ 1320

It has been a history of a shattered promise by this Government, by this Congress, to the people of Alaska.

Alaska became a State in the Union upon the understanding and upon the agreement that as a State they would be free to select 104 million acres of lands for the use and control of the people and the State. This was the understanding upon which Alaska agreed to become a State.

Let me read a phrase or two from the bill that brought Alaska into the Union. I invite the attention of the Members to these words. In section 4 of the Statehood Act, it is said:

> As a compact—

As a compact—

> with the United States said State and its people do agree and declare that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States or is subject to disposition by the United States.

In exchange, the people of Alaska agreed to give up certain of their rights against the United States.

Let me read another section of the Act:

> The State of Alaska . . . is hereby granted and shall be entitled to select, within 25 years after the admission of Alaska into the Union, . . . from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection.

This is what the people of Alaska were promised. And this is the spirit of the law that this Congress is now about to break in the passage of either of these two bills.

This was the understanding.

Let me read a phrase or two from the constitution of Alaska which was drawn up prior to the Statehood Act, prior to Alaska becoming a State. It reflects the understanding of the Alaskan people. It reflects the agreement made between the U.S. Government and the people of Alaska. It reflects the word of the U.S. Government. This is what appears in the constitution of the State of Alaska:

> It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

Article 8 goes on to say, in another section:

> The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

And again:

> Wherever occurring in their natural state, fish, wildlife, and waters are reserved for the people for common use.

And more—different section:

> Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to the preference among beneficial uses.

And, finally, the constitution of the State of Alaska states:

> The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization in the development of the fisheries, wildlife, and waters.

The CHAIRMAN. The time of the gentleman from California (Mr. PASHAYAN) has expired.

(On request of Mr. SYMMS and by unanimous consent, Mr. PASHAYAN was allowed to proceed for 4 additional minutes.)

□ 1325

Mr. PASHAYAN. The constitution of the State of Alaska, the supreme law of that State, reflects an agreement and understanding and an accord reached between this Government and the people of Alaska.

Let me read one more section from that constitution:

> All provisions of the act admitting Alaska to the Union which reserve rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property, are consented to fully by the State and its people.

For this, there was an exchange; there was an understanding that the United

States had a clearly defined jurisdiction over some 83 million acres, but beyond that, the people and the government of the State of Alaska have the right to choose and select 104 million acres.

This Congress today is about to break that understanding and agreement with the people of the State of Alaska.

Lest there be any doubt that the understanding was reached through the political process as well as prior agreement, there was a vote taken in Alaska on whether or not to admit into the Union. On August 26, 1958, there were 40,432 votes for the admission of the State and only 8,010 votes against.

These exchanges of promises and understanding was a part of that vote. It was the issue in the election. Forty thousand Alaskan citizens placed their faith and confidence in the word of the U.S. Government and of the U.S. Congress. Shall Alaska be admitted to the Union as a State, was one question. The boundary of the State of Alaska was a second question in the ballot.

The third, I would like to read:

> All provisions of the act of Congress approved July 7, 1958, reserving rights in powers in the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Alaska, are consented to fully by such State and its people.

The people of Alaska have had no trouble in committing their word and committing their actions to the U.S. Government.

In light of this sacred word given by the good people of Alaska, what has been the policy that has been developed by this Congress and by the United States?

I am sorry to have to say, but I must say, that the policy of the United States toward Alaska has been a policy of unfair encroachment on the lands of Alaska.

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. Young of Alaska and by unanimous consent, Mr. Pashayan was allowed to proceed for 1 additional minute.)

Mr. PASHAYAN. I say that the policy of the U.S. Government has been the policy of legalistic technicalities and not a policy of broad and fair equity.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?,

Mr. PASHAYAN. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

I think the gentleman is making a very excellent point of what is going on here.

The tragedy of it is that the people in Alaska will survive whatever happens, but it is the people in the other 49 States who shall suffer for the Federal mismanagement and misuse and immorality of the preclusion of the natural resources that are available in Alaska that are being denied the American citizens to maintain sovereignty for a free society. I think that is the tragedy of the whole thing. By just the breaking of the word of the Federal Government, it will be the other 49 States who will suffer the most in the long run on this action.

The CHAIRMAN. The time of the gentleman from California (Mr. Pashayan) has again expired.

(At the request of Mr. Young of Alaska and by unanimous consent, Mr. Pashayan was allowed to proceed for 1 additional minute.)

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. PASHAYAN. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I want to thank the gentleman in the well for his fine statement factually. This is what I have been saying for the last 3 years. A deal is a deal. This Congress committed 104 million acres of land to the State of Alaska and now, forget the law, forget the compact; and we are going to take 14 million back for a special interest group.

I am glad the gentleman has laid it out in the open for our colleagues to see just how bad and how far down the road we have come to respond to special interest groups.

Forget the law, forget the constitution, forget the compact, if you want to vote for the Udall-Anderson bill.

Mr. SANTINI. Mr. Chairman, I move to strike the requisite number of words.

☐ 1330

Mr. Chairman, members of the committee, I speak in support of Breaux-Dingell-Huckaby, as amalgamated, and in opposition to Udall-Anderson, as expanded by somewhere between 50 and 75 technical amendments, and amalgamated. I bring with me my two friends today to demonstrate rather graphically, the very serious and substantial deficiency in our Nation's dependency on important mineral resources.

On the one hand, we have the United States of America. Red is indicative of the percentage of that mineral that we are presently importing. On the other hand, we have the U.S.S.R., the same minerals, indicating the almost total absence of import mineral reliance; or, conversely stated, the U.S.S.R. is minerals independent.

In June 1977, the two charts were presented to the President, Secretary Schlesinger, Chairman Udall, and other interested Congressmen. The President described the situation as "alarming," and as a consequence of that presentation directed that we conduct a national mineral policy review. Now, our bill considerations today were excluded from the scope of that national minerals policy review. Hopefully, that study will examine both the problems and the possible solutions to our critical minerals dependency situation.

Approximately 13 days ago, the General Accounting Office released a report entitled, "Learning to Look Ahead; the Need for National Materials Policy and Planning Processes."

In that report, the General Accounting Office stated that—

> If the continued dependence on foreign sources for essential materials continues, by the year 2000 America's mineral balance of trade could reveal a hundred billion dollar deficit.

The Comptroller General continued by saying:

> We must strike a better balance between our materials problems and our pursuit of other important national goals such as those for energy and environment.

I regret that the legislative vehicles that we are driving this after noon drive us in a direction contrary to the best interests of our national mineral survival, and may be driving us down the same blind road that has captured us with the oil or energy crisis that we now find ourselves convulsing from the energy needle was withdrawn and, lo and behold, we find we need another energy fix and we do not have sufficient resources to meet the fix demand. We are in the same dismal posture with several vital critical minerals resources, some of which—some of which—can be found and recovered in the State of Alaska; some of which we seek by either indifference, or by misguidance, to look up or out in terms of future mineral access.

It is a serious, substantial problem of national priority. The President has defined it as such. I hope that we in the House will give it the same magnitude. We have, for example, four critical mineral resources—cobalt, manganese, platinum, and chrome.

All four are listed on the comparative charts. All four represent minerals which Russia, the U.S.S.R. supplies.

☐ 1335

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Santini was allowed to proceed for 4 additional minutes.)

Mr. SANTINI. Of those four minerals, we find ourselves over 90-percent dependent upon import sources. We find ourselves in a posture as a nation that if any one of those four minerals are cut off for a period in excess of 8 months, then both financial and industrial calamity could hit us over the head in devastating proportions. We are in no way, shape, or form prepared to meet that challenge. Cobalt and manganese are indispensable in the manufacturing of steel. Platinum and chrome are indispensable mineral resources. All four of those minerals represent critical vulnerabilities and exposure. We are incapable of responding as a nation if, Russia and South Africa or Zaire curtail those supplies. What happens if Russia says no? What happens if Zaire goes under? What happens if South Africa is buried under internal political turmoil. The United States of America is buried in the process, and its interesting to note that as they throw the dirt in on the grave, we will not even know what has happened.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. SANTINI. I yield to the gentleman from Oregon.

Mr. WEAVER. I thank the gentleman for yielding.

In order to evaluate the gentleman's charts, one essential element of information is missing, and that is the actual rates of consumption. I would have to assume that in our wasteful society we consume enormously greater amounts of these, I am sure steel, for instance. If we had a small energy-efficient car, we would not be so much reliant upon foreign sources for the materials the gentleman mentioned, which are essential for steel; is that not correct? Could the gentleman furnish us at a later date with the consumption figures?

Mr. SANTINI. I appreciate the gentleman's ongoing expression of concern and interest in a subject that is of vital concern to me, and I hope the Nation—our minerals shortage problem. We do consume as a nation 20,000 pounds of minerals per year per individual—20,000 pounds. For example, 42 mineral ingredients go into a telephone, 35 into a TV set, 16 into an automobile. The point that the gentleman makes is a valid and justifiable one, but I do not believe anybody has an amendment pending to curtail the predisposition of Americans to consume in excess of their needs. I would think that it is important to acknowledge, too, that as the principal Western industrial nation we do consume a much larger proportion of the mineral resources of the world. The fact is that we may consume too much. The fact is that we as an industrial nation need more minerals, but does not resolve the fundamental problem that the Udall bill curtails access to 70 percent of the most favorable mineral resources of Alaska. That is what the Bureau of Mines said—70 percent of the most favorable mineral resources of the State of Alaska. That kind of misguided attempt to strike a balance between minerals needs and other multiple-use land needs is not, in my judgment, a rational, reasonable, judgment. That is the same kind of distortion or tilt of the judgment scales that has our Nation in the mess that it is in today with its reliance on imported minerals and with regard to shutting down its capacity to produce.

The CHAIRMAN. The time of the gentleman from Nevada (Mr. SANTINI) has expired.

Mr. UDALL. Mr. Chairman, I move to strike the last word.

I seek recognition to make a unanimous-consent request. We believe from our side and I believe from the other side we have disposed of most of the major amendments I am aware of. There may be one to be offered by the gentleman from Maine which could be handled very quickly which we are going to accept. I wonder if it would be possible to get an agreement on time.

I ask unanimous consent that all debate on the pending Vento amendment and the Breaux-Dingell amendment and the Udall-Anderson substitute and all amendments to those amendments close at 2:15 o'clock, which is 35 minutes from now.

☐ 1340

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Arizona (Mr. UDALL)?

Mr. SEBELIUS. Mr. Chairman, reserving the right to object, if we do not all jump up and start reyielding our time and trying to be recognized for about 30 minutes, I do not have any great gem to offer but I would like to finish my share of interest in this bill.

Mr. UDALL. Mr. Chairman, if the gentleman wants me to defer the request I will.

Mr. SEBELIUS. Mr. Chairman, I would have no objection if they do not water it down too much. I will not go on but 2 or 3 minutes but if we all get 25 seconds again with everyone jumping up and yielding back their time I would find that objectionable.

The CHAIRMAN. Does the gentleman from Kansas object?

Mr. UDALL. Mr. Chairman, I change my request to 2:30.

Mr. SEBELIUS. Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Does the gentleman realize that if he makes it to a time certain, any votes must come out of that time?

Mr. UDALL. I am aware of that, Mr. Chairman.

The CHAIRMAN. Is there objection?

Mr. BREAUX. Mr. Chairman, reserving the right to object, I would like to make an inquiry. Can the chairman or can anyone share their knowledge and information about the number of pending amendments we have? I will want to reserve enough time for us to adequately summarize this debate.

If we have 5 or 10 amendments as the gentleman from Kansas (Mr. SEBELIUS) mentioned that might be pending, that time would be eaten up by the amendment process and we would not have time.

Mr. UDALL. Mr. Chairman, the amendments printed in the RECORD would be protected and have the 5 minutes. Other amendments obviously would not.

The only amendment I am aware of is one suggested by the gentleman from Maine and I am prepared to accept that on our side.

Mr. YOUNG of Alaska. I believe, if the gentleman would yield, I believe the gentleman from Idaho has an amendment that is not in the RECORD.

Mr. BREAUX. Mr. Chairman, further reserving the right to object, let me make the suggestion that we might be able to settle it by making the unanimous-consent request after we have completed the amendments, that we would have a time certain on the final vote. If we could do it at that time we could have all of the amendments.

Mr. UDALL. Mr. Chairman, I will withdraw my request in the light of that and suggest perhaps we can get to those amendments and I will then renew the request.

Mr. BREAUX. I withdraw my reservation of objection.

Mr. SEBELIUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is obvious we are going to close on a very intelligent, a very complete, and a very full debate upon this subject. With the amendments that have been adopted to Breaux-Dingell I have now thoroughly concluded that is the vehicle for which I will vote. The parks in it are much better than they were. The refuges I believe have good balance.

One thing still disturbs me about Anderson-Udall which stands out specifically in my mind at this moment. There has been a lot of debate in recent months about minerals. The gentleman from Idaho (Mr. SYMMS) and the gentleman from Nevada (Mr. SANTINI) have pointed out that we have a real problem there. It seems like everything we want to do will lock up minerals rather than to actually work with them. We cannot continue year after year after year to try to buy them from somebody like we are trying to do with oil at the present time.

There has been a lot of debate in recent months about what minerals are economical, where discoveries are proven, and whether or not mining can occur in Alaska at all. When Congress first took up consideration of the Alaska lands issue in 1972, it decided to answer such questions by identifying those areas of the State of highest mineral potential, and those areas of the State of highest scenic quality. Once these and other values had been identified, Congress was to assign land classification according to those values.

Here we have a case, with the U.S. Borax find, in which a company has discovered what is now known as the second largest molybdenum deposit in the world. It is minable. It is economical. And U.S. Borax wants to start orderly development of the deposit as soon as preliminary assessment and exploration work is complete.

And yet Congress is debating the possibility of shutting the mine down by imposing monument/wilderness classification on South Misty Fjords. As pictures taken in the area indicate, South Misty Fjords is unremarkable for its scenic value when compared to the more breathtaking scenery of the Granite Fjords area to the north. This area is a monument/wilderness in both versions.

In order to understand the consequences of this decision, I would like to address myself to a couple of the more important facts with resepct to this particular deposit.

For a geologist, the Quartz Hill find is a once in a lifetime discovery. Most geologists will never find anything like it. Located in quartz and feldspar rock, this molybdenum occurs with practically no heavy metals and less than 1 percent pyrite, unlike most other molybdenum deposits. For this reason, toxic runoff will be minimal and easily controlled before it can enter salmon spawing streams. Quartz Hill is what is known as an "erosional remnant," which is essentially an outcropping left after years of erosion. Located on the side of a hill, the molybdenum is easily removed without significant adverse effect on the surrounding contour of the land.

Current estimates show that the deposit contains approximately 700 million tons of 0.15 percent MoS_2. Annual gross sales are projected to reach $150 to $200 million in 1979 dollars, for about 40 years of mine operation. Rated No. 2 in the world, Quartz Hill will play a major role in supplying the world's molybdenum needs.

Molybdenum is valuable because of certain qualities in the element which, when combined with steel, add strength and resistance to heat stress and corrosion. Such qualitites are vital to the construction of light weight, high mileage cars, engine parts, aircraft components, oil and gas pipelines and deep oil drilling equipment. In many of its uses, moly is without suitable replacement, which is one of the reasons it has been placed on the strategic and critical materials list. As one of the world's leading producers of moly, the United States is the only Nation that can meet the manufacturing needs of our NATO allies and Japan. For national security reasons, it is vital that we continue to be in that position.

Without the development of deposits such as Quartz Hill, it is doubtful that we can succeed in that endeavor. World demand for moly is growing faster than production and has exceeded mine output since 1972. GSA stockpiles have been depleted and industry reserves have been emptied. Just to stay at our current pace, the United States will have to develop one Quartz Hill every 2 years.

Development of the mine also supply jobs for Ketchikan and the surrounding area at a time when unemployment in Alaska is high. One thousand workers will be required for mine construction and 700 will be necessary for operation. Those figures do not include other support services jobs which will be in demand in Ketchikan.

For these reasons, it is not difficult to understand why most people support development of the U.S. Borax project. The question before Congress, then, is how can we assure ourselves that our actions will not thwart it?

The Udall-Anderson substitute is not the answer. Provisions of this legislation fail to adequately address a central problem despite clauses which address mill siting, patenting, and access. The problem with Udall-Anderson is that it leaves the Borax mine in a monument/wilderness, and no matter what else is done, the hope for survival of the project without strangulation by litigation and regulation is slim.

The fundamental purpose of any single use classification is to prevent degradation of the pristine quality of an area. For this reason, mining and restrictive land use are not compatible. An area in which commercial development is banned cannot hope to support a 700 man mining operation of the scope that U.S. Borax contemplates. As a monument/wilderness, Misty Fjords would be closed to permanent trespass by man.

When Congress drafted the Wilderness Act in 1964, however, it was unwilling to expropriate mining claims located in wilderness areas. As a result, it inserted a provision in the bill which allowed mining companies to continue to own their valid claims. The provision stated that if operations were conducted in a manner consistent with the purposes of wilderness protection, a company might be able to operate its claims. And with that language, Congress thought it had resolved the differences between two diametrically opposed goals.

Historical experience with these provisions since 1964 has indicated that Congress failed. Regulators, left with the prospect of regulating huge commercial operations in areas designed to prohibit any commercial development, were no more successful than Congress in coming up with a compromise. As a result, no significant mining operation is ongoing as an inholding in any wilderness area in the United States.

It is crucial that Congress recognize that the two goals cannot be reconsiled. In locating a monument/wilderness over Quartz Hill, they might as well have located the Lincoln Memorial over a McDonald's.

The only answer for an area in which multiple use is intended is to classify it for multiple use. Designating single use for multiple use makes no logical sense, even if amendments and provisions are added which address access, mills, and 20,000 acres.

It is my understanding that supporters of Udall-Anderson want wilderness in Misty Fjords in order to insure added environmental protection from Quartz Hill. And yet, in the debate over Misty Fjords, not a single specific example has been cited where existing law is inadequate, or where wilderness designation would beneficially affect the law.

It is time to get specific about environmental law. U.S. Borax will have to meet environmental laws that Congress has been drafting for a decade. NEPA will require least environmental impact in facilities siting and tailings pond construction. The Water Pollution Control Act, which applies to all Federal lands regardless of their classification, requires the "best practical control technology currently available," and before the mine goes into operation, the "best available control technology" will be in effect. Strict effluent limits are set which U.S. Borax must meet, and air pollution standards will prevent significant deterioration of surrounding air quality. State department of conservation and department of fish and game regulations will require numerous permits prior to commencement of any significant activity. For a proposed exploration access road, 26 permits were required from local, State, and Federal officials. Local and regional officials had determined that the road was environmentally sound, and it was not until the decision had gone past the chief of the Forest Service to the Secretary of Agriculture that the permission for construction was overturned.

Other laws will direct themselves specifically at the protection of fisheries and the surrounding habitat. In virtually every case, the best technology available is required to prevent significant adverse impact. What more can wilderness classification hope to do, short of shutting the mine down?

If there are any shortcomings in existing environmental law that would be better served by wilderness, then we should address ourselves to those specifics, and make the necessary changes in environmental statutes. In this way, Congress can make environmental law by regulation rather than by land classification.

U.S. Borax is a small company dedicated to the idea of protecting the habitat around their operation. A lot of other mining interests would like to develop deposits in Alaska at some point, and because the performance of this company may determine the future of the industry in Alaska, U.S. Borax feels that environmental responsibility is especially important in this project.

To date the company has spent almost a million dollars planning for environmental protection. They have also voluntarily established a fisheries advisory council composed of fisheries experts and local fishermen to guide the company in their planning efforts. Enhancement of stocks and stream clearing are anticipated, and a former commissioner of the Department of Fish and Game has been retained as a consultant.

The Breaux-Dingell-Huckaby amendment incorporates a fisheries compensation fund in which U.S. Borax would be responsible for paying any fishermen for mine-damaged fish for the value of the lost catch. It is not expected that this fund will be used except as insurance that U.S. Borax will continue to make every voluntary effort to protect and enhance the fisheries over and above what will be required by law.

This mining/wilderness issue presents Congress with the opportunity to legislate land use in a way that makes logical sense. If Congress thinks multiple use should occur in South Misty Fjords, then it should avoid classifying it for single use.

If Congress makes South Misty Fjords a monument/wilderness, they will be reversing the decision of last year's House, in which the area was left under existing multiple use management of the Forest Service, according to language of H.R. 39 as passed in 1978. In the ad hoc conference agreement of October 1978, South Misty Fjords was placed in a special management area with U.S. Borax allowed to mine. The Merchant Marine and Fisheries Committee and the Interior Committee both reported bills that allowed U.S. Borax to operate this year as well.

I urge that the Congress reaffirm the decisions of last year's House, last year's ad hoc conference, and both of this year's House committees by voting for the Breaux-Dingell-Huckaby bill.

☐ 1345

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I thank the gentleman very much for the gentleman's very excellent statement.

Tied in with what the gentleman from Kansas said and what the chairman of the Mines and Mining Committee said, the gentleman from Nevada (Mr. SANTINI), I think it is well to note to the membership of this House that the bedrock of civilization, the nonfuel minerals that have been called the bedrock, rightfully so, of our civilization are not only precluded by lockups, but then there are access problems. Can they build a mill site? Can they get to it? Can you do this? Can you do that?

Also, coupled with that is the problem not only of egress and access, the miners also have to comply with the clean air standards, the clean water standards.

We have had a policy in this country, the United States of America, that has been antiproduction of nonfuel minerals. Now, the Soviets, believe it or not, are opening up mines in Siberia, an area that has geologically much the same structure as Alaska.

The Canadians are opening up the Yukon Territory in Canada.

What is happening in the United States? We are locking it up.

I am reminded that when the Russian Ambassador visited in the United States and was talking to Mr. Overton, the president of the American Mining Congress, he said:

> What a terrible mistake we made when we sold you Americans Alaska.

Mr. Overton's response was:

> Well, Mr. Ambassador, one thing about it, we are not doing a damn thing with it.

Mr. SEBELIUS. Mr. Chairman, I have seen, like the mine referred to, the Climax Mine developed for molybdenum. It does make a scar, there is no question about it; but on the other side of the mountain, you can go down the road 2 miles and you have beautiful scenery. I know there is trout fishing 4 miles below the Climax Mines, and that is what will happen in Alaska.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Well, of course, the gentleman from Kansas is a very thoughtful member of our committee. I respect the gentleman's right to come to his own conclusion; but I think it is important to set the record straight again with respect to the Udall-Anderson bill and to the facts of life with respect to mining in Alaska.

Of course, the Udall-Anderson bill excludes from the boundaries of any of the conservation units, including from wilderness or parks, approximately 64 percent of the mineralized zones in Alaska, as identified by the USGS. The map is out in the Speaker's lobby for anyone who wants to see.

Mr. Chairman, I do not yield at the moment. I will yield in a minute to the gentleman from Nevada (Mr. SANTINI) who has had a somewhat inordinate amount of time on this subject.

Mr. SANTINI. Mr. Chairman, I did not say a word.

Mr. SEIBERLING. Of course, a great deal has been made of the fact that one of the leading members of the Alaska Miners Association, Mr. Chuck Hawley, has made his own assessment in which he claims the opposite, that 70 percent of the high potential areas—I do not yield at the moment—are inside the Udall-Anderson boundaries.

Be that as it may, the Udall-Anderson bill, whatever may be in the Wilderness Act, and it is pretty explicit, certainly is going to override any decisions made by any court interpreting the Wilderness Act, because this is a new act. It applies to Alaska. It makes it absolutely clear beyond any possibility of a doubt that not only are all valid existing mineral rights protected, but that access is guaranteed. If there was any doubt about that before, the amendment of the gentleman from California (Mr. McCLOSKEY) has eliminated that doubt.

There is one further provision of the Udall-Anderson bill that I think we all need to remember. It provides for advanced mineral assessment by the Secretary of the Interior in every part of every federally owned land in Alaska, which includes the national parks, wilderness areas, the wildlife refuges, as well as the other public lands; so that if this kind of advanced mineral assessment that would be directed by the bill is carried out by the Secretary, we would identify important geological deposits like the molybdenum deposit in the Misty Fjords.

□ 1350

So much for the bill. The bill provides for adequate protection for mining interests and minerals in Alaska.

Mr. Chairman, what are the facts of life with respect to mining in Alaska? The mining industry itself reports—and I am reading from an article in "Alaska Industry" in June 1978—as follows:

> The State is riddled with mineral deposits which, if found elsewhere in the country would be developed without question. Here, the ore has to be rich enough to pay the enormous costs of getting it out.

Prof. Matthew Berman, of the Lyndon B. Johnson School of Public Affairs at the University of Texas, concluded in a report made last year that—

> There are many barriers to the development of a mining industry in Alaska. Proposed Alaska lands legislation withdrawals, however, are not a significant factor. The most formidable barrier is the high cost of mining in Alaska.

The Federal/State Land Use Planning Commission, asked to assess the impact of last year's bill, which is very similar to this year's Udall-Anderson bill, concluded this:

> Prospective restrictions [on mining on the national interest lands] will not have a major impact on Alaskan development or national mineral supplies.

Finally, Mr. Chairman, the joint Federal/State Land Use Planning Commission, in a memorandum last year to the State Energy Committee, said this:

> It is generally agreed upon that Alaska minerals are not necessary to meet strategic mineral demands of the United States. Those metals that are potentially subject to cartelization world-wide are found in Alaska in only limited amounts. Alaska production could account for only a small fraction of national demand even under greatly increased exploration and production efforts. It would appear that alternative means for meeting strategic demand requirements will have to be pursued in any event, and, hence, are not dependent upon minerals in the d–2 lands.

So, Mr. Chairman, I suggest that this whole minerals issue is a smokescreen, and that in fact the Udall-Anderson bill opens up a great majority of the Alaskan mineralized zone to development.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

Mr. SYMMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, once again my friend, the gentleman from Ohio (Mr. SEIBERLING) astounds me. He is talking about C. C. Hawley, who used to be an employee of the Alaskan Mining Association. Is that correct?

Mr. SEIBERLING. Mr. Chairman, if the gentleman will yield, he was not merely an employee; he is one of the active members of the association, and I believe he is a former President of it.

Mr. SYMMS. All right. But that means he evidently had some credentials as a mining engineer and a geologist.

Now, this came out of the Bureau of Mines from Ms. Joan Davenport, the renowned expert of the United States on mining, and this was prepared by the U.S. Bureau of Mines by C. C. Hawley in 1977. I invite the gentleman from Ohio (Mr. SEIBERLING) to look at the orange part on this map and see that 70 percent of those highly favorable mineral zones are involved in wilderness classification in the Udall-Anderson bill.

Mr. SANTINI. Mr. Chairman, will the gentleman yield?

Mr. SYMMS. I yield to my friend, the gentleman from Nevada.

Mr. SANTINI. So, Mr. Chairman, if I understand the gentleman correctly, he is saying that the Department of the Interior or the Bureau of Mines is saying that 70 percent of the most favorable mineral zones in Alaska are excluded under the Udall-Anderson bill?

Mr. SYMMS. Right.

Mr. SANTINI. That has not, to my knowledge, ever been refuted by any expert, even by old "Lindy" Berman of the University of Texas. He has not addressed this sound proposition, and I hope the gentleman would agree with me that it is specious to suggest that of the given area only X percent is open to mineral access, as the gentleman suggests by rejoinder, because if there are not any minerals in the bloody zone, who cares if it is open for exploration?

It can be open 100 percent, but if there are no minerals there, it does not do any good. The specific statistic to consider is whether they are highly favorable zones, and then the next conclusion is to what extent can we gain access to those zones. Seventy percent of them are excluded under the irrational boundaries drawn by the Udall-Anderson bill.

Mr. SYMMS. Mr. Chairman, I thank the gentleman from Nevada (Mr. SANTINI) very much.

The gentleman knows well that he and I have very many miners, prospectors, geologists, and engineers in our respective congressional districts in the States of Nevada and Idaho.

To my knowledge, every one of those people tell me that the best place to mine and look for ore is in the most favorable mineral areas, not the unfavorable areas.

Second, it is more efficient to mine where there is a higher percentage of ore. If we can get 3 or 4 percent of an ore, that is much better than going where there is only three-tenths of an ore.

□ 1355

Even Superman cannot mine very well where the minerals are not. I think that is the whole point. When the good Lord put the minerals in Alaska, he never dreamed that man would come down here in Washington, D.C., and draw lines and take the most favorable wilderness zones and put them in an area and deny the American citizen access to it.

Mr. SANTINI. Mr. Chairman, will the gentleman yield?

Mr. SYMMS. I yield to the gentleman from Nevada.

Mr. SANTINI. I thank the gentleman for yielding.

Mr. Chairman, I have not checked this out with old Andy Berman, or whoever the authority was who was cited for some nonsensical proposition, but the fact remains that you have some very serious and substantial problems with regard to the ability of U.S. Borax to mine in Southeast. Now, it seems to be the fairly accepted consequence that everybody agrees that U.S. Borax should mine. The question which seems to remain is how should that mining be conducted and in what kind of management area. There are many significant problems. I know the gentleman from Ohio and the gentleman from Arizona did make a conscientious effort to provide access, but I would suggest to both of those gentlemen that, as long as that mine, which everybody says ought to be mined, is left in a wilderness area, you have environmental consideration, such as permanent structures for milling and mineral, for permanent docks, for powerplant, for crushing plant, shop, warehouses, utility lines, tailings disposal area, environmental impact statement. It would force U.S. Borax to locate a mine in an area which will be if designated by the State of Alaska a grade 1 clean environmental area, grade 2 by going in there as it is, it would be impossible for anybody in any rational scheme of mining management to conduct business under those kinds of terms and conditions. Yet that is what the Udall-Anderson proposes to do.

Mr. SYMMS. I thank the gentleman very much. I will say further that when this was debated in the Interior Committee, the very eloquent words of the gentleman from Nevada were that this Huckaby position that we were then talking about is the least ignorant of two very ignorant propositions if we are concerned about the nonfuel mineral crisis in the United States of America.

The CHAIRMAN. The time of the gentleman from Idaho (Mr. SYMMS) has expired.

(By unanimous consent, Mr. SYMMS was allowed to proceed for 2 additional minutes.)

Mr. SYMMS. Mr. Chairman, I think it is very interesting that what we are witnessing here is that we are talking about the deindustrialization of the United States of America. If we are going to deny access to nonfuel minerals and fuel minerals from the entrepreneurship of Americans, then we are talking about deindustrializing America and the denial of the American dream to future generations.

Mr. PHILIP M. CRANE. Mr. Chairman, will the gentleman yield?

Mr. SYMMS. I yield to the gentleman from Illinois.

Mr. PHILIP M. CRANE. I thank the gentleman for yielding.

Mr. Chairman, in the initial session of the first Congress of the United States an act "to provide for the Government of the territory Northwest of the river Ohio" was approved on August 7, 1787. Chapter 8 of this statute states that the Federal Government shall provide for the establishment of States and a permanent government therein, and also that these future States shall be admitted "on an equal footing" with the original States. Today, as we discuss and decide the future of the Alaskan lands, it is interesting to note just how much of these lands will really belong to the State of Alaska.

When enacted, the Northwest Ordinance of 1787 guaranteed each State the right of ownership of the lands existing within their boundaries. The Thirteen Original States were given title to all of their land, and so this guarantee was to follow with every other State that wished to join the Union. But times have changed since 1787 and the omnipotence of the Federal Government has again interfered in States' rights.

Based on the Northwest Ordinance of 1787, let us compare the size of the various States, remembering that a State is only that territory which enters the Union on equal footing. I am sure that most of my colleagues would venture to say that Alaska, with its 375 million acres, is the largest State in the Union. That, my friends, is not quite true. The size of a State is determined by how much of it is actually owned by that State. For instance, you could place the State of California inside the State of Montana with room to spare. A State the size of Maine could easily contain the State of Idaho, or the State of Utah or a State the size of Nevada twice. And would you believe that the State of Alaska can fit inside the State of Iowa? My home State of Illinois is larger than Alaska and its boundaries contain only 36 million acres. Our distinguished colleague, Mr. UDALL, represents the State of Arizona whose acreage also exceeds that of Alaska. Why even Mr. Carter comes from a State that is greater in size than the State of Alaska. Alaska ranks 17th behind such States as California, Colorado, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Texas. And even better news for Texans, even after Alaska acquires title to the 104 million acres our Government will allow it to obtain, Alaska will only rank number two.

Not only does this legislation conflict with the Northwest Ordinance of 1787, but it also makes a mockery of more recent acts of Congress. At the time Alaska entered the Union in 1959, less than 1 percent of her lands were privately owned; the rest of the land was tied up in Government ownership. With the Statehood Act passed, Alaska was to achieve full equality with the existing 48 States which included the opportunity to become self-sufficient, economically strong and, most importantly, to be free to select the 104 million acres that were to be the State of Alaska.

The Committee on Interior and Insular Affairs original report to the Congress on June 25, 1957, concerning statehood, states that "the new State become master of most of the natural resources within its boundaries" and that "the State should have the right to select lands containing real value for its economic and natural resources future."

Throughout these 20 years, the Federal Government has time and again blocked the transfer of land to the State of Alaska. The Government began its never-ending interference into the affairs of this State by imposing a land freeze in 1966 in order to settle the claims of Alaska's Natives. In 1972, new Federal land withdrawals were imposed upon Alaska, further restricting the State's right of selection. Alaska had selected 70 million of these acres, but the Interior Department contested some of these selections. After an out-of-court settlement, the State was left with only 42 of these 70 million acres. By 1973, the Native withdrawals were complete and 300 million acres were declared "off limits" for further State land selections. And finally, the invocation of the Antiquities Act by President Carter in December, 1978, created 56 million acres of monuments, while Interior Secretary Andrus withdraw 55 million additional acres from State selection. At this time, only 21 million acres have been patented, although 54 million other acres await Government approval.

The issue we are facing here today is not one of environment versus development interests, but something much more basic. The State of Alaska is seeking to achieve that which other States have struggled to attain: Access to the land within their boundaries and the right to manage it. After all, who is better qualified to determine the uses of the lands in our 49th State, the citizens of Alaska or some young bureaucrat in Washington drawing his $50,000 a year salary and residing in Georgetown?

Mr. Chairman, I would wholeheartedly concur with what the gentleman has said here earlier. I am grateful that in my home State of Illinois we do not come under these restrictive provisions. I would appeal to my colleagues from States east of the Mississippi to support the desires of those who reside in our sister States west of the Mississippi who want to enjoy the control and disposition of the lands within their borders. Let these States at last join the Union on the basis of equality.

● Mr. FRENZEL. Mr. Chairman, I rise in support of the Breaux-Dingell, H.R. 39. It has been recommended by the Merchant Marine and Fisheries Committees and is the compromise between the Udall and Huckaby bills.

The Udall-Anderson bill has not been through committee markup, and it has not been officially recommended to us by any congressional body that has jurisdiction over the issue. It has extensive support, of course, but no committee has recommended it to the House.

The Breaux-Dingell bill is very similar to the bill that was developed as a compromise in the Senate last October. That compromise was endorsed by the President and Secretary Andrus at that time. This year's Udall-Anderson bill ignores that compromise and in fact embodies some ideas that have never even been discussed in committee.

The Breaux-Dingell bill will protect 127.2 million acres of land, an area more than twice the size of Minnesota. It is not a bill that gives in to the development interests. In my judgment, the Breaux-Dingell bill comes closest of the three alternatives to striking a balance between the environmental interests and the development interests.

Much of the land that would be designated as wilderness under the Udall-Anderson bill will not be open to unlimited development under the Breaux-Dingell bill as some have claimed. Designating some of those lands as refuges instead of wilderness, will only allow development if it is deemed compatible with the natural state of the land. And that compatibility approval must come from the Secretary of Interior who is so strongly opposed to development of oil, gas, and mineral resources in Alaska. Therefore there is no showing that the Breaux-Dingell bill is any more damaging to the environment than the Udall substitute.

I believe there is enough land in Alaska to satisfy the needs of the environmentalists and the needs of the development interests. In my judgment, the Breaux-Dingell bill does provide adequate protection to a great natural resource for future generations without eliminating the possibility of future development of much needed energy resources.

And future development is clearly the key here. If we do not need the resources, cannot find the resources, or decide it is not worthwhile to exploit them, we can leave them alone. But if we need them, they ought to be made available. I urge a vote against Udall and for Breaux-Dingell.●

● Mr. DODD. Mr. Chairman, the House today has an opportunity to approve the most important and strongest piece of conservation legislation that has ever been proposed in the history of this country. Alaska, America's last frontier, must be protected and preserved for generations to come. Among the three proposals before us today, I believe that the Udall-Anderson version is the only one that strikes the proper balance between the conservation interests and the economic development interests of the citizens of Alaska and this Nation.

America has taken great pride in the diversity of its people. Throughout history, our strength has largely come from the experiences and insights of those people who crossed the Atlantic or Pacific to enter our ports. However, today, we must learn from the experiences of a people who have resided on the Alaskan lands far before our Founding Fathers reached our shores. The culture of the Alaskan Natives has always placed a high value on the land and its resources and has held that only what is needed should be taken from the land. Waste and overdevelopment are not tolerated by the tribes, since they base their survival on the vitality of the land. We too must learn from this principle and preserve and protect the millions of acres of untouched land in Alaska.

A year has passed since this body overwhelmingly approved a similar piece of legislation, because it was clearly the most positive and balanced approach for the protection of the national interest. It won broad support of citizens across the Nation, and in particular in my home State of Connecticut. We must lose no time and again act responsibly to protect these lands for the future. Like the House-passed bill of last year, the Udall-Anderson version provides for new national parks, national wildlife refuges, wild and scenic rivers, and increased wilderness areas in a carefully refined balance with resource development and transportation needs.

The breathtaking beauty and unspoiled expanse of Alaskan lands will not fall prey to overdevelopment, but rather will be preserved for the use of generations to come. Under the provisions of the Udall-Anderson approach, 44 million acres would be added to the national park system, 61 million acres to the national wildlife refuges, 33 new rivers to the Wild and Scenic River System and 67 million acres would be designated as national wilderness areas.

Alaska's opportunity for continued growth and economic development is assured since most of its extractable resources are located outside of the proposed conservation units. Under the provisions of Udall-Anderson, 95 percent of the known onshore oil and gas reserves and 100 percent of known offshore reserves are available for further exploration and development. I believe that the energy problems that we as a nation face today will not disappear because of new petroleum discoveries in Alaska. The Udall-Anderson version opens for the first time millions of acres of land in the national petroleum reserve which up to now has been closed. The only area which remains closed is the National Arctic Wildlife Range, the grazing ground for the largest caribou herds known to man.

Alaska is a reflection of our national heritage and spirit. From her vast open spaces and unmarred scenery to her wild and roaming grizzly bears she is an example of the vitality and freshness that moves this country into the future. We have a chance today, similar to the opportunity our forefathers had in the founding of this Nation to protect a land for generations to come. I hope you will join me in supporting the Udall-Anderson bill for the sake of this and future generations of this country.●

● Mr. DOWNEY. Mr. Chairman, it is clear that the residents of our 49th State have the largest stake in the Alaska lands bill. For the past few years, Congress has tried to fashion a bill that is fair to Alaskans. I believe that the House succeeded in this regard last year and that the Udall-Anderson substitute to H.R. 39 continues in that tradition.

I would like to take a moment to point out that the people in my district also feel that they have a stake in the future of Alaska's wild land. New Yorkers and the rest of the American public also deserve a fair Alaska lands bill. I feel that the Udall-Anderson substitute will achieve this goal.

Before the granting of statehood to Alaska in 1958, all but approximately 600,000 of Alaska's 375 million acres belonged to the Federal Government. The new State of Alaska was entitled to choose 104 million acres of land. The Alaska Native Claims Settlement Act of 1971 allowed the Eskimos, Aleuts and Indians in the State to choose an additional 44 million acres.

Thus, the 400,000 residents of Alaska—a population smaller than that of my own congressional district on Long Island—have claim to about 149 million acres, an area 1½ times the size of California. Moreover, they have selected the lands most suited for development, such as Prudhoe Bay.

Alaskan residents also will be the chief beneficiaries of development on lands controlled by the Bureau of Land Management. Approximately 80 million acres of these lands will be available for development after enactment of the Udall-Anderson substitute. Altogether more than 230 million acres of Alaska—an area larger than Texas and California—will be available for mining, oil, and gas leasing and other development.

In my view, this constitutes fair treatment of the people of Alaska. Fair treatment for the remaining 99.5 percent of the American public requires that we establish true protection for those lands that have their highest and best use as parks, wildlife refuges, wild rivers and wilderness. These lands belong to all U.S. citizens, and they must be protected for all U.S. citizens.

The New Yorkers I represent have a stake in this legislation because, without a doubt, Alaska contains our Nation's most outstanding wild areas. These areas support most of our country's largest and healthiest wildlife populations, protect unmatched fisheries and provide nesting habitat for birds that migrate to every one of the Lower 48 States. These lands also provide important wilderness recreation opportunities.

Even for those who may never have the chance to visit Alaska, these areas represent our collective wilderness heritage. I have cosponsored strong Alaska lands legislation because I believe it is our responsibility to the people of the United States to protect that heritage. I urge my colleagues to join me in supporting the Udall-Anderson substitute so that we can fulfill this responsibility.●

● Mr. KOGOVSEK. Mr. Chairman, as a westerner, and as a Member who is concerned over this Nation's dependency on foreign sources of hardrock minerals, I would like to make several points about minerals issues relating to the Alaska lands debate.

Point No. 1. Regardless of which of the three bills before the House you support, there will be a certain amount of land you will be closing to new mineral exploration and potential extraction. And although the Udall-Anderson bill is the more conservation oriented bill of the House, it still leaves almost two-thirds of the lands with metallic mineral potential as rated by the U.S. Geological Survey completely outside the boundaries of conservation system units.

Point No. 2. That of the seven major mineral deposits in Alaska identified in the mining industry-financed SRI study, five are outside the boundaries of the Udall-Anderson bill. The two deposits which are within the boundaries—Quartz Hill on Misty Fjords and Greens Creek on Admiralty Island—will be assured in the Udall-Anderson substitute of virtually identical access rights as would be provided to similar claims within conservation system units in either the Huckaby or Breaux-Dingell bills.

Point No. 3. The proponents of the other bill apparently are still somehow trying to portray the minerals map they use as an official Bureau of Mines map. Additionally, they banter around the claim that 70 percent of the lands rated "highly favorable" for metallic minerals on that map are inside the boundaries of conservation systems in the Udall-Anderson bill.

They do not tell you however, that their map was prepared—not by the Bureau of Mines—but by a private industry mining consultant specifically for the Alaska Federal-State Land Use Planning Commission. The only Bureau of Mines role in preparing this map was that of a contracting agent.

Furthermore, even if you used their map, which we do not agree with, over 50 percent of the areas they label as "highly favorable" are inside their own conservation system unit boundaries. This simply confirms the point I made earlier that each bill before you protects areas from development at this time—the difference in protection between the three is only a question of degree and quality. In contrast, the maps used in developing the Udall-Anderson substitute were prepared by the USGS based on extensive field work and geological reports. The Assistant Secretary of the Interior for Energy and Minerals had this to say about these USGS reports and accompanying map used in developing our substitute:

> These reports are based on a synthesis of all currently available geological, geophysical, geochemical, and mineral occurrence data and incorporates field data collected through last summer. The reports represent the collective knowledge of a team of 25 Geological Survey scientists. The assessment is the best yet available of Alaska's mineral resources and no comparable analysis summarizing mineral potential has been published before or since.—(Letter to Representative John F. Seiberling, May 18, 1978.)

In the final analysis, almost two-thirds of the lands with metallic mineral potential in Alaska are completely outside Udall-Anderson conservation system unit boundaries. Furthermore, our bill mandates that the Secretary carry out a mineral assessments program on all public lands in Alaska including those within conservation system units.

By leaving such a large amount of the metallic mineral potential of Alaska available for exploration and development, including the seven SRI deposits, the Udall-Anderson substitute responsibly addresses both the Nation's need to explore for minerals and its need to preserve many of the pristine areas of Alaska. We can have it both ways.

There is a very important issue here today—important not only to the people of the United States, but also to every man, woman, and child in the world.

The issue is protection of our lands—and we are being watched—watched by every country in the world. The United States is a leader in conservation, protection, and respect for our lands. The decision we make today will have far-reaching effects on how other countries view land use and the respect that should be given to our natural resources.

I recently had an opportunity to discuss this issue with Capt. Jacques Cousteau. We have a major concern. Alaska is one of only three pristine areas left in the world. The decision we make on these lands will most certainly be followed by other countries. It is critical that we make the right decision, and that decision must be to protect our lands and demonstrate to the rest of the world, the respect we have for our natural resources.

● Mr. HILLIS. Mr. Chairman, I rise to associate myself with the substitute offered by my colleagues, Representatives UDALL and ANDERSON. After carefully reviewing the three versions before the House today I feel this substitute strikes the greatest balance between wildlife and wilderness needs, and the opportunity to develop Alaska's important resources.

Although this legislation has been dubbed by many as a matter of "conservation versus development," this description is clearly a gross oversimplification. While all three bills offer millions of acres for incorporation into the national park system, and thus are conservation efforts, the Udall-Anderson substitute affords the maximum amount of protection to conservation units under the soundest of management policies. The Interior and Insular Affairs and Merchant Marine and Fisheries versions of H.R. 39 seem to have missed the point that the issue at hand is not the quantity of acres designated as Federal lands, but the manner in which these lands are divided among the four park classifications, and thus which governing body will have jurisdiction and management oversight.

The basic premise of choosing the specific areas is to protect whole ecosystems to the greatest extent possible. This will avoid having to buy back or reclaim essential lands in the future. Wherever possible, the boundaries were tailored to eliminate known or suspected conflicts—that is, mineral deposits and State interests.

Proponents of the Merchant Marine and Interior versions assert that this is a compromise of the Alaskan lands legislation approved so overwhelmingly by the House last year. Although neither of these measures is more than a travesty of that legislation, similarity is a moot point to argue. The Udall-Anderson bill should be supported by the 96th Congress on its own merits—irrespective of what the 95th Congress passed—as it represents a sound, reasonable balance of competing demands between national conservation interests and economic growth. It should not be weakened further.

One of the issues that opponents of the Udall-Anderson bill tend to misrepresent is that this legislation will "lock up" Alaskan oil and gas; an allegation which is just not true. I am every bit as concerned as any one of my colleagues as to the seriousness of our tenacious overdependence on foreign supplies of oil. The fragility of these supplies has been illustrated dramatically in the past few weeks in all of our districts. My concern as to the necessity of maximizing domestic energy production was in the foreground during my analysis of this legislation. I am confident that H.R. 3651 is in no way detrimental to future supplies of energy.

The Udall-Anderson bill allows for oil and gas exploration on 95 percent of Alaska's areas identified by a U.S. Geological Survey as "high potential" or "favorable" with 100 percent of the offshore resources available for production. As it is estimated that two-thirds of the total supply is off-shore, this 5 percent of on-shore land with high or favorable potential is diminutive.

Even where conservation units overlap with favorable potential oil and gas lands, as in the proposed wildlife refuges of Teshekpuk and Utukok, exploration and production are explicitly authorized by the Udall-Anderson bill except in the case of the Arctic National Wildlife Range. This exception of 5 percent of Alaska's land mass is more than adequately justified by the fact that it is the calving ground for this Nation's largest remaining caribou herd. As this area is the only in the country that offers the rare combination of specifications required for the breeding habitat of the porcupine caribou, I do not feel that H.R. 3651 is out of line by mandating that development occur in the remaining 95 percent of Alaska prior to exploration in the Arctic National Wildlife Range. A strong compelling case should be made proving a dire necessity for development of this 5 percent before the existence of the caribou herd is sacrificed. It is always possible to change a wilderness designation to allow for development; however, rejuvenating an endangered species is a much more difficult task.

Again, I would like to stress that the Udall-Anderson bill designating Federal lands in Alaska is a sound, reasonable approach to the conservation of that State's breathtaking splendor. This substitute has been carefully deliberated and has been the topic of hundred's of hours of hearings throughout the United States. The substitute before us today is a good proposal for conserving this country's last great tract of unadulterated wilderness, but not at the expense of developmental interests or economic growth. H.R. 3561 deserves nothing less than this Chamber's best efforts, and should not be weakened or compromised further.●

● Mr. BOLAND. Mr. Chairman, Alaska is America's last true wilderness. It is an enormous area of great resources and magnificent beauty. When we act on the future of Alaska, we are acting on the future of this country. The land use directions we take in Alaska will set precedents for future land use decisions. I believe we must carefully protect our natural areas while allowing for cautious development of important natural resources.

In the 95th Congress, I was cosponsor of H.R. 39, the Alaska National Interest Lands Conservation Act. This bill passed the House in May of 1978 by a vote of 277 to 31. This was a good, balanced bill and an overwhelming majority of the House agreed.

This year there is a bill that is quite similar to last year's House-passed Alaska lands bill. That bill is H.R. 3651, the Udall-Anderson substitute. I believe this bill is a fine example of thoughtful conservation balanced with provisions for careful resource development.

The Udall-Anderson bill establishes 110 million acres of national parks, park preserves, wildlife refuges, forests, and wild and scenic rivers. Approximately 67 million acres of Alaska would be protected as wilderness. Udall-Anderson provides reasoned guidelines for oil, gas, and mineral exploration development and production. These guidelines will prevent damage to the fragile Alaskan environment.

The Alaska lands issue has become a highly emotional one. A mountain of conflicting information is available on the subject and lobbyists have been tripping over each other coming into our offices. Let us not be swayed by extreme arguments or emotion. Alaska belongs to all Americans. We must simply do what is best for all Americans.

Mr. Chairman, once damaged, the environment of Alaska would never again attain its natural state. It is important for us here in Congress to protect Alaska for future generations of Americans. Accordingly, I do not support the committee bill, the Huckaby bill, as reported. The Huckaby bill provides for too much development in too many places. Too much development will end the splendor of Alaska as we know it. There are development damages written into the Huckaby bill.

It is significant that whenever we speak of Alaska, we call it "beautiful Alaska." The two words go together. Let's keep the beauty in Alaska. I urge my colleagues to support the truly balanced Alaska Lands bill, the Udall-Anderson substitute.●

● Mr. HARRIS. Mr. Chairman, I seek a strong Alaska lands bill, like the bill the House of Representatives passed overwhelmingly just a year ago. I support the Udall-Anderson substitute—as I supported the House-passed bill of 1978—because it meets the test of a sound, balanced, truly protective conservation measure.

With the Udall-Anderson substitute, we have one of the greatest land and wildlife conservation opportunities in our history. On a portion of our land in Alaska, we have the chance to protect immensely important natural areas, scenic treasures, and wildlife habitat. We can do so with foresight, before the usual pattern of piecemeal development.

This legislative opportunity is unique not because it is a speedy solution or a quick way out of a problem. It is historic because we can do a better conservation job in Alaska than we have ever done before. We can think before we act, plan before we develop. In doing so we can protect a living heritage of wilderness, of natural wonders and of wildlife—not only for ourselves but for future generations as well.

There is a myth that we cannot afford to preserve parks, wildlife, refuge, and wilderness in Alaska on the scale I support, because it would block access to or "lock up" needed material resources. But the facts are different. The facts show that the strong, expansive Alaska bill I support—the Udall-Anderson substitute—can be enacted without harming our Nation's economic interests and without denying us needed resources.

Ninety-five percent of Alaska's onshore sedimentary basins having geological characteristics classified as "high potential" and "favorable" for oil and gas will remain open to oil and gas exploration, development, and production. The Udall-Anderson substitute opens as much as 100 million acres of Federal land now mostly closed to development.

This bill has gained strong support precisely because it is so carefully balanced. Opponents of the Udall-Anderson substitute wish to further compromise the parks, refuges, and wilderness areas we support. I believe enough compromises have been made. The substitute now embodies the sound, overall balance the House achieved in its bill last year.

The facts about a sound, balanced Alaska lands bill have not changed. What was true of last years' House-passed bill is still true of the Udall-Anderson substitute. The Udall-Anderson version protects the very best lands of national park caliber and unsurpassed wildlife habitat and also, keeps 90–95 percent of the high potential oil and gas lands open for development and 90 percent of all the land in Alaska open for sports hunting. Clearly, the Udall-Anderson substitute is not an effort to lock up Alaska or to deny the State and its people resources needed for their economic development.

This is truly one of the most important environmental issues to come before Congress. Not in our generation and probably never again, will we have a land and wildlife opportunity approaching the scope and importance of this one. I strongly support the Udall-Anderson substitute as the only worthy choice before the House.●

● Mr. UDALL. Mr. Chairman, the Udall-Anderson substitute to H.R. 39 is the direct linear descendant of a substitute offered by Mr. Gudger of North Carolina during markup of Alaska lands legislation by the Committee on Interior and Insular Affairs. The dissenting views part of House Report No. 96–97, part I, contains legislative background information which, with a few exceptions, fully applies to our substitute.

Because of the importance of this legislation, and because it contains a number of provisions which will require careful implementation, I am today inserting in the Congressional Record some additional material which further explains various portions of this bill, for the benefit of all our colleagues and all those with an interest in this most important legislation.

SECTION 102. POLICY REGARDING SUBSISTENCE USES ON THE PUBLIC LANDS IN ALASKA

Subsections (4), (5), and (6) were included in title VII of H.R. 39 which was passed by the House of Representatives during the 95th Congress, but this year have been included in section 102 to insure their applicability to all State and Federal management decisions relating to the public lands. Based upon subsections (7), (8), (9), (10), (11), and (12) of section 101, three general policies establish the operative legal context against which all State and Federal management decisions are to be evaluated: Subsction (4) requires that State and Federal management policy on the public lands shall cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands. In particular, subsection (4) mandates that administrative structures and regulations for the management of conservation system units, including national parks, shall be developed and implemented in a manner consistent with the cultural values of Alaska Native residents. For example, the subsection leads to the conclusion that application of a permit or quota system for rural residents engaged in subsistence uses (with the exception of customary trading activities such as trapping) within conservation system units, including national parks, should not be established unless necessary to protect the natural stability and continued productivity of a particular fish or wildlife population, and then only on a case-by-case basis for the time necessary to restore the stability and productivity of the affected population. Similarly, the imposition of income requirements, which by their very nature encourage arbitrary classification systems and cultural disruption caused by the intrusion of complicated Western bureaucratic systems upon essentially oral cultures, are likewise disfavored unless in a particular instance access to a particular fish or wildlife population already has been restricted to only rural residents engaged in subsistence uses, and protection of the stability and productivity of such population require that subsistence use of the population must be curtailed even among rural residents through appropriate limitations based on the criteria set forth in section 701.

Subsection (4) also establishes an unequivocal commitment to the protection of economic and cultural self-determination by rural residents engaged in a subsistence way of life. The right of those residents and their descendants to determine for themselves their own cultural orientation and the rate and degree of evolution, if any, of the culture of which they choose to be a part shall be respected and facilitated by State and Federal management policies.

Subsection (5) requires that nonwasteful subsistence uses by rural residents of fish, wildlife, timber, plants, and other wild renewable resources, shall be the first priority consumptive use of such resources on the public lands. When or where it may be necessary to restrict the taking of a particular resource, taking for nonwasteful subsistence uses by such residents shall be given preference over recreational, sport, and other consumptive uses.

Subsection (6) recognizes that the successful management of subsistence resources and uses requires long-term cooperation between adjacent landowners and managers, including appropriate State and Federal agencies, Native corporations, and other nations.

Bering Land Bridge National Preserve, sections 201(a)(1) and 202(b); these sections redesignate the Bering Land Bridge National Preserve and permit continued reindeer grazing, including the use of necessary facilities and equipment, within the areas within the park.

Pursuant to the Alaska Reindeer Act of 1937 (Public Law 413, 50 Stat. 900, 48 U.S.C. 250) Native Alaskans have the exclusive right to graze reindeer in the State. One of the purposes of the Alaska Native Claims Settlement Act was to foster economic self-sufficiency of the Natives of Alaska, and the provision permitting continued reindeer grazing in the Bering Land Bridge National Park is designed to facilitate the intent of Congress as expressed in the Reindeer Act in 1937 and the Alaska Native Claims Settlement Act in 1972. Presently there are several individual Natives and Native groups, including one of the corporations formed under the Settlement Act, which are engaged in reindeer grazing for both economic and subsistence purposes. They have invested a considerable amount of money and if grazing were not permitted, the congressional policies referred to would be frustrated and the Natives would suffer severe economic losses as well as the loss of a source of food.

Noatak National Preserve, section 201 (b)(4); this section, as amended by adoption of language proposed by Congressman KOSTMAYER, is designed to assure that the boundaries of the preserve are, in relation to lands selected by Native corporations, contiguous and coterminous with the selections, as ultimately conveyed to the Native corporations. There will be neither a gap between the respective boundaries of the conveyed lands and the preserve, nor will there be an overlap. The boundary is generally depicted on a map dated May 1979, but the ultimate location of the boundary will be determined by conveyances to the Native corporations under the Alaska Native Claims Settlement Act.

SECTION 202(f)

This subsection conforms the management of national parks redesignated in section 201 of the House-passed bill with the purposes of the same units as were set forth in the 1978 House bill. H.R. 39 as passed by the House of Representatives during the 95th Congress included the opportunity for continuation of subsistence uses by local residents as one purpose of each new park unit. In December 1978, the same units were established by Presidential proclamation. Each proclamation (with the exception of the designating Kenai Fjords National Monument) included language applicable to subsistence uses of all wild renewable resources somewhat different from that in last year's House bill. Since section 201 redesignates (rather than establishes) the existing national monuments, this subsection clarifies that the opportunity for continuation of subsistence uses of all subsistence resources (not just wildlife) by local residents is a purpose of each redesignated unit. Such uses shall be regulated pursuant to the provisions of title VII. The subsection is not intended to open national parks established prior to December 1978, to subsistence uses of wildlife in areas which were permanently closed to such uses by regulation prior to that date.

Selawik National Wildlife Refuge, § 302(7); this section also permits continued reindeer grazing in the refuge, including the maintenance of necessary facilities and equipment, for the same reasons that continued grazing and related uses are permitted in the Bering Land Bridge National Park.

In addition, the boundaries of the wildlife refuge are made coterminous with the lands selected by the various Native corporations. The Secretary may acquire such lands, but only with the consent of the owner, and if there is such acquisition, the lands shall become part of the wildlife refuge and the boundaries reestablished accordingly.

SECTION 710. LIMITATIONS, SAVINGS CLAUSES

Subsection (1) provides that nothing in this title is intended to grant a property right in any fish, wildlife, or other resource on the public lands, or as authorizing the level of subsistence uses on such lands to be significantly expanded beyond the level of such uses occurring during the 10-year period before January 1, 1979. It should be emphasized that the latter limitation is a savings clause, not a policy statement to be applied literally to subsistence uses by persons presently resident in rural Alaska, or their descendants, through the application of a permit or quota system unless on a case-by-case, resource-by-resource basis permits or quotas must be imposed to protect the natural stability and continued productivity of a particular subsistence resource. Absent the requisite showing of necessity to protect a particular resource, application of a permit or quota system is not contemplated by section 102(4).

This limitation is intended to complement the management policy set forth in section 102(4) that rural residents, and the descendants of such residents, shall be provided an opportunity to continue to lead a subsistence way of life by engaging in subsistence uses as long as they choose to do so. At some time in the future the intrusion into Alaska's rural areas and Native villages of newcomers never before resident in those areas and communities may result in a substantial number of persons (other than former or present residents and their descendants) claiming subsistence use privileges on the basis of their "local residency." It is not the intent of this title to guarantee that all persons who may become resident in rural Alaska after the date of enactment of this act shall be automatically afforded the benefits of the preference for subsistence uses (section 701), although they may be permitted to do so in the discretion of the appropriate managing agency if the resources are sufficient. Conversely, it also is not the intent of this subsection that persons who have been resident in rural Alaska on or before the date of enactment of this act, and their descendants, not be protected by the title because they may have not been resident in rural Alaska during some period of their lives. (Of course, such persons would not be rural residents during those periods in which they are living elsewhere.) Rather, the title is intended to facilitate the development of a culturally sensitive subsistence management system which recognizes and respects the dynamic interaction between the rural subsistence way of life and the cultural and economic values of the larger society of which it is a part.

Subsections (2) and (3) provide that nothing in this title is intended to vest elsewhere than in the Secretary authority to manipulate habitat or regulate the use of timber or other plants on any portion of the public lands, or to permit the assignment or transfer by any individual of any privilege which may be granted pursuant to this title, or to permit subsistence uses of fish or wildlife on any portion of the public lands permanently closed to such uses on January 1, 1979. (One intended effect of the latter provision is to maintain the status quo with respect to subsistence uses of fish and wildlife within those units of the national park system established prior to December 1978. While fishing, subsistence or otherwise has been permitted, those units have been permanently closed by regulation to the taking of wildlife for any purpose.

However, those National Park System Monuments established by executive actions of December 1978 (including additions to parks established prior to such action) which were left open to subsistence uses and which are redesignated by the House bill, will continue to remain open to subsistence uses of wildlife by local residents pursuant to the proclamation which established the unit, title VII, and section 202(f).

Subsection (4) provides that nothing in this title is intended to modify or repeal the provisions of any other Federal law governing the conservation or protection of fish and wildlife, and these remain in place insofar as such laws apply to non-subsistence uses of fish and wildlife on the public lands. For example, while section 704(e)(1) establishes a detailed statutory scheme for the closure of the public lands, or any portion thereof (either within or without a conservation system unit), to subsistence uses of fish or wildlife, the closure of such lands to the taking of fish or wildlife for nonsubsistence uses continues to be regulated by existing law relating to hunting and fishing and the management of the public lands (including lands within conservation system units).

SUBMERGED LANDS, SECTION 918

One of the more difficult problems to arise during the 7 years of implementing the Alaska Native Claims Settlement Act concerns the treatment of lands which have been withdrawn for Native selection, and have been selected, but which also underlie bodies of water. The Submerged Lands Act (made applicable to Alaska by section 6(m) of the Statehood Act) in effect conveyed the land under navigable waters to the State of Alaska upon Alaska's admission to the Union, unless such waters were reserved specifically to the United States at the date of Statehood.

The difficulty arises because only the courts can make a final determination of navigability. Thus, when land under water is conveyed to Alaska Natives, the Department of the Interior must attempt to decide whether or not the water is navigable. If the water seems to be navigable, then the land is deemed to be confirmed to the State of Alaska and so is not counted against the total to go to the relevant Natives. If the Department decides the water is not navigable, the land is deeded to the Native Corporation and charged to the Corporation as part of its entitlement.

However, nothing in this process and conveyance prevents the State of Alaska or anyone else from sooner or later taking the issue of navigability of any individual body of water to court to seek a determination about its navigability. If the body of water should be determined navigable in the future, then the Native Corporation would lose title to that land and thus they would not receive all the lands to which they are entitled under the Alaska Native Claims Settlement Act. There is no statute of limitations on when navigability determinations can be sought and thus the court action could take place decades from now.

In order to resolve this problem as it would affect such smaller conveyances as homesteads, the Bureau of Land Management traditionally had conveyed the riparian rights of the meanderable waters (those lakes over 50 acres and those streams over 198 feet wide) to the homesteader or other recipient without charging the riparian lands to the individuals entitlement. In this case, though, the Department of the Interior has determined that it will not use such a procedure in conveying Native lands, even though if such a procedure were used, then the Natives would not stand to lose any of their entitlement due to future navigability determinations.

Section 918 resolves this difficult problem. The section provides that the land under lakes over 160 acres and meanderable streams, which the Secretary has determined administratively to be nonnavigable, will not be charged against the Native entitlements. This in effect would be a "hold harmless" clause of an insurance policy which assures that the Natives will receive at least the total of lands promised by Congress. Other already selected lands within the existing Alaska Native Claims Settlement Act withdrawals would be conveyed in place of the not charged submerged lands; if there are not enough such selections, additional withdrawals can be made (under section 910) but these must be entirely outside the conservation system units. When a Native corporation receives lands under waters on withdrawals and reservations existing at the date of Statehood, the Native corporation receives title to such lands and is charged for them, because the corporation does not stand any chance to lose those lands due to future navigability determinations because the State of Alaska has no rights to submerged lands on such Federal withdrawals or conservation system units.

The section also provides that a Native corporation may trade land under water to the Department of Interior if the land is within a conservation unit or to the State if the land is outside the conservation unit and receive acreage elsewhere. This would take place only if the Native corporation and either the State or Federal Government agreed to such a trade. If the State receives the land, they receive it as part of their entitlement under section 6(b) of the Statehood Act with a provision that land would be charged under 6(m) of the Statehood Act if the water overlying the land was determined to be navigable.

Although this section is somewhat complex, it resolves a very difficult situation. The Native corporations are giving up certain potential rights if they choose to participate in and receive the protections of this section. They have a year to make such a choice and if they do not so notify the Secretary, the section will be inapplicable and they will receive lands as the Department of Interior deems fit or as a court may later decide. To the extent that this section is utilized, it should save a tremendous amount of administrative hearings before the Alaska Native Claims Appeal Board and a great deal of litigation between Native corporations and the State of Alaska.

ARCTIC SLOPE LANDS, SECTION 929

As passed by the House, the bill confirms the outcome of agreements between the Arctic Slope Regional Corporation and the administration on a number of topics, including the relationship between the lands being conveyed to that Native corporation and the Gates of the Arctic National Monument which the House-passed bill redesignates as a National Park.

Earlier this year, I asked the Arctic Slope Region and the Interior Department to provide an agreed upon north boundary for the Gates of the Arctic National Park. They have done so and the bill is consistent with the statement of principles of the Arctic Slope Regional Corporation—Department of the Interior agreement which was signed by all parties on April 24, 1979.

The Arctic Slope Region is one of the few Native regions in the State which has finalized its selection priorities and has actually received title to most of its lands. The recent agreement between the Department and the region resolves the remaining differences concerning the land ownership patterns between the Gates of the Arctic Park and the regional corporation lands. Legislative adoption of this agreement is contained in section 929.

This section serves several specific purposes. First, it removes over 400,000 acres of private (Native) lands from the boundaries of Gates of the Arctic National Monument, which is redesignated as a national park. Since these holdings are all adjacent to the boundary of the area, this boundary change can be made without effecting any of the federally owned resources of the unit. Second, it removes from the unit certain lands that have potential for oil and gas development. Some feel these lands have some of the highest priority for oil and gas development on the northslope of Alaska. It is my understanding that Arctic Slope Region will begin drilling programs on these lands as early as next year. The Native lands involved are those which the corporation wishes to utilize for these and other development purposes.

The village of Anaktuvuk Pass and the Native lands immediately surrounding the village which are critical for subsistence purposes will remain within the park under this section, with the support of the village and regional corporations. The wilderness designation for this area conforms the wilderness boundary to the exterior national park boundary and adopts a wilderness boundary within the unit which follows the boundary between Federal and Native ownerships around Anaktukuk Pass.

WILDERNESS

The Wilderness Act became law in 1964; yet, there still are those who insist that wilderness is the ultimate lockup where virtually no human activity can occur. This assertion, of course, is nonsense. Not only does the Wilderness Act itself permit continuation of the use of airplanes, motorboats, and under, certain conditions, other types of mechanized equipment or vehicles, H.R. 39 expressly permits the use of these and other modes of travel in not only wilderness areas, but the conservation system units in which a specific wilderness area is located as well. Wilderness areas are like fingerprints—each one different from all the others—and uses vary as well. While commercial uses usually are limited to those activities which are proper for realizing the recreational or other wilderness purposes of a specific wilderness area, commercial uses such as trapping, reindeer herding, musk-ox management, fishing and other activities peculiar to Alaska are not disallowed by wilderness classification.

HARDROCK MINING IN WILDLIFE REFUGES

The Udall-Anderson substitute reaffirms a basic conservation principle that hardrock mining and wildlife refuge management are not compatible. This principle was founded by President Theodore Roosevelt over 75 years ago when the first units of the National Wildlife Refuge System were established from the public lands and withdrawn from the mining laws. Thus, this important principle has guided wildlife refuge establishment since 1903.

Only five units out of a total of 390 units of the wildlife refuge system are open to possible mining, mainly because when established from the public lands four of them were administered jointly with another agency. The other is the existing Clarence Rhode Wildlife Range in Alaska. However, the act of February 27, 1976 (90 Stat. 199; 16 U.S.C. 668 dd(a)) placed these four areas under the sole jurisdiction of the U.S. Fish and Wildlife Service and that agency now is charged with the responsibility of administering these areas primarily for wildlife benefit, continued application of the mining laws notwithstanding.

ACCESS TO INHOLDINGS

During the hearings and markup meetings of the Committee on Interior and Insular Affairs earlier this year, I stated that I would be exploring possible amendments, which I might offer as floor amendments to our access to inholdings provision. After we discussed this subject at length with a number of members including Mr. SEIBERLING and Mr. McCLOSKEY, as well as representatives of the Departments of Interior and Agriculture, I directed staff to prepare an amendment to section 802(c) which was printed in the CONGRESSIONAL RECORD on May 8 by Mr. SEIBERLING.

The amendment makes section 802(c) somewhat less restrictive than it is in H.R. 3651 in that it eliminates the need for a surface or subsurface inholding to be "entirely within" a conservation system unit in order for the inholders to take advantage of this provision. The section, as amended, applies to inholdings which are "within or effectively surrounded by" a conservation system unit. This language is essentially the language of the similar provision in H.R. 39 as it passed the House in 1978. In that connection, the report on H.R. 39 in the 95th Congress (H. Rept. No. 95–1045, part I) pages 212 and 213 deserve repeating here:

> Section 1202(c) assures that access will be provided, for economic or other purposes, to State or private holdings (including valid mining claims and similar valid occupancies) which are "effectively surrounded" by public lands within one or more conservation system units. This provision, which was adopted at the suggestion of the Alaska Legislature's "steering Council for D–2 Lands," is similar to but expands upon the access provisions of section 5 of the Wilderness Act. It was adopted in recognition of the fact that valid existing mining claims and similar occupancies are within the boundaries of the conservaton system units, and that a number of additional valid inholdings will be created by the completion of the lands transfers mandated by the Alaska Native Claims Settlement Act.
>
> It is the intent of the Committee that these provisions concerning access be liberally construed in favor of those seeking access. In particular, it should be noted that by use of the phrase "effectively surrounded" in section 1202(c) the Committee intends to provide for cases in which an inholding is not completely enclosed by a conservation system unit's public lands, but is so generally embraced by those lands that the effect as a practical matter is the same.

Further discussions of the meaning of section 802(c) can be found in the dissenting views to the Interior and Insular Affairs Committee Report on H.R. 39 (H. Rept. No. 96–97, Part I) dated April 18, 1979.

Another part of the amendment had to do with including those "lands designated as wilderness study or managed to maintain the wilderness character or potential thereof" so that such study or management would not bar the access rights provided in the section. This change conformed the language of section 802(c) to similar language in section 802(b) of the Udall-Anderson substitute (H.R. 3651).

The last part of the amendment was drafted to clarify that access under this section shall include surface access when such access is reasonably necessary to carry out economic and other purposes associated with the use of the inholder's lands. However, we do not intend by the language to foreclose an inholder's rights to air access should that be a more reasonable form of access under the circumstances than surface access.

This amendment deals only with the question of access to inholdings (valid mining claims, State lands, Native lands, private lands, or other valid occupancy). And while such access could include powerline, road, and other such access if necessary for the economic development purposes on the inholders land, it was never intended to, nor does it now, grant rights to inholders to use conservation system unit land outside the inholdings for purposes other than access to such inholdings. Other facilities needed for economic development may be placed only on land owned by the inholder except in the case of valid mining claims under section 405 of the Udall-Anderson substitute as amended. Section 405 would authorize the Secretary to offer other land, either on conservation system unit lands or on other Federal land, to the inholder for milling purposes if it would be more environmentally sound for milling to take place away from the inholder's mining claim. While certain access matters are dealt with in section 802 and at appropriate places throughout H.R. 3651, others are covered in title X, which deals with transportation and utility systems and which incorporates existing law relating to such systems as well as in the body of law which has developed around valid existing mining claims under the mining laws of the United States.

OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION

Title XII of the Udall-Anderson substitute, as amended, sets out the general procedures for oil and gas exploration and development on: First, the Teshekpuk-Utukok National Wildlife Refuge (comprising the public lands which are in the National Petroleum Reserve-Alaska on the date of enactment); second, all lands administered by the Bureau of Land Management which are not reserved for administrative purposes, State or Native selections, et cetera; and, third, nonwilderness portions of the Wildlife Refuge System units in Alaska.

While the Secretary has the authority under this title to issue exploration permits, he is not required to have private companies go through an exploration phase if it is not necessary for the prudent development of the resources. This is the case especially in those areas listed in section 1205,(a) (1), (2) and (3) which are to be leased under competitive bidding procedures. In areas such as the Teshekpuk-Utukok National Wildlife Refuge (which is to be leased only by competitive bidding), private companies may wish to operate under an exploration permit prior to bidding on certain tracts.

As amended, section 1208 dealing with the Teshekpuk-Utukok National Wildlife Refuge provides for a schedule of proposed lease sales to be published within 240 days after enactment and the first lease sales to be held not later than 18 months after the date of enactment. Also, comprehensive conservation plans must be prepared for the entire refuge within 240 days. The preparation of these plans within the required time limits should not pose an insurmountable problem since most of the necessary resource studies required by section 105(c) of the National Petroleum Reserves Production Act of 1976 were completed in April 1979.●

● Mr. PEYSER. Mr. Chairman, last week I had the occasion of spending several hours with the noted underwater explorer and environmentalist, Jacques Cousteau. We discussed the Udall-Anderson proposal, and the impact it has not only for the United States, but for the entire world. Mr. Cousteau told me the world was watching to see if the United States truly means it when we speak about preserving and conserving our wilderness and parklands for future generations.

I have become convinced that Udall-Anderson does treat fairly the needs of the State of Alaska and of the American people in developing our minerals and natural resources, while protecting the natural beauty of our country.

I am, therefore, supporting the Udall-Anderson proposal, and urge my colleagues to do the same.●

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment do now cease.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. YOUNG of Alaska. Mr. Chairman, reserving the right to object, may I ask the gentleman from Arizona, does this give time for closing argument, et cetera.

Mr. UDALL. As soon as this amendment is disposed of, I am going to make a motion that all debate on Breaux-Dingell and Udall-Anderson close in 30 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I withdraw my objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona (Mr. UDALL)?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. VENTO) to the substitute offered by Mr. UDALL

The amendment to the substitute was agreed to.

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the Breaux-Dingell substitute now pending, and on the Udall-Anderson substitute now pending, and any amendments thereto, close at 2:30.

Mr. DINGELL. Mr. Chairman, reserving the right to object, can we see how many of our colleagues are standing? Why do we not make it 3 o'clock and get the last 5 minutes reserved for the gentleman from Louisiana (Mr. BREAUX), the gentleman from Arizona (Mr. UDALL), and the gentleman from Alaska (Mr. YOUNG).

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the Breaux-Dingell substitute now pending, and on the Udall-Anderson substitute now pending, and any amendments thereto, close at 3 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Chairman, a parliamentary inquiry.

Does this preclude an individual from striking the last word?

The CHAIRMAN. Yes. All Members would be limited with that time. The gentleman may offer an amendment, but debate will be limited.

Mr. DINGELL. Mr. Chairman, reserving the right to object, I had the impression the gentleman from Arizona was going to ask that the last 5 minutes be reserved to the gentleman from Louisiana and to himself and to the gentleman from Alaska.

Mr. UDALL. If it is appropriate, I would make that request.

Let me ask the Chair, is it appropriate to reserve time in a request?

The CHAIRMAN. By unanimous consent, that may be done.

Mr. UDALL. The request is 5 minutes at the end be reserved for the gentleman from Louisiana (Mr. BREAUX), the gentleman from Louisiana (Mr. HUCKABY), the gentleman from Alaska (Mr. YOUNG), and the gentleman from Arizona (Mr. UDALL).

The CHAIRMAN. So the Chair understands, the gentleman from Arizona is requesting 5 minutes each for each of these gentlemen?

Mr. UDALL. Exactly.

Mr. SYMMS. Mr. Chairman, reserving the right to object, I would suggest, why do we not go ahead here until the Members are more comfortable about this. We are talking about something of impending national security.

Mr. UDALL. Mr. Chairman, I have consulted on both sides for some time. We just had a mining debate again. The gentleman from Alaska (Mr. YOUNG) is protected under my request.

Mr. SYMMS. Mr. Chairman, I keep hoping the chairman will listen one time.

Mr. YOUNG of Alaska. Mr. Chairman, reserving the right to object, are we taking the 20 minutes out of the 1 hour?

Mr. UDALL. Yes. The last 20 minutes would be reserved, 5 minutes each for the four gentlemen I mentioned, including the gentleman from Alaska. It looks like other Members would get a couple of minutes each.

Generally, there is a pooling of time so Members who have more to say than others get a little more time. It is a practice of the House that I found works very well.

Mr. YOUNG of Alaska. Mr. Chairman, reserving the right to object.

Mr. ASHBROOK. Mr. Chairman, would we hear the right to object. It is a practice of the House that creates strong men that I do not think works very well.

Mr. YOUNG of Alaska. Mr. Chairman, reserving the right to object, I have had one request, and the gentleman from Arizona yielded to me and the gentleman from California (Mr. PASHAYAN) would like to finish his presentation which he was precluded from. That may take 3 or 4 minutes. Can we add that in that period of time.

Mr. UDALL. There are a number of Members on the gentleman's side of the aisle who are standing. I will try to get him some spare time over here, but if we start parceling it out, we may as well withdraw the request. I think we have got a fair and workable solution.

Mr. SYMMS. Mr. Chairman, I withdraw my reservation of objection.

Mr. DINGELL. Mr. Chairman, I withdraw my reservation of objection.

Mr. YOUNG of Alaska. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona (Mr. UDALL).

There was no objection.

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(By unanimous consent, Mr. CLAUSEN yielded his time to Mr. YOUNG of Alaska.)

(By unanimous consent, Mr. STUDDS yielded his time to Mr. UDALL).

(By unanimous consent, Mr. SENSENBRENNER yielded his time to Mr. ANDERSON of Illinois.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, obviously I do not have time to review this lengthy debate in the short time at my disposal. Let me simply say to the Members on my side of the aisle with whom I have personally spoken on this legislation, I would not want them to feel at this late stage in these proceedings that incorporation of some amendments, as they have been offered over the past several days, to the Breaux-Dingell bill have improved that measure to the point where it has changed my opinion, nor should it change their opinions, that that is an acceptable piece of legislation.

That legislation, even as amended, is still going to mandate private oil exploration in the Arctic National Wildlife Range, thereby destroying one of the most fragile, irreplaceable ecosystems in the world. It is going to open one-half of the existing Admiralty Island National Monument for possible mineral development and logging. We are going to lose the irreplaceable values that these will be to the American people.

I urge the Members, therefore, when the vote is cast, to vote for the Udall-Anderson bill.

Mr. Chairman, the one matter that has been thoroughly confused throughout this debate has been the issue of so-called State's rights. My good friend, Mr. YOUNG of Alaska and others have tried to portray our Udall-Anderson substitute as somehow abrogating State's rights and breaking the contract we made with the people of Alaska when they entered the union in 1959. Let me emphatically state that this is not true.

The facts in this case should speak for themselves. When Alaska entered the Union in 1959, the then 200,000 people of Alaska were given the right to select, and I am now quoting directly from the Statehood Act, "102,550,000 acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection."

Under this section, the State has already made selections of 100 million acres, almost all of which are currently being processed and turned over to the State. The State, therefore, has already validly selected over 90 percent of its total entitlement of 105 million acres.

The size and scope of this grant is unprecedented; indeed, this grant to the people of Alaska represents fully one-third of all the congressional land grants ever made by the Federal government to all the States since the American Revolution.

And, unlike most of the rest of the public land States, where the Federal Government imposed a fixed pattern of alternate township selections on the States as a condition of their entering the Union, the people of Alaska were given the right to select any vacant, unappropriated Federal lands in Alaska as long as the lands in question were not reserved by the Federal Government at the time of their selection. As a result, the State of Alaska has wisely chosen lands that will provide the greatest economic benefit to the people of Alaska.

But now, and this is the critical difference between the Udall-Anderson approach and the other bills before the House, the State of Alaska wants to change the rules of the game. They want the U.S. Congress to allow the State of Alaska to select lands that have already been reserved by the Federal Government, and which are strictly off-limits to

State selection under section 6(b) of the Statehood Act.

These lands are in the heart of existing national monuments and key conservation units we seek to protect under our bill. The State would like the Congress to dismember the existing Yukon Flats and Wrangells-St. Elias National Monuments as well as the proposed Alaska Peninsula Wildlife Refuge. This is an approach that was soundly defeated during last year's deliberations on the bill and one that I am confident will be soundly defeated again this year.

The other big "smokescreen" our opponents continually try to use against us is that we somehow "take" valid State selections and turn them back over to the Federal Government. This is patently false. Under the Udall-Anderson substitute, not 1 acre of validly selected or patented State or Native lands is taken from them; our bill actually speeds up the conveyances of land, which admittedly has been woefully slow, to both the State and the Natives.

We do, however, include within the exterior boundaries of our proposed conservation boundaries a small amount of validly selected or patented State land of approximately 3 million acres. But this is State land, and the State can do with it what it wants, unaffected by our bill. Our opponents never mention this, but they take the same approach; they include over a million acres of State land within their proposed conservation boundaries.

The reason and the only reason why these lands are included under all of the proposals before the House is to encourage the State to swap these lands for Federal lands of equal value elsewhere in the State if they so desire. And this is a position that the State of Alaska has consistently supported throughout the development of this legislation.

If we have learned anything as a Nation in the administration of our public lands, it is that we should avoid wherever possible the creation of in-holdings. It just does not make economic or ecological sense to create a pattern of fractured landownership, particularly in areas of such high wildlife and scenic importance.

Why should we allow the State of Alaska to take these public lands, many of them currently included in existing national monuments, to which the State has no legal right? There is simply no reason in light of the most favored status already given Alaska under the Statehood Act not to follow the letter and the spirit of that Statehood Act and allow the State to select their remaining 9.5 million acre entitlement from the huge remaining pool of 85 million acres of Federal lands outside of any proposed conservation units.

In conclusion, I must emphasize that we have never advocated anything less than fairness to the State of Alaska and its people. We are fully in favor of allowing the State to complete its selections under the Statehood Act on the basis of whatever criteria it wishes to employ—subject only to the requirement that Congress also protects the national interest.

Last year, the House specifically rejected an amendment that would have given away the national interest in these lands to the State of Alaska. This year, the Huckaby and Breaux-Dingell bills propose the same kind of conveyances of lands to the State which the House rejected. The Udall-Anderson bill, on the other hand, follows last year's House-passed bill and does not give the State of Alaska lands to which it is not entitled. There is simply no reason to seriously compromise the ecological and scenic integrity of the existing and proposed conservation system units to placate the land hungry appetite of some Alaskans. I can assure you that future conflicts between Federal and State land managers will arise if the complex jurisdictional patterns suggested by the Huckaby and Breaux-Dingell bills are created.

I therefore urge my fellow colleagues to vote for the balanced approach embodied in the Udall-Anderson substitute.

I include the following:

STATE AND NATIVE LAND CONVEYANCES

While the intentions behind the reported version's title VIII are laudable, the results would be deplorable. The reported version would delay, not expedite, the full realization of the goals of the Alaska Native Claims Settlement Act and would further imbalance the bill by unduly, and contrary to existing law, favoring the acquisitive interests of the State of Alaska at the expense of Native and national interests.

The reported version's title VIII has only five sections (801, 802, 803, 806, and 809) which were not included in H.R. 39 as introduced in the 96th Congress. Of these, sections 801 and 802 deal with expedited conveyances to Native Corporations, section 806 deals primarily with conveyances to the State, and the others are primarily administrative in nature. These sections differ radically from the corresponding provisions of the bill passed by the House in May 1978.

NATIVE LAND PROVISIONS

At the time that this matter was under consideration last year, the Committee took the view that a legislative remedy to past delays in transferring lands to the Native corporations under the Alaska Native Claims Settlement Act was appropriate. At the same time, however, as the Committee's Report stated:

"The Committee notes that the present Administration has undertaken an extensive review of its policies and procedures regarding implementation of the Alaska Native Claims Settlement Act, and it has confidence that measures are being taken to greatly improve that administration" (Report 95-145, Part I, p. 190).

Since then, the administration has taken major steps to speed up the transfers of land to both the Alaska Natives and the State of Alaska under the provisions of the Alaska Native Claims Settlement Act and the Alaska Statehood Act. As a result, the provisions of section 802 and 806 of the reported version, in particular, are no longer necessary.

In fact, as Secretary Andrus told the Committee during hearings on H.R. 39 in February, 1979, many of the provisions of the reported version of Title VIII will have the effect of slowing—not expediting—transfers to the Alaska Natives. As the Secretary stated regarding provisions such as those in section 802 of the reported version:

"Putting it simply, we believe that the expedited conveyance language creates more problems than it solves when it adds new requirements to what are already complex procedures. With the limited manpower we have, I think the Bureau of Land Management would find it necessary to operate two parallel systems, and I am afraid that we including many areas highly desired by the State. (Testimony on February 13, 1979).

However, after the hearings on H.R. 39, we had also recently signed public land orders making an additional 16 million acres of public lands available for State selection—including many areas highly desired by the State. (Testimony on February 13, 1979).

However, after the hearings on H.R. 39, we concluded that it would be desirable to add provisions dealing with the so-called "core" townships,[1] (the township in which a Native village is located) and some of the more general administrative provisions which were in the Senate Committee's version of October, 1978. These were included in the substitute which we support.

STATE OF ALASKA PROVISIONS

Because the reported version threatens to impede transfers to the Natives, it is ill-conceived. But in the way that it deals with the State, it is an outrageous giveaway of the national interest.

Last year, in response to State complaints that prior State selections were being transferred too slowly, the House-passed bill included (in section 805(e)) a simple confirmation of past *valid* selections, with provisions to speed the administrative procedures leading to issuance of patents to the State.

INVALID SELECTIONS CONFIRMED BY REPORTED BILL

The reported version, however, in section 806(d) goes far beyond this and would confirm many invalid past selections, and then "conveys to the State . . . all right, title, and interest of the United States in and to all vacant, unappropriated, and unreserved Federal lands . . . specified in the list . . . submitted by the State of Alaska," with only the exception of a few areas covered by a withdrawal for a possible gas pipeline.

The reported bill, was introduced only two weeks before it was voted on in Committee, without hearings and with only the minimum of explanation. Surely, the Committee, if it had realized what it was doing, would not have countenanced this incredible attempt to abdicate national interests in favor of the interests of a single State. This provision rewards past illegalities by validating past State attempts to obtain federal lands not legally available for State selection. And it is totally irresponsible insofar as it quitclaims to the State vast areas of public lands, whose location and extent can only be determined by reference to a document (prepared unilaterally by the State) which has never been before the House of Representatives or even the Committee itself.

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[1] As to the "core" townships, a legislative conveyance would not present the administrative problems which we have discussed above relative to section 802 of the reported version—the townships in question are already well identified, and the Alaska Native Claims Settlement Act requires their selection. Moreover, a legislative conveyance, while not necessarily providing a complete remedy of past problems would make indisputable the status of these areas as Native lands, not public lands, and remove any doubt that they are to be administered (until formalities of conveyance are complete) in a way that protects Native interests.

Furthermore, many of the areas covered by section 806(d) of the reported version are unavailable to the State because they have been withdrawn for Native selection—Thus, to grant them to the State now could at best mean further hindrances to proper implementation of the Alaska Native Claims Settlement Act and, at worst, could be an illegal abdication of the Federal responsibility to protect Native rights and interests.

SPECIFICS OF STATE'S INVALID SELECTIONS

As noted above, subsection 806(d) of the reported version would convey to the State all selections made prior to July 24, 1978. Not only is such legislative conveyance no longer needed, as noted above, but within the list of lands to be conveyed to the State are approximately 150 townships (3,456,000 acres) of State selections made in 1976–77 which the Department of the Interior has ruled invalid.

These 150 townships were identified by the State from Federal land withdrawn for Native selection under section 11(a)(3) of the Alaska Native Claims Settlement Act, but not actually selected by the various Native corporations. In December of 1976, as the Native selection period ended, it was apparent that Congress would soon take up the Alaska lands bill and a new national administration was about to take office. Perceiving an opportunity for "a strategic reassertion" of State land selection interests the State filed selections on the 150 townships.

Of this acreage, approximately 49 townships (1.1 million acres) are within existing conservation system units or units proposed in H.R. 39 as introduced:

Unit:	*Townships of invalid State selections*
Denali National Monument (existing)	1.0
Alaska Maritime Refuge	8.0
Alaska Peninsula Refuge	31.0
Arctic Refuge Additions	1.0
Innoko Refuge	2.7
Kanuti Refuge	1.0
Nowitna Refuge	4.0
Total townships	48.7

Of the 1.1 million acres of invalid State selections within the above conservation system units, just over 700,000 acres are within the proposed Alaska Peninsula National Wildlife Refuge of H.R. 39 as introduced and as we now recommend. We regard the establishment of this refuge as top priority among the new upland refuges in the bill, and as among the very highest priority units in the National Interest Lands legislation. The State's selections, if confirmed by Congress, would fracture this superlative wildlife area to the point where coherent land management would be extremely difficult.

Uses incompatible with national wildlife refuge policy are envisioned by the State for the lands it seeks on the Peninsula. Various State land disposal laws could also result in the gradual dismemberment of this nationally and international important wildlife habitat. In short, to allow the State to preempt 700,000 acres on the Peninsula would be a national tragedy.

In the proposed Nowitna and Innoko refuges, the State's invalid filings, if confirmed, would remove habitat along the Yukon River which is vital to waterfowl, especially Canada geese, during the moult, and which also is important moose and furbearer country.

DANGEROUS AND IRRESPONSIBLE PROVISIONS

We believe that it is clearly not in the national interest for the Congress to confirm and convey State selections of over 3 million acres of Federal land—including over one million proposed for the national conservation systems—selections which the Department of Interior has ruled to be legally invalid. We think it is especially inappropriate at a time when the State has brought suit against the Federal Government, in an effort to invalidate President Carter's actions under the Antiquities Act of 1906 and to have the State's selections in the heart of existing National Monuments and proposed national conservation units, declared legally valid. In our opinion, the Committee majority's action in siding with the State, on behalf of what appears to us to be an exceptionally weak legal and bad public policy position, is both irresponsible and contrary to the Committee's tradition of defending the public lands against questionable appropriations and other dubious claims.

The potential dangers inherent in such irresponsibility were made graphic in March, 1979, when the Alaska State administration announced plans to transfer an initial 419,000 acres of present State lands into private ownership, including State lands within the heart of the Wrangells-St. Elias National Monument and others immediately adjacent to the proposed Togiak National Wildlife Refuge. Such transfers out of State ownership and into private hands would of course frustrate any attempts at Federal-State land use cooperation and coordination and force the Federal Government to accept huge inholdings within the National Monuments or buy back the nation's lands at an extortionate price.

COMPOUNDING THE IRRESPONSIBILITY

By departing from the provisions in the House-passed bill of 1978 which refused to recognize *invalid* State selections (even while confirming the valid selections, in the interests of lessening uncertainties), the reported bill throws way the other provisions of section 806, which track the House-passed language but which are now distorted in a way that seriously threatens the public interest. For example, the authority to be granted the State in the reported bill's subsection 806(f)(2) and 806(J), when taken together, could result in serious damage to the national interest in the millions of acres of public lands that will remain outside the conservation systems. Subsection 806(f)(2) would allow the State to relinquish prior selections before tentative approval; 806(J) would provide that certain federal withdrawals and classifications shall not act to prevent future State selections. There include withdrawals for classifications pursuant to Section 17(d)(1) of the Alaska Native Claims Settlement Act; withdrawals for Native corporation selections not actually selected by the corporations, all of which also have overriding 17(d)(1) withdrawals; previous classifications under the Classification and Multiple Use Act; and classifications or designations which may be made pursuant to the Federal Land Policy and Management Act.

At present, the State's prior selections include 39 million not yet tentatively approved. And, with a total of 100 million acres of lands selected, the State has 4.2 million acres of public lands and 5 million of lands to replace State lands selected by Native villages remaining to select under its entitlement. Thus, the reported version would permit the State to relinquish up to 39 million acres of its prior selections and to combine this with the 9.5 million acres it has left to select or replace affording approximately 48.5 million acres of new, free-flowing selection authority with which it could override other Federal land withdrawals and classifications—truly an astounding and unsettling threat to the ability of the Federal government to protect the lands that are the property of the American people.

Summary of Alaska State selections

	Millions of acres
Entitlement	104.45
Statehood Act grants	103.35
Sec. 6(a)—National forest	.40
Other public lands	.40
Sec. 6(b)—General purpose	102.55
University grant	.10
Mental health grant	1.00
Status:	
Patented	21.10
Tentatively approved for patent (TA'ed)	15.29
Pending selections prior to Nov. 14, 1978	35.83
Total selections prior to Nov. 14, 1978	72.22
Estimated selections filed on Nov. 14, 1978, on lands available for selection	12.00
State interest lands made available in January 1979	16.00
Total selected or available for selection	100.22
Total or remaining entitlement	4.23
TA'ed lands to be conveyed to Native villages pursuant to ANCSA	2.00
Selected lands to be conveyed to Natives pursuant to ANCSA	3.00
	5.00
Remaining entitlement	9.23

NOTE.—About 2,000,000 acres of tentatively approved State land and 3,000,000 acres of previously selected State land will be transferred to Native corporations pursuant to the Alaska Native Claims Settlement Act which the State of Alaska supported.

CURRENT STATUS OF STATE LAND INTERESTS

In the Alaska Statehood Act of 1958, Congress provided the new State with 104.5 million acres of public land, the most generous land grant ever given to a state. As of February, 1979, the State has selected 100.2 million acres.

Actual title (patent or tentative approval) has been conveyed to the State on 36.4 million acres. Conveyance of the balance of its pending selections, 63.8 million acres, is being expedited by the Department of the Interior.

COMPARISON OF ALASKA AND OTHER STATES—PERCENTAGE OF FEDERAL OWNERSHIP AT FULL ENTITLEMENT

[Areas in millions of acres]

State	Total area of State	Percentage of Federal ownership	Land grant to State
Nevada	70.3	86.6	2.7
Utah	52.7	66.0	7.5
Idaho	52.9	63.7	4.3
Alaska	375.0	60.0	104.5
Oregon	61.6	52.0	7.0
Wyoming	62.3	47.0	4.3
California [1]	100.2	45.0	8.8
Arizona	72.7	42.8	10.5

[1] Actual State selections total 100.2, but Alaska Native corporations are expected to select about 5,000,000 acres of State lands pursuant to the Alaska Native Claims Settlement Act of 1971.

Source: BLM public land statistics.

By 1978 the State had 75 million acres in existing valid selections of which 39 had not yet been patented. In the 95th Congress the State asked Congress to immediately convey title to the 39 million acres, plus another 30 million acres covering the rest of the State's entitlement. Ten of the 30 million acres overlapped the proposed conservation system units.

During the floor debate on H.R. 39 in May 1978, the House overwhelmingly rejected an amendment to delete 5 million acres from the conservation systems for selection by the State.

Congress adjourned in October, 1978, without passing an Alaska lands bill. In November, the State formally filed for 41 million acres from which it would get the remaining 30 million of its entitlement, over 10 million acres more than its entitlement. The pool included 10 million acres in conflict with existing and proposed conservation system units, even though this acreage is not legally available for State selection because of its withdrawn status.

On January 26, 1979, the Interior Department classified the bulk of the State's November selections as available for State selection. Not made available, were the 10 million acres in conflict with the conservation system units, and which if made available would increase the State's entitlement some 10 million acres more than permitted by law. The Secretary's action means that the State now has selected 100.2 million acres or 98 percent of its entitlement.

With 9 million acres of its entitlement left to select the State has a pool of approximately 85 million acres of Federal lands outside the conservation system units from which to take its 9 million acres.

STATE RAIDS ON UNITS UNNECESSARY

Given the pool of about 85 million acres available for its selection outside the existing and proposed conservation system units, the State obviously does not need to select any of the 8.5 million acres the reported version deletes from conservation system units. According to the State's 1977 Resource Assessment of all lands in Alaska, the pool includes lands that are as valuable, by the State's own selection criteria, as the 8.5 million acres.

Moreover, the State's economic future was assured even before Congress began consideration of H.R. 39. Here is what the State's Resource Assessment states: about just the 75 million acres the State had selected by 1977:

"The existing state selected lands provide a wide-ranging balance of resource lands which can be used to support the Alaskan economy. In many cases, state selections have high-graded lands for particular resource potentials. This is exemplified by our selection at Prudhoe Bay for oil and gas resources and our selection of much of the best agricultural land in the state in the Matanuska, Susitna, and Tanana River valleys." (Nov. 24, 1977 Alaska Department of Natural Resources)

These 75 million acres—20% of the land in Alaska—contain a disproportionate share of Alaska's economically valuable resources. For example, they contain 58% (7,559,928 acres) of the best oil and gas lands, and 72% (1,039,012 acres) of the top agricultural lands.

It is important to realize that these 75 million acres were selected before either the Native selections or Congressional consideration of the National Interest Land proposals. In other words, Congress has allowed the State priority over both Native selections and National Interest land proposals for three-fourths of the total State entitlement. Now the State has selected an additional 17 million acres of land which its Resource Assessment identified as economically valuable, and which are not in conflict with the conservation system units in any Alaska lands bill before the Congress.

Any discussion of resource assessments should include water. Upon superficial observation, Alaska appears to be rich in water resources. Yet, with the exception of the Southeastern part of the State, most of Alaska is actually a frozen desert with only minimal water supplies. Annual precipitation, mostly in the form of snowfall, is scant. Because of permafrost conditions very little percolation occurs and most precipitation runs off, giving the appearance that more water is available than is actually the case. Transpiration rates are very high (compared to more southern latitudes) during the summer months of almost continuous sunlight and comparatively high temperatures.

Thus, while it may appear that water is virtually everywhere during certain times of the year, the fact is that potable water supplies are far from abundant except for those flows from major drainage systems like the Yukon River, which drains a very large area within Alaska and parts of Western Yukon Territory, Canada.

The State of Alaska has contended that it has jursidiction over water rights transferred under the Alaska Native Claims Settlement Act to village and regional corporations, conceding only that the State lacks jurisdiction for appropriation on those Reservations confirmed in that Act. The factual history of the Settement Act does not support such a contention. While during the period of Congressional deliberations on Alaska Native Lands Claims legislation (1968 through 1971), the matter of water rights attaching to Native lands was discussed only briefly by both the Senate and House Committees on Interior and Insular Affairs, it is clear that the Congress intended that federal reserved rights to water held in connection with public lands and purposes would pass with appertaining public lands selected by Native village and regional corporations making such selections. Further, it was the intent of Congress that water reserved to Native corporations and groups in the transfer of land from Federal to Native title would be that amount of available water supplies sufficient to carry out the objectives of the Alaska Native Claims Settlement Act itself. In short, it was the intent of Congress that Native land title would carry with it sufficient rights in water which would, for example, maintain fish and wildlife populations where continuation of subsistence activities were a major factor in land selection determinations; and for other purposes such as domestic uses and for development activities.

Similarly, it was the intention of Congress in the Statehood Act that federal reserved water rights held in connection with federal lands and purposes rightly would pass to the State of Alaska when lands selected by the State were patented, while at the same time the reservation of federal water rights in all retained federal lands would remain undiminished.

UNCERTAINTIES PROLONGED INSTEAD OF RESOLVED

We have never advocated anything less than fairness to the State of Alaska and its people, and we are fully in favor of the ability of the State to complete its selections under the Statehood Act on the basis of whatever criteria it wishes to employ, subject only to the requirement that Congress also act to protect the national interest. But provisions such as those in the reported version's Title VIII can do nothing but prolong the uncertainties and the pressures for short-sighted decisions which have been a continuing obstacle to final resolution of the status of the public and other lands in Alaska, and thus to the economic and social development of that State.

SUMMARY

There is no justification for the far-reaching and even harmful provisions of the reported-version's Title VIII concerning the State's land interests. The Interior Department is meeting its responsibility by expediting the conveyance of prior and recent State selections in response to the Committee's and the House's suggestions that they do so. Inclusion of the provisions for Congressional confirmation of illegal State selections, and amendments negating progressive Congressional policies for the federal lands in Alaska, would result in damage to conservation system units and lead to needlessly fragmented Federal-State-Native land ownership patterns which will create unnecessary and costly land management conflicts and headaches. We strongly recommend that the House reject these ill-advised provisions. As outlined below, none is necessary.

GENERAL COMMENTS

The State conveyance section (section 806 in the reported bills) is unnecessary for the following general reasons:

"The State has already had opportunity to select almost all of their 105 million acre entitlement under the Statehood Act. The Department of the Interior has made over 100 million acres of land available for the State to select including 16 million acres as recently as January 1979.

"The State has already filed selections on 113 million acres of land. In other words, even more than their entitlement. Some of these lands were not available to the State and will not be conveyed because of third party interest, Native corporation priority under ANCSA, or conflicts with conservation units."

SPECIFIC SECTION BY SECTION COMMENTS

806(a) Extension of Selection Period under the Statehood Act:

Unnecessary because the State has already had the opportunity to select close to its entitlement.

Undesirable because it will further prolong the resolution of land ownership questions i.e., it continues uncertainty with the result that Federal land management and planning is held in abeyance.

806(b) School Land Grants:

Some argue this grant was extinguished by the Statehood Act. The matter should be left to the courts.

806(c) Confirmation of Tentative Approvals;

Unnecessary because it gives State nothing more than it has now e.g. the Administration of T.A.'d lands is transferred to the State under longstanding Interior Department policy.

806(d) Conveyance of Prior Selections:

While this section does assist the State in speeding receipt of title, but Interior Department announced efforts to strengthen conveyance staff in Anchorage will remedy much of the problem which this section was designed to address.

The actual results of this section are illusory i.e., title to lands through "instant" conveyance is of limited value until third party rights to the lands are adjudicated. In short, to have "*good*" title the regular conveyance process must be gone through anyway.

806(e) "Top Filings":

Undesirable because it delays resolution of the Statehood Act and confuses the management of the lands e.g. legitimate Federal uses may be prohibited.

806(f) Overselections:

Undesirable because it increases the amount of land "tied up," continues uncertainty, especially in combination with the "top filings" section.

806(g) "Wish List":

Unnecessary because the State already filed selections on these lands on November 14, 1978.

Unnecessary because DOI made these lands available for selection in January 1979, except those in conflict with conservation unit boundaries and other Federal reserves. ***The***

Congress should make decisions about these special requests by the State with regard to the values of each area/boundary rather than through this broad language.

Unnecessary because Interior Department can open most any lands to selection administratively i.e., legislation is not required.

806(h) Protraction (paper) Surveys:

Unnecessary because DOI and the State already have entered an agreement to accomplish the same thing. Already 10 million acres has been conveyed by using this method.

806(i) Adjudication:

Unnecessary because this simply states current policy and practice.

806(j) Clarification of Land Status:

Unnecessary because the Secretary can handle this administratively.

806(k) Interim Provisions:

Unnecessary because Interior Department current practice is to get State concurrence on management.

806(o) Status of Lands within Units:

This is important to retain because it clarifies that overselections are put into conservation units and are not available to the State.

806(p) PYK Line:

Unnecessary because no selections have been turned down because of this requirement of the Statehood Act.

(By unanimous consent, Mr. SABO yielded his time to Mr. SEIBERLING.)

(By unanimous consent, Mr. BONIOR of Michigan yielded his time to Mr. UDALL.)

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, as a member of the Committee on Merchant Marine and Fisheries, I have devoted considerable time, thought, attention, and a fair amount of agonizing to the Alaska National Interest Lands Conservation Act during both the 96th and the 95th Congresses.

I consider my involvement in the work of our committee on this issue as time well spent because of the enormous importance of this legislation to the future preservation and management of the Federal lands in Alaska.

These are truly national interest lands, as the very title of the bill states. Congress has a heavy responsibility to enact legislation which responds to the best interests of the Nation and its people, not to the pressure and the embellishments of a particular interest group, lobby, or industry.

These lands belong to all the American people, lands whose possession by the whole Nation date from the time when the funds of all American taxpayers were used to purchase Alaska from Russia.

It has become the most magnificent irony in the history of the growth of our Republic that "Seward's Folly" has become America's "crown jewels."

These national lands are an extraordinary combination of natural beauty, spectacular wildlife, and enormous energy and mineral potential.

This House must pass legislation which achieves a balance between the preservation of these resources and the wise management and use of the richness of these lands.

I do not rise to speak against any proposal. I rise in support of the legislation which I believe achieves this balance and which is in the best interests of this Nation.

I support the Breaux-Dingell bill, a sound, balanced product of the long and intensive deliberations of the Merchant Marine and Fisheries Committee.

As amended on the floor, this bill protects 127 million acres in the conservation system, greater acreage than either of the other proposals before the House or the bill passed last year.

The bill adds 78 million acres to the Natonal Wildlife Refuge System.

In addition, the legislation establishes 43 million acres of new park and park preserve lands, and over 2 million acres of additions to the National Forest System.

Furthermore, Breaux-Dingell provides wilderness protection for 53.6 million acres, an area larger than my home State of Minnesota and over 50 times larger than the size of the Boundary Waters Canoe Area Wilderness in my district.

Throughout my service in Congress, I have been a strong supporter of the Wildlife Refuge System. The Breaux-Dingell legislation adds 78 million acres to that system, and establishes wilderness protection for 29 million of these acres.

This legislation will permit wise, effective management of both the wildlife and the habitat. Any activity on these ranges must be consistent with the Wildlife Refuge Administration Act and the purpose of the refuges, which is fish and wildlife conservation through wise management.

I am particularly concerned about the future of the Arctic Wildlife Range. Our committee devoted a large share of our deliberations to the Arctic Range. I met personally with representatives of all the various groups interested in the future of the range.

The language approved by your committee was carefully drafted to protect the caribou and to provide for an orderly assessment of the oil and gas potential of the coastal plain.

The Emery amendment has further improved the legislation. As amended, the legislation offers a good, sensible, workable plan.

During the first 18 months following enactment, biological studies on the caribou must be conducted to assess the impact of exploration and drilling.

At the end of 2 years and, only if the Secretary of the Interior has determined that exploratory activities will not have an adverse impact on wildlife and the environment, can exploratory activity take place. Exploration would be prohibited during the calving and post-calving seasons.

At the end of 5 years, the Secretary could issue permits for commercial exploration if the exploration would not impact the fish and wildlife of the area, their habitats and the environment.

At the end of a 7-year period, the Interior Department must submit a report to Congress on the oil and gas potential and on the impact further exploration and development would have on the wildlife and the environment.

No oil and gas production could take place without specific authorization by Congress. I must emphasize that further congressional action will not come until after a 7-year period of careful evaluation of the caribou, their habitat, and the oil potential.

The Emery amendment specifies that no development can occur in the range until the end of the 7-year caribou study and until extensive development has occurred in other oil lands. The range, in effect, will be developed last, if at all.

It is in the national interest to preserve the last major caribou herd in America. It is in the interest of the people of Alaska who depend upon that herd for their very lives to preserve that herd. It is in the national interest to carefully evaluate the oil and gas resources of the Arctic coastal plain.

I am convinced our bill assures an orderly assessment of the oil and gas potential under the strictest guidelines for the preservation of the wildlife of the range. I am concerned that if the energy position of this country continues to deteriorate, the pressure on Congress to open all our oil and gas lands may become so great that a future Congress, acting hastily in response to immediate political pressure, might permit helter-skelter exploration and development of the range. It is much more sensible to set forth a framework for orderly assessment of the area's wildlife and energy condition and chart a responsible course of future action.

In our first day of debate on this legislation, our distinguished colleague and chairman of the Interior Committee (Mr. UDALL) stated:

> I think the American people want to make a beginning and in a sensible and timely way find and develop the oil resources in Alaska. But I do not think they want to ransack the national parks. I do not think they want to do this in some unsound pellmell fashion that destroys the lifestyles of the natives, that wipes out the caribou herd, which still have a chance to survive.

I agree with my colleague, for whom I have such great respect, but I must disagree with him in the course he recommends for this House.

I believe the Breaux-Dingell bill offers the most balanced and reasonable proposal for the conservation and the use of our Federal lands in Alaska.

It is good for Alaska and for all Americans. It represents a commitment to conservation of Alaska's resources, and it deserves the support of this House.

(By unanimous consent, Mr. OBERSTAR yielded his time to Mr. BREAUX.)

(By unanimous consent, Mr. WHITTAKER yielded his time to Mr. PASHAYAN.)

□ 1410

(By unanimous consent, Mr. SANTINI yielded his time to Mr. OBERSTAR.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, last week I had occasion to testify before the Appropriations Committee with respect to appropriations for a national recreation area in Ohio. Afterwards the gentleman from Illinois (Mr. YATES), told me that he added up the total of the requests for all national park units and other conservation units for land acquisition funds before his subcommittee, and it totaled $2,237,000,000. We are trying to buy back small parts of America for the enjoyment of the entire American people. In Alaska we have the opportunity to do that now without laying out any money for such capital expenditures.

Last night I opened my mail at home, and there was a solicitation from a conservation organization. On the envelope there was a quotation that I thought so good and so apposite that I thought it was worth reading and sharing with the Members today. It said this:

> The image is old and fast fading, the America of unmatched natural beauty, of crisp, clear air and sparkling lakes and rivers, of bountiful sources of food—not just the nation but the idea of a place both healthy and esthetically gratifying.
>
> It's a prospect that future generations will never know unless we do something now to preserve what is left of it.
>
> There is something you can do—right now.

That is true for all of us here today. There is something we can do right now to preserve some of the majesty, some of the wilderness, the extraordinary wilderness beauty of Alaska, which is the kind that gripped the imagination of our pioneer ancestors. What we can and should do is to vote for this bill, the Udall-Anderson bill.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

The Chair recognizes the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Chairman, I speak on behalf of a former Member of this House, the Honorable Leo O'Brien who served on that side of the aisle for many years and who sponsored the original Alaska statehood bill, who says that the Udall-Anderson bill violates the promises of the U.S. Government to the Alaskan people.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Chairman, in the brief time that is permitted me, I want to tell the Members that I have come down on the side of those supporting the Udall-Anderson bill. I do so with a great deal of reluctance because I serve on the Committee on Merchant Marine and Fisheries with my esteemed colleague, the gentleman from Louisiana (Mr. BREAUX) and I think he has done a magnificent job. There are portions of the Breaux-Dingell bill that I prefer over Udall-Anderson, but on balance I feel that Udall-Anderson really is going to serve this country's needs into the foreseeable future more so than the Breaux-Dingell bill.

I am particularly troubled with the section of the bill that deals with the Arctic coastal plain. If my colleagues have not read that section, before they vote, I hope they will do so. In effect we are mandating, even with the Emery amendment, develoment of the coastal plain, the very fragile area that most people agree should be the last area to be developed.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. HUGHES) has expired.

The Chair recognizes the gentleman from Illinois (Mr. PHILIP M. CRANE.)

(By unanimous consent, Mr. PHILIP M. CRANE yielded his time to Mr. OBERSTAR.)

(By unanimous consent, Mr. LEE yielded his time to Mr. YOUNG of Alaska.)

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Could the gentleman from Alaska (Mr. YOUNG) briefly explain the differences in the wilderness aspects of the legislation between the Udall-Anderson bill and the Breaux-Dingell legislation as they relate to the Tongass National Forest?

□ 1415

Mr. YOUNG of Alaska. I would gladly answer that question.

This would be one of the crushing things in this whole bill. There is 5.6 million acres of wilderness in the Tongass Forest. There is approximately 3 million more than the House-passed bill of last year. In other words, 40 percent of the Tongass Forest now is in wilderness. This lowered the allowable timber cut to about 360 million board feet, 14 million board feet less than needed to maintain existing jobs.

If the Udall-Anderson bill is adopted we are no doubt going to lose approximately 2,000 jobs. Regardless of what they say, those are the figures that came down from the administration.

(By unanimous consent, Mr. LOEFFLER yielded his time to Mr. PASHAYAN.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. MILLER).

(By unanimous consent, Mr. MILLER of Ohio yielded his time to Mr. PASHAYAN).

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. PASHAYAN).

Mr. PASHAYAN. Mr. Chairman, I described earlier today the promise on the part of the U.S. Government and this body to the people of Alaska. Let me take a minute to summarize that promise. The agreement reached before the Statehood Act and before the constitution of Alaska was written was that the people of Alaska, the State of Alaska, would have the right under the power of compact with the U.S. Government to select 104 million acres of land but for 83 million acres in Alaska specifically excluded by understanding.

The people of Alaska in exchange for that promise yielded all other rights over the lands to the U.S. Government. That the people of Alaska fully expected to use their land is voiced in their own constitution. I will just read one phrase from that constitution:

> The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization and development of the fisheries, wildlife, and waters.

The Alaska constitution is replete with such phrases echoing the understanding of the people of Alaska that they have a right to select 104 million acres of land and to use them at their will.

I am sorry to have to say neither the Udall-Anderson nor Breaux-Dingell-Huckaby bills is pure with regard to these equities. In the Udall bill in the 70 million acres now recognized as valid State selection, it will take 45 million acres away. In the 35 million recently selected by the State of Alaska, Udall will take 12 million away. Breaux-Dingell is not quite as bad. Of the first 70 million acres recognized as State land only 1 million will be taken away. Of the 35 million recently selected by the State, it will take 6 million.

Mr. Chairman, ever since 1965 the United States has shattered the nature and spirit of its agreement with the citizens of Alaska. This policy has been pursued under the dubious doctrine of national necessity. The occasion can only be sad for all those who believe that the word of the United States should always stand unimpeached. Unfortunately, neither Udall-Anderson nor the Breaux-Dingell-Huckaby bills leaves the word of the United States pure but we have only these two choices before us. It is a sad moment at best when this Congress is about to break its word. It is certain that the Breaux-Dingell bill, however, more closely conforms to the agreement made between this body and the people of Alaska many years ago. I therefore urge this body to vote for the Breaux-Dingell bill, and to strike down the Udall-Anderson bill.

Should this Congress have the courage to take this course—and it shall take courage—the shadow of Federal power soon to be cast on the people of Alaska may well be flitted with light and hope.

□ 1420

(By unanimous consent Mr. VENTO yielded his time to Mr. UDALL.)

(By unanimous consent, Mr. OBERSTAR yielded his time to Mr. DINGELL.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Chairman, both amendments for the House will guarantee the majestic mountains, the beautiful lakes, and beautiful rivers to this generation and to future generations of Americans.

Both amendments will guarantee that; but there are hundreds of millions of Americans in this generation and in the next generation that will never go to Alaska, will never see it, and yet should benefit from the great resources of that land.

Only the Breaux-Dingell-Huckaby amendment will permit exploration for those resources, so that at a critical time in the history of our country we will be able to call upon those resources and still not violate the right of those Americans affluent enough to be able to go to Alaska to enjoy the great crown jewels of America.

Based on this value, I hope the committee will sustain a vote for the Breaux-Dingell-Huckaby amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. HINSON).

(By unanimous consent, Mr. HINSON yielded his time to Mr. YOUNG of Alaska.)

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Chairman, I think that in 1 minute it is hard to say all that should be said here; but we should remember that we have gas lines in the country. We have the President trying to shove rationing down the throats of the American people. We have had the Secretary of Defense in recent times on national television suggest that we send American soldiers to the Middle East to secure oil supplies.

We have heard the gentleman from Nevada lay out the crisis that we have in nonfuel minerals.

All the experts in the House on the Committee on Armed Services tell us that if there is to be a war in the future, most likely that World War III, heaven forbid, would be fought over resources; but now the House of Representatives is sitting here talking about if we go the Udall-Anderson route of absolutely denying us those opportunities to provide our own resources independence to all of our citizenry and maintain our national sovereignty and independence.

I think this is a very critical vote. I urge a vote for the Breaux-Dingell and vote against final passage.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. KOSTMAYER).

Mr. KOSTMAYER. Mr. Chairman, I yield to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I am for the Udall-Anderson bill.

I have long been a staunch supporter of sport hunting. One of my particular concerns has been that we provide hunting opportunities on the public lands. Middle-income sportsmen from districts such as mine depend on having access to public lands in order to hunt. If they were denied access, this activity would be open only to the privileged few who can afford to pay for it. This is one of the reasons why the decision we are about to make on Alaska lands legislation is so important.

The Udall-Anderson substitute is the Alaska lands bill that best meets this need of the American sporting public. I strongly urge my colleagues to join me in supporting its adoption.

As you know, some of the best hunting in Alaska is currently closed under the President's national monument designations. The Udall-Anderson bill opens over 17 million acres of prime Alaskan hunting land for recreational experiences that can be enjoyed by the average American sportsman. This is a million and a half acres more than last year's House-passed bill placed in preserve.

The additional areas opened to hunting in Udall-Anderson are the product of the many hours I spent pouring over maps with sportsmen's groups such as the National Rifle Association to determine which areas in Alaska are particularly important to the hunter. I worked closely with MO UDALL and JOHN SEIBERLING to include in this substitute those areas identified in sessions with sportsmen as being of the most significance to the greatest number of hunters. As a result, the substitute contains some of the finest and most accessible Dall sheep, goat, bear, and moose hunting in the State.

Perhaps more important than the acreage this bill opens to hunting is the protection it provides to wildlife habitat. Obviously, the sportsman is not going to be able to have an enjoyable experience hunting anywhere in Alaska if there are no animals to hunt. The Udall-Anderson substitute offers adequate protection for the large ecosystems that Alaskan game species require to survive. While the bill leaves most of the State open to development, it places critical habitat in protected categories such as park, preserve, and wilderness. Thus, mining, timbering and other development activities will be restricted in certain instances to avoid fatal conflicts with wildlife and other values.

Before this matter came to the floor, proponents of Breaux-Dingell-Huckaby were saying that their bill is the sport hunter's bill. The basis for this claim was that the as yet unmerged Breaux-Dingell and Huckaby bills opened more acreage for hunting. I never bought this argument, however, as, to me, looking at raw acreage is not a very accurate way to assess the impact of a proposal. And when I looked past raw acreage, I saw that Udall-Anderson opened the same important and accessible hunting areas as did Breaux-Dingell and Huckaby.

Of course, the raw acreage issue is now largely moot, since the House adopted the Sebelius amendment yesterday which reduces the acreage open to hunting in Breaux-Dingell-Huckaby. The difference in percentage of acreage that would be open to hunting between the bills before us is now 1 percent or less.

The additional acreage in Breaux-Dingell-Huckaby is in areas also opened for hunting under Udall-Anderson or is in areas of minimal importance for sport hunting. And with respect to one vital area the Breaux-Dingell-Huckaby bill is a good deal worse than Udall-Anderson. That area is the Wrangells, one of the finest big game hunting areas in the world. The Udall-Anderson bill opens over 700,000 acres more of this prime hunting area than does Breaux-Dingell-Huckaby.

The Huckaby and Breaux-Dingell bills not only fail to give the average hunter anything extra, but they also could have a serious negative impact on hunting in Alaska. These bills would open up the important game habitat areas to development activities which are totally incompatible with sensible wildlife management. Alaskan game animals are simply not going to survive such an onslaught of road building and strip mining. In short, while claiming to be bills friendly to the hunters, these bills may be the beginning of the end of sports hunting in Alaska.

The administration recognizes this fact and supports Udall-Anderson. And many sportsmen and sports and nature lovers' organizations do as well. The National Wildlife Federation, the Izaak Walton League of America, the American League of Anglers, the Federation of Flyfishermen, the National Wildlife Refuge Association, and Trout Unlimited, among other outdoor groups, back this bill.

I am concerned with striking the proper balance in this legislation. I want to see the vast majority of Alaska's land open to sport hunting. I want to see the critical, publicly owned hunting and fishing areas fully protected from adverse industrial developments. I want to see the national monument areas carefully refined so that appropriate areas within these monuments are designated as national preserves open to sport hunting. The Udall-Anderson substitute meets these goals. It balances the need for orderly economic development in Alaska with the need to protect wildlife habitat. It is a bill that is worthy of your vote.

AREAS OPEN AND CLOSED TO SPORT HUNTING

	Million acres		
	Breaux-Dingell as amended by Sebelius	Udall-Anderson	Difference
National parks in bill	23.93	26.97	3.04
Pre-1978 monument, national parks	7.5	7.5	0
Total postenactment national parks	31.43	34.47	3.04
Percent of Alaska closed to sport hunting	8.38=8	9.19=9	1
Percent of Alaska open to sport hunting	91.62=92	90.81=91	1

Mr. KOSTMAYER. Mr. Chairman, in the brief time I have, I want to address the House on the issues of oil and gas production in the State of Alaska.

Two hundred and five million acres offshore are untouched by the Udall-Anderson bill. That immense area is open to oil and gas production under the bill I support.

Onshore, the U.S. Geological Survey tells us that 28.5 million acres have a favorable rating for hydrocarbon content and 9.9 are classified as highly favorable. That is a total of 38.4 million acres in Alaska that has potential oil and gas reserves.

Udall-Anderson allows production on 36.4 million acres out of that 38.4 million acres.

We exclude a little less than 2 million acres from development. I think that is very reasonable, yet the opponents of this marvelous legislation tell us that we want to "lock up" Alaska and prohibit oil and gas production. It just is not so, Mr. Chairman.

This is a good bill. I ask my colleagues on the Republican side to reject the pleas of big business and I ask my colleagues on the Democratic side to reject the pleas of big labor.

We have an opportunity today in the House of Representatives to rise above the partisan clamor of the greed-ridden special interests.

Let us recognize the enduring value of the land we love.

Let us live out the words that Woody Guthrie once wrote, "this land is your land, this land is my land, this land was made for you and me."

The vote we cast today will be an historic one and if we forsake them posterity will not forgive us.

Let us reject that limited vision of economic exploitation and demonstrate as we cast this historic vote today that this remains still the people's House and that we shall in the end act in their interest alone.

The CHAIRMAN. The Chair recognizes the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Chairman, I rise in support of the Udall-Anderson bill.

Before we vote on the Alaska National Interest Lands Conservation Act, we must realize that even more is at stake than the disposition of some 100 million acres of awesome wild country. Our votes on Alaska lands will be indicative of our broader attitudes toward our environment and the richness of our national life.

At first glance, my home state of Vermont and Alaska seem to have little in common apart from the fact that each has one Congressman-at-large. The geographical contrast between the States is surely stunning, as is the contrast between their cultural attributes and histories.

But despite these evident differences, Alaska and Vermont share something fundamental: the character of each is extremely vulnerable to sudden and insensitive change. Both have experienced rapid population growth; both have been threatened by ill-conceived development. At the same time, Mr. Speaker, the character of a Vermont or an Alaska is valuable to all Americans because our deep-rooted, authentic heterogeneity gives us strength.

Mr. Chairman, I vigorously advocate the Udall-Anderson substitute to H.R. 39 because it is the only version of the bill that addresses the need to preserve Alaska's wild character for the enrichment of all Americans. Neither the Huckaby nor the Breaux text would provide adequate protection.

Let me now briefly go through some of the major points of the Udall-Anderson substitute.

First, it gives us better and more adequate protection in southeast Alaska with respect to the Misty Fjord and with respect to the Tsongas National Park.

☐ 1425

Adequate protection for jobs and lumbering are given in a more rational and better way in Udall-Anderson. It gives us a better opportunity for mining but without the possible destruction of surrounding lands. Jobs, timber, a major mineral deposit and protection of some of America's most stunning wild lands are the issues in the State's panhandle, one of the Alaska lands debate hotspots.

Virtually all of the panhandle, which includes the State capital of Juneau and the spectacular Misty Fjords and Admiralty Island, is within the Tongass National Forest, the country's largest. At issue is how much wilderness should be designated and where, and how much land should be reserved for other uses, especially timber.

Southeast Alaska is the only place where the old "jobs versus environment" issue comes up.

The 15-million-acre Tongass National Forest in southeast Alaska (the "Panhandle") is the Nation's largest national forest—but not a single acre is yet protected in the national wilderness preservation system.

The Congress must address this issue: How much land on the Tongass National Forest for each use? Key wildlife and wilderness areas must be protected. Watersheds need to be protected to assure water quality for salmon spawning—essential to the commercial fishing industry. Scenery and wildlife must be protected for recreation and tourism. The timber industry seeks more and more trees. And all are important.

Last year, opponents of a strong Alaska lands bill—one with adequate protection for wilderness as part of the ultimate land use balance on the Tongass—urged that Congress await completion of the Forest Service's comprehensive "Tongass Land Management Plan" (TLMP) before making any wilderness designations.

Now that Tongass land management plan is complete and the decisions have been announced by the Secretary of Agriculture, it represents the best effort yet to balance the difference, often conflicting priorities advocated for the Tongass—and we are willing to abide by its results. The wilderness proposals made by the Tongass land management plan are fully incorporated into the Udall-Anderson substitute—and they are severely undercut by the Huckaby and Breaux-Dingell versions.

However, the results of the TLMP are not what the timber industry in southeast wants, so they have simply abandoned that argument and chosen to ignore these proposals. Instead, they continue to paint these issues in simplistic (not to mention inaccurate) terms—as "jobs versus wilderness"—despite expert Forest Service economic data to the contrary.

Due to the high cost of harvesting, transporting, and processing timber, the timber products from the Tongass National Forest do not compete in U.S. markets. They are exported—primarily to Japan. In fact the timber industry in southeast Alaska is controlled by two multinational corporations, one of which is wholly Japanese owned. These two conglomerates have taken over nearly all of the once independent small sawmills. They now control over 90 percent of the timber harvested on the Tongass.

During the 1950's, huge timber sales covering millions of acres each, selling billions of board feet of timber to be cut over a 50-year period, were offered by the Forest Service and purchased by the pulp industry. The 50-year contracts have allowed them to effectively eliminate competition—and to cut only the best timber from the most easily accessible lands. In addition, Forest Service pricing policies for timber give massive subsidies to the industry at taxpayer expense. In 1978, the Federal Government spent $22.5 million more than it received in timber sale receipts—to build the roads for logging, to manage the timber sales and deal with their aftermath, mitigating the impact of clear-cutting. Obviously, this conglomerate industry enjoys an exceedingly favorable corporate climate!

More than anything, timber industry opposition to protecting wilderness on the Tongass boils down to a resistance to losing their "most favored industry" status. While understandable, their opposition to preserving some of the Tongass National Forest as wilderness is clearly not in the broader public interest. Nor is it in the interests of the true growth industries of southeast Alaska—commercial fishing and tourism.

Under the terms of the Alaska Native Claims Settlement Act of 1971, about 500,000 acres of prime timberland will be transferred from the Tongass National Forest to the ownership of private Native village and regional corporations set up by that act. These lands have a potential sustained yield of 150 to 170 million board feet (MMBF) annually, although the Native corporations have indicated their interest in practicing "intensive forestry" which might produce 225 to 300 MMBF from these Native-owned lands.

Historically, the harvest level on the Tongass as a whole has been 520 MMBF annually, but this level has not been achieved since 1974. The average from 1975 to 1978 has been only 435 MMBF due to a reduced market demand in Japan.

In their own interest, the timber industry wants to maintain their present ideal situation—prime, "cheap," that is, subsidized, timber from public lands. Thus, the industry insists that the old level of 520 MMBF must continue to come out of the publicly-owned Tongass National Forest, regardless of the transfer of some 500,000 acres of that forest to Native corporations and the expectation of timber production coming from that now-private land. Of course, the timber industry could purchase timber from Native corporations, but they prefer the benefit of the subsidized arrangement with the Federal Government rather than turning to timber produced and priced under a free enterprise system.

To attempt to take 520 MMBF annually from the Tongass National Forest in addition to what is produced from Native lands flies in the face of sound forest management practice. The Forest Service concluded in their final Tongass Land Management Plan that "the reduction in area of the Tongass by State and Native selections and management prescription in the proposed action indicate the [highest] proposed harvest levels should be 450 MMBF."

In a March 16, 1979 letter to Chairman UDALL, Agriculture Secretary Bob Bergland concluded:

> Direction to sell 520 million board feet of timber from the reduced Tongass land base would constitute a congressional mandate to overcut the Forest.

Any attempt to evaluate the impact of wilderness designations on the timber supply—and thus timber industry jobs—must be done on a regional basis, including all lands that once constituted the Tongass National Forest. The timber supplied by the forest and that supplied from private Native-owned lands taken together provide the total regional harvest.

Through the Tongass Land Management Plan the Forest Service proposed a harvest level of 450 MMBF annually from the Tongass National Forest—and this is more than the average amount cut over the past 4 years. Thus, the harvest level in the plan—which is consistent with the wilderness acreage recommended in the plan and incorporated in the Udall-Anderson substitute—will assure that there is no loss of present jobs in the timber-related industry of southeast Alaska.

Adding the probable production from Native-owned timberlands (another 150 to 170 MMBF, and possibly, under intensified forestry, as much as 225 to 300 MMBF), it is evident that the total regional timber harvest will increase. Jobs in the industry would increase over present levels accordingly.

Historically, employment levels in the timber industry in southeast have depended on many factors, but the primary determinant is the level of demand from Japan. Over 700 workers lost their jobs between 1974 and 1976, when the timber industry cut back production because of market decline.

It is clear that the marketplace, not wilderness designations, will determine the employment levels in the timber industry in southeast Alaska. Competition with timber from private lands will limit the existing industry to current levels, while the increased production on Native lands will greatly increase regional timber harvests in total—and thus overall employment.

We can have wilderness proposals as recommended in the TLMP and as incorporated in the Udall-Anderson substitute, and thus attain a balance in regional resource priorities while assuring growth in not only the timber industry—but also those other industries which require protection of wilderness and watersheds.

So much discussion has focused on the timber industry and its employment in southeast Alaska that one crucial fact is too easily overlooked: Seasonally, the commercial fishing industry in southeast Alaska employs more people than the timber industry—and last year it produced some 20 million salmon.

Alaska fishermen are concerned about their livelihood and about the effect of the timber and mining industries on the salmon fishery. Protection of spawning habitat is crucial to the recovery of currently depressed salmon stocks. Thus, many individual fishermen and their organizations support extensive wilderness designations on the Tongass National Forest as the most certain and effective way of protecting water quality in spawning streams.

In hearings before the Interior Committee on February 6, 1979, Bruce Wallace of the Southeast Alaska Purse Seine Vessel Owners and Operators Association testified:

> We feel that we must take an active role to insure the continuance of one of the major employers in the region. * * * We do not wish to impact other job fields, but do not wish to see our resource damaged by development of others. * * * We feel that wilderness management directed in H.R. 39 offers a land use designation that is appropriate for protection of the fisheries resource.

As has been already pointed out, Udall-Anderson gives us a better program for oil exploration without exploitation of the Northeast Arctic Wildlife Preserve.

The Arctic National Wildlife Range was established in 1960, under President Eisenhower, in recognition of the unsurpassed wildlife values of this "mountains-to-the-seas" spectrum of high Arctic ecosystems and life forms. Now the Congress must decide whether this area will continue to be protected for its wildlife values, with the additional force of full "wilderness" designation, or whether the existing range will be opened for mandatory petroleum exploration and likely development.

The Arctic National Wildlife Range, together with proposed additions and with adjacent lands in Canada already under proposal to become a Canadian national park, comprise the most extensive and diverse undeveloped landscape in the American North. It is the home for the 120,000-animal porcupine caribou herd (so-named for the Porcupine River). This herd includes half of all the caribou remaining in Alaska, and is the last large caribou herd which is intact and healthy, living in an intact and healthy wilderness range. These animals are also essential to the subsistence culture of Eskimo and Indian peoples on both sides of the international border.

The porcupine caribou herd calves and raises its young on the Arctic coastal plain within the Arctic National Wildlife Range. This area has characteristics essential to the caribou during this critical portion of their annual life cycle. This same area reportedly has high potential for oil and gas discoveries as well.

Virtually all evidence suggests that exploration and development for oil and gas on the Arctic coastal plain is likely to be incompatible with the survival of the porcupine caribou herd.

The issue of oil and gas extraction on the existing Arctic National Wildlife Range is the single significant economic question at stake in the Alaska lands legislation. But so, too, is the survival of this matchless wildlife resource and the way of life of peoples who have evolved a proud culture in association with the caribou.

The coastal plain within our existing Arctic National Wildlife Range should be the very last place we look for oil and gas, only after we have exhausted other prospective locations where surface conflicts are not so grave.

In summary, it is possible—but I do not believe it—that we have gone too far in the Udall-Anderson bill, but if we have, we can correct it. On the other hand, I do not believe we have gone far enough in the Breaux-Dingell bill, and if we have not, what we lose may be lost for all time.

In other words, we can shoot the last buffalo but we cannot make another one. Be cautious. Be correct. Vote Udall-Anderson.

(By unanimous consent, Mr. KOGOVSEK yielded his time to Mr. UDALL).

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, as chairman of the Subcommittee on Energy and Power and former chairman of the Subcommittee on Fisheries and Wildlife Conservation, I have had a great deal to do with both reserves and oil and gas.

The comment has been made that this bill would allow 95 percent of Alaska to be explored for oil and gas. I am referring to the Udall-Anderson bill.

Briefly, I would like to read a little bit of language that we can keep in mind and consider in fact as the gasoline lines around the country continue to form and as we face the problem of inadequate supplies of distillates and oil for homes in the coming winter.

The State geologist of the State of Alaska has said, talking about the withdrawal of lands from drilling and exploration, as follows:

> If 10 percent of the area is withdrawn from exploration, it cannot be said, if 90 percent of the resources are involved and if a blind withdrawal of 10 percent is made, that there is a 10 percent chance of withdrawal of one or more of the largest deposits.

If that is so, then 50 percent or more of the resources might be taken.

What I am saying to my colleagues is that these numbers mean that if 95 percent of this land is open for exploration, it may mean 50 percent could be withdrawn by reason of the fact of the largest deposits being in the area where the area would be withdrawn.

One of the largest potential areas for energy resources which could be explored is the area along the coastal plain Arctic Reserve. We at least ought to know whether a large deposit is there, and if it is there, we ought then have it come back, as Breaux-Dingell-Huckaby does, to have the Congress take a vote as to whether or not development should take place.

There is an important energy implication in this. The withdrawal of Udall-Anderson is done blindly without a single bit of geological information either as to oil or petroleum or as to mineral deposits. They do it blindly. They do not know what they withdraw, and potentially they may be withdrawing a very large deposit.

Mr. Chairman, this House should know that we must find another Prudhoe Bay every 2 years just to stay even as our decline persists.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. HUCKABY).

Mr. HUCKABY. Mr. Chairman, in approximately 15 minutes we are going to be casting one of the most important votes we will cast this year.

I would like to take this opportunity to ask the Members to come down on the side of oil, to come down on the side of minerals, and to come down on the side of timber. I am not talking about the big oil companies or the big mineral companies or the big timber companies. I am talking about the farmers in the Midwest who need diesel, I am talking about people in the northeastern seaboard who need heating oil, I am talking about the people throughout America who are standing in gasoline lines today.

The Breaux-Dingell-Huckaby bill is not going to solve that problem overnight, but it will help far more than the Udall-Anderson approach. The geologists with the major corporations that have developed Prudhoe Bay are convinced that if there is another Prudhoe Bay it is in the Arctic wildlife range. All we are asking to do is this: Let us go in and study the area. We do not hurt the area environmentally at all. Let us study the area, come back to a future Congress 7 years from now, and make the determination of whether or not we will then develop that resource.

The American people, by better than a 4-to-1 margin, support this position of letting us know what we are trading off and letting us know what we are giving up as far as our precious oil and gas mineral supplies are concerned before we just arbitrarily make them wilderness, as the Udall-Anderson approach would do.

The Breaux-Dingell-Huckaby bill is also very much a conservation bill. The combined version sets aside better than 128 million acres in Alaska in various land preservation categories. It supports all of Alaska's crown jewels and leaves them intact. Hence we have a unique opportunity if we support the bill that is before us now, the bill that is the product and the result of the two major committees that had jurisdiction over this legislation.

□ 1430

You have the unique opportunity of having it both ways. You can protect all of Alaska's crown jewels and at the same time you can orderly explore and develop and determine the degree of future development of those minerals and the oil and gas that this Nation so desperately needs.

The parliamentary situation before us is this: The Udall-Anderson bill will be voted on first. In order to get a vote on the Breaux-Dingell-Huckaby bill, you must vote "No" on the Udall-Anderson bill. After that is defeated, you can then vote for a positive bill that will allow for orderly development, as well as the preservation of Alaska's crown jewels.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, under the Breaux-Dingell-Huckaby approach, is it true that the research and the exploration that will be done will be accomplished in a way so as not to infringe upon the calving of the porcupine caribou?

Mr. HUCKABY. That is exactly correct. The porcupine caribou herd only comes into the coastal plain for 6 weeks out of the year. The seismographic tests and studies will be done in such a manner that they will not affect the tundra at all. You will not even be able to tell that it has been done. It will be done in the wintertime so that we can get a better handle and a better grasp on the opportunity of oil reserves that lie in the wildlife refuge.

Mr. DICKS. We can go in and do this exploration without adversely affecting the porcupine caribou and we can discover better what there might be there in terms of resources that will take care of this Nation's energy problems, report back to the Congress in 7 years, and then make a decision based on the energy requirements at that time.

Mr. HUCKABY. The gentleman is absolutely correct. We are deferring to a future Congress to make the decision, but we are trying to get more information than we have today so that that Congress can make a better decision, rather than just writing off the area that represents 30 percent to 50 percent of all of Alaska's oil.

Mr. DICKS. I thank the gentleman for his explanation.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Chairman, this kind of wraps up 2 days. and I do want to express my appreciation to all of the Members for their patience and assistance as the debate has been carried out.

I think some very strong points need to be made at this time while we conclude the debate. There are still some very major principal differences between the Breaux-Dingell-Huckaby approach and that of Udall-Anderson, but, as I stop to think, I wondered how many Members of the House and Members who were watching on television, on the closed circuit, really would feel if there were a proposal to take one-third of their State and turn it into a park. I would think that every single Member of the House would at least want to be concerned and each Member would want to have people come to them and say, "What do you think we should do in this area?" And they would want to have that advice accepted, because he or she knows what is best for their respective districts and their respective States. That is really one of the things that is at issue here in talking about Alaska.

All of us, I think, owe a debt to the people who live in Alaska to look to their local representatives, Governor Hammond, their Lieutenant Governor, the two U.S. Senators, the one distinguished Member representing the State of Alaska in this body, Mr. YOUNG, the State legislature of the State of Alaska, all of whom have endorsed this, and we ought to support and vote for the Breaux-Dingell-Huckaby approach. I think that means something. I would think you would want the people to listen to your advice about what is going to happen in your State if one-third of it was going to be turned into a park and wildlife refuge.

□ 1435

Today, we have the entire delegation from the State of California down at the White House talking to the President about trying to scrape together the last gallon of gasoline so they do not have riots in the State of California, so that people can continue to function and to work.

I dare say that the Middle Eastern oil sheiks must be laughing at those of us in the National Congress today about some of the things that we are doing. We cannot continue to suffer OPEC oil price increases and have a dollar-a-gallon gasoline every day. We cannot continue to have service station closings on the weekends. We cannot continue to have poor people and middle-income people wondering how they are going to pay their oil bills and heating bills and cooling bills and yet say that we are going to close up some of the most choice and potentially promising lands in all of North America, as far as oil and gas are concerned.

Now, they said also, "Well, if you pass Breaux-Dingell, it is not going to put any oil in the States tomorrow or any gas in your cars tomorrow." That is true. But if we had made the right decision 10 years ago, we would not be in this predicament today.

Today we have an opportunity to make the right decision in 1979, so that in 1989, we will not have a situation with a shortage crisis even more severe than it is today. I think we should have the courage to make the right decision today, so that 10 years from now, when people say, "What did the Congress do when we were in the middle of a crisis? Did they take the right step, or did they bury their heads in the sand and say, 'No, we are going to make it all wilderness'?"

I think the Breaux-Dingell and Huckaby approach makes the right, balanced decision. Everybody is not going to be pleased with it, but I dare say the list of people who have endorsed it, from labor unions, from conservationists and recreation groups, to trade associations, to timber interests, to native corporations, who support the Breaux-Dingell and Huckaby bills say that we should have the courage to also support something that makes a little bit of sense.

Have we lost all of our commonsense?

We cannot continue to have the problems develop and say that somehow we are going to solve them, but we do not want to ration gas, and we do not want to drill in the offshore areas; and we do not want to drill in Alaska.

Where in heaven's name do we do it? Do we go to Iran and say, "Please let us have a little more"?

Bear in mind that the Breaux-Dingell and Huckaby approach puts more acreage in conservation than the Udall bill.

We have 128 million acres in either parks, wildlife, wilderness areas, or refuges. They have about 110 million acres. We have 53 million acres in wilderness areas. They have 68 million. That is not a big difference. We have more than the administration wanted. We have more than Secretary Andrus said is necessary. This is a balanced approach. This makes a great deal of commonsense.

How can we go back to our constituents and have them say, "Congressman, what have you done for the energy crisis?"

"Well, we locked up 68 million acres of oil and gas potential in Alaska. We closed the North Slope 50 miles from Prudhoe Bay. That is what I have done for you."

They are going to scratch their heads and continue to pay $1 a gallon for gasoline and wait in lines in California until kingdom come, trying to get a drop of gas, while you, as the Representative, said, "Well, we are going to lock it all up, because we really do not need it." Somehow a miracle is going to happen, and we are going to have energy supplies in this country.

I submit the compromise that we have worked out is a good compromise. We have taken the Emery amendment, which protected the North Slope and the caribou herds and anything else that might live up there, but we at least said, if there is oil and gas potential there, we ought to at least take a look and see.

If we vote for Udall, we are saying, "We do not even want to study it. We do not want to do any seismic work or geological work. We are going to make it a wilderness, because in a wilderness"— and do not let anyone kid you, you cannot do anything that resembles commercial activity, period.

I think that we would be a great deal more wiser and more sane and more responsible by voting no on the Udall-Anderson bill and voting for the Breaux-Dingell and Huckaby approach.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Chairman, I would like to compliment the work the gentleman has done on this, and also the gentleman from Michigan (Mr. DINGELL), and the Merchant Marine and Fisheries Committee.

If, for some reason, the Udall bill does pass, we will need one more amendment. That will be to change the name of it to the Middle East Oil Dependency Act and the African Continent Non-Fuel Mineral Dependency Act.

Mr. BREAUX. Mr. Chairman, I would just conclude by saying that it is not an oil versus environment approach. It is a balanced approach versus one that I think is overenvironmentally oriented. They are both solidly environmental bills.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I yield to the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. Mr. Chairman, now is the time we proclaim to ourselves and future generations that we have respect for the earth we live upon. For ourselves, that we have the wisdom to preserve from our own insatiable demands some land which we hold only if we are morally responsible overseers; and for future generations, that we have the wisdom to leave them some of the finest part of nature we too inherited. We, therefore, must support the Udall-Anderson measure. It is a measure for and of our times.

☐ 1440

Mr. UDALL. Mr. Chairman, I love this country that we all live in, and one of the things I love about it the most is that the American people, over the generations, have shown a reverence and a love for the land. Most countries do not have national parks. The whole idea of national parks was a peculiarly American invention which we started 100 years ago. I have been privileged, in my 18 years here, to participate in the establishment of the Cape Cod National Park for the people in the Northeast; in Point Reyes near San Francisco; Padre Island in Texas; the Indiana Dunes, and the list goes on and on. We, as a people, have said that we have love and reverence for the land, and we are going to save some of the choice specimens for future generations.

So, we come to make today perhaps the biggest land-use decision in our entire history. It is important that we do it wisely and well. Theodore Roosevelt was castigated in his own time for saving the national forests, and who today would advocate selling them off to private enterprise?

We are concluding the third chapter in the story of Alaska. We bought it from the Russians, and it was all owned by the United States. We made the people of Alaska a State, and they said, "We need some land." So, we said, "How about 105 million acres?"

This bill, contrary to what has been said, will confirm that the people of Alaska will get an area the size of California.

The Natives said, "How about a settlement with us?" In 1971 we made a settlement with the Alaskan Natives, and gave them 44 million acres of land, about half as big as the State of California. So, between the Natives and the people of Alaska, an area the size of Texas was given to those people. So, that is on a land basis. They got the best oil land; they got Prudhoe Bay. They got the best agricultural land. They got the best development land.

Now, we are supposed to make a settlement with the 220 million people of the rest of the United States. Yes, Alaska has a great stake in this bill, and I guess I am too softhearted, but I agreed to let the gentleman from Alaska have the last word today, because his State has a special stake, and I respect him in the way he has conducted the fight for his State, but we have to make a settlement for the 220 million people of the United States. They are entitled to have the crown jewels, the Yosemites, the Grand Canyons of Alaska set aside for future generations.

We tried to do it in our bill, and I think we succeeded with balance. Of all the oil that is going to be discovered in Alaska, and there will be a lot, about 20 or 25 percent of what is to be found in the United States is in Alaska, so that whole 203 million acres offshore and 149 million acres onshore. Of that we save 2 million acres, which may total 5 percent, of the resources. We say, "Let us go there last." If we have to drill at the White House or Arlington Cemetery or the Capitol Grounds for oil, let us do it last.

We are saying that we will take the oil companies, and if they had every drill in the country available, and we said to the oil companies, "Tomorrow morning, you get 3,000 acres of virgin territory, the sedimentary basins, and you can drill it and do it the next day with another 3,000 acres." We are giving the oil companies in our bill a shot at 3,000 acres a day for the next hundred years, and then we are saying, "Let us consider the treaty with Canada, keep faith with Dwight Eisenhower, Rogers Morton, the people who set aside the Arctic national wildlife range, and go there last."

Mr. PHILLIP BURTON. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from California.

Mr. PHILLIP BURTON. Mr. Chairman, I would like to emphatically associate myself with the remarks of our distinguished colleague from Arizona, and praise him for the enormous energy and basic political skill with which he has carefully crafted this enormously important, historic piece of legislation.

I would also like to commend the distinguished gentleman from Ohio (Mr.

SEIBERLING) and our distinguished colleague from Illinois (Mr. ANDERSON).

Let there be no mistake about it, when the history of this Congress and the history of this country is written, there will be no more important vote cast in the interests of conserving America's beauty than the vote before us today, and there should be no ambiguity, no doubt, as there is no question in the mind of any conservationist or environmentalist of any distinction in this country.

☐ 1445

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding. I, too, want to associate myself with the remarks that have just been made in the well by my friend, the gentleman from Arizona (Mr. UDALL). Even as the title of the legislation before us says, national interest lands, the role of the gentleman throughout this entire legislative affair has not been the role of a partisan; he has provided truly inspiring leadership in the tradition of looking first to what is the national interest of our great country, and I applaud him for it.

Mr. UDALL. I thank the gentleman.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding. I have only one thing to say. I thank the gentleman from Arizona and the gentleman from Ohio for making this bill easily as favorable to sport hunters as the competing bill. I thank them very much.

Mr. UDALL. I thank the gentleman for his comments.

Let me underline that so many of us have had telegrams on what we are talking about today. We have heard from the National Rifle Association and from the hunting groups after the amendment which the gentleman from Kansas (Mr. SEBELIUS) put in the Breaux-Huckaby bill yesterday. The situation now is that under our bill 91 percent of the State of Alaska is open for sport hunting, and under the Dingell-Breaux-Huckaby bill, 92 percent. The big hunting flap is now down to the fact that we open up 91 percent and they open up 92 percent. I do not think that is much of a big deal when we consider that the fundamental rule we have had in game refuges is you do not hard rock mine in game refuges. They open up in the bill at secretarial discretion 63 million acres of game refuges to mining companies. Are they looking out for hunters, or are they looking out for the mining companies and the oil companies when they present us with that kind of a bill?

There has been some compromise today. We have tried to meet their objections; they have tried to make our bill more acceptable, but I want to tell the Members in some of the remaining time I have that we have not bridged the differences. We certainly have not bridged the differences in the Arctic National Wildlife Range. They turn it loose. We say that is where you go last—Admiralty Island, visited by President Theodore Roosevelt nearly 80 years ago, home of most of the bald eagles in all of the United States. The natives were down here from that area to the White House, and they want it saved. We make it and preserve it as a wilderness area. President Theodore Roosevelt said it should be a national park, and the Breaux-Huckaby bill puts half of it—half of this gorgeous, unusual, magnificent island—in a pulp bank. Why? For jobs, or for Americans to have timber to build homes? No. To chop it up and send it off to Japan to make television sets, to bring back here and sell in competition to put our people out of work. We save Admiralty Island; they open it up.

We spend billions of dollars buying out inholdings in the national parks. They create inholdings. They would permit the State of Alaska to move in and select lands right in the middle. It is like the State of California going right into the middle of Yosemite, if you like, and picking out the lands for honky-tonks and pizza parlors, and whatever else they want to do. These are some of the significant differences.

Mr. Chairman, the votes we make in a few moments are ones we have to live with, and our grandchildren have to live with. There ought to be a few places left in the world the way the Almighty made them. Americans will never see a buffalo herd again, and if we are not wise today, our grandchildren will not be able to see a caribou herd. This is the test of our congressional careers. This will be the most important vote we will cast. The beauty of the conservation movement has always been, as the gentleman from Illinois (Mr. ANDERSON) knows, bipartisan. It was Rogers Morton, the Secretary, who set aside some of these acres originally. It was the late John Saylor who stood with me in this Chamber 8 years ago when the original Udall-Saylor amendment started us down this road, and it is because of people like the gentleman from Tennessee (Mr. QUILLEN) and the gentlewoman from New Jersey (Mrs. FENWICK) here.

I ask for a vote in favor of the Udall-Anderson bill.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has expired.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. ABDNOR. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from South Dakota.

Mr. ABDNOR. Mr. Chairman, I intend to vote for a measure which will assure very strong protection for Alaska's unique and invaluable ecosystems but which, at the same time, permits reasonable access to the resources which can be developed in the public interest and without undue adverse environmental impacts.

Since supporters of both the Udall-Anderson and Breaux-Dingell versions of this legislation have argued theirs is such a measure, let me discuss some of the differences as I perceive them. First, however, let me emphasize that, in fact, both are monumental conservation measures on the one hand and prodevelopment on the other. Both would dedicate over 100 million acres to restricted management use, while both would make available the vast abundance of Alaska's wealth to the consuming public.

Indeed, it is not so much the differences which make the choice between these measures difficult as it is their similarities. Where clearcut differences exist, there are simple choices to be made; but there are few such choices to be made in this legislation. Even where there are seemingly clearcut differences, both sides use the same arguments to support their case; and the result is controversy.

The most obvious and basic difference, it seems to me, is the relative importance placed upon wilderness designation versus other special, restricted use classification. While acknowledging that forest industry employment levels should be maintained in one area, mineral exploration and development can go forward in another, and oil and gas development may be required in still another, the Udall-Anderson forces would nevertheless place these areas under wilderness designation.

It is my firm understanding of the express intent of the law that development of any sort is inconsistent with the purpose of wilderness. If it is the intent of the Udall-Anderson supporters to prohibit development in these areas, and I suspect that is the transparent intent of some, then let them make their arguments forthrightly.

I have supported designation of the 9,400-acre Norbeck core area of the Black Hills in my district as wilderness, and I look forward to pursuing to enactment the necessary legislation. In doing so, it is my intent that this area shall remain forever untouched by the works of man. I am disturbed at the precedent the Udall-Anderson measure could promote with respect to development within the wilderness system.

I would encourage those who oppose developments which are in dispute in Alaska to continue to do so on the strength of their arguments and not by trying to include such developments in a wilderness area.

One such development in specific is the Borax molybdenum claim in the Misty Fjords of the Tongass National Forest. Everyone acknowledges the right of Borax to develop this claim, subject to economic feasibility and strict environmental regulation; but Udall-Anderson would still include the claim in a wilderness area. That does not make sense to me.

Wilderness and development ought to be mutually exclusive. Other restricted use designations—not wilderness—should be invoked to protect environmental values where development is to occur and our general purpose environmental laws are inadequate. That is the approach taken in the Breaux-Dingell measure, and I support the addition of strengthening language to protect the fisheries resource by prohibiting significant degradation of the streams in the vicinity of the Borax claim.

Another instance of misguided effort in the Udall-Anderson bill pertains to the coastal plain of the Arctic National Wildlife Range. While the probability of the existence of economic quantities of oil and gas in this area is in dispute, the simple truth is that no one knows. At a time when our energy problem is becoming more and more acute, Udall-Anderson adopts preservation of the Porcupine caribou habitat status quo as an absolute value.

Breaux-Dingell, on the other hand, does not mandate any sort of development—quite the contrary—but it does say that we should at least find out what is there in terms of oil and gas. Strictly controlled exploration activities will not adversely affect the caribou herd, and another act of Congress would be required before development of an economic deposit could be commenced. If, as asserted by the Udall-Anderson forces, such a deposit does not exist, the coastal plain could be designated wilderness.

Udall-Anderson supporters acknowledge that our energy situation may become so severe that the public will demand exploration of the Arctic National Wildlife Range coastal plain, but their strategy is to impede such exploration as long as possible. Congressman Dingell has called this a lock-up-break-in philosophy, and I have to agree with him. I would not say development supersedes the importance of preserving the caribou habitat, but I feel strongly that the Udall-Anderson approach is not the most responsible. It implies that what we do not know cannot hurt us, and I sincerely disagree.

I do support the Emery amendment, which has been attached to the Breaux-Dingell bill and is designed to insure this critical area will be the last to be developed, if ever, and that other areas of high oil and gas potential are considered first. That is the responsible position. That is the position that Udall-Anderson forces say they support and hope to achieve through wilderness designation. Again, however, the potential for development is fundamentally incompatible with wilderness, and the credibility of their arguments is strained. The Breaux-Dingell approach is more forthright and, I believe, is the wiser course.

A third important difference between the Udall-Anderson and Breaux-Dingell bills pertains to maintaining forest industry employment in the Tongass National Forest. Both measures purportedly aim to do so, but Breaux-Dingell establishes special management areas from which timber could be cut only if necessary to maintain the historical, sustained-yield level of harvest. Udall-Anderson would designate these areas as wilderness, disallowing any possibility of timber harvesting, regardless of the level of unemployment in the industry.

Under Breaux-Dingell these areas could become wilderness once experience shows they are not needed to maintain employment, but the opposition of Udall-Anderson forces to these provisions demonstrates their lack of confidence in their position. It is obvious that protecting the wilderness values of the area holds a higher priority with them, and that may be a defensible position. By paying lip service to the priority of forestry employment but refusing to back their words with action, the Udall-Anderson supporters have again weakened their case in my estimation.

My comments thus far have concentrated on wilderness aspects of the Udall-Anderson measure, which comprise somewhat more acreage than such designations in the Breaux-Dingell bill. In terms of total acreage dedicated to conservation uses, however, it should be noted that Breaux-Dingell actually includes more—nearly 130 million acres versus about 110 million acres.

The difference is in the much greater acreage given wildlife refuge designation in the Breaux-Dingell measure. Udall-Anderson forces would have us believe that virtually any acreage not designated wilderness can be plundered and desecrated. That is just not so. It is true that activities are permissible in a refuge which would not be allowed in a wilderness, but they must be consistent with the purposes of the refuge; namely, wildlife propagation. In this respect, Breaux-Dingell is more conservation oriented than Udall-Anderson.

Whereas Udall-Anderson assumes a greater priority on absolute wilderness values, Breaux-Dingell does not presume to prohibit developments which may be in the national interest but which do not conflict unduly with conservation values. This distinction is especially crucial in the case of hardrock minerals and oil and gas. The distinguished chairman of the Mining Subcommittee, Mr. Santini, has discussed in detail the need for a balanced policy with respect to minerals, and I will not go into this matter further except to say that again the Udall-Anderson supporters seem too ready to render decisions in absence of the facts.

We cannot afford to write off large areas which might contain needed minerals before such potential is even considered, and those who have argued that Udall-Anderson restricts development of only 5 percent of the oil and gas potential are stretching their case. The evidence is inadequate to support this claim.

Let us face it, it is easy to be for preservation of natural beauty, and it is obvious that we must do a better job of protecting our environment. For too long in our Nation's history ecological imperatives were ignored, but we should not let the mistakes of the past justify an oversimplification of the problems of the future.

We cannot lock up untold millions of acres of public land on the theory that no amount is too much, and I am confident that the American people and particularly the large majority of my own constituency recognize that fact. My belief in this regard is supported by the recent poll conducted by Cambridge Reports, Inc., which showed that by a margin of over four to one citizens believe public lands should be explored for oil and gas and other resources before any decision is made with respect to their future use.

Nevertheless, I did not reach a decision easily on the relative merits of the measures before us today. I have listened carefully to the debate, and I believe both bills have been improved in the amendment process. No doubt both could be further improved, but at some point the choice must be made. In arriving at a decision, I have carefully considered the views conveyed to me by the dedicated, active, and vocal conservation community in South Dakota. I must say, however, that I was particularly impressed by the views of Alaska's Governor Hammond, who stopped by my office a couple of days ago.

As my colleagues know, Governor Hammond's reelection was deemed to be a major victory for environmentalists. The Governor himself is not at all bashful about pointing out his environmentalist biases. In fact, the Governor told me that if he did not live in Alaska and know what he does, he would probably be supporting Udall-Anderson.

The Governor is a wildlife biologist. He went to Alaska prior to statehood as an employee of the U.S. Fish and Wildlife Service to study the caribou. Even today he says that were the choice between caribou and oil, he would choose the caribou. But the Governor points out, quite correctly, that is not the choice.

Governor Hammond maintains that 4 years ago environmentalists would have been delighted with the Breaux-Dingell bill. Others have suggested that if Mr. Udall had not tried to sweeten the version of the bill passed by the House last year, it would have breezed through this year. Clearly, buoyed by the President's action in designating national monuments, the Udall-Anderson forces have raised their ante; and I believe they have overplayed their hand in the issues I have addressed.

Still, the Udall-Anderson bill is basically a good legislative measure, and I commend those who have worked for even stronger limitations and larger acreages. I understand the preservationist philosophy and believe it has a vital role to play in the public debate leading to sound policy decisions. I will vote for enactment of Udall-Anderson if it is the alternative before us on final passage. It is my carefully considered judgment, however, that Breaux-Dingell is the more balanced measure, and I strongly support its enactment.

Finally, I want to commend my good friend, the excellent Representative of the State of Alaska, Don Young, for his inspired efforts to achieve enactment of a sound and well-balanced bill. No one of us in this Chamber will have to live with our decisions on this legislation as he and his constituents will have to live with our collective judgment. I want to associate myself with his repeated protestations over the ease of conscience with which Members of Congress impose their will upon States and localities from which they are far removed and of which they have little knowledge. That is, in my view, the prime cause of the disaffection with Government which is rampant throughout the Nation today.

Disaffections and differences aside, however, a vote for enactment of either Breaux-Dingell or Udall-Anderson is at the same time a proconservation vote and a prodevelopment vote. Both sides have argued as much prior to the vote, and both are right. It is just that one is a little more right than the other. If, after the votes are cast, someone tries to tell you differently, you can be sure they are promoting their own special, rather than the public interest.

☐ 1450

Mr. YOUNG of Alaska. Mr. Chairman, fellow colleagues, listening audience, fellow Alaskans, fellow Americans.

I listened to my good chairman mesmerize his people with his statements. I compliment him as I have complimented him in the past on his work. We have not seen eye to eye on this issue but he has always been honorable as has been the gentleman from Ohio.

I at least believe they believe in what they are saying which I think is very important. One of the things that has not yet penetrated, regardless of what others have said on this floor, is that we should disregard the oil and gas problem which affects all the people in this room; disregard the minerals on public lands, forget that for a moment: There is still one basic thing wrong with the Udall-Anderson bill and even to some degree with the Breaux-Dingell bill.

My good friend from New York (Mr. MURPHY) put it very clearly. There was a commitment made by this House to the Alaskan people for an amount of acreage.

Regardless of what my good chairman says they will receive their full amount but, in fact, they will not receive what they desire. They will be given what they do not want and that is not the deal we made under the compact with this Congress.

The second thing is, regardless of what people say, there is going to be a loss of jobs in Alaska through this action. When we are faced with unemployment in this great Nation of ours, it will directly affect my Alaskans in southeast Alaska.

There has been much reference made to the recommendation of the Tongass Plan Use Planning Commission. This is the Udall-Anderson approach. May I say it is not their recommendation, it was the recommendation of the Forest Service to accept plan 2, which is what is in the Breaux-Dingell bill.

I do not think anyone in this room wants to put Americans out of work or anybody in this room wants to break their promise. If they do, I would like to have them stand so they can be recognized on the floor, that this Congress no longer stands by its word, that we have dissolved into a body that listens to a special interest group only and not to the people who testified on behalf of the State of Alaska.

Yes, the Governor, the two Senators, this Congressman, the legislature and the majority of Alaskans feel that if the Udall-Anderson bill is adopted then the word of this Congress is no longer valid.

I urge this body to support a bill that went through the committee system and listened to the people of the State of Alaska, the Breaux-Dingell bill and all interests aside and they have reached a balanced approach.

The basic difference between the bills today after the amendments have been offered, the difference of the Arctic Wildlife Range, the selection of State lands, and the ability to maintain the present jobs which we hold.

There has been a great deal of lobbying taking place on both sides. It is sad to say those on both sides have a tendency to extend the truth.

The truth of the matter is that the State of Alaska, the people of Alaska are the ones directly affected by your action today.

None of the rest of you have to come home and face the problems of unemployment because of the acts of Congress and the problem that we cannot live the life that we have lived before.

Can you imagine having to go out on the land you have been able to utilize for the last 300 years, you and your ancestors, and have some little person in a green uniform say, "No, you cannot, you have to have a permit."

That is what we are faced with in the State of Alaska. I would like to at this time, if I may, remind my colleagues that each of my colleagues could be standing in this well, were you representing a single-Member district and each of you could suffer what my people are suffering right now. However, you do not have that problem because you are down where the massive population exists.

Do you think this would happen in the States of California or New York? No, it would never happen. There would be a war tomorrow, a revolt on your hands. But because we are far away we are treated separately, treated differently and it is because we are not seen.

Some of you have responded to the special interests. We have got to protect Alaska for Alaskans and for all the rest of the people.

☐ 1455

I urge you to listen to some words, words that mean a great deal to me and my people. They are words written by an Alaskan many years ago, words of the Alaskan flag, the song which Alaskans hold dear to their hearts.

It is titled "Alaska's Flag":

ALASKA'S FLAG

(By Marie Drake)

Eight Stars of gold on a field of blue
Alaska's flag, may it mean to you
The Blue of the Sea, the evening sky,
The mountain lakes and the flow'rs nearby;
The gold of the early sourdoughs' dreams,
The precious gold of the hills and streams,
The brilliant stars in the northern sky,
The Bear, the Dipper, and shining high,
The great North Star with its steady light,
O'er land and sea a beacon bright,
Alaska's flag to Alaskans dear,
The simple flag of a last frontier.

PARLIAMENTARY INQUIRY

Mr. BREAUX. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. BREAUX. Mr. Chairman, I would like the Chair to state the voting order that we have now, if the Chair would state it.

I understand, am I correct in stating that the first vote will be on the Udall-Anderson amendment, as amended?

The CHAIRMAN. That is correct. Then we will vote on the merchant marine amendment in the nature of a substitute, whether it is amended further or not. Then the Committee will vote on the Interior and Insular Affairs Committee substitute, as amended.

Mr. BREAUX. I thank the Chair.

The CHAIRMAN. The first vote will be on the Udall substitute amendment.

The question is on the amendment, as amended, offered by the gentleman from Arizona (Mr. UDALL) as a substitute.

RECORDED VOTE

Mr. UDALL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 268, noes 157, not voting 9, as follows:

[Roll No. 152]

AYES—268

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Ill.
Andrews, N.C.
Annunzio
Ashley
Aspin
Atkinson
AuCoin
Baldus
Barnard
Barnes
Beard, R.I.
Beard, Tenn.
Bedell
Bellenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Byron
Campbell
Carr
Cavanaugh
Chisholm
Clay
Coelho
Coleman
Collins, Ill.
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
D'Amours
Danielson
Daschle
Davis, S.C.
Deckard
Dellums
Derrick
Dixon
Dodd
Donnelly
Dornan
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Emery
Erdahl
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Ford, Tenn.
Fowler
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Grassley
Gray
Green
Guarini
Gudger
Guyer
Hall, Ohio
Hamilton
Hammerschmidt
Hanley
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Hillis
Holland
Hollenbeck
Holtzman
Horton
Howard
Hughes
Ireland
Jacobs
Jeffords
Jenkins
Jenrette
Jones, Tenn.
Kastenmeier
Kildee
Kogovsek
Kostmayer
LaFalce
Lagomarsino
Leach, Iowa
Lehman
Leland
Levitas
Lloyd
Long, Md.
Lowry
Lujan
Luken
Lundine
McClory
McCloskey
McDade

McHugh
McKinney
Madigan
Maguire
Markey
Matsui
Mattox
Mavroules
Mica
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Ill.
Natcher
Neal
Nedzi
Nelson
Nolan
Nowak
O'Brien
Oakar
Obey
Ottinger
Panetta
Patten

Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pursell
Quillen
Rangel
Ratchford
Regula
Reuss
Richmond
Rinaldo
Ritter
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Russo
Sabo
Sawyer
Schroeder
Seiberling
Sensenbrenner
Shannon
Sharp
Shumway
Simon
Skelton
Slack

Smith, Iowa
Snowe
Solarz
Spellman
Spence
St Germain
Stack
Stanton
Stark
Stewart
Stokes
Studds
Synar
Tauke
Thompson
Trible
Udall
Ullman
Van Deerlin
Vanik
Vento
Walgren
Waxman
Weaver
Weiss
Whitehurst
Whitley
Williams, Mont.
Williams, Ohio
Wirth
Wolff
Wolpe
Wylie
Yates
Young, Fla.
Zablocki

NOES—157

Abdnor
Anderson, Calif.
Andrews, N. Dak.
Anthony
Applegate
Archer
Ashbrook
Badham
Bafalis
Bailey
Bauman
Bowen
Breaux
Butler
Carney
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Collins, Tex.
Conable
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
de la Garza
Derwinski
Devine
Dickinson
Dicks
Diggs
Dingell
Dougherty
Edwards, Ala.
Edwards, Okla.
English
Erlenborn
Flood
Foley
Ford, Mich.
Fountain
Frenzel
Gramm
Grisham
Hagedorn
Hall, Tex.
Hance

Hansen
Harsha
Hightower
Hinson
Holt
Hopkins
Huckaby
Hutto
Hyde
Ichord
Jeffries
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Kazen
Kelly
Kemp
Kindness
Kramer
Latta
Leach, La.
Leath, Tex.
Lederer
Lee
Lent
Lewis
Livingston
Loeffler
Lott
Lungren
McCormack
McDonald
McEwen
McKay
Marks
Marlenee
Marriott
Martin
Mathis
Mazzoli
Michel
Miller, Ohio
Montgomery
Moore
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Nichols
Oberstar
Pashayan

Paul
Pritchard
Quayle
Rahall
Railsback
Rhodes
Roberts
Robinson
Rousselot
Royer
Rudd
Runnels
Santini
Satterfield
Schulze
Sebelius
Shelby
Shuster
Smith, Nebr.
Snyder
Solomon
Staggers
Stangeland
Steed
Stenholm
Stockman
Stratton
Stump
Swift
Symms
Taylor
Thomas
Traxler
Treen
Vander Jagt
Volkmer
Walker
Wampler
Watkins
White
Whittaker
Whitten
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wright
Wyatt
Wydler
Yatron
Young, Alaska
Young, Mo.
Zeferetti

NOT VOTING—9

Boggs
Brown, Ohio
Broyhill

Duncan, Oreg.
Forsythe
Hubbard

Long, La.
Rodino
Scheuer

☐ 1510

The Clerk announced the following pairs:

On this vote:

Mr. Scheuer for, with Mrs. Boggs against.

Mr. Rodino for, with Mr. Duncan of Oregon against.

Messrs. COLEMAN, ROSE, and MOORHEAD of California changed their vote from "no" to "aye."

Messrs. MARLENEE, THOMAS, STAGGERS, and ROYER changed their vote from "aye" to "no."

So the amendment offered as a substitute, as amended, was agreed to.

The result of the vote was announced as above recorded.

☐ 1515

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Simon, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 39) to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes, pursuant to House Resolution 243, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment offered by the Committee on Interior and Insular Affairs adopted by the Committee of the Whole?

If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SEBELIUS

Mr. SEBELIUS. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SEBELIUS. In its present form, yes, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Sebelius moves to recommit the bill H.R. 39 to the Committee on Interior and Insular Affairs with instructions to report the same back with the following amendment: Strike all after the enacting clause and insert in lieu thereof the text of the bill H.R. 2219.

[The bill, H.R. 2219, is not printed in the Record.]

Mr. SEBELIUS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The SPEAKER. The gentleman from Kansas (Mr. Sebelius) is recognized for 5 minutes.

Mr. SEBELIUS. Mr. Speaker, what I am offering in this motion to recommit is the last year's bill, H.R. 39, which passed the House last fall. I think it is the one bill that most of the Members last year knew what was in it. I certainly cannot say that about this bill in the way it was approached. Last year, we passed it by a vote of 377 to 31.

☐ 1520

There was much more unanimity; there was much more of a feeling that we had accomplished something. So I am offering you last year's bill and I recommend that we vote for the motion to recommit.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Mr. Speaker, here is a chance to really uphold the committee system. It has the same guarantees that the Chairman, the gentleman from Arizona (Mr. Udall) had in the bill passed last year by this House with 31 votes against it. It is exactly the same vote. Those of you who supported last year's House bill are going to have a chance right now to support a bill that had 18 months of hearings, a bill that would pass this House if it were done the right way. I commend the gentleman from Kansas (Mr. Sebelius) for his motion to recommit.

The SPEAKER. The Chair recognizes the gentleman from Arizona (Mr. Udall).

Mr. UDALL. Mr. Chairman, this is not 1978; this is 1979. Two different committees, both starting from the bases of last year's bill, did their work. Three different versions came to the floor here: the Udall-Anderson substitute, which just prevailed; the Huckaby substitute which prevailed by one vote in our committee; and the Breaux-Dingell compromise which prevailed in their committee. This House said this year with its current membership—and many Members were not here last year—in a vote just concluded by a large majority, that we want this year's bill. The similarities are very great, but this year's bill reflects this year's situation. This is a direct linear descendent of last year's bill, and I suspect when the question is put, the margin of the vote on this year's bill on final passage will be pretty similar to what we had the last time. I note that in the Committee on Merchant Marine and Fisheries this exact bill, the 1978 bill, was offered, and some of the same people who are telling us now that this is the greatest piece of legislation ever passed, voted against it last year and voted against it in the committee. I think to recommit would be to make a big mistake. We have got a good work product before us. We have a substantial majority of the House behind it. We ought to reject this motion to recommit and vote on final passage.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. UDALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 360, nays 65, not voting 9, as follows:

[Roll No. 153]

YEAS—360

Abdnor
Addabbo
Akaka
Albosta
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carr
Carter
Cavanaugh
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
D'Amours
Danielson
Daschle
Davis, Mich.
Davis, S.C.
Deckard
Dellums
Derrick
Derwinski
Dickinson
Dicks
Diggs
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Grassley
Gray
Green
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hanley
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kildee
Kogovsek
Kostmayer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Lederer
Lee
Lehman
Leland
Lent
Levitas
Livingston
Lloyd
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McHugh
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Russo
Sabo
Sawyer
Scheuer
Schroeder
Schulze
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stewart
Stokes
Stratton
Studds
Swift
Synar
Tauke
Thomas
Thompson
Traxler
Treen
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—65

Alexander
Anthony
Applegate
Archer
Ashbrook
Badham
Bauman
Breaux
Carney
Chappell
Collins, Tex.
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
de la Garza
Devine
Edwards, Okla.
Gramm
Grisham
Hance
Hansen
Huckaby
Ichord
Jeffries
Kazen
Kelly
Kemp
Kindness
Kramer
Leach, La.
Leath, Tex.
Lewis
Loeffler
Lungren
McDonald
McEwen
McKay
Marriott
Martin
Mathis
Montgomery
Pashayan
Paul
Rahall
Roberts
Robinson
Rousselot
Rudd
Runnels
Santini
Satterfield
Sebelius
Shuster
Snyder
Solomon
Stenholm
Stockman
Stump
Symms
Taylor
Watkins
Wilson, Bob
Young, Alaska

NOT VOTING—9

Brown, Ohio
Broyhill
Collins, Ill.
Duncan, Oreg.
Forsythe
Hubbard
Long, La.
Rodino
Wolpe

☐ 1540

The Clerk announced the following pairs:

On this vote:

Mr. Rodino for, with Mr. Duncan of Oregon against.

Until further notice:

Mrs. Collins of Illinois with Mr. Long of Louisiana.

Mr. Wolpe with Mr. Hubbard.

Mr. Forsythe with Mr. Broyhill.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE NECESSARY TECHNICAL OR CONFORMING CHANGES IN H.R. 39, ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

Mr. UDALL. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make any necessary technical or conforming changes in the text of the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

☐ 1605

PERSONAL EXPLANATION

Mr. WOLPE. Mr. Speaker, on rollcall No. 153 I was called off the floor. When I returned, the machine was locked.

I would have voted "yea" on final passage of H.R. 39.

Mr. Speaker, I ask unanimous consent that my statement appear in the record after the final rollcall vote on the bill, H.R. 39.

The SPEAKER pro tempore (Mr. FORD of Tennessee). Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERSONAL EXPLANATION

Mr. ALEXANDER. Mr. Speaker, on rollcall No. 153, final passage of H.R. 39, Alaska National Interest Lands Conservation Act of 1979, the electronic recording device recorded my vote as "nay." This is an error. It was my intention to vote "aye" as reflected in my previous vote on rollcall No. 152, in support of the Udall-Anderson substitute.

LEGISLATIVE PROGRAM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, I take this time simply to advise the Members of the plans for the remainder of today.

We will take up two rules: The rule on H.R. 10, civil rights of institutionalized persons; and the rule on S. 869, clarifying the conflict of interest restrictions on former Government employees.

Upon the adoption of that rule it would be our purpose to resolve ourselves into the Committee of the Whole House on the State of the Union for the consideration of that latter named bill, S. 869. We would hope to complete it this evening, and if we fail to complete it, we would go in any event until approximately 7 o'clock, but we will not go past 7 o'clock this evening.

PROVIDING FOR CONSIDERATION OF H.R. 10, CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS

Mr. ZEFERETTI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 241 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 241

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10) to authorize actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

☐ 1540

The SPEAKER pro tempore. The gentleman from New York (Mr. ZEFERETTI) is recognized for 1 hour.

Mr. ZEFERETTI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 241 provides for the consideration of H.R. 10, to authorize actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States.

The Rules Committee provided for an open rule, providing 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member on the Committee on the Judiciary.

It makes in order a committee amendment in the nature of a substitute to be considered as an original bill for purposes of amendment. The rule waives section 402(a) of the Congressional Budget Act, which prohibits new budget authority for a fiscal year unless that bill has been reported on or before May 15, of the preceding fiscal year. The Committee on Rules has been notified that the Committee on the Judiciary has agreed to offer a floor amendment which would change the effective date of the measure thereby correcting the Budget Act violation.

Mr. Speaker, I believe it is important not to neglect the rights of our institutionalized. There have been numerous documented cases of blantant inattention of institutionalized children, of our elderly, and of the mentally and physically handicapped presently in State custody. H.R. 10 will help insure the rights of these forgotten Americans by giving the Attorney General power to bring civil suits to protect the constitutional rights to which these people are entitled.

In regard to overcrowding of facilities, I expressed in Rules Committee hearings my concern for the ability of State and local areas to finance the rehabilitation or construction of institutions brought by the results of some of these suits. The chairman of the subcommittee which dealt with this measure has informed me he shares some of these same concerns and indicated he is presently looking at various legislative options in regard to Federal assistance for State and local needs. I believe this is imperative in relieving the problems of overcrowding and look forward to working with him in this regard.

Mr. Speaker, I would like to point out the cost of this measure would only be about $81,000 for fiscal year 1980. This is certainly a small price to pay for a piece of legislation that can offer so much hope for so many American citizens. I urge the adoption of House Resolution 241 so that we may proceed to the consideration of H.R. 10 and help guarantee lawful treatment of the institutionalized.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 241 provides for the consideration of the bill H.R. 10 which authorizes actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States. This is an open rule providing for 1-hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Judiciary Committee. The committee amendment in the nature of a substitute is made in order as an original bill for the purpose of amendment.

The rule also waives section 402(a) of the Budget Act against the consideration of the bill. That section of the Budget Act prohibits the consideration of any bill reported after May 15 preceding the fiscal year in which it is to take effect. Since H.R. 10 contains no effective date, it would become effective upon enactment, which could be in the present fiscal year. And, since the bill was reported after May 15 of 1978 it could be in violation of that provision of the Budget Act.

In a letter to the Rules Committee dated April 5, 1979, Budget Committee Chairman GIAIMO stated that the Judiciary Committee has assured him it will offer an amendment making the effective date October 1, 1979, thus clearing up this possible Budget Act violation, he would not object to the waiver in order to permit consideration of the bill and the proposed committee amendment.

Mr. Speaker, this rule was cleared by the Rules Committee on a voice vote after assurance was given by the Judiciary Committee that hearings would be held on legislation to provide financial assistance to those institutions required to make improvements as a result of actions taken under this act. The gentleman from New York (Mr. ZEFERETTI), a member of the Rules Committee, had originally moved that such a financial assistance amendment be made in order under this rule, but withdrew his motion after the assurance of hearings was given.

Mr. Speaker, H.R. 10 is virtually identical to H.R. 9400 passed by the House last July 28 by a vote of 254 to 69. That bill subsequently died in the other body. The main controversy during last year's debate centered on an amendment offered by the gentleman from Pennsylvania (Mr. ERTEL) to delete prisons and other correctional institutions from coverage under the bill. That amendment was initially agreed to by a vote of 227 to 132. But the House later adopted a compromise offered by the gentleman from Illinois (Mr. RAILSBACK) to restore limited coverage for such institutions by allowing the Government to bring suits on behalf of prisoners if a court determines that conditions in a prison or correctional facility warrants the attention of the Attorney General. The Railsback amendment was adopted on a vote of 178 to 109. It is my understanding that that provision is incorporated in this year's bill, H.R. 10.

Mr. Speaker, I urge adoption of this rule and support for the bill it makes in order.

☐ 1545

Mr. ZEFERETTI. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SYMMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 398, nays 4, not voting 32, as follows:

[Roll No. 154]

YEAS—398

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham

Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Diggs
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Flippo
Flood
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hefner
Heftel
Hightower
Hillis
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McEwen
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Paul
Pease
Pepper
Perkins
Petri
Pickle
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Rostenkowski
Roth
Rousselot
Roybal
Rudd
Runnels
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Treen
Trible
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—4

Collins, Tex.
Jenrette
Kindness
McDonald

NOT VOTING—32

Brown, Calif.
Brown, Ohio
Broyhill
Burton, John
Burton, Phillip
Davis, S.C.
Dingell
Duncan, Oreg.
Edwards, Calif.
Fithian
Florio
Forsythe
Goldwater
Hawkins
Heckler
Hinson
Hubbard
Johnson, Colo.
Kogovsek
Long, La.
Mikva
Minish
Patterson
Peyser
Rodino
Rosenthal
Royer
Seiberling
Udall
Waxman
Wydler
Young, Alaska

☐ 1600

The Clerk announced the following pairs:

Mr. Rodino with Mr. Forsythe.
Mr. Florio with Mr. Hinson.
Mr. Mikva with Mr. Broyhill.
Mr. Udall with Mr. Brown of Ohio.
Mr. Hawkins with Mr. Young of Alaska.
Mr. Brown of California with Mr. Wydler.
Mr. Dingell with Mr. Royer.
Mr. Phillip Burton with Mr. Goldwater.
Mr. Waxman with Mrs. Heckler.
Mr. Rosenthal with Mr. Edwards of California.
Mr. Minish with Mr. Patterson.
Mr. Duncan of Oregon with Mr. Peyser.
Mr. Kogovsek with Mr. Seiberling.
Mr. John L. Burton with Mr. Hubbard.
Mr. Fithian with Mr. Long of Louisiana.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 111, PANAMA CANAL ACT OF 1979

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–204), on the resolution (H. Res. 274) providing for the consideration of the bill (H.R. 111) to provide for the operation and maintenance of the Panama Canal and to provide for the exercise of the rights and performance of the duties of the United States provided in the Panama Canal Treaty of 1977, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3404, EXTENDING TREASURY DRAW AUTHORITY FROM FEDERAL RESERVE

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–205) on the resolution (H. Res. 275) providing for the consideration of the bill (H.R. 3404) to amend the Federal Reserve Act to authorize Federal Reserve banks to lend certain obligations to the Secretary of the Treasury to meet the short-term cash requirements of the Treasury, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3829, INCREASING PARTICIPATION BY UNITED STATES IN INTER-AMERICAN DEVELOPMENT BANK, ASIAN DEVELOPMENT BANK, AND AFRICAN DEVELOPMENT FUND

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–206) on the resolution (H. Res. 276) providing for the consideration of the bill (H.R. 3829) to provide for increased participation by the United States in the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3879, AUTHORIZING ADDITIONAL APPROPRIATIONS FOR TEMPORARY COMMISSION ON FINANCIAL OVERSIGHT OF DISTRICT OF COLUMBIA

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–207) on the resolution (H. Res. 277) providing for consideration of the bill (H.R. 3879) to authorize additional appropriations for the Temporary Commission on Financial Oversight of the District of Columbia, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3914, RAPID TRANSIT SYSTEM AUTHORIZATION FOR DISTRICT OF COLUMBIA

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–208) on the resolution (H. Res. 278) providing for consideration of the bill (H.R. 3914) to amend the National Capital Transportation Act of 1969 to increase the amount authorized for the District of Columbia share of the cost of the rapid transit system of the National Capital Region, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4011, AMENDING SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. BOLLING, from the Committee on Rules, submitted a privileged report

(Rept. No. 96–209) on the resolution (H. Res. 279) providing for consideration of the bill (H.R. 4011) to amend the Small Business Act and Small Business Investment Act of 1958, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF S. 869, CLARIFICATION OF CONFLICT OF INTEREST RESTRICTIONS ON FORMER GOVERNMENT EMPLOYEES

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 273 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 273

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 869) to amend section 207 of title 18, United States Code, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi (Mr. Lott), pending which I yield myself such time as I may consume.

Mr. Speaker, this rule is a simple 1-hour open rule. I know of no objection to it.

I, therefore, reserve the balance of my time.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a simple 1-hour, open rule providing for the consideration of S. 869, which amends the Ethics in Government Act of 1978. The first reading of the bill is to be dispensed with, and there are no waivers.

S. 869 amends section 207 of title 18 of the United States Code to clarify existing language which bars certain Government contracts or activity by former Federal officials and employees after they have left Government employment for a period of 2 years. The legislation attempts to makes it clear that the bar on aiding or assisting applies only to an individual's participation by his physical presence at a formal or informal appearance; and the subject involved must be a particular matter in which the individual participated personally and substantially while an officer or employee.

There will be no cost incurred to the Government as a result of the bill's passage.

Mr. Speaker, this bill is a effort to reduce the damage by this hastily passed legislation last year.

☐ 1610

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I thank the gentleman for yielding.

I think it should be pointed out that in consideration of this legislative proposal, what the administration has undertaken to do is to merely provide what they call technical amendments, having the feeling that these technical amendments would obviate the great harm which is done by this legislation as passed in the last Congress.

The effective date of the legislation is July 1, and I would propose an amendment, when we get into the consideration of the legislation, which would postpone the effective date of the legislation so that we could go into the consideration of substantive changes that I think are needed in order to prevent this departure from Government of so many valued professionals and to provide further amendments which will encourage people of talent to serve in the Federal Government without the handicap of feeling that they are going to be forced out of their own profession after they leave Government, which this legislation would impose upon them.

Mr. Speaker, I would ask the gentleman from Mississippi (Mr. Lott) if he does concur that it would be preferable to provide for an extension of time or a delay in the effective date of this legislation so that we could go into the substantive defects in the existing legislation.

Mr. LOTT. Mr. Speaker, I certainly would agree, and I think the gentleman from Ohio (Mr. Kindness) has comments he would like to make on that point.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. Kindness).

Mr. KINDNESS. Mr. Speaker, I thank the gentleman for yielding this time to me.

I would like to take just a moment to express my appreciation to the Committee on Rules for affording and recommending an open rule for the consideration of S. 869. It may sound a bit odd to thank the Committee on Rules for such a recommendation, but there is a reason, I feel, for being thankful.

There was some argumentation in the Committee on Rules that this is the type of legislation on which there ought to be considered the possibility of having a closed rule or a modified closed rule, whatever that is.

We are in an area with the ethics legislation where some problems are going to be caused, and as the gentleman from Illinois (Mr. McClory) pointed out just a moment ago, we have not even reached the effective date of the act, and already the administration has come to the Congress with a proposal for amending what the Congress passed last year with respect to the "revolving door" provisions in the ethics bill.

But the problem is that the administration formulated its position, the Senate considered it, the subcommittee of the Committee on the Judiciary considered it, and the Committee on the Judiciary considered it, and that is all that was given serious consideration. That is why it is so important that we have an open rule for the consideration of S. 869 before us.

I think there is an open admission on the part of the administration that on the ethics bill, there were problems with it, but we have not faced up to the greatest problem, and that is the 1-year ban on any contact with a former employing agency by a senior Government official who leaves Government employment. This is where we are going to see, particularly in the health and science fields in the Department of Health, Education, and Welfare, some real problems occurring with the kind of talent we so greatly need in those scientific and highly skilled areas.

I think it is important to note also that the independent agencies were not a part of the administration's position or recommendation. For example, the Securities and Exchange Commission has a particular problem with the 1-year revolving door prohibition. People may be prohibited, in effect, from having any contact with that agency for a year, although it is not related to a matter with which they were concerned while they were employed by the SEC or any governmental agency.

I think again it is timely to thank the Committee on Rules for proposing an open rule, although there was consideration of a closed or modified rule.

☐ 1615

Mr. Speaker, I support the rule. I may not be able to support all of the amendments that are proposed to the bill, but I certainly appreciate the fact that we are openly considering the bill with the possibility of amendments that were not even seriously considered in the committee.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, I asked the gentleman to yield to me so that I could engage in a bit of colloquy with the distinguished ranking minority member of the committee. I heard what the gentleman said. I must say that I agree with him.

Mr. McCLORY. If the gentleman will yield, I think the gentleman from Texas (Mr. Eckhardt) has in mind the 1-year bar, which bars persons in the Federal service at certain high levels, from engaging in private employment where they have direct or indirect contacts with the agency or department where they were employed. This really deprives individuals of their individual rights to practice their own profession or to work in their own profession or to utilize their own special talents.

We received testimony from the Administrator of the Securities and Exchange Commission, who explained to us that a lawyer who is skilled in security law, who would come to the Securities and Exchange Commission, but who would be absolutely barred from practicing the profession for which he is uniquely and specially qualified after he has left the Government service for a period of 1 year. This would apply to persons in all walks of life. It would apply to academicians who serve in the Government and then leave and go back to a university and engage in research projects, for instance, which are funded in part, or wholly funded by the Federal Government. They would be barred from making applications to the agencies with which they were formerly affiliated. It seems to me that we have overreacted in our efforts to bring purity and honesty and ethical conduct to Government, and I think what we are doing is that we are depriving the Federal Government of valuable services of professional and highly skilled individuals and, at the same time, we are depriving individuals of their private rights to engage in their occupation or profession for which they are trained and have given valuable services to the Federal Government. I think if we were able to delay the effective date of this legislation that we could correct through substantive amendments that kind of injustice which otherwise is going to be inflicted upon many, many individuals as a result of this legislation.

Mr. ECKHARDT. Mr. Speaker, I entirely agree with the gentleman. I do not believe that the administration's proposal, which has sometimes been called a "quick fix," solves that question. If I understand it correctly, it merely provides that persons who do not appear personally in a formal proceeding will be exempted from the second major portion of the act.

Mr. McCLORY. The gentleman is entirely right.

Mr. Speaker, I would say this: By making this change and suggesting that, by some indirect contact, that is going to be ethical, when the direct contact is going to be unethical, it seems to me that we are developing a new form of unethical conduct which we are deliberately suggesting to people they engage in. It is authorizing the performance of conduct indirectly which we are forbidding by this legislation to be carried on directly.

So I think it is a very, very bad piece of legislation, and we should delay the effective date and correct the inequities.

Mr. ECKHARDT. Mr. Speaker, I entirely agree with the gentleman on that.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Speaker, without unnecessarily delaying the debate on the rule, let me say that I do agree with the comments that have been made. Speaking as a member of the Subcommittee on Research and Development of the Committee on Armed Services, we are faced with the exodus, I am told, of a very large number of people within the Department of Defense who have expertise that is very valuable to the Government, some in uniform, some out of uniform, who are faced with the dilemma that is imposed by the proposed bill that we are discussing. I am told that 20 some odd colonels, full colonels, are expecting to turn in their papers or retire by July 1, that there are many civilians who have very valuable expertise and background experience who are thinking of retiring now.

□ 1620

If we would look at where the people came from who are within the research development branch of our Federal Government, we see that they came from an area that they would normally return to that they would be denied under this legislation. I think it is bad legislation. I think we are in effect shooting ourselves in the foot, I want to say when the bill comes up.

Mr. LOTT. Mr. Speaker, I thank the gentleman for his comment, and I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 411, nays 1, not voting 22, as follows:

[Roll No. 155]

YEAS—411

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Boggs
Boland
Bolling
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Buchanan
Burgener
Burlison
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Diggs
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Treen
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—1

Murphy, Pa.

NOT VOTING—22

Blanchard
Bonker
Brown, Calif.
Brown, Ohio
Broyhill
Burton, John
Conyers
Corman
Davis, S.C.
Dingell
Dixon
Duncan, Oreg.
Fenwick
Forsythe
Goodling
Hall, Tex.
Hubbard
Long, La.
Nolan
Rodino
Williams, Ohio
Wydler

□ 1635

The Clerk announced the following pairs:

Mr. Hall of Texas with Mr. Wydler.

Mr. Long of Louisiana with Mr. Brown of Ohio.

Mr. Corman with Mr. Forsythe.

Mr. John L. Burton with Mrs. Fenwick.

Mr. Rodino with Mr. Goodling.

Mr. Duncan of Oregon with Mr. Broyhill.

Mr. Dingell with Mr. Conyers.

Mr. Bonker with Mr. Brown of California.

Mr. Hubbard with Mr. Nolan.

Mr. Williams of Ohio with Dr. Dixon.

Mr. Blanchard with Mr. Davis of South Carolina.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT OF COMMODITY CREDIT CORPORATION FOR FISCAL YEAR ENDED SEPTEMBER 30, 1978—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture:

To the Congress of the United States:

In accordance with the provisions of Section 13, Public Law 806, 80th Congress, I transmit herewith for the information of the Congress the report of the Commodity Credit Corporation for the fiscal year ended September 30, 1978.

JIMMY CARTER.

THE WHITE HOUSE, *May 16, 1979.*

CLARIFICATION OF CONFLICT OF INTEREST RESTRICTIONS ON FORMER GOVERNMENT EMPLOYEES

Mr. DANIELSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate bill (S. 869) to amend section 207 of title 18, United States Code.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIELSON).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate bill, S. 869, with Mr. DE LA GARZA in the chair.

□ 1640

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California (Mr. DANIELSON) will be recognized for 30 minutes, and the gentleman from California (Mr. MOORHEAD) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Senate bill (S. 869) is a bill which is intended to make a very few amendments to the Ethics in Government Act of 1978.

The bill treats of only one title of that law, title 5, which itself is an amendment to section 207 of title 18 (United States Code, title 18 being the criminal code, and section 207 having to do with the subject of disqualification of former officers and employees of the Government from certain types of post-employment activity.

I might state, the subject matter covered is very similar to that which we referred to under the term of conflict of interest, although inasmuch as the persons affected would be former employees, quite obviously there cannot be a conflict of interest, but the subject matter is closely related.

It amounts to the old Biblical injunction against any person serving two masters. We have a lot of sayings that have sprung from that, that you cannot carry water on two shoulders, you cannot have loyalty to two people, and the like.

What we are trying to reach in this part of the bill is the circumstance commonly described as the "revolving door," namely, a Government employee works for the Government, handles many matters for the Government and then on leaving the Government he goes out the door and goes to work for a company, an organization, a corporation, an individual, who has business with the Government, and while he was sitting on one side of the table yesterday preparing specifications, preparing contracts, preparing grant application forms and the like, now he walks out the door and goes on the private payroll and taking advantage of his inside knowledge of Government functions, of his status of influence with Government employees, he now works for the private employer to his advantage and to that of the private employer, but using the very information and the very status he acquired as a Government employee.

Now, ethically, I think no one will quarrel that this is not only undesirable, it is reprehensible and it should not take place.

We do not mean that a Government employee cannot leave the Government and go out and get a private job and continue to earn a living; but there are certain areas of activity which he should not be permitted to enter for a limited period of time until his advantage of having been a Government employee has dissipated, has worn away, and then he is on fair footing with others.

You know, none of us would like to have our own employees work for us today and then tomorrow go out and work for somebody else and use the knowledge that they gained as our employee to our disadvantage once they leave the Government.

Now, there is not a huge occurrence of this sort of activity, but it does happen from time to time. The bill, the law, the Ethics Act of 1978, reaches persons who are either in the executive level, those are the top paid people in the U.S. Government service, or certain persons, GS-17 and above, which is really fairly high pay, certain top ranking military officers and a few other persons who can be designated by the Director of Government Ethics after having conferred with the department head of the department in which he has worked.

The Ethics Act, a very wholesome law, unfortunately had within it a couple portions which seemed to create some ambiguity and which have created some anxiety in the minds of some of the top ranking Government employees.

□ 1645

Namely, in subsection (b) of section 207 of title 18, which was amended by our Ethics Act of 1978, there is a portion which is a little unclear as to what is meant or who is included in assisting and representing someone at an appearance. In the language of the law as passed, we used the word, "concerning," to describe the type of an appearance that a person was prohibited from making.

This has caused a good deal of concern, not only in an appearance but in assisting another in making an appearance. This has caused a good deal of anxiety in some Government employees' minds because they do not really know what "concerning" means, and perhaps it is not the most artful word.

This bill would strike that word, "concerning," and insert in lieu thereof the words, "by personal presence at." In other words, a former Government employee could assist another person in representing someone before a Government agency, but he could not himself appear personally before that agency within the span of two years until his influence, we concede, would be worn down to some extent.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I will yield to the gentleman shortly, but I would prefer first to make my own statement. The gentleman will have time.

Mr. Chairman, that is one aspect reached by the bill, S. 869.

Secondly, within that subsection (b) there is some question as to the extent of the inhibitition against representing and against assisting in representing. Under the "representing" itself, we have prohibited in this bill having any person represent another person before his own Government agency on a matter which was actually pending under his official responsibility during a period of 1 year prior to the time he left the Government, or on assisting a representation, that the person would have to have personally and substantially participated in the matter.

Mr. Chairman, we had hearings on this bill. We called before our subcommittee the department heads of the most affected agencies. For example, we called in Mr. Campbell, who is head of the new office which takes the place of the Civil Service Commission. I do not know what they call it. I believe it is the Manpower Office or something like that.

We asked him what effect the law would have without the amendments, and so far as he could tell, although he was not sure how many people would be affected, it would probably be about as many as could be counted on one hand. I can count to five on one hand, so it is really not too far-reaching in that respect.

We called in the Secretary of Defense and his representative, Mr. Duncan. The Assistant Secretary totaled them up, and he assumed there might be at least 24 who would leave the Department of Defense.

We called in Secretary Califano of Health, Education, and Welfare. He totaled them up. As far as I can add them up from his testimony, 19 people had left HEW in anticipation of this bill becoming law on June 30, and he estimated that there might be as many as 100 who might leave if it becomes law without the amendments in the bill.

With the amendments in the bill, with the amendments we have put in this bill, S. 869, the Secretary of Defense told us that his problems would be answered; he would be able to get along fine, and if he lost anybody, it would be very few. He got along beautifully with the amendments in S. 869.

Secretary Califano said the same. Mr. Campbell of the Office of Manpower for the Government said the same.

S. 869 has the blessing of our various departmental secretaries. It is supported by the Attorney General, who has made a great study on it, and it is supported by the President and the entire administration. It is a very beneficial bill. It preserves the good effects of the Ethics law of 1978, but it loosens up the strictures of subsection (b) to the point where it will be possible to retain these valuable employees who otherwise were nervous that on leaving Government they might not be able to earn a livelihood.

□ 1650

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I want to compliment the gentleman on his statement of the purpose of this act. Originally what was attempted to be stopped constituted two things. No. 1, the act purported to prohibit a situation in which a Government employee worked on a particular subject matter, and leaves Government, and then, in effect, changes sides on the same subject matter he previously worked on. That is the part of the revolving door that has the effect of a man or woman gaining knowledge in Government employ and then, on the same issue, which may come up at a latter time, utilizing that experience, perhaps inside information, and taking the side of the person who is against the position of Government. That is No. 1.

Mr. DANIELSON. Right.

Mr. ECKHARDT. Point No. 2 is the situation in which a high ranking preson in Government under whom persons have worked, as, for instance, a person who is a commissioner of the SEC or the Federal Trade Commission, or someone in a position of GS-17 or above, going back to the agency. It may be on something on which he has not worked but during a period of 1 year he cannot urge a position, whether he has worked on that particular issue of not. The theory is that he might, as a result of his having worked with his colleagues for many years and having held a rather high position in that agency, have kind of an undue influence on it. That is the second point, as I understand it, and somewhat different.

Mr. DANIELSON. That is another point that was covered in the law.

Mr. ECKHARDT. So the first two sections, (a) and (b), primarily address the first evil, as I understand it, and (c) addresses the second evil.

Mr. DANIELSON. That is an interpretation. (a) is a lifetime ban, which really should not concern too many people. Those of us who practiced law are familiar with it anyway. You cannot represent the plaintiff today and the defendant in the same lawsuit tomorrow. You would be ridden out of court on a rail, and you should be, and you should have your license revoked. That is a lifetime ban.

Mr. ECKHARDT. Yes.

Mr. DANIELSON. And we are really not concerned with that today.

Mr. ECKHARDT. Well, let us set aside the question of (c) for a moment, because (c) is broader and applies to a shorter period; (a) deals only with the case of one who has actually had a material effect on that decision or has acted within that area of concern.

Mr. DANIELSON. The gentleman said (b), right?

Mr. ECKHARDT. (a).

Mr. DANIELSON. (a) requires that you have had a personal and substantial involvement.

Mr. ECKHARDT. Right.

Mr. DANIELSON. That is a lifetime ban.

Mr. ECKHARDT. Right. And, of course, we all agree, I think that when a person has had a personal or substantial involvement in a particular activity, he ought to be barred from now on.

Mr. DANIELSON. We do not have much trouble with that. At least I do not.

Mr. ECKHARDT. The question about which there is some difference is in (b): a person who has not substantial personal involvement but was an administrator under which activities occurred while he was with the Government. He is later engaged for another person who has an adverse position to Government. He then may not within 2 years come and participate in an area of concern over which he had a supervisory authority, for instance. That is what (b) originally provided; is that not correct?

Mr. DANIELSON. Yes. That is substantially correct.

Mr. ECKHARDT. That is the way that (a) is expanded. But there is one other expansion of (b) over (a), and that is in merely aiding, counseling, advising, consulting or assisting, without representing or appearing before, or making a communication in behalf of the person, to the agency. I understand that that is something of an enlargement. That is where some of the agencies felt they were too tightly bound.

Mr. DANIELSON. I think that is a fair statement.

□ 1655

Mr. ECKHARDT. Then, what purports to correct this is to provide that a person is only so restricted if by personal presence at any formal or informal appearance he aids, counsels, advises, consults, or assists. But let me ask you this. Does this not expand also the coverage of (b) so as to permit a person who has actually actively been involved in the specific matter, for the Government, but who does not represent someone in a formal or informal appearance or communicate with an agency, does not that permit such a person who has been working on the Government side to change sides, for instance, in preparing the brief?

He does not sign the brief, but he uses all of that information that he accumulated from Government to oppose Government in the back law office. You can do that if this committee amendment is placed on (b), can you not?

Mr. DANIELSON. He can do it in the back loft. It is really easier to say what he cannot do. He cannot make a personal appearance in representing his new employer, if he was personally and substantially involved in the matter. He can go into the back loft. He can sit in the library, as the gentleman from Texas and I did when we first started practicing law, and do all of the hard work of practicing law, but the boss signs the pleadings, and the boss makes the appearance; and the glory you collect is that paycheck.

Mr. ECKHARDT. So, what you are doing in order to satisfy the agencies that say that the man ought to be able to go out and aid and assist is keeping the revolving front door shut, but you are at least, to this extent, opening the back door. Is that correct?

Mr. DANIELSON. No. On that I do not agree. You know, it is interesting that up to this moment we were tracking beautifully, but here is where, as usual, we come to a rail juncture, and the gentleman goes one way and this gentleman goes another way.

We do not wish by this Ethics in Government Act to deprive former Government employees of the opportunity to engage in useful, stimulating, gainful work, to earn a living, to support themselves and their families after leaving the Government.

What we do not want them to do, and that is the purpose of this law, is to exercise undue influence. I respectfully submit that a person working in the back room or in the loft, as you say, or in the library, as I say—we did not have a loft—he is not exercising undue influence. If anything, he may be improving the function of Government, because the brief he prepares, the petition he prepares, is couched in intelligible, understanding language, and it matches the procedures we have and may even make the burden of Government less because you have a skilled preparer of the petition to be acted upon.

Mr. ECKHARDT. If the gentleman will yield briefly on one other point, I do not think I used "loft," because we only apply that to a barn in the Southwest. I understand it is applied to a second story in the Northeast.

Mr. DANIELSON. I have never been known as a second-story man.

Mr. ECKHARDT. The thing about it is that the gentleman is correct that he does not open the door with respect to the undue influence; but in my original questions, I had said I thought the gentleman was addressing also the question of the changing sides matter. The man can change sides in the second story or in the back room or in the library, and he can work diligently and effectively on a brief, which he has worked on for the Government on the other side before——

Mr. DANIELSON. Not for 2 years.

Mr. ECKHARDT. And he would be restricted after this change. That is what I am trying to get at.

Mr. DANIELSON. As the gentleman knows, we cannot have a perfect world. We can only have the best possible of all worlds. I suppose if we had total purity, that of the driven snow on the chapel roof, we would not even need laws, but people have to have an opportunity to work.

I frankly see nothing wrong with permitting former Government employees to become engaged in useful work, not in a matter that he was personally and substantially involved in, but in useful work in his field of endeavor, be it the practicing of law or whatever, scientific, cancer research, or what have you, provided he does not use undue influence.

□ 1700

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield further?

Mr. DANIELSON. Surely.

Mr. ECKHARDT. I agree entirely with the gentleman's last sentence, but in his last sentence he said, number one, "on a matter in which he was not personally involved"; and two, "on a matter in which he does not use his influence."

I submit that (b) as changed applies to a matter in which he was personally involved if he only assists, and that is the objection I have to it.

Mr. DANIELSON. Well, I know that the gentleman would like to tighten it up tighter than it is, but the only reason we are here is because the bill seems a little bit too tight. We are really trying to relax it a little bit, so that people can carry on their pursuits after they leave the Government.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield briefly?

Mr. DANIELSON. Yes, I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, as the gentleman well knows we considered this legislation in the Post Office and Civil Service Committee in the last Congress. I must say that we voiced to the representatives of the administration at that time reservations about the broad scope of what they were doing. Now, I can appreciate what the gentleman from Texas has been saying, but I frankly have been reading the views of the minority members of the committee, and I think that most of the members on the gentleman's side and my side of the aisle of the Post Office and Civil Service Committee would tend toward the view they have expressed in here, that we do not even go far enough in trying to retrieve the freedom of movement in and out of Government.

It strikes me as extraordinary that we are applying the case of the Intergovernmental Corporation Act, in which we attempt to teach people about how the Federal Government works at the State and local level, and the other way around, and we would say that someone who gained expertise in the field of welfare administration, of education administration, or health administration, the Federal Government, could not then go out and serve in a State government with that expertise because somehow that has a potential to corrupt the office.

More importantly, if we look at the kind of people we are concerned with over in a Department like Education, for example, most of these people are going back or coming from either governmental agencies or nonprofit private institutions. To take someone who is a vice president of a large university, and his principal duty with that university has been to raise money and to obtain resources for the university, he is barred, in effect, from the university by the Office of Education to help devise more efficient ways to dispense Federal assistance.

Now, we are telling him that if he does not leave the Federal Government before July 1, he cannot go back to that university and help it raise money because he might fill out a form that is going to end up getting a Federal grant.

Mr. DANIELSON. I appreciate the gentleman's comments. My time is running out, and I have made a couple of commitments to yield some time.

I must recapture my time, and I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD of California. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of S. 869 but do so without enthusiasm because it is a halfway solution of a severe problem.

Last year, Congress enacted the "Ethics in Government Act", imposing statutory financial disclosure requirements on high ranking officials in all three branches of the Federal Government. In addition, this comprehensive "Ethics" measure contained amendments to 18 U.S.C. 207, the existing law prohibiting former Federal officials from becoming involved in subject matters connected with their former Government duties.

The scope and ambiguity of the 1978 amendments to 18 U.S.C. section 207 have resulted in considerable concern and controversy. Many highly placed and specialized Government employees have become alarmed that these new anti-"revolving door" restrictions might well make them unemployable in the private sector, should they decide to leave Government service in the future. A mass exodus of such officials has been predicted to occur before the more restrictive changes in section 207 are scheduled to go into effect on July 1, 1979. Furthermore, the penalties for breaching these new conflict-of-interest sanctions are serious. Violations of the terms of section 207 carry criminal sanctions; that is, fines of not more than $10,000 or imprisonment for not more than 2 years.

Prior to the 1978 amendments, these conflict-of-interest prohibitions dealt solely with formal, representational activity by a former employee. In essence, "switching sides" on a specific case or specific policy matter.

The 1978 amendments expanded the lifetime ban in section 207(a) well beyond formal, representational activity. It now will cover "informal appearances" with the "intent to influence". It also will cover "any oral or written communication". Subsection (b) of section 207 now imposes a 2-year ban on activity, rather than the previous 1-year period. This subsection will apply to matters "actually pending under his official responsibility". Like the new section 207(a), this prohibition will now also extend to informal appearances and both oral and written communications, made "with the intent to influence". Subsection (b) was further amended to forbid, for a 2-year period, certain designated senior employees from aiding or assisting in matters which had been pending under the employee's official responsibility (within 1 year prior to the termination of employment). The exact language reads as follows: "knowingly represents or aids, counsels, advises, consults, or assists in representing any other person * * *" 18 U.S.C. 207(b) (ii). This "aids * * * or assists" language has received much of the criticism directed at the 1978 amendments. The language is so broad and so vague that even legitimate or harmless post-government employment activities would be foreclosed. Specialists in such fields as education, health, securities, and energy have voiced understandable concern.

The administration's bill—S. 869—is an attempt to deal with the problem presented by the "aids * * * or assists" language in section 207(b) (ii). In that sense, S. 869 is a partial step in the right direction. Specifically, S. 869 would limit the 2-year prohibition contained in section 207(b) (ii) to assistance given by the former government employee while personally present at a proceeding or negotiation. The administration amendments also would clarify the "aids * * * or assists" language in section 207(b)(ii) so that it would only apply if the former employee participated "personally and substantially" in the subject matter, while a Government employee.

But the 1978 amendments also infused an entirely new dimension into the post-government employment section which S. 869 does not address at all. Added was a new subsection (c), prohibiting former senior officials from any contact with their old agency for a period of 1 year. This 1-year "cooling-off" period will apply irrespective of the subject matter of the communication. It covers "any oral or written communication on behalf of anyone other than the United States". The supposed "conflict-of-interest", here, is unrelated to a specific case or a particular subject matter. The issue could be a totally new one, that is, arising after termination of the specific official's employment, or one which the former official never dealt with while at the agency. In short, the language in subsection (c) is so indiscriminate that it covers innocent or neutral communications, as well as those dealing with noncontroversial or uncontested subject matters. Many agencies, including the Securities and Exchane Commission, view this provision as more punitive and restrictive than the "aids * * * or assists" language of section 207(b)(ii) and we agree.

The 1-year ban is clearly the most harsh and irrational feature in the new ethics law. Yet, the administration has rigidly refused to consider any modification of its sweeping terms. The net result of subsection (c) will be a reduction in the attractiveness of Government service, and thereby a reduction in quality of Government itself. Subsection (c), if left unchanged, will cause certain current employees to leave, as well as adversely affecting future efforts to recruit high-level personnel.

In both the Administrative Law Subcommittee and the full Judiciary Committee efforts to deal with problems created by section 207(c) were rebuffed. These included an amendment which I offered to repeal the 1-year ban outright, as well as a proposed modification to exempt from its coverage appearances before independent regulatory agencies, where the appearance would already be a matter of public record.

S. 869, then, only deals with one portion of the problem created by the new conflict-of-interest standards.

I urge the Members of the House to support efforts on the floor to deal with the serious problems presented by this blanket 1-year ban.

☐ 1710

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD of California. I will be happy to yield to the gentleman from Illinois (Mr. McCLORY), the ranking member of the full committee.

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the chairman of the subcommittee and the ranking minority member for their consideration and work on this legislation. I do not agree with all of it. On the other hand, I think it is extremely important that we do no less than enact the technical amendments which are covered in this legislation. This is almost an act of desperation on the part of the administration because of the loss of high-level personnel who are leaving the government service in order to avoid the impact of this legislation. The effective date being July 1, unless these people leave the government service at this time and return to private life they will be deprived of the opportunity to engage in their profession or other specialized type of private activity.

If I could, I would like to have the attention of the gentleman from Michigan (Mr. FORD) for just a minute. The point that was raised by the gentleman from Michigan is a very significant one. We did have testimony from representatives in the academic world who came before our committee and indicated that if they took a government job and then tried to return to academia and to work on applications for research projects with the agency with which they were formerly employed they would be deprived of that opportunity .

I would likewise like to point out, Mr. Chairman, persons who leave government service, the Federal service, would be deprived because of the provisions of section (c) of the law from taking a comparable job with the State governments.

Imagine a person leaving the Federal EPA with all of the knowledge that he has with regard to fighting air and water pollution, being deprived of the opportunity to take a job with a State government and specifically a State EPA department in which he would have the opportunity to work with the Federal Government to work in the same area for the same purposes as he and his job in the Federal Government.

It is interesting that the gentleman from California, the chairman of the subcommittee (Mr. DANIELSON), offered H.R. 2843 earlier in this session and this legislation and that bill provided for a delay in the effective date of this legislation until January 1, 1980.

I became a sponsor of the same legislation.

Mr. DANIELSON. Mr. Chairman, will the gentleman yield to me?

Mr. McCLORY. Yes, I yield to the gentleman.

Mr. DANIELSON. I am sure the gentleman is familiar with the story which I will not tell but it has to do with a man driving a mule and he said he was holding that back just to get attention.

I did introduce that bill just to get attention. And did we ever get attention.

Mr. McCLORY. Mr. Chairman, I appreciate the gentleman's comments. The gentleman did get attention. However, he does not seem to have gotten enlightenment which would have occurred had he persisted in that legislation and undertaken, by virtue of a 6 months' delay, to make some substantive changes in this legislation which can correct the injustices and the inequities and the defects that exist in the law the way it is now.

☐ 1715

Now, we know that through the 1-year ban we are virtually depriving individuals who work in the Federal service from engaging in their own private employment, in their own private profession, utilizing their own expertise.

As I indicated, to deprive people from working on applications for Federal grants and research projects in which they have the expertise and which we want them to utilize seems to me to be entirely counterproductive.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, the gentleman has hit the nail right on the head. The harm is not in section (b), it is in secton (c), because (b) only makes a person restrain himself for 2 years in areas in which he has either had official responsibility or has personal and substantial participation at least with respect to aiding and assisting. Of course, he is permanently prevented from engaging in the same matter with which he has personal and substantial relationship, but if he has only official responsibility, and he wants to file a request for a grant after 2 years, he can do it.

It is section (c) that causes the trouble because it completely prevents a capable lawyer working for the SEC at the designated level from subsequently contacting the agency during that period—essentially it prohibits him from working in his field.

Mr. McCLORY. Mr. Chairman, I rise to voice my concern over this measure not because of what it does, but because of what it fails to do. S. 869 represents an inadequate and incomplete response to the problem created by the overly sweeping language enacted last year to regulate the "revolving door."

Last year, as part of an omnibus Ethics in Government Act, Congress made some substantial changes in an existing Federal criminal law imposing certain restrictions on post-Government employment activities. 18 U.S.C. 207. The aim was to strengthen an already existing law barring former Federal officials from exploiting inside information and "switching sides" on a matter they had dealt with while in Government.

We made these changes at the behest of the Carter Administration and, unfortunately, with too little deliberation on our own part. Some Members, most notably the gentleman from California (Mr. MOORHEAD) and the gentleman from Texas (Mr. ECKHARDT) recognized that these new restrictions were too sweeping and would be counterproductive. But the majority of the Members of this House failed to heed their warnings.

Now, we are back here, just 8 months later, to clean up and clarify these ambiguous provisions. Provisions that were described by HEW Secretary Joseph Califano in his testimony before our Subcommittee as "impairing the ability of HEW and other Government agencies to attract and retain the kind of people we so badly need for the efficient operation of our programs." Provisions, containing criminal sanctions, which the Washington Post characterized as "so broad and indistinct as to deter a top level official from going to work within 2 years, for any company or institution that had any business with his former agency."

There are two harmful segments in this new law. One forbids top level officials, for a period of 2 years after leaving Government, from aiding, counseling, or assisting in representing any other person before their former agencies, on any matter that they had responsibility for while in office. 18 U.S.C. Section 207 (b). The other bars officials from contacting their old agencies for 1 year after leaving, on any matter, regardless of whether or not they handled it when in Government service. 18 U.S.C. Section 207(c). It virtually prohibits any contact at all. S. 689 addresses the problem of the "aids and assists" language but leaves the 1-year "no contact" ban untouched. For some reason, even though some high-ranking officials acknowledge it could be a serious problem, the Carter administration has refused to support any modification in the 1-year ban.

This is why I feel that S. 869 is a halfway measure at best. The administration would have us believe that through this measure we will solve the difficulties caused by the sweeping 1978 "revolving door" amendments. But this is not the case. This is a partial solution and I strongly object to a "piece-meal" approach in patching up this overly zealous ethics law.

My concern, shared by many, is that we are again legislating in haste. Our subcommittee deliberations were brief and our hearings perfunctory. Last year, when Congress considered the subject of post-Government employment and conflict of interest, it did so without a full understanding of all of the ramifications. S. 869 is evidence of that fact. It is remedial legislation, aimed at curing language defects in last year's bill. I fear that we are compounding the same error this time around as well.

Therefore, it is my intention during the 5-minute rule to offer an amendment to delay the effective date of the 1978 revolving door amendments for an additional 6 months. Under my amendment, the delay would extend from July 1 of this year until January 1, 1980. This would allow time for a more thorough review of the potential ramifications of this legislation. There is a clear need for more reasoned deliberation and study on the revolving door subject. More attention needs to be given by the Office of Personnel Management and the Office of Government Ethics, particularly to the potential recruitment and manpower problems that could be caused by the open-ended language of subsection (c). I ask the Members of this House for their support in this effort to bring about a thoughtful reconsideration and a more appropriate response to ethics and conflict of interest.

Mr. MOORHEAD of California. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Kindness).

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for yielding this time. I think we ought to be very much aware that what we are dealing with here is title 18, the criminal laws of the United States.

I think sometimes we sort of forget that we are dealing with criminal laws with respect to the ethics legislation passed last year.

I think we have a little bit of confusion that is going around among those few Members of the House who are around the floor. I hope that great tool of closed-circuit television is being used by some of our Members to learn a little bit more about a rather confusing area of legislation.

There is a possibility that when we go to vote on amendments and on this bill, people may still be thinking we are tightening up the ethics legislation of last year. That is not the case.

Senate bill 869 is intended to modify some of the mistakes we made last year in getting things a little bit too tight in this revolving door concept; but as has been said here, it just plain does not go far enough.

In a colloquy between the gentleman from Texas (Mr. Eckhardt) a little while ago and the gentleman from California (Mr. Danielson), there was a good expression of just what subsections (a), (b), and (c) do in section 207 of the Ethics Act. We did not quite get to see fully subsection (c). Subsections (a) and (b) are understood reasonably well. I think there is and should be a lifetime ban where a person seeks to serve two masters, as the gentleman from California so nicely puts it. There is no controversy about that. That is in subsection (a).

Subsection (b) is sought by the administration to be modified in this bill because it was a little bit too tight. That is the 2-year ban on the person having anything to do with subject matter that was under his supervision during the time he worked for the Federal Government. But subsection (c) just says that for 1 year after you work for the Federal Government, no contact for any person in representation of anyone other than the United States with the agency with which you were employed. That is wrong. It is just plain wrong. Under States laws, State court decisions all over the country, that kind of a restriction on a person's right to employment would be thrown out of court.

□ 1720

Whether it were a contractural provision or an attempted provision in law, it would be wrong; it would be unconstitutional. It has been so held in a number of States. But we sought to do it last year in the ethics legislation, and now we are coming back, before the Ethics Act even goes into effect on July 1, 1979, and saying, "Oh, there is a problem here. Let us approach it closely, but let us not get right to the real problem."

The real problem is subsection (c) and that 1-year ban that says, irresponsibly and irrationally, that for no purpose can there be contact with the agency where the former employee used to work.

Subsection (c) really ought to be stricken. It is a new concept in the law that was added by the ethics legislation last year. Prior to that, from 1948 until last year, there was the lifetime ban and the 2-year ban, only that 2-year ban was 1 year prior to last year. The 1-year ban was on dealing with an agency with respect to anything over which one had supervisory authority. We toughened that up and made it 2 years, but then we added a 1-year ban whereby one just cannot have any contact.

The gentleman from Michigan (Mr. Ford) was saying a little while ago that it does make some sense that we want to encourage the movement of people between the Federal Government and State and local governments and nonprofit organizations. We do a lot with the taxpayers' dollars to try to encourage the development of abilities of people to do that very thing. But yet in this measure there was passed last year, the 1-year ban in effect says, "You can't have that kind of movement of employees, of people from the Federal Government into State and local governments and nonprofit organizations."

Mr. Chairman, I will offer amendments. Both amendments that I have suggested here when we get into the 5-minute rule will be offered: One, to strike subsection (c) altogether because it does not belong in the law. It is harsh, it is unreasonable. But if we cannot pass that, then at least let us not cut off intercourse between the Federal Government and State and local governments and nonprofit organizations."

The CHAIRMAN. The time of the gentleman from Ohio (Mr. Kindness) has expired.

Mr. DANIELSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. Eckhardt).

Mr. ECKHARDT. Mr. Chairman, I think it was President Kennedy who said that on a specific occasion he had the best intellectual company in the White House dining room that had ever been assembled there since Jefferson dined alone.

I suppose I have a similarly select crowd of lawyers here today. Though it is small, it is extremely select, and I appreciate their presence here.

This is a very difficult notion I am trying to convey. I am saying, No. 1, that the change leaves a wide and undesirable loophole in the law, and, No. 2, that it does not really resolve the question about which the last gentleman in the well spoke—that is the opportunity of persons to continue their professions. Even though they were not in a level of official responsibility to give them influence which could be unduly exercised and even though they had no personal or substantial relationship to the topic in question, they are nevertheless denied under section (c), even as the bill is purportedly corrected, from appearing before the agency for 1 year. There is no reason for that.

The other weakness, though, operates in the other direction. That is, even a person who has a personal and substantial relationship to the action which was taken at the time he was working for Government can enter into the private sector and advise in the back office; prepare a brief; and counsel and assist. He may be the main counsel in effect; he is just not the mouthpiece.

That reminds me of a story of a couple of lawyers in a little town in Texas. One of them was the mouthpiece, and the other one did the thinking. The front lawyer quoted Shakespeare:

The judge asked, "Who said that?"

The lawyer says, "The Merchant of Venice."

There is a little town of Ennis in Texas, so the other lawyer said, "Oh, some merchant out there in Ennis."

Somebody does the work behind the scenes, and he may in fact be the principal lawyer in the case, as long as he does not appear in the front. He can engage at one time on the side of Government, and on the next day, in the same case, engage on the side of the one who is opposing the Government. He can come through the back door. I thought we had intended to block a person entering into that kind of activity if he had personal and substantial involvement in the case.

☐ 1725

Yet we open that when we make the exception that, as long as he does not personally appear, he may engage actively in advising and assisting with respect to that litigation.

So I say that we have made a mistake in both directions.

Mr. MOORHEAD of California. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Chairman, I have become very concerned about section (c), to which I understand there is going to be an amendment offered, to eliminate the section. The section prohibits a senior employee of any agency from appearing or contacting or having any communication with that agency for a period of 1 year after he leaves its employ.

Now, I practiced law for a long time, and I know many practitioners who are highly specialized. A particular example is the Interstate Commerce Commission. I know practitioners who, since they started practicing, have never ever done anything except ICC work. That same thing is true, to a large degree, with SEC work and a number of the other regulatory agencies. These people might be asked to serve with these agencies for a period of time and their expertise is helpful to the agency. To tell them that they cannot have any contact with the agency that controls their entire practice for a period of 1 year after they leave is in effect and effectively telling them that they cannot resume employment for a period of 1 year.

I know in the State of Michigan—and I am sure in almost every other State—any contract that prohibits a person from engaging in his employment or his profession for any period of time is void as against public policy and is stricken down. Even in those limited cases where we allow noncompetitive agreements in connection with the sale of a business, the restriction must be tied directly to the sale of goodwill to sustain their legality, and they must also be severely limited both in time and in scope or they are stricken down as illegal. This is because we are trespassing on an area that the public has a deep policy interest in, which is to let people pursue their active, constructive, legal occupations. And because of that, to impose such a ban here on Government employees on matters with which they have no control or connection while with Government—the matters may not even have occurred until they left the Government—to give up their field of practice for a period of 1 year I think is contrary to the policy of the public and is certainly detrimental to the interest or ability of the public to attract the services of people in the fields of expertise where they are needed. This, of course, applies to college professors and all kinds of other experts who are from time to time asked to serve on or with these agencies in a senior capacity.

I think it is absolutely contrary to the public interest as exemplified by the laws as they exist in about every State where this kind of restriction on gainful occupation is stricken down as contrary public policy.

Mr. DANIELSON. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. BARNES).

Mr. BARNES. Mr. Chairman, I rise simply to commend the leadership of the chairman of the subcommittee, the gentleman from California (Mr. DANIELSON), with respect to this legislation. This past week I had the occasion to visit in my congressional district the National Institutes of Health and to talk with many of the top officials there about their concern with respect to the legislation as it now stands. They are absolutely convinced that the health establishment of the Federal Government will be adversely affected to an extreme degree unless the Congress acts expeditiously on the legislation before us this afternoon. I hope that all of my colleagues will support the chairman in his effort this afternoon and that we will enact the legislation before us.

☐ 1730

Mr. MOORHEAD of California. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I just want to advise the Members that I will, when we get to the amending stage, offer an amendment to delay the effective date of the bill we passed last year for 6 months, until January 1, 1980. The delay in the effective date of this measure will enable us to work on substantive changes in this legislation, which indeed it needs.

These so-called technical amendments were put together for two prime purposes, one because the administration wanted to act hastily because of the threat of the departure of a large number of high-level personnel, and I support their position with regard to taking action.

I would suggest that by delaying the effective date until January, we can go into these other questions that have been raised here, which demonstrate the inequity and the injustice and the existing defects in this legislation. We can take care of those. And we can come back with a piece of legislation which I think should pass unanimously, which would have the full support of the administration and of the Members, and would be supported by those in the academic area, by those in the State government, and all of the others who are otherwise going to be very adversely prejudiced as a result of this legislation if it goes into effect on July 1.

I earnestly plead with you, when the time comes, that you will do no less than support a delay in the effective date of this legislation. It is for the benefit of our own Government, and this is without the subject of politics, since we are talking primarily about career officials, who work at the highest levels of Government under Republican and Democratic administrations. Individuals who voluntarily give up careers, remunerative careers in private service, in order that the Federal Government may get the benefit of those services.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. McCLORY) has expired.

Mr. DANIELSON. Mr. Chairman, I yield 1 additional minute to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. I know that there are other amendments that are going to be offered, Mr. Chairman, which will be substantive amendments. I will be supporting an amendment to repeal section (c), which is the absolute 1-year bar, which is the bar which will deprive persons from going back into university service, deprive persons from going back into or taking jobs with State government, which are not exempted under the legislation the way it is now.

I will be supporting those amendments, also one of the clarifying amendments which will be offered by the gentleman from Texas. But no less an amendment should be adopted than would delay the effective date of this legislation so that we can rework and rethink this whole subject and make it do what I believe we intended it should do.

Mr. MOORHEAD of California. Mr. Chairman, I have no further requests for time and I reserve the balance of my time.

Mr. DANIELSON. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. VOLKMER).

Mr. VOLKMER. I thank the gentleman from California.

I would like to say that I rise in support of the bill as it presently exists. I have been listening to the debate on the bill, and I hear many of the words that were spoken when the ethics bill was debated and the amendments were offered in the preceding year. I oppose both the amendments to section (c), which will be offered by the gentleman from Texas, and also the gentleman from Ohio, because I believe that the present language in the law should remain in effect and be able to go in effect on July 1. I also oppose any extention of time as proposed by the gentleman from Illinois.

□ 1735

I believe that this law should be permitted to go into effect as it presently exists with this one modification to secion (b). I am not of that strong a feeling that we need to have this section, but I do think it will provide a little help for some people in Government who feel that the present law is going to injure them, and they will have to leave service with their Government.

I do believe that there will be no mass exodus. It has been described that if we do not make these changes there will be a mass exodus. I do not believe that will occur, and I believe the testimony previously alluded to by the chairman shows that there will be no mass exodus and that we will continue to have well-qualified persons operating in Government as long as we pass this amendment.

Section (c) should remain as it is, and I believe section (c) makes good law as it presently exists.

Mr. DANIELSON. Mr. Chairman, I yield myself such time as I may consume within the 2 minutes remaining.

Mr. Chairman, I would like to state in closing this general debate that it is absolutely critical that this House pass this bill as soon as possible. The testimony of persons such as Secretary Califano before our committee made it clear that there are persons of high skills, of high degrees of knowledge, such as one who heads up our cancer research program, who would feel compelled to leave if we do not bring about the relief provided in this bill.

I have been interested to note that some of those who debated have felt the bill should be made tighter in many respects, although others wanted to looser in some respects. This bill has been very carefully and very narrowly structured to provide the relief needed so that these valuable employees stay in the Government.

Mr. Chairman, I would urge that the bill be adopted without change.

Mr. MOORHEAD of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. There being no further requests for time, the Clerk will read:

The Clerk read as follows:

S. 869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 207 of title 18, United States Code, as amended by the Act of October 26, 1978 (Public Law 95–521, section 501 (a); 92 Stat. 1864) is amended as follows: In clause (ii), strike "concerning" and insert "by personal presence at"; and in subparagraph (3), before "which was" insert ", as to (i)," and after "responsibility, or" insert ", as to (ii),".

Subsection (d)(3) of the aforesaid section 207 is amended by striking "O–7" and inserting "O–9"; and by inserting after "or" the following: "at such pay grade of O–7 or O–8 who has significant decisionmaking or supervisory responsibility as designated by the Director of the Office of Government Ethics in consultation with the head of the department or agency concerned; or".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2: Strike all of lines 3 through 9, inclusive.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

□ 1740

Mr. McCLORY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McClory: On page 2, following line 2, add the following new section:

"Sec. 2. Section 503 of Public Law 95–521 is amended by striking 'July 1, 1979' and inserting 'January 1, 1980' in lieu thereof."

POINT OF ORDER

Mr. DANIELSON. Mr. Chairman, I make a point of order against the gentleman's amendment.

The CHAIRMAN. Does the gentleman from California wish to state his point of order now or reserve it?

Mr. DANIELSON. Mr. Chairman, I will make the point of order now.

Mr. Chairman, the gentleman's amendment would add a section 2 to amend section 503 of Public Law 95–521 by striking "July 1, 1979" and inserting "July 1, 1980" in lieu thereof. I respectfully point out that the bill before us does not deal with section 503 of the bill Public Law 95–521. It does not deal with that section and, therefore, the gentleman's amendment would not be germane to the bill before us.

PARLIAMENTARY INQUIRY

Mr. FORD of Michigan. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FORD of Michigan. In light of the point of order urged by the gentleman from California (Mr. Danielson), would an amendment be in order which would say basically, notwithstanding the provisions of any other title of this act, the provisions thereof shall not become effective until December 31, 1979?

The CHAIRMAN. The Chair would have to dispose of the point of order pending and would rule on any subsequent amendment accordingly at the proper time.

Mr. McCLORY. Mr. Chairman, the amendment which I have offered relates to Public Law 95–521, which is the law which is referred to in the legislation which we have under consideration at the present time. The amendment which I have offered would delay the effective date of the entire legislation, including the section to which the gentleman from California (Mr. Danielson) has made reference, and which is referred to specifically in the measure, and would keep that part and the rest of the legislation from becoming effective until January 1, 1979.

It is, in my view, entirely germane. It is precisely relevant to the subject about which we are giving consideration now. Instead of papering over something with a so-called technical amendment, what we are doing is to delay the effective date of the entire act in order that we can handle the subject not only technically but substantively as well. I urge that the Chairman overrule the point of order.

The CHAIRMAN (Mr. de la Garza). Is there anyone else who wishes to be heard on the point of order? If not, the Chair is ready to rule.

This act applies to subsection (b) of section 207 of title 18, and it is a very narrowly drafted and defined bill as amended at this point. The amendment which the gentleman has offered seeks to extend the time for the entire act covering categories of persons other than those under subsection (b) of section 207, and under the precedents that the Chair has examined, the Chair will sustain the point of order accordingly.

Are there other amendments to the bill?

AMENDMENT OFFERED BY MR. KINDNESS

Mr. KINDNESS. Mr. Chairman, I offer an amendment and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

On page 2, following line 2, add the following new sections to the bill:

"Sec. 2. Subsection (c) of section 207 of title 18, United States Code, is hereby repealed.

"Sec. 3. Section 207 of title 18, United States Code is further amended—

(1) in subsection (d) by striking out "(c)" and inserting in lieu thereof "(b)(ii)";

(2) in subsection (e) by striking out "(c)" and inserting in lieu thereof "(b)(ii)";

(3) in subsection (f) by striking out "(a), (b), and (c)" and inserting in lieu thereof "(a) and (b)";

(4) in subsection (i) by striking out "(c)" and inserting in lieu thereof "(b)(ii)";

(5) in subsection (j) by striking out "(a), (b), or (c)" and by inserting in lieu thereof "(a) or (b)"; and

(6) by redesignating subsection (d) through (j) as subsections (c) through (i), respectively.

Mr. KINDNESS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with.

□ 1745

The CHAIRMAN. Would the gentleman suspend.

The gentleman asked for unanimous consent——

Mr. KINDNESS. I asked unanimous consent—I did ask but the Clerk had finished reading in the meantime.

POINT OF ORDER

Mr. DANIELSON. I make a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from California makes a point of order?

Mr. DANIELSON. Yes, I do.

The CHAIRMAN. Will the gentleman state his point of order.

Mr. KINDNESS. Mr. Chairman, there is a unanimous-consent request pending.

Mr. DANIELSON. I withhold on the unanimous consent.

The CHAIRMAN. Will the gentleman suspend?

The Chair recognized the gentleman

for a unanimous-consent request. Apparently it was that the amendment not be read in its entirety. In the meantime the Clerk finished the amendment.

What is the unanimous-consent request of the gentleman from Ohio?

Mr. KINDNESS. Mr. Chairman, prior to the time I asked unanimous consent that my amendment be considered immediately.

Mr. VOLKMER. I object. I object.

The CHAIRMAN. The gentleman's amendment is pending. The gentleman from California is proposing to raise a point of order against the gentleman's amendment.

The gentleman from California will state his point of order.

Mr. DANIELSON. Yes, Mr. Chairman. If the Chair please, the gentleman's amendment would add a new section to the bill which would repeal subsection (c) of the law.

Mr. KINDNESS. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KINDNESS. Has the gentleman raised objection to my——

The CHAIRMAN. The gentleman is making a point of order against the gentleman's amendment which is pending.

PARLIAMENTARY INQUIRY

Mr. KINDNESS. Mr. Chairman, a point of parliamentary inquiry.

The CHAIRMAN. The gentleman will state his point of parliamentary inquiry.

Mr. KINDNESS. Mr. Chairman, I understood I had pending a request, a unanimous-consent request, for the consideration of my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. VOLKMER. I objected, Mr. Chairman.

The CHAIRMAN. The amendment of the gentleman from Ohio is pending.

Mr. KINDNESS. Very well, Mr. Chairman.

The CHAIRMAN. It is the understanding of the Chair that the gentleman intended by his request that his amendment be considered immediately by unanimous consent, notwithstanding a point of order. If that is the unanimous-consent request of the gentleman, the gentleman from Missiouri is objecting to that.

Mr. KINDNESS. I shall remember that.

Mr. DANIELSON. Fine.

The CHAIRMAN. The Chair will hear the gentleman from California on his point of order.

Mr. DANIELSON. Mr. Chairman, the gentleman's amendment would repeal subsection (c) of title 207 of the United States Code. I respectfully submit that it is not germane inasmuch as the bill pending before the committee at this time refers only to subsection (b) of section 207 of the United States Code. It has nothing to do with subsection (c). Therefore, it is beyond the scope of the bill and is not germane.

Mr. KINDNESS. Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The gentleman is recognized for that purpose.

Mr. KINDNESS. This railroad is running pretty fast. The chairman of the subcommittee has just shown a lack of confidence in this bill. So much so that all we can consider under a very narrowly drawn committee amendment is just a little bit of the section that is involved. The real controversy lies outside of subsection (b).

□ 1750

The gentleman from California knows very well that the committee and the subcommittee considered the full section 207. The cute parliamentary trick that we have seen here may, indeed, prevail; but if it does, we should all understand just how much lack of confidence there is in this bill, which is hardly adequate to deal with the subject matter.

Now, as to the germaneness of the amendment that is before us, it relates to section 207. It relates specifically to section 207(c). No amount of cute parliamentary maneuvering can remove subsection (b) from section 207. Under the rules of the House, the whole section is appropriate for consideration.

The previous ruling of the Chair related to the establishment of some other section of law; but this is right in the same section and it is inappropriate to limit the application of this bill to just a portion of the section which is, indeed, a sentence. To limit it to only subsection (b) would not be to even consider the complete sentence.

Mr. MOORHEAD of California. Mr. Chairman, I wanted to speak to that point of order. The title of this bill is an act to amend section 207 of title 18, United States Code. That is exactly what this amendment does. It amends section 207 of title 18 of the United States Code. It should be relevant.

Mr. KINDNESS. Mr. Chairman, would the gentleman yield on that point?

Mr. MOORHEAD of California. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, on that point, in connection with the point raised by the gentleman from California (Mr. MOORHEAD), we must relate the ruling of the Chair on the point of order that has been raised to section 501 of title 18 of the United States Code. There can be no way to relate the ruling to section 501 of title 18 without it being in order and germane to consider everything within that section 501.

The CHAIRMAN. Is there any other Member who wishes to be heard on the point of order?

The gentleman from Texas (Mr. ECKHARDT) is recognized.

Mr. ECKHARDT. Mr. Chairman, I speak in opposition to the point of order. As has been said before, both the matter before the House and the amendment relate to section 207. Both address the same question, the precise question, that was addressed by the original bill. This amendment is both germane to the original bill and germane to the committee amendment.

It is stated in the report:

> The purpose of the proposed legislation is to make two clarifying amendments to section 207 of title 18, as amended by the Ethics in Government Act of 1978. This section bars certain government contacts or activity by former Federal officials and employees after they have left government employment.

Mr. Chairman, in discussing the purpose of the amendment, Mr. Charles Curtis is quoted on page 4. It is said:

> Many top level Federal officers and employees come to a Federal agency from outside the government. Generally, they serve for a limited term or at the pleasure of the agency head or the President. They do not intend, nor could they reasonably expect, to make a career in Federal service. It is fundamentally important, therefore, if we are to be able to convince senior, highly qualified individuals to contribute their talents to government that we preserve a reasonable opportunity that they will be able to continue to pursue their profession after they leave government.

Mr. Chairman, both the original bill and the amendment offered, and incidentally, both the original bill and the amendment offered open up section 207 in order to correct it for a specific purpose. They open that section to correct it in order to prevent a bar to persons going out of Government from continuing to engage in the type of skills and employment that they are trained for. The amendment that is contained in the original bill purports to do that by saying that nothing in the provision addressed will apply to an employee who does not appear personally before the agency.

□ 1755

The amendment that is offered to this simply strikes out all of the third paragraph that addresses the same kind of question and strikes out an absolute prohibition against an employee appearing before the commission at all for any purpose during a period of 1 year.

These both address the same problem. They have both been addressed in hearings before the committee; they have both been addressed by officials of Government over and over again.

Mechanically, this is germane because it deals with the same section, and substantially it is germane, because it deals with the same problem.

If a point of order could be so narrowly drawn, then there would be no opportunity to meet a question addressed in the same section of a bill except by one means. There would be no option of meeting the same problem by another means.

In drawing so narrow a construction of the rules of germaneness, which, incidentally are not perfect—they are somewhat widely permitted to vary—if there could be any argument of reasonableness, it would be that one may address the question of the revolving door proposition either by permitting employees not to be barred absolutely for a year or by means of saying that a person will not be barred except for personal appearance. These are two ways of reaching the same question under the same section.

The CHAIRMAN. Does the gentleman from Missouri (Mr. VOLKMER) wish to be heard on the point of order?

Mr. VOLKMER. Briefly, Mr. Chairman, in support of the point of order.

I would just like to note that even though the title itself refers to the full section, the body of the bill relates only to subsection (b) and subsection (d) as originally passed by the Senate and sent over to this body. It does not relate in any way to subsection (c), which is the subject of the amendment and, therefore, I believe the germaneness rule, which I will acknowledge is a narrow interpretation, should be followed here, and that only amendments to those two parts of section 207 would be in order.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield on the point of order?

The CHAIRMAN. The Chair will recognize the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. Mr. Chairman, will the gentleman tell me where the sentence ends?

In fact, subsections (a), (b), and (c) are not subsections; they are part of one sentence.

The CHAIRMAN (Mr. DE LA GARZA). The Chair is ready to rule.

The Chair can only rule with respect to the legislation which appears before the Committee of the Whole in its present form, and that is S. 869.

By a previous amendment adopted in the Committee, the reference to subsection (d)(3) has been stricken from the bill. The only other subsection that remains in the bill is subsection (b) of section 207 of title 18 addressing one category of employees. Any mention made of the title to the bill is not considered as a substantive part of the legislation and does not determine the germaneness of an amendment to the test.

Therefore, under the precedents as studied by the Chair, the Chair will sustain the point of order.

PARLIAMENTARY INQUIRY

Mr. KINDNESS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from Ohio (Mr. KINDNESS) will state his parliamentary inquiry.

Mr. KINDNESS. Mr. Chairman, in order to appeal the ruling of the Chair to the Committee of the Whole, is it in order at this point to move that the question be presented by way of a direct appeal of the ruling of the Chair?

The CHAIRMAN. The gentleman has the right to appeal.

Mr. KINDNESS. Mr. Chairman, I appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair be sustained?

The question was taken; and the Chairman being in doubt, the Committee divided, and there were, ayes 15, noes 6.

Mr. KINDNESS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1805

The CHAIRMAN. A quorum of the Committee of the Whole has not appeared.

The Chair announces that a regular quorum call will now commence.

Members who have not already responded under the notice quorum call will have a minimum of 15 minutes to report their presence. The call will be taken by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 156]

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Bolling
Boner
Bonior
Bouquard
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Brown, Ohio
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Devine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dornan
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fascell
Fazio
Fenwick
Ferraro
Fish
Fisher
Fithian
Flippo
Flood
Florio
Foley
Ford, Tenn.
Fountain
Fowler
Frenzel
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hansen
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Hillis
Hinson
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Huckaby
Hughes
Hutto
Hyde
Ichord
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Lloyd
Loeffler
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McDade
McEwen
McHugh
McKinney
Maguire
Markey
Marlenee
Marriott
Martin
Mathis
Matsui
Mavroules
Mazzoli
Mica
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rostenkowski
Roth
Roybal
Rudd
Russo
Sabo
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Stenholm
Stockman
Stokes
Stratton
Studds
Swift
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Treen
Trible
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Watkins
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Wilson, Bob
Winn
Wirth
Wolff
Wolpe
Wyatt
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

The CHAIRMAN. Three hundred and forty-nine Members have answered to their name, a quorum is present, and the Committee will resume its business.

Does the gentleman from Ohio (Mr. KINDNESS) insist upon his request for a recorded vote?

Mr. KINDNESS. Mr. Chairman, I ask unanimous consent to withdraw the request for a recorded vote on appealing the ruling of the Chair.

The CHAIRMAN. The gentleman can withdraw his request without unanimous consent.

Are there further amendments to the bill?

Mr. ECKHARDT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me explain to the Members here the parliamentary fix we are in at the present time. There is before us what has been sometimes called a "technical fix" with respect to the Ethics Act. The technical fix purports to amend section 207 of title 18 of the United States Code; 207 is a long, continuing sentence with (a), (b), and (c) subsections.

□ 1825

Section (a) says in effect that anyone who has had a substantial relationship to an action while at an agency may not thereafter at any time participate before that agency respecting that action. Everyone agrees to that and says it is good.

Section (b) goes a little farther. It includes not only persons who participated actively and substantially in the agency action, but also any person who had a relationship to the action, for instance, in a supervisory capacity. It says, when a person had that relationship, either by supervisory relationship or direct participation in the original action, he is prohibited from acting for 2 years, either by going before the agency or by aiding, counseling, advising, or consulting, sort of a backroom representation.

Now, the technical fix put in some extra language and said, however, this shall not be applicable, unless it is done by personal presence at any formal or informal appearance before the agency. What they did, in effect, was permit a person who had engaged in that activity to leave that agency and work on the very same case in the back office. He can draft a brief, just as long as he does not personally appear. In effect, we keep the revolving door in the front of the building closed, but we open the back door.

The man who really does the work is the one that advises the mouthpiece as to how to present his case; so what we will do by the technical fix is simply permit back door activity.

Section (c) is the thing that really should have been relaxed, and not provision (b).

Section (c) says that even though you had nothing to do with the agency action or it was not pending under your official responsibility, you nevertheless may not appear before that agency for a full year.

Now, that is where the rub lies, not in (a) or in (b).

Everybody agrees that in (a) a person who had been actively participating in governmental action ought not to be permitted to change sides and at any time represent those who would have been controlled by that proceeding at a later time.

So section (c), the one that is an absolute ban and without reason, was sought to be stricken from the bill.

Now, remember, sections (a), (b), and (c) are all in the same sentence. I never quarrel with a parliamentary ruling. I might disagree, but the parliamentary ruling is final.

□ 1830

The parliamentary ruling was that we could not attack the very evil involved here, that is running people away from the governmental agencies.

Let me refer to the amendment offered by Mr. FRIENDSHIP—I am sorry, Mr. Chairman, I refer, of course, to the gentleman from Ohio (Mr. KINDNESS). The amendment as offered was to strike subsection (c), and it was held not germane for the reason that only subsection (b) had been opened by the committee amendment.

Let us assume that is correct. And I will always assume that the Parliamentarian's ruling and the Chair's ruling is correct. If it is correct, we are simply deprived of the ability to get to the main evil involved here, and that is dealing with subsection (c). If it had been permitted, the gentleman who was here in the well would have offered an amendment to subsection (c) as would I. I cannot do it.

The CHAIRMAN. The time of the gentleman from Texas (Mr. ECKHARDT) has expired.

(On request of Mr. KINDNESS, and by unanimous consent, Mr. ECKHARDT was allowed to proceed for 3 additional minutes.)

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for yielding.

I do not like to take the time of the Members, who are very busy with getting other things done at this hour, to come over here and hear the problem of a bill of the Committee on the Judiciary that nobody wants to hear about, but this affects our Government in such a way that I appreciate the attention it is being accorded here.

We have a situation in which there is nothing that can be done at this point except to offer a motion to recommit so that both the Committee on Post Office and Civil Service and the Committee on the Judiciary can consider the whole sentence that is involved here, except for one amendment that the gentleman from Texas (Mr. ECKHARDT) has, which would be the only amendment in this whole picture that would be considered germane.

When we were before the Committee on Rules the other day, it was understood that the whole of section 207 would be under consideration, I believe, and it was made quit clear that it was necessary that all of section 207 of the Ethics Act be considered, as the gentleman from Texas (Mr. ECKHARDT) has so ably pointed out.

But now we have a very narrow parliamentary ruling. It is very cute, but it keeps the House from working its will, with the sole exception of the amendment the gentleman from Texas (Mr. ECKHARDT) is going to offer shortly.

I would certainly urge that when the motion to recommit is offered—and I will offer it very shortly—we support it soundly so that the bill will go back to the committees and the House can work its will. We have not done so; we need to do so.

This is an important topic. It is extremely unfortunate that we are presented with this parliamentary situation that allows us to do nothing except nitpick one portion of one sentence.

Mr. ECKHARDT. Mr. Chairman, the gentleman from Ohio (Mr. KINDNESS) is absolutely correct.

I shall attempt to offer the one amendment I have that is germane. That amendment removes what really undermines the Ethics Act by permitting the back room activity. But the act should be balanced by the amendment that was previously offered and that would take away the restriction on legitimate activity of persons who have been in no way engaged in the action involved before the agency. This forbids them to appear before that agency for a year.

We should do both. I shall try the first, because I think the first alone is good, but the first alone should also be balanced by the second, which cures another evil.

I think we are operating in too narrow a sphere. I shall offer my amendment, and I hope the Members will support it. After that I would support a motion to recommit the bill, because I think we should have a vehicle on the floor that let us meet the two questions.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Illinois, the ranking minority member of the committee.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

I want to point out that the so-called technical amendments which we have before us are not adequate to do the job that needs to be done with regard to revising this ethics in Government bill. I offered an amendment which would merely delay the effective application of the ethics bill for 6 months so that we could take care of the substantive changes that need to be taken care of.

It now seems to me that we have no alternative, because of the ruling of the Chair ruling my amendment out of order, which merely would have delayed the effective date for 6 months, except to recommit the bill to make the very simply substantive changes and bring it back to the floor promptly sometime before July 1.

The CHAIRMAN. The time of the gentleman from Texas (Mr. ECKHARDT) has expired.

□ 1835

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will only take about a minute to just bring to the Members' attention that this bill pertains only to section 207, title 18, which is part of the criminal code. It has nothing to do with the rest of the ethics law which was referred originally last year to the Committee on Post Office and Civil Service. This bill only applies to that part of it which is part of the Committee on the Judiciary, and there should be no joint referral because of the simple reason that this part has nothing to do with that part which is under the jurisdiction of the Committee on Post Office and Civil Service.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Chairman, the reason why this legislation is before the House now is because there are literally dozens and hundreds of persons leaving the Federal service to escape the impact of this legislation which becomes effective on July 1.

It seems to me that a great many of them are leaving the service because of the application of section (c), which is not covered by this legislation and which the ruling of the Chair has barred us from amending.

So it seems to me that we have to correct this and make some substantive changes in here which will protect the Federal service.

Mr. VOLKMER. Mr. Chairman, may I suggest that the gentleman introduce legislation pertaining to section (c), and we will take it up at that time. This only applies to section (b).

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, the gentleman was quite correct. It was a jurisdictional question when I referred to the Committee on Post Office and

Civil Service with respect to the jurisdiction of this.

This is in the Criminal Code, title 18. I still think it is quite important that the Committee on Post Office and Civil Service be very much alerted to what is being done here. I think it is pertinent.

Mr. VOLKMER. I think that part which pertains to their jurisdiction should be, and that part which does not pertain to their jurisdiction should not be.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I want to raise one additional consideration at this point, and that is that I have had scientists here associated with the Department of Defense, the National Science Foundation, and the Department of Energy express extreme concern about the law as it is. I agree that it is not being adequately taken care of because of the presence of section (c) in the bill.

Mr. VOLKMER. Section (c) is not in the bill.

Mr. McCORMACK. In the law. And for this reason I will support the motion to recommit so we will have a broader participation and consideration of this legislation.

Mr. VOLKMER. Mr. Chairman, I would like to say that most of the people in the administration who have testified have testified that the bill as written does take care of most of their problems. I believe that the gentleman can contact them with regard to the language in the bill which takes care of those problems.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in 15 years I do not know if I have ever supported a Republican motion to recommit. I know I have never spoken in favor of one. Today I break with that tradition. I came on the floor, called for a copy of the bill, and I was shocked to find that, after having been assured by members of the Committee on the Judiciary that they were taking care of the problem which will occur on July 1 or before, that worries many of us about the fallout effect, that indeed the bill before us does not solve the problem. For whatever reasons, it has been drafted in such a narrow fashion that an attempt on the floor now to amend the bill so that it does what we thought the Committee on the Judiciary would do on our behalf cannot be done.

Mr. Chairman, I am chairman of the Subcommittee on Postsecondary Education, and I want to tell the Members that most of the people with whom I am dealing on the executive level, who have executive positions in education, will either have to leave Federal service before July 1, that is at least a month before I start marking up my bill, or these experts face the probability that when they do leave Federal service after July 1 they will have to go and pump gas or do something else for 1 year before they can return to their college or university. The reason for this is if they return to their college or university and they send a memo to a department head, to make an application for a Federal grant to the U.S. Department of Education or to HEW, they will be guilty of a felony punishable by a fine of $10,000 or 2 years in prison.

□ 1840

Now I do not suspect that the Attorney General is going to run out and prosecute all these people for doing this. But the very fear of people ruining their careers and ending their careers with this kind of threat hanging over them, has the effect that the gentleman from this side just mentioned.

We are going to drive people out of this Government. We are not going to drive professional bureaucrats out. Those people are rooted in there. The people we are going to drive out is the professional we borrow from State governments, from State colleges, from private colleges and universities, and from foundations. We asked them to come to Washington and bring their expertise and help us work out our problems.

Over in HEW we have one of the outstanding administrators of welfare in the State of New York who is here for the express purpose, I am told, of helping to fashion something called welfare reform. If he stays beyond July 1, he cannot go back to New York and administer the program if he succeeds in getting it passed.

Now maybe some people may think that is good. I do not know the gentleman, I cannot recall his name, and I do not know whether he is a good welfare administrator or not, but somebody thought maybe if you were going to do something as important as welfare reform, we should bring that kind of person to Washington to advise us.

We have assistant secretaries who left positions as chancellors of universities. The chancellor of the New York higher education system is now our Commissioner of Education. With this language we say to him, "Well, you could go back and be chancellor of the higher education system in New York; but you could never communicate with anybody about any Federal program for 1 year or you will commit a felony. So be sure that you tell the State of New York before they ask you to return to your job that you will not be able to function in that job."

I do not know what the figure is—somebody else may be able to tell me—but we spend several million dollars a year on the Intergovernmental Personnel Act, which is designed to let us lend to the State governments and for the State governments to lend back to us people with particular expertise; but the way this bill is written, it will leave the mistake that we made in the last Congress. That mistake says that no one can leave the Federal Government and go work for the State government.

What the original intent tried to do and what we tried to do last year was stop somebody employed in the Defense Department from devising a fancy defense system and then going to work for the company which received the successful bid to build that system; or, the situation we had after the Russian wheat deal with a couple of people who ended up as vice presidents of wheat companies after they served as Assistant Secretaries in Agriculture. Clearly it appears somebody was paid off.

We are trying to guard against that kind of dishonesty. One of the amendments that I understand was attempted from this side, was to exempt somebody going to a nonprofit educational institution or to a State. Now are they going to go back to the State university to rip off the Federal Government?

Apparently, there are members of the Judiciary Committee from my side who believe that. I do not think that is the kind of people reflected by this. This is not a plea on my behalf for the standard civil servant who we protected last year with civil service reform.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. FORD) has expired.

(At the request of Mr. MAZZOLI and by unanimous consent, Mr. FORD of Michigan was allowed to proceed for 1 additional minute.)

Mr. FORD of Michigan. It is a plea that we do not throw the baby out with the bath water. Let us take a look at this and recognize what we are doing.

The basic question before us is whether you want to first encourage people of excellent caliber to leave Government prematurely, and second, I ask you who are you going to replace them with?

Faced with the possibility that you can be accused of committing a felony for returning to the career of your lifetime, what kind of a professional person worth their salt with any self-pride and any prestige in their community is going to come here to help us run this Government?

Now if you want only the people who by sheer expiration of time, drift to the top with seniority making all of the decisions about what we do when we legislate around here, then you should go along with this committee today and pass up the last chance we have to correct it.

I think it ought to be recommitted, and we will be glad in the Post Office and Civil Service Committee, even though this is technically not in our jurisdiction, to consult them, because we know something about Government personnel polls.

□ 1845

Mr. MAZZOLI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we ought to put a proper setting on this bill. Despite what my good friend from Michigan has just said, if, as I wish it were to be the case, if the Ethics in Government Act went into full force and effect on July 1 there would not be this exodus of brain power and of expertise from the Government.

I sat through those long hearings that the gentleman from California (Mr. DANIELSON), my chairman, conducted, and we did not have these tales of Armageddon. We did not have this indication that the world was going to come to an end because people were leaving. So, we did not have those kinds of complaints levied with us.

On the other hand, we did have Mr. Califano, who represents the Department of Education for the time being, come before our committee and express satisfaction with the bill which is currently before this Committee. This would, in the opinion of Mr. Califano, solve most of the problems, if not all the problems, we had before us.

Mr. Campion, head of the new Office of Government Personnel, expressed satisfaction with this kind of a bill which is before the Committee.

I think it ought to be also said that this bill which is before the Committee tonight had its genesis last year, in 1978. I sat through that conference; I was a member of the conference committee. At no point did these people, the people my friend from Michigan referred to, the people he seems to have such an anxiety about, did not express much concern last year. They did not appear before our conference committee, or if they did, they expressed reasonable satisfaction with section 207 (a), (b), and (c).

It seems to me that we are reacting in a panic situation without really having the facts. Let me make one statement: I think this is a fairly philosophical statement of where we are in this bill. In passing the Government ethics bill, it seemed to me that this House and this Congress was making a statement that there should be a semiclosure to the revolving door. In a sense, the Government ethics bill ought to pinch; it ought to hurt somebody. It meant that there would be a change in the way the business operated after, as before. It seems that that is where we are today. We are changing the methodology, changing the rules of the road, changing the rules of the Marquis of Queensberry about how Government service will be done in the future.

That is what the whole Government ethics bill last year did. I am satisfied that the bill before this Committee is the best possible bill. The gentleman from Kentucky in the well now is against any change, and I intend to vote against the committee bill because I believe the Government Ethics Act ought to go into effect July 1. If needed the so-called exodus occurs, I will be the first one to ask Congress to make changes, but until that happens I think we are acting in a panic situation and in haste, acting totally against all context, reacting to a problem that I am not sure exists.

Therefore, if we went along with the gentleman from Texas and recommitted the bill, I doubt very much whether we will report out anything any better or any more suitable to him or to anybody else than we have on the floor today.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, the reason I asked the gentleman to yield is that I think I recall that when I appeared before his subcommittee, Chairman WILLIAMS also appeared and raised exactly the questions that are now raised about section (c) in the bill. Does the gentleman not recall that?

Mr. MAZZOLI. I am certainly aware of that. The gentleman is aware, my good friend, the ranking minority member of our full committee, indicates that hundreds and hundreds and hundreds of people are involved. There are not these. The gentleman from Kentucky is not aware of this many people that would be affected. We are talking in terms of a handful of people at best.

Whether we agree or not, a little bit of new blood in Government may be exactly what this Government needs. Maybe the institution of this bill will force there to be some infusion of new blood and an exodus of old blood. I think that might serve the public better.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. I agree with the gentleman that what we need is new blood. What we need is nonprofessional civil servants making decisions when their talents are needed. I would tell the gentleman that one of our colleagues just came from the ticker tape, and tells me that Al Champion, vice president of Harvard, has announced his retirement today from the Department of HEW—which saddens me, although somebody thinks it is funny—right in the middle of the reauthorization of the Higher Education Act.

□ 1850

According to the wire service, he announced his retirement.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. FORD of Michigan, and by unanimous consent, Mr. MAZZOLI was allowed to proceed for 2 additional minutes.)

Mr. FORD of Michigan. If the gentleman will yield further, I know that one example does not make the whole point, but the gentleman repeats and repeats that he does not expect anyone will leave because of the act. Ironically, within seconds after the gentleman said that, I was informed that a highly regarded expert is leaving Washington.

Mr. MAZZOLI. The gentleman from Kentucky would answer his good friend and former colleague on the Committee on Education and Labor in this way. First, although I have never met Mr. Champion, I understand he is a dedicated person, and I am sorry to see him leave Government. But let me answer my friend, the gentleman from Michigan (Mr. FORD), that the gentleman from Kentucky did not say nobody would leave Government. He said that the hundreds upon hundreds, the doomsday figures, also were not verified before our committee. The best that most of our witnesses could do was talk in terms of handfuls of people. This is not to sniff at handfuls of people, but this is to say that we do not have this immense hemorrhage of people from this Government, I think, therefore, with due respect for my friend, the gentleman from Texas, his motion to recommit is not the correct way to handle the problem. I think a better way is to let the bill go into effect even without this amendment and then see what happens.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Washington.

Mr. McCORMACK. I want to agree with the gentleman. We need new blood in the Government, but the policy and program we have been following is to entice outstanding men and women into government for short periods of time, and unless we modify this law, we are going to lose that program.

Mr. MAZZOLI. May I suggest to my friend, who was my classmate of the 92d Congress, that these people who come to government do not always do so altruistically, and for those who do not do so altruistically, they go back out to their private enterprise or their educational institution with a very important credential, a very important series of knowledge that they can use and exploit perhaps.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. MAZZOLI was allowed to proceed for 2 additional minutes.)

Mr. MAZZOLI. Let me just follow up by saying that for those who do come into government altruistically—and I am sure there are many—if there is this little bit of sacrifice, this little bit of pinching of the shoe, they ought to simply be part of that altruism; they ought to simply be part of that recognition that serving the public is not always serving themselves. Serving the public is a responsibility we all have. If they pursue that responsibility, I say Godspeed; more power to them. I think that is the way it ought to be.

Mr. McCORMACK. If the gentleman will yield further, I think the gentleman is thinking about a totally different class than I am thinking about. When we go out and request oustanding scientists, maybe there are a half dozen qualified people in the world, and we ask them to come and serve here for a short period of time, and then we say to them, we are going to put these restrictions on you, they are not going to come.

Mr. MAZZOLI. I do not really think that would happen. I do not think that would occur in most situations, and I think that within the limits of the bill we can satisfy most situations involving most of these people.

I would just urge the House not to recommit what the gentleman from California and our committee has done. I would prefer a different handling of the situation. But I do not think a motion to recommit is going to help this Congress deal with this problem any better than the bill before the committee.

The CHAIRMAN. The time of the gentleman has expired.

☐ 1855

Mr. DANIELSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I move to strike the last word first of all to comment, and then following that I will move that the Committee rise.

The heat of the debate, which I can well understand, because we are making amendments through this bill to a law which is not entirely the most popular in our code, namely the Ethics Act.

The bill which we have put together is very carefully drawn. It was and is intended to alleviate the July 1 problem by making it possible for certain key people to remain in the Government. This was not put together carelessly, it was not put together without taking testimony from departmental secretaries, from people throughout the higher levels of our Government.

I have clearly witnessed, and anyone can plainly see that the heat of debate this evening has reached a point where possibly some people have lost sight of the objectives of the bill before us.

I do not believe this to be the climate in which this body should finally consider and vote upon final passage of the bill.

It is critically important that legislation be adopted within the next few days to alleviate the stringent requirements of the Ethics Act. This bill was intended to do that and is intended to do that. However, I can clearly read that this is not the climate of the House for that kind of a decision. For that reason I will hope in the next day or two to see if we cannot disseminate more information concerning the bill and, if possible, work out some of the difficulties.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. Mr. Chairman, I will yield to the gentleman from Texas very briefly.

Mr. ECKHARDT. Mr. Chairman, I want to say I agree with the gentleman's proposal. Perhaps we can work out something. I think it is very desirable.

Mr. DANIELSON. At this time, Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from California (Mr. DANIELSON).

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BRADEMAS) having assumed the chair, Mr. DE LA GARZA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate bill (S. 869) to amend section 207 of title 18, United States Code, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR PRINTING OF ADDITIONAL COPIES OF THE "ETHICS MANUAL FOR MEMBERS AND EMPLOYEES OF THE U.S. HOUSE OF REPRESENTATIVES"

Mr. HAWKINS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–210) on the resolution (H. Res. 258) to provide for the printing of additional copies of the "Ethics Manual for Members and Employees of the U.S. House of Representatives", which was referred to the House Calendar and ordered to be printed.

A TRIBUTE TO A GREAT AMERICAN

(Mr. EVANS of the Virgin Islands asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS of the Virgin Islands. Mr. Speaker, today I would like to take a few moments to speak about one of our truly great Americans, Alton Adams, Sr. It is with great pride and affection that I bring to the attention of my colleagues this fine old gentleman from the Virgin Islands.

Alton Adams, Sr., has worn many hats through the years of varied and successful careers. He is a composer, especially known for his military marches; he was a former U.S. Navy Band bandmaster, a news reporter, and editor. He has also devoted much of his life to developing an appreciation of music in the young people of the Virgin Islands through the school system.

Last week saw two memorable occasions for Mr. Adams, who will be 90 years old this year. He traveled to the States from his native island of St. Thomas to receive an honorary doctor of human letters at Fisk University commencement exercises, an honor he richly deserved for his wide contributions to the worlds of music, arts, and writing.

Last Thursday, Mr. Adams paid a nostalgic and rather sentimental journey to what he considers "the holy grounds" of the Navy Yard here in Washington, where he was given a warm welcome by Adm. Karl Bernstein, commandant of the Washington Naval District, and staff.

Mr. Adams has always had a very special spot in his heart for the Navy, having served with distinction and honor in one of the early units of a U.S. Navy Band during World War I, and as a Navy Band bandmaster during World War II. He also had the distinct pleasure of both knowing and working with such Navy "greats" as John Philip Sousa and Charles Benter.

During his visit to the navy yard last week, Mr. Adams found that three of his outstanding military marches, "The Virgin Islands March," "The Governor's Own," and "The Spirit of the U.S. Navy," are the first three entries in the yard's Catalog Library. He also had a special treat in store for him: at the invitation of the bandmaster, Lt. Comdr. John Phillips, Mr. Adams conducted the Navy Band in a rendition of his "Virgin Islands March."

Mr. Adams has had a love of music that goes way back in time. In 1910, he organized a brass band in his hometown of Charlotte Amalie, St. Thomas, then part of the Danish West Indies. The members of his group, known as the Adams Juvenile Band, were young men in their late teens or early twenties, who played for the pure and simple joy of making beautiful music.

In March 1917, the United States formally purchased the Danish West Indies, including the islands of St. Thomas, St. Croix, and St. John. Because of the strategic location of the islands to the commercial shipping lanes between Europe, the Caribbean and South America during the exigencies of World War I, the U.S. Government immediately assigned jurisdiction of the islands to the U.S. Navy, an assignment held until 1931, when the U.S. Congress passed the Virgin Islands Organic Act and civilian government was authorized and introduced.

Shortly after the Navy took over in 1917, Mr. Adams and his musical group were invited to join the Navy and did so, becoming one of the early units known as a U.S. Navy Band. A fine musician, Mr. Adams is largely self-taught, having studied composition and theory by correspondence from well-established professional schools.

In the 1920's, Mr. Adams composed many pieces of music, his military marches being especially outstanding. Just about every Virgin Islander today recognizes the familiar strains of his "Virgin Islands March," and "The Governor's Own."

In 1933, 2 years after the unit had been transferred to Guantanamo Bay, Cuba, Mr. Adams was transferred from active duty to the Fleet Navy Reserve and returned to his St. Thomas home and directed his capabilities to the development of music appreciation within the school system.

Also in the 1930's Mr. Adams, a man of many interests, became editor of the St. Thomas Bulletin, while also serving as correspondent for the Associated Press and the United Negro Press. He also held membership in the Overseas Press Club.

For some years, Mr. Adams operated a guest house in St. Thomas, which quickly became a focal point for visiting musicians, newspapermen, and other writers who delighted in Mr. Adams personally and in his vast knowledge of music and writing. He was instrumental in starting the St. Thomas Hotel Association, an organization still flourishing today, and served as its president for 19 years.

☐ 1900

MR. JACK McNULTY OF CLARK'S SUMMIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. McDADE) is recognized for 5 minutes.

● Mr. McDADE. Mr. Speaker, I would like to bring to the attention of this Congress an honor recently bestowed on one of my constituents, Mr. Jack McNulty, of Clarks Summit, Pa. I am proud to salute Jack on his election to the International Executive Council of the International Brotherhood of Electrical Workers.

At a dinner held in Scranton, Pa., on March 24, 1979, I joined many of our community leaders and national union leaders in wishing Jack all the best in his new appointment. Representing the IBEW at this dinner were Messrs. Robert McIntyre, Ralph Legion, Thomas Van Arsdale, Wesley Taylor, John Barry, and Harry Van Arsdale. We all wish Jack a productive, successful tenure in his position on IBEW's International Executive Council. Jack is an outstanding constituent, one who has worked tirelessly for the betterment of northeastern Pennsylvania.

Jack first joined IBEW as an apprentice in 1962. Since that time he has served on the executive board of local 81 as educational director, business manager, and financial secretary, and vice president. In 1977 Jack was appointed a member of the Council on Industrial Relations for the Electrical Contracting Industry. I am proud of my friendship with this marvelous man and am happy to bring to the attention of my fellow Members the honor that has been bestowed most fittingly on one of Pennsylvania's outstanding native sons.●

INTERGOVERNMENTAL PRODUCTIVITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

● Mr. CORCORAN. Mr. Speaker, I am happy to note that my colleague from Illinois, Senator PERCY, yesterday introduced S. 1155, the companion bill to H.R. 2735, which I introduced on March 8. The Intergovernmental Productivity Improvement Act of 1979 would amend the Intergovernmental Personnel Act of 1970 by adding an additional title which would encourage productivity improvement on the part of State and local governments.

President Carter, in a February 21 speech before about 175 State and local officials, stressed the importance of productivity improvement as a means to combat inflation. Following up on the President's comments, the administration issued a 23-page statement entitled "The Federal, State, and Local Anti-inflation Program; An Intergovernmental Partnership." A section relating to productivity improvement is included in that statement and I would like to include it in the RECORD at this point for the benefit of my colleagues:

PRODUCTIVITY IMPROVEMENT

The Federal government has embarked on a productivity improvement program to increase the efficiency and effectiveness of its 2.8 million employees and the programs it manages. This program has four main elements:

Measurement and analysis of current levels of productivity and the tracking of improvements;

Organizational improvements to identify and treat the problems of management that reduce productivity and to improve the delivery of services;

Prudent capital investment designed to increase efficiency and output; and,

Civil Service Reform to improve the delivery of services to the public by the development of new policies governing hiring, training, rewarding and dismissing of government employees and the productivity of managers and government agencies.

More efficient delivery of services is a fundamental way that State and local governments can help fight inflation. By taking steps to improve productivity, jurisdictions can reduce the cost of services or provide more service at the same cost. The following are examples of actions that State and local governments have already taken in this regard.

San Diego County has realized savings of $600,000 a year by improving the efficiency of its food stamp program.

Phoenix, Arizona has a comprehensive productivity improvement program, with an annual expenditure of $225,000, which has realized an annual savings of $2.5 million.

St. Petersburg, Florida has a comprehensive productivity improvement program. Savings of over $500,000 a year have been achieved.

But, while significant gains have been made, it is clear that productivity improvement strategies are still not used as much as is possible at the State and local level. A recent General Accounting Office study found for example, that efficiency in the delivery of a single service varied as much as 500% among jurisdictions examined.

The Federal government has an important role in improving State and local productivity. This subject is currently being studied for the National Productivity Council, by OMB and the U.S. Office of Personnel Management. A report scheduled for release in April will set the course for future Federal involvement in reaching this important goal. The report will analyze key factors influencing State and local productivity and identify the various types of Federal assistance which can best support improvement efforts.

Likewise, the Federal, State and local anti-inflation program will, throughout its implementation, continue to emphasize the importance of productivity improvement activities in the following ways:

Through work with the Federal Productivity Council;

By holding productivity workshops in cooperation with the U.S. Office of Personnel Management at task force meetings;

By encouraging the sharing of productivity improvement techniques among State and local governments.●

OIL INDUSTRY TAX REFORM ACT OF 1979 DRYING UP THE BILLION-DOLLAR LOOPHOLES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 15 minutes.

● Mr. VANIK. Mr. Speaker, over the years, the oil industry has managed to drill special loopholes into the tax code that have successfully depleted billions of dollars from the U.S. Treasury. Now that the Congress is considering whether to reject the President's decision to decontrol oil prices and whether to impose a windfall profits tax, it is essential and highly relevant that it act to "dry up" those special oil industry loopholes.

The current plan of the Ways and Means Committee to limit its consideration to the windfall tax is totally inadequate. Mr. Speaker, I believe that the House action in the budget resolution on the foreign tax credit indicates that the country and the Congress are demanding that the Ways and Means Committee consider the full extent of the oil taxation now.

Indeed, the time has come to closely examine the special tax advantages of the oil industry including such goodies as the foreign tax credit, deferral, percentage depletion, and the intangible drilling cost deduction.

It is important to insure that the oil companies have revenues and profits to explore for new oil—but not for non-energy related acquisitions or increased advertising. We simply cannot measure oil company research and exploration efforts or the degree of their windfall profits unless they are treated for tax purposes like others. Because of their tax loopholes, the oil companies have been making windfall profits for years—even before decontrol was considered. Unless these loopholes are removed, we will have no fair taxation of or measurement for what constitutes windfall profits. Only when oil companies are placed on an equal footing with others will we be able to measure their efficiency and energy exploration efforts.

I believe that the current price of oil and the demand for it is more than enough to encourage further exploration. The oil companies do not need or deserve the complex hidden loopholes they have drilled into our tax code.

Figures just made available to me as part of my latest corporate tax study indicate that the oil industry in tax year 1977 paid an average U.S. tax rate on worldwide income of 11 percent. This rate shows that the oil industry is able to reduce its Federal taxes drastically when one compares the 11-percent rate with the statutory corporate rate of 48 percent and with the substantially higher effective rate of many other industries. The Ways and Means Committee must scrutinize the sections of the code that allow the oil industry to receive such favorable tax treatment.

Mr. Speaker, the current goal of the Ways and Means Committee must be not only to develop a powerful windfall profits tax that will pick up the billions that will accrue to the oil industry if oil prices are decontrolled, but to eliminate the parts of the present law that allow the oil companies to avoid paying untold billions to the Treasury.

OIL INDUSTRY TAX REFORM ACT

Today, I am introducing a comprehensive Oil Industry Tax Reform Act which will eliminate many of the oil industry's "favorite" tax provisions. In general, the provisions of the bill are intended to impose on oil and gas producers tax treatment similar to that imposed on other taxpayers.

FOREIGN TAX CREDIT AND DEFERRAL

The first part of the reform package addresses the foreign tax credit. The oil companies' use of this tax credit has been highway robbery of the American taxpayer. Through a slick bit of tax gimmickry, the oil companies have been able to convert what are, in essence, royalty payments to producing nations into foreign income taxes, and thus receive dollar-for-dollar credits for such taxes against U.S. income tax liability.

The bill I am introducing today denies a foreign tax credit for the foreign taxes paid on oil-related income. In addition, my bill repeals deferral with respect to that income so that companies will be currently subject to tax on the oil income they earn through foreign subsidiaries. Therefore, they will not be able to avoid the effect of the repeal of the foreign tax credit merely by incorporating their operations as subsidiaries. According to Treasury estimates, the foreign tax credit deferral part of the bill will return nearly $2 billion at 1979 levels.

PERCENTAGE DEPLETION

If the foreign tax credit has been highway robbery, percentage depletion has been an insult to the American taxpayer. Under present law, producers of oil that are not integrated generally are able to obtain percentage depletion to the extent their average daily production does not exceed a specified exemption.

For years, the oil industry has sold this extraordinary tax break as essential to a healthy petroleum industry and our national security. In fact, the depletion allowance—while making many millionaires out of Texas oil men—has done little to promote our security. The net effect has actually been to undermine our security by the accelerated exhaustion of our domestic reserves.

A brief look at the legislative history of this provision shows just how much a special break it is for the oil industry. Contrary to the somber pronouncements of the industry that percentage depletion was a carefully designed incentive program, a look back reveals that percentage depletion was the product of confused congressional intent, foggy logic, and arbitrary policymaking. Percentage depletion was then as it is now—a tribute to the political power of the oil industry, nothing more.

The principal flaw of the percentage depletion is that it rewards production, not exploration. In 1925, Senator Couzens of Michigan, in a report on our internal revenue laws, clearly outlined the inefficiency and inequity of depletion allowances. The report stated:

> The greater part of the allowances for depletion are made to those who drill in proven ground . . . (depletion) is clearly an exemption from taxation and as such is a discrimination against every other taxpayer in every other industry.

This criticism persists to the present day.

Beyond questions of efficiency, however, the depletion allowance raises serious questions of tax equity. Under our tax laws an ordinary businessman who invests in a typewriter or a stamping machine is allowed tax free recovery of capital to the extent of his original investment. Not so with oil. Under the present 22 percent rate, an oil producer could recover up to approximately 15 times his original investment. That, plain and simply, is not fair taxation.

There was never a reasonable justification for percentage depletion—a subsidy for the production and consumption of petroleum. Congress recognized this fact in the Tax Reduction Act of 1975 which repealed percentage depletion for the integrated oil companies. There is no sensible justification today for the vestiges of percentage depletion that remain in the tax code for certain independent producers and royalty owners. My bill will abolish this horrendous symbol of tax favoritism.

INTANGIBLE DRILLING COSTS

Another oil industry ripoff is the so-called "intangible drilling costs" deduction. Under present law, all oil producers are able to deduct currently their intangible drilling costs. These are costs incurred in the drilling of a well that under normal tax accounting rules would be capitalized and deducted ratably over a longer period of time.

There is absolutely no reason why tax accounting for the oil industry should be any different than it is for any other industry. My bill would require that these drilling costs be capitalized and amortized over a period of 14 years. This would bring in a whopping $3 billion annually.

Mr. Speaker, the American consumer and taxpayer are demanding that we take action to guarantee that the oil industry be treated no differently under our tax laws than any other industry in America. Thev are telling their representatives in Washington that no longer will they be "patsies" for "Big Oil." They are demanding equity—now.

I urge you to support my bill so that we can accomplish that goal.●

U.S. DEPARTMENT OF JUSTICE OFFICE OF PROFESSIONAL RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 5 minutes.

● Mr. PREYER. Mr. Speaker, the Committee on Government Operations recommended late in the last Congress that the Department of Justice's Office of Professional Responsibility (OPR) should be established by statute. This recommendation was one of many made in House Report 95-1520 on the basis of a year-long examination by the Subcommittee on Government Information and Individual Rights, which I chair, of the Department's internal investigation policies.

I am introducing today legislation to implement that recommendation. I urge my colleagues to support this bill.

The Department's OPR presently is established by departmental regulation. Although Attorney General Bell has voiced strong support for OPR at our subcommittee hearings and elsewhere, it was the committee's view that the stature and permanence of the OPR would best be assured by creating it statutorily. We do not want some future Attorney General to be able to abolish or downgrade this important office. Statutory creation of OPR would be consistent with the recent creation of statutory offices of Inspecor General in a number of Cabinet Departments.

In many respects the proposed legislation adopts the existing policies for OPR operation. Other provisions clarify or strengthen the authority of the office. The legislation also provides that in the event the office must investigate actions of the Attorney General, a report of that investigation will be provided to the Judiciary Committee of the House and Senate and to the counsel to the President. The Government Operations Committee report found one weakness of the present system to be the difficulty of having the public accept the findings of a report about the Attorney General which is made only to the Attorney General or his subordinates—particularly when the report finds the Attorney General innocent of the allegations. Requiring such reports to go to reviewers outside the Department of Justice will better protect the Attorney General against unfounded allegations and the OPR against any improprieties of some Attorney General.

Because of the unprecedented disclosures and allegations of wrongdoing by Government officials which have rained down on the American people in the past few years, it is vital that the internal investigation system of the Department of Justice be just as strong as we can make it. I believe this bill is a needed step in that direction.●

EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, I am submitting to the House a notification from the U.S. Export-Import Bank regarding proposed financing of the sale of U.S.-made equipment for electric powerplants in the Republic of Ireland.

The Export-Import Bank proposes to extend direct credits totaling $115,600,000 to the Electricity Supply Board of the Republic of Ireland for the purchase of coal-fired boilers and other goods from U.S. companies.

This notification was referred to me as chairman of the Banking Subcommittee on International Trade, Investment and Monetary Policy. Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, requires the Bank to notify Congress of proposed loans or financial guarantees or combinations thereof of $100 million or more. Unless Congress determines otherwise, the Eximbank may give final approval to the transaction after 25 days of continuous session of the Congress following notification.

I am inserting in the RECORD a letter from the Eximbank providing the details of this transaction. I will welcome comments from my colleagues on this proposed financing arrangement:

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., May 14, 1979.

The SPEAKER of the House of Representatives,
The Speaker's Rooms, H-209, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits the following statement with respect to a transaction involving the purchase of United States goods by the Electricity Supply Board (E.S.B.) of the Republic of Ireland (Ireland) for use in a thermal power plant in the Shannon Estuary area in Ireland.

A. DESCRIPTION OF TRANSACTION

1. Purpose

The transaction to which this statement relates is the sale by the Foster Wheeler Energy Corporation and other, as yet unspecified, United States suppliers of coal-fired boilers and related goods of United States manufacture for use in two 300-megawatt power plants in Ireland. Eximbank is prepared to extend to E.S.B. a direct credit of $56,100,000 to assist in financing the purchase of this equipment, which has a total U.S. export value of $66,000,000. Repayment of the Eximbank credit will be unconditionally guaranteed by the Government of Ireland.

In addition to the subject transaction, Eximbank proposes to issue a preliminary commitment to E.S.B. in which it will indicate the terms and conditions under which it will be prepared to extend a further direct credit to E.S.B. of $59,500,000 to assist in financing the purchase of additional coal-fired boilers and related goods of United States manufacture, with total U.S. costs of $70,000,000, in connection with a possible future expansion of the plant. The proposed expansion will double the size of the plant. The financing offered in the preliminary commitment will be on the same terms and conditions as the credit discussed below, including the guarantee of the Government of Ireland.

The Eximbank credit for the subject transaction, together with the Eximbank financing contemplated in the preliminary commitment, will amount to approximately $115,000,000, and hence would fall within the purview of cases to be referred to Congress under Section 2(b)(3) of the Eximbank Act.

2. Identity of the borrower

The E.S.B. is an entity of the Government of Ireland. Established in 1927, its purpose is to ensure the generation, transmission, and distribution of electricity throughout Ireland.

3. Nature and use of goods and services

The Shannon Estuary Plant, with an initial estimated cost of $800 million, will consist of two 300-megawatt power stations fueled by either coal or oil. (If the proposed future expansion should be realized, the total estimated cost of the plant will be approximately $1,500,000,000, and there will be two additional 300-megawatt coal or oil fueled power stations.)

The boilers to be supplied by Foster Wheeler for the currently planned stage of the plant will be of the drum-type and are valued at about $46,000,000. In addition, there will be provided from as yet undesignated sources approximately $20,000,000 in ancillary equipment such as precipitators and instrumentation. The U.S. equipment will be delivered beginning in 1982, and plant start-up is estimated for 1985 and 1986.

B. EXPLANATION OF EXIMBANK FINANCING

1. Reasons

The proposed Eximbank credit of $56,100,000 will result in the export of United States goods valued at $66,000,000. If the proposed preliminary commitment to E.S.B. is offered by Eximbank and is converted to a direct credit, the value of the United States exports supported by the overall financing will be approximately $136,000,000. This will have a favorable impact not only on the United States balance of payments, but also on income and employment in the areas where the suppliers of the United States goods are located. Major employment benefits will be realized particularly in upstate New York and northern Pennsylvania where most of the Foster Wheeler equipment will be manufactured. All totaled, as many as 2,200 man years of employment can be expected to result from the order resulting from the initial Eximbank credit alone. Conversion of the proposed preliminary commitment to a direct credit should approximately double the favorable effect of the initial financing on U.S. employment.

United States exporters obtained this order contingent on satisfactory financing arrangements, despite competition from a large number of suppliers in the United Kingdom, Germany, France, and Canada. In view of the availability to Ireland of long-term government supported financing, and the magnitude and repayment term of the transaction, Eximbank's loan is necessary to enable United States manufacturers to secure this sale.

No adverse impact upon the United States economy is foreseen as a result of these exports.

2. Financing Plan

The total estimated contract price of United States goods to be purchased by E.S.B. in connection with this transaction is $66,000,000. E.S.B. will make a fifteen percent cash payment and the remainder of the United States costs will be financed by a direct credit from Eximbank, as follows:

15% Cash Payment	$ 9,900,000
85% Eximbank Credit	56,100,000
Total	66,000,000

With respect to the proposed preliminary commitment, the total estimated contract price of United States goods is $70,000,000. The same fifteen percent cash/eighty-five percent Eximbank credit will apply, as follows:

15% Cash Payment	$10,500,000
85% Eximbank Credit	59,500,000
Total	70,000,000

(a) Eximbank charges

Disbursements under the Eximbank credit will bear interest at the rate of 8% per annum. Eximbank will charge a commitment fee of ½ of 1% per annum on the undisbursed portion of the Eximbank credit. Interest and fees will be payable semiannually.

(b) Proposed Repayment Terms

The Eximbank credit will be repaid in 24 equal semiannual installments, the first of which will be due and payable in September 1986. The credit which would be offered under the proposed preliminary commitment would also be repaid in 24 equal semiannual installments, the first of which would be due and payable in October 1989.

Sincerely,

H. K. ALLEN.●

THE 100TH ANNIVERSARY OF ST. PATRICK'S CATHEDRAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 5 minutes.

● Mr. ADDABBO. Mr. Speaker, this past Saturday, May 12, commemorated the 100th anniversary of St. Patrick's Cathedral in New York. This church is by far the most famous cathedral in the United States and is one of the most popular tourist attractions within the whole of New York City.

All in New York are proud of this beautiful house of worship, which was built piece by piece through the hard labor of the immigrants who came to this country in large part to find religious freedom.

On May 12, 1979, the New York Times carried a story, which details much of the background of St. Patrick's Cathedral and I believe that the Members would benefit from taking a few minutes to read about this historic site. I include the article at this point in the RECORD:

ST. PATRICK'S TO MARK 100TH BIRTHDAY TODAY

(By George Vecsey)

It is the most famous church in the country. Pope Paul VI celebrated mass there, tourists take pictures there, parades and politicians consistently find their way to its steps, and today St. Patrick's Cathedral will celebrate its 100th birthday.

Its twin spires dominate Fifth Avenue, and its massive bronze doors lead to a huge, quiet church, where midtown workers pray and tourists slip off their shoes. It is a symbol of the mighty Roman Catholic Church, but its shadows do not seem to fall on every corner of the archdiocese of New York.

"I don't know anybody up here who goes there," says a social worker in the South Bronx.

Legend says St. Patrick's Cathedral, the seat of the archdiocese, was built with the pennies of Irish servant girls, but actually it was begun by contributions from wealthy New Yorkers. Now it is sustained by the pennies of tourists—the Dutch sailors in short pants, the couples from Indiana carrying cameras—because St. Patrick's Cathedral is a church without parishioners. Or rather, its parish is the world.

As Msgr. James F. Rigney, rector of the cathedral put it, "If you're visiting New York, why not go to St. Patrick's Cathedral?"

Because it is clearly the most well-known religious building in the United States ("We were sitting around trying to figure out which was second, and we couldn't," said Monsignor Rigney), certain roles and expectations are placed upon St. Patrick's.

With the decline of the church's influence on the city's politics (the archdiocesan offices used to be referred to in political circles as "the powerhouse"), activists would now like it to be linked with social protests, as the Episcopal Cathedral of St. John the Divine so frequently is.

Sometimes St. Patrick's is the center of great ceremony, as when Terence Cardinal Cooke, the Archbishop of New York, presides at the Christmas Eve mass. The cathedral is often used by ethnic groups for their feast days, and protesters publicize their causes on its steps.

Perhaps its most celebrated moment came on Oct. 4, 1965, when Pope Paul VI, the first Pope to visit the New World, celebrated mass at St. Patrick's. (When a visiting Polish Cardinal, Karol Wojtyla, passed through in 1976, a few people had their pictures taken with him. Two years later, when that Cardinal became Pope John Paul II, Monsignor Rigney rescued the picture from a discard file.)

Today will be another of those ceremonial days as four cardinals, the apostolic delegate (Archbishop Jean Jadot), eight archbishops, 40 bishops, the Governor, the Mayor, representatives of more than 400 parishes and numerous ecumenical guests will formally celebrate the anniversary with a mass at 4 P.M.

The cathedral's history began in 1850 when Archbishop John Hughes proposed building an empty land far above the center of town. At first people called the Gothic Revival-style church—designed by the architect James Renwick—"Hughes' Folly."

The cornerstone was laid in 1858 (St. Patrick's celebrated that centennial in 1958) and a fair was held in the nearly completed building in 1878 (St. Patrick's held a centennial last year, too), but the building was not consecrated until May 25, 1879.

In this century, for almost 30 years, the voice of St. Patrick's was that of the conservative Francis Cardinal Spellman, who blessed not only the troops, but the purposes for which they fought.

In the late 1960's, clergy and lay protesters against the Vietnam War brought their concerns to St. Patrick's. Monsignor Rigney, who became rector in 1969, said he found the church besieged by "demonstrations galore" and recalls asking one group to "reschedule the protest because one was already planned for that day."

With the anniversary coming up, some Catholic activists have linked the cathedral with the role of the institutional church.

"Jesus Christ didn't need beautiful structures," said Joan Harrington, president of Catholic Alternatives, a national activist group. "Christ would have spent money on the poor rather than on buildings. St. Patrick's represents the very conservative, rigid part of the church: the ornate splendor and the wealth and power. It is a tourist attraction. Does it really bring people closer to God?"

Monsignor Rigney said he is positive the cathedral does bring Catholics and non-Catholics closer to God by housing such diversified activities as charismatic revivals, jazz masses, feast day celebrations and ecumenical services. Every May 2, a handful of people have a mass offered to honor the late Senator Joseph R. McCarthy, who died on that date in 1957.

"You are bound to get things that are not everybody's style," said Monsignor Rigney, "but you have to be understanding to all different types."

HAVEN IN THE CITY

Above all, Monsignor Rigney said, St. Patrick's is a quiet and spiritual haven in the middle of the city.

"I love to go up in the organ loft in the middle of the afternoon and just feel the goodness of the place," he said. "I've never seen the cathedral when there weren't people here, from 6 in the morning to 9 at night."

Often there are 5,000 people at Sunday mass and a total of 1,500 people attend the eight masses each weekday. Many of the weekday visitors work in midtown, like Peter Amato, a salesman for Saks Fifth Avenue who acts as a lector, reading the Gospel and leading the hymns.

"I feel an extraordinary sense of God's presence in my life when I squeeze mass into my lunch hour," Mr. Amato said. "When I leave the cathedral, I try to share that feeling with my fellow workers and my customers."

The collections at each mass enable St. Patricks to meet its $1 million annual budget, Monsignor Rigney said, adding that he had seen "maybe a dozen" gifts of more than $1,000 in his nine years as rector.

"So many of my fellow clergy envision me toddling into my office each morning accepting huge gifts, but it just isnt true," he added. "The church was begun with 103 separate gifts of $1,000 each—not from working girls, as the cliche says—but now we're supported by our visitors."

Monsignor Rigney builds a parish council of sorts from volunteers and elderly persons who visit from adjacent parishes, and the cathedral is host to youths, the elderly, Alcoholics Anonymous and many church service groups. But although the archdiocese includes the counties of New York, the Bronx, Richmond, Rockland, Ulster, Westchester and Putnam, few people live in the cathedrals neighborhood between Third and Seventh Avenues and 45th and 57th Streets. Monsignor Rigney said he could not think of a prominent New Yorker who would call St. Patrick's his or her parish church.

The last celebrity-parishioner, he said, may have been James J. Farley, the former Postmaster General, who died several years ago. Now the parishioners are strangers and weekday workers who make few demands for parish activities, but who, when the doors are open, are always there.●

FEDERAL CROP INSURANCE ACT OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of Tennessee, Mr. Speaker, on behalf of myself and Mr. MADIGAN I am today introducing the Federal Crop Insurance Act of 1979. The proposed amendments would remove limits on the expansion of the Federal crop insurance program, provide additional funding for this program, provide for a reinsurance program, provide for greater participation by private insurance companies, and exclude from eligibility for disaster payments those farmers whose crops are eligible for insurance under the crop insurance program. These changes were supported by a majority of the witnesses testifying during the hearings held by the subcommittee and Mr. MADIGAN and I plan to bring the bill before the subcommittee for markup in the near future. A summary and explanation of the bill follows:

SUMMARY STATEMENT

The proposed Amendments to the Federal Crop Insurance Act are to improve and expand the Federal Crop Insurance Program and thereby reduce the need for other disaster assistance to farmers producing insurable crops.

These amendments reflect many of the major changes recommended by witnesses during the extensive hearings held by this committee on the subject of crop insurance during February and March, 1978. This statement includes a detailed explanation of each proposed amendment but a brief summary of the major changes follows:

(1) The capital stock of the Corporation is increased from $200,000,000 to $500,000,000 to accommodate the anticipated substantial expansion to additional crops and counties and the higher liabilities assumed with increased participation.

(2) Membership of the Board of Directors of the Corporation will be expanded to include two farmers who are not otherwise employed by the Federal Government and compensation of Board members is updated to bring it in line with current Government personnel policies.

(3) The Corporation will be authorized to conduct research and pilot programs for unique problems of special risks such as livestock poisoning and disease, destruction of bees due to pesticides and loss of forest products including appreciation, providing adequate coverage is not available from private companies.

(4) The limitations on expansion to additional crops and counties is removed so that farmers producing any crop important to the agricultural economy of the area can be served at the earliest time feasible within the capability of the Corporation to extend coverage to such crops and areas.

(5) Reinsurance for private insurance companies will no longer be limited to 20 counties but will be a matter of negotiation between the Corporation and the private insurance companies.

(6) The use of private insurance companies is now specifically provided.

(7) The Federal Crop Insurance Board is to utilize the Soil Conservation in land classification risk and in developing conservation practice to be considered for insurance. The Forest Service will assist the Board in the development of a timber insurance plan. The ASCS will provide assistance in the establishment of individual producer yields.

(8) For the purpose of encouraging the broadest possible participation in the insurance program, 30 percent of each producers premium up to a coverage level of 65% of normal yield will be paid by the Federal Government. Authority is included for State Governments to contribute to additional premium subsidy for the farmers in their state by entering into an agreement with the Corporation.

(9) The authority to appoint advisory committees is deleted as the establishment or use of committees in the Administration of the Act is adequately provided for in Sec. 507(c).

(10) In order to accomplish the expansion desired, the appropriation limitation is eliminated and control of administrative expense will be exercised through annual appropriations.

(11) If in any year the reserve funds and capitalization are insufficient to enable the corporation to pay indemnities due insureds it is authorized to borrow directly from the treasury and repayment of such treasury notes would be accomplished in subsequent years through premium income and issuance of capital stock. This will assure non-interrupted operation of the corporation. (12) No person will be eligible to receive farm disaster payments or prevented planting disaster payments for the 1980 and 1981 crop years under any Federal program for any crop for which insurance is available in the country.

SUMMARY OF THE AMENDMENTS TO THE FEDERAL CROP INSURANCE ACT

Capital stock

Sec. 2(a) Section 504(a) of the Federal Crop Insurance Act is amended to increase the Capital stock from $200,000,000 to $500,000,000. Higher liabilities to be assumed by the Corporation through expansion of the program to additional counties and crops necessitate this increase.

(b) Section 504 is further amended by adding after subsection (c) a new subsection directing the Secretary of the Treasury to cancel all outstanding capital stock of the Corporation upon enactment of this act thus making effective the new capitalization provided for in Sec. 504(a).

Board of Directors: Membership and compensation

Sec. 3(a) Section 505(a) is amended to provide that the composition of the Board of Directors will be: Manager of the Corporation; Two other persons employed in the Department of Agriculture; Two persons experienced in the crop insurance business who are not employed by the Federal Government; and Two active farmers not employed by the Federal Government.

This subsection is further amended to provide that the Secretary when appointing the farmer members of the Board will select policyholders from different geographic areas of the country so that diverse agricultural interests are represented. Subsection 505(b) is amended to provide that four members of the Board will constitute a quorum in lieu of three as previously provided.

Section 505(c) is amended to provide that Board Members not employed by the Government will be compensated not to exceed the daily equivalent rate for grade GS-18 plus actual necessary traveling and subsistence expenses or a per diem allowance.

GENERAL POWERS FOR THE CORPORATION

Section 506 clause (c) is amended by striking out the words 'make contracts and", as this authority is covered in subsection (k).

Subsection (d) is amended to provide that suits against the Corporation will be brought in any district court. This is consistent with Federal regulations governing other Federal Agencies.

Subsection (f) is amended by striking out the word "free" as the Corporation transfers funds to the Postal Department to compensate for the use of the franking privilege.

Section 506 (h) is amended to allow the corporation to devise and implement pilot programs for unique problems if special risk including but not limited to loss of livestock due to poisoning and diseases, destruction of bees due to pesticides, loss of forest products including appreciation providing such protection is not generally available from private companies. The Corporation will report annually to Congress the results of its programs on each pilot progam and expansion will not be made without the approval of Congress.

Subsection (k) is added to clearly set forth the Corporation's authority to contract with individuals or companies for services in the conduct of its business without the need for determining that such contracts complied with state or local regulatory laws or rules.

Use of private insurance companies in the Federal insurance program

Section 507 is amended to provide that the Corporation may use private insurance companies or other private companies in the administration of the program. While the Corporation has contracted with individual private insurance agents, there has been no cooperatve working relationship as such with private insurance companies.

A new subsection (f) provides that the Corporation will utilize the Soil Conservation Service in assisting in land classification of risk and in developing conservation practices to be eligible for insurance. The Forest Service will assist the Board in the development of a timber insurance plan and the ASCS will provide assistance in the establishment of individual producer yields.

Removal of limits on expansion and reinsurance

Section 508 is amended to eliminate the limitations for expansion both as to crops and counties as well as the 20 county limit for reinsurance for private insurance companies. If crop insurance is to meet the farmers needs for protection against crop disasters and reduce the need for other disaster assistance expansion must be made at the most rapid rate possible within the capabilities of the Corporation. Private insurance companies are highly in favor of the reinsurance provision but the limitation of 20 counties is considered totally impractical for the establishment of a sound insurance system.

Section 508 is further amended to provide that 30 percent of each insured's premium, up to a maximum 65% coverage level, will be paid by the Federal Government.

The extent of risk involved in an all-risk protection for crops makes it a very high cost insurance for many farmers. The premium subsidy is to encourage farmers to participate and share in the cost of protection against crop disasters rather than expect emergency assistance following crop losses. Crop insurance will help the individual farmer suffering a serious crop loss to recover his investment and continue to farm another year. Disaster payments or loans are often made to farmers without regard to their individual loss while others are denied the assistance which is bona fide and sorely needed. The long term savings by the reduction in disaster payments and loans should exceed the premium subsidy. Most of the Government sponsored crop insurance programs throughout the world include a premium subsidy and it has an obvious influence in high participation by farmers.

The Corporation is also authorized to enter into agreements with any state governments or agencies thereof that are willing to contribute state funds to additional premium subsidy for the farmers in their state. In many of the Government sponsored crop insurance programs in other countries the local governments participate in the subsidy of premiums and opportunity should be provided to states if they decide to participate in this manner.

Subsection (c) is amended to eliminate the requirement for posting annually in each county courthouse a list of indemnities paid. No known benefit has been derived from this provision and the administrative cost of personnel and travel to meet this requirement is significant. Information on indemnities paid is available to the public at the office serving the county.

Subsection (f) is amended to provide for the Corporation to insure or reinsure agricultural commodities in Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands and the Trust Territory of the Pacific Islands in the same manner as provided for producers in the United States. Previously this clause restricted the Corporation to reinsurance of the crop insurance program in Puerto Rico so this change will permit the Corporation to assist any of the named governments in the development of crop insurance programs.

Subsection (g) is added to section 508 to allow the Corporation to provide reinsurance for private insurance companies or pools of such companies.

Clause (h) is added to permit the Corporation to offer specific risk insurance such as, prevented planting, wildlife depredation, tree damage and disease and insect infestation providing adequate coverage is not available from private companies.

Authority to appoint advisory committees is deleted as the establishment or use of committees in the administration of the act is adequately provided for in section 507(c).

Section 516(a) is amended to delete the $12 million limit on annual appropriations for operating and administrative expenses. Rapid expansion of the program will require increased administrative funds which will be presented and justified in the annual budget request.

Emergency funding in case of insufficiency

A new subsection (c) is to section 516 to allow the Corporation to borrow directly from the treasury in the event that loss payments in any year exceed the reserve fund and capitalization. Repayment of the notes and interest would be from premium income in subsequent years and issuance of capital stock if necessary.

Extension of disaster payment programs

Subsection (b) is added to section 518 to provide that farm disaster payments or prevented planting disaster payments will not be made to any person for the 1980 and 1981 crop years for a crop which is eligible for insurance in the county in such years. Many farmers will never seriously consider carrying crop insurance as the most businesslike way of protecting against the loss of purchasing power resulting from crop losses if there is a possibility they will be eligible for other disaster payments.●

RESTORE SHELTER AND MEDICAL DEDUCTIONS TO ELDERLY AND DISABLED FOOD STAMP RECIPIENTS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PEYSER) is recognized for 5 minutes.

● **Mr. PEYSER.** Mr. Speaker, on February 13, 1979, I introduced a bill to reinstate the high shelter cost deduction to elderly and disabled food stamp recipients in an effort to block massive cuts in the program that went into effect on March 1.

One hundred and forty Members are now cosponsoring this measure.

Today, Congressman BILL DICKINSON, (Republican of Alabama), and I are introducing a revised version of my earlier bill which will also reinstate the deduction for medical costs.

Before the March 1 reductions in food stamp benefits, many senior citizens who subsisted on small pensions or social security checks received food stamps because they could deduct their high medical and shelter expenses from their net income. Now, because the 1977 Food Stamp Act eliminated these deductions, many older Americans suddenly discover that they are "over-income" and no longer eligible for the program.

Unfortunately, this is not because their bills or incomes have changed. If anything, the bills seniors and disabled (SSI) food stamp recipients pay for health care, shelter, and food are soaring.

This cutback in our major Federal food program is particularly distressing in light of overwhelming evidence that the food stamp program in large part has eliminated most of the gross malnutrition in this country. A team of physicians who in 1967 found widespread hunger in America's backward rural areas and in urban slums reported last week to the Senate Subcommittee on Nutrition that there was a 50-percent decline in deaths related to nutrition. The team also reported that for every $1 not spent on food programs it will cost $3 for the health care needed in the wake of hunger.

In New York, two-thirds of the eligible

households had their food stamp benefits reduced when the 1977 Food Stamp Act was implemented on March 1. Fifty-eight percent of the 160,000 SSI recipients who receive food stamps had their benefits reduced.

Similar cuts have been made across the country. In New Hampshire 80 percent of the food stamp recipients had their benefits cut, in Florida 59 percent, in Maine 76 percent, and so on.

The 1977 revisions eliminated six specific unlimited deductions in favor of a standard $65 deduction with an allowance for earned income and a limited deduction for child care and shelter costs. The standard deduction is the same for all households so that an aged person living alone receives the same $65 deduction as an aged couple. No additional allowance is granted for the size of the household.

The remaining deductions are not by and large helpful to senior citizens. Since most older Americans are no longer working, they cannot use the 20-percent deduction for earned income. The law also permits a dependent care deduction which is not likely to benefit seniors whose children have grown.

The deduction for high shelter costs has been changed so that it is less likely to benefit older Americans. Prior to the 1977 law, food stamp recipients could take into account all high shelter costs including utilities in excess of 30 percent of their net income. Today only $80 of those costs may be deducted. Older Americans who are less mobile and therefore likely to live in higher rent areas near stores and transportation and who also must bear a higher proportionate share of rent because they frequently live alone are at a severe disadvantage now that the law no longer takes these costs into account.

The bill we are introducing today affects only the 10 percent of food stamp recipients who are elderly and disabled. It is limited in scope to those who need it the most and therefore fiscally responsive to the expected rise in food stamp appropriations that will be necessary to compensate for food price increases.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Rodino (at the request of Mr. Wright), for today, on account of illness in the family.

Mr. Corman (at the request of Mr. Wright), after 4 p.m. today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Loeffler) to revise and extend their remarks and include extraneous material:)

Mr. McDade, for 5 minutes, today.

Mr. Corcoran, for 5 minutes, today.

(The following Members (at the request of Mr. Guarini) to revise and extend their remarks and include extraneous material:)

Mr. Weaver, for 10 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Vanik, for 15 minutes, today.

Mr. Preyer, for 5 minutes, today.

Mr. Neal, for 5 minutes, today.

Mr. Addabbo, for 5 minutes, today.

Mr. Alexander, for 5 minutes, today.

Mr. Jones of Tennessee, for 5 minutes, today.

Mr. Peyser, for 5 minutes, today.

Mrs. Collins of Illinois, for 60 minutes, on May 17, 1979.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Loeffler) and to include extraneous matter:)

Mr. Whitehurst.

Mr. Conte.

Mr. Johnson of Colorado.

Mr. Hillis.

Mr. Goodling.

Mr. Brown of Ohio.

Mr. Gingrich.

Mr. Erlenborn in two instances.

Mr. Gradison.

Mr. Paul in three instances.

Mr. Ashbrook in two instances.

Mr. Lent.

Mr. Leach of Iowa.

Mr. Hollenbeck.

Mr. Shuster.

Mr. Kindness.

Mr. Kemp in two instances.

Mr. Findley.

Mr. Quayle.

Mr. Collins of Texas in three instances.

Mr. Anderson of Illinois in two instances.

Mr. Hyde.

(The following Members (at the request of Mr. Guarini) and to include extraneous matter:)

Mr. Fisher in five instances.

Mr. Guarini.

Mr. McHugh.

Mr. Lundine in two instances.

Mr. Skelton.

Mr. de la Garza.

Mr. Nolan.

Mr. Hamilton.

Mr. Santini.

Mr. Brademas.

Mr. Solarz.

Mr. Roe.

Mr. Long of Maryland.

Mr. Neal.

Mr. Applegate.

Mr. Jacobs.

Mr. Hall of Texas.

Mr. Howard in two instances.

Mr. Corman in two instances.

Mr. Dodd.

Mr. Miller of California.

Mr. Stark.

Mr. Waxman.

Mr. Murphy of Illinois.

Mr. Peyser.

Mr. Rosenthal.

Mr. Clay in two instances.

Mr. Flippo.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1097. An act to establish a national tourism policy, a Cabinet-level coordinating council and a nonprofit corporation as an implementing agency to carry out the national tourism policy; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. GUARINI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Thursday, May 17, 1979, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1606. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to amend Public Law 95-509 to increase the authorization for appropriations for the Department of Energy for national security programs for fiscal year 1979, and for other purposes; to the Committee on Armed Services.

1607. A letter from the District of Columbia Auditor, transmitting copies of various reports of his office, pursuant to section 455 of Public Law 93-198; to the Committee on the District of Columbia.

1608. A letter from the Secretary of the Treasury, transmitting notice that the administration has under active review the general revenue sharing program, and advising that draft legislation to extend the program will be submitted if a favorable decision is made, pursuant to section 607 of Public Law 93-344; to the Committee on Government Operations.

1609. A letter from the Inspector General, Department of Health, Education, and Welfare, transmitting the eighth quarterly report on the activities of his office, covering the period ended March 31, 1979, pursuant to section 204(b) of Public Law 94-505; to the Committee on Government Operations.

1610. A letter from the Assistant Secretary of State for Congressional Relations, transmitting data sheets analyzing the recent United States-Canada East Coast Fishery Resources Agreement; to the Committee on Merchant Marine and Fisheries.

1611. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on the Cazenovia Creek watershed, New York, in partial response to two resolutions of the House Committee on Public Works adopted June 13, 1956, and June 14, 1972, and to a resolution of the Senate Committee on Public Works adopted July 10, 1961 (H. Doc. No. 96-126); to the Committee on Public Works and Transportation and ordered to be printed.

1612. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft amendment to H.R. 1786, an act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Technology.

1613. A letter from the Comptroller General of the United States, transmitting a report on the need for improvements in medicare's cost reimbursement procedures for home health care services (HRD-79-17, May 15, 1979); jointly, to the Committees on

Government Operations, Interstate and Foreign Commerce, and Ways and Means.

1614. A letter from the Comptroller General of the United States, transmitting a report on Federal employment examinations (FPCD-79-46, May 15, 1979); jointly, to the Committees on Government Operations and Post Office and Civil Service.

1615. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness of community adjustment assistance administered by the Department of Commerce (CED-79-42, May 15, 1979); jointly, to the Committees on Government Operations and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Omitted from the Record of May 15, 1979*]

Mr. PRICE: Committee on Armed Services. H.R. 3821. A bill to authorize appropriations for fiscal year 1980 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, to authorize suplemental appropriations for fiscal year 1979 for the intelligence and intelligence-related activities of the U.S. Government, and for other purposes (Rept. No. 96-127, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 1650. A bill to amend the Public Health Service Act to establish a clearinghouse for information respecting digestive diseases, to authorize grants to strengthen educational programs in digestive diseases in medical schools, and to establish the National Digestive Diseases Advisory Board; with amendment (Rept. No. 96-192). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 3916. A bill to extend for 1 fiscal year the current authorization of appropriations for programs of assistance under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 and the Drug Abuse Office and Treatment Act of 1972; with amendment (Rept. No. 96-193). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 3987. A bill to extend for 3 fiscal years the authorization of appropriations for the administration of the Controlled Substances Act, and for other purposes; with amendment (Rept. No. 96-195). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 3000. A bill to authorize appropriations to the Department of Energy for civilian programs for fiscal year 1980 and fiscal year 1981, and for other purposes; with amendment (Rept. No. 96-196, Pt. I). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3000. A bill to authorize appropriations to the Department of Energy for civilian programs for fiscal year 1980 and fiscal year 1981, and for other purposes; with amendment (Rept. No. 96-196, Pt. II). Ordered to be printed.

Mr. FUQUA: Committee on Science and Technology. H.R. 3000. A bill to authorize appropriations to the Department of Energy for civilian programs for fiscal year 1980 and fiscal year 1981, and for other purposes; with amendment (Rept. No. 96-196, Pt. III). Ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. H.R. 3282. A bill to establish a program for the inspection of schools to detect the presence of hazardous absestos materials, to provide loans to local educational agencies to contain or remove hazardous asbestos materials from schools and to replace such materials with other suitable building materials, and for other purposes; with amendment (Rept. No. 96-197). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Public Works and Transportation. H.R. 3927. A bill to amend the National Visitor Center Facilities Act of 1968, and for other purposes; with amendment (Rept. No. 96-199). Referred to the Committee of the Whole House on the State of the Union.

Mr. BINGHAM: Committee on Foreign Affairs. H.R. 4034. A bill to provide for continuation of authority to regulate exports, and for other purposes (Rept. No. 96-200). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted May 16, 1979*]

Mr. BOLLING: Committee on Rules. House Resolution 274. Resolution providing for the consideration of H.R. 111, a bill to provide for the operation and maintenance of the Panama Canal and to provide for the exercise of the rights and performance of the duties of the United States provided in the Panama Canal Treaty of 1977. (Rept. No. 96-204). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 275. Resolution providing for the consideration of H.R. 3404, a bill to amend the Federal Reserve Act to authorize Federal Reserve banks to lend certain obligations to the Secretary of the Treasury to meet the short-term cash requirements of the Treasury, and for other purposes (Rept. No. 96-205). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 276. Providing for the consideration of H.R. 3829, a bill to provide for increased participation by the United States in the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund (Rept. No. 96-206). Referred to the House Calendar.

Ms. CHISHOLM: Committee on Rules. House Resolution 277. Resolution providing for the consideration of H.R. 3879, a bill to authorize additional appropriations for the Temporary Commission on Financial Oversight of the District of Columbia, and for other purposes (Rept. No. 96-207). Referred to the House Calendar.

Ms. CHISHOLM: Committee on Rules. House Resolution 278. Resolution providing for the consideration of H.R. 3914, a bill to amend the National Capital Transportation Act of 1969 to increase the amount authorized for the District of Columbia share of the cost of the rapid transit system of the National Capital Region (Rept. No. 96-208). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 279. Resolution providing for the consideration of H.R. 4011, a bill to amend the Small Business Act and Small Business Investment Act of 1958 (Rept. No. 96-209). Referred to the House Calendar.

Mr. HAWKINS: Committee on House Administration. House Resolution 258. Resolution to provide for the printing of additional copies of the "Ethics Manual for Members and Employees of the U.S. House of Representatives"; with amendment (Rept. No. 96-210). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[*Omitted from the Record of May 15, 1979*]

Mr. UDALL: Committee on Interstate and Foreign Commerce. H.R. 2608. A bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes; with amendment (Rept. No. 96-194, Pt. I). Referred to the Committee on Interstate and Foreign Commerce for a period ending not later than June 30, 1979, for consideration of such portions of the bill and amendment as fall within its jurisdiction under clause 1(1), rule X, and ordered to be printed.

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. H.R. 20. A bill to provide for the development of aquaculture in the United States, and for other purposes; with amendments (Rept. No. 96-198, Pt. I). Referred to the Committee on Agriculture for a period ending not later than July 16, 1979, for consideration of such provisions of the bill and amendments as fall within the jurisdiction of that committee under clause 1(a), rule X, and ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 51. A bill to amend the Natural Gas Pipeline Safety Act of 1968 to provide for the safe operation of pipelines transporting natural gas and liquefied petroleum gas, to provide standards with respect to the siting, construction, and operation of liquefied natural gas facilities, and for other purposes; with amendment (Rept. No. 96-201, Pt. I). Referred to the Committee on Public Works and Transportation for a period ending not later than June 5, 1979 for consideration of such portions of the bill and amendment as fall within its jurisdiction under clause 1(p), rule X, and ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 3995. A bill to authorize appropriations for the Noise Control Act of 1972 for the fiscal years 1980 and 1981. (Rept. No. 96-202, Pt. I). Referred to the Committee on Public Works and Transportation for a period ending not later than June 5, 1979, for consideration of such portions of the bill as fall within its jurisdiction under clause 1(p), rule X, and ordered to be printed.

Mr. JOHNSON of California: Committee on Public Works and Transportation. H.R. 3942. A bill to provide assistance to airport operators to prepare and carry out noise compatibility programs, to provide assistance to assure continued safety in aviation, and for other purposes; with amendment (Rept. No. 96-203, Pt. I). Referred to the Committee on Interstate and Foreign Commerce for a period ending not later than June 5, 1979 for consideration of such portions of the bill and amendment as fall within its jurisdiction under clause 1(1), rule X, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CARR:

H.R. 4108. A bill to provide that motor vehicle stickers issued by any State to provide special parking rights for the handicapped shall be honored in the District of Columbia in the same manner as any such motor vehicle sticker issued by the government of the District of Columbia; to the Committee on the District of Columbia.

By Mr. DORNAN:

H.R. 4109. A bill to require at least seven members of the Supreme Court to concur in any decision of the Court declaring a Federal or State law unconstitutional; to the Committee on the Judiciary.

H.R. 4110. A bill to provide that no Federal court may require the expenditure of Federal or State funds without prior legislative authorization; to the Committee on the Judiciary.

H.R. 4111. A bill to make Federal court decisions declaring laws unconstitutional subject to congressional disapproval; to the Committee on the Judiciary.

By Mr. CAVANAUGH:

H.R. 4112. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer to deduct, or to claim a credit for, amounts paid as tuition to provide an education for himself, for his spouse, or for his dependents; to the Committee on Ways and Means.

By Mr. CLEVELAND (for himself and Mr. Wright):

H.R. 4113. A bill to amend the Federal Water Pollution Control Act to provide an additional allotment of funds to certain States, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ERLENBORN (for himself, Mr. Gephardt, Mr. Horton, and Mr. Fuqua):

H.R. 4114. A bill to require biennial reports to Congress on the effectiveness of Government programs, and for other purposes; to the Committee on Government Operations.

By Mr. FINDLEY:

H.R. 4115. A bill to provide for the review of the behavior of individual justices and judges by three-judge panels; to the Committee on the Judiciary.

By Mr. GRADISON:

H.R. 4116. A bill to amend the Internal Revenue Code of 1954 to provide for a Federal income tax credit for tuition; to the Committee on Ways and Means.

By Mr. HEFNER (by request):

H.R. 4117. A bill to improve and modernize the vocational rehabilitation program provided service-disabled veterans under chapter 31 of title 38, United States Code, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HILLIS:

H.R. 4118. A bill to exempt the exchange of certain technological information relating to motor vehicles from the application of the antitrust laws; to the Committee on the Judiciary.

By Mr. JONES of Tennessee (for himself and Mr. Madigan):

H.R. 4119. A bill to improve and expand the Federal crop insurance program, and for other purposes; to the Committee on Agriculture.

By Mr. PEYSER (for himself and Mr. Dickinson):

H.R. 4120. A bill to amend the Food Stamp Act of 1977 to provide for a medical expense deduction, and to eliminate certain restrictions on excess shelter expense deductions with respect to households which are composed entirely of persons who are age 60 or older or who are recipients of benefits under title XVI of the Social Security Act; to the Committee on Agriculture.

By Mr. PREYER (for himself, Mr. Fountain, Mr. Drinan, and Mr. Weiss):

H.R. 4121. A bill to provide a statutory charter for the Office of Professional Responsibility of the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 4122. A bill to amend title IV of the Social Security Act to improve the aid to families with dependent children program and provide fiscal relief for States and localities; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. RICHMOND:

H.R. 4123. A bill to provide financial assistance to centers which train dogs to assist individuals with hearing disabilities; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS:

H.R. 4124. A bill to provide for the United States to hold in trust for the Tule River Indian Tribe certain public domain lands formerly removed from the Tule River Indian Reservation; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS:

H.R. 4125. A bill to amend section 103 of the Internal Revenue Code of 1954 to provide that the interest on mortgage subsidy bonds will not be exempt from Federal income tax; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 4126. A bill to revoke the temporary withdrawal of certain lands, located in Inyo County, Calif., from settlement, location sale, or entry; to the Committee on Interior and Insular Affairs.

By Mr. UDALL:

H.R. 4127. A bill to provide for financing, cost and revenue sharing of Federal water resource development projects; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Public Works and Transportation.

By Mr. VANIK:

H.R. 4128. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of oil and gas income; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 4129. A bill to amend title 38, United States Code, to restore the exclusion from determinations of annual income for purposes of eligibility for non-service-connected disability pensions amounts received from payments under Veterans' Administration life insurance policies; to the Committee on Veterans' Affairs.

By Mr. BOB WILSON:

H.R. 4130. A bill to amend title 10 of the United States Code to increase the Federal share of the amount paid to certain administrators and instructors in the Junior Reserve Officers' Training Corps; to the Committee on Armed Services.

By Mr. SHELBY:

H.R. 4131. A bill to change the name of the China Bluff Access Area being constructed by the Army Corps of Engineers as part of the Tennessee-Tombigbee Waterway near Warsaw in Sumter County, Ala., to the S. W. Taylor Memorial Park; to the Committee on Public Works and Transportation.

By Mr. BURLISON (for himself and Mr. Cavanaugh):

H.J. Res. 332. A joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. DORNAN:

H.J. Res. 333. Joint resolution, national tomb for the unknown soldier of the Vietnam war; to the Committee on Veterans' Affairs.

By Mr. CLINGER:

H.J. Res. 334. Joint resolution proposing an amendment to the Constitution of the United States to provide for a 4-year term of office for Members of the House of Representatives, to limit the number of full terms of office of Senators and of Representatives, to prohibit the election of a person to any Federal office if such person may attain the age of 70 years before the expiration of the term of such office, and to require that no person hold any office of judge of a court of the United States after attaining the age of 70 years; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.J. Res. 335. Joint resolution to authorize and request the President to issue a proclamation designating the week of May 20 through May 26, 1979, as "National Oceans Week" to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself, Mr. Bingham, Mr. Rosenthal, Mr. Wolff, and Mrs. Fenwick):

H. Con. Res. 121. Concurrent resolution condemning threats to religious minorities in Iran; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

187. The SPEAKER presented a memorial of the Assembly of the State of New York, relative to general revenue sharing; to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SOLARZ introduced a bill (H.R. 4132) for the relief of Baruch Feld, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. Wyatt, Mr. Bonior of Michigan, and Mr. Long of Maryland.

H.R. 811: Mr. Albosta, Mr. Evans of Georgia, Mr. Mitchell of New York, Mr. Neal, and Mr. Pepper.

H.R. 1150: Mr. Fary, Mr. Rudd, Mr. Beard of Tennessee, Mr. Regula, Mr. Robert W. Daniel, Jr., Mr. Dickinson, Mr. Marriott, Mr. Edwards of Alabama, Mrs. Holt, Mr. Guyer, Mr. Lederer, Mr. Hansen, Mr. Rousselot, Mr. Jeffries, Mr. Philip M. Crane, Mr. McEwen, Mr. Chappell, Mrs. Byron, Mr. Symms, Mr. Vander Jagt, Mr. Snyder, Mr. Evans of Delaware, Mr. Clinger, Mr. Carter, Mr. Kemp, Mr. Andrews of North Carolina, Mr. Mattox, Mr. Dougherty, Mr. Shelby, and Mr. Atkinson.

H.R. 1173: Mr. Wylie, Mr. Hyde, Mr. Carney, and Mr. Treen.

H.R. 1297: Mrs. Chisholm.

H.R. 1785: Mr. Rahall, Mr. Fazio, Mr. Fish, Mr. Madigan, Mr. Clay, Mr. Lott, and Mr. Cheney.

H.R. 1964: Mr. Hinson.

H.R. 2077: Mr. Sensenbrenner.

H.R. 2156: Mr. Richmond, Mr. Roe, Mr. Seiberling, and Mr. Long of Maryland.

H.R. 2644: Mr. Ginn.

H.R. 3100: Mr. Harkin and Mr. Maguire.

H.R. 3221: Mr. Nedzi and Mr. Davis of Michigan.

H.R. 4007: Mr. Nedzi and Mr. Davis of Michigan.

H.J. Res. 205: Mr. Carter, Mr. Fauntroy, Mr. Wolpe, and Mr. Ambro.

H.J. Res. 318: Mr. Gray.

H. Con. Res. 102: Mr. Daniel B. Crane and Mr. Butler.

H. Res. 191: Mr. Harkin.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 111

By Mr. HANLEY:

—Page 108, strike out line 10 and all that follows down through line 16 on page 146 and insert in lieu thereof the following:

Chapter 3—EMPLOYEES

Subchapter I—Panama Canal Commission Personnel

Sec. 120. Definitions.—As used in this chapter:

(1) "Executive agency" has the meaning given that term in section 105 of title 5, United States Code;

(2) "uniformed services" has the meaning given that term in section 2101(3) of title 5, United States Code;

(3) "competitive service" has the meaning given that term in section 2102 of title 5, United States Code; and

(4) "United States", when used in a geographic sense, means each of the several States and the District of Columbia.

Sec. 121. Appointment and Compensation; Duties.—(a) Except as provided by sections 103, 104, and 111 of this Act, and in accordance with this chapter, the Panama Canal Commission may appoint without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service, fix the compensation of, and define the authority and duties of, officers, agents, attorneys, and employees necessary for the management, operation, and maintenance of the Panama Canal and its complementary works, installations, and equipment.

(b) Individuals serving in any other Executive agency and the Smithsonian Institution, including individuals serving in the uniformed services, may, if appointed under this section or section 103 or 104 of this Act, serve as officers or employees of the Commission.

Sec. 122. Transfer of Federal Employees.—(a) The head of any agency may enter into agreements for the transfer or detail to the Panama Canal Commission of any employee of that agency serving under a permanent appointment. Any employee who so transfers or is so detailed shall, upon completion of the employee's tour of duty with the Commission, be entitled to reemployment with the agency from which the employee was transferred or detailed without loss of pay, seniority, or other rights or benefits to which the employee would have been entitled had the employee not so transferred or been so detailed.

(b) For purposes of this section, the term "agency" means an Executive agency, the United States Postal Service, and the Smithsonian Institution.

(c) The Office of Personnel Management shall prescribe regulations to carry out the purposes of this section.

Sec. 123. Compensation of Individuals in the Uniformed Services.—(a) Except as provided in subsection (b), any individual who is serving in a position in the Panama Canal Commission and who is a member of a uniformed service shall continue to be paid basic pay by such uniformed service and shall not be paid by the Commission for the period of the service in the uniformed service involved.

(b) If the individual appointed as Administrator, Deputy Administrator, or Chief Engineer of the Commission is a member of a uniformed service, the amount of basic pay otherwise payable to the individual for service in that position shall be reduced, up to the amount of that basic pay, by the amount of the basic pay payable to the individual as a member of a uniformed service.

(c) The Commission shall annually pay to each uniformed service amounts sufficient to reimburse that uniformed service for any basic pay paid by that uniformed service to any member of that service during any period of service in the Commission by the member.

Sec. 124. Deduction From Basic Pay of Amounts Due for Supplies or Services.—The Panama Canal Commission may deduct from the basic pay otherwise payable by the Commission to any officer or employee of the Commission any amount due from the officer or employee to the Commission or to any contractor of the Commission for transportation, board, supplies, or any other service. Any amount so deducted may be paid by the Commission to any contractor to whom it is due or may be credited by the Commission to any appropriation from which the Commission has expended such amount.

Sec. 125. Educational Travel Benefits.—The Panama Canal Commission shall provide by regulation for round-trip transportation between the Republic of Panama and the United States for undergraduate college education in the United States for dependents of individuals who are officers or employees of the Commission and who are citizens of the United States. The regulations prescribed by the Commission under this section shall—

(1) provide eligibility requirements which must be met by such dependents to qualify for transportation under this section, including a requirement that all eligible dependents must be under 23 years of age; and

(2) limit the transportation provided to one round trip during any 1-year period.

Sec. 126. Privileges and Immunities of Certain Employees.—The Secretary of Defense shall designate those officers and employees of the Panama Canal Commission and other individuals entitled to the privileges and immunities accorded under paragraph (3) of Article VIII of the Panama Canal Treaty of 1977. The Department of State shall furnish the Republic of Panama a list of the names of such officers, employees, and other individuals and shall notify the Republic of Panama of any subsequent additions to or deletions from the list.

Sec. 127. Inapplicability of Certain Benefits to Certain Noncitizens.—(a) Chapter 81 of title 5, United States Code, relating to compensation for work injuries, chapter 83 of such title 5, relating to civil service retirement, chapter 87 of such title 5, relating to life insurance, and chapter 89 of such title 5, relating to health insurance, are inapplicable to any individual—

(1) who is not a citizen of the United States;

(2) whose initial appointment by the Panama Canal Commission occurs after October 1, 1979; and

(3) who is covered by the Social Security System of the Republic of Panama pursuant to any provision of the Panama Canal Treaty of 1977 and related agreements.

(b) Subparagraph (B) of section 8701(a) of title 5, United States Code, defining employee for purposes of life insurance, is amended to read as follows:

"(B) an individual who is not a citizen or national of the United States and whose permanent duty station is outside the United States, unless the individual was an employee for the purpose of this chapter on September 30, 1979, by reason of service in an Executive agency, the United States Postal Service, or the Smithsonian Institution, in the area which was then known as the Canal Zone; or".

(c) Clause (ii) of section 8901(1) of title 5, United States Code, defining employee for purposes of health insurance, is amended to read as follows:

"(ii) an individual who is not a citizen or national of the United States and whose permanent duty station is outside the United States, unless the individual was an employee for the purpose of this chapter on September 30, 1979, by reason of service in an Executive agency, the United States Postal Service, or the Smithsonian Institution in the area which was then known as the Canal Zone;".

Subchapter II—Wage and Employment Practice

Sec. 141. Definitions.—As used in this subchapter:

(1) "agency" means—

(A) the Panama Canal Commission, and

(B) an Executive agency or the Smithsonian Institution, to the extent of any election in effect under section 142(b)(2) of this Act;

(2) "position" means a civilian position in the Panama Canal Commission, or in any other agency if a substantial portion of the duties and responsibilities are performed in the Republic of Panama; and

(3) "employee" means an individual serving in a position.

Sec. 142. Panama Canal Employment System; Merit and Other Employment Requirements.—(a) After considering any recommendations of the Panama Canal Commission, the President shall establish a Panama Canal Employment System. The Panama Canal Employment System shall—

(1) be established in accordance with and be subject to the provisions of the Panama Canal Treaty of 1977 and related agreements, the provisions of this chapter, and any other applicable provision of law;

(2) be based on the consideration of the merit of each employee or candidate for employment and the qualifications and fitness of the employee to hold the position concerned;

(3) conform, to the extent practicable and consistent with the provisions of this Act, to the policies, principles, and standards applicable to the competitive service; and

(4) in the case of employees who are citizens of the United States, provide for the appropriate interchange of those employees between positions under the Panama Canal Employment System and positions in the competitive service.

(b)(1) The Panama Canal Commission, and any Executive agency and the Smithsonian Institution to the extent of any election under paragraph (2), shall conduct its employment and pay practices relating to employees in accordance with the Panama Canal Employment System and regulations prescribed by, or under the authority of, the President in accordance with this subchapter.

(2) The head of any Executive agency and the Smithsonian Institution may elect to have the Panama Canal Employment System made applicable in whole or in part to personnel of that agency in the Republic of Panama.

(c) Subject to the provisions of this chapter, the President may, from time to time and after considering any recommendation of the Panama Canal Commission, amend or modify any provision of the Panama Canal Employment System, including any provision relating to selection for appointment, reappointment, reinstatement, reemployment, and retention, with respect to positions, employees, and candidates for employment.

(d) The President may, to the extent the President determines appropriate—

(1) exclude any employee or position from coverage under any provision of this subchapter; and

(2) notwithstanding section 121, extend to any employee, whether or not the employee is a citizen of the United States, the rights and privileges which are provided by applicable laws and regulations for citizens of the United States employed in the competitive service.

Sec. 143. Employment Standards.—The head of each agency shall establish written standards for—

(1) determining the qualifications and fitness of employees and of candidates for employment in positions; and

(2) selecting individuals for appointment, promotion, or transfer to positions.

The standards shall conform to the provisions of this subchapter, any regulations prescribed thereunder, and the Panama Canal Employment System.

Sec. 144. Interim Application of Canal Zone Merit System.—Notwithstanding any repeal made by this Act or any provision of this chapter, the provisions of subchapter III of chapter 7 of title 2 of the Canal Zone Code establishing the Canal Zone Merit System, together with the regulations prescribed thereunder, as in effect on September 30, 1979, shall continue in effect and shall apply with respect to employees until the Panama Canal Employment System is established and in effect pursuant to section 142 of this Act.

Sec. 145. Basic Pay.—(a) The head of each agency, in accordance with the provisions of this subchapter, shall establish, and from time to time may revise, the rates of basic pay for positions and employees in the agency.

(b) The rates of basic pay may be established and revised in relation to the rates of basic pay for the same or similar work performed in the United States or in such areas outside the United States as may be designated in the regulations prescribed under section 153.

(c) The head of each agency may make adjustments in rates of basic pay established under subsection (b) in amounts not to exceed the amounts of the adjustments made from time to time by or under statute in the corresponding rates of basic pay for the same or similar work referred to in such subsection (b). The head of the agency may designate the effective date of any such adjustment, except that that date may not be earlier than the effective date of the adjustment in the corresponding rate of basic pay.

SEC. 146. UNIFORM APPLICATION OF STANDARDS AND RATES.—The standards established pursuant to section 143 and the rates of basic pay established pursuant to section 145 shall be applied without regard to whether the employee or individual concerned is a citizen of the United States or a citizen of the Republic of Panama.

SEC. 147. RECRUITMENT AND RETENTION REMUNERATION.—(a) In addition to basic pay, additional compensation may be paid, in such amounts as the head of the agency concerned determines, as an overseas recruitment or retention differential to any individual who—

(1) before October 1, 1979, was employed by the Panama Canal Company, by the Canal Zone Government, or by any other agency in the area then known as the Canal Zone;

(2) is an employee who was recruited on or after October 1, 1979, outside of the Republic of Panama for placement in the Republic of Panama; or

(3) is a medical doctor employed by the Department of Defense in the Republic of Panama or by the Panama Canal Commission;

if, in the judgment of the head of the agency concerned, the recruitment or retention of the individual is essential.

(b) Any employee described in more than one paragraph of subsection (a) may qualify for a recruitment or retention differential under only one of those paragraphs.

(c) Additional compensation provided under this section may not exceed 25 percent of the rate of basic pay for the same or similar work performed in the United States by individuals employed by the Government of the United States.

(d) Subchapter III of chapter 59 of title 5, United States Code, relating to overseas differentials and allowances, shall not apply with respect to any employee whose post of assignment is in the Republic of Panama and who is employed by an agency.

SEC. 148. BENEFITS BASED ON BASIC PAY.—For the purpose of determining—

(1) amounts of compensation for disability or death under chapter 81 of title 5, United States Code, relating to compensation for work injuries;

(2) benefits under subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement;

(3) amounts of insurance under chapter 87 of title 5, United States Code, relating to life insurance;

(4) amounts of overtime pay or other premium pay;

(5) annual leave benefits; and

(6) any other benefits related to basic pay;

the basic pay of each employee shall include the rate of basic pay established for his position under section 145 plus the amount of any additional compensation provided under section 147.

SEC. 149. SALARY PROTECTION UPON CONVERSION OF PAY BASE.—(a) In the case of any employee whose rate of basic pay is determined in relation to rates of basic pay for the same or similar work in the United States and is converted to a rate of basic pay pursuant to section 145(b) which is determined in relation to rates in areas other than the United States pursuant to that subsection, the employee shall continue to receive a rate of basic pay not less than that to which the employee was entitled immediately before the conversion.

(b) This section shall cease to apply with respect to any employee if the employee is placed in a position—

(1) for which the rate of basic pay is determined in relation to rates of basic pay in the United States pursuant to section 145 (b); or

(2) which is of a lower grade.

SEC. 150. REVIEW AND ADJUSTMENT OF CLASSIFICATIONS, GRADES, AND PAY LEVEL.—An employee may request at any time that the employee's agency—

(1) review the classification of the employee's position or the grade or pay level for the employee's position, or both; and

(2) revise or adjust that classification, grade or pay level, or both, as the case may be.

The request for review and revision or adjustment shall be submitted and adjudicated in accordance with the regularly established appeals procedures of the agency.

SEC. 151. PANAMA CANAL BOARD OF APPEALS; DUTIES.—(a) Subject to the provisions of this chapter, the President shall prescribe regulations establishing a Panama Canal Board of Appeals. The regulations shall provide for the number of members of the Board and their appointment, compensation, and terms of office, the selection of a Chairman of the Board, the appointment and compensation of the Board's employees, and other appropriate matters relating to the Board.

(b) The Board shall review and determine the appeals of employees in accordance with section 152. The decisions of the Board shall conform to the provisions of this chapter.

SEC. 152. APPEALS TO BOARD; PROCEDURE; FINALITY OF DECISIONS.—(a) An employee may appeal to the Panama Canal Board of Appeals from an adverse determination made by an agency under section 150. The appeal shall be made in writing within a reasonable time (as specified in regulations prescribed by, or under the authority of, the President) after the date of the transmittal by the agency to the employee of written notice of the adverse determination.

(b) The Board may authorize, in connection with an appeal pursuant to subsection (a), a personal appearance before the Board by the employee, or by a representative of the employee designated for that purpose.

(c) After investigation and consideration of the evidence submitted, the Board shall—

(1) prepare a written decision on the appeal;

(2) transmit its decision to the agency concerned; and

(3) transmit copies of the decision to the employee concerned or to the designated representative.

(d) The decision of the Board on any question or other matter relating to an appeal is final and conclusive. The agency concerned shall take action in accordance with the decision of the Board.

SEC. 153. ADMINISTRATION BY THE PRESIDENT.—(a) The President shall prescribe regulations necessary and appropriate to carry out the provisions of this subchapter and coordinate the policies and activities of agencies under this subchapter.

(b) The President may establish an office within the Panama Canal Commission as the successor to the Canal Zone Central Examining Office. The purpose of the office shall be to assist the President in—

(1) carrying out the President's coordination responsibility under subsection (a); and

(2) implementing the provisions of the Panama Canal Treaty of 1977 and related agreements with respect to recruitment, examination, determination of qualification standards, and similar matters.

(c) The President may delegate any authority vested in the President by this chapter and may provide for the redelegation of that authority.

SEC. 154. APPLICABILITY OF CERTAIN LAWS.—(a) This chapter does not affect the applicability of—

(1) the provisions of title 5, United States Code, which relate to preference eligibles;

(2) the provisions of title 5, United States Code, which relate to removal or suspension from the competitive service; and

(3) the provisions of section 5544(a) of title 5, United States Code, which relate to wage-board rates and overtime, with respect to classes of employees who were covered by those provisions on the date of the enactment of this Act.

(b) Subsection (f) of section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(f)), relating to applicability to employees in foreign countries and certain United States territories, is amended—

(1) by inserting "(1)" after "(f)";

(2) by striking out "Johnston Island; and the Canal Zone." and inserting in lieu thereof "and Johnston Island."; and

(3) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the provisions of sections 6, 7, 11, and 12 shall apply with respect to employees described in section 3(e)(2)(A) of this Act whose services during the workweek are performed in a workplace within areas or installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements.".

Subchapter III—Conditions of Employment and Placement

SEC. 201. TRANSFERRED OR REEMPLOYED EMPLOYEES.—(a)(1) With respect to any individual employed in the Panama Canal Company or the Canal Zone Government—

(A) who is transferred—

(i) to a position in the Panama Canal Commission; or

(ii) to a position in an Executive agency or the Smithsonian Institution the permanent duty station of which is in the Republic of Panama; or

(B) who is separated by reason of a reduction in force on September 30, 1979, and is appointed to a position in the Panama Canal Commission before April 1, 1980;

the terms and conditions of employment set forth in paragraph (2) shall be generally no less favorable, on or after the date of the transfer referred to in subparagraph (A) of this paragraph or the date of the appointment referred to in subparagraph (B) of this paragraph, as the case may be, than the terms and conditions of employment with the Panama Canal Company and Canal Zone Government on September 30, 1979.

(2) The terms and conditions of employment referred to in paragraph (1) are the following:

(A) rates of basic pay and bases for establishing rates of basic pay;

(B) tropical differential;

(C) premium pay and night differential;

(D) reinstatement and restoration rights;

(E) injury and death compensation benefits;

(F) leave and travel;

(G) transportation and repatriation benefits;

(H) group health and life insurance;

(I) reduction-in-force rights;

(J) an employee grievance system, and the right to appeal adverse and disciplinary actions and position classification actions;

(K) veterans' preference eligibility;

(L) holidays;

(M) saved pay provisions; and

(N) severance pay benefits.

(b) Any individual described in subsection (a) (1) (B) of this section who would have met the service requirement for early retirement benefits under section 8336(i) or 8339 (d) (2) of title 5, United States Code, but for a break in service of more than 3 days immediately after September 30, 1979, shall be considered to meet that requirement. Any break in service by any such individual for purposes of section 8332 of such title 5 during the period beginning September 30, 1979, and ending on the date of the appointment referred to in such subsection (a) (1) (B) shall be considered a period of creditable service under such section 8332 for such individual, except that such period shall not be taken into account for purposes of determining average pay (as defined in section 8331 (4) of such title 5) and no deduction, contribution, or deposit shall be required for that period under section 8334 of such title 5.

(c) (1) Section 5(c) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 903(c)) shall not apply with respect to any teacher who was employed by the Canal Zone Government school system on September 30, 1979, and who was transferred from such position to a teaching position which is under the Department of Defense Overseas Dependent School System and the permanent duty station of which is in the Republic of Panama, until the rates of basic compensation established under section 5(c) of such Act equal or exceed the rates of basic compensation then in effect for teachers who were so transferred.

(2) Section 6(a) (2) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 904(a) (2)) shall not apply with respect to any teacher who was employed by the Canal Zone Government school system on September 30, 1979, and who was transferred from such position to a teaching position which is under the Department of Defense Overseas Dependent School System and the permanent duty station of which is in the Republic of Panama.

(3) (A) The head of an agency may grant a sabbatical to any teacher to whom paragraph (1) applies for not to exceed 11 months in order to permit the teacher to engage in study or uncompensated work experience which is in the United States and which will contribute to the teacher's development and effectiveness. A sabbatical shall not result in a loss of, or reduction in, pay, leave to which the teacher is otherwise entitled, credit for time or service, or performance or efficiency rating. The head of the agency may authorize in accordance with chapter 57 of title 5, United States Code, such travel expenses (including per diem allowances) as the head of the agency may determine to be essential for the study or experience.

(B) A sabbatical under this paragraph may not be granted to any teacher—

(i) more than once in any 10-year period;

(ii) unless the teacher has completed 7 years of service as a teacher; and

(iii) if the teacher is eligible for voluntary retirement with a right to an immediate annuity.

(C) (i) Any teacher in an agency may be granted a sabbatical under this paragraph only if the teacher agrees, as a condition of accepting the sabbatical, to serve in the civil service upon the completion of the sabbatical for a period of two consecutive years.

(ii) Each agreement required under clause (i) of this subparagraph shall provide that in the event the teacher fails to carry out the agreement (except for good and sufficient reason as determined by the head of the agency that granted the sabbatical) the teacher shall be liable to the United States for payment of all expenses (including salary) of the sabbatical. The amount shall be treated as a debt due the United States.

(d) Sections 5595(a) (2) (iii), 5724a(a) (3) and (4), and 8102(b) of title 5, United States Code, are each amended by striking out "Canal Zone" each place it appears and inserting in lieu thereof: "areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements".

Sec. 202. Placement.—(a) Any citizen of the United States—

(1) who, on March 31, 1979, was an employee of the Panama Canal Company or the Canal Zone Government;

(2) who separates or is scheduled to separate on or after such date for any reason other than misconduct or delinquency; and

(3) who is not placed in another appropriate position in the Government of the United States in the Republic of Panama;

shall, upon the employee's request, be accorded appropriate assistance for placement in vacant positions in the Government of the United States in the United States.

(b) Any citizen of the United States—

(1) who, on March 31, 1979, was employed in the Canal Zone as an employee of an Executive agency (other than the Panama Canal Zone Company or the Canal Zone Government) or the Smithsonian Institution;

(2) whose position is eliminated as the result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements; and

(3) who is not appointed to another appropriate position in the Government of the United States in the Republic of Panama;

shall, upon the employee's request, be accorded appropriate assistance for placement in vacant positions in the Government of the United States in the United States.

(c) The Office of Personnel Management shall establish and administer a Government-wide placement program for all eligible employees who request appointment to positions under this section.

(d) Any placement assistance provided for any employee or former employee of the Panama Canal Company, the Canal Zone Government, the Smithsonian Institution, or any Executive agency conducting operations in the area in the Republic of Panama which was the Canal Zone before October 1, 1979, may not—

(1) provide preference for appointment for any such employee who is involuntarily separated by reason of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements if that preference is greater in degree than that which is generally available to an employee in the United States who involuntarily separates because of a reduction in force or who separates after declining to transfer in connection with a transfer of functions outside of the employee's commuting area; or

(2) provide preference for appointment for any such employee who voluntarily separates if that preference is greater in degree than that which is generally available to an employee in the United States who voluntarily separates in connection with a reorganization, reduction in force, or transfer of function.

(e) The provisions of this section shall take effect on the date of the enactment of this Act.

Subchapter IV—Retirement

Sec. 205. Early Retirement Eligibility.—(a) Section 8336 of title 5, United States Code, is amended—

(1) in subsection (c), by inserting "(1)" after "(c)" and by addiing at the end thereof the following new paragraph:

"(2) An employee is entitled to an annuity if the employee—

"(A) was a law enforcement officer or firefighter employed by the Panama Canal Company or the Canal Zone Government at any time during the period beginning March 31, 1979, and ending September 30, 1979; and

"(B) is separated from the service before January 1, 2000, after becoming 48 years of age and completing 18 years of service as a law enforcement officer or firefighter, or any combination of such service totaling at least 18 years."; and

(2) redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) (1) An employee of the Panama Canal Commission or of an Executive agency conducting operations in the Canal Zone or Republic of Panama who is separated from the service before January 1, 2000, who was employed by the Canal Zone Government or the Panama Canal Company at any time during the period beginning March 31, 1979, and ending September 30, 1979, and who has had continuous Panama Canal Service, without a break in service of more than 3 days, from that time until separation, is entitled to an annuity if the employee is separated—

"(A) involuntarily, after completing 20 years of service or after becoming 48 years of age and completing 18 years of service. if the separation is a result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements; or

"(B) voluntarily, after completing 23 years of service or after becoming 48 years of age and completing 18 years of service.

"(2) An employee of the Panama Canal Commission or of an Executive agency conducting operations in the Canal Zone or Republic of Panama who is separated from the service before January 1, 2000, who was employed, at a permanent duty station in the Canal Zone, by any Executive agency other than the Canal Zone Government or the Panama Canal Company at any time during the period beginning March 31, 1979, and ending September 30, 1979, and who has had continuous Panama Canal service, without a break in service of more than 3 days, from that time until separation, is entitled to an annuity if—

"(A) the employee is separated involuntarily, after completing 20 years of service or after becoming 48 years of age and completing 18 years of service; and

"(B) the separation is a result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements.

"(3) For the purpose of this subsection—

"(A) 'Panama Canal service' means—

"(i) service as an employee of the Canal Zone Government, the Panama Canal Company, or the Panama Canal Commission; or

"(ii) service at a permanent duty station in the Canal Zone or Republic of Panama as an employee of an Executive agency conducting operations in the Canal Zone or Republic of Panama; and

"(B) 'Executive agency' includes the United States District Court for the District of the Canal Zone and the Smithsonian Institution.".

(b) The first sentence of section 8339(h) of title 5, United States Code is amended—

(1) by inserting "(d) (2)," after "(b),"; and

(2) by striking out "or (h)" and inserting in lieu thereof, "(h), or (i)".

(c) (1) The amendments made by this section shall become effective upon the date of the enactment of this Act, but no amount of annuity under chapter 83 of title 5, United States Code, accruing by reason of those amendments shall be payable for any period before October 1, 1979.

(2) Effective October 1, 1979, any individual who, but for paragraph (1), would have been entitled to one or more annuity payments pursuant to the amendments made by this section for periods before October 1, 1979, shall be entitled, to the extent or in such amounts as are provided in advance in appropriation Acts, to a lump sum payment equal to the total amount of all such annuity payments.

Sec. 206. Early Retirement Computation.—Section 8339(d) of title 5, United States Code, is amended by inserting "(1)" after "(d)" and by adding at the end thereof the following new paragraphs:

"(2) The annuity of an employee retiring under this subchapter who was employed by the Panama Canal Company or Canal Zone Government on September 30, 1979, is computed with respect to the period of continous essential Panama Canal service from that date, disregarding any break in service of not more than 3 days, by adding—

"(A) 2½ percent of the employee's average pay multiplied by so much of that service as does not exceed 20 years; plus

"(B) 2 percent of the employee's average pay multiplied by so much of that service as exceeds 20 years.

"(3)(A) In the case of an employee who has service as a law enforcement officer or firefighter to which paragraph (2) of this subsection applies, the annuity of that employee is increased by $8 for each full month of that service which is performed in the Republic of Panama.

"(B) In the case of an employee retiring under this subchapter who—

"(i) was employed as a law enforcement officer or firefighter by the Panama Canal Company or Canal Zone Government at any time during the period beginning March 31, 1979, and ending September 30, 1979; and

"(ii) does not meet the age and service requirements of section 8336(c) of this title;

the annuity of that employee is increased by $12 for each full month of that service which occurred before October 1, 1979.

"(C) An annuity increase under this paragraph does not apply with respect to service performed after completion of 20 years of service (or any combination of service) as a law-enforcement officer or firefighter.

"(4) For the purpose of this subsection, 'essential Panama Canal service' means service as an employee of the Panama Canal Commission, the Smithsonian Institution, or an Executive agency conducting operations if the Canal one or Republic of Panama if—

"(A) that service is performed in the Canal Zone or Republic of Panama, and

"(B) the President or the President's designee has made a determination before September 30, 1979, that the service is essential.".

(b)(1) The amendment made by this section shall become effective upon the date of the enactment of this Act, but no amount of annuity under chapter 83 of title 5, United States Code, accruing by reason of those amendments shall be payable for any period before October 1, 1979.

(2) Effective October 1, 1979, any individual who, but for paragraph (1), would have been entitled to one or more annuity payments pursuant to the amendments made by this section for periods before October 1, 1979, shall be entitled, to the extent or in such amounts as are provided in advance in appropriation Acts, to a lump sum payment equal to the total amount of all such annuity payments.

Sec. 207. Retirement Under Special Treaty Provisions.—(a)(1) Subject to subsection (b), and under such regulations as the President may prescribe, the Secretary of the Treasury shall pay to the Social Security System of the Republic of Panama, out of funds deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund under section 8334(a)(2) of title 5, United States Code, such sums of money as may be necessary to aid in the purchase of a retirement equity in such System for each individual who—

(A) meets the requirements of paragraph (2);

(B) is separated from employment in the Panama Canal Company, the Canal Zone Government, or the Panama Canal Commission by reason of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements; and

(C) becomes employed in a position covered by the Social Security System of the Republic of Panama through the transfer of a function or activity to the Republic of Panama from the United States or through a job placement assistance program.

(2) This subsection applies with respect to any individual only if the individual—

(A) has been credited with at least 5 years of civilian service under section 8332 of title 5, United States Code, relating to creditable service for purposes of civil service retirement;

(B) is not eligible for an immediate retirement annuity under chapter 83 of title 5, United States Code, relating to civil service retirement, and elects not to receive a deferred annuity under that chapter based on any portion of that service; and

(C) elects to withdraw from the Civil Service Retirement and Disability Fund the individual's entire lump-sum credit (as defined in section 8331(8) of title 5, United States Code) and to transfer that amount to the Social Security System of the Republic of Panama pursuant to the special regime referred to in paragraph (3) of Article VIII of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

(b) The amount paid to the Social Security System of the Republic of Panama with respect to any individual under subsection (a) shall not exceed the individual's entire lump-sum credit (as so defined).

(c)(1) Pursuant to paragraph 2(b) of Annex C to the Agreement in Implementation of Article IV of the Panama Canal Treaty of 1977, the President, or the President's designee, shall pay, in accordance with such regulations as the President or the President's designee may prescribe, and to such extent or in such amounts as may be provided in advance in appropriations Acts, amounts necessary to purchase a nontransferable deferred annuity for the benefit of each employee of an agency or instrumentality of the Government of the United States in the Republic of Panama—

(A) who is not a citizen of the United States;

(B) who was employed on September 30, 1979, by an agency or instrumentality of the Government of the United States at any permanent duty station in the Republic of Panama (including, with respect to employment before that date, the area then known as the Canal Zone);

(C) who, for any period of service with such agency or instrumentality before October 1, 1979, at any such permanent duty station was not covered, by reason of that service, by the United States Civil Service Retirement System or any other Federal retirement system providing benefits similar to those retirement benefits provided by the Social Security System of the Republic of Panama;

(D) who, on September 30, 1979, was under a retirement system provided by the United States or an agency or instrumentality of the United States Government, or would have been eligible to be under a retirement system of such agency or instrumentality had one been available during previous creditable service; and

(E) who, on October 1, 1979, has at least 5 years of creditable service.

(2) The retirement annuity referred to in paragraph (1) with respect to any employee will cover retroactively, from October 1, 1979, all periods of creditable service by that employee at any permanent duty station in the Republic of Panama (including the area known before that date as the Canal Zone) in agencies and instrumentalities of the Government of the United States during which that employee was not covered by the United States Civil Service Retirement System or any other Federal retirement system providing benefits similar to those retirement benefits provided by the Social Security System of the Republic of Panama.

Sec. 208. Obligation of Commission for Unfunded Liability.—Section 8348 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(i)(1) Notwithstanding any other statute, the Panama Canal Commission shall be liable for that portion of any estimated increase in the unfunded liability of the Fund which is attributable to any benefits payable from the Fund to or on behalf of employees and their survivors to the extent attributable to the amendments made by sections 205 and 206, and the provisions of sections 201(b) and 207(a)(1) of the Panama Canal Act of 1979.

"(2) The estimated increase in the unfunded liability referred to in paragraph (1) of this subsection shall be determined by the Office of Personnel Management. The Secretary of the Treasury shall pay to the Fund out of tolls and other funds deposited in the Treasury of the United States to the credit of the Panama Canal Commission Fund the amount so determined in annual installments with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System.".

Sec. 209. Cash Relief to Certain Former Employees.—(a) The Panama Canal Commission, under the regulations prescribed by the President pursuant to the Act entitled "An Act authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act", approved July 8, 1937, as amended (50 Stat. 478; 68 Stat. 17), may continue the payments of cash relief to those individual former employees of the Canal Zone Government or Panama Canal Company or their predecessor agencies not coming within the scope of the former Canal Zone Retirement Act whose services were terminated prior to October 5, 1958, because of unfitness for further useful service by reason of mental or physical disability resulting from age or disease. Subject to subsection (b), that cash relief may not exceed $1.50 per month for each year of service of the employees so furnished relief, with a maximum of $45 per month, plus the amount of any cost-of-living increases in such cash relief granted before October 1, 1979, pursuant to section 181 of title 2 of the Canal Zone Code (as in effect on September 30, 1979), nor be paid to any employee who, at the time of termination for disability prior to October 5, 1958, had less than 10 years' service with the Canal Zone Government, the Panama Canal Company, or their predecessor agencies on the Isthmus of Panama.

(b) An additional amount of $20 per month shall be paid to each person who receives payment of cash relief under subsection (a) and shall be allowed without regard to the limitations contained therein.

(c) Each cash relief payment made pursuant to this section shall be increased on the same effective date and by the same percent, adjusted to the nearest dollar, as civil service retirement annuities are increased under the cost-of-living adjustment provisions of section 8340(b) of title 5, United

States Code. Such increase shall apply only to cash relief payments made after October 1, 1979, as increased by annuity increases made after that date under such section 8340(b).

(d) The Panama Canal Commission may pay cash relief to the widow of any former employee of the Canal Zone Government or the Panama Canal Company who, until the time of his death, receives or has received cash relief under subsection (a), under section 181 of title 2 of the Canal Zone Code (as in effect on September 30, 1979), or under the Act of July 8, 1937, referred to in subsection (a). The term "widow" as used in this subsection includes only the following:

(1) a woman legally married to such employee at the time of his termination for disability and at his death;

(2) a woman who, although not legally married to such former employee at the time of his termination, had resided continuously with him for at least five years immediately preceding the employee's termination under such circumstances as would at common law make the relationship a valid marriage and who continued to reside with him until his death; and

(3) a woman who has not remarried or assumed a common-law relationship with any other person.

Cash relief granted to such a widow shall not at any time exceed 50 percent of the rate at which cash relief, inclusive of any additional payment under subsection (b), would be payable to the former employee were he then alive.

(e) Subchapter III of chapter 83 of title 5, United States Code, applies with respect to those individuals who were in the service of the Canal Zone Government or the Panama Canal Company on October 5, 1958, and who, except for the operation of section 13 (a)(1) of the Act entitled "An Act to implement item 1 of a Memorandum of Understandings attached to the Treaty of January 25, 1955, entered into by the Government of the Republic of Panama with respect to wage and employment practices of the Government of the United States of America in the Canal Zone", approved July 25, 1958 (72 Stat. 405), would have been within the classes of individuals subject to the Act of July 8, 1937, referred to in subsection (a) of this section.

SEC. 210. APPLIANCES FOR EMPLOYEES INJURED BEFORE SEPTEMBER 7, 1916.—Artificial limbs or other appliances for persons who were injured in the service of the Isthmian Canal Commission or of the Panama Canal before September 7, 1916, may be purchased by the Panama Canal Commission out of any funds appropriated to the Commission.

Subchapter V—Leave

SEC. 211. LEAVE FOR JURY OR WITNESS SERVICE.—Section 6322(a) of title 5, United States Code, is amended—

(1) by striking out "the Canal Zone, or"; and

(2) by striking out "Islands." and inserting in lieu thereof "Islands, or the Republic of Panama.".

Subchapter VI—Application to Related Personnel

SEC. 220. LAW ENFORCEMENT; CANAL ZONE CIVILIAN PERSONNEL POLICY COORDINATING BOARD; RELATED EMPLOYEES.—(a) For the purposes of sections 125, 201, 202, 205, and 206, including any amendment made by those sections, the United States Attorney for the District of the Canal Zone and the Assistant United States Attorneys and their clerical assistants, and the United States Marshal for the District of the Canal Zone and his deputies and clerical assistants shall be considered employees of the Panama Canal Commission.

(b) For the puropses of this Act, including any amendment made by this Act, the Executive Director of the Canal Zone Civilian Personnel Policy Coordinating Board, the Manager, Central Examining Office, and their staffs shall be considered to have been employees of the Panama Canal Company with respect to service in those positions before October 1, 1979, and as employees of the Panama Canal Commission with respect to service in those positions on or after that date.

(c) The provisions of this section shall take effect on the date of the enactment of this Act.

Subchapter VII—Labor-Management Relations

SEC. 225. LABOR-MANAGEMENT RELATIONS.—(a) Nothing in this Act shall be construed to affect the applicability of chapter 71 of title 5, United States Code, relating to labor-management and employee relations, with respect to the Panama Canal Commission or the operations of any other Executive agency conducted in that area of the Republic of Panama which, on September 30, 1979, was the Canal Zone, except that in applying those provisions—

(1) the definition of "employee" shall be applied without regard to clause (i) of section 7103(a)(2) of such title 5 which relates to nationality and citizenship; and

(2) a unit shall be considered to be appropriate notwithstanding the fact that it includes any supervisor if that supervisor's position (or type of position) was, before October 1, 1979, represented before the Panama Canal Company by a labor organization that included employees who were not supervisors.

(b) Labor-management and employee relations of the Panama Canal Commission, other Executive agencies, and the Smithsonian Institution, their employees, and organizations of those employees, shall be governed and regulated solely by the applicable laws, rules, and regulations of the United States.

Page 151, beginning on line 18, strike out "The Panama Canal Commission shall" and all that follows down through "provisions of this Act." on line 23 of page 151 and insert in lieu thereof the following: "The Panama Canal Commission shall reimburse the Civil Service Retirement and Disability Fund for Government contributions to the retirement fund applicable to the Commission's employees.

On page 192, after line 10, insert the following:

(b) Title 5, United States Code is amended—

(1) in sections 305(a)(7), 5102(a)(1)(vii), 5342(a)(1)(G), 5348(b), and 5541(2)(xii), by striking out "Panama Canal Company" and inserting in lieu thereof "Panama Canal Commission";

(2) in sections 5504(a)(A) and 6301(2)(iv), by striking out "Canal Zone Government or the Panama Canal Company" and inserting in lieu thereof "Panama Canal Commission";

(3) in section 8335(c), by striking out "Panama Canal Company or the Canal Zone Government" and inserting in lieu thereof "Panama Canal Commission";

(4) in section 5373(1), by striking out "section 121 of title 2, Canal Zone Code (76A Stat. 15)" and inserting in lieu thereof "section 121 of the Panama Canal Act of 1979";

(5) in section 6323(c)(2)(B), by striking out "the Canal Zone,";

(6) in section 5102(c), by amending paragraph (12) to read as follows:

"(12) any Executive agency to the extent of any election under section 142(b)(2) (relating to the Panama Canal Employment System) of the Panama Canal Act of 1979;"

(7) in section 5583(b), by—

(A) adding "and" at the end of paragraph (1);

(B) striking out paragraph (2); and

(C) redesignating paragraph (3) as paragraph (2);

(8) in section 5533(d)(7), by—

(A) striking out the semicolon at the end of subparagraph (E) and inserting in lieu thereof "; or ";

(B) striking out "; or" at the end of subparagraph (F) and inserting a period; and

(C) striking out subparagraph (G);

(9) in section 8146, by—

(A) striking out "Canal Zone" in the catchline and inserting in lieu thereof "Panama Canal Commission";

(B) striking out "Canal Zone Government and of the Panama Canal Company are concerned to the Governor of the Canal Zone" in subsection (a)(1) and inserting in lieu thereof "Panama Canal Commission are concerned to the Commission";

(C) striking out "Canal Zone Government" in the first sentence of subsection (b) and inserting "Panama Canal Commission" in lieu thereof;

(D) striking out "or from funds of the Panama Canal Company" in the first sentence of subsection (b);

(E) striking out "Governor of the Canal Zone" and inserting "Panama Canal Commission" in lieu thereof, and by striking out "Canal Zone Government" and inserting "Panama Canal Commission" in lieu thereof in the second sentence of subsection (b);

(F) amending subsection (c) to read as follows:

"The President may authorize the Panama Canal Commission to waive, at its discretion, the making of the claim required by section 8121 of this title in the case of compensation to an employee of the Panama Canal Commission for temporary disability, either total or partial."; and

(G) striking out "Canal Zone Government and of the Panama Canal Company" in subsection (e) and inserting in lieu thereof "Panama Canal Commission"; and

(10) in section 5343(a)(5), by striking out "Canal Zone" and inserting in lieu thereof "areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements.".

Page 192, line 11, strike out "(b)" and insert in lieu thereof "(c)".

Page 192, line 18, strike out "201,".

By Mr. MURPHY of New York:

—Page 153, line 21, after the period insert the following: "Any transfer or assumption (including any agreement for such transfer or assumption) pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.".

—Page 192, line 17, insert "(a)" before "Except".

Page 192, add after line 21 the following:

(b)(1) No spending authority (as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974) provided for under section 201(a) of this Act shall take effect before October 1, 1979.

(2) No amount of annuity under chapter 83 of title 5, United States Code, accruing by reason of the amendments made by sections 205 and 206 of this Act shall be enable for any period before October 1, 1979.

(3) Effective October 1, 1979, any individual who, but for paragraph (1) or (2) of this subsection, would have been entitled before October 1, 1979, to one or more payments from any agency pursuant to section 201(a) of this Act or the amendments made by sections 205 and 206 of this Act shall be paytitled, to such extent or in such amounts as are provided in advance in appropriation Acts, to a lump sum payment from that agency equal to the total amount of all such payments.

SENATE—*Wednesday, May 16, 1979*

(Legislative day of Monday, April 9, 1979)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by Hon. David L. Boren, a Senator from the State of Oklahoma.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Love is patient and kind; love is not jealous, or conceited, or proud, love is not ill-mannered, or selfish, or irritable; love does not keep a record of wrongs; love is not happy with evil, but is happy with the truth. Love never gives up; its faith, hope, and patience never fail. Love is eternal.—I Corinthians 13: 4–8, Today's English Version.

Eternal Father, make us to abound in the love enjoined by the Apostle, that possessed of faith, hope, and patience, we may not fail in the task committed to us. Guide by this higher wisdom the President, the Congress, and all in authority that we may rejoice in every action which advances Thy kingdom of justice and truth.

And to Thee shall be all the praise and glory. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Magnuson).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., May 16, 1976.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable David L. Boren, a Senator from the State of Oklahoma, to perform the duties of the Chair.

Warren G. Magnuson,
President pro tempore.

Mr. BOREN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader, the Senator from West Virginia, is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A NATIONAL GASOLINE SHORTAGE

Mr. ROBERT C. BYRD. Mr. President, the abrupt shortage of gasoline suffered by residents of California is now spreading throughout the country. This past weekend in the Washington area, many of our people experienced the inconvenience and discomfort of long lines at local gas stations. With each minute that Americans spend waiting their turn at the pump, they are not only burning gasoline but also are questioning the sequence of events which has brought us to this point. Current polls show that many people do not even believe there is a real shortage; rather, they believe the crisis was manufactured by the oil companies to raise the price of gasoline. It is no wonder that other nations question our ability to curb energy consumption—when we have not convinced ourselves that there really is an energy crisis.

There are confusing and conflicting explanations of the current shortage. The Department of Energy alleges that the situation was created by a combination of the Iranian oil shutdown, the recent surge in gasoline consumption, and by the President's order that refineries reduce gas production this summer to build up heating oil reserves for next winter. Oil company officials claim that, in an effort to bring down OPEC charges, the Government did not allow them to compete overseas for high-priced crude oil. While prices remained high, crude oil inventories were depleted, and now the United States must bear the brunt of the oil shortage. Gasoline retailers maintain that Government allocation regulations encouraged refiners to cut the amounts of gasoline distributed to customers, in anticipation of higher prices following decontrol of domestic crude oil. We read that panic buying contributed to the crunch, and there is no doubt it has. All in all, no one knows what to believe. But we do know that our energy future looks bleak—or we should know it.

The American people will not be satisfied with more conflicting statements and statistics from the Government. They are entitled to accurate information and competent administration from those who are responsible for these matters.

Next week, the Senate Energy Committee, under the very able and distinguished leadership of Chairman Jackson and Senator Johnston, chairman of the Subcommittee on Energy Regulation, will begin hearings on the energy supply situation. The committee will receive testimony from Secretary Schlesinger and from representatives of five major oil companies. The committee will seek to learn why we are experiencing shortages of gasoline and other refined fuels, what the projections are for the coming winter, what mechanisms exist to prevent regional supply imbalances, and whether Government regulation helps or hurts. I commend the committee for this effort to get to the bottom of the matter. All of us will watch the proceedings with great interest, in the hope that these troubling questions will be answered.

Mr. President, we cannot ask our citizens to sacrifice and then fail to provide a full accounting of how this gas shortage came to pass, and what is going to be done to alleviate recurrences in the future.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader, the Senator from Tennessee, is recognized.

THE GASOLINE SHORTAGE

Mr. BAKER. Mr. President, I commend the distinguished majority leader for his timely remarks on an important subject.

I am sure it breaches no fundamental confidence or tradition of discretion to say that recently I met with the President of the United States to talk about SALT, the Strategic Arms Limitation Treaty. It happened to be about the same day that television news commentators were showing the long lines in California and reporting incidents of people being dragged from their cars for trying to break into the lines, and the like.

A remark I made to the President then was facetious, although I trust not disrespectful, and it does tend to add a perspective to our problems—not their relative importance but certainly the intensity of the emotion that goes with them. I suggested to the President, "If we don't get those gas lines in California under control, the Russians could be in the next county before anybody would care."

It really is not quite that bad, Mr. President—but almost.

We simply must focus our resources, our talents, and our determination in this body to find a coherent and logical energy program for the United States. It took us a while to get into this problem, and it will take us a while to get at it.

My own views are these, briefly:

First, I believe in the free enterprise system, a competitive economy. I believe

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

that the only chance we have of getting out of this crisis is to produce our way out of this crisis. Therefore, I support deregulation and decontrol—phased and gradual, but I support it. The free market system has to get us out of this mess. We can produce better than anybody else, and there is much yet to be produced.

It has to be phased in gradually, because there are some areas that have special problems. New England, for example, is at the end of the pipeline. They are the first to run out, the first to pay the highest price, and the ones to suffer most severely in the winter. So special provisions must be made for special problems.

Next, as deregulation and decontrol produce increased profits, as inevitably they will, those profits must be plowed back into production, because otherwise there is no justification for this policy. So there should be a plow-back provision. In laymen's terms, they should either plow back those profits into production or they should be taxed away with a windfall profits tax or an excess profits tax.

Last, Mr. President, the energy industry and the oil companies, in particular, must take a leadership role in seeing that we do, in fact, produce our way out of this dilemma. They know more about energy production than we do. They should be showing the way. If those of us who believe in free enterprise and deregulation and decontrol must suffer the burden of seeing ever-increasing profits in most cases retained or distributed in dividends, it will create a situation impossible to support.

So I call on the oil companies to show us the way to produce our way out of this crisis.

I believe in private enterprise. I believe in the production capacity of the American oil industry. I believe in deregulation and decontrol. I believe we can produce our way out of this problem. But we must have the oil companies' help and assistance.

Mr. President, there is another branch of this same problem, that is, our dependence on foreign fuel. We have to break that dependence, at least reduce that dependence. And by the way, I think that reduced dependence would quickly produce a reduction in the cost of imported oil, especially so-called spot prices.

But there are other things that we have to consider, Mr. President. We must consider how much worse things could be, for instance, if the supply of oil from the Arabian Gulf, from Saudi Arabia were interrupted. In that respect we have a great challenge before us in trying to reassure our friends there that the recent treaty between Egypt and Israel does not jeopardize their interests—and it does not—but rather the treaty is a step toward peace and stability. We need to reassure our friends that we have a vested interest in the area and that we will protect and defend those interests.

THE SHAH OF IRAN

Frankly, Mr. President, we have set a poor example in this regard in recent months. We have not shown a constancy and a determination to protect the stability of the area with certainty. Our handling of the crisis in Iran, for example, was awkward. Our refusal to permit the Shah of Iran to come to the United States is, I believe unconscionable and I am afraid will set a bad example for leaders in other countries who in their private moments can see themselves politically in that position.

Recently I called on the administration to reverse its decision to prevent the deposed Shah of Iran from coming to this country. I am not a great admirer of the Shah. He had a very, very difficult regime. He is certainly no paragon of human rights. But for no other interest than the best interests of the United States, we should accede to his request to admit the Shah of Iran to this country, to provide his own security at his own expense.

Mr. PERCY. Mr. President, will the distinguished Senator yield for a comment on both his comments and that of the majority leader?

Mr. BAKER. Mr. President, if I have time remaining, I am happy to yield.

The ACTING PRESIDENT pro tempore. The Senator has 2½ minutes remaining.

Mr. BAKER. I thank the Chair.

I yield.

Mr. PERCY. What is the order of business after that?

The ACTING PRESIDENT pro tempore. The Senator from Illinois will be recognized on his own right.

Mr. PERCY. Mr. President, I wish to use a few minutes of the minority leader's time and then I will use a part of my own reserved time to comment also because I think this colloquy is of vital importance.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

THE SHAH OF IRAN

Mr. PERCY. Mr. President, first, on the emotional issue of the Shah of Iran, and I very much appreciate the distinguished minority leader commenting on this, I spoke in the Chamber yesterday on that subject. I questioned our next Ambassador to Iran, Ambassador Cutler, on this subject in open hearings yesterday. Since I made my comments, I have heard from several allies and friends of the United States who have come to me to simply indicate that they are very disturbed about what looks to be the unwillingness of the United States to act in this matter. It is hurting American prestige and our image abroad to have a ruler of a country who was a close ally of the United States for over a quarter of a century feel that in this great Nation there is not some place where he could be secure. We cannot overlook the fact that it would cause some problems in Iran, but after all there are plenty of problems in Iran right now, and this would not compound them.

This would not make that big a difference, I should think. We have to sort out our differences with that government. When that government and its revolutionary committee commits to death the Shah, his family, and the former Ambassador from Iran. Ardeshir Zahedi, that kind of action I feel calls for us to reach out now to find an answer to this problem and to see whether, if the Shah would wish to live in the United States, we can find a way to make that possible.

I thank my distinguished colleague for his comments on that subject, and I ask unanimous consent to have printed in the Record at this point my discussion in the Senate Foreign Relations Committee with Ambassador Cutler yesterday.

There being no objection, the discussion was ordered to be printed in the Record, as follows:

Senator Percy. Mr. Cutler, I have been deeply concerned about the well being of the Shah, his family, and Ardeshir Zahedi and very disturbed by the revolutionary action marking them all for death. What is our responsibility as a country? What position do you recommend the Administration take in this matter?

Secretary Kissinger feels quite strongly that to turn our backs on a 28-year friend, despite his faults, would be disastrous. I have talked to ambassadors from Arab countries who feel that it would damage the credibility of this country if we do not do something. This land of the brave and home of the free has taken in so many people. If we were to turn our backs at this time on a long-time friend, despite his problems, we would somehow betray our principles.

How do you feel about this? What recommendations would you, as Ambassador to Iran, make to the Administration?

Ambassador Cutler. Senator, I am aware of the strong feelings on this issue. Because of the nature of the issue, and I think it is a rather delicate one, I think it deserves very careful study.

My answer to your question as to what I would recommend is a very honest one, and it is this. I have very recently returned from Zaire. I would regard my responsibility, as such, to look at it very carefully before I actually make any recommendations. I think a question such as this has to be viewed in a broad context, certainly one that includes our broader national interests. There are a number of complicating factors with respect to a decision by the Shah to come into this country. The best I can tell you at this point, Senator, is that I think this deserves careful study and that is what I intend to give it.

Senator Percy. Have you engaged in any conversations with the Administration and is a policy being formulated on this within the Administration, to the best of your knowledge?

Ambassador Cutler. I think the Administration has already stated that, in principle, the Shah is certainly not unwelcome here and would be welcome, but that there are questions of timing and security which have to be carefully considered. I am not aware that it has gone beyond that.

Senator Percy. I think that is one of the points disturbing to so many people who are concerned about this, including members of the Senate. Somehow this nation would look very impotent if we could not assure, someplace in this vast country, adequate security. Don't you feel it possible that such provision could be made? As an excuse that just won't fly with a lot of people and will not make us very credible with the rest of the world.

Ambassador Cutler. I think there is a very real question of security for the Shah and his family. I think that poses problems, obviously, to any country where he may reside. But I am not one to say that this cannot be worked out, Senator.

My initial reaction to the problem—which I admit I have not had a chance to study in depth—is while there are questions of credibility and of old friendships, I do think we should also look at the question in the broad context of how this would impact upon our national interests and what we are trying to do in Iran itself. I think they should not be taken solely in the abstract.

Senator Percy. I realize the difficult position that you are in. I have discussed this issue with Secretary Vance. I just wanted you to know that some of us feel very strongly that this is an issue that is going to have to be faced up to. We hope a decision will be made.

I will continue to carry on that dialogue with the Administration.

Ambassador Cutler. You can be sure, Senator, that I will remember your own views as expressed here in this Committee room. I think this is something that the Administration will want to keep in very close touch with the entire Committee on.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a brief observation here?

Mr. PERCY. I yield.

Mr. ROBERT C. BYRD. I, too, believe that if the Shah asks to come to the United States he should be allowed to come into the country. He certainly is aware of any problems that confront him anywhere he goes, and he would certainly be aware of any problems that would confront him here.

After all, I visited the Shah last year and I went in a dual role as an emissary of President Carter and as the majority leader. For this country to refuse to let the Shah enter if he wants to come in and as long as he knows what the problems are, I do not think it is a very admirable chapter in the history of our diplomacy or of our Government.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. ROBERT C. BYRD. If I may finish my thought, then I will be delighted to yield.

I again raise the question as to where all these noisy people are who not very long ago were standing out here in front of the cameras, out here on the Capitol steps with hoods over their faces? I do not know even whether they were Iranians or not. I do not know who they were. They did not show their faces. But where are they now? Where are they now, when we see people executed in Iran without trial and those who are given trials do not have any appeal and when the sentences are meted out they are taken out and shot within minutes? And where is all this hue and cry about human rights? I have not heard any voices raised about what is going on in Iran, and I am not attempting to pass judgment on whether those people who are being executed committed wrongs or not.

I do not know. But that is summary justice, and it is not with due process. And where is all the righteous indignation that should be heard around the world on the part of countries, not just our own? But even in our own I hear nothing being said. And again where are those noisy people who were hiding behind the masks out here on the Capitol steps? Not a peep out of them, not a peep about what is going on now in that country. And we have been talking about human rights a lot recently in our own administration. What is being said by this administration about human rights in Iran?

I have long said that we have enough problems with human rights in our own country without trying to tell every other country how to handle its human rights problem. But it seems to me that the silence on this matter is deafening. The silence is deafening, and I hope that these people who were out there, these noisy people who were down in front of the White House and out on the Capitol steps hiding behind these masks will speak out. I do not know whether they were paid to do this or whether they were not. But I hope we will hear someone speaking out against what is happening in Iran today.

I do not know how much longer the people of Iran are going to put up with that kind of summary trial and execution. But anyhow back to the original subject.

I feel, as I say, that if the Shah wants to come to this country, we should not turn the back of our hand to him. He knows what the problems are going to be, and we understand it is a problem, but we cannot, I do think, turn our backs on a man who was our friend and whom we were glad to have as our friend when he could help us, and now that he has had to leave his country, I think it is with some shame, if indeed we are refusing his entry into this country—and I am not absolutely sure of that point—but since the subject has been raised I just want to say that I support the idea, too.

I told the distinguished Senator from Louisiana that I would yield to him.

Mr. LONG. Let me congratulate the majority leader. I agree with what he has said here. I have been tremendously impressed with the fact that the Shah has been a friend of the United States. He risked a great deal to be our friend. He had many enemies, because he was a friend of the United States.

Now, for this Nation to turn its back on one, who was a very good friend of ours in an area where we very much needed friends, in his hour of need is not typical of American conduct in the past.

This Nation has not been known as a nation that would use people and then turn its back on them when it came our time to respond to the plight of a good friend. I would be very ashamed of America, and I would be very ashamed of our leadership, if this Nation were to encourage people to take positions and to stand up on various matters and then, having seen those people do so and pay a great price for being our friend, to see this Nation seek to run out on those who had befriended us. Americans have not done it that way in the past. We have been fair with our friends. We will be judged by many nations and by many important people in this world by the kind of friendship we display to allies.

People know that administrations change. Some executives have different ideas than others. But if this Nation is not to be known as one which is a reliable friend, I would submit it would come at a very high cost.

Mr. ROBERT C. BYRD. It would not mean this Nation subscribes to every policy that the shah ever inaugurated. He probably had many faults, as all leaders have, as every person has. But there is another principle involved here, and I think all of us have addressed it.

Mr. BAKER addressed the Chair.

The ACTING PRESIDENT pro tempore. The leaders' time has expired for both leaders.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be—is there an order for the recognition of a Senator?

The ACTING PRESIDENT pro tempore. The Senator from Illinois is to be recognized.

Mr. ROBERT C. BYRD. I ask unanimous consent that there be a period for the transaction of routine morning business of not to exceed 15 minutes immediately following the order for the recognition of Mr. Percy, and Senator Baker or any other Senator, if they so wish, may draw upon that morning business now, and they can do so with the permission of the Senator from Illinois.

Mr. PERCY. I have no objection at all.

THE SHAH OF IRAN

Mr. PERCY. Mr. President, while our distinguished colleagues are on the floor, I wish to say to them that when I first spoke to Senator Baker this morning about my desire to have a colloquy with him on this subject, I knew very well what his position was, because he had forthrightly stated it, as I have, and did so again yesterday. But I did not know what the public position might be of our distinguished majority leader and the distinguished Senator from Louisiana.

I cannot be more gratified to know that we have been thinking along the same lines.

When I made my remarks public yesterday, both at the hearing and on the floor, the number of calls I had was tremendous from people whose judgment I respect, and who said they think it is a shame that this country is leaving, in a sense, a friend of this Nation without any indication that he can come to this country if he so chooses, and that we can find a way to work out adequate protection for him; and the depth of feeling expressed by Senator Byrd and Senator Long is very gratifying, indeed, and I know will be most reassuring to friends and allies of this country who have told the Senator from Illinois how strongly they feel about it and what a poor position in which it puts the United States.

I am happy to report that in my discussions with Secretary Vance he indicated that he is thinking seriously about this. I found him concerned about it. We know the depth of feeling of others in previous administrations. However, I do very much appreciate the expressions that have been given this morning and, particularly, also for the position taken by Senator Baker.

I would be happy to yield now to Senator Baker for whatever he wishes to say.

Mr. BAKER. I thank the distinguished Senator from Illinois. I will take just a moment. I want to put one small asterisk on this colloquy this morning, and that is that this colloquy was not arranged in advance.

Mr. PERCY. That is right.

Mr. BAKER. The Senator from Illinois mentioned this to me after I came to the floor today, and I have not discussed it with the distinguished majority leader or with the distinguished chairman of the Committee on Finance.

But it is important to separate this colloquy and conversation we have just had from so many that occur on the floor. It came from the heart, and it was a strong statement of conviction from all of us. I am especially pleased that the Senator from Illinois brought it up, and the distinguished majority leader and the distinguished chairman of the Committee on Finance joined in, and I hope it has stated a position that the country can examine very carefully and find a solution for.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. PERCY. I would be happy to yield.

Mr. ROBERT C. BYRD. I want to make it clear that the support that I have stated for the entry of the Shah in the event he wants to come, knows what the problems are, and is willing to bear the expense of whatever it may be in his dealing with the problems, is wholly out of respect for the principle that we ought not turn our back on one who has been a friend.

It is not meant to say, as I said a moment ago to Mr. LONG, that we condone all of his policies. There may have been policies carried out in the history of his reign we would all have condemned and criticized. But what is going on now—two wrongs do not make a right—should be condemned by the international community. I simply want to balance out the RECORD as far as I am concerned.

Mr. PERCY. Mr. President, I would like to add a final thought. I know how many Members of the Senate on this side of the aisle feel very strongly on this issue. There is one distinguished additional Member on the other side of the aisle whom I know feels strongly about it. He is a former Ambassador to the United Nations, and he knows how important this is not to just one distinguished family but to the image of the United States of America in the world today. He is the junior Senator from New York, Senator MOYNIHAN, who feels very strongly that this is an important matter and should be and must be faced up to.

So I thank my distinguished colleagues again.

GASOLINE AND THE ENERGY SHORTAGE

Mr. PERCY. Mr. President, while the majority leader is on the floor, I would like to refer back to the comments he made on the gasoline problem and the energy shortage.

Governor Brown is in town, and I plan to talk with him after his meetings at the White House. I will offer him the services of the Alliance to Save Energy, a national organization whose purpose is to encourage greater efficiency in our use of energy.

Several years ago I went to Senator Humphrey with the idea that in order to address the energy problem we needed not just a Department of Energy, which our Governmental Affairs Committee had created, but that we also needed to marshal the forces of this Nation's private sector. In order to start the process of mobilizing the resources of the private sector to encourage energy conservation, I asked if he would join me in cofounding the Alliance to Save Energy.

I said to Hubert Humphrey at the time:

> No one should ask you to take on an additional burden. I would not ask you to do this, except that it is so vitally important.

We thought about it for a moment, and then he said:

> I accept; I will do it. It could be the most important single thing I will do in my lifetime because of the urgency of this problem.

Given the burdens upon him, and his health problem, Senator Humphrey's acceptance of this additional load—and he was a working cochairman of the Alliance throughout the remainder of his lifetime—emphasizes the importance of the problem.

So as chairman of the Alliance to Save Energy, I want to help California and any other State as chairman of the Alliance to Save Energy, in any way I can to use energy more efficiently.

In addition, I believe that we should all remember that other forms of fuel have a relationship to oil and gasoline, and that steps should be taken in those areas which will help to reduce the demand for oil.

If we are going to convert crude oil to heating oil, then we will not have as much refining capacity for gasoline. And if we depend on oil for our heating needs, and do not tap our Nation's vast resources of coal to the extent that we could, then we will be needlessly compounding our energy problems.

Again I wish to commend the distinguished majority leader for the leadership he has taken in encouraging the formation of a coal caucus here in the Senate, and in advising and meeting with the President, as a group of us did under his leadership recently, to talk about what needs to be done to encourage the use of coal.

But there are also other steps that can be taken to deal with our energy problems. I ask unanimous consent, Mr. President, to have printed in the RECORD at this point a list of suggestions drawn up by the Alliance to Save Energy which identify what individuals can do to improve the efficiency of their automobiles.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ON THE ROAD

We all can improve on our conservation efforts on the road. Here are some of the ways:

Use public transportation, a motorcycle, a moped, or a bicycle, or walk to work.

Share your ride. Join a carpool or a vanpool. About one-third of all private automobile mileage is for commuting to and from work.

Go shopping with a neighbor occasionally. If the average occupancy (currently 1.3 people per commuter car) were increased by just 1 person, each commuter would reduce his costs, energy consumption, and driving stress. And the nationwide gasoline savings—which would reduce our reliance on more expensive imports—would be more than 600,000 barrels per day.

Eliminate unnecessary trips. Can you find one driving trip per week that could be handled by telephone or combined with another trip?

Vacation at home this year. Discover nearby attractions. But, if you are going away, remember to turn off lights, lower heating temperatures in winter, and turn off air-conditioning in summer.

Choose a hotel or campground close to where you live. A nearby hotel or campground often can provide as complete and happy a change from routine as one that is hundreds of miles away.

Plan to stay in one place if you vacation away from home. "Hopping around" takes transportation energy.

Take a train or bus instead of the family car. Save gasoline and relax.

Rediscover the pleasures of walking, hiking, and bicycling during your vacation. They're the most energy-conserving means of transportation and the healthiest for most people.

Observe the 55-mph speed limit on the highway. Most automobiles get about 20 percent more miles per gallon on the highway at 55 mph than they do at 70 mph.

Accelerate smoothly and moderately. Achieve your desired speed quickly, and then keep a steady pressure on the accelerator, just enough to maintain speed.

Drive at a steady pace. Avoid stop-and-go traffic. Frequently check the traffic situation well ahead of you. Adjust your driving to avoid unnecessary, wasteful accelerations and decelerations.

Minimize braking. Anticipate speed changes. Take your foot off the accelerator as soon as you see a red light or slowed traffic ahead.

Don't let the motor idle for more than a minute. Turn off the engine. It takes less gasoline to restart the car than it takes to let it idle. Generally there is no need to press the accelerator down to restart the engine.

Don't overfill your tank. Remove the nozzle or ask the gas station attendant to remove it when the automatic valve closes. This will eliminate any chance of spillage.

Plan your trips carefully. Select routes that will allow you to consolidate errands and avoid congested areas.

Use your head before you drive. Plan your trips. Try to use these tips as you drive. Record your gasoline use, and try to get more miles per gallon out of your car.

Mr. PERCY. These ideas are comparable to ideas which have been advanced for every other type of energy use, whether it is in our homes, in the factories, or on the farms. Ideas such as these are needed in America today. What California must do is face up to the fact that it has a population of 22 million people who own 16 million automobiles. That incredible ratio of automobiles to people is a fact that would hardly be understandable to the people of many countries of the world. The problems it causes are especially clear in Los Angeles, in part because there is not the type of mass transit system there that many other cities have seen fit to build.

I am not familiar with and have not gone into all of the factors that have contributed to that situation, but it is a fact of life today that Los Angeles is very dependent upon the automobile.

Certainly I am sympathetic with that problem, which I intended to indicate in the comments I made before, and I hope that the Alliance to Save Energy can help to address it.

Two aspects of the problem, supply and conservation, must be worked on simultaneously. You cannot just work on supply; you must work on conservation at the same time. This is why I will offer to Governor Brown to do everything possible, through the Alliance to Save Energy, to help the people of California better understand that there are things that can be done to lessen the demand for energy.

With its increased consumption of gasoline this year over last year, an increase of 7 percent as against 4 percent for the rest of the country, California most of all must recognize that in these days of critical energy problems, we cannot increase our consumption and expect not to have upward pressure on prices and supply shortages. I say this to California, I say it to Illinois, I say it to the District of Columbia and to every part of this country: We must find a way to lessen our consumption of gasoline, just as we have been able to lessen our use of heating oil and our industrial usage of energy. Because of many factors, we have done a better job in almost every other segment of the economy than we have done in automotive transportation, and we must become far more efficient in this area in the future than in the past.

Mr. PROXMIRE. Mr. President, will the Senator yield? I have to interrupt the Senator, because I think he is speaking on morning hour time, which is limited.

Mr. PERCY. Mr. President, if I may inquire, I thought I was speaking on my own time that had been set aside.

The ACTING PRESIDENT pro tempore. The Senator is still speaking on morning business. There is only a short time remaining in morning business.

Mr. PERCY. I thought I was on my own time. I ask unanimous consent that my subsequent comments may be incorporated in the RECORD at this point, but I am glad to yield the floor now, during the morning hour, to the distinguished Senator from Wisconsin.

• Mr. PROXMIRE. Go ahead and finish your remarks, then I will be happy to get whatever time I can get.

Mr. ROBERT C. BYRD. Mr. President, let me say that I think the Senator from Illinois was speaking on his own time, because I said—I asked that there be a period for morning business following his order, but that, however, if any Senator wanted to use some time out of that morning business, they could do so with the Senator from Illinois' permission. I think the RECORD will show that. So the Senator has been speaking on his own time, I hope; and if he wants to yield to the Senator from Wisconsin to speak on morning business, as I said earlier, that is for him to decide.

The ACTING PRESIDENT pro tempore. The Chair stands corrected; the Senator was speaking on his own time, and at the conclusion of that time he may yield to the Senator from Wisconsin.

Mr. PERCY. Mr. President, I could finish in 3 or 4 minutes, or could yield right now.

Mr. PROXMIRE. Go ahead.

Mr. PERCY. All right. In conclusion, the distinguished majority leader has raised one other avenue that I hope we can accelerate our research into, which is the use of gasohol. The Senate has, time after time now, indicated its enthusiasm for finding ways to stretch our petroleum resources. Many of us have used gasohol in our cars, and proved that it is effective, efficient, clean, and gives good mileage. There is no reason why we should not move ahead as rapidly as possible in this area. Other countries, such as Brazil, are moving ahead expeditously. Gasohol is a way of using up our surplus forestry products, our city waste products, and crops that are in surplus. So I hope the Department of Energy will move up in priority and accelerate what can be done to promote gasohol, and I am very gratified that more and more States now are turning to gasohol and encouraging its use.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. METZENBAUM). There will now be a period for the transaction of routine morning business. The Senator from Wisconsin is recognized.

THE GENOCIDE CONVENTION AND COMMUNISM

Mr. PROXMIRE. Mr. President, yesterday the distinguished Senator from Arizona (Mr. GOLDWATER) offered the Senate a very thoughtful analysis of the Genocide Convention. His views on this subject are critically important from a number of perspectives. First, he is an extremely articulate spokesman on issues of this type and his conclusions are respected throughout this country. Second, his speech should be appreciated for its intellectual content and clear analysis. And, third, it is a valuable contribution from the standpoint of raising a very important issue.

My friend from Arizona begins his speech with a number of troubling questions about the Genocide Convention and technical interpretations of its provisions. He asked what the definition of genocide was designed to mean in terms of the "in whole or part" qualification. He further questioned the definition and meaning of the "mental harm" clause. And he raised the issue of jurisdiction over the right to prosecute in cases of genocide under the convention.

Then Mr. GOLDWATER addressed the various understandings that have been proposed by the Foreign Relations Committee to the convention. From my reading of his speech, it appears that he is generally satisfied that these understandings have improved and clarified the convention and the circumstances under which it might be applied. "If approved," he stated, "they would go a long toward meeting many of the major objections which I and others have made to the convention." These understandings address the particular issues and problems outlined by the Senator and appear to resolve most if not all of the longstanding questions about "mental harm," "in whole or part" and jurisdiction.

Then, however, Senator GOLDWATER raised a most important question. After examining reports of genocide occurring in Tibet when that country was seized by the Peoples Republic of China, he asked would our State Department apply the same standards in defining and condemning genocide under the convention to Communist and non-Communist nations, or would we look the other way when some political or diplomatic expediency was present?

Now, Mr. President, in my opinion there is no question that the signatories to the convention cannot be separated and discriminated against by ideological distinctions. There is no provision in the convention for distinguishing between Communist or non-Communist nations. All parties to the convention must live by the terms of the convention, regardless of the type of political system under which they function.

But this does not completely answer the question. Obviously, there is no distinction in the convention itself. But would there be a difference in interpretation by our State Department between Communist and non-Communist nations? That is the issue raised by the Senator from Arizona.

For my part I can say that there should be no difference in application, that none is called for by the terms of the convention, that it would be abhorent to me if the convention were subject to such political winds. After all, genocide is genocide no matter if committed in a fascist, a Communist, or any, I repeat, any other society.

I do not expect this personal assessment to satisfy the Senator from Arizona. It would not satisfy me if the circumstances were reversed. Therefore I think the best thing to do is to have our Department of State address this head on. And to that end I have already asked for a legal interpretation by the State Department as to the application of the Genocide Convention to Communist versus non-Communist nations. Furthermore, I will make every effort to satisfy specific questions of the Senator from Arizona.

Mr. President, I welcome Senator GOLDWATER's probing analysis and his open minded approach. I pledge him my cooperation in seeking straightforward answers to his questions.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Of course, the time can be changed, depending upon the progress made today.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VETERANS' HEALTH CARE AMENDMENTS OF 1979

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 7, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 7) amending title 8, United States Code, to revise and improve certain health care programs of the Veteran's Administration to authorize the construction, alteration, and acquisition of certain medical facilities, and to expand certain benefits for disabled veterans.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed on another matter or so for not to exceed 5 minutes and that the Pastore rule be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, all of which, I understand, have been cleared on the minority side.

Mr. BAKER. Mr. President, reserving the right to object, I shall not object. I reserve only for the purpose of advising the majority leader that on our calendar, all of the nominations are cleared from our point of view except those nominations placed on the Secretary's desk, which, according to my calendar, are not shown as cleared.

Mr. ROBERT C. BYRD. Mr. President, I eliminate those momentarily from my request.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to consider en bloc and to confirm en bloc all the nominations on the calendar, with the exception of those placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations referred to are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

NATIONAL COUNCIL ON THE HUMANITIES

Kay Howe, of Colorado, to be a member of the National Council on the Humanities.

Charles V. Hamilton, of New York, to be a member of the National Council on the Humanities.

Louis J. Hector, of Florida, to be a member of the National Council on the Humanities.

M. Carl Holman, of the District of Columbia, to be a member of the National Council on the Humanities.

Jacob Neusner, of Rhode Island, to be a member of the National Council on the Humanities.

Mary Beth Norton, of New York, to be a member of the National Council on the Humanities.

Sister Joel Read, of Wisconsin, to be a member of the National Council on the Humanities.

Leon Stein, of New York, to be a member of the National Council on the Humanities.

Harriet Morse Zimmerman, of Georgia, to be a member of the National Council on the Humanities.

Dave Warren, of New Mexico, to be a member of the National Council on the Humanities.

A. D. Frazier, Jr., of Georgia, to be a member of the National Council on the Humanities.

DEPARTMENT OF LABOR

Janet L. Norwood, of Maryland, to be Commissioner of Labor Statistics, U.S. Department of Labor.

NATIONAL MUSEUM SERVICES BOARD

Douglas Dillon, of New York, to be a member of the National Museum Services Board.

Neil Harris, of Illinois, to be a member of the National Museum Services Board.

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Sister M. Isolina Ferre, of Puerto Rico, to be a member of the National Advisory Council on Women's Educational Programs.

Anna Doyle Levesque, of Rhode Island, to be a member of the National Advisory Council on Women's Educational Programs.

Susan Margaret Vance, of Illinois, to be a member of the National Advisory Council on Women's Educational Programs.

DEPARTMENT OF STATE

Philip Henry Alston, Jr., of Georgia, now Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia, to serve concurrently and without additional compensation, as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru.

Sally Angela Shelton, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Grenada and the Commonwealth of Dominica, and as Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Saint Lucia.

Walter Leon Cutler, of Virginia, Ambassador Extraordinary and Plenipotentiary of the United States of America to Iran.

Lawrence A. Pezzullo, of Maryland, Ambassador Extraordinary and Plenipotentiary of the United States of America to Nicaragua.

Alfred L. Atherton, Jr., of Florida, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

Mr. ROBERT C. BYRD. I move to reconsider the vote by which the nominations were confirmed en bloc.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET ACT WAIVER

Mr. ROBERT C. BYRD. Mr. President, on behalf of Senator MUSKIE, I send a resolution, Senate Resolution 157, to the desk. This resolution provides a budget waiver for H.R. 1787, NASA authorization.

I ask consent, on behalf of Mr. MUSKIE, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The resolution (S. Res. 157) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 1787, was considered and agreed to, as follows:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 1787, a bill to authorize a supplemental appropriation to the National Aeronautics and Space Administration for research and development for fiscal year 1979. Such waiver is necessary to permit consideration of an additional fiscal year 1979 authorization of enactment of new budget authority for the National Aeronautics and Space Administration for the Space Shuttle program.

The shuttle program is funded in two streams: design, development, test, and evaluation (D.D.T. & E.) which supports system development and production which supports manufacture of the second, third, and fourth flight orbiters. This authorization is necessary to complete critical development tasks on the current schedule and thereby avoid restructuring both the D.D.T. & E. and production programs and incurring the substantial cost penalties associated therewith. The Space Shuttle program, a complex, high technology activity, is at a very intensive stage of development and at a very high spending rate; therefore, the transfer of funds from the production program to the D.D.T. & E. program, the most viable option in the absence of the supplemental funding, would necessitate some rebalancing of development work and deferral of the production program. It is estimated that the D.D.T. & E. program would be delayed four to six months and that the total cost would increase $300,000,000 to $400,000,000, and that the production program would be delayed six to twelve months with a cost increase of $100,000,000 to $200,000,000. Since the shuttle program is very labor intensive (85 per centum of shuttle funding is for personnel) the layoff of twenty thousand people is anticipated. A layoff also involves retraining a technical work force, to the degree it is not possible to rehire former employees with appropriate skills, with attendant training costs, work force inefficiencies and the intangible concern for product quality.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUDGET ACT WAIVER

Mr. ROBERT C. BYRD. Mr. President, on behalf of Senator Muskie, I send a resolution, Senate Resolution 159 to the desk. This resolution provides a budget waiver for S. 584, security assistance. I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The resolution (S. Res. 159) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 584, was considered and agreed to, as follows:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 584, a bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes. Such waiver is necessary to allow the authorization of $100,000,000 in additional budget authority for fiscal year 1979 for United States participation in a multilateral program of economic relief for Turkey.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by the May 15, 1978, deadline, because the resolve to undertake the multilateral program was not made until the Guadalupe Summit Meeting in January 1979. The Presidential request for this amount was transmitted to Congress on April 10, 1979.

The effect of defeating consideration of the supplemental authorization will be to delay matching contributions by other Western nations and reject the multiple appeals by Turkey, a North Alantic Treaty Organization ally, for emergency economic assistance in an amount adequate to enable the Turkish Government to undertake needed economic stabilization and reform measures. The urgency of this appeal is compounded by the recent turmoil in Iran that threatens to spill over into economically distressed neighboring regions of Turkey.

The desired authorization will not delay the regular appropriations process and can be provided in a supplemental authorization. This program was anticipated in the committee's March 15, 1979, Report to the Committee on the Budget and can be accommodated by the revised Second Budget Resolution for fiscal year 1979 as passed by the Senate.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL MUSEUM DAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 62, which has been favorably reported by the Judiciary Committee.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 62) to declare May 18, 1979, to be "National Museum Day."

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration and, without objection, the joint resolution will be considered to have been read the second time at length.

Mr. THURMOND. Mr. President, I rise today as a cosponsor of Senate Joint Resolution 62 which declares May 18, 1979 to be National Museum Day.

The designation of May 18 as National Museum Day will serve to re-emphasize the important role which museums play. These institutions encourage curiosity and learning, and offer a life-long source of enjoyment and cultural enrichment. By teaching us about the past, museums help prepare us for the future. National Museum Day will allow museums the opportunity to celebrate their contributions to the preservation of man's natural and cultural heritage.

Mr. President, the people of South Carolina have always had a tremendous respect and appreciation for history. This appreciation, itself, is part of our heritage. The oldest public museum in the United States was founded in Charleston, S.C. on January 12, 1773. This museum continues to operate today, and offers collections in anthropology, natural history, the decorative arts, and silver and furniture. The museum also offers a collection in Civil War naval history which includes a replica of the C.S.S. *Hunley*, a Confederate submarine once depoyed in the Charleston harbor. The museum also has period rooms, with early drugstore and schoolhouse replicas. This fine institution also covers a wide range of research fields. A well-planned activity schedule allows the public full access to the wealth of knowledge available at the museum. Soon, the museum will move into a new $6 million facility. The Charleston museum represents a continued dedication to the preservation of our heritage. I encourage everyone to visit the Charleston Museum and all of the fine museums in South Carolina.

Mr. President, many Americans will visit museums on May 18. It is my hope that all Americans at least will take a few minutes to reflect on the major contributions that museums have made to the American experience. There is no better time for that reflection than National Museum Day.

NATIONAL MUSEUM DAY

● Mr. BAYH. Mr. President, it was my privilege earlier this year to join with Senator Pell in cosponsoring Senate Joint Resolution 62, a resolution designating May 18, 1979, as National Museum Day. Upon introduction this resolution was referred to the Judiciary Committee for consideration. Yesterday it was my pleasure to bring this measure before the full committee for approval. The resolution was unanimously reported from committee and sent to the Senate floor where it was unanimously approved today.

Museum Day provides us with an opportunity to recognize that museums are important for cultural enrichment and the development of mutual understanding, cooperation and peace among peoples. Observance of National Museum Day on May 18th is an important instrument for museums of all disciplines and sizes to increase the public awareness of the role and needs of museums. I well know from the many fine museums located in my home State of Indiana that museums serve as research centers for scholars as well as centers of education for the public. Museums of all types share the common bond of discovering, preserving and interpreting man's heritage while at the same time pointing toward our future. The contributions these institutions make toward improving and enriching our lives are indeed immeasurable.

Since the observance of this day has already been designated by the International Council of Museums, I think it is indeed fitting that Congress issue a similar proclamation. I join with my Senate colleagues in saluting our Nation's museums for the valuable services they provide all of us. I submit the text of this resolution for the Record.

The resolution follows:

S.J. Res. 62

Whereas museums hold in trust for future generations a substantial part of humankind's material patrimony produced and preserved by the skill of our ancestors and our contemporaries; and

Whereas museums encourage curiosity in the very young, offer enlightenment and education to the student, and provide a continuing source of enjoyment and cultural enrichment for all; and

Whereas museums are centers of research for scholars and contribute significantly to our knowledge of history, science, and the arts; and

Whereas museums enhance the quality of life in our communities and provide a sense of continuity and perspective which reinforces the cultural opportunities offered by schools, colleges, universities, libraries, and other institutions of learning; and

Whereas the museums of our Nation deserve recognition for their contribution to the preservation of the natural and cultural heritage of the United States and to the furtherance of understanding concerning the peoples of the United States and the peoples of other countries in the past, present, and future: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating May 18, 1979, as "National Museum Day" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that day with appropriate ceremonies, activities, and programs.●

The PRESIDING OFFICER. Is there any further debate?

The joint resolution (S.J. Res. 62) was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

Whereas museums hold in trust for future generations a substantial part of humankind's material patrimony produced and preserved by the skill of our ancestors and our contemporaries; and

Whereas museums encourage curiosity in the very young, offer enlightenment and education to the student, and provide a continuing source of enjoyment and cultural enrichment for all; and

Whereas museums are centers of research for scholars and contribute significantly to our knowledge of history, science, and the arts; and

Whereas museums enhance the quality of life in our communities and provide a sense of continuity and perspective which reinforces the cultural opportunities offered by schools, colleges, universities, libraries, and other institutions of learning; and

Whereas the museums of our Nation deserve recognition for their contribution to the preservation of the natural and cultural heritage of the United States and to the furtherance of understanding concerning the peoples of the United States and the peoples of other countries in the past, present, and future: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating May 18, 1979, as "National Museum Day" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that day with appropriate ceremonies, activities, and programs.

● Mr. PELL. Mr. President, I am pleased to have sponsored Senate Joint Resolution 62, which calls upon the President to proclaim May 18, 1979, as "National Museum Day," and I am also pleased to have had a number of colleagues join as cosponsors.

The resolution also calls upon the people of our country as well as governmental agencies and interested organizations to help observe the day with appropriate ceremonies, activities and programs.

Last year, I also sponsored a similar resolution, as I have long had an interest in the cultural institutions of our country, an interest predating my coming to the Senate.

Since that time, much has been done for the arts and the cultural achievements of our people and Nation. In this regard, I am proud to have sponsored the legislation which established the Endowments of the Arts and the Humanities, the National Museum Act and the National Museum Services Act. In addition, much has been done for the Smithsonian Institution.

But there is much more to be done, and it is not to be accomplished alone by more legislation or the spending of more funds. It is rather in great part to be done by cooperation, understanding, appreciation and the contribution of services and talents to the museums throughout our Nation by the great institutions, a number of them here in Washington, which have so much to give and to contribute.●

VETERANS' HEALTH CARE AMENDMENTS OF 1979

The Senate continued with the consideration of S. 7.

Mr. ROBERT C. BYRD. Mr. President, while awaiting the arrival on the floor of Senator Cranston, who is to manage the pending measure, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, is the bill now before the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. CRANSTON. Mr. President, this measure is the first bill that the Committee on Veterans' Affairs has reported in this Congress and, thus, the first that the committee has reported since the very able Senator from Wyoming (Mr. Simpson) became the ranking minority member of the committee. I am very pleased to note that it has been a great pleasure to work with the Senator from Wyoming (Mr. Simpson) on this bill and other legislation that the committee has recently ordered reported. As a result of his diligent work and mastery of the subject matter of the measure now before the Senate, he has made a substantial contribution to its improvement. I look forward to a truly meaningful and cooperative relationship with him on the committee, and I am delighted that that is exactly what we have.

Mr. President, S. 7 as reported, the proposed "Veterans' Health Care amendments of 1979" would provide for important new and improved health care for our Nation's sick and disabled veterans—a long-needed new program of readjustment counseling for Vietnam-era veterans who need help in readjusting to civilian life; a 5-year pilot program providing for the treatment and rehabilitation of veterans with alcohol or drug dependence or abuse disabilities in community-based treatment facilities such as halfway houses, therapeutic communities, and psychiatric residential treatment centers; and a 4-year pilot program of preventive health-care services for certain veterans with service-connected disabilities. This legislation would also extend outpatient dental benefits to veterans who were former prisoners of war for at least 6 months or have 100-percent service-connected disabilities, and modify the circumstances under which contract medical and dental care may generally be provided.

The bill is also designed to improve the VA medical facilities construction program by requiring the Senate and House Veterans' Affairs Committees to approve major construction and acquisitions of VA medical care facilities before appropriations may be made for them. Finally, it contains other amendments to title 38 of the United States Code relating to other veterans' health-care benefits and to administrative and personnel matters.

Mr. President, S. 7 represents, in part, the culmination of a 7-year effort by the Committee on Veterans' Affairs and the Senate to establish programs for readjustment counseling for certain veterans and expanded services for the treatment and rehabilitation of veterans with drug or alcohol abuse disabilities. Legislation to establish such programs was passed by the Senate in the previous four Congresses (S. 2108—92d Congress; S. 284—93d Congress; S. 2908—94th Congress; and H.R. 5027—95th Congress). In addition, provisions to establish a pilot program of preventive health-care services—similar to those in S. 7—have been passed by the Senate in the previous two Congresses (S. 2908—94th Congress and H.R. 5027—95th Congress).

Each Congress that the Senate passed these provisions, however, the House failed to act on them. This year, there is good reason to expect we will be able to achieve enactment. The need for readjustment counseling, expanded alcohol and drug abuse programs, and preventive health-care services is now more widely and clearly recognized than ever before. The administration requested readjustment counseling and alcohol and drug treatment legislation in the 95th Congress. Again, in this Congress, it submitted readjustment counseling and alcohol and drug measures, which I introduced by request in the Senate on March 15, 1979, as S. 676 and S. 675, respectively; and the President included funding for these programs in his fiscal year 1980 budget. In addition, for the first time, in January 1979, the Veterans' Administration endorsed the concept of preventive health care.

Also, Mr. President, similar legislation is now moving rapidly through the House. H.R. 1608, a companion bill to S. 7, was introduced in the House by the chairman of the House Veterans' Affairs Committee's Subcommittee on Medical Facilities and Benefits (Mr. Satterfield) on January 29, 1979, and was reported by that committee on May 11, 1979. House action is expected shortly. I am extremely gratified that the leadership of the House committee is now fully supportive of these programs.

Mr. President, these new programs are of vital importance to helping solve some of the most serious problems facing our Nation's veterans today and to making new advances in what is one of the most promising new concepts in medicine today—preventive health care.

The legislation we are considering provides us with an opportunity to renew our commitment to assist those who served in armed conflict on our behalf and now have significant health and readjustment problems. The need for such efforts has been highlighted recently in movies, television shows, newspaper editorials, and the like, particularly with respect to Vietnam-era veterans whose difficulties have been compounded by the unpopularity of the Vietnam war and the nature of service there.

NEW STAFF FOR READJUSTMENT COUNSELING AND DRUG AND ALCOHOL PROGRAMS

Mr. President, I also would like to highlight the administration's commitment to provide additional staffing for the new program of readjustment counseling for Vietnam-era veterans.

The President's and the VA's budget documents for fiscal year 1980 stated the intention to submit legislation to establish a readjustment counseling program and to expand the VA's drug and alcohol program contract authority along the lines of the provisions of S. 7; and, with respect to staffing, the VA budget documents indicated that 346 new staff would be provided to implement the new medical care legislation.

At the January 25, 1979, hearings on S. 7, I inquired into these staffing issues and was advised that 346 additional full-time equivalent employees—FTEE's—would be provided for the new readjustment counseling program in fiscal year 1980 and that no additional FTEE's would be required, if this legislation were enacted, to administer the new drug and alcohol contract-care authorities. Also, I was assured that the President supports the requirements for an additional 346 employees for the readjustment counseling program proposed in S. 7, and that the total 346 FTEE's would be over and above the health-care staff that the administration plans to employ under the VA's medical care account in fiscal year 1980—180, 476 FTEE's. I have also been informed that the Office of Management and Budget has concurred in this understanding.

Mr. President, I and the other members of the Veterans' Affairs Committee are deeply concerned that the reductions made in staffing levels for VA medical facilities in fiscal year 1979 are causing serious problems in VA health-care services; and the further reductions that the administration plans to make in fiscal year 1980 would, if permitted, exacerbate those problems to an intolerable degree.

Therefore, Mr. President, I mention the administration's commitment to add new staffing in the readjustment counseling area for the purpose of assuring my colleagues in this body that the enactment of this legislation will not put added strains on VA personnel resources—which are already, in my view, stretched too thin—but will be carried out through the provision of additional personnel resources.

BACKGROUND OF LEGISLATION

Mr. President, with regard to the development of this legislation, as I noted earlier, a number of its provisions, including those relating to readjustment counseling, alcohol and drug treatment, and preventive health care, have been passed by the Senate in previous Congresses but the House failed to act on them. Thus, in an effort to achieve enactment before the close of the 95th Congress, I entered into extensive discussions with the chairman of the House Veterans' Affairs Committee's Subcommittee on Medical Facilities and Benefits (Mr. SATTERFIELD).

As a result, we fashioned an extensive package of veterans' health-care legislation that, I believe, represented a fair and reasonable compromise of the concerns of the two committees regarding health-care programs, and would be of tremendous value and benefit to our Nation's veterans.

In addition to provisions for the readjustment counseling, alcohol and drug treatment, and preventive health-care programs, the agreement incorporated, with modifications, the major provisions of H.R. 5025, the proposed "Veterans' Administration Medical Facilities Acquisition Act," as passed by the House in the 95th Congress, requiring approval by the House and Senate Veterans' Affairs Committees of the construction or acquisition of major VA health-care facilities.

It also contained amendments to title 38 of the United States Code relating to other veterans' health-care benefits and to administrative and personnel matters. Unfortunately, due to the parliamentary logjam in the House and Senate at the end of the last Congress, final action on this compromise measure could not be secured.

S. 7, which I introduced on January 15, 1979, contains the basic provisions of the agreement reached at the end of the 95th Congress with certain further refinements and revisions. The bill is cosponsored by all members of the committee save one and by the Senator from Colorado (Mr. HART).

The committee held hearings on this legislation on January 25, 1979, at which time it received testimony from Administrator of Veterans' Affairs Max Cleland, Chief Medical Director James C. Crutcher, other representatives of the Veterans' Administration, and representatives of the Veterans of Foreign Wars, Disabled American Veterans, Paralyzed Veterans of America, AMVETS, and the American Association of Minority Veterans Program Administrators. Written testimony was subsequently received from The American Legion and other interested organizations.

The committee considered S. 7 during meetings on February 7 and March 9, 1979. On March 9, the committee approved an amendment in the nature of a substitute and two amendments thereto, and ordered S. 7 as so amended favorably reported. I reported the bill on April 27, 1979—Senate Report No. 96-100.

SUMMARY OF PROVISIONS

Mr. President, the committee bill has five titles: Health services programs; contract-care programs; construction, alteration, lease, and acquisition of medical facilities; benefits payable to persons residing outside the United States; and miscellaneous provisions relating to administrative and personnel matters, as follows:

Title I: Health services programs.—This title would establish new health services programs for veterans and improve existing programs. Included in title I of the committee bill are provisions that would:

First, clarify the statutory hierarchy of outpatient treatment priorities in section 612(i) of title 38, United States Code, by expressly providing that medical examinations to determine the existence or rating of a service-connected disability—for the purpose of establishing eligibility for disability compensation and service-connected health-care services—be included in the third priority for outpatient care, along with non-service-connected care for veterans with service-connected disability ratings.

Second, limit VA expenditures—beginning in fiscal year 1980—for outpatient dental care and services provided by contract—so-called fee-basis care—to the amount expended for such care in fiscal year 1978 ($45.2 million).

Third, require the Administrator of Veterans' Affairs to prescribe regulations ensuring that, except where required by compelling medical or dental reasons, special priority in the provision of dental care in accordance with a specified priority generally emphasizing service-connected dental care.

Fourth, extend eligibility for outpatient dental-care benefits to veterans who were prisoners of war for at least 6 months or who have service-connected disabilities rated as total.

Fifth, establish a new program to provide outpatient readjustment counseling and followup mental-health services for Vietnam-era veterans (including family-member counseling where necessary) who request such counseling within 2 years from discharge or release or within 2 years after the enactment of the committee bill, whichever is later.

Sixth, provide for a pilot program for the treatment and rehabilitation of veterans with alcohol and drug dependence or abuse disabilities under which the VA would be authorized, for a period of 5 years, to contract for alcohol and drug treatment for veterans in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities and the Administrator would be required to cooperate with the Secretary of Labor and the Director of the Office of Personnel Management with respect to employment opportunities for veterans to whom the VA has provided services for such disabilities and who have been rehabilitated.

Seventh, establish a 4-year pilot program of preventive health-care services, as the Administrator may deem feasible and appropriate, for veterans with 50-percent-or-more service-connected disability ratings and for veterans receiving treatment involving a service-connected disability, using interdisciplinary health-care terms in providing such services and not exceeding maximum expenditures of $3.5 million in fiscal year 1980, $5 million in fiscal year 1981, $7 million in fiscal year 1982, and $9 million in fiscal year 1983.

Eighth, authorize the provision of hospital care, nursing home care, and medical services in the United States for the service-connected disabilities of certain Filipino veterans of service in the Philippine Commonwealth Army and New Philippine Scouts.

Title II: Contract-care programs.—This title would expand and clarify the circumstances under which the VA may furnish contract care in certain cases. Included in title II are provisions that would:

First, restore limited authority to expand the circumstances under which veterans would be eligible for contract outpatient treatment—so-called "fee-basis" care—for non-service-connected disabilities, by revising certain amendments to chapter 17 of title 38 made by Public Law 94-581, the Veterans Omnibus Health Care Act of 1976, to provide that, if the general conditions for the provision of contract care are satisfied—

that VA facilities are incapable of providing care economically because of geographical inaccessibility or are unable to provide the required care—veterans eligible for regular aid-and-attendance or housebound benefits may be provided fee-basis care if, on the basis of a physical examination, it is determined that the medical condition of such veteran precludes appropriate treatment in a VA-operated or other Government facility.

Second, authorize the Administrator to furnish on a contract basis in Alaska and Hawaii mental health services in connection with the new readjustment counseling program which would be established by title I.

Third, expressly provide authority for contract diagnostic services necessary to make determinations of eligibility for, or of the appropriate course of treatment in connection with, treatment of a non-service-connected disability at an independent VA outpatient clinic on the grounds that the treatment would obviate the need for hospital admission.

Fourth, authorize the Administrator to enter into contracts with certain organizations—those recognized by the VA under section 3402 of title 38—for providing emergency VA medical services at the national conventions of such organizations and to receive reimbursement for such services except to the extent that the recipients of such services are otherwise eligible therefor under chapter 17 of title 38.

Fifth, provide for full reports by the VA on its use of its contract-care authorities, to be submitted annually on February 1, beginning in 1980. This would include the authorities set forth in section 601(4)(C) of title 38, United States Code, and include both existing authorities and the new authorities authorized by this legislation.

Title III: Construction, alteration, lease, and acquisition of medical facilities.—This title would improve the planning and implementation of the VA's medical facilities construction program by providing for a substantial role for the House and Senate Veterans' Affairs Committees in the planning for and approval of funding for major VA medical facilities as part of the congressional authorization and appropriations processes. Included in title III are provisions that would:

First, provide that no appropriation shall be made for the construction, alteration, or acquisition of any VA medical facility costing more than $2 million, or for the lease of any medical facility to the VA at an annual rental of more than $500,000, without the House and Senate Veterans' Affairs Committees having first adopted resolutions approving the project.

Second, allow the Administrator to increase the estimated construction or acquisition cost over the amount specified in such approval resolutions by not more than 10 percent.

Third, require that the committees be notified, in advance, of any proposed reprograming of appropriated funds.

Fourth, establish, and authorize appropriations for, a revolving fund for garage and parking construction projects involving expenditures of $2 million or less at VA medical facilities.

Fifth, require the VA to submit two annual reports to the two Veterans' Affairs Committees, a June 30 report—containing a 5-year plan for construction, replacement, and alteration of the medical facilities that are most in need of construction, replacement or alteration, a priority listing of the 10 or more, hospitals most needed, and general plans for each medical facility—and a January status report of all approved medical facility projects that were not completed at the time of the previous status report.

Sixth, recodify and make various minor, technical, and conforming amendments to the provisions of title 38, United States Code, relating to the construction and acquisition of VA medical facilities.

Title IV: Benefits payable to persons residing outside the United States.—This title includes provisions that would:

First, require, in order for VA benefits to be paid to or on behalf of a child residing outside the United States, based on the adoption of such child by a veteran under the laws of a foreign country, that the adoptive child be under age 18 at the time of the adoption; be receiving one-half or more of such child's annual support from the veteran; be residing with the veteran, except in certain specified circumstances; and not be residing with the child's natural parent, unless the natural parent is the veteran's spouse. After the veteran's death, such an adoption would be recognized for VA benefits purposes only if the veteran was entitled to and did receive a dependent's allowance or similar benefit for the child at any time during the year before the veteran's death, or if the above requirements were met for at least 1 year prior to the veteran's death.

Second, require the VA to submit to the President and the Congress, by February 1, 1980, a report of a comprehensive study, together with the VA's recommendations, on various issues involved in the payment of VA benefits to persons residing outside the 50 States and the District of Columbia—including economic issues, issues related to adoptive relationships under foreign law, issues involved in the amount and method of payment of benefit payable to certain persons in the Philippines, issues relating to the continued operation of a VA regional office in the Philippines, the effects of the provisions described in first point above and estimates of the present and future costs of benefits payable to persons residing outside the 50 States and the District of Columbia and to certain Filipino veterans. This study would be required to be performed in conjunction with a similar study, mandated by section 308 of Public Law 95-588, the Veterans' and Survivors' Pension Improvement Act of 1978, regarding the payment of VA pension benefits overseas.

Title V: Miscellaneous provisions.—This title would make certain changes in title 38, United States Code, with respect to administrative and personnel matters. Included in title V are provisions that would:

First, authorize the Administrator of Veterans' Affairs to prescribe regulations permitting employees of the VA's Department of Medicine and Surgery who are nationally recognized principal investigators to accept payment, in cash or in kind, from non-Federal agencies, organizations, and individuals for travel expenses in connection with such employees' official duties in certain limited circumstances.

Second, provide for nomination by the President and confirmation by the Senate of the Deputy Administrator of Veterans' Affairs.

Third, repeal the outdated authority for a VA office in Europe (which does not exist and for which there are no plans) and provide certain benefits to VA employees working outside the United States—specifically, for VA employees in the Philippines, certain family visitation travel expenses, subsistence expenses upon return to the United States, and certain benefits relating to the sale or purchase of a residence or the settlement of an unexpired lease of an employee who is being transferred.

Fourth, amend the schedules of rates of basic pay appearing in present section 4107 for section 4103 employees—top Department of Medicine and Surgery employees at the VA's Central Office—and section 4104(1) employees—D.M. & S. physicians, dentists, nurses, podiatrists, optometrists, physician assistants, and expanded-function dental auxiliaries—to reflect the pay rates, effective October 7, 1978, set by Executive Order No. 12087.

Mr. President, in order that all Senators and the public may have a full understanding of the various provisions of this measure, I ask unanimous consent that there be printed in the RECORD at this point pertinent excerpts from Senate Report No. 96-100 accompanying this bill.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

DISCUSSION

TITLE I: HEALTH SERVICES PROGRAMS

Title I of the Committee bill would clarify the priority for medical examinations for service-connected disabilities and expand outpatient dental benefits to veterans who were prisoners of war and were captive at least 6 months and to veterans with 100-percent service-connected disabilities. It would provide authority for three important new health-care programs: (1) Readjustment counseling for Vietnam-era veterans; (2) community-based treatment for alcohol and drug dependence and abuse disabilities; and (3) preventive health care for veterans with service-connected disabilities. Title I would also authorize care for certain Filipino veterans in VA medical facilities in the United States.

Priority for medical examinations for service-connected disabilities

This Committee has been concerned for some time with the inordinate delays involved in processing initial disability compensation claims. In its report on H.R. 5029, passed by the Senate in the 95th Congress, the Committee noted:

For the 12-month period ending October

31, 1977, the average length of time to process initial disability compensation claims from the date they were first received by the VA to the date the first check reached the veteran was 111 days. The length of time in processing a veteran's claim is, according to the VA, affected most by delays in obtaining evidence needed to reach a decision on the claim, which includes obtaining the report of the physical examination.

The Comptroller General, in a report dated December 27, 1978, also concluded that there are unnecessary delays in the VA claims processing system caused primarily by time lags in the completion and reporting of physical examinations. These delays are caused in large part because medical examinations, which are often required to establish eligibility for disability compensation are not given priority by medical facilities, which are generally committed by law to provide care first for the benefit of veterans with service-connected disabilities, and then, as funds and facilities are available, for other veterans in need of care.

In Public Law 94-581, the Veterans Omnibus Health Care Act of 1976, Congress enacted a statutory hierarchy of priorities for outpatient care eligibility as part of its efforts to control the rapid growth in outpatient care and to refocus existing resources for veterans suffering from service-connected disabilities. Thus, a new provision, section 612(i) of title 38, was added under which veterans seeking treatment for a service-connected disability are accorded the highest priority. The next priority is assigned to veterans with service-connected disabilities rated at 50 percent or more. Third priority is given to any veteran with a disability rated as service-connected; and fourth priority is given to veterans who require regular aid and attendance or are permanently housebound.

* * * * *

The establishment in 1976 of statutory priorities of outpatient care in new section 612(i) was designed to ensure that funds for outpatient care are spent first for the benefit of veterans with service-connected disabilities, and, then, as funds and facilities are available, for other veterans in need of such care. However, the demand for outpatient services coupled with the statutory priorities, has created significant delays in the physical examinations of veterans seeking eligibility for disability compensation or service-connected health care.

Section 101 of the Committee bill is intended to alleviate the problem by clarifying the statutory hierarchy of outpatient treatment priorities in section 612(i) to include medical examinations to determine service-connected disability compensation claims and eligibility for service-connected health care in the third priority for outpatient care along with non-service-connected care for veterans with service-connected disability ratings.

This provision is derived from section 302 of H.R. 5029 as passed by the Senate in the 95th Congress.

Dental services

Outpatient Eligibility for Veterans Who Are Former Prisoners of War or Have Total Service-Connected Disabilities

* * * * *

Section 102 of the Committee bill would extend all outpatient dental services to veterans with 100-percent service-connected disabilities and veterans who were former prisoners of war captive for at least 6 months. These provisions are derived from legislation introduced in the House in the 95th Congress, H.R. 898 and H.R. 12018.

The Committee notes that many individuals who were prisoners of war developed dental conditions as a result of the prolonged nutritional deprivation they suffered while interned. It is widely recognized by medical and nutritional experts that nutritional and vitamin deficiencies such as beri-beri, scurvy, protein deficiency, and pellagra were common problems of prisoners of war and that these same nutritional deficiencies produce gum diseases which have long-term effects on oral and dental health.

Therefore, to provide assurance that the VA has full authority to meet the dental needs of former prisoners of war resulting from the conditions of their internment, the Committee believes that certain veterans who were prisoners of war should be given comprehensive eligibility for outpatient dental care. However, because such nutritional deficiencies result from a prolonged state of deprivation, the Committee bill would restrict such benefits to those who were incarcerated for 6 months or longer. This approach is consistent with the 6-month incarceration period required for prisoners of war under section 312 of title 38 for the presumption of service connection for certain diseases.

The Committee also believes that outpatient dental care eligibility should be extended to veterans suffering from total service-connected disabilities. This group of veterans is clearly deserving of special, high-priority consideration in terms of the utilization of VA medical and dental resources. Under current law, although these severely disabled veterans have comprehensive VA hospital care and outpatient medical-care eligibility (including, under section 105 of the Committee bill, eligibility for certain preventive health-care services), they do not have full outpatient dental-care eligibility. In the Committee's view, these veterans are deserving of comprehensive health-care services, including dental care. Thus, the Committee bill would also extend outpatient benefits to veterans with 100-percent service-connected disabilities.

Focusing Dental-Care Services on Direct Care for Veterans With Service-Connected Disabilities

The Committee, in its deliberations on the foregoing provisions, observed that the level of VA spending on outpatient fee-basis dental care has been very high in recent years—$51.3 million in fiscal year 1977 and $45.2 million in fiscal year 1978, with $58.4 million projected for fiscal year 1980. Also, the Committee learned that it was the VA's intention to provide all of the new care authorized for former POW's and totally disabled veterans through private facilities on a fee basis. In justification of this approach, the VA submitted testimony for the record of the January 1979 hearings on S. 7 that its position has been that additional outpatient workload would have to be placed out to fee and [VA] cost estimates have been projected on this basis.

The Committee is very concerned about the inordinately high expenditures for fee-basis dental care and believes that the extensive use currently being made of the VA's own dental-care resources for the treatment of non-service-connected disabilities, generally of otherwise hospitalized veterans, should be directed instead for the newly authorized care for service-connected veterans (or in the case of POW's, care for presumptively service-connected conditions) in lieu of providing such care through private facilities. In addition, the Committee is concerned that the newly authorized care not lead to a large additional burden on the VA health-care budget. Rather, the Committee believes that the large proportion of such care should be provided through the reallocation of existing inhouse VA dental-care resources.

Thus, the Committee approved an amendment, proposed by Senator Simpson, designed to assure that the VA would generally use its own facilities to provide the newly authorized outpatient dental care for former POW's and totally disabled veterans. Such care may be furnished on a fee basis through private facilities, but only when the general conditions for fee-basis outpatient medical care as set forth in section 601(4)(C) of title 38, are satisfied, that is, when VA facilities are unable to provide care economically because of geographic inaccessibility or are unable to provide the type of care that is required. That the 601(4)(C) limitations on fee-basis care would apply to contract dental care (including care under both new and existing authorities) was confirmed at the March 9, 1979, Committee meeting by the VA Deputy General Counsel, who assured the Committee that the VA intends to apply these limitations rigorously before any fee-basis dental care is authorized.

In addition, in order to assure that this limitation does not result in inordinate increases in the amount of fee-basis dental care for other groups of veterans, a cap would be placed on the amount of fee-basis dental care that the VA may provide in any one fiscal year (beginning with fiscal year 1980). That cap would be based on the VA's level of actual expenditures for outpatient fee-basis dental care for fiscal year 1978—$45.2 million.

* * * * *

Finally, in order to assure that the VA adheres to appropriate priorities in the provision of dental care—both inpatient and outpatient—the Administrator would be required to prescribe regulations (within 90 days after the date of enactment of the Committee bill) requiring that, except where required by compelling medical or dental reasons, the VA accord special priority in the provision of dental services generally to service-connected disabilities and conditions. Specifically, the priority would be:

(1) care for a service-connected dental disability;

(2) the other types of dental care described in section 612(b) of title 38, that is,

(A) care for a condition that is associated with or is aggravating a disability from some other disease or injury incurred in or aggravated by active-duty service;

(B) necessary followup care for a non-service-connected dental condition for which treatment was begun while the veteran was a VA hospital patient;

(C) care for a dental condition of a Spanish-American War or Indian War veteran; and

(D) care for a dental condition of a veteran who is a former POW with more than 6 months of captivity or a 100-percent service-connected veteran; and

(3) care for a dental condition of any veteran having a service-connected disability.

Readjustment Counseling Program for Vietnam-Era Veterans

Section 103 of the Committee bill would add a new section 612A to title 38 to provide for the establishment of a new program of readjustment counseling and followup mental health services for veterans who served on active duty during the Vietnam era (August 5, 1964 through May 7, 1975) to assist such veterans with psychological problems in readjusting to civilian life. Counseling would be available to any Vietnam-era veteran who requests it within 2 years from discharge or release or within 2 years after the date of enactment, whichever is later. All examination, counseling, and treatment services under this program would be required to be provided directly by the VA except that, in the States where there are no VA hospitals, that is, Alaska and Hawaii such services could be provided through contractual arrangements under the same restrictions generally applicable to VA contract care (as set forth in section 601(4)(C) of title 38) that is, only where VA-operated facilities are incapable of providing care in an economical fashion because of geographic inaccessibility or are incapable of furnishing the type of care required.

Legislation similar to these provisions was passed by the Senate in the previous four Congresses, most recently as section 301 of H.R. 5027 as passed by the Senate on September 9, 1977.

The Administration also submitted similar legislation, introduced (by request) on March 15, 1979, as S. 676 by Senator Cranston, to provide readjustment counseling to Vietnam-era veterans and their families.

Readjustment problems

The purposes of this readjustment counseling provisions is to make fully available—and to encourage and facilitate the full use of—the resources of the VA's health-care system to those Vietnam-era veterans who feel the need for counseling to help them in their readjustment to civilian life.

The Committee construes a "readjustment problem", as that term is used in section 103 of the Committee bill, to be a low-grade motivational or behavioral impairment which interferes with a veteran's normal interpersonal relationships, job or educational performance, or overall ability to cope reasonably effectively with his or her daily life problems. A readjustment problem does not usually amount to a definable psychiatric illness requiring extended professional services but could become such an illness in the absence of early detection and counseling and followup care where necessary.

According to testimony from psychiatrists and other physicians, psychologists, social workers, and counselors at hearings held in February 1976, June 1977, and January 1979, veterans of the Vietnam era have suffered significantly as the result of society's indifference and, in some cases, overt hostility to the sacrifices they made during their periods of military service. Those who served in Vietnam have also experienced anguish due to the unusual conditions of service in Vietnam—including the inability to differentiate between ally and enemy, the increased tension due to guerilla warfare, and the fact that, because service personnel often went to or returned from Vietnam singly rather than as part of entire combat units, they often lacked the mutual psychological support of long-known comrades during the critical periods of entering and leaving the conflict. Large numbers of returning Vietnam veterans have experienced guilt, bewilderment, alienation, pessimism, tension, restlessness, and other symptoms of low-grade readjustment problems. These problems frequently result in family difficulties, unemployment, alcohol or drug dependence or abuse, arrest records, and other forms of social and economic dislocation.

At the January 1979 hearings Administrator of Veterans' Affairs Max Cleland expressed his and the President's strong support for a readjustment counseling program. He stated:

> I have long advocated and recognized the compelling need for a VA program of readjustment counseling . . . [A] great number of veterans suffer from low grade motivational or behavioral impairment which interferes with the veteran's job and educational performance and interpersonal relations, or overall ability to cope with problems encountered in daily life.

Chief Medical Director James Crutcher further emphasized the need for readjustment counseling as follows:

> [W]e did not recognize originally that Vietnam veterans had specific psychological readjustment problems that are now being addressed in this bill. . . .
>
> Those patients came to us because of problems that they perceived that dealt with difficulty in work, anxiety, and insomnia. We in the medical profession in the VA admitted these patients to the hospitals with diagnoses of situational maladjustment, free-floating anxiety, and some with depressive reactions.
>
> During the evaluation period it was possible to determine that the real problem was not a mental illness, but was an adjustment back to society.

* * * * *

On October 10, 1978, in a message to Congress, the President reviewed the urgent need for readjustment counseling for certain veterans. He stated:

> The frequent image of the Vietnam veteran as unbalanced, unstable and drug-dependent is simply not borne out by available information. . . . Nevertheless, there is evidence that suggests a significant minority of Vietnam veterans have experienced problems of readjustment which continue even today.
>
> Vietnam-era veterans under age 34 have a suicide rate 23 percent higher than nonveterans of the same age group. The number of hospitalized Vietnam-era veterans identified as alcoholics or problem drinkers more than doubled from 13 percent in 1970 to 31 percent in 1977. And, although the drug abuse problem has declined, Vietnam-era veterans account for 39 percent of all inpatients and 55 percent of all outpatients being treated by the VA for drug dependence problems.

* * * * *

The experience of VA psychiatrists and other mental health professionals has been that veterans with readjustment problems and other mental health problems do not generally present themselves at VA hospitals or clinics for evaluation or treatment for upwards of 2 years and quite frequently 4 years after their discharge. . . .:

* * * * *

It is postulated by many VA psychiatrists that the discharged veteran is reluctant to seek readjustment counseling due to the stigma attached to so-called "mental illness" and due also to an unwillingness to admit that he, the veteran, has "problems he cannot solve by himself." The veteran frequently doubts that the VA can help him and is uncertain about his eligibility for treatment.

Thus, in the sensitive field of readjustment counseling, it is essential that services be available and accessible on an outpatient basis, and that all unnecessary barriers to help be removed. The Committee bill is designed to achieve this result. The provision is designed so that an eligible veteran will be made aware that such help is available, and that a request for readjustment counseling will be speedily honored, with a minimum of red tape. Most important, the veteran must understand that seeking readjustment counseling does not imply or result in a diagnosis of mental illness. As the Chief Medical Director said at the January 1979 hearings:

> "With the passage of the bill . . . [the VA] would . . . be able to treat [veterans with readjustment problems] in the appropriate manner and not . . . within the confines of the psychiatric facilities. . . . [T]his bill would allow easy access for care and remove the stigma and maybe the reluctance of an individual suffering these problems to go through the route of a mental hygiene clinic or a psychiatric admission."

The Committee fully shares the point of view expressed by the Administrator of Veterans' Affairs at the January 1979 hearings that "we are not interested in contributing further to the problems of the Vietnam vet by labeling him with a psychiatric illness."

It is also imperative that the veteran know that prior hospitalization is not needed to qualify for readjustment counseling. Very few veterans who would receive readjustment counseling under this bill would require hospitalization due to their readjustment problems. (If the veteran does require hospitalization, however, he or she may be eligible for hospital care under the existing title 38 financial-need criteria. Significantly, many readjustment problems involve financial distress.) In fact, under most circumstances, hospitalization is generally less likely to be as effective as outpatient care and counseling; in many cases, hospitalization would probably be counterproductive treatment.

Although a veteran may not require hospitalization, however, prior hospitalization is in fact a requirement under present statutory criteria for the type of outpatient evaluation and counseling for readjustment problems proposed by the Committee bill unless—as is extremely unlikely under the present law—a condition is adjudicated to be service-connected, or outpatient care is deemed necessary "to obviate the need" for hospitalization. The Committee doubts that any fair application of the "obviate" criterion would lead to its use in a psychiatric context and certainly, as stated above not in the context of lowgrade readjustment problems which have not developed into any form of identifiable psychiatric illness. Therefore, the Committee bill makes specific provision for initial screening and mental health services, where needed, to be provided on an outpatient basis.

The Administrator of Veterans' Affairs concurred generally with the above analysis at the 1977 hearings, where he first officially endorsed a form of readjustment counseling.

Mental and Psychological Assessment and Followup Mental-Health Services

Readjustment counseling would include a general mental and psychological assessment to determine whether the veteran has readjustment problems. If, on the basis of the assessment, a VA physician (or in areas where no such physician is available, a physician under contract with the VA for this purpose) determines that the provision of mental-health services is necessary to facilitate the veteran's readjustment to civilian life, such services would be authorized to be provided on an outpatient basis, under the conditions specified in section 612(f) (1) (B) of title 38—posthospitalization. The provision of the initial counseling would be deemed by law to satisfy the requirement for a prior period of hospitalization under that statutory provision. Any hospital care or other medical services considered necessary on the basis of the initial counseling and assessment may be furnished only if the veteran meets the regular eligibility requirements—including inability to defray expenses, if applicable—set forth in chapter 17 of title 38. United States Code. A veteran seeking initial counseling would not have to demonstrate financial need.

As noted above, all readjustment counseling and following mental health services must be provided directly by the VA, except that such services may be provided on a contract basis in Alaska and Hawaii, where there are no VA hospitals, when the restrictions generally applicable to VA contract care, as set forth in section 601(4) (C) of title 38 and described above, are met. The Committee believes that readjustment counseling services should generally be provided directly by the VA rather than on a contract basis because the VA has developed an expertise in dealing with the psychological problems of veterans resulting from combat and wartime service. In addition the readjustment counseling program is establishing an entirely new area of eligibility and the Committee believes that proceeding with caution is fully warranted.

Veterans who, on the basis of the initial counseling, are determined to be in need of hospital care or medical services, other than mental health services for a readjustment problem, would be eligible to receive the needed care in VA facilities only if otherwise meeting chapter 17 eligibility requirements; if not, the Committee bill requires that special effort be made to refer them to appropriate non-VA facilities.

The VA would also be authorized to provide to members of the family or household of an eligible veteran consultation, professional counseling, training, and mental-health services to the extent that the provision of such services to those persons is essential to the effective treatment and readjustment of the veteran. As noted earlier, many veterans with readjustment problems experience difficulties with family relationships. These difficulties may be caused by the psychological problems of the veteran resulting from his or her service, or they may be caused or aggravated by the family's lack of understanding of the veteran's problems or the inability of the family to adjust to the veteran's return. In any case, the veteran's relationships with his or her family or household members are often extremely important to his or her psychological well-being and their involvement in counseling and mental health services may be essential in treating the veteran effectively.

Counseling personnel

In providing for counseling services under this section, the Chief Medical Director would be expected to utilize the services of paraprofessionals and volunteer workers, as well as veteran GI Bill students under the work-study program, to assist in initial intake and screening activities.

The Committee believes that much of the initial intake and screening can be effectively—indeed most effectively—provided by trained paraprofessional personnel and volunteer workers who, as their experience accumulates, become especially sensitive to the readjustment needs and problems of returning and returned veterans. The vast majority of cases would not seem to require extensive use of highly trained psychiatric or psychological personnel.

This section would authorize the Chief Medical Director to provide for the training of professional, paraprofessional, and lay personnel necessary for this program.

Ineligible veterans

With respect to former service personnel who are not eligible for readjustment counseling services (because they were discharged or released from active-duty service under conditions other than honorable or would otherwise be ineligible), section 103 would require the VA to provide referral services to help them use non-VA mental health services and, if pertinent, would require the VA to advise such individuals of their right to apply for reviews of their discharges (both within the VA and through military discharge review boards) which might lead to eligibility for VA benefits.

Outreach

Under this section, the Administrator, acting in cooperation with the Secretary of Defense, would also be responsible for notifying all veterans eligible for readjustment professional counseling under the new section 612A of their eligibility for such services.

At the hearing on S. 7, the VA fully recognized the need for an extensive outreach program and subsequently submitted for the record an outline of its proposed efforts in this regard as follows:

Outreach efforts for the readjustment counseling program will include collaboration with existing community agencies and programs, including both organized groups (The American Legion, Urban League, Veterans of Foreign Wars, etc.) and informal self help groups (Swords to Plowshares, Flowers of the Dragon, etc.). Active liaison with these groups will facilitate contact with the troubled veterans who will most benefit from the readjustment counseling services. The professionals and nonprofessionals involved in the readjustment counseling program will also collaborate with the Veterans Benefits Counselors and other personnel in the Department of Veterans Benefits to establish and operate local programs.

* * * * *

With the activation of the readjustment counseling program, a national publicity campaign will be started to inform veterans of the program. The Veterans' Administration's Information Service will provide national news releases announcing the program and will slot local news releases to medical centers supporting the local programs. Public service spot announcements will be prepared for television and radio. However, we expect the best publicity will be provided by word of mouth at the local level.

The readjustment counseling programs will be located in the local communities with easy access for the Vietnam-era veteran population. They can operate from independent store fronts, college campuses, offices within community mental health centers and offices within other sympathetic organizations. The programs will be responsible to and receive support from local VA medical centers.

Need for readjustment counseling program in the event of future war

The Committee believes that it is highly desirable that the readjustment counseling program authorized by section 103 be available for veterans of any future periods of war without inordinate delay in order to ensure that readjustment counseling will be available when it will be most useful, that is, as soon as possible after substantial numbers of persons are discharged during or after United States involvement in a war. Therefore, this section would also require that, in the event of another declaration of war, the Administrator recommend to the Congress, within 6 months after such declaration, whether the readjustment counseling program should be extended to veterans of such war.

Cost

According to the Congressional Budget Office, the VA estimates that over 30 percent of Vietnam-era veterans face serious readjustment problems. CBO estimates that, of the 8.7 million separate Vietnam-era veterans eligible for readjustment counseling, 170,000 will actually seek counseling from the VA, and that approximately 15,000 Vietnam-era veterans discharged from active duty every year would apply for counseling. Complete treatment is estimated to require an average of 6 hours of counseling. The cost of each visit is estimated to be $35 the first year. The estimated annual costs for this program are $12.2 million for the first fiscal year and $45.3 million for 5 years.

It should be noted that the readjustment problems of veterans have already resulted and continued to result in great costs to the taxpayers in the form of VA pensions, unemployment benefits, welfare payments, and health care costs in the public sector where most veterans with readjustment problems have turned to receive counseling and mental health care, when in fact they have actually sought out help. Thus, it is probable that the provision of readjustment counseling and followup by the VA for these veterans would result in an overall tax savings to the public, both by reducing the cost of care in the public (non-VA) sector and by "rehabilitating" veterans so that they are able to function within the community, thus reducing the numbers of veterans receiving unemployment benefits and financial assistance of other sorts.

Drug and alcohol treatment and rehabilitation

Neither drug addiction nor alcoholism are new problems to the Veterans' Administration. For years, the VA has treated the medical consequences of both drug abuse and alcohol abuse in its hospitals, and the VA has long recognized alcoholism as a treatable condition. Alcoholism and its related disorders constitute the largest single diagnostic category that the Veterans' Administration sees.

The VA, according to its testimony in the January 1979 hearings, has about 92,000 inpatient admissions per year in its alcohol programs and about 900,000 outpatient visits a year. There are currently 93 VA alcohol dependence treatment programs, 15 of which were activated this fiscal year (1979). In fiscal year 1978, the VA treated more than 125,000 patients for alcoholism. The VA has tentatively planned to activate an additional 15 alcohol dependence treatment programs per year if resources become available. There are now 52 drug dependence treatment programs, with a capacity to treat approximately 29,000 patients annually.

Despite the recent growth of VA programs for treatment of drug and alcohol abuse, the VA is still limited in several ways from responding fully to the needs of veterans addicted to drugs or alcohol.

Section 104 of the Committee bill would improve the VA's ability to meet the needs of such veterans by authorizing the Administrator, under a special 5-year pilot program, to contract for alcohol and drug treatment for veterans in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities. The need for such authority was recognized and supported by the Administrator in the January 1979 hearings at which time he stated, "[t]he need for further help is present. We do need the authority to contract with community-based treatment facilities, particularly for non-service-connected veterans."

In fact, the Administration has submitted legislative proposals to the 95th Congress and to this Congress—introduced by request on March 15, 1979, as S. 675 by the Chairman—to authorize an expansion of the VA's drug and alcohol abuse programs similar to that proposed in section 104 of the Committee bill.

Drug treatment needs

Although there seems to be a gradual decline in most parts of the country in the number of drug patients, the problems of drug dependence and abuse continue to exist. However, the nature of the drug abuse is changing. The VA reports that there now are fewer pure heroin addicts and more polydrug abusers. At the January 1979 hearings, the VA's Chief Psychiatrist testified:

> "They take about everything they can smell, swallow, [or] inject . . . along with the heroin, and a great many are complicating it with alcohol as well. It is not a pretty picture."

The VA estimates that there are 200,000 veterans suffering from drug dependence. Admissions for drug dependence treatment decreased by 8.6 percent for fiscal year 1978 as compared to fiscal year 1977 and by 14 percent for fiscal year 1977 as compared to fiscal year 1976.

Alcoholism treatment needs

In a September 1975 report to Congress on the quality of the alcohol treatment programs provided in VA facilities, the Comptroller General of the United States found that the serious lack of Department of Medicine and Surgery staff and funds to operate alcoholism treatment and rehabilitation program constituted a major problem. Other findings of the study were that some of the largest major metropolitan areas—where there are large numbers of veterans—lacked any VA alcohol treatment capacity. In addition, the study found that the availability of VA alcoholism services was not adequately publicized.

There is an extraordinary and increasing prevalence of alcohol-related admissions to the VA hospital system—officially estimated by the VA at 1 out of every 8 admissions in fiscal year 1978, making alcoholism the most common of all listed admission diagnoses. But even more revealing are the results of a comparison between a 1970 and a 1973 census in VA health care facilities which included a special question to determine which bed-occupant patients were defined alcoholics or problem drinkers. Here are the startling results:

1. The proportion of defined alcoholics and problem drinkers increased from 1 out of every 5 patients in 1970 to 1 out of every 4 patients in 1973. (The proportion of defined alcoholics and problem drinkers remained steady at 1 out of every 4 patients in fiscal years 1977 and 1978.)

2. Almost 25 percent of Vietnam-era veterans in the 1973 patient census were diagnosed as defined alcoholics or problem drinkers, as compared to 13 percent in the 1970 census.

3. Within the 35–44 age group, 35.2 percent of all hospitalized veterans were defined alcoholics or problem drinkers in 1973, as compared to 26 percent in 1970.

These patterns have not improved in more recent years. The October 1, 1977, VA hospital inpatient 1-day census showed that alcoholics or problem drinkers constituted 26 percent of the inpatient population; and in fiscal year 1978, 125,782 veterans were admitted to Veterans' Administration inpatient or outpatient facilities for treatment for alcoholism, a 4-percent increase over the previous year.

It must be noted that the disease of alcoholism is responsible for much of the total cost of administering VA hospitals and clinics. An extremely high volume of admissions to medical or surgical wards stems from alcoholism. This includes not only those patients admitted for detoxification (withdrawal) or "DT's" (delirium tremens) but also patients admitted for treatment of bleeding ulcers, liver failure, and inflammation of the pancreas, among other conditions. All too often the following cycle ensues. A veteran is treated and discharged without referral to an alcohol rehabilitation program. He returns to the community where he drinks again, redevelops bleeding ulcers (for example) and is readmitted to the hospital.

Clearly, whatever the exact statistics, the cost of alcoholism is high. Without adequate resources for alcohol treatment and rehabilitation, the alcoholic is doomed to continued readmissions due to recurring illness. The expenses of treating and rehabilitating the alcoholic in an effective manner are a worthwhile investment of VA resources and may, depending on the success rate of the program, lead to considerable savings in the long run.

In view of these data and the cruel hardship alcoholism can work on veterans and their family members, it is imperative, in the Committee's view, that VA programs be expanded so that the virtually epidemic proportions of alcoholism and alcohol-related problems among veterans may be treated in the most effective and economical way to secure the maximum possibility of recovery and rehabilitation of veterans suffering from this disability.

Treatment and rehabilitation programs

Section 104 of the Committee bill would authorize the Administrator to conduct a 5-year pilot program under which he may contract for care, treatment, and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities for eligible veterans who are suffering from alcohol or drug dependence or abuse disabilities. The program would be designed so as to demonstrate any medical advantages and cost-effectiveness of care in such contract facilities as compared to facilities over which the VA has direct jurisdiction.

The Committee recognizes the value of offering different modes of treatment so that treatment may be tailored to an individual's special needs and circumstances so as to enhance his or her chances of recovery. Although inpatient treatment such as that currently provided by the VA is essential in certain cases, there are many cases in which alternative types of care, such as halfway-house care, would be more effective, less restrictive, and far less costly.

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In addition, where inpatient hospital care is required for initial treatment, placement in a facility such as a half-way house, for example, following discharge from the hospital can be very useful in assuring that the benefits and progress which may have been achieved during the inpatient treatment phase of a program can be maintained under a partially supervised living environment.

This point was emphasized in a written statement on S. 7 by C. Thomas Wein, Executive Director, Ohio Association for Alcoholism Programs, who stated:

"It is common knowledge among those of us who have attempted to work with alcoholics who have been treated in Veterans' Administration hospitals, that the provision of aftercare at or near the veterans' hometown after discharge from the hospital is needed, to solidify the gains made in the hospital and enhance the chances of successful restructuring of the veterans' lives."

Thus, the Committee urges the VA to contract with a broad range of facilities to demonstrate the comparative effectiveness of treatment and rehabilitation in different community-based settings. In addition to halfway houses, therapeutic communities, and psychiatric residential treatment centers, which are specifically mentioned as eligible contract facilities in section 104, the VA would be authorized to contract with a variety of other community-based facilities which are capable of providing care and treatment and rehabilitation services to veterans with alcohol or drug dependence or abuse disabilities in the geographic vicinity of the veterans' usual residence. These would include, for example, residential facilities such as alcoholism hospitals and alcoholism facilities operated by general hospitals. The VA would not, however, be authorized by this legislation to contract for care in a hospital or other facility that is remote from the veteran's community.

Eligible contract facilities would also include nonresidential treatment facilities, including health maintenance organizations, offering outpatient care or day-care programs. The inclusion of nonresidential treatment settings in this pilot program is especially important in light of the facts that most of the treatment for alcohol and drug abuse in the United States is provided in nonresidential settings and that treatment in such settings is much less costly than that offered in residence. In addition nonresidential treatment enables an individual to receive treatment while seeking or maintaining employment and striving to be an active member of the community in which he or she resides or works. As discussed below employment is an absolutely critical problem for addicted veterans.

Treatment Together With Other Household Members in Community-Based Facilities

The Committee is aware that, in some cases, the problems of a veteran who suffers from alcoholism or drug addiction are aggravated when there is a close family or household member who suffers from the same addiction. In such cases, successful treatment can often be achieved only if treatment is provided to both the veteran and the family member in one setting. By providing for care of veterans in community-based facilities, the Committee bill would allow the veteran to be placed in a facility where the family member is enrolled and where both can be treated together. In such cases, of course, the VA would not cover any of the costs of treatment of the veteran's family members. This result—facilitating treatment together of an addicted veteran and other household members—is the same as would have been achieved expressly in the proposed section 620A(b) which would have been added to title 38 by section 303(a) of H.R. 5027 as passed by the Senate in the 95th Congress.

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Employment Opportunities for Rehabilitated Veterans

Success in treatment and rehabilitation of a person with an alcohol or drug disability can be heightened—or sometimes can only be achieved or maintained—if the veteran is in the work force and involved in a satisfying and fulfilling job. In order to assist recovered veteran addicts in finding productive employment, the Committee bill would authorize the Administrator, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management, to take appropriate steps to promote employment and training opportunities by Federal and private and other public organizations for rehabilitated, employable veterans who were provided treatment and rehabilitative services under title 38, and to provide all possible assistance to the Secretary of Labor in placing such veterans in such opportunities. The Committee also would expect the Administrator to consult with the Directors of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse in developing employment and training opportunities for veterans. The Committee believes that this employment component is fundamental to a successful treatment and rehabilitation program for drug and alcohol abusers.

Ineligible veterans

With respect to former service personnel who are not eligible for VA drug and alcohol treatment and rehabilitation services (because they were discharged or released from active-duty service under conditions other than honorable or would otherwise be ineligible), section 104 would require the VA to provide referral services to help them use non-VA services and, if pertinent, to advise such individuals of their right to apply for reviews of their discharges (both within the VA and through military discharge review boards) which might lead to eligibility for VA benefits.

Eligibility of active military personnel

Section 104 of the Committee bill would provide procedures for the treatment of active-duty service personnel suffering from drug dependence in health care facilities where they would receive the VA-provided care if they voluntarily, in writing, request such treatment. This transfer from the Armed Forces to such a facility for VA-provided care would be limited to the last 30 days of a tour of duty. The purpose of requiring a written voluntary request is to preserve the fundamental voluntary basis of VA drug treatment programs. If a headstart can be achieved on the voluntary treatment of service personnel in a VA program, that should be and would be permissible under this legislation.

Reporting requirement

To help assure that Congress will have adequate information to assess the value of the pilot program authorized by section 104 of the bill for purposes of considering an extension of the program, this section would require the Administrator to report to Congress, not later than March 31, 1983, on his findings and recommendations pertaining to the first 3 years of operation of the program. The Committee would expect the report to include a thorough assessment of the medical advantages, success rates, and cost-effectiveness of each of the various treatment settings employed in this program and comparisons with alcohol and drug programs directly operated by the VA.

Cost

According to the Congressional Budget Office, the VA anticipates placing an average of 5,700 patients per year in halfway houses during the 5-year period of the pilot program. The projected caseload is expected to fluctuate in the first 3 years as the program is phased in. Based on studies of existing programs conducted by the Alcohol, Drug Abuse, and Mental Health Administration, CBO estimates that each placement will require an average 60 days of care at an average cost of $25 in 1979. Thus, the projected costs for the pilot program are estimated to be $3.7 million in the first year and $53.8 million for 5 years. The Committee concurs with these projections.

Preventive Health-Care Services Pilot Program

One of the major new departures in VA health care proposed in the Committee bill is contained in section 105 of the Committee bill. The new subchapter VII which would be added to chapter 17 by that section would expand the scope of health care offered by the Veterans' Administration to certain veterans to include, on a 4-year pilot-program basis, the provision of preventive health-care services. These services would be available, as feasible and appropriate, for all veterans suffering from a service-connected disability rated at 50 percent or more, and to any veteran in connection with treatment for a service-connected disability (that is, as part of a hospitalization or an outpatient visit for that purpose).

Currently, health care in the Veterans' Administration is generally defined by statutory language as services to treat an already existing disease or disability (except for a specific program for sickle cell screening and counseling in subchapter VI of chapter 17). This definition follows the traditional practice in the medical community of treating identified disease and alleviating existing pain. However, within the past decade or so, more and more thought has been given to shifting the emphasis in medical care toward the prevention of illness or disease. Many public health experts believe that such an emphasis would significantly improve health in the long run, and might also, at the same time, result in significant long-term cost savings for individual patients and for the Nation as a whole.

The Committee was particularly pleased to hear the VA formally endorse the concept of preventive health care for the first time at the January 1979 hearings and express a desire to work with the Committee to develop a preventive health-care program. This endorsement is especially welcome because it represents a change in the VA's position.

The Committee acknowledges the VA's concern that the preventive health-care effort should focus on detection services of demonstrated effectiveness and major impact. It would point out, in this regard, that the Committee bill, by authorizing the VA to provide only such preventive health-care services as "are feasible and appropriate" vests discretion in the Administrator in establishing the nature and mix of services to be furnished in the program, the schedule for phasing in various services, and the identification of those facilities best equipped to provide them. Furthermore, the bill imposes a cap on maximum expenditures for this program—$3.5 million in fiscal year 1980, $5 million in fiscal year 1981, $7 million in fiscal year 1982, and $9 million in fiscal year 1983—and thus reflects the view that the program should start small and grow slowly as more knowledge and experience are gained.

The Committee bill also authorizes the VA to institute appropriate controls and carry out followup studies, which may include research, to demonstrate the medical advantages and cost-effectiveness of furnishing such preventive health-care services. Research would be a particularly important aspect of this new program because the VA is in an almost ideal situation to make a major contribution to knowledge in this field.

This need for such research was emphasized in written testimony on S. 7 by Dr. Charles B. Arnold, Immediate Past President of the American College of Preventive Medicine and current Director of the Health Maintenance Institute of the American Health Foundation. Dr. Arnold stated:

> "What is needed . . . is a program, such as that embodied in S. 7, which can be tested to provide, with hard data, the cost-effectiveness of a specific preventive approach to health care. It is not unrealistic to assume in these days of fiscal belt tightening, that prevention will not be generally integrated into the health care system in the absence of such data. Even within our own field there are many who believe that much testing is required before our health care system can integrate the delivery of preventive services on a widespread basis. S. 7, by providing for a followup study, could contribute a great deal by answering many questions pertaining to this aspect of health care."

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. . ., Dr. Arnold . . . expressed a cautionary note with respect to the services which would be provided under S. 7. He stated:

> "Studies have indicated that the provisions of screening services without intensive followup intervention directed toward high risk findings would not be cost-effective if implemented on a major scale . . . Without specific linkage to intervention programs, the value of such [screening] programs would be highly questionable. Further, diseases or conditions do exist for which modes of intervention are not yet known. Screening programs to identify such diseases or conditions are therefore of questionable value."

Dr. Arnold also cautioned against providing services which have already been shown not to be cost-effective:

> "Sufficient research has been conducted already which has shown certain preventive services not to be cost-effective. Where possible, those services should be identified and eliminated . . . so as not to prejudice the success of the program from the beginning."

The Committee shares the concerns expressed by Dr. Arnold and expects that the VA will heed his remarks in its exercise of discretion in the selection of preventive health-care services in the pilot program.

In testimony in January 1979, the Administrator of Veterans' Affairs expressed concern that the services provided be of demonstrated effectiveness. As noted above, the Administrator would have total discretion with respect to the types of services provided and, because of the caps on expenditures for the preventive health-care program, the program would be quite limited at first and grow as knowledge and experience are gained.

Utilization of interdisciplinary health-care teams

The reported bill directs that the use of interdisciplinary health-care teams be emphasized in providing preventive health-care services, and specifies that these teams should be composed of various professional and paraprofessional personnel. In a system as large as the VA's, which is generally not bound by the restrictions of State licensing laws regarding paraprofessionals, an opportunity exists to implement a major program of this nature, utilizing paraprofessionals in new roles and in ways which can reduce the demands made upon the more highly trained professional. Legislation enacted as Public Law 94–123, the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975 (codified in pertinent part in section 4107 of title 38, United States Code) enables the VA to hire physician assistants and expanded-function dental auxiliaries on a competitive basis with the community. The Committee expects such personnel to play a substantial role in the new preventive health-care programs.

The Committee also expects professionals and paraprofessionals such as nurses, pharmacists, psychologists, podiatrists, optometrists, and technicians to participate actively in these programs.

Use of similar techniques under current law

The Committee notes that the VA is already providing—under current authorities and as part of the medical treatment of specific disabilities—services that are the same as or similar to those that would be authorized by section 105 of the Committee bill. For example, thorough physical examinations are frequently provided as part of the diagnostic workups of veteran patients: veteran patients are often counseled about nutritional matters, especially where the nature of their disabilities indicates a particular need for such educational efforts to restore or maintain health; and drug use profiles, patient drug monitoring, and drug utilization education are techniques already in use at some VA facilities as part of medical treatment. Also, in the cases of veterans with spinal cord injuries which affect most parts and functions of the body, the loss of sensation make necessary, and the VA provides, relatively frequent examinations for the purpose of detecting ailments that could become very serious if not detected early. The Committee is not questioning the viability of these services and thus fully expects and intends the VA to continue to use such techniques in the treatment of known disabilities while establishing a special pilot program of preventive health-care services beyond those already in use in particular locations or under more limited circumstances and carrying out study and research activities to determine the medical advantages and cost-effectiveness of the services provided under the pilot program.

It is also the Committee's intention that only expenditures made directly for the pilot program and related studies and research be subject to the caps imposed by the Committee bill on expenditures for the pilot program. Expenditures for services that are the same as or similar to those authorized to be provided under the pilot program, but that are provided as part of current or evolving VA health-care services in conjunction with the treatment of specific disabilities, would not be subject to the cap.

Cost

As noted earlier, the Committee bill would limit expenditures for the preventive health-care services program to $3.5 million in fiscal year 180, $5 million in fiscal year 1981, $7 million in fiscal year 1982, and $9 million in fiscal year 1983. The Congressional Budget Office estimates that the costs of the program will be equivalent to the maximum expenditures permitted by law, and bases its estimate on information provided by the VA with respect to the anticipated level of services that would be provided under this section and the cost of the research component to determine the cost-effectiveness and medical advantages of preventive health care for veterans.

The Committee believes that the costs involved in the preventive health-care program are a wise investment in terms of potential reduction in future debilitation of veterans and demands on VA resources.

Service-connected care for "Filipino veterans" in the United States

There are two basic categories of Filipinos who have served in or with the United States Armed Forces. First are those with active-duty service in the regular components of the United States Armed Forces—including approximately 50,000 Filipinos who served before and during World War II as Philippine Scouts, called Old Scouts. Also included in this first group are postwar Filipinos veterans of the United States Armed Forces.

Members of the other group, comprising about 452,000 persons, are eligible for certain specified benefits as a result of military service with (but not in or as members of) United States military forces during and immediately after World War II. These include approximately 110,000 Filipinos who served in the Philippine Commonwealth Army; approximately 312,000 who fought in recognized guerrilla units during World War II; and 30,000 Philippine Scouts, called New Philippine Scouts, who served after World War II. These veterans—referred to as "Filipino veterans"—are eligible for service-connected disability compensation and burial benefits.

Under current law, although "Filipino veterans" are eligible for VA-paid hospital and nursing home care and medical services in the Philippines for their service-connected disabilities and those who are unable to afford hospital care for a non-service-connected disability may receive such care at VA expense at the Veterans Memorial Medical Center in Manila, they are not eligible for any VA care in the United States, even if they have become citizens of this country. The Committee considers this an anomalous situation that should be corrected because of the commitment that the United States has to provide for the care of such veterans for their service-connected disabilities. In the Committee's view, the fact that a "Filipino veteran" has come to this country should not diminish that commitment.

Thus, section 106 of the Committee bill would add a new section 634 to title 38 making "Filipino" veterans in the United States eligible for VA hospital care, nursing home care, and medical services here for their service-connected disabilities. This provision would benefit approximately 200 "Filipino veterans" who are now living in the United States—165 who receive service-connected compensation and (according to VA estimates based on extrapolations from experience with American veterans) another 20 to 35 who have service-connected disabilities that are noncompensable (rated to 0 percent).

TITLE II: CONTRACT-CARE PROGRAMS

Title II of S. 7 would amend title 38, United States Code, to provide greater flexibility to the VA in furnishing medical services through private facilities under contractual arrangements.

Outpatient "fee basis" care under section 612(g)

Background

Veterans Omnibus Health Care Act of 1976 restrictions.—. . . , [I]n 1975 and 1976 the Congress became concerned with the extraordinary growth in expenditures for outpatient fee-basis care for veterans and the growing proportion of fee-basis funds being allocated to the treatment of non-service-connected disabilities. As a result, Congress enacted Public Law 94–581, the Veterans Omnibus Health Care Act of 1976, in part, to achieve two goals: First, to consolidate the tremendous growth in the size and diversity of the VA health care program during the Vietnam era by increasing the efficiency of existing programs; and second, to provide first priority in outpatient health-care expenditures to veterans with service-connected disabilities.

It did this in two ways: First, by providing a standard before the VA could pay for any fee-basis care—that is, where VA facilities cannot themselves furnish economical care because of geographical inaccessibility or because they cannot furnish the type of care required; and second, by also limiting the provision of fee-basis care for a non-service-connected condition of a veteran with a 50-percent or more rated service-connected disability, or of a veteran who, after a period of hospitalization, requires posthospital followup care on an outpatient basis.

One of the substantial sources of non-service-connected fee-basis outpatient care prior to the enactment of the 1976 Omnibus Act was the eligibility for such care given by the VA to so-called "section 612(g) veterans"—veterans who were eligible for such care solely by virtue of section 612(g) of title 38, United States Code, because they were eligible for aid and attendance or household benefits.[1]

The Act added to section 612(g) the same limiting language—"within the limits of Veterans' Administration facilities"—that appeared in subsection (a) of section 612, the authority for the outpatient treatment of service-connected disabilities. The effect of this change was to revoke the fee-basis care eligibility of those eligible solely by virtue of section 612(g), namely those veterans being treated for other than a service-connected disability, who do not have a service-connected disability rated at 50 percent or more, and who are not in a posthospital care status, but who are eligible for aid and attendance or household benefits.

Committee bill provisions

The Committee continues to support the concepts underlying the Omnibus Health Care Act of 1976—that health care expenditures should be directed to provide priority treatment to veterans with service-connected disabilities and that the full capacity of the VA's own facilities should be utilized; these concepts are essential to the future development of the VA health care system. However, the Committee recognizes that there are some situations which warrant a limited expansion of current authority for fee-basis care. This is particularly so with respect to fee-basis care for non-service-connected disabilities of veterans who are eligibile for aid and attendance or household benefits. The Committee believes that, in light of the extreme severity of the disabilities of such veterans, prudence does not require foreclosing totally and absolutely their eligibility for outpatient fee-basis care, particularly in the cases of those veterans who, at the time of enactment of the Omnibus Act, were receiving outpatient care on a fee basis under section 612(g). The Committee has determined that in certain limited circumstances, due to the severity of the disabilities of the veterans concerned and the difficulty, in some cases, of providing health care services to them through the VA's own facilities because of the frequent difficulties in transporting them to such facilities, some authority should be restored.

On the other hand, the Committee does not believe that it is either prudent or necessary on the grounds of humane concerns to eliminate any and all restrictions on the provisions of fee-basis care even in these instances. Where the veteran's residence is convenient to a VA facility that is equipped and staffed to respond to that veteran's medical needs, the VA should make every effort to provide the necessary care directly. Moreover, the Committee does not believe it equitable or appropriate to authorize fee-basis care for the treatment of non-service-connected disabilities under section 612(g) without regard to the general preconditions to fee-basis care which exist by law for the treatment of service-connected disabilities—that VA-operated or other Government facilities be incapable of providing the required care or, because of geographic inaccessibility, of providing such care in an economical fashion.

Thus, section 201(a)(1) of the Committee bill would revise the amendments made by the Omnibus Act by providing that, if the general conditions on the provision of contract care are satisfied, veterans eligible for regular aid and attendance or housebound benefits may be provided care on a contract basis if, on the basis of a physical examination, it is determined that "the medical condition of such veteran precludes appropriate treatment in" a VA-operated or other Government facility.

The Committee notes that, in the cases of veterans eligible for aid and attendance or housebound benefits, many have developed important treatment relationships with their non-VA physicians and that, in other cases, these veterans and their families may have made substantial adjustments in their living situations in reliance upon the continuation of such arrangements. The Committee believes that factors such as these are relevant to the determination of what constitutes "appropriate treatment" and should be taken into account in making that determination.

This provision is derived from section 101 of H.R. 5027 as passed by the Senate in the 95th Congress.

Contract mental-health services

Section 201(a)(2) would add a new subclause (vi) to section 601(4)(C) of title 38 to authorize the VA to furnish followup mental health services in connection with readjustment counseling generally (authorized by section 103 of the Committee bill) in Alaska and Hawaii on a contract basis. The VA has no hospital facility of its own in Alaska or Hawaii, and provides outpatient care only through relatively small clinical facilities, and travel to and from those clinics in Alaska and Hawaii is extremely difficult for veterans in need of health-care services because of transportation difficulties arising out of the unique geographic characteristics of those States.

Contract diagnostic services

Amendments made by the 1976 Omnibus Act to chapter 17 contract care and treatment provisions have given rise to one further question which the Committee has determined requires legislative clarification. Section 202(b) of that law revoked the VA's authority to furnish outpatient treatment by contract ("fee-basis care") for non-service-connected disabilities where that treatment would obviate the need for hospital admission. The VA retains, of course, the authority to provide at its own facilities outpatient "obviate" care for the treatment of non-service-connected disabilities of eligible veterans.

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[1] More precisely, section 612(g) authorizes outpatient care for veterans who are "in receipt of increased pension or additional compensation or allowance based on the need of regular aid and attendance or by reason of being permanently housebound, or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance". In the interests of brevity, however, veterans thus eligible for outpatient care are referred to as those who are in need of (or eligible for) regular aid and attendance or are permanently housebound (or eligible for housebound benefits).

In determining whether grounds for the provision of such out-patient services at VA facilities exist in particular cases, extensive diagnostic workups are frequently required, including, for example, X-rays, electrocardiograms, and various laboratory tests. Similarly, determining the appropriate course of treatment in connection with services being provided under the "obviate" authority may require diagnostic techniques beyond those which the physician alone can provide. Where outpatient care is provided at a clinic attached to a VA hospital, the hospital X-ray equipment and staff, clinical laboratories, and other diagnostic equipment, facilities, and staff provide the necessary back up services. But, when treatment is to be provided at independent VA outpatient clinics, these kinds of diagnostic services may be available only through private facilities with which the VA contracts.

In "obviate" care situations at these clinics, substantial doubt exists as to whether, because contract authority for "obviate" care no longer exists, the VA may purchase the diagnostic services necessary to determine the veteran's eligibility for "obviate" care at the VA facility and, in connection with the VA's provision of care in such a case, the proper course of treatment. It is clear to the Committee that contract authority to obtain such ancillary, diagnostic services must be provided in order for "obviate" care to be provided effectively and efficiently to eligible veterans at independent VA outpatient clinics. Thus, section 201(a)(2) of the Committee bill adds a new subclause (vii) to section 601(4)(C) of title 38 to provide specific authority for contract diagnostic services in such cases.

Of course, if an independent VA outpatient clinic is within a reasonable distance from a VA hospital capable of providing the required diagnostic services, such services would be required to be provided at the VA hospital and not by contract at a private facility. In such a case, the general precondition for contract health-care—inability to provide economical services because of geographic inaccessibility or inability to provide the services required—would not be met, and contract authority would thus not be available.

This provision is derived from section 101 of H.R. 5027 as passed by the Senate in the 95th Congress.

Periodic reviews

The Committee is concerned that at present the VA may not be reviewing with sufficient regularity those cases in which it has authorized long-term contract care arrangements, and that in a substantial number of cases a fee-basis authorization may continue long after the reasons which justified it in the first instance have ceased to exist.

Therefore, to encourage further optimal use of the VA's own facilities, section 201(a)(3) of the Committee bill requires that the VA periodically review the necessity for continuing arrangements for contract care. These reviews would, the Committee expects, encompass a review of the veteran-patient's records in all cases (including a check for any change of residence bringing the veteran-patient closer to a VA facility) and, where indicated, a physical examination. Anticipating responsible action under this provision and recognizing the value in leaving such a provision flexible to allow for administrative and medical discretion in the timing and details of such reviews, the Committee has not specified how frequently or how thoroughly such reviews must be conducted. This will be a matter that the Committee will be following closely in the continued exercise of its oversight responsibilities, utilizng the reports described below as they become available.

Reporting requirements

The Committee notes that there have been some instances in which specific relevant data regarding the provision of contract care and treatment have been difficult to obtain or unavailable under the VA's current recordkeeping practices. Therefore, in order to ensure the availability of adequate data regarding the provision of such care and treatment, the Committee bill requires the Chief Medical Director to submit, through the Administrator, to the appropriate committees of the Congress by February 1, 1980, and annually thereafter, full reports on the provision of contract care, including a breakdown of the numbers of veterans provided contract treatment, together with the average cost and duration thereof, in each State, territory, possession, the Commonwealth of Puerto Rico, and the District of Columbia in the various categories described in title 38 provisions relating to contract care and treatment.

Emergency care at veterans' conventions

In 1973, Public Law 93–82 amended section 612(f) of title 38 to expand eligibility for medical services for the treatment of non-service-connected conditions to include outpatient care where such care was reasonably necessary to obviate the need for hospital admission. The VA interpreted that provision as authorizing it to provide such "obviate" care in a non-VA facility to eligible veterans. Under that authority, the VA, upon request, had provided emergency medical care at the national conventions of recognized veterans' service organizations. Usually, the nearest VA hospital would detail a physician and a nurse to be on duty at the convention site.

According to an opinion of the VA General Counsel on August 9, 1977, Public Law 94–581, the Veterans' Omnibus Health Care Act of 1976, revoked the authority to provide such care by requiring that outpatient medical services be provided "within the limits of Veterans' Administration facilities".

At large national gatherings of veterans' organizations, there are large numbers of veterans, including many with service-connected disabilities, who are eligible for VA outpatient medical services. The Committee believes that it may be beneficial to such veterans for VA health-care personnel to be close at hand at the conventions to deal with any emergency medical situations that may arise. In order to provide clear authority to provide such services, section 202 of the Committee bill authorizes the Administrator to enter into contracts with organizations recognized under section 3402 of title 38 to furnish emergency medical services at the national conventions of such organizations. The provision of such emergency medical services would be on a reimbursable basis as prescribed by the Administrator. However, no reimbursement would be required for services rendered to veterans entitled under law to such care. The Committee believes that this amendment strikes an equitable balance between the need for the emergency treatment of veterans and others who are attending the national conventions of veterans organizations and who may not be eligible for VA outpatient medical services and the fulfillment of the VA's primary commitment to the care of service-connected disabled veterans.

This provision is derived from section 307 of H.R. 5029 as passed by the Senate in the 95th Congress.

TITLE III: CONSTRUCTION, ALTERATION, LEASE AND ACQUISITION OF MEDICAL FACILITIES

Background

Chapter 81 of title 38, United States Code, sets forth the procedure by which VA medical facilities shall be provided for the benefit of eligible veterans. Under current law, the responsibility for provision of such facilities, including their location and nature, rests with the Administrator of Veterans' Affairs, subject to the approval of the President. The only other constraint on the discretion of the Administrator is the availability of funding for the construction and acquisition of such facilities, as determined by appropriations legislation. The Committee bill totally rewrites chapter 81 and makes a number of important changes as well as generally updating its provisions.

The Committee believes that better planning in the VA's medical facilities construction program will improve the availability of services to our Nation's veterans and result in more equitable and effective use of our limited resources for such purposes. The Committee has been concerned that, although the House and the Senate Veterans' Affairs Committees have legislative responsibility for the entire VA health-care system and are most familiar with the system's existing resources and future needs, neither Committee has any statutory role in determining what VA health-care facilities will be established.

Committee Approval of Major Construction and Acquisition of Major Medical Facilities

Title III of the Committee bill would remedy this situation by amending chapter 81 of title 38 to provide the House and Senate Committees on Veterans' Affairs with a substantial role in the planning for and approval of funding for major VA medical facilities as part of the Congressional authorization and appropriations processes. Thus, the bill would add a new section 5004 to provide that "no appropriation shall be made" for the construction, alteration, or acquisition of any VA medical facility costing more than $2 million, or for the lease of any medical facility at an annual rental of more than $500,000 without the House and Senate Veterans' Affairs Committees having adopted Committee resolutions approving the project and estimating the cost thereof. This process would apply to both Administration-requested projects and those initiated by the Congress. The House and Senate Committees could approve a project by adopting separate resolutions.

In order to obtain the Committees' approval for a particular Administration-proposed facility, the Administrator would submit to the Committees a "prospectus" for the facility, which would include a detailed description of the project, including a cost estimate.

The Committee bill would permit the Administrator to increase the estimated cost, as specified in the approval resolutions, of an approved project in the contract for such project by not more than 10 percent to reflect increases in costs from the date of approval by the Committee to the date of the contract. Any construction and acquisition cost increases of more than 10 percent over the amount specified in the Committee resolutions (or the lower amount so specified if the amounts vary) would require subsequent Committee resolutions to reapprove the project.

The Committee bill would also provide that, if funds were not appropriated for a facility within 1 year after approval by each Committee in a Committee resolution, either Committee would be able to rescind approval (by resolution) before an appropriation is made.

In addition, the bill would require that the Committee be notified, in advance, of any proposed reprograming of funds.

Precedents for the two-Committee approval procedure is found in the Public Buildings Act of 1959, as amended (40 U.S.C. 606), the Watershed Protection and Flood Prevention Act of 1954, as amended (16 U.S.C.

1002), and the Flood Control Act of 1965, as amended (42 U.S.C. 1962d–5(a)).

The Public Buildings Act provides that "no appropriation shall be made to construct, alter, purchase, or to acquire any building to be used as a public building which involves a total expenditure in excess of $500,000" unless the House and Senate Public Works Committee (in the Senate the Committee on Environment and Public Works) have first adopted resolutions approving such construction, alteration, or acquisition. Committee resolutions are also required before appropriations may be made for a lease of space at an average annual rental in excess of $500,000 for use for public purposes.

The Administrator of General Services is required to transmit to Congress a prospectus of the proposed facility, including an estimate of the maximum cost to the United States. The Administrator is further authorized to increase—up to 10 percent—the estimated maximum cost as set forth in the prospectus to reflect actual cost increases from the date of transmittal of the prospectus to Congress. In addition, if no appropriation for an approved project has been made within 1 year after the date of such approval, either the House or Senate Public Works Committee may rescind, by resolution, its approval before such appropriation is made.

The Watershed Protection and Flood Control Act requires House and Senate committee resolutions before an appropriation may be made for certain watershed projects. Specifically, the law provides that no appropriation may be made for any plan that involves an estimated Federal cost in excess of $250,000, or that includes any structure to provide more than 2500 acre-feet of total floodwater detention capacity, unless the appropriate Congressional committees approve such plan by committee resolutions. Smaller projects (that is, those involving a structure providing more than 400 acre-feet of total floodwater detention capacity) are required to be approved by the House and Senate Agriculture Committees, and larger projects must be approved by the House and Senate Public Works Committees.

The Flood Control Act of 1965 provides that the House and Senate Public Works Committees must adopt resolutions approving any water resources development project involving navigation, flood control, and shore protection, with an estimated Federal construction cost of less than $15 million, before an appropriation for such project may be made. The Secretary of the Army is required to transmit to Congress a report of the proposed project, including cost estimates.

The Committee believes that the "no appropriations" clause included in the Committee bill and in the three precedent acts discussed above is constitutional. Although no written Attorney General's opinion has been issued that addresses the constitutionality of requiring authorizing Committee approval before appropriations may be made for a particular project, Attorney General Herbert Brownell reportedly advised President Eisenhower that a "no appropriations" clause—similar to that in S. 7—that was included in Public Law 83–519, the Public Buildings Contract Purchase Act of 1954, was "within the power of Congress". *Harris, Joseph P., Congressional Control of Administration*, 230 (1964).

In addition, President Nixon addressed the issue of the constitutionality of the "no appropriations" clause in the Public Buildings Act of 1959 when he signed Public Law 92–306, the Second Supplemental Appropriations Act of 1972, on May 27, 1972. He stated:

> Under the Public Buildings Act of 1959, no appropriations may be made for public buildings projects until the public works committees have approved GSA's prospectuses for such buildings. Congress regards this "no appropriation may be made" provision, I understand, as internal Congressional rulemaking not affecting the executive branch, and this Administration has acquiesced in that construction. 8 *Weekly Compilation of Presidential Documents*, 938, June 5, 1972.

The Committee, in its exercise of this provision in the Committee bill, intends to consult very closely with the Senate Appropriations Committee and the House Veterans' Affairs Committee before making any final decisions with respect to construction or acquisition projects for the VA medical programs. The Committee believes that this close working relationship will facilitate prompt consideration of construction proposals, and does not share the Administration's apprehension, as expressed in its testimony and agency report on S. 7, that the Committee approval requirement will create undue delays and therefore greater and undue costs in the VA's medical facilities construction program. In addition, the Committee is very much aware of the need for fiscal constraints and fully intends to scrutinize very carefully all construction funding proposals, mindful of the total amount proposed in the President's budget each year.

Finally, the Committee notes that the $2,000,000 cut-off figure was selected to correspond to the VA's proposal (accepted by the House but not the Senate Appropriations Committee in fiscal year 1979) to raise the definition of major construction projects from $1,000,000 to $2,000,000 for purposes of determining whether a particular project would be funded under the VA's major construction appropriations accounts. Projects funded under that account must be specifically approved by the Appropriations Committees in the appropriations process. This specific approval requirement does not apply to projects funded under the minor construction account. Had the Committee bill's $2-million "no appropriation" provision been in place for fiscal years 1979 and 1980, the authorizing Committees would have been required to consider 15 or 20 projects proposed by the Administration for funding in each of those years, respectively.

Advisory committee on structural safety of VA facilities

Under current law, the Administrator is required to appoint an Advisory Committee on Structural Safety of Veterans' Administration Facilities to advise him on all matters of structural safety in VA facilities and to approve regulations relating thereto.

The Committee bill would revise the functions of this Advisory Committee by providing that such committee would review and make recommendations to the Administrator with respect to regulations, but would no longer be required to approve such regulations.

Construction contracts

Under current law (section 5002 of title 38), the President is charged with the responsibility of determining the manner in which construction and repair of buildings is to be conducted. The Committee believes that it is more appropriate and practical for the Administrator to undertake this responsibility. Therefore, section 301 of the Committee bill would establish a new section 5006 of title 38 to set forth the responsibilities and authority of the Administrator with respect to construction contracts. This provision would authorize the Administrator to enter into contracts for the construction and alteration of facilities, and to obtain, by contract or otherwise, the services of architects and engineers on a temporary basis.

Leasing arrangements

To help assure the timely completion of leasing arrangements for VA medical facilities, section 301 of the Committee bill contains a new provision (in new section 5003 (a)(3)) to require the Administrator to execute a lease for an outpatient medical facility for which it is proposed to lease space and for which a qualified lessor and an appropriate leasing arrangement are available, within 12 months after funds are made available for such purpose. This provision is designed to facilitate compliance with the requirement, set forth in new section 5010 (a)(2) of title 38 and in existing section 5001(a)(2), that the Administrator maintain adequate VA bed and treatment capacities "to insure the immediate acceptance and timely and complete care of patients. . . ."

The Committee notes that the completion of approved leasing arrangements for which funds are made available has at times required inordinate amounts of time as a result, in part, of the mandatory involvement in the procurement process of the General Services Administration, which is authorized under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490 (e) and (h)), to lease for and assign space to executive agencies. Extensive delays in finalizing leasing arrangements occur even when suitable space is available and satisfactory lease arrangements appear to be attainable. The Committee bill is intended to authorize and require the Administrator to take all necessary steps to expedite the process to ensure the culmination of a lease arrangement within 12 months after funds are made available for it so that the health-care requirements that justified the appropriation of funds by the Congress may begin to be met on a reasonably timely basis.

Reports to Congress

To promote needed improvements in planning, particularly long-term planning, for the construction, acquisition, and alteration of VA medical facilities, section 301 of the Committee bill would require the VA to submit two annual reports to the House and Senate Veterans' Affairs Committees. One report, due on September 1, 1979, and annually thereafter on June 30, would contain a 5-year plan for the construction, replacement, or alteration of the most needed new or replacement medical facilities, a priority listing of the 10, or more, hospitals most in need of construction or replacement, and general plans for each such medical facility. The second report, due annually on January 31, beginning in 1981, would describe the status of each approved, but uncompleted facility.

Garage and parking projects

To assist in the construction of garages and parking facilities in connection with VA medical facilities, section 301 of the Committee bill would set forth a new section 5008(c) to establish, and authorize appropriations for, a revolving fund for garage and parking construction projects involving expenditures of $2 million or less at VA medical facilities.

This provision would also require that all income from parking and garage fees be deposited in the revolving fund together with the appropriated funds. On April 5, 1979, the President announced that, to assist in the conservation of energy, the Administration will take steps "to eliminate free parking for Government employees in order to reduce the waste of gasoline in commuting to work". The President has already directed the Office of Management and Budget to begin phasing out subsidized parking for Federal employees, which costs the general taxpayer an estimated $35 to $40 million each year. Employee parking fees will be phased in over a period of time, beginning on October 1, 1979, and will apply to those parking spaces where the current value of the space exceeds $10 per month.

Clearly, numbers of VA employees will be subject to parking fees at VA facilities; and the revenue collected from such fees will benefit the proposed parking-facility revolving fund. At this time, however, it is impossible to estimate accurately the anticipated revenues from employee parking because the value of each parking space has yet to be determined.

Recodification of chapter 81

In addition to the amendments already discussed, the Committee bill would recodify and make various minor, technical, and conforming amendments to the provisions of subchapter I of chapter 81 of title 38, relating to the construction and acquisition of VA medical facilities.

Title III of the Committee bill is derived from H.R. 5025, the proposed "Veterans' Administration Medical Facilities Acquisition Act of 1977", which was passed by the House in the 95th Congress.

TITLE IV: BENEFITS PAYABLE TO PERSONS RESIDING OUTSIDE THE UNITED STATES

Background

The levels of benefits paid to veterans of service in the U.S. Armed Forces and to their dependents and survivors under title 38, United States Code, has historically been derived from data regarding economic conditions in this country. For example, service-connected disability compensation payments (chapter 11) to veterans who have suffered an injury or illness in the line of duty are based on the average impairment of earning capacity in the United States. Educational assistance payments (GI Bill benefits) (chapter 34) to veterans enrolled as full-time students are based on educational costs and the cost of living in the United States. Cost-of-living increases periodically enacted by Congress for those programs and other VA benefit programs, such as dependency and indemnity compensation (chapter 13), and the automatic cost-of-living adjustments provided for in the VA pension program (chapter 15) are based on the rate of inflation in the United States.

When payments are made to veterans residing in countries where median per capita income and living standards are markedly lower than in the United States, it may be questioned whether the basic purposes of the benefits are being served. In addition, substantial incentives for abuse seem to arise when the benefits are extremely lucrative in relationship to those economic conditions.

GAO report on VA programs in the Philippines

Issues such as those described above clearly emerged in the General Accounting Office's January 18, 1978, report (HRD–78–26) on benefit programs in the Philippines, entitled "Veterans Administration Benefits Programs in the Philippines Need Reassessment." As mentioned in the earlier discussion of the provisions of title II of the Committee bill authorizing the VA to provide health-care services for the treatment of the service-connected disabilities of certain so-called "Filipino veterans", there are in the Republic of the Philippines, two groups of veterans eligible for VA benefits—"U.S. veterans", who are veterans of service in the U.S. Armed Forces, and "Filipino veterans", who are veterans of service in the Philippine Commonwealth Army during World War II or in the New Philippine Scouts immediately following World War II. The GAO's report found that in 1976 the average annual compensation payment to a "Filipino veteran" was $1,080, while the average annual wage in the Philippines was $455. A 100-percent service-connected-disabled "Filipino veteran" with a wife and two children was receiving $4,794 per year—7.5 times the Philippine median income. If compensation benefits payable at that time to a similarly situated American veteran living in the United States had borne the same ratio to median in the United States, the American veteran would have been receiving $102,750 per year.

Apparently, the method by which Filipino veterans are paid has also contributed to the disparity in the relative value of benefits to Filipino and American veterans living in the United States. Benefits for Filipino veterans are paid in pesos at the rate of 50 cents on the dollar. The GAO in its report pointed out that devaluation of the peso had caused the exchange rate to rise from 3.9 pesos per dollar in 1966 to 7.4 pesos per dollar in 1976. As a result, according to the GAO, devaluations of the peso, coupled with benefit rate increases enacted over the same period, had caused payments to a 100-percent service-connected-disabled "Filipino veteran" with a wife and two children to rise from 694 pesos per month in December 1966, to 2,960 pesos per month in December 1976—a 427-percent increase. Benefits paid to an American veteran in the same circumstances had risen from $355 per month to $799 per month over the same period—an increase of only 125 percent.

As the GAO noted, compensation benefits to "U.S. veterans" in the Philippines (veterans of service in the U.S. Armed Forces, who receive benefits at full value) are, obviously, even further out of line with the Philippine economy; and pension benefits paid to "U.S. veterans" in the Philippines are also disproportionately high relative to that economy. The average annual compensation benefit paid to "U.S. veterans" in that country was $2,700 in 1976 and the average pension payment to "U.S. veterans" was $1,615. Such veterans thereby receive in benefits far more than they would receive even in some highly skilled and professional occupations, as shown by the following table, which appeared on page 11 of the GAO report:

TABLE 2.—*Average annual salaries of selected occupations in the Philippines*

Carpenter	$698
Medical technician	809
X-ray technican	814
Clerk	823
Mechanic	829
Nurse	863
Pharmacist	924
Clinical physician	2, 267

Source: 1976 Salary and Wage Survey in the Philippines, Philippine Budget Commission.

The GAO also found that educational assistance payments to "U.S. veterans" in the Philippines and certain dependents and survivors of U.S. and Filipino veterans are far higher, in relation to the costs of education, than in the United States, and far higher than the average monthly salaries paid to their instructors.

GAO findings and recommendations

The GAO asserted that the lucrativeness of VA benefits in the Philippines has led to numerous abuses, including among others:

Benefits being paid on behalf of adopted children where the veteran had not assumed a parental role;

Benefits being paid on behalf of numerous illegitimate children of some veterans;

Wide-spread enrollment in school solely to receive income from GI Bill benefits;

Existence of numerous "claims fixers," individuals who encourage and help Filipinos to file spurious claims; and

Wide-spread submission of false documentation to support claims.

In order to curtail programs abuses in the Philippines and to bring benefit payments more in line with the prevailing income level in the Philippines, the GAO recommended exploration of the following alternatives:

Retaining the present level of benefits but not increasing them in the future.

Moving VA functions to the United States.

Changing the basis used to compute benefits.

Setting up a trust fund or negotiating a lump-sum settlement to cover costs of all remaining benefits.

* * * * *

VA response to GAO report

In a letter from the Deputy Administrator of Veterans' Affairs to the Chairman, dated April 28, 1978, the VA provided its views with respect to the GAO recommendations. The VA conceded that the 50-percent-payment rate is overly generous to Filipino veterans and proposed as one approach to this problem a "freeze" on cost-of-living increases in those benefits until the benefits payable are more nearly compatible with the Philippine economy. However, the VA stated that such a freeze should not apply to service-connected disability compensation benefits payable to "U.S. veterans" in that country.

The VA also agreed that the level of educational benefits in the Philippines does encourage enrollment under the GI Bill in order to receive the income provided rather than the benefit of training. In the April 28 letter, the VA suggested consideration of a freeze on future cost-of-living increases in these benefits—without regard to whether the beneficiary was a "U.S. veteran" or dependent or a "Filipino veteran" or dependent—until an equitable ratio to Philippine median income has been achieved. In the VA's view, this would lessen abuses but would also permit a gradual adjustment without inflicting undue hardship.

With respect to the alleged procreation of illegitimate children in order to receive increased benefits, the VA considered the abuse to be reprehensible, but opposed the notion of disqualifying children solely on grounds of illegitimacy. In its view, the only step that should be taken to counter this abuse would be to decrease gradually, through a freeze on cost-of-living increases, the extremely high value of the benefits in relationship to the Philippine economy.

With respect to Philippine adoptions, the VA stated its intention to recommend legislation to preclude the recognition of adoptions under foreign law unless the child is living in the household of the adopting parent, is not in the custody of the natural parent or parents, receives the major portion of his or her support from the adopting parent, and is under age 18 at the time of the adoption. (Such legislation was submitted by the Administration on March 6, 1979, and was introduced (by request) by Senator Alan Cranston as S. 674 on March 15, 1979.)

* * * * *

Committee position—95th Congress

During the 95th Congress, the many difficult issues raised in the GAO report were carefully examined by the Committee, and the VA's responses and recommendations as well as those of the GAO were thoroughly explored. At the March 16, 1978, hearing to consider those issues, the Committee also heard testimony on H.R. 5029, a measure to provide for the extension of the VA authorities to maintain a regional office in the Philippines and to provide grants to the Republic of the Philippines for the provision of certain non-service-connected health care for "Filipino veterans" at the Veterans Memorial Medical Center in Manila. The VA testified favorably on the extension of its authority to maintain a regional office in the country, but opposed the extension of its authority to provide grants for health care of Filipino veterans. In light of the testimony received at the hearing, the Committee determined that many of the issues with regard to the Philippines also might have applicability to other countries with similar economic conditions and that, therefore, these questions regarding the payment of VA benefits to persons residing outside the United States required much detailed study. However, the Committee also determined that legislation to correct certain serious and unconscionable abuses of the VA programs, without harm to the legitimate interests of veterans and survivors living outside the United States—was necessary and desirable. Thus, the Committee, on May 15, 1978, reported favorably H.R. 5029 (S. Rept. No. 95-825) with an amendment in the nature of a substitute that included provisions that would require equitable standards to be met with respect to adoptions under foreign laws and establish a cutoff date for the reopening of certain types of claims in the Philippines. In addition, the measure would have mandated the VA to conduct a comprehensive study of the issues raised by the GAO report and other related matters. H.R. 5029, as reported, was passed by the Senate on May 26, 1978. Subsequently, during negotiations by the Committee with members of the House Veterans' Affairs Committee, it was agreed that those provisions would be dropped in order to expedite final passage of the measure. As amended by the House, H.R. 5029, the Veterans' Administration Programs Extension Act of 1978, was agreed to by the Senate, and the measure was signed by the President on October 26, 1978, as Public Law 95-520. Thus, Public Law 95-520 provides for a 3-year extension of the VA's authority to maintain a regional office in the Philippines, as well as an extension of the VA's authority to continue funding for the VA Memorial Medical Center in that country, but does not otherwise affect the provisions of veterans' benefits and services in that country.

Committee Bill Provisions

During the Senate-House discussions on H.R. 5029, the Committee stressed its continuing concern about abuses of VA programs in the Philippines, especially with respect to adoptions, and the need for further study of the issues arising from the GAO report and the VA's recommendations. Thus, it was agreed that, during the first session of the 96th Congress, legislation would be introduced to provide for certain standards with regard to foreign adoptions and to mandate a study, to be conducted by the VA in consultation with the State Department, similar to the study that would have been required by H.R. 5029 as passed by the Senate.

The provisions in the Committee bill relating to standards for adoption under the laws of foreign countries and a VA study of benefit payments outside the United States were thus derived from legislation developed by the Committee and passed by the Senate during the 95th Congress.

Adoptions under foreign laws

The definition of the term "child" in section 101(4) of title 38, United States Code, provides the ground rules for determining whether a person is to be considered a child of a veteran for various purposes under that title. For example, when the definition is satisfied, a dependent's allowance may be paid a veteran receiving compensation or GI Bill benefits and a veteran receiving pension may receive an increased monthly payment for the child. Also, the children of permanently and totally disabled veterans are entitled to certain educational assistance benefits under chapter 35 of title 38.

By virtue of the definition in section 101(4), legally adopted children of veterans are afforded exactly the same treatment as veterans' natural children. In addition, the term "legally adopted" is broadly construed to include certain situations prior to the completion of the procedures required in a legal adoption, such as when an interlocutory (preliminary) decree of adoption has been issued and the child is in the veteran's custody.

In the Committee's view, the equal treatment of adopted children accords with sound public policy and clearly is in the best interests of the children involved. Moreover, the Committee believes that in this country the equal treatment afforded adopted children under child-support, inheritance, and various other laws, together with appropriateness of the relationship between veterans' benefits and economic conditions in this country, provide adequate assurance that adoptions here do not result in any significant abuses of veterans' benefits programs.

However, as indicated by the 1978 GAO report on VA benefit programs in the Philippines, the same safeguards may not always prevail in other countries, and the disproportionate value of VA benefits in some countries may provide powerful incentives for abuse.

With respect to the Philippines, the GAO report stated:

> Since 1972 VA's Manila office has recommended to VA's central office that a more stringent statutory requirement be instituted for Philippine adoptions. The Manila office reported to the central office instances of aged and disabled veterans adopting children for the sole purpose of qualifying them for benefits. Several examples reported by the Manila office are shown below:
>
> A 70-year-old single veteran adopted his 6-year-old great grandnephew, even though the natural parents were still alive and living with the veteran.
>
> A 69-year-old single veteran adopted two great grandnieces, 4 years and 8 months, respectively. The children remained in their natural parents' custody.
>
> A 68-year-old married veteran adopted four great grandnieces and grandnephews, even though two of the children never lived with the veteran.
>
> Since the adoptions were granted by Philippine courts, VA recognized them as valid and awarded increased benefits. Often the children can continue to receive benefits through age 23, and in some cases, can receive education benefits thereafter. A VA official in Manila informed us that the Manila office processes about 50 adoption cases each year, but because of recently liberalized adoption laws—permitting persons with natural children to adopt—this number could increase in the future.
>
> In March 1976 a VA committee commenting on recommendations made as a result of a 1973 internal audit of the programs stated that it concurred with an internal audit recommendation that a more stringent statutory requirement was needed for Philippine adoptions and recommended that VA's general counsel formulate appropriate guidelines for a change in legislation. According to VA officials, a legislative proposal to limit the recognition and definition of adopted children was submitted to the Office of Management and Budget in September 1976. As of December 1977 this proposal has not been submitted to the Congress.
>
> According to a former director of VA's Manila office, the practice of allowing veterans who receive sizable VA benefits to adopt children of relatives solely for the purpose of providing financial support for these children and their natural parents defeats the philosophy of providing benefits to children legitimately adopted by veterans.

In order to discourage such abuses, the Committee believes that the same standards generally inhering in adoptions in the United States should be satisfied in the cases of foreign adoptions. Also, the Committee agrees that the standards outlined in the Administrator's April 28, 1978, letter to the Chairman, discussed earlier, are generally appropriate. Thus, section 401 of the Committee bill amends the definition of "child" in section 101(4) of title 38, so that, while the veteran is living and the child is residing outside the United States, a veteran's adoption of a child under foreign laws will be recognized for purposes of VA benefits only if the child—

(1) is under age 18 at the time of the adoption;

(2) is receiving annually one-half or more of his or her support from the veteran;

(3) is not in the custody of a natural parent, unless the natural parent is the veteran's spouse; and

(4) is residing with the veteran (or in the case of divorce following adoption, with the divorced spouse who is also an adoptive or natural parent) except for periods during which the child is residing apart from the adoptive parent for the purposes of full-time attendance at an educational institution or the veteran (or such divorced spouse) or child is confined, in a hospital, nursing home, other health-care facility, or other institution.

If the veteran is deceased, the amendment made by the Committee bill would require that the veteran must have been receiving a VA dependent's allowance for the child within 1 year of the veteran's death, or the child must have met the above four requirements for a period of at least 1 year during the veteran's lifetime.

The Committee emphasizes its belief that, while protecting against abuse, this provision will not affect genuine adoptive relationships. This very complex problem would also be required to be addressed in the comprehensive study, required by section 402 of the Committee bill, which would evaluate the implementation of this provision.

VA position

At the hearing on January 25, 1979, the VA, although generally agreeing that there is a need for legislation to provide for standards in adoptions under foreign laws in order to prevent abuses, opposed this provision of the Committee bill. The VA noted that the standards recommended by the Committee are more restrictive than those to be included in a forthcoming VA proposal (subsequently submitted on March 6, 1979, and introduced (by request) by the Chairman on March 15, 1979, as S. 674) and pointed out that the Committee bill would require that the child continue to receive one-half of his or her annual support from the veteran and to reside with the veteran (with certain exceptions) after the adoption has taken place. With regard to support and residence requirements, the VA-proposed standards require only that, at the time of the adoption, the child be residing with the veteran and receive more than one-half its annual support from the veteran. Thus, unlike those provided under the Committee bill, the VA-proposed standards do not provide a means to forestall abuses that may occur after such threshold standards have been met. The VA regarded the Committee bill standards as "virtually impossible" to police in the Philippines and not cost-effective.

The VA's opposition to the standards provided for under the Committee bill, on the grounds that such standards would prove "virtually impossible" to police in the Philippines, is difficult to understand. The Administrator's transmittal letter, dated March 6, 1979, accompanying the draft legislation introduced as S. 689, stated that "numerous cases have come to [the VA's] attention wherein disabled and aged veterans have legally adopted minor children who were not, either at the time of the adoption or at any time thereafter, actual members of the veterans' household". It seems evident that, without provisions to preclude the payment of benefits in such situations both at the time of adoption and thereafter, these abuses will continue.

The VA also stated in its March 6, 1979, letter that the cost savings to be anticipated from the enactment of its proposal would be minimal each year but would be significant over the long term because "the children involved could be on benefits rolls for many years". In the Committee's view, the importance of achieving significant long-term savings must be weighed in determining the extent to which the Committee bill's continued support and residence requirements are cost-effective. Such significant cost savings would not be achieved if the same kinds of abuses as now prevail were permitted to continue in slightly different form under standards that do not go far enough; and, in the Committee's view, it would not be adequate to require a showing only that support and residence standards are or were met at the time of adoption.

The Committee strongly believes that there are appropriate, cost-effective means available to the VA in monitoring veterans' and survivors' compliance with the standards in the Committee bill. For example, veterans and survivors with adoptive children could be required to provide periodic reports on their compliance, with VA review of all such reports and auditing as deemed necessary. Such reports need not be elaborate or impose an undue burden on VA beneficiaries. However, such reports could, in the view of the Committee, be required as a condition of the continued receipt of benefits under the Administrator's authority, under section 210(c) of title 38, United States Code, to "prescribe regulations with respect to the nature and extent of proofs and evidence" that may be required for benefits purposes.

Study of benefit payments outside the United States

During 1978, approximately 160,000 VA beneficiaries were residing outside the 50 States and the District of Columbia. As previously discussed, the payment of veterans' benefits outside the United States raises questions regarding the appropriate levels for such payments and the potential for abuse of VA benefit programs. In attempting to deal with those issues during the 95th Congress, the Committee found that, generally, there was a need for much more data and analysis of numerous questions before it would be appropriate to consider whether any legislative modifications should be made.

Therefore, the Committee bill includes in section 402 a requirement that the VA, in consultation with the Department of State, conduct a comprehensive study of the issues involved in the payment of VA benefits to persons residing outside the 50 States and the District of Columbia, with a report to be submitted to the President and the Congress by February 1, 1980. . . .

* * * * *

VA position

At the January 25, 1979, hearing, the VA suggested postponement of the study until the study mandated by Public Law 95–588 is completed and analyzed, in order to determine whether the findings of the Public Law 95–588 study indicate whether the issue of foreign beneficiaries need be further examined. Although the VA's implict concern is that the number of studies dealing, generally, with similar problems not be unduly multiplied, the Committee believes that the requirement that the studies be carried out conjointly and submitted as a combined report will reduce the burden on the VA's limited resources. The Committee urges the VA, as it undertakes both studies, to pay special attention to the issues raised in the GAO report described above with a view toward determining the extent to which abuses exist in the administration of veterans' benefits to recipients residing outside the 50 States and the District of Columbia.

TITLE V: MISCELLANEOUS PROVISIONS

Acceptance of payment for certain employee travel

Section 501 of the Committee bill would amend present section 4108, relating to personnel administration in the Department of Medicine and Surgery (DM&S), to authorize the Administrator of Veterans' Affairs to prescribe regulations establishing conditions under which officers and employees of DM&S who are nationally recognized principal investigators in medical research may be permitted, under certain limited circumstances, to accept payment, in cash or in kind, from non-Federal agencies, organizations, and individuals for travel and reasonable subsistence expenses. Such payment could be accepted only in connection with such officers' and employees' attendance at meetings or performance of advisory services concerned with VA functions or activities, or in connection with the acceptance of significant awards or with activity related thereto concerned with VA functions or activities.

The VA currently has authority to send its employees on official travel orders to attend meetings of this kind, but travel funds are limited. Therefore, at times it may be advantageous to the Government for the inviting organization to pay the employees' expenses.

Under current law, a DM&S employee (1) may receive cash payment for travel and subsistence expenses in connection with such meetings only from tax-exempt (under section 501(c)(3) of the Internal Revenue Code) organizations, and (2) may receive payment "in kind"—that is, the actual provision of tickets for transportation and of rooms and meals, but not cash, from a non-U.S. Government, non-tax-exempt organization. These restrictions may place these VA employees at a disadvantage, particularly when compared with Public Health Service employees who are not so restricted and may receive, under section 3506 of title 42 of the United States Code, cash reimbursement (including per diem) from non-U.S. Government, non-tax-exempt organizations.

Section 501 would make it possible for the Administrator to remedy the difficulties experienced by outstanding VA researchers who receive invitations to meetings that relate to their official duties but are not federally sponsored.

Confirmation of Deputy Administrator of Veterans' Affairs

Last year, in Public Law 95–452, the "Inspector General Act of 1978", Congress created the Office of Inspector General within the VA. The law provides for Presidential appointment and Senate confirmation of the Inspector General, who is to be under the general supervision of only the Administrator or the Deputy Administrator. In light of the fact that the Deputy Administrator assumes the responsibilities of the Administrator in the Administrator's absence and has general supervisory authority over the Inspector General, the Committee believes that the Deputy Administrator should also be required to be nominated by the President and confirmed by the Senate.

Section 502 of the reported bill would amend section 210(d) of title 38 to require Presidential appointment and Senate confirmation of the Deputy Administrator of Veterans' Affairs.

This provision would not require—but would allow—the incumbent Deputy Administrator to be nominated by the President and confirmed by the Senate in order to remain in office.

Overseas authorities

Section 230(c) of title 38 authorizes the VA to establish and maintain an office in Europe. There is no such office at present, nor are there plans to open one. Section 503 of the reported bill would thus repeal this outdated authority in 230(c).

Section 503 would also amend section 235 of title 38, United States Code, relating to benefits to VA employees at overseas offices who are United States citizens, to provide certain benefits to VA employees stationed outside the United States (in the Philippines); specifically, certain benefits presently available to other Federal employees stationed overseas—family visitation travel expenses and subsistence expenses upon return to the United States—and benefits relating to the sale or purchase of a residence or settlement of an unexpired lease of an employee being transferred, which are presently available to VA employees transferred within the United States.

Salary schedules

Section 504 of the reported bill is a technical amendment to conform the salary schedules for employees of the Department of Medicine and Surgery (DM&S) to reflect previous adjustments made by the President. Specifically, it would amend the schedules of rates of basic pay appearing in present section 4107 for section 4103 employees (top DM&S employees at VA Central Office) and section 4104(1) employees (DM&S physicians, dentists, podiatrists, optometrists, nurses, physician assistants, and expanded-function dental auxiliaries) to reflect the pay rates (effective October 7, 1978) set by Executive Order 12087.

Cost Estimate

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91–150, 91st Congress), the Committee, based on information supplied by the Congressional Budget Office, estimates that the 5-year cost resulting from the enactment of the Committee bill would be $27.1 million in fiscal year 1980; $51.5 million in fiscal year 1981; $42.7 million in fiscal year 1982; $43.7 million in fiscal year 1983; and $39.1 million in fiscal year 1984. A detailed breakdown of the costs, as estimated by CBO, over the 5-year period follows:

CONGRESSIONAL BUDGET OFFICE

Cost estimate

1. Bill number: S. 7.

2. Bill title: Veterans' Health Care Amendments of 1979.

3. Bill status: As ordered reported by the Senate Veterans' Affairs Committee on March 9, 1979.

4. Bill purpose:

Section 101: Provides that those veterans seeking physical examinations required in application for service-connected compensation be placed third in the statutory hierarchy of priorities for outpatient care eligibility.

Section 102: Extends outpatient dental services to veterans held 6 months or more as prisoner of war, and veterans with service-connected disabilities rated at 100 percent.

Section 103: Provides counseling for Vietnam-era veterans with mental or psychological problems related to adjustment from military to civilian life.

Section 104: Gives VA authority to conduct a 5-year pilot program for the treatment of alcohol or drug dependence disabilities in halfway houses and other community-based facilities.

Section 105: Gives VA authority to conduct a 4-year pilot program of preventive health care for veterans with service-connected disabilities rated at 50 percent or more and for certain veterans being furnished treatment involving a service-connected disability.

Section 106: Extends authority to the VA to provide hospital and nursing home care within the limits of VA facilities to eligible Commonwealth Army veterans and New Philippine Scouts residing in the United States.

Section 201: Would restore contract care for veterans eligible under section 612(g) of title 38, on a limited basis.

Section 202: Allows the VA to provide an emergency medical team for the national conventions of VA recognized veterans organizations.

Section 301: Revises VA authority and

planning guidelines for health care facility construction and alteration. Would require House and Senate Veterans' Affairs Committees' approval for projects exceeding $2 million in cost, or leased medical facilities exceeding $500,000 per year.

Section 401: Places restrictions on who may receive benefits as an adopted child for persons residing outside the United States.

Section 402: Requires the VA to conduct a comprehensive study of benefits payable under title 38, United States Code, to persons residing outside the United States.

Section 501: Allows VA employees who are nationally recognized investigators in medical research to accept travel allowances from non-Federal agencies, organizations, and individuals to attend meetings, perform advisory services, or accept significant awards.

Section 502: Requires the Deputy Administrator of Veterans' Affairs to be approved by the Senate.

Section 503: Eliminates authority for VA European office, and adds certain travel and readjustment fringe benefits for VA personnel in the Philippines.

Section 504: Updates the base salary schedules for the VA Department of Medicine and Surgery of title 38, United States Code.

5. Cost estimate:

[By fiscal years; in millions of dollars]

	1980	1981	1982	1983	1984
Estimated authorization/estimated outlays:					
Sec. 102	0	0	0	0	0
Sec. 103	12.2	19.3	8.1	2.9	2.8
Sec. 104	3.7	13.7	11.2	12.2	13.0
Sec. 105	3.5	5.0	7.0	9.0	0
Sec. 201	7.7	13.5	16.4	19.6	23.3
Total	27.1	51.5	42.7	43.7	39.1

The costs of this bill fall within budget function 700.

6. Basis for estimate:

Section 101: This section only changes the priority schedule for medical examination service to those already eligible for this service. It is estimated to have no cost.

Section 102: In a cost estimate prepared February 1, 1979, CBO estimated 5-year costs of $82.1 million for this section. This estimate reflected the cost of providing dental services to an additional group of eligible veterans while maintaining the current level of service to veterans presently receiving care.

The amendments offered to this section make clear the Committee's intent to accommodate the additional dental services to former POW's and 100-percent disabled veterans within existing capacity. The amendments would limit expenditures for contract dental care to fiscal year 1978 levels, and would require the VA to establish a hierarchy for care in VA facilities that would allow veterans mentioned in this section and certain other veterans to be treated before veterans with non-service-connected disabilities.

CBO estimates that as amended this section would add no additional costs to the Federal budget.

Section 103: The VA estimates that over 30 percent of Vietnam-era veterans face serious problems related to readjustment to civilian life. CBO assumes that of the 8.7 million separated Vietnam-era veterans eligible under this program, 170,000 veterans will actually seek counseling from the VA during the first 2 years following enactment. Of the average 150,000 Vietnam-era veterans discharged from active duty every year, CBO estimates about 10 percent will apply for readjustment counseling. The VA anticipates each veteran will require an average 6 hours of counseling to complete treatment. CBO estimates the cost of each visit to be $35 and projects this cost to rise at an average rate of 7 percent a year.

Section 104: The VA anticipates placing an average 5,700 patients a year in halfway houses during the 5-year period of the pilot program. The projected caseload fluctuates in the first 3 years as the program is phased in. CBO assumes that each placement will require an average 60 days of care at an average cost of $25 (in 1979 dollars). These assumptions are based on studies conducted by the Alcohol, Drug Abuse, and Mental Health Administration of existing programs.

Section 105: In a cost estimate prepared February 1, 1979, CBO estimated the 5-year costs of this provision to be $125 million. This estimate reflected the maximum amount allowable under the original authorization language, and was based on information provided by the VA as to the anticipated level of services that would be provided under the section.

The amendments to this section would change the period of the pilot program from 5 to 4 years, and would lower the authorization ceiling. The CBO reestimate of the cost of this section reflects both changes.

Section 201: Costs were estimated by assuming that approvals for 612(g) contract care would increase at an annual rate of 5 percent above current levels. A surge in applications is expected in the first 2 years. Costs are inflated by CBO assumptions of price increases in the general economy.

Section 401: This section establishes certain criteria which adoptions transacted outside of the United States must meet in order for the adopted child to be eligible for dependents' or survivors' benefits. There should be some savings resulting from this provision as the adoption requirements in many foreign countries are considerably more lenient than those proposed here. The resultant savings, however, should be less than $500,000 a year.

Section 402: This section directs the Administrator to conduct a study of the issues involved in the payment of veterans' benefits to persons residing outside of the United States. It is expected that this study could be performed within the limits of the President's current budget request.

Section 501: Since VA employees are currently not reimbursed for such travel expenses, no net savings or costs are expected.

Section 502: This provision is assumed to involve no new Federal costs.

Section 503: The VA no longer maintains a European office. Travel and readjustment fringe benefits for VA personnel in the Philippines would effect an average of two employees per year, resulting in insignificant costs.

7. Estimate comparison: None.

8. Previous CBO estimate: On February 1, 1979, CBO transmitted a cost estimate of S. 7 as introduced by the Committee on Veterans' Affairs on January 15, 1979.

9. Estimate prepared by: Steven Crane and Nina Shepherd (225-7766).

10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

* * * * *

SECTION-BY-SECTION ANALYSIS OF S. 7 AS REPORTED

Section 1.

Subsection (a) of section 1 provides that this Act may be cited as the "Veterans' Health Care Amendments of 1979".

Subsection (b) of section 1 provides that, except when otherwise expressly provided, reference to a section or other provision shall be considered to be made to a section or other provision of title 38, United States Code, relating to veterans' benefits.

TITLE I—HEALTH SERVICES PROGRAMS

Section 101.

Amends clause (3) of present section 612 (i) of title 38, United States Code, relating to priority for Veterans' Administration medical services, by providing that medical examinations for a service-connected disability—for the purpose of establishing eligibility for disability compensation or service-connected health-care services—be included in the third priority for outpatient care along with non-service-connected care for veterans with service-connected disability ratings.

A similar provision was passed by the Senate as section 302 of H.R. 5029 in the 95th Congress.

Section 101—Cost: Enactment of this provision would entail no costs.

Section 102.

Subsection (a) of section 102 is a technical amendment to present section 601(6)(A)(i), title 38, United States Code, defining the term "medical services", which includes in the definition of that term "dental services and appliances *as authorized* in section 612 (b), (c), (d), and (e)". [Emphasis added.] Subsections (b), (c), (d), and (e) of section 612, however, do not provide the VA's authority to provide dental services and appliances; that authority is provided in more general provisions, such as those authorizing hospital care (section 610) and medical treatment (section 610 (a) and (f)). Thus, this subsection of the Committee bill would change the reference to dental services and appliances in current section 601(6)(A)(i) from those "authorized in section 612 (b), (c), (d), and (e)" to those "described in section 612 (b), (c), (d), and (e)".

Clauses (1) (2) and (3) of subsection (b) of section 102 amend present section 612(b) of title 38, relating to outpatient dental services and treatment by adding a new clause (7) to provide for eligibility for outpatient dental services and treatment for veterans with 100 percent service-connected disabilities and (in conjunction with the amendments to present section 612(f) made by subsection (c) of this section of the Committee bill) veterans who were prisoners of war captive for more than 6 months. This provision is derived from H.R. 898 and H.R. 12018 which were introduced in the House in the 95th Congress.

Clause (4) of subsection (b) of section 102 further amends subsection (b) of present section 612 by inserting at the end thereof a provision to limit VA expenditures for outpatient dental care and services provided by contract—so-called "fee-basis" care—under this section to the amount expended for such care in fiscal year 1978 ($45.2 million), and to require the Administrator, not later than 90 days after the enactment of this Act, to prescribe regulations ensuring that, except where required by compelling medical or dental reasons, special priority in the provision of dental care shall be accorded in the following order:

(1) dental care for a service-connected dental disability;

(2) the other types of dental care described in section 612(b) of title 38, that is,

(A) care for a condition that is associated with or is aggravating a disability from some other disease or injury incurred in or aggravated by active-duty service;

(B) necessary followup care for a non-service-connected dental condition for which treatment was begun while the veteran was a VA hospital patient;

(C) care for a dental condition of Spanish-American War or Indian War veterans; and

(D) care for dental conditions of former prisoners of war captive for at least 6 months and 100-percent service-connected disabled veterans; and

(3) care for a dental condition of any veteran having a service-connected disability.

Subsection (c) of section 102 amends subsection (f) of present section 612, relating to authority to provide outpatient care for the treatment of non-service-connected disabilities, by adding a new clause (ii) to provide for eligibility for outpatient dental services and treatment, and related dental appliances, for veterans described in new clause (7)(A) of present section 612(b) (as added by subsection (b) of this section of the Committee bill)—those who were prisoners of war for more than 6 months.

Section 102—Cost: This section would entail no additional costs since no additional dental resources will be needed. Instead, care to the newly eligible veterans will be made available as a result of the restructuring of priorities, to stress priority for service-connected care.

Section 103.

Amends subchapter II of chapter 17 of title 38, United States Code, relating to hospital, nursing home, or domiciliary care and medical treatment, by adding a new section 612A to establish a new program of readjustment counseling and related mental health services for Vietnam-era veterans and certain members of their families or households under specified circumstances to assist such veterans in readjusting to civilian life. Substantially similar programs were passed by the Senate in S. 2108 (92d Congress), S. 284 (93d Congress), S. 2908 (94th Congress), and H.R. 5027 (95th Congress).

Paragraph (1) of subsection (a) of section 103 adds a new section 612A to subchapter II of chapter 17, as follows:

New section 612A.—Eligibility for readjustment counseling and related mental health services: Subsection (a) requires the Administrator to furnish, within the limits of the VA's facilities, readjustment counseling to any veteran who served on active duty during the Vietnam era, that is, from August 4, 1964, through May 7, 1975, and who requests such counseling within 2 years of discharge or release from active-duty service or 2 years after the effective date of the new section 612A, whichever is later. Readjustment counseling provided under this section includes a general mental and psychological assessment to ascertain whether the veteran has mental or psychological problems associated with readjustment to civilian life.

Paragraph (1) of subsection (b) provides that if, on the basis of the assessment furnished subsection (a) of new section 612A, it is determined by a VA physician (or in areas where no such physician is available, by a physician under a contract or fee arrangement with the VA for this purpose) that mental health services are necessary to facilitate the successful readjustment of the veteran, such services may be furnished within the limits of VA facilities, on an outpatient basis, provided the veteran has met all eligibility requirements for posthospital care under present section 612(f)(1)(B) of title 38, except that the counseling provided under subsection (a) of new section 612A is deemed to satisfy the requirement of prior hospitalization. Veterans who, on the basis of initial counseling, are determined to be in need of hospital care or medical services other than mental health services for a readjustment problem, would be eligible to receive the needed care in VA facilities only if otherwise meeting chapter 17 eligibility requirements; if not, they would be referred to non-VA facilities.

Paragraph (2) of subsection (b) authorizes, as part of the mental health services furnished under paragraph (1) of new section 612A(b), the provision of the consultation, counseling, training, mental health services, and travel expenses described in present section 601(6)(B) for members of the veteran's family or household if the provision thereof is determined to be essential to the effective treatment and readjustment of the veteran.

Subsection (c) requires the Administrator in the cases of former active-duty servicepersons who apply but are not eligible for readjustment counseling and mental health services, to provide referral services to assist such individuals to the maximum extent practicable in obtaining mental health care and services from sources outside the VA and, if pertinent, to advise such individuals of their right to apply for reviews of their discharges which might lead to eligibility for VA benefits.

Subsection (d) authorizes the Chief Medical Director (1) to provide for the training of professional, paraprofessional, and lay personnel to prepare them to carry out the readjustment counseling program, and (2) to utilize these paraprofessional personnel, volunteer workers, and veteran-students in the initial intake and screening activities under this program.

Subsection (e) directs the Administrator, in cooperation with the Secretary of Defense, to take such action as the Administrator considers appropriate to notify veterans who may be eligible for readjustment counseling of their potential eligibility.

Paragraph (2) of subsection (a) of section 103 amends the table of sections at the beginning of chapter 17 to reflect the addition of the new section 612A made by paragraph (1) of subsection (a) of this section of the Committee bill.

Subsection (b) of section 103 requires, in the event of a future declaration of war by Congress, the Administrator to determine, not later than 6 months after the date of such declaration, whether eligibility for readjustment counseling and related mental health services under new section 612A should be extended to veterans of such war.

Section 103—Cost: Enactment of the provisions of section 103 of the Committee bill is estimated to cost $12.2 million in fiscal year 1980.

Section 104.

Amends subchapter II of chapter 17 of title 38 by adding a new section 620A to authorize a 5-year pilot program for the treatment and rehabilitation of veterans suffering from alcohol or drug dependence or abuse disabilities in community-based contract facilities. Substantially similar provisions were passed by the Senate in S. 2108 (92d Congress), S. 284 (93d Congress), S. 2908 (94th Congress), and H.R. 5027 (95th Congress).

Subsection (a) of section 104 adds a new section 620A to subchapter II of chapter 17, as follows:

New section 620A.—Treatment and rehabilitation for alcohol and drug dependence or abuse disabilities; pilot program: Paragraph (1) of subsection (a) authorizes the Administrator to conduct a pilot program under which he may contract for care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities for veterans with alcohol or drug dependence or abuse disabilities. The pilot program authorized under this section is to be planned, designed, and conducted by the Chief Medical Director, with the approval of the Administrator, so as to demonstrate the medical advantages and cost effectiveness that may result from furnishing such care in contact facilities rather than facilities over which the Administrator has direct jurisdiction.

Paragraph (2) of subsection (a) requires the Administrator to approve the quality and effectiveness of the program of each contract facility through which services are to be provided veterans under paragraph (1) of subsection (a).

Subsection (b) authorizes the Administrator, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management, to take appropriate steps to promote employment and training opportunities by Federal agencies and private and public firms, organizations, agencies, and persons for rehabilitated, employable veterans who were provided treatment and rehabilitative services under title 38, and to provide all possible assistance to the Secretary of Labor in placing such veterans in such opportunities.

Subsection (c) provides that, if former service personnel are not eligible for alcohol and drug treatment under title 38, the Administrator is required to provide referral services to assist such individuals, to the maximum extent practicable, in obtaining such care and services from sources outside the VA and, if pertinent, to advise such individuals of their right to apply for reviews of their discharges which might lead to eligibility for VA benefits.

Subsection (d) establishes procedures for and limitations on the transfer of active-duty service personnel to health-care facilities for the purpose of receiving care or treatment and rehabilitative services from the VA for an alcohol or drug dependence or abuse disability, as follows:

Paragraph (1) of subsection (d) provides that transfer of a member of the active military, naval, or air service with an alcohol or drug dependency or abuse disability to a facility for the purpose of the VA providing care or treatment and rehabilitative services for that disability may occur only within the last 30 days of an enlistment or tour of duty. After such a transfer, such individual would receive treatment and rehabilitative services on the same terms and conditions as prescribed for a veteran. This paragraph also provides that such transfers shall be made pursuant to mutually agreed upon terms between the Secretary of the military department concerned and the Administrator and subject to reimbursement by such department.

Paragraph (2) of subsection (d) prohibits transfers under new section 620A unless the individual specifically requests transfer for a specified period of time within the last 30 days of the individual's enlistment or tour of duty and does so in writing, and further prohibits the extension of treatment beyond such specified period of time unless the individual specifically requests a specified extension in writing and such request is approved by the Administrator.

Subsection (e) provides for the expiration of the authority for the pilot program at the end of the fifth fiscal year following the fiscal year in which the pilot program is initiated.

Subsection (f) requires the Administrator to report to the House and Senate Veterans' Affairs Committees not later than March 31, 1983, on the Administrator's recommendations and findings with respect to the operation through September 30, 1982, of the pilot program authorized by this new section.

Subsection (b) of section 104 amends the table of sections at the beginning of chapter 17 to reflect the addition of the new section 620A made by the amendments in subsection (a) of this section of the Committee bill.

Section 104—Cost: Enactment of this section is estimated to cost $3.7 million in fiscal year 1980.

Section 105.

Amends chapter 17 of title 38 by adding a new subchapter VII establishing a pilot program of preventive health-care services for eligible veterans. Substantially similar provisions were passed by the Senate in S. 2908 (94th Congress) and H.R. 5027 (95th Congress).

Subsection (a) of section 105 amends chapter 17 by adding a new subchapter VII to provide for a pilot program of preventive health-care services for certain veterans with service-connected disabilities and to authorize the Administrator to institute controls and carry out study and research activities to determine the medical advantages and cost-effectiveness of such services. Under the amendment, four new sections are added to chapter 17, as follows:

New section 661.—Purpose: Describes the purpose of the new subchapter.

New section 662.—Definition: Defines "preventive health-care services" which may be included in such programs. Such services may include, but are not limited to, periodic medical and dental examinations; patient health education (including nutrition education); maintenance of drug use profiles, patient drug monitoring, and drug utilization education; mental health preventive services; substance abuse prevention measures; immunizations against infectious disease; prevention of musculoskeletal deformity or other gradually developing disabilities of a metabolic or degenerative nature; genetic counseling concerning inheritance of genetically determined diseases; routine vision testing and eye care services; periodic reexamination of members of likely target populations (high-risk groups) for selected diseases and for functional decline of sensory organs, together with attendant appropriate remedial intervention; and such other health-care services as may be necessary for providing effective and economical preventive health care.

New section 663.—Preventive health-care services: Paragraph (1) of subsection (a) authorizes the Administrator, pursuant to regulations that the Administrator shall prescribe, to furnish, within the limits of the VA's facilities, such preventive health-care services as are feasible and appropriate to any veteran with a service-connected disability rated at 50 percent or more and to any veteran receiving care and treatment for a service-connected disability.

Paragraph (2) of subsection (a) authorizes the Administrator to institute controls and conduct followup studies (including research) to demonstrate the medical advantages and cost-effectiveness of the preventive health-care services furnished under paragraph (1) of this subsection.

Subsection (b) provides that preventive health-care services under the new pilot program may not be furnished after September 30, 1983.

Section (c) directs the Administrator to emphasize the utilization of interdisciplinary health-care teams composed of various professional and paraprofessional personnel in carrying out the preventive health-care program.

Section (d) provides that the maximum expenditures authorized for the preventive health-care pilot program are $3.5 million in fiscal year 1980, $5 million in fiscal year 1981, $7 million in fiscal year 1982, and $9 million in fiscal year 1983.

New section 664.—Reports: Directs the Administrator to include in the VA's annual report to Congress, a comprehensive report on the administration of new subchapter VII, including any recommendations for additional legislation that the Administrator considers necessary.

Subsection (b) of section 105 amends the table of sections at the beginning of chapter 17 to reflect the addition of the new subchapter VII to chapter 17 of title 38 made by subsection (a) of this section of the Committee bill.

Section 105—Cost: Enactment of the pilot program for preventive health-care services authorized in section 105 of the Committee bill is estimated to cost $3.5 million in fiscal year 1980.

Section 106.

Subsection (a) of section 106 amends subchapter IV of chapter 17 of title 38, United States Code, relating to hospital and medical care for Philippine Commonwealth Army veterans, by redesignating section 634 as 635 and adding a new section 634, as follows:

New section 634.—Hospital and nursing home care and medical services in the United States: Authorizes the provision within the United States of hospital and nursing home care and medical services to Commonwealth Army veterans or new Philippine Scouts for the treatment of their service-connected disabilities.

This provision is derived from section 303 of H.R. 5029 as passed by the Senate in the 95th Congress.

Subsection (b) of section 106 amends the table of sections at the beginning of chapter 17 to reflect the addition of the new section 634 made by the amendment in subsection (a) of this section of the Committee bill.

Section 106—Cost: Enactment of the provisions of section 106 is estimated to entail no significant cost.

Section 107.

Provides that the effective date of the amendments made by title I shall be October 1, 1979.

TITLE II—CONTRACT-CARE PROGRAMS

Section 201.

Amends clause (C) of paragraph (4) of present section 601 of title 38, United States Code, which defines "Veterans' Administration facilities" to include, under the circumstances described in such clause (C), private facilities and, thus, in conjunction with certain other provisions of such chapter 17, provides authority for the furnishing of contract hospital care and medical services (so-called "fee" care or "fee-basis" care) under those same circumstances.

Clause (1) of subsection (a) amends subclause (ii) of clause (C) of present section 601(4) to expand the definition of "Veterans' Administration facilities" to include private facilities for which the Administrator contracts—when the VA's own facilities or other Government facilities are not capable of furnishing economical care because of geographic inaccessibility or of furnishing the care or services required—to provide medical services for the treatment of a veteran eligible for regular aid and attendance or housebound benefits where the Administrator has determined, on the basis of a physical examination which must be made by a VA physician or, in areas where no such physician is available, by a physician under a contract or fee arrangement with the VA, that the veteran's medical condition precludes appropriate treatment in the VA's own facilities or other available Government facilities. The new definition, thus, changes existing law by authorizing the VA to provide outpatient "fee-basis" care through private physicians or facilities when the ordinary conditions for the provision of contract outpatient care for service-connected disabilities are met and it is determined that private care is required by the veteran's medical condition. Such private care may be determined to be required under this standard where the veteran-patient has a longstanding relationship with a particular private physician and it would be harmful to the patient's condition to require a severance of that relationship.

This provision is derived from 101(1) of H.R. 5027 as passed by the Senate in the 95th Congress.

Clause (2) of subsection (a) amends clause (C) of present section 601(4) of title 38 by adding a new subclause (vi) to authorize the VA to furnish mental health services, in connection with the new readjustment counseling program established by section 103 of the Committee bill, on a contract basis in Alaska and Hawaii, and by adding a new subclause (vii) to clause (C) to authorize the provision, on a contract basis, of diagnostic services necessary to determine the eligibility for, or the appropriate course of treatment in connection with, the provision of medical services at independent VA outpatient clinics to obviate the need for hospital admission. The latter provision, authorizing contract diagnostic services, derives from section 101(2) of H.R. 5027 as passed by the Senate in the 95th Congress.

Clause (3) of subsection (a) adds a new sentence to present section 601(4) of title 38 to direct the Administrator to review periodically the necessity for continuing contract care in individual cases under section 601(4).

This provision derives from section 101(3) of H.R. 5027 as passed by the Senate in the 95th Congress.

Subsection (b) of section 201 requires an annual VA report to the appropriate committees of the Congress, beginning on February 1, 1980, on the implementation of section 601(4)(C)(v), relating to contract care outside the 48 contiguous States and the District of Columbia, and the contract care authorities provided in the amendment made by section 201 of the Committee bill, and on the numbers of veterans provided contract care (and the average cost and duration thereof) under chapter 17 in each State, territory, and possession of the United States, the District of Columbia, and Puerto Rico.

This provision derives from section 102(c) of H.R. 5027 as passed by the Senate in the 95th Congress.

Section 201—Cost: Enactment of the provisions of section 201 is estimated to cost $7.7 million in fiscal year 1980.

Section 202.

Amends present section 611 of title 38, United States Code, relating to the authority to furnish care incident to physical examinations necessary in carrying out other laws and the authority to furnish care in emergencies, to authorize the VA to enter into contracts with organizations recognized under section 3402 of title 38 to provide emergency VA medical services at national conventions of such organizations on a reimbursable basis, as prescribed by the Administrator, except that reimbursement will not be required for the treatment of veterans eligible for the care so provided.

This provision is derived from section 307 of H.R. 5029 as passed by the Senate in the 95th Congress.

Section 202—Cost: Enactment of the provision in section 202 is estimated to entail no cost.

TITLE III—CONSTRUCTION, ALTERATION, LEASE, AND ACQUISITION OF MEDICAL FACILITIES

Section 301.

Amends, by modifying and recodifying, subchapter I of chapter 81 of title 38, United States Code, relating to the acquisition and operation of VA facilities. This section is derived from H.R. 5025, the proposed "Veterans' Administration Medical Facilities Acquisition Act of 1977", passed by the House in the 95th Congress.

Subsection (a) of section 301 amends chapter 81 by modifying and recodifying subchapter I thereof, as follows:

The new title of the subchapter is "Acquisition and Operation of Medical Facilities".

New section 5001.—Definitions: Defines four terms for purposes of subchapter I, as follows:

(1) The term "alter" means to repair, remodel, improve, or extend any medical facility.

(2) The terms "construct" and "alter" include such engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions as are necessary for the construction or alteration, as the case may be, of any medical facility and are carried out after the completion of the advanced planning for such facilities.

(3) The term "medical facility" means any facility, or part thereof, which is, or will be, under the jurisdiction of the Administrator for the provision of health services (including, but not limited to, hospital, nursing home, or domiciliary care, or medical services), and includes necessary building and auxiliary structures, garages and parking facilities, mechanical equipment, trackage facilities leading thereto, abutting sidewalks, accommodations for attending personnel, and recreation facilities associated therewith.

(4) The term "committee" means the Committee on Veterans' Affairs of the House of Representatives or the Committee on Veterans' Affairs of the Senate, and the term "committees" means both such committees.

New section 5002.—Acquisition of medical facilities; Subsection (a) requires the Administrator to provide medical facilities for veterans entitled to hospital, nursing home, domiciliary, and medical services under title 38. This provision is derived from present section 5001(a)(1) and deletes the express condition that, in so providing such facilities, the Administrator must have the President's approval.

Subsection (b) prohibits a medical facility from being constructed, acquired, or altered except in accordance with the provisions of this subchapter.

Clause (1) of subsection (c) requires the Administrator to provide for the construction and acquisition of medical facilities in a manner that results in their equitable distribution throughout the United States, taking into consideration the comparative urgency of need for the services to be provided in each facility.

Clause (2) of subsection (c) requires the Administrator to give due consideration to excellence of architecture and design.

New section 5003.—Authority to construct and alter, and to acquire sites for, medical facilities: Authorizes or requires the Administrator, subject to new section 5004, to take certain actions, as follows:

Clauses (1) and (2) of subsection (a) authorize the Administrator to construct or alter any medical facility and to acquire land or interests in land by purchase, lease, condemnation, donation, exchange, or otherwise for use as the site for such construction or alternation; and authorize the Administrator to acquire, by lease, condemnation, donation, exchange or otherwise, any facility for use as a medical facility, including its site. These provisions derive from similar authorizations in present section 5001(a)(1) for the Administrator, subject to the approval of the President, to purchase, construct, and alter medical facilities, but delete the express requirement of Presidential approval, give the Administrator explicit authority to acquire medical facilities (in addition to sites) by condemnation, authorize the Administrator to acquire such facilities by exchange, and make explicit the Administrator's authority to acquire sites by exchange.

Clause (3) of subsection (a) requires the Administrator, in order to assure compliance with section 5010(a)(2) of title 38, relating to the requirement for the Administrator to maintain adequate VA bed and treatment capacities, to execute a lease for an outpatient medical facility for which it is proposed to lease space and for which a qualified lessor and an appropriate leasing arrangement are available, within 12 months after funds are made available for such purpose.

Subsection (b), authorizes the Administrator, when the Administrator considers it to be in the interest of the United States to construct a new medical facility to replace an existing one, (1) to demolish the existing facility and use the site on which it is located for the replacement facility or (2) if it is more advantageous to construct the replacement facility on a different site in the same locality, to exchange the existing facility and its site for the different site.

Subsection (c) authorizes the Administrator to exchange or sell a site acquired for the construction of a medical facility if the Administrator determines that such site is not suitable for that purpose.

New section 5004.—Congressional approval of certain medical facility acquisitions: Clause (1) of subsection (a) provides that no appropriations may be made for the construction, alteration or acquisition (not including exchanges) of any medical facility involving a total expenditure of more than $2 million unless the House and Senate Veterans' Affairs Committees have each first adopted a resolution approving such action and setting forth the estimated cost thereof.

Clause (2) of subsection (a) provides that no appropriation may be made for the lease of any space for use as a medical facility at an average annual rental of more than $500,000 unless the House and Senate Veterans' Affairs Committees have each first adopted a resolution approving such lease and setting forth the estimated cost thereof.

Subsection (b) requires, in the case of an Administration-proposed facility to which subsection (a) applies, that the Administrator submit to the House and Senate Veterans' Affairs Committees, on the same day, a prospectus of the proposed facility, including a detailed description of the estimated cost to the United States of the construction, alteration, lease, or other acquisition of such facility, and the estimated cost to the United States of the equipment required for the operation of such facility.

Subsection (c) provides that the estimated cost of a medical facility, as set forth in the pertinent resolutions required under subsection (a) of this section, may be increased by the Administrator in the contract by an amount equal to the percentage increase, if any, as determined by the Administrator, up to 10 percent, in the costs from the date of the Committee approval to the date of the contract.

Subsection (d) provides for rescission of Committee approval for any medical facility for which funds have not been appropriated within 1 year after the date of such approval.

Subsection (e) requires the Administrator to notify the House and Senate Veterans' Affairs Committees in writing of any proposed reprograming of appropriated funds and of the particulars involved and the reasons why the funds were not used for the purpose for which appropriated.

Subsection (f) authorizes the Administrator to accept gifts or donations for any of the purposes of subchapter I. Substantially the same authority currently exists in section 5001(d) of title 38.

New section 5005.—Structural requirements: Recodifies and amends existing section 5001(b).

Subsection (a) requires facilities to meet structural safety standards prescribed by the Administrator on a State or regional basis. This provision currently exists in section 5001(b).

Subsection (b) provides for an Advisory Committee on Structural Safety of Veterans' Administration Facilities, as follows:

Paragraph (1) of subsection (b) restates current law, set forth in present section 5001(b), which requires the Administrator to appoint such a committee to include at least one architect and one structural engineer who are experts in structural safety and not Federal employees.

Paragraph (2) of subsection (b) sets forth the duties of the committee, which include review of and recommendations on the regulations promulgated by the Administrator under this section. This provision is substantially the same as existing law, set forth in present section 5001(b), except that existing law requires committee approval of the regulations.

Paragraph (3) of subsection (b) provides that the Associate Deputy Administrator, the Chief Medical Director or his designee, and the VA official responsible for construction, shall be ex officio members. This provision is also in existing law, in present section 5001(b).

New section 5006.—Construction contracts: Replaces existing section 5002, relating to construction and repair of building.

Subsection (a) authorizes the Administrator to contract for construction or acquisition of medical facilities if he considers it advantageous to do so. Under current law, in present section 5002, the construction, replacement, extension, alteration, and repair of such facilities shall be done in such manner as the President may determine.

Subsection (b) authorizes the Administrator to obtain, by contract or otherwise, the services of architects or engineers if needed, but prohibits the permanent employment of such architects and engineers. Under current law, in present section 5002, authority is given the President to employ private individuals and agencies if, in the opinion of the President, it is desirable to do, at compensation that the President considers reasonable, including the interpretation of construction contracts, the approval of materials and workmanship, approval of changes in such contracts, certification of vouchers for payment due construction contractors, and final settlement of such contracts.

Subsection (c) provides that the Administrator shall be responsible for all construction authorized under subchapter I.

New section 5007.—Reports to congressional committees: Requires two annual reports on the VA's construction program.

Subsection (a) requires a report, due on September 1, 1979, and annually thereafter on June 30, including (1) a 5-year plan for those facilities most in need of construction, replacement, or alteration; (2) a priority listing of 10 or more, hospitals most in need of construction or replacement; and (3) general plans for each such medical facility.

Subsection (b) requires the VA to submit to the House and Senate Veterans' Affairs Committees a report, due annually on January 31, beginning in 1981, describing the status of each facility approved under new section 5004(a), but uncompleted.

New section 5008.—Contributions to local authorities: Recodifies the provision in present section 5001(g).

New section 5009.—Garages and parking facilities: Recodifies and amends present section 5004.

Subsection (a) is the same as present section 5004(b)(1).

Paragraph (1) of subsection (b) contains the provisions of present section 5004(b)(2) and the last sentence of present section 5004(a).

Paragraph (2) of subsection (b) is the same as present section 5004 (b)(3).

Subsection (c) establishes, and authorizes appropriations for, a revolving fund for the construction, alteration, operation, and maintenance of garages and parking facilities costing less than $2 million and replaces present section 5004(c).

Paragraph (1) of subsection (c) authorizes appropriations of "such amounts as are necessary" for this purpose and provides that funds appropriated and all income from parking and garage fees shall be administered as a revolving fund.

Paragraph (2) of subsection (c) requires the revolving fund to be deposited in a checking account with the United States Treasurer, except for such amounts as the Administrator determines are necessary to establish and maintain operating accounts for the various garages and parking facilities. Amounts so withheld by the Administrator may be placed in depositories selected by the Administrator.

New section 5010.—Operation of medical facilities: Subsection (a) recodifies present section 5001(a)(2), relating to the number of hospital beds and treatment capacities of VA medical facilities.

Subsection (b) recodifies present section 5001(a)(3), setting forth the minimum number of nursing home beds to be established and operated by the VA. Existing law, which provides for a minimum of 10,000 such beds, is amended to provide for a minimum of 12,000 such beds.

Subsection (c) is identical to present section 5001(h), relating to facilities which serve a substantial number of veterans with limited English-speaking ability.

New section 5011.—Use of Armed Forces facilities: Recodifies present section 5003.

New section 5012.—Partial relinquishment of legislative jurisdiction: Recodifies present section 5007.

New section 5013.—Property formerly owned by National Home for Disabled Volunteer Soldiers: Recodifies present section 5006.

New section 5014.—Use of federally owned facilities, use of personnel: Recodifies present section 5001(e) and the second sentence of present section 5002.

New section 5015.—Acceptance of certain property: Recodifies section 5005.

Subsection (b) of section 301 makes technical and minor amendments to subchapter II of chapter 81, relating to VA procurement and supply authorities.

Paragraph (1) of subsection (b) redesignates present sections 5011, 5012, 5013, and 5014 as sections 5021, 5022, 5023, and 5024, respectively.

Paragraph (2) of subsection (b) amends present section 5022(b) (as so redesignated by paragraph (1)) by deleting the Administrator's authority under this subsection to procure necessary space for clinical, medical, and outpatient treatment purposes. Such authority is included in new section 5003 as provided for in subsection (a) of this section of the Committee bill.

Subsection (c) of section 301 amends the table of sections at the beginning of chapter 81 to reflect the changes made by this section.

Section 302.

Sets forth the effective dates of the provisions of section 301.

Subsection (a) of section 302 provides that, except as provided in subsection (b) of this section, the amendments made by title III of the Committee bill will take effect on October 1, 1979.

Subsection (b) of section 302 provides that the amendments made by this of the Committee bill shall not apply to the proposed construction, acquisition, or alteration of any medical facility approved by the President before October 1, 1979, and that the provisions of new section 5007(a) requiring an annual report on medical facilities construction needs and plans, will become effective upon enactment.

Title III—Costs: Enactment of the provisions of title III is estimated to entail no cost.

TITLE IV—BENEFITS PAYABLE TO PERSONS RESIDING OUTSIDE THE UNITED STATES

Section 401.

Amends paragraph (4) of section 101, title 38, United States Code, relating to the definition of "child".

Clause (1) of section 401 redesignates paragraph (4) of present section 101 as subparagraph (A) of paragraph (4), and redesignates clauses (A), (B), and (C) within such subparagraph as clauses (i), (ii), and (iii), respectfully

Clause (2) of section 401 further amends such paragraph (4) by adding a new subparagraph (B), as follows:

New subparagraph (B): Provides that, for purposes of subparagraph (A) (as redesignated by clause (1) of this section), which defines "child" for most purposes under title 38, certain standards, as set forth in clauses (i) and (ii) of new subparagraph (B), must be met before a person residing in a foreign country who has been adopted under the laws of a foreign country may be recognized as a child of a veteran (including a Commonwealth Army veteran or "New" Philippine Scout, as defined in section 1766 of title 38).

Clause (i) of new subparagraph (B) provides that, for such a person to be considered the child of a veteran, he or she must be receiving one-half or more of his or her annual support from the veteran; may not be in the custody of the natural parent unless the natural parent is the veteran's spouse; and must be residing with the veteran (or, in the case of a divorce following the adoption, with the divorced spouse who is also an adoptive or natural parent) except for periods during which the legally adopted child is attending school full-time or during which either the veteran (or such divorced spouse) or the child is institutionalized.

Clause (ii) of new subparagraph (B) provides that, for a person to be considered the child of a deceased veteran, the veteran must have been entitled to and must have received, at any time during the year immediately preceding the veterans' death, a dependent's allowance or similar monetary benefit for the child under title 38, or the requirements of clause (i) of new subparagraph (B) of present section 101(4) must have been met for a period of at least 1 year prior to the veteran's death.

This provision was passed as section 201 of H.R. 5029 by the Senate in the 95th Congress.

Section 401—Cost: Enactment of this provision is estimated to entail no cost.

Section 402.

Subsection (a) of section 402 requires the VA to carry out a comprehensive study of benefits payable under title 38, United States Code, to persons residing outside the 50 States and the District of Columbia, including—

(1) an analysis of the issues involved in the payment of benefits to persons who reside outside the 50 States and the District of Columbia, together with analyses of those aspects of the economy of each foreign country and each territory, possession, and Commonwealth of the United States in which a substantial number of persons receiving benefits resides which are relevant to such issues (such as the rate of inflation, the standard of living, and health care, educational, housing, and burial costs);

(2) an analysis of the issues involved in the payment of benefits as the result of adoptions under laws of a political entity other than any of the 50 States or the District of Columbia;

(3) an analysis of the amounts and method of payment of benefits payable to persons entitled to benefits under chapters 11 (compensation), 13 (dependency and indemnity compensation), and 35 (educational assistance) of title 38 on the basis of the service of a Commonwealth Army veteran or new Philippine Scout;

(4) estimates of the present and future costs of paying VA benefits to persons described in clauses (1) and (3) of subsection (a) of this section;

(5) an evaluation of the desirability of continuing to maintain the VA Regional Office in the Republic of the Philippines, taking into consideration (A) the current and expected future workloads of such office, (B) the estimated cost in fiscal years 1981 through 1985 of continuing to maintain that office, (C) the feasibility and desirability of transfering appropriate functions of that office to the U.S. Embassy in the Republic of the Philippines, and (D) a tentative plan, which the Administrator shall develop, for the closing of that office and so transferring those functions, together with cost estimates for fiscal years 1981 through 1985 for the implementation of such a plan assuming that the office is closed prior to October 1, 1981; and

(6) an evaluation of the effects of the amendments to title 38 made by section 401 of the Committee bill.

Subsection (b) of section 402 requires the VA to report to the Congress and the President, not later than February 1, 1980, the results of the study required by subsection (a) of section 402 together with recommendations for resolving the issues to be analyzed and evaluated in the study.

The provisions of subsections (a) and (b) are derived from section 203 of H.R. 5029 as passed by the Senate in the 95th Congress.

Subsection (c) of section 402 requires the study mandated by subsection (a) of this section to be carried out in conjunction with a similar study required under section 308 (a) of Public Law 94–588 the Veterans' and Survivors' Pension Improvement Act of 1978. This subsection also provides for submission of the reports of such studies as a combined report.

Section 402—Costs: Enactment of the provisions of section 402 is estimated to entail no cost.

TITLE V—MISCELLANEOUS PROVISIONS

Amends section 4108 of title 38, United States Code, to authorize the Administrator to prescribe regulations establishing conditions under which Department of Medicine and Surgery officers and employees who are nationally recognized principal investigators in medical research would be permitted to accept reimbursement for travel expenses from non-Federal agencies, organizations, and individuals in connection with their attendance at meetings or in performing advisory services concerned with VA functions or activities, or in connection with acceptance of significant awards or with activity related thereto concerned with VA functions or activities.

Section 501—Cost: Enactment of the provisions of section 501 is estimated to entail no cost.

Section 502.

Subsection (a) of section 502 provides for Presidential nomination and Senate confirmation of the Deputy Administrator of Veterans' Affairs.

Subsection (b) of section 502 makes clear that the incumbent Deputy Administrator may be, but is not required to be, subjected to Presidential nomination and Senate confirmation.

Section 502—Cost: Enactment of the provisions of section 502 is estimated to entail no cost.

Section 503.

Subsection (a) of section 503 amends present section 230 of title 38, United States Code, relating to VA administrative offices, by striking out subsection (c) in order to repeal the outdated authority for the nonexisting VA regional office in Europe.

Subsection (b) of section 503 amends present section 235 of title 38, United States Code, relating to benefits to VA employees at overseas offices who are United States citizens, to provide certain benefits to VA employees stationed outside the United States (in the Philippines); specifically, certain benefits presently available to other Federal employees stationed overseas—family visitation travel expenses and subsistence expenses upon return to the United States—and benefits relating to the sale or purchase of a residence or settlement of an unexpired lease of an employee being transferred, which are presently available to VA employees transferred within the United States.

Subsection (c) of section 503 makes technical amendments in section 235 of title 38.

Section 503—Cost: Enactment of the provisions of section 503 are estimated to entail no cost.

Section 504.

Updates section 4107 of title 38, United States Code with respect to the salary schedules of the Department of Medicine and Surgery to reflect the October 7, 1978, Federal pay raise contained in Executive Order No. 12087. Specifically, it would amend the schedules of rates of basic pay appearing in title 38 for section 4103 employees (top Department of Medicine and Surgery employees at VA Central Office), for physicians, dentists, nurses, and clinical podiatrists, optometrists, physician assistants and expanded-function dental auxiliaries to reflect this cost-of-living increase.

Section 504—Cost: Enactment of the provisions of section 504 are estimated to entail no cost.

CONCLUSION

Mr. CRANSTON. Mr. President, in closing, I want to express my particular appreciation to the ranking minority member of the committee, the Senator from Wyoming (Mr. SIMPSON), who is also a cosponsor of this bill, for his excellent contributions and spirit of cooperation in the development of this measure and to his staff member, Ken Bergquist, for his help. I also want to express my gratitude to the other cosponsors of S. 7, Senator RANDOLPH—a particularly forceful and effective spokesman for veterans' needs who has been a cosponsor of this legislation throughout our 8 years of efforts—and Senators TALMADGE, STONE, DURKIN, MATSUNAGA, THURMOND, STAFFORD, and HART. I would also like to thank for their diligent efforts, committee minority staff members Garner Shriver, Gary Crawford, and John Pressly, and for their hard and effective work on this bill and the committee report, committee staff members Ellen Akst, Ed Scott, Jon Steinberg, and Harold Carter. They were extremely ably assisted by Janice Orr, Molly Milligan, Terri Morgan, Becky Walker, Mikki Day, James MacRae, and Walter Klingner.

Mr. President, I urge my colleagues to support this very important measure.

I now yield to my friend and colleague, the Senator from Wyoming (Mr. SIMPSON), who is managing his first bill in the Senate.

Mr. SIMPSON. Mr. President, I thank the Senator from California very much for his kind remarks. I am very pleased to support passage of this legislation with him.

I sought him out when I was advised of my status as ranking minority member of this committee. He was most courteous and attentive to me. He shared with me his time, his counsel, his experience, and his remarkable patience, as well as his great legislative skills.

His staff and the committee staff have been exceedingly helpful and productive in assisting me in my responsibilities, without the prejudices associated with the distinctions of majority and minority being present.

Chief Counsel Jon Steinberg has been overly generous of his time and skill in providing me with background on issues that have confronted this committee in the past, as has minority counsel Garner Shriver. I am deeply appreciative of their assistance. Such assistance and support has enabled me, I hope, to be productive and to "light running," as we say in the West.

Senator CRANSTON has worked with this similar legislation for many years. He has shepherded it through the Senate, only to see it fail in the House. Evidence of a new awareness there gives every indication that we will avoid that fate in this session. I believe we will.

I am pleased to have made a contribution to the efforts of Senator CRANSTON. It has been a fine privilege and honor. Besides, two guys named "ALAN," spelled in the same clear and concise manner, cannot help but be a positive influence.

Mr. President, S. 7 is a comprehensive measure to revise and improve Veterans' Administration health care programs, to authorize the construction, alteration, and acquisition of medical facilities, and to expand medical care benefits for disabled veterans. The bill is intended to improve health services to our Nation's veterans. It is the result of careful consideration and considerable compromise on the part of members of the committee sponsoring the bill. It has been well discussed and well considered. We of the Senate Veterans' Affairs Committee now bring to Congress this greatly improved bill, the Veterans' Health Care Amendments of 1979.

The bill as reported by the committee would establish important new programs within the Veterans' Administration health care system primarily for the treatment of veterans with service-connected or related disabilities.

These include readjustment counseling for Vietnam-era veterans who are suffering from problems in readjusting to civilian life; a 5-year pilot program providing for contractual treatment and rehabilitation of veterans with alcohol or drug dependency, in community-based treatment facilities, and a 4-year pilot program of preventive health care services for veterans with service-connected disabilities.

The bill under consideration would also extend outpatient dental benefits to veterans who are former prisoners of war and held captive for at least 6 months and to 100 percent service-connected disabled veterans.

I do not intend to discuss fully all features of S. 7. The committee report submitted by our distinguished chairman covers all titles and details of the bill most carefully and completely. Yet I feel compelled to summarize briefly some of this bill's important provisions.

Title I includes a number of health services programs. It provides that medical examinations to determine the existence of or extent of service-connected disability be included in the third priority for outpatient care—along with non-service-connected care for veterans who have service-connected disability ratings. It is our understanding that, often, service-connected veterans are required to wait far too long in VA outpatient clinics before being examined. We believe that establishing a new priority in compensation examinations, as contained in this measure, not only will eliminate excessive waiting time for veterans in the outpatient clinic but also will result in more comprehensive and thorough examination.

Our committee believes that outpatient dental care eligibility should be extended to veterans suffering from total service-connected disabilities.

We feel that this group of veterans is deserving of special high priority consideration in utilizing VA medical and dental resources. In the bill before the Senate there is an extension of outpatient benefits, including dental care to veterans with 100 percent service-connected disabilities and to veterans who were imprisoned as prisoners of war for 6 months or longer.

We have become very alarmed that VA spending on outpatient fee-basis dental care has been very high in recent years: More than $51 million in fiscal year 1977; more than $58 million projected for fiscal year 1980. As a member of the committee, I offered an amendment to S. 7 which would insure that the Veterans' Administration would generally use its own facilities and dental staff to provide the newly authorized outpatient dental care for former POW's and totally disabled veterans. Such care can be furnished on a fee basis through private facilities, but logically should only be offered when the usual general conditions for fee-basis outpatient medical care are satisfied. These conditions are historically, one, when VA facilities are unable to provide care economically because of geographic inaccessibility or, two, when VA facilities are unable to provide the type of care required.

In addition, a cap or lid will be placed on the amount of fee-basis dental care that the VA may provide in any one fiscal year beginning with fiscal year 1980.

This cap, of course, will be based on the VA's present level of actual expenditures for fee-basis care for fiscal year 1978, that figure being $45.2 million.

We believe that most VA dental care can and should be provided by the VA's own dental care personnel, rather than by a private dentist on a fee basis. This bill also requires the Administrator of Veterans' Affairs to prescribe regulations insuring that, except where required by compelling medical or dental reasons, priority in providing dental care will be in accordance with the specified priority a prescribed standard that generally emphasizes cure for veterans with service-connected disabilities.

It was my privilege to offer and to have accepted by my committee colleagues, including those of the other faith, another cost-saving amendment which was affirmed by the committee. I refer to the 4-year pilot program of preventive health care services for veterans with 50 percent or more service-connected disability. Under my committee amendment expenditures are now limited to $3.5 million in fiscal year 1980, $5 million in fiscal year 1981, $7 million in fiscal year 1982, and $9 million in fiscal year 1983. Such a limitation on expenditures and the associated sunset provision will give our committee and the Senate the time to evaluate the effectiveness of the program and its ability to reduce the incidence of future medical conditions before expanding the scope and extending the life of the program.

Currently, health care in the Veterans' Administration is defined by statute as those services necessary to treat an already existing disease or disability. In the past few years, more and more thought and attention has been directed toward the prevention of illness or disease. Many experts in the field believe that preventive health care will improve the welfare of our veterans in the long term, and additionally result in long-term cost savings for patients and, of course, for the Government.

The VA has also endorsed the concept of preventive health care. Our bill clearly sets the course of starting the program modestly and allowing it to mature under careful observation in order that the necessary knowledge and experience can be gained before making a decision concerning the future scope of the program. The committee report sets out in considerable detail the controls, the research recommended, and the desires of the committee in providing for this pilot program.

Another most important feature of S. 7 is the establishment of a program of readjustment counseling and follow-up mental health services for veterans who served on active duty during the Vietnam war, in order to assist these veterans with psychological problems in readjusting to civilian life. That is a most topical subject which is being treated in rather poignant fashion in the film world at the present time.

The purpose of this readjustment counseling provision is to make fully available the resources of the VA's health-care system to Vietnam veterans who feel they require such services. It will, of course, be a voluntary, self-help approach.

Readjustment counseling would include a general mental and psychological assessment to determine whether the veteran has readjustment problems and whether mental health services may be necessary. Such counseling and the follow-up mental health services should and must be provided directly by the VA, except, of course, in Alaska and Hawaii, where there are no VA hospitals, and contract care is the only alternative.

Another of the more significant provisions of S. 7 is a pilot program for the treatment and rehabilitation of veterans with alcohol and drug dependence. The VA would be authorized, for a 5-year period, to contract for such services in private, community-based facilities. I think that is an important distinction. Drug addiction and alcoholism are not new problems to the Veterans' Administration. For many years the VA has recognized alcoholism as a treatable condition. Testimony before our committee indicates that alcoholism and the disorders related to it constitute the largest diagnostic category that the VA observes in the entire health care field.

The Veterans' Administration has been doing extensive and solid work in connection with the treatment of alcoholism and drug abuse. We are providing the additional tools and assistance to enable the VA to offer greater and expanded services to veterans needing this important assistance.

This legislation would authorize the Administrator to conduct a 5-year pilot program in which he could contract for care, treatment, and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities as near as possible to the veterans place of residence, if at all possible. Such care would be for eligible veterans suffering from alcohol or drug dependence or disabilities occasioned by abuse of either of these two drugs.

S. 7 also provides for an expanded role for House and Senate Veterans' Affairs Committees in the planning and implementation of VA medical facilities construction programs. Under present law, the responsibility for providing such facilities, including their location and nature, is with the Administrator of Veterans' Affairs, subject to the approval of the President. The only part played by Congress has been in appropriations legislation.

The committee believes that better planning in the VA's medical facilities construction program will improve availability of services to our Nation's veterans. The House and Senate Veterans' Affairs Committees—with legislative responsibility for the VA health care system—are most familiar with the VA's resources and needs and should have a statutory role in the authorization of its health care facilities to insure the best of care and yet avoid an unnecessary duplication or overbuilding of facilities.

Consequently, S. 7 provides that no appropriation shall be made for construction, alteration, or acquisition of any VA medical facility costing more than $2 million or for leasing any such facility with annual rental over $500,000 without the two committees first adopting resolutions of approval.

There are other provisions of the bill before the Senate which would expand and clarify circumstances under which the VA may furnish contract care; which will insure the proper disbursement and eligibility criteria with respect to benefits to be paid to or on behalf of children residing outside the United States; which will authorize the Administrator to prescribe regulations permitting VA's health care employees who are nationally recognized in their fields to accept payments from non-Federal agencies for travel in connection with officially sanction conferences; which provides for nomination by the President and confirmation by the Senate of the Deputy VA Administrator; and finally for other miscellaneous purposes.

In conclusion, Mr. President, S. 7 represents an investment of considerable work and effort during this and prior Congresses. We continue always to seek improvement in our laws relating to veterans, their dependents and survivors. They are people who have given much at a time when the country expected much of them, and they responded and so should we continue to respond to them.

The members of the Veterans' Affairs Committee earnestly request the continuing support of the Senate as we continue to, hopefully, fulfill our responsibilities and obligations in behalf of the Nation's veterans.

I believe this is a good piece of legislation. I have very much enjoyed my participation in it with Senator CRANSTON and the entire committee, and I trust it will merit the Senate's support.

Thank you very much.

Mr. CRANSTON. Mr. President, I thank my colleague very much for his generous statements and again for his cooperation and for his clear spelling out of the significance and the terms of this legislation.

Mr. President, I ask unanimous consent that the following staff of our committee members have the privilege of the floor throughout the consideration of S. 7: Ned Massee, Maureen O'Neill, and Bobby Avary.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I believe there are two amendments to the bill. I hope we can now proceed to deal with the first amendment, that of the Senator from Wisconsin, Senator PROXMIRE.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, first, I commend my friend from California and my friend from Wyoming for the excellent bill. It is a very fine bill in many respects. I have an amendment which I hope they can accept or, if not, I hope the Senate will help them accept.

I think they have done a fine job, particularly in the area of preventive health care and measures which have been overlooked generally.

I do not know anyone in the Senate and I know few people in the country who could have been more vigorous in advancing preventive health care than the Senator from California who has been way out in front of it and has been doing a fine job. It is something I think that has been overlooked.

Many people have said if we are going to have any real progress in American health in the next few years, it probably will not come generally out of a test tube. Some advances will. It will come out of improving lifestyles in this country, persuading people to have the proper diet and be more moderate in drinking and smoking, and adopting such health care measures as the distinguished Senator from California proposes in this bill.

AMENDMENT NO. 199

(Purpose: To delete the requirement of Veterans' Affairs Committees' resolutions approving major Veterans' Administration medical facility construction or acquisition projects before appropriations may be made therefor)

Mr. President, I call up my amendment No. 199 to S. 7 and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. PROXMIRE), for himself and Mr. MAGNUSON, proposes an amendment numbered 199.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all on page 65, line 6, through page 67, line 18.

On pages 67 through 77, renumber sections 5005 through 5015 as sections 5014, respectively.

On page 71, strike out all on lines 1 through 3 and insert in lieu thereof "medical facility construction, alteration, lease, or other acquisition project for which appropriation has been made and which were uncompleted as of January 1, 1979, and, in the case of the second and each".

On page 72, on lines 15 through 17, strike out "(other than the construction or alteration of any garage or parking facility involving the expenditure of more than $2,000,000)".

On page 78, between lines 7 and 8, strike out

"5004. Congressional approval of medical facility acquisitions.",

and renumber the items relating to sections 5005 through 5015 as sections 5004 through 5014, respectively.

Mr. PROXMIRE. Mr. President, my amendment would delete language in S. 7, as reported, which would give the House and Senate Veterans' Affairs Committees the right to approve Veterans' Administration medical facility projects costing more than $2 million overall and medical facility leases costing more than $500,000 a year. No appropriations for such projects would be possible, even if they were contained in an administration budget request, unless the projects received the prior approval of the two congressional Veterans' Committees.

Specifically the pending legislation would add a new section 5004 to title 38 of the United States Code requiring committee approval of the aforementioned projects as a prerequisite to any appropriations action. My amendment would strike this section and make certain other conforming changes to the bill currently before us. Why do I do this?

There are two basic reasons why I believe my amendment should be adopted. First, the proposed procedure could open up a Pandora's box by creating a vehicle for the addition of costly medical facility construction projects of dubious merit to the list of priorities put together by the Veterans' Administration and transmitted to the Congress each January as a part of the President's budget for the upcoming year.

I am convinced this will not be the case in this body as long as the distinguished senior Senator from California chairs the Senate Veterans' Affairs Committee, with the able assistance of the junior Senator from Wyoming.

But this proposal would create a permanent change. Given different leadership and a less rigorous economic climate it is not only possible but quite likely that the Veterans' Affairs Committee will authorize a great number of medical facility construction and renovation projects that simply do not meet the tough test that we must begin to apply to all Federal spending.

It would be ironic if we were to approve a procedure which is bound to increase pressures for Federal spending at a time when the Congress is trying to tighten the reins on such spending. It seems to me that all of us who are making a good fair effort to battle inflation by reducing Federal outlays have to oppose this proposed procedure, which has such great potential for increasing medical facility construction within the Federal sector.

In voting my proposal up or down my colleagues should also be aware that the Veterans' Administration has been criticized for building too many acute care beds by the National Academy of Sciences, the General Accounting Office and the Congressional Budget Office. By increasing pressures for the construction of acute bed facilities, section 5004 of S. 7 would cut against the grain of such criticisms of the National Academy of Sciences, the General Accounting Office, and the Congressional Budget Office. We would disregard their advice, in effect. It would also indirectly contribute to spiralling health care costs by creating the potential for the production of excess acute care beds, thus reducing the bed utilization rate and increasing health care overhead costs. Consequently it would strike a blow at the administration's hospital cost containment effort.

It might be argued that the Appropriations Committees of the two Houses will have the final word on hospital construction projects and that they need not approve questionable construction projects just because they have been authorized by the two Veterans' Affairs Committees. It is true that the House and Senate Appropriations Committees have been able over the years to do a pretty good job of resisting efforts to add medical care construction projects to the administration's list of proposals. But if a project were once authorized in Maine or Mississippi and were included in a wish list of priorities, all of us know that it would just be a matter of time before the project was funded. The inclusion of a project on such a list would unleash pressures from a State's congressional delegation, from the Nation's fine veterans organizations, and from communities within the favored State that we might be able to resist for 1 year, or maybe even 2 or 3 years, but which would finally prevail.

So, Mr. President, what I am pleading for is that we maintain our present procedures which, although far from perfect, have enabled us to resist what many, many thoughtful people feel would be great pressure for, in effect, more pork. I am pleading with my colleagues to follow the lead of the chairman of the Appropriations Committee, Senator MAGNUSON, and agree that the present system is one which is going to hold down spending and confirm spending for veterans hospitals to those which are really justified.

There is one other reason for opposing this proposal to require the Veterans' Committees to authorize construction projects before the Congress can appropriate funds for the initiation of such projects. It is the major reason given by the administration for opposing this procedure.

The administration opposes this provision in the bill and supports my amendment. My colleagues should know that the administration does strongly oppose section 5004. Simply put, this proposed legislation would add one more delaying step to the current system for approving medical construction proposals endorsed by the Veterans' Administration and the White House.

As I indicated earlier in my statement, projects that have the administration's endorsement may now be approved simply through a decision of the Congress to appropriate construction funds. A new section 5004 would require the Veterans' Committees to sign off on such projects before we could act to appropriate funds in the future, thus imposing "cumbersome, cost-escalating procedures," in the words of the Administrator of Veterans' Affairs, on the present systematic construction planning process pursued under OMB circular A-109.

Of course, in the kind of world we live in, in view of the inflation we suffer, particularly in construction, those delays mean higher costs, and higher costs that can be substantial. They can be in the millions, in the hundreds of millions of dollars.

To repeat, in the words of the Administrator of Veterans' Affairs, they are "cumbersome, cost-escalating procedures." VA Administrator Cleland went on to say, in a letter to the Senate Veterans' Affairs Committee opposing prior authorization of medical construction projects—this is what Administrator Cleland said, and I think we all respect and admire Max Cleland; I think he has done an outstanding job as the head of the Veterans' Administration. He is one of the very best we have had, one of the most thoughtful and compassionate, as well as one of the most economy-minded. He said:

> We are fearful that enactment of this proposal would seriously impair—if not disrupt—the orderly system of administrative planning which has proven effective for many years.

I agree with Administrator Cleland and I hope my colleagues will also agree by voting to strike section 5004 from the bill before us today.

To sum up my arguments, the procedure the pending bill attempts to create, and which my amendment would strike from the bill, would substitute a time-consuming congressional priority setting process for the VA's orderly system of determining when and where medical facilities should be constructed and would greatly increase the cost of the VA's medical construction program in the process. This is unwise both from the standpoint of good planning and in the context of congressional efforts to hold down excessive Federal spending. I urge my colleagues to join with me in voting against this misguided attempt to complicate and politicize the provision of care to the Nation's veterans.

Mr. President, I must say that I have

great admiration for both Senators who are managing this bill, and I think the remarks by the Senator from Wyoming were particularly apt, and it was a fine statement, particularly when he referred to the fact that this is being managed by two fellows whose names are "ALAN," and I just hope that by accepting this amendment they will prove that that is just not another four-letter word.

At any rate, I hope they will be as economical and as terse in their acceptance of this amendment as they are in their fine first names.

Mr. CRANSTON. Mr. President, I thank my good friend from Wisconsin for his generous remarks.

I admire his own personal approach to preventive health care and his understanding of that aspect of this legislation, and I welcome his support for the main thrust of this bill.

I am sorry that I cannot agree on the nature of the amendment that he has offered, but fully understand the concerns that motivate him to take the position that he has taken.

I believe that the approach in the Senator's amendment goes too far. His amendment would totally eradicate the basic thrust of title III of the committee bill, which is designed to involve the House and Senate Veterans' Affairs committees in planning and approving funding for major VA medical facility construction and acquisition projects as part of the congressional authorization and appropriations processes, by requiring committee approval of major projects before appropriations may be made for them.

Under current law, the responsibility for provision of such facilities, including determining their location and nature, is expressly bestowed upon the Administrator of Veterans' Affairs, subject to the approval of the President. This responsibility may be exercised, of course, only insofar as appropriations are made available to the VA for specific projects.

The Veterans' Affairs Committees in both Houses have been concerned that, although they have legislative responsibility for the entire VA health-care system and are most familiar with the system's existing resources and future needs, neither committee has any statutory role in determining what VA health-care facilities will be established. They believe that providing for an authorization process, in addition to the appropriations process, is the appropriate and accepted way to provide for that role. This approach, in company with other provisions in title III of the bill, would bring about better planning in the VA's medical facilities construction program, improvements in the availability of services to our Nation's veterans, and more equitable and effective use of limited national resources for those purposes.

We do appreciate, however, Mr. President, the concerns that some have with respect to delegating sole responsibility for approving major VA medical facility projects to the Veterans' Affairs Committees. In fact, our committee has never sought such unilateral authority; the reported bill contains this provision only as part of a package agreement reached last Congress with the leadership of the House Veterans' Affairs Committee. However, we believe that the Proxmire amendment goes too far in totally rejecting what we believe is a legitimate concern that these authorizing committees—like many other congressional committees—have a significant role in the review and approval of large VA construction projects.

UP AMENDMENT NO. 150

(Purpose: To require a concurrent resolution reported from Committee by March 15, instead of Veterans' Affairs Committees' resolutions, to approve major VA medical facility construction or acquisition projects before appropriations may be made therefor)

Mr. CRANSTON. Therefore, Mr. President, Senator SIMPSON and I are offering an amendment that would change the authorizing committee approval process to one requiring adoption by each House of a concurrent resolution—like the budget resolution—approving particular projects before appropriations could be made for them. These concurrent resolutions would originate in the authorizing committees, thereby still giving them a significant, but not the exclusive, role in an authorizing process. Joining us in proposing this amendment, which would, in effect, be a substitute for the Proxmire amendment since it proposes to strike and insert in lieu of language that he proposes to strike out entirely, are Senators TALMADGE, RANDOLPH, STONE, THURMOND, and STAFFORD.

There is abundant precedent for an approval or authorization requirement before appropriations may be made for Federal construction projects as well as for a significant role for the authorizing committees in that process. Other congressional committees have committee-resolution approval authority under at least three other laws—the Public Buildings Act of 1959, as amended (40 U.S.C. 606), the Watershed Protection and Flood Prevention Act of 1954, as amended (16 U.S.C. 1002), and the Flood Control Act of 1965, as amended (42 U.S.C. 1962–5(a)). In addition, authorizing committees perform much the same function with respect to annual military construction authorization acts and larger water resource development project authorization acts as the Veterans' Affairs Committees would perform under our amendment. Since our amendment proposes to establish an internal rule governing when it is in order to consider an appropriation, we believe a concurrent resolution rather than a law requiring Presidential involvement, is sufficient.

Mr. President, to assure that the approval process would not delay planning and funding for major VA medical facility projects, our amendment would also require that the authorizing committees report an annual concurrent resolution by March 15 each year and that a failure to do so by either committee would remove, for that year, the prohibition against appropriations for construction projects not approved by concurrent resolution. This timing requirement would fit smoothly into the present annual cycle for proposing and funding VA construction projects—between the January submission of the President's budget and the post-May 15 action on the appropriations bill. It would also fit in with the two authorizing committees' responsibilities for submitting funding recommendations to the Budget Committees under the Congressional Budget Act of 1974.

Mr. President, we are confident that the Committees on Veterans' Affairs will carry out such an authorizing role in a fully responsible and fiscally prudent manner. In this regard, the committee stated in its report on S. 7 (Senate Report No. 96–100), pages 57 and 58:

> The committee, in its exercise of this provision in the committee bill, intends to consult very closely with the Senate Appropriations Committee and the House Veterans' Affairs Committee before making any final decisions with respect to construction or acquisition projects for the V.A. medical programs. The committee believes that this close working relationship will facilitate prompt consideration of construction proposals. . . . In addition, the committee is very much aware of the need for fiscal constraints and fully intends to scrutinize very carefully construction funding proposals, mindful of the total amount proposed in the President's budget each year.

We would also note that the requirement of approval by concurrent resolution would not result in mandating any spending. Rather, it would set parameters for appropriations, and approved projects would still have to pass muster in the appropriations process. Indeed, Mr. President, we fail to understand the allegations that this authorization process would proliferate construction projects. "Pork," that process is called—as though when the appropriations process produces a project it is prime filet. Rather, we believe that an authorization process would provide even greater assurance that approved and funded projects are clearly justified.

Mr. President, I call to the attention of my colleagues two letters that I have received from national veterans' organizations in support of our amendment. Favoring this amendment are the Veterans of Foreign Wars, representing 1.85 million veterans, and the Disabled Veterans of America, representing 615,000 veterans.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS,
Washington, D.C., May 14, 1979.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Veterans of Foreign Wars of the United States has historically maintained a cautious position with respect to the contracting out of medical care by the Veterans Administration. Obviously, the proliferation of more costly contracting out would only lead to both the reduced use of VA facilities and, as would follow, the reduced ability of the VA to furnish broad spectrum care and, consequently, a reduced need for the vast hospital and medical care system we now enjoy. Therefore, we would view with considerable concern any amendment to S. 7, the "Veterans Health Care Amendments of 1979", which would significantly expand the authority now contained in section 601(4)(C), Title 38 USC.

In addition to the foregoing, we would oppose in the strongest possible terms any amendment alien to the concept of veterans benefits, such as restricting psychological readjustment counseling only to those who served in Vietnam or contiguous waters.

The V.F.W. is supportive of so much of Title III of S. 7 as requires approval of the Senate and House Veterans' Affairs Committees in the planning and the approval of funding for construction and acquisition of major medical facilities by the VA. However, and as a compromise to the proposed amendment of the Honorable William Proxmire to delete this provision from the bill, we support your proposed substitute amendment requiring adoption by each House of a concurrent resolution approving particular projects before appropriations could be made for them.

With best wishes and kindest personal regards, I am

Sincerely,

DONALD H. SCHWAB,
Director, National Legislative Service.

DISABLED AMERICAN VETERANS,
Washington, D.C., May 15, 1979.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN CRANSTON: This letter is in reference to the proposed Proxmire Amendment to S. 7, the Veterans Health Care Amendments Act of 1979, and to the proposed Cranston Amendment which, I understand, will be offered in the nature of a substitute (to the Proxmire Amendment).

S. 7, as reported to the floor of the Senate, contains a provision that would require approval by the House and Senate Veterans' Affairs Committees before Congressional appropriations could be made for the purpose of funding major VA medical facility construction/acquisition projects.

The purpose of this provision is to more directly involve the two Veterans' Affairs Committees in the planning and development process of new and replacement medical facilities in our VA Hospital system.

The Proxmire Amendment would delete this provision from the bill.

The Cranston substitute amendment, as I understand it, would retain the VA medical facility "Congressional control" aspect of S. 7. However, it would replace the Veterans' Committees' approval mechanism with one that would require approval by both Houses of Congress in the form of an adopted concurrent resolution.

As you are well aware, Senator Cranston, when S. 7 was the subject of Congressional hearings earlier this year, the Disabled American Veterans strongly supported the extension of greater authority to the House and Senate Veterans' Affairs Committees for the purposes of promoting a more orderly, a more prudent system of construction, alteration and acquisition of VA medical facilities.

Our position on this matter has not changed.

If, as we believe, the Congress should have a definitive, statutory role in the process governing the development of our VA Hospital system, who is better qualified to exercise that authority and responsibility than the two authorizing Committees most familiar with the system itself?

Notwithstanding our desire that the VA medical facility construction/acquisition provision of S. 7 be retained as reported by your Committee, if the only alternatives lay between acceptance of the Proxmire Amendment or the Cranston Amendment, for obvious reasons, the Disabled American Veterans would urge Senate approval of the latter.

Sincerely,

JOHN F. HEILMAN,
National Legislative Director.

Mr. CRANSTON. In conclusion, Mr. President, I would state my strong belief that our amendment responds appropriately to all major concerns with respect to this aspect of the bill as reported, and I urge my colleagues to support the amendment which I now send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON), for himself, Mr. SIMPSON, Mr. TALMADGE, Mr. RANDOLPH, Mr. STONE, Mr. THURMOND, and Mr. STAFFORD, proposes an unprinted amendment numbered 150.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the material proposed to be stricken by Mr. Proxmire on page 65, line 6, through page 67, line 18, insert the following: "§ 5004. Congressional approval of medical facility acquisitions.

"(a)(1) In order to ensure the equitable distribution of medical facilities throughout the United States, taking into consideration the comparative urgency of the need for the services to be provided in the case of each particular facility—

"(A) no appropriation may be made, except as provided in paragraph (2) of this subsection, for the construction, alteration, or acquisition (not including exchanges) of any medical facility which involves a total expenditure of more than $2,000,000 unless a concurrent resolution has first been agreed to approving such construction, alteration, or acquisition and setting forth the estimated cost thereof; and

"(B) no appropriation may be made, except as provided in paragraph (2) of this subsection, for the lease of any space for use as a medical facility at an average annual rental of more than $500,000 unless a concurrent resolution has first been agreed to approving such lease and setting forth the estimated cost thereof.

"(2) The prohibition of appropriations set forth in paragraph (1) of this subsection shall not apply in any calendar year unless, not later than March 15 of such year, each committee has reported to the House of Representatives and the Senate, respectively, a concurrent resolution approving construction, alteration, lease, or other acquisition projects described in paragraph (1) of this subsection for the purpose of appropriations to be made in such calendar year.

"(b) In the event that the President or the Administrator proposes to the Congress the funding of any construction, alteration, lease, or other acquisition to which subsection (a) of this section is applicable, the Administrator shall submit to each committee, on the same day, a prospectus of the proposed medical facility. Such prospectus shall include—

"(1) a detailed description of the medical facility to be constructed, altered, or otherwise acquired under this subchapter, including a description of the location of such facility;

"(2) an estimate of the cost to the United States of the construction, alteration, lease, or other acquisition of such facility (including site costs, if applicable); and

"(3) an estimate of the cost to the United States of the equipment required for the operation of such facility.

"(c) The estimated cost of any construction, alteration, lease, or other acquisition that is approved under this section, as set forth in the pertinent concurrent resolution described in subsection (a) of this section, may be increased by the Administrator in the contract for such construction, alteration, lease, or other acquisition by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction, alteration, lease, or other acquisition costs, as the case may be, from the date of such approval to the date of contract, but in no event may the amount of such increase exceed 10 per centum of such estimated cost.

"(d) In the case of any medical facility approved for construction, alteration, lease, or other acquisition under subsection (a) of this section for which funds have not been appropriated within one year after the date of such approval, the Congress may by concurrent resolution rescind its approval at any time thereafter before such funds are appropriated.

"(e) In any case in which the Administrator proposes that funds be used for a purpose other than the purpose for which such funds were appropriated, the Administrator shall promptly notify each committee, in writing, of the particulars involved and the reasons why such funds were not used for the purpose for which appropriated.

"(f) The Administrator may accept gifts or donations for any of the purposes of this subchapter.".

Mr. SIMPSON. Mr. President, I would simply add that I certainly urge the Senate to adopt the amendment submitted by Senator CRANSTON and others.

I think the important thing to note is that the Veterans' Administration will continue to propose and, of course, the Congress will continue to authorize. I believe this to be a proper exercise of congressional authority. I share the concerns of the distinguished Senator from Wisconsin, but I commend to his attention a segment of the House Report 96-140 on this issue where it is stated, on page 28:

> Although there are many factors to be considered, the Committee is of the opinion that for too many years there has been inadequate planning, particularly long-range planning, of the Veterans' Administration health facilities construction program. To a large degree, lack of such planning has resulted in high cost overruns. The most recent example is the Bronx VA Hospital where original estimated construction costs totaled $65 million. The construction of the hospital has recently been completed and the final cost is expected to exceed $115 million.
>
> In addition, the Committee is very concerned about the tremendous unobligated balance in VA's construction account. The unobligated balance has now reached more $900 million. . . .
>
> The Committee feels that the committee charged with the responsibility for determining the nature and scope of Federal benefits including medical care to be provided for the Nation's veterans, should have a role in determining where and in what quantity VA health care facilities shall be constructed.

I can assure the Senators present that the purpose of this amendment is to avoid a pork barrel situation. I certainly join the Senator from Wisconsin in his efforts to abolish such practices. If abuses have existed in the past, it can well be because our committee has not been afforded a proper role in the authorization process. In my brief experience with this remarkable body, I have observed that the Senate Veterans Affairs Committee gathered unto itself the expertise. and information necessary to properly exercise such an authorization responsibility. I am confident that both the Senate and House committees will exercise this responsibility to the advantage of the veteran and the taxpayer and that the Senate and House will endorse such actions by an appropriate resolution in each instance. I also believe that the committees can do a better job in overseeing the tremendous unobligated balances that exist in the VA's construction account.

Mr. MAGNUSON. Mr. President, will the Senator from California yield for a question?

Mr. CRANSTON. Of course. I have yielded the floor.

Mr. MAGNUSON. What is wrong with the procedure that has been going on? What has been wrong with it? Why the change? Is it to give more power to your committee?

Mr. CRANSTON. No.

Mr. MAGNUSON. Oh, sure; that is what it is.

Mr. CRANSTON. I certainly am not power hungry about this committee. As the Senator knows, I did not start this; it began on the House side and is a result of an effort between my committee and the House committee to work out a problem that was of concern to House members.

I think the basic concern is simply that the Veterans' Affairs Committee in the Senate, and more so in the House, where the concern originated, believe that, although these committees have legislative responsibility for the entire VA health care system and are most familiar with that system, neither committee has any statutory role in determining what and where facilities shall be developed.

That is an area where we seemingly have some responsibility, but we do not have it in fact under the existing procedure. As I outlined earlier, other committees under other laws do have an analogous authority to that which we are proposing.

Mr. MAGNUSON. I remember when we established the Veterans' Committee. I have not had time to go back and look into the CONGRESSIONAL RECORD, but I remember people pleading, "We do not want this authority, we do not want this."

It is the same old story of getting your foot in the door and trying to get more and more authority.

Mr. CRANSTON. May I correct——

Mr. MAGNUSON. I am referring to legislative authority. I think at one time the Veterans' Committee said they did not want the legislative authority at all.

I do not see what is wrong with the system now. I appreciate the fact that the House started this. I know the tenor of the House Members. They want to get more authority in their committees, and so on. But I do not see that it is necessary to make the change.

I do not know about the Senator from Wisconsin. If this amendment carries, we might suggest that it is a good thing, that it saves us a lot of trouble. But we have been pretty good about this.

The reason there is an unobligated balance, and you will run into the same thing if you get this authority, is due to the fact that there is always an argument about where are you going to build a veterans' hospital, here or there, and there is only so much money. You people authorize everything. You authorize them here and there, and then we have to pick them out. I do not think we want that authority, and I do not think we need it.

I do not think this amendment should be agreed to. I do not understand why it has been brought up now. When everything is going fine, leave things alone. That is a good axiom, is it not?

Mr. CRANSTON. I like Bert Lance's way of putting that on one occasion, "If it ain't broke, don't fix it."

Mr. MAGNUSON. Yes.

Mr. CRANSTON. I would like to say to the Senator that I was not one of those who advocated creating a veterans' committee in the first place. As a matter of fact, I did not favor it when it was before the Senate. So I have not been one advocating any great concentration of authority.

Mr. MAGNUSON. I know the Senator did not. But I remember being convinced that, "We are just going to be a veterans' committee. We do not need legislative authority." Now here you go again.

Mr. CRANSTON. I can not agree on that. The advocates of the committee at that time were advocating legislative authority.

I greatly respect the way the Senator from Washington has handled the tremendous burden in the Appropriations Committee. I do not know how he has the time to sit as long as he does listening to as many witnesses and dealing with as many aspects of the Government's expenditures and programs as he does. I am constantly amazed by his patience, his endurance, and his abilities. We are just trying to help share that burden a little bit.

I am ready to vote.

Mr. PROXMIRE. Mr. President, the Senator's amendment, and I do not think we have a clear picture of it, would simply provide for a concurrent resolution, is that correct?

Mr. CRANSTON. Yes.

Mr. PROXMIRE. In other words, it would not only have the Veterans' Committee authorize, which they do not now, but also have the Senate vote on the concurrent resolution.

Mr. CRANSTON. And the House also.

Mr. PROXMIRE. It would not change the pork barrel aspects of this. We would still have a lot of pressure on the Veterans' Committee. I believe the Senator is an expert on that now. The veterans organizations always ask for more. They have been pushing it hard. Then when it reaches the floor, those of us not on the Veterans' Committee would say, for our constituents and organizations, "Why do you not have a hospital in Wisconsin, in my State?"

We get that kind of pressure, and Members of the Senate on the floor, and Members of the House on the floor, would have the same kind of pressure that they do not have to the same degree now.

Mr. CRANSTON. May I say on that point that that same process of pressure can be and is brought to bear on the Appropriations Committee and on that process. They will still be vulnerable to that, to the degree they are now. We are providing two hurdles that a project has to get over, not just one.

Mr. PROXMIRE. Hurdles or two more areas where the pressure can be focused and the pork pushed hard. As Senator MAGNUSON said, we have a situation that has worked pretty well over the years. There has not been an indictment of the present situation. It would seem to open up, or be an invitation to open up, more pressure for more hospitals, and more than we need. Furthermore, under the procedures the Congress, and mainly the Veterans' Committee, would be substituting its judgment for the judgment of the VA. The Appropriations Committee relies heavily on the VA experts. While we can criticize them in many respects, I think they have a somewhat more objective view of where hospitals ought to be built, where they are needed, and so forth, than Members of Congress. After all, we do represent States and districts and will fight like tigers to get projects in our particular States. That is why the administration has taken such a clear and emphatic position in favor of my amendment and against the amendment the Senator is now offering.

Finally, the Senator's substitute would not allow for a Presidential veto because it provides for a concurrent resolution. So the President would not be able to stop what he considered as something that was just unacceptable. That is a power that the President has at the present time that would be taken away, in effect, because once we pass the concurrent resolution that would be the ball game.

I hope under these circumstances the Senate will not vote in favor of this amendment.

Mr. President, I think this is a sufficiently critical issue that we should have a rollcall vote.

Mr. President, I ask for seconds for the yeas and nays.

The PRESIDING OFFICER (Mr. DECONCINI). Is there a sufficient second? There is not a sufficient second.

Mr. PROXMIRE. Then I suggest the absence of a quorum.

Mr. CRANSTON. May I say one thing before the Senator does that?

Mr. PROXMIRE. Yes.

Mr. CRANSTON. First, I would say we are following a standard procedure here which operates, in effect, in the construction of public buildings. The reason there is not a Presidential veto process is that what we are proposing would be an internal rule of the Senate. The President would still have the authority to veto the Appropriations Act.

Mr. PROXMIRE. But once we have acted on the concurrent resolution and have spoken our mind it makes it much more difficult for the President to veto the appropriation. Furthermore, in the appropriation he has to veto everything in the appropriation. We do not have an item appropriation, as the Senator knows. The President may feel strongly about a particular hospital, but there is nothing he can do about it.

Mr. CRANSTON. That is analogous to when the President did choose to exercise the veto on the public works appropriation for water projects.

Let me also say that I am sure the Senator is not suggesting that the only projects that have been built have been those requested by the President in his budget. The Appropriations Committee has seen fit to decide that here, there, or elsewhere, beyond what the administration has wanted, there should be some projects undertaken.

Mr. PROXMIRE. Yes, I believe the Congress has been reasonably moderate and reasonable about this, and I think it has worked pretty well. But once we open it up this way, the pressure on the members of the Veterans' Committee and the pressure on the Members of the Congress to get theirs in their district or their State is going to be much more intense.

Mr. CRANSTON. I agree the Appropriations Committee has been reasonable and moderate, and we on the Veterans' Affairs Committee would do our best to behave in the same way.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Hampshire (Mr. Durkin), the Senator from Alaska, (Mr. Gravel), the Senator from Louisiana (Mr. Johnston), and the Senator from South Dakota (Mr. McGovern) are necessarily absent.

Mr. STEVENS. I announce that the Senator from California (Mr. Hayakawa), the Senator from Kansas (Mrs. Kassebaum), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

I further announce that the Senator from Vermont (Mr. Stafford) is absent due to illness.

The PRESIDING OFFICER (Mr. Bradley). Are there any Senators in the Chamber wishing to vote who have not done so?

The result was announced—yeas 45, nays 47, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—45

Armstrong
Baker
Boren
Boschwitz
Bradley
Church
Cochran
Cohen
Cranston
Danforth
DeConcini
Dole
Domenici
Durenberger
Ford
Garn
Glenn
Hart
Hatch
Heflin
Humphrey
Javits
Jepsen
Laxalt
Lugar
Matsunaga
McClure
Nunn
Packwood
Pell
Percy
Pryor
Randolph
Riegle
Roth
Schweiker
Simpson
Stewart
Stone
Talmadge
Thurmond
Tower
Wallop
Warner
Zorinsky

NAYS—47

Baucus
Bayh
Bellmon
Bentsen
Biden
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Culver
Eagleton
Exon
Goldwater
Hatfield
Heinz
Helms
Hollings
Huddleston
Inouye
Jackson
Kennedy
Leahy
Levin
Long
Magnuson
Mathias
Melcher
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Pressler
Proxmire
Ribicoff
Sarbanes
Sasser
Schmitt
Stennis
Stevens
Stevenson
Tsongas
Williams
Young

NOT VOTING—8

Durkin
Gravel
Hayakawa
Johnston
Kassebaum
McGovern
Stafford
Weicker

So Mr. Cranston's amendment (UP amendment No. 150) was rejected.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

UP AMENDMENT NO. 151

(Purpose: Relating to specially adapted housing for disabled veterans, to remove requirement that blind veterans must also suffer loss of lower extremities)

Mr. DOMENICI. Mr. President, I send to the desk an unprinted amendment. This amendment is submitted on behalf of myself, Senator Heinz, and Senator Pressler.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. Domenici), for himself and others, proposes an unprinted amendment numbered 151.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 83, between lines 18 and 19, insert the following new Title V and renumber subsequent Titles accordingly.

TITLE V—BLIND VETERANS DISABILITY HOUSING

Sec. 501. Clause (2) of section 801 of title 38, United States Code, is amended to read as follows:

"(2) which includes blindness in both eyes, having only light perception, or".

Sec. 502. Section 802 of title 38, United States Code, is amended by striking out "Shall not exceed $30,000 in any one case—" in the material preceding clause (1) and inserting in lieu thereof "shall not exceed, in any one case, $15,000 in the case of any veteran with a disability described in section 801(1) of this title or $25,000 in the case of any veteran with a disability described in clause (1) or (3) of this title—".

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. CRANSTON. Mr. President Senator Randolph wishes to speak briefly on the bill while we are working on the proposal of the Senator from New Mexico.

Mr. DOMENICI. I have no objection.

Mr. CRANSTON. I yield to Senator Randolph.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I thank the able Senator, the chairman of the Committee on Veterans' Affairs, and my colleagues.

Mr. President, I look upon it as a privilege and also a responsibility to cosponsor S. 7, the Veterans Health Care Amendments of 1979. These amendments will improve the health services to the veterans of the United States.

The members of the Veterans' Affairs Committee, Chairman Cranston, Talmadge, Stone, Durkin, Matsunaga, Simpson, Stafford, Thurmond, and Humphrey are committed to the veteran and his needs.

Many provisions in S. 7 are similar to those introduced and passed in the Senate during four previous Congresses. Among those are: First, a program of readjustment counseling for Vietnam-era veterans who are suffering from problems in readjusting to civilian life; second, a 5-year pilot program providing for the treatment and rehabilitation of veterans with alcohol or drug dependence or abuse disabilities; and third, a 4-year pilot program of preventive health care services for veterans with service-connected disabilities.

Included is a provision requiring the Senate and House Veterans' Affairs Committees to approve major construction and acquisitions of VA medical care facilities before appropriations may be provided.

Many of our Vietnam-era veterans have problems in returning to normal civilian life. These men and women participated in what is recognized as a very unpopular conflict. Their particular problems are different from those veterans returning from World War I, World War II, or Korea. The Vietnam veteran is more likely to have a permanent disfiguring and disabling injury and to survive it than his predecessors.

The need for readjustment counseling for Vietnam-era veterans is clearly recognized.

I express a tribute to our VA Administrator, Max Cleland. Max is a veteran of the Vietnam war. I do not want to talk too much about Max, because he would not want it said, but think of this man—both legs off, an arm off, and yet a man who is able to carry on with thousands and thousands of those within the Veterans' Administration who need the guidance, who need the counseling, who need the administrative ability of a man who was there and comes home, and a man through it all who is cheerful and helpful.

I think if there is an inspiration award which could be given in the year of 1979 to any American, it should go to Max Cleland.

We know that he has advocated counseling programs of which I speak.

Our VA Administrator, Max Cleland, has advocated this counseling since the days he was a member of the Senate Veterans' Affairs Committee staff. He is strongly, and I use the word advisedly, very strongly in support of the program that we consider this afternoon.

The program would provide readjustment counseling to any veteran who served on active duty during the Vietnam era who requests such counseling within 2 years from discharge or release or within 2 years after the date of enactment.

The VA would be generally required to provide these services through its own facilities and personnel. Who is more in a position to understand the veterans unique problems than the VA? Who is better prepared and equipped to provide the readjustment services than the 8,000 psychological and social workers who are on the staff?

There are approximately, I think, 350 new employees who will be trained and will be ready to carry forward these new programs for our veterans.

Recognizing that not all veterans will be able to utilize VA facilities for their counseling, I have cosponsored a committee amendment which will offer the same authority for contract services in providing readjustment counseling and followup services in mental disorders. This is now provided for other contract health services for totally disabled veterans with 100 percent service-connected disabilities. This would make the counseling available to all Vietnam-era veterans no matter where they live. This is the best approach, we believe, in providing counseling for these men and women.

The growing problem of alcoholism and drug abuse among our veterans cannot be overlooked. It cannot be placed in a corner. We must face it. Alcoholism and drug abuse are the two most frequently diagnosed conditions that we find in veterans who are in our medical facilities in the veterans hospitals.

Testimony shows the VA has 92,000 inpatient admissions per year in its alcohol programs and about 900,000 outpatient visits a year. The alcohol problem is frankly the biggest problem. But this should be written into the record. The Veterans' Administration estimates that 200,000 veterans suffer from dependence upon drugs. This is alarming but it is a correct statistic.

S. 7, would improve the VA's ability to meet the special needs of veterans requiring attention for their alcohol and drug dependence.

The Administrator would be authorized under a special 5-year pilot program to contract for alcohol and drug treatment for veterans in halfway houses, therapeutic community psychiatric residential treatment centers, and other community-based treatment facilities.

This provision allows treatment to be tailored to an individual's special needs and circumstances so as to enhance chances of recovery.

Currently health care in the Veterans' Administration is generally to treat already existing diseases or disabilities. S. 7 departs from this custom by establishing a 4-year pilot program of preventive health care services. These services would be available, where feasible, to all veterans suffering from a service-connected disability of 50 percent or more, and to any veteran in connection with treatment for a service-connected disability. The program would provide for: Periodic medical and dental examinations; patient health education; maintenance of drug use profiles; routine vision testing and eye care services, and other preventive health care services.

Today we are in a period of fiscal restraint. Preventive health care programs can lead to lower health care costs to the veteran and the taxpayer.

I hope my colleagues vote for S. 7. Our 30 million veterans deserve the services to be provided by these health care amendments. We are faced with many difficult choices. There are many legitimate demands made on our limited resources.

We must not forget the debt we owe to those men and women who have served to keep us a nation of free people.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

UP AMENDMENT NO. 151 (AS MODIFIED)

Mr. DOMENICI. Mr. President, the amendment which I sent to the desk is in need of a modification. The second line from the bottom the dollar figure of $25,000 should be changed to $30,000, and I send a modification to the desk. I ask that my amendment be so modified.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, is as follows:

On page 83, between lines 18 and 19 insert the following new Title V and renumber subsequent Titles accordingly.

TITLE V—BLIND VETERANS DISABILITY HOUSING

SEC. 501. Clause (2) of section 801 of title 38, United States Code, is amended to read as follows:

"(2) which includes blindness in both eyes, having only light perception, or".

SEC. 502. Section 802 of title 38, United States Code, is amended by striking out "shall not exceed $30,000 in any one case—" in the material preceding clause (1) and inserting in lieu thereof "shall not exceed, in any one case, $15,000 in the case of any veteran with a disability described in section 801(1) of this title or $30,000 in the case of any veteran with a disability described in clause (1) or (3) of this title—".

Mr. DOMENICI. Mr. President, I am attempting to work something out with the managers. While we are doing that let me just state what I was trying to do with this amendment. As we all know, if we have a service-connected disability that involves the legs, a veteran is entitled to make modifications to his home up to $30,000 in cost so as to accommodate and provide for ease of movement and the like for a veteran who is so disabled.

The problem we have, and which has come to the attention of the Senator from New Mexico, is that if you are a totally blind veteran you do not have that kind of assistance unless you are totally blind and one or both of your legs is or are also totally disabled.

It just appears to the Senator from New Mexico that this is not fair. So my amendment would have provided, as modified would have provided, housing adaptation allowances for the totally blind veteran of up to $15,000.

(Mr. PRYOR assumed the chair.)

But after conferring with the manager and ranking Republican I am disposed to defer my amendment, because I am told that we have a section of the law that allows up to $2,500 as a grant for totally blind veterans, and for some reason that is not being utilized, at least not being utilized very much. There is some lack of information as to how much would be adequate for a home modification for the totally blind veteran.

So what we are attempting to do here is to prepare mandatory report language which would require that the Veterans' Administration by a date certain determine two things: One, what would be adequate for such home modifications for a totally blind veteran; and, two, if the $2,500 grant program is adequate, tell us why. If it is not being used extensively or as much as perhaps it should be to inform the appropriate committees of the Senate and House as to why.

I believe we will have that language ready shortly, in which event, if acceptable to both the manager and ranking Republican, I would then withdraw my amendment and offer the other one I have just described in lieu of it.

Mr. PRESSLER. Mr. President, will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. PRESSLER. I commend the Senator from New Mexico for this effort on behalf of the blind. This does sound like a bureaucratic quirk which needs correcting, and I think the Senator's raising it and offering his amendment, although now he will probably withdraw it, indicates the type of bureaucratic quirks that many of our veterans find themselves involved with.

I served in the Army in Vietnam and had conversations with several of my colleagues who were less fortunate than I, and who received an injury of one sort or another. It seems to me that these programs are so inconsistently administered that it is rather unfortunate that they have to reach the Senate floor in this fashion. But I do commend the Senator from New Mexico for his fine effort on behalf of blind veterans.

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. DOMENICI. I will be pleased to yield.

Mr. HEINZ. I want to thank the Senator from New Mexico for allowing me to cosponsor this amendment. I think the Senator from New Mexico is especially to be commended for having identified what undoubtedly is a real catch-22—not the only one our veterans, particularly our Vietnam veterans, have encountered, but an important one—and I think all the veterans who would be affected by the Senator's amendment, I am sure, join all of us in our gratitude to the Senator from New Mexico.

Senator PRESSLER is a recent veteran, as I am, too, and I know that as members of the Senate Vietnam Veterans Caucus the Vietnam veterans, in particular, would be well-served, and have been well-served, by the advocacy of the Senator from New Mexico. I thank the Senator.

Mr. DOMENICI. Mr. President, I am offering my amendment which is designed to help correct the inequity suffered by the disabled veteran whose sole disability is blindness.

Under the present law, to be eligible for specially adapted housing for disabled veterans, a blind veteran must, in addition to being blind in both eyes, also be unable to use one of his lower extremities.

This present language neglects the fact that blindness itself is an extreme disability. I honestly do not believe that any other qualifications are necessary in order to achieve such status.

The needs of the blind are different from those who have lost the use of one or both of their legs. To deny assistance for specially adapted housing to the veteran who has had the misfortune of losing his sight, but fortunate enough to retain the use of his legs, would not only be inconsistent and impractical, but an injustice to those who have suffered such misfortune.

The need for adaptive housing for those who have no sight is no less than that of those who suffer the loss of one or both lower extremities. Among the many special features needed by the blind, but not those with vision, include: Safety rails on steps, pushbutton ovens, formica tops on ranges for cleaning up spills, smoke alarms, braille on medicine bottles, door locks fitted to one key, and braille washers and dryers. In short, a host of safety features that those with sight either take for granted or find unnecessary.

Mr. President, I believe this amendment will do much toward assisting blinded veterans in attaining the goal of rehabilitation and becoming productive members of society so they may take their rightful place in their communities.

This amendment will allow the blinded veteran, who has not lost the use of his lower extremities, as required under present law, to be eligible for housing assistance. At present, the blinded veteran who has lost the use of his lower extremities is eligible for up to $30,000 in housing assistance. Under this amendment, the veteran who has lost his sight in both eyes may now be eligible to receive up to $15,000 in housing assistance.

The number of blinded veterans is relatively small. However, the problems of the individual blind veteran and his family in adjusting to blindness can be great. My amendment would help ease that task. I think this is not too much to ask from a grateful society who owes those who have served their country so well.

I urge my colleagues to favorably consider this amendment.

I will say to the Senate I believe it will just be a matter of a couple of moments and then we will have some substitute language. I do want to say a few words about this issue.

It has come to my attention because representatives of Blinded Veterans of America are genuinely concerned about those veterans who happen to have the disability called blindness. It does appear at first blush that Senator PRESSLER has indicated the problem correctly, that they should have been taken care of in much the same way as a veteran who is suffering disability from his lower extremities, one or both being totally disabled.

However, I am convinced after talking to the managing Senator, Senator CRANSTON, whose dedication is well known, and to our new Senator from Wyoming, who is equally dedicated, Senator SIMPSON, that probably what we ought to do at this point is find out why the $2,500 grant program is not working and to get an authentic report as to what might be needed in a home by a blind veteran, and what its approximate cost is. It certainly is probable that it is different from what a veteran who is crippled needs.

So I will withdraw my amendment, as modified, and offer an unprinted amendment that I send to the desk at this point.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 152

Mr. DOMENICI. I ask the clerk to report the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) proposes an unprinted amendment numbered 152.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add at the end of the bill the following new section:

SEC. 505. The Administrator of Veterans' Affairs shall report to the Senate and House Committees on Veterans Affairs, not later than October 1, 1979, on the need of totally blinded service-connected veterans for home modifications the cost of which exceed the amount allowable for such purposes under section 612(a) of title 38, United States Code, and on the reasons why such veterans have not applied for home health services under such section 612(a).

Mr. DOMENICI. I believe I have explained the amendment. I think the Senator from California and the Senator from Wyoming are willing to accept it, and if they are I am ready to yield the floor and have the Senate vote.

Might I ask the Senator from California if he is ready to accept the amendment?

Mr. CRANSTON. I thank the Senator very much for his cooperative approach on this matter. He is dealing with a subject of great sensitivity, one that we have been looking into, and I am delighted that he was willing to change his approach until we do clearly ascertain the facts.

I am delighted to accept his modified amendment. I would also like to suggest that we are having hearings in the Veterans' Affairs Committee on service-connected compensation on June 12, and I would like to suggest that the Senator take the amendment he originally offered to this bill and introduce it as a bill, and we can include it on the agenda of the hearings at that time. Of course, we welcome the Senator to come and testify. I think the committee is the place to deal with this subject.

Mr. DOMENICI. I will say to my good friend from California that the amendment I have withdrawn is before the Senate in the form of an original bill. I ask you as chairman, if you would list that bill as part of your hearings, so that then we can get the veterans organizations, the Veterans' Administration to tell you and the members of the committee why it is that the bill should not be made part of the law or conversely that it is needed in whole or in part.

Mr. CRANSTON. We will be glad to do that.

Mr. DOMENICI. Mr. President, I want to say to the Senator from Wyoming (Mr. SIMPSON) that I know that this is a new responsibility for him on your committee, Senator CRANSTON, and I am sure he will be as dedicated as you on matters of veterans' affairs. I commend him for the job he has done to this point, just starting his career here in the Senate, and I am sure he will be a splendid representative for the veterans of America and for his State.

Mr. CRANSTON. He is that. It is a pleasure to work with him on the committee. He is a very effective leader and contributor in the work of the committee.

Incidentally, before he left the floor for a few moments I advised him of the revised approach of the Senator from New Mexico, and he joins with pleasure in accepting the amendment.

Mr. DOMENICI. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. There is no time limitation.

Mr. CRANSTON. We are ready for a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 191

Mr. PRESSLER. Mr. President, I have an amendment.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk? The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) proposes an amendment numbered 191.

The amendment is as follows:

On page 61, after section 202, insert a new section 203 as follows:

CHOICE OF HEALTH CARE FACILITIES

Sec. 203. (a) Subchapter III of chapter 17 is amended by adding at the end thereof the following new section:

"§ 629. Choice of facilities for certain mental health care for Southeast Asia veterans

"(a) (1) Any person whose active military, naval, or air service during the Vietnam era was the basis for the awarding of a Southeast Asia campaign ribbon and who is eligible for care and treatment under section 612A of this title or under section 620A of this title may, at the election of such person, receive such care and treatment through a community mental health center providing mental health services under the Community Mental Health Centers Act (42 U.S.C. 2689 et seq.).

"(2) The Administrator shall reimburse each community mental health center for the reasonable value of any care and treatment provided by it to a person which such person could have received from the Veterans' Administration and shall reimburse a person for any amount paid by such person to a community mental health center for such care and treatment.

"(b) (1) To assure that mental health care is available to persons whose active military, naval, or air service during the Vietnam era was the basis for the awarding of a Southeast Asia campaign ribbon, the Administrator shall contract for the provision of mental health care to such persons under such plans as the Administrator considers appropriate. The types of mental health care which may be provided under such plans are the types of care and treatment authorized to be provided under sections 612A and 620A of this title.

"(2) In contracting for plans under paragraph (1) of this subsection, the Administrator shall provide that no mental health care shall be available under such a plan in an area designated by the Administrator as having adequate mental health care available through community mental health centers operating under the Community Mental Health Centers Act and through which an eligible person may receive such care under subsection (a).

"(3) Any plan contracted for under this subsection shall include provision for payment by the Administrator for any service of the least of the following amounts:

"(A) 100 per centum of the actual charge for such service.

"(B) 100 per centum of the usual charge for such service of the physician providing the service.

"(C) 100 per centum of the reasonable charge for such service.

"(4) No benefit shall be payable under any plan contracted for under this subsection in the case of any person enrolled in any other insurance, medical service, or health plan provided by law or through employment unless the person certifies that the particular benefit being claimed is not payable under such other plan.".

(b) The table of sections at the beginning of chapter 17 is amended by adding after the item relating to section 628 the following new item:

"629. Choice of facilities for certain mental health care for Southeast Asia veterans.".

Mr. PRESSLER. Mr. President, I rise today to offer an amendment to the Veterans' Health Care Amendments of 1979. This amendment would allow veterans who need readjustment counseling and other mental health services to obtain them from community mental health centers under the Community Mental Health Center Act.

The Vietnam war was, by all standards, an unpopular war. In the 1960's and early 1970's, we saw continuous protest riots against the war. As a result of this unpopularity, the young men and women that served during this war did not come home as heroes, as veterans had done in past wars.

And let me say, Mr. President, as a Member of the Senate who served in Vietnam as a member of the Army during the Vietnam war, that I have witnessed at first hand many who suffered and still suffer from matters that can be well treated in community mental health centers.

Over the past few years, research has revealed that this has had a profound effect on psychological and readjustment problems in Vietnam veterans. S. 7 will provide a program of readjustment counseling for Vietnam-era veterans. However, as drafted, this bill provides that only Veterans' Administration facilities may provide counseling to affected veterans.

It does not affect those veterans that live too far from veterans hospitals or those that need help at hospitals not equipped to help them. The amendment that I have introduced today would remedy that problem. This program is identical to one contained in S. 3596 introduced in the last Congress and H.R. 3102 introduced this year by the Vietnam veterans in Congress. It will open up this program to an additional 6,000 veterans in the first year who would not get readjustment counseling otherwise.

Mr. President, Vietnam veterans have given their share to help our country. It is time that we show them our appreciation. I ask that my colleagues give this amendment their favorable consideration.

UP AMENDMENT NO. 153

(Purpose: To allow the Administrator of the Veterans' Administration to contract outside the Veterans' Administration for readjustment conseling)

Mr. HEINZ. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. Heinz), for himself and Mr. McGovern, proposes an unprinted amendment numbered 153:

On page 2, line 4, strike out all after the word "era" through the word "plan" on page 3, line 25, and insert in lieu thereof the following:

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. CRANSTON. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue.

The legislative clerk read as follows:

On page 2, line 4 of Amendment No. 191 by Mr. Pressler, strike out all after the word, "era" through the word, "plan" on page 3, line 25, and insert in lieu thereof the following:

". . . qualifies him for psychiatric, psychological, preventive mental health care, and counseling services under Section 612(A) of this title, is authorized to be provided such services at the Administrator's discretion, from public and private sources outside Veterans' Administration facilities, under the circumstances described in paragraph (2) of this subsection; if he has been determined under subsection (b) of Section 612(A) of this title to be in need of mental health services. Such services may be obtained by the Administrator by contract, on a fee-for-service basis, or by such other methods as the Administrator considers appropriate.

"(2) The Administrator may, in his discretion, provide mental health services to a veteran outside Veterans' Administration facilities, as described in paragraph (1) of this subsection, if—

"(A) such services are not available or are inadequate at a Veterans' Administration facility;

"(B) obtaining such services from a Veterans' Administration facility would place an undue hardship on the veteran because of the distance the veteran would have to travel to the nearest Veterans' Adminisration facility providing such services;

"(C) the hours at which such services are available at a Veterans' Administration facility are incompatible with the times available to the veteran for treatment and obtaining such services through the Veterans' Administration facility would cause a financial or other hardship to the veteran; or

"(D) either the provision of such services outside Veterans' Administration facilities would be more beneficial to the successful treatment, rehabilitation, or readjustment of the veteran than the provision of such services wihin Veterans' Administration facilities or the provision of such services outside Veterans' Administration facilities would be beneficial to the Veterans' Administration and would not detract from the availability, effectiveness, or quality of treatment available to the veteran.

"(3) The Administrator shall prescribe regulations to carry out this subsection.

"(4) The authority to enter into contracts under this subsection is effective for any fiscal year only to such extent or in such amounts as are provided in appropriations Act."

The PRESIDING OFFICER. Does the Senator from Pennsylvania intend this to be an amendment to the amendment offered by the Senator from South Dakota?

Mr. HEINZ. That is correct.

The PRESIDING OFFICER. It is not identified as an amendment to the amendment.

Mr. HEINZ. Excuse me.

The PRESIDING OFFICER. It is not identified as such.

Mr. HEINZ. Mr. President, I simply cannot hear the Chair.

The PRESIDING OFFICER. The amendment is not identified as an amendment to the amendment by the Senator from South Dakota.

Mr. HEINZ. It is an amendment to that amendment.

The PRESIDING OFFICER. It will be so identified.

Mr. CRANSTON. Mr. President, what is the nature of the amendment?

Mr. HEINZ. A perfecting amendment.

The PRESIDING OFFICER. It is a perfecting amendment to the amendment of the Senator from South Dakota.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HEINZ. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue calling the roll.

The second assistant legislative clerk continued to call the roll.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 154

(Purpose: To make available to the VA in furnishing Vietnam-era veterans with readjustment counseling and related services the same authority to do so through contracts with private facilities as is available in furnishing treatment for veterans with 100-percent service-connected disabilities incurred in combat)

Mr. MATSUNAGA. Mr. President, I have an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Hawaii (Mr. MATSUNAGA) proposes an unprinted amendment numbered 154.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, after line 19, add the following new section:

SEC. 505. After section 628 of title 38, United States Code, add the following new section:

"SEC. 629. In furnishing counseling and related mental health services to Vietnam-era veterans under subsections (a) and (b) of section 612A of this title, the Administrator shall have available to enter into contracts with private facilities the same authority that is available to the Administrator (under sections 612(f)(2) and 601(4)(C)(ii) of this title) in furnishing medical services to veterans suffering from service-connected disabilities rated 100-percent disabling incurred in combat in the line of duty."

UP AMENDMENT NO. 155

(Purpose: To make available to the VA in furnishing Vietnam-era veterans with readjustment counseling and related services the same authority to do so through contracts with private facilities as is available in furnishing treatment for veterans with 100-percent service-connected disabilities incurred in combat)

Mr. CRANSTON. Mr. President, I send to the desk a perfecting amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON), for himself and Mr. SIMPSON, Mr. TALMADGE, Mr. RANDOLPH, Mr. MATSUNAGA, Mr. THURMOND, Mr. STAFFORD, and Mr. HART, proposes an unprinted amendment numbered 155 to UP amendment No. 154.

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have the floor? An amendment is being read.

The assistant legislative clerk continued to read as follows:

In lieu of the matter proposed to be inserted by Mr. MATSUNAGA, insert the following:

SEC. 505. After section 628 of title 38, United States Code, add the following new section:

"SEC. 629. In furnishing counseling and related mental health services to Vietnam-era veterans under subsections (a) and (b) of section 612A of this title, the Administrator shall have available to enter into contracts with private facilities the same authority that is available to the Administrator (under sections 612(f)(2) and 601(4)(C)(ii) of this title) in furnishing medical services to veterans suffering from service-connected disabilities rated 100-percent disabling incurred in combat in the line of duty. Before furnishing such counseling and related mental health service to a veteran through a contract facility as authorized by this subsection, the Administrator shall approve (in accordance with criteria which the Administrator shall prescribe) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such counseling or services.

Mr. CRANSTON. Mr. President, I appreciate the concerns of the Senator from Pennsylvania and the Senator from South Dakota for an effective readjustment counseling program for Vietnam-era veterans. Like the two Senators, I wish to make readjustment counseling available to all eligible Vietnam-era veterans in need of such assistance. I have advocated readjustment counseling programs for some 10 years now, and I have introduced legislation in this regard that was passed by the Senate in the previous four Congresses.

But I firmly believe that, in structuring these programs, we must take care to make sure that veterans will receive quality services, geared to their particular readjustment problems, and in conjunction with other needed services. Readjustment counseling is not the type of service that can be easily packaged, marketed, and sold by just anyone. It is important for us to consider carefully how and by whom this service will be provided.

Mr. President, the committee bill, in establishing the program of readjustment counseling and related mental health services, has been designed so that the services would generally be provided by the VA through its own facilities and personnel. The program has been consciously structured in this way, with one overriding purpose in mind—to produce the most effective programs for Vietnam-era veterans. This is, after all, the central question: What is best for the veteran who needs these services? There are a number of reasons why we believe that focusing principal responsibility on the VA for providing the services directly is the best course to follow.

First, the VA has long experience in dealing with psychological problems of veterans, including those which had their onset in combat, and is well-prepared and equipped to provide the readjustment services needed through its 8,000 psychological social work staff plus the 346 new employees to be hired specifically for the readjustment counseling program. This experience should not be wasted; we should put it to work for Vietnam-era veterans with readjustment difficulties.

Second, there is a tremendous need to help many of these troubled veterans through the very extensive VA system of not only health care, but education, job training and guidance, vocational rehabilitation, income maintenance, and housing assistance. The VA is truly a multi-service provider. Many veterans with readjustment problems will be most effectively helped by being guided into one of these other programs, using benefits Congress provided for them. This result is most likely if the veteran's contact with the VA is maintained.

Third, concentration on the VA of responsibility for providing counseling services should produce generally more expert and sensitive services within the program through acquired experience and sharing of information than would occur if the programs were diffused over many organizations. Moreover, since group counseling and follow-up sessions would often be the best mode of service for particular veterans, focusing the program in the VA facilities would provide the best opportunities for such group-oriented programs.

Fourth, the VA exists to respond on a priority basis to the service-related needs of veterans; and readjustment counseling is a significant need of Vietnam-era veterans. The committee does not believe that this pirority can be assured by the VA becoming an insurance carrier, like Blue Cross, making payments for services. That approach runs totally contrary to the firmly established national policy of maintaining an independent system of veterans health care facilities to assure quality care for service-related disabilities.

Finally, Max Cleland, Administrator of Veterans' Affairs and a Vietnam combat veteran, is fully committed to this program, which he has also advocated for 10 years. We are confident that the VA, under Max Cleland's leadership, will establish and implement an effective, quality program responsive to the needs of Vietnam-era veterans. I might add that the VA is already making plans for establishing these services and has submitted to the committee an outline of its proposed outreach efforts, which would include collaboration with community agencies and organizations such as the national service organizations and self-help groups.

Thus, we strongly believe that the major thrust of the readjustment counseling program should be focused within the VA. We do, however, recognize and appreciate the concern that, without some authority to contract with private providers for readjustment counseling and related mental health services, there may be places where there would be veterans needing readjustment counseling, but where no VA facilities are close enough to provide the services economically or where it would be impractical for the VA to do so. For example, there might be too few veterans needing services in a particular community to justify mounting a VA program. In such situations, we agree that the VA should have clearly-defined authority to contract with approved community providers for the needed services. In fact, prior versions of this legislation which passed the Senate in previous Congresses would have allowed such contract services. The more limited approach in S. 7 emerged this year only because of agreements reached last Congress with House committee leaders.

But we just do not believe that wide-open contract authority of the kind the two Senators propose. Would be advisable or in the best interests of veterans at this time. Let us on the committee, and in the Senate, and those at the VA acquire experience with this new programmatic area before we consider a radical departure for contracting out the care responsibilities.

In addition, we believe that the contract authority proposed here would be terribly inequitable. It would be far broader than the VA's existing contract authorities with respect to veterans suffering from service-connected disabilities that are rated 100-percent disabling. This means that, if the Heinz amendment is adopted, veterans needing readjustment help would be eligible for far wider opportunities for contract services than veterans with total disabilities incurred in Vietnam or elsewhere, who are the VA's No. 1 priority. Let me add quickly that we think VA contracting should be closely circumscribed—even for totally service-connected disabled veterans. We spend more than $5 billion a year to run the extensive VA health care system, with its 172 hospitals, 228 outpatient clinics, and 92 nursing homes, to provide just this kind of priority care to disabled veterans.

Furthermore, the conditions under which the Heinz amendment would provide contract authority are vague as well as novel. It would provide for contract services, for example, where VA services are "inadequate"; where the hours during which VA services are available are "incompatible" with the veteran's other activities; or where the use of non-VA facilities would be "more beneficial to the successful * * * readjustment of the veteran" or "beneficial to the Veterans' Administration." Good faith application, on a case-by-case basis, of these totally new criteria would create one more unjustifiably costly and bureaucratic tangle. Moreover, adoption of such broad, imprecise new standards for use of non-VA facilities would convey to far too many VA health-care personnel a clear congressional message that there are doubts about their abilities or inclinations to bear primary responsibility for this new program. We believe that such a message and such doubts are unwarranted.

In fact, Mr. President, I would hope that the two Senators will enlighten us specifically as to the meaning of "beneficial to the VA" as a criterion for contracting out these services and explain to us the circumstances under which, and the extent to which, it is intended to be used. I am especially interested to learn why such a weak consideration as being simply "beneficial to the VA" should be proposed as enough of a criterion for contract services and why the benefit to the Government should be one of the controlling considerations in this matter of importance to veterans. This program is supposed to benefit veterans, Mr. President, the veterans who sacrificed so much for the Nation and are still experiencing serious difficulties from that bitter experience—not a Government agency.

Instead, therefore, Senator SIMPSON and I are offering a substitute amendment to provide the VA with a clearly defined contract authority without, at the same time, inviting—as we believe the Heinz-Pressler amendment would—a dispersion of primary responsibility for providing the services and without diluting the effort to mount and sustain effective programs. We are joined in this amendment by Senators TALMADGE, RANDOLPH, MATSUNAGA, THURMOND, STAFFORD, and HART.

Mr. President, our amendment would provide the same authority—but no more authority—for contract services for readjustment counseling and followup mental health services as is now provided for other contract health services for disabled veterans with total, service-connected disabilities. Specifically, contract care for readjustment problems would be made available when the general condition for contract outpatient medical care—as set forth in section 601(4)(C) of title 38, United States Code—are satisfied, that is, when VA facilities are unable to provide care economically because of geographic inaccessibility or are unable to provide the type of care that the veteran needs.

Thus, under our amendment readjustment counseling would be available to all Vietnam-era veterans, regardless of where they live, with the VA charged by Congress to assume its proper responsibility of using its own vast resource and nationwide facilities to provide the needed services directly, except where that would be uneconomical and then to contract for them in those cases.

Mr. President, for all of these reasons, I strongly urge my colleagues to support our substitute amendment.

Mr. SIMPSON and Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER (Mr. SARBANES). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, let me just add my remarks to those of the chairman of our committee. I certainly have come to respect the fiscally responsible and sane approach of my colleagues from both Pennsylvania and South Dakota in numerous other issues before this body. For that reason I am surprised that their amendments are in conflict with their usual philosophies.

Their amendments avoid the use of the extensive facilities and qualified personnel of the Veterans' Administration, and that seems curiously odd to me. But here we are speaking of using community health centers, private facilities, and other such services without addressing the impact of such a decision on the care that is available to the veteran from the VA. The Cranston amendment also allows such contracting, but the Cranston amendment avoids unnecessary duplication of services and uses existing resources most efficiently.

I also believe that there is no one more skilled to deal with the veteran, his fears and his traumas, than the Veterans' Administration's psychiatric and psychological professionals. They are trained to handle the veteran who has suffered grievous mental injury from conditions of combat or in learning to live with a service-connected disability.

I believe that open-end contracting must be reasonably limited. We have already addressed that problem in regard to dental care in this bill, and, therefore, should address it in regard to counseling and mental health services. My committee amendments avoided this problem in fee basis dental care; and if the Cranston amendment is adopted this same problem will be avoided here.

In my mind, commonsense and fiscal restraint have been sacrificed in the Heinz-Pressler amendments. I think it would really open the door to inefficiency and abuse. I am concerned that the care needs of veterans must be met, and they must be met under the very specific language of section 601(4)(c), existing and workable conditions under which veterans can avail themselves of contract care services when necessary. These conditions simply state that contract care will be authorized when VA facilities are unable to provide the necessary care economically or are unable to provide the type of care that the veteran requires. These conditions are both reasonable and at the same time consistent with existing practices.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I certainly commend both Senators, the senior Senator from California and the Senator from Wyoming, on their hard work on this in this area and on their responsibilities that they have taken, and I really commend them.

However, I must very respectfully disagree with the remarks of the Senator from Wyoming in part, and perhaps I could become better informed on this matter, but in terms of options for veterans, Vietnam veterans, I have talked to several of my contemporaries who served with me in Vietnam in the Army, and there were others who served in other services, and they are of the opinion that frequently the readjustment counseling and other mental health services are not available in the same sense in certain facilities as they are where they can have some options.

Also, the nature of this particular type of counseling and this particular type of mental health services is such that the full confidence of the patient is required. I think this is such an important matter and with the recent increased awareness in our society of the psychological and mental readjustment problems that some veterans had, and I can attest personally to having observed some of them, this would be very good to give our veterans broader options in seeking care.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, first, let us review the fascinating parliamentary situation.

The parliamentary situation is that Senator CRANSTON has just offered a perfecting amendment which the committee favors to Senator MATSUNAGA's amendment to the stricken part of the bill.

Also pending is the committee amendment to the bill which effectively substitutes for the text that is now stricken of the bill.

Pending to that is an amendment offered by Senator PRESSLER, a motion to strike and insert, to which there is pending an amendment that I offered to perfect Senator PRESSLER's amendment.

What is the point of this rather complicated exercise?

The answer very simply is there is a disagreement among the committee members.

I join Senator PRESSLER in complimenting our distinguished chairman of the committee, Senator CRANSTON, our very distinguished ranking minority member, Senator SIMPSON, on their great attentiveness to the needs of veterans generally, but on this issue I have to say that Senator PRESSLER and I, and I hope the majority of Senators, have a disagreement. The disagreement is: What kind of contracting authority is necessary for the VA in order to serve the needs of Vietnam era veterans, particularly with respect to readjustment counseling?

As I understand the amendment of the Senator from California he does add to the original committee bill, S. 7, a provision for readjustment counseling under the general contracting authority that exists in title 38 of the act.

As I understand the criteria which govern existing contract authority it is severely limited. It is limited as I understand it to one test, namely, geographic inaccessibility, if it is economically unfeasible to pay travel costs, that is to say, that the VA makes this single solitary determination and only if they make that determination can they contract out, and that determination is a dual test, geographic inaccessibility and if economically unfeasible for the veteran to pay the travel cost.

Senator PRESSLER and I have a different approach to this problem. Senator PRESSLER and I are trying to do the same thing. We have slightly different language in accomplishing this.

The Heinz perfecting amendment says that the test of geographic inaccessibility if economically unfeasible to pay travel costs is simply too narrow for the test of contracting authority and that there should be other criteria to permit the Administrator of the VA in his discretion to help the Vietnam veteran.

The differences between Heinz and Cranston amendments are that we believe that, first, yes, there should be a test of accessibility based on distance and in that we agree.

On that we agree. But we would suggest that there should be three other differences:

First, that contracting should be allowed if it is determined that the services at the perhaps nearby Veterans' Administration facility, the services available there, simply are not adequate, that they do not have the kind of program, that is, readjustment counseling, for example, that is in question.

Another difference: Under existing contract authority, the VA will pay a veteran to travel from somewhere in northern Pennsylvania or northern California to a VA facility, and that is fine. But what is it going to do for the veteran if he has to give up his job, assuming he is lucky enough to have worked, to travel for 2 or 3 hours from Punxsutawney down to Pittsburgh, and 3 hours back from Pittsburgh to Punxsutawney, if he is lucky enough to get gas? They have got a worse problem on that I am told in California than they have got in Pennsylvania.

So the second difference is that we have to take into account the financial hardship that such travel will visit upon a veteran whom we are trying to help.

The other difference between the contracting authority and what Senator PRESSLER and I are trying to do, and Senator CRANSTON is trying to do, is that we also believe there are instances where it may be more beneficial for the veteran to do his readjustment counseling in some other program than the VA program, again in the discretion of the Administrator.

I will give you an example: What happens if a veteran right now is paying for his own readjustment counseling in Punxsutawney, to take a hypothetical example, and he has presumably been making some progress? Yet under the committee approach advocated by the Senator from California that veteran would have to quit right then and there if he wanted to take advantage of this program that everybody seems to be so much for, and he is dealt, in effect, a pig in a poke. Now that does not make any sense to this Senator. That is the essential difference between what the committee wants to do and what I think Senator PRESSLER and I want to do.

The committee sent out a "Dear Colleague" letter the other day. It was not the best written "Dear Colleague" letter I ever saw, but it said that this was vague.

One thing, Mr. President, our approach is not as vague. It is specific. It is the present program of the VA that is vague.

I am told that the VA until this year never asked for this authority, and in 1979 they finally got around to asking for some new authority involving readjustment counseling. Count them, 5 years since the Vietnam war ended in 1974, when we withdrew all our troops from Vietnam.

Now, I do not know about all my colleagues, Mr. President, but 5 years would strike me as a relatively long time for the Administrator of the VA to wait to recognize a problem.

It, therefore, seems to me that where the VA is concerned they are starting truly at ground zero with a problem that has not been just 5 years in the making, but has been 10 or 15 years in the making. The first Vietnam era veteran probably was discharged sometime in 1965 or 1966 after the Gulf of Tonkin resolution, 10 to 12, 13 years later the Veterans' Administration says, "Hey, we are not dealing with this problem. Give us a shot."

Mr. President, it may very well be that the VA, in spite of their inability to deal with this problem for the past 5 years, their inability to recognize this problem for the last 5 years, is capable and competent nonetheless of starting from ground zero, starting to hire, sometime after this legislation is enacted, the necessary people to put it into practice. Then again, maybe they are not.

What we do know is that if they are fully competent and capable of doing it, and if no veterans have any particular problems that they do not want to recognize, they can do it all by themselves. But I think we need to set down a broader authority for the VA to utilize if the Administrator determines it is something he wants to do.

I have to tell you, Mr. President, that I am at a loss to understand why the committee does not adopt our amendment. I really do not understand that. I can only assume they have good and sufficient reasons. But they simply have not answered the questions that I posed a moment ago, notwithstanding their "Dear Colleague" letter which just does not address those issues.

That is why I hope we get to an unprejudiced, up-or-down vote on the Heinz-Pressler amendment.

Senator CRANSTON is offering his amendment to the bill. I am going to support Senator CRANSTON's amendment to the bill. I am not going to vote against a marginal improvement in the bill. I am for veterans just the same as Senator CRANSTON is.

But that does not mean—and I do not want anyone to get the idea—that because I support Senator CRANSTON's amendment to the bill, from which I am precluded from offering a perfecting amendment or a substitute, that I think that approach goes as far as we need to go.

It is my hope that after we adopt the Cranston amendment, which then perfects the Matsunaga amendment, and then we adopt the Matsunaga amendment to the stricken part of that bill, that we will then proceed to a vote on the Heinz amendment to the Pressler amendment, that will carry before the Pressler amendment, which will go in the substitute, the committee substitute, to the bill, and that that will be the law of the land.

So, Mr. President, I do not wish to prolong this discussion. I am perfectly willing to agree to Senator CRANSTON's amendment. I am willing to agree to the Matsunaga amendment, and then we can get to the real issue.

Not whether Senator CRANSTON's amendment is a bad amendment—it certainly is an improvement over what is in the bill—but whether it goes far enough. I think that is a very adequate, good question that we will put when we get to the Heinz amendment. So I certainly would like to see you succeed, Mr. Chairman of the committee, and I urge the adoption of your amendment without prejudice to the Heinz-Pressler amendment.

Mr. CRANSTON. I thank the Senator for his support, if it is agreed that we have his support.

I would like to point out that I first introduced a bill relating to readjustment counseling in 1971. We did not have the support of the Veterans' Administration at that time, when it was headed by someone appointed by a President of the party of the Senator from Pennsylvania and the Senator from South Dakota. We finally got that support when Max Cleland became VA Administrator in early 1977.

I do not believe that the Senator from Pennsylvania offered any bills or amendments relating to readjustment counseling in the other body during the years that I have been trying to enact and the Senate has been passing legislation on this subject. I would just like to point out one problem with the Senator's amendment, but perhaps it would be more appropriate to do it when it is up; so I suggest that perhaps we should now proceed with a vote on the pending amendment.

I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HEINZ. Mr. President, will the Senator withhold a minute?

Mr. CRANSTON. Certainly.

Mr. HEINZ. The Senator may wish to correct a statement that he made——

The PRESIDING OFFICER. There is not a sufficient second for the yeas and nays. The Senator from California has the floor.

Mr. CRANSTON. I yield to the Senator from Pennsylvania.

Mr. HEINZ. Mr. President, will the Senator from California bear with me for a minute?

Mr. CRANSTON. Of course.

Mr. HEINZ. The Senator may wish to correct a statement that he made; namely, that he does not know of anything that the Senator from Pennsylvania has done on this matter before. I think if the Senator from California had paid some attention to the legislation I introduced last year, the Vietnam Veterans' Readjustment Assistance Act, a comprehensive—I want to readjust the title, but we introduced that in the last Congress.

Mr. CRANSTON. What I was really alluding to was that there have been so many times when bills passed the Senate, went over to the House, and nothing happened in the House. The Senator, during a substantial part of that time, was a Member of the House, and I do not recall getting any substantial help from him in moving this legislation along, or protecting it over there.

Mr. HEINZ. Did not the bill to which I have referred come up right at the end of the Senate session last year, in that incredible rush?

Mr. CRANSTON. No; it was passed fairly early—on September 9, 1977— and then languished in the House.

Mr. HEINZ. And languished in the House?

Mr. CRANSTON. Yes.

Mr. HEINZ. I appreciate the Senator's thinking I have a lot of influence in the House as a Member of the Senate. The Senator has been in conferences, and knows how that works. What does the Senator suggest that I, as a Senator, should have done to expedite its passage by the House?

Mr. CRANSTON. There could have been some help—from 1972 on—from those on the House side in getting readjustment counseling through the House during the long period of years—7 actually—when the Senate passed readjustment counseling bills repeatedly and got no assistance from anyone in the House.

Mr. HEINZ. And the Senator supposes somehow that I could have helped in that?

Mr. CRANSTON. Yes; the Senator has been so very determined here today; he could have been of some help over there long ago, and perhaps produced some action.

Mr. HEINZ. May I say to the Senator that silence on my part may have been consent to the Senate position. I think it is a rather specious and unnecessary point the Senator makes, inasmuch as I was not on the Veterans' Affairs Committee. I think if the Senator looked at my voting record he would be pleased with it.

Mr. CRANSTON. I often am pleased with the Senators' voting record. Not always, but often.

Mr. HEINZ. I thank the Senator. I think the point is that we should focus not so much on ad hominem arguments, but ad rem arguments. I would still support the Senator's amendment, notwithstanding that.

Mr. CRANSTON. I appreciate that.

Mr. HEINZ. But with the understanding that it just does not go far enough.

Mr. CRANSTON. Understood, from the point of view of the Senator from Pennsylvania.

Mr. SIMPSON. Mr. President, may I just add a word, if I may? I think that anyone who has reviewed the history of the Veterans' Affairs Committee of the Senate can conclude that this committee has generously responded to the needs of the veteran on every issue. To believe otherwise is indeed unjustifiable. I might remind the Senate that the last Congress could well have been entitled "The Veterans' Congress," in the light of the legislative initiatives that were enacted into law.

Let me just state in summary that the Budget Office estimates on Senator Heinz' proposal disclose an additional estimated cost to the taxpayers of America in fiscal year 1980 of $6.9 million, in 1981 of $12.6 million, in 1982 of $9.9 million, in 1983 of $9.0 million, and in 1984 of $9.7 million. Such estimates cannot be ignored.

I do not believe it is responsible, in view of the fiscal restraint that we are mandated to exercise, to initiate open-ended programs without reasonable limits. This committee has met the needs of the veterans in a most extraordinary manner, and surely will continue to do so in a fiscally responsible manner.

Mr. CRANSTON. Mr. President, I desire to seek the yeas and nays. Plainly there are not enough Senators on the floor now, so I suggest the absence of a quorum.

Mr. HEINZ. Mr. President, will the Senator withhold?

Mr. CRANSTON. Surely.

Mr. HEINZ. I want to make just one point that I am sure will not be lost on the assistant majority leader, namely, that if there has been a reason for inaction on the part of the House of Representatives, surely the Republicans are not responsible for it, because the House Veterans' Affairs Committee has been chaired by a Democrat, the Speaker is a Democrat, the majority of the members of the Rules Committee, who are the people who determine what is voted on, how quickly, and when, are Democrats; and all I can say to the Senator from California is that if he is not satisfied with the House of Representatives, he should be blaming the Democratic Party in the House for that, because they have been running it for the last 40 some years. Every bit of the criticism of the House may be entirely justified; in fact the more I think about it the more I am inclined to agree. But I think we ought to have that on record, because as I understand the Senator from California, he is criticizing the Democratic leadership in the House, and so be it.

● Mr. DOLE. Mr. President, the provision contained in S. 7, the Veterans Health Care Amendments of 1979, which authorizes the VA to provide a readjustment counseling program, is a timely and meaningful response to the needs of the Vietnam-era veteran. It is my understanding that this bill would provide for psychological readjustment counseling to any veteran who served on active duty during the Vietnam-era who requests such assistance within 2 years after the effective date of this provision.

THE HEINZ AMENDMENT

Mr. President, the amendment offered by my colleague from Pennsylvania, Senator Heinz, is an amendment which truly reflects a genuine concern in attempting to respond to the medical needs of our Vietnam-era veteran. While the Senator from Kansas applauds the good intentions of this amendment, I have some very serious reservations about the methodology proposed in providing readjustment counseling and related services to our Vietnam-era veterans.

Mr. President, I do not believe that by giving the VA Administrator broad contract authority, as the Heinz amendment provides, we will be helping the needy veteran any more effectively or efficiently then under the provision contained in S. 7, or the substitute offered by my colleagues, Senator's Cranston and Simpson.

VA DESIGNED TO ASSIST VETERANS

Mr. President, the Veterans' Administration has a direct influence on the lives of millions of veterans. When wives and children of these veterans immediate families are included, it is apparent that the activities of the Veterans' Administration affect nearly one-half of our population of over 2 million-plus Americans. It is a well known fact that the Veterans' Administration is the second largest Federal agency in employment, truly a vast reservoir of resources.

Mr. President, these simple facts are an indication of the tremendous importance of the Veterans' Administration in our Government. It seems to me that instead of seeking alternative medical service delivery systems, we should concentrate on utilizing the tremendous amount of resources existing within the VA.

Mr. President, the diversification of services within the VA are paralleled by almost no other Federal agency. VA services range from education and training to housing, business and farm loans to disability compensation and pension to life insurance and many other services. The VA is truly a multiservice provider.

CONTRACT AUTHORITY WHEN VA SERVICES UNAVAILABLE

Mr. President, I recognize and appreciate the concern that without some contract authority there may be places where there will be veterans needing readjustment counseling but no VA facilities available to provide the services or where there would be too few veterans needing services to justify mounting a VA program. In these particular situations, I agree that the VA should clearly define authority to contract with approved community providers for the needed services.

Mr. President, the substitute amendment before us, offers an equitable and useful solution to this problem by providing the same authority for contract services in providing readjustment counseling and follow-up mental health services as is now provided for other contract health services for totally disabled veterans with 100 percent service-connected disabilities. Furthermore, under this amendment readjustment counseling would be available to all Vietnam-era veterans, regardless of where they lived, with the VA charged by Congress to assume its proper responsibilities of using its own vast resources and nationwide facilities to provide the needed services directly, except where that would be uneconomical and to contract for them in those particular cases.

Mr. President, I urge my colleagues to join me in supporting the Cranston/Simpson substitute amendment.●

Mr. CRANSTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California to the amendment of the Senator from Hawaii. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCLURE. Mr. President, on this vote, I have a pair with the distinguished Senator from South Carolina (Mr. Thurmond). If he were present and voting, he would vote "aye." I have voted "nay." I therefore withdraw my vote.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), and the Senator from Louisiana (Mr. Johnston) are necessarily absent.

Mr. STEVENS. I announce that the Senator from California (Mr. Hayakawa) and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

I further announce that the Senator from Vermont (Mr. Stafford) is absent due to illness.

The PRESIDING OFFICER (Mr. Baucus). Are there any Senators remaining in the Chamber who have not yet voted but wish to do so?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—93

Armstrong
Baker
Baucus
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Church
Cochran
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Gravel
Hart
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Jepsen
Kassebaum
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McGovern
Melcher
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stennis
Stevens
Stevenson
Stewart
Stone
Talmadge
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Young
Zorinsky

NAYS—0

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

McClure, against.

NOT VOTING—6

Bayh
Cannon
Hayakawa
Johnston
Stafford
Thurmond

So Mr. Cranston's amendment (UP No. 155) was agreed to.

The PRESIDING OFFICER. If there is no further debate, the question now is on agreeing to the amendment by the Senator from Hawaii (Mr. Matsunaga), as amended.

The amendment (UP No. 154), as amended, was agreed to.

Several Senators addressed the Chair.

Mr. HEINZ. Mr. President, I ask for the yeas and nays on the Heinz amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MATSUNAGA. Mr. President, I heartily commend the Senate for having cast a unanimous vote in support of the Cranston-Matsunaga amendment.

We next will be voting upon the Heinz-Pressler amendment, which would nullify, in effect, what we just did. So I urge my colleagues to vote down the Heinz-Pressler amendment.

I am in full accord with the concern expressed by Senator Pressler and Senator Heinz. I feel that all possible efforts should be made to improve the mental health of Vietnam-era veterans. However, I must depart from them where an effort is being made to take away from the Veterans' Administration the primary authority it now has and grant to the Vietnam-era veterans those benefits which are not even accorded 100 percent disabled veterans of other wars.

If the Veterans' Administration were not already providing necessary medical services to veterans, I would say, "Yes, support the Heinz-Pressler amendment." But the Veterans' Administration is able to provide the service which the Heinz-Pressler amendment would provide.

By adoption of the Cranston-Matsunaga amendment, the Veterans' Administration would now be authorized to enter into contracts with certified providers of mental health service. This should fully satisfy all those who are concerned with—and I am sure we are all concerned with—the mental health of Vietnam-era veterans.

The original provision for readjustment counseling benefits for Vietnam-era veterans in the pending bill would have authorized the Veterans' Administration exclusively to provide these benefits. This provision was entirely consistent with the VA's mission and primary responsibility of providing health care to our Nation's veterans and recognizes the fact that the Veterans' Administration has the staffing and expertise to respond to the specific health care needs of all veterans. The Veterans' Administration also has the staff and expertise to respond to any other needs of veterans, such as education, job training, vocational guidance and rehabilitation, income maintenance, and housing assistance, which often are associated with the need for readjustment counseling.

Most private sector mental health care providers currently do not provide this range of related benefits to their patients.

The Veterans' Administration has already submitted to the Senate Committee on Veterans' Affairs an outline of its proposed outreach efforts to inform all Vietnam-era veterans of this new readjustment counseling benefit. The outline includes extensive collaboration with community agencies and organizations, such as the national service organizations and self-help groups. However, since ordering S. 7 reported, the committee has recognized instances in which the Veterans' Administration, for reasons of economics or geographic isolation of the veteran, may not be able to provide all the Vietnam-era veterans necessary access to readjustment counseling benefits.

The Cranston-Matsunaga amendment, just adopted, would provide the necessary contract care authority to approved private sector mental health care providers to deliver readjustment counseling services in these special, specific instances, without eliminating the Veterans' Administration's primary responsibility to provide such benefits whereever it is necessary and economically feasible.

Mr. President, since the readjustment counseling program in the pending measure is a new authority, it is not at all clear that adoption of the Heinz-Pressler amendment actually would benefit Vietnam-era veterans. However, it is clear that the adoption of the Heinz-Pressler amendment would remove much of the primary responsibility of the Veterans' Administration to provide direct, appropriate health care services to these and other veterans as well.

I believe that the scope of contract care authority proposed in the Heinz-Pressler amendment is premature and that the concerns of enhancing the accessibility of readjustment counseling services to Vietnam veterans, which form the basis of the Heinz-Pressler amendment, are clearly and most appropriately addressed by the Cranston-Matsunaga amendment, which was just adopted.

Therefore, I strongly urge my colleagues to reject the Heinz-Pressler amendment and to continue to support the amendment just adopted, an amendment which would be gutted by adoption of the Heinz-Pressler amendment.

Mr. HEINZ. Mr. President, I just wish to speak very briefly, because I think the Senate wants to vote on this issue.

I supported the adoption of the Cranston-Simpson-Matsunaga amendment because it is a help. It goes further than we have gone before. It is to a different part of the bill. However, the Heinz-Pressler-McGovern amendment, which is to the committee substitute, the unstricken part of the text, is better. I will explain why in a moment.

One thing I do want to clear up is a statement by the Senator from Hawaii, that in some way our amendment lessens the responsibility of the VA for Vietnam veterans. That simply is not true.

Our amendment is totally discretionary. Anything the VA does is at its discretion, at the discretion of the Administrator; and anybody who reads the amendment or talks to committee counsel will come to exactly the same conclusion.

Our amendment would cost practically nothing—less than a million dollars, even in the peak year. Thus, in terms of comparative cost, our amendment is preferable to the one that has just been adopted. And, I think anyone would agree that that is good news.

Now, what is the difference between the proposal which was adopted and ours? The difference is as follows: The Cranston amendment, in effect, would allow the VA to contract out if a veteran lives more than a 100 miles away. That is OK. But if the veteran lives 99 miles away and cannot get gas, in California, he is stuck. There might be no authority to contract out, because the VA definition of geographic inaccessibility might be a 100 miles. I have news for you: There is a gas shortage, and, if that shortage worsens, 99 miles could become a tremendous obstacle. In fact, under certain circumstances, it is now.

A second example: The VA never has had any readjustment program. Here it is 5 years after the Vietnam war. I assume that the VA counseling service is only going to operate on some kind of 9-to-5 basis. That is a reasonable assumption. They do not want to hire 200 or 300 people for the program. Suppose a veteran has a 9-to-5 job.

Again, unless we pass the Heinz-Pressler-McGovern amendment the VA will have no authority, none whatsoever, to contract out, for special counseling services in addition to the usual services available between 9 and 5. The lack of special counseling services may prevent a Vietnam veteran from getting a better job. We do not want to force veterans who hold a job to miss substantial portions of their working day traveling long distances to secure counseling. That is a hard way to hold a job.

Finally, there is really some question as to whether there is an inadequate program at a VA facility, the VA would be free even in that community to contract out to someone that might provide a superior program at less cost.

The thing I emphasize is that the VA is starting from scratch. They are starting 5 to 10 years late.

Notwithstanding the excellent efforts of Senator CRANSTON and the Veterans' Committee to establish a veterans' counseling program, the Democratic leadership in the House of Representatives have messed it up consistently. Nonetheless, the VA has not asked for this authority until this year. It has no experience in this area. It does not know how it is going to run the program, and the VA needs this flexibility, and that is all it is.

There is nothing wrong with having voted for the Cranston-Matsunaga amendment. I voted for it myself. But we have an opportunity to go on record not just in favor of that small step forward but the other small step that the amendment of Senator PRESSLER, Senator McGOVERN, and I take.

So, Mr. President, I urge the adoption of our amendment, and I hope it will not only be adopted by an——

Mr. MATSUNAGA. Mr. President, will the Senator yield?

Mr. HEINZ. As soon as I finish this sentence I will yield. I hope the Pressler-Heinz-McGovern amendment will not only be adopted, but will be adopted by the same overwhelming vote by which the Cranston-Matsunaga amendment was adopted.

Mr. MATSUNAGA. I know that the Senator had no intention of misleading his colleagues when he talked about 100 miles being the standard set by the Veterans' Administration for geographic inaccessibility. If a veteran happened perchance to live 99 miles away, he would have the medical care available to him from a private facility under current VA contract care authority.

I ask the Senator from Pennsylvania where did he get this 100-mile figure? In checking with the Veterans' Administration there is no such standard of geographic inaccessibility.

Mr. PRESSLER. Mr. President, if the Senator will yield, there is such a place. There are points in South Dakota that are that far, I believe.

Mr. MATSUNAGA. No; the Senator from South Dakota misunderstands.

The Senator from Pennsylvania gave an example of a veteran living 99 miles away and being denied private medical care under the VA contract care authority because he said there is a 100-mile standard of geographic inaccessibility. There is no such standard. Heavens, in every instance, the individual case is considered by the Veterans' Administration. Besides, the amendment which we just adopted, the Cranston-Matsunaga amendment, provides, and I read from the text of the amendment:

> Before furnishing such counseling and related mental health service to a veteran through a contract facility as authorized by this subsection, the Administrator shall approve (in accordance with criteria which the Administrator shall prescribe) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such counseling or services.

There is nothing in the amendment which would set 100-mile minimum distance for eligibility.

Mr. HEINZ. Mr. President, if the Senator will yield, actually I have the floor.

Mr. MATSUNAGA. Yes.

Mr. HEINZ. I will try to respond to the Senator.

Mr. MATSUNAGA. That is the question. Where did the Senator get the 100 miles?

Mr. HEINZ. The Senator I think knows the standard that is actually in the statute. The statute is that of geographic inaccessibility. If the VA decides that something is geographically inaccessible, now what happens? Then they are authorized to pay for transportation beyond that.

It is true that in certain parts of the country there is a difference in terms of that definition.

It is my understanding that it averages out in the neighborhood of 100 miles. But in a sense that is irrelevant because they are paying you to drive for 150 miles, 200 miles, 250 miles, whatever the case may be. The problem is that if there is no——

Mr. MATSUNAGA. Mr. President, if the Senator will yield, he answered my question.

Mr. HEINZ. I do not yield.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. HEINZ. The problem is that if the veteran is being paid to drive 150, 200, 250 miles, that does not help him a lot if I have in any way misled the Senator from Hawaii or the Senate, I hope that clears it up.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield the floor?

Mr. HEINZ. I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I do believe that this debate overlooks a bit the nature of the Vietnam veteran. I think many Vietnam veterans have had a very hard time accepting service in some of the traditional institutions, and I think that the nature of the Vietnam veteran was a bit different and, perhaps we are applying a World War II standard here.

I believe, and I stand corrected, that I am the only Member of the Senate who served in the military in Vietnam. I am sure there are others who served at the same time. But my observations and my friendships have been that frequently the VA does not have the capability to deal with some of the psychological problems that Vietnam veterans face.

In South Dakota, my State, there are great distances, and such a trip requires staying overnight and such treatment requires returning frequently and leaving a job, and so forth, and greater flexibility is needed.

I think many Vietnam veterans have felt that they have received worse treatment than the veterans of other wars, and I would say that one can document that very easily.

But this psychological thing, to those who have suffered psychological and mental problems and are in need of treatment and desire treatment, is added to by this onerous burden, and I believe that the Heinz-Pressler-McGovern amendment would recognize Vietnam veterans and recognize a very important problem that exists.

I yield back the remainder of my time to Senator HEINZ if he wishes to have it.

Mr. HEINZ. I am sorry.

Mr. PRESSLER. I yield back the remainder of my time, if I have any unused.

Mr. HEINZ. The Senator has unlimited time.

Mr. CRANSTON. Yield the floor.

The PRESIDING OFFICER. The Senator has the floor.

Mr. PRESSLER. I yield my time.

The PRESIDING OFFICER. The Senator from South Dakota has no time limit. He has as much time as he wishes to use. The Senator may yield when he wishes.

Mr. PRESSLER. I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota yields the floor.

The Senator from California.

Mr. CRANSTON. Mr. President, I appreciate the concerns of the two Senators, the Senator from Pennsylvania and the Senator from South Dakota, for an effective readjustment counseling program for Vietnam-era veterans.

I have been very concerned about that matter for a long time. I have gotten four bills through four Congresses on this subject only to have them die on the House side.

I think we are now on our way to passage of the bill that will, however, be moved also by the House of Representatives.

Let me reiterate a few of the points that I made earlier. I do firmly believe that in structuring these programs, we have to make sure that veterans will receive quality services, geared to their particular readjustment problems, and in conjunction with other needed services. Readjustment counseling is not the type of service that can be easily packaged, marketed, and sold by just anyone. It is important for us to consider carefully how and by whom this service will be provided.

Mr. President, the committee bill, in establishing the program of readjustment counseling and related mental health services, has been designed so that the services would generally be provided by the VA through its own facilities and personnel. The program has been consciously structured in this way, with one overriding purpose in mind—to produce the most effective programs for Vietnam-era veterans. So the basic question is what is best for the veteran who needs these services? There are a number of reasons why the committee believes that focusing main responsibility on the VA is the best course to follow.

First, the VA has long experience in dealing with psychological problems of veterans, including those which had their onset in combat, and is well prepared and equipped to provide the readjustment services needed through its 8,000 psychological/social work staff plus the 346 new employees who are to be hired specifically for the readjustment counseling program. This experience should not be wasted; we should put it to work for Vietnam-era veterans who have readjustment difficulties.

Second, there is a tremendous need to help many of these troubled veterans through the very extensive VA system of not only health care, but education, job training and guidance, vocational rehabilitation, income maintenance, and housing assistance. The VA is truly a multiservice provider. Many veterans with readjustment problems will be most effectively helped by being guided into one of these other programs, using benefits Congress provided for them. This result is most likely if the veteran's contact with the VA is maintained.

Third, concentration on the VA of responsibility for providing counseling services should produce generally more expert and sensitive services within the program through acquired experience and sharing of information than would occur if the programs were diffused over many organizations. Moreover, since group counseling and follow-up sessions would often be the best mode of service for particular veterans, focusing the program in the VA facilities would provide the best opportunities for such group-oriented programs.

Fourth, the VA exists to respond on a priority basis to the service-related needs of veterans; and readjustment counseling is a significant need of Vietnam-era veterans. The committee does not believe that this priority can be assured by the VA becoming an insurance carrier, like Blue Cross, making payments for services. That approach runs totally contrary to the firmly established national policy of maintaining an independent system of veterans health care facilities to assure quality care for service-related disabilities.

And, finally, let me say that Max Cleland, Administrator of Veterans' Affairs and a Vietnam combat veteran, is fully committed to this program, which he has also advocated for 10 years. We are confident that the VA, under Max Cleland's leadership, will establish and implement an effective, quality program responsive to the needs of Vietnam-era veterans. I might add that the VA is already making plans for establishing these services and has submitted to the committee an outline of its proposed outreach efforts, which would include collaboration with community agencies and organizations such as the national service organizations and self-help groups.

Thus, we strongly believe that the major thrust of the readjustment counseling program should be focused within the VA. We recognize and appreciate the concern that, without some authority to contract with private providers for readjustment counseling and related mental health services, there may be places where there would be veterans needing readjustment counseling, but where no VA facilities are close enough to provide the services economically or where it would be impractical for the VA to do so.

Our approach permits service to veterans under those circumstances, and beyond the 100-mile area there is plenty of opportunity on a case-by-case, individual basis to help a veteran who has to travel further than that to get the services.

Mr. LEVIN. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I would hope the Senate might resist the Heinz amendment. I think there is one issue we have not addressed and that is the high cost of simple psychotherapy, if there is such a thing, in the private sector. But we are talking about psychiatric and psycological care, the cost of which can be in excess of $120 to $125 per hour. On an open-ended basis such care should be reasonably limited.

I think we must also remember that the VA already provides to veterans of the Vietnam war, 172 hospitals, 16 domiciliary care units, and 220 outpatient clinics.

It seems to me that we often forget the extent of the services that are available. No facilities in America are better able to care for the veterans of this Nation than VA facilities. I think the VA is remarkable in providing the services that they do.

In my State of Wyoming, in the land of high altitude and low multitude, we have VA care at all levels, which is often provided by facilities in Miles City, Mont.—your home State, Mr. President—and in Cheyenne, Wyo. If there is any fault in the care that these facilities offer, it can only be that they may be somewhat overzealous in seeking out eligible veterans to encourage their travel to such facilities for even elective care.

So I hope we will recall what we should be trying to accomplish in terms of reasonable care for the veterans of this country. In pursuit of that objective we should reject the Heinz amendment and adopt the Cranston amendment. This will assure a workable and efficient means to provide care for those who have personal hardship in seeking VA counseling services.

It is much more appropriate to weigh these considerations under section

601(4)(c) of title 38 where the needs have always been responsibly and adequately met on a contract basis when geographic inaccessibility or lack of the required care in a VA facility is encountered.

I thank the Chair.

Mr. MATSUNAGA. Mr. President, will the Senator yield?

Mr. SIMPSON. I yield indeed.

Mr. MATSUNAGA. I wish to commend the Senator from Wyoming. His position against the Heinz-Pressler amendment indicates that the opposition to the Heinz-Pressler amendment is not a partisan matter. Bipartisan support of the Cranston-Matsunaga amendment was unanimous among the Members of the Senate, unanimous, I repeat. To get unanimous consent of all Members of the Senate, as my colleagues well know, is not an easy task.

But here is a case where the Senate voted unanimously in favor of the Cranston-Matsunaga amendment.

I do not need to reiterate what has already been said as to the excellent benefits which the veterans of World War II, World War I, and others wars, including the Vietnam veterans, now enjoy. The Heinz-Pressler amendment seeks to improve mental health care benefits to the Vietnam-era veterans above those accorded to the veterans of World War II, World War I, and other wars.

I fully support this effort. I fully support giving all necessary benefits to veterans of the Vietnam era. After all, I am a veteran of World War II myself. This is why I supported the Cranston-Matsunaga amendment. Furthermore, I feel that if the Vietnam-era veterans were going to be denied those benefits which the Veterans' Administration would be unable to provide, and they could obtain such benefits or services only on the outside, then I would say, yes, let us support the Heinz-Pressler amendment.

However, readjustment counseling services to Vietnam-era veterans under the Cranston-Matsunaga amendment will be provided under contract where the VA deems it necessary. So we are not denying any veteran, including Vietnam-era veterans, the right to such necessary services for mental health care as they deserve. The services would be provided under the same rights as with veterans of World War II, World War I, and other wars.

For this reason, Mr. President, I urge the defeat of the Heinz-Pressler amendment.

Mr. PRESSLER. Mr. President, will the Senator yield for a question?

Mr. President, let me commend the distinguished Senator from Hawaii for his fine words and his fine work in this area.

In terms of treatment of veterans of different eras, I think the Vietnam war was a particularly unpopular war, unlike World War II or the Korean war, and veterans of the Vietnam era have suffered greater psychological problems and greater mental problems, in retrospect, than have veterans of other wars, generally speaking.

I think for that reason, and by reason of the turmoil that was caused, not only in the country but in the minds and in the memories of many who served there, that the approach advocated by my colleagues Senator HEINZ and Senator McGOVERN and I would be more appropriate. But my question to the Senator from Hawaii is, is it not a consideration that Vietnam veterans, because of the turmoil and indecision within the country in connection with that war, have suffered from a higher rate of mental and psychological problems subsequent to their service?

Mr. MATSUNAGA. If the amendment that was adopted by the Senate would deny such mental care as the Vietnam veterans would require, I would fully agree with the Senator from South Dakota. But, as provided under the Cranston-Matsunaga amendment, they would not be denied any such needed care.

The Veterans' Administration has had long experience in dealing with psychological problems of veterans, and it is well prepared and equipped to provide the readjustment counseling services needed through its 8,000 psychological and social work staff, plus 346 new employees to be hired specifically for the readjustment counseling program.

As I stated earlier, as was stated by the Senator from Wyoming, the ranking minority member of the Veterans' Affairs Committee (Mr. SIMPSON), and as was stated by the chairman of the Veterans' Affairs Committee (Mr. CRANSTON), the Veterans' Administration has the staff and the expertise to respond to any of the needs of veterans, be they Vietnam-era veterans, World War I veterans, or World War II veterans, such as education, job training, vocational guidance and rehabilitation, income maintenance, and housing assistance, which are often associated with the need for readjustment counseling. Where the readjustment counseling services cannot be provided economically or geographically to the veteran by the VA, as in Hawaii, where we have no Veterans' Administration facilities, the veteran will have the care provided by the Veterans' Administration under contract by a qualified private facility. Under our amendment as adopted, every Vietnam-era veteran in need of readjustment counseling will be provided such care by contract, as they are in Hawaii and Alaska, if the VA is unable to provide the care directly through its medical facilities.

Mr. HEINZ. Mr. President, will the Senator yield for a question?

Mr. CRANSTON. The Senator from South Dakota has the floor.

The PRESIDING OFFICER. The Senator from Hawaii has the floor.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. MATSUNAGA. I yield.

Mr. ROBERT C. BYRD. I wonder if we could agree to vote no later than 5 p.m. on this amendment. I make that unanimous-consent request: No later than 5 p.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STENNIS. That would not in any way give up our right to have a vote on subsequent amendments?

Mr. ROBERT C. BYRD. No, no.

Mr. STENNIS. I have no objection.

Mr. LEVIN. Mr. President, will the Senator from Hawaii yield for a question?

Mr. MATSUNAGA. I yield.

Mr. LEVIN. With the ability of the VA to handle the problems we are discussing, with all the debate as to whether or not we should make a special provision for the veterans of the Vietnam war, I am wondering whether we should not debate the question as to whether or not this particular amendment does not leave the question of contracting out to the Veterans' Administration. Is it not clear to the Senator from Hawaii, as it appears to be clear to me from reading this amendment, that whether or not the special services would be provided is still left to the Veterans' Administration under this amendment?

Mr. MATSUNAGA. Is the Senator referring to the Cranston-Matsunaga amendment?

Mr. LEVIN. No, I am referring to the Heinz-Pressler-McGovern amendment.

Mr. MATSUNAGA. Well, if you will read it carefully, the Pressler-Heinz amendment would provide that the veteran himself could go to a private mental health clinic and then the Veterans' Administration would be required to reimburse the veteran for such expenses as he would have incurred. But under the Cranston-Matsunaga amendment, the veteran would need to first go to the Veterans' Administration, and then go to a certified private provider of mental health care. This would be, of course, for the protection of the veteran himself.

Mr. LEVIN. But if I could follow that up with another question——

Mr. CRANSTON. Could I add a response to the first question? If the criteria that we set forth appear in any particular case, the Administrator would not be able just to say no—arbitrarily. Under the amendment adopted 93 to 0 earlier today, he would have to provide this opportunity for private counseling if the need could not be met in another way, if the criteria set forth in the bill were there. It would not simply be the free choice of the Administrator.

Mr. HEINZ. Will the Senator yield?

Mr. LEVIN. I wonder what the meaning of those words "at the discretion of the administrator" is, if in fact there is no discretion. I am just looking at those words, "at the administrator's discretion."

Mr. MATSUNAGA. I did not quite get the question of the Senator from Michigan. Are you saying that the Veterans' Administration would be arbitrary to the point of not allowing any service from the private sector to a veteran who may be in need of such service if he could not obtain it at a Veterans' Administration facility?

Mr. LEVIN. No, I am no more suggesting that than, of course, you were; but I wonder if this question could be put to the Senator from Pennsylvania, if he is willing to answer the question. What is the meaning of the words "at the Administrator's discretion?"

Mr. CRANSTON. Under chapter 17 of title 38 as interpreted by the VA, the word "may" has generally been interpreted by the Veterans' Administration to provide an entitlement to health-care benefits, and if the services cannot be provided under the Veterans' Administration——

Mr. HEINZ. Through a small drafting oversight, the argument that the Senator from California is making—if the Senator will yield——

Mr. CRANSTON. I am happy to yield to the Senator from Pennsylvania.

Mr. HEINZ. I would be happy to know why the Veterans' Administration, if indeed it does, thinks the word "may" means "shall." I do not know. But I do know that this amendment meets a VA request to the Senator from California.

The amendment says, "The Administrator may, at his discretion." Why is it drafted that way? Because they called the Senator from California up 3 years ago and made the same argument as today, that the word "may," for some arbitrary reason known only to the VA, means "shall."

We asked them, "How can we make it discretionary?" And the folks down there suggested, "Why not just put in the words 'at his discretion'?"

So the amendment was drafted that way: "The Administrator may, at his discretion," to make it the way they told the Senator from California would be discretionary when he talked to them on the phone.

I do not know where these interpretations are coming from, but the fault does not lie here. I do not think anyone means to mislead in any way, shape, or form, but those are the facts.

Mr. MATSUNAGA. Mr. President, let me say to the Senator from Michigan that his concern for veterans of the Vietnam era is shared by the Senator from Hawaii, and I am sure the Senator from California. We would like to do what is best for the veteran, regardless of what war he may have served in.

We feel that the amendment which was adopted unanimously by the Senate within the hour would provide that the readjustment counseling services which we are putting into the hands of the Veterans' Administration, will be entirely consistent with the care which the Veterans' Administration has been able to provide over the years in an undisputably good form, in the sense that the VA takes into consideration all of the aspects involved in dealing with mental illness.

I believe that it would be a grave error to take this authority away from the Veterans' Administration.

As was pointed out earlier, and I do not know whether the Senator was in the Chamber at that time, the Cranston-Matsunaga amendment was supported unanimously, on both sides of the aisle. That is not easy to do. In concept, the Heinz amendment was, therefore, opposed unanimously by the Senate.

The Senator from Pennsylvania laughs.

Mr. HEINZ. That is not my recollection of the facts, if the Senator will yield.

Mr. MATSUNAGA. I have not gone into the "facts" as stated by the Senator from Pennsylvania.

We are trying to do what is best. We are convinced that the Heinz amendment would do mischief.

Mr. FORD. Will the Senator from Hawaii yield 30 seconds?

Mr. MATSUNAGA. I am happy to yield 1 minute.

Mr. FORD. I want to do whatever is necessary to help veterans, and particularly disabled veterans. I get somewhat ashamed of the position we have gotten into as it relates to our help for veterans. I can give example after example of men who are living from day to day who are disabled, who were wounded more than one time in World War II. They have now closed down the facilities at Army bases to them. They have put them into the private sector under CHAMPUS, and whatever. What they must pay is the overwhelming percentage.

Whatever I can do today, and whatever my vote means, to give the veteran more help today, that is the way I am going to vote. I am somewhat disappointed at the course which I see medical help for the disabled veteran is taking. I am talking about a veteran who is retired, who is doing the best he can under the circumstances, and is still not receiving what I think is due to him.

If this Heinz amendment will give that veteran a greater opportunity for medical care if we take it out from under the Veterans' Administration, so be it, as long as that veteran gets better help than he is getting today. I do not think he is getting proper medical care.

Mr. MATSUNAGA. If that is in the form of a question, I will say to the Senator from Kentucky the Cranston-Matsunaga amendment already provides that.

Mr. FORD. The Heinz amendment expands it to give them more, as I understand it.

Mr. MATSUNAGA. The Cranston-Matsunaga amendment already does that, it expands it.

Mr. FORD. The Heinz amendment expands upon your amendment, does it not? It goes beyond that? It gives them a little bit more than you give them?

Mr. MATSUNAGA. No. It will create mischief.

Mr. FORD. It will create mischief?

Mr. MATSUNAGA. Yes, it will create mischief. While on the surface it may seem as though it is providing extra benefits to Vietnam-era veterans, in the long run it will be to their detriment. I will tell the Senator why.

The Senator was not present in the Chamber earlier.

Mr. FORD. I listened on the intercom.

Mr. MATSUNAGA. When the Veterans' Administration provides mental health care, it provides all other services associated with mental illness, such as employment, income maintenance, education, pension benefits, housing, and so forth. All of these social services would be involved in the provision of readjustment counseling benefits. If there is a special need for clinical services of a private physician, the Veterans' Administration, under the present Cranston-Matsunaga amendment, may contract for such services. As was stated by the chairman of the Veterans' Affairs Committee, they must provide that service if it is deemed that it is necessary.

Mr. FORD. The Senator makes use of one word, and that is "when" they provide it. When are they going to provide it? This is when they provide it. I think that is the problem in my mind and the problem I face, though not necessarily in the mental health area. I say when they live with some of these things they do have some problems, and I believe they deserve the best treatment we can give them.

But the Senator sums up my problem when he says, "When they provide it." I am of the opinion that whatever we can do, there are not many of us who have 20–20 foresight, who know what will happen next month, next year, or 5 years from now. If we did have 20–20 foresight, we sure would not be here, probably.

Mr. MATSUNAGA. I share the Senator's concern. I am on his side to provide as much care to veterans as we can possibly provide. I think that the amendment which the Senate adopted unanimously just within the hour would provide the extra service the Senator and I are thinking about.

Mr. FORD. I will say to the Senator, I am not going to take any chances.

Mr. MATSUNAGA. I will yield to the chairman.

Mr. CRANSTON. I would like to say to the Senator from Kentucky the reason the VA has not been providing these services is that the VA has in the past lacked and today still lacks the statutory authority to provide this kind of outpatient services that S. 7 would authorize. Under current law, the VA has only limited authorities to provide outpatient services.

Generally, they are available for outpatient treatment for a service-connected disability, for any disability of a veteran with a disability rated as 50 percent or more disabling, for prehospital and posthospital care, or where outpatient treatment would "obviate" the need for hospitalization. Veterans with difficulties in readjusting to civilian life seldom fit within one of these categories. Their problem is typically a low-grade impairment that may not be definable as a "disability," which it must be for VA care to be provided and, even where there is a diagnosed disability, there is likely to be no indication of the psychological disorder in the veteran's service record. This makes it very difficult to establish service connection, even where the problem seems to be service related in the sense that the military experience has made it difficult for the veteran to function well in civilian life.

When the fact of service connection cannot be established, the remaining authorities for outpatient nonservice-connected care for veterans who are not so seriously disabled as to require hospitalization relate to pre- and posthospital care and treatment to "obviate" the need for hospitalization. Since hospitalization is not a generally prescribed mode of treatment for such low-grade disorders, all of these authorities are generally unavailable.

Mr. President, S. 7 would give the VA authority it presently lacks to provide readjustment counseling and followup mental health services on an outpatient basis for these veterans.

The Senate has passed bills in previous Congresses to give them the authority. The bills languished in the House. Now we are going to give the VA the authority and we want them to give veterans the best possible care, not simply to pass the job to someone else. But they will do it with experienced people and in places and in ways where other problems beyond the specific mental health and rehabilitation problems can be dealt with. The environment of the VA we feel is the best in general and we feel that better treatment can be given there.

I would repeat that such authority has been advocated for some 10 years by Max Cleland, Administrator of Veterans' Affairs, and he has every intention of providing the best possible services.

In addition, other top officials in the VA's Department of Medicine and Surgery who appeared before our committee spoke of the urgency of establishing this program now and described their plans for mounting these needed programs; and I am pleased to note that the administration has stated its clear intention to provide the additional 346 employees needed to mount these programs.

Mr. FORD. Let me ask the Senator from California, does CHAMPUS become involved in any way as it relates to this piece of legislation?

Mr. CRANSTON. No.

Mr. FORD. When can we get to the structuring of so-called medical treatment for veterans called CHAMPUS?

Mr. CRANSTON. I cannot tell the Senator that because that is under the authority of the Armed Services Committee.

Mr. FORD. I thought the Senator's committee might have some interest in it since it was for veterans.

Mr. CRANSTON. I cannot answer the question, because that is not in our committee.

Mr. MATSUNAGA. I might say to the Senator from Kentucky that part of the question he raised is the question which we have been trying to resolve by S. 7. This is the whole purpose of S. 7, to provide those necessary health services which are not currently authorized. We are merely talking about the amendment which Senator CRANSTON and I offered to make it even more effective.

We are saying that the Heinz amendment, if adopted, will do mischief.

Mr. FORD. I wish the Senator would not use the word "mischief." Use "damage" or something like that rather than mischief. Somehow or other I get a different connotation from "mischief" in my definition of it than "damage" to the program or something like that.

Mr. MATSUNAGA. I will say that it would seriously damage the program. I used the word mischief, because that is the term we associate with it in Hawaii. In Kentucky, it is damage. We will make it synonymous.

Mr. FORD. The Senator calls it mischief in Hawaii and we call it damage in Kentucky.

Mr. MATSUNAGA. Mr. President, I believe it is 5 o'clock.

Mr. HEINZ. Will the Senator yield the floor so the minority can have some time?

Mr. MATSUNAGA. Yes. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I do not mind a time agreement, but I think there is an obligation to be fair in the sharing of time. We entered into a time agreement at about 20 minutes to 5. The proponents of the amendment have about 2 minutes left. I saw Senator PRESSLER seeking recognition a few moments ago and I think that, in fairness to him and anybody else in favor of the amendment, we ought to allow a few minutes.

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived——

Mr. ROBERT C. BYRD. Mr. President, how much time did the Senator want?

Mr. PRESSLER. About 1 minute.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator be permitted to proceed for about a minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I close by making one point: Many Vietnam veterans do not feel that they are getting adequate mental health service from the institutions. This has been a common complaint of all the Vietnam veterans groups. It has been a complaint of individuals. It is one of the broadest problems among Vietnam veterans. It is not addressed in the bill unless the amendments by Senator HEINZ and myself are added to it.

COUNSELING FOR VIETNAM VETERANS

Mr. McGOVERN. Mr. President, I wish to commend the distinguished chairman of the Veterans' Affairs Committee for his efforts in reporting out the much-needed veterans health care amendments. And I am pleased that we have had the debate here today on the provisions for psychological readjustment for Vietnam veterans. I know Senator CRANSTON has shared my interest in this important program for many years. He has been supportive of the legislation I have introduced in previous Congresses—legislation similar to the Heinz-Pressler-McGovern amendment offered here today.

I do not believe there are any of us here who doubt the need for this service for our Vietnam veterans; it is a question of the approach. I believe that for the counseling program to succeed, it must be directed more toward interaction with the community. If we are to successfully readjust the veteran to the community and society, it is necessary to bring those resources into the program. The Heinz-Pressler-McGovern amendment makes this possible, in a somewhat limited way, and it is the approach I favor.

The PRESIDING OFFICER. The question is now on agreeing to the amendment of the Senator from Pennsylvania to the amendment of the Senator from South Dakota to the committee substitute. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), and the Senator from Louisiana (Mr. JOHNSTON) are necessarily absent.

Mr. STEVENS. I announce that the Senator from South Carolina (Mr. THURMOND) is necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "nay"

The PRESIDING OFFICER (Mr. TSONGAS). Are there any Senators who have not voted who wish to do so?

The result was announced—yeas 42, nays 53, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—42

Armstrong
Baker
Bellmon
Biden
Boren
Bradley
Bumpers
Chafee
Cochran
Cohen
Culver
Danforth
Domenici
Exon
Hatch
Hatfield
Heinz
Helms
Javits
Kassebaum
Laxalt
Levin
Lugar
Mathias
McClure
McGovern
Melcher
Moynihan
Muskie
Nelson
Packwood
Pressler
Riegle
Sarbanes
Schmitt
Schweiker
Stevens
Stone
Tower
Tsongas
Wallop
Weicker

NAYS—53

Baucus
Bentsen
Boschwitz
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chiles
Church
Cranston
DeConcini
Dole
Durenberger
Durkin
Eagleton
Ford
Garn
Glenn
Goldwater
Gravel
Hart
Hayakawa
Heflin
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Kennedy
Leahy
Long
Magnuson
Matsunaga
Metzenbaum
Morgan
Nunn
Pell
Percy
Proxmire
Pryor
Randolph
Ribicoff
Roth
Sasser
Simpson
Stennis
Stevenson
Stewart
Talmadge
Warner
Williams
Young
Zorinsky

NOT VOTING—5

Bayh
Cannon
Johnston
Stafford
Thurmond

So the amendment of the Senator from Pennsylvania (UP No. 153) was rejected.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MATSUNAGA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 156

(Purpose: To make available to the VA in furnishing Vietnam-era veterans with readjustment counseling and related services the same authority to do so through contracts with private facilities as is available in furnishing treatment for veterans with 100-percent service-connected disabilities incurred in combat)

Mr. CRANSTON. Mr. President, I send an amendment to the desk. This is a perfecting amendment to the Pressler amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON), for himself and Mr. SIMPSON, Mr. TALMADGE, Mr. RANDOLPH, Mr. MATSUNAGA, Mr. THURMOND, Mr. STAFFORD, and Mr. HART, proposes an unprinted amendment numbered 156 as a perfecting amendment to the Pressler amendment.

The amendment is as follows:

In lieu of the matter proposed to be inserted by the amendment of Mr. Pressler, insert the following:

SEC. 203. After section 628 of title 38, United States Code, insert the following new section:

SEC. 629. In furnishing counseling and related mental health services to Vietnam-era veterans under subsections (a) and (b) of this section 672A of this title, the Administrator shall have available to enter into contracts with private facilities the same authority that is available to the Administrator (under sections 612(f)(2) and 601(4)(C)(ii) of this title) in furnishing medical services to veterans suffering from service-connected disabilities rated 100-percent disabling incurred in combat in the line of duty. Before furnishing such counseling and related mental health service to a veteran through a contract facility as authorized by this subsection, the Administrator shall approve (in accordance with criteria which the Administrator shall prescribe) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such counseling or services.

Mr. CRANSTON. Mr. President, this amendment perfects the Pressler amendment, which was underlying the Heinz amendment and had the same thrust as the Heinz amendment, although I think it was even less desirable. This amendment would substitute the language adopted as an amendment to the underlying bill by the Senate on a 93 to 0 rollcall vote earlier this afternoon, and that would complete action on this matter, by reaffirming what we previously did, instead of going through another rollcall vote on what was just dealt with in the defeat of the Heinz amendment.

Mr. PRESSLER. Mr. President, we have been trying to get a vote on the amendment I have offered, which would allow Vietnam veterans the right to make some choices in this matter.

One of the key problems of the Vietnam-era veterans has been in the psychological and mental area, and they have not responded well to treatment in those institutions.

The PRESIDING OFFICER. The Senate will be in order. The Senator deserves to be heard.

Mr. PRESSLER. All afternoon, we have been frustrated in an effort to get a vote, and we have had to offer perfecting amendments and so forth. I am very disappointed that we have not been able to get a vote on my amendment. We almost had it, and we would have had it in a few minutes, except that now a substitute has been offered.

The point is that those persons who have served in Vietnam have suffered unusual psychological and mental problems, and this has been brought forth in literature and movies and reality. Many of them do not respond to treatment in some of the traditional institutions.

Indeed, it was pointed out earlier this afternoon—and I shall not go through it again—that many of those Veterans' Administration treatment facilities are not adequate, and they have not been adequate.

There is a feeling among Vietnam veterans that they do not get good treatment under our laws because the benefits that are given to them are extended to other members of society.

The Vietnam veteran is in a peculiar position. There was a great deal of turmoil in that war. It was a war about which our country had a great deal of indecision. Many who served in that war have suffered psychological and mental problems for which they have sought help, and they have been unable to receive adequate assistance.

I am very sorry that the leadership has chosen to frustrate our efforts to get a vote on this important amendment. I oppose the amendment that has been offered. I do not know if it is appropriate for me to ask for the yeas and nays; if so, I would like to do so.

The PRESIDING OFFICER. It takes unanimous consent to order the yeas and nays on the underlying amendment to the amendment of the Senator from South Dakota.

Mr. CRANSTON. Mr. President, the Senator from South Dakota, in effect, already has had a vote on the issues of which he just spoke. That vote came on a very similar amendment that was offered by the Senator from Pennsylvania.

It was necessary for me to take the action I have taken because the amendment adopted earlier by a vote of 93 to zero would have been wiped out when the committee amendment is agreed to. The slate would have been wiped clean, because my amendment was to the original text not the committee amendment. Therefore, we now have the necessity of further action to reverify what the Senate did by a vote of 93 to zero. There is no point in going through the exercise once again of defeating the Pressler amendment, because it is very similar to the Heinz amendment, although less desirable in a few respects.

Mr. PRESSLER. Mr. President, will the Senator yield for a question?

Mr. CRANSTON. I yield.

Mr. PRESSLER. This whole exercise we have gone through this afternoon of perfecting amendments and the amendment of the Senator from California was in fact a parliamentary maneuver designed to thwart a vote on my amendment, and that is what frustrates me.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I support the amendment offered by the Senator from South Dakota (Mr. PRESSLER). While it attempts to achieve the same objective as the Heinz amendment, it is a different amendment and deserves to be voted on up or down. I think the Senator from South Dakota should get a vote on it. I know I am going to support him.

This amendment is simply another effort to try to help the Vietnam-era veteran, and we should not kid ourselves. There have been some serious problems with the VA. I have here a publication, the APA Monitor, the publication of the American Psychological Association, dated April 1979. It talks about the ability of the VA to meet the needs of the Vietnam veteran. I quote:

> Oftentimes, the Vietnam veteran has been caught up in an almost Catch-22 scenario. In seeking mental health services from the VA, many Vietnam vets are told that their symptoms do not add up to any officially-sanctioned diagnostic label. The end result has been that these vets are denied treatment, often with the message that they're not really in need of help. In other instances, vets have been assigned a common diagnostic label like "anxiety reaction." But because of the difficulties involved in tying the disorder to the vet's combat experience, many times it is considered a condition which cropped up after the war, or one which existed prior to the vet's military experience. The end result is the same: since it can't be proven as service connected, the vet has been turned away.

That is part of the situation with which we are now dealing. The fact is that there are a lot of people who are psychiatrists and psychologists who are at VA facilities and who do not find working with the Vietnam veteran a particularly lucrative line of work, either from the standpoint of research or from the standpoint of money.

I do not wish to prolong this exercise, but I think there is a very real issue here; and I urge the support of Senator PRESSLER's amendment and the rejection of Senator CRANSTON's amendment.

Mr. MATSUNAGA. Mr. President, this is an exercise in futility, it seems. Senator PRESSLER and Senator HEINZ both are sponsors of the amendment which was just defeated, and it was the will of the Senate that the amendment be defeated. This is just wasting the time of the Senate.

I wish the Senator from South Dakota would withdraw his request for a record vote, because it will save at least 15 minutes. However, if he insists on it, well and good. We just voted upon his amendment as he was a cosponsor of the Heinz-Pressler amendment.

Mr. HEINZ. Mr. President, if the Senator will yield, the Senator asked for a record vote on the Cranston amendment, to which there was no opposition. How can the Senator, in good conscience, make that argument—to have a vote on an amendment to which there was no opposition?

Mr. MATSUNAGA. I will not yield to the Senator from Pennsylvania if he is going to engage in personal vilification.

I know the Senator is above that. He just lost his temper. I forgive him. [Laughter.]

I just plead with the Senator from South Dakota, because we already had a vote. In good conscience, the Senator knows that. But, if he wants a vote on it, I will go along with him.

Mr. PRESSLER. Mr. President, if the Senator will yield, there are differences between the two amendments. The fact is that we have spent nearly 3 hours trying to avoid a vote on my amendment. It is not I who have taken up 3 hours with parliamentary maneuvers to avoid a vote.

On the question of Vietnam veterans, it is important enough, and with the type of problems that Vietnam veterans experience in this area, and in view of the small amount of money involved, I think we should have a vote. It is not I who have engaged in parliamentary maneuvers for 3 hours to avoid a vote in the interest of Vietnam veterans.

Mr. CRANSTON. If the parliamentary maneuvers that were launched and engaged in by the Senator from South Dakota had worked, there never would have been a vote on the Senator's amendment, because it would have been replaced by the amendment of the Senator from Pennsylvania. We have voted on that text. If the Senator had won, that would have prevailed, and that amendment would have been wiped out.

I ask the Chair what the pending matter is. Is it not the amendment I have offered?

The PRESIDING OFFICER. The pending matter is the amendment offered by the Senator from California.

Mr. CRANSTON. I suggest that we proceed to vote on it.

Mr. SIMPSON. Mr. President, I should like to comment as one of the floor managers of this particular measure. I am still looking for an opportunity to eat lunch sometime before the supper hour arrives. An emaciated fellow like myself and Senator CRANSTON find it most difficult to survive so long between meals.

Let me just say that I support the Cranston amendment. It is the same amendment that passed this body by a vote of 93 to zero, and Senator PRESSLER's amendment is virtually the same as the Heinz amendment which we have just disposed of.

I must say that as a new boy on the block the frustrations in my first exposure as a floor manager have been rather significant. I might add that the difficulties all started with some rather unique parliamentary maneuvers by the sponsors of the amendments initially proposed on this issue. We would have been willing to seek a single resolution to this issue on the basis of two simple votes had not we been forced into this rather convoluted process.

The only difference between this body and the Wyoming Legislature is that when we kill them there they stay killed.

Thank you.

The PRESIDING OFFICER. Is there any further discussion?

Mr. MATHIAS. Mr. President, I have an inquiry.

Will the Senator from California tell us what the effect of his amendment would be? As I understand it, it is a perfecting amendment to the Pressler amendment. But what will be left of the Pressler amendment after the adoption of the Cranston amendment?

Mr. CRANSTON. Nothing.

Mr. SIMPSON. Nothing.

Mr. CRANSTON. What we will have is the amendment approved by the Senate 93 to zero earlier today which mandates——

Mr. MATHIAS. Now we are talking about saving time. Why do we have to vote on again something we already voted on 93 to zero?

Mr. CRANSTON. The committee amendment would wipe out that action because the original action taken was to the underlying bill. The committee amendment replaces the underlying bill. So it is necessary to get it before the body once again.

Mr. MATHIAS. I ask the Senator from California a further question: If that is the concern, why not let us vote on the Pressler amendment unadorned and in its original pristine form? And then by voice vote we could in 30 seconds do what we would otherwise do, what we have already done by a vote of 93 to zero, a record vote, and then we could deal with that. What would be wrong with that procedure?

Mr. CRANSTON. We have already voted in effect on the Pressler amendment by voting on the Heinz amendment. We are just trying to get back to what is plainly the will of the Senate—by a 93 to zero vote.

Mr. MATHIAS. That is the judgment of the Senator from California. That is not the judgment of the Senator from Pennsylvania nor is it the judgment of the Senator from South Dakota. In the meantime, we are spending more time trying to find out what we are doing than if we go ahead and do it.

Mr. PRESSLER. Mr. President, will the Senator yield?

Mr. MATHIAS. I am happy to yield.

Mr. PRESSLER. The fact of the matter is we have spent over 3 hours avoiding a vote on this issue where the Vietnam veterans can choose their own place to get mental assistance and counseling, and the original amendment has not been voted on. The committee has used parliamentary tactics to avoid a vote on my amendment.

I ask the Senate if I could have a vote on my amendment. I was asked a few minutes ago to withdraw my amendment. I ask that the perfecting amendment be withdrawn so we can proceed to a vote on my amendment, and if it is voted down, fine. I am not afraid to lose. But I wish to get a vote on this matter which is of importance to all the Vietnam veterans groups. It is part of the reason the Vietnam veterans are so alienated and it is part of the reason that many of them have not joined our society.

And what has occurred here in this Chamber this afternoon has been we spent nearly 3 hours wasting time to avoid a vote because I suppose the leadership is afraid to vote against it.

Now if my amendment is bad, vote it down. My amendment has not been voted on, and this is the Senate. Please let me have a vote on my amendment.

Mr. MATSUNAGA. Mr. President, if the Senator from South Dakota will yield, the Senator in good conscience knows that he did have a vote. The Heinz-Pressler amendment was voted down.

Mr. PRESSLER. Mr. President, will the Senator yield?

Mr. MATSUNAGA. The Senator also knows that he offered his earlier amendment initially as a parliamentary procedure to prevent the Senator from California from offering his amendment as a substitute. That is the way the whole thing started.

Mr. PRESSLER. So I offered my amendment.

Mr. MATSUNAGA. If the Senator had not gotten together with the Senator from Pennsylvania to offer this parliamentary trickery, and I commend him for that—it was excellent; it was a brilliant trickery—but if it had not been for that we would have gotten rid of this bill hours ago.

Mr. HEINZ. Mr. President, will the Senator yield for one small request?

Mr. MATSUNAGA. Yes. The Senator from South Dakota has the floor.

Mr. HEINZ. If the Senator will yield, I am wondering——

Mr. MATSUNAGA. I wanted to make it clear to the Senate that what the Senator from South Dakota says, that he had not had a vote on his amendment, is not absolutely true. It is absolutely not true, because he did have a vote on his amendment as perfected by the amendment of the Senator from Pennsylvania.

Mr. PRESSLER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. PRESSLER. I really object to that because I have not had a vote on my amendment. I have not engaged in any tricks. I have just tried to get a vote on my amendment, which is very important to Vietnam veterans and very important to Vietnam veterans groups, and the leadership has been avoiding that all afternoon, and in good conscience all I am asking for is a vote on my amendment.

We may speak about good conscience, et cetera, et cetera, but in good conscience I want to vote on this issue that is important to every Vietnam veteran. It is also of great importance to those who are suffering from mental and psychological problems who wish to choose their place of rehabilitation and also those who have jobs or have to travel a great distance and have been treated after 5 o'clock. There are many complaints that in veterans' centers and hospitals you do not get there during working hours, you wait for hours, and so forth. All I am asking for is a vote on my basic amendment which I offered in very good faith at the beginning of this afternoon, and I have not engaged in any delays or anything else. But the Senator from Oregon asked for some time for me to yield for a unanimous-consent request.

Mr. HATFIELD. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. PRESSLER. I yield.

Mr. HATFIELD. Mr. President, I ask unanimous consent that Victory Gilliam, of my staff, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. I thank the Senator.

Mr. CRANSTON. Mr. President, I have in my hand a Dear Colleague letter dated May 14 which refers to "our amendment" and is signed by Larry Pressler and John Heinz, and describes the Heinz amendment which the Senate has just rejected.

So plainly it was an amendment that was fulfilling the goals of Senator Pressler. The Senator from South Dakota and the Senator from Pennsylvania had their choice of which one they wanted to have voted on. The way it worked out they arranged it so that the basic vote was on the Heinz amendment, and they were defeated.

I have now moved to get solidly into the measure which will be passed by the Senate the action that was approved 93 to nothing.

When I had intended to offer that as a substitute for the Heinz amendment, a maneuver by the two Senators was undertaken designed to preclude me from having a vote on our committee amendment. We have now simply resorted to the same approach to preclude repeated votes on the issue that the two Senators have put before the Senate.

The matter now pending before the Senate is a matter that was already voted upon 93 to nothing.

The PRESIDING OFFICER. Is there further discussion?

Mr. MATSUNAGA. Mr. President, one point should be made perfectly clear to the Senate, and that is that the Cranston-Matsunaga amendment does authorize contract care for Vietnam-era veterans in instances where the VA is unable to provide such care.

We are not neglecting the health care needs of Vietnam-era veterans in this bill. S. 7 extends important mental health care services to Vietnam-era veterans. So we are not in any way denying Vietnam-era veterans the services which the Heinz-Pressler amendment would have afforded to them.

Moreover, the bill, as amended by the Cranston-Matsunaga amendment, does provide contract care authority for that service to Vietnam-era veterans whenever the VA is unable to provide the services directly.

Mr. CRANSTON. I would like to point out finally that our amendment is superior even in terms of the concerns expressed by the two Senators because ours makes it mandatory that services be offered to veterans. It is entirely discretionary under the Heinz amendment and that amendment does not, in any event, authorize any contracting for the readjustment counseling itself, only for the very expensive followup mental health services.

Thus, Mr. President, his amendment actually requires the VA to provide the initial readjustment counseling itself. In this connection, it must be noted that the new program would consist of two parts: First, under subsection (a) of the new program, a counseling program during which the veteran is given a mental and psychological assessment; and, second, if the individual is found to be in need of mental health services to facilitate successful readjustment to civilian life, a program of followup, outpatient mental health services. The Heinz amendment provides for contracting out only the followup mental health services; and the VA's own ability to provide such mental health care is, I believe, unquestioned.

Thus, in the Heinz-Pressler approach, the proposed contract authority is expressly and specifically limited, to mental health services, including psychiatric, psychological, preventive mental health care and counseling services for veterans who, under subsection (b) of the new section 612A have been determined to be in need of mental health services. Those mental health services under subsection (b) of the new section are to be provided only after the general mental and psychological assessment has been made as part of the initial counseling stage. The Heinz amendment thus does not include the initial, counseling phase itself.

Mr. President, in this respect, therefore, our substitute amendment provides greater authority to the VA in contracting out for needed services for both the readjustment counseling as well as the followup mental health services when the VA cannot directly furnish these services in an economical fashion or a particular VA facility is unable to provide them.

Therefore, I find it difficult to understand how the Senator from Pennsylvania and the Senator from South Dakota, who would require the VA in all cases to provide the initial counseling services, find it consistent with their approach to question the VA's ability to provide quality readjustment counseling services or to make those services available when and where they may be needed.

The PRESIDING OFFICER. Is there further discussion?

Mr. MATHIAS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MATHIAS. Mr. President, reserving the right to object——

Mr. ROBERT C. BYRD. The Senator cannot reserve his right. He will have to object.

Mr. MATHIAS. I have to object, with all due respect to the majority leader. If he will be patient——

Mr. ROBERT C. BYRD. I merely want to make a statement.

Mr. MATHIAS. Then I do not object.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, Senators are inquiring as to what the outlook is for the rest of the day. It is my hope that we can complete action on the pending bill and then take up the small business bill yet today and dispose of it yet today.

Senators will recall that in the letter which I wrote, which I sent around, on May 1, I indicated that the Senate will continue to be out on Fridays but that Senators could expect long sessions on Tuesdays, Wednesdays, and Thursdays. So I am keeping my commitment, we are not coming in on Fridays.

There is another very important bill that I would like to dispose of tomorrow. It is important that we do small business here today, alleviate some disaster emergency problems. So I would like Senators to cooperate as much as they can to complete action on this bill today and then the small business bill today.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STENNIS. The Senator had understood there had been some fortunate concession made or the withdrawal of amendments, which makes the bill much simpler and will probably not take very long.

Mr. ROBERT C. BYRD. Yes. Mr. Huddleston, the majority manager of the the bill, indicated a moment ago that he felt it would be possible to dispose of the small business bill in about an hour. He is here, if he would like to elaborate on that or comment on it.

Mr. HUDDLESTON. It is just a judgment at this point, Mr. Leader. I do not know how many amendments might be offered to the bill. I do know of one or two. Hopefully we can dispose of those rather quickly, and we will do everything we can to conclude the bill within an hour.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PRESSLER. Mr. President, very reluctantly I believe I will have to concede that we will not be able to get a vote on this important matter to the Vietnam veterans. The parliamentary situation is such that we can continue to go in circles, as we have done for 3 hours, trying to get a vote on my amendment. I do not wish to tie up the Senate into the evening hours.

I do think, however, it is a very sad thing that this important amendment was not voted on in the Senate. We hear a great deal about Vietnam veterans and their disillusionment with the system and their disillusionment with the treatment they have received, but I think the Senate of the United States this afternoon by refusing to vote on whether a Vietnam veteran can choose to get mental and psychological treatment at a place of his own choosing—and this is really not a very extensive bill—has done a very sad thing.

I thank the Chair.

The PRESIDING OFFICER. Is there further discussion? If not, the question is on agreeing to the amendment offered by the Senator from California.

Mr. CRANSTON. Mr. President, what is the parliamentary situation now?

The PRESIDING OFFICER. The question is on agreeing to the amendment (UP No. 156) offered by the Senator from California as a perfecting amendment to the Pressler-Heinz amendment.

The amendment was agreed to.

Mr. CRANSTON. Mr. President, I have a technical amendment making conforming changes——

The PRESIDING OFFICER. If the Senator will withhold, the question now is on agreeing to the amendment (No. 191) of the Senator from South Dakota (Mr. PRESSLER), as amended by the amendment of the Senator from California.

Mr. PRESSLER. Mr. President, on that I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. PRESSLER. I then suggest the absence of a quorum.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. CRANSTON. Mr. President, if the Senator wishes the yeas and nays, we might as well grant them. I appreciate the Senator's concern with the shortage of time, and his help in meeting our time situation. I will be glad to join in the request for the yeas and nays.

The PRESIDING OFFICER. There is now a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator from South Dakota withdraw his request for a quorum call?

Mr. PRESSLER. I withdraw it.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 191), as amended, of the Senator from South Dakota (Mr. PRESSLER). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCLURE [when his name was called]. Mr. President, on this vote I have a live pair with the Senator from South Carolina (Mr. THURMOND). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), and the Senator from Louisiana (Mr. JOHNSTON) are necessarily absent.

Mr. STEVENS. I announce that the Senator from South Carolina (Mr. THURMOND) is necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness.

The PRESIDING OFFICER (Mr. LEVIN). Does any other Senator in the Chamber wish to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—94

Armstrong
Baker
Baucus
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Church
Cochran
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Gravel
Hart
Hatch
Hatfield
Hayakawa
Heflin
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Magnuson
Mathias
Matsunaga
McGovern
Melcher
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stennis
Stevens
Stevenson
Stewart
Stone
Talmadge
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Young
Zorinsky

NAYS—0

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

McClure, against.

NOT VOTING—5

Bayh
Cannon
Johnston
Stafford
Thurmond

So Mr. PRESSLER'S amendment (No. 191), as amended, was agreed to.

Mr. CRANSTON. Mr. President, I ask unanimous consent that immediately upon passage of this bill, the Senator from Illinois (Mr. PERCY) be recognized briefly for a unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 157

(Purpose: To make conforming changes necessitated by the action of the Senate on the prior amendments to S. 7)

Mr. CRANSTON. Mr. President, I send to the desk an amendment making conforming changes necessitated by the action of the Senate on the prior amendments, and ask for its immediate consideration.

This amendment is entirely noncontroversial and technical in nature.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON) proposes an unprinted amendment numbered 157.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 59, line 24, insert "counseling and" after "(vi)".

On page 60, line 25, insert "612(f)(ii)," after "612(f)(2),".

On page 63, strike out all on lines 24 and 25 and insert in lieu thereof "'(a) The Administrator—".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. THURMOND. Mr. President, I support S. 7, the Veterans' Health Care Amendments of 1979 as reported by the Senate Committee on Veterans' Affairs on March 9, 1979.

The basic purpose of S. 7 is to improve the quality, efficiency, and scope of health services provided to our Nation's veterans through the Veterans' Administration's health-care system. This bill would establish several important programs primarily for the treatment of veterans with service-connected or service-related disabilities.

First, a program of readjustment counseling for Vietnam-era veterans who are suffering from problems in readjusting to civilian life would be established. In testimony before the Senate Committee on Veterans' Affairs, the Veterans' Administration testified that many Vietnam-era veterans suffer from low-grade behavioral impairments which interfere with their jobs, education, and personal lives. Currently, there is no mechanism available for the VA to provide the type of counseling that is necessary to assist these veterans. The VA estimates that only a limited number of veterans would require hospitalization under this program. It is hoped that this early counseling would detect and resolve any problems, thereby eliminating the future need for expensive hospital care.

Second, a 5-year pilot program providing for the treatment and rehabilitation of veterans with alcohol or drug dependence or abuse disabilities in community-based treatment facilities through contractual arrangements with the VA would be established. Mr. President, neither drug addiction nor alcoholism is a new problem to the VA. For years, the VA has treated the medical consequences of both drug abuse and alcohol abuse in its hospitals, and the VA has long recognized alcoholism as a treatable condition. Alcoholism and its related disorders constitute the largest single diagnostic category that the VA sees.

This 5-year pilot program would permit the VA to contract for alcohol and drug treatment for veterans in halfway houses, psychiatric residential treatment centers, and other community based treatment facilities. The need for this authority was recognized and supported by the Administrator in hearings before the Senate Committee on Veterans' Affairs when he stated:

> (t)he need for further help is present. We do need the authority to contract with community-based treatment facilities, particularly for non-service-connected veterans.

Third, a 4-year pilot program of preventive health-care services for veterans with service-connected disabilities of 50-percent or more would be authorized. Currently, health care in the VA is generally defined by statutory language as services to treat an already existing disease or disability. This definition is consistent with the traditional practice in the medical community of treating an identified disease and alleviating existing pain. However, within the past decade or so, more and more thought has been given to shifting the emphasis in medical care toward the prevention of illness or disease. Many health experts, therefore, believe that such shift would result in improved health and, at the same time, result in significant long-term cost savings.

Fourth, S. 7 would extend outpatient dental benefits to veterans who are former prisoners of war and were captive for at least 6 months. In addition, these benefits would be extended to 100-percent service-connected disabled veterans.

Mr. President, many individuals who were prisoners of war developed dental conditions as a result of the prolonged nutritional deprivation they suffered while interned. Also, outpatient dental care eligibility should be extended to veterans suffering from total service-connected disabilities. This group of veterans is clearly deserving of special, high-priority consideration by the VA medical and dental officials.

Fifth, veterans eligible for regular aid-and-attendance or housebound benefits may be provided "fee-basis" care if, on the basis of a physical examination, it is determined that the medical conditions of such veterans preclude appropriate treatment in VA-operated or other Government facilities.

Sixth, in an effort to improve the planning and implementation of the VA's medical facilities' construction program, a provision requiring the approval of funding for any major VA facility by the House and Senate Veterans' Affairs Committees has been included in S. 7. Under current law, the responsibility for the provision of such facilities, including their location and nature, rests with the Administrator of Veterans' Affairs, subject to the approval of the President. Since the House and Senate Veterans' Affairs Committees are charged with the legislative responsibility for the entire VA health-care system and are most familiar with the existing resources and future needs, I believe that these committees should have a role in determining where these medical facilities will be located.

Mr. President, S. 7 is the first piece of major legislation that has been reported out of the Senate Committee on Veterans' Affairs during this Congress. I support this measure and believe it will contribute immeasurably to the health care of our Nation's veterans. I urge my colleagues to join me in advancing S. 7, the Veterans' Health Care Amendments of 1979.

● **Mr. TALMADGE.** Mr. President, I rise to speak in support of S. 7, the "Veterans' Health Care Amendments." I am honored to be a cosponsor of this legislation which is the result of some 7 years of efforts by the Senate Veterans' Affairs Committee and the Senate to effectively improve veterans' health services.

This legislation especially addresses the needs of many Vietnam-era veterans. As we are all so well aware, numerous Vietnam-era veterans, upon their return home, have encountered various readjustment problems, some of which are related to drug and/or alcohol abuse. In addition, employment opportunities for these veterans are scarce.

I am pleased that S. 7 establishes a program of readjustment counseling for Vietnam-era veterans. This is an area of particular interest to VA Administrator Max Cleland, and I certainly hope that once the program has operated for several years, many inroads will have been made in assisting these deserving Americans.

However, as we all know, drug and particularly alcohol abuse are not simply problems associated with Vietnam-era veterans. Alcohol abuse is very prevalent among many veterans of other war campaigns.

The statistics are startling, and by enhancing the VA's drug and alcohol treatment and rehabilitation programs, we will now be able to tackle forthrightly these problems that face all veterans. Thorough followup is necessary and cooperation with the Secretary of Labor in securing employment opportunities for rehabilitated former addict veterans is essential to the success of this program.

A new program of preventive health-care services for veterans with service-connected disabilities is also established in S. 7. In addition, not only do many of those veterans who were prisoners of war for an extended period of time suffer from readjustment problems, but they are in dire need of dental care. Dental service for these veterans is provided in this bill.

In conclusion, Mr. President, I appreciate this opportunity to speak in favor of S. 7. I commend the staff of the Senate and House Veterans' Affairs Committees, VA Administrator Max Cleland, and the service organizations for their comments and diligent work in developing this legislation. With our efforts in readjustment counseling and drug and alcohol abuse rehabilitation, I truly believe we have responded to some of the special needs of many of our Nation's veterans and their families.●

Mr. CRANSTON. Mr. President, we are ready for third reading.

The **PRESIDING OFFICER.** The bill is open to further amendments. If there are no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. MATSUNAGA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER.** The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Veterans' Health Care Amendments of 1979".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—HEALTH SERVICES PROGRAMS

PRIORITY FOR MEDICAL EXAMINATIONS FOR SERVICE-CONNECTED DISABILITIES

SEC. 101. Clause (3) of section 612(i) is amended by inserting "(including any veteran being examined to determine the existence or rating of a service-connected disability)" before the period.

DENTAL SERVICES AND TREATMENT FOR CERTAIN VETERANS

SEC. 102. (a) Section 601 is amended—

(1) by amending subclause (ii) of clause (C) of paragraph (4)—

(A) by striking out "or" and inserting in lieu thereof a comma; and

(B) by adding a comma and "or (ii)" after "(2)"; and

(2) by striking out "authorized" in subclause (i) of clause (A) of paragraph (6) and inserting in lieu thereof "described".

(b) Subsection (b) of section 612 is amended—

(1) by striking out "or" at the end of clause (5);

(2) by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or";

(3) by adding at the end thereof the following new clause:

"(7)(A) from which a veteran of World War I, World War II, the Korean conflict, or the Vietnam era who was held as a prisoner of war for a period of not less than six months is suffering, or (B) from which a veteran who has a service-connected disability rated as total is suffering."; and

(4) by adding below clause (7) (as added by clause (3) of this subsection) the following new sentences:

"In no event may expenditures in any fiscal year after the fiscal year ending September 30, 1979, for dental services, treatment, and related appliances furnished through contracts with private facilities under this section exceed the amount expended for dental services, treatment, and related appliances so furnished under this section in the fiscal year ending September 30, 1978. Not later than ninety days after the date of enactment of the Veterans' Health Care Amendments of 1979, the Administrator shall prescribe regulations to ensure that, notwithstanding the provisions of subsection (i) of this section, special priority in the furnishing of outpatient dental services, treatment, and related appliances under this section and of dental treatment, services, and related appliances as a part of hospital care and medical services under this chapter shall be accorded in the following order, unless compelling medical or dental reasons require that such care be provided more expeditiously:

"(A) To any veteran for a service-connected dental disability.

"(B) To any other veteran described in the numbered clauses of this subsection.

"(C) To any veteran with a disability rated as service-connected.".

(c) The second sentence of subsection (f) of section 612 is amended—

(1) by inserting "(i)" before "to any such veteran"; and

(2) by inserting before the period a comma and "and (ii) outpatient dental services and treatment, and related dental appliances, to any veteran described in section 612(b)(7)(A)".

READJUSTMENT COUNSELING PROGRAM FOR VETERANS OF THE VIETNAM ERA

SEC. 103. (a) (1) Subchapter II of chapter 17 is amended by inserting after section 612 the following new section:

"§ 612A. Eligibility for readjustment counseling and related mental health services

"(a) Upon the request of any veteran who served on active duty during the Vietnam era, the Administrator shall, within the limits of Veterans' Administration facilities, furnish counseling to such veteran to assist such veteran in readjusting to civilian life if such veteran requests such counseling within two years after the date of such veteran's discharge or release from active duty or two years after the effective date of this section, whichever is later. Such counseling shall include a general mental and psychological assessment to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.

"(b) (1) If, on the basis of the assessment furnished under subsection (a) of this section, a physician employed by the Veterans' Administration (or, in areas where no such physician is available, a physician carrying out such function under a contract or fee arrangement with the Administrator) determines that the provision of mental health services to such veteran is necessary to facilitate the successful readjustment of the veteran to civilian life, such veteran shall, within the limits of Veterans' Administration facilities as defined in section 601(4). (A), (B), and (C)(vi) of this title, be furnished such services on an outpatient basis under the conditions specified in clause (1)(B) of section 612(f) of this title. For the purposes of furnishing such mental health services, the counseling furnished under subsection (a) of this section shall be considered to have been furnished by the Veterans' Administration as a part of hospital care. Any hospital care and other medical services considered necessary on the basis of the assessment furnished under subsection (a) of this section shall be furnished only in accordance with the eligibility criteria otherwise set forth in this chapter (including the eligibility criteria set forth in section 611(b) of this title).

"(2) Mental health services furnished under paragraph (1) of this subsection may, if determined to be essential to the effective treatment and readjustment of the veteran, include such consultation, counseling, training, services, and expenses as are described in section 601(6)(B) of this title.

"(c) Upon receipt of a request for counseling under this section from any individual who has been discharged or released from active military, naval, or air service but who is not eligible for such counseling, the Administrator shall—

"(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining mental health care and services from sources outside the Veterans' Administration; and

"(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service and the Veterans' Administration for review of such individual's discharge or release from such service.

"(d) The Chief Medical Director may provide for such training of professional, paraprofessional, and lay personnel as is necessary to carry out this section effectively, and, in carrying out this section, may utilize the services of paraprofessionals, individuals who are volunteers working without compensation, and individuals who are veteran-students (as described in section 1685 of this title), in initial intake and screening activities.

"(e) The Administrator, in cooperation with the Secretary of Defense, shall take such action as the Administrator considers appropriate to notify veterans who may be eligible for assistance under this section of such potential eligibility.".

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 612 the following new item:

"612A. Eligibility for readjustment counseling and related mental health services.".

(b) In the event of a declaration of war by the Congress after the date of the enactment of this Act, the Administrator of Veterans' Affairs, not later than 6 months after the date of such declaration, shall determine and recommend to the Congress whether eligibility for the readjustment counseling and related mental health services provided for in section 612A of title 38, United States Code (as added by subsection (a) of this section) should be extended to the veterans of such war.

PILOT PROGRAM FOR TREATMENT AND REHABILITATION OF VETERANS WITH ALCOHOL OR DRUG DEPENDENCE OR ABUSE DISABILITIES

SEC. 104. (a) Subchapter II of chapter 17 is amended by adding at the end thereof the following new section:

"§ 620A. Treatment and rehabilitation for alcohol or drug dependence or abuse disabilities; pilot program

"(a) (1) The Administrator, in furnishing hospital, nursing home, and domiciliary care and medical and rehabilitative services under this chapter, may conduct a pilot program under which the Administrator may contract for care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities of eligible veterans suffering from alcohol or drug dependence or abuse disabilities. Such pilot program shall be planned, designed, and conducted by the Chief Medical Director, with the approval of the Administrator, so as to demonstrate any medical advantages and cost effectiveness that may result from furnishing such care and services to veterans with such disabilities in contract facilities as authorized by this section, rather than in facilities over which the Administrator has direct jurisdiction.

"(2) Before furnishing such care and services to any veteran through a contract facility as authorized by paragraph (1) of this subsection, the Administrator shall approve (in accordance with criteria which the Administrator shall prescribe) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.

"(b) The Administrator, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management, may take appropriate steps to (1) urge all Federal agencies and appropriate private and public firms, organizations, agencies, and persons to provide appropriate employment and training opportunities for veterans who have been provided treatment and rehabilitative services under this title for alcohol or drug dependence or abuse disabilities and have been determined by competent medical authority to be sufficiently rehabilitated to be employable, and (2) provide all possible assistance to the Secretary of Labor in placing such veterans in such opportunities.

"(c) Upon receipt of an application for treatment and rehabilitative services under this title for an alcohol or drug dependence or abuse disability from any individual who has been discharged or released from active military, naval, or air service but who is not eligible for such treatment and services, the Administrator shall—

"(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining treatment and rehabilitative services from sources outside the Veterans' Administration; and

"(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service and the Veterans' Administration for review of such individual's discharge or release from such service.

"(d) (1) Any person serving in the active military, naval, or air service who is determined by the Secretary concerned to have an alcohol or drug dependence or abuse disability may not be transferred to any facility in order for the Administrator to furnish care or treatment and rehabilitative services for such disability unless such transfer is during the last thirty days of such member's enlistment period or tour of duty, in which case such care and services provided to such member shall be provided as if such member were a veteran. Any transfer of any such member for such care and services shall be made pursuant to such terms as may be agreed upon by the Secretary concerned and the Administrator, subject to the provisions of the Act of March 4, 1915 (31 U.S.C. 686).

"(2) No person serving in the active military, naval, or air service may be transferred pursuant to an agreement made under paragraph (1) of this subsection unless such person requests such transfer in writing for a specified period of time during the last thirty days of such person's enlistment period or tour of duty. No such person transferred pursuant to such a request may be furnished such care and services by the Administrator beyond the period of time specified in such request, unless such person requests in writing an extension for a further specified period of time and such request is approved by the Administrator.

"(e) The Administrator may not furnish care and treatment and rehabilitative services under subsection (a) of this section after the last day of the fifth fiscal year following the fiscal year in which the pilot program authorized by such subsection is initiated.

"(f) Not later than March 31, 1983, the Administrator shall report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the findings and recommendations of the Administrator pertaining to the operation through September 30, 1982, of the pilot program authorized by this section.".

(b) The table of sections at the beginning of chapter 17 is amended by adding after the item relating to section 620 the following new item:

"620A. Treatment and rehabilitation for alcohol or drug dependence or abuse disabilities; pilot program.".

PILOT PROGRAM OF PREVENTIVE HEALTH-CARE SERVICES

SEC. 105. (a) Chapter 17 is amended by adding at the end thereof the following new subchapter:

"Subchapter VII—Preventive Health-Care Services Pilot Program

"§ 661. Purpose

"The purpose of this subchapter is to provide for a preventive health-care services pilot program under which the Administrator may attempt to (1) ensure the best possible health care for certain veterans with service-connected disabilities rated at 50 per centum or more and for certain veterans being furnished treatment involving a service-connected disability under this chapter, by furnishing to such veterans feasible and appropriate preventive health-care services, and (2) determine the cost-effectiveness and medical advantages of furnishing such preventive health-care services.

"§ 662. Definition

"For the purposes of this subchapter, the term 'preventive health-care services' means—

"(1) periodic medical and dental examinations;

"(2) patient health education (including nutrition education);

"(3) maintenance of drug use profiles, patient drug monitoring, and drug utilization education;

"(4) mental health preventive services;

"(5) substance abuse prevention measures;

"(6) immunizations against infectious diseases;

"(7) prevention of musculoskeletal deformity or other gradually developing disabilities of a metabolic or degenerative nature;

"(8) genetic counseling concerning inheritance of genetically determined diseases;

"(9) routine vision testing and eye care services;

"(10) periodic reexamination of members of likely target populations (high-risk groups) for selected diseases and for functional decline of sensory organs, together with attendant appropriate remedial intervention; and

"(11) such other health-care services as the Administrator may determine to be necessary to provide effective and economical preventive health care.

"§ 663. Preventive health-care services

"(a) (1) In order to carry out the purpose of this subchapter, the Administrator, within the limits of Veterans' Administration facilities and in accordance with regulations which the Administrator shall prescribe, may furnish to any veteran described in section 612(f) (2) of this title, and to any veteran receiving care and treatment under this chapter involving a service-connected disability, such preventive health-care services as the Administrator determines are feasible and appropriate.

"(2) In connection with preventive health-care services furnished under paragraph (1) of this subsection, the Administrator, in accordance with regulations which the Administrator shall prescribe, may institute appropriate controls and carry out followup studies (including research) to determine the medical advantages and cost-effectiveness of furnishing such preventive health-care services.

"(b) In carrying out the pilot program provided for by this subchapter, the Administrator may not furnish preventive health-care services after September 30, 1983.

"(c) In carrying out this subchapter, the Administrator shall emphasize the utilization of interdisciplinary health-care teams composed of various professional and paraprofessional personnel.

"(d) The Administrator may not expend to carry out the program provided for in this subchapter more than $3,500,000 in the fiscal year ending September 30, 1980, more than $5,000,000 in the fiscal year ending September 30, 1981, more than $7,000,000 in the fiscal year ending September 30, 1982, or more than $9,000,000 in the fiscal year ending September 30, 1983.

"§ 664. Reports

"The Administrator shall include in the annual report to the Congress required by section 214 of this title a comprehensive report on the administration of this subchapter, including such recommendations for additional legislation as the Administrator considers necessary.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following:

"Subchapter VII—Preventive Health-Care Services Pilot Program

"661. Purpose.
"662. Definition.
"663. Preventive health-care services.
"664. Reports.".

HOSPITAL AND NURSING HOME CARE AND MEDICAL SERVICES WITHIN THE UNITED STATES FOR COMMONWEALTH ARMY VETERANS AND NEW PHILIPPINE SCOUTS

SEC. 106. (a) Subchapter IV of chapter 17 is amended by redesignating section 634 as section 635 and by inserting after section 633 the following new section:

"§ 634. Hospital and nursing home care and medical services in the United States

"The Administrator, within the limits of Veterans' Administration facilities, may furnish hospital and nursing home care and medical services to Commonwealth Army veterans and new Philippine Scouts for the treatment of the service-connected disabilities of such veterans and scouts.".

(b) The table of sections at the beginning of chapter 17 is amended by striking out the item relating to section 634 and inserting in lieu thereof the following new items:

"634. Hospital and nursing home care and medical services in the United States.
"635. Definitions.".

EFFECTIVE DATE OF CERTAIN PROVISIONS

SEC. 107. The amendments made to title 38, United States Code, by sections 102, 103, 104, 105, and 106 of this Act shall be effective on October 1, 1979.

TITLE II—CONTRACT-CARE PROGRAMS

DEFINITION OF "VETERANS' ADMINISTRATION FACILITIES"

SEC. 201. (a) Paragraph (4) of section 601 is amended—

(1) by inserting "or of a veteran described in section 612(g) of this title if the Administrator has determined, based on an examination by a physician employed by the Veterans' Administration (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), that the medical condition of such veteran precludes appropriate treatment in facilities described in clauses (A) and (B) of this paragraph" before the semicolon at the end of subclause (ii) of clause (C);

(2) by striking out "or" after the semicolon at the end of subclause (iv) of clause (C), and striking out the period at the end of such clause and inserting in lieu thereof a semicolon and the following new subclauses: "(vi) counseling and mental health services described in section 612A of this title for a veteran in Alaska or Hawaii; or (vii) diagnostic services necessary for determination of eligibility for, or of the appropriate course of treatment in connection with, the provision of medical services at independent Veterans' Administration outpatient clinics to obviate the need for hospital admission."; and

(3) by adding below clause (C) the following new sentence:

"In the case of any veteran for whom the Administrator contracts to provide treatment in a private facility pursuant to the provisions of this paragraph, the Administrator shall periodically review the necessity for continuing such contractual arrangement pursuant to such provision.".

(b) Not later than February 1, 1980, and annually thereafter, the Chief Medical Director of the Veterans' Administration shall submit to the appropriate committees of the Congress, through the Administrator of Veterans' Affairs, a full report on the implementation of section 601(4) (C) (v) of title 38, United States Code, and the amendments made by this section, and on the numbers of veterans provided contract treatment (and the average cost and duration thereof) in each State (as defined in section 101(20) of title 38, United States Code) in the categories described in the following provisions of such title: sections 601(4) (C), 610(a), 612(a), 612(f) (1) (A), 612(f) (1) (B), 612(f) (2), 612 (f) (ii), 612(g), 612A (as added by section 103(a) (1) of this Act), and section 620A (as added by section 104(a) of this Act).

EMERGENCY MEDICAL SERVICES AT NATIONAL CONVENTIONS OF RECOGNIZED VETERANS' SERVICE ORGANIZATIONS

SEC. 202. Section 611 is amended by adding at the end thereof the following new subsection:

"(c) The Administrator may contract with any organization recognized by the Administrator for the purposes of section 3402 of this title to provide for the furnishing by the Administrator, on a reimbursable basis (as prescribed by the Administrator), of emergency medical services to individuals attending any national convention of such organization, except that reimbursement shall not be required for services furnished under this subsection to the extent that the individual receiving such services would otherwise be eligible under this chapter for medical services.".

COUNSELING AND RELATED MENTAL HEALTH SERVICES TO VIETNAM-ERA VETERANS

SEC. 203. After section 628 of title 38, United States Code, insert the following new section:

"SEC. 629. In furnishing counseling and related mental health services to Vietnam-era veterans under subsections (a) and (b) of section 612A of this title, the Administrator shall have available to enter into contracts with private facilities the same authority that is available to the Administrator (under sections 612(f) (2) and 601 (4) (C) (ii) of this title) in furnishing medical services to veterans suffering from service-connected disabilities rated 100 percent disabling incurred in combat in the line of duty. Before furnishing such counseling and related mental health service to a veteran through a contract facility as authorized by this section, the Administrator shall approve (in accordance with criteria which the Administrator shall prescribe) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such counselling or services."

TITLE III—CONSTRUCTION, ALTERATION, LEASE, AND ACQUISITION OF MEDICAL FACILITIES

REVISION OF AUTHORITY FOR CONSTRUCTION, ALTERATION, LEASE, AND ACQUISITION OF MEDICAL FACILITIES

SEC. 301. (a) Subchapter I of chapter 81 is amended to read as follows:

"Subchapter I—Acquisition and Operation of Medical Facilities

"§ 5001. Definitions

"For the purposes of this subchapter:

"(1) The term 'alter', with respect to a medical facility, means to repair, remodel, improve, or extend such medical facility.

"(2) The term 'construct' and 'alter', with respect to a medical facility, include such engineering, architectural, legal, fiscal, and economic investigations and studies and such surveys, designs, plans, working drawings, specifications, procedures, and other similar actions as are necessary for the construction or alteration, as the case may be, of such medical facility and as are carried out after the completion of the advanced planning (including the development of project requirements and preliminary plans) for such facility.

"(3) The term 'medical facility' means any facility or part thereof which is, or will be, under the jurisdiction of the Administrator for the provision of health-care services (including hospital, nursing home, or domiciliary care or medical services), including any necessary building and auxiliary structure, garage, parking facility, mechanical equipment, trackage facilities leading thereto, abutting sidewalks, accommodations for attending personnel, and recreation facilities associated therewith.

"(4) The term 'committee' means the Committee on Veterans' Affairs of the House of Representatives or the Committee on Veterans' Affairs of the Senate, and the term 'committees' means both such committees.

"§ 5002. Acquisition of medical facilities

"(a) The Administrator shall provide medical facilities for veterans entitled to hospital, nursing home, or domiciliary care or medical services under this title.

"(b) No medical facility may be constructed or otherwise acquired or altered except in accordance with the provisions of this subchapter.

"(c) In carrying out this subchapter, the Administrator—

"(1) shall provide for the construction and acquisition of medical facilities in a manner that results in the equitable distribution of such facilities throughout the United States, taking into consideration the comparative urgency of the need for the services to be provided in the case of each particular facility; and

"(2) shall give due consideration to excellence of architecture and design.

"§ 5003. Authority to construct and alter, and to acquire sites for, medical facilities

"(a) The Administrator—

"(1) may construct or alter any medical facility and may acquire, by purchase, lease, condemnation, donation, exchange, or otherwise such land or interests in land as the Administrator considers necessary for use as the site for such construction or alteration;

"(2) may acquire, by purchase, lease, condemnation, donation, exchange, or otherwise, any facility (including the site of such facility) that the Administrator considers necessary for use as a medical facility; and

"(3) in order to assure compliance with section 5009(a)(2) of this title, in the case of any outpatient medical facility for which it is proposed to lease space and for which a qualified lessor and an appropriate leasing arrangement are available, shall execute a lease for such facility within 12 months after funds are made available for such purchase.

"(b) Whenever the Administrator considers it to be in the interest of the United States to construct a new medical facility to replace an existing medical facility, the Administrator (1) may demolish the existing facility and use the site on which it is located for the site of the new medical facility, or (2) if in the judgment of the Administrator it is more advantageous to construct such medical facility on a different site in the same locality, may exchange such existing facility and the site of such existing facility for the different site.

"(c) Whenever the Administrator determines that any site acquired for the construction of a medical facility is not suitable for that purpose, the Administrator may exchange such site for another site to be used for that purpose or may sell such site.

"§ 500.4 Structural requirements

"(a) Each medical facility (including each nursing home facility for which the Administrator contracts under section 620 of this title and each State home facility constructed or altered under section 5031 of this title) shall be of fire, earthquake, and other natural disaster resistant construction in accordance with standards which the Administrator shall prescribe on a State or regional basis after surveying appropriate State and local laws, ordinances, and building codes and climatic and seismic conditions pertinent to each such facility. When an existing structure is acquired for use as a medical facility, it shall be altered to comply with such standards.

"(b)(1) In order to carry out this section the Administrator shall appoint an advisory committee to be known as the 'Advisory Committee on Structural Safety of Veterans' Administration Facilities', on which shall serve at least one architect and one structural engineer who are experts in structural resistance to fire, earthquake, and other natural disasters and who are not employees of the Federal Government.

"(2) Such advisory committee shall advise the Administrator on all matters of structural safety in the construction and altering of medical facilities in accordance with the requirements of this section and shall review and make recommendations to the Administrator on the regulations prescribed under this section.

"(3) The Associate Deputy Administrator, the Chief Medical Director or the designee of the Chief Medical Director, and the Veterans' Administration official charged with the responsibility for construction shall be ex officio members of such advisory committee.

"§ 5005. Construction contracts

"(a) The Administrator may carry out any construction or alteration authorized under this subchapter by contract if the Administrator considers it to be advantageous to the United States to do so.

"(b)(1) The Administrator may obtain, by contract or otherwise, the services of individuals who are architects or engineers and of architectural and engineering corporations and firms, to the extent that the Administrator may require such services for any medical facility authorized to be constructed or altered under this subchapter.

"(2) No corporation, firm, or individual may be employed under the authority of paragraph (1) of this subsection on a permanent basis.

"(c) Notwithstanding any other provision of this section, the Administrator shall be responsible for all construction authorized under this subchapter, including the interpretation of construction contracts, the approval of materials and workmanship supplied pursuant to a construction contract, approval of changes in the construction contract, certification of vouchers for payments due the contractor, and final settlement of the contract.

"§ 5006. Reports to congressional committees

"(a) In order to promote effective planning for the orderly construction, replacement, and alteration of medical facilities in accordance with the comparative urgency of the need for the services to be provided by such facilities, the Administrator shall submit to each committee an annual report on the construction, replacement, and alteration of medical facilities. Such report shall be submitted to the committees on the same day each year and shall contain—

"(1) a five-year plan for the construction, replacement, or alteration of those medical facilities that, in the judgment of the Administrator, are most in need of construction, replacement, or alteration;

"(2) a list, in order of priority, of not less than ten hospitals that, in the judgment of the Administrator, are most in need of construction or replacement; and

"(3) general plans (including projected costs, site location, and, if appropriate, necessary land acquisition) for each medical facility included in the five-year plan required under clause (1) of this subsection or the list required under clause (2) of this subsection.

The first such report shall be submitted not later than September 1, 1979, and each succeeding report shall be submitted not later than June 30 of each year.

"(b) The Administrator shall submit to each committee not later than January 31 of each year (beginning in 1981) a report showing the location, space, cost, and status of each medical facility construction, alteration, lease, or other acquisition project for which appropriation has been made and which was uncompleted as of January 1, 1979, and, in the case of the second and each succeeding report made under this subsection, which was uncompleted as of the date of the last preceding report made under this subsection.

"§ 5007. Contributions to local authorities

"The Administrator may make contributions to local authorities toward, or for, the construction of traffic controls, road improvements, or other devices adjacent to a medical facility if considered necessary for safe ingress or egress.

"§ 5008. Garages and parking facilities

"(a) The Administrator may construct, alter, operate, and maintain, on reservations of medical facilities, garages and parking facilities for the accommodation of privately owned vehicles of employees of such facilities and vehicles of visitors and other individuals having business at such facilities.

"(b)(1) The Administrator may establish and collect (or provide for the collection of) fees for the use of such garages and parking facilities at such rate or rates which the Administrator determines would be reasonable under the particular circumstances; but no fee may be charged for the accommodation of any publicly or privately owned vehicle used in connection with the transportation of a veteran to or from any medical facility for the purposes of examination or treatment or in connection with any visit to any patient in such facility. Employees using such garages shall make such reimbursement therefor as the Administrator may deem reasonable.

"(2) The Administrator may contract, by lease or otherwise, with responsible persons, firms, or corporations for the operation of such parking facilities, under such terms and conditions as the Administrator shall prescribe, and without regard to the laws concerning advertising for competitive bids.

"(c)(1) There are authorized to be appropriated such amounts as are necessary to finance in part the construction, alteration, operation, and maintenance of garages and parking facilities. Amounts appropriated under the authority of this section, and all income from fees collected for the use of such garages and parking facilities, shall be administered as a revolving fund to effectuate the provisions of this section, but only to the extent provided for in appropriation Acts.

"(2) The revolving fund shall be deposited in a checking account with the Treasurer of the United States, except that such amounts thereof as the Administrator may determine to be necessary to establish and maintain operating accounts for the various garages and parking facilities may be placed in depositories selected by the Administrator.

"§ 5009. Operation of medical facilities

"(a)(1) The Administrator, subject to the approval of the President, is authorized to establish and operate not less than one hundred and twenty-five thousand hospital beds in medical facilities over which the Administrator has direct jurisdiction for the care and treatment of eligible veterans. The Administrator shall staff and maintain, in such a manner as to ensure the immediate acceptance and timely and complete care of patients, sufficient beds and other treatment capacities to accommodate, and provide such care to, eligible veterans applying for admission and found to be in need of hospital care or medical services.

"(2) The Administrator shall maintain the bed and treatment capacities of all Veterans' Administration medical facilities so as to ensure the accessibility and availability of such beds and treatment capacities to eligible veterans in all States and to minimize delays in admissions and in the provision of hospital, nursing home, and domiciliary care, and of medical services furnished pursuant to section 612 of this title.

"(3) The Chief Medical Director shall periodically analyze agencywide admission policies and the records of those eligible veterans who apply for hospital care and medical services but are rejected or not immediately admitted or provided such care or services, and the Aministrator shall annually advise each committee of the results of such analysis and the number of any additional beds and treatment capacities and the appropriate staffing and funds therefor found necessary to meet the needs of such veterans for such necessary care and services.

"(b) The Administrator, subject to the approval of the President, is authorized to establish and operate not less than twelve thousand beds during fiscal year 1980, and during each fiscal year thereafter, for the furnishing of nursing home care to eligible veterans in facilities over which the Administrator has direct jurisdiction. The beds authorized by this subsection shall be in addition to the beds provided for in subsection (a) of this section.

"(c) When the Administrator determines, in accordance with regulations which the Administrator shall prescribe, that a Veterans' Administration facility serves a substantial number of veterans with limited English-speaking ability, the Administrator shall establish and implement procedures, upon the recommendation of the Chief Medical Director, to ensure the identification of sufficient numbers of individuals on such facility's staff who are fluent in both the language most appropriate to such veterans and in English and whose responsibilities shall include providing guidance to such veterans and to appropriate Veterans' Administration staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.

"§ 5010. Use of Armed Forces facilities

"The Administrator and the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy may enter into agreements and contracts for the mutual use or exchange of use of hospitals and domiciliary facilities, and such supplies, equipment, and material as may be needed to operate such facilities properly, or for the transfer, without reimbursement of appropriations, of facilities, supplies, equipment, or material necessary and proper for authorized care for veterans, except that at no time shall the Administrator enter into any agreement which will result in a permanent reduction of Veterans' Administration hospital and domiciliary beds below the number established or approved on June 22, 1944, plus the estimated number required to meet the load of eligibles under this title, or in any way subordinate or transfer the operation of the Veterans' Administration to any other agency of the Government.

"§ 5011. Partial relinquishment of legislative jurisdiction

"The Administrator, on behalf of the United States, may relinquish to the State in which any lands or interests therein under the supervision or control of the Administrator are situated, such measure of legislative jurisdiction over such lands or interests as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of legislative jurisdiction shall be initiated by filing a notice thereof with the Governor of the State concerned, or in such other manner as may be prescribed by the laws of such State, and shall take effect upon acceptance by such State.

"§ 5012. Property formerly owned by National Home for Disabled Volunteer Soldiers

"If by reason of any defeasance or conditional clause or clauses contained in any deed of conveyance of property to the National Home for Disabled Volunteer Soldiers, which property is owned by the United States, the full and complete enjoyment and use of such property is threatened, the Attorney General, upon request of the President, shall institute in the United States district court for the district in which the property is located such proceedings as may be proper to extinguish all outstanding adverse interests. The Attorney General may procure and accept, on behalf of the United States, by gift, purchase, cession, or otherwise absolute title to, and complete jurisdiction over, all such property.

"§ 5013. Use of federally owned facilities; use of personnel

"(a) The Administrator, subject to the approval of the President, may use as medical facilities such suitable buildings, structures, and grounds owned by the United States on March 3, 1925, as may be available for such purposes, and the President may by Executive order transfer any such buildings, structures, and grounds to the control and jurisdiction of the Veterans' Administration upon the request of the Administrator.

"(b) The President may require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in the construction and alteration of medical facilities, and the President may employ for such purposes individuals and agencies not connected with the Government, if in the opinion of the President such is desirable, at such compensation as the President may consider reasonable.

"§ 5014. Acceptance of certain property

"The President may accept from any State or other political subdivision, or from any person, any building, structure, equipment, or grounds suitable for the care of disabled persons, with due regard to fire or other hazards, state of repair, and all other pertinent considerations. The President may designate which agency of the Federal Government shall have the control and management of any property so accepted.".

(b) (1) Subchapter II of chapter 81 is amended by redesignating sections 5011, 5012, 5013, and 5014 as sections 5021, 5022, 5023, and 5024, respectively.

(2) Section 5022(b) (as so redesignated) is amended by striking out the comma and "clinical, medical, and outpatient treatment" after "administrative".

(c) The table of sections at the beginning of chapter 81 is amended by striking out the item relating to subchapter I and all that follows through the item relating to section 5014 and inserting in lieu thereof the following:

"Subchapter I—Acquisition and Operation of Medical Facilities

"Sec.
"5001. Definitions.
"5002. Acquisition of medical facilities.
"5003. Authority to construct and alter, and to acquire sites for, medical facilities.
"5004. Structural requirements.
"5005. Construction contracts.
"5006. Reports to congressional committees.
"5007. Contributions to local authorities.
"5008. Garages and parking facilities.
"5009. Operation of medical facilities.
"5010. Use of Armed Forces facilities.
"5011. Partial relinquishment of legislative jurisdiction.
"5012. Property formerly owned by National Home for Disabled Volunteer Soldiers.
"5013. Use of federally owned facilities; use of personnel.
"5014. Acceptance of certain property.

"Subchapter II—Procurement and Supply

"5021. Revolving supply fund.
"5022. Authority to procure and dispose of property and to negotiate for common services.
"5023. Procurement of prosthetic appliances.
"5024. Grant of easements in Government-owned lands.".

EFFECTIVE DATES

SEC. 302. (a) Except as provided in subsection (b) of this section, the amendments made by this title shall take effect on October 1, 1979.

(b) (1) The amendments made by this title shall not apply with respect to the acquisition, construction, or alteration of any medical facility (as defined in section 5001(3), as added by section 301(a) of this Act) if such acquisition, construction, or alteration (not including exchange) was approved before October 1, 1979, by the President.

(2) The provisions of section 5006(a), as added by section 301(a) of this Act, shall take effect on the date of the enactment of this Act.

TITLE IV—BENEFITS PAYABLE TO PERSONS RESIDING OUTSIDE THE UNITED STATES

CHILDREN ADOPTED UNDER LAWS OF FOREIGN COUNTRIES

SEC. 401. Paragraph (4) of section 101 is amended—

(1) by inserting "(A)" before "The" and redesignating clauses (A), (B), and (C) as clauses (i), (ii), and (iii), respectively; and

(2) by adding at the end of such paragraph the following new subparagraph:

"(B) For the purposes of subparagraph (A) of this paragraph, in the case of an adoption under the laws of any jurisdiction other than a State (as defined in section 101 (20) of this title and including the Commonwealth of the Northern Mariana Islands)—

"(i) a person residing outside any of the States shall not be considered to be a legally adopted child of a veteran during the lifetime of such veteran (including for purposes of this subparagraph a Commonwealth Army veteran or new Philippine Scout, as defined in section 1766 of this title) unless such person—

"(I) was less than eighteen years of age at the time of adoption;

"(II) is receiving one-half or more of such person's annual support from such veteran;

"(III) is not in the custody of such person's natural parent, unless such natural parent is such veteran's spouse; and

"(IV) is residing with such veteran (or in the case of divorce following adoption, with the divorced spouse who is also an adoptive or natural parent) except for periods during which such person is residing apart from such veteran (or such divorced spouse) for purposes of full-time attendance at an educational institution or during which such person or such veteran (or such divorced spouse) is confined in a hospital, nursing home, other health-care facility, or other institution; and

"(ii) a person shall not be considered to have been a legally adopted child of a veteran as of the date of such veteran's death and thereafter unless—

"(I) at any time within the one-year period immediately preceding such veteran's death, such veteran was entitled to and was receiving a dependent's allowance or similar monetary benefit under this title for such person; or

"(II) for a period of at least one year prior to such veteran's death, such person met the requirements of clause (i) of this subparagraph.".

STUDY OF BENEFITS PAYABLE TO PERSONS RESIDING OUTSIDE THE UNITED STATES

SEC. 402. (a) The Administrator of Veterans' Affairs, in consultation with the Secretary of State, shall carry out a comprehensive study of benefits payable under the provisions of title 38, United States Code, to persons who reside outside the fifty States and the District of Columbia. The Administrator shall include in such study—

(1) an analysis of the issues involved in the payment of such benefits to persons who reside outside the fifty States and the District of Columbia, together with analyses of such aspects of the economy of each foreign country and each territory, possession, and Commonwealth of the United States in which a substantial number of persons receiving such benefits reside as are relevant to such issues (such as the rate of inflation, the standard of living, and health care, educational, housing, and burial costs);

(2) an analysis of the issues involved in the payment of such benefits as the result of adoptions under laws other than the laws of any of the fifty States or the District of Columbia;

(3) an analysis of the amounts and method of payment of benefits payable to persons entitled, by virtue of sections 107 and 1765 of such title, to benefits under chapters 11, 13, and 35 of such title;

(4) estimates of the present and future costs of paying monetary benefits under such title to persons described in clauses (1) and (3);

(5) an evaluation of the desirability of continuing to maintain the Veterans' Administration Regional Office in the Republic of the Philippines, taking into consideration (A) the current and expected future workloads of such office, (B) the estimated cost in fiscal years 1981 through 1985 of continuing to maintain such regional office, (C) the feasibility and desirability of transferring appropriate functions of such regional office to the United States Embassy in the Republic of the Philippines, and (D) a provisional plan, which the Administrator shall develop, for the closing of such office and so transferring such functions, together with cost estimates for fiscal years 1981 through 1985 for the implementation of such plan assuming that such office is closed before October 1, 1981; and

(6) an evaluation of the effects of the amendments to such title made by section 401 of this Act.

(b) Not later than February 1, 1980, the Administrator shall report to the Congress and to the President on the results of such study together with the Administrator's recommendations for resolving the issues to be analyzed and evaluated in such study.

(c) The Administrator shall (1) carry out the study required under subsection (a) of this section in conjunction with the study required under section 308(a) of the Veterans' and Survivors' Pension Improvement Act of 1978 (Public Law 95-588), and (2) submit the reports of such studies as a combined report.

TITLE V—MISCELLANEOUS PROVISIONS

ACCEPTANCE OF PAYMENT FOR TRAVEL OF EMPLOYEES

SEC. 501. Section 4108 is amended by adding after subsection (c) the following new subsection:

"(d) Notwithstanding any other provision of law, the Administrator may prescribe regulations establishing conditions under which officers and employees of the Department of Medicine and Surgery who are nationally recognized principal investigators in medical research may be permitted, in connection with their attendance at meetings or in performing advisory services concerned with the functions or activities of the Veterans' Administration, or in connection with acceptance of significant awards or with activity related thereto concerned with functions or activities of the Veterans' Administration, to accept payment, in cash or in kind, from non-Federal agencies, organizations, and individuals, for travel and such reasonable subsistence expenses as are approved by the Administrator pursuant to such regulations, to be retained by such offexpenses is paid, as may be provided in such expenses or deposited to the credit of the appropriation from which the cost of such expenses is paid, as may be provided in such regulations.".

CONFIRMATION OF DEPUTY ADMINISTRATOR OF VETERAN'S AFFAIRS

SEC. 502. (a) The first sentence of section 210(d) is amended by striking out "by the Administrator" and inserting in lieu thereof "by the President, by and with the advice and consent of the Senate".

(b)(1) The amendment made by subsection (a) shall take effect (A) on the date on which a vacancy first occurs in the office of Deputy Administrator of Veterans' Affairs after the date of the enactment of this Act or on such earlier date as the President submits to the Senate, for the advice and consent of the Senate, the nomination of any individual for appointment to such office, or (B) on the date of the enactment of this Act if such office is vacant on such date.

(2) The Administrator of Veterans' Affairs may designate the individual holding the office of Deputy Administrator of Veterans' Affairs on the date of enactment of this Act, or any other individual, to serve in such office in an acting capacity pending the first appointment of an individual to such office as provided for in the amendment made by subsection (a).

OVERSEAS AUTHORITIES

SEC. 503. (a) Section 230 is amended by striking out subsection (c).

(b) Section 235 is amended—

(1) in the matter preceding clause (1), by striking out "or to the Veterans' Administration office in Europe, established pursuant to section 230(c) of this title,";

(2) in clause (2), by striking out "and (7)" and inserting in lieu thereof "(7), and (11)"; and

(3) by inserting after clause (5) the following new clauses:

"(6) Section 5724a(a)(3) of title 5 (relating to subsistence expenses for 30 days in connection with the return to the United States of the employee and such employee's immediate family).

"(7) Section 5724a(a)(4) of title 5 (relating to the sale and purchase of the residence or settlement of an unexpired lease of the employee when transferred from one station to another station and both stations are in the United States, its territories or possessions, or the Commonwealth of Puerto Rico).".

(c)(1) The section heading of section 235 is amended by striking out "oversea" and inserting in lieu thereof "overseas".

(2) The item relating to section 235 in the table of sections at the beginning of chapter 3 is amended by striking out "oversea" and inserting in lieu thereof "overseas".

CONFORMING AMENDMENTS TO REFLECT PREVIOUS ADJUSTMENTS MADE IN DEPARTMENT OF MEDICINE AND SURGERY SALARY SCHEDULES

SEC. 504. (a) Subsection (a) of section 4107 is amended to read as follows:

"(a) The annual rates or ranges of rates of basic pay for positions provided in section 4103 of this title shall be as follows:

"SECTION 4103 SCHEDULE

"Chief Medical Director, $68,909.

"Deputy Chief Medical Director, $66,104.

"Associate Deputy Chief Medical Director, $63,315.

"Assistant Chief Medical Director, $61,449.

"Medical Director, $52,429 minimum to $59,421 maximum.

"Director of Nursing Service, $52,429 minimum to $59,421 maximum.

"Director of Podiatric Service, $44,756 minimum to $56,692 maximum.

"Director of Chaplain Service, $44,756 minimum to $56,692 maximum.

"Director of Pharmacy Service, $44,756 minimum to $56,692 maximum.

"Director of Dietetic Service, $44,756 minimum to $56,692 maximum.

"Director of Optometric Service, $44,756 minimum to $56,692 maximum.".

(b) Paragraph (1) of subsection (b) of such section is amended to read as follows:

"(1) The grades and annual ranges of rates of basic pay for positions provided for in paragraph (1) of section 4104 of this title shall be as follows:

"PHYSICIAN AND DENTIST SCHEDULE

"Director grade, $44,756 minimum to $56,692 maximum.

"Executive grade, $41,327 minimum to $53,729 maximum.

"Chief grade, $38,160 minimum to $49,608 maximum.

"Senior grade, $32,442 minimum to $42,171 maximum.

"Intermediate grade, $27,453 minimum to $35,688 maximum.

"Full grade, $23,087 minimum to $30,017 maximum.

"Associate grade, $19,263 minimum to $25,041 maximum.

"NURSE SCHEDULE

"Director grade, $38,160 minimum to $49,608 maximum.

"Assistant Director grade, $32,442 minimum to $42,171 maximum.

"Chief grade, $27,453 minimum to $35,688 maximum.

"Senior grade, $23,087 minimum to $30,017 maximum.

"Intermediate grade, $19,263 minimum to $25,041 maximum.

"Full grade, $15,920 minimum to $20,699 maximum.

"Associate grade, $13,700 minimum to $17,813 maximum.

"Junior grade, $11,712 minimum to $15,222 maximum.

"CLINICAL PODIATRIST AND OPTOMETRIST SCHEDULE

"Chief grade, $38,160 minimum to $49,608 maximum.

"Senior grade, $32,442 minimum to $42,171 maximum.

"Intermediate grade, $27,453 minimum to $35,688 maximum.

"Full grade, $23,087 minimum to $30,017 maximum.

"Associate grade, $19,263 minimum to $25,041 maximum.".

HOME MODIFICATIONS FOR TOTALLY BLINDED SERVICE-CONNECTED VETERANS

SEC. 505. The Administrator of Veterans' Affairs shall report to the Senate and House Committees on Veterans' Affairs, not later than October 1, 1979, on the need of totally blinded service-connected veterans for home modifications the cost of which exceed the amount allowable for such purposes under section 612(a) of title 38, United States Code, and on the reasons why such veterans have not applied for home health services under such section 612(a).

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. MATSUNAGA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary technical and clerical corrections in the engrossment of the Senate's amendment to S. 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Illinois is recognized.

ILLINOIS STATE LEGISLATURE REAFFIRMS 55 MPH SPEED LIMIT

Mr. PERCY. Mr. President, I take this opportunity to commend the Illinois State Legislature for voting down an attempt to eliminate the 55-mile-per-hour speed limit in the State of Illinois. This action by Illinois legislators is an example of leadership and courage that should be followed by other legislatures grappling with the same question.

Established by Congress in 1974 as an energy-saving measure, the 55-mile-per-hour speed limit has saved this Nation billions of gallons of much needed gasoline. If full compliance were to be achieved, our Nation's consumption of gasoline would decrease by 5 billion gallons annually—a 5-percent reduction in demand. With spot shortages of unleaded gasoline occurring, gas station closings on weekends, and the recurrence of long waiting lines in some areas, the gasoline savings resulting from the 55-mile-per-hour speed limit are needed now more than ever.

The energy-saving aspects of the 55-mile-per-hour speed limit are important—indeed, the limit was imposed for that purpose—yet "55" has become one of the greatest highway safety measures ever instituted. The Department of Transportation estimates that there are 35,000 Americans alive today who would otherwise have died on our Nation's highways. Opponents of the 55-mile-per-hour limit claim that this reduction in highway deaths is due to new safety features found in our automobiles. While these safety features have undoubtedly helped, the 55-mile-per-hour speed limit is a major factor in the reduced fatality rate since 1973. A recent report has been issued by the National Highway Traffic Safety Administration and shows that traffic deaths are increasing again in many regions of the country. But the most interesting aspect of this study is that there was no increase in traffic-related deaths in the Northeast between 1974 and 1978, while traffic fatalities have risen by 28 percent in the speed-oriented Southwest and West in the same period. We drive similar cars with similar safety features in all regions of the country, so this discrepancy in traffic deaths must result from the difference in compliance with the 55-mile-per-hour speed limit.

Gasoline grows more precious by the day but nothing is more precious than a life. For these reasons, we must continue to support this tremendous energy-saving and life-saving measure, the 55-mile-per-hour speed limit.

EFFECTIVE WAYS TO STAY IN TOUCH

Mr. PERCY. Mr. President, during the course of a visit to northern Illinois last week, I stayed overnight in Dixon, Ill., at the home of Betty and George Lindquist. George has served on the city council and has just won reelection as mayor of Dixon.

Inasmuch as the media had announced that Mrs. Percy and I would be staying overnight with the Lindquists, we received a number of letters at their home on our arrival. I was so impressed by one of the letters that I telephoned Mrs. Walter Schmidt—a farmer's wife from Polo, Ill.—for her permission to read the letter during my opening comments at the community-wide dutch treat "listen-in" brunch the next morning. This would give me the opportunity to respond to her questions, and to stimulate other equally thoughtful questions. She not only agreed, but she and her husband came to the brunch. I ask unanimous consent to have a copy of Mrs. Walter Schmidt's letter printed in the RECORD at the completion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. The local newspaper in Dixon, the Evening Telegraph, also ran an editorial which outlined ways to best communicate with me at the brunch and the listen-in. I think it could serve as a model for the media in every congressional district and State in the Nation. Following this advice would greatly strengthen the relationship between constituents and their elected representatives.

I ask unanimous consent to have the editorial, dated May 5, 1979, printed in the RECORD also.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MEET YOUR SENATOR

"Mr. Percy, you are nothing but a Socialist and you have done a great deal of harm to this country!"

"Keep up the good work, Chuck, we need more people in Washington like you."

"It's tough for women to get into management positions, Mr. Percy, and anything you can do to help this situation would sure help you get my vote!"

"Our country is on the brink of economic disaster, and the only way we are going to get out of trouble is to produce our way out. We need serious revisions in the tax and incentive structures in America today, Mr. Percy; and, you have just got to be voting for the revisions that will encourage renewed national production and voting against bills that stifle growth."

These and other comments have been heard by the senator as he has traveled among constituents.

Sen. Charles H. Percy will be at the Brandywine Inn, Sunday, at a brunch open to the public. Percy will be there to meet with the public and find out what they are thinking and listen to ideas.

Sen. Percy is an influential legislator, and this is a real opportunity to let him know how we in the Rock River Valley feel about him and what he can do to help solve problems facing all of us.

We would encourage anyone who is concerned and involved with this great country of ours to come to brunch (you pay for your own meal), shake hands with the senator and let your thoughts be known.

And, we would like to list a couple of pointers to help you get your ideas across better. Remember that every legislator is sensitive to grass-roots opinion. Thoughtful, sincere comments on the issues will get the most attention.

You want your thoughts to be persuasive, so:

Do address your senator properly.

Do be brief and to the point; discuss only one issue per visit; identify a bill by number and title if possible.

Do be courteous and reasonable.

Do let your legislator know if you approve of any of his actions. Legislators hear mostly from constituents who are against something; this gives them a one-sided picture of their constituency.

And, there are a couple of things we should not do:

Do not begin on the righteous note of "As a citizen and taxpayer"; he assumes that you are not an alien and he knows that we all pay taxes.

Do not apologize for taking his time by talking to him. If you are brief and express your opinion, Sen. Percy will be glad to give you a hearing.

Do not be rude or threatening. It will get you nowhere.

Do not be vague. If there is a chance you may be able to sway or change a certain position he holds, remember that chance favors the prepared mind.

Sen. Percy will be available for you from 12:30 to 2:30 p.m. If you don't take the time to let the senator know how you feel about an issue, then don't come crying on our shoulder when another dollar or another freedom is voted away from you.

EXHIBIT 1

Polo, Ill.
May 4, 1979.

DEAR SENATOR PERCY: Having learned yesterday that you are to be in Dixon this week end, I have decided to sit down and express to you some things that are troubling my husband and me, as well as many other citizens. These thoughts, believe me, are those of others as well as myself.

This will not be a polished and rewritten letter, as I have a demanding day ahead of me and am sitting down between jobs to write this, but I hope to convey some deep and real concerns.

For too many years, our President and others tell us we must control inflation. As I listen to their speeches, I have the feeling that "this is where I came in before." Inflation is ruining us, and my mother (among many others) is on a fixed pension and a little Social Security. We must help her. We are farm people and our taxes, machinery, repairs, fuel, feed, fertilizer prices have soared, yet I know you are aware of the prices for corn, soybeans and other farm products.

The continual take-over of good, productive farm land for shopping centers, housing developments and super highways is frightening. When this good land is gone, it is gone, lost. What shall we say to our children and grandchildren?

This brings me to the matter of estate taxes. Since my husband's heart attack four years ago, we are trying to get our affairs in good order. The land we worked so hard to pay for and did without so many other things, we want to keep for our children. We have paid income and property taxes all our lives, and in essence, when we die, our son and the other two children will have (almost) to buy our farm back from the government. I submit to you that this is not right.

We hear over and over again on radio and TV that we must save for retirement that "Social Security is not enough". True. But what happens when we save and invest: we are taxed for being thrifty by trying to set aside money for retirement and possible nursing home expenses. We wish to be independent and pay our own way, but saving— we are penalized by having to report interest on our income tax. The government should encourage people to save, not penalize them for it.

The matter of deceit, corruption, deals, kickbacks, bribery, invasion of privacy and lying to the people is sickening. What has happened to honor and integrity, plus old-fashioned morality and decency? I can remember as a younger woman when a government official or "The White House has announced," that I believed that to be the truth. No longer. We have been lied to so many times that we are thoroughly disillusioned. The coverups in the western test areas and the nerve gas episode are dismaying and an insult to the intelligence of the American citizen and taxpayer.

We are frightened about the nuclear mishaps, and we feel we are not being told the truth. No matter how Washington sees us, we are not stupid. We are terribly concerned for our grandchildren and the generations to come. What kind of a country are they going to have?

There are many things I have not mentioned and will think of when I seal this letter, but I am certain that you are aware that the people are angry, frightened and confused. Why shouldn't they be?

The energy and fuel crisis(?) is also on our minds. We cannot help but feel it is either non-existent or contrived. No one has really leveled with us, and if it really exists, the President should set the example and stop traveling so much and cut down along with John Public.

We are very, very much opposed to an increase in the to-be-asked-for increase in the allowances for former Presidents Nixon and Ford, especially the former's travel and office expenses. He is doing more and fancier traveling than most of us. He is receiving enough, more than enough, from the people he lied to. If it isn't sufficient, he should learn to cut down and do without as we have had to do. This really angers us. We are supporting them in a style many of us only dream of.

Thank you for reading a letter which is not very well thought out in advance, polished or rewritten, but I am telling it to you as if we were sitting in our living room.

We are convinced many things need to be done. The time for oratory is long past. We look to our government for leadership and honor. We feel that in many and far too many instances, we have been betrayed.

America is a wonderful country. We want to keep it that way. We are trying to be decent and law-abiding citizens.

I am almost afraid to post this letter. Does the government really have people's names on lists, citizens who speak out? But for the sake of our grandchildren and their children's children, I am writing it. We are about your age, so you, too, can appreciate our concern.

Again, thank you so much, and our appreciation for your efforts in behalf of your constituents.

Very sincerely yours,

RUTH SCHMIDT.

MECH-TRONICS CORP. HONORED BY SBA

Mr. PERCY. Mr. President, every year the U.S. Small Business Administration conducts competitions to recognize outstanding small business subcontractors and prime contractors in each of the 10 SBA regions.

I am extremely proud that this year, Mech-Tronics Corp. of Melrose Park, Ill., headed by Eugene DeMuro, has been selected as SBA's region V Subcontractor of the Year.

In the SBA subcontractor competition, nominations are made by major prime contractors for the Federal Government. Mech-Tronics was nominated by Sundstrand Corp. of Rockford, Ill. Nominees are considered by independent panels and regional and national winners are chosen. The competition is keen and such recognition is a distinct honor.

The nominees are evaluated on their contractual performance, taking into consideration the scope of the contract, evidence of unusual ingenuity, handling of complex contracts, cost performance, ability to bid competitively and to meet required delivery schedules with high quality and highly reliable products or services.

Mech-Tronics, which was chartered in Illinois in 1948, has a history of excellence. The firm has received numerous performance citations from its customers and recently, it was presented the Outstanding Citizen of the Year Award from the Village of Melrose Park, one of four company locations.

Small business has placed a major role in the economic life of the United States. Small firms, including farms, account for 13.4 million of the Nation's 13.9 million businesses. They provide employment for over half the business labor force and account for more than 48 percent of the gross business product. The SBA subcontractor and prime contractor awards highlight the small business community's ever-increasing role in the Federal contracting process.

I take this opportunity to extend my personal congratulations to Mech-Tronics, Mr. DeMuro and his associates for this distinction of excellence and I would also like to commend Sundstrand for its part in assuring that this superior performance was recognized.

BUDGET ACT WAIVER

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Muskie, I send to the desk a resolution which is a Budget Act waiver for the Small Business Administration authorization. I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 156) waiving section 402(a) of the Congressional Budget Act with respect to the consideration of S. 918.

The Senate proceeded to consider the resolution.

Mr. ROBERT C. BYRD. Mr. President, I see the chairman of the Budget Committee is here. I did not realize he was on the floor. I did this in his behalf. Perhaps the Senator would like to address himself to it.

Mr. MUSKIE. Mr. President, I appreciate the action on the part of the distinguished majority leader. The Budget Committee has considered the pending legislation, which deals, among other things, with legislation applicable to disaster relief programs of the Federal Government and the terms thereof. The waiver which is at the desk is required under section 402(a) of the Budget Act, because the legislation was introduced and is before us subsequent to May 15 of last year, which, under the Budget Act, is the deadline for introduction of authorizing legislation with budget impact on the current fiscal year 1979.

Mr. President, the Budget Committee recommended approval of Senate Resolution 156 for several reasons: First, the potential budget overage was minor and perhaps could be offset by spending reductions in other programs; second, the major cause of budget problems in the current SBA disaster loan program, agricultural disaster lending duplicating that provided by FmHA, would be essentially eliminated by the programmatic reforms in S. 918; third, while the bill did reintroduce subsidized interest rates, it did so at a much shallower subsidy level than prevailed in fiscal year 1978 and than would have been continued under the legislation vetoed by the President last fall; and fourth, S. 918 requires implementation by SBA of a "credit elsewhere test," which together with the lower interest subsidy, should eliminate much of the program abuse which SBC has complained of in the past.

For those reasons, the Budget Committee voted to recommend approval of the waiver resolution.

I do not think further discussion on this point is essential. I urge the approval of the waiver resolution.

The PRESIDING OFFICER. The question is on agreeing to the waiver resolution.

The resolution was agreed to as follows:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 918 a bill to amend the Small Business Act and the Small Business Investment Act of 1958.

Such waiver is necessary to permit the consideration of legislation authorizing the enactment of new budget authority for fiscal year 1979 for the Small Business Administration disaster assistance program.

Authorizing legislation for this purpose was reported by the Small Business Committee prior to May 15, 1979 (H.R. 11445) and was ultimately approved by the Congress during the second session of the ninety-fifth Congress. However, the President withheld his signature from the bill after the sine die adjournment of the Congress. The effect of this disapproval was to cause certain benefits provided for in existing law to expire.

Major disasters have occurred, and may occur in the balance of this fiscal year, which could lead to increased loan activity, requiring new appropriations. This legislation is necessary to provide the authority for the enactment of those appropriations.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MUSKIE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator from Maine (Mr. MUSKIE) for the expeditious handling of this resolution, which makes it possible now for the Senate to proceed to the pending business. I personally want to thank him for his fine cooperation in this instance, as in all instances.

SMALL BUSINESS INVESTMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 918, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 918) to authorize the Small Business Administration to make grants to support the development and operation of small business development centers in order to provide small business with management development, technical information, product planning and development, and domestic and international market development, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Select Committee on Small Business with an amendment to strike all after the enacting clause and insert the following:

TITLE I—AUTHORIZATIONS AND MISCELLANEOUS AMENDMENTS

PART A—PROGRAM LEVELS AND AUTHORIZATIONS

SEC. 101. Section 20 of the Small Business Act is amended by adding at the end thereof the following new subsections:

"(h) The following program levels are authorized for fiscal year 1980:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $50,000,000 in direct and immediate participation loans, and $3,200,000,000 in deferred participation loans.

"(2) For the programs authorized by section 7(h) of this Act, the Administration is authorized to make $22,000,000 in direct and immediate participation loans and $11,000,000 in guaranteed loans.

"(3) For the programs authorized by section 7(i) of this Act, the Administration is authorized to make $65,000,000 in direct and immediate participation loans and $70,000,000 in guaranteed loans.

"(4) For the programs authorized by section 7(1) of this Act, the Administration is authorized to make $30,000,000 in direct and immediate participation loans and $30,000,000 in guaranteed loans.

"(5) For the programs authorized by sections 501, 502, and 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $50,000,000 in direct and immediate participation loans, and $100,000,000 in guaranteed loans and guarantees of debentures.

"(6) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $50,000,000 in direct purchases of debentures and preferred securities and to make $190,000,000 in guarantees of debentures.

"(7) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,900,000,000.

"(8) For the programs authorized by sections 7(b)(3) through 7(b)(9) and 7(g) of this Act, the Administration is authorized to enter into $60,000,000 in loans, guarantees, and other obligations or commitments.

"(9) For the programs authorized by sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $100,000,000.

"(10) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving fund such sums as may be necessary and appropriate for such administrative expenses.

"(i) There are authorized to be appropriated to the Administration for fiscal year 1980, $677,453,000 to carry out the programs referred to in subsection (h), paragraphs (1) through (9). Of such sum, $441,000,000 shall be available for the purpose of carrying out the programs referred to in subsection (h), paragraphs (1) through (7); $6,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $194,453,000 shall be available for salaries and expenses of the Administration, of which amount—

"(1) $11,315,000 shall be available for procurement assistance, of which amount no less than $300,000 shall be used to employ ten additional certificate of competency specialists, no less than $900,000 shall be used to employ thirty additional procurement center representatives and no less than $450,000 shall be used to employ fifteen additional subcontracting specialists;

"(2) $2,800,000 shall be available for technical assistance, of which amount no less than $1,200,000 shall be used to develop and maintain twelve technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technological problems or needs of small businesses by searching such technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small businesses, and no less than $772,000 shall be used to pay for the continued development of a procurement automated source system;

"(3) $19,346,000 shall be available for management assistance, of which amount no less than $5,279,000 shall be used for SCORE/ACE program costs, no less than $3,835,000 shall be used for small business institute program costs, no less than $1,611,000 shall be used for management assistance program development costs, and no less than $1,000,000 shall be used to develop and implement a small business export development program and to employ no less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist;

"(4) $8,000,000 shall be available for economic research and analysis and advocacy, of which amount no less than $2,898,000 shall be used to employ sixty-nine staff people for the Office of the Chief Counsel for Advocacy to carry out those functions prescribed by Public Law 94–305, no less than $1,500,000 shall be used to develop an external small business data bank and small business index, no less than $1,000,000 shall be used to undertake studies associated with issues affecting the whole of the small business sector, and no less than $500,000 shall be used to research small business problems within industries undergoing dislocation and stress and to recommend solutions for such problems;

"(5) $24,897,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, of which amount no less than $12,000,000 shall be used to carry out those functions prescribed by section 7(j) of this Act;

"(6) $8,034,000 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, to the installation of terminals in Administration field offices, and to the development of an indicative small business data base comprised of names and addresses and related information, of which amount no less than $1,000,000 shall be used to pay for development of such indicative small business data base; and

"(7) $8,000,000 shall be available for matching grants to Small Business Development Centers, and an additional $500,000 shall be available for the administration of the small business development center program.

"(j) The Administrator may transfer no more than 10 percent of each of the total levels for salaries and expenses authorized in paragraphs (1) through (7) of section 20(i) of this Act: *Provided, however,* That no program level authorized in such paragraphs may be increased more than 20 per centum by any such transfers.

"(k) The following program levels are authorized for fiscal year 1981:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $50,000,000 in direct and immediate participation loans, and $3,520,000,000 in deferred participation loans.

"(2) For the programs authorized by section 7(h) of this Act, the Administration is authorized to make $25,000,000 in direct and immediate participation loans and $12,000,000 in guaranteed loans.

"(3) For the programs authorized by section 7(i) of this Act, the Administration is authorized to make $71,500,000 in direct and immediate participation loans and $77,000,000 in guaranteed loans.

"(4) For the programs authorized by section 7(1) of this Act, the Administration is authorized to make $30,000,000 in direct and immediate participation loans and $33,000,000 in guaranteed loans.

"(5) For the programs authorized by sections 501, 502, and 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $55,000,000 in direct and immediate participation loans and $110,000,000 in guaranteed loans and guarantees of debentures.

"(6) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $55,000,000 in direct purchase of debentures and preferred securities, and to make $209,000,000 in guarantees of debentures.

"(7) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,090,000,000.

"(8) For the programs authorized by sections 7(b)(3) through 7(b)(9) and 7(g) of this Act, the Administration is authorized to enter into $66,000,000 in loans guarantees, and other obligations or commitments.

"(9) For the programs authorized by section 404, and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $110,000,000.

"(10) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving fund such sums as may be necessary and appropriate for such administrative expenses.

"(1) There are authorized to be appropriated to the Administration for fiscal year 1981, $850,100,000 to carry out the programs referred to in subsection (k), paragraphs (1) through (9). Of such sum, $521,000,000 shall be available for the purpose of carrying out the programs referred to in subsection (k), paragraphs (1) through (7); $63,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $224,100,000 shall be available for salaries and expenses of the Administration of which amount—

"(1) $12,446,000 shall be available for procurement assistance;

"(2) $3,080,000 shall be available for technical assistance, of which amount no less than $1,320,000 shall be used to develop and maintain twelve technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technological problems or needs of small businesses by searching such technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small businesses;

"(3) $20,180,000 shall be available for management assistance, of which amount no less than $5,806,000 shall be used for SCORE/ACE program costs, no less than $4,218,000 shall be used for small business institute program costs, no less than $1,772,000 shall be used for management assistance program development costs, and no less than $1,100,000 shall be used to implement the small business export development program and to employ no less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist;

"(4) $8,800,000 shall be available for economic research and analysis and advocacy, of which amount no less than $3,187,000 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel for Advocacy to carry out those functions prescribed in Public Law 94-305, no less than $1,650,000 shall be used to develop an external small business data bank and small business index, no less than $1,100,000 shall be used to undertake studies associated with issues affecting the whole of the small business sector, and no less than $550,000 shall be used to research small business problems within industries undergoing dislocation and stress and to recommend solutions for such problems;

"(5) $27,386,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, of which amount no less than $13,200,000 shall be used to carry out those functions prescribed by section 7(j) of this Act;

"(6) $8,837,000 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, to the installation of terminals in Administration field offices and to the development of an indicative small business data base comprised of names and addresses and related information, of which amount no less than $1,000,000 shall be used to pay for development of such indicative small business data base; and

"(7) $18,000,000 shall be available for matching grants to Small Business Development Centers, and an additional $550,000 shall be available for the administration of the small business development center program.

"(m) The Administrator may transfer no more than 10 percent of each of the total levels for salaries and expenses authorized in in paragraphs (1) through (7) of section 20(1) of this Act: *Provided, however,* That no level authorized in such paragraphs may be increased more than 20 per centum by any such transfers.

"(n) There are authorized to be appropriated to the Administration for fiscal year 1982, $20,000,000 which shall be available for matching grants to Small Business Development Centers, and an additional $605,000 which shall be available for the Administration of the small business development center program.".

PART B—MISCELLANEOUS AND TECHNICAL AMENDMENTS

AVAILABILITY OF UNEXPENDED FUNDS

SEC. 110. Section 20(a) of the Small Business Act is amended to read as follows:

"For fiscal years 1979, 1980, 1981, and 1982 there are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act other than those for which appropriations are specifically authorized. All appropriations whether specifically or generally authorized shall remain available until expended.".

ENERGY SHORTAGE LOANS

SEC. 111. Section 7(b)(8) of the Small Business Act is amended by inserting after "energy-producing resources," the following: "including, but not limited to, a shortage of coal or other energy-producing resource caused by a strike, boycott, or embargo, unless such strike boycott, or embargo is directly against such small business concern,".

DISASTER LOAN INTEREST RATES

SEC. 112. (a) Section 7(b)(1) of the Small Business Act is amended by striking the semicolon at the end thereof and adding the following: ": Provided, That, except as otherwise provided, no financial assistance shall be extended to a business concern pursuant to this paragraph unless the Administration determines that such concern is unable to obtain sufficient credit elsewhere at reasonable rates and terms, taking into consideration prevailing private rates and terms in the community in or near where the concern transacts business for similar purposes and periods of time;".

(b) The first undesignated paragraph of section 7(b) of such Act is further amended by striking the phrase "the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum plus one-quarter of 1 per centum:" and inserting in lieu thereof "the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, plus not to exceed 1 per centum, as determined by the Administrator, and adjusted to the nearest one-eighth of 1 per centum:".

(c) The first undesignated paragraph of section 7(b) of such Act is further amended:

(1) by inserting after the figure "$40,000" the following: "; and with respect to a disaster occurring on or after October 1, 1978, shall be 3 per centum on the first $55,000 of such loan"; and

(2) by inserting after the phrase "shall be 3 per centum." the following new sentence: "The interest rate on the Administration's share of all other loans made pursuant to paragraph (1) of this subsection, with respect to a disaster occurring on or after October 1, 1978, shall be—

"(A) if the business concern is unable to obtain credit elsewhere pursuant to paragraph (1) of this subsection, the rate provided for in section 324 of the Consolidated Farm and Rural Development Act for applicants under such Act who are unable to obtain sufficient credit elsewhere; or

"(B) if the business concern is able to obtain sufficient credit elsewhere pursuant to paragraph (1) of this subsection, the rate provided for in this paragraph: *Provided,* That five years after such loan is first approved, and every two years thereafter for the term of the loan, if the Administration determines that the borrower is able to obtain a loan from non-Federal sources at reasonable rates and terms for loans of similar purposes and periods of time, the borrower will, upon request by the Administration, apply for and accept such loan in sufficient amount to repay the Administration.".

SEC. 113. (a) Section 324 of the Consolidated Farm and Rural Development Act is amended by striking out the first sentence in subsection (a) and inserting in lieu thereof the following: "Loans made or insured under this subtitle shall be at rates of interest as follows:

"(1) with respect to loans or portions of loans up to the amount of the applicant's actual loss caused by the disaster, (A) if the applicant is unable to obtain sufficient credit elsewhere to finance the applicant's actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time, the interest rate shall be a rate prescribed by the Secretary not in excess of 5 per centum per annum, and (B) if the applicant is able to obtain sufficient credit elsewhere, the interest rate shall be the rate prescribed by the Secretary, but not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, plus not to exceed 1 per centum, as determined by the Secretary, and adjusted to the nearest one-eighth of 1 per centum; and

"(2) with respect to loans or portions of loans exceeding the amount of actual loss by the disaster, the interest rate shall be that prevailing in the private market for similar loans, as determined by the Secretary.".

(b) Section 321 of the Consolidated Farm and Rural Development Act is amended by striking out in the first sentence all that follows after "with the assistance of such loan" through the end of the subsection and inserting in lieu thereof a period.

(c) Section 18 of the Small Business Act is amended by striking "industries," and inserting in lieu thereof "industries: *Provided,* That an agricultural enterprise shall not be eligible for loan assistance under paragraph (1) of section 7(b) to repair or replace property other than residences and/or personal property unless it is declined for or would be declined for emergency loan assistance from the Farmers Home Administration under section 321 of the Consolidated Farm and Rural Development Act,".

INVESTMENT OF IDLE FUNDS

SEC. 114. The last sentence of section 412 of the Small Business Investment Act of 1958 is repealed.

SEC. 115. Section 405 of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following: "Moneys in the fund not needed for the payment of current operating expenses or for the payment of claims arising under this part may be invested in bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by, the United States; except that moneys provided as capital for the fund shall not be so invested.".

PRODUCT DISASTER LOANS

SEC. 116. Section 7(b)(4) of the Small Business Act is amended by striking "undetermined" and inserting in lieu thereof "other".

DEVELOPMENT COMPANY DEBENTURES

SEC. 117. (a) Title V of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following new section:

"DEVELOPMENT COMPANY DEBENTURES

"SEC. 503. (a)(1) Except as provided in subsection (b), the Administration may guarantee the timely payment of all principal and interest as scheduled on any debenture issued by any qualified State or local development company.

"(2) Such guarantees may be made on such terms and conditions as the Administration may by regulation determine to be appropriate.

"(3) The full faith and credit of the United States is pledged to the payment of all amounts guaranteed under this subsection.

"(4) Any debenture issued by any State or local development company with respect to which a guarantee is made under this subsection, may be subordinated by the Administration to any other debenture, promissory note, or other debt or obligation of such company.

"(b) No guarantee may be made with respect to any debenture under subsection (a) unless—

"(1) such debenture is issued for the purpose of making one or more loans to small business concerns, the proceeds of which shall be used by such concern for the purposes set forth in section 502;

"(2) necessary funds for making such loans are not available to such company from private sources on reasonable terms;

"(3) the interest rate on such debenture is not less than the rate of interest determined by the Secretary of the Treasury for purposes of section 303(b);

"(4) the aggregate amount of such debenture does not exceed the amount of loans to be made from the proceeds of such debenture (other than any excess attributable to the administrative costs of such loans);

"(5) the amount of any loan to be made from such proceeds does not exceed an amount equal to 50 per centum of the cost of the project with respect to which such loan is made; and

"(6) the Administration approves each loan to be made from such proceeds.

"(c) The Administration may impose an additional charge for administrative expenses with respect to each debenture for which payment of principal and interest is guaranteed under subsection (a).

"(d) For purposes of this section, the term 'qualified State or local development company' means any State or local development company which, as determined by the Administration, has—

"(1) a full-time professional staff,

"(2) professional management ability (including adequate accounting, legal, and business-servicing abilities), and

"(3) a board of directors, or membership, which meets on a regular basis to make menagement decisions for such company, including decisions relating to the making and servicing of loans by such company.".

(b) The table of contents of the Small Business Investment Act of 1958 is amended by inserting after the item relating to section 502 the following new item:

"Sec. 503. Development company debentures.".

REGULAR BUSINESS LOAN REFORM

SEC. 118. (a) Section 5(b)(7) of the Small Business Act is amended to read as follows:

"(7) in addition to any powers, functions, privileges and immunities otherwise vested in him, take any and all actions (including the procurement of the services of attorneys by contract in any office where an attorney or attorneys are not or cannot be economically employed full time to render such services), when he determines such actions are necessary or desirable in making, servicing, compromising, modifying, liquidating, or otherwise dealing with or realizing on loans made under the provisions of this Act, and he may authorize participating lending institutions, in his discretion pursuant to regulations promulgated by him, to take such actions on his behalf, including, but not limited to the determination of eligibility and creditworthiness, and loan monitoring, collection and liquidation;".

(b) Effective October 1, 1981, section 7(a) of the Small Business Act is amended by—

(1) striking the phrase "and such loans may be made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediaate or deferred basis." and inserting in lieu thereof "and such loans may be made directly.";

(2) striking subparagraphs (2) and (3) in their entirety; and

(3) striking subparagraph (4)(A) and inserting in lieu thereof:

"(A) No loan made or effected under this subsection shall exceed $350,000.".

SURETY BOND GUARANTEE

SEC. 119. Section 411(c) of the Small Business Investment Act of 1958 is amended to read as follows:

"(c) Any guarantee or agreement to indemnify under this section shall obligate the Administration to pay to the surety a sum not to exceed (1) in the case of a breach of contract, 90 per centum of the loss incurred and paid by the surety as the result of the breach; or (2) in a case in which (b) applies, the amount determined under (b).".

PROCUREMENT SYSTEMS

SEC. 120. Section 15(c) of the Small Business Act is amended to read as follows:

"(c) Public and private organizations and individuals eligible for assistance under section 7(h) of this Act shall be eligible to participate in programs authorized by this section.".

SEC. 121. (a)(1) The first sentence of section 15(d) of the Small Business Act is amended by inserting "small business" before "concerns".

(2) The last two sentences of subsection (d) of section 15 of such Act are repealed.

(b) Subsections (e) and (f) of section 15 of such Act are amended to read as follows:

"(e) In carrying out small business set-aside programs, departments, agencies, and instrumentalities of the executive branch shall award contracts, and encourage the placement of subcontracts for procurement to the following in the manner and in the order stated:

"(1) concerns which are small business concerns and which are located in labor surplus areas, on the basis of a total set-aside.

(2) concerns which are small business concerns, on the basis of a total set-aside.

"(3) concerns which are small business concerns and which are located in a labor surplus area, on the basis of a partial set-aside.

"(f) After priority is given to the small business concerns specified in subsection (e), priority shall also be given to the awarding of contracts and the placement of subcontracts, on the basis of a total set-aside, to concerns which—

"(1) are not eligible under subsection (e);

"(2) are not small business concerns; and

"(3) will perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas.".

(c) Section 15 of such Act is further amended by adding at the end thereof a new subsection as follows:

"(m) In carrying out labor surplus areas and small business set-aside programs, the Administration shall, with respect to each award or contract or class of award or contract, identify to the contracting procurement agency, concerns (including small business concerns) which are located in labor surplus areas.".

TITLE II—SMALL BUSINESS DEVELOPMENT CENTERS

SHORT TITLE

SEC. 201. This title may be cited as the "Small Business Development Center Act of 1979".

PROGRAM AUTHORIZATION

SEC. 202. The Small Business Act is amended by redesignating section 21 as section 30 and by inserting the following new section:

"SEC. 21. (a) The Congress finds that—

"(1) small business concerns rarely have access to useful and practical advice, information, and services of the types which are available to large business concerns or, through the Department of Agriculture extension service, to farmers and agricultural business concerns;

"(2) small businesses would benefit from having a local, single source of assistance which would interpret, analyze, and counsel on matters such as management, marketing, product development, manufacturing, technology development and exchange, finance, government regulations and policies, and other similar problem or policy areas; and

"(3) private sector consultants and experts and academic institutions are aware of local small business problems and are better equipped than the Federal Government to develop and establish management and technical assistance programs designed to aid small business concerns in such local communities.

"(b) It is the purpose of this section to expand the small business sector, to stimulate economic diversity, and to foster competition by encouraging the development of small business development centers through a grant program giving States wide flexibility in developing and establishing centers to aid in the development and growth of existing and new small business concerns.

"(c)(1) The Administration is authorized to make grants to States (herein referred to as 'applicant') to assist any State government or any agency thereof, any regional entity, any public or private institution of higher education, including but not limited to any land-grant college or university, any college or school of business, engineering, commerce, or agriculture, community college or junior college, or to any entity formed by two or more of the above entities to develop and operate State small business development centers which may undertake studies, research, and counseling concerning the managing, financing, and operation of small business enterprises; provide technological assistance, technical and statistical information for small business enterprises; provide delivery or distribution of such services and information; and provide access to business analysts who can refer small business concerns to available experts.

"(2) The Administration shall require, as a condition to any grant (or amendment or modification thereof) made to an applicant under this section, that an additional amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government: *Provided*, That the additional amount shall not include any amount of indirect costs or in kind contributions paid for under any Federal program, nor shall such indirect costs or in kind contributions exceed 50 per centum of the non-Federal additional amount: *Provided further*, That no State small business development center shall receive a grant which would exceed its pro rata share, based upon the population to be served by the small business development center compared to a total population of all participating States, of the amount authorized to be appropriated for such purpose in each of fiscal years 1980, 1981, and 1982, but in no event shall such center receive less than $250,000.

"(d)(1) During fiscal years 1980, 1981, and 1982 financial assistance shall not be made available to any applicant if approving such assistance would be inconsistent with a plan for the area involved which has been adopted by an agency recognized by the State government as authorized to do so and approved by the Administration in accordance with the standards and requirements established pursuant to this section.

"(2) An applicant may apply to participate in the program by submitting to the Administration for approval a plan naming those authorized in subsection (c) to participate in the program, the geographic area to be served, the services that it would provide, the method for delivering services, a budget, and any other information and assurances the Administration may require to insure that the applicant will carry out the activities eligible for assistance. The Administration is authorized to approve, conditionally approve, or reject a plan or combination of plans submitted. In all cases, the Administration shall review plans for conformity with the plan submitted pursuant to paragraph (1) of this subsection, and with a view toward providing small business with the most comprehensive and coordinated assistance in the region, State, or part thereof to be served.

"(3) At the discretion of the Administration, the Administration is authorized to permit a small business development center to provide advice, information, and assistance, as described in subsection (e), to small businesses located outside the State, but only to the extent such businesses are located within close geographical proximity to the small business development center, as determined by the Administration.

"(e)(1) A State small business development center shall assist small businesses in solving problems concerning operations, manufacturing, engineering, technology exchange and development, personnel administration, marketing, sales, merchandising, finance, accounting, business strategy development, and other disciplines required for small business growth and expansion, innovation, increased productivity, and management improvement, and for decreasing industry economic concentrations.

"(2) A State small business development center shall provide services as close as possible to small businesses by establishing extension services and utilizing satellite locations when necessary and not duplicative. To the extent possible, it also shall make full use of other Federal and State government programs that are concerned with aiding small businesses. A small business development center shall have—

"(A) a full-time staff including a director to manage the program activities;

"(B) business analysts to counsel, assist, and inform small business clients;

"(C) technology transfer agents to provide state of the art technology to small businesses through coupling with national and regional technology data sources;

"(D) Information specialists to assist in providing information searches and referrals for small businesses;

"(E) access to part-time professional specialists to conduct research or to provide counseling assistance whenever the need arises, and

"(F) access to laboratory and adaptive engineering facilities.

"(3) Services provided by a State small business development center shall include, but not be limited to—

"(A) furnishing one-to-one individual counseling to small businesses;

"(B) assisting in technology transfer, research, and coupling from existing sources to small business concerns;

"(C) maintaining current information concerning Federal, State, and local regulations that affect small businesses and counsel small business and methods of compliance. Counseling and technology development shall be provided when necessary to help small businesses find solutions for complying with environmental, energy, health, safety, and other Federal, State, and local regulations;

"(D) coordinating and conducting research into technical and general small business problems for which there are no ready solutions;

"(E) providing and maintaining a comprehensive library that contains current information and statistical data needed by small businesses;

"(F) maintaining a working relationship and open communications with the financial and investment communities, legal associations, local and regional private consultants, and local and regional small business groups and associations in order to help address the various needs of the small business community;

"(G) conducting in depth surveys for local small business groups in order to develop general information regarding the local economy and general small business strengths and weaknesses in the locality;

"(H) maintaining lists of local and regional private consultants to whom small businesses can be referred;

"(I) continuing to upgrade and modify its services, as needed, in order to meet the changing and evolving needs of the small business community; and

"(J) utilizing private local and regional consultants and testing laboratories when appropriate and applicable.

"(4) A small business development center is authorized to compensate local and regional private consultants for services provided to small businesses on behalf of such small business development center.

"(f) Regional small business development centers may be established to support State small business development centers when the Administration, with the advice of the Board, determines a need for providing assistance and information on technical or specialized problems such as, but not limited to high technology transfer and utilization and regional data acquisition that may require capital intensive research and which transcend State boundaries. Regional small business development centers shall be provided a specific charter and staff according to the services they will be expected to provide. Their assistance shall be available to all State small business development centers participating in the program.

"(g) Laboratories operated and funded by the Federal Government are authorized and directed to cooperate with the Administration in developing and establishing programs to support the small business development centers by making facilities and equipment available; providing experiment station capabilities in adaptive engineering; providing library and technical information processing capabilities; and providing professional staff for consulting. The Administration is authorized to reimburse the laboratories for such services.

"(h) The National Science Foundation and innovation centers supported by the National Science Foundation are authorized and directed under this section to cooperate with small business development centers participating in this program. The National Science Foundation shall report annually on the performance of such centers with recommendations to the Administration and the Congress on how such innovation centers can be strengthened and expanded. The National Science Foundation shall include in its report to Congress information on the ability of innovation centers to interact with the Nation's small business community and recommendations to the Administration on continued funding.

"(i) The National Aeronautics and Space Administration and industrial application centers supported by the National Aeronautics and Space Administration are authorized and directed under this section to cooperate with small business development centers participating in this program. The National Aeronautics and Space Administration shall report annually on performance of such centers with recommendations to the Administration and the Congress on how such industrial application centers can be strengthened and expanded. The National Aeronautics and Space Administration shall include in its report to Congress information on the ability of industrial application centers to interact with the Nation's small business community and recommendations to the Administration on continued funding.

"(j) The Administrator shall appoint a Deputy Associate Administrator for Management Assistance who shall report to the Associate Administrator for Management Assistance and who shall serve without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not less than the rate of GS–17 of the General Schedule.

"(k) The sole responsibility of the Deputy Associate Administrator for Management Assistance shall be to administer the small business development center program. Duties of the position shall include, but are not limited to, recommending the annual program budget, reviewing the annual budgets submitted by each applicant, establishing appropriate funding levels therefor, selecting applicants to participate in this program under this section, implementing the provisions of this section, maintaining a clearinghouse to provide for the dissemination and exchange of information between small business development centers, concluding agreements with federally supported laboratories and centers and Federal agencies to provide technology assistance for this program, and conducting audits of recipients of grants under this section. The Deputy Associate Administrator for Management Assistance shall confer with and seek the advice and counsel of the Board in carrying out the responsibilities described in this section.

"(l)(1) There is established a National Small Business Development Center Advisory Board (herein referred to as 'Board') which shall consist of nine members appointed from civilian life by the Administrator and who shall be persons of outstanding qualifications known to be familiar and sympathetic with small business needs and problems. No more than three members shall be from the academic community or their affiliates and six shall be from small businesses or associations representing small business.

"(2) The Board shall elect a Chairman and advise, counsel, and confer with the Deputy Associate Administrator for Management Assistance in carrying out the duties described in this section. The Board shall meet at least quarterly and at the call of the Chairman of the Board. Each member of the Board shall be entitled to be compensated at the rate not in excess of the per diem equivalent of the highest rate of pay for individuals occupying the position under GS–18 of the General Schedule for each day engaged in activities of the Board and shall be entitled to be reimbursed for expenses as a member of the Board.

"(m)(1) Each State small business development center shall establish an advisory board the members of which shall be appointed by the Governor. No more than one-third of the members of such board shall be from the academic community or their affiliates and no less than two-thirds of the members of such board shall be from small businesses or associations representing small business.

"(2) Each State small business development center advisory board shall elect a chairman and advise, counsel, and confer with the director of the State small business development center on all policy matters pertaining to the operation of the small business development center, including who may be eligible to receive assistance from, and how local and regional private consultants may participitate with, the small business development center.

"(n) The Administration, with the advice of the Board shall establish a plan for evaluation of the small business development center program which may include the retaining of an independent concern to conduct such an evaluation. The evaluation shall be both quantitative and qualitative and shall determine—

"(1) the impact of the small business development center program on small businesses, including local and regional private consultants, and the socioeconomic base of the regions served;

"(2) the multidisciplinary resources the small business development center program was able to coordinate to assist small businesses; and

"(3) the extent to which various types of small businesses engaged in such areas as manufacturing, retailing, wholesaling and services have been assisted by the small business development center program.

For the purpose of this evaluation, the Administration is authorized to require any small business development center or party receiving assistance under this section to furnish it with such information annually or otherwise as it deems appropriate. Such evaluation shall be completed and submitted to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives by January, 1982.".

FUNDING RESTRICTION

Sec. 203. Section 7(d)(1) of the Small Business Act is amended to read as follows:

"(d)(1) The Administration shall not fund any small business development center program, or any variation thereof, except as authorized in section 21 of this Act.".

PROGRAM REPEAL

Sec. 204. This title is repealed effective October 1, 1982.

TITLE III—SMALL BUSINESS ECONOMIC POLICY

SHORT TITLE

Sec. 301. This title may be cited as the "Small Business Economic Policy Act of 1979".

DECLARATION OF SMALL BUSINESS ECONOMIC POLICY

Sec. 302. (a) For the purpose of preserving and promoting a competitive free enterprise economic system, Congress hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practical means and to take such actions as are necessary, consistent with its needs and obligations and other essential considerations of national policy, to implement and coordinate all Federal department, agency, and instrumentality policies, programs, and activities in order to: foster the economic interests of small businesses; insure a competitive economic climate conducive to the development, growth, and expansion of small businesses; establish incentives to assure that adequate capital and other resources at competitive prices are available to small businesses; reduce the concentration of economic resources and expand competition; and provide an opportunity for entrepreneurship, inventiveness, and the creation and growth of small businesses.

(b) Congress further declares that the Federal Government is committed to a policy of utilizing all reasonable means, consistent with the overall economic policy goals of the Nation and the preservation of the competitive free enterprise system of the Nation, to establish private sector incentives that will help assure that adequate capital at competitive prices is available to small businesses. To fulfill this policy, departments, agencies, and instrumentalities of the Federal Government shall use all reasonable means to coordinate, create, and sustain policies and programs which promote investment in small businesses, including those investments which expand employment opportunities and which foster the effective and efficient use of human and natural resources in the economy of the Nation.

STATE OF SMALL BUSINESS

Sec. 303. (a) The President shall transmit to the Congress not later than January 20 of each year a Report on Small Business and Competition which shall—

(1) examine the current role of small business in the economy;

(2) present current and historical data on production, employment, investment, and other economic variables, for small business in the economy as a whole and for small business in each sector of the economy;

(3) identify economic trends which will or may affect the small business sector and the state of competition;

(4) examine the effects on small business and competition of policies, programs, and activities of Federal departments, agencies, and instrumentalities, identify problems generated by such policies, programs, and activities, and recommend legislative and administrative solutions to such problems; and

(5) recommend a program for carrying out the policy declared in section 302 of this Act, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the Report on Small Business and Competition, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 302 of this Act.

(c) The Report on Small Business and Competition and all supplementary reports shall, when transmitted to the Congress, be referred to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives.

SPECIAL ASSISTANT FOR SMALL BUSINESS

Sec. 304. The President is authorized to designate a Special Assistant to the President for Small Business who shall serve in the White House Office of the Executive Office of the President and who shall perform the following duties:

(1) assist and advise the President in the preparation of the Report on Small Business and Competition;

(2) gather and publish timely and authoritative information, in cooperation and coordination with the Administrator of the Small Business Administration, concerning the position of small business in the economy and economic developments and economic trends, both current and prospective, which do or may affect small business and competition; to analyze and interpret such information in the light of the policy declared in section 302 of this Act for the purpose of determining whether such developments or trends are interfering or are likely to interfere with the achievement of such policy objectives; and to compile and submit to the President and Congress studies relating to such developments and trends;

(3) appraise the various programs and activities of the Federal Government as they affect small business and competition in the light of the policy declared in section 302 of this Act for the purpose of determining the extent to which such programs and activities are contributing, and the extent to which they are not contributing, to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) determine and evaluate the availability of capital, labor, management, and technical resources to small business; determine and evaluate emerging trends in the availability of such resources to small business; assess Federal Government policies and programs and other economic circumstances which affect small business in order to determine their impact on the availability and cost of capital and other resources for small business; and make recommendations to the President with respect thereto;

(5) develop and recommend to the President national economic policies to foster and promote small business and competition and to maintain and increase the strength of small business in each economic sector; and

(6) make and furnish such studies, reports, and recommendations with respect to matters of Federal Government economic policy and legislation which affect small business and competition as the President may request.

TITLE IV—SMALL BUSINESS ECONOMIC RESEARCH AND ANALYSIS

Sec. 401. The Small Business Act is amended by redesignating subsection 4(b) as section 4(b)(1) and inserting thereafter the following:

"(2) The Administrator also shall be responsible for—

"(A) establishing and maintaining an external small business economic data base for the purpose of providing the Congress and the Administration information on the economic conditions and the expansion or contraction of the small business sector. To that end, the Administrator shall publish on a regular basis national small business economic indices and, to the extent feasible, regional small business economic indices, which shall include, but need not be limited to, data on—

"(i) employment, layoffs, and new hires;

"(ii) number of business establishments and the types of such establishments such as sole proprietorships, corporations, and partnerships;

"(iii) number of business formations and failures;

"(iv) sales and new orders;

"(v) back orders;

"(vi) investment in plant and equipment;

"(vii) changes in inventory and rate of inventory turnover;

"(viii) sources and amounts of capital investment, including debt, equity, and internally generated funds;

"(ix) debt to equity ratios;

"(x) exports;

"(xi) number and dollar amount of mergers and acquisitions by size of acquiring and acquired firm; and

"(xii) concentration ratios; and

"(B) publishing annually a report giving a comparative analysis and interpretation of the historical trends of the small business sector as reflected by the data acquired pursuant to paragraph (A) of this subsection.".

Sec. 402. Section 634(e)(1) of title 15 of the United States Code is amended by inserting ", step ten," between "GS-15" and "of".

SEC. 403. Section 5315 of title 5 of the United States Code is amended by adding the following new paragraph:

"(128) Chief Counsel for Advocacy, Small Business Administration.".

SEC. 404. In consultation with the Administrator of the Small Business Administration and the Bureau of the Census, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation shall conduct such studies of the credit needs of small business as may be appropriate to determine the extent to which such needs are being met by commercial banks and shall report the results of such studies to the Congress by October 1, 1980, together with their views and recommendations as to the feasibility and cost of conducting periodic sample surveys, by region and nationwide, of the number and dollar amount of commercial and industrial loans extended by commercial banks to small business. Reports shall when transmitted to the Congress, be referred to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives.

TITLE V—WHITE HOUSE CONFERENCE ON SMALL BUSINESS

SHORT TITLE

SEC. 501. This title may be cited as the "White House Conference on Small Business Act".

AUTHORIZATION OF CONFERENCE

SEC. 502. (a) The President shall call and conduct a White House Conference on Small Business (hereinafter referred to as the "Conference") not later than June 30, 1980, to carry out the purposes described in section 503 of this title.

(b) Participants in the Conference and other interested individuals and organizations are authorized to conduct conferences and other activities at the regional and State levels prior to the date of the Conference, subject to the approval of the Administrator, of the Small Business Administration, and shall direct such conferences and activities toward the consideration of the purposes of the Conference described in section 503 of this title in order to prepare for the Conference.

PURPOSE OF CONFERENCE

SEC. 503. The purpose of the Conference shall be to increase public awareness of the essential contribution of small business; to identify the problems of small business, including new, small, and family enterprises; to examine the status of minorities and women as small business owners; and to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and encouraging the economic viability of small business and, thereby, the Nation.

CONFERENCE PARTICIPANTS

SEC. 504. In order to carry out the purposes specified in section 503 of this title, the Conference shall bring together individuals concerned with issues relating to small business: *Provided*, That no small business concern representative may be denied admission to any State or regional meeting.

PLANNING AND ADMINISTRATION OF CONFERENCE

SEC. 505. (a) All Federal departments, agencies, and instrumentalities are authorized and directed to provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

(b) In carrying out the provisions of this title, the Administrator of the Small Business Administration—

(1) shall provide such financial and other assistance as may be necessary for the organization and conduct of conferences at the regional and State levels as authorized under section 502(b) of this title;

(2) shall provide for the preparation of background materials for use by participants in the Conference, as well as by participants in regional and State conferences; and

(3) is authorized to make grants to, and enter into contracts with, public agencies, private organizations, and academic institutions to carry out the provisions of this title.

(c) (1) The President is authorized to appoint and compensate an executive director and such other directors and personnel for the Conference as he may deem advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) Upon request by the executive director, the heads of the executive and military departments are authorized to detail employees to work with the executive director in planning and administering the Conference without regard to the provisions of section 3341 of title 5, United States Code.

REPORTS REQUIRED

SEC. 506. Not more than one year from the date on which the Conference is convened, a final report of the Conference shall be submitted to the President and the Congress. The report shall include the findings and recommendations of the Conference as well as proposals for any legislative action necessary to implement the recommendations of the Conference. The final report of the Conference shall be available to the public.

FOLLOW-UP ACTIONS

SEC. 507. The Small Business Administration shall report to the Congress annually during the three-year period following the submission of the final report of the Conference on the status and implementation of the findings and recommendations of the Conference.

AVAILABILITY OF FUNDS

SEC. 508. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title. Such sums as are appropriated to carry out the provisions of this title shall remain available until expended.

(b) No funds appropriated to the Small Business Administration shall be made available to carry out the provisions of this title other than funds appropriated pursuant to this section. Any funds remaining unexpended at the termination of the Conference shall be made available to the Administrator of the Small Business Administration to carry out the provisions of section 20 of the Small Business Act.

TITLE VI—EMPLOYEE OWNERSHIP

SEC. 601. This title may be cited as the "Small Business Employee Ownership Act".

SEC. 602. The Congress finds and declares that—

(1) employee ownership of firms has been shown to be a successful means of organizing an enterprise and that employee-owned firms are likely to have greater productivity rates, better long-range prospects, greater employee and management job satisfaction, and broader distribution of the company's profits and equity than similar nonemployee-owned firms;

(2) employee ownership of firms provides a means for preserving jobs and business activity where they would otherwise be lost due to company closings, liquidations, or relocations;

(3) employee ownership of firms provides a means of keeping a small business small when it might otherwise be sold to a conglomerate or other large enterprise;

(4) employee ownership of firms provides a means for creating a new small business from the sale of a subsidiary of a large business, when such a subsidiary would otherwise be closed, liquidated, relocated, or sold to another large business;

(5) unemployment insurance programs, welfare payments, and job creation programs are less desirable and more costly for both the Government and program beneficiaries than loan programs to maintain employment in firms that would otherwise be closed, liquidated, or relocated;

(6) the continued closing of small businesses or the sale of small businesses to conglomerates represents an undesirable and anticompetitive trend toward economic concentration;

(7) the slow growth in productivity in the United States contributes to inflation and balance-of-payments deficits;

(8) the present concentration of capital ownership has created too great a disparity between the very wealthy few and the low- and moderate-income majority; and

(9) by making and guaranteeing loans to employee stock ownership trusts or other employee organizations, the Small Business Administration could provide feasible and desirable methods for the transfer of all or part of a company's ownership to employees by aiding employee organizations in purchasing small business concerns that would otherwise be closed, liquidated, or relocated, or in purchasing subsidiaries of companies which would otherwise be closed, liquidated, or relocated, and would, if independently owned, be small businesses.

SEC. 603. The purposes of this title are—

(1) to include as small business concerns any employee-owned company which would otherwise be defined as a small business concern under the Small Business Act, or any employee organization, or employee stock ownership plan, established for the purpose of purchasing a business which, when purchased, would otherwise be defined as a small business concern under the Small Business Act, and to make such employee-owned firms or employee organizations eligible for all assistance available to small business concerns as provided in the Small Business Act;

(2) to assure that a small business using an employee stock ownership plan which qualifies under the specifications as set forth in this title can obtain assistance from the Small Business Administration through an employee stock ownership trust; and

(3) to assure that the Small Business Administration guarantees loans to employee-owned firms, to employee organizations or employee stock ownership plans seeking to buy their firms, on the same basis as the Administration guarantees loans to other small businesses under section 7(a) of the Small Business Act and that such assistance is made available by the Small Business Administration on the basis of a firm's reasonable prospects for success as an employee-owned firm.

SEC. 604. Section 7 of the Small Business Act is amended by adding at the end thereof the following:

"(m) (1) As used in this subsection, the term—

"(A) 'employee organization' means any organization organized for the purpose of acquiring the company or subsidiary of the company for which the organization's members work, and which represents employees of a company which is a small business concern under this Act as presently constituted or, if the company is a subsidiary of another company, which would be a small business concern under this Act if independently owned;

"(B) 'employee' means a full-time employee of a small business concern who has worked for the company at least thirty days prior to the application by an employee organization or an employee-owned firm for assistance under this subsection;

"(C) 'employee stock ownership plan' or 'ESOP' means a plan described in section 4975(e)(7) of the Internal Revenue Code of 1954;

"(D) 'employee stock ownership trust' or 'ESOT' means a trust which forms part of an employee stock ownership plan; and

"(E) 'expiration date of the assistance' means the date on which a loan, the repayment of which is guaranteed by the Administration under this Act, is fully repaid.

"(2)(A) The Administration is authorized to make all assistance available under this section available to employee organizations, employee-owned small business concerns, and employee stock ownership trusts which meet the requirements of this subsection.

"(B) Assistance to employee-owned small business concerns shall be made available under subsection (a) of this section on the same basis as such assistance is made available to other small business concerns, except as otherwise specifically provided in this subsection.

"(C) Assistance to an employee stock ownership plan maintained by a small business concern shall be made available under subsection (a) of this section on the same basis as such assistance is made available to a small business concern which does not maintain such a plan, if—

"(i) the concern which maintains the plan guarantees to the Administration that it will provide to the plan such funds as may be necessary for the repayment of the obligation incurred by the plan;

"(ii) the trustee of the ESOT of the plan establishes to the satisfaction of the Administration that—

"(I) the funds acquired by the ESOP with the assistance of the Administration will be used solely for, or in connection with, the purchase of qualifying employer securities (within the meaning of section 4975(e)(8) of the Internal Revenue Code of 1954);

"(II) no part of those funds will be used to acquire employer securities of any other corporation or otherwise to provide financing for any other enterprise; and

"(iii) participants in the ESOP will have a nonforfeitable right to all employer securities acquired by the ESOP with funds obtained as a result of the assistance made available under this subsection not later than the expiration date of the assistance.

"(3) A loan to an employee organization or to an ESOP may be guaranteed as provided in this subsection only if the purpose of the loan is to finance the purchase of stock issued by a small business concern which employs the members of the organization or the participants in the ESOP, or the purchase of stock issued by a subsidiary concern which, if independently owned, would be a small business concern and which employs such members or participants, if—

"(A) the small business concern or subsidiary would otherwise be closed, liquidated, relocated, or purchased by a large business, or if the owner of the concern or subsidiary and such members or participants agree to a transfer of ownership to the employees;

"(B) at the time the employee organization or the ESOP submits an application to the Administration for the guarantee of a loan, the organization or ESOP also submits a copy of a plan for the acquisition of the concern or subsidiary which provides that—

"(i) any employees of the concern or subsidiary will be offered an opportunity to participate in the ownership plan, and that employees who are included in a unit of employees covered by an agreement which the Secretary of Labor finds to be a collective bargaining agreement between employee representatives and the employer will be included in such an offering, unless the labor organization representing such employees specifically requests, in writing, exclusion of the employees covered by the agreement from participation in the plan;

"(ii) at least 51 per centum of the total stock or other asset value of the firm will be owned by at least 51 per centum of the employees by the expiration date of the assistance, or as soon thereafter as is consistent with the requirements of section 401(a) of the Internal Revenue Code of 1954;

"(iii) any employee who is an owner-employee (within the meaning of section 401(c)(3) of the Internal Revenue Code of 1954), or a managerial employee, will have completed at least one year of service with the employer (within the meaning of section 410(a)(3) of such Code) before he is permitted to become a participant in the plan;

"(iv) where stock is distributed, participants in the plan will have a nonforfeitable right to such stock not later than the expiration date of the assistance, and that—

"(I) in the case of an ESOP, the stock will meet the requirements of section 409A(e) of the Internal Revenue Code of 1954, and

"(II) in the case of an employee organization, the stock will meet the requirements of section 409A(e)(2) of such Code (without regard to whether the employer has a registration-type class of securities);

"(v) the concern may repurchase stock being sold by employees leaving the firms or make stock available to new employees;

"(vi) there will be periodic reviews of the mode of company organization and the role employee owners will play in the management of the concern;

"(vii) except in the case of an ESOP, there is a method whereby the loan to the employee organization can be repaid by employee members through a system of payroll deductions if other methods of repayment as may be specified in the loan application are unable to provide the necessary cash; and

"(viii) there will be adequate management contracts to assure management expertise and continuity; and

"(c) in the case of a subsidiary, a plan is provided demonstrating that once the transfer of the subsidiary to the employees is completed, the subsidiary will be an independent business which qualifies as a small business concern under this Act.

"(4) Assistance under this subsection shall be provided when the Administration determines that the firm or employee organization seeking assistance can demonstrate the likelihood of an ability to repay any loans guaranteed, and when the Administration determines that the company will generate sufficient revenues to provide a reasonable assurance of repayment. The individual business experience or personal assets of individual employee-owners shall not be used as loan guarantee criteria, except that where employee-owners may assume managerial responsibilities, their business experience or ability may be considered.

"(5) The principal amount of any loan guaranteed under this subsection may not exceed $500,000.

"(6) The Administration shall compile a separate list of applications for assistance under this provision, indicating which applications were approved and which were denied, and shall report periodically to the Congress on the status of employee-owned firms.

"(7) The Administration is authorized to make guarantees under this subsection directly to the seller of a small business concern under this Act, or of a subsidiary of a company which would become a small business concern under this Act when independently owned as specified in paragraph (3)(c), where the requirements of this subsection for employee ownership are otherwise met. For the purposes of this subsection—

"(A) the Administration may guarantee payments on installment sale contracts by the buyer to the seller, but the obligation of the Administration under such a guarantee shall not exceed 90 per centum of the total remaining payments at the time of default:

"(B) in the case of default, the seller will have the option of (i) paying the Administration an amount equal to 90 per centum of the total amount paid on the contract at the point of default and reassume title to the business, in which case the Administration will be relieved of any further obligation to the seller, including the obligation to make remaining payments on the contract, or (ii) assigning to the Administration the option of assuming title to the business and receiving, in a lump sum, an amount equal to 90 per centum of the remaining payments due on the contract; and

"(C) if the seller exercises his rights under subparagraph (B)(ii), the Administration may resell the business or its assets, or may seek other individuals to assume the contract and make the remaining payments to the Administration.".

SEC. 605. Section 8(a)(4)(A) of the Small Business Act is amended by inserting before the word "and" at the end thereof the following: "or in the case of a company with an employee stock ownership plan, at least 51 per centum of the stock of which is allocated through an ESOT to one or more socially and economically disadvantaged individuals;".

SEC. 606. (a) The Small Business Administration shall, not later than January 1, 1980, prepare and transmit to the Committee on Small Business of the House of Representatives and the Senate Select Committee on Small Business a study of the feasibility of extending the authority granted in section 7(m)(7) of the Small Business Act to any purchaser of a small business concern.

(b) Such study shall be performed by an independent consultant and shall include, but need not be limited to—

(1) the extent and nature of the use of installment contracts for the sale of small businesses;

(2) the ability of the Small Business Administration to make credit judgments on contract sales;

(3) the need for the Small Business Administration guarantees to facilitate installment sales;

(4) the willingness of banks and other financial institutions to participate in evaluating installment sales; and

(5) the likely cost of such a program compared to existing loan guarantee programs in the Small Business Administration.

TITLE VII—SMALL BUSINESS EXPORT ASSISTANCE

SHORT TITLE

SEC. 701. This title may be cited as the "Small Business Export Assistance Project of 1979".

SEC. 702. There is established in the Office of International Trade within the Small Business Administration:

(1) a coordinator for overseas activities;

(2) a coordinator for domestic programs; and

(3) a coordinator for data collection and evaluation:

Provided, however, That these coordinators shall initially direct their efforts solely to the completion of the studies required under sections 703 and 704 of this Act.

SEC. 703. (a) The Small Business Administration shall, not later than one hundred twenty days after the enactment of this Act, prepare and transmit to the Committee on Small Business of the House of

Representatives and the Senate Select Committee on Small Business a study to be known as the Small Business Export Development Report.

(b) Such study shall include, but need not be limited to—

(1) a review of the current programs of the Small Business Administration, including direct assistance to small business, for the promotion of exports;

(2) a review of current cooperation and agreements between the Small Business Administration and other Federal departments, agencies, and instrumentalities, and with the State governments in promoting small business exports;

(3) a program for enhancing and coordinating the Small Business Administration's export promotion efforts, including a plan for national advertising and promotion of the Small Business Administration's activities;

(4) a statement of the proper role and policies of the Small Business Administration in relation to the current and proposed export programs of other Federal departments, agencies, and instrumentalities, as outlined in the President's export promotion package;

(5) a review of any limitations on a Small Business Administration's export promotion program which may be imposed by any Multilateral Trade Agreements; and

(6) a proposal for targeting United States small businesses with export potential and for the creation of a central information clearinghouse, including the establishment and maintenance of a national toll-free telephone system for inquiries.

(c) Such study shall be conducted in consultation with the Department of Commerce, the Treasury Department, the Office of Special Trade Representative, the Export-Import Bank, the Department of State and any other agency which the Small Business Administration determines may be of assistance in developing a plan for export assistance.

SEC. 704. (a) The Small Business Administration shall, not later than one hundred and twenty days after the enactment of this Act, and after consultation with other Federal agencies and appropriate State governments, develop and transmit to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives a plan, to be known as the State Small Business Export Project, for a grant project for assisting State efforts in promoting small business exporting.

(b) Such plan shall include, but need not be limited to—

(1) a statement noting the important role of State governments in promoting and encouraging exporting within their jurisdictions;

(2) a system of matching grants for State programs;

(3) reasonable criteria for awarding grants for State plans which initiate or expand small business export development efforts, keeping in mind the President's goals of reducing paperwork;

(4) the possibility of coordinating State programs with Small Business Development Centers; and

(5) any other goal or procedure which the Administration deems necessary to achieve a speedy implementation and orderly operation of such a matching grant program.

The PRESIDING OFFICER. Amendments to the bill must be germane, with the exception of one amendment by the Senator from Idaho.

The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, I ask unanimous consent that Allen Neece, Alan Chvotkin, Kay Klatt, Linda Henderson, and Barbara Cantilena of the Small Business Committee staff; and Bob Dotchin, Bob Santy, Stan Twardy, and Marge Broadbin of the minority staff be granted the privileges of the floor during the consideration and votes on the pending measure.

I further ask unanimous consent that Roger Lemaster of my staff; John Runyon of Senator STEWART's office; and Renn Patch of Senator HATCH's office be granted the privileges of the floor during the consideration and votes on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, all the material in S. 918 has been acted on before by the Senate, either in one bill this year or in the omnibus bill last year. There are some changes and modifications in the proposals that are in this act.

In my judgment, S. 918, amending the Small Business Act and Small Business Investment Act of 1958, is one of the most important pieces of small business legislation to be considered by the Congress in several years.

This measure establishes for the first time a clearly defined national small business economic policy, which, first, makes it clear that the economic well-being of small business is one of the country's top priorities, and, second, requires that small business be addressed as a separate and unique economic factor in its own right. Furthermore, this bill will give the administration, the Congress, and the small business community for the first time ever the tools to analyze effectively, efficiently, and thoroughly all aspects of the current and future status of American small and independent enterprises.

Title III specifically states that the Federal Government is to use all practical means to implement and coordinate all Federal policies, programs, and goals in order to protect the economic interests of small businesses. Furthermore, an economic climate is to be provided which is conducive to the growth and development of this sector and incentives to assure such growth and development are to be established. An additional aim is to reduce the concentration of economic resources and to provide an opportunity for entrepreneurship and inventiveness.

There is declared, also, a policy establishing a national goal to preserve a competitive free enterprise system with private sector incentives that will help provide adequate, reasonably priced capital for small concerns. The Federal Government will coordinate, create and sustain policies and programs that will induce investment in independently owned firms.

Title IV compliments this policy statement by requiring SBA to publish regularly national, and, to the extent possible, regional small business economic indexes which will enable SBA, Congress, small business and other interested parties to determine precisely what is happening economically to the small business sector. This type of information is not presently available from any other source either within the Government or the private sector. Such data is critically important, however, for without it the executive branch and the Congress cannot accurately measure whether the small business sector is expanding or contracting and, in turn, determine what policies, programs, and procedures need to be modified to stimulate and assist this important segment of our economy. Stated another way, such information is necessary in order to make rational, cogent decisions on behalf of small business.

S. 918 also contains another title which is a major breakthrough for small business. Title II legislatively establishes a pilot 3-year small business development center program. The Small Business Development Center Act of 1979 will enable the private and academic sectors to join together to provide management and technical assistance to smaller concerns located throughout a State through the use of satellite and extension type services.

I do want to mention that the relatively short life of the SBDC program requires that programs be developed and implemented in the shortest possible time in order to assure that a thorough and comprehensive evaluation is produced by the study. In awarding the grants, I would urge SBA to give special consideration to a plan utilizing an existing successful small business service program. Such an approach will result in a faster startup time for some of the programs and thereby produce more reliable short-term data.

Increased export assistance will be provided smaller firms by title VII as SBA's Office of International Trade is upgraded and directed to provide additional outreach services. Additionally, two comprehensive studies are to be undertaken to determine how small U.S. companies can significantly increase their volume of overseas sales.

Title VI incorporates S. 388 which was just recently passed by the Senate. This title establishes an employee stock ownership loan program within SBA.

Enabling legislation and funding authorization for the January 1980 White House Conference on Small Business is contained in title V.

Finally, title I provides authorization for 1980 and 1981 SBA appropriations, amends SBA's physical disaster loan programs, and makes certain technical and miscellaneous amendments to the Small Business Act and the Small Business Investment Act of 1958. The authorization part of this title is important and precedent setting in that it allocates additional resources to SBA's economic research and analysis, management, technical, procurement and minority small business assistance activities and programs. Although the agency's financial assistance programs are continued at current levels, there is established a basis for repriorifying SBA's mission by placing greater emphasis on the nonlending functions.

Before closing my discussion on title I, I wish to emphasize that the retroactive aspect of the interest rates on disaster loans will require that adjustments be made for individuals who have already executed their loan agreements. It is the intent of the Small Business

Committee that individuals have the option to decide for themselves whether they will repay the loan over a shorter period of time or pay at a rescheduled lower monthly rate. SBA is expected to take necessary action first, to advise affected individuals that they have an option in terms of repayment, and second, to provide them with a reasonable opportunity to exercise that option without imposing unnecessary burdens on the applicant.

As my colleagues are aware, the omnibus small business bill, H.R. 11445, was pocket vetoed after adjournment of the second session of the 95th Congress. S. 918 addresses many of the same substantive matters contained in H.R. 11445, but does not contain any of the proposals that caused a Presidential veto. For instance, the President vigorously objected to the authorization levels included in H.R. 11445. The Small Business Committee responded this year by setting SBA's overall authorization for fiscal year 1980 at over $100 million less than the administration requested. The physical disaster loan interest rate formulas and eligibility rates have also been amended to meet administration objections of last year.

To better understand the legislative history surrounding this bill, I shall outline those measures the Small Business Committee considered during its 4-day markup of S. 918.

At markup sessions on April 24 and May 1, 2, and 3, 1979, the committee considered seven bills as well as five committee-drafted titles to amend the Small Business Act and the Small Business Investment Act of 1958.

Title I provides for fiscal year 1980 and 1981 authorizations for the Small Business Administration. The title also amends the SBA disaster assistance program and includes other technical miscellaneous amendments to both the Small Business Act and the Small Business Investment Act of 1958.

The committee held a hearing on March 26, 1979, to consider SBA's fiscal year 1980 and fiscal year 1981 program ceilings and budget authorizations.

On April 24, the committee held a hearing to consider S. 40, an SBA disaster assistance measure introduced by Senator FORD on January 15, 1979, and cosponsored by Senators HUDDLESTON, STEWART, DECONCINI, and COCHRAN. The committee also considered at that same hearing S. 515, another physical disaster relief measure introduced by Senator JOHNSTON on March 1, 1979.

Both of these bills were later taken into account during the committee markup on part B of title I, section 112, relating to SBA's physical disaster loan programs.

Section 117 of the same title also incorporates S. 1029 by amending the Small Business Act to provide debenture financing for SBA's local development company loan program. Senator NUNN introduced S. 1029, on April 26, 1979, and was joined by Senator WEICKER as an original cosponsor.

Part of S. 793 was also considered in the technical and miscellaneous part of title I. It appears as section 118 which enables SBA to expand the bank certification program. Senator NELSON introduced S. 793 on March 27, 1979, and Senators NUNN, CULVER, BAUCUS, WEICKER, HATCH, and PRESSLER have joined as cosponsors.

Title II, cited as the Small Business Development Center Act of 1979, provides for the creation of a small business development center program. This title incorporates the provisions of S. 918 in amended form. The bill was introduced on April 9, 1979 by Senator GAYLORD NELSON; 2 days of hearings were held on the measure: April 5 and 26, 1979.

This title also reflects those provisions contained in S. 972 introduced in the 95th Congress on March 10, 1977; 4 days of hearings were held on S. 972 prior to Senate passage on August 5, 1977: March 23, 1977, April 20, 1977, April 26, 1977, and June 30, 1977.

Senators who joined in introducing S. 918 were: Senators NUNN, CULVER, HUDDLESTON, MORGAN, SASSER, and WEICKER.

Title III, cited as the Small Business Economic Policy Act of 1979, is a committee amendment which incorporates many of the provisions of title III of the conference version of H.R. 11445 as well as S. 1726, which was introduced in the 95th Congress by Senator Hubert Humphrey on June 21, 1977. The committee considered S. 1726 during 3 days of joint hearings with the Joint Economic Committee: June 29, 1977, July 21, 1977, and November 21, 1977.

Title III also includes several sections of S. 2367, a bill introduced on December 15, 1977, by Senator NELSON. That measure was cited as the National Small Business Policy Act, the most important provision of which is included as section 302 of S. 918.

Title IV, Small Business Economic Analysis, is another committee amendment which includes other sections of S. 1726 which do not appear in title III.

Title V is cited as the White House Conference on Small Business Act. This title was drafted by the committee to provide enabling legislation for the White House Conference on Small Business which is scheduled for January 1980. President Carter announced the conference on April 6, 1978, in response to Senate Resolution 105 introduced in the 95th Congress by Senator NELSON on March 3, 1977, and passed by the Senate on March 28, 1977.

Title VI is referred to as the Small Business Employee Ownership Act. Except for a minor amendment, this title incorporates the provisions of S. 388, which was approved by the Senate on May 2, 1979. The bill was introduced on February 8, 1979, by Senator STEWART. A 1-day hearing was held on the measure on February 27, 1979. Senators who have cosponsored S. 388 are: Messrs. NELSON, WEICKER, HATCH, PRESSLER, BAUCUS, CRANSTON, GRAVEL, INOUYE, LEAHY, LEVIN, MORGAN, RIEGLE, ZORINSKY, BENTSEN, DOMENICI, GOLDWATER, HATFIELD, HAYAKAWA, HEINZ, HUMPHREY, BOSCHWITZ, and SIMPSON.

Title VII is referred to as the Small Business Export Assistance Project of 1979. This title was drafted by the committee to reorganize and upgrade the Office of International Trade of the Small Business Administration and to direct the agency to undertake a study known as the "Small Business Export Development Report."

Mr. President, I firmly believe that this measure will vastly strengthen the small business sector and will be long remembered as landmark legislation. I strongly urge its adoption.

Mr. President, I ask unanimous consent that a statement giving the background for consideration of title II, small business development centers, be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CONSIDERATION OF TITLE II SMALL BUSINESS DEVELOPMENT CENTERS

HISTORY

In 1976, SBA administratively created a university business development center program. It named 8 universities located in 7 states to begin operating the "UBDC" program. Funding in that first year amounted to only $40,000 per center. Funding for FY 78 and FY 79 has never exceeded $300,000 per state.

WHAT THE BILL DOES

Title II creates a Small Business Development Center program—not a university business development center program.

As opposed to SBA's administratively designed program which deals only with specifically named universities, S. 918 requires the development of a State plan detailing how small businesses located throughout the State will receive management and technical assistance from both private and academic sources. The bill requires that certain minimum service and staffing be provided by each center, that satellite locations be utilized, and that an extension-type delivery system be implemented. Furthermore, multiple public and private institutions of higher learning are to be involved in the program, if at all possible.

None of these requirements exist in SBA's currently managed program.

PROGRAM EVALUATION

Some have suggested in the past that the legislatively mandated SBDC program not be adopted until SBA's UBDC program has been evaluated. It has also been suggested that if the SBDC program is enacted, that provisions should be made for evaluation of the statutory program.

I am pleased to say that the Small Business Committee was responsive to both suggestions when reporting title II this year.

First, SBA undertook an Office of Management and Budget directed study of the UBDC program last year, and reported the fundings to the Committee.

Futher, SBA contracted with a private consulting organization to make a comprehensive, in-depth evaluation of SBA's UBDC program. The preliminary report of that independently conducted * * * submitted to the Committee prior to the mark-up session of the bill.

Both studies conclusively demonstrated that this type of program is tremendously crucial to small business and that a government, academic, and private partnership arrangement is feasible, workable, and productive. Therefore, based on these two analysis, I believe we can confidently move forward with the next step and adopt a three-year experimental statutory program.

To insure that that program is properly evaluated as well, new section 21(n) of the Small Business Act requires a comprehensive program review be submitted to Congress no later than January, 1982. So that there is no misunderstanding as to the purpose of this evaluation, I wish to quote from the legislation:

"(n) The Administration, with the advice of the Board, shall establish a plan for evaluation of the small business development center program which may include the retaining of an independent concern to conduct such an evaluation. The evaluation shall be both quantitative and qualitative and shall determine—

"(1) the impact of the small business development center program on small business, including local and regional private consultants, and the socioeconomic base of the regions served;

"(2) the multidisciplinary resources the small business development center program was able to coordinate to assist small business; and

"(3) the extent to which various types of small businesses engaged in such areas as manufacturing, retailing, wholesaling and services have been assisted by the small business development center program."

Once this evaluation is completed, the Congress can then make a determination as to whether the program should be terminated or expanded.

GAO EVALUATION

The Senate last year adopted an amendment to H.R. 11445, requiring that the SBDC program be evaluated by GAO. Shortly after Senate passage of that measure, and before the conferees met to resolve their differences on title II of H.R. 11445, the Comptroller General, Elmer Staats, wrote to me as Chairman of the Small Business Committee vigorously protesting the inclusion of a statutorily mandated GAO review. He urged that that provision be deleted and that instead a review be requested by the Committee at the appropriate time. The conferees complied with that request, but by doing so I do not want to leave the impression that the amendment was not meritorious. At the appropriate time it is my intent to ask GAO to evaluate the operation of the statutory SBDC program.

PROGRAM TERMINATION

To assure all those who have been interested in this program that title II creates a truly *pilot, experimental* program, a sunset provision is contained in section 204 which repeals the title effective October 1, 1982, unless otherwise extended by the Congress.

NUMBER OF PARTICIPATING STATES

Since the SBDC program envisioned in title II is experimental in nature, the Small Business Committee declined to place a statutory limit on the number of States that can participate in the program. There are presently 9 states plus the District of Columbia participating in the SBA center program. It is anticipated that approximately five more states will enter the program under title II guidelines within the next year.

The report accompanying S. 918 speaks to this issue and since it is such an important question, I wish to quote from the report:

"For purposes of expanding the SBDC program during the statutory pilot period of three years, SBA is urged to look for unique or unusual services and Outreach endeavors that would be offered and undertaken by a State applying for admittance into the program. All types of demand end environmental variables should be taken into account to assure that the program is given a full-fledged, comprehensive test.

For instance, does the total overall program take into account such characteristics as: population density; types of businesses to be served, i.e., service, manufacturing, retailing, utilization of existing private or government resources; and application of different disciplines such as science, engineering, design, and business.

The Committee believes the program should be innovative and experimental and the agency should be on the lookout for States that wish to operate SBDCs that may be different from existing State SBDCs. Program diversity is what is needed, not program uniformity."

The point is the Committee did not want to limit SBA's flexibility in determining the maximum number of states that could participate because to do so might inadvertently prevent some unique or unusual aspect of the program from being tested. We want to be assured that all those characteristics mentioned in the report are addressed. I'm certain that there may be program variations that may be proposed which we have not considered in drafting the legislation. To guarantee that these different twists on the program are adequately and fully taken into account, no ceiling should be placed on the number of participating states.

PROGRAM EXPANSION CONTINUED

During hearings on S. 918 this spring, witnesses urged that SBA be given the final authority to determine the number of states that should participate in the pilot program. They pointed out that ideally there should be at least two states testing each major element of the program. For instance, there should be two states incorporating an existing extension service program in both engineering and business, two industrial states, two states sparsely populated, two states having large minority populations, and at least two states from each geographical region of the country.

The total number should approximate 15 states, but if there needs to be as many as 16, 17, or even 18 states admitted to make certain that all critical aspects of the program are fully tested, so be it.

Under no circumstances do the supporters of this measure want the program needlessly expanded because it is designed only to be a test. However, if we exclude some new aspects or a different program "twist" from being tested, then the legislation to some extent will have failed in its intent.

The answer is to let SBA have the final say on how many states participate.

There is one other limiting factor that assures that the program will not experience unreasonable expansion. It is intended that each state on average will receive a grant of about $1 million. The funds authorized over the next three years will not permit a program expansion much beyond 15. However, it might be possible for SBA to allow another 2 or 3 states entry into the program if justified and sufficient funds are available. Again, I want to emphasize the report language: "The program should be innovative and experimental and the agency should be on the lookout for states that wish to operate SBDCs that may be different from existing state SBDCs. Program diversity is what is needed, not program uniformity.

I urge no statutory limit in order that there is diversity, NOT uniformity.

DUPLICATION OF PROGRAMS

Last year during debate on H.R. 11445, there was some concern expressed that the statutory SBDC program might duplicate other Federal Government programs. I assured my colleagues at that time that the small business development center would not be duplicative, but in fact would complement other programs, particularly that at the Department of Commerce. Preparatory to floor consideration of S. 918, I asked SBA to do a comparative analysis between the Economic Development Administration, Office of Minority Business Enterprise, and SBA sponsored university related programs.

For summary purposes, let me say that EDA's program is exclusively concerned with saving and creating jobs in economically distressed areas. The EDA university center program services both large and small businesses as well as community organizations and development groups and then only within that section of a state or region which is classified as a distressed area.

SBA's business development center program, on the other hand, is solely concerned with strengthening small business concerns, regardless of whether they are located in a distressed area or what effect the assistance rendered by a center has on employment.

Both SBA and EDA programs have a different means of delivery. SBA sponsored programs make extensive use of volunteers, faculty, graduate students, and paid private consultants. EDA's program relies principally upon faculty students.

SBA also leverages other Federal, state, and local programs by functioning as an umbrella management organization that draws upon the resources of all available pertinent programs. EDA utilizes other existing programs to a much more limited extent.

OMBE's university programs are not directly comparable as they deal only with minority business concerns and are not solely concerned with providing management and technical assistance, i.e., assistance is rendered to state governments and other research and development endeavors.

Mr. NELSON. Mr. President, I yield the floor to the distinguished Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, the Small Business Committee, under the able leadership of its chairman, Senator NELSON, has worked hard to produce a good Small Business Administration authorization bill. After a great deal of "give and take," we have come up with a bill which is budgetarily sound yet provides adequately for the needs of small businesses. I commend the chairman and other members of the committee for their efforts on this bill.

A key part of the bill is the section which deals with disaster loans. A great deal of controversy has revolved around this issue and at times it appeared that it might scuttle the whole bill. However, with a lot of hard work we were able to arrive at a compromise which is compassionate for disaster victims and which helps us meet the urgent need for balancing the budget.

Although every member of the committee contributed to this effort, the distinguished Senator from Georgia (Mr. NUNN) is commended for his substantial contribution.

The compromise provision addresses the two major concerns about disaster loans. First, and I believe most important, it would establish interest rates on SBA disaster assistance at 3 percent on the first $55,000 for homeowners and 5 percent on disaster loans to businesses when they cannot secure credit elsewhere. Since October 1978 these interest rates have been set at cost of money to the Government, which is presently computed by SBA to be 7⅜ percent.

I believe that these reduced interest rates are extremely important. They provide the means for individuals to get back on their feet in a relatively short period of time after, in many cases, losing everything they possess in a disaster. These individuals are deserving of extra assistance from their Government and I am proud that we have been able to accomplish this.

As many of you know, the issue of subsidized interest rates was one of the primary reasons the President vetoed the SBA bill last year. Further, the bill provision was strongly attacked by the Budget Committee last year. Fortunately, the compromise we have worked out enables us to mix compassion and good fiscal policy to arrive at a workable solution which benefits the disaster victims.

I personally would have preferred lower interest rates for disaster victims and, in fact, the bill which Senator Ford and I introduced would have extended the previous lower rates of 1 percent. However, after chairing the Small Business Committee hearings on the disaster program I became convinced that a compromise was the only answer. Seeking a lower interest rate than we have in the bill means that the bill would be subject to challenge for exceeding the budget. And, if it passed this hurdle it still would be subject to a veto by the President.

The second part of the compromise is focused on the participation of farmers in disaster programs. Farmers were expressly made eligible for assistance from the SBA through amendments to the Small Business Act in June 1976. Since that time their participation has grown substantially, even though they are eligible for assistance from FmHA. The reason for this preference has been that the SBA program is less stringent in its application. There is still a great deal of strong sentiment that farmers are the same as other small businesses and should be treated the same. Bearing this in mind we devised a compromise which substantially equates the two disaster programs in SBA and FmHA. Since farmers usually have closer contact with FmHA it is believed that they will gravitate toward that agency for assistance because they will be treated essentially the same at both agencies under this legislation. However, because the two programs could not be totally equalized, farmers will still be able to come to SBA for assistance if they do not qualify for it at FmHA. The equating of these two programs involves amending the Consolidated Farm Act. The distinguished chairman of the Agriculture Committee (Mr. Talmadge) assisted in accomplishing this.

The equalizing process we use in the bill continues to give subsidized interest rates of 5 percent to farmers and businesses under both SBA and FmHA if the applicants cannot secure credit elsewhere. If they can secure credit elsewhere, they would still be eligible for disaster loans, but at the cost of money to the Government. The method of computing cost-of-money would be that now utilized by FmHA, which is presently 8¼ percent. Furthermore, the cost-of-money loans would be reviewed after a period of years and if the recipient was financially able to do so he would be graduated to a private loan at market rates.

This aspect of the compromise would, for all practical purposes, divert most farmers from the SBA loan window without discriminating between them and other businesses. And, it would impose a limited-credit-elsewhere test which is an important factor to the administration.

This compromise, as with most, does not please everyone completely. However, we must remember that there are strongly held views on all the points involved in the compromise and without it we are left in the polarized position we found ourselves in last year. I support this effort and hope that the rest of my colleagues will also.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Will the Senator yield to me briefly?

Mr. HUDDLESTON. Yes.

Mr. STENNIS. Has the Senator from Kentucky finished his opening statement?

Mr. HUDDLESTON. Yes.

Mr. STENNIS. Mr. President, I have a deep sense of gratitude as one from a State which has been adversely affected, to a very marked degree, by one of the most disastrous floods we have ever had, considering the small area that it covered. It was one of the most injurious, really, to thousands of people.

I especially commend the Senator from Kentucky, and thank him and all the others who contributed so much to the working out of this bill, with reference, particularly, to the disaster loan, and also to other phases of the bill.

I shall not speak on the bill as such, Mr. President. But I want to thank the Senator from New Jersey (Mr. Williams); the Senator from Idaho (Mr. Church), who had matters of deep concern regarding the bill and the taking it up tonight, who went a long way in the spirit of compromise and accommodation toward getting the bill up for consideration before the week is out; the Senator from Connecticut (Mr. Weicker) with his very fine attitude and help; the Senator from Maine, who has already spoken with reference to arranging for the upping of the necessary amount for the bill to come within the budget ceiling; and the Senator from Oklahoma.

I commend my colleague from Mississippi (Mr. Cochran), who has worked most diligently on this matter all the way through the happening of the floor which centered on his hometown, in preparation for the hearings and during the hearings, in helping to work out the bill. He deserves the greatest of credit. I am really proud of the record, the fine attention, and effective work he has done on the bill.

This is not just an ordinary, little backwater injury that these people in the disaster had. Their homes, many of them, were literally ruined, with everything they had in those homes, including clothing, and things of that kind. They are living in the yards or driveways in trailers. They are unable to keep all the children in school. It is not just some poverty level conditions, but the general disorganization. So it is timely that the bill be passed.

I am going to support the bill, Mr. President, as it is presented by this committee. I must move along and it had to have the Budget Committee to get the ceiling raised tonight. I have made a lot of inquiries into it, have taken part in many negotiations with several Members, and it has led me to believe that this bill is the only one, probably, that can be passed in any way near its present form. I understand it has some support in the House already, and in the White House, too, in its considerations. But I think on the whole, that is where the interest lies.

I thank the Senator very much for yielding to me.

Mr. President, I appreciate, again, the consideration by all, including the staff, on this Small Business Committee.

Mr. WEICKER. Mr. President, I ask unanimous consent that Stephen Beck of Senator Schmitt's staff and Renn Patch of Senator Hatch's staff be granted privilege of the floor during consideration of S. 918.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, since 1977, when the Senate Small Business Committee received legislative jurisdiction, the committee has sought to reorder the priorities of the Small Business Administration. The major emphasis of the committee, through its authorizations power, has been on the nonlending functions of the SBA.

Since its creation in 1953, the SBA has principally been a lending institution. Nearly two-thirds of SBA's personnel are directly involved in loan processing, administration and liquidation. As a result of this large allocation of resources to the SBA's lending programs, the advocacy and business development programs have been sorely neglected.

The legislation we are considering today is designed to correct this lop-sided allocation of resources. Title I, part A of S. 918 establishes spending floors in nonlending areas such as management. Through this budgetary technique, the committee provides SBA with a clear signal to readjust its direction and priority. As the ranking member of the Authorization Committee and Appropriations Subcommittee having jurisdiction over SBA, I intend to continue to pursue this effort.

Mr. President, the Small Business Committee, and particularly this Senator, has continually stressed the need for SBA to become an effective advocate for small businesses. In 1978, the Senate confirmed the first Chief Counsel for Advocacy in the agency.

Along with this confirmation, additional resources were specifically authorized and appropriated by the Congress for this function. Over the last year, the staff of the Office of Advocacy has dramatically increased. Despite these initiatives, SBA has failed to aggressively represent the interests of small business within the Federal Government.

The agency must place a greater emphasis on analyzing the impact legislation and regulations will have on small business. Small business needs an effective voice within the Federal bureaucracy. All too often, concerns of small business are an afterthought in the drafting of legislation and regulation. It ought to be one of the primary duties of SBA to change that situation. Despite this committee's often stated concerns, small business still lacks an effective voice.

An example of this situation was the absence of any input by the SBA concerning the small business set-aside program aspect of the terms of the multilateral trade negotiations. At hearings before State, Justice, Commerce Subcommittee of Appropriations, in response to my question, Mr. Weaver admitted that he was not consulted prior to the negotiations. These negotiations would have fundamentally altered a long-standing policy of earmarking procurement contracts for small businesses, and the Administrator for SBA, the President's chief spokesman for small businesses was not even consulted.

Fortunately, congressional pressure, coupled with an outcry from small businesses, forced the administration to reconsider its position in this case. However, small businesses have not fared so well on other occasions. Neglect of small business concerns has been evident in the administration's policies on taxes, innovation, technology, and energy.

Of course, if the SBA is to be an effective advocate, it must have access to current information on the condition of small businesses in our economy. This information is also essential to the Congress to enable it to make informed judgments in developing legislation to aid small businesses.

Mr. President, it is absolutely incredible to this Senator that after 25 years of operation, the SBA has no such economic data available which specifically addresses the status of small business.

Last year, Congress authorized and approved $4 million for the development of a small business economic data base. However, the agency requested that the Congress rescind $2.129 million of that amount. Furthermore, in its fiscal year 1980 budget, SBA assigned $905,000 for this function.

It is clear that the agency has not ascribed the same priority to the development of this essential data base as has the Congress. By specifically authorizing $3 million for the development of the data base and for economic research, the Small Business Committee expects the agency to take substantial strides in this area.

In addition to this increased authorization for the small business economic base, title IV establishes clear guidelines for small business economic research and analysis. This title directs the SBA to regularly publish national and regional small businesses indices as a guide for the development of future policies. Furthermore it clearly enunciates the congressional intent for the utilization of funds provided for economic research and analysis.

This committee also feels that SBA should become more business-development oriented. Over the past three decades, about 30 percent of all new enterprises failed within the year, while 50 percent went out of business within 2 years. One of the basic causes of this failure rate is the lack of basic management and technical skills. Along these lines, title II of the bill authorizes $8 million in fiscal year 1980 for the creation of small business development centers. These centers are designed to provide small businesses with management and technical assistance. These services will be provided through an extensive delivery system utilizing resources of both universities and the private sector. The committee will carefully monitor this program to insure that small businesses benefit from this program.

Mr. President, I would now like to highlight some of the other important sections of this omnibus legislation.

Section 117 would provide a new authority for SBA to guarantee debentures issued by local development companies. Originally introduced as S. 1029 in this Congress by Senator NUNN and myself, the provisions of this section will help involve private enterprise in the important task of developing the economic base of our Nation's urban centers. A similar provision was included in H.R. 11445 which was passed last year by both the House and Senate, but was vetoed by the President. I might add that the President did not find fault with this provision in rejecting the omnibus bill last year.

There is presently a major capital gap for urban small businesses which the present SBA section 502 local development company program cannot effectively solve. This section, by creating a partnership between the Government and small businesses, will help fill this gap. The SBA will be authorized to guarantee the full amount of debentures issued by eligible local development companies. However, the amount of the debenture to be guaranteed cannot exceed one-half of the project cost, thereby necessitating that the remaining half be supplied by private sources. This approach provides security to the Federal Government, as responsible private lenders will not be willing to assume such a large exposure in an unsound commercial deal.

An appropriation of $750,000, as a reserve against losses, will create $50 million in new Federal guarantees, and accordingly a matching amount of $50 million of private sector financing. This $100 million program, at a cost of three-quarters of a million dollars, will create 10,000 new jobs.

Another important provision of S. 918 includes handicapped organizations in SBA's procurement set-aside program. This provision will provide handicapped organizations with the opportunity to compete for Government contracts which currently are not available to them.

Under a pilot program in fiscal year 1978, sheltered workshops were eligible for small business set-asides, and they bid on approximately $2.5 million in Government contracts. Though the dollar amount of contracts awarded was small, about $1,133,000, this amount provided employment for a great number of handicapped individuals.

Provisions of S. 918 will make handicapped organizations permanently eligible for participation in the set-aside program.

Mr. President, I have purposely left the most controversial portion of this bill to last—specifically the disaster loan provisions. The compromise the committee has fashioned I believe effectively speaks to the problems addressed by the Budget Committee.

I commend Senator MUSKIE for his leadership in attempting to gain fiscal control of this program. Last year, I strongly supported his efforts on the floor and in conference to maintain the interest rate on disaster programs at the cost of money to the Federal Government—currently 7⅜.

During the severe droughts of 1977, the Small Business Administration determined that crop loss was eligible for disaster assistance. In that year, the SBA disaster program skyrocketed to over $2.5 billion, of which $1.5 billion could be directly attributable to drought assistance. Mr. President, we must get a handle on this program.

This compromise developed by this committee has the support of the administration. Chairman NELSON has already detailed the provisions. I would simply like to emphasize a few points.

First, homeowners will receive disaster loans at decreased subsidy interest rate of 3 percent. The committee recognizes the trauma involved when one's principal residence is destroyed. Accordingly, the reduced interest rate was agreed to.

Second, the credit elsewhere test will apply only to businesses. It will not affect eligibility, only the level of interest rate applied.

Third, no business or firm currently receiving Federal disaster assistance will be denied such assistance under this proposal.

Mr. President, this legislation is a product of over 2 years of work. This committee is painfully aware of the poor performance record of SBA. Last year, our efforts to reshape this agency were thwarted by a Presidential veto. Now, unfortunately, we must start anew and valuable time has been lost. In the interim, small businesses remain the "forgotten sector of our economy."

Mr. President, it is appropriate that we are considering this legislation during Small Business Week. I urge the adoption of this legislation to assist the small businesses which are the backbone of our Nation's free enterprise system.

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. HUDDLESTON. Mr. President, will the Senator withhold that for a couple of minutes and let us get the committee amendment agreed to?

Mr. HEINZ. The Senator from Pennsylvania apologizes and is happy to withhold the amendment.

UP AMENDMENT NO. 158

(Purpose: To delete title VII of the Committee amendment)

Mr. HUDDLESTON. Mr. President, I call up an amendment on behalf of the chairman of the committee, Senator NELSON, and Senator WEICKER.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. Huddleston), for Mr. Nelson and Mr. Weicker, proposes an unprinted amendment numbered 158:

Beginning on page 72, strike all of title VII.

Mr. HUDDLESTON. Mr. President, this amendment strikes title VII of the bill for the purpose of sending it back to the committee. The intent of the committee is that it will be reported for action on the Senate floor within a couple of weeks.

If there are no questions, I move the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

UP AMENDMENT NO. 159

(Purpose: To make certain technical and conforming amendments to the Committee amendment)

Mr. HUDDLESTON. Mr. President, I send to the desk technical conforming amendments, and I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. Huddleston) proposes an unprinted amendment numbered 159.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, line 10, insert the word "a" after the phrase "but at".

On page 52, line 13, strike "the light" and insert in lieu thereof "light".

On page 57, line 5, strike "Administrator," and insert in lieu thereof "Administrator".

On page 66, line 4, strike "ot" and insert in lieu thereof "to".

On page 69, line 21, strike "criteria," and insert in lieu thereof "criteria".

On page 70, line 18, strike "default:" and insert in lieu thereof "default;".

On page 28, line 10, insert after the words "actual loss" the word "caused";

On page 28, line 17, strike "subsection" and insert in lieu thereof "sentence".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUDDLESTON. Mr. President, I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I ask this question of the able manager of this important bill, the Senator from Kentucky (Mr. Huddleston) and the co-manager of the bill, the able Senator from Connecticut (Mr. Weicker): Does the Small Business Administration make loans to aliens at the present time?

Mr. HUDDLESTON. It is my understanding that they do.

Mr. RANDOLPH. Will the Senator give his opinion as to the provision in the Small Business Administration law as it initially was passed and has been amended?

Mr. HUDDLESTON. According to the information, the SBA has no authority to make aliens, as such, ineligible for SBA assistance. Federal agencies are not completely forbidden to distinguish between aliens and citizens, but absent congressional or Presidential action, they can only do so if they are exercising powers delegated to them in such fields as immigration, naturalization, national security, or foreign affairs. The SBA has no authority to make its own policy in this area.

Mr. RANDOLPH. The response is correct.

When the Small Business Administration came into being, it was not my privilege to be a Member of either body of Congress.

Is it not true that there are provisions in other lending laws passed by Congress that Congress itself specifically prohibits loans being made to aliens?

Mr. HUDDLESTON. That is correct. I think the Farmers Home Administration does have that prohibition.

Mr. RANDOLPH. What does the Senator think about amending the present act to prohibit the lending of money of the Federal Government to aliens through loans?

Mr. HUDDLESTON. I have been on the Small Business Committee for a short time, but it is my understanding that this matter never has been considered by the Small Business Committee and legislation has not been offered to effect that change.

Mr. RANDOLPH. This subject was brought to my attention in the past few weeks. I have discussed this situation with a representative of the Small Business Administration. It was explained that certain laws forbade the Federal Government to loan money only to American citizens. There was no specific prohibition, however, in the SBA Act prohibiting the lending of money to aliens.

I question the policy of lending of money of the Federal Government to aliens. It is in a spirit of understanding that I discuss the matter this evening.

I have been told that in one area of the country, the percentage of aliens who have been given loans is running 15 percent of the volume of the loans from one SBA district office.

I will not offer an amendment to this bill. I am not sure how the membership of this body feels. Would any Member want to discuss this matter?

Mr. NELSON. Mr. President, I say to the distinguished Senator from West Virginia (Mr. Randolph) that the statistic to which he refers is brand new to me. I assume there may be cases in which it would be perfectly sensible to lend to somebody who was not a citizen of this country and who may very well become a citizen at a subsequent date, or who may be applying for citizenship. I do not know of any specific cases. But I say to the Senator that the point raised is brand new to this Senator.

We will have some other legislation later this year, I believe. I am prepared to assure the Senator (Mr. Randolph) that I will get information from the Small Business Administration, make the inquiry tomorrow, explore the situation. If in fact, some legislation should be addressed to this problem, we will have an opportunity to do it later this year.

Mr. RANDOLPH. I am very grateful to the able Senator from Wisconsin, the able chairman of the Small Business Committee. I feel that we need to go into this matter in some detail, certainly to be fair. Reports have come to me that there is urging on the part of the SBA—I am not fully informed and perhaps I am not factual, but I will look into the possible encouragement of SBA loans to aliens.

Mr. HUDDLESTON. I would be glad to join the Senator from West Virginia and the distinguished chairman of the committee in exploring this situation and making a determination as to the recommendations the committee should make in regard to it.

Mr. RANDOLPH. I appreciate the chairman of the committee (Mr. Nelson), and the chairman of the subcommittee (Mr. Huddleston), saying that it is a matter that should have the prompt attention of the committee.

I urge the Members present and those who may read the Record to take an interest in checking into this problem or policy. The Farmers Home Administration will not give loans to aliens, through specific legislative intent. The Senator's statement as to the attention he will give to it is very reassuring, and I am grateful.

Mr. HUDDLESTON. I thank the Senator from West Virginia.

Mr. TALMADGE. Mr. President, will the distinguished Senator from Kentucky yield to me briefly?

Mr. HUDDLESTON. Mr. President, if the Senator will give me just 10 seconds here for an amendment, I will yield to the Senator from Georgia.

Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be agreed to and that the bill as amended be considered original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. I yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, section 113 of the Small Business Investment Act amends section 324 of the Consolidated Farm and Rural Development Act by imposing a two-tiered interest rate structure on the emergency loan program of the Farmers Home Administration. I support this provision of S. 918.

Although the legislative jurisdiction for the Consolidated Farm and Rural Development Act rests with the Senate Committee on Agriculture, Nutrition, and Forestry, the committee believed these amendments were both desirable and needed. Therefore, in consultation with the Small Business Committee we agreed that the Agriculture Committee would not seek jurisdiction over those provisions in S. 918 which under normal circumstances, would have been referred to the committee.

The two-tiered interest rate structure is not a new idea. The idea was first proposed by the late Senator Allen in the Agriculture Credit Act of 1978. The Consolidated Farm and Rural Development Act would be amended to provide that an interest rate of 5 percent would remain available to agricultural producers who were unable to obtain credit from other sources. Those producers able to obtain commercial credit would also be eligible to borrow from FmHA under the new provisions, but the interest rate for these borrowers would be at a cost-of-money to the Government with a 1-percent add-on for administrative costs. The bill makes similar adjustments in the SBA's disaster lending authority.

For 2 years now, both the administration and the Congress have been wrestling with policy questions concerning who should be providing disaster assistance to our agricultural producers and whether or not the differences between the Small Business Administration physical disaster program and the Farmers Home Administration emergency loan program are such that the Farmers Home Administration is in fact treating our farmers and ranchers as "second-class citizens." Much time and energy has been expended in trying to find answers to these and other questions.

In the summer of 1977, I chaired a meeting which was attended by Secretary of Agriculture Bob Bergland; Mr. Vernon Weaver, Administrator of the Small Business Administration; my fellow Senator from Georgia, SAM NUNN; Congressman NEAL SMITH of Iowa; as well as a number of other Senators and Congressmen. That was the first time in which the Small Business Administration became heavily involved in agricultural disaster lending, and it was apparent even then that not only would they have difficulties in administering any agricultural disaster lending program, but also that the difference in lending philosophy between the two agencies created a climate which was ripe for controversy.

Arguments at that time centered on the interest rates being charged and the credit elsewhere test that has traditionally been applied to the Farmers Home Administration's lending programs, disaster as well as nondisaster. This amendment resolves those arguments in an acceptable manner.

The Farmers Home Administration, as our primary agricultural lending agency, has a nationwide county office delivery system capable of handling the needs of most of our agricultural producers. The bill, however, is not designed to remove the Small Business Administration completely from agricultural disaster lending. What it does do is to mandate that agricultural producers first seek assistance for their agriculture-related losses from the Farmers Home Administration. This I believe is entirely appropriate; however, S. 918 also recognizes the fact that the SBA physical disaster loan program should remain available to those farmer-businessmen who for various reasons would not be able to receive, or do not receive, assistance from the Farmers Home Administration.

I agree wholeheartedly with Senator NELSON and other members of the Small Business Committee when they state in their committee report that this legislation makes he Farmers Home Administration and the Small Business Administration programs as statutorily close as is reasonable and desirable, taking into account the fact that the SBA program is open to other classes of recipients.

In closing I would simply add that the provisions in S. 918 were arrived at in a true spirit of compromise, and I believe the result is a disaster lending program which can be accepted and effectively administered by both the Small Business Administration and the Farmers Home Administration in a reasonable and equitable fashion.

I yield the floor and thank the distinguished Senator from Kentucky for yielding.

Mr. PROXMIRE. Mr. President, will the Senator from Kentucky yield?

Mr. HUDDLESTON. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the distinguished manager of the bill, the Senator from Connecticut, and my colleague from Wisconsin (Mr. NELSON) have done an excellent job in the hearings and markup on this new authorization for the activities of the Small Business Administration. The bill is essentially within the President's budget and he and his colleagues have considerably tightened the language of the law and the administrative procedures of the SBA. He is to be congratulated for his very constructive work in this regard.

However, it is my personal view that the Small Business Administration should be abolished. As a consequence I shall vote "no" on the final passage of the bill.

WHY IT SHOULD BE ABOLISHED

There are dozens of reasons why I take this view. Among them are:

The SBA has a history of political favoritism, bad judgment, and biased decisions. It has been a repository of patronage and scandals under virtually all administrations.

It helps only a minute number of small businesses.

Its minority business program has been a disaster. A recent compilation showed that only 7 of the 32 loans under the program went to minority businesses.

It appears to me that it either makes loans or loan guarantees to those who do not need them at all, or to those who do not qualify. We have seen recent examples of loan guarantees being provided by the SBA to well placed, famous, and well-to-do persons who do not need the loans. I have had numerous calls and letters even from those who pass on SBA loans telling me, on the other hand, that the SBA is now making loans which neither it nor anyone else should make.

It is my view that the SBA should be abolished and that those programs of SBA which are absolutely essential, such as the disaster programs, should be transferred to some other agency such as Commerce, Defense, or HUD in order to avoid duplication.

REFORM IN PRIVATE INSTITUTIONS OBVIATES NEED FOR SBA

Finally, what has now happened to our financial institutions really makes the SBA redundant.

There was a time when qualified minority businesses in the ghettos of this country could not get a loan. They were red-lined. That situation has now been rectified at least to the extent that a minority businessman or woman has a greater chance of getting a loan from existing private local institutions than he or she has of getting a minority loan from the SBA—far greater.

Competition among financial institutions of all kinds is far different today than it was when deserving businesses could be denied loans at the whim of the local banker or by red-lining in the central city.

Those days are largely gone. Credit is now available from the private sector. There is vigorous, active competition to make loans to needy but deserving businesses. In fact, in my view the private credit institutions are way ahead of the SBA in these matters.

Therefore, what may have been a justification for this agency and its programs in the past is now gone.

For fiscal year 1980 the SBA's budget calls for $796.3 million in budget authority, $694.2 million in outlays and the full-time permanent civilian employment of 4,600 people.

While not all of these funds could be saved by the abolition of this agency, which has essentially outlived its usefulness and which has lost its way, much of it could be saved.

CUT SPENDING

The Federal Government is too big. Spending is excessive. The public debt is too high and we are adding from $29 to $40 billion to it.

Since the President says he wants to cut the budget and Congress says it wants to cut the budget, and the people of the country mean it when they say they want to cut the budget, there is no better place to begin than right here.

This is the place to start.

For all these reasons I shall vote "no" on the final passage of this bill.

UP AMENDMENT NO. 160

(Purpose: To revise the duplication of benefits provisions applicable to SBA disaster loans)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) proposes an unprinted amendment numbered 160.

Mr. HEINZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, after line 21, insert:

SEC. 122. Section 7(b) of the Small Business Act is amended by adding at the end thereof the following:

"A State grant made on or after January 1, 1979, shall not be considered compensation for the purpose of applying the provisions of subsection (b) of section 315 of Public Law 93-288 (42 U.S.C. 5155) to a disaster loan under paragraph (1), (2), or (4) of this subsection.".

Mr. HEINZ. Mr. President, I have discussed this amendment with both the majority and minority. I understand it is acceptable to them.

Briefly, as I think most of my colleagues will recall, we had a terrible flood in Johnstown, Pa., on July 20, 1977. Subsequently, the SBA provided loans to victims of this disaster. It was very helpful.

The State of Pennsylvania then established several disaster assistance programs, including one under State Act 51, which was passed pursuant to a special constitutional amendment, that enabled them to provide up to $4,500 in grants to assist families with expenses, working capital, and other types of problems.

The local SBA office is now going around to those hard-hit families and asserting that every single penny that the State of Pennsylvania gives these families pursuant to various State programs must be used to pay off the SBA loans.

We have tried to figure out, since as far as we know this is an absolutely unique experience, what is going on with the SBA, and we have asked the area people and they say, "Well, that is what we think we are supposed to do. Check with Washington."

We checked with Washington. They say, "We do not know anything about it."

It is a real catch-22 situation because no one is willing to take any responsibility or make any decisions.

So the purpose of this amendment is simply to send a message to the SBA that what they are doing just cannot be right. It just cannot be right to say to the State of Pennsylvania, "Look, every single cent you grant for the people who were hard hit by a flood has to be taken away instantaneously to pay off a loan."

Mr. President, I support the intent of section 315 of the 1914 Disaster Relief Act Amendments on the duplication of benefits. But this is simply not the correct way to proceed, and I hope we can send a message here.

I appreciate the chairman and ranking minority member helping me in this regard.

Mr. HUDDLESTON. Mr. President, I think the Senator from Pennsylvania has adequately described the situation that is new to the committee. It has not been considered prior to this moment because we were not aware of the problem. We have agreed that in order to clarify the situation and give us a chance to look at the amendment it is acceptable and between passage of the bill and the time we go to conference we expect to have a more definitive idea of what is involved and what the proper course should be.

I can assure the Senator from Pennsylvania that we will do all that we can do to correct this problem. We see too often, I think, the case where the Government gives with one hand and takes away with the other. Since we are dealing with people who have suffered in a disaster I think it is incumbent upon us to be as generous as we can and to not create situations that will cause undue hardship and thwart efforts of those who may wish to help aid disaster victims.

The distinguished Senator from Connecticut, the minority manager of this bill, has stepped out of the Chamber. He has assured me, however, that this is acceptable to his side. It is acceptable to my side. And we will accept this amendment.

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. HUDDLESTON. I yield.

Mr. HEINZ. I express my appreciation to the Senator. I think he stated the case with great accuracy. I appreciate particularly his sensitivity and that of the committee to this issue, and I know that the Senator understands it and feels, I think, as we all do, that something has to be wrong here. We do not have all the information we need, and this will give us the time to straighten it out. I appreciate the Senator's assistance.

Mr. HUDDLESTON. I thank the Senator.

I move the amendment be adopted.

The amendment was agreed to.

Mr. BAUCUS. Mr. President, the Senate Select Committee on Small Business, of which I am privileged to be a member, this week held 2 days of hearings on the Small Business Administration's set-aside program for Federal timber sales.

Because of the far-reaching effects of this 21-year-old program to the grower, the producer, and the consumer of wood products, I wish to share with my colleagues my remarks before the committee.

Mr. President, I ask unanimous consent that my remarks before the committee be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SMALL BUSINESS ADMINISTRATION'S FEDERAL TIMBER SALES SET-ASIDE PROGRAM

(Remarks of Senator MAX BAUCUS before the Senate Select Committee on Small Business)

There are some half-billion acres of commercial forest land in this nation. Approximately 70 percent of this is privately owned, mostly by small landowners, but also by a forest products industry consisting of several thousand sawmills, planing mills, plywood plants, and paper, pole and other producing plants. These operations play a vital role in the economic and social well-being of our nation.

In the past few years, a number of significant changes have occurred in the forest products industry. Since 1958, nearly 5,000 sawmills employing five or more employees have ceased to operate. Employment in this industry has declined by 60,000 workers.

Since 1963, the degree of concentration in the sawmill sector (measured by the percent of shipments ranked by company size) has likewise changed dramatically. From a modest degree of concentration by the nation's 50 largest firms, their share of the market has increased from 29 per cent to 45 per cent. The degree of concentration by the largest firms was 55 per cent in 1972. This data does not include their imports from Canada which very likely increases their domination inasmuch as softwood lumber imports rose sharply during this period.

Not only has the number of mills decreased, but so has the number of firms generally in the industry. The sector of the sawmill industry showing the greatest decline is the mills with 5 to 45 employees, followed by those with 50 to 99 employees. In short, the smallest of the small mills have shown the greatest mortality.

Correspondingly, the growth of conglomerates in the industry has been substantial, although it is not always apparent to the public. Typically, this is not an industry of giant plants; rather a large firm is likely to control several smaller, widely scattered plants. Economies of scale suggest that the most efficient mills are those employing 100 to 249 workers. This is the only category showing growth during the era in question. Large businesses may also operate efficiently plants with as few as 50 employees.

Contrast this with the papermill industry, which historically has been marked by large plants and a high degree of concentration. The top 50 paper firms control 88 per cent of shipments. In terms of number, the top paper firms account for 25 per cent of all companies, whereas the top 50 sawmill companies account for only six-tenths of one per cent of the firms.

The forest products industry is characterized by a dependence on the lands of others for most of its wood supply. Less than five firms secure a preponderant proportion of raw materials from their own lands.

Since 1952, the acreage of commercial forest land in the United States has changed little, down some 2½ per cent to a total of 488 million acres.

There has been little change in ownership by farmers and other small non-industrial private owners. Some 4 million owners hold 283 million acres of land, or 58 per cent of the total. These lands provide 35 per cent of our softwood supplies—some 3.6 billion cubic feet annually. Although total acreage has changed little, the growth rate on these lands in relation to timber removals has improved significantly—from minus 3 per cent to plus 65 per cent.

Industry lands are the other category of private forests. They total 68 million acres and account for 14 per cent of commercial forest lands. Industry holdings are up approximately 15 per cent since 1952. These lands provide 3.5 billion cubic feet of softwood timber, or 34 per cent of national output. Unlike the other category of private lands, industry holdings show a removal rate well in excess of the growth rate. While the growth is only minus 21 per cent today, contrasted with a minus 32 per cent in 1952, the situation remains a critical one. It is further compounded by the fact that, although we have several thousand firms in our forest industry, only a handful own this forest land. These are mainly the large firms—those classified under the current Small Business standards as having over 500 employees.

The remaining commercial timber forests are found on publicly owned lands and constitute two major categories. The largest, comprising 18 percent of our total commercial forest base, is the National Forest System. Existing in 40 States, but with 85 per cent of the total in the Western States, the national forests contain some 89 million acres of commercial forest lands. This figure is down about 6 percent from the comparable 1952 statistic. These lands, along with other public forests, are managed under a sustained yield concept. Since 1952, removals have risen 107 per cent (to a total of 2.1 billion cubic feet, or 20 percent of supply). The ratio of growth to removals has dropped from plus 63 percent to plus 16 percent.

The other public lands are managed by the Department of the Interior, other Federal agencies and States. They comprise 10 percent of our forest land, or about 48 million acres. As with the national forests, their acreage has declined 5 percent. Their softwood removals are up 97 percent, to 0.8 billion cubic feet, and they comprise 8 percent of our softwood output. Their rate of growth to removals stands at plus 26 percent.

Until 1958, the Small Business Act applied only to objects purchased by the Federal government. The Act was amended then to assure small business a fair share of the sale of objects by the Federal government. The amendment's stated purpose was to "insure that a fair proportion of the total sales of Government property be made . . ." to small business.

The Act left to the Small Business Administration the definition of "small business," and the agency entered into cooperative agreements with timber selling agencies, mainly the Forest Service in the U.S. Department of Agriculture and the Bureau of Land Management in the U.S. Department of the Interior.

In April of 1959, the SBA promulgated rules defining firms with 100 or fewer employees as small businesses for the purpose of bidding on Federal timber. In September of 1959, the figure was raised to 250 employees to assure consistency with standards already operable for SBA loan purposes.

Five years later, in March of 1964, the standard was again increased, this time to 500 employees. In response to an inquiry on this action, the General Accounting Office has noted that the SBA has no documentation on the reason for the increase. This Committee will want SBA to outline the size standards currently applied to its other programs which are available to the forest products industry.

The size standard has remained at 500 for the past 15 years, despite numerous efforts (mainly by large firms) to secure revisions. SBA has conducted reviews in 1966, 1973 and 1975. Twelve large firms sued in 1971 to change the program (*Duke City, et al.* v. *Butz;* 382 Fed. Supp. 362; 539 Fed. Rep. 2nd Sec. 220, July 6, 1976). The District Court, whose judgment was ultimately affirmed, agreed that the large firms had the standing to sue, but it also found that they had no case. The Court determined that the decision to institute set-asides had a rational basis and was within the Administrator's statutory authority. It held that the process did not deny the large firms administrative due process. Further, the set-asides process did not require an Environmental Impact Statement under the National Environmental Protection Act. Finally, the Court found no evidence, as alleged by the large firms, that their Fifth Amendment rights were violated, nor were other Federal statutes violated. The Court of Appeals termed the opinion of the District Court as "able," and adopted all of it with the exception of a technical procedural point pressed by the Government.

Thus the 12 large firms failed to upset the set-aside program in Court. If anything, the legal basis for the program has been strengthened.

Given this background, it would be my view that this Committee should proceed cautiously with any proposal to change, either by statute or administratively, the current standard.

Although caution is advised, this is not to say that no further concern is warranted. The charter of this Committee is to promote and protect small business. Despite the 21-year existence of the small business set-aside program for Federal timber sales, the evidence I have seen indicates that small business, by almost any standard, is shrinking and the degree of concentration by the large firms in the forest products industry is growing.

Thus I suggest at the outset that the comments of witnesses on these observations will be most welcome.

Further, I would note that there seems to be a scarcity of authoritative studies by SBA, studies done for SBA, and other independent studies of trends in the wood products industry and their meaning for the grower, producer and consumer of wood products. I am leaning toward proposing that a comprehensive and totally objective set of studies be promptly commissioned by the SBA which will both examine the situation and define possible areas for action. I would hope the witnesses would address this topic.

Finally, let me comment on a recent study conducted by the General Accounting Office on aspects of the set-aside program. The agency made five principal findings:

(1) The program has had little adverse effect on communities.

(2) Companies with fewer than 100 employees have benefited less than firms with 100 to 500 employees. This is confirmed in general by an examination of census data on the industry, although census data covers all firms in all States, including those where there is little or no public timber.

(3) The program tends to remain static in the proportion of timber allocated to small and large firms. It may well be that if "small business" is declining, its share in certain situations deserves to be increased to assure its survival.

(4) The General Accounting Office states there is no record that the SBA considered factors required by its regulations in setting the timber industry size standard. This judgment appears to be at odds with the Court's findings in the Duke City case, where this issue was subject to extensive litigation.

(5) Set-aside sales have been higher in quality but have returned less revenue than open sales. This topic is intimately tied to whether the appraised prices for Federal timber represent a good judgment of fair value, whether bid prices on open sales are influenced by other outside factors, and whether the number of bidders and other factors affecting competitive offerings are functioning in a way which best serve standards that are applicable to set-aside and open sales.

The Committee will welcome comment on the GAO report, as well as all other aspects of this problem which deserve analysis.

The hearing record will remain open for 30 days after the close of these deliberations for submission of additional information. A determination will be made on whether such materials will be placed on view in the Committee files or printed in the hearings.

Although the issue of size standards is the focal point of these hearings, I would hope the witnesses will feel free to provide the Committee with supplemental statements on any matter which they feel will help promote a healthy and viable small business sector in our forest products industry.

UP AMENDMENT NO. 161

(Purpose: To provide for a study of the forest products industry)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an unprinted amendment numbered 161.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 18, line 16, strike the period and insert in lieu thereof "; and". On page 18, after line 16, inserting the following: "(8) not to exceed $200,000 shall be available for a study the purpose of which shall be to define and describe the forest products industry and, in particular, to define and describe that portion of the forest products industry which consists of small businesses, to identify the trends and conditions affecting the survival of small businesses as a viable portion of the forest products industry, and to propose actions and programs to assist and promote a broadly based nonconcentrated, healthy forest products industry. In conducting the study and investigation pursuant to the preceding sentence, particular attention should be given to the analysis and review of, and recommendations with respect to, reasons for failure among firms within the forest products industry.

Mr. BAUCUS. Mr. President, this is a fairly simple amendment and the circumstances are very important to the small timber producers in the Rocky Mountain West and other parts of the country.

Essentially, Mr. President, the Small Business Administration today administered what is called the small business timber setaside program for small businesses, small timber producers. It is a program where a certain share of timber sales on the national forests are allocated to small timber producers. It is a program that began in 1958.

Unfortunately, though, since 1958, about 5,000 small timber producers have collapsed and folded up and gone out of business, and the purpose of this amendment is very simply to provide for $200,000 for a study to be undertaken by the SBA to get a lot better data.

Today we do not know why these businesses, the 5,000 since 1958, that are participating under the setaside program, are going out of business. We need better information, and there is no other agency that provides the information. We very simply want that information so that the SBA and Congress can be more fully informed and operate the program more efficiently.

We have had 2 days of hearings on the timber program, learned of some of the problems. But it was during the course of those hearings that we realized the need for the request for information we now have made, and I urge the adoption of the amendment.

Mr. HUDDLESTON. Would this study focus on any particular segment of the small business purchases?

Mr. BAUCUS. In answer to the Senator, it would focus on the small timber producers, those producers which are presently participating under the program, and it should present the select committee with several policy alternatives.

It is not the purpose of the study now to get data, but to propose alternatives for the Congress.

Mr. HUDDLESTON. And the sum of $200,000 for the study is to cover the salary and expense authorizations set for the committee; is that right?

Mr. BAUCUS. The Senator is correct. This is not a request for additional authorization but it is rather an amendment to provide $200,000 for a study under the pending current authorization.

Mr. HUDDLESTON. Mr. President, I believe the amendment by the Senator from Montana has a good deal of merit, and I support his objectives.

I know Senator PACKWOOD and others in this Chamber share the interest and concern for this important small business program, and we are prepared on this side of the aisle to accept the amendment. I understand the other side also is prepared to accept it, and I move that the amendment be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendemnt was agreed to.

UP AMENDMENT NO. 162

(Purpose: To reduce the interest rate applicable for homeowners under the SBA physical disaster program)

Mr. COCHRAN. Mr. President, I have an amendment which I send to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN) proposes an unprinted amendment numbered 162.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, strike lines 6 through 9 and insert in lieu thereof the following:

"(1) by striking the phrase "and prior to October 1, 1978," the first time it appears; and ".

On page 25, strike all from line 16 through line 3 on page 26, and redesignate accordingly.

Mr. COCHRAN. Mr. President, my amendment pertains to section 112 of S. 918, the section relating to the disaster assistance portion of the bill for homeowners.

I am joined in this amendment, Mr. President, by Senators BOSCHWITZ and DURENBERGER.

As presently written, S. 918 provides disaster assistance loans for homeowners of 3 percent on the first $55,000 of assistance, and an effective rate of 8.5 percent for loans over that. This is made retroactive to October 1, 1978. That is the date when the interest rate for disaster assistance returns to the cost of money because of the expiration of the authority to continue a subsidized interest rate for disaster victims.

My amendment would change the interest rate for homeowners to 1 percent on the first $10,000, 3 percent on the next $30,000, and would change the effective rate for assistance over $40,000 to 7⅜ percent. This would also be retroactive to October 1, 1978. This 7⅜ percent interest is the same interest rate in effect prior to October 1, 1978.

In addition, the amendment would have the effect of reducing the upper tier of assistance for businesses from an effective rate of 8.5 percent to 7⅜ percent.

I think everyone knows, Mr. President, that our Nation has sustained unprecedented natural disasters during the past several months. Since October 1978, there have been 77 disasters which have been declared as qualified for Federal benefits in 39 States, the Marshall Islands, and Puerto Rico.

I would like, Mr. President, at this point to offer a table listing the location of these disasters, the nature of the disasters, and the dates on which they occurred throughout the United States last fall and so far this year. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

State, disaster number, date declared, and, type:

Alabama, 1588, March 2, 1979, snow-ice; 1617, April 20, 1979, flooding and winds.

Alaska, 1546, November 24, 1978, winds, rain, seawave.

Arizona, 1555, December 17, 1978, flooding.

Arkansas, 1613, April 31, 1979, tornado.

California, 1543, November 1, 1978, fire; 1583, March 1, 1979, flooding; 1609, April 9, 1979, fire.

Connecticut, 1565, January 25, 1979, rain, snowmelt, flood; 1597, March 21, 1979, fire.

Florida, 1591, March 16, 1979, flooding.

Hawaii, 1590, March 7, 1979, flooding.

Illinois, 1571, February 1, 1979, snow; 1598, March 21, 1979, snow; 1630, May 7, 1979, flooding.

Indiana, 1554, January 4, 1979, flooding; 1578, February 14, 1979, flooding; 1605, April 3, 1979, ice-snow, flooding.

Iowa, 1574, February 2, 1979, heavy snow, blizzard; 1611, April 9, 1979, hail, high winds.

Kentucky, 1552, December 21, 1978, flooding; 1556, January 3, 1979, flooding; 1566, January 31, 1979, explosion and fire.

Louisiana, 1551, December 6, 1978, tornado; 1631, May 7, 1979, flooding.

Maryland, 1582, February 26, 1979, civil disorder; 1593, March 21, 1979, ice-snow.

Massachusetts, 1569, January 30, 1979, rain, hail, wind, tide; 1636, May 15, 1979, fire.

Michigan, 1592, March 21, 1979, ice-snow.

Minnesota, 1629, May 4, 1979, flooding.

Mississippi, 1567, February 6, 1979, ice, storm; 1616, April 13, 1979, flooding (P).

Missouri, 1568, February 6, 1979, fire; 1594, March 21, 1979, flooding; 1608, April 5, 1979, fire; 1622, April 27, 1979, tornado, rains; 1625, May 2, 1979, flooding, tornado; 1628, May 3, 1979, flooding.

Montana, 1604, March 27, 1979, five; 1612. April 13, 1979, flood, tornado; 1618, April 23, 1979, ice jams.

Nebraska, 1610, April 7, 1979, fire.

North Dakota, 1627, May 1, 1979, flooding and tornado.

New Hampshire, 1596, March 16, 1979, flooding.

New Jersey, 1575, February 5, 1979, heavy snowfalls, flood.

New Mexico, 1573, January 29, 1979, flooding.

New York, 1571, February 1, 1979, rain, winds, snow, floods; 1576, February 9, 1979, flooding, heavy rains; 1579, February 14, 1979, rains, flooding, snow; 1599, March 19, 1979, flooding; 1623, April 30, 1979, flooding.

Ohio, 1557, January 10, 1979, flooding; 1606, April 3, 1979, flood, snow melt.

Oklahoma, 1615, April 17, 1979, tornado.

Oregon, 1589, March 13, 1979, flooding.

Pennsylvania, 1562, January 19, 1979, fire; 1584, March 2, 1979, fire.

Rhode Island, 1570, January 30, 1979, storm, flooding; 1577, February 9, 1979, fire.

South Carolina, 1621, April 26, 1979, tornado.

Tennessee, 1633, May 10, 1979, flooding.

Texas, 1549, December 7, 1978, flooding, heavy rains; 1563, January 24, 1979, ice storm; 1614, April 13, 1979, tornado; 1619, April 24, 1979, tornado, rain, flooding; 1626, May 2, 1979, flooding, tornado.

Vermont, 1607, April 4, 1979, ice, flooding.

Washington, 1550, December 7, 1978, heavy rainfall; 1586, March 2, 1979, flooding.

West Virginia, 1553, December 7, 1979, flooding.

Wisconsin, 1587, March 2, 1979, snow-ice; 1624, May 2, 1979, flooding; 1632, May 9, 1979, flooding.

Marshall Islands, 1580, February 21, 1979, flood, wind.

Puerto Rico, 1544, November 8, 1978, rains, flooding.

Mr. COCHRAN. The table is necessarily incomplete, because there have not been sufficient evaluations made of some of the disasters which have already occurred this year. But the extensive nature of these disasters, Mr. President, dramatically illustrates the fact that there have been hundreds of thousands of people affected throughout the United States. Total damages to property have been estimated in excess of $1 billion in the recent floods in Mississippi alone. In our State, in the recent Easter week floods, over 26,000 people were driven from their homes.

A great many homeowners have been particularly hard pressed by the disasters to secure financing for rebuilding, for repairing, for their efforts in recovering from these severe disasters.

I want to say at this point, Mr. President, that I think the committee, through its hearings and through the efforts to negotiate with the administration, has done a marvelous job in coming forth with a piece of legislation that apparently is supported by the administration.

Last year the Senate and the House agreed to a bill that contained the interest rate for homeowners that the committee bill contains. Unfortunately, the administration saw fit to veto that legislation. I know it was an omnibus bill and contained other amendments to the Small Business Act. But, nonetheless, that action at the end of the congressional session last year had the effect of doing away with the subsidy for interest rates on disaster loans, so that disasters occurring since October 1, 1978, have not provided the normal, generous response of the Federal Government to our citizens of the United States who are damaged severely by such disasters.

Historically we have seen the Government respond with dispatch and with sensitivity to those who have been harmed severely by natural disasters. In our own State of Mississippi, when we sustained the ravages of Hurricane Camille, the Federal Government acted very quickly on emergency legislation to make available to disaster victims in our State generous benefits that helped us recover our economic vitality and our moral equilibrium and optimistic attitude, so that the areas harmed so severely by that disaster have now recovered.

We saw the same experience occur when Hurricane Agnes devastated many areas of the Nation, particularly Pennsylvania, I recall, with severe flooding.

But here, Mr. President, we find ourselves without a disaster program, and having seen disasters occurring in the Dakotas, in Minnesota, West Virginia, as shown by the table, and in many other States, Kentucky and, particularly, our State of Mississippi, the people are without a sensitive and generous disaster benefit program.

The program itself, as a matter of fact, at this point, Mr. President, is a disaster, and it does not provide the meaningful and needed assistance that is required and that is rightfully expected from the Government in such a situation.

This week we saw the Senate approve a very generous loan and grant program to our friends in the Middle East to help pave the way for what we hope will be a meaningful and long-lasting peace in that area of the world, with payment postponement provisions of loans that were very generous.

On numerous occasions, Mr. President, we have seen this Nation, our Government and the citizens of the United States respond very quickly and generously to disasters oocurring in other parts of the world. This was true when we saw earthquakes devastate large areas of Central America and make rebuilding almost impossible. We responded very generously.

It makes you wonder, Mr. President, when we are not able to get more support from the administration for a better rate of interest for disaster victims, whether or not we have forgotten that charity begins at home.

I suggest, Mr. President, that we need to exercise our own will here on Capitol Hill in coming to a dicision about what is appropriate for disaster victims in the United States.

I know this amendment that I am offering does not have the support of the administration. This has been stressed by the distinguished Senator from Kentucky, and I know that OMB does not approve of the effort we are making. I know, too, Mr. President, that this was why the committee was not able to work out a better rate of interest, a more generous loan rate, for disaster victims.

In spite of that opposition from the other end of Pennsylvania Avenue, Mr. President, I think we ought to adopt this amendment to demonstrate to disaster victims in the United States that we are not without genuine concern and feeling, and are prepared to make available benefits that are absolutely necessary in many cases if the victims are going to be able to rebuild and continue to live a happy and successful life.

During the hearings, the committee was very generous in permitting testimony from State officials from our State, local officials, mayors, and interested citizens, who described in great detail, as reflected by the committee report, the hardship that is being seen and endured in the State of Mississippi.

But this is not confined to our State. As we have indicated, this is indicative of problems that we have all over the country right now. And to see these victims going into disaster centers, Mr. President, going up to the tables that are manned by SBA officials, asking about the possibility for a disaster loan, and being told that they can get a loan but they will have to pay 7⅜ percent interest on it, and seeing the absolute shock and frustration endured by someone who has just been wiped out of his house, with all of his furniture and belongings destroyed, has to make a very strong and indelible impression upon you. Certainly that impression is made upon that disaster victim who, in a time of absolute frustration, looks to the Federal Government as his final source of help.

And well he should. I think the Government should be sensitive to people in this situation, and we should do what is possible. I certainly think, Mr. President, looking at the expected costs, that we can well afford the rate of interest that is provided for in this amendment, considering, as we have to, the largess that we have seen the Government provide in similar situations in the past, and as we are currently providing in payment for other legitimate interests that our Government has at this time.

Therefore, Mr. President, I urge the support of this amendment.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. COCHRAN. I am happy to yield to the Senator from North Dakota.

Mr. YOUNG. Mr. President, North Dakota recently suffered its worst floods in this century. At one time, about 2 weeks ago, over 800,000 acres of the best farmland in the United States was under water. Much of that will not be farmed. Homes on five rivers in North Dakota were badly damaged and destroyed.

As I say, we have suffered our worst disaster in this century. The worst one previous to that was in 1897. So I have a great deal of sympathy for the amendment the Senator is offering, and I cannot help being for it. These cover interest rates our people need and deserve. I will be glad to join the Senator as a cosponsor.

Mr. COCHRAN. I thank the Senator from North Dakota.

Mr. HUDDLESTON. Mr. President, I am somewhat reluctantly opposing the amendment by the distinguished Senator from Mississippi, and I say reluctantly because I was a cosponsor of a bill introduced and considered by the committee that would have provided essentially what he is asking that we do now.

I have had a long history of working with the victims of disasters in my State of Kentucky, which is a disaster-prone State. Since I have been here in the Senate, we have had tornadoes, we have had several major floods, and I know how important it is that we render what help we can for those who are victims of these kinds of disasters.

But in every instance since I have been here, when disasters have occurred in various places in the United States, those representing the areas affected have had to come to this body and offer amendments to adjust the rates for loans to both businesses and homeowners who have suffered from the disaster.

So we have had an inconsistent program throughout the years. One time not long ago, I can remember we had 1 percent interest, with a $5,000 forgiveness provision.

The effort that has been made by the Small Business Committee is to develop as equitable a program as we can, as compassionate as we can, and one that will be consistent, so that year after year, when disasters occur—and they do virtually every year, in some section of the country—we will have a program that victims will understand and will know is available to them.

As I say, I would prefer to see lower interest rates than the bill calls for, and we started out with that objective. But it became obvious very quickly that we had to face reality, we had to work out a bill that would be acceptable to Members of the Senate—and the Senate is on record, by previous votes, as supporting cost of money rates. We had to develop something that would be acceptable to the other body of this Congress, something that would be acceptable to the Office of Management and Budget and to the administration.

With all of these considerations, and with the consideration of the budgetary constraint we are now operating under in this Congress, we arrived at the formula that is contained in the legislation we are now considering.

I feel now, in spite of my concern for those who are afflicted by disasters and my desire to be as helpful as the Government can be, that what we are offering is as good as can be devised at this particular time and have any hope of making it through this legislative process and becoming law.

I think we can recall that a measure was passed in 1978 that called for virtually the same rate provisions as in the bill we are considering, 3 percent on the first $55,000 of SBA assistance, and the cost of money rates beyond that. That was vetoed by the President. So we are faced with reality. We are faced with a question of bringing some consistency into the program, and allowing it to develop as a program that will be good this year, next year, and the years after, in providing the assistance that it is felt we can prudently provide to those who are subject to disasters.

I think that by establishing a fair interest rate, without the fiscal year limitations we have had in the past, we will have fewer variances in the interest rates, and that the citizens unfortunate enough to be victims of a disaster will at least have knowledge that a fair and uniform rate will be charged to all.

Because of that, and because of the other what I believe to be beneficial aspects of this bill, I would oppose the amendment, as attractive as it may seem, of the Senator from Mississippi.

I yield at this point to the distinguished chairman of the Small Business Committee, the Senator from Wisconsin (Mr. NELSON).

The PRESIDING OFFICER (Mr. FORD). The Senator from Wisconsin.

Mr. NELSON. Mr. President, let me say I agree with what the distinguished Senator from Kentucky has said. I do not think there is any magic figure for these interest rates. As the Senator from Mississippi knows, we have had a vast range of proposals over the years. Some years we have had grants and 1-percent interest rates, 3-percent interest rates, 5-percent interest rates, and combinations of all of those. Every time we have had a disaster, or practically every time, we have modified the program one way or the other.

I do not think anybody can claim they have the final, best answer. I respect the arguments made by the Senator from Mississippi, and I think agree with most of what he said.

In any event, a year ago the Senate voted on the floor to make disaster loans at the cost of money. The House refused to go along with that. So you have a spectrum, Mr. President, in the Senate which runs from the viewpoint that people ought to pay the cost of money down to those who believe it ought to be 1 percent or grants, 1 percent, 3 percent, 5 percent. I think there is a good argument for each of them.

The problem, I believe, is that we have had a great deal of difficulty getting an agreement with the House. Last year we went along with the House, and the bill went to the President, but the President vetoed it.

He vetoed the bill for several stated reasons. One of them was the interest rate, the subsidy, which he did not find acceptable. Another was the no credit elsewhere test.

This year, through the hearings and the efforts of the distinguished Senator from Kentucky, we have the OMB and the House committee, as I understand it, and our own committee in agreement on a proposal, which, if not satisfactory to everybody, all in all I think is a good one. It is 3 percent money on the first $55,000, and the cost of money at 8½ percent thereafter.

On the first $40,000 actually there is not a big difference between the subsidy proposal of the Senator from Mississippi and what is in this bill. On the first $40,000 in the amendment of the Senator from Mississippi, as I recall it, it is 1 percent on $10,000 which would be $100, 3 percent on the next $30,000, which would be $900, so he has a subsidy of $1,000, whereas 3 percent on the first $40,000, of course, would be $1,200. I realize if you do not have any money, $200 is $200, but in terms of the subsidy it is not a very large difference.

My concern is that the agreement is so delicate that if for some reason or another this resulted in a veto then we are back with just the cost of the money. Therefore, I would hope that the Senator might consider not pressing his amendment to a rollcall.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, I yield to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MUSKIE. Mr. President, I rise in opposition to the Cochran amendment. With all due respect to my good friend, this is not the first time that this issue has been before us. It has been sort of a running battle for the last 2 or 3 years. Every time disaster strikes, one of the immediate means for relief which occurs to one Senator or another is cheap interest loans.

I simply want to present to the Senate tonight some of the abuses which have flown from the adoption of that kind of emotional, instantaneous reaction to disaster. When disaster strikes our neighbors, our inclination is to give them every helping hand we can, and it has cost the taxpayers a great deal of money in the last 2 or 3 years.

In the 1979 fiscal year budget, to the best of my recollection, the U.S. Government will pay out $52.4 billion in interest on the Federal debt at an average cost to the Government of 8.25 percent.

It is proposed with this amendment that we lower the interest we charge on this money we borrow to 1 percent in some cases and 3 percent in others.

Mr. President, because of this inclination on the part of Senators, liberals and conservatives, when disaster strike their States, liberalism and conservatism go out the windows, our hearts open up to all the victims, we lower the terms, and we make entry to the Federal Treasury easy, because of our compassion for our constituents back home.

It is in the context of that background that the members of the Small Business Committee, Mr. President, have done a statesmanlike job, in my judgment, in negotiating a package of Federal disaster lending program reforms, which although not perfect represent significant improvements over current programs.

I wish to commend the distinguished committee chairman, Senator NELSON, and the distinguished Senators from Kentucky, Senator HUDDLESTON, and Connecticut, Senator WEICKER, for their work in negotiating this agreement.

The disaster loan provisions contained in S. 918 are the product of long negotiations. They are the product of compromise. If significant changes of the type contemplated by the amendment by the Senator from Mississippi are adopted, this entire carefully negotiated agreement can come undone.

Last year, the President vetoed a bill which included home and personal property interest rates higher than the level proposed in the Cochran amendment, partly on the grounds that the bill's rates were too low. I urged the President to veto that bill.

This year we cannot risk seeing the SBA bill vetoed. This year we must have a bill that is signed into law. The reason is that this year, unlike last year, without legislation SBA's program authorizations will expire—we cannot afford to see it vetoed.

The Cochran amendment, however, is undesirable for other reasons as well. First, it would return interest rates on homes and personal property to the disastrously low levels of 1977 and 1978: 1 percent on the first $10,000 of loan, and 3 percent on the next $30,000. Second, by lowering interest rates to those levels for home and personal property loans, it would create pressure to reduce interest rates on business loans to unacceptably low levels as well.

Mr. President, this would be unacceptable. We are now acquiring documentary evidence of the program abuses that occur when interest rates are set too low. A soon-to-be-released GAO investigative report on SBA and Farmers Home Administration disaster lending programs will reveal that deeply subsidized interest rates stimulate overborrowing and encourage people of enormous wealth to abuse the program, all at enormous cost to the taxpayers.

The GAO has not yet completed its report. But let me give you an example of some of the abuses that the GAO investigators have found.

A businessman who also operates several farms borrowed $408,000 for 3 years from SBA due to the 1977 drought. His financial statements showed that he enjoyed annual gross income of $900,000, owned assets valued at $42 million and had a net worth of $38 million. Other credit information showed this individual also had credit available from major banking institutions at the prime rate plus 1 percent.

Another borrower, a millionaire, who obtained an 8-year, $81,300 SBA physical disaster loan, had cash on hand of more than $92,000 and $50,000 worth of other current assets available. In addition, this borrower owned over 1,100 acres of land valued at $778,000 with a mortgage of only $15,000. The loan file also showed that of the $81,300 loan, the borrower used $15,000 to reduce other outstanding debt and invested the remaining loan funds of $66,300 in a certificate of deposit.

A medical doctor with a net worth of $3.2 million and an annual net profit from his private medical practice of $120,000, received a $500,000 SBA physical disaster farm loan with a repayment period of 15 years. The doctor owns about 1,600 acres of land, a pecan processing plant, and numerous rental properties. In addition to the doctor's real estate holdings and other long-term assets, he had more than $325,000 in cash on hand, marketable securities, and other current assets.

The president and principal owner of a multimillion dollar corporation with plants or sales offices in six States, and two countries, received a $500,000 SBA physical disaster farm loan. The borrower is an officer, partner or director in at least six other companies and has interest in additional businesses. The borrower has a net worth of $4.8 million and annual gross nonfarm income in excess of $250,000. The nonfarm income is from salaries, dividends, interest, rents, director's fees, profits realized from partnerships and small business corporations.

When this borrower applied for the loan he requested a 20-year repayment period, however, the request was denied and the repayment period was approved for 15 years. An SBA official noted on the loan approval sheet that the farming losses do not reflect the overall operations of the borrower. He added that the borrower has a very strong operation financially and that repayment should be no problem. The borrower protested the 15-year repayment period and asked for reconsideration. SBA decided in favor of the borrower and changed the repayment period to 20 years.

This did not end the borrower's efforts to hold the low-interest money as long as possible. When the first annual installment was due, he mailed SBA a check for the accrued interest and requested that the principal amount due be deferred 1 year because of 1978 crop losses. This time, SBA ruled against the borrower based on substantial other income that the borrower had available to pay SBA obligations.

Another SBA loan recipient, who was identified by SBA officials as a member of one of his State's most influential families and a large landowner, received a $298,700 disaster loan for 5 years. The applicant reported a net worth of $1 million; however, the loan officer commented in his report that the applicant's financial statements were grossly understated. Representatives of local lending institutions unanimously agreed that a borrower with his financial position could have easily obtained credit elsewhere.

A farmer owning 1,000 acres also received a $16,000 SBA disaster loan for 5 years. This was in spite of the fact that the farmer had available $19,000 in cash and $11,000 in accounts receivable. His assets totaled $1.5 million and his net worth $1.1 million. He was also director of a local bank.

Another farmer with $1.4 million of total assets and no liabilities received a $6,700 SBA physical disaster loan for 5 years. The farmer owned 475 acres and had $425,000 of farm equity. Local banking officials said they would give this individual a signature loan for the same amount.

The list of abuses could go on and on. The home and personal property interest rates of the Cochran amendment, together with lower interest rates on business loans—the pressure for which would certainly be increased by passage of the Cochran amendment—would be certain to encourage continuation of such abuses.

In the absence of the Cochran amendment, however, the reforms in S. 918 should do much to correct for these past abuses. First, as I have indicated, holding the amount of interest subsidy to a reasonable level will deny much of the incentive for potential borrowers to abuse the program.

Second, under S. 918, all but a small proportion of agricultural disaster victims would be expected to borrow only from the Farmers Home Administration, an agency that knows agriculture and, therefore, should be more capable than SBA of guarding against fraud and abuse in agricultural lending.

Third, the bill institutes a credit elsewhere test at the SBA to match the one at Farmers Home. Disaster victims who can obtain credit elsewhere would still be allowed to borrow at both SBA and FmHA, but they would have to pay interest at the Government's cost of borrowing. The taxpayer, therefore, should be relieved of the burden of subsidizing low-interest loans to millionaires. Personally, I believe there is serious question whether such credit-worthy borrowers should be allowed to borrow from the Federal Government, but I accept this provision as a necessary compromise.

Now, Mr. President, other members of the Senate Budget Committee and I are in conference with the House Budget Committee on this year's budget resolution, undertaking to do our very best to hold spending down to the level which the Senate has mandated us to do, achieving, hopefully, in 1981, a balanced budget. Here we are talking about a program which, in its abuses over the last 3 years, has resulted in subsidizing millionaires along the lines I have described, who are attracted by low-interest loans from the Government in lieu of credit that is available or resources that are available to them from other sources. I would not like to see the Senate open the door to this kind of budget abuse in the name of disaster relief, as to which there is absolutely no legitimate connection.

RELATIONSHIP OF BILL TO BUDGET RESOLUTION

The authorization contained in S. 918 for SBA programs exclusive of disaster lending can be accommodated within the Senate Concurrent Resolution 22 function 370 targets. That is the first congressional budget resolution. The levels in the House bill are substantially above our targets but we would expect that the Senate Select Committee will work to maintain its funding level in conference.

For disaster lending, full funding in fiscal year 1979 could cause the function 450 budget authority and outlay targets each to be exceeded by $0.1 billion. In fiscal year 1980, assuming an average disaster year—and I do not know how you establish that except statistically over a period in the past—full funding could exceed the budget authority and outlay targets by $0.1 billion. In each of fiscal year 1981 and fiscal year 1982, the potential funding excess would be $0.2 billion in both budget authority and outlays.

Therefore, passage of S. 918 will require offsetting reductions in funding for other programs in function 450. Programs that might be reduced include EDA development finance and HUD urban development action grants, both of which received assumed funding increases under Senate Concurrent Resolution 22.

SECTION 401 POINT OF ORDER

Senators should be aware that S. 918 is also subject to a point of order under section 401 of the Budget Act because of the retroactive interest rate reductions.

Legislation which would apply lower interest rates retroactively to existing SBA disaster loans is "new spending authority" as defined in section 401(c) of the Budget Act.

Section 401(c)(2)(C) of the Budget Act provides that the term "spending authority" means authority:

> To make payments (including loans and grants), the budget authority for which is not provided for in advance by appropriation acts, to any person or government if, under the provisions of the law containing such authority, the United States is obligated to make such payments to persons or governments who meet the requirements established by such law.

Consideration of legislation which assesses the three characteristics set forth in section 401(c)(2)(C) is subject to special provisions of the Budget Act, since such legislation commits the Federal Government to make expenditures without prior review through the appropriations process. The three characteristics of legislation described in section 401(c)(2)(C), or "entitlement" legislation, are:

First. The legislation authorizes payments;

Second. The budget authority for these payments is not provided for in advance by appropriation acts; and

Third. The Government is obligated to make the payments to all persons who meet the requirements established by the law.

A provision applying lower interest rates retroactively to existing loans on which payments already have been made possesses all three characteristics of entitlement legislation.

First, such a provision provides authority to make payments. Under current law, holders of loans made in connection with disasters which have occurred since October 1, 1978, have been making repayments under the terms of the higher interest rates. This legislation would decrease the amounts owed by these loan holders. Thus, it entitles at least some of the loan holders to refunds for excess repayments already made. These refunds are "payments" within the definition of section 401(c)(2)(C).

Second, the budget authority for these payments is not provided for in advance "by appropriations acts." Section 3(a)(5) of the Budget Act defines the term "appropriation act" as "an act referred to in section 105 of title 1, United States Code." Section 105 refers to "appropriation acts" in terms of single year appropriations. In this case, subsequent appropriations action would be required to liquidate the existing obligation to make the payments. However, the obligation itself arises upon enactment of the retroactive interest rates.

Third, the United States—that is, the Small Business Administration—is obligated to make payments to all persons who have paid interest at the higher rate and who cannot receive the benefit of the lower rates except by obtaining a refund. While all those who have received disaster loans since October 1 would not be entitled to cash refunds, many were holders of 6-month loans which already have been fully repaid. In these cases, at least, payments would have to be made.

Section 401(c)(1) of the Budget Act provides that "new spending authority means spending authority not provided by law on the effective date of this section." The effective date of section 401 was March 5, 1975. Therefore, the spending authority provided in the retroactive provision is "new spending authority" in terms of section 401(c).

Section 401(b)(1) of the Budget Act provides that:

> It is not in order in either the House of Representatives or the Senate to consider any bill or resolution which provides new spending authority described in subsection 401(c)(2)(C) (or any amendment which provides such new spending authority) which is to become effective before the first day of the fiscal year which begins during the calendar year in which such bill or resolution is reported.

Since the provision applying the lower interest rates retroactively would be "new spending authority" effective before October 1, 1979, and will be reported in calendar year 1979, it is subject to a point of order under section 401(b)(1).

Mr. President, it is possible for S. 918 to be modified so as not to violate section 401, by elimination of the retroactive feature of the disaster loan interest rate reductions. However, such a modification would create a situation in which victims of disasters which occurred prior to last October 1 or after the effective date of the new legislation received subsidized loans, whereas others were required to pay interest at the Government's cost of money.

In this instance, strict adherence to section 401 would result in a serious inequity not intended by the authors of the Budget Act. Therefore, I shall not raise a point of order, although I wish to establish for the RECORD the applicability of section 401 of the Budget Act to S. 918 as reported.

Mr. President, I will close with some summaries of what happened in 1978 when, on the basis of the interest rate treatment given to homes and small businesses in the SBA disaster loan program, the program was opened to agricultural loans. At that time, widespread drought and the resulting strains in the agricultural credit markets brought pressure that resulted in crop damage being declared eligible for SBA disaster loans.

As we now know, in consequence of those changes, SBA disaster loan volume shot up from an annual average of $200 million to a record $2.5 billion by fiscal year 1978, with many of those loans as I described earlier in my statement in specific terms.

Farmers Home emergency loan volume also rose precipitously from an average annual level of about $700 million to $3.4 billion in fiscal 1978.

That is a total of $5.9 billion for the two disaster loan programs, more than a sixfold increase that no one had anticipated, and that caused enormous problems for our efforts to reduce the Federal deficit and achieve a balanced budget.

In my 5 years as chairman of the Budget Committee, I do not know of any program that has created greater risk of higher deficits and imbalances in the Federal budget than the temptation of this body to let its compassion get away from it when dealing with disasters around the country. It cost us almost $6 billion in less than a 12-month period in 1978 for yielding to that temptation. I hope we do not repeat the experience today.

I thank the Chair very much.

Several Senators addressed the Chair.

Mr. STENNIS. Will the Senator yield me a half a minute?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. HUDDLESTON. First, I commend the Senator from Maine for his eloquent way of indicating the difficulties that the committee was faced with in developing the legislation we have before us at this time.

Mr. President, I promised the Senator from Nebraska I would yield to him very briefly, and then to the Senator from Mississippi.

Mr. WEICKER. Before the Senator yields, Mr. President, I ask unanimous consent that Jamie Cowie of Senator BOSCHWITZ' staff be given floor privileges during consideration of S. 918.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

Mr. EXON. Mr. President, I thank the Senator from Kentucky, the leader on this bill.

I rise, Mr. President, to oppose the amendment that has been offered by my friend, the Senator from Mississippi. I support in toto the comments, generally, that have been made by the distinguished chairman of the Budget Committee, a committee of this body on which I serve.

I will be very brief. It seems to me, while this is another one of those bills it is very difficult to stand up and oppose, those of us who are legitimately concerned about fiscal responsibility must take a stand somewhere and draw the line.

If I wanted to waste the time of this body—and there has been a lot of wasted time here today—I might propose an amendment that we gave interest-free loans to those involved in disasters, or maybe we could pay them 1 percent or 2 percent.

The disaster loan program is very attractive the way it stands right now. As a Governor, I had to deal with all kinds of disasters in my State of Nebraska, and thank the Lord we had the help of the Federal Government when it was needed. But I suggest that if we need more money for the disaster loan program, we better appropriate it for specific purposes, without going through the sham of reducing, unrealistically, an interest rate down to 1 percent.

Mr. President, I hope the Senate will see fit to vote down this amendment.

I thank my friend from Kentucky for yielding.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I will take less than 1 minute.

Mr. President, in my inquiries here with several, I approached the Senator from Maine with the idea of his giving his personal attention to this problem, that this bill had to be cleared by his committee on the budget. I might have induced him to leave other duties this afternoon in order to give this matter the proper attention with a chance to bring it here tonight, rather than sometime in the future.

I spoke to him then that I was talking about a bill that carried the interest rate that is in the committee bill.

I feel obliged for that reason to support his position here, which I shall do.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. I yield such time as he may need to the Senator from Oklahoma.

Mr. BELLMON. I thank my friend from Connecticut.

Mr. President, I will be very brief. As our chairman already said, Mr. President, the Senate Budget Committee has been deeply concerned about the runaway spending under our disaster loan programs. In 1976, farmers were made eligible for SBA disaster assistance.

I would like to say to the Members of the Senate that the Agriculture Committee had, I think, a very good reason for doing what we did when we made farmers eligible. The reason was that the disaster program being supported by the SBA was an extremely liberal, generous program, and the farmers home program, which the Agriculture Committee had oversight over, was a much more responsible and conservative program.

We required the credit elsewhere test. We were charging the cost of money to the Treasury for the loans. We felt it was unfair to the rural people on one side of the city limits to be benefiting from a far less liberal program than the business community that was on the other side of the city limits.

So, we moved to make them the same. The result is the cost went up, but with the result, I think, of making the Small Business Committee realize that this act was too liberal and now they have moved to tighten it up.

I commend the Senator from Kentucky for what he has done.

Mr. President, farmers, however, did not represent a significant portion of SBA's clientele until 1977. That year, the Small Business Act amendments authorized deeply subsidized 3-percent interest rates on SBA disaster loans. Around the same time, severe drought conditions hit many agriculture regions of our Nation and crop damage was declared eligible for SBA disaster loans.

Widespread drought conditions, heavily subsidized interest rates and the availability of SBA disaster loans for crop damage were all underlying factors of the unprecedented loan volume in fiscal year 1978.

Mr. President, 3 weeks ago the Senate approved the first budget resolution for fiscal year 1980. The function 450, community and regional development, targets contained in that resolution are based on specific assumptions with regard to disaster spending.

Those assumptions are: First, that interest rates on SBA disaster loans remain equal to the Government's cost of borrowing, as now provided under current law; second, that unnecessary duplication between the farmers' home emergency loan and SBA disaster loan programs be eliminated by limiting disaster lending for crop damage to farmers' home; and third, that SBA disaster loans be restricted to those applicants who are unable to obtain credit elsewhere on reasonable terms.

The bill before us today even without the Cochran amendment deviates from our budget assumptions in three ways: First, it lowers interest rates on SBA disaster loans below the Government's cost of money, retroactive to October 1, 1978; second, it institutes a "no credit elsewhere" test only on business disaster loans and uses this test, not as the determinant of eligibility but as the determinant of the interest rate to be paid; and third, it continues SBA disaster lending for crop damage.

However, the magnitude of the deviation is not great from a budget standpoint. For example, interest rate subsidies are only at 3 percent for individuals (not 1 percent) and the 3-percent rate only applies on the first $55,000.

As a result, CBO estimates that funding for the SBA disaster loan program could exceed the Senate's revised fiscal year 1979 second budget resolution by $100 million in budget authority and outlays. The potential overage in both fiscal years 1981 and 1982 could be $200 million in budget authority and outlays. If we approve S. 918, these increases will need to be accommodated by finding reductions in other programs within the community and regional development function.

The bill before us represents an acceptable compromise, a positive response to the problems which have plagued our disaster lending policies in the past couple years.

I support the Small Business Committee's effort to reduce the current discrepancies between the more liberal SBA program and the more restrictive farmers' home program. This will allow the bulk of agriculture disaster lending to be provided by farmers' home, as it appropriately should be. Administration steps should be taken to assure that these loans are used only for the replacement and repair of disaster-destroyed property, and to assure that the "no credit elsewhere" test as the determinant of interest rates is strictly applied and enforced.

Interest rates at the Government's cost of money or below represent a "sweet deal" in today's markets, a deal any smart businessman would take advantage of. A soon to be released GAO study points up numerous cases of abuse in this area. Senator Muskie has already discussed some of the findings of this study.

Another case cited is that of an attorney who earned over $84,000 in annual nonfarm income and obtained a $57,690 farmers' home emergency loss loan. The attorney had a net worth of $983,100 including equity in 2,262 acres of land and current assets of $389,000. Loan funds were found to have been disbursed directly to the borrower with no verification of use by FmHA.

I would hope that both the SBA and farmers' home programs are carefully monitored to screen out such instances of abuse in the future. I would prefer to see borrowers able to obtain credit elsewhere be ineligible for Federal assistance. In the absence of this, I would at least hope the conferees on this bill accept the $500,000 cap on business loans now favored by the House.

In closing, I would like to reiterate a point made by Senator Muskie. By making the lower interest rate provisions of this bill retroactive to October 1, 1978, the bill violates section 401 of the Budget Act. This is because the lower interest rate provisions would apply retroactively to existing loans made in connection with disasters occurring after October 1, 1978, entitling some loanholders to a refund of excess interest paid. This constitutes "new spending authority" not subject to appropriations action prior to obligations being incurred, as defined in section 401(c)(2)(C) of the Budget Act. I will decline to raise a point of order against the bill. In this particular instance, I can see no purpose it would serve to do so.

I will support the compromise position on disaster lending contained in S. 918.

The amendment offered by Senator Cochran to reinstate deep interest rate subsidies of 1 percent on SBA home and personal property loans represents bad policy in my view.

Disaster assistance is a Government responsibility. It seems to be the Senate's view that Federal disaster assistance should be provided to anyone who has sustained a loss due to natural disaster, regardless of income level—that disaster victims should receive equal treatment from the Federal Government. There is a point, Mr. President, beyond which we exceed the bounds of reasonableness. One-percent loans in today's market are totally indefensible. They do nothing but open up the program to abuse by those who are seeking easy money. One-percent loans get widely publicized and stimulate great demand for loans. They represent virtually free money—direct grants to disaster victims. I urge my colleagues not to support the Cochran amendment. One-percent loans serve only to drive up program costs and invite abuse.

Mr. President, I would like to simply express my opposition to the Cochran amendment because this will bring us back to the problem situation that caused this cost to soar to such insupportable heights.

Mr. President, I realize the good intentions of the Senator from Mississippi, but we simply cannot afford this kind of legislation. I am forced to oppose the Cochran amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I yield to the distinguished Senator from South Dakota.

Mr. PRESSLER. Mr. President, I rise in strong support of the Cochran amendment.

We loan money all over the world, to other countries and to citizens, at very low interest rates. We are very hesitant to do it for our own people.

There have been problems cited by the distinguished chairman of the Budget Committee, but those are problems that can be resolved administratively. Good administration and ground rules would resolve those problems. But it seems that we have a most difficult time in giving money and good credit terms to our own people, while we are generous overseas.

If we look at some of the loans we have made overseas, in virtually every part of the world, Communist and non-Communist, and compare them to the difficulty we have in helping our own people in times of disaster—our farmers or our small businessmen—we realize that we sometimes are applying a double standard against our own people, against our own economic development.

Therefore, I support this amendment.

Mr. HUDDLESTON. Mr. President, for all the reasons that have been enunciated for opposing this amendment, I move at this time that the amendment by the distinguished Senator from Mississippi (Mr. Cochran) be laid on the table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Mississippi. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Louisiana (Mr. Johnston), the Senator from Texas (Mr. Bentsen), the Senator from Delaware (Mr. Biden), the Senator from California (Mr. Cranston), the Senator from Alaska (Mr. Gravel), the Senator from Hawaii (Mr. Inouye), the Senator from South Dakota (Mr. McGovern), the Senator from North Carolina (Mr. Morgan), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I further announce that, if present, and voting, the Senator from North Carolina (Mr. Morgan) would vote "yea."

Mr. STEVENS. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from Illinois (Mr. Percy), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

I further announce that the Senator from Vermont (Mr. Stafford) is absent due to illness.

The PRESIDING OFFICER. Have all Senators voted?

The result was announced—yeas 46, nays 38, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—46

Baucus
Bellmon
Boren
Bradley
Bumpers
Byrd,
Harry F., Jr.
Chiles
Church
Cohen
Culver
Danforth
Dole
Domenici
Durkin
Eagleton
Exon
Glenn
Hart
Hayakawa
Hollings
Huddleston
Jackson
Javits
Kennedy
Leahy
Levin
Lugar
Magnuson
Matsunaga
Metzenbaum
Moynihan
Muskie
Nelson
Nunn
Pell
Proxmire
Randolph
Riegle
Roth
Schmitt
Stennis
Stone
Talmadge
Tsongas
Weicker
Williams

NAYS—38

Armstrong
Baker
Boschwitz
Burdick
Byrd, Robert C.
Chafee
Cochran
DeConcini
Durenberger
Ford
Garn
Hatch
Hatfield
Heflin
Heinz
Helms
Humphrey
Jepsen
Kassebaum
Laxalt
Long
Mathias
McClure
Melcher
Packwood
Pressler
Pryor
Sarbanes
Sasser
Schweiker
Simpson
Stevens
Stewart
Tower
Wallop
Warner
Young
Zorinsky

NOT VOTING—16

Bayh
Bentsen
Biden
Cannon
Cranston
Goldwater
Gravel
Inouye
Johnston
McGovern
Morgan
Percy
Ribicoff
Stafford
Stevenson
Thurmond

So the motion to lay on the table Mr. Cochran's amendment (UP No. 162) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the motion to lay on the table the amendment of the Senator from Mississippi was agreed to.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, if I could get the attention of my colleagues, I wonder if we might ascertain——

The PRESIDING OFFICER. Will the Senator suspend? I will help him.

Will Senators take their seats? The Senator will withhold for just a moment. Senators take their seats.

The Senator from Connecticut.

Mr. WEICKER. Mr. President, I am trying to ascertain for the benefit of our colleagues what it is that lies ahead. I understand we have an amendment by the distinguished Senator from Pennsylvania which the committee is prepared to take. I also understand there is an amendment of the distinguished Senator from South Dakota.

Does the distinguished Senator intend to ask for the yeas and nays?

Mr. PRESSLER. I do not know.

Mr. WEICKER. Is there any other amendment? There is a committee amendment. I do not think, unless any other Senator cares to ask for it, that the yeas and nays will be asked for on final passage.

Am I correct? I ask the distinguished Senator from Kentucky.

Mr. HUDDLESTON. That is correct.

Mr. WEICKER. I yield.

UP AMENDMENT NO. 163

(Purpose: To increase the FY 1979 authorization level for the programs authorized by Title III of the Small Business Investment Act of 1958)

Mr. HUDDLESTON. Mr. President, I send to the desk a committee amendment and ask that it be considered immediately.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON), for himself and Mr. JOHNSTON, proposes an unprinted amendment numbered 163.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, between lines 10 and 11, insert the following:

"Section 20(e)(5) of Public Law 95–89 (15 USC 681) is amended to read as follows:

"(5) For the programs authorized by Title III of the Small Business Investment Act of 1958, the Administration is authorized to make $47,000,000 in direct purchase of debentures and preferred securities and to make $198,000,000 in guarantees of debentures."

Mr. HUDDLESTON. Mr. President, this amendment simply increases the authorization for the programs under title III of the Small Business Investment Act of 1958 by $25 million. The reason this increase is necessary is that the demand for Government matching funds under the MESBIC program has greatly exceeded the funds previously authorized by Congress. I have been informed by the MESBIC industry that $8 million remains for disbursement under this program at the Small Business Administration. Staff informs me that this total has been confirmed by the Small Business Administration. Against these available funds, the demand brought about by the investment of private funds in these minority business investment corporations is approximately $25 million.

Let me emphasize one critical point, Mr. President. I do not expect and will not support any supplemental appropriation to provide additional funds for this program. It is my understanding that the Small Business Administration will be able to reprogram funds from other programs to meet the demand for additional funds in fiscal year 1979. In the event that the Small Business Administration is unable to find funds available for reprograming, no additional funds will be disbursed in fiscal year 1979 other than those funds currently appropriated.

The 301(d) SBIC (MESBIC) industry has a long and established record of supporting the acquisitions and startup of minority business enterprises. I respectfully recommend that the authorization level of the SBA be raised to $25 million so that the efforts of this industry which represents a true private sector/public sector partnership and a Federal program that is working will not be frustrated merely for the lack of adequate Government funding. I note, in making this recommendation that the private sector funds are already available and that it is the Government funds that have fallen short. I support this increase in the authorization level of the SBA for the following reasons:

First. It is the policy of the President to increase minority participation in the American economic system. The 301(d) SBIC program encourages minority economic participation while producing direct, advantageous social results. The 301(d) SBIC program represents the direct injection of private capital into minority businesses along with Federal funds. This is a policy that must be encouraged.

Second. There are currently over 100 MESBIC's licensed and over 40 applications pending. Already the pending applications represent over $30 million of private sector funds waiting to be utilized when MESBIC's are licensed. Among those pending applications is a 301(d) SBIC to be financed by the National Association of Broadcasters whose application represents an additional $7½ million to help minorities enter the broadcast field. Also, the Federal Home Loan Bank Board will finance a $5 million MESBIC to help minority savings and loan banks. Further, the Department of Transportation, through its Minority Business Resource Center is financing several MESBIC's to help invest in businesses that will help restore our national railroad system.

Third. The industry itself already has over $65 million in private capital. The SBA authorization level is inadequate to handle the funding requests of already existing MESBIC's. The SBA is presently rationing its current level of leverage funds among an industry that has already outgrown the leverage authorization.

In today's money market the 301(d) SBIC or MESBIC's are the major source through which minority entrepreneurs can find the funds necessary to enter sophisticated markets.

The present level of funding is too low. There will be new demands on this program, and it will prove to be woefully inadequate. Therefore, the need for an increase in SBA authorization is now painfully obvious, if we are to insure equal economic opportunity for all Americans.

This amendment has been approved by both sides of the aisle, and I move its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky. (Putting the question.)

The amendment was agreed to.

UP AMENDMENT NO. 164

(Purpose: To improve small business participation in Small Business Development Centers)

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SCHWEIKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SCHWEIKER) proposes an unprinted amendment numbered 164.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On Page 40, line 18, strike all following "business' thru and including Page 41, line 2 and insert in lieu thereof the following:

"A small business development center shall have—

"(A) a full-time staff director to manage the program activities;

"(B) access to business analysts to counsel, assist, and inform small business clients;

"(C) access to technology transfer agents to provide state of art technology to small businesses through coupling with national and regional technology data sources;

"(D) access to information specialists to assist in providing information searches and referrals for small businesses;"

On Page 43, line 3 insert the following new subparagraphs

"(5) The assistance provided by Small Business Development Centers as described in this subsection may, to the extent practicable and feasible, be provided by qualified small business vendors, including but not limited to, private management consultants, private consulting engineers, and private testing laboratories."

Mr. SCHWEIKER. Mr. President, I will be very brief. This amendment would encourage——

The PRESIDING OFFICER. Will the Senator suspend? I think the Senator is entitled to be heard. Senators who want to continue with their conversations please retire to the cloakroom.

The Senator may proceed.

Mr. SCHWEIKER. My amendment would encourage and allow the private sector to provide management and technical service for the small business community through small business development centers. It simply gives small businesses an opportunity to participate in these small business development centers.

I had tried to clear this with both sides, and I hope it is acceptable to both sides.

Mr. HUDDLESTON. The Senator from Pennsylvania's amendment has been perused by both sides. We think it is a commendable amendment and we have no objection to it on this side.

Is that the situation on the other side of the aisle? It is. So, Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania. (Putting the question.)

The amendment was agreed to.

Mr. HUDDLESTON. Mr. President, that concludes the amendments I know of.

Mr. COCHRAN. Mr. President, will the Senator yield for one brief statement?

Mr. HUDDLESTON. I yield.

Mr. COCHRAN. I thank the Senator for yielding. I had another amendment, Mr. President, which I was going to offer before my first one was treated so rudely by the leadership, which would have, in effect, reduced interest rates for businesses and eliminated the credit-elsewhere test. But because of the vote on my previous amendment I am not offering that amendment at this time.

I just wanted to make that statement for the record.

Mr. HUDDLESTON. I thank the distinguished Senator from Mississippi. I likewise thank him for his consideration.

Mr. PRESSLER. Mr. President, if I could join in those remarks, Senator BOSCHWITZ and I were thinking of offering an amendment on the credit-elsewhere test and some other changes. But we have become convinced by the distinguished chairman of the committee, who makes very cogent arguments, and who pointed out what was in the House bill, and we will be submitting remarks, but we will not be offering the amendment at this time.

Mr. HUDDLESTON. I thank the Senator.

Mr. STENNIS. Mr. President, I rise in support of the pending bill. I am particularly interested in those provisions which deal with interest rates on disaster loans. I believe they reflect a responsive and compassionate policy in trying to help those who have suffered catastrophic losses as a result of natural disasters.

My interest in the provisions of the bill which reduce interest rates on loans made for disaster purposes arises because of recent floods, storms, and natural disasters in Mississippi and elsewhere. Under existing law, the interest rate on disaster loans made by the Small Business Administration is based on the cost of money to the United States which makes these disaster loans carry a 7⅜ percent interest rate. The bill which is pending before us retroactively lowers interest rates on homeowner loans for disasters occurring on or after October 1, 1978, to 3 percent on the first $55,000 of assistance. Reductions are also made in the interest rate on disaster business loans.

I believe, Mr. President, that the reductions in the interest rates which this bill proposes are absolutely essential in existing circumstances. They represent a humane understanding and considerate manner of offering needed assistance to help relieve human suffering. Many States and communities have recently suffered devastating losses and severe damage as a result of spring floods, storms, and tornadoes. I am concerned with all of the victims of these disasters, but, naturally, I am directly concerned with the plight and difficulties of my fellow Mississippians.

The so-called Easter flood in Mississippi produced damage and devastation on a scale and a scope which literally staggers the imagination. These were not flash floods in the sense in which the water suddenly rises and quickly recedes. In many cases, the flood waters remained in residential and business areas for many days, thus magnifying and extending the resulting damage. The flood was estimated to be of a magnitude which occurs only once every 500 years.

The destruction and damage was tremendous. The final money toll has not yet been finally determined, but certainly the damage to private and public property will exceed $1 billion. Damage was particularly heavy in and around our capital city of Jackson, but it was also heavy in many other communities along the Pearl, Tombigbee, Yazoo, and other streams and rivers.

In many cases the damage to buildings and residences was most severe. Some buildings were destroyed. Carpets and furnishings were ruined. The removal of silt and mud is an almost impossible task. It is estimated that more than 6,000 homes were flooded and many of them made uninhabitable. These businesses and homes require major repairs. The walls and insulation must be removed, discarded and replaced. Cabinets and appliances were ruined in many cases. It will take weeks for the houses to dry. The sheetrock, wallboard, or plaster must be torn out, replaced, and repainted. Much work must be done at great expense—expense which the homeowner has already incurred once and is still paying on his existing mortgage. Many of the homes affected were moderate in cost while many others were very expensive.

One of the most tragic aspects of this situation, Mr. President, is that many people had a substantial portion of their life savings tied up in their homes. Now it is gone. The psychological impact of such a massive flood upon these people is difficult to imagine. In the aftermath of the disaster, in addition to the personal sense of loss, anguish, and frustration, the flood victims are now facing harsh financial reality.

Most of the homeowners had substantial mortgages. If they were recent purchasers, they were already paying interest rates of 9, 10, and 11 percent. Under existing law, they are faced with large second mortgages with Small Business Administration loans at interest rates of 7⅜ percent. This heavy indebtedness and crushing interest will be extremely burdensome for most people and impossible for others. Many homeowners are confronted with the possibility that they may be forced to sell their homes and start over again.

Therefore, Mr. President, I fully support the provisions of this bill, which provide for interest of 3 percent per annum on the first $55,000 of a disaster loan made by the Small Business Administration and which reduce the interest on business loans. There is ample precedent for disaster loans being set at a level below the market rate. Between July 1, 1976 and October 1, 1978, the rate was 1 percent on the first $10,000, 3 percent on the next $30,000 and market rate above $40,000.

Mr. President, I commend the Committee on Small Business for its consideration, compassion and understanding which caused it to recommend a reduction in the interest rate on SBA disaster loans. It would be difficult to explain to the people of Mississippi why the U.S. Government can give away and lend money at nominal rates to foreign governments, while at the same time disaster victims here in this country would have to bear the crushing burden of an additional loan at 7⅜ percent interest. I would not want to try to explain it to them.

The committee has recognized that it is one of the basic functions of the Government to come to the aid of citizens when disaster strikes. I commend them for it.

I want to reiterate my strong support for the disaster loan provisions of this bill. Certainly this will not and cannot fully compensate the victims of the Mississippi floods and the other natural disasters around the country. However, it will reduce the burden. It will give the victims an opportunity for a new start. It is reasonable and humane and I strongly urge that it be passed by the Senate.

Mr. KENNEDY. Mr. President, I want to voice my strong support for this legislation, and commend Senator NELSON and the members of the committee for their efforts on behalf of small business.

The importance of small business to the Nation's economy cannot be overstated. Small business firms employ well over half of the private sector work force and contribute 43 percent of our gross national product. These same firms have been responsible for more than half of the major technological innovations made in the United States, and studies show that the bulk of new jobs are created by new and expanding small business firms.

Yet, the small business community is encountering serious difficulties. The committee report points out, for example, that some 400,000 small firms went out of business last year alone, and that the share of industrial assets held by small business is declining.

The cause of this decline is clear. The small business person has become overwhelmed by an increasingly hostile business climate. The lack of capital, increasing costs, and, complex Government regulation have all made it more difficult for small business to compete and survive in the marketplace.

More than ever before, small business needs a well-coordinated program of management and technical assistance to cope with an increasingly complex business environment. Title II of this bill establishes a program to meet this need. This title authorizes the creation of small business development centers (SBDC) designed to pool the resources of universities and colleges to assist small firms.

In Massachusetts, some 20 institutions of higher education have pledged to participate in such a center to be administered by the School of Business Administration of the University of Massachusetts. The Governor of Massachusetts has lent his strong support to the establishment of an SBDC in the Commonwealth, and the State legislature is prepared to appropriate the necessary State matching funds.

Small businesses in Massachusetts and throughout the country will find these centers a major new source of valuable management and technical assistance. It is a creative concept which deserves our support, and I look forward to final enactment of this legislation.

● Mr. DOLE. Mr. President, I can certainly understand and appreciate the problems of those who fall victims of physical disasters. I think we should be responsive to their needs.

S. 918, mandates significant changes in the SBA disaster loan program which will serve to eliminate duplicative features of existing FmHA programs. Under this bill, homeowners who are hardest hit by such physical disasters will receive loans at a subsidized interest rate of 3 percent. That rate is 5½ percent below the current cost of money to the Federal Government and 7 percent below cost on a loan from the private sector assuming a loan could be obtained at 10 percent. Mr. President, S. 918, represents a responsible compromise with a combination of programmatic changes and moderately reduced interest rates. This compromise, I might add, is supported by the authorizing committees of both Houses and the Administration.

SUBSIDY AMENDMENT

Mr. President, because I am firmly convinced the SBA should be able to respond to the needs of those who suffer from physical disasters, quickly and effectively, I support the committee language as contained in the bill. The committee language, which is the result of much debate, not only maintains the ability to assist those in need, but will also serve to reduce program abuses.

Mr. President, I urge my colleagues to support the committee language contained in the bill and oppose any amendments which would produce deeper subsidies and unreasonably low interest rates or eliminate the reforms which are needed to insure the focus of this measure on those it was intended to serve.●

The PRESIDING OFFICER. Are there further amendments? If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall the bill pass? (Putting the question.)

The bill (S. 918), as amended, was passed as follows:

S. 918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AUTHORIZATIONS AND MISCELLANEOUS AMENDMENTS

PART A—PROGRAM LEVELS AND AUTHORIZATIONS

SEC. 101. Section 20 of the Small Business Act is amended by adding at the end thereof the following new subsections:

"(h) The following program levels are authorized for fiscal year 1980:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $50,000,000 in direct and immediate participation loans, and $3,200,000,000 in deferred participation loans.

"(2) For the programs authorized by section 7(h) of this Act, the Administration is authorized to make $22,000,000 in direct and immediate participation loans and $11,000,000 in guaranteed loans.

"(3) For the programs authorized by section 7(i) of this Act, the Administration is authorized to make $65,000,000 in direct and immediate participation loans and $70,000,000 in guaranteed loans.

"(4) For the programs authorized by section 7(l) of this Act, the Administration is authorized to make $30,000,000 in direct and immediate participation loans and $30,000,000 in guaranteed loans.

"(5) For the programs authorized by sections 501, 502, and 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $50,000,000 in direct and immediate participation loans, and $100,000,000 in guaranteed loans and guarantees of debentures.

"(6) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $50,000,000 in direct purchases of debentures and preferred securities and to make $190,000,000 in guarantees of debentures.

"(7) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,900,000,000.

"(8) For the programs authorized by sections 7(b)(3) through 7(b)(9) and 7(g) of this Act, the Administration is authorized to enter into $60,000,000 in loans, guarantees, and other obligations or commitments.

"(9) For the programs authorized by sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $100,000,000.

"(10) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving fund such sums as may be necessary and appropriate for such administrative expenses.

"(i) There are authorized to be appropriated to the Administration for fiscal year 1980, $677,453,000 to carry out the programs referred to in subsection (h), paragraphs (1) through (9). Of such sum, $441,000,000 shall be available for the purpose of carrying out the programs referred to in subsection (h), paragraphs (1) through (7); $6,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $194,453,000 shall be available for salaries and expenses of the Administration, of which amount—

"(1) $11,315,000 shall be available for procurement assistance, of which amount no less than $300,000 shall be used to employ ten additional certificate of competency specialists, no less than $900,000 shall be used to employ thirty additional procurement center representatives and no less than $450,000 shall be used to employ fifteen additional subcontracting specialists;

"(2) $2,800,000 shall be available for technical assistance, of which amount no less than $1,200,000 shall be used to develop and maintain twelve technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technological problems or needs of small businesses by searching such technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small businesses, and no less than $772,000 shall be used to pay for the continued development of a procurement automated source system;

"(3) $19,346,000 shall be available for management assistance, of which amount no less than $5,279,000 shall be used for SCORE/ACE program costs, no less than $3,835,000 shall be used for small business institute program costs, no less than $1,611,000 shall be used for management assistance program development costs, and no less than $1,000,000 shall be used to develop and implement a small business export development program and to employ no less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist;

"(4) $8,000,000 shall be available for economic research and analysis and advocacy, of which amount no less than $2,898,000 shall be used to employ sixty-nine staff people for the Office of the Chief Counsel for Advocacy to carry out those functions prescribed by Public Law 94–305, no less than $1,500,000 shall be used to develop an external small business data bank and small business index, no less than $1,000,000 shall be used to undertake studies associated with issues affecting the whole of the small business sector, and no less than $500,000 shall be used to research small business problems within industries undergoing dislocation and stress and to recommend solutions for such problems;

"(5) $24,897,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, of which amount no less than $12,000,000 shall be used to carry out those functions prescribed by section 7(j) of this Act;

"(6) $8,034,000 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, to the installation of terminals in Administration field offices, and to the development of an indicative small business data base comprised of names and addresses and related information, of which amount no less than

$1,000,000 shall be used to pay for development of such indicative small business data base; and

"(7) $8,000,000 shall be available for matching grants to Small Business Development Centers, and an additional $500,000 shall be available for the administration of the small business development center program; and

"(8) not to exceed $200,000 shall be available for a study, the purpose of which shall be to define and describe the forest products industry and, in particular, to define and describe that portion of the forest products industry which consists of small businesses, to identify the trends and conditions affecting the survival of small businesses as a viable portion of the forest products industry, and to propose actions and programs to assist and promote a broadly based, nonconcentrated, healthy forest products industry. In conducting the study and investigation pursuant to the preceding sentence, particular attention should be given to the analysis and review of, and recommendations with respect to, reasons for failure among firms within the forest products industry.

"(j) The Administrator may transfer no more than 10 percent of each of the total levels for salaries and expenses authorized in paragraphs (1) through (7) of section 20(i) of this Act: *Provided, however,* That no program level authorized in such paragraphs may be increased more than 20 per centum by any such transfers.

"(k) The following program levels are authorized for fiscal year 1981:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $50,000,000 in direct and immediate participation loans, and $3,520,000,000 in deferred participation loans.

"(2) For the programs authorized by section 7(h) of this Act, the Administration is authorized to make $25,000,000 in direct and immediate participation loans and $12,000,000 in guaranteed loans.

"(3) For the programs authorized by section 7(i) of this Act, the Administration is authorized to make $71,500,000 in direct and immediate participation loans and $77,000,000 in guaranteed loans.

"(4) For the programs authorized by section 7(l) of this Act, the Administration is authorized to make $30,000,000 in direct and immediate participation loans and $33,000,000 in guaranteed loans.

"(5) For the programs authorized by sections 501, 502, and 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $55,000,000 in direct and immediate participation loans and $110,000,000 in guaranteed loans and guarantees of debentures.

"(6) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $55,000,000 in direct purchase of debentures and preferred securities, and to make $209,000,000 in guarantees of debentures.

"(7) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,090,000,000.

"(8) For the programs authorized by sections 7(b)(3) through 7(b)(9) and 7(g) of this Act, the Administration is authorized to enter into $66,000,000 in loans guarantees, and other obligations or commitments.

"(9) For the programs authorized by section 404, and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $110,000,000.

"(10) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving fund such sums as may be necessary and appropriate for such administrative expenses.

"(l) There are authorized to be appropriated to the Administration for fiscal year 1981, $850,100,000 to carry out the programs referred to in subsection (k), paragraphs (1) through (9). Of such sum, $521,000,000 shall be available for the purpose of carrying out the programs referred to in subsection (k), paragraphs (1) through (7); $63,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $224,100,000 shall be available for salaries and expenses of the Administration of which amount—

"(1) $12,446,000 shall be available for procurement assistance;

"(2) $3,080,000 shall be available for technical assistance, of which amount no less than $1,320,000 shall be used to develop and maintain twelve technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technological problems or needs of small businesses by searching such technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small businesses;

"(3) $20,180,000 shall be available for management assistance, of which amount no less than $5,806,000 shall be used for SCORE/ACE program costs, no less than $4,218,000 shall be used for small business institute program costs, no less than $1,772,000 shall be used for management assistance program development costs, and no less than $1,100,000 shall be used to implement the small business export development program and to employ no less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist;

"(4) $8,800,000 shall be available for economic research and analysis and advocacy, of which amount no less than $3,187,000 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel for Advocacy to carry out those functions prescribed in Public Law 94–305, no less than $1,650,000 shall be used to develop an external small business data bank and small business index, no less than $1,100,000 shall be used to undertake studies associated with issues affecting the whole of the small business sector, and no less than $550,000 shall be used to research small business problems within industries undergoing dislocation and stress and to recommend solutions for such problems;

"(5) $27,386,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, of which amount no less than $13,200,000 shall be used to carry out those functions prescribed by section 7(j) of this Act.

"(6) $8,837,000 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, to the installation of terminals in Administration field offices and to the development of an indicative small business data base comprised of names and addresses and related information, of which amount no less than $1,000,000 shall be used to pay for development of such indicative small business data base; and

"(7) $18,000,000 shall be available for matching grants to Small Business Development Centers, and an additional $550,000 shall be available for the administration of the small business development center program.

"(m) The Administrator may transfer no more than 10 percent of each of the total levels for salaries and expenses authorized in paragraphs (1) through (7) of section 20(l) of this Act: *Provided, however,* That no level authorized in such paragraphs may be increased more than 20 per centum by any such transfers.

"(n) There are authorized to be appropriated to the Administration for fiscal year 1982, $20,000,000 which shall be available for matching grants to Small Business Development Centers, and an additional $605,000 which shall be available for the Administration of the small business development center program.".

THE PROGRAMS AUTHORIZED BY TITLE III OF THE SMALL BUSINESS INVESTMENT ACT OF 1958

Sec. 102. Section 20 (e)(5) of Public Law 95–89 (15 U.S.C. 681) is amended to read as follows:

"(5) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $47,000,000 in direct purchase of debentures and preferred securities and to make $198,000,000 in guarantees of debentures.".

PART B—MISCELLANEOUS AND TECHNICAL AMENDMENTS

AVAILABILITY OF UNEXPENDED FUNDS

Sec. 110. Section 20(a) of the Small Business Act is amended to read as follows:

"For fiscal years 1979, 1980, 1981, and 1982 there are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act other than those for which appropriations are specifically authorized. All appropriations whether specifically or generally authorized shall remain available until expended.".

ENERGY SHORTAGE LOANS

Sec. 111. Section 7(b)(8) of the Small Business Act is amended by inserting after "energy-producing resources," the following: "including, but not limited to, a shortage of coal or other energy-producing resource caused by a strike, boycott, or embargo, unless such strike, boycott, or embargo is directly against such small business concern,".

DISASTER LOAN INTEREST RATES

Sec. 112. (a) Section 7(b)(1) of the Small Business Act is amended by striking the semicolon at the end thereof and adding the following: ": *Provided*, That, except as otherwise provided, no financial assistance shall be extended to a business concern pursuant to this paragraph unless the Administration determines that such concern is unable to obtain sufficent credit elsewhere at reasonable rates and terms, taking into consideration prevailing private rates and terms in the community in or near where the concern transacts business for similar purposes and periods of time;".

(b) The first undesignated paragraph of section 7(b) of such Act is further amended by striking the phrase "the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceeding the date of the loan and adjusted to the nearest one-eighth of 1 per centum plus one-quarter of 1 per centum:" and inserting in lieu thereof "the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, plus not to exceed 1 per centum, as determined by the Administrator, and adjusted to the nearest one-eighth of 1 per centum:".

(c) The first undesignated paragraph of section 7(b) of such Act is further amended:

(1) by inserting after the figure "$40,000" the following: "; and with respect to a disaster occurring on or after October 1, 1978, shall be 3 per centum on the first $55,000 of such loan"; and

(2) by inserting after the phrase "shall be 3 per centum." the following new sentence: "The interest rate on the Administration's share of all other loans made pursuant to paragraph (1) of this subsection, with respect to a disaster occurring on or after October 1, 1978, shall be—

"(A) if the business concern is unable to obtain credit elsewhere pursuant to paragraph (1) of this subsection, the rate provided for in section 324 of the Consolidated Farm and Rural Development Act for applicants under such Act who are unable to obtain sufficient credit elsewhere; or

"(B) if the business concern is able to obtain sufficent credit elsewhere pursuant to paragraph (1) of this subsection, the rate provided for in this paragraph: *Provided*, That five years after such loan is first approved, and every two years thereafter for the term of the loan, if the Administration determines that the borrower is able to obtain a loan from non-Federal sources at reasonable rates and terms for loans of similar purposes and periods of time, the borrower will, upon request by the Administration, apply for and accept such loan in sufficient amount to repay the Administration.".

SEC. 113. (a) Section 324 of the Consolidated Farm and Rural Development Act is amended by striking out the first sentence in subsection (a) and inserting in lieu thereof the following: "Loans made or insured under this subtitle shall be at rates of interest as follows:

"(1) with respect to loans or portions of loans up to the amount of the applicant's actual loss caused by the disaster, (A) if the applicant is unable to obtain sufficient credit elsewhere to finance the applicant's actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time, the interest rate shall be a rate prescribed by the Secretary not in excess of 5 per centum per annum, and (B) if the applicant is able to obtain sufficient credit elsewhere, the interest rate shall be the rate prescribed by the Secretary, but not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, plus not to exceed 1 per centum, as determined by the Secretary, and adjusted to the nearest one-eighth of 1 per centum; and

"(2) with respect to loans or portions of loans exceeding the amount of actual loss caused by the disaster, the interest rate shall be that prevailing in the private market for similar loans, as determined by the Secretary.".

(b) Section 321 of the Consolidated Farm and Rural Development Act is amended by striking out in the first sentence all that follows after "with the assistance of such loan" through the end of the sentence and inserting in lieu thereof a period.

(c) Section 18 of the Small Business Act is amended by striking "industries," and inserting in lieu thereof "industries: *Provided*, That an agricultural enterprise shall not be eligible for loan assistance under paragraph (1) of section 7(b) to repair or replace property other than residences and/or personal property unless it is declined for or would be declined for emergency loan assistance from the Farmers Home Administration under section 321 of the Consolidated Farm and Rural Development Act,".

INVESTMENT OF IDLE FUNDS

SEC. 114. The last sentence of section 412 of the Small Business Investment Act of 1958 is repealed.

SEC. 115. Section 405 of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following: "Moneys in the fund not needed for the payment of current operating expenses or for the payment of claims arising under this part may be invested in bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by, the United States; except that moneys provided as capital for the fund shall not be so invested.".

PRODUCT DISASTER LOANS

SEC. 116. Section 7(b)(4) of the Small Business Act is amended by striking "undetermined" and inserting in lieu thereof "other".

DEVELOPMENT COMPANY DEBENTURES

SEC. 117. (a) Title V of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following new section:

"DEVELOPMENT COMPANY DEBENTURES

"SEC. 503. (a)(1) Except as provided in subsection (b), the Administration may guarantee the timely payment of all principal and interest as scheduled on any debenture issued by any qualified State or local development company.

"(2) Such guarantees may be made on such terms and conditions as the Administration may by regulation determine to be appropriate.

"(3) The full faith and credit of the United States is pledged to the payment of all amounts guaranteed under this subsection.

"(4) Any debenture issued by any State or local development company with respect to which a guarantee is made under this subsection, may be subordinated by the Administration to any other debenture, promissory note, or other debt or obligation of such company.

"(b) No guarantee may be made with respect to any debenture under subsection (a) unless—

"(1) such debenture is issued for the purpose of making one or more loans to small business concerns, the proceeds of which shall be used by such concern for the purposes set forth in section 502;

"(2) necessary funds for making such loans are not available to such company from private sources on reasonable terms;

"(3) the interest rate on such debenture is not less than the rate of interest determined by the Secretary of the Treasury for purposes of section 303(b);

"(4) the aggregate amount of such debenture does not exceed the amount of loans to be made from the proceeds of such debenture (other than any excess attributable to the administrative costs of such loans);

"(5) the amount of any loan to be made from such proceeds does not exceed an amount equal to 50 per centum of the cost of the project with respect to which such loan is made; and

"(6) the Administration approves each loan to be made from such proceeds.

"(c) The Administration may impose an additional charge for administrative expenses with respect to each debenture for which payment of principal and interest is guaranteed under subsection (a).

"(d) For purposes of this section, the term 'qualified State or local development company' means any State or local development company which, as determined by the Administration, has—

"(1) a full-time professional staff,

"(2) professional management ability (including adequate accounting, legal, and business-servicing abilities), and

"(3) a board of directors, or membership, which meets on a regular basis to make management decisions for such company, including decisions relating to the making and servicing of loans by such company.".

(b) The table of contents of the Small Business Investment Act of 1958 is amended by inserting after the item relating to section 502 the following new item:

"Sec. 503. Development company debentures.".

REGULAR BUSINESS LOAN REFORM

SEC. 118. (a) Section 5(b)(7) of the Small Business Act is amended to read as follows:

"(7) in addition to any powers, functions, privileges and immunities otherwise vested in him, take any and all actions (including the procurement of the services of attorneys by contract in any office where an attorney or attorneys are not or cannot be economically employed full time to render such services), when he determines such actions are necessary or desirable in making, servicing, compromising, modifying, liquidating, or otherwise dealing with or realizing on loans made under the provisions of this Act; and he may authorize participating lending institutions, in his discretion pursuant to regulations promulgated by him, to take such actions on his behalf, including, but not limited to the determination of eligibility and creditworthiness, and loan monitoring, collection and liquidation;".

(b) Effective October 1, 1981, section 7(a) of the Small Business Act is amended by—

(1) striking the phrase "and such loans may be made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis." and inserting in lieu thereof "and such loans may be made directly.";

(2) striking subparagraphs (2) and (3) in their entirety; and

(3) striking subparagraph (4)(A) and inserting in lieu thereof:

"(A) No loan made or effected under this subsection shall exceed $350,000.".

SURETY BOND GUARANTEE

SEC 119. Section 411(c) of the Small Business Investment Act of 1958 is amended to read as follows:

"(c) Any guarantee or agreement to indemnify under this section shall obligate the Administration to pay to the surety a sum not to exceed (1) in the case of a breach of contract, 90 per centum of the loss incurred and paid by the surety as the result of the breach; or (2) in a case in which (b) applies, the amount determined under (b).".

PROCUREMENT SYSTEMS

SEC. 120. Section 15(c) of the Small Business Act is amended to read as follows:

"(c) Public and private organizations and individuals eligible for assistance under section 7(h) of this Act shall be eligible to participate in programs authorized by this section.".

SEC. 121. (a)(1) The first sentence of section 15(d) of the Small Business Act is amended by inserting "small business" before "concerns".

(2) The last two sentences of subsection (d) of section 15 of such Act are repealed.

(b) Subsections (e) and (f) of section 15 of such Act are amended to read as follows:

"(e) In carrying out small business set-aside programs, departments, agencies, and instrumentalities of the executive branch shall award contracts, and encourage the placement of subcontracts for procurement to the following in the manner and in the order stated:

"(1) concerns which are small business

concerns and which are located in labor surplus areas, on the basis of a total set-aside.

"(2) concerns which are small business concerns, on the basis of a total set-aside.

"(3) concerns which are small business concerns and which are located in a labor surplus area, on the basis of a partial set-aside.

"(f) After priority is given to the small business concerns specified in subsection (e), priority shall also be given to the awarding of contracts and the placement of subcontracts, on the basis of a total set-aside, to concerns which—

"(1) are not eligible under subsection (e);

"(2) are not small business concerns; and

"(3) will perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas.".

(c) Section 15 of such Act is further amended by adding at the end thereof a new subsection as follows:

"(m) In carrying out labor surplus areas and small business set-aside programs, the Administration shall, with respect to each award or contract or class of award or contract, identify to the contracting procurement agency, concerns (including small business concerns) which are located in labor surplus areas.".

TO REVISE THE DUPLICATION OF BENEFITS PROVISIONS APPLICABLE TO SMALL BUSINESS ADMINISTRATION DISASTER LOANS

SEC. 122. Section 7(b) of the Small Business Act is amended by adding at the end thereof the following:

"A State grant made on or after January 1, 1979, shall not be considered compensation for the purpose of applying the provisions of subsection (b) of section 315 of Public Law 93-288 (42 U.S.C. 5155) to a disaster loan under paragraph (1) (2), or (4) of this subsection.".

TITLE II—SMALL BUSINESS DEVELOPMENT CENTERS

SHORT TITLE

SEC. 201. This title may be cited as the "Small Business Development Center Act of 1979".

PROGRAM AUTHORIZATION

SEC. 202. The Small Business Act is amended by redesignating section 21 as section 30 and by inserting the following new section:

"SEC. 21. (a) The Congress finds that—

"(1) small business concerns rarely have access to useful and practical advice, information, and services of the types which are available to large business concerns or, through the Department of Agriculture extension service, to farmers and agricultural business concerns;

"(2) small businesses would benefit from having a local, single source of assistance which would interpret, analyze, and counsel on matters such as management, marketing, product development, manufacturing, technology development and exchange, finance, government regulations and policies, and other similar problem or policy areas; and

"(3) private sector consultants and experts and academic institutions are aware of local small business problems and are better equipped than the Federal Government to develop and establish management and technical assistance programs designed to aid small business concerns in such local communities.

"(b) It is the purpose of this section to expand the small business sector, to stimulate economic diversity, and to foster competition by encouraging the development of small business development centers through a grant program giving States wide flexibility in developing and establishing centers to aid in the development and growth of existing and new small business concerns.

"(c) (1) The Administration is authorized to make grants to States (herein referred to as 'applicant') to assist any State government or any agency thereof, any regional entity, any public or private institution of higher education, including but not limited to any land-grant college or university, any college or school of business, engineering, commerce, or agriculture, community college or junior college, or to any entity formed by two or more of the above entities to develop and operate State small business development centers which may undertake studies, research, and counseling concerning the managing, financing, and operation of small business enterprises; provide technological assistance, technical and statistical information for small business enterprises; provide delivery or distribution of such services and information; and provide access to business analysts who can refer small business concerns to available experts.

"(2) The Administration shall require, as a condition to any grant (or amendment or modification thereof) made to an applicant under this section, that an additional amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government: *Provided*, That the additional amount shall not include any amount of indirect costs or in kind contributions paid for under any Federal program, nor shall such indirect costs or in kind contributions exceed 50 per centum of the non-Federal additional amount: *Provided further*, That no State small business development center shall receive a grant which would exceed its pro rata share, based upon the population to be served by the small business development center compared to a total population of all participating States, of the amount authorized to be appropriated for such purpose in each of fiscal years 1980, 1981, and 1982, but in no event shall such center receive less than $250,000.

"(d) (1) During fiscal years 1980, 1981, and 1982 financial assistance shall not be made available to any applicant if approving such assistance would be inconsistent with a plan for the area involved which has been adopted by an agency recognized by the State government as authorized to do so and approved by the Administration in accordance with the standards and requirements established pursuant to this section.

"(2) An applicant may apply to participate in the program by submitting to the Administration for approval a plan naming those authorized in subsection (c) to participate in the program, the geographic area to be served, the services that it would provide, the method for delivering services, a budget, and any other information and assurances the Administration may require to insure that the applicant will carry out the activities eligible for assistance. The Administration is authorized to approve, conditionally approve, or reject a plan or combination of plans submitted. In all cases, the Administration shall review plans for conformity with the plan submitted pursuant to paragraph (1) of this subsection, and with a view toward providing small business with the most comprehensive and coordinated assistance in the region, State, or part thereof to be served.

"(3) At the discretion of the Administration, the Administration is authorized to permit a small business development center to provide advice, information, and assistance, as described in subsection (e), to small businesses located outside the State, but only to the extent such businesses are located within close geographical proximity to the small business development center, as determined by the Administration.

"(e) (1) A State small business development center shall assist small businesses in solving problems concerning operations, manufacturing, engineering, technology exchange and development, personnel administration, marketing, sales, merchandising, finance, accounting, business strategy development, and other disciplines required for small business growth and expansion, innovation, increased productivity, and management improvement, and for decreasing industry economic concentrations.

"(2) A State small business development center shall provide services as close as possible to small businesses by establishing extension services and utilizing satellite locations when necessary and not duplicative. To the extent possible, it also shall make full use of other Federal and State government programs that are concerned with aiding small businesses. A small business development center shall have—

"(A) a full-time staff director to manage the program activities;

"(B) access to business analysts to counsel, assist, and inform small business client;

"(C) access to technology transfer agents to provide state-of-art technology to small businesses through coupling with national and regional technology data sources;

"(D) access to information specialists to assist in providing information searches and referrals for small businesses;

"(E) access to part-time professional specialists to conduct research or to provide counselling assistance whenever the need arises, and

"(F) access to laboratory and adaptive engineering facilities.

"(3) Services provided by a State small business development center shall include, but shall not be limited to—

"(A) furnishing one-to-one individual counseling to small businesses;

"(B) assisting in technology transfer, research, and coupling from existing sources to small business concerns;

"(C) maintaining current information concerning Federal, State, and local regulations that affect small businesses and counsel small businesses on methods of compliance. Counseling and technology development shall be provided when necessary to help small businesses find solutions for complying with environmental, energy, health, safety, and other Federal, State, and local regulations;

"(D) coordinating and conducting research into technical and general small business problems for which there are no ready solutions;

"(E) providing and maintaining a comprehensive library that contains current information and statistical data needed by small businesses;

"(F) maintaining a working relationship and open communications with the financial and investment communities, legal associations, local and regional private consultants, and local and regional small business groups and associations in order to help address the various needs of the small business community;

"(G) conducting indepth surveys for local small business groups in order to develop general information regarding the local economy and general small business strengths and weaknesses in the locality;

"(H) maintaining lists of local and regional private consultants to whom small businesses can be referred;

"(I) continuing to upgrade and modify its services, as needed, in order to meet the changing and evolving needs of the small business community; and

"(J) utilizing private local and regional consultants and testing laboratories when appropriate and applicable.

"(4) A small business development center is authorized to compensate local and regional private consultants for services provided to small businesses on behalf of such small business development center.

"(5) The assistance provided by Small Business Development Centers as described in this subsection may, to the extent practicable and feasible, be provided by qualified small business vendors, including but not limited to, private management consultants, private consulting engineers, and private testing laboratories.

"(f) Regional small business development centers may be established to support State small business development centers when the Administration, with the advise of the Board, determines a need for providing assistance and information on technical or specialized problems such as, but not limited to high technology transfer and utilization and regional data acquisition that may require capital intensive research and which transcend State boundaries. Regional small business development centers shall be provided a specific charter and staff according to the services they will be expected to provide. Their assistance shall be available to all State small business development centers participating in the program.

"(g) Laboratories operated and funded by the Federal Government are authorized and directed to cooperate with the Administration in developing and establishing programs to support the small business development centers by making facilities and equipment available; providing experiment station capabilities in adaptive engineering; providing library and technical information processing capabilities; and providing professional staff for consulting. The Administration is authorized to reimburse the laboratories for such services.

"(h) The National Science Foundation and innovation centers supported by the National Science Foundation are authorized and directed under this section to cooperate with small business development centers participating in this program. The National Science Foundation shall report annually on the performance of such centers with recommendations to the Administration and the Congress on how such innovation centers can be strengthened and expanded. The National Science Foundation shall include in its report to Congress information on the ability of innovation centers to interact with the Nation's small business community and recommendations to the Administration on continued funding.

"(i) The National Aeronautics and Space Administration and industrial application centers supported by the National Aeronautics and Space Administration are authorized and directed under this section to cooperate with small business development centers participating in this program. The National Aeronautics and Space Administration shall report annually on performance of such centers with recommendations to the Administration and the Congress on how such industrial application centers can be strengthened and expanded. The National Aeronautics and Space Administration shall include in its report to Congress information on the ability of industrial application centers to interact with the Nation's small business community and recommendations to the Administration on continued funding.

"(j) The Administrator shall appoint a Deputy Associate Administrator for Management Assistance who shall report to the Associate Administrator for Management Assistance and who shall serve without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not less than the rate of GS-17 of the General Schedule.

"(k) The sole responsibility of the Deputy Associate Administrator for Management Assistance shall be to administer the small business development center program. Duties of the position shall include, but are not limited to, recommending the annual program budget, reviewing the annual budgets submitted by each applicant, establishing appropriate funding levels therefor, selecting applicants to participate in this program under this section, implementing the provisions of this section, maintaining a clearinghouse to provide for the dissemination and exchange of information between small business development centers, concluding agreements with federally supported laboratories and centers and Federal agencies to provide technology assistance for this program, and conducting audits of recipients of grants under this section. The Deputy Associate Administrator for Management Assistance shall confer with and seek the advice and counsel of the Board in carrying out the responsibilities described in this section.

"(l)(1) There is established a National Small Business Development Center Advisory Board (herein referred to as 'Board') which shall consist of nine members appointed from civilian life by the Administrator and who shall be persons of outstanding qualifications known to be familiar and sympathetic with small business needs and problems. No more than three members shall be from the academic community or their affiliates and six shall be from small businesses or associations representing small business.

"(2) The Board shall elect a Chairman and advise, counsel, and confer with the Deputy Associate Administrator for Management Assistance in carrying out the duties described in this section. The Board shall meet at least quarterly and at the call of the Chairman of the Board. Each member of the Board shall be entitled to be compensated at the rate not in excess of the per diem equivalent of the highest rate of pay for individuals occupying the position under GS-18 of the General Schedule for each day engaged in activities of the Board and shall be entitled to be reimbursed for expenses as a member of the Board.

"(m)(1) Each State small business development center shall establish an advisory board the members of which shall be appointed by the Governor. No more than one-third of the members of such board shall be from the academic community or their affiliates and no less than two-thirds of the members of such board shall be from small businesses or associations representing small business.

"(2) Each State small business development center advisory board shall elect a chairman and advise, counsel, and confer with the director of the State small business development center on all policy matters pertaining to the operation of the small business development center, including who may be eligible to receive assistance from, and how local and regional private consultants may participate with, the small business development center.

"(n) The Administration, with the advice of the Board, shall establish a plan for evaluation of the small business development center program which may include the retaining of an independent concern to conduct such an evaluation. The evaluation shall be both quantitative and qualitative and shall determine—

"(1) the impact of the small business development center program on small businesses, including local and regional private consultants, and the socioeconomic base of the regions served;

"(2) the multidisciplinary resources the small business development center program was able to coordinate to assist small businesses; and

"(3) the extent to which various types of small businesses engaged in such areas as manufacturing, retailing, wholesaling and services have been assisted by the small business development center program.

For the purpose of this evaluation, the Administration is authorized to require any small business development center or party receiving assistance under this section to furnish it with such information annually or otherwise as it deems appropriate. Such evaluation shall be completed and submitted to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives by January, 1982.".

FUNDING RESTRICTION

Sec. 203. Section 7(d)(1) of the Small Business Act is amended to read as follows:

"(d)(1) The Administration shall not fund any small business development center program, or any variation thereof, except as authorized in section 21 of this Act.".

PROGRAM REPEAL

Sec. 204. This title is repealed effective October 1, 1982.

TITLE III—SMALL BUSINESS ECONOMIC POLICY

SHORT TITLE

Sec. 301. This title may be cited as the "Small Business Economic Policy Act of 1979".

DECLARATION OF SMALL BUSINESS ECONOMIC POLICY

Sec. 302 (a) For the purpose of preserving and promoting a competitive free enterprise economic system, Congress hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practical means and to take such actions as are necessary, consistent with its needs and obligations and other essential considerations of national policy, to implement and coordinate all Federal department, agency, and instrumentality policies, programs, and activities in order to: foster the economic interests of small businesses; insure a competitive economic climate conducive to the development, growth, and expansion of small businesses; establish incentives to assure that adequate capital and other resources at competitive prices are available to small businesses; reduce the concentration of economic resources and expand competition; and provide an opportunity for entrepreneurship, inventiveness, and the creation and growth of small businesses.

(b) Congress further declares that the Federal Government is committed to a policy of utilizing all reasonable means, consistent with the overall economic policy goals of the Nation and the preservation of the competitive free enterprise system of the Nation, to establish private sector incentives that will help assure that adequate capital at competitive prices is available to small businesses. To fulfill this policy, departments, agencies, and instrumentalities of the Federal Government shall use all reasonable means to coordinate, create, and sustain policies and programs which promote investment in small businesses, including those investments which expand employment opportunities and which foster the effective and efficient use of human and natural resources in the economy of the Nation.

STATE OF SMALL BUSINESS

Sec. 303 (a) The President shall transmit to the Congress not later than January 20 of each year a Report on Small Business and Competition which shall—

(1) examine the current role of small business in the economy;

(2) present current and historical data on production, employment, investment, and other economic variables, for small business in the economy as a whole and for small business in each sector of the economy;

(3) identify economic trends which will or may affect the small business sector and the state of competition;

(4) examine the effects on small business and competition of policies, programs, and activities of Federal departments, agencies, and instrumentalities, identify problems generated by such policies, programs, and activities, and recommend legislative and administrative solutions to such problems; and

(5) recommend a program for carrying out the policy declared in section 302 of this Act, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the Report on Small Business and Competition, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 302 of this Act.

(c) The Report on Small Business and Competition and all supplementary reports shall, when transmitted to the Congress, be referred to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives.

SPECIAL ASSISTANT FOR SMALL BUSINESS

SEC. 304. The President is authorized to designate a Special Assistant to the President for Small Business who shall serve in the White House Office of the Executive Office of the President and who shall perform the following duties:

(1) assist and advise the President in the preparation of the Report on Small Business and Competition;

(2) gather and publish timely and authoritative information, in cooperation and coordination with the Administrator of the Small Business Administration, concerning the position of small business in the economy and economic developments and economic trends, both current and prospective, which do or may affect small business and competition; to analyze and interpret such information in light of the policy declared in section 302 of this Act for the purpose of determining whether such developments or trends are interfering or are likely to interfere with the achievement of such policy objectives; and to compile and submit to the President and Congress studies relating to such developments and trends;

(3) appraise the various programs and activities of the Federal Government as they affect small business and competition in the light of the policy declared in section 302 of this Act for the purpose of determining the extent to which such programs and activities are contributing, and the extent to which they are not contributing, to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) determine and evaluate the availability of capital, labor, management, and technical resources to small business; determine and evaluate emerging trends in the availability of such resources to small business; assess Federal Government policies and programs and other economic circumstances which affect small business in order to determine their impact on the availability and cost of capital and other resources for small business; and make recommendations to the President with respect thereto;

(5) develop and recommend to the President national economic policies to foster and promote small business and competition and to maintain and increase the strength of small business in each economic sector; and

(6) make and furnish such studies, reports, and recommendations with respect to matters of Federal Government economic policy and legislation which affect small business and competition as the President may request.

TITLE IV—SMALL BUSINESS ECONOMIC RESEARCH AND ANALYSIS

SEC. 401. The Small Business Act is amended by redesignating subsection 4(b) as section 4(b)(1) and inserting thereafter the following:

"(2) The Administrator also shall be responsible for—

"(A) establishing and maintaining an external small business economic data base for the purpose of providing the Congress and the Administration information on the economic condition and the expansion or contraction of the small business sector. To that end, the Administrator shall publish on a regular basis national small business economic indices and, to the extent feasible, regional small business economic indices, which shall include, but need not be limited to, data on—

"(i) employment, layoffs, and new hires;

"(ii) number of business establishments and the types of such establishments such as sole proprietorships, corporations, and partnerships;

"(iii) number of business formations and failures;

"(iv) sales and new orders;

"(v) back orders;

"(vi) investment in plant and equipment;

"(vii) changes in inventory and rate of inventory turnover;

"(viii) sources and amounts of capital investment, including debt, equity, and internally generated funds;

"(ix) debt to equity ratios;

"(x) exports;

"(xi) number and dollar amount of mergers and acquisitions by size of acquiring and acquired firm; and

"(xii) concentration ratios; and

"(B) publishing annually a report giving a comparative analysis and interpretation of the historical trends of the small business sector as reflected by the data acquired pursuant to paragraph (A) of this subsection.'.

SEC. 402. Section 634(e)(1) of title 15 of the United States Code is amended by inserting ", step ten," between "GS-15" and "of".

SEC. 403 Section 5315 of title 5 of the United States Code is amended by adding the following new paragraph:

"(128) Chief Counsel for Advocacy, Small Business Administration.".

SEC. 404. In consultation with the Administrator of the Small Business Administration and the Bureau of the Census, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation shall conduct such studies of the credit needs of small business as may be appropriate to determine the extent to which such needs are being met by commercial banks and shall report the results of such studies to the Congress by October 1, 1980, together with their views and recommendations as to the feasibility and cost of conducting periodic sample surveys, by region and nationwide, of the number and dollar amount of commercial and industrial loans extended by commercial banks to small business. Reports shall when transmitted to the Congress, be referred to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives.

TITLE V—WHITE HOUSE CONFERENCE ON SMALL BUSINESS

SHORT TITLE

SEC. 501. This title may be cited as the "White House Conference on Small Business Act".

AUTHORIZATION OF CONFERENCE

SEC. 502. (a) The President shall call and conduct a White House Conference on Small Business (hereinafter referred to as the "Conference") not later than June 30, 1980, to carry out the purposes described in section 503 of this title.

(b) Participants in the Conference and other interested individuals and organizations are authorized to conduct conferences and other activities at the regional and State levels prior to the date of the Conference, subject to the approval of the Administrator of the Small Business Administration, and shall direct such conferences and activities toward the consideration of the purposes of the Conference described in section 503 of this title in order to prepare for the Conference.

PURPOSE OF CONFERENCE

SEC. 503. The purpose of the Conference shall be to increase public awareness of the essential contribution of small business; to identify the problems of small business, including new, small, and family enterprises; to examine the status of minorities and women as small business owners; and to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and encouraging the economic viability of small business and, thereby, the Nation.

CONFERENCE PARTICIPANTS

SEC. 504. In order to carry out the purposes specified in section 503 of this title, the Conference shall bring together individuals concerned with issues relating to small business: *Provided*, That no small business concern representative may be denied admission to any State or regional meeting.

PLANNING AND ADMINISTRATION OF CONFERENCE

SEC. 505. (a) All Federal departments, agencies, and instrumentalities are authorized and directed to provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

(b) In carrying out the provisions of this title, the Administrator of the Small Business Administration—

(1) shall provide such financial and other assistance as may be necessary for the organization and conduct of conferences at the regional and State levels as authorized under section 502(b) of this title;

(2) shall provide for the preparation of background materials for use by participants in the Conference, as well as by participants in regional and State conferences; and

(3) is authorized to make grants to, and enter into contracts with, public agencies, private organizations, and academic institutions to carry out the provisions of this title.

(c)(1) The President is authorized to appoint and compensate an executive director and such other directors and personnel for the Conference as he may deem advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) Upon request by the executive director, the heads of the executive and military departments are authorized to detail employees to work with the executive director in planning and administering the Conference without regard to the provisions of section 3341 of title 5 United States Code.

REPORTS REQUIRED

SEC. 506. Not more than one year from the date on which the Conference is convened, a final report of the Conference shall be submitted to the President and the Congress. The report shall include the findings and recommendations of the Conference as well as proposals for any legislative action necessary to implement the recommendations of the Conference. The final report of the Conference shall be available to the public.

FOLLOWUP ACTIONS

SEC. 507. The Small Business Administration shall report to the Congress annually during the three-year period following the submission of the final report of the Conference on the status and implementation of the findings and recommendations of the Conference.

AVAILABILITY OF FUNDS

SEC. 508. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title. Such sums as are appropriated to carry out the provisions of this title shall remain available until expended.

(b) No funds appropriated to the Small Business Administration shall be made availabel to carry out the provisions of this title other than funds appropriated pursuant to this section. Any funds remaining unexpended at the termination of the Conference shall be made available to the Administrator of the Small Business Administration to carry out the provisions of section 20 of the Small Business Act.

TITLE VI—EMPLOYEE OWNERSHIP

SEC. 601. This title may be cited as the "Small Business Employee Ownership Act".

SEC. 602. The Congress finds and declares that—

(1) employee ownership of firms has been shown to be a successful means of organizing an enterprise and that employee-owned firms are likely to have greater productivity rates, better long-range prospects, greater employee and management job satisfaction, and broader distribution of the company's profits and equity than similar nonemployee-owned firms;

(2) employee ownership of firms provides a means for preserving jobs and business activity where they would otherwise be lost due to company closings, liquidations, or relocations;

(3) employee ownership of firms provides a means of keeping a small business small when it might otherwise be sold to a conglomerate or other large enterprise;

(4) employee ownership of firms provides a means for creating a new small business from the sale of a subsidiary of a large business, when such a subsidiary would otherwise be closed, liquidated, relocated, or sold to another large business;

(5) unemployment insurance programs, welfare payments, and job creation programs are less desirable and more costly for both the Government and program beneficiaries than loan programs to maintain employment in firms that would otherwise be closed, liquidated, or relocated;

(6) the continued closing of small businesses or the sale of small businesses to conglomerates represents an undesirable and anticompetitive trend toward economic concentration;

(7) the slow growth in productivity in the United States contributes to inflation and balance-of-payments deficits;

(8) the present concentration of capital ownership has created too great a disparity between the very wealthy few and the low- and moderate-income majority; and

(9) by making and guaranteeing loans to employee stock ownership trusts or other employee organizations, the Small Business Administration could provide feasible and desirable methods for the transfer of all or part of a company's ownership to employees by aiding employee organizations in purchasing small business concerns that would otherwise be closed, liquidated, or relocated, or in purchasing subsidiaries of companies which would otherwise be closed, liquidated, or relocated, and would, if independently owned, be small businesses.

SEC. 603. The purposes of this title are—

(1) to include as small business concerns any employee-owned company which would otherwise be defined as a small business concern under the Small Business Act, or any employee organization, or employee stock ownership plan, established for the purpose of purchasing a business which, when purchased, would otherwise be defined as a small business concern under the Small Business Act, and to make such employee-owned firms or employee organizations eligible for all assistance available to small business concerns as provided in the Small Business Act;

(2) to assure that a small business using an employee stock ownership plan which qualifies under the specifications as set forth in this title can obtain assistance from the Small Business Administration through an employee stock ownership trust; and

(3) to assure that the Small Business Administration guarantees loans to employee-owned firms, to employee organizations or employee stock ownership plans seeking to buy their firms, on the same basis as the Administration guarantees loans to other small businesses under section 7(a) of the Small Business Act and that such assistance is made available by the Small Business Administration on the basis of a firm's reasonable prospects for success as an employee-owned firm.

SEC. 604. Section 7 of the Small Business Act is amended by adding at the end thereof the following:

"(m)(1) As used in this subsection, the term—

"(A) 'employee organization' means any organization organized for the purpose of acquiring the company or subsidiary of the company for which the organization's members work, and which represents employees of a company which is a small business concern under this Act as presently constituted or, if the company is a subsidiary of another company, which would be a small business concern under this Act if independently owned;

"(B) 'employee' means a full-time employee of a small business concern who has worked for the company at least thirty days prior to the application by an employee organization or an employee-owned firm for assistance under this subsection;

"(C) 'employee stock ownership plan' or 'ESOP' means a plan described in section 4975(e)(7) of the Internal Revenue Code of 1954;

"(D) 'employee stock ownership trust' or 'ESOT' means a trust which forms part of an employee stock ownership plan; and

"(E) 'expiration date of the assistance' means the date on which a loan, the repayment of which is guaranteed by the Administration under this Act, is fully repaid.

"(2)(A) The Administration is authorized to make all assistance available under this section available to employee organizations, employee-owned small business concerns, and employee stock ownership trusts which meet the requirements of this subsection.

"(B) Assistance to employee-owned small business concerns shall be made available under subsection (a) of this section on the same basis as such assistance is made available to other small business concerns, except as otherwise specifically provided in this subsection.

"(C) Assistance to an employee stock ownership plan maintained by a small business concern shall be made available under subsection (a) of this section on the same basis as such assistance is made available to a small business concern which does not maintain such a plan, if—

"(i) the concern which maintains the plan guarantees to the Administration that it will provide to the plan such funds as may be necessary for the repayment of the obligation incurred by the plan;

"(ii) the trustee of the ESOT of the plan establishes to the satisfaction of the Administration that—

"(I) the funds acquired by the ESOP with the assistance of the Administration will be used solely for or in connection with, the purchase of qualifying employer securities (within the meaning of section 4975(e)(8) of the Internal Revenue Code of 1954);

"(II) no part of those funds will be used to acquire employer securities of any other corporation or otherwise to provide financing for any other enterprise; and

"(iii) participants in the ESOP will have a nonforfeitable right to all employer securities acquired by the ESOP with funds obtained as a result of the assistance made available under this subsection not later than the expiration date of the assistance.

"(3) A loan to an employee organization or to an ESOP may be guaranteed as provided in this subsection only if the purpose of the loan is to finance the purchase of stock issued by a small business concern which employs the members of the organization or the participants in the ESOP, or the purchase of stock issued by a subsidiary concern which, if independently owned, would be a small business concern and which employs such members or participants, if—

"(A) the small business concern or subsidiary would otherwise be closed, liquidated, relocated, or purchased by a large business or if the owner of the concern or subsidiary and such members or participants agree to a transfer of ownership to the employees;

"(B) at the time the employee organization or the ESOP submits an application to the Administration for the guarantee of a loan, the organization or ESOP also submits a copy of a plan for the acquisition of the concern or subsidiary which provides that—

"(i) all employees of the concern or subsidiary will be offered an opportunity to participate in the ownership plan, and that employees who are included in a unit of employees covered by an agreement which the Secretary of Labor finds to be a collective bargaining agreement between employee representatives and the employer will be included in such an offering, unless the labor organization representing such employees specifically requests, in writing, exclusion of the employees covered by the agreement from participation in the plan;

"(ii) at least 15 per centum of the total stock or other asset value of the firm will be owned by at least 51 per centum of the employees by the expiration date of the assistance, or as soon thereafter as is consistent with the requirements of section 401(a) of the Internal Revenue Code of 1954;

"(iii) any employee who is an owner-employee (within the meaning of section 401(c)(3) of the Internal Revenue Code of 1954), or a managerial employee, will have completed at least one year of service with the employer (within the meaning of section 410(a)(3) of such Code) before he is permitted to become a participant in the plan;

"(iv) where stock is distributed, participants in the plan will have a nonforfeitable right to such stock not later than the expiration date of the assistance, and that—

"(I) in the case of an ESOP, the stock will meet the requirements of section 409 A(e) of the Internal Revenue Code of 1954, and

"(II) in the case of an employee organization, the stock will meet the requirements of section 4099A(e)(2) of such Code (without regard to whether the employer has a registration-type class of secruities);

"(v) the concern may repurchase stock being sold by employees leaving the firm or make stock available to new employees;

"(vi) there will be periodic reviews of the mode of company organization and the role employee owners will play in the management of the concern;

"(vii) except in the case of an ESOP, there is a method whereby the loan to the employee organization can be repaid by employee members through a system of payroll deductions if other methods of repayment as may be specified in the loan application are unable to provide the necessary cash; and

"(viii) there will be adequate management contracts to assure management expertise and continuity; and

"(c) in the case of a subsidiary, a plan is provided demonstrating that once the transfer of the subsidiary to the employees is completed, the subsidiary will be an independent business which qualifies as a small business concern under this Act.

"(4) Assistance under this subsection shall be provided when the Administration determines that the firm or employee organization seeking assistance can demonstrate the likelihood of an ability to repay any loans guaranteed, and when the Administration determines that the company will generate sufficient revenues to provide a reasonable assurance of repayment. The individual business experience or personal assets of individual employee-owners shall not be used as loan guarantee criteria except that where employee-owners may assume managerial responsibilities, their business experience or ability may be considered.

"(5) The principal amount of any loan guaranteed under this subsection may not exceed $500,000.

"(6) The Administration shall compile a separate list of applications for assistance under this provision, indicating which applications were approved and which were denied, and shall report periodically to the Congress on the status of employee-owned firms.

"(7) The Administration is authorized to make guarantees under this subsection directly to the seller of a small business concern under this Act, or of a subsidiary of a company which would become a small business concern under this Act when independently owned as specified in paragraph (3) (c), where the requirements of this subsection for employee ownership are otherwise met. For the purpose of this subsection—

"(A) the Administration may guarantee payments on installment sale contracts by the buyer to the seller, but the obligation of the Administration under such a guarantee shall not exceed 90 per centum of the total remaining payments at the time of default;

"(B) in the case of default, the seller will have the option of (i) paying the Administration an amount equal to 90 per centum of the total amount paid on the contract at the point of default and reassume title to the business, in which case the Administration will be relieved of any further obligation to the seller, including the obligation to make remaining payments on the contract, or (ii) assigning to the Administration the option of assuming title to the business and receiving, in a lump sum, an amount equal to 90 per centum of the remaining payments due on the contract; and

"(C) if the seller exercises his rights under subparagraph (B) (ii), the Administration may resell the business or its assets, or may seek other individuals to assume the contract and make the remaining payments to the Administration.".

SEC. 605. Section 8(a) (4) (A) of the Small Business Act is amended by inserting before the word "and" at the end thereof the following: "or in the case of a company with an employee stock ownership plan, at least 51 per centum of the stock of which is allocated through an ESOT to one or more socially and economically disadvantaged individuals;".

SEC. 606. (a) The Small Business Administration shall, not later than January 1, 1980, prepare and transmit to the Committee on Small Business of the House of Representatives and the Senate Select Committee on Small Business a study of the feasibility of extending the authority granted in section 7(m) (7) of the Small Business Act to any purchaser of a small business concern.

(b) Such study shall be performed by an independent consultant and shall include, but need not be limited to—

(1) the extent and nature of the use of installment contracts for the sale of small businesses;

(2) the ability of the Small Business Administration to make credit judgments on contract sales;

(3) the need for the Small Business Administration guarantees to facilitate installment sales;

(4) the willingness of banks and other financial institutions to participate in evaluating installment sales; and

(5) the likely cost of such a program compared to existing loan guarantee programs in the Small Business Administration.

Mr. HUDDLESTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

A bill to amend the Small Business Act and Small Business Investment Act of 1958 and for other purposes.

Mr. HUDDLESTON. Mr. President, so far as I know that is the final vote today.

The PRESIDING OFFICER. Will the Senator please suspend. The Senate will please come to order. I want to hear the Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the Senate be authorized to make technical and clerical corrections in the engrossment of S. 918.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the bill be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, I would like to take this opportunity to again thank the distinguished——

The PRESIDING OFFICER. Will the Senator please suspend. Let us give the Senator an opportunity to make a statement. The Senate will come to order. The Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, I again take this opportunity to express my appreciation to the distinguished chairman of the Small Business Committee, the Senator from Wisconsin (Mr. NELSON), and the ranking minority member, the Senator from Connecticut (Mr. WEICKER) who, I might note, is today observing his birthday, which makes him now old enough to not only be a Senator but to be a President, except that he opted out of that situation earlier today. But I appreciate the work he has done on this particular legislation and the work he has done in seeing its passage here this evening.

Mr. WEICKER. I thank the distinguished Senator from Kentucky and I also commend him for the presentation of this legislation on the floor and his wisdom and counsel within the committee.

(Mr. MATSUNAGA assumed the chair.)

PROPOSED ELIMINATION OF AMTRAK'S "MONTREALER" SERVICE

Mr. WEICKER. Mr. President, last Friday I chaired a hearing held in Burlington, Vt., by the Select Committee on Small Business concerning the impact of the proposed termination of Amtrak's "Montrealer" service on small businesses in New England. Eighteen witnesses testified on the important role played by the "Montrealer" in the New England economy.

Despite the overwhelming support of the people of Vermont and other areas served by the "Montrealer," it was one of the routes included on the list of proposed cuts submitted to Congress by Secretary of Transportation Brock Adams on January 31, 1979. The recommendations made by the Department of Transportation (DOT) were made pursuant to the mandate of the Amtrak Improvements Act of 1978 to develop "an optimal intercity railroad passenger service." DOT's recommendation called for the elimination of 12,000 miles, which represents 43 percent, of the present rail service.

In developing the recommendations, the Secretary of Transportation was directed in section 4(a) of the act to consider:

First, any unique characteristics and advantages of rail service as compared to other modes of transportation;

Second, the role that rail passenger service can play in helping meet the Nation's transportation needs while furthering national energy conservation efforts;

Third, the relationship of benefits of given intercity rail passenger services to the costs of providing such services, computing the benefits in passengers per train mile and revenues earned and computing the costs in loss or profit per passenger mile rather than total loss of profit per route;

Fourth, the transportation needs of areas lacking adequate alternative forms of transportation;

Fifth, frequency and fare structure alternatives and the impact of such alternatives on ridership, revenues, and expenses of rail passenger service; and

Sixth, the adequacy of other transportation modes serving the same points to be served by the recommended route system.

In addition to the criteria set forth in the legislation, the conference report on the bill indicated that—

> The conferees wish to point out the importance of tourism and the impact rail passenger service may have on the tourism industry. Many States . . . do not exhibit high concentrations of population, but rely heavily on tourism to maintain their economic growth. In areas where alternative modes of transportation are lacking, the relative importance of rail passenger transportation to tourism should be weighted heavily in the Secretary's final recommendations.

Congress, in the Amtrak Improvements Act, emphasized the importance of public input into DOT's restructuring process. Accordingly prior to making its final recommendations, DOT held over 50 public hearings around the country. However, there were no hearings held in

Vermont, New Hampshire, Western Massachusetts, or Connecticut. Thus, the people in the region primarily affected by the termination of the "Montrealer" did not have the opportunity to express their views and needs prior to the elimination of the route. Moreover, the Secretary of Transportation did not have the benefit of this input prior to making his recommendation.

Mr. President, I would like to detail for my colleagues the testimony given at last Friday's hearing. The information provided by the witnesses will enable the Senate to make a well-informed decision, based on the criteria enunciated in the Amtrak Improvements Act, on the proposed termination of the "Montrealer".

ENERGY CONSIDERATIONS

As I have stated before, the current gasoline shortage, unlike that of 5 years ago, will not disappear at the end of the summer. Fortunately, the people of Vermont realize this and they urge that rail passenger services be developed as an energy-efficient alternative to automobile travel.

The efficiency of an Amtrak train was discussed by Carlton Graves, Vermont State Legislative Director and general chairman of the United Transportation Union:

> I would also like to illustrate the fuel savings of a Amfleet train. A new Amfleet train can carry 550 passengers 100 miles on 200 gallons of diesel fuel. It would take 110 five passenger autos and at least 726 gallons of gas to carry the same people the same distance.

J. David Stein, transportation director of the New England Regional Commission, predicts that—

> The current energy situation is going to magnify the need for (and the benefits of) the "Montrealer" more than on most other Amtrak routes.

Support for Mr. Stein's statement can be found in the experiences of the Vermont tourist industry during the 1973–74 gasoline shortage. Ralph DesLauriers testified on the impact that the 1973–74 shortage had on the ski resort at Bolton, Valley, Vt., and the important role to be played by the "Montrealer" in future gasoline shortages:

> The train is especially valuable during periods when gasoline shortages prevail and the cost increases. The Vermont travel industry was severely affected by the shortages of gasoline in 1973 and 1974. As a result of that experience, my company worked to increase the ratio of visitors arriving by public transportation as opposed to the automobile. Prior to the 1973–74 gas shortage, over 95% of our guests travelled by private car. We worked hard to change this mix, with the result that now only 69% of our hotel guests arrive by car. In 1978, 6% of our registered guests arrived by AMTRAK, 10% via airplane, and 15% by chartered bus. This past winter season, without the factor of a gasoline shortage, our AMTRAK business doubled over the previous ski season, while the 1978–79 season itself was 30 days shorter than the previous year. During the 1973–74 gasoline shortages, the number of our guests arriving on AMTRAK tripled over the previous year. During the same period, our overall volume dropped by 23%. We anticipate that our customers travelling by AMTRAK would again triple should there be another restriction on gasoline, a situation which appears imminent. At the same time, we anticipate that our revenue would drop approximately 20%. At that rate, our AMTRAK-generated business volume would amount to about 22% of our registered hotel guests, and 11% of our total income. In an industry where profits are about 5%, this could very well mean the difference between survival and bankruptcy.

As a result of its experience during the winter of 1973–74, Mr. DesLauriers' company has made a major effort to tie in more effectively with travel agents and to generate more riders on Amtrak, airlines, and bus charters. "We have tried to become less dependent on the automobile."

Mr. President, it is my opinion that all Americans should follow the lead of Mr. DesLauriers and find alternatives to automobile transportation. However, we will not be able to free ourselves from cars by cutting rail-passenger routes such as the "Montrealer," which is relied on by the people who it serves.

Christopher G. Barbieri, executive vice president of the Vermont Chamber of Commerce, summed up in his testimony before the committee the absurdity of DOT's recommendation to terminate the "Montrealer":

> It seems incredible then, with all that Vermonters have done, with the limited alternatives available to the private auto; and with the all too obvious fuel shortages that loom in the months and probably years ahead, that a government which espouses conservation and mass transportation, would take from us one of the few alternatives that we have available. This policy seems totally inconsistant and self-defeating to us.

ADVANTAGES OF RAIL SERVICE

In making the route-restructuring recommendation, the Secretary of Transportation is directed to consider "any unique characteristics and advantages of rail service as compared to other modes of transportation," and "the transportation needs of areas lacking adequate alternative forms of transportation."

Ronald E. W. Crisman, the Secretary of Transportation for the State of Vermont, observed that the "Montrealer" was extremely valuable to the people of Vermont due to a lack of adequate alternative forms of transportation:

> The importance of this service is enhanced by the fact that there are no alternative modes providing service. Only Burlington, in Vermont, has dependable air service, for instance, and that is occasionally down due to snow, either here at other airport.

Mr. Stein, of the New England Regional Commission, stated that the "loss of the Montrealer would impose a significant hardship on the citizen of (New Hampshire and Vermont) who have rather limited alternative forms of public transportation available to them." Mr. Stein elaborated on this point:

> Then there is the matter of the hardship imposed on the local folks who stand to lose a principal non-automobile means of transportation out of this area. This problem is magnified significantly during a gas shortage. Contrary to the protestations of U.S. DOT in its route study report, air service to this area is very limited. Here in Burlington there is limited, but reasonable, air service to Boston, but not to the North. There is also some service to Montpelier, and some to New York, but nothing is offered to any other stations served by the Montrealer. Most of the service that does exist—even that to Burlington—is characterized in general by small aircraft, with limited excess seating capacity. We should also point out that alternative public transportation—air or bus—is subject to the unreliability and delay that weather imposes on both of those modes during New England winters. One really wonders how, in a gas shortage, the residents and small business persons of this area will make necessary trips without the availability of the train.

The harsh winter of Vermont makes the "Montrealer" an indispensable mode of transportation. Carlton Monaghan, a retired locomotive engineer, commented that rail passenger trains are "the most dependable" form of transportation in the State:

> For example, not long ago in the winter, the weather was so bad that motor vehicle traffic was at a standstill, the airlines were grounded, yet the Montrealer ran."

Mr. Graves added that—

> Everyday we hear of the airlines cancelling flights for weather or lack of fuel. Our trains run regardless of weather, sometimes a little late, but they always get there regardless of weather.

The "Montrealer" also provides an inexpensive means of transportation. As JAMES M. JEFFORDS, the Congressman from Vermont noted:

> The auto, the bus and the plane are not viable alternatives for many persons who currently use the Montrealer. Vermont has the 47th lowest per capita income of all States. An auto remains a luxury for many Vermonters and is likely to remain as such. The Montrealer is of particular benefit to those many families wishing to travel long distances. The cost of travelling between Montreal and Washington by plane ranges between 35% and 100% higher than by train, and is prohibitive for many travellers. In addition approximately 26% of all Amtrak users are part of two low income groups—the elderly and students. Amtrak is more than a convenience for the businessman, tourist, or shopper. It is an essential means of providing equal mobility to the lower income residents of Vermont.

IMPACT ON TOURISM

In the conference report on the Amtrak Improvements Act, the conferees directed the Secretary of Transportation to carefully consider the "importance of rail passenger transportation to tourism * * * in the Secretary's final recommendations." Testimony given at the Small Business Committee's hearing clearly shows that Secretary Adams did not take the impact on tourism into consideration in making his recommendations.

Gar Anderson, executive vice president of the Vermont Hotel, Motel, Restaurant Association discussed the importance of the "Montrealer" to the Vermont tourist industry:

> Today in Vermont, our travel industry leaders are deeply concerned over the impending energy crisis and affect a shortage of gasoline will have on Vermont's second most important industry—tourism. The travel industry in Vermont employs over 23,500 people representing 14% of our state's non-farming labor force.
>
> This makes Vermont the third most travel dependent State in the nation for employment. The U.S. Travel Data Center's publication, The Impact of Travel on State Eco-

nomics, estimated that in 1976 travel taxes generated 66 million dollars in revenue for our State. This figure represents $138.66 of tax dollars for every man, woman and child in Vermont—a figure 40% higher than the next highest New England State and 56% higher than the National average.

Governor Snelling has told us that fifteen times as many people as live in our State visited us last year. Ninety percent of these people, Mr. Chairman, are said to come to Vermont via the automobile. Certainly, this is not a very encouraging picture in light of the restrictions on travel currently being created by gasoline shortages across the Nation.

What alternative do we have to this potentially disasterous situation? At this time, Mr. Chairman, we have virtually no easy alternative. We do, however, have the potential to develop alternatives. One of these alternatives is passenger rail service.

Mr. DesLauriers, as chairman of the New England Council which represents 1,100 business members, commented on the "important contribution made by the travel industry to the entire New England economy." Citing Vermont as an example, Mr. DesLauriers observed that in the State—

> From 10–14 percent of the people are employed in vacation and travel-related businesses. These businesses pay approximately 20 percent of all state and local taxes. This industry is especially important in the rural parts of Vermont where the problems of unemployment and low business tax base are most acute.
>
> More than 80 percent of the businesses in Vermont employ fewer than 50 people. My own company, Bolton Valley Corporation, is a medium-sized, family-owned ski and summer resort. It employs 110 people, and has one hundred hotel rooms, seventy condominiums, four chairlifts, and necessary support facilities for year-round operation. The firm is representative of the tourist industry in Vermont, both in size and in being located in a rural area. Bolton Valley and other tourist businesses like it contribute significantly to the state's industrial mix and are vital to Vermont's economic well-being.
>
> Bolton Valley, like other tourist-related facilities in the state, benefits substantially from the "Montrealer." This Amtrak route runs through the very heart of the market area from which our skiers and vacationers come—Washington, D.C., Delaware, Philadelphia, New Jersey, New York, Connecticut, and western Massachusetts. Last year approximately 23,000 vacationers arrived or departed Vermont via the "Montrealer."

Mr. President, I believe that the testimony of Messrs. Anderson and DesLauriers, which is similar to that given by other witnesses, shows the importance of the "Montrealer" in the tourist industry of New England and Vermont.

CONCLUSION

In 1929, the Nation's railroads, operating approximately 20,000 passenger trains, carried 77 percent of the intercity passenger traffic while buses carried 15.4 percent of the traffic.

By 1950, more than half of the passenger trains had disappeared, and the railroad's share of the intercity passenger traffic had declined to 46.3 percent. Traffic on buses increased to 37.7 percent and the airlines' share had grown to 14.3 percent.

Twenty years later, in 1970, railroad passenger traffic had dropped to 7.2 percent of the commercial share of passenger traffic and the number of trains still in operation had dropped to less than 450. Airlines dominated the public carrier market with 73 percent, while buses held onto barely 16 percent. There was also substantial growth in private automobile traffic.

Today, automobile drivers are sitting in lines waiting to get gasoline. However, unlike the shortages experienced in 1973–74, these shortages will not disappear at the end of the summer. They are here to stay, and they will force the American public to turn to modes of Transportation other than the automobile.

Rail-passenger service will play an important role in meeting future transportation needs. Yet, DOT has proposed to eliminate an important route from our national rail-passenger system. Mr. DesLauriers stated, quite eloquently, the absurdity of DOT's proposal to eliminate the Montrealer:

> The public, the private sector, individual businesses and the individual states have heard the call from the administration and from Congress that there is a national energy emergency, and have taken steps to implement energy-efficient transportation plans. They have invested both time and money toward achieving this goal, and now, with a single almost irrational stroke, the Department of Transportation suggests we eliminate the "Montrealer," an energy-efficient means of transportation that serves the heavily-populated northeast corridor and its vacationland.
>
> In times of energy shortage, it is easy to add cars or even a second train to an established route. However, if the "Montrealer" were dropped, it would be almost impossible to restore train travel to this region. The public and customer acceptance of this train is strong, and would, in fact, argue for a second train over the same route, rather than a cutback. It is a good, safe, energy-efficient essential means of transportation through New England and Vermont, and should be retained.

Mr. President, I am convinced that the "Montrealer" should be retained. I will take any and all actions necessary to insure that DOT does not terminate the "Montrealer." I urge my colleagues to carefully consider the testimony given at the Small Business Committee hearing. This testimony provides the best reason for retention of the route.

REFUGEE PRESSURES

Mr. HUDDLESTON. Mr. President, in recent weeks newspaper articles have been placed in the RECORD depicting how successful refugees have been in adopting a new way of life in this country. I believe that these successes are worthy of note and that we should be proud of the fact that many are adjusting so well. However, there is another side to this adjustment problem which also must be carefully considered. An article which appeared in the Washington Post on April 30, 1979, reveals some of the pervasive pressures which refugees are having extreme difficulty in coping with. The article states that—

> These pressures have shown themselves, social workers say, in increased cases of alcoholism, marital separations, and even family violence in the Vietnamese community.

Given the stressful situations which many refugees have to face, it is not surprising that these types of problems are developing. Nonetheless, it is these problems which we must be fully aware of in formulating comprehensive immigration legislation.

The adjustment problems referred to in the article will have both a short and a long-range impact upon our society. They will impose additional costs upon the taxpayers in the form of larger social, medical and law enforcement programs. Congress must be fully aware of both sides of the picture before committing the country to the greatly expanded refugee program which is now pending in committee.

I ask unanimous consent that the article by Judith Valente be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Refugee Pressures

(By Judith Valente)

Nguyen's case was referred to the Fairfax County Department of Social Services last week, shortly after the birth of her first child. She was hoping to find a day-care program that would look after the baby while she studied English and looked for a job.

Nguyen, 24, was assigned a Vietnamese social worker—one of eight in the Washington area being trained to help Vietnamese refugees with emotional and mental problems. And then, according to Tran thi Phuong, the social worker, the woman's story began unfolding.

Nguyen's family and her husband's had planned to escape together from Vietnam last year but ended up in separate boats. The boat carrying his family sank. Her relatives made it to safety. Afterwards, the young couple's life together in America took a nightmarish turn, with him resenting her for her family's luck and blaming her for his losses.

Shortly before the baby was due, her husband abandoned her, and Nguyen [not her real name] found herself in a financial and emotional crisis, Tran said.

Social workers dealing with the Washington area's 12,000-member Vietnamese refugee community say they are uncovering hundreds of cases like Nguyen's with refugees who need as much help coping with emotional pressures as they do in meeting their material needs.

These pressures have shown themselves, social workers say, in increased cases of alcoholism, marital separations, and even family violence in the Vietnamese community.

Ironically, the problems exist side by side with the tremendous economic advances the refugees have made ever since they began fleeing their country after Saigon fell to the Communists four years ago today.

One of the most recent national surveys of Vietnamese refugees, conducted by Darrel Montero, director of the Urban Ethnic Research Project at the University of Maryland, shows that the Vietnamese have made remarkable economic strides: 94 percent of all male household heads are employed; 51 percent of the Vietnamese households are earning more than $800 a month; only 3 percent are earning less than $200 a month.

But economic advances aside, there is a dark underside to the otherwise rapid integration of Vietnamese refugees into American society, experts say.

Karen Shanor, codirector of one of the country's first projects to identify and deal with the mental health problems of the refugees, said a certain "mystique that there are no problems" has grown up about the Vietnamese community.

"In the resettlement camps, American officials would talk to (the refugees) and they would look so very placid. There was the impression that everything was all right," said Shanor, a clinical psychologist.

But everything isn't always all right.

Upon arrival, and for at least the first year, the refugees struggled with basic problems of survival; learning English, finding a job, getting a place to live, Shanor said. The emotional problems were left to fester.

Guilt about having survived when so many of their friends and relatives had died, frustration at having to start over—usually with lower level jobs than they had before—or just the sheer trauma of their perilous escape from Vietnam, are, four years later, taking their toll on the refugees, Shanor said.

"It's not exactly a delayed trauma like with the Vietnam veterans who acted like it wasn't happening. . . . It's more of a compounded trauma," which builds up over time, according to Shanor.

Shanor and Vietnamese psychiatrist Dr. Tran Minh Tung have been training eight members of the local Indochinese community to deal with the emotional problems that are cropping up among the refugees. The trainees are stationed at social service agencies in both Washington and Northern Virginia.

In the six weeks that they have been at work, the trainees say, they have found mental health problems among young and old, married and single, the employed and the unemployed.

Many of the tensions the Vietnamese face, according to the trainees, stem simply from the pressures of having to make it economically and from the breakdown of traditional Vietnamese values as the refugees begin to blend more and more into American society.

The growing independence of the Vietnamese women and youths, for example, is creating a great deal of friction in numerous families, according to the caseworkers.

"In Vietnam the husband is the head of the family. He is probably the only one employed," said Duc Duong, an activist in the Montgomery County Vietnamese community. But here, according to the Montero study, 93 percent of all females over 16 have jobs.

"The husband feels he's kind of losing face," Duong said.

Many of the elderly refugees are finding the extended family structure they depended on in Vietnam for moral and financial support is collapsing here and are finding it difficult to cope.

"I know of one woman—she is 56, her son is 25," said mental health worker Boun Thinh. "Recently, she took a job to help support the family while her son studies. She knows little English.

"I think she's going to have a nervous breakdown . . . IRC (International Rescue Committee) said they could find her a job. She went to work, but she feels like a robot. She can't talk to anybody all day."

ADMINISTRATION ENDORSES OIL DIVERSIFICATION

Mr. KENNEDY. Mr. President, for the last several years I have been urging the administration to undertake a program of diversifying the sources of the oil that we import. It is clear to any unbiased observer that we will have significant import dependence for many years to come. Since this import dependence will not be removed by a magical technological breakthrough or through higher prices, it is crucial that we begin now to diversify the sources of our oil imports. I was pleased in reviewing the recent National Energy Plan II that the plan concluded that oil diversification was the most important step that can be taken in the near term to increase U.S. energy security. I quote from page VIII–27:

> Above all, the Nation must integrate its foreign and economic policies with the new energy realities. Since import dependence through the year 2000 is inevitable, the U.S. must develop strategies to diversify its sources of foreign supply. It must be vigilant to take those steps, small and large, that will enhance its political security as well as economic strength.

In recent testimony the administration has singled out its commitment to the World Bank and to certain OPIC programs as its initiatives in the oil diversification area. I urge the administration to develop, without delay, the strategies that it calls for in the conclusion of National Energy Plan II to diversify our sources of foreign supply. I look forward to examining these strategies and working with the administration in implementing them.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT—PM 73

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

In accordance with the provisions of Section 13, Public Law 806, 80th Congress, I transmit herewith for the information of the Congress the report of the Commodity Credit Corporation for the fiscal year ended September 30, 1978.

JIMMY CARTER.

THE WHITE HOUSE, *May 16, 1979.*

MESSAGES FROM THE HOUSE

At 11:36 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3824. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to authorize the Council of the District of Columbia to delegate its authority to issue revenue bonds for undertakings in the area of housing to any housing finance agency established by it and to provide that payments of such bonds may be made without further approval.

The message also announced that the House disagrees to the amendments of the Senate to H.R. 2729, an act to authorize appropriations for activities of the National Science Foundation, and for other purposes; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. FUQUA, Mr. BROWN of California, Mr. SCHEUER, Mr. HARKIN, Mr. WYDLER, and Mr. HOLLENBECK were appointed managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to House Concurrent Resolution 107, a concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal year 1980 and revising the congressional budget for the U.S. Government for the fiscal year 1979; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. GIAIMO, Mr. ASHLEY, Mr. OBEY, Mr. SIMON, Mr. MINETA, Mr. JONES of Oklahoma, Mr. SOLARZ, Mr. BRODHEAD, Mr. WIRTH, Mr. PANETTA, Mr. GEPHARDT, Mr. LATTA, Mrs. HOLT, Mr. SHUSTER, Mr. FRENZEL, and Mr. RUDD were appointed managers of the conference on the part of the House.

At 2:50 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2805. An act to make technical and conforming changes to the financial disclosure provisions in the Ethics in Government Act of 1978.

H.J. Res. 262. A joint resolution to declare May 18, 1979 to be "National Museum Day."

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 2805. An act to make technical and conforming changes to the financial disclosure provisions in the Ethics in Government Act of 1978; to the Committee on Governmental Affairs.

H.R. 3824. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to authorize the Council of the District of Columbia to delegate its authority to issue revenue bonds for undertakings in the area of housing to any housing finance agency established by it and to provide that payments of such bonds may be made without further approval; to the Committee on Governmental Affairs.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 16, 1979, he presented to the President of the United States the following enrolled bill:

S. 532. An act to continue the work of the President's Commission on Pension Policy to develop a national retirement income policy in the United States, and for other purposes.

COMMUNICATIONS

The PRESIDING OFFICER laid before the Senate the following communications, together with accompanying reports, documents, and papers, which were referred as indicated:

EC–1418. A communication from the Secretary of Energy, transmitting a draft of proposed legislation to amend Public Law 95–509 to increase the authorization for appropriations for the Department of Energy for national security programs for fiscal year 1979, and for other purposes; to the Committee on Armed Services.

EC–1419. A communication from the First Vice President and Vice Chairman, Export-Import Bank of the United States, reporting, pursuant to law, with respect to a transaction involving the purchase of U.S. goods by the Electricity Supply Board (E.S.B.) of the Republic of Ireland for use in a thermal power plant in the Shannon estuary area of Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC–1420. A communication from the Acting General Counsel, Department of Housing and Urban Development, transmitting a draft of proposed legislation to authorize appropriations under title I of the Housing and Community Development Act of 1974 for fiscal years 1981, 1982 and 1983, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC–1421. A communication from the Administrator, National Aeronautics and Space Administration, proposing an amendment to H.R. 1786, to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–1422. A communication from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to amend the act of August 10, 1956, as amended, section 716 of title 10, United States Code, section 1006 of title 37, United States Code, and sections 8501(1)(B) and 8521(a)(1) of title 5 United States Code; to the Committee on Commerce, Science, and Transportation.

EC–1423. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the implementation of the Alaska Native Claims Settlement Act, as amended; to the Committee on Energy and Natural Resources.

EC–1424. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on various bidding options utilized in fiscal year 1978 lease sales on the Outer Continental Shelf; to the Committee on Energy and Natural Resources.

EC–1426. A communication from the General Counsel, Department of Energy, reporting, pursuant to law, on a meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC–1427. A communication from the Chairman, Interagency Geothermal Coordinating Council, Department of Energy, transmitting, pursuant to law, the Council's third annual report; to the Committee on Energy and Natural Resources.

EC–1428. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application by Eastern Municipal Water District of Hemet, Riverside County, Calif., for a loan under the Small Reclamation Projects Act (70 Stat. 1044, as amended); to the Committee on Energy and Natural Resources.

EC–1429. A communication from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, an application by the Central Nebraska Public Power and Irrigation District, Gosper, Phelps, and Kearney Counties, Nebr., for a loan under the Small Reclamation Projects Act; referred to the Committee on Energy and Natural Resources.

EC–1430. A communication from the Deputy Assistant Secretary of the Interior for Land and Water Resource, transmitting, pursuant to law, a report on the modification of Gibson Dam, Sun River project, Montana; referred to the Committee on Energy and Natural Resources.

EC–1431. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Should The Appalachian Regional Commission Be Used as a Model for the Nation"; referred to the Committee on Environment and Public Works.

EC–1432. A communication from the Federal Cochairman of the Ozarks Regional Commission, transmitting, pursuant to law, the annual report of the Ozarks Regional Commission for fiscal year 1978; referred to the Committee on Environment and Public Works.

EC–1433. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Home Health Care Services—Tighter Fiscal Controls Needed"; referred to the Committee on Finance.

EC–1434. A communication from the Secretary of the Treasury, transmitting, pursuant to law, notice that the general revenue sharing program is under consideration by the administration but that no decision has been reached as to whether to request new legislation for next fiscal year as required by section 607 of the Congressional Budget Act of 1974; referred to the Committee on Finance.

EC–1435. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Medicare Hospital Certification System Needs Reform"; referred to the Committee on Finance.

EC–1436. A communication from the District of Columbia Auditor, transmitting, pursuant to law, copies of the following reports: (1) Third Annual Report of the District of Columbia Auditor (March 21, 1979); (2) Letter to Hon. John Wilson, re: Real estate tax practices (March 29, 1979); (3) Advisory Neighborhood Commissions Annual Report-fiscal year 1978 (March 30, 1979); (4) Letter to Hon. John Wilson re: Mayor's proposed "Real Property Tax Classifications for Tax Year 1980 Act" (April 30, 1979); (5) Enforcement of health and safety standards in residential facilities funded under contract by the District of Columbia Government (May 1, 1979); referred to the Committee on Governmental Affairs.

EC–1437. A communication from the Inspector General of the Department of Health, Education, and Welfare, transmitting, pursuant to law, a report on the activities of the Office of Inspector General for the period January 1 to March 31, 1979; referred to the Committee on Governmental Affairs.

EC–1438. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "More Can Be Done To Identify and Help Communities Adjust to Economic Problems Caused by Increased Imports"; referred to the Committee on Governmental Affairs.

EC–1439. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Federal Employment Examinations: Do They Achieve Equal Opportunity and Merit Principle Goals?"; referred to the Committee on Governmental Affairs.

EC–1440. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports on visa petitions accorded third and sixth preference classification under section 204(d) of the Immigration and Nationality Act; referred to the Committee on the Judiciary.

EC–1441. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting notice that the Administrative Office of the U.S. Courts is preparing a report on the implementation of title II of the Speedy Trial Act of 1974, and that they expect to file the report prior to July 1, 1979; referred to the Committee on the Judiciary.

EC–1442. A communication from the Assistant Attorney General of the United States, transmitting a draft of proposed legislation to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; referred to the Committee on the Judiciary.

EC–1443. A communication from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to improve the provision of mental health services and otherwise promote mental health throughout the United States; and for other purposes; referred to the Committee on Labor and Human Resources.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions and memorials, which were referred as indicated:

POM–222. A resolution adopted by the Legislature of the State of Washington; to the Committee on the Judiciary:

"House Floor Resolution No. 79–37

"Whereas, There is a growing concern by citizens and taxpayers that the rate of increase in government spending imperils the purchasing power of the individual and the health of the economy; and

"Whereas, This concern has become one of the most important problems facing the country as measured by numerous public opinion polls; and

"Whereas, There is a growing public demand that government taxes and spending be subject to greater discipline; and

"Whereas, The failure to respond to the clear majority will of the American people could cause significant damage to public confidence in our system of government;

"Now, therefore, be it resolved, By the House of Representatives of the State of Washington, That the members of the House do respectfully pray that the Congress of the United States recognize the imperative need for a credible response to the public demand for a more efficient restraint on federal taxation and spending, and to move to adopt either a constitutional amendment for submission to the states, or a binding internal procedure with effective safeguards against evasion, to achieve the end of responsible fiscal control which will help reduce inflation, protect purchasing power, and preserve the vitality of this nation's economy; and

"Be it further resolved, That the House of Representatives of the State of Washington commends to the attention of the Congress the following provisions and concepts to achieve the desired end: That the growth rate in outlays of the government of the United States be prohibited from exceeding the growth rate of the national economy; that any budgetary surplus be used to reduce the public debt of the United States; that the President and Congress by extraordinary majority may declare an emergency appropriation in excess of the limit for one year; that the position of the budget outlays composed of grants to state and local governments be protected; and that additional burdens imposed on state or local governments by the government of the United States be compensated;

"Be it further resolved, That copies of this resolution be immediately transmitted to the Honorable Jimmy Carter, President of the United States; the President of the

United States Senate; the Speaker of the United States House of Representatives; and each member of Congress from the State of Washington."

POM-223. A concurrent resolution adopted by the Legislature of the State of New Hampshire; to the Committee on the Judiciary:

"Concurrent Resolution

"Whereas, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

"Whereas, the annual Federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues; and

"Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

"Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all Federal spending and be in balance; and

"Whereas, the State of New Hampshire has long been known for its sensible, prudent approach to governmental spending; and

"Whereas, the New Hampshire example of fiscal responsibility is a model for all to follow; and

"Whereas, we believe that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments which shall be valid to all intents and purposes when ratified by three-fourths of the several states. We believe such action vital; now, therefore, be it

"Resolved by the legislature of the state of New Hampshire, that this body proposes to the Congress of the United States that procedures be instituted in the Congress to propose and submit to the several states an amendment to the Constitution of the United States requiring that the federal budget be balanced in the absence of a national emergency; and be it further

"Resolved, that, alternatively, this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto; and be it further

"Resolved, that this application by this body constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar application pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this House Concurrent, then this petition for a Constitutional Convention shall no longer be of any force or effect; and be it further

"Resolved, that this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and be it further

"Resolved, that this Body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the Federal Constitution; and be it further

"Resolved, that copies of this resolution be sent to the Secretary of State and presiding officers of both houses of the legislatures of each of the several states in the Union, the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, and to each member of the New Hampshire named Congressional delegation."

POM-224. A resolution adopted by the Legislature of the State of New York; to the Committee on Governmental Affairs:

"Legislative Resolution 375

"Whereas, The old testament has many references to the value of pigeons which were given symbolic significance by their sacrifice in religious ceremonies; and

"Whereas, The homing instinct has been valued since ancient times when this pigeon was first used as a carrier of messages; and

"Whereas, Egyptian writings dating from about 3000 B.C. are the earliest records of the domestication of pigeons; and

"Whereas, The carrier pigeon is known to have been used by the Roman Army during the conquest of Gaul, and in the same intrepid tradition has served the United States and our allied forces through two World Wars, saving thousands of lives with their swift and valorous flights bearing urgent strategic information; and

"Whereas, There are at least three members of this species in the Hall of Fame, including Jungle Joe, who carried vital information for the United States over steep mountains in Asia, Pathfinder, a World War II Night Flyer, and Sneaky, a hen pigeon who carried an urgent tactical message and so aided the St. Lo breakthrough in Belgium; and

"Whereas, The sport of pigeon racing, which is both a national and international activity, has helped to promote international relations between the United States, England, Spain, Germany, France, Belgium, Japan and many other countries throughout the World; and

"Whereas, It is the sense of this Legislative Body that the Homing Pigeon has contributed greatly to the service of this country, particularly as an adjunct to military communications, saving the lives of those serving with our armed forces and aiding in tactical victories during war, and should be duly recognized by way of a commemorative postage stamp; now, therefore, be it

"Resolved, That this Legislative Body does hereby memorialize the Congress of the United States and Mr. William Bolger, United States Postmaster General to enact such necessary measures as would provide for the printing of a fifteen cent stamp commemorating the Homing Pigeon; and be it further

"Resolved, That copies of this resolution, suitably engrossed, be transmitted to the Congress of the United States and to Mr. William Bolger, United States Postmaster General."

POM-225. A resolution adopted by the Legislature of the State of Hawaii; to the Committee on Environment and Public Works:

"Senate Resolution 17

"Whereas, the federal Clean Air Act of 1970 established mandatory automobile emission standards and time schedules for their implementation by automobile manufacturers; and

"Whereas, in response to the stringent emission control requirements of the Clean Air Act, automobile manufacturers have installed catalytic converters to reduce harmful pollutants on most cars built after 1974; and

"Whereas, catalytic converters are muffler-type devices intended to chemically alter harmful carbon monoxide, hydrocarbons, and nitrous oxides in automobile exhausts into harmless emissions; and

"Whereas, while the catalytic converters have enabled automobile manufacturers to comply with the mandates of the Clean Air Act, a serious question has arisen as to whether these devices are in the best interests of the nation's drivers and the general public as well; and

"Whereas, for example, the installation of catalytic converters on new vehicles reportedly increases the initial selling price of vehicles so equipped by an estimated average cost of up to $400 per vehicle; and

"Whereas, in addition, it is an established fact that minimal amounts of lead, a common ingredient in regular and premium gasolines, will seriously impair, if not totally negate the intended cleaning function of the catalytic converter; and

"Whereas, as a result, vehicles fitted with catalytic converters must, out of practical necessity, use only unleaded gasoline to assure the effective functioning of the emission control systems and to contain the emission of harmful pollutants within acceptable limits; and

"Whereas, unleaded gasoline is more expensive than conventional gasolines because of the extra costs associated with the production of unleaded gasoline; and

"Whereas, efforts of the federal government to assure adequate supplies of unleaded gasoline have not been entirely successful due in large part to circumstances of an international nature beyond the control of the federal government with the resultant shortage of unleaded fuel in several regions of the United States; and

"Whereas, experience has demonstrated that frequent repairs and engine service work are required for vehicles equipped with catalytic converters to assure maximum fuel efficiency and effective functioning of the emission control system with the resultant obvious additional costs which must be borne by owners of such vehicles; and

"Whereas, informed sources point to the additional cost of manufacturing unleaded gasoline coupled with the expected increase in price when and if gasoline is deregulated; and

"Whereas, the cost of replacing a defective catalytic converter with a new one is upwards of $300 per installation; and

"Whereas, effective alternative technologies have been developed to reduce the emission of harmful pollutants; and

"Whereas, the questionable effectiveness, fuel efficiency, high repair and maintenance cost, and other problems associated with the catalytic converter give rise to the firm conviction that the elimination of the catalytic converter and its replacement with alternate technologies may better serve the intended purposes of the catalytic converter is a matter of compelling national interest; now, therefore,

"Be it resolved by the Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, that the President of the United States, the United States Congress, the Department of Energy, the Department of Transportation, the Environmental Protection Agency, and all other State Legislatures are respectfully urged to join in a concerted national effort to do away with the reliance on the use of catalytic converters in view of the concerns expressed in this Resolution; and

"Be it further resolved that certified copies of this Resolution be transmitted to the

President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of Energy, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and to each of the presiding officers of the legislative bodies of each state of the United States of America."

POM-226. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Foreign Relations:

"HOUSE JOINT RESOLUTION 32

"Whereas Congress has established the Center for Cultural and Technical Interchange between East and West in Hawaii for the promotion of better relations and understanding between the United States and the nations of Asia and the Pacific; and

"Whereas the purpose of the center in Hawaii is to provide a place where scholars and students in various fields of study from the nations of the East and the West may study, give and receive training, exchange ideas and views which promote the international, educational, cultural, and related activities of the United States; and

"Whereas the United States shares the Arctic circumpolar frontiers with other Arctic coastal nations: Canada, Greenland/Denmark, Norway, and the Union of Soviet Socialist Republics; and

"Whereas the problems of life and living in an Arctic environment are shared by the nations of the Arctic community; and

"Whereas the extreme problems of environmental accommodation posed by the Arctic climate are shared by the Arctic community; and

"Whereas the solutions to these and other problems of life in the Arctic can best proceed from cooperative endeavors of the Arctic peoples; and

"Whereas the world need for energy resources from the Arctic would be facilitated by common work and coordination among the Arctic peoples; and

"Whereas it is in the public interest for the State of Alaska to participate in any effort by the United States to provide leadership and initiative in American Arctic circumpolar resource management and development;

"Be it resolved by the Alaska State Legislature that Congress is urged to authorize a program for

"(1) the establishment and operation in Alaska of an institution concerned with Arctic circumpolar cultural and economic research, development, and the exchange of ideas and views through arrangements with public educational or other nonprofit institutions;

"(2) grants, fellowships and other aid to outstanding scholars and authorities from the Arctic circumpolar nations as may be necessary to attract such authorities to the institution;

"(3) grants, scholarships, and other aid to qualified students from the Arctic circumpolar nations as may be necessary to enable such students to engage in study at the institution; and

"(4) making the facilities of the institution available for study to other qualified persons on a reasonable basis;and be it

"Further resolved that Congress is urged to enter into a joint agreement with all other participating Arctic coastal nations to mutually share the expenses for establishing and operating the Arctic Circumpolar Cultural and Technical Interchange Center.

"Copies of this resolution shall be sent to the Honorable Walter F. Mondale, President of the U.S. Senate; the Honorable Thomas P. O'Neill, Speaker of the U.S. House of Representative; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-227. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION 13

"Whereas section 17(d)(2) of the Alaska Native Claims Settlement Act of 1971 directed the Secretary of the Interior 'to withdraw from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act . . . up to, but not to exeed, 80 million acres of unreserved public lands in the State of Alaska . . . which the Secretary deems suitable for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic River Systems'; and

"Whereas the same 1971 Act required Congress to act upon the Secretary's recommendations within seven years; and

"Whereas both the United States House of Representatives and the United States Senate have had under consideration legislation responding to the recommendations of the Secretary entered in accordance with the mandate of the 1971 Act, but Congress has failed to agree on a single version of Alaska national interest lands legislation; and

"Whereas the President, Secretary of the Interior, and Secretary of Agriculture, acting in accordance with authority purportedly granted by the Antiquities Act (16 U.S.C. 431), the Federal Land Policy and Management Act (43 U.S.C. 1701), and other statutory bases for land withdrawals and reclassifications, have reserved or reclassified more than 110 million acres of Alaska land, compromising Statehood Act selection rights and threatening or severely restricting, if not altogether precluding, both traditional land and resource use activities and opportunities for resource development throughout much of Alaska;

"Be it resolved that the Alaska State Legislature adopts the following seven points as the position of the State of Alaska in its attempts to secure Congressional review and disposition of issues involving Alaska national interest lands in keeping with the spirit of the 1971 Congressional legislation:

"(1) Congress should revoke each and all of the 1978 executive or administrative orders withdrawing lands in Alaska;

"(2) by legislation, Congress should convey to the State its full entitlement of federal lands authorized by the Alaska Statehood Act, and to Alaska Natives the full entitlement of public lands authorized to Alaska Natives by the Alaska Native Allotment Act, 48 U.S.C. 357 (Act of May 17, 1906), as amended, and by the Alaska Native Claims Settlement Act, as amended;

"(3) Congress should provide for a rational means of providing access to state and private lands across any federal enclaves created;

"(4) State management of fish and game on all lands in Alaska should be continued;

"(5) Congress should exempt highly valuable mineral deposits and other commodity resources from inclusion in federal systems which obviate development;

"(6) traditional land uses on all lands in Alaska should continue; and

"(7) The President and the Secretary of the Interior should be precluded from establishing or adding to any conservation system unit within Alaska by means of any executive or administrative authority; and be it

"Further resolved that Alaska's Congressional delegation support the passage of Alaska lands legislation this year as long as that legislation basically conforms to the policy statements enumerated in this resolution and is an improvement over conditions which would otherwise prevail under the Antiquities Act and other executive and administrative actions should no Alaska land legislation be enacted.

"Copies of this resolution shall be sent to the Honorable Jimmy Carter, President of the United States; to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to all other members of the United States Congress."

POM-228. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources:

"JOINT RESOLUTION 5

"Whereas the developmet of a wise national resource use policy requires that public land be utilized on an enlightened multiple-use basis, accommodating all reasonable uses for which the land is suited; and

"Whereas the Congress of the United States has recognized and approved this concept as the general policy of the United States in the Federal Land Policy and Management Act of 1976 which states in sec. 102(a)(7) (43 U.S.C. 1701(a)(7)) that

" 'The Congress declares that it is the policy of the United States that . . .

" '(7) goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law;'

"but (b) of that section states:

" '(b) The policies of this Act shall become effective only as specific statutory authority for their implementation is enacted by this Act or by subsequent legislation and shall then be construed as supplemental to and not in derogation of the purposes for which public lands are administered under other provisions of law.';

"and

"Whereas by a series of proclamations the President of the United States has purported to establish national monuments encompassing over 55,000,000 acres of land within the State of Alaska, citing as authority for this action the Act for the Preservation of American Antiquities adopted June 8, 1906 (16 U.S.C. 431); and

"Whereas the authority under the Antiquities Act is severely limited, allowing the president only:

" 'to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. . . .';

"and

"Whereas each of the proclamations contains a declaration by the President of the United States that the area reserved 'is the smallest area compatible with the proper care and management of the objects to be protected', yet:

"(1) the total area taken by the proclamations exceeds the total area of New England, with New Jersey, Delaware and Maryland added for good measure;

"(2) the total area taken by the proclamations exceeds the total area of Austria, East Germany and Belgium combined;

"(3) the total area taken by the 14 proclamations exceeds the total area of the 20 largest-in-population standard metropolitan statistical areas in which over one-fourth of the total population of the United States work and live, with in excess of 20,000 square miles left over to provide the national monuments near the concentrated population areas which are so sorely needed; and

"Whereas no one could consider such reservations a reasonable exercise of presidential discretion to reserve "the smallest area compatible with the proper care and management of the objects to be protected" if the area was other than in Alaska; and

"Whereas the Alaska Statehood Act, which is a compact between the people of Alaska and the United States, provides:

" '. . . the State of Alaska is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever . . . .';

"and

"Whereas the Statehood Act provided that substantial land could be selected by the State of Alaska and would be granted to the state upon selection, and the reasons for the selection and grants, as stated in the report of the Committee on Interior and Insular Affairs accompanying the bill, include the finding that:

" ' In Alaska very little land has passed out of Federal title and there seems to be little chance of any marked change in this situation under existing Federal policies'

"leading to the conclusion that the land must be conveyed to the state since, as stated in the report:

" 'If Alaska is to become a State, it must be a full and equal State, and not a puppet of the Federal Government';

and

"Whereas, in fact, only an insubstantial proportion of the land to which the State of Alaska is entitled under the Statehood Act has actually been granted to the state despite the passage of almost 20 years; and

"Whereas in truth and law Alaska is a State of the United States 'on an equal footing with the other States in all respects whatever' and is not a colony or 'a puppet of the Federal Government';

"Be it resolved by the Alaska State Legislature that it requests the Congress of the United States to act promptly and decisively to overturn these actions, thereby doing justice to the people of Alaska and of the whole United States and reaffirming the core constitutional principle of the United States that all states are on an equal footing.

"Copies of this resolution shall be sent to the Honorable Henry M. Jackson, Chairman, Senate Energy and Natural Resources Committee; the Honorable Morris K. Udall, Chairman, House Interior and Insular Affairs Committee; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to all other members of the United States Senate and the United States House of Representatives."

POM-229. A resolution adopted by the Legislature of the State of Hawaii; to the Committee on the Judiciary:

"HOUSE RESOLUTION

"Whereas, according to the U.S. Immigration and Naturalization Service, 7,789 immigrants admitted to the country between 1975 and 1976 identified Hawaii as their State of intended permanent residence; and

"Whereas, the 7,789 alien arrivals in 1976 are more than four times the same figure for the year 1960 when 1,619 aliens reported Hawaii as their intended destination to the U.S. Immigration and Naturalization Service; and

"Whereas, a technical study on population by the State Department of Planning and Economic Development (DPED) supporting the Hawaii State Plan points out that "Hawaii carries a very disproportionate burden in absorbing aliens"; and

"Whereas, to support that statement, the DPED study stated that the number of aliens per 100 civilians for the United States in 1973 was 2.2 in comparison to the Hawaii figure of 8.1, which was the highest of all the states; and

"Whereas, although foreign-born persons constitute not more than 15 percent of the population, a Legislative Reference Bureau (LRB) study entitled "In-migration as a Component of Hawaii Population on Growth: Its Legal Implications" reported that they accounted for 66 percent of the tuberculosis cases in the State in 1970; and

"Whereas, that same study also showed that 75 percent of all leprosy cases detected in Hawaii between 1966 and 1971 involved foreign-born persons; and

"Whereas, the LRB report went on to further indicate that to control tuberculosis and leprosy, the state spent more than $4 million in 1970–71; and

"Whereas, in March of 1978 there were 2,214 foreign-born persons receiving public financial assistance according to a report entitled "Immigration Trends in Hawaii" published by the State Department of Health; and

"Whereas, there are many instances in the educational, employment, and other areas in which the disproportionate burden in absorbing aliens causes Hawaii's taxpayers to bear an unequal share of the fiscal responsibility for national immigration policies; now, therefore,

"Be it resolved by the House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, that the United States Congress is requested to enact legislation providing increased financial assistance to states disproportionately affected by immigration; and

"Be it further resolved that certified copies of this Resolution be transmitted to the Governor of the State of Hawaii, the President of the United States Senate, the Speaker of the United States House of Reprsentatives, and to each member of Hawaii's congressional delegation."

POM-230. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Energy and Natural Resources:

"HOUSE CONCURRENT RESOLUTION No. 109

"Whereas, Travel and tourism generate more tax revenue in Michigan than in all but four states in the union; and

"Whereas, Michigan respects tourism, its second largest industry, as a legitimate, professional, job-producing segment of the economy. The State promotes travel and development of tourist-related business in the same modern, sophisticated manner it approaches every other enterprise which contributes to the general welfare and prosperity of its citizens; and

"Whereas, Restrictions on Sunday sale of gasoline would have a devastating effect on the estimated 35,500 establishments directly connected with travel and tourism; and

"Whereas, Drastic reductions in Sunday travel in Michigan would have far less benefit in terms of fuel conservation than the restrictions imposed during a normal business day; and

"Whereas, Limiting travel for aesthetic and recreational purposes would produce little or no encouragement for the public to develop a positive attitude toward desired alternatives to private auto travel, such as car pools and mass transit; now, therefore, be it

"Resolved by the House of Representatives (the Senate concurring), That the federal government be urged not to prohibit or restrict Sunday gasoline sales and permit the various States to develop alternative energy conservation measures; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the United States Secretary of Commerce, the United States Secretary of Energy, and to each member of the Michigan Delegation to the Congress of the United States."

POM-231. A concurrent memorial adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources:

"SENATE CONCURRENT MEMORIAL 1005

"Whereas, the Alaska Native Claims Settlement Act of 1971, Section 19(d)(2), specified that the Secretary of the Interior may withdraw up to, but not to exceed, eighty million acres of unreserved public land in the State of Alaska for possible addition to the national park, forest, wildlife refuge, and wild and scenic river systems; and

"Whereas, the United States Congress is addressing this issue during the current session; and

"Whereas, a careful inventory of the mineral potential of the land that may be included in a management category, which would foreclose mineral exploration and development, should be undertaken and completed before its designation into a management category; and

Whereas, large blocks of land with identifiable agricultural potential should be included in management systems which would allow for future agricultural development; and

"Whereas, cooperative federal-state procedures or institutions should be established to make future recommendations or designations on policy, planning and management of Alaska's federal and state land; and

"Whereas, municipalities in the state oppose any legislation that would create instant land use classifications severely restricting land and resources without consideration for other land use potential; and

"Whereas, passage of this bill without a careful mineral inventory and guaranteed access provisions, traditional environmental and economic impact studies, provisions for future agricultural development, creation of new national forests in the interior of Alaska, completion of the selection process of the state and natives, state game management as guaranteed under the Statehood Act and cooperative federal-state planning and development would be against the best interests of the citizens of the State of Alaska and nation alike."

POM-232. A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on Foreign Relations:

"CONCURRENT RESOLUTION

"Whereas, the United States of America no longer officially recognizes the Republic of China but now recognizes the People's Republic of China; and

"Whereas, the United States of America, by virtue of the Taiwan Relations Act of 1979, maintains trade, cultural, economic and other relations with the people and the government in Taiwan; and

"Whereas, the people in Taiwan have been among the most trusted friends and allies of the people of the United States; and

"Whereas, Taiwan is of great strategic importance in the defense of East Asia and the Pacific and has always utilized its military power in the interests of the free world; and

"Whereas, after the severance of diplomatic relations between the United States and Taiwan, the people and the government in Taiwan require more support from the United States; and

"Whereas, aid to the people and the government in Taiwan is in the best interest of the United States; and

"Whereas, Atlanta is the location of the Coordination Council for North American Affairs representing the interests of Taiwan in the southeastern United States.

"Now, therefore, be it resolved by the

House of Representatives, the Senate concurring:

"That the United States Government give its full support to the people and the government in Taiwan and protect their securtiy and welfare.

"Be it further resolved that the Congress of the United States is urged to continue to fulfill its obligations imposed by the fifty-nine treaties and agreements between the United States and the Republic of China in force at the end of 1978 and declared to remain in force after January 1, 1979.

"Be it further resolved that the Government of the United States is hereby urged to promote continued relations between the people of the United States and the people in Taiwan.

"Be it further resolved that copies of this resolution be forwarded to the President of the United States, to each United States Senator from South Carolina, each member of the House of Representatives of Congerss from South Carolina, the Clerk of the Senate of the United States and the Clerk of the House of Representatives of the United States."

POM-233. A petition adopted by the Principal's Association of Ponape, Eastern Caroline Islands, recommending to the United States Government the continuation of the present level of United States assistance and to implement policies in accordance with the petitioners' desires; to the Committee on Energy and Natural Resources.

POM-234. A resolution adopted by the Palau Constitutional Convention, Koror, Palau, requesting that the United States Congress allow employment of Palauan students while they are attending schools in the United States; to the Committee on Labor and Human Resources.

POM-235. A resolution adopted by the Board of Supervisors of the County of Los Angeles, California, requesting the President of the United States and the Congress to enact a national roll-back of gasoline prices to the January 1, 1979 level, that the Attorney General of the United States investigate the major oil companies and determine the reasons for their billions of dollars in excess windfall profits, and that the Secretary of Energy investigate why no refineries were built on the West Coast in anticipation of Alaskan oil, and recommend to the President and Congress a plan to build more refineries throughout America to solve the gasoline shortage, and provide a greater allocation of gasoline to California residents and see that refineries operate at 100 percent capacity; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES SUBMITTED DURING THE RECESS

Pursuant to order of May 15, 1979, the following reports of committees were reported on May 15, 1979, during the recess:

By Mr. BUMPERS, from the Committee on Energy and Natural Resources, with an amendment and an amendment to the title:

S. 490. A bill to protect archaelogical resources owned by the United States, and for other purposes (Rept. No. 96-179).

By Mr. BUMPERS, from the Committee on Energy and Natural Resources, with amendments:

S. 495. A bill to authorize the establishment of the Frederick Law Olmsted National Historic Site in the State of Massachusetts, and other purposes (Rept. No. 96-180).

By Mr. CHURCH, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 496. A bill to increase the appropriations ceiling for title I of the Colorado River Basin Salinity Control Act (Act of June 24, 1974; 88 Stat. 266), and for other purposes (Rept. No. 96-181).

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 411. A bill to improve the protections afforded the public against risks associated with the transportation of hazardous commodities by pipeline (Rept. No. 96-182).

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, with an amendment and an amendment to the title:

S. 712. A bill to amend the Rail Passenger Service Act to extend the authorization of appropriations for Amtrak for 3 additional years, and for other purposes (Rept. No. 96-183).

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1020. A bill to authorize appropriations for the Federal Trade Commission (together with additional views) (Rept. No. 96-184).

S. 1159. An original bill to authorize appropriations for the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, and for other purposes (Rept. No. 96-185).

S. 1160. An original bill to authorize appropriations for the Federal Fire Prevention and Control Act of 1974, and for other purposes (Rept. No. 96-186).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment and an amendment to the title:

S. 670. A bill to amend the Rural Development Act of 1972 (Rept. No. 96-187).

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, with amendments and an amendment to the title:

S. 892. A bill to extend the authorization of appropriations for carrying out rural development research, small farm research, and small farm extension programs (together with minority views) (Rept. No. 96-188).

By Mr. BAYH, from the Committee on the Judiciary, without amendment:

S.J. Res. 62. A joint resolution to declare May 18, 1979, to be "National Museum Day."

By Mr. ROBERT C. BYRD (for Mr. Muskie), from the Committee on the Budget, without amendment:

S. Res. 157. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 1787.

S. Res. 159. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 584.

By Mr. DOLE, from the Committee on the Judiciary, without amendment:

S.J. Res. 63. A joint resolution to designate the year of 1979 as the "Food-for-Peace Year" (Rept. No. 96-189).

S.J. Res. 68. A joint resolution to authorize and request the President to proclaim the week of June 17 through 23, 1979, as "Product Safety Week" (Rept. No. 96-190).

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

S. Res. 162. An original resolution commending Alfred L. Atherton, Jr.

By Mr. MUSKIE, from the Committee on the Budget, without amendment:

S. Res. 156. A resolution waiving section 402(a) of the Congressional Budget Act with respect to the consideration of S. 918.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CANNON (from the Committee on Commerce, Science, and Transportation):

S. 1159. A bill to authorize appropriations for the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, and for other purposes. Original bill reported during the recess and placed on the calendar.

S. 1160. A bill to authorize appropriations for the Federal Fire Prevention and Control Act of 1974, and for other purposes. Original bill reported during the recess and placed on the calendar.

By Mr. PERCY (for himself and Mr. Levin):

S. 1161. A bill to require biannual reports to Congress on the effectiveness of Government programs, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 1162. A bill to amend section 8e of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, to provide that when papayas produced in the United States are made subject to any regulation with respect to grade, size, quality, or maturity, imported papayas shall be made subject to the same regulation; to the Committee on Agriculture, Nutrition and Forestry.

By Mr. DOLE (for himself, Mr. Harry F. Byrd, Jr., Mr. Zorinsky, Mr. Bentsen, Mr. Jepsen, Mr. Wallop, Mr. Ford, Mr. Morgan, Mr. Tower, Mrs. Kassebaum, Mr. Lugar, Mr. Stone, Mr. Hatch, Mr. Young, Mr. Exon, Mr. McClure, Mr. Pressler, Mr. Cochran, Mr. Melcher, Mr. Helms, Mr. Schmitt, Mr. Humphrey, and Mr. Goldwater):

S. 1163. A bill to repeal the carryover basis provisions added by the Tax Reform Act of 1976; to the Committee on Finance.

By Mr. GRAVEL:

S. 1164. A bill to amend the Water Resources Development Act of 1974 to authorize and direct the removal and disposal of certain debris and obsolete buildings in the vicinity of Ft. Glenn on Umnak Island in the Aleutian Islands, Alaska, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BELLMON:

S. 1165. A bill to amend chapter 105 of title 10, United States Code, to provide for increases in the amount of the monthly stipend paid to participants in the Armed Forces Health Professions Scholarship program; to the Committee on Armed Services.

S. 1166. A bill to provide a permanent extension for the exclusion from gross income of certain amounts received under certain education programs for members of the uniformed services; to the Committee on Finance.

By Mr. HUMPHREY:

S. 1167. A bill for the relief of Hsia Fu Chen; to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 1168. A bill for the relief of Samuel Bo-Wen Huang; to the Committee on the Judiciary.

By Mr. DeCONCINI (for himself and Mr. Goldwater):

S. 1169. A bill to provide for the continued treatment of Mexican plywood as a designated eligible article under the generalized system of preferences established by the Trade Act of 1974; to the Committee on Finance.

By Mr. WILLIAMS (for himself and Mr. JAVITS):

S. 1170. A bill to provide improved safety and health standards for railroad employees, to amend the Federal Railroad Safety Act of 1970, to amend the hours of service laws, and for other purposes; to the Committee on Labor and Human Resources and the Committee on Commerce, Science, and Transportation, jointly, by unanimous consent.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY (for himself and Mr. LEVIN):

S. 1161. A bill to require biannual reports to Congress on the effectiveness of Government programs, and for other purposes; to the Committee on Governmental Affairs.

GOVERNMENT ACCOUNTABILITY ACT OF 1979

Mr. PERCY. Mr. President, I am pleased to introduce today, with Senator LEVIN, the Government Accountability Act of 1979. Both Senator LEVIN and I serve on the Senate Governmental Affairs Committee and we hope to bring this legislation up for hearings this year. I am delighted to have the strong support of my distinguished colleague and look forward to working with him on this legislation in the months ahead.

My good friend from Illinois, Representative JOHN ERLENBORN, is today introducing the same bill in the House with support from Representatives FUQUA, HORTON, and GEPHARDT. The goal of our bill is quite simple. Namely, to provide the public and Congress with a ranking of Federal programs so that those glaringly ineffective and mismanaged programs will stand out.

Last year before I introduced the bill in the Senate in August, I went over to the House of Representatives and asked my distinguished friend and congressional colleague, Representative Bill Steiger, to be the principal sponsor in the House. Representative Steiger studied the bill and we hammered out the final provisions of the bill in several sessions in the Capitol. I had also worked with him closely on the capital gains tax cut legislation. From there and other occasions, I had developed the highest regard for him. He brought to the Capitol the type of dedication and intelligence that we need more of and his presence is sorely missed. Bill Steiger enthusiastically introduced the measure in the House and worked diligently on it in the final months of the last session. This is just one other indication of the immense loss to the Nation of this brilliant young man, taken from Congress early in his career: The loss of his leadership on the Government Accountability Act. I hope we will be able to clear this bill for the President's signature this year. It will be a step toward better Government. It will therefore also be a tribute to Representative Steiger.

I know that his Wisconsin colleague, Senator PROXMIRE, will take a strong interest in this legislation, for as long as I have known him, he, too, has fought for better accountability, better cost control, and the curbing of waste and mismanagement in Government spending programs.

The Senator from Wisconsin has dramatized for the country to see, persistently and steadily, that he is the watchdog of the U.S. Senate on waste in Government. I urge him to join us in supporting the Government Accountability Act and look forward to working with him on it.

Throughout last year we saw revelations of nearly all types of waste in the Federal Government. The General Services Administration scandals burst on the scene and witnesses appeared before the Senate Governmental Affairs Committee estimating that at least $66 million a year was being stolen outright by GSA employees and that when noncriminal negligence is taken into account, the figure climbs to over $100 million. The Inspector General at the Department of Health, Education, and Welfare reported on colossal waste and mismanagement at that agency and the Comptroller General told Congress that between $2.5 and $25 billion was being stolen from the Federal government. It is quite clear that Federal programs are suffering from this squandering of the taxpayers' dollar.

These events and the headlines they engender contribute significantly to the erosion of public confidence in Government. On March 29, Joseph Connor, the chairman of Price Waterhouse & Co. spoke to this point:

> Public officials at all levels of government are confronted as never before with demands for greater accountability. Headlines about fraud and mismanagement in Federal government programs and agencies—Medicare, Student Loans, the General Services Administration—have caused such public concern that President Carter has launched an anti-fraud campaign, stating that "honest and effective government is essential to restore public faith in our public action." Rising taxes and a conviction that government is too big, too costly and too wasteful have led to a national taxpayers' revolt. And, financial crises in our major cities have generated demands from taxpayers and investors for more and better information about the fiscal condition of municipalities.

These feelings are widespread and have been documented in public opinion polls taken by Louis Harris, Roper, and various newspapers. As Mr. Connor continued in his remarks:

> The crisis of confidence must end. Public faith in the accountability of our public institutions must be restored. The public wants to believe that America works. They want government in control of itself.
>
> Get government in control. It sounds so simple. How do we do it? I don't pretend to have all the answers, but I do know what is indispensable to any successful operation, whether in the public or private sector. It is a strong, integrated system of accounting and administrative controls to ensure that employees know what to do and do it effectively, that funds are spent for what is intended, that maximum return is received for every dollar, and that services are delivered as promised.

In private industry, the waste and corruption we have seen in several Federal agencies would not go undetected for long. Businesses have too much to lose to tolerate this kind of inefficiency and intrigue. Those that do not police their own ranks are soon out of business or before the bankruptcy judge.

The Government, as we all know, operates by different rules than the private sector. This is not completely unusual, because Government provides services that private business is either unable or unwilling to provide. Government is simply not business, but the business of Government should be managed with some of the same toughness of purpose, leanness and efficiency that has characterized the private sector in America.

This means that the efficient standards of the private sector should be applied to the operations of Government. We have a long way to go in even trying to bring a semblance of efficiency into Federal program management, however, because we know so little about how specific programs actually work. Congress has tried to bring modern business techniques into the governmental process. In 1974, former Senator Sam Ervin and Senators MUSKIE and RIBICOFF and I worked to bring about passage of the Congressional Budget and Impoundment Control Act which has, for the first time, given us a procedure for an overview of the budget and an opportunity to vote on our priorties. The budget process is helping us get a handle on a budget that has surpassed the $500 billion mark.

The Senate has also passed sunset legislation which would establish a procedure for congressional review of past program performance. Last October, the Senate accepted my amendment to the Sunset Act, which added a new title incorporating the Government Accountability Act. I believe the management report required by the bill enhances our chances for meaningful sunset of programs and felt last fall that it was appropriate to include it with that legislation. I want to point out, however, that the management report stands on its own feet as a means of bringing better management techniques to the Federal Government. As much as it may improve sunset, it is an important step in its own right and, like budget reform and sunset, gives us a tool for spending control.

Despite the new and proposed congressional procedures, it is imperative for their complete success that the President—our Nation's Chief Executive Officer—make his own report to the Congress on the management of all the programs administered by the executive branch. Laurence Silberman, a former Under Secretary of Labor, Deputy Attorney General and Ambassador wrote in the journal Common Sense last summer about the difficulties of effectively reviewing Federal programs. We are indebted to Mr. Silberman for his analysis of the Federal bureaucracy and how it works with special interest groups to maintain vested program interests.

Mr. Silberman points out in his article that although there is widespread agreement that the size of American Government should be brought under control, there is no similar widespread agreement on what areas should be trimmed or reorganized to be made more efficient. In short, he contends that "since there is no uniform method for evaluating programs, generating a national political consensus as to prime targets for elimination is extremely difficult."

I agree with Mr. Silberman that the best way for the public to know how programs are being managed is to have a ranking of programs within each department. The ranking would be based on three basic criteria: clarity of the law and the statutory objective, implementation of the program, and the quality of its management. A biannual management report by the President to Congress is the appropriate vehicle for the ranking. All programs could not be rated in the same category. If an agency had 50 programs, it would have to list the 50 according to their relative effectiveness. Consequently, this agency would have 50 rankings. This is an important part of our bill because all agencies would have to sort out what their most and least effective programs are. The ranking would be inevitable and the evaluations would have to be made and not avoided, as is so often the case today.

In addition to this ranking, programs would be rated as "excellent," "adequate," or "unsatisfactory." This is a type of report card that would tell us—and the public—how Federal programs are performing.

Presidents of different political persuasions will have different priorities and objectives for major programs and the report will vary from administration to administration. Presidents will have to include programs which are authorized by statute and which are subject to the appropriations process, but would not include 2 independent regulatory agencies or the Executive Office of the President.

Our bill would also require the Director of OMB to identify programs, including those of the independent regulatory agencies, that have seemingly contradictory aims or inconsistencies. In some cases, the OMB Director might find an existing but contradictory program arrangement beneficial, in which case he will be required to explain the reasons for retaining the arrangement and the effect on the management of the programs. In short, the burden of proof will be on the programs to prove themselves. Those that cannot measure up will be carefully reviewed by Congress possibly reduced or eliminated. Timing of the reports in conjunction with the President's budget submission will provide the opportunity to work this into the regular legislative agenda.

The Government Accountability Act does not specify what steps Congress must take upon receipt of the management report. I have no doubt that each committee will instinctively want to review the low-ranked programs within its jurisdiction. Committees may want to examine the top-rated programs, too, to see what it is that makes them so effective. Both the Congressional Budget Office and the General Accounting Office stand ready to help in this evaluation of the President's report. Their comments would be invaluable to the congressional consideration of specific programs.

Mr. President, if there is one thing we should learn from the balanced budget and tax limitation drives, it is that the resources of Government are finite. Taxpayers will not stand idly by while the Government takes more and more of their paychecks for dubiously effective, in fact demonstratively inefficient, programs. We have hit the breaking point.

The management report will serve notice to agency executives that their tenure will be evaluated not only by their new program initiatives but, more importantly, by their success in administering existing programs. This change in the perception of how one succeeds in the Washington bureaucracy should itself lead to an improvement in the way we are governed. I have long felt that the Office of Management and Budget has traditionally emphasized the budgetary aspect of its responsibility with considerably less attention being paid the management side. OMB does now rank programs as part of their annual budget preparation, however, and I believe this procedure can be built on in designing the management report. I am also encouraged by the administration's creation this spring of a Management Improvement Council which will focus more attention on the problems of public management.

Mr. President, several columnists weighed in last year in favor of the Government Accountability Act. I ask unanimous consent that the bill and the articles by George Will and Michael Novak be printed in the Record.

There being no objection, the bill and articles were ordered to be printed in the Record, as follows:

S. 1161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Government Accountability Act of 1979".

Sec. 2. (a) The Congress finds that—

(1) the public confidence in the ability of the Congress and the executive branch to manage the Federal Government effectively has declined:

(2) the Federal Government is not as accountable as it should be in serving the public interest;

(3) the Federal Government, unlike private enterprise, has no built in mechanism for calling attention to and eliminating programs that are not proving to be cost effective;

(4) the executive branch, the Congress and the public do not possess adequate information on the relative effectiveness of Federal programs;

(5) the taxpaying public is properly demanding more accountability for the expenditure of tax revenues and demanding that public expenditures not grow any larger with respect to the economy as a whole;

(6) the further uncontrolled growth of Government will pose a threat to our democratic society and economy;

(7) the Federal Government cannot be competently managed and new programs for future needs cannot be implemented unless workable management techniques are developed to assess program effectiveness; and

(8) such findings demand that all Federal programs should be evaluated using traditional management standards and that effective programs should be strengthened to better serve the public or eliminated.

(b) The purposes of this Act are to—

(1) provide for more professional and efficient management of the Federal Government;

(2) identify those programs which are ineffective and determine the cause of their ineffectiveness;

(3) encourage the development of uniform methods for evaluating Federal programs;

(4) provide Congress additional tools needed to identify ineffective Federal programs.

Sec. 3. (a) For the purposes of this Act—

(1) The term "program" means an organized set of activities carried out pursuant to separate statutory authorization or for which Federal expenditures are specifically allocated by the Federal Government, and which can be evaluated in terms of relative effectiveness in pursuing a governmental goal, but shall not include national foreign intelligence activities.

(2) The term "executive department" shall have the meaning given it in section 101 of title 5, United States Code.

(3) The term "independent establishment" shall have the meaning given it in section 104 of title 5, United States Code, except that it includes the United States Postal Service and the Postal Rate Commission but does not include the General Accounting Office or the Independent Regulatory Agencies.

Sec. 4. (a) At the beginning of the ninety-seventh Congress and every two years thereafter the President shall submit to the Congress a report on the management of the executive branch (hereinafter called the Management Report). The Management Report shall be submitted on the same day as the budget is transmitted to the Congress under section 201 of the Budget and Accounting Act, 1921.

(b) It is the intent of Congress that the President shall be granted full discretion in the design of the Management Report provided that—

(1) Programs shall be—

(i) designated with each executive department and within each independent establishment, according to their relative effectiveness, as "excellent", "adequate", or "unsatisfactory", and

(ii) ranked as to their effectiveness relative to all other programs within each functional category in that executive department or within that independent establishment.

(2) The designation and ranking of programs as to relative effectiveness shall be determined by the degree to which each program's statutory objective is being met. Such designation and ranking shall be based on—

(i) the clarity of the law and the statutory objective upon which the program is based,

(ii) the overall implementation of the program by the responsible executive department or independent establishment, and

(iii) the overall quality of the management of the program by the responsible executive department or independent establishment.

(c) The Management Report shall include the President's reasons for the program designations and rankings.

(d) The Management Report shall include a list of those programs the President recommends for administrative or legislative improvement during that Congress.

(e) The Management Report shall include the report of the Director of the Office of Management and Budget required under section 5 of this Act, including the President's recommendations and proposed actions pursuant to it.

Sec. 5. (a) The Director of the Office of Management and Budget (hereinafter called the Director) shall provide an evaluative report on Federal programs to the President which shall be forwarded to the Congress by the President with the Management Report.

(b) In the report the Director shall identify any programs, including those carried out by the Independent Regulatory Agencies, that are contradictory to other Federal programs and recommend corrective legislation. The Director shall also recommend the termination or modification of any programs whose relative ineffectiveness no longer justifies continued Federal expenditures or only justifies a lower level of Federal expenditures.

SEC. 6. The President may from time to time submit to the Congress reports supplementary to the Management Report, each of which shall include such supplementary or revised recommendations as the President may deem necessary or desirable to achieve the purposes of this Act. The Director may also from time to time, submit to the President reports supplementary to the report required by section 5.

LET'S RANK GOVERNMENT EFFECTIVENESS

(By Michael Novak)

I wish Democrats had thought of this idea first: a shrewd technique to make big government accountable. "Rank the bastards!" might be its battle cry.

My colleague at the American Enterprise Institute, former Ambassador Laurence H. Silberman, spelled out the idea in the new Republican intellectual journal Commonsense (310 First St. N.E., Washington, D.C. 20003). Each year the president of the United States would be required to report to Congress on the rank of every program in each department of the executive branch according to its effectiveness. Then the Congress—and the people—would get an idea of the least effective programs in each department.

Every single program would be ranked. Each would be rated in comparison to other programs within its own department. Good programs would get due notice. So would poor ones. Silberman proposes three mandatory criteria for distinguishing them: (a) coherence of statutory objectives; (b) design of the program; (c) quality of management. The ranking system would give government programs something like the major-league baseball standing: a mandatory finish line with clear winners and losers each year.

The director of the Office of Management and Budget would be required to identify programs within the government that have contradictory aims (i.e., encouraging tobacco growers but discouraging smokers). The OMB director would be entitled to propose to Congress the elimination of ineffective programs. Good managers might welcome that opportunity.

Would this particular presidential report be buried from sight? Both journalists and the public would love it. Would budget-wise administrators place the most popular programs at the lowest ranking, to protect them? Lobbies for popular programs would almost certainly begin fighting for a high ranking months before the report was due.

Some ineffective but popular programs would always be at the bottom and some of the worst would be sure to be among them. Besides, the president would have to supply a rationale for each ranking. He would not want to appear to be naive.

Some administrators might try to hide poor programs within larger categories. But astute administrators would have an incentive to break programs down into smaller measurable units. In order to keep their empires as large as possible, some would sacrifice only smaller units at the bottom. Year by year, the worst of these could be pruned away.

Actually, Silberman notes, good managers of federal departments have been doing something like this for years. Faced with tighter budgets, they informally rank their programs when they allocate scarce resources. A new law would force them to make these ranking formal, analytically precise and public.

How can one compare apples and oranges? When you have a limited amount of money for fruit, you have to. A Government Accountability Act would force managers to compare real programs with real programs, on the basis of clear technical analysis. Over the years, evaluative techniques will become sharper. For the only way to diminish controversy will be to develop clear, objective, communicable criteria.

Recall that when students in college used to be ranked, each single one received a relative position. Nowadays, when students are not ranked, "grade inflation" occurs; the bottom half moves upward in an anonymous mass. In the old days, even if all passed, each knew where he stood. Ranking improves techniques of evalaution.

Most subcabinet officers today stay in one position less than two years. To make a name for themselves, some find an incentive to launch a "new" program. No one notices or rewards tough managerial skills (which usually provoke internal dissension).

Under a ranking system, new appointees would face the threat of seeing their program slip lower, compared to previous years, and some would hit bottom. Standards of excellence would change, as incentives changed.

In the private sector, competition helps. A ranking system will make the public sector competitive.

Leaders in the House and Senate have recently proposed a Government Accountability Act based on Ambassador Silberman's shrew techniques. Democrats, who favor good government as well as big government, should favor this act for the best of populist reasons.

It restores a piece of invisible government to visibility. It will help presidents to get a handle on the monster they manage.

REPORT CARDS FOR FEDERAL PROGRAMS

(By George F. Will)

Laurence H. Silberman has a curry-seasoned temperament and a sandpapery turn of mind. He has been under secretary of labor and deputy attorney general. He was ambassador to Yugoslavia where, because of the attention he called to political persecutions, the regime considered him, to his credit, obnoxious.

Today he exemplifies one benefit the Republican Party has derived from losing the White House. He now has time to think and write about his experiences in the executive branch. And when, as is frequently the case, he has a good idea, it is his habit to share it evenhandedly with people who do, and even some who do not, express an interest in it.

His latest idea is to require presidents to submit to Congress periodic reports rating federal programs as "excellent," "adequate" or "unsatisfactory," and ranking the programs within each department. "The hard, miserable, squirmy but incontestable truth," he says, "is that . . . we Americans cannot seem to eliminate any government programs no matter how wasteful they may be. This should be of equal concern to those who wish to maintain or even expand the present level of government as well as those who believe that government's share of GNP must be reduced. . . Indeed, our reluctance to initiate new programs is surely in part attributable to the widespread realization that a program, once initiated, achieves instant immortality."

Bills embodying Silberman's idea have been introduced by Sen. Charles Percy (R-Ill.) and Rep. William Steiger (R-Wis.) These bills, designed to cause government to exercise what Silberman calls "constructive powers of self-destruction," will not pass this year, and if passed next year they will not cause the instant death of much, if anything.

The problem is the "iron triangle": the collaborative relationship among congressional committees that pass, bureaucracies that administer and constituencies that benefit from particular programs. Silberman believes that the way to weaken this "tight-knit tribal alliance" is to strengthen the large but diffuse part of the public that favors reform. This part believes government should be pruned, but cannot agree on where to begin. The Percy-Steiger bills would facilitate agreement by supplying what Silberman calls "a common evaluative language."

Eventually Congress may pass something like Sen. Edmund Muskie's "sunset" bill to require most programs to be reauthorized—or liquidated—over a 10-year cycle. The Percy-Steiger bill would require the executive branch to help give shape to that system of legislative oversight. Clearly, Congress must force the issue by compelling the executive branch to act.

Already the phrase "zero-based budgeting" has joined "free coinage of silver" and other slogans in the graveyard of panaceas. The Carter administration's capacity for pruning was revealed in its "new" urban policy which, as David Broder reported, "included 160 suggestions for improving old programs left scattered in five agencies," but not one suggestion that "called for eliminating any single existing federal program——despite the almost universal acknowledgment that some of them are real losers."

To the president who once asked, "Why not the best?," Silberman says. "If not the best, at least not the worst." Unfortunately, the hard, miserable, squirmy but incontestable truth is this: A "sunset" law might merely involve reflexive reauthorization of almost everything, and a government "report card" of the sort Silberman proposes might break all records for grade inflation.

Silberman remembers the professor who confessed, tongue-in-cheek, that he had failed to devise a way to produce a class without a bottom half. But egalitarians opposed to the allocation of rewards on the basis of merit have weakened academic grading, and they have counterparts in government. However, the Percy-Steiger bill's strength is its shrewdness about the nation's psychology.

The "report card" might captivate a nation that is fond of lists and rankings, such as college football polls. The "report card" also would please journalists who are happiest when regarding public affairs as sport. Even in Washington there is more interest in elections than in government, because elections lend themselves to sports language—who is ahead, who has "momentum." Ranking of programs as "winners" and "losers" would generate public attention. That would serve the public interest, which is the object of the exercise.

● Mr. LEVIN. Mr. President, a February 1979 ABC News/Louis Harris survey tells us that the public is "crying out for greater efficiency and improved delivery" of public programs in health, welfare, education, and safety. A Washington Post poll confirms extensive "disenchantment with Government performance." In survey after survey, poll after poll, the public is demanding more efficient and effective management of needed social services, improved conservation of scarce budget resources, in short, increased Government accountability to the individual taxpayer.

How is the Congress responding?

We are confronted with these growing demands for public accountability and reductions in Government fraud, waste and mismanagement. Yet, many think we lack the information and the mechanisms to make Government programs accountable. We clearly need additional data and tools to help identify, improve or eliminate ineffective, inefficient or conflicting Federal spending programs.

One such possible tool is provided by the "sunset" bill, S. 2, many of my colleagues and I are cosponsoring. Another technique is provided by the bill I am pleased to cosponsor, as chairman of the Subcommittee on Oversight of Government Management, with Senator PERCY—the Government Accountability Act of 1979.

Basically, the act would—

Require the President to submit with the budget message at the start of each Congress a report on the management of the executive branch. The President in this "management report" would be required to rank Federal spending programs within each executive department according to their relative effectiveness compared to other programs in the same department. The ranking would be based on three criteria: Clarity of statutory objective, overall implementation and quality of management. A Presidential explanation of the ranking as well as a rating of "excellent," "adequate" or "unsatisfactory" would accompany each ranked program. The management report would also contain administrative and legislative recommendations.

"Federal programs" are defined in the bill as those "carried out pursuant to separate statutory authorization or for which Federal expenditures are specifically allocated by the Federal Government." Excluded would be the programs of the independent regulatory agencies because of their relatively limited spending.

Require the Director of the Office of Management and Budget (OMB) to identify programs, including those of the independent regulatory agencies, that appear to have contradictory aims and to recommend corrective action. The Director's evaluation would be made part of the President's management report.

Require the Director of OMB to recommend "the termination or modification of any programs whose relative ineffectiveness no longer justifies continued Federal expenditures or only justifies a lower level of Federal expenditures."

Focusing the attention of the public, media and Congress on the least effective and worst managed Federal programs, this bill should improve congressional oversight and evaluation of Federal spending programs and increase program accountability to Federal taxpayers.

The Government Accountability Act would build on the existing OMB rankings of Federal spending programs done each year in preparation of the President's budget. The act would only require that the ranking be refined, formalized, and above all, made public.

Testifying before the Governmental Affairs Committee in March, John White, Deputy Director of OMB, acknowledged that such program ranking information would assist the Congress in its budget deliberations.

Recently, the administration and OMB have taken steps to enhance management effectiveness within the executive branch. These actions include the announcement of a Presidential Management Improvement Council and revision of OMB Circular A-117, on "Management Improvement and the Use of Evaluation in the Executive Branch." These internal actions put greater emphasis on the management function of OMB and are steps in the right direction.

But OMB and the administration need to go further. They need to cooperate with the Congress in providing additional information so we can do a more effective job of overseeing the management effectiveness of Federal spending programs. Such information should be provided by the Government Accountability Act of 1979.

Finally, I urge OMB and others concerned with program and management evaluation to study the bill closely and to work with Senator PERCY, me and other cosponsors in refining and improving the bill. Issues need to be addressed including the definition of "program," the precision of the ranking and rating criteria and the problem of evaluating programs cutting across various departments and agencies. I urge OMB and others to work with us in shaping this important legislation.●

By Mr. INOUYE:

S. 1162. A bill to amend section 8e of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, to provide that when papayas produced in the United States are made subject to any regulation with respect to grade, size, quality, or maturity, imported papayas shall be made subject to the same regulation; to the Committee on Agriculture, Nutrition, and Forestry.

● Mr. INOUYE. Mr. President, today, I am introducing a bill to amend the Agricultural Adjustment Act by adding papayas to the list of agricultural commodities with quality standards.

By making this addition, the mainland consumer is assured of a high quality product at all times.

The Hawaiian papaya industry has had rigid quality standards since 1971, and I believe it is vitally important that all papaya imports, whatever their sources, be required to match the high quality standards imposed upon Hawaiian papaya.

Papaya marketings continue to expand. Sales are rising beyond $8.5 million in a Hawaiian agricultural economy of $ 259 million. This year Hawaiian farmers produced 55 million pounds of fruit, but by 1984 that amount is expected to double with sales rising to $20 million.

The Washington Post recently ran an article extoling the virtues of the papaya and explaining the fruit's sudden popularity. Papayas are filled with vitamins and minerals, yet a 3.5 ounce serving contains only 13 calories.

To take advantage of this new popularity and to encourage diversification of our agriculture so that we are not so dependent on sugar and pineapple, I stress again that quality standards must be high.

I urge my colleges to give this legislation their favorable consideration. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the first sentence of section 8e of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608e-1), is amended by striking out "or eggplants" and inserting in lieu thereof "eggplants, or papayas".●

By Mr. DOLE (for himself, Mr. HARRY F. BYRD, JR., Mr. ZORINSKY, Mr. BENTSEN, Mr. JEPSEN, Mr. WALLOP, Mr. FORD, Mr. MORGAN, Mr. TOWER, Mrs. KASSEBAUM, Mr. LUGAR, Mr. STONE, Mr. HATCH, Mr. YOUNG, Mr. EXON, Mr. MCCLURE, Mr. PRESSLER, Mr. COCHRAN, Mr. MELCHER, Mr. HELMS, Mr. SCHMITT, Mr. HUMPHREY, and Mr. GOLDWATER):

S. 1163. A bill to repeal the carryover basis provisions added by the Tax Reform Act of 1976; to the Committee on Finance.

CARRYOVER BASIS

● Mr. DOLE. Mr. President, I am introducing today legislation to repeal the "carryover basis" provisions enacted as part of the Tax Reform Act of 1976.

Mr. President, I am joined in this effort by 22 of my Senate colleagues. I particularly appreciate the support by the distinguished chairman of the Subcommittee on Taxation and Debt Management, Mr. BYRD, of Virginia and the distinguished Senator from Nebraska (Mr. ZORINSKY).

Mr. President, this bill is exactly the same as earlier legislation I introduced this session. However, the Senator from Kansas felt it is necessary to demonstrate the broad bipartisan support for the repeal of the carryover basis.

As my colleagues know, the Senate has before it an agreement to consider the repeal of carryover basis as an amendment to the first appropriate House-passed revenue bill. I hope the Senate could quickly act on this matter and dispose of, once and for all, what has proven to be ill-conceived and misdirected tax policy. ●

By Mr. GRAVEL:

S. 1164. A bill to amend the Water Resources Development Act of 1974 to authorize and direct the removal and disposal of certain debris and obsolete buildings in the vicinity of Fort Glenn on Umnak Island in the Aleutian Islands, Alaska, and for other purposes; to the Committee on Environment and Public Works.

● Mr. GRAVEL. Mr. President, the legislation I am introducing today would authorize the Army Corps of Engineers to undertake a demonstration project to show the feasibility of authorizing a full scale cleanup of World War II debris on the Aleutian Islands in Alaska.

Prior to 1941, the Aleutian chain was an area of unsurpassed natural beauty and wilderness. Japan's attack on Pearl Harbor led to a dramatic change in this area of Alaska. The Aleutian Islands became an area of strategic importance in the Pacific theater, and the Army Corps of Engineers undertook one of the greatest military construction efforts of World War II in this region. Construction continued beyond 1943 when the last Japanese forces evacuated from the islands. At the end of the war, most of the facilities were abandoned.

Today vast quantities of military debris remain on the Alaska Peninsula. Much of it remains in populated areas that presents both an environmental eyesore and a safety hazard to the residents.

In 1974, the Congress recognized this problem and mandated a study of the nature and extent of debris by the Corps of Engineers. This study was presented to the Congress in 1977.

The study recommended three alternative plans for cleaning the debris: Total cleanup costing $117 million, alternate cleanup costing $79 million and minimum cleanup costing $22.5 million.

Because of the huge cost involved in a total cleanup, I asked the Army Corps of Engineers to identify one site that could be used to demonstrate the cleanup process and the need for further action. On April 4, the corps responded by identifying Fort Glenn on Umnak Island as an appropriate site, and recommended three alternative cleanup levels: Total cleanup costing $21,300,000, alternate cleanup costing $12,800,000 and minimum cleanup at $5,000,000.

The legislation I am introducing today would authorize a demonstration project at Fort Glenn that would provide for a cleanup at the alternate level costing $12,800,000.

While I realize that current pressures on the Federal budget may present a problem for this proposal, it should be made clear that this demonstration is more than a cleanup project. It is a project that will generate employment opportunities for an area of the Nation with extremely high unemployment and will provide a financial base upon which the residents of the region can build a sound economy.

According to data provided by the Aleutian/Pribilof Islands Association, the current unemployment rate among Native Alaskans in the region is 76 percent. The city of King Cove had the lowest unemployment rate of 55 percent—while the smallest village of Belkofski had the highest rate of 100 percent—no jobs were available in the community.

This problem is largely attributable to the seasonal nature of the main industry in the region, fisheries. Nonseasonal employment is often limited to village health programs, community administration and CETA programs.

In recognition of this problem, the Corps of Engineers report noted that "maximum effort should be given to obtaining * * * unskilled workers from the local populations on the sites chosen for cleanup * * *.This action would not only supplement the sole source of income (seasonal fishing) of most Peninsula and Aleutian villages, but also boost the morale of the local inhabitants." A further benefit would be the decreased reliance upon unemployment benefits and social service programs.

In the long run, the Aleut people intend to use any profits realized from this project for the development of the bottom fishery industry in the region. The passage of the 200-mile limit bill has opened the entire field of bottom fisheries to potential development by American fishermen, and the resources generated by this project would be used to insure that the local population would participate directly in the development and utilization of the vast fishery resource surrounding the Aleutian and Pribilof Islands.

Finally, some of the land covered with debris belongs to two village corporations established pursuant to the Alaska Native Claims Settlement Act. At present, these lands cannot be utilized for any productive economic activity. However, once the debris is removed, these lands will be developed for agricultural uses such as livestock production.

For these reasons, my bill contains language that would to the maximum extent feasible require the project to use local resources in an effort to reduce the high rate of unemployment among local residents.

I ask unanimous consent that the bill be printed in the RECORD, together with a letter from the Army Corps of Engineers.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 35 of the Water Resources Development Act of 1974 is amended to read as follows:

"SEC. 35. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to plan and implement a demonstration project for the removal and disposal of debris and obsolete buildings in the vicinity of Ft. Glenn on Umnak Island in the Aleutian Islands, Alaska, remaining as a result of construction during World War II. To the maximum extent feasible such project shall use local resources in an effort to reduce the high rate of unemployment among local residents. There are authorized to be appropriated $12,800,000 to carry out the purposes of this section.".

DEPARTMENT OF THE ARMY,
Washington, D.C., April 4, 1979.

Hon. MIKE GRAVEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRAVEL: This is in further response to your letter of 29 January 1979 to Lieutenant General J. W. Morris, Chief of Engineers, concerning the Debris Removal and Cleanup Study of the Aleutian Islands and Lower Alaska Peninsula, Alaska. I have inclosed a draft bill which would authorize a demonstration cleanup project. The October 1976 report and inventory of World War II debris in these areas along with the draft Environmental Impact Statement, currently scheduled for completion by the Alaska District on 30 September 1979, are resource documents and do not contain recommendations for any particular level of implementation. Such recommendations would have to be determined as part of overall funding policies and priorities.

The most appropriate site for a pilot or demonstration project is Fort Glenn on Umnak Island. Cleanup of the Fort Glenn site is preferred by the local interests and would meet your desire to assist local Governmental bodies in their land-use planning. A demonstration project at this site would offer certain logistical advantages; interagency cooperation can be initiated easily; it is near major native populations; and, construction, inspection and supervision techniques can be developed. A disadvantage of this approach is that pollution and various debris problems will still exist at other sites and historical features will continue to deteriorate or be vandalized.

The following updated cost estimates are based on 1980 cleanup operations and include costs for engineering plans, specifications and contract administration for various levels of cleanup described in the October 1976 report:

[In millions]

Cleanup level	All sites	Fort Glenn only
Total cleanup	$192	$21.3
Alternate cleanup	130	12.8
Minimum cleanup	37	5.0

Since the actual cleanup has not been authorized, we are unable to express a funding capability at this time.

It currently is unlikely that native-owned companies have the capability to undertake a project of this magnitude on their own. We would rather look to the socio-economic clauses of our contract in the areas of Affirmative Action, Equal Employment Opportunity, and Utilization of Small Business and Socially and Economically Disadvantaged Enterprise. Insuring the proper representation of Alaska natives under any prime contractor's subcontracting program as well as their labor force would be of major importance.

Additionally, Section 8(a) of the Small Business Act could be utilized consistent with the availability of qualified native-owned business. Under this procedure, certain phases of the cleanup operations could conceivably be set aside for their exclusive participation and negotiated through the local Small Business Administration office in Anchorage.

Please understand that this legislative drafting service does not constitute any comments on the merits of the proposal. It is the policy of the Department of the Army to comment on the merits of legislation only in response to a request from the Chairman of the Committee to which the legislation has been referred for consideration and after clearance by the Office of Management and Budget.

Sincerely,

R. L. JORNS,
Colonel, Corps of Engineers,
Assistant Director of Civil Works.●

By Mr. BELLMON:

S. 1165. A bill to amend chapter 105 of title 10, United States Code, to provide for increases in the amount of the monthly stipend paid to participants in the Armed Forces health professions scholarship program; to the Committee on Armed Services.

● Mr. BELLMON. Mr. President, I am introducing two bills today that I believe will provide relief to the Armed Forces health professional scholarship program. We must provide equity as well as incentives to attract young men and women to enlist in the military service.

A shortage of medical doctors has persisted in the Armed Forces since the cessation of the selective service. The Armed Forces health professional scholarship program is a major source of the present supply of the medical doctors. My legislation should help this program enlist candidates.

The first bill is to provide for annual cost-of-living increases for the Armed Forces health professional scholarship program in the same manner as the national health scholarship program which furnishes Public Health Service doctors for the Federal Government. The national health scholarship program already includes annual cost-of-living increase which is causing a disparity between the two programs. As of July 1, 1979, the national health scholarship monthly stipend will be $453 compared to the Armed Forces health scholarship monthly stipend of $400.

The national health scholarship program was able to fill all 4,552 of its slots in 1978 while the Armed Forces health professional scholarship program fell short (1,209 of 1,343 slots). I believe ending the inequity of the monthly stipend will go a long way toward easing recruitment problems for the Armed Forces.

The second bill concerns a minor problem but one which has caused tension and low morale every year for the affected students. Congress has granted tax relief for health professions scholarship programs on an annual basis through a series of temporary amendments to the Internal Revenue Code. My bill simply provides permanent income tax relief by exemption of scholarship benefits for all Federal health professions scholarship recipients.

Mr. President, I ask unanimous consent that the texts of these two bills be printed in the RECORD, and I urge the Senate to act on this legislation.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 2121 of title 10, United States Code, relating to the monthly stipend paid to persons participating in the Armed Forces Health Professions Scholarship program, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end of such subsection the following new paragraph:

"(2) The amount of the monthly stipend, specified in paragraph (1) and as previously adjusted (if at all) in accordance with this paragraph, shall be increased by the Secretary of Defense for each school year beginning after September 30, 1976, by an amount (rounded to the next highest multiple of $1) equal to the amount of such stipend multiplied by the overall percentage (as set forth in the report transmited to the Congress under section 5305 of title 5, United States Code) of the adjustment (if such adjustment is an increase) in the rates of pay under the General Schedule made effective in the fiscal year in which such school year ends.".

SEC. 2. No person shall be entitled to any benefits by virtue of the amendments made by the first section of this Act for any period before the date of enactment of this Act.

S. 1166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 4 of the Act entitled "An Act to suspend until the close of June 30, 1975, the duty on certain carboxymethyl cellulose salts, and for other purposes", approved October 26, 1974 (Public Law 93–483; 83 Stat. 1457), is amended—

(1) by striking out "and before 1980"; and

(2) by striking out "and before 1984".●

By Mr. DECONCINI (for himself and Mr. GOLDWATER):

S. 1169. A bill to provide for the continued treatment of Mexican plywood as a designated eligible article under the generalized system of preferences established by the Trade Act of 1974; to the Committee on Finance.

● Mr. DECONCINI. Mr. President, today I am introducing with my distinguished senior colleague, Senator GOLDWATER, legislation to provide for continued treatment of Mexican plywood as a designated article under the generalized system of preferences established by the Trade Act of 1974.

Mexico is now an important trading partner of the United States for many products and promises to continue in this role in the future. That country is the seventh most important customer for U.S. wood products exports. Likewise, the U.S. imports certain wood products from Mexico.

For the last 5 years we have been importing increasing quantities of softwood plywood from Mexican firms, one of which is 49-percent owned by an Arizona company. These imports are small, totaling only $3.9 million in 1978 and accounting for only 0.07 percent of U.S. softwood consumption in that year. Yet they are important to the American Southwest and to Mexico.

Under the Trade Act of 1974, when imports of any item from one country total more than 50 percent of all the imports under the Tariff Schedules of the United States, that country and product can no longer receive the benefits of the generalized system of preferences, that is, be imported duty free. In this case, softwood plywood from Mexico becomes subject to a U.S. duty of 20 percent ad valorem. It is my understanding that if a duty of this size continues it will sharply reduce future Mexican shipments.

Kaibab Industries, the Arizona-based company, is a 49-percent owner of Productora de Triplay, which is located in Durango, Mexico. The other 51 percent is owned by Mexican citizens, most of whom are involved in the management of this operation. Productora de Triplay primarily manufactures softwood plywood, and provides employment for over 500 Mexican workers. As part owner, Kaibab Industries provides the management and consulting expertise, plus computer and accounting services for Productora and has for the past 11 years.

Productora de Triplay produces approximately 19,383,846 square feet of softwood plywood and 60 percent of this production is exported to the United States. Sales and distribution are then handled through Kaibab's wholesale distribution system throughout the southwestern United States.

On March 1, 1979, Kaibab Industries received a wire from the U.S. Customs Service stating that a 20-percent tariff would be required on softwood plywood which Kaibab and other companies import from Mexico.

Mr. President, this proposal if enacted into law will assist with our relationship with Mexico, will have a minimal effect on our domestic plywood industry, and will benefit the United States.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 504 (c) (1) (B) of the Trade Act of 1974 (19 U.S.C. 2464(c) (1) (B)) and any Executive Order issued under title V of that Act to the contrary, plywood described in item 240.21 of the Tariff Schedules of the United States (19 U.S.C. 1202) which is the product of Mexico shall be treated as an eligible article designated under section 503 of such Act (19 U.S.C. 2463).

SEC. 2. The provisions of the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after March 1, 1979.●

By Mr. WILLIAMS (for himself and Mr. JAVITS):

S. 1170. A bill to provide improved safety and health standards for railroad employees, to amend the Federal Railroad Safety Act of 1970, to amend the hours of service laws, and for other purposes; to the Committee on Labor and Human Resources and the Committee on Commerce, Science, and Transportation, jointly, by unanimous consent.

FEDERAL RAILROAD EMPLOYEES SAFETY AND HEALTH ACT

Mr. WILLIAMS. Mr. President, today I am introducing, for myself and Senator JAVITS, the Federal Railroad Employees' Safety and Health Act of 1979.

My bill would provide for greater employee protection under the Railroad Safety Act and transfer railroad safety and health activities from the Department of Transportation to the Department of Labor. The Department of Transportation would retain other functions relating to the development of national railroad policy and programs.

In 1970, Congress brought hope of improved safety to railroad workers and passengers by enacting the Federal Railroad Safety Act. Unfortunately, the promise of this legislation has not been realized: the deterioration of our Nation's railroads, particularly in the Northeast corridor, has continued undiminished.

In 1977 there were over 10,000 train accidents, an increase of over 6 percent from the previous year in the number of accidents per million train miles; 43 percent of these accidents were caused by defects in track or roadbed, while 25 percent were caused by equipment defects or failures. Moreover, the seriousness of these accidents is increasing.

Railroad workers suffer the most from accidents on our Nation's railways, registering more than 91 percent of the injuries in 1977. While the number of worker deaths declined last year, nearly 100 still lost their lives in railroad accidents. Further, there were more than 61,000 injuries to workers serious enough to require medical attention or result in time away from work.

By any standards, these figures represent a tragic cost in human lives, personal injury, and unnecessary suffering.

Any successful effort to save lives and reduce the accident and injury rates must enlist the support of railroad workers.

These workers neither should be expected to work under unsafe conditions nor be penalized for alerting officials to safety and health hazards.

My bill not only corrects the current deficiencies in the law, but also provides protection for railroad workers who call attention to safety and health hazards.

The effort to improve the safety of our railroads also requires the participation of management, with the vigorous enforcement of regulations by State and Federal authorities.

As early as 1973, the Federal Railroad Administration (FRA) acknowledged before Congress that railroad accidents and injuries may be, in substantial part, preventable.

In April 1978, the Administrator of the Federal Railroad Administration testified before the Senate Surface Transportation Subcommittee that many of these accidents could be avoided with enforcement of current health and safety standards:

> As noted above, train accidents are generally attributable to track equipment, and human factors. The track and equipment area are the most easily addressed through regulation, although FRA has regulated in all three fields.
>
> We believe that strict carrier adherence to existing track and equipment standards would reverse the train accident trend and materially reduce the number of train accidents. However, among many railroads, compliance with the regulations is poor.
>
> At the same time, FRA is aware that many safety problems are the result of poor maintenance and inspection activities in circumstances where little or no additional outlay of funds would be required to comply with applicable standards and procedures. Most often, but not always, persistent neglect of this kind can be attributed to an indifference on the part of management or a failure by management to hold supervisors and employees accountable for compliance.

Notwithstanding this acknowledgment, the Federal Railroad Administration has consistently failed to try to hire even the number of inspectors authorized by Congress.

Since 1974, Congress has authorized funds for hiring 500 railroad inspectors. This number was increased to 600 in 1979.

A 1977 Federal Railroad Administration study entitled "System Safety Plan" estimated that 800 safety personnel—inspectors and support staff—would be necessary to halt the increase in the number of train accidents. Yet, as recently as last year, the Federal Railroad Administration had employed only 214 inspectors with no plans for expanding significantly their inspection staff in 1979.

It is no wonder that the number of freight cars, passenger cars, and locomotives inspected has declined consistently over the last decade while the percentage of cars found defective has nearly doubled.

The response of the Federal Railroad Administration to the deterioration of our railroad systems is flagrant and intolerable. It has consistently downgraded its enforcement and inspection responsibilities while devoting most of its resources to research and development. The Department of Transportation appears to suffer from a basic conflict between improving transportation technology and safeguarding railroad safety and health.

Congress must act. We must enlist the support of workers who run our railroads in the effort to make them safe. Moreover, the transfer of railroad safety and health enforcement to the Department of Labor is essential to a meaningful railroad safety and health program.

Mr. President, I ask unanimous consent that the Federal Railroad Employee's Safety and Health Act of 1979, which would improve employee protection under the Railroad Safety Act and transfer authority over railroad safety and health programs from the Department of Transportation to the Department of Labor, be referred jointly to the Committee on Labor and Human Resources and the Committee on Commerce, Science, and Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS

S. 43

At the request of Mr. HATCH, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 43, the National Ski Patrol System Recognition Act.

S. 339

At the request of Mr. STEVENSON, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 339, a bill to amend the Export-Import Bank Act of 1954 with respect to credit to Communist countries, and for other purposes.

S. 535

At the request of Mr. SCHMITT, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 535, the Nuclear Waste Transportation Safety Act of 1979.

S. 654

At the request of Mr. GOLDWATER, the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of S. 654, a bill to remove residency requirements and acreage limitations applicable to land subject to reclamation laws.

S. 949

At the request of Mr. BURDICK, the Senator from Alaska (Mr. STEVENS), the Senator from Texas (Mr. TOWER), the Senator from Nevada (Mr. LAXALT), and the Senator from Utah (Mr. GARN) were added as cosponsors of S. 949, a bill to amend the National Environmental Policy Act to provide a 180-day statute of limitations on judicial challenge of compliance with NEPA.

S. 962

At the request of Mr. MCGOVERN, the Senator from West Virgina (Mr. RANDOLPH), the Senator from North Carolina (Mr. MORGAN), the Senator from Idaho (Mr. CHURCH), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 962, the Self-Reliant Development and International Food Assistance Reform Act of 1979.

S. 1131

At the request of Mr. WILLIAMS, the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 1131, a bill to amend title XII of the National Housing Act to establish national standards in order to reduce incendiarism and maintain community vitality, and to encourage States to adopt minimum standards for arson investigation and insurance underwriting.

S. 1158

At the request of Mr. GARN, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1158, a bill to amend the Clean Air Act to delay for 1 year the deadline on approval of State implementation plans.

SENATE JOINT RESOLUTION 62

At the request of Mr. PELL, the Senator from Maryland (Mr. MATHIAS) and the Senator from Wyoming (Mr. SIMPSON) were added as cosponsors of Senate Joint Resolution 62, to declare May 18, 1979, to be "National Museum Day."

SENATE JOINT RESOLUTION 77

At the request of Mr. STEVENSON, the Senator from Utah (Mr. HATCH) was added as a cosponsor of Senate Joint Resolution 77, congratulating the men and women of the Apollo program upon the 10th anniversary of the 1st manned landing on the Moon and requesting the President to proclaim the period of July 16 through 24, 1979, as "U.S. Space Observance."

AMENDMENTS SUBMITTED FOR PRINTING

FOREIGN ASSISTANCE ACT AMENDMENTS—S. 588

AMENDMENT NO. 204

(Ordered to be printed and referred to the Committee on Governmental Affairs.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to S. 588, a bill to amend the Foreign Assistance Act of 1961, and for other purposes.

● Mr. DECONCINI. Mr. President, I am submitting an amendment to eliminate title II of S. 588 which authorizes development assistance programs for fiscal years 1980 and 1981.

Title II of S. 588 creates a new agency, the Institute for Technological Cooperation with a Council on Technological Cooperation to advise the Director. The purpose of these new agencies is to support developing countries in "their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives." Toward this end, the Institute would "increase scientific and technological cooperation and jointly support long-term research on those critical problems that impede development and limit efficient use of the world's human, natural and capital resources."

I am quite sure that no Member of Congress nor any member of the taxpaying public could possibly disagree with those sentiments and those goals. Certainly, I do not. However, I do believe that in this era of rampant inflation that the taxpayers' dollar—in this case, $25 million—might be better spent or even saved in this instance since the Institute is not really undertaking any new function. The goals associated in S. 588 with the Institute are essentially the same goals that suffuse much of the effort of AID. It seems to me, Mr. President, that we are creating another layer of expensive, well-paid bureaucracy to facilitate the interaction and scholarly endeavors of an elite group of social and other scientists in the United States and within the underdeveloped countries.

The present program seems to have a great deal in common with the United Nations University which the Senate, on three separate occasions, has soundly rejected.

Mr. President, I believe I speak for my Arizona constituents in opposing the Institute and its $25 million budget. As a member of the Foreign Operations Subcommittee of Appropriations, I can assure my colleagues that this program will have to overcome substantial hurdles before it is funded. I do not believe we need yet another agency to "support research," "foster the exchange of scientists," and so forth. We must draw the line some place, and this new program seems like the place to me, I hope my colleagues will agree.●

SENATE RESOLUTION 162—ORIGINAL RESOLUTION REPORTED COMMENDING ALFRED L. ATHERTON, JR.

Mr. CHURCH, from the Committee on Foreign Relations, reported the following original resolution, which was placed on the calendar:

S. Res. 162

Whereas, Alfred L. Atherton, Jr. has served his nation with great distinction respecting Middle East diplomacy for more than a decade;

Whereas, Mr. Atherton, in his capacity as Assistant Secretary of State and as Ambassador-at-Large, contributed significantly to the achievement of the Camp David Accords and The Egypt-Israel Treaty of Peace; and

Whereas, Mr. Atherton has now been appointed to serve as Ambassador of the United States to the Arab Republic of Egypt.

Now therefor be it resolved that it is the sense of the Senate that Ambassador Atherton is to be commended for his outstanding service to the Nation.

NOTICES OF HEARINGS

SUBCOMMITTEE ON CHILD AND HUMAN DEVELOPMENT

● Mr. CRANSTON. Mr. President, for the information of my colleagues and the public, the Child and Human Development Subcommittee, which I chair on the Labor and Human Resources Committee, will on Thursday, May 31, hold in Los Angeles the third in a series of hearings investigating the abuse and neglect of children in institutions.

The General Accounting Office will be testifying at this hearing on the results of their investigation, at my request, into reports of foster-care and other federally assisted children placed in the custody of the People's Temple members, who may have died in the mass suicide in Jonestown, Guyana.

The hearing will be held in the Washington Room of the Los Angeles County Patriotic Hall, 1816 South Figueroa, Los Angeles, Calif., and will begin at 10 a.m. and continue until 12 p.m.●

COMMITTEE ON LABOR AND HUMAN RESOURCES

● Mr. WILLIAMS. Mr. President, I wish to announce that the Committee on Labor and Human Resources will hold hearings on farm worker collective bargaining on Thursday, May 24, 1979. The hearings will be at 9:30 a.m. in room 4232 Dirksen Senate Office Building. For further information, contact Darryl Anderson of the committee staff, 224-3674.●

COMMITTEE ON GOVERNMENTAL AFFAIRS

● Mr. CHILES. Mr. President, the Committee on Governmental Affairs will be holding a hearing or. the nominations of Inspectors General for the Department of Commerce, the National Aeronautics and Space Administraiton, and the Department of Housing and Urban Development. The hearing will take place on Wednesday, May 23, at 9 a.m. in room S-146 of the Capitol.

For further information regarding this hearing, please contact Mr. Ronald A. Chiodo, chief counsel and staff director of the Subcommittee on Federal Spending Practices and Open Government (224-0211).●

SPECIAL COMMITTEE ON AGING

● Mr. CHILES. Mr. President, there will be a hearing of the Special Committee on Aging on "Home Care Services for Older Americans: Planning for the Future," on Monday, May 21, at 9:30 a.m. in room 1318, Dirksen Senate Office Building.

The hearing is a continuation of the committee's inquiry of May 7 regarding the Department of Health, Education, and Welfare's lack of focus on policy directions for home health care and nursing home care. Testimony will be taken from HEW Under Secretary Hale Champion.●

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON HEALTH AND SCIENTIFIC RESEARCH

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Health and Scientific Research Subcommittee of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate today, beginning at 2 p.m., to hold a markup session on the Hospital Cost Containment Act of 1978.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to meet during the session of the Senate on Wednesday, May 23, 1979, beginning at 3:30 p.m., to hold a markup session on amendments to the food for peace program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE RESOURCE CONSERVATION AND RECOVERY ACT REAUTHORIZATION BILL

● Mr. BENTSEN. Mr. President, this week the Environment and Public Works Committee will be reporting the Resource Conservation and Recovery Act reauthorization bill. This act was initially passed in 1976; it represents a congressional commitment to protect the American people from the improper disposal of hazardous material. The impact of this act is now being defined as the Environmental Protection Agency proposes and promulgates regulations to implement it. One of the key elements of these regulations that Congress must now consider is whether such regulations properly focus on degree of hazard. In at least one instance, the Environment and Public Works Committee concluded that EPA was misdirecting its efforts, developing regulations on drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil or natural gas. In this area the Environment and Public Works Committee adopted an amendment to suspend regulatory activity under the Resource Conservation and Recovery Act until a 2-year study is completed and the results convince Congress that a sufficient degree of hazard exists that cannot be controlled by existing State and Federal regulatory programs. The committee concluded the existing State and Federal programs should control disposal of these wastes during the study and EPA should be concentrating its regulatory efforts on wastes that represent more significant hazards.

It is my hope that Congress will continue to focus its legislative efforts on the problems of hazardous wastes to assure that necessary efforts to protect the public are not diffused by regulatory efforts on low hazard materials that are adequately controlled under existing State and Federal regulations. In my view it is absolutely necessary to generate laws that provide the greatest protection to the American people from severe and pressing hazards.

We cannot afford to weaken these protections by spreading the regulatory umbrella too widely.

I urge my colleagues to favorably act on this measure when it is considered on the floor of the Senate.●

SELECTIVE SERVICE: A TEST OF MOBILIZATION CAPABILITY

● Mr. COHEN. Mr. President, the Selective Service System's ability to provide sufficient numbers of recruits to fill our defense needs in time of emergency has been the topic of serious debate recently.

To test its accelerated mobilization capability, Selective Service undertook a computer exercise, just completed, using automatic data processing equipment. I wrote Selective Service System Director Robert Shuck to ask about the test and its results.

In his response, Director Shuck told me the preliminary findings indicate that during an emergency, approximately 2 million males—the number turning 18 each year—could be registered in 5 days.

Selective Service has requested a supplemental appropriation for fiscal year 1979 of approximately $1.7 million and an appropriation for fiscal year 1980 of $9.8 million. These funds would permit the Agency to employ 50 additional people, recruit and train local and appeal board members, and complete an analysis of computer requirements over the next 5 years.

"With the additional money and personnel, we will be able to develop the capability to start the delivery of inductees within 30 days," Director Shuck said in his letter. That, as you know, would meet the accelerated mobilization schedule required by the Defense Department since October 1977. Prior to that date, the Pentagon had estimated it would need its first inductee 110 days after mobilization.

Last year, Congress refused to approve the $2.5 million additional request made by the administration to allow it to develop this computer technology. Especially in light of the concern over our ability to mobilize quickly in time of emergency, it would seem incumbent on us to approve the small additional request Selective Service says is necessary so that it can meet our defense needs, even without registration.

If the preliminary results of the computerization test prove out, this is a small investment, indeed, in a stronger U.S. defense capability. So that all who are concerned about this issue can have the benefit of Director Shuck's comments, I now submit his letter for the RECORD. It will, I am sure, be of interest to all my colleagues as we debate whether there is need to return to registration.

The letter follows:

SELECTIVE SERVICE SYSTEM,
Washington, D.C. May 10, 1979.

DEAR SENATOR COHEN: Thank you for your letter of April 23, 1979 requesting information concerning the computer test just concluded by Selective Service. This test comprises but one part of the effort to meet the accelerated mobilization requirements of the Department of Defense.

The test was conducted to determine the feasibility and applicability of using automatic data processing equipment to accomplish rapid input of registration information received from each registrant following an emergency registration.

In response to your specific questions concerning this study, I am pleased to provide you with the following information:

The methodology employed is a business type application of Data Entry at remote locations and the transmission of that data to a central point for processing to meet the needs of Selective Service. This is accomplished through a carrier program called Intelligent Data Entry System (IDES) and our in-house developed data entry format programs. The data is transmitted from one location to another via telephone line through a Dataphone connector.

The computer system used in this test was an IBM Series/1 computer with Data Entry Stations. To provide a perspective as to size and power, the Series/1 is what is currently termed a "mini-computer."

The preliminary findings indicate that such a system is quite feasible for accomplishing the input of registrant data quickly and efficiently in an emergency situation, as well as during continuous registration. During an emergency, preliminary data indicates we could input one year of birth group, approximately 2 million male registrants, in five (5) days utilizing distributive computer processing with remote and clustered key entry stations and mini-computers at our regional offices.

The final statistical report has not been completed as the test just ended on May 2. My project officer is completing a detailed analysis of the equipment's capabilities against the test objectives and of the large volume of data collected at the two remote sites and the host site involved in the test.

The President has approved and forwarded to Congress a supplemental appropriation for Fiscal Year 1979 of approximately $1.7 million and a 1980 budget of $9.8 million. These funds will permit the Selective Service System to employ 50 additional people, recruit and train local and appeal board members, and complete an analysis of computer requirements over the next 5 years. With the additional money and personnel we will be able to develop the capability to start the delivery of inductees within 30 days.

We believe the $1.7 million supplemental for Fiscal Year 1979 and the $9.8 million for 1980 will meet all fund requirements, except funding for the purchase or lease of the required computer capability. Until we have completed the computer analysis we do not know what computer equipment will be needed, nor do we know how much we will need for purchase or lease. Based on present data we estimate the purchase of mini-computers for our Regions would be approximately $500,000 and the monthly lease of a central computer will be approximately $70,000 per month.

I certainly appreciate your interest and concern about the Selective Service System. We believe we must improve our readiness capability so that we would be able to begin the delivery of inductees as soon as possible after authorized to do so. We consider the Selective Service System as an important element in our Nation's defense readiness posture and we will do what we can to ensure we are ready for any emergency situation.

If you have any additional questions or desire to discuss our readiness activities, please write or give me a call on 724-0424.

Sincerely,

ROBERT E. SHUCK.●

ACADEMY AWARD FOR THE CALIFORNIA CHILDREN'S HOME SOCIETY FILM

● Mr. CRANSTON. Mr. President, I am delighted to share with my colleagues the news that the Children's Home Society of California won an Academy Award last month for its outstanding documentary, "Teenage Father."

"Teenage Father" was one of four documentary films nominated for an award in the live action short film category. The film explores young men's thoughts and feelings about the experience of being involved as an unmarried teenager in an unplanned pregnancy. A great deal of attention has gone into the problems of teenage pregnancy in recent years, but only rarely have the particular problems of the teenage father been highlighted.

The Children's Home Society of California has been working since 1891 to improve the lives of children and families in California. It is a nonprofit, voluntary children's services agency helping families in the State's 58 counties. It provides a full range of services to children and families, such as adoption, day care, foster care, parent-child counseling, and public education.

The Children's Home Society has produced several other documentaries dealing with the problem of teenage pregnancy from the perspective of the mother and child; the "Teenage Father" fills a gap by providing the perspective of the teenage father. The Children's Home Society has made a valuable contribution to our understanding of the many dimensions of the problems of teenage pregnancy. The society is to be congratulated both for recognizing the need for a documentary in this area and for the quality of the film which resulted in an Academy Award.●

RURAL CLEAN WATER PROGRAM

● Mr. HEINZ. Mr. President, in reviewing the natural resources function during debate on the first budget resolution, I was impressed with the excellent work of the Senate Budget Committee. Under the able leadership of Senators MUSKIE and BELLMON, the committee demonstrated its commitment to insuring a strong effort to improve our environment and protect our natural resources. Accordingly, I supported the function 300 totals and urged their approval by my colleagues.

However, I am concerned by the report language accompanying mission 4, pollution control and abatement, in this function. The report indicated that the committee did not assume future funding for the rural clean water program. Given the importance and pressing need of this agricultural cost share initiative, I would hope the Senate Appropriations Committee and the Congress would move to provide adequate startup funding for the RCWP in the near future.

Under the rural clean water program, the Federal Government will assist local farmers in paying half the cost of installing "best management practices" on their land to reduce water pollution. The various techniques utilized are designed to curb the flow of sediment, pesticides, fertilizers, and animal wastes into rivers and lakes.

In my home State of Pennsylvania there are 20 high-priority watersheds that could benefit from this program. These watersheds are concentrated in the important southeastern farm belt and several other areas in the State. By providing funding for the rural clean water program, badly needed projects could be initiated to control agricultural pollution and soil erosion in these areas. Without such an effort, it will be impossible to achieve the "fishable and swimmable" quality waters mandated under present water pollution law. In addition, the rural clean water program will significantly contribute to present efforts to control the serious problem of soil erosion that threatens the very future of U.S. food production.

There is a pressing need to address the problems of erosion and nonpoint source pollution. Soil erosion is averaging 9 tons per acre annually from U.S. farms, while topsoil forms only at the rate of about 4 tons per acre each year. Agricultural pollution of water has increased to the point where farming now adversely affects water quality in two-thirds of all U.S. river basins.

Given the agricultural pollution and soil erosion problems this Nation faces, I believe the RCWP is needed. I am disappointed by the Budget Committee's assumptions and urge the Congress to appropriate the necessary funding.●

TRUCKING DEREGULATION

● Mr. EXON. Mr. President, as a Senator representing a rural State, I frequently reflect unique concerns which rural America has on many issues which face this Congress. One such issue is the proposed complete deregulation of the trucking industry and its potentially adverse effects on those who reside in rural areas of this Nation should this massive industry be removed completely from the regulatory control of the Federal Government. Many Nebraskans have grave concerns with regard to the timeliness and end result of total deregulation of the trucking industry. Any deregulation plan must address our particular problems while attempting to make the best use possible of our dwindling available energy supplies and as much elimination of Government controls and regulations as is practical.

I am submitting the following resolution passed by the Nebraska unicameral in opposition to the deregulation of the trucking industry for printing in the Record.

The resolution follows:

Legislative Resolution 22

Whereas, the deregulation of the trucking industry is a matter of great concern to the people of the State of Nebraska; and

Whereas, the deregulation of trucking may have a significant negative impact on rural states such as Nebraska; and

Whereas, thorough study and consideration should be given as to the impact deregulation of trucking would have on the various states; and

Whereas, the opportunity should exist for all interested parties to have input on the matter of deregulation of the trucking industry;

Now, therefore, be it resolved by the members of the Eighty-Sixth Legislature of Nebraska, first session:

1. That the Legislature of the State of Nebraska opposes the deregulation of the trucking industry by means of agency fiat by the Interstate Commerce Commission.

2. That any deregulation of the trucking industry should be done by the standard decision making procedures of the U.S. Congress thus allowing all interested parties to have the opportunity to present their views before Congress. This will insure Congress has the opportunity to explore the need, merits and ramifications of such action.

3. That a copy of this resolution be presented to the members of the Nebraska Congressional Delegation.●

UNIONMUTUAL PLANS FOR DAY CARE

● Mr. COHEN. Mr. President, too often, there is a view of the business community as not being sufficiently sensitive to social needs. A project now underway in the State of Maine is showing the positive contribution a committed, concerned business can make to its community.

Unionmutual, a Portland-based insurance firm that is Maine's biggest company, announced last week that it would start construction of a day care center to serve the entire Portland area. Collin C. Hampton, president of the firm, explained that the principle of the project is that the private sector should find ways to serve as many social needs as possible without reliance on taxpayers' money.

The day care center is being built next to Unionmutual's outer Congress Street complex. It will serve 100 children between 2½ and 8 years old. The firm spent 2 years researching how to best meet the growing demand of working parents for adequate day care in the Portland area. It wanted to do the job in a way that would require no Federal or State tax dollars to operate effectively.

"We see this as a kind of affirmative action plan to break the * * * prevailing view that the words 'business' and 'social needs' are somehow in conflict," Hampton said.

This commitment to community needs deserves recognition and applause. I commend Collin Hampton and Unionmutual for their concern and for the significant social contribution they are making.

Following is a Portland Evening Express article, from its May 10 edition, telling of the day care project sponsored by Unionmutual. It will, I know, be of interest to those who are concerned about the role of business in community affairs.

I also request that it be printed in the Record following these remarks.

The article follows:

Unionmutual Plans for Day Care

(By Frank Sleeper)

Unionmutual announced today the start of construction of a day care center that will serve the entire Portland area.

The center, a Unionmutual idea, won't put Unionmutual in the day care business, however.

President Coln C. Hampton said his firm will lease the facility to Living and Learning Centers Inc. of Waltham, Mass., Unionmutual will not subsidize the day care center in any way, he added.

(The principle behind the project, Hampton explained, is that the private (business) sector should find ways to serve as many social needs as possible without reliance on taxpayers' money.)

The profit-making Waltham firm runs 38 other centers in that state, Connecticut, Rhode Island and New Hampshire.

The $200,000 building, which will be next to Unionmutual's outer Congress Street complex, will serve 100 children between 2½ and 8 years old. Construction could be completed by September.

It will be open from 7:30 a.m. to 5:30 p.m. for morning, full day or after-school programs. Cost for five full days, including hot lunch, will be $42.50. Flexible schedules are arranged whenever possible to accommodate the particular needs of parents.

The building will be near Unionmutual's back parking lot.

Alfred N. Naddaff, president of Living and Learning Centers, said future plans include adding an infant-toddler program.

Unionmutual carried out two years of research on how to best meet the growing demand of working parents for adequate day care in the Portland area, Hampton said.

And the firm wanted to do the job in a way that would require no federal or state tax dollars to operate effectively.

While the insurance holding company will function only as a landlord, Hampton said, "We will . . . take credit for being the catalyst in meeting a social need."

He said Unionmutual has been trying for some time to develop a new approach to its social role.

The firm has focused most of its social efforts in traditional channels—cash and human contributions.

"We see this as a kind of affirmative action plan to break the . . . prevailing view that the words 'business' and 'social needs' are somehow in conflict," Hampton said.

"We believe the day care center project meets that criteria, as it provides a profit opportunity through the disciplined business approach of Living and Learning Centers Inc., it provides Unionmutual policyholders with an attractive rate of return on their investment and it satisfies a social need."

Unionmutual's research found a shortage of quality child day care services in the area.

Hampton said Unionmutual would like to encourage other businesses to examine its approach and apply it "perhaps even more effectively in other areas of social need."

David E. Hughes, Unionmutual's second vice president for external affairs, said he's been working on the idea for two years.

In that time, Hughes said he's found many human services people who have deep suspicion about business getting involved in actually providing social services.

"They point to abuses by some who have sought profit at the expense of service but overlook equally serious problems of waste, mismanagement and greed in non-profit operations," he said.

Allied Construction Co., South Portland, is the builder.●

JUDGE BAZELON STEPS BACK

● Mr. RIBICOFF. Mr. President, Judge David Bazelon who has served 30 years on the Circuit Court of Appeals has taken senior status. Judge Bazelon is an old and dear friend, a man of character, personality and outstanding ability. Few men have served on the Federal bench with such distinction. His decisions have, indeed, been in the landmark category. His contributions to the entire field of jurisprudence will be indelibly noted in the annals of law. His accomplishments and the significance of his career are well set out in the article announcing his retirement in the Washington Post of May 15, 1979 and in an editorial in today's Post as well. I ask that these articles be printed in the Record.

The articles follow:

Judge Bazelon, Author of "Durham Rule" Decides to "Step Back"

(By Lawrence Meyer)

U.S. Circuit Court Judge David L. Bazelon, whose legal opinions have influenced the thinking of a generation of lawyers and educators, announced yesterday that he will assume the semi-retired status of a senior judge on June 30.

Controversial and outspoken during almost 30 years as an appellate court judge—15 of those years spent as the chief judge of the U.S. Court of Appeals here—Bazelon is widely known as a liberal, activist judge. His career has spanned the terms of seven presidents—beginning with Harry Truman—and during his tenure as chief judge, the Court of Appeals here was generally regarded to be second in importance and influence only to the Supreme Court.

In a letter to President Carter released yesterday, Bazelon said that "resolving to step back a bit from a 30-year labor of love is necessarily difficult." But he did so, Bazelon said, knowing that Carter "will select as my replacement an individual with the vision and talent necessary to address the demanding challenges that will face our court in the years to come."

Harvard law professor Alan Dershowitz, once a clerk to the judge, said Bazelon's "enduring contribution" to the law "has been that he has pressed more questions on the system than any other judge . . . He has singled out the function of the Court of Appeals more than any other judge—to raise questions, open areas for discussion."

Bazelon, who will be 70 years old in September, came to the Court of Appeals in 1949 when he was 40, then the youngest man ever appointed to a federal judgeship. Within five years he had begun to provoke debate and controversy with his opinions. He has been a consistent advocate of safeguarding the rights of persons accused of crimes, of ensuring in practice as well as in theory that defendants were adequately represented in court and of bringing knowledge from other disciplines, particularly psychiatry, to bear on the criminal justice system.

Bazelon's effort to open up the legal system to more information, to prompt debate and to pose hard questions, is illustrated by his best known opinion involving the case of Monte Wayne Durham, a convicted burglar with a history of mental disturbance.

In that 1954 appellate court opinion, which propounded what came to be known as the "Durham Rule," Bazelon attempted to change the prevailing legal test for insanity. The old test held that a criminal could claim insanity as a defense only if it could be proven that the defendant could not distinguish between right and wrong or if the act was the product of an "irresistible impulse."

The "Durham Rule" said that a defendant should not be held criminally responsible if the crime was a product of a mental disease or defect.

But for Bazelon, the Durham case was not a chance to impose a new formula on American courts. Durham, Bazelon said in a recent interview, "was an effort to open the door to information—period. The door had been closed shut."

Bazelon hoped, with Durham, that psychiatrists would be able, in the context of a criminal trial, to give juries some insight into what motivated a criminal.

The Durham case, Bazelon wrote in a concurring opinion when the Court of Appeals finally abandoned the Durham Rule in 1972, "fueled a long and instructive debate that uncovered a vast range of perplexing and previously hidden questions. And the decision helped to move the question of responsibility from the realm of esoterica into the forefront of the critical issues of the criminal law."

According to a former law clerk, Bazelon, who became chief judge of the Court of Appeals in 1962, believes that "most judges in America are janitors who sweep the dirt under the rug. He thinks it's critically important to surface the dirt under the rug."

"Any wiseacre can go around asking a lot of hard questions without knowing answers," Bazelon said last week. "But I honestly believe you're never going to move in on anything unless you confront it."

The behavioral sciences, Bazelon said during the interview, had developed information suggesting that a person's genetic makeup or early childhood experiences might color his or her behavior. "In a moral society," Bazelon asked, "do you weigh that before you impose moral guilt or do you ignore it? I wanted people to confront and grapple with the problem. I don't know how to settle it."

"The Baz has wanted the courts to confront the issues," said Joel Klein, a former law clerk. "He has constantly played that role, raising issues others consciously avoided or never thought about."

"Bazelon, despite what people think, does not have a program to carry out," said law professor Dershowitz. "He keeps saying, 'I don't have the answers. I just know the problems.' "

Bazelon, according to Dershowitz, prodded lower court judges to produce more and better information during trials and sharpened issues for decision by the Supreme Court. "He sees his job as forcing the Supreme Court to confront these issues," Dershowitz said.

During the 1960s, Bazelon and Chief Justice Warren E. Burger, then a circuit judge on Bazelon's court, carried on a highly publicized and increasingly bitter public debate over the rights of criminal defendants. Although cordial to each other in public, the two men developed an animosity toward each other that became an open secret in legal circles.

In later years, Bazelon wryly claimed that he was responsible for Burger's elevation to the Supreme Court by President Nixon in 1969. "I was the foil," Bazelon said, with Burger's tough law-and-order opinions playing off Bazelon's demands for upholding constitutional safeguards.

Bazelon still maintains the positions, in private and public, that indelibly marked him as a liberal judge. "You can't have criminal justice without social justice," he said recently. "That ties into everything."

"It is easy," Bazelon told a conference of prison officials in 1976, "to concede the inevitability of social injustice and find the serenity to accept it. The far harder task is to feel its intolerability and seek the strength to change it."

He has insisted, in a number of cases, that the Court of Appeals has an obligation to look at how effectively court-appointed lawyers represented their clients in criminal cases. "In most cases they give you a warm body," Bazelon said. "I'm not saying there isn't effective counsel, but in most cases, it's a sham."

During his 30 years on the bench, Bazelon has also been active on a variety of commissions, conferences and organizations concerned with social and psychological problems.

A stern, forbidding figure in court, Bazelon is warm and gregarious in private, expressing himself in colorful language, laced with Yiddish expressions and a seemingly endless supply of jokes and "stories"—some turned against himself—to make his point.

Although Bazelon could have remained as chief judge of the court until he turns 70 in September, he voluntarily relinquished the chief judgeship in March 1978 to allow his close friend and colleague Circuit Judge J. Skelly Wright a longer tenure as chief judge. Wright must step down from the chief judgeship in 1981, when he turns 70.

Bazelon, who could have remained a full-time circuit judge indefinitely, made clear that he intends to maintain his busy schedule. He said he intends to be an active senior judge giving "substantial service" to the court as well as continuing his interests outside the court.

Asked how he would like his period as a judge to be remembered, Bazelon pondered a moment before he replied. "For the effort to make people aware," he said.

Judge Bazelon Steps Back

For more than a quarter of a century, Judge David L. Bazelon has been the *enfant terrible* of American law. He has asked the indiscreet questions and challenged the conventional wisdom. He has forced his colleagues on the bench and at the bar to think about the things they had always done routinely. By doing so, he has exerted enormous influence on the shape of the law not only in this city, where he has served as a federal circuit judge for 30 years, but throughout the nation as well.

None of this is likely to change now that Judge Bazelon has decided, in his own words, "to step back a bit from a 30-year labor of love" and retire as a regular member of the U.S. Court of Appeals. His new status as a senior judge seems likely to free him to probe even more deeply into those dusty corners of the law where too many unexamined problems still lurk.

Judge Bazelon is best known, here and elsewhere, for having opened up, with his opinion in the *Durham* case, a long and still inconclusive debate on the relationship between mental illness and crime. Some of his critics claim that debate has been useless, that the *Durham* rule has been repudiated by his own court, and that the law has not been substantially changed. They have missed the point. Judge Bazelon wanted to make lawyers and psychiatrists and others think about what they were doing to criminals who were or might be mentally ill. They have thought—at least, some of them have—and the awareness of the problem, even if there is no consensus on the solution, is far greater than when the *Durham* case was decided.

The list of other areas of the law in which Judge Bazelon has opened doors and pointed out problems is too long to recite. There were, for example, police interrogation and investigative arrests, sentences equating a fine of $1 with one day in jail, and the failure of juvenile courts to live up to their promise of helping, not punishing, young people.

For years, the phrase "lookit" was a vital part of Judge Bazelon's private conversation. It was a contraction of "look at it," and it was uttered, forcefully and compellingly, when he was trying to persuade someone to examine an issue or a problem or a bit of conventional wisdom that had been too hastily accepted. More than any other phrase, it seems to sum up what his career has been all about. Look at it; examine it; is it right?

This community has been fortunate to have had a judge who was prepared to give that scrutiny to whatever came to his attention. Judge Bazelon has rocked the boat, violently and perhaps even unnecessarily at times, and he will no doubt keep on rocking it. But the law is better now because of what he has done.●

STATEMENT OF SENATOR STAFFORD ON FLEXIBLE BILLBOARD CONTROL PROGRAM

● Mr. STEVENS. Mr. President, our colleague from Vermont (Mr. STAFFORD) is absent due to illness today. He had intended to place a statement in the RECORD, together with letters representing the views of the Governors of Colorado, Montana, Maine, and Iowa. I ask that Senator STAFFORD's remarks and these letters be printed in the RECORD.

The material follows:

S. 344: COLORADO, MONTANA, MAINE, AND IOWA SUPPORT FLEXIBLE BILLBOARD CONTROL PROGRAM

Mr. STAFFORD. The Governors of Colorado, Montana, and Maine have been kind enough to write to me to express their support for S. 344, my bill that would allow states greater flexibility in controlling billboards. In addition, the director of the Iowa Department of Transportation has written to me with the views of that State. Their voice is loud and clear on this issue. For example, Governor Lamm of Colorado states:

"We certainly support your Senate bill 344 allowing States more flexibility under the Federal Highway Beautification Act."

Governor Brennan of Maine has this to say:

"Given the continually changing Federal legislation in this respect it would certainly appear to be helpful to provide greater flexibility to the states in making their own determinations relative to this beautification issue."

Governor Judge of Montana has written to state:

"As we read, S. 344 would at least afford the opportunity for a program of some kind. Another thing we see S. 344 as doing is giving states, which have major policy problems in relation to the existing law, the flexibility needed to meet and solve their individual problems. This may well be the major benefit of S. 344.

Raymond L. Kassel, Director of the Iowa Department of Transportation, offers this observation:

"I believe that the approach taken in your bill is what the program needs. Placing responsibility on the several states to control outdoor advertising may be the only way that the goals and objectives of the program are ever going to be met. Your bill should not and does not compromise or undermine the efforts of those states like Iowa who are attempting to make the program work."

I submit these letters for the RECORD.

The letters follow:

MAY 2, 1979.

Hon. ROBERT T. STAFFORD,
U.S. Senate, Committee on Environment and Public Works, Washington, D.C.

DEAR SENATOR: We certainly support your Senate Bill 344 allowing States more flexibility under the Federal Highway Beautification Act.

One of the benefits of this bill would be the additional five percent Federal participation on the purchase of nonconforming billboards. We still have approximately 1,500 nonconforming signs to purchase.

We were glad to see that S.B. 344 eliminates 23 USC 131(g). We do not feel we should have to expend funds to purchase illegal signs, as the FHWA has interpreted the 1978 Act.

Thank you for requesting our comments. We hope you are successful wtih S.B. 344.

Very truly yours,
RICHARD D. LAMM,
Governor.

MAY 2, 1979.

Hon. ROBERT T. STAFFORD,
U.S. Senator, Committee on Environment and Public Works, Washington, D.C.

DEAR SENATOR STAFFORD: This is our reply to your letter of March 27 concerning S. 344. Montana was among the states that expressed favor for your bill to AASHTO. The principal reason for this is that our Department of Highways feels that, having removed a substantial number of signs, it has an obligation to continue purchasing, removing and enforcing its outdoor advertising control program.

Following enactment of the Federal Highway Beautification Act in 1965, Montana very reluctantly enacted an outdoor advertising control law. The law that was passed did not meet Federal requirements and was not accepted by the Secretary of Transportation. It was only under the imminent possibility of loss of Federal Aid Highway funds that the Legislature passed an acceptable law during an extraordinary session in 1971.

Now that we have an acceptable outdoor advertising control law, we have made considerable progress in the acquisition and removal of non-conforming signs. We have taken down virtually all the signs having a value of $100.00 or less and have purchased the non-conforming signs owned by all major billboard companies except 3-M Company, with whom we are negotiating for purchase of their non-conforming signs. Having progressed this far, the Department of Highways feels it has a strong commitment to continue the present program in order to avoid giving an unfair advantage to sign owners who are unwilling to sell and remove their non-conforming signs.

There doesn't appear to be an easy answer to the question of the effect S. 344 would have in Montana. In view of Montana's reluctance to enter the sign control program at the beginning, we have to face the possibility that our state may elect to discontinue its program altogether. However, as we read it S. 344 would at least afford the opportunity for a program of some kind. Another thing we see S. 344 as doing is giving states, which have major policy problems in relation to the existing law, the flexibility needed to meet and solve their individual problems. This may well be the major benefit of S. 344.

There are some questions of concern to me if the present mandatory federal program is discontinued, or if S. 344 is enacted. Would a State have the option to continue its program and still receive federal support? If a state drops out of the program could new signs be erected at locations where signs had previously been acquired and removed? If so, would the Federal government require a payback of the Federal funds involved in the original acquisition and removal costs?

As to the question of zoning intrusions imposed by the 1978 Highway Act, I think it is wrong, in theory, for the Federal government to limit or undermine local authority. However, actual conflicts over this in Montana should be minimal.

Sincerely,
THOMAS L. JUDGE,
Governor.

MAY 8, 1979.

Hon. ROBERT T. STAFFORD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STAFFORD: This will respond to your recent letter transmitting a copy of S. 344 and your floor statement, all related to legislation that you have proposed to allow states greater flexibility under the Federal Highway Beautification Act.

As you may be aware, the State of Maine has passed legislation to require the removal of all off-premise bill-boards. While that issue is presently before the courts on appeal, my administration is committed to providing the State matching funds necessary to assure the effectiveness of this removal program. Assuming that appropriate Federal funding is made available and that court actions continue to be favorable, the State of Maine will remove its billboards over the course of the next two to three years.

For the above reasons your proposed legislation may not have a great impact on the State of Maine. However, given the continually changing Federal legislation in this respect it would certainly appear to be helpful to provide greater flexibility to the States in making their own determinations relative to this beautification issue.

Thank you for keeping us advised in this regard and the best of luck in your endeavors.

Sincerely,
JOSEPH E. BRENNAN,
Governor.

MAY 9, 1979.

Hon. ROBERT T. STAFFORD,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR STAFFORD: I have read your letter of March 27, 1979 and the material provided on S. 344 with much interest. I agree with the approach that you are taking. Allowing states to develop their own mechanisms to control outdoor advertising may very well speed up the program and certainly will reduce the cost of accomplishment.

In my judgment the totally controlled Federal program approach has not worked. Some states had advertising control programs before the passage of the Federal Highway Beautification Act. With preexisting local support, those states have succeeded. Other states have lacked the local support necessary. Where this is the case, they have embarked on a passive effort to spend Federal funds and accomplish the minimum necessary to avoid the Federal penalty of reduced highway funding.

One of my initial concerns in reviewing your bill and statement was the effect it would have on funding for the Iowa program. I was relieved to discover that the bill does not disrupt Iowa's ongoing program. Initially Iowa entered the outdoor advertising control program with great reluctance. Today, however, we are making a good faith effort to assure its success.

For your information with the exception of 450 interstate jumbos, all but 25 of the 7,000 nonconforming signs that existed in Iowa have been purchased. All of these signs will be removed by 1982. Forty percent of an estimated 52,000 abandoned and illegal signs have been removed from Iowa's roadways. In an effort to make the interstate advertising control program work, Iowa was a pioneer in the development of the interstate Logo program. The entire Iowa interstate system will have Logo signing by the fall of 1980. This signing provides needed motorist information.

As we get closer to removing all of the illegal signs, it is becoming more and more apparent that motorist information and tourist signing on the primary highway systems are problems that have not yet been resolved. Currently Federal regulations authorize the extension of Logo to the primary highways. In Iowa, however, Logo signing on the primary system is impractical. Existing regulations for off the right-of-way privately owned directional signing are so strict that they do not even recognize the categories of motorist information signing that could be signed through the Logo program.

Section 2 of S. 344 which amends Section 131 (Control of Outdoor Advertising), Subsection (c)(1) of the U.S. Code would tie off right-of-way directional signing to existing national standards. In my judgment this is a mistake. Iowa and the program need the ability to continue to examine alternatives to meet the motorist information needs of the traveling public on the primary highway system. I suggest that you eliminate the language "as in effect on the date of enactment of this section." This would maintain directional signing consistent with national standards while allowing the several states and the Federal government to continue to work out solutions to primary highway directional signing.

In conclusion, I believe that the approach taken in your bill is what the program needs. Placing responsibility on the several states to control outdoor advertising may be the only way that the goals and objectives of the program are ever going to be met. Your bill should not and does not compromise or undermine the efforts of those states like Iowa who are attempting to make the program work.

I believe it would be a mistake for your bill to lock in and prevent reexamination of ten-year old national signing standards. If the program is to work, an effort should be made to carefully preserve the possibility for change and improvement.

If your staff needs additional information about the Iowa advertising control program, I will be happy to answer their questions.

Very truly yours,

RAYMOND L. KASSEL,
Director.●

PROF. DONALD L. McKERNAN

● Mr. HOLLINGS. Mr. President, on Friday of this week at the National Cathedral there will be a memorial service for one of this Nation's leaders in marine affairs, Donald L. McKernan. Professor McKernan's distinguished career reflects a lifelong commitment to the advancement of marine and fisheries science and service to his country. His unique achievements include serving the Secretary of War in 1950 on special assignment in Japan to survey fisheries there for postwar development; being the first director of the Bureau of Commercial Fisheries in Alaska; serving as Ambassador and Special Assistant to the Secretary of State for Fisheries and Wildlife which included supervising 10 International Fisheries and Marine Science Commissions; and, most recently, acting as the director of the Institute of Marine Affairs and Fisheries at the University of Washington. Over the past 2 years Professor McKernan continued to contribute his advise and leadership as chairman of the National Advisory Committee on Oceans and Atmosphere. He served as adviser on fisheries and marine affairs at the United Nations and the Law of the Sea Conferences. At the time of his death he was again in the service of his country as an adviser to Secretary of Commerce Kreps on the recent trade mission to the People's Republic of China. Professor McKernan's guidance will be sorely missed by those of us he has touched and led. We extend our condolences to his family and many friends.●

FINANCIAL DISCLOSURE OF SENATOR JACOB K. JAVITS, 1978

● Mr. JAVITS. Mr. President, it has been my practice and policy during the last 11 years to publish a report of my financial situation. For the second year, Senate rules likewise require that certain financial information about Senators be made available to the public.

Tuesday, May 15, in accordance with these new rules, I made the necessary filings of two financial reports. The first form, filed with the Secretary of the Senate, is the "Senate Public Financial Disclosure Report." This document lists my assets and liabilities as of December 31, 1978, and sets forth as well a statement of my earnings in 1978, including my Senate salary, honoraria, and writing fees.

In addition, I filed with the Comptroller General of the United States a copy of my Federal, State and local tax returns. Under the Senate rules these returns are not available to the public. However, following my longstanding practice I am publishing a summary of these income tax returns here.

In accordance with the form I have used in the past, the following items are submitted for the RECORD. The list includes:

First, each of my interests in property;

Second, the assets held in a family trust established in 1937, in which as a beneficiary I have a life interest and my wife and children have a remainder interest;

Third, each of my liabilities; and

Finally, a summary of my 1978 Federal income tax return and the amounts of State and local taxes paid for 1978.

The material follows:

INTERESTS IN PROPERTY (1978) [1]

Nature of interest, type of property, and location:

Indian Trail Groves, Ltd., land, Miami, Fla.

Indian Trail Ranch Liquidating Trust, interests in mortgages on land, mortgages, Miami, Fla.

Arrowhead Associates, land, Tysons Corner, Va.

TBV Lessors, land, California.

Watergate West, Inc., stock, residence, Washington, D.C.

L. S., Inc., stock, New York, N.Y.

Terra Bella Vineyards, vineyards, California.

Southgate Associates, land and building, Chicago, Ill.

New York State Project Finance Agency, bonds, New York, N.Y.

J.T. Company, finders fee, New York, N.Y.

The Javits Book Group, memoirs, New York, N.Y.

Checking Accounts, cash.

American Bar Association Retirement Association, cash on deposit, Chicago, Ill

Cleveland Realty Investors, stock, Cleveland, Ohio.

Senate Retirement Fund, cash on deposit, Washington, D.C.

Paintings, art works, objects and household furnishings, Watergate West, Washington, D.C.

BENEFICIAL INTEREST IN TRUST (1978)

Name of trust: Ida Javits Trust.

Name of trustee or other fiduciary: John Trubin and Lewis M. Schott—Trustees.

Address of trustee or other fiduciary: 375 Park Avenue, 14th Floor, New York, New York 10022

TRUST HOLDINGS

Belco Oil & Gas Fund, land interest.

East Hampton Property, land interest.

Loxahatchee Real Estate, land interest.

American Telephone & Telegraph Co., bonds.

Bartell Media (Downe Communications), bonds.

Cavenham USA, Inc., bonds.

Government Employees Financial Corp., bonds.

Israel Savings bonds.

N.Y.S. Power Authority, bonds.

N.Y.S. Project Finance Agency, bonds.

U.S. Treasury Notes, short-term paper.

Federal Intermediate Credit Banks, bonds.

West Indies & Caribbean Development, stock.

Amax, stocks.

Anderson Clayton & Co., stocks.

Archer Daniels Midland Co., stocks.

Arlen Realty & Development, stocks.

Bankers Securities Corp. stocks.

C.I. Realty Investors, stocks.

Cenco Instruments, stocks.

Chase Manhattan Corp., stocks.

Chesapeake Corp., stocks.

Citicorp, stocks.

Cities Service Corp., stocks.

Cone Mills, stocks.

Connecticut General Mortgage & Realty Investments, stocks.

Continental Illinois Properties, stocks.

Corporate Property, Ltd., stocks.

Criterion Insurance Co., stocks.

Crown Zellerbach Corp., stocks.

Decicom, stocks.

Del Labs, stocks.

Federal Paper Board Co., stocks.

Ferro Corp., stocks.

Freeport Minerals stocks.

Global Marine Inc., stocks.

Government Employees Financial Corp., stocks.

Government Employees Insurance Co., stocks.

Government Employees Life Insurance Co., stocks.

Great Northern Nekoosa Corp., stocks.

Great Western Financial Corp., stocks.

ICM Realty, stocks.

IMC Magnetic Corp., stocks.

Inland Container Corp., stocks.

Investors Diversified Services, stocks.

Kaiser Aluminum & Chem. Corp., stocks.

Liberty Corp., stocks.

Magic Marker Corp., stocks.

Marine Midland Bank, Inc., stocks.

New York Times, Inc., stocks.

Phoenix Canada Oil Co., Ltd., stocks.

Rowan Co., Inc., stocks.

Royal Palm Beach Colony, stocks.

Scott Paper Co., stocks.

Specialty Brands Inc., stocks.

Staley, A. E. Mfg. Co., stocks.

Stokely Van Camp Inc., stocks.

Time, Inc., stocks.

Tishman Realty & Construction, stocks.

Tubos de Acero de Mexico, stocks.

Western Pacific Industries, stocks.

West Indies & Carribean Developments Ltd., stocks.

Westvaco Corp., stocks.

White Shield Exploration, stocks.

White Shield Indonesia Oil, stocks.

Indian Trail Groves Ltd., partnership interest.

Tecco Properties, L.P., land.

Loxahatchee Investments, Ltd., Partnership interest.

Checking Account, cash.

Indian Trail Ranch Liquidating Trust, partnership interest in mortgage on land.

Note receivable.

Painting.

East Hampton property, purchase money mortgage.

LIABILITIES (1978)

(Not including current trade bills)

Name of creditor, location of creditor, and type of liability:

1. Ida Javits Trust, c/o John Trubin & Lewis M. Schott-Trustees, 375 Park Avenue, 14th Floor, New York, New York, income advances unliquidated.

2. Citibank, New York, New York, contingent liability on partnership loan re: Southgate Associates.

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[1] In all cases these are for normal investment only and do not represent any element of control or of relative major size.

3. Watergate West, Inc., Washington, D.C., mortgage on personal residence.

4. Northwestern Mutual Life Insurance Company, Travelers Insurance Company, Equitable Life Assurance Society, New York Life Insurance Company, Massachusetts Mutual Life Insurance Company, Mutual of New York, various loans on life insurance policies secured by cash surrender value of policies.

5. George C. Marshall Ltd., Washington, D.C., Southgate Associates, Chicago, Illinois, Terra Bella Vineyards, Porterville, California, proportionate share of these partnerships' liabilities.

Summary of 1978 Federal, State, and city income tax returns of Senator Jacob K. Javits

Senate salary	$57, 500
Net income other than salary (includes dividends and interest, rents and royalties, articles and lectures, investments, etc.)	56, 028
Total	113, 528
Deductions (include charitable contributions of $4,708)	37, 366
Federal tax	35, 994
New York State tax	10, 786
New York City tax	3, 431
Total taxes	50, 211●

THE POWER OF THE PRESS: A PROBLEM FOR OUR DEMOCRACY

● Mr. STEVENSON. Mr. President, Max M. Kampelman has voiced thoughts expressed in private with growing frequency by members of the media and government. He describes the power of the media and goes on to suggest that this one most powerful institution is the Nation's only unaccountable institution, unrestrained by effective internal procedures or external checks. His comments about the media go to the heart of our self-governing system of Government and deserve the attention of the Members and the press. Mr. President, I ask that Mr. Kampelman's article entitled, "The Power of the Press: A Problem for Our Democracy," in the fall 1978 issue of Policy Review be printed in the RECORD.

The article follows:

THE POWER OF THE PRESS: A PROBLEM FOR OUR DEMOCRACY

(By Max M. Kampelman)

Attention to power is indispensable for an understanding of the role of the media in our democratic society. Political scientists have rightfully written for years about the abuses of executive power and congressional power. The critical question for our democracy today, however, is not so much the power of the Presidency, which is restrained by the Congress, the opposing political party, the press and the courts; nor so much the power of the Congress, which is restrained by the President, by partisan politics, by the press and by the courts. The relatively unrestrained power of the media may well represent an even greater challenge to our democracy.

Power itself is not antithetical to a democracy. Power is manageable as long as it is properly restrained. There are, of course, definite restraints on the power of the President and on the power of the Congress. The genius of the American polity, in fact, has been its ability to balance various elements of power. Powerful corporations and unions restrain one another and both are restrained by government and by laws. The American press, however, perhaps the second most powerful institution in the country next to the Presidency, is characterized by few, if any, effective restraints.[1]

PRESS FREEDOM—AN ESSENTIAL LIBERTY

Freedom of the press is essential to political liberty. A society of self-governing people is possible only if the people are informed, hence the right to exchange and print words. Where men cannot freely convey their thoughts to one another, no freedom is secure. But what if that freedom is used in a vulgar, cynical, immoral, dishonest, libelous, obscene, or seditious manner? Is it not true that no man is free if he can be terrorized by his neighbor? And, is it not possible for words as well as swords to terrorize? Furthermore, can a citizen be truly informed if falsehoods come masqueraded as truths? Is it not true that the abuse of liberty can destroy liberty? And, is a democratic society unable to defend itself against these kinds of threats to its internal welfare and safety?

The First Amendment to the Constitution, guaranteeing the rights of free press and free speech, is not exclusive.[2] Rather, it is part of a series of constitutional protections. What happens when these rights conflict with one another? For example, if the right to a fair trial is fundamental to liberty, what happens to it if the press is free to prejudice a fair trial by what it publishes?[3]

The press (both print and electronic) is very jealous of what it asserts as its right to protect its sources of information. At a press conference in Washington, Dan Rather asserted that the right was "not for the benefit of reporters. It is for the benefit of listeners and viewers and readers. . . . The cause is America."[4] This is related to a newly-articulated "public's right to know." But what about the public's right to know the sources of news stories? Are the media insisting on a degree of confidentiality which they deny to the government? Does it not seem incongruous for a private, profit-making enterprise, such as the media, to have a greater right of confidentially than a democratically-elected government?

During recent years, the media have been filled with headlines about the alleged misdeeds of the CIA. There are a number of important questions at issue. Are there, for example, too many intelligence agencies functioning and vying for power? How does one balance the competing claims of individual freedom and national security? How is authority to be exercised over intelligence services? How are intelligence operations to be kept nonpolitical? How is freedom of the press to be preserved while preventing irresponsible dissemination of classified information? Indeed, how can a government, be it democratic or not, operate without secrecy?

These serious questions require careful consideration by the press and an informed public as well as by the institutions of government. Headlines and sensational scoops, however, do not, in themselves, contribute to democratic, rational debate, while at the same time they may well serve to damage the nation's intelligence structure. There is a need for some secrecy in government. We would all agree, for example, that troop movements and military installations fall into that category. There are other "secrets" that can perhaps safely be made public. But how are we to recognize which is which? Are the media claiming for themselves the right to decide which leaks are in the public interest and which are not?

Other powerful institutions in our society are required to exercise their power responsibly. Is the press, surely one of the more powerful institutions of our society, not also accountable for what it does? I am reminded here of the statement of Stanley Baldwin, who, as Prime Minister of Great Britain, was vehemently attacked by Lord Rothermere and Lord Beaverbrook, press magnates of that day. Mr. Baldwin replied, "What the proprietorship of these papers is aiming at is power, and power without responsibility—the prerogative of the harlot throughout the ages."[5] Obviously, the awesome power of the press, protected by its constitutional freedom, can be abused: good men may be slandered; justice may be thwarted; base passions may be aroused; people may be misinformed; and government may be weakened.

Felix Frankfurter once wrote, "A free press is vital to a democratic society because its freedom gives it power. Power in a democracy implies responsibility in its exercise." He went on to warn, "Nor can the limits of power which enforce responsibility be finally determined by the limited power itself."[6]

THE PRESS AS A BUSINESS

In addressing ourselves to some of these questions of the media's rights and responsibilities, their power and possible abuse of power, it is important to note that as the media have grown more powerful, they have also become more business and profit oriented. Ben Bagdikian, the distinguished newspaperman and newspaper critic, reports that when he was writing his book on the media industry, he found that average profits for that industry were 76 percent higher than those of all other American industries.[7] The Washington Post has published a financial profile of 13 leading public newspaper firms showing an average 35.8 percent increase in net income from 1975 to 1976.[8]

Profits are not inimical to a democratic society, just as power is not antithetical to a democratic society. But these figures are important and revealing as we note that the press is not only an institution designed to provide the principal means of communication and the exchange of ideas in our body politic, but (unlike almost all universities, for example) it is also an institution of business and profit for those who own newspapers, television stations and so forth. In terms of employment, the newspaper industry today is America's third largest manufacturer, behind only automobiles and steel.[9]

As early as 1920, Walter Lippmann wrote of the tremendous power of the press:

"The news of the day as it reaches the newspaper office is an incredible medley of facts, propaganda, rumor, suspicion, clues, hopes and fears . . . The power to determine each day what shall seem important and what shall be neglected is a power unlike any that has been exercised since the Pope lost his hold on the secular mind."[10]

Indeed, as Douglass Cater has more recently pointed out, those words and events, considered newsworthy by those who have staged them, might as well not have occurred if they fail to get projected and selected by the media.[11]

There was a time when the awesome power of the press faced the restraint of competition. That restraining influence, however, is disappearing. There are, today, fewer than 45 cities with two or more competing dailies and about 1,500 cities with a noncompetitive daily press; and each year more and more noncompetitive dailies are being swallowed up by the large corporate chains. The Washington Post reported in the summer of 1977 that within two decades "virtually all daily newspapers in America will be owned by perhaps fewer than two dozen major communications congolmerates."[12] Today, 72 percent of daily and 80 percent of Sunday newspaper circulation is controlled by companies with two or more dailies.[13] As John B. Oakes, former senior editor of The New York Times observed, "The perception of the press as more interested in private profit than public service is strengthened when it lobbies for special privilege and exemption from, for example, the antitrust laws—as it did in connection with the Failing Newspaper Act a few years ago."[14]

The problem is a real one. Walter Lippmann said, "A free press exists only where

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Footnotes at end of article.

newspaper readers have access to other newspapers which are competitors and rivals so that editorial comment and news reports can—regularly and promptly—be compared, verified and validated. A press monopoly is incompatible with the free press."[15] Lippmann's warning is more pertinent now than then. Ninety-six percent of the daily newspaper cities in the country have only one newspaper. In 1910, 100 million Americans were served by 2,400 newspapers; today, 220 million are served by 1,775,[16] Sixty percent of all the individual newspapers in the country are owned by chains, compared to 30 percent in 1960.[17]

And the chains are getting bigger. Today the top 25 chains have more than 52 percent of total press circulation, compared to 38 percent in 1960. It is indeed true that (in the realm of newspaper concentration), "never before has so much been under the control of so few."[18] And now the chains are buying other chains. Most recently, for example, the 30-newspaper Newhouse chain purchased the eight Booth newspapers for $305 million, the largest newspaper transaction in history.[19] On May 8, 1978, Gannett Company and Combined Communications Corporation announced plans to merge in a $370 million exchange of stock, which, if consummated would be even larger. The resulting parent company would be the publisher of 79 daily and 6 weekly newspapers; the owner of 21 radio and television stations, newsprint interests, the polling firm of Louis Harris and Associates; and a major force in outdoor advertising.[20]

Today's press is a fair cry from the fragile printing presses that the Bill of Rights was designed to safeguard. The Washington Post Company is a vivid illustration of the change, with its 1977 revenues of $436 million and its until recently five-level presence in the nation's capital—as owner of a newspaper, a radio station, a television station, a national news magazine, and a major news service.[21] CBS, in addition to its radio and television properties, controls 15 to 20 percent of the mass paperback book market. Time, Inc., besides its magazine and book publishing activities, owns a television station and television production company. It is in the process of buying a Denver cable television system for $143 million and the Book-of-the-Month Club for $63 million, and just purchased The Washington Star for $20 million.[22] In sum, today the press is among the most profitable business groups in America, with 15 public companies that own newspapers producing operating revenues of more than $100 million each in 1977, led by the Times-Mirror Company, publisher of The Los Angeles Times, with more than $1 billion.[23]

THE LAWS OF LIBEL

With competition less of a restraint on the power of the press, what about the courts and libel laws? Libel laws are today much less of a restraint as a result of The New York Times Co. v. Sullivan[24] (a case which was decided in 1964) and its progeny. In Sullivan, the Supreme Court held that public officials should sue and collect for libel only if the libel was uttered "with knowledge that it was false or with reckless disregard of whether it was false or not."[25] This double standard against public officials and in favor of newspapers was further broadened to include "public figures"[26] and then even private individuals who might be involved in "an issue of public or general concern."[27]

Subsequent Supreme Court pronouncements in Gertz v. Robert Welch, Inc.[28] and Time, Inc. v. Firestone[29] refined the libel laws vis-a-vis the press to the point where, in the words of Columbia Law Professor Alfred Hill:

> ". . . at the present time media defendants cannot be held for defamation of public officers or public figures except for misconduct that is willful or reckless (the Sullivan rule); and cannot be held liable for defamation of private persons, or of public persons in their private capacities, except upon a showing of "fault," which probably is satisfied by proof of negligence (the Gertz rule)."[30]

Two recent United States Court of Appeals decisions have marked even further expansions of the libel law umbrella offering protection to the press. In Edwards v. National Audubon Society, Inc.,[31] decided on May 25, 1977, the Second Circuit overruled a lower court decision which found a libel had been committed with malice by The New York Times in an article labeling certain scientists as "paid liars." The Court, without challenging the fact that the charge was false and without condoning "the mischievous and unwarranted assault on the good name" of the scientists, ruled that the reporting was justified because the charges were "newsworthy," regardless of their falsity![32]

The same Circuit Court again reversed a lower court decision on November 8, 1977, in *Herbert* v. *Lando*,[33] in which former Army Lieutenant Colonel Anthony Herbert sued for libel perpetrated in the production and dissemination of a CBS "60 Minutes" episode entitled "The Selling of Colonel Herbert." Notwithstanding the fact that under *Sullivan*, Colonel Herbert carried the burden of proving that the journalists acted with actual malice, the majority of three ruling judges held that Colonel Herbert could not make pre-trial discovery inquiries into the journalists' states of mind. The dissenting judge signed an opinion observing that the "notion that a plaintiff carrying such a burden should be denied the right to ask what the defendant's mental state was is remarkable on its face."[34] The press, not surprisingly, applauded the decision.[35] John P. Roche, however, more a professor than a journalist, summed up the practical result of the decision best when he wrote that it "makes the rule of malice simply a Catch-22, a logical cul-de-sac. If the Supreme Court accepts this weird formulation, public figures will be utterly defenseless."[36] Echoing that sentiment, a federal district judge, in apparently the first lower court case to rely on *Herbert*, suggested that the decision virtually rules out libel suits brought by public officials and rhetorically asked, "Are men and women of honor who happen to be public figures to right vicious dangers hereafter by resort to fisticuffs or dueling?"[37]

The doctrine of tortious invasion of privacy, closely linked but distinguishable from libel, has also proven to be most accommodating to the press. Reluctance on the part of the courts to restrain the media had its most visible manifestation in the 1975 Supreme Court decision of *Cox Broadcasting Corp.* v. *Cohen*.[38] In this case, defendant Cox Broadcasting published the name of a rape victim determined from examination of a public indictment, although a Georgia statute made it a misdemeanor to effect "public dissemination" of the identity of such a victim. In reversing Georgia's highest state court's determination that a cause of action for invasion of privacy would be appropriate the Supreme Court sweepingly declared the immunity of the media from liability for truthfully reporting that which was available to the public in official court records. Implied in this ruling is the possibility that this policy could be extended to other public records as well.

THE GROWING POWER OF THE PRESS

Ben Bagdikian, in commenting further on the power of the press, pointed out that nobody likes to make an enemy of the town crier. Not only, he said, is the press protected by the Constitution as it is now interpreted by the Supreme Court, but very often it has additional protection as government officials hesitate to apply other laws (such as antitrust laws) to the press. He writes, "The press is traditionally permitted to go further and is reprimanded more gently about corporate transgression than are other enterprises."[39]

What we see in the press is a powerful, ever-growing institution with huge financial resources to supplement the power it wields in its control over the dissemination of news, but with fewer and fewer restraints on that power. What should society do in the face of that power and the dangers arising out of its abuses? Believers in democracy, obviously, understand the dangers to a free society that would arise from attempts to impose government regulation as a method of correcting the abuses. The danger, however, is that unless the abuses are corrected, there may well be increasing demands within society for effective government restraints. What is left to consider, therefore, is whether or not self-restraint by the media is a likely alternative.

Professionalism is a form of self-restraint, particularly when it is accompanied by good intentions. Regrettably, however, we remember Irving Kristol's characterization of journalism as "the underdeveloped profession."[40] It is appropriate to analyze the actual functioning of the media in evaluating the extent of its professionalism.

Critics of the press have pointed out that the difficulties in accurately presenting information to the body politic begin with the very first principle of modern journalism. Schools of journalism teach that news stories must begin with a "lead," defined as "an attention arresting sentence." It is here that the process of distortion is likely to begin.

In television, this is accomplished by what Walter Cronkite recently called the "hyper-compression" of the news. He said: We fall far short of presenting all or a good part of the news each day that a citizen would need to intelligently exercise his franchise in this democracy. So as he depends more and more on us, presumably the depth of knowledge of the average man diminishes. This clearly can lead to disaster in a democracy.[41]

The emphasis on drawing attention in order to sell newspapers, produce profits and gain influence is one of the serious problems faced by modern journalism. A recent issue of the Columbia Journalism Review highlights this troublesome trend with an article by Fergus M. Bordewich, "Supermarketing the Newspaper," that reports a growing emphasis on rapes, robberies and accidents. "Many papers are becoming so breezy you can hear the whistling through the holes where the news might have been."[42] In a frantic effort to recapture the attention of their readers, the press is now emphasizing what John B. Oakes terms "chewing gum for the brain." Oakes goes on to observe that "To the degree that this tendency downgrades those traditional mainstays of news, information and opinion which the First Amendment was obviously designed to protect, American journalism is weakening its moral if not its legal claim on the public to that special status it has rightly held in our society."[43]

A corollary to this is the editor's love for the "scoop." This adds to an already feverish drive for the sensational story and has a tendency to result in overplays that tend to distort not only the story itself, but the balance of news in our newspapers.

This distortion is also related to the growing importance of investigative journalism. The success of The Washington Post in its Watergate investigation has stimulated other newspapers to set up investigative squads. Increasingly it is the investigative reporter who receives the awards that journalists bestow upon themselves.

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THE RISE OF THE "NEW JOURNALISM"

In this examination of professionalism and its relation to the press, it is relevant to note the development of what has been called "new journalism," a theory which asserts that the responsibility of the press is "to discover truth, not merely facts."[44] Other variations of this new type of journalism are "advocacy journalism" or "personal journalism."[45] In either variation, the reporter is encouraged to indicate and further his point of view in his news stories. Objectivity is ridiculed as being impossible to attain.

This has just meant that to an unprecedented extent, the media have not just reported events, but have stimulated, sometimes created, and even actively participated in those events.

It is here appropriate to quote a statement of Ben Bradlee, the pragmatic executive editor of The Washington Post, who said, "The press won in Watergate." Bradlee went on to make clear that he understood the implications of that declaration of victory by adding the caveat, "I believe, though, that power corrupts. We are in a powerful position and I hope we don't misuse it."[46]

It is understandable that a significant segment of the media has become impatient with its limited information dissemination role. It is not easy and frequently not exciting for an intelligent person simply to report events. The tendency, therefore, has been for imaginative and socially dedicated journalists to go beyond normal reporting in order to seek fuller expression of their talents or social values.

We must not forget, however, that these tendencies to develop a social, messianic role for the media, when added to the already feverish drive for the sensational story and the scoop, lead to further dispositions that should concern us.

Max Frankel, the editorial page editor of The New York Times, admitted the tendency of some journalists, especially the new recruits, to be impatient with standards of objectivity or with any standard that would prevent them from placing their own views before the public.[47] Asserting that "the new permissiveness is carried too far," Charles B. Seib, the ombudsman for The Washington Post, recently wrote that "It is a rare day that I don't see a news story that betrays a reporter's feelings in a way an editor of the old school would not have tolerated."[48]

What are those views? Here we have some guidance in the form of the results of a Daniel Yankelovich survey which indicate that there is a serious gap in values between the bulk of journalists and society as a whole.[49]

Journalists are reported to have an instinctive suspicion and distrust of authority, particularly governmental authority. Frank Mankiewicz attributes a cynicism to political journalists, an assumption, for example, that no candidate ever advocates programs for reasons other than to get votes.[50] There are also troublesome signs of a homogeneity of political, social and economic attitudes. Theodore White described national journalists as a "self-selected group"[51] drawn from a social and educational elite affected by what Lionel Trilling termed the "adversary culture."[52]

Increasingly, journalists see it as their function to place before the public the needs of society as they see them. Roger Mudd of CBS stated this clearly, "What the national media, and mainly television, have done is to believe that their chief duty is to put before the nation its unfinished business. . . . The media have become the nation's critics, and as critics no political administration, regardless of how hard it tries, will satisfy them."[53]

This is an interesting development. Traditionally in our democracy, the nation's political agenda was the prerogative of the politician seeking and then elected to public office. Now the media are assuming that role. In addition to looking upon himself as a defender of people, the journalist now looks upon himself increasingly as a spokesman for the people; and yet, as the Daniel Yankelovich survey demonstrates, his values and the values of the society he would speak for are not the same.

The fact is that many reporters tend to think of themselves as representing the people in a disinterested way and with a purity of motive that a self-serving politician selfishly seeking votes cannot hope to duplicate. And yet, it is a strength of democracy that politicians are and should be aware of and responsive to voters. The English observer, Henry Fairlie, asserting that politicians "are the most hopeful messengers of a society's will to improve" and that "the political world is inherently good," complained that:

"Political journalists have been seduced into believing that politics is probably, if not necessarily, ignoble. . . . It is as if every journalist is afraid that he might be caught in believing in something or in somebody. Yet on the whole, the political world in the past 200 years has accomplished a great deal of good for a vast number of people."[54]

ANALYSES OF POSSIBLE MEDIA BIAS

There is substantial evidence that television became a potent influence in turning public opinion against the Vietnam War. Edward J. Epstein early and conclusively demonstrated that the three television networks all begin treating the war negatively after the Tet offensive.[55] Any doubts as to this effect were put to rest with the publication of Peter Braestrup's two-volume study on how the American press and television interpreted the Tet crisis.[56] The American media virtually single-handedly turned a significant victory for American and South Vietnamese troops into a demoralizing defeat, leading the tight-lipped Dean Rusk to ask some journalists, "There gets to be a point when the question is: Whose side are you on?"[57] Analyzing the Braestrup study, John P. Roche recently described this period as "a shameful episode in the annals of the American media."[58]

Dr. Ernest W. Lefever, in his analysis of the CBS Evening News programs in 1972 and 1973, also produced very impressive data with respect to the media and national defense.[59] He found, for example, that stories on Vietnam that were critical of U.S. policy were aired 651 times in 1972, while stories that supported American policies were aired 153 times. On national defense generally, he found that major policy questions were "almost totally neglected." Nearly two-thirds of the stories that year presented the U.S. military in an unfavorable light, while in only 13 percent was it shown in a favorable light. Statements by newsmakers who were critical of official policies and wanted the U.S. either to get out or cut back in Vietnam were quoted 842 times in 1972, while those who wanted to see the war pursued more vigorously were quoted 23 times that year, a ratio of 36 to 1.

James Reston recognized that reality when he drew the following conclusion: "Maybe the historians will agree that the reporters and the cameras were decisive in the end. They brought the issue of the war to the people, before the Congress and the courts, and forced the withdrawal of American power from Vietnam."[60] And yet it is clear that Robert Bartley of The Wall Street Journal is correct in stating that the essence of "professionalism" is the setting aside of personal attitudes when writing stories or preparing a broadcast.[61]

"SELECTIVE MORALITY" IN THE MEDIA

Personal opinion and bias, however, are not the only ingredients in news selectivity.

According to reliable sources, the death toll in Cambodia from beatings, shootings, starvation and forced labor has reached an estimated 1.8 million to 2.5 million victims since April 17, 1975, when the communists seized control.[62] This plight of the Cambodians has appeared regularly over the French news wire services, dating from the Khmer Rouge guerrillas' capturing of the country. The American daily press, however, until recently, largely ignored the modern-day holocaust in Cambodia. The Wall Street Journal suggested that the horrible crimes of the Cambodian communists had attracted less attention than much smaller crimes in other countries "because they are inflicted in the name of revolution," a view substantiated in part by Anthony Lewis' statement that the reports were met with skepticism because they came from "right-wing quarters."[63]

Contrast this, however, with the news from South Africa, Israel, and Panama, now considered to be "hotspots." Every death in South Africa understandably brings with it thorough news and television coverage. Massacres and mass executions in many Third World countries have warranted only a few paragraphs, if anything, but rock-throwing incidents on the West Bank of Israel or a single regrettable killing in Bethlehem have evoked front page news stories and photographs. And, while the Senate debated the Canal treaties, the dozens of newspapers and television correspondents who had descended on Panama in anticipation of "trouble" if the treaties were not ratified, struggled "to find anything to report." The burning of the treaties in front of the United States Embassy, for example, became a major news event. "Sporadic demonstrations by leftist students," according to The New York Times, were "something of a godsend" to the reporters even when there were more journalists present than protesters.[64]

It is ironic that some of this overabundance of coverage is due to the fact that the press can be found only where it is permitted to be. It is difficult to cover the story of a slaughter in Cambodia or the training of terrorists in Libya where no American press is permitted.

Walter Lacqueur's book, Terrorism, points, out that the media act as a selective magnifying glass, enormously attracted to terrorism because of its mystery, quick action, tension and drama. The terrorists in turn depend on that publicity and media attention. As J. Bowyer Bell of Columbia University has pointed out, terrorism and media coverage exist in a symbiotic relationship. Television no longer just responds to a terrorist-event; it becomes an integral part of the event.[65] According to Lacqueur, "The media, with their in-built tendency towards sensationalism, have always magnified terrorist exploits quite irrespective of their intrinsic importance. . . . All modern terrorist groups need publicity; the smaller they are, the more they depend on it, and this has, to a large extent, affected the choice of their targets."[66] The fact is the press and the terrorists feed on each other.

As an example, Lacqueur cites the Algerian rebels of the 1950s who deliberately transferred their struggle from the countryside to the capital, even though they knew they could not win the battle for the capital. One of their leaders is quoted as saying that if there were killings in the countryside, nobody would notice; but that a small incident in Algiers would draw the attention of the international press and give them the publicity they needed. This proved to be true. The rebels were beaten in the capital but won what proved to be the decisive battle for publicity.[67]

The media role in terrorist threats is pro-

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ducing growing concern at home as well. The Son of Sam press coverage led the New Yorker to complain, "By transforming a killer into a celebrity, the press has not merely encouraged but perhaps driven him to strike again—and may have stirred others brooding madly over their grievances to act." [68]

Does the holding of a police captain in Ohio by one man justify banner headlines all over the country? Is our definition of "news" such that individual gunmen or bands of gunmen can command constant and dramatic national media attention? The news director of the CBS affiliate in Cleveland, Virgil Dominic, expressed this concern well when he stated after the fact, "We feel that the coverage we give such incidents is partly to blame, for we are glorifying lawbreakers, we are making heroes out of non-heroes. In effect, we are losing control over our news departments. We are being used." [69]

The dean of The Anenberg School of Communications at the University of Pennsylvania, George Gerbner, is not at all sanguine that these concerns will produce change in behavior patterns of the media, because such stories, he says, "fit exactly into the media pattern" in that they are dramatic and provide good action-filled film. He states, "For the media it's a tremendous competitive situation, and as long as they attract attention and ratings by covering these things, they will." [70] The question posed by A. M. Rosenthal, executive director of *The New York Times,* was "whether we are reporting these things or capitalizing on them." [71]

There are crucial questions concerning international and domestic policy that are crying for public information, discussion and knowledge. But again, it is easier and more rewarding for reporters to be assigned to cover the dramatic scoops and the scandals. Reporters on the diplomatic beat complain constantly that they have inadequate assistance and receive little attention except in cases of crisis.

Detente has been a dominant theme of American foreign policy in the past few years. Senator Fulbright, when he was Chairman of the Senate Foreign Relations Committee, complained that the press was uninterested in the extensive and thoughtful hearings on the subject held by his Committee. At one time, he implied that they had mistakenly held the hearings in the open. It would have been far better, he suggested, to have held the hearings in secrecy and then to have leaked the transcripts. In that way, they would have received generous press attention.[72]

THE PRESIDENTIAL CAMPAIGN OF 1976

Two years ago we were in the midst of a Presidential political campaign. The role of the media in candidate selection merits particular attention in an analysis of the media's power, responsibility and professionalism.

The Democratic Party, as part of its reform package, had eliminated the "winner-take-all" concept in state primary campaigns. It had opted for a system of proportionate division within each state, reasoning that the normal, narrow margins in single primary elections are only small indicators of popularity in a multi-contest process. But the media thought otherwise. Roger Mudd, on January 19, 1976, said on the CBS Evening News, "It's not exactly the precise figures that will be important, it's whether or not the media and the politicians agree that this man won and this man lost." [73]

Professor Thomas E. Patterson of Syracuse University, in a paper which he delivered to the American Political Science Association, analyzed the press coverage of the 1976 Presidential primaries and concluded that to the media "only the winner in a state seemed important. No matter how close the voting, the headlines and most of the coverage went to the winner, and he alone. . . . Moreover, the press showed little hesitancy in projecting the results of a single primary." The result was an exaggerated picture of a candidate's national standing, one that the press with its coverage had helped to create.[74]

In the first state to choose delegates, Carter secured 28 percent of the Iowa caucus vote on January 19, 1976. Mudd named him the "clear winner," asserting that "no amount of bad-mouthing by the others can lessen the importance of Jimmy Carter's finish." [75] It is interesting that in this period, the Gallup Polls showed Carter with only a 5 percent national standing, behind six other candidates.[76]

In New Hampshire, Carter was first past the post in the primary with 30 percent of the vote; 60 percent of the state's electorate had voted for one of the four more "liberal" candidates. But, according to Walter Cronkite, the results gave Carter "a commanding head start in the race" and Roger Mudd proclaimed that Carter's victory "was substantial." [77] NBC's Tom Pettit called Carter "the man to beat"; Newsweek declared him the "unqualified winner." Not only did Carter's face appear on the covers of Time and Newsweek, but on the inside pages he received 2,630 lines of coverage, while Udall, the candidate in second place received 96 lines. All of Carter's opponents together received 300 lines. The week after the New Hampshire primary, Carter received three times the television evening news coverage of his major rivals and four times as much front page newspaper coverage.[78]

One week later, Senator Henry Jackson won the much larger Massachusetts primary with 23 percent of the vote. Paul H. Weaver, writing in the New York Times Magazine, pointed out that reporters did like Jackson and that television therefore dismissed his victories as special cases. Whereas Carter's win in New Hampshire was considered a "substantial victory," giving him "a commanding head start," Jackson's vote in a state seven times as large was looked upon only as "a strong finish" that "scrambled the race." Carter's 23,000 votes merited a great deal of respectful talk about this momentum; Jackson's 163,000 votes elicited little more than surprise.[79]

When Jackson went on to win in New York (the second largest state), Roger Mudd said that his winning coalition was "peculiar to New York" and Leslie Stahl of CBS News declared that his victory did not give him momentum.[80] In absolute terms, television news coverage of the New York primary was only 25 percent of that of New Hampshire. Each New Hampshire vote received 170 times the amount of coverage given a New York vote.[81] It very well may be the case, as Professor Michael J. Robinson of Catholic University concludes, that Senator Jackson was the candidate chiefly "victimized" by the media coverage in 1976: in those six early primary states where Jackson had been a contestant, he had actually beaten Carter by over 300,000 votes.[82]

Professor Patterson's study showed that during the early Democratic primaries, "Carter simply dominated the election reporting. In the critical period between the New Hampshire and Pennsylvania primaries he received 43 percent of the network evening news time given the Democratic contenders, 59 percent of the space in Time and Newsweek, and 46 percent of the newspaper coverage." Jackson and Udall, on the other hand, each received less than 20 percent of this newspaper and television coverage and even less of the magazine coverage. "Moreover," the study continued, "Carter's coverage was more prominent than the others. He was the candidate who was most often in the opening lines of lead stories, the one who got most of the headlines, the one who was pictured and filmed the most." [83] In the week following the January 19 Iowa caucus, Time and Newsweek devoted 726 lines to Carter's candidacy, while the other candidates were granted 30 lines apiece. Carter was the subject of special coverage on the TV news programs, receiving, according to Professor Patterson's analysis, "about five times as much exposure as each of his major rivals. As for the newspapers, Carter received an estimated four times the column inches of his typical opponent." [84]

Presidential primaries attract attention, particularly the one in New Hampshire. In fact, Professor Robinson has formulated what he terms the "dismal" theory that "the key to winning the nomination is merely to be declared the winner by the networks in the New Hampshire primary." [85] It is often "forgotten," for instance that President Johnson received a majority of the votes in the 1968 New Hampshire primary, but Eugene McCarthy was "declared" the real winner by the press. Robinson points out that before the 1976 New Hampshire primary, 11 states held caucuses or conventions and that these states accounted for a total of 587 delegates compared to New Hampshire's 38. Yet, the news stories on those 11 states represented less than 10 percent of the total networks' political news stories compared to 23 percent for New Hampshire alone. Delegate for delegate, that is, New Hampshire received more than 80 times as much coverage as those early non-primary states.[86]

In the three months before the New Hampshire primary, according to Patterson, 54 percent of the campaign news on television and 34 percent of the campaign stories in newspapers were entirely or mostly about New Hampshire. By comparison, the Massachusetts primary, which followed New Hampshire's by a week and in which six times as many delegates were at stake, was the topic of only one in ten news stories.[87] Yet, New Hampshire contributed only 17 of the 3,008 delegates to the Convention, approximately one in every 175.[88]

From all of this media concentration, concludes Patterson, "most people came to know only one of the candidates—Carter." [89] Public recognition of Carter quadrupled.[90] That this proved helpful to Carter is indisputable. The influence of the media in the 1976 nomination process was clear and may well have been decisive.

THE PRESIDENTIAL CAMPAIGN OF 1968

The death of Senator Hubert H. Humphrey and the extensive media attention to it recalls the Presidential campaign of 1968 and the crucial role played by the media, which, in the opinion, of many, may have tilted that close election toward Richard Nixon.

The Chicago Convention of the Democratic Party and the manner in which it was reported portrayed a party that was unfit to govern and unable to cope with its own internal violence and disruption. *Baltimore Sun* Washington Columnist, Ernest B. Furgurson, summarized the views of many observers when he wrote that television made Humphrey's nomination "seem worthless" with its "out of balance" reporting, "Television," he wrote, "came to Chicago in a bad mood" as a result of Lyndon Johnson's refusal to accommodate the networks by holding the convention in Miami Beach, the Republican site, which would have saved them millions of dollars. In Chicago, they were harassed by a telephone strike and by Mayor Daley's refusal to exempt their broadcasting trailers from parking regulations around the major hotels.[91]

There was violence in Chicago. There was also, however, violence in Miami Beach during the Republican Convention. In Chicago, sniper fire was reported; there were no deaths; and no curfew was imposed. In Miami, six persons were killed and the riot area was put under curfew. Drew Pearson and Jack Anderson, who had earlier reported in their column that the networks intended to retaliate against the Democrats by focus-

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ing attention on "disturbances" at the convention, reported that:

"The networks got their revenge. In Chicago they played up the violence which they had virtually ignored in Miami . . . anyone who watched the two conventions on television might think that Chicago was exploding with violence while Miami was comparatively peaceful. The result was an outrageously biased picture of the events in Chicago." [92]

The networks' presentation of a picture of violence which virtually ignored the fact that the demonstrations had been planned by agitators from all over the country seeking to foment trouble and attract attention through blatant provocations was enhanced further on the second day of the convention after a CBS correspondent, Dan Rather, was punched by a convention security officer. In describing this event, Theodore H. White, in his The Making of the President—1968, writes, "The television networks will avenge him by spending their wrath on every security agent, every policeman, from now to the end of the convention." [93] Furgurson called it "a vindictive near-hysteria on the air" which not only affected the commentators, but also "swept through the off-camera producers and directors who began broadcasting tape as fast as it was received, making it seem that the violence in the streets was simultaneous with the nomination process in the hall—indeed, somehow, that Humphrey was being nominated by the force of police clubs." [94]

Thus, as White reports, when Carl Stokes, the Negro mayor of Cleveland, was about to second Humphrey's nomination at 9:55 P.M., the NBC film of the earlier street bloodshed was aired and "Stokes' dark face is being wiped from the nation's view to show blood—Hubert Humphrey being nominated in a sea of blood." [95]

Writing from personal observation, Pearson and Anderson suggested that the television cameras helped incite the violence. They "found almost no action outside the circle of the TV klieg lights." The networks, they concluded, in an effort to make news, "encouraged dissidents to make inflammatory statements and helped to stir up controversies." [90]

Humphrey was identified by the media with Daley and the police, and, therefore, as "evil" in Furgurson's perception. Network reporters looked for a political alternative and stimulated the creation of a Ted Kennedy for President boomlet, but "long after disorganized conversation among the politicians involved had faded." [97] Describing this effort of the network reporters, White says, "If the script that night had called for the discovery and dissemination of a Southern revolt or the candidacy of Lester Maddox, the reporters could have delivered that to the nation, too—all carved out of truth from the lips of authentic and honest men on the floor." [98] Reporters proved themselves quite adept at finding delegates to mouth that which they wanted conveyed to the television audience, thus presenting a distorted view of sentiment on the convention floor.

The criticism of the television coverage of the 1968 Democratic National Convention was so strong and overwhelming that the House of Representatives Committee on Interstate and Foreign Commerce ordered a staff investigation and then published a report which, in the main, supported the criticism.[99] It presented specific evidence of distorted film editing, lack of balance, emphasis on violence, deliberate selection of unflattering camera angles in photographing Humphrey, and overall news slanting.

In early January 1969, before Richard Nixon's inauguration as President, a world-famous network correspondent visited Vice President Humphrey in his White House office and tearfully apologized: "We defeated you, Hubert" was the confession.

At that time another friend commented that the press was so hostile to the Vice President that if he had walked across the Potomac, the headline would read "Hubert Cannot Swim."

FALLING CONFIDENCE IN THE MEDIA

It has been said that the media have been acquiring an unwholesome fascination with the singer to the neglect of the song, placing an excess of emphasis on personalities and not enough on policy.[100] The crucial ingredient for gaining press attention seems to be violence and scandal, whether it is corporate, political or personal. As in the days of "yellow journalism," news programs appear to move from one disaster to another: air crashes, earthquakes, floods, sex. In a speech to the Associated Press, then outgoing president, Wes Gallagher warned, "Too many readers are beginning to look upon the press as a multivoiced shrew, nitpicking through the debris of government decisions for scandals but not solutions." [101] Expressing growing concern, The Wall Street Journal's able investigative reporter, Jerry Landauer, warned that as scandals have come to "dominate the news," competitive pressures will be apt to "overshadow fair play, resulting in overstated coverage" until a new "scandal" emerges.[102]

When contrasted with daily newspapers, the sensationalism of television journalism may well be more evident and thus more serious. Since seeing journalists, rather than just reading their stories, makes them appear more credible as well as more familiar, their influence is that much greater. Professor Michael J. Robinson was led to conclude that "the networks produce an image of society that tends to be both melodramatic and probably inordinately negative." [103]

The cumulative effect of these shortcomings is a diminishing of public confidence in journalism and that, in itself, is a danger to democracy. The Harris Poll reports that confidence in television news fell from 35 percent in 1975 to 28 percent in both 1976 and 1977; confidence in the press fell from 26 percent in 1975 to 20 percent in 1976 and to 18 percent in 1977.[104] A nationwide survey conducted through the University of Texas found that 84.4 percent of those responding believed that journalists sometimes slant the news. Indeed, 71.6 percent of the journalists reached the same conclusion.[105]

A. H. Raskin, an editor of The New York Times, once said: No week passes without someone prominent in politics, industry, labor or civic affairs complaining to me, always in virtually identical terms: "Whenever I read a story about something in which I really know what is going on, I'm astonished at how little of what is important gets into the papers—and how often even that little is wrong." [106]

As has often been observed, there are two Americas—the America you see on your television screen and the America you see when you walk out of your front door.

James Reston recently stated, "The credit of the American newspapers with the American people for accuracy and judgment is not high." [107] It has, of course, from the beginning of our history, never been high with political figures; Spiro Agnew's hyperbole was not unique. Lyndon Johnson's press secretary, Bill Moyers, provided this report of a Cabinet meeting, "The President was much inflamed, got into one of those passions when he cannot command himself, ran on much on the personal abuse which has been bestowed on him, defied any man on earth to produce one single act of his since he had been in the government which was not done on the purest motives . . ." [108] Mr. Moyers was not referring to President Lyndon Johnson, but was quoting Secretary of State Thomas Jefferson describing President George Washington.

At the end of his second term in office, Harry Truman wrote to a friend, "I really look with commiseration over the great body of my fellow citizens, who, reading newspapers, live and die in the belief that they have known something of what has been passing in the world in their time." [109]

On the same theme, Theodore Sorenson, after returning to private life, wrote, "In the White House I felt sorry for those who had to make judgments on the basis of daily newspapers." [110]

IS SELF-REGULATION POSSIBLE?

Whether the media can face up to legitimate criticism is not clear. Raskin himself has expressed doubts on this question, considering 'the unshatterable smugness" of the publishers and editors.[111] Lester Market went further, alleging that "the press, pretending to believe that there is no credibility gap and asserting its near-infallibility, countenances no effective supervision of its operation; it has adopted a holier-than-thou attitude, citing the First Amendment and in addition the Ten Commandments and other less holy scripture." [112]

Constitutional protections of the press are an integral part of the maintenance of our society. The dangers of government regulation of the press are clear. Inescapably, however, the power of the press presents a clear problem to our democracy.

Indeed, two Justices of the United States Supreme Court have publicly reached disparate interpretations of how the First Amendment affects the press, an intellectual disagreement that promises to send substantial constitutional ripples when ultimately faced and resolved by the entire Court. In a speech at the Yale Law School in 1974, associate Justice Potter Stewart expressed his view that the free-press guarantee of the Constitution deliberately extends special protection to the publishing business which he claims is "the only organized private business that is given explicit Constitutional protection." Freedom of the press, he argued, means that the press was specially designated in the Constitution to the autonomous of the Government, so that it may provide "organized, expert scrutiny of government." As such it requires special protections to preserve its independence.[113]

Chief Justice Warren Burger, in dictum of his concurring opinion in a recent unrelated case, stated a contrary position. The Chief Justice took issue with the idea that the "institutional press" has any freedom beyond or different from that of the public generally. He asserted that there is simply no historical basis for distinguishing the press in his context. "In short," he concluded, "the First Amendment does not 'belong' to any definable category of persons or entities; it belongs to all who exercise its freedoms." [114] Such an attitude may very well, if manifested in Court decisions, represent a significant restraint on the power of the press.

An important lesson of history is that self-regulation is the best defense against undesirable control by the government. Walter B. Wreston, Chairman of Citicorp and a leader familiar with power, once said of the press, "History teaches that when any sector of our society grows too powerful, it is only a matter of time before that power is curbed." [115] Significantly, Ralph Nader recently released a 90-page manual designed to facilitate citizen groups in their undertaking of extensive studies of their local newspapers in an effort to make them "more accountable to the people they serve." [116] I question whether the Nader approach will prove sufficient for the task, but it may well be a preview of more intensive "consumer movement" attention to the press.

It is time for the press to come up with an initiative of its own to help solve the prob-

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lems created by its great and growing power. At the present time, the media fall short of professional standards. Professions provide procedures and standards for qualifying and disqualifying their practitioners, lawyers, doctors and all other professionals must reach a level of training and learning before they are admitted. There are no formal standards for admission to the field of journalism.

Although Sigma Delta Phi (the society of professional journalists) has devised an ideal (but non-binding) code of ethics, there is no universally-accepted standard of profession ethics to guide and judge the behavior of newsmen or their editors. There is no procedure, external or internal, to condemn those who do not live up to a pattern of responsible conduct. Stockbrokers who sell securities and even real estate salesmen must first pass an examination to qualify and can be barred from selling their wares to the public in cases of fraud or failure to disclose pertinent data. But a newsman and his editor can inflict with relative impunity greater damage to our society by selling wares that pollute the well of information. Examinations, qualifications, standards, and "disbarments" may or may not be appropriate measures to help journalism establish professional standards for itself, but clearly, in striving for more professionalism in journalism, additional measures of self-correction are required. When the Twentieth Century Fund, on the advice of some leading figures in American journalism and based on the success of the British example, established a Press Council, such leading papers as The New York Times and The Washington Post refused to cooperate with that council.[117] Indeed, the American Society of Newspaper Editors a few years ago voted by three to one against the establishment of even its own internal grievance committee.[118]

An independent press council is necessary to consider and resolve disputes arising out of alleged unfair press treatment.

Major newspapers and television stations should invest their own independent ombudsmen, who are not members of their staffs, with authority to act to redress valid complaints. In a recent exchange, Hugh Sidey of Time reported that his magazine has never allowed a correction to run in its news columns. He suggested the possibility that major errors could and should be corrected in the same space, giving them the same manner of treatment.[119] Sidey makes an important point, because the manner of presenting the correction is just as important as the presence of the correction itself. Charles B. Seib, a worthy prototype in his role of ombudsman for The Washington Post, confirms that view with his observations: "Newspaper corrections traditionally are cryptic and often grudging. The non-correcting correction . . . is not unusual. . . . The problem is that we do not devote a small amount of the enterprise and zeal we show in news-gathering to cleaning up the messes we make. . . . There is a journalistic truth. . . . The correction never catches up with the mistake." [120]

A code of ethics is needed that addresses itself to the problem of personal bias on the part of news writers and editors.

SOME LEGISLATIVE ALTERNATIVES

Legislation is needed that will minimize the inequitable protection now afforded the press in libel litigation and permit public figures to sue for declaratory judgments when they are defamed, even if little or no money for damages is paid. England's democracy has been able to flourish within its legal system of strict libel laws and its other rigid rules on reporting.

It is time to consider seriously antitrust measures to contain the substantial horizontal and vertical growth of communications conglomerates, such as common ownership of book publishing, newsapers, magazines, broadcasting, and paper products. The media as a market are just as subject to monopolistic and anticompetitive practices as is the market for conventional goods and services. While the promises of the First Amendment are essential to our democracy, we must not forget that, in the words of Justice Hugo Black, "That Amendment rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public." [112] The circle of public disseminators of information is not enlarging; instead, each day brings yet another indication that a relatively concentrated core of communications companies are controlling even more sources of our information.

To address this problem, four legislative initiatives should be given serious consideration. A few years ago, Senator Thomas J. McIntyre proposed a bill which would limit the number of newspapers a company can own and prohibit newspaper ownership of television or radio stations in the same metropolitan area.[122] In April 1977, Congressman Morris Udall introduced legislation that would include publishing and communications in the subject matter of a proposed federal commission to look into industrial concentration, saying, "I dread the day when all American newspapers look alike, and read alike, and where there won't be much more difference in the daily papers in Topeka and New York than there is in . . . a Big Mac." [123] In April 1978, Congressman Udall, with 71 other sponsors, introduced another bill which would provide tax incentives to local newspapers so as to protect them from being acquired by chains.[124] Most recently, Congressman Lionel Van Deerlin and Louis Frey introduced on June 7, 1978, a bill that would overhaul federal communications law by, among other methods, limiting the television networks and other owners of broadcast stations to a maximum of five television and five radio stations although such ceilings would apply only when present owners sold or transferred properties.[125]

The Justice Department and the Federal Communications Commission have suggested or undertaken significant investigations into the possibility of divestiture of network owned-and-operated stations, reductions in the amount of programming networks are allowed to produce in-house, and other measures intended to limit network control over local stations and programming.[126] Further, just recently the Justice Department filed a civil antitrust lawsuit under Section 7 of the Clayton Act against CBS, Inc., asking that it divest itself of Fawcett Publications, Inc. It is also reported that the Federal Trade Commission is looking into the effects of last year's acquisition of the Book-of-the-Month Club by Time, Inc., as well as the proposed merger of Harper & Row Publishers, Inc., with J. B. Lippencott Company.[127] Finally, on June 12, 1978, a unanimous Supreme Court upheld in their entirety regulations issued by the Federal Communications Commission in 1975 to the effect that newspapers can no longer acquire radio or television stations in the same community. Although allowing most existing combinations of newspaper and broadcasting outlets to continue, the Court did require divestiture in 16 "egregious cases" in which, in relatively small communities, the combination included the sole daily newspaper and the sole clear-signal television or radio station.[128]

The tasks required to deal adequately with increasing concentration of power in the press are not simple. A serious professional effort may well require a self-reformation that could take on the characteristics of a self-revolution. The recruitment and training of editors, reporters and the like would require change. News stories would have to be written less hastily. They would probably be longer and in greater depth, possibly at the risk of not being as lively.

The challenge for the media is to come up with their own standards of professionalism and to adapt those standards to the realities of their responsibilities in a free society. There is no further room for complacency and arrogance. In short, the industry must heed the directive of one of its most eminent members, John B. Oakes, when he recently declared, "We of the press have to take much firmer steps than we have taken not only to improve quality and upgrade content but to make ourselves voluntarily more accountable as well as more accessible to the public." [129]

In summation, our country requires a political theory to suit its new role as a world power. We have had a perilously short apprenticeship to shouldering the burdens of that power. We are unfamiliar and morally uncomfortable with our new position. This makes defense policy, foreign commitments and intelligence gathering serious issues to be discussed, debated and understood.

The traditional American political philosophy based on 19th century liberal rationalism is now undergoing serious challenge and reexamination. We need a working political philosophy that will help us to deal effectively with the problems of power. The concept of power has been altered in the modern world by the revolutionary developments in technology and communication.

The intricate relationships that have always existed between freedom and authority are more complex now than they ever have been. It is difficult, but not impossible, for believers in democracy to adapt to the rapidly changing realities of modern technology.

Whether or not our institutions of society and government can work to help us mature to a responsible world power committed to democratic values is what is at stake in this year and in the years to come. The power of the media as it affects and reflects our national interests must be seen within that perspective.

FOOTNOTES

[1] It is interesting that a survey taken in 1974 by *U.S. News & World Report* showed that a cross section of national leaders ranked television ahead of the White House as the country's number one power center. Kevin Phillips, *Mediacracy* (Garden City, New York: Doubleday, 1975) p. 25.

[2] It should be noted that when the framers of the Constitution considered the idea of freedom of the press, they did not envision a press possessed of very nearly unrestrained license. The concept of an unrestrained press was foreign to the liberal philosophers of the 17th and 18th centuries. The idea of freedom without responsibility was also foreign to the experience of the Founding Fathers. When the First Amendment provided that "Congress shall make no law" abridging the stated freedoms, it was clearly intended that it was the national government that would be subject to that prohibition rather than the states. Indeed, Pennsylvania, Delaware and Virginia expressly imposed liabilities for abuses of free speech. Thomas Jefferson explained: "While we deny that Congress have the right to control the freedom of the press, we have ever asserted the right of the states, and their exclusive right to do so." (Letter to Abigail Adams, September 4, 1804).

After the passage of the Sedition Act, however, and with the reaction to it, restraints against the press were gradually removed. The Supreme Court came to interpret the Fourteenth Amendment as extending the rights protected under the First Amendment against restrictions by the states as well as the national government. More recently, court decisions have begun to lessen libel laws as a restraint against the press; and in the Pentagon Papers case, the press was allowed to publish stolen government documents without restraint or liability. (New York Times Co. v. United States, 403 U.S., 1971, p. 713).

[3] As this article was going to press, The New York Times—Myron Farber case, in which the Times reporter and his paper are arguing for First Amendment immunity for the reporter's notes, was being debated.

[4] Tom Bethell and Charles Peters, "The Imperial Press," Washington Monthly, November 1976, p. 29.

[5] Speech by Stanley Baldwin, Westminster, March 17, 1931.

[6] Pennekamp v. Florida, 328 U.S., 1946, pp. 331 and 355–56, (concurring opinion).

[7] Ben H. Bagdikian, The Effete Conspiracy: and Other Crimes by the Press (New York; Harper & Row, 1972) p. 6.

[8] Washington Post, August 3, 1977, p. D13, col. 3.

[9] Washington Post, July 24, 1977, p. G 1, col. 3.

[10] Irving Kristol, "The Underdeveloped Profession," The Public Interest, Winter 1967, pp. 49–50.

[11] Douglass Cater, "Remarks," in G. Will, ed., Press, Politics, and Popular Government (Washington, D.C.: American Enterprise for Public Policy Research, 1972) pp. 33–34.

[12] Washington Post, July 24, 1977, p. G 1, col. 3.

[13] Washington Post, May 9, 1978, p. D 10, col. 1.

[14] John B. Oakes, "Dwindling Faith in the Press," New York Times, May 24, 1978, p. A 23, col. 3.

[15] Donald McDonald, "The Media's Conflict of Interests," Center Magazine, November/December 1976, p. 16.

[16] Ibid., p. 18.

[17] Ben H. Bagdikian, "Newspaper Mergers—The Final Phase," Columbia Journalism Review, March/April 1977, p. 18.

[18] Ibid., p. 19.

[19] Ibid., p. 18.

[20] Washington Post, May 9, 1978, p. D8, col. 1.

[21] The Washington Post Company has announced that it plans to sell its Washington am radio station to the Outlet Company of Providence, Rhode Island, and swap its Washington television station for one in Detroit, Michigan, owned by the Evening News Association. The Federal Communication Commission has approved both transactions, and as of this writing the former swap has been accomplished and the latter sale is imminent. Washington Post December 7, 1977, p. A1, col. 5; Joanne Ostrow, "Ch. 9: Local News Once Removed," Washington Journalism Review, April/May 1978, p. 21; Charles B. Seib, "The First Amendment as Corporate Business," Washington *Post*, May 26, 1978, p. A21, col. 4.

[22] Address by Marvin L. Stone, Editor, U.S. News & World Report, "Journalism in Chains," 1977 Annual Meeting of the American Association of State Colleges and Universities, in Orlando, Florida, December 6, 1977, pp. 2–3; Joseph Volz, "Star Sold: As Time Goes Buy . . ." Washington Journalism Review, April/May 1978, p. 22.

[23] Seib, *supra* note 21.

[24] 376 U.S., 1964, p. 254.

[25] *Ibid.*, pp. 279–80.

[26] *Curtis Publishing Co.* v. *Butts; Associated Press* v. *Walker*, 388 U.S., 1967, p. 130.

[27] *Rosenbloom* v. *Metromedia, Inc.*, 403 U.S., 1971, pp. 29 and 44.

[28] 418 U.S., 1974, p. 323.

[29] 424 U.S., 1976, p. 448.

[30] Alfred Hill, "Defamation and Privacy under the First Amendment," *Columbia Law Review*, v. 76, no. 8, December 1976, pp. 1205 and 1212.

[31] 556 F.2d, 1977, p. 113 (2d Cir.), *cert. denied*, 434 U.S., p. 1002.

[32] 556 F.2d, p. 122.

[33] 46 U.S.L.W., (2d Cir.) Nov. 7, 1977, No. 77–7142, p. 2251, *cert. granted*, 55 L. Ed. 2d, 1978, No. 77–1105, p. 515.

[34] *Herbert* v. *Lando*, No. 77–7142, slip op, Nov. 7, 1977. pp. 264–265 (2d Cir.); *Wall Street Journal*, November 8, 1977, p. 8, col. 2.

[35] *Washington Post*, November 9, 1977, p. A22, col. 1.

[36] John P. Roche, "Libel Rulings Make Public Figures Unfair Game," *Washington Star*, November 23, 1977, p. A9, col. 5.

[37] Jerry Knight, "Judge Says Fighting is Only Libel Remedy," *Washington Post*, November 30, 1977, p. D11, col. 2.

[38] 420 U.S., 1975, p. 469.

[39] Bagdikian, *supra* note 7, p. 61.

[40] Kristol, *supra* note 10, p. 36.

[41] Address by Walter Cronkite, Radio and Television Directors Association Conference, in Miami Beach, Florida, December 13, 1976.

[42] Fergus M. Bordewich, "Supermarketing the Newspaper," *Columbia Journalism Review*, September/October 1977, p. 30.

[43] Oakes, *supra* note 14.

[44] Paul H. Weaver, "The New Journalism and the Old—Thoughts After Watergate," *The Public Interest*, Spring 1974, p. 67.

[45] U.S. News & World Report, August 2, 1976, p. 24.

[46] Confirmed in telephone conversation with Ben Bradlee, December 5, 1977.

[47] Confirmed in telephone conversation with Ben Bradlee, December 5, 1977.

[48] Charles B. Seib, "The New Reporters: Whistling Advocates," Washington Post, January 13, 1978, p. A13, col. 1.

[49] Confirmed in telephone conversation with James B. Lindheim, Senior Vice President, Yankelovich, Skelly and White, Inc., of New York City, New York, December 6, 1977.

[50] Henry Fairlie, "Press Against Politics," The New Republic, November 13, 1976, p. 14.

[51] Theodore H. White, "America's Two Cultures," Columbia Journalism Review, Winter 1969-70, p. 8.

[52] Lionel Trilling, Beyond Culture (New York; Viking Press, 1968). See Daniel P. Moynihan, "The Presidency and the Press," Commentary, March 1971, p. 43.

[53] Irving Kristol, "Crisis for Journalism: The Missing Elite," in G. Will, ed., Press, Politics and Popular Government (Washington, D.C.; American Enterprise for Public Policy Research, 1972), p. 50.

[54] Fairlie, supra note 50.

[55] Edward J. Epstein, Between Fact and Fiction: The Problem of Journalism (New York; Vintage Books, 1975), pp. 210–232.

[56] Peter Braestrup, Big Story: How the American Press and Television Reported and Interpreted the Crisis of Tet—1968 in Vietnam and Washington (Boulder, Colorado; Westview Press, 1977).

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[58] John P. Roche, "New Book on Tet Offensive Shows Shameful Behavior of the Press," Washington Star, July 27, 1977, p. A15, col. 5.

[59] Ernest W. Lefever, TV and National Defense: An Analysis of CBS News, 1972–73 (Boston, Virginia: Institute for American Strategy Press, 1974).

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[67] Ibid., p. 109.

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[72] J. William Fullbright, "Fullbright on the Press," Columbia Journalism Review, November/December 1975, p. 42.

[73] Paul H. Weaver, "Captives of Melodrama," New York Times Magazine, August 29, 1976, p. 6.

[74] Address by Thomas E. Patterson, "Press Coverage and Candidate Success in Presidential Primaries: The 1976 Democratic Race," 1977 Annual Meeting of the American Political Science Association, in Washington, D.C., September 1–4, 1977, p. 1.

[75] Weaver, supra note 73.

[76] Patterson, supra note 74, p. 4, n. 2.

[77] Weaver, supra note 73, p. 51.

[78] Patterson, supra note 74, p. 6.

[79] Weaver, supra note 73, p. 51.

[80] Ibid., p. 56.

[81] Michael J. Robinson, "Television and American Politics 1956–1976," The Public Interest, Summer 1977, p. 17.

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[83] Patterson, supra note 74, pp. 3–4.

[84] Ibid, p. 5.

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[87] Patterson, supra note 74, p. 5, n, 4.

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[89] Ibid., p. 7.

[90] Ibid., p. 9.

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[92] Drew Pearson and Jack Anderson, "Networks Slanted Chicago Coverage," Washington Post, September 6, 1968, p. B13, col. 5.

[93] Theodore H. White, The Making of the President—1968 (New York; Atheneum Publishers, 1969) p. 285.

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[95] White, supra note 93, p. 302.

[96] Pearson & Anderson, supra note 92.

[97] Furguson, supra note 91.

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[99] Staff of Special Subcommittee on Investigations of House Committee on Interstate and Foreign Commerce, 91st Cong., 1st Sess., Television Coverage of the Democratic National Convention, Chicago, Illinois 1968, Committee Print, 1969.

[100] Fulbright, supra note 72, p. 41–42.

[101] U.S. News & World Report, August 2, 1976, p. 22.

[102] Jerry Landauer, "The Press and 'Koreagate,'" Wall Street Journal, October 6, 1977, p. 20, col. 3.

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[108] B. Adler, ed., The Washington Wits (New York, Macmillan Publishing Company, Inc., 1967) p. 195.

[109] Kristol, supra note 10, p. 49. Also quoted in Moynihan, supra note 52, p. 41.

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[112] Lester Markel, "Watching the Press," New York Times, February 2, 1973, p. 31, col. 5.

[113] Floyd Abrams, "Two Theories of Press Freedom Are Parallel, Yet Bound to Meet," New York Times, May 7, 1978, p. E11, col. 1. For a related pronouncement on how the press should be afforded special treatment in the context of Fourth Amendment searches and seizures, see Zurcher v. The Stanford Daily, 46 U.S.L.W., May 31, 1978, pp. 4546, 4552–54, U.S., Nos. 76–1484, 76–1600 (Stewart, J., concurring).

[114] First National Bank of Boston v. Bellotti, 46 U.S.L.W., April 25, 1978, pp. 4371, 4379–81, U.S., No. 76–1172 (concurring opinion); Seib, supra note 21.

[115] U.S. News & World Report, August 2, 1976, p. 23.

[116] Larry Kramer, "Nader Urges Public to Monitor Press," Washington Post, April 10, 1978, p. D10, col. 1.

[117] G. Giancardo, ed., Problems of Journalism (Easton, Pennsylvania; American Society of Newspaper Editors, 1973) p. 264.

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[124] H.R. 12395, 95th Cong., 2d Sess., 1978; Washington Post, May 9, 1978, p. D8, col. 2.

[125] H.R. 13015, 95th Cong., 2d Sess., 1978; Wall Street Journal, June 8, 1978, p. 2, col. 2.

[126] Phillips, supra note 123, p. 32.

[127] Washington Post, June 2, 1978, p. B8, col. 6.

[128] National Citizens Committee for Broadcasting v. Federal Communications Commission, 46 U.S.L.W., June 12, 1978, p. 4609, U.S., Nos. 76–1471, 76–1521, 76–1595, 76–1604, 76–1624, 76–1685; Morton Mintz, "Press-Broadcast Merging Barred by High Court," Washington Post, June 13, 1978, p. A1, col. 6.

[129] Oakes, supra note 14.

SPECIAL INTERNATIONAL SECURITY ASSISTANCE ACT

● Mr. BELLMON. Mr. President, today we are considering the International Security Assistance Act of 1979. The day before yesterday we considered (and passed) the Special International Security Assistance Act of 1979. That act was called "special," because it was an authorization for economic and military assistance to honor the commitments President Carter made in securing the Egyptian-Israeli peace treaty. But in terms of the message we send, the act we are considering today is no less "special." I support this act, which contains assistance for both Greece and Turkey, but I have some of the same reservations about it that I had about the Special International Security Assistance Act.

It has been our policy as a nation, at least in this century, to do everything we could after a way to help the innocent victims on the other side, as well as on our side, recover. Surely no one would deny that some of that money for rehabilitation might have been better spent before the war broke out or in preventing war from breaking out. I know many of my constituents feel that the price that President Carter has agreed to pay to secure a peace treaty between Israel and Egypt is too high. The first payment is the $4 billion in loans and grants that we authorized Monday. Well, I do not think it is too high provided it produces peace and stability in the Middle East.

But, Mr. President, what we authorized was not $4 billion worth of war prevention. When I said that some of the money we have spent in rehabilitating war-torn countries might have been better spent before the war began, I did not mean by giving each side equal numbers of jet aircraft. And yet, that is what most of the money is to be used for—buying for the Israelis and the Egyptians the weapons they need to war on each other or on other countries. Now we are doing about the same thing for Turkey and Greece.

On a previous occasion, when President Carter sought authority to supply planes to the Saudis and to the Egyptians, I supported his request. I believe that the peace treaty between Egypt and Israel could not have been obtained unless we gave the Arabs some indication that we sought peace in the Mideast, not Israeli dominance.

But that point has now been made. We have demonstrated that a just and peaceful solution to strife is what we seek. The forces were made to see that we were not going to overwhelmingly arm any side if that arming would be prejudicial to a just and peaceful solution.

No one doubts that money properly spent in Egypt and in Israel preventing an outbreak of future fighting between those wartorn countries would be money wisely spent. But what we authorized, mostly, were loans—loans that will have to be paid back. We were warned in the committee report that neither country may be financially able to repay those loans. We authorized two heavily burdened peoples, still paying enormous taxes and experiencing ruinous inflation as a result of previous purchases of airplanes and tanks, to borrow more money to buy more airplanes and tanks.

Mr. President, in the interest of peace, what we must begin to authorize are constructive expenditures that will help countries build their economies, meet the needs of their citizens, and combat inflation. Surely, we can find some way to turn the efforts of peoples to constructive, rather than destructive, pursuits.

The world situation is not guaranteed to improve with time. We are not even guaranteed that the peace treaty between Egypt and Israel will necessarily turn out to be a good thing. Everyone or at least almost everyone has realized for some time that the implementation of any such treaty would determine whether it was good or bad. I believe that President Carter and President Sadat and Prime Minister Begin would be well advised to think long and hard together and take only those defense measures that will almost certainly strengthen the peace rather than threaten it.

Mr. President, I voted and will vote to authorize these loans, but I reserve the right to vote against the appropriation of any money to arm these countries—any money that is not for economic development. I believe that it will soon become obvious that the greatest security threats do not come from outside, but from the danger of internal economic collapse—a collapse that wise use of economic aid could prevent.

Today, we are considering the "ordinary" International Security Assistance Act of 1979. It, too, contains economic and military assistance to Egypt and Israel. It, also, contains economic and military assistance to Greece and Turkey. The arms we provide one country could possibly someday be used against the other. I am concerned that we may accede to requests for military assistance to the detriment of these countries. What we must do, especially in the case of Turkey, is to provide economic assistance.

Mr. President, I support this act, which supplies assistance to Greece and Turkey, as well as to Israel and Egypt. The message it sends is that the United States truly desires just and peaceful relations between neighboring states. But, having sent the message, I now argue for future assistance to be concrete and productive. Having assured these countries of our concern about external threats, let us concentrate on helping them solve their real problems. In that way we will be truly helping international security.●

THE RAILROAD CHALLENGE

● Mr. McGOVERN. Mr. President, both House and Senate committees are considering legislation to deregulate the railroad industry. The President has given high priority to the passage of this legislation as our last hope to stave off nationalization of the rail freight industry. Secretary Brock Adams has announced that if this bill is not swiftly implemented, it will become necessary for the Federal Government to invest an estimated $12 to $15 billion to maintain our Nation's railroads.

The Nation's railroad crisis is, indeed, peaking. The industry, with an overall rate of return of less than 1 percent, has hit rock bottom. The next few years will most assuredly be a period of make it or break it for the freight railroads. The Congress and Federal agencies have at long last realized that the bandaid and bailout approach to railroad revitalization will not work. Sweeping policy and regulatory reforms will be crucial to rail restructuring.

Yet, the question plaguing shippers, economists, and an increasing number of Members of Congress remains. Will deregulation be the long-sought answer to the rail industry's problems? And, if deregulation does return the industry to some improved state of financial health, at what cost to shippers and consumers?

The administration has proposed railroad deregulation on the heels of its widely publicized success with airline deregulation a year ago. In point of fact, rail deregulation is sandwiched between a number of deregulation initiatives proposed by the administration ranging from natural gas and oil to buses and trucks. The administration, evidently, has been struck with deregulation fever. One only hopes that they will pause long enough to recognize the uniqueness of each industry before pursuing this apples and oranges grab bag of deregulation.

As discussed in the following editorial, ever since new competitors first began to make serious inroads into the railroad's traffic, both industry and Government have sought the key that would reverse the tide and return the railroads to prosperity. Today, that magic key is perceived to be deregulation.

No one can argue that an overhaul of the century old regulation of the rail industry is long overdue. Congress first attempted such reforms with the enactment of the Railroad Revitalization and Regulatory Reform Act of 1976. Perhaps further overhaul is in order. The Railroad Deregulation Act of 1979, presently being considered by the Congress, is predicated on the perceived need for the railroads to achieve even greater rate flexibility and to be able to significantly reduce the size of their physical plant.

Such economic and operational flexibility are sorely needed in areas of competition among rail carriers and intermodally, and where duplicative facilities clearly exist. But to provide such freedoms where the railroads have achieved market dominance and at the expense of captive shippers would be a travesty. Numerous industry and administration observers have denied the existence of captive shippers and market dominance. I doubt that they have given careful consideration to the agricultural producing heartland of this Nation or to the plight of electric utilities which in most cases are wholly dependent on a single rail line for unit train shipments of coal.

Perhaps most importantly, have they given any consideration as to the effects of suddenly removing the crutches of a crippled industry? No doubt the railroads will attempt to eliminate as much plant as quickly as possible and increase rates where they intend to continue service. Such action will allow for a temporary improvement in rail finances. But until we address the problem of one-sided Government aid to competing modes of transport, we can expect a serious relapse in the not too distant future.

The key here, is that after decades of debate, the United States has yet to establish a firm national transportation policy. Without such a policy, our decisions and assistance given to one transport mode impacts all other modes. The Federal investment in highways and waterways and airport development have clearly devastated the railroads.

Mr. President, I am not opposed to rail deregulation in general. In areas of competition it is needed. I cannot support the present legislation without protection for captive shippers and until alternatives to outright abandonment are determined. My greatest concern, however, is that deregulation will not be the panacea suggested by the administration. The Nation's railroads may experience a few short years of improved economic health, but at what cost to the shippers and the public. At best we are only delaying the difficult decisions that must be made regarding the form and substance of a truly national transportation system.

Mr. President, I ask unanimous consent that an editorial from the April 1979 issue of Modern Railroads be printed in the RECORD.

The editorial follows:

DEREGULATION ALONE IS NOT ENOUGH

Will deregulation—when and if it comes—be the long-sought answer to the railroad industry's problems?

Ever since new competitors first began to make serious inroads into the railroads' traffic, the industry has sought the magic key, the panacea, that would reverse the tide and return the railroads to prosperity.

First it was thought that the answer lay in getting rid of passenger trains and their associated losses. Next mail, LCL freight, express and most of the perishables traffic were written off. Eliminating branch lines and modernizing the labor work rules have been considered as keys to a renaissance.

Continual cutting back on service and plant has been the rule for several decades. But despite the presence of several relatively healthy firms, the condition of the industry continues to deteriorate.

BROCK TO THE RESCUE

Now comes deregulation. The idea, as we get it from the pronouncements of SecDOT Brock Adams, is to remove or at least loosen the ICC chains that have bound the railroads for the last 90 years or so, and turn them loose to fend for themselves in the competitive world of free enterprise.

Once that is done, the reasoning goes, market forces will determine the proper, economic role of the railroads in the nation's total transportation mix. Since we now have too many railroads and too much railroad trackage, this will mean a substantial slimming down of the rail system. As a result, the Federal government won't have to find the $12 to $15 billion DOT estimates would be needed over the next decade to help meet the industry's capital shortfall and rehabilitate the present system.

Of course, we're over-simplifying; but that seems to be the gist of the Administration's thinking. In general, we agree with the DOT approach. We're glad to see that Mr. Adams calls for significantly greater freedom for railroads to raise and lower rates, and freedom to drop branch lines where neither shippers nor local governments are willing to pay the costs.

We also agree that without meaningful deregulation there is little chance of retaining the railroads in the private sector. Conrail sees this only too clearly, and it is no accident that CR is the strongest railroad advocate of deregulation.

But there are, as we see it, some rather important caveats that ought to be considered before Congress lets the railroads out of ICC's jail. Let's consider one of these caveats. To simply turn the railroads loose would be like releasing an injured, half-starved wolf to run with the pack. He'll get a lot less than his fair share and may indeed starve to death.

For the railroads (even including the few fortunate ones like Santa Fe, Southern, Union Pacific) have been seriously affected by decades of one-sided governmental aid to competing modes. A good estimate of the total subsidies to transportation other than railroads since 1920 is well over $200 billion.

The annual bill to the general taxpayers for aviation traffic control facilities and pilot training alone is running at some $3 billion; and probably a third of the expenditures for roads and streets is supplied by the general taxpayers, not the users. Then of course there are toll-free waterways.

These subsidies, along with unequal regulatory policies, have already badly distorted the relative roles of the several modes. One result is that we have less and poorer rail service today than the true economic worth of railroads would dictate.

FAST FADEOUT

If the railroads are simply turned loose without correcting this very serious inequity, we will see a rapid shrinkage of rail plant and service; and the country will wind up with a far smaller and less effective railroad system than it should have.

Secretary Adams and other DOT officials have noted the need for more adequate user charges for highway and waterways carriers; but, not surprisingly, they have not put much emphasis on the user charge issue in their discussion of railroad problems.

We suggest not only that adequate user charges should be assessed carriers that benefit from publicly-supplied facilities, but also that the railroads should be reimbursed for the many billions of dollars that went to support and encourage rail competitors over the last six decades. The government actually owes the railroads not just that $12 or $16 billion capital shortfall but also many billions more for past inequities!

Obviously, whatever merit this data may have, trying to collect for past inequities is just a pipe dream. In fact, we suspect that even trying to impose adequate user charges, for current operations may be next to impossible politically.

But unless the subsidies to rail competitors are eliminated or equalized, deregulation alone will not produce a healthy railroad industry.—Tom Shedd.●

ARCHITECTURAL BARRIER AWARENESS WEEK

● **Mr. COHEN.** Mr. President, at the commencement of Architectural Barrier Awareness Week, I would like to focus attention on the difficulties encountered by and the opportunities available to the handicapped in their quest for a barrier-free environment.

It is estimated that 1 out of 10 persons in the United States has limited mobility, because of a temporary or permanent physical handicap. With our increasing elderly population, and our improved medical technology which provides many with mobility not previously possible, this number will continue to expand. Unfortunately, all too often, our communities are designed to accommodate only the able-bodied adult.

Several years ago, as a Member of the House of Representatives, I introduced legislation authorizing a tax deduction for expenses incurred by private businesses in removing architectural or transportational barriers. This legislation was subsequently introduced in the Senate by the senior Senator from Kansas (Mr. DOLE). At his instigation, it was added as an amendment to the Tax Reform Act of 1976. As enacted, this little-known provision allows an annual deduction of up to $25,000 for the expenses of barrier removal for a 3-year period ending this December.

As we move in Congress to reassess this provision, I am pleased to again join with Senator DOLE in sponsoring new legislation that is being developed to strengthen this section of the Code. The focus of our legislation will be the elimination of those barriers existing in the business community.

Obviously, the best time to eliminate barriers is before they are constructed. Studies have shown that when a barrier-free environment is planned prior to construction, the expense usually runs less than 1 percent of the total cost. Where barriers are already in place, it is important to remember that the costs of removal are generally a onetime expense. Afterward, as customers and employees, handicapped persons will return the investment through their patronage.

The National Commission on Architectural Barriers to Rehabilitation of the Handicapped concluded that the "greatest single obstacle to the gainful employment of handicapped persons is the architectural barriers they must contend with." In 1975, the Urban Institute estimates that $1.3 billion could be saved from Government disability and welfare programs if public transportation alone were accessible to handicapped persons, thus enabling them to get to and from work. More can and must be done to open up the workplace to the handicapped.

As we contemplate the significance of this week, I hope we will translate our concern about the handicapped into action. That action could take a number of forms:

Advocating legislation on the right of public access for all citizens;

Organizing a community action group for the handicapped;

Learning about laws concerning access for disabled citizens;

Volunteering for organizations working with the disabled; or

Increasing our own sensitivity, so that the next time we add a phone, place a drinking fountain, or plan a staircase, we remember the rewards of a barrier-free environment.

Those who close their minds to this objective suffer with the most limiting handicap of all.●

VIETNAM WAR VETERANS MEMORIAL FUND

● **Mr. DOMENICI.** Mr. President, in January of 1975, and again in March 1977, I introduced legislation to provide for a study of the suitability and feasibility of designating the Vietnam Veterans Chapel, Eagle Nest, N. Mex., as a national memorial to the Vietnam veteran. On both instances the bill failed to be reported out of committee. This failure was largely due to a report from the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, to the Secretary of the Interior, which recommended that enactment of the bill(s) not be supported. The recommendation was based on the belief that the chapel lacks national significance and the inappropriateness of National Park Service administration of such memorials.

Implicit in the introduction of the bills was the belief that the creation of a National Vietnam War Memorial would acknowledge the sacrifices made by those who gave their lives and who served in Vietnam, and would serve as a significant symbol of our willingness as a society to strive for a genuine peace and to reassess the meaning of our Vietnam involvement. For a long time after the war we tried to forget about it, but I think the tide is turning now. America is now facing the bitter realities of the war and I believe we are now ready to pay a final tribute to those men who sacrificed so dearly in this tragic war. For these reasons, I plan in the near future to reintroduce legislation to have the Vietnam Veterans Chapel made into part of the national park system. In addition, I intend to ask the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, to reevaluate their position on enactment of such legislation.

In that request I will emphasize the national significance of the memorial and the need to recognize the right of the Vietnam veteran to be remembered and respected. Acknowledging that need is the newly created Vietnam War Veterans Memorial Fund. On April 27, 1979, the Vietnam Veterans Memorial Fund, Inc., was incorporated in the District of Columbia. The fund, a nonprofit corporation, was formed in order to achieve three limited purposes: First, to build in Washington, D.C., a perpetual national monument to the Americans who were killed and who served in Vietnam; second, to complete the Vietnam Veterans peace and brotherhood chapel in Eagle Nest, N. Mex.; and third, to contribute toward other monuments to Vietnam war casualties and returnees in other locations. The original incorporators of the Vietnam Veterans Memorial Fund, Inc., consist of three Vietnam veterans: Jan C. Scruggs, Thomas E. Mullings, and Robert W. Doubek. The fund is strictly a nonpartisan effort designed to get everyone's support and interest. The theme of the memorial planned for Washington, D.C., is the simple one of recognition of the sacrifices made by Vietnam veterans and will make no political statements about the war. Another major theme of the organization is one of national reconciliation of those who favored or opposed the war through providing this project that both groups can support.

I wholeheartedly support the fund's effort and encourage my colleagues to do the same.●

JUDGE DAVID BAZELON

● **Mr. McGOVERN.** Mr. President, Judge David Bazelon, the chief judge of the U.S. Court of Appeals for Washington, D.C., announced yesterday that he will retire on June 30 and will assume the status of a senior judge on the court.

Judge Bazelon is a pioneering figure in American jurisprudence. He has been unafraid to venture into the wilderness areas of human behavior and legal principles to discover the new frontiers of legal rights. Our legal system has served us so well, providing both liberty and order, because judges like Judge Bazelon have been able to continually modernize the application of rules of decision to social conduct. He is best known for his groundbreaking approach to criminal justice issues, but his opinions are considered by lawyers and legal scholars as landmarks of wisdom in many other areas as well.

Judge Bazelon has said:

> It is easy to concede the inevitability of social injustice and find the serenity to accept it. The far harder task is to feel its intolerability and seek the strength to change it.

That Judge Bazelon has been able to improve our realization of social justice through his work on the bench is a tribute both to Judge Bazelon and to our legal system.

Mr. President, the Washington Post yesterday carried a short profile of Judge Bazelon which I would like to share with my colleagues today an editorial. I request that the texts of the articles be printed in the RECORD.

The articles follow:

JUDGE BAZELON—AUTHOR OF "DURHAM RULE" DECIDES TO "STEP BACK"

(By Lawrence Meyer)

U.S. Circuit Court Judge David L. Bazelon, whose legal opinions have influenced the thinking of a generation of lawyers and educators, announced yesterday that he will assume the semi-retired status of a senior judge on June 30.

Controversial and outspoken during almost 30 years as an appellate court judge—15 of those years spent as the chief judge of the U.S. Court of Appeals here—Bazelon is widely known as a liberal, activist judge. His career has spanned the terms of seven presidents—beginning with Harry Truman—and during his tenure as chief judge, the Court of Appeals here was generally regarded to be second in importance and influence only to the Supreme Court.

In a letter to President Carter released yesterday, Brazelon said that "resolving to step back a bit from a 30-year labor of love is necessarily difficult." But he did so, Bazelon said, knowing that Carter "will select as my replacement an individual with the vision and talent necessary to address the demanding challenges that will face our court in the years to come."

Harvard law professor Alan Dershowitz, once a clerk to the judge, said Bazelon's "enduring contribution" to the law "has been that he has pressed more questions on the system than any other judge . . . He has singled out the function of the Court of Appeals more than any other judge—to raise questions, open areas for discussion."

Bazelon, who will be 70 years old in September, came to the Court of Appeals in 1949 when he was 40, then the youngest man ever appointed to a federal judgeship. Within five years he had begun to provoke debate and controversy with his opinions. He has been a consistent advocate of safeguarding the rights of persons accused of crimes, of ensuring in practice as well as in theory that defendants were adequately represented in court and of bringing knowledge from other disciplines, particularly psychiatry, to bear on the criminal justice system.

Bazelon's effort to open up the legal system to more information, to prompt debate and to pose hard questions, is illustrated by his best known opinion involving the case of Monte Wayne Durham, a convicted burgler with a history of mental disturbance.

In that 1954 appellate court opinion, which propounded what came to be known as the "Durham Rule," Bazelon attempted to change the prevailing legal test for insanity. The old test held that a criminal could claim insanity as a defense only if it could be proven that the defendant could not distinguish between right and wrong or if the act was the product of an "irresistible impulse."

The "Durham Rule" said that a defendant

should not be held criminally responsible if the crime was a product of a mental disease or defect.

But for Bazelon, the Durham case was not a chance to impose a new formula on American courts. Durham, Bazelon said in a recent interview, "was an effort to open the door to information—period. The door had been closed shut."

Bazelon hoped, with Durham, that psychiartists would be able, in the context of a criminal trial, to give juries some insight into what motivated a criminal.

The Durham case, Bazelon wrote in a concurring opinion when the Court of Appeals finally abandoned the Durham Rule in 1972, "fueled a long and instructive debate that uncovered a vast range of perplexing and previously hidden questions. And the decision helped to move the question of responsibility from the realm of esoterica into the forefront of the critical issues of the criminal law."

According to a former law clerk, Bazelon, who became chief judge of the Court of Appeals in 1962, believes that "most judges in America are janitors who sweep the dirt under the rug. He thinks it's critically important to surface the dirt under the rug."

"Any wiseacre can go around asking a lot of hard questions without knowing answers," Bazelon said last week. "But I honestly believe you're never going to move in on anything unless you confront it."

The behavioral sciences, Bazelon said during the interview, had developed information suggesting that a person's genetic makeup or early childhood experiences might color his or her behavior. "In a moral society," Bazelon asked, "do you weigh that before you impose moral guilt or do you ignore it? I wanted people to confront and grapple with the problem. I don't know how to settle it."

"The Baz has wanted the courts to confront the issues," said Joel Klein, a former law clerk. "He has constantly played that role, raising issues others consciously avoided or never thought about."

"Bazelon, despite what people think, does not have a program to carry out," said law professor Dershowitz. "He keeps saying, "I don't have the answers. I just know the problems.' "

Bazelon according to Dershowitz, prodded lower court judges to produce more and better information during trials and sharpened issues for decision by the Supreme Court. "He sees his job as forcing the Supreme Court to confront these issues," Dershowitz said.

During the 1960s, Bazelon and Chief Justice Warren E. Burger, then a circuit judge on Bazelon's court, carried on a highly publicized and increasingly bitter public debate over the rights of criminal defendants. Although cordial to each other in public, the two men developed an animosity toward each other that became an open secret in legal circles.

In later years, Bazelon wryly claimed that he was responsible for Burger's elevation to the Supreme Court by President Nixon in 1969. "I was the foil," Bazelon said, with Burger's tough law-and-order opinions playing off Bazelon's demands for upholding constitutional safeguards.

Bazelon still maintains the positions, in private and public, that indelibly marked him as a liberal judge. "You can't have criminal justice without social justice," he said recently. "That ties into everything."

"It is easy," Bazelon told a conference of prison officials in 1976, "to concede the inevitability of social injustice and find the serenity to accept it. The far harder task is to feel its intolerability and seek the strength to change it."

He has insisted, in a number of cases, that the Court of Appeals has an obligation to look at how effectively court-appointed lawyers represented their clients in criminal cases. "In most cases they give you a warm body," Bazelon said. "I'm not saying there isn't effective counsel, but in most cases, it's a sham."

During his 30 years on the bench, Bazelon has also been active on a variety of commissions, conferences and organizations concerned with social and psychological problems.

A stern, forbidding figure in court, Bazelon is warm and gregarious in private, expressing himself in colorful language, laced with Yiddish expressions and a seemingly endless supply of jokes and "stories"—some turned against himself—to make his point.

Although Bazelon could have remained as chief judge of the court until he turns 70 in September, he voluntarily relinquished the chief judgeship in March 1978 to allow his close friend and colleague Circuit Judge J. Skelly Wright a longer tenure as chief judge. Wright must step down from the chief judgeship in 1981, when he turns 70.

Bazelon, who could have remained a full-time circuit judge indefinitely, made clear that he intends to maintain his busy schedule. He said he intends to be an active senior judge giving "substantial service" to the court as well as continuing his interests outside the court.

Asked how he would like his period as a judge to be remembered, Bazelon pondered a moment before he replied. "For the effort to make people aware," he said.

JUDGE BAZELON STEPS BACK

For more than a quarter of a century, Judge David L. Bazelon has been the *enfant terrible* of American law. He has asked the indiscreet questions and challenged the conventional wisdom. He has forced his colleagues on the bench and at the bar to think about the things they had always done routinely. By doing so, he has exerted enormous influence on the shape of the law not only in this city, where he has served as a federal circuit judge for 30 years, but throughout the nation as well.

None of this is likely to change now that Judge Bazelon has decided, in his own words, "to step back a bit from a 30-year labor of love" and retire as a regular member of the U.S. Court of Appeals. His new status as a senior judge seems likely to free him to probe even more deeply into those dusty corners of the law where too many unexamined problems still lurk.

Judge Bazelon is best known, here and elsewhere, for having opened up, with his opinion in the *Durham* case, a long and still inclusive debate on the relationship between mental illness and crime. Some of his critics claim that debate has been useless, that the *Durham* rule has been repudiated by his own court, and that the law has not been substantially changed. They have missed the point. Judge Bazelon wanted to make lawyers and psychiatrists and others think about what they were doing to criminals who were or might be mentally ill. They have thought—at least, some of them have—and the awareness of the problem, even if there is no consensus on the solution, is far greater than when the *Durham* case was decided.

The list of other areas of the law in which Judge Bazelon has opened doors and pointed out problems is too long to recite. There were, for example, police interrogation and investigative arrests, sentences equating a fine of $1 with one day in jail, and the failure of juvenile courts to live up to their promise of helping, not punishing, young people.

For years, the phrase "lookit" was a vital part of Judge Bazelon's private conversation. It was a contraction of "look at it," and it was uttered, forcefully and compellingly, when he was trying to persuade someone to examine an issue or a problem or a bit of conventional wisdom that had been too hastily accepted. More than any other phrase, it seems to sum up what his career has been all about. Look at it; examine it; is it right?

This community has been fortunate to have had a judge who was prepared to give that scrutiny to whatever came to his attention. Judge Bazelon has rocked the boat, violently and perhaps even unnecessarily at times, and he will no doubt keep on rocking it. But the law is better now because of what he has done.●

JUDICIAL DISTORTION OF THE CONSTITUTION

● Mr. HELMS. Mr. President, the Student Bar Association of the Campbell College School of Law recently presented its 1979 Winter Symposium. It was entitled, "In Anticipation of the Constitutional Bicentennial: The Philosophical Foundations of the Creation of a Nation."

With the approach of the 200th anniversary of our Nation's Constitution, students at this fine North Carolina law school appropriately felt that it was worthwhile to identify and evaluate the roots of American fundamental law.

As a means of achieving this goal, distinguished speakers were invited to present lectures on the American Constitution. Over a period of days, I want to share some of these stimulating lectures with my colleagues.

First, I will offer the text of the lecture delivered by the Honorable I. Beverly Lake, a former member of the faculty of the Wake Forest University Law School, retired Justice of the North Carolina Supreme Court, and now a member of the faculty at the Campbell College Law School. I am immensely proud of Dr. Lake; he is, and long has been one of my dear personal friends. His lecture subject addressed itself to judicial distortion of the Constitution, a matter of deep concern to many Americans today.

Dr. Lake declares that this country needs no "New Foundation," but rather a "realignment with the old foundation upon which our structure of justice, domestic tranquility, prosperity, and secure liberty was built—the Constitution." He exposes the pitfalls of "sociological jurisprudence" by reference to several Supreme Court decisions. The decisions to which Professor Lake refers have, in effect, enabled the Supreme Court—not the American people—to amend the Constitution.

My good friend concluded by asking, "How can the American people protect themselves against such usurpation of power?" Dr. Lake's answer to that question is worthy of every Senator's consideration: "It was a grievous mistake to give the Federal judiciary life tenure. It would be better to require their reconfirmation by the Senate periodically."

Of course, he acknowledges that such a change is an unlikely prospect. In view of this, Professor Lake correctly observes that the "only other hope of eventual improvement lies in the long slow process of electing presidents and senators who, themselves, have an awareness of the need for selection of judges who have a love for and an understanding of our Constitution, together with some awareness of their own limitations, both in authority and in wisdom."

Mr. President, I ask that the lecture delivered by Justice I. Beverly Lake at the Campbell College School of Law Winter Symposium on February 21, 1979 be printed in the RECORD at the conclusion of my remarks.

His observations follow:

JUDICIAL DISTORTION OF THE CONSTITUTION

How nice it is to be back at Campbell! Had I been told last August, as I began preparation for the course in Constitutional Law, that, in January and February, I should miss my friends in Kivett Hall as much as I have, I should not have believed that, at my age, in four short months, such strong ties could be woven as those which, I now know, will always keep this college, and especially its law school, clear in my mind and close to my heart. Enduring friendships formed quickly where there is mutuality of respect and of interest in matters of significant importance to the general welfare and where differences of opinion are debated with intellectual honesty and courtesy. Such friendships survive the bruises and strains of taking examinations and grading papers. So, all of the seventy-six men and women who studied Constitutional Law with me last fall will always be very special people to me. As in years to come, I hear and read about their successes in the practice of law and in the leadership of North Carolina thought, I shall derive a great deal of pleasure in remembering our days together at Campbell. I am greatly honored and encouraged by the presence of many of them here this evening. That is evidence both of their endurance and of the friendship I mentioned, for it is unlikely that they will hear much that is new to them in the views I shall express for your consideration.

It is most appropriate that here on the even of the birthday of the Father of Our Country, we direct our attention to the Constitution, in the writing and adoption of which he played such an important part. To this great blueprint for the building of a government of free men and women he gave unswerving fidelity throughout his service as President. In his Farewell Address to the American People he said:

"If in the opinion of the people the distribution of modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way by which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

Similarly, Mr. Justice Black, with whose views I am less often in agreement, dissenting in Harper v. Virginia Board of Elections, which held unconstitutional Virginia's requirement of payment of a poll tax as a condition upon the right to vote, said:

"When a political theory embodied in our Constitution becomes outdated, a majority of the nine members of this Court are not only without constitutional power, but are far less qualified to choose a new constitutional political theory than the people of this country proceeding in the manner provided by Article V."

The concept of men and women living in substantially complete personal freedom, and yet in the tranquil security of an orderly society, under a government limited in its powers by a written Constitution, is America's great contribution to political science and governmental philosophy. We have a country marvelously rich in natural resources and climate and exceedingly fortunate in geographic location, but it is my belief that the chief factor in our becoming the great nation we are, and in our achieving the standard of living we enjoy, has been our Constitution. Whatever may have been true of Czarist Russia, this country needs no "New Foundation". What we need is to return our Federal Government, and, more specifically, the Federal Court System, to alignment with the foundation upon which our structure of justice, domestic tranquity, prosperity and secure liberty was built—the Constitution.

The sociological jurisprudence which has dominated the decisions and majority opinions of the Supreme Court of the United States for the past forty years, has ignored the warning of George Washington and has created a governmental superstructure which is oppressive and already virtually beyond the control of the American people. It has flooded us with bad sociology and worse jurisprudence until today the statement, "The Constitution is what the judges say it is," is perilously close to the truth. That, incidentally, is a statement made by Chief Justice Hughes in a political speech long before he went on the Court and is taken out of context and used with great delight by the apostles of sociological jurisprudence for the purpose of belittling the significance of the Constitution. The point Mr. Hughes was trying to make, and which he expressed quite ineptly, was that since the Constitution, like all other laws, is not self-enforcing, we should select judges who respect it and who will give it correct interpretation.

In the landmark case of McCulloch v. Maryland, which sustained the power of Congress to charter a bank, Chief Justice Marshall made the statement, "We must never forget that it is a constitution we are expounding", meaning simply that a constitution cannot be expected to contain in minute detail every authorization to create instrumentalities by which the Government is to carry out the powers expressly given to it. The sociological "jurisprudes", as Professor Llewellyn used to call them, have seized upon this statement by the great Chief Justice and quote it, with pompous, pontifical arrogance, as support for any and all power grabs by Washington bureaucrats and Socialistic legislation.

To be sure "it is a Constitution we are expounding". So what? Because it is a Constitution, not a mere act of Congress, an erroneous construction of which can quickly be corrected by Congress, because it is a Constitution, designed to endure until amended pursuant to its own provision in Article V, its provision should be carefully construed, in the light of its purpose as conceived by the American people when the provision was put into the Constitution, not construed with carefree, experimental abandon by sociological tinkerers who believe they, and they alone, know what sort of "new foundation" America needs.

It would seem obvious that the grants of power to the Congress by the Constitution, such as the power to regulate interstate commerce or the power to enact legislation to enforce the Fourteenth Amendment, should be construed today in the light of the intent of the American people when those provisions were put into the Constitution. It is elementary that provisions in written contracts, deeds, wills and other documents are to be construed so as to give them the meaning intended by the parties at the time the document took effect. So should the Constitution be construed. This does not mean that today Congress may regulate interstate commerce by jet plane only in the same manner it regulated such commerce by sailing vessels in 1789, but it does mean that today Congress, under the pretext of regulating interstate commerce, should not be permitted to regulate the wages paid for harvesting tobacco on a Harnett County farm. It does mean that the Due Process Clause of the Fourteenth Amendment should not be twisted out of shape in order to sustain sociological theories of crime and punishment currently espoused by five justices of the Supreme Court and deemed absurd by their four associates.

To so construe the Constitution does not limit us to a 1789 or an 1868 model Government. Those remarkable men who hammered out the Constitution in the Philadelphia Convention—Washington, Hamilton, Madison, Franklin, James Wilson, the Morrises, the Pinckneys and others like them—were not unmindful of change. They knew our country would face many problems unknown to them, so they provided in the Constitution a procedure for changing it, and change it they and their contemporaries did almost immediately by adding the first ten amendments, which we call the Bill of Rights, so as to get North Carolina and Rhode Island to come into the Union. Were sociological conditions, or economic conditions, or any other conditions changed so as to make a provision of the Constitution more restrictive upon the Government's powers than the American people think proper, the amending process should be used, not a sociological decision by five, or even nine, men in Washington.

I don't ask you to accept my opinion on that. Take the opinion of George Washington, a staunch Federalist president in philosophy though not formally a member of the Federalist Party or of any other party, or, if you want a Democrat of unimpeachable Left Wing credentials, take Justice Hugo Black.

One day last fall, I called on a member of my class here in the Law School to recite on a decision of the Supreme Court. He stated the case correctly and then, as usual, I asked, "What do you think of that decision?" He replied, "I think it is the worst I have ever read." While I was strongly tempted to agree with him, there are so many candidates for that distinction among the recent decisions of the United States Supreme Court I have not yet cast my vote. Let me call a few to your attention.

In each instance, it is quite possible that you may believe a desirable sociological result was reached. I think otherwise, but that is not the point. I cite these cases to you not as examples of bad sociology, but as examples of distortions of the Constitution by the Court, whereby American Government has been changed from a balanced federal system, into an exceedingly powerful, dominant national government, centralized in Washington and, consequently, much more capable of transition overnight, by military coup d'etat, into a totalitarian dictatorship. I do not suggest that these decisions, and the many others like unto them, were rendered for that purpose. It does not blunt the point for me to concede that each of these decisions was intended by the majority of the Court to improve America by bringing about a beneficial sociological change, and I do so concede, at least for present purposes. But, we are told "The road to Hell is paved with good intentions," and so may be the road to dictatorship.

I offer, as my first exhibit, the well-known case of Brown vs. Board of Education, 347 U.S. 483, in which the Court declared that the Fourteenth Amendment forbids a state to educate white and Negro children in separate public schools, otherwise equal. That amendment, of course, says nothing about schools. It simply says, "No state shall . . . deny to any person . . . the equal protection of the laws." Some fifty-five years earlier, when every member of the Court was a man who had been a mature adult when the Fourteenth Amendment was ratified and who, therefore, had personal recollection of the conditions then prevailing, the Court had held the Amendment did not forbid the operation of separate, otherwise equal, public schools for white and Negro children, saying, in Plessy v. Ferguson, 163 U.S. 537: "Laws requiring their separation . . . have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which have been upheld even by courts of states where the political rights of the colored race have been longest and most earnestly enforced."

The establishment of separate, otherwise equal, schools for white and colored children did not originate in a Southern state. It originated in Boston and was held a valid exercise of the state's power to legislate in a decision of the Supreme Court of Massachusetts in 1848. Charles Sumner, the Abolitionist Congressman, was counsel in that case. Thus, it was well known to the Congress which submitted the Fourteenth Amendment to the states for ratification. After the amendment was declared ratified, the highest courts of New York, West Virginia, Indiana, Ohio, Missouri, Nevada and California held such schools were consistent with the Fourteenth Amendment. In our own North Carolina, the same Reconstruction legislature which ratified the Fourteenth Amendment provided for the establishment of such separate schools, but the most compelling evidence as to what the amendment was intended to do is supplied by the Congress which submitted it to the states for ratification.

It was that selfsame Congress which by legislation established separate schools in the District of Columbia. Thus, whatever you may think of the sociological merits or demerits of such schools, it is certainly indisputable that the people who wrote the Fourteenth Amendment and who placed it in the Constitution did not believe that in so doing they were depriving the states of the power to operate such schools, or were conferring upon the Federal Courts or Congress, the President or HEW any authority to meddle with them. It is, therefore, perfectly clear that the Supreme Court, not the American people, amended the Constitution by this decision—a change such as George Washington called "usurpation . . . the customary weapon by which free governments are destroyed"—solely because the nine justices believed this was sociologically desirable.

The Constitution provides, "The Congress shall have power . . . to regulate commerce . . . among the several states." The obvious purpose was to promote and encourage trade and the shipment of the products of one state into another for sale and use there. Let's see what that power of the Federal Government has grown to be through sociological jurisprudence.

In Wickard v. Filburn, 317 U.S. 111, the Court decided these words in the Constitution give the Federal Government authority to say to an Ohio (or a Harnett County) farmer, "You cannot grow wheat on your own farm to feed there to your own chickens and cows and to make flour with which to make biscuits for you and your family to eat in your own home, and if you do, the Secreatry of Agriculture can make you pay penalty." What has that got to do with interstate commerce? Well, the Court said, "If we assume [Mr. Filburn's wheat] is never marketed, it supplies a need of a man who grew it which would otherwise be reflected by purchases in the open market."

That is, if Mr. Filburn is not allowed to raise any wheat he will have to buy his chicken feed at the store and the store will buy it from a feed mill which, in turn, will, perhaps, buy its grain in Chicago. But, what about the chickens? Does the authority of Congress to regulate interstate commerce permit a Federal officer to come and count the chickens in your back yard, or the cabbages in your garden, and fine you if you have too many? You say, "oh, nonsense; that can't happen here!" Try to convince Mr. Filburn of that. Well, at least, a bi-product of this sheer Sophistry, by which the Court amended the Constitution, was this gem from the pen of Ogden Nash in the old Saturday Evening Post:

"Higgledy, piggledy, my black hen;
She lays eggs for the gentlemen.
The gentlemen come every day
To count the eggs my hen doth lay,
And if they find she lays too many,
They fine my hen a pretty penny."

For a hundred and fifty years after the Constitution gave Congress power to regulate, "commerce among the several states" it was then obvious that while the word "commerce", might be stretched to include the manufacture of goods, the phrase "commerce among the several states" could not be, since the manufacturing process, at least ordinarily, is local and done at a fixed location within a single state. But that was before our eyes were opened by the miracles of sociological jurisprudence as practiced on the banks of the Potomac. In United States v. Darby, 312 U.S. 100, the Court held Congress can forbid interstate transportation of lumber of excellent quality, because the sawmill which produced it paid its employees less than the wage specified by Congress, and can make the payment of such lower wages a criminal offense if the plant owner intended to ship his lumber into another state. In so holding, the Court said, "Congress, following its own conception of public policy concerning the restrictions which may approximately be imposed on interstate commerce, is free to exclude from the commerce articles whose use in the states for which they are destined it may conceive to be injurious to the public health, morals or welfare even though the state has not sought to regulate their use." Suppose Mr. Califano persuades Congress to prohibit all interstate transportation of cigarettes.

In Maryland v. Wirtz, 392 U.S. 183, the Court held Congress is authorized by the Commerce Clause to fix wages and hours of work in hospitals, nursing homes and educational institutions, such as Campbell College, because these institutions use goods imported from other states and labor disputes in a college cafeteria might hamper this flow of goods across the state line. In Katzenbach v. McClung, 379 U.S. 294, the Defendant operated a restaurant in Birmingham, specializing in barbecue and homemade pies. It was not near any interstate highway or an airport. For thirty-five years he had seated white customers only, with a take-out service for colored patrons. He refused to change notwithstanding the Civil Rights Act of 1964. He catered to a family and white-collar trade. The lower court found he could lose a substantial amount of business if he served Negroes and refused to require him to do so. The Supreme Court reversed on the ground that about half the food he served, though purchased by him locally, had reached his supplier through interstate commerce. How do you suppose the members of the Philadelphia Convention would have characterized these extensions of the power they gave Congress to "regulate commerce among the several states"?

The sociological jurists have, of course, not confined their distortions of the provisions of the Constitution to the inflation of the powers of the Federal Government. They have been equally zealous in whittling away the power reserved to the State Governments by the express language of the Tenth Amendment.

It would seem perfectly obvious that the Due Process Clause of the Fourteenth Amendment fastens upon the State Governments the same limitations placed upon the Federal Government by the Due Process Clause of the Fifth Amendment, since the wording of the two provisions is identical. It would seem transparently clear that since the Fifth Amendment and the rest of the Bill of Rights were submitted by Congress and ratified by the states simultaneously, they were not intended to be repetitious but separate and distinct provisions, for as Chief Justice Marshall declared, "No part of the Constitution can be deemed surplusage." If the Due Process Clause of the Fifth Amendment, standing alone, would have been sufficient to prevent Congress from passing a law restricting freedom of speech, press or religion, there would have been no sense at all in putting such prohibitions in the First Amendment. Similarly, as to the Fourth Amendment protections against unreasonable searches and seizures, and the guaranty of the right to trial by jury. Yet in a series of decisions the Court has said the Due Process Clause of the Fourteenth Amendment imposes these limitations upon the States. Here again we have a clear abuse of judicial power. The Court has simply concluded, as a matter of sociological jurisprudence, "Freedom of Speech, freedom of the press, freedom of religion, freedom from unreasonable search and seizure ought to be protected from State action, so we will say the Due Process Clause of the Fourteenth Amendment imposes those limitations upon the States."

Of course, these freedoms are precious. Of course, they ought to be protected from violation by the State of North Carolina. They are, and for two hundred years have been by our own North Carolina Constitution and our North Carolina courts. But if they were not, there is no lawful authority in the Supreme Court of the United States to amend the Constitution of the United States so as to protect them. For it to do so by a purported construction of the Fourteenth Amendment is precisely the kind of usurpation which George Washington said is "the customary weapon by which free governments are destroyed."

Permit me one final illustration. Coker v. Georgia, decided in 1977, is, I believe, my choice for the distinction, "the worst decision I ever read." While serving valid sentences to life imprisonment for murder, rape and kidnapping, Coker escaped. While so free, he kidnapped and raped another victim after first robbing and tying up her husband. He was tried and found guilty of these new offenses and sentenced to death for the rape. There is in the opinion of the Supreme Court not one suggestion of any error of law or unfairness in the course of his trial and conviction. The procedure by which the death penalty was imposed was in all respects proper under the rule laid down by the Supreme Court, itself, just one year earlier in Gregg v. Georgia. The Supreme Court did not suggest otherwise. Yet the Court vacated the death sentence. Why? This is what they said: "A sentence of death is grossly disproportionate and excessive punishment for the crime of rape and is therefore forbidden by the Eighth Amendment as cruel and unusual punishment."

What was the result? Coker is back in prison, but he was already serving three life sentences, so for this combination of robbery, kidnapping and rape, he has not been and never will be punished at all. Revolting as that is, it is not the worst aspect of the decision. You may agree with the Court's opinion that death is "grossly disproportionate" punishment for a vicious, brutal rape of an innocent victim. I do not, but that is not the point. Here we have the Supreme Court of the United States usurping the legislative function to decide what is the appropriate punishment for crime and usurping the power to amend the Constitution so as to put into it the Court's sociological view of the seriousness of the crime, and the appropriate punishment. It cannot be doubted that in 1711 when the Eighth Amendment was ratified and in 1868 when the Fourteenth was proclaimed to be part of the Constitution, the American people overwhelmingly favored death as the appropriate punishment for rape. But, assuming the Court's appraisal is in accord with "contemporary standards", what if "contemporary standards" are again reversed ten years hence, as indicated, let us say, but a return then to the practice of lynching rapists, how can this decision ever be changed? It can hardly get back to the Court for reconsideration by other justices, for no lower court will impose a death sentence for rape. No legislature will provide for the death penalty in face of this decision. An amendment to the Constitution to correct this decision is completely improbable. Thus the Court, Chief Justice Burger and Justice Rehnquist dissenting, have deprived the people of America of the right to determine for themselves the proper punishment for crime and have, in necessary effect, deprived Georgia, and every other State, of all power to impose any punishment whatsoever upon an escaped prisoner, already under a life sentence, for rape, kidnapping, burglary or armed robbery.

What is the remedy? How can the American people protect themselves against such usurpation of power? I fear this is a situation which illustrates the futility of locking the barn after the horse is stolen, for the Court has already changed American Government from a balanced federal system to an overpowerful national government. Were we starting over again, it seems obvious that it was a grievous mistake to give the federal judiciary life tenure. It would be better to require their reconfirmation by the Senate periodically, say every eight years, but such a change is hardly a possibility, certainly it is not a likely prospect. The only other hope of eventually improvement lies in the long slow process of electing presidents and senators who, themselves, have an awareness of the need for selection of judges who have a love for and an understanding of our Constitution, together with some awareness of their own limitations, both in authority and in wisdom.●

S. 1158—CLEAN AIR ACT AMENDMENTS

● Mr. BOREN. Mr. President, it is my privilege to bring to the attention of my colleagues S. 1158, which was introduced yesterday by Senator GARN and myself. This legislation would delay the deadline for approval of the implementation plan required by the Clean Air Act until June 30, 1980, and extend the compliance deadline until December 31, 1983. This is necessary in order to allow an adequate amount of time for the States to be in compliance with their implementation plans once they are approved.

The Clean Air Act Amendments of 1977 require each State to submit a revised State implementation plan (SIP) to the Environmental Protection Agency by January 1, 1979, to be approved by the EPA by June 30, 1979. The original deadline mandated by the Clean Air Act did not allow sufficient time for the majority of our States to develop adequate revisions to the State implementation plan. The January 1, 1979, deadline for submission of plan revisions was met by only six States and the District of Columbia. The States have been working on their new plans and regulations as expeditiously as possible.

In addition, EPA has recently changed the ambient air quality standard for ozone from 0.08 part per million to 0.10 part per million. This revision requires most of the States to reevaluate the present air control strategies for this pollutant so that the most cost-effective means are used to attain and maintain the revised standards. Since changes have been made in midstream by the EPA, the States are entitled to more time. Under the most optimistic schedule, most of the States will not have plans submitted to the EPA in order to meet the July 1 deadline for approval of those plans by the EPA. Sanctions which the Environmental Protection Agency could choose to impose upon my State and those of many of my colleagues include: Curtailment of all funds from the EPA for sewage treatment projects, curtailment of Federal highway funds with the exception of those used for safety-related projects, and a freeze on any construction of major new sources of air pollution which includes industrial development.

Several of my colleagues have mentioned to me that although their States have not submitted a plan to the EPA and may not by the July 1, 1979 deadline, that they have made arrangements with the EPA. As a result they do not think that the EPA will impose the penalties for failing to meet that July submission date. Frankly, I would hate to depend upon the generosity of the Environmental Protection Agency to protect the best interests of my State. If the deadline is not a realistic one, then it is the responsibility of Congress to change it to a more reasonable one. If the States are having difficulties in the formulation of these plans in the time period allotted as evidenced by the lack of State plans submitted on time, then legislation should be submitted to alleviate this unreasonable time frame. Therefore, I am cosponsoring S. 1158 which would extend these deadlines in order to give the States the opportunity to submit well-thought-out programs for improving air quality in their jurisdictions.●

A TRIBUTE TO GEN. LOUIS H. WILSON

● Mr. STENNIS. Mr. President, 4 years ago, on May 7, 1975, I rose in this Chamber to present to the Senate the nomination of Gen. Louis H. Wilson to be Commandant of the Marine Corps and to recommend his confirmation.

I stated then that I took pride in the fact that General Wilson was a native Mississippian and that he had been nominated to be chief of his service. Today I am even prouder of this distinguished military leader, for in his 4 years in office he has made many important contributions toward the efficiency and combat readiness of the Marine Corps. He has been one of the most outstanding Commandants the Corps has ever had.

General Wilson completes his term of office on June 30, and will retire from the military service and return to Jackson, Miss., to live. I look forward to having him back in our State, but he will be sorely missed here in Washington. His wise counsel in the Joint Chiefs of Staff and his strong leadership of the Marine Corps will be remembered by all who knew him here.

General Wilson is the only Commandant of the Marine Corps who ever rose to that rank from an enlisted private. He enlisted in May 1941, at the time of his graduation from Millsaps College, in Jackson. He went through officers basic training, was assigned to the 9th Marine Regiment, and went overseas with that unit to Guadalcanal and up through the Pacific Islands. As a captain commanding a Marine company in the assault on Guam in 1944 he displayed heroism above and beyond the call of duty and was awarded the Congressional Medal of Honor. In an intense battle which began in the afternoon, lasted through the night and into the next day, he was wounded three times, but continued to lead his men and captured the strategic high ground in his regimental sector.

This kind of dedicated and effective leadership continued through his career, in exacting command and staff assignments. He served in Korea, attended the National War College, and went to Vietnam with the 1st Marine Division in 1965. He became a general officer in 1966 at age 46, progressed to lieutenant general in 1972, and was assigned as Commanding General, Fleet Marine Force, Pacific, where he served 3 years before being selected by President Gerald Ford to become Commandant.

When he took office as Commandant he said:

> For years I have heard, "They said to do this, and they want that done." Well, now I am "they," and it will be done.

It has been done. The record is eloquent testimony of that fact. When Louis Wilson became Commandant the Marine Corps was confronted with serious manpower and personnel problems. A substantial number of the men in the Marine Corps did not measure up to the quality standards which he thought were essential. He was determined to correct this situation and immediately initiated drastic measures to do so. He ordered a severe screening of the membership based upon quality and dismissed those who did not measure up. The number of those discharged grew rapidly.

Other officers became alarmed by the fear that the course that General Wilson was pursuing would destroy and decimate the Marine Corps. Upon hearing this he reviewed the facts and the status of the personnel of the Marine Corps. He reviewed his own conclusions as to the proper personnel standards. Even though the discharges were approaching one-fourth of the corps, he stuck by his order that the quality be maintained.

History proved him to be right. The major personnel problems were corrected and the corps emerged all the stronger for it. This was accomplished because of Louis Wilson's guiding hand, outstanding leadership and unrelenting insistence on quality. Few other men could have brought about the achievements which came about because he stood firm for quality and gave leadership by personal example. General Wilson thus set an example that influenced the other military services for the good in this difficult field at a dangerous time. In my years as chairman of the Senate Armed Services Committee I believe he was the most influential military officer I have had contact with as a member of the Joint Chiefs of Staff.

I know that Louis Wilson would prefer that his tenure and record as Commandant be judged solely on results. On that basis, the record is clear. He is leaving the Marine Corps a better organization because of this leadership. I think this is the highest tribute he would want.

Mr. President, to me General Wilson exemplifies character and integrity. He has conducted himself as a living example of what young men should strive to be. Our Nation, the national defense, and the Marine Corps are the better for his lifetime of devotion to duty.

His friends are the better for having known him. I join with all of them in wishing to him and to Jane, his wonderful wife, a very happy and productive new life in the civilian community.

Jane Wilson has definitely been a major contributing factor in the splendid military career that the two of them have lived and achieved in unison and complete cooperation. Mrs. Wilson is a lady of charm and intelligence and is a true and loyal patriot of the finest quality. I esteem her highly. Mrs. Stennis shares with me these good wishes for two fine people, Louis and Jane Wilson.●

WHITE HOUSE CONFERENCE IS OPPORTUNITY TO TURN THINGS AROUND FOR SMALL BUSINESS

● Mr. LEVIN. Mr. President, after World War II, small business enterprise in this country went into a 30-year decline, which was dramatized in a 1975 Wall Street Journal article which declared that the small business owner was the forgotten person of American politics.

During the same year, the Senate Small Business Committee, of which I am a member, began an extraordinary effort to reduce the accumulated burdens of taxation, regulation, paperwork, and general indifference that had doubled the number of business bankruptcies, reduced the formation of new technical enterprises to almost zero, and resulted in the shutdown of some 25,000 pension plans.

Over 200 days of hearings have since been held on these and a range of other problems. Out of this research have come many proposals for legislation, administrative actions, and machinery to give small firms greater input into the making of Federal Government policy.

Among the major bills that have resulted from this activity are:

The most progressive corporation income tax since that levy was imposed 70 years ago, which will save the business earning $100,000 $14,750 per year from prior level of the tax;

A thorough reform of the estate tax, for the first time since 1942, which tripled the amount of property which can be passed free of Federal taxes for estate and gift tax purposes;

A reduction of the capital gains tax on investment income from a maximum of 49.1 to 28 percent.

CALL FOR THE WHITE HOUSE CONFERENCE

The committee, under the distinguished leadership of the Senator from Wisconsin (Mr. NELSON) also realized that, in addition to particular changes in the laws and regulations, an overall integrated strategy was needed to revive the climate for small business and preserve the free private enterprise system in these difficult times.

To develop such a strategy, the committee called for a White House Conference on Small Business, which could focus the best thinking from many fields on this task.

In this way, the committee felt that the diverse problems and potential of these 14 million businesses, representing over half of the private sector jobs, 48 percent of the business output, 43 percent of the GNP, and over half of our industrial innovation, would receive concerted, long-range attention.

President Carter responded by announcing the country's first White House Conference on Small Business on April 6, 1978. The Conference, which will convene in Washington on January 14–17, is to be preceded by 12 regional and 45 State meetings, which are now in progress.

The Michigan meeting, for example is scheduled for June 14, 1979 at the Plaza Hotel in the Renaissance Center. At that time, the small business community of my State will be able to present their problems and proposed solutions, in writing and orally, and have a direct input to the recommendations which will be formulated for presentation to the Washington meeting. In addition, delegates will be elected from among those who attend, to carry the message to the Washington conference.

The Conference is a historic first. More than 25,000 spokesmen of independent business will probably participate in the shaping of findings and recommendations and selection of the 2,000 delegates who will make the final decisions on the content of the report which will be sent to President Carter on the theme: "Small Business—the Next 25 Years."

Changing the policies of the Nation is somewhat like trying to change the course of a supertanker. It will take a great amount of energy and time. But, a beginning has been made, and I know that the business community of Michigan will contribute their abundant talents to making the June 14 State forum and the January 1980 Conference in Washington the most effective possible instruments for advancing the interests of small business and the free enterprise system.

I ask that a "Progress Report" describing the activities of the Senate Small Business Committee and a letter indicating the President's intention to call the White House Conference on Small Business, be printed in the RECORD for the benefit of the small business community of my State and all others who have an interest in this Conference.

The material follows:

PROGRESS REPORT: SELECT COMMITTEE ON SMALL BUSINESS, U.S. SENATE

Despite the outstanding contributions of small business to American economy and society, several decades of neglect had left the small business community in this country on the critical list by the mid-1970's. In the past four years, the Senate Small Business Committee has made progress in changing this situation.

During the years 1975 through 1978, the Committee's activities resulted in major small business tax reforms, reduced paperwork, pension simplification, assistance for family farmers, and closer supervision over the Small Business Administration. Attention to small business in government, in the nation's press and academic institutions has been heightened, leading to the forthcoming White House Conference on Small Business.

This report capsulizes these developments and accomplishments:

The White House Conference on Small Business. As a culmination of this four years of activity, President Carter, Small Business Administrator A. Vernon Weaver, and Senator Gaylord Nelson last April announced the nation's first White House Conference on Small Business, to be held in Washington, D.C., in January 1980. It is to be preceded by 12 regional and 45 state meetings, which are now underway. The aims are to carefully delineate the problems of small business and develop an agenda for action over the next 25 years to restore a climate in which small business can be born, grow, and thrive. The 14 million small enterprises in the U.S. account for 55 percent of the private sector jobs, 48 percent of business output, 43 percent of the GNP, and more than 50 percent of all industrial innovations in this century. Given fair treatment, they can make vital contributions to the country's most valued goals.

Breakthroughs in Tax Reform for Small Business. In the four years 1975–78, Congress restructured the corporate income tax to subject all earnings under $100,000 to a progressive and significantly lower level of tax. Savings range from almost one-quarter for the smallest firms earning less than $25,000 to almost one half for those earning between $25,000 and $50,000, as shown in the table below.

Overall, the 94 percent of U.S. companies earning less than $100,000 will save $2 billion in federal taxes in 1979, and $2.2 billion in 1980 as a result of this legislation:

Small business tax savings 1975–79

Corporate income	Amount saved	Percentage reduction	Total saved in 1979 (in millions)
$25,000	$1,250	23	$371
50,000	8,250	47	616
75,000	12,750	43	592
100,000	14,750	36	449
Total			2,028

Public hearings in 1975 resulted in a thorough reform of federal estate and gift tax laws, including: an increase of the "marital deduction" available to surviving spouses to $250,000; tripling of the amount of property exempt from estate tax to $175,000; tripling the gift exemption to $100,000; and providing 15 years for payment of estate taxes attributable to farms or small businesses.

A 1978 Committee investigation on capital formation brought a deep reduction of the maximum tax rate on capital gains—from 49.1% to 28%—a cut of 43%. The Nelson proposal enacted by Congress will exclude 60% of capital gains from taxation (compared to the previous 50%). This has already led to an increased flow of venture capital to new and small enterprises. In addition:

Subchapter S of the Internal Revenue Code (used by 300,000 closely-held businesses) was substantially revised and liberalized, increasing the maximum number of shareholders from 10 to 15.

The Investment Tax Credit was increased 43% for all business (from 7% to 10%) but 185% for small firms buying used machinery, because the amount of used machinery eligible for the investment credit was doubled ($50,000 to $100,000).

The excise tax was graduated for small brewers, saving 35 small breweries $2 per barrel on their first 60,000 barrels of production, or a total of $4.2 million a year.

A Small Business Advisory Committee was formally established at the Treasury Department at the Committee's request.

A sweeping small business depreciation reform bill developed over the past four years almost passed Congress in 1978. This proposal (S. 110) offers massive simplification, eliminating 100 pages of regulations for the 80% of U.S. businesses purchasing less than $25,000 per year in equipment, along with an additional $1.5 billion of capital formation for these companies. It passed the Senate in 1978, but was eliminated from the tax bill in the closing moments of the 95th Congress.

Reduction of Government Paperwork. The first success was creation of a Federal Paperwork Commission which, in turn, conducted a two-year study of paperwork problems. At the end of 1978, 151 of the Commission's 520 recommendations for paperwork reduction had been acted upon; eliminating 400 federal reports.

Another committee bill consolidated into a single annual filing the form 941 on which each of the nation's 4½ million employers must list the name of every employee. Beginning in 1978, this law eliminated a stack of paper more than two miles high every year.

In 1976, the Committee got the Labor Department to drastically reduce the new ERISA pension form (EBS–1) from 16 to 5½ pages. Cutting 10½ pages for each of the nation's 710,000 retirement plans reduced paperwork by 7½ million pages.

An amendment to the 1977 Minimum Wage bill reduced 12 pages of applications and instructions on hiring part-time students to a single postcard. This resulted in an increase in more than 5,000 part-time jobs the following year from businesses newly willing to apply.

In 1979, the Committee Chairman introduced a comprehensive bill to require the Federal Government to cut paperwork 25 percent within two years, or to explain to the Congress why it cannot be done. (S. 259)

Beginning the Process of Reducing Governmental Regulation. Committee studies demonstrated the cost of governmental regulation, and showed that regulations have been a greater source of increased housing costs than labor and materials. As a result, the median price of homes is now more than $50,000, out of range for three-quarters of all U.S. families.

Senator Nelson's "Regulatory Flexibility Act", calling for "two-tier regulation" passed the Senate in 1978 but was not enacted. It would distinguish between large companies that can bear the costs of sophisticated regulations and small firms which cannot. (S. 299)

Another bill, the "Regulatory Procedures and Improvements Act of 1979" (S. 93) would require government to state the cost of regulations and justify the benefits in each instance. Both bills are pending in the current 96th Congress.

Simplification of Pension Reporting and Compliance. The Committee held the first Congressional hearings highlighting the adverse effects of the Pension Reform Act of 1974 (ERISA) on the more than 90 percent of U.S. pension plans sponsored by small businesses. It found that, because of ERISA, the ratio of retirement plan creations to terminations fell from about 14–1 in the five years prior to the law to 3.6 and 1.5 to 1 respectively in 1975 and 1976. Almost 25,000 pension plans closed down in those two years. As a result of these hearings:

The Labor Department reduced the EBS–1 form from 16 to 5½ pages (1975);

The Labor Department and the Internal Revenue Service agreed to limit themselves to a single annual report (1977);

The Administration simplified reporting to plan participants and beneficiaries (Reorganization Message, 1978);

The Labor Department modified the "prudent man" regulations to facilitate investment in small business (April 26, 1978).

Improving Capital Formation for Small Business. In 1978, the Committee began the most concerted congressional investigation of credit and capital needs of small business of the past twenty years.

The initial hearings at the American Stock Exchange in New York and elsewhere laid the basis for approval of Senator Nelson's proposal to cut capital gains taxes from 49.1 percent to 28 percent. The hearings are continuing in 1979.

Requiring a Fair Share of Government Contracts for Small Business. The Committee has consistently pushed for a greater proportion of government contracts of all kinds to be opened to cost-competitive small firms. for example, in research and development, small business has a brilliant record of producing half of all the country's innovation, but it receives only 3.4 percent of federal research contracts.

In 1978, the Committee developed the most comprehensive legislation for small contractors of the past 20 years and gained its enactment as Pub. L. 95–507. The new law requires Federal agencies to establish specific goals for small business contracts, and the appointment of a responsible official at each agency to assist small firms in obtaining this business. Additionally, every large prime contractor must now have a formal subcontracting procedure on each contract.

Another Committee report (S. Rept. 1413) recommended that the Executive Branch lay down targets for small business R & D procurement that could mean an extra $2 billion for small firms.

Imposing a Tighter Rein on the Small Business Administration. In 1978, the Committee developed legislation which would: (1) tighten controls over the SBA through Congressional review of the Agency's budget; (2) strengthen the agency's advocacy program; (3) increase the number of Small Business Development Centers in universities throughout the country to render services similar to the Agricultural Extension Service; (4) create a small business "data base" to improve the quality of small business research; (5) provide for a national small business economic policy mechanism; (6) increase support for venture capital investment; and (7) provide adequate funds for the White House Conference. This bill passed both the Houses of Congress but was not signed by the President. It has been modified and reintroduced in 1979, and has been reported to the Senate as S. 918.

Helping the Family Farm Survive. The Committee legislated an extension of Small Business Administration programs to family farmers. Another initiative was the investigation of the 160-acre size limitation on farms receiving Federal water. A bill has been introduced to assure this land remains in family farm ownership.

Initial Steps toward Product Liability Relief. Committee hearings revealed that some businesses experienced premium increases for liability insurance of up to 1,000 percent, and others could not obtain such insurance at any price. A Nelson-Culver bill enacted as part of the Revenue Act of 1978 provided for a 10-year carry-back of product liability losses and the lifting of the accumulated earnings penalty on after-tax product liability reserves.

Women in Business. Committee conferences on the problems of women business owners in 1976 raised the visibility of this issue and led to a national program to promote and assist women owners of businesses.

Increased Stature of Small Business in the Congress and the Nation. The Congressional Small Business Committees, particularly in the Senate, made great strides in the past four years. The Senate Committee was given legislative authority over all matters pertaining to the Small Business Administration, the Small Business Act, and the Small Business Investment Act. The Committee consults 200 business organizations in seeking to develop the most effective working agenda for the nation's small business community.

The White House,
Washington, April 5, 1978.

Hon. Gaylord Nelson,
U.S. Senate,
Washington, D.C.

To Senator Gaylord Nelson: I have carefully reviewed your October 1976 memorandum recommending a White House Conference on Small Business, as well as the additional memorandum of last autumn. This material and our recent discussion have satisfied me that such a conference would be very constructive for the Nation's 14 million small and independent businesses. Therefore, I intend to call a White House Conference on Small Business, as you suggested by Senate Resolution 105 which you authored.

I believe such a conference can help us identify the many special problems facing small business and design an agenda that addresses them in a constructive way. As you know, the 14 million small businesses represent a much larger part of our economy than is commonly recognized. They account for over 50 percent of all private employment, 43 percent of the gross national product and over half of all inventions.

You have been a leader in devising ways to help this important sector of our economy grow and prosper. Administrator Vernon Weaver of the Small Business Administration will be working closely with you in preparation for the White House Conference.

Sincerely,

Jimmy.●

SELECT COMMITTEE ON ETHICS UNDER RULE 43, PARAGRAPH 4 PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. STEVENSON. Mr. President, it is required by paragraph 4 of rule 43 that I place in the Congressional Record this notice if a Member, officer, or employee of the Senate proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received a request for a determination under rule 43 which would permit Dr. Leonard Weiss of the Committee on Governmental Affairs to participate in a program sponsored by a foreign educational organization, the Research Institute of the German Society for Foreign Affairs of the Federal Republic of Germany. The program, to be held in Bonn from May 13 to May 16, 1979, in-

volves a conference on reconciling energy needs and nonproliferation.

It has been determined that Dr. Weiss' participation in this program, at the expense of the society is in the interests of the Senate and the United States.●

AUTHORITY FOR ORDER OF PROCEDURE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I be authorized on tomorrow morning to call up either S. 662, which is the Inter-American Development Bank bill, or S. 584, a bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, it will be my hope that I will not have to call up the arms export bill until next Tuesday, but that depends upon circumstances that right at the moment are not under my control. But I sincerely hope that it will be possible to put that bill over until Tuesday, in which case I would proceed, then, to take up the International Bank bill tomorrow.

As I say, the circumstances are not entirely under my control at the moment.

Mr. BAKER. Mr. President, can the majority leader tell us what time we are likely to convene tomorrow?

Mr. ROBERT C. BYRD. Yes, I have a 9 o'clock order. I may know further in just a few minutes; it may be we can change that to 10 o'clock.

Mr. President, I thank the Chair for indulging me.

Mr. President, I change the order as follows:

Mr. President, I ask unanimous consent that the majority leader be authorized to call up the bill S. 584, a bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes, either on Tuesday or Wednesday of next week, at any time.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

INTER-AMERICAN DEVELOPMENT BANK, ASIAN DEVELOPMENT BANK, AND AFRICAN DEVELOPMENT FUND PARTICIPATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 143, S. 662, with the understanding that there will be no action this evening.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 662) providing for increased participation by the United States in the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

U.S. FOREIGN ASSISTANCE PROGRAMS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration, for not to exceed 1 minute, of Calendar Order No. 146, which I believe has been cleared.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 92) expressing the sense of the Senate that the President should review the foreign assistance program of the United States with a view toward providing such assistance through multilateral organizations and private international organizations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Foreign Relations with an amendment to strike all after the resolving clause and insert the following:

That the President is hereby requested—

(1) to review the foreign assistance programs of the United States to determine whether more or all development, humanitarian, and disaster assistance should be provided through (A) multilateral organizations and (B) private voluntary organizations; and

(2) to report to the Congress not later than September 5, 1979, on the results of the review requested under clause (1).

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. JAVITS. Mr. President, this excellent resolution was proposed to the Committee on Foreign Relations by Senator PELL of Rhode Island. It seeks to direct attention to the opportunities which exist for the utilization of private voluntary organizations in the utilization of such programs rather than an emphasis on bilateral assistance programs in providing U.S. development, humanitarian and disaster assistance, also the desirability of utilizing multilateral organizations for that purpose.

As originally phrased, it would have asked the Committee on Foreign Relations in the Senate to decide that is the route we wanted to go. But although we liked the idea in the committee, we decided that we should leave the question for determination, for advice to us, by the President with the requirement that he give us a report not later than September 5, 1979, and that is the way in which the resolution now reads.

That is, to review the foreign assistance programs of the United States to determine whether more or all development, humanitarian and disaster assistance should be provided through first multilateral organizations and second private voluntary organizations.

Senator PELL was gracious enough to accept this formulation. I believe it is highly desirable and an extremely useful enterprise on the part of Senator PELL, and I commend the resolution in its present form, which will give us what we want to make, a judgment, but will not try to make the judgment in the resolution itself before we have the advice of the President.

I commend this resolution to the Senate, and hope that it will pass.

I thank the Chair.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Expressing the sense of the Senate that the President should review the foreign assistance program of the United States with a view toward providing such assistance through multilateral organizations and private international organizations.

Whereas the United States desires to continue to help the less developed countries in their efforts to acquire the technology and resources necessary for development; and

Whereas the idea of providing development, humanitarian, and disaster assistance, pioneered by the United States, has been taken up by multilateral organizations as well as by other countries; and

Whereas multilateral organizations and private organizations are becoming increasingly important and effective in providing development and other forms of assistance because, among other reasons, their activities are not influenced by national considerations; and

Whereas a new International Development Cooperation Administration has been proposed as an independent agency within the executive branch: Now, therefore, be it

Resolved, That the President is hereby requested—

(1) to review the foreign assistance programs of the United States to determine whether more or all development, humanitarian, and disaster assistance should be provided through (A) multilateral organizations and (B) private voluntary organizations; and

(2) to report to the Congress not later than September 5, 1979, on the results of the review requested under clause (1).

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Amend the title so as to read: "Resolution requesting the President to review the foreign assistance programs of the United States, and for other purposes.".

The title was amended so as to read:

Resolution requesting the President to review the foreign assistance programs of the United States, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL MUSEUM DAY

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 262.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

H.J. Res. 262, to declare May 18, 1979, to be National Museum Day.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the resolution be considered as having been read the first and second time and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution (H.J. Res. 262) was passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the action of the Senate today in passing Senate Joint Resolution 62, which is a companion measure, be vitiated, and that the measure be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the Senate has just passed House Joint Resolution 262.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes it business today it stand in recess until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF S. 662 ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at 10:30 a.m. tomorrow the Senate resume consideration of the pending business, S. 662, Calendar Order No. 143.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR LEAHY ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow Mr. Leahy be recognized, after the two leaders have been recognized under the standing order, and that he be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF LEADERS REDUCED TO 5 MINUTES

Mr. ROBERT C. BYRD. Mr. President, if it is agreeable with the distinguished minority leader, I ask unanimous consent that the time of the two leaders, under the standing order on tomorrow be reduced to 5 minutes each.

Mr. BAKER. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will come in at 10 o'clock tomorrow morning. After the two leaders have been recognized, each for not to exceed 5 minutes, Mr. Leahy will be recognized for not to exceed 15 minutes.

At 10:30 a.m., the Senate will resume consideration of Calendar Order No. 143, S. 662, a bill providing for the increased participation by the United States in the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund.

It is the hope of the leadership on both sides of the aisle that the Senate will complete action on that bill tomorrow.

Rollcall votes will occur. As to any other measures that have been cleared for action—and, hopefully, there will be some that will have cleared the 3-day rule by tomorrow—we may be able to take action on them by unanimous consent. If such be the case, we shall do that.

Mr. BAKER. Will the majority leader yield?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. I thank the majority leader.

Mr. President, I take a brief moment to thank the distinguished senior Senator from New York (Mr. Javits) for his concurrence in this arrangement. I talked to him on the telephone from the cloakroom a few minutes ago. He had been under the impression that we would proceed to the Foreign Military Sales Act tomorrow. I rather suspect he was prepared to proceed with that tomorrow, being the ranking member of the Foreign Relations Committee. Senator Javits, in his typical gracious way, has agreed to try to rearrange his schedule and his preparation to be here tomorrow to manage for our side the bill that the majority leader has identified, which is now pending before the Senate.

I asked the majority leader to yield so I could express my gratitude to the distinguished Senator from New York, who has made it possible for us to proceed in this way without any difficulty or delay.

Mr. ROBERT C. BYRD. Mr. President, I thank the able minority leader. I join in thanking the distinguished Senator from New York (Mr. Javits) for his cooperation and characteristic courtesy.

RECESS UNTIL 10 A.M. TOMORROW, MAY 17, 1979

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and, at 8:34 p.m., the Senate recessed until tomorrow, May 17, 1979, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 16, 1979:

Federal Reserve System

Emmett John Rice, of New York, to be a member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1976, vice Stephen S. Gardner, deceased.

The Judiciary

James P. Jones, of Virginia, to be U.S. district judge for the western district of Virginia, vice a new position created by Public Law 95–486, approved October 20, 1978.

Interstate Commerce Commission

Darius W. Gaskins, Jr., of the District of Columbia, to be a member of the Interstate Commerce Commission for the term expiring December 31, 1984, vice Virginia Mae Brown, term expired.

Thomas A. Trantum, of Connecticut, to be a member of the Interstate Commerce Commission for the term expiring December 31, 1985, vice Rupert L. Murphy, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 16, 1979:

National Council on the Humanities

Kay Howe, of Colorado, to be a member of the National Council on the Humanities for the remainder of the term expiring January 26, 1980.

Charles V. Hamilton, of New York, to be a member of the National Council on the Humanities for a term expiring January 26, 1984.

Louis J. Hector, of Florida, to be a member of the National Council on the Humanities for a term expiring January 26, 1984.

M. Carl Holman, of the District of Columbia, to be a member of the National Council on the Humanities for a term expiring January 26, 1984.

Jacob Neusner, of Rhode Island, to be a member of the National Council on the Humanities for a term expiring January 26, 1984.

Mary Beth Norton, of New York, to be a member of the National Council on the Humanities for a term expiring January 26, 1984.

Sister Joel Read, of Wisconsin, to be a member of the National Council on the Humanities for a term expiring January 26, 1984.

Leon Stein, of New York, to be a member of the National Council on the Humanities for a term expiring January 26, 1984.

Harriet Morse Zimmerman, of Georgia, to be a member of the National Council on the Humanities for a term expiring January 26, 1984.

Dave Warren, of New Mexico, to be a member of the National Council on the Humanities for the term expiring January 26, 1982.

A. D. Frazier, Jr., of Georgia, to be a member of the National Council on the Humanities for the remainer of the term expiring January 26, 1982.

Department of Labor

Janet L. Norwood, of Maryland, to be Commissioner of Labor Statistics, U.S. Department of Labor, for a term of 4 years.

National Museum Services Board

The following-named persons to be members of the National Museum Services Board for terms expiring December 6, 1983:

Douglas Dillon, of New York.

Neil Harris, of Illinois.

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

The following-named persons to be members of the National Advisory Council on Women's Educational Programs for terms expiring May 8, 1981:

Sister M. Isolina Ferre, of Puerto Rico.
Anna Doyle Levesque, of Rhode Island.
Susan Margaret Vance, of Illinois.

DEPARTMENT OF STATE

Philip Henry Alston, Jr., of Georgia, now Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia, to serve concurrently and without additional compensation at Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru.

Sally Angela Shelton, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Grenada and the Commonwealth of Dominica, and as Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Saint Lucia.

Walter Leon Cutler, of Virgina, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iran.

Lawrence A. Pezzullo, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Nicaragua.

Alfred L. Atherton, Jr., of Florida, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

TAX EXEMPT HOME MORTGAGE BONDS

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. HEFTEL. Mr. Speaker, I have followed with great interest the controversy surrounding tax-exempt home mortgage bonds which has grown in intensity since the introduction by my good friend, the distinguished chairman of the Ways and Means Committee (Mr. ULLMAN), of H.R. 3712, which deals with these bonds. I congratulate the chairman of our Ways and Means Committee for so promptly scheduling hearings on his bill.

The effect of H.R. 3712 would be to allow the issuance of only those home mortgage bonds, with certain exceptions, which are issued before May 25, 1979, pursuant to a binding written agreement between an issuing agency and an underwriter to sell such obligations that was entered into before April 25, the date of introduction of Chairman ULLMAN's bill. In essence, with some exception, the bill will remove the current tax exempt status for bonds which are used for mortgages for single family housing.

I can well appreciate the concern that has arisen over the unrestricted use of these bonds. Their volume has increased substantially in the past several months, both in those issued by State housing agencies and those issued by cities and political subdivisions. Certainly, some controls are necessary to prevent abuses and to minimize the erosion of Federal tax receipts, a situation we cannot afford in this period of fiscal austerity.

Mr. Speaker, while I agree with the need to restrict such bond issues, I firmly believe that a financial assistance program is needed for low- and moderate-income families to purchase homes. For that reason, I have introduced a bill, H.R. 4030, which permits States and municipalities to continue to issue these bonds to finance mortgages for households whose income is less than 120 percent of the area's median income. I would like to point out that my bill undertakes to do precisely what the President has recommended. Indeed, in his budget message earlier this year, the President recognized the problem and said he would propose legislation "to limit the use of tax-exempt funds for mortgage financing to low- and moderate-income families or to other, narrowly targeted public policy objectives."

It is my understanding that the Department of Housing and Urban Development, the Department charged with the responsibility of meeting America's housing needs, generally favors the approach I have taken in this bill. It is my hope that during the hearings we will be able to obtain some definitive data concerning not only the actual revenue to the Treasury which is foregone as a result of the tax-exempt status of these bonds, but also the impact any legislation in this area will have on our housing industry.

This is a matter which deserves the close attention of all Members, Mr. Speaker, and I hope that my colleagues on the Committee and in the full House will give their serious consideration to this important legislation.●

LESTER FLATT

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. BONER of Tennessee. Mr. Speaker, last Friday, country music lost one of its best loved and most renowned performers, Lester Flatt. Mr. Flatt's professional career began in 1944 when he was hired as the lead singer for Bill Monroe's Bluegrass Boys, the pioneering bluegrass ensemble. Later he joined with Earl Scruggs in April of 1948; a union which became one of the most famous teams in the history of country music. Touring the country with their band, the Foggy Mountain Boys, they became noted for their "Foggy Mountain Breakdown," the theme for the movie "Bonnie and Clyde," and the "Ballad of Jed Clampett" from the "Beverly Hillbillies" television series.

Mr. Flatt's "old-timey" guitar style and his keen singing reflected the traditional virtues of rural Southern music. In combination with Mr. Scruggs, however, the two men exerted a considerable influence on the pop-music world of the 1960's, as their appearances in big-city nightclubs, colleges, outdoor summer festivals, and even Carnegie Hall attested. The duo broke up in 1969 at which time Mr. Flatt continued with the Old Flatt and Scruggs Band, now renamed the Nashville Grass. He performed at more than 50 colleges a year and as late as last February, Mr. Flatt was talking about a resumption of touring and a possible reunion with Mr. Scruggs.

Mr. Flatt fostered the development of new young stars with special emphasis on young mandolin players which was a departure from the old Flatt and Scruggs image. In addition to touring, the team of Flatt and Scruggs performed often on early morning radio programs in Nashville, Tenn. They were always a popular attraction to the fans who attended the Grand Ole Opry in Nashville on which they performed often. Additionally, the team appeared on their own television program in Nashville which ran for many years.

The country music industry has truly lost a good friend and performer. His style of music will be remembered for many years to come and his influence on country music will never be forgotten.●

RESULTS OF SURVEY

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. BROOMFIELD. Mr. Speaker, each year I conduct a districtwide survey of my constituents to ascertain their views on several major issues confronting the Nation.

This year, nearly 20,000 residents of Michigan's 19th Congressional District, which I am honored to represent, took their time to respond to my questionnaire. Several hundred expanded upon their views in separate letters.

Mr. Speaker, because I find the views expressed so helpful, I would like to share the results of my survey with my col-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

leagues in the Congress. As my colleagues consider the results, I must add that most of the responses to the survey and the question regarding nuclear energy were made prior to the Three Mile Island nuclear plant accident.

1979 CONGRESSIONAL POLL RESULTS

(Tabulated by General Marketing, Wheaton, Md.)

(1) Would you support a Constitutional Amendment requiring a balanced Federal budget except in times of national emergency? Yes 78%. No. 20%. Undecided 2%.

(2) Do you approve of President Carter's decision to terminate diplomatic relations and bilateral security agreements with Taiwan? Yes 36%. No 57%. Undecided 7%.

(3) Would you favor a national health insurance program administered by the Federal government and paid for through payroll tax deductions? Yes 25%. No 72%. Undecided 3%.

(4) Would you favor Federal financing of Congressional elections? Yes 21%. No 75%. Undecided 4%.

(5) Would you favor mandatory wage and price controls to combat inflation if President Carter's voluntary program proves ineffective? Yes 54%. No 43%. Undecided 3%.

(6) Do you feel the Administration's human rights program has enhanced the cause of peace and U.S. foreign policy throughout the world? Yes 29%. No 64%. Undecided 7%.

(7) Should the U.S. reinstate the draft to insure quality and quantity in America's armed services? Yes 60%. No 36%. Undecided 4%.

(8) In general do you support the Administration's current policy in the Middle East? Yes 50%. No 42%. Undecided 8%.

(9) Do you believe that nuclear energy should be developed as a prominent energy alternative to oil and gas? Yes 76%. No 20%. Undecided 4%.

(10) Do you believe that revenue from general tax funds should be used to subsidize the Social Security System? Yes 44%. No 51%. Undecided 5%.●

NATIONAL GUARD DAY 1979

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. BROWN of Ohio. Mr. Speaker, for 342 years, the National Guard which was originally known as the militia has been the symbol of the American citizen-soldier/airman who is always prepared to leave his work, school, and home to defend his country, State, or community in times of danger. This dedication should be recognized by the Nation as a reminder of the personal sacrifices made by guardsmen in defense of the country in peace and war.

In times of war, the National Guard augments the active Army and Air Force by providing citizen-soldiers/airmen who are trained, equipped, and ready to contribute to the Nation's defense. The National Guard has participated in every war in which our country has been involved.

In times of peace, National Guardsmen provide assistance during natural disasters and local emergencies. The National Guard responded to 298 emergencies in 1978 in which 32,363 guardsmen in 48 States were involved.

As a result of the end of the draft, the National Guard is having severe problems recruiting and retaining enough people to meet its authorized strength. As a matter of fact, the Army National Guard strength has declined from 410,682 at the end of fiscal year 1974 to its current strength of 344,927 as of December 31, 1978. Its authorized strength for fiscal year 1979 is 417,653.

On October 7, the National Guard will be 343 years old. It would be most appropriate to again commemorate the National Guard on that date by proclaiming it "National Guard Day." This would bring to the attention of the American people the role of the National Guard in defending the Nation from foreign enemies and in serving communities, in times of domestic emergencies and disaster. This recognition serves to publicize the Guards' roles and missions which in turn would enhance and stimulate its recruiting and retention efforts, at no additional cost to the Government.

Accordingly, I hope you will agree to join me in cosponsorship of this resolution recognizing our citizen-soldiers.

The following is a list of Members cosponsoring this resolution:

LIST OF COSPONSORS OF THE RESOLUTION

1. Abdnor.
2. Akaka.
3. Alexander.
4. Anderson of California.
5. Annunzio.
6. Applegate.
7. Archer.
8. Bauman.
9. Beard of Tennessee.
10. Bedell.
11. Bevill.
12. Brademas.
13. Broyhill.
14. Carter.
15. Collins of Texas.
16. Corcoran.
17. Corrada.
18. Coughlin.
19. Daniel, Dan.
20. Daniel, Robert W., Jr.
21. de la Garza.
22. Dingell.
23. Dornan.
24. Duncan of Oregon.
25. Duncan of Tennessee.
26. Emery.
27. English.
28. Ertel.
29. Evans of Delaware.
30. Florio.
31. Forsythe.
32. Fountain.
33. Frenzel.
34. Gephardt.
35. Gibbons.
36. Gore.
37. Gradison.
38. Guyer.
39. Hamilton.
40. Hanley.
41. Hansen.
42. Holland.
43. Horton.
44. Hughes.
45. Jenrette.
46. Johnson of Colorado.
47. Kildee.
48. Kindness.
49. LaFalce.
50. Lagomarsino.
51. Lloyd.
52. Long of Maryland.
53. Lott.
54. McCormack.
55. McDade.
56. McDonald.
57. Miller of Ohio.
58. Montgomery.
59. Murphy of Illinois.
60. Myers of Indiana.
61. Nichols.
62. Panetta.
63. Patten.
64. Pickle.
65. Quillen.
66. Rinaldo.
67. Roe.
68. Satterfield.
69. Simon.
70. Skelton.
71. Snyder.
72. Staggers.
73. Stump.
74. Thompson.
75. Treen.
76. Van Deerlin.
77. Vento.
78. Walgren.
79. Whitehurst.
80. Whitten.
81. Wilson, Bob.
82. Winn.
83. Wylie.
84. Yatron.
85. Young of Florida.
86. Young of Missouri.
87. Zablocki.
88. Zeferetti.
89. Flood.
90. Ambro.

The text of this House joint resolution is as follows:

H.J. RES 326

Whereas several units of the militia of the Massachusetts Bay Colony were organized on October 7, 1636, as the First Militia Regiment and became the forerunner of the National Guard of the United States;

Whereas the National Guard has served with distinction, during the three hundred and forty-three years since 1636, in every major military conflict involving the United States, from the Revolutionary War through the Vietnam conflict;

Whereas the National Guard currently consists of nearly four hundred and fifty thousand volunteer soldiers and airmen, organized into nearly four thousand military units located in the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands, and forms the Reserve Military Force that supports the Regular Army and Air Force; and

Whereas the people of the United States owe a debt of gratitude to those citizen soldiers and airmen who are members of the National Guard for their continuing contribution to the security of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation declaring October 7, 1979, as "National Guard Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.●

TRIBUTE TO LANGSTON HUGHES

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. FAUNTROY. Mr. Speaker, today, my colleague, the gentlelady from Illinois, Representative CARDISS COLLINS and I join in a small recognition of the life and works of one of our Nation's most important literary figures—Langston Hughes.

Recognized as the black poet laureate, Langston Hughes was a prolific writer who not only mastered poetry, but proved equally skillful in writing the short story, novel, play, song, musical comedy, opera, and autobiography.

It is often said that Langston Hughes' volumes captured the essence of the black experience in America—blues, humor, struggle, and hope. In focusing on the black experience, Langston Hughes also captured the essence of America.

Despite being censored for his critical commentaries on social injustice, Langston Hughes' faith in our Nation was deep and everlasting. He believed that this country could fulfill the dream full of opportunity and equality for all Americans.

As we take a moment to recognize the distinguished life and writings of Langston Hughes, I want to compliment Georgia State Representative David Scott for his three-time Emmy award winning tribute to Hughes—the videotaped production "Langston," and the Coca-Cola Co., U.S.A. for its support of "Langston" and its efforts to stimulate greater national interest in Hughes and his writings.

I conclude my remarks by submitting the Hughes poem which served as his credo and a proclamation and resolution issued by the Mayor of the District of Columbia and the District of Columbia Council in honor of Langston Hughes.

I DREAM A WORLD

(By Langston Hughes)

I dream a world where man
No other man will scorn,
Where love will bless the earth
And peace its paths adorn.
I dream a world where all
Will know sweet Freedom's way,
Where greed no longer saps the soul
Nor avarice blights our day.
A world I dream where black or white,
Whatever race you be,
Will *share* the bounties of the earth
And every man is free,
Where wretchedness will hang its head,
And joy, like a pearl,
Attends the needs of all mankind.
Of such I dream—
Our world!

From the libretto Troubled Island music by William Grant Still.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To honor Langston Hughes and to declare the day of May 22, 1979 as "Langston Hughes Day".

Whereas, Langston Hughes was born in Joplin, Missouri, on February 1, 1902; and

Whereas, Langston Hughes began writing poetry at the age of fourteen (14), when his fellow classmates drafted him to compose the class poem; and

Whereas, Langston Hughes was awarded one of his first major literary prizes by "Opportunity Magazine" (then an Urban League publication) for his poem "The Weary Blues"; and

Whereas, Langston Hughes, who most eloquently mastered every literary form, produced more than thirty-five (35) books, some of which were, unfortunately, censored because of their social commentary on American society; and

Whereas, Langston Hughes, through his satire, humor and pathos portrayed the profound experience of being Black in a racist society and probed the vast complexities of being trapped in a cultural and psychological malaise of oppression; and

Whereas, Langston Hughes exhibited that mysterious quality in writing that we call "genius" with gained him the recognition of being called "The Black Poet Laureate" until his death on May 22, 1967.

Now, therefore, be it resolved by the Council of the District of Columbia, That this resolution may be cited as the "Langston Hughes Resolution of 1979".

SEC. 2. The Council of the District of Columbia hereby declares that Langston Hughes duely deserves this honor, and his works should be widely read, studied and appreciated, not just by all citizens of the District of Columbia, but by the entire world, and further declares that May 22, 1979 be designated as "Langston Hughes Day" in the District of Columbia.

SEC. 3. This resolution shall take effect immediately upon its adoption by the Council of the District of Columbia.

THE DISTRICT OF COLUMBIA,
Washington, D.C.

LANGSTON HUGHES MONTH, 1979—BY THE MAYOR OF THE DISTRICT OF COLUMBIA—A PROCLAMATION

Whereas, during the month of May 1979, the life and works of Langston Hughes will be remembered through appropriate ceremonies and celebrations including the showing of the award-winning public television special film, "Langston"; and

Whereas, Langston Hughes was a poet who brought great distinction to himself nationally and internationally through his writings of the many trials and tribulations of the Black experience and through his literary efforts widely diffused knowledge about the Black experience; and

Whereas, in distinguishing himself, Langston Hughes has honored Black people everywhere and has demonstrated the rewards of diligence and discipline in developing one's innate abilities; and

Whereas, Langston Hughes was a prominent figure of the Harlem Renaissance and his works are greatly admired by contemporary scholars, poets, writers and students who often peruse his works; and

Whereas, the life of Langston Hughes not only inspires the youth of our nation but also exemplifies the hope, promise and fulfilment of the American dream:

Now, therefore, I, the Mayor of the District of Columbia, do hereby proclaim the month of May 1979 as "Langston Hughes Month" in Washington, D.C., and call on all of the residents of our great city to join with me in honoring Langston Hughes in grateful acknowledgement of the exceptionally outstanding contributions which he made to his fellow citizens and to all humanity.

MARION BARRY, JR.,
Mayor, District of Columbia.●

NATIONALIZING MEDICINE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. PAUL. Mr. Speaker, Dr. Hans Sennholz, chairman of the economics department at Grove City College, and one of our best economists, has written recently about the President's program for further nationalizing medicine.

This article, which appeared in Private Practice magazine, is an excellent analysis of why Government medicine is immoral and inefficient. I would like to call it to my colleagues' attention:

THE CARTER HEALTH PROGRAM

(By Hans F. Sennholz, Ph. D.)

Last month the Carter Administration announced the first stage of its multi-phase national health insurance program, a program grounded on the ten general principles the president unveiled last July. Congress will soon be presented with enabling legislation. The implementation of his plan will depend on economic conditions and on the other demands made on the federal budget.

The Carter principles encompass provisions for free health care for all Americans and freedom of choice for all patients in selecting physicians, hospitals, and other health delivery systems. They are designed to strengthen competitive forces, apply stringent cost-containment measures, increase the availability of ambulatory and preventive services, direct personnel to underserved regions, assure patient representation, and eliminate substandard care for the poor.

We must note that the American Medical Association did voice a few reservations about the Carter proposals. But organized labor and its spokesman, Senator Edward M. Kennedy, rejected them outright as a "piecemeal approach" with too many financial conditions and reservations. The labor-Kennedy plan calls for an immediate comprehensive system of socialized medicine.

Most physicians vigorously oppose not only every point of the Carter program, but also its very intent and design: the nationalization and politicalization of health care. They advocate freedom as the most beneficial system for all activities and pursuits, including for medical services. Even if freedom were not the most efficient and productive system, they would still choose it because freedom, in and of itself, has incalculable moral value. A free society, they believe, must take certain chances for the sake of freedom—chances which need not be taken in a police state because freedom there has no value.

It would take volumes of critical analysis to refute the errors and fallacies of the ten Carter proposals. In this column we must limit ourselves to a few basic observations on the moral and social implications of the program.

Unfortunately, half the work that is done in politics is to make things appear what they are not. The ten Carter principles promise to bring us "free health care," but will actually give us the most costly and captive system ever designed. Its very nature is so deceptive—we can never foresee its consequences.

Beyond taxes, government has no source of income. Every penny it spends, every benefit it bestows, must be extracted from the labors of a taxpayer. For every government beneficiary of health care there must be a victim, one who is deprived of food, clothing, housing, education, or some other essential. In fact, the victim's loss must logically be greater than the beneficiary's gain because of the costs of the forced transfer, i.e. the medical bureaucracy that dispenses the benefits and the bureaucracy that extracts the income from the victims. But even without such cost considerations we are always aware that income redistribution by governmental force not only creates economic and social conflict but also reduces economic well-being. After all, resources are redirected from areas where they served valuable ends to areas where they are misused and abused because they are making something available for "free." The bureaucracy needed to prevent the inevitable abuses will add additional costs that will reduce even further the economic well-being.

The Carter program would unleash more corruption and breed more scandals than any other political welfare scheme ever devised. Bureaucrats and politicians would sit in judgment of a health care industry torn by conflict and strife and rendered impotent by countless regulations imposed to prevent and/or correct the inevitable abuses. They would exculpate the "poor" and "underprivileged" from their role in such abuses, but severely condemn the physicians who might yield to the temptations. Where there is no freedom, the political authorities endeavor to establish order through fines and imprisonment.

The administration's proposed plan would render the health care industry completely dependent on the political process. The fate of health care—the quantity and quality of services rendered and the income and employment of all members of the industry—would be determined by the annual budget considerations and fund appropriations. Since the medical profession would have to compete with other federal expenditures such as housing, education, and national defense, its share of the federal pie would always be uncertain, if not precarious. Consequently, the industry would need to be organized effectively to engage in ardent political lobbying. It would have to convince every congressman and senator that it deserves a big slice of the pie. Failure to do so would bring instant contraction and depression to the industry.

The fund appropriation process would ultimately determine the income of every health care producer. It is common knowledge that physicians today are earning the highest income of all professionals. Some, in fact, are earning even more than US Congressmen and Senators. How long do you think this will last in socialized industry? After a few scandals come to light and public hearings point the light of the media to physicians' incomes, the Congressional appropriations will be made "lean" and "just"; that is, severely cut. Or, in a more subtle manner, inflation may be used to erode physicians' incomes until they fall below that of the politicians in charge. Is it not "just" that the founders and promoters of the system, i.e., the bosses, enjoy higher incomes than the workers?

There is virtual unanimity of opinion among physicians that the Carter plan, if enacted, would cripple the industry and enslave its members. But many millions of misguided Americans are applauding the program because it promises immediate benefits. Blinded by their own greed they embrace the principles of political redistribution that makes everyone's labors the property of the state. They do not understand the concept of freedom—the God-given right to pursue their own ends, in our way, as long as we do not deprive others of theirs, or impede their efforts to attain it.

It is not ease, but effort, that makes men. Physicians have encountered and overcome difficulties in every station of their lives. Now they are confronting the greatest danger ever: the socialization of their industry, which would make their labors the property of politicians and regulators.

It is better to meet danger than to wait for it. We do not know the outcome of the political battle that will determine the future of American medicine. But we do know that the crucial battle is raging now. To be weak is to be vanquished. Strength alone knows conflict and victory.

ENERGY PRICES AND INFLATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. PAUL. Mr. Speaker, we hear a lot of loose talk, which results from loose economic thinking, about energy and inflation.

To try to tighten some of the thinking in Washington, I would like to bring the following excellent article to my colleagues attention. Written by Dr. Richard E. Wagner, professor of economics at VPI, for Policy Report, it reminds us about the cause of inflation—the Federal Government's monetary policies—and why controlling or decontrolling energy prices has no effect whatsoever on inflation.

However, decontrolling energy prices—if we have sense enough not to increase the already onerous burden of taxation—will result in greater investment in energy, and more supplies for our people. More taxes and regulations will cause a permanent glut of bureaucrats and shortage of gasoline.

ENERGY PRICES AND INFLATION

(by Richard E. Wagner)

Each day seems to bring new expressions of concern about inflation. The wage negotiations between the trucking industry and the Teamsters Union have captured much attention. So have the rapidly rising prices of such commodity classes as energy, food, and housing. Energy prices are widely considered to be particularly vexatious. Neary everyone agrees that stronger incentives for the conservation of existing energy and for the production of new energy are incompatible with controls over energy prices. However, it is commonly feared that the elimination of price controls will intensify our inflation. For instance, the Energy and Power Subcommittee of the House of Representatives estimated that full decontrol of oil prices on June 1 would cost consumers $14 billion in the first year, thereby increasing our rate inflation by at least 0.5 percent. And this troublesome relationship between energy prices and inflation would seem clearly to have been aggravated by OPEC's recent price increase. Faced with what seemed to be a choice between more energy and more inflation or less of each, the Administration opted for gradual decontrol over a two-year period in an effort to reach some kind of middle ground.

In reality, however, the relationship between energy prices and inflation is not what we have been led to believe. We can have more energy and less inflation. Allowing energy prices to rise will not intensify inflation. Likewise, refusing to let oil prices rise will not contain inflation. There simply isn't any relationship at all between the price of energy and our rate of inflation. It is true that increasing demand or decreasing supply, other things being equal, will raise the price of energy. If the government stores vast amounts of oil in underground caverns or regulates Alaskan oil in such a way as to force its exportation to Japan, supplies will decrease and costs will rise. Similarly, if the United States guarantees Israel's oil needs as part of the recent "peace agreement," rises in the price of remaining domestic oil supplies will certainly follow. But we must always remember that oil prices and inflation are independent of each other. To understand this independence, it is necessary to distinguish between the cause of inflation and the effect.

There is no argument with the proposition that the decontrol of oil prices will result in higher prices for gasoline, heating oil, and various other products. Assuming there are no further government controls on the supply of energy, these higher prices will not, however, bring about a rise in the cost of living. There is no paradox here. Consumers may spend an additional $14 billion for energy, which makes it possible for energy prices to rise. However, they will consequently spend $14 billion less on other products, which means that the prices of these products must fall. Thus the increase in the price of energy will be offset by the decrease in prices of other products. The overall cost of living to consumers will not have increased. It will, of course, have increased to consumers for whom energy expenditures are a relatively large component of their budgets, but it will have decreased for consumers who use below-average amounts of energy. In no way can it be said that consumers in the aggregate face a higher cost of living as a result of rising prices for energy.

Because we are living in a period of generally rising prices, it is nevertheless possible for increases in energy prices to take place without decreases in other prices. Such a phenomenon, however, would occur only as a result of an expansion in the stock of money in our economy. It is this monetary expansion that makes it possible for prices to rise generally across the board. When energy prices rise simultaneously with the prices of food, housing, and other products, we can be sure that there has been an inflation of the stock of money. Otherwise, the rise in energy prices would have been offset by a decline in other prices. In other words, a general rise in prices is the effect of inflation in the stock of money, not the cause of inflation.

Recognition of this distinction between cause and effect is good news for economic policy because it means that policy toward energy is independent of policy toward inflation. The seeming interdependence between energy prices and inflation vanishes once the cause of inflation—money creation—is no longer confounded with its effect—rising prices. Once the relation between energy prices and inflation is seen properly, it becomes clear that we can eliminate the control of energy prices, thereby assuring ourselves of less disruption of energy supplies in the future, without affecting inflation. And we can rid ourselves of generally rising prices by stopping the printing of new money, without affecting energy. In short, if we pursue a correct monetary policy, we can have energy without inflation.●

TRIBUTE TO THE HONORABLE E. C. "TOOK" GATHINGS

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1979

● Mr. FOLEY. Mr. Speaker, I join the people of Arkansas in mourning the recent loss of one of its finest public servants, E. C. "Took" Gathings. It was my privilege to serve with Took in his last two terms in the House. His great knowledge of the agricultural problems and policies of this Nation were of great assistance to me and I shall long remember and treasure his counsel.

Took Gathings' 30 years of service to the people of the First Congressional District of Arkansas were marked by dedicated stewardship and service to the needs of his people and of his State. My wife and I offer condolences to his widow, Tolise and to their son and daughter as well.

This Southern gentleman will be missed by all who had the good fortune to know him.●

TRIBUTE TO EDWARD L. JOHNSON

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. ROUSSELOT. Mr. Speaker, on Thursday evening, May 17, 1979, I shall attend a most special event that is being held to honor a distinguished resident of California's 26th District, Edward L. Johnson of San Marino. A large number of people who have known Ed Johnson over the years will gather to express respect and esteem for this good and conscientious man who deserves their praise but would probably not have acquiesed to such an elaborate occasion except for the fact that the tribute to Ed Johnson dinner is a charity benefit to raise funds for the City of Hope Hospital.

It is typical of the character of Ed Johnson to believe that he owes a debt of gratitude to the people who serve at this hospital which has made such an outstanding contribution to the medical field, especially in the research, care and treatment of heart disease. Ed Johnson had a heart attack a couple of years ago. Through his faith, the prayers of his family and friends, and the aptitude of the people who gave medical attention, his life was sustained. For this, he is infinitely grateful and anxious for the chance to give voluntarily, and encourage his friends to also give, in a tangible way, to the City of Hope so that the work they do will continue for the benefit of others.

Ed Johnson is an exemplary Christian man. Ardently devoted to Joyce, his gentle wife, Ed joins her in total consecration to the Christian principles and allegiance to our country. In fulfillment of his obligation to church, family and society, Ed Johnson has been a participant in civic affairs and has given both of his time and effort to encourage good citizenship both in his community and at the National level.

He has a deep appreciation of our American Government, the Constitution of the United States, and the consummation of the American dream. Not content to let the Government of America be left to the mercies of officials elected in a careless manner, Ed Johnson has made an effort to know the men and women who serve in public office and has contributed in an open and generous manner to those whom he believes will protect and preserve our heritage. Ed Johnson is an American. He knows the birthright of a man born in a free society. He has labored, invested and benefitted from a productive life. Others have benefitted too.

Now, Ed Johnson is not the kind of man who would announce everything that he does for others, but I know of many deeds of kindness that he has expressed. One incident involves an individual whom he met here at the U.S. Capitol. On one of his frequent visits he went by the Members' prayer room and there met a student who was employed to keep guard over the sanctity of the room.

In exchanging conversation, Ed was taken with the young man's qualities and thus began an acquaintance with real returns to the student. There was correspondence and a continuing interest in the career of the young man which gave rewards perceptible both mentally and materially. This seemed a very special thing for a busy corporate executive to find time to do.

There you are, Ed Johnson is the kind of person who exemplifies the saying, "If you want to get something done, find a busy man to do it." He loves people and he has proven this in business. A successful entrepreneur in the financial business, he has always kept his mind on looking out for the small investors and has fought tenaciously for their rights.

Indeed he has been a bulldog in standing up for the homebuyer and the small saver. Ed knows the requirements and rewards of hard work and constancy to purpose. Mr. Speaker, I would like to bring to the attention of my colleagues in the House of Representatives, many of whom know Ed Johnson personally, a resume of his achievements as listed in his biography. Few of us can count as many accomplishments and all of us admire one who has put so much endeavor into his life.

The material follows:

EDWARD L. JOHNSON—A PROFILE

Edward L. Johnson, chairman and president of Financial Federation, Inc., represents the highest ideals in the financial community. A long-time resident of Southern California, he is widely known and respected for his many professional accomplishments in addition to having contributed to numerous civic and philanthropic endeavors.

The executive's activities on behalf of philanthropic and civic institutions read like a "Who's Who" of public service. A vice chairman of the City of Hope Board of Trustees, he is a director of Goodwill Industries of Southern California, board member of Pepperdine University and a member of the Association of Students and Business, U.C.L.A. Graduate School of Management.

A graduate of Northwestern University, where he was an instructor, he has served in similar teaching posts at the American Savings and Loan Institute in Los Angeles and Chicago. Professionally he is active in the National Association of State Savings and Loan Supervisors, U.S. League of Savings Associations, Council of Better Business Bureaus, Inc., the Conference Board and is an honorary Life director of the Los Angeles and Chicago chapter of Lambda Alpha, international honorary land economics fraternity.

Ed Johnson is a man dedicated to Christian principles and devotes much of his time to religious activities. The Board of Trustees is proud to honor such a distinguished member of the nation's business community.

BIOGRAPHY

EDWARD L. JOHNSON

Chairman and President, Financial Federation, Inc., Los Angeles, Calif.

Business Affiliations:

Present: Chairman and President, Financial Federation, Inc., Los Angeles ($2.2 billion holding company for 11 California savings and loan associations) (1959–).

Past: Executive vice president and director, American Savings and Loan Association, Whittier (1958–1959).

Executive vice president and director, Standard Federal Savings and Loan Association, Los Angeles (1953–1958).

Vice president and director, Bell Federal Savings and Loan Association, Chicago (1933–1953).

Professional Memberships:

Present: National Association of State S&L Supervisors; member; former chairman, Advisory Council.

U.S. League of Savings Association; member, Committee on Publicly Held Companies.

The Conference Board; member.

Lambda Alpha (international honorary land economics fraternity); honorary life director and former president, Chicago and Los Angeles chapters; past national president and treasurer. Grand chapter.

Council of Better Business Bureaus, Inc.; member, Board of Directors.

Past: President's National Business Council for Consumer Affairs.

National League of Insured Savings Associations; member, Executive Committee.

Federal Home Loan Bank Board; member, Advisory Council, Washington, D.C.

Federal Home Loan Bank; director, Chicago and San Francisco.

Residential Research Committee of Southern California; chairman.

Civic Organizations:

Present: City of Hope; vice Chairman, Board of Trustees.

Goodwill Industries of Southern California; member, Board of Directors.

Pepperdine University Board; member and recipient of Regent's Award from the University of Pepperdine.

Association of Students and Business, U.C.L.A. Graduate School of Management; member.

The Newcomen Society in North America; member.

American Academy of Achievement; member and recipient of The Golden Plate Award (1964).

Past: American Revolution Bicentennial Commission of California, Inc., president.

Attorney General's Volunteer Advisory Committee; member.

District Attorney's Advisory Council; member.

Redevelopment Commissioner, City of Chicago.

Political Memberships:

Present: Republican Associates.

Past: United Republican Finance Committee of Los Angeles County; chairman.

Religious Activities:

Present: Chistianity Today; director.

Campus Crusade for Christ International; member, Board of Directors.

Moody Bible Institute; trustee.

Moody Institute of Science; trustee and chairman, Advisory Committee.

World Wide Pictures; member, Board of Directors.

Nelson Bible Award Selection Committee; member.

Christian Bible Society; member, Advisory Board.

Clubs:

Present: The California Club; member.

Jonathan Club; resident member.

Education:

American Savings and Loan Institute, Chicago and Los Angeles; instructor.

Northwestern University; instructor, real estate finance.

Northwestern University, B.S., 1932, real estate and land economics.●

THE INFANT NUTRITION ACT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. DELLUMS. Mr. Speaker, every day, throughout the developing world, helpless babies suffer a slow and agonizing death from a syndrome known as "baby bottle disease." Fed on infant formula that often is nothing but whitened, contaminated water, they die of various causes: Malnutrition, gastroenteritis, pneumonia, myasma, cholera. Yet these needless and tragic deaths might be averted, if only their mothers knew that breast milk is the best possible nutrition they can give their children. This calamity, born of ignorance, can yet be put aside, if only we will understand its cause and follow the guidance of our hearts by taking action.

According to the World Health Association and the International Pediatrics Association, the last decade has seen a tremendous decline in breastfeeding among women in developing countries. The result of this is a tremendous increase in nutrition-related diseases. In much of the developing world, the cost of infant formula, combined with the expense of bottles, nipples, and the ancillary expenses of fuel and refrigeration for sterilization, pushes the total cost of artificial feeding to the limits of annual per capital income for many families. Yet according to nutritionists, the cost of improving the diet of the lactating mother—which would overcome the nutritional deficiencies in her milk—is quite low by comparison. Even malnourished mothers can adequately breastfeed their infants for at least the first 4 months, according to medical research. It is estimated that the percentage of mothers who are physically unable to breastfeed is between 2 and 5 percent.

Ill effects from the decrease in breastfeeding have become major causes of disease and death in areas where poverty, poor home hygiene, and low levels of parental education make diluted, contaminated bottle feedings inevitable. This has directly contributed to the 10 million cases of severe malnutrition, intestinal infection and/or death that occur annually in infants in less-developed countries. This begs the question: Why should all these Third World mothers choose to bottlefeed when they cannot afford it?

A growing number of physicians, researchers, health officials and church groups has found that the decline in breastfeeding is primarily due to the vigorous promotion of infant formula by its manufacturers. The implications of these promotion practices, which include bribes, hospital visits by "medical representatives," gifts and other inducements to the medical profession, together with mass-market advertising, are far reaching and the results tragic. Women's ability and self-confidence needed to freely choose how they will use their own bodies is seriously undermined. The promotion often implies that breastfeeding may be inadequate, inappropriate, or difficult. Doctors have long recognized that anxiety caused by doubts about breastfeeding ability inhibits the "letdown reflex" which allows the milk to flow when the baby sucks, thus reinforcing the self-image that promoters wish to encourage.

The bill I am introducing today has two components: First, in order to assure that formula sold in developing countries does not end up in the hands of those whose living circumstances preclude safe use of the product, a license will be required to export, sell, or otherwise distribute infant formula to any developing country. A license will be granted only after the applicant has shown an enforceable marketing plan which guarantees that every consumer of the product has adequate income, literacy, fuel, refrigeration, and safe water. The second portion of the bill prohibits all promotion, and requires graphic instructions as well as affirmative statements about the merits of breastfeeding on the label itself.

Government regulation of certain questionable formula marketing practices could prove advantageous to the majority of U.S. formula multinationals. As the situation now stands, corporations which have voluntarily modified their practices are at some competitive disadvantage compared to corporations which have continued to practice the challenged marketing techniques. Meanwhile, industry groups are hesitant to develop or enforce marketing restrictions for fear of running afoul of the U.S. antitrust laws. Uniform regulation of these sales practices would remove some of the constraints, and could encourage corporate responsiveness to activist demands.

Although more than half of the Third World infant formula market is held by foreign multinational corporations, U.S. regulation can take effect by example, either by encouraging a general industry trend in marketing practice restriction, or by stimulating similar regulation by foreign governments. Within this limitation, however, U.S. regulation of infant formula advertising can be both enforceable and effective.

This bill does not seek to restrict a company's right to market its product—it only seeks to assure a mother's right to a healthy infant. In this, the International Year of the Child, the problem needs an immediate solution. I believe that passage of this bill will have a significant and positive effect on this grievous health hazard:

SECTION-BY-SECTION ANALYSIS OF THE INFANT NUTRITION ACT OF 1979

PURPOSE

To regulate the export, sale and other distribution of infant formula to developing countries.

FINDING (SECTION 2)

That the promotion of proprietary infant formula in developing countries has accelerated the trend away from breastfeeding toward artificial feeding, leading to increased incidence of early infancy morbidity and mortality.

SECTION 3

Within sixty days of enactment, the Federal Trade Commission must publish in the Federal Register a list of less developed countries (LDC's) to which the provisons of this act shall apply. This list will be developed in consultation with the State Department, and will include all countries treated as LDC's in U.S. foreign assistance programs.

SECTION 4

No U.S. person may sell or otherwise distribute infant formula in, or export infant formula to, any country on the list established here unless such person has been issued a license for such sale or distribution, or for such export.

SECTION 5

Any person wishing to export, sell or distribute infant formula to any country on the list shall file an application for eligibility with the Commission. The Commission may not approve any such application if the person fails to identify the specific income groups of consumers to whom the infant formula is intended to be sold or distributed, or fails to give adequate assurances, through presentation of a marketing plan, that it will be sold or distributed only to such consumers. The applicant would also have to present sufficient data produced through tests or studies which establish that use of infant formula in that country and among the specific set of consumers in that country will not contribute to infant morbidity or mortality.

The data contained in the tests or studies would include, but not be limited to:

Adequacy and availability of sterilization and refrigeration techniques;

Water quality;

Epidemiological studies of gastrointestinal, respiratory, nutritional, and dental diseases or illnesses in infants;

Life expectancy and infant mortality rates and causes;

The cost of infant formula in relation to family income, and

Literacy levels among the target groups of consumers.

This data shall be presented with respect to all income groups of consumers in the country to which the infant formula is intended for export, sale, or other distribtuion. The Commission shall establish categories of income groups for this purpose, and shall assure in consultation with the Secretary of H.E.W. and the Secretary of State, that the data is based on public health, population and medical studies conducted by persons determined to be qualified for this purpose by the Commission, which may permit two or more persons required to conduct tests and submit data to designate one such person or a third party determined to be qualified to submit such data on behalf of the persons making the designation. Applicants may be exempted from conducting such tests or studies if the data would be duplicative of materials already filed with the Commission with respect to the same country and income groups within the country, and if the data is sufficiently updated for the Commission to make an informed decision.

If an exemption is granted, then unless the applicant and the persons who conduct the tests can agree on the amount and method of reimbursement, which will be determined with the assistance of the Attorney General the Commission will determine the amount to be reimbursed to the previous licensee for a portion of the costs incurred, and to any other person who has been required to conduct the tests or studies. The amount of the reimbursement will depend upon the effect on the competitive position of the applicant in relation to the persons to be reimbursed, and the shares of the market held by the applicant and the other party.

In reviewing this data, the Commission shall, in addition to analyzing the data produced by the applicant, consult with the Secretary of State, the World Health Organization, and other appropriate public and private agencies knowledgeable about these factors. The Commission will analyze any relationship between nutritional, gastrointestinal and respiratory diseases and the use of infant formula. The Commission shall also consult the country to which infant formula is proposed for export with respect to the factors set forth in the required data. Infant morbidity and mortality rates in developed countries shall be considered for purposes of comparing the relative potential effects of infant formula use. All determinations of eligibility will be reviewed at least once each year in order to assure that the data is still accurate.

When applying for renewal of the license, the applicant need only include in the new application such information and data as the Commission considers necessary to make an informed decision, except that such person shall submit with the application detailed information with respect to the implementation of the marketing plan employed under the previous license. The Commission may not approve the new application unless the Commission determines, on the basis of evidence of the marketing plan's success, that the infant formula will not be distributed, directly or indirectly, to any groups of consumers other than those for which the application is made.

The Commission shall approve or disapprove each application for eligibility, and shall notify the Secretary of Commerce of the action. Any falsified information will preclude issuance of a license.

Any license issued by the Secertary of Commerce under subsection (a) shall specify: the country to which the infant formula may be sold/distributed under the license, the income groups of consumers to whom the infant formula is to be sold or distributed, and the quantities authorized for export, sale or other distribution.

No license for sale or distribution to consumers of any income group may be issued unless the marketer has been determined by the Federal Trade Commission to be eligible for the export, sale or other distribution.

Regulations issued to carry out this subsection shall include a requirement that any person issued a license pursuant to this subsection report to the Secretary of Commerce the quantities of infant formula exported under the license.

No infant formula may be sold, distributed or exported to a developing country unless the container in which the formula is enclosed contains instructions for use in the language or dialect of such consumers, and statements describing prerequisites for proper use and about the nutritional benefits of breastfeeding.

SECTION 6

It shall be unlawful for any U.S. person directly or indirectly to make any offer or promise to pay, or any payment of, any money, or anything of value to any medical doctor or other individual trained in a health profession (including any nurses, paramedical professional, or pharmacist) or to any medical association of health professionals, with the intent to influence any of these individuals to purchase, distribute, or promote the sale of infant formula in any less developed country.

SECTION 7

Any U.S. person who fails to comply with the provisions of this Act will be subject to the penalties provided in section 6 of the Export Administration Act of 1969, except that the Commission shall have the authority under the Act with respect to enforcement.

Fines will be $1 million for any U.S. person, and for individual officers of such U.S. person, $10,000 and/or imprisonment for five years. Whenever a fine is imposed upon any officer, director, employee, or agent of a U.S. person, the fine cannot be paid, directly or indirectly, by such U.S. person.

SECTION 8—DEFINITIONS

For purposes of this Act, the term "infant formula" means a product designed for use as a complete or partial substitute for human milk in the feeding of infants of up to twelve months of age.

If the Secretary of Commerce is notified that the sale or distribution of infant formula to a developing country or to consumers of certain income groups would contribute to morbidity or mortality in early infancy, the Secretary shall revoke any license issued.

The term "promote the sale of infant formula" means to engage in any activity designed to increase sales or distribution of infant formula, whether such activity is directed toward the consumer or toward any medical personnel for the purpose of influencing the consumer and includes all forms of advertising of the product, giving free samples of the product for the purpose of increasing subsequent sales, hiring personnel to encourage the use of infant formula in maternity wards of hospitals or other medical facilities, and the hiring of milk nurses or other nonmedical personnel wearing uniforms associated with medical professions.

The term "person" includes the singular and the plural and any individual, corporation, partnership, joint venture, or other form of association, including any government agency.

The term "United States person" means any individual who is a citizen, national, or resident of the U.S.; any corporation, partnership or sole proprietorship, which has its principal place of business in the U.S., or which is organized under the laws of a State of the U.S., or a territory, possession, or commonwealth of the U.S., and includes any foreign subsidiary or affiliate which is in fact controlled by such corporation, partnership, association, or sole proprietorship; in the case of a joint venture, one of the concerns involved in the joint venture is an individual or entity described here. The term "joint venture" means an association of two or more concerns to carry out a business enterprise for profit, for which purpose such concerns combine property, money, expertise, or other assets.●

THE HONORABLE E. C. "TOOK" GATHINGS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1979

● Mr. JONES of North Carolina. Mr. Speaker, when I came to the Congress in 1966, one of the first persons I met was Took Gathings. I was most impressed with his kindness and warm personality. Later when I became a member of the House Committee on Agriculture, I was also impressed with his dedication to his position and his great concern for his congressional district which had the wisdom to send him to the U.S. Congress for 30 years.

I am well aware of the many honors accorded him after his retirement and each and every one was richly deserved. Inasmuch as our respective districts are somewhat similar, I tried to model my congressional actions in the same manner in which he so ably represented his district. I have only pleasant memories of the brief period of time in which I was fortunate to serve with him.

In closing, I express my sympathy to his family; but on the other hand, I am sure they have many pleasant memories of his lifetime. ●

CHARLIE SIFFORD: A LIVING LEGEND

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. STOKES. Mr. Speaker, I rise on this occasion to direct your attention and the attention of my colleagues in the U.S. House of Representatives to the eminent golf career of Mr. Charlie Sifford.

Mr. Sifford is a victim of this Nation's most dreadful and destructive long-term disease—discrimination. As a black man in this country, in the past Mr. Sifford has had to bear all the usual exhibits of discrimination and racism in day-to-day life. As an aspiring black man who happens to be a professional golfer, Mr. Sifford has had to overcome blatant racism constantly throughout his career. Seemingly, the golf structure's level of equality is not up to par.

For almost 40 years, Mr. Sifford has had to be better than his white competitors and oftentimes has still been denied the right to play golf in professional tournaments because of his skin color. For a while during his career, the PGA had in its constitution a "Caucasians-only" clause which prevented Mr. Sifford from competing in major tournaments. When the constitution was changed and Mr. Sifford was allowed to play, the rules were often altered at the last minute and hecklers were allowed to follow him uncontrolled by tournament officials during golf matches.

Chipping away at these seemingly insurmountable odds, Mr. Sifford finished in the top 60 for many years, won the Hartford Open in 1967 and the Los Angeles Open in 1969. He is this Nation's first black golf pro—a living legend.

It would seem that the golf career of Mr. Sifford and his acceptance by the golf structure in this country would be progressing based on, if nothing else, the civil rights movement and the infusion of large numbers of blacks into athletics. However, this illusion of equality within the golf circuit is still a nightmare for Charlie Sifford.

Most recently, Mr. Sifford's name was excluded from the invitation list for the Legends Golf Tournament in Texas. Although Mr. Sifford was the first black pro golfer, his name was omitted from the list of legendary golf greats asked to participate. For Mr. Sifford, the acknowledgment as a golf great by the golf establishment in this country still has not come.

Therefore, at this time, Mr. Speaker, I would like to submit to the RECORD an article which appeared in the April 27, 1979, issue of the Cleveland Press on this living golf legend, Mr. Charlie Sifford.

LEGENDS' GOLF TO BE SHOWN IN LIVING WHITE

Well, the first round of the Legends of Golf Tournament is underway today, and the greats of yore are in knickers at the Onion Creek Country Club in Austin, Tex. for nostalgia and important prize money.

The scores will vary as the ages over 50, but the venerable participants certainly have one thing in common: They're all white of skin. The Legends is on national television this weekend. The picture is in color. Not the players competing in the $400,000 tournament for the Serutan Set.

As usual, the second biggest state in the union missed the greatest legend in golf—Charlie Sifford. Oh, they sure 'nuf didn't overlook him. Why they just sure 'nuf pretend he just doesn't exist.

The sport of golf has been trying to pretend Charlie doesn't exist for almost 40 years. Charlie Sifford is a black man. He has been chipping, driving, putting down the barrier against blacks all his life and his scores against bigotry have been anywhere from eagle to birdie to par to bogey—mostly bogey.

Why isn't Charlie Sifford in the Legends Tournament? I'm not too embarrassed to ask. If Sifford's struggle to give the black professional a chance for par with everybody else isn't a legend, I don't know about legends.

The rain fell hard on the thick green grass of the fairways of Sleepy Hollow Golf Course, and Charlie swallowed back the bitterness that has been in his throat for decades.

"You know why I'm not playing in Austin today," he said. "It's the same thing I've faced for so many years. Discrimination. I've heard all the excuses. Unfair rules disqualify me."

In order for Charlie to be eligible, he has to have won the Masters, the U.S. or British Opens, the Professional Golf Assn.'s title match, or be a member of the Ryder Cup Team.

"I wasn't allowed to play in any of them until I was too old. I never even was allowed to see the Masters Course in Augusta. Never allowed in the British Open. The U.S. Open and PGA finally relaxed their rules when it was too late for me," says Charlie, a gentle man bent by frustration.

This black pioneer, as large a figure as Jackie Robinson in baseball, has not even known the recognition for his only lust in life: "To prove that the black man can play golf as good as a white man." It is a terrible irony that he battled the barriers in his youth and faces another barrier now in the seniors' Legends Tournament.

Of course, he can't qualify, now. He is 57 in a sport when most professionals' nerves go in their early 40's. When he broke the PGA color barrier in 1960, he was 34. He couldn't eat or dress in the clubhouse. He went to the bathroom outside. As a senior, he is still outside.

"They changed the rules on me. Same way they did at the Masters years ago, just to keep me out. I'm the only black pro over 50. The Legends was an invitational last year and they didn't invite me. I'm an old man, and they want me to win one of the big four tournaments?

"I don't want to be a bitter hateful man, but they are making me one. I faced it when I was young. And now I face it when I am old. Do you know you get $10,000 just for being there? Bitch," said Charlie, biting down hard on his one luxury in life, Frimo del Rey cigars.

Every man reaches a point in his life when his emotions yield to age. Football coach Woody Hayes expressed himself with a punch laid on a college player. Charlie has a right to speak his mind. There are seven blacks on the tour now. Some day they will surely qualify for the Legends in Austin.

Oh, sure, Charlie can go to the Legends. He can shine shoes, hand you a fresh towel in the men's room, wait on tables and clean the golf clubs. But he can't swing them there.

He says, "It's damned Texas again. Houston and San Antonio barred me the first year I was allowed on the tour. It hasn't been a happy life. At this stage, you'd think they'd give you what you rightly deserve."

Fred Raphael, Legends director, flatly denied Sifford was not invited because of his dark tint. He admitted that Bob Toski was "invited" last year because "of the contributions made to golf." Raphael suggested that a bunch of old-timers have a far more impressive record than Sifford and were not asked.

Speaking by phone from Austin, Raphael added, "They compare Charlie to Jackie Robinson. Heck, Jackie was a great player. They aren't comparable. Charlie isn't in any of the golf hall of fames. The rules for entry have not been changed."

When asked who on earth made more "contributions to golf" than Sifford, the first black pro, there was silence. And, in fairness, Robbie arrived still in his prime and able to set high marks. Somebody at the Legends is missing the point.

It all began as a caddy at the age of eight in Charlotte, N.C. By the age of 12, Charlie was breaking par. Blacks were only allowed to play on Mondays. He entered Negro Golf Tournaments, nickel and dime stuff, but never earned more than $800 prize money.

After serving in the infantry in World War II, Charlie tried again with the help of singer Billy Eckstein, and boxing champs Joe Louis and Sugar Ray Robinson. Louis played Charlie for money to lose enough to keep Charlie in room and board. Eckstein finally hired Sifford as a golf teacher and companion, paying him $150 a week. Sifford was the Moses to lead the black man to the promised land of golf.

Incredibly, the PGA had written into its constitution a "Caucasians-only" clause which barred Sifford and any other black. Congressional pressure ruled it out in 1960, but Jim Crow barriers in the Deep South still kept him out.

"I was sanctioned by the PGA but couldn't play until the tour went north of the Mason-Dixon line. I could get in only five or so tournaments," he remembers. He slept in his car. He hadn't eaten for several days once driving from Greensboro, N.C. to Houston and then San Antonio only to be barred from play.

Sifford stuck it out for 10 years, beginning in 1960, and he always finished in the Top Sixty. His 20-year earnings were once reported at $335,000. He won the Hartford Open in 1967, the first black to win a major PGA event, and the Los Angeles Open in 1969. He qualified for the Masters in 1974, but the rules were altered.

"There was a point system that year for finishing high and when I got close, I got threats on my life. There was a heckler who followed me for nine holes one day before they got rid of him. He started showing up again other places. Nobody said nothing," humphed Charlie.

There were threatening letters, a spectator accidentally stomping his ball deeper into the ground on the fairways, noisemaking from the galleries when he putted. Phone calls all hours of the night. He was assaulted and threatened with a gun.

Charlie had a few big paydays, but he missed all the big money and the lucrative endorsements. He works from 6:30 a.m. until dark at Sleepy Hollow. His love of golf softens the pain. He's too old for the tour any more. He plays the L.A. Open and Bay Hill Classic in Orlando, Fla.

In 1974, he won the National Seniors title, beating most of the men who will be playing in the Legends Tournament. "Sure I'm disappointed," he shrugged. "I guess it's too late for me. But if I raise some hell, maybe it will help the other guys when they get to be 50."

Spoken like a living legend. ●

THE SALT TRAP

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. ASHBROOK. Mr. Speaker, the main attraction in President Carter's three ring circus he calls a foreign policy is about to move to center stage after the Vienna summit in June. For 2 years Mr. Carter has been giving ground in the hopes that the Soviets will be kind enough to let him freeze our strategic weaknesses in place just in time for the President to put SALT II on his list of accomplishments in the reelection pamphlets. This sham of an agreement should never have seen the light of day. Those who cry for restraint by the superpowers and for an end to the expensive and deadly arms race fail to grasp that it is not the megatonage or the MIRVing that is at the root of this debate. The key element of any debate on American-Soviet relations is how can we assure our ability to defend ourselves and our allies from Soviet aggression in the world. No sheet of paper is going to stop the Soviets from chipping away at our friends, or our life lines to raw materials and energy sources. To think that SALT II or even a SALT XX will somehow limit the Soviet appetite for spheres of control and for the extermination of the American system is to discount the history of the U.S.S.R. and the communist ideology on which it is based.

The SALT II agreement is supposed to establish some levels of strategic forces that will allow restraint on both sides of the superpower rivalry. This agreement falls short of this goal. No one has ever played by preset ground rules in an open conflict. The stakes are always too high to not use a stacked deck or an ace up the sleeve if it can be gotten away with. The Soviets have already displayed their contempt for arms limitation by violating SALT I. "The evidence is incontrovertible" states former Defense Secretary Melvin Laird, "that the Soviet Union has repeatedly, flagrantly, and indeed contemptuously violated the treaty to which we have adhered. This evidence has been withheld from the

Congress, the press, and the public. I believe there is no longer any excuse for denying the American people and their representatives facts whose suppression profits only our enemies." For us to delude ourselves into thinking that the Soviets are interested in anything other than total victory over the United States is a folly that is beyond comprehension. This administration, through a taxpayer financed "road show", through suppression of facts, and through the constant stream of unfounded assurances and promises is trying to downplay these factors, in the hopes that it can hoodwink enough of the public and the Senate of the United States to rubber stamp this sham.

We cannot take any one Soviet action in isolation. A common fallacy is that the Soviets are going to attack the United States and its allies in one headlong assault. This is the supposed logic of SALT . . . if you limit their strategic capabilities they will not be able to hurt us. How wrong this view is in light of the reality of recent events. The U.S.S.R. is like a boa constrictor, not like a rattlesnake. A rattlesnake goes for one quick bite to kill its prey. A boa wraps itself around its victim and only constricts when its prey relaxes until it eventually strangles the life out of it. Such as it is with SALT. The Soviets are biding their time. Even if SALT were equitable it would be one more relaxation, one more limiting of its prey's resolve to fight, that allows the serpentine mass of the U.S.S.R. to close in just a little more.

The serpent has already aided in restricting our ability to watch its every movement. The loss of Iran and the highly sophisticated monitoring devices was a crippling blow to U.S. capabilities. Our only fall back is Turkey, which is already experiencing the types of pressures that Iran faced so few months ago. The U.S.S.R. is now undermining Turkey with agents and propaganda. It may not be that long before our southern flank is turned, swinging the door wide to the Middle East. Without monitoring from the ground we are blind to Soviet intentions and experiments. Satellites and spy planes cannot, by themselves, provide continuous data, nor can they supply the three dimensional view of Soviet activities that all three combined provided. We are, because of our own timidity, stupidity, and lack of foresight in hobbling our intelligence networks, slowly being pushed back from the lines we once pledged to stand by. The boa then constricts and awaits its next opportunity.

These opportunities are provided around the world. The dominoes did fall in Southeast Asia, and now Da Nang is a port of operations for Soviet military vessels. Cuba fell long ago, and now, even with the 1962 agreements still in effect, two submarines are now anchored in Carribean waters and a squadron of new Mig fighters are sitting on a Cuban airstrip, both only 90 miles off our shore.

We are not blind to all of this. We can see that no nation with peaceful intentions would so vigorously exploit our every fumble, our every hesitancy. Yet the President somehow expects the American people and the U.S. Senate, to forget all of this and to focus on the numbers of missiles and warheads in the treaty exclusively. This is madness. This is not some academic exercise in mathematics where if both sides balance then everything is all right. We are talking about making an agreement with our chief aggressor to limit both sides' capability to inflict strategic damage with absolutely no assurance that the other side will either cheat at the strategic level or just opt for the longer process of choking the other to death. Since America has never wanted world domination I think it is a safe bet as to which side will want to exercise one of these options.

Mr. Speaker, I want peace as much as any of my colleagues. But not at the price of Soviet domination. In the coming months we are all going to hear lengthy debates over throw weight, MIRVing, specific weapons systems, and specific weapons ceilings. I just want to tell my colleagues to avoid falling into the SALT trap. SALT is just one part of a bigger picture. The Soviets would not agree to limits just because they want to stop the arms race.

The Soviets see SALT as a method of stilling the waters in order to operate in other spheres. We must all try to discover what these other spheres might be and to make sure America is strong enough to meet any new challenge. We should start standing up to the Soviets. Only by having them worrying about how we feel about their actions (instead of our preoccupation with their well-being) will we as a nation neutralize Soviet initiatives and be able to assure long-term stability and peace in the world.●

FREEDOM FOR SOVIET JEWS—A VITAL ISSUE IV

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. UDALL. Mr. Speaker, almost 4 months ago, I called to the attention of the House of Representatives the plight of Alexander Paritsky, a Soviet refusnik. Today, I am reminding you of his predicament and of how things have taken a turn for the worse.

In March 1977 the Soviet authorities first denied exit visas to the Paritskys for security reasons. They alleged that Mr. Paritsky had been privy, through several of his occupations, to classified documents. This wearisome Soviet contrivance is especially ludicrous in the Paritskys' case. Mr. Paritsky was a professor of physics at the Institute of Meteorology and presently works as an electrician for the Kharkov tractor factory. But even more frustrating is the further aggravation that the Paritskys must now tolerate.

I am especially concerned with the intensified public harassment campaign that the local authorities have apparently launched. On January 27, 9 days after my first RECORD statement, which concerned the Paritskys, and 12 days after my correspondence with Alexander Dobrynin, the Soviet Ambassador to the United States, there appeared in the Vechermy Chaikov (Evening Kharkov) a half-page article slandering Mr. Paritsky. The Kharkov newspaper is a small paper and the lengthy article was without doubt read by almost all of the local populace. It was the second time in 10 months that the Kharkov paper had printed an inflammatory piece inculpating him with wrongdoing. This time they specifically charged him with economic profiteering, involvement with the black market, slander against the Soviet Union, promoting the aliyah—the underground network of the dissident—provocation against the Soviet Soviet Union and racism.

Immediately after the article appeared in the Kharkov paper, his wife Polina wrote a long letter to the editor of the paper, rebutting all of their charges. The local authorities then warned her that criminal charges could be placed against her for such actions. A week later, a meeting of all Mr. Paritsky's coworkers was held. A meeting also took place at his apartment building between his neighbors. Both meetings discussed the newspaper piece on Mr. Paritsky and his "treason."

Also present was a stenographer, who Mr. Paritsky believes was covering the event for the Vechermy Chaikov. His neighbors, as a result of their discussion, appealed to the authorities to place the apartment building off limits to "evil foreign influences"—for example, Paritsky's visitors. His two daughters, Darina 13 years old and Anna 7 years old have also been subject to increased harassment. After reading the infamous article—titled "Smugglers"—in her class, classmates cruelly and relentlessly taunted Darina. Her younger sister, Anna was chased around the school yard with taunts such as "Zhidi contrabandisti"—Yid smuggler.

The recent exchange of Soviet spies in return for dissidents has lifted my hope for the numerous remaining refusniks, but they are still greatly in need of our help. If we are to continue our friendly and mutually profitable relations with the Soviet Union, we must force them to comply with the provisions of the Helsinki accords, which called for freer movement between the participating nations. The Soviet denial of these basic human rights almost defies the imagination. The refusniks must endure endless abuse from their employers, neighbors, and the press. Their families are not spared this painful harassment. Their children are not allowed to live a normal childhood; they must contend with hostile teachers and classmates. I worry most about the offspring of the refusniks, for unlike other children all over the world, the world appears to them as a bitter and virulent place to live. This is perhaps the cruelest punishment of all, the deprivation of a child's spirit. We must remember their plight as well as their parents.

While I admire the refusniks' strength and perseverance, the fact remains that they are hopeless without our intervention. We must continually remind the Soviets of our great concern. And we must also place this concern over all our other dealings with the Soviet Union. Most of all, we cannot allow the glamour of the 1980 Olympics to overshadow their plight.

I am closing this statement with a letter the Paritskys wrote to two constituents of mine, Barbara and Stuart Holtzman, both of whom have worked hard for the freedom of these refusniks. This letter was dated February 19, 1979, and has been printed unaltered.

DEAR FRIENDS:

Of course my difficulties are not simple. And now we have some more of them. But why must I cry? It's one of my enemies aims to force me to cry. It means I must laugh and joke. Now they begin a new campaign against me. They have published a very dirty and slander article in the newspaper Evening Kharkov. Barrels of very dirty and slander and black paint, a thousand scolds and thief's testimonials were used in the articles against us. But the article was only the beginning of the campaign. They have organized a meeting at my work and discussed the article and my "criminal" behavior. They have same meeting with the tenants of the house were we live.

So as you can see we are now quite famous not only in the West but greatly more in the East. Because of the article Darina and Anna have same toubles, same difficulties at their schools. And now I'm waiting for another article.

Polina have written a big open letter to the newspaper as an answer of the article. After it the vice prosecutor have invited her and threatened to brought her to court because of the letter.

So as you see me go to Purim with a lot of news though they are not very pleasant. I must tell you dear Barbara, that I have no sat ever at a horse's back. But I promise some day to ride your horses. And we shall see what kind of cowboy I'll be.

Dear friends, Barbara and Stuart, we send you our best wishes with Purim. Be healthy, happy and lucky!

Shalom.

POLINA AND ALEXANDER.●

NATIONAL MUSEUM DAY

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. ALBOSTA. Mr. Speaker, I would like to go on record strongly in favor of House Joint Resolution 262, a resolution to designate May 18, 1979 as National Museum Day.

While I was not on the list of cosponsors, I did make an effort to become a part of that list, but due to communications difficulties between my office and Congressman WILLIAM FORD's office, the deadline was inadvertantly missed. I was extremely pleased to see the bipartisan support the resolution received, however, and I am happy to see the overwhelming support we gave this measure today on the floor of the House.

The museums of our Nation will certainly benefit from this day of recognition. I know that the museums in my district—Michigan's 10th Congressional District—will certainly publicize this event, and I am certain it will bring many people to the museums who may normally not patronize these cultural institutions.

The extent of the contribution museums make to society is immeasurable, but I do know for sure that their value is increased the more people they reach. I am hopeful that the passage of House Joint Resolution 262 will bring the educational, recreational and cultural benefits of a museum to even more people of all ages.

In closing, Mr. Speaker, I want to reiterate my strong support for National Museum Day, and urge people across the Nation to visit their nearest museum on May 18, 1979, and find out how enjoyable learning can be.●

ARRIVAL OF KONSIN C. SHAH IN WASHINGTON

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. DERWINSKI. Mr. Speaker, I rise to call the attention of this body to the arrival here in Washington of Mr. Konsin C. Shah, the first head of the Coordination Council for North American Affairs. In this capacity he will be carrying on the functions that were in the past conducted by our friend Jimmy Shen, the distinguished Ambassador of the Republic of China.

We welcome Ambassador Shah, and we are pleased that he has arrived to carry on the work of Taiwan's representative office here. The ties between Taiwan and the United States are too important, and the friendship between our peoples too deep, not to have someone of his caliber here to manage Taiwan's presence in Washington.

Mr. Shah's career is a distinguished one. He attended Georgetown University, in addition to the Central Military Academy of the Republic of China; was an aide to President Chiang Kai-shek; served as a squadron commander in the Chinese Air Force; and was here in the United States with the Chinese Government Procurement Mission, before entering the formal diplomatic corps. He was a senior official in the Ministry of Foreign Affairs, Ambassador to New Zealand, and most recently Consul General in New York.

His new post is a challenging one even by traditional diplomatic standards. It will require a great deal of diplomatic skill in this historic period. Mr. Shah—Ambassador Shah, by courtesy—will have an unusual, but important task as he leads Taiwan's efforts to maintain and improve its relations with the United States. We wish him well.

Considering the importance of Taiwan as a trading partner, the United States 12th largest, the importance of Ambassador Shah's appointment here is of great significance. The United States has $4.5 billion invested on the island of Taiwan, and our trade with Taiwan in 1977 exceeded $7.4 billion. Thousands of Americans have a direct stake in Taiwan's continued close relations with the United States. All of us benefit from continued peace and stability in the Western Pacific which depend in large part on those relations.●

INTERGOVERNMENTAL TECHNOLOGY TRANSFER—A VISION OF WHAT MIGHT BE

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. DODD. Mr. Speaker, technology transfer can help local and State governments improve services and solve problems. What is technology transfer; how does it take place; how can it be expanded to be of more use to more people? These questions are of national importance.

On March 30, 1979, I sponsored a conference on technology transfer in an attempt to find answers to these questions based on the contributions of persons knowledgeable about, and working in, the technology transfer field. The first half of that conference, held in Farmington, Conn., was a congressional field hearing of the House Science, Research, and Technology Subcommittee, chaired by U.S. Representative GEORGE BROWN. The afternoon session was devoted to panels of officials representing local and State governments, regional and national resource, public interest groups, and the academic and private sectors.

The importance of this subject was demonstrated by the fact that 250 persons registered and participated. The conference began with a keynote address by Dr. Frank Press, President Carter's Science Adviser. Congressman BROWN then offered several observations concerning science and technology as an attitude, the need to see technology transfer in relation to good management and sound policy planning, and finally, the need for ideals—or, as he put it, "to hold a vision of what might be."

It is my intention to follow through on the results of this conference—to not only work to eliminate obstacles identified as deterrent to the technology transfer process, but also to actively seek establishment of local, State, regional, and national circumstances which allow it to flourish.

Mr. Speaker, I would like to take this opportunity to share with my colleagues some highlights from the hearing:

HIGHLIGHTS OF THE HEARING

OPENING THEMES

Dr. Frank Press, President Carter's Science Advisor:

Because State and local governments are essential to the attainment of domestic objectives, we need to weave science and technology into the fabric of intergovernmental relations.

Technology transfer involves the flow of useful scientific information and technological know-how from where it is generated, to where it can be applied successfully to benefit people.

A stronger sensitivity in Federal R & D decisions to science and technology as an important new tool in state and local governments must be developed.

The strength of our economy—of our country—depends in large measure on the health of our states and cities.

Congressman George Brown, Committee Chairman:

Science and technology may be more of an attitude than it is something tangible you can turn to for answers to a specific problem. It may be a state of mind that steps back and looks at a problem with a new perspective.

You are all pragmatic, hard-headed administrators or bureaucrats or whatever you call yourselves, but in the back of your mind, hold this vision of something that might be and then look at the crummy situation we have. It will give you a lot of motivation, and that is the most important thing that we need.

Congressman Christopher Dodd, Conference Sponsor quoting a letter recently received:

Dear Congressman Dodd, if the intent of this conference is to pass on information which has already been developed, I am wholeheartedly in favor; however, if it is a meeting to hang out a laundry list of needs for which technology will be developed, please save our time and tax dollars as it is my feeling that there is more than enough technology gathering dust in the archives of the hallowed halls in Washington."

We are spending between 20 and 30 billion dollars a year for research and development programs. It seems to me that this research and those programs that could be beneficial should reach back to the local governments to help them provide services at a lower or at least a stabilized cost. Technology transfer provides a vehicle to do this if we can tap it more successfully.

We need a "window on technology" where we could start to route people in the proper direction to find what they need.

THE PROBLEM

The Federal government generally has directed only a small amount of funds and other resources toward directly meeting the science and technology needs of state and local governments.—Dr. Frank Press, Presidential Science Advisor.

In the public sector, our R & D resources are concentrated in the Federal government; amounting to some 58 billion dollars of expenditure this year. Yet, these national resources primarily are directed toward meeting the needs of individual mission agencies, seldom taking into account the real needs of state and local components of our system of governance.—John Parker, President, Public Technology, Inc.

There is no mechanism for interagency funding of technology transfer programs which cut across mission agency lines.

The Federal government continues to emphasize needs assessments when support for solving problems defined at the local level is what is needed. America's local and state governments are suffering from 'research and analysis overkill' and 'implementation starvation'.

Adaptive engineering funds are too difficult to obtain.

Finally and foremost, the Federal government and its executive agencies generally are not united by a commitment to the science and technology networking system. This lack of recognition translates into lack of policy support and funding.—Robert Cox, Director, New England Innovation Group.

When the academic and technology community talk to us, they are so wrapped in what they're saying and in what they want us to have, they don't stop to listen to us.—Edward Hastilio, First Selectman, East Windsor, CT.

If we are to intensify the technology transfer process, a number of barriers must be attacked more vigorously. The main one is the slowness of both public and private sector suppliers to tailor their R & D efforts to state and local government needs.—Dr. Jack Sanderson, National Science Foundation.

The scientific community is by and large a self-contained community, with its own internal communications and reward system, with little incentive to share its products outside that community.—Richard Eckfield, U.S. Conference of Mayors.

A VISION OF WHAT MIGHT BE

We know that technology now sits on the shelves of the research and development community that could be used to save taxpayers money and to improve the services that they rightfully demand;

We need policies that do not penalize government employees who reveal and attempt to transfer certain existing technologies that could be beneficial and cost-saving;

We need policies that require the research and development community to make known what is available;

We need policies that reiterate the fact that the benefits of this research should be applied, whenever possible, to the people who paid for it.—Richard Eckfield, U.S. Conference of Mayors.

There needs to be a long-range presence by the Federal government which has a concern for aggregating the market, has the concern for moving out what has been done in the private sector, has the concern for moving out what has been done in the universities. These are not the concerns of local governments. The local government is interested only in solving its own problems—the problems of today;

Because the Federal government has this larger view of helping local governments, state governments, the universities and the private sector, the Federal government is uniquely capable of carrying forward a permanent commitment in this area.—Joel Cogen, Connecticut Conference of Municipalities.

It is certain that the impact of cooperative, complementary interagency Federal support for the science and technology needs of state and local governments can be significant and better maximize the effectiveness of Federal investments. It is certain that the wealth of talent within Federal agencies and Laboratories has only begun to be tapped for use by these governmental bodies.—Dr. Maxine Savitz, U.S. Department of Energy.

The key practical factors which can make the difference as to whether technology sharing is viable and successful in the long run include: (1) commitment to the concept and importance of technology sharing from all levels of an organization; (2) the importance of understanding the 'target' users and the kinds of information they need in making their decisions; (3) the need to build confidence in the users of the information or products that they have had some voice in its generation, packaging and dissemination; (4) the importance of public (and media) interest in and acceptance of technology sharing . . . and (5) rewards in various forms for individuals and organizations that are active and effective in technology sharing.—Alphonse Linhares, U.S. Department of Transportation.●

VIETNAM VETERANS' WEEK MAY 28–JUNE 3

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. CONTE. Mr. Speaker, in less than 2 weeks, this Nation will pause on Memorial Day to remember those who fought and died in service to this country. This year, the traditional holiday will have added meaning because it will inaugurate Vietnam Veterans' Week, May 28 through June 3, a commemoration authorized with the passage of House Joint Resolution 1147 last year. Along with many of my colleagues in the House, I was proud to be a cosponsor of that legislation.

Vienam Veterans' Week will provide not only Members of Congress, but leaders on the Federal, State and local level an opportunity to focus the attention of the public on this segment of our veteran population.

Several years ago, I served as the national cochairman of the Special Veterans Opportunity Committee of the National League of Cities/U.S. Conference of Mayors. We held hearings across the Nation to hear from the returning veterans, to assess their needs and to determine how we, as a nation, might help meet these needs. As a veteran of World War II, one who received his education under the G.I. bill, I felt that I could help most by contrasting their experiences upon returning home with my own.

What our hearings revealed were men and women experiencing a deep frustration. They had fought an unpopular war, a war that many Americans would just as soon forget. They felt they were on their way to becoming the forgotten men and women of that war, peace-time victims of that already tragic conflict. These veterans did not come home to the open arms of a grateful nation as their fathers' generation had after World War II, rather, they felt isolated from the mainstream of American life.

We have the chance now to show the men and women who served honorably in the Vietnam war that we are attentive to their problems. Although I could argue that we have not done enough to aid these veterans, we have provided some programs of assistance. But, as a recent editorial in the Boston Globe pointed out, "surely at least some of the sense of alienation felt by those Vietnam veterans who have yet to make a full readjustment to civilian society is attributable to the fact that the programs that are available—GI benefits, job tax credits, liberalized scholarship programs, drug and alcohol counseling services—have not been fully publicized or utilized."

The White House has sent a packet of information on Vietnam Veterans' Week to Government leaders throughout the country. I would like to supplement that today. The U.S. Conference of Mayors has compiled a list of ways communities can recognize our Vietnam

Veterans during Vietnam Veterans' Week and how they can work to help meet their needs the year round. At this point in the RECORD, I would like to insert that list, with my urging that Members make these suggestions known in their home districts, and the May 4 Boston Globe editorial in its entirety.

SIMPLE VIETNAM VETERANS' WEEK EVENTS

There are many simple events that will have long-range effects that can be done in time for Vietnam Veterans' Week beginning Memorial Day, May 28. These events can help to start to affect the way the Vietnam veteran is perceived by the American public.

Secondly, the events can begin the task of providing adequate resources for work to assist those who still have problems. It seems essential that a Vietnam Veteran Committee be formed, if one is not already in place, with representatives from community agencies and Vietnam veteran control. Many cities have such groups like Louisville, Buffalo and Portland.

This group would continue to work together until the problems are solved. Suggested events include the following:

First. the Planting of trees in honor of those who fell and those who served;

Second. Awards presentation ceremonies to outstanding veterans, as suggested by the White House and the Veterans Administration;

Third. Involving ministers to deliver sermons about Vietnam veterans and churches to encourage discussion on the treatment of Vietnam veterans;

Fourth. Encourage citizens and Vietnam veterans to wear red ribbons showing support and recognition for the Vietnam veteran service to country;

Fifth. Attempt to get local media to focus on the status of the Vietnam veteran—both the successful and those with difficulties need coverage;

Sixth. Announce exemplary commitments for hiring under the job tax credit, if the regulations are in place; and

Seventh. During Vietnam Veterans' Week, events might be held in parks at lunchtime where people congregate. In like fashion, Vietnam veterans working for large employers might hold lunchtime meetings to discuss long-range efforts.

LONGER-RANGE PROJECTS

A mayor's committee based in the Vietnam veterans' community can do more complicated projects after the Week. These include: promotion of the targeted job tax credit and other job programs; development of education and training opportunities available through the GI Bill and HEW's programs and the provision of mental health services. Work would continue on the public perception of the veteran.

[From the Boston Globe, May 4, 1979]

THE VIETNAM VETERANS' DISAFFECTION

Society's view of the Vietnam veteran is difficult to gauge. As direct memories of the war years recede while artistic works about them proliferate, it is probably undergoing some as-yet undiscernible change. What has been more widely examined, however, is the Vietnam-era veteran's perception of how society views him. It is a disquieting picture.

"Their perception," says John Wilson, a Cleveland State University professor of psychology who has studied the matter, "is that they are rejected by society or, at best, treated apathetically. The combat veteran feels he was exploited. He feels alienated and used by the society that sent him to war."

One can dispute the accuracy of the perception but that does not deny that its existence harms both the veterans and the society in which they live. The most likely forum for a response would be the national government which, after after all, sent the Vietnam veteran to war in the first place. On the symbolic level, there has been a little progress—for the first time, the week of Memorial Day has been designated by law as Vietnam Veterans' Week. But the symbol must produce tangible results if the net effect of the special observances is not to actually increase the sense of alienation.

In Washington, that effort would be aided by at a minimum the enactment of President Carter's request for appropriations for psychological services for Vietnam veterans. Bickering between the House and Senate veterans' committees, dominated by World War II vets, has repeatedly stalled that proposal.

But as the war, or creative reflections on it, return to our living rooms and movie theaters via television and film, local efforts to address the problems of Vietnam-era veterans—through coordinated job programs and social service activities targeted to Vietnam-era veterans—would also be appropriate. The US Conference of Mayors, of which Boston's Mayor White is a trustee, is pushing just such an approach at the municipal level.

Surely at least some of the sense of alienation felt by those Vietnam veterans who have yet to make a full readjustment to civilian society is attributable to the fact that the programs that are available—GI benefits, job tax credits, liberalized scholarship programs, drug and alcohol counseling services—have not been fully publicized or utilized. A concerted local effort in each community in the state can close the gap between the Vietnam veteran and the services available to him and ultimately between the veteran and society at large.●

GASOLINE SHORTAGE IN CALIFORNIA

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. MOORHEAD of California. Mr. Speaker, we are experiencing an undeniably serious energy problem in my State of California. Thousands of Californians are writing to their Representatives and Senators inquiring about the cause of the gasoline shortage, the role of the President and the Department of Energy regarding the problem, and the solution to the problem. Last week, I, along with the other members of the California delegation met with Presidential Advisor Stuart Eizenstat and Department of Energy officials to drive home the point that we want something done now to get more gasoline to California. Like those Californians who have written to me expressing concern that the President and DOE officials do not seem to care about California's energy problems, I came away from the California delegation meeting with the feeling there is a lot of misunderstanding about the actual condition in California today. I believe Californians are a fair people. We will not demand more than our fair share of gasoline. We will sacrifice. However, we Californians want to be treated fairly. We want to be assured that the rest of the nation does some sacrificing as well. We also want to be assured by the Carter administration that they are truly concerned about California's energy problems. In my opinion, we are not receiving those assurances. Apparently, California's problems are the source of a great deal of levity for the White House as the following article which appeared May 11, 1979 in The Washington Star indicates:

IT'S A GAS ON AIR FORCE ONE

(By Richard Reeves)

On Air Force One flying from Los Angeles to Washington last Saturday night, almost all the president's men were joking about the complaints of Californians about gasoline shortages. On the ground, in Hollywood, police were arresting Diton Williams who had pulled in front of a line of 50 cars at a Union Oil station and held off other angry customers with a pistol while he filled his own tank.

"What a riot!" laughed one of Jimmy Carter's top assistants. "They panic when they can't get to the beaches out there." Panic is the official explanation for the California gasoline chaos. "What you have is panic buying," said a spokesman for the Federal Energy Department, "everybody topping off their tanks."

That is absolute nonsense. Stupid and dangerous nonsense. And the president himself made it much worse the day before, in Des Moines, Iowa, when he said the nation needs "a few demonstrable shortages" to convince people that there really is an energy crisis, and they really must conserve fuel.

Well, there really is a demonstrable shortage in Southern California—the official explanation for that is 5 percent lower gas allocations in an area where usage has increased 9 percent since the allocations were set a year ago. It was best demonstrated on Saturday by the long presidential motorcade rolling along empty freeways while the very few citizens' cars on the road were held back, their engines idling, by police barricades. And it was demonstrated by closed service stations and lines of cars stretching more than a mile to stations that might open in three hours, stations with signs announcing that they would close for five days over the Memorial Day weekend.

Pistol-packing Diton Williams demonstrated something else: just how mad people are in California and will be other places when "panic" hits. It reminded me of a blackout—I've lived through three, two in New York City and one in Paris. The first one, in New York in 1965, was fun, an adventure. In the second one, the looting began.

The 1974 Arab embargo gas shortage was our first national blackout. People took it as an adventure, not a pleasant one, but not boring, either. This time, judging by the gas-line fights and obscenities and unfocused anger in Los Angeles, it is going to be quite different. Some public officials out here have begun to talk among themselves about a breakdown in order—even about terrorism, if that anger focuses on gas-station owners, oil companies, or the government. It'll be a riot, all right.

The folks on Air Force One, whose attitudes right now have something to do with their hatred of California's governor, Jerry Brown, are going to have to come to grips with the fact that the people who can't get to the beaches—or to work—have to believe that they are being treated fairly and that someone up there is trying to help them.

In California, rightly or wrongly, people came to believe within 24 hours of the first station closings that they were being victimized by a leaderless or corrupt government, omnipotent oil companies driving up gas prices and greedy station owners making a killing by laying off employees and opening for only a couple of super-profitable hours a day. The laid-back folk are also upset by presidential statements that home heating oil and rural gasoline are the country's first priorities, and, when winter comes again, northerners are going to be just as angry by the suspicion that their shortages and zooming prices are caused by Californians heading for the beach.

Carter cannot get by with taxes on the oil companies—which do more for the government than for consumers—and sermons about conservation. Conservation speech's are, in effect, blaming the people. Even in Paris, where the people are supposed to greet wars with Gallic shrugs, they were not willing to take the blame for last December's blackout. The first government statements and newspaper reports on the blackout said things like this, from the French newspaper, Le Figaro: "Who is to blame? The citizens." Officials and editorials said that too many people had switched on electric heaters and toasters at the same time on a bitterly cold morning. But within hours, the leaders of government and the state power company were taking investigations and their lumps—just like in America.

Carter, traveling through the West, looked like a man losing his presidency. He and his people did not seem to understand what they were seeing—or, at least, as much as they were able to see from limousines and helicopters. Angry people will turn away from the logic and reason that Carter believes he represents. They will want a reflection of their own anger and desire for forceful action.

Where will they turn? The people on the ground below Air Force One, some of them facing Diton Williams' gun, would have turned, politically, to the farthest-out candidate, Jerry Brown, or the candidates who seemed toughest and strongest, Edward Kennedy and John Connally.●

ENVIRONMENTAL ACTIVISTS CAPTURE WASHINGTON

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. SYMMS. Mr. Speaker, I wish to submit to the RECORD an article written by H. Peter Metzger entitled "Environmental Activists Capture Washington." This article appeared in the May 1979 issue of Reason magazine, a monthly magazine of analysis and commentary on current issues from a libertarian point of view published by the Reason Foundation, 1129 State Street, No. 4, Santa Barbara, Calif. 93101.

In this article, Metzger discusses the "capture of the wealth-generating machine of society," the economy, by people who are working to turn it off. With all of the environmental and conservation-related legislation that we will be considering in the coming weeks, I think it is important that we understand the origins and the implications of this legislation. Therefore, I urge my colleagues to read the following article before they cast their votes on the Alaskan lands bill and subsequent wilderness legislation:

ENVIRONMENTAL ACTIVISTS CAPTURE WASHINGTON

(By H. Peter Metzger)

We are experiencing what may be a truly unique development in all of human history: the capture of the wealth-generating machine of society—what we call the economy, today—by people who want to turn it off. It's not the method that is new, for the "spoils system" has been operating since before written history began, determining who gets control of a society's wealth-generating machine. No, it's the objective that is unique.

Whether it was one stone-age family killing off another or one Pharaoh eliminating another or, today, one political party taking over the presidency after years of domination by the other—it was always a matter simply of gaining control of the wealth-generating machine of society in order to serve the new masters of power. With the rare exception of the capture of a society by religious fanatics dedicated to myth and superstition, throughout history no newly ensconced power structures have advocated the destruction, or even the slowing down, of the wealth-generating machine. No one, after all, wants to kill the goose that lays the golden eggs. Not until now, anyway.

Today everything is different. There are now many people who want to slow down the economy—for reasons based no less on myth and superstition that those of the religious fanatics of another time. These people have been around in great numbers since the 1960s, but only recently has the spoils system brought them to the seat of power, to Washington.

Like most zealots, they are very different from ordinary people. True believers all, they exude party line and exclude from serious attention any nonconforming persons or opinion. With such people in power, Washington is a changed place. Gone is the respect between rivals, and even the idea of "the loyal opposition" has disappeared. Carter's promise of a populist, egalitarian, informal, and open government has turned into a government of intolerant zealots, almost religious in the intensity of their beliefs.

"There is a feeling that bigotry, clothed in righteousness, has taken over and is fouling the processes of government." says Llewellyn King, publisher of the Energy Daily. "It came about because President Carter has introduced into public service a new kind of individual not formerly part of the Washington scene. They are the environmenalists, the consumer-advocates and others from what is loosely called the counterculture. The strength of the new men and women who dot the Carter Administration and who came out of a gaggle of activist organizations is that they feel in possession of moral legitimacy."

That's what they are like. The rest of the story is what they want and how they might get it and, first, where they are in govern ment.

One campaign promise Carter made good on: he "hoped to challenge" Ralph Nader, he said, "for the role of top consumer advocate in the country." And that's just what happened.

A great many subcabinet posts have been given to former public-interest lawyers, consumerists, civil rights workers, and especially environmental advocates. Though they number less than 100 in all, the jobs they hold are very powerful: 14 key White House assistants, including the president's chief speechwriter, come out of the public-interest movement.

And if you imagine that speechwriters are just some sort of glorified secretary, you have been misled. More often than not, they actually originate public policy simply by the hypnotic effect of their words upon their employer. A case in point (which also illustrates how completely susceptible is our president to shallow and half-baked utopian ideas): The intellectual leader of the no-growth advocates is Amory Lovins, who visited President Carter in October 1977. Lovins presented his utopian ideas for converting America to his "soft-energy path," which requires abandoning the large cost-effective electric power plants we have today in favor of small neighborhood-size generators. Long before the meeting, Lovins's calculations had sparked a lively debate, and much had been written on just how unrealistic they turned out to be. Lovins, for example, overstates the cost of nuclear power by a factor of two and understates the true cost of solar energy by a factor of ten; naturally, solar looks good to him But just 20 hours after meeting with Mr. Lovins, and without the benefit of consulting with any of the many energy experts available to him, President Carter presented Lovins's energy calculations verbatim and uncritically in a speech before a conference on nuclear power.

If the anti-energy activists had captured only White House posts it would have been serious enough, but four of them are now assistant attorneys general in the Department of Justice, and others are assistant secretaries in the departments of Health, Education, and Welfare; Commerce; Interior; Agriculture; and Housing and Urban Development.

Even more important, perhaps, are the Naderites who themselves control large bureaucracies and multimillion-dollar budgets in completely or partially independent agencies. Public interest advocates, or those who share their concerns, have been appointed to chair the Equal Employment Opportunity Commission, the National Highway Traffic Safety Administration, and Occupational Safety and Health Administration, ACTION, and the Federal Trade Commission.

And the environmentalists have had the biggest victories. Ranking jobs in the Environmental Protection Agency and the Interior Department have gone to men and women who have sued in the courts and lobbied on the Hill for conservation, protection of wildlife, and clean air and water. *All three members* of the Council on Environmental Quality come from their ranks. And a half-dozen of the most active critics of the Nixon-Ford policy on the exploration of the continental shelf are now Carter bureaucrats in various agencies.

So that's where they are in government. I call these people Coercive Utopians—utopians, self-evidently; and coercive in that, instead of convincing us that their vision of tomorrow is so attractive that we ought to move their way by normal democratic means and convinced by their good example, they are doing it covertly and, therefore, coercively.

THE ANTI-ENERGY VISION

Now these Coercive Utopians are not very precise about what it is they really want. While that's quite typical of utopian movements throughout history, our present crusaders are extreme in this regard.

But what they all seem to agree upon is that they want a halving of our per capita energy consumption. Lovins-style, they also want the end of central power-generating plants (even including solar stations, if they are very large) in favor of small neighborhood power stations under local control. And, lastly, they want a shift from all fossil and nuclear fuels to solar energy.

Beyond this, their philosophy gets very murky, particularly when it comes to what form of economy their utopia will have. But it isn't captalism or private ownership, that's for sure.

Take Nader's economic plans, for example. Most people believe that his main interest is consumer protection. Even if that was once the case, he's moved well past that modest goal. His real objective, curiously unknown to most of his supporters, is the establishment of a new form of government—a "consumer-owned economy," he calls it. That means breaking down the economic system into smaller parts responsible to local control. In an interview with *Rolling Stone,* Nader elaborates: "The workers should run the manufacturing and the consumers should run the retail and (or) consumer cooperatives should own the manufacturing." He includes banks as well. He has a high opinion of China. "Compared to China we can't get anything done. China eradicates VD, we can't even stop it from increasing." As for our country, people shouldn't have to work more than 20 hours per week "if distributive ownership and justice prevail."

Nader is very strong on halving our energy consumption, but even he realizes the immensity of the social upheaval that would result. So he acknowledges that we will have to be forced into it by hard times. He reports to the *Village Voice* that we *will* reduce our energy consumption by half, "but first there has to be an intermediate stage of liberalism failing, and of economic bad times without novocaine."

By stopping every energy development in sight—using delaying tactics in the courts—the Naderites will in fact be responsible themselves for producing the very energy shortage they *want* and *need* in order to put into effect their vision of the future. And who do you suppose will take over in the ensuing chaos?

POLITICS REVEALED

Other Coercive Utopians have a simple distribute-the-wealth scheme. Consider the politicization of the anti-energy movement as expressed in the *Bulletin of the Atomic Scientists*. A recent article had a theoretical physicist advocating "a new international economic order" (a Third World buzzword) to eliminate the "disparity between the rich and poor."

Even Barry Commoner, the eloquent and influential ecologist who started the phosphate-in-detergent scare (which was a fake, by the way)—consider how he has come out of his political closet. In *The Poverty of Power,* he attributes the energy crisis to our inefficient use of fuels, although he offers no insight about how to have a perfectly energy-efficient society and freedom at the same time. At the end of *The Poverty of Power* Commoner says: "Economists and other students of capitalism will recognize that the basic ideas I have discussed are among those first put forward by Karl Marx. All this suggests that it may be time to view the faults of the United States capitalist economic system from a vantage point of alternative—to debate the relative merits of capitalism and socialism."

Having thus scared the pants off us and backed us into his Marxist solution, he ignores the fact that, not only have the socialist countries done no better than we have in solving the energy-environment problem; but the Soviets, Yugoslavia, Czechoslovakia, Hungary, and Bulgaria have all turned in a big way to nuclear power, one of Commoner's pet hatreds.

It's not the far-out political views themselves that are bothersome. It's that they are forcing us into their political corner by creating an economic chaos, creating an economic time-bomb that is already ticking away—probably irreversibly.

TURNING OFF NUCLEAR

And how are they going to get their way? By strangulation. By stopping everything we need to grow: coal *and* nuclear power, land use, and new industry. In the acknowledged economic chaos that *must* follow such a course, they hope we will all wake up to the glories of their utopia and simply climb aboard their bandwagon; we will have, they figure, no alternative. That's why I call them *Coercive* Utopians. The plan, their "hidden agenda," has been in operation for some time, and great harm has already been done.

At first their agenda wasn't so hidden. In 1976 they attempted to ban nuclear power at the ballot box. Promoted as initiatives for "safe" nuclear power, the proposed legislation was nevertheless voted down by two-to-one margins in seven states. So the Coercive Utopians, crushed at the polls, adopted less-visible tactics. First by delays in courts and now by delays from their new positions within government (in the name of review and evaluation), they have stopped the future lifeblood of our economy. Nothing seems different today, but when power plants, land exploitation, and new industry are stopped—stopped; not *controlled wisely,* but *stopped* cold—when those things are stopped, we don't notice it today because we don't need it today. But 5 to 15 years down the line, there is in store for us an economic cataclysm that will make the Great Depression look like a tea party.

If it seems unbelievable that all those important things are stopped already, just consider them all, starting with what Carter calls our "nuclear option."

In 1977 nuclear power-plant licensing was suspended in order to streamline the process and shorten the 12-year-long licensing period. After six months the *New York Times,* not exactly a pro-nuclear newspaper, editorialized: "The Carter planners have operated in such a hasty and even slapdash way that their draft legislation is itself now in need of study and thorough review." A half-year later, an anlysis produced by three law professors from Columbia, Washington, and Cornell universities called Carter's new nuclear licensing plan "at best wasteful and at worst one which makes rational planning for energy needs impossible."

California is even worse off. That's where Gov. Jerry Brown tries to out-Carter Carter on energy—and Carter is the man who promised to out-Nader Nader. Back in 1975 the state legislature created the state Energy Resources Conservation and Development Commission to speed approval of power-station construction throughout California. As in most states, the number of hearings and permits for all new power-plant construction had swelled to cumbersome proportions. So it was proposed that the entire procedure be done in one giant hearing before the California Energy Commission—"one-stop shopping," said its promoters in getting the enabling legislation passed. But in the many months since the commission went into operation, it has not approved a single power plant for construction, so it is now called the "one-stop stop." So much for our "nuclear option" in California.

Meanwhile, back at the federal level, the Department of Energy—incidentally, the only department in the administration that is not in the control of Carter-appointed Naderites—submitted its Nuclear Licensing Reform Bill to Congress on March 17, 1978. It still has not been acted on, and its future looks dim as antinuclear zealots both in and out of government zero in on legislation they call "unacceptable" (that's the opinion of Nader's Congress Watch) and "badly conceived, badly drafted, badly motivated and a sell-out" (the opinion of the Natural Resources Defense Council).

BURYING COAL

Of course, nuclear *is* controversial, and California *is* a little crazy. But we can't look to coal to pull our energy chestnuts out of the fire, either, in spite of all the jawboning on coal done by President Carter. The administration calls it our "coal option"—and it's our *last* "option" after nuclear. There are *only two*.

Most people are astonished to learn that no new coal leasing will be permitted until at least 1981 and probably much, much later. Those who do know, and approve of that, point out that it's only *new* coal leases that are held up by complicated environmental policymaking. There are plenty of *old* leases, they say.

It's true that there are 519 existing and unworked federal coal leases in the seven western states. But an examination by Charles Margolf of W. R. Grace & Co. shows that only five percent of these can be considered mineable. Why can't the remaining 95 percent be worked? Because those 491 leases were all issued prior to 1970, which means *before* the passage of:

The National Environmental Policy Act.
The Clean Air Act of 1970.
The Clean Air Act Amendments of 1977.
The Clean Water Act.
The Clean Water Act Amendments.
The Coal Leasing Act Amendments of 1975.
The Surface Mining Control and Reclamation Act of 1977.
The Endangered Species Act.
The Safe Water Drinking Act of 1974.
The Historic Preservation Act.
The Solid Waste Disposal Act of 1971.
The Federal Water Pollution Control Act Amendments of 1972.
The Mine Safety and Health Act.
The Mine Safety and Health Act Amendments of 1977.

There are, in addition, state legislation and a host of rules and regulations of numerous agencies of the federal government such as BLM, USGS, EPA, CEQ, MESA, and the Corps of Engineers. Also many new rules and regulations are coming; and new agencies, such as the Office of Surface Mining ("OSM"), are just getting into business.

Obviously, the laws rules and regulations applicable to coal mining today are considerably different from those prior to 1970, when 95 percent of the existing leases were issued. So old leases are of very doubtful value, and new leases just don't exist. And the latter is one of many remarkable stories coming out of Carter's Washington these days—the story of a house divided against itself and the surrendering of federal power to "public-interest" anti-energy activists. Here's why we won't have any federal coal leasing until round 1985.

WHO HOLDS THE REINS?

On September 27, 1977, US District Court Judge John Pratt ruled in favor of the Natural Resources Defense Council, a private environmentalist-activist lawyers group, and against the US Department of Interior (*NRDC* v. *Hughes*). As a consequence, Interior must rewrite and greatly expand its already prepared Environmental Impact Statement (EIS) on coal leasing, thus freezing any new coal leases on federal lands until lengthy new EIS requirements are fulfilled.

But what is really significant about *NRDC* v. *Hughes* is that it was definitely not an adversary proceeding. It was, rather, a formalizing of plans for long-range national coal development made between individuals of identical and rather extremist philosophy, with the total exclusion of the views of industry.

For example, John Leshy is an Interior lawyer who is preparing defendant Interior's EIS as demanded by plaintiff NRDC. But he was actually employed until 1977 as the NRDC lawyer who prepared plaintiff NRDC's case against defendant Interior. Leshy is now "defending" against the very case he created. Also representing Interior in its so-called defense against NRDC's suit was Justice Department Assistant Attorney General James Moorman, who took that post after leaving his job as executive director of the Sierra Club's legal defense fund. To add to the non-adversary nature of *NRDC* v. *Hughes,* a Sierra Club attorney, Bruce Terris, took over as NRDC's attorney when Leshy left NRDC to work for defendant Interior. Thus, plaintiff's attorney Terris ended up arguing "against" defendant's attorney Moorman when just a year before both men were Sierra Club lawyers.

With such a cozy relationship, it's no wonder the following remarkable development took place: the Department of Interior actually gave up its decisionmaking powers on federal coal leasing to NRDC (remember, it's a private organization) on February 25, 1978. Since Pratt's decision effectively stopped cold all coal development in the United States, Interior appealed *NRDC* v. *Hughes*. But NRDC, fearing a reversal, was willing to compromise. Using the excuse of the sure delay that would have been caused by a lengthy appeal, Interior agreed not to appeal the case in return for NRDC agreeing to a certain limited amount of coal leasing—subject to advance approval by NRDC. With this veto over any leases proposed by Interior, NRDC, not Interior, now controls federal coal-leasing policy in the United States.

Furthermore, the agreement was reached in secret sessions between Interior and NRDC but excluding Utah Power and Light, a party to the case prior to Pratt's original ruling. In vain, Utah Power and Light petitioned the appeals court to bar Pratt from accepting the NRDC-Interior agreement, but its request was denied.

RED-HANDED

Can you imagine the reaction if this had all happened the other way around, if a president—say Nixon—had left nuclear licensing up to private out-of-court settlements reached by a hand-picked Nuclear Regulatory Commission, composed entirely of lawyers appointed from the nuclear industry, who would then "negotiate" in secret with the various electric utility company lawyers for the licensing of their own nuclear reactors? Can you imagine what the reaction of the press would be? But the press has been utterly silent on *NRDC* v. *Hughes*.

Not so silent have been a lot of people when they read my account of *NRDC* v. *Hughes*, which has appeared in various publications. Some folks wrote to their congressmen demanding clarification, and eventually Interior's solicitor, Leo Krulitz, responded to Florida's Senator R. Stone. While admitting all of the environmentalist connections, and the exclusion of Utah Power and Light, Krulitz stoutly maintained that the Interior "Department has relinquished no coal leasing rights to the Natural Resources Defense Council." But place this denial alongside the following quote from the Modification of the Order of the Court itself (US District Court, Civil Action No. 75–174, Washington, D.C.):

> The Federal Defendants [Interior] are authorized to process 20 preference right lease applications. The preference right lease applications are to be those which the Federal Defendants and the Plaintiffs [NRDC] mutually concur would cause the least environmental impact of all preference right lease applications pending before the Secretary [of Interior] on the date of this agreement. If the Federal Defendants and Plaintiffs are unable to agree, the Federal Defendants shall submit a list of applications two times the number of disputed applications, but not less than 20 for final consideration.

Interior "has relinquished no coal leasing rights to the NRDC"? What the above in fact says is that no new federal coal leases can be released until NRDC and Interior "mutually concur." That means that either or both have an absolute veto, and that means NRDC can veto any new coal leases.

Krulitz, caught with his hand in the cookie jar, responded like the child in the same position who tried to defy reality by saying, "What hand? What cookie jar?" He closed his recklessly written letter to Senator Stone with the admonition that the story, as told above, "should not be read into the *Congressional Record*, because it is grossly inaccurate and inflammatory." It certainly *is* inflammatory—it ought to inflame anyone who recognizes what's going on—but it is hardly inaccurate.

So there go our only two near-term energy options, coal and nuclear. We don't notice it yet—but we will.

WILDERNESS POWER

And the use of federal land? Here we encounter the notorious RARE II. In the name of review, the Department of Interior has withdrawn 68 million acres of federal land from development of any kind until it can be decided whether or not to give it "wilderness" status—this despite the fact that this exact review has already been going on for 16 years. RARE II stands for Roadless Area Review and Evaluation, second time around.

So Interior has denied Sierra Pacific Power Co. a right-of-way for a transmission line across northern Nevada because it would go across federal land that is "under study" for wilderness classification. The alternative route selected for Sierra Pacific by Interior adds 74 miles of wires and towers to the original plan denied by the wilderness lobby in Interior. That means an initial cost of $7.4 million for the hardware alone and more costs that go on for as long as the line is in existence—such as transmission-line losses, energy that would supply 1,600 homes each year, *every year*, if it weren't lost on those 74 extra miles; and another $1.5 million, each year, to cover the extra capital costs. And then there's the delay, at $673,500 per month.

To add insult to injury, the land "under study" almost certainly will never be declared a "wilderness" area, since that particular "roadless area" is crisscrossed with agricultural roads, which don't count as roads under RARE but which in many instances can be traveled at 50 miles per hour.

The Department of Energy considers 40 percent of the land locked up by RARE II to be of "major interest" for energy development. Drilling for oil and gas is now—and very suddenly—prohibited on millions of acres of, to take just one example, the Overthrust Belt, estimated to contain 4 billion barrels of oil and 14 trillion cubic feet of natural gas. All that drilling is stopped until Interior decides what will and what won't be wilderness. And "deciding" can take all the time in the world.

Lumbermen are also waking up to the fact that RARE II is going to put some of them out of business. But lumber, oil and gas, and all other affected operators *were simply not informed* by Interior of the series of "workshops" the government held in 1977 to get "public" input about what lands should be included in RARE II. Evidently, business isn't "public."

All this could occur because the "wilderness lobby" in Washington is no longer a lobby but has moved right into the halls of power. The government's director for the RARE II inventory is Carter-appointee George Davis of the US Forest Service. Just before Davis entered the government he was executive director of the Wilderness Society. And it's expected that Davis's job in getting wilderness-extremists' views cast into the concrete of the final RARE II report will be easy, considering that responsibility for it belongs to M. Rupert Culter, now assistant secretary of Agriculture. Before Carter appointed him to that job, he was, like Davis, also a high official in the Wilderness Society.

There is but one small hint of a return to reason. There has finally been a response to the many millions of dollars spent yearly by the so-called public-interest law firms (like NRDC, the Environmental Defense Fund, the Sierra Club Legal Defense Fund, and the Center for Law and Social Policy) in their efforts to stop growth. Seven regional litigating centers, all under an umbrella organization called the National Legal Center for the Public Interest, have been created, thus breaking the Coercive Utopians' monopoly on the "public-interest" concept.

For example, one regional center, the Mountain States Legal Foundation (MSLF), is dedicated to "counterbalance those who use our judicial system to restrict economic growth" and to "defend individuals and the private sector from illegal and excessive bureaucratic regulation." And in September 1978 the MSLF challenged the right of the federal bureaucracy in using the RARE II lever to deny public use of and access to federal lands and resources, without the approval of Congress, in a lawsuit filed in a Wyoming Federal District Court.

CURBING NEW INDUSTRY

But the anti-growth story has yet another chapter—new industry.

Consider this: John R. Quarles, Jr., was the deputy administrator of the Environmental Protection Agency during the Ford administration. In criticizing the Carter EPA, Quarles has written: "Recent amendments to the Clean Air Act provide that in any area where the air quality standards have not been fully attained [most cities], no new industrial plant can be built after July 1, 1979, unless the state has adopted and the Environmental Protection Agency has approved an air pollution control plan that will assure full compliance by the end of 1982."

Says Quarles: "This provision, like a loose cannon on a pitching deck, threatens a path of destruction.

"The new law allows no leeway. If the plan is not finished and approved—no matter why—the sanctions apply automatically. If a state agency lacks adequate manpower; if a governor opposes one part of the program; if EPA rejects a plan for technical or procedural defects; *if anyone ties up the new plan in litigation*, or if for any other reason the deadline is missed, then federal law will prohibit construction of new plans with unforgiving finality. There is no discretion not to enforce the law. And any citizen can delay the plan by filing a lawsuit."

The first big casualty of the 1977 Amendments to the Clean Air Act found EPA's Coercive Utopian Alan Merson in the act. He stopped construction of two coal-fired power plants in Colstrip, Montana. His reason? The Northern Cheyenne Indians live nearby, and an extremely suspicious EPA-computer-generated air model predicted that on some days each year EPA air standards would be violated. According to the *Denver Post*, Merson explained that Congress wanted to guarantee the Indians "some self-determination over their lives and give them the right to clean air. Economics in a sense becomes irrelevant."

Now Merson would probably say that EPA hasn't closed down industry at all, that there is a perfectly easy way for new industry to build new plants. It's called "offset." New plants can be built if EPA can be convinced that some existing facility, which pollutes though is in compliance with EPA standards, will reduce its pollution by an amount such that the combined pollution of the old plant and the new plant will be less than the presently legal pollution produced by the existing old plant as it is. But let's look at the so-called successes of the offset plan so far.

EPA will allow an automobile company in Pennsylvania to build a $350 million plant only if the plant doesn't go to a three-shift operation, as it wants to do, until it changes its paint formulation to reduce hydrocarbons and also until the state of Pennsylvania begins paving its roads with a new material designed to reduce hydrocarbons in the air. In this case, the trade-offs were worked out. But consider how little potential for additional offset agreements remain after the easy ones are "used up" in any given area.

Take a case in Long Beach, California, which illustrates the future off-set problem. It started with a dilemma when Alaskan crude oil could not get to the energy-hungry East and couldn't be consumed in oil-rich California. In 1974 Standard Oil of Ohio (Sohio) came up with a solution: to buy 800 miles of an old pipeline that had been used to carry natural gas from Texas to California and convert it to pump oil in the opposite direction to Texas and nearby refineries. Sohio would feed the converted pipeline from a new marine terminal unloading Alaskan oil from tankers at Long Beach. The oil terminal operation would cost Sohio a half-billion dollars.

Sound simple? Not so. Sohio could go ahead only if it could create, by negotiation with other industries that were polluting at legal levels, a situation whereby building their new terminal would more than offset the pollution that it would create. Here's the deal: Sohio pays $78 million for the construction and 15-year maintenance of a new scrubber for a Southern California Edison smokestack, emissions from which are currently in full compliance with the law. Sohio pays another $5 million to 13 local drycleaners—also in compliance with California's strict air-pollution laws—to help them reduce their hydrocarbon emissions.

But even that wasn't enough. Sohio had to depend on the favorable outcome of a *public referendum* in Long Beach to permit the city to lease space to Sohio for its terminal. And it needed more than *700* federal, state, and local permits to go ahead. On March 13, 1979, Sohio announced it was abandoning the venture because of "project-killing delays by the government."

More important, consider that Sohio's offset deal would have just about used up any real potential for future industrial growth in that area. What could another company do? Buy up and close down every dry cleaner in Long Beach in order to obtain their existing "pollution rights"?

Offset potential is limited and will only delay the inevitable—a shutting down of all new industry across the United States.

SMALL BUT POWERFUL

Just as a $20 million complexity like an airliner can be taken over by a single terrorist with a Saturday Night Special, so can a small determined group of spoilers, delaying energy production across America, bring the whole country to its knees in only a few years. The anti-nuclear, anti-energy environmental issue is tailor-made for those who seek massive and rapid political change in an otherwise stable society.

Attempts to meet energy demands are discredited with scare tactics and denounced as morally unacceptable degradations of the environment. Then, when the shortages thus produced do finally occur—and massive unemployment and social disorder inevitably follow—corporations, capitalism, and representative democracy itself will be blamed by those vocal Coercive Utopians for problems that, supposedly, only Nader's "consumer owned economy" can solve.●

TURKEY: WILL IT FOLLOW IRAN?

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. SYMMS. Mr. Speaker, I wish to submit to the RECORD a column written by Evans and Novak in the Washington Post of May 14, 1979, which discusses some of the recent events in Turkey that resemble incidents in Iran prior to the overthrow of the Shah. As Evans and Novak point out, Turkey is critically important to this country, especially in light of SALT and the listening posts in Turkey which are necessary for monitoring the agreement. But because of the arms embargo, just lifted in August of 1978, and Soviet anti-Western propaganda which is being beamed into Turkey, our NATO ally may suffer the same fate of Iran. The United States cannot afford to let this strategically important country fall under Soviet influence. The result would be disastrous not only for the present government in Turkey and Western Europe, but it would also take away virtually all credibility of the United States as an ally.

The article reads as follows:

CONSIGNING TURKEY TO THE JUNKYARD

(By Rowland Evans and Robert Novak)

Echoes of incendiary anti-American propaganda beamed into Iran from the Soviet Union just before the fall of the shah are now being heard in Turkey, leading presidential advisers to this chilling conclusion: Moscow believes Turkey is ripe for destabilization.

In private, the Turkish government is seeking emergency help from Washington to reduce murderous street violence, tamp down an economic crisis and bring Turkey back as a full-fledged member of the Western alliance. But in a case study of errors, the Carter administration has let precious time slip by—perhaps too much time.

As a result, the single most ingenious and innovative post-World War II decision by the United States—President Truman's 1947 Greek-Turkish aid program—may be headed for the junkyard of history. It would reside there alongside Washington's other postwar alliances with Iran and Pakistan.

That would directly affect the Mideast, rich with oil that both West and East desperately want. In the absence of the U.S.-Turkish alliance, the Mideast would be more vulnerable to Moscow. The North Atlantic Treaty Organization (NATO) would be a dead letter in the eastern Mediterranean.

What's more, the unwanted trip to the junkyard comes just when Carter desperately needs monitoring stations in Turkey for the new SALT II agreement, replacing bases lost in Iran. But Deputy Secretary of State Warren Christopher returned from his recent rescue mission to Ankara with very little progress toward agreement. It is at this bleak moment that the Kremlin has unlimbered its propaganda guns used to such good effect in Iran.

The propaganda zeroes in on the new counterguerrilla "fascists" of the West. "NATO is the main supporter of the fascist escalation in the country," a Romanian-based clandestine transmitter purred last week. "NATO is behind the murderous fascist dens, the counter-guerrilla organization and those aspiring to a fascist military coup." Three days later, a U.S. soldier stationed in Turkey was murdered the second such killing in a week.

Two years ago, Jimmy Carter had little expectation of conditions in Turkey presaging the end of Harry Truman's great postwar experiment.

Carter had inherited an ideal safety-valve from the Ford administration—a four-year defense cooperation agreement (DCA). It would not only have ended the arms embargo imposed by Congress under pressure from the Greek lobby, but would have reopened closed U.S. bases for a price-tag of only $1 billion in arms and economic aid.

That was torpedoed by the Greek lobby, aided diligently by Vice President Walter F. Mondale. Sen. Paul Sarbanes of Maryland, Senate kingpin of the lobby, has beaten a steady path to the vice president's door. Carter was persuaded, partly on grounds of cleansing himself of Ford-Kissinger taint, to dump the four-year agreement and go to Congress for a straight up-or-down vote ending the arms embargo.

The president deserves credit for winning that test last summer, reopening U.S. bases for one year. But his decision to dump Henry Kissinger's document to placate the Greek lobby has now boxed him in just as Turkey's importance to the United States has reached a new height because of Iran. Here is a textbook case of sacrificing good policy for bad politics.

Turkey, suffering from economic paralysis and social disruption that has imposed martial law over one-fourth of the country, needs far more today than it did before. That means the budget-conscious Carter will now have to raise the ante far above the amount in the ditched Ford agreement, and in return will be a devalued Turkish alliance.

If Carter had stuck to the Kissinger-tainted agreement and used the same clout on Congress to pass it that he used to end the arms embargo, Turkey today would not be in such straitened circumstances. Nor would the United States have to worry about permission to use Turkey as a SALT monitor in place of Iran. Instead, Carter played to the Greek lobby, and Turkey is today ripe for Moscow's nudge toward destabilization.

With the failure of Christopher's mission to Ankara, the president is heading toward another cliff-hanger: how to persuade the Turks not to shut down U.S. bases in October even if no new defense agreement has been signed by them.

So, the Soviets are using their escalated radio broadcasts to finish the work insensibly started by the U.S. Congress with its arms embargo and systematically reduce American ties with Turkey. For the first time, specialists here believe the Russians might possibly pull it off.●

MARYLAND'S GOVERNOR HUGHES TAKES STEP TO INSTITUTE STATEWIDE ENERGY CONSERVATION PLANS

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. MIKULSKI. Mr. Speaker, I would like to bring to my colleague's attention the efforts that are being made by the Governor of the State of Maryland to conserve energy. Governor Hughes has taken the initiative to implement energy conservation measures which:

First: Impose mandatory heating and cooling restrictions upon State and local buildings;

Second: Restrict unnecessary public lighting on public roads; and

Third: Limit use of State automobiles.

Another executive order will impose heating and cooling restrictions, as well as restrictions on commercial lighting, upon commercial enterprises, provided that other States are requiring similar restrictions of businesses in their States.

Maryland is taking an important step by implementing such plans and Governor Hughes has provided the needed foresight and leadership. Below is Governor Hughes' statement which details the proposals:

STATEMENT BY GOVERNOR HARRY HUGHES ON THE ENERGY CONSERVATION PROGRAM FOR THE STATE OF MARYLAND

In view of the continuing energy shortage and inflation that began in 1973 and was most recently aggravated by political developments in Iran, I am announcing today an energy conservation program for the State of Maryland. While there are limits to what Maryland can do, the program I am announcing today is intended to complement and buttress federal conservation proposals outlined earlier this month by President Carter and I hope it will be part of a nationwide effort to meet the challenges of a serious and long-term energy problem, which, if unmet, could undermine our national security and economic well-being.

The state conservation program that I present to you today can be divided into three categories:

Measures that will be implemented immediately or within a few days;

Proposals contingent upon neighboring states adopting similar measures; and,

Finally, contingency plans that can be put into effect in the event of a sudden fuel and energy crisis.

As part of the program that can be implemented quickly, I have directed the Maryland State Police to begin intensifying enforcement of the 55 mile-per-hour speed limit that is currently in effect. The State Police will be announcing soon the measures the agency will take, but they will include assigning six additional men from each of the seven State Police Barracks to the speed-limit enforcement program. I am informed by the State Police that police aircraft will also be used in the program and there will be additional use of unmarked, undercover vehicles for speed-limit enforcement, the marking of additional policies vehicles, use of rolling road blocks and an intensification of the so-called Yellow Jacket program, which uses off-duty policemen to patrol areas where there is a high incidence of speeding and alcohol-related accidents. There are federal funds available for some of these programs and I have assured State Police that additional State funds will be made available for the intensified enforcement activities.

In view of some concern within the law enforcement community about the high rate of acquitals or grants of probation before judgment by District Court judges with respect to speeding violations, I have also addressed today a letter to the Chief Judge of the District Court requesting him to direct the attention of his judges to the fact that a violation of the 55 mile speed limit violates not only the safety provisions of the Safety Vehicle Code, but also an outstanding energy emergency order pertaining to energy conservation.

Pursuant to the Governor's energy emergency powers, I am issuing an executive order, which will impose mandatory heating and air-conditioning restrictions upon all State and local government buildings in the State. The restrictions are similar to a proposed federal restriction requiring maximum heat of 65 degrees and minimum air-conditioning of 80 degrees. The executive order is more severe than the federal restrictions in that it would also require that thermostats be set back or up by at least another five degrees at night and during weekends.

In this regard, it should be noted that I have included funds in the fiscal 1980 budget to allow the State to participate promptly in federal programs providing for energy audits in State and local schools and colleges. These audits would check thermostat settings and see to it that heating and cooling systems are being operated in an economical and efficient manner. I am also encouraging the Department of General Services to make available the funds necessary to conduct energy audits in State hospitals and in the Baltimore and Annapolis State building complexes.

The executive order, referred to previously, has been submitted to and approved by the Committee on Administrative, Executive and Legislative Review of the General Assembly and will become effective in ten days.

As part of this same executive order, I am directing all Secretaries of Cabinet departments to accomplish a reduction of at least 10 percent in State consumption of gasoline. I am also asking the Department of General Services to increase the proportion of subcompact automobiles purchased by the State to the 25 percent level recommended by the State's Task Force on Fleet Management.

With the order, I am also directing State and local enforcement agencies to extinguish all publicly provided street and parking lot illumination not necessary for public safety. This provision is similar to that implemented in connection with the natural gas shortage of 1977 and the Western Maryland coal strike of 1978.

And, finally, the order reactivates the requirements placed upon fuel suppliers to give regular reports to the State on their inventories. The requirement, which has been allowed to lapse, was originally imposed by executive order in 1973.

I am also addressing a letter today to the chairman of the Study Commission on the Public Service Commission requesting that group to study current licensing laws that govern the establishment of new bus lines, additional taxicabs and other forms of commercial transportation to see whether they are consistent with energy conservation objectives. I have asked that the review be given priority so that any legislative proposals that result from it can be presented to the 1980 General Assembly.

The second executive order that I am proposing is contingent upon a reasonable number of neighboring states adopting similar policies. I have submitted a copy of the second executive order to the Committee on Administrative, Executive and Legislative Review and have sent copies as well to Governors of all the states.

This order would take the same heating and air-conditioning restrictions that apply to governmental buildings and impose them on all public and private non-residential buildings. It would also restrict outdoor and display lighting to a single sign used to identify a commercial establishment during hours that the establishment is open for business after dark. Enforcement of the order by Maryland's existing apparatus of State and local health and safety, boiler, elevator, building and housing and other inspectors is provided for.

This second executive order will be placed into effect on May 15, if by that time we have received indications from a sufficient number of neighboring states of their intention to impose similar measures so as to insure that no exceptional or unique disadvantage is being imposed on Maryland citizens. We have been in touch with the authorities of a number of neighboring states and I am informed that it is likely that restrictions similar to some of those indicated will be imposed in other jurisdictions following our action.

Finally, the Energy Task Force that I have appointed has also been engaged in considering the appropriate State response to a serious shortage of gasoline such as that encountered in 1973 and has developed contingency plans to deal with that situation if it should develop. Maryland has recently entered into a Tri-State Agreement with the governments of the District of Columbia and Virginia to coordinate gasoline emergency plans with those jurisdictions and there have been detailed discussions designed to render our contingency plans uniform. The Task Force will also be looking at other measures that could be taken if a very serious situation arises such as the measures taken in conjunction with the Western Maryland coal strike.

The measures which are today proposed or implemented are designed to be universal in impact and involve reasonable equality of sacrifice. We have, at this time, avoided such common proposals as those involving parking restrictions, closed lanes of highways, required closings of certain businesses and restrictions on weekend gasoline sales which fall only on selected parts of the public. We may find it necessary, at a later time, to impose such measures, or measures such as the contingency odd-even gasoline plan. We hope that it will not come to that. The measures I announce today are precautionary in their nature and they are being taken because, among other reasons, the recent developments in Iran have dramatically underscored our economic vulnerability to disturbances of oil supply from foreign countries. The recently announced staged decontrol of domestic oil prices, moreover, will result in continuing price increases. Energy conservation must be encouraged if price increases and their impact on individual household budgets are to be kept in check. The recent incident at Three Mile Island has no doubt reduced the possibility that ever increasing demands for energy can be satisfied largely by increased development of nuclear power. The failure to apply conservation measures is thus likely to result in increases in the cost of oil and the degradation of air pollution standards to a far greater extent than would be necessary if reasonable conservation measures are applied.

In addition to the mandatory measures today being announced, I have also asked the Public Service Commission to request public utilities of the State to include in their periodic bill mailings literature or stickers directing the attention of homeowners and renters to the proposed heating and air-conditioning limits and asking their voluntary compliance with them. I would particularly express the hope that there would be a widespread effort, this coming summer, to limit the use of home air-conditioning and that it would become, in some measure, unfashionable to engage in unnecessary use of home air-conditioning.

These measures are not heroic or drastic. They are, to date, however the most stringent measures proposed or implemented by any American state. I believe that public opinion will support them and regard them as fair and that public response will recommend them to the governors and other authorities in other states.●

SUPPORT FOR SALT II

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. DRINAN. Mr. Speaker, the New Republic has recently endorsed ratification of the SALT II Treaty; I commend the editorial to the attention of my colleagues.

There are few problems which are more inherently dangerous than the proliferation of offensive nuclear weapons. Next month President Carter and Soviet leader Brezhnev will sign the final version of the SALT II agreement to limit offensive weapons. The Senate and the American people will take on the task of debating the merits of the treaty in the context of Soviet-American relations.

During all such debate we must bear in mind the benefits and the risks; the progress to be gained by ratification and the consequences of a U.S. rejection of SALT II. It is quite clear from the debate over SALT II that has already taken place that the treaty will be of only limited value in confronting the difficult issues of proliferation and arms control. But it has been clearly shown that the consequences of failure to ratify this treaty are far more dangerous than the problems associated with verification and the new strategic environment the treaty will create.

As a member of the Arms Control and Military Affairs Committee of Members of Congress for Peace Through Law (MCPL), I have long encouraged our Nation to control the spread of nuclear arms. At the very least, I hope that the upcoming SALT debate will focus our attention on the future of international arms control efforts.

I hope that all my colleagues will read the editorial of May 5 from the New Republic:

WE SUPPORT SALT

We begin a deadly serious subject with a fantasy:

"WHEELING, W. VA.—Senator Jack D. Ripper, the retired NATO commander, today announced his candidacy for president in 1984, accusing the administration of 'blindness bordering on treason' for 'letting Russia gain decisive nuclear superiority' over the US. He said the administration had 'ignored secret studies showing the Soviets are hiding thousands and thousands of new-type super-missiles with up to 40 warheads each.' Administration sources discounted reports of such Soviet activity, but Ripper claimed the studies show 'big, new missiles are being hidden in caves, under tarpaulins, in wells, wherever the Soviets can conceal them.' He declared, 'America faces a survival gap' and called for drastic cuts in social spending to support a $350-billion 'crash' defense and civil defense program. 'Every American should pledge to "Beat Russia, Save America."' Ripper declared to the cheers and chants of thousands. 'Those who won't can only be suspected of wanting Russia to beat us. . . .'"

It is a fantasy that the dizzy Air Force colonel in *Dr. Strangelove* could rise to be a general, NATO commander, senator and presidential contender and would announce his candidacy in the same city where Joseph McCarthy began witch-hunting for subversives in 1950. But it is not fantasy—rather, it is history—that when the United States does not know what the Soviet Union is doing in nuclear weaponry, it begins fearing the worst, and then believes it. "Secret studies" in the 1950s and early 1960s gave us "bomber gaps" and "missile gaps" that didn't exist. Officials who discounted the studies were branded as blind and weak. Expensive defense and civil defense programs were instituted on a crisis basis. And in the cold war environment, fear of the Soviet Union did lead to loyalty tests, pledges and other civil liberties depredations.

Could it happen again? Perhaps not exactly as before, but we suspect that Senate defeat of the forthcoming SALT 2 Treaty with the Soviet Union *would* lead to worst-case assumptions about Soviet capabilities and intentions, expensive compensatory US programs and a poisonous political environment both internationally and at home. To avoid these consequences—and, above all, to avoid stumbling into cold war and nuclear war—we favor ratification of the treaty. The full text of the treaty is not yet available (though most details are) and we do not rule out the possibility that the ratification debate could turn up decisively damaging new information. But on the basis of what we know, we think the treaty—though far from providing the US absolute security—is much better than no treaty at all.

The main virtue of SALT is that it provides a base line for judging what the Soviets are up to. It establishes rules for what they can build and what they can't. If the treaty is ratified, the Soviets (and we) will be bound to limit our total number of strategic launch vehicles (missiles and bombers) to 2400 at first and then to 2250 by the end of 1981. The treaty contains separate limits for missiles equipped with multiple warheads and specific, detailed prohibitions against building new heavy missiles, increasing the number of warheads each missile can carry and developing more than one new kind of missile between now and 1985. Moreover, the treaty forbids interference with our ability to verify Soviet missile developments by satellite and electronic ground stations. So we will know how many strategic weapons the Soviet Union is supposed to have, and of what type. If we find they have anything that is more and different, we can accuse them of cheating and (if it comes to that) threaten to renounce, or actually renounce, the treaty. But without a treaty, there will be no standards, no limits, no rules against concealment. We would have to assume the worst about what they were doing, and we would assume the worst. The Soviets probably are capable of building 3000 or 4000 strategic delivery vehicles, and equipping their biggest rockets with as many as 40 separate hydrogen bombs. How would we know they hadn't done so? How would we know we shouldn't do the same? We wouldn't know.

Objections will be raised—indeed, they have been raised already—that the Soviets can't be trusted to keep their agreements, that the revolution in Iran has impaired our ability to check on Soviet compliance and that (regardless of the theoretical merits of SALT) the specific terms of the new agreement are disadvantageous to the United States and our allies. Dovish critics complain that the SALT II agreement doesn't really limit arms at all, but simply establishes new rules for arms-racing. And hawks charge that SALT, and the detente policy of which is a part, serve to cloud the mind and sap the will of the West in the face of Soviet hegemonism. We take all these objections seriously, but we believe that the SALT treaty can survive them.

Let us begin with politics. We judge the Soviet Union to be an imperialist totalitarian state, a scourge of liberty and humane values everywhere, a menace to the West both militarily and politically. We judge that Soviet leaders, having advanced to their posts by stealth, guile and ruthlessness, are not to be trusted by people and nations who revere law and common decency. We look at Soviet gulags, death camps and psychiatric torture centers, and at Soviet barbarism in Czechoslovakia and Hungary and we have a picture of what the world would be like if the Soviet system prevailed. We do not doubt that if the Soviet Union could attain military superiority over the United States, it would try to exploit it, as it has exploited our post-Vietnam political vulnerabilities in Africa and the Middle East. We regard the Soviet Union as America's adversary—no, as our enemy. And yet, we do have a common interest in the survival of mankind. We do not believe that the Soviet leadership, however murderous, is suicidal. Sometimes it is said that the Soviets lost 20 million people in World War II, and that they might endure comparable casualties to control the world in World War III. But US nuclear power is capable of inflicting hundreds of millions of casualties, just as Soviet nuclear power could do in the United States. So we have a basis on which to talk, to limit nuclear weaponry and to establish a minimal level of understanding.

Would the Soviets cheat on SALT if they could? We believe they would. If Soviet compliance were not subject to US verification, we would oppose the treaty. Loss of two electronic tracking stations in Iran does seem to have impaired somewhat the US ability to monitor Soviet missile tests, but administration officials say that we still have adequate ability to verify SALT using satellites, ground stations in Turkey and Alaska, spy ships at sea and intelligence aircraft. The Baltimore Sun last week reported that without the Iran sites the US had successfully monitored two test firings of Soviet SS-18 missiles all the way from their launching at Tyuratam, in the southwest Soviet Union, to Kamchatka Peninsula on the Pacific coast. The Soviets have tried to encode the signals sent from their test missiles back to base—so-called "telemetry"—but the SALT agreement supposedly will prohibit any coding that impairs verification. American officials seem confident that the US could detect any attempt to cheat. The Soviets supposedly have exploited every possible loophole and ambiguity in earlier arms limitation agreements but they have not been found brazenly violating treaty terms. The strongest, most sophisticated opponents of SALT, including former deputy defense secretary Paul Nitze, do not regard the verification issue as decisive. Rather, it seems to be a refuge for senators who do not want to trouble themselves digging into the details of missile numerology. It is remotely possible that verification loopholes could be uncovered in the forthcoming debate. If they are, they should be closed. But the most serious objections to SALT do not lie here.

The most serious criticism of SALT is that it will place the U.S. and its allies at a strategic disadvantage against the Soviet Union. Even though the agreement calls for both sides to have equal numbers of strategic launch vehicles, and even though the U.S. has and will continue to have more nuclear warheads, Nitze and his allies argue that the crucial difference between the U.S. and Soviet arsenals is in the payload of their land-based intercontinental ballistic missiles. In the 1960s, because of superior technology, the United States decided to build small, highly accurate ICBMs, whereas the Soviets, lacking U.S. capabilities, built big, heavy missiles. The U.S. pioneered in multiple, independently-targeted warheads (MIRV), and super accuracy. Each U.S. Minuteman III ICBM contains three warheads; our Trident I submarine missiles have eight warheads and MX missiles, if we choose to build them, will have 10. Minuteman missiles can be fired thousands of miles and their warheads directed to land within 600 feet of their targets.

The Soviets still trail the U.S. in miniaturization and accuracy. But Nitze's point is that by 1985 they will have caught up; and because their missiles are so much bigger than ours, they may have some 6,200 warheads mounted on land-based ICBMs to our 2,100. The importance of this is that, theoretically, the Soviet Union could fire one-third of its missiles at us, destroy all of our land-based missiles, and have two-thirds left in reserve to attack American cities in the event the United States retaliated with sea-based missiles, bombers or cruise missiles. Because of submarine and bomber advantages, the U.S. currently has double the total warheads that the Soviets do; in 1985 we will have 12,000 compared to the Soviets' 8,000. But SALT critics contend that the vulnerability of land-based ICBMs is decisive. If they were destroyed in a Soviet first strike, a U.S. president would have to decide whether to attack Soviet cities, knowing U.S. cities would be destroyed in return, or surrender.

Actually, Nitze and others do not think matters would ever arrive at this pass. Rather, they say, the mere perception of

Soviet ICBM superiority will be enough to cause the U.S. to back away from confrontation in potential crises, to make the Soviets bolder and to cause third countries to lean toward the Soviet side. Coupled with acknowledged Soviet superiority in conventional weapons, SALT critics argue, this strategic advantage means that another Cuban missile crisis or a new Soviet threat to intervene in the Middle East would end in Soviet victory.

We find all this very far-fetched, but serious people take it seriously, and so we are forced to. We find it far-fetched to suppose that the Soviets could contemplate staging or threatening a simultaneous surgical surprise strike on 1,000 U.S. missile sites. How could they be sure all their missiles would work? How could they assume the U.S. side could tell the difference, amid all the fireballs and dying, between a "surgical" attack on U.S. missiles and a full-scale attack on the U.S.? How could they be sure the president wouldn't order a massive retaliatory barrage before the Soviet missiles ever hit?

And yet, the fact is that US land-based missiles will become increasingly vulnerable to Soviet attack, at least theoretically, and the US, in prudence, is called upon to do something about it. But this does not require abandoning SALT. It does not necessarily even require building MX missiles, which—with 10 warheads each—arguably would give the United States the same first-strike capability against Soviet land-based missiles that they might gain against ours. It does require that we be able to move and hide our missiles, so that the Soviets can't hit them. How to do this is being studied by the Pentagon, though the study is proceeding too slowly and is caught up in interservice rivalry. Placing missiles on barges on the Great Lakes, coastal waters and inland waterways probably is the cheapest method, but what's important is for the administration to decide on one mobility arrangement and get on to building it.

There are three more major objections to SALT. One arises from a protocol lasting until the end of 1981 that is separate from the SALT treaty (which lasts through 1985), but also is legally binding. America's European allies, who favor SALT in general, are concerned that protocol restrictions on ground-based cruise missiles will be extended beyond 1981, thereby denying them the ability to develop this new unmanned-airplane technology for their own defense. The Soviet Union has a heavy advantage over NATO in so-called "theater" nuclear weapons and keeps adding to its arsenal. The New York Times reports that the Soviets are adding short-range SS–21 missiles to their formidable supply of intermediate-range SS–20s. Neither of these is covered by SALT. Soviet Backfire bombers, also excluded from the treaty (in a trade allowing us to build cruise missiles), may or may not be a strategic threat to the United States, but they certainly threaten Europe. It is important that the Carter administration give every assurance to our allies that they will be adequately protected—if not by negotiations leading to Soviet arms reductions, then by full development of air defenses, intermediate missiles and cruise missiles. The US also must fulfill its obligations to modernize NATO conventional weapons. The Carter administration seriously faltered in its on-again, off-again mishandling of the neutron bomb decision. That weapon should be deployed to counter Soviet tank power, and the US must act in a way that will assure Europe that we understand the threat the Soviets pose.

Some SALT critics, led by Senator George McGovern, contend that the treaty doesn't limit arms at all, and that the Carter administration, to win ratification, has agreed to build enough new weapons to erase any arms control effects the treaty might have had. We can dispose of this quickly by asking McGovern to ask the Soviets why they refused to negotiate on the basis of President Carter's March 1977 "deep cuts" proposal, which would have made significant inroads in the arsenals on both sides. Also, we would point out that the new SALT agreement contains a non-binding statement of principles calling for negotiations toward a permanent treaty that cuts back nuclear arms.

Some SALT opponents claim that the US should not conclude agreements with the Soviets when they are bent on world domination, when they encourage coups and Cuban interventions in Africa and the Middle East, and are expanding their naval and conventional military power world-wide. SALT, it is said, should be linked to Soviet good behavior elsewhere in the world. Obviously, there is a level of Soviet action—say, a cross-border invasion of another country—which would so seriously damage US-Soviet relations that we could not contemplate an arms agreement, when a return to the cold war would be appropriate. In the absence of that, however, we should combat Soviet interference with politics, foreign aid, diplomacy, persuasion—and, if necessary, covert action and even military action. The Senate should not defeat SALT because the Soviets are up to no good. It is because they are up to no good that we need SALT—to insure that we know what they are doing in the most dangerous area of our relationship.●

DENTAL PRACTICE IN THE FUTURE

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. ERLENBORN. Mr. Speaker, my good friend from Kentucky, Dr. Tim Lee Carter, has recently given the convocation address to the graduating class at the University of Louisville's Dental School. His comments regarding the challenges of dental practice in the future are worthy of consideration by my distinguished colleagues, and I am including the text of Dr. Carter's speech in the Record for that purpose.

The Challenges of Dental Practice in the Future

(By Hon. Tim Lee Carter)

It's a pleasure to be here in Louisville with you today.

I am honored to take part in your commencement activities.

And I want to thank your dean—Doctor Parkins—for extending your kind invitation to join with you today.

Dean Parkins—or "Fritz" as I know him—is a very special friend as some of you may know.

Before coming to U. of L. he worked with me in my Washington office on health legislation as a Robert Wood Johnson Health Policy Fellow.

During the year that Fritz was with us he was a tremendous asset to me as well as to other members of the Health and Environment Subcommittee—and the full Commerce Committee.

We all appreciated the contributions he made—particularly the insight he gave us on provisions relating to dental health policy.

With his degrees in physiology, and pedodontics, along with his experience as an administrator and his extensive knowledge of health care policy-making—Fritz is an excellent addition to this institution.

And I know from my conversations with him that your dean is very proud to be here.

And he has good reason to be proud to be part of this institution.

Here on this campus you have created a sophisticated modern academic health center with schools for medicine, dentistry, nursing and allied health, as well as many special programs including research and treatment for cancer and diseases of the eye.

You are well-equipped to serve the health care needs of the people of our Commonwealth.

And with the support of your institution and State and local dental officials and through your cooperative efforts with U. of K. you have helped make Kentucky a leader in social programs for dentistry.

I am particularly proud of Kentucky's leadership with fluoridation—which you know is a tremendously cost-effective and beneficial preventive dental technique.

I commend you for Kentucky's school fluoridation programs, for the State-wide sealant program and for the fluoride rinse programs which have been initiated in recent years.

Indeed Kentucky has become a model for the nation in preventive dentistry, and you should be proud of U. of K.'s role in supporting these initiatives.

I certainly want to congratulate each and every one of you who is being graduated today from this fine school.

My congratulations go out also to your parents.

It has been their support, and very often their sacrifice, which has helped you to be here.

Behind each and every one of you lies your parents' fondest hopes, prayers, and dreams.

And while this ceremony today marks the end of your formal education at this school—commencement actually means a beginning—a new start.

And this ceremony today truly marks the beginning of a new and uniquely challenging phase of your lives.

As dentists and dental hygienists you are now part of an important profession that has a crucial role to play in improving the dental health of our citizens.

The extent to which you accept and meet the challenges that will accompany such an important role will greatly affect not only your own practices, but the nature of dental practice in the future.

I urge you now to seek out and accept these challenges.

Make a commitment to do what you can to provide dental care to those who are most in need of your services, particularly the poor children of this country.

Indeed, the future of our children's dental health and their well-being in particular is now, to a great extent, in your hands.

Let me assure you that what you do to meet the needs of all the people can and will make a difference.

I say this because, much like nature, the Federal Government seems to abhor a vacuum.

It frequently moves into areas where the private sector has not taken the initiative to solve a particular problem.

Sometimes we even find the Federal Government becoming involved where private sector solutions already are underway.

So that I not be misunderstood, let me share my own philosophy as a Congressman regarding the proper role of the Federal Government.

And that philosophy arises from my lifelong adherence to the principles of the party of Abraham Lincoln who was Kentucky's greatest son and this country's greatest president.

Abraham Lincoln wrote:

"The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all or cannot do so well for themselves in their separate and individual capacities.

"In all that the people can individually do as well for themselves, the government ought not to interfere."

I believe that within that definition there are legitimate areas where the Federal Government can act responsibly to solve problems—and other cases where it has a responsibility to act simply because no other alternatives are viable.

But in most instances my preference is to seek a non-governmental solution whenever possible.

Such a private approach is usually just as effective, if not more so, and avoids unnecessary regulation, costs, and intrusions of bureaucracy.

That is why I want to urge you today to help become part of the solution for the dental health challenges we face today and in the future.

Just like anything worthwhile—solutions will not come overnight—and they may not come easily.

But let me assure you your efforts are needed. And I hope you will remember that the success you seek is a journey—not a destination.

Now let me mention a few of the most important problems and challenges you will face as you begin your practice.

First is the very critical problem of untreated dental disease throughout this country—and the challenge to do something about it.

It is indeed tragic that:

Half of the children below the age of 15 in this country have never seen a dentist;

Half of all Americans did not see a dentist during the past year;

One-fifth of all adults and school age children have not seen a dentist in at least five years;

And two-thirds of the people in this country are not receiving regular dental care.

These statistics are alarming and they document the need to improve provision of dental services throughout the country.

One of the major causes of this problem is the fact that there is a geographic maldistribution of dentists in this country.

Put simply—there are not enough dentists practicing where the people who need their services live.

In fact two hundred and thirty four counties in the Nation have no dentist at all.

According to a recent H.E.W. report on health manpower:

"The geographic distribution of dentists is a major concern as more than 80 percent of the counties in the United States have persons-to-dentist ratios less favorable than the national average of about 2,000 persons per dentist."

Even though that report predicts that the need for dentists may come close to balance with the projected supply of dentists by the mid 1980's there is no expectation that increased aggregate numbers alone will automatically solve the maldistribution problem.

And the same distribution problem exists with regard to doctors and nurses—and other health professionals.

Because the maldistribution of health professionals in general has emerged as such a critical and still unsolved problem of health care delivery the Federal Government has set up several programs to help correct the situation.

One of the key programs is the National Health Service Corps—which was developed in part by our Health Subcommittee in 1970—and revised significantly in 1978.

The purpose of this program is to help alleviate the geographic maldistribution of health manpower by placing health personnel in specifically designated health care shortage areas.

For example: Dentists, doctors, and nurses are placed in underserved areas in exchange for scholarship support during the student's education.

In addition, the Corps recruits these professionals even if they do not have a scholarship service obligation.

And although the Corps has had difficulties in getting started—particularly because of the time-lag due to training, the number of placements has begun to grow significantly in the past two years.

For example: As of the end of last month 240 dentists have been placed around the country through the Corps program, compared with less than 100 dentists placed in 1977.

Of the 240 dental placements eleven are currently serving in Kentucky and two more Corps dentists are expected this summer.

In my view, solving the dental maldistribution problem is a key factor in improving access to dental health services for our citizens.

And I sincerely hope you will consider accepting the challenge of serving in a community that truly needs your help.

As one who has practiced medicine for many years in a rural area I can assure you that the challenges are many, but so are the rewards and the sense of personal satisfaction you will gain from serving those most in need.

In addition to the maldistribution problem—one other major factor prevents many Americans from obtaining the dental services they need for themselves and their children.

And that is the barrier of poverty, which effectively prevents millions of Americans from seeking medical and dental care until a crisis develops.

The plight of these individuals brings to mind the following stanza from "elegy written in a country churchyard" by Sir Thomas Gray:

> Let not Ambition mock their useful toil,
> Their homely joys, and destiny obscure;
> Nor Grandeur hear with a disdainful smile,
> The short and simple annals of the poor.

For too many families—preventive dental care in particular is a luxury which they feel they cannot afford.

And despite the fact that medicare and medicaid pay for many of the costs of medical care for low-income families, dental services are only infrequently covered, if at all.

Moreover, at least eight million poor Americans fall through the cracks of medicare and medicaid.

We cannot let this situation continue.

Here is another example where the government is seeking to fill the void, and in this case I believe the proposed governmental solution, along with your commitment to help, can be most effective.

The proposal I am referring to is the child health assurance legislation, known as "Chap," which is intended to strengthen the medicaid program for children of low-income families.

The purpose of the CHAP bill is to provide access to comprehensive preventive health care services, both diagnostic and follow-up, for needy children and pregnant low-income women.

Because of the importance of preventive dental services this bill would make routine dental care for children a required service under medicaid.

In my view this legislation is sorely needed. It is humane and compassionate.

The children of the poor are the ones who suffer most when health needs become a low priority.

Yet the needs of children are simple to meet and when they are met they deliver the greatest rewards of preventive medicine.

As dental professionals, you know how important it is to treat our youngsters at an early age.

And this approach is cost-effective as well. Bringing a generation of children to adulthood with good dental health is far less expensive and far more effective than attempting to treat, restore, and replace teeth that have been neglected during the formative years of childhood.

Let me assure you that I am doing all that I can to see this legislation enacted.

I have introduced my own legislation and I expect our subcommittee to move on this matter in the near future.

But the "Chap" program when enacted will succeed only with your help and the commitment of future dental graduates.

You will be needed to provide the services that this program will pay for, and to help encourage families who need care to seek it.

I hope you will meet the challenge of making "Chap" the effective preventive service program it is intended to be and make prevention a priority in your practice.

With this year being the International Year of the Child I think it is most appropriate to focus on the health needs of our youngsters.

One other important challenge facing the dental profession that I'd like to mention and which is common to virtually every health profession is the challenge to hold down the rapidly rising costs of care.

Though the problem is not unique to the health care field, with the annual inflation rate for the economy now projected at thirteen percent, dentistry is the area where you can do your part to solve the problem.

The extent to which you help control dental care costs through individual and professional societies' actions will in large part determine the role that the Federal Government will play in this area in the future.

As you know congressional debate at the present time is focused on the hospitals.

But it is very possible the pressures will mount to extend the arm of Federal cost controls into other fields of the health care delivery system as well.

That is why I urge you to work within your professional societies to show that you can meet this challenge without government interference.

Our Nation's hospitals and doctors already have such an effort underway, known as the voluntary effort—and I support their commitment to this endeavor.

Your own profession has also set a good example on which to build by holding fee increases over the past ten years to less than the rise in the consumer price index.

Moreover, with the growing use of properly trained dental hygienists, such as those graduating here today, the increases in costs of dental care can be moderated.

Holding down costs while maintaining proper care is a difficult task, but I am confident that you, as health professionals, can meet that challenge.

Finally, I want to mention one last challenge which, if you embrace it, I believe will help you throughout your lives in mastering the other challenges which I have outlined thus far.

And that is the challenge of avoiding intellectual complacency.

Although you are ending your basic formal education today I urge you to continue to seek knowledge throughout your lives.

The pursuit of learning not only will reap benefits for yourself but for those around you as well.

Open your mind to knowledge and it will continue to enhance your life.

Indeed, knowledge is one of our most valuable resources, which truly knows no limits for an inquisitive mind.

Knowledge is the basis for progress for all mankind and the bedrock of which advances in our health care system rest.

I urge you to let the quest for knowledge become one of your ideals.

It will become one of your greatest allies throughout life.

These then are the challenges which I believe each of you will face:

Reaching those most in need of dental care but who happen to live in an underserved area or who happen to be at the lower end of the economic scale;

Assuring greater preventive care for the poor among us who most need that assistance;

Holding down the spiralling costs of health care without sacrificing quality of care;

And seeking always to gain knowledge and to promote it.

I wish to impress upon each of you that these four challenges are not esoteric concerns.

They are real and they will confront each of you as you take up your profession.

Indeed many of you already have come to grips with the reality of some of these challenges—if you attended school on a National Health Service Corps scholarship or if you have worked in patient care at remote locations—under the "A-Hes" program—in community health centers, or in other facilities.

Let me urge you to continue to meet these challenges of modern dental care and to make finding answers to them your ideal.

As one philosopher wrote:

"Ideals are like stars . . . You will not succeed in touching them with your hands. But like the sea-faring man on the desert of waters, you choose them as your guides, and following them you will reach your destiny."

I'd like to close by wishing each of you great success in your careers.

I am proud to welcome you as colleagues and partners in the health care field.

And I'd like to leave with you a poem my wife Katy gave me a few years ago:

May the road rise to meet you,
May the wind always be at your back,
May the sun shine warm on your face,
The rains fall softly on your fields,
And until we meet again,
May God hold you in the hollow of his hand.●

THE UNACCEPTABLE RISK

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. FISH. Mr. Speaker, McKinley Olson, author of "The Unacceptable Risk," and articles about the nuclear power controversy, contributed an editorial to the April 14, 1979, issue of "The Nation." Mr. Olson's editorial is a blunt indictment of two decades of a national policy of pursuing only one alternative source of energy, the nuclear option. He maintains that the radioactive problems through the entire nuclear fuel cycle present an unacceptable risk, and our reliance on nuclear power has denied us today the availability of non-nuclear energy alternatives.

The text of the editorial follows:

THE UNACCEPTABLE RISK

Two related points deserve to be made in the radioactive aftermath of the nuclear power plant accident on Three Mile Island in the Susquehanna River near Harrisburg, which, for some perverse reason, the media seem loath to identify as the capital of Pennsylvania.

One is the fact that since the mid-1950s, it has been clear to many unbiased, independent and knowledgeable people in this country, among them Nobel Laureates Linus Pauling and Hannes Alfvén, and Dr. John Gofman, physician and nuclear scientist, that it was folly to pursue, or rely upon, nuclear fission power to produce electricity for widespread consumption. The second is that the energy problems we face today can in large measure be blamed upon our multi-billion-dollar pursuit and development of nuclear power.

In the first instance, we quickly learned that we were dealing with a bewildering array of radioactive problems which ran through the entire length and breadth of the nuclear fuel cycle, from the mining of uranium ore to the containment and disposal of nuclear wastes to the decontamination of nuclear power plants and other related radioactive facilities.

Next, it should have been clear that one self-serving segment of our society was pushing the rest of us into the arms of a technology that could not tolerate, nor contain, a major accident. And major accidents, in this world of human error, faulty products, war, revolution, terrorism, earthquake and flood, are bound to happen, especially when we continue to increase the probability that a major nuclear accident will occur by increasing the number of nuclear power plants in our society and, with them, the consequent increase in radioactive shipments, storage facilities and the like.

Because the consequences of a major nuclear power accident would be so devastating and disruptive, in every sense, the champions of nuclear power and their sycophants have attempted to deal with their dilemma by maintaining that the inevitbale will never happen. As I write this, it still hasn't, but the accident at Three Mile Island, the astounding fire in 1975 that crippled the emergency safety systems at the Browns Ferry nuclear plant in Alabama and the partial meltdown of the nuclear fuel core in 1966 at the Enrico Fermi plant near Detroit, among others, should be indication enough to anyone with common sense, and some shred of independence from the economic establishment, that we have been flirting with nuclear catastrophe.

Instead of pursuing all the logical options that have been available to us for years, among them conservation, energy efficiency, solar power, wind power, geothermal power, oceanic heat, the use of coal, the tides, grain and wood alcohol, wood itself, garbage, lumber and agricultural wastes, algae and the process of photosynthesis, most of which we have largely ignored in spite of the fact that their development would have been a boon to the economy in terms of new jobs and industrial growth, we have allowed our Federal Government—including the Congress and the courts, and a consortium of powerful public utilities and giant private corporations, to squander precious years and billions of dollars in the pursuit of a technology that, at best, will lay a 100,000-year curse in the form of plutonium waste upon this earth.

Also, it means that those places, such as Chicago, that are now harnessed to nuclear power, have been tied to an economic albatross, for we can be fairly sure that a major nuclear power plant accident anywhere in this country will result in damages so ghastly as to arouse a clamor for the shutdown of nuclear plants everywhere, which, in turn, if we continue to rely upon nuclear power, would relegate a number of our regions and cities to the potential status of economic disaster areas.

There is a last lesson here. The nuclear power controversy, like the controversy over the war in Vietnam, teaches us that the Federal Government and our Federal employees must be constantly watched, and prodded, to insure that they serve the public interest rather than the interests of power, greed, ignorance and privilege.

Once again, authorities are attempting to minimize the dangers and awesome implications of their actions. As I write this, we are being told that the levels of radiation emanating from the Three Mile Island Nuclear Power Station are not alarming, even though it is an acknowledged fact that radiation, at any level, no matter how low, can cause genetic mutations; and, even though we know that ionizing radiation is cumulative, and concentrated, in those who have been directly exposed to it, and, as it moves up through the human food chain causes cancer, leukemia and other cell-mutated diseases.

We are also being told that the situation at Three Mile Island is stable, whatever that means, and that there is no real danger that we will have to face up to the terrifying implications of a fuel core meltdown. And, if our brush with disaster does not turn out to be totally horrific, we will be asked to swallow their staggering contention that a near miss is as good as a mile.

In this, these defenders of the nuclear faith have been joined by the media and politicians who profess to be deeply troubled and concerned, but who conclude nevertheless that the nuclear fission power option is still a viable and rational answer to at least some of our energy needs.

This is the same chorus that has for the past twenty-five years been trying to lull our fears, and lead us into a catastrophic radioactive corner, even though, if we continue as we have, the shoe will surely fall. Who then, will pick it up?

MCKINLEY OLSON.●

CONGRESSMAN STUDDS' FINANCIAL STATEMENT

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. STUDDS. Mr. Speaker, I wish to insert in the RECORD a copy of my 1978 financial statement:

CONGRESSMAN GERRY E. STUDDS' 1978 FINANCIAL STATEMENT

PART I—INCOME 1978 (SUMMARY)

Salary, $57,500.00.

Dividends—see part II for detailed explanation, $1,047.33.

Interest—see part III for detailed explanation, $669.66.

Newspaper Fees—Boston Globe, for columns written, $160.00.

Fellowship—Groton School, Groton, Mass., three day Fellowship, $1,500.00.

Total Income, $60,876.99.

PART II—DIVIDEND INCOME 1978

Number of shares, security, and income derived 1978:

40—Burlington Industries, $56.00.
174—Exxon, $572.00.
80—Gulf Oil, $152.00.
67—W. R. Grace, $123.33.
100—Middle South Utilities, $144.00.
Total, $1,047.33.

PART III—INTEREST INCOME 1978

Bonds, security, and income derived 1978:

$3,100, Loew's Theater 6⅞ Debenture, $213.13.

$3,333, A.T. & T. 7¾, 1982 (sold May 9, 1978), $129.17.

$1,666, U.S. Treasury 7⅝, February 15, 2007, $127.09.

$3,333, U.S. Treasury 8¼, May 15, 1988, $137.50.

Savings:

First National Bank of Cape Cod, $14.86.
Cape Cod Five Cents Savings Bank, $6.16.
First National Bank of Boston, $41.75.
Total, $669.66.

PART IV—ASSETS

1. Beatrice Studds Irrevocable Trust:

My brother, Colin A. Studds, my sister, Mrs. Howard Babcock, and I have placed the following securities—owned jointly by the three of us—in an irrevocable trust for our mother, Beatrice Studds, with my brother as trustee. All income from these securities goes to our mother for as long as she shall live. My brother, my sister, and I each own one-third of the securities—and they will revert to us upon the dissolution of the trust at our mother's death. The following represents my one-third interest in the trust.

Colin A. Studds, III, Trustee, Beatrice Studds Irrevocable Trust, Under Agreement Dated August 1, 1973.

Number of shares, security, and market value as of May 8, 1979:

Bonds:

$2,666, Seaboard World Airlines cvt 5's due April 1, 1986, $2,187.00.

3,333.00, U.S. Treasury 8⅜ note, due August 15, 2000, $3,050.00.

($3,333.00 B. F. Goodrich 9¾% notes, due 1982, sold 2/22/79 for 3,325.00. $3,333.00 U.S. Treasury 7¾% note, due June 30, 1979, sold May 9, 1978 for $3,325.00.)

Common stocks:

100, West Point Pepperell, $3,375.00.
67, Chessie System, $1,833.00.
92, Liggett & Myers, $3,128.00.
60, Freeport Minerals, $2,700.00.
33, Xerox, $1,942.00.
133, Square D, $3,225.00.

(100 UMC Industries sold 9/15/78 for $2,040.00.)

2. I own the following securities:

Number of shares, security and market value as of May 8, 1979:

Bonds:

$3,100, Loew's Theater 6⅞ Debenture, $2,356.

$1,666, U.S. Treasury 7⅝, February 15, 2007, $1,404.

$3,333, U.S. Treasury 8¼, May 15, 1988, $3,108.

($3,333.00 A.T. & T. 7¾, 1982 sold May 9, 1978 for $3,253.00.)

Common stocks:

40, Burlington Industries, $680.
174, Exxon, $8,840.
80, Gulf Oil, $2,080.
100, Middle South Utilities, $1,425.
67, W. R. Grace, $1,867.

3. Our family home in Cohasset, Massachusetts, with an estimated market value of approximately $84,000, is owned jointly by my brother, my sister and me. My interest in the house, therefore, is roughly, $28,000.

4. Savings accounts:

a. NOW account, First National Bank of Cape Cod, $338.73.

b. Savings account, Cape Cod Five Cents Savings Bank, $121.35.

c. NOW account, First National Bank of Boston, $460.

5. One bedroom cooperative apartment, Washington, D.C., estimated market value, $92,000.

6. Two room condominium apartment, Provincetown, Mass., estimated market value, $68,000.

7. 1975 Chrysler Newport Sedan.

8. 1974 Saab.

PART V—LIABILITIES 1978

1. Mortgage, one bedroom cooperative apartment, Wash., D.C., approximately, $19,400.

2. Secured loan, Rockland Trust Co., Rockland, Mass., approximately, $50,800.

3. Mortgage, condominium apartment, Provincetown, Mass., Cape Cod Five Cents Savings Bank, approximately, $47,700.

PART VI—1978 TAXES PAID

1. Federal income tax, $14,080.52.
2. Massachusetts income tax, $2,676.01.
3. Local property taxes, $1,704.42.
4. Automobile excise taxes, $125.40.
Total taxes, $18,586.35.●

PRODUCE MORE ENERGY

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. SHUMWAY. Mr. Speaker under, as the Members of this body are certainly aware, gasoline is currently in short supply throughout the country. What little is available is being sold for prices significantly higher than those which prevailed just a few months ago.

Our constituents are angry and confused—and justifiably so. While they sit for hours in gasoline lines, we debate an ill-conceived rationing proposal. When our constituents, confronted with service stations which have run out of fuel, plead for more gasoline, we talk of decontrol only when coupled with a windfall profits tax.

The fact of the matter is simply that much of the current crisis can be blamed on those of us in Washington. We have set up huge bureaucracies such as DOE and EPA, which cost the American taxpayer billions of dollars, yet produce precious little energy—aside, perhaps, from hot air. We blame the oil companies for not producing more, yet we refuse to provide them with the incentive to do so.

I say it is time for Congress to be honest with the American people, and to allow our energy industry to do what it is supposed to do: Produce more energy.

Mr. Speaker, at this time I would like to submit to the attention of my colleagues an editorial which recently appeared in the Wall Street Journal.

SEND THE EPA THE BILL

Motorists are once again being forced to prowl the streets and highways in search of gasoline, wasting their own time and what fuel they have left in their tanks. The politicians are once again urging them to believe that they are victims of an oil industry conspiracy. The administration, ever alert for new bureaucracy expanders, is trying to overcome congressional resistance to standby gas rationing.

With all the misinformation and conspiracy theories being spread about, it might be hard for the harassed driver to believe that there are some reasonably simple reasons for his difficulties in buying unleaded gasoline. If he must fix on one single villain other than the Ayatollah Khomeini, we would suggest the Environmental Protection Agency.

There is a shortage of unleaded gasoline because the EPA, in inflicting its auto exhaust emission rules, misjudged how rapidly those rules would raise demand for unleaded gasoline. That is the central problem. It has been aggravated by Iran's troubles, by some special interest boodling Congress wrote into the Energy Policy and Conservation Act of 1975 and by DOE's premature efforts to force industrial users of natural gas to switch to other fuels.

First the EPA. It has forced rapid conversion to unleaded and low-lead gasoline without accurately gauging the consequences for petroleum refining. When refiners take the lead out of gasoline, they must use more of the scarce natural elements in crude oil to give gasoline its necessary antiknock properties. You thus get less gasoline from a barrel of crude when you are making unleaded or low-lead fuel than when you are using lead.

New catalyst-equipped cars that require unleaded have been selling briskly. EPA, as any recent buyer knows, routinely overestimates their gasoline mileage performance. Unleaded demand has shot up 70 percent in the last two years and will go up another 22 percent this year, according to a Chase Manhattan Bank estimate.

While the EPA is forcing unleaded demand upward DOE has a ceiling clamped on the price, discouraging expansion of capacity. The energy act, with its well-known "small-refiner bias" designed for the benefit of good friends of certain key Congressmen, further discourages construction of the large refineries that are most efficient in separating out the components needed to make unleaded.

Add in the Iranian crude production shutdown, which has kept refiners operating at less than capacity. Then add in the natural gas act, which unnecessarily and prematurely forced some large natural gas users to switch to heating oil. When that is combined with the colder-than-normal winter we've just endured, you have a serious rundown in the spring stocks of heating oil.

So energy czar Schlesinger has ordered the refiners to build up heating oil stocks for next winter before they switch refineries over to their maximum capacity to make gasoline. (There's an overlap in the crude fractions that enables refiners to make either relatively more heating oil or more gasoline to suit seasonal demands.)

Put all this together and you have motorists wandering around looking for unleaded gasoline, courtesy of their federal government. EPA need not have caused this shortage. Its insistence on catalysts was unnecessary to achievement of acceptable air quality. It has subsequently displayed its arbitrariness by rejecting MTM, a lead substitute which is compatible with catalysts, which would have stretched the gasoline supply and which EPA cannot show to have adverse health effects when emitted with exhaust.

The government's answer to the problem is not to send someone in to shake up the EPA but to send someone out to shake up the consumer, by issuing him with ration stamps and letting him line up at the gasoline pumps while the attendant and the bureaucrats try to manage his coupons.

We only hope those motorists sitting in lines will begin to wonder why it is that the oil companies get blamed for everything.●

AMENDMENTS TO THE ETHICS IN GOVERNMENT ACT

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. ECKHARDT. Mr. Speaker, when the House takes up consideration of S. 869, to amend the "revolving door" provisions of the Ethics in Government Act, I intend to offer three amendments. The text of those amendments appears below, along with a copy of 18 U.S.C. 207 showing how that provision would look if all my amendments were adopted. I also note that the text of a recent report by the Commerce Committee's Subcommittee on Oversight and Investigations concerning the impact of the Ethics Act has been printed in the CONGRESSIONAL RECORD at 10297, May 8, 1979.

AMENDMENTS TO S. 869, AS REPORTED

OFFERED BY MR. ECKHARDT

Page 1, lines 6 and 7, strike out "strike 'concerning' and insert 'by personal presence at' ".

Page 1, line 6, insert the following after "clause (ii),": "strike out 'and as specified in subsection (d) of this section, within two years after his employment has ceased' ".

AMENDMENTS TO S. 869, AS REPORTED

OFFERED BY MR. ECKHARDT

Add the following section at the end of the bill:

SEC. 2. (a) Subsection (a) of such section 207 is amended in paragraph (2)—

(1) by striking out "or other proceeding," and inserting in lieu thereof "or adjudicatory proceeding, a particular rulemaking proceeding,"; and

(2) by striking out "involving a specific party or parties".

(b) Subsection (b) of such section is further amended in paragraph (2)—

(1) by striking out "or other proceeding," and inserting in lieu thereof "or adjudicatory proceeding, a particular rule making proceeding,"; and

(2) by striking out "involving a specific party or parties".

(c) Subsection (b) of such section is further amended—

(1) in paragraph (3) by striking out "; or" at the end thereof and inserting in lieu thereof a dash; and

(2) by adding after paragraph (3) the following: 'shall be fined not more than $10,000 or imprisoned for not more than two years, or both. For purposes of subsections (a) and (b), the term 'particular rule making proceeding' means a proceeding commencing with the notice of proposed rulemaking and ending with either the withdrawal or final promulgation of the rule. Such term does not include any proceeding for the formulation of interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice.".

Add the following section at the end of the bill:

SEC. 2. Subsection (d) of such section 207 is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) on active duty as a commissioned officer of a uniformed service assigned to a pay grade of O–9 or above as described in section 201 of title 37, United States Code; or

"(3) in a position designated under this paragraph by the department or agency concerned. Not later than July 1, 1980, each department or agency concerned shall, with the concurrence of the Director of the Office of Government Ethics, by rule designate positions as necessary to protect against the exercise of undue influence. Each department or agency concerned may also determine by rule that the provisions of subsection (c) of this section shall apply to persons formerly employed in positions designated under this paragraph only in the case of appearances before or communications to specified offices, or persons in specified positions, at the department or agency. On an annual basis, each department or agency concerned shall review those designations and determinations made under this paragraph, and, with the concurrence of the Director of the Office of Government Ethics, by rule make such additions and deletions as are necessary. No designation under this paragraph shall become effective less than ninety days after the promulgation of the rulemaking the designation.".

18 U.S.C. SECTION 207 SHOWING EFFECTS IF S. 869 IS ENACTED WITH ECKHARDT AMENDMENTS

(Language to be deleted has been enclosed in brackets and new language italicized)

"§ 207. Disqualification of former officers and employees; disqualification of partners of current officers and employees

"(a) Whoever, having been an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, after his employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States), in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of any other person (except the United States) to—

"(1) any department, agency, court, court-martial, or any civil, military, or naval commission of the United States or the District of Columbia, or any officer or employee thereof, and

"(2) in connection with any judicial [or other proceeding,] *or adjudicatory proceeding, a particular rulemaking proceeding,* application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter [involving a specific party or parties] in which the United States or the District of Columbia is a party or has a direct and substantial interest, and

"(3) in which he participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, while so employed; or

"(b) Whoever, (i) having been so employed, within two years after his employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States), in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of any other person (except the United States) to, or (ii) having been so employed [and as specified in subsection (d) of this section, within two years after his employment has ceased], knowingly represents or aids, counsels, advises, consults, or assists in representing any other person (except the United States) concerning any formal or informal appearance before—

"(1) any department, agency, court, court-martial, or any civil, military or naval commission of the United States or the District of Columbia, or any officer or employee thereof, and

"(2) in connection with any judicial [or other proceeding,] *or adjudicatory proceeding, a particular rulemaking proceeding,* application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter [involving a specific party or parties] in which the United States or the District of Columbia is a party or has a direct and substantial interest, and

"(3) *as to (i)*, which was actually pending under his official responsibility as an officer or employee within a period of one year prior to the termination of such responsibility, *or, as to (ii)*, in which he participated personally and substantially as an officer or employee; [or] *shall be fined not more than $10,000 or imprisoned for not more than two years, or both. For purposes of subsections (a) and (b), the term 'particular rulemaking proceeding' means a proceeding commencing with the notice of proposed rulemaking and ending with either the withdrawal or final promulgation of the rule. Such term does not include any proceeding for the formulation of interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice.*

"(c) Whoever, other than a special Government employee who serves for less than sixty days in a given calendar year, having been so employed as specified in subsection (d) of this section, within one year after such empolyment has ceased, knowingly acts as agent or attorney for, or otherwise represents, anyone other than the United States in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of anyone other than the United States, to—

"(1) the department or agency in which he served as an officer or employee, or any officer or employee thereof, and

"(2) in connection with any judicial, rulemaking, or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter, and

"(3) which is pending before such department or agency or in which such department or agency has a direct and substantial interest—

shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

"(d) Subsection (c) of this section shall apply to a person employed—

"(1) at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5, United States Code, or a comparable or greater rate of pay under other authority;

["(2) in a position for which the basic rate of pay is equal to or greater than the basic rate of pay for GS–17 of the General Schedule prescribed by section 5332 of title 5, United States Code, and who has significant decision-making or supervisory responsibility, as designated by the Director of the Office of Government Ethics, in consultation with the head of the department or agency concerned;

["(3) on active duty as a commissioned officer of a uniformed service assigned to a pay grade of O–7 or above as described in section 201 of title 37, United States Code; or

["(4) in a position designated by the Director of the Office of Government Ethics. Within twelve months from the date of enactment of this subsection the Director of the Office of Government Ethics shall designate positions, which are not included under paragraph (2) of this subsection and which involve significant decision-making authority, or other duties which are substantially similar to those exercised by persons covered by paragraph (2) of this subsection. On an annual basis, the Director shall review the positions designated pursuant to this paragraph, making additions and deletions as are necessary to satisfy the purposes of subsection (c). Departments and agencies shall cooperate to the fullest extent with the Director of the Office of Government Ethics in exercising his responsibilities under this paragraph.]

"(2) *on active duty as a commissioned officer of a uniformed service assigned to a pay grade of O–9 or above as described in section 201 of title 37, United States Code; or*

"(3) *in a position designated under this paragraph by the department or agency concerned. Not later than July 1, 1980, each department or agency concerned shall, with the concurrence of the Director of the Office of Government Ethics, by rule designate positions as necessary to protect against the exercise of undue influence. Each department or agency concerned may also determine by rule that the provisions of subsection (c) of this section shall apply to persons formerly employed in positions designated under this paragraph only in the case of appear-*

ances before or communications to specified offices, or persons in specified positions, at the department or agency. On an annual basis, each department or agency concerned shall review those designations and determinations made under this paragraph, and, with the concurrence of the Director of the Office of Government Ethics, by rule make such additions and deletions as arc necessary. No designation under this paragraph shall become effective less than ninety days after the promulgation of the rulemaking the designation.●

MUSCLE SHOALS MUSIC A PROUD HISTORY

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. FLIPPO. Mr. Speaker, the history of industries is measured in milestones which show both continuity and commitment to the future. The Muscle Shoals Music Association's Second Annual Records and Producers Seminar is such a milestone for this developing industry in northwest Alabama.

The recording business is a highly competitive international industry. This meeting by the Muscle Shoals Music Association recognizes their common goals to be a strong force in American music.

The artists, writers, engineers, producers, and all the assembled creative talent in Muscle Shoals have seen that their survival in this rapidly changing business relies on "keeping current with the future." The recording industry at Muscle Shoals has proven its ability to keep apace with the changes in the music business and move ahead. The tremendous growth of the recording industry at Muscle Shoals has placed the home of this community of artists on the charts along side the recording centers of the major cities including New York, Los Angeles, and Nashville.

The Muscle Shoals Music Association founded in 1975 is an outgrowth of the success of this north Alabama recording industry. It reflects a clear understanding among the competitive studios that cooperation was needed to continue a climate of growth for all. Music at Muscle Shoals has grown into a $5 million a year business which employs 565 artists, songwriters, engineers, and producers with prospects that this is only the beginning. Success has become commonplace and expansion necessary for many studios.

Gold records produced at Muscle Shoals have earned the town the nickname of "Hit Recording Capitol of the World." Rick Hall, president of the Muscle Shoals Music Association, explained the name when he said:

> For the number of songs recorded here, more become gold records than anywhere else in the country. The chance for cutting a hit is 50 percent greater here than New York, Miami or any other place.

The recording industry at Muscle Shoals had its beginnings with the courage and determination of individuals who put together small studios and kept plugging away building on each hit record from the first gold record of "You Better Move On" in 1960. Rick Hall had put it all together and Muscle Shoals music began its long, rocky road to success. There was plenty of room for doubt in the early days, but through the perseverence of Rick Hall and others the recording industry was in Muscle Shoals to stay. Lola Scobey chronicled the remarkable story of Muscle Shoals music for the recording industry magazine Cashbox which I would like to share with my colleagues:

Muscle Shoals Music a Proud History

In December 1956 James Joiner, a longtime country music lover, gathered together three partners—Kelson Hurston, Walter Stovall, Marvin Wilson—and began a little company in Sheffield called Tune Records and Tune Publishing. Joiner's research indicates this was the first record company in the state of Alabama.

START FROM SCRATCH

"When I got out of the army, I was amazed at all the rich talent here," says Joiner, now owner of the area Greyhound Bus franchise. "But I didn't know which way to go. I just wanted to help and be a part of it. Tune Records, all that, we had to start from scratch. We didn't have anybody to go to for knowledge. It was just the blind leading the blind."

In February 1957 Tune Records cut a Joiner-penned song called "Falling Star" by a local singer, Bobby Denton (now a local politician). This is believed to be the first master tape from which a record was pressed in Alabama. It featured three instruments, an amateur quartet, and cost $4. Although Tune had opened a mono studio in Sheffield's old Ritz Theater, this record was cut at the local radio station with the troupe dashing in between broadcasts of records to record.

"Falling Star" went on to become a major hit for Jimmy C. Newman and Ferlin Husky, with additional recordings by literally dozens of artists. Joiner's success immediately attracted attention from young Alabama talent looking for a place to get into the music business.

"It was the only place fellows who had their sights on Nashville knew to come in the meanwhile," Joiner recalls. "We had musicians from Birmingham and Dallas, and on various small labels we exposed songs that later became hits."

Joiner, who has had nearly 60 songs recorded, published early songs by Rick Hall and Billy Sherrill including hits "Aching, Breaking Heart" and "Sweet And Innocent." Later he co-published "Six Days On The Road" with Buddy Killen, a local boy who moved to Nashville and started Tree Publishing, one of the largest song publishers in the world today.

TALENTED RESIDENTS

Before and during these years staggering numbers of talented singers, songwriters, and musicians were living in the Shoals area. Hall's hometown, Phil Campbell, was also the hometown of Billy Sherrill, now head of A&R at Columbia Records in Nashville. Sheffield has been home to singers Arthur Alexander and Sue Richards, and songwriters Dan Penn and Spooner Oldham. Ex-Florence residents include legends W. C. Handy and Sam Phillips, plus Killen and top Nashville musician Jerry Carrigan. Superstars Sonny James and Percy Sledge grew up in Haleyville and Leighton, respectively. Others from the area include names like B. B. King and Hank Williams as well as singer Freddie Hart, background singer Herschel Wigginton, producer Kelson Hurston, and songwriter Earl Montgomery. And this only to name primarily people who have left—most of those who have created the Muscle Shoals sound are still there.

In terms of talent, the area was fertile; but business-wise, it was barren. Then, in 1957 Joiner made what is probably his greatest contribution to the Muscle Shoals music industry.

When a young man named Tom Stafford approached Joiner and about backing him in opening a one-room studio and publishing company over his dad's City Drug Store in Florence, Joiner funded the new enterprise to the tune of $300. Stafford had as partners two musician/songwriters named Rick Hall and Billy Sherrill.

The trio named their new company Florence Alabama Music Enterprises and began cutting demos on Hall- and Sherrill-written songs. Two years later this fledgling company cracked apart in one of the most auspicious breakups affecting the music industry today. When Hall and Sherrill parted company, each went on to become a powerhouse in the profession—Hall in pop, Sherrill in country.

In addition, the company's ending marked the beginning of Rick Hall's "David and Goliath" relationship to the national music industry; and, through that, the start of Muscle Shoals as a recording center.

Rounding up a new partner in 1959, Hall rigged up a mono studio in a delapidated old ex-honky tonk and tobacco warehouse out on a deserted road leading to Wilson Dam. Using the initials of Florence Alabama Music Enterprises, he optimistically named his new studio FAME. For nearly two years he virtually locked himself up in this building in a marathon experiment in recording.

In 1960 he discovered a bell hop in the old Sheffield Hotel named June (later Arthur) Alexander who had written a song Hall believed was a smash called "You Better Move On." During his self-training as a producer, Hall had been combining and recombining various bands, and on this record he used Norbert Putnam, bass; David Briggs, piano; Terry Thompson and Forrest Riley, guitars; Spooner Oldham, organ; Jerry Carrigan, drums; and Randy Allen, percussion. Back-up singers were Herschel Wigginton, Jerry Weaver and Hall.

Excited with the resulting master, Hall immediately set out for Nashville where he shopped the tape to seven A&R men and was flatly turned down by each and every one. "They couldn't hear black music," Hall says. "They said, 'It's too R&B for us, we can't hear it, we don't think it was a hit.' " Finally Randy Woods with Dot Records on the west coast picked up the master. As soon as the record was released, it was obvious Hall had hit his stride. "You Better Move On" was a smash.

But Hall's troubles had just begun. Unhappily, his fortunes began to parallel those of an earlier resident of Florence, Alabama—legendary bluesman W. C. Handy, who had been denied the right to even rent an office in New York City (because he was black) and who had to battle his way into the music industry. Despite his hit, Hall was finding closed doors throughout the music world—in Nashville, New York, Los Angeles. Finally, offended and frustrated but believing in his talent, he just dug in his heels and decided that if the places where the action was wouldn't have him, he'd just do it where there wasn't any action—Muscle Shoals Alabama.

A SECOND HIT

In 1961, with royalties from "You Better Move On," Hall defiantly built a tiny adobe hacienda-style studio on Avalon Avenue in Muscle Shoals. Here, almost immediately, he turned out a second hit—"Steal Away" by Jimmy Hughes.

By this time Hall had firmed up a cracker jack rhythm section consisting of David Briggs, piano; Norbet Putnam, bass; Jerry Carrigan, drums; and Terry Thompson, guitar. Then he experienced his first rhythm section exodus—Briggs, Putnam, and Carrigan took the road to Nashville, Thompson had died tragically young). Today these three run the successful Quadraphonic studio in Nashville, one of the few in that city based on the Muscle Shoals concept of musician ownership of studios.

Severely set back by the loss, Hall quickly got his grit together and formed a new rhythm section, a move which would later prove central to the development of Muscle Shoals. The new section consisted of Jimmy Johnson (at the time Hall's engineer and janitor) on guitar, plus a couple of guys Johnson had been playing in bands with—drummer Roger Hawkins and bass player David Hood. To these three Hall added keyboardist Barry Beckett.

At this point an astute record man, Jerry Wexler, then with Atlantic and constantly on the scout for new talent, sensed the potential of Hall and the Shoals-area black-based sound. Wexler brought in a young black singer named Aretha Franklin to record at FAME. Her first trip gave birth to a two-sided gold record, "Do Right Woman, Do Right Man" and "I Ain't Never Loved A Man." The name Muscle Shoals began to spread like wildfire throughout the industry.

Around 1965, with Wexler constantly bringing in acts. Hall entered a heyday of R&B hits, producing a string of 20 gold records by black artists. He did so by capitalizing on his keen ability to match a singer to a song, his gift for generating a creative studio environment, and the talents of his second rhythm section.

Shortly thereafter, in 1966, a local disc jockey named Quin Ivey decided to open a studio. Hiring the Beckett-Johnson-Hood-Hawkins group, Ivey took a local black singer named Percy Sledge into the studio and cut "When A Man Loves A Woman." The record skyrocketed to a million sales (to date it has sold over 5 million). This record turned Muscle Shoals on its ear—a man with no previous production experience, and someone other than Rick Hall had cut a hit. It set some minds in motion.

MUSCLE SHOALS SOUND

Around 1969, Hall made a move to sign Beckett, Hood, Johnson and Hawkins exclusive to the FAME studio, but the group balked. Taking with them the support of Jerry Wexler, and a large clientele built up during their work at FAME, Quin Ivey's Quinvey Studio and other studios, they formed their own production company, Muscle Shoals Sound.

A mere few months later, Muscle Shoals Sound recorded their first gold record, "Take A Letter Maria" by R. B. Greaves, and launched a consistent string of gold records right up to their most recent "Torn Between Two Lovers" by Mary McGregor.

In 1970, the Muscle Shoals Sound musicians asked Terry Woodford who had been signed to Hall as a singer and songwriter from 1961–68, to become part owner and professional manager of their publishing companies. Then in 1972, MSS began a fruitful three-year relationship with Stax, cutting over 50% of Stax chart records until it went out of business.

Meanwhile, back at FAME, Hall, rhythm sectionless again, began with typical dogged determination to concoct a third group. In 1969 he gathered together Junior Lowe on lead guitar, hit songwriter Jessie Boyce on bass, Clayton Ivey on piano, Freeman Brown on drums, and added a horn section dubbed the Muscle Shoals Horns. He also hired a hometown friend, Al Cartee, as studio manager and engineer.

During this period Hall produced his sensation string of gold records by the Osmonds (including his first gold record by a white artist). In 1971 he was named "Number One Producer of the Year."

Hall's third rhythm section held together until 1971 when Clayton Ivey, who had drifted toward Muscle Shoals Sound, and Woodford, running the MSS publishing, decided to go independent and formed Wishbone productions. In 1974 Wishbone made a spectacular production deal with Motown, under which they produced and published several gold records. Returning to independent status in 1976, Wishbone once again went gold in the early part of this year with the group Hot.

The remainder of Hall's third rhythm section was wooed away by Ron Ballew who had opened the Widget Studio in 1972 where, during the opening week, the record "Motorcycle Mama" was produced on Sailcats.

Meanwhile, in 1973, David Johnson, an area resident who had been working with Quin Ivey, purchased the Quinvey Studio, renamed it Broadway, and began pulling in acts like Lynyrd Skynyrd, The Supremes, and J. J. Cale.

In 1974, Al Cartee, a writer and engineer of Hall's for five years, opened his own studio, Music Mill. The first full-fledged session in the studio in November of 1975 resulted in Narvel Felt's record "Reconsider Me," named Country Record of the Year. Today, Cartee is credited with bringing country music to Muscle Shoals, and his studio has been the site of numerous country chart productions blending the Muscle Shoals and Nashville sounds.

MORE AWARDS

By 1974, having given rise to an entire industry which today numbers nine studios (including Littletown, Together, Joe Wilson, and Woodrich), the indestructible Hall was nominated for a Grammy Award as "Record Producer of the Year." He also put together his fourth and current rhythm section.

During the years beginning with Muscle Shoals Sound's break from Hall in 1969, competition between the studios, each fighting for acts and anxious to establish it's rightful role in creating the Muscle Shoals sound, was fierce. "It was dog eat dog," Hall admits. "I was out to get them, and they were out to get me."

But since 1975 and the formation of the Muscle Shoals Music Association under Hall's aegis, a new era of cooperation has dawned in Muscle Shoals. Today Hall, who has shifted his gutsy, streetfighting instincts from the local music scene to the national political arena, is emerging in a statesmanlike role through his presidency of the association.

"Over the years your goals change and your attitudes change," Hall explains reflectively. "In my case, I wanted to be a musician, then a songwriter, then to become a great publisher and producer, then to become a studio owner, then to become all of these.

"But now I want to make a mark in my life, in the industry. Not just for a hit record or as number one producer in the world one year, but as a man who started something of value."

Both the history and the work of individuals in the music business at Muscle Shoals reflect the indomitable American spirit. Their music expresses the joy and sadness of the people through many voices and a whole variety of sounds. The American people and the world enjoy this expression of the combination of art and talent through their recordings. The recording industry adds a dimension to music by providing the widest and most permanent means to keep the sounds alive.

Nowhere in America is the music industry more vibrant, energetic and full of creative talent than in Muscle Shoals, Ala. Popular music of all forms has flowed from the studios centered in the small cities on the Tennessee River to capture the imagination of Americans and gain worldwide acclaim.

The Muscle Shoals name means a lot in the recording industry but is still virtually unknown to the general public. Rick Hall says "Muscle Shoals is the best kept secret in the music business. Somehow, in spite of the success, in spite of a 100 gold records being cut here in the last 4 of 5 years, the world still does not know about us—especially the United States."

The recording industry at Muscle Shoals has created works of art which deserve special commendation. Whether they achieve great fame and fortune or public acclaim, the many talented individuals associated with the Muscle Shoals music industry can be sure of one thing, they have created something of value.●

PAUL GREELEY: EXECUTIVE DIRECTOR, GREATER SPRINGFIELD, MASS., CHAMBER OF COMMERCE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. BOLAND. Mr. Speaker, one of the most important civic groups in any area of the United States is the local chamber of commerce. By promoting local business ventures, the many commerce groups around the country perform the invaluable services of keeping their area economically vital and creating new jobs. In my city of Springfield, Mass., we are fortunate to have a very active chamber of commerce. The Greater Springfield Chamber of Commerce has a fine record of civic accomplishment covering many years.

For the past 18 years, the guiding force behind the Greater Springfield Chamber of Commerce has been Paul J. Greeley. As executive director of the chamber, Paul Greeley has worked hard on business developments in the Springfield area. He has announced that he will retire on June 1 of this year.

It will be impossible to replace a man of Paul Greeley's energy and vision. His efforts on behalf of business in Springfield have helped keep the local economy growing. During his tenure at the Springfield Chamber, the number of members has more than doubled and they now have a budget of nearly $500,000.

Perhaps Paul Greeley's greatest accomplishment has been the development of the Memorial Industrial Park in Springfield. This well-planned industrial area has been a great boon to the people of Springfield. It has provided many new jobs for the area and has kept Springfield moving forward.

Under Paul Greeley, the Greater Springfield Chamber of Commerce has taken a heartfelt concern in the social problems of the city. This active chamber has become involved in seeking solutions to discrimination, poverty and inadequate housing among many others. For example, the better homes for

Springfield project, founded by chamber action, has invested $1.5 million in corporate funds in housing rehabilitation. Paul Greeley can be justifiably proud of these positive civic programs. They have set a fine example for other business groups around the country.

It has been my pleasure to work with Paul Greeley during his entire 18 years at the Springfield Chamber of Commerce. I applaud him on his many accomplishments. He is certain to remain active in local affairs in retirement. Springfield has benefited greatly from his leadership and he will be missed in the day-to-day management of the Springfield chamber. I wish Paul the best of luck in his retirement. All the people of the Springfield area can be thankful for his efforts.

Mr. Speaker, at this point I am including an article by Penny Filosi from the Springfield Republican on Paul Greeley's career at the Greater Springfield Chamber of Commerce.

PAUL GREELEY RETIRES AFTER 18 YEARS IN CHAMBER OF COMMERCE

(By Penny Filosi)

Paul J. Greeley, the quiet mover behind the Greater Springfield Chamber of Commerce for 18 years, is retiring June 1, 1979.

But Greeley leaves behind him a legacy that includes the industrialization of Roosevelt Avenue and Cottage Street area, the establishment of the Food Distribution Center on Avocado Street, the creation of Better Homes for Springfield to rehabilitate housing in the city and an alliance with the National Alliance For Business to help provide jobs to the disadvantaged.

The Greater Springfield Chamber of Commerce became a pace setter in the city's history and sometimes in the nation under his leadership.

Greeley, a native of Worcester, arrived when the Springfield Chamber had 500 members and a budget of $67,000 in 1961. He leaves an organization of more than 1,200 members and a budget of almost half a million dollars.

Greeley sat back in a chair in his office at Baystate West to think about the past years in Springfield.

"When I came here, the economic development of the area was fragmented," he said after reflecting a moment.

Greeley worked with Sidney R. Cook, president of The Springfield Newspapers, to develop the Roosevelt Avenue-Cottage Street area—known as Memorial Industrial Park—from a golf course to an industrial network of businesses.

The city agreed to trade the site for industrial development if the chamber built a new golf course, Greeley said.

The bargain was struck and the new course, known as the Veterans Golf Course on South Branch Parkway, opened in October 1961.

"Then we took the job of converting the old golf course into an industrial park," Greeley said.

That conversion was a turning point for Springfield.

Between the years 1958 and 1963, there was less than $5 million spent in building industrial buildings. Between 1963 and 1967, "we built over $5 million every single year," Greeley said.

Cook in 1973 called the development of the park the "biggest success story in Springfield. Right here let me tell you that this project would not have been so successful but for the untiring efforts of Paul Greeley and his Chamber of Commerce staff.

The money to buy the new golf course came from seed money supplied by 14 Springfield companies who raised $303,000 never expecting nor wanting their investment returned.

"He was the one who brought together the different attitudes and elements in the business community for a successful operation," Cook said. "In my book, but for Greeley, this never would have happened."

The $303,000 still is being used in development projects in the city.

The money also was used to develop a Food Distribution Center on Avacoda Street in Springfield.

Greeley would not talk about his accomplishments, but instead spoke of what the chamber did through the years. However, Greeley was the driving force behind the chamber.

"I think Paul Greeley's leadership in the business community has made a tremendous impact on economic vitality and stability in Greater Springfield," said Herbert P. Almgren, president of the Shawmut First Bank and Trust Co.

The Springfield Area Development Corporation, of which Almgren is president, is a nonprofit development group founded in 1960 and funded by those 14 Springfield companies. The group has completed a multitude of projects through the years.

Besides converting the city's former golf course into an industrial park where more than 3,000 persons work, the group also formed Progress Industrial Park on Progress Avenue where more than 400 persons are employed, and the city's newest industrial park—Industry East—on Cottage Street. The corporation also settled the food industry into the Food Distribution Center on Avocado Street.

Other projects included aiding small businesses.

"I'm a cheerleader," Greeley said, describing his job. "The community has certain resources, certain needs. I see my job as trying to match needs with resources. I cheer them on."

Greeley spoke proudly of how the Springfield Chamber was among the first in the nation to recognize that economic stability and solving social problems in a city go hand in hand.

"This chamber pioneered and was ahead of most chambers of commerce for recognizing there was a corporate responsibility to concern themselves with social and human problems as well as economic development.

"Historically, the chamber of commerce's interest is in business development, trade. Over a decade ago, this chamber recognized a community's ability to grow economically was influenced greatly by how well it handled or did not handle social and human problems, Greeley said.

The chamber created Better Homes For Springfield 10 years ago. The project plunged $1.5 million in corporate money into rehabilitating housing in the city.

And 10 years ago, the chamber also developed a minority enterprise small business investment company to develop minority business in the area.

Greeley pointed out enlightened business leaders in Springfield started these projects before it was popular to do so.

The Springfield Chamber also was the first to undertake a contract with the National Alliance for Business to help find jobs for disadvantaged persons.

And, Greeley said, the Springfield Central group formed to revitalize downtown is a spinoff from the chamber.

"As a result of a study made by the chamber, we decided perhaps we could accelerate the growth of downtown." he said.

Greeley said a group of business leaders exclusively interested in downtown overtook the project of helping the core of the city.

Perhaps Greeley obtained his training for managing chamber of commerce through more than just a college education.

He is a graduate of Boston College, where he obtained a degree in economics and a masters in community organization. But his education was interrupted by World War II, when he commanded a mine sweeper in both the North Atlantic and the North Pacific.

For 32 years, Greeley has managed chambers of commerce in Massachusetts, including the Somerville, Salem and Lawrence chambers before he came to Springfield.

After attending nightly meetings for at least three night a week for the past 18 years, Greeley said he no longer wanted to answer to the clock and the calendar. He decided to retire while he would still enjoy retirement, he said.

The 61-year-old executive said he plans to stay in Springfield and will scout around for a parttime job.

Cook said, "I think Springfield is losing a hell of a guy. He has been more successful here than I had ever hoped for when he came. He just inspires confidence." ●

C. O. MACLEOD IS RETIRING

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. DE LA GARZA. Mr. Speaker, on June 1, 1979 a great man, Mr. C. O. "Scotty" MacLeod is retiring from Continental Oil Co. after 33 years of service which covered a wide range of responsibility in the marketing department. During the past 12 years. Scotty has been Conoco's coordinator of distributor relations and has established an unprecedented association with petroleum distributors of all brands.

He has exhibited unusual leadership in guiding petroleum distributors through their most trying times when products have been short, suppliers were changing their marketing modes, and consumers were confused over the energy shortage and spiraling prices. He has often acted as a catalyst to bring together the supplier, the Government, and the petroleum distributor to formulate a reasonable and sound solution to their mutual problems. MacLeod, through his previous training activities with Conoco, recognized the need for an industry educational program and was instrumental in helping establish the Petroleum Marketing Education Foundation.

His dedication and untiring efforts have been recognized by the members of every trade association of which he has been a part, including the American Petroleum Institute, National Oil Jobbers Council, National Congress of Petroleum Retailers, and most State marketing associations.

MacLeod's input to the petroleum industry will be missed, especially since he is one of the few who possesses the key to good distributor relations: The public relations ability to work with distributors and consumers; the public affairs ability to work with legislators; and the intelligence to analyze the most complicated subjects and then express them in understandable terms.●

WHY I CARE ABOUT AMERICA

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. BRADEMAS. Mr. Speaker, I want to take this opportunity to bring to the attention of my colleagues one of the five winning speeches of the voice of democracy contest conducted annually by the Veterans of Foreign Wars of the United States and its ladies' auxiuiary. This moving talk, entitled "Why I Care About America," was written by Ms. Susan L. Zickmund of LaPorte, Ind., a resident of my congressional district.

The text follows:

WHY I CARE ABOUT AMERICA

Poland, 1940's: A small child looks up to her mother as they stand waiting in a deportation car. Taken by fear she asks: "Why, how can this happen?". Why? Because they are Jews and have become the scapegoat of society. How? Because they do not live in a country where human rights are recognized, and all people are protected under the law.

USSR, 1950's: A broken elderly woman stares upward to the soldiers that have beaten her. Slowly she begs them: "Why, how can this be?" They merely turn and leave her to die. Why? Because she and her congregation are worshiping their God. How? They do not live in a country of religious freedom.

Red China, 1960's: A young man sits in the midst of a crowd shouting out his true beliefs. He awaits the coming guards to take him to his execution. Moments before they seize him, he embarks upon the supreme act of rebellion by setting himself ablaze. Why, how could this occur? The human right of speaking out was punished by sure death. How? He did not live in a country where freedom of speech was the law.

Rhodesia, 1970's: A mother sits in her lonely house in tears. Her two teenage sons have been involved in a racial act of violence. One is dead, the other imprisoned. She cries out loud: "Why, tell me how?" Why? Because Rhodesia has not yet learned racial harmony. How? They do not live in a country where equality is constantly sought.

When I was given the topic of "Why I care about America" to write on, I groaned in disgust. I had heard all the American "mother and apple pie" speeches I could take, and was not anxious to write on a subject I felt I could not be completely honest with. I thought a moment on all that I could put down, and soon realized that I did not believe any of them. With the commercialized bicentennial making red, white and blue my most detested colors, political scandals causing my faith in our government to be a gigantic joke, and inflation, unemployment, energy crunches, and possible recession/depressions in my mind dragging our country more towards that fabled breakdown every day, there was a large question whether I even wanted to stay in America or not. Yet as I sat trying my hand at writing this speech I realized some very important things. I may not sound like a great patriot at this time but I would like to share these ideas that I discovered with all that will listen.

As I look back into history ever since the dawn of mankind, people have suffered. Yet it was because of this suffering that America was first established. People flocked to our country to escape the oppression that faced them, and to overcome the cruel and unjust leadership that dominated. Our forefathers created a land they felt they could call free and for the citizens to live happily in, not merely the kings and leaders of that domain. They enacted many human rights, one of which was religious freedom.

As I compared America with other countries of the world I found her to be the most liberal in religious freedom. When America was founded, brave men and women made it their objective to see that there was truly religious equality throughout the land. That fight still stands evident today.

Another important right is freedom of speech. I, being a school reporter, even take these three simple words for granted. Yet when I studied other societies I saw a need for a nation voiced by the people. Citizens of less fortunate nations have always looked to the United States in envy and respect because of that right. Yet we who are so fortunate, have taken it for granted.

The last and most advanced achievement is one that we the people of the United States can feel proud, for it is because of us that this great achievement has come into reality. It is of racial equality. Only a decade ago the U.S. was plagued by constant segregation, yet now by our determination and stern perseverance, we have overcome. This is the achievement I feel most proud of.

For certain, do not let yourselves believe that I feel America is perfect. Yet America is strong, and we can overcome most any difficulty. The U.S. is us, the American public, and as a member of that thinking Republic, I feel proud that I do care, do serve, and do live in our great nation.●

THE SLOW-MOVING CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 16, 1979, into the CONGRESSIONAL RECORD:

THE SLOW-MOVING CONGRESS

The 96th Congress has already been dubbed the "do nothing" Congress. The lack of legislative activity in both the Senate and House stands in sharp contrast to the marathon sessions and furious debates in the final days of the 95th Congress. To most people, it seems that the national legislature has abruptly shifted from high gear to neutral.

With only four months of its two-year existence elapsed, it is still far too early to make any definite judgments about the performance of the 96th Congress. Nevertheless, the lack of legislative activity, which has resulted in the passage of only nine bills since the session started on January 15, is making for one of the slowest Congresses that most legislators can remember. One of my colleagues said, "It is amazing what is not going on around here." Another colleague of mine remarked, "This is the most boring session I have ever seen." Of the nine bills passed, only two—those relating to the Taiwan issue and the federal debt limit—were of any consequence.

The slow legislative pace is showing up in other ways, too. Up to the Easter recess the Senate had taken 38 recorded votes and the House 67, declines of 62% and 42% respectively from the number of recorded votes in the comparable period two years ago. Even talk, a well established tradition in Congress, is on the wane. The number of pages in the CONGRESSIONAL RECORD filled by lawmakers' rhetoric is down sharply. What is more surprising, the number of bills introduced has fallen from 1,176 to 840 in the Senate and from 5,748 to 3,357 in the House. The average member of Congress is just not as eager as before to appear in the role of active legislator this year. The Senate has scheduled no Friday sessions until July, and the House began Friday sessions only recently. Ironically, the slow legislative pace occurs as the House opens its proceedings to the eye of the television camera. Needless to say, there has not been much exciting viewing.

Congressional inactivity is not an accident. Congress has slowed down because members are intentionally pursuing fewer legislative issues. Congress has received a loud and clear message from the folks back home: spend less money, create fewer programs, and concentrate on making the government we already have work better. Ninth District Hoosiers seem to agree with this message. They are not complaining to be about the lean House calendar or the lack of action on the House floor.

Another reason for congressional inactivity has to do with members' perceptions of the complex problems they face, such as inflation and energy. Some members believe that these problems just cannot be solved by legislation. Many others believe that hastily written legislation would be far worse than none at all. To them, congressional inactivity may be a kind of solution.

The slow legislative pace today does not mean that the entire 96th Congress will be uneventful. Several bills on the agenda will prompt heated discussion. The President's decision to decontrol the price of domestic oil, the multi-lateral trade negotiations, the deregulation of the trucking and railroad industries, the proposal to set aside vast wilderness lands in Alaska, the licensing and construction of nuclear power plants, and the ratification of the Strategic Arms Limitation Treaty will all provide plenty of fireworks. Early skirmishes over the budget suggest to me that the stage is being set for long and contentious debates on fiscal matters. I would guess that there will be strong efforts both to cut the budget and to change the priorities embodied in it.

Congress is also beginning to take much more seriously its responsibility to oversee the bureaucracy. The focus of congressional inquiry in most instances is the kind of job a program is doing, whether it is meeting its objectives, and how its money is being spent. Oversight is not very exciting work and the news media continue to ignore it, yawning their way through the hearings. However, there is much important work to be done in the area of oversight. In my view, the 96th Congress will be successful if its oversight is vigorous and wide-ranging.

Over four years ago, when the 94th Congress began, the House had its "Watergate" class of younger members. This energetic and reform-minded group of legislators wanted to clean up everything in Washington. About two and a half years ago, when the 95th Congress began, the Congress had new leadership and the nation a new President. There was talk of new initiatives and new directions. Today, however, no one is sounding the trumpet call to action.

Most of the issues before the nation require the government to say no to someone in one way or another. New approaches are not what the people want. The President has certainly contributed to the restrained mood in Congress by saying that the 95th Congress gave him much of his legislative program. The congressional leadership has seconded the President, saying that this will be an "oversight" Congress.

The 96th Congress may make its mark less for what it does than for what it does not do. It may be that Congress is more representative and more responsive than most people think.●

GOVERNMENT CLAIMS POWER TO SNOOP

HON. JAMES P. (JIM) JOHNSON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. JOHNSON of Colorado. Mr. Speaker, Sunday, May 6, the Washington Post published a commentary by William Greider which deserves some thoughtful consideration.

How short-lived the recent lessons about the dangers of domestic intelligence activity seem to be. The abuses of power we discovered only a few years ago, when the House examined the Central Intelligence Agency, unfortunately seem to have been forgotten.

In reviewing Mr. Greider's column, I hope my colleagues will remember the great potential for harm there is when government oversteps its bounds in the name of security.

[From the Washington Post, May 6, 1979]

GOVERNMENT CLAIMS POWER TO SNOOP

(By William Greider)

In the noise and confusion of today's problems it sometimes helps to look ahead and savor tomorrow's. I have selected a few headlines from sometime in the 1980s which tell us something about what's happening in the present:

FBI Infiltrates Anti-Draft Group

CIA Wiretaps Anti-Nuke Leaders

Federal Burglars Caught In Dupont Circle Office

Post Office Opens Jane Fonda's Mail

Now here is my favorite headline from the future:

Wiretaps, Break-ins, Spies Preserve Liberty, Carter Says

If he is lucky, and Jimmy Carter is a lucky politician, he will no longer be in the White House when these headlines appear someday. Still, I think he will be called on for explanations because of lot of shocked citizens will look back and discover, too late, that the Carter administration made it possible to continue these outrages against civil liberties.

Wearing the white robe of reformer, with a fluorish of self-congratulation. President Carter announced new rules and regulations restricting the behavior of government agencies which gather intelligence. I am not questioning the president's good intentions or the reasonableness of Attorney General Griffin Bell. But their new rules are so loose the Gestapo could drive a Volkswagen through them. Or a Mercedes staff car.

Back in 1973, when the public first learned about Nixon's infamous Huston Plan, people were understandably shocked. Here were a president and his advisers, meeting in secret, authorizing themselves to use tactics which would otherwise be illegal—mail openings, burglary, wiretaps without warrants. Their only justification was that the federal government was surrounded, threatened by alien political forces which might be in the service of a foreign enemy. The rabble was marching in the streets and Richard Nixon's sincere presumption was that these people were, somehow, un-American.

Nobody was shocked on Jan. 24 last year when Carter, with ceremonial pride, issued his executive order on "U.S. Intelligence Activities." It looks like a lengthy statement of "shall nots" for the CIA and FBI until you examine it closely. Then you discover that wonderful magic phrase of the national security state, the one that suspends an individual's constitutional rights: "an agent of a foreign power."

The president, it says, may personally authorize certain sensitive types of tactics for intelligence-gathering and the attorney general may personally approve each tactic for use when the attorney general has decided there is "probable cause" that a specific person or group is "an agent of a foreign power."

Once the attorney general has made that finding about someone, then the FBI can spy on them or burglarize their offices. The Post Office can secretly open their mail and pass on the contents to the FBI. The CIA can pick up the case and do the same thing if the people travel abroad. No warrant is required, no independent scrutiny by a neutral party like a federal judge.

This is approximately what the Nixon people did, only they were less bureaucratic about it. They kept it secret, in part, because they knew the public would be shocked by revelations of spying on domestic political opposition. The Carter rules operate in secret too.

So far, according to the Justice Department, President Carter has authorized electronic surveillance, monitoring by TV cameras and other techniques, physical searches and mail openings against "agents" of a foreign power. His orders are classified.

The attorney general decides, more specifically, who gets watched. That is secret, naturally. He has guidelines for making these judgments. The guidelines are classified. How many "foreign agents" are on the attorney general's list? That is a secret too.

I am being moderately unfair to Carter's good intentions. The administration claims that its charters for the FBI and CIA will require "judicial involvement" in these decisions. That means a federal judge gets to look too. But the ACLU fears the charter language will be worse than the executive order.

Keep in mind, we are not talking here about catching Russian spies. Espionage is a crime under the law and the government can use these surveillance techniques lawfully, with court approval, in the investigation of illegal activities. That ought to be the limits of government power: If it is not investigating a crime, it has no business spying on citizens.

For 20 years, the rationale of "national security" has been consistently abused, yet the Carter administration wants us to accept on faith that these same national-security bureaucracies will sin no more, once the procedures are formalized.

The trouble is that the Carter administration naively presumes, in these quiet times, that "national security" watchdogs will obey rules in good faith. We have 30 years of history which argues the opposite. Time after time, in moments of crisis when the White House has felt threatened, surrounded, the spy agencies faithfully abused the Constitution in order to watch or disrupt the president's political opposition. Sooner or later, divisive politics will return and Carter's "reforms" will be tested.

Nobody can predict when or how that will develop, but there are plenty of possibilities on the horizon.

Morton Halperin, director of the Center for National Security Studies, suggests that the anti-nuclear movement, if it gathers strength in the 1980s, will be a natural target for federal spies—especially if the demonstrators against nuclear power plants align more closely with the campaign against nuclear bombs. Anti-nuke is already an international movement and, if the government feels threatened by it, there will be plenty of random evidence in the files to convince a nervous attorney general that these nasty demos are somehow linked to a foreign conspiracy.

Or here is another old favorite—the draft resistance movement. If Congress brings back the draft, there will be an anti-draft movement, count on it. The politicians are sneaking up on this one, but antiwar groups on the left and libertarians on the right are already talking up a national campaign of resistance. (Speaking of sneaky, this week's prize for spineless politics goes to the House Armed Services subcommittee which voted to bring back draft registration—but not until after the 1980 election.)

It is easy to rely on Griffin Bell's decency in these tranquil times. As a federal judge, Bell was not exactly a titan of civil liberties; his appreciation of the First Amendment is sufficiently narrow that he found it okay for the Georgia legislature to expel Rep. Julian Bond for expressing antiwar opinions. But the question is: How would Griffin Bell behave when he is scared?

To understand this point put aside the dark memories of John Mitchell's cynicism as attorney general and consider instead the idealism of Ramsey Clark, who was attorney general when Lyndon Johnson felt threatened, surrounded. Ramsey Clark cares deeply about civil liberties (we know this because he tells us so often). Yet some of the most flagrant abuses of civil rights occurred under Clark's stewardship—wholesale domestic spying by Army intelligence units, political wiretaps by the FBI, the CIA penetration of local antiwar groups. No doubt, Ramsey Clark was deeply troubled by all this, but the only relevant point is that, given the political fever of that period, he did not stop it, he did not raise his voice against it, not where any of us could hear him.

The rationale in the Sixties, for those who have forgotten, was Lyndon Johnson's obsessed conviction—evidently sincere—that the Reds were somehow fomenting all this trouble for him. Those couldn't be true-blue Americans out for him. If they aren't spies, exactly what shall we call them? How about "agents of a foreign power?"

Some citizens will continue to insist that the Bill of Rights protects them against these government intrusions, without a warrant, without a reasonable cause for criminal investigation. Some of us will continue to believe that the Fourth Amendment is not subject to expectations, made in secret, whether they are made by Richard Nixon or by Jimmy Carter.●

PERSONAL EXPLANATION

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. NEAL. Mr. Speaker, I was unavoidably away from the House Chamber on Thursday evening, May 10, when the vote occurred on House Resolution 212, the standby gasoline rationing plan. Had I been here, I would have voted "aye."

Mr. Speaker, certainly the President's plan was not perfect, but nothing is. I thought, however, that it was fair and that it recognized the special needs of rural States such as my own. Under present circumstances, together with a rather bleak outlook, I believe it is irresponsible for the Congress not to establish such standby rationing authority. House Resolution 212 had a provision for a one-House veto, in case the President's final plan had some obvious flaws. I think, therefore, that the failure to pass this measure was unwise and I am sorry I was not here to cast my vote for it.●

ROBERT A. TAFT, A CHAMPION OF FREEDOM

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. PAUL. Mr. Speaker, one of the greatest champions of freedom ever to serve in Congress was Robert A. Taft. As such, he was naturally opposed to the draft.

Since there is so much agitation for a peacetime draft today, I would like to bring to my colleagues' attention excerpts from one of the Senator's great speeches against conscription:

> It is said that a compulsory draft is a democratic system. I deny that it has anything to do with democracy. It is far more typical of totalitarian nations than of democratic nations. It is absolutely opposed to the principles of individual liberty, which have always been considered a part of American democracy. Many people came to this country for the single purpose of avoiding the requirements of military service in Europe. This country has always been opposed to a large standing army, and it has been opposed to the use of the draft in time of peace. I shrink from the very setting up of thousands of draft boards, with clerks and employees and endless paper work and red tape; from the registration of 12,000,000 men and the prying into every feature of their lives, their physical condition, their religious convictions, their financial status, and even their hobbies.
>
> The draft is said to be democratic because it hits the rich as well as the poor. Since the rich are about 2 per cent of the total, it is still true that 98 per cent of those drafted are going to be the boys without means. It doesn't make much difference to the poor boy whether the other 2 per cent go or not. To be snatched out of his life work may be a tragedy for a poor boy, but the rich boy will have no trouble finding another job if he is any good at all. . . .
>
> The principle of a compulsory draft is basically wrong. If we must use compulsion to get an army, why not use compulsion to get men for other essential tasks? We must have men to manufacture munitions, implements of war, and war vessels. Why not draft labor for those occupations at wages lower than the standard? There are many other industries absolutely essential to defense, like the utilities, the railroads, the coal-mining industry. Why not draft men for those industries, also at $21 a month? If we draft soldiers, why not draft policemen and firemen for city and state service? The logical advocates of the draft admit this necessary conclusion. Senator Pepper, of Florida, has said that he believes the President should have power to draft men for munitions plants. Mr. Walter Lippmann says that if the conscription bill is to serve its real purpose it must not be regarded as a mere device for putting one man out of twenty-five into uniform but must be regarded as a method of mobilizing the men of the country for the much larger and more complicated task of industrial preparedness. In short, the logic behind the bill requires a complete regimentation of most labor and the assignment of jobs to every man able to work. This is actually done today in the Communist and Fascist states, which we are now apparently seeking to emulate.
>
> There has been, very properly, a great outcry against the action of the Senate in authorizing the Secretaries of War and Navy to seize any industrial plant needed for the manufacture of munitions. I voted against that amendment because I do not see the necessity for that any more than for the drafting of men and because it gives uncontrolled discretion to the Secretary of War and the Secretary of the Navy. But at least the owners of such plants are to be fully compensated for their property, while men who are drafted may be forced to give up jobs paying $50 a week to receive a soldier's pay, at most equivalent to $15 a week. Their time is conscripted without compensation.
>
> Is it really necessary to take this long step toward a system in which the state is everything and the individual is nothing? What kind of an army do we want? The developments of the present war have shown that great numbers of men in the trenches are no longer the prime requisite for success. France had universal conscription, but it did them no good against a highly organized, modern, mechanized army. According to all the best military advice, what we need today is an army of experts. . . .
>
> Free men, free enterprise, free speech are the cornerstones of the American Republic.●

REPORT CARDS FOR FEDERAL PROGRAMS

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. ERLENBORN. Mr. Speaker, twin bills are being introduced today in the House and Senate which will give substance to the public's call for reduced Federal spending echoed by this body earlier in the week by its action on the first concurrent resolution on the budget for fiscal 1980. The measure, the Government Accountability Act, which I am submitting for DICK GEPHARDT, DON FUQUA, FRANK HORTON, and myself, is sponsored in the other body by Senators PERCY and LEVIN.

The idea is not original with us. It came from Laurence H. Silberman, one-time Under Secretary of Labor, Deputy Attorney General, and Ambassador to Yugoslavia. Senator PERCY and our late colleague, William Steiger, translated the Silberman proposal into a bill, and it was adopted in the Senate last year as an amendment to S. 2, the proposed Program Evaluation Act.

Although the 95th Congress adjourned a few days later, before the House could act on it, the need for this measure remains. We long ago reached the limit of Federal spending without having come to grips with the overriding problem: We Americans cannot seem to eliminate any Government program. Instead, like Topsy, Federal programs grow and grow.

One reason we have been unable to take this hard, but necessary, step is the lack of a technique to measure the worth of any program. The Government Accountability Act gives us that tool.

Under this proposal, at the beginning of each Congress—when submitting the budget—the President will give the Congress a report card on each of the 1,000-plus Federal spending programs. Each program will get a rating: Excellent, adequate, or unsatisfactory.

At the same time, the President will rank Federal programs within agencies. The President's ranking will be determined by the degree to which each program's statutory objective is—or is not—being met, the implementation by the agency, and the quality of the management effort put forth by the agency.

I wish to emphasize another part of the measure which permits the Director of the Office of Management and Budget (OMB) to provide specific suggestions to strengthen existing programs or eliminate those which can no longer be justified. Ranking a program as the least effective should not be tantamount to elimination. It should assure that action will be taken resulting in more for our tax dollars.

The process will not be cumbersome. The OMB has often asked agencies confidentially to rank their programs, and most Government managers undoubtedly perform a similar function, at least as a mental exercise. Our bill will simply have them do it precisely and overtly.

Enactment of this proposal will mean that, for the first time, Congress will have a comprehensive review and measurement of all programs. At least as important, the ranking will be available to the public, and herein lies the secret to success. This report will have winners and losers, ingredients that are certain to attract attention.

Although this measure will not solve all the problems related to Government spending or eliminating those programs which have simply outlived their usefulness, it will give us the assessment tool we so sorely need.

A copy of our proposal follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Government Accountability Act of 1979".

SEC. 2. (a) The Congress finds that—

(1) the public confidence in the ability of the Congress and the executive branch to manage the Federal Government effectively has declined;

(2) the Federal Government is not as accountable as it should be in serving the public interest;

(3) the Federal Government, unlike private enterprise, has no built-in mechanism for calling attention to and eleminating programs that are not proving to be cost effective;

(4) the executive branch, the Congress, and the public do not possess adequate information on the relative effectiveness of Federal programs;

(5) the taxpaying public is properly demanding more accountability for the expenditure of tax revenues and demanding that the public expenditures not grow any larger with respect to the economy as a whole;

(6) the further uncontrolled growth of Government will pose a threat to our democratic society and economy;

(7) the Federal Government cannot be competently managed and new programs for future needs cannot be implemented unless workable management techniques are developed to assess program effectiveness; and

(8) such findings demand that all Federal programs should be evaluated using traditional management standards and that in-

effective programs should be strengthened to better serve the public or eliminated.

(b) The purpose of this Act are to—

(1) provide for a more professional and efficient management of the Federal Government;

(2) identify those programs which are ineffective and determine the cause of their ineffectiveness;

(3) encourage the development of uniform methods for evaluating Federal programs; and

(4) provide Congress additional tools needed to identify ineffective Federal programs.

SEC. 3. (a) For the purposes of this Act—

(1) The term "program" means an organized set of activities carried out pursuant to separate statutory authorization or for which Federal expenditures are specifically allocated by the Federal Government, and which can be evaluated in terms of relative effectiveness in pursuing a governmental goal, but shall not include national foreign intelligence activities.

(2) The term "executive department" shall have the meaning given it in section 101 of title 5, United States Code.

(3) The term "independent establishment" shall have the meaning given it in section 104 of title 5, United States Code, except that such term includes the United States Postal Service and the Postal Rate Commission but does not include the General Accounting Office or the independent regulatory agencies.

SEC. 4. (a) At the beginning of the Ninety-seventh Congress and every two years thereafter the President shall submit to the Congress a report on the management of the executive branch (hereinafter called the Management Report). The Management Report shall be submitted on the same day as the budget is transmitted to the Congress under section 201 of the Budget and Accounting Act, 1921.

(b) It is the intent of Congress that the President shall be granted full discretion in the design of the Management Report provided that:

(1) Programs shall be—

(i) designated within each executive department and within each independent establishment, according to their relative effectiveness, as "excellent", "adequate", or "unsatisfactory", and

(ii) ranked as to their effectiveness relative to all other programs within each functional category in that executive department or within that independent establishment.

(2) The designation and ranking of programs as to relative effectiveness shall be determined by the degree to which each program's statutory objective is being met. Such designation and ranking, shall be based on—

(i) the clarity of the law and the statutory objective upon which the program is based,

(ii) the overall implementation of the program by the responsible executive department or independent establishment, and

(iii) the overall quality of the management of the program by the responsible executive department or independent establishment.

(c) The Management Report shall include the President's reasons for the program designations and rankings.

(d) The Management Report shall include a list of those programs the President recommends for administrative or legislative improvement during that Congress.

(e) The Management Report shall include the report of the Director of the Office of Management and Budget required under Section 5 of the Act, including the President's recommendations and proposed actions pursuant to it.

SEC. 5. (a) The Director of the Office of Management and Budget (hereinafter called the Director) shall provide an evaluative report on Federal programs to the President which shall be forwarded to the Congress by the President with the Management Report.

(b) In the report the Director shall identify any programs, including those carried out by the independent regulatory agencies, that are contradictory to other Federal programs and recommend corrective legislation. The Director shall also recommend the termination or modification of any programs whose relative ineffectiveness no longer justifies continued Federal expenditures or only justifies a lower level of Federal expenditures.

SEC. 6. The President may from time to time submit to the Congress reports supplementary to the Management Report, each of which shall include such supplementary or revised recommendations as the President may deem necessary or desirable to achieve the purposes of this Act. The Director may also, from time to time, submit to the President reports supplementary to the report required by section 5.●

PRESIDENT'S HOSPITAL COST CONTROL BILL

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. HILLIS. Mr. Speaker, since the beginning of the 96th Congress the merits of the President's Hospital Cost Control bill H.R. 2626 have been debated by the Ways and Means Committee and the Interstate and Foreign Commerce Committee.

My position on the President's proposal has always been that a voluntary system is by far preferable to any mandatory system. In my home State of Indiana a voluntary system has been in place and working for a number of years. It is a proven system which should be used by other States to keep hospital costs under control.

Obviously the President's logic in supporting H.R. 2626 is based on the increased hospital cost over and above the general rate of inflation. Excessive increased cost has been a concern to the hospital industry which has recently taken measures to insure that any additional cost increases are unavoidable. These efforts have proven successful and negate the need for any Federal action to keep cost down.

I submit that the recent Consumer Price Index illustrates the success of the hospital industry in keeping prices to a minimum. The compound annual rate of inflation (based on the first 3 months of 1979) for medical care is 9.4 percent. While that may seem high, compare it to transportation cost with an increase of 14.6 percent on an adjusted annual basis. Further consider food and beverages at 17.6 percent and Housing at 12.6 percent. During the 3 months ended in March, the CPI rose at a seasonally-adjusted annual rate of 13.0 percent or 3.6 percent above medical care.

It is difficult for me to understand how anyone can argue that hospital cost should be regulated when the CPI in general as well as specific categories continue to rise at faster rates. Medical expenses have been unfairly singled out by proponents of hospital cost control. As long as medical costs prove less inflationary than other segments of our economy, there simply is no just cause for hospital cost controls.

If the President is concerned about increased hospital cost, he should support policies designed to lower the total inflation rate. So far the administration has proven unable to control inflation. To a degree their failure to get a handle on the economy may be why they support mandatory hospital controls.●

ODESSA, MO., WORLD WAR II HERO HONORED

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. SKELTON. Mr. Speaker, the Odessan, of Odessa, Mo., recently reported that a new barracks complex at Fort Leonard Wood, Mo., will be named for World War II Medal of Honor winner Sgt. Joseph C. Specker, of Odessa. This is a most fitting and proper memorial for one who made the supreme sacrifice on the field of battle for our country.

Too often, we fail to remember, much less honor the true American heroes who came from our midst. The article from the Odessan is set forth as follows:

SGT. JOE SPECKER TO BE HONORED

A memorialization ceremony and dedication of a $25,000,000 barracks complex and avenue will honor two soldiers at 10:30 a.m. Tuesday at Fort Leonard Wood.

Specker Barracks will be named in honor of Sergeant Joseph C. Specker, an Odessan, an enlisted soldier, a combat engineer and a posthumous recipient of the nation's highest military award, the Medal of Honor.

New Mexico Avenue, adjacent to the barracks complex, will be redesignated Cooley Avenue in honor of Chaplain (Lieutenant Colonel) Thomas Cooley who served at Fort Leonard Wood from December, 1974, to his death in April, 1977.

Ceremony will consist of the presentation of the barracks complex to Brigadier General Robert H. Forman, acting post commander, unveiling of a commemorative plaque honoring Sgt. Specker and unveiling of a commemorative road sign honoring Chaplain Cooley.

The sister of Sgt. Specker, Mrs. Oneita Fern Schreiman, Kansas City, and the wife and son of Chaplain Cooley, Mrs. Mary Cooley and Scott, are expected to attend.

Sgt. Specker was born January 10, 1921, in Odessa and grew to manhood on the farm of his parents, Mr. and Mrs. Elmer C. Specker, eight miles southeast of Odessa. He enlisted in the Armed Forces for duty in World War II and was assigned to Camp Gruber, Okla., for training as an Army combat engineer.

His unit was sent to the North Africa war zone in August, 1943, and two months later was among the Army combat engineers who landed at Salerno for the grinding Allied advance into Italy.

Sgt. Specker was killed January 7, 1944, in a voluntary single-handed stand against enemy fire to secure an essential position in the battle for Mt. Porchia while serving in Company C, 48th Engineer Combat Battalion.

On July 12, 1944, he was posthumously awarded the Medal of Honor which was presented to his parents by Major General John

P. Anderson, then commander of Fort Riley, Kan., on July 23, 1944, in ceremonies in the Odessa High School auditorium.

The citation follows:

"For conspicuous gallantry and intrepidity at risk of life, above and beyond the call of duty, in action involving actual combat. On the night of 7 January 1944, Sergeant Specker, with his company, was advancing up to the slope of Mount Porchia, Italy. He was sent forward on reconnaissance and on his return he reported to his company commander the fact that there was an enemy machine gun nest and several well-placed snipers directly in the path and awaiting the company. Sergeant Specker requested and was granted permission to place one of his machine guns in a position near the enemy machine gun. Voluntarily and alone he made his way up the mountain with a machine gun and a box of ammunition. He was observed by the enemy as he walked along and was severely wounded, he was unable to walk, he continued to drag himself over the jagged edges of rock and rough terrain until he reached the position at which he desired to set up his machine gun. He set up the gun so well and fired so accurately that the enemy machine gun was silenced and the remainder of the snipers forced to retire, enabling his platoon to obtain its objective. Sergeant Specker was found dead at his gun. His personal bravery, self-sacrifice, and determination were an inspiration to his officers and fellow soldiers."

Lieutenant Colonel Thomas Cooley, who was assistant staff chaplain of Fort Leonard Wood from December 1974 to his death in April 1977, was a widely known personality in the local area.

Chaplain Cooley was born November 16, 1930, in Fairfield, Ala. He entered the service as a United Methodist chaplain in October 1961 and received his regular Army commission in September, 1965.

Cooley's career took him from Fort Gordon, Ga., to Fort Campbell, Ky. He served in Vietnam and was assigned parish and later post chaplain at Bad Toelz, Germany. Cooley came to Fort Leonard Wood in 1974 and served as Religious Education Chaplain and assistant staff chaplain. Chaplain Cooley had many accomplishments to his credit during his stay on post. He established the Family Life Center and expanded the Youth of the Chapel, the Recycling Center and the Consolidated Chaplains Fund Religious Book Store.

He was the recipient of the Master Parachute Badge, Bronze Star Medal, Meritorious Service Medal with oak leaf cluster, Army Commendation Medal with two oak leaf clusters and the Air Medal with two clusters.

Besides his sister, Mrs. Schreiman, Specker has a niece, Mrs. Jane Kueck and three nephews, Bob, Donald and Gene Ray Specker. Mrs. Forest McNeece, Mayview; Mrs. Bertha Evans and Mrs. Rose Ring are aunts in Odessa area.●

ENERGY TAX TIME BOMB

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. BROWN of Ohio. Mr. Speaker, the following article by Dr. Paul Craig Roberts points out a hidden quirk in the President's energy tax on newly discovered oil.

That tax is not a windfall profits tax at all. It is an escalating excise tax on U.S. oil based on the sales price. It will be 6 percent of the price in 1980, 23 percent in 1990, and 30 percent in 2000. I can think of no better way to drive exploration out of the U.S. entirely, increase our use of OPEC oil, strengthen the cartel, push up the price, and cost us a fortune.

The administration has given in to OPEC. It has adopted the philosophy "If you can't beat 'em, join 'em." It proposes a tax peculiarly structured to yield more revenue to the Federal treasury the higher the OPEC price rises. To help OPEC raise the price, the tax is peculiarly structured to raise taxes on new oil discoveries substantially, compared to current law, and hold down U.S. production.

The facts are not revealed in the President's rhetoric. They are revealed by a close look at the President's proposals.

The article follows:

[From the Wall Street Journal, May 10, 1979]

POLITICAL ECONOMY

(By Paul Craig Roberts)

Even governments born of idealism learn that there is opportunity in adversity. Once they do, they no longer seek to overcome adversity, but to profit by it. While people in L.A. bed down next to the gas pump and mug each other for a can of gasoline, the men in Washington have discovered the gold mine in the OPEC cartel.

The President has succeeded in leading most people to believe that he is giving the oil companies something by decontrolling domestic oil prices. In truth, current law removes price controls completely in 1981 and does not require a new tax as a quid pro quo. But by skillfully playing on the vision of billions of dollars pouring into the pockets of oil barons, the President has created a political constituency for a new oil tax. While Senator Kennedy lays down a smokescreen of sham uproar over "vast new profits" being turned over to big oil, temporary (and soon to expire) price controls are being replaced with a permanent tax.

This permanent tax has a striking feature. It applies to future oil yet to be discovered and brought into production. And it is not a tax on windfall profits or even ordinary profits from new wells, but a tax on the market price of the oil. It works as follows:

A benchmark price for U.S. oil is established in terms of constant dollars at roughly the world price at the time the proposal is enacted. Today that would be about sixteen 1979 dollars. This adjusts the price for inflation, but not for rises in the real or relative price of oil. If the world price of oil rises above the benchmark price, the government takes half of the difference. For example, if the benchmark price is $16 and the price rises to $18, the government taxes $2 at 50 percent, which means tax revenues of $1 per barrel.

The higher the world price of oil rises above the U.S. benchmark, the greater the tax bite. As the tax rises as a percentage of the price, there is an increasing disincentive to find and produce new oil in the U.S. The table tells the story.

Year	Bench mark price	World price	Tax	Tax as percent of world price
1980	$16	$18	$1	6
1990	16	30	7	23
2000	16	40	12	30

Notice that the tax makes the U.S. government a co-beneficiary of OPEC price increases. The higher the price goes above the benchmark, the greater the government's share.

Of course, if the world price of oil doesn't rise any faster than inflation, there is no tax. But Harvard economist Thomas Schelling in a Committee for Economic Development study says that we should expect the real price of oil to rise. Although "the world is not about to run out of fuel," much of the high-grade, cheap-to-produce oil is behind us. Future oil is "going to become pregressively more expensive" to find and produce.

Judging by the new national energy plan that he sent to Congress this week, the President also expects the real price of oil to rise. The plan foresees 1990 oil prices of $30 a barrel in constant 1979 dollars—almost twice the benchmark price.

Clearly, the administration has come up with a plan that will produce tax revenues for the government while it discourages U.S. exploration and development and makes us even more dependent on imports. U.S. Representatives John Rousselot (R., Calif.) and Bud Brown (R., Ohio) tried to point this out to Energy Secretary Schlesinger and CEA chairman Schultze when they testified before the Joint Economic Committee on April 25 in behalf of the President's tax proposal.

The President's men emphasized that decontrolling existing production now would provide more revenues to the oil industry during the next two years than they would otherwise get. This, they said, would be a big incentive to find new oil. But Rep. Rousselot saw it differently: "Basically, it means that a permanent tax to hold domestic oil prices to our producers below world levels is going to lower U.S. production. The lower U.S. production will raise our imports."

The President's proposal contains no incentive whatsoever to find new wells. But it does contain substantial disincentives, because it reduces the rate of return on new discoveries. Temporarily lowering the tax on existing wells now (by letting the price rise sooner) does not compensate for permanently raising the tax on all oil in 1981.

What, in the administration's view, justifies this new tax that will discourage further exploration, development, and exploitation of our own oil reserves? Well, said Mr. Schultze, we don't need just more oil; we also need long-term research and development of alternative energy sources to oil. "The whole concept of the windfall profits tax and its use to finance those longer term developments is, it seems to me, a very good way to deal with that long-term problem. We are taking some of those proceeds for what we desperately need, which is long-term research, development, and exploration of alternative resources."

Mr. Schultze doesn't explain why the government is taking the oil companies' profits to set itself up in the energy business instead of allowing the companies to gradually establish themselves on the basis of new technologies and new energy sources. The tax signals the phaseout of the private energy industry, not energy independence. Of all the big oil companies, only Mobil has understood the message and is fighting for its private life.●

TOWARD A BETTER UNDERSTANDING OF FOREIGN AID

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. McHUGH. Mr. Speaker, the Washington Post carried a very interesting column Monday morning by Timothy Louvain of New Directions, a Washington-based public interest group headed by our former colleague, Charles Whalen. In the column, Mr. Louvain points out some of the different ways in which our foreign assistance programs directly benefit the American economy.

While this point has been made before, it is not very well understood by the American public and it needs to be reemphasized. To be sure, foreign aid is not intended primarily to benefit the economies of donor nations. However, in the case of the United States, it has had such an effect, and that effect is likely to grow more pronounced as the economies of developing and developed nations become increasingly linked.

It is also interesting that much of our help is provided on a loan basis, and that a number of countries are now returning more to our Treasury than we are providing in new assistance. In the case of Latin America, for example, Mr. Louvain points out that loan repayments to the United States will amount to 85 cents for every $1 in new assistance that the administration is proposing to provide much of which will also take the form of loans that will eventually be repaid.

For all of these reasons, as I said, I found this column to be very thought provoking and I am including a copy of it in the RECORD at this point for the benefit of those Members who may not have seen it.

The article follows:

THE U.S.—ON THE INTERNATIONAL DOLE

(By Timothy Lovain)

The United States is a net recipient of foreign aid. Sound incredible? Like so much else in Washington, it depends on how you keep the books, but consider the following:

More than one-third of the economic assistance provided by the Agency for International Development (AID) and its predecessor agencies since World War II has been on a loan basis. Repayments are currently coming in at such a rate that many countries, including India, Ecuador, Paraguay and the Ivory Coast are sending us more in repayments than we are providing them in new assistance. Latin America as a whole will send us 85 cents in repayments this year for every new dollar of bilateral aid we provide them, much of which will be in the form of new loans.

Foreign countries have an excellent record of repaying their debts on time. Since 1940, $85 billion in foreign aid has been provided on a loan basis. Julius Katz, the assistant secretary of state for economic and business affairs, has testified that the default rate on these loans has been an impressive .04 percent. Most of the overdue payments involve unique situations; one-third of them involve Korean War, logistical support claims, whose validity is in doubt. In fiscal year 1978 alone, repayments of principal and interest totaled about $4 billion. Total collections now exceed $50 billion.

Seventy-five percent of AID's budget is spent in the United States to purchase American goods and services. In fiscal year 1978, over $1 billion worth of products were exported under AID financing. Since loan receipts exceed the amount of AID development assistance funds actually spent abroad, it appears that our bilateral aid program actually reduces our balance-of-payments deficit.

Our "security supporting assistance" program, primarily to Israel and Egypt, is on a grant basis. However, two-thirds of our food aid and military aid programs are on a loan basis, both programs procure their goods and services almost exclusively in the United States and both are famous for creating large new commercial markets for American grain and guns.

Even United Nations programs are economically beneficial to the United States. In 1977, for example, UNICEF purchased $48.8 million worth of American goods and services, compared with American contributions to UNICEF, from both public and private sources, of only $26.3 million.

In recent years, the largest portion of our foreign aid program has gone through the multilateral development banks (MDBs). C. Fred Bergsten, the Assistant Secretary of the Treasury for International Affairs, has testified that between 1946, when the first such bank was established, through the middle of 1978, direct accumulated receipts by all segments of the U.S. economy have exceeded outflows to the banks by $2.4 billion.

In addition, an econometric analysis by the Treasury Department concluded that our real GNP increased annually between $1.2 billion and $1.8 billion as a result of exports of U.S. goods and services to markets directly created by MDB-financed projects in developing countries. This means that every U.S. dollar paid into the banks generates between $2.39 and $3.38 in real U.S. economic growth annually. This also means that MDB activities have created between 50,000 and 100,000 jobs every year.

Our bilateral aid program also creates new export markets for the United States. It is likely that econometric analysis of our other aid programs would discover benefits to the U.S. economy comparable to those we receive from MDB activities.

It seems fair to conclude that loan repayments and procurement of U.S. goods and services by aid agencies and institutions probably exceed the amount of foreign aid money we send abroad. When secondary economic effects are factored in, there is little doubt that our foreign assistance program is a net benefit to our balance of payments.

We get more foreign aid than we give. It would be only slightly hyperbolic to say that we are the recipients of "handouts" from rich and poor nations around the world, that the United States is on the international dole.

The Senate Foreign Relations Committee recently decided to reduce our economic aid program authorization by 10 percent, presumably in order to help alleviate our domestic economic difficulties. Additional cuts will undoubtedly be made at the appropriation level, accompanied by tirades against our "giveaway" programs abroad.

We will just be shooting ourselves in the foot.●

FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1980

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. HANLEY. Mr. Speaker, yesterday, after 9 days of protracted debate, the House passed the first concurrent resolution on the budget for fiscal year 1980. I was pleased to support passage of the resolution, and would like to take a few moments to comment on some of the important steps that were taken. It is quite obvious that the House has heard the voice of the people who are demanding less government and less spending. It is equally obvious that the congressional budget process, initiated in 1975, is a viable and responsive process.

In adopting the resolution, the House has reduced the President's proposed $29 billion deficit, and further reduced the Budget Committee's proposed $24.9 billion deficit, arriving at the smallest deficit we have seen for some time—$20.8 billion. It is quite clear that the demand for a balanced Federal budget in fiscal 1981 is well on its way to reality. In providing for these increased reductions in spending, we have done so neither at the expense of those in society who need our help the most, nor at the expense of the urgent national security interests of this Nation. We have sought to balance these pressing priorities while producing the least possible hardships.

Perhaps the most important step taken during consideration of the resolution was the adoption of an amendment cutting budget categories by an additional half a percentage point across the board. There could be no clearer signal that the Congress is serious about the need for belt-tightening. This action should not, on the other hand, be construed as a rejection of the outstanding work performed by the House Budget Committee.

The work of this Budget Committee and previous Budget Committees clearly demonstrates the commitment of the Congress to responsible fiscal policy against the background of our economic needs. Since 1975, we have had the benefit of these committee's guidance in responding to and recovering from the worst recession since the 1930's. In the past 2 years, we have had the benefit of their judgment on the need to reduce Federal expenditures in a time of continuing economic recovery. We clearly recognize inflation as the No. 1 problem that this country faces, and the resolution we have passed addresses this problem with further responsible and balanced cuts in Federal spending. There is no way to make these difficult decisions without causing some hardships. Cuts are never easy to make, but the continuing acceleration of inflation demands that the action be taken.

In closing, I would like to make a few comments on some of the more important actions that were taken during deliberations on the resolution. I have already alluded to the important belt-tightening mandate of the across-the-board reductions we adopted. We did not, on the other hand, take the politically popular but realistically impossible action of trying to balance the budget in fiscal year 1980 through any of the various means which were proposed. While I remain committed to a balanced budget in the near future, we have only to check the views of the vast majority of economists who warn against such action at this time. To seek an immediate balanced budget would only worsen the disease we are attempting to cure.

I am pleased that we did not take another politically popular action to end the life of the Law Enforcement Assistance Administration (LEAA). While I have never been entirely pleased with the administration of the LEAA programs in New York State, I am convinced that there continues to be a pressing need to address the problem of crime in this Nation. The Judiciary Committee has recently reported legislation restructuring and redirecting the efforts of LEAA, and I believe that we should have the opportunity to study and act on those recommendations.

We also took direct action to address the needs of this Nation's veterans. One of the few increases in funding adopted was an amendment raising the veterans function by $265 million. This action was necessary to insure that there would be no further reductions in VA hospital beds or personnel, and that sufficient funding would be available to provide for an 8.3 percent cost-of-living increase for service-connected disabled veterans and their dependents. The needs of our veterans demanded that such action be taken.

Finally, I must express my regret at the reduction in funds to exclude States from the general revenue-sharing program. The revenue-sharing program was instituted in 1972 to assist State and local governments who were in distress, and despite arguments to the contrary, that distress continues today. The elimination of States from the program will have very negative consequences for numerous local governments who receive a significant portion of State funds. The simple fact of the matter is that funds for fiscal year 1980 have already been appropriated, and State governments have relied on these funds in preparing their budgets. To rescind appropriated funds on this short notice will obviously cause great hardships. I am convinced that such an alteration in policy should be carefully reviewed by the appropriate authorizing committee and fully evaluated before any binding action is taken.

But the specifics of revenue sharing aside, the budget resolution approved by the House is a great step forward. The American people are demanding a clear and forceful response to the problem of inflation, and that is exactly what we have given them.●

AMBASSADOR GEORGE BUSH

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. ERLENBORN. Mr. Speaker, on the first day of this month, our former colleague and my good friend George Bush announced his candidacy for the office of President of the United States.

As a Member of this body, as Ambassador to the United Nations, as Director of Central Intelligence, as Chief of the delegation to China, and as chairman of the Republican National Committee, George Bush has served his district, his party, and his nation well.

In his remarks on the occasion of his announcement, he set the tone of his candidacy, and outlined his hopes for the future of our Nation.

I commend Ambassador Bush's remarks to my collegaues:

Presidential Announcement Statement of Ambassador George Bush

Ladies and gentlemen, I am a candidate for President of the United States.

With the help of friends and supporters throughout the country, I intend to seek and win our party's nomination and the general election in 1980.

I seek this nomination as a lifelong Republican who has worked throughout his career, in business and in public office on behalf of the principles of Lincoln, Theodore Roosevelt and Dwight Eisenhower.

At the outset of this campaign, let me say that I am not running for President as a regional or factional candidate, but as a national candidate. I ask all Republicans to join me in a common effort to bring America the principled, stable leadership we must have in the decade of the eighties.

As a national candidate, I will welcome the support of all Americans—Republicans, Democrats, and Independents—in my campaign to give America the new leadership needed to keep our country free, prosperous and second-to-none in the years ahead.

For that kind of leadership, as we have seen in recent years, good intentions are not enough.

Let there be no mistake regarding the source of our country's current problems, at home and overseas. The failure of the present administration is more than the failure of an individual leader.

It is a failure tied to the philosophy of tax-and-spend.

New foundations cannot be built on these old pilings. The problems that face America today are traceable to the reckless national leadership of past years.

Over a decade ago when I was elected to the U.S. Congress, I spoke out against that reckless leadership—warning against the consequences that would flow from an administration that promised the American people solutions to all problems, but instead gave us higher taxes, skyrocketing inflation, and loss of confidence in our country's leadership.

Our problems today, both at home and overseas, are rooted in that era of "guns-and-butter, tax-and-spend."

I submit that those who contributed to the short-sighted policies of that era cannot be depended on to provide workable solutions to our current national dilemma.

But in any event, those solutions will not be quick or easy.

In that regard, it is time for those who aspire to leadership in our country to stop trying to fool the American people that there are panaceas for our problems.

More important, it is time for we, the American people, to stop fooling ourselves.

We have learned that good intentions are not enough in a President. We should know, too, that rhetoric is not enough to provide the kind of leadership our country needs and deserves.

As a candidate for President, I am not promising a new deal, a new frontier, a great society, or a new foundation.

But I do pledge a new candor.

To be effective, leadership in the eighties must be based on a politics of substance, not symbols; of reason, not bombast; of frankness, not false promise.

In short, those who seek the highest office in the land must level with the American people.

That will be the underlying theme of my campaign and the spirit of a George Bush Presidency.

As a candidate, and as President, I will speak not in terms of simple solutions but of hard choices.

The American people must be told the hard, unvarnished truth about the nature of our problems at home:

That we cannot buy our way out of problems with expanded government programs.

On the contrary, where government expands, our problems multiply.

Our new leadership of candor must also tell the American people—

That the protection of our freedoms cannot be purchased on the cheap.

That there is no substitute for credible military strength in dealing with potential adversaries in a nuclear age.

Nor, in dealing with these problems, is there any substitute for the virtues of personal commitment and self-discipline.

At the government level, I speak of virtues such as restrained, consistent economic policies which would result in a balanced budget and a stronger dollar.

On a personal level, I speak of a stronger commitment to our work, our community, our neighborhoods and our family life.

There are other, vital human resources we must call upon to give America a new leadership in the decade of the eighties.

Women must be given a greater opportunity to participate at the highest levels. Young people—many of whom were disillusioned by the politics of the seventies—must be inspired to commit their ideals and energies to the building not simply of a greater, but a better society.

All these must be encouraged by our new American leadership—and something else as well.

Out of the tragic failures of recent years, we as a people have lost confidence in ourselves and in our country's institutions.

That confidence—that faith—that pride in the American ideal—must be restored.

I believe that my record in both private and public life—as a businessman and as a member of the legislative and executive branches dealing with both foreign and domestic policy—qualifies me to provide that leadership.

I can do the job—I will do the job—not with promises, not with rhetoric, but with the strength that comes to any American President who levels with the American people and earns their trust.

More than a quarter century ago, in his first State of the Union message to the Congress, one of the wisest and strongest of this century's President said:

"There is in world affairs a steady course to be followed between an assertion of strength that is truculent and a confession of helplessness that is cowardly.

"There is in our affairs at home, a middle way between the untrammeled freedom of the individual and the demands for the welfare of the whole nation. This way must avoid government by bureaucracy as carefully as it avoids neglect of the helpless.

President Dwight Eisenhower then went on: "In this spirit we must live and labor: confident of our strength, compassionate in our heart, clear in our mind. In this spirit, let us turn to the great tasks before us."

In this spirit, too, I from this day will go forward to seek the Presidential nomination of my Party and the support of Americans everywhere who believe that in the decade of the eighties, America must have a new leadership—a leadership confident of our strength, compassionate of heart, and clear in mind, as we turn to the great tasks before us.●

AGRICULTURAL TRANSPORTATION

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. NOLAN. Mr. Speaker, on May 4, 1979, I had the privilege of attending the Western Minnesota Grainmen Association meeting which occurred in Montevideo, Minn. Mr. Don Schiel, president of Agri-marketing Corp. (Agmark), a Minneapolis based firm, was the keynote speaker at this event. In addition to his responsibilities at Agmark, Mr. Schiel serves as a special transportation consultant to the Minnesota Agri-Growth Council. Mr. Schiel also represented the Southwest Shippers Association in putting in place the only subsidy agreement in the Nation to continue rail service under the 4-R Act.

The topic of Mr. Schiel's presentation was, as one might expect, agricultural transportation as it is affected by national energy and transportation policy decisions. His observations are accurate and to the point and his recommendations are, in my estimation, farsighted and noteworthy. I urge every individual with an interest and commitment to the development of a sound national transportation policy to take note of Mr. Schiel's address. For this reason, Mr. Speaker, I respectfully insert the comments of Mr. Don Schiel in the RECORD:

AGRICULTURAL TRANSPORTATION

(Presented by Mr. Don Schiel)

In recent years, government policy—including a cheap food policy—has caused American agriculture to change. Farms have become fewer and larger, more capital intense, more specialized and more heavily dependent on input items that have to be transported to you . . . seed . . . fertilizer . . . petroleum . . . ag chemicals, etc. This causes your cost to increase each year.

Marketing channels are changing as America produces more and more of the feed grains and food needed to feed a hungry world.

Agricultural commodities are the only products I know of that the producer pays 100% of the transportation cost to where ever the buyer wants the commodity or product delivered.

Therein lies the biggest problem we have in agriculture, 100% of the cost is absorbed by the farmer-producer with no ability to pass the cost on so it can be eventually paid for by the consuming public.

If this country is going to continue to follow a cheap food policy, some major change must be made!

1. Subsidize the farmer-producer, or

2. Subsidize the transportation of ag commodities, or

3. let commodity prices rise so that the farmer can continue to pay the transportation cost and make a decent return on investment—this would lead to higher food prices.

We're at the same point in ag commodities as we are in energy.

We've pursued a cheap energy policy in this country for years and look where we are today! Do we want to wait and get into the same shape in food as we are in energy?

Let's look back to see how we got to where we are today, so we may better understand what has to be done in the future.

Homestead rights were given to entice people to enter agriculture and supply foodstuffs to the fastly growing industrial-urban centers in the east. Railroad companies were given huge land grants to entice them to build a rail network to serve this expanding and ever-reachingout nation. Right behind the railroad came construction crews, many owned by the railroad, who offered long-term low cost leases on their land and long-term financing to build businesses along their railroad who would use it to ship their goods. Roads were built away from the rail lines to provide transportation to the railroad towns. It soon became apparent that you could not build a main rail line every few miles and that farmers could not haul by horse and wagon their grain more than 5 to 7 miles. So, branch rail lines were built. Country elevators were built on these branch lines to serve the farmers in a 5 to 7 mile radius. They sold the input items to the farmer and bought their grain that was not needed for livestock or to be consumed on the farm. The price paid to the farmer was a delivered price. The farmer hauled it to the elevator at his cost. Now the grain elevator sold this grain to a processing company, usually in Minneapolis, again at a delivered price. And it was all shipped by rail. At this point in time, the 1920's, everything was working fine. The railroads were happy and making money and so were the farmers. But it was about this time that America was falling in love with the automobile. And that is about the time agricultural transportation started downhill to what we see today. Utter catastrophe!

With the proliferation of the car, a demand came from all corners of this state and nation for a highway system to travel on. Up to this point in time, railroad profits had to pay for all railroad maintenance, but now tax dollars were going to pay for the highways and their maintenance. Passenger travel changed from rail to the private car and with that change, railroad profits plummeted. In this period, from the early 1920's to the late 40's, the railroads fought to hang on to both freight and passenger service. Finally they gave up on the passenger side. Also during this period, trucks started competing for the commodity and freight business. Nice new highways to run on, at a very low cost. No set schedules. Go where they wanted to, when they wanted to and freight and commodity transportation started leaving the rail lines.

Other events were taking place during this time, a world demand for food was starting to grow as populations were increasing, standards of living improved and the introduction of red meat into more diets. Now we no longer just had to transport our grains to processing centers, but now to export terminals for the long trek across the oceans.

A system of locks and dams were also being built about this time to improve flood control on the Mississippi. And barge companies started floating grain down the river, again a very low cost.

Now, just where did this leave the railroads? In Minnesota, where the river was taking their long haul business seven months of the year, and the trucks biting into their short haul business, some major decisions had to be made. In light of cheap energy and states upgrading old highways to carry 9 ton loads, at taxpayer expense, the decision was made to cut back once again. The passenger traffic was gone, now let's put our future in the long haul business. They can't build more rivers and rail is cheaper than truck for the long haul. Faced with this set of facts, I believe any good businessman would have made the same decision. Maintain the long haul, main lines, abandon the branch lines and go to a standard 100 ton covered hopper which could be placed in 100 car unit trains to make the long haul.

But another major event was yet to happen. The energy crunch of the 70's!

It's time now, I believe, to agree on a few assumptions.

1. Minnesota will continue to produce more grain for export.

2. This will require more input commodities such as fertilizers and petroleum.

3. Energy costs will continue to rise and could possibly be restricted and/or rationed.

4. Automobiles will continue to get lighter, at least not heavier, so they will cause less wear and tear on our highways.

5. Taxpayers and legislators will demand that trucks pay more of the share of highway maintenance and/or upgrading and rebuilding costs. Trucks have gotten longer and heavier than our basic state highway system was built for, excepting a few highways built in the past 10 years to connect up some of the federal interstate system.

6. And that inflation has made it impossible to even keep up our present state highway system.

With this present set of facts in front of us, I believe it's time that we as a nation, pause, reassess the situation and develop an agricultural transportation system as inexpensively as possible, and in some cases, this means eliminating competition and regulating those transportation costs. I am opposed to massive deregulation of our transportation modes, and I'll tell you why! We need an integrated, inter modal system, using each mode of transportation to its best advantage. And, at the lowest cost. Unless and until commodities are bought and sold F.O.B. point of origin, it's the farmer-producer, not the consumer, who pays the transportation bill. Let's not ever lose sight of that fact. And foreign agricultural exports benefit every single American. We exported some 30 billion dolalrs of ag exports last year to offset some of the 60 billion in imports. Mostly oil. This benefited each and every American. If it were not for agricultural exports, what would our American dollar be worth abroad. And what would we be paying for oil to heat our homes, oil to generate our electricity and gasoline to run our cars and trucks.

Let's go back to our assumptions on energy costs and automobiles. Energy costs are going to rise and cars are not going to get heavier. This tells me that a 9 ton, or even better, a 7 ton road and bridge system is all that's needed to move people in rural areas. Therefore, any upgrading of highways and bridges to carry heavier weights should rightfully be paid by the user. The truckers. Now we know we can't collect enough money to do this so tax dollars will continue to be used. If we are going to use tax dollars to subsidize trucking, should we not use tax dollars to subsidize rail lines? If our rail lines could be upgraded and normal service restored, how much less would we be forced to upgrade our highway system. And the removal of many large trucks off our highways would certainly reduce the wear and tear and return our highways to the 25 year lifespan they were designed for instead of the 15 year lifespan they have now. Maybe we should be working toward getting our agricultural commodities *off* our highways and back on to rail where I believe they belong!

I'm not anti-trucker! I'm for a transportation system in Minnesota that best serves all our people at the least possible cost to the taxpayer, and can still get the job done over the long pull. This is going to take huge investments no matter which route is chosen; building a 10 ton highway system if railroad deregultaion comes, or upgrading our rail system to handle our agricultural commodities. It's going to cost millions . . . make no mistake about it!

Minnesota recently spent $41,000 per mile to upgrade a 7 ton road to a 9 ton using 4-R Act funds.

MN/DOT's estimates are that it will cost 562 million dollars just to bring our present highway system up to 9 ton and it would cost, in 1978 dollars, 1 billion dollars to put in place a 10 ton road system. Which, by the way, would still be inadequate if all intrastate rail lines are abandoned.

Minnesota cannot become a transportation island. We must be part of a national system. It is imperative that Minnesota takes an advocacy role in shaping a national transportation policy. A very aggressive role! We are the end of the line in every mode of agricultural transportation. The very end of the Mississippi River, the very end of the Great Lakes and the furthest distance from the

Gulf and West Coast export terminals possible.

The Federal Department of Transportation is propelled along the path of deregulation by President Carter, and strong allies such as Senator Kennedy, ICC Chairman O'Neal and others. Brock Adams predicts rail deregulation in this session of Congress.

Now, what would total deregulation mean to Minnesota? It would mean the end of light density rail lines. Not only branch lines, but several main lines as well shifting nearly 100% of our agricultural commodities into trucks on our highways, again unregulated, if Senator Kennedy gets his way.

This would set up a monopoly for truck transportation in Minnesota. Outside of the lines needed for coal shipments, the only rail would be out of Duluth and the Twin Cities. This certainly is not in the best interests of anyone. Even the truckers oppose total deregulation!

So, what is the solution? First of all we must fully develop the Port of Duluth and provide adequate rail service from Southwestern and Western Minnesota. Duluth can really be the salvation for the Minnesota farmer. While it is still more expensive to ship by the smaller ocean-going vessels serving Duluth than combination barge down the Mississippi and the larger ocean-going vessels serving New Orleans, the capacity of the river is limited. Lock and Dam No. 26 at Alton, Illinois, is in deplorable condition. But before I get to the river let's look at what's happening at Duluth. Duluth exports of grains in 1978 totaled over 313 million bushels, a 55% increase over 1977. Its capacity is only limited by the number of foreign vessels it can attract. Inbound freight is the main drawback. The ships have to deadhead into Duluth to load out and virtually no American flag bottoms will do so. And PL–40 law requires one-half of all shipments go out in American bottoms.

As for the river, between the environmentalists and the railroads court actions, Lock and Dam No. 26 is still not out of the woods. Many people wonder what is so important about Lock and Dam No. 26 and not any of the others. The Locks starting with No. 1 in Minneapolis and go to No. 26 which is the last one to clear before there is clear sailing on to the gulf. And, just north of No. 26 is the junction of the Illinois River with the Mississippi. Therefore, Lock and Dam No. 26 serves twice as many barges as any other Lock and Dam. Hence, the back-up and problems there. Also, this past session of the Congress imposed a user fee on the inland waterways, reconstruction, if allowed to start this year will take 8–10 years so increased shipping on the river is still a long way off. However, not to underestimate its value, 250 million bushels of grain moved down the river this past year. Almost 80% of all exported soybeans used the Mississippi River. Both the Great Lakes and the Mississippi River must be used to their greatest potential while balancing the environmental concerns.

It is totally ridiculous to impose user fees to drive up the cost of water transportation so another mode can compete with it because of higher cost. We should use each mode at its *lowest* cost and integrate the systems: i.e.—combination truck-barge; rail-barge; etc. This will require some regulation.

But we can't build more rivers or Great Lakes to take advantage of low cost water transportation. The rail is the next best mode for energy efficiency.

I agree with the railroads on one major point. The least expensive and most efficient way to move grain is in 100 ton covered hoppers in 100 car unit trains. This compares to moving people in 747's instead of DC 9's. However, we don't move all air passengers in 747's. For shorter flights and feeder routes smaller planes are used.

I believe this same concept can be used by the railroads. The unit train concept should be used from interior terminals in Minnesota, such as Duluth, the Twin Cities, Winona, 1 or 2 in Southwestern Minnesota and 1 in Northwestern Minnesota to the export terminals on the Gulf and West Coast. Let us not forget the West Coast. Japan, Taiwan and China figure big in future ag exports. *And* who knows what the costs may be to use the Panama Canal. But back to Minnesota. By using 70 ton covered hoppers, much of the light density rail would be sufficient with some accelerated maintenance. It costs from 125–150 thousand dollars per mile to upgrade lines to 100 ton hopper car capacity. And the railroads are right—this is not cost efficient in most cases. But it only costs from 20–25 thousand dollars a mile to rehabilitate a branch line to 70 ton hopper capacity. As an example, $600,000 or $23,000 a mile was spent on the Sleepy Eye to Redwood Falls line this past year.

Also, as the railroads purchase more of the larger engines for the main lines and unit trains, the smaller engines could serve the branch lines. With one engine serving from 3 to 5 branch lines, collecting cars, a larger engine could pull all the collected 70 ton hoppers from the branch lines to the interior terminals and return. A mini-unit train concept. Better car utilization would result. The terminals at Duluth would then load out ocean-going vessels or reload into 100 ton hopper car unit trains. Of course, the interior terminals in Southwestern and Northwestern Minnesota would load out only 100 ton hoppers to the Gulf or West Coast. All interior terminals would also be equipped to receive semi-trucks as well as the 70 ton hoppers. Shippers would contract with the railroad for delivery to the Gulf with one bill of lading. Combination rail/barge rates would be used when barges would provide the second leg of the journey. Iowa is experimenting with combination rail/barge rates now, very successfully. This would mean contracting with the railroad, in advance, for cars and destinations.

Where there is not enough grain to justify rehabbing a branch line, that line would be abandoned and trucks would have to be used. So you can see, I'm not eliminating the truckers. Freight rates, however, would have to be balanced so farmers would not get hurt. Hence, our need for some regulation. These same 70 ton hopper cars would haul fertilizer back from terminals to country elevators in the late summer and late winter, again giving the railroad a valuable back haul. Trucks would only be allowed in an area where the railroad could not haul all the grain during the periods of need by the shippers. With equalized freight rates, service would be of upmost importance.

Finally, I'm proposing to limit to 9 ton the gross weight on agricultural commodities on Minnesota roads. The money saved on maintenance will be significant and if branch lines go, literally hundreds of millions of dollars will have to be spent to handle all the trucks if most all of our agricultural commodities are forced onto our highway system. And then a 10 ton road system will be a necessity. I believe this money can be better spent rehabbing the viable branch lines.

I'm here to say to you today, that if the railroads abandon rural Minnesota because we won't put tax dollars into rehabbing rail lines, so goes Minnesota farmers' chances to compete for the growing export market. Transportation is our killer. Farmers in Southeast Iowa received from 9 to 15 cents a bushel more for their corn than do Minnesota farmers. That gap is too large. That's the difference between profit and loss for most farmers.

Just a few hours ago, President Carter landed in Des Moines, Iowa. One of his statements was—I don't know which comes harder—peace in the Middle East or peace in the Middle West!! Mr. President, I'll answer that!

"You pay as much personal attention to our problem of agricultural transportation as you have in your shuttle diplomacy; grant us 5 billion dollars and a guaranteed supply of crude oil for the next 15 years and we'll be the happiest midwesterners you've ever seen!!"●

ARMS SALES TO YEMEN AND THE ABUSE OF THE EMERGENCY WAIVER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. LONG of Maryland. Mr. Speaker, the Arms Export Control Act of 1974 was intended to insure that the United States does not send weapons to another country without full congressional debate and approval. The intent of this law, however, was circumvented when the President, in order to send sophisticated weaponry to the Yemen Arab Republic without congressional consideration, declared on March 7 that an emergency existed in that country.

Now note this: On March 6, the day before the President signed the emergency waiver, the Arab League Council established the machinery to implement a ceasefire and withdrawal of troops within 10 days, with the cooperation of South Yemen. This peace machinery included a Military Supervisory Commission, composed of representatives of North and South Yemen and of other Arab League states, whose task was to carry out a complete withdrawal of troops to positions held before the attack by the South.

This prior agreement to set up peace machinery puts the emergency waiver in an entirely new light. It means that the emergency claimed by the President to rush arms to Yemen had already been brought under control by the Arab countries themselves. It means that Congress, believing that North Yemen was still in danger of being overrun by the South, was misled when it was not informed of the March 6 agreement.

If ever there was an arms sale that should have been fully debated by Congress, it was the one to North Yemen. A feudal society with an army divided along tribal lines, North Yemen is the most unstable country in the Middle East. The current government has already put down two coup attempts and is considered by intelligence analysts unlikely to last another 6 months. Surely Yemen is the wrong place to pour in more than $500 million in arms, as the President is now doing.

I have written to the Secretary of State Vance pointing out that Congress should have been informed of the March 6 peace agreement and that the March 7 emergency waiver was abused.

The texts of that letter and of the March 6 agreement follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 8, 1979.

Hon. CYRUS VANCE,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I have been disturbed about the President's use of the waiver authority to speed up arms shipments to North Yemen in circumstances which seem to me to have been something other than the emergency that Congress intended in passing the Arms Export Control Act. I have learned that the President signed the waiver authority on March 7, one day after the Arab League Council had established the machinery to implement a ceasefire and withdrawal of troops within ten days. This peace machinery, including a Military Supervision Committee composed of representatives of the two Yemen governments and Arab League governments, was clearly a major turning point toward peace.

Congress was not informed that this peace machinery had been created when the waiver authority was signed by the President and made known to Congress. As late as March 12, when State Department official William R. Crawford testified before the House Middle East Subcommittee, he failed to mention the significant developments of March 6, which were already being implemented by that time.

The State Department's Bureau of Congressional Relations, responding to my inquiry on this matter, suggested at first that the waiver decision had not been made until March 9. My staff pointed out, however, that the waiver authority signed by the President was dated March 7, and that, in any case, the peace machinery had not been given a chance to work.

Certainly, the President could have waited several more days to observe the process of peacemaking by the Arab League Council before taking the far-reaching step of declaring an emergency, thus setting a precedent in the use of the waiver authority. Had he done so, it would have become apparent that the emergency was being brought under control by the Arab countries themselves, without the need for hasty U.S. moves.

When the waiver authority, intended by Congress to be used only in a genuine emergency, is used under these circumstances, it subverts the Congressional prerogative of approving or vetoing important arms sales.

I hope this instance will be kept in mind when the temptation to resort to the Presidential waiver authority to speed up arms shipments again presents itself.

Sincerely,

CLARENCE D. LONG,
Members of Congress.

DECISIONS OF THE CONFERENCE OF THE FOREIGN MINISTERS OF THE ARAB STATES HELD IN KUWEIT

In the morning of March 6, 1979 the Council of the Arab League concluded its meetings of a special session requested by the Yemen Arab Republic to discuss the deteriorating situation the two parties of Yemen, and the Conference made the following decisions:

1. Approval of the agreement reached between the two parts of Yemen through the Arab Mediation Commission on March 1, 1979 composed of the Syrian, Iraqi and Jordanian representatives.

2. The immediate implementation of this agreement by withdrawing the Armed Forces of both parts within a maximum period of ten days.

3. The refraining from intervention in the internal affairs by any side and from any third party.

4. Discontinuation of intelligence activities on both sides.

5. Opening of the frontier between the two countries and restoration of normal relations between them, among them trade relations and passenger services.

6. Establishment of a follow-up committee composed of the Foreign Ministers of the following states: Jordan, United Arab Emirates, Algeria, Palestine, Kuweit, Secretary General of the Arab League for the supervision of the implementation of these decisions and for calling to initiate dialogue between these brotherly governments at the level of the Arab League in order to restore the normal situation between them and what befits the common goals for implementation of the Cairo and Tripoli agreements and recommendations.

7. Formation of Military Supervision Committee composed of representatives from both sides and of the above-mentioned states by virtue of paragraph 6 under the auspices of the Arab League so that the expenditure will be born by the member states of the Arab League required for the implementation of this task in proportion to the contribution of each state to the League budget.

8. The Follow-up Committee has the right to convene the Council of the Arab League at the level of Foreign Ministers to respond to any development which would oppose these decisions for the determination of responsibilities.

9. The Follow-up Committee as well as the Secretary General shall submit a report at the first session of the Council of the Arab League containing an expose of the implementation phases of these decisions.●

TOWARD A MORE EQUITABLE STUDENT FINANCIAL ASSISTANCE POLICY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. BIAGGI. Mr. Speaker, higher education is a basic right which all people of this country should freely have access to—a right which the Middle Income Student Assistance Act promised to insure. In these days of increasing tuition costs and rising inflation, access to advanced degrees is becoming increasingly difficult. One of the reasons why is the fact that student loans have become less available in light of increased defaulting on these loans by students after graduation.

This is a most serious problem which has both long- and short-range detrimental effects on the availability of financial assistance for students. Under the lead of Secretary Califano, the administration has made great progress in addressing this problem. The Department estimates that its ability to collect on these loans will increase significantly in 1979 and through 1980. As the ranking New York member on the House Education and Labor Committee I lend my wholehearted support to the administration's actions and will do all I can to assist in these efforts.

The other, more serious problem is the various restrictions on the interest rates of lending institutions which participate in Federal student loan programs. In light of this growing problem, on April 10, 1979, I introduced H.R. 3554, a bill which would maintain the availability of student loans during periods of high interest rates. The Higher Education Act sets a 12-month ceiling of 5 percent on the special allowance which the Federal Government pays to banks which participate in the guaranteed student loan program. The origins of this special allowance date back to 1969 with the passage of the Emergency Insured Student Loan Act.

The year 1969 was a time of rapidly rising interest rates, and rather than raise the interest rates charged to students who borrowed, the alternative was to make direct payments to lending institutions in the form of a special allowance which would insure the banks continued profits, and subsequently, their willingness to participate in the guaranteed student loan program. In 1976, the determination of this special allowance was tied to 91-day Treasury bill rates auctioned for the prior quarter and subtracting 3.5 percent from this average and also, the ceiling on the special allowance was raised to 5 percent for any 12-month period. In 1978, interest rates rose sharply and the special allowance has been greatly affected as a result. More importantly, student loans have been affected by the fact that their availability is rapidly decreasing.

I have introduced H.R. 3554 in order to eliminate this artificial as well as discriminatory 5-percent ceiling on the special allowance to permit the interest rate to float with prevailing interest rates, thereby maintaining its competitive edge with other student loan programs. The demand for student loans could increase by as much as 50 percent in 1979 than in 1978, according to the President of the Student Loan Marketing Association. Banks should want to take advantage of this increased demand for loans, and the lifting of this special allowance would be an added incentive since the lender's profits would be guaranteed.

Additionally, the administration is requesting $960 million in fiscal year 1980 for the GSLP while the Congressional Budget Office estimate for the program is $1,008 million. Almost all of this difference is attributed to different cost estimates of collections on defaults. Excluding defaults, the estimates differ by less than 1 percent. CBO estimates that only $2.4 million will be available for loans while the administration cites $2.6 million. CBO's estimate is based on the fact that it feels that the program will not remain competitive in fiscal year 1980 with other, more profitable options available to lenders. Because the quarterly payments are considered to be quite high in fiscal year 1979 as a result of the 12-month, 5-percent ceiling, the special allowance rates for the first two quarters of 1980 will be grossly depressed. This will mean fewer student loans at the period of greatest demand. The elimination of the 5-percent ceiling would insure that there would be an increased availability of loans in the coming academic year.

Lastly, the elimination of the special allowance ceiling would serve to end discriminatory banking policy against students from lower and middle income families, whose banking affiliations are limited, at best. It is a well-known fact in the banking community that lending institutions are much more prone to lend money to students from higher income families. In light of the growing problem of defaulting on student loans, studies have shown that students from higher income brackets are less likely to default on their loans, which reduces the paperwork and administrative costs associated with each loan for the lenders. Loan volume in New York State alone has been rising at a rate of 20 percent per year before the changes brought about by the Middle Income Student Assistance Act and there are similar increasing demands in other parts of the country as well. These figures will certainly increase in the light of this recent legislation.

It is imperative that this ceiling on the special allowance be lifted before the end of the summer of 1979 when demand for student loans will be at their peak for the coming 1979–80 academic year. We must make financial aid a profitable situation for both the lenders as well as the students from all income backgrounds, especially the middle-income student whose needs are equally as great but means and access to financial aid programs are often limited. The lifting of the 5-percent ceiling on the special allowance would insure across-the-board participation by all interested students—the true intent of the Middle Income Student Assistance Act.●

A TRIBUTE TO JOHN D. PAUL

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1979

● Mr. RATCHFORD. Mr. Speaker, I rise today to recognize the outstanding contributions of John D. Paul to his small community of Wilton, Conn.

Wilton relies almost entirely on volunteer political service. In the 8 years that John Paul has lived in this community he has given tirelessly of himself for the welfare of others. Though John and his family are moving from Wilton, he will still maintain his active law practice there and leave the townspeople many fond memories of his great service.

John served as a member of the Planning and Zoning Commission, the Inland Wetlands Agency, the Sewer Commission, and the Board of Selectmen. In all of these capacities, John was able to set aside partisan politics to assume great responsibility and deal effectively with the problems of the community. He showed a rare ability to quickly grasp a problem and then work with others to forge a creative solution. John has always demonstrated great patience, generosity and good humor throughout periods of endless meetings and debate on important issues.

It is typical of John Paul that his community service extended well beyond government. During these same years, he also served as a trustee of the Wilton dramatic group, an active board member of the Bridgeport Ballet Co., a board member of Wilton's Arts Council, and as chairman of Wilton's 1979 Cancer Drive.

John's joyous attitude and generous service to his community, Mr. Chairman, stand as an excellent example to all those that aspire to public service. On behalf of all those in Wilton who have benefited from his years of service, I thank John and wish him the very best of luck in his work ahead.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meeting schedule for Thursday, May 17, 1979, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 18

9:00 a.m.

Finance
Taxation and Debt Management Generally Subcommittee
To hold hearings on S. 100, to provide a deduction for expenses incurred by the replanting of trees by the timber industry and environmental groups, and S. 394, to provide that certain authors and artists be considered employees of certain corporations under specified contracts.
2221 Dirksen Building

9:30 a.m.

Labor and Human Resources
Health and Scientific Research Subcommittee
To continue hearings on S. 772–787, 1045, and 1075, bills to require drug companies to conduct post-marketing and scientific investigations of approved drugs, to transmit drug information to patients and doctors, and to provide more education to doctors and health professionals regarding the use of approved drugs.
4232 Dirksen Building

10:00 a.m.

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for ConRail and U.S. Railway Association.
1224 Dirksen Building

Energy and Natural Resources
Business meeting on pending calendar business.
3110 Dirksen Building

Governmental Affairs
To resume hearings on S. 262 and 755, bills to require that all Federal agencies conduct a regulatory analysis before issuing regulations, and to require the use of less time-consuming procedures to decide cases.
3302 Dirksen Building

2:00 p.m.

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Federal Railroad Administration.
1224 Dirksen Building

MAY 21

9:30 a.m.

Energy and Natural Resources
Energy Regulation Subcommittee
To receive testimony from officials of the Department of Energy and certain oil companies on the supply situation of diesel fuel, gasoline and heating oil, both nationally and regionally.
3110 Dirksen Building

Select on Ethics
To resume hearings in conjunction with the investigation of Senator Talmadge's alleged abuse of certain financial reporting rules of the Senate.
1202 Dirksen Building

Special on Aging
To resume oversight hearings on the implementation of homecare services for older Americans.
1318 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the implementation of the Milwaukee railroad system.
235 Russell Building

2:30 p.m.

Finance
Health Subcommittee
To hold hearings on the provisions of home health benefits under the Medicare and Medicaid programs.
2221 Dirksen Building

MAY 22

9:00 a.m.

Judiciary
Antitrust, Monopoly, and Business Rights Subcommittee
To resume hearings on S. 600, to preserve the diversity and independence of American business.
5110 Dirksen Building

9:30 a.m.

*Energy and Natural Resources
To resume hearings on S. 685, proposed Nuclear Waste Policy Act.
3110 Dirksen Building

Select on Ethics
To continue hearings in conjunction with the investigation of Senator Talmadge's alleged abuse of certain financial reporting rules of the Senate.
1202 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To resume hearings on S. 796, proposed Railroad Deregulation Act.
235 Russell Building

Environment and Public Works
Water Resources Subcommittee
To receive testimony on the cost factors involved for proposed watershed projects of the Soil Conservation Service.
4200 Dirksen Building

Judiciary
To resume hearings on S. 382, to strengthen and facilitate the implementation of antitrust and procompetitive policies by agencies of the Federal Government.
2228 Dirksen Building

Labor and Human Resources
Education, Arts, and the Humanities Subcommittee
To resume oversight hearings to explore the areas of basic learning skills used in elementary and secondary schools.
4232 Dirksen Building

Select on Small Business
To hold hearings on the availability of investment capital to small businesses.
424 Russell Building

MAY 23

8:00 a.m.
*Veterans' Affairs
To hold oversight hearings on employment programs administered by the Department of Labor.
6226 Dirksen Building

9:00 a.m.
*Governmental Affairs
To consider the nominations of Mary P. Bass, of New York, to be Inspector General, Department of Commerce; Charles L. Dempsey of Virginia, to be Inspector General, Department of Housing and Urban Development; and Eldon D. Taylor, of Virginia, to be Inspector General, NASA.
S–146, Capitol

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 885, proposed Pacific Northwest Electric Power Planning and Conservation Act.
3110 Dirksen Building

Judiciary
Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 265, proposed Equal Access to Justice Act.
5110 Dirksen Building

Select on Ethics
To continue hearings in conjunction with the investigation of Senator Talmadge's alleged abuse of certain financial reporting rules of the Senate.
Room to be announced.

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the activities of the banking system.
5302 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To continue hearings on S. 796, proposed Railroad Deregulation Act.
235 Russell Building

Environment and Public Works.
Environmental Pollution Subcommittee
To hold oversight hearings to explore the status of efforts by the Environmental Protection Agency and Department of Justice to enforce Federal environmental requirements.
4200 Dirksen Building

Judiciary
Constitution Subcommittee
To hold hearings on pending resolutions advocating a balanced Federal budget (S.J. Res. 2, 4, 5, 6, 7, 9, 10, 11, 13, 16, 18, 36, 38, 45, 46, and 56).
2228 Dirksen Building

MAY 24

8:30 a.m.
*Energy and Natural Resources
To continue hearings on S. 885, proposed Pacific Northwest Electric Power Planning and Conservation Act.
3110 Dirksen Building

9:30 a.m.
Judiciary
Antitrust, Monopoly and Business Rights Subcommittee
To hold hearings on the current practices and procedures of the life insurance industry relative to cost disclosure.
457 Russell Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 506, proposed Fair Housing Amendments Act.
2228 Dirksen Building

Labor and Human Resources
To hold oversight hearings on the implementation of farm workers' collective bargaining programs.
4232 Dirksen Building

Select on Ethics
To continue hearings in conjunction with the investigation of Senator Talmadge's alleged abuse of certain financial reporting rules of the Senate.
Room to be announced.

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 35, to amend the Credit Control Act.
5302 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
To continue oversight hearings to explore the status of efforts by the Environmental Protection Agency and Department of Justice to enforce Federal environmental requirements.
4200 Dirksen Building

Select on Small Business
To hold hearings to examine the economic trend in the newspaper publishing industry.
424 Russell Building

MAY 25

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 35, to amend the Credit Control Act.
5302 Dirksen Building

Select on Small Business
To continue hearings to examine the economic trend in the newspaper publishing industry.
424 Russell Building

Joint Economic
To resume hearings on the Consumer Price Index figures, and on inflationary trends.
345 Cannon Building

JUNE 1

10:00 a.m.
Joint Economic
To hold hearings on the employment-unemployment situation for May.
5110 Dirksen Building

JUNE 4

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on H.R. 1786, authorizing funds for fiscal year 1980 for the National Aeronautics and Space Administration.
S–146, Capitol

JUNE 5

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 611 and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast commercial uses of the electromagnetic frequency spectrum.
6226 Dirksen Building

JUNE 6

9:00 a.m.
Labor and Human Resources
To hold hearings to explore the impact higher education will have on business in the coming decade.
4232 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold joint hearings with the House Subcommittee on Science, Research and Technology of the Committee on Science and Technology, to examine U.S. policies and initiatives of the U.S. Conference on Science and Technology for Development.
5110 Dirksen Building

Veterans' Affairs
To hold hearings on S. 870, proposed GI Bill Amendments Act, S. 830, to eliminate the State's required payment in the educational assistance allowance program provided for veterans, and S. 881, to provide for the protection of certain Officers and employees of the VA assigned to perform investigative or law enforcement functions.
6226 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 611 and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast uses of the electromagnetic frequency spectrum.
1318 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To resume hearings on S. 796, proposed Railroad Deregulation Act.
235 Russell Building

Rules and Administration
To hold hearings on S. 623, proposed Senate Election Reform Act, to be followed by consideration of legislative and administrative business.
301 Russell Building

JUNE 7

9:00 a.m.
Labor and Human Resources
To continue hearings to explore the impact higher education will have on business in the coming decade.
4232 Dirksen Building

Labor and Human Resources
Health and Scientific Research Subcommittee
To hold oversight hearings on the implementation of the national blood policy program.
318 Russell Building

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 611 and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast uses of the electromagnetic frequency spectrum.
6226 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To continue hearings on S. 796, proposed Railroad Deregulation Act.
235 Russell Building

Rules and Administration
To continue hearings on S. 623, proposed Senate Election Reform Act, to be followed by consideration of legislative and administrative business.
301 Russell Building

JUNE 8

10:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To continue hearings on S. 611 and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast uses of the electromagnetic frequency spectrum.

235 Russell Building

JUNE 12

9:00 a.m.

*Veterans' Affairs

To hold hearings on S. 689, proposed Veterans' Disability Compensation and Survivors Benefits Act.

6226 Dirksen Building

10:00 a.m.

Energy and Natural Resources

Energy Conservation and Supply Subcommittee

To hold hearings on S. 950, proposed Omnibus Solar Energy Commercialization Act.

3110 Dirksen Building

JUNE 13

10:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To resume hearings on S. 611, and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast uses of the electromagnetic frequency spectrum.

235 Russell Building

Energy and Natural Resources

Energy Conservation and Supply Subcommittee

To continue hearings on S. 950, proposed Omnibus Solar Energy Commercialization Act.

3110 Dirksen Building

JUNE 14

10:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To continue hearings on S. 611, and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast uses of the electromagnetic frequency spectrum.

235 Russell Building

JUNE 15

10:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To continue hearings on S. 611 and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast uses of the electromagnetic frequency spectrum.

235 Russell Building

JUNE 18

10:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To resume hearings on S. 611 and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast uses of the electromagnetic frequency spectrum.

235 Russell Building

JUNE 19

10:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To continue hearings on S. 611 and 622, bills providing for the development of domestic, international, and rural broadcasting stations, focusing on the implementation of cable television, the National Commission on Spectrum Management, and public resource fee schedules for nonbroadcast uses of the electromagnetic frequency spectrum.

1202 Dirksen Building

Energy and Natural Resources

To hold oversight hearings on the activities of programs administered by the Surface Mining Control and Reclamation Act of 1977.

3110 Dirksen Building

JUNE 20

9:00 a.m.

*Veterans' Affairs

To hold hearings on S. 759, to provide for the right of the United States to recover the costs of hospital nursing home or outpatient medical care furnished by the Veterans' Administration to veterans for non-service-connected disabilities to the extent that they have health insurance or similar contracts.

6226 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To resume hearings on S. 796, proposed Railroad Reregulation Act.

235 Russell Building

JUNE 21

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation to develop techniques for analyzing and stimulating technological and industrial innovation by the Federal Government.

6226 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To continue hearings on S. 796, proposed Railroad Deregulation Act.

235 Russell Building

Energy and Natural Resources

To resume oversight hearings on the activities of programs administered by the Surface Mining Control and Reclamation Act of 1977.

3110 Dirksen Building

JUNE 26

9:00 a.m.

Labor and Human Resources

To hold hearings on S. 1076, proposed Multiemployer Pension Plan Amendments Act.

4232 Dirksen Building

9:30 a.m.

Commerce, Science, and Transportation

To resume oversight hearings on the trucking industry economic regulation by the Federal Government.

235 Russell Building

10:00 a.m.

Energy and Natural Resources

Energy Conservation and Supply Subcommittee

To hold hearings on S. 734, proposed Federal Power Marketing Revolving Fund Act.

3110 Dirksen Building

JUNE 27

9:00 a.m.

Labor and Human Resources

To continue hearings on S. 1076, proposed Multiemployer Pension Plan Amendments Act.

4232 Dirksen Building

9:30 a.m.

Commerce, Science, and Transportation

To continue oversight hearings on the trucking industry economic regulation by the Federal Government.

235 Russell Building

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on proposed legislation to develop techniques for analyzing and stimulating technological and industrial innovation by the Federal Government.

6226 Dirksen Building

JUNE 28

10:00 a.m.

Energy and Natural Resources

Energy Conservation and Supply Subcommittee

To resume hearings on S. 734, proposed Federal Power Marketing Revolving Fund Act.

3110 Dirksen Building

JULY 10

10:00 a.m.

Energy and Natural Resources

Energy Resources and Materials Production Subcommittee

To hold oversight hearings on the implementation of the Outer Continental Shelf Leasing program.

3110 Dirksen Building

JULY 12

9:30 a.m.

*Veterans' Affairs

To hold oversight hearings on the efforts made by the Veterans' Administration to provide information on benefits due incarcerated veterans.

6226 Dirksen Building

10:00 a.m.

Energy and Natural Resources

Energy Resources and Materials Production Subcommittee

To resume oversight hearings on the implementation of the Outer Continental Shelf Leasing program.

3110 Dirksen Building

CANCELLATIONS

MAY 23

10:00 a.m.

Labor and Human Resources

Health and Scientific Research Subcommittee.

To hold oversight hearings on the implementation of mental health policy programs.

4332 Dirksen Building

MAY 24

10:00 a.m.

*Labor and Human Resources

Health and Scientific Research Subcommittee

To continue oversight hearings on the implementations of mental health policy programs.

5110 Dirksen Building

SENATE—*Thursday, May 17, 1979*

(Legislative day of Monday, April 9, 1979)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. HOWELL T. HEFLIN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Hear the words of the third chapter of Proverbs.

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge Him, and He shall direct thy paths.—Proverbs 3: 5, 6.

Let us pray.

O God, infinite and eternal, we acknowledge Thee to be the Lord and we lean on Thee for understanding and guidance. Forgive us the sins of which we are really guilty, but deliver us from assuming the sins of others. Deliver us from the spiritual enervation of accenting the negative, advertising our national defects, and parading our national imperfections. Save us from unmerited self-punishment, from self-condemnation, and the hypocrisy of pretending to be worse than we are. Help us to accent the positive. Take us as we are. Correct what is wrong. Bless what is right and continue to use us for the achievement of justice and brotherhood in the world.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 17, 1979.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HOWELL T. HEFLIN, a Senator from the State of Alabama, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. HEFLIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

THE JOURNAL

Mr. LEAHY. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER VITIATING ORDER FOR RECOGNITION OF SENATOR LEAHY

Mr. LEAHY. Mr. President, there is an order for recognition of the Senator from Vermont later this morning. I ask unanimous consent that that order be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

ALASKA LANDS

Mr. STEVENS. Mr. President, yesterday, it was with a heavy heart that I, as Alaska's senior Senator, watched the Alaska lands legislation being debated and the final version of the Udall-Anderson bill pass the House. The vote was not as overwhelming this year as it was last year, but the decisions that were made in the House as they affect my State are catastrophic.

Consider, Mr. President, if you came from another country which was one-fifth the size of the United States, had a shoreline which was as long as the United States, and next to which was 70 percent of the Outer Continental Shelf of the United States. If we had been an independent country yesterday and anybody had attempted to deal with our land mass the way the House of Representatives dealt with the Alaska land mass, it would have been a cause, as my colleague in the House said yesterday, for war. I think the Senate should know that it is a cause of war as far as this Senator is concerned.

In order to protect Alaska's caribou, in 1960 and 1961, I assisted, as a member of the Eisenhower administration, in creating the Arctic Wildlife Range. Those caribou have been protected and will be protected. But to listen to the debate over in the House, you would think some Members of the House of Representatives just discovered caribou.

What they have done is force the United States to continue the policy of the past, a policy which has led to no leasing of Alaska's Federal lands since 1965, but has led to leasing offshore Alaska lands at an increasing rate.

The risk to the Alaskan environment is greater offshore. Only this year the Secretary of the Interior, acting as the disciple of the Ayatollah who got that bill passed in the House, is saying that we must lease the Beaufort Sea.

The Beaufort Sea is the breeding ground for the bowhead whale on which the Eskimo people of Alaska have depended for centuries. The Beaufort Sea and the Arctic Ocean are, literally, breeding grounds for the food chain of the Pacific Ocean, if not the oceans of the world. Yet, this administration, which will not lease 1 inch onshore, is leasing 2 million acres offshore.

I cannot understand an administration which would dedicate its policy solely to picking up the environmental vote and not to the future best interests of an area that is one-fifth the size of the United States.

This is an issue of survival for the oceans, as far as I am concerned.

I believe in protecting the caribou. We demonstrated that in the Eisenhower years. We protected the caribou. But we are more dedicated to the oceans off our shores and are dedicated to doing what we can to assist in meeting this Nation's energy needs onshore.

If there is a spill onshore, we can take care of it. If there is a spill offshore in the Arctic Ocean, with the Arctic ice, we have no technology to take care of it.

This is, literally, war, Mr. President. I hope no Member of the U.S. Senate thinks that that House bill is going to get to the Senate floor with ease. This is going to be the worst battle in the environmental history of the United States.

I hope the Senate will start thinking, because it is clear that no one in the Carter administration has the capability of thinking about the future of the oceans of this country, and, particularly, the great productive area off the State of Alaska so far as the marine resources upon which Alaskans depend now and upon which succeeding generations will depend even greater than we do now.

THE EISENHOWER YEARS

Mr. STEVENS. Mr. President, I call the attention of the Members of the Senate to an article I read this morning in the Washingtonian magazine by Vic Gold entitled "Bury My Heart at Burning Tree."

It truly is a fond remembrance of the Eisenhower years, although we would not think so as it starts off. Let me quote, for instance, what Mr. Gold says at the beginning:

> Having been overexposed at an impressionable age to the collected visions of Arthur Schlesinger, Jr. and other votaries of the exalted presidency, I had a fixed opinion on how American Presidents ought to look and act. Smiling wasn't high on my list. Did George Washington smile? Jackson? Lincoln? Presidents were supposed to inspire, leading us to rendezvous with destiny, into and out of crisis and challenges.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Bury My Heart At Burning Tree: A Fond Remembrance of the Eisenhower Years

(By Vic Gold)

They were neither the best nor the worst of times. But looking back, they weren't bad at all. We had inflation, recession, problems in the inner cities, and angry farmers demanding more money. Overseas, there was the ongoing crisis in the Middle East, complicated by the upheaval in Iran. Presidential aspirants in the Senate were warning of a dangerous shift in the United States-Soviet balance of military power. The Western alliance, according to all the heavyweight columnists, was crumbling. From the Left, there were charges that the administration was neglecting domestic problems; from the Right, there were protests against the administration's pursuit of détente with the Communists.

The President was traveling a lot. Too much, said his predecessor in the Oval Office, who criticized the incumbent for shuttling from world capital to world capital. But the President—known to get testy at times, despite his calm public facade—had a ready answer: "I get a little bit weary," he said, "about people that just say, 'Well, this would be a terrible blow to presidential prestige,' or any prestige. We are talking about the human race and what's going to happen to it."

The syntax wandered and it wasn't exactly the rhetoric of the gods, but even the President's most fervent admirers didn't claim that his use of the language was inspired. Only that, whatever he said, he was sincere. After years of scandal in high places and an unpopular war in Southeast Asia, he had been elected because he had held himself above Washington-style rhetoric and politics. His mandate, as he saw it, was to restore faith in government at home and to build a foundation for peace overseas.

Nevertheless, his criticis insisted he was in over his head. At clever gatherings in Georgetown and fashionable areas of Manhattan, the very mention of his name was worth a laugh. Cartoonists had a field day transforming the presidential trademark—that broad smile—into the foolish grin of a leader who didn't quite know his way to the White House men's room.

Well, either you were caught up by the charisma or you weren't. I wasn't. The first time I saw the man, other than on a television screen, he was making a campaign swing through the South, mouthing platitudes about the need for decency-in-government and putting a lid on the bureaucrats up in Washington. And always, there was that smile. The crowds went wild, but the idea of having such a man in the White House left me and most of my friends cold.

Having been overexposed at an impressionable age to the collected visions of Arthur Schlesinger Jr. and other votaries of the exalted presidency, I had a fixed opinion on how American Presidents ought to look and act. Smiling wasn't high on my list. Did George Washington smile? Jackson? Lincoln? Presidents were supposed to inspire, leading us to rendezvous with destiny, into and out of crises and challenges.

That was what was missing in this White House. There was no sense of urgency, no voice calling us to the barricades or into the breach. No élan, no style. None of the mythic elements that separate the truly great Presidents from the dross.

Our leader was, in short, a bore. His administration was colorless at best, rudderless at worst. As John Kenneth Galbraith quipped—no doubt somewhere in Georgetown or Manhattan—the bland were leading the bland. Another wit, possibly Mort Sahl, described the spirit of the time as a declension of the Secretary of State, *dull, duller, Dulles.*

Almost twenty years have gone by since Dwight Eisenhower sat in the Oval Office, enough time for some judgment of history to have been rendered on the man and his leadership. Harry Truman, his predecessor in the White House, has been duly reinvented for posterity, while John F. Kennedy, Ike's successor, is undergoing a painful historical revision. As of now, the verdicts are that Truman was somewhat more than people considered him in his time, Kennedy somewhat less. But that, too, could change.

Judgments of history, no less than Gallup polls, are subject to ebb and flow. It all depends, to paraphrase Churchill, on who is writing the history. At the moment, Truman is faring well, Kennedy is shaky—and Eisenhower? He's looking better each passing day, though our appreciation of the man is coming through in filtered form.

Consider: All around us there is evidence that the country is riding a 1950s nostalgia wave. Exhibit A is prime-time television, that transcendent weathervane of pop culture. Nobody gives the people what they want more than the packagers of prime-time TV shows. Once they helped us escape from our workaday lives into the romance of the Old West. More recently, our escape has been into those fun-filled fifties—Matt Dillon giving way to the Fonz, the Cartwright family replaced by Lavern and Shirley. Even the highbrows who deplore the current state of the medium are prone to a romantic vision of what the country was like during the Eisenhower years. They speak reverently of a "golden age" of television. And when was that? The fifties, of course.

On Broadway, there is *Grease*. In fashion, the retro look. Progressive jazz, along with contact dancing, is enjoying a revival. Young and old, Americans are looking back longingly on the Eisenhower era. Not because they were necessarily great days or challenging days. Merely happy days.

That being the case, a question rises as to why, in all the nostalgia for the fifties, the President whose expansive spirit infused the era seems to have been forgotten. The networks have given us docu-dramas covering the presidencies of FDR, Truman, and Kennedy; but this month, when ABC finally gets around to rediscovering Ike, the story we'll get is that of "the life of Dwight David Eisenhower from Pearl Harbor and the commencement of his meteoric military rise through World War II and up to his decision to run for President of the United States."

"Up to" his presidency? I might suspect a conspiracy taking place in the towers from which historical judgments flow, a plot to deny Ike his presidential due. That sort of suspicion, however, runs counter to the man's own cardinal rule, the principle of politics and governance that sets him apart from other recent Presidents.

At a reunion of the old Eisenhower White House staff not long ago, Bryce Harlow, who served as one of Ike's speechwriters, offered an example of how this rule applied around the Oval Office during the fifties. One morning, Harlow said, he placed a press release on the President's desk for final approval.

"It was one of those campaign releases that charged the opposition with distorting the record on something or other, I forget precisely what," said Harlow. "But what I haven't forgotten is what the President did. He took his pen, scratched out one word, put the pen into its holder, leaned back, and told me, 'Okay, now you can let it go.' The word he had deleted was 'deliberately.' I'd written that the opposition had 'deliberately' misrepresented the record on an issue, but Ike marked it out. As I picked up the release and started to leave, he said, 'Bryce, I want you always to remember this. Whatever a fellow may do or say that we might not like, never attack his motives.' "

All right, I won't attack the motives of the ABC producers who focused their Eisenhower docu-drama on "the Supreme Commander . . . who fell in love with his pretty aide, Kay Summersby . . . two lovers caught up in a relationship the world around them could only forbid." I'll just say it's likely to be pseudo-historical soap opera schlock, and let it go at that.

But conspiracy or no conspiracy, what I can't let pass is the fact that the historians of our time, both highbrow and lowbrow, haven't come to grips with the idea that Dwight Eisenhower, whatever we once thought of him, was a rare modern President who gave his countrymen eight years of peace, prosperity, and fond memories.

No other President over the past forty years can claim as much.

Eisenhower nostalgia: When I first came to Washington in the winter of 1958–59, it was not Ike's city, in the way I understood it had once been FDR's city. The executive branch was Republican, but Capitol Hill and the middle bureaucracy were overwhelmingly Democratic. The two ends of Pennsylvania Avenue were poised, to use a catch phrase of the period, in a state of peaceful coexistence.

Well, not always peaceful. Moving into the twilight of his presidency, Ike was learning the truth of the old southern political adage that a setting sun giveth forth little heat. Obstreperous Democrats in the Senate, notably maverick Wayne Morse, were blocking his appointments with increasing frequency. Clare Boothe Luce, up for nomination as ambassador to Brazil, took three weeks of Morse's grilling, then finally broke the Eisenhower rule of equanimity by telling an inquiring reporter that her only problem on the Hill was that Morse had once been kicked in the head by a horse.

So much for the Luce appointment. It was a colorful interlude in a staid period. Not that Eisenhower-era politics were uninteresting; on the contrary, by today's standards the city back then was far more interesting politically, if less exciting socially. To watch Lyndon Johnson fine-tune a Senate vote, or Sam Rayburn keep the House in order, or Republican Senate leader Everett Dirksen at his parliamentary games was well worth a sixty-cent cab ride to the Hill. Congress, under the rein of strong leadership, was still very much a working branch of the federal government—neither the rubber stamp it became under LBJ's presidency, nor the babble of TV interviews and Golden Fleece releases that we know now.

It was about this time that David Brinkley, then in his prime as co-anchor with Chet Huntley on the country's number-one evening news show, dropped the line that the capital was a city "filled with people who think they are celebrities." Nowhere was this observation more accurate than in Congress, where senior committee chairmen unknown to 99 percent of the country beyond the Potomac were lords of the realm. The faces and personalities on the Hill were fixed. They had been there for ages. There was no quick turnover. It was a special world—going out of style, though we didn't know it at the time—in which Howard Smith, the chairman of the Rules Committee, was better known and could inspire greater awe walking through the corridors than Howard Smith, the television newsman.

At the other end of Pennsylvania Avenue, the White House was still a place where the President was served by aides with a passion for anonymity. This, too, would soon go out of style. When, late in the Eisenhower administration, Emmet John Hughes wrote a book covering his experiences as a speechwriter in the White House—how speeches were drafted, decisions made, and so forth—it was regarded as a breach of form, if not trust. Washington was still a place where form was important.

Jim Hagerty was the best-known member

of the White House staff, for one obvious reason: He spoke for the President. Hagerty was the first modern presidential press secretary. He brought the position out of the pre-electronic Dark Age, when White House press relations consisted of bourbon in the back room with the boys a few times a week. With Eisenhower and Hagerty came television coverage of presidential news conferences, along with verbatim Q-and-A transcripts. Because quoting the President directly and at length was a novelty, the cold print of the transcripts gave Ike an undeserved reputation for rambling discourse. Later examination of JFK's and LBJ's answers to questions found them no better in verbal precision or syntax; but Ike was the first, and the bumble-tongue image stuck.

On the whole, Ike's relations with the press were warm, but not cuddly. Of daily columnists, his favorites were Roscoe Drummond of the Herald-Tribune and Arthur Krock of the Times. But it was Walter Lippmann, then the ayatollah of political writers, whose early appraisal of Eisenhower captured the essence of the man's capacity as a leader: "His great strength and his great value to the country lies . . . in that he stands for the big things about which there are really no violent issues," wrote Lippmann. "He must find some formula for not getting entangled in the little issues."

This was a role that Ike, by temperament and experience, was uniquely qualified to fill: the mediator, the peacemaker, the father figure brought in when needed to settle family arguments. Imperial, however, he was not.

In those years, as today, an invitation to a White House function was the hottest social ticket in town. But state dinners in the grand European manner were not Ike's or Mamie's style. High society snickered and sneered at the plain fare served at White House dinners during the fifties. This wasn't populist symbolism contrived by Hagerty. The Eisenhowers simply had middle-class tastes. Ike's first and only inaugural appearance in a top hat came on January 20, 1961, when John F. Kennedy was sworn in. For his own inaugurals, he preferred the humbler felt homburg.

Ike and Mamie did occasionally show up at one of Gwen Cafritz's politico-social soirees, however, a fact that boosted Gwen into the top wire-service ranking as the Washington hostess, replacing Harry Truman's Democratic favorite, Perle Mesta. As for embassy parties during the era, they helped fill what were then called the society pages, but "dull, duller, Dulles" said it all for the nightlife of the diplomatic corps.

It was a provincial capital, as foreigners and New Yorkers frequently said, a cultural Bridgeport for theater and the arts. When Sol Hurok and Patrick Hayes brought a Soviet dance troupe to town for the first historic cultural exchange between the US and USSR, the elegant diplomatic crowd had to squeeze into the musty Warner Theater for the three-hour performance. For Hollywood stars of the era, the nation's capital wasn't a particularly exciting place to visit—with the exception of Robert Montgomery, who served as Ike's part-time TV consultant.

On local television, Roger Mudd anchored the evening and late-night news at Channel Nine, his competition being Joseph McCaffrey at Channel Seven and Richard Harkness at Channel Four. Channel Five had no news department. The most popular weatherman in town was Louis Allen, at Seven, but Channel Four's Tippy Stringer, who would later marry Chet Huntley, also had a large following.

The city needed more hotel space. Of the established hotels, the Mayflower was favored by Democrats, while the Carlton had the Republican vote. The most publicized hotel move of the decade occurred when Sherman Adam's friend Bernard Goldfine, in town to testify before a Senate committee, discovered that his conversations were being monitored by Drew Pearson's associate, Jack Anderson, from a nearby room. In the middle of the night, Goldfine and entourage checked out of the Carlton and crossed the street in their night clothes to register at the Statler-Hilton.

There were only a few good restaurants, no great ones. The sports crowd preferred Duke's, convenient to the Redskins' offices on the corner of Connecticut and L, Northwest. Goldie Ahearn's, at Connecticut and M, also had a sports motif, quite different from the ambience of its neighbor half a block down, La Salle du Bois, one of the capital's few French restaurants. A few doors from the Mayflower, J. Edgar Hoover would catch lunch and dinner at his favorite, the old Harvey's. John L. Lewis, another creature of fixed habit, could be seen each noontime in the Carlton dining room, which occupied the space now filled by the Federal City Club. But for those with a craving for continental cuisine, the best answer was a weekend in Manhattan. Round trip on the new Eastern shuttle cost $36.

For other entertainment, we had the Redskins and the Senators; that is, if your idea of entertainment was watching the national pastimes played at their worst. More than any other local institution—with the exception of the Congress and what passed for city hall in a non-home-rule community—the Redskin represented the last vestige of Washington as a pre-World War II southern village. All-white to please its Dixie network TV audience, the team played to all-white crowds at Griffith Stadium. The few local blacks who showed up on Sundays invariably rooted for the visiting team, especially when Cleveland came to town with Jim Brown and Bobby Mitchell. In 1962, Mitchell would be the first black ever to wear a Redskin uniform.

The Redskins' head coach during those dismal seasons was Joe Kuharich. But there was also a George Allen in the local news, a popular game player. He was George E. Allen, Ike's bridge partner and golf companion at the Burning Tree Country Club, the White House court jester who, they said, could relax the Old Man after he'd put in a hard day at the Oval Office.

Vignette: Dwight Eisenhower, as seen by Bryce Harlow:

"He worked on problems by knowing the right questions to ask. I think that's where Kennedy went wrong at the Bay of Pigs. The project might have begun under Eisenhower, but Ike would have asked the people running the show some tough questions before he gave them a go-ahead.

"I remember the meeting where the decision was made to send Marines into Lebanon after the coup in Iraq. This was one of Ike's biggest foreign-policy crises. But it was at sessions like that when his wartime experience paid off—all those days and months spent listening to arguments back and forth on the best way to handle this invasion or that battle.

"Well, this particular day everybody trooped in—the Vice President, the chairman of the Joint Chiefs, the Secretary of State, and his brother Allen, who headed the CIA. There was unanimous agreement we had to go in with a show of force or the whole Middle East structure would collapse. One by one, everybody had his say. Ike didn't interrupt; he just sat there doodling—he was one of the great presidential doodlers of all time. Finally, the Secretary of State's turn came to sum it all up. Dulles was very good at trimming things down to their essentials, and he made the case for our going in sound very simple. Ike doodled and listened, then when Dulles had finished there was one of those pregnant pauses where everybody just looks at the President and waits. We all thought he was going to give his go-ahead right then, but instead Ike slapped down his pencil and in that deep guttural voice of his said, 'All right, Foster, so we go in, but it doesn't work. What do we do next?' "

Vignette: Richard Nixon, as seen by Dwight Eisenhower:

At a 1967 news conference, former President Eisenhower was asked who his favorite candidate was for the Republican presidential nomination the following year. Hedging, Ike listed a number of possibilities, men he admired: Rockefeller, Reagan, Romney, among others. That question answered, he waited for the next. But Mamie was tugging at his sleeve. "Dick!" she whispered, "you forgot *Dick!*" Ike flushed, bit his lip, and stammered, "Oh yes, Dick Nixon—fine American, splendid candidate."

Some historians will say that Ike merely deferred the country's festering problems, so that the omissive sins of the fifties were visited on his successors in the sixties. According to this view, the Eisenhower administration laid the groundwork for (1) the Vietnam war, (2) the domestic violence of the Johnson-Nixon years, and (3) Watergate; and by logical extension, (4) the decline of the dollar, (5) the transfer of the Senators to Minneapolis, and (6) the breakup of the Beatles.

On that premise, no President since George Washington is responsible for anything that happened during his tenure. Backdate Kennedy's mistakes to Ike, then Kennedy takes the rap for Johnson, Johnson for Nixon, Nixon for Carter. It's an age-old partisan game, but for my money, the only way to appraise any President is by applying the Alligator Test, set forth in Walt Kelly's Pogo strip back in those wonderful fifties:

Pogo and his friend Albert the Alligator are lost in the swamp during a rainstorm. Fed up with wandering in circles, Albert declares he is replacing Pogo as guide in order to do "something leaderful." Six panels later, the pair is still lost and wandering. Pogo chides Albert, but the alligator doesn't back off. "Look," he says, pointing skyward, "at least it's stopped raining." Conceded, Pogo replies, but surely Albert can't take credit for that. To which Albert snaps: "Why not? It happened during MY administration, didn't it?"

Exactly. The more Presidents I watch pass through this capital, the more I've come to believe that what counts isn't the judgment of history but, sufficient unto the day, what happens during their administrations. Maybe Harry Truman, as his defenders claim, has indeed "grown" with the passage of time. But ungrown, the Truman years meant the beginning of the Cold War, inflation, recession, industry seizures, nationwide strikes, and finally, that "limited police action" in Korea. If you liked the Vietnam years, you must have loved the Truman era.

Under Ike, the fighting in Korea ended. During his eight years in office, there were no wars, no casualty lists from "police actions." Militarily, we enjoyed an overwhelming edge over the Soviets—an edge that has steadily diminished in the intervening years—and without those stylish Green Berets at that. Under Ike, we prospered. Not perfect prosperity, but compared to what we've had since, the "recessions" of the fifties were economic high tides. Under Ike, the first civil rights legislation since Reconstruction was enacted, the decision in Brown vs. Board of Education was rendered—by a court headed by an Eisenhower appointee—and when a governor defied the courts on a desegregation order, there was no choreographed stand-in-the-schoolhouse-door: He sent in the 101st Airborne to enforce the ruling. Under Ike, the District of Columbia's school system was desegregated, as it had not been under FDR, Truman, or any of the historically approved Presidents. Ike came as close as any President in this century has ever come to fulfilling a campaign slogan—peace, prosperity, progress.

It all happened during his administration. True, there was a darker side: Suez, Hungary, Sherman Adams, the U-2, Castro, and Autherine Lucy, a young black woman prevented by a mob from entering the University of Alabama.

But the country was together, as it hasn't been since. We survived under a presidency that, if not brilliant or dazzling, was decent, competent, at one with the mood of the country. The President smiled a lot, reassuringly, and for whatever reason—whether my friends and I understood it or not—the overwhelming majority of Americans was indeed reassured. Charisma and style, when you get right down to it, are in the eye of the beholder, like beauty. Eisenhower's style was summed up on an ebony desk plaque that read, *Suaviter in modo, fortiter in re:* gentle in manner, strong in deed.

Ike: How wrong I was. God spare us any more "great" Presidents.

Mr. STEVENS. Mr. President, when one reads the words of Mr. Gold's article, he can only come to the assessment that history is starting to judge President Eisenhower as those of us who were devoted to him and loved him in years to come, and served with him in the Eisenhower administration, felt he should be judged.

ORDER OF BUSINESS

Mr. LEAHY. Mr. President, I yield to the Senator from Virginia such time as he needs, from my time.

Mr. HARRY F. BYRD, JR. I thank the distinguished Senator from Vermont for yielding.

(The remarks of Mr. HARRY F. BYRD, JR., at this point in connection with the introduction of legislation are printed under Statemets on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

Mr. LEAHY. Mr. President, I reserve the remainder of my time, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to yield 7 minutes to the distinguished Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I thank my good friend from Vermont very much for being so gracious and accommodating. It is typical of his generosity.

FEDERAL RECLAMATION LAW: NEED FOR TOUGH ENFORCEMENT OF FAMILY FARM PROVISIONS

Mr. PROXMIRE. Mr. President, in recent years the Federal Government has spent between $750 million and $1.1 billion annually for the Bureau of Reclamation. The Bureau's basic job is to provide water to arid land. Over the years, tens of thousands of otherwise almost worthless land has been reclaimed. Bureau projects have literally made the desert bloom. But spending tax dollars to irrigate arid lands can be justified only if such funds promote stable communities and family farms.

That is why the 1906 Reclamation Act provided that water provided by the Bureau of Reclamation was limited to 160 acres per person with the requirement that the owner live within 50 miles of the farm. As the limit applied to each "person," a farmer and his wife and his children could each be entitled to enough water to irrigate up to 160 acres.

Over the years this program has been corrupted and distorted in a variety of ways. Congress often passed "riders" exempting a project from the limitations. Furthermore, some of the biggest companies in the United States, railroads, land companies and others, got exemptions. Land "leased" and not owned was exempted from the restrictions. The Bureau of Reclamation and some former Interior Department officials failed to enforce the law.

During the last 16 years my colleague from Wisconsin, Senator NELSON, has developed an extensive record showing how the Interior Department has allowed big Western landowners, especially in California, to evade the family-farm provisions of Federal reclamation law. Rather than conforming to the requirement of the 1902 act that the benefits of federally subsidized water should be limited to resident, small family farmers, the Interior Department over the years has allowed large corporate operations to monopolize these benefits.

Senator NELSON's hearing record has produced documentation and charts on over 30 large land transfers which grossly violated Federal reclamation law's 160 acre limitation and residency requirements. In all of these group sales, names were provided for each 160 acres worth of lands, but in most cases, the names were used as phony "fronts" for corporate purchases.

One of these transfers exposed in Senator NELSON's 1975 hearings led to the first indictment and conviction ever under the 1902 reclamation Act. Discovery proceedings during the trial revealed that the 12 alleged buyers in the group had no more interest in the land than the $1,000 they were paid for the use of their names. After several months of plea bargaining, the principal defendant, John Bonadelle, entered a guilty plea for one of his corporations and was fined $10,000. In the 11-day double turnover of the land he had made a speculative profit of over $300,000. He complained of selective prosecution—saying he had done only what the Department of Interior had approved and everybody else was doing the same thing.

Even this administration approved the transfer of one 4,600 block from Anderson-Clayton, one of the world's largest cotton marketing firms, to the Telles family which already farmed 15,000 acres with federally subsidized irrigation water. This sale was arranged by Anderson-Clayton's California chief, Ralph Carr, who, as soon as the papers were filed with the Department of Interior, quit Anderson-Clayton and went to work for Telleses, the buyers.

Senator NELSON's investigations have been followed by several court decisions upholding the applicability of the acreage limitation to big California landholdings and directing the Secretary of Interior to enforce the law. Now, Congress is faced with well-financed demands that the reclamation law be weakened or totally destroyed so that the manipulations uncovered by Senator NELSON will be legalized.

One of the basic arguments we hear in this campaign is that the Federal Reclamation law's acreage limitations on the amount of subsidy any one owner receives is a violation of private property and free enterprise.

The crude answer to that logic is that the whole reclamation program is a violation of free enterprise. Federal water projects are heavily subsidized. The Department of the Interior estimates that irrigators repay about 20 percent of project costs, while Federal taxpayers across the country repay 80 percent.

In a strict business sense, the projects are not feasible. No private utility can build the projects, sell the water and cover costs—much less make a profit.

Therefore, the Western States have turned to the Federal Government and asked for a subsidy to irrigate arid lands which, without irrigation, are next to worthless. At issue is not private property, but the distribution of a vast public subsidy. Such a subsidy can be justified only if many of our citizens share directly in its benefits. There can be no justification for the program if the practices uncovered by Senator NELSON's investigations are allowed to continue—either legally, as some now propose, or under the table, as has been the past practice.

It is perhaps true that in the colder climates of the high plains our policies must be modified to accommodate the short growing seasons.

But as it applies to California and Arizona the areas with long growing seasons—and the root of the scandals uncovered by Senator NELSON—the law must be tightened to assure that Federal subsidies are widely distributed among small resident family farmers of modest means. New legislation should explicitly close the loopholes, not widen them.

The enforcement of the 160 acre limitation is crucial to sustaining the family farm and a democratic society. Where it has been enforced we find communities of land-owning farmers and their families, thriving banks and businesses, schools and churches, and a solid, stable community life. Where the law has been corrupted or unenforced we find migrant labor, feudal-like communities and powerful nonresident and absentee interests who represent the very opposite purposes from those envisioned by the 1902 Reclamation Act.

I can recall in the years I spent here in the Senate that the distinguished Senator from Oregon, Mr. Morse, used to rise again and again to plead for the same cause that Senator Nelson is fighting for so effectively, and I think all Senators if they know the facts and if they follow the facts will support the position that Senator Morse and Senator Nelson championed.

If the federal reclamation program is not restored to its original intention, there can be no further justification for continuing to provide massive Federal subsidies to enrich large Western landowners and encourage the growing food monopoly at the general taxpayer's expense.

GENOCIDE REMEMBERED

Mr. PROXMIRE. Mr. President, in recent weeks our country has been reawakened and reacquainted with the holocaust. The Days of Remembrance for the Holocaust, International Holocaust Day, and a multitude of reports, articles, and editorials have paid tribute to a loss unparalleled in our time.

For too many years, though, we swept our feelings of loss and guilt under the rug. As an April 28 Washington Star editorial rightly points out:

> It's so easy to forget because it's so disturbing to remember.

But, Mr. President, has the Senate forgotten?

For 30 years now, this body has been stalling to ratify the only international treaty which seeks to prevent a crime that has left in its wake a scarred civilization. This treaty is the Genocide Convention. During these 30 years of indecision genocide has continued to flourish unabated and unchecked.

Remembering the holocaust is important, but striving to see that it never recurs is essential. We must act now to ratify the Genocide Convention.

I ask unanimous consent that the text of the April 28 Washington Star editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Holocaust Rekindled

It's so easy to forget.

Which is one reason why there has been a presidential commission on the Holocaust, why the President, the Congress and much of official Washington met so solemnly in the Capitol Rotunda earlier this week and why today and tomorrow have been designated days of remembrance for the millions of people murdered 35 years ago in Hitler's "final solution" to "the Jewish problem."

It's so easy to forget because it's so disturbing to remember.

Who can bear to be reminded that human beings are capable of treating each other as the Nazis treated the Jews? And that human beings who would not engineer a Holocaust themselves are nonetheless capable of looking away when such things happen?

It is significant that only now, more than a quarter-century after the fact, are we to any notable degree facing up to the Holocaust. Eager as people always are to find villains to blame for the world's wrongs, there has been a reluctance to think about the supreme horrors of this chapter. Even with a villain as easy to damn as Hitler.

For many, if not most, Germans, it has been all but impossible to think about the Holocaust. Too much guilt too close to home.

Guilt, individual or collective, is not the point. The point is that the capacity for doing evil is always alive somewhere in the dark corners of human personality. There are circumstances that bring it out. There are social systems that breed the circumstances. There are mysterious chains of events that periodically unravel the inhibitions through which law and education and religion try to hold the evil in check.

To confront these dismaying truths about life as we do in commemorating the Holocaust does not mean surrendering to cynicism or bitterness. It means catharsis: vindicating our humane side in grief for the anguish of Holocaust victims and in strengthened resolves not to let it happen again. Hope and virtue are forever rising from ashes as deadly as those of the Holocaust ovens, hope and virtue as real as the evil they would supplant.

Mr. PROXMIRE. Mr. President, I thank my good friend from Vermont for generously providing me the time, and I yield the floor.

Mr. LEAHY. I thank the Senator from Wisconsin.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTER-AMERICAN DEVELOPMENT BANK, ASIAN DEVELOPMENT BANK, AND AFRICAN DEVELOPMENT FUND PARTICIPATION

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will now resume consideration of S. 662, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 662) to provide for increased participation by the United States in the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund.

The Senate resumed consideration of the bill.

ROLLCALL VOTE ON S. 662 TO OCCUR AT 12 NOON

Mr. ROBERT C. BYRD. Mr. President, this request has been cleared with Mr. Javits, Mr. Pell, Mr. Church, Mr. Stevens, and others. I ask unanimous consent that the vote, which will be a rollcall vote, occur on final passage of the pending measure at 12 noon today.

Mr. JAVITS. And third reading may be had as soon as we are through with debate?

Mr. ROBERT C. BYRD. The third reading may proceed. I also ask that paragraph 3 of rule XII will be waived.

Mr. STEVENS. Will the majority leader say what will come up if this is terminated before that time? Will we have a brief period of morning business?

Mr. ROBERT C. BYRD. Yes. If we reach third reading and no Senators wish to be recognized to further discuss the pending measure, then the Senate will have morning business, assuming there is time available. I thank the Senators.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PELL. Mr. President, I believe this is a bill that has been reported unanimously from the committee and to which no objection has been filed.

Mr. CHURCH. Mr. President, the bill now under consideration, S. 662, provides for increased participation by the United States in the Inter-American Development Bank, the Asian Development Fund, and the African Development Fund.

The bill authorizes appropriations of $4 billion over a 4-year period for the three multilateral banks. Of the $4 billion, $1.5 billion, or 37 percent, will actually result in outlays from the U.S. Treasury. The remaining $2.5 billion is callable capital, which represents a contingent liability of the United States. However, it should be pointed out that there has never been a default on any bank loan which has necessitated a call on capital held by donor countries.

S. 662 is divided into three principal titles, each of which refers to a separate multilateral institution.

Title I authorizes appropriations of $3.45 billion as the U.S. share of the fifth replenishment to the Inter-American Development Bank.

The contribution is broken down as follows:

A sum of $2.75 billion for the capital stock increase of the Bank, of which $206 million is paid-in capital requiring appropriations. The remainder, or $2.5 billion is callable capital which does not require a budget outlay.

A sum of $700 million for the Fund for Special Operations, which is the concessional loan window of the bank which requires full appropriation. This authorization would require appropriations of $175 million per year during the fiscal years 1980 through 1983.

As a result of reductions in the size of the Fund for Special Operations, reductions in the proportion of paid-in capital, and increases in contributions from other members, the U.S. contribution to the IDB will be lower than for previous replenishments. Our share of the total contributions will be 35.5 percent.

Under the fourth replenishment for the IDB, U.S. budget outlays for 1976 through 1978, as negotiated, were $240 million. The proposed 1979 through 1982 budget outlays in the fifth replenishment will be $226.5 million—a reduction of $13.5 million per year from the fourth replenishment.

Title II authorizes increased U.S. participation in the Asian Development ment Fund, the concessional loan window of the Asian Development Bank.

The Asian Development Bank originally proposed a replenishment of $2.15 billion for the second replenishment of the Fund. However, since the U.S. negotiators stated that we could not provide more than 22.2 percent of a $2.0 billion replenishment, the other members agreed that the basic replenishment would be limited to $2 billion. Contributions from Australia, Austria, Germany, Japan, Switzerland, and the United Kingdom total an additional $150 million in supplementary financing for the Fund.

The U.S. share of the replenishment would be $445 million. This represents 20 percent of the total contribution, or 8 percent lower than the U.S. share of the first replenishment to the Fund.

Appropriations pursuant to the authorization will be requested in four annual installments of $111.25 million, beginning in fiscal year 1980. Other donors will begin making contributions this year.

Title III of S. 662 authorizes appropriations of $125 million as the U.S. share of the second replenishment to the African Fund. This would amount to 17.5 percent of the currently pledged resources and would represent an increase in the U.S. position on the Fund. Since this is a 3-year replenishment, the annual U.S. contribution would be $41.7 million.

The United States joined the Fund in November of 1976 and has contributed $50 million to date. The resources of the Fund are now exhausted. As a result, the donors have agreed to a $780 million target for the replenishment. The principal justification of this rate of increase lies in the extreme poverty of its regional members and their requirements for concessional resources.

Mr. President, it should be pointed out that the U.S. percentage share of contributions to each of these institutions falls within the guidelines suggested by a sense of the Congress resolution which passed last year. For the Inter-American Development Bank, the paid-in and callable capital contributions represent 34.5 percent of the total contributions. The U.S. contribution to the Fund for special operations of the IDB represents 40 percent of the total proposed contributions. These are the guidelines suggested for the IDB by the sense of Congress resolution.

For the Asian Development Fund, the U.S. share of the total replenishment would be about 20 percent, or some 2 percent below the guideline suggested by the resolution.

For the African Development Fund, the U.S. share of that replenishment would be 17.5 percent, or five-tenths of a percent below the guideline suggested by the resolution.

S. 662 was reported unanimously from the Committee on Foreign Relations and reflects the members' views that the U.S. Government has been highly successful in carrying forward the burden-sharing principle upon which these banks were founded. Since our negotiators have complied with the guidelines for each of these three institutions—guidelines which Congress itself recommended—it would be particularly unfortunate if the Senate were to reject, or reduce, the authorization request for these replenishments. Any reductions in the authorization for any of these three multilateral institutions would result in the renegotiation of the replenishment agreement. Therefore, the committee recommends strongly Senate approval of S. 662 as reported.

Mr. JAVITS. Mr. President, I join with my esteemed colleagues, the chairman and ranking member of the Foreign Relations Committee, in urging passage of S. 662, a bill which provides for increased U.S. participation in the Inter-American Development Bank (IADB), the Asian Development Fund (ADF), and the African Development Fund (AfDF) and authorizes $4.019 billion in U.S. contributions to these three international financial institutions. This figure is deceptively large because it includes over $2.5 billion in callable capital, which is a form of guarantee that has never in the past actually left the U.S. Treasury. The actual U.S. dollars to be contributed to these institutions are more accurately reflected by the budget outlays authorized by S. 662 ($1.476 billion over the next 4 years or $379.7 million for fiscal year 1980).

While the IADB, the ADF, and the AfDF, along with the World Bank, may not be household words, they play a vital, behind-the-scenes role in the proper functioning of a stable economic world order. These strong and successful international development institutions directly benefit the average American by financing U.S. exports and generating U.S. jobs. I wish to emphasize this point today since this pragmatic aspect of our support for the Banks has not been adequately recognized in the past. Besides constituting the backbone for improved relations between the developed and developing worlds, the MDB's provide direct and specific benefits to the United States.

The Banks work through the discipline of the market and provide a unique blend of access to private financing and development expertise. The United States is a member of four multilateral development banks: The International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank. By generating capital and then lending this money to the LDC governments, the Banks provide supplementary financing for economic development. In effect, the MDB's substitute their credit-worthiness for that of the LDC's, thereby, giving the developing countries access to the large pool of international capital that would otherwise have been difficult for them to utilize on their own. The Banks also provide technical evaluation and assistance in connection with projects financed by their loans. In addition, the multilateral nature of the Banks generates cooperation and understanding that plays a significant, positive role in improving United States-LDC relations.

I have long been a supporter of U.S. participation in the MDB's because of my strong belief in U.S. development assistance efforts and the efficacy of multilateral cooperation in this area. Events of recent years have clearly demonstrated the economic, political, social, and moral interdependence between nations and have reconfirmed my commitment to multilateral development efforts. The rise to power of the OPEC oil cartel, the rapid expansion of world trade in the past decade, and the international dangers accompanying the proliferation of nuclear power are all dramatic illustrations of our newly interdependent world. The economic and political fate of the United States can no longer be thought of separately from that of our global neighbors.

Nowhere is this interdependence more evident than in the rapidly increasing trade and financial ties between the United States and the developing countries. The United States is not and cannot afford to view itself as being economically self-sufficient. Our increasing dependence on exports to fuel the U.S. economy is perhaps the most important example of our dependence on international trade for our economic health. By helping us improve our balance of trade, exports play a pivotal role in our fight for a strong dollar and reduced inflation.

At present, developing countries purchase about 40 percent of our exports and have enormous potential for expansion of our overseas markets. And reciprocally, developing countries now provide the United States with 25 percent of our raw material requirements. Jobs in the United States are becoming more and more dependent on export markets and upon access to secure sources of raw materials that we import from developing countries.

I draw to the attention of my colleagues a comparison between U.S. exports to the top non-OPEC borrowers from the MDB's and the level of MDB lending to these same countries. For almost all developing countries, U.S. exports far exceed MDB lending. For example, in 1977, Brazil borrowed $790 million from the Banks and U.S. exports to Brazil totaled $2.482 billion; while Thailand borrowed $155 million and received U.S. exports of $510 million. Between 1971 and 1977, the annual average growth in U.S. exports was 17.1 percent to Brazil and 23.5 percent for Thailand.

Furthermore, the direct benefits to the United States from participation in the MDB's can be measured in terms of balance-of-payments improvements, GNP growth, increased U.S. employment, and increased Federal tax revenue. In balance-of-payments terms, the activities of the Banks in a direct sense have returned to the United States in merchandise and service exports $2.4 billion more than the United States has provided in contributions. The Treasury Department has also determined that, for every dollar the United States paid into the MDB's between 1972 and 1977, real U.S. GNP has increased by between $2.40 and $3.40. An average of 57,000 to 103,000 U.S. jobs per year are traceable to the direct and indirect effects of U.S. participation in MDB lending. In fact, in 1974 and 1975, when the United States was in a recession, the increased jobs ranged from 72,000 to 107,000 per year, which indicates that our official lending actually had a beneficial countercyclical effect on U.S. employment.

Finally, the creation of income and additional jobs in the U.S. economy resulted in an annual increase in the flow of Federal Government tax receipts of between $492 million and $564 million. These are substantial, tangible benefits that, to my mind, constitute a central reason to continue and increase our support for the MDB's.

One unresolved problem of great concern to me is the financial and budgetary soundness of requiring an appropriation to cover in full the callable capital for the MDB's. As I have pointed out on numerous occasions, callable capital is only "called" in the event of a serious default by many MDB borrowers. This has never happened in the history of the MDB's, and the continuing financial integrity of the MDB's is proven in the AAA status of their bonds in the international capital markets. In light of this excellent fiscal record, I do not believe it is necessary to require full appropriation of callable capital.

Furthermore, requiring full appropriation, in the words of Secretary Blumenthal, "distorts the true size of the request for the MDB's."

In his words:

> It is virtually certain that appropriated amounts will never result in budget outlays.

On April 1979, Secretary Blumenthal wrote to Senator INOUYE, chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations, concerning this matter of fully appropriating callable capital.

I ask unanimous consent that the Secretary's letter be printed in the RECORD at this point.

There being no objection, the letter was order to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., April 9, 1979.

DANIEL K. INOUYE,
Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: At the Subcommittee's hearing on the FY 1980 appropriations requests for the multilateral development banks (MDBs), you asked for my ideas on the possibility of changing the budgetary and appropriations treatment of U.S. subscriptions to callable capital. I have given the matter a great deal of thought and want to share my ideas with you.

I agree with you that the appropriation of callable capital in full distorts the true size of the request for the MDBs, since the costs to the Government are solely contingent in nature and since it is virtually certain that the appropriated amounts will never result in budgetary outlays.

In considering whether there are alternatives to the full appropriation of the specific sums required for the U.S. subscription, we have eliminated those which would bypass the appropriations process. Thus, we would not seriously consider an alternative that would not provide for action within the framework of the annual Foreign Assistance Appropriations Act.

The three alternatives that seem most promising would involve a ceiling on U.S. subscriptions to callable capital in annual appropriations acts. Under that ceiling, the Congress could (1) not appropriate any funds, (2) appropriate "such sums as may be necessary", or (3) appropriate a contingency reserve (perhaps 10 percent) to meet potential outlays. These approaches would appear reasonable in light of the minimal risk that there would ever be a call and the large amounts that have already been appropriated or would be available through public debt authority.

On two occasions in the past, the General Counsel of the Treasury Department has reviewed the question which you have raised on whether appropriations must always, as a matter of law, be obtained prior to U.S. subscriptions to callable capital. In both cases, the General Counsel has held, after analyzing the relevant legislation, that appropriations are not legally required to back such subscriptions unless and until payment is required of the United States on a call made by the institution. These Treasury opinions rely on a series of Opinions of the Attorney General which held that other U.S. Government guarantee programs need not be fully funded to be backed by the full faith and credit of the United States. I am enclosing copies of the two opinions of the General Counsel of the Treasury Department for your information.

Whether full appropriations are required prior to subscriptions to callable capital thus depends on the legislation passed by the Congress. We have presently pending appropriations for U.S. subscriptions to the callable capital of the IBRD, ADB, and IDB. To implement the ceiling approach either without appropriation or with a contingency reserve, the legislation authorizing U.S. subscriptions to IBRD and ADB callable capital (P.L. 95–118) would have to be amended, since that legislation provides that the amounts required for the U.S. subscription to callable capital must be appropriated, before the subscription is made. Because the ceiling approach with appropriation of "such amounts as may be necessary" would, in fact, appropriate the amounts required, no change in existing legislation for the IBRD and ADB would, in our view be necessary under that alternative.

The bill which we have submitted for U.S. participation in the new IDB replenishment and which is now being considered by the Congress, would, we believe, give the Congress sufficient flexibility to provide for the alternative appropriations treatment in annual appropriations acts which I have suggested.

We have previously discussed the fact that funds for callable capital are not generally appropriated in other industrial countries prior to subscription. In some countries further parliamentary action would be required in case of a call; in those cases, according to our information, formal parliamentary approval would generally be expected to follow as a matter of course; in other countries, payment would be made without proceeding through further legislative action. I am enclosing, for your information, a copy of the data we have on procedures of the major industrialized countries relating to subscriptions to callable capital in the MDBs.

As I mentioned at the hearing, I am personally very interested in finding an appropriate budgetary and appropriations treatment for callable capital. I would welcome your reaction to my proposals, which I believe would be complementary with the President's recent proposals for budgetary controls over Federal credit and guarantee programs. I am taking the liberty of sending a copy of this letter to Senator Javits, who has also expressed interest in this issue.

Sincerely,

W. MICHAEL BLUMENTHAL.

Mr. JAVITS. In that letter, Secretary Blumenthal suggests three alternatives to remedy this situation, all of which involve a ceiling on U.S. subscriptions to callable capital to be contained in annual appropriations acts. Under that ceiling, the Congress could: First, not appropriate any funds; second, appropriate "such sums as may be necessary"; or third, appropriate a contingency reserve of perhaps 10 percent to meet potential outlays.

I believe all of these are reasonable alternatives. The current authorization legislation for the callable capital for the Inter-American Development Bank (IADB) is flexible enough to accommodate these alternatives; however the apriations issue will finally be resolved. I urge my colleagues to acknowledge the precedent set by other industrialized countries which do not generally appropriate callable capital and to agree upon a budgetary arrangement that will more accurately and honestly reflect the nature of the actual U.S. contribution to the MDB's.

I would like to briefly discuss the specific components of S. 662 and the records of the IADB, the ADF, and the AfDF.

INTER-AMERICAN DEVELOPMENT BANK

Latin America has made substantial progress in its economic development efforts, and this region is now far ahead of the poor regions of Africa and Asia. The GDP of Latin American nations in 1978 was $354 billion, double that of 1966. Continued Latin American development is an important objective of U.S. foreign policy because of the direct impact of the region's economic and political conditions on the United States. Latin America's economic significance is growing rapidly as can be seen in U.S. exports to Latin America—$20 billion in 1977 and U.S. direct investment in Latin America since 1960 exceeds $20 billion, or two-thirds of U.S. investment in developing countries.

Despite this dramatic progress, the worst problems of poverty continue to plague much of Latin America's population. A strong and visible commitment to the region's economic develoment is extremely important and particularly effective when provided in a collaborative manner through the IADB. The increase in the resources of the IADB provided by the fifth replenishment request now before us is a strong indication of continuing U.S. support for this important institution.

The fifth replenishment will provide a 5- to 7-percent rate of real growth in the Bank's lending program. The U.S. contribution, as contained in S. 622, consists of $206.2 million in paid-in capital over the 1979–82 period and $2.543 billion in callable capital and $700 million for the Fund for Special Operations, which is the Bank's soft window and which provides funds to the poorest countries of the region on highly concessional terms.

I would like to point out that the terms of this replenishment have been negotiated with substantial advantages to the United States. Due to U.S. insistence on this matter, the lending program of the Bank will be based on the principle of graduation from the soft to the hard window as economic conditions permit. Therefore, we can be assured that the poorest Latin American countries are receiving assistance and that the "advanced developing countries" in Latin America are sharing the burden of this assistance.

Specifically, Chile and Uruguay will graduate from the soft-loan window of the FSO due to their improved economic situation. Argentina, Mexico, Brazil, Trinidad and Tobago, and Venezuela have already agreed to borrow only from the Bank's hard window. As a result of the graduation of some bank members, the U.S. contribution to this FSO replenishment will decline from $200 million annually to $175 million a year, which is a real indicator of the economic progress of the recipient countries. In addition, the members have agreed that 50 percent of total IADB hard-window lending during the 1979–82 period will benefit low-income groups. Overall, the budget outlays for 1979–82 of $225.5 million in U.S. IADB contributions constitute a reduction of $13.5 million per year over the 1976–78 period.

ASIAN DEVELOPMENT FUND

Our participation in the ADF is an important element of U.S. foreign economic policy in the post-Vietnam period. The major ADB borrowers—Korea, the Philippines, Malaysia, Indonesia, and Thailand—are countries of particular political and economical importance to the United States. The ADF is the concessional affiliate of the ADB and was formed in 1974.

Title II of this bill authorizes a U.S. contribution to the second replenishment of the ADF of $111.25 million for 4 years beginning with fiscal year 1980 or a total of $445 million in paid-in capital. This constitutes 20.7 percent of the total replenishment, which is less than the U.S. share in the first replenishment. The total proposed replenishment would enable the ADF to raise lending levels from $350 million a year in 1978 to $670 million by 1982.

I am pleased to report that the goals the U.S. sought to advance in the replenishment negotiations have been agreed to. The members have agreed that lending will resume to "marginally eligible" countries of Indonesia, Thailand, and the Philippines, which are of particular concern to the United States. In addition, agriculture and rural development will continue to be the primary lending sector of the Fund with increased emphasis placed on projects assisting poor people; and the Fund will be more aggressive in obtaining cofinancing agreements, particularly with Middle Eastern countries.

AFRICAN DEVELOPMENT FUND

The African Continent contains one-half of the poorest developing countries in the world. In response to this situation, the African Development Fund was created in 1973 as the concessional lending affiliate of the ADB. The Fund is designed to channel non-African resources into the African development process and to help meet the need for softer terms for projects in African nations. (The AfDF makes credit available to countries with incomes below $550 per capita.) The members of the Fund are 12 European countries, Brazil, Canada, Japan, Kuwait, Saudi Arabia, and Yugoslavia.

The U.S. contribution to the second replenishment as authorized in title II of S. 662 is $125 million in budget outlays or $41.7 million per year starting in 1980. This is 17.5 percent of the total replenishment and represents a substantial increase from the less than 6 percent U.S. share in the first replenishment. This is still well below the overall average of the U.S. shares in all MDB's. Overall Fund resources and lending will be increased by 10 percent per year. I believe this is justified by the extreme poverty and the need for concessional aid to the Fund's members. In addition, while the Fund donors have pledged $713.5 million, the resources of the Fund are currently exhausted. A strong and renewed U.S. commitment is especially important at this time.

Mr. President, I have dealt with our foreign aid program for many years and I consider the work of the international financial institutions preeminent in the field.

In the past, we defended U.S. participation in the multilateral development banks as benefiting the United States in terms of the peace of the world, our moral commitment to the improvement of the condition of people all over the world, and the hope that such aid would permit the recipient nations to grow economically and become active participants in the international trading system. For many developing countries, that corner has been turned, and the developing world has become the biggest market for U.S. exports.

All of us are very deeply troubled by our serious trade imbalance with industrial countries like Japan. In this regard, I advance a personal view, although I believe it to be a sound one. The structure of the Japanese economy is such as to make it highly doubtful that we can fully redress the trade imbalance we have with the Japanese. Unless we adopt a completely protectionist policy in the United States and really shut down our market to their exports, we are going to continue to have some kind of imbalance, generally estimated to range between $5 and $10 billion a year.

That is a completely unsatisfactory situation. If we will view this situation solely on a bilateral basis, we will find ourselves as I have just indicated, faced with shutting our market as the only possibility of redress.

That possibility is so serious that I doubt that we would undertake such a move, not only for economic but for political and diplomatic reasons.

A multilateral approach provides, however, a possible solution. What is entirely feasible, is for Japan to use its productive strength to help in the financing of international trade, through increased contributions to the MDB's as to bring to us trade benefits on a third-, fourth-, and even fifth-country basis, which will far outweigh the structural imbalance of our trade with Japan.

When our delegation, which Senator CHURCH and I had the honor of leading to the People's Republic of China within the last few weeks, stopped in Japan, the Prime Minister, the Foreign Minister, and the permanent officials of the Foreign Office, clearly indicated that this multilateral financing approach made great sense to the Japanese and that they were prepared materially to increase their support for multilateral banking institutions for the reasons which I have described. I hasten to add that I think that our trade imbalance with Japan can be improved by between $3 and $5 billion, in areas where the structural problems of the Japanese market allow it.

Mr. President, I take special satisfaction in the fact that this bill seems to have general approval here in the Senate. I hope the same thing is true in the House.

This is the way to go. It is realistic. It is practical. The Japanese are willing. It can do us just as much good as the grave strains we would otherwise have and the grave dangers we would otherwise run in a dollar-for-dollar balance for Japan.

In summary, Mr. President, I believe that strong U.S. support of the MDB's is of critical importance to maintaining and improving our relations with politically and economically important neighbors in the developing world. I also believe, and I have documented this in my statement, that passage of S. 662 is in the best interest of the U.S. economy due to the benefits accruing to the United States in terms of GNP growth, jobs generated, and financing exports of U.S. products. I urge my colleagues to support this important piece of legislation.

Mr. President, unless there are other Members who wish to be heard, I am prepared to have third reading of the bill.

Mr. PELL. Mr. President, as usual, the Senator from New York has explained in an articulate, commonsense manner the merit of these banks, their records, and the reasons, to our national advantage, to continue with the multilateral course.

Also, I think it is in our interest that since Government guarantees were brought into effect in the late 1950's there has not been a single default on the part of any one of these banks. That is a record that any bank can be very proud of and hope to emulate.

The chairman has already made a statement in the RECORD. I, too, am conscious of no other Senators who wish to speak on this matter, and I would ask for third reading at this time.

Mr. JAVITS. Mr. President, I yield the floor.

MULTILATERAL DEVELOPMENT BANKS

Mr. DOLE. Mr. President, I rise to speak in favor of this legislation, S. 662, which is on balance, a fair and equitable measure providing for the continued participation of the United States in several multilateral development banks (MDB's). In one sense, the title of this bill is a little misleading, since the increased participation of the United States is more in the nature of continued investment in the ongoing programs and goals of these banks, rather than an increase in the size of the American share of these activities. In fact, as I understand it, we have been successful in negotiating with the other member-nations of these banks to enhance the burden-sharing principle upon which they can continue to function.

U.S. ECONOMY BENEFITS

Over the years studies have shown an unexpected side benefit to our desire to precipitate development in the Third World countries these banks aid. Since the United States is one of the largest industrial and exporting nations in the world, many of the purchases by developing nations with MDB funds are made in this country—40 percent of our exports are bought by these countries. This represents a potentially favorable rate of return on our tax dollar investment, which the Treasury Department variously estimates to be between 2.4 and 3.4 to 1, above and beyond the nearly nominal rate of interest charged on these loans. This expansion of our overseas markets results in an average 57,000 to 103,000 American jobs either directly or indirectly related to this MDB sponsored trade.

Mr. President, the United States does not participate in these banks for the economic benefits that accrue to ourselves, however I think it is an interesting sidelight on our activity that would give heart to the taxpayers of this country. Our principle aim is to contribute to the healthy growth patterns and stable development of the areas the MDB's cover, in the so-called Third World. We have a humanitarian concern to aid peoples in lesser developed regions, and the programs these loans fund are the type of aid that allows us to help them help themselves. In this way we achieve long term, firmly based solutions to problems that might otherwise lead to future famines, hopeless poverty and social and political unrest.

Mr. President, I believe this legislation represents the best type of foreign assistance our country can provide toward long lasting change and progress.

● Mr. ROTH. Mr. President, I am voting against S. 662 for budgetary reasons. In view of the current inflationary pressures in the United States, it is essential to have a very austere, tight budget. I believe, therefore, that we should place a moratorium on contributions to the development banks, while continuing to permit the banks to raise capital through the private capital markets. Of the $4 billion authorized in S. 662, $1.5 billion will result in budget outlays.

In addition, I am concerned about certain aspects of bank operations and our Government's willingness to closely monitor bank activities. Over the past several years, the Senate Appropriations Committee has published information regarding the inflated salaries at several of the development banks. The most recent Appropriations Committee report, for example, shows employees of the Inter-American Bank are among the best paid in the world. Gross compensation for management positions of non-Americans at the bank range from $82,000 to $91,000, while the top professionals are paid $77,000. I think it is high time we made it clear to the banks that we do not support institutions which demonstrate such a low regard to tight fiscal management.●

The PRESIDING OFFICER (Mr. BAUCUS). The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Secretary may be permitted to make any technical changes which may be required in the bill.

The PRESIDING OFFICER. Without objection, it is to ordered.

Mr. JAVITS. Mr. President, under the unanimous-consent agreement, we will have the opportunity for a record vote at noon today.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business until 12 noon.

Mr. DOLE. Mr. President, I ask unanimous consent that I be allowed to speak for a period of 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 25TH ANNIVERSARY OF THE BROWN AGAINST THE BOARD OF EDUCATION OF TOPEKA DECISION

Mr. DOLE. Mr. President, it was 25 years ago today that the United States Supreme Court handed down a unanimous decision which declared that "separate educational facilities are inherently unequal." It followed then that the separate but equal doctrine under which States had maintained racially segregated schools had no place in public education. While persons will disagree on the progress toward racial integration which has been since that time, no one can refute the claim that this case changed the course of education in America.

HISTORICAL SETTING

It was in 1951 that the Rev. Oliver Brown and 12 other plaintiffs filed suit in Topeka. At that time, the talk about town was not this lawsuit, but a devastating flood which is still talked about by Kansans. Black students were expected to attend segregated elementary schools through the eighth grade, at which time they transferred to integrated junior high schools and from there to integrated high schools. While classes were integrated, most other activities were not. Separate teams were maintained for basketball, football, swimming, tennis, cheerleading, pep clubs, and other activities. Movie theaters, hotels, swimming pools, and restaurants were segregated, and in general, Topeka probably differed little from most other cities in the country. I think it is interesting to remember that Kansas became a State in 1861. There was a big debate over whether or not it would be a free or a slave State. It joined the Union as a free State, but because Missouri recognized slavery, there were many border skirmishes fought over the issue. I am proud that Kansas remained a free State, just as I am proud of the role Kansas played in this landmark decision.

CAST OF CHARACTERS

Mr. President, the cast of characters in that case as far as the attorneys and those who participated is most interesting. Two of the three Topeka attorneys representing the plaintiffs were brothers. The father of the sons, Elisha Scott, was a black attorney who graduated from Washburn Law School in Topeka in 1916. Throughout his career, he was very active in the pursuit of racial justice, and many times took on the Ku Klux Klan and other civil rights issues. In this atmosphere, his three sons were raised. All had a keen identity with the work of their father, and all became attorneys. They were also active with the Topeka chapter of the NAACP.

The three attorneys, Charles and John Scott, and Charles Bledsoe, realized clearly that the doctrine of separate but equal education was not working in Topeka. At that time, most racial discrimination cases were based on the argument that the separate facilities were not equal. Had the Topeka lawyers proceeded with this charge, it is unlikely that their case would have ever reached the Supreme Court. However, with the help of national civil rights organizations and considerable legal research, the Topeka attorneys decided to challenge the validity of the separate but equal doctrine. Their argument was that when children are segregated on the basis of race, the resulting education is not equal. And so, in 1951, the argument was made in the U.S. District Court in Topeka that segregation holds back the achievement of the black student and denies him equal educational opportunities.

THE TOPEKA DECISION

In a later interview, the Topeka judge, Judge Huxman, claimed that his court decided that case on the basis of constitutionality alone. He felt that in light of the Plessy against Ferguson case which established the separate but equal doctrine, the Brown case was not valid. The district court wrote that:

> Segregation of white and colored children in public schools has a detrimental effect on the colored children. The impact is greater when it has the sanction of law, for the policy in separating the races is usually interpreted as denoting the inferiority of the Negro group.

I respect the Topeka attorneys for their knowledge of the law, and for their clear perception that the separate but equal doctrine was not appropriate in public education systems.

THE REACTION

Although the Rev. Oliver Brown and his daughter, Linda, received most of the attention following the Supreme Court decision, there were a dozen other plaintiffs joined in this suit. Like Brown, they also had children who had been refused admittance to white schools, and felt their children had been denied the opportunity for equal education. After the lawsuit was filed, the reaction towards it was mixed. Much of the black community alined itself squarely behind the plaintiffs. However, many black teachers feared that integrated schools would cost them their jobs, a charge which the plaintiffs vigorously denied. They felt integration would increase jobs, since their fight was not only for integration of students, but for teachers as well. Many of the black communities feared an outlash from the white community, remembering an earlier incident when 8 black teachers had been fired after one had successfully sued the Topeka school district to achieve integration at the junior high level.

Regardless of the mixed feeling initially, there was no mistaking the elation following the 1954 Supreme Court decision. The plaintiffs felt as if they had been recognized as human beings, and now their children would have the same learning opportunities as white children throughout the city. Not only would education improve, but the black student's self-esteem would no longer suffer the abuse which came from attending segregated, inferior schools.

THE RESULTS

During this week, there has been much written on the results of the 1954 Supreme Court decision.

There has been a lot said this week and will be a lot said today. Some persons feel significant, monumental improvements had been made, and others feel that the situation has not changed. I think that while we have seen improvements, there is much which remains unachieved. We still have major problems with large urban schools, and in many suburban schools there is an underlying atmosphere of racial tension. However, there are documented changes which have occurred, which point to tangible progress. We have more elected black officials, at all levels of the government. We have integration of hotels, restaurants, theaters, and recreational centers which we did not have 15 and 20 years ago. Neighborhoods, churches, and television are now integrated. While persons disagree as to the results, I think that future progress can only be made if we hold true to the intent of the 1954 decision, and the hope which it promises. But while we still have a way to go before we have achieved real equal opportunities, I believe in the validity of Reverend Brown's words in reaction to the decision 25 years ago:

> * * * this decision holds a better future, not only for one family, but for every child * * * this will no doubt, bring about a better understanding of our racial situation and will eliminate the inferiority complexes of children of school age * * *.

I suggest that we must work for that future.

Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to be permitted to speak for a period of time during morning business?

Mr. JAVITS. I do.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I have heard with admiration the distinguished words of the Senator from Kansas about a case which originated in his State, and I wish to attest to its legendary and historic character in terms of our country and how so many of us, including the Senator from Kansas himself, have worked indefatigably to make good the promise of Brown against Board of Education in the Topeka case.

I pay tribute today to the heroes of the Civil Rights Act of 1964 which incorporated these basic concepts and implemented them in law. A number are no longer with us: Hubert Humphrey and Everett Dirksen—Everett Dirksen probably more responsible than any other single person in this Chamber for the enactment of that law, notwithstanding the dire predictions that it would fall to the then still fashionable filibuster. I pay tribute to many who are still with us, like Mike Mansfield, who is now our Ambassador to Japan, and others who are here, ABE RIBICOFF and other Senators. I am searching in my mind. Was the Senator from Kansas in the Senate at that time?

Mr. DOLE. Not at that time. I was a Member of the House of Representatives.

Mr. JAVITS. That is right. That is what I thought.

I know if the Senator from Kansas had been here he would have joined this durable band and these very activities as I am sure would the minority leader, Senator BAKER, and our majority leader, Senator ROBERT C. BYRD.

But I think it is a fitting time to say a word for those who have departed from our world, like Everett Dirksen and Hubert Humphrey, and Senator Hart of Michigan, Senator Douglas of Illinois, and others who had such an heroic part in the consummation of that historic departure from the past to which the Senator has referred. I refer also to those who are happily still with us but no longer in this Chamber, like Mike Mansfield, and refer to the historic character of these events.

I have often thought as I stood here and spoke how are we different from the Websters, the Clays, the Borahs, the Norrises, the Tafts, and the greats of other days, and I have always come to the conclusion that we are not. It is just the issues with which we are associated that have not yet found their perspective in the history of our country. When they do, we also—I do not know which of us—but we also will be in the same tradition, the same glorious tradition of freedom and self-rule which has characterized this body.

I hope the Senator will join me in those thoughts, as will other Senators. This is a uniquely important contribution to the history of our country, with which those who are so intimately associated still have their contact with us of a contemporaneous world, and I have great personal satisfaction in referring to it here today.

Mr. DOLE. I thank my distinguished colleague, and I appreciate without question his leadership.

There is no doubt about the leadership role played by the distinguished Senator from New York during all these times, and certainly no one was more in the forefront than the distinguished Senator from New York.

It does seem to me that when we focus on this one decision in one court in Kansas that it is an appropriate time that we pay tribute, as the distinguished Senator from New York is suggesting, and it is done to many who are active in many other areas of the civil rights battles on the House side, the Senate side, outside the Congress, and certainly, as I look back at what happened in my State, the State of Kansas, the decision written by a prominent Democrat, the attorneys involved for the most part prominent Republicans, it is an indication that the problem was understood by all those who were willing to focus on it.

Certainly the progress has been made, but I doubt that anyone would question the need for continued progress everywhere in America in the civil rights field.

Mr. BAKER. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I take this opportunity on an especially significant day to pay my respects to my colleagues who have just spoken.

There is no one in the Senate, there are few who have served in the Senate, who deserve the recognition that the distinguished Senator from New York does in his contribution to the extension of human rights and civil liberties in the United States.

Few are equal to the contribution of the distinguished Senator from Kansas in his dedication not only to civil rights but also to the needs of the poor and the downtrodden in this country.

It is a special pleasure for me as the Republican leader to acknowledge these two men as men of great talent and of great value to the Republican Party as the political organism which was founded on the concept of equality and freedom of human beings in this country.

Senator DOLE and Senator JAVITS have a special niche in the history of the quiet revolution that has occurred in this country in the elaboration and extension of personal liberties and human rights beyond that which anyone would have ever dared dream of as little as two centuries ago when the Republic came into being.

The Senator from New York mentioned some of our former colleagues. None of them is superior, in my judgment, to his contribution. He recalled my late father-in-law, our former colleague, Senator Dirksen, as one who participated in this effort, and I am sure the Senator from New York will not be put off if I cite one piece of conversation I once had with Senator Dirksen when I first came to the Senate.

By the way, and parenthetically, serving in the Senate with a father-in-law is at least a challenging experience.

One of the marks of Ev Dirksen's greatness was that he never once in all of his career asked me how to vote or told me how to vote or requested me to vote in a particular way which, I think now in retrospect, must have required a great deal of restraint on his part and a recognition of a father-in-law/son-in-law relationship.

But in any event, the remark I wish to repeat for the benefit of my colleagues and for this RECORD today is that early on in that career when I came to the Senate, Ev Dirksen told me that "JACK JAVITS," if I may use the familiar expression, the distinguished Senator from New York, who is here on this floor today, "JACK JAVITS is the finest legal mind in the Senate."

I agree with him. I have thought about that statement a thousand times since then as we approach matters of great importance and complexity; as Senator JAVITS focuses his great resources and ability on those issues, how right he is and has been, and in no field more right that of the continuation of the struggle for equality in the United States.

Mr. President, it is thus a special privilege for me to pay tribute to the distinguished Senator from Kansas and the distinguished Senator from New York for their part in this continuum of civil liberty. I, too, think of our departed colleagues on both sides of the aisle. The one name I did not hear mentioned was a close friend of mine and a frequent adversary. I am speaking of the former Senator Robert Kennedy. Bob Kennedy and I served a long time together. We were the same age, within a matter of days, and had many of the same experiences in World War II. Both of us as young men were on the staff of the McCarthy committee, on opposite sides of the aisle. But he, too, contributed much, as so many others have before us.

Mr. President, the job is not done, and in this day of celebration it is a day of mourning as well because the civil rights movement has lost one of its first and greatest giants with the passing of A. Philip Randolph, and the cause of brotherhood and understanding among all people has lost a powerful champion.

But today is also a day of celebration—the 25th anniversary of the Supreme Court decision banning segregation in American public schools.

The impact of that decision, as we know now, has gone far beyond the public education system in America. It gave impetus to a great many changes in the social fabric of our country, and most of those changes have been for the better.

The best remembered words from the Court's decision a quarter century ago were that in this society the doctrine of "separate but equal" has no place.

Twenty-five years later, the false doctrine of "separate but equal" is less our problem than the harsh reality of a society that is still too often separate and unequal.

Too many black Americans are still separated from the mainstream of economic and social life in this country. Too many have an unequal education, unequal job training opportunities, an unequal chance to fulfill the American dream in their own lives and share in America's bounty.

Forty percent of our black teenagers are out of work, many because they have neither the educational background nor the job skills to qualify for productive work.

That this condition exists, and persists, 25 years after Brown against Board of Education is nothing less than a national disgrace.

In recent years we have found ourselves engaged in heated controversies over whether "to bus or not to bus" to overcome racial imbalances in our schools. We have debated at great length the issue of "reverse discrimination" in educational and employment opportunities.

But these controversies, as vigorously as they have been debated, seem to miss the central point: A good education should be the birthright of every American citizen, regardless of race, and too many young Americans, regardless of race, are not getting the education and the training they need to survive and prosper in modern America.

A good education and good job training can be the passport from poverty to prosperity in this country. If we fail to provide a good education and relevant training for the jobs of today and tomorrow, we have no one to blame but ourselves for the waste of a whole generation of young Americans.

Brown against Board of Education affirmed that every American should have an equal chance to learn and an equal chance to share in the blessings and the freedom of the United States—and that people of all races should work together to see those goals achieved.

Our responsibility now, 25 years later, is to insure that those opportunities for learning are vastly improved, that more Americans of every race will share in the progress of this country, and that we in the United States should not only stand equally before the law but walk together toward a better life for all our people.

That is my hope, and that must be our common commitment, on this historic day.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I would like to first express my deep thanks to Senator BAKER for his customary generosity in commenting on me, and I thank him very much for both his own statement of his recollections of Senator Dirksen, with whom I enjoyed not only a warm, but a tremendously rewarding friendship, over many years.

I would also like to join Senator BAKER in mourning the loss of A. Philip Randolph.

I was saddened to learn that one of America's greatest figures in its human rights history, A. Philip Randolph, died yesterday. He was a man who devoted his life to the cause of human rights and was a friend who gave his untiring support in the Nation's great moral struggle to eliminate discrimination against blacks and other oppressed minorities, including the long, successful drive to enact the landmark Civil Rights Act of 1964.

Randolph was the first to understand the power of the trade union movement in bettering working conditions for black workers and endured enormous hardships in founding the Brotherhood of Sleeping Car Porters more than 50 years ago. Through his effective organizing abilities and the strength of his moral persuasion, he led the way for ending segregation and other forms of racial discrimination in labor unions, finally becoming an officer of the AFL–CIO. I take great pride in having been associated with him. He deserves the highest tributes of all citizens for his enormous contributions to the cause of bringing dignity, justice, and opportunity to deprived Americans through peaceful means.

Mr. DOLE. Mr. President, will the Senator yield before moving on to another subject?

Mr. JAVITS. I yield.

Mr. DOLE. Let me join the distinguished Senator from New York in complimenting our minority leader and our friend, Senator BAKER. Not just in any partisan sense, but just to let it be known, let me say that the Republican Party has in the past, and will continue its efforts, as we should, made a great effort to attract more black Americans, more Hispanics, more Americans into the Republican Party, and perhaps this 25th anniversary of the famous case that occurred in the State of Kansas will be a reminder to all Americans, and particularly those who aspire to leadership roles in any political party, of the responsibilities we have in representing all Americans.

I thank the Senator.

Mr. JAVITS. I thank my colleague.

● Mr. BAYH. Mr. President, today marks the 25th anniversary of the Supreme Court decision in the Brown against Board of Education school desegregation case. On this day 25 years ago, the highest court in this Nation decided that "separate but equal" had not worked, and as a result schools throughout the South were ordered to desegregate. Even though this particular case addressed the question of segregated school facilities, its impetus carried to all institutions that were segregated. One might say that this decision served as the catalyst for the entire civil rights movement.

It was in the following year a brave and beautiful lady by the name of Mrs. Rosa Parks refused to abide by the law which stated that a black person must relinquish his or her seat on a bus for someone white. In rightfully refusing to condone and accept segregation, Mrs. Parks' efforts served as a logical extension to the 1954 Supreme Court decision.

From that point on there was no refusing more than 20 million Americans their God-given rights. Under the able leadership of such great men as Dr. Martin Luther King, Jr., Phillip Randolph, Bayard Rusin, and Thurgood Marshall, the black race marched forward like a great phalanx on the move to freedom. In a peaceful, but effective manner, black Americans demanded that the walls of discrimination come tumbling down, and because of their determined efforts, black and white Americans sat side by side at lunch counters, in school, on buses, and in churches throughout the South.

Across America, black and white leaders declared that old man discrimination had finally passed away. White America took pride in the fact that it was finally able to treat all Americans as equals. To prove that the demise of discrimination was permanent, white America pointed to the accomplishments of Dr. Ralph Bunche, Thurgood Marshall, Gen. Chappie James, and Marion Anderson. By the middle of the 1960's America declared that equal opportunity was a reality, and all one had to do was to apply his talents in order to profit within the mainstream of the American economic system.

However, Mr. President, our proclamations of equality were a little premature. As our cities went up in flames during the middle 1960's it became quite apparent that we still had a great deal of work to do before we could rightfully claim that equality was a fact of life in America. Frustrated black Americans, tired of oppression and fed up with broken promises, demonstrated that frustration in a manner that shook our country. As a result of the riots, the Kerner Commission concluded that America was headed toward two separate societies, one black and one white. That commission warned against continued economic and social injustice in America. As a result of the riots in Los Angeles, Detroit, and Newark, the emphasis shifted from school desegregation in the South to the Great Society programs in the North. The Congress as well as the President concentrated their efforts on eradicating poverty in the inner cities of America.

By the early 1970's, after pouring considerable amounts of money into the inner cities, the President of the United States proclaimed during his state of the Union address in 1971, that the urban crisis was over. He claimed that as a result of the Great Society programs all Americans were equal and one need only demonstrate the desire and talent in order to be successful in the mainstream of America's economic system. To prove that equality was a fact of life our leaders pointed to the gains that black America had made since 1965. Statisticl studies were done to show that black and white Americans were on an equal basis in terms of jobs and income. Many pointed to the burgeoning black middle class, and pointed out how they were moving to the suburbs in search of the better life. Facts and figures were used to point out that blacks were now graduating from medical schools, law schools, as well as other graduate schools in growing numbers. It was stated that black America had finally arrived.

Despite the fact that there have been a number of gains on the part of black Americans, and despite the fact that a great deal of discrimination has disappeared from the scene, it is erroneous for us to assume that our society is now free from racial, social, and economic discrimination. One need only visit our major cities this summer to realize that we are still sitting on a time bomb that could explode if we are not careful. There is no way we can expect the black youth of America to accept the fact that there are no jobs available for them, when many Americans live in luxury and comfort. We cannot expect the unemployed black father to sit idly by while other men are able to provide the necessary food and shelter for their families. It is unconscionable for us to expect the poor living in the inner cities to bear the overwhelming burden of inflation and unemployment at the same time. The fact that many Americans will be without heat in the winter because of the escalating cost of energy should be unacceptable to all concerned leaders.

While many struggle for additional comforts in life, others struggle for survival. We can only judge the worth of our society and we can only judge how far we have come since Brown against Board of Education, by the number of Americans, be they black, white, or otherwise, that are struggling for survival. Unless we begin to recognize that a country is only as strong as the weakest link in its chain, then Mr. President, I feel that we are in for hard times in the years to come. We look back at the 1960's and say never again. We hope that the tragedies that struck our major cities during that time will never occur again. However, we must be willing to learn from history. And our history tells us that we cannot simply proclaim equality for all Americans. We must work hard to make it a reality.

The lesson, Mr. President, that we all must learn from Brown against Board of Education is that once men acknowledge their weaknesses, they must work hard to improve their ways. We acknowledged that segregation was a weakness in our system, and we set out to eradicate its existence. We acknowledged that economic deprivation was anathema to our social and economic system. However, before we proclaim the demise of poverty, we work to assure opportunity for the weakest link in our system. We must assure the unemployed teenager the opportunity to find a meaningful job. We must assure the unemployed father that there is work. We must demand that no American go without heat in the winter. We must elevate the eradication of deprivation in our country to a higher level of importance. We must be willing to sacrifice some of our riches so that others might survive. Until we are willing to do these things, then the lessons to be learned over the past 25 years will be for naught. If, on the other hand, we are willing to make such sacrifices for our fellow Americans, then by the 50th anniversary of the Brown against Board of Education decision, we can truly proclaim the demise of old man segregation, and his ally, deprivation, as well.●

● Mr. SASSER. Mr. President, I was saddened to learn of Asa Philip Randolph's passing in New York City.

History will record A. Philip Randolph as one of the outstanding men of the 20th century, especially in the area of social justice. Few individuals have given so much of themselves for the cause of freedom and equality.

For over 60 years, A. Philip Randolph committed himself to improving the quality of life for his fellow black Americans. He first came into the public eye in 1925 when he began his attempt to organize the predominantly black railroad sleeping car porters. His fight with the Pullman Co. was one of the most bitter and difficult of the early efforts to organize American workers; it was one of the earliest battles against economic exploitation of the black American worker. He won that battle with his patience and peaceful, but persistent tactics, the tactics that would be the mark of his life's work.

The career of A. Philip Randolph did not peak with the victory against Pullman. He participated in every major endeavor of the civil rights movement. In the 1930's he fought for the acceptance of black workers and black unions in the American Federation of Labor. In the 1940's he persuaded President Roosevelt to end discrimination against blacks in the war industries. Later he convinced President Truman to end segregation in the Armed Forces. In the 1950's he was instrumental in the fight for desegregated schools. In the 1960's, Mr. Randolph along with Dr. Martin Luther King organized the civil rights marches on Washington and was instrumental in the passage of the 1964 Civil Rights Act.

Mr. Randolph said that he wanted to be remembered for his dedication to peaceful change. I join the millions of other Americans who today mourn the loss of A. Philip Randolph. His great legacy will live on, eternally enshrined in the soul of America.●

LEGACY OF THE BROWN DECISION: SNOWBALLS, PEBBLES, ROOTS AND BRANCHES

● Mr. BIDEN. Mr. President, today is the 25th anniversary of the decision of the Supreme Court in the landmark case of Brown against Board of Education. Despite the dismay which I and fellow Delawareans feel about the perversion of that case and its progeny in the massive busing ordered last year in Wilmington, I am confident that a majority of the citizens of Delaware support that decision. Indeed, a poll conducted in Wilmington immediately before the implementation of the order, indicated that a majority supported the basic principles of the Brown decision. I am sure that a majority of Americans share that view and agree with me that nothing better exemplifies the majesty of our Constitution, the basic decency of our people, and the uniqueness of our democracy as the Brown decision. To be a bit corny, the Brown decision makes us all proud to be Americans.

However, mixed with the feeling of pride, the 25th anniversary of the Brown decision creates intense feelings of dismay and a great deal of confusion. I suppose that the feeling of dismay is best summarized by the mother of four who confronted me on the street in Wilmington about 2 years ago and said:

> I just don't think it's fair for me to have to pay by having my kids' education disrupted, for institutional racism that occurred 30 or 40 years ago by real estate agents. I'm not a racist and I don't like being treated like one.

Certainly that dismay is compounded by the confusion that a large proportion of the population and most lawyers have about what the law of the land is with respect to school desegregation. That is why I have introduced legislation designed to create a congressional desegregation code which preserves the basic principles of Brown and the progeny of cases that followed, and at the same time would prohibit what we believe is the absurd result arrived at in Wilmington.

An excellent article by Lyle Denniston appeared in yesterday's Washington Star which does the best job I have seen thus far in attempting to explain the state of law since Brown. As that article points out the Supreme Court is about to decide two cases, one involving Dayton, Ohio, and another involving Columbus, Ohio, which may finally resolve an important and basic question with respect to the state of the law in this area. As Mr. Denniston explains, in the past few years it has become clear that the Supreme Court "silently laid a basis for two contrary theories that continue to make the law of school desegregation uncertain for northern school systems."

The Supreme Court decided the first Dayton case in the summer of 1977 and ruled that segregation only violates the 14th amendment if done "intentionally." In Denniston's words:

> It is a Federal judge's duty, however, only to undo the "incremental effect" of that "segregative intent," the court said. In other words, the remedy was to go only so far as the violation. Only if the violation is systemwide need the remedy go that far.
>
> To some judges, the "incremental effect" is like the path of a snowball going down a hill. It may have been pushed by an isolated act of segregation—perhaps in a single school only—but the snowball gathers size and impact as it rolls. It does not roll straight, either, so its impact spreads more widely. By the time it reaches the bottom, it will require a remedy much larger in size and scope.
>
> The end result of the snowball theory is that it makes it easier to find the basis for a systemwide remedy, including crosstown busing of thousands of children.
>
> To other judges, however, "incremental effect" that follows from a school board's intentional segregation is like a pebble rolling straight down a hill. It is pushed by an isolated act of segregation, and it rolls downhill, in a narrow path, to the bottom. There, all that is necessary is a specific remedy for the isolated act of pushing it. If only one school had been segregated intentionally, only that school need be desegregated—not the whole system.

Some judges like the district judge in Dayton, or the judge in a recent decision in St. Louis, followed the "pebble" theory. Unfortunately, the district judge in Wilmington followed the "snowball" theory and ordered busing for the overwhelming majority of the schoolchildren in Delaware although the violation in question probably involved several hundred kids over two decades ago.

The legislation that I have offered and which the Senate came within one vote of adopting last year, opts for the "pebble" theory. Hopefully the Supreme Court when it decides the new Dayton and Columbus cases will make the same choice. Such a decision is not only consistent with the original Brown decision but it will eliminate much of the dismay and confusion that has tarnished the Supreme Court's action 25 years ago today.

I ask that Mr. Denniston's article be printed at this point in the RECORD.

The article follows:

SCHOOL ANTI-BIAS LAW TAKES ON NEW LOOK IN THE 70's

(By Lyle Denniston)

After 25 years of growth, and some erosion, there are some unusual features on the landscape of the law of school desegregation.

No longer, apparently, is the "root and branch" the most prominent feature. It may be the snowball—or, possibly, just a pebble.

Those are shorthand words that help even seasoned lawyers and judges understand the complexity that has grown into desegregation cases in the quarter-century since Brown vs. Board of Education.

Of course, many pure legalisms are used, too—like "de jure" and "de facto," "segregative intent" and "incremental effect."

Judges with long experience in such matters, however, seem not much more certain than the citizen on the street about what those mean.

The end result, of course, is supposed to be the same as it was in 1954: White children, black children, other minority children are to go to school together because, as the Supreme Court said 25 years ago, "Separate educational facilities are inherently unequal."

But the legal path to that result is a lot longer now, and has many twists and turns in it.

The Supreme Court is supposed to straighten all of that out, within the next six weeks. Its coming ruling easily could be its most significant pronouncement since the Brown decision.

But clarity of meaning is no longer as sure to emerge from the court each time it rules on a desegregation case. Neither is unanimity. No outsider can know how the new ruling will come out.

In the meantime, it is possible to discover something like a consensus about what "Brown" means—so far. Understanding that consensus makes it easier to get to the "root and branch" and to the snowball and pebble theories.

Basically, the Brown ruling still means that it is unconstitutional to separate students in public schools by race; where such unconstitutional segregation is found, it must be undone, completely.

It means, supposedly, that this undoing is to be accomplished now, not later.

It means, supposedly, that if it takes busing to undo racial segregation, by transporting students away from their neighborhoods to desegregate the schools, that may be ordered.

And it means, supposedly, that a federal judge might be supervising the operation of schools in a community for years to come, until desegregation occurs and stays for awhile.

Most of those explanations of Brown would have been apt right after the first Brown ruling in 1954, finding segregation to be unconstitutional, or at least right after the second one, in 1955, telling local federal judges to fashion remedies one case at a time.

The original Brown decisions to this day have been altered directly in only one way: their timetable. In the beginning, it was not required that desegregation occur "now."

Desegregation, the court said in 1955, was to occur "with all deliberate speed." That was never explained. But, after 10 years, it was obvious that that phrase had meant only delay.

The court then discarded the phrase, commenting in the Prince Edward County, Va., case in 1964: "The time for mere 'deliberate speed' has run out."

Further change in the law, much of it, has come indirectly as school desegregation moved out of the South and into the North. The task for the judges was different, and the law changed with it.

In the 11 states of the Old South plus several of the border states, segregation of the races in public schools had been required as a matter of law.

That meant there were "dual school systems"—one for whites, one for blacks. They were, in theory if not in fact, "separate but equal" school systems.

That is what lawyers and judges called de jure (by law) segregation. And it was the only kind that the court apparently thought it was considering in 1954. It struck that down, and told judges and local school boards to do away with it.

Fourteen years later, in 1968, the court's patience had worn thin. In a case from New

Kent County, Va., it told Southern school boards to come up with plans that "promise realistically to work now." The word now, never before used by the court in this field, was emphasized.

The Court also said that "dual" school systems racial discrimination was required to be eradicated "root and branch." That famous phrase for many years was understood widely to mean, although the court did not say it, that every school in a segregated system was to be desegregated. There were to be no one-race schools left in such a community—"just schools," as the court phrased it.

In 1971, in the now-famous Swann case from Charlotte, N.C., the court for the first time explicitly endorsed busing as a desegregation technique and said that judges could, if they wished, use racial ratios as a "starting point" in achieving desegregation of individual schools. But, it said, racial balance was not to be required as a constitutional duty—the first real sign that the court did not actually mean to require that every school be desegregated.

As matters have turned out, Swann was the last major opinion by the court to deal with schools in the South. The law was ready to turn northward.

Throughout those 17 years after Brown, the court had been dealing only with de jure segregation, and that was strictly a Southern and border state matter.

No Northern state had required segregation by state law for decades. But many Northern school systems were segregated in fact—de facto, in the legal phrase.

Many schools north of Dixie and the border obviously were one-race schools: for blacks only, for whites only. Many more had only token integration.

Some lower federal courts, however, had concluded that it was just as unconstitutional to have de facto segregation as it was to maintain it by law. If schools were segregated, those courts said, school boards had a duty to do something about it.

That point never had the Supreme Court's direct support, however. The idea that a Northern school board would violate the Constitution simply by doing nothing about racial separation in the schools has not yet attracted a majority of the court.

In 1973, in the first Northern case—the Keyes case from Denver—the court made it clear that the only kind of segregation that was unconstitutional was de jure—required by law, or at least by official action that had the effect of law.

Significantly, that decision split the court for the first time in a school desegregation case. But the actual ruling in the Keyes case was more significant.

The majority said that, if a school board intentionally separated the races (by de jure action) in one part of a city, it was then up to the school board to prove that it was not similarly responsible for segregation everywhere in the city. If the school board could not prove that, citywide desegregation would have to be ordered.

That posed a threat to the "neighborhood school" in the North. A systemwide remedy as lawyers and judges would call it, clearly could require crosstown busing.

Promptly, however, the court made known its doubts about extending citywide remedies to the suburbs. In the Milliken case from Detroit in 1974, the court said that desegregation could be extended beyond the city limits only if the suburban schools, too, were segregated as a result of official acts.

Two years later, in the case of Washington vs. Davis—not even a school desegregation case—the court went as far as it ever had to clarify what kinds of official actions of racial discrimination were unconstitutional: a crucial issue for Northern school systems.

The Davis case, a challenge to the use of a police recruit test in the District, resulted in a ruling that the Constitution forbids only intentional forms of race bias: those done on purpose by officials who knew what they were doing.

The court promptly started applying that to school cases, too, sending them back to lower courts to consider the impact of the Davis decision on desegregation.

As a result of that, together with some of the things the court had said in the Denver and Detroit cases, it became clear that the court had silently laid a basis for two contrary theories that continue to make the law of school desegregation uncertain for Northern school systems.

Those are the theories of the snowball and the pebble.

Those theories describe how judges have dealt differently with the idea of intentional segregation and its impact. The theories actually began coming into the open in lower-court decisions only after one more Supreme Court ruling had come down.

That was Dayton I—the first Supreme Court ruling in the Dayton, Ohio, case, in 1977. The court, following up its Davis ruling, declared that school segregation is unconstitutional only if done intentionally by school officials: that is, putting or keeping kids in racial isolation in school as a matter of "segregative intent."

It is a Federal judge's duty, however, only to undo the "incremental effect" of that "segregative intent," the court said: In other words, the remedy was to go only so far as the violation. Only if the violation is systemwide need the remedy go that far.

To some judges, the "incremental effect" is like the path of a snowball going down a hill. It may have been pushed by an isolated act of segregation—perhaps in a single school only—but the snowball gathers size and impact as it rolls. It does not roll straight, either, so its impact spreads more widely. By the time it reaches the bottom, it will require a remedy much larger in size and scope.

The end result of the snowball theory is that it makes it easier to find the basis for a systemwide remedy, including crosstown busing of thousands of children.

To other judges however, "incremental effect" that follows from a school board's intentional segregation is like a pebble rolling straight down a hill. It is pushed by an isolated act of segregation, and it rolls downhill, in a narrow path, to the bottom. There, all that is necessary is a specific remedy for the isolated act of pushing it. If only one school had been segregated intentionally, only that school need be desegregated—not the whole system.

When the Dayton case got back to a U.S. District Court, the judge applied a variation of the pebble theory: Official segregation of an isloated kind had existed, but that pebble had stopped even before reaching the bottom; therefore, no remedy was needed.

That gave rise to the appeal in what soon will be known as Dayton II—the potentially sweeping ruling that gives the Supreme Court a chance to give an anniversary clarification of the Brown decision.●

IN MEMORY OF A. PHILIP RANDOLPH

● Mr. JACKSON. Mr. President, today we are without one of this country's most ardent civil rights and labor leaders, A. Philip Randolph. During his life which has spanned this century he has seen major changes in the civil rights movement. He was a part of those changes; he effected many of them. The highlights of his career speak for his prudence and fortitude in seeking justice for the poor, the working class, and the minorities in the United States.

We all know of his emergence onto the national labor and civil rights scene. He was instrumental in unionizing a corporation employing sleeping car porters. The hard, rocky ground that he had to till turned out a bountiful harvest not only for the railroad porters, maids, and cooks but also for America's black community. We will remember him against many backdrops—on the streets of Harlem, at AFL–CIO conventions, in the White House. He has been one-on-one with Presidents and one of many in massive marches on Washington.

His life has been full, and we are grateful for that. We are grateful because his life was full with service for his fellow man. He spoke and acted on behalf of those who have not shared fairly in the fruits of our country, socially or economically. He was determined; he was compassionate; and he will be missed. I understand he leaves no known living relatives. I, as one of his family of friends, mourn his passing.●

CHARLES FRANKEL—IN MEMORIAM

Mr. JAVITS. Mr. President, I call the attention of the Senate to the tragic and senseless death of Charles Frankel, former Assistant Secretary of State for Educational and Cultural Affairs of the United States.

Mr. President, last week, in a tragic and senseless episode, our Nation lost one of its leading spokesmen for freedom and reason in American education and American politics. Charles Frankel, endowed with a high and noble spirit, embodied all that was good in both the political and academic realm, and understood the critical impact that the nexus of these two worlds could have on the future of the American political system. All of us who believe firmly in the liberal spirit which moved this fine man, who never strayed from the path on which his conscience led him, have lost a true and honest friend.

Charles Frankel was Assistant Secretary of State for Educational and Cultural Affairs from 1965 to 1967, a time when our Nation was experiencing a tremendous moral and social upheaval. He had come to this post from the world of academia, bringing to his work in the State Department an analytic and inquiring mind, honed from years of teaching and study. This spirit of critical inquiry caused him to resign from the Department during the darkest days of the Vietnam war, to return to his first love, teaching. It was out of this love of teaching, and his appreciation for the beauty of rational inquiry, that he took leave from his Professorship of Philosophy and Public Affairs at Columbia to found and direct the National Humanities Center. Dr. Frankel dedicated himself to this endeavor to promote advanced study in the humanities as an integral element in man's understanding of himself and his relationship to nature and to society. The National

Humanities Center opened in September of last year and was just beginning to reach fruition as a place for scholars to engage in discussion and study at the time of Charles Frankel's death.

The National Humanities Center will serve as a living memorial to the liberal spirit of Charles Frankel. I mourn the loss of a personal friend, and a friend of liberty and reason.

Mr. President, I ask unanimous consent that articles from the New York Times and the Washington Post on the life and work of Charles Frankel be entered into the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 13, 1979]

FRANKEL MEMORIAL SERVICES TO BE HELD AT COLUMBIA

Funeral services for Dr. Charles Frankel, a Columbia University professor of history and former Assistant Secretary of State who was slain with his wife Thursday night at their Bedford Hills estate, have been tentatively scheduled for next Tuesday at 4:30 P.M. in St. Paul's Chapel on the Columbia campus.

Dr. Frankel gained national attention in 1967 when, after serving two years as an Assistant Secretary of State, he resigned in protest against the Vietnam War.

At the time of his death, Dr. Frankel was on leave as Columbia University's Old Dominion Professor of Philosophy and Public Affairs and was the president of the fledgling National Humanities Center near Raleigh, N.C. He was married to the former Helen Beatrice Lehman, who was also found murdered.

After his resignation as Assistant Secretary of State for Educational and Cultural Affairs, Dr. Frankel returned to Columbia, where he had taught since 1939.

The 61-year-old professor took his leave over the Humanities Center, an institute for advanced study in humanities meant to match those in science at Princeton and in social sciences in Washington. With the help of $3.5 million in aid from foundations, corporations and the Government, it opened in September in the Triangle Research Park in North Carolina.

In discussing his goals in organizing the center for the study of history, literature, philosphy and the arts, the professor said:

"These disciplines have usually been at their best and most vital when they have had a sense of engagement with issues of public concern." But he quickly added, in amendment: "Scholarship cannot and should not be shackled to problem-solving. It must be free to follow crooked paths to unexpected conclusions."

PRESERVATION OF LIBERTY

According to Nicholas Farnham, executive director of the International Council on the Future of the University, a group of scholars concerned with the future of universities throughout the world, Dr. Frankel "specialized in bringing together eclectic ideas and making them work—he provided a rationale for liberal philosophy."

His field, which he pursued in his writing, in appearances on educational television and in his teaching, was the need for the preservation of liberties in the West world—freedom of speech, of the press, of worship and of other basic rights.

In 1977, he led a television discussion in defense of the right to privacy in the face of demands for more detailed and personal information from the Census Bureau, law-enforcement agencies, banks and other institutions.

He wrote a number of books, including, "The Faith of Reason" in 1946; "The Case for Modern Man" in 1951, and "High on Foggy Bottom" in 1969.

Born in New York City in 1917, Dr. Frankel received his bachelors' and doctor's degrees in English and philosophy at Columbia University, and received a law degree from Mercer University in 1966.

He was a Guggenheim Fellow in 1953 and 1954 and the Fulbright professor at the University of Paris the same years.

He explained his quiet resignation from the State Department to an art critic in 1968 by saying that the Johnson Administration's preoccupation with the war had caused it to ignore all the programs for intemational exchange that he felt should be basic to relations with the rest of the world.

He is survived by a son, Carl, and a daughter, Susan.

[From the New York Times, May 13, 1979]

SLAIN REASON

Charles Frankel ate philosophy for breakfast so that he could vigorously reason his way through the affairs of every day. As thousands of Columbia students learned from his exhausting Socratic assaults on their values, it was a discriminating diet, too. Plato and Marx were rich confections, worthy of a certain professional admiration, but ruinous to a liberal body politic. A life of thought required an open society and those minds that would close society became its enemies, and his.

Charles Frankel wrote for The Times Magazine and in many other forums. He managed the State Department's cultural programs abroad for a time, then returned to a campus in rebellion to find enemies even among students, who nonetheless kept ranking him among their favorite teachers. He taught philosophy on television. And he set out to create an institute that would do for humanists what other retreats did for scientists: let them think.

Even on a walk through the woods with his wife, Helen, Charles Frankel was a teacher. The world existed to be understood and the purpose of life was to facilitate understanding. What challenge to his faith he would have seen in his chilling, random murder, and that of his wife and two neighbors in rural Westchester last week. That faith will be even harder to sustain without him.

[From the Washington Post, May 13, 1979]

CHARLES FRANKEL

Stories of the murders of prominent people carry a shock of their own, in part because prominent people are assumed to be immune from murder, at least from murder with any passionless motive like robbery—the way Charles Frankel was murdered last week. Mr. Frankel and his wife were shot to death by robbers in their home in a wooded area of Bedford Hills, N.Y. Either before or afterward their killers also murdered two other people in a nearby home, from which they stole a safe. "Why would a professional burglar kill four people?" asked Acting District Attorney Thomas A. Facelle, posing the immediate, practical question. The wider question is simply: Why do such things happen?, which is the kind of question you would have asked Mr. Frankel.

Mr. Frankel's abiding intellectual interest was the problem of liberty. As professor of philosophy and public affairs at Columbia; as assistant secretary of state for educational and cultural affairs under Lyndon Johnson; as author of a dozen books and who-knows-how-many articles, he saw the idea of freedom as the central condition of civilization. The freedom of citicism, of course. The freedom of dissent, naturally. Yet the freedom to be let alone, as well: "The function it serves, the long-term social interest it represents, is a complex of basic good: family, free friendship, love and personal communion, solitude and self-confrontation, religious or philosophical integrity, the intimacies and intensities that are only possible for rational people when they can choose their company and keep the prying world away."

It is not an idea often heard these days that the counterbalance to self-expression is the private development of integrity. Behind it is nothing selfish at all, but rather the firm belief that society is served by privacy. Mr. Frankel saw freedom as a social, not just a personal good. In his writings he commonly used words such as "honor," "nobility," "grace," "elegance," "truth" and "reason" above all. He loved an intellectual battle mainly because he trusted his adversaries to be reasonable. His first book was "The Face of Reason." Later came "The Case for Modern Man," in whom he also had faith. All of which showed plainly in his own face—big, honest, alive, almost always with a cigar in it.

What Mr. Frankel would have made philosophically of his murder and that of his wife, and of the two other innocents is not hard to guess. He would have seen the acts as aberrations, not at all affecting his fundamental optimism, or trust in rational life. "Our disappointments are real," he wrote in "The Case for Modern Man," "but they are real because our powers are great and our expectations legitimately bright." That may be so. But there are moments such as this when we have a right to dwell more on the disappointments than our great expectations and to weep for the difference.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Without objection, the Senator from Idaho may proceed for such time as he wishes.

Mr. CHURCH. I thank the Chair.

WORLD HEALTH ORGANIZATION

Mr. CHURCH. Mr. President, earlier this week the Senate rejected an amendment which would have reserved to the United States the right to decide on a case-by-case basis whether or not we would rescind portions of the assessment we pay to the United Nations specialized agencies to use for the purpose of carrying on certain technical assistance programs. Had the amendment passed it would have placed the United States in contravention of pledges we have made, and various agreements we have entered into, relating to these agencies.

I argued strongly that the amendment should be rejected, and I commend the Senate for the action that it took. What we were saying then was that we believed the United States should keep its promises, and the United States should not attempt, as a member of the United Nations, to reserve for itself, unilaterally, pledges that are normally shared by all members of that organization.

In other words, the Senate said by its vote that we would be a good member of the U.N. and abide by the promises we had made when we entered into these various agreements.

After showing our own good faith, I am very much distressed that other members of the United Nations continue to do whatever they can to debase the international character of the U.N., to politicize its activities in ways that are contrary to the letter and spirit of the Charter. I refer this morning to the effort that has been launched within one of these specialized agencies, the World Health Organization, by certain member states to suspend from the Organization one country, Israel.

It is ironic indeed that such an effort would ever be undertaken within a specialized agency connected with the United Nations, an institution that was established in the first place to promote and preserve peace.

Mr. President, the Government of the United States is doing everything it can to defeat this unsavory move, and I hope very much that other member states can see the folly of attempting to use the World Health Organization as a forum for advancing their own political purposes in a manner that is contrary to the character of the Organization and that of its parent, the United Nations itself.

I am here to say, Mr. President, that if this kind of activity persists, the integrity of these organizations will be undermined. Indeed the United Nations itself will be so seriously weakened that I could not confidently predict that the Congress of this country would continue to give it that measure of support that was reflected in the earlier vote this week, and that we have sought to give it through the years.

These member states acting in this manner put not only the World Health Organization but the United Nations itself in jeopardy of the continued wholehearted support of this country, and they ought to know it, and they ought to hear it from this floor. Because in the end it will not be the State Department, nor even the President, who will decide the measure of support this country continues to give to the United Nations and its specialized agencies; it will be the Congress of the United States which controls the purse strings of this country.

I am very saddened at this move, and I rise this morning, in the few minutes that remain before the vote that we will take at noon, to join with my distinguished colleague the ranking Republican member of the Foreign Relations Committee (Mr. JAVITS) in making our opinion known.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield.

Mr. JAVITS. First, I subscribe to and wish to join in the views expressed by the chairman of the committee (Mr. CHURCH).

Second, I feel deep indignation at, and denounce any such efforts as appear to be made now in the World Health Organization. They are destructive of the United Nations, particularly in such a sensitive area as the health of the people of the countries which are contriving this move—one of the strange and ghastly paradoxes of our time.

Finally, for people who have suffered so much to seek to exclude others from the ambit of the relief of that suffering is strictly beyond understanding and beyond comprehension. We were right, Senator CHURCH, in what we did about defeating any effort to be niggling and parochial about what is organic to the statute of the World Health Organization in technical assistance to other countries, and we should do it again.

But what these irresponsible advocates of throwing out a given country from the WHO for reasons which have no substance either in law or in fact are doing is destroying the organization, basically, so that whatever may be our adherence to its satutes, our country has every right, if it wishes, to say it will not belong to the WHO. What they ought to be concerned about is the rights and futures of their own citizens who are so badly in need of the ministrations of the WHO, and the WHO as much enlarged.

So, Mr. President, I hope they hear us, and not just that they read the word but that they hear us, because these are very serious portents of things to come, unless there is a very much revised humane and human attitude with respect to the work of the WHO.

INTER-AMERICAN DEVELOPMENT BANK, ASIAN DEVELOPMENT BANK, AND AFRICAN DEVELOPMENT FUND PARTICIPATION

The Senate continued with the consideration of S. 662.

The PRESIDING OFFICER. The hour of 12 o'clock having arrived, the Senate will proceed to vote on S. 662.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is shall the bill pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Oklahoma (Mr. BOREN), the Senator from Nevada (Mr. CANNON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), and the Senator from Louisiana (Mr. JOHNSTON) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness.

The PRESIDING OFFICER. Are there any Senators in the Chamber wishing to vote?

The result was announced—yeas 67, nays 24, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—67

Baker
Baucus
Bayh
Bellmon
Bentsen
Boschwitz
Bradley
Bumpers
Byrd, Robert C.
Chafee
Chiles
Church
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Exon
Ford
Glenn
Gravel
Hart
Hatfield
Hayakawa
Heflin
Heinz
Huddleston
Jackson
Javits
Kassebaum
Kennedy
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McGovern
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Packwood
Pell
Pryor
Ribicoff
Riegle
Sarbanes
Sasser
Schmitt
Schweiker
Stevens
Stevenson
Stewart
Stone
Tsongas
Weicker
Williams
Zorinsky

NAYS—24

Armstrong
Burdick
Byrd,
Harry F., Jr.
Cochran
Garn
Goldwater
Hatch
Helms
Humphrey
Jepsen
Laxalt
McClure
Melcher
Pressler
Proxmire
Randolph
Roth
Simpson
Stennis
Talmadge
Thurmond
Wallop
Warner
Young

NOT VOTING—9

Biden
Boren
Cannon
Hollings
Inouye
Johnston
Percy
Stafford
Tower

So the bill (S. 662) was passed, as follows:

S. 662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—INTER-AMERICAN DEVELOPMENT BANK

SEC. 101. The Inter-American Development Bank Act, as amended (22 U.S.C. 283 et seq.), is further amended by redesignating section 29 as section 28 and by adding at the end the following new section:

"SEC. 29. (a) The United States Governor of the Bank is authorized to vote for two resolutions which were proposed by the Governors at a special meeting in December 1978, and are pending before the Board of Governors of the Bank. These resolutions provide for (1) an increase in the authorized capital stock of the Bank and additional subscriptions thereto and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of these resolutions, the United States Governor is authorized on behalf of the United States (1) to subscribe to two hundred twenty-seven thousand eight hundred and ninety-six shares of the increase in the authorized capital stock of the Bank of which two hundred ten thousand eight hundred and four shall be callable and seventeen thousand and ninety-two shall be paid-in and (2) to contribute to the Fund for Special Operations $700,000,000: *Provided, however,* That any commitment to make such subscriptions to paid-in and callable capital stock and to make such contributions to the Fund for Special Operations shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

"(b) In order to pay for the increase in the United States subscription and contribution provided for in this section, there are hereby authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury (1) $2,749,207,988 for the United States subscription to the capital stock of the Bank and (2) $700,000,000 for the United States share of the increase in the resources of the Fund for Special Operations."

TITLE II—ASIAN DEVELOPMENT BANK

SEC. 201. The Asian Development Bank Act, as amended (22 U.S.C. 285 et seq.). is further amended by adding at the end the following new section:

"SEC. 24. (a) The United States Governor of the Bank is hereby authorized to contribute on behalf of the United States $445,000,000 to the Asian Development Fund, a special fund of the Bank: *Provided, however*, That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution to the Asian Development Fund provided for in this section, there are hereby authorized to be appropriated without fiscal year limitation $445,000,000 for payment by the Secretary of the Treasury.".

TITLE III—AFRICAN DEVELOPMENT FUND

SEC. 301. The African Development Fund Act, as amended (22 U.S.C. 290g et seq.), is further amended by redesignating section 212 as section 211 and by adding at the end the following new section:

"SEC. 212. (a) The United States Governor of the Fund is hereby authorized to contribute on behalf of the United States $125,000,000 to the Fund as the United States contribution to the second replenishment of the resources of the Fund: *Provided, however*, That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in this section, there is hereby authorized to be appropriated without fiscal year limitation $125,000,000 for payment by the Secretary of the Treasury.".

TITLE IV—EFFECTIVE DATE

SEC. 401. This Act shall take effect on the date of its enactment, except that no funds authorized to be appropriated by any amendment contained in title I, II, or III may be available for use or obligation prior to October 1, 1979.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. The President, before the Senate proceeds to take up another measure, which I expect to do, but before proceeding to take up that measure, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend beyond 30 minutes, and that Senators may be permitted to speak during that period for up to 5 minutes each. That is the request for now.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUMAN RIGHTS WITH RESPECT TO IRAN

Mr. JAVITS. Mr. President, I report and send a resolution to the desk on behalf of myself, the majority leader, the minority leader, Senator CHURCH, chairman of our committee, and the following Senators: Senators McGOVERN, STONE, SARBANES, ZORINSKY, LUGAR, HAYAKAWA, and PERCY, and I ask it be stated.

The PRESIDING OFFICER. The resolution will be stated by title.

The second assistant legislative clerk read as follows:

A resolution (S. Res. 164) on human rights with respect to Iran.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the resolution be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, this resolution is in response to the feeling of many Members that, considering what is taking place in Iran, we should express ourselves in some way on this proposition. So this morning, Senator CHURCH very kindly put up to the Foreign Relations Committee the resolution which is now before us, which is reported unanimously from the committee and the sponsors I have already named.

Mr. CRANSTON. If the Senator will yield, I would like to have my name added as cosponsor.

Mr. JAVITS. Of course.

Mr. President, I ask unanimous consent that Senators CRANSTON, STEVENS, and BOSCHWITZ may be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, the resolution speaks eloquently for itself. It is the total argument in the case. I shall read it to the Senate:

> Whereas the people of Iran represent one of the oldest and most distinguished civilizations in the world, and have a history of close and friendly relations with the people of the United States;
>
> Whereas there have been reports of widespread resort to secret trials and summary executions which offend basic principles of justice and humanity and due process of law;
>
> Whereas the chief of the revolutionary courts in Iran is reported to have called for the assassination of the Shah of Iran, members of his family and others loyal to him in any country where found, notwithstanding that international law strictly forbids the carrying out of even criminal punishments or of terrorism by one country within the territory of another; and
>
> Whereas the prospects for the continuation of close and friendly relations between the people of Iran and the people of the United States and the rest of the world would be seriously harmed by the prolongation of these violent and offensive actions;
>
> Therefore, be it
>
> *Resolved*, That it is the sense of the Senate that the United States:
>
> (1) expresses its abhorence of summary executions without due process, and welcomes the recent statement of the Ayatollah Khomeini that executions for crime in Iran shall hereafter be limited to the crime of murder and be based upon proof of guilt; and
>
> (2) will act to prevent and to punish any attempts to carry out criminal or terrorist actions against persons in the United States whatever their alleged offenses in other countries.

Mr. President, as I said, I express my gratitude and that, I think, of many, many, many Americans to the chairman of our committee for bringing this matter up so promptly, to our committee for voting it out, to the majority leader for his generosity in allowing it to be brought up so promptly, the very morning on which it has been reported favorably, and to the minority leader for joining in that opportunity.

I hope very much it will be unanimous action by the Senate.

Mr. CHURCH. Will the Senator yield?

Mr. JAVITS. I yield.

Mr. CHURCH. Mr. President, I commend the Senator from New York for the part he has played in bringing this resolution to the floor and in presenting it this morning. I am proud to be associated with it.

I think that it is timely and important that the Senate go on record, as it will, with the passage of this important resolution.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. JAVITS. I yield.

Mr. ROBERT C. BYRD. Mr. President, several of us have spoken out before on the subject which is dealt with in this resolution.

I am glad that we are stepping forward in unity on this matter at this time. I hope this encourages more to do the same in the near future in other countries. Unfortunately, at this time, we speak almost alone.

One would have thought that by now there would be a chorus of loud and persistent protests from around the world against the mock trials and executions by firing squad of at least 209 citizens in Iran.

But I have heard no such protest.

Why is there this reluctance to protest? Some have reported that it might be because we are so dependent on foreign oil, including Iranian oil, that we dare not jeopardize that supply of oil.

Whatever the reason, Mr. President, I do not believe continued silence can be justified.

This resolution is very timely. For as we speak, the killing continues in Iran.

Reportedly, the judgments are quick, based on hearsay, with no appeal, and the victims are shot, sometimes within minutes after the revolutionary court's decision.

And the charges for which the victims are found guilty are as transparent as the procedures. One man was found guilty of "economic imperialism." His crime was that he was successful and that he gave money to Israel. This is not justice.

Spokesmen in Iran say that they are not bound by the trappings of Western justice. But Western standards are not at issue here. Human standards are—the basic decency of due process that should be the right of every individual, everywhere.

Recently, the chief of the revolutionary courts in Iran decreed that the Shah and his family, and certain former Iranian officials, were fair targets for assassination. He said no trial was necessary, that the accused were guilty by virtue of Iranian public opinion, and that anyone who tried to assassinate these individuals would have the blessings of the Iranian courts. He went on to say that those who wish to attempt assassination would be, and I quote, "free anywhere to carry out the order of the court. They cannot be arrested by any foreign government as a terrorist because they will be carrying out the orders of Iran's Islamic revolutionary court."

Of course, Mr. President, that is utterly preposterous. No international law permits the citizens of one country to murder those of another.

The Iranian official has, in effect, put an international bounty on the heads of certain individuals. This is an act as inhumane and vile as it is ill-conceived.

The question may be asked as to why I single out Iran. There recently have been killings just as senseless in El Salvador and the Central African Empire.

Mr. President, it is the premeditated nature of the killings in Iran that makes them especially objectionable, the systematic and calculated processing of victims who have no chance of being treated fairly.

And it is the international bounty, to which I referred a moment ago, that also makes these acts so objectionable. An official in Iran tells would-be assassins that they will not be arrested in any foreign country if they proceed to assassinate or attempt to assassinate one of the persons marked for extinction. That is pure nonsense.

Mr. President, these killings cannot even be considered crimes of passion, crimes committed in hot blood. These crimes have been performed with persistence, in a calculated and premeditated manner, over a long period of time.

No one condones murders occurring in other countries, or in Iran prior to this regime's existence. No one condones the injustices of our own judicial system; nor is it our purpose to defend what may have occurred in the past, under the Shah, or the behavior in those times by persons whom the Iranians have chosen now to execute. We do not have access to evidence brought against these people, so we cannot make any informed opinion as to the innocence or guilt of all of them.

However, what we do know, and what we speak out against today, is that an arbitrary exercise of power is being demonstrated by certain Iranian officials, an arbitrariness that flies in the face of all human sensibilities.

Of course, the Iranian Government has the right to defend itself. But the way in which it is doing this is only adding to the atmosphere of violence in that country and to the insecurity that surrounds that government.

Mr. President, we know—because we have been taught from the beginning—that those who live by the sword will die by the sword.

I was pleased to read this week that the leadership in Iran has restricted the use of capital punishment to those who have participated in the death of others. I am pleased to note that the sentences decreed must be based on proof presented during the trial.

These may be positive steps; but we encourage more. We cannot give up our vigilance in pressing for more fairness, and that is why the resolution before us is necessary.

So, Mr. President, I congratulate the distinguished Senator from New York (Mr. Javits) for offering the resolution. I am grateful to have the opportunity to be a cosponsor of it.

I hope that the rest of the world will take note.

Mr. JAVITS. Mr. President, I yield to the minority leader.

Mr. BAKER. Mr. President, I thank the distinguished Senator from New York, the ranking minority member of the Committee on Foreign Relations.

I repeat what I said yesterday and what I have said on one previous occasion. I think the time has come when the international community must take note of the outlaw conduct of the administration in Iran. In effect—to use a slang expression of the United States—they have "put out a contract" on countless numbers of people for their murder. I believe that to be unconscionable.

I commend the distinguished majority leader for his support of this resolution, and I am pleased to be a cosponsor of it. I especially congratulate the Senator from New York for his initiative.

Mr. JAVITS. I thank my colleague.

Mr. MATSUNAGA. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MATSUNAGA. Mr. President, I support the resolution, and I commend the Senator from New York and the Senator from Idaho, the chairman of the Committee on Foreign Relations, as well as all the other members of the committee, for reporting the resolution at this early date.

As has been said by wiser men than I, the worst thing men of good will can do—by the same token, nations of good will can do—is to stand idle while injustices and crimes against humanity prevail about us.

Mr. President, I ask unanimous consent that my name be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I am very grateful to my colleague.

I ask unanimous consent that the names of the Senator from South Dakota (Mr. Pressler), the Senator from New Mexico (Mr. Domenici), the Senator from Washington (Mr. Jackson), the Senator from Virginia (Mr. Warner), and the Senator from Connecticut (Mr. Ribicoff) be added as cosponsors of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, I support the resolution before the Senate. I commend the Senator from New York for the resolution he has submitted. I believe it is a most appropriate resolution, and I hope it will be adopted unanimously.

It is a tragedy that other nations have not officially spoken out against the extremism which now exists in Iran.

I ask the Senator from New York to add my name as a cosponsor.

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the Senator from Virginia (Mr. Harry F. Byrd, Jr.) be added as a cosponsor of the resolution.

The PRESIDING OFFICER (Mr. Stewart). Without objection, it is so ordered.

Mr. JAVITS. I yield to the Senator from Florida.

Mr. CHILES. Mr. President, I make a similar request of the Senator from New York.

I compliment the Senator for submitting this resolution. I join in complimenting the majority leader and the minority leader for the statements they have made in support of this resolution.

Too many of us have stood by too long and have been silent too long. I am delighted to see the distinguished Senator from New York raise this issue. I believe it is one of great concern to the American people and to the world community as a whole.

The people of Iran should know that we do not live in a vacuum and that they do not operate in a vacuum and that world public opinion is extremely critical of the actions they are taking.

I think many of us realize that a small fraction of the people of Iran actually are responsible for this and that there are many people of good intentions in Iran who deplore this kind of conduct and who would like to see a return to a country of law. I believe they are searching for that.

I feel that the statement in the resolution is a way of trying to express ourselves in saying that we wish to see Iran return to a country of law. If there are people who have violated basic law, anyone responsible for torture—organized or systematic torture—should be brought to justice and should be punished, but it must be done under some kind of fair code. If that is not done, then the very actions that have caused that torture are being repeated by those who now are trying to punish that conduct.

Mr. JAVITS. I thank my colleague.

Mr. President, the Senator from Florida struck two points which I think are critically important.

One is that someone out there is listening, which people who are in the state of anarchy of the Iranian people must know.

The second point is that our country has feeling about punishment of those who have been guilty of crimes against a people or the departure—or whatever other legal steps are taken—respecting the former ruler of a country. We have kept discreetly silent on that score, as is proper.

However, when it comes to the violation of fundamental human conscience, in terms of the summary execution of people or issuing a call, as Senator Robert C. Byrd said, for their heads, as if they were some hunted, dangerous animal, then our country simply cannot be silent.

I am grateful to Senator Chiles. I ask

unanimous consent that his name be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield to the Senator from Washington.

Mr. JACKSON. Mr. President, I commend the distinguished Senator from New York for taking the initiative in this matter.

I ask unanimous consent that my name be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I thank Senator JACKSON.

Mr. President, I yield to the Senator from South Dakota (Mr. PRESSLER).

Mr. PRESSLER. Mr. President, I commend the Senator from New York. My name has been added as a cosponsor of the resolution.

I spoke on the Senate floor in February with respect to the minorities in Iran and the difficulties they were experiencing, aside from being subjected to death. I believe this also should be a concern of ours. However, I feel it is very appropriate that we have our voices heard on this important matter of human rights.

Mr. RIBICOFF. It is a privilege to join Senator JAVITS and my other colleagues on the resolution affecting human rights respecting Iran. What is going on in that country is barbaric and beyond the imagination of all of us.

Iran, under the Shah, was a close ally of the United States. Our relationships were most important to bring about peace and stability in that area of the world. The Shah was a proven and true friend of the United States. The entire world should condemn the excesses now taking place in Iran. It is no credit to our own Nation that we have refused to give asylum to the Shah, his wife and members of his family.

It would further seem to me on the basis of self-respect and American traditions our shores should be opened up to those people of Iran who want to settle here.

Mr. JAVITS. I thank my colleagues very much.

Mr. President, I believe that completes the number of Members who wish to speak and who wish to be joined as cosponsors.

I repeat that the sponsors represent those who have offered the resolution; and the committee having acted favorably upon the resolution this morning, I report it to the Senate, and I ask unanimous consent that it may be acted upon immediately.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Resolved,

Whereas the people of Iran represent one of the oldest and most distinguished civilizations in the world, and have a history of close and friendly relations with the people of the United States;

Whereas there have been reports of widespread resort to secret trials and summary executions which offend basic principles of justice and humanity and due process of law;

Whereas the chief of the revolutionary courts in Iran is reported to have called for the assassination of the Shah of Iran, members of his family and others loyal to him in any country where found, notwithstanding that international law strictly forbids the carrying out of even criminal punishments or of terrorism by one country within the territory of another; and

Whereas the prospects for the continuation of close and friendly relations between the people of Iran and the people of the United States and the rest of the world would be seriously harmed by the prolongation of these violent and offensive actions;

Therefore, be it

Resolved, That it is the sense of the Senate that the United States:

(1) expresses its abhorrence of summary executions without due process, and welcomes the recent statement of the Ayatollah Khomeini that executions for crime in Iran shall hereafter be limited to the crime of murder and be based upon proof of guilt; and

(2) will act to prevent and to punish any attempts to carry out criminal or terrorist actions against persons in the United States whatever their alleged offenses in other countries.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE FUEL SHORTAGE

Mr. PRESSLER. Mr. President, we are very short of diesel fuel in South Dakota. We have struggled to get our crops in, and it has been nip and tuck.

I recall sitting in the White House 2 or 3 years ago, as a Member of the House of Representatives, and being told by the President of the United States that, if we decontrolled diesel fuel, there would be an adequate supply. We did decontrol distillates. Now I believe we are suffering from shortages.

In fact, we have an agricultural advisory committee which serves 15 counties in South Dakota, and where there are not shortages, it is a nip-and-tuck situation.

We have agriculture and trucking, and our small business interest in the State is such that it has caused our people to be angry both at large oil companies and at the Government. They do not know exactly who to blame. But one of the solutions that has been thrown out is to decontrol the entire situation. That is a very good theory. Let me say that my philosophy and approach to government would normally endorse that and would normally go along with that.

But in this case, I have grown very skeptical, and let me say this: My farmers in South Dakota grew very skeptical this spring being short of diesel fuel, the very thing that I helped and others helped to decontrol just a few years ago.

We are not moving forward on gasohol, solar, wind, and other alternatives. We seem to be very much stuck in a situation that we are at the mercy of oil companies and vague allocations by the Department of Energy.

I think it is time that we take a very forceful and tough attitude, and for that reason I have decided to join in Senator JACKSON's effort not to have decontrol at this time until we have further assurances.

I wish to add my name to his bill which he will be bringing to the floor, and I might say that I do this with a certain amount of reluctance about the diesel fuel situation, and we are going to be struggling all the way through until we have our crops out this fall. I remember so vividly of going to a White House meeting, maybe it was 4 years ago, when I was in the House of Representatives where it was said, "If you decontrol distillates and diesel fuel the problem will be ended." We did and the problem is worse there than it ever has been.

I just find that I am not willing to accept this solution.

I saw in the Wall Street Journal just yesterday or the day before an ad urging people to look into the oil companies as a place to invest because the profits are going to be up so much as a result of decontrol. There is no assurances that this decontrol money will be used to drill for more oil in our country, and we are floating along. This is supposedly a plan to get us more gas and oil, but there has not been any relationship shown that it will.

So I am happy to join in Senator JACKSON's effort.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. PRESSLER. I yield to the Senator.

Mr. JACKSON. Mr. President, I congratulate the distinguished junior Senator from South Dakota for the very fine statement that he has made to the Senate this afternoon. I also commend him for his deep appreciation to the problems that we face in this country, especially on a current basis the severe shortages of diesel fuel for the farmer.

Mr. President, it is true that when diesel oil was decontrolled, which I opposed at the time in 1976, we were assured that there would be ample supplies available by reason of decontrol. We were also assured that there would not be a radical rise in the price of diesel fuel. On the contrary, what has happened is that there has been a rapid escalation in the price of diesel oil as as well other distillates that have been decontrolled.

I think it is only common sense that the Senate follow the course of action outlined here by the distinguished Senator from South Dakota and reimpose controls during this critical period over the pricing of petroleum supply.

Unless we do that, we are going to find ourselves in the situation where the price will be dictated from month to month by the oil cartel.

The stories are out now that there will be another increase apparently the 1st of June I predict there will be more increases until we get our own energy house in order.

There is no reason why old oil, which will not bring any new oil, should go from $6 a barrel to $18 a barrel by September 1981. I say that keeping in mind that that $81 figure does not take into consideration increases that will occur on the part of the OPEC countries, nor does it take into consideration the inflationary forces that are obviously with us.

So, I must say that in due time I think we will find in the Senate a recognition of the need to act here. The Senator from South Dakota (Mr. PRESSLER) I think has set a fine example for our colleagues to follow.

Mr. PRESSLER. I thank the Senator from Washington who is also the chairman of the Energy Committee, and I ask that he add my name to his bill.

The PRESIDING OFFICER. Will the Senator suspend? His time has expired.

Mr. JACKSON. Mr. President, I ask unanimous consent that Senator PRESSLER be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, may I have 1 additional minute?

The PRESIDING OFFICER. Will the Senator take time from another Senator?

Mr. GRAVEL. Mr. President, I yield Senator PRESSLER 1 additional minute.

The PRESIDING OFFICER. The Senator from Alaska is recognized and yields 1 minute of time to the Senator from South Dakota.

Mr. PRESSLER. I thank the Senator.

Mr. President, there is a great deal of anger about the energy situation in South Dakota and throughout our Nation.

Indeed our leader, Senator BAKER, said on television that there was so much frustration and anger that antitrust action and nationalization might be discussed unless steps are taken regarding a better supply of fuel. I shall continue to fight for a good allocation, but we must address the basic problem.

I thank the Senator, and I yield to him.

S. 1176—ANTIQUITIES ACT AND FEDERAL LAND POLICY AND MANAGEMENT ACT AMENDMENTS OF 1979

Mr. GRAVEL. Mr. President, I will send to the desk shortly a bill on behalf of myself and the senior Senator from Alaska, a bill that would reestablish the prerogatives of Congress on the disposition of Federal lands.

As a result of an action taken by the President last December 1, 56 million acres of land in my State were appropriated as national monuments by the executive under the 1906 Antiquities Act.

The Constitution of the United States and the Federal judicial system has repeatedly affirmed that the power in that Constitution to appropriate land rests with Congress.

In the BLM Organic Act that was passed a couple years ago there was a limitation placed on the President of 5,000 acres that he could permanently appropriate without permission of Congress.

The bill that I send to the desk would similarly limit the President in the designation of national monuments under the Antiquities Act to 5,000 acres, and if he goes above that, he would be required to come back to Congress.

I place that similar provision on a section of the BLM Organic Act dealing with land withdrawals where the Executive can set land aside for 20 years.

I think it was not the intent of Congress that land withdrawals should be done in the manner as has occurred and is proposed in Alaska. I think it was the intent of Congress that there should be a general limitation on these powers of the Executive at a 5,000 acre figure.

So, in this legislation we seek to correct what has been an unfortunate abuse of power by the Executive and reaffirm the prerogatives of Congress in this matter and to correct an omission or a misperception that existed in the BLM Organic Act and in the 1906 Antiquities Act.

This bill would be retroactive to last fall and would obviously vitiate the actions of the Executive with respect to the land that was taken in Alaska. I think this is very important because, in one particular instance with respect to the energy crisis, something about which we are all concerned, we see a situation where one person can in a de facto fashion remove from the national inventory millions of acres of land. That certainly was not the intent of the Antiquities Act when it was first written.

In fact, I will ask unanimous consent to have inserted in the RECORD, along with the legislation I introduce, a colloquy that tok place on the floor of the House of Representatives in 1906 between Congressman Lacey and Congressman Stephens wherein they pinpointed with great exactitude the purposes of the Antiquities Act.

The PRESIDING OFFICER. The period for morning business has expired.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield to me?

Mr. GRAVEL. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for morning business be extended for another not to exceed 20 minutes, and Senators may speak therein up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, I will be very brief. I think this legislation that we introduce today will be well received by Members of the Senate and the House for the very simple reason that it reestablishes our prerogatives which have been so sorely eroded over the years by a strengthening Executive. I think it will also be well received because the statements made by the Executive with respect to legislation on Alaska lands, which has been before the Congress, indicate that if the Congress did not legislate in a certain fashion, he would take it upon himself through the use of Executive power to legislate the goals that he seeks with respect to lands in Alaska.

Well, if that threat can be visited upon Alaska and, to a degree it has been, that threat can be visited upon Nevada, Oklahoma, California, Washington, any State right now that has at issue before the Congress the taking of lands for wilderness purposes under the Rare II proposal. If that Rare II proposal is not legislated to the liking of the present Executive, he can then effect his desires through the use of the Antiquities Act.

The law was not intended for that purpose. It was intended to protect specific scientific and historic sites. The abuse to which it has now been put and been used for is totally improper, and I am sure that Congress will seek to correct this misuse of power.

I hope that Congress will act upon this bill expeditiously, because the President's and Secretary's actions will economically disenfranchise to varying degrees many of the citizens who live in Alaska.

I ask unanimous consent, Mr. President, to have printed in the RECORD the Antiquities Act, the House and Senate reports on antiquities, a floor colloquy between the Representatives Lacey and Stephens and the Senate colloquy, section 204 of the BLM Organic Act (FLPMA), a summary of proposed amendments and the text of the bill.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "the Antiquities Act and Federal Land Policy and Management Act Amendments of 1979".

ANTIQUITIES ACT AMENDMENTS

SEC. 2. (a) The first section of the Act of June 8, 1906, (34 Stat. 225; 16 U.S.C. 433), is amended to include the following:

"(a) For purposes of this Act, the term—'objects of historic or scientific interest' means historic or prehistoric specimens or structures such as pottery, bottles, weapons, dwellings, rock paintings, carvings, graves, human skeletal materials, and non-fossilized and fossilized paleontological specimens when found in an archeological context. Such objects shall be directly associated with human behavior and activites.

"(b)(1) Any proclamation for reservation of public lands as national monuments by the President pursuant to section 2 of this Act in excess of 5,000 acres shall be transmitted to the Congress. Such proclamation shall not become effective unless within sixty calendar days of continuous session of the Congress after the proclamation has been transmitted, the Senate and the House of Representatives pass a concurrent resolution approving such proclamation.

"(2) For purposes of this section—

"(A) continuity of session of Congress is broken only by an adjournment sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day calendar period.

"(C) the term 'resolution' means a concurrent resolution, the resolving clause of which is as follows: 'That the House of Representatives and Senate approve the proclamation by the President reserving public lands as the National Monument submitted to the Congress on , 19 .'; the blank spaces therein shall be filled with proper name of the National Monument which corresponds to a legal land description available for public inspection and with the date on which the President submits his proclamation to the Congress.

"(3) Except as otherwise provided in this section, the provisions of section 8(d) of the Alaska Natural Gas Transportation Act shall apply to the consideration of such resolution."

(b) Such Act is further amended by adding at the end thereof the following new section:

"Sec. 5. Notwithstanding any other laws or regulations, any uses of the public lands included within any monument proclaimed under this Act validly occurring at the time of creation of the monument shall be permitted to continue to the extent that the uses do not destroy, disturb, or otherwise adversely impact on the historic or prehistoric sites or specimen to be protected by the establishment of the national monument. Such uses may include hunting, guiding, hiking, boating, and use of motorized vehicles.

"Nothing in this paragraph shall be construed as limiting in any way valid existing rights of owners or holders of property or claims within any monument under existing law."

(c) The provisions of subsection (d) of the first section of such Act of June 8, 1906, as added by this section, shall be deemed to have taken effect as of October 14, 1978, and any proclamation proclaiming a monument under such Act and and after October 14, 1978, shall be subject to the provisions of such subsection (d).

FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 AMENDMENT

SEC. 3. Section 204(c)(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2752: 43 U.S.C. 1714) is amended by striking out the second sentence and inserting in lieu thereof the following sentence: "The withdrawal shall become effective at the end of ninety days (not counting days on which the Senate or the House of Representatives has adjourned for more than three consecutive days) beginning on the day notice of such proposed withdrawal has been submitted to the Senate and the House of Representatives, if the Congress has adopted a concurrent resolution stating that such House approves the withdrawal."

SUMMARY OF PROPOSED AMENDMENTS TO THE ANTIQUITIES AND FEDERAL LAND POLICY AND MANAGEMENT ACTS

(1) The bill requires that any proposal to create a monument greater than 5,000 acres be submitted to Congress for approval by joint resolution under expedited procedures similar to those under the Alaska Natural Gas Transportation Act. The bill would be retroactive to October 14, 1978 (the date the 95th Congress adjourned) in order to include the monuments created in Alaska December 1, 1978. The 5,000-acre provision conforms to the limits of the discretionary authority granted the Secretary of the Interior for land classification decisions under the Federal Land Policy and Management Act of 1976 (the "BLM Organic Act").

(2) The bill provides that land uses validly occurring at the time a monument was established would not be prohibited unless they directly impact historic or archaeological sites or remains. Thus, an activity such as hunting, which is prohibited automatically under current law, would be permitted to the extent it did not impair the values for which the monument was established.

(3) The bill defines "objects of historic or scientific interest" as used in the Antiquities Act to include only historic, archaeological remains associated with human behavior. The intent of this definition is to limit the President's use of the Antiquities Act to protect only areas of unique historic or archaeological value, not fish and wildlife, scenic, recreational or wilderness areas. We have other laws relating to establishment of these areas.

(4) The bill amends the Federal Land Policy and Management Act of 1976 (the "BLM Organic Act") to provide more direct, positive congressional review of administrative land withdrawals. The Act now enables the Secretary of the Interior to withdraw any amount of land for up to 20 years subject to a congressional veto under expedited procedures. The Secretary currently proposes to use this authority (section 204(c)) in Alaska to create 12 new wildlife refuges of approximately 40 million acres. This bill would make such action effective only after congressional approval by joint resolution under expedited procedures.

THE "EMERGENCY"

Under the terms of section 17(d)(2) of the Alaska Native Claims Settlement Act, the Secretary of the Interior was authorized to withdraw up to 80 million acres of land from all appropriations for potential addition to either the national park, wildlife refuge, forest, or wild and scenic rivers system. If Congress did not act before December 18, 1978, these withdrawals would lapse.

However, at the time the (d)(2) withdrawals were made, the lands were also withdrawn under section 17(d)(1) of the Claims Act. After the December 18, 1978 deadline expired, the "D-1" withdrawals provided the same protection to the land as that occurring under section 17(d)(2). There is no expiration date for the D-1 withdrawals. In addition, most other federal land in Alaska is withdrawn under the D-1 authority.

In a letter sent prior to the December 18 expiration date to solicit public comments on a draft Environmental Impact Statement analyzing several possible administrative actions—including possible use of the Antiquities Act—Cynthia Wilson, Special Assistant to the Secretary, stated:

Although the Administration is confident that the protective land withdrawals which will remain after the expiration of "D-2" withdrawals in December are capable of continuing to preclude the entry, location or selection of the national interest lands, the lands are so significant to the nation that prudence dictates that they be protected as fully as possible under existing executive branch authorities, pending final congressional action.

Despite the protection afforded by D-1, the Secretary withdrew approximately 110 million acres of land in Alaska under the provisions of section 204(e) of the Federal Land Policy and Management Act of 1976 (the "BLM Organic Act") on November 16, 1978. This section of FLPMA authorizes the Secretary to make "emergency" withdrawals of public land from all forms of entry and appropriation for a period of up to three years. This withdrawal affected virtually all the lands under consideration by the Congress during the past session.

Yet, even with this action, which duplicated protection already provided by D-1, the Secretary urged the President to proclaim 56 million acres of land as national monuments under the 1906 Antiquities Act. These national monuments are not just temporary withdrawals until Congress acts, they are permanently designated conservation system units with extremely restrictive land use policies. In particular, such areas are closed to sport hunting, trapping, and related guiding. In Alaska this affects hundreds of people who have had their livelihoods wiped out with the stroke of a pen. Hunting guides, trappers, miners, air taxi operators and recreationists have all been displaced. They are essentially "regulated out" of these vast areas.

Thus, the use of the Antiquities Act can only be viewed as an extreme abuse of power designed to punish and intimidate those who oppose the Administration's proposals for the use of Alaska land.

ANTIQUITIES ACT PROVISIONS

The Antiquities Act was originaly intended to prevent the removal of artifacts and further destruction of archaeological sites in the Southwest. It gives the President authority to withdraw "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" as national monuments. The law further provides that the land withdrawn "shall be confined to the smallest area compatible with the proper care and management of the objects to be protected." In a floor colloquy on the bill in the House in 1906, the following exchange took place:

Mr. Stephens of Texas. How much land will be taken off the market in the Western States by the passage of the bill?

Mr. Lacey. Not very much. The bill provides that it shall be the smallest area necessary for the care and maintenance of the objects to be preserved.

Mr. Stephens of Texas. Would it be anything like the forest preserve bill, by which seventy or eighty million acres of land in the United States have been tied up?

Mr. Lacey. Certainly not. The object is entirely different. It is to preserve these old pueblos in the Southwest, whilst the other reserves the forests and the water resources.

Mr. Stephens of Texas. I hope . . . this bill will not result in locking up other lands.

The areas which were designated monuments in Alaska have long been studied and acclaimed by the Interior Department and environmental groups for their scenic, recreational, wilderness, and fish and wildlife values. In only a very few distinct areas have historic or archaeological values been of prime concern. The 56 million acres withdrawn is by no stretch of the imagination the "smallest area" necessary for the "objects" protected.

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16 U.S.C. SEC. 431 (ANTIQUITIES ACT)

§ 431. National monuments; reservation of land; relinquishment of private claims.

The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is authorized to accept the relinquishment of such tracts in behalf of the Government of the United States. (June 8, 1906 ch. 3060, § 2, 34 Stat. 225.)

[REPORT NO. 3797]

PRESERVATION OF AMERICAN ANTIQUITIES

REPORT

The Committee on Public Lands, to whom was referred the bill (S. 4698) for the preservation of American antiquities, having had the same under consideration, beg leave to report it back with the recommendation that the bill do pass.

This measure has the hearty support of the Archeological Institute of America, the American Anthropological Association, the Smithsonian Institution, and numerous museums throughout the country, and in view of the fact that the historic and prehistoric ruins and monuments on the public lands of the United States are rapidly being destroyed by parties who are gathering them as relics and for the use of museums and colleges, etc., your committee are of the opinion that their preservation is of great importance.

This bill is carefully drawn, and the committee are unanimously in favor of its passage.

[Report No. 2224]

PRESERVATION OF AMERICAN ANTIQUITIES

REPORT

Your committee to whom was referred the bill (H.R. 11016) for the preservation of American antiquities, report the same back with the following amendments:

In line 3, page 1, after the word "shall," insert the words "willfully or wantonly."

In line 9, page 1, after the word "shall," insert "be guilty of a misdemeanor and."

On page 2, at the end of line 14, insert the following proviso: "*Provided further,* That no expense shall be incurred for special custodians under this act."

The various archeological societies of the United States in the Fifty-eighth Congress presented the subject of the enactment of a bill along the lines proposed in the present bill. A full hearing was had on the matter by the Committee on the Public Lands, and a bill was reported to carry out the purpose proposed, but the bill did not receive action in the House in the last Congress.

The bill as above amended will, in the opinion of your committee, accomplish the purpose desired. There are scattered throughout the Southwest quite a large number of very interesting ruins. Many of these ruins are upon the public lands, and the most of them are upon lands of but little present value. The bill proposes to create small reservations reserving only so much land as may be absolutely necessary for the preservation of these interesting relics of prehistoric times.

Practically every civilized government in the world has enacted laws for the preservation of the remains of the historic past, and has provided that excavations and explorations shall be conducted in some systematic and practical way so as not to needlessly destroy buildings and other objects of interest.

The United States should adopt some method of protecting these remains that are still upon the public domain or in Indian reservations. The following-named persons, during the Fifty-eighth Congress, communicated with or appeared before your committee in behalf of this legislation: Prof. Thomas D. Seymour, of Yale University; Charles P. Bowditch, esq., of Boston, Mass.; Prof. Francis W. Kelsey, of the University of Michigan; Prof. Mitchell Carroll, of George Washington University; Dr. A. L. Kroeber, of the University of California; Dr. G. B. Gordon, of the University of Pennsylvania; Prof. M. H. Saville, of Columbia University; Hon. John W. Foster, of Washington, D.C.; Prof. William Henry Holmes, of the Smithsonian Institution; Dr. Henry Mason Baum, president Institute of Historical Research, of Washington, D.C.; Prof. F. W. Putnam, of Harvard University; Prof. Edgar L. Hewett, formerly president of the Normal University of New Mexico; Msgr. Dennis J. O'Connell, rector of the Catholic University of America, and others.

Professor Seymour, of Yale University, president of the Archaeological Institute of of America; Mr. Charles P. Bowditch, of the Boston society; Prof. Franz Boas, of the New York society; Miss Alice Fletcher, of the Baltimore society; Mrs. Sara Y. Stevenson, of the Pennsylvania society; Dr. George A. Dorsey, of the Chicago society; Dr. George William Bates, of the Detroit society; Prof. M. S. Slaughter, of the Wisconsin society; Prof. H. N. Fowler, of the Cleveland society; Dr. George Grant MacCurdy, of the Connecticut society; Dr. W. J. McGee, of the Missouri society; Prof. M. Carroll, of the Washington society; Dr. Duren J. H. Ward, of the Iowa society; Hon. H. K. Porter, M. C., of the Pittsburg society; Mr. Charles F. Lummis, of the Southwest society; Dr. A. L. Kroeber, of the San Franicsco society; Mrs. W. S. Peabody, of the Colorado society; Prof. F. W. Putnam, of the Peabody Museum; Mr. W. H. Holmes and Dr. J. W. Fewkes, of the Smithsonian Institution; Hon. J. W. Foster and Dr. Henry Mason Baum, of Washington, D. C., and Hon. L. Bradford Prince, of Santa Fe, N. Mex.

These gentlemen are men of high character who have given the subject much consideration and their opinions are entitled to most serious consideration.

Prof. Edgar L. Hewett prepared and presented your committee with a very interesting memorandum on the ruins in Arizona, New Mexico, Colorado, and Utah, which is here incorporated as a part of this report:

PRESERVATION OF AMERICAN ANTIQUITIES

Mr. PATTERSON. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 4698) for preservation of American antiquities, to report it favorably without amendment, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined a sum of not more than $500 or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

Section 2 authorizes the President of the United States, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected, but when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Permits for the examination of ruins, the excavation of archeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictons may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly tions which they may deem properly quali-qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided,* That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects and that the gatherings shall be made for permanent preservation in public museums.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRESERVATION OF AMERICAN ANTIQUITIES

House, June 5, 1906.

Mr. Lacey. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4698.

The clerk read as follows:

A bill (S. 4698) for the preservation of American antiquities.

Be it enacted, etc., That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than $500 or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

Sec. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: *Provided,* That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Sec. 3. That permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided,* That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

Sec. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this act.

The Speaker. Is there objection?

Mr. Stephens of Texas. Mr. Speaker, I desire to ask the gentleman whether this applies to all the public lands or only certain reservations made in the bill?

Mr. Lacey. There is no reservation made in the bill of any specific spot.

Mr. Stephens of Texas. I think the bill would be preferable if it covered a particular spot and did cover the entire public domain.

Mr. Lacey. There has been an effort made to have national parks in some of these regions, but this will merely make small reservations where the objects are of sufficient interest to preserve them.

Mr. Stephens of Texas. Will that take this land off the market, or can they still be settled on as part of the public domain?

Mr. Lacey. It will take that portion of the reservation out of the market. It is meant to cover the cave dwellers and cliff dwellers.

Mr. Stephens of Texas. How much land will be taken off the market in the Western States by the passage of the bill?

Mr. Lacey. Not very much. The bill provides that it shall be the smallest area necessary for the care and maintenance of the objects to be preserved.

Mr. Stephens of Texas. Would it be anything like the forest-reserve bill, by which seventy or eighty million acres of land in the United States have been tied up?

Mr. Lacey. Certainly not. The object is entirely different. It is to preserve these old objects of special interest and the Indian remains in the pueblos in the Southwest, whilst the other reserves the forests and the water courses.

Mr. Stephens of Texas. I will say that that bill was abused. I know of one place where in 5 miles square you could not get a cord of wood, and they call it a forest, and by such means they have locked up a very large area in this country.

Mr. Lacey. The next bill I desire to call up is a bill on which there is a conference report now on the Speaker's table, which permits the opening up of specified tracts of agricultural lands where they can be used, by which the very evil that my friend is protesting against can be remedied. It is House bill 17576, which has passed both bodies, and there is a conference report for concurrence as to one of the details upon the Speaker's table.

Mr. Stephens of Texas. I hope the gentleman will succeed in passing that bill, and this bill will not result in locking up other lands. I have no objection to its consideration.

The Speaker. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. Lacey, a motion to reconsider the vote by which the bill was passed was laid on the table.

[Public Law 94-579—Oct. 21, 1976]

FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

An act to establish public land policy; to establish guidelines for its administration; to provide for the management, protection, development, and enhancement of the public lands; and for other purposes.

WITHDRAWALS

Sec. 204. (a) On and after the effective date of this Act the Secretary is authorized to make, modify, extend, or revoke withdrawals but only in accordance with the provisions and limitations of this section. The Secretary may delegate this withdrawal authority only to individuals in the Office of the Secretary who have been appointed by the President, by and with the advice and consent of the Senate.

(b)(1) Within thirty days of receipt of an application for withdrawal, and whenever he proposes a withdrawal on his own motion, the Secretary shall publish a notice in the Federal Register stating that the application has been submitted for filing or the proposal has been made and the extent to which the land is to be segregated while the application is being considered by the Secretary. Upon publication of such notice the land shall be segregated from the operation of the public land laws to the extent specified in the notice. The segregative effect of the application shall terminate upon (a) rejection of the application by the Secretary, (b) withdrawal of lands by the Secretary, or (c) the expiration of two years from the date of the notice.

(2) The publication provisions of this subsection are not applicable to withdrawals under subsection (e) hereof.

(c)(1) On and after the dates of approval of this Act a withdrawal aggregating five thousand acres or more may be made (or such a withdrawal or any other withdrawal involving in the aggregate five thousand acres or more which terminates after such date of approval may be extended) only for a period of not more than twenty years by the Secretary on his own motion or upon a request by a department or agency head. The Secretary shall notify both Houses of Congress of such a withdrawal no later than its effective date and the withdrawal shall terminate and become ineffective at the end of ninety days (not counting days on which the Senate or the House of Representatives has adjourned for more than three consecutive days) beginning on the day notice of such withdrawal has been submitted to the Senate and the House of Representatives, if the Congress has adopted a concurrent resolution stating that such House does not approve the withdrawal. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the Presidential recommendation. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same Presidential recommendation. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(2) Within the notices required by subsection (c)(1) of this section and within three months after filing the notice under subsection (e) of this section, the Secretary shall furnish to the committees—

(1) a clear explanation of the proposed use of the land involved which lead to the withdrawal;

(2) an inventory and evaluation of the current natural resource uses and values of the site and adjacent public and nonpublic land and how it appears they will be affected by the proposed use, including particularly aspects of use that might cause degradation of the environment, and also the economic impact of the change in use on individuals, local communities, and the Nation;

(3) an identification of present users of the land involved, and how they will be affected by the proposed use;

(4) an analysis of the manner in which existing and potential resource uses are incompatible with or in conflict with the proposed use, together with a statement of the provisions to be made for continuation or termination of existing uses, including an economic analysis of such continuation or termination;

(5) an analysis of the manner in which such lands will be used in relation to the specific requirements for the proposed use;

(6) a statement as to whether any suitable alternative sites are available (including cost estimates) for the proposed use or for uses such a withdrawal would displace;

(7) a statement of the consultation which has been or will be had with other Federal departments and agencies, with regional, State, and local government bodies, and with other appropriate individuals and groups;

(8) a statement indicating the effect of the proposed uses, if any, on State and local government interests and the regional economy;

(9) a statement of the expected length of time needed for the withdrawal;

(10) the time and place of hearings and of other public involvement concerning such withdrawal;

(11) the place where the records on the withdrawal can be examined by interested parties; and

(12) a report prepared by a qualified mining engineer, engineering geologist, or geologist which shall include but not be limited to information on: general geology, known mineral deposits, past and present mineral production, mining claims, mineral leases, evaluation of future mineral potential, present, and potential market demands.

(d) A withdrawal aggregating less than five thousand acres may be made under this subsection by the Secretary on his own motion or upon request by a department or an agency head—

(1) for such period of time as he deems desirable for a resource use; or

(2) for a period of not more than twenty years for any other use, including but not limited to use for administrative sites, location of facilities, and other proprietary purposes; or

(3) for a period of not more than five years to preserve such tract for a specific use then under consideration by the Congress.

(e) When the Secretary determines, or when the Committee on Interior and Insular Affairs of either the House of Representatives or the Senate notifies the Secretary, that an emergency situation exists and that extraordinary measures must be taken to preserve values that would otherwise be lost, the Secretary notwithstanding the provisions of subsections (c)(1) and (d) of this section, shall immediately make a withdrawal and file notice of such emergency withdrawal with the Committees on Interior and Insular Affairs of the Senate and the House of Representatives. Such emergency withdrawal shall be effective when made but shall last only for a period not to exceed three years and may not be extended except under the provisions of subsection (c)(1) or (d), whichever is applicable, and (b)(1) of this section. The information required in subsection (c)(2) of this subsection shall be furnished the committees within three months after filing such notice.

(f) All withdrawals and extensions thereof, whether made prior to or after approval of this Act, having a specific period shall be reviewed by the Secretary toward the end of the withdrawal period and may be extended or further extended only upon compliance with the provisions of subsection (c)(1) or (d), whichever is applicable, and only if the Secretary determines that the purpose for which the withdrawal was first made requires the extension, and then only for a period no longer than the length of the original withdrawal period. The Secretary shall report on such review and extensions to the Committees on Interior and Insular Affairs of the House of Representatives and the Senate.

(g) All applications for withdrawal pending on the date of approval of this Act shall be processed and adjudicated to conclusion within fifteen years of the date of approval of this Act, in accordance with the provisions of this section. The segregative effect of any application not so processed shall terminate on that date.

(h) All new withdrawals made by the Secretary under this section (except an emergency withdrawal made under subsection (e) of this section) shall be promulgated after an opportunity for a public hearing.

(i) In the case of lands under the administration of any department or agency other than the Department of the Interior, the Secretary shall make, modify, and revoke withdrawals only with the consent of the head of the department or agency concerned, except when the provisions of subsection (e) of this section apply.

(j) The Secretary shall not make, modify, or revoke any withdrawal created by Act of Congress; make a withdrawal which can be made only by Act of Congress; modify or revoke any withdrawal creating national monuments under the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431–433); or modify, or revoke any withdrawal which added lands to the National Wildlife Refuge System prior to the date of approval of this Act or which thereafter adds lands to that System under the terms of this Act. Nothing in this Act is intended to modify or change any provision of the Act of February 27, 1976 (90 Stat. 199; 16 U.S.C. 668dd(a)).

(k) There is hereby authorized to be appropriated the sum of $10,000,000 for the purpose of processing withdrawal applications pending on the effective date of this Act, to be available until expended.

(l)(1) The Secretary shall, within fifteen years of the date of enactment of this Act, review withdrawals existing on the date of approval of this Act, in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming of (1) all Federal lands other than withdrawals of the public lands administered by the Bureau of Land Management and of lands which, on the date of approval of this Act, were part of Indian reservations and other Indian holdings, the National Forest System, the National Park System, the National Wildlife Refuge System, other lands administered by the Fish and Wildlife Service or the Secretary through the Fish and Wildlife Service, the National Wild and Scenic Rivers System, and the National System of Trails; and (2) all public lands administered by the Bureau of Land Management and of lands in the National Forest System (except those in wilderness areas, and those areas formally identified as primitive or natural areas or designated as national recreation areas) which closed the lands to appropriation under the Mining Law of 1872 (17 Stat. 91, as amended; 30 U.S.C. 22 et seq.) or to leasing under the Mineral Leasing Act of 1920 (41 Stat. 437, as amended; 30 U.S.C. 181 et seq.).

(2) In the review required by paragraph (1) of this subsection, the Secretary shall determine whether, and for how long, the continuation of the existing withdrawal of the lands would be, in his judgment, consistent with the statutory objectives of the programs for which the lands were dedicated and of the other relevant programs. The Secretary shall report his recommendations to the President, together with statements of concurrence or nonconcurrence submitted by the heads of the departments or agencies which administer the lands. The President shall transmit this report to the President of the Senate and the Speaker of the House of Representatives, together with his recommendations for action by the Secretary, or for legislation. The Secretary may act to terminate withdrawals other than those made by Act of the Congress in accordance with the recommendations of the President unless before the end of ninety days (not counting days on which the Senate and the House of Representatives has adjourned for more than three consecutive days) beginning on the day the report of the President has been submitted to the Senate and the House of Representatives the Congress has adopted a concurrent resolution indicating otherwise. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the Presidential recommendation. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same Presidential recommendation. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(3) There are hereby authorized to be appropriated not more than $10,000,000 for the purpose of paragraph (1) of this subsection to be available until expended to the Secretary and to the heads of other departments and agencies which will be involved.

Mr. GRAVEL. At this point, Mr. President, I yield the floor and yield to my senior colleague.

The PRESIDING OFFICER. The senior Senator from Alaska.

Mr. STEVENS. Mr. President, some time ago Senator GRAVEL mentioned to me a theory: it might be possible to convince Congress to repeal the Antiquities Act, and to do so retroactively so that the withdrawals that were made by the President creating new national monuments in Alaska last December would be revoked.

It is a theory that needs testing. At the time Congress enacted the BLM Organic Act, that we call FLPMA, the Antiquities Act was not repealed, although most of the acts of a similar type were repealed.

At the time I urged that the Antiquities Act be repealed, but there were Members of Congress who did not wish to do so.

Now the West is aware of the fact that the legislative history of this act will not be abided by by this administration but our research some time ago disclosed floor colloquy, the legislative history of the Antiquities Act, and demonstrated there was a commitment to the West that this act would not be used by any President to withdraw millions of acres of public land in any State in the West.

The theory is that the West, having seen what this President did, and apparently any President could, abuse the authority given by Congress to the President to protect the antiquities in the public lands of the West, may be able to garner enough support from Congress to repeal that act.

Obviously, if we can do that we then must obtain the approval of the President of the bill that we enact, which not only repeals his authority but does so retroactively. So I say it is a theory and it is one that needs testing. I will attempt to secure support from our side of the aisle for this bill. I ask unanimous consent that my name be added as a cosponsor, and I can commit myself to my colleague that I will attempt to obtain, as he knows I already have, a number of Republican Members of the Senate who will cosponsor this bill.

It is my hope that we will get a test of it soon because I want to state categorically for the record that, in my judgment, this is not an alternate to the Alaska lands bill that was passed by the House. It is a theory that must be tested, but it is not the Alaska substitute for what the House did.

The Alaska substitute for what the House did must be developed through the deliberations of the Senate Energy Committee, and we must determine whether or not it is possible to obtain a bill that Alaskans can live with through the process of consideration by the Energy Committee and in a possible conference before I would commit myself to support any bill on the subject of the Alaska lands legislation this year.

I opposed the bill that came out of the Senate Energy Committee last year, and unless it is changed so that it will be one that I can support, I will oppose it this year.

But I do believe it would be misleading for anyone to think that because we are offering this the day after the House passed the Udall bill that this is the considered Alaskan consensus that we ought to repeal the Antiquities Act and not pay any attention to the bill that the House will send over here today.

We obviously have to contend with that bill and develop strategy with regard to that bill. If this bill that Senator GRAVEL has presented to the Senate could be enacted by Congress and signed by the President, that would assist in dealing with the problem that we have in dealing with the Alaskan lands legislation.

I have told my colleague I do not have much hope of getting this President to sign this bill. I am getting to be more and more of the opinion that we are going to have to get a President who has the intestinal fortitude to take on this minority of Americans who seek to deprive the country as a whole of the resources and the assets of the public lands, and lock them up for a single use.

That is another subject for another day, but I am happy today to join my colleague in submitting a bill that will test his theory.

Mr. GRAVEL. Mr. President, I thank the distinguished senior Senator from Alaska for his support, his endorsement, his cosponsorship, and his willingness to give this issue a fair test. I could ask for no more.

I am personally very grateful for his support. I know he will bring with him many Republican Senators as cosponsors and people who will fight for this legislation. I thank him personally.

I think this will inure to the benefit not only of our State, but of all Americans who decry the misuse and misappropriation of power in the hands of the Executive. I want to underscore that. I share with him the view that this is not the Alaska lands legislation at all. That is a separate piece of legislation which will be dealt with. It will go through the Committee on Energy and Natural Resources. What we are dealing with is a commitment that was made under law that the power to appropriate U.S. lands lies with Congress and not with the Executive, and the bill we are introducing today represents a movement to seek correction of the Executive attitude in that regard.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FOR 30 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 1:12 p.m., recessed until 1:42 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Robert C. Byrd).

RECESS FOR 30 MINUTES

The PRESIDING OFFICER. Without objection, the Senate will stand in recess for 30 minutes.

The Senate recessed until 2:12 p.m., whereupon the Senate was called to order by the Presiding Officer (Mr. Culver).

EXTENSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an extension of the period for the transaction of routine morning business not to extend beyond 3 p.m., and that Senators may speak therein up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 152, 140, 142, 135, 136, and 137.

Mr. BAKER. Mr. President, reserving the right to object, I reserve only for the purpose of telling the majority leader that these items are cleared for consideration on our side.

Mr. ROBERT C. BYRD. And, Mr. President, Calendar Order No. 202, the last item on the calendar.

Mr. BAKER. Which is also cleared on our calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL OCEAN POLLUTION RESEARCH AND DEVELOPMENT AND MONITORING PLANNING AUTHORIZATIONS, 1980

The bill (H.R. 2520) to amend the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize appropriations to carry out the provisions of such act for fiscal year 1980, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 96–132), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

It is the purpose of the bill to amend section 10 of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize funds to carry out the provisions of that act in an amount not to exceed $4,300,000 for fiscal year 1980.

BACKGROUND

In 1978 the Congress recognized that numerous departments, agencies and instrumentalities of the Federal Government, sponsor, support or fund activities relating to ocean pollution research, development, and monitoring. In 1978 these projects numbered over 1,000 activities involving approximately $140 million in Federal funds. However, such activities are frequently uncoordinated resulting in unnecessary duplication. The key to effective Federal action is better planning and more efficient use of available funds, personnel, vessels, and equipment. Therefore it was the purpose of Congress, in passing the 1978 act to:

1. Establish a comprehensive 5-year plan for Federal ocean pollution research, development, and monitoring programs in order to provide planning, coordination, and dissemination of information with respect to such programs within the Federal Government;

2. Develop the necessary base of information to support and provide for rational, efficient, and equitable utilization conservation, and development of ocean and coastal resources; and

3. Require the administration to carry out a comprehensive program of ocean pollution research, development, and monitoring under the 5-year plan.

The act designates the National Oceanic and Atmospheric Administration (NOAA) as lead agency for preparing the 5-year plan. The act also provides for financial assistance in the form of grants and contracts for projects needed to meet the priorities set forth in the plan if they are not being adequately addressed by any Federal department or agency. These grants and contracts are also administered by the National Oceanic and Atmospheric Administration.

NATIONAL OCEAN POLLUTION RESEARCH AND DEVELOPMENT AND MONITORING PLANNING AUTHORIZATIONS, 1980

The Senate proceeded to consider the bill (S. 1122) to amend section 10 of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize appropriations for such act for fiscal year 1980.

Mr. ROBERT C. BYRD. Mr. President, Calendar No. 140, S. 1122, is the Senate companion bill and identical to H.R. 2520. I ask unanimous consent that S. 1122 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

COAST GUARD AUTHORIZATIONS, 1980 AND 1981

The Senate proceeded to consider the bill (S. 709) to authorize appropriations for the Coast Guard for fiscal years 1980 and 1981, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert the following:

That funds are hereby authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1980, as follows:

(1) for the operation and maintenance of the Coast Guard, including expenses related to the Capehart housing debt reduction: $1,058,357,000;

(2) for the acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto: $292,811,000, to remain available until expended;

(3) for the alteration or removal of bridges over navigable waters of the United States, constituting obstructions to navigation: $14,900,000, to remain available until expended; and

(4) for research, development, test, and evaluation: $25,525,000, to remain available until expended.

Sec. 2. For fiscal year 1980, the Coast Guard is authorized an end of year strength for active duty personnel of 39,578: *Provided,* That the ceiling shall not include members of the Ready Reserve called to active duty under the authority of section 764 of title 14, United States Code.

Sec. 3. For fiscal year 1980, average military training student loads for the Coast Guard are authorized as follows:

(1) recruit and special training: 3,940 students;

(2) flight training: 110 students;

(3) professional training in military and civilian institutions: 438 students; and

(4) officer acquisitions: 940 students.

Sec. 4. Subsection 42(a) of title 14, United States Code, is amended to read as follows:

"(a) The total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard shall not exceed 6,000.".

Sec. 5. (a) Subsection 432(g) of title 14, United States Code, is amended by striking out "$7,500" in the fourth sentence and inserting "$15,000" in its place so that, in pertinent part, it reads as follows: ". . . In no case shall basic compensation exceed $15,000 per annum, except. . . .".

(b) The Coast Guard may issue retroactive pay to its remaining civilian lighthouse keepers in an amount equal to the difference between what the keeper actually received and what he would have received under the General Schedule salary rates had there not been a statutory limitation of $7,500 on his annual salary. This amount is to be calculated from the time at which his salary reached the statutory limitation to the date of enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96-134), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to authorize for the U.S. Coast Guard for fiscal year 1980 the necessary funds for the operation and maintenance of the Coast Guard; for acquisition, construction, and improvement of vessels, aircraft, and facilities; for the alteration or removal of obstructive bridges; and for research, development, test, and evaluation. It authorizes military personnel ceilings and necessary average student training loads and increases the ceiling on the number of commissioned officers in the Coast Guard from 5,000 to 6,000. It also provides for back pay and the raising of the statutory pay ceiling for the Coast Guard's only remaining full-time, civilian lighthouse keeper.

BACKGROUND

The Coast Guard operates as a part of the Department of Transportation, with primary responsibility for, or assisting in the enforcing of, all applicable Federal laws on and under the high seas and waters subject to the jurisdiction of the United States, the promotion of safety of life and property in those areas, the maintenance of aids to maritime navigation, icebreaking, and engaging in oceanographic research.

Within the boundaries of its assigned duties, the Coast Guard has been charged in various statutes with specific responsibilities relating to the enforcement of the 200-mile exclusive fishery zone, the monitoring of foreign fishing fleet activities, the maintenance of necessary equipment designed to rescue persons and save property placed in jeopardy in maritime regions and otherwise where its forces are reasonably available, the maintenance of manned and unmanned aids to navigation along the coast and inland waterways, the review and approval of construction and alteration plans of commercial vessels, the establishment and oversight of standards for recreational boats, the conduct of polar and domestic icebreaking and oceanographic research, and the exercise of various marine environmental protection duties designed to minimize and abate pollution threats to the marine environment. The Coast Guard has also been charged with the safety of our ports and waterways through the operation of vessel traffic services and port safety controls while also regulating foreign and domestic vessels carrying oil or hazardous polluting substances. Finally, the U.S. Coast Guard, pursuant to title 14, United States Code, is an armed force, maintaining a readiness to operate as a service in the Navy, upon declaration of war or when the President otherwise directs. In addition, individual units operate with the Navy in time of national emergency.

To accomplish these objectives, the President requested an average strength for fiscal year 1980 of approximately 39,000 active duty officers and enlisted personnel and 6,600 civilians. The Coast Guard also maintains and operates various multimission vessels, aircraft, and shore facilities necessary to carry out assigned missions effectively. Although the capital assets of the service vary from time to time, it is expected that, during fiscal year 1980, the Coast Guard will have approximately 250 vessels and 2,000 small boats; 50 fixed-wing aircraft; 100 helicopters; 32 headquarters shore units; 600 district shore units; and over 350 miscellaneous minor shore units, not including Coast Guard Reserve or Coast Guard Auxiliary units.

AMBASSADOR TO AFGHANISTAN

The Senate proceeded to consider the resolution (S. Res. 106) relating to consideration of a nomination to the post of Ambassador to Afghanistan, which had been reported from the Committee on Foreign Relations with amendments as follows:

On page 2, line 4, strike "assumes responsibility for" and insert "given satisfaction to the United States concerning";

On page 2, line 7, after "provided" insert "satisfactory";

On page 2, line 8, strike "that it will be guided by the advice of the United States Government in responding to threats to the lives" and insert "respecting the security";

On page 2, beginning with line 12, strike through and including line 14;

So as to make the resolution read:

Resolved, That the United States Senate shall not grant its advice and consent, as required under article II, section II of the United States Constitution, on the appointment of an Ambassador to Afghanistan, until the President certifies to the Congress that:

(1) The Government of Afghanistan has apologized officially and given satisfaction to the United States concerning the death of Ambassador Adolph Dubs.

(2) The Government of Afghanistan has provided satisfactory assurances respecting the security of United States Government personnel in Afghanistan.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96-127), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE RESOLUTION

The principal purpose of the Senate Resolution 106, sponsored by Senator Pell and cosponsored by Senators Lugar, Church, McGovern, Sarbanes, Zorinsky, Javits and Hayakawa, is to lead the Government of Afghanistan to provide adequate protection to U.S. Government personnel serving there. The resolution is also designed to stimulate governments in other areas where the lives of U.S. officials are endangered to give greater attention to protecting such officials.

BACKGROUND

On February 14, 1979, Ambassador Adolph Dubs was abducted by terrorists in Kabul and taken to the Kabul Hotel. Despite U.S. Government efforts to persuade the Government of Afghanistan to negotiate with the terrorists concerning Ambassador Dubs' release rather than resort to force, Afghan police stormed the hotel room, and he was killed in the shooting that took place. The Government of Afghanistan has refused to acknowledge any responsibility for Ambassador Dubs' death, stating that its actions were in fact designed to save his life.

Ambassador Dubs was the fifth U.S. Ambassador to be killed in recent years while serving abroad. U.S. Ambassadors in Cyprus, Lebanon, Guatemala, and the Sudan have also been murdered. Other U.S. officials have been deliberately killed by terrorists hostile to their own governments or to the United States. Diplomats of other nations, many of them allies of the United States, have also been killed by terrorists.

The practice of diplomacy and the fostering of commercial and other relations between nations are severely hampered by such events. The success of one terrorist group provides encouragement to others, thus further increasing the danger to U.S. officials. Such an atmosphere forces U.S. officials serving in many countries to devote much of their time and energy to their physical security and to the safety of their families, and prevents them from carrying out their functions in a normal manner. The fact that U.S. officials continue to serve their country under such conditions is a tribute to their sense of duty.

The present Government of Afghanistan, which is controlled by pro-Soviet Marxists, seized the control of the country in April, 1978. It apparently has steadily lost whatever popularity it initially possessed with the Afghan people. Its increasingly isolated leaders have conducted repeated purges of Government officials, both civil and military, in order to insure their continuance in office. Widespread but apparently disorganized rebellions against the Government are taking place in many parts of the country.

NASA SUPPLEMENTAL AUTHORIZATIONS, 1979

The Senate proceeded to consider the bill (H.R. 1787) to authorize a supplemental appropriation to the National Aeronautics and Space Administration for research and development.

● Mr. STEVENSON. Mr. President, the bill H.R. 1787 authorizes a supplemental appropriation of $185 million for the National Aeronautics and Space Administration (NASA) for fiscal year 1979 for the Space Shuttle program. This additional amount will increase the authorization for that program from $1,443,300,000 to $1,628,300,000. Of this amount, $1,170,300,000 is allocated to design, development, test, and evaluation activities and the remaining $458,000,000 is scheduled to support the production of an operational fleet of orbiters.

The Space Shuttle is the principal element of a reusable space transportation system designed to support U.S. Government civil and military space operations requirements and those of commercial/industrial and international users. It will replace the more expensive and less capable expendable launch vehicles currently in use and in so doing will eliminate the multiple families of these launch vehicles that have been maintained throughout the development of our national space capabilities. The Space Shuttle is a complex, high technology development initiated in 1972 with the first orbital test flight initially targeted for mid-1979. The technology advancements necessary to support this development were identified. Two items, the very high performance liquid rocket engines and the reusable surface insulation for the orbiter vehicle, were recognized as requiring particular effort. In retrospect, it appears that this projection was correct since the engines and the insulation have been areas of major concern.

In addition to the items of technology advancement are those problems normally expected in a development program. In many cases problems encountered in the shuttle development have not responded to timely solutions; this has required more effort in order to maintain a proper balance in the overall program. Over the period of more than 7 years of shuttle development activity, the program has also experienced funding constraints to meet budgetary objectives, the effects of inflation, and the impact of cost and delivery penalties resulting from the one-of-a-kind or two-of-a-kind procurements associated with this type of development activity. The net result is that the funding reserves set aside for the program in 1972 have been exhausted. Additional funds are now required to support the earliest possible, and successful, orbital test flight. This flight is expected to occur very late this year, or in the first quarter of 1980. Consequently, development activity is now intense. Any stretchout or rescheduling to a lower level of activity would add significantly to total program cost. For this reason the committee supports additional funds for Shuttle development in fiscal year 1979.

Funding alternatives have been examined. Termination or rescheduling of other NASA projects under way would result in waste or added costs for those initiatives. A transfer of funds from the Shuttle production program, the other funding activity in the Space Shuttle program, is possible but that necessitates a major rescheduling of production activities with its attendant cost penalties. Also, rescheduling of production would delay the availability of the Shuttle system to support critical national needs—both civilian and military—and involves the additional expense associated with continuing the use of the expendable launch vehicles. The committee does not consider these possibilities as viable choices and therefore recommends the approval of this supplemental authorization request.

Mr. President, the Shuttle development estimate was established in January 1972 when the fiscal year 1973 budget was presented to the Congress. Therefore, the cost performance on this long-term development program has been measured against a target of $5.15 billion in 1971 dollars. With the addition of the $185 million provided by H.R. 1787, the estimate will be $5.654 billion, an increase of $504 million, or roughly 10 percent.

Mr. President, as I have already noted, schedule and cost performance on this program is keyed to objectives established in 1972. Currently, many elements of the program—the orbiter, the engines, the external fuel tank, the solid rocket boosters, the avionics, the launch system—are now coming together preparatory for the first test flight. This is "proof of the pudding" time when you determine that each element will fit and perform its function properly in the total system. It is also the time when lagging problems must be solved expeditiously to bring the program into balance, and the time when late developing problems appear and require expeditious solution. These events, the committee has been advised most recently, are of a greater magnitude than previously estimated.

Therefore, in addition to the fiscal year 1979 requirements, the fiscal year 1980 budget request for the shuttle program as submitted to the Congress, has been adversely affected to a degree not anticipated. The administration has recently submitted an amendment to the NASA fiscal year 1980 budget. The Commerce Committee is planning additional hearings on the fiscal year 1980 request and on the budget amendment submitted for the shuttle program. In addition to reviewing the justification for additional funds in fiscal year 1980, the committee has requested NASA to reexamine its management system to determine why such an amended budget request was necessary. The committee will report the fiscal year 1980 NASA authorization bill when it has completed its review of the amended budget request.

Mr. President, I do not wish to minimize the effect of a supplemental appropriation. We must be concerned about the level of the budget. I regret that we find that additional funds are necessary. The alternative of rescheduling, however, is more costly. This program, in my view, represents a productive activity, an investment in the future in space as well as in advancing our national technology base. Nothing is more important to the competitive posture of this country today. This program, as I noted, will support critical civilian and defense needs in a more economical manner.

Mr. President, it is important that we support this program. While more funding is necessary at this critical juncture, there is confidence among the responsible technical people that this will culminate in a successful development program. I urge my colleagues to support H.R. 1787.●

The bill was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–128), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The basic purpose of this bill is to authorize a supplemental appropriation of $185,000,000 to the National Aeronautics an Space Administration for fiscal year 1979 as follows:

Supplemental fiscal year 1979—Research and development: space shuttle

Budget request	$185, 000, 000
House action	185, 000, 000
Senate committee action	185, 000, 000

LEGISLATIVE HISTORY

The request for authorization of a supplemental appropriation for the National Aeronautics and Space Administration for fiscal year 1979 was introduced in the House under H.R. 1787 and in the Senate as S. 354. After holding hearings, the House Committee on Science and Technology reported out H.R. 1787 without amendment. The bill was passed by the House and subsequently referred to this Committee.

The Committee held hearings on S. 354 on February 21–22, 1979, in conjunction with its hearings on the NASA fiscal year 1980 budget request. A related hearing was also held on May 1, 1979.

The Committee, on May 8, 1979, ordered the House bill, H.R. 1787, reported without amendment.

INTERNATIONAL INVESTMENT SURVEY AUTHORIZATIONS, 1980 AND 1981

The bill (S. 758) to authorize appropriations for the fiscal years 1980 and 1981 under the International Investment Survey Act of 1976, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the International Investment Survey Act of 1976 (90 Stat. 2059) is amended to read as follows:

"SEC. 9. To carry out this Act, there is authorized to be appropriated $4,400,000 for the fiscal year ending September 30, 1980, and $4,500,000 for the fiscal year ending September 30, 1981.".

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–129), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to amend section 9 of the International Investment Survey Act of 1976 in order to authorize $4.4 million for data collection activities authorized under the act of fiscal year 1980 and $4.5 million for fiscal year 1981.

BACKGROUND AND NEEDS

Foreign investment in the United States is a major factor in American business and economic life, but the phenomenon is not well understood and relatively little research has been done on the topic. While several foreign firms have been established in the United States for many years and foreign long-term portfolio investments have been common, foreign investment has accelerated within recent years.

In 1973, foreign direct investment in the United States (defined as more than 10 percent of the equity or beneficial interest) was $20.6 billion and by yearend 1978 had almost doubled to $40 billion. Foreign portfolio investment (defined as long-term debt and less than 10 percent equity) rose from $67.1 billion at yearend 1974 to $133.1 billion by 1977, the last year for which official statistics are available. The rate of growth for foreign investments in the United States as a whole exceeds that of American investment overseas and, if the trend continues, the United States may be in a net deficit investment position within a few years.

FOREIGN DIRECT INVESTMENT IN THE UNITED STATES

[In millions]

	1973	1974	1975	1976	1977	1978 (estimate)
Amount	$20,556	$25,144	$27,662	$30,770	$34,071	$40,000
Change from previous year		+4,588	+2,518	+3,108	+3,301	+5,929

The magnitude of these capital flows, their transnational character, and their impact on the economies of host and home countries require careful monitoring and assessment.

The International Investment Survey Act of 1976 provides the basic authority for the collection of data on foreign investment in the United States and American investment overseas and supersedes the authority contained in the Bretton Woods Agreement Act. The act requires the President to conduct a benchmark survey of foreign direct and portfolio investment in the United States and American direct outward investment at least once every 5 years and a one-time survey of American portfolio investment overseas. Such surveys and special studies are to be done in a timely fashion at regular, periodic intervals. It also authorizes the President and the Federal agencies to which he delegates this authority to conduct research into this area.

Pursuant to this act, the Department of Commerce has undertaken a survey of American direct investment overseas using 1977 as a base year. The survey is expected to be completed by no later than mid-1981. The Department's Office of Foreign Investment in the United States monitors foreign direct investment, compiles and publishes public reports, and staffs the interagency Committee on Foreign Investment.

The Department of the Treasury now has underway a benchmark survey of foreign portfolio investment in the United States with 1978 as the base year. A final report is anticipated in late 1980. It will also conduct a feasibility study for a survey of American portfolio investment overseas which will be funded from its fiscal year 1979 budget.

The Bureau of Economic Analysis requested two changes in the 1976 act: First, to make the funding authorization permanent and second, to relax the 5-year benchmark requirement. It is the view of the Committee that open-ended authorizations do not provide adequate occasions for oversight and review and should be avoided although it recognizes the need for long-range planning and stability in programs such as this, which are intended to be permanent. A longer authorization request will be considered in future legislation.

The Committee also believes that no justification for the relaxation of the 5-year requirement has been shown. Data collection programs are most useful for public policy-making if they are conducted on a regular basis with the most recent statistics possible. The 5-year requirement was intended by the Congress to ensure regularity and speed, and accordingly, without essential reason for change, it should remain intact.

In 1979, Congress authorized $4 million for these programs.

S. 758 authorizes $4.4 million for fiscal year 1980 and $4.5 million for fiscal year 1981. The funds would be divided as follows:

[In millions]

	1980	1981
Bureau of Economic Analysis, Department of Commerce	$1.8	$1.749
Office of Foreign Investment, Department of Commerce	.988	1.057
Department of the Treasury	1.574	1.684

The 1980 authorization matches the President's budget request. The 1981 figure was determined by adding a 7 percent inflationary factor to the 1980 request less special items in the 1980 authorization for the Bureau of Economic Analysis necessary to process its outward investment survey.

ALFRED L. ATHERTON, JR.

The resolution (S. Res. 162) commending Alfred L. Atherton, Jr., was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas, Alfred L. Atherton, Jr. has served his nation with great distinction respecting Middle East diplomacy for more than a decade;

Whereas, Mr. Atherton, in his capacity as Assistant Secretary of State and as Ambassador-at-Large, contributed significantly to the achievement of the Camp David Accords and The Egypt-Israel Treaty of Peace; and

Whereas, Mr. Atherton has now been appointed to serve as Ambassador of the United States to the Arab Republic of Egypt.

Now therefore be it resolved that it is the sense of the Senate that Ambassador Atherton is to be commended for his outstanding service to the Nation.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session for not to exceed 1 minute to consider nominations placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service placed on the Secretary's desk.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. I move to reconsider, en bloc, the vote by which the nominations were confirmed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROCEDURAL ANNOUNCEMENT

Mr. ROBERT C. BYRD. Mr. President, there will be no more rollcall votes today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 241 ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday after the two leaders have been recognized under the standing order and any orders for the recognition of Senators have been completed, the Senate proceed to the consideration of Calendar Orders Nos. 150, S. 241, a bill to restructure the Federal Law Enforcement Assistance Administration, to assist State and local governments in improving the quality of their justice systems, and for other purposes.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, my reservation is to state that this item has been cleared on our side and we have no objection to the request. However, I would hope the majority leader might leave us a little flexibility in deciding the time to proceed with the consideration of this matter so that we can have the manager on our side present and available.

Mr. ROBERT C. BYRD. I believe that is a pertinent request and observation.

ORDER FOR RECESS UNTIL 11 A.M. MONDAY, MAY 21, 1979

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. That being the case, the Senate could be ready to proceed by 11:30 a.m. on Monday with regard to the legislation concerning the Federal Law Enforcement Assistance Administration, S. 241.

Mr. BAKER. Mr. President, I am sure that is satisfactory, and I have no objection to the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

KENTUCKY ENERGY DEPARTMENT'S STATEMENT ON INCREASING COAL USE

Mr. FORD. Mr. President, the secretary of the Kentucky Department of Energy, David Drake, recently testified before the U.S. Department of Energy regarding the President's 60-day policy study on increasing coal use.

In his statement, Secretary Drake outlined the problems confronting coal today as part of a national energy strategy and made positive and timely recommendations as to how this country could make a more effective use of coal in meeting current and future energy needs.

Secretary Drake's presentation contains many sound and timely recommendations which deserve to be given the most careful attention by the Department of Energy. I call Secretary Drake's statement to the attention of my colleagues and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S 60-DAY COAL POLICY STUDY ON INCREASING COAL USE

(By David Drake)

INTRODUCTION

A major commitment to a sensible, achievable strategy for the earliest possible utilization of coal is needed in this country if we are to relieve our critical dependence on foreign oil. Some might contend that the nation is already committed to such a program by pointing out that virtually every official at the policy level for the past five years has proclaimed coal as "the answer". Some might also point to the increased federal budgets for coal research and development as proof that we are, indeed, committed to a greater reliance on coal.

With the apparent unanimity of opinion supported by significantly increased expenditures for R & D, why, then, are there no signs of relief, no solid predictions of when the relief might come, and even a significant shortfall in the predicted production and utilization of coal? It is imperative to deal with these apparent contradictions and to offer a clear direction away from dead center if we are to increase the production, development and use of coal and to decrease our overwhelming addiction to imported oil.

BARRIERS TO INCREASED COAL PRODUCTION, DEVELOPMENT AND USE

It has long been stated that this country's coal industry is producing well below its capacity. Coal production could, then, be expanded greatly to meet increased energy demands. However, several constraints were identified in the Project Independence report five years ago which inhibit coal production and utilization. None of the constraints identified in this early study, however, have been reduced by any significant degree, and most of the major barriers have been increased. Two important areas where the constraints may, in fact, be increased significantly are the New Source Performance Standards of the amended Clean Air Act and the permanent implementing regulations of the Federal Surface Mine Control and Reclamation Act. The final form of these two important actions is not yet known, however, and it could be several years before their full impact on coal production and utilization is known.

The National Coal Policy continues to call for greatly increased utilization of coal to reduce national dependence on imported oil. However, the various programs to establish and enforce restrictions on the emissions from coal-fired power plants on how and where coal can be mined, on how the land will be reclaimed, and on the kinds of fuels used in power plants, reflect different (if not conflicting) aspects of national policy on coal production and utilization.

The absence of a clearly defined and unified coal policy tends to inhibit efforts to facilitate greater coal utilization. The coal industry has demonstrated its ability to respond to sudden and severe demands; yet because of conflicting signals from the Federal Government, the industry finds itself faced with a virtually static market. Therefore, the prospects for future production may be market-determined.

Another traditional problem facing the coal industry everywhere has been the provision of adequate transportation networks to bring the product to existing markets. Coal is now basically a regional fuel despite a national reserve base. If coal is to fulfill the role seen for it, it must become a national fuel, and coal transportation must expand accordingly.

Although the President's National Energy Plan recognizes and deals with some of the constraints to increased coal production, it has omitted actions to deal with transportation constraints that have been identified as potentially hindering the achievement of increased coal production and utilization. The transportation system plays a key role in tying together the various components of the mining industry and presents several issues which have to be dealt with if national coal production and utilization goals are to be realized. Specifically, these issues revolve around the problems of railroads, coal-haul roads and slurry pipelines.

COAL CONVERSION TECHNOLOGIES

Some feel the problems facing increased utilization of coal may be the lack of environmentally acceptable and economically feasible coal utilization techniques. This however, is not the case. Technologies exist which can help this country make more effective use of its most abundant natural resource in meeting the energy needs of the future.

Although many tend to think of coal-derived synthetic fuels technology as an innovation resulting from recent energy problems, the history of the development of coal gasification and liquefaction is rather lengthy. Oil and gas have been produced from coal for decades. Nazi Germany was able to fight a major war with synthetic fuels from coal. Twelve liquefaction plants were built, whose annual production provided 47 percent of the hydrocarbons consumed in Germany during the last years of World War II, including 98 percent of the aviation gasoline used. Some of these plants are still in operation. In addition, South Africa has a large plant producing gas and liquid fuels from coal and is planning an additional installation which will more than double current production.

At one time, almost every large town in the U.S. depended upon its "gas works" which produced low-Btu gas from coal. In 1949, two experimental liquefaction plants were constructed in Louisiana and Missouri. These plants produced over seven million gallons of gasoline. Some of these technologies, however, gradually disappeared after World War II as natural gas began to be distributed nationally by pipelines and oil production increased steadily. The important point, though, is that it is possible to derive both clean liquid and gaseous fuels from coal in order to help meet this country's energy demands. Further, techniques have been developed which allow direct combustion of coal in an environmentally clean manner. The technology exists today, yet, coal utilization and development of a coal-derived synthetic fuels industry lags behind potential.

It is unfortunate that progress to date in moving into coal conversion options has been discouraging. Existence of barriers to commercialization or widespread use of these processes is the reason behind this lack of progress.

The major problem facing further development of a synfuels program is the market place itself. Due to the large amount of venture capital required for construction and operation of a conversion facility, companies are hesitant to invest large quantities of stockholder money in a plant to produce a product which still faces some risks.

Secondly, synfuels programs face the problem of lack of a total and unified commitment on the part of the federal government. Although the National Energy Policy stresses increased utilization of coal, little financial support, particularly in the form of loan guarantees and innovative financing methods for private industry, has been provided to indicate a total commitment. As coal-derived energy alternatives tend to be a future-oriented approach to domestic energy problems, it has been tempting for the federal government to skimp on these longer term projects in order to deal with more immediate pressures. However, it becomes clearer every day that there are now no pressures more immediate than the ever-worsening energy situation.

Another problem facing synfuels development is the public's inadequate perception of the demand for energy. The public wants convenience and availability at low cost. After many years of abundant and relatively inexpensive energy it is difficult to accept the fact that the era of plentiful and cheap energy is past. Synfuels, though, can provide convenient and abundant sources of clean energy.

A variety of small technological problems still exist for synfuels commercialization which must be solved. With sufficient funding, however, such problems can be dealt with expeditiously.

The real needs of a developing synfuels industry, then, are a unified federal policy commitment and innovative financial arrangements and incentives. These problems must be dealt with in a manner which will facilitate the development of this industry if the country is to be able to face its future with confidence.

MEASURES TO INCREASE COAL PRODUCTION, DEVELOPMENT AND USE

For a secure program aimed at brightening our energy future, it is important to emphasize a strong solution to the problem of excessive fuel imports. It is clear, then, that coal has a major role in the country's attempts to deal with these problems. Coal constitutes 90 percent of U.S. conventional energy reserves but currently supplies only 18 percent of energy consumption. To meet our energy goals, then, we must use coal and coal-derived synthetic fuels. Widespread use of synfuels technologies is a necessary component to any attempt to deal with the nation's energy predicament.

A coal synfuels program must seek to develop economically feasible and socially and environmentally acceptable technologies to convert coal into a wide spectrum of liquid and gaseous fuels and chemical feedstocks. Moreover, technologies must be developed to facilitate the direct combustion of coal for power generation and to make the direct use of coal feasible for the commercial and industrial sectors. This means developing technologies that inhibit the generation of those atmospheric and other pollutants which are the concern of current environmental policies, and which represent a major constraint to the widespread use of coal.

The development of technologies to produce premium synthetic fuels from coal should be guided by an aggressive strategy which focuses on those technologies or fuel forms with the potential for the broadest impact across consuming sectors. As the matrix below suggests, the conversion of coal to liquids has the greatest impact, with high-Btu gas having the next greatest impact. Low or medium-Btu gas and solvent refined coal (SRC I) have an impact on the industrial sector and, perhaps more importantly, are most appropriate for power generation purposes.

Fuel/Technology	Consuming sectors impacted				
	Residential	Commercial	Industrial	Transportation	Power generation
Liquids	Yes	Yes	Yes	Yes	Yes.
High-Btu gas	do	do	do	No	Do.
Low/medium-Btu gas	No	Possible	do	do	Do.
SRC I	do	No	do	do	Do.

But time is a crucial consideration in this enterprise, for the first large-scale commercial synthetic fuels facilities are not expected to appear until the middle to late 1980's. In other words, the strategy to develop coal liquefaction and gasification technologies, for the most part, is focused on the mid- to long-term future.

Until the time when environmentally acceptable synthetic fuels are produced commercially, coal will continue to be burdened by the environmental effects associated with its direct use. Such effects weigh heavily upon the high sulfur coals of the Eastern and Mid-Western producing regions of the nation. Indeed, the market for high sulfur coal is already showing signs of decline as users seek to use the lower-sulfur coals of the Western U.S. The conversion of high-sulfur coal into liquid and gaseous fuels and feedstocks may restore the market for such coals in the long-term future. In the meantime, there is a need to address the environmental problems of coal use in the near-term. Consequently, the near-term strategy should be to preserve existing markets for coal by developing those technologies with the potential for the greatest impact in the shortest period of time. And since direct combustion is currently the predominant mode of coal use, technologies should be developed which remove environmentally damaging elements prior to, during, or after combustion (e.g., beneficiation processes, flue gas desulfurization technology, fluidized bed combustion).

In addition to this coal synfuels strategy, the problems of coal transportation and excessive regulations which hinder coal production and utilization must be dealt with in a comprehensive manner by the states and the federal government as part of a unified program directed toward the ultimate goal of reducing this country's dependence on vulnerable foreign energy supplies. The benefits of such a program are obvious . . . a more secure energy future. The benefits to be gained from a synfuels program alone are numerous and include:

Providing a clean fuel for energy;

Maximizing utility of abundant domestic resources;

Providing raw materials for growing chemical markets;

Relieving the demand for other natural resources which face supply uncertainties;

Enhancing the domestic economy and employment picture;

Providing a secure source of domestic energy supplies; and

Providing options in the event of future energy shortages.

By improving existing coal transportation networks and removing many of coal's regulatory barricades, in addition to implementing a coal synfuels strategy, the overall impact of coal on our future could be astounding.

CONCLUSION

Are we headed in the right direction? For the time being, and at long last, we seem to be moving to the correct heading. But it is still too early to tell if the resolve of the federal government is sincere, or if coal will once again be overshadowed by the tantalizing promise of shorter-term sources of oil and gas, or longer-term breeder reactors for electrical power. We have outlined what we think the course should be for the foreseeable future. Now it is up to all of us to see to it that we stay on the road to a more secure energy future.

SENATE COMMITTEE APPROVAL OF SRC I AND SRC II

Mr. FORD. Mr. President, yesterday, the Committee on Energy and Natural Resources took another step in developing a realistic national energy policy. The committee approved continued funding for both SRC I and SRC II commercial plants.

I call on all my colleagues to support this effort to utilize our most abundant near-term and mid-term source of energy—coal. These projects are designed to meet the real world requirements of our economy and, at the same time, meet environmental standards.

Authorizing these funds for each project enables the continued and important development of the solvent refined coal process generally accepted as one of the most advanced technologies for commercial production of synthetic solids and liquids from coal. SRC I and SRC II will satisfy the fuel requirements of utility and industrial users. Each group strongly supports funding for both the solid and liquid processes.

Converting high-sulfur content coal into these more environmentally acceptable forms by reducing their sulfur and ash content increases the potential for use of the major part of the reserves located in the Midwest and eastern regions of the United States. External methods for cleaning coal after combustion by such methods as stack cleaning are expensive. The SRC alternatives approach the emissions problems by processing the coal chemically prior to combustion.

Development of a synthetic fuels industry makes greater domestic energy resources available and decreases reliance on imported fuels. Additionally, it would create jobs in mining, construction, and plant operations, as well as supporting a number of large and small manufacturers and suppliers.

Solid solvent refined coal (SRC I) is a fuel with higher heat content and lower ash and sulfur content than the raw coal from which it is derived. Accordingly, SRC I is an efficient, environmentally satisfactory boiler fuel for electrical and industrial applications.

A demonstration of SRC I technology was conducted during June 1977, in the boiler of Georgia Power Co.'s Mitchell plant (22.5 megawatt): 3,000 tons of SRC I fuel were fed continuously for 18 days at this plant, resulting in good overall boiler performance with remarkably lower slag and solid buildups. Compliance with emission limits on sulfur dioxide (SO_2) and oxides of nitrogen (NOx) without flue gas scrubbing or other radical changes in powerplant design/operation was found achievable, as well as compliance with particulate limits with only a single additional control stage.

The benefits of SRC I can be obtained both by current users of raw coal as well as new utility and industrial facilities. In addition to environmental conformance, local fuel availability, and improved operating efficiency, other attractive features when compared to raw coal include higher heating value per pound, lower storage and transportation cost for a given "heat supply."

Moreover, SRC I has strategic significance in the production of formcoke for the steel industry and carbon anodes for the aluminum industry, as feed to coal-fired boilers for utilities and industries, as well as feed to combined cycle units.

Benefits of SRC I include the following:

The national energy goal of using domestic coal resources to reduce imported oil can be achieved while meeting environmental requirements.

For utility and industrial boilers, SRC I has the greatest market potential and the lowest cost of all coal-derived synthetic fuels.

SRC I can be processed from a wide variety of raw coals.

SRC I provides about 30 percent more heating value (16,000 Btu's per pound) than an equal amount of raw coal.

With only minor modifications, existing coal-fired powerplants can burn SRC I and meet existing and proposed environmental standards.

For new boilers, its uniform consistency makes possible smaller and standard-designed boilers.

For all boilers, maintenance is reduced because tube cutting and abrasion are minimized.

Powerplant availability is increased because the fuel burns cleanly without buildup of slag.

Because of greater availability of powerplants using SRC I, the number of new generating plants which must be constructed can be reduced.

Liquid solvent refined coal (SCR II) is a process similar to petroleum refining that efficiently converts high-sulfur coal into a range of liquid products. Products made from SRC II use our abundant high-sulfur coal efficiently and environmentally and replace imported petroleum. Using SRC II at commercial scale, many petroleum-like products can be made—pipeline gas, chemicals, high-quality gasoline, some turbine and diesel fuels, and large amounts of clean fuel oils. Pollutants are removed in the SRC II process. The products, while not always chemically the same as their petroleum counterparts, produce good results when used to replace many petroleum products. For example, several thousand barrels of the SRC II fuel oil tested in a New York City powerplant burned as efficiently as petroleum and surpassed the applicable emission requirements with no special modifications and no stack-gas treatment.

Demonstration of the basic SRC II process in the DOE proposed 6,000 ton per day plant at Morgantown, W. Va., provides the basis for building commercial SRC II plants in the later 1980's. Using the publicly owned SCR II technology, coal refineries can provide domestic sources of petroleum substitutes which could be economically attractive in a very few years. This judgment is underscored by the announced intentions of American electric utilities, German and Japanese Governments, and the Gulf Oil Corp. to contribute up to 70 percent of the cost of demonstration.

Benefits of SRC II include the following:

By its use in oil-burning utility and industrial boilers, SRC II fuel oil has major market potential and can be an economic means to reduce imported oil needs.

Existing oil-fired utility and industrial powerplants can burn SRC II fuel oil and meet existing and proposed environmental standards.

Substantial amounts of SRC II products can be processed into high-quality unleaded gasoline to serve our transportation fuel needs.

SRC II is consistent with the national goal of using domestic coal resources to reduce the amount of imported oil.

SRC II can be applied to a variety of high-sulfur coal, much of which is located in the oil-deficient eastern U.S.A.

Existing petroleum product transportation and storage systems can handle SRC II fuel oils.

SRC II fuels should be useful in stationary combustion turbines and heavy diesel applications.

Mr. President, time is running out on us as a nation in a real crisis. The time for decisive action is now. The time is long past for us to stop nickle-and-diming ourselves to death on projects and studies that are never finished.

I am confident that Congress will take decisive steps and the approval of SRC I and SRC II will be such a step.

Mr. President, I thank the Senator from Virginia. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an extension of the period for transaction of routine morning business for an additional 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:41 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 934. An act for the relief of Brian Hall and Vera W. Hall.

ENROLLED JOINT RESOLUTION

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 262. A joint resolution to declare May 18, 1979 to be "National Museum Day."

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. MAGNUSON).

HOUSE BILL REFERRED

The following bill was read twice by its title and referred as indicated:

H.R. 934. An act for the relief of Brian Hall and Vera W. Hall; to the Committee on Finance.

COMMUNICATION

The PRESIDING OFFICER laid before the Senate the following communication, together with an accompanying report, which was ordered to lie on the table and be printed as a Senate document:

EC–1444. A communication from the Secretary of the Senate, transmitting, pursuant to law, a report of receipts and expenditures of the Senate for the period October 1, 1978 through March 31, 1979.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

S. Res. 163. An original resolution relating to an International Wheat Exporters Conference.

S. Res. 99. A resolution to express the sense of the Senate that the Federal Republic of Germany abolish or extend its statute of limitations applicable to war crimes.

By Mr. JAVITS, from the Committee on Foreign Relations, without amendment:

S. Res. 164. A resolution relating to human rights in Iran.

Br. Mr. RIBICOFF, from the Committee on Governmental Affairs, without amendment (unfavorably):

S. Res. 126. A resolution to disapprove Reorganization Plan Numbered 1 (Rept. No. 96–191).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs:

George C. Eads, of California, to be a Member of the Council of Economic Advisers.

(The above nomination from the Committee on Banking, Housing, and Urban Affairs was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MAGNUSON (by request):

S. 1171. A bill for the relief of Stephen Galloway Dean, Janet McNillen Dean, Graeme Gordon Dean, Craig Gallaway Dean; to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 1172. A bill for the relief of Doyon, Ltd.; to the Committee on the Judiciary.

By Mr. EAGLETON (for himself, Mr. STEVENS, Mr. MAGNUSON, Mr. ROTH, Mr. HAYAKAWA, Mr. SASSER, and Mr. JAVITS):

S. 1173. A bill to amend chapter 6 of title 39, United States Code, to provide for time-sensitive business communications; to the Committee on Governmental Affairs.

By Mr. STONE (for himself, Mr. McGOVERN, Mr. DOLE, Mr. ZORINSKY, Mr. CHURCH, Mr. HELMS, Mr. LUGAR, Mr. MELCHER, and Mr. COCHRAN):

S. 1174. A bill to amend the Agricultural Trade Development and Assistance Act of 1954 to increase the uses and effect of U.S. food aid; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN:

S. 1175. A bill to amend the Emergency Petroleum Allocation Act of 1973; to the Committee on Energy and Natural Resources.

By Mr. GRAVEL (for himself and Mr. STEVENS):

S. 1176. A bill to amend the act entitled "An Act for the Preservation of American Antiquities," approved June 8, 1906 (34 Stat. 225), to provide congressional review of Presidential monument proclamations, and to amend the act entitled "Federal Land Policy and Management Act of 1976," approved October 21, 1976 (90 Stat. 2743), to alter the congressional review procedures of land withdrawals, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. WILLIAMS, and Mr. PELL):

S. 1177. A bill to improve the provision of mental health services and otherwise promote mental health throughout the United States, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. CRANSTON, and Mr. HATFIELD):

S. 1178. A bill to terminate the granting of construction permits for new nuclear fission powerplants in the United States pending a public reappraisal of the nuclear fuel cycle, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAYH (for himself, Mr. MORGAN, Mr. STEWART, and Mr. THURMOND):

S. 1179. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. HARRY F. BYRD, JR.:

S.J. Res. 79. A joint resolution to amend the Constitution of the United States to provide for balanced budgets and a limitation upon the outlays of the Government; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. THURMOND, Mr. BAYH, Mr. BAUCUS, Mr. MATHIAS, and Mr. BIDEN):

S.J. Res. 80. A joint resolution to confer certain powers on the Presidential commission appointed to investigate the Three Mile Island nuclear powerplant accident. Considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAVEL:

S. 1172. A bill for the relief of Doyon, Ltd.; to the Committee on the Judiciary.

DOYON LTD.

● Mr. GRAVEL. Mr. President, the legislation which I am offering today authorizes and directs the Secretary of the Treasury to pay to Doyon, Ltd., a regional corporation established pursuant to section 7 of the Alaska Native Claims Settlement Act, the sum of $215,868.18 as compensation for damages suffered by Doyon as a result of the failure of the Bureau of Indian Affairs to honor its agreement to lease space in Doyon's Fairbanks, Alaska, building.

In the spring of 1973, Doyon negotiated with various Bureau of Indian Affairs offcials, who were all authorized contracting officers, concerning the lease of office space to the BIA in a proposed new building to be constructed by Doyon in Fairbanks.

Throughout these negotiations, Doyon's architect worked closely with BIA officials to design the building itself and the floor plan expressly to meet the requirements of the BIA's Fairbanks office.

Doyon refused to commence construction of the building without a firm written commitment that the BIA would, indeed, lease the space contemplated. By letter of July 23, 1973, BIA's acting area property and supply officer wrote to Doyon saying that it was giving a "firm written commitment" to lease the specified space.

Relying upon this commitment, Doyon's Board of Directors passed corporate resolutions justifying and authorizing Doyon to begin construction of the building. Because the Secretary of the Interior, under provisions of the Alaska Native Claims Settlement Act and the bylaws of Doyon, Ltd., had control over certain expenditures of Doyon funds, the resolutions were forwarded to the Secretary for his approval. By letter of September 19, 1973, the Assistant Secretary of the Interior expressly approved the expenditure of funds for the project.

Following these commitments by both the BIA and the Department of the Interior, Doyon began construction of the building.

Throughout the entire period of negotiation, BIA officials failed to inform Doyon that they did not have full and complete authority to enter an agreement on behalf of the BIA to lease space in Doyon's building. The corporation learned only after construction that the sole responsibility for all Government leases rests with the General Services Administration. In this case, the GSA also failed to inform Doyon that its approval was necessary before the BIA commitment could be honored.

On March 31, 1975, the day before BIA's scheduled occupancy, the BIA informed Doyon that it would not occupy the space designed especially for it in the building, because the GSA had refused to authorize the lease and the BIA had no authority to contract for the lease itself. This was more than 20 months after the BIA had committed itself to lease and occupy the space and more than 20 months after the GSA had been informed of the BIA's commitment to Doyon.

Doyon has exhausted its administrative remedies by appealing to the Commissioner, Bureau of Indian Affairs and subsequently to the Board of Indian Appeals of the Department of the Interior. In both these appeals Doyon was unsuccessful, because it was held that neither the BIA nor the Department of the Interior had the authority to commit the BIA to this lease.

Mr. President, I sincerely hope that the Senate acts expeditiously to rectify this injustice. In my opinion there is no greater travesty than that committed by Government which causes the citzens of this country to incur financial burdens not their own.●

By Mr. EAGLETON (for himself, Mr. STEVENS, Mr. MAGNUSON, Mr. ROTH, Mr. HAYAKAWA, Mr. SASSER, and Mr. JAVITS):

S. 1173. A bill to amend chapter 6 of title 39, United States Code, to provide for time-sensitive business communications; to the Committee on Governmental Affairs.

TIME SENSITIVE BUSINESS COMMUNICATIONS ACT OF 1979

● Mr. EAGLETON. Mr. President, for myself and Senators SASSER, MAGNUSON, STEVENS, SCHMITT, HAYAKAWA, and ROTH, I send to the desk a bill to exempt certain time-critical business mail from the private express statutes.

Although the speed of commerce has increased immeasurably over the past 100 years, as has the need of commerce for communications to match its pace, the law, in effect, still is tailored to protect the pony express.

As was the case a century ago, the transmission of messages from one businessman to another, however urgent the information, remains solely the right of the U.S. Postal Service. Unless a letter is carried by the sender or his employee, postage must be affixed, whether the Federal agency actually handles the item or not.

This same requirement is imposed when the Postal Service clearly cannot provide the necessary service. USPS is geared to meet certain delivery standards nationwide; generally speaking, delivery of an item to its destination within 12 hours or by the start of the next business day is not presently in its repertoire. As a result, those who must have such service, whose mail's value depends on its currency, have no alternative but private couriers. Such firms, nonetheless, are required to pay what amounts to a modern stamp tax for the privilege of transacting business, even though no service is rendered in return.

The Postal Service concedes its inability to meet the needs of these mailers. Two expert studies—one by the agency's own Board of Governors, another by a blue-ribbon commission—have recommended that USPS exempt time-critical communications from its monopoly of first-class mail. The Postal Service so far has refused, citing the potential erosion of mail volume and consequent loss of revenues.

GAO, in response to my request for solid estimates of the effects of an exemption, cannot verify the Postal Service's projections. The GAO report says that such diversion as may take place under the proposed exemption would in all likelihood be limited to express mail. And, the Postal Service does not now claim express mail as part of its personal monopoly.

There is little, if any, reason to believe an exemption from the monopoly for time-sensitive mail would pose any serious threat to the postal monopoly. Under this bill, which is based on an amendment approved by the Committee on Governmental Affairs during the last session, an exemption would be permitted only where the Postal Service cannot offer comparable, rapid, and reliable service. It would apply only to genuinely time-critical communications, and provide more stringent penalties for violations than are now imposed. As an added safeguard, the bill states specifically that no modification of the monopoly is intended by its provisions. The Postal Service's monopoly of first-class is our strongest guarantee of a broadly available mail system, accessible to everyone. I believe strongly in private express statutes, which protect that system and the public services it offers. I certainly mean the monopoly no harm, and am convinced this bill will do it none.

A further measure of protection, in the form of a minimum charge to protect USPS, fledgling courier service from unfair competition, has been suggested. I would be pleased to consider the merits of the proposal, or any others meant to safeguard the Postal Service's right to dominate first-class carriage, while insuring it will no longer exact tribute in the form of postage for services it cannot, or will not, render.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Time Sensitive Business Communications Act of 1979".

SEC. 2. That chapter 6 of title 39, United States Code, is amended by adding at the end thereof the following new section:

SEC. 607. TIME-SENSITIVE LETTERS

(a) Letters that are time-sensitive (within the meaning of subsection (b) of this section) may be carried out of the mails without regard to the provisions of section 601 (a) of this title.

(b) For purposes of this section, a letter is "time-sensitive" if—

(1) it is of a kind that is sent to a business recipient in the ordinary course of the trade or business of the sender other than on an infrequent, irregular basis;

(2) as a result of the nature of such letter or such trade or business, it must be delivered before noon of the next business day of the addressee of such letter or within 12 hours, whichever is later (exclusive of transmission time outside the continental United States); and

(3) the needs of the sender for prompt transmission and delivery of the letter cannot be satisfied by a comparable service of the Postal Service which is included in the mail classification schedule established pursuant to chapter 36 of this title.

For purposes of the preceding sentence, "comparable service" means a service that is generally at least as timely, dependable, and broadly available to the sender as is service provided by private carriers and at a rate or fee that is no more costly to the sender than that for private carriage.

(c) Except as provided in this section, nothing in this section shall be construed as modifying the restrictions on the private carriage of letters under sections 601 through 606 of this title and sections 1693 through 1699 and 1724 of title 18.

(d) Time-sensitive letters are defined in subsection (b) of this section shall be clearly marked by the sender so as to be easily identifiable upon inspection.

(e) Any person who knowingly and willfully sends letters out of the mails under this section which are not time-sensitive as defined in subsection (b) of this section, shall be subject to a fine in accordance with 18 U.S.C. Sec. 1696(b), except that the amount of such fine shall not exceed $500.●

By Mr. STONE (for himself, Mr. McGOVERN, Mr. DOLE, Mr. ZORINSKY, Mr. CHURCH, Mr. HELMS, Mr. LUGAR, Mr. MELCHER, and Mr. COCHRAN):

S. 1174. A bill to amend the Agricultural Trade Development and Assistance Act of 1954 to increase the uses and effect of U.S. food aid; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD ASSISTANCE REFORM ACT OF 1979

● Mr. STONE. Mr. Speaker, I am pleased to introduce today on behalf of myself and seven other Senators a compromise Public Law 480 or food for peace bill embodying the best features of S. 962, S. 1053, and S. 1. These bills all amend the Agricultural Trade Development and Assistance Act of 1954.

S. 962 had been introduced earlier by Senator McGOVERN for himself and Senators DOLE and MELCHER. I had introduced S. 1053 on behalf of myself and Senator LUGAR. S. 1, which had been introduced by Senators DOLE and McGOVERN, contains minimum tonnage language for the program.

The changes embodied in the new bill continue the movement of the program in recent years toward a greater emphasis on using our food assistance for humanitarian and economic development purposes.

At the same time, this bill recognizes the importance of market development and helping the recipient countries gradually move toward a commercial relationship as their economies grow and develop. And our markets in these countries can only become meaningful as they develop economically and are able to become a part of the world economy.

This legislation can also be viewed as a congressional statement of policy in urging that our food assistance be more sensitive to the needs and economic development programs of the recipient countries.

There are a number of important substantive changes under this bill. One would allow the direct use of commodities under the title III program. At present, only the local currencies generated from the sale of our food commodities can be used in title III development programs. This would mean that commodities could be used directly under title III for food, for work, and other development projects.

Another change would be to authorize the use of the private agricultural sector in developing and carrying out title III food for development programs. American agriculture is respected throughout the world for its creativity and productivity, and with many of our aid missions overseas lacking in expertise on agricultural production and marketing, this could be a helpful step in harnessing the vast capability of our agricultural sector.

The bill also provides language to encourage continuity of supply in our food aid. This has been a difficult issue, and various solutions which involved setting a minimum tonnage for the program had been considered. The objective is to provide some supply predictability so that the recipient country can make its development plans based on a reasonable assurance that our assistance can be counted on.

There are a number of other important changes in the bill including requiring a determination of need before food aid is provided. Another reform is to attempt to assure that food aid not discourage local production. Also the commodities and any proceeds are, to the maximum extent possible, to be used to improve the economic and nutritional status of the poor.

Section 401(a) of Public Law 480 would be amended to allow food aid to be provided for developmental, as well as humanitarian needs during a commodity short supply situation. However, humanitarian needs would be given first consideration under such circumstances.

Mr. President, these are important improvements and refinements to our food aid program which has been a vital feature of our agricultural and foreign policy for a quarter century. The program has evolved over the years, and it can continue to play an important role in the years ahead.

We can cite numerous examples of countries that have used our commodities to further their economic development. Our agricultural exports to Europe, Japan, Taiwan, Korea, and India are at least in part the result of our Public Law 480 assistance.

We need to further this trend, where appropriate, rather than encouraging countries to look upon us as being able and willing to indefinitely furnish commodities.

Mr. President, I ask unanimous consent that these amendments to the Agricultural Trade Development and Assistance Act of 1954 and a section-by-section analysis of the provisions of the bill be printed in the Record.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Assistance Reform Act of 1979".

INCREASING DEMAND FOR FOOD AND ENCOURAGING LOCAL FOOD PRODUCTION

SEC. 2. Section 103(f) of the Agricultural Trade Development and Assistance Act of 1954 is amended to read as follows:

"(f) give consideration to the development and expansion of markets for United States agricultural commodities and local foodstuffs, by increasing the effective demand for agricultural commodities and by supporting measures to stimulate equitable economic growth in recipient countries, with appropriate emphasis on developing more adequate storage, handling, and food distribution facilities;"

SEC. 3. Section 103(n) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting "or interfere with local food production and marketing in the purchasing country, or" immediately after "displace".

SEC. 4. Section 107(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting "the agricultural commodities of the recipient country and" immediately after "usual marketing of".

SEC. 5. Section 202(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by amending the last sentence to read as follows: "The President shall take reasonable precaution to assure that the distribution of commodities furnished under this title, both in normal times and in emergency situations, will not displace or interfere with local food production and marketing in the recipient country.".

ROLE OF INDIGENOUS INSTITUTIONS AND WORKERS

SEC. 6. Section 202(b)(2) of the Agricultural Trade Development and Assistance Act of 1954 is amended to read as follows:

"(2) In order to assure that food commodities made available under this title are used effectively and in the areas of greatest need, entities through which such commodities are distributed shall be encouraged to work with indigenous institutions and employ indigenous workers, to the extent feasible, to (A) assess nutritional and other needs of beneficiary groups, (B) help these groups design and carry out mutually acceptable projects, (C) recommend ways of making food assistance available that are most appropriate for each local setting, (D) supervise food distribution, and (E) regularly evaluate the effectiveness of each project.".

ALLEVIATING THE CAUSES OF THE NEED FOR TITLE II ASSISTANCE

SEC. 7. Section 206 of the Agricultural Trade Development and Assistance Act of 1954 is amended by amending clause (3) to read as follows: "(3) such agreement provides that the currencies will be used for (A) alleviating the causes of the need for the assistance in accordance with the purposes and policies specified in section 103 of the Foreign Assistance Act of 1961 and (B) programs and projects to increase the effectiveness of food distribution and increase the availability of food commodities provided under this title to the neediest individual in recipient countries.".

INCENTIVES FOR ENTERING INTO FOOD FOR DEVELOPMENT PROGRAMS

SEC. 8. Section 301(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by—

(1) inserting in the first sentence ", or the dollar sales value of the commodities themselves," immediately after "the local sales of such commodities"; and

(2) inserting in the second sentence ", or the use of the commodities themselves," immediately after "participating country".

PARTICIPATION OF AMERICAN AGRICULTURE IN FOOD FOR DEVELOPMENT PROGRAMS

SEC. 9. Section 302(c) of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof a new paragraph (4) as follows:

"(4) In developing and carrying out Food for Development projects under this title, consideration shall be given to using the capability and expertise of American agriculture, in partnership with indigenous individuals and organizations, in furthering economic development and increased food production.".

REPORTS AND RECORDS UNDER TITLE III

SEC. 10. Section 303(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out in the second sentence "for each year such funds are to be disbursed".

SEC. 11. Section 305 of the Agricultural Trade Development and Assistance Act of 1954 is amended by—

(1) adding at the end of subsection (a) a new sentence as follows: "Disbursements of funds from the special account in an amount equivalent to the dollar value of the credit furnished by the Commodity Credit Corporation under section 304(a) of this Act shall be deemed to be payment of all installments of principal and interest payable thereon for the commodities purchased by the participating country for purposes of this title."; and

(2) adding at the end thereof a new subsection (c) as follows:

"(c) When agricultural commodities made available under this title are used by the participating country in development projects in accordance with the applicable Food for Development Program, the dollar sales value of such commodities shall be applied, in accordance with subsections (a) and (b) of this section, against the repayment obligations of that country under this Act, with the value of the commodities so used being deemed to be disbursements made at the time of such use.".

SEC. 12. Section 306 of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting in the first sentence "a detailed description of how the commodities were used," immediately after "projected targets,".

SEC. 13. Section 307 of the Agricultural Trade Development and Assistance Act of 1954 is amended by amending subsection (a) to read as follows:

"(a) Each year the President shall review the disposition of all agreements providing for the use of (A) the proceeds from the sale of agricultural commodities or (B) the value of agricultural commodities under this title for which such funds or commodities were not fully disbursed during the preceding year. The results of such review shall be included in the annual report to Congress required under section 408(a) of this Act.".

AVAILABILITY OF COMMODITIES FOR DEVELOPMENT PURPOSES

SEC. 14. Section 401(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting immediately after "humanitarian purposes" in the second sentence the following:

"or developmental purposes of this Act. In periods of short supply, as determined by the Secretary, urgent humanitarian concerns will be given priority over developmental purposes.".

DETERMINATION OF COMMODITY NEEDS AND PROGRAM BENEFICIARIES IN EACH COUNTRY

SEC. 15. Section 404 of the Agricultural Trade Development and Assistance Act of 1954 is amended to read as follows:

"SEC. 404. (a) The programs of assistance conducted under this Act, and the types and quantities of agricultural commodities to be made available, shall be directed toward the attainment of humanitarian and developmental objectives as well as the development and expansion of United States and recipient country agricultural commodity markets. To the maximum extent possible, either the commodities themselves will be used to improve the economic and nutritional status of the poor through effective and sustainable programs, or any proceeds generated from the sales of agricultural commodities will be used to promote policies and programs that benefit the poor.

"(b) Country assessments shall be carried out whenever necessary in order to determine the types and quantities of agricultural commodities needed; the conditions under which commodities should be provided and distributed; the relationship between United States food assistance and other development resources; the development plans of that country the most suitable timing for commodity deliveries; the rate at which food assistance levels can be effectively used to meet nutritional and developmental needs; and the country's potential as a new or expanded market for both United States agricultural commodities and recipient country foodstuffs.".

CONTINUITY OF SUPPLY

SEC. 16. Title IV of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof a new section 413 as follows:

"SEC. 413. In order to best meet the humanitarian and developmental purposes of this Act, to the maximum extent possible there shall be a relatively constant supply of commodities provided over the life of programs conducted under this Act.".

USING FOOD AID AND RELATED RESOURCES TO ENCOURAGE FOOD SECURITY

SEC. 17. Section 103 of the Foreign Assistance Act of 1961, as amended, is amended by adding at the end thereof the following new subsection:

"(f) The Congress finds that the efforts of developing countries to enhance their national food security deserves encouragement as a matter of United States development assistance policy. Measures complementary to assistance for expanding food production in developing countries are needed to help assure that food becomes increasingly available on a regular basis to the poor majority in such countries. Therefore, United States bilateral assistance under this Act and the Agricultural Trade Development and Assistance Act of 1954, and United States participation in multilateral institutions, shall emphasize policies and programs which assist developing countries to increase their national food security by improving their food policies and management and by strengthening national food reserves, with particular concern for the needs of the poor, through measures encouraging domestic production, building national food reserves, expanding available storage facilities, reducing postharvest food losses, and improving food distribution.".

Section-by-Section Analysis

Section 1—Short Title.

Section 1 provides that this bill may be cited as the "Food Assistance Reform Act of 1979."

Sections 2 through 5—Increasing Demand for Food and Encouraging Local Food Production.

Section 2 amends section 103(f) of the Agricultural Trade Development and Assistance Act of 1954 ("the Act") to require the Secretary, in exercising his authorities under the Act, to give consideration to the development and expansion of markets for United States agricultural commodities and local foodstuffs, by increasing the effective demand for agricultural commodities and supporting measures to stimulate equitable economic growth in recipient countries, with appropriate emphasis on developing more adequate storage, handling, and food distribution facilities.

Section 3 amends section 103(n) of the Act to require the Secretary, in exercising his authorities under the Act, to take maximum precautions to assure that sales for dollars or credit terms shall not displace or interfere with local food production and marketing in the purchasing country.

Section 4 amends section 107(b) of the Act to require the Secretary to take reasonable precautions to protect the normal commodity marketing process of the recipient country.

Section 5 amends section 202(a) of the Act to require the President to take reasonable precaution to assure that commodities distributed under title II, in both normal times and in emergency situations, will not displace or interfere with local food production and marketing in the recipient country.

Section 6—Role of Indigenous Institutions and Workers.

Section 6 amends section 202(b)(2) of the Act to provide that in order to assure both the effective use of title II commodities and their application to the areas of greatest need within the recipient country, the agencies that distribute title II commodities will be encouraged to work with indigenous institutions and employ indigenous workers, to the extent feasible to (A) assess nutritional and other needs of beneficiary groups, (B) help these groups design and carry out mutually acceptable projects, (C) recommend ways of making food assistance available that are most appropriate for each local setting, (D) supervise food distribution, and (E) regularly evaluate the effectiveness of each project.

Section 7—Alleviating the Causes of the Need for Title II Assistance.

Section 7 amends section 206 of the Act to provide that no title II assistance will be provided under an agreement permitting generation of foreign currency proceeds unless, among other requirements, the agreement provides that the currencies will be used (1) to alleviate the causes of the need for the assistance in accordance with the purpose and policies of section 103 of the Foreign Assistance Act, and (2) for programs and projects to increase the effectiveness of food distribution and increase the availability of title II food commodities to the neediest individuals in recipient countries.

Section 8—Incentives for Entering into Food for Development Programs.

Section 8 (1) and (2) amend section 301 (a) of the Act to authorize the Secretary to apply the dollar value of commodities provided under title III, as well as the funds accruing from the local sales of such commodities, against the repayment obligation of governments receiving concessional financing under the Act.

Section 9—Participation of American Agriculture in Food for Development Programs.

Section 9 adds a new paragraph (4) to section 302(c) of the Act to require that, in developing and carrying out Food for Development projects, consideration be given to using the capability and expertise of American agriculture, in partnership with indigenous individuals and organizations, in furthering economic development and increased food production.

Section 10 through 13—Reports and Records under Title III.

Section 10 amends section 303(a) of the Act to make a technical change in the language of the composition of a Food for Development program.

Section 11(1) amends section 305(a) of the Act to provide that disbursements equivalent to the value of the credit furnished by the Commodity Credit Corporation shall be deemed to be payment of all installments of interest and principal payable for commodities purchased under this title.

Section 11(2) adds a new subsection (c) to section 305 of the Act to provide that when agricultural commodities made available under title III are used by the participating country in development projects in accordance with the applicable Food for Development program, the dollar sales value of such commodities shall be applied, in accordance with subsections (a) and (b) of section 305, against the repayment obligations of that country under this Act, with the value of the commodities so used being deemed to be disbursements made at the time of such use.

Section 12 amends section 306 of the Act by requiring participating countries to include in the report required under that section a detailed description of how the commodities under title III were used.

Section 13 amends section 307 of the Act to require inclusion in the annual report required under that section information on commodities not fully disbursed during the preceding year.

Section 14—Availability of Commodities for Developmental Purposes.

Section 14 amends section 401(a) of the Act to allow the Secretary to continue commodity shipments during periods of short supply for developmental as well as humanitarian purposes. Urgent humanitarian concerns would continue to be afforded first priority.

Section 15—Determination of Commodity Needs and Program Beneficiaries in Each Country.

Section 15(a) amends section 404 of the Act by expanding slightly the thrust of assistance programs to include developmental programs directed to low-income people as well as humanitarian objectives and the national interest of the United States.

Section 15(b) amends section 404 of the Act by directing that assessments be made of recipient countries' actual commodity needs in order to determine the best timing for their shipment and usefulness in economic development plans.

Section 16—Continuity of Supply.

Section 16 adds a new section 413 to the Act.

New section 413 directs the Secretary to maintain a relatively constant supply of commodities to recipient countries, to maximize predictability for both American producers and recipient countries.

Section 17—Using Food Aid and Related Resources to Encourage Food Security.

Section 17 amends section 103 of the Foreign Assistance Act to encourage the use of United States food aid and development assistance to promote national food security measures in poorer countries. Current law permits such use; this provision highlights the importance of food security.●

● Mr. HELMS. Mr. President, Public Law 480 explicitly sets forth the objectives of the food-for-peace program: To develop and expand export markets for U.S. agricultural commodities; to use U.S. agricultural productivity to combat hunger and malnutrition; to encourage economic development in developing countries, and to otherwise promote the foreign policy of the United States.

All too often, those who administer the food-for-peace programs forget that the multiple objectives of Public Law 480 are complementary, that they serve one another, and together constitute the foundation of a rational and potentially effective food aid plan.

In the 1960's the Public Law 480 programs were looked to to dispose of surplus agricultural commodities that were burdening both the American taxpayer and the American farmer. Little thought was given to the adverse effects of dumping surplus commodities on nations ill-equipped to put them to good use. The immediate need to get rid of surplus dominated the implementation of the Public Law 480 programs while humanitarian and developmental purposes occupied a position of less significance.

Since the early 1970's, the food-for-peace program has been cast in a different light. Periods of scarcity and famine and increased concern for human rights have thrust the humanitarian and developmental objectives of Public Law 480 to center stage. Indeed, it has seemed almost crass to think in the rather selfish terms of market development for U.S. argicultural commodities when so much suffering has been endured by those less fortunate than ourselves.

But it would be a tactical mistake on the part of "do-gooders" as well as a blow to the agricultural sector to downplay market development for the sake of humanitarian and developmental goals. Market development is an important source of the political support for food aid. It is one of the reasons that domestic support for food assistance has been maintained in the face of general public disdain for other forms of foreign aid.

The food-for-peace programs have produced some of our best cash-paying agricultural customers. In the early years of Public Law 480, recipient countries included 17 European nations and Japan. By 1969, all of these countries were importing U.S. farm products on commercial terms. Today Japan is the top single-country customer for U.S. farm products. By 1976, Taiwan had shifted from 90 percent Public Law 480 financing to 100 percent commercial terms. South Korea and India, heavy users of Public Law 480's concessional terms in the past, now purchase most of their food requirements on commercial terms. It is clear that our attentiveness to market development objectives has paid off in the long run not only for the recipients of our food aid but also for us. There is nothing wrong with helping ourselves while we help others to help themselves.

It makes sense for Congress to insist that policymakers take advantage of the opportunity that food aid offers to develop and expand markets for U.S. agricultural commodities while encouraging development of the third-world countries. To do so does not require radical shifts in food-aid policy. Nor does it necessitate wholesale reorganization of government. It simply calls for a sensitivity to and an application for the way in which Public Law 480 food-aid programs may be directed toward the realization of both our self-interest and the world's interest.

While this bill proposes only modest changes in the current law, it represents an attempt on the part of individuals from one end of the political spectrum to the other to assert the mutuality of the objective of Public Law 480.

The bill contains technical amendments which first, enable recipient countries to make direct use of commodities in title III self-help programs; second, allow for forgiveness of all installments of principal and any interest payable thereon for commodities purchased by participating countries for title III purposes; and third, permit the dollar sales value of title III commodities to be applied against repayment obligations of the participating country.

Among other things, the bill proposes that consideration be given to tapping the expertise and capability of American agriculture in furthering the development of developing countries; that the role of indigenous institutions and workers in the development and implementation of title II programs be expanded; and that a steady flow of food aid under Public Law 480 be maintained.

This bill does not change any material aspect of current law. Rather it seeks to clarify and fine tune the objectives and provisions of Public Law 480 in such a way as to preserve a balance among the humanitarian, developmental, and market expansion purposes of the food-for-peace programs.

Mr. President, I urge my colleagues to support this legislation.●

● Mr. DOLE. Mr. President, today I am introducing with Senator STONE, Senator McGOVERN and others the Food Assistance Reform Act of 1979.

This bill is the result of a measure introduced previously by Senator McGOVERN and myself, S. 962, the Self-Reliant Development and International Food Assistance Reform Act of 1979, and a bill introduced by Senator STONE and Senator LUGAR, S. 1053, the Food Assistance Reform Act of 1979.

I believe this new bill will improve the Agricultural Trade Development and Assistance Act of 1954 to encourage self-reliance in development countries.

Since Public Law 480 food-for-peace legislation was enacted in 1954, over $27 billion worth of farm commodities have been exported under its provisions.

A broad consensus has emerged in recent years that in the long run, the food needs of the world's poor must be met primarily by their own agricultural efforts.

SELF-RELIANCE

Public Law 480 legislation includes a number of references to the need for encouraging greater self-reliance in countries that receive food aid, but further reforms are needed to make these provisions more effective.

I believe this bill provides the needed reforms.

CHRISTIAN SCIENCE MONITOR

On Tuesday, May 8, 1979, the Christian Science Monitor carried an editorial entitled "Food for Peace" Milestone. This editorial supported the concept contained in the bill introduced by Senator McGOVERN and myself, S. 962.

The editorial stated:

> A good 25th anniversary present for American's "food for peace" program would be enactment of a bill to improve the law under which it operates * * * the trust is clear—to help food for peace better serve the countries and people for whom it is intended * * * in a session when Congress reportedly has less than usual to do—and thinks the public likes it that way—may we suggest that time for food for peace would be time well spent.

Mr. President, I ask that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"FOOD FOR PEACE" MILESTONE

A good 25th anniversary present for America's "Food for Peace" program would be enactment of a bill to improve the law under which it operates. The result would be to address head-on a perennial objection to food aid; that it hurts countries in various ways while trying to help them. The key concern is to ensure that aid goes where it will be effectively used—and does not work against local farmers and self-help.

When Food for Peace (Public Law 480) began in July, 1954, the aims were primarily to support American agriculture, trade, and foreign policy. There were large farm surpluses at the time. A dozen years later few surpluses remained. President Johnson began calling the program "Food for Freedom." It took on the goals of combatting hunger and promoting development abroad.

About a billion dollars' worth of food has been shipped each year, most of it for purchase under easy terms. There have been nagging questions: Does the food get to those who need it most? Does it compete with local producers or permit local production to languish?

The proposed legislation, placed before House and Senate committees this spring, gives Congress an opportunity to explore the matter thoroughly once more and make Food for Peace a better program in its next quarter century. Entitled the Self-Reliant Development and International Food Assistance Reform Act of 1979, the measure would amend the existing law in ways such as this.

Commodities would be made available to a country only if the President determines that the country has a legitimate need for these commodities and that they or the proceeds from them will be used to benefit the poor.

Advantages would be given to countries agreeing to use food aid for expanding local food production or other developmental purposes.

Food used for the good of the very poor would be eligible for debt-forgiveness provisions.

The President would take "reasonable precaution" to assure that the food aid "will not displace or interfere with local food production and marketing in the recipient country, or sales which might otherwise be made."

Distributing agencies for food grants would be encouraged to "work with indigenous institutions and employ indigenous workers, to the extent feasible."

The thrust is clear—to help Food for Peace better serve the countries and people for whom it is intended. They would get aid for immediate needs without undercutting the local development essential for sound long-term progress. In a session when Congress reportedly has less than usual to do—and thinks the public likes it that way—may we suggest that time for Food for Peace would be time well spent.

CONCLUSION

In conclusion, I am pleased to introduce, with Senators STONE, McGOVERN, ZORINSKY, CHURCH, HELMS, LUGAR, and COCHRAN, the Food Assistance Reform Act of 1979. I hope the Committee on Agriculture, Nutrition, and Forestry and the entire Senate will give this much needed legislation prompt and favorable consideration.●

By Mr. LEVIN:

S. 1175. A bill to amend the Emergency Petroleum Allocation Act of 1973; to the Committee on Energy and Natural Resources.

EMERGENCY PETROLEUM ALLOCATION ACT AMENDMENTS OF 1979

Mr. LEVIN. Mr. President, President Carter has announced his intention to use his discretionary authority over crude oil pricing, which becomes effective June 1, to implement a program of phased decontrol of domestic oil prices, which would raise them from the current regulated price to the world price over a 28-month period. The President has acknowledged that the revenues the oil industry would receive from decontrol are "unearned and excessive," and he has proposed to the Congress a windfall tax to recoup some portion of those revenues. Nevertheless, he intends to proceed with decontrol in the absence of any knowledge of what kind of a tax will be adopted by the Congress and approved by the President, or even whether we will approve any tax at all. I believe that it would be irresponsible for Congress to permit decontrol under those circumstances, Mr. President, and for that reason I am today introducing legislation to make decontrol contingent upon passage of a strong windfall profits tax.

In so doing, I want to make clear that I recognize that decontrol may yield us some benefits, albeit marginal ones, in several areas. First, it will lead to some increase in domestic oil production, estimated at about 200,000 barrels per day by 1982. It will lead to some increased conservation, 300,000 barrels per day according to CBO's estimate, for an overall decrease in the supply-demand gap of half a million barrels per day, or 5 percent of projected imports in 1985. This represents a modest shrinkage of that gap, and hence a modest decrease in our reliance upon imported oil. It is not negligible, but neither does it, on its own merits, justify what the administration estimates could be a $31 billion income transfer from energy consumers to oil companies between now and 1982.

However, Mr. President, decontrol accompanied by a strong windfall profits tax would reduce that enormous windfall transfer to the oil industry, which is unjustified both in terms of the industry's current capital situation and in terms of the supply response which it would produce. Moreover, the revenues collected from the tax could be used for two purposes which I consider integral to any rational oil pricing program. First, it would cushion the impact of higher energy costs on low- and middle-income Americans. Decontrol alone will work a disproportionate hardship on those in those income brackets which already pay a disproportionately large percentage of their income on energy. It is an inescapable fact that decontrol will impose some additional costs on all of us. We must make absolutely sure that the largest burden of the increased cost does not fall on the shoulders of those who are least able to afford the greater expense.

The greatest fallacy of decontrol unaccompanied by a good windfall profits tax is the belief that pouring billions of dollars into oil company coffers (even assuming that all those revenues are used for increased exploration and production from domestic reserves, which no company has ever promised us) would be any kind of a long-term solution to our energy problems or to our dependence upon oil imports. The fact is that the United States is the most drilled-over country in the world, and that the prospects for enormous new oil finds in the continental United States are just not that great. Proven reserves in the continental United States, according to the American Petroleum Institute's figures, have been dropping steadily since 1967. They have fallen from over 31 billion barrels in that year to just over 23 billion barrels in 1976.

If we are to think in terms of long-term energy independence, then it is clear that we must use the revenues from decontrol, not just for more and more drilling as some proponents of straight decontrol would have us do, but into research, development, demonstration, and commercialization of alternatives to our reliance upon crude oil as a predominant energy source. This is particularly important for the transportation section of our economy where alternatives to oil are exteremely difficult to come by. Our sources of crude oil are going to begin running dry at some point in the not-too-distant future, and the price of oil is going to escalate in geometric fashion as that point approaches. We must begin to prepare ourselves now if we are to ease and hasten the transition from oil to alternative fuels.

Mr. President, while the administration proposes to use the revenues from its proposed windfall tax for the purposes I have described, the President cannot guarantee, nor can anyone in this Chamber, that there will in fact be any such tax. That is why I believe the legislation I am here introducing is so vitally necessary.

I also believe that the windfall profits tax proposed by the President would not provide for an equitable distribution of the revenues accruing from decontrol of domestic crude oil prices. Although the President has talked about a 50-percent windfall tax, the specific tax he has submitted to the Congress, by itself, falls far short of that. According to the administration's own figures, there will be a net increase in oil receipts, over the period 1979–82, of $26.3 billion. The additional tax receipts to the Government attributable to the windfall tax itself total $3.8 billion over that period, or 14 percent of net receipts. If OPEC prices are projected to rise at 3 percent per year in real terms, then the President's tax looks a little better: It would recapture $5.6 billion out of total revenues of $30.7 billion, or 18 percent. That is still a far cry from the 50-percent tax which the public has been led to expect.

Having stated my objections to the action taken by the President, let me now explain what my proposal would do.

The legislation I am introducing would require the President to submit to the Congress a plan for the phased decontrol of crude oil prices. In the formulation of that plan, the President would be required to consider its impact upon domestic crude oil production and consumption, upon the domestic economy and the rate of inflation, upon different regions of the country, and upon the aggregate level of crude oil imports.

The Congressional Budget Office would be required to make a study of the amount of revenue which would accrue to the oil industry under the submitted decontrol plan, over a 4-year period, and to make quarterly updates of that study. CBO would also be charged with examining any windfall tax measure passing the Congress and enacted into law. If CBO certifies that the tax meets certain minimum specifications, that would serve to trigger the decontrol plan. Mandatory price controls on crude oil would be extended for 29 months from June 1, 1979, or until a tax satisfying minimum standard I will now describe is adopted, whichever comes first.

The bill sets only two requirements which the windfall tax would have to meet in order to trigger decontrol. First, it would have to recoup to the Federal Treasury at least 50 percent of the revenues accruing from decontrol, over and above any payments the industry would be expected to make resulting from decontrol under existing taxes and royalties. That is, it must recapture at least 50 percent of the revenue that would flow to the industry if decontrol were to take place with no windfall tax in place. That would be a true 50-percent windfall tax, and would satisfy legitimate public expectations of an appropriate distribution of revenues to the Government and the industry. Second, the windfall measure would have to impose a 100-percent rate of tax on old or lower tier oil, with adjustments in the amount of oil in that category permitted in accordance with existing regulations or under the decontrol plan. There is no additional exploration or production cost associated with oil being produced at current levels from existing wells and, therefore, there is no reason for the oil companies to receive any more revenue from such production. The tax on other categories of oil could be adjsuted freely so long as the overall 50-percent criterion were met, thus allowing a tax that would provide a substantial incentive for drilling new wells or for using enhanced recovery techniques to increase production from existing wells.

The intent of this legislation is not to prescribe a particular kind of tax; that is a complicated judgment which will require serious congressional consideration. This bill only sets minimum standards for the tax which must be adopted in order for decontrol to take place. If we permit decontrol to begin on June 1, without an adequate windfall profits tax in place, then I believe we will have abdicated our responsibility to come up with a rational oil pricing policy.

Mr. President, I ask unanimous consent that the bill be printed in the Record at this point, along with a letter to me from Howard Paster, legislative director of the United Auto Workers.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 1175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Petroleum Allocation Act Amendments of 1979".

Sec. 2. Section 8 (a) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 757 (a)) is amended by striking "39 months" and substituting "68 months".

Sec. 3. Section 18 of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 760 (g)) is amended by—

(a) striking "40th" month and substituting "69th month";

(b) striking all after "in effect," in the first sentence, and substituting: "the President shall have the authority to:

"(1) maintain in effect any regulations which have been promulgated, made effective, or amended pursuant to section 4 (a) of this Act; or

"(2) implement the contingent plan for phased removal of ceiling prices on crude oil, proposed pursuant to section 8 of this Act."; and

(c) striking "September 30, 1981" and substituting "December 31, 1982".

Sec. 4. Notwithstanding the amendments made by sections 2 and 3, a contingent plan for the phased removal of ceiling prices on crude oil produced in the United States, as submitted by the President to the Congress pursuant to section 5, shall take effect on the first day of the second full calendar month after the Director of the Congressional Budget Office makes the certification to the Congress as specified by section 7.

Sec. 5. (a) Not later than 30 days after the date of enactment of this Act, the President shall propose to the Congress a contingent plan for the phased removal of ceiling prices on crude oil produced in the United States. In the formulation of such plan, the President shall consider the effect such plan would have upon—

(1) domestic crude oil production;

(2) domestic crude oil consumption, and the consumption of products derived therefrom;

(3) the domestic economy, and in particular the rate of inflation;

(4) different regions of the country; and

(5) the aggregate level of United States crude oil imports.

(b)(1) The contingent plan submitted by the President may be amended at his discretion upon 15 calendar days notice to the Congress, except that no such notice may be given, nor amendment be made after legislation has been enacted which would substantially affect the amount of revenue which can be expected to accrue to all producers of crude oil from the production and sale of such crude oil.

(2) The requirement for 15 calendar days notice pursuant to paragraph (1) shall not apply in a case where the Director of the Congressional Budget Office has declined to

make the certification provided for in section 7 of this Act, with regard to any legislation described in paragraph (1).

Sec. 6. On the first day of the second full calendar month after the contingent plan is submitted by the President as provided by section 5 of this Act, and every third month thereafter until certification under section 7 is made, the Director of the Congressional Budget Office shall submit to the Congress a report which states the windwail profit which would accrue to all producers of crude oil if such plan were to become effective upon the date of such report. Such report shall cover a period of four calendar years from the date it is submitted.

Sec. 7. (a) The Director of the Congressional Budget Office shall examine any law which would substantially affect the amount of revenue which would accrue to all producers of crude oil from the production and sale of such crude oil. If the Director determines that enactment of such measure would—

(1) generate receipts to the Treasury equivalent to at least 50 percent of the windfall profit as determined under section 6, over the period covered by the report submitted pursuant to that section, and

(2) would impose a 100 percent rate of tax on the windfall profits with respect to any barrel of lower tier taxable crude oil,

the Director shall so certify to the Congress.

(b) If the Director of the Congressional Budget Office declines to make such certification, the Director shall transmit the reasons for such decisions by letter to the Speaker of the House of Representatives and the President of the Senate.

DEFINITIONS

Sec. 8. For the purposes of this Act the term—

(1) "crude oil" shall include any substance treated as crude oil under the March 1979 energy regulations;

(2) "domestic", when used with respect to crude oil, means crude oil produced from an oil well located in the United States or in a possesssion of the United States;

(3) "United States" has the meaning given to such term by paragraph (1) of section 638 (relating to Continental Shelf areas) of the Internal Revenue Code of 1954;

(4) "producer of crude oil" means the holder of an economic interest with respect to such crude oil;

(5) "March 1979 energy regulations" means regulations prescribed under section 4(a) of the Emergency Petroleum Allocation Act of 1973, and in effect as of March 1, 1979;

(6) "barrel" means 42 United States gallons;

(7) "lower tier taxable crude oil" shall mean domestic crude oil which is or would be subject to the lower tier ceiling price rule for such oil under the March 1979 energy regulations, subject to such reductions in the base production control level for such oil as would be made pursuant to such regulations or pursuant to the contingent plan submitted under section 5;

(8) windfall profit" means the excess of—

(A) the decontrol margin, over

* * * * *

International Union, United Automobile, Aerospace & Agricultural Implement Workers of America—UAW,
Washington, D.C. May 16, 1979.

Hon. Carl Levin,
U.S. Senate,
Washington, D.C.

Dear Senator Levin: I am writing to express the support of the International Union, UAW for your proposal that controls on crude oil prices be extended until the enactment of an adequate windfall profits tax.

While we favor legislation to extend price controls on crude oil, we are not blind to the need to rethink the manner in which energy is priced in this country. We also believe that the tax system holds the potential for redressing the inequitities which arise from higher energy prices. Indeed, our support of the Crude Oil Equalization Tax in the 95th Congress reflected our honest efforts to try to come to grips with these difficult questions.

Prior to the time the Administration announced their proposal to decontrol crude oil prices, we met with White House staff members and urged that any action to increase prices be made contingent upon the enactment of a satisfactory tax to recapture unjustified windfall profits. Regrettably, the Administration did not follow this course, and is moving to implement decontrol without any assurance that its tax proposal will be enacted. Moreover, we regard the Administration's tax proposal as woefully inadequate and, in no case, sufficient to justify decontrol.

Your proposal corrects both of the Administration errors. On one hand you specifically make decontrol contingent upon enactment of a satisfactory tax. Second, you have a far more comprehensive tax proposal than that of the Administration.

There remains room for debate about the exact method of taxing windfall profits and the disposition of the revenue raised by such a tax. But the underlying premise of your proposal, that decontrol can only come after the enactment of a true windfall profits tax, is consistent with the postion of the UAW. Thus it is that we extend our support to you, and look forward to working with you toward our mutual goals.

Thank you again.

Sincerely,

Howard G. Paster,
Legislative Director.

By Mr. GRAVEL (for himself and Mr. Stevens):

S. 1176. A bill to amend the act entitled "An Act for the Preservation of American Antiquities," approved June 8, 1906 (34 Stat. 225), to provide congressional review of Presidential monument proclamations, and to amend the act entitled "Federal Land Policy and Management Act of 1976," approved October 21, 1976 (90 Stat. 2743), to alter the congressional review procedures of land withdrawals, and for other purposes; to the Committee on Energy and Natural Resources.

(The remarks of Mr. Gravel when he introduced the bill appear elsewhere in today's proceedings.)

By Mr. KENNEDY (for himself, Mr. Williams, and Mr. Pell):

S. 1177. A bill to improve the provision of mental health services and otherwise promote mental health throughout the United States, and for other purposes; to the Committee on Labor and Human Resources.

MENTAL HEALTH SYSTEMS ACT

Mr. KENNEDY. Mr. President, today I am pleased to introduce the Mental Health Systems Act. I believe that this is an extremely important bill, and an important first step in the legislative process. This proposal, which builds on existing legislation, will assist in meeting the goal of making comprehensive coordinated mental health services available to all Americans.

Mr. President, as chairman of the Senate Subcommittee on Health and Scientific Research, I will begin a series of hearings on this and related legislation on Thursday, May 24, 1979. I am hopeful that consumers, providers of all types, business and labor will share their views with the subcommittee. While this bill goes a long way toward refining the Community Mental Health Center Acts of 1963 and 1975, I believe that there remain many areas in which the Federal Government must assume broader responsibilities. I anticipate, therefore, that we will be amending this bill in several significant ways without compromising its general thrust.

Early in 1977, the President's Commission on Mental Health was organized under the energetic and perceptive leadership of the President's wife, Mrs. Rosalynn Carter. This Commission undertook a review of mental health policy in the United States. After many months of intensive effort, a report was issued documenting the mental health status of this country together with recommended improvements. On February 7, 1979, Mrs. Carter appeared before the subcomittee, formally presented the Commission's report, and responded in a forthright manner to committee questions. Mrs. Carter is to be highly commended for her commitment to improve the quality of life for the mentally ill and the outstanding report which has been so useful in developing this legislation.

Mr. President, mental health services have long been of concern to me and my family. The original Mental Retardation Facilities and Community Mental Health Construction Act of 1963—Public Law 88-164—evolved from legislation proposed by Senator John F. Kennedy in 1957. This legislation acknowledged that we had been warehousing our mentally ill in State institutions remote from urban areas. It would not have been an exaggeration to say that many of these patients were receiving custodial care.

Public Law 88-164 advanced the notion that these patients could be more effectively treated in community-based facilities, closer to their places of residence with a goal of closing or significantly reducing State hospital populations. Unfortunately, as State hospital populations have been reduced during the past 15 years, there has been a corresponding increase in the rate of readmissions, suggesting strongly that we are not doing enough to maintain patients in the community after discharge.

The plight of the deinstitutionalized patient is a national disgrace. Almost daily we hear about patient abuses from California to New York, and yes, we read about it here in our Nation's Capital. In some cases these patients have been discharged to fend for themselves or placed in nursing homes or boarding homes more inadequate than the discharging institution.

Painfully we have come to understand that many of these community residences are more concerned about their reimbursement than the patients' need for quality care in a stimulating environment. In addition to having the stigma of mental illness, their employment, housing, and other social service needs have been poorly met.

In many cases their problem is compounded by a social security income system that is not synchronized with their discharge plan. This results in many patients being discharged with no SSI benefits and this often leads to rehospitalization or exposes the patient to those in the community who would exploit their presence. In general, previous legislation has not effectively served this population.

The community support program, as outlined in the bill, begins to focus services and responsibilities. However, without accompanying improvements in titles XVIII, XIX, and XX the program is doomed to failure. During the hearings I hope witnesses will address the issues of changes in these programs.

The reduction in institutional based services has led, in many instances, to a reduction in the need for institutional based employees. We must recognize the employment and general economic impact that deinstitutionalization can have on a local community. To date, State mental health authorities, with few exceptions, have not adequately addressed the needs of these employees by instituting retraining programs or developing alternative employment opportunities.

Mr. President, we would all agree, I am certain, that the ideal mental health program would include efforts that prevented people from becoming ill and requiring treatment. These programs, often called primary prevention, have not received the resources or special attention they require if they are to become truly useful. This legislation acknowledges the importance of preventive programs and proposes to allocate funds to develop model programs.

Previous preventive efforts have been fragmented and vaguely attached to other programs. This act gives this potential cost effective program the required sense of independence and focus.

Critical to the successful development of a coordinated system of mental health services is the State mental health authority. Historically, the responsibility for providing mental health services to those not covered by the private sector or specialized Federal programs has fallen to State government. Several billion dollars in State revenue is spent annually for this purpose. This legislative proposal continues to require that States play the leading and coordinating role in developing mental health plans. These must, of course, be approved by local health planning agencies and the Governors. In the past, these plans were little more than academic rhetoric.

This bill sets out in much more detail the responsibilities of State mental health authorities and assures that the plans will reflect real needs with unambiguous steps toward creative solutions.

The capacity of State government to coordinate all mental health services including those supported by Federal funding varies from one State to the next. While there are strong arguments that would support placing the State government in an even more authoritative role, it may not be feasible in all instances at this time. During the hearings I hope witnesses will address the demonstration program in title V which allows the Secretary to give grants to carefully selected States to develop pilot programs of State administration of Federal mental health funds.

A major deficiency in current mental health programs arises out of the complexities inherent in the current system. The knowledge level required to effectively manage a CMHC, for example, is continuously expressed by local, State, and Federal officials, and it is clear that we have not invested sufficiently in training our managers and other nonclinical personnel. We must seek ways of building on the efforts of the NIMH staff college to make the kind of skill training offered at the college available to appropriate personnel at all levels of the system.

Title IV of the act provides funding for services to certain underserved populations (children, aged, chronically ill, minorities, rural, and/or poor). In addition, funds under this title can also be used for purposes of planning, growth or expansion, linkage programs with ambulatory health care centers, and for non-revenue-producing activities. The grants can go directly to community-based private nonprofit agencies.

While I appreciate the purpose of this title, we must insure that we do not fragment programs at the local level and must insure that meaningful and supportive relationships exist between the various service providers at the local level. I expect that we will be discussing this title at our hearing and modify it to prevent any fragmentation.

Mr. President, there is substantial evidence that we presently do not adequately integrate our mental health and general health care programs. In some communities, neighborhood health centers and community mental health centers exist almost side by side, neither knowing what the other is doing. This, of course, leads to much duplication, overlapping, and uncoordinated care. Two years ago we began a small grant program so that consultative mental health services could be delivered by primary health care centers.

The recommendations of the PCMH in this area were thoughtful and useful, and this legislation begins to implement some of those ideas. I believe there is also the need to expand linkages which bring primary health care professionals into closer and regular contact with mental health providers. If we are genuinely interested in linkages then we must recognize that the need goes both ways. Unfortunately, the training of physicians in psychosomatic medicine is inadequate, and this, too, must be addressed.

The unmet needs of the minorities are also emphasized in the PCMH report. It is generally agreed that if we are to develop appropriate services to minority communities we must intensify our efforts both in training more minority professionals and expanding our knowledge base on the special issues confronting those communities. Like everyone else, minorities feel more comfortable and secure when care is provided by practitioners who come from similar backgrounds.

Yet there are only a handful of trained minority psychiatrists, psychologists, and social workers. I have been working with Senator INOUYE on expanding the role and scope of influence of the Minority Center currently located at NIMH and expect to hear testimony on this issue at the hearings.

It is a sad but accurate fact that there has been a dramatic increase in the incidence of rape in this country. Rape victims, another underserved population, receive very eratic services, often fragmented and insensitive.

Currently, NIMH supports, in a very limited way, some research and demonstration grants but no comprehensive service program support funding is available at the Institute. Senator MATHIAS has been a strong advocate for such a program, and I will continue to work with him to develop creative legislation in this area.

Title IV of this act facilitates, among other things, the development and improvement of services to children as an underserved population. Our services to young people might be improved if we funded several special demonstration projects focused on comprehensive services to seriously disturbed adolescents having a history of violent behavior. These youngsters are appearing regularly in our juvenile courts and often neither the State juvenile justice systems nor mental health systems are able to understand and effectively treat these youngsters.

Mr. President, the report of the Commission strongly emphasized the need to develop informed and aggressive systems of advocacy for the mentally ill. This group, which is particularly vulnerable to abuse and the deprivation of rights, has overwhelming difficulty in advocating for themselves. Our courts have repeatedly stated that patients do have the right to receive quality treatment in the least restrictive setting appropriate to their need. We have, in many cases, not delivered such care without the active intervention of the judicial system, and the rights of thousands of patients are routinely ignored.

Congress has recently passed legislation aimed at protecting the rights of the retarded and the aged. I believe we can do no less for the mentally disabled, and I anticipate adding a bill of rights and patient advocacy program to the bill. The report of the PCMH clearly and strongly supported placing such a program in the legislation.

Stress can often be related to an individual's work, and individuals having emotional problems often come to the attention of employers. The work setting may well be an excellent place to develop collaborative mental health programs between industry and CMHC's or with other psychiatric treatment facilities. We have not studied this issue in sufficient depth, but the possibility of some truly creative approaches beneficial to both the public and private sectors is a real possibility. Of course the confidentiality of employees must be protected, and the program could not be coercive.

During the hearings both medicaid and medicare must be reexamined in relation to their support of mental health services to the poor and elderly. In several aspects title XVIII and title XIX programs discriminate against the mentally ill, especially with unrealistic limits on coverage for outpatient services.

Community mental health centers continue to have difficulty receiving these funds despite clear congressional intent expressed in previous service legislation that assumes that the CMHCs will become self-supporting with third-party reimbursements after several years. Because this has not happened, several CMHC's have had to make serious cuts in their service programs. In reauthorizing these programs, we must also address the financing of certain programs such as consultation and education and prevention that have not been traditionally reimbursed as a medical service.

There can be no question that Community Mental Health Centers have effectively demonstrated their utility in responding to America's mental health service needs. Literally millions of people have been ably assisted through the almost 700 existing centers and they have become an extremely valuable part of our health care system. Not only have they established and maintained relevant services, but they have been on the cutting edge of community education in mental health, and we are all familiar with the relationship between education and prevention.

A major mental health service barrier is stigma, and the Community Mental Health Centers have offered the structure for changing the public's misunderstanding about the mentally ill.

The mental health centers have actively involved many of our citizens in the decisionmaking process through membership on local boards of governance and a sense of shared participation and responsibility. While we must continue to seek out and implement progressive changes, we can never retract from our commitment of providing quality care through community-based services and facilities.

In summary, Mr. President, I believe we have begun to develop a useful and responsive mental health care system in this country. The 16 years since the first act was proposed have been frought with trial and error, starts and stops, successes and failure. We have gained considerable experience in the meantime, and millions of patients and families have been helped in this process. This bill substantially moves us forward and with appropriate amendments I feel we can make important improvements in our mental health care system. I trust my colleagues will give this bill their serious consideration.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the bill and the analysis were ordered to be printed in the RECORD, as follows:

S. 1177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of his Act as precedes title VII along with the following table of contents, may be cited as the Mental Health Systems Act".

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TITLE VII—MISCELLANEOUS

Sec. 701. Community Mental Health Centers Act Appropriations

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds—

(1) Despite significant progress in the availability of community mental health services and improving residential mental health facilities, certain groups in the population, such as children and youth, the aged, the chronically mentally ill, racial or ethnic minorities, poor persons, and persons in rural areas, often lack access to adequate mental health services and other health or social or other support services.

(2) Even where mental health services are available, the lack of coordination, among governmental and private agencies and entities, of the mental health services, other health services, and social or other support services provided often leads to neglect or unnecessary institutionalization of persons with chronic mental disabilities.

(3) Millions of persons with some level of mental disorder have contact with the primary health care system where opportunities for effective mental health care and treatment are often lost because of inadequate mental health training of general health care personnel and the lack of mental health personnel in primary health care settings.

(4) Present efforts to prevent mental disability through discovery and elimination of the causes of mental illness and through early detection and treatment programs are far too limited.

(b) It is, therefore, the purpose of this Act to provide more flexibility in the funding of mental health services and to encourage development of a partnership, in the delivery of mental health services, other health services, and social or other support services, among Federal, State, local government, or private providers of such services, in order to improve mental health, prevent mental illness, and provide effective treatment and rehabilitative services in the least restrictive setting for persons of all ages and cultural backgrounds who are suffering from mental illness or disability or are potential sufferers therefrom. To help carry out that purpose, the objectives of this Act are—

(1) to foster the most effective use of available Federal, State, local government, or private resources, by encouraging States to improve the administration of their mental health services programs and to coordinate services under those programs with other health services and social or other support services;

(2) to develop community-based services for unserved, underserved, or inappropriately served populations, especially children and youth, the aged, the chronically mentally ill, racial or ethnic minorities, poor persons, and persons in rural areas;

(3) to minimize unnecessary or inappropriate institutionalization and ensure that persons requiring long-term residential care due to mental health illness or disability receive such care in the least restrictive settings possible;

(4) to increase the integration of general health services and mental health services through in-service mental health training of primary care providers and through placement of mental health professionals in primary care programs;

(5) to encourage States to develop prevention programs;

(6) to encourage mental health professionals to locate in unserved and underserved areas; and

(7) to facilitate accomplishment of that purpose and these objectives through more effective planning that is consistent with the mental health aspects of overall State health planning.

DEFINITIONS

SEC. 3. For the purposes of this Act, unless the context otherwise requires—

(1) The term "State" includes (in addition to the fifty States) the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(2) The term "Governor" means, in the case of a State which does not have a governor, the chief executive officer of the State.

(3) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(4) The term "nonprofit", as applied to any entity, means an entity which is owned and operated by one or more corporations or associations no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(5) The term "State Agency" means the agency or authority of a State established or designated under the State plan (approved under this Act) of that State to assume responsibility for administration of the plan and the other aspects of its mental health services program.

(6) The term "Area Mental Health Authority" means the public or nonprofit private entity (and there may be only one) in a mental health services area designated by the State Agency to be responsible for planning the mental health services program of the area and (at the option of the State) any one or more other mental health services areas, and for the coordination and development of mental health services in that area or areas.

(7) The term "Core Service Agency" means a public or nonprofit private entity designated by the State Agency to assume responsibility in any mental health services area for planning, coordinating, developing, and providing the mental health services and support services that are necessary for the care of those members of any one or more priority population groups in the area who need both mental health services and support services.

(8) The term "support services" means health services (other than mental health services), and the social services and other support services specified by the Secretary.

(9) The term "priority population group" means any of the following groups which are unserved by any mental health services programs or are underserved by such a program or programs: children and youth, the aged, the chronically mentally ill, any racial or Health Care Improvement Act), the poor, (as those terms are defined in the Indian ethic minority, Indians and Urban Indians rural residents, or any other group determined by the Secretary to have a special need for services under such a program.

(10) the term "mental health services area" means a geographic area established for purposes of planning and provision of mental health services.

(11) The term "comprehensive mental health services" means the services described in section 201(b) of the Community Mental Health Centers Act.

TITLE I—MEETING THE NEEDS OF THE CHRONICALLY MENTALLY ILL

PURPOSE

SEC. 100. (a) It is the purpose of this title—

(1) to provide assistance to States and communities to develop or improve mental health services and other services for chronically mentally ill adults and children;

(2) to do this under a program—

(A) clearly defining the respective Federal, State, and local public or private roles and responsibilities in achieving, and

(B) under which, if the States meet, provide for meeting, or furnish satisfactory assurances of meeting specified conditions and prescribed performance standards (adapted where appropriate to the peculiar circumstances of each State or community), they will receive Federal support in achieving, the National goal of developing responsive, coordinated, community-based service systems to meet the needs of those adults and children with chronic mental illness who are capable of living in the community if provided with adequate mental health, rehabilitation and training, housing, or other support services.

(b) It is the further purpose of this title, in providing that assistance under such a program, to facilitate State efforts to carry out the State responsibility for—

(1) providing appropriate care for those adults and children whose mental illnesses are so severe that they require inpatient care on a short or long-term basis; and

(2) making the transition from institution, based to coordinated community-based service systems through closing or converting to other appropriate use public mental hospitals and other long-term care facilities and through providing retraining and job placement for personnel displaced by the closure or reduction in use.

SERVICES FOR THE CHRONICALLY MENTALLY ILL

SEC. 101. The Secretary may make grants to any State Agency for any project for payments by it to Core Service Agency in any mental health services area for any one or more of the following—

(1) planning for the development of a system of mental health services and support services, for the chronically mentally ill in the area who need both mental health services and support services, and for members of their households, that may assist the chronically mentally ill to live outside of institutional settings;

(2) coordination of the operations of any agencies or entities having responsibility for any mental health services or support services for the chronically mentally ill in the area;

(3) identifying barriers to the ready availability of any of such services to the chronically mentally ill in the area and devising measures to help overcome those barriers;

(4) improving the competency of personnel of entities providing any of such services for the chronically mentally ill through in-service or other training or retraining;

(5) assuring the availability, for each chronically mentally ill patient who needs both mental health services and support services, of an individual to assume responsibility for seeing to it that the patient receives any of such services that he needs;

(6) providing or arranging for the provision of any such services needed by any such patient and not otherwise available;

(7) providing educational or informational services to educate the population of the area on the problems of the chronically mentally ill and the need for community involvement in the programs to resolve those problems outside of institutional settings, and on what is available or needed to help those programs succeed;

(8) preparing and providing such reports to the State Agency, containing such information, as the State Agency may find necessary to evaluate the Core Service Agency's activities with respect to the chronically mentally ill.

ASSISTANCE TO STATE AGENCIES

SEC. 102. The Secretary may make grants to any State agency for any project for any one or more of the following—

(1) planning for the development of a system of mental health services and support services, for the chronically mentally ill in the State who need both mental health services and support services, and for members of their household, that may enable the chronically mentally ill to live outside of institution settings;

(2) coordination of the operations of State or intrastate regional agencies having responsibility for any mental health services or support services for the chronically mentally ill;

(3) identifying State-level barriers to the ready availability of any of such services to the chronically mentally ill and devising measures to help overcome those barriers;

(4) (A) improving the competency of personnel of entities providing any of such services for the chronically mentally ill through in-service or other training or retraining, and (B) job placement for and retraining (for work in community-based mental health programs) of former employees of mental (inpatient care) institutions adversely affected by reduced use of such institutions; or

(5) assisting mental health services areas in the continuing process of identifying the chronically mentally ill who need both mental health services and support services and in planning for and carrying out plans for providing such services for such chronically mentally ill.

TITLE II—PREVENTION OF MENTAL ILLNESS

PURPOSE

SEC. 200. It is the purpose of this title to complement Federal research and training efforts at prevention under existing legislation by providing assistance to States in promoting mental health and preventing mental illness, particularly among groups of the population that run a higher risk of mental illness than others; to do this by supporting State efforts to educate the general public about mental health problems, to improve the ability of health, social service, or other support services personnel to recognize and deal with mental illness, and to facilitate timely access to mental health services for those who need help in dealing with potential causes of mental illness.

PROJECT GRANTS FOR PREVENTION OF MENTAL ILLNESS

SEC. 201. The Secretary may make grants to any State Agency for any project for any one or more of the following—

(1) providing assistance, through collection and dissemination of information, workshops, and other appropriate means, to mental health or other health personnel, entities, and groups, and to volunteer or other citizen organizations and groups, in the development of programs aimed at preventing mental illness;

(2) in-service training and other training of mental health, other health or other appropriate personnel in early identification of the potential causes of mental illness and early application of measures designed to prevent occurrence or aggravation of mental illness;

(3) providing information to the general public on the importance of preventing mental illness and of the services available to help in early identification of potential causes of mental illness and early handling of those causes;

(4) planning, and other activities at the State or intrastate regional level to develop and coordinate, services to help prevent mental illness; or

(5) demonstrating, in one or more mental health services areas of the State, the various means of preventing mental illness and otherwise promoting mental health.

TITLE III—STATE MENTAL HEALTH SYSTEMS IMPROVEMENT

PURPOSE

SEC. 300. It is the purpose of this title, in recognition of the financial and administrative roles of the States in the mental health sector, to assist them to improve their capacity to carry out their responsibilities for administering their mental health services and related programs.

IMPROVING STATE ADMINISTRATION

SEC. 301. For the purpose of assisting States to improve administration of State mental health programs, the Secretary may make grants to any State Agency for any project for any one or more of the following—

(1) improving State Agency capacity to collect and analyze statistics and other data and to otherwise meet the monitoring or reporting requirements under this Act;

(2) improving the planning and other administrative functions of the State Agency; or

(3) improving the ability of the State Agency (A) to set performance standards for mental health services projects and programs, (B) to enforce those standards, and (C) to evaluate performance under any other aspects of such projects and programs through data analysis, studies, and other means.

OTHER STATE ACTIVITIES

SEC. 302. The Secretary may make grants to any State Agency for any project for any other activities, included in the State plan approved under this Act, which are designed to improve the provision of mental health services in the State or the administration of State or local mental health programs and which the Secretary determines to be of particular significance in the light of the purposes of this Act.

TITLE IV—COMMUNITY MENTAL HEALTH SERVICES

PURPOSE

SEC. 400. The purpose of this title is to assure the initiation and improvement of mental health services for children and youth, the aged, the chronically mentally ill, any racial or ethnic minority, Indians, the poor, rural residents, or any other group with special needs, and the development of comprehensive mental health services for them and others in their communities through creating necessary services where none exists; recognizing the close relationship between mental health services and other health or support services; supporting the maintenance of existing non-revenue producing functions after basic support has terminated, and continuation of comprehensive mental health services programs already begun; supplementing or improving existing services where they are inadequate; and increasing the flexibility of communities in planning a comprehensive network of services which assures continuity of care.

PREPARATION FOR PROVISION OF SERVICES

SEC. 401. (a) For the purpose of assisting public or nonprofit private entities to prepare for providing mental health services in a mental health services area, the Secretary may make a grant to any such entity for a project to—

(1) assess the needs of the area for mental health services;

(2) design a mental health services program for the area based on such assessment;

(3) obtain within the area financial and professional assistance and support for the program; and

(4) initiate and encourage continuing community involvement in the development and operation of the program.

The amount of any grant under this section may not exceed $75,000.

(b) Only one grant may be made under this section with respect to a mental health services area.

(c) No grant may be made under this section with respect to any mental health services area if a grant has previously been made under this title or under the Community Mental Health Centers Act with respect to the same area, or with respect to a catchment area (within the meaning of that term in the Community Mental Health Centers Act) any substantial (as determined by the Secretary) part of which is included in that mental health services area. The prohibition in the preceding sentence does not apply if the earlier grant (referred to therein) under this Act was made under section 402 for one or more, but less than all, of the comprehensive mental health services are not being provided in the area, or if the earlier grant (so referred to) under the Community Mental Health Centers Act was made under section 224(b) of that Act as in effect before July 29, 1975. As used in the preceding sentence, the term "comprehensive mental health services" does not include any such service for an area if there is not sufficient need for it in the area, as determined by the Secretary, or if the Secretary determines the need for it is being met.

INITIATION OF SERVICES FOR THE UNDERSERVED

SEC. 402. (a) The Secretary may make grants to any public or nonprofit private entity for any project for the provision of mental health services to one or more priority population groups. In making such grants under this section, the Secretary shall give preference to any entity serving a mental health services area which has no community mental health center (as defined in the Community Mental Health Centers Act) servicing it and with respect to which no grant has been or is being made under section 403.

(b) A grant may be made under this section for any project only if—

(1) the project will provide at least one of the services, included in comprehensive mental health services, to meet the needs of at least one priority population group, as determined under the State plan;

(2) the entity demonstrates that the project will lead to increased or more appropriate mental health services for an underserved priority population group or groups or to development of mental health services for an unserved priority population group or groups;

(3) the entity provides satisfactory evidence that members of the priority population group or groups to be served by the project have had a reasonable opportunity to comment on the proposed project during its preparation and satisfactory assurances that members of the group or groups will be afforded reasonable opportunity to comment on performance under the project; and

(4) in the case of an entity which does not provide comprehensive mental health services in the mental health services area, there is in effect, or the entity provides satisfactory assurances that there will before the end of the period of the initial grant under this section for the project be in effect, an agreement of affiliation with an entity (if there is one) providing additional mental health services in the area which can be made available to members of the priority population group or groups for which the project is designed.

The requirement of paragraph (4) does not apply if the applicant for the grant provides satisfactory evidence that the failure to have such an agreement within the period specified is due to an unreasonable refusal by the other entity or entities to enter into the agreement.

(c) Only five grants may be made under this section to the same entity for mental health services for the same priority population group or groups; and the fourth and fifth such grants may not exceed sixty percent and thirty percent, respectively, of the costs of the project for which the grants are made.

(d) For a further limitation on the number of grants under this section, see section 403(d).

DEVELOPMENT OF COMPREHENSIVE MENTAL HEALTH SERVICES

SEC. 403. (a) The Secretary may make grants to any public or nonprofit private entity for any project to develop mental health services or to expand the mental health services provided by it.

(b) Any such grant may be made for a project for services in a mental health services area only if such entity—

(1) has not received, under section 203(a) of the Community Mental Health Centers Act, or under section 220 of that Act as in effect before July 29, 1975, or as continued in effect after that date by section 203(e) of that Act, or under section 406 of this Act, all of the grants available to it under those sections;

(2) provides satisfactory assurance that it will, in accordance with a plan and time schedule for the provision and addition of mental health services approved by the Secretary, provide for the area at least those services (other than a service for which there is not sufficient need in the area, as determined by the Secretary, or the need for which in the area the Secretary determines is being met) which are included in comprehensive mental health services or are prescribed by the Secretary;

(3) provides satisfactory assurances that priority will be accorded, in progressing toward provision of such mental health services for all of the population of the area, to services needed by priority population groups, in accordance with the State plan approved under this Act; and

(4) provides satisfactory assurances that it will have an agreement of affiliation with any entity in the area that receives or has received a grant under section 402, if requested to do so by such entity, unless relieved of this requirement by the Secretary because the agreement so requested is unreasonable.

(c)(1) Only eight grants may be made under this section to the same entity for services in the same mental health services area; and no such grant (after the first one) may exceed the following percentage of the cost of the project with respect to which it is made;

(A) ninety percent in the case of the second such grant;

(B) eighty percent in the case of the third such grant;

(C) seventy percent in the case of the fourth such grant;

(D) sixty percent in the case of the fifth such grant;

(E) fifty percent in the case of the sixth and seventh such grant; and

(F) forty-five percent in the case of the eighth such grant.

(2) For purposes of this subsection, a grant under any of the following is considered a grant under this section:

(A) section 406;

(B) section 203(a) of the Community Mental Health Centers Act; or

(C) section 220 of the Community Mental Health Centers Act as in effect before July 29, 1975, or as continued in effect after that date by section 203(e) of that Act.

(d) No grant may be made under this section or section 402 to any entity for services in any mental health services area after the total of the following grants for services in that area reaches ten—

(1) grants under this section, section 402, or section 406;

(2) grants under section 203(a) of the Community Mental Health Centers Act; or

(3) grants under section 220 of the Community Mental Health Centers Act as in effect before July 29, 1975, or as continued in effect after that date by section 203(e) of that Act.

MENTAL HEALTH SERVICES IN AMBULATORY HEALTH CARE CENTERS

SEC. 404. (a) For the purpose of assisting ambulatory health care centers to participate appropriately in the provision of mental health services to their patients, the Secretary may make a grant to any public or nonprofit private entity which—

(1) provides mental health services that include at least 24 hour emergency services, outpatient services, and consultation and

education services (as described in section 201(b) of the Community Mental Health Centers Act) and has in effect an agreement of affiliation with an entity which is, as determined by the Secretary, an ambulatory health care center; or

(2) is, as so determined, an ambulatory health care center and has in effect an agreement of affiliation with an entity providing at least the mental health services referred to in paragraph (1).

Such an agreement of affiliation must—

(A) describe the geographical area in which each party to the agreement provides and proposes to provide its services;

(B) provide for employment by the center of at least one mental health professional to serve as liaison between it and the other entity, and include a description of the required qualifications of that person and of any other professional mental health personnel to be employed by the center under the agreement;

(C) provide satisfactory assurances that the entity providing the mental health services will make such services available to patients of the center referred to it by the liaison or other mental health professional; and

(D) include the transportation arrangements and other arrangements for effecting referral to the entity from the center of patients needing the services of such entity.

(c) Any grant under this section may be made for a project for any one or more of the following—

(1) the costs of liaison or other mental health professionals providing services in the ambulatory health care center in accordance with the agreement of affiliation;

(2) mental health services provided by the other personnel of the center which the other entity determines such personnel can appropriately provide;

(3) consultation and in-service training on mental health provided to personnel of the center by the other entity; and

(4) establishing liaison between the center and other providers of mental health services or support services.

(d) Only three such grants may be made under this section for projects involving the same ambulatory health care center and the same entity providing mental health services; and the third such grant may not exceed 75 percent of the cost of the project for which it is made.

NON-REVENUE-PRODUCING ACTIVITIES

SEC. 405. (a) For the purpose of assisting public or nonprofit private entities to provide, in their mental health services areas, mental health services which generally do not generate revenues, the Secretary may make grants to any public or nonprofit private entity which—

(1) has received a grant under section 203(a) of the Community Mental Health Centers Act, or under section 220 of such Act as in effect before July 29, 1975, or as continued in effect after that day by section 211 of that Act, or under section 403 or 406 of this Act; and

(2) because of the limitations on the period for which an entity may receive such grants or on the number of such grants the entity may receive, is no longer eligible to receive such grants.

(b) A grant under this section may be made for a project for any one or more of the following—

(1) consultation and education services described in section 201(b) of the Community Mental Health Centers Act;

(2) activities directed at prevention of mental illness, including education of the general public on matters related thereto;

(3) the additional cost of case finding with respect to members of a priority population group and of assuring that each member of the group receives the mental health services and support services he needs;

(4) coordination of the entity's services with other mental health services and with support services; or

(5) evaluation of the entity's mental health services program.

(c) A grant may be made under this section to an entity for any project only if the entity provides—

(1) satisfactory assurances that it will sign an agreement of affiliation with any other entity providing mental health services in the same mental health services area and which has received a grant under section 402, if it is requested to do so by such other entity, unless relieved of this requirement by the Secretary because the agreement so requested is unreasonable;

(2) a satisfactory plan describing the steps it proposes to take in order to obtain financing from other sources for the activities included under the project when financing therefor is no longer available under this section; and

(3) satisfactory assurances that it will give priority under its mental health services program to meeting the needs of priority population groups.

(d) Only five grants may be made under this section to any entity; and no such grant may exceed an amount equal to 1.00 multiplied by the population (as indicated in the State's plan approved under this Act) of the mental health services area of the recipient.

CONTINUED SUPPORT FOR COMMUNITY MENTAL HEALTH CENTERS

SEC. 406. (a) For the purpose of assisting public or nonprofit private entities to continue to provide mental health services, the Secretary may make project grants to any such entity which received a grant under section 203 (a) or (e) or 211 of the Community Mental Health Centers Act and which would be eligible for another grant thereunder from appropriations for any fiscal year ending after September 30, 1979, if such appropriations were made. The number of such grants which may be made to any entity, and the amounts thereof, are respectively, the number and the amounts prescribed under that section; and such grants shall be made in accordance with the other terms and conditions applicable to grants under that section, except as provided in subsections (b) and (c) of this section.

(b) No grant may be made under this section to any entity unless it provides satisfactory assurances that it will sign an agreement of affiliation with any recipient of a grant under section 402 providing mental health services in the same mental health services area, if requested to do so by that recipient, unless relieved of this requirement by the Secretary because the agreement so requested is unreasonable.

(c) In the case of any entity which received a grant under section 203(a) of the Community Mental Health Centers Act, and to which the initial grant under such section was made from appropriations for the fiscal year ending September 30, 1979, a grant may not be made under subsection (a) to such entity from appropriations under this Act for any year unless the Secretary determines, at the request of the entity, that there is good reason to make such grant to it for that year and no grant has previously been made to it under section 403.

TITLE V—PILOT PROJECTS FOR STATE ADMINISTRATION OF GRANTS

AGREEMENTS AUTHORIZED

SEC. 501. The Secretary may enter into an agreement with the State Agency of any State, which is able and willing to do so, for a demonstration project under which such Agency will, on behalf of the Secretary—

(1) pay Federal funds due to entities in the State for such of the projects under section 101 or title IV as may be designated in the agreement,

(2) review performance under such projects and report to the Secretary the extent to which such performance complies with applicable requirements; and

(3) perform such other functions of the Secretary with respect to that State as the State Agency and the Secretary may agree upon.

COST OF AGREEMENTS

SEC. 502. Of the sums appropriated under section 641 for any fiscal year, the percentage determined by the Secretary is available for paying all, or such portion as the Secretary determines to be appropriate, of the cost to any State Agency of carrying out its agreement under section 501.

TITLE VI—REQUIREMENTS FOR PARTICIPATION; AUTHORIZATIONS

PART A—STATE PLANS

REQUIREMENT OF STATE MENTAL HEALTH SERVICES PLANS

SEC. 601. (a) In order for the State Agency of or any entity in a State to be eligible to receive a grant under this Act for any year, such State must have in effect a State mental health services plan which has been prepared by an agency of the State designated by the Governor and been submitted to the Secretary through the Governor, which is consistent with the provisions, relating to mental health services, of the State health plan prepared in accordance with section 1524(c)(2) of the Public Health Service Act, and which has been approved by the Secretary as meeting the requirements of this Act.

(b) the Secretary may not finally disapprove a State plan (or any modification thereof) except after reasonable notice and opportunity for a hearing to the State.

(c) Whenever the Secretary, after reasonable notice and opportunity for a hearing to the State Agency of a State, finds that the State plan approved under this Act has been so changed that it no longer complies with this Act, or that in the administration of the plan there is a failure to comply substantially with any provision of this Act, the Secretary shall notify the Agency that further payments will not be made to the Agency or to any other entity in the State under this Act (or, in his discretion, that further payments will not be made to any such Agency or entity with respect to any project or activities affected by such failure, until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to any such Agency or entity or shall limit payments to projects or activities not affected by such failure.

CONTENTS OF STATE PLANS

SEC. 602. To be approved under this Act a State mental health services plan must be submitted in such form and manner as the Secretary prescribes and must—

(1) identify the mental health services areas within the State, which areas must cover the entire State and each of which must, except to the extent and in the cases permitted by the Secretary (including exceptions made for interstate areas), have boundaries which conform to or are within the boundaries of a health service area established under title XV of the Public Health Service Act and, to the extent practicable, conform to boundaries of one or more school districts or political or other subdivisions in the State;

(2) set forth (A) the need of each mental health services area in the State for mental health services, as determined after consid-

eration of all relevant matters, including the demographic, economic, or social characteristics of the population of the area, with special attention to the need of priority population groups for services as well as to the need for services and activities designed to prevent mental illness from occurring, (B) the public or private facilities, mental health personnel, and services available, and the additional facilities, personnel, and services required, to meet those needs, (C) the methods used to determine those needs and evaluate the facilities, personnel, and services, (D) the way in which and the order in which those needs will be met through use of existing Federal, State, or local resources and otherwise, and (E) similar information for the State not included under clause (A), (B), (C), or (D) which is of significance for more than a single mental health services area;

(3) provide for establishment or designation of a single agency of the State (in this Act referred to as the "State Agency") to assume responsibility for administration of the plan and the other aspect of the State's mental health services program and include, in the methods of administration of the plan, methods relating to establishment and maintenance of personnel standards on a merit basis which are in accord with standards prescribed by the Office of Personnel Management;

(4) identify each Area Mental Health Authority which has been designated by the State Agency and the mental health services area or areas it serves;

(5) include or be accompanied by (A) documentation and other evidence showing that, in the process of its development and before the plan was submitted to the Secretary, a reasonable opportunity was afforded to interested agencies, organizations, and individuals to present their views and to comment on the proposed plan; and (B) satisfactory assurances that, after submission of the proposed plan to the Secretary and its approval by him, a reasonable opportunity will be afforded to interested agencies, organizations, and individuals to comment on administration of the plan and on any proposed modifications of the plan;

(6) describe the steps that are proposed to be taken at the State level and the local level in an effort, which the Secretary determines to be reasonable (A) to coordinate the provision of mental health services, and (B) to coordinate, in the case of the chronically mentally ill and any other priority population group designated by the Secretary, the various kinds of services for members of such groups who need both mental health services and support services;

(7) describe the legal rights of persons in the State who are mentally ill or otherwise mentally handicapped and what is being done in the State to protect those rights;

(8) provide for emphasizing outpatient mental health services for patients instead of institutional inpatient treatment wherever appropriate and include fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) to protect the interests of employees affected adversely by actions taken to emphasize such outpatient treatment, including arrangements designed to preserve employee rights and benefits and to provide training and retraining of such employees, where necessary, for work in mental health or other fields and including arrangements under which maximum effort will be made to place such employees in employment;

(9) provide that any statistics or other data included in the State plan or on which the State plan is based will conform to such criteria, standards, and other requirements relating to their form, method of collection, content, or other aspects as the Secretary prescribes in order to provide Nationwide comparability of the data;

(10) provide that the State Agency will make such reports, in such form and containing such information, and keep such records as the Secretary may require, and afford such access to those records as the Secretary may find necessary to assure the correctness of and to verify such reports;

(11)(A) provide that an agency of the State designated by the Governor will from time to time, and in any event not less often than triennially, review the information and other material in or accompanying the State plan, as well as the proposed objectives of or activities under the plan, and submit to the Secretary through the Governor any necessary modifications thereof, except to the extent excused by the Secretary because the modifications are of minor significance; and (B) provide that an agency of the State designated by the Governor will submit to the Secretary through the Governor any other modifications in the plan or in such information, material, objectives, or activities that are necessary for any other reason, except to the extent so excused by the Secretary; and

(12) contain or be accompanied by such additional information or assurances and meet such other requirements as the Secretary prescribes in order to achieve the purposes of this Act.

PART B—OTHER GENERAL REQUIREMENTS AND PROVISIONS APPLICATIONS

SEC. 621. (a) No grant may be made under this Act to the State Agency of or any entity in any State unless an application (meeting the requirements of this Act and of the State plan of that State approved under this Act) for the grant has been approved by the Secretary.

(b) To be approved under this Act, an application for a grant for any project must contain or be accompanied by—

(1) a budget covering the year for which the grant is sought (and such additional period as the Secretary may require) showing the sources of funding for the project and allocating the funds available for the project among the various types of services to be provided or assisted or the various types of activities to be conducted or assisted and among the various population groups to which the projected is directed;

(2) a statement of the objectives of the project, which objectives must be in accord with criteria established by the Secretary and must include at least those objectives which the Secretary may specify;

(3) any statistics or other information which the Secretary and, where applicable, the State Agency may request in order to determine compliance of the project with the requirements of this Act;

(4) in the case of any project under which services are to be provided, the schedule of fees to be charged therefor and the discounts to be allowed (to those unable to pay in full) on the basis of relative inability to pay for the services, along with satisfactory assurances that the applicant will make every reasonable effort to collect for the services from all available sources;

(5) information on the organization and operation of the applicant and the measures taken to provide reasonable opportunities for interested agencies, organizations, and members of the public to comment thereon and on the proposed project;

(6) satisfactory assurances that the applicant will submit such reports, at such times and containing such information, as the Secretary may request and maintain such records as the Secretary may find necessary for purposes of this Act, and afford the Secretary and the Comptroller General of the United States such access to such records and other documents as may be necessary for an effective audit of the project or activity;

(7) satisfactory assurances that funds made available under this Act will be used to supplement and, to the extent practical, increase the level of non-Federal funds that would, in the absence of those Federal funds, be made available for the purpose, and will in no event supplant such non-Federal funds;

(8) in the case of a grant under title IV (except section 402) to any entity in a State, certification that the State Agency of that State has approved the application as being in accord with the State plan approved under this Act;

(9) in the case of any project for provision of any services (A) a description of the steps the applicant has taken and will take in an effort (which the Secretary determines to be reasonable) to coordinate the services it provides with other mental health services and support services in the same area or areas, and (B) satisfactory assurances that the applicant will, in the provision of such services under the project, as a minimum meet the standards of quality of care prescribed by the Secretary; and

(10) such other information and material and such other assurances as the Secretary may prescribe in order to carry out the purposes of this Act.

The requirements under this section for assurances, statements, descriptions, and other information and materials with respect to an application for a grant for a project apply also to the activities of any Core Service Agency with respect to which payments are to be made from such grant.

DURATION OF GRANTS

SEC. 622. Any grant under this Act is for such period of time, not exceeding one year, as the Secretary may determine.

PERFORMANCE STANDARDS

SEC. 623. (a) In determining whether or not to approve an application for a grant under this Act, the Secretary shall consider the extent to which performance by the applicant under any prior grant under this Act or the Community Mental Health Centers Act complied with applicable requirements, standards, and criteria.

(b) The Secretary shall prescribe standard measures of performance designed to test the quality and extent of performance by applicants under any such prior grants and the extent to which such performance has helped to achieve the National or other objectives for which the prior grants were made.

EVALUATION AND MONITORING

SEC. 624. (a) With the approval of the Secretary, any recipient of a grant under this Act may use a portion of that grant for evaluation of the project or activity involved and of the recipient's program of which the project or activity is a part.

(b) Appropriations for grants under title I, II, III, or IV may also be used by the Secretary for reviewing performance by recipients of grants thereunder to determine the extent to which they have complied with the requirements applicable to such grants, and the extent to which they have advanced the National or other objectives for which the grants were made.

INDIRECT PROVISION OF SERVICES

SEC. 625. Any mental health services for the provision of which an entity is responsible for purposes of a grant under this Act may be provided by it directly at its primary or satellite facilities or through arrangements with other entities or health professionals and others in, or serving residents of, the same mental health services area.

STANDARDS OF CARE

SEC. 626. The Secretary shall prescribe standards relating to the quality of care in the provision of mental health services by any recipient of a grant under this Act.

TECHNICAL ASSISTANCE

SEC. 627. Such portion as the Secretary may determine, but not more than two percent, of any appropriation for grants under titles I, II, III, or IV for any fiscal year is available for technical assistance, including short-term training, by the Secretary to any State Agency or other entity which is or has been a recipient of a grant under any of such titles, to assist it in developing, or in better administering, the mental health services program or programs for which it is responsible.

PAYMENT PROCEDURES

SEC. 628. (a) Except as provided in subsection (b), the amount of payments under any grant for any year under this Act, other than section 401, may be reduced to the extent—

(1) (A) the sums paid to the grantee under any prior grant under the same section of this Act, or (B) in case such amount is to be paid under section 403 or 406, the sums paid to it under section 406 or under section 203 (a) or (e) or 211 of the Community Mental Health Centers Act, plus

(2) the funds available for the project or activity, for which the prior grant was made, from State, local, or other sources (including collections),

exceed the total cost of the project or activity for which the prior grant was made, instead of such excess being repaid to the United States.

(b) In the case of any such excess—

(1) a reduction under subsection (a) shall not be made to the extent adjustments were previously made, or excused under clause (2) of this subsection, on account of such excess, and

(2) such portion of that excess for any year for any project under title IV of this Act or for any project or activity under the Community Mental Health Centers Act as the Secretary may determine, but not exceeding five percent of the cost of operation of the recipient's mental health program, may be retained by the recipient for deposit in a reserve fund maintained for purposes approved by the Secretary, and shall not be counted as available funds for purposes of any subsequent grant under this Act.

CONFORMING AMENDMENTS

SEC. 629. (a) Section 507 of the Public Health Service Act (relating to grants to Federal institutions) is amended by inserting ", and appropriations under title IV of the Mental Health Systems Act," before "shall also be available".

(b) Section 513 of such Act (relating to evaluation of programs by the Secretary) is amended by inserting "Mental Health Systems Act," after "Community Mental Health Centers Act,".

(c) Section 1513(e) (1) (A) (i) of such Act (relating to functions of health systems agencies) is amended by inserting "Mental Health Systems Act," after "Community Mental Health Centers Act,".

GRANTS FOR MEMBERS OF INDIAN TRIBES

SEC. 630. (a) At the request of any Indian Tribe or Tribes (as defined in the Indian Health Care Improvement Act) or any Urban Indian Organization (as so defined), a grant may be made uder title IV of this Act to the Indian Health Service or any institution, clinic, or other unit thereof, on the same terms and conditions as apply to non-Federal entities, for any project (for which such a grant is available) to serve members of, respectively, such Tribe, Tribes, and Organization.

(b) Any grant under subsection (a) may be made for a project serving members of an Indian Tribe or Tribes (as so defined) or an Urban Indian Organization (as so defined) even though the area in which those members reside is included in two or more mental health services areas of a State.

GOVERNING BODIES OF LOCAL AGENCIES

SEC. 631. No entity is eligible for a grant under title IV, other than section 401, unless it meets the requirements applicable to a community mental health center under subparagraph (A) or (B) of section 201(c) (1) of the Community Mental Health Centers Act, whichever is applicable, and, in case such subparagraph (A) is applicable, it provides satisfactory assurances that it will meet the requirements applicable to such a center under clause (ii) of such subparagraph (A).

COOPERATIVE AGREEMENTS AUTHORIZED

SEC. 632. In any case in which a grant is authorized to be made under this Act by the Secretary to the State Agency of or any entity in a State for any project or activity, the Secretary may, if he deems it appropriate, instead enter into a cooperative agreement with such Agency or entity under which the Secretary will make the same payments, on the same terms, for such project or activity as he would under a grant therefor, but only on condition that such Agency or entity complies with the requirements of this Act, including those relating to an application, to the same extent as would be required of an applicant for or recipient of a grant for the same purpose.

OBLIGATED SERVICE FOR MENTAL HEALTH TRAINEESHIPS

SEC. 633. (a) Section 303 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(d) (1) Any individual who has received a clinical traineeship, in psychology, psychiatry, nursing, or social work, under subsection (a) (1) that was not of a limited duration or experimental nature (as determined by the Secretary) is obligated to serve in service determined by the Secretary to be appropriate in the light of his training and experience, at the rate of one year for each year (or academic year, whichever the Secretary determines to be appropriate) of the traineeship.

"(2) The service required under paragraph (1) shall be in a State mental (inpatient care) institution, or for any entity eligible for a grant under title IV of the Mental Health Systems Act, or in a health manpower shortage area (as determined under subpart II of part D of this title), or in any other area or for any other entity designated by the Secretary, and shall begin within such period after the termination of the traineeship as the Secretary may determine. In developing criteria for determining for which institutions or entities or in which areas, referred to in the preceding sentence, individuals must perform service under this paragraph, the Secretary shall give preference to institutions, entities, or areas which in his judgment have the greatest need for personnel to perform that service unless, for good cause shown to the Secretary, the individual requests performance of other service under this paragraph.

"(3) Any individual who fails to perform the service required of him under this subsection within the period prescribed by the Secretary is obligated to repay to the United States an amount equal to three times the cost of the traineeship (including stipends and allowances) plus interest at the maximum legal rate at the time of payment of the traineeship, multiplied, in any case in which the service so required has been performed in part, by the percentage which the length of the service so performed is of the length of the service so required to be performed.

"(4) (A) In the case of any individual any part of whose obligation to perform service under this subsection exists at the same time as any part of his obligation to perform service under section 752 or 753 (because of receipt of a scholarship under subpart IV of part C of title VII) or his obligation to perform service under section 472 (because of receipt of a National Research Service Award thereunder), or both, the same service may not be used to any extent to meet more than one of those obligations.

"(B) In any case to which subparagraph (A) is applicable and in which one of the obligations is to perform service under section 752 or 753, the obligation to perform service under that section must be met (by performance of the required service or payment of damages) before the obligation to perform service under this subsection or under section 472.

"(C) In any case to which subparagraph (A) is applicable, if any part of the obligation to perform service under section 472 exists at the same time as any part of the obligation to perform service under this subsection, the manner and time of meeting each obligation shall be prescribed by the Secretary."

(b) The amendment made by subsection (a) applies in the case of any academic year (of any traineeship awarded under section 303(a) (1) of the Public Health Service Act) beginning after the enactment of this Act if the award for such academic year is made after such enactment.

PART C—AUTHORIZATIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 641. (a) There are authorized to be appropriated, for grants under title I, for grants under title II, and for grants under title III, $45,600,000 for the fiscal year ending September 30, 1980, and such sums as the Congress may determine for each of the next three fiscal years.

(b) (1) There are authorized to be appropriated, for grants under title IV, $302,155,000 for the fiscal year ending September 30, 1980, and such sums as the Congress may determine for each of the next three fiscal years.

(2) For each fiscal year which is subsequent to the fiscal year ending September 30, 1983, and which is specified below, there are authorized to be appropriated such sums as may be necessary to make continuation grants for projects for which an initial grant was made under title IV (other than section 401) in or before the fiscal year ending September 30, 1983, and which are eligible for such a continuation grant in that subsequent fiscal year—

(A) In the case of projects under section 402 or 405, the subsequent years are the fiscal years ending September 30, 1984, and the next three fiscal years;

(B) In the case of projects under section 403, the subsequent years are the fiscal years ending September 30, 1984, and the next six fiscal years;

(C) In the case of projects under section 404, the subsequent years are the fiscal years ending September 30, 1984 and the next fiscal year;

(D) In the case of projects under section 406, the subsequent years are the years for which such projects continue to be eligible for grants under that section.

TITLE VII—MISCELLANEOUS

COMMUNITY MENTAL HEALTH CENTERS ACT APPROPRIATIONS

SEC. 701. No funds may be appropriated under the Community Mental Health Centers Act, other than section 231 thereof, for any year period after September 30, 1979.

DETAILED SUMMARY OF MENTAL HEALTH SYSTEMS ACT

The short title of the bill is, under the first section of the bill, the "Mental Health Systems Act".

This section of the bill is followed by a Table of Contents.

SECTION 2—FINDINGS AND PURPOSE

Findings: Many groups are still unserved or underserved;

Coordination, among governmental and private agencies and entities, of mental health services with other needed services is often lacking;

More emphasis is needed on deinstitutionalization and on prevention, and on improving the primary health care system's ability to recognize potential mental health problems since first contact with these problems is often through the primary care system.

Purpose:

To provide more flexibility in the funding of mental health programs, to improve administration of State or local mental health programs, and the coordination of the various services needed by the mentally ill, to emphasize deinstitutionalization in the treatment of the mentally ill, to encourage prevention of mental illness and otherwise promote mental health, to emphasize programs for chronically mentally ill adults and children, the aged, minorities, poor persons, and rural residents who need both mental health services and support services—and to help achieve all this by supporting and encouraging improved planning of mental health services programs that is consistent with overall health planning.

SECTION 3—DEFINITIONS

Definitions of various terms used in the bill are contained in section 3 of the bill. The terms defined and their meanings, unless the context otherwise requires, are:

(1) State—includes, in addition to the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territories of the Pacific Islands, and the Northern Mariana Islands.

(2) Governor—also means the chief executive officer in a State without a governor.

(3) Secretary—the Secretary of Health, Education, and Welfare.

(4) Nonprofit (entity)—an entity owned and operated by one or more corporations or associations no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(5) State Agency—the State agency or authority designated or established under the State's plan to assume responsibility for administration of that plan and the rest of State's mental health services program.

(6) Area Mental Health Authority—the single public or nonprofit entity responsible for planning, development, and coordination of mental health services in an area or areas.

(7) Core Service Agency—a public or nonprofit entity responsible for planning, coordinating, developing, and providing services needed for the care of those members of priority population groups needing both mental health services and support services in an area.

(8) Support services—health (other than mental health) services, and social services and other support services specified by the Secretary.

(9) Priority population group—any of the following who are unserved or underserved by any mental health services program: children and youth, the aged, the chronically ill, any racial or ethnic minority, Urban and other Indians, the poor, rural residents, or any other group determined by the Secretary to have a special need for services under such a program.

(10) Mental health services area—a geographic area established for purposes of planning and provision of mental health services.

(11) Comprehensive mental health services—the services described in section 201(b) of the Community Mental Health Centers Act.

TITLE I—MEETING THE NEEDS OF THE CHRONICALLY MENTALLY ILL

SECTION 100—PURPOSE

This section declares it to be the purpose of this title—

(1) to aid States and communities in developing or improving mental health services and other services for chronically mentally ill adults and children;

(2) to do this under a program—

(A) clearly defining the roles and responsibilities of the various governmental and private agencies and entities

(B) under which, if the States meet specified conditions and prescribed performance standards (adapted where appropriate to each State or community), they will receive Federal support

in achieving the National goal of developing responsive, coordinated, community-based service systems to meet the needs of those adults and children with chronic mental illness who are capable of living in the community if provided with adequate mental health, rehabilitation and training, housing, and other support services.

It is also to be the purpose of this title, in providing that assistance under such a program, to facilitate State efforts to carry out the State responsibility for—

(1) providing appropriate care for those adults and children whose mental illnesses are so severe that they require inpatient care on a short or long-term basis; and

(2) making the transition from institution-based to coordinated community-based service systems through closing or converting to other appropriate use public mental hospitals and other long-term care facilities and through providing retraining and job placement for personnel displaced by the closure or reduction in use.

SECTION 101—SERVICES FOR THE CHRONICALLY MENTALLY ILL

This section authorizes grants by the Secretary to any State Agency for any project for payments by it to a Core Service Agency in any area for any one or more of the following stated purposes—

(1) planning for the development of a system of mental health services and support services—for those chronically mentally ill persons (both adults and children) who need both such mental health services and such support services—which may assist them to live outside institutional settings; the system would include services for members of such persons' households to the extent this would help the chronically mentally ill (to live outside such settings);

(2) coordination of the various agencies and entities responsible for any of those services;

(3) identifying, and devising measures to overcome, area-level barriers to the ready availability of those services to the chronically mentally ill;

(4) improving the competency of personnel providing those services to the chronically mentally ill through training and retraining;

(5)-(8) providing case managers for the chronically mentally ill to assure that they obtain needed services; providing the missing mental health or support services in their areas; educating the general population on, and getting them involved in, programs to help resolve the problems of the chronically mentally ill; and making necessary reports to the State Agency.

SECTION 102—ASSISTANCE TO STATE AGENCIES

This section authorizes project grants to State Agencies for the same kind of activities at the State level as are authorized under payments to Core Service Agencies in paragraphs (1)-(4) of section 101 and, in addition, for any of the following—

(i) job placement and retraining, for work in community-based mental health programs, for employees losing their jobs in inpatient care mental institutions because of reduced use of such institutions;

(ii) assisting local areas in the continuing process of identifying the chronically mentally ill who need both mental health services and support services and in planning for and providing those services.

TITLE II—PREVENTION OF MENTAL ILLNESS

SECTION 200—PURPOSE

This section states the purpose of this title to be to complement Federal research and training efforts at prevention under existing legislation by providing assistance to States in promoting mental health and preventing mental illness, particularly among groups of the population that run a higher risk of mental illness than others; to do this by supporting State efforts to educate the general public about mental health programs, improve the ability of health, social service, or other support services personnel to recognize and prevent mental illness, as well as supporting State efforts to provide mental health services for those needing help in dealing with potential causes of mental illness.

SECTION 201—PROJECT GRANTS FOR PREVENTION OF MENTAL ILLNESS

This section authorizes project grants to any State Agency for any one or more of the following—

(1) assistance, through collection and dissemination of information, workshops, and other appropriate means, to mental health, other health, or other personnel and groups and to citizen groups to help them develop programs for preventing mental illness;

(2) training of mental health or other personnel in recognizing the early signs of mental illness and early application of preventive measures;

(3) providing information to the general public on the importance of early identification and treatment, and on the services available to help do this;

(4) State and intrastate regional planning, and development and coordination, of preventive services; or

(5) demonstrations in early identification and handling of the causes of mental illness and in the means of otherwise promoting mental health.

TITLE III—STATE MENTAL HEALTH SYSTEMS IMPROVEMENT

SECTION 300—PURPOSE

This section declares that, in recognition of the financial and administrative roles of the States in the mental health sector, it is the purpose of this title to assist the States to improve their capacity to carry out their responsibilities for administering their mental health services and related programs.

SECTION 301—IMPROVING STATE ADMINISTRATION

Project grants to any State Agency by the Secretary would be authorized by this section to help improve administration of State mental health programs through—

(1) improving State Agency capacity with respect to statistics and data collection and analysis and in meeting the monitoring and reporting requirements of the bill;

(2) carrying out planning and administrative activities;

(3) improving the State Agency's ability to set and enforce performance standards for mental health services projects and programs, and to evaluate project or program performance through data analysis, studies, and otherwise.

SECTION 302—OTHER STATE ACTIVITIES

This section would authorize project grants to any State Agency for any other significant activities to improve provision of mental health services or State or local administration of mental health programs.

TITLE IV—COMMUNITY MENTAL HEALTH SERVICES

SECTION 400—PURPOSE

This section states that it is the purpose of this title to assure the initiation and improvement of mental health services for children and youth, the aged, the chronically mentally ill, any racial or ethnic minority, Indians, the poor, rural residents, or any other group with special needs, and the development of comprehensive mental health services, for the people in their communities, through (1) creating necessary services where none exists, (2) recognizing the close relationship between mental health services and other health or support services, (3) supporting the maintenance of existing nonrevenue producing functions after basic support has terminated, and continuation of comprehensive mental health services programs already begun, (4) supplementing or improving existing services where they are inadequate, and (5) increasing the flexibility of communities in planning a comprehensive network of services which assures continuity of care.

SECTION 401—PREPARATION FOR PROVISION OF SERVICES

This section would authorize a one-time, up to $75,000, project grant to any public or nonprofit entity to prepare for providing mental health services in a local area by assessing the needs of and designing a mental health services program for the area, obtaining financial and professional assistance and support for the program, and initiating and encouraging continuing community involvement in the program. No area with respect to which a grant under this title of the bill (other than a grant under section 402 for an area with less than all of the comprehensive mental health services) or under the Community Mental Health Centers Act (other than under section 224(b) of the pre-1975 Act—i.e., a grant for a project similar to that authorized by this section of the bill) had been made could receive a grant under this section.

SECTION 402—INITIATION OF SERVICES FOR THE UNDERSERVED

This section would authorize project grants to public or nonprofit entities for mental health services for priority population groups, with preference for entities serving areas without the services of a community mental health center and not receiving a development grant under section 403 of the bill.

The projects must—

(1) provide at least one of the comprehensive mental health services for at least one of the priority population groups;

(2) lead to increased or more appropriate mental health services for an underserved, or to development of such services for an unserved, priority population group;

(3) be supported by satisfactory evidence that members of any priority population group to be served by it had an opportunity to comment on the project during its preparation and satisfactory assurances that they will have an opportunity to comment on performance under it;

(4) be sponsored by an applicant which, if it does not provide comprehensive mental health services in the area, has an affiliation agreement with an entity (if there is one) providing additional mental health services in the area or provides satisfactory assurances such an agreement will be made before the end of the initial grant period—unless excused from this requirement by the Secretary because of unreasonable refusal of the entity to enter into such an agreement.

No more than five grants could be made under this section to the same entity for the same priority population group; and in the case of the fourth and fifth such grants, the Federal share of the project costs could not exceed sixty percent and thirty percent, respectively.

In addition, there would be a limit of 10 on the number of grants to the same entity for the same area under this section or section 403.

SECTION 403—DEVELOPMENT OF COMPREHENSIVE MENTAL HEALTH SERVICES

This section would authorize project grants to any public or nonprofit entity for expanding its mental health services. Any such grant could be made only if the applicant—

(1) has not received, under section 203(a) (for operations) of the Community Mental Health Centers Act, or under section 220 (staffing) of the pre-1975 Act or section 220 as continued in effect by section 211 of the current Act, all of the grants available to it under those sections;

(2) provides satisfactory assurances that it will, in accordance with a plan and time schedule approved by the Secretary, provide for the area at least those services (not waived by the Secretary because the need is being met or is insufficient) included in prescribed by the Secretary.

(3)–(4) provides satisfactory assurances that (A) priority, in extending mental health services, will be accorded to providing them for priority population groups, and (B) it will on request have an affiliation agreement with any recipient in the area with a section 402 grant—unless relieved of this requirement by the Secretary because the requested agreement is unreasonable.

Development grants under this section (plus any earlier grants under the Community Mental Health Centers Act) would be limited to a total of 8 (10 in combination with section 402 and Community Mental Health Centers Act grants) for any entity in any area, with the maximum on the Federal share of the cost of the projects under this section decreasing from 90% for the second grant to 45% for the eighth.

SECTION 404—MENTAL HEALTH SERVICES IN AMBULATORY HEALTH CARE CENTERS

This section would authorize project grants to help ambulatory health care centers to participate appropriately in the provision of mental health services to their patients. A grant could be made (i) to any public or nonprofit entity providing mental health services consisting of at least 24 hour emergency services, outpatient services, and consultation and education services, if that entity has an affiliation agreement with an ambulatory health care center, or (ii) to an ambulatory health care center which has an affiliation agreement with an entity providing the services described in (i).

The affiliation agreement must—

(1) describe the area of operation;

(2) provide for employment by the center of at least one mental health professional to serve as liaison with the other entity and describe the qualifications of any mental health professionals the center employs;

(3) provide satisfactory assurances that the mental health services entity will provide the needed mental health services for the center's patients referred to the entity for this purpose;

(4) include the necessary transportation arrangements and other arrangements for effecting these referrals.

The projects under this section could be for any one or more of the following:

(i) the costs of mental health professionals providing the services in the center under the affiliation agreement;

(ii) appropriate mental health services provided by the center's personnel (other than the mental health professionals);

(iii) consultation and in-service training provided to the center's personnel by the mental health services entity;

(iv) establishing liaison between the center and other providers of mental health or support services.

Only three grants could be made for a project under this section and the third grant could not exceed 75% of the project's costs.

SECTION 405—NON-REVENUE-PRODUCING ACTIVITIES

This section would authorize project grants to public or nonprofit entities to help them provide mental health services which generally do not generate revenues. The entities eligible would be those which had received grants under section 203(a) of the Community Mental Health Centers Act or under section 220 of the pre-1975 Act (or section 220 as continued by section 211 of the current Act) or under section 403 or 406 of the bill, and which could no longer receive those grants because the maximum on the time period for the grants, or on the number of the grants, had been reached.

Grants under this section could be made for projects for one or more of the following—

(1) consultation and education services;

(2) activities directed at prevention of mental illness;

(3) the additional cost of case finding and case management for priority population groups;

(4) coordination of the recipient's services with other mental health or support services;

(5) evaluation of the recipient's program.

To receive a grant under this section, the applicant must provide—

(1) satisfactory assurances that it will, on request, sign an affiliation agreement with any recipient of a section 402 grant in the area—unless relieved of this requirement by the Secretary because the requested agreement is unreasonable;

(2) a satisfactory plan describing the steps it proposes to take in order to secure financing for the activities covered by the project when financing under this section is no longer available;

(3) satisfactory assurances that it will give priority under its program to meeting the needs of priority population groups.

Only five grants could be made under this section to any entity, and no such grant could exceed $1.00 per capita (of the area's population).

SECTION 406—CONTINUED SUPPORT FOR COMMUNITY MENTAL HEALTH CENTERS

Project grants would be authorized under this section to entities which received a grant under section 203(a) or (e) or 211 of the Community Mental Health Centers Act and which would be eligible for further grants thereunder if appropriations for the purpose were made. The grants would be made in the amounts, would be the same in number, and would be made under the terms and conditions applicable under the prior section involved; except that the applicant would have to provide satisfactory assurances that it would, on request, sign an affiliation agreement with a recipient of a section 402 grant in the same area—unless relieved of this requirement by the Secretary because the requested agreement was unreasonable.

If the initial grant under such section 203(a) to any entity has been made from appropriations for fiscal year 1979, no grant could be made to that entity from appropriations for grants under this section for any year unless the Secretary determines, at the entity's request, that there is good cause for making such a grant under this section from the appropriations for that year and a grant has not been made to the entity under section 403.

TITLE V—PILOT PROJECTS FOR STATE ADMINISTRATION OF GRANTS

SECTION 501—AGREEMENTS AUTHORIZED

This section would authorize the Secretary to make an agreement with any State Agency for a demonstration project under which that Agency will, on behalf of the Secretary—

(1) pay the Federal funds due applicants under projects under section 101 or title IV;

(2) review performance under the projects and report to the Secretary the extent of compliance with statutory or other requirements;

(3) perform other agreed upon functions of the Secretary.

SECTION 502—COST OF AGREEMENTS

Under this section, of the sums appropriated under section 641 for any fiscal year, a percentage determined by the Secretary is available for paying part or all of the costs of carrying out section 501 agreements.

TITLE VI—REQUIREMENTS FOR PARTICIPATION; AUTHORIZATION

PART A—STATE PLANS

SECTION 601—REQUIREMENT OF STATE MENTAL HEALTH SERVICES PLANS

For any State Agency or entity in a State to participate under the bill, there must be a State plan in effect which was submitted through the Governor, was prepared by a State agency designated by the Governor, is consistent with the State plan prepared in accordance with the State health planning program under title XV of the Public Health Service Act, and has been approved by the Secretary as meeting the requirements of the bill. Reasonable notice and opportunity for hearing must be given a State before the Secretary (1) disapproves a State plan or (2) holds that it no longer complies with the requirements for approval because of a change in the plan or because of substantial noncompliance in the operation of the plan with those requirements. In case of a nonconformity after initial approval, the penalty may be, as appropriate, withholding of all funds in the State or of funds for projects or activities affected by the noncompliance.

SECTION 602—CONTENTS OF STATE PLANS

To be approved a State plan must be submitted in the form and manner prescribed by the Secretary and must—

(1) divide the State into mental health services areas each of which, except to the extent permitted by the Secretary, conforms to or is within a health service area established under the general health services plan prepared under title XV of the Public Health Service Act and, to the extent practicable, conforms to other State subdivisions;

(2) set forth (A) the need of each area for mental health services, with special attention to priority population groups; (B) the facilities, personnel, and services available and required to meet the needs; (C) the methods used to determine the needs and evaluate the facilities, personnel, and services; (D) the way and order in which those needs will be met; and (E) similar information (not already included) of interarea significance;

(3) provide for establishment or designation of the State Agency as the single State agency to assume responsibility for administration of the State's mental health services plan and program and include personnel standards on a merit basis which accord with standards of the Office of Personnel Management;

(4) identify each Area Mental Health Authority which has been designated by the State Agency and the area or areas it services;

(5) include or be accompanied by evidence that interested agencies, organizations, and individuals had an opportunity to comment on the plan before submission for approval and assurances that they will have an opportunity to comment on its administration or modification after its approval;

(6) describe the steps proposed to be taken at the State and local levels in an effort, which the Secretary determines to be reasonable, to coordinate provision of mental health services, and to coordinate, in the case of priority population groups, the various kinds of services for the groups' members needing both mental health services and support services;

(7) describe the legal rights of the mentally handicapped in the State and how these rights are protected;

(8) provide for emphasizing outpatient instead of institutional inpatient care, and include fair and equitable arrangements (after consultation with the Secretary of Labor) for protecting the interests of employees adversely affected by the emphasis;

(9) provide that any data in the plan or on which it is based will conform to criteria, standards, and other requirements prescribed by the Secretary to achieve Nationwide comparability of data;

(10) provide for necessary records and reports and for verification of them;

(11) provide for at least triennial review of the plan and of information and material therein or accompanying the plan, and for submission of necessary plan modifications as the result of the review or for any other reason, except to the extent excused by the Secretary because the modifications are of minor significance—with the review and submission of any modifications being the responsibility of an agency or agencies of the State designated by the Governor; and

(12) contain such other information and assurances, and meet such other requirements, as may be prescribed by the Secretary for purposes of the bill.

PART B—OTHER GENERAL REQUIREMENTS AND PROVISISONS

SECTION 621—APPLICATIONS

Grants could not be made under the bill except upon application approved by the Secretary. To be approved, an application would have to contain or be accompanied by—

(1) a budget for the year for which the grant is sought (and any additional period required by the Secretary) showing the sources of and allocations of funds for the project;

(2) a statement of the project's objectives—which must be in accord with the Secretary's criteria and must include at least those objectives specified by him;

(3) statistics and other information requested by the Secretary or the State Agency to determine compliance with applicable requirements;

(4) the fee schedule for services provided (including the discounts for those unable to pay in full) and assurances of reasonable collection efforts;

(5) information on the organization and operation of the applicant and on the measures to provide reasonable opportunities to interested people to comment thereon and on the proposed project;

(6) satisfactory assurances of submisison of requested reports and of the keeping of necessary records, with the Secretary and the Comptroller General to have access to the records and other documents for purposes of an effective audit;

(7) satisfactory assurances that the Federal funds will not supplant but will supplement and, to the extent practicable, increase the funds available for the purpose from other sources;

(8) certification of State Agency approval under its plan of any title IV (other than section 402) application;

(9) a description of the steps taken in an effort (determined by the Secretary to be reasonable) to coordinate any services provided with other mental health services and support services;

(10) such other information, material, and assurances as the Secretary may prescribe in order to carry out the purposes of the bill.

SECTION 622—DURATION OF GRANTS

This section would limit grants to the period set by the Secretary, but in no case could this exceed one year for any grant.

SECTION 623—PERFORMANCE STANDARDS

This section requires the Secretary to consider, in passing on any application, the extent of the applicant's compliance, under any prior grant under the Community Mental Health Centers Act or this bill, with applicable requirements, standards, and criteria. It also requires the Secretary to prescribe standard measures of performance.

SECTION 624—EVALUATION AND MONITORING

This section would permit recipients of grants under the bill to use, with Secretarial approval, a portion of their grants for evaluation of their projects and programs. Appropriations for grants under title I, II, III, or IV of the bill would also be available to the Secretary to review the performance of recipients to determine the extent of their compliance with applicable requirements, standards, and criteria and the extent to which they have furthered the National and other objectives of the grants.

SECTION 625—INDIRECT PROVISION OF SERVICES

In the case of mental health services for which any entity is responsible for purposes of a grant under the bill, the services could be provided directly at the entity's main or satellite facilities or through arrangements with others.

SECTION 626—STANDARDS OF CARE

This section of the bill directs the Secretary to prescribe standards of care to be met in the provision of mental health services by any recipient of a grant.

SECTION 627—TECHNICAL ASSISTANCE

Up to 2% of any grant appropriation under title I, II, III, or IV of the bill would be available to the Secretary for technical assistance to any State Agency or other recipient of a grant to help it in developing or better administering its mental health services program or programs.

SECTION 628—PAYMENT PROCEDURES

This section would provide for adjustments in payments of a grant under this bill (other than section 401) on account of overpayments under prior grants under the same section of the bill or specified provisions in the Community Mental Health Centers Act; but the grantee could retain a portion of the overpayment, to the extent it did not exceed 5% of its mental health program, for deposit in a reserve fund for purposes approved by the Secretary.

SECTION 629—CONFORMING AMENDMENTS

This section would amend sections 507 (grants to Federal institutions), 513 (evaluation of programs by the Secretary), and 1513(e) (functions of health systems Agencies) of the Public Health Service Act, which are now applicable to the Community Mental Health Centers Act, so as to make them applicable to the bill as well.

SECTION 630—GRANTS FOR MEMBERS OF INDIAN TRIBES

This section would authorize grants under the bill for any projects to be made also to the Indian Health Service, or any unit thereof, in order to serve members of Indian Tribes or Urban Indian Organizations—but only if the Tribe or Tribes or Organization involved requests that the grant be made in this manner. Indian Health Service projects could serve clients of the Indian Health Service in more than one mental health services area where called for by the composition of the Indian Tribes or Urban Indian Organizations.

SECTION 631—GOVERNING BODIES OF LOCAL AGENCIES

This section makes any entity ineligible for grants under title IV of the bill, except section 401, unless it meets the requirements in the Community Mental Health Centers Act that are applicable to governing bodies of community mental health centers. Thus, an entity's governing body must be composed of residents representative, where practicable, of the area, and the entity must provide satisfactory assurances that the governing body will meet at least monthly, will establish general policies for the entity, approve its annual budget, and approve its director. Also, at least ½ of the governing body must not be providers of health care. In the case of an entity which is a governmental agency or a hospital, the entity, as an alternative to meeting these requirements, could appoint an advisory committee composed of representative residents of the area at least ½ of whom are not providers of health care.

SECTION 632—COOPERATIVE AGREEMENTS AUTHORIZED

This section authorizes the Secretary to enter into cooperative agreements with State Agencies and with entities eligible for grants under the bill as an alternative to making grants to them.

SECTION 633—OBLIGATED SERVICE FOR MENTAL HEALTH TRAINEESHIPS

This section would add a new subsection to section 303 of the Public Health Service Act. Section 303 now authorizes, among other things, clinical traineeships in mental health. The new subsection would require individuals receiving such traineeships to perform appropriate obligated service equal to 1 year for each year of the traineeship or, upon failure to do so, to repay the United States 3 times the cost of the traineeship plus interest, reduced to the extent of any obligated service performed. In developing criteria for determining in which of the obligated service options recipients of traineeships must serve, the Secretary would give preference to institutions, areas, or entities having the greatest need for their service. If an individual is obligated to perform service on account of education or training aid received under a National Health Service Corps scholarship (title VII, part C, subpart IV of the Public Health Service Act) or a National Research Service Award (section 472 of that Act), the same service could not count to meet more than one of the obligations.

In meeting the concurrently existing obligations, the obligation resulting from the National Health Service Corps scholarship would take precedence over the other 2; and regulations would determine the manner and time of meeting each of the other two obligations.

This new requirement of obligated service would apply only in the case of any academic year, for a traineeship under section 303 of the Public Health Service Act, beginning after the enactment of the bill—if the award for the academic year was made after that enactment.

PART C—AUTHORIZATIONS

SECTION 641—AUTHORIZATION OF APPROPRIATIONS

$45,600,000 for the fiscal year 1980 and such sums as the Congress may determine for the next 3 years are authorized to be appropriated for grants under titles I, II, and III.

$302,155,000 for fiscal year 1980 and such sums as the Congress may determine for the next 3 years are authorized to be appropriated for grants under title IV of the bill.

Appropriations are also authorized for years after fiscal year 1983 to make continuation grants under title IV (except section 401) for the number of years in which those continuation grants are authorized to be made.

TITLE VII—MISCELLANEOUS

SECTION 701—COMMUNITY MENTAL HEALTH CENTERS ACT APPROPRIATIONS

This section would prohibit the making of any appropriations under the Community Mental Health Centers Act, except section 231 (rape prevention activities), for any fiscal year after the fiscal year 1979.

By Mr. KENNEDY (for himself, Mr. CRANSTON, and Mr. HATFIELD):

S. 1178. A bill to terminate the granting of construction permits for new nuclear fission powerplants in the United States pending a public reappraisal of the nuclear fuel cycle, and for other purposes; to the Committee on Environment and Public Works.

NUCLEAR REAPPRAISAL ACT OF 1979

Mr. KENNEDY. Mr. President, the nuclear accident at Harrisburg has forced us all to take a new and harder look at the implications of nuclear power development for our energy security, for our health and safety, and our national security.

In the last 3 months, serious safety defects have been found in 14 of the 70 operating nuclear reactors. These safety problems were serious enough to require the shutdown of these powerplants. A serious reactor accident was narrowly avoided at Harrisburg.

Thirty years into the nuclear era safe disposal of radioactive waste still has not been demonstrated.

A British Royal Commission concluded last year that—

> It would be irresponsible and morally wrong to commit future generations to the consequences of nuclear power on a massive scale unless it has been demonstrated beyond reasonable doubt that at least one method exists for the safe isolation of these wastes for the indefinite future.

When such serious safety problems still exist after 70 nuclear powerplants have been licensed, it is clear that the nuclear safety licensing process is not working.

I am introducing today legislation providing for a 2-year moratorium on the issuance of new construction permits by the Nuclear Regulatory Commission. I am pleased to announce that Senators CRANSTON and HATFIELD are joining with me.

The moratorium that I am proposing will not prevent reactors which are now being built from operating. It will not shut down any existing reactors.

The purpose of this moratorium is, first, to provide the time necessary for a full and fair analysis of the failings of the present nuclear safety licensing process. Its second purpose is to provide time for Congress to enact new legislation remedying the present failings of nuclear safety licensing process.

The legislative basis of the present nuclear safety licensing system is the Atomic Energy Act of 1954. The NRC regulations, which specify the detailed requirements for atomic reactors were written in the 1960's and early 1970's by the Atomic Energy Commission.

The recent failures of nuclear safety licensing systems make it clear that new legislation reflecting the needs of the 1980s and 1990s must be developed.

I believe that the basic safety legislation should be rewritten to insure that safety problems are discovered and remedied before powerplants are built. Until Congress has had an opportunity to thoroughly review and rewrite the existing nuclear safety legislation so that serious safety problems are identified and resolved before reactors are built, I believe that authorization to build new nuclear powerplants should not be granted.

Concern has been expressed that delaying construction of nuclear powerplants will increase the cost of electricity. In this connection, I would like to insert into the record at this time an article that appeared recently in the business section of the Washington Post, which details the enormous costs now facing the owners of Three Mile Island. The Harrisburg accident is costing the company $24 million per month in uninsured costs for the purchase of replacement power. The stockholders have experienced a nearly 50-percent drop in the value of their stock. The value of GPU's equity has dropped almost $500 million. And, 600 workers are being laid off. Clearly the costs of continuing to issue construction permits before we have had an opportunity to learn the lessons of Three Mile Island are potentially very great.

Finally, Mr. President, I would like to bring to the attention of my colleagues an article in the New York Times of May 11, reporting that the Bank of America had suspended the granting of any new loans for nuclear construction and for the purchase of nuclear fuel. In the words of a bank spokesman, the Bank of America feels that—

> It would be imprudent to go forward with such lending at a time when the industry itself is reviewing such lessons as may be learned from the accident.

The legislation I am introducing today will give all of us an opportunity to consider what must be done before it becomes prudent to increase our reliance on nuclear fission technology.

Mr. President, I ask unanimous consent that the text of the bill and two newspaper articles I have referred to be printed in the RECORD.

There being no objection, the bill and the news articles were ordered to be printed in the RECORD, as follows:

S. 1178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Energy Reappraisal Act of 1979".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds that—

(1) the accident at Three Mile Island Pennsylvania, has increased public concern about our national nuclear fission powerplant policy;

(2) Congress, the Nuclear Regulatory Commission, a Presidential Commission, the nuclear industry, state, regional and local policymakers, and numerous citizen organizations have recently undertaken a review of

our national nuclear fission powerplant policy in light of the accident at Three Mile Island;

(3) the present nuclear safety licensing process is failing to identify and resolve important safety issues, before nuclear powerplants are built as evidenced by the safety shutdowns of 14 reactors in February, March, and April of 1979, by the accident at Three Mile Island, and by the absence of a demonstration of safety, permanent disposal of radioactive wastes;

(4) numerous other serious problems associated with our national nuclear fission powerplant policy remain unresolved, including generic safety issues; increasing proliferation of nuclear weapons stemming from the export of nuclear reactor technology; the dangers to society from the use of special nuclear materials; sharply rising costs; and public health risks from low-level radiation, particularly to powerplant workers; and

(5) such reviews are likely to result in new and important requirements that must be met before the nuclear fission powerplants are licensed for construction.

(b) The Congress declares that—

(1) any further commitment to nuclear power by the United States Government should be delayed during this public reappraisal of the serious safety, health, environmental and economic problems associated with nuclear fission; and

(2) construction permits including limited work authorizations for new civilian nuclear fission powerplants should not be issued during this public reappraisal.

DEFINITION

SEC. 3. When used in this Act, the term "construction permit" means any authorization for the construction of a new nuclear fission powerplant, including a limited work authorization and for the modification or expansion of an existing nuclear fission powerplant but does not include modifications undertaken to enhance public health and safety, and does not include small scale, noncommercial nuclear fission reactors used exclusively for medical or experimental purposes.

CESSATION OF NEW NUCLEAR PLANT LICENSING

SEC. 4. (a) The Nuclear Regulatory Commission is directed to cease, beginning on the first day after enactment of this Act, the issuance of construction permits except as provided for in subsection (b).

(b) No new construction permit shall be issued until—

(1) Congress has determined that—

(A) the continuance of the nuclear reactor program does not significantly contribute to the proliferation of atomic weapons;

(B) the nuclear safety licensing process is reformed so that all substantial safety issues are identified and resolved before reactor construction begins;

(C) the radioactive wastes from nuclear fission powerplants can be permanently stored or disposed of, with no reasonable chance of intentional or unintentional escape of such wastes or radioactivity into the natural environment to affect adversely, immediately or eventually, the land or the people of the United States.

(D) the effectiveness of security systems throughout the nuclear fuel cycle is demonstrated to the satisfaction of the Congress;

(E) the health risks from low-level radiation have been minimized;

(F) the requirements of fiscal responsibility imposed by government on utilities, nuclear vendors and suppliers are sufficient to insure that owners of nuclear powerplants anticipate and provide for in their current rate structure all costs associated with decommissioning powerplants, with permanently storing the radioactive wastes, and with accepting full financial responsibility for the consequences of a nuclear powerplant accident;

(G) nuclear fission plants are acceptable in comparison to other energy sources, including renewable energy sources; and

(H) renewing the authority of the Nuclear Regulatory Commission to issue construction permits is consistent with protecting the health and safety of the public; and

(2) legislation has been enacted, not less than 2 years after the date of enactment of this Act, that specifically provides for the renewal of authority to the Nuclear Regulatory Commission to issue construction permits.

[From the Washington Post, May 10, 1979]

GPU CHIEF SETS COURSE OF AUSTERITY

(By Larry Kramer)

JOHNSTOWN, PA., May 9.—The General Public Utilities Corp. gave its stockholders more bad news today: nearly 600 jobs will be eliminated in the company, and other drastic financial steps will have to be taken before the beleaguered owner of the Three Mile Island nuclear facility is back on its fiscal feet.

But in a surprisingly calm and orderly three-hour session attended by 1,035 stockholders—the largest turnout ever for a GPU annual meeting—Chairman William G. Kuhns found a receptive audience for his outline of austerity measures to bring the utility back to profitability after experiencing the worst nuclear accident in U.S. history.

"We are currently negotiating with a group of banks for a $450 million revolving credit agreement to meet short term needs," Kuhns told stockholders, reporting also that the most significant uninsured cost now faced by the company is a $24 million monthly bill for the purchase of replacement power.

He said that bill will drop to $10 million a month when Three Mile Island unit one (TMI-1)—not involved in the accident—is put back in operation after a fuel loading, perhaps within six months.

In an early morning press conference Kuhns told reporters that despite the accident at TMI-2, GPU's goal of having 50 percent of its power generated by nuclear energy remains unchanged. "We haven't changed our outlook at this point," he said, even adding that "we contemplate reopening that facility (within) two to three years."

Kuhns said in the meantime several other cost cutting measures would be taken. He said the planned construction program for GPU's three subsidiary power companies—Metropolitan Edison Company (Met Ed), Pennsylvania Electric Company (Penelec) and Jersey Central Power & Light (JCP&L)—would be cut back $125 million this year and $225 million next year, representing cuts of 30 percent and 45 percent respectively.

Attempts are also being made, he said, to get relief from public utility commissions in Pennsylvania and New Jersey in the form of increased power bills to consumers.

And, Kuhns said, the compensation of GPU directors and officers has been cut. Board members cut their annual retainer fee of $7,500 to $6,000—a 20 percent drop—and eliminated a scheduled $100 increase in their $300 per meeting fee. Company officers, with the exception of Kuhns and President Herman Dieckamp, were cut back 7 percent to 1978 pay levels. Kuhns and Dieckamp were cut back to 1977 pay levels. For Kuhns, that represented a cut from $265,000 annually to $230,000, while Dieckamp drops from $207,000 to $180,000.

At one point stockholders suggested that the company officers should take an even sharper cut in pay, "and pay yourself with company stock."

The major effects of the construction cutbacks will be a delay in the completion of another nuclear plant at Forked River, N.J., and the construction of a planned coal-fired plant some 25 miles from here.

"Your company has been seriously wounded," Kuhns told the stockholders. "But the healing process is underway." He would not predict how long the quarterly stock dividend paid by the company would remain at 25 cents. It was cut from 45 cents two weeks ago.

But he did say it was the goal of the company to have the costs of the Three Mile Island accident shared among stockholders, customers and employes. Besides the dividend cut, stockholders have also already experienced a nearly 50 percent drop in the value of their stock—from nearly $19 to under $10 per share—since the Three Mile Island accident. Kuhns said the drop in value of GPU's equity was almost half a billion dollars.

He said the burden was particularly tough since more than half of GPU's 175,500 stockholders are retired, according to a company survey, and the majority of all the stockholders have total family incomes of under $20,000.

The employee cuts will be spread companywide over the next several months, with 200 each coming from the JCP&L and Penelec, and between 150 and 200 coming from Met Ed. Kuhns said he hoped a significant portion of the cuts will be taken care of by attrition and said that employes whose jobs are eliminated will be allowed, if they have an applicable skill to instead transfer to a job at the troubled Three Mile Island site.

He said the customers of the utilities should share the costs of Three Mile Island because they have been the major beneficiaries of nuclear power until now. "The operations of TMI-1 and Oyster Creek nuclear facilities have already saved our customers about $700 million through 1978," he said. "In light of this it seems equitable that our customers bear some of the financial risk, of nuclear power and share in the burden of the TMI-2 accident."

A predicted protest outside the War Memorial hockey arena—site of the annual meeting—barely materialized. Only a couple dozen picketers held up anti-nuclear signs and were outnumbered by pro-nuclear demonstrators from local trade unions. Inside, stockholder John Feather Jr., a Lebanon, Pa., lawyer, introduced a stockholder's resolution to force the company to close both Three Mile Island nuclear units forever because, "no guarantee can be made that such errors and failures (that occurred there) will not be repeated at each unit," but the motion was defeated 44,786,501 votes to 22.25 votes.

Almost all of the dozens of speakers at the annual meeting were sympathetic to company problems, leading a "pleased" Kuhns to call the gathering "the best we have ever had," after it was over. "I was very impressed with the level of interest and the quality of the questions," he said.

Company sources said the meeting was not even the longest in company history. Several years ago one of the meetings in New York City lasted five hours while two stockholders virtually read the entire annual report aloud, asking clarification for several figures.

[From the New York Times, May 11, 1979]

BANK HALTS NEW LOANS AT A-PLANTS

SAN FRANCISCO, May 10.—The Bank of America said today that it had suspended the granting of new loans for nuclear construction and for utility purchases of nuclear fuel pending Federal and industry reviews of the accident at the Three Mile Island reactor.

"We feel it would be imprudent to go forward with such lending at a time when the industry itself is reviewing such lessons as may be learned from the accident," a bank spokesman said.

"We have suspended any new credits that we know are going directly for nuclear construction," the spokesman added. He explained that this meant both direct loans and credit backing for utility issuance of commercial paper designed to raise funds for the purchase of nuclear fuel.

90 PERCENT OF LOANS OUTSIDE U.S.

The bank has about $200 million in direct loans for nuclear construction outstanding around the world, more than 90 percent of its outside the United States, according to the spokesman. These loans will be honored and the bank will continue to consider new loans to utilities whose income, and ability to repay, is not dependent on nuclear-power generation, the spokesman said. "We will make loans to utilities which have as some small part of their capacity nuclear generation," the spokesman said.

Bank of America's suspension of new credits for nuclear purposes was alluded to by bank officers at the bank's annual meeting here on April 24. Today's comments were issued in response to questions after a conference of top bank officials.

Bank sources indicated that the bank is also taking a close look at its investments related to nuclear power.

Mr. CRANSTON. Mr. President, the Three Mile Island nuclear accident brought to heightened public awareness a basic question which some of us have been asking for a long time:

Can nuclear fission energy be both safe and cost effective?

In the aftermath of Three Mile Island, I believe the time has come to stop issuing construction licenses for new nuclear fission power generating plants, so that we can take the time to make an objective, serious and complete reappraisal of nuclear power's cost, and fully evaluate the dangers to the health and safety of the people of this Nation, before we permit the future spread of nuclear energy.

During the recent, massive demonstration at the Nation's Capitol by those who share these concerns with me, my commitment to a legislative moratorium was read to those assembled by Governor Brown.

I am very happy to join with my good friend, the senior Senator from Massachusetts, (Mr. KENNEDY) and the senior Senator from Oregon (Mr. HATFIELD) in today introducing legislation which would impose a 2-year ban on new nuclear fission generating plants in the United States.

I believe the thread may have run out on the myth of clean and cheap fission energy.

The Kennedy-Cranston-Hatfield bill would halt the construction of new fission powerplants for 2 years, while a full-scale reappraisal of the unsettled issues of nuclear power is completed by the Congress, and by the other public and private agencies who have recently undertaken review of our national nuclear fission policy in light of the Three Mile Island accident.

Those issues are:

Generic safety of fission powerplants;

Proliferation of nuclear weapons stemming from the export of nuclear reactor technology;

Dangers to public safety from the use of plutonium and other nuclear materials for blackmail or terrorism;

Sharply rising costs, not only for constructing and improving the safety of nuclear powerplants, but also for cleaning up the damage resulting from accidents in those plants;

Absence of a safe, permanent solution to the growing problems of waste disposal; and

Increasing awareness of the dangers of low-level radiation to the health of powerplant workers and the public.

I have always questioned the wisdom and safety of this technology. But the Harrisburg incident has brought disillusionment even to those who minimized the risks because they assumed that fission power was a cheap source of energy.

Until the Federal Government can assure the public of a reasonable margin of safety from nuclear theft, blackmail, and terrorism, it is foolhardy to produce, store, and transport an increasing supply of fissionable material. Unless we can protect public health by proper disposal of cancer-causing radioactive wastes, building more nuclear plants is simply irresponsible.

This bill would also prevent granting licenses for export of nuclear fission powerplants to other nations during the reappraisal period.

The most serious problem facing the world today is the danger of thermonuclear war and the spread of nuclear weapons.

Yet our export of nuclear technology greatly increases these risks.

Mr. President, we must pull in the reins on nuclear energy until Congress and ultimately the American people are satisfied that the energy benefits of fission outweigh its risks—and that it is economically, socially, and environmentally superior to nonnuclear, renewable alternatives like solar power.

That is the purpose of this bill.

● Mr. HATFIELD. Mr. President, the March 18 nuclear accident at Three Mile Island, Pa., has provided graphic demonstration that the present structure and operation of America's civilian nuclear reactor technology is too dangerous. Stated another way, the probability of the occurrence of a catastrophic core meltdown is, quite apparently, too high.

Prior to the March 18, I shared an abiding concern with many of my colleagues in this body that the United States was proceeding to demonstrate and deploy fission technologies in a manner and at a rate which presumed we would find acceptable answers to the problems of radioactive waste isolation and perpetual storage, handling and security of plutonium and other special nuclear materials, nuclear weapons proliferation from the availability of such materials, and decontamination and decommissioning of spent powerplants. Not only have I not seen answers to these important questions, I have been shaken of my former notion that at least the daily operation of our few, fairly standard, pressurized water and boiling water reactors presented no unacceptable risk to society. The limited number of these plants, even including those under construction, their redundant safety systems, the lengthy and seemingly painstaking siting and licensing processes at State agencies and the Nuclear Regulatory Commission, and ongoing monitoring of plant operations by these bodies appeared to assure that the bottom lines of Dr. Rasmussen's risk analyses would be borne out in our experience. Three Mile Island eliminated that assurance for me.

For many other Americans this assurance was also shaken during the harrowing days that followed the initial accident at Three Mile Island. As the reactor core started melting down, and as 200,000 people waited for evacuation orders from their Governor, we watched a drama that we had been told time and again had no significant possibility of occurring. This has prompted a national reappraisal of our nuclear technology. It is happening in households and bars, in city councils and civic organizations, in the utility industry, in State legislatures and nuclear siting councils and, indeed, in the NRC and the White House.

I am joining the distinguished Senator from Massachusetts, Mr. KENNEDY, the distinguished Senator from California, Mr. CRANSTON, in introducing legislation which recognizes and accommodates this reappraisal. It is responsible legislation. It is the very least the Congress should be willing to do in response to the concerns in the country today. It requires that NRC suspend licensing for construction of new plants until such time as our reappraisal shows that public health and safety is not unduly threatened by what we have allowed to occur in the past and what we are prepared to allow in the future. It also provides that before Congress revests in the NRC the authority to issue construction permits, Congress should be able to declare to the Nation that the licensing process has been reformed so as to eliminate the substantial safety questions that now exist—not just in Babcock & Wilcox plants, but all plants now on line or under construction. Congress should also be able to declare that our nuclear reactor program will not contribute to the proliferation of atomic weapons, that radioactive wastes can be permanently stored without significant risk of escape into the environment, that security systems throughout the nuclear fuel cycle are effective, that health risks from exposure to low-level radiation can be held to acceptable minimal levels, and that the nuclear option will shoulder all costs associated with its operation, including costs of waste disposal, decommissioning, and full-liability insurance.

The adoption of this legislation is an action we owe the people who elected us to protect their interests through representative government. The government is not now adequately controlling this complex and potentially very dangerous technology.●

By Mr. BAYH (for himself, Mr. MORGAN, Mr. STEWART, and Mr. THURMOND):

S. 1179. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

GOLD STAR WIVES

● Mr. BAYH. Mr. President, today, I am honored to introduce a bill which would provide for a Federal charter for

Gold Star Wives of America. Gold Star Wives are women whose husbands have died while serving in the Armed Forces of the United States. In 1945, the first members drew together into an organization in order to help each other and their families with their common problems.

For many years, the Gold Star Wives have sought a Federal charter for the simple reason that without such Federal recognition, they are hampered in their efforts to receive official information on newly bereaved women from the Department of Defense and the Veterans' Administration. Federal incorporation in the form of a congressional charter is the accepted criterion by which the Department of Defense and Veterans' Administration are guided in the determination of the organizations which are acceptable and reputable. Without this necessary Federal charter, Gold Star Wives of America has not been accorded the provisions, privileges, and prerogatives granted to other national organizations. Therefore, countless widows and children have been denied the assistance, advice, and moral support from the only organization of persons capable of completely understanding their problems. Hampered by the lack of official recognition, the members of the organization have nevertheless continued their work with dedication and commitment.

Bills to incorporate Gold Star Wives of America have been introduced in both the Senate and House in every Congress since 1969. The House unanimously passed a bill in 1971 to incorporate Gold Star Wives of America in the District of Columbia. This legislation was referred to the Senate Judiciary Committee and a hearing was held; however, no further action occurred in the Senate. In the 95th Congress, over 100 Representatives cosponsored Gold Star Wives charter legislation. Each year increased support has been gained. In the required letter of recommendation from the Veterans' Administration Max Cleland, Administrator has stated:

> We believe this organization is worthy of the type of recognition which would flow from the granting of a Federal Charter.

Mr. President, surely if there is any group in the country which has proved its worth over a period of years, and has demonstrated its justifiable need for a Federal charter, it is the Gold Star Wives of America. It is time for the 96th Congress to act to give this organization the official status it has long since earned. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Mrs. Karen T. Sintic, 9519 Laramie Avenue, Skokie, IL 60077;

Mrs. Sandi M. Robertson, 6049 Wares Ferry Road, Montgomery, AL 36117;

Mrs. Angela Mooney, 114 Pinehurst Drive, Enterprise, AL 36330;

Mrs. Rose Stalcup, 3057 Ursula Street, Aurora, CO 80011;

Mrs. Nevolia Wright, 4527 Lunsford Street, Columbus, GA 31903;

Mrs. Stella Burket, 1025 Jamaica Court, Aurora, CO 80010;

Mrs. Mary Galotta, 117 Pine Street, Lowell, MA 01851;

Mrs. Lavone Tueting, 5325 Beard Avenue, So., Minneapolis, MN 55410;

Mrs. Edith V. Knowles, P.O. Box 1703, Albany, GA 31702;

Mrs. Pauline T. Bartsch, 9 E. Narberth Terrace, Collingswood, NJ 08108;

Mrs. Itelia Butler, P.O. Box 3943, Albany, GA 31706;

Mrs. Geraldine Chittick, P.O. Box 306, Frankfort, IN 46041;

Mrs. Joy Dove, 4224 Chowen Avenue, So., Minneapolis, MN 55410;

Mrs. Jeanette Early, 5314 Yorkwood Street, Houston, TX 77016;

Mrs. Corinne Hayward, 704 Dryden Street, Silver Spring, MD 20901;

Mrs. Rose Lee, 540 Lombardy Street, Arlington, VA 22203;

Mrs. Mickey Lovell. 862 Pontiac Street, Denver, CO 80220;

Mrs. Paula Muth, 1006 Somerset Drive, Bellevue, NB 68005;

Mrs. Peggy Simonfy, 107 Mandalay Road, Fairview, MA 01020;

Mrs. Johnnie Spillman, 3145 Steele Street, Denver, CO 80205;

Mrs. Ingrid Stewart, 138 Devonshire Drive, San Antonio, TX 78209;

Mrs. Lucy Walker, 1319 Camelot Drive, College Park, GA 30349;

Mrs. Diane White, 1938 W. Roselawn Avenue, St. Paul, MN 55113;

Mrs. Odessa Wycoff, 7209 N. Hammond, Oklahoma City, OK 73132;

Mrs. Larue Yessen, 1099 E. 51st Street, Brooklyn, NY 11234, and their successors, are hereby created and declared to be a body corporate by the name of Gold Star Wives of America (hereinafter called the corporation) and by that name shall be known and have perpetual succession and the powers and limitations contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act is authorized to complete the organization of the corporation by the election of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be—

(1) to assist in upholding the Constitution and laws of the United States of America, and to inculcate a sense of individual obligation to the community, State, and Nation;

(2) to honor the memory of those who made the supreme sacrifice in the service of our country;

(3) to safeguard and transmit to posterity the principles of justice, freedom, and democracy for which members of our armed services fought and died;

(4) to provide the benefits of a happy, healthful, and wholesome life to minor children of persons who died in the service of our country;

(5) to promote activities and interests designed to foster among its members the proper mental attitude to face the future with courage; and

(6) to aid, whenever necessary, widows and children of persons who died in the service of our country.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter and use a corporate seal;

(3) to choose such officers, directors, trustees, managers, agents, and employees as the business of the corporation may rquire;

(4) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to contract and be contracted with;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to take and hold by lease, gilt, purchase, grant, devise, bequest, or otherwise any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject to applicable provisions of law in any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real or personal property by a corporation operating in such State;

(8) to transfer, encumber, and convey real or personal property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(10) to adopt, alter, use, and display such emblems, seals, and badges as it may determine; and

(11) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation, and for such purpose the corporation shall also have, in addition to the foregoing in this section and subsection, the rights, powers, duties, and liabilities of the existing corporation referred to in section 18 as far as they are not modified or superseded by this Act.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Skokie, Illinois, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States and possessions of the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. (a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and associate members, shall have the right to vote in accordance with the constitution and bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon enactment of this Act the membership of the initial board of directors of the corporation shall consist of the following persons—

Mrs. Edith V. Knowles, P.O. Box 1703, Albany, GA 31702;

Mrs. Pauline T. Bartsch, 9 E. Narberth Terrace, Collingswood, NJ 08108;

Mrs. Itelia Butler, P.O. Box 3943, Albany, GA 31706;

Mrs. Geraldine Chittick, P.O. Box 306, Frankfort, IN 46041;

Mrs. Joy Dove, 4224 Chowen Avenue, South, Minneapolis, MN 55410;

Mrs. Jeanette Early, 5314 Yorkwood Street, Houston, TX 77016

Mrs. Corinne Hayward, 704 Dryden Street, Silver Spring, MD 20901;

Mrs. Rose Lee, 540 Lombardy Street, Arlington, VA 22203;

Mrs. Mickey Lovell, 862 Pontiac Street, Denver, CO 80220;

Mrs. Paula Muth, 1006 Somerset Drive, Bellevue, NB 68005;

Mrs. Peggy Simonfy, 107 Mandalay Road, Fairview, MA 01020

Mrs. Johnnie Spillman, 3145 Steele Street, Denver, CO 80205;

Mrs. Ingrid Stewart, 138 Devonshire Drive, San Antonio, TX 78209;

Mrs. Lucy Walker, 1319 Camelot Drive, College Park, GA 30349;

Mrs. Diane White, 1938 W. Roselawn Avenue, St. Paul, MN 55113;

Mrs. Odessa Wycoff, 7209 N. Hammond, Oklahoma City, OK 73132;

Mrs. Larue Yessen, 1099 E. 51st Street, Brooklyn, NY 11234.

(b) Thereafter, the board of directors of the corporation shall consist of such number (not less than fifteen), shall be selected in such manner (including the filling of vacancies) and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for all finance.

OFFICERS; ELECTION OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be a chairman of the board, a president, a vice president, a secretary, and a treasurer. The duties of the officers shall be as prescribed in the constitution and bylaws of the corporation. Other officer positions may be created as prescribed in the constitution and bylaws of the corporation.

(b) Officers shall be elected annually at the annual meeting of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, director, or be distributable to any such person otherwise than upon dissolution or final liquidation of the corporation as provided in section 16 of this Act. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the executive committee of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of such loans shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

COMPREHENSIVE PRIVILEGES

SEC. 12. Such provisons, privileges, and prerogatives as have been granted heretofore to other national veterans' organizations by virtue of their being incorporated by Congress are hereby granted and accrue to the Gold Star Wives of America.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 13. The corporation shall have no power to issue any shares of stock nor to declare nor pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 14. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any of the authority of the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 15. (a) The accounts of the corporation shall be audited annually, in accordance with generally accepted auditing standards, by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normaly kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories; fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, together with the independent auditor's opinion of those statements. The reports shall not be printed as a public document.

LIQUIDATION

SEC. 16. Upon final dissolution of liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 17. The corporation shall have the sole and exclusive right to use the name Gold Star Wives of America. The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as have heretofore been used by the corporation referred to in section 18 in carrying out its program. Nothing in this Act shall interfere or conflict with established or vested rights.

TRANSFER OF ASSETS

SEC. 18. The corporation may acquire the assets of the Gold Star Wives of America, Incorporated, chartered as a nonprofit organization in the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of New York applicable thereto.

RESERVATION OF RIGHTS TO AMEND OR REPEAL CHAPTER

SEC. 19. The right to alter, amend, or repeal this Act is hereby expressely reserved.●

By Mr. HARRY F. BYRD, JR.:

S.J. Res. 79. Joint resolution to amend the Constitution of the United States to provide for balanced budgets and a limitation upon the outlays of the Government; to the Committee on the Judiciary.

BALANCING THE BUDGET AND LIMITING FEDERAL SPENDING: TWO IMPORTANT OBJECTIVES

Mr. HARRY F. BYRD, JR. Mr. President, I am today proposing an amendment to the Constitution which will require a balanced budget and a limit on Federal spending, except in times of declared national emergency.

There is growing support for requiring the Federal Government to balance its budget. Thirteen joint resolutions requiring a balanced budget are now pending in the Committee on the Judiciary, and a number of similar resolutions have been introduced in the House of Representatives.

At the same time, there is a widespread feeling that the rate of increase in Federal spending must be curbed. At least three constitutional amendments, and I believe several bills, have been introduced to impose a limit on Federal outlays.

I favor a balanced budget, and I share the concerns of those Senators and Representatives who seek to put a cap on the runaway spending of the Government. Spending has been increasing at 9 to 14 percent a year.

Earlier this year, I introduced Senate Joint Resolution 45, which requires a balanced budget except in those years when both Houses of Congress, by a two-thirds vote, set aside the requirement, because of a national emergency.

Today I am proposing a new constitutional amendment, which adds to the requirement in Senate Joint Resolution 45 a mandate that Federal spending in any fiscal year shall not exceed 20 percent of the previous calendar year's gross national product.

I stress that the limitation is based on the GNP for the preceding year. Thus, the amount of the limit on spending is not dependent upon any economic projection.

Like the balanced budget requirement, the spending limit could be set aside by a two-thirds vote of both Houses in an emergency.

I ask unanimous consent that the text of my proposed new amendment to the Constitution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 79

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within five years after its submission to the States for ratification:

"Article —

"Section 1. Beginning with the first fiscal year after the ratification of this article, the Congress shall assure that the total outlays of the Government during any fiscal year, not including any outlays for the redemption of bonds, notes, or other obligations of the United States, shall not exceed the total receipts, not including receipts derived from the issuance of bonds, notes, or other obligations of the United States.

"Sec. 2. Beginning with the first fiscal year after the ratification of this article, the Congress shall assure that the total outlays of the Government during any fiscal year shall not exceed 20 percent of the gross national product during the calendar year immediately preceding the beginning of such fiscal year.

"Sec. 3. In the case of a national emergency, Congress may determine by a concurrent resolution agreed to by a rollcall vote of two-thirds of all the Members of each House of Congress, that either Section 1 or Section 2 of this Article may be set aside for the fiscal year designated in such concurrent resolution. Both Section 1 and Section 2 may be set aside for the specified fiscal year, provided that a separate concurrent resolution setting aside each Section is agreed to by a rollcall vote of two-thirds of all the Members of each House of Congress.

"Sec. 4. The Congress shall have power to enforce this Article by appropriate legislation.".

ADDITIONAL COSPONSORS

S. 968

At the request of Mr. Melcher, the Senator from Nebraska (Mr. Zorinsky) was added as cosponsor of S. 968, to amend the Public Utility Regulatory Policies Act to expedite application processing for crude oil transportation, and for other purposes.

S. 982

At the request of Mr. Lugar, the Senator from North Carolina (Mr. Helms) and the Senator from California (Mr. Hayakawa) were added as cosponsors of S. 982, the Amendment of the 1977 Food Stamp Act.

S. 1081

At the request of Mr. Cohen, the Senator from New Hampshire (Mr. Humphrey) was added as a cosponsor of S. 1081, a bill to terminate the authorization for the Dickey-Lincoln project, St. John River, Maine.

SENATE JOINT RESOLUTION 62

At the request of Mr. Pell, the Senator from Utah (Mr. Hatch) was added as a cosponsor of Senate Joint Resolution 62, a joint resolution "to declare May 18, 1979, to be 'National Museum Day' ".

SENATE JOINT RESOLUTION 68

At the request of Mr. Dole, the Senator from Kentucky (Mr. Ford) was added as a cosponsor of Senate Joint Resolution 68, designating June 17 through 23, 1979, as "National Product Safety Week."

SENATE RESOLUTION 99

At the request of Mr. Pell, the Senator from Idaho (Mr. Church), the Senator from New York (Mr. Javits), and the Senator from Indiana (Mr. Lugar) were added as cosponsors of Senate Resolution 99, to express the sense of the Senate that the Federal Republic of Germany abolish or extend its statute of limitations applicable to war crimes.

SENATE RESOLUTION 163—ORIGINAL RESOLUTION REPORTED RELATING TO AN INTERNATIONAL WHEAT EXPORTERS CONFERENCE

Mr. CHURCH, from the Committee on Foreign Relations, reported the following original resolution, which was placed on the calendar:

S. Res. 163

Resolved, That it is the sense of the Senate that the collapse of international negotiations and the current situation in the world wheat market makes it imperative that the President actively work toward convening a negotiating conference of wheat exporting nations with the intent of reaching a cooperative arrangement to improve wheat trade policy and achieve equitable prices for producers while assuring adequate supplies for consumers.

SENATE RESOLUTION 164—SUBMISSION OF A RESOLUTION RELATING TO HUMAN RIGHTS IN IRAN

Mr. JAVITS (for himself, Mr. Robert C. Byrd, Mr. Baker, Mr. Church, Mr. McGovern, Mr. Stone, Mr. Sarbanes, Mr. Zorinsky, Mr. Lugar, Mr. Hayakawa, Mr. Percy, Mr. Cranston, Mr. Stevens, Mr. Boschwitz, Mr. Pressler, Mr. Matsunaga, Mr. Domenici, Mr. Harry F. Byrd, Jr., Mr. Chiles, Mr. Jackson, Mr. Warner, and Mr. Ribicoff) submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. Res. 164

Whereas the people of Iran represent one of the oldest and most distinguished civilizations in the world, and have a history of close and friendly relations with the people of the United States;

Whereas there have been reports of widespread resort to secret trials and summary executions which offend basic principles of justice and humanity and due process of law;

Whereas the chief of the revolutionary courts in Iran is reported to have called for the assassination of the Shah of Iran, members of his family and others loyal to him in any country where found, notwithstanding that international law strictly forbids the carrying out of even criminal punishments or of terrorism by one country within the territory of another; and

Whereas the prospects for the continuation of close and friendly relations between the people of Iran and the people of the United States and the rest of the world would be seriously harmed by the prolongation of these violent and offensive actions: Therefore, be it

Resolved, That it is the sense of the Senate that the United States:

(1) expresses its abhorence of summary executions without due process, and welcomes the recent statement of the Ayatollah Khomeini that executions for crime in Iran shall hereafter be limited to the crime of murder and be based upon proof of guilt; and

(2) will act to prevent and to punish any attempts to carry out criminal or terrorist actions against persons in the United States whatever their alleged offenses in other countries.

SENATE RESOLUTION 165—SUBMISSION OF A RESOLUTION WITH RESPECT TO ESTABLISHING A NORTH AMERICAN CONTINENTAL TRADE COMMISSION

Mr. DOMENICI submitted the following resolution, which was referred to the Committee on Finance:

S. Res. 165

Whereas the United States, the United Mexican States, and the Republic of Canada share mutual borders, ideals, and economic aspirations;

Whereas issues diverse and sundry, common to and affecting the United States, the United Mexican States, and the Republic of Canada are increasing as such countries grow uniquely interdependent;

Whereas three decades of unprecedented growth in international trade mandates political and social action to unify and safeguard mutually beneficial world regional and continental trade relations;

Whereas the success of European countries in applying economies of scale to the concept of regional trade groupings in intercontinental trade has succeeded beyond expectation;

Whereas no tripartite council, assembly, or body now exists to weigh the impact of the trade actions of any North American country upon the economy and well-being of its other North American neighbors; and

Whereas the creation of such a tripartite council, assembly, body or commission to explore, study, and weigh these and other interdependent questions of singular urgency is deemed worthy: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should enter into negotiations with the Government of the United Mexican States and the Government of the Republic of Canada to establish a North American Continental Trade Commission.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

● Mr. DOMENICI. Mr. President, the good relations this country enjoys with Canada and with Mexico are not the things of which headlines are made. We are each good neighbors, pure and simple, and this does not make the front page of daily newspapers.

We share more than common borders with each other. The United Mexican States and the Republic of Canada are both among that small band of elected democracies that are so outnumbered in the world today. Both of our neighbors have struggled, even as we struggle, to provide their growing countries with a higher standard of living, more education, better health care, and a stronger economy.

Today, I am introducing a modest little resolution which, in its own small way, will serve to facilitate this mutual search for a better life on the North American Continent.

Common issues, which affect the three major nations of North America, multiply as we grow more and more dependent on each other as allies, as major trading partners, and as suppliers of both raw and finished goods to one another. Three decades of growth so rapid as to be unprecedented in history have brought us face to face with the need to establish a forum for quiet consideration of those thorny little problems that crop up from time to time between great trade partners isolated on one continent.

During my recent trip to Mexico, I was struck by the fact that no such forum exists which includes only our three countries, and before which these small problems can be met with a spirit of accommodation.

We have no mechanism which allows an immediate check with both of our neighbors to see what effect a small change in our domestic trade regulations will have upon each of their economies, or for them, in turn, to consult with each of their own other two neighbors.

Trade carries with it, of course, a variety of other issues which deal with movements of food, movements of manufacturing plants, and the creation of greater industrial capacity to increase productivity across a broad range of products manufactured on the North American Continent. And again, we have neither council, assembly, body or commission to study and to weigh these small, but potentially serious, questions of singular urgency to the Canadians, the Mexicans, and to citizens of the United States.

This is why I am submitting this resolution today, which would respectfully request the President to enter into negotiations with the Republic of Canada and with the United Mexican States to see if a way can be found to establish a North American Continental Trade Commission.

At the very least, such an assembly—small in numbers—would allow our three nations to deal quietly with the new challenges, perhaps to turn them into new benefits for our entire continent.●

NOTICES OF HEARINGS

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PROXMIRE. Mr. President, the Committee Banking, Housing, and Urban Affairs will be holding 2 days of hearings on May 23, 1979 at 2:30 p.m., and May 24, 1979 at 10 a.m. in room 5302 of the Dirksen Senate Office Building to consider legislation to amend the Credit Control Act of 1969. The committee has before it two bills: S. 35, which would repeal the act, and S. 389, which amends the act to require the approval of a concurrent resolution to the Congress for the authorization of the Federal Reserve Board to implement the act.

The witnesses appearing before the committee on Wednesday, May 23, 1979 will be divided into two panels. Appearing on the first panel will be: Dr. Alan Greenspan, president, Townsend-Greenspan Co., Inc., New York, N.Y.; Prof. Sherman Maisel, University of California at Berkeley, Berkeley, Calif.; and Dr. Albert Sommers, senior vice president and chief economist, the conference board, New York, N.Y. On the second panel will be: Mr. Jonathan Brown, staff attorney, Public Interest Research Group, Washington, D.C.; Mr. A. Gilbert Heebner, executive vice president and economist, Philadelphia National Bank, Philadelphia, Pa., representing the American Bankers Association; and Mr. Henry Schecter, director, Department of Urban Affairs, AFL–CIO, Washington, D.C.

The witnesses appearing before the committee on May 25, 1979 will be: The Honorable Michael W. Blumenthal, Secretary of the Treasury; and the Honorable Nancy H. Teeters, member, Board of Governors of the Federal Reserve System.

Anyone interested in submitting a written statement on this issue or interested in additional information about the hearings should contact Steven M. Roberts of the committee staff at 224–7391.

SUBCOMMITTEE ON THE CONSTITUTION

● Mr. BAYH. Mr. President, the Subcommittee on the Constitution, Committee on the Judiciary, will hold a hearing on legislation proposing a constitutional amendment for a balanced Federal budget.

The hearing will commence on May 23, 1979 at 9:30 a.m. in room 2228, Dirksen Senate Office Building. Anyone wishing to submit testimony for the hearing record should send their statement to, or contact Kevin Faley, General Counsel, 102–B Russell Senate Office Building, Washington, D.C., 20510.●

ADDITIONAL STATEMENTS

RALPH NEAS

● Mr. DURENBERGER. Mr. President, when I came to the U.S. Senate the day after election in my first campaign for public office, I was overwhelmed: Overwhelmed by the responsibility, the challenge, and the opportunity.

To seize that opportunity and discharge that responsibility I needed a person to guide my legislative efforts, a person who had the motivation for public service: That service to humanity is the best work of life.

In the middle of my search for such a person I received a phone call from Senator Ed Brooke. He told me his chief legislative assistant, Ralph Neas had decided several months before the November election to leave Government and take up the practice of law. Senator Brooke suggested that if both of us appealed to Ralph he might be persuaded to postpone that decision.

We were successful. Ralph headed into the task of forming my legislative staff. On February 12, while suffering through his third week of a virus, Ralph asked to go with me to Minnesota to get acquainted with the new constituency he shared with me. Two days after arriving in Minneapolis, Ralph was admitted to St. Mary's hospital in Minneapolis with a diagnosed case of Guillain-Barre syndrome.

A brief study of his battle appeared in the St. Paul Pioneer Press, which I ask be incorporated in this statement.

What the story does not mention is that Ralph's Guillain-Barre syndrome was so serious that despite the best possible medical care in the country, he hovered precariously between life and death on March 20–21, 5 weeks after his admittance.

Today he is celebrating his 33d birthday. He is still in intensive care, but every day he regains more strength. He does it at a painful price as he restores motion to unused muscles inch-by-inch. His will is strong; his heart even stronger and there is no question he will be back with us in a matter of months.

As Ralph Neas commences his 34th year on Earth he brings a gift which none of us envy, but which will enforce his commitment to use each breath of life to the service of his less fortunate brothers and sisters.

Ralph would want me to share with my colleagues in the Senate his congratulations to Senator JAVITS on his 75th birthday because of the pride he has always felt and frequently expounded that his creator brought Ralph Neas to Earth on the same day of the year as a man he admires so much.

It is also appropriate that Ralph celebrates his birthday on the anniversary of the landmark Brown against Board of Education decision. Ralph's commitment to civil rights propelled him into a legal career and public service. The issue of civil rights has been Ralph's special concern; his dedication to this cause has been the spirit that has given it life.

The news article follows:

SMILE IS COMING BACK FOR PARALYSIS VICTIM

(By Virginia Rybin)

"Nothing Is So Full of Victory as Patience."

The needlework sample on the wall of the hospital room could hardly be more appropriate.

In that intensive care unit room at St. Mary's Hospital, Minneapolis, lies a 32-year-old man who spent most of a recent vacation playing tennis and participating in other sports. Now, he can't even sit up without help.

Ralph Neas, an aide to Minnesota U.S. Sen. David Durenberger, is a victim of Guillain-Barre syndrome, a disease which causes progressive paralysis. It differs from polio in that sensory nerves, as well as those which control muscles, are affected, said Dr. James Allen, neurologist treating Neas.

The severe paralysis usually is temporary, but the patient can die from respiratory failure or other complications while it is running its course.

Neas came here in February to meet state leaders as part of his new job with Durenberger. He has been hospitalized since Feb. 14.

The sampler on the wall of his room came from Sister Margaret Francis Schilling, a staff member at St. Mary's who had Guillian-Barre about 25 years ago. She said she received it when she celebrated her 50th anniversary as a nun.

Neas landed in the Twin Cities Feb. 11. Formerly with Sen. Edward Brooke of Massachusetts, he joined Durenberger as chief leigslative counsel in January.

As Neas headed for the baggage claim area, he felt a numbness and coldness in his feet and hands. Then his right leg got weak, and he almost fell down a step.

During an interview Monday. Neas said he figured the problem was part of the flu-like illness with which he had been afflicted recently. A physician he consulted the next day indicated that this might be the case.

Allen said the rare syndrome usually follows a viral illness. Its cause is unknown. A number of cases occurred among persons who received swine flu shots in the massive government immunization program of 1976.

By Tuesday afternoon (Feb. 13), Neas was almost unable to eat lunch. "It was like my mouth was becoming very hard to move."

Neas returned to his hotel with a "knife-like" pain in his spine. "I spent the night trying to find a comfortable position. I slept an hour and a half at the most."

He got up at 6:30 a.m. Wednesday and prepared to shave. "I was telling myself I was going to be all right. I was going to smile in the face of adversity."

Neas couldn't manage much of a smile. He looked into the mirror at a partially paralyzed face.

Thoughts of polio and multiple sclerosis raced through his mind. He said he was actually somewhat relieved when the Guillain-Barre diagnosis came because he had anticipated one of these more permanent illnesses.

Neas debated about returning to Washington. But, he noted, the disease was progressing. Also, he was told he needed complete rest and thought it would be hard to refuse friends in Washington when they wanted to visit.

Neas, originally from Boston, is a bachelor. His parents, who now live in Chicago, have visited him here and will be back Thursday for his 33rd birthday.

Neas heard that the average hospital stay for a Guillain-Barre patient is five weeks. "I said to myself, 'I'm strong and healthy. I can beat this in a month.' " His length of stay already has been three times that.

Initially, Neas said, doctors thought it would take about three weeks for the illness to "bottom out." In his case, it was about eight weeks before paralysis was total.

Allen said the case is the worst among about 30 instances of Guillain-Barre he has seen during his career.

Neas' eye muscles were the only ones operating, and they were only partially functional. He could blink.

He couldn't talk because his vocal chords were paralyzed.

Neas tried to figure out ways to get the attention of the hospital staff. He tried a bell on his wrist while he could still move his hand a little.

Later, he found he could emit a clucking noise such as people sometimes use to get the attention of babies. He managed to do it pretty loudly. "This became famous throughout the hospital," Neas said.

Early in March, he underwent surgery to install a tube in his windpipe so a respirator could do his breathing for him. He was placed on the respirator in mid-March.

Neas developed two serious complications—pneumonia and paralytic ileus, a condition in which the bowel muscles can't move and the stomach becomes distended because nutrients get backed up in it.

Neas was being fed entirely through a tube inserted in his nose. It proceeds down through the esophagus to the stomach. He said he now weighs about 132 pounds, compared with 155 when he entered the hospital

There was extreme pain as he was lifted when it was necessary to change position, Neas said. "If someone put a finger on my hip, I'd literally go through the ceiling."

Asked why there was pain in spite of the paralysis, Allen noted that sensory nerves can continue to function even when those which control muscles are damaged.

Finally, speech returned about 2½ weeks ago.

Neas can now lift his arms.

He has been undergoing physical therapy. It is painful as the nurses lift him to try to stretch the shortened muscles.

His feet are wrapped in hot packs. "The ache has been terrible," he said.

But the foot pain is welcome in a way. "They're coming back," Neas said Monday with a smile. The easing numbness in his feet is among signs that the disease is abating.

For the past few days, Neas has been taking some of his calories in the form of liquids and soft foods by mouth, though some of his nourishment still comes through the tube in his nose.

He has been off the respirator since late April and is sleeping better, though the pain still wakes him during the night.

His facial muscles are almost back to normal. "The smile was the first to return," Neas said.

There is no danger of those muscles atrophying from lack of use. For Neas, in spite of it all, managed to smile through much of an interview of more than an hour.

As a lawyer and a politician, he said, being "totally powerless and dependent" during the period of complete paralysis was especially hard.

But he sees light at the end of the tunnel. He said he hopes to walk without assistance in about three months.

In the meantime, Ralph Neas, his smile muscles fully functioning, will continue to need large amounts of the patience of which the sampler is a constant reminder.●

SHOULD THE TAXPAYERS PAY FOR OFFICE PLANTS FOR FEDERAL EMPLOYEES?

● Mr. SASSER. Mr. President, on February 21, 1979, the Legislative Branch Appropriations Subcommittee—which I chair—conducted a hearing on the fiscal year 1980 budget of the Copyright Royalty Tribunal. This is a small Federal agency employing only 11 people. The function of the agency relates to certain aspects of the new copyright law which went into effect on January 1, 1979.

During the course of the hearing, I had occasion to inquire into a proposed expenditure of $2,000 for—and I quote—"other services, miscellaneous."

Mr. President, it was with some chagrin that I verified that this small agency—employing only 11 people—was spending $1,100 a year on—and you won't believe this—a plant care and watering service for their office plants; $632 for the plants, and $468 a year for "maintenance."

At that time, Mr. President, I stated that I believe that almost any Government funds expended to purchase plants or to hire people to water them appears to be out of line.

Why not use homegrown plants? I water my own plants.

Subsequently, Mr. President, I contacted the General Accounting Office. I requested a listing of Federal agencies contracting with private firms for acquiring and maintaining indoor office plants.

In response to my request, the GAO provided a list of 26 Federal agencies. These agencies had spent $816,700 of taxpayers' funds during the period 1974 to 1978 on contracts with private firms—for acquiring and maintaining indoor office plants.

Mr. President, the average taxpayer from Tennessee pays $2,000 in Federal income taxes a year.

I wonder how those families from Tennessee would feel—to know that an amount equal to the entire tax bill—paid by 100 Tennessee families—over a period of 4 years—had been used by their Government to contract with private firms for acquiring and maintaining indoor office plants for Federal employees.

Mr. President, I shall submit the tabulation for the RECORD at the conclusion of my remarks.

Mr. President, I am aware that —from time to time—there are reports in the media that Congress is guilty of acquiring "free plants" from the Botanic Garden.

Before bringing the whole matter of the taxpayers paying for plants to the attention of my colleagues, I took up the Senate experience with the distinguished chairman of the Joint Committee on the Library (Mr. PELL) whose committee has jurisdiction over these matters. The Joint Committee staff subsequently took the matter up with the Architect of the Capitol, who has jurisdiction over the Botanic Garden. The Architect has reported that no "free" plants are given to Members and their staffs. However, some of the plants grown at the Botanic Garden are, indeed, loaned to the various offices of the Senate under procedures approved by the Joint Committee on the Library.

Whereas, under existing procedures established by the Joint Committee, approximately $30 in plant material could be loaned to a Senate office in a year—this hardly compares with the expenditure of $1,100 for one small Federal agency with only 11 people.

Mr. President, in the final analysis, the question comes down to "Should the taxpayers pay for office plants for Federal employees."

The purpose of bringing this matter to the attention of my colleagues is to give them the opportunity to review the proposed expenditures for plants in the various Federal departments and agencies to determine if they are fully justified.

With all the emphasis on cutting Federal spending to balance the budget, this certainly is one area where we could make progress.

The tabulation follows:

LISTING OF AGENCIES CONTRACTING WITH PRIVATE FIRMS FOR ACQUIRING AND MAINTAINING INDOOR OFFICE PLANTS DURING FISCAL YEARS 1974–77

Agency	Fiscal year—				Total
	1974	1975	1976	1977	
Department of the Treasury	$90,400	$74,000	$45,600	$12,700	$222,700
Department of the Interior	200	900	53,300	54,000	108,400
U.S. Postal Service	12,000	18,000	24,500	18,900	73,400
Department of Energy	3,500	4,500	34,200	30,600	72,800
Department of Transportation	5,300	16,400	16,000	15,900	53,600
Veteran's Administration		14,300	6,300	24,800	45,400
Department of Health, Education, and Welfare	4,400	13,700	12,700	8,800	39,600
Environmental Protection Agency	1,600	1,400	7,300	19,000	29,300
General Services Administration	10,000	1,100	9,500	8,400	29,000
Department of Agriculture		13,600	3,900	11,100	28,600
Department of Justice	4,300	2,400	8,600	8,500	23,800
Federal Reserve System			4,000	13,500	17,500
Department of Commerce	2,600	2,600	2,700	6,100	14,000
Inter-American Foundation	2,500	2,600	4,400	3,500	13,000
Farm Credit Administration	1,900	2,100	3,000	2,500	9,500
Federal Deposit Insurance Corporation	$100	$1,200	$1,900	$5,700	$9,200
Department of Labor		5,300			5,300
Consumer Product Safety Commission	2,200	800	1,200	1,000	5,200
Small Business Administration			1,900	2,000	3,900
Department of Housing and Urban Development			2,500	1,300	3,800
National Aeronautics and Space Administration		600	2,100		2,700
Federal Trade Commission		800	400	900	2,100
Federal Mediation and Conciliation Service				1,500	1,500
Federal Election Commission		500	300	500	1,300
District of Columbia	1,000				1,000
Pennsylvania Avenue Development Corporation		100			100
Total	142,300	176,900	246,300	251,200	816,700

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ADDRESS BY SENATOR CHURCH ON THE SALT II TREATY

● **Mr. JAVITS.** Mr. President, certainly one of the most important treaties that the Senate will consider in this century, even the most important treaty, will be the SALT II treaty which will be before the Senate after President Carter meets with General Secretary Brezhnev in June. Even before the submission of this treaty to the Senate for its advice and consent, there has been a great deal of debate and consideration.

Mr. President, on May 10, 1979, my colleague, FRANK CHURCH, our esteemed chairman of the Foreign Relations Committee, gave a major address entitled "SALT and the Senate: Principles for Decision," before the International Research & Exchanges Board (IREX). The views of Senator CHURCH on this historic issue are of interest and importance to all Members of the Senate, not only because he is chairman of the Foreign Relations Committee which will be considering the treaty but also because FRANK CHURCH has devoted so many years of thought to the momentous questions which are involved.

In his speech Senator CHURCH has enumerated six principles which he believes should govern the Senate's consideration of the SALT II treaty as it undertakes its solemn responsibility of deciding whether to give its advice and consent to the ratification of the treaty. I believe that every Senator could benefit from considering the principles which the chairman of the Foreign Relations Committee has offered as a guide to the Senate in its deliberations over the SALT issue.

I highly recommend the reading of Senator CHURCH'S address to my colleagues, whether they support the treaty, oppose it, or are reserving their judgment, and I ask that it be printed in the RECORD at the conclusion of my remarks.

The address follows:

SALT AND THE SENATE: PRINCIPLES FOR DECISION

In 1919, the journalist Lincoln Steffins, boarded a train in Paris and headed for the Soviet Union. He had already made up his mind in advance, and on the train he merely fiddled with the phrase—"I have been over into the future, and it works." Finally, he settled on the slightly punchier phrase, "I have seen the future and it works." That was a naive time.

Today, a half century later, traveling to the Soviet Union is far less of a novelty. Most of us in this room have been there. We all have formed our judgments, and I daresay that most of us would be tempted to paraphrase Steffins—"I have been to the Soviet Union, and if it is the future, it won't work."

But the Soviet Union does remain the central problem for American foreign policy and, along with Eastern Europe, is a topic that demands careful study, conducted with intellectual rigor. That is why I take such pleasure in joining you this evening to celebrate two decades of IREX—the International Research and Exchange Board—and what IREX represents—the flowering of objective and informed scholarship about the Soviet and Eastern Europe.

In looking over the IREX record, I have been much impressed by the cumulative achievement—the 1500 American scholars who have benefitted, the 3,000 books and articles that they have produced from their research. The IREX program has been indispensable in the creation of a solid core of American experts on the Soviet Union and Eastern Europe. Certainly, the Senate Foreign Relations Committee has benefitted in recent years from the fruits of that scholarship. And the fact that the exchanges have managed, on the whole, to remain insulated from political pressure has contributed to their vitality.

This is not to say that there are no problems. An immediate subject of concern is the imminent danger of the wasting away of capabilities so laboriously constructed.

In general, foreign area studies in the United States have been hit hard by the contraction of funding in higher education. The pressures on Soviet and Eastern European studies are particularly worrying. For we need cool, clear analysis. We need involved individuals, with years of education, experience, insight, and that hard-to-quantify "feel" about how Communist societies function. Otherwise, we are in danger of becoming prisoners of ignorance.

The current base of expertise is far from adequate. Moreover, we have fewer and fewer young people working on Soviet and Eastern European subjects. It is not very comforting to know that only five dissertations on Soviet foreign policy were completed in 1975, eleven in 1976, and four in 1977. Compare that to the growth of the Institute of the USA in Moscow which has expanded from one specialist a decade ago to over 350 today—in one academy.

It is ironic that so little money is required for Soviet and Eastern European studies—and yet it is so hard to find. The annual budget of the entire IREX program is about what it costs to build a third of a mile of interstate highway.

The outline is clear for what needs to be done to get Soviet and Eastern European studies on solid footing. The universities, facing increasing pressures in the 1980's cannot do it alone. Our great foundations, looking for virgin forests, should not precipitously turn their backs on this most important offer. They must renew their commitment. Government must make a serious and long-term commitment to support objective and independent research. At the same time, the business community, which makes more and more use of this expertise, should also come forward to give its solid support.

How can we doubt the importance of what Soviet and Eastern European studies have accomplished in the United States. Without the last 20 years of serious scholarship on the Soviet Union, we could not begin to have an intelligent debate on the second round of the Strategic Arms Limitation Agreements —SALT II. And appropriately enough on this occasion, it is to that subject I would now turn.

Yesterday Secretary Vance announced that the United States and the Soviet Union have reached agreement on a SALT II treaty. Next month Presidents Carter and Breshnev will meet to sign the document. The official SALT debate is about to begin.

SALT certainly will be one of the most crucial issues on which the Senate will render judgment in this century. It poses a fundamental challenge to all Senators—and to the American people. For it compels us to confront the most elemental issue of all, ultimate survival.

Above all, we must avoid the trap of technicalities. Already, the nuclear theologians intone their intimidating litany of awkward acronyms, throw weights, yields and kill ratios, as though Armageddon could be reduced to a computer printout. We must not be misled. Something so important as this debate should be decided not by reference to the latest wrinkle on a computer chip, but by comprehending the central compulsions that drive the nuclear arms race.

No one who has followed the last few months of discussion will doubt the intensity of the debate to come. And the result is far from assured. The matter has been made even more uncertain recently by the emergence of not one, but possibly two sets of opponents, what could become an unwitting alliance between those who criticize the treaty because, they say, it does too much, and those who say it does too little.

In such circumstances, with passions high and the temptation great to appeal to emotion rather than reason, the Senate will be all the more challenged to put aside the irrelevant questions and focus on the real issue. As the treaty has not yet been presented, it is obviously premature to address its specific provisions. But, while there is still some calm before the storm, it is appropriate, even essential, to try to suggest principles—principles based on reason—to guide the debate. By following these principles, the Senate can render a judgment that best benefits the people of the United States, and avoid the kind of debate that leaves an acid residue of disgust and despair to disfigure our political life in the years to come. To be sure, we must face hard questions. Does the treaty serve the security interests of the United States? Is it evenly balanced? Is it verifiable? What consequences are likely to flow from ratification—or from rejection?

The first principle is that we must identify the American security interest at stake. We must be sure that the treaty does not shift the strategic balance in any ways disadvantageous to the United States. In so doing, we must not be deflected by the nuclear theologians who would spend their days—and ours—counting warheads as though angels on the head of a pin. We must be alert to funny accounting, which leaves out certain crucial numbers in an effort to make the treaty look either good or bad.

What is the basic American interest? It is the survival of our people and our system. That concern has hovered over every living person since the summer of 1945—the avoidance of nuclear war—the war that will end all wars. Since that first fateful explosion, vast arsenals—unimaginably vast arsenals—have been built on both sides. The United States and the Soviet Union have engaged in a two trillion dollar arms race. This competition has rested upon a theory of deterrence, but has been grounded in a feverish fear. Both sides have designed and deployed one weapons system after another, and stockpiled warhead upon warhead.

In the process, the nuclear arms race has become not only a way of life, but an addictive habit. We have come to think of it as much a part of the natural order of things as summer and winter. How often do we stop to think how irrational and precarious the race has become? For the competition, if unrestrained, will engender an ever-widening web of suspicion and tightening tension. The likelihood will increase that one day there will be an accident, a small war somewhere that gets out of control, a horrible miscalculation that triggers off the suicidal exchange. For, even now, the accumulation of nuclear weapons on both sides dwarf anything the world has ever seen before—indeed, anything that might have been imagined at the dawn of the atomic age.

President Eisenhower once said that nuclear war would be the last insanity. Nikita Khrushchev commented that after a nuclear war, the living would envy the dead. Both made their remarks two decades ago. Yet, the arsenals over which they presided look like tiny grocery stores when compared to today's vast supermarkets of destruction.

Has this huge investment in nuclear arms, in the weapons we dare not use, increased our security? Are we safer today than we were two desades ago? I think not. What has really increased is not our security, but rather our complacency that the holocaust will never come. But we delude ourselves. We have survived thus far not because we are God's chosen people—but because we have been lucky and deterrence has held.

This complacency, this mindless inattention to the awesome danger of nuclear arms—this retreat into the abstract mumbo jumbo of the nuclear priesthood—is the great moral blindness of our time. I am appalled when I hear speakers from the podium—and even the pulpit—tell us that in a nuclear exchange only 100 million people would be killed, or that mankind might still eke out some pitiful existence in the southern hemisphere. Even the precision with which the nuclear technicians describe what will happen in a nuclear war is essentially bogus. I have heard one say that only 10 percent of mankind would die as a direct consequence of an all-out nuclear war. What presumption! What specious precision! He does not know. He cannot know what will happen. No one knows what deformities the fall-out would inflict upon our own and future generations. Fortunately, we have not yet had the experience to teach us. But it is prudent only to expect the worst. We forget how awesome is the weaponry. We lose sight of the scale. The United States presently possesses dozens of nuclear warheads for every target in the Soviet Union, and the Russians are comparably overarmed. What would be left?

Nevertheless, we cannot recreate international politics. We cannot eliminate the competition between two such dissimilar systems as the Soviet Union and the United States. But the two countries can pursue objectives that are in their most fundamental mutual interests. They can seek to reduce the probability of nuclear war. They can strive to stabilize relations, to remove uncertainties, to eliminate incentives that spur the weapons race, to open channels of communication, and to clarify the rules by which they will endeavor to live on the same planet. That is what the SALT process is all about. Perhaps it will lead us to the point where we could truly think the unthinkable—about deep reductions and eventual elimination of nuclear arms. In the meantime, we can put a ceiling on their number, hoping that this will slow down and finally stop the race toward oblivion.

The treaty shortly to come to the Senate appears to move genuinely in this direction. It is not a giant step, but it is a significant step. It sets equal numerical limits on both sides, for delivery vehicles, mirved missiles, and warheads. The limits are very high. But, for the first time, a restriction on the number of warheads—which is what really matters—will have been agreed upon. And, under the provisions of SALT II, the Soviets will have to dismantle over 250 of their intercontinental missiles. Thus, the treaty could serve American interests by positively contributing to our security.

The second principle is that the treaty be decided on its merits, and not be used as a referendum on the character of the Soviet Union or as a plebiscite on Soviet behavior in the Third World. Obviously, the climate of relations will affect how we regard the treaty. And perhaps it should. But we must strive for perspective, and not be jangled by every news story that comes over the ticker. The treaty is too important to be used as a measuring rod. The question must be—does the treaty serve American interests? If it does, then it should be approved, without linkage to other issues. If it does not, then it should be rejected.

Obviously, Soviet behavior in Ethiopia, for instance, is a subject of considerable concern. And I need not speak in this company about the abhorrence Americans feel for a regime that tramples on human rights, demands rigid conformity, and depends on the KGB.

But what do we gain by denying ourselves a treaty that serves our own vital interests? The trade-off between survival and destruction that forms the SALT process is far too important to allow the treaty to be used as a bargaining chip for lesser matters. So, as a second principle, the Senate should consider the treaty on its own merits.

The third principle is that we try to understand the Soviet stake in SALT. This is a task to which many of you in this room have contributed—directly and indirectly—by your scholarly work. We own thanks to IREX, whose twentieth birthday we celebrate tonight, for the fact that our understanding of Russia is far more sophisticated than twenty years ago; and that we have progressed beyond simplistic, obfuscating Cold War stereotypes.

We know today that the Soviet Union has many and varied and even contradictory interests. We know that some of these collide with our own. Yet, we also know that, while the Soviet leaders hail Marx and salute Lenin, they share with us the same instinct for survival. Joined with us as they are in a lock-step of strike and counter-strike, they have the same need as we to avoid nuclear war.

With the SALT process, we can delineate and intensify areas of common concern—centered on this shared interest of escaping nuclear catastrophe. Our own security is increased, even as the Soviets is, when both sides clarify and codify that common interest.

The fourth critical principle is that the question of verification be met in a meaningful manner. The Senate must be able to report to the American people that we have investigated this question thoroughly and that, to the best of our judgment, the treaty is verifiable.

Is it likely to be verifiable? That question has been pushed to the fore by the fall of the Shah, with the consequent closing of monitoring posts in Iran. Some point to these closings as a reason to vote no on SALT. But this represents a very narrow interpretation of what verification means. For these skeptics are really telling us that the entire security of the United States rises and falls on our continued use of a couple of monitoring stations. If our security is that razor thin, then we are already in very deep trouble.

We must do better at posing the verification question. We will never be 100 per cent sure about each nut and bolt on every SS18 missile launched at the Tyuratum testing range. We did not have that kind of capability yesterday, when the Shah still sat on his throne, and will not have it tomorrow.

What we must be able to do, however—and this is the essential point—is detect any Russian cheating that represents a threat. This does not mean every nut and bolt. It does mean the detection of a pattern of activities by the Russians that violate the treaty, undermine the SALT process, or threaten our security. This capability the Senate must insist upon. And I will insist upon.

The answers on verification will emerge only in the course of the debate. But there do appear to be sound reasons to anticipate an affirmative conclusion. In the first place, our verification capabilities have also grown enormously over the last five years and show every sign of continuing to grow. Second, we must remember that modern weapons systems are not pre-fabs that can be thrown up over night. They require long lead times, extensive testing and major construction works. Such activities can be detected through a wide variety of means.

Third, as deterrence is built into the military balance, East and West, so it is built into the treaty. Nations do not keep treaties because of their honesty. They keep treaties as long as it serves their mutual interests to do so. The same would be true of SALT II.

The Soviets could never be sure that cheating would go undetected. They know that our detection of cheating on their part would raise great alarm about their intentions and lead to an immediate and extreme exacerbation of the arms race. The entire SALT process would be ruptured beyond redemption and an unrestrained competition—which the Soviets fear—resumed. Indeed, from this point of view, if the Soviets contemplate cheating, they would do better not to sign. For a broken treaty would prove far more dangerous to them than no treaty at all.

The fifth principle of the SALT debate is that it should be free of partisan politics. We are only ten months away from the first Presidential primary, and candidates are proliferating more rapidly than June bugs in May. In these circumstances, the treaty could get caught up in the maneuvering for nominations. I pray this will not happen, that all concerned use the national interest, not personal political advantage, as their guiding star. I pray that partisanship not tamper with the debate. It should be remembered that the SALT process began under one Republican President and was continued by another. It is now carried on by a Democratic President, but could again become the province of a Republican in the future. We must keep the debate above domestic politics. Indeed, SALT II is, and ought to be perceived as, the shared achievement of both political parties and both branches of the American government.

The sixth principle is that the vote for or against the treaty should not be camouflaged by attempts to destroy it by indirection. To hang reservations on it is not to string decorations on a Christmas tree; it is to topple the tree. It is to vote no while pretending otherwise and shunning responsibility. Some claim that rewriting by reservation is an activity sanctified by the Panama Canal Treaty. But Panama does not provide a precedent. For SALT is quite a different matter from the question of the canal, and the Soviet Union is not Panama.

Six years of serious and difficult negotiation have gone into making this treaty. If the Senate were to amend or reserve on a major provision, the current Soviet leaders could be hopelessly compromised. Under such circumstances, they could well be forced to reject the treaty—and that would be the end of SALT. This is not to say that any treaty presented to the Senate is sacrosanct or that executive draftsmanship is infallible. During the course of the debate, the Senate may indeed strengthen SALT II as it did the SALT I interim agreement. This is the proper role for the Senate, if responsibly exercised.

A seventh principle is that the debate not get entrapped in the artificial distinction between arms control and adequate defense. All too often, we are made to feel that we must choose up sides—either we are for arms control or for national defense. This is a false and misleading dichotomy. SALT II does not preclude adequate defense policies, nor does it foreclose options we might want to pursue in resolving such issues as the growing vulnerability of our land based Minuteman Force. Moreover, arms control is part of our security policy—it is one way to assure our security interests, to control the threats to our well-being. We can build weapons to counter Soviet weapons—or we can work out agreements so that the Soviets do not deploy such weapons in the first place. The latter may do more for our security than the former.

There is the final principle—that the Senate not consider SALT II in a vacuum, without weighing the consequences of rejection—whether it be by direct "nay" vote, or by way of adopting fatal reservations.

First and most ovious, rejection would accelerate and intensify the arms race—and make our own security much more uncertain—and our arms budget much higher. As a corollar, we would know less about what the Soviets are doing. The information gap would widen.

Détente would lie like broken pottery on the floor. We would lose the opportunity to influence the Soviet Union to choose courses that reflect our mutual interests in stability and the avoidance of conflict. Our rejection, moreover, would send a shock through the Soviet system at an uncertain time of leadership transition—a shock that might greatly strengthen the role of the most dogmatic and hardline elements in that country. Frankly, it is hard to imagine that any future Soviet leaders, under such circumstances, would wish to stake their prestige on cooperation with the United States.

Finally, I think rejection would have a corrosive effect on relations with our western allies. Many of them feel a much more immediate stake in détente than does the United States, and they would rightly see that threatened.

Thus, the consequences of a no vote must be assayed very carefully. We cannot afford to have a debate that considers only half the balance sheet—the costs of ratification—without considering the other half—the costs of rejection.

With these seven principles to guide our deliberations, we can move into a debate that will satisfy the concerns, the fears, the hopes, the needs of the American people. It is a grave responsibility that waits on the Senate.

As we assume it, we would do well to remember an admonition that Walter Lippmann delivered as the Cold War began: "The history of diplomacy is the history of relations among rival powers, which did not enjoy political intimacy, and did not respond to appeals to common purposes. Nevertheless, there have been settlements. Some of them did not last very long. Some of them did. . . . To think that rival and unfriendly powers cannot be brought to a settlement is to forget what diplomacy is about."

The deliberations soon to commence in the Senate are already being compared to the Senate's consideration of the Versailles Treaty in 1919. Perhaps it will be so. In any case, this will be a much more passionate debate than that over the first SALT treaty, when there was such a flush of rapture and relief over the first sign of detente, the first step back from the nuclear brink.

I do not believe that the Senate's rejection of the Versailles Treaty can be said to have caused the Second World War any more than the German inflation of the early 1920's caused the war. It was, however, one important factor.

As we look back, we can see that the United States did absent itself from the process meant to stabilize international relations and preserve the peace. We opted out. And that deliberate abstention ultimately cost us dearly.

The Senate is again on the edge of a crucial moment. We can choose to take this opportunity to continue our participation in a process that manifestly serves American interests. Or we can choose to absent ourselves from that process. I cannot tell you where the process might end. But if we participate in it, based on the first principle of careful attention to American interests, we cannot but doubt that it moves in the right direction. On the other hand, the disruption of the process of which SALT II is an integral part will not add to the security of the American people. No, it will only move us closer to the edge of the abyss.

The debate begins.●

IMPACT OF OIL DECONTROL PROGRAM ON RHODE ISLAND

● Mr. PELL. Mr. President, I am very deeply concerned over the impact on residents of the State of Rhode Island of the oil decontrol program proposed by President Carter.

Indeed, my concern is so great that I have informed the President by letter that I cannot support the decontrol of oil unless and until there are absolute assurances of adequate Federal assistance programs to prevent discriminatory hardship and actual suffering among the residents of Rhode Island.

To assure that there will be no decontrol without congressional action on a windfall profits tax and enactment of Federal assistance programs for consumers, I have joined with Senator EAGLETON in proposing legislation that would defer the decontrol of oil from June of this year to January 1, 1980. If, as that time approaches, no action has been taken to tax the windfall profits of oil companies and to return the bulk of those excess profits to the consumers, I will vigorously pursue further deferment of oil decontrol.

I have taken this position in regard to the President's proposal with some reluctance. I am basically sympathetic with the direction of the President's recent energy policy proposals. The United States can free itself from the severe diplomatic, political, and economic handicaps of our dependence on foreign petroleum only by strong conservation efforts and by the most vigorous program to develop and encourage use of alternative energy sources. The efforts at conservation and development of alternative sources will be seriously impaired as long as our domestically-produced petroleum is held by artificial controls below the prevailing world price.

The President's proposals, however, involve a very far-reaching change in the lives of the American people. As the manager of this change, the Federal Government has a responsibility to ease the transition, and most particularly to avoid imposing unfair and discriminatory hardships on regions of our Nation or segments of our society.

The President, to his credit has recognized this principle by proposing that a portion of the tax on windfall profits of petroleum companies be used to assist low-income consumers of oil products.

It is a commendable proposal, but I must say frankly that the scope of the assistance program falls far short of what will be required to prevent serious and widespread hardship to residents of the New England States. This region, including my State of Rhode Island, will be faced with hardships unlike any other part of the Nation. The region has harsh winters, requiring more energy for home heating than most areas of the Nation, and in addition, is uniquely dependent on oil as a source of home heat. More than 85 percent of the homes in Rhode Island are heated by oil, compared with a national average of 46 percent.

It is not easy to comprehend the impact on Rhode Island families of the projected increases in the costs of home heating oil, but perhaps these statistics will help.

At the start of the last heating season, in September of 1978, homeowners in Rhode Island were buying home heating oil at a price of about 50 cents per gallon. By the end of the heating season the price had risen to nearly 70 cents a gallon. This is an increase of 40 percent in one heating season without decontrol.

If, as predicted, home heating oil costs press toward $1 a gallon with decontrol of oil, the impact will be disastrous.

For the State of Rhode Island as a whole, with an annual home heating oil consumption of 410 million gallons, the doubling of home heating oil prices from 50 cents in 1978 to $1 will mean an increased cost burden of about $205 million. With an average annual household consumption of 1,500 gallons a year, such a price increase means an added cost burden of $750 for each Rhode Island household. The average Rhode Island household simply cannot sustain this added cost without hardship. Worse yet, Rhode Island has, in addition to harsh winters, a disproportionately large population of elderly persons, living on a fixed income and, indeed, often sustaining themselves on social security payments. Typically these older persons live in older housing with less efficient heating systems and little or no insulation.

In these cases the increased price of home heating oil would be a cruel trap. They do not have the resources to insulate their homes, and they simply will not be able to buy the fuel they need to keep warm. Without assistance some would be forced to sell their lifetime homes.

This is the nightmare that haunts many Rhode Islanders as they consider the coming winter seasons.

I cannot in good conscience support decontrol of oil without absolute assurances that there will be adequate assistance available to ameliorate these hardships and eliminate suffering resulting from higher home heating oil prices.●

A. PHILIP RANDOLPH

● Mr. DOLE. Mr. President, the death of A. Philip Randolph has deprived America of one of her foremost humanitarian leaders. A fighter he was, for the dignity of working people at a time when that dignity was not universally recognized, for the equality of black Americans, at a time when much of American society was permeated with the stain of injustice.

He was a man steeped in the traditions of Gandhi, and, like Gandhi, he organized a peaceful revolution. He believed in achieving economic justice for people, hoping that political and social equality would follow.

It is especially appropriate that we remember Mr. Randolph on this historic anniversary for the civil rights movement that he did so much to create and guide in its formative years. It is our task to rededicate ourselves to the principles of economic and social justice for which he fought all his life, and hurry the day when all Americans, black, white or brown, rich and poor, will be equal before their neighbor as they are before their God.●

ELBERT MANCHESTER OF WINSTED

● Mr. RIBICOFF. Mr. President, one of Connecticut's outstanding and unique men, Elbert Manchester of Winsted, is a person of great character, personality and integrity. Bert is an old friend. The Torrington Register on May 5, 1979, carried an interesting profile by Rich Beebe. I submit the article for the RECORD.

The article follows:

HISTORY-MINDED ATTORNEY RECALLS WINSTED'S PAST

(By Rich Beebe)

WINSTED.—A short conversation with Elbert Manchester resembles a condensed course in the humanities.

In a raspy drawl of a voice, the 72-year-old attorney will lead a listener along a leisurely tour through local, family and national history, political philosophy, religion and the law.

Manchester never really rambles from subject to subject instead, his mind leaps from idea to idea, tying them all together to outline his personal philosophy of life.

For a time, he talks about his early experiences in the law. After he recevied a bachelor's degree from Bowdoin College in Brunswick, Maine, he went on for his law degree from the University of Michigan at Ann Arbor in 1934. During the Depression, the legal field was hit just as hard as other professionals. While still a law student, he stopped at the offices of a Hartford law firm to see if he could get a job after graduation. "They said, 'Come on in, grab a desk and help pay the rent,' " he recalls.

When he finally did graduate, he joined the New Haven firm of Clark, Hall & Peck until 1937. "They paid $20 a week. After you worked for them for six months they gave you $25. You were lucky to get it," Manchester adds. Soon after he started working in New Haven he married Peggy Jones of New Hartford.

In 1937, the Manchesters returned to Winsted, where he was born, and where his family had lived for generations.

His family's generations of leadership in Winsted has given him a strong sense of history, as well as a keen loyalty to the town and its institutions. The courtly lawyer can speak of town and family events of a century ago as if they happened to him earlier that day. "I was born in the sixth house beyond the hospital. My father was born across the street in 1862, in a house his father had bought in 1858 from his uncle's widow . . ."

A couple of years ago, the town's Charter Revision Commission considered changing the name of the city of Winsted to Winchester—an idea which brought Manchester down to the next meeting to vociferously challenge the proposal, outlining the historical significance of the city's name. The proposal eventually was dropped by the commission.

Yes, Manchester denies having any great knowledge of Winsted. "But if you are the youngest of six you learn to listen," he admits. When he has been called on to speak about local history, he fortifies his own store of lore with lengthy visits to the Beardsley and Memorial Library.

His love of Winsted, however, is tinged with realism. "In any small town of 11,500, you export so much talent that it would be impossible to hold," he admits. He recalls that his grandfather, Edward, wanted his youngest son, Irving, the editor of a West Hartford newspaper, to return to his hometown so he bought him the Winsted Evening Citizen.

Manchester's own two sons have long since left Winsted. Dane is a chemical engineer with Exxon Chemical in Houston and Paul, with a doctorate in "econometrics," is a staff member of the Joint Economic Committee of Congress living in Silver Spring, Md. Manchester, unlike his grandfather, is content to see his sons, their wives and the four grandchildren on short visits.

A lifelong Republican, Manchester has always been active in the background of local politics. He also served two terms, in 1939 and 1941, in the state Legislature as Winsted's representative. During those terms, he worked alongside such fellow legislators as Abraham Ribicoff, Meade Alcorn, T. Emmet Clarie and Charles House. Manchester remembers that House, who later would become chief justice of the state Supreme Court, sat next to him during the sessions. "Some of me rubbed off on him, but none of him rubbed off on me," Manchester laughs.

Manchester admits to having an uncommon view of politicians—he respects them, especially those in the Legislature.

"Anyone who takes a public office I have to admire for the patience that's required," Manchester explains. "If you can stand meetings that last three hours or more which they could wrap up in an hour and a quarter, you deserve a halo."

He also respects people who serve on committees and boards, he himself sits on the Gilbert School Board of Trustees, the Winsted Memorial Hospital Board of Directors, the Beardsley and Memorial Library Board and the Winchester Historical Society. Of the Gilbert board, he adds, "I've overstayed and should resign, if they could find a title so I could still sit in on meetings and prick the humbug.'

During his free time, he indulges in his favorite pastime—reading biographies of Americans. His heroes include such expected figures as Lincoln, Washington and Wilson, and at least one unexpected one, Grover Cleveland, who Manchester describes as a man of great honesty. Heroes, he believes, are important, but he emphasizes the need to read "all you can" about them, their faults as well as their virtues. That heroes remain essentially human is important, he says—"That's their greatness."

Despite his love of history, his admiration of past men, Manchester says if he were given a chance to live his life over, he would want to be around in the 21st century. He contends that mankind by that time will be "more mature," more willing to take on the challenges of life. "They must face it," he says with assurance. "They will face it." ●

SCHOOL DESEGREGATION

● Mr. MATHIAS. Mr. President, on December 7, 1953, the U.S. Supreme Court began hearing oral arguments in the case of Brown against Board of Education in Topeka, the famous school desegregation case.

During the course of the oral arguments, Attorney James Nabrit concluded his own presentation with the following memorable words:

> America is a great country in which we can come before the Court and express to the Court the great concern which we have * * * and we are not in the position that the animals were in George Orwell's satirical novel *Animal Farm*, where after the revolution, the dictatorship was set up and the sign set up there that all animals were equal, was changed to read, "but some are more equal than others."
>
> Our Constitution has no provision across it that all men are equal but that white men are more equal than others * * *
>
> (In) this country, under this Constitution, and under the protections of this Court, we believe that we, too, are equal.

Six months later, on May 17, 1954, exactly 25 years ago today, the Supreme Court handed down its historic decision in Brown. In a ringing affirmation of our Nation's commitment to equal opportunity for all, the Supreme Court finally abandoned the ill-conceived and inherently unjust "separate but equal" doctrine on which the Court had put its imprimatur 58 years earlier. The Court's unanimous and resounding opinion has been reverberating ever since. The key language by Chief Justice Warren bears repeating:

> We came then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other tangible factors may be equal, deprive the children of the minority group of equal education opportunities. We believe it does * * * To separate them (minority children) from others of similar age and qualifications because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone * * *
>
> We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.

Thus, the Court breathed new vitality into the constitutional guarantee of equal protection under law." It rejected emphatically the notion that "some are more equal than others." Above all, the Court's decision signaled the true beginning of the American civil rights movement.

It is fair to say that Brown irrevocably altered the American way of life. It sparked a veritable "rights" revolution. Certainly it ignited a judicial revolution, unprecedented in American jurisprudence.

Since Brown, the 14th amendment's guarantee of equal protection under law has been expanded far beyond the schoolhouse. Today, it reaches virtually every facet of American life, including employment opportunities and housing accommodations. Nor have its protections been limited to blacks. Increasingly, other disadvantaged groups—Indians, Mexican-Americans, the handicapped, and the elderly—have likewise found in the equal protection clause a vehicle to improve their social and economic status.

But it would be wrong to view Brown's importance solely in terms of the number and types of cases it has spawned. Brown was the catalyst that brought Congress out of a long period of legislative inaction and prompted the legislative revival of civil rights. From the time of the enactment of the Civil Rights Act of 1875 until shortly after Brown was decided, no major civil rights legislation became law. But with Brown in hand, the civil rights movement gained momentum. It appealed for national legislation to complement the growing number of court decisions. To its credit, Congress listened. With the enactment of the Civil Rights Act of 1957, a new era dawned. Congressional inaction was a thing of the past. In its place came a series of civil rights enactments which rivaled those of the Reconstruction era. Among these legislative accomplishments were:

The Civil Rights Act of 1960. Designed to shore up some of the weaknesses in the 1957 law, it strengthened the penal laws with respect to the obstruction of court school desegregation orders and extended the Civil Rights Commission for 2 years.

The 24th amendment. Passed by Congress in 1962 and ratified in 1964, this amendment barred the use of the poll tax as a qualification for voting in any election or primary;

The 1964 Civil Rights Act. The most far-reaching of the various civil rights acts, designed in part to forbid discrimination in places of public accommodation and established an equal employment agency;

The 1965 Voting Rights Act. Banned the literacy test for a 5-year period and established a system of Federal election examiners to aid in voter registration;

The 1968 Civil Rights Act. Outlawed discrimination in the sale and rental of housing and increased penalties against these who interfere with persons exercising their civil rights.

The 1970 and 1975 Voting Rights Act amendments. Extended the time period for the 1965 act.

The 26th amendment. Passed by the Congress in 1971 and ratified in 1971, lowered the voting age in all elections to 18 years.

The Civil Rights Attorney Fees Act of 1976. Designed to insure that the high cost of litigation does not bar the Federal courts to those seeking to enforce their rights under our civil rights laws.

The District of Columbia full voting rights proposal. Passed by the Congress in 1978 and now is before the States for their consideration.

We have come far since Brown. Many forms of discrimination have been obliterated. But regretably, others remain. None of these is more pernicious than discrimination in housing.

In 1968, when we enacted the Fair Housing Act we thought we were well on our way to eradicating housing discrimination in America. Our hopes were high. But attainment of that goal has proved more elusive than anticipated.

Certainly the 1968 act has had a good deal of success. It has gone far toward eradicating many of the more blatant forms of housing discrimination which were around for far too long. At the same time, however, it is clear that the 1968 act is not enough.

That great civil libertarian Henry Ward Beecher maintained that "Laws and institutions are constantly tending to gravitate. Like clocks they must be occasionally cleansed, and wound up, and set to true time." I think the moment has come to wind up the Fair Housing Act and set it to true time. More legislation is needed to truly provide for fair housing throughout the United States. Above all, it is clear that we must put more teeth into the enforcement provision of the 1968 law. That is the only way we can increase the deterrent effect of the existing law to the degree necessary to complete the task. For this reason, on March 1, 1979, I introduced S. 506, a bill to amend the enforcement provision of the 1968 Fair Housing Act.

This bill provides HUD with the power to refer to the Justice Department for prosecution individual complaints of discrimination which it considers substantive. It empowers HUD to enter Federal suits for relief on behalf of individual complainants; provides HUD with cease-and-desist authority; establishes within HUD an administrative hearing process; and provides for the court award of civil penalties. I think S. 506 is just the sting HUD needs for effective enforcement.

It would be fitting, indeed, if in this, the year of the 25th anniversary of the Brown decision, Congress added to its long list of legislative accomplishments in the civil rights field and enacted S. 506.

Mr. President, I think it would be quite appropriate to end with the words of Richard Kluger, author of "Simple Justice," the definitive history of the Brown litigation:

> Of the ideas that animated the American nation at its beginning, none was more radiant or honored than the inherent equality of mankind. There was dignity in all human flesh, Americans proclaimed, and all must have its chance to strive and to excel. All men were to be protected alike from the threat of rapacious neighbors and from the prying or coercive state. If it is a sin to aspire to conduct of a higher order than one may at the moment be capable of, then Americans surely sinned in professing that all men are created equal—and then acting otherwise. Nor did time close the gap between that profession and the widespread practice of racism in the land. The nation prospered mightily nonetheless, and few were willing to raise their voices and suggest that what might once have been forgiven as the excesses of a buoyant national youth had widened into systematic and undiminishing cruelty.
>
> Some protested, to be sure. But no political leader risked all of his power and no sector of the nation's governmental apparatus was fully applied against this grave injustice—until the Supreme Court of the United States took that step.

We owe the Court a great debt.●

EUROPEAN SUPPORT FOR SALT

● Mr. CULVER. Mr. President, in recent days there have been several indications of support for the new strategic arms limitation agreement between the United States and the Soviet Union from our allies in Europe.

The final communique of the NATO Defense Ministers on May 16 welcomed the agreement, declared that its equitable limitations would improve the security of NATO, and expressed satisfaction with the "close and full consultations" which have been held with the alliance on SALT issues.

The new British Prime Minister, Margaret Thatcher, endorsed German Chancellor Helmut Schmidt's call for quick ratification. This was an important development, correcting earlier reports that the newly elected Conservative Government might not be supportive of SALT.

And the respected and authoritative International Institute for Strategic Studies, in its annual strategic survey, warned that Senate rejection of the SALT II Treaty would have "dire political implications." The report also called efforts to obtain more favorable terms for the West "unrealistic."

Mr. President, these developments are important and timely evidence of European support for SALT II. I ask that the text of the Defense Ministers' statement on SALT as well as two recent news articles be printed in the Record.

The material follows:

Final Communique Issued at the End of the Meeting of the Defense Planning Committee of NATO in Ministerial Session Held in Brussels on May 15–16, 1979

Paragraph 5. Ministers welcomed the agreement in principle reached between the United States and the Soviet Union in the strategic arms limitation talks. They agreed that equitable limitation of nuclear weapons capabilities of the Soviet Union and the United States will improve the security of NATO. Ministers expressed their satisfaction with the past record of close and full consultations within the alliance on issues arising from these talks, confirmed the importance of continuing close consultation, and looked forward to the opportunity to study in depth the official SALT II text once the treaty is signed.

Thatcher, Schmidt Ask Quick SALT Ratification

London.—Prime Minister Margaret Thatcher, in her first foray into international diplomacy, joined forces with West German Chancellor Helmut Schmidt yesterday in a call for quick U.S. Senate ratification of the SALT II treaty with the Soviets.

Thatcher said she has no plans right now to go to Washington or to invite President Carter to London for talks. Secretary of State Cyrus Vance will be in London in 10 days to meet her new Foreign Secretary, Lord Carrington, and the prime minister and the president will meet in Tokyo June 28–29 for the Western powers economic summit.

The summit meeting to sign the new SALT II agreement will be held June 15–18 in Vienna, Austria.

Thatcher, who was elected a week ago, and Schmidt met the press together at a crowded news conference to report on their two days of talks on SALT, NATO, the Common Market, East-West relations and the Tokyo summit.

"We favor quick ratification both in Moscow and Washington," Schmidt said. "I think there might be changes—and changes not for the better—if there are new difficulties about SALT II going into effect. This process has already gone on far too long."

"Herr Schmidt's view is much the same as the view we take," Thatcher said. "This treaty has taken a very long time to be negotiated, and we very much hope it will be ratified."

Thatcher, who wore a gray suit, cardigan and blouse, ran the news conference with all the assurance of a commanding general—picking questioners, telling others to be more precise and cutting short others who already had their turn.

She and Schmidt said they got along well although she is a Conservative and he is a Social Democrat.

"That is not the slightest problem," Schmidt said, speaking as usual in almost faultless English. "I had the impression that your personal approach and mine to certain problems are not so different from each other."

"The policies the chancellor follows in Germany are not unlike our own," Thatcher said.

Schmidt interrupted, laughing, "Don't go too far and spoil my relations with my own party."

[From the Washington Post, May 16, 1979]

Detente Relies on SALT II, Institute in London Warns

London, May 15.—The authoritative International Institute for Strategic Studies warned today that Senate rejection of the U.S.-Soviet SALT II treaty would end detente between the two superpowers and have "dire political implications."

Further attempts to gain more favorable treaty terms for the West are "unrealistic," the report said, noting the hopes of West Germany and other NATO members who wanted the strategic arms pact to limit Soviet medium-range missiles aimed against Western Europe.

By the time negotiations on such issues could start, the report added, the United States and the Soviets would already be involved in SALT III talks on "the issues of the mid-1980s and beyond . . . the impact of the nuclear forces of other countries," such as China.

The Institute is a center for information and research on problems of international security, defense and arms control in the nuclear age, independent of governments.

In its annual strategic survey, the group reported: "While the new SALT II agreement emerging from the lengthy negotiations would not be ideal—and no arms treaty can be ideal—it would clearly be preferable to no agreement at all."

"Its ratification," the survey said, "would be regarded as a demonstration of detente, its rejection as a breakdown of detente. Failure to ratify the treaty would have profound and lasting effects. Failure would have dire political implications."

The survey elsewhere made the point that both the United States and the Soviets are working hard to develop the military capabilities of military satellite systems.●

MONTREAL STAR ON QUEBEC EXPROPRIATION

Mr. YOUNG. Mr. President, a number of us have spoken in the Senate about the proposed expropriation by the Quebec Government of Asbestos Corp. of Canada, which is owned by General Dynamics. The first Senator to speak on this issue was Senator Percy. The Montreal Star of May 14, 1979, published an editorial commenting on Senator Percy's remarks and urging that the Quebec Government reconsider its position in this matter.

I ask that the Montreal Star editorial be printed in the Record.

The editorial follows:

Concerned Senator

There have been a lot of odd charges made about Canada in the U.S. Senate over the years. But this does not mean that we should disregard the concerns expressed by them. The Senate is there, it is important, and it can act to do harm to this country if the conditions exist.

It is in this light that we should see Senator Percy's remarks about the possible expropriation by the Quebec government of Asbestos Corporation.

Senator Percy has been a long-time friend of Canada. He is a liberal in economic and social matters; he is far from being the redneck maverick in his views. Premier Rene Levesque should therefore pay attention. If Senator Percy is concerned, many Americans are concerned, and if a man as rational as the senator from Illinois can involve himself and the Senate in something occurring in Quebec, then it behooves the Quebec government to take a second look at what it is doing.

There has never been a practical reason for the expropriation of Asbestos Corporation. It is, rather, a melange of romance, history and business, a poor basis for an essentially economic decision. It is not too late to abandon a policy which offers very little in terms of employment and social benefit to the Quebec economy and threatens a great deal in terms of American response.

DISSATISFACTION GROWS WITH SCHLESINGER AND DOE

Mr. METZENBAUM. Mr. President, each week, more and more people voice their dissatisfaction with the Department of Energy, under the direction of Dr. James Schlesinger. Last Friday, my esteemed colleague and good friend, the majority whip, Senator Alan Cranston of California publicly called for the President to accept the resignation of Dr. Schlesinger as Secretary of Energy. Senator Cranston said it eloquently when he stated:

> It's time for President Carter to admit that we are losing the struggle that he called the moral equivalent of war—and that it is time we find a new general."

I will ask that the statement of my distinguished colleague be printed in its entirety in the Record.

A major governmental official has also stated his objections to the way in which Dr. Schlesinger is handling the energy problem. According to the Washington Star, Alfred Dougherty, Director of the Federal Trade Commission's Bureau of Competition says his office:

> Is seriously concerned that DOE regulations and informal directives to the oil companies may be partially responsible for the present (gasoline) shortages.

This, Mr. President, is a serious indictment. Mr. Dougherty has experienced the same problems we have all had with DOE. In the article, he cited his "inability to get the kind of cooperation from DOE we'd hoped for and expect. . . ." He is also quoted as saying that he is concerned that:

> DOE personnel seem to be making decisions on a daily basis that are not subject to second guessing because either people don't know what's going on at DOE or because of a lack of openness or information sharing.

I will also ask Mr. President, that an article that appeared in the May 16, 1979 edition of the Washington Star entitled "DOE Blamed for Growing Gas Shortage" be reprinted in the Record in its entirety.

An article showing the widespread belief that the DOE is not doing the job was published May 13, 1979 in the Washington Post. The article, entitled "Gasoline Scarcity Widely Blamed on Schlesinger Policy" was written by Lou Cannon and J. P. Smith.

The article quotes numerous officials who are concerned that the current gasoline shortage is a result of actions by the DOE and the oil companies. Samuel Van Vactor, Oregon's State energy planner, is quoted as saying that:

> A good portion of the shortage was created by the Federal Government's regulators.

Frank Collins of the Oil, Chemical and Atomic Workers Union was quoted as saying:

> The oil companies are using the shortages as an excuse to hold back gasoline production to put the thumb screws on for decontrol. Perhaps Jack Blum of the Independent Gasoline Marketers Association said it best when he reportedly said "there is simply no satisfactory explanation. . ."

At this time, Mr. President, I ask that

the article be reprinted in its entirety in the RECORD.

Mr. President, Members of the Senate, Federal officials, and the general public are calling for a new director and a new direction for the Department of Energy. I urge President Carter once again, to call for and accept Dr. Schlesinger's resignation.

The statement and articles referred to are as follows:

STATEMENT BY SENATOR CRANSTON

Calling Congress' rejection of a standby gasoline rationing plan "a vote of no confidence in James Schlesinger and the Department of Energy," Senator Alan Cranston (D., Calif.) today urged President Carter to fire Schlesinger and appoint a new Energy Secretary.

Cranston, who is the Senate Majority Whip, said Schlesinger "has seriously mishandled the nation's energy policies—most notably during the present gasoline shortage."

The Senator also cited Schlesinger's "overcommitment to nuclear fission, his neglect of the solar alternative, and his bungling of negotiations with Mexico for additional supplies of natural gas."

"It's time for President Carter to admit that we are losing the struggle that he called the moral equivalent of war—and that it's time to find a new general," Cranston said.

"Sadly, the President's energy program is in shambles," he continued. The creation of the Department of Energy 18 months ago was a point of pride in the Administration's efforts to deal with our serious energy difficulties. But under Secretary Schlesinger's stewardship, the DOE has been ineffective, insensitive, and at times an embarrassment to the President and Congress."

Cranston added that "important decisions must be made swiftly to prevent further chaos in California and elsewhere in the country."

"Yet there is no confidence in Congress or among the American people that Secretary Schlesinger and his top aides are capable of fair and workable solutions," he declared.

Following a three-hour meeting Thursday in which Cranston and a bipartisan group of 30 California Congressmen peppered top DOE and White House officials on the California gasoline crisis, Cranston said the Carter Administration "doesn't understand" the current situation in his state.

"Moreover it is unlikely they ever will understand—or ever will be able to help—as long as the President and his assistants rely on James Schlesinger and the DOE for advice," he charged.

"DOE can't tell us the dimensions of California's gasoline shortage, or whether it is caused by real events or artificially contrived," according to Cranston.

He added that the President "already appears to be shifting responsibility away from Schlesinger by appointing Domestic Policy Advisor Stuart Eizenstat to come up with answers for California. This follows his decision to remove Schlesinger from the natural gas negotiations with Mexico."

Cranston opposed a DOE gasoline rationing plan which passed the Senate, but was defeated yesterday in the House.

"I believe the President must have standby authority to invoke rationing in order to prevent a mad scramble if the gasoline situation worsens," he explained. "But the program that Congress properly rejected would have placed California—the state with 10% of the nation's population and the most severe shortage at the present time—at a substantial disadvantage for receiving rationed gasoline."

Cranston has been a persistent critic of Secretary Schlesinger's nuclear development policies, and of what the Senator called "DOE's lack of enthusiasm for solar and other safe, clean, renewable energy alternatives."

He also charged the Energy Secretary with "derailing" last year's negotiations for Mexican natural gas supplies. The interruption in negotiations—which are now back on track—was "a costly and embarrassing mistake for the Carter Administration."

Cranston urged the President "to move quickly to place a competent, effective and wise leader in his cabinet to carry on the search for workable solutions to our energy problems."

GASOLINE SCARCITY WIDELY BLAMED ON SCHLESINGER POLICY

(By Lou Cannon and J. P. Smith)

Public perception of a growing gasoline shortage in the country far exceeds the shortfall in supplies, according to government officials and industry experts.

But at the same time, the United States is almost alone among the major industrial nations in experiencing any serious shortage.

Interviews with more than 50 federal, state and local government officials, oil executives and industry analysts offer wildly contradictory accounts of conditions in the nation. And the Department of Energy has few solid figures on current gasoline consumption and overall supplies.

But a series of factors, including government policy, the Iranian revolution and confusion within the industry, has triggered a surge in demand even panic buying in some parts of the country.

The situation is most acute in California, where last week three counties instituted an odd-even system of gasoline allocation.

The California scramble for a spot in the nearest available gasoline line has produced some bizarre vignettes:

In Malibu, a pregnant woman was beaten by a station customer who mistakenly thought she was cutting into line.

In Los Angeles, a 23-year-old man cut in front of 50 cars and started to pump gas into his maroon-and-white Cadillac. When angry motorists got out of their cars to protest, the man took out derringer pistol and placed it next to his thigh, causing, as the police report later said, "the irate motorists to retreat to their cars." He was arrested.

In Santa Monica, a Pep Boys auto supply store sold 250 gasoline cans in 10 minutes.

In Sacramento, politicians debated whether Gov. Edmund G. (Jerry) Brown Jr. has benefitted politically from his decision to authorize county allocation plans.

While President Carter lashed out at Congress for rejecting his gasoline rationing plan, David J. Bardin, head of the Energy Department's oil regulatory programs, predicted gas supplies "will be very tight for awhile, (but) whether we have a shortage depends on motorists' conservation response." As for supplies this month, Bardin said that the nation's gas stations would receive about 92 percent of what they sold during May 1978.

Asked about the causes of the gas lines, Bardin and Energy Secretary James R. Schlesinger offer a now familiar account, citing the shortages created by the Iranian oil shutdown, and the surge in gasoline consumption, along with Carter's personal order that the refineries reduce gasoline production this summer to build up heating and fuel oil stocks for winter.

At Shell Oil Co., chief executive officer John Bookout says, "It looks like the United States has absorbed a disproportionate share" of the world shortage. He blamed Schlesinger for asking U.S. companies two months ago not to compete overseas for high-priced crude oil, sold at spot market prices of up to $22 a barrel.

Schlesinger hoped this would put downward pressure on soaring prices. The effort failed, and the administration now is reversing its signals to the major oil companies. Meanwhile, refiners say that they wish they had more crude oil inventories and would now if Schlesinger had not forced the United States to bear the brunt of the crude shortage.

This view is shared by Sameul Van Vactor, Oregon's state energy planner, who lays further blame on the Energy Department. "The DOE royally screwed up. A good portion of the shortage was created by the federal government's regulators," he says. When DOE published new updated regulations for gasoline allocation, Van Vactor says, it was a signal for the major oil companies to slash their allocations of 95 and 90 percent to 85, 80, and 70, because the companies did not know for sure what kind of exceptions they would have to plan for under DOE rules.

Richard Vind, executive vice president of Thrifty Oil Co., one of California's largest nonbranded service station chains, says, "Refiners I know have deliberately cut their allocations to their customers, anticipating there would be a significant upward adjustment in demands later in the month under the DOE regulations."

The DOE, Vind says, "is creating new problems, instead of solving old ones."

Like other oil executives, however, he says that the department is in an untenable position, squeezed from every direction.

Still another question is why the nation's refinery output, stated in percentage of capacity actually being used, is low.

Schlesinger and Carter have said they want to ensure that the nation's fuel oil stocks are high for winter, even at the expense of gasoline production.

Frank Collins, of the Oil, Chemical and Atomic Workers Union, says the companies are using this as "an excuse to hold back gasoline production to put the thumb screws on for decontrol."

Another critic, Jack Blum of the Independent Gasoline Marketers Association, says, "There simply is no satisfactory explanation for it."

Shell's Bookout, who agrees with the thrust of the administration's policy, says that if left to its own direction, the oil industry would not reduce gasoline output as much as in order to add to fuel and heating oil inventories, but that now they have no choice but to follow DOE's directions.

Dan Lundberg, publisher of a respected oil industry trade letter specializing in gasoline marketing, says the conditions for the shortage at the pump originated last winter when wholesalers, called "jobbers" in the industry, began urging industrial and commercial customers to install their own tanks to prevent running short later in the year. Because of this and fears about the Iran shortfall, there was a massive amount of stock-building between the refinery and the gas pump.

Consequently, the American Petroleum Institute and DOE were reporting that "demand" for gasoline increased 5 percent or more during the first two months compared with a year ago while real gasoline consumption, according to Lundberg, was much lower.

American Petroleum Institute statistics show that last week gasoline inventories increased marginally last week compared to the week before, but were still about 6.6 percent below a year ago. Gasoline production, meanwhile, was down about 3 percent compared to a year before.

API and DOE do not list actual gasoline consumption.

Instead they rely on state gasoline sales tax reports, which come months later. (In place of actual demand numbers, they attempt to estimate consumption on the basis of withdrawals from so-called primary stocks at the refinery.)

In reality, Lundberg says real gasoline demand this year has not grown more than 2 percent over last year and, he says, will show no growth for April compared to a year ago.

Industry executives such as Ted Eck, Standard Oil of Indiana's chief economist, agree. Eck says, "I would be real surprised if gasoline consumption this year actually rose more than 2 percent over last year, and by 1982 or 1983 will peak and then begin declining, because of better mileage cars."

On top of the stockpiling early in the year that Lundberg emphasizes, the panic buying at the gas pumps—with millions of motorists topping off their tanks—has added a stiff jolt to the system.

Blum compares it to "everybody going to the bank at once."

That is especially true in California, and, according to Marshall Cherkas, a Los Angeles psychoanalyst, "the deprivation is like taking the air away."

He says the long lines and the reduction in driving are "relatively modest" side effects. "But there is this unconscious symbolism—there could be a food shortage, a shortage of everything, and people are unconsciously reacting to that," he said. "All of this produces fantasy. Maybe a huge oil cartel is engaged in a conspiracy; maybe the government is fooling us; maybe the service station employes have hidden oil supplies."

Californians are not alone in wondering whether they are victims of some industry plot designed to drive up prices.

DOE's Bardin does not rule this out entirely, but is very firm in saying, "We have found absolutely no clear evidence of that. We do not see evidence of a problem of manipulation by the oil companies."

He does say, however, "There is a question whether price controls are really holding the price down. We are getting closer and closer to 99 cents a gallon."

Jim Miller, a Tampa, Fla., Standard dealer and legislative chairman of the American Gasoline Retailers Assn., offers an answer confirming those fears. "I feel like everybody else does: The oil producers and refiners created a shortage to get the price up; they pressure DOE to get the price up. Also, they're trying to eliminate the lesser dealers like myself."

Proof of the Miller allegations is simply not available, although senior DOE officials suggest that the 1973–1974 embargo experience is worth reflecting on.

When the six-month embargo ended, the nation had built up enormous stocks of heating and fuel oil, at the expense of gasoline production.

Meanwhile, because of market pressure and the oil cartel price increase, domestic wholesale gasoline prices have risen about 12 cents during the first half of 1974. So far this year, they have risen 11.9 cents during the first four months.

While it is difficult to tell who has benefitted from the shortage, one thing is clear. The only real loser so far is Carter.

One of California's most astute politicians, normally pro-Carter and no fan of Gov. Brown, said Carter has sunk himself with California voters by refusing to recognize the seriousness of the crisis.

"People out here didn't particularly like Carter before but they also had no special reason to dislike him," said this politician. "Now they have a solid reason. Their life styles are threatened, in some cases their jobs. And Carter is showing to these people he can't govern the country,"

Overall in California, Brown was given good marks. Assemblywoman Maxine Waters, a black legislator from south central Los Angeles, said. "Gov. Brown isn't one of my favorites, but I think he's helped the * * * includes Watts, says that the gas crisis is imposing a special burden on poor persons in general and blacks in particular because they often occupy low-paying jobs and are suspect for any lack of punctuality. "This situation has created an enormous anxiety in my district," Waters said, remarking that many people in Watts drive older, bigger cars that are notorious gas guzzlers.

DOE Blamed for Growing Gas Shortage

(By Merrill Brown)

A key Federal Trade Commission staff member says the Department of Energy itself may be partially responsible for the growing national shortage of gasoline.

Alfred F. Dougherty, director of the FTC's Bureau of Competition, said his office is "seriously concerned that DOE regulations and informal directives to the oil companies may be partially responsible for the present shortages."

In particular, Dougherty cited DOE price control regulations, which he said "may have contributed to the failure of West Coast refiners to undertake investments that would allow them to process more Alaskan crude oil into gasoline."

The "lack of investment may help explain the apparent simultaneous crude glut and product shortage on the West Coast," he said in a letter to Rep. Benjamin S. Rosenthal, chairman of the House Subcommittee on Commerce, Consumer and Monetary Affairs.

Dougherty also said that DOE has encouraged a shift in "refining utilization away from gasoline and toward middle-distillates" or heating fuel and diesel fuel.

With that rule in mind, officials of the Energy Regulatory Administration met with 34 domestic refiners May 9, Dougherty said.

He said the meeting was held so energy officials could urge the refiners rebuild those fuel stocks to acceptable levels by next October and to "accelerate their usual conversion of refineries" to build stocks for winter fuel needs. That figure was set at 240 million barrels.

"In urging the concomitant lessening of gasoline production and increase of middle-distillate, DOE should be aware of the likelihood of exacerbating the California shortage, and even of possibly severe, nationwide gasoline shortages," Dougherty said.

In an interview last night, Dougherty charged that the meeting at Department of Energy designed to encourage the shift to fuel oil "creates a suspicious atmosphere."

"Our inability to get the kind of cooperation from DOE we'd hope for and expect has disappointed us and this letter reflects our increasing frustration," he said.

"My concern is that DOE personnel seem to be making decisions on a daily basis that are not subject to second guessing because either people don't know what's going on at DOE or because of a lack of openness or information sharing."

In addition to the allegations about the energy department's role in the gasoline situation, Dougherty also charged that the current shortage may be contrived by the oil companies.

"The Bureau's concern results from reported figures revealing that in the first quarter of 1979 there was a reduction in gasoline production by domestic refiners that significantly exceeded the reduction of crude oil imports to the United States," Dougherty wrote in the May 14 letter.

"If this cutback in the production of refined products was not justified by a scarcity of crude oil or other legitimate business reasons, the current gasoline shortage may be contrived."

The FTC, Dougherty said, is investigating the "Iranian shortfall" to see whether domestic refiners are using it "as an excuse for recently decreased allocations of gasoline supplies to their dealers." The commission wants to ask the largest refiners about oil production, refining slowdowns and about the levels of oil inventories.

In addition, Dougherty said the FTC has subpoenaed internal documents from Standard Oil of Ohio (SOHIO), the largest producer of crude oil on the West Coast, to determine the reasons for current dealer shortages there.

Furthermore, Dougherty said DOE data on energy stocks is not made available to the FTC. "The apparent reason is the oil companies' refusal to turn over 'sensitive' documents to Department of Energy unless it agrees first to deny access to the FTC and other agencies," he wrote.

Rosenthal, who asked for an FTC response to the gas crisis during hearings on the matter in San Francisco, said the Dougherty allegations, if accurate, "constitute a shocking indictment of Department of Energy policies and practices."

Dougherty's comments, Rosenthal charged, indicate that Department of Energy "has failed not only in its responsibility to develop a rational energy policy but has attempted to prevent the FTC from carrying out its responsibilities to prevent anti-competitive prices and to protect the American consumer."

Rep. John D. Dingell, D-Mich., chairman of the House Subcommittee on Energy and Power, has also been critical of the failure of the Department of Energy to share oil data with Congress and other federal agencies.

There has been a dispute between Department of Energy, government agencies and Congress about implementation of the Federal Reports Act. The Department of Justice has signed a consent order based on a complaint filed by five oil companies against Department of Energy to halt collection of data and prohibit its disclosure to any federal agency outside of DOE.

A consent order, blocking release of the data has been signed in the case, which applies through August 1, 1979, and which Dingell calls "a major victory for the oil companies."

But in a letter obtained yesterday, Elmer B. Staats, the comptroller general, ruled that congressional committees have a right to all data collected by the Energy Information Agency.

Dingell will hold hearings on the disclosure issue later this month or in early June to determine how the Department of Justice entered into the agreement.

In a letter to Attorney General Griffin Bell, Dingell said the Justice Department "could not have been ignorant of these statutory provisions" and that "no one at Department of Energy . . . can claim such ignorance."

THREE MILE ISLAND NUCLEAR POWERPLANT — SENATE JOINT RESOLUTION 80

Mr. KENNEDY. Mr. President, I send to the desk a resolution, on behalf of myself and Messrs. Thurmond, Bayh, Baucus, Mathias, and Biden, and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be read for the information of the Senate.

The joint resolution (S.J. Res. 80) was read the first time by title and the second time at length, as follows:

Messrs. Kennedy, Thurmond, Bayh, Baucus, Mathias, and Biden, introduced the following joint resolution:

S.J. Res. 80

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for purposes of this joint resolution—

(1) The term "Commission" means the Commission appointed by the President pursuant to Executive Order No. 12130, dated April 11, 1979.

(2) The term "person" includes a department, agency, or other unit of the Federal Government or of a State or local government.

SEC. 2. (a) The Commission, or any member of the Commission when so authorized by the Commission, shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence from the Nuclear Regulatory Commission or any person that relates to any matter under investigation by the Commission. The Commission, or any member of the Commission or any agent or agency designated by the Commission for such purpose, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing.

(b) The Commission, or any member of the Commission when so authorized by the Commission, may issue an order for the inspection of the nuclear powerplant at Three Mile Island, or any portion thereof, by members of the Commission or any agent or agency designated by the Commission.

(c) In case of contumacy or refusal to obey a subpena or inspection order issued to the Nuclear Regulatory Commission or any person under subsection (a) or (b), any court of the United States within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General, shall have jurisdiction to issue to the Nuclear Regulatory Commission or such person an order requiring a witness to appear before the Commission, its members, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question, or to permit inspection of the nuclear powerplant at Three Mile Island or a portion thereof; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(d) Process and papers of the Commission, and its members, agent, or agency, may be served either in person or by unregistered or certified mail or by telegraph or by leaving a copy thereof at the residence or principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered or certified and mailed or telegraphed shall be proof of service of the same. Witnesses summoned before the Commission, or its members, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the individuals taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(e) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpena or order on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. The Commission may, with the approval of the Attorney General, issue an order requiring the person to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination in the same manner and subject to the same restrictions as a government agency may issue such an order pursuant to section 6004 of title 18, United States Code.

(f) All process of any court to which application may be made under this joint resolution may be served in the judicial district wherein the person required to be served resides or may be found.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

Mr. KENNEDY. Mr. President, this matter has been cleared with the majority leader and the minority leader.

Mr. WARNER. It has been cleared with both?

Mr. KENNEDY. Yes.

Mr. WARNER. I thank the Senator.

There being no objection, the Senate proceeded to the consideration of the joint resolution.

Mr. KENNEDY. Mr. President, originally, the resolution proposed by the administration contained a provision specifying that the Commission could close its meetings under certain circumstances. We have deleted that provision because we believe that the Commission already has the power to close its meetings under those circumstances pursuant to the Federal Advisory Committee Act if the President or agency head approves. We believe that if meetings are to be closed in connection with this vital matter of public concern it should only be done with the approval of the President or relevant agency head—and that the Commission should not have the power to close its meetings on its own.

There is no more important action that the Federal Government can take with respect to the Three Mile Island incident than conducting a thorough investigation into its causes. Granting subpena authority to the Commission will insure that it will have the necessary power to pursue its investigation.

The joint resolution (S.J. Res. 80) was considered, ordered to be engrossed for third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEATH OF A. PHILIP RANDOLPH

Mr. KENNEDY. Mr. President, yesterday, A. Philip Randolph died in his home in New York. With his passing the Nation will lay to rest one of the most remarkable men of the 20th century.

We will remember him not only as a leader in the struggle for civil rights but also as a leader in the trade unions.

From A. Philip Randolph's earliest days he believed that workers, white and black, had to stand together. He spent all his life trying to forge what would be an unbreakable bond between the civil rights movement and the labor movement.

In 1925, Mr. Randolph founded the Brotherhood of Sleeping Car Porters. It was the first black union to be granted a charter by the American Federation of Labor.

A. Philip Randolph was the primary architect of the March on Washington in 1963, at which Dr. Martin Luther King spoke out to America and shook its conscience and soul with his words. A. Philip Randolph believed and lived the dream which Dr. King so eloquently spoke of.

In 1941 it was A. Philip Randolph who, with the threat of a march on Washington, persuaded President Roosevelt to end the racial discrimination in the war industries.

In 1948, it was his counsel and articulation that convinced President Truman to end segregation in the Armed Forces.

The list of victories for democracy and civil rights that A. Philip Randolph was intricately involved in goes on and on. And through all these struggles he never once lost his dignity—never once did he stoop to retaliating in the extreme language of the opposition. He remained calm where others would be consumed by frustration, emotion, and anger.

Instead of walking out of the lion's den he tried other approaches. He understood the enemy and he fought on till victory was won.

It has been said that A. Philip Randolph had a voice like an organ and he knew how to play it.

Mr. President, this great man and his voice are now silent, but we should remember well his verse as we continue to strive toward an America where there is freedom, justice, and dignity for all.

AUTHORIZATION FOR STATEMENTS TO BE FILED UNTIL 5 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President. I ask unanimous consent that Members may file statements until 5 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that committees may have until 7 p.m. today to file committee reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR BUDGET COMMITTEE TO FILE CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 107

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Budget Committee be permitted to file a conference report on House Concurrent Resolution 107, the first budget resolution, on Saturday, May 19.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR CERTAIN ACTION DURING RECESS OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until Monday at 11 a.m., or whatever time the Senate will come in, the President of the United States, the Vice President, the President Pro Tempore of the Senate, and the Acting President pro tempore be authorized to sign all duly-enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO TAKE CERTAIN ACTION DURING RECESS OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until Monday, the Secretary of the Senate be authorized to receive messages from the President of the United States and from the other body, and that they may be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, is there any order for the recognition of Senators on Monday?

The PRESIDING OFFICER. There is not.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may have an order for not to exceed 15 minutes on Monday; that Mr. BAKER may have an order for not to exceed 15 minutes on Monday, and that he may precede me.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11:15 A.M., MONDAY, MAY 21, 1979

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:15 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Monday, the Senate will meet at 11:15 a.m.

After the two leaders have been recognized under the standing order, Messrs. BAKER and ROBERT C. BYRD will be recognized, each for not to exceed 15 minutes, after which the Senate will proceed to the consideration of the LEAA bill, Calendar No. 150, and there will be rollcall votes in relation to that measure on Monday.

Other measures that have been cleared for action will be taken up on Monday. So there will be rollcall votes on Monday.

On Tuesday, the Senate will proceed to the consideration of S. 584, a bill to amend the Foreign Assistance Act of 1961, and the Arms Export Control Act. Under the order entered yesterday, the majority leader is authorized to call up that measure on Tuesday or Wednesday. It will be called up on Tuesday, for the information of Senators. There will be rollcall votes in relation to motions and amendments affecting that bill.

It will be my intent to call up at that time the amendment which is sponsored by a good many Senators, to add $50 million in grant aid for Turkey.

Mr. President, I ask unanimous consent that the name of the Senator from Arizona (Mr. GOLDWATER) be added as a cosponsor of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I also ask unanimous consent that the name of the Senator from Montana (Mr. MELCHER) be added as a cosponsor of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11:15 A.M., MONDAY, MAY 21, 1979

Mr. CRANSTON. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 11:15 a.m. Monday.

The motion was agreed to; and, at 3:03 p.m., the Senate recessed until Monday, May 21, 1979, at 11:15 a.m.

NOMINATIONS

Executive nominations received by the Senate May 17, 1979:

THE JUDICIARY

Avern Cohn, of Michigan, to be U.S. district judge for the eastern district of Michigan, vice a new position created by Public Law 95–486, approved October 20, 1978.

Stewart A. Newblatt, of Michigan, to be U.S. district judge for the eastern district of Michigan, vice a new position created by Public Law 95–486, approved October 20, 1978.

Anna Diggs-Taylor, of Michigan, to be U.S. district judge for the eastern district of Michigan, vice a new position created by Public Law 95–486, approved October 20, 1978.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 17, 1979:

DEPARTMENT OF STATE

Diplomatic and Foreign Service nominations beginning Virgil Duane Bodeen, to be a Foreign Service information officer of class 4, consular officer and secretary in the Diplomatic Service of the United States of America, and ending Geraldine S. Ward, to be a consular officer of the United States of America, which nominations were received by the Senate on April 12, 1979, and appeared in the CONGRESSIONAL RECORD of April 23, 1979.

HOUSE OF REPRESENTATIVES—*Thursday, May 17, 1979*

The House met at 10 a.m.

Rabbi Jay Karzen, Spiritual Leader, Maine Township Jewish Congregation, Des Plaines, Ill., offered the following prayer:

Recently during a baseball game a dog ran onto the playing field. He settled on third base and refused to move. From the stands came the cry: Bite the umpire. Get off the base. Run home. All to no avail. The dog would not move. A newscaster commenting on this situation noted that the animal did not heed the advice because there was no dominant voice from the crowd.

The voices heard in this prestigious Chamber of the House of Representatives are, indeed, dominant voices that shape the direction of this country and help America move ahead.

I invoke God's blessings on this body of Congress men and women who have been chosen to direct the affairs of Government. The citizens of this land have invested them with tremendous responsibilities. Give this House the wisdom and insight to consider tomorrow as well as today and grant them of Your light that they may accurately anticipate the consequences of their decisions.

May this House forever conduct the business of Government with courage, faith, honesty, and integrity and together with their colleagues in the Senate, may they truly feel the honor and privilege conferred upon them to be able to serve in this legislative branch of our Government.

The Congress of the United States is a team: Team (Together Each Accomplishes More). May they always accomplish for their districts, their States, and more for America and the free world.

We are blessed to live in America. Regardless of race, creed, or color, we are all Americans and all God's children. May our common humanity lead us to a genuine brotherhood to make this a place where love and peace flourishes.

Finally, I pray: May God bless us always in all ways. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. LOEFFLER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LOEFFLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 351, nays 11, answered "present" 2, not voting 70, as follows:

[Roll No. 157]

YEAS—351

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Ashbrook
Ashley
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Blanchard
Boggs
Boland
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broyhill
Buchanan
Burgener
Burlison
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Cheney
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, R. W.
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Donnelly
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Flood
Foley
Ford, Tenn.
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Grassley
Gray
Green
Grisham
Guarini
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Hefner
Heftel
Hillis
Holt
Holtzman
Hopkins
Horton
Howard
Huckaby
Hughes
Hutto
Hyde
Ichord
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long, Md.
Lott
Lowry
Lujan
Luken
Lungren
McClory
McCloskey
McDade
McDonald
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marlenee
Martin
Mathis
Mavroules
Mazzoli
Mica
Michel
Mikulski
Mikva
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Ritter
Roberts
Robinson
Roe
Rosenthal
Roth
Royer
Rudd
Russo
Sabo
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Treen
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Williams, Mont.
Williams, Ohio
Wilson, C. H.
Winn
Wolff
Wolpe
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—11

Aspin
Broomfield
Coughlin
Jacobs
Lloyd
Miller, Calif.
Mitchell, Md.
Roybal
Schroeder
Walker
Wilson, Bob

ANSWERED "PRESENT"—2

McEwen
Moffett

NOT VOTING—70

Anderson, Ill.
Archer
Beilenson
Bingham
Bolling
Bonker
Brown, Calif.
Brown, Ohio
Burton, John
Chappell
Chisholm
Clausen
Clay
Collins, Ill.
Conyers
Corman
Daniel, Dan
Danielson
Deckard
Diggs
Dingell
Dixon
Dodd
Dougherty
Eckhardt
Edwards, Calif.
Edwards, Okla.
Florio
Ford, Mich.
Forsythe
Garcia
Gramm
Gudger
Hall, Ohio
Hamilton
Heckler
Hightower
Hinson
Holland
Hollenbeck
Hubbard
Ireland
Jenrette
Kogovsek
Long, La.
Lundine
McCormack
Marks
Marriott
Matsui
Mattox
Nolan
Pepper
Rinaldo
Rodino
Rose
Rostenkowski
Rousselot
Runnels
Santini
Scheuer
Seiberling
Skelton
Spellman
Stark
Whitten
Wilson, Tex.
Wirth
Wright
Young, Alaska

☐ 1015

Mr. KRAMER changed his vote from "Present" to "Yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a Joint Resolution of the House of the following title:

H.J. Res. 262. Joint resolution to declare May 18, 1979 to be "National Museum Day".

☐ 1020

RABBI JAY KARZEN

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, it is my pleasure and privilege to tell my colleagues in the House about Rabbi Jay Karzen, spiritual leader of the Maine Township Jewish Congregation in Des Plaines, Ill., and to welcome him as our guest chaplain. I thank him for his inspirational words this morning.

Rabbi Karzen was born in Chicago and received his B.A. degree from Roosevelt University and then his ordination and Bachelor of Hebrew Literature from the Hebrew Theological College. After spending the first years of his rabbinate in Iowa, Rabbi Karzen returned to his native Illinois and founded the Maine Township Jewish Congregation.

Jay Karzen has a deep commitment to his community and has translated that commitment into active involvement. He is vice president of the Chicago Rabbinical Council, a member of the board of directors of the Board of Jewish Education of Chicago, and a member of the Chicago Board of Rabbis. He is the official chaplain of the Variety Club of Illinois, which reflects only the beginning of his interest and involvement in the world of communications. Rabbi Karzen writes a monthly column for the Des Plaines Journal and has served as the President of the Board of Rabbis' Commission for radio and television. In this latter post, Rabbi Karzen was involved with the production of several children's television shows in the Chicago area. Rabbi Karzen founded, and is a board member of Marriage Encounter, which sponsors weekend retreats to foster and enhance marital relations.

But his list of accomplishments are not confined to the Chicago area. Rabbi Karzen has traveled the world for interfaith activities and is the leader of trips to Israel, a country he has visited 10 times. His congregation has selflessly donated an ambulance to the State of Israel and sponsors a florist in that country. Rabbi Karzen and his temple have been active in the struggle for freedom for Soviet Jewry and have adopted Josef Begin, an exiled Soviet Jew.

I am honored to welcome Rabbi Karzen, his wife Ruby, and members of his congregation to the House today.

☐ 1025

"HEARING DOGS" FOR THE DEAF AND HARD OF HEARING

(Mr. RICHMOND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHMOND. Mr. Speaker, possibly the most overlooked handicapped people in our Nation today are the deaf. Because they are not visually different than people who can hear, we tend to ignore the obvious problems that deaf people must face each day.

Yesterday, I introduced a bill—H.R. 4123—aimed at assisting the deaf and hard of hearing. This legislation would establish regional centers for the training of "hearing dogs." With proper training, dogs can learn to identify a number of sounds vital to the deaf person.

The sound of a baby's cry, the sounds of emergency vehicles and other warning alarms, all the sounds those of us with hearing take for granted, go unnoticed by the deaf person. Yet, a highly skilled hearing dog can identify important sounds and inform his master that he is needed elsewhere. And, the cost of training these dogs is no more than that of seeing eye dogs.

On behalf of our Nation's 1.8 million deaf people and the 13 million hard of hearing, I urge my colleagues to join in support of this important legislation.

THE 25TH ANNIVERSARY OF THE BROWN DECISION

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL of Maryland. Mr. Speaker and my colleagues, much of the Nation will be celebrating the 25th anniversary of the Brown decision. That was the historic Supreme Court decision which struck what we had hoped would be a death blow against segregation and discrimination.

There was great hope in the Nation when that decision was handed down. However, about 10 years ago another trend set in. About 1968 a trend set in which forces, sought to block the further advances for black people in America.

I regret to say that the new mood of conservatism in this Nation and in this Congress also will block further advances of blacks.

What we have done in the budget and what we are doing to increase black joblessness negates the thrust of that Brown decision.

I would hope that somewhere down the line the leadership that is embodied in this House will get America back on the track. There was a glorious kind of feeling in this country when we said, "We are really going to end the twin evils of segregation and discrimination."

Mr. Speaker, I hope we would begin to complete the unfulfilled task we now live with.

GASOLINE AND ENERGY—A MAJOR CRISIS

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COLLINS of Texas. Mr. Speaker, today the most critical subject in this country is the subject of gasoline and energy. It is essential to get back again to basic fundamentals. The problem was created by Congress, we caused it. Congress caused it first when we passed laws reducing depletion and slashed the cash flow the oil companies needed. We caused it in 1973 and 1974 when Congress put on price controls on oil to limit it to $5.50 a barrel for U.S. oil. And today we are paying $15 a barrel for the Arab OPEC oil.

The record shows it. In 1973 the U.S. was producing 9.2 million barrels per day. Today we are only able to produce 7.6 million barrels a day in our lower 48 States. We dropped from 9.2 million barrels to 7.6 million barrels in daily oil production. Deregulation is absolutely essential to stabilize and balance the gasoline market in the United States.

SACRIFICE ALL AROUND

(Mrs. FENWICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. FENWICK. Mr. Speaker, I would like to first say a word about the death of A. Philip Randolph yesterday, a great American, a fine public servant, one who did much for our country, one whom we should remember.

Mr. Speaker, I would now like to tell you about the mail I received this morning and have received every day. Since 7 o'clock this morning I have been reading the mail, and it comes not only from people in my district. I have mail from Los Angeles; St. Louis, Mo.; Brattleboro, Vt. These people are unanimous in feeling that the Members of the House do not mean what they say, that we have no sincerity.

Mr. Speaker, we discussed ethics in the House of Representatives yesterday. Are we applying those standards to ourselves? Do we insist upon the same standards for Members and former Members of the Congress that we do for the executive departments?

It is not up to me to criticize the Supreme Court but is it really quite right that the Justices should say, "Our records disclosed no; everybody else yes"? That attitude does not sit well with the public, either.

Now, Mr. Speaker, I would like to suggest that the President of the United States, the Congress, the White House staff, the executive departments and all of us take a 5-percent cut in our salaries. We preach conservation, We preach sacrifice and we should begin to show it.

□ 1030

We are not going to get cooperation from the public if we do not show leadership and sacrifice ourselves.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. (MURTHA). The gallery will be admonished not to demonstrate in the House. Under the rules of the House, the gallery will not show any favoritism.

A TRIBUTE TO NORWAY ON NORWEGIAN CONSTITUTION DAY (SYTTENDE MAI)

(Mr. STANGELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STANGELAND. Mr. Speaker, Kan du glemme gamele Norge Aldrig jeg dag glemme kan Med du star da klippe Borge Duermine fedresland.

Today is Syttende Mai—Norwegian Constitution Day. One hundred and sixty-five years ago today, a constitutional assembly gathered in Norway to adopt a constitution based on many of the ideals our forefathers cherished enough to incorporate in our own great Constitution.

As a result of the Napoleonic wars, the great powers of Europe transferred Norway from Denmark's rule to Sweden's. Until 1905, Norway remained under the Swedish crown. A general referendum taken in 1905 showed sentiment lay with establishing Norway's monarchy, the same royal family structure that exists today.

Norway is unique in her celebration of Constitution Day. Today for several hours the children of Oslo will parade before the King, who views the festivities from a balcony in the Royal Palace. When this part of the children's festival is over, families gather within Norway's small communities to continue the celebration.

It is fitting that on this Nordic Independence Day, the Ambassador of Norway is in Seattle, Wash., to open an exhibit, "The Art of Norway," which has been enjoyed by residents of Madison, Wis., and Minneapolis, Minn. The exhibit contains some of Norway's finest art treasures, and is a great tribute to Norwegians all over the world.

On this proud day I wish to salute the citizens of Norway and the citizens of the United States of Norwegian descent. Their forefathers crossed the Atlantic to settle the wilderness that was once this Nation. They brought their honesty, integrity, and willingness to work hard, contributions that played an invaluable role in making the United States the greatest country in the world.

It is my privilege to salute Norway on this special occasion and to say with pride, "Happy Syttende Mai."

HOUSE DELIBERATIONS ON PANAMA CANAL DUE TO BEGIN

(Mr. SYMMS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SYMMS. Mr. Speaker, I will just take this 1 minute to notify the House that for the first time the House of Representatives will begin deliberations and debate on the issue of whether or not we should give our canal in Panama away.

As many of us know, it is going to cost in excess of $4 billion in outlays of taxpayers' money over the next 20 years, plus $16 billion of our property to be given to a government that is now supporting and supplying arms to the Sandinista Marxist guerrillas in Nicaragua.

So Mr. Speaker, I think we should start the fight here on the rule. I just want to say to the Members that we should fight first on the rule. I think this would be a good time to send a message around the world if we would just vote this rule down today.

IN OPPOSITION TO A SUGGESTED 5-PERCENT CUT IN SALARY OF MEMBERS.

(Mr. HYDE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, I sat here and listened to my dear friend and esteemed colleague suggest—and our guests in the House gallery were enthusiastic—that the Members take a 5-percent cut in pay.

I find it amusing that those who always suggest we cut our pay are usually wealthy and do not have any children they are trying to put through school. I would suggest there is nothing to prevent the gentlewoman from turning her entire salary back to the Government as her gesture of economy, but for myself, I need every nickel that I can get, and I think I speak for other Members in that respect.

PROVIDING FOR CONSIDERATION OF H.R. 111, PANAMA CANAL ACT OF 1979

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules and on behalf of the gentleman from Missouri (Mr. BOLLING), I call up House Resolution 274 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 274

Resolution providing for the consideration of the bill (H.R. 111) to provide for the operation and maintenance of the Panama Canal and to provide for the exercise of the rights and performance of the duties of the United States provided in the Panama Canal Treaty of 1977

Resolved, That upon the adoption of this resolution it shall be in order to move, sections 303(a)(4), 311, 401(a), 401(b)(1), and 402(a) of the Congressional Budget Act of 1974 (Public Law 93–344) and clause 3, rule XIII to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 111) to provide for the operation and maintenance of the Panama Canal and to provide for the exercise of the rights and performance of the duties of the United States provided in the Panama Canal Treaty of 1977, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed five hours, two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of sections 303(a)(4), 311, 401(a), and 401(b)(1) of the Congressional Budget Act of 1974 (Public Law 93–344) and of clause 5, rule XXI, are hereby waived. It shall be in order to consider if offered as amendments to said substitute: (1) an amendment or amendments printed in the Congressional Record by Representative Zablocki of Wisconsin, corresponding to provisions contained in the amendments recommended by the Committee on Foreign Affairs now printed in title I of the bill H.R. 1716; (2) an amendment to strike out section 1611 and references thereto within said substitute, corresponding to the amendments recommended by the Committee on the Judiciary now printed in titles IV and V of the bill H.R. 1716; (3) an amendment to title III printed in the Congressional Record of May 16, 1979, by Representative Murphy of New York, and all points of order against said amendment for failure to comply with the provisions of section 303(a)(4) of the Congressional Budget Act of 1974 (Public Law 93–344) are hereby waived; and (4) the amendments to titles I and III printed in the Congressional Record of May 16, 1979, by Representative Hanley of New York, said amendments may be considered en bloc during consideration of title I of said substitute, and all points of order against said amendments for failure to comply with the provisions of section 303(a)(4) of the Congressional Budget Act of 1974 (Public Law 93–344) are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a subsitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

☐ 1035

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Maryland (Mr. BAUMAN), pending which I yield myself such time as I may consume.

Mr. Speaker, the resolution (H. Res. 274) makes in order the consideration of the bill (H.R. 111) to provide for the operation and maintenance of the Panama Canal and to provide for the exercise of the rights and performance of the duties of the United States provided in the Panama Canal Treaty of 1977.

I do not propose to spend much time on this rule. The bill is complex and highly controversial. The rule is also quite complicated but presents relatively less controversy.

It is an open rule, providing 2 hours of general debate to the Committee on Merchant Marine and Fisheries and 1 hour each to the Committees on Post Office and Civil Service; Foreign Affairs; and Judiciary. Time is divided in the customary manner.

The rule contains numerous waivers of provisions of the Congressional Budget Act of 1974. They are needed to permit consideration but most are regarded as technical, because agreements have been reached with the Budget Committee on amendments to cure the violations.

The rule also waives a point of order against consideration under clause 3 of rule XIII, because of technical defects in the Ramsayer printed in the report. It also waives points of order against the committee substitute under clause 5 of rule XXI, because of provisions which can be read as appropriations.

The rule also contains several provisions customarily included when there is a committee substitute. All simply guarantee that Members, and especially the minority, will have all the rights they would enjoy if the same text had been reported as a clean bill.

Although three committees acted on a similar bill, the rule protects their interests by providing special status and technical waivers for amendments corresponding to the reports of those committees.

In fairness, I will point out that there is one waiver which is substantive and is the principal reason why the Committee on Rules granted a new rule yesterday. Section 303(a)(4) of the Congressional Budget Act prohibits consideration of bills providing new entitlement authority before final action is taken on the first budget resolution for that year. However, since the conferees will not be able to bring in a report in time for the scheduled consideration of this bill, a waiver appears to be justified. Although final action has not been taken on the budget resolution, each House has acted on their version and it is clear that the scope of conference will require the report to provide funds adequate for this modest entitlement to be contained in the bill when passed.

Mr. Speaker, the rule is complicated and quite technical, but I think there is general agreement that the resolution provides a fair and orderly procedure for considering this important legislation.

☐ 1040

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Idaho.

Mr. SYMMS. Could the gentleman, for my edification, go into why there are so many waivers? He mentioned it in this. Could he explain why we have to have so many waivers of points of order?

Mr. MOAKLEY. In my statement I have addressed the only substantive waiver, the question of consideration prior to final action on the first concurrent resolution on the budget. All the other waivers are just technical and provided only so that the bill may be considered. Under agreements with the Budget Committee, all the committees will offer floor amendments to cure the violations.

For the RECORD, I ask unanimous consent to insert at this point the statement by the Budget Committee listing these waivers.

Statement follows:

WASHINGTON, D.C.,
April 25, 1979.

Hon. RICHARD BOLLING,
Chairman, Committee on Rules, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that the Committee on Rules will soon consider H.R. 1716 and H.R. 111, bills to implement the Panama Canal Treaty of 1977 and related agreements. As reported, both bills would be subject to points of order under sections 311(a), 401(b)(1), 401(a), 402(a), and 303 (a)(4) of Congressional Budget Act.

Budget Committee support for both technical and emergency waivers of these sections had been requested by the respective committees. After due deliberation, the Budget Committee decided to support technical waivers of sections 311(a), 401(b)(1), and 401(a), and an emergency waiver of section 402(a). For reasons indicated following, the Committee also decided not to recommend an emergency waiver of section 303 (a)(4) of the Budget Act. All matters are outlined, as follows.

TECHNICAL WAIVERS

These represent waivers supported by the Budget Committee in those instances where a committee amendment in a reported bill has already cured a violation found in the original bill, or where it was necessary in order to allow the committee to cure the violation by floor amendment. With respect to both H.R. 1716 and H.R. 111, the latter is the case.

Section 311(a) bars consideration of any bill which provides new entitlement authority to become effective during a fiscal year if the enactment of such bill would cause the appropriate level of total new budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for such fiscal year to be exceeded.

Sections 341, 361, 362 and 383 of H.R. 1716 and sections 201(a), 205, and 206 of H.R. 111 would provide new entitlement authority in the form of early retirement payments for certain persons employed by the Panama Canal Company and the Canal Zone Government. Since these provisions would become effective upon enactment, and since their enactment would cause the appropriate level of total budget outlays set forth in the Second Concurrent Budget Resolution for FY 1979 to be exceeded, the bills would be subject to points of order under section 311 (a) of the Budget Act.

Section 401(b)(1) of the Budget Act bars the consideration of any bill which provides new entitlement authority to become effective before the first day of the fiscal year which begins in the calendar year in which the bill is reported. Since sections 341, 361, 362 and 383 of H.R. 1716 and sections 201(a), 205 and 206 of H.R. 111, as noted above, would provide new entitlement authority to become effective upon enactment, the bills would be subject to points of order under section 401(b)(1) of the Budget Act.

However, I am advised that the Committee on Post Office and Civil Service and the Committee on Merchant Marine and Fisheries will offer floor amendments making any payments under these sections effective October 1, 1979, thereby curing the existing sections 311(a) and 401(b)(1) violations. Accordingly, the Budget Committee has no objection to technical waivers of sections 311(a) and 401(b)(1) of the Budget Act in order to permit consideration of these bills and the proposed Committee amendments.

In addition, H.R. 1716 and H.R. 111 would be subject to points of order under section 401(a) of the Budget Act.

Section 401(a) provides that it shall not be in order to consider any bill which provides new contract authority unless that bill also provides that such new authority is to be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

Section 391(c) of H.R. 1716 and section 241 of H.R. 111 would authorize the Panama Canal Commission and the U.S. Postal Service to enter into agreements for the transfer of funds or property and the assumption of administrative rights or responsibilities, with respect to the outstanding obligations of the Postal Service. Since these sections fail to limit the availability of such contract authority, the bill would be subject to points of order under section 401(b) of the Budget Act.

However, I am advised that the Committee on Post Office and Civil Service and the Committee on Merchant Marine and Fisheries will also offer floor amendments limiting any new contract authority to such extent or in such amounts as are provided in advance in appropriation Acts, thereby curing the existing Budget Act violation. Accordingly, the Budget Committee has no objection to a technical waiver of section 401(a) of the Budget Act in order to permit consideration of these bills and the proposed committee amendments.

EMERGENCY WAIVER

This represents waivers supported by the Budget Committee due to some emergency situation or where there was some extremely compelling circumstance.

Section 402(a) of the Budget Act provides that it shall not be in order to consider any bill authorizing the enactment of new budget authority for a fiscal year unless the bill has been reported by May 15 preceding the beginning of that fiscal year. Since these bills were not reported prior to May 15, 1978, they would violate this provision of the Budget Act.

Section 501 of H.R. 1716 and section 1601 of H.R. 111 would authorize to be appropriated certain funds for the disinterment, transportation, and reinterment of remains of those U.S. citizens now buried in cemeteries that will fall under the jurisdiction of Panama with the implementation of the treaty. Since these sections would be effective upon enactment, and since the bills were not reported on or before May 15, 1978, both would be subject to points of order under section 402(a) of the Budget Act.

However, on the basis of documentation presented by the respective Committees and our own inquiry, we have concluded that this authorization satisfies the emergency standards embodied in section 402 of the Budget Act based on the fact that funding for FY 1979 would be necessary since the treaty explicitly directs that the disinterment activities be completed by September 30, 1979, and since the upcoming rainy season in Panama dictates that this matter be resolved with a certain degree of urgency.

Accordingly, the Budget Committee has no objection to granting a waiver of section 402(a) of the Budget Act in order to permit consideration of H.R. 1716 and H.R. 111.

REQUESTED WAIVER NOT SUPPORTED

Section 303(a)(4) bars the consideration of any bill which provides new entitlement authority for a fiscal year until the first concurrent resolution for that fiscal year has been adopted.

Various provisions of H.R. 1617 and H.R. 111 would provide new entitlement authority in the form of compensation and retirement payments. Since these sections would become effective for FY 1980, and since the first concurrent resolution on the budget for that fiscal year has not as yet been adopted, the bills would be subject to points of order under section 303(a)(4) of the Budget Act.

The Budget Committee has always regarded section 303(a) of the Budget Act as being particularly important to the overall timing of the congressional budget process. In accordance with that view, we have supported substantive waivers of that section only in those few instances where compelling circumstances warranted it. We do not feel, however, that the factors pertaining to consideration of H.R. 1716 and H.R. 111 prior to adoption of the first concurrent resolution for FY 1980 are of a real emergency nature.

Accordingly, the Budget Committee has voted not to support a waiver of section 303(a)(4) as it applies to both H.R. 1716 and H.R. 111.

Sincerely yours,
ROBERT N. GIAIMO,
Chairman.

I can read the rather long list, if the gentleman wishes, but I assure him the waivers are technical and noncontroversial.

Mr. SYMMS. If the gentleman would yield further, the reason I ask that question is that last year when this was debated in the other body and the giveaway boys downtown and any other body, the argument was made that it was not going to cost so much money.

Now I am wondering, Are we waiving something here that the House will not understand how much money we are talking about, how many taxpayers' dollars we are going to be talking about?

Mr. MOAKLEY. Mr. Speaker, the question of waivers of provisions of the Budget Act is not necessarily related to cost. After this rule, I will call up a rule providing a waiver of points-of-order under the Budget Act against a minor District of Columbia bill although the annual defense procurement bill, with a total cost two or three thousand times higher, seldom requires any such waivers.

The only provision of the Budget Act having to do with amounts is the ceiling on spending. That is not involved here and is not waived by the rule. All the other points-of-order have to do with timing and method of consideration of bills. And I would stress that the waivers provided in this rule simply permit the bill to be considered. The violations will be cured by floor amendments.

The only substantive waiver is of section 303(a)(4) which prohibits consideration of legislation including new entitlement authority prior to final action on the first concurrent resolution on the budget. And this too, to a degree, is technical since both Houses have acted on their separate versions of the budget; under the rule governing scope, we are reasonably assured that the proposed entitlements will be covered by the conference agreement.

Mr. Speaker, I would also point out that the rule is completely open to amendment. If any Member wishes to reduce or eliminate the entitlements, which mostly concern retirement, the bill is amendable. In no manner, does the House prevent itself from adjusting the cost of the bill by adopting this rule.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, we can live with this rule, but I feel there was a deliberate attempt to subvert the first amendment right of free speech, and therefore, if a record vote is taken on this rule, I shall vote no in protest.

This issue is most complex and most important and should in no way be handled under restricted debate rules.

To illustrate my point, we have witnessed poorly framed treaties, first billed at no cost to the taxpayers and now ranging, by the State Department's own admission, which has been revised upwards several times, to $981 million. Admitted omissions push costs on up to some $4 billion, if we are to include those items they acknowledge are there but which they do not want to include.

The chairman of the Merchant Marine and Fisheries Committee has also given, before the Rules Committee, an estimate of some $4 billion 280 million for costs of implementation. By my own devices, through General Accounting Office figures, Department of Defense statements, and committee hearings, I found that the price tags come to some $4 billion 111 million, as a conservative estimate. So we find that there is a tremendous cost to the American taxpayer for giving away the Panama Canal, which, of course, makes debate in this body and a decision by this body imperative since this is where the purse strings are controlled.

Mr. Speaker, we find a government deeply in debt, being invited to be our partner. I ask my colleagues if this is not great cause for concern that we are thinking of going into a partnership with a nation that has the worst debt structure of all of the nations of the world. This is a known fact by the admission of our own State Department's internal papers, taken from sources in the office of Panama's treasury.

How can we invite into partnership a bankrupt nation virtually in the hands of receivers without some question as to who is really going to be calling the shots for Panama.

☐ 1045

Is it going to be the big bankers that they are very beholden to? Is it going to be the Japanese who are providing large loans to shift some of the burden from the bankers? Is it going to be the Arabs in similar fashion, who already control a monopoly on oil in one part of the world, who could then gain a tourniquet on the rest of the world's supply? Who are we really going into partnership with?

We also find a government heavily involved in Cuban-type terrorism and revolution. There has been recently exposed in the U.S. courts revolutionary activities by the Government of Panama which invite acts of reprisal that already threaten the Neutrality Treaty. There is no way the Panama Canal can be kept neutral and secure if the owner of that canal is engaging in revolutionary and terroristic acts in the Americas or even the world.

I bring to the attention of this body a news commentary by columnist Jack Anderson on the May 15 Good Morning America Show. He says:

Good morning, Sandy. The United States is caught in a crossfire between two Latin American dictators. They are Panama's Omar Torrijos and Nicaragua's Anastasio Somoza. President Carter is trying to stay on good terms with both of them.

The two are strikingly alike. Both are strutting military officers who drink too much and love too many . . . both connivers who are masters of intrigue. But they have no use for each other.

Torrijos has come close to sending his own troops to aid the Sandinista guerrillas who are battling Somoza. There's evidence that he has smuggled illegal arms from the United States to the rebel forces in Nicaragua.

One arms deal was broken up by the U.S. Customs Service earlier this year. A confidential intelligence report identifies Carlos Wittgreen as a Panamanian agent. He appeared in Miami three months ago with a shopping list for 5,000 weapons intended for the Sandinista guerrillas.

Let me read from the confidential report. Wittgreen was arrested at the Miami International Airport as he was "attempting to leave with 22 weapons which he bought illegally in violation of the U.S. export regulations."

Customs officials seized the weapons but mysteriously released Wittgreen—I'm quoting—"by order of higher ups." But the 22 confiscated weapons are insignificant compared to the number that have reached the guerrillas.

I've had access to another secret report which described arms smugglers across the Costa Rican border into Nicaragua. I sent one of my reporters, Bob Sherman, to Nicaragua to travel with the Sandinista guerrillas. He spoke to guerrilla leader Eden Pastora, known more romantically as Commander Zero.

He said frankly that he would buy weapons from anyone who had them for sale. He obviously told the truth. My reporter says the guerrillas have American, Belgium, Israeli and Soviet weapons.

Mr. Speaker, I also cite an article from the Miami Herald of May 16, 1979, by Joe Crankshaw:

FIVE NAMED IN GUN SMUGGLING CASE

(By Joe Crankshaw)

A Miami gun dealer, a man identified as a Panamanian intelligence agent, and three other men have been indicted for illegally shipping arms to Panama.

Investigators for the Bureau of Alcohol, Tobacco and Firearms (ATF) say the arms were destined for the Sandinista guerrillas fighting in Nicaragua.

Those indicted by the Miami federal grand jury were:

Jose A. Pujol, 36, Miami, air cargo manager for Air Panama,

Jose Antonio (Tony) Alvarez, 31, a Miami gun dealer and exporter.

Carlos Wittgreen, president of Caza y Pesca, a Panamanian company and an intelligence agent for Panama, according to informed sources,

James Allen Howell, 33, diplomatic security analyst and former lecturer in electronic security and police subjects at the National Intelligence Academy in Fort Lauderdale, a private police training and equipment research firm,

Walter Donald McComas, 41, a Miami exporter.

All except Wittgreen appeared Tuesday before U.S. Magistrate Peter Palermo and were each released on $25,000 bond.

Wittgreen is reported to be in Panama. ATF agent Donald Kimbler asked Judge Palermo to place a $100,000 bond on Alvarez because Alvarez has close connections with Col. Manuel Norriega, identified in court as the number three man in the Panamanian intelligence system.

According to the four-count indictment, the five men conspired with Edgardo Lopez, former Panamanian Consul in Miami, to ship U.S. military surplus weapons to Panama without first obtaining export permits.

At least 70 of the more than 1,000 weapons smuggled out of Florida were seized by Nicaraguan military forces in March when Sandinista guerrillas tried to smuggle them from Costa Rica into Nicaragua inside a Firestone Tire Co., truck.

Panamanian authorities have denied having anything to do with the smuggling of arms to guerrillas opposing Nicaraguan National Guardsmen.

More elaboration on revolutionary activities and gun-running to Nicaragua included in the following article from rebels by the Panamanian Government is the Washington Weekly, dated May 22, 1979.

PANAMA SMUGGLES ARMS TO SANDINISTAS—VIA MIAMI

The arrest of an Air Panama employee in Miami, Florida has exposed a plot by the Government of Panama to smuggle arms from the U.S. to supply the Sandinista terrorists operating in Nicaragua. The plot has been known to U.S. government officals since last November, when agents of the Federal Bureau of Alcohol, Tobacco and Firearms (ATF) in Miami seized a number of weapons purchased by Jose A. Pujol, cargo manager for Air Panama.

Knowledge of the plot was withheld from the public until May 1, when Pujol surrendered to authorities and was released on a $25,000 bond set by a U.S. magistrate in Miami. ATF Special Agent Donald Kimbler filed an affidavit in which he charged that Pujol had been making the arms purchases on orders from Edgardo Lopez, who was then Panama's consul in Miami. Lopez has been identified as a high ranking official of Panama's intelligence service, and it it has been charged that he headed Panama's covert intelligence operations in the Miami area while he served as consul.

Kimbler said that Pujol had been placed under surveillance and had been observed purchasing weapons to November 7 and 9, and delivering them to another Air Panama employee who took them to Panama on an Air Panama flight. ATF agents seized some of the guns purchased by Pujol on November 9. The following day, they interviewed consul Edgardo Lopez. According to the affidavit, Lopez admitted directing seven arms purchases on orders from his superiors in the Panamanian intelligence organization.

Panamanian President Aristides Royo told a Washington press conference on May 11 that Lopez was acting entirely on his own as a private citizen. He asserted that he had appointed a new consul to replace Lopez in Miami on October 11, as soon as he took over the presidency.

President Royo also denied that Lopez was a Panamanian intelligence officer. Confronted with a copy of the payroll of the Panamanian government which showed that as of April 25, 1975, Lopez was listed as an employee of the

National Guard at a salary only slightly lower than that of Col. Noriega, the head of the G-2, Intelligence, President Royo claimed that Lopez no longer held that position. However, he could not say when or under what circumstances Lopez had gone off the National Guard payroll.

President Royo asserted that Panamanians would not be so stupid as to try to smuggle arms out of the U.S. on commercial planes. He said, "I would say that if I am going to smuggle arms as head of government, we have planes in the Panamanian Air Force. We will use other means which exist in this world to take arms."

STATE DEPARTMENT COVERUP

State Department records contradict President Royo. They show that Edgardo Lopez was terminated as Consul-General in Miami on December 1, 1978, three weeks after he was interviewed by ATF agents. President Royo's claim that Lopez was acting strictly on his own, not on official orders, contradicts not only Lopez's own story, but also the explanation given to the State Department by the Foreign Office of Panama. The Foreign Office has stated in an official note that the arms bought by Lopez and Pujol were for the use of the National Guard of Panama.

George Brown of the State Department's Panama Desk said that he believed this statement. He treated the failure of Lopez to secure export licenses as a mistake, not as evidence that the arms were being purchased for purposes which Panama wanted to conceal. Mr. Brown said he was confident that the arms were in possession of the National Guard. He could not explain the basis for his confidence, but it appeared to be based on the assumption that the Foreign Office would not lie to the State Department.

When we informed Mr. Brown that President Royo had denied that the purchases were for the National Guard, insisting that Lopez had acted strictly on his own, Mr. Brown's confidence in the honesty of the Foreign Office did not appear to be shaken. He still felt that the arms had been purchased for the National Guard, regardless of what the President of Panama said about it. However, Mr. Brown admitted that he had no idea why the National Guard should acquire arms in such an irregular manner. He said that there would obviously have been no problem in licensing arms shipments for the National Guard.

If the weapons had been licensed for sale to the National Guard and subsequently turned up in the hands of the Sandinistas, the U.S. Government might be legally obliged to suspend all aid to Panama. The Foreign Assistance Act requires suspension of aid to countires which give aid to terrorists. This explains the State Departments eagerness to believe that the arms were bought for the National Guard, not for the Sandinista terrorists in Nicaragua. Mr. Brown and his colleagues at State were quick to brush aside the statement in ATF agent Kimbler's affidavit that Pujol had shipped the weapons and ammunition to 'Nicaraguan guerrilla forces.' Kimbler said that Pujol had told gunshop owners in Miami that he was prepared to buy more than $2 million worth of arms and ammunition for the Nicaraguan terrorists. When the gun dealers told him he would need an export license, Pujol told them he would personally put the guns on an airplane without a license, Kimbler said.

PANAMANIAN WEAPONS CAPTURED

In mid-March, Nicaraguan troops captured two vans crossing into Nicaragua from Costa Rica that were loaded with M-1 rifles and ammunition. These weapons have been traced to a shipment that the U.S. licensed in February 1979 to 'Casza y Pesca' (Hunting and Fishing) operated by Wittgreen in Panama. Mr. Brown told us he did not know what kind of rifle an M-1 was, and he saw nothing suspicious in their purchase by Mr. Wittgreen. Nicaraguan Intelligence claims that Casza y Pesca is a Panamanian G-2 front.

Mr. Brown acknowledged that no investigation had been made to determine what use Mr. Wittgreen was making of these military rifles. On November 28, 1978, State Department spokesman Hodding Carter III was questioned by reporters about charges that Cuba and other Latin American governments were supplying arms to the Nicaraguan terrorists. Mr. Carter said they had been unable to confirm such reports. It would appear that the interest of the State Department in investigating suspicious arms shipments that might be intended for the Sandinistas has been close to zero.

The Panamanian support for the Nicaraguan terrorist goes far beyond the mere smuggling of small arms. When the terrorists occupied the Nicaraguan legislature last year, making hostages of the entire chamber of deputies, they demanded and obtained a huge ransom and then were flown to Panama, where they were promptly released and permitted to resume their terrorist activities. Panama supplied helicopters that were used to transport the Sandinistas in Costa Rica at the height of the fighting in Nicaragua last year.

President Royo said that Panama was giving only moral support to the Sandinistas. He said that his government had not been pressured by the United States to quit supporting the terrorists. He said also that Panama stood ready to give asylum to the El Salvador terrorists who have occupied two foreign embassies and held foreign diplomats hostage. He declined to say whether Panama supported the El Salvador terrorists, as it did those in Nicaragua, but he refused to condemn their occupation of the embassies of Costa Rica and France.

In Washington, on May 11, President Royo confirmed that a Panamanian brigade, headed by Hugo Spadafora, was fighting in Nicaragua on the side of the Sandinistas. President Royo said that Spadafora had left his post as vice minister of Health in Panama to lead the brigade. He said that the brigade consisted of about 80 men. It was not officially supported by the government, he said, but they did nothing to hinder it.

Congresional outrage is bound to rise when it becomes known that Panama has been buying and smuggling arms from the U.S. to support terrorism in anti-communist countries in Central America. Congressman George Hansen (R.-Idaho), who has taken the lead in exposing the huge cost of the canal transfer legislation, has put the facts about the arms smuggling plot into the Congresional Record. This includes a front-page story about the plot that appeared in the Miami Herald on May 2. The Washington Post, the Star, and The New York Times have all suppressed the story, assisting the State Department in its efforts to sweep the scandal under the rug.

Mr. Speaker, I will be offering an amendment, if the rule is approved and debate is carried out, which will give this body the opportunity to prohibit any cost to U.S. taxpayers from treaty implementation and protect the toll payers and consumers from the burdensome rates that seem assured in the pending legislation. It will also give us an opportunity to prevent U.S. funds from being used in inciting revolution and terrorism in Latin America.

☐ 1150

It is critical that we not be a party to bomb throwing, assassinations, kidnapings, and other acts of terrorism in Latin America. In fact, I think it is most appropriate that the treaties themselves be set-aside until we can have briefings from the CIA and firm assurances that Panama is not a mainland-based Cuba-type revolutionary operation rampantly exporting terrorism among its neighbors with the money they get from the Panama Canal.

Mr. BAUMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. I thank the gentleman from Maryland for the time.

Mr. Speaker, I will try to be very brief and may not use the entire 5 minutes.

I think what we have at issue here is whether or not the rule is open, and I hope the gentleman from Maryland will go into that and make the explanation to us. But it is my understanding that there are 180 sponsors in this House for H.R. 1958; is that correct?

Mr. BAUMAN. That is correct.

Mr. SYMMS. One hundred eighty sponsors. We really will not get a clean vote on that piece of legislation. It is also my understanding that the chairman of the Committee on Merchant Marine and Fisheries has brought out a bill that severely restricts what it is the administration wanted to do, and I commend the committee for that. But I do believe that we as Members of this House were precluded last year from the opportunity to vote on the transfer of property which should have been voted on prior to the ratification of the treaties in the Senate. There is no question in my mind that the American people are opposed to giving away the U.S. canal in Panama, and when they find out it is going to cost them some $20 billion when we add the $4 billion in taxpayer funds over the next 20 years, coupled with the $16 billion of property transfer, they are going to be very, very upset, and rightfully so, at this dastardly giveaway, coupled with the fact that it is now coming out, as the gentleman from Idaho (Mr. HANSEN) just made the point, that gun running is going on in Panama which aids and abets the overthrow of the Nicaraguan Government. So I believe that it is a good opportunity for us to send a message not only downtown, but around the world that the United States is tired of being pushed around, and it is tired of having a no-win appeasement foreign policy, and we are ready to stand up for those things that rightfully belong to the United States of America.

Mr. CHARLES H. WILSON of California. Mr. Speaker, will the gentleman yield?

Mr. SYMMS. I yield to the gentleman from California.

Mr. CHARLES H. WILSON of California. I thank the gentleman for yielding.

When the military construction authorization bill comes to the floor, there is $36 million in this particular bill which is related directly to the transfer of American military property to Panama. The money is intended for military construction for our own troops, but there is a direct relationship to the transfer of bases and equipment, and so forth. We are going to have an opportunity at that time—we came very close to striking it from the bill in the committee itself—to express our opinions on this matter of military property, and so forth, in Panama.

Mr. SYMMS. I thank the gentleman very much for his contribution. I think what I would say is that if this rule is voted down, this is not the end of the world as far as the Murphy bill would be concerned and having a hearing on it. What I would like to see happen is to see the Committee on Rules bring into the House a rule which would make it totally in order, with no amendments necessary, for a clean substitute of H.R. 1958 for the Murphy bill, and let the Members just vote yes or no on it. Then I would be much more satisfied. So I think in order to really achieve that, if we voted this rule down today to send it back to Rules, we will stir it up a little bit and let the American people know what is going on here, and maybe it will give the membership of this body a clear picture of what their constituents at home think if this rule is voted down today. I would think that would make some news, and then the people at home will know what we are doing here, and then they can inform us how they really feel about this giveaway of extraordinary proportion that has been recommended.

Mr. CHARLES H. WILSON of California. I agree with the gentleman. I intend to vote against the rule.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

Mr. SYMMS. I will be happy to yield to the gentleman from New York.

Mr. MURPHY of New York. I wish my colleague, the gentleman from California (Mr. Charles H. Wilson), would defer committing himself until we just put a few elements out to the House this morning. The Panama Canal Treaties of 1977 have been ratified by the Senate. We know that, and I think the world knows that. The question I think today, whether this House adopts a rule, is that next week we can start a 5-hour debate which will make open to all four committees of jurisdiction the opportunity to present to the House the comprehensive job that was done by this House to solve the problem of administering the Panama Canal Zone for the next 20 years. The time to vote for or against the treaties was 2 years ago, not today. That is a fait accompli. What our responsibility here will be will be to set the proper administrative procedures.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOAKLEY. Mr. Speaker, I yield 3 additional minutes to the gentleman from New York.

☐ 1055

Mr. Speaker, H.R. 111 will permit us to get to that debate, which is vital, because on October 1, 1979, the treaty automatically triggers and if we do not have in place several months before October 1 of 1979 the proper assurances to the American workers and the other Canal Zone workers who are involved, on such issues as retirement, early retirement, displacement, we then are going to challenge their security, their jobs, the welfare of their families and they are not going to be there to do something that is vital in the interest of America which is to continue the proper operation of the Panama Canal. That canal was built in the first instance for world commerce, for American commerce particularly and also for hemispheric security.

What we have to do is to administer properly for the next 20 years just that particular movement and that is the operation, the integrity of that operation, for the next 20 years.

We are not going to be able to do that unless we pass this rule. Unless we get to H.R. 111.

H.R 111, I would say, meets about 90 percent of the requirements of the Members of this House, particularly those who signed HR. 1958, the legislation introduced by the gentleman from Idaho (Mr. Hansen), which is a piece of legislation which has great appeal. It has great appeal to me.

I look at the choice we have. The choice is we must administer this canal and administer it properly. We have a guideline which is the treaty of 1977.

We do provide in H.R. 111 for defense of the canal. We take care of the defense of the canal. We properly insure the fiduciary integrity of the collection of tolls and how those tolls are paid back to Panama clearly within the requirements of the treaty and we do not violate the spirit or the letter of the treaty but at the same time we do not create a grab bag that can be discriminately used by some people who might want to use it that way. We very clearly protect the American workers. We take care of the security, we take care of the fiduciary integrity, the appropriation, we take care of the American workers and insure their futures and we insure America's word in the world, that our treaty word is as viable as it has been in the past.

I can assure the gentleman we will have an open rule. Amendments are in order. We have waived all points of order so not just the committee of jurisdiction but all Members of the House can express themselves so that we can debate freely and openly and critically the areas of importance to the House and then hopefully go to the Senate and then come back with a conference report and hopefully do it by the July break so we will have 3 months to properly put into effect the very complex mechanism so that canal operates properly for American commerce and for world commerce in the next two decades.

Mr. SYMMS. Mr. Speaker, will the gentleman yield to me?

Mr. MURPHY of New York. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman very much for yielding, Mr. Chairman.

I think the gentleman's point is very logical.

Mr. Chairman, my point in asking for a no vote on the rule today is to get this issue in the minds of the American people as to what is taking place.

The administration pushes a position inconsistent with the position of the gentleman from New York. I think by voting down this rule today we will be putting on notice that the membership of this House—you were talking about October when this has to be in place; we are here in May, now, so we still have time if this rule is voted down today, to make this perfectly clear.

The administration is totally unconcerned about breaking a treaty, say, with Taiwan. They are unconcerned about going over and getting involved in treaties in other parts of the world, but when it comes to Panama there is a great argument: We have signed a treaty and ratified it. Now you folks have to come up with the taxpayers' $4 billion and transfer $16 billion worth of property which should have rightfully been voted on prior to the ratification of the treaty.

I believe the best way we have to get the battle started on a sound and firm footing is to just vote down the first rule we have today. We can then come back in here next week with an open rule with a so-called Hansen bill in order for a clean up or down vote with the gentleman's amendment.

☐ 1100

Mr. BAUMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I think it is only natural that this debate should have been precipitated so early as we consider this rule, because this is a very emotional subject to a great many Americans.

The administration has consistently underestimated the massive opposition to the Panama Canal treaties, and it is not surprising that it should show itself on the issue of implementing legislation when that is brought before the House of Representatives.

It is very clear under many Supreme Court rulings that the Congress of the United States has a concurrent power with the Executive in dealing with treaties, and when these treaties call for subsequent implementation, it is our duty and our right to spell out the terms in that legislation.

The rule before us today makes in order H.R. 111, which was introduced by the gentleman from New York (Mr. Murphy), along with several others of our colleagues. This particular legislation will, if the rule is adopted, be debated next week.

I do not like the many waivers contained in the rule, nor do I think it was proper for the Committee on Rules to deny the specific request of the gentleman from Idaho (Mr. Hansen), who has played an important part in citing the shortcomings of the treaties, when he asked that his bill be made in order as an amendment waiving points of order, as several other points are waived in this bill.

I will tell the House, however, that it is an accurate description to say that we have worked with the gentleman from Idaho (Mr. Hansen), and he will be able to offer at the appropriate time the major substance of his legislation. That will give a clear chance for the House to work its will as to whether or not we wish to choose H.R. 111 or the much tougher stance that the gentleman from Idaho (Mr. Hansen) will offer.

I suspect that the gentleman's amendments may very well be adopted because of the mood of the House, and the rule does not preclude that, despite the fact that the Committee on Rules did not grant him the privilege of offering this particular amendment in a fashion protected by this rule.

Let me also point out to the Members what the alternative is. The gentleman from Idaho (Mr. Symms) suggests that we send still another message to the administration and the American people regarding this. I do not disagree with that. I think the American people are once again stirred up on this issue because the legislation is about to come before the House. They should be concerned.

We have already, twice during this session, dealt with amendments I have offered to the House, and we have voted decisively and overwhelmingly to cut all foreign aid to the Republic of Panama, both military assistance and economic assistance. I think that convinced the administration they were in for a very strong battle here on the floor.

If we do not adopt this rule today, we can obviously go back and seek another rule, but eventually we are going to have to face legislation at some point in our deliberations that will deal with this issue.

May I digress for just a moment before we vote on this resolution and describe for the Members that the administration's game plan is. The administration introduced its own legisaltion, H.R. 1716, last January which provided a free hand for the State Department and the Government of Panama for the next 20 years to conduct the affairs of the Panama Canal in any way they damned well please, and that is consistent with the attitude shown in the treaty negotiations.

Until a few days ago the administration still searching for some way to alter drastically the Murphy bill, and they cannot find it because this House will not go along with anything less than the bill before us, H.R. 111. The truth is that the administration intends to take this legislation in whatever form it passes the House, take it to the other body in the hope that their allies there will emasculate it, strip it, and turn it into the type of liberal piece of legislation the administration originally presented. Thus the same liberal foreign policy makers who gave us these dismal treaties would also control the canal for the next 20 years.

I think we can collectively serve notice on this administration that this House will not stand for that; that we will stand firm and confident that if this rule passes today, we will take every measure available under our rules to preserve a strong stance.

If the administration persists in its already preconceived game plan, they will wind up with no legislation at all. That latter course gives me great concern, because under article II of the Constitution the President has broad powers in matters of foreign affairs. No legislation could mean the President of the United States will write his own ticket, with Executive orders given as to how those treaties would be carried out. That to me would be disastrous.

Mr. Speaker, I do not think the President, based on the history of his conduct of Panamanian relations, could be trusted to do that.

☐ 1105

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from New York.

Mr. MURPHY of New York. Mr. Speaker, if we reach that point of Executive orders, the problem would be that we would not have in place legislation to protect the present and future of the American workers who are operating the canal. That would destroy the integrity of their jobs and their security, and consequently they would not be there to properly run that important waterway. That would spell closures, and disruptions in the operation of the waterway. That is the dangerous problem that we face with our tight time schedule. That is why I think that if we stay on our present time schedule and enact legislation in order to have a 3-month transition period, it will serve not only the interests of this House but of this country.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

Mr. Speaker, I would say that there are no two Members of this House that the gentleman from Idaho has a higher regard for than the gentleman from Maryland or the chairman of the committee, the gentleman from New York. I think the problem is that we are dealing with an issue here that, if we do not focus some attention on it, it will slide through here and be forgotten by the American people. If the Members of the House vote this rule down today, on Thursday, then this will probably make the morning news tomorrow morning, and then we will be able to get some attention on the part of the Members who go home over the weekend and who go home over the Memorial Day recess and come back afterward, and not only will the Murphy bill be stronger in its position in sending this message, it may even be amended by my colleague, the gentleman from Idaho (Mr. Hansen), to make it even stronger to show that the American people mean business on this issue. If we just take this thing laying down, we will never get the issue resolved. I do not disagree with what either one of my colleagues are saying, but I think, in the political aspect of it, that we do need the support of our constituents at home on this issue—and they, believe me, are not with the President on this issue. They believe that this canal belongs to the United States of America, and they are right about that. They do not like the way it was given away by the giveaway boys across the building here or down at the State Department. But if we just let it go by without a good ruckus right here today, people will say, "Ho hum, it is already settled. The issue is over. They have given the canal away, there is nothing we can do." We can send them a message as to how the Constitution of the United States works, that the House does have a say-so in the transfer of American property.

Mr. BAUMAN. I think the gentleman for his remarks.

Mr. CARNEY. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from New York.

Mr. CARNEY. Mr. Speaker, I would like to bring up a point, going back to the rule, and the fact that we have not been able to vote on H.R. 1958, the amendment of the gentleman from Idaho (Mr. Hansen). I think that is wrong.

The Committee on Merchant Marine and Fisheries received over 22,000 letters against giving away the Panama Canal. There were two letters in favor of the treaties. Many of those letters and the letters that came in to the individual offices were letters in support of H.R. 1958. H.R. 1958, as has been said before, has over 180 cosponsors, and yet under this rule the people cannot see the Members of this House vote on H.R. 1958. It is clearcut and concise. The arguments that my colleague, the gentleman from New York, gave were good arguments. They could be made on the floor and they could be made as arguments against H.R. 1958. But I think for the Rules Committee to deny this House the right to vote on H.R. 1958 goes against the precepts of democracy upon which this great legislature body is based.

The SPEAKER pro tempore. The time of the gentleman from Maryland (Mr. Bauman) has expired.

Mr. BAUMAN. Mr. Speaker, I yield myself 4 additional minutes.

Mr. CARNEY. Mr. Speaker, if the gentleman will yield further, I think yesterday we had an example of a very important piece of legislation. The bill which was finally passed by Members of this House was a bill which failed in both committees. Yet the Rules Committee allowed that bill to be considered. Now we have a bill with over 180 cosponsors. We have a bill that was considered in the committee; in fact, it lost in the full Committee on Merchant Marine and Fisheries by only five votes. And yet the Committee on Rules will not let the Members of the House vote on H.R. 1958. On that basis alone, I would suggest to my colleagues that they vote against the rule today.

Mr. BAUMAN. Mr. Speaker, I would respond to my colleague, the gentleman from New York, by saying that if the rule is not passed today—and I, certainly, as a principle, have not supported rules which contained these kinds of waivers, and I am not going to deviate from that today on my vote—but unless we do have a rule that makes in order some legislation, the gentleman from Idaho will not be able to offer his amendments next week, or whenever the bill is brought up. So we are in a dilemma, seeking votes to send a message, as the gentleman from Idaho (Mr. Symms) suggested, and trying to accommodate the toughening amendments that will be offered on the floor.

Mr. CARNEY. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from New York.

Mr. CARNEY. I thank the gentleman for yielding.

Mr. Speaker, I think it is necessary to point out that while the Senate approved the treaty in 1977 the administration did not send us a bill until the beginning of this year. But the responsibility for the time frame to meet the obligation on October 1 should not be put on the 435 Members of this body. It should be the responsibility of the gentleman who occupies the House at 1600 Pennsylvania Avenue. So that argument, I think, does not hold water with me.

Mr. SLACK. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from West Virginia.

Mr. SLACK. Mr. Speaker, can the gentleman advise me whether or not this rule would make in order an amendment to require the settlement of claims that are presently outstanding against the Republic of Panama?

Mr. BAUMAN. Is the gentleman speaking of the expropriation of American property?

Mr. SLACK. Yes, that is correct.

□ 1110

Mr. BAUMAN. I have discussed this at various points with Members who intend to offer that amendment. I am not sure what the ruling of the Chair would be under those circumstances. Such an amendment was considered in the Merchant Marine and Fisheries Committee. The section was contained in the bill, and it lost by a one-vote margin on a rollcall, but I know efforts will be made to offer such an amendment. I will strongly support it.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from New York.

Mr. MURPHY of New York. In the committee, it was ruled that that type of amendment would be germane. As chairman, I would not make a point of order against an amendment of that type.

Mr. BAUMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey (Mrs. Fenwick).

Mrs. FENWICK. Thank you, Mr. Speaker.

I have nothing to say about the technicalities of the rule. I do not think they are going to interest our people very much, generally speaking, in the public. What should and will interest them is that whatever we do here does not suggest that we are not prepared, because of the honor of our country, to live up to the obligations of a treaty, which has been signed by the President and ratified by the Senate of the United States. Whatever that treaty requires, it seems to me the honor of this Nation demands that we live up to it.

No matter what is decided about the rule and no matter what is done with subsequent legislation, this debate and our subsequent votes should not be misconstrued. No matter what vote we take on technicalities in this House, our Nation's honor demands that we live up to the provisions of the treaty.

Mr. CARNEY. Mr. Speaker, will the gentlewoman yield?

Mrs. FENWICK. I yield to the gentleman from New York.

Mr. CARNEY. I would just like to bring up one point at this time. That is, our responsibility to live up to our treaty obligations with the nation of Taiwan. We seem to forget that. We gave that up right away, without giving much thought to the honor of this Nation.

The SPEAKER pro tempore. The time of the gentlewoman from New Jersey (Mrs. Fenwick) has expired.

Mr. BAUMAN. Mr. Speaker, I yield myself 1 additional minute.

I would just point out that precisely what the legislation that we have before us, H.R. 111, spells out will, in fact, have much to do with what the interpretation of the honor of the United States is.

We have heard from the administration that this bill in some way violates the treaties. I am here to tell the House that it in no way violates the treaties. It is consistent with the terms of the treaties. It may not be in keeping with secret deals secretly arrived at, about which we discover more every day, but the legislation before us will spell out exactly what the position of Congress will be toward the Panama treaties.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. Symms) there were—ayes 11, noes 16.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 200, nays 198, not voting 36, as follows:

[Roll No. 158]

YEAS—200

Addabbo
Akaka
Alexander
Ambro
Andrews, N.C.
Annunzio
Anthony
Ashley
Aspin
AuCoin
Baldus
Barnard
Barnes
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Biaggi
Bingham
Blanchard
Boggs
Boland
Bonior
Bonker
Bowen
Brademas
Brinkley
Brodhead
Brooks
Burlison
Burton, Phillip
Carr
Cavanaugh
Chisholm
Coelho
Collins, Ill.
Conte
Cotter
D'Amours
Danielson
Daschle
Dellums
Derrick
Derwinski
Dicks
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Erlenborn
Ertel
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Fowler
Frost
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall, Ohio
Hanley
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Holtzman
Horton
Howard
Hughes
Jacobs
Jenkins
Johnson, Colo.
Kastenmeier
Kildee
Kogovsek
Kostmayer
LaFalce
Lehman
Leland
Levitas
Lloyd
Lowry
Lundine
McCloskey
McCormack
McHugh
McKay
McKinney
Maguire
Markey
Marks
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murtha
Neal
Nedzi
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Rangel
Ratchford
Reuss
Richmond
Roe
Rose
Rosenthal
Roybal
Russo
Sabo
Sawyer
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Simon
Smith, Iowa
Solarz
Stack
Stark
Steed
Stewart
Stokes
Studds
Swift
Synar
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Walgren
Waxman
Weaver
Weiss
Whitley
Wirth
Wolff
Wolpe
Yates
Zablocki
Zeferetti

NAYS—198

Abdnor
Albosta
Anderson, Calif.
Andrews, N. Dak.
Applegate
Ashbrook
Atkinson
Badham
Bafalis
Bailey
Bauman
Beard, Tenn.
Bereuter
Bethune
Bevill
Boner
Bouquard
Breaux
Broomfield
Broyhill
Buchanan
Burgener
Butler
Byron
Campbell
Carney
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Devine
Dickinson
Donnelly
Dornan
Dougherty
Duncan, Tenn.
Edwards, Okla.
Emery
English
Erdahl
Evans, Del.
Flood
Fountain
Frenzel
Fuqua
Gaydos
Gingrich
Goldwater
Goodling
Gradison
Gramm
Grassley
Grisham
Gudger
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hance
Hansen
Harsha
Hillis
Hollenbeck
Holt
Hopkins
Huckaby
Hutto
Hyde
Ichord
Jeffords
Jeffries
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kazen
Kelly
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lent
Lewis
Livingston
Loeffler
Long, Md.
Lott
Lujan
Luken
Lungren
McClory
McDade
McDonald
McEwen
Madigan
Marlenee
Martin
Mica
Michel
Miller, Ohio
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Myers, Ind.
Natcher
Nelson
Nichols
Pashayan
Paul
Perkins
Petri
Quayle
Quillen
Rahall
Railsback
Regula
Rinaldo
Ritter
Roberts
Robinson
Roth
Royer
Rudd
Runnels
Santini
Satterfield
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Skelton
Slack
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
St Germain
Staggers

Stangeland
Stanton
Stenholm
Stockman
Stratton
Stump
Symms
Tauke
Taylor
Thomas
Treen
Trible
Vander Jagt
Volkmer
Walker
Wampler
Watkins
White
Whitehurst
Whittaker
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Winn
Wyatt
Wydler
Wylie
Yatron
Young, Fla.
Young, Mo.

NOT VOTING—36

Anderson, Ill.
Archer
Bolling
Brown, Calif.
Brown, Ohio
Burton, John
Clay
Conyers
Corman
Diggs
Dixon
Evans, Ga.
Ford, Mich.
Forsythe
Garcia
Hamilton
Hightower
Hinson
Holland
Hubbard
Ireland
Jenrette
Jones, Tenn.
Long, La.
Marriott
Myers, Pa.
Pepper
Rhodes
Rodino
Rostenkowski
Rousselot
Spellman
Whitten
Wilson, Tex.
Wright
Young, Alaska

☐ 1130

Mr. D'AMOURS changed his vote from "nay" to "yea."

Messrs. LONG of Maryland, VANDER JAGT, WAMPLER, RAILSBACK, MARLENEE, SEBELIUS, and MOLLOHAN changed their vote from 'yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

A similar resolution, House Resolution 242, was laid on the table.

AUTHORIZING ADDITIONAL APPROPRIATIONS FOR TEMPORARY COMMISSION ON FINANCIAL OVERSIGHT OF THE DISTRICT OF COLUMBIA

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules and on behalf of the gentlewoman from New York (Mrs. CHISHOLM), I call up House Resolution 277 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 277

Resolution providing for the consideration of the bill (H.R. 3879) to authorize additional appropriations for the Temporary Commission on Financial Oversight of the District of Columbia, and for other purposes.

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3879) to authorize additional appropriations for the Temporary Commission on Financial Oversight of the District of Columbia, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the District of Columbia, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

☐ 1135

Mr. Speaker, House Resolution 277 provides for the consideration of the bill H.R. 3879 to authorize additional appropriations for the Temporary Commission on Financial Oversight of the District of Columbia.

This is a simple, open rule providing 1 hour of general debate. The time is to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the District of Columbia.

The rule also grants one waiver of points of order. Section 402(a) of the Budget Act is waived. Section 402(a) of the Budget Act prohibits the consideration of any bill which authorizes the enactment of new budget authority for a fiscal year unless that bill has been reported by May 15 preceding the beginning of the fiscal year. Since section 1 of H.R. 3879 authorizes the enactment of additional new budget authority for fiscal year 1979, the bill should have been reported by May 15, 1978, in order to comply with the provisions of the Budget Act.

However, this supplemental authorization satisfies the emergency standards embodied in section 402 of the Budget Act. Consequently, the Committee on Rules granted a waiver. The Budget Committee also supported this waiver.

Mr. Speaker, H.R. 3879 increases the authorization from $16 million to $38 million for the work of the Temporary Commission on Financial Oversight of the District of Columbia commencing on the effective date of the act. The Committee on the District of Columbia believes that this amount is necessary to allow the Commission to complete its work as quickly as possible.

Mr. Speaker, I urge my colleagues to adopt House Resolution 277 so that we might proceed to the consideration of H.R. 3879 authorizing additional appropriations for the Temporary Commission on Financial Oversight of the District of Columbia.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a 1-hour, open rule making in order consideration of H.R. 3879, which authorizes additional appropriations for the Temporary Commission on Financial Oversight of the District of Columbia. There is a waiver of section 402(a) of the Congressional Budget Act, since section 1 of the bill contains new budget authority for fiscal year 1979 and should have been reported by May 15, 1978. According to the chairman of the Budget Committee, the committee has agreed to the waiver in order to insure that the October 1, 1979, deadline for commencing auditing of the city's books will not be missed.

The purpose of H.R. 3879 is to increase the present authorization of $16 million by $22 million for a total of $38 million for the work of the Temporary Commission on Financial Oversight. This is an eight-member Commission which was created in 1976 to supervise the installation of financial management systems for the District of Columbia so that annual audits of the District's books can be conducted starting in fiscal year 1980.

The legislation authorizes $22 million, one-half to be appropriated directly from Federal funds, the other half from funds in the Treasury to the credit of the District of Columbia.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DELLUMS. Mr. Speaker, I call up the bill (H.R. 3879) to authorize additional appropriations for the Temporary Commission on Financial Oversight of the District of Columbia, and for other purposes, and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Act entitled "An Act to provide for an independent audit of the financial condition of the government of the District of Columbia", approved September 4, 1976 (D.C. Code, sec. 47-101 note), is amended—

(1) by striking out "$16,000,000" and inserting in lieu thereof "$38,000,000"; and

(2) by striking out "$8,000,000" both places it appears and inserting in lieu thereof "one-half".

SEC. 2. (a) The first section of the Act entitled "An Act to provide for an independent audit of the financial condition of the government of the District of Columbia", approved September 4, 1976 (D.C. Code, sec. 47-101 note), is amended by inserting "(a)" before "there is hereby".

(b) Subsection (h), (i), and (j) of section 2 of such Act are amended by striking out "Commission" each place it appears therein and inserting in lieu thereof "commission".

The SPEAKER pro tempore. The gentleman from California (Mr. DELLUMS) is recognized.

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 3879 would increase the present authorization of $16 million by $22 million for a total of $38 million for the work of the Temporary Commission on Financial Oversight of the District of Columbia (Commission). This additional funding for fiscal year 1979 would be necessary in order to insure that the October 1, 1979 deadline for commencing auditing of the city's books would not be missed, and that the overall work of improving the financial systems of the District would not be delayed.

The Commission's membership consists of three members of the U.S. Senate, three Members of the House of Representatives, and the Mayor and Council Chairman of the District of Columbia. The Commission's Chairman is my distinguished colleague, Senator EAGLETON, and I serve as the Vice Chairman.

Congress appropriates the Commission's funds on a no-year basis. At present, it has made $15 million available. The Commission has concluded that to complete its program and to achieve the objectives of Public Law 94-399, the $1 million remaining unappropriated from the initially authorized $16 million will not be sufficient.

Recently, the Commission requested the Comptroller General to review the status of the Commission's program and to analyze the costs and benefits of financing additional work that, in the Comptroller General's opinion, would be necessary to achieve the objectives of Public Law 94-399. The Commission identified several categories of work remaining to be done.

Accordingly, the testimonies provided by representatives of the General Accounting Office, the District government, and the Commission during the committee's hearings support the increased authorization required to complete the Commission's program. The increased authorization of $22 million would be shared on a matching basis; this would entail a 50-50 matching of funds by the Federal and District Governments.

However, additional appropriations are needed immediately if the Temporary Commission on Financial Oversight of the District of Columbia is to fulfill its mandate. Without these immediate funds, the Commission will not be able to fulfill the responsibilities assigned to it by Public Law 94-399. If there are any delays in implementing the new financial and management systems—the new central system—this, of course, would delay the first audit from fiscal year 1980 to 1981. An audit of the District government's financial statements for fiscal year 1980 is authorized by Public Law 94-399 and is one of the Commission's primary objectives.

The Commission has contracted with financial and management experts to develop and install modern financial management systems for the District of Columbia. In so doing, annual audits of the books of the District can be conducted as early as fiscal year 1980.

During the consideration of a bonding question, in 1975, the then Senate Committee on the District of Columbia contracted with Arthur Andersen & Co. to conduct an audit of the District's finances. Arthur Andersen concluded that the District's finances were in such bad shape, mainly as a result of years of uncentralized congressional control, that they could not be audited. It is necessary for us to recognize the Federal participation is a matter of great concern that has a negative impact on the District government. More importantly, this situation effectively precludes the District from entering the commercial bond market. As a result, the District continues to lose money because it has to borrow from the U.S. Treasury at a higher interest rate than that available in the marketplace.

This loss is in addition to the money lost to the District government due to poor management practices and decisions based on inaccurate information. However, the improvement of the District government's financial and management systems would bring the District government certain monetary benefits. These benefits would include: First, an increase in revenues; second, a decrease in interest expense because of reduced indebtedness; third, reduction of operating costs; fourth, prevention of fraud; and fifth, improved control of property. The estimation of monetary benefits suggests that the cost of improving the systems could be recovered in 2 to 3 years.

It is the position of the General Accounting Office, the Temporary Commission on Financial Oversight of the District of Columbia, the Mayor and the City Council Chairman that this additional authorization is necessary to complete the project. As Vice Chairman of the Commission, I strongly support and urge your favorable consideration of H.R. 3879; it would have a significant impact on the financial and management practices of the District government. More importantly, every stage of the implementation of this new central system will be carefully monitored by the Commission. I point out that my honorable colleague, Mr. CHARLES WILSON, chairman of the District of Columbia Subcommittee of the Committee on Appropriations, is a member of the Commission.

Support for additional funding is shown by the supplemental appropriation request for $4,500,000 for the Commission submitted by the President, February 26, 1979 in House Document 96-58, and a request for the local matching share approved by the Mayor and Council of the District, but not yet cleared by the Office of Management and Budget. The supplemental request is conditioned on enactment into law of authorizing legislation.

Although the Commission and its contractors have made excellent progress, a tremendous amount of work remains ahead. The additional appropriations would provide the necessary funds for implementing the new financial and management systems which would eliminate the present problems facing the District government.

APPENDIX I

The General Accounting Office, which is charged with monitoring the project by P.L. 94-399, provides the following breakdown of additional funds needed to complete the Commission's work:

Category 1: Complete projects which have been started	$7,015,000
Category 2: Seven tasks to complete projects in category 1 (see attached appendix if further explanation is warranted)	1,250,000
Category 3: Financial systems and operations which need improvement but work has not been started (expenditure will be recouped in 2 or 3 years by sayings or increased collections)	8,000,000
Category 4: Implementation of new systems—contractor assistance necessary	9,284,000
When added to funds obligated on January 1, 1979	12,451,208
This totals the amount which is in H.R. 3879	38,000,208

APPENDIX II

CATEGORY II

WORK IDENTIFIED BY GAO TO COMPLETE SYSTEMS BEING DEVELOPED

1. Design and implement an improved cash forecasting and investment segment for the cash management system.

2. Correct weaknesses in the security of computers at the SHARE computer center.

3. Identify and establish the value of the District Government's real property and leasehold improvements.

4. Design and implement a central system for collecting delinquent accounts.

5. Design and implement a billing system for Glenn Dale Hospital.

6. Design and implement improvements in the traffic ticket operations of the Metropolitan Police Department and Superior Court.

7. Document procedures for the manual operations of the information and billing system at D.C. General Hospital.

☐ 1145

Mr. McKINNEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, as ranking minority member of the District of Columbia Committee, I rise in support of the bill H.R. 3879, which would authorize an additional appropriation of $22 million for the temporary Commission on Financial Oversight for the District of Columbia. Since its inception in 1976, the Commission has undertaken a necessary and valuable service in establishing the framework for a sound financial management system for the District of Columbia government.

To date, the Commission has completed the overall design of the system which is necessary to obtain a favorable audit opinion for fiscal year 1980. However, the Commission has determined, with the concurrence of GAO, that there are other peripheral systems, not directly affecting the audit, but important to the overall effectiveness of the system, which should be upgraded. Such improvement in the management system—and I stress the comprehensive nature of such improvements—will enable the District to recoup this investment within 2 to 3 years due to improved managerial proficiency and a reduction in structural inefficiencies which may be grounded in inaccurate, outmoded, or misleading information.

The current fiscal plight of the District is well known—indeed, it is representative of the state of affairs of most major American cities. However, even with the passage of home rule a few years ago, the District government is still saddled with the enormous burden of being unable to make its own autonomous economic and political decisions—and for this Congress must share a part of the blame.

The new city administration is making substantial administrative improvements in a system heretofore marked by waste, abuse, and inefficiency, and it needs the assistance of the Commission to carry out this mandate. The improved management techniques which the Audit Commission is developing will eventually enable the District to enter the bond market with a clean audit report, and the benefits for the city's fiscal posture as a result of these changes are readily apparent. For example, overall revenues can increase, cash available for investment can increase, interest expenses can be greatly reduced, as well as operating costs and opportunities for fraud. Such a system will be consistent with the goal of increased fiscal and political autonomy for the local government which I have wholeheartedly endorsed since I became a Member of Congress.

Critics may contend that a supplemental appropriation is unnecessary—politically inexpedient, as it were, in an era of popular fiscal conservatism. This, I would say, is far too parochial an attitude to profess on a matter which, if implemented, could strengthen the financial posture of the Nation's Capital immeasurably. In the long run it is a small price to pay for such a remedy, and I urge my colleagues to support H.R. 3879.

□ 1150

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the bill. I would like to say further that if we are really going to be fair and sensible here, the Federal Government should pay the entire cost of this audit. It seems to me entirely inappropriate, when over the years this Congress has been managing the affairs of the District in such a way that the audit is going to cost $38 million, now that we are moving to an audit that the District should be required to pay part of it. Reluctantly I am going to support the bill, because we have no alternative, but as I have said the Federal Government should pay the whole cost of the audit.

● Mr. FAUNTROY. Mr. Speaker, I rise in support of H.R. 3879, a bill to increase the authorization for the work of the temporary Commission on Financial Oversight of the District of Columbia from $16 million to $38 million.

H.R. 3879 is required to insure full fiscal integrity to the District of Columbia under the Home Rule Act by implementing a modern and efficient financial management system so that the District's complete financial situation can be correctly ascertained.

We are very mindful of the need for an improved financial management system throughout the District government. In 1975 when the first elected local government took office, it found that the financial management system was in such disarray, that it was virtually impossible for an audit to be conducted, or for the city government to make governmental decisions based on accurate financial information. Therefore, in 1976, an Audit Commission was created that would design and implement a more effective financial accounting system aimed at eliminating those outdated financial procedures that only served to impede the growth and confidence in the District's elected officials. This Commission stressed the need for a fully integrated financial system—one that would permit the District to collect its revenues, pay its bills, and plan its budget with full accountability—a goal projected by 1982.

Although the District has already made substantial progress toward improved financial management, with the design of such a system largely completed, it is now the task of the District's staff, assisted by the Commission, to implement the new system. This can be undertaken immediately upon the effective date of passage of the bill. Enactment of H.R. 3879 will enable us to reach two further objectives: First, that of obtaining a clean financial report for fiscal year 1980 from independent accountants, and second, that of entering the commercial bond market within the next 2 years.

The bill pending before the House today will authorize an additional $22 million to complete the system envisioned by Congress and to provide for audits by contractors over the next 3 fiscal years. During the process of authorizing $16 million under Public Law 94–399, the District government advised the Congress that the total cost was not precisely known and the cost estimates varied. A report of the Comptroller General dated February 12, 1979, documents the need for $22 million in additional funds to fulfill the needs of Public Law 94–399.

Currently, the language of Public 94–399 requires the District of Columbia to pay $8 million of the $16 million authorized. As such, the amendment H.R. 3879 continues the recommended requirement of 50 percent local matching funds and substitutes the term "one-half" in lieu of "$8,000,000" of the $16 million in the original law.

The mayor is enthusiastically committed to the great effort that will be required within the next few months to get the new system working. The principal tasks ahead lie in cleaning up existing accounts—(some going back 30 years), and training District personnel to work with the newly automated management system.

The timely and successful completion of the trial balance of the project is of utmost importance, since good financial management is the cornerstone of effective management in any enterprise. Therefore, I urge my colleagues to support this bill and authorize these much needed funds.●

Mr. DELLUMS. Mr. Speaker, I have no further requests for time, and I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, I take this time so that we might discuss the schedule for next week.

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from California.

Mr. DANIELSON. I thank the gentleman for yielding.

I would like to announce, first of all, that on completion of today's business, the House will go into recess for the purpose of receiving former Members, but that would otherwise conclude the legislative program for this week.

For next week, on Monday, May 21, the House will meet at noon. All recorded votes to be taken on Monday, if any, will be postponed until Tuesday, May 22, 1979. We will call the Consent Calendar, and we have four bills on suspension:

H.R. 1608: Psychological readjustment counseling for Vietnam veterans;

H.R. 3892: Extend authorizations due to expire this year for veterans;

H.R. 3897: Presidential authority re: Uganda;

H.R. 3923: United States Code amendments for Historical Publications and Records Commission; and then will take up H.R. 111. This bill provides for the implementation of the Panama Canal Treaty of 1977, under an open rule, with 5 hours of debate. The rule has already been adopted. There will be general debate only.

On Tuesday, May 22, the House will meet at noon. There will be the recorded votes on bills debated Monday, May 21, 1979, on which recorded votes have been ordered.

Under suspensions there are no bills on Tuesday.

We will then consider S. 869: Clarification of conflict of interest restrictions on former Government employees, to complete consideration.

Next we have H.R. 4011: Small business program authorizations, under an open rule with 1½ hours of debate.

Wednesday, May 23, the House will meet at 10 o'clock a.m. and will take up H.R. 10: Civil rights of institutionalized persons, under an open rule, with 1 hour of debate. The rule has already been adopted.

On Thursday, May 24, the House will meet at 10 o'clock a.m.

Since we just passed H.R. 3672, that bill is deleted from the tentative schedule.

We will consider H.R. 3914: To increase the District of Columbia contribution to the Metro system, under an open rule, with 1 hour of debate. Also, we will take up

H.R. 3404: Treasury draw authority extension, under an open rule, with 1 hour of debate.

And Friday, May 25, the House will not be in session. The House will adjourn by 5:30 p.m. on all days except Wednesday. At the close of business on Thursday, the House will adjourn for the Mememorial Day district work period and reconvene at noon, Wednesday, May 30, 1979.

Conference reports may be brought up at any time, and any further program will be announced later.

☐ 1155

Mr. LOTT. I would like to inquire of the gentleman, Mr. Speaker: Have we any idea at this time what time we might complete business on Thursday, May 24?

Mr. DANIELSON. The information I have indicates it would be around 5 or 5:30 p.m.

Mr. BAUMAN. Mr. Speaker, would the gentleman yield to me?

Mr. LOTT. I yield to the gentleman from Maryland.

Mr. BAUMAN. I realize the gentleman from California is the acting majority leader at the moment and may not be able to respond fully to my question but the tentative schedule which the gentleman from Maryland examined yesterday and today indicated that the Panama Canal legislation would be debated on Monday and that the amendment stage and completion of the legislation would be on Tuesday.

The gentleman did not announce any further action on the Panama Canal bill next week. We have the debate on Monday and no conclusion of the bill at any time that has been described in the future.

Could the gentleman tell us, first, when we might expect the legislation to be finished and, second, why there was a change in plans?

We were told by the administration it was very important that we finish this as quickly as possible.

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I will be glad to yield to the gentleman from California.

Mr. DANIELSON. I am not able to respond fully to the gentleman's inquiry. The reason for the postponement, if you wish to call it that, of the amendment portion of the Panama Canal bill is that the chairman of the committee who will be managing the bill preferred to take it up at a later time than that tentatively scheduled.

Mr. BAUMAN. Mr. Speaker, if the gentleman from Mississippi would yield further, I would just like to make an observation.

Mr. LOTT. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I might observe that I suspect the real reason is, in view of the closeness of the vote on the rule, the leadership does not feel it has the votes to fend off the Hansen amendment or other amendments, or possibly does not have the votes to pass the legislation. I think we can only play this game of legislative chicken so long and if the administration is so desirous of getting the Panama legislation passed, we ought to debate it and amend it in good order together so that these questions are not put off forever.

Mr. DANIELSON. Mr. Speaker, will the gentleman from Mississippi yield?

Mr. LOTT. I yield to the gentleman from California.

Mr. DANIELSON. We thank the gentleman, of course, for his comments.

ADJOURNMENT TO MONDAY, MAY 21, 1979

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday, May 21, 1979.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO RECEIVE MESSAGES AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS, NOTWITHSTANDING ADJOURNMENT

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that, notwithstanding adjournment of the House until Monday, May 21, 1979. The Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

☐ 1200

RECESS

The SPEAKER pro tempore (Mr. Natcher). Pursuant to the authority granted the Speaker on Thursday, May 10, 1979, the Chair declares a recess, subject to the call of the Chair, to receive the former Members of Congress.

Accordingly (at 12 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1205

RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER pro tempore (Mr. Brademas) presided.

Mr. BRADEMAS. On behalf of the Speaker of the House of Representatives and the Chamber, I consider it a high honor and a distinct personal privilege to have the opportunity of welcoming so many of our former Members and colleagues as may be present here for this occasion. We all pause to welcome them. This is a bipartisan event. In that spirit, the Chair is going to recognize leaders of both parties.

The Chair recognizes the gentleman from Kentucky (Mr. Natcher) for such remarks as he may have to make.

Mr. NATCHER. I thank the Chair.

Ladies and gentlemen, our majority leader and our friend and colleague, Jim Wright, is unable to be here at this time. Acting on behalf of him, I would like to welcome all of you former Members of the House and the Senate who are here today.

I have said on many occasions, not only to the members of my family, but to friends and associates throughout this section of the world, that the most important thing that has happened to me during my lifetime next to my marriage and the birth of my two children was the day I was elected a Member of Congress. I have always believed that. I have had that down deep in my heart since I have been a Member.

I have served for 25 years. I am on my 26th year. It is a delight, it is a pleasure, to have all of you former Members here today. I have served with a number of you who are here, and on behalf of Jim Wright, our majority leader, I want to welcome you here today.

[Applause.]

The SPEAKER pro tempore. The Chair recognizes the distinguished minority whip, the gentleman from Illinois (Mr. Michel), for such remarks as he may care to make.

Mr. MICHEL. I thank the Chair.

My colleagues and former colleagues, may I say, on behalf of the minority—because John Rhodes is unavoidably detained downtown—that I, too, welcome you to the House floor again.

For those of you who have served back there in the 80th or 83d, we are still in the minority—if you have not recognized that—and my wish would be that if the Speaker would just be lenient enough to give those Members who are Representatives here on my side of the aisle extended voting privileges for a couple of weeks, we could wind up this Congress and the appropriation bills—I see my dear friend, George Mahon, here—and let the Congress adjourn, and we could enjoy the vacations like some of you older men used to enjoy, from July to September. What a great thing it would be to return to those days.

I might just say one word, because it is my understanding you are going to honor our dear friend, George Mahon, who was really my mentor on the Committee on Appropriations during my entire service. There is enough of a span of years there that I still consider him to be my father, and I hope he would not be offended if I refer to him as such, because he just treated me in that father-son relationship all during my tenure on the committee.

So I think it is very important that you should pay special honor and tribute to our dear friend, George Mahon. He is every bit the man that all of us have spoken of him during the course of our years here. He always did his homework and was liked by both sides of the aisle universally.

George, we extend our heartiest congratulations to you, and we thank all of you for coming to help swell the ranks of the minority. [Applause.]

The SPEAKER pro tempore. The Chair directs the Clerk to call the roll of former Members of Congress.

☐ 1210

The Clerk called the roll of former Members of Congress, and the following former Members answered to their names:

E. Ross Adair, Indiana.
Hugh Q. Alexander, North Carolina.
Gordon L. Allott, Colorado.
Robert T. Ashmore, South Carolina.
William H. Ayres, Ohio.
La Mar Baker, Tennessee.
John A. Blatnik, Minnesota.
Reva Beck Bosone, Utah.
William G. Bray, Indiana.
Charles B. Brownson, Indiana.
Joseph L. Carrigg, Pennsylvania.
Elford A. Cederberg, Michigan.
Charles E. Chamberlain, Michigan.
Frank M. Clark, Pennsylvania.
Jeffery Cohelan, California.
Vincent J. Dellay, New Jersey.
Isidore Dollinger, New York.
William Jennings Bryan Dorn, South Carolina.
Michael A. Feighan, Ohio.
Paul A. Fino, New York.
Charles K. Fletcher, California.
J. Allen Frear, Jr., Delaware.
Edward A. Garmatz, Maryland.
Ed Gossett, Texas.
Robert A. Grant, Indiana.
Stanley L. Greigg, Iowa.
Robert P. Hanrahan, Illinois.
Porter Hardy, Jr., Virginia.
Brooks Hays, Arkansas.
Earl Hogan, Indiana.
Lawrence J. Hogan, Maryland.
Chet Holifield, California.
Craig Hosmer, California.
Evan Howell, Illinois.
William L. Hungate, Missouri.
Charles R. Jonas, North Carolina.
Walter H. Judd, Minnesota.
James Kee, West Virginia.
Hastings Keith, Massachusetts.
Edna Flannery Kelly, New York.
Thomas S. Kleppe, North Dakota.
Horace R. Kornegay, North Carolina.
Theodore R. Kupferman, New York.
John Y. McCollister, Nebraska.
James A. MacKay, Georgia.
George H. Mahon, Texas.
William S. Mailliard, California.
D. R. (Billy) Matthews, Florida.
George Meader, Michigan.
D. Bailey Merrill, Indiana.
John S. Monagan, Connecticut.
Thomas E. Morgan, Pennsylvania.
Frank E. Moss, Utah.
Abraham J. Multer, New York.
F. Jay Nimtz, Indiana.
James M. Quigley, Pennsylvania.
William J. Randall, Missouri.
John M. Robsion, Jr., Kentucky.
Robert T. Ross, New York.
Harold M. Ryan, Michigan.
Herman T. Schneebeli, Pennsylvania.
Carlton R. Sickles, Maryland.
Frank E. Smith, Mississippi.
Henry P. Smith III, New York.
Neil Staebler, Michigan.
Lynn E. Stalbaum, Wisconsin.
Shirley N. Pettis Takamine, California.
Roy A. Taylor, North Carolina.
James E. Van Zandt, Pennsylvania.
George M. Wallhauser, New Jersey.
Charles W. Whalen, Jr., Ohio.
Ralph W. Yarborough, Texas.

☐ 1215

The SPEAKER pro tempore (Mr. BRADEMAS). The Chair announces that 72 former Members of the House of Representatives have responded to their names.

The Chair will invite other former Members who may come in during the course of the ceremony to come forward and register with the Clerk.

The Chair now recognizes the Honorable Charles B. Brownson, former Member from Indiana, for such time as he may consume.

Mr. BROWNSON. Mr. Speaker, as the former Members of Congress, we have no more partisanship, but we maintain a great deal of pride in the State of our origin and the State which we represented in the Congress. I am delighted to have as the Speaker pro tempore today our distinguished colleague, also from the State of Indiana (Mr. BRADEMAS).

On behalf of all of us who have ever served in the Congress of the United States, and I suppose if we go back to the beginning that includes some 7,500 to 8,000 people, I feel that I have the rare privilege of expressing to you our appreciation for your kindness this year, and in previous years, in inviting your former colleagues to appear here on the House floor on the occasion of our annual reunion of the former Members of Congress, of which this is our ninth.

We who are here number about 100 from some 30 States, and we thank you, the majority leader; Mr. NATCHER, representing the majority leader; Mr. MICHEL, representing the minority leader, for the warm welcome which you have extended to us today. We know what you are doing, because I doubt very much if there are any more avid followers of the CONGRESSIONAL RECORD than those who are alumni of this great institution.

☐ 1220

So that you might have a little idea of what we are doing, I am pleased to report today on the activities of our organization during the last year which have been focused largely on improving the public understanding and the support of Congress as an institution. We love the Congress; we are proud of the Congress; we are proud of the days during which we served in the Congress, and proud of the Congress role as a great institution for liberty, for justice, and for democracy. We love this Congress, and we shall do everything possible to defend it, to interpret it, and to make sure that the people of the United States understand the vital role the legislature plays in our tripartite system.

First, I am proud to report that our organization now has 559 members. This year we have finally become larger in size than the Congress of the United States. Not only does it continue to expand in size, but also in the importance of its role as your alumni association. We are particularly proud of our oral history program funded by the National Endowment for the Humanities, the Ford Motor Co. Fund, the Rockefeller Foundation, the Finance Factors Foundation, and by former Members of Congress themselves, which documents and personalizes the recent history of congressional activity. This year we will complete interviews with more than 100 former Members. I have here the first two copies of these interviews which are completed and bound. These are interviews with former Congresswoman Elizabeth Farrington of Hawaii, and former Congressman Thomas P. Gill also of Hawaii. These documents will go into the Library of Congress collection and will be preserved and made available to libraries throughout the United States on microfiche.

Under our congressional alumni campus fellows program, funded by the Ford Foundation, the Hewlett Foundation, the Dr. Scholl Foundation, and the Louise Taft Semple Foundation, some 25 of our former Members have visited 40 colleges in 22 States across the country, meeting with an estimated 20,000 students and faculty for prolonged discussions and seminars on the Congress of the United States. We anticipate, based on the success of this college campus fellows program, that we will shortly be starting a pilot program under which our members will also visit high schools and other secondary schools throughout the United States in cooperation with the Close-up Foundation.

Mr. Speaker, I ask unanimous consent that the list of the 1979 campus fellows and campuses which they visited may be inserted in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The list as as follows:

CONGRESSIONAL ALUMNI CAMPUS FELLOWS

1. William Mailliard, California.
2. Brooks Hays, Arkansas.
3. Bill Hungate, Missouri.
4. Frank Moss, Utah.
5. Hugh Scott, Pennsylvania.
6. Henry Smith, New York.
7. John Marsh, Jr., Virginia.
8. John Monagan, Connecticut.
9. Walter H. Judd, Minnesota.
10. Jed Johnson, Jr., Oklahoma.
11. James Quigley, Pennsylvania.
12. David King, Utah.
13. Allard Lowenstein, New York.
14. Neil Staebler, Michigan.
15. Ted Kupferman, New York.
16. Jim Roosevelt, California.
17. Charles Whalen, Ohio.
18. Gordon Allott, Colorado.
19. Gale McGee, Wyoming.
20. Ralph Yarborough, Texas.
21. Joseph Clark, Pennsylvania.
22. Donald Lukens, Ohio.
23. Roman Hruska, Nebraska.
24. Newton Steers, Maryland.
25. Marlow Cook, Kentucky.

CONGRESSIONAL ALUMNI—COLLEGES VISITED

Hamilton College, New York.
Colgate University, New York.

Kirkland College, New York.
Murray State University, Kentucky.
Wake Forest University, North Carolina.
St. Olaf College, Minnesota.
Carleton College, Minnesota.
Whitman College, Washington.
William & Mary College, Virginia.
Friends University, Kansas.
Kansas Newman College, Kansas.
Southwestern College, Kansas.
Dartmouth College, New Hampshire.
Naval Academy, Maryland.
St. Michael's College, Vermont.
Furman University, South Carolina.
Converse College, South Carolina.
Transylvania University, Kentucky.
Dartmouth College, New Hampshire.
Urbana College, Ohio.
Millsaps College, Mississippi.
Jackson State University, Mississippi.
Tougaloo Southern Christian College, Mississippi.
Grinnell College, Iowa.
Talladega College, Alabama.
Otterbein College, Ohio.
Elmira College, New York.
Indiana State University, Indiana.
St. Mary-of-the-Woods, Indiana
Assumption College, Massachusetts.
Lake Forest College, Illinois.
Mesa Community College, Arizona.
Arizona State University, Arizona.
Davis & Elkins College, West Virginia.
Southwest Community College, Kentucky.
Sangamon State University, Illinois (pending).
University of California, Berkeley, California (pending).
Northern Oklahoma College, Oklahoma (pending).
V.M.I., Virginia (pending).

Mr. BROWNSON. In addition to those supporters whom I have already mentioned, we want to acknowledge additional support from the Prudential Foundation, the Battelle Memorial Institute, the Dewitt Wallace Fund, the American-Standard Corporation, the Home Federal Savings and Loan Association of San Diego, the Champion International Corporation, and the Pioneer Federal Savings and Loan Association of Hawaii, and many other public-minded citizens who are making it possible for us to carry on these programs in behalf of the Congress of the United States.

Former Members of Congress have also sponsored in cooperation with the East-West Center in Honolulu an annual seminar for parliamentarians from the countries of the Pacific Basin. Our second seminar, which focused on "Energy Interdependencies" was attended by some 40 parliamentarians from 18 Pacific Basin countries, including incumbent Senator WILLIAM V. ROTH of Delaware and Congressman WILLIAM GREEN of Pennsylvania, as well as 6 officers and several members of the Former Members of Congress.

□ 1225

We shall hold shortly another seminar, our third, with the Johnson Foundation at their conference center in Racine, Wis., the Frank Lloyd Wright house, Wingspread. That will be held this September and the subject will be "Canadian-U.S. Relations."

We enjoyed last November a most successful eighth fall meeting in Miami including a visit to Planet Ocean for oceanographic and weather briefings, a visit to the Florida Keys and a focus on the vitality of the Latin American community in Dade County in south Florida.

In September we shall have our first fall meeting out of this country when we meet in Ottawa, the capital of our great Canadian neighbor to the north.

In passing I note with some pride that four former Members of Congress were chosen as international observers to monitor the recent elections in Rhodesia. Each one was chosen independently and representing a different organization who set observers to that election.

Our members' first participation in an overseas study trip will take place in October of this year when 24 former Members and wives will travel to the People's Republic of China. I might add, as you do in Congress, "at their own expense."

Mr. Speaker, this is a brief report of some of our activities over the past year. We expect to be even busier during the coming year. To carry on this active life our nominating committee has nominated Carlton Sickles of Maryland for president, William S. Mailliard of California for vice president, and John S. Monagan will move from treasurer to secretary.

To be added to our board of directors for the next 3 years, the nominating committee has selected Gordon Allott of Colorado and Andrew Biemiller of Wisconsin, Charles Chamberlain of Michigan, Charles Fletcher of California, James Quigley of Pennsylvania, and Daniel Brewster of Maryland.

Now, Mr. Speaker, we come to the presentation of our annual distinguished service award.

The recipients of this award have been selected very carefully by our board of directors and by our organization. They have been noted for their outstanding service to the United States of America. In chronological order they were: Speaker of the House John W. McCormack; then-Vice President Gerald R. Ford; the late, long-time House Parliamentarian Lewis Deschler; Sam J. Ervin, Jr., the former Senator from North Carolina; and last year, the late Governor and Vice President, Nelson A. Rockefeller.

Mr. Speaker, the recipient of this award today joins this distinguished company on the merits of his long and patient and dedicated service to the United States as a Member of this body, the U.S. House of Representatives. It gives me great pleasure, Mr. Speaker, to call upon our colleague from Michigan, the Honorable Elford A. Cederberg, who was so long and so closely associated with our honoree on the Committee on Appropriations to make the official presentation.

□ 1230

Mr. CEDERBERG. Thank you very much, Mr. Speaker.

Mr. Speaker, it is a high honor for me to be able to present this Former Members' Distinguished Service Award to my good friend, George Mahon.

Chairman Mahon served in the Congress from 1934 to 1979, a total of 44 years. Unless you left the Congress before 1934—I do not think there are any of you here who did—everyone of you had the unique experience of serving with this distinguished gentleman from Texas.

It was my privilege to serve under his chairmanship on the Committee on Appropriations in the last few years as ranking member of that committee. I have never known a man more dedicated to the best interests of his country.

George possessed the ability, the tact, and the understanding necessary to make him a great chairman, which he certainly was. I can remember from time to time, when tension would break loose here and there, George would quote something from the Good Book or from some of his favorite writers. I have even heard him break out in a good Methodist hymn occasionally, and it was always good for the tensions of the times.

The only criticism I have of George Mahon was that he just took too many junkets. But I am sure, George, now that you have time, you will relax a little more and stay home.

You have already been advised of those who have received this Distinguished Service Award, and, George, you are in distinguished company. But let me say this: I think they are in more distinguished company, because after your service and the contribution you have made to the country, this award to you is certainly very well deserved.

Mr. Speaker, it is a high honor for me to be able to present this award to George Mahon today.

[Applause, the Members rising.]

Mr. Speaker, if I may, I would like to yield to the gentleman from Texas (Mr. HANCE).

Mr. HANCE. Mr. Speaker, former Members, and present Members who are here: as the individual who is fortunate enough to replace George Mahon—and you do not replace George Mahon—and to take the 19th congressional seat, I would just like to point out a couple of things that I think are very important for someone who grew up in his district and observed George Mahon for many years.

George Mahon had been in Congress 8 years before I was born. I had the opportunity to take his place. In doing so, I think back to my high school days when I was always hoping that someday I would have the opportunity to meet Mr. Mahon and also Senator Yarborough, who is here today. Later I got to know both of them quite well, and I would say this: it was amazing to see Mr. Mahon with Presidents, Vice Presidents, and distinguished Members of Congress. I realized that he walked with kings, but he never lost the common man's touch.

Mr. Speaker, the people in my district know that, and they love him as a statesman and a true American. You could not have chosen someone better than George Mahon.

Thank you, Mr. Speaker.

[Applause.]

Mr. CEDERBERG. Mr. Speaker, let me state that this award has inscribed: "Distinguished Service Award presented to the Honorable George Mahon of Texas by former Members of Congress, Thursday, May 17, 1979, Washington, D.C."

George, I will put it right there. I will hold it up so the Members can see it. It is made out of solid gold.

The SPEAKER pro tempore. The former Member from Texas (Mr. Mahon) is recognized for such time as he may consume.

Mr. MAHON. Thank you very much, Mr. Speaker, and thank you, my close friend Elford Cederberg.

Thank you, President Brownson, and thank you very much, KENT HANCE, my able successor, for those generous words.

Yes, I am joining very distinguished company in receiving this award today, and it is very distinguished company indeed. And I am in distinguished company right here in the House Chamber today with my colleagues. This is a great moment for me.

☐ 1235

As I look back over 44 years in the House of Representatives—and the time seems so short—I am utterly amazed by the progress that our beloved Nation has made. It is fantastic. It is unbelievable. We ought to remind ourselves every day of the great strides that have been made in our country. Despite our shortcomings, it has been wonderful.

We former Members need to add our fullest support toward the continuation of a sound and prosperous Nation dedicated to peace in the world. I think we can make a contribution. I think we are making a contribution. I am not one to be depressed. I believe in the future of our great country. There is a great big beautiful tomorrow, in my opinion, shining at the end of every day.

So thanks very much to you, my former colleagues, for the honor which you have bestowed upon me, and for the extravagant remarks which you have made and for the handsome gavel which you have presented. I find it impossible to adequately express my appreciation. Just let me say thanks, thank, thanks.

Long, long will my heart with these memories be filled,
Like a vase in which roses have once been distilled.
You may break, you may shatter the vase if you will,
But the scent of the roses will hang round it still.

Thank you very much.

[Applause.]

☐ 1240

Mr. BROWNSON. Mr. Speaker, that concludes our program. I yield back the balance of my time.

The SPEAKER pro tempore. The Chair would like to reiterate that former Members who have not yet had their names recorded should come forward and have their names registered with the Clerk.

The Chair recognizes the distinguished Speaker of the House of Representatives, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, may I say a word of apology that I was not on the floor when the meeting started, but I was being briefed on a subject concerning the fuel of this great country. I know that you appreciate that I probably needed that briefing, in view of the fact that that is one of the questions that the President is so highly concerned about.

What a real thrill to see my old colleagues back here. One of the guides as they bring the group into the gallery, points down, and they say, "There the people govern, and that is the Congress of the United States."

Here the people rule. We are a grassroots organization. We respond to America. When you were here, you played your part in history.

Sam Rayburn once was asked, "What do you say about those who serve?"

He said, "The greatest thing that a person can do for his country is to give public service, by representing his country through the electorate of America."

It just brings nostalgia to see so many men and women that I served with, and it must bring memories, fond memories indeed, as we look around, and I see Brooks Hays over there. What a great Member he was; and Dr. Judd over there and Senator Cooper. These were the men whose idea it was to start the Former Members of Congress association, to bring you back every year, so that there is no twilight in your political career. We know you are still concerned with the government, and that you like to meet your old colleagues. You reminisce, and you reflect on the future of America at this time.

I applaud you for saluting our colleague, George Mahon. What a service he gave to his country. He set a standard of honesty, dedication to hard work and compassion that all of us strive to meet.

As our great former chairman said, "It is a rosy tomorrow." It will always be a rosy tomorrow. America always meets its challenges, whether it is labor, industry, the Congress. Whenever America comes to a challenge, we join together. That is the greatness of this Nation.

How beautiful it is to have all of you here. You know, I have a yearly reunion with the fellows that I grew up with, probably aboot 100 of them, and I always have a few words to say to them, and I am always reminded of a poem when I get with my old pals.

Around the corner I have a friend in this great city that has no end;
The days go by and the weeks rush on; and before you know it a year is gone;
And I never see my old friend's face; His life is a swift and terrible race. He knows I like him just as well as in the days when I rang his bell and he rang mine;
We were younger then; now we are tired and busy, tired men; tired with playing a foolish game, tired of trying to make a name;
"Tomorrow" I say, "I will call on Jim just to show that I'm thinking of him."
But tomorrow comes—and tomorrow goes, and the distance between us grows and grows;
Around the corner—yet miles away, "Here's a telegram, Sir, Jim died today."
And that's what we get, and deserve in the end; around the corner, a vanished friend.

Let us continue to meet yearly. Let us continue to reminisce on the fond memories of this great legislative body.

Let us relate to the youth and our family and our friends the greatness of this organization. By doing this, we will continue to instill a further greatness in this beautiful Nation of ours.

I am delighted that you all here today.

Thank you.

☐ 1245

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, may I say that it is certainly a pleasure to see all of our distinguished former colleagues here on this special day of tribute to our former chairman, George Mahon.

I have been reflecting on the many, many good reasons why this distinguished service award is being presented to George Mahon, by whose side I sat through many years in the Committee on Appropriations. His integrity and judgment, his fairness and dedication has been legendary. I think it is most fitting that George Mahon receive this award from those of you who knew him so well, and I was one who knew him well through his years of service.

Reference has been made to the magnitude of the job he had to do. I carry with me a schedule of the committee business for the next 30 days. It is awesome evidence of the rugged pace George Mahon demanded of himself for so many years. But as rigorous and as important as was his committee work, I know he treasured above all his opportunities to be of service to the rank and file citizen of the west Texas area he loved and so capably represented.

You know, this is not a sad occasion. This is an inspiring occasion. It is wonderful to see so many of you who have made such great contributions to this Nation back here today to pay tribute to one of your colleagues with whom you have rendered long service. As the Speaker stated, this is the greatest country in the world. We must strive constantly to keep it that way, but we have to have a little fun as we go along.

We had a farewell party for my friend George Mahon, and I was told that I would be called upon to say a few words, so I thought about what topics might be appropriate. I asked the Library of Congress to do some research.

George has always been a staunch advocate of a pay-as-you-go policy. He is a balanced budget man, except in times of crises involving our national security. I stated in jest at the party that when George Mahon came to Congress in 1934 the income of the Federal Government was about $6 billion a year. Then I said, "Mr. Chairman, now, as you retire, the latest figures I have show that the income of the Federal Government is about $450 billion a year. But, Mr. Chairman, unfortunately we have spent more than we have taken in. Our debt has skyrocketed!"

I did not leave it at that. I had asked the Library of Congress to look up some other figures. I inquired as to the value of the physical development that had taken place in this Nation when George Mahon came to Congress. It was some $400 billion.

Then I said to the Library, "Find out what the net value is today of the land and the buildings, the schools and factories and plants, the harbors and other resources that have been developed.

It was $400 billion when George came to Congress in 1934; in 1976, the last year for which they had figures, it was $7 trillion.

My friends, we look about and observe in our great cities and across our countryside the factories, farms, the schools, the highways, and all the rest of our national wealth we realized the wise investments that have been made.

We have a rich country. We have some financial problems, it is true. But we have great resources and we have a great heritage. We have sound reason to look to our future with optimism.

Each of you made a contribution to our Nation while you served here and you are making contributions now. You set an example for those of us who remain.

I came to Congress in 1941. I have seen many come and go. I think you, George Mahon, came as nearly to going home with the same fundamental principles as any man who ever served since I have been here.

I recall an occasion when I presented an award in my district to a highway patrolman who had saved the life of another person. A passage that I quoted at that time, is appropriate now. Perhaps you have heard of Abou Ben Adhem.

☐ 1250

Abou Ben Adhem (may his tribe increase!)
Awoke one night from a deep dream of peace,
And saw, within the moonlight in his room,
Making it rich, and like a lily in bloom,
An angel writing in a book of gold:—
Exceeding peace had made Ben Adhem bold,
And to the Presence in the room he said,
"What writest thou?"—The vision raised its head,
And with a look made of all sweet accord,
Answered, "The names of those who love the Lord."
"And is mine one?" said Abou. "Nay, not so,"
Replied the Angel. Abou spoke more low,
But cheerly still; and said, "I pray thee, then,
Write me as one that loves his fellow-men."
The angel wrote, and vanished. The next night
It came again with a great wakening light,
And showed the names whom love of God had blessed,
And lo! Ben Adhem's name led all the rest.

So aside from all the great things that George Mahon in his service rendered for his district and for his people, he also loved his fellow man and spent his time being nice to one and all. This brought to mind again that poem. It is nice to be important, but it is far more important to be nice.

We welcome all of you. We are proud to be trying to carry on in the pattern that you set. It was an excellent pattern. I repeat again, we have the richest country in the world; we have some financial problems; and we are working hard to resolve them.

THE HONORABLE LEO F. RAYFIEL

Mr. MULTER. Mr. Speaker, I rise to sadly advise the House of the death of our former colleague, Leo F. Rayfiel.

He and I were like to compatible brothers from the day we met more than 50 years ago.

Leo F. Rayfiel was born on March 22, 1888, in New York City to Hyman and Anna Rich Rayfiel. I never had the privilege to know his mother.

No biography of Leo could be complete without reference to his father or Leo's siblings. They all had a love of life and of people, embellishd by a keen sense of wit and humor never sullied by sarcasm.

Hyman Rayfiel came to this country as a poor immigrant boy. He knew little or no English. He lived by the Talmud and the Torah that he knew so well.

Self-educated, he gave up peddling and driving a horse drawn street car when he acquired enough capital to open a small candy store. It soon became the mecca of the community. Neighbors constantly called upon him for help and guidance. His devoted following commended him for political assignment.

The "high and mighty" look down their noses as they invidiously call it patronage. But no one can point the finger of shame at his service which was, indeed, a community service of an extremely high order.

While serving first as an interpreter and then as a clerk of the Old City Magistrate's Court, Hyman studied law, was admitted to the bar and was successively appointed first a city magistrate and then a justice of the Court of Special Sessions. Both courts have since been combined into the Criminal Court of the city of New York.

The photograph in Judge Leo Rayfiel's chambers of his fathers' induction was one of Leo's proudest possessions.

Those few of us still around remember Hyman as a judge with compassion and a heart of gold. He may never have heard the expression "plea bargaining" but more than one defendant was saved by him from a life of crime and restored to the overwhelming body of good citizens.

We sat at his feet in the old Court Cafe in Brooklyn and listened with awe as he philosophized, with quotations from the Talmud.

Little wonder that all of his children lived such model lives.

Leo received his primary and secondary education in the public schools of New York City, at P.S. 84 in Brownsville and at Boys High School. He then entered New York University where he remained as a student from 1906 to 1908. He left there and went to work.

He was a Scout, advance agent, and tour manager for Gus Edwards. He played semipro baseball, basketball, and football. He worked for a time as a clothing salesman and then joined the Lawyers Title Co. as a title examiner and closer.

While at the title company he entered New York Law School from which he received the degree of LL. B. in 1918. He was admitted to the bar the same year.

In 1920 he joined his brother-in-law, Isaac, as a partner in the law firm of Siegmeister & Rayfiel with offices in Brooklyn. They remained partners until Leo was elected to the New York State Assembly in 1939. Isaac had taken a full time position as a labor arbitrator.

Leo was elected to the assembly three successive times and there served as a member of the Committees on Insurance, on Printed and Engrossed Bills, on Public Education, and on Mortgage and Real Estate.

Leo had married Flora Marks. They had three sons, Robert D., David, and Howard. He was a loving and devoted husband and father. During Flora's last illness, Leo did all the household shopping. He treasured the letters his sons sent him whenever they were out of the city.

His neighbors would remonstrate that it was beneath the dignity of such an important personage to carry bundles. He refused all help. He enjoyed meeting and talking with the shopkeepers and his neighbors.

We lived in the same area in the Midwood section of Brooklyn. Our wives became good friends and our youngest children of the same ages became pals.

As early as 1930 Leo and I had been political coworkers in the Democratic Party and fellow members in other community organizations.

When the vacancy occurred in our district for the assembly, we were both "hot" candidates for the position.

Leo won out and the district leader asked me to manage his campaigns. That was the easiest, most pleasurable, and most rewarding task I ever undertook.

It brought us much closer together. We became intimate friends and associates, ultimately ending up as law partners as Rayfiel & Multer, with law offices in lower Manhattan.

When a new congressional district was created by reapportionment, Leo was elected to the seat.

As always he served with distinction. He was a member of the Committees on Merchant Marine and Fisheries and on Veterans' Affairs.

He set the precedent for committee members to follow the new rules of the House and took the committee away from its chairman. He joined with the ranking Republican member, Mrs. Rogers of Massachusetts, in compelling the chairman, John Rankin of Mississippi, to do the will of the Committee on Veterans' Affairs.

Although never unnecessarily willful, he was a stickler for doing what was eminently correct.

I marveled at his patience when called upon by Representatives of the far left. They would camp on his doorstep at home and in our law office demanding that he commit himself to follow their line. Many is the time, I would urge that he not see them or make short shrift of their demands.

Even when they were not his constituents and as often as not became obnoxiously boisterous, he would hear them out.

Although his quiet response never satisfied them, he never lost his equilibrium or his sense of humor.

After most of these encounters his only comment about them would be that they will grow up and learn better.

He was an active member of the Kings Highway Democratic Club, the East Midwood Jewish Center, the Jewish National Fund, the Brooklyn Bar Association, the Elks, Knights of Pythias, and the Independent Order Brith Abraham. After his appointment to the bench, he joined the Brooklyn Club and the Former Members of Congress Association.

He was always ready and willing to extend the helpful hand of friendship and service. He was indifferent to race, color, religion, or political affiliation of any constituent. His only question was could he help.

In 1947, the late and esteemed Borough President John Cashmore, with whom I was rather close, sent for me. He was the Democratic county leader and said that he was asked to make a recommendation for the newly created judgeship in the U.S. District Court for the Eastern District of New York and offered to submit my name. I declined and said I could not afford to give up a remunerative law practice and try to live on a judge's salary. Individual retainers equaled or exceeded the then annual salary of a Federal judge of $15,000.

When asked for my recommendation, I urged Leo Rayfiel for the post, without even consulting him.

Leo was recommended by the county leader. He passed the ABA Committee and the FBI investigation with flying colors after his name was submitted to the Attorney General. His nomination by President Truman was approved by the Senate Judiciary Committee and the full U.S. Senate without a dissenting vote.

There were no judicial nominating committees or commissions in those days nor was the Association of the Bar of the City of New York consulted.

Despite the absence of a so-called Merit Selection Committee and despite my evident bias, I defy anyone to claim that any finer, more decent, more honorable, better judge ever sat in any court either by appointment or by election.

With the exception of only one judge, no one served in a Federal District Court in the Second Circuit longer than Leo F. Rayfiel.

He took his seat on the bench in September 1947 and served until his death last year. Until the summer vacation of 1978, he carried a full load of cases. He loved his judicial work and dedicated his life to it.

Lawyers who appeared before him whether their clients won or lost, had only the highest praise for his patience, his compassion, his knowledge of the law and his quick grasp of the facts.

That is best evidenced by the fine tributes voiced at the memorial ceremony held at the Federal courthouse on December 15, 1978.

He was truly admired and beloved by all who had the privilege to know him.

I am deeply indebted to him, because when he was elevated to the bench it was he who convinced me to succeed him in Congress. In our discussions, I said that I could not conscientiously accept the position, because of its time-consuming demands. His answer was that the war was over, we are getting back to a peacetime economy and the Congress would again become a part time job. I succumbed. It is the only instance that I can recall of his mistaken judgment. For me, it became a full time job 7 days and 7 nights a week, 52 weeks in the year.

The greatest pain caused to me was the necessity to miss my almost daily contacts with Leo. By the end of my more than 20 years of service in Congress we were getting together less than once a month.

One of the most welcome fringe benefits of my ascending to the State supreme court bench was the institution of the practice of a weekly luncheon meeting with him together with some of my associates on the State court bench. All of us were disappointed when occasionally Leo begged off, because he was joining one of his sons from out of town.

His sparkling wit regaled us throughout lunch and walking to and from the courthouse.

He never spoke ill of anyone and when any of us found fault with or without justification, he always voiced something good to offset it. He never permitted disagreements about a court decision to become acrimonious and never permitted discussion to descend to the level of an attack on the personality of the jurist who wrote the opinion.

His employees, both in his law offices and in his public offices, had nothing but the highest praise for him. He treated none as paid workers and they responded in kind.

His skill and patience is best exemplified by his expert handling of the litigation arising out of the Luckenbach Explosion. About 1,400 lawsuits were consolidated and assigned to him. He caused the creation of a pool of $2,500,000 in the days when million dollar verdicts and settlements were unheard of in personal injury and death cases. Then the laborious task ensued of determining who should get how much. He spent 2 days a week over a long period of time on that matter. Claimants who had started no law suits were induced by him to settle with their insurance carriers. His settlements encompassed not only the cases before him but a myriad of cases in the State courts arising out of the same accident.

His modesty is best exemplified by his persistent refusal to submit biographies to the many Who's Who and other directories requesting them.

Leo F. Rayfiel will be missed by all who had the privilege to know him.

May his memory be for a blessing forever.

The SPEAKER pro tempore. This marks the conclusion of our program. The Chair would reiterate how pleased all of the Members of the House of Representatives are to welcome our former colleagues.

The House will stand in recess.

Accordingly (at 12 o'clock and 52 minutes p.m.), the House continued in recess until 12:53 o'clock p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BRADEMAS) at 12 o'clock and 53 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS AND GENERAL LEAVE

Mr. STACK. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess to receive former Members be printed in the RECORD, and that all Members and former Members who spoke during the recess have the privilege of revising their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION TO FILE ADDITIONAL DISSENTING VIEWS TO H.R. 2063, NATIONAL ECONOMIC DEVELOPMENT AND PUBLIC WORKS ACT OF 1979

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent to file additional dissenting views to the bill, H.R. 2063, the National Economic Development and Public Works Act of 1979.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

A BOOMING, BLOOMING COUNTRY

(Mr. CHARLES H. WILSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CHARLES H. WILSON of California. Mr. Speaker, noted Washington columnist Georgie Anne Geyer recently returned from a trip to the Republic of Korea. What she found radically altered her preconceived notions about the country. I think her observations would be of interest to my colleagues and particularly for those who have not had the opportunity to visit this amazing country:

A BOOMING, BLOOMING COUNTRY—VIEWING SOUTH KOREA'S "MIRACLE"

(By Georgie Anne Geyer)

SEOUL.—Over the last three years, few countries have had such a bad image in America as South Korea. "Koreagate," human rights and visions of "another Vietnam" have sunk U.S. Korean relations to the depths.

So it is that, visiting here for the first time, I am utterly astonished at the sheer inadequacy and inaccuracy of that general perception. Korea is authoritarian, true, but it is also a blooming country with almost every freedom operative except the immediately political.

I find a country that "works" because it works, where streets burst with vitality and dynamism, where the distribution of wealth is the best in a developing world, where a distinct political evolution is also in progress.

Unbeknownst to most Americans, obsessed with the Korean bribery of congressmen scandal, Korea's economic policies are based on the models of Switzerland, the Netherlands and, in particular, the "socially conscious market economy" of West Germany.

Too, there is a distinct political evolution. Analysts agree that Korea's present authoritarian system is moving quite rapidly toward a "consensus society," like Japan's, in which the evolving new power centers will form a new institutional system.

Assistant Secretary of State Richard Holbrooke, originally one of those for pulling out the U.S. military umbrella here, today personifies the rapidly developing new American perceptions. Visiting here recently, he was absolutely lyrical about the Korean "miracle."

But the key to the change came in a speech that he delivered in December in New York, in which he called for a "change in perceptions, in both Korea and the United States" in 1979, saying that "this Administration is now ready for such an effort."

The Administration has come a long way. President Carter's "Korean policy" started out, almost everybody now agrees, as one of his greatest errors. Months before he was elected, Carter was emotionally moved, apparently at a time when he was personally particularly vulnerable to such post-Vietnam suggestions, at a meeting at the Brookings Institution. There, young anti-Vietnam war scholars made the case, in effect, that any military involvement in Korea invites "another Vietnam." In an incredibly slipshod manner, a decision was immediately made by Carter to withdraw all American troops from South Korea and, some still insist, nuclear weapons, too.

Japan was horrified at the decision, picturing millions of Korean refugees on Japan's shores in the case of a new war. Russia and China both privately want American troops retained in South Korea, fearing North Korea's paranoid propensities. South Korea, in short, was not just another country, it was the American example of what can be done in a relatively free-enterprise Asiatic system.

The reassessment that now has come full round, as we begin to watch the sun rise after our bad case of Vietnam night fever, was aided not only by the good sense of critics but also by the fact that, precisely at this moment, hard new intelligence data showed that we had underestimated North Korea's military strength by 20% to 25%. Instead of fewer than 500,000 men under arms, we now know they have up to 700,000.

So Korea, where we spent so many lives and riches building up a thriving and evolving example of a non-Marxist Asian state, almost became the first casualty of the theory that "Vietnam must rule our policies forever."

A TRIBUTE TO THE LATE A. PHILIP RANDOLPH

(Mr. VENTO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, the news report this morning is that A. Philip Randolph is dead at the age of 90. He was a leader and union organizer of the AFL-CIO and of the Brotherhood of Sleeping Car Porters.

Mr. Randolph's early fame goes way back to the origins of the civil rights movement in this country when he brought about the consciousness of free and equal opportunity in our society through peaceful means. He made a monumental contribution to the labor movement by placing it in the forefront in the civil rights battle.

I ask that the obituary for A. Philip Randolph which appeared in this morning's Washington Post be reprinted as part of my remarks:

A. PHILIP RANDOLPH DIES AT 90

(By J. Y. Smith)

A. Philip Randolph, founder of the first major black labor union in the United States and a major figure in the civil rights movement, died yesterday at his home in New York City. He was 90.

The cause of death was not disclosed, but Mr. Randolph had heart ailments and high blood pressure.

Mr. Randolph was one of the most original as well as one of the most effective advocates of racial equality in this country in modern times. At a time when American society was almost entirely segregated, he was the first to use economic power to better the lot of blacks. He began in one of the few industries to which blacks were relegated—and in which they could make their economic power felt.

In 1925, he organized the Brotherhood of Sleeping Car Porters. It was the first black union granted a charter by the American Federation of Labor. In 1955, when the AFL merged with the Congress of Industrial Organizations to form the AFL–CIO, Mr. Randolph was instrumental in persuading it to ban discrimination in unions: In 1957, he became a vice president of the AFL–CIO.

His horizons were broader than the union he founded. He was a major force in opening war industries in World War II to black workers in persuading President Harry S. Truman to end segregation in the armed services after the draft was reinstituted in 1948 during the first days of the Cold War.

He was an organizer of no less than five marches on Washington, including the massive demonstration led by the late Dr. Martin Luther King in August, 1963. That march was a factor in the passage of the 1964 Civil Rights Act. The legislation outlawed discrimination in public places of accommodation, employment and unions.

It thus embodied the goals for which Mr. Randolph strived for most of his life.

Among his other concerns was segregation in the nation's school systems, and his death occurred on the eve of the 25th anniversary of the U.S. Supreme Court's historic decision in the Brown vs. Board of Education case which outlawed the separate-but-equal standard which had prevailed in many of the nation's public school systems.

The 1963 march was the last in which Mr. Randolph played a role. The first was in 1941, and its purpose was to persuade President Franklin D. Roosevelt to end discrimination against black workers in war industries. The president acted and the march proved unnecessary.

Mr. Randolph's other marches were a Pilgrimage of Prayer in 1957 and Youth for Integrated Schools in 1958 and 1959.

A guiding principle throughout Mr. Randolph's life was the achievement of change through peaceful means. Some civil rights leaders of the militant 1960s criticized him for his patience and his willingness to go forward slowly, but he never abandoned his faith in these tactics.

In a 1973 interview he said he drew his inspiration from Mahatma Gandhi, the great Indian leader who employed civil disobedience to attain his country's independence from Britain.

"I think that perhaps in my work I was distinguished more for my championing of the philosophy and principles of Gandhism than I was, at times, for trade unionism," he said.

Another influence in his life, he said, was the example of his father, a minister in Florida.

"My father was happy about my nonviolence stand," he said. "He didn't want to feel that his son was going around the country urging black people to rise up against white people and use physical force."

Mr. Randolph planned the 1963 march with Bayard Rustin, now head of the A. Philip Randolph Institute, an organization devoted to increasing voter registration among blacks and helping to improve economic opportunities for them, particularly at the management level.

In announcing Mr. Randolph's death, Rustin said, "No other living American has done more to seek justice for all the poor, the working classes and the minorities in our society and around the world than has A. Philip Randolph."

Asa Philip Randolph was born on April 15, 1889, in Crescent City, Fla. His father, James William Randolph, supplemented the small income he derived from his preaching in the African Methodist Church by working as a tailor. His son contributed to the family income by working in a grocery store.

After finishing high school in Jacksonville, Fla., the young Randolph moved to New York City. He became an elevator operator and eventually a porter on a railroad. He was fired for his early efforts to organize his fellow workers.

In 1917, Mr. Randolph organized a small group of elevator operators. He began his work among railroad porters in 1925, when he became convinced that the Pullman Co. was exploiting a large, relatively homogenous group of black workers.

The Pullman Co. fought back. Many porters lost their jobs for joining the nascent labor organization. When Mr. Randolph threatened a strike, other railroad unions refused to support the Sleeping Car Porters.

Success did not come until after the passage of the Railroad Labor Act in 1934. In 1937, Mr. Randolph signed a contract with the Pullman Co.

He resigned in 1968 as president of the union he had founded.

Mr. Randolph's wife, Lucille, died in 1963.

At the time of his death, he still lived in the apartment in the Harlem section of New York where he spent much of his life.

He left no immediate family.

BROWN AGAINST BOARD OF EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. Collins) is recognized for 60 minutes.

● Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to pay tribute to the landmark Brown against Board of Education decision which has served as a catalyst for real change in educational progress for black Americans since it was handed down by the Supreme Court 25 years ago today.

This decision has been directly responsible for increasing the numbers of black students who are graduating every year from college and professional schools. A whole class of young people have received the types of training and preparation that was unheard of for black Americans 25 years ago. However, in the face of this unmistakable progress and its impact on desegregation, we are experiencing new and critical challenges to the principle of equal educational opportunity.

The sudden popularity of minimum competency testing in the public schools may be damaging to minority students. Racism is still very much a part of so many of our Nation's institutions. Students who are unwilling victims of subtle, and sometimes blatant, discrimination may be held back, labeled as failures and discouraged at the prospect of continuing their educations.

These standardized exams are generally given as late as the 11th grade. In effect, the school systems are telling those students who may not pass that for 11 years, they have received a substandard education and that 1 year remains to compensate for the inadequacies. Eleven-to-one odds are overwhelming for a 16-year-old.

It stands to reason that thousands of young people will feel dismayed. The high school dropout rate for blacks is already higher than that for whites. The Brown decision opened the door to higher education, but the numbers of minorities who can avail themselves of these opportunities is dependent on the public elementary and secondary schools providing students with the necessary basic skills.

We have the Bakke decision threatening to undo much of what has been done to increase minority access to higher education. The Supreme Court did a severe injustice to the concept of equal opportunity by relegating race to just another category of attributes to be weighed against other qualities in determining an applicant's potential contribution to the institution and to society. The proportion of black first year medical students is already at its lowest point since 1970, although overall medical school enrollment has increased.

Perhaps, the most pressing issues for black Americans in higher education are the survival of black colleges and the Federal commitment to providing funds for student loans and grants—both of which impact heavily on the speed with which equal educational opportunity becomes a reality.

We are all aware that the Department of Health, Education, and Welfare (HEW) has threatened to withdraw Federal money from the State of North Carolina, because of its maintenance of a segregated public system of higher education. Gov. James Hunt has said that he is prepared to do without Federal assistance if he has to desegregate its public university system. At stake is $89 million in Federal funds. This kind of blatant racism is becoming more pronounced today.

The issue of whether civil rights plans can provide access to knowledge and economic parity while leaving it up to the States and HEW to define the best methods for achieving results remains. In spite of the Brown decision, our country's institutions continue to confer de facto advantages on whites, and impose disadvantages on racial minorities. Without affirmative action, it is impossible to imagine how the notion of equal opportunity can be anything more than an empty slogan.

Many of the gains that Black Americans have made in the past 25, 15, 10, and even 5 years are in danger of being lost to the growing national mood of conservatism. We must be prepared to struggle so that maybe in the next 25 years, the dream of equal educational opportunity becomes a true reality.●

● Mr. DRINAN. Mr. Speaker, today marks the 25th anniversary of the historic Supreme Court school desegregation decision in Brown against Board of Education. In many ways that decision has brought dramatic change in this Nation. In 1968, some 40 percent of minority students attended schools that were 99 to 100 percent minority. Desegregation efforts, some court-ordered, some voluntary, brought the figure down to 15 percent in 1978.

That success, however, is not uniform across the country. Most school desegregation has occurred in the South and in small cities and towns in other parts of the Nation. In the North, especially large metropolitan areas, little progress has been made. By last year, 24 percent of black and other minority students in the South attended schools that were 90 to 100 percent minority, while 44 percent did in the Northeast.

Integration of our schools will not happen without integration of our neighborhoods. In 1968, Congress enacted the Fair Housing Act, which was a vital part of the 1960's civil rights agenda and which was heralded as a new day for equal housing opportunity. It was meant to mean a way out—a way to achieve integration. Eleven years later however, housing discrimination remains widespread and intractable. In a 1977 survey, the National Committee Against Discrimination in Housing found equal treatment accorded whites and blacks in only 30 percent of the responses in the rental market and in only 10 percent of the sales market.

The Fair Housing Act has been, in the President's words "an empty promise" because we did not provide an adequate enforcement mechanism. There is no basic tool in the law to compel change.

Early this year Congressman Don Edwards of California and I introduced the Fair Housing Act Amendments of 1979 which provide the enforcement tools missing from the law. Identical legislation was introduced in the Senate by Senators Bayh and Mathias. Hearings are progressing in both Houses and my hope is renewed that in this year, the silver anniversary of the Brown decision, we can bring about the fulfillment of the promise of equal opportunity made so long ago.

Following are two editorials from the Boston Globe and the New York Times in support of the Fair Housing Act amendments and I commend them to my colleagues:

[From the Boston Globe, Apr. 13, 1979]

We Have a Dream . . . Still

Eleven years after the passage of federal open housing legislation, the dream of widespread integrated living in America remains just that—a dream. The failure to realize that dream has sent ripples through our society, contributing to the segregation of schools, to the mismatch between the location of jobs and the location of the jobless and to the underlying racial tensions that are a fact of our everyday lives.

There is surely no single cause for the failure—economic practices, personal preferences and bigotry have all played their part. Yet it is instructive that the chairman of the US Rights Commission, Arthur S. Fleming, places the largest share of blame on the failure of the government to develop and use the tools necessary to make sure its own law is enforced.

It is almost as if the government had decided it did not want the law enforced. Appropriations for civil rights enforcement generally total $600 million; yet only $20 million—one-thirtieth of the pot—is spent to enforce open housing. Any active enforcement program is going to require substantial field investigations and some use of open-housing "testers" to evaluate practices in the housing industry. Yet the government does virtually none of this—though the Civil Rights Commission believes it to be perfectly legal and the government uses evidence gathered by private testers of open housing in court suits.

Further, Congress has made vigorous enforecement of even some of the most blatant cases of discrimination nearly impossible by denying the Department of Housing and Urban Development essential tools. Currently the Justice Department can file suit in a housing discrimination case only when it uncovers a documented pattern of discriminatory practices by a landlord or housing developer. In 11 years, only about 300 cases have gone to court. That recourse is barred to HUD, which is limited to conciliating discrimination cases, a task that is not always easy.

In 1977, HUD processed about 3000 complaints of discrimination. In 530 cases it found cause to believe discrimination had occurred, yet it was able to successfully resolve only 277. And, when conciliation fails, HUD has no other tools.

That situation must be changed. Legislation now pending in Congress, sponsored by Rep. Robert Drinan and identified by President Carter as his major legislative goal for the year in civil rights, would give HUD the right to secure court-ordered cease and desist orders against landlords or developers found to have engaged in discriminatory conduct with whom conciliation fails.

The measure is a reasonable approach and deserves speedy congressional approval. Combined with increased funding for, and more vigorous use of, the enforcement tools already available, the federal government could begin to do its part to fulfill the national promise of open housing made 11 years ago.

[From the New York Times, Apr. 28, 1979]

Bring Life to Fair Housing Law

The Civil Rights Act of 1968 was the last of the great anti-segregation measures of the 1960's—and, it turns out, by far the weakest. The acts of 1960, 1964 and 1965 have brought progress in voting, public accommodations, education and employment; but the 1968 act, which dealt with housing, has been a failure. So says the United States Commission on Civil Rights in a report that evaluates Federal fair housing enforcement efforts. The agencies earn poor marks.

The commission contends, for example, that the financial regulatory agencies virtually ignore violations of fair housing laws. The Farmers Home Administration does not have an adequate program for seeking compliance. The Veterans Administration's lending practices are discriminatory. Other agencies do not even acknowledge their fair housing obligations.

Meanwhile, the Department of Housing and Urban Development, which has the primary enforcement responsibility, lacks the necessary authority. H.U.D. can take complaints from private citizens but only to seek conciliation; it cannot initiate enforcement action. That's how things used to be with voting, schools and employment. Progress did not accelerate until the Executive had the authority to act.

The Senate Judiciary Committee has held hearings on a bill that responds to most of the commission's criticisms. It would, for instance, give H.U.D. power to adjudicate complaints, punish violators, issue cease-and-desist orders and bar house sales while a complaint is pending. And the bill would drop the so-called "Mrs. Murphy" clause of the 1968 law; it exempts small landlords who rent out apartments in buildings in which they live. Fair housing advocates believe that without it, substantial suburban rental housing would open up to minorities.

The bill is sure to face tough going. Conservatives oppose giving H.U.D. cease-and-desist power, and to challenge the "Mrs. Murphy" exemption is to risk emotional debate. If the bill is to survive, it will require all-out effort by the White House. President Carter has strongly endorsed it, but in 1976 he also endorsed "ethnic purity" in housing. Mr. Carter will have to decide where he wants to be counted. Civil rights groups have to decide how much energy to devote to the bill, as compared with efforts to protect social welfare programs. We hope that they, like the President, will exert themselves on behalf of this measure.

The opportunity for families to live in a decent home and suitable environment may be the very core of America's social promise. But that promise is denied to many families because of unlawful racial discrimination. We can do better, with a better law.●

● Mr. GRAY. Mr. Speaker, I am pleased to join with my friend and colleague, Congresswoman Collins, in recognizing the 25th anniversary of the landmark Supreme Court decision on school desegregation.

As we mark this date, I would like to commend to the attention of my colleagues an article from the Philadelphia Inquirer of today, May 17, written by three gentlemen with whom I have been privileged to work: Dr. Murray Friedman, who directs the Middle Atlantic States regional office of the American Jewish Committee; his assistant director, Roger Meltzer; and Rev. Charles S. Miller, assistant to the president of the Lutheran Synod of Southeast Pennsylvania.

This article, Mr. Speaker, touches on the progress and the remaining needs which face us 25 years after Brown against Board of Education, and it well deserves our consideration:

After Brown—A New Course on Integration

(By Murray Friedman, Roger Meltzer and Rev. Charles S. Miller)

Twenty-five years have passed now—a quarter of a century—since the Supreme Court declared racial segregation unconstitutional, and set in motion a civil rights revolution.

Ironically, though the court ruled "separate but equal" a constitutional contradiction in 1954, and some progress has been made in the South, the reality of two societies—one white, one black—still persists today, particularly in our nation's schools. So does the educational gap between the races.

With the Brown decision behind it, the civil rights coalition felt America was finally on its way to school integration, that is, to effect changes in the attitudes and associations in the classroom that would ultimately lead to acceptance and respect for blacks in the broader society. But within a few disillusioning years, it was forced by racism to settle for desegregation, a physical commingling of whites and blacks in school settings in order, it was felt, to effect equal educational opportunity.

And outside the South, where the races are separated more by income than by law, that possibility, too, soon evaporated as the demography of our cities changed. The proportion of "minority" students in the nation's 10 largest school districts today are: New York City, 69.5 percent; Los Angeles 63; Chicago, 75; Houston, 65.8; Detroit, 81.3; Philadelphia, 68.2; Miami, 59; Baltimore, 75.6; Dallas, 61.9 and Cleveland, 62.9.

Attempts to create numerical definitions of and formulas for desegregation under such circumstances often made its advocates look foolish.

Public opposition, even violence on the part of some whites, flared in communities undergoing change, while some of the traditional guiding voices of the movement, including a number of leading social scientists like James Coleman, began to develop reservations about some of the tacitcs employed, especially busing, to achieve desegregation. They worried now about something called, "white flight."

Meanwhile, contradictory policies and objectives advanced by the courts, governmental agencies and civil rights groups also conflicted with calls by some racial activists and community leaders for improving the quality of education for black children where they live.

This confusion, together with Supreme Court decisions like the Milliken case in Detroit barring metropolitan solutions unless the suburbs have willfully engaged in segregation practices, have left the forces for integration fragmented, embittered, and, perhaps worst of all, frozen in 25-year-old rhetorical postures that no longer apply.

We need a fresh look at the changes in American society since Brown, some practical approaches to school integration, and even a new definition of what it means today to work our way out of the current impasse.

First of all, we need to admit that Brown did its job. America has, in fact, dismantled governmentally segregated (de jure) school systems.

The problem today is de facto segregation—segregation that exists as a result of where people live—both in the North and South—and finding better methods for reducing racial isolation. Ironically, Brown was a victory for "neighborhood schools"—that is, to protect the rights of blacks to attend schools where they live rather than to be bused to distant or remote settings to maintain dual systems. Today, such schools are not consistent with the goals of school integration.

Withdrawing from the effort to achieve integration and equal educational opportunity, however, would be a mistake, we believe. We need a broader definition of integration, one that the courts, civil rights leaders and the public can use today that includes but goes beyond racial balance.

Along with maximizing opportunities for physical desegregation such as rearranging feeder lines, school pairings and so on, it must also include a series of what social activists Irving Levine and David Roth have called "pluralistic indicators."

These include greater accountability of schools that serve predominantly minority group children, voluntary desegregation programs (with busing) within cities and with suburban school districts, equalizing and providing even greater funding for urban school systems with learning and discipline problems, multi-cultural and bilingual education, cooperative programs with private and parochial schools, and the use of magnet schools and the cultural and business resources of our communities as a means of drawing students out of their neighborhoods.

An example of such a voluntary magnet program is Philadelphia's own High School for the Creative and Performing Arts, which, in its short history, has achieved an almost 50-50 racial balance, and at last report, a list of hundreds waiting to get in.

We cannot escape from the battle to make us into one people. The changed circumstances that exist 25 years after Brown, however, require that we broaden our arsenal of weapons in attempting to achieve this goal.

(Murray Friedman is Middle Atlantic States director of the American Jewish Committee and teaches a course on minority problems at LaSalle. Roger Meltzer is assistant AJC director and Rev. Charles Miller is assistant to the president of the Lutheran Synod of Southeast Pennsvlvania. The article is based on a book they have edited, "New Perspectives on Integration.") ●

● Mr. RANGEL. Mr. Speaker, 25 years ago the Supreme Court handed down a landmark decision in the field of civil rights. The Brown against Board of Education decision ushered in a new era in American race relations. The doctrine enunciated in that opinion, namely that separate but equal has no place in the field of education would help to alleviate the abhorrent practices that permeated our school system in this Nation. On the basis of the doctrine expressed by the majority in this case, several other practices of discrimination would later be struck down by the Court.

I do not think there are any among us who would argue that our society has not been changed for the better as a result of Brown. Many more blacks are now afforded an opportunity to attend schools from which in the past they were precluded. As a result of having their educational opportunities expanded, blacks are now enrolled in institutions of higher learning and pursuing professional careers. This has helped to improve the quality of life for millions of black Americans.

Unfortunately, the discrimination and disadvantage that the Court attempted to remedy with their decision still exists in this Nation. Schools still remain segregated and inferior. In my own city of New York, youngsters are being graduated from school without the ability to write or read. The privilege to attend any school is meaningless if that person cannot read and write at a grade-school level. Nothing is being done to remedy this situation, one which I believe is equally as dangerous as the one that led to the court striking down the "Separate but equal" doctrine.

Although the progress made as a result of the Brown decision has been clear, equally as clear is the need to continue the vigil. The fight has not been won until every American has the right to quality education, the right to be gainfully employed, and the right to decent housing and then and only then will we be able to measure the success of Brown against Board of Education. Without these rights, our society has failed to take care of all its children and citizens as the Constitution so clearly directs.●

● Mr. LELAND. Mr. Speaker, Members of the Congress, I am here to recognize the 25th anniversary of the Brown against Board of Education decision. No one can deny the historical significance of that decision. However, the true test of Brown against Board of Education is not what has happened in the last 25 years, but what will happen in the next 25.

All the justice we ever need can be found in our Constitution. But, the Constitution must be interpreted and reinterpreted to address the changing needs of our socity. That is why we must have good leaders—politicians, legislators, judges—interpreting, creating, and enforcing our laws. These leaders must be sensitive and devoted to the struggle for humanity.

Fortunately, we still have a Thurgood Marshall who represented Brown before the Court on which he now sits. He remains the shining ray of hope presently on our Supreme Court. But, where are our other leaders? To build upon the foundation of the civil rights revolution which began with this decision, we must have a compassionate Court, a courageous Congress, and an enlightened Executive, working with others dedicated to this common goal.

We all know that racism still exists. Are the current Court, Congress, and President prepared to recommend bold actions to rid our country of this racism?

It is true that official school segregation is largely a thing of the past. But, segregation is still occurring. More importantly, there is still social, economic, and political segregation. These are the challenges of the future. We cannot praise the success of the Brown decision until we conquer all forms of segregation and racism.

They say that Brown against Board of Education was the revolution, and now it is time for the evolution. But, they are wrong—Brown against Board of Education was the first victory of a long revolution and the struggle must continue.●

GENERAL LEAVE

Mr. STACK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order today of the gentlewoman from Illinois (Mrs. COLLINS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

IN TRIBUTE TO THE FALLEN HEROES OF MONTE CASSINO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues the 35th anniversary of the World War II battle of Monte Cassino in Italy, when the heroic men of the Polish Army-in-Exile and the American Army fought courageously against the forces of nazism by taking this key portion of the enemy's defense system in Italy in a brilliant victory for the Allies.

Thousands of former servicemen from the Polish Army-in-Exile are traveling to the site of the battle at Monte Cassino Monastery from the United States, Canada, England, and South America, and in 1972, I was privileged to visit the cemetery in Monte Cassino dedicated to the Polish war dead while I was in Europe for the conference of NATO parliamentarians. We must never forget the bravery of those who were willing to give their lives for us all in dedication to the freedom of their respective countries. Close to 5,000 members of the Polish Army were killed in this battle and they are buried in four separate cemeteries in Italy.

Mr. Speaker, I am proud to join with Americans of Polish descent in the 11th District I am honored to represent as well as those all over this country who are commemorating the heroism of those who died for our freedom at the battle of Monte Cassino. The Polish American Congress, Inc., whose able and dedicated president is Aloysius A. Mazewski, has issued a statement entitled, "Heroes of Monte Cassino," and that statement follows:

HEROES OF MONTE CASSINO

"We gave our souls to God—our bodies to the soil of Italy—and our hearts to Poland."

May 18 is an important day to living excombatants of the 2nd Polish Corps, who are now scattered throughout the world. It was on May 18, 1944, that the key of the Nazi German defense system—Monte Cassino Monastery in Italy, was taken by Polish troops—under the command of Lt. Gen. Wladyslaw Anders, in what was described as "one of the bloodiest battles of World War II."

Thousands of Polish ex-servicemen from the United States, England, South America and Canada will journey to Monte Cassino on May 18 for the 35th anniversary of the historic battle in which the Polish 2nd Corps played the most important part.

Pope John Paul II was invited to participate in the ceremonies at the Monte Cassino Monastery, by officials of the Polish Ex-Servicemen's Association.

The 2nd Polish Corps was part of the Fifth Army under the command of Gen. Mark W. Clark. Following the battle, Gen. Clark stated:

"The Polish 2nd Corps fought so splendidly under Lt. Gen. Anders that it accomplished the nearly impossible—it took Cassino . . . without the superb fighting of the Polish Corps the capture of Cassino would have been extremely difficult, prolonged, and perhaps long delayed . . ."

The late Senator Robert Kennedy in his remarks on the Senate floor on the anniversary of Monte Cassino said:

"Several years ago, I climbed the rocky hillside at Monte Cassino—and there, on the monument to the Polish dead, is one of the most moving inscriptions I have ever read—"We Polish soldiers, for our freedom and yours, have given our souls to God, our bodies to the soil of Italy, and our hearts to Poland."

President Eisenhower, referring to the Free Polish Army's role in World War II said:

"To the Poles, the struggle for freedom and independence is universal and Poles have fought for the sanctity of hearth and home far from their native soil and their own kith and kin."

(Reprinted from the April 10, 1979 issue of the *Pol-Am Journal*, Scranton, Pa.)●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York, (Ms. HOLTZMAN) is recognized for 5 minutes.

● Ms. HOLTZMAN. Mr. Speaker, I was unable to be present for the following votes on May 14. If I had been present, I would have voted as indicated:

Rollcall No. 146, "no."
Rollcall No. 147, "no."
Rollcall No. 148, "no." ●

NATIONAL ARCHITECTURAL BARRIER AWARENESS WEEK.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, this week of May 13 through 19 has been designated as National Architectural Barrier Awareness Week in an effort to heighten the awareness of abled bodied persons to the world of insurmountable barriers that face the handicapped.

During this week, it would be well to look around in our world for the hundreds of simple, unnoticed barriers which would block the passage of someone in a wheelchair. The large steps which act as fences, the narrow doorways, the curbs which close off so much of the world to handicapped individuals.

It would also be helpful if we not only take note of these barriers, but that we give thought to how they may be removed so that all citizens may have access to the world around them.●

A. PHILIP RANDOLPH: 90 YEARS OF SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CARR) is recognized for 5 minutes.

● Mr. CARR. Mr. Speaker, one of our Nation's greatest men, A. Philip Randolph, passed away yesterday at the age of 90. I note his passing with sadness, for his nine decades were filled with dedication, achievement, and effective service on behalf of the working people, the disadvantaged, and the minorities of our country.

A. Philip Randolph was not satisfied just to call attention to America's problems. He spent his life trying to solve them, trying in the best tradition of America to mobilize the economic power of the downtrodden so that they could take their rightful place in society. He lost his job for his early efforts to organize his fellow workers, but he persisted, and went on to establish the first major black labor union in U.S. history—the Brotherhood of Sleeping Car Porters. In 1937, after fighting management resistance and finally seeing passage of the Railroad Labor Act, A. Philip Randolph was successful in signing a contract with the Pullman Co.

The Brotherhood of Sleeping Car Porters later became the first black union to be granted a charter by the American Federation of Labor, and following that, A. Philip Randolph successfully persuaded a young AFL–CIO to ban discrimination in unions. He went on from this achievement to become a vice president of the AFL–CIO.

In line with his crucial labor activities, A. Philip Randolph was also working with the growing civil rights movement, and he was an organizer of many marches on this city of Washington. One of those was the massive public demonstration in 1963, which preceded the passage of the 1964 Civil Rights Act and was led by the late Dr. Martin Luther King.

In all, A. Philip Randolph led a very full life and worked hard to make the lot of humanity a little bit better for all of us. As we mourn his passing, we should pay tribute to his great accomplishments and his broad vision, and we should remember his example as we continue to face problems of racial discrimination and economic inequity.●

OIL INDUSTRY TAX REFORM ACT OF 1979—TEXT AND TECHNICAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Vanik) is recognized for 15 minutes.

● Mr. VANIK. Mr. Speaker, yesterday, I introduced a bill which will eliminate preferences which the oil and gas industry has in the Tax Code.

This bill would deny the foreign tax credit on oil-related income, repeal deferral with respect to that income, repeal percentage depletion for certain independent producers and royalty owners, and require that intangible drilling costs be capitalized on a normal basis.

The text and a technical explanation of the bill follow:

H.R. 4128

A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of oil and gas income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title.

This Act may be cited as the "Oil Industry Tax Reform Act of 1979".

Sec. 2. Repeal of Percentage Depletion Allowed to Independent Producers and Royalty Owners.

(a) General Rule.—Section 613A of the Internal Revenue Code of 1954 (relating to limitations on percentage depletion in the case of oil and gas wells) is amended—

(1) by striking out subsections (c) and (d),

(2) by redesignating subsection (e) and subsection (c), and

(3) by striking out paragraph (4) of subsection (c) (as so redesignated).

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act. In the case of a taxable year during which this Act is enacted, for purposes of section 613A (c) of the Internal Revenue Code of 1954 (as in effect on the day before the date of the enactment of this Act), the portion of such taxable year ending on the day before such date of enactment shall be treated as if it were a short taxable year.

Sec. 3. Repeal of Option to Deduct Intangible Drilling and Development Costs; 14-Year Amortization of Such Costs.

(a) Repeal of Section 263(c).—Subsection (c) of section 263 of the Internal Revenue Code of 1954 (relating to intangible drilling and development costs in the case of oil and gas wells and geothermal wells) is hereby repealed.

(b) Allowance of 14-Year Amortization.—Part I of subchapter I of chapter 1 of such Code is amended by adding at the end thereof the following new section:

"Sec. 618. 14-Year Amortization of Intangible Drilling and Development Costs.

"(a) In General.—Intangible drilling and development costs paid or incurred by the taxpayer with respect to any oil, gas, or geothermal well shall be allowed as a deduction ratably over the 168-month period beginning with the month in which production from such well begins.

"(b) Intangible Drilling and Development Costs.—For purposes of this section, the term 'intangible drilling and development costs' means any costs—

"(1) to which section 263(c) (as in effect on the day before the date of the enactment of the "Oil Industry Tax Reform Act of 1979") would apply, and

"(2) which are reflected in the adjusted basis of the property.

"(c) Special Rules.—

"(1) Nonproductive Wells.—Subsection (a) shall not apply to any intangible drilling and development costs incurred in drilling a nonproductive well.

"(2) Coordination With Cost Depletion.—The portion of the adjusted basis of any property which is attributable to intangible drilling and development costs shall not be taken into account for purposes of determining depletion under section 611."

(c) Recapture.—

(1) Subparagraph (A) of section 1254(a) (1) of such Code (relating to gain from disposition of interest in oil, gas, or geothermal property) is amended to read as follows:

"(A) the aggregate adjusted intangible drilling and development expenditures with respect to such property, or".

(2) Paragraph (4) of section 1254(a) of such Code is amended to read as follows:

"(4) Aggregate Adjusted Intangible Drilling and Development Expenditures.—For purposes of this section—

"(A) In General.—The term "aggregate adjusted intangible drilling and development expenditures' means, with respect to any property, the sum of—

"(i) the aggregate amount of expenditures after December 31, 1975, which are allocable to such property and which have been deducted as intangible drilling and development costs under section 263(c) (as in effect on the day before the date of the enactment of the Oil and Gas Tax Act of 1979) by the taxpayer or by any other person and which (but for being so deducted) would be reflected in the adjusted basis of such property, and

"(ii) the adjustments reflected in the adjusted basis of such property on account of deductions allowed or allowable to the taxpayer or any other person under section 618 (relating to 14-year amortization of intangible drilling and development costs),

adjusted as provided in subparagraph (B).

"(B) Adjustment.—The amount determined under subparagraph (A) and allocable to the interest disposed of shall be reduced by the amount (if any) by which the deduction for depletion under section 611 with respect to such interest would have been increased if—

"(i) the costs described in subparagraph (A) (i) had been charged to capital account, rather than deducted under section 263(c) (as so in effect), and

"(ii) in the case of amounts described in subparagraph (A) (ii), section 618 had not applied to the costs."

(d) Basis Adjustment.—Paragraph (9) of section 1016(a) of such Code (relating to adjustments to basis) is amended to read as follows:

"(9) for amounts allowed as deductions—

"(A) as deferred expenses under section 616(b) (relating to certain expenditures in the development of mines), or

"(B) under section 618 (relating to 14-year amortization of intangible drilling and development costs),

and resulting in a reduction of the taxpayer's taxes under this subtitle, but not less than the amounts allowable under such section for the taxable year and prior taxable years;".

(e) Technical Amendments.—

(1) Subsection (a) of section 57 of such Code (relating to items of tax preference) is amended—

(A) by striking out paragraph (11), and

(B) by striking out "Paragraphs (3) and (11)" and inserting in lieu thereof "Paragraph (3)".

(2) Subsection (d) of section 57 of such Code is hereby repealed.

(f) Clerical Amendments.—The table of sections for part I of subchapter I of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 618. 14-year amortization of intangible drilling and development costs."

(g) Effective Date.—The amendments made by this section shall apply to costs paid or incurred after the date of the enactment of this Act in taxable years ending after such date.

Sec. 4. Treatment of Foreign Taxes on Oil Related Income as Royalties.

(a) General Rule.—Section 907 of the Internal Revenue Code of 1954 (relating to special rules in case of foreign oil and gas income) is amended to read as follows:

"Sec. 907. Foreign Taxes on Foreign Oil and Gas Income Treated as Royalties.

"(a) General Rule.—Any income, war profits, and excess profits taxes paid or accrued during any taxable year to any foreign country with respect to foreign oil related income shall not be considered as a tax for purposes of—

"(1) this subpart (other than this section) and section 960, and

"(2) section 2755(a)(4) (relating to denial of deduction for income, war profits, and excess profits taxes paid to foreign countries).

"(b) Foreign Oil Related Income Defined.—For purposes of this section—

"(1) Foreign Oil Related Income.—The term 'foreign oil related income' means gross income derived from sources outside the United States and its possessions from—

"(A) the extraction (by the taxpayer or any other person) of minerals from oil or gas wells,

"(B) the processing of such minerals into their primary products,

"(C) the transportation of such minerals or primary products,

"(D) the distribution or sale of such minerals or primary products, or

"(E) the sale or exchange of assets used by the taxpayer in the trade or business described in subparagraph (A), (B), (C), or (D).

"(2) Dividends, Interest, Partnership Distribution, etc.—The term 'foreign oil related income' includes—

"(A) dividends and interest from a foreign corporation,

"(B) dividends and interest from a domestic corporation which are treated under section 861(a)(1)(B) or 861(a)(2)(A) as income from sources without the United States,

"(C) amounts with respect to which taxes are deemed paid under section 960(a), and

"(D) the taxpayer's distributive share of the income of partnerships,

to the extent such dividends, interest, amounts, or distributive share is attributable to foreign oil related income.

"(c) Transitional Rules.—

"(1) No Carryover of Credits From Years Beginning Before July 1, 1979.—No taxes paid or accrued with respect to foreign oil related income in any taxable year beginning before July 1, 1979, may be deemed paid or accrued under section 904(c) in a taxable year beginning after June 30, 1979.

"(2) No Carryback of Excess Deductions to Taxable Years Beginning Before July 1, 1979.—If the application of subsection (a) (2) increases (or creates) a net operating loss (as defined in section 172(c)) for any taxable year, the net operating loss to the extent so increased (or created) may not be carried under section 172(b) to any taxable year beginning before July 1, 1979.

"(3) Transitional Rule for Certain Deemed Taxes.—Subsection (a) shall also apply to any taxes with respect to foreign oil related income which are deemed paid under section 902 or 960 by the taxpayer in a taxable year beginning after June 30, 1979, and which are attributable to any taxable year of a foreign corporation beginning before July 1, 1979; except that no deduction shall be allowed for any such taxes. Section 78 shall not apply to any taxes referred to in the preceding sentence."

(b) Clerical Amendment.—The table of sections for subpart A of part III of subchapter N of chapter 1 of such Code is amended by striking out the item relating to section

907 and inserting in lieu thereof the following:

"Sec. 907. Foreign taxes on foreign oil and gas income treated as royalties."

(c) The amendments made by this section shall apply to taxable years beginning after June 30, 1979.

SEC. 5. END OF DEFERRAL FOR FOREIGN OIL RELATED INCOME.

(a) GENERAL RULE.—Subsection (a) of section 954 of the Internal Revenue Code of 1954 (defining foreign base company income) is amended by striking out "and" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof ", and ", and by adding at the end thereof the following new paragraph:

"(5) the foreign oil related income for the taxable year (determined under section 907 (b)) and reduced as provided in subsection (b)(5)."

(b) SPECIAL RULE.—Subsection (b) of section 954 of such Code (relating to exclusions and special rules) is amended—

(1) by striking out "under any other paragraph of subsection (a)" in paragraph (6)(A) and inserting in lieu thereof "under paragraph (1), (2), or (3) of subsection (a)", and

(2) by adding at the end thereof the following new paragraph:

"(A) SPECIAL RULE FOR FOREIGN OIL RELATED INCOME.—Income of a corporation which is foreign oil related income under paragraph (5) of subsection (a) shall not be considered foreign base company income of such corporation under any other paragraph of subsection (a)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of foreign corporations end.

OIL INDUSTRY TAX REFORM ACT OF 1979—TECHNICAL EXPLANATION

In general.—The bill would reduce or deny certain credits and deductions and deferrals now provided for producers of crude oil. In general, the provisions of the bill are intended to impose on oil and gas producers tax treatment similar to that imposed on other taxpayers.

Percentage depletion.—Under present law, percentage depletion is generally not available in the case of oil and gas production (sec. 613A(a)). However, certain independent producers and royalty owners are entitled to percentage depletion to the extent that their average daily production does not exceed a specified exemption. For 1979, the exemption is 1,200 barrels per day (438,000 barrels per day), but will be established permanently at 1,000 barrels per day in 1980 (365,000 barrels per year). Through 1980, the applicable depletion rate is 22 percent. Thereafter, the rate is scheduled to be phased down to a permanent level of 15 percent in 1984. The depletion deduction resulting from this exemption is subject to certain limitations based on the taxpayer's net income. In addition, any depletion deduction in excess of the properties adjusted basis at the end of the year is an item of tax preference.

The bill would repeal the independent producers and royalty owners exceptions for all crude oil and gas production.

Intangible drilling costs.—Under present law, the operator of an oil, gas, or geothermal well has a one-time option to deduct intangible drilling and development costs (IDCs) as an expense rather than to capitalize the costs and recover them through depletion or depreciation deductions. Generally, IDCs are those expenditures made by the owner of the operating interest for wages, fuel, repairs, hauling, supplies, etc., incurred in preparing a drill site, drilling and cleaning a well, and constructing assets which are necessary in drilling the well and preparing it for production (such as derricks, pipelines, and tanks). The IDC option applies both to domestic and foreign drilling. The courts have held that the option applies to cost incurred in offshore operations. However, any deduction for IDCs is limited to the amount with respect to which the taxpayer is "at risk." Generally, the cost of drilling a dry hole is deductible currently.

In the case of noncorporate taxpayers, "excess IDCs" are an item of tax preference subject to the minimum tax under present law. Thus, IDCs are included in a noncorporate taxpayer's minimum tax base only to the extent that those costs which are incurred in a taxable year, over the amount of those costs amortizable on the basis of a 10-year life or under cost depletion, exceed the taxpayer's income from oil and gas, or geothermal properties.

Under present law, gain on the disposition of an oil property is subject to recapture as ordinary income to the extent that the amount of the IDC deductions exceed the amount that would have been allowable had the costs been capitalized and deducted through cost depletion.

The bill would require all IDCs to be capitalized and amortized over a period of 14 years. This capitalization requirement would apply to all IDCs incurred in oil and gas development regardless of whether domestic or foreign, land-based or offshore. The costs of drilling a nonproductive well would still be deductible when the well is completed.

The 168 month amortization period basically is the same as the Asset Guideline Period allowed for the depreciation of assets used in exploring for or producing petroleum and natural gas (Rev. Proc. 78-5, 1978-1 C.B. 557).

Effective date.—The amendments made by Sections 2 and 3 of the bill would be effective for expenditures paid or incurred on or after January 1, 1980 in taxable years beginning after December 31, 1979.

Revenue effect.—For calendar year 1980, assuming that the Administration's decontrol phase-in begins, the bill would result in an estimated revenue increase of $3 billion from the IDC section, and $800 million from the percentage depletion section.

FOREIGN TAX CREDIT

Under present law, U.S. taxpayers are generally allowed a credit against their U.S. tax liability for foreign income taxes paid or accrued on their foreign source income. This credit is subject, however, to certain limitations. Additional limitations on creditability apply in the case of foreign oil-related income.

The bill provides that no credit is to be allowed against U.S. tax liability for foreign taxes paid or accrued with respect to foreign oil-related income. These taxes are instead to be treated as a royalty for which only a deduction or exclusion from foreign source income would be allowed.

The term "foreign oil-related income" includes the income derived from sources outside the United States and its possessions from the extraction (by the taxpayer or any other person) of minerals from oil or gas wells, the processing of these minerals into their primary products, and the transportation, distribution, and sale of these minerals or primary products. The term also includes income from the sale or exchange of assets used in these activities. Finally, the term includes other types of income (for example, dividends from a foreign subsidiary) which may be relevant in determining the taxpayer's allowable foreign tax credit, to the extent attributable to foreign oil-related income.

Taxpayers who pay more foreign income taxes in a year than they are allowed to credit under applicable limitations may be allowed to carry those excess foreign tax credits back to earlier years or over to later years. The bill would prohibit a carryover of excess foreign tax credits on foreign oil-related income from years prior to the enactment of the bill to years after enactment. Moreover, the bill would deny a net operating loss carryback from a year subsequent to enactment of the bill to a year prior to enactment in which the taxpayer claimed the foreign tax credit to the extent the carryback would be attributable to amounts treated as a royalty under the bill.

Because no foreign tax credit on foreign oil-related income would be allowed under the bill, the special limitations of present law on the credit for foreign taxes on foreign oil-related income would be repealed.

The foreign tax credit provisions of the bill would generally be effective with respect to taxable years beginning after June 30, 1979.

TERMINATION OF DEFERRAL FOR FOREIGN OIL-RELATED INCOME

Under present law, the United States imposes income tax upon the worldwide income of any corporation organized under the laws of the United States whether this income is derived from sources within or from without the United States. However, foreign corporations (even those which are subsidiaries of U.S. companies) generally are taxed by the United States only to the extent they are engaged in business in the United States or derive investment income here. As a result, the United States usually does not impose a tax on the foreign source income of a foreign corporation even though it is owned or controlled by U.S. persons. Instead, the foreign source earnings of a foreign corporation generally are subject to U.S. income taxes only when they are actually remitted to U.S. shareholders as dividends. The tax in this case is imposed on the U.S. shareholder and not the foreign corporation. The fact that no U.S. tax is imposed until, and unless, the income is distributed to the U.S. shareholders is generally referred to as "tax deferral".

An exception to the general rule of tax deferral is provided for "tax haven" activities of corporations controlled by U.S. shareholders under the "subpart F" provisions of the Code. Under these provisions, this tax haven income is deemed to be distributed to the U.S. shareholders, and it is taxed to them currently, whether or not they actually receive the income in the form of a dividend.

There are five categories of tax haven (subpart F) income taxed currently to U.S. shareholders of controlled foreign corporations ("CFCs"): (1) income from the insurance of U.S. risks; (2) passive investment income such as dividends, interest, royalties, and rents; (3) sales income earned by the foreign subsidiary on the sale of property purchased from, or sold to, a related company if the property was neither manufactured in nor sold for use in the country in which the subsidiary is incorporated; (4) income from services performed by the foreign subsidiary outside of the country in which it is incorporated; and (5) shipping income earned by a foreign subsidiary outside of the country in which it is incorporated, if that income is not reinvested in shipping assets.

The bill would terminate the deferral of U.S. tax on foreign oil-related income earned by controlled foreign corporations. This would be accomplished by treating foreign oil-related income as an additional category of foreign base company income currently included in the U.S. shareholder's income under subpart F. Any shipping income derived from the transportation of oil or gas or their primary products would be treated as foreign oil-related income rather than foreign base company shipping income for subpart F purposes so that that income would be currently taxable to the U.S. shareholder whether or not it was reinvested in shipping assets. The termination of deferral is effective with respect to income earned by foreign corporations after the date of enactment.●

WHY THE PRESIDENT'S DECONTROL OF OIL SHOULD BE REVERSED BY CONGRESS—THE BACKGROUND OF OIL PRICE CONTROL AND HOW IT FAVORED THE OIL INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ECKHARDT) is recognized for 60 minutes.

● Mr. ECKHARDT. Mr. Speaker, as the twenties turned into the thirties there was good news and there was bad news in east Texas. The Great Depression had hit and oil had been struck in Gregg and Rusk counties. Even the good news was not all good. There was oil in the streets and blood in the bars of Kilgore. There was bitter competition both in exploration and in price, bringing the amount that a barrel of oil would fetch in the market to 10 cents.

Gov. Ross Sterling, himself an oil man, declared martial law and sent the Texas Rangers to close down production in the east Texas field until an orderly market could be established.

These were the birth pains of the Texas allowable program which controlled the price of oil worldwide for more than 30 years. Oil men did not complain about controls; they wanted, desperately needed, them. Oil prices have been controlled or strongly affected by Government policy ever since.

During the thirties the United States produced half the world's oil, and Texas produced half of the Nation's production. Therefore, to increase or diminish the Texas supply—about one-fourth of the world supply—could make oil supply just enough to meet demand and could therefore keep price at the desired level.

That is what the Texas allowable program did. On the theory of conservation, wells were permitted to produce on about a third of the days in a month. It was like permitting a factory to produce on only one shift. Other such oil "factories" throughout the world could produce on three shifts. So the Humble Co. and other big international oil companies were not as restricted as Texas independents. But producers in Texas were glad to sacrifice to keep the price up, and after all, the oil would always be there and would always be worth more the later it was produced.

Some of the oil that was drilled for with the expectation of a dollar—corrected for inflation, about $3 now—is being sold at about twice that price, $5.92, today.

But the Texas allowable program could not keep the world price, or even the U.S. price, up when Texas no longer remained dominant in the field of oil production. What had happened in Texas 30 years earlier happened in spades in the Middle East. The price worldwide went down and when it settled out in the 1960's at a delivered price of Mideast oil in Rotterdam at about $2.90, oil in the United States had been selling at about 40 cents per barrel higher.

The Mideast oil was being produced by giant United States-British-European consortiums who were making enormous profits on oil that could be produced at 12 to 25 cents per barrel. No matter how manfully they strove to keep the delivered price in Europe up to the U.S. price. this could not be fully accomplished.

Of course, U.S. companies like Humble, Gulf, Texaco, Mobil, and Standard Oil of California, who with British Petroleum and Royal Dutch Shell made up ARAMCO, were most interested in keeping the price of U.S. oil to around $3.20 to $3.40—the range in which it stayed between the middle fifties and the early seventies. Therefore, they urged upon, and got, the Government to place tight enough import limitations to maintain this U.S. level of pricing.

Oil men are gamblers, and they have gambled in exploration and in politics rather successfully. Just as gamblers do not come into the game with a predilection for, say, hearts over diamonds, oil men do not play just one side of the political fence. And they have been very successful with the Democratic and Republican administrations. This is not only true with respect to controls—which they have favored until recently—but in the field of taxation. Because the oil business is a gamble, it follows, they argued, that there must be extra tax inducement to make people get into the game. Of course, any except the most sheltered and innocent know it is not very hard to get men, and women too, to gamble. A good deal of rather fruitless effort has been put into trying to keep them from it. And if the oil business is a gamble—which it is—with a little luck and perspicacity, it has been found to be an enormously profitable gamble.

Also, if you have enough chips and can stay in long enough through a few bad hands—in the oil business, a bad hand is a dry well—it is not so much of a gamble after all. For instance, Exxon is "the house;" it never loses when the chips are cashed in.

Nevertheless, these gamblers played their cards well in the congressional game and got several good tax concessions for gamblers in oil: the 27½ percent depletion allowance, the deduction for intangible drilling costs, and that for foreign tax credits. All but the first of these have been retained intact.

I am not here arguing for or against the merits of these tax concessions—and I strove successfully to let independents keep a depletion allowance past the time it was taken from the majors—but I cite them to show that Government is not "against the oil companies." It has not starved them for revenue and capital so as to diminish the present supply of oil. If there was any doubt about this, a look at the net profits after taxes of the 20 major oil companies in the first quarter of 1979 over that in 1978, about a 52 percent increase, should immediately dispel it. This is a period under the oil price controls that the oil companies are so loudly complaining about.

This does not look like the profit picture of a business that is going out of business. And, from what I have shown about past Government action and will show about present, there is no reason to blame the present "shortage" on Government, as my colleague JIM COLLINS, himself a Texas oil man, does in most every speech he makes on the floor of the House.

If the dire situation that such oil people postulate really does exist, it reflects bad husbandry on the industry's part. It shows either one of two things: First, that nature's storehouse is playing out without the industry that has developed it, and exploited it, making any reasonable plans for substitution of other energy sources; or second, that nature's storehouse is harder to tap and the industry—though it is the beneficiary of sudden and enormous windfall gains—has failed to develop the technology to tap it. Both are, I think, partially true.

THE ENERGY POLICY AND CONSERVATION ACT, AND HOW IT CONTROLLED OIL PRICES

This brings us to the present day history of Government control of oil prices. As has been shown, Government has always acted to control oil prices to stabilize them, but until now stabilization has been in an upward direction and has been lauded by the oil companies. Here is what has happened to the price of oil from the Arab embargo, in the fall of 1973, to the present time:

All during the 1960's, the price of oil in the United States had run in the neighborhood of $3.30 to $3.40, and up to the time of the Arab embargo the landed price of oil from the Near East to western Europe had been only about $2.90. But just before the passage of the Energy Policy and Conservation Act in 1975 the price of OPEC oil had climbed to about $11. Therefore, without controls, oil produced cheaply in the United States with the expectancy of a price in the range of $3.30 would, if not controlled, shoot to about $11.

Therefore, faced with a rapid escalation of oil prices—which was already strongly affecting all energy prices—Congress began, in the House, to work on what ultimately became the Energy Policy and Conservation Act of 1975.

In the House bill the price of "old" oil would have been controlled at $5.25. The House also felt that anything above a $7.50 price for "new" oil constituted a demand price and not one justified by cost. So the House bill placed specified price limitations on old oil at $5.25 and on new oil at $7.50. It also contained special exceptions for marginal wells permitting such oil to go to $7.50 and for exceptionally high cost oil like that produced from tertiary recovery, offshore, or in Alaska, and it gave special treatment to stripper oil—from wells producing less than 10 barrels per day. All these prices moved up on a scale taking into account inflation and an extra amount to encourage exploration.

The Senate did not really address the question at all. It sent several bills to conference which did not together formulate any comprehensive oil pricing policy. So the conference was operating primarily on the House bill. The House bill was considered too definitive—in establishing about seven price categories for oil—and the conferees felt that it would be better to defer pricing policy decisions for the various classifications of oil for administrative determination under a more flexible formula. Therefore, the conference report, which ultimately became law, established a composite price of $7.66. This price would permit the 60 percent segment of the U.S. oil production which came from old wells to receive a price of $5.25 and the 40 percent segment derived from new wells to receive $11.28, if indeed these prognosticated percentages were correct. The composite was to go up each year at the rate of the cost of living plus 3 percent, but the total increase could be no greater than 10 percent. At the time, this was estimated to be a total of about 10 percent, and in a 1976 amendment a 10 percent increase per year was permitted in any event.

This is the present law and would continue until September 30, 1981, if the composite were not removed by Presidential action. The composite price in February, the last month for which there is official data, was $9.69, the price for old oil was $5.76, and the price for new oil was $12.78. "Old oil" is that produced from a property producing in 1972 up to that amount produced in that year adjusted downward in accordance with a decline factor. New oil is that which is not "old oil." There are some exceptions to this price treatment for certain categories of oil. For instance, stripper oil, as a result of a 1976 amendment, is permitted to be sold at world prices.

As can be seen, the composite price is the linchpin of the oil price control system established in the 1975 act, EPCA. If it is pulled, as the President has determined to do, the machinery of price control falls apart. The composite price is the lid which the Energy Policy and Conservation Act put on oil prices. The basic policy of the act was that, in the face of domestic oil prices escalating to keep up with ever increasing world prices established by the OPEC cartel, there would be enormous windfall gains for the oil companies. The most striking example of such gains would be in the great increase—above cost plus a reasonable profit—of the price of old oil.

When the composite price limitation is no longer in effect, then any increase in oil prices which the administration wants to give is permissible under EPCA. The Energy Policy and Conservation Act loses its ingredient, "Policy," because policy is no longer determined by Congress but by the President.

It will be said, "Oh, but this is by the determination of that policy adopted in the act itself," and indeed this is legally true. But, during the passage of the act, there were always influential members who opposed the act in principle. When it appeared that it would pass anyway, means were sought to provide for its dismantling before its termination in 1981. It was argued that, when Alaskan North Slope oil came in, it would have to be produced at the maximum new oil price, thus adding a very sizable increase to the new oil ingredient of the mix. The mix, as we have said, was at that time deemed to be 60 percent old oil and 40 percent new. That is how the composite of $7.66 was reached. Note the calculation below:

$$0.4 \times \$11.28 + 0.6 \times \$5.25 = \$7.66$$

But if new oil became half the mix, to come out with $7.66 and keep the old oil price constant, the equation would have to be:

$$0.5 \times \$10.07 + 0.5 \times \$5.25 = \$7.66$$

Had it been true that Alaskan oil would make new oil half the mix and could sell at the maximum price allowed for new oil—and had the price of old oil remained constant—the price for new oil would have had to come down from $11.28 to $10.07. Of course, all these figures would have to be increased by the yearly factor for inflation plus production incentive.

Therefore, Senator STEVENS of Alaska argued that when Alaskan oil should come in, DOE should be authorized to exclude up to 2 million barrels of Alaskan oil per day from the new oil calculation. Such provision was added to the Emergency Petroleum Allocation Act of 1973—section 8(g)(2)(A) by section 401 of EPCA.

The example of Alaskan oil illustrates the uncertainty of the ceiling price limitation with an increase in the proportion of higher priced new oil.

However, what was prognosticated 3½ years before the event as the reason for later revision proved to be 180 degrees off course. Alaskan oil had to sell at below the composite price if its production and transportation costs were to make it competitive in the market. Furthermore, it could be produced profitably at such price and is produced and sold at such price. Therefore, the advent of Alaskan oil production did not depress the price ceiling on oil; it raised it. This is the principal reason why there is now over $4 billion in banked credits for DOE to use to raise certain oil prices to encourage production without removing the composite price lid.

It was partly because of the failure of the conferees to anticipate this unexpected bonus that the framer of the act provided that in May 1979 the President should be allowed to review the facts which then existed, possibly remove the composite's limitation on June 1, 1979, and put into effect more flexible controls. As it turned out, events have given that flexibility without removal of the price control imposed by the composite price limitation.

It is important to understand several points here:

The composite price, and the price of new oil and old oil derived therefrom, are the maximum prices which may be permitted by the Department of Energy. The Department may permit a lesser price than that which would result in using up the full composite. In that case, the Department may, so to speak, "bank" the margin between the prices allowed and those which could have been allowed. Then at a later time it may give to the oil companies the advantage of these banked funds so long as the total amount permitted to be charged does not exceed that which could have been charged if the highest prices permitted under the composite has been allowed all along.

The accumulated banked funds amount now to about $4.5 billion. If the price of old and new oil were to run along as they are now running, large additional sums would be accumulated in the bank. Therefore, there will be a total amount of banked funds now existing and to be accumulated between now and September 30, 1981, of well over $4.5 billion. It is from these funds that the DOE provides extra prices under its two rules, that which gives a higher price for new development oil and that which gives such for marginal oil.

After May 31 the President is free to do just about anything he wants to do concerning oil prices under the terms of the Energy Policy and Conservation Act of 1975. He may decontrol, phase out controls, or continue controls as they are.

But when the President removes the composite price limitation as the control of oil prices he pulls the linchpin of the Energy Policy and Conservation Act and the congressional machinery for oil price control simply falls apart.

HOW DOE PRICE CONCESSIONS AND PHASED DECONTROL ARE TANTAMOUNT TO COMPLETE DECONTROL

Now, I wish to demonstrate to you that the various energy initiatives, plus what the President calls "phasing out of controls" is tantamount to dismantling EPCA, is enormously costly to consumers in a period of high inflation, and accomplishes nothing more in new production than could be done by the competent handling of the banked funds under the composite price limitation. I think it will cost consumers about a billion dollars per month from now through September 30, 1981, and achieve nothing more in new production than could be achieved by spending one-fifth of that amount, the banked funds now available.

Let me point out first what the Department of Energy has already done or is planning to do without the President's action of decontrol:

The Department of Energy has already gone part way to decontrol by what is called "the tilt against gasoline." The DOE can make a rule passing more costs to consumers for products like gasoline without submitting an "energy action" which would be subject to a veto by either house. Thus, without any congressional intervention, the administration can pass on costs to consumers of about $5 billion a year in increased gasoline costs. It works this way:

The scheme was put into effect on March 1 of this year. The "tilt rule" allows refiners to pass through to gasoline an increased percentage of their crude oil and refining costs. It will also have negative environmental consequences by encouraging increased fuel switching from unleaded gasoline, which is more expensive, to leaded, which is cheaper.

The costs of the tilt will come on top of the estimated $10 billion that consumers will have to pay this year for gasoline because of rises in crude oil costs already put into effect by OPEC. Given the scramble by OPEC nations to further increase prices and sell more oil on the spot market, this figure will certainly increase.

The idea of a price tilt against gasoline was conceived several years ago as a means of shifting costs from certain products—such as home heating oil—and placing these costs on gasoline. When the tilt rule went into effect, however, most petroleum products other than gasoline had been decontrolled. In short, there was almost nothing to tilt from.

So, under the tilt rule as now conceived, the seesaw goes up on the side of gasoline prices but not down on the side of middle distillates and residual fuel oil. Thus home heating oil and diesel stay high and, in addition, the price limitations on gasoline are bent upward.

Moreover, there is no guarantee whatsoever that increased gasoline production will result from the tilt rule, and DOE has had to concede that the tilt will not limit, nor necessarily reduce, the prices that refiners charge on decontrolled products like home heating oil, diesel, and residual fuel oil which, of course, is used to generate electricity.

Public comments filed with DOE by several major oil companies candidly admitted that while the companies would be happy to receive the extra revenues from the tilt rule, the DOE should not expect much additional refining capacity to result. The need for additional refining capacity, particularly to produce unleaded gasoline, was the major reason cited by the Department of Energy as justification of the tilt rule.

In sum, the tilt rule appears to visit upon the consumer much of the price impact of decontrol of gasoline while providing none of the benefits, such as removing the cumbersome and anticompetitive allocation regulations.

There are two other areas in which the Department of Energy is moving toward decontrol. But in these areas decontrol would be limited by the composite price if it were in effect. One would permit "newly discovered oil" to receive world market prices. The increased consumer cost is estimated to be about $.5 billion through 1981. The other would permit marginal properties to receive the world market price. The cost of this latter step has been calculated at $3.9 billion through 1981.

So, even if the President should not put into effect his accelerated decontrol plan, the present erosion of price control by the agency itself would be in the neighborhood of $15.9 billion from now through 1981. Here is how these bonuses to the oil companies and penalties to consumers are divided:

	Billion
From the tilt	$11.5
From new new oil	.5
From marginal oil	3.9
	$15.9

The newly discovered oil provision and the marginal well provision must come under the composite price restriction as long as it is in effect. The cost of the "tilt rule" is not restricted by the composite price limitation.

In addition to these increases which could be accomplished under the present composite lid—that is, under existing law without change of the oil price ceiling mechanism—the President would remove the composite to give the oil companies about $12 billion more. The President estimates the cost of his "phasing out of controls" at about $16 billion. But there is some overlapping in his estimate of the cost of the "phase out" and my figures concerning the cost of the tilt and the two energy initiatives that could be done without removing the composite price control. Some of my cost calculations would be subsumed within his cost estimates of the "phase out." That is why I have used the conservative estimate of $12 billion here. At any rate, the total cost of all these crude oil and petroleum product price increases will cost consumers about $1 billion a month more than would be the case had all these initiatives not been put into effect.

EFFECT OF ENERGY INFLATION ON THE ECONOMY AND WHY WE SHOULD NOT DISMANTLE THE PRESENT OIL PRICE CONTROL MECHANISM

Let me show you why I do not believe we should put price increases of this magnitude in effect at this time.

In the first place, it must be understood that during the period from now until September 30, 1981, the decontrol mechanisms that have been described above mostly give a higher price for oil which has already been discovered and would be produced with or without the higher price.

Since there is about a 3-year leadtime from original planning to the actual "spudding in" of a well, all the "encouragement" that the present Presidential initiatives would give to increased drilling activity was already there anyway, due to EPCA's going out of effect at the end of September 1981.

The industry is certainly not suffering from a shortage of profits to put back into production and refining. The top 10 oil companies received $1.1 billion more in net income—after taxes—in the first quarter of this year than in the first quarter of last year for an increase of 51.7 percent. They have stated their intent to spend and budget a very large amount for exploration and drilling in 1979.

According to the annual capital spending survey conducted by the Oil and Gas Journal, the U.S. petroleum industry has budgeted over $12.9 billion for domestic exploration this year, an increase of 12.4 percent over last year. This comes on top of a 19.3-percent increase in 1978 over the 1977 level. Total capital spending is estimated to reach $33.5 billion in 1979.

Operators told the Journal that they planned to drill 49,379 wells in the United States this year, an increase of 2.5 percent over 1978. If this target is met, it would represent the most wells drilled in the United States since 1959. Signicantly, over 11,000 wildcat wells are planned, the most since 1957. Also, an average of 2,259 rotary rigs were active each month last year, the highest number since 1957. Total wells drilled and drilling footage were also up last year.

Why, then, is it necessary to take a billion dollars a month, on the average, from consumers' pockets to further encourage them? The President's plan becomes even more astoundingly improvident when it is seen that it would not produce enough additional oil to significantly reduce our dependency on foreign sources. According to the Congressional Budget Office, the phased decontrol proposed by the President will result in an increased domestic production of only 200,000 barrels per day in 1981. This is in contrast to current crude oil imports of more than 6 million barrels per day and U.S. consumption of about 18 million barrels per day.

In the second place, this is simply not the time to further fuel inflation.

In recent months, sharply escalating energy prices have constituted the most marked increase amongst the causes of inflation. Up to January 1979, energy prices rose at about the same rate as all other items, and the energy contribution to inflation was relatively small. There has been a marked change, however, this year and particularly in the last Consumer Price Index report. The rate of inflation in energy prices was so great that, compared with the rate of increase in all other prices, it raised the overall inflation rate by 1.18 percentage points. Compare this to its contribution in the preceding half year—July 1978 to January 1979—of only 0.03 percentage points. Even in the great inflationary period—July 1973 to July 1974—the direct energy contribution to inflation was 1.41 percentage points.

The comparison is very significant and alarming. In the fall of 1973, when the Arab embargo occurred, and until the middle of 1974 energy prices in the Consumer Price Index shot up at a much greater rate than did all prices in the index. The same thing has been happening since the beginning of this year, and again we are having double digit inflation—and this time at an even higher rate than that which occurred in 1974 when it was 11.74 percent.

The most marked contribution of energy to overall inflation was in the very last period recorded, from February to March 1979, when energy was responsible for a rise of 1.81 percentage points. This is indeed alarming. Energy costs are clearly fueling an inflationary spiral. From January 1976 to January 1977, the yearly rate of inflation was 5.2 percentage points. But from January to March of this year the annualized inflation rate has been 13.6 percent.

In the face of these figures the President's plan to decontrol domestic crude oil appears ill-advised and untimely. While windfall profits and wellhead severance taxes have both been discussed in conjunction with either a policy of sudden decontrol in 1979 or phased decontrol, it is the timing of price increases—that is, how quickly they are allowed to rise—which is principally responsible for the inflationary impact. It is not a function of whether the increased revenues are recycled through a tax mechanism or remain with the producing industry.

Even in the staff analysis of the Subcommittee on Energy and Power of the Committee on Interstate and Foreign Commerce—which, I think, in view of the facts outlined above, understates the inflationary impact—it was estimated that phased decontrol in the next 2 years would increase the inflation rate by 0.2 percent on the CPI by 1980. This increase was projected to double in 1981.

However, as I have pointed out, it is impossible to tell how much this inflationary figure would be when linked with the gasoline tilt and with possible removal from control of a very large percentage of domestic oil through such concepts as "new, new oil," "deep stripper well oil," and "marginal production." Thus, the option of phased out control could very well transfer as many dollars from consumers to oil companies as complete decontrol.

As we have seen, sufficient incentives for increased domestic production will exist under the composite mechanism of existing energy law without subjecting consumers to the likelihood of spiraling inflation fueled by unrestrained energy prices.●

PERSONAL STATEMENT

(Mr. DANIELSON asked and was given permission to extend his remarks at this point in the Record.)

● Mr. DANIELSON. Mr. Speaker, due to an appointment with the President at the White House, I was unable to be present for one rollcall vote on Wednesday, May 16, 1979, and would like to announce how I would have voted had I been present. Rollcall No. 150, the House approved the Journal of Tuesday, May 15, 1979, by a vote of 328 yeas to 5 nays. I would have voted "aye."

Likewise, on this morning, May 17, 1979, I was in a conference concerning the ethics law amendments and was unable to be present to vote on approval of the Journal for Wednesday, May 16, 1979. If I had been present I would have voted "aye." ●

NEED FOR RETRAINING

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. PERKINS. Mr. Speaker, our country today is faced with increasing economic competition from abroad. We can feel this competition on a daily basis as our standard of living gradually seems to slide backward.

If the United States is to reverse this trend and reassert itself economically in the world, we will have to draw upon one of our greatest national strengths—an educated and well-trained work force. Unfortunately, though, many experts are telling us today that we have allowed the level of training of our work force to deteriorate in the last few years. In my opinion that deterioration must be reversed if we are to rebound economically.

For the information of the Members, I would like to include in the Record at this point an article from the Journal of the American Vocational Association which describes this problem. And, I would like to add my wholehearted endorsement to the conclusion of the article which states that vocational education can be of enormous assistance in updating the skills of our work force.

The article follows:

INDUSTRY'S STRUGGLE FOR SKILLED WORKERS

(By Don Barker)

The energy crisis, environmental nightmares and the employment dilemma have been defined by many as some of the most critical issues of our times. Yet, in our preoccupation with energy and environmental issues, we should not overlook the growing shortage of skilled employees, which is becoming critical and could soon influence the quality and nature of our industrial existence.

This manpower shortage extends from the west coast to the eastern seaboard and is not particular to any region of the country. In 1958, plant engineers across the country listed as their number one problem finding trained, qualified, professional skilled-trades workers; 20 years later plant engineers are *still* listing this as their number one problem.

These same plant engineers also face a more serious problem—within the next 10 to 15 years large numbers of skilled craftsmen will begin to retire. This is attributed to the growth of skilled tradesmen that occurred following World War II. Right after the war, millions of people were available to industry, both returning servicemen who had been trained in the craft areas for military service and the large numbers who had been trained at home for the industrial war effort.

Our industry wasn't as sophisticated then as it is today and there was a need for large numbers of semi-skilled workers who could handle the craft needs of the industry. Then in the early 1950's came sputnik and suddenly a new emphasis was placed on science and engineering education. Everyone rallied around the flag and the United States entered the space race. The net result was less and less attention to vocational or occupational education. In our industrial world the space age began to change the technology of our industrial applications and industry became more and more complex.

SKILLED WORKERS IN DEMAND

The increased complexity of the equipment used in our plants began to take its toll. Plants began to feel the first shortage of skilled workers. Nowhere is the situation more critical than in the skilled-trades areas, and more specifically, in industrial maintenance. There are 34 maintenance-related occupations in the U.S. Department of Labor's Dictionary of Occupational Titles, representing about 12 million jobs today. The figure is expected to grow to about 15 million by 1990, just 11 years away.

These three million new maintenance workers represent just the tip of the iceberg, as far as the maintenance manpower situation is concerned. Industry is faced with the rather unique situation in which a large portion of its skilled workforce is 50 years of age or older. In fact many companies have indicated they will lose half their workforce in the next five years. By conservative estimates, industry will have to replace more than half its existing maintenance workforce in the next 15 years.

There is one further complication. The growing complexity of equipment, plus automation of production processes, is actually increasing the need for maintenance technicians at a faster rate than the rest of the workforce. Between now and 1990, industry may require as many as 10 million new maintenance employees, and by then could need new maintenance workers at a rate as high as one million per year.

This rapidly expanding technology creates other problems for the maintenance workforce. It puts tremendous pressure on the capabilities of existing craftsmen, and complicates the training of new maintenance employees.

A recent U.S. Government survey showed that about 80 percent of American industry had a shortage of maintenance personnel and 75 percent of the new maintenance workers entered the field with inadequate training—that's over 500,000 inadequately trained workers entering the maintenance field.

A plant engineering magazine survey showed that 97 percent of the facilities surveyed felt that they had a critical need for update types of training. They stated that 80 percent of their existing craftsmen need additional or advanced training.

NO MORE 'HIT OR MISS'

Like obsolete equipment, inadequately trained employees pose a serious threat to our economic growth. This is a situation that you and I must do something about. Modern management is becoming increasingly aware of the competitive disadvantages of rising maintenance costs because of the increased complexity of the plant equipment. Unfortunately, hit and miss training is often used in this kind of situation. It is costly and could be dangerous. Inadequately trained employees pose a serious safety threat to themselves and to the equipment.

Training in itself is not going to solve all our problems. It would be a mistake to view training as some kind of cure-all, but training can help ensure that our craftsmen are better equipped to cope with our continuing challenges. Let's give our craftsmen the confidence they need in their ability to do the job at hand.

As you know, all professionals take refresher courses. This same principle should apply to professional craftsmen as well. It has been estimated that new knowledge develops at a rate of about 10 percent per year. Also, we all lose knowledge at a rate of about 10 percent per year. This means we should spend at least 20 percent of our time in training just to stay even.

Too often, though, we see the attitude: "They don't need training—they've been doing that work for 20 years, and have 20 years experience." Without updated training we might ask, "Do they really have 20 years experience or just one year of experience 20 times?"

What about the problem of upgrading existing workers? Is craft pride dead? The truth is, while it may be dormant, there is still plenty around. Craft pride is really a matter of the craftman's competence and confidence in his ability to do his work. The thousands of highly skilled maintenance craftsmen are solid evidence of craft pride. And they should have pride. They are filling an important responsibility while thousands of over-educated and underskilled people are out of work. Not that there is anything wrong with getting a good liberal education. It's just that it's good to see a sensible shift away from over emphasis on college education to a more realistic emphasis on career-occupational education.

I think the point was made best by John Gardner when he was secretary of the Department of Health, Education, and Welfare. He said, "The society that scorns excellence in plumbing because it is a humble activity, yet accepts shoddiness in philosophy because it is an exhalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water."

FIFTY BILLION DOLLARS A YEAR

Why should we focus on this problem? Well, for one reason, it is estimated that the industrial maintenance function in this country runs about 50 billion dollars annually. Some of the problems of providing training programs are as follows:

Trainers must introduce remedial reading and math skills training before technical training can begin. These basics ought to be stressed much harder at the lower grade levels in our schools.

Training facilities are unable to hire and retain highly qualified instructors because of pay problems.

Training facilities are unable to purchase new, advanced equipment, texts or supplies. There is, for example, vocational education's competition with English departments.

Training facilities are unable to meet the needs of all employers concerning course content. This is due to industries' failure to properly identify common training needs.

Vocational training centers are often unable to provide sufficient real-world hands-on training to support classroom training theory. This is a problem industry must help solve.

As we prepare for the 80's and 90's, perhaps we can all try to address this critical problem with the attitude of cooperation and mutual understanding. There is really no way any of us has a good enough yardstick to measure how well any of the states are doing to completely fulfill needs of industry and people from their respective states.

Each of you has made significant contributions to people and the world of work. Perhaps the only process that is lacking is that of including the right people in the planning process. I, for one, feel the need for more togetherness if education and industry are to serve the needs of people and upgrade the quality of worklife.

The shortage of skilled craftsmen is but one example of the need for more involvement of business, industry, labor and government to assist you. It is the responsibility of this group to assist in goal-setting for training and employment.

CONTAGIOUS COOPERATION

The advisory committees that have been established to assist you must begin to focus on these problems and state by state formulate a course of action to meet future needs. Advisory committees could perhaps help in another major area—and that is providing career guidance and counseling for youth. I feel very strongly about the lack of knowledge our young people have of careers in vocational areas.

Occupational opportunities must be promoted and publicized vigorously, and not just to the young people but also to school teachers and parents. Adults must understand the dignity, the challenges and rewards available to competent technicians. Through their guidance, youth can begin to understand that careers in technical areas can be rewarding and fulfilling.

As an example of dynamic cooperation, I would like to share with you some experiences our organization has had working with the Oklahoma Vo-Tech System. The Oklahoma Vo-Tech System offers through its Special Schools Division several training programs designed to fulfill the needs of a new industry coming into the state. And that's exactly what they've been providing for us recently in the form of preemployment training.

A staff member has been assigned to coordinate this training for us. Special Schools Division staff have visited several of our other plants to become familiar with the production processes to be used. This information provided the basis for the training program development.

The department has provided a site to conduct the training. This site contains represntative equipment to be used in our plant and offers some 47,000 sq. ft. of office space and classrooms. It is clearly a first-class training facility. The department has provided some equipment and machines on which to do the training—of course our company had to supply the machines and equipment unique to the auto assembly business.

They have assisted us in making video training films, in developing training manuals, and in having the manuals printed and published. They have provided us with audio-visual equipment and whatever technical assistance we needed.

They have given us all of this for the training of their people. The people from Oklahoma. The department has a genuine concern for people and for the development of a competent workforce, they are uncomplicated and believe in what they are doing—and this attitude is both contagious and rewarding.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MARRIOTT (at the request of Mr. RHODES), for today on account of official business.

To Mr. HIGHTOWER (at the request of Mr. WRIGHT), for today on account of a necessary absence.

To Mr. CORMAN (at the request of Mr. WRIGHT), for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ZABLOCKI) to revise and extend their remarks and include extraneous material:)

Mr. WEAVER, for 10 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. CAVANAUGH, for 15 minutes, today.
Ms. HOLTZMAN, for 5 minutes, today.
Mr. ST GERMAIN, for 5 minutes, today.
Mr. CARR, for 5 minutes, today.
Mr. VANIK, for 15 minutes, today.
Mr. LELAND, for 5 minutes, today.
Mr. ECKHARDT, for 60 minutes, today.
Mr. GIBBONS, for 10 minutes, today.
Mr. HAWKINS, for 60 minutes, on May 21, 1979.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SENSENBRENNER) and to include extraneous matter:)

Mr. LEACH of Iowa.
Mr. STANGELAND.
Mr. PAUL.
Mr. LEE in two instances.
Mr. WAMPLER in two instances.
Mr. ASHBROOK in two instances.
Mr. SHUMWAY in two instances.
Mr. GRADISON.
Mr. GREEN in two instances.
Mr. QUILLEN.
Mr. LAGOMARSINO in two instances.
Mr. KEMP.
Mr. PRITCHARD.
Mr. SHUSTER.
Mr. YOUNG of Florida.
Mr. HILLIS.

(The following Members (at the request of Mr. STACK) and to include extraneous matter:)

Mr. DRINAN.
Mr. GIBBONS.
Mr. LUKEN in two instances.
Mr. RANGEL.
Mr. LEHMAN.
Mr. STEWART.
Mr. ZABLOCKI.
Mr. FASCELL.

(The following Members (at the request of Mr. ZABLOCKI) and to include extraneous material:)

Mr. VANIK in two instances.
Mr. LUKEN in five instances.
Mr. HAWKINS.
Mr. VENTO in two instances.
Mr. DRINAN.
Mr. MCHUGH.
Mr. FLORIO in five instances.
Mr. STEWART.
Mr. FROST.
Mr. FISHER.
Mr. MOFFETT.
Ms. HOLTZMAN.
Mr. RATCHFORD.
Mr. NOWAK.
Mr. BIAGGI.
Ms. OAKAR.

ENROLLED BILLS SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 262. Joint resolution to declare May 18, 1979 to be "National Museum Day."

ADJOURNMENT

Mr. STACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, May 21, 1979, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1616. A letter from the Architect of the Capitol, transmitting a report on his expenditures during the period October 1, 1978, through March 31, 1979, pursuant to section 105(b) of Public Law 88-454; to the Committee on Appropirations.

1617. A letter from the Director, Office of Legislative Affairs, Department of the Navy, transmitting notice of the Navy's intention to sell various naval vessels to the Government of the Dominican Republic, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

1618. A letter from the Director, Office of Legislative Affairs, Department of the Navy, transmitting notice of the Navy's intention to sell a naval vessel to the Government of Ecuador, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

1619. A letter from the Director, Office of Legislative Affairs, Department of the Navy, transmitting notice of the Navy's intention to sell certain naval vessels to the Government of Greece, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

1620. A letter from the Director, Office of Legislative Affairs, Department of the Navy, transmitting notice of the Navy's intention to sell a naval vessel to the Government of Mexico, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

1621. A letter from the Director, Office of Legislative Affairs, Department of the Navy, transmitting notice of the Navy's intention to sell certain yard craft to the Government of Peru, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

1622. A letter from the Director, Office of

Legislative Affairs, Department of the Navy, transmitting notice of the Navy's intention to sell certain naval vessels to the Republic of the Philippines, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

1623. A letter from the Associate Director of Legislative Liaison, Department of the Air Force, transmitting the annual report for calendar year 1978 on the progress of the Reserve Officers' Training Corps flight training program, pursuant to 10 U.S.C. 2110(b); to the Committee on Armed Services.

1624. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on negotiated contracts for experimental, developmental, test or research work, or for industrial mobilization in the interest of the national defense, covering the period July 1 through December 31, 1978, pursuant to 10 U.S.C. 2304 (e); to the Committee on Armed Services.

1625. A letter from the Secretary of the Interior, transmitting the annual report for calendar year 1978 on the implementation of the Alaska Native Claims Settlement Act, pursuant to section 23 of the act (Public Law 92-203); to the Committee on Interior and Insular Affairs.

1626. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to extend the authorization period for the Great Dismal Swamp National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

1627. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize appropriations for the San Francisco Bay National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

1628. A letter from the Chairman, Water Resources Council, transmitting a draft of proposed legislation to provide for financing, cost and revenue sharing of Federal water resource development projects; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Public Works and Transportation.

1629. A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to amend the act of August 10, 1956, as amended; section 716 of title 10, United States Code; section 1006 of title 37, United States Code; and sections 8501(1)(B) and 8521(a)(1) of title 5, United States Code; jointly, to the Committees on Armed Services, Merchant Marine and Fisheries, and Ways and Means.

1630. A letter from the Comptroller General of the United States, transmitting a report on the feasibility of combined disposal of sludge and garbage by thermal techniques, (CED-79-59, May 16, 1979); jointly, to the Committees on Government Operations, and Interstate and Foreign Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 4133. A bill to amend the Internal Revenue Code of 1954 to provide that the investment tax credit shall not be recaptured in the case of certain transfers by air carriers of aircraft used exclusively to provide air transportation; to the Committee on Ways and Means.

By Mr. HUBBARD:

H.R. 4134. A bill to provide, for purposes of the Federal income tax, that the one-time exclusion from gross income of gain from the sale of a principal residence by an individual who has attained age 55 shall apply to sales and exchanges after December 31, 1977; to the Committee on Ways and Means.

By Mr. JOHNSON of California (for himself, Mr. Roberts, and Mr. Clausen):

H.R. 4135. A bill to provide for financing, cost and revenue sharing of Federal water resource development projects; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Public Works and Transportation.

By Mr. PERKINS (for himself and Mr. Goodling):

H.R. 4136. A bill to amend the Child Nutrition Act of 1966 to extend the authorization of appropriations contained in section 7 of such act; to the Committee on Education and Labor.

By Mr. WEAVER:

H.R. 4137. A bill to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River power system to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce and Interior and Insular Affairs.

By Mr. BIAGGI (for himself, Mr. Fish, Mr. Wolff, Mr. Hanley, Mr. Zeferetti, Mr. Ratchford, Mr. Stack, Mr. Beard of Rhode Island, Mr. Rosenthal, Mr. Solomon, Mr. Williams of Montana, Mr. Applegate, Mr. Mineta, Mr. Harris, Mr. Ottinger, Mr. Flood, Mr. Annunzio, Mr. Rinaldo, Mr. Brodhead, Mr. Sawyer, Mr. Moorhead of Pennsylvania, Mr. Howard, Mr. Moakley, Ms. Ferraro, Mr. Donnelly, Mr. Roe, and Mr. Hughes):

H. Con. Res. 122. Concurrent resolution calling upon the British Government to embark upon a new initiative for Ireland; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 4138. A bill for the relief of James E. Kennedy; to the Committee on the Judiciary.

By Mr. CHAPPELL:

H.R. 4139. A bill for the relief of Feeronaih Abbosh; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1878: Mr. Dornan and Mr. Oberstar.

H.R. 1918: Mr. Clinger and Mr. Tauke.

H.R. 2299: Mr. Derwinski, Mr. Spence, Mr. Bafalis, Mr. Burgener, Mr. Whittaker, Mr. Evans of Georgia, Mr. Hagedorn, and Mr. Daniel B. Crane.

H.R. 3421: Mr. Stark, Mr. Brodhead, Mr. Conyers, Mr. Daschle, Mr. Mitchell of Maryland, Mr. Barnes, Mr. Oberstar, Mr. Sabo, Mr. Stack, Mr. Blanchard, Mr. Nolan, Mr. Mavroules, Mr. Stokes, Mr. Wolpe, Mr. Hughes, Mr. Weiss, Mr. Hanley, Mr. Vento, Mr. Murphy of Pennsylvania, and Mr. Drinan.

H.R. 3539: Mr. Rudd, Mr. Montgomery, and Mr. Brown of Ohio.

H.R. 3767: Mr. Yatron, Mr. Lagomarsino, Mr. Hall of Texas, Mr. Rousselot, Mr. Solomon, Mr. Jeffords, Mr. Coelho, Mr. Holland, Mr. Long of Maryland, Mr. Livingston, Mr. Murtha, Mr. Barnard, Mr. Charles H. Wilson of California, Mr. Montgomery, Mr. Winn, Mr. Hyde, Mr. Dornan, Mr. Won Pat, Mr. Bowen, Mr. Leath of Texas, Mr. Corman, Mr. Snyder, Mr. Murphy of Pennsylvania, Mr. Sawyer, Mr. Paul, Mr. Duncan of Tennessee, Mr. Johnson of California, Mr. Akaka, Mr. Udall, Mr. Devine, Mr. Mottl, Mr. Lott, Mr. Zeferetti, Mr. Hughes, Mr. Young of Alaska, Mr. Dougherty, Mr. Grisham, Mr. Anderson of California, Mr. Erdahl, Mr. McCormack, Mr. Hinson, Mr. Spence, Mr. Badham, Mr. Russo, Mr. Dannemeyer, Mr. Loeffler, Mr. Corrada, Mr. Shuster, Mr. Waxman, Mr. Edwards of Oklahoma, Mr. Sebelius, Mr. Williams of Ohio, Mr. Murphy of Illinois, Mr. McDade, Mr. Gilman, Mr. Pepper, Mr. Annunzio, Mr. Minish, Mr. Hanley, Mr. Evans of Delaware, Mr. Green, Mr. Vento, Mr. Watkins, Mr. Garcia, Mrs. Spellman, Mr. Kelly, Mr. Kramer, Mr. Conte, Mr. Carter, Mr. Forsythe, Mr. Kemp, Mr. Addabbo, Mr. Patten, Mr. Gradison, Mr. Stratton, Mr. Fary, Mr. Latta, Mr. Panetta, Mr. Satterfield, Mr. Gramm, Mr. Vander Jagt, Mr. Chappell, Mr. Hance, Mr. Collins of Texas, Mr. Daniel B. Crane, Mr. Evans of Georgia, Mr. Duncan of Oregon, Mr. Simon, Mr. Flood, Mr. Ashbrook, Mr. Ginn, Mr. Peyser, Mr. Leach of Louisiana, Mr. Symms, Mr. Burgener, Mr. O'Brien, Mr. Cheney, Mr. Albosta, Ms. Oakar, Mr. McKinney, Mr. Bafalis, Mr. Robinson, Mr. Madigan, Mrs. Holt, Mr. Mitchell of New York, Mr. Lee, Mr. Johnson of Colorado, Mr. Harsha, Mr. Fountain, Mr. Hutto, Mr. Charles Wilson of Texas, Mr. Clausen, Mr. Whittaker, Mr. Bowen, and Mr. Roe.

H.R. 3809: Mr. English, Mr. Frost, Mr. Evans of Georgia, and Mr. Lee.

H.J. Res. 19: Mr. Dodd and Mr. McCormack.

EXTENSIONS OF REMARKS

THE GREAT LIBERAL DEATH WISH

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. PAUL. Mr. Speaker, Mr. Malcolm Muggeridge, a 20th-century Pascal, recently spoke at Hillsdale College. A transcription of the speech was published in Imprimis, and I would like to share portions of it with my colleagues.

Probably the finest writer of English prose now living, Mr. Muggeridge is a man of immense faith and wisdom. Or is that a tautology? Whatever, his books are magnificent testimony to both.

What he has to say at the Hillsdale seminar about the great liberal death wish has immediate concern for our society, and the whole West:

THE GREAT LIBERAL DEATH WISH

(By Malcolm Muggeridge)

"The Great Liberal Death Wish" is a subject that I've given a lot of thought to and have written about.

But ". . . in the atmosphere of this delighted college, I want to have a shot at just talking about this notion of the great liberal death wish as it has arisen in my life,

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

as I've seen it, and the deductions I've made from it. I should also plead guilty to being responsible for the general heading of these lectures, namely, The Humane Holocaust; The Auschwitz Formula."

This humane holocaust, this dreadful slaughter that began with 50 million babies last year, will undoubtedly be extended to the senile old and the mentally afflicted and mongoloid children, and so on, because of the large amount of money that maintaining them costs. It is all the more ironical when one thinks about the holocaust western audiences, and the German population in particular, have been shuddering over, as it has been presented on their TV and cinema screens. Note this compassionate or humane holocaust, if, as I fear, it gains momentum, will quite put that other in the shade. And what is even more ironical, the actual considerations that lead to the German holocaust were not, as is commonly suggested, due to Nazi terrorism, but were based upon the sort of legislation that advocates of euthanasia or "mercy killing," in this country and in western Europe, are trying to get enacted. It's not true that the German holocaust was simply a war crime, as it was judged to be at Nuremberg. In point of fact, it was based upon a perfectly coherent, legally enacted decree approved and operated by the German medical profession before the Nazis took over power. In other words, from the point of view of the *Guinness Book of Records* you can say that in our mad world it takes about thirty years to transform a war crime into a compassionate act.

Now I want to throw my mind back to my childhood, to the sitting room in the little suburban house in south London where I grew up. On Saturday evenings my father and his cronies would assemble there, and they would plan together the downfall of the capitalist system and the replacement of it by one which was just and humane and egalitarian and peaceable, etc. These were my first memories of a serious conversation about our circumstances in the world. I used to hide in a big chair and hope not to be noticed, because I was so interested. And I accepted completely the views of these good men, that once they were able to shape the world as they wanted it to be, they would create a perfect state of affairs in which peace would reign, prosperity would expand, men would be brotherly, and considerate, and there would be no exploitation of man by man, nor any ruthless oppression of individuals. And I firmly believed that, once their plans were fulfilled, we would realize an idyllic state of affairs of such a nature. They were good men, they were honest men, they were sincere men. Unlike their prototypes on the continent of Europe, they were men from the chapels. It was a sort of spillover from the practice of nonconformist Christianity, not a brutal ideology, and I was entirely convinced that such a brotherly, contented, loving society would come to pass once they were able to establish themselves in power.

Such was my baptism into the notion of a kingdom of Heaven on earth, into what I was going to understand ultimately to be the great liberal death wish. Inevitably, my father's heroes were the great intellectuals of the time, who banded themselves together in what was called the Fabian Society, of which he was a member—a very active member. For instance, Bernard Shaw, H. G. Wells, Harold Laski, people of that sort. All the leftist elite, like Sydney and Beatrice Webb, belonged to this Fabian Society, and in my father's eyes they were princes among men. I accepted his judgment.

Once I had a slight shock when he took me to a meeting of the Fabian Society where H. G. Wells was speaking, and I can remember vividly his high squeaky voice as he said—and it stuck in my mind long afterward—"We haven't got time to read the Bible. We haven't got time to read the history of this obscure nomadic tribe in the Middle East." Subsequently, when I learned of the things that Wells had got time for, the observation broke upon me in all its richness.

Anyway, that for me was how my impressions of life began. I was sent to Cambridge University . . . (then after teaching at a Christian College in India), I taught at the University of Cairo, and it was there that the dreadful infection of journalism got into my system.

In due course I was asked to join the editorial staff of the *Guardian*, which to me was a most marvelous thing.

These were the golden days of liberalism when the Manchester *Guardian* was widely read, and even believed. Despite all its misprints, you could make out roughly speaking what it was saying, and what we typed out was quite likely, to our great satisfaction, to be quoted in some paper in Baghdad or Smyrna as being the opinion of our very influential organ of enlightened liberalism.

We were required to end anything we wrote on a hopeful note, because liberalism is a hopeful creed. And so, however appalling and black the situation that we described, we would always conclude with some sentence like: "It is greatly to be hoped that moderate men of all shades of opinion will draw together, and that wiser councils may yet prevail." How many times I gave expression to such jejune hopes! Well, I soon grew weary of this, because it seemed to me that immoderate men were rather strongly in evidence, and I couldn't see that wiser councils were prevailing anywhere. The depression was on by that time, I'm talking now of 1932–33. It was on especially in Lancashire, and it seemed as though our whole way of life was cracking up, and, of course, I looked across at the USSR with a sort of longing, thinking that there was an alternative, some other way in which people could live, and I managed to maneuver matters so that I was sent to Moscow as the *Guardian* correspondent, arriving there fully prepared to see in the Soviet regime the answer to all our troubles, only to discover in a very short time that though it might be an answer, it was a very unattractive one.

It's difficult to convey to you what a shock this was, realizing that what I had supposed to be the new brotherly way of life my father and his cronies had imagined long before, was simply on examination an appalling tyranny, in which the only thing that mattered, the only reality, was power.

However, that was a thing that one could take in one's stride. How I first came to conceive the notion of the great liberal death wish was not at all in consequence of what was happening in the USSR, which, as I came to reflect afterward, was simply the famous lines in the *Magnificat* working out, "He hath put down the mighty from their seat and hath exalted the humble and meek," whereupon, of course, the humble and meek became mighty in their turn and have to be put down. That was just history, something that happens in the world; people achieve power, exercise power, abuse power, are booted out of power, and then it all begins again. The thing that impressed me, and the thing that touched off my awareness of the great liberal death wish, my sense that western man was, as it were, sleep-walking into his own ruin, was the extraordinary performance of the liberal intelligentsia, who, in those days, flocked to Moscow like pilgrims to Mecca. And they were one and all utterly delighted and excited by what they saw there. Clergymen walked serenely and happily through the anti-god museums, politicians claimed that no system of society could possibly be more equitable and just, lawyers admired Soviet justice, and economists praised the Soviet economy. They all wrote articles in this sense which we resident journalists knew were completely nonsensical. It's impossible to exaggerate to you the impression that this made on me.

How could this be? How could this extraordinary credulity exist in the minds of people who were adulated by one and all as maestros of discernment and judgment? It was from that moment that I began to get the feeling that a liberal view of life was not what I'd supposed it to be—a creative movement which would shape the future—but rather a sort of death wish. How otherwise could you explain how people, in their own country ardent for equality, bitter opponents of capital punishment and all for more humane treatment of people in prison, supporters, in fact, of every good cause, should in the USSR prostrate themselves before a regime ruled over brutally and oppressively and arbitrarily by a privileged party oligarchy? I still ponder over the mystery of how men displaying critical intelligence in other fields could be so astonishingly deluded. I tell you, if ever you are looking for a good subject for a thesis, you could get a very fine one out of a study of the books that were written by people like the Dean of Canterbury, Julian Huxley, Harold Laski, Bernard Shaw, or the Webbs about the Soviet regime. In the process you would come upon a compendium of fatuity such as has seldom, if ever, existed on earth. And I would really recommend it; after all, the people who wrote these books were, and continue to be regarded as, pundits, whose words must be very, very seriously heeded and considered.

We foreign journalists in Moscow used to amuse ourselves, as a matter of fact, by competing with one another as to who could wish upon one of these intelligentsia visitors to the USSR the most outrageous fantasy. We would tell them, for instance, that the shortage of milk in Moscow was entirely due to the fact that all milk was given nursing mothers—things like that. If they put it in the articles they subsequently wrote, then you'd score a point. One story I floated myself, for which I received considerable acclaim, was that the huge queues outside food shops came about because the Soviet workers were so ardent in building Socialism that they just wouldn't rest, and the only way the government could get them to rest for even two or three hours was organizing a queue for them to stand in. I laugh at it all now, but at the time you can imagine what a shock it was to someone like myself, who had been brought up to regard liberal intellectuals as the samurai, the absolute elite, of the human race, to find that they could be taken in by deceptions which a half-witted boy would see through in an instant. I never got over that, it always remained in my mind as something that could never be erased. I could never henceforth regard the intelligentsia as other than credulous fools who nonetheless became the media's prophetic voices, their heirs and successors remaining so still. That's when I began to think seriously about the great liberal death wish.

After World War II, in the great rush of optimism, I came to realize how, in the name of progress and compassion, the most terrible things were going to be done, preparing the way for the great humane holocaust.

There was, it seemed to me, a built in propensity in this liberal world-view whereby the opposite of what was intended came to pass. Take the case of education. Education was the great mumbo-jumbo of progress, the assumption being that educating people would make them grow better and better, more and more objective and intelligent. Actually as more and more money is spent on education illiteracy is increasing. And I wouldn't be at all surprised if it didn't end up with virtually the whole revenue of the western countries being spent on education, and a condition of almost total illiteracy resulting therefrom. It's quite on the cards.

Now I want to try to get to grips with this strange state of affairs. Let's look again at the humane holocaust. What happened in Germany was that long before the Nazis got into power, a great propaganda was undertaken to sterilize people who were considered to be useless or a liability to society, and after that to introduce what they called "mercy killing." This happened long before the Nazis set up their extermination camps at Auschwitz and elsewhere, and was based upon the highest humanitarian considerations. You see what I'm getting at? On a basis of liberal-humanism, there is no creature in the universe greater than man, and the future of the human race rests only with human beings themselves, which leads infallibly to some sort of suicidal situation. It's to me quite clear that that is so, the evidence is on every hand. The efforts that men make to bring about their own happiness, their own ease of life, their own self-indulgence, will in due course produce the opposite, leading me to the absolutely inescapable conclusion that human beings cannot live and operate in this world without some concept of a being greater than themselves, and of a purpose which transcends their own egotistic or greedy desires. Once you eliminate the notion of a God, a creator, once you eliminate the notion that the creator has a purpose for us, and that life consists essentially in fulfilling that purpose, then you are bound, as Pascal points out, to induce the megalomania of which we've seen so many manifestations in our time—in the crazy dictators, as in the lunacies of people who are rich, or who consider themselves to be important or celebrated in the western world. Alternatively, human beings relapse into mere carnality, into being animals. I see this process going on irresistably, of which the holocaust is only just one example. If you envisage men as being only men, you are bound to see human society, not in Christian terms as a family, but as a factory-farm in which the only consideration that matters is the well-being of the livestock and the prosperity or productivity of the enterprise. That's where you land yourself. And it is in that situation that western man is increasingly finding himself.

This might seem to be a despairing conclusion, but it isn't. First of all, the fact that we can't work out the liberal dream in practical terms is not bad news, but good news. Because if you could work it out, life would be too banal, too tenth-rate to be worth bothering about. Apart from that, we have been given the most extraordinary sign of the truth of things, which I continually find myself thinking about. This is that the most perfect and beautiful expressions of man's spiritual aspirations come, not from the liberal dream in any of its manifestations, but from people in the forced labor camps of the USSR. And this is the most extraordinary phenomenon, and one that of course receives absolutely no attention in the media. From the media point of view it's not news, and in any case the media do not want to know about it. But this is the fact for which there is a growing amount of evidence. I was reading about it in a long essay by a Yugoslav writer Mihajlo Mihajlov, who spent some years in a prison in Yugoslavia. He cites case after case of people who, like Solzhenitsyn, say that enlightenment came to them in the forced labor camps. They understood what freedom was when they had lost their freedom, they understood what the purpose of life was when they seemed to have no future. They say, moreover, that when it's a question of choosing whether to save your soul or your body, the man who chooses to save his soul gathers strength thereby to go on living, whereas the man who chooses to save his body at the expense of his soul loses both body and soul. In other words, fulfilling exactly what our Lord said, that he who hates his life in this world shall keep his life for all eternity, as those who love their lives in this world will assuredly lose them. Now, that's where I see the light in our darkness. There's an image I love—if the whole world were to be covered with concrete, there still would be some cracks in it, and through these cracks green shoots would come. The testimonies from the labor camps are the green shoots we can see in the world, breaking out from the monolithic power now dominating ever greater areas of it. In contradistinction, this is the liberal death wish, holding out the fallacious and ultimately destructive hope that we can construct a happy, fulfilled life in terms of our physical and material needs, and in the moral and intellectual dimensions of our mortality.

I feel so strongly at the end of my life that nothing can happen to us in any circumstances that is not part of God's purpose for us. Therefore, we have nothing to fear, nothing to worry about, except that we should rebel against His purpose, that we should fail to detect it and fail to establish some sort of relationship with Him and His divine will. On that basis, there can be no black despair, no throwing in of our hand. We can watch the institutions and social structures of our time collapse—and I think you who are young are fated to watch them collapse—and we can reckon with what seems like an irresistibly growing power of materialism and materialist societies. But, it will not happen that that is the end of the story. As St. Augustine said—and I love to think of it when he received the news in Carthage that Rome had been sacked:

Well, if that's happened, it's a great catastrophe, but we must never forget that the earthly cities that men build they destroy, but there is also the City of God which men didn't build and can't destroy. And he devoted the next seventeen years of his life to working out the relationship between the earthly city and the City of God—the earthly city where we live for a short time, and the City of God whose citizens we are for all eternity.

You know, it's a funny thing, but when you're old, as I am, there are all sorts of extremely pleasant things that happen to you. One of them is, you realize that history is nonsense, but I won't go into that now. The pleasantest thing of all is that you wake up in the night at about, say three a.m., and you find that you are half in and half out of your battered old carcass. And it seems quite a toss-up whether you go back and resume full occupancy of your mortal body, or make off toward the bright glow you see in the sky, the lights of the City of God. In this limbo between life and death, you know beyond any shadow of doubt that, as an infinitesimal particle of God's creation, you are a participant in God's purpose for His creation, and that that purpose is loving and not hating, is creative and not destructive, is everlasting and not temporal, is universal and not particular. With this certainty comes an extraordinary sense of comfort and joy.

Nothing that happens in this world need shake that feeling; all the happenings in this world, including the most terrible disasters and suffering, will be seen in eternity as in some mysterious way a blessing, as a part of God's love. We ourselves are part of that love, we belong to that scene, and only in so far as we belong to that scene does our existence here have any reality or any worth. All the rest is fantasy—whether the fantasy of power which we see in the authoritarian states around us, or the fantasy of the great liberal death wish in terms of affluence and self-indulgence. The essential feature, and necessity of life is to know reality, which means knowing God. Otherwise our mortal existence is, as Saint Teresa of Avila said, no more than a night in a secondclass hotel.●

GINGRICH SEEKS SUPPORT FOR HOMEMAKER RETIREMENT BILL

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. GINGRICH. Mr. Speaker, I am cosponsoring Representative PAUL TRIBLE's homemaker retirement bill. The bill will allow homemakers the opportunity to open an individual retirement account (IRA). An IRA is a personal, tax-sheltered retirement plan. Any wage earner who is currently not covered under any other retirement plan may establish an IRA.

A person can make contributions to an IRA of up to $1,500 or 15 percent of his or her income, whichever is less. For Federal income tax purposes, contributions to an IRA are fully tax deductible from the gross income of the wage earner. This can mean considerable savings to the taxpayer over a long period of time.

In addition, the earnings of an IRA are tax free until retirement. The owner of an IRA does not pay taxes on the account until the money is withdrawn from the account as income. Then it is taxed as earned income. Taxes on earned income for a retired employee are generally lower. Plus, all persons 65 and older qualify for a double tax exemption on their Federal income tax return.

Under present law, homemakers are not eligible for IRA's because they very rarely have any earned income. Last year, a law was passed to allow homemakers with some earned income or who have spouses eligible for an IRA to establish IRA's. But the group of homemakers that fall into one of these two categories is small.

Most homemakers fall into a category similar to Juanita Jackson, whom I will use as a typical example. Juanita's husband, George, works for a large company which provides excellent retirement benefits to all of its employees. Since George is covered at work, he is not eligible for an IRA, neither, then, is Juanita. Juanita is a full-time homemaker with no earned income. If something were to happen to George, Juanita would not have any retirement benefits and would have to depend on insurance benefits and social security. If she and George divorced, Juanita might be able to get a job (depending on her skills) at a company which provided retirement coverage. She would have already lost many years worth of retirement coverage while married to George.

If the homemaker retirement bill is passed, Juanita could set aside George's income as her earned income for use in establishing an IRA. She would be able to put up to $1,500 or 15 percent of George's income into an IRA.

Thus, if something happened to George or George and Juanita were to divorce, Juanita would have 30 to 60 percent more retirement income to look forward to. She could retire comfortably and not have to depend solely on insurance and/or social security benefits.

I urge my colleagues to consider the plight of our hypothetical Juanita Jackson and how Trible's homemaker retirement bill would benefit homemakers like her. Please, join me in cosponsoring the homemaker retirement bill and help get it passed during this session of Congress.●

THE 1979 GORDON BENNETT BALLOON RACE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. ANDERSON of California. Mr. Speaker, with great pleasure I am proud to announce the revival of the historic Gordon Bennett balloon race on May 26, 1979. On this day, the skies of Long Beach will be filled with the bright colors of 18 balloons from the United States, Europe, and Japan. This 27th flying of the international race will be the first to be held since 1938 when the annual event was discontinued because of World War II.

A Californian, Dr. Thomas F. Heinsheimer of Rolling Hills, is organizing this "Gasbag Gala." His Friends of the Gordon Bennett Balloon Race Committee has announced the following entries for the grand event:

Country and pilot:
Austria, Josef Starkbaum.
Belgium, Albert Vanden Bemden.
France, Gilles de Mareuil.
Germany, Gottlieb Blenc.
Germany, Jojo Maes.
Italy, Don Piccard.
Japan, Sabu Ichiyoshi.
Poland, Stefan Makne.
Switzerland, Ernst Iselin.
Switzerland, Ernst Krauer.
Switzerland, Peter Peterka.
Switzerland, Erwin Sautter.
United Kingdom, Gerry Turnbull.
United States, Maxie Anderson.
United States, Chauncey Dunn.
United States, Dewey Reinhard.
United States, Ed Yost.
United States, Roger Wolcott.

The all-time Gordon Bennett record was set in 1913 when the French flew 1,334 miles. A team from Poland won the most recent Bennett race, flying a distance of 1,051 miles from Leige, Belgium, to Trojan, Bulgaria, in 1938.

Though balloon technology has advanced greatly, human skill, intuition, and instinct still remain the most important factors in winning. The pilots and crews of the balloons to be launched later this month will face the same challenges as did participants in the earlier Bennett races, and some of the drama experienced by the world during the recent transatlantic flight will be repeated once again.

My wife, Lee, joins me in congratulating the Gordon Bennett Balloon Race Committee for bringing this historic event to southern California. It promises to be one of the most spectacular events ever staged in the international city of Long Beach. We also extend a warm welcome to the participating teams of all countries, and wish each of them a safe and steady flight.●

CHINA'S EMPHASIS ON MINERAL DEVELOPMENT

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

Mr. SANTINI. Mr. Speaker, I have put together some excerpts from a new report on China that my colleagues might find of interest as we work toward the development of a U.S. nonfuel minerals policy. The report, by Dr. K. P. Wang, U.S. Bureau of Mines, leaves little doubt in my mind that the People's Republic of China is making an all-out push for minerals self-sufficiency. Dr. Wang's assessment will appear next month in the "Annual Review" volume of the Mining Journal, a London periodical read worldwide.

The article holds emphatic evidence that China, like other Communist countries, knows unquestionably the importance of mineral development, something that we in this country seem to have forgotten. China knows that mining provides new wealth that in turn strengthens its economy and its national security. The U.S.S.R. has long made minerals self-sufficiency a national goal, having passed the United States in the production of a number of important minerals.

When I read of how China, in addition to gearing up its professional mineral expertise in government, is exhorting and awarding its "masses" to go out and search and discover mineral deposits, I thought of how we in this country are doing the opposite on our public lands. We continue to prohibit or restrict the development of our deposits. We want to close down some of our existing mineral facilities. While China in 1978–79 sent several missions to this country to learn research organization and techniques used in our geological survey and bureau of mines, we on the other hand are bent on further weakening these agencies by burying them deeper in a proposed Department of Natural Resources in which minerals will have no place at the decision table.

I am convinced that we need a nonfuel minerals policy. Minerals must be given a more prominent role in Federal Executive planning; not a lesser role. Certainly not a role less than they now have. I trust that the following summation does credit to Dr. Wang's article:

THE NEW EMPHASIS ON MINERAL DEVELOPMENT IN THE PEOPLE'S REPUBLIC OF CHINA

The Peoples Republic of China in its 1977 shift to a "return to normalcy" set mineral production records in 1977, again in 1978, and by its pronounced goals of catching up with world leaders in science, technology, and commerce leaves little doubt that a major effort is underway to attain mineral self-sufficiency and export whenever possible.

Production started to pick up early in 1978, generally surpassed known capacities by midyear, and established records in many instances by yearend. Bureau of Mines estimates show China's 1978 production exceeding its 1977 production (in metric tons here and elsewhere unless otherwise indicated) as follows:

	1977	1978	Approximate world ranking
Hard coal (million)	500	600	3
Crude oil (million)	95	105	10
Barrels (million)	700	770	----------
Natural gas:			
Meters^3 (million)	90–100	100–110	10
Cubic feet (trillion)	3.25–3.5	3.5–3.9	----------
Iron ore (million)	60	70	5
Pig iron (millions)	27	34	5
Steel ingots (million)	25	31	5
Aluminum (thousand)	250	300	10
Refined copper (thousand)	150	200	10
Refined lead (thousand)	100	100	15
Refined zinc (thousand)	100	125	15
Cement (million)	50	62	4
Chemical fertilizer (million)	37	48	5
Phosphate rock (million)	4	+4	5
Salt (million)	35	+35	2

China's seriousness to succeed at industrialization by first rapidly expanding its domestic minerals capacity was first evident with the announced completion of 7 of 13 large foreign fertilizer plants by yearend 1978 and the plan to put the rest on stream a year later.

A 1978 yearend announcement reported that 1650 new oil wells had started producing during the year, more than twice the number of new starts in 1977. Several new long-distance pipelines were reported completed. "Dozens" of new coal mines were reported started including 10 rated from 0.45 to 1.2 million tpy.* New coke ovens at two steelworks increased coke output by more than 1 million tpy. Construction of the Paoshan Steelworks, China's first ultramodern plant, by Japan's Nippon Steel commenced at yearend. Developments are ahead of targets for 14 construction materials including those for cement, plate glass, and asbestos.

TARGETS AND FORECASTS

Chairman Hua Guofeng announced in early 1978 that China's stated goal over the next 8 years was to develop or complete 120 large-scale projects including 10 iron and steel complexes, 9 nonferrous metal complexes, 8 coal mining centers, 10 oil and gas fields, 30 power stations, 6 new trunk railways, and 5 key harbors, the latter three types of installations essential for raw material production. Included among the initial targets for 1985 were 60 million tpy for steel (one-half U.S. output) and 1 billion tpy for coal. The Chinese seemed to be assured of producing 150 million tpy (1100 million barrels) of oil (one-third of present U.S. output) and could produce as much as 200 million tpy (1450 million barrels) in the late 1980's. Cement production will likely reach 80–90 million tpy by 1985, surpassing U.S. production. Chemical fertilizer production will probably double to 100 million tpy. By the spring of 1979 when it was evident that foreign exchange was hard to obtain, some of the above announced targets for modernization had to be cut down. The steel target for 1985 has been reduced to approximately 40–50 million tons.

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* tpy = tons per year

MINERAL RESOURCES

China is optimistic about its mineral resources and has some 50,000 geologists employed in the search. Its prospectors and drillers total many hundred thousands and drilling for new mineral deposits is extensive compared with figures for industrialized nations. The State or Federal Geological Bureau, which employs about 400,000 workers, indicated that of the more than 140 kinds of useful minerals used in the world 132 have been found in China in minable deposits.

China's more recent announcements of mineral discoveries are sometimes the result of years of search. However, accelerated exploration with stepped-up use of modern techniques has probably been a major factor in the large number of new discoveries.

China's reserves of 17 minerals are reportedly very large by world standards including those of coal, oil, iron, copper, tungsten, antimony, molybdenum, salt, magnesite, limestone, fluorspar, and phosphates. China in 1978 reported that significant achievements were made in prospecting for coal, high-grade iron ore, copper, tin, tungsten, potash, phosphates, pyrites, and various other minerals. Large new reserves of 20 major minerals were delineated by drilling, including those of coal, iron ore, copper, chromium, manganese, tungsten, and pyrite. New deposits of 17 lesser minerals, including rutile and fluorspar, were also reported discovered. Geologic studies of areas outside known mineral regions have reportedly resulted in discoveries of an additional 100 ore deposits.

In addition to the Anshan-Chitashan iron range, another low-grade iron range was being developed in North China. Various 100-million-ton-plus high-grade deposits were reported elsewhere. The development of the substantial porphyry copper deposit in Kiangsi, "large" lead-zinc discoveries in Tsinghai and Szechwan, new reserves of tin and tungsten in Kuangsi, good potential for off-grade bauxite discoveries, discovery of phosphate beds in places like Inner Mongolia and Liaoning, discovery of a large nickel deposit on Kansu, and the welcome discovery of chrome ore in Yunnan Province are all indicative of the strong emphasis being given to minerals.

EXPLORATION AND PRODUCTION

The overall stress on minerals and basic industries in China is unmistakable. The State Geological Bureau, which does most of China's preliminary exploration and drilling for major deposits, services the various natural resources ministries. The Bureau has fifteen research institutes within its Academy of Geological Sciences and runs six colleges of geology, eleven exploration equipment and instrument plants, and various aerial and ocean survey groups.

At least five ministries are directly involved in natural resources, namely Metallurgical Industry, Coal Industry, Petroleum Industry, Water Conservancy and Power, and Building Materials. These agencies operate all of the larger mineral, metal, and fuel enterprises in China and manage their own system of technical schools, colleges, research facilities, design institutes, and equipment plants.

Separately, the Academia Sinica has subsidiary units working on the research and education side of earth sciences. Under the Ministry of Education, there are about 10 universities offering degrees in geology alone.

A big factor in locating mineral deposits in China is the "masses" who are exhorted to search for minerals for patriotic reasons, recognition, and fringe benefits and some monetary awards of late. Help is given to the provinces and masses through regional surveys, technical aid, equipment allocations, and national local conferences on natural resource subjects to exchange knowledge and disseminate information.

MAJOR FOREIGN PROJECTS

Recent evidence of foreign involvement in China's drive to increase its mineral production include:

West German firms are awarded contracts for a 20-million-tpy lignite mine in Kirin and six shaft mines in Hopeh and Anhwei with combined capacity of 20–25 million tpy. Same German firms bidding on development of another 20-million-tpy low-rank coal mine in Heilungkiang.

U.S. firms were asked to bid on the development of a 20-million-tpy hard coal open-cut mine complex in Shansi.

Japanese and possibly others will be involved in expansion of mines in Shantung and Shansi to large coal bases. Japanese may develop coal mines in Hopeh and Liaoning as well.

British have contracts to develop two major coal mines in Shansi partly to supply new power plant to be built in Hong Hong.

Japanese and U.S. firms negotiating for development of newly discovered oilfield in western Sinkian at initial cost of $1 billion.

Nine U.S. oil firms requested to submit proposals for offshore exploration in South China Sea and further north in East China Sea. Very possible that U.S. firms will get some drilling contracts to develop new discoveries in the Pearl River estuary near Canton, off the Leichow Peninsula, in the Chiungchow Straits north of Hainan Island, and in Tonkin Bay southwest of Hainan Island. ARCO and AMOCO were awarded the first two offshore exploration contracts.

Japanese may get a contract to develop the Samsui oilfield near Canton and offshore areas in Pohai Bay.

British Petroleum has contract to conduct seismic surveys in the southern Yellow Sea.

Japan's Nippon Steel has construction underway on the new Paoshan Steelworks near Shanghai. First two stages call for 6 million typ with initial feed mostly imported ore.

U.S. Steel has a large contract to modernize and expand the Chitashan iron mine to supply 17 million tons of pellets to the Anshan Steelworks, the capacity of which is to be doubled; presently it is ranked about twentieth in the world.

The West Germans, Japanese, and likely U.S. Steel have been asked to submit bids on another large steelworks in the north call Chitung. However, construction of this project apparently will be delayed for some time.

Kaiser Engineers were asked to design and develop the Szechiaying iron ore mine for the proposed Chitung Steelworks.

Japan's Nippon Kokan seems to have the best chance to expand the Peking Steelworks.

Bethlehem Steel has a contract to expand the Shuichang iron ore mine to supply the Peking Steelworks.

Expansion of the Wuhan Steelworks is being planned possibly with help from German and Japanese firms that assisted in past expansion.

Fluor Corp. was awarded a contract to develop a new copper mine in Kiangsi Province to recover 250,000 tpy of copper plus molybdenum values.

Japan's Sumitomo Metal Mining awarded contract to build a 90,000-tpy copper smelter in Kiangsi.

Japan's Nippon Light Metals will start construction of a 80,000-tpy aluminum reduction plant in Kweichow Province.

ALCOA was asked to submit bids on two other aluminum plants.

ALCAN, ALCOA, Reynolds, and Kaiser Aluminum were also invited to submit bids on developing bauxite deposits and aluminum facilities.

Japan's Mitsubishi Metal Corp. was requested to help develop lead-zinc industries as a whole.

Negotiations were underway for Japan's Toho Zinc Co. to build a 100,000-tpy zinc refinery.

Germany's Metallgesellschaft has a long-term contract to help develop the "nonferrous metals industries", including work on 22 plants around the country.

Britain's Seltrust Engineering and Charter-CJB Mineral Services were asked to submit proposals in competition with firms from other countries on six major nonferrous metals projects.

French firms may assist in assessing tungsten resources.

Inquiries were made of four Japanese firms to build at least one new cement plant, and Nippon Cement Co. won contract to help modernize existing plants.

A U.S. company is apparently designing a major pyrite development in Kwangtung Province.

A large phosphoric acid plant has been bought from the U.S., and U.S. phosphate experts have been asked to visit China.

Japan's Mitsui Mining and Smelting Co. submitted a bid for a rare earth metals development project.

French firms are scheduled to sell China two U.S.-designed nuclear power plants.●

ELDERLY NEED TAX RELIEF

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. BIAGGI. Mr. Speaker, on May 3, I introduced H.R. 3906, a bill to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age. The purpose of my legislation is abundantly clear—senior citizens in America have been ravaged by the effects of inflation and it is our obligation to prevent their being swept into poverty.

I have introduced legislation to exempt the first $50,000 of retirement income from Federal taxation. The primary purpose of my legislation is to provide needed tax relief to our senior citizens who must meet high expenses with low and sometimes fixed retirement incomes.

As a population group, our elderly are poor. Social security replaces roughly one-half of preretirement earnings. Where a pension is added to social security total retirement income is three-fifths of annual earnings. The 1976 median income of couples over 65 was $7,890; for singles it was $3,360. For those in the age 62 to 64 age bracket the incomes were only slightly better, $12,750 for couples and $4,450 for singles.

Despite low incomes, seniors must meet high expenses. One survey shows that over 70 percent of the senior's budget is for food, medical care, transportation, and housing.

Adding to this burden is the fact that some expenses for seniors are higher than for younger couples. For example, 1977 per capita personal health care costs for the over-65 age group were $1,745. This compares with $661 for the age 19 to 64 age group and $250 for the under 19 years of age group. While 68 percent of these expenses for seniors are covered by medicare and medicaid, the balance must be paid out of pocket or through supplemental insurance policies.

Double digit inflation erodes the senior citizens purchasing power and is placing the ability to make ends meet further and further from reality. Tax relief is one fair and simple means of compensating for these invisible losses. If something is not done soon, we will have our senior foregoing food and medical care to pay Uncle Sam.

The Bureau of Labor Statistics prepares theoretic retired couples budgets each year. The most recent was for autumn 1977. According to BLS, a modest but adequate intermediate standard of living for such a couple required $7,200 annually. Since that study was made, the cost of living rose by 9 percent in 1978 and 3 percent in the first few months of 1979. Educated guesses are that retired people need slightly over $8,000 at this time to maintain that modest but adequate standard.

My legislation would also equalize the tax treatment of those who do not receive tax free social security benefits and those who do. While over 90 percent of our retired seniors do receive social security benefits, approximately 2 million do not; 1 million of these people receive some type of public retirement. Often-times, these pensions are inadequate. For example, the average Federal retiree receives a civil service pension of $7,800 per year, less than what is adequate to maintain an intermediate standard of living for two.

The current tax law allows an individual to subtract 15 percent of a maximum base figure of $2,500 for individual and $3,750 for couples from taxes owed for a given year. However, the maximum base figure is reduced by amounts of social security or railroad retirement income and by $1 for every $2 of income over $7,500 and no social security benefits. The benefits are phased out completely at $12,500.

My proposal would exempt the first $5,000 of retirement income from Federal taxation. Social security benefits, which are nontaxable, average $4,932. Therefore, by exempting the first $5,000 of retirement income from taxes, we would be placing the two types of retirement income on an equal tax free footing.

A third advantage of my bill is that it would simplify the tax process for our retired population. No more bases, percentages or credits to be figured out. All that would be required is simple math computations.

Tax relief is sorely needed by our seniors. My proposal is simple and fair. It is a small price to pay for a big improvement in the lives of our individual senior citizens.●

FISCAL YEAR 1980 BUDGET—A STEP IN THE RIGHT DIRECTION

SPEECH OF

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1979

● Mr. HARRIS. Mr. Speaker, the fiscal year 1980 Federal budget is the most important statement of economic policy that will come before the Congress this year. Not only does it establish priorities as to how our tax dollars are going to be spent, but it also presents the Government's game plan for promoting economic stability.

Although I voted in favor of the first concurrent budget resolution I feel that it could have gone further in attacking the most pervasive problem facing Americans today—inflation. The budget should address, head-on, the needs of average citizens whose pocketbooks are being ravaged by skyrocketing prices. House Concurrent Resolution 107, although a step in the right direction, does not go far enough toward alleviating the burdens of those who cannot afford to hire high-powered lobbyists or who cannot contribute large sums of money for campaign coffers.

INFLATION: PUBLIC ENEMY NO. 1

It is estimated that most Americans spend nearly 70 percent of their after-tax income on the four basic necessities of life—housing, medical care, food and energy. Energy costs have increased dramatically, and decontrol of oil and gas is expected to increase the costs of gasoline and home heating fuel by at least 7–10 percent. Medical costs have escalated 68 percent since 1970. Is it any wonder that Americans, particularly those living on fixed incomes, are feeling victimized by inflation's voracious appetite? The specter of even higher oil prices once they are decontrolled on June 1 demonstrates an even greater need for immediate relief.

The budget is an appropriate vehicle for attacking the problem of higher prices. And, although we have taken a step in the right direction, a golden opportunity to grant real relief was avoided.

A BUDGET OF WASTEFUL SPENDING AND MISPLACED PRIORITIES

The Congress must begin a concerted effort to crack down on wasteful Federal spending. Too many programs are firmly entrenched within the bureaucracy—programs that continue at higher prices and higher costs to the American taxpayer.

This budget resolution made significant progress by reducing the deficit by $13.6 billion from its current level of $34.4 billion. However, there are still too many programs that have actually outlived their usefulness, or could be curtailed significantly. As a cosponsor of the Legislative Oversight Act I feel that the budget could reflect a more accurate picture of what programs are absolutely necessary and vital to the American public. This bill would require reports accompanying the budget resolution to describe objectives and annual accomplishments of government programs in greater detail. This procedure would insure that future budgets would reflect the true needs of the American public by eliminating those programs that merely eat up taxpayer's hard-earned dollars.

This year's budget resolution is also deficient in setting proper priorities. While providing substantial real growth in areas where the increase is of dubious value, the resolution cut back many important and effective programs. This resulted in a real reduction in goods and services delivered to those in our society who are most in need. This budget puts a disproportionate burden of the fight against inflation on those who are already the most adversely affected by rising prices—the aged, the disabled, the young and the poor.

Is it proper, for example, that funds for the Law Enforcement Assistance Administration, a program that has enabled States to strengthen and improve the effectiveness of law enforcement, be slashed by $111 million, when the budget still authorizes $359 million for operating subsidies for the shipping industry? I have consistently voted against these handouts to shipping magnates who thrive in an industry that I think is quite capable of making it on its own.

Advancing technology and improved productivity is essential in the fight against inflation. Is it false economy, then, when the House Budget Committee cuts the President's recommended budget authority figures for general science, space and technological programs when support of our Nation's scientists constitutes a long-term investment in America's future?

Are we truly eliminating the "fat" when we cut school aid and leave wasteful tax expenditures in place? This budget contemplates cutting impact aid, a program that assists the education of children located in areas with large amounts of Federal property, by $105 million when the committee did not even consider closing the notorious "three-martini lunch" tax loophole.

Are our priorities in order when we spend over $4 billion a year on a space shuttle at a time when 50 percent of the Metro system here on Earth is still not operational?

Should we be asked to take cuts in veterans benefits, including the loss of thousands of hospital beds, when the Pentagon wastes billions of dollars each year by avoiding competitive bidding on almost 90 percent of its procurement contracts?

The list of misplaced priorities is impressive, yet the first concurrent budget resolution does take a step in the right direction towards eliminating the Federal deficit. We have now come from a record $66.4 billion deficit in 1975–76 to a projected $20.8 billion deficit for fiscal year 1980. The strides we made during the deliberations on the budget resolution were important and impressive. We succeeded, for instance, in telling the big oil companies that we want their foreign tax credit eliminated. We managed to cut $1.1 billion for funds earmarked for Government traveling expenses, film making and overtime pay. We also pared down the deficit even further by passing a $2.5 billion across-the-board reduction in Government spending authority.

These steps that were taken were indeed important. However, by attacking certain problems that I have identified below, the Congress could balance the budget by fiscal year 1981.

TAX LOOPHOLES—A CHANCE TO SUBSTANTIALLY REDUCE THE DEFICIT

The United States tax code is replete with expensive, special interest tax loopholes that cost the Government billions of dollars each year. These "tax expenditures" are not free—they make a substantial contribution to inflation and to the large Federal deficit. They also put an unfair burden on the average working man and woman because when the big corporations and wealthy individuals avoid their fair share of taxes, middle America must make up the difference.

I was extremely disappointed to see that the first concurrent budget resolution, as proposed by the House Budget Committee, made no mention whatsoever of tax reform. Although the House resoundingly expressed its desire to repeal the foreign tax credit enjoyed by oil companies, it took a proposed amendment to bring up the issue. With this one exception, the budget resolution ducked the issue of tax subsidies. It is indeed scandalous that the average American taxpayer is forced to shoulder the burdens of a deficit budget when, by addressing the issue of tax loopholes, we could make the tax code more equitable, promote economic stability and substantially reduce the federal deficit.

I have specifically identified a number of tax expenditures of highly questionable purpose that, if eliminated, would reduce a significant chunk of the deficit:

[In millions]

Loophole	*Revenue gain in 1980*
Special treatment of Domestic International Sales Corporations (DISCS)	$1,260
Intangible drilling costs	1,660
Use of Asset Depreciation Range for computing the deduction for depreciation	3,030
Percentage depletion for mineral and oil companies	1,740
"Deferral" of income tax on foreign income of U.S. corporations	450
Inappropriate business expense deductions (3-martini lunch, first class airfare, etc.)	2,000
Foreign tax credit for oil companies	3,000
Deduction of farming expenses before paying taxes on profits	500
Taxation of inherited property	1,000
Total	14,640

CONTRACTING OUT

One of the greatest areas of spending abuse in the budget is in the area of contracting out. Since 1970 the number of Federal employees has actually declined while Federal budget outlays have increased by more than $300 billion. It is estimated that contracting out for goods and services will comprise over $100 billion of the fiscal year 1979 budget. Many of these contracts are awarded without any real cost analyses being done—it is very possible that much of this work could be done by Federal employees at a cheaper price. Were tighter controls exercised over this practice, a conservative estimate finds that from $2 to $3 billion could be saved.

As chairman of the Post Office and Civil Service Subcommittee on Human Resources, I have recently begun hearings to examine the Government's practice of contracting out to determine where substantial savings can indeed be made.

CUTTING BACK NOT EASY

Anyone who thinks that making the tough cuts necessary to bring the budget into balance will be easy is mistaken. One of the tough decisions made in the consideration of this budget has been the question of elimination of the State's share of revenue sharing, a good but expensive program.

My own background is in local government and community affairs, where I had an opportunity to see firsthand, the difficulties of distributing available revenues to meet important educational, social, and human needs. The advantage of planning flexibility provided by general revenue sharing is an important one, which has allowed Virginia the opportunity to apply all of its share of the program to local governments. For this reason, I am a strong congressional supporter of general revenue sharing, so long as there is revenue to share. Sharing deficits, however, is another matter.

As a member of the House Judiciary Subcommittee now studying the possibility of constitutional amendments to limit spending, and as a representative of a State which has petitioned the Congress for the adoption of such an amendment, I have an obligation to make cuts where they are possible. Making these cuts is a lot tougher than passing resolutions. Many people do not realize that there are relatively few areas in the budget—about 26 percent of the total—in which Congress has the discretion to appropriate funds.

A total of 23 percent goes for national defense, which must be maintained at a strong level, and 45 percent goes into automatic entitlement programs including social security, which are paid as claims are made upon the system. A total of $82.1 billion, or 16.6 percent of the budget, will be paid out this year to States and localities, more than enough to balance the budget.

Many State agency representatives and groups have lobbied me for more funding—for land and water conservation funds, LEAA grants, nurse training grants, medical school subsidies, NIH, NSF, National Endowments for the Arts and Humanities, Institute of Museum Services, Impact Aid—I support these programs and will work for fair treatment for Virginia under them, but we will have to continue making reasonable budget savings if we are to reduce the Federal deficit.

The objective is a balanced budget. We have made substantial progress toward that goal. We have gone from a position of having a $66.4 billion deficit in President Ford's 1975–76 budget to an estimated $34.4 billion this year. I believe that with tough budgetary action and continued economic growth, we can get the deficit at the Federal level down to $20 billion in fiscal year 1980, and all the way to balanced position in 1981.●

COST-OF-LIVING INCREASES FOR MILITARY AND FEDERAL RETIREES

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. FISHER. Mr. Speaker, one of the benefits of working for the Federal Government or serving as a career member of the Armed Forces is the assurance of a fair and well-financed retirement plan. Since 1977, one feature of both the civilian and military retirement plans has been semiannual cost-of-living increases. In this period of high inflation, these semiannual increases have been very helpful.

The House and Senate Budget Committees, which have responsibility for proposing spending guidelines for Congress, have recommended in their first concurrent budget resolutions that these retirees be given only one cost-of-living increase each year. This proposal was not part of the President's budget for 1980. Although rumors and newspaper reports had indicated that this proposal was under consideration, it was rejected by the administration. Furthermore, the committees with legislative jurisdiction over retirement programs have not requested or shown support for a change in the way cost-of-living increases are provided.

The President has established a Commission on Pension Policy to study a range of issues concerning Government retirement programs. Any changes in these programs should be held off until the Commission has an opportunity to report to Congress.

The committees are proposing the second reduction in the retirement benefits for these two groups in 3 years. In 1976, the system was changed to calculate the increases semiannually and repeal the 1 percent that formerly had been added to the cost-of-living adjustments to compensate for the delayed raises. At that time the switch to semiannual increases was praised as an improvement and as an offset to the benefit reduction. It is unfair to propose another change so soon. Retirees should know what their benefits are and not have them constantly changed and cut back.

Although the first budget resolution contains this proposal, it is only a recommendation. The retirement law remains the same; the semiannual increases are still authorized. The Civil Service Committee and the Armed Services Committee would have to report new legislation and Congress would have to approve it in order to make the budget recommendation effective. Although I am not a member of either committee, I will be following their work and will urge my colleagues to allow the present system of cost-of-living increases to continue. Fairness to the people who have served their country as civilian and military employees demands no less.●

DESPOTISM AND THE DRAFT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. PAUL. Mr. Speaker, probably the most eloquent man ever to serve in the House of Representatives was Daniel Webster. And he combined wisdom with his eloquence, so that his speeches had special impact on his colleagues.

In 1814, Congressman Webster denounced the proposals then before the House for establishing a military draft. His words have special import for today; I would like to bring some of them to my colleagues' attention.

Despotism and the Draft

(By Daniel Webster)

The question is nothing less than whether the most essential rights of personal liberty shall be surrendered, and despotism embraced in its worst form. . . .

Let us examine the nature and extent of the power which is assumed by the various military measures before us. In the present want of men and money, the Secretary of War has proposed to Congress a military conscription. . . .

The administration asserts the right to fill the ranks of the regular army by compulsion. It contends that it may now take one out of every twenty-five men, and any part, or the whole of the rest, whenever its occasions require. Persons thus taken by force, and put into an army, may be compelled to serve there during the war, or for life. They may be put on any service, at home or abroad, for defense or for invasion, accordingly to the will and pleasure of the Government. This power does not grow out of any invasion of the country, or even out of a state of war. It belongs to government at all times, in peace as well as in war, and it is to be exercised under all circumstances, according to its mere discretion. This sir, is the amount of the principle contended for by the Secretary of War.

Is this, sir, consistent with the character of a free government? Is this civil liberty? Is this the real character of our Constitution? No, sir, indeed it is not. The Constitution is libelled, foully libelled. The people of this country have not established for themselves such a fabric of despotism. They have not purchased at a vast expense of their own treasure and their own blood a Magna Charta to be slaves. Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents, and parents from their children, and compel them to fight the battles of any war in which the folly or the wickedness of government may engage it?

Under what concealment has this power lain hidden which now for the first time comes forth, with a tremendous and baleful aspect, to trample down and destroy the dearest rights of personal liberty? Who will show me any constitutional injunction which makes it the duty of the American people to surrender everything valuable in life, and even life itself, not when the safety of their country and its liberties may demand the sacrifice, but whenever the purposes of an ambitious and mischievous government may require it?

Sir, I almost disdain to go to quotations and references to prove that such an abominable doctrine has no foundation in the Constitution of the country. It is enough to know that that instrument was intended as the basis of a free government, and that the power contended for is incompatible with any notion of personal liberty. An attempt to maintain this doctrine upon the provisions of the Constitution is an exercise of perverse ingenuity to extract slavery from the substance of a free government. It is an attempt to show, by proof and argument, that we ourselves are subjects of despotism, and that we have a right to chains and bondage, firmly secured to us and our children by the provisions of our government.

It has been the labor of other men, at other times, to mitigate and reform the powers of government by construction; to support the rights of personal security by every species of favorable and benign interpretation, and thus to infuse a free spirit into governments not friendly in their general structure and formation to public liberty.

The supporters of the measures before us act on the opposite principle. It is their task to raise arbitrary powers, by construction, out of a plain written charter of National Liberty. It is their pleasing duty to free us of the delusion, which we have fondly cherished, that we are the subjects of a mild, free, and limited government, and to demonstrate, by a regular chain of premises and conclusions, that government possesses over us a power more tyrannical, more arbitrary, more dangerous, more allied to blood and murder, more full of every form of mischief, more productive of every sort and degree of misery than has been exercised by any civilized government, with a single exception, in modern times.

The Secretary of War has favored us with an argument on the constitutionality of this power. Those who lament that such doctrines should be supported by the opinion of a high officer of government, may a little abate their regret, when they remember that the same officer, in his last letter of instructions to our ministers abroad, maintained the contrary.

In that letter he declares, that even the impressment of seamen, for which many more plausible reasons may be given than for the impressment of soldiers, is repugnant to our Constitution. It might therefore be a sufficient answer to his argument, in the present case, to quote against it the sentiments of its own author, and to place the two opinions before the House, in a state of irreconcilable conflict.

Further comment on either might then be properly forborne, until he should be pleased to inform us which he retracted, and to which he adhered. But the importance of the subject may justify a further consideration of the arguments.

Congress having, by the Constitution, a power to raise armies, the secretary contends that no restraint is to be imposed on the exercise of this power, except such as is expressly stated in the written letter of the instrument. In other words, that Congress may execute its powers, by any means it chooses, unless such means are particularly prohibited. But the general nature and object of the Constitution impose as rigid a restriction on the means of exercising power as could be done by the most explicit injunctions.

It is the first principle applicable to such a case, that no construction shall be admitted which impairs the general nature and character of the instrument. A free constitution of government is to be construed upon free principles, and every branch of its provisions is to receive such an interpretation as is full of its general spirit. No means are to be taken by implication which would strike us absurdly if expressed.

And what would have been more absurd than for this Constitution to have said that to secure the great blessings of liberty it gave to government an uncontrolled power of military conscription? Yet such is the absurdity which it is made to exhibit, under the commentary of the Secretary of War.

But it is said that it might happen that an army could not be raised by voluntary enlistment, in which case the power to raise armies would not be granted in vain, unless they might be raised by compulsion. If this reasoning could prove anything, it would equally show, that whenever the legitimate power of the Constitution should be so badly administered as to cease to answer the great ends intended by them, such new powers may be assumed or usurped, as any existing administration may deem expedient.

This is the result of his own reasoning, to which the secretary does not profess to go. But it is a true result. For if it is to be assumed, that all powers were granted, which might by possibility become necessary, and that government itself is the judge of this possible necessity, then the powers of government are precisely what it chooses they should be. Apply the same reasoning to any other power granted to Congress, and test its accuracy by the result.

Congress has power to borrow money. How is it to exercise this power? Is it confined to voluntary loans? There is no express limitation to that effect, and, in the language of the secretary, it might happen, indeed it has happened, that persons could not be found willing to lend. Money might be borrowed then in any other mode. In other words, Congress might resort to a forced loan. It might take the money of any man by force, and give him in exchange exchequer notes or certificates of stock. Would this be quite constitutional, sir?

It is entirely within the reasoning of the secretary, and it is a result of his argument, outraging the rights of individuals in a far less degree than the practical consequences which he himself draws from it. A compulsory loan is not to be compared, in point of enormity, with a compulsion military service.

If the Secretary of War has proved the right of Congress to enact a law enforcing a draft of men out of the militia into the regular army, he will at any time be able to prove, quite as clearly, that Congress has power to create a Dictator. The arguments which have helped him in one case, will equally aid him in the other, the same reason of a supposed or possible state necessity, which is urged now, may be repeated then, with equal pertinency and effect.

Sir, in granting Congress the power to raise armies, the people have granted all the means which are ordinary and usual, and which are consistent with the liberties and security of the people themselves, and they have granted no others. To talk about the unlimited power of the Government over the means to execute its authority, is to hold a language which is true only in regards to despotism. The tyranny of arbitrary governments consists as much in its means as in its ends; and it would be a ridiculous and absurd constitution which should be less cautious to guard against abuses in the one case than in the other.

All the means and instruments which a free government exercises, as well as the ends and objects which it pursues, are to partake of its own essential character, and to be conformed to its genuine spirit. A free government with arbitrary means to administer it is a contradiction; a free government without adequate provisions for personal security is an absurdity; a free government, with an uncontrolled power of military conscription, is a solecism, at once the most ridiculous and abominable that ever entered into the head of man.

In my opinion, sir, the sentiments of the free population of this country are greatly mistaken here. The nation is not yet in a temper to submit to conscription. The people have too fresh and strong a feeling of the blessings of civil liberty to be willing thus to surrender it.

You may talk to them as much as you please, of the victory and glory to be obtained in the enemy's provinces; they will hold those objects in light estimation if the means be a forced military service. You may sing to them the song of Canada conquest in all its variety, but they will not be charmed out of the remembrance of their substantial interests and true happiness. Similar pretences, they know, are the grave in which the liberties of other nations have been buried, and they will take warning.

Laws, sir, of this nature can create nothing but opposition. If you scatter them abroad, like the fabled serpents' teeth, they will spring up into armed men. A military force cannot be raised in this manner, but by the means of a military force. If administration has found that it cannot form an army without conscription, it will find, if it venture on these experiments, that it cannot enforce conscription without an army.

The Government was not constituted for such purposes. Framed in the spirit of liberty, and in the love of peace, it has no powers which render it able to enforce such laws. The attempt, if we rashly make it, will fail; and having already thrown away our peace, we may thereby throw away our government . . .

Those who cry out that the Union is in danger are themselves the authors of that danger. They put its existence to hazard by measures of violence, which it is not capable of enduring. They talk of dangerous designs against government, when they are overthrowing the fabric from its foundations. They alone, sir, are friends to the union of the States, who endeavor to maintain the principles of civil liberty in the country, and to preserve the spirit in which the Union was framed.●

THE 25TH ANNIVERSARY OF FATHER CHARLES MASCOLINO

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. APPLEGATE. Mr. Speaker, I would like to request a few moments of time to divert my colleagues' attention from the many serious matters which we are facing to a milestone which will be commemorated in my congressional district this Sunday, May 20.

Father Charles Mascolino will celebrate, on that day, the 25th anniversary of his ordination to the Roman Catholic Priesthood. Over these past 25 years, Father Mascolino has unselfishly devoted his time, energy and love to spiritually guiding and aiding the many parishioners he has come to know and serve throughout many of the areas of the 18th Congressional District. I hope that many happy memories will today serve as part of his reward for his dedication in the service of the Lord.

As many family members, fellow religious colleagues and parishioners join in sharing this occasion with Father Mascolino, I would like to offer a simple but sincere sentiment. In the years that lie ahead, may everything that you do, Father, bring God's abundant blessings to your special work and to you as well.●

SALUTE TO REV. CORNELIUS F. KELLY, O.F.M.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. ROE. Mr. Speaker, on Saturday, May 19, the residents of my congressional district and State of New Jersey will join together at a Mass of Thanksgiving in the Church of the Assumption, Woodbridge, N.J., in testimony to the lifetime of good deeds of a most distinguished member of the clergy, revered pastor, community leader and good friend, the Reverend Cornelius F. Kelly, O.F.M., whose standards of excellence in service to God and his fellowman have truly enriched the spiritual, cultural, and educational endeavors of our community, State, and Nation.

Mr. Speaker, I know that you and our colleagues will want to join with me in extending our warmest greetings and felicitations to Father Kelly upon the celebration of the 40th anniversary of his ordination to the priesthood. Father Kelly's personal commitment to Almighty God and to the people he serves has enabled him to achieve the deepest respect and esteem of all who have had the good fortune to know him. His leadership position in the community is manifested by his many good deeds and his sage advice and counsel is sought by many of the diocese agencies and his fellow priests. He has lavishly bestowed his personal attention and care upon each and every citizen who called upon him during their hour of need and is always there to give comfort and aid to the sick.

Father Kelly was ordained at the National Shrine of the Immaculate Conception here in Washington, D.C., on May 30, 1939. He served his priestly ministry at St. Francis Church, New York City; St. Patrick's, Buffalo, N.Y.; and St. Francis Friary, Brookline, Mass. He established the Franciscan House at Rye Beach, N.H., and served as pastor of St. Joseph's Church, Echo Lake, West Milford, in my congressional district for 14 years. Subsequently he returned to Boston, Mass., to the downtown Shrine of St. Anthony's. He served as rector of Our Lady's Chapel, New Bedford, Mass., and we were pleased to welcome his return to New Jersey in September 1978.

Mr. Speaker, Father Kelly is currently busily engaged in service to the Franciscan Order, Diocese of Paterson and imparting his lifetime of dedication and devotion to the Holy See in preparing young boys for the priesthood. His long list of exemplary achievements span the needs and concerns of all of our people, young and adults alike. He has inspired us by his prayer and good example and has served in the vanguard of the community as spiritual adviser and counselor in many charitable and civic endeavors.

Mr. Speaker, in national tribute to the elegance of his faith and outstanding good works on behalf of our people, it is indeed a privilege and honor to call this most important commemorative celebration to the attention of you and our colleagues here in the Congress.

In celebrating this milestone of achievement and distinguished ecumenical service of four decades—the 40th anniversary of his ordination to the priesthood—we do indeed salute an esteemed member of our clergy and great American—the Reverend Cornelius F. Kelly.●

THE EDISON ELECTRIC INSTITUTE ON NUCLEAR POWER

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. HALL of Texas. Mr. Speaker, the unfortunate accident at Three Mile Island in Pennsylvania has caused considerable public concern and doubt as to the safety of nuclear power. At this point, I would like to include in the RECORD the following letter and resolution from the Edison Electric Institute as to the rededication of the electric power industry to public safety as the primary consideration in their production of safe and reliable electric power throughout our Nation.

The letter written to the President of the United States by the chairman of the Edison Electric Institute follows, as well as the resolution adopted at the board of directors meeting on April 9, 1979:

EDISON ELECTRIC INSTITUTE,
Washington, D.C., April 14, 1979.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Edison Electric Institute, meeting this week at its 47th annual convention in Atlanta, heartily commends you for the actions you have taken in appointing a fully independent Presidential Commission to investigate the Three Mile Island accident which occurred recently in Pennsylvania.

Our industry also wishes to offer you and the Nuclear Regulatory Commission its full cooperation in implementing the work of the

Presidential Commission. We stand ready to assist you in any way you feel will expedite the work of the Commission.

In addition, our industry, on its own initiative, has taken a number of important actions as a result of the events of the past two weeks. We want to take this opportunity to bring them to your attention.

First, recognizing that its member companies with nuclear power programs are already deeply involved in analysis of the Three Mile Island accident, the Edison Electric Institute is uring that its members give the highest priority to these studies in order to identify the generic lessons to be learned and to implement necessary changes in present safety systems and procedures resulting from this review.

Second, the Institute has appointed an ad hoc committee of top-level utility executives that will oversee and coordinate efforts of the industry to address the impacts resulting from the accident in Pennsylvania. Representatives of public power systems also are being asked to participate in the work of this committee.

Third, the Electric Power Research Institute, the industry's research and development arm, has been given an assignment to undertake as expeditiously as possible, with an augmented staff of experts, detailed technical study of the Three Mile Island accident.

Fourth, the industry will establish a scientific review board of recognized experts not associated with our industry to examine the collective industry response to the safety reviews relating to the Three Mile Island accident.

The Edison Electric Institute, in a resolution passed by its Board of Directors last Monday, has reaffirmed its commitment to nuclear power, recognizing that public safety is the paramount consideration, and that while the production of electricity from the atom is only one of several ways to produce energy, it is currently an essential one.

It is our sincere hope that the efforts being taken by the Administration, the agencies of the Federal government, the electric power industry and other organizations and individuals will eliminate insofar as humanly possible a recurrence of the type of accident that took place at Three Mile Island.

Respectfully,

W. REID THOMPSON,
Chairman.

RESOLUTION

Whereas, nuclear power remains an irreplaceable component of the nation's electric generation system for the foreseeable future; and

Whereas, for three hundred and nine civilian reactor years nuclear power has provided environmentally clean and economically sound electric energy without causing injury or death to a single member of the general public or death by radiation to a single power plant employee; and

Whereas, the unfortunate accident at Three Mile Island, while it did not cause a single death or serious injury to the public, has resulted in heightened public concern and doubt as to the safety of nuclear power; and

Whereas, this accident proved that the system of redundant safety devices works and does protect the public from harm; therefore, be it

Resolved, That the Board of Directors of the Edison Electric Institute, meeting in the City of Atlanta, Georgia, on the ninth day of April, 1979, reaffirms its faith in the safety of nuclear power, reiterates its determination to utilize every conceivable precaution to prevent accidents, restates its concern for the public safety and rededicates itself to the production of safe and reliable electric power for the benefit of all the public it serves.●

THE REAL NUCLEAR ISSUE

HON. STANLEY N. LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. LUNDINE. Mr. Speaker, there is no aspect of the problem of nuclear waste management which has been totally addressed and satisfactorily resolved. There are waste management problems associated with every step of the nuclear fuel cycle and with our defense program.

It is difficult to place this issue in perspective, given our serious worldwide energy situation. I have come to deal with the nuclear waste issue in some detail because the only commercial nuclear reprocessing plant ever to have operated in the United States is located in West Valley, N.Y., within my congressional district. I am hopeful that a legislative provision recently approved by the House Science and Technology Committee authorizing the Department of Energy to demonstrate our ability to deal with high level nuclear wastes by solidifying the high level wastes at the West Valley site can be approved.

We must make a concerted effort to resolve the institutional and technical challenges we are facing in this important area of national policy. The issue of nuclear waste management policy and decisionmaking is the subject of an insightful article by Tom Wicker which appeared in the May 11 issue of the New York Times. I commend Mr. Wicker's fine commentary on this issue to you for your consideration.

THE REAL NUCLEAR ISSUE

(By Tom Wicker)

President Carter was only speaking common sense the other day when he told organizers of the big Washington antinuclear rally that closing all operating nuclear plants was "out of the question."

It isn't even the most pressing nuclear issue. That dubious honor, while obscured by the Three Mile Island accident, belongs to the long-neglected nuclear waste-disposal problem.

Operating nuclear power plants, of course, contribute to the accumulation of radioactive wastes. But at the moment these plants are also contributing something like 12 percent of the nation's electricity. That may not be much for the long pull, and it can be reasonably argued that it can fairly soon be replaced by solar and other sources; but taking those 70 nuclear plants off line now would be likely to drive up oil imports, or divert oil from gasoline refineries, or perhaps both.

It made sense to close for modification those reactors of design similar to the one that went wrong in Pennsylvania; but no evidence demands the immediate shutdown of all others for safety reasons. The nation can afford to wait until various Congressional committees and the Kemeny Commission have completed their studies of Three Mile Island before it considers drastic revision of its commitment to nuclear power.

It cannot afford much longer the bumbling, neglect and spohistry—or the public apathy—that for thirty years have marked the Government's and the industry's failure to deal with nuclear wastes. And closing all nuclear power plants would neither solve that problem nor have major effect on it. Nuclear wastes are overwhelmingly a *military* product—the bastard offspring of gross parentage, the nuclear weapons program. And this major generator of the worst kind of wastes would not be affected at all by a power plant shutdown.

More than 3,000 metric tons of spent fuel from nuclear plants is currently being stored in some temporary fashion in this country; and each operating nuclear plant adds about 30 metric tons a year. But there are 74 million gallons of high-level radioactive wastes from the weapons program already in storage; expected weapons production should add another 41 million gallons by the end of the century. Does anyone predict that those weapons will not be produced?

All of these wastes will remain highly toxic for tens of thousands of years. Yet, not only is there no national repository, there is no *experimental* repository; and the Depart- of Energy has delayed its supposed 1985 deadline for providing a satisfactory repository at least until 1988. No one knows how much safe, long-term disposal will cost; who will pay; where the repository will be located; or even who can decide where to put it.

The last point is thorny. Since 1976, thirteen states have voted against a disposal site within their borders; similar legislation is pending in others. A recent poll of 1,002 residents of Washington state—a principal temporary repository of nuclear wastes—was typical. Respondents were 43.7 percent opposed to storage in their state (with 37.6 having no opinion); 62.2 percent opposed to transportation of wastes from elsewhere to Washington; and 53.2 percent in favor of Washington residents having the right to vote for or against a disposal facility in their state.

Gov. Richard Riley of South Carolina, the nation's other major nuclear dump, recently refused to accept radioactive debris from Three Mile Island, notifying the Nuclear Regulatory Commission that he considered waste disposal a national problem requiring a national solution. He has pointed out that such a solution ought to be based on "public health and environmental safety" requirements and "not on the basis of least political resistance."

There's the rub. Technological means of safe waste disposal may or may not be available; experts disagree. But what Jerome Wiesner and Herbert York once wrote of the nuclear arms race may well be applicable to the waste issue: "It is our considered professional judgment that this dilemma has *no technical solution*." (Italics mine.)

If so, scientists may develop and demonstrate disposal technology, but the rest of us must not only decide profoundly human political questions; we must decide *how to decide*. The question is not just where to locate a waste repository but how that decision can be equitably made and how people can be brought to accept it. How can the public be satisfied as to the efficacy of the technology? What role for the states? What for localities? Can anything less than the best site for technological (safety) purposes ever be acceptable, for political or any other reasons?

Such questions can't be addressed by scientists alone. They are not being satisfactorily addressed by anyone else, in government or industry. Yet, more than any others, these questions ultimately will decide the future—if any—of nuclear power; and no issue in American life today is of more importance, to current generations and whatever posterity there may be.●

SCHOOL VIOLENCE A PROBLEM ALL THROUGH THE UNITED STATES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. BIAGGI. Mr. Speaker, during the 95th Congress I successfully offered an amendment to H.R. 15, the Education Amendments of 1977 which established the first Federal program to aid in reducing school violence and vandalism. Under my amendment $15 million was to be awarded to 15 local school districts especially affected by crime to either establish or maintain programs for school safety.

At the time my amendment was under consideration in the House concerns were expressed my Members about how the 15 districts were to be selected in terms of geography. I made the observation at that time that the problem was by no means limited to urban districts. The facts showed clearly that suburban schools were being affected especially by vandalism.

Despite the mandate of Congress, the President's budget requests no appropriations for implementation of the safe school amendment. This disappoints me in that we are willing to spend billions of dollars on different programs to teach our children—but not 1 cent to make our schools safe for either the student or the teacher.

I hope my colleagues from all areas of the Nation will join me in supporting the restoration of the $15 million for safe schools. We cannot allow the two v's, violence and vandalism, to disrupt the learning of the three r's in American schools.

At this point in the RECORD I wish to insert an article from this week's edition of the U.S. News & World Report entitled "Now It's Suburbs Where School Violence Flares".

The article follows:

NOW IT'S SUBURBS WHERE SCHOOL VIOLENCE FLARES

A wave of violence in many of the nation's schools is again playing havoc with American education.

Turmoil and mayhem that terrorized classrooms in the past decade continue to make schools hazardous places in which to work—and to learn.

What is particularly troubling educators and parents is this new development: School violence is moving rapidly to the suburbs—away from the inner-city systems that have actually reduced classroom crime in recent years by tighter security and stricter punishment.

Such cities as Boston, Detroit, Chicago, Kansas City, Miami, Memphis and Portland, Oreg., reported decreases in school crime in the past year after get-tough policies began.

Now, it is the communities noted for good schools and quality education that are being scandalized by physical assaults and threats against teachers and students.

Handguns, ice picks, explosives and other weapons are turning up increasingly at schools in wealthy suburbs of Los Angeles, Denver, Washington, D.C., and New York, as well as in scores of smaller towns across the nation—Humboldt, Iowa; Norfolk, Va.; Bellevue, Wash.; Kittanning, Pa.; New Britain, Conn., and Evansville, Ind.—among them.

"Violence in our schools reflects violence in our society," says Bennie Kelley, president of the National Association of School Security Directors. "As criminal activity increases in suburbs and smaller cities, it follows that this trend will show up in suburban and rural schools. That is exactly what is happening."

The National Institute of Education estimates that 5,200 junior and senior-high-school teachers are physically attacked every month and 6,000 are robbed by force. About 282,000 junior and senior-high-school students are assaulted and 112,000 are robbed at school every month.

School authorities also emphasize that a high proportion of violent incidents are perpetrated by nonstudent intruders, who have easy street access to many schools.

Most of the violence occurs at the junior-high level, authorities report.

Such violence has produced "a continuous feeling of fear and apprehension among teachers and students, particularly in schools that once were considered safe," asserts an official of the National Association of Secondary School Principals.

Thus, three years after a congressional study declared that "self-preservation rather than education" was the prime concern of students and teachers in many U.S. schools, the threat of violence remains a central preoccupation of hundreds of thousands of teachers and students.

BATTLE ZONE

So perilous have some schools become that psychologists say many teachers suffer from "combat fatigue," with anxiety and neuroses similar to those of soldiers coming out of war zones.

Sara Eisner, who teaches health science at Fairfax High School in Los Angeles, explains how her routine has changed since 1963, her first year as a teacher.

"When I teach my last class of the day, I'm in a far corner on the third floor," she says. "I carry no valuables, and I keep the doors locked. After class, I hurry to a safer area."

Some teachers have begun keeping tear-gas canisters, police whistles and even firearms in their desks to ward off assailants.

Officials of teacher unions—which have been among the leaders in the fight against school violence—say an unsuspecting adult walking into most public schools today would be amazed at what he or she sees.

Students carry blaring portable radios into classes, roughhousing and obscene language are commonplace in hallways, food fights break out in cafeterias, and there is constant noise.

Besides this atmosphere, many schools experience frequent outbreaks of brutal violence, some with deadly results:

While her second-grade class watched, a California teacher was forced by an intruder to undress at gunpoint, then was sexually assaulted. When he left, the assailant took the woman's clothes and purse. The children covered her with their sweaters and jackets.

A New Orleans teacher watched while two boys threw a smaller child off a second-floor balcony. She was afraid to interfere because she feared the boys might then attack her.

High-school girls in Los Angeles, angry over low grades, tossed lighted matches at their teacher, setting her hair on fire. The teacher subsequently suffered an emotional collapse.

In Alexandria, Va., student vandals slashed tires on a police car in a high-school parking lot, painted drug graffiti on library walls, ripped the front gates from the school, smashed windows, ruined a carpet with glue, detonated an explosive in a smoking area, snipped gaping holes in the school's chain-link fence, poured motor oil on a hallway and cut down the school flagpole with a pipe cutter and rammed the pole through a window in the principal's office. The school subsequently was closed after a devastating fire, believed to have been arson.

In Austin, Tex., while 30 of his classmates watched, the 13-year-old son of former White House Press Secretary George Christian shot and killed his English teacher with a semiautomatic rifle. The teacher had given the boy a failing grade.

Surprisingly, such flagrant examples have occurred during a period when overall school violence has declined slightly, according to law-enforcement officials. One reason for the drop, they say, is that teachers and administrators are increasingly reporting violent acts when they occur. Such quick reporting has increased media exposure and public concern, and thus deterred crime.

"Teachers reached a point where they simply had to fight back," says John Ryor, president of the National Education Association, the nation's biggest teacher organization. "The fear of being mugged or assaulted is so prevalent that teachers haven't been able to perform their basic function of educating children."

BROKEN SILENCE

For years, authorities note, teachers were discouraged from reporting serious disruptions because their supervisors did not want trouble exposed.

John Pietrowicz, a member of the New Jersey State Task Force on Reducing Violence and Vandalism in the Schools, observes: "Administrators do intimidate their staffs into forgetting violent incidents. What's unfortunate is that if these acts were performed on the street they would quickly be reported to the police as outright crimes."

Now, teachers in many areas are being encouraged to report every assault, however minor, and demand action from the school board. In addition, teachers are increasingly filing for workers' compensation benefits, suing for damages and pressing criminal charges for every student-inflicted injury.

Teachers and schools are taking measures to deal more forcefully with the threat of violence and disruption, as the box on page 66 shows.

A major impetus for the new teacher campaign against physical abuse is growing evidence that school mayhem causes severe damage to a teacher's psychological and physical health.

Nervous tension, ulcers, high blood pressure, migraine headaches and coronary stress were listed by teachers surveyed in Chicago on health hazards resulting from teaching.

Psychological stress may be even more serious, says Dr. Alfred Bloch, a Los Angeles psychiatrist who has treated nearly 500 public-school teachers.

"When teachers run into violence that is unprovoked and unwarranted, they often suffer tremendous feelings of failure," Dr. Bloch said. "They believe that if they were good teachers they should have been able to cope with violent acts, or prevent them."

Teachers, he adds, are usually ill-equipped to deal with violence because they tend to be passive, idealistic people who are unable to understand why violence is directed at them.

A single incident of violence in a school can exact a stiff toll, Dr. Bloch adds. "When a teacher in classroom A is raped or assaulted, think what it does to the teacher in classroom B or C or D," he says. "She is living in constant anxiety, always wondering, 'When is it going to be my turn?'"

TEACHER EXODUS

As the violent trend moves into schools that have traditionally been calm, more teachers are opting to leave the field altogether, educators note. Early retirements and resignations have reduced the number of teachers with 20 years or more experience by half since 1961, with most of that decline in the last five years. What can schools do to prevent disruption and violence, especially those that have not previously had such problems? One solution is to get more parents into the schools to view conditions first hand and consult with officials on corrective actions.

"When I come home from meetings at 2 in the morning, I see 12-year-olds in the street who tell me that their parents don't demand that they be at home," says Robert A. Jordan, a school social worker in Atlanta. "This sort of parental abdication of bringing up children is a root cause of disruption in the schools."

The NEA's Ryor agrees. "The same parents who are demanding that we go back to the basics also want us to teach their children discipline and right from wrong," he says. "Those parents who cry over lack of discipline in the schools are the first to complain if it is their child who deserves the discipline."

Marjorie Louer, principal at Sterling High School in Brooklyn, also suggests that troublesome students should be given more individual attention.

"Youngsters often will lash out when they are in schools with enrollments of 4,000 or 5,000 students and they are just another number," she notes. "They're handled just like they are in a factory by, in some cases, tired old teachers who don't have much experience or patience in handling troublesome kids."

FURTHER REMEDIES

Another approach that has worked in many big-city systems is to place unarmed but uniform guards in schools.

"Trained guards can quickly identify potential troublemakers, where the drug deals are made and which teachers are most vulnerable," says a Chicago School Board official. "The feeling in the schools is more relaxed, and kids feel they can't get away with much."

In some schools, teachers carry small radio transmitters to summon immediate help.

Another method is being tried in Texas that may help smaller schools deal with discipline problems. State officials are issuing a "constitutional, enforceable and understandable" student-conduct code that can be voluntarily adopted by each school district. They believe the code will "establish uniform guidelines to curb a much declining respect for authority" in the classroom. Other states are considering such codes.

A statewide code might also make it easier for school boards to operate in the wake of recent court decisions defining broad rights of children. Corporal punishment has also been suggested as a way to quell disruption, but most authorities say the risks are greater than the deterrent.

"Spanking young children can get you in trouble with parents, and trying to spank 17-year-olds can get you a black eye or worse," says a veteran Detroit teacher.

Many large urban schools have shown that classroom crime can be reduced. "The way to combat teacher assaults and other disruptive behavior is to demonstrate to students that these incidents will never be tolerated," says Kenneth Van Spankeren, who has dramatically improved conditions at Chicago's Orr High School on the city's tough West Side since he became principal four years ago.

"Students at Orr now know that an assault automatically will bring police action and a 10-day suspension," he observes.

"Most important, everyone understands that the teachers have a right to teach without interference and students have a right to learn," Van Spankeren says. "Once that's made clear, the problems begin to disappear."

TEACHERS FIGHT BACK AT UNRULY KIDS

Second graders at a Montgomery County, Md., elementary school have revived an old playround song that follows the tune of "Battle Hymn of the Republic." The lyrics—although sung innocently—seem prophetic:

We are gathered here together for the burning of the school,
We have tortured every teacher,
We have broken every rule,
We have set the school on fire,
We have killed the principal,
Our truth is marching on!

A student in suburban Los Angeles stands up in class, belches loudly and tells the teacher: "This is a bunch of boring s***." Others in the class laugh and cheer.

When a seventh-grade teacher near Dallas threatens to call the principal to deal with a lunchroom disruption, one youngster pours a carton of orange juice over the teacher's head.

Such taunts and challenges to school authority are the seeds of violence, educators say, and are a major reason for the tension and bitterness that many teachers and administrators feel about their jobs.

Says John Kotsakis of the Chicago Teachers' Union: "It's the day-to-day stuff that wears you down—the filth, the overcrowded and run-down buildings, the same three kids calling you the same obscenity every day, the snapped antenna on your car."

What is most frustrating is that nearly all school disruptions are initiated by a tiny fraction of students—well under 10 percent—educators say. Once an incident has begun, other students are quick to join in.

Now, schools are beginning to train teachers in ways to be more forceful—and more understanding—with students, to head off trouble before it starts.

Jo Anne Cannon, a teacher of disturbed and maladjusted boys at Timber Ridge School in Winchester, Va., believes that toughness tempered with compassion is vital.

"If a student feels he is a victim of an impersonal, cold institutional power, one of the things he can do is fight back," she says. "A student should understand why actions are taken, so that he doesn't think the world is aligned against him."

Teachers should also be careful, she says, not to provoke assaults through shame or humiliation. Ridicule can cause a student—especially one who cannot strike back verbally—to lash out physically.

Other teachers note that poor grades are probably the most frequent motivation for abuse of a teacher. Counseling with students when they receive low marks, and explaining the reasons in advance, can nip trouble in the bud.

One of the most successful methods of student control was begun by Lee Canter, an education instructor at California State University at Fulerton, who has trained nearly 25,000 teachers in "assertive discipline." This course has shown marked benefits in the classroom.

"We simply train a teacher in simple ways to establish that he is the boss and that he will not tolerate behavior problems," says Canter. "But we also reinforce good behavior, so that the teacher can be effective without coming on like a drill sergeant."

In Cincinnati, students at elite Walnut Hills High School have set up Operation RATS—"Report All Things Swiftly"—designed to curb robberies, assaults and other kinds of disruptions.

A student task force, working with parents, set up the program which encourages students to report any information about school crimes, for which small rewards are given.

"Students tend to be apathetic, and also scared," says a member of the school's student congress that engineered the plan. "What we're attempting to do is give kids strategies on how to protect themselves and their property, and make them streetwise."●

GOP OPPOSES CARTER EDUCATION DEPARTMENT

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. SHUSTER. Mr. Speaker, President Carter's proposal to create the 13th Cabinet Department, H.R. 2444 which would establish a Department of Education not only is bad education policy, it also is bad government management policy. It would eliminate diversity of educational choice at the local level, and it would establish a Cabinet level bureaucracy larger than the current Departments of Commerce, HUD, Interior, Justice, and State.

Never before has the Federal Government deemed education to be primarily a Federal responsibility. Education always has been a responsibility of the States, a wholesome tradition which should be continued.

President Carter's proposal is nothing more than a blatant political payoff to the National Education Association which endorsed his candidacy in 1976 in return for his promise to create a Department of Education.

The Republican Policy Committee, which I chair, has gone on record overwhelmingly in opposition to passage of this politically endorsed, costly Presidential payoff. If Members of this House permit President Carter to cater and cave in to the powerful education lobbies they will commit an injustice to a whole generation of Americans.

At this point, Mr. Speaker, I would like to insert into the RECORD the complete text of the Republican Policy Committee statement on H.R. 2444.

REPUBLICAN POLICY COMMITTEE,
Washington, D.C., May 15, 1979.

H.R. 2444—CREATION OF A CABINET LEVEL DEPARTMENT OF EDUCATION

The Republican Policy Committee strongly opposes the passage of H.R. 2444, to create a Cabinet Level Department of Education.

H.R. 2444 upgrades the Department of HEW's Office of Education to Cabinet level status and omits numerous education programs scattered throughout the Executive Branch. It would establish the 13th Cabinet Department with a budget of $14.5 billion and 24,300 employees, 14 executive level positions, 61 super grade positions and an additional 15 super grade positions for a 3 year transitional period.

Passage of this bill will establish a new department larger than the current Departments of Commerce, HUD, Interior, Justice, and State. If precedent is any indication, this new department can be expected to grow in size and expenditures as soon as it is established. For example, the Department of Energy (DOE) was created on October 1, 1977 and spent $5.2 billion and employed 18,078 in fiscal 1977. In 1978, the DOE spent $8.2 billion and employed 19,500. In fiscal 1979, OMB estimates the DOE will spend $10.1 billion and employ 19,109. The history of the eleven other Cabinet Departments shows similar trends.

Cabinet level departments are usually established to enunciate policy where there is an overriding national responsibility such as defense, energy, transportation, and, not for providing merely a support role. Never before has the federal government deemed education to be primarily a federal responsibility. Education has always been a responsibility of the States, a wholesome tradition which should be continued.

H.R. 2444 is clearly bad education policy because it further erodes local control over education policy, it politicizes education at the federal level, and damages the educational opportunities of our children. Creation of a Department of Education would eliminate two great strengths of American education—diversity of choice at the local level which has fostered the intellectual vitality of our system and permits parents and students the wide spectrum of choice in determining what type of schools are best for them, as well as the opportunity to affect those choices at the local level—and freedom from partisan politics which has permitted education policy to be debated on its merits resulting in consensus solutions receiving wide bipartisan support. H.R. 2444 would supplant these strengths with centralized federal direction and policy making by partisan whim.

What is at stake is not governmental reorganization but rather basic education policy. The consequence of establishing a Department of Education with the federal government as the principal policymaker in education is to lock in the categorical grants in aid. This prejudges the value of alternative choices because no Cabinet Department will support alternatives which diminish its authority. The new Department of Education would justify its existence by resisting alternatives to categorical grants such as block grants and revenue sharing. The federal government as the principal policymaker in education would provide the foundation for more federal rules and regulations and more federal decision making in education. American education is already overregulated. Education and school administrators are being strangled by red tape, and the taxpayers are being robbed by the cost of cutting through that red tape.

H.R. 2444 is also bad government management policy. Creation of a Department of Education is contrary to the recommendations of every Presidential Commission on government reorganization. The Hoover, Heineman and Ash Commissions all recommend that the President should have fewer Cabinet Secretaries reporting to him. In fact, the Heineman Commission under President Johnson specifically recommended against a Cabinet Department of Education. Passage of H.R. 2444 could be the first step in spawning more bureaucracy. If Education deserves its own department so does Welfare—and—a Department of Health is only a campaign promise away. The management philosophy embodied in this legislation rewards one special interest group over others. The structure of government should reflect management decisions and not the spoils of interest group politics.

For those who argue that this bill would better coordinate federal education programs, it should be pointed out that 96 percent of the education programs now outside HEW would remain outside the proposed Department of Education. This bill is only the first step in affirmative authority necessary for this new department. Once the new department is created a President, through Executive order and reorganization plans can move more programs into the department without affirmative legislative approval by Congress.

Those who gain by the creation of a Department of Education are some of the teacher organizations and the industry that supplies educational materials. Our children will not benefit. The resulting educational-industrial complex will not need to answer to the American people when they complain about federal domination of education policy, erosion of equal educational opportunities and simply inefficient government. Congress will be the target for them and justifiably so. Congress will also be the target of massive lobbying efforts to increase federal spending for education to benefit the educational-industrial complex.

Passage of this legislation would be political expedience, catering to one powerful education lobby here in Washington. H.R. 2444 should be defeated.●

ST. STANISLAUS AND POLISH CONSTITUTION DAY COMMEMORATED

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. GUARINI. Mr. Speaker, on May 6, the Bayonne chapter of the Polish American Congress commemorated the 900th anniversary of the martyrdom of St. Stanislaus, bishop and patron of Poland. The day's festivities, directed by William Kowalski, chapter president, also included a commemoration of the Polish Constitution of May 3, 1791.

St. Stanislaus, bishop of Krakow, was an ardent advocate of civil liberties and human rights. Because of his outspoken defense of these just causes, he was martyred in 1079.

The Polish constitution of 1791 was a remarkably advanced document embodying the precepts of human rights and civil liberties. It was short lived, however, because of political unrest in Europe.

I would like to share with my distinguished colleagues the homily prepared by Deacon Robert S. Zywicki of Our Lady of Mount Carmel Church in Bayonne. It beautifully unifies these two significant events in Polish history and captures the cause and nobility of spirit of the Polish people.

HOMILY

(By Deacon Robert S. Zywicki)

There is a growing revival in Bayonne of our beautiful Polish heritage and consequently more and more young people are taking an interest in their "Roots" and are participating in ethnic events such as this. Because many of them do not speak Polish fluently, I want to offer a few thoughts in English about St. Stanislaus and about Polish Constitution Day.

It is very apropos that we in Bayonne celebrate the feast of this great Polish saint on the same day that we also observe the anniversary of the adoption of the Polish Constitution of 1791. If we carefully examine the facts, even briefly, we can clearly see that both St. Stanislaus and the Polish Constitution have affected the lives of Poles everywhere. And, most significantly, we can see that the spirit of St. Stanisplaus and the spirit of the Polish Constitution are alive.

Stanislaus was bishop of Krakow. He was a civil rights advocate. He was a defender of human rights. He was an outspoken critic of a king who overtaxed, overworked and tortured his people and who set a poor example by his personal lifestyle.

Stanislaus called the king to repentence of his sins. He urged him to grant the human and civil rights his people deserved. As the king reveled deeper and deeper in his debauchery, Stanislaus threatened him with excommunication.

In turn, the terrible-tempered King Boleslaus the Bold ordered Stanislaus to be executed and dismembered. The king himself led the execution party to St. Michael's Chapel, and, when the guards refused to kill the bishop out of fear, Boleslaus drew his sword and slew the saintly bishop as he was celebrating Mass.

Stanislaus was a fighter. He wasn't afraid to speak out on behalf of the people. As today's Gospel says . . . and it can be said so well of him . . . "He was a good shepherd. He knew his flock, and they knew him." He was a good shepherd who laid down his life for his sheep.

The Polish Constitution of 1791 was, unfortunately, a short-lived document that was based on our own two-year-old American Constitution. It granted religious and civil liberties unparalleled in Europe at that time. It was a document that Stanislaus would have loved to have seen adopted in his day. It was a document that was soon murdered by the triple occupation and division of Poland.

There were more than 700 years between the time of St. Stanislaus and the Polish Constitution. There have been almost 200 years since the adoption of that document. Yet the ideals and goals of both have spanned the centuries.

St. Stanislaus was martyred in 1079. His body lies in the cathedral bearing his name in Krakow. Yet, he is very much alive today.

He is still openly criticizing the Polish government for its oppression of the people. He is still crying out for religious, civil and human rights. He is still a thorn in the side of a leadership that undoubtedly would like to see him dead and buried. Yes, Stanislaus is alive and living in Poland and doing the Lord's work, and his name today is Stefan Cardinal Wyszynski.

As heartening as that may seem, there is even better news. Yes, St. Stanislaus also lives today in Rome. He is there speaking out on behalf of religious freedom, on behalf of human rights, on behalf of civil rights, on behalf of peace and freedom from hunger, not only for Poland, but for all the nations on this earth.

He is the former archbishop of Krakow and successor to St. Stanislaus. He is now the bishop of Rome and the successor of St. Peter. He is the vicar of Our Lord, Jesus Christ on this earth, and his name is Pope John Paul II.

In his pastoral letter to the Polish people in May, 1977, then Karol Cardinal Wojtyla wrote . . . "St. Stanislaus has become the patron saint of moral and social order in this country . . . he dared to tell the king himself that he was bound to respect the law of God. The age-old veneration of St. Stanislaus is in fact a confession of the truth that moral law is the foundation of social order. He was also a defender of the freedom that is the inalienable right of every man."

Reading between the lines the Holy Father is plainly saying that the example of St.

Stanislaus and the goals of the Polish constitution are indeed contemporary matters.

Neither Cardinal Wyszynski or Pope John Paul II achieved national and international attention because they suddenly espoused the example of St. Stanislaus or the goals of the Polish Constitution of 1791. They achieved greatness because they lived these beliefs all their lives. They achieved prominence and leadership roles on earth because they, like St. Stanislaus, recognize that all authority comes from God . . . a God who commands us to love one another, and that means by everyone sharing of the rights and privileges of this world.

To observe this feast day and this anniversary as solely historical events of the past would be basically little more than an exercise in nostalgia. We must observe them with an awareness of the meaning that they should hold in our lives today. We must observe them with a resolve to live by that saintly example and by those goals of liberties.

We must love these United States, and we must also have an undying affection for our ancestral homeland, its culture and its traditions. But most of all, we must remember that the rights granted under the Third of May Constitution and under our glorious American Constitution, as well as the example set by St. Stanislaus, lead us back to the one source of all good things for all people everywhere, and that is Our Lord, Jesus Christ.

Let us pray and work and celebrate together . . . let us live our faith and our proud Polish-American heritage. Let us teach future generations so that we can proudly and boldly sing: "Jeszcze Polska nie zginela, poki my . . . Poland has not yet perished as long as we, you and me, our children, our grandchildren and hopefully our great-grandchildren . . . poki my zyjemy! . . . as long as WE . . . shall live! ●

GLASSBORO EDUCATOR HONORED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. FLORIO. Mr. Speaker, I would at this time like to pay special tribute to an outstanding woman from the First Congressional District of New Jersey—Dolores M. Harris.

Dolores, who is presently director of continuing education at Glassboro State College, has proven herself not only a leader in the educational field but in the community as well.

On Sunday, May 20, the New Jersey Federation of Colored Women's Clubs will hold formal ceremonies for the hanging of Dolores' portrait in their center in Trenton, N.J. As president of this organization, Ms. Harris has dedicated much time and talent, resulting in many outstanding contributions and as such her efforts are being justly recognized.

Dolores' career stands as an example for us all. She has been able to effectively channel her energies, abilities and creativity for the benefit of the community.

Her list of accomplishments and awards is far too extensive to mention. However, Dolores' past record as an achiever and leader are certainly appreciated by all who have had the pleasure to work with her and, even more importantly, have had the opportunity to be assisted through her endeavors.

I would like to join her family, friends and colleagues in commending her and encouraging her to continue on the positive and progressive course she has set for her life.●

THE ASBESTOS COVERUP

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. MILLER of California. Mr. Speaker, over the past several months, two subcommittees of the Committee on Education and Labor have conducted hearings on health problems relating to exposure to asbestos dust. During this same period, I have conducted my own investigations which have established a long record that asbestos manufacturers not only knew decades ago of the severe hazards their product caused, but that they failed to warn workers or the general public about these hazards.

In the course of these hearings, I have released documents from the files of the companies themselves, and testimony from former high-ranking officials of the companies, establishing that they did not warn their workers of the dangers, and that even today there are efforts to downplay the severity of exposure to this carcinogenic substance.

It is very important that Members familiarize themselves with this record. Soon, the House will consider H.R. 3282, which would establish a program of limited Federal assistance to school districts for the detection, removal, and repair of hazardous asbestos materials which endanger the health and safety of school children and employees.

Ultimately, we may consider legislation providing compensation for victims of asbestos related diseases. The legislation which has been endorsed by the asbestos industry would push the lion's share of that compensation program off onto the taxpayer. The cost of such a program could run to the billions of dollars.

Such a course would be irresponsible, especially given the facts about industry's behavior since the 1930's which have been disclosed in the last year. In the face of this mounting evidence, which industry leaders have yet to substantively challenge, the president of the Nation's largest asbestos firm backed away from the funding concept in the industry legislation during hearings this month.

The manner in which we respond to the asbestos problem will have long-reaching implications for national health and safety policy. Having the Government pay the preponderance of the cost will only invite other industries to neglect necessary testing and safety procedures on the expectation that the Government will bail them out. Asbestos is not the only example. In the cases of kepone, DBCP (a pesticide which causes infertility), automobiles, tires, radiation, and other substances, there is a pattern of the highest officials of a company deciding not to warn workers or the public of hazards associated with that product.

Such behavior is unconscionable. I will soon introduce legislation, together with Congressmen CONYERS and GORE, which will establish criminal penalties for corporate officials who fail to disclose the hazards associated with their products. There are already over 20 cosponsors of this legislation, and I invite other Members to join as cosponsors.

A recent editorial in the San Jose Mercury summarizes recent developments on the asbestos issue and makes some insightful comments about solutions to the compensation problem which affects so many of thousands of victims. I want to share this editorial with my colleagues.

The editorial follows:

[From the San Jose Mercury, May 9, 1979]

HUSH-HUSH ASBESTOS POLICY

For decades, American industry seems to have kept hoping that the problem of asbestos-related lung disease would just go away.

The problem not only refused to go away but obstinately got bigger. At this point, it's grown into a $2 billion problem. That's the amount at stake in more than 1,500 lawsuits filed by people who claim exposure to asbestos gave them cancer or other lung disorders.

The asbestos industry not only stands to lose a lot of money in the process, but is having its credibility and public image shredded. Evidence developed in the lawsuits strongly suggests that the nation's two largest asbestos manufacturers, the Johns-Manville Corp. and Raybestos-Manhattan Inc., had indications years ago that their product was hazardous, but refused to warn their employees or the public, or to undertake research into asbestos' relation to disease.

Wilbur L. Ruff, a retired Johns-Manville executive who was a supervisor at the company's plants in Pittsburg, Cal. and Manville, N.J., has deposed that until 1972 the firm had a policy of not telling workers when their chest X-rays showed abnormalities.

The ostensible reason for this "hush-hush" policy, as Ruff called it, was that the industry wasn't convinced that asbestos produced disease and didn't want to "upset" anybody.

The trouble with that explanation is it doesn't come close to fitting the facts as they're known.

There is evidence the industry knew more than 40 years ago that asbestos produced a non-malignant but disabling lung disorder called asbestosis. In 1956, Johns-Manville's own medical director urged the industry to investigate the possible connection between asbestosis and lung cancer. The industry shelved the idea.

In 1964 a definitive study proved beyond all reasonable doubt the link between asbestos and cancer. Yet as late as 1973 we hear the director of environmental affairs for Raybestos lamenting that the board of directors had not responded to his warnings.

Officials of the asbestos firms have, of course, denied any cover-up. They'll have their day in court—probably more days in court than they could wish for.

Without prejudging the case, it's fair to conclude that if the allegations are substantiated, they'll add up to a pattern of corporate irresponsibility and malfeasance almost without equal in the nation's history. To expose people to a hazard unknowingly can constitute negligence; to know of a hazard and deliberately conceal it, depriving workers and consumers of the chance to make an informed decision about a literally life-or-death matter, verges on criminality.

Whether asbestos industry officials could face criminal prosecution under present law is debatable. Rep. George Miller of Martinez, who district includes the Johns-Manville Pittsburg plant, is working on legislation that would impose in the future criminal penalties on executives who knowingly conceal hazards of their products from their workers or the public. Such a law is long overdue.

Beyond the problem of punishing alleged wrongdoers is the larger and tougher problem of compensating the victims. The asbestos industry, facing a wave of lawsuits that it says could wipe it out, wants Congress to limit its liability and allow it to set up a compensation fund, similar to one previously created for victims of black lung disease.

In the present political and emotional climate, that proposal has about as much appeal as a resolution offering asylum to Idi Amin. But in the long run some kind of compensation plan will have to be worked out. The present 1,500 lawsuits are undoubtedly just the tip of the litigation iceberg; an estimated eight million to 11 million American workers have been exposed to asbestos since World War II.

Bankrupting the asbestos companies through lawsuits might satisfy the craving for vengeance, but it would do nothing for the untold number of workers who would be left with nobody to sue.●

A TRIBUTE TO JOHN NELSON

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. MURPHY of Illinois. Mr. Speaker, the Boy Scouts of America have honored John W. Nelson with the Eagle Court of Honor, scouting's highest award. Scout Nelson began scouting in Cub Pack 3430 sponsored by Ashburn Lutheran Church, Chicago, Ill., in September of 1969. He advanced through the ranks of cubbing and earned the Arrow of Light in Webelos.

In the fall of 1972, John joined Troop 430 and became a tenderfoot scout. He has served his troop as senior patrol leader, assistant senior patrol leader, patrol leader, den chief, and instructor. Scout Nelson has spent several summers at Owassippe Scout Camp where he has earned the mile swim award and the 50 mile Footafloat Voyager.

John has participated in troop activities including Red Cross First Aid courses. Project Soar 1973, 74–75, Klondike Derby 1975–76, several District Camporees, paper drives, fun fair and pancake breakfast. John completed T.L.D. course 1974 at Yorkville and served on the Woodland District staff for the adult and troop leader skill training course as senior patrol leader 1974.

John is presently a senior at Bogan High School where he captured first place in the physics section of the 1978 Science Fair. John has also been a member of Bogan's football team for the past 3 years. He hopes to study engineering in college concentrating in either shipbuilding or aircraft design.

Scout Nelson has exemplified the finest kind of scouting since he joined Troop 430. He has been unselfish in service and leadership and is a tribute to his country.●

A SENSE OF JUSTICE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. SOLARZ. Mr. Speaker, Congressman PETER W. RODINO JR., chairman of the House Judiciary Committee, delivered the keynote address at the Law Day Dinner of the Benjamin N. Cardozo School of Law of Yeshiva University, Tuesday, May 1, 1979. This occasion celebrated an historic milestone in the development of the young Cardozo School of Law, which will hold its first commencement on Sunday, June 10, 1979. In recognition of this momentous event, Yeshiva University and its Benjamin N. Cardozo School of Law honored two of its principal leaders, Charles Ballon, vice chairman of the Board of Directors of Cardozo, and Morris B. Abram, the first chairman of the Cardozo board. Both individuals are prominent attorneys and dedicated civic and communal leaders deeply involved in higher education and the development of Cardozo Law School.

Named in honor of the late distinguished Associate Justice of the Supreme Court, the Benjamin N. Cardozo School of Law opened its doors in 1976 with an initial class of more than 300 young men and women. Its present enrollment is over 900, with women comprising 57 percent of the student body. As an integral division of Yeshiva University, America's oldest and largest university under Jewish auspices, Cardozo Law School is able to draw on the University's rich interdisciplinary educational complex that includes graduate and professional schools in medicine, social work, humanities, social sciences, and Jewish studies developed over 93 years of tradition and service to communities throughout the Nation and the world. It is the first and only law school under Jewish auspices in America and is dedicated to the high ideals of law and education held by the late Justice Cardozo.

The address follows:

A SENSE OF JUSTICE

Thank you for inviting me to share this fine evening with you. I can think of no way I would rather observe Law Day 1979 than to join with you to express respect and support for Cardozo Law School, the youngest offspring of a great educational institution—Yeshiva University.

And it is a special pleasure to be with you at a time of recognition of its first graduating class.

It is a special privilege also to join you in honoring two men who have given such inspired leadership during the first three years of the school's life, Morris Abram and Charles Ballon.

The theme of this year's national Law Day is "Our Changing Rights." That is an extremely important and timely subject, worthy of our continuing attention and study in a period when our society is characterized by rapid and often unexpected change.

But this evening I would like to offer some thoughts not just on our changing rights as citizens, but also on our expanding responsibilities as lawyers, and the progress toward law and justice in America.

Throughout history, lawyers have always been in the forefront of the eternal effort to define and protect the rights of individuals.

To their everlasting credit, history reveals many examples of lawyers resisting kings—or presidents—who regarded themselves as above the law.

Unfortunately, there have been some tragic lapses when the luster of our profession has been somewhat dimmed.

For example, in this decade, a group of men—most of them lawyers and one of them holding the highest office in the land—provoked a grave constitutional crisis in our nation by abusing the power and authority the people had entrusted to them.

But we recovered, partly because a group of lawyer-legislators calmly, reasonably and in careful deliberation, under law, did what needed to be done to preserve our constitutional system.

Thanks to them and to many other lawyers throughout history, we still have a government of laws, not men, serving the people.

I doubt that the men who shaped the Magna Carta in the year 1215 even dreamed that their legal monument would stand so solidly seven centuries later and serve as the bulwark and foundation of our most cherished rights.

And I am certain that the great majority of lawyers throughout history did not consciously believe that their toil would have such a collective impact on distant generations.

Today, it is particularly difficult for us as lawyers to envision the ultimate impact of our work.

But we are indeed exerting influence as lawyers—as always—and not just within our profession.

Lawyers undoubtedly hold more leadership positions in America than any other group. Our influence extends through government, business and industry, education, the communications media and in every sector of our American community. Whether we like it or not, lawyers are the pacesetters, the social architects, if you will, of these United States.

Because our nation is changing so rapidly and our society is becoming so amorphous, we as lawyers have greater responsibilities than ever before. Our intimate knowledge of how order is attained and our ability to define and articlulate the rules for society are needed now more than ever before in our nation's history.

Lawyers will not be able to fulfill that role of high responsibility without the trust and confidence of the people.

However, as long as the lawyer conscientiously pursues that noble triangle of goals—equity, fairness and justice in the law—he will not only retain the trust and confidence of the people, but will as surely remain as the conscience of mankind.

As a nation dedicated to the rule of law, we must not forget that there can be no law without justice, and that justice is a condition precedent for a peaceful and well-ordered society. In these days of challenge and doubt, what is needed is a demonstration of faith in America and the American system that has made possible the largest degree of liberty and freedom since the dawn of civilization. More than ever, America is in need, today, of defenders of the faith in the Amerian system of democracy, in the American commitment to peaceful change, in the American goal of equal justice under law for all of its citizens.

From the very beginning of the founding of our nation, America has strived to attain the ideals upon which it was founded. America is closer today than ever before to the total realization of those ideals. It would, therefore, be the greatest tragedy of our national history were we to lose faith in those ideals and our ability to achieve them at a time when we are so close to their realization.

America's record of performance in the field of human rights, particularly during these past few years, warrants and justifies that continued faith. Much that was once only an aspiration has come to have the status of law. Rights and privileges once only asserted as moral norms are now accorded the dignity of law.

Although our ideals were given expression as far back as 1776 in the Declaration of Independence, we should not forget that the Declaration of Independence was a declaration of aspiration and purpose. Its inspiring phrases, such as "all men are created equal," and "that they are endowed by their Creator with certain inalienable rights," were not really descriptive of life in America at that time. Rather, they were aspirations.

While we have come a long way in 200 years, we are still a young, vibrant evolving nation. And while the American promise of equality and justice is still unfulfilled, we are relentlessly, constantly striving toward the fulfillment of those great goals.

The progress that has been achieved justifies continued confidence even if much remains to be done. Great commitments to ideals inevitably bring challenges, especially when we fall short of achieving them. But continuing challenge is inherent in the relentless pursuit of great goals. It is part of the democratic process. If ideals are not fully achieved at once, they nonetheless serve to show the way.

Each of us can make a contribution toward our nation's goals. Each of us can find renewed faith in the record of 200 years, for we have seen the creativity and capacity of Americans to work together for a better life. History will attest that the source of America's strength and greatness has been not only the combined contribution of all our people, but also their commitment and dedication to the principle that only through law and justice will the ideal of "equality for all" become a total reality.

A sense of justice: that is the cohesive element which can bring order and shape and hope to America. Our commitment to the ideal of justice prevailing throughout America is the glue which can hold our society and system together.

We can be confident, I believe, that the excellence of Cardozo Law School and the examples of such leaders as Morris Abram and Charles Ballon are equipping its students and graduates with that deep sense of justice.

I conclude with a statement from Mr. Justice Benjamin N. Cardozo which expresses the motivating spirit of this law school, and which can guide us all in fulfilling our responsibilties as lawyers.

"The process of justice," he wrote, "is never finished, but reproduces itself, generation after generation, in everchanging forms, and today, as in the past, it calls for the bravest and the best."

That is the challenge to the first graduating class of Cardozo Law School. That is the challenge to all of us who are privileged to be lawyers.

Thank you.●

STATEMENT ON WATER PROJECT COST-SHARING LEGISLATION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. UDALL. Mr. Speaker, I am introducing today a legislative proposal recommended by President Carter to reform the way in which water resource projects are funded by the Federal Government. This bill is the first comprehensive legislation of its kind actually to be introduced, in spite of decades of recommendations for such reform. Although I do not vouchsafe my dying support at the outset for this bill, I do believe this cost-sharing legislation is a necessary first step in allowing the States to participate directly in setting water project priorities and meeting the needs for safe and adequate water supplied throughout our country.

Because this legislation breaks new ground, Mr. Chairman, it will undoubtedly need at lot of fine tuning. I leave it to the committees of Congress to insure that any final measure will be wise, fitting, and proper.

The proposed cost-sharing scheme reflects the conviction that no method is more effective to secure a genuine State role in water project decisionmaking than a direct program of shared responsibility for water project financing. Unlike past recommendations, some of which proposed a State share as high as 50 percent, this bill would make a 10 percent share the upper limit of the States' cost-sharing obligation. And just as importantly, it would not apply to, and thus not interrupt, projects which have already been authorized by Congress. The most important contribution of this proposal is to put State and local governments on notice that in the future they ought to share responsibility for planning and funding water resource projects with the Federal Government.

The proposed State share would vary from 5 to 10 percent, depending on the project purposes. For those purposes which produce a saleable or vendible service—such as municipal water supplies, irrigation water, or hydropower—the States would pay 10 percent of the costs and share 10 percent of the revenues. Where the project purposes are not vendible—such as navigation or recreation—the States would pay 5 percent of the costs. Part of the importance of this cost-sharing proposal is the sharing of the increasing financial burden of these projects. But a more important role for this legislation is the responsibility it vests in the States. Because the State share must be committed at the front end of the project, the States will face the same difficult decisions as the Federal Government does when it decides to authorize the construction of a new water resource project. Such decisions now are dominated by the Federal Government, although they have their greatest impact at the State level.

This change should substantially improve the public's ability to judge the comparative merits of the many water project proposals. It will allow State legislatures, for the first time, to be involved in the consideration of water project proposals. And it will establish a firmer State role in the early planning and development stages of project design. Overall, the State role is increased and enhanced, as it should be in this area of vital resource development.

Considered as a whole, this cost-sharing proposal puts the States in a position of opportunity and responsibility for Federal water resource development that is unprecedented. The State share is reasonable; it need be appropriated only as fast as the Federal share; and it is repaid to the State just as it is to the Federal Government. Most importantly the States and their citizens will be involved in the full project decisionmaking proccess for the first time.

This cost-sharing proposal provides a number of other opportunities for State governments to expand their role in water resource project development. Cost-sharing will be mandatory only for projects authorized in the future, but States could demonstrate their support for current projects through voluntary cost-sharing. This new opportunity can help States meet their pressing needs for water-related projects, as well as helping to reduce the enormous backlog of congressionally-authorized water projects. Although voluntary cost-sharing will allow States to show their support for certain projects, it will not give wealthy States an advantage over smaller States. The total State share for any project will be limited to ¼ of 1 percent of the State's total revenues for the previous year. Thus, small revenue States with substantial needs for water resource projects will not be penalized for lack of ability to pay.

In addition to allowing States to advance important projects through voluntary cost-sharing, the States will play a significant role in project planning for multistate projects. The proposal designates as "agent", the State in which the project is located, to coordinate the project planning and financing. This new process recognizes that there is no better test of the proportionate benefits of a project than the agreement of the involved States themselves. The role of the Federal Government will be limited to designating the "agent State" and to providing whatever technical assistance is necessary and desired by the States.

This proposal is one part of the President's overall policy to find the right solutions to our pressing water resource problems. While it does not address the individual needs of the many regions of our country, it does begin to reform what is, at best, a crazy quilt of water resource funding programs.

It is an area of critical concern for my constituents, as I expect it is for many of my colleagues. I would urge all of you to study this proposal and the programs it applies to in the Army Corps of Engineers, the Bureau of Reclamation, the Tennessee Valley Authority and the Soil Conservation Service. We need a more orderly method of financing for Federal water projects that involves the States—I believe this proposal gives us the first step in that reform.●

AT 81, YORK'S BOB HOFFMAN STILL PUMPING IRON

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. GOODLING. Mr. Speaker, recently I had the pleasure of sending to my colleagues a high protein bar manufactured by Hoffman Products of York, Pa. These vitamin and mineral fortified snacks were supplied by Bob Hoffman, founder of York Barbell and world renowned athlete. I thought it was important that my colleagues in the House have the benefit of this high energy source as we begin marathon sessions on the budget and other "weighty" issues.

I would like to take a moment to comment further about the work of Bob Hoffman, who has been an inspiration to millions of Americans. Bob, who won his first AAU track event in 1908, was recently honored by that organization as one of the oldest living active amateur athletes in the country . . . and active he is. This 81-year-old Pennsylvanian divides his time between helping the U.S. weightlifting team prepare for the 1980 Olympics, his many business concerns, and numerous charitable organizations. All cannot be listed here. But what should be noted is that Bob Hoffman has proven to me and many others that the secret to a long and successful life is a good diet—physically, mentally, and spiritually.

I would like to share with you, as I did the protein bars, an article about Bob which was printed in the April 22, 1979 Harrisburg Patriot-News. I know you will enjoy reading it as much as you enjoyed Bob's products.

The Harrisburg Patriot-News article follows:

AT 81, YORK'S BOB HOFFMAN STILL PUMPING IRON

YORK.—When America's oldest active amateur athlete gets angry, his thumb and forefinger trace an uneasy line along the wool crease of his trouser leg and his eyes turn a cold shade of blue. Bob Hoffman an 81-year-old self-made legend, is sitting in his comfortable living room in rural York and he is angry.

His good friend the Shah of Iran is no longer in power, the crime rate is rising, he injured his foot recently in a weight training accident, and a Russian sports magazine has just written that the U.S. Olympic weightlifting team is in decline in part because "Bob Hoffman is getting old" and is no longer interested in the sport.

The Russian crack hurt more than the training accident, but it is false. Hoffman is going strong. He is still selling barbells, health foods, softball, clean living, sports in general, himself in particular and America at every opportunity and not necessarily in that order.

When foreign teams perform better than ours, it's not because our boys are weak," Hoffman says, "it's because the foreign team is supported by its government and all it does is train, train, and train. U.S. teams just don't have that kind of support.

"As far as my age is concerned," he adds, "I'm as healthy as ever and weightlifting is still my hobby, my business and my life."

The fact is, Hoffman is a one-man enterprise, a millionaire whose career began, believe it or not, in 1908 when he won his first track event and joined the Amateur Athletic Union. The AAU has recently honored Hoffman as one of the oldest living active amateur athletes in the country.

Hoffman is one of that rare breed that never seems to discover any self-limitations; he thrives on achievement through a combination of unlimited desire and raw energy.

Following World War I—he was wounded several times in the Battle of Argonne Forest in France and a German trench shovel hangs in his study today as a reminder of less comfortable days—Hoffman got his start in the strong man business by breaking chains across his chest on the boardwalk in Coney Island, New York.

Today, his companies, which are numerous and tangled, but mainly in the exercise and health food industry, have sales of more than $30 million anually.

He has written almost 200 books and visited more than 100 countries, and he carries the same message with him wherever he goes: "There's no great secret to sound health." "Stop smoking, stop drinking, eat a good diet, use barbells and health foods—you'll be healthy and live as long as you were meant to."

But what does a Bob Hoffman do for relaxation in his spare time?

"I don't have any spare time," he is quick to say. "You know at my age there is no such thing as spare time! I'm getting ready right now for a business trip to Athens."

He collects miniature bears: All kinds, sizes and shapes of bears are represented in the Hoffman collection, which fills the main hallway of the Hoffman home and spills into other rooms throughout the house.

"It all started in Finland at the Helsinki Olympic games in 1952. There's a great story here, but my wife won't let me tell it in public," he says. He was given another bear on a trip to Russia in 1954 and the collection began in earnest. As the Hoffmans traveled, they added to the collection and friends and athletic groups around the world presented them with bears as gifts.

There are hundreds of ceramic, bronze, carved wood, ivory, iron, glass and precious metal bears in the Hoffman collection today. "We're really very fond of this collection; it numbers more than 600 right now," Hoffman says.

The focal point of the collection is a full-sized stuffed and mounted great Alaskan white bear, which greets a visitor as soon as he enters the foyer. "This is probably the most expensive teddy bear in the world," Hoffman says with a grin. "When you consider the cost of the hunting trip and all—it is a gift given to me by an old friend who knows I'm fond of these things."

When he is not dropping in on one of his companies, officiating at a weightlifting competition, or traveling and speaking on behalf of one of the dozens of organizations he supports, Hoffman spends increasingly more of his time on private philanthropic works or one of the many public service projects with which he is concerned.

One program particularly close to Hoffman is the "Save the United States" campaign, of which he is national chairman. "People don't care much anymore," he says. "Look at the wide spread abuse of drugs including alcohol going on across the country. Crime continues to rise and there just doesn't seem to be much we can do about it.

"If our nation loses its sense of perspective, as it appears to be doing, what will we be faced with tomorrow? I'm concerned and I think a lot of Americans feel the same way about it."

Hoffman's concern is genuine and shared by the more than 20 federal, state, and local governmental agencies, public service organizations and trade associations which support the "Save the United States" movement. "Maybe it's a losing battle, but I'm a big believer in going out fighting," Hoffman says.

And how does America's oldest amateur athlete feel at the age of 81? "Like $30 million dollars," he snaps back. "I'm the healthiest man alive and I'll live to be 100." ●

A SALUTE TO CONGRESSMAN AUGUSTUS F. HAWKINS

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. CORMAN. Mr. Speaker, on Tuesday night, May 15, the Full Employment Action Council honored our good friend and colleague, GUS HAWKINS. GUS has worked long and hard as the champion for full employment. His determination and dedication resulted in the passage last year of the Full Employment and Balanced Growth Act. His accomplishments are to be applauded.

At the dinner GUS gave his friends an accurate historic perspective of employment in this Nation. I commend GUS' thoughts and wisdom on this timely and vital topic to my colleagues for their consideration:

A SALUTE TO CONGRESSMAN AUGUSTUS F. HAWKINS

(Sponsored by the Full Employment Action Council)

Tuesday, May 15, 1979

Those affiliated with the Full Employment Action Council have our respect and gratitude for they have made political activism effective, honorable and inspirational to us all by placing it on high moral grounds.

Such distinction between ordinary political action, which often loses a moral perspective, and that which seeks ethical purposes, was clearly made for us by Albert Schweitzer, the great French doctor, educator, and humanitarian who devoted his life to mankind in Equatorial Africa the first three quarters of this century.

Evil he described as destroying life, injuring others, repressing those who are capable of development.

He defined as being good: "To preserve life, to promote life, to raise to its highest value life which is capable of development." To him this meant going beyond humans to everything that lives with us on this planet.

The combination then of ethics and science on the one hand; and service, on the other, in bringing their goodness into our daily lives. . . . best describes the Full Employment Action Council.

Further, they made some of us appear to have great courage when we were simply responding to their devotion. We were enabled to exhibit leadership because we were thrust to the head of an irresistable societal force, an economic necessity, and a political imperative.

If the "wheels of justice grind slowly," the democratic processes are even slower and produce significant legislative laws a few at a time to any generation.

From the time of its first real crystalization about five years ago, the Full Employment and Balanced Growth Act underwent the most exacting scrutiny and public input of any legislation in several decades.

Its final achievement represented a clearly-defined and contractually-agreed-to economic policy by a bi-partisan Congress and the Chief Executive.

Now, we are challenged by suggestions and proposals of different, conflicting, and fragmented policies that have originated not in the mainstream of these democratic processes, but ad-libbed amid the confusion and frustration of economic conditions that appear to defy ordinary solutions.

In turning away from the results of our five-year struggle to embrace again an old discredited economic policy, a new coalition of decision-makers have reverted to random ideas and disastrous practices that are as devoid of economic soundness as they are deficient in moral content.

Amid the clamor for a balanced budget and a jobless America to fight inflation, in the clap-trap for economic restraint and inequitable sacrifice . . . can be recognized the same voices of an America in the decade of the 1920's.

What we are now doing in damaging the economy and inflicting social harm is comparable to that period in our lives when greed and deception gained the upper hand.

Calvin Coolidgde, "Cool" Cal, succeeded to the Presidency in 1923 upon Harding's death, about whom it is more respectful to say nothing.

Of Coolidge, his own estimate is most descriptive. The people, he once said, desired only a silent ass as President and "I would not want to disappoint them" he gloated.

Upon assuming office, Coolidge named Andrew Mellon as Secretary of the Treasury, whose priorities were firmly established. The first necessity, to him was: balance the budget. Secondly, to pay off the debt. And his third interest, inconsistent with the first two: to reduce tax rates in the highest brackets especially among those companies in which he and his friends held some interest. . . . to hell with equity and morals, "get while the getting is good."

For years this was the profile for prosperity, at least so it seemed. Living standards rose, luxury goods increased, profits soared, and stock market values sky-rocketed.

Buying into the stock market on a margin became as common as depositing ones money in the bank. At the time, how was one to know that neither the banks nor securities were adequately regulated? God, it seemed, had provided stock brokers to distribute manna from Wall Street, which to many, had become Heaven.

The rude awakening came later.

While phenomenal productivity came with high growth and intensive investments in more plants to produce more goods, wage earners were not amply rewarded in comparable wage increases and farm prices were allowed to actually decline. In the mad whirl of the rollicking 20's no one had time to question the imbalance, the redistribution taking place, and the dangerous concentration of power. We were more interested in sports, in new heroes, and in the "flappers" at Coney Island.

In November, 1928, Herbert Hoover succeeded Coolidge and infatuation with a balanced budget continued. His first expression was prophetically bad: "with the help of God," said he, "we shall soon banish poverty." As Stephen Bailey was later to comment in his book, "Congress Makes A Law," the new President must not have had God's help for in less than a year (December, 1929) the stock market crashed and we were thrown into the Great Depression.

The period between that December 1929 and March 1933 when Roosevelt became President will be forever engraved in the minds and memories of all Americans who value human spiritual values over political expediency at all cost.

Of the Coolidge-Hoover debacle, Will Rogers said it well in 1931 when in his humor he warned us: you let this country go hungry. Rogers said, "and they are going to eat, no matter what happens to budgets, income taxes, or Wall Street values."

Men did fight over food, farmers did resist farm foreclosures, veterans did march . . . and the infra-structure of America was challenged as never before.

A critical analysis of the Roosevelt years at this far distance in time may reasonably conclude that many of the New Deal programs were not cost-effective and didn't work well. To quibble over accountancy and whether without World War II, the balance sheet might have been far different serves no useful purpose. Whether a life line thrown to a drowning man was necessary since he might conceivably have swam ashore makes little difference to the victim who desperately needed and grasped with all his final reserves for the help he got.

Under Roosevelt there was great optimism and faith. We fought for our ideals and believed we could win and most of the time we did. There was no thought of settling for a recession to solve other difficult problems; or, of swapping one nuisance for another. Our goals were clear and decisive action was taken to reach them.

And there were many tangible victories on our side: Community mental hospitals replaced the dreaded asylums that had became known as "snake pits."

Collective bargaining replaced unrepresentative industrial strife and Fair Labor Standards ended the cutthroat undermining of one unfortunate worker of another.

Securities became regulated and new banking laws saved both financial institutions and depositor.

Social Security replaced dependence on private charity.

If World War II ended the renaissance of liberal reform it also taught us many lessons.

We found out, for example, that unemployment was not necessary and that blacks, women, young people, and the "handicapped" were just as trainable and employable as anyone else.

We learned the lesson of unity, that we could get along with each other: In the factories, on battlefields, and even in donating our blood to the wounded.

We found out also that other shortages, human as well as material: Food, steel, transportation, pharmaceutical supplies or aviation fuel, could be overcome where necessity dictated over special interest.

Of relevant importance at this time to the oil shortage is the experience we had in World War II with natural rubber.

In 1942, Japan blocked off America's crude rubber supply by seizing Dutch East Indies and Malaya. Rubber was essential to our winning the war and its availability stirred great efforts in national campaigns not unlike "win" buttons and "fifty dollar rebates" in our recent experience. For a time we relied on gimmitry and cosmetic solutions. A rubber scrap drive was promoted to collect every conceivable item composed of the rare material.

Production of synthetics had been blocked by chemical groups, oil companies, and farm interests, especially as to whether alcohol or petroleum should be the basic compound.

"Necessity is the mother of invention" and winning the war being our goal translated the axiom into reality. A dynamic partnership of government and the private sector was forged. The President called in William Jeffers (Union Pacific Railroad President) and instructed him to proceed with the immediate production of synthetic rubber. As a result over 51 plants were constructed at government expense and leased to rubber companies on a cost-plus-a-management-charge basis.

It was this action that allowed gasoline rationing to be relaxed and which laid the foundation for a new industry which today supplies over two-thirds of our rubber needs.

As stated earlier, it is the existence of such great movement as the Full Employment Action Council that brings together committed people in sustained and socially directed action that allow us to face the difficult problems of our times.

I am convinced that now in the implementation and enforcement of the Full Employment Act not treating it like a footnote, lies our greatest hope of combining and implementing the elements of a successful, equitable, and economically sound economic policy.

In the 1930's, Roosevelt in facing even more difficult problems remarked, "never before have we had so little time in which to do so much." That again is true. If implementation of Full Employment and Balanced Growth is the road we must travel, we cannot afford the costly delays we now tolerate in the name of political expediency.

Its implementation has thus become a necessity as was the winning of World War II, or breaking the rubber blockade in 1942, or putting a man on the moon in the Kennedy Administration.

To us, however, it is of even greater value in developing a new and greater national moral character. Again, as Schweitzer said it so well: "we are like waves that do not move individually, but rise and fall in rhythm. To share, to rise and fall in rhythm with lives around us is a spiritual necessity." Only a few in our times have invoked in us that quality but they serve as great examples for us to emulate: combining then the tremendous spiritual drive of Franklin D. Roosevelt, Martin Luther King, Jr., and Hubert H. Humphrey . . . let us move forward.●

LEO FIRST GRADERS OBSERVE "I LOVE AMERICA" WEEK

HON. DAN QUAYLE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. QUAYLE. Mr. Speaker, Leo Elementary School, which is located in Grabill, Ind., recently observed "I Love America" Week. It was my pleasure to participate by presenting an American flag to the school.

Shirley Hirschy, the first grade teacher, has brought to my attention four little stories written by her students which are related to this worthwhile patriotic observance. It has been said:

> Out of the mouth of children, often come gems.

In the spirit of "I Love America" Week, I wish to include the following gems in the RECORD:

I LOVE AMERICA WEEK

If I were the President, I would live in the White House, and I would get some letters. I would keep the world safe.

JENNIFER BOLLIER.

I LOVE AMERICA WEEK

If I were the President, I would say a speech, and I would make the world even. I would make money, and I would make laws.

HEIDI HEATH.

I LOVE AMERICA WEEK

If I were the President, I would keep the rules. I would make speeches about oil. I'd tell them to stay home awhile.

JENIFER STUELPE.

AMERICA

America is being able to have smiles for kittens and to have dogs. Most of all we are free.

JENIFER STUELPE.●

MOVER'S FIGHT FOR A NATIONAL LICENSE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. CLAY. Mr. Speaker, I am taking this opportunity to share with my colleagues an article which appeared recently in the New York Times. The article, "Mover's Fight for a National License," is about Mr. Timothy Person and his struggle to be the first black American with a national movers license. Mr. Person operates the Allstates Transworld Van Lines in St. Louis. He is a highly respected business leader in our community and Allstates has long been a trusted and recognized St. Louis establishment.

MOVER'S FIGHT FOR A NATIONAL LICENSE

(By Ernest Holsendolph)

ST. LOUIS.—Timothy Person is a small fish in the household-goods moving business, but when he filed last year to become a major mover, he stirred up the whales of the $1.5 billion industry. They opposed him solidly.

In a good year, Mr. Person's revenues reach $200,000. The opposition to his application for a license as a national mover comes from the likes of Allied Van Lines and United Van Lines, each with revenues that exceed $100 million a year.

Ever since the gregarious and ambitious Mr. Person took over the management of Allstates Transworld Van Lines from his father in 1953, he has dreamed of becoming the first black to get a license to operate nationally.

His time-consuming and costly effort to achieve this goal illustrates the barriers to competition in the moving industry that are currently under attack.

Mr. Person, 49 years old, is hopeful about his chances, but optimism is a trademark of Allstates and the family. The concern was founded by Mr. Person's father, David, in the Depression days of 1929, when other businesses were going bankrupt.

Allstates is still substantially a family business. Mr. Person's wife, Mildred, is the office manager; his son Timothy Jr., 24, is the operations manager, and his son Michael, 22, is in charge of the company warehouse operation. Allstates has 25 employees. Its 73-year-old founder is now retired.

"It was my father's dream to go national; now his dream has become my dream," Mr. Person said in a recent interview.

The procedures for getting authority to operate a moving company nationally, instead of just locally, as Mr. Person does, are extremely demanding, if not insurmountable, for an ordinary applicant.

The Interstate Commerce Commission requires an applicant to bear the costs of a series of hearings at which opponents may come forth to speak against him. The applicant must prove that the service he proposes is needed and cannot be supplied by the existing licensed carriers, a formidable burden. According to the commission, only 19 of the 150 major carriers are licensed to operate nationally.

National operating permits are seldom sought, according to industry specialists, because they are difficult to win from the commission and expensive to buy from a carrier willing to give one up. Thomas G. Moore, a Stanford University economist, said such a permit would be worth about 15 percent of a national carrier's annual revenues. In short, the permit of a leading company could sell for $15 million or more.

Mr. Person however, has proved to be no ordinary applicant, his foes and supporters agree. For that reason, the pending decision on his application, which is now before a commission hearing officer, may well go his way, according to commission sources.

For one thing, Mr. Person elected to present the case and receive testimony in regional hearings, rather than solely in Washington.

"I knew that a lot of the people who would support me, such as the black movers in various cities wouldn't be able to come all the way to Washington, even with us paying the bills," Mr. Person said.

Consequently the hearings were held here, in Washington and in Los Angeles. And Mr. Person was able to get solid commitments from more than 80 movers, mostly members of minority groups, to be his agents in various locations, which would allow him to operate coast to coast.

Mr. Person currently is an agent for National Van Lines, which means he is able to offer some interstate service under that company's auspices.

PERMIT MEANS MORE MONEY

"But that is not like having your own authority," he said. "You do 100 percent of the work, but you get only 90 percent of the money, and you foot your own expenses."

The holder of a national operating license books jobs and then parcels them out to agent operators in return for a share of the fee. Because the agents buy their own trucks, they largely bear the capital costs. Local movers without interstate operating rights cannot book such jobs themselves.

One of the agents Mr. Person proposes to use if he gets the authority is Lem Walker of Birmingham, Ala., a black mover who has been in business for years. At the initial hearing in Washington last October, Mayor David J. Vann of Birmingham appeared and urged the commission to help Mr. Person get the license.

"Our growth depends on bringing into the business sector of our community as many minorities as we can," Mr. Vann told the commission. "We don't need to attract new business into the area so much as we need to use this vital, underused resource."

A NETWORK OF AGENTS

Mr. Person knows hundreds of local movers around the country, mostly because he began making contact with them in 1955 at the time that he first began working toward national licensing.

"I have kept touch with them over the years," he said, "because I knew that if I was ever to be successful I would have to prove that I could put together a national network, and I would need the good will of those guys."

In opposition to Mr. Person's bid, the established carriers have advanced two arguments. They have asserted that he has neither enough equipment nor an adequate organization to do a good job. They have also argued that there is not enough business to go around, and a new competitor would harm them.

Five opposing carriers asserted in their argument against Allstates: "There is absolutely no evidence in this record that 'competitive' benefits would redound to the public from a grant of this application. On the other hand, there is much evidence that the creation of another nationwide carrier could adversely impact the market."

Mr. Person laughed when he heard the arguments. "Our forefathers didn't write that we would have free enterprise only so long as a handful of people are guaranteed profits," he said.

Mr. Person's lawyer, C. Jack Pearce of Washington, argued that there was probably plenty of business to be had if the market was tapped correctly.

"After all, the biggest single carrier, in its own way, is U-Haul," he said, "and if those people who drive their own goods could get the right price and adequate service they would hire a commercial mover."

Indeed U-Haul International Inc., based in Phoenix, reported that last year its revenues from truck and trailer rentals were more than $400 million. The largest moving company is Allied Van Lines, with revenues last year of $228 million.

U.S. AGENCIES SUPPORT EFFORT

A number of Government agencies have filed briefs supporting Mr. Person's application. Among them are the Department of Transportation, the Justice Department, the General Services Administration and the division of the Defense Department that handles military moving.

"I don't know if I will succeed in getting this authority," said Mr. Person, who has spent some $300,000 in his quest. "But I have already seen some results."

Two of his potential agents, who are black, have been signed up by Mr. Bekins, the big Los Angeles-based carrier. "Right after they signed, they let me know that they would no longer be able to testify on my behalf," he said.

"I'm glad that they got the call," he said, with a smile. "I just hope that many more minority carriers will get a chance to do some real business." ●

SAN LEANDRO CHAMBER OF COMMERCE REACTS TO INFLATION AND ENERGY CRISES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. STARK. Mr. Speaker, it is in California that the most visible evidences of our energy crisis are found. Long lines surrounding gas stations—when a station is open for business—inconvenience and disruption are the Californians' lot today. On May 6, at a meeting of the San Leandro Chamber of Commerce board of directors, a song celebrating our inflation and energy woes was sung to the tune of "O, Tannenbaum"—also known in some areas as "My Maryland." According to Mayor Val Gill of San Leandro, the lyrics were sung with "enthusiasm and deep feeling." Here are those lyrics:

SAN LEANDRO CHAMBER OF COMMERCE,
San Leandro, Calif.

ENERGY, OH ENERGY

(O, Tannenbaum)

Energy, oh energy
How sadly we have used you
Energy, scarce energy
So badly we've abused you
Those Btu's we dissipate
The gas pumps closed, in line we wait
Oh energy, spent energy
Your loss takes getting used to.

Energy, oh energy
Your cost has hit the ceiling,
Energy, dear energy,
You're not at all appealing,
The Carter plan has come and gone,
Inflation's here—where's Alfred Kahn?
Oh energy, steep energy,
Your price still has us reeling!

Mayor Gill points out that those participating included many of the community's most influential citizens. The mayor indicates that there was a "feeling of both levity and great seriousness—which seems to be the 'American way' of keeping a sense of humor during a time of adversity."

Mr. Speaker, that is a perceptive comment. People are frustrated and concerned about the major economic forces that are buffeting us without letup. We have gotten the sense that we have lost control. That is dangerous. We can get a handle of these problems but it will take more leadership than we have seen thus far in this Congress and the White House.

Mayor Gill suggested that strong community conservation efforts are important. The San Leandro Chamber has reactivated its community energy committee. Its goal is to make energy conservation a high visibility community concern. He commends this approach, and I second him, to other communities. Strong community energy conservation committees can make it clear that there is an energy crisis, and that we must conserve what supplies we have.●

THE AIRLIFT REMEMBERED

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. GONZALEZ. Mr. Speaker, it has been 30 years since the Berlin Blockade was lifted, and the greatest aerial rescue mission of all time came to an end. For nearly 12 months the only communication with Berlin was by air.

As many as 1,400 aircraft a day carried food, clothing, medicine and coal to the people of Berlin. The pilots and crews even found the time and warmth in their hearts to drop little parachutes with lollipops and raisins for the children of the city.

When it was all over, Berlin remained as it had been before—but it was transformed into a symbol of Western determination to resist Russian aggrandizement.

The airlift was mostly an American operation; of the 212,000 flights to the city, 190,000 were by the U.S. Military Air Transport Service.

The airlift is gratefully remembered, even today. Proof of this is contained in a heartwarming remembrance published this week by the German Information Center, which I include in the RECORD.

THE BERLIN AIRLIFT: LOOKING BACK 30 YEARS

Thirty years ago this weekend, on May 12, 1949, the most massive airlift in history ended. The Berlin airlift was mobilized to counter the Soviet blockade of Berlin and to keep the city alive. In June, 1948, all routes—roads, railroads and waterways—leading to West Berlin were blockaded by the Soviets. The city was isolated from the West; neither food nor other necessities could get through. The survival of more than two million people was threatened. But under the command of General Lucius D. Clay, Military Governor of the American Occupation Zone, a unique idea took shape; the city would be kept alive through the air. Hundreds of military aircraft that had already been mothballed were pressed back into service.

On the first day of the airlift, 80 tons of food arrived in Berlin; 295 tons arrived the following day. By August, U.S. and British military aircraft were unloading 4,000 tons of food and fuel a day. In spring 1949, cargo planes lumbered over the city at 90-second intervals. In April, a record was set: 1,398 aircraft in one day. The airlift continued for almost a year, after which time the Russians resignedly terminated the blockade. More than 2.1 million tons of supplies had been flown into the city while the blockade was in effect.

Coal accounted for 63 percent of the total cargo, but massive shipments of other vital necessities—food, medicine, clothing, machinery and industrial goods—also kept West Berlin alive. On some return flights, the Allied planes even carried goods "made in blockaded Berlin," some DM 230 million worth. Initiative and enterprise played a big role. With the narrow air corridors crowded and landing space at a premium, coal was simply stuffed into duffel bags at times and dropped on the ground, with the plane immediately returning to its West German base.

One American C–54 pilot, Gail Halvorsen, started the practice of floating gifts of sweets and raisins to the kids of Berlin from planes about to land. Soon school children from all over America were collecting lollipops to be parachuted into Berlin attached to small handkerchiefs. Halvorsen's "Operation Little Vittles" dropped some 1,500 "candy chutes" a day. To hundreds of thousands of Berliners, the sweet memory of what were called "the raisin bombers" persists to this day.

With over 212,000 airlift flights, there were some accidents. A memorial sculpture erected by the City of Berlin at the entrance to Tempelhof Airport in 1951 bears the names of 88 victims, American and British pilots for the most part, who had helped. Berliners subsequently launched a "Thanks for the Airlift!" to finance the education of the dead pilots' children.

As a humanitarian saga and as the world's greatest peacetime aviation venture, the Berlin airlift was a unique operation. With regard to technical achievement in the face of continual harassment, it was a masterful accomplishment. It ushered in the era of giant transport aircraft and served as a model for large-scale and prompt disaster relief which thus became possible all over the world. In the political sphere, it generated confidence between the German and the Western Allies. On the road from non-fraternization to friendship and alliance, the airlift developed into a key turning point. "Three decades ago," Governing Mayor Dietrich Stobbe recently said, "the occupying powers became the protecting powers that they have remained to the present day."●

CRUISING BROADWAY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. JACOBS. Mr. Speaker, we cannot confirm this, but it seems at least possible that the teacher, who wrote the following to me, just might be the sort who would turn the hose on stick-ball players in the alley:

MAY 11, 1979.

Hon. ANDREW JACOBS, Jr.,
House of Representatives,
Washington, D.C.

DEAR SIR: Are there statistics on how many gallons of gas and lives would be saved if the age for obtaining a driver's license were raised a year or two?

It irritates me to suspect that one of the reasons I may have to worry about how to get to work is that any students, who came in today without their assignments done, spent yesterday afternoon and last night "cruising Broadway."

Most sincerely,

W. STRANGE.●

DIPLOMATIC RELATIONS AND THE MUTUAL DEFENSE TREATY WITH THE REPUBLIC OF CHINA

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. CLAY. Mr. Speaker, I would like to share with my colleagues today the following resolution which was recently passed by the Ohio House of Representatives. The resolution, sponsored by Representative Ike Thompson, advocates the resumption of diplomatic relations and the mutual defense treaty with the Republic of China:

A RESOLUTION

Advocating the resumption of diplomatic relations and the mutual Defense Treaty with the Republic of China by the United States government

Be it resolved by the House of Representatives of the State of Ohio:

Whereas, The members of the House of Representatives of the 113th General Assembly of Ohio have been moved to urge the United States government to resume diplomatic relations and to maintain the Mutual Defense Treaty with the Republic of China; and

Whereas, The people of the Republic of China have built a successful and prosperous free economy since the destruction of years of revolution, invasion, and civil war, and have become a valuable trading partner of the United States; and

Whereas, It is inconceivable that the United States would turn its back on seventeen million free and independent people in favor of a totalitarian dictatorship; and

Whereas, The Republic of China is of great strategic importance in the defense of East Asia and the Pacific, and maintenance of the Mutual Defense Treaty is of interest to the people of the United States; and

Whereas, The President of the United States has repeatedly stated he will honor the United States' commitments to the Republic of China. The severance of diplomatic relations and setting aside the provisions of our Mutual Defense Treaty with the Republic of China will result in the deterioration of the United States relations with our allies and diminish the position of trust and esteem in which the United States is presently held by other nations; therefore be it

Resolved, That we, the members of the House of Representatives of the 113th General Assembly, in adopting this Resolution, urge the establishment of diplomatic relations with the Republic of China and advocate the resumption of the Mutual Defense Treaty; and be it further

Resolved, That we urge extreme caution in all discussions and contacts with the Peoples' Republic of China and that the United States resume full diplomatic relations on an ambassadorial level with the Republic of China on Taiwan, and continue military and other assistance to the Republic of China which will enable this great nation to continue to advance freedom, prosperity, and peace in the Far East; and be it further

Resolved, That the Legislative Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to President Jimmy Carter; to Secretary of State Cyrus Vance; to Senator John Glenn; to Senator Howard Metzenbaum; and to the Ohio Congressional delegation.●

ANTIMERGER BILL DISASTER FOR U.S. TRADE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. HYDE. Mr. Speaker, antimerger legislation which may find its way to the House floor is far reaching and controversial.

Two prominent Illinoisans, one of whom is a Member of the other body and a leading Democrat, have testified against this legislation. I would like to share with my colleagues a newspaper account thereof:

KENNEDY ANTIMERGER BILL CALLED "DISASTER" FOR U.S. TRADE

(By R. C. Longworth)

An antimerger bill sponsored by Sen. Edward Kennedy [D., Mass.], inching its way toward the Senate floor, is being attacked as a disaster for American trade.

Two Illinoisans—Sen. Stevenson [D., Ill.], and University of Chicago law professor Kenneth W. Dam—have already testified against it, accusing its framer of behaving "as if the world did not exist."

The Commerce and Treasury departments also oppose it and are expected to testify against it. But the Justice Department and Federal Trade Commission back it—another example of trade's ability to split the executive branch right down the middle.

The bill, Senate bill 600, is called the Small and Independent Business Protection Act. In brief, it would ban outright any merger between firms with more than $2 billion in sales or assets and would restrict any merger of firms with $350 million or more unless (1) it would promote competition, (2) it would increase efficiency, or (3) the firms would sell off other assets so they are no bigger together than each was separately. Stevenson said, pointing to America's $34 billion trade deficit in 1978, declining dollar, and growing reliance on exports for employment.

"Yet our antitrust and antimerger thinking has not changed to reflect the new realities," he said. "Our legal and economic experts work with models of the U.S. economy from the first half of his century, not the last half."

He said Kennedy and other framers of the bill focused on statistics showing market concentration within the U.S., ignoring the fact that the largest firms—the ones covered by the proposed bill—operate in a worldwide context where this concentration doesn't exist and competition is fierce.

American industry needs innovation to compete, he said, and most research and development comes from big firms—the bigger the better.

"In the name of competition, antitrust laws can prevent competition," he said. "The antitrust laws should be enforced with a recognition that the relevant market is often the world and that competition comes increasingly from offshore."

Dam agreed, and added details. He accused Kennedy and the other backers of assuming that "we live in an economic Fortress America, where neither imports nor exports had any bearing on competition.

"We continue to talk, for example, about four-firm concentration ratios in the automobile industry when a glance down (Washington's) Constitution Avenue will convince any objective observers that all those Volvos, Volkswagens, Renaults, Datsuns, and Toyotas cannot be ignored for mere arithmetic convenience," he said.

In sewing machines, he said, four firms account for 81 per cent of all American output—but only 15 per cent of American sales.

America today depends on trade and the outside world, Dam said, and "it would be dangerous to take a major step in antitrust policy without considering these intimate linkages between the domestic and international economies."

Senate Bill 600 would restrict particularly the largest corporations. Dam argued that these firms "are found predominantly in those industries where the fiercest competition from imports is experienced—steel and automobiles, for example.

He said the bill would keep U.S. firms from enjoying the financial and managerial advantages of scale at a time when foreign competitors are getting bigger and stronger.●

NATIONAL PEST CONTROL MONTH

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. KINDNESS. Mr. Speaker, all too often, during the course of public debate, we lose sight of the invaluable contribution of the private sector in making our Nation a better place in which to live.

There are so many forms of service to the public and most of these important tasks are not performed by public employees.

The factory workers, doctors, farmers, truck drivers, and clerks of our Nation are public servants in the fullest sense of the phase, as much so as educators, social workers, and Members of Congress.

The National Pest Control Association proudly brings to our attention the fact that President Jimmy Carter has recently issued a statement recognizing the contribution of one such group of public servants, the pest control operators, recognizing the month of June 1979 as "Pest Control Month."

I would commend the President's remarks to the attention of my colleagues:

NATIONAL PEST CONTROL MONTH, JUNE 1979

Pest control operators help to protect the health and well-being of all of us in the places where we live, work and play. They make a valuable contribution to our society by helping to prevent the spread of disease and the destruction of valuable food supplies and property. The National Pest Control Association contributes to this by encouraging a high degree of safety consciousness and professional responsibility and by helping disseminate important information in your field.

In connection with your annual observance of National Pest Control Month, I am pleased to congratulate the members of the Association for their efforts in advancing responsible pesticide use through community programs.

JIMMY CARTER.●

A THIRD CENTURY LEADER

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. ANDERSON of Illinois. Mr. Speaker I would like to share with my colleagues today an essay by Dan Voll of Rockford, Ill., entitled, "The Challenge of Third Century Leadership." Dan's essay helped earn him first place in the Century III scholarship competition recently held in Williamsburg, Va., and sponsored by the Shell Oil Co. Attending the Century III conference were 102 high school seniors, selected from the over 350,000 participants in the scholarship competition.

The selection of Dan Voll from such a highly qualified group of contestants is a testimony to not only his academic scholarship, but his community involvement as well. In his hometown of Rockford, he has been instrumental in the formation of several youth programs including Snowball, a peer program for alcohol and drug abuse education, and the Salt and Pepper Committee, a group seeking to unify blacks and whites at his school. In addition to these programs, Dan has been actively involved in student government at East High.

As is so clearly evidenced by his essay, Dan Voll is a young man who will be well-prepared to meet the challenges of America's third century. I commend his essay to my colleagues:

THE CHALLENGE OF THIRD CENTURY LEADERSHIP

(By Daniel S. Voll)

The preservation of our nation's democratic principles and freedoms has historically been of utmost importance to this country's leaders. Yet, today we find these freedoms in possible danger. Many of the individual rights we enjoy as citizens are being threatened by the lack of effective government leadership and citizen involvement in critical issues. The Third Century leader must strive to utilize the imagination and manpower of our citizens, businesses and government into effective programs which can combat the unprecedented changes and problems challenging our democracy.

We must, as Robert Jungk shows in Tomorrow Is Already Here, stress the need for citizens to bear the burden of involvement in basic issues, which left unattended, could have a debilitating effect on our nation. The government alone cannot effectively solve the problems of our cities, the regulation of our economic system, the destruction of our ecosystems, or the distribution of scarce world resources. Solutions and action-plans uniting citizens, businesses and government is needed to deal with the realities of a projected population exceeding 275 million, burgeoning unemployment and the underwriting of education.

Government cannot continue futile efforts in dealing with these problems. Too often government programs do not meet the real needs of the people. Often this is due to a lack of knowledge of the real facts and problems. In an effort to maintain a nation which is "for the people, by the people" we must extend the present governmental decision-making process to allow for a new form of participatory democracy. Such a shift is clearly mandated by today's society as it seeks accountability in tax dollar spending. Centuries ago Galileo proved to be one of the first to realize that any institution which undergoes a change in size and attitudes must alter its form.

Leaders must recognize that the Federal Government alone cannot always find efficient solutions to the widening scope of problems. This realization will allow the Federal Government to give priority to the areas of policy and funding, leaving more autonomy in the hands of regional, metropolitan, and state governments and agencies, whose size and flexibility allows them to more effectively handle localized problems.

Leaders must move to guide the "participatory revolution", which experts claim is evolving nationally, into a socially conscious action-plan. Such a plan which, drawing on existing municipal and civic agencies and newer citizen action panels, will allow leaders to develop cross-sectional goals. If successfully implemented, it will create a consensus of public opinion while seeking rational alternatives to ineffective programs. Most importantly, we will be stepping beyond the political arena to evaluate, plan, and facilitate new programs. Such programs could be the key to developing solutions to problems threatening our democracy and individual futures. According to the writings of Thomas Schelling, these solutions depend on "some kind of social organization, whether continuous or spontaneous . . . permanent or ad hoc."

To be effective, such a national group action-plan must have its priorities, consequences, and alternatives reviewed and coordinated by experts both within and without the political system. Such a plan of action—designed and implemented through the united efforts of concerned citizens, businesses, government leaders, and experts in various fields—is the only real viable means of dealing with the complexity and diversity of Third Century problems.

The success of Third Century leadership lies in our ability to unify the imagination and manpower of our citizens into a truly representative democracy. Only through such a unified effort can this nation effectively combat the unprecendented challenges which threaten the future of representative democracy.●

TRIBUTE TO FRANK RECKTENWALD

HON. HAROLD C. HOLLENBECK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. HOLLENBECK. Mr. Speaker, this weekend I will join the residents of Old Tappan, N.J., in paying much-deserved tribute to Mr. Frank Recktenwald. Mr. Recktenwald is recognized for 25 years of distinguished service as Old Tappan's borough clerk/administrator.

A public servant in the truest sense of the word, he has incorporated into the city office sound principles of good management. He has modernized office procedures, streamlined operations, and generally assured that, on a day-to-day basis, borough hall stands ready to respond to the needs of her citizens.

With a tenure that has spanned the administrations of five mayors, Mr. Recktenwald provides a wealth of knowledge and experience upon which so many others have come to depend. He is responsible for a quarter century of smooth continuity in local government services.

I am proud to offer him my congratulations on this recognition, my personal gratitude of his assistance to me, and my best wishes for many more successful years in public service.●

THE OTHER SIDE OF FOREIGN AID

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. BARNES. Mr. Speaker, whenever the subject of "foreign aid" comes up people always manage to talk about all the millions and billions of dollars which the United States has "given away" to other countries. Rarely do people talk about the direct return we receive from the assistance which we have extended to developing countries; perhaps that is because rarely do we see an accounting of loan repayments, procurement of goods and services within the United States, and the value of our exports to developing country markets which, only because of our assistance, are now able to purchase our products.

The Washington Post recently published an excellent commentary by Timothy Lovain on this subject. Mr. Lovain is a legislative representative of New Directions, the citizens lobby for world security founded by the late Margaret Mead and now directed by the Honorable Charles W. Whalen, Jr., a former Republican Member of this House from Ohio.

I commend this commentry, "The U.S.—'On the International Dole,' " to my colleagues and to all Americans interested in informed discussion of our development cooperation programs. The article follows:

THE UNITED STATES—"ON THE INTERNATIONAL DOLE

(By Timothy Lovain)

The United States is a net recipient of foreign aid. Sound incredible? Like so much else in Washington, it depends on how you keep the books, but consider the following:

More than one-third of the economic assistance provided by the Agency for International Development (AID) and its predecessor agencies since World War II has been on a loan basis. Repayments are currently coming in at such a rate that many countries, including India, Ecuador, Paraguay and the Ivory Coast are sending us more in repayments than we are providing them in new assistance. Latin America as a whole will send us 85 cents in repayments this year for every new dollar of bilateral aid we provide them, much of which will be in the form of new loans.

Foreign countries have an excellent record of repaying their debts on time. Since 1940, $85 billion in foreign aid has been provided on a loan basis, Julius Katz, the assistant secretary of state for economic and business affairs, has testified that the default rate on these loans has been an impressive .04 percent. Most of the overdue payments involve unique situations; one-third of them involve Korean War logistical support claims, whose validity is in doubt. In fiscal year 1978 alone, repayment of principal and interest totaled about $4 billion. Total collections now exceed $50 billion.

Seventy-five percent of AID's budget is spent in the United States to purchase American goods and services. In fiscal year 1978, over $1 billion worth of products were exported under AID financing. Since loan receipts exceed the amount of AID development assistance funds actually spent abroad, it appears that our bilateral aid program actually reduces our balance-of-payments deficit.

Our "security supporting assistance" program, primarily to Israel and Egypt, is on a grant basis. However, two-thirds of our food aid and military aid programs are on a loan basis, both programs procure their goods and services almost exclusively in the United States and both are famous for creating large new commercial markets for American grain and guns.

Even United Nations programs are economically beneficial to the United States. In 1977, for example, UNICEF purchased $48.8 million worth of American goods and services, compared with American contributions to UNICEF, from both public and private sources, of only $26.3 million.

In recent years, the largest portion of our foreign aid program has gone through the multilateral development banks (MDBs). C. Fred Bergsten, the Assistant Secretary of the Treasury for International Affairs, has testified that betwen 1946, when the first such bank was established, through the middle of 1978, direct accumulated receipts by all segments of the U.S. economy have exceeded outflows to the banks by $2.4 billion.

In addition, an econometric analysis by the Treasury Department concluded that our real GNP increased annually between $1.2 billion and $1.8 billion as a result of exports of U.S. goods and services to markets directly created by MDB-financed projects in developing countries. This means that every U.S. dollar paid into the banks generates between $2.39 and $3.38 in real U.S. economic growth annually. This also means that MDB activities have created between 50,000 and 100,000 jobs every year.

Our bilateral aid program also creates new export markets for the United States. It is likely that econometric analysis of our other aid programs would discover benefits to the U.S. economy comparable to those we receive from MDB activities.

It seems fair to conclude that loan repayments and procurement of U.S. goods and services by aid agencies and institutions probably exceed the amount of foreign aid money we send abroad. When secondary economic effects are factored in, there is little doubt that our foreign assistance program is a net benefit to our balance of payments.

We get more foreign aid than we give. It would be only slightly hyperbolic to say that we are the recipients of "handouts" from rich and poor nations around the world, that the United States is on the international dole.

The Senate Foreign Relations Committee recently decided to reduce our economic aid program authorization by 10 percent, presumably in order to help alleviate our domestic economic difficulties. Additional cuts will undoubtedly be made at the appropriation level, accompanied by tirades against our "giveaway" programs abroad.

We will just be shooting ourselves in the foot.●

SEAFORD HIGH SCHOOL BAND WINS TOP HONORS AT INTERNATIONAL YOUTH FESTIVAL OF MUSIC

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. LENT. Mr. Speaker, last month I brought to the attention of my colleagues the fact that the Seaford High School Band, from the Fourth Congressional District which I have the honor to represent, had been selected as the first high school band from the United States to take part in the International Youth Festival of Music held annually in Belgium.

It is my pleasure to report to my colleagues that the Seaford High School musicians, under the baton of director Joseph Manso, won top honors at the festival, and have come home with first prize and a medal in recognition of their fine performance.

An indication of the outstanding abilities of these young musicians and their director can be gained from the knowledge that the Seaford High School Band was in competition with some 75 other bands from schools all over Europe. To win first place honors with such competition on the very first appearance of an American band in the International Youth Festival of Music is truly an outstanding accomplishment and reflects great credit not only on Seaford High School's students and faculty, but on the musical abilities of the young people of the entire United States.

Not to be overlooked in this triumphant conclusion to its historic journey is the fact that the Seaford band members put forth a major effort within a few weeks time to raise the thousands of dollars needed for transportation expenses. The musicians conducted paper drives, fruit and candy sales, pancake breakfasts and other fundraising campaigns. With the help of community and booster clubs in Seaford, the goal was met.

The entire project was a typically American accomplishment from beginning to end and it should make all of us very proud.

I know my colleagues join me in offering the heartiest congratulations to the members of the Seaford High School Band and to their director, Joseph Manso on their momentous achievement.●

FEDERAL GOVERNANCE OF EDUCATION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. KEMP. Mr. Speaker, our country is witnessing greater and greater intrusion by the Federal Government into our daily lives. With increasing regularity we are experiencing the relentless narrowing of the areas in which we are still master of our own actions and decisions.

In the field of education, this is particularly alarming. The Constitution has been stretched by the Federal Government in numerous instances to assume authority over education which the Constitution clearly prohibited.

I recently received a letter from an eminent educator, Chancellor Theodore M. Black, of the board of regents of the State of New York, in which he states his determination, "to abstain from voting at Regents' meetings on any motion to seek or accept Federal aid funds until the Congress acts to monitor enforcement of the Constitution and its own laws in order to curb the use of threats to withhold such funds as levers to force compliance with administrative orders." Enclosed with the letter was Dr. Black's "Proposal Relating to Federal Governance of Education" which I am including as part of my remarks.

As Dr. Black states: "Increasing federal intervention into the operations of educational institutions—could eventually lead to the nationalization of America's schools and colleges." I urge my colleagues to give serious consideration to the erudite assessment and suggestions he has made. What a pleasure to see this type of leadership exhibited at a time when so few are willing to be heard much less stand up.

A PROPOSAL RELATING TO FEDERAL GOVERNANCE OF EDUCATION

(By Theodore M. Black)

The Constitution of the United States gives the Federal government no authority over education, and the Tenth Amendment to the Constitution makes it clear that—

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The Congress has consistently recognized this clear limitation upon the U.S. Government's power; all federal education legislation specifically prohibits federal control of education. For example, Section 404(b) of P.L. 94–482, the Education Amendments of 1976, defines the barriers to U.S. involvement in these words:

"No provision of any applicable program shall be construed to authorize any department, agency, or officer, or employee of the United States to exercise any direction, supervision or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school or school system . . ."

Despite these unmistakable constitutional and legal prohibitions, some administrative agencies of the Federal government have intervened directly in the operations of schools and colleges in the several States, exacting compliance with their orders by threatening to withhold federal aid funds from States and local schools, even when all pertinent requirements of the federal aid laws have been scrupulously met.

This practice is not only constitutionally and legally questionable, but inequitable in its application as well. Most federal aid is allocated on the basis of local need, with the poorer school districts wherein a large number of low-income families live getting the major portion. Those districts are therefore most vulnerable to pressures applied by threatening the loss of federal aid funds; wealthier districts, entitled to less federal aid and better able to do without it, are much more free to disregard such threats.

Further, the practice is unfair to local school authorities, who make plans and contractual commitments on the presumption that their compliance with the specific terms of federal aid laws assures them of a set sum of federal money. The possibility that all aid will be withheld if the school does not accept some other U.S.-imposed decree, unrelated to the purpose of the aid legislation and liable to be issued at any time without warning, creates an additional hardship for State and local educational managers.

It is precisely these hardships which have led State and local school authorities to accept such federal administratives orders without court challenge, an expensive and time-consuming process which perhaps they cannot afford, and during which their schools and students would be deprived of needed federal aid funds.

Increasing federal intervention into the operations of educational institutions, allowed to continue unchallenged and backed with the power to withhold federal aid funds if federal administrative orders are not obeyed, could eventually lead to the nationalization of America's schools and colleges.

NASBE looks to the Congress to halt this dangerous trend at the earliest possible moment, and suggests the following measures to that end:

(1) All federal education legislation should state that it is the intent of the Congress that federal aid funds granted to the States and local schools must be used affirmatively to improve education, not negatively in a punitive way to enforce compliance with federal orders.

(2) All federal education legislation should continue specifically to prohibit federal control of education, in language such as that of Section 404(b) of P.L. 94–482, expanded if necessary.

(3) All federal aid-to-education legislation should be conceived of and written as a contractual arrangement, whereby States and local school authorities willing and able to qualify and comply with the terms of authorization and appropriation laws granting federal aid funds are entitled to those funds as a contractual right, regardless of any extraneous considerations not directly pertinent to the stated purpose of the aid legislation.

(4) All federal aid-to-education legislation should exclude from its qualifying and performance requirements any considerations not directly relevant to the educational purpose of the legislation.

(6) All federal education legislation should specifically outlaw the practice of withholding or threatening to withhold federal aid funds, for which a State or local school agency has properly qualified under the law, as an instrument to enforce compliance with any other federal order whatsoever.

(6) All federal education legislation should specify that any complaint against a State or local school authority for non-compliance with any federal order (exclusive of the contractual requirements of the aid legislation itself) should be pursued through the courts for final determination.

(7) The Congress should establish and maintain its own independent monitoring system whereby federal administrative agency compliance with Congressional legislative mandates as above may be determined and enforced.

Respectfully submitted,

THEODORE M. BLACK,
Chancellor of the Board of Regents.●

DIRECT ELECTIONS IN EUROPE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. ROSENTHAL. Mr. Speaker, the European Parliament, the assembly of the European Community—Common Market—will hold direct elections for the first time on June 7–10. Until now the 22-year-old assembly has been composed of designated members of the nine countries' national legislatures.

Many political observers believe that direct elections will spur political integration in Europe. Since direct elections will coincide with larger Parliament—410 in place of the present 198 members—and because many prominent political leaders are candidates for the new legislature, the June elections will mark an important new phase for the European Community.

The Economist recently described the powers and the possibilities for the next European Parliament in an excellent article which follows:

THE POWERS OF EUROPE'S PARLIAMENT

Between June 7th and 10th, around 175m Europeans will have a chance to cast their vote in the first-ever direct elections to the European parliament. In a series of special briefs over the next few weeks, we shall be looking at the background to the elections and at the major issues. This first brief examines what power the new parliament can expect to wield.

What chance will the new Euro-MPs have to implement their glowing election promises when they get to Strasbourg/Luxembourg/Brussels (see box)? The new parliament will inherit the limited constitutional rights of the present (appointed) MPs. And for the moment there is no prospect that the Treaty of Rome will be amended to give it new legal powers. The French government, backed by the British and Danish, is firmly committed to opposing extra powers for Euro-MPs.

The toughest line on this is being taken by the Gaullists (echoed, at the other end of the political spectrum, by the Communists); and since the French government depends on Gaullist support, it cannot afford to bend an inch. When the former Belgian prime minister, Mr. Leo Tindemans, proposed some extra powers for Euro-MPs in a report in 1976, the French vetoed the lot. So, at least until further notice, the parliament will have to rely on its existing legal powers—and on developing its informal influence on decisiontaking and policy-making.

WHAT IT CAN DO NOW

Unlike most parliamentary elections in Europe, which determine what kind of government will take office (or at least define the relative strength of any coalition partners), the elections to the European parliament will make no obvious and immediate difference to the way the community's affairs are run. There will, for instance, be no change in the composition of the EEC commission or the council of ministers (the real EEC executive).

The parliament does have the power to sack the EEC commission if two thirds of MPs are in favor. This power was conferred on the original parliament set up to control the European coal and steel community (ECSC) in 1952. The ECSC commission was a powerful body, whereas the council of ministers was weak. So it made sense to give the parliament the right to sack the commission. But it makes much less sense now because most big decisions are taken by the council, not the commission; yet the council cannot be sacked by the commission. Even the right to dismiss the commission is not as useful as it sounds: the nine governments can simply reappoint their commissioners. Besides, in most circumstances wholesale sacking would be wielding a sledgehammer to crack a nut.

Both of these are good reasons why the power has never yet been used, though in 1976 the Conservative group in the parliament did, for the first time ever, put down a censure motion to sack the commission for its policy on disposing of the milk powder mountain. The motion was overwhelmingly rejected. A vote on a Gaullist censure motion followed in March, 1977. It too was defeated.

Until now, the parliament has had little reason to quarrel with the commission. Both have usually pressed for supra-national European policies. Their common enemy has been the chauvinistic council of ministers. But this may change after direct elections. The new Euro-MPs may be more concerned to look after their own countries' national interests. However, the odds are still that the majority will support commission policy. The parliament would probably consider sacking the commission only as a means of indirectly embarrassing national governments (which was one object of the 1976 Conservative motion).

Mr. Tindemans suggested that the parliament should be given the power to approve the appointment of the EEC commission president, made by the European council (the EEC summit). This idea was thrown out. But the next commission president—who will take office in January, 1981—could submit himself for approval by the parliament of his own free will. If Euro-MPs confirmed his appointment, he might then be able to claim greater authority vis-à-vis national governments.

What most marks out the European parliament from other parliaments is its lack of legislative power. Euro-MPs have to consider all EEC-wide laws, but they have no power either to block legislation or to make it pass, and thus to overrule the council of ministers. The parliament does not even have the right to initiate legislation.

All the same, the parliament has more clout than it appears to. In practice, the commission usually accepts most of the amendments MPs make to its draft legislation. Last year the parliament considered 175 proposals from the commission, of which it amended 49. The commission accepted, in whole or in part, 32 of these amendments.

The parliament can often initiate new policies by passing resolutions; for example, a 1978 resolution calling for a new policy on arms procurement in the EEC has got the commission to start work on the subject.

THE POWER OF DELAY

It has been suggested, notably in the 1972 Vedel report, that the parliament should slowly develop a power of veto on EEC legislation. At first it would be able only to delay; later it would have equal powers with the council of ministers. The danger of such a development is that it would make it even harder to pass any EEC legislation at all. It already takes about six years to pass an average directive, thanks to the complications of satisfying the commission, the nine member governments and a myriad of interest groups. Besides, such a power to delay or ditch legislation would not be matched by a positive power allowing the parliament to overrule national vetoes in the council of ministers.

The dangers of giving the parliament the power to delay have already been shown up in another field. Since 1975, the parliament has had the right to share decisions with the council of ministers on all directives with financial implications. So when Euro-MPs and ministers disagree, a joint team tries to work out a deal. Euro-MPs are supposed to be able to delay a decision for up to three months. But this procedure has proved so clumsy that a series of new policies—such as the one-billion-ecu lending facility, revised regional fund rules and the aid programme to developing countries outside the Lomé convention—have been delayed by up to a year, without obvious improvements to show for it.

BUDGET MUSCLE

The parliament's most important power is the control of the EEC budget, granted in a 1971 amendment to the Treaty of Rome by courtesy of the Dutch. Democratic Holland was prepared to allow the EEC to raise revenue directly (from its "own resources") only if the European parliament were given some say in the matter.

The French, who were keen to give the EEC direct revenue so that national parliaments would not be able to veto funds for the agricultural policy, reluctantly agreed. These powers were further extended by a new treaty amendment in 1975. This year the parliament, by a mixture of luck and cunning use of these powers, has helped to raise the EEC's regional fund budget by 53%.

The parliament's main control is exercised in setting the EEC's annual budget for spending in the year ahead (around £9 billion in 1979). It also has some powers to investigate how effectively the money has been spent in past years, in harness with the new court of auditors. But it has no say over the raising of revenue. And even its powers over the annual budget are tightly circumscribed. It can do little to change three quarters of the present budget, classified as "obligatory" spending (i.e., money the EEC is compelled to spend to fulfill treaty obligations). This includes almost all of the funds for the common agricultural policy. The parliament can suggest changes in obligatory spending totals, but cannot force them on the council of ministers. However, it can rearrange the total by switching cash from one heading to another. If it does, its proposals can be rejected only by a weighted majority of the council of ministers (with big countries getting more votes than small ones).

When the parliament suggests changes in "non-obligatory" spending (eg, the regional fund), they can be rejected only by a weighted majority in the council, even if the parliament raises total spending. In November, 1978, for example, Britain and Italy voted to back the parliament's proposals for spending an extra £400m, mainly on the regional fund. Together the two countries had enough voting weight in the council to ensure that the parliament's proposals were passed (Britain changed sides a month later, but too late). However, there is a ceiling on the amount by which the parliament can raise this kind of spending (5.7 percent of the total in 1978). This rate is calculated by the commission each year from national economic indices such as growth and inflation.

Since 1975, the parliament has had the right to throw out the whole budget lock, stock and barrel—regardless of all the fine distinctions above. This would mean freezing EEC spending at the previous year's rate. Since Euro-MPs have so far been mainly interested in raising EEC spending, this power has never been used. But for a parliament which wanted to cut spending (eg. on agriculture), it could prove handy. And, like sacking the commission, it might be a useful way of embarrassing national governments.

Another of the parliament's powers which has so far remained unused is that of taking another institution (eg, the council or the commission) to the European court of justice for any infringement of the treaty. This might become important if the parliament and the council got locked into a new row over each other's respective powers.

All these legal powers are, however, likely to matter less than parliament's power to extract, publish and debate information about the running of the community. Since 1973 the parliament's monthly sessions have included a regular question time at which both commissioners and the president of the council (usually the foreign secretary of the country in the council chair) have to provide answers.

The parliament's 12 specialist committees can also summon commissioners and officials to answer questions. These committees could, like those in the United States congress, develop an important, and more public, role. So far they have usually sat in secret.

The parliament has often been hamhandled in organising its debates. For example, when Mr. Roy Jenkins in 1977 was asked to set out his case for monetary union in the EEC, the parliament tried to confine the debate on this major subject to one hour. Commissioners are also constantly complaining about the inefficiency of the parliament's procedures.

INFLUENCING PEOPLE?

The informal influence of the new parliament will depend partly on how much public attention it can muster. If it moves to a permanent site in Brussels and plans its debates for maximum impact, the media will take more notice of it. Another important factor will be the effectiveness of the new Euro-MPs in their home countries. The candidate list does include well-known politicians such as Mr. Willy Brandt, Mr. Jacques Chirac and Mr. Leo Tindemans, who will carry a lot of influence back home. Some of them may take back European ideas to their parties at home, which may prove to be one of the new parliament's most important contributions to decision-making in the community.●

TEN YEARS OF THE MUSCLE SHOALS SOUND

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. FLIPPO. Mr. Speaker, it is a pleasure for me to share an unusual hometown success story with my colleagues. I am proud to give the recognition of this body to the talents of four men who have achieved much in American music over the past decade.

Ten years ago four musicians got together to make some music and began cranking out hit records. Their success is phenomenal, measured in the gold and platinum records which are coveted in the music industry. Although the songs they made are hits, easily recognized by any form of popular music, their names are known to few outside the recording business.

They are Barry Beckett, Roger Hawkins, David Hood, and Jimmy Johnson, known collectively as the Muscle Shoals Rhythm Section. They had been playing sessions together for years when they decided to form a partnership, in 1969, which is still making music. They formed Muscle Shoals Sound Studios, Inc., which is today one of the largest recording studio complexes housed under one roof in the world. The studio is located in a 31,000-square-foot building in Sheffield, Ala., overlooking the Tennessee River.

The building provided a proper setting for the continued reunion of these four musicians. Johnson explained their unusual attachment to the old structure, which once housed a U.S. Naval Reserve unit:

> . . . Because we used to play some of our first dances right here. The Naval Reserve would let the high schools have dances and would play on the gymnasium floor where the studios now sit.

This recording complex has made a a great contribution to building a worldwide reputation for the Muscle Shoals Sound. This is the name they proudly affixed to their own studio and the "Muscle Shoals Sound" is an undefinable musical entity which these four share with a reservoir of talent which works and creates music in the towns on the Tennessee River in northwest Alabama. Johnson talked about the niche Muscle Shoals has cut in the record business. He said:

> There's a lot of mysticism about Muscle Shoals. It's sort of thought of as a place you can't get to. Some people in the business don't know you can actually come here to work. People know that they like the music that comes out of here, but a lot of the music that comes out of here never gets the credit for coming out of here.

To set the record straight, Muscle Shoals Sound Studios started out with a million-selling single, "Take A Letter Maria" by R. P. Greaves, and has been going strong ever since. Since this first gold single they have earned gold records for artists including Wilson Pickett, the Staple Singers, Johnny Taylor, Mel and Tim, Bobby Womack, Luther Ingram, the Dells, Mary MacGregor, and Sanford and Townsend.

Over the decade gold and platinum recordings have been made by Muscle Shoals Sound for these and artists who include the Rolling Stones, Leon Russell, Millie Jackson, Rod Stewart, Bob Seger, Cat Stevens, Traffic, Boule Noire from Quebec, Pugh Rogefeldt from Sweden, Lynyrd Skynyrd, Paul Simon, and Art Garfunkel.

In addition to these, other international artists who have recorded at Muscle Shoals Sound include talents from a wide range of styles such as Aretha Franklin, Joe Cocker, Lulu, Boz Scaggs, Herbie Mann, Linda Ronstadt, Laura Nyro, Canned Heat, Cher, Candi Staton, Willie Nelson, Peter Yarrow, Ronee Blakely, Tony Orlando, Dr. Hook, Phoebe Snow, Stella Parto, Mary Travers, the Amazing Rhythm Aces and Joan Baez.

The talent at Muscle Shoals was recognized in a "Behind the Scenes" article for pop music culture publication, Rolling Stone by Diasann McLane who wrote:

> Barry Beckett, keyboardist/producer with the Muscle Shoals Sound Rhythm Section, looks like a slightly perturbed football coach in the middle of a hard practice. For the last twenty minutes, he's been coaxing a sessionman through a difficult overdub, but the saxophonist just can't seem to produce what Beckett wants. "Let's take that again," he encourages. "And this time, try not to play the same patterns over and over." The saxman responds with a beautiful phrase, a solo that is precise yet inventive. Beckett smiles, then turns to an observer. "You see, I have this *profound* hatred of monotony."
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> Monotony is hard to come by at Muscle Shoals Sound Studios, the Sheffield, Alabama, home base of the Muscle Shoals Sound Rhythm Section—Beckett, David Hood (bass), Jimmy Johnson (rhythm guitar) and Roger Hawkins (drums). Since its first studio was built in 1969, the band has hosted artists ranging from Paul Simon to Bob Seger to Tony Orlando. And Muscle Shoals studios rivals nearby Reynolds Aluminum as the biggest industry in northwest Alabama. The Rhythm Section played on and/or produced nearly forty albums in 1978; this year, thanks to a new $800,000 studio complex, they will probably exceed that.
>
> Hood, Johnson and Hawkins grew up in the Muscle Shoals area; Beckett comes from nearby Birmingham. They learned to play music as teenagers, and cut their chops in rock, country and R & B groups in the late Fifties. Gradually, perhaps because of the lack of club work in a dry county, the four musicians drifted into session work. They were the unofficial house band at Rick Hall's FAME Recording Studios in Muscle Shoals when Atlantic producer Jerry Wexler brought Wilson Pickett down in 1966 to record "Land of 1000 Dances."
>
> Wexler, impressed with the results (the single hit the Top Ten and became a classic), began producing other artists in Muscle Shoals, including R & B greats Percy Sledge and Aretha Franklin.
>
> "The incredible music they play is not imitative; it's the same Southern funk their black equivalents are playing. And they are equally at home in country, blues and rock & roll."
>
> In 1969, Beckett, Hood, Johnson and Hawkins started their own studio in an abandoned casket factory on Jackson Highway in neighboring Sheffield, and called it Muscle Shoals Sound Studios. Wexler continued importing artists—this time a wider variety, including pop stars like Cher and Lulu—and the studio's reputation spread. Paul Simon booked studio time there in 1973 for *There Goes Rhymin' Simon;* he expected to record one or two tracks, and ended up recording six songs in three days.
>
> The Simon sessions marked a turning point for the Rhythm Section. "We were a little nervous," Beckett admits. "We'd never played in that style." Before Simon arrived at the studio, they listened to all his old albums and became thoroughly familiar with his sound. "And it worked," says Beckett. "He even asked us to sing with him." Their success with Simon earned them a reputation in rock & roll circles, and soon such artists as Rod Stewart and the Rolling Stones were knocking on their studio door. Currently, both twenty-four-track studios are booked up four months in advance.
>
> "There is one problem," says Johnson. "We don't hear much of this." He claps his hands. "But we really hate to leave the studio. I mean, look at me—Meat Loaf!" The Rhythm Section occasionally plays one-shot gigs and once toured with Traffic, but they shun the spotlight. "We're really serious about our music," says Hawkins. "I'm not comfortable unless I have my own little corner to play in and my own set of headphones. On stage, I feel like an insurance man playing all those hot grooves."
>
> "Just the other day," adds Beckett, "I was driving around listening to the radio. I heard something that sounded really fine and thought, 'Hey, that drummer sounds like Roger.' I started noticing the bass and thought, 'Gee, that guy's got David *down*.' Then I heard the keyboard player and got really *scared*. Thank God," he sighs, "it was *us*."

The international reputation for this studio grew out of the talent of four young men who played for everything from school dances to recording sessions, they began with their music as teenagers and they never stopped. American popular music can be thankful they kept it together.●

HUMAN RIGHTS VIOLATIONS IN NORTHERN IRELAND

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. HOWARD. Mr. Speaker, it is true that the wall of silence surrounding conditions in Northern Ireland has been broken. Responsible spokesmen, including yourself, have spoken out on human rights violations committed by the British. The institutional violence, however, such as that in the prisons, becomes more entrenched as each day goes by without a media exposé, a public statement by a major national or international figure or some action which keeps the tragic situation in the news.

I would ask my colleagues to read carefully the following article by Colman McCarthy that appeared May 16 in the Washington Post. I would also hope that my colleagues would join with the Ad Hoc Congressional Committee on Irish Affairs in condemning human rights violations in Northern Ireland.

The article follows:

Victims in Northern Ireland

(By Colman McCarthy)

Father Raymond Murray is a priest, poet and scholar from the Armagh diocese in Northern Ireland, a dispirited part of the world that sees more death and gore than poetry and wisdom. On becoming "priested," as Irish mothers call it, Murray envisioned spending his life in a local parish.

But it hasn't happened. As a prison chaplain in an Armagh jail occupied by Irish nationalists who have been convicted of various offenses and who have allegedly been tortured or beaten by British security forces, Murray has become a specialist in the priestly science of culpability.

In discussing the guilty parties for the warfare in his homeland—some 2,000 deaths and many more injuries in the past 10 years—he insists on staying clear of Irish politics. He has all he can do to keep focused on Northern Ireland as a scene of massive human-rights violations by the British.

That approach explains his warm reception in many congressional offices last week. In making the rounds, the priest knew that many in Congress had been on rounds of their own. Some, like Rep. Lester Wolff of New York, had been to Northern Ireland prisons. Another, House Speaker Tip O'Neill, recently returned from Ireland where he earned the blessings of the Gaelic saints for bluntly advising the British government to clean up its dirty act in the North.

"I was heartened," said Father Murray, "by the high level of awareness in Congress about the culpability of the British government in Northern Ireland. The harassment, the torture, and the injustice in the courts have been well-documented—by Amnesty International and several commissions. The wall of silence has been broken."

The crumbling has been hard for many Americans to accept. Britain as a violator of human rights? It must be a mistake, we thought. The British government is heir to the Magna Carta, prayed over by the Church of England and run by the nattiest minds that the dons of Cambridge and Oxford can nurture. A Pinochet regime in Chile or a Marcos government in the Philippines tortures prisoners, but not seemly John Bull of merry England.

Now that we know better, or at least now that a bloc in Congress is speaking out as it did in March against the "massive scale" of human-rights violations in Northern Ireland, the issue is whether or not peace is possible with the continued British presence in Ulster.

"We can condemn the Irish Republican Army bomb-throwers morning, noon and night," said Murray, "but they won't go away so long as they have a target to hate. The IRA isn't a gang of old warhorses talking about the Easter uprising of '16. They're kids mostly, ages 17 to 25, who've been raised in a war zone and have become reflexively violent. They are to be blamed for their violence, but it is still a reaction against the institutional violence of the British presence."

Murray favors a planned British withdrawal from Ulster. For some time, this has been the sentiment of those who formed the Ad Hoc Congressional Committee on Irish Affairs. The group, with about 130 members, has been pictured either as well-meaning innocents who don't understand the complexities of Northern Ireland or as patsies of the gun-runners and the IRA. But with Tip O'Neill, as well as Gov. Hugh Carey of New York, finally stirring their Irish genes to get involved, the get-the-British-out position of the committee's chairman, Rep. Mario Biaggi of New York, can no longer be dismissed—not that it ever should have been. It is another case of yesterday's militancy being today's reason.

In the past 10 years, the British have shifted from justifying their presence in Northern Ireland. At first, they spoke of their territorial rights to Ulster. But this had the odor of colonialism. A sweeter scent was created by the argument of altruism: If the savage Catholics and Protestants of Ulster are so primitive that only the British peacemakers can keep them from each other's throats, then, God save the Queen, so be it.

This isn't altruism. It is classism. It is Britain's self-assumed superiority telling still another colony that it hasn't the soul and substance to rule itself. This message isn't new to Northern Ireland. It was heard in India, Africa and, it shouldn't be forgotten, in America.

Getting the British out is not a cause isolated to Northern Ireland. It is part of a historical pattern, of which the Irish are the latest victims.●

ECONOMIC ACUPUNCTURE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. WHITEHURST. Mr. Speaker, the following editorial appeared in the May 16, 1979, edition of the Wall Street Journal, and I think that it contains some points well worth considering. I commend it to the attention of my colleagues:

Economic Acupuncture

Conceive, if you can, the great Rhode Island apple shortage. One fine morning everyone in Providence wakes up, decides to buy a dozen apples and joins the growing lines at the apple stands. As supplies dwindle, enterprising apple merchants discover they can boost the price of premium apples to 50 cents from 25 cents. Apple wholesalers in Brockton, Mass., quickly learn of this lush price and ship their apples to Providence. In Boston, where the supplies otherwise would have gone, the price of premium apples rises to 35 cents, drawing apple supplies from New York, where the price rises to 30 cents, drawing apples from Philadelphia. As the Brockton apples flood into Providence, the price there starts to fall. By the end of the day, East Coast premium apples cost 26 cents, an infinitesimal number of consumers everywhere has decided to buy oranges instead, and everyone in Providence has his dozen apples. Which is why, dear reader, you have never heard of the great Rhode Island apple shortage.

You have heard of the great California gasoline shortage. Through some kind of economic acupuncture, the symptoms of a revolution in Iran have broken out along the San Andreas fault. If you can't have a shortage of apples just in Rhode Island, how come you can have a shortage of gasoline just in California? Indeed, we hear of Californians driving to Tijuana, to tank up on diesel fuel provided by efficient Mexicans, or planning their transcontinental motoring vacation along the Canadian route. Why is it that only the United States has a gasoline shortage? The answer seems to be that only the United States has the Department of Energy.

California itself has about 66,500 oil wells. But about 23,000 of them are closed down. The problem is that California oil is heavy crude, which takes more expensive equipment to refine, and therefore needs to sell at a lower price to compete with lighter imported crudes. These price calculations were once made smoothly and routinely, but the Department of Energy and its forebears have been fiddling with the "gravity differential" issue since 1973 and still can't get it right. So if a well is sanded in or a pump breaks down, it's often not worthwhile to put the well back in operation. The California independents estimate that 15,000 of the closed down wells could be quickly redrilled or fixed if only DOE went away and let the price mechanism work.

The heavy crude problem was exacerbated when Alaskan crude started flowing into California, creating a "glut" of at least certain types of oil. This is relatively high sulphur crude that also requires special refinery equipment. Much of California's refinery capacity was built to handle sweet crudes from Indonesia and other foreign sources. The Alaskan crude would work very nicely in Japanese refineries, and one solution would be to sell Alaskan crude to Japan and use the proceeds to buy crude more suitable to California refineries. But Congress in its wisdom has outlawed the sale of Alaskan crude abroad.

Alternatively, another solution would be to build new or remodeled refineries in California to handle the available crudes. But if you build a refinery you have to pay for it, and DOE has rules on how this must be done. You must pass through capital costs evenly across your product mix. So if you invest in new gasoline equipment, you have to raise your price for fuel oil, even if fuel oil is a drug on the market and consumers are crying for gasoline. Naturally, few refineries were built under these rules. A few months ago DOE figured this might be a problem and introduced something called the "tilt" rule to cure it. It takes more than a few months to build a refinery, but the tilt rule is an open admission by DOE that for six years it has inhibited modernization of refineries in California. Chiefly due to the mismatch of crudes and refineries, refineries in California have been operating at about 80% of capacity during the great gasoline shortage.

Now, back to the subject of why DOE is to blame for the California gasoline lines. Forget the closed down wells and the unusable refineries, gasoline itself is still under DOE's price control thumb. As with the tilt rule on refineries, DOE itself has made furtive moves toward ending gasoline price controls.

But gasoline decontrol has been overruled at the White House because it would be a (yet another) public-relations black eye for the administration's price controllers. Only yesterday DOE said it wanted to fiddle more trying to get the "right" mark-up for gasoline retailers, and also "consider" ways to simplify the entire price control system.

The net effect is that while DOE doesn't change, it in effect admits it is administering a destructive policy. And little wonder, with price controls a gasoline dealer in California can't capitalize on and solve the current shortage by going to Phoenix and bidding away a little of its supply. It is against the law for the guy in Phoenix to take a bid that exceeds the price DOE's rules say he should receive.

Worse, if you have price controls you have to figure out who gets to buy how much at the controlled price. So you have gasoline "allocations." A seller is required to supply his list of dealers certain amounts at a certain price. The guy in Phoenix cannot sell in California unless he can first fill his allocations in Phoenix. For many years his list was whoever bought from him in 1972. Now this has been updated to last year. This makes the pattern more up-to-date but also reduces the spot market that consisted of the 1972 allocations for dealers who had closed. So there is less flexibility to meet changing conditions.

California has been enjoying an economic boom, perhaps due to the passage of Proposition 13 last year. Economic booms take more gasoline. California also has especially stringent air pollution requirements, which add perhaps 6% to gasoline demand in the state. Since the base period on which the allocations depend, California's gasoline consumption has expanded at about twice the national average of 3.9%. Within California, the urban areas have expanded faster than rural ones. And one fine morning everyone in Los Angeles woke up and decided to buy a tank of gasoline, setting off a pattern of panic buying.

Even given that bit of luck, it was not easy to stage a one-state shortage. But with DOE anything's possible.●

ISRAEL BONDS HONOR EDELMAN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. WAXMAN. Mr. Speaker, my good friend and colleague in public service, Los Angeles County Supervisor Edmund D. Edelman, is most deserving of the high honor which the State of Israel Bonds organization will bestow on him on June 7. Of the many outstanding leaders in our community, Ed Edelman has been singled out to be this year's recipient of the Sword of Haganah Award of the State of Israel. Having known Ed Edelman for almost 20 years, I feel qualified to say that he has truly earned this most coveted award.

Ed Edelman, though still a young man, has already established a remarkable record in both law and government. As an attorney, Ed has distinguished himself in his work with both the State and Federal Government. In government, Ed has been an important figure in southern California ever since his election to the city council in 1965. During almost a decade of service, Ed established himself as a person of great integrity and as an expert in those areas of government which most directly affect the average citizen. Ed led the way for the creation of such innovative city agencies as the department of consumer affairs and the commissions on the handicapped and the status of women and the affirmative action compliance office.

Currently, Ed serves with distinction as a truly progressive voice on the traditionally staid Los Angeles Board of Supervisors.

Despite Ed Edelman's numerous professional achievements, he has always found time and energy for family, community, philanthropic activities, and work on behalf of the State of Israel.

The honor being paid to Ed by the State of Israel reflects not only on him but on the shared commitments which bind Ed's wife Mari and his two daughters, Erica Nancy and Emily Rose.

Ed's commitment to the Jewish people and the Jewish State is expressed in his work with the American Jewish Committee, the Jewish Centers Association, the Guardians for the Jewish Home for the Aged, the Anti-Defamation League of B'nai B'rith and Congregation Mogen David—in which the Edelman family has a lifetime membership.

The larger community benefits from Ed's involvement with the Los Angeles County Art Museum, Kidney Foundation, Medic Alert, and the Western Law Center for the Handicapped and many other groups.

I am proud and honored to have as my own county supervisor, coworker in the efforts of the Democratic Party, and personal friend, a man who will, on June 7, be officially recognized by the State of Israel with the following citation: "Statesman and humanitarian, whose concern for people, all people, has been amply demonstrated in his 14 years of dedicated an distinguished public service, County Supervisor Edmund D. Edelman merits our recognition and appreciation. We are proud to salute the man whom Israel deems worthy of honor." ●

THERE IS NO "GENERATION GAP" ON OPPOSITION TO LIBERAL RACISM

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. ASHBROOK. Mr. Speaker, it is a pleasure to note that college students today, despite every effort to brainwash them from television to liberal textbooks in school, retain their solid sense of justice. White college students oppose preferential treatment for minorities 4 to 1, while 49 percent of minority college students oppose such discrimination. Liberal brainwashing efforts aimed at proving to nonwhites that the world owes them something at white students' expense has failed to convince half of the minority students. Their sense of justice has prevailed over both brainwashing and greed. They deserve our respect for what I consider a moral triumph on their part.

But racist liberalism is fighting back, and it is fighting back with the same kind of thugs and threats with which it ruled the campuses in the 1960's. Liberal racist policies from the 1960's also maintain the gains on campus that they forced through during that period. The student reaction to these policies, however, is underway, as Nick Thimmesch's article in the May 8 Washington Post, which is reproduced below demonstrates. This student reaction is opposed by what can only be called thugs posing as academics, and it is all at public expense. We owe it to these students to back them in their struggle for simple justice, for as Thimmesch puts it:

> The ruckus isn't over, but I think that the lesson from this episode, wherein the majority prevailed over a disruptive minority threatening mayhem, is symptomatic of a feeling in the republic that enough is enough. The nation has swung sensibly to the centrist notion that it's better (and proper) to help people help themselves than to give them special breaks—affirmative action, the 300-year-guilt-trip, and all the rest.

Mr. Thimmesch's article, "The AU Case: There Are Limits," from the May 8, 1979, Washington Post, follows:

THE AU CASE: "THERE ARE LIMITS"

(By Nick Thimmesch)

Angry black students, acting like hooligans threatened whites, and turned over tables and chairs at American University here recently when the student government sharply cut funding for OASATAU—Organization of Afro-American Students at The American University.

The student government, obligated to cut its budget, so it would conform to income, reduced funding for many projects, including OASATAU, the most privileged of the special groups sharing activity fees paid by all students.

The ruckus isn't over, but I think that the lesson from this episode, wherein the majority prevailed over a disruptive minority threatening mayhem, is symptomatic of a feeling in the republic that enough is enough. The nation has swung sensibly to the centrist notion that it's better (and proper) to help people help themselves than to give them special breaks—affirmative action, the 300-year-guilt-trip, and all the rest.

American University students each pay $54 a year into the student activity fund, which underwrites concerts, some campus transportation, movies, lectures at the Kennedy Political Union, a student newspaper and radio station, athletic clubs, and special-interest organizations like OASATAU, the campus NAACP, the Greek Council and the Jewish Students Association (an estimated 40 percent of enrollment is Jewish).

During the boom in higher education (it somehow coincided with peak years of the Vietnam war), student activity budgets became fat, and in the wake of the civil-rights revolution, it was popular to fund black-identity groups like OASATAU (a clumsy acronym, isn't it?).

But by the mid-'70s, enrollments and student activity budgets were down, and students, like their elders, were more interested in retaining amenities and fun events, rather than parceling money to special, even ideological, interests. Such is life nowadays.

In 1975, sensing there was a new look at their budget request, OASATAU members, waving baseball bats, held student government officials hostage until they got their way. Thus, a group claiming to speak for the 11 percent black enrollment, intimidated the other 89 percent.

But this year, a courageous lad, Charles Dworkis, now 18, but a first-grader when Dr. Martin Luther King was murdered, rather innocently argued that black students should be integrated into the whole student body—therefore, why such big funding for OASATAU? As chairman of the student government's operation committee, Dworkis suggested that OASATAU eliminate its newspaper, "Uhuru" (Swahili for freedom), and join in with the all-campus newspaper, "The Eagle."

"It is more segregational and racist to fund an organization that exists for one racial group," Dworkis said. (He also recommended cutting the Jewish Student Association to $150 a year, thus infuriating more students.)

Dworkis' view caused Mark Harris, OASATAU's president to erupt. He stood up and cried that he was "tired of the whole process," and quickly overturned a table. Other OASATAU members screamed "racist" as Harris was led out by a security man, and then tables and chairs went tumbling. A black woman member of the student government was grabbed by a woman of AOSATAU and a scuffle ensued.

Hostility toward Dworkis was fierce. "We wanted to kick his ass," exclaimed one protester. So Dworkis got special protection and a temporary change of dormitory room.

OASATAU now says it consults with lawyers and HEW officials about suing student government, thus indicating a belief in "the process," though its president, Harris, maintains that black students must "flip over tables and block doors" to "get their piece of the pie."

Student government leaders hold their ground, point out that NAACP got the largest budget increase this year and argue they want blacks to participate more in student activities, including campus elections.

What happened at American University reflects the reading of a recent Gallup Poll showing that a large majority (80 percent) of American college students oppose preferential treatment for blacks (and women). In fact, 49 percent of the non-whites polled shared that view.

But 60 percent of these students favor federal programs providing free courses enabling members of minority groups to do better in tests. An October 1977 Gallup Poll showed majorities of American adults expressing about the same views.

When OASATAU was founded 12 years ago, American people generally believed that there should be special help for blacks, and the laws passed then reflected that notion. But now, as the *Bakke* case illustrates, people feel that there are limits to special treatment.

Increasingly, blacks and whites agree that there is no "pie" of the kind OASATAU's Harris claims, here, in the sky or anywhere. Americans haven't backed off the idea of equal opportunity and help. But the policy of preferential treatment is a fading one, in terms of public approval.●

INTRODUCTION OF LEGISLATION TO MODIFY THE RULES CONCERNING THE RECAPTURE OF INVESTMENT TAX CREDIT

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. FISHER. Mr. Speaker, today I am introducing a bill to revise the rules concerning the recapture of the investment tax credit. The bill is a minor and very restrictive modification to the rules which are designed to encourage capital formation by American industry. The legislation is also a compatible component of the airline deregulation bill which the Congress enacted last session.

Present law allows a corporation to claim a tax credit against income taxes for 10 percent of the cost basis of investment in certain property. The cost basis of the investment for purposes of the credit is based upon the useful life of the asset. If the property has an estimated life of less than 3 years, no credit is available; if the useful life is more than 6 years, the entire cost may be taken into consideration for the credit. If the life of the property is between 3 and 7 years, then a portion of the cost may be used in computing the credit. Present law also specifies that if the property is sold or otherwise disposed of prior to the end of its useful life, the investment tax credit will be recaptured.

It is the recapture rules which my bill addresses.

For 3 years the administrations of Presidents Ford and Carter sought to deregulate the airlines. In 1978, Congress enacted a deregulation bill. This far-reaching legislation is designed to return competition to a previously regulated marketplace and to improve the air transportation system of the country. Air carriers which were previously certified by the Civil Aeronautics Board and granted routes must now reposition themselves for survival in a new and competitive environment. Many of the national airlines and the smaller commuter companies are revising their route patterns, their schedules, and their aircraft.

One method for accomplishing this realinement is through the sale or exchange of aircraft between companies. Normally, these airplanes have a useful life of more than 7 years and the companies use them for their entire lifespan. Thus, the companies do not usually have investment tax credit recapture. However, the modifications which many companies are making, because of the deregulation of aviation has produced a limited number of circumstances where the credit may be recaptured. As aircraft are swapped among the companies, the recapture can be triggered.

This legislation addresses the narrow problem of recapture of the investment tax credit by airlines who are realining their fleets in light of the new competitive atmosphere of deregulation. The bill specifies that recapture will not occur when there is a sale or exchange of aircraft between two commercial air carriers and the other requirements of the investment tax credit are met. Furthermore, if the aircraft ceases to be used exclusively to provide air transportation, then the recapture rules will continue to apply. The provisions of the bill apply to transfers after December 31, 1977. Since the Civil Aeronautics Board is dissolved as of January 1, 1985, this provision will also terminate then.

I believe that the Airline Deregulation Act of 1978 is an important piece of legislation and will prove of immeasurable benefit to the airline industry and the consumers of America. I also believe that necessary modifications should be made in the tax laws so that the airline industry can make the necessary adjustments to their operations without significant tax penalties. I believe that this limited modification to the investment tax credit rules is appropriate and that it will be quickly enacted.●

UNION AND JOB CORPS: AN EXPERIMENT WORKS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. VENTO. Mr. Speaker, while the Government's various program failures gain news headlines, the job training programs which the U.S. Department of Labor operates jointly with business and labor quietly and successfully train young people for well-paying careers.

Recently in Minneapolis the Job Corps Extension Center, which trains airline and railway clerks made its 200th job placement. For that occasion, Fred J. Kroll, president of the Brotherhood of Railway, Airline, and Steamship Clerks (AFL-CIO) and Under Secretary of Labor Robert J. Brown, visited the center to participate in the celebration.

To memorialize the event, Secretary Brown wrote an article for the Minneapolis Tribune which calls attention to the substantial achievements of the Job Corps program. I would like to have printed at this point Mr. Brown's fine piece:

UNION AND JOB CORPS: AN EXPERIMENT WORKS

(By Robert J. Brown)

At the Job Corps Extension Center in Minneapolis 64 students are training to become airline and railway clerks. The students are between the ages of 18 and 22. Most are from minority backgrounds, all are from low-income families, and most did not have high-school degrees before joining the Job Corps. Everyone at the Center in the Flour Exchange building learns to operate computers, to do waybills, to figure freight and passenger rates and to keep track of rail cars in the yards. Each student also learns typing and office skills.

The costs of housing, feeding and training the students are paid by the Department of Labor, but the instruction and placement is done by the Brotherhood of Railway, Airline and Steamship Clerks (BRAC), which works with the transportation industry to make sure that the program's graduates have the necessary job skills. The average starting pay for clerks in the transportation industry is $6.50 an hour. The jobs represent an opportunity most of these students didn't dream existed when first recruited by the Department of Labor.

Last month Fred Kroll, who is president of BRAC, and I came to Minneapolis to celebrate the 200th placement of a graduate of the center. In addition to Minneapolis, BRAC is working with the Job Corps in seven other locations to train nearly 400 students. Of the students who have already been placed in the transportation industry, 77 percent were still on the job after six months.

This joint union-governmental program is one example of the work the Department of Labor's Job Corps program is doing. Created in 1965 as part of the War on Poverty, the Job Corps ran programs which effectively trained the nation's poorest youth for jobs. After severe reductions from 1968 to 1976, President Carter announced in January 1977 that he would double the Job Corps. There are 80 centers serving 57,000 students annually, and the program will be serving 93,000 by the beginning of next year.

The average Job Corps student is a 17-year-old dropout who left high school in the ninth grade and has a fifth-grade reading ability. The student comes from a family whose average income is $4,500, and whose average family size is six persons. Nearly 80 percent of the enrollees had been unemployed for 27 weeks or more.

Last year, the Job Corps had a placement rate of 93 percent—students who went into jobs, continued their education or went into military service. Last year, 893,000 youths dropped out of high school. While the national unemployment rate is 5.8 percent, the unemployment rate for teen-agers is 16.5 percent and for black teen-agers is 34.5 percent. We can, indeed, offer these neglected Americans an opportunity, through programs like the Job Corps, to become participating citizens in our economy.●

FEDERAL AVIATION ADMINISTRATION

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. STANGELAND. Mr. Speaker, I am proud to have been a participant in the May 10 action by our Committee on Public Works and Transportation which will prohibit the Federal Aviation Administration (FAA) from imposing the severe restrictions it has proposed on use of the navigable airspace by most civil aircraft. This legislation is entirely responsive to the considered judgment of the aviation community. Pilots have registered their opposition to the FAA program in record numbers—some 50,000 letters to FAA and untold thousands to congressional offices. I am told that the Public Works and Transportation Committee has received more mail on this subject than any other in its history.

We are at a point in our history as a nation when our people are rebelling against the regulatory excesses of Federal agencies. We were successful last year in deregulating the air transportation industry. And we learned last week that the Civil Aeronautics Board (CAB) is preparing to reduce the level of its operations in accordance with the provisions of that legislation. In recent months, it has become clear that the regulatory policies of the Department of Energy are the root-cause of many of our energy problems. Now we are confronted by a runaway Federal agency, the FAA, which seems determined to regulate most of aviation out of the sky. It is time to call a halt—and I am very pleased that our committee has taken the leadership in directing FAA to cease and desist.

Mr. Speaker, it is essential that the momentum already generated on this issue be sustained during the remainder of the legislative process. I would like to recognize the commendable effort made by so many concerned individuals involved in the private and public sectors of the pilot community for their invaluable assistance during our consideration of this matter.

I hope my colleagues will see the wisdom of supporting this needed legislation, H.R. 3942, when it is called up for floor action.●

A. PHILIP RANDOLPH—A GREAT HUMANITARIAN

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. HAWKINS. Mr. Speaker, one of the top humanitarian leaders of our century, A Philip Randolph, passed away yesterday at the age of 90.

His brilliant strategy as an organizer, oratorical inspiration, and unimpeachable character marked him both as "the most dangerous man in America" to certain vested interests and as "our beloved brother" to millions he befriended and elevated to human decency, pride, and greater security.

I am pleased to insert in the RECORD the following news item from the Washington Post of Thursday, May 17, 1979:

A. PHILIP RANDOLPH DIES AT 90

(By J. Y. Smith)

A. Philip Randolph, founder of the first major black labor union in the United States and a major figure in the civil rights movement, died yesterday at his home in New York City. He was 90.

The cause of death was not disclosed, but Mr. Randolph had heart ailments and high blood pressure.

Mr. Randolph was one of the most original as well as one of the most effective advocates of racial equality in this country in modern times. At a time when American society was almost entirely segregated, he was the first to use economic power to better the lot of blacks. He began in one of the few industries to which blacks were relegated—and in which they could make their economic power felt.

In 1925, he organized the Brotherhood of Sleeping Car Porters. It was the first black union granted a charter by the American Federation of Labor. In 1955, when the AFL merged with the Congress of Industrial Organizations to form the AFL-CIO, Mr. Randolph was instrumental in persuading it to ban discrimination in unions. In 1957, he became a vice president of the AFL-CIO.

His horizons were broader than the union he founded. He was a major force in opening war industries in World War II to black workers in persuading President Harry S. Truman to end segregation in the armed services after the draft was reinstituted in 1948 during the first days of the Cold War.

He was an organizer of no less than five marches on Washington, including the massive demonstration led by the late Dr. Martin Luther King in August, 1963. That march was a factor in the passage of the 1964 Civil Rights Act. The legislation outlawed discrimination in public places of accommodation, employment and unions.

It thus embodied the goals for which Mr. Randolph strived for most of his life.

Among his other concerns was segregation in the nation's school systems, and his death occurred on the eve of the 25th anniversary of the U.S. Supreme Court's historic decision in the Brown vs. Board of Education case which outlawed the separate-but-equal standard which had prevailed in many of the nation's public school systems.

The 1963 march was the last in which Mr. Randolph played a role. The first was in 1941 and its purpose was to persuade President Franklin D. Roosevelt to end discrimination against black workers in war industries. The president acted and the march proved unnecessary.

Mr. Randolph's other marches were a Pilgrimage of Prayer in 1957 and Youth for Integrated Schools in 1958 and 1959.

A guiding principle throughout Mr. Randolph's life was the achievement of change through peaceful means. Some civil rights leaders of the militant 1960s criticized him for his patience and his willingness to go forward slowly, but he never abandoned his faith in these tactics.

In a 1973 interview he said he drew his inspiration from Mahatma Gandhi, the great Indian leader who employed civil disobedience to attain his country's independence from Britain.

"I think that perhaps in my work I was distinguished more for my championing of the philosophy and principles of Gandhism than I was, at times, for trade unionism," he said.

Another influence in his life, he said, was the example of his father, a minister in Florida.

"My father was happy about my nonviolence stand," he said. "He didn't want to feel that his son was going around the country urging black people to rise up against white people and use physical force."

Mr. Randolph planned the 1963 march with Bayard Rustin, now head of the A. Philip Randolph Institute, an organization devoted to increasing voter registration among blacks and helping to improve economic opportunities for them, particularly at the management level.

In announcing Mr. Randolph's death, Rustin said, "No other living American has done more to seek justice for all the poor, the working classes and the minorities in our society and around the world than has A. Philip Randolph."

Asa Philip Randolph was born in April 15, 1889, in Crescent City, Fla. His father, James William Randolph, supplemented the small income he dervied from his preaching in the African Methodist Church by working as a tailor. His son contributed to the family income by working in a grocery.

After finishing high school in Jacksonville, Fla., the young Randolph moved to New York City. He became an elevator operator and eventually a porter on a railroad. He was fired for his early efforts to organize his fellow workers.

In 1917, Mr. Randolph organized a small group of elevator operators. He began his work among railroad porters in 1925, when he became convinced that the Pullman Co. was exploiting a large, relatively homogenous group of black workers.

The Pullman Co. fought back. Many porters lost their jobs for joining the nascent labor organization. When Mr. Randolph threatened a strike, other railroad unions refused to support the Sleeping Car Porters.

Success did not come until after the passage of the Railroad Labor Act in 1934. In 1937, Mr. Randolph signed a contract with the Pullman Co.

He resigned in 1968 as president of the union he had founded.

Mr. Randolph's wife, Lucille, died in 1963.

At the time of his death, he still lived in the apartment in the Harlem section of New York where he spent much of his life.

He left no immediate family.●

TRIBUTE TO A. PHILIP RANDOLPH

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. HILLIS. Mr. Speaker, yesterday a truly great American, A. Philip Randolph, died at the age of 90. With his passing an era in our history ended.

Mr. Randolph's death signaled the end of the beginning of America's efforts to eliminate racial discrimination. The fight for equality has not ended—the end is not even in sight yet. But perhaps more than any other American, Mr. Randolph gave hope to blacks for the first time that the civil rights, enjoyed by whites in this Nation, would someday apply to them as well.

Philip Randolph organized the Brotherhood of Sleeping Car Porters. Before his successful efforts to improve the working conditions of Pullman porters, the black men who worked for the Pullman Co. were perhaps one of the most exploited group of workers since the Civil War ended slavery. The success of his efforts was monumental considering the power of the railroads at that time.

Throughout the late 1950's and the 1960's when the civil rights movement was in its most visable stage, Philip Randolph was always present working with and organizing the black community. However, he refused to be influenced by militant leaders who felt his tactics were too slow. Philip Randolph realized that militant tactics were only counterproductive.

Whatever our racial heritage or nationality, we all owe thanks to Philip Randolph. To a large degree he brought the Bill of Rights alive. Through his efforts the words in our Constitution were given meaning.●

GAS RATIONING

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. LEHMAN. Mr. Speaker, the President was not the only one to express disappointment in the refusal of the House to give him standby authority for gas rationing. A recent editorial in the Miami Herald deplored the inability of the House to put the national interest first.

I hope some of my colleagues will reflect on these words and resolve to take responsible action in the future to deal with gasoline shortages.

The editorial follows:

IN DEFEATING GAS RATIONING, HOUSE UNDERCUTS THE NATION

The President pleaded. House Speaker Tip O'Neal pleaded. The national interest and common sense and the lessons of the 1973 Arab oil embargo pleaded.

But the House could not hear. Its members had their heads in the sand, listening to the vibrations from back home that said, "Vote for your region, not the nation." And so the House rejected President Carter's request for standby gas-rationing authority by the same 3-to-2 margin by which the Senate had approved it the day before.

Because of the House's myopia, the nation's gasoline situation is riding on bald tires, driven by consumption that has no brakes. The President's plan might not have prevented sporadic gasoline shortages, but at least it would have prevented inconvenience from becoming chaos. Now even that restraint is gone, leaving the nation—in the President's words—"vulnerable and defenseless against a supply interruption."

The spot shortages of gasoline—particularly unleaded—are attributable partly to crude-oil producers, partly to refinery scheduling, and partly to allocation formulas by which oil companies decide which areas will received how much gasoline.

Unleaded costs more to produce than leaded fuel, and each barrel of oil yields fewer gallons of unleaded gasoline (and diesel fuel too) than of leaded. Moreover, the Government miscalculated the demand for unleaded fuel when it mandated its use in new cars with catalytic converters.

Refiners say they can't materially increase their capacity to produce unleaded fuel because Government cost ceilings make the capital investment unwise. In addition, the refining cycle requires seasonal switchovers to build up gasoline stocks in the spring for summer use, heating-oil stocks in the summer for winter's consumption. If refineries continued producing gasoline at the same level in the summer as in the spring, there'd be critical shortages of heating oil in the winter.

Combine unexpected demand for unleaded gasoline with limited refinery capacity and distributors' allocation formulas, and the extremely complex fuel-supply becomes more understandable. If there is a villain here, it is not Big Oil. It is the Government, for underestimating the effects of its decision to require unleaded fuel without giving refineries the financial incentive to produce enough of it.

The Government might be forgiven its villainy on the theory that it did not anticipate the consequences of its actions. But the House cannot be forgiven its villainy. It knew full well the consequences of its actions. It simply ignored them.●

SHATTER THE SILENCE VIGIL 1979—ROMAN BERNSHTEIN

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. McHUGH. Mr. Speaker, it is my privilege today to participate in the Shatter the Silence Vigil 1979. I do so on behalf of Roman Bernshtein and his family, who continue to suffer because of the Soviet Union's repressive emigration policies.

The Helsinki Final Act, which the Soviet Union signed in 1975, committed signatory nations to pursue policies consistent with basic principles of human rights. These rights include the reunification of divided families whose members live in different countries, religious freedom, minority rights, and free travel between countries.

The case of Roman Lazarevich Bernshtein is a tragic example of the human suffering which has resulted from the Soviet Union's failure to live up to its obligations under the Helsinki accords. Roman Bernshtein lives in Moscow, but wishes to emigrate to Israel to join his mother Sarah, who is in her seventies and suffers from a heart ailment.

Since 1975, Roman Bernshtein's mother has been hoping to be reunited with her only son. He was refused permission to leave the Soviet Union because he had been recalled into the army as an engineer for 2 years of service, and the 5-year waiting period after military service would not expire until 1976.

In 1976, when the long-awaited date arrived, he again applied for a visa and again was refused, in a clearly capricious action by a Soviet immigration official.

Mr. Speaker, an aged mother longs to see her child. For her, the Helsinki accords are reduced to meaningless abstractions by the intransigence of Soviet immigration officials. She waits, in William Blake's words, for mercy to have a human heart and pity a human face. She waits for her son. And she depends on us to continue to shatter the silence behind which Soviet officials continue to hide.

I earnestly hope the outcry of our vigil against such human suffering will move Soviet officials to live up to their obligations as human beings and signatories of the Helsinki accords, so that the Bernshtein family and all families in similar circumstances may be reunited.●

SISTER MADONNA KOLBENSCHLAG

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Ms. OAKAR. Mr. Speaker, on Sunday, May 21, 1979, the friends, relatives, and members of the Sisters of the Humility of Mary will be celebrating the silver anniversary, as a religious, of Sister Madonna Kolbenschlag.

Sister Madonna's silver anniversary distinguishes 25 years of zealous and unrelenting devotion to personal, spiritual, and academic excellence. The golden treasury of truths which Sister Madonna has bequeathed upon students, friends, and colleagues alike, constitutes a hope chest of souvenirs and garden of flowers from which we can all freely select.

As the only religious woman who holds a full-time regular faculty position in teaching and research at the University of Notre Dame in South Bend, Ind., Sister Madonna has demonstrated her continuing and unselfish dedication toward the promotion of new knowledge and the development of the human community on the local, national, and international level. Currently, Sister Madonna is an assistant professor of American studies, focusing on the analysis of American institutions, cultural products and communication arts, and women's studies. Sister Madonna chairs the Ethics Committee of the Michigan Society of Professional Journalists, is a project director for the South Bend Commission on the Status of Women, is a member of the Chamber of Commerce leadership program and on the board of directors of the Y.W.C.A. In addition to Sister Madonna's past literary publications, her first book will be published in the fall of this year.

Sister Madonna's unflagging involvement, both as an educator and a community advocate, chronicles her equally unyielding commitment toward leading the way to human and spiritual awareness. As Kahlil Gibran's "The Prophet" quietly advises:

> If he is indeed wise, he does not bid you enter the house of his wisdom, but rather leads you to the thresholds of your own mind.

Sister Madonna has led many to the thresholds of their own minds. She has literally affected and continues to affect the lives of thousands of people, young and old alike. Her immeasurable contributions deserve and merit tribute.

On a personal note, I had the pleasure and honor to team teach with Sister Madonna. Her students were not the only individuals who learned—I learned also. I am honored to contribute to the celebration of Sister Madonna Kalbenschlag's 25th anniversary as a member of the Sisters of the Humility of Mary.●

THE LUCKY LOU

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. PICKLE. Mr. Speaker, May 19 marks the 40th anniversary of the commissioning of the USS *St. Louis*, one of the premier naval ships of World War II. I spent some time on the *St. Louis*, which through the years has earned the name "Lucky Lou," because of its brushes with enemy fire.

The *St. Louis* is probably best known for managing to slip out of Pearl Harbor during the attack on December 7, 1941, with virtually no damage. Imagine its guns ablazing, the ship running at flank speed through the obstacle course of a harbor jammed with sinking and burning ships, the only one to escape that tragic watery battleground, steaming forth to fight the enemy.

As a member of the Navy during the war, I went aboard the *St. Louis* in November of 1942. We went straight to the South Pacific, refueling at sea, not even going ashore at Honolulu.

This sleek naval vessel took us through several naval actions and bombardments. It was part of old Task Force 18. Every few nights we went "up the slot," intercepting ships in the South Pacific, bombarding islands to the north. Not even a quality ship escapes being hit. Several times the Lucky Lou got us through many scrapes. My service with the ship ended in July of 1943, when the *St. Louis* was torpedoed in the battle of Icula Gulf.

But the legacy of the *St. Louis* was certainly not left behind. As one of the great ships of World War II, the Lucky Lou is being recognized more and more as the years go by. It's performance in the South Pacific and throughout the entire Pacific was glorious. No other ship has contributed more to our Nation's defense.

The ship was decommissioned and sold to Brazil. In 1976, that country finally scrapped or began scrapping the vessel. However, memories of men who served on the ship during World War II have been rekindled by a gunnery veteran and retired commander, Al Seton of Staten Island, N.Y. Al Seton has mounted a drive to save the *St. Louis* from the scrap heap. Through the USS *St. Louis* Association, he has put together a neat network of people interested in preserving the ship or at least recognizing the role it played during the war. Al Seton publishes a newsletter, the Hubble Bubble, to bring supporters up to date on his efforts and to stay in touch with the men who so ably served.

So on the eve of the 40th anniversary of the commissioning of this historic naval vessel, we salute the memory of the USS *St. Louis* and give a tip of the hat to the efforts of all who defended our country on the Lucky Lou.●

RUSSIANS FIT GAS WARHEADS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. McDONALD. Mr. Speaker, the Soviet Union continues to move rapidly ahead with its capability to conduct and defend against chemical warfare. Desmond Wettern reports in the London Daily Telegraph of May 7, 1979, on a series of new developments and comments at the same time on Western weaknesses. This item should be somber reading for my colleagues.

The article follows:

[From the London Daily Telegraph, May 7, 1979]

RUSSIANS FIT GAS WARHEADS

(By Desmond Wettern)

A number of the so-called tactical missiles which Russia has deployed in East Germany are believed to be fitted with poison gas warheads.

Airfields in East Anglia, where many of the RAF's aircraft are based, would be prime targets as Servicemen in Britain are not required to practice defense against chemical warfare attacks for fear of alarming the civilian population, for whom there is no defense.

But when a Serviceman goes to sea or is based abroad in rear areas in Belgium or Holland, as well as in West Germany, chemical warfare exercises are carried out regularly and gas-proof clothing has sometimes to be worn for long periods.

RUSSIAN TRAINING

At least 100,000 Russian troops, twice the size of the British Army in Germany, are known to be equipped and trained for using poison gas.

At least 10–15 percent of all Russian artillery shells are believed to contain gas. Russia is credited by Nato with having sufficient stocks of gas to kill the entire population of Western Europe twice over.

Although Nato now classes poison gas as a strategic as well as a tactical weapon, production of any counter weapons in America and Britain has ceased and stocks of lethal gases are no longer held,

The main reason for this is political—to avoid the cost of setting up a credible civil defense programme, which would be a prime requirement to counter a poison gas threat.

Civilian respirators of the kind issued to all British civilians in 1939–45 would prove useless aganst nerve gas which is quite impossible for the human senses to detect until a lethal dose has been inhaled or absorbed through the skin.

Switzerland alone of countries in Western Europe appears to be making a determined effort to maintain a credible civil defense programme. Expenditure is about £30 a head every year compared with a few pence a year in Britain.●

POLAND AND THE HOLOCAUST

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. NOWAK. Mr. Speaker, recently, I have received communications from two prominent Polish-American leaders citing the special significance of the Nazi oppression and the holocaust to Poland and Polish-Americans.

I would like to bring their comments to the attention of my colleagues.

One is a statement prepared by Mr. Leonard F. Walentynowicz, who is the executive director of the Polish American Congress, Inc., which has an office here in Washington and its national headquarters in Chicago.

The second communication is from Mr. Bronislaus Durewicz, president of the Western New York Division of the Polish American Congress, Inc. Mr. Durewicz has provided me a description of the "Holocaust Remembrance Day" commemoration that took place on Sunday, April 29, at St. Stanislaus Church in my hometown of Buffalo, N.Y.:

STATEMENT OF MR. LEONARD F. WALENTYNOWICZ, EXECUTIVE DIRECTOR, POLISH AMERICAN CONGRESS, INC.

During the Second World War Germany killed in Poland over six million people. In the city of Warsaw alone Germans killed eight hundred and fifty thousand more people than the combined military losses of the United States and Great Britain in World War II.

Those were horrible crimes and they are being especially commemorated presently by the Presidential Holocaust Committee. However, few people in this country realize that Soviet authorities committed similar acts of cruelty to the Polish people. Such Soviet authorities liquidated without due process thousands of political prisoners and deported without justification and under terrible circumstances roughly one million two hundred thousand people, amounting to almost one quarter of the Polish population of the territories occupied by them in 1939. In addition, such Soviet authorities took as war prisoners some two hundred and fifty thousand Polish soldiers including ten thousand career and reserve officers, many of which were university professors, artists, writers, scientists, physicians, and lawyers. Though one hundred and fifteen thouand of the Polish people so deported and taken as prisoners of war left the Soviet Union with General Anders in 1942, most of the rest however, sadly never saw Poland again. Fifteen thousand of the remaining Polish prisoners of war, including over eight thousand officers were murdered.

Some of those so murdered—around forty-five hundred bodies—were found in 1943 in mass graves near Katyn in Soviet Byelorussia. Subsequently, Moscow admitted that all fifteen thousand Polish prisoners of war previously mentioned were killed, but blamed the Germans for the horrible act of genocide.

Nevertheless, all impartial investigations, including the major one in 1951–1952 by the Select Committee of the United States House of Representatives, established beyond any doubt that victims of Katyn Forest were shot in the spring of 1940 when Katyn was still in Soviet hands and subject to its authority.

This despicable act of genocide did not succeed in destroying Polish religious, cultural, social and political values. Instead it produced greater resolve within the Polish nation to strengthen and perpetuate its commitment to human rights. America should honor and support such resolve and help commemorate these people who paid the ultimate price of discrimination and defamation.

HOLOCAUST REMEMBERED IN WESTERN NEW YORK

A group of Polish Nazi Concentration Camp survivors and their families from Buffalo and Canada gathered at St. Stanislaus Church on Sunday, April 29 to commemorate the millions of Polish people who died in these camps during World War II.

The occasion was brought about by President Jimmy Carter's declaration of April 28 and 29 as "Holocaust Remembrance Day" in order to remind the people of this country of the horrible deaths that were perpetrated by the Nazis.

The American public is not made aware of the fact that not only Jews but also millions of Poles fell victims to the Nazis in these camps.

The persecution of the Polish people by the Nazis started at the very first day of Poland's occupation by Germans and was executed with a steady increase of brutality till the last day of World War II.

Many Poles were also murdered by Nazis for their efforts to help Jews by harboring them in their own homes or properties.

Thirty-nine years have passed since the Concentration Camps have been liberated by the Allied Troops and it all seems to be past history but to the survivors of these camps, the horrors of the mass murders will always be a reality which cannot be easily forgotten.

This event was organized by the Western New York Division of the Polish American Congress.

Buffalo Group: Rev. Wladyslaw Klos, Mr. Bronislaw Durewicz, Mr. Victor Miernik, Mr. Tadeusz Mokosa, Mr. Waclaw Nowicki, Mr. Kazimierz Osuch, Mr. John Piekarski, Mr. Wieslaw Piller, Mr. Jozef Poslinski, Mr. Stanislaw Resiak, Mr. Edmund Rzepka, Mr. Stanislaw Senko, Mr. Stephen Szymura, and Mrs. Czeslawa Wajda.

Canadian Group: Mr. Jozef Blondowski, Mr. Stanislaw Przedborski, Mr. Leon Radziwon, and Mr. Jozefat Stysinski.

Western New York Division of the Polish American Congress was represented by vice president Mrs. Joan Kowalski.●

CUBAN INDEPENDENCE DAY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. FASCELL. Mr. Speaker, May 20 is Cuban Independence Day, the 77th anniversary of that nation's gaining of independence from Spain.

The fact that Cuba remains more subjugated than ever by a foreign power does not detract from the accomplishments of Maximo Gomez, Antonio Maceo, and Jose Marti, the architects of Cuban independence.

Cuba's present economic and political domination by the Soviet Union merely provides a contrast to the tradition of Cuban independence, and reflects a likelihood that someday freedom will return.

It would be tragic for the heroes of Cuba's independence to witness the deployment of Cuban military personnel in the expansion of antidemocratic oppression in other parts of the world. Soviet-led Cuban military adventures in Africa are seeking to spread an alien philosophy that holds human rights and basic freedoms in contempt.

Communist use of military facilities in Cuba has been increased recently and these actions virulently flaunt the dreams of Cuba's liberators, who longed for the right of the people to control their own destiny. The slavery of Cubans to Soviet masters would be abhorrent to all the principles for which they fought so bravely.

The people's victory in 1902 can continue to serve as an inspiration for the Cubans of today, as they grow restive under the poverty of both body and mind inflicted upon them by their current rulers. The memory of those glorious days of Cuban independence still lingers, and must never be allowed to diminish.

Jose Marti, called the Apostle of Cuban Independence, still commands the widespread devotion of the Cuban people, who revere him as the greatest hero of the independence movement. Although he died in battle on May 19, 1895, his death fused within the Cuban people an adamant resolve to win their freedom.

The occasion of Cuban Independence Day serves to renew the spirit of Marti and freedom on behalf of the people of Cuba.●

SALUTE TO DR. MARIO F. TAGLIAGAMBE, A GREAT HUMANITARIAN AND RECIPIENT OF THE FIRST ANNUAL ST. FRANCES CABRINI AWARD

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. BIAGGI. Mr. Speaker, they call him Dr. Tag. It is an affectionate, respectful, quick-descriptive name applied to a giant of a man: Compassionate, caring, dedicated, committed, each in itself a potent descriptive term of human quality. But together, and alongside the qualities of leadership and excellence, they are all needed to adequately approach a proper description of an outstanding individual whose humanitarian efforts have resulted in many, many benefits to his fellow man. He is Dr. Mario F. Tagliagambe, whose preeminent career as an orthopedic surgeon and his extraordinary civic contributions have alleviated the suffering of the sick and changed the social conditions of our city's ghettos.

Through his selfless devotion to improving the plight of the afflicted, Dr. Tag has come to be loved and respected by all. His activities and interests range from the complex problems confronting today's educational system to organizing recreational facilities and programs for deprived urban youth. He was instrumental in the development of medical facilities both here and abroad. Dr. Tag has indeed dedicated his life and energies to progress in the community.

On April 28, 1979, at the Sheraton Center in New York City, the Missionary Sisters of the Sacred Heart and the board of trustees of Cabrini Medical Center in Manhattan presented Dr. Tag with the First Annual St. Frances Cabrini Award. I was privileged to be alongside all of Dr. Tag's friends and honored family at that First Annual St. Frances Cabrini Award dinner dance. Warmth and joy pervaded the evening. It was obvious how deeply all felt about this wonderful man. I want to share with you my colleagues, and your constituencies throughout the Nation, a portrait of the tireless work and endless achievements of this great humanitarian.

Dr. Tag, who served as assistant clinical professor of orthopedic surgery at New York Medical College and Metropolitan Hospital Center is a graduate of Columbia University and the New York Medical College, where he received his degree at 22 years of age. He was also recently appointed to the board of trustees of the Cabrini Medical Center.

Licensed to practice medicine since 1940, Dr. Tag served as captain in the Medical Corps of the U.S. Army in World War II. He was cited by the Surgeon General as one of the 40 outstanding orthopedic surgeons in the 9th Service Command.

Dr. Tag has been an active member in many professional organizations including the New York County Medical Society, the New York State Medical Society, the Morgagni Medical Society, and the American Medical Association. He is a fellow of the American Fracture Association as well as the International College of Surgeons.

Dr. Tag's civic contributions are exemplary. He is president of the Board of Governors of the Italian Seamans Club of New York as well as president of the board of trustees of the Navy Boys Club. A chairman of the board of trustees of the Italian Hospitals Society, Dr. Tag is also a director of Tiro a Segno and trustee and president of the Italian Board of Guardians.

Dr. Tag is also active with the Urban League of Greater New York, the American Friends of Hebrew University, Riverdale Home for the Aged, Gil Hodges Foundation, Navy Yard Boys Club, and the Italian Charities of America.

Concerned with the complex problems confronting the educational system of our city and State, Dr. Tag has participated as a member of the Mayors Scholastic Achievement Committee, and served as president of the All American Council. He is also a member of the

National Advisory Council of Boys Town of Italy and the permanent chairman of its professional committee.

Honored by Pope Paul VI in 1963, and made a Knight Grand Commander of the Order of the Holy Sepulchre and the Holy Land, Dr. Tag has also been decorated by the Republic of Italy on two occasions in recognition of his extraordinary leadership and contributions to mankind.

Dr. Tag has also been cited as man of the year by innumerous organizations including the Italian Businessmens and Professional Mens Association, the Navy Boys Club and the Italian Board of Guardians.

Dr. Tag is affiliated with Catholic Charities, the American Committee on Italian Migration, the National Bishops Resettlement Council, and the Italian Welfare League.

He was an instrumental force in the development and organization of the Clinical Moscati, a medical facility of the Missionary Sisters of the Sacred Heart located in Rome.

Dr. Tagliagambe, it is my personal honor to pay tribute to you today in the CONGRESSIONAL RECORD. Your concern and devotion to help your fellow man is a blessing to all those in need in this country and abroad. You represent a great deal to the New York metropolitan area by the quality of the work produced at the Cabrini Medical Center.

You are an outstanding recipient of the St. Frances Cabrini Award for your leadership, commitment, and contribution to the Italian-American community in New York and Rome. We extend to you our congratulations for all that you have done and are doing.

God bless you, Dr. Tag, as you continue your work, and may He bring you an equal measure of the happiness and comfort you have brought to so many.

Thank you for making this world a better place in which to live for all of us.●

WHY EVERYONE WAS A WINNER IN THE "TOKYO ROUND"

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. VANIK. Mr. Speaker, the Congress will soon be considering legislation implementing the Tokyo round multilateral trade agreement, concluded on April 12 in Geneva, Switzerland.

This is a complex and difficult agreement, and I would like to include at this point in the RECORD an article from the May 21, 1979 issue of Fortune magazine, entitled "Why the 'Tokyo Round' was a U.S. Victory." The articles describes the major issues in the negotiations and some of the principal agreements reached after 5 years of work among 99 nations.

I am glad that the author of the article believes that the United States won a victory in the Tokyo round, but I would just like to say that I believe any agreement, such as this one, which provides for the more orderly settlement of trade disputes among nations means that everyone will be a winner. Many of the procedural agreements reached at Geneva will mean expanded world trade with fewer commercial disputes and feelings of ill-will. In this sense, the United States along with everyone else is the winner.

The article provides a number of compliments to Ambassador Bob Strauss—with which I agree. But I would also like to stress that the "U.S. Victory" was the result of years of hard work by an extremely dedicated and hard-working team of public servants.

The article follows:

WHY THE "TOKYO ROUND" WAS A U.S. VICTORY

(By Peter Nulty)

Robert S. Strauss has a reputation as a Texas horse trader, but never have his gifts been employed so successfully as in the "Tokyo Round" of the Multilateral Trade Negotiations. As President Carter's Special Trade Representative, he pieced together a U.S. bargaining strategy out of the diverse, and sometimes conflicting, trade objectives of industry, labor, and agriculture, and then used that strategy to wring a host of concessions out of our trading partners. That was no simple task in a bargaining process that lasted more than four years and involved ninety-nine countries. But fortunately, Strauss and his team had an expert corps of advisers from industry, agriculture, and labor to provide advice and support at each step of the way. The cooperation between government and the private sector was, in fact, unprecedented for this country.

A DEAL IN A K STREET RESTAURANT

Officially, the talks were centered in Geneva under the auspices of the General Agreement on Tariffs and Trade, or GATT. (The somewhat misleading "Tokyo" label refers to the place where the new round of negotiations was decided upon.) As it turned out, the almost endless haggling over complex details took place in airplanes and hotel rooms all over the world. Some European negotiators preferred to meet in New York, where lobbyists and other interested parties would have a tough time spotting them. And one agreement was reached in the men's lavatory at Tiberio, an Italian restaurant on Washington's K Street.

A significant result of all this wheeling and dealing is an agreement to cut world tariffs an average of 33 percent on some 5,700 items over an eight-year period. But the breakthrough with the greatest potential for spurring trade is the adoption of six new rules, or "codes," to curb the growing use of non-tariff barriers. As tariffs have come down over the decades, these barriers have become the main impediment to international commerce.

Among the most notorious non-tariff barriers are government subsidies that shield inefficient domestic industries from import competition or give exporters an unfair price advantage in world markets. Most countries also restrict, in varying degrees, bidding on government contracts by foreign corporations. Other non-tariff barriers take the form of product standards that imports cannot meet, complex licensing procedures, and arbitrary valuation methods applied by customs officials.

The adoption of new codes scarcely guarantees that these practices will disappear overnight. For one thing, the parties to the Geneva accord consist almost exclusively of industrialized countries, at least so far. The initialing ceremony on April 12 was far from jubilant because most of the less-developed countries that had taken part in the talks refused to sign, charging that the agreement doesn't do enough for their interests. The codes themselves are written in very general language. It remains to be seen what sorts of detailed interpretations will emerge from later international deliberations, and how the signatory countries will abide by such interpretations. And the whole fragile edifice of concessions could topple if the key legislative body in the industrial world, the U.S. Congress, fails to ratify the codes.

STEMMING THE NEW PROTECTIONISM

So Strauss's work is far from over. Like some modern-day trail boss, he is now busy enlisting political support to help him drive the vast herd of new trade provisions through Congress. The new codes and the legislation required to enforce them in the U.S. should be submitted to Congress by June. The lawmakers will then have ninety working days to approve or disapprove the package. Since Congress will not have the power to amend the codes or the implementing legislation once they are sent up to Capitol Hill, various lobbyists are already trying to get their preferred wording written into the implementing legislation before it is introduced. (The recently negotiated tariff cuts do not have to be approved by Congress.)

Strauss's selling pitch on Capitol Hill is simple. He views the Tokyo Round agreement as a "solid first step" toward reversing the deterioration in the U.S. balance of trade and preventing a dangerous slide into worldwide protectionism. The U.S. trade balance has slipped drastically—from a $9-billion surplus in 1975 to a $28.5-billion deficit in 1978. That is not just a result of higher prices for OPEC oil. In 1975 the U.S. had a net export surplus of $20 billion in manufactured goods, but by 1978 that had turned into a $5.8-billion deficit. At home, industries such as steel and textiles have been pleading for stronger protection from low-cost imports. Meanwhile, other countries suffering from unemployment and low rates of growth are under pressure to erect barriers to imports and to promote exports.

The tariff cuts negotiated at Geneva promise to bring a further reduction in duties that have already been reduced to a low level. Previous rounds of trade talks (the Tokyo Round is the seventh since GATT was formed in 1947) have lowered tariffs to the point where, for many industries, they represent little or no trade impediment at all. The average level of tariffs is now 8.3 percent in the U.S., 9.8 percent in the European Economic Community (EEC), 10.9 percent in Japan, and 15.5 percent in Canada. That's way down from the 50 and 60 percent levels that were the high-water mark of protectionism in the Depression era. When the Tokyo Round cuts become fully effective by 1988, the average tarffi will be 4.3 percent in the U.S. and only 2.5 percent in Japan. Those cuts are not as significant as they might seem, however, because they will be phased in over eight years and because fluctuating exchange rates can easily offset the reductions. (The details of the new tariff schedule will not be released until next month.)

Nevertheless, there have been estimates of significant gains for some U.S. exporters. William Cline of the Brookings Institution, who headed a study of which industries stand to gain and lose, thinks that the tariff cuts will boost U.S. exports by $4.5 billion annually. The biggest winners, Cline says, will be machinery and electrical equipment, whose trade balance may improve by more than $1 billion as a result of the cuts. Among the other prospective gainers, Cline believes, are aircraft, paper, photographic film, computers, auto parts, and electronics. But Strauss's office contends that agriculture will be the biggest beneficiary: tariffs will come down on $4 billion worth of U.S. farm exports. The EEC alone granted tariff cuts on $1 billion worth of products, including rice, tobacco, and beef. The U.S., in turn, cut tariffs on $2.8 billion of farm imports.

The Congressional Budget Office set off a political brushfire last March in Washington when it released a report saying that the U.S. products that could "potentially" suffer the most from U.S. tariff cuts are textiles, leather products, steel, jewelry, radios, and television sets—in short, the products of labor-intensive industries. Furthermore, the budget office said, "most of the net job losses resulting from trade liberalization will take place in the North and East," and "the brunt of the job layoffs will be borne disproportionately by semi-skilled workers." But almost unnoticed in the same report was the conclusion that "the net change in employment will probably be very small" and that "there is no way to predict with any accuracy" the gains and losses of the Tokyo Round.

BOULDERS IN THE STREAM

Cline, whose Brookings study formed part of the basis for the Congressional Budget Office report, takes the office to task for not pointing out that most of the industries that are vulnerable to tariff cuts will be exempt from the reductions in the Tokyo Round. Steel, for example, whose average tariff is now down to 7 percent, won't be subject to any tariff cuts until 1982. Textiles, with an average tariff of 20 percent, likewise won't face any cuts until 1982, and those cuts will be less than the overall average cut of about 30 percent pledged by the U.S. Furthermore, textile imports from the less-developed countries to the U.S. are already regulated by quotas under the so-called Multifiber Arrangements. Thus, the cut in textile tariffs cannot result in the growth of these imports. Television sets and shoes also will benefit from exemptions.

The main objective of U.S. negotiators at Geneva, of course, was not tariff cuts but codes to dismantle or curb non-tariff barriers. As the water level in the river of tariffs has gradually receded, new, boulder-like obstructions have been revealed. Some of them were in the riverbed all along, and others have been surreptitiously rolled there to replace the protection that falling tariffs can no longer provide. U.S. negotiators told our trading partners, in effect, that there would be no tariff cuts at all unless some rules could be established to deal with such obstructions.

The most controversial of the non-tariff barriers are subsidies, and if one of the new codes can deal successfully with this issue, it will be a breakthrough indeed. In France, newsprint manufacturers receive subsidies for each ton of paper produced, as well as tax credits worth up to 50 percent of their investment in environmental controls. The effect is to shore up an uncompetitive industry against competition from American imports. Broilers chickens from Europe are receiving direct export subsidies, enabling them to win market share away from American broilers in the Middle East. And British Steel has undersold American steel at various times over the last three years while receiving over $1 billion in subsidies from Her Majesty's government.

"RECOGNIZING" THAT SUBSIDIES HURT

What makes this problem so difficult to deal with is that some subsidies are designed solely to give domestic producers a price advantage in the world market. Other subsidies, however, are bestowed for domestic reasons only—to preserve a factory and jobs in a depressed region, such as southern Italy. But these "domestic" subsidies may also have the unintended side effect of giving the recipient an unfair advantage in world trade.

Balancing the sometimes conflicting interests of fair trade and legitimate domestic policy will be the most difficult task of the new subsidy code. Direct export subsidies will be prohibited, except in agriculture. The new code, under which a definition of domestic subsidies is to be worked out, specifically "recognizes" that these indirect payments can have adverse effects on international trade. If a country can prove that its industry is being injured by subsidized imports, it can levy a countervailing duty on those products.

The U.S. bargained hard for the "recognition" clause in the hope that governments will restrain the export of subsidized goods. At the very least, the clause will provide a rationale for retaliation. For its part, the U.S. has agreed that countervailing duties cannot be applied unless there is proof, by means of an "injury test," that the subsidized imports are causing damage to domestic producers. Other countries have long had an injury test, but this will be the first time the U.S. has required its own industries to meet such a test. Our trading partners consider this one of the most significant U.S. concessions at Geneva.

It is not clear what effect, if any, the subsidy code will have on trade. While it acknowledges the harm that subsidies may cause and admonishes governments to take that into account when planning subsidies, much will depend on how a panel, to be set up under GATT to resolve disputes, will interpret the code. The steel and textile industries are already lobbying hard on Capitol Hill for a loose definition of "injury" to justify countervailing duties. They would rather not have to prove that imports are causing major damage or that imports are the main cause of distress. They are opposed on this issue by importers, who fear that the implementing legislation could be turned into a protectionist shield.

A RETREAT FROM "BUY AMERICAN"

Another major breakthrough that the U.S. pressed hard for in Geneva is a "procurement code" that will open up more government contracts to foreign competition. Two-thirds of U.S. exports are manufactured goods, a lot of which are sold to governments. "We need that procurement code to expand the market where we are most competitive," says Lawrence A. Fox, vice president of the National Association of Manufacturers. The chief negotiator for the U.S. in Geneva, Alonzo McDonald, says the code will open up a $20-billion market, and he believes the U.S. can win $1.3 to $2.3 billion of that market annually. Most of this would be for sophisticated capital goods, communications equipment, and electronics. In return, the U.S. will give up its federal "buy American" policies for contracts worth more than $190,000. That sounds like an enormous concession, but still exempt from this code will be most defense contracts, the Departments of Transportation and Energy, NASA, TVA, Amtrak, Conrail, the Post Office, and the U.S. Army Corps of Engineers. Even so, the new code could result in $300 million more in U.S. government purchases from foreign suppliers. One key provision of the new code is that the bidding on government contracts must be open and announced well in advance.

It is possible that the most significant new code of all will turn out to be the one that bars the use of arbitrary product standards to discourage imports. One trade negotiator recalls that two years ago, when there was a surplus of oranges in Japan, the Japanese government suddenly set higher health standards for imported oranges than it was applying to domestic oranges. There are many other standards not maliciously intended to keep out imports, but which do so simply by being so arbitrary or obtuse that importers become discouraged. Sweden insists on testing all foreign electrical appliances in its own labs, a costly and time-consuming bottleneck.

The new code will not dictate what the standards must be, but it does call for open procedures in adopting standards and sets up a review procedure for settling disputes. This code could conceivably help all U.S. exporters and, depending on how it is implemented, it could also be a boon to importers who are now entangled in American regulations. Among a long list of fervent appeals that U.S. negotiators received from other countries are some that would draw sympathetic nods from any American executive: Please require the FDA to interpret and apply its regulations uniformly, and kindly do not establish a consumer-protection agency.

There will also be codes to standardize the valuation of imported goods, to curb the counterfeiting of merchandise, and to simplify import-licensing procedures. A seventh code, which is still being negotiated, will extend temporary "safeguards" (mostly quotas) to any importing country when one of its industries is being injured by a sudden surge of imports. The safeguards could be invoked even though the imports were priced "fairly," that is, they were neither subsidized nor dumped at prices below production costs.

A BOY SCOUT'S DUTY

The success of all the codes will depend on how consistently they are interpreted and enforced. Their major weakness is that they apply to domestic policies, which were, in the words of Alonzo McDonald, "heretofore considered sacrosanct domains of individual governments." And governments are given to interpreting the language of international agreements to their own advantage—if they can. "What worries me about enforcement," says Fox of the N.A.M., "is that the U.S. in its Boy Scout fashion will enact the codes into law and, with our open system, anyone will be able to come in here and use the courts against our companies. Other countries may just ignore the codes, and it could take years to sort it all out." Some authorities on trade are urging that a Cabinet level department of trade be set up to press other countries to comply with the new codes.

One of the most encouraging aspects of the Tokyo Round was the close cooperation between the U.S. government and U.S. business, which enhanced our bargaining position. In past trade talks, business was not given much voice because that would have entailed industry-wide collaboration and possible violation of the antitrust laws. But the negotiators felt ill-prepared and the private sector frustrated. So the 1974 Trade Act, which authorized U.S. participation in the Tokyo Round, called for an extensive system of advisory committees representing industry, agriculture, and labor—almost 1,000 advisers in all.

At first the executives and the bureaucrats were wary of the idea and "spent some time sniffing at each other," in the words of one negotiator. The bureaucrats were afraid the system would spring leaks and that embarrassing details would escape, and the executives thought their valuable advice would fall on deaf ears. Both sides were wrong. The executives, who were held personally liable for any breaches of secrecy, kept surprisingly mum, and the bureaucrats began soaking up all the advice they could absorb.

"It worked beautifully, much better than in previous negotiations," says James Starkey, chief negotiator for agriculture, who also worked in the Kennedy Round of the mid-1960's. "Only a businessman knows how and where to sell drumsticks. The committees kept us focused on top-priority areas."

AN OPINION FROM STATE

At times the industry committees found themselves under cross fire from other committees and government departments. The textile industry wanted textiles exempted totally from the tariff cuts, but the retailing industry, which wants more low-cost imports, lobbied successfully against that exemption. The appliance industry suggested that Bolivia ought to reduce its tariff on television sets. "But the State Department," recalls one executive, "thought the Bolivians should be spending their money on more socially useful things. State won."

At many critical points in the negotiations, Strauss himself made the difference. "He knows that everybody has a choking point," says Loyd Hackler, president of the American Retail Federation, and he says, 'Tell me what it is and we'll get along okay.' " When Strauss was appointed in March, 1977, the talks in Geneva were stalled. According to Strauss, the Europeans were afraid the U.S. was out to destroy their agricultural policy. "I told them we weren't out to destroy, we just wanted to get our nose into the tent and start trading a bit. As soon as we stopped shouting at them, we started making progress." Strauss says that he then swapped lower U.S. tariffs on alcoholic-beverage imports for cuts in the European tariff on tobacco and got the talks moving again.

Another major snag developed late in 1978. From the very beginning of the talks, the EEC was willing to negotiate only as long as the U.S. waived countervailing duties on European subsidized exports for the duration of the talks. The 1974 Trade Act gave the President the power to waive these duties only through January 2, 1979. As that day came and went, the talks were not yet complete and the EEC was threatening to quit if the waiver wasn't extended by Congress. Back in Washington the textile industry and its friends in Congress were threatening to block the waiver extension unless it got more protection from imports out of the Tokyo Round.

Finally, to get the waiver passed, Strauss cut a separate deal in March with the textile industry, under which import quotas will be tightened. Says Cline, "Strauss sold out to textiles, but if he hadn't, I doubt there would be a Geneva agreement."

THE LOBBYISTS ARE HARD AT WORK

The betting is that Congress won't vote on the Geneva accord until the fall. Approval is not assured by any means. Right now an informal group of thirty-three unions and small industry associations that feel hard-pressed by foreign competition are lobbying hard for tough language against imports in the enabling legislation that will accompany the agreement through Congress. If the thirty-three don't get their way, and the sympathetic steel and textile industries join them in opposition, the Tokyo Round might lose in Congress, and all of Strauss' horse trading would not put it together again. For now, however, the wonder is that Strauss has put such a promising trade package together at all.●

DEFEAT OF THE STANDBY GASOLINE RATIONING PLAN

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. FISHER. Mr. Speaker, I would like to take this opportunity to express my views on the recent vote in the House on the standby plan for gasoline rationing.

I voted in favor of the President's plan, not because it was perfect. It was not. I voted in favor of the plan, not because rationing is needed tomorrow. It is not. Rather, I voted to give the President standby authority to implement gasoline rationing because I believe that the prudent course of action is to have a reasonable rationing plan available in the event of an severe, and perhaps sudden, oil supply disruption.

I believe that a close analysis of the President's plan shows it to be a good starting point from which to approach a severe supply shortage of oil. The plan, as finally voted on by the House, would have allowed the owners of registered vehicles to obtain a certain amount of gasoline based on the historical usage in each State. The revision of the President's initial plan would have taken into account large "wide open" States as well as those with limited mass transportation facilities. The plan would also have set aside "pools" of ration rights; a national pool under the control of the Department of Energy and additional pools under the control of each State. These extra amounts could have been used to accommodate any severe dislocations not anticipated by the original plan. Furthermore, a "white market" would have been permitted in which individuals could participate and acquire additional ration rights.

I believe that it is also important to note that by giving the President this standby authority, Congress was by no means abdicating its responsibilities in the event of a severe oil shortage. Quite to the contrary, either the House or the Senate could have vetoed the actual implementation of the plan within 15 days of the President's announced intention to act. In addition, the plan could have been in effect only 9 months, unless there were additional congressional authorization. This plan would not have made the President an energy dictator. Instead, it would have given the President and the Congress a shared role of leadership in the event of national crisis. Of course, improvements in any standby rationing plan could be made at any time with congressional approval.

No one likes shortages; and sacrifice, while sometimes necessary, is rarely pleasant. But we should not prepare for shortages by ignoring the possibility of their occurance. Rather, we must plan for what we hope will never happen, but what we think might someday happen. I believe that a standby rationing plan is the prudent and responsible course of action. I can understand the President's anger over the defeat of the plan. Nevertheless, I would hope that he will come back soon with another similar plan. Perhaps the plan should show greater attention to the possible circumstances which may trigger it. I have already written to the President urging that he submit such a plan in the near future. Furthermore, I have also asked Congressman JOHN DINGELL, Chairman of the House Energy and Power Subcommittee, to make such a request of the President. I hope that the Congress will respond and exercise its role of leadership by approving the standby authority. Let us act as if we remember that the symbol of our Nation is an eagle and not an ostrich.●

GOVERNMENT REGULATIONS AND THE NURSING HOME INDUSTRY

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. SYMMS. Mr. Speaker, I would commend to my colleagues an article recently published in the Denver Post detailing some of the adverse effects of Government regulations on the nursing home industry.

I consider the following article a prime example of the deleterious nature of Government regulations on industry, in general. The Government's inflexibility in responding to changes in the system, actually stifles the industry's ability to adjust to the continual changes taking place in the market. The end result is an inefficient industry wasting its assets on compliance with Government regulations and an industry that is incapable of providing the best product or service to the consumer.

The article follows:

NURSING HOMES: THE MONKEY WRENCH

(By Foster W. Cline)

The fat cats of the nursing home industry, through greed and corruption rip off the meager savings of our state's elderly population. Do you believe this? I'll bet you do. I certainly would—if I simply read the papers and did not have firsthand experience in working with a number of different homes.

The fact, is, there are great problems in the nursing home industry.

A large west Denver motel charges $40 a night for a double occupancy room. Many nursing home rooms are double occupancy, and state Medicare pays $21.90 daily for a patient to receive skilled care—almost exactly a night's lodging in a motel.

Let's look at the benefits each lodger might expect:

Motel: $26 per night; $39 double occupancy—room, clean linen, ice and swimming pool.

Skilled nursing facility: $21.90 per night, $43.80 double occupancy—room, clean linen, ice, use of facility transportation, dietary service and meals, skilled nursing care, social services, recreational services, personal laundry, help with hygiene and activities of daily living, if needed.

For less than a babysitter charges, for less than $1 per hour, the government expects nursing homes to provide skilled nursing care.

The same government that expects the nursing home to do a fine job sets up, at taxpayers' expense, investigative teams to make sure it is doing the job right.

How can the nursing homes operate at all on the money they receive, let alone do a bang-up job?

One way, of course, is to cut salaries. No nursing home administrator I know makes close to the same money as the managers of most department stores.

Registered nurses are paid approximately $5.60 per hour; licensed practical nurses, $4.50 per hour, and aides and orderlies, $3 an hour.

None receive sick pay or fringe benefits. Nursing homes—and hospitals, too—desperately need nurses, yet many of them have left the health-care field for other jobs. Many aides and orderlies would be paid much better if they became maids at any Denver motel. (The motel I checked paid $3.50 per hour after 90 days plus half the insurance premium, plus six sick days.)

Are nursing home operators and administrators nasty people that like to underpay the people they work with? Of course not.

However, there is no "cream" in the nursing home industry. The Medicaid and Medicare cow does not give cream. It hardly gives milk. I do not justify crookedness in the nursing home industry that is not justifiable. Most good nursing home operators and administrators are able to just get by. Many nursing homes run in the red.

Nursing home administrators are constantly training new aides and orderlies who soon go into other jobs simply to eat. They do not make a living wage.

Old Mr. Jones wants to leave the nursing home for a two-day pass over the weekend. He takes three pills a day, so you would think the nurse would give Mr. Jones six pills to last him the two days, right? Wrong.

A registered nurse—despite all of her years of post-graduate training—is not allowed to count medication that will be used on a pass. Only a registered pharmacist can do that under a rule of the state Board of Pharmacology.

So, Mr. Jones leaves the nursing home carrying 90 pills—his month's supply—because his month's supply has been counted out by a pharmacist, and Medicaid and Medicare will only pay for medication once a month. Ridiculous? It borders on the ludicrous.

If Mr. Jones, in his confused state, takes too many of his pills, he will die. If he misplaces his pills, he will not receive more until the next month.

Many physicians visit the nursing home every three or four weeks. Between visits, they phone in orders to the nurses' station.

However, even if the physician is going to be in the nursing home the following week, the system requires that within 48 hours, the following ritual must take place:

The doctor's telephone order must be copied from the order sheet by the nurse and sent to the medical records department.

Medical records sends the form with a stamped self-addressed envelope to the physician.

He signs the order.

He returns it to the nursing home, where it will be pasted on the chart.

So the doctor, when he comes in the next week, will rip off the form and re-sign the orders on the chart itself.

No private industry operates with such God-awful inefficiency until they are forced to do so by governmental regulations.

At one medium-sized facility, 220 such letters were sent out in one month. That's $66 in postage alone. Bookkeeping, nursing time and stationery cost money. It costs the average Colorado nursing home about $75 per month to handle telephone orders in this way. Colorado has about 160 nursing homes; that adds up to the taxpayers paying $144,000 a year.

One nursing home, after carefully checking the salaries paid for governmentally mandated committee meetings, estimated that it cost the home $1,000 a month.

For instance, when the infection control committee meets, the head of nursing, the head of maintenance, the head of housekeeping, the medical director and the consulting pharmacist are present. That meeting costs the nursing home a pretty penny.

It's difficult to get hard data, but if it costs the nursing home $1,000 per month to meet committee and paperwork requirements of the government, that adds up to $1.9 million per year of taxpayers' money. Five years ago, before the inflation rate grew heavy, the last official study showed a monthly cost of $275 per home.

The average nursing home is required to flush about $400 per month worth of medication down the toilet.

The medicine cannot be given away or returned to the pharmacy.

This is how it works. The doctor wants to try a medication on Mr. Smith: Medicaid requires that a whole month's worth of medication must be ordered. Mr. Smith may die, have a reaction to the medication, or it may be ineffective. Then the medication is stopped. Much of the month's supply may be left.

If 160 nursing homes in Colorado flush $400 worth of medicine down the toilet each month, it means the Colorado taxpayers are paying for sewage containing $768,000 worth of medication each year.

These wasteful practices cost the taxpayer only if the patient is on Medicaid or Medicare. Private patients pick up their share of the tab.

Does the average nursing home staff enjoy the wasted bookkeeping time, the paltry salaries, hours spent counting and checking medication with a registered pharmacist only to have it flushed down the toilet? Of course not.

But in your business, have you ever tried to change a governmental regulation?

One nursing home wrote the state health department suggesting that the state could save hundreds of thousands of dollars if the department would relax the telephone order routine a bit. If the physician were going to visit the facility within the next two or three weeks, the nursing home should not have to send out the telephone order within 48 hours, the home operator said. He wanted to study how much savings could occur over a two- or three-month period, and he proposed to do this in a medical care evaluation study—such a federally mandated study goes on in every home all the time.

However, the bureaucrats did not believe that saving money—money that could be spent on wheelchairs or higher salaries for aides—actually had much to do with improving patient care.

I would like to quote to you directly from the health department reply:

"It would be desirable to make a few changes in your proposal to make it more acceptable.

"First of all, a MCE study should have primary emphasis on those aspects which have a potential for improving patient care . . . certainly, your proposed study has that potential both from the standpoint of conservation in nursing time and the possibility of reducing errors in transcribing physicians' orders. We suggest that your study emphasize these points and de-emphasize the cost savings which would be realized."

If a family takes their nursing home parent to a physician's office, Medicaid will not pay. Medicaid or Medicare pays only if the physician travels to the nursing home himself, even if his office were next door and it would be good for the patient to walk.

Medicaid will not pay for psychological services unless there is a supervising physician on the premises. Weekly supervision or telephone supervision will not be adequate for psychological help if it is carried out by a highly qualified but nonlicensed person. So, needless to say, there are few good psychological services in nursing homes.

Somehow, the average American citizen knows that government interference, intervention and regulation is very bad for his own business.

Yet, through the media or vocal legislators who want to increase their own power, we are given the distinct impression that government control and regulation are needed for the other guy.

Government regulation is needed in the health-care industry or the utility industry or big business or big oil or the press, as long as we are not talking about us.

However, taxpayers pay for investigative studies where the worst of every business, be it IBM or nursing homes, is ferreted out. The taxpayer then pays the legislators to legislate. Then the pay for the regulators to make regulations that become law set in concrete.

This throws a monkey wrench into the system. When the monkey wrench enters the cogs of private enterprise, it clatters—the whole thing operates less efficiently. Then more teams of government investigators come and listen to the clatter and shake their heads in dismay: More regulation is needed. Then, more monkey wrenches are thrown into the machinery of the business.

Finally, the business grinds to a halt. Sadly shaking their heads, the bureaucrats tell the people that the only solution is for government to take over the business.

Someday, then most businesses in America will run as effectively and efficiently a the Army, the Postal Service and Medicaid

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FOREIGN TAX CREDIT FOR OIL COMPANIES

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Ms. HOLTZMAN. Mr. Speaker, during the recent debate on the 1980 budget the House overwhelmingly agreed to my amendment to modify the foreign tax credit for oil companies. Frederick Andrews in the New York Times of May 15 succinctly describes how the tax credit works as well as how it continues to be misused by the oil companies. Many of my colleagues have continued to express a strong interest in eliminating this unwarranted tax giveaway and I would like to bring this article to their attention.

The text follows:

BEHIND FOREIGN OIL TAX CREDITS

(By Frederick Andrews)

Congress, upset over oil profits, is growling anew at one of the oil companies' favorite ways to cut their taxes. By an overwhelming vote, the House of Representatives last week took an unexpected swipe at the oil companies' foreign tax credits.

If over the decades the highly publicized depletion allowance has provided the hammer that the oil majors used to pound down their taxes, the less known foreign tax credit has served as the anvil. Although in recent years its value has been appreciably restricted, it still saves the oil majors an estimated $1.2 billion a year.

The credit is simply a dollar-for-dollar credit that the United States allows for income taxes paid to foreign governments. In theory, the provision is intended to avoid taxing the same income twice: first in the country where it is earned, and then when a company files its Federal 1040 return.

That, at least, is the theory. In practice, however, for 30 years the credit has been granted for payments the oil companies make to oil-producing countries. Though denominated as "income taxes," these payments strike many tax specialists as royalties—payments for the oil itself—rather than a levy genuinely based on income.

"There is every reason to assert that the bulk of oil company payments to host companies are in fact royalties," Gerald M. Brannon of Georgetown University concluded in a study for the Ford Foundation. In his view, allowing the Federal tax credit for such payments was "highly questionable."

It is not hard to see what difference it makes. As income taxes, the payments get the foreign tax credit and thus reduce the companies' United States taxes dollar for dollar. As royalties, a cost of doing business, they would simply be deductible.

Reviving the issue, the House last week voted, 355 to 66, in its budget resolution to raise the Government's revenue goal for the next fiscal year by 1.2 billion, on the assumption that the oil companies' foreign payments would no longer be recognized as taxes. To be sure, the resolution is not binding, and the House Ways and Means Committee, which originates tax measures, is considerably less hostile to the credits than the House vote would indicate.

In its origins, the tax credit amounted to a form of foreign aid—an ingenious way of mollifying and enriching King Ibn Saud without hurting the Aramco oil companies' profits. In the late 1940's, at a point when the Saudis were receiving only a 12 percent royalty on their oil, Venezuela forced through a 50-50 split for itself. The breakthrough did nothing to make the Saudis any happier. For its part, the Truman Administration, preoccupied with Cold War tensions, was eager to keep the Saudis both friendly and secure, but the Aramco companies were notably uneager to give the Saudis a larger slice of the pie. The solution, according to the later Congressional testimony of George McGhee, then a State Department official, was to have the Saudis extract their larger share by imposing an "income tax," which the Treasury would certify as eligible for the foreign tax credit.

The practical effect was that the extra cost was borne mainly by Uncle Sam. The new Saudi tax took effect in late 1950, and in one year, the Aramco payment to the Saudis jumped to $110 million from $66 million. The companies' payments to the United States Treasury fell to $6 million from $50 million. "The only loser was the American taxpayer," the late John M. Blair wrote in his 1976 book, "The Control of Oil." Here is approximately how it worked, as Mr. Blair reconstructed the arithmetic:

At that time, the Saudi oil cost Aramco 20 cents a barrel in operating costs, plus a royalty of 21 cents, and the going price for oil was $1.75. That meant a pretax profit of $1.34 a barrel for the Aramco companies and a final net, after Federal taxes of 43 cents a barrel, of 91 cents a barrel.

If the companies and the State Department had tried to satisfy King Saud by raising the Saudi royalty to 50–50, or 88 cents, the increase would have slashed Aramco's pretax net to 67 cents a barrel and its net, after Federal taxes, to only 50 cents.

Instead, at the suggestion of the United States, the added Saudi cut took the form of an income tax of 67 cents a barrel, which, together with the existing 21-cent royalty, produced 88 cents for the Saudis.

Under those conditions, the companies' pretax income remained unchanged at $1.34 a barrel; and after the new Saudi tax, they cleared 67 cents a barrel. In the new situation, however, when the companies went to pay their Federal tax of 43 cents a barrel, that sum was more than offset by the tax credit for the 67-cent Saudi tax; in fact, the leftover, or "excess," credit of 24 cents saved them taxes on other income. That saving, plus the 67-cent profit that was left after Saudi taxes, meant they netted 91 cents—just as they had before.

Apart from the $1.2 billion estimate, it is difficult to ascertain precisely how valuable the foreign tax credit is to the major companies. In 1975 and again in the Tax Reform Act of 1976, Congress imposed restrictions on how many credits could be claimed in a given year and what sorts of income they could shelter. The companies pile up more credits than they can use.

The major oil companies do not disclose what they pay in "income taxes" to oil-producer countries. It is easily seen, however, how much larger "income taxes" loom in their foreign operations than in their domestic. The Exxon Corporation, for example, the world's largest oil company, last year earned $2.406 billion pretax in the United States compared with $6.05 billion, also pretax, abroad. More than 70 percent of its pretax take came from overseas.

After-tax was a dramatically different story. Exxon said it paid $4.63 billion in foreign income taxes—for an effective rate of more than 76 percent. (Last year, Exxon also paid $29 million in Federal taxes on its foreign income.)

By contrast, it paid a substantially lower effective rate of 43 percent on its domestic income: $1.03 billion. As a result, Exxon's domestic net of $1.37 billion nearly equaled its $1.39 billion earnings, after-tax, from abroad.●

CYRUS VANCE PROVIDES WISDOM

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. SIMON. Mr. Speaker, the Washington Star on May 14 had a detailed article about the emergence of SALT II.

Buried in the midst of this lengthy piece was an interview with Secretary of State Cyrus Vance in which he said something that ought to be called to the attention of the Members of Congress. Among other things he described the "lessons learned from the negotiations" which included:

First, we ought to give more thought in advance to what weapons systems we're going to need. We should not have to keep options open on systems that we don't really need. If you keep options open on systems that are never going to be used, then you've just complicated the negotiating process unnecessarily. I think this is an important lesson for the future for SALT III.

Second, I think there is a need for greater input in the way of arms-control considerations into the planning of military force structures. As we come to see our security interests best advanced by a stable and lower-level military balance, we will learn to integrate more effectively arms-control and force-structure planning as complementary rather than opposing elements in our defense planning.

Those are words of wisdom for future national leaders, whether in the executive or legislative branch of the Federal Government.

They are words that I hope will receive some attention from the American public.

It is an illustration of why I have increasing confidence in Secretary of State Cyrus Vance.

The article follows:

VANCE TELLS FRUSTRATIONS, LESSONS OF NEGOTIATIONS

On the frustrations of SALT: One of my real frustrations has been that it's taken us so long. The delay has inhibited us from laying out the strengths of our position and from answering misleading or false statements by those who oppose SALT. One result is that it's given an impetus to the anti-SALT movement that's going to take us a while to push back.

It would have been a lot easier in some ways if we'd been able to lay it all out as we went along. But we've had to live with the realities of an ongoing negotiation. We've had to stay within the parameters of those negotiations. God knows, it's been frustrating for me when I've read some of these stories that are just plain untrue and I haven't been able to come out and say, "Here's what the actual facts are."

There's another matter that bothers me, and I don't know the answer to it. I'd hoped we could find a way of involving the Congress more in the negotiating process so that they would have a better understanding of what was going on and what we were trying to achieve. I really don't think it's worked out as satisfactorily as it might have.

We just have to find a way to resolve this issue of dealing with Congress in the future, because it's in everybody's interest for the members of Congress to understand what we're trying to do and what our problems are. It's hard for them to understand if we can't share everything with them.

On lessons learned from the negotiations: First, we ought to give more thought in advance to what weapons systems we're going to need. We should not have to keep options open on systems that we don't really need. If you keep options open on systems that are never going to be used, then you've just complicated the negotiating process unnecessarily. I think this is an important lesson for the future for SALT III.

Second, I think there is a need for greater input in the way of arms-control considerations into the planning of military force structures. As we come to see our security interests best advanced by a stable and lower-level military balance, we will learn to integrate more effectively arms-control and force-structure planning as complementary rather than opposing elements in our defense planning.

On dealing with the Soviets: We've learned that informal, exploratory and very private discussions are an essential part of the negotiating process. Without that kind of discussion, you just can't make the progress you want. You have to be able to sit down and talk very directly, essentially with nobody else around. That way the other side will open up and tell you, "Well now, this is what our problem is."

It allows you to understand their problems and to see if there might be ways to take account of those considerations and still achieve your own objective. That's why it's of critical importance that you have this kind of channel. We found we just couldn't be as open with the press and the public as we'd originally hoped.

On why SALT should be ratified: First, because it enhances the security of the U.S. and our allies. Second, it will help maintain strategic stability. It will reduce uncertainties with respect to the force structures of the two sides and thus enable each to plan forces in a more intelligent, less destabilizing way. Third, the treaty is based on adequate verification not on trust.

Fourth, and this is what I'd like to emphasize, we should never lose sight of the awesome horror of nuclear weapons and the incredible effects of a nuclear exchange. Anything that makes those horrors less likely is of fundamental importance to us, to the Soviets and to the whole world. ●

HEROES OF MONTE CASSINO

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. ZABLOCKI. Mr. Speaker, tomorrow marks the 35th anniversary of the historic battle of Monte Cassino Monastery in Italy. During the Second World War, the 2d Polish Corps under the command of Lt. Gen. Wladyslaw Anders played a vital role in taking this key Nazi German defense system. These outstanding Polish soldiers are to be commended for their courage and valiant efforts in battle. We are indebted to them for their many contributions and their outstanding dedication to the cause of freedom.

Mr. Speaker, I am respectfully submitting the following article which appeared in the April 10, 1979, issue of the Pol-Am Journal, describing the heroes of Monte Cassino.

The article follows:

Heroes of Monte Cassino

"We gave our souls to God—our bodies to the soil of Italy—and our hearts to Poland."

May 18 is an important day to living ex-combatants of the 2nd Polish Corps, who are now scattered throughout the world. It was on May 18, 1944, that the key of the Nazi German defence system—Monte Cassino Monastery in Italy, was taken by Polish troops under the command of Lt. Gen. Wladyslaw Anders, in what was described as "one of the bloodiest battles of World War II."

Thousands of Polish ex-servicemen from the United States, England, South America and Canada will journey to Monte Cassino on May 18 for the 35th anniversary of the historic battle in which the Polish 2nd Corps played the most important part.

Pope John Paul II was invited to participate in the ceremonies at the Monte Cassino Monastery, by officials of the Polish Ex-Servicemen's Association.

The 2d Polish Corps was part of the Fifth Army under the command of Gen. Mark W. Clark. Following the battle, Gen. Clark stated:

"The Polish 2nd Corps fought so splendidly under Lt. Gen. Anders that it accomplished the nearly impossible—it took Cassino . . . without the superb fighting of the Polish Corps the capture of Cassino would have been extremely difficult, prolonged, and perhaps long delayed . . ."

The late Senator Robert Kennedy in his remarks on the Senate floor on the anniversary of Monte Cassino said:

"Several years ago, I climbed the rocky hillside at Monte Cassino—and there, on the monument to the Polish dead, is one of the most moving inscriptions I have ever read—'We Polish soldiers, for our freedom and yours, have given our souls to God, our bodies to the soil of Italy, and our hearts to Poland'."

President Eisenhower, referring to the Free Polish Army's role in World War II said:

"To the Poles, the struggle for freedom and independence is universal and Poles have fought for the sanctity of hearth and home far from their native soil and their own kith and kin." ●

PRESERVING SMALL BUSINESS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. GRADISON. Mr. Speaker, small business is a vital part of our Nation's economy. Yet, there are economic and governmental factors that are threatening the stability of small businesses.

Mr. Ralph Lazarus, chairman of the board of Federated Department Stores, Inc., recently addressed the problems of small business in remarks made to Future Memphis, Inc. Mr. Lazarus feels that small businesses are hindered by an incrementally increasing minimum wage, overregulation, the investment tax credit in its present form, and the complexity of the tax system for capital cost recovery. I believe Mr. Lazarus' keen perception of these issues makes his recommendations well worth heeding.

At this point, I would like to insert Mr. Lazarus' address in the RECORD:

Let's All Join the Fight To Preserve Small Business

(By Ralph Lazarus)

It is a great pleasure to be here in Memphis tonight, and I thank the officers of Future Memphis for inviting me. I do not get to this part of the country as often as I'd like. Under the guidance of Ray Cummins, and now Ed Cicala, Goldsmith's has become one of our company's most successful divisions. I know enough to leave a good thing alone.

A number of thoughts about America, about business and about our economy have been on my mind lately. I think Memphis is an appropriate place to air some of my views because it has become a great crossroads city. The Memphis businessman has been an entrepreneur and an innovator.

Although I am an optimist about the future of our country, it would be foolish not to recognize that we face some serious and frightening problems. Let's take a look at some of them: Inflation, a potential recession, diminishing productivity, widespread youth unemployment, diminishing quality of education, over-regulation of business, a tax structure that discourages capital formation, growing reliance on foreign energy sources.

These problems are familiar to you. We all live with them day to day. But they have special meaning to small business—a vital part of our enterprise system.

Frankly, I'm concerned about the future of small business. That's what I want to talk about with you tonight.

Our company is made up primarily of department stores which were all small family-owned businesses when they began. Goldsmith's, as you know, has been around for 109 years. The success of our company derives from the success of a group of very small businesses which grew and prospered with their communities. The men who founded them were entrepreneurs. The opportunities were there. They recognized them and took advantage of them. They were daring. They took risks. They succeeded.

Federated, of course, has become big business. However, in many respects, it still has the operating characteristics of a small business. We emphasize decentralized control and considerable autonomy under division management. In real sense the fifteen hundred buyers who are in these divisions operate independent businesses with the risks, opportunities, and personal satisfaction that face any small business management.

More than that, we would not be what we are without the existence of thousands of small businesses, really small businesses. They sell us merchandise and provide us with hundreds of different kinds of services all across the country.

To give you a feeling for what small business means to a company like ours, I made a quick random check of a few Federated divisions to find out just how extensive our relationship with small business really was. In one California division, for example, we buy about $100 thousand worth of goods from a manufacturer who employs eight people. The same division buys about $50 thousand in goods each year from a family firm with just six employees, three of whom are family members. This kind of relationship exists in all of our divisions. We spend millions of dollars with them.

Federated relies on small business. And our economy relies on the vitality and innovation that small business generates. It *does* seem to me that keeping small business healthy ought to be an important social issue in this country.

Let me remind you of many facts. 56 percent of the private work force is employed in small business. Small business accounts for 43 percent of our gross national product. Furthermore, small business comprises, numerically, some 97 percent of all the business in the nation. Those reasons by themselves should establish the importance of small business. But there are other reasons—in some ways reasons that are even more important.

Small business, a healthy small business establishment, is the primary source of opportunity for most Americans. It is the place where innovation and an entrepreneurial spirit are usually most conspicuous. Enterprise which is governed by caution, by a fear of risk-taking, ceases to be enterprise.

It should be apparent to any thinking person that our competitive business system must have a high degree of freedom if it is to have the flexibility to survive in these complex times.

Jobs depend on this. Our ability to contain inflation depends on this because competition and productivity are inflation's greatest enemies. This can be clearly demonstrated in my own industry, perhaps the most competitive there is. General merchandise retailers have held the increase in the prices of the goods we sell to less than 60 percent of the increase registered by the overall Consumer Price Index (the CPI). Last year, when inflation really began to get out of hand, we held the line to an even greater extent. Our prices increased less than half as fast as the CPI. It was the competitive nature of our business and our determination to improve productivity that accomplished this.

There are other areas where we must rely on the initiative and energy of individuals and individual business.

My company, and I personally, are deeply concerned about America's urban condition, our downtowns. Many of these, happily, are beginning to show signs of vigorous rehabilitation, but we still have a long way to go. The first signs of deterioration in an urban center come with the departure of people who live there. Next comes the failure of the small business which served them. You have all seen the empty shops—a very vivid scene. A vigorous downtown is characterized by a vigorous small business community. When that community is hurt, the quality of life within the city is destroyed.

The same is true of education. Our school systems are based on the concept of local control. To make this work, the people who benefit from them have to care about them. Usually, it is small business owners and employees who form a community core. They support and help finance the schools. When they are unable to do so, the quality of education deteriorates; everyone loses.

Let's look at another problem.

Business today suffers from a degree of over-regulation which has profoundly serious implications for our whole way of life. There is simply no question about that. The burden of over-regulation is hard on every business, but to small business it's catastrophic. If the trend toward more and more regulation, and more and more government, continues, the wealth and power of this nation are going to become vested in big business and big government—the very condition we have been working to avoid.

We must not forget in our frustration over this condition that government has become an enormously complex process. We are not the victims of evil men. We are the victims of a dangerous new philosophy. It provokes our legislators and the regulatory bodies they establish to resort to regulation every time there is a problem. I do not happen to believe that a healthy economic society can be legislated.

A free and healthy society depends for its existence upon a competitive economy. The kind of over-regulation we are suffering today is destroying competition. We must do something about it.

I am totally convinced that small business and big business have essentially the same objectives. We must work together to achieve these objectives. If we don't, I fear we will all share a common defeat.

There never was a better time for us to join forces. If I'm not mistaken, the mood of our country—including those who govern us—reflects an overwhelming desire to reverse or moderate the tide of over-government and the over-regulation that results from it.

Let me suggest some targets for our joint effort.

First, the incrementally increasing minimum wage:

It seems to me that this is especially difficult for the small businessman. The rationale for a greater minimum wage is obvious. Unfortunately, the net result diminishes the opportunities for employment among those who need it most desperately—untrained women and young people, minorities and the disadvantaged. The small businessman has always been a source of opportunity in this respect. But he can't afford to hire the unskilled, the untrained, when he has to pay too high a price for them. Thus they lose opportunity for individual growth and development which small business once could offer. And small businesses lose the opportunity to compete with larger firms by offering a higher degree of personal service. We should seek to persuade Congress to postpone the increases scheduled for 1980 and 1981.

Next, over-regulation:

All of us are buried in paperwork required by those who regulate us. It is an enormous and costly burden on every business in America.

The Business Roundtable has just released a study on the cost of government regulation. Results show that the 48 major companies participating in the study spent more than 2.6 billion dollars in 1977 to comply with regulations imposed by six government agencies.

That figure is only the tip of the iceberg. If only 48 companies had to spend more than 2.6 billion, consider what the cost must be for all American companies.

In the current annual report of Time, Inc., the president of that company, James Shepley, estimates that Time's expenses imposed by regulatory compliance procedures cost his company half as much as the dividends paid to its shareholders in the past year. This is a burden none of us can tolerate. It reduces productivity, sales and profits in big business. It could destroy small business.

Next, Investment Tax Credit:

The Investment Tax Credit, in its present form, is discriminatory as it relates to small and big businesses engaged in the retailing industry. Capital expenditures of manufacturers are primarily allocated to machinery, equipment and special facilities. All of these qualify for the credit. Retailers invest a substantial amount of their available capital resources in buildings and structures. These do not qualify except in the case of the rehabilitation of buildings at least 20 years old.

We should remember that the investment tax credit was established to help create jobs. Between 1948 and 1977, employment in the distribution sector increased by 105 percent, while employment in manufacturing rose only 26 percent. Employment by utilities and mining and transportation firms rose less than 6 percent. Yet in 1977, utilities and mining and transportation firms received 46 percent of the total investment tax credit allowed. Manufacturing firms received 45 percent. And distributors—who had actually created the bulk of the jobs—received only 9 percent.

The investment credit should be extended to all industrial and retail buildings. This would be especially helpful to small retailers who want to expand. And it would result in a significant number of new jobs.

And last, capital formation:

It has become increasingly difficult for all businesses to generate adequate growth capital.

From the small business person's point of view, a large part of the problem has been a tax system for capital cost recovery that is just too complex and too cumbersome for small businesses to use. The effect has been to deny small businesses many of the benefits of the tax code that are available to larger firms. There are proposals now before the Congress for a vastly simplified rapid capital cost recovery system that would be enormously helpful to all businesses, perhaps especially to smaller ones.

Specific proposals vary. Most would legislate 10 year lives for buildings and 5 year lives for equipment and fixtures. Some would add a special three-year category for autos and a one-year category for government-mandated capital costs.

Legislation has already been introduced by Senator Nelson, chairman of the Senate Small Business Committee, and Senator Chafee of Rhode Island. Others will follow. It is probably too early to endorse any specific proposal, since refinements will be made. But it seems to me that, in principle, changes in the tax law that simplify and encourage speed capital recovery are exactly the kind of thing we should support.

Also, it pains me to see and read of small businesses that must be sold in order to pay estate taxes when the founder-owner dies. Congress has recently raised the amount of unified credit exemption allowed on an estate when it is transferred. The exemption will go up to $175,000 in 1981. Given our inflationary economy, this is still too low to be of much help to heirs who want to keep a family business. I would like to pledge my support tonight to a move by the small business community to raise this exemption in cases when family-owned enterprises form the bulk of an estate.

Of course there are other problems we can attack jointly. These, however, seem especially relevant to our objectives right now.

The sum and substance of my message tonight is that small business is too important a factor in the economic and social fabric of American life to permit it to wane. Our society was built on imagination and on daring. If we ever lose this in our society, we will have lost those very qualities which for generations made American business the economic wonder of the world. Unless small business thrives, nothing else will.

Every day, over and over, the American dream finds reaffirmation in its small businesses. We've had the dream since we began in this country. It's part of our heritage. If you start small, and you work hard, and have a good idea, you can make good. Built into the dream is a kind or stubborn insistence that a really free society lets a man take risks—his own risks, if he wants to take them.

It seems to me that a really free society requires a vigorous business community composed of vigorously competing firms of all sizes. They must be free to take the kind of risks that lead to great victories. The way to do this is to rebuild the kind of climate in which small businesses can grow.

We all have a stake in the future of American small business. Let's all join the fight to preserve it. This is our opportunity and our challenge.

The time to act is now.●

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1979

● Mr. LUKEN. Mr. Chairman, I am strongly in favor of the Udall-Anderson substitute to the Alaska National Interest Lands Conservation bill. We had the opportunity by the passage of this legislation to preserve a portion of America's unspoiled wilderness. There is nowhere else in our country that we will ever again have the opportunity to save unspoiled wilderness of such great expanses.

The Congress has been given the opportunity to double the size of our National Park System with Alaska's natural wonders—the glaciers, volcanoes, varied tundra and unparalleled mountain ranges. We can protect the nesting grounds of literally millions of migratory birds which populate the lakes and marshes of the lower 48 States and preserve the caribou ranges of the Porcupine Herd.

Most importantly, the Udall-Anderson substitute was the only version of the Alaska lands bill which preserved the ecological integrity of the areas covered by defining areas in terms of conservation units which protect areas which are ecologically intertwined instead of in terms of so many acres here and so many acres there. This is essential because if the ecological integrity of the area is allowed to be destroyed, its delicate balance could never be completely restored.

We have the opportunity to do all of this while allowing for the judicious development of Alaskan resources if we continue to push for the Udall-Anderson language until it becomes public law. This development will take place in over twice as much land as is included under the provisions of the Udall-Anderson substitute. This bill will not lock up the mineral and energy resources of Alaska, as many of its opponents have claimed, but will provide for their discovery and development in the national interest. It will open up 95 percent of the high onshore energy potential areas and all of Alaska's 300 million acres of offshore continental shelf to private oil and gas leasing. It will also allow for the development of resources in the Misty Fjords National Monument by the U.S. Borax Corp.

This is truly one of the most vital and monumental pieces of wildlife and wilderness measures which will ever come before the Congress. I am pleased that so many of my colleagues in the House realized this and voted for passage of the Udall-Anderson substitute. I hope that the Senate will join us in reaffirming our Nation's commitment to preserving our remaining wilderness areas for ourselves and for future generations.●

CHICAGO'S FIRST CHURCH OF DELIVERANCE

HON. BENNETT M. STEWART

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. STEWART. Mr. Speaker, Mayor Jane M. Byrne has proclaimed Sunday, May 20, 1979, to be First Church of Deliverance Day in Chicago. This special observance marks the 50th anniversary of the First Church of Deliverance and honors Rev. Clarence H. Cobbs, the church pastor.

Born in Memphis, Reverend Cobbs founded the First Church of Deliverance in 1929. Under his dynamic leadership the church has always been at the heart of religious and civic affairs in Chicago.

This church is widely known as "The Church of Love and Faith." Every Sunday morning for many years the worship service has been broadcast on Chicago radio. On Fridays there is a remarkable evening candle lighting service.

Reverend Cobbs organized the famous choirs of the church and developed many educational and service programs for the members and neighbors of the church. In 1971 he was awarded an honorary doctor of divinity degree by the Virginia Theological Seminary.

Reverend Cobbs has been the president of the Metropolitan Spiritualist Churches of Christ and a member of numerous religious and civil organizations.

Mr. Speaker, I am proud to join Mayor Byrne in saluting the First Church of Deliverance and Rev. Clarence H. Cobbs. I would like to insert in the RECORD the proclamation of Mayor Jane M. Byrne:

PROCLAMATION

Whereas, the 50th anniversary of the First Church of Deliverance, 4315 South Wabash Avenue, will be celebrated on May 20; and

Whereas, the celebration will honor the founder and pastor, Reverend Clarence H. Cobbs, at a dinner to be held in the International Ballroom of the Conrad Hilton Hotel; and

Whereas, the Reverend Cobbs is among Chicago's most respected and influential of spiritual and civic leaders, and his church has long been among the best attended in the city, with programs designed for educational purposes, youth and senior citizen welfare, and social services;

Now, therefore, I, Jane H. Byrne. Mayor of the City of Chicago, do hereby proclaim Sunday, May 20, 1979, to be First Church of Deliverance day in Chicago and urge citizens of all faiths to take cognizance of the special events arranged for this time in honor of the greatly beloved founder and pastor, Reverend Clarence H. Cobbs.

Dated this 10th day of May, 1979.

JANE H. BYRNE,
Mayor.●

CHINA LOSES ITS WAY ON THE ROAD TO MODERNIZATION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. McDONALD. Mr. Speaker, the party with the People's Republic of China is just about over. Instead of expanding trade, the PRC has had to curtail foreign trade commitments. The token efforts at a semblance of free speech has been abruptly ended by the heavy hand of the Government, and the Communist China is back at the same old stand of food shortages and aggression. The hopes of the Chinese people for an even slightly more lenient Government have been dashed. An excellent summary of this situation was recently provided by Nigel Wade in the London Daily Telegraph of May 7, 1979. Nigel Wade has been covering events on the scene in Peking for some months. I commend this article to the attention of my colleagues as a very realistic summary of what is really going on in Communist China.

CHINA LOSES ITS WAY ON THE ROAD TO MODERNISATION

(By Nigel Wade)

Euphoria in the West about the promise of the China market and the apparent restoration of individual freedoms within Communist Chinese Society must now surely cease. It has already ended for several major Japanese companies who have found big industrial contracts frozen while the Chinese count the cost against their dwindling foreign currency reserves. It has ended, too, for the young Human Rights campaigners of Peking who put their trust in the Chinese constitution's free speech guarantees but were silenced by a catch 22 provision of the same document which says "citizens must support the leadership of the Communist party" and the socialist system.

There have certainly been euphoric moments for foreigners in Peking during recent months, as in late November when young people mobbed diplomats and journalists to ask about freedoms enjoyed in other countries. It seemed for a few heady weeks that China was really prepared to allow basic changes in the way it controls its people and their access to knowledge of other social systems. But the Communist party leaders have slammed the door shut just as it was opening. One is left with a gloomy sense of the Chinese masses trapped in a futile cycle of purges and rehabilitations, political campaigns and countercampaigns, of great leaps and long marches eventually leading nowhere.

China's token dalliance with foreign fads and fashions like Coca-Cola and Pierre Cardin Couture turns out to be only a posture disguising latent xenophobia and profound official contempt for the Western free enterprise system which produced the skills and machines China must now stoop to acquire.

There is a feverish, sickly tingle to the grandiose economic goals which China keeps setting itself and a depressing whiff of waste and decay from the bureaucratic middle-levels where deciding little and proposing less is the safest way to avoid political retribution. The new eunuchs of the Chinese Governmental system are the millions of middle-aged bureaucrats and managers whose administrative powers were long ago emasculated by the constant fear of arbitrary denunciation following sudden changes of political line. They shuffle in their rumpled Mao suits from one useless meeting to another, not daring to speak their minds or offer new ideas. The Party is trying to encourage them to take the initiative for themselves but millions have learned to keep their heads down, avoid decisions and hope for a quiet life.

Intellectuals have been similarly cretinised by three decades of political persecution and oppression. It is not surprising that the Party is having to coax and cajole them into helping with modernisation. Today's modernisers could too easily be labelled "capitalist roaders" tomorrow if there was an abrupt swing back to the Left. Intellectuals and scientists are being asked to follow the modern-minded regent, Vice-Premier Teng Hsiao-ping. But Teng is 74 and prudent men would ask themselves what policy reversals might follow Teng's inevitable demise. Teng is the last really powerful leader of his generation and the struggle for control of China after his passing could be even more explosive than that which attended the death of Chairman Mao at 82, in 1976.

Writers, researchers, technicians and scholars were ostracised and vilified for years after the Communist victory of 1949. Some raised their heads and suffered for it in the "hundred flowers" campaign of 1957 when Mao said "Let 100 schools of thought contend" and then imprisoned thousands for expressing thoughts contending with his own.

The intellectuals knew better than to speak out again when young people in Peking raised the banner of free speech last November. The youthful movement for democratic freedoms and human rights ended just as the older generation feared it would, with repression and arrests, although not on nearly the same scale as the sweeping "anti-Rightists" campaign which followed the "hundred flowers" interlude.

The "Anti-Rightist" Campaign paved the way for Mao's great leap forward and the formation of rural communes. There is no sign yet, however, that the crushing of youthful dissent in Peking and other cities will lead to a similar resurgence of Maoist policies. China's hard braking on the road to modernisation has left ugly black skid marks for all to see but it is not thought that the country's leaders are trying to make a complete U-turn. The campaign to instil discipline among young people is accompanied by Maoist slogans which have been given a rest over recent months but the fundamental Maoist faction in the Politburo seems to have lost much of its influence to Teng and other veteran leaders rehabilitated since Mao died.

Although some Chinese leaders, notably Teng, supported or used the democracy movement for a time, there was always great opposition to it among conservative officials at lower levels. The Peking municipal authorities demanded last January that the Party put a stop to demands for human rights and to the growing foreign influence among young people.

The crackdown finally came at the end of March with restrictions on wallposters, a ban on all criticism of the Communist system and instructions discouraging unofficial contacts with foreigners. Foreign residents of Peking who for five months had been able to make friends for the first time with ordinary Chinese suddenly found the atmosphere turning cold. Chinese no longer wish to be seen in public with a foreigner except on official business. Even the loan of a book can be dangerous where, earlier this year, foreigners were depleting their own libraries to meet a clamorous demand from young Chinese eager to practise English and read about the outside world.

These contacts were anathema to many hard-line officials and the party's newspapers are now administering a heavy corrective dose of anti-foreign propaganda. Western capitalist countries flow with the blood of oppressed workers, the newspapers say. The term Human Rights is denounced as a bourgeois concept which cannot have any meaning in a socialist country where the State protects the rights of all its citizens. Young people are warned that "socialism is no Shangrila" but that life abroad can be hell on earth.

China's youth crisis stems largely from that great period of political civil war between extreme Maoists and bureaucrats, the Cultural Revolution of the 1960s. That era of chaos and inquisition, more than any other political campaign of the past 30 years, contributed to the pitiable state of the country's managers and intellectuals. It is now becoming increasingly apparent that it also left millions of young men and women disillusioned and embittered. "Chairman Mao's Cultural Revolution killed me culturally," said a young man who considered his life, education and career prospects blighted by extremist disruption.

Millions of resentful and disillusioned young people—a truly lost generation—form a malignant tumour in what should be the most vital and innovative area of Chinese society. Some of this bitterness burst out in Shanghai last February when angry youths demonstrated and lay down on railway lines in protest at being sent from the city to do years of compulsory farm labour. Representatives of rusticated youths on strike at a State farm in south-west China travelled to make protests in Peking but were told bluntly to get back to their jobs.

Over-ambitious planning, exiguous foreign currency reserves, frightened managers, cowed intellectuals and embittered youths are some of the problems China faces as it bids to become a major industrial power within this century. Western businessmen bedazzled by the age-old China trade mirage, are only now accepting that there will be no immediate oriental bonanza. Peking's free speech campaigners argued in several important wall-posters that China cannot modernise its economy without first updating its political system and the "feudal" rules governing how people live. "We want modernisation," said one of the posters, "but we want to know what kind?" that the party replied with old-fashioned repression shows clearly how China, for all its recent changes, remains, as officials insist it does, faithful to Chairman Mao.●

TRIBUTE TO JANE AND STEWART MACCOLL

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. RATCHFORD. Mr. Speaker, I rise today, Mr. Speaker, to pay tribute to Jane and Stewart MacColl of Wilton, Conn., who after 17 years of very special spiritual involvement in the community are sadly relocating.

The MacColls came to Wilton to minister the needs of their fellow Presbyterians, but, fortunately for all, their pastorate extended well beyond the confines of the church they helped to build. It was Jane who realized her great dream by working long and hard to bring to Wilton a successful interracial summer camp under the town's cosponsorship. It has been Stewart's persistently practical and humane voice on the board of education that eventually won the day for "Project Concern," a program that has welcomed children from impoverished urban areas into the schools of Wilton.

Jane and Stewart have long championed the needs and concerns of the elderly, the poor, and the lonely. In doing so, they have raised serious questions of community obligations and helped to foster a spirit of Christian fellowship. Their spiritual conviction and love of people have always guided their community involvement. Jane and Stewart touched the lives of those in Wilton in a very special way, and leave in the knowledge that because they cared and chose to lead, that the town has benefited greatly from their tenure. Wilton will greatly miss the MacColls, and wishes them every happiness and success.●

REMARKS OF JOHN BERNARD HENRY, M.D.

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. LEE. Mr. Speaker, on September 1 of this year Dr. John Bernard Henry, presently the director of Clinical Pathology at the Upstate Medical Center in Syracuse, N.Y., will assume his new duties as the dean of the Georgetown University Medical School, a most prestigious institution of medical education in our Nation's Capital. In addition to his duties at the Upstate Medical Center, Dr. Henry is the 1979 president of the American Blood Commission, a group of 42 national associations and organizations representing health care providers and consumers. In this regard, I would like to insert Dr. Henry's recent remarks before the fourth annual meeting of the American Blood Commission. The doctor's remarks reflect the interest of the Nation's patients, blood donors, and medical community in assuring that all Americans have ready access to an adequate, safe supply of voluntarily donated blood at reasonable cost.

Following are Dr. Henry's remarks:

REMARKS BY JOHN BERNARD HENRY, M.D.

Officers and members of the Board of Directors, representatives of member organizations of the American Blood Commission, honored guests, ladies, and gentlemen, it is my privilege to preside over this fourth annual meeting of the American Blood Commission, and to get the day's session underway by stating that I am encouraged and gratified by the strong performance and results which have been achieved by the commission in 1978 in coordinating the improvement of our Nation's blood program.

When I accepted the challenge a year ago to serve as president of the commission, I said that the virtually unlimited talent available to the ABC, in terms of dedicated medical professionals, and consumer and donor representatives, gave every reason to be optimistic about attaining solutions to the problems of blood supply, processing, distribution, and use of blood.

During this year I have been personally and very deeply impressed to have witnessed the extent of such service, and the depth of commitment to seeing the ABC succeed. Members of the board, of the board's committees on finance, personnel, and many others, and the various steering and program advisory committees, whose reports you will hear this morning, have worked tirelessly and have devoted considerable amounts of time and talent to accomplishing the objectives we set ourselves at this meeting last year.

In my report to you on the state of the ABC and my projections for the commission's further service in the public interest over the next twelve months, I think it will be useful to use as a context, the goals and objectives to which we committed ourselves last year. In doing so, I am pleased to announce to you that the board of directors of the ABC, at its fiscal year-end meeting yesterday, recommended to the commission membership, as priorities for 1979–80, the set of objectives which I will present to you in a few moments.

First, I should like to report briefly on the progress that has been made this year, as well as on performance which has not met our expectations. Together, these form the basis for future direction in improving the nation's blood service system, from assuring sufficient voluntary donations of blood, to safely transfusing blood and blood products in response to specific patient requirements.

The first goal identified last year was working to assure that an adequate supply of blood and blood products is always available to meet all patient care needs. It was agreed that there was a pressing need for the ABC to take a leading role, with the support and participation of its member organizations, to promote donor recruitment by sparking public education in order to stimulate increases in the number of volunteer blood donors.

During this year, a working group of experts in television, advertising, and other media, under the leadership of Dr. Louis Aledort, and with the support of AABB, ARC, and CCBC, developed a model public educational plan, with a uniform message about the continual importance of a sufficient blood supply throughout the year. This plan was devised with the intent that it could be utilized as a resource by community and regional blood collecting facilities. This plan for a national donor recruitment program, implemented by local media integrated with community blood services, will be the featured presentation at this afternoon's luncheon.

Your support in the implementation and evaluation of the proposed model in several different sites over a six-month period will be needed and appreciated. This should permit us to assess this model's impact prior to implementation at a national level. Hopefully the long term goal of a "blood donor mentality" or attitude will be achieved through education, information and understanding to enhance motivation.

A second principal goal set last year was the development of a national system for collecting, analyzing, and reporting data on the nation's blood resource. It has long been recognized that informed decision-making and sound management with respect to blood services could be intensified with a reliable information base. Last Thursday, the ABC submitted its proposal for two additional years funding of this endeavor, in response to a request for proposal that had been issued by the National Heart, Lung, and Blood Institute. I am confident that this proposal was not only competitive, but of the highest quality, reflecting as it did the extensive work put in by the Steering Committee of the National Blood Data Center, as well as the staff. Under the current contract, the Data Center has recently mailed, after considerable developmental work, its annual census form for 1978 to a representative sample of 400 blood service facilities. Initial response has been encouraging, and with the continued support of AABB, ARC, and CCBC we can continue looking forward to a productive response to the requirement for a national system of data collection, analysis, and dissemination.

A third major goal has been the encouragement of greater resource-sharing and improved efficiency and effectiveness in collecting, processing, storing, and utilizing blood, under the framework of regional blood service associations.

The work now being conducted by the ABC's regionalization program is expected to significantly add to our knowledge and understanding about the structure, management, and operations of regional systems, and their potential contribution to meeting national blood policy goals concerning supply, quality, and accessibility of the blood resource. Encouraging information about the recognition of regional associations of blood service units will be presented a little later this morning when the report of the regionalization program is heard. This will reflect significant concrete progress in achieving resource-sharing through identification of regional associations of blood service units.

The development of means to assure solid fiscal support of the commission was a goal identified at the start of this fiscal year that is basic to all the others, for the ABC's success in programs designed to improve blood resource management depend on our success in identifying, attracting, and securing an adequate financial base that can be relied upon year to year. Having received the recommendations from the caucus of category B and A member organizations, as well as from the Skaneateles meeting of the three blood organization members of the ABC, the finance committee delivered its recommendations to the board of directors yesterday. The board's considered judgment about the importance of fiscal viability, and recommendations to the commission membership for a new fiscal year budget are a critically important part of this morning's agenda, and I urge the entire membership to support and get behind a budget that will enable the ABC to get on with the important work at hand.

Finally, under this year's accomplishments, it is important to recognize how well we are all talking with one another. This is a tremendous accomplishment, and one that makes all the others possible. I think that perhaps the rhetoric of consensus building has come to fruition, perhaps through enlightened self interest as well as public spiritedness and a recognition that cooperative response to the challenges and opportunities facing the blood banking community results in mutual benefit. To meet the needs of all of our patients regardless of where they reside and through whom they receive blood services, the ABC provides a focus of effort, drawing on the strength and resources of all of its members. In 1790, George Washington said that the government of the United States is characterized "by good citizens giving it on all occasions their effectual support." In 1978, I think the American Blood Banking Community reached the same conclusion about how its commission could work most productively and effectively to achieve greater service for the donor and patient.

My preface to this report indicated that our progress, however, has not been uniform in all areas. An area in which we have not seen substantial progress represents the other side of the coin of donor recruitment, and involves more efficient ordering of blood and utilization of blood components to assure optimal medical care and better management of the blood resource. The ABC's initiatives in this area are currently in a holding pattern because of the absence of program funding. This is an extremely important area, and one in which the ABC, through its unique membership, can make a positive contribution, and I shall return to this topic in a moment.

The set of objectives which I will describe represents the concurrence of the officers and members of the board of directors of the ABC, as the most efficacious, useful and productive approach to translating the ABC's goals into an effective national blood program.

First, we should reaffirm our intention to promote donor recruitment by sustaining public education and accentuating awareness of a uniform message to encourage voluntary blood donations and a blood donating attitude as automatic as seeing your dentist two times a year. Especially encouraging and promising is the considerable interest and support for such efforts that is surfacing from consumer, donor, and voluntary health associations as well as the blood banking organizations. It is important that the ABC not only encourage such interest, but draw upon talents and resources of its member organizations in support of these activities, in order to further our common goals.

Second, we must successfully complete our current study and contractual obligations in developing recommendations, guidelines, and other means, resources, and tools for facilitating greater efficiencies, productivity and performance in regionally integrated blood service systems, as well as defining the most useful follow-on approach to the current efforts.

Third, the collection, analysis, and reporting of data on the blood service system through the National Blood Data Center must be a continuing priority in order to develop a rational informational foundation for our national blood program. Crucial to the success of this effort to develop the most useful and effective data resource possible, is the continued support, participation, and cooperation of the entire blood services community. This effort is not an add-on, but a more responsive alternative to beirs, the blood establishment inspection and registration system operated by the Bureau of Biologics to collect data on blood and blood products for regulatory purposes.

Fourth, the provision of technical information and assistance to the blood banking community through the technical advisory panel on commonality and blood banking automation will provide the most effective means for coordinating the introduction and use of uniform blood banking methods in terms of labeling and automation.

Fifth, it is of crucial importance to identify and generate a coordinated strategy for cataloging documentation on blood component utilization, and to communicate with the medical community through the commission through the commission membership regarding approximate hemotherapy and blood resource management.

Sixth, the exploration of key issues associated with plasma procurement and the supply of plasma products represents an important aspect of private sector responsibility, and a significant cooperative and mutually beneficial relationship between industry and the nonprofit blood community.

Seventh, an evaluation of the national blood policy as it pertains to current needs and problems, and its responsiveness to new pressing issues, will provide a framework by which the ABC's performance in reaching its objectives can be critically examined, as well as providing a fresh perspective and new impetus for translating policy goals into an effective national blood program.

The board of directors of the ABC can and should play a central and critically important role in moving these objectives through to completion. In this year, the board meetings themselves offer an opportunity for invigorating, critical, and creative analysis of these program priorities, as well as an educational forum to support informed deliberation and decision-making.

The sense of commitment of the commission's membership, exemplified by its programmatic and financial participation and support is critical to successfully meeting the challenges represented by these priority objectives, in addition, the broadening support and awareness of the American Public and their elected representatives for the vitality of the private sector approach to the pursuit of an efficient and effective blood program for all Americans, is encouraging, as well as necessary to the ultimate success of the American Blood Commission.

I am enthusiastic, and confident not only of the merit of these objectives, but of the American Blood Commission's ability to address them successfully. I commend your attention to, and urge you to actively participate in the reports, presentations, and discussions that comprise the program of today's meeting. I believe that the theme of this meeting reflects not only the components of blood transfusion, but the components of a cooperative and effective blood service community, representative of all those interested in improving the quality of our nation's blood supply, and committed to assuring, through the efforts of the American Blood Commission, that all Americans have ready access to an adequate supply of safe blood, at all times, at reasonable cost.●

FINANCIAL STATEMENT OF CONGRESSMAN PETER H. KOSTMAYER

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. KOSTMAYER. Mr. Speaker, as a believer in complete financial disclosure by public officials and candidates for public office, I am submitting herewith a list of my assets and liabilities as of December 31, 1978, as well as taxes paid in 1978:

STATEMENT OF NET WORTH—DECEMBER 31, 1978

ASSETS

Cash in personal checking accounts	$1,404.53
Cash in savings accounts	6,535.65
Cash in Charity Fund checking account*	384.45
U.S. Congressional Retirement Fund (contributed cost)	8,624.85
Mortgage escrow account	397.58
1972 Chevrolet Malibu	1,000.00
Furnishings and personal property	6,000.00
Reimbursements due from Kostmayer for Congress Committee	1,689.29
Condominium, Washington, D.C.	45,000.00
Total Assets	71,036.35

LIABILITIES	
Mortgage on condominium in Washington, D.C.	34,617.08
Outstanding bills, approximate (Credit card, revolving charges, etc.)	2,500.00
Total Liabilities	37,117.08
Net Worth	33,919.27
INCOME AND TAX INFORMATION 1978	
Gross Income	57,501.78
Taxes	
Federal	13,768.22
Pennsylvania	1,265.04
Washington, D.C.	460.50
Total Taxes	15,493.76

*Note: Contributions from Charity Fund in 1978 totaled $6,6430.28.●

IN REMEMBRANCE OF PROF. DONALD L. McKERNAN: SCIENTIST-DIPLOMAT, TEACHER, AND LONG-TIME OCEANS POLICY ACTIVIST

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. PRITCHARD. Mr. Speaker, last week, the Nation and especially the oceans community lost one of its great leaders in the unexpected death of Dr. Donald L. McKernan, who passed away while on a trade mission in Peking, China. Many Members will remember Dr. McKernan as one of the key State Department officials who was instrumental in establishing a 200-mile fishery zone off the United States, even though he strongly opposed unilateral action at first, in an effort to establish a U.N. Law of the Sea Treaty.

Dr. McKernan assumed many different leadership responsibilities throughout his life in the area of fisheries and ocean resource management. More recently, he was the director of the Institute for Marine Studies at the University of Washington in Seattle. In addition, he was Chairman of the National Advisory Committee on Oceans and Atmosphere. He was the head of the U.S. delegation which is currently engaged in efforts to resolve the United States-Canadian salmon interception problem off the west coast, and he was also a very active member of the North Pacific Fisheries Management Council. Throughout his life, he has been active in countless international, national, State, and regional organizations which have been dedicated to the more rational and wise use of ocean resources.

Don McKernan grew up in the Pacific Northwest, obtained his schooling at Oregon State and the University of Washington, and was active in some of the earlier research on tuna populations in the South Pacific. Dr. McKernan went to Japan after the war to assist the Japanese in developing their fisheries programs, and he spoke many times of this experience and of his respect for the Japanese people, and their dependence upon marine resources. Dr. McKernan spent several years in managing the State of Alaska fisheries, and soon became the Director of the old Bureau of Commercial Fisheries, which is now the National Marine Fisheries Service within NOAA. After this, he became chief U.S. fisheries negotiator within the State Department, where he was very active and effective in other international organizations as well, including the International Oceanographic Commission (IOC), the International Commission for Northwest Atlantic Fisheries (ICNAF), and the Inter-American Tropical Tuna Commission (IATTC). Also, Dr. McKernan was one of the earlier participants, as early as 1969, in U.S. efforts to establish a comprehensive Law of the Sea Treaty.

Ambassador McKernan understood the importance of negotiation and compromise in resolving ocean resource uses, and I will never forget the way he would stride into a room filled with a number of other negotiators representing a wide range of interests. After a short while, he would end up managing the meeting and he would usually walk away with some form of consensus.

More recently, Dr. McKernan had assumed the directorship of the Institute for Marine Studies at the University of Washington and had assembled some excellent talent from around the country to train graduate students in ocean resource management. He was truly committed to the notion of improving man's capability for the more rational management of marine resources. Dr. McKernan was widely respected by diplomats, scientists, and fishermen alike. His contributions to ocean science and resource development were immense. He will be sorely missed by the oceans community.

I would like to include some comments about this great individual made by Jack Botzum of Ocean Science News. This publication was read faithfully and contributed to often by Dr. McKernan:

OCEAN SCIENCE NEWS

(By John B. Botzum)

The life of Don McKernan will be formally memorialized twice this week, following his death last Wednesday (9 May) in Beijing (Peking), China. The 61-year-old teacher, fisheries research biologist, director of the Institute of Marine Studies at the Univ. of Washington, government bureaucrat, and chairman of the President's Natl. Advisory Committee on Oceans & Atmosphere, died of a heart attack in Beijing, while on a trade mission for a Washington state group. A memorial service is scheduled for today (14 May) at the Univ. of Washington.

This Friday a service will be held at 1:00 p.m. at the National Cathedral in Washington, D.C. Donald Lynn McKernan will also be remembered this Thursday when NACOA holds its regular monthly meeting in Washington. Someone had suggested that the meeting be postponed, but it was decided that McKernan himself would have preferred that it go on. Under his leadership the advisory body has gained new stature, it is generally agreed, because of his revamping of the organizational structure into hard-working subcommittees. Unlike some federal advisory committees, a lack of interest on the part of a NACOA member was not overlooked by the chairman.

That McKernan's life will be celebrated in the nation's capital and 2,900 miles away in the same week somehow symbolizes his life. He had so many responsibilities in the marine community that he was at times almost in two places at once. McKernan traveled more miles in the service of his country than Henry Kissinger.

Reports from China are not complete but it is understood that he went into a hospital with viral pneumonia and later suffered more than one heart attack. Commerce Secretary Juanita Kreps was in Beijing at the same time on her own trade mission and, learning of McKernan's plight made preliminary contacts with the U.S. embassy to have him flown back home. However, it was decided that the care he was receiving was excellent and that the trip could further endanger his life. McKernan's body will be cremated. There will be no traditional funeral services.

Evelyn Murphy, vice chairman of NACOA, will be acting chairman. The term of the former Massachusetts environmental department head on NACOA runs until 1981. The chairman is appointed by President Jimmy Carter. With up to nine new members due to be appointed to the oceans advisory group in July, it is speculated that the White House will not name a new chairman at least until then. The past performance of the White House being what it is when it comes to naming members to NACOA, it may be much later than July before any action takes place.

McKernan will be missed. Sometimes obstinate, often impatient, occasionally more political than some wanted him to be, he was a giant among the long-time leaders of the marine community in this country. In a decade where the politics of the oceans has been passed off as philosophy, McKernan rarely ducked a problem.●

DEMOCRACY IN RHODESIA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. ASHBROOK. Mr. Speaker, a newly elected Government is now formally installed in the nation of Rhodesia. This Government, brought to power by one of the most open and free elections ever held in Africa, represents the first step in the long process of evolving a stable and thriving democratic society. Many of the political commentators in this country, especially the all-seeing Mr. Young, continue to fail in understanding what is going on in Rhodesia. Democray is a difficult concept to grasp let alone achieve. For a nation to, in one election, accompolish as much as Rhodesia has done to establish a democratic government is a monument to the people of that country.

It seems that one major successful step toward a viable democracy is not enough for Mr. Young and his cohort in the media. They forget, perhaps out of convenience, that our own Nation did not establish a democracy overnight. In fact, we never really established a pure democracy. Our Founding Fathers wisely opted for the complexities of federalism to insure the rights of our diverse Nation and its many States. This experiment in preserving the rights of the minority as well as assuring the ability of the majority to govern came only after the evolutions of a Continental Congress, a Confederation, and a Constitutional Convention had attempted to provide guidance for a young nation. Today we still allow for the preservation of minority representation in the Senate of our Congress. In that Chamber 14 States, comprising 4.7 percent of the population, hold 28 percent of the seats. To balance this, the House has representation in direct proportion to the population of the Nation. I do not need to relate these basics to my colleagues. However, those who are quick to criticize the Rhodesian elections and to point in horror to the seats held by white Rhodesians, easily forget how our own Government was designed and is run today.

I provide, for my colleagues reading, an excellent article written by George F. Will. Mr. Will provides some substantive points on which to base the Rhodesia issue:

RHODESIA: STEP-BY-STEP DEMOCRACY

(By George F. Will)

Immediately after the election in Rhodesia, Andrew Young said on television that the elections were "stolen" before they occurred, "when the constitution was drawn up." Young, the U.S. ambassador to the United Nations, said this in the presence of Bayard Rustin, a black civil-rights leader who had been in Rhodesia to observe the elections.

Rustin saw in Young's remark the implication (which is the position of the terrorist Patriotic Front) that the black leaders who participated in the election are, at best, Uncle Toms or, at worst, collaborators. Rustin pounced on Young, denouncing the "supreme arrogance" of assuming that the black leaders, "many of whom have served up to 10, 12 years in prison," cannot be trusted to judge their people's interests.

It is true that Rhodesia's constitutional formula for allocating power today gives whites disproportionate advantages. But the formula is explicitly transitional. And complaints about deviations from "one man, one vote" should not issue from the United States where, under permanent constitutional provisions, 14 states with 4.7 percent of today's population have 28 percent of the Senate seats. Rhodesia has done what the American Founding Fathers did when they resolved the dispute between the big and little states at the Constitutional Convention in 1787. That is, Rhodesia has accommodated constitutional arrangements to powerful interests.

And the United States should not be sniffy about nations that expand democracy step-by-step through constitutional evolution. In 1790, suffrage in America was, primarily, the right of wealthy white males; and not until 1964 did all blacks have an effective right to vote.

There was pressure on all Rhodesians to participate in the elections. But the terrorists used bombings and killings to discourage voting, which they called a "war crime." About 60 percent of the eligible electorate voted anyway. (In 1978, in Andrew Young's Georgia, the figure was 18.6 percent.)

Rustin was struck by the "fantastic enthusiasm" of the voters. As for one loser's charge of election irregularities (a charge made the day the votes were counted, after five days of voting), Rustin says:

"I'll give you the timing. At 11 o'clock in the morning he said the elections were perfectly fair. At 2 o'clock in the afternoon it appeared that he had lost. At 4 o'clock he called a press conference to denounce it."

In 1978, Congress stipulated that, in order to decide whether to lift sanctions against Rhodesia, the president must decide whether a government has been chosen by free elections. So, having eschewed the "arrogance of power" that (allegedly) made the United States the "policeman of the world," the United States seems prepared to become the "poll-watcher of the world." But in Rhodesia the administration refused to watch.

It refused to send observers and, as The Washington Star says, it seems to regard as an "embarrassment" the modest victory for democracy in Rhodesia. This is not only because the administration underestimated the potential for a peaceful transfer of power to the black majority. It also is because evidence of that potential is, The Star says, "inconvenient."

The administration seems to regard as moral equals the black leaders within Rhodesia who have helped to plant the seedling of majority rule, and the terrorists based outside Rhodesia who vow to uproot it. That, at any rate, is the logic of Young's position, and the secretary of state either cannot or will not control his propagandizing subordinate.

The "front-line" African countries attacking Rhodesia's internal settlement are not famous for civil liberties. Regarding those and other critics of the settlement, The Washington Post says, there is something "unattractive in this spectacle of people playing at concern for free elections. And this is especially true when it is inconceivable that the United States would expect the Patriotic Front, if it won the war, to hold elections of any kind. By any international standard of democratic practice you care to invoke, the Rhodesians did pretty well."

The grand fact is that Rhodesia now has an elected black prime minister. But critics like Young judge every Rhodesian development by the standard of whether it will "end the war." That standard eventually will dictate surrender to those who will settle for nothing less than surrender. There are people in Washington who favor essentially that, lest the Russians send in the Cubans, thereby souring "detente."

But there is an alternative to preemptive surrender as a way of ending a war: Win it. ●

THE 2D POLISH CORPS—THE HEROES OF MONTE CASSINO

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. MOFFETT. Mr. Speaker, tomorrow, May 18, marks the 35th anniversary of the World War II battle in which the 2d Polish Corps overtook a key German defense system at Monte Cassino Monastery in Italy. The Polish troops were led to victory by Lt. Gen. Wladyslaw Anders in one of the most fierce and bloody battles of the war.

Thousands of Polish ex-servicemen from all over the world will gather tomorrow at Monte Cassino, Italy, to commemorate the victory of this historically important battle, and to honor the men who lost their lives in the struggle.

The battle of Monte Cassino is just one illustration of the significant role the Polish Corps played during the Second World War. Their bravery and unyielding will to defeat the brutalities of the Nazi regime served as an inspiration to all those who fought in the war against Hitler's Third Reich.

The inscription on the monument to the Polish dead at Monte Cassino reads:

> We Polish soldiers, for our freedom and yours, have given our souls to God, our bodies to the soil of Italy, and our hearts to Poland.

I ask all Americans to remember these heroes of Monte Cassino, and to pay tribute to their vital role in the world-wide struggle for true freedom and peace. ●

B'NAI SHOLOM CONGREGATION CELEBRATES 75TH ANNIVERSARY

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. QUILLEN. Mr. Speaker, on behalf of the First District of Tennessee, I would like to ask the House of Representatives to join with me in commemorating the 75th anniversary of the B'Nai Sholom Congregation of Blountville, Tenn.

It was my privilege on May 6 to join with my friends in this congregation for a rededication ceremony in Blountville. Having also been with them more than 20 years ago, for the groundbreaking at their new community center in Blountville, it was especially heart-warming for me to return as guest speaker at their rededication ceremony.

The history of this congregation is in itself testimony to the dedication of its members to the Jewish faith and ideals.

B'Nai Sholom means "sons of peace." The B'Nai Sholom Congregation was founded in 1904, giving Jewish families from Johnson City, Kingsport, and Bristol a place to worship and maintain Jewish community services.

After founding, members of the congregation created a Jewish cemetery in Bristol, and held meetings in that city for the next 22 years. In 1927, the congregation purchased a building in that city, but had outgrown it by 1957. It was in that year that the congregation took its home to the centralized Blountville location. Today, with 70 families, it remains the only Jewish community center in upper east Tennessee. It has grown and flourished through the years for one simple reason—the dedication and spirit that these families share with the families who have nurtured the Jewish homeland of Israel over the past 31 years.

Victor Zager, the president of the congregation, said that the recent rededication ceremony would "renew the old" and "sanctify the new."

The members of the congregation have grown through the years, developing some diversity of ideological practices. Yet throughout this natural change, the congregation has maintained its unity through its faith and the Jewish heritage. It has embraced the new, yet reveled in the old, and for that reason richly deserves the congratulations of the many friends who joined me in honoring them with these words:

> Congratulations on the anniversary of your congregation. It is a pleasure to send my very best wishes to all of you and to join in your prayers for continued spiritual strength for all Americans.
>
> Jimmy Carter.

I sincerely regret that I cannot join you and the B'nai Sholom Congregation in a celebration of your 75th anniversary in the Tri-Cities.

It is, I think, a particular distinction of the B'nai Sholom Congregation that you have given so much of yourselves to the improvement of your community, to its growth and to its sense of brotherhood and goodwill among all people.

This is, of course, a year of great celebration for Jewish people throughout the world, now that peace has been established between Israel and Egypt. It is my belief that the prayers of the faithful were as instrumental in establishing this new covenant as were the negotiations between the principals themselves.

So I congratulate you on your service and your faith in these last 75 eventful years, and I wish for you and your Congregation peace and long life.

Senator HOWARD H. BAKER, Jr.,
Minority Leader.

Thank you for your letter and for the invitation for me to participate in the program on May 6, celebrating the seventy-fifth year in Northeast Tennessee of your B'nai Sholom Congregation.

Your kind invitation is greatly appreciated and I wish I could be with you and other friends on this occasion. However, I have a prior commitment on May 6, and will be unable to attend.

Please convey my sincere congratulations to your congregation on this outstanding occasion and extend my very best wishes to all of our friends.

With kind personal regards, I am,

JIM SASSER,
U.S. Senator.

I do regret not being able to be with you to share in the 75th anniversary rededication ceremony of the B'nai Sholom Congregation on Sunday. It would have given me much pleasure to have joined you on the occasion when you look back on three quarters of a century of rich and fruitful service, and yet look forward with renewed spirit to future milestones in your congregation's proud history.

You have my sincere hope for a very happy celebration. I am confident that your fine record of achievement and contribution to the common good of the Tri-Cities area and the state will continue and will ultimately be of benefit to all mankind. Honey joins me in sending you our congratulations and warm good wishes.

LAMAR ALEXANDER,
Governor, State of Tennessee.

In addition, Mr. Speaker, let me share with you the words of Victor Zager:

REMARKS BY VICTOR ZAGER, PRESIDENT OF B'NAI SHOLOM CONGREGATION: "TO RENEW THE OLD, TO SANCTIFY THE NEW"

These words of wisdom from the late Rabbi Abraham Isaac Kook are the theme for our 75th Anniversary Commemoration and Rededication.

Seventy-five years of history has been forged here, filled with hopes, aspirations, disappointments, tragedies, triumphs, simchas and memories.

At the turn of the century when our congregation began, our community and country had an image of a melting pot, welcoming all people, all nationalities and extending to them the privilege of economic opportunity and political freedom. It encouraged people and nationalities to cast off their folkways, their traditions, whatever made them distinct and in turn they were asked to adopt the way of life which emerged from the melting pot. Here in the Tri-Cities area that melting pot had a special Christian flavor all its own. To fuse, to blend, was a small price to pay for the prize of being accepted. In fact there were those here who thought the reward was well worth the price.

However, our original founders and their successors resisted this approach. They knew that their Jewish heritage was the real prize and regardless of the inconveniences or disadvantages they would suffer they would continue their Jewish identity and the task of raising future generations as Jews. It was for these reasons that we have our synagogue, our religious school, our Jewish institutions and our Jewish cemetery here.

They knew that our Jewish heritage differs from that of other people in that its mainspring is not social, economic, geographic or historical but theological and divine. A Jew must not only be concerned about the perfection of his social order, but he must be concerned about the perfection of his own soul as well. Perfection of the social order is a social issue while perfection of the soul is a theological Jewish imperative.

Now seventy-five years later by maintaining our Jewish identity and by our interaction and our contributions, we have enriched the overall community by adding another dimension to the spiritual growth of this area, and at that same time have fulfilled our prophet mission. The Bible Belt would be incomplete without the participation of the people, our people, who literally brought the Bible down from Mount Sinai more than 3,000 years ago.

It is therefore with a great sense of pleasure and delight at this juncture of time, that we, as a Jewish community, pay our respect with reverence, love and appreciation to those who came before us. We pledge to renew their work, to continue their struggle which is now ours, and to rededicate ourselves as a people to renew the old and to sanctify the new, by following the traditions and the ethical and moral imperatives that our predecessors so noble devoted their lives to.

On behalf of the entire congregation it is my pleasure to accept this rededication plaque which shall be permanently affixed in this sanctuary to mark this historic event. The plaque reads as follows:

Upon the Occasion of our Seventy Fifth Anniversary, We, the Jewish Community of B'nai Sholom, Rededicate ourselves to these tasks:

Maintain a house of worship;
Provide religious education;
Provide social and religious contact;
Alleviate wants of the poor and needy; and
Maintain a Jewish cemetery, 1904–1979.

VICTOR ZAGER,
President. ●

ARCHITECTURAL BARRIER AWARENESS WEEK

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. SIMON. Mr. Speaker, the physical environment that many of us take for granted often poses insurmountable obstacles to disabled people.

For a person in a wheelchair, for example, doors may be too narrow to enter or a flight of steps may block the way into a building.

Reaching a water fountain or a telephone, or using a restroom may be impossible unless special changes have been made to accommodate disabled persons.

Boarding a bus can be an impossibility because most of our public transit systems are not designed to provide transportation for handicapped people.

Mr. Speaker, in recent years, some progress has been made in Congress to affirm the rights of handicapped Americans to a barrier-free environment.

The Architectural Barriers Act was passed in 1968 to guarantee for disabled people independent access to public buildings and facilities. And when that legislation proved not enough to insure the elimination of architectural barriers, Congress in 1973 created the Architectural and Transportation Barriers Compliance Board to enforce compliance with standards of accessibility to Federal buildings and facilities receiving Federal support, and to promote the elimination of barriers.

Under the Comprehensive Rehabilitation Services Amendments of 1978 the Architectural and Transportation Barriers Compliance Board was given new responsibilities. The Board is authorized to give technical assistance in the removal of barriers to the handicapped, and the new law empowers the Board to sue for enforcement of the Federal accessibility standards.

Mr. Speaker, barrier-free access to buildings and transportation systems is essential to the well-being of millions of handicapped Americans. To achieve our aim, we need a national commitment to break the pattern of isolation and dependence of disabled persons.

This week has been designated by the President as National Architectural Barrier Awareness Week to call attention to the importance of that commitment. I would like to share with my colleagues and others the President's proclamation calling on all Americans to work toward the removal of barriers which deny handicapped people the chance to grow to their full potential and to enjoy independent lives.

The proclamation follows:

NATIONAL ARCHITECTURAL BARRIER AWARENESS WEEK

(By the President of the United States of America)

A PROCLAMATION

Architectural and other barriers often keep millions of Americans from participating in and contributing to our society. These barriers come in all shapes and sizes—from a six-inch curb and inaccessible bus to an unbrailled menu and uncaptioned news broadcast.

These physical and other kinds of barriers deny daily access for millions of America's elderly and handicapped citizens to jobs, transportation, recreation and public service. Attitudes and customs contribute to this problem.

Physical access often determines whether people can enjoy their rights and freedoms and exercise their responsibilities. Most of us take such access for granted. However, many disabled and disabled elderly cannot.

The first Federal legislation to eliminate barriers was the Architectural Barriers Act of 1968. To help implement that law, Congress created—within Section 502 of the Rehabilitation Act of 1973—the Architectural and Transportation Barriers Compliance Board.

The Board has worked to remove and prevent environmental barriers in this country. By doing so it helps ensure that disabled persons can enter and use facilities that their tax dollars support. And it helps inform Federal agencies that these facilities must be accessible from the time United States dollars are used to design, build, alter or lease them.

The Board has mounted a national media campaign about barriers under its slogan, "Access America." In May 1979 it will launch a series of national seminars on barriers for leaders in business, industry and education. The Board is also surveying more than 1,000 federally-owned and funded facilities in the ten federal regions to assess compliance with Federal law.

A number of agencies have already taken important steps to eliminate barriers. The Veterans Administration, for example, has surveyed all of its 172 hospitals and has earmarked $1.2 million for 86 barrier-removal projects in fiscal year 1979. The General Services Administration intends to obligate $26 million between now and 1982 to retrofit many of its properties. I will continue to support such efforts.

But many barriers that block people from opportunity and fulfillment need the attention of State and local governments and the private sector. I herewith call upon all State and local governments and the private sector to join with the Federal Government in a partnership to eliminate barriers which limit full social participation by our disabled citizens. Only by working together as a Nation can we promote and provide full access to all of our citizens.

To encourage this national commitment, the Ninety-fifth Congress adopted House Joint Resolution 578 authorizing the President to proclaim the third weeks of May of 1978 and 1979 as National Architectural Barrier Awareness Week and to call for its appropriate observance.

Now, therefore, I, Jimmy Carter, President of the United States of America, do hereby designate the third week of May 1979 as National Architectural Barrier Awareness Week and ask all Americans to do all that lies within their power to remove all barriers—architectural, social, and psychological. Together we can make access a reality for all Americans.

In witness whereof, I have hereunto set my hand this tenth day of April, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER.●

SHATTER THE SILENCE: REMEMBER ANATOLY SHCHARANSKY

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. DRINAN. Mr. Speaker, Anatoly Shcharansky is still in prison today. On April 20, 1979, Anatoly Altman, Hillel Butman, Leib Khnokh, Boris Pension, and Vulf Zalmanson were released from prison and allowed to leave the Soviet Union in an unprecedented move by Soviet leader Leonid Brezhnev; Anatoly Shcharansky was not included in this group. Two weeks later, Mark Dymshitz, Alezander Ginsburg, Ed Kuznetzov, Valentin Moroz, and Gregory Vins were exchanged for two Soviet spies caught in this country in the first prisoner exchange in some time; Anatoly Shcharansky was not included in this deal.

We must not be silent, we must not forget the plight of this man who continues to languish in Christopol Prison, denied the right to receive visits from his family, denied the right to read his wife's letters.

Over 2 years ago on March 15, 1977, Anatoly Shcharansky was arrested, and last July he was convicted and sentenced to 13 years imprisonment allegedly for "anti-Soviet activities." But Anatoly's only real crimes were that he was both a dynamic leader of the Soviet Jewish movement and a key figure in the human rights movement monitoring the Helsinki Accords. The charges against Anatoly were bluntly and completely denied by President Carter and our State Department. The 31-year-old Moscow Jewish leader was singled out for special harassment by the KGB, because of his outspoken advocacy of human rights and because of his informal role as teacher, translator, and spokesman for the scores of Soviet Jews awaiting permission, like Anatoly, to leave for Israel.

Anatoly first applied for a visa to emigrate to Israel in 1973. Permission was refused on the grounds that he had access to classified material, even though he had deliberately taken a nonclassified position with the Moscow Research Institute for Oil and Gas—a totally open institution. Anatoly was repeatedly refused permission to emigrate and was often subjected to surveillance by the KGB. On several occasions his home was ransacked. In short, because of his active involvement in human rights issues, his life was disrupted in a systematic way by the Soviet Government who sought to discourage his activities. In March 1977, articles appeared in Izvestia, the official Soviet press, stating that Shcharansky and others were guilty of treason and working for the CIA—an accusation that was specifically denied by President Carter in June 1977.

Anatoly Shcharansky's wife, Avital, has tirelessly traveled throughout this country and many others, seeking support for her husband's plight. Her courageous efforts give hope to the struggle and serve as a symbol of the dedication of Anatoly himself in furthering the cause of human liberties. Mr. Speaker, we cannot let the Soviets forget that we will not stop our cries of protest until this man is allowed to leave the Soviet Union and join his wife in Israel.

Mr. Speaker, we have a special obligation to press for the release of Anatoly Shcharansky. The Soviets have tried and convicted him on charges of conspiring with officials of the U.S. Government—a blatant lie. We must not let our silence give credence to the Soviet claim that the charges used against him at his trial were, indeed, true. We must not let the Soviets deny Shcharansky the fundamental human rights he so courageously sought to guarantee for others.

Mr. Speaker, as the chairman for the International Committee for the Release of Anatoly Shcharansky, as a concerned Member of Congress, and as a committed human being, I urge all my colleagues to ask President Carter to continue to press for the release of Soviet activists as he has done so successfully in recent days past, and I urge you to ask President Carter to specifically request the release of Anatoly Shcharansky.●

CONCERN ABOUT NATIONAL PRIORITIES

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Ms. HOLTZMAN. Mr. Speaker, the Young Women's Christian Association of the United States has written to President Carter to express its dissatisfaction with his 1980 budget and asking him to rethink the priorities reflected in it. The YWCA is particularly concerned about the large increase in military spending recommended by the President which, in their words, "far exceed(s) our real security needs," as well as the proposed cuts in housing, education, health, and jobs and training.

The letter from the YWCA is an important and accurate reflection of the dissatisfaction that many Americans feel toward the 1980 budget. I commend it to my colleagues attention.

The text follows:

MARCH 18, 1979.

THE PRESIDENT,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: The National Board of the Young Women's Christian Association, meeting in New York City on this day, wishes to express to you its concern about national priorities as we see them reflected in your proposed budget for fiscal year 1980.

Since its founding in the mid-nineteenth century, our movement has been actively concerned not only with the welfare of all women and girls, but also with providing a fellowship through which women and girls can join in the struggle for peace and justice, freedom and dignity, for all people. The women and girls of all races who comprise our membership care gravely about issues that affect our nation and our world, not merely about those things that are sometimes narrowly defined as "women's issues."

We agreed with your recent statement that the poor and those on fixed incomes are the most helpless victims of inflation. But your budget proposals, in our opinion, will neither curb inflation nor relieve the plight of the poor, the minorities, the unemployed, the ill or disabled or elderly, nor redeem our blighted cities.

We question whether a federal budget deficit is the cause of inflation. A budget deficit necessary to keep human services funded at their current level would have only a minimal impact upon inflation. Military spending, on the other hand, is the largest federal contributor to inflation. Therefore, from a budgetary point of view we question the increases proposed for national defense spending. Many studies indicate that recent levels of military spending far exceed our real security needs. Further, we believe that the military budget should be as carefully reviewed for waste as any other area of government spending, particularly since the Pentagon has been unable to spend $22 billion of funds currently appropriated, and will have an estimated surplus of almost $100 billion by the end of the 1980 budget year.

We know of no international crisis that can justify such increases as $5.1 billion in military procurement and $2.2 billion in supplemental weapons. We are alarmed by the reorientation of our defense posture toward fighting a nuclear war rather than preventing one. If our weapons systems increase the threat of nuclear war, they promote not national security but national insecurity.

The YWCA believes that the true security of this nation depends upon the health and well-being of its citizens, and upon their love for a great nation that meets their human needs and guarantees their freedom.

Among our many concerns, we mention two major ones. It is to us unthinkable that social security funds should be used to reduce the FY 1980 budget deficit, or that promised benefits should be reduced or eliminated. The right to social security has been based on a moral compact between the government and the American people: "Contribute during your working years and the government will pay you and your dependents what has been promised when you are unable to work because of old age, disability, or death." The immediate cuts you propose will hurt widows, the disabled, young people, and poor people. It is hard to see how a compassionate Administration can justify these immediate cuts, or how an Administration of integrity can justify breaching the faith which has undergirded the social security system.

Cuts proposed in employment and training programs can scarcely be justified even in coldly economic terms in view of the fact that every 1% rise in unemployment adds $20 billion to the budget. If unemployment were substantially reduced, the budget deficit could be eliminated by this means alone. We continue to believe that the best protection against inflation is a job at decent wages for every American willing and able to work.

We are also greatly concerned about the cuts proposed in housing, education, health, transportation, community development, juvenile justice, and rural development, among others.

Mr. President, the National Board of the YWCA urges you to rethink your priorities for federal spending in the light of your commitment to the true security and welfare of all the American people.

Sincerely yours,

ELIZABETH S. GENNI,
President.●

RHODESIAN ELECTIONS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. LAGOMARSINO. Mr. Speaker, the following article, which appeared in the Ocean County Citizen of May 3, 1979, concerns an observer's experience of the recent Rhodesian elections. The author of the article, Robert Morris, discusses his personal experience of observing the elections. I believe it is further evidence to reverse our policy toward Rhodesia; lift sanctions and recognize the new government.

The article follows:

REPORT ON RHODESIAN ELECTIONS

(By Robert Morris)

I am leaving Salisbury, Rhodesia where I have spent a week observing the elections which will transfer this lovely land from a meritocracy where people had to earn the right to vote, to a government of universal suffrage. I have many thoughts, many of them rather emotional and I shall endeavor to put them to the pen.

My memory of the scores of gallant, cheerful and complaisant Rhodesians, black and white, who have been protecting me alone, will remain vivid: camouflaged riflemen who accompanied the observers and the newsmen as we inspected polling booths in the shadow of the Mozambique border; the hundreds of security forces most of whom, lying hidden around beautiful Salisbury Park that abuts the Monomatapa Hotel housing the observers, who protected us from the guerrillas who have threatened to put a rocket into our hotel in order to create the desired incident that would mar the elections; and the specially conscripted military police who stand guard at the elevator exits to the four floors where the observers are lodged.

And from whom are they protecting us? The terrorists whom our own government is encouraging and supporting!

The realization that the United States of America, with its great tradition of liberty and justice, is warring on these brave people with our illegal sanctions, tugs at one's heart strings.

This country is a spirited oasis in a world that has lost its spirit. A sense of duty everywhere prevails. There is virtually no unrest as we and all other countries of the world know it. Peter Allum, the competent Commissioner of Rhodesian police told us at a briefing there have been only 21 instances of civil unrest since 1972. Of these 5 have been caused by disputes over such sporting event episodes as a faulty referee's decision, 3 were labor disputes, 2 were disturbances at political meetings, 1 involved student unrest, 1 was caused by a traffic accident and 6 were caused by interfactional political disputes. 21 picayune cases like this over 8 years! In contrast if one listens to our domestic radio news he will hear that many serious disputes in one week. Yet we presume to lecture to these people on how their government should be run.

Although we had the original impression that the terrorist attacks were abating during the voting, I learned rather authoritatively later, that the opposite was true. The reduced killings proceeded from increased security force efficiency rather than from lessened guerrilla thrusts.

There are two terrorist forces operating in the country. Both are externally based and are subsidied and equipped by Communist bloc countries. Joshua Nkomo has 2700 men inside Rhodesia but he has 16,000 more in Zambia already trained and 5000 under training in Zambia and Angola and 5000 in Russia. These understandably have been the objects of the attacks by the Rhodesian security forces. They are directed by KGB operative Vasily Solodovnikov who poses as the Russian ambassador to Zambia.

Robert Mugabe, the other terrorist leader, has 9300 men in the field with 6000 already trained and camped in Mozambique. He has 7000 to 11,000 in training in Tanzania, Ethiopia and Libya. It is interesting to note that while the Soviet Union supplies vast quantities of munitions to the terrorists, they insist that the host country of the terrorists pay for them and, ironically, the West finances the host countries. Zambia in particular is the beneficiary of large grants from the United States, the UN, the International Monetary Fund and the Organization of African Unity. The U.S. and Great Britain have been financing Mozambique and the World Council of Churches has been making direct grants to the terrorists even while the latter have been massacring their missionaries.

When we were in the Chipinga District in the southeast sector of the country, the security forces told us of some of the tactics of the terrorists. They descend on a black village, seize the father of a large family and lock him in his hut. They direct the mother to put a torch to the hut. When she understandably refuses, they shoot one of her children. She refuses again and they shoot another child. In anguish she puts the torch to the hut and groans hysterically when she hears the tortured cries of her husband being roasted alive in the hut.

These incidents of terror are even joyously recorded back in Washington as statistics to support the State Department's conclusion that we must put the terrorists in the Rhodesian government. Don't they realize that black majority rule means that the people of Rhodesia, not left wing bureaucrats in Washington or London or Mikhail Sytenko, the tough Russian who directs the UN security forces from New York, must make the decisions and elect their leaders?

Last night I met a woman whose son had just been drafted. She is in a position to meet visiting dignitaries, the press and government officials. She bristles as she hears each one of these issue their trendy appraisals of how much pressure should be put on Ian Smith and how we must pay attention to our image in the eyes of black Africa. "My God" she burst out "Don't they know that they are our sons' lives that they are using as punctuation marks in their theoretical postulates."

I had a short session with an important Washington editor covering the elections. He granted that the elections were eminently fair but he went on, "This is only one step. We cannot proceed too fast. We must keep the pressure on. Rome wasn't built in a day." "Pressure for what", I asked "How about all the killings? Haven't the Rhodesians done everything anyone asked them to do?"

The newspaper delivered to our door each morning, carried stories on the atrocities committed in Uganda to our north and the interminable executions in Iran. The details of Idi Amin's tortures, almost too horrible to digest and the cruel executions on the roofs of Teheran, do not interfere with our recognition of those regimes. We have never demanded of Idi Amin, for recognition, what we are demanding of Ian Smith. In fact we have trained Amin's helicopter pilots.

Probably the highlight of our daily briefings were the responses of Ian Smith to the biting questions put to him by the press. He related with agonizing repetition, the litany of betrayals of his agreements: with Great Britain and the United States. For instance in September 1976, under pressure, he made a compact with Dr. Henry Kissinger, then our Secretary of State, to fashion a government of black majority rule in return for which we promised to lift the sanctions and recognize the resultant government. Kissinger had represented that the agreement had support of all parties. But President Nyerere of Tanzania and the "Patriotic Front" vetoed the agreement and Great Britain and United States defaulted and proceeded to blame not Nyerere or the guerrillas but Smith who had kept his part of the bargain.

Two black men responded with feeling to one of the pressmen's inquiry if sanctions were succeeding in pressuring the government to give more rights to the blacks. "Sanctions", they said "they are hurting the black man. They are taking our jobs."

The one criticism I have heard is that some employers and businessmen were rather overenthusiastically urging the blacks to vote. By what precept of civil liberties is it wrong to teach a black man to make an X and to encourage him to vote. Isn't that what the white Rhodesians were accused of discouraging?

The State Department and the enemies of Rhodesia continue to repeat the contention that the elections have been unfair because one sector of the population, the guerrillas, have been excluded. The Government Information Office in Salisbury has chronicled and distributed the long list of efforts by the interim government to urge the "Patriotic Front" to participate in the elections. They have consistently refused. Clearly they have excluded themselves. They do not want elections, they want control. Mugabe has a death list of officials who are to be executed when he takes over.

Our American Rhodesian Association observer team headed by Ambassador John Davis Lodge has concluded, on the basis of our experiences during the week, that the elections were fair and free and that the interim government has complied with the two conditions set down by Congress in the Case-Javits amendment to the International Security Assistance bill passed last fall. President Carter therefore should mercifully comply and lift the sanctions thus discouraging the terrorists, in order to bring peace to this exciting land.●

CIGARETTE TAXES

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. WAMPLER. Mr. Speaker, do you know which consumer product bears the highest tax of any item on the American market? Tobacco. Nearly one-half the cost of a pack of cigarettes goes for Federal, State, and municipal taxes. In 1978, when all the excise taxes were collected, the grand total was over $6 billion.

Mr. Speaker, the Commonwealth of Virginia is a tobacco-producing State. The Tobacco Tax Council of Richmond has published an article entitled, "Why You Pay More Than 28¢ a Pack for Your Cigarets." It carries a table that shows in some States, taxes amount to as much as 114 percent of the basic cost of cigarettes.

I would like to share this information with my colleagues:

WHY YOU PAY MORE THAN 28 CENTS A PACK FOR YOUR CIGARETS

Almost without exception, cigarets bear the highest tax of any item the American consumer buys. Nearly one-half the cost of a pack of cigarets goes for federal, state and municipal cigaret taxes, not to mention the sales tax many jurisdictions place on top of all the other taxes.

If it were not for these burdensome taxes, the consumer would pay 28 cents a pack or $2.80 per carton for his cigarets. This price would cover all the cost of production and provide a reasonable profit for everyone involved in bringing cigarets to the marketplace, including the farmer, the manufacturer, the wholesaler and the retailer. Instead, the price of a carton of popular brand cigarets ranges from $3.73 to $6.57 depending on the state in which they are purchased; and in the higher tax states, the greatest profit goes to the tax collector.

Combined federal, state and, in some jurisdictions, municipal cigaret taxes account for the wide variance of cigaret prices from one state to the next. In addition, states which add the sales tax on top of all the other taxes can run the cost of a carton from 11 to 30 cents higher. This means the individual who smokes a pack a day can pay anywhere from $40.15 to $116.80 more a year in taxes than does his non-smoking neighbor, yet the smoker gets no more return for these additional taxes than does the non-smoker. Also, since cigaret taxes are fixed, the lower income smoker pays a larger percentage of his income for taxes than does the more affluent smoker.

If all goods and services were taxed at the same rate as cigarets, their cost would be increased, on the average, by 79 percent. For example, at those rates a $6,000 automobile would cost $10,740, a $600 television set would sell for $1,074, a $50 watch would be priced at $89.50, and a 20 cents candy bar would cost 36 cents. With prices like these, Americans would only be able to buy the bare necessities of life; and the tax burden would take most consumer goods off the market.

The table below shows the tax rates for the fifty states and the District of Columbia. As can be seen, these taxes add anywhere from 39% to 114% more to the basic cost of cigarets, increasing the amount the consumer has to pay by 11 to 32 cents a pack in taxes alone. When all the cigaret excise taxes at all levels of government were collected for fiscal year 1978, the grand total was over six billion dollars. Added together it seems monumental; but taken from the taxpayer a penny at a time, it is quite painless; and therefore, few take any action about these exorbitant and discriminatory taxes.

No one believes cigarets should not be fairly taxed; but unless some action is taken to relieve tobacco of tax exploitation, other commodities may well come under the same burdensome tax treatment.

Every taxpayer who smokes should advise his legislator of the facts on cigaret taxation. Action must be taken to stop the growth of these discriminatory taxes which unfairly add to the ever increasing cost of living.

CIGARET TAXES AS A PERCENTAGE OF BASIC COST

[Amounts in cents]

[In the absence of excise and sales taxes a pack of cigarets could be sold for 28 cents per pack and this would cover all of the costs and profits accruing, from the farmer who puts the seed into the ground to the retailer who sells the finished product to the consumer.]

State	State cigaret tax per pack	State sales tax per pack	Federal cigaret tax per pack	Total taxes per pack	Taxes as a Percentage of basic cost
Alabama	12	2	8	22	79
Alaska	8	----------	8	16	57
Arizona	13	2	8	23	82
Arkansas	17.75	----------	8	25.75	92
California	10	4	8	22	79
Colorado	10	----------	8	18	64
Connecticut	21	----------	8	29	104
Delaware	14	----------	8	22	79
District of Columbia	13	3	8	24	86
Florida	21	3	8	32	114
Georgia	12	1	8	21	75
Hawaii	13.5	3	8	24.5	88
Idaho	9.1	2	8	19.1	68
Illinois	12	2	8	22	79
Indiana	10.5	2	8	20.5	73
Iowa	13	2	8	23	82
Kansas	11	2	8	21	75
Kentucky	3	2	8	13	46
Louisana	11	2	8	21	75
Maine	16	----------	8	24	86
Maryland	10	3	8	21	75
Massachusetts	21	----------	8	29	104
Michigan	11	2	8	21	75
Minnesota	18	----------	8	26	93
Mississippi	11	3	8	22	79
Missouri	9	2	8	19	68
Montana	12	----------	8	20	71
Nebraska	13	2	8	23	82
Nevada	10	2	8	20	71
New Hampshire	12	----------	8	20	71
New Jersey	19	----------	8	27	96
New Mexico	12	2	8	22	79
New York	15	2	8	25	89
North Carolina	2	1	8	11	39
North Dakota	11	2	8	21	75
Ohio	15	----------	8	23	82
Oklahoma	13	----------	8	21	75
Oregon	9	----------	8	17	61
Pennsylvania	18	----------	8	26	93
Rhode Island	18	----------	8	26	93
South Carolina	7	2	8	17	61
South Dakota	12	----------	8	20	71
Tennessee	13	3	8	24	86
Texas	18.5	----------	8	26.5	95
Utah	8	3	8	19	68
Vermont	12	----------	8	20	71
Virginia	2.5	2	8	12.5	45
Washington	16	3	8	27	96
West Virginia	17	2	8	27	96
Wisconsin	16	2	8	26	93
Wyoming	8	----------	8	16	57

Note: The above table does not include municipal or county cigaret taxes or local general sales taxes where local rates vary within a State and are not uniformally collected. Data as of Jan. 31, 1979.

Source: Tobacco Tax Council, Richmond, Va. ●

A DEPARTMENT OF EDUCATION

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. LEE. Mr. Speaker, I offer the following comments concerning the creation of a Cabinet-level Department of Education for the RECORD, to continue my practice of sharing with my colleagues the thoughts which I write to my constituents of the 33d Congressional District of New York.

It is good to remember that sometimes what we see as the light at the end of the tunnel is really a train speeding toward us. Proposals to create a Department of Education may be one of those lights.

At a purely personal level, it is hard for me not to rush enthusiastically to the support of such a department. My career started as a high school history teacher, then a college administrator. I have always been very close to education as a profession.

But every Member of Congress, regardless of the job he or she held before, relinquishes some personal interests and lays aside some torches when the broader perspective of national elective office demands it. This is one of those cases.

So far, the Senate has endorsed creation of the new Department, and the House Committee on Government Operations has endorsed, though by only 1 vote, 20 to 19. The question of removing the "E" from HEW—Health, Education, and Welfare—may come before the House of Representatives in the next few weeks. The President supports such a Department's creation, a pledge he made to the National Education Association during 1976 campaigning.

Elsewhere, opposition is substantial and growing. Even in our own 33d Congressional District, returns to my questionnaire indicate that Finger Lakes area residents do not support the new Department. By a 65-percent margin, they oppose formation of a separate Cabinet position.

I agree with this assessment. This is not the time to add more bureaucracy; a new Cabinet seat is not necessary to improve education's programs; the spirit of our Federal Constitution should be followed for education, just as any other endeavor.

The Constitution did not make provisions for the Federal Government to become involved with education. Rather, the task was left to State and local governments where locally elected boards of education, usually in conjunction with churches. It was not until much later that the Federal Government addressed the subject, and then only to help provide money for local schools. In 1867, a Federal, non-Cabinet Department of Education was created. It was rapidly downgraded to a lesser status, as the Office of Education.

Today, the Federal role in education is primarily as a conduit for funds. Education consumes nearly $22 billion of our annual national budget, through 300 different programs in 40 agencies. This total cost is more than the combined expenses for the Departments of State, Interior, Housing and Urban Development, Commerce, and Justice. It is this size which advocates of the Cabinet position point to first as evidence of the need for a separate Department of Education.

No one questions the size of the commitment of American dollars to education. What we seriously question with this proposed new Department is the policymaking powers that would follow closely on its creation. Already, the Federal Government forces its arbitrary wisdom on local school districts by withholding aid, the issuance of rules and regulations, or court decisions. I fear that centralization of education in America at a Cabinet position as it is now proposed would tiptoe at the edge of Orwell's "1984." If anything, we need to decentralize the process more, to return more alternatives-selection to the local boards, not take it away.

Advocates argue that the huge financial investment in education, and the fact that nearly 60 million Americans are affected by the formal process each day, demand that the Nation elevate the status of education to a Cabinet level.

I cannot agree with that assessment. The magnitude of the investment alone indicates our commitment. Giving it a seat at the President's cabinet would not make education more important, only more visible. The Secretary of HEW now operates the Nation's largest, most powerful Cabinet-level department. A new secretary might just lose that influence. In addition, the current proposals for creation of a new Department do not consolidate all national educational functions. It would be nearly impossible to shift every program designed for another purpose, but which also serves an educational purpose. For instance, the veterans training areas certainly are an educational process, but they are a specifically targeted function in the Veterans' Administration which would not be met in a Department of Education.

The result, however, may be much more simple than all of these arguments combined. Any alert legislator knows that this Nation cannot afford many more "good ideas."

Any proposed consolidation of Government functions is proclaimed to have benefits to the taxpayer; that placing all educational agencies and tools in one basket will save duplication of specialists, space, dollars and overlapping responsibilities. In brief, the goal to save money is meritorious. But our Nation's experience does not reflect this.

As recently as October 1977, that logic was used in the creation of the Department of Energy. The agencies and offices that were consolidated into the new superagency employed 18,078 persons and spent a combined total of $5.2 billion in fiscal year 1977. In fiscal year 1978, the new Department spent 57 percent more, $8.2 billion, and employed 19,500 civil servants. It is estimated that the fiscal year 1979 expenditure will be $10.1 billion.

The proposed Department of Education budget, in its first year, would be about $14.5 billion, where our costs would start growing. That figure does not reflect many of the dual-purpose programs, such as veterans' training, which would be left in their current Departments and budgets.

Simply stated, the American taxpayer wants no new bureaucracy, particularly one designed to centralize a duty that is historically, constitutionally, logically, and rightfully a community responsibility today. The Federal role in education is to help it, not to homogenize it. Outside the Supreme Court system which determines what fits the constitutional need, Uncle Sam cannot and should not dictate school practices.

Approval of this Department in its current legislative form and in light of the American mandate for fiscal austerity would be giving in to tunnel vision and ignoring the speeding train. We need to look for daylight somewhere else.●

CRUCIAL BRITISH ELECTIONS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. LAGOMARSINO. Mr. Speaker, the following editorial by William Randolph Hearst, Jr. addresses the crucial elections which were held in Great Britain this month. As Mr. Hearst notes, the election was extremely significant because of the rejection of the socialist policies of the Labour government. The voters clearly believe that those policies were not the solution to that nation's economic problems.

The new Government, under Margaret Thatcher, intends to encourage greater investment and savings by lessening the Government's direct intervention in the economy. I think that this dramatic policy shift will have a very positive impact upon Great Britain, and it will be a lesson which should not be lost on this country.

The article follows:

UNDER NEW MANAGEMENT

(By William Randolph Hearst Jr.)

LONDON.—It has been an exhilarating experience being in London this week.

The election of the fighting, fair-haired and photogenic Margaret Thatcher as Great Britain's first woman prime minister was not only an historic event. It was also an encouraging one—for us as for the British, whose prime ministerial system was established in 1721 with the election of Sir Robert Walpole.

The current poll results proved that a majority of the British people finally realize that socialism is not the answer to their economic problems.

It showed that bureaucratic government control of our lives, that soaking the successful by taxation to finance a welfare state, that tolerating excessive union power and irresponsible strikes does not lead to a better life for the average man and woman in a democratic, free enterprise system.

Hopefully, the winds of wisdom will carry the significance of this lesson across the Atlantic to our people.

The socialist Labor government has ruled Britain for 11 of the past 15 years. During that time, unemployment has more than doubled. Under its rule, inflation soared to 25 percent in 1975. Although it was brought down, it is again heading upward toward 12 percent.

Britain has the lowest manpower productivity of any major nation in western Europe—lower even than Italy.

There has been no real economic growth during the past four years, chiefly because taxes, running as high as 83 percent on earned income and up to 93 percent on investment income—coupled with legalized featherbedding and wildcat strikes—took away the incentive to invest.

The Daily Express, founded by my late good friend Lord Beaverbrook, prominently quoted what Abraham Lincoln said in 1865, and which I think is just as timely for us and the British today as it was a century ago.

"You cannot bring about prosperity by discouraging thrift," Lincoln said. "You cannot help the wage earner by pulling down the wage payer. You cannot help the poor by destroying the rich."

Socialism is supposed to be the party of the working man and woman. Jim Callaghan, the genial, moderate, now defeated head of the socialist government, claimed that only a Labor leader could control the unions and curb strikes. He found it impossible to do either. The big unions revolted against his efforts to limit wage increases to 5 percent. During a winter of widespread discontent, Britain was swept by wave after wave of strikes, with the sick turned away from hospitals, the dead unburied, and weeks of uncollected garbage piled high in the streets of London and other cities.

Under socialism, the British Labor Party became, as one independent London newspaper, the *Sun*, described it: "a refuge of (leftists) militants, Marxist bullies and class war warriors."

The extent to which extreme leftists influenced Labor policy led some of the leading moderates to desert the party and switch their support to the Conservative and Liberal parties. Among those who openly supported Margaret Thatcher were three former Labor cabinet members. Many workers and intellectuals also defected to vote for the other parties.

So much for socialism in Britain. Now we will see what the Conservatives, under the leadership of a bright, attractive, strong-willed and sharp-tongued, small-town grocer's daughter will do when she assumes the highest position a woman has ever held in the British House of Commons.

Thinking of those hallowed houses of Parliament reminded me of the momentary glory that was mine when I was taken to the House of Lords at the age of 10. It was a couple of years after World War I. Mom and Pop were visiting Lloyd George, who had been Liberal prime minister during that terrible conflict. A good friend of my father, he wrote frequently for our newspapers, so he personally escorted us to the House of Lords, where I asked to see the woolsack. He did not seem particularly surprised, but Mom looked at me with amazement. "The what . . .?," she exclaimed.

"The woolsack," I insisted. "I learned about it in school."

Lloyd George took us to the seat beneath which the woolsack rests when the house is in session. It is a large square bag of wool covered in red cloth.

Lloyd George explained the woolsack was first used in the reign of Edward III (1327–1377) when wool was a great staple commodity in the country. It was chosen for the seat of judges as a constant reminder of the main source of national wealth.

The way my parents beamed on me when they realized their little boy knew something about that odd object in the House of Lords became an unforgettable memory for me.

To get back to the Conservative victory in the elections, the clear majority the Tories obtained will give Mrs. Thatcher a comfortable margin in the House of Commons to withstand the local by-election losses the government in power usually suffers between general elections.

However, it was not a landslide and it did not give her a mandate to ram through Parliament any extreme Conservative measures. If she follows her campaign pronouncements, she will move to reduce income taxes as an incentive to saving and investment, and recoup some of the lost revenue by increased sales taxes. She favors higher taxes on spending, and less on earning. She also wants to reduce subsidies to failing industries and cut government spending on welfare projects.

Committed to curbing union power, she has promised to introduce legislation to restrict picketing and to outlaw entirely strikes by hospital and other public service employees, while assuring them measures to protect bargaining rights. There is fear her tough attitude toward the unions could precipitate a general strike, but a Gallup poll indicated a vast majority (84 percent) of the general public consider the trade unions too powerful.

As the Western world's first woman head of government, Margaret Thatcher is bound to attract a lot of attention in the months to come. When Joe Kingsbury Smith, our national editor, Sy Freidin, our London correspondent, and I first interviewed her about four years ago, we found her a mixture of sentimental feminity and brisk, combative determination.

It was St. Valentine's Day and she pointed with obvious pleasure to a big bouquet of flowers sent her by young Conservative members of Parliament. A moment later, she was brushing aside with an icy tone a question on foreign affairs she mistakenly thought was intended to trick her into an indiscretion.

Her critics accuse her of being harsh, impetuous and uncompromising, but even they acknowledge she has the virtue of consistency in her views. She doesn't straddle any fences or attempt to please both sides of an issue.

She is a remarkably pretty middle-aged lady, with a trim, slightly matronly figure. Her skin is very pale and her eyes very blue, her hair very fine, requiring, according to her friends, constant attention to keep it in the order she prefers. In her speeches and off-the-cuff replies to questions, she has projected the image of a housewife. No women's lib, she once snapped: "What has it ever done for me?"

In politics since the age of 24, she graduated from Oxford as a chemist and later became a lawyer. With strict Methodist parents, she did not attend a dance until she reached college. Now 53 and married to a retired, well-to-do oil consultant, she has grown twins—a boy and girl.

What particularly pleases me about this new star on the world stage is her attitude toward Soviet imperialism and the security of the free nations. I like her spunkiness, too. When she warned Britain a few years ago about the "growing danger of Soviet expansion," the Moscow press dubbed her the "Iron Lady." She retorted: "They are right. Britain needs an iron lady."

"I seek confrontation with no one," she added, "but I will strenuously oppose those at home whose aim is to paralyze our economy just as I will always stand up to those who threaten our nation and its allies from abroad."

On the neutron weapon, she said "There is no humane weapon of war" and while the West's efforts should be concentrated on preventing another worldwide conflict, the nuclear weapon would not be a deterrent unless the West was prepared to use it.

On Euro-communism, she said: "All communism worries me." And on Rhodesia, she said: "Democracy means having the government which the people INSIDE the country want." Let us hope she can convince President Carter of that.

This blond British political beauty may be just what we need to put a little more backbone into Western leadership.●

SACCHARIN—MAY 23

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. LUKEN. Mr. Speaker, May 23 is a very important date for the health of millions of Americans and for the future of our Nation's food safety laws. It is on that date that the moratorium on the Food and Drug Administration's plan to totally and immediately ban saccharin from the food supply expires. It is an important date to millions of diabetics across this country who use saccharin in managing their diets. It is an important date for thousands of Americans with heart disease, who suffer from obesity, and who, after May 23, will have no substitute for saccharin in their diets. The saccharin ban has a potential adverse effect on the health of some 60 to 80 million Americans, and for this reason I am cosponsoring legislation to extend the moratorium on the ban for another 18 months.

During the last Congress, Ms. Leatrice Ducat of the Juvenile Diabetes Association testified that the ban "has the diabetic population in virtual shock." In the wake of the FDA's ban, parents who plan and balance diets with insulin injections found supermarket shelves empty of dietary foods. If this ban goes into effect, they will again be empty because there will be no substitute available.

Ms. Ducat described the fear "that at a time when medical research points to a more strict diet, a more sugar-free diet as an important factor in the delay and the severity of the terrible complications of diabetes: blindness, kidney disease, heart disease, cardiovascular problems, and amputation, an alternative to sugar is no longer available."

It is not only the fear of these 10 million Americans. There are the 20 million obese Americans who are symptomatic of diabetes. There is the at-risk population of those who are relatives, siblings, and parents of diabetics, probably numbering 20 to 30 million people, and there are millions of others who should restrict their diets because of heart disease and cardiovascular problems.

Mr. Speaker, this country has long recognized the need for laws to assure the safety of our food supply. But those laws need public support, and the American people will support our food safety laws only as long as they make sense. The FDA's ill-conceived ban on saccharin, however, has pointed out to millions of Americans that perhaps our food safety laws do not make sense, and threatens to undermine public support for the very concept of food safety regulation.

The American people are not alone in this growing sense of the irrationality of our food safety laws. Because of the questions raised by the saccharin ban, we asked the National Academy of Sciences to study this matter and they concluded that:

> * * * the law has become complicated, inflexible, and inconsistent in implementation * * * Statutory categorizations of food and food additives currently is confusing, cumberson and not always clearly related to risks.

No wonder our constituents are losing faith with the capacity of the law to deal with such issues as saccharin, when one of our most prestigious institutions reached the same conclusion.

The National Academy of Sciences suggested that "rigidity and complexity of National food safety policy has heightened and confused the saccharin controversy," and recommended that our food safety laws be overhauled. I would urge my colleagues to join me in sponsoring legislation to extend for 3 years the present moratorium on the proposed ban on saccharin so that we can get on with the task.●

PANAMA TREATY IMPLEMENTATION IN SERIOUS TROUBLE

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. HANSEN. Mr. Speaker, the vote today on this rule for debate on Panama Treaty implementation legislation had immense impact on original plans for House consideration of this issue as stated in the following series of wire service releases for this date which I bring to the attention of my colleagues and concerned American citizens:

> WASHINGTON.—The House today narrowly turned back a conservative challenge to legislation implementing and funding the treaty under which the Panama Canal will be turned over to Panama by the year 2000.
>
> In what amounted to a preliminary test vote, the House voted 200–198 to approve the procedures under which the House will debate and amend the bill. That debate is scheduled for Tues. and Thurs. of next week.
>
> The vote keeps the bill alive, but is a clear indication the legislation is in serious trouble and may either be defeated or amended in a hard-line fashion that would be unacceptable to President Carter.
>
> Conservatives led by Idaho's two GOP Congressmen, George Hansen and Steve Symms, urged the House to defeat the procedures and force the Rules Committee to come back with procedures that would make it easier for a more conservative bill to pass.
>
> The version of the bill favored by Hansen and Symms would force Panama to pay the entire costs of the treaty.
>
> "It's time to send a message downtown (to the White House) that the United States is tired of being pushed around," said Symms.
>
> Under the bill favored by House leaders Panama would receive payments of 30 cents for each ton that moved through the canal—about $55 million in 1st year—plus up to $30

million a year in other payments, including a "fixed annuity" of $10 million a year.

Tolls would have to be increased about 33 percent to make up for additional expenses.

The legislation also would provide for the transfer of U.S. property to Panama and would set up a Panama Canal Commission to run the canal during the transition period.

Benefits for American workers also would be established by the bill.

(By Don Phillips)

WASHINGTON.—The House today narrowly defeated a conservative challenge to legislation implementing and financing the Panama Canal Treaties and House leaders immediately delayed further action on the Bill.

In what amounted to a preliminary test vote, the House voted 200–198 to approve the procedures under which the House will debate and amend the Bill. General debate is scheduled to occur on Monday, but substantive votes have been put off for at least two weeks.

The legislation finances and implements the Treaties under which the Panama Canal will be turned over to Panama by the year 2000. It was known to be in serious trouble, but apparently is in worse trouble than House leaders thought.

"I think we have some more work to do in educating our Membership," said Rep. John Murphy, D-NY, Chairman of the Merchant Marine and Fisheries Committee and the Bill's floor manager.

Murphy blamed "deliberately inaccurate statements by the State Department" as well as gun running charges against the Panamanian Government for the defeat.

He also blamed "the fallacious statements by (State Department Spokesman) Hodding Carter that there was any violation of the spirit of the Treaty in the legislation."

The charges and evidence that the Panamanian Government was providing guns to guerrillas in Nicaragua hurt "obviously a great deal," Murphy said.

Although the vote keeps the Bill alive, it is a clear indication that the legislation is in serious trouble and may either be defeated or amended in a hard-line fashion that would be unacceptable to President Carter.

(By Jim Adams)

WASHINGTON.—House leaders today withdrew from final floor action legislation that would implement the Panama Canal Treaties. The decision followed a test vote indicating substantial sentiment against the measure.

Action on the bill was postponed after the House agreed by a margin of only two votes, 200 to 198, to take up the legislation next week. Approval of the Bill would require a majority of 218 votes, if all 435 House Members were present and voting.

The Bill's floor manager, Rep. John Murphy, D-N.Y., told reporters he would go ahead with general debate on the measure Monday but would delay floor votes until he believes he can win approval.

Murphy said it was Speaker Thomas P. O'Neill's idea to delay action on the Bill.

Opponents of the measure urged the House to use today's vote to demonstrate unhappiness with the legislation and arouse public sentiment against it. The Bill would carry out provisions of the Treaties, approved by the Senate more than a year ago, that relinquish control of the Canal to Panama by the year 2000.

"We ought to send a message that the United States is tired of being pushed around and that we're going to stand up for what is ours," said Rep. Steve Symms, R-Idaho.

Symms said a House vote against even taking the Bill up next week "might stir things up." ●

LANGUAGE AS A BARRIER TO TRADE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. GIBBONS. Mr. Speaker, as you well know and as most of our colleagues in the House well know, the United States has experienced serious problems in the international trade area in recent years. As you also know, our enormous trade deficit contributes to both our inflationary problems and to our high level of unemployment.

There are certainly many reasons underlying our current trade problems, including such things as the numerous barriers to our exports maintained by our trading partners, our massive oil imports, and the relatively few export incentives offered by our Government in comparison with those offered by other highly developed industrial countries.

One factor underlying our trade problems that is not often recognized, however, is the lack of understanding of other societies, cultures and economies by most of our business sector and by the vast majority of our citizens. This lack of cultural understanding stems directly from an insufficient emphasis on foreign language and international studies in our schools. Frank Weil, the Assistant Secretary for Industry and Trade in the Department of Commerce, clearly described this problem in the April 23 issue of Business America, and I am reprinting that article below for the benefit of my colleagues.

In order to increase foreign language and international studies in this country, I will shortly introduce a bill to establish a quasi-private foundation whose purpose would be to promote such studies through a program of work internships of assistance to small and medium-sized firms. For example, this foundation would be able to work with the American Chamber of Commerce overseas to set up work internships for students majoring in foreign language or international business studies. Interns under this program could provide translator or market research services for small- and medium-sized firms.

Obviously, this kind of a program will not correct our balance-of-payments problems by itself, nor will it be nearly sufficient to reverse the decline of recent years in foreign language studies in this country. But hopefully, it will be a step forward in both of these areas, and hopefully a number of other steps will also be taken in these areas by this Congress.

A copy of Frank Weil's article, entitled "Language Can Be a Barrier to Trade," follows:

LANGUAGE CAN BE A BARRIER TO TRADE

(By Frank A. Weil, Assistant Secretary of Commerce for Industry and Trade)

Last week was National Foreign Language Week, an event overlooked by most Americans; a week-long recognition of a topic largely forgotten in this country—the study of foreign language.

President Carter announced the event, saying:

"In an increasingly interdependent world, National Foreign Language Week is a fitting reminder to our citizens of the importance to our national well-being and international goodwill of language instruction in our schools . . . I welcome the opportunity of this annual observance to urge all Americans to broaden their knowledge of foreign languages for both their personal self-fulfillment and our national well-being."

Does language really affect our national well-being? The answer is, yes. But because language study has been so long neglected in this country, Americans are largely oblivious to its significance.

Much has been said recently about our declining global power, economic and political. But in fact we are still by a wide margin the richest, strongest, and potentially most competitive nation on earth.

Yet, a basic underlying element remains ignored—our attitude toward the rest of the world. At a time when we should be expanding our participation in the world, we are withdrawing instead within the secure boundaries of our island continent. Moreover, at a time when our understanding of the world should be increasing, apathy and ignorance characterize too much of our outlook toward global affairs.

One way of broadening our outlook is through expanded language instruction. Global relations are built on human relations; relations between different nations and cultures; relations between people who speak different languages and have different motives. As long as we remain indifferent to lands beyond our shores and retain our linguistic and cultural provincialism, we will probably be perceived as losing our leadership in the world. In an increasingly interdependent world, our ability to speak other languages and understand other cultures is a key element in maintaining our leadership role in the world community.

Our linguistic parochialism has had a negative effect on our trade balance. In fact, it is one of the most subtle nontariff barriers to our export expansion. We all know that America does not export enough, 6-28 percent of our GNP as opposed to 15-25 percent of the GNPs of Germany and Japan. A large part of the reason is that our huge domestic market and low level of imports made exporting unnecessary in the past. American business could afford to be indifferent to international markets; it didn't need them. This is no longer the case, and the new truth has hit our economy hard.

English has become the international language of business. For this reason, many Americans think they need not bother to learn other languages. Aside from the fact that this attitude leads to a passive sales approach at a time when we need to aggressively seek out new markets and make new contacts, it is hard to understand that Americans would complacently accept the easy approach over the more effective one.

Part of the reason why the Japanese and the Germans sell so effectively is that they have gone to the trouble of learning about us and adapting the products they export to our tastes and markets. An impressive number of their businessmen have learned our language. Their schools require that they study foreign language, and foreign business students usually have international studies as part of their curriculum.

Effective sales requires good communications; it requires that we speak the language of our customers, both figuratively and literally. Because language and culture interact, learning the language of those with whom we wish to do business gives us the key to their culture and the way in which ideas intrinsic to that culture are conceptualized.

By speaking to our clients in their language instead of ours we have a better chance of picking up important innuendos and a better chance of selling to them. By becoming familiar with a country through exposure to its language and culture we can reduce cultural and linguistic misunderstanding and make our sales efforts more effective.

Global awareness is essential to improving our trade balance. Knowledge of foreign languages and the cultural awareness that grows out of it are practical economic tools to facilitate export growth. Monolingualism and its sidekick provincialism, on the other hand, are trade barriers, and only we can remove them.

The government can do many things to improve the export capacity of the American economy. It can do away with unnecessary impediments to exports and replace them with incentives. But only the business community can make the sales. Language promotion, like export promotion, would benefit the American business community and, in turn, our economy.●

TOBACCO SUBSIDIES

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. WAMPLER. Mr. Speaker, Mr. Jaspar Womach is a specialist in the food and agriculture section, Environment and Natural Resources Policy Division, Congressional Research Service. Mr. Womach published a report on tobacco subsidies in the March, 1979 issue of the CRS Review, which explains the real purposes, economic benefits, and costs of USDA tobacco programs.

I wish to include Mr. Womach's article at this point in the RECORD and commend it to the attention of my colleagues.

The article follows:

THOSE TOBACCO SUBSIDIES

(By Jasper Womach)

The U.S. Government is simultaneously supporting the production and marketing of tobacco while discouraging its consumption. Tobacco critics have focused on this apparent contradiction in policy, frequently arguing that Department of Agriculture (USDA) subsidies should be eliminated. Often the arguments and debate are conducted with some misunderstanding about the real purposes, economic benefits, and costs of the tobacco programs.

On the national level, tobacco farm numbers and acreage are relatively small. Out of 2.8 million farms in the U.S. about 171,000 farms raise tobacco on 965,000 acres of land (this is 0.3 percent of total harvested cropland). However, the concentration of tobacco production in the Southeast makes it a significant element (11 to 36 percent of farm commodity sales) in the rural economies of six States: North Carolina, Kentucky, Virginia, Tennessee, South Carolina, and Georgia. In the two major producing States, North Carolina and Kentucky, about 50 percent of the commercial farms are devoted to tobacco.

Tobacco is a high value crop, returning an average of $710 per acre to land and management resources in 1977; compared to a return of $49 and $78 for corn and soybeans. Tobacco is also a labor intensive crop, requiring about 260 hours of labor input per harvested acre compared to about four hours for grain crops. Labor on tobacco farms is principally supplied by the farm family, but hired help is used at harvest.

TOBACCO PROGRAMS

USDA tobacco programs are directed toward two goals: to aid tobacco farmers in maintaining and increasing their income, and expanding tobacco exports abroad. Current programs related to tobacco production and marketing include: (1) a price support program; (2) short term export credit financing; (3) long term credit sales under P.L. 480; (4) inspection and grading services; (5) market news services; plus (6) research and extension.

Critics of tobacco and smoking often single out the price support program from the several tobacco related activities of the USDA and accurately refer to it as a "government subsidy" for tobacco growers. There are two basic elements to the price support program, nonrecourse loans and marketing quotas. Under the loan provisions of the program, farmers are given advances on tobacco that is accepted as collateral by the Commodity Credit Corporation (CCC). This happens only when tobacco does not sell at auction above the specified government loan rate.

Producer associations (cooperatives) act as agents for CCC by: making advances to producers; redrying, packing and storing the tobacco held as collateral; and finally selling the tobacco to pay off the loans from CCC (with accrued interest and fees). If tobacco is sold below the loan rate then CCC accepts the loss, known as a loan charge-off. On the other hand, proceeds from sales in excess of outstanding loans are distributed to producers. So the loan program guarantees tobacco producers a minimum and also allows them the full benefits of higher market prices.

OVER $5 BILLION

CCC records show that since 1933 in excess of $5 billion has been loaned to tobacco growers. At the end of FY 1978, outstanding loans totaled $751 million. The cumulative total for loan charge-offs is $51.3 million (one percent of total loan volume). However, the cumulative loss has diminished over the last few years because annual recoveries, in the form of service fees, have exceeded loan charge-offs. In fiscal year 1978, CCC had a net gain of $827,000 on tobacco price support loan operations. Compared to other commodity price support operations, the tobacco program is one of the least expensive. The cumulative financial loss on the tobacco loan program ($51.3 million since 1933) represents 0.3 percent of CCC's total loss of $17.9 billion on all commodity loan inventory operations since 1933.

The other aspect of the price support program is marketing quotas. Administrative determination is made of the amount of tobacco production needed to meet domestic and foreign demand at prices above the support rate. This national marketing quota is allocated among farms as allotments. Tobacco production on each farm is restricted to the allotment quantity. This limit on production serves to control supply and thereby raise the price of tobacco.

This mandatory control feature of the price support program helps assure that tobacco taken as loan collateral will eventually be sold with little or no loss to the government. The only government expense associated with marketing quotas is the administrative cost. In FY 1978, the administrative cost of managing the entire price support program including farm allotments as well as noncourse loans was $10.3 million.

Two different USDA programs provide credit to foreign buyers of U.S. tobacco. These indirectly benefit tobacco producers by helping to expand the export market. Short term financing is available on commercial sales through the CCC export credit sales program. Long-term financing is provided on dollar credit sales to developing countries through the P.L. 480 program.

ESTABLISHED IN 1966

The export credit sales program was established in 1966 as a method of encouraging private exporters to expand overseas markets for U.S. agricultural products, as well as to maintain the U.S. in a competitve position among other sellers in the world market. Approved tobacco sales are financed by CCC for periods of usually 12 to 18 months. Since the program was initiated, credit sales of tobacco have amounted to $534.8 million (eight percent of total agricultural exports financed through the program). During fiscal 1978, short term export credit sales of tobacco amounted to $46.1 million.

P.L. 480 (Food for Peace) was established in 1954 by the Agricultural Trade Development and Assistance Act. Tobacco has never been a donation item in the program but it has been sold to developing countries on long term credit. Tobacco purchased by developing countries is resold in their domestic market to generate public funds that can be used for development purposes. Cumulative long-term credit tobacco sales through P.L. 480 have amounted to $923 million. In FY 1978, long-term credit sales of tobacco equaled $4.5 million.

Additional USDA services that benefit tobacco producers are the inspection and grading of tobacco at auction markets, market news reports on prices and volume, and research and extension programs aimed at improving tobacco production and marketing. In FY 1978, $6.2 million was spent on inspection and grading, $0.4 million was spent on the market news service, and research and extension used $7.2 million out of the USDA budget, and an additional $0.9 million was spent on miscellaneous tobacco activities. A portion of the research expenditure, $2.1 million, was used for health related work (primarily to develop "safer" tobacco).

CONCLUSION

The tobacco price support program and most other tobacco related activities of the Department of Agriculture are designed for the primary purpose of increasing producer incomes. Government supplied credit financing for tobacco exports is intended to expand foreign sales, but even this indirectly boosts the income of tobacco farms by expanding demand and thereby pushing up the price of tobacco. During FY 1978, nonrecoverable expenses for tobacco related activities of the USDA totaled $24.2 million. An additional outlay of $149.4 million was made for tobacco related loans, but this will be recovered as the borrowers repay their debts.

It would appear to be a contradiction in Federal policies to have the USDA administering programs that increase the income of tobacco farmers while at the same time the Department of Health, Education and Welfare is discouraging tobacco consumption. It should be noted, however, that the approach used to boost the income of tobacco farms is to increase the price of tobacco above a free market level. This is accomplished by withholding tobacco from the market via nonrecourse loans when prices are low and by limiting total production with mandatory marketing quotas. High tobacco prices mean higher prices for tobacco products, thus increased consumer costs and possibly reduced consumption.●

MEDICARE SUBSIDIES

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. SHUSTER. Mr. Speaker, there have been brought to my attention serious allegations about the validity of a Department of Health, Education, and Welfare report to the Congress which is being cited as authority for legislation extending medicare reimbursement for certain medical services to be performed by nonmedical practioners. I call this to the attention of my colleagues with this admonition. In any case where Federal action impacts on medical services extended our citizens then we must act only with the strongest assurance that responsible and authoritative medical opinion sustains that action. When allegations are raised in this regard then they must be thoroughly investigated. Below is the point of view of Physicians Education Network, a national, non-profit, public interest group of medical doctors concerned about patient care.

Eyes of Elderly Patients Threatened By U.S. Congress Proposals for Medicare Subsidy of Optometry Customers

Washington, D.C.—Loss of sight and higher eye health care costs are hardly what senior citizens need or want, yet proposed bills HR 2020 and Section 36 of S-505 could produce just these results.

The pending federal legislation, which is supposed to provide new benefits for the elderly, in fact promotes sub-standard health care and increased medical costs.

HR 2020, which has been represented as the solution to a social inequity, merely creates problems where none existed, unless the "problem" is seen as providing a federal subsidy for optometrists.

This legislation would equate non-medical practitioners (optometrists) with medical doctors and compensate them under Medicare for medical functions previously performed only by M.D.s. The fact that senior citizens receiving eye examinations from non-M.D.s. would run a high risk of having disease overlooked or mismanaged (causing suffering and even blindness and requiring the taxpayers through Medicare to pay even more for eventual medical treatment) has apparently been overlooked by the bill's sponsors.

Section 36 of S-505, also known as the Dole-Talmadge Bill, would provide optometrists compensation under Medicare for post-operative cataract care. Since post-operative care is far and away one of the most critical periods for any patient, and since this treatment is generally available from the surgeon at no extra cost, the implications of this bill are nothing less than catastrophic.

As many as 500,000 Americans can be expected to undergo cataract surgery in any one year, and given sufficient longevity, most Americans will become cataract victims since most cataracts are part of the aging process.

Cataract surgery involves removing the eye's natural lens and can only be done by a medical eye surgeon in an operating room. During the recuperative period the patient is vulnerable to a wide range of complications that could cause suffering and/or loss of sight. Section 36 of S-505 would allow non-medical practitioners (optometrists) to attempt to provide this critical care, and to be subsidized by Medicare.

Sponsors of S-505 have cited as support for their bill an HEW report issued in July 1976 entitled, "Report to the Congress: Reimbursement Under Part B of Medicare for Certain Services Provided by Optometrists." This report, which recommends that optometrists be subsidized by the federal government for post-operative cataract care, was based on testimony given by optometrists and three medical doctors, two of whom have publicly supported optometric political causes.

The fact that these particular physicians were selected to provide testimony, when the prestigious American Academy of Ophthalmology, representing over 8000 members, has consistently opposed drug use by non-M.D.s and likewise seeks to curb so-called "cataract mills," certainly casts doubt on the objectivity of the report.

HEW has apparently come full circle in its thinking since 1969, when the then-Secretary Wilbur Cohen said, "Since the incidence of eye disease and blindness is considerably higher in the elderly than in the general population . . . a provision by Medicare for optometric services without an eye specialist would compromise the quality of eye care provided by Medicare."

Concerned ophthalmologists, who recognize the inherent danger to the public in the proposed legislation, have expressed that concern to government leaders in the form of a position paper. That paper is reprinted in this edition of THE PEN.●

FREE ENTERPRISE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1979

● Mr. PAUL. Mr. Speaker, one of our country's great entrepreneurs, and most effective spokesmen for the free market, is Charles Koch, chairman of Koch Industries, Wichita, Kans.

An uncompromising advocate of liberty, Mr. Koch is as opposed to special Government favors for his own industry as he is to favors for others.

He understands, and articulates well, the fact that business has often requested Government regulations and interventions.

A peaceful and free America requires businessmen willing to fight interventions that help business, as well as those that hurt.

Charles Koch is an outstanding leader in creating such a business community, and last winter he published an article in Business and Society Review that deserves the widest distribution.

Because of their importance, I would like to bring some of his thoughts to my colleagues' attention.

Business Can Have Free Enterprise—If It Dares

(By Charles Koch)

The majority of businessmen today are not supporters of free enterprise capitalism. Instead they prefer "political capitalism," a system in which government guarantees business profits while business itself faces both less competition *and* more security for itself. As California Governor Jerry Brown puts it, "Sometimes businessmen almost operate as though they'd feel more comfortable in a Marxist state where they could just deal with a few commissars who would tell them what the production goals were, what quota they had. . . . I am really concerned that many businessmen are growing weary of the rigors of the free market." *New York Times* columnist William Safire agrees with this sobering analysis. "The secret desire of so many top-level managers for controls and regulated monopoly is never openly stated. . . . But today's managerial trend is not toward accepting risk. It is toward getting government help to avoid risk."

Even Henry Ford II has pointed out that "it's not just liberal do-gooders, Democrats, unions, consumerists, and environmentalists who are reponsible for the growth of government. It's also conservative politicians who favor increased defense programs, especially if the money is spent in their own districts. It's bankers and transporters and retailers and manufacturers who want protection from competitors. It's insurance companies that lobby for bumper and air bag regulations that might lower their claims costs. It's even, if you'll forgive me, car dealers who want state government to protect them from the factory or from new dealers in their territory."

But that is only the tip of the iceberg. It was support from a large portion of the business community, including the Chamber of Commerce and the National Association of Manufacturers, which enabled Nixon to impose wage and price controls in 1971. Much earlier, bankers succeeded in pushing through legal prohibitions on the payment of interest on demand deposits. Recently, the steel industry caused the government to set minimum prices on imported steel.

In addition to advocating new controls, businesses often fight bitterly against deregulation * * *

Despite support by both liberals and conservatives, deregulation of the airlines (was opposed) by the airlines themselves. Dergultaion of the trucking industry has buckled under pressure from the American Trucking Association.

My own industry, oil, is no different. Over the past five years our company has participated in dozens of hearings on regulatory matters before the Federal Energy Administration and the Department of Energy. At virtually all of these hearings, most oil companies have come down on the side of state regulation. Secretary of Energy James Schlesinger summed it up: "The oil industry loves regulation and has been in love with it for many years."

Businessmen have always been anxious to convince a gullible public and an opportunistic Congress that the free market cannot work efficiently in *their* industry, that *some* governmental planning and regulations would be in the "public interest." Indeed, much of the government regulation which plagues us today has come only after businesses have begged and lobbied for it. Nearly every major piece of interventionist legislation since 1887 has been supported by important segments of the business community.

This old business strategy of accommodation with government paid off in the past to some extent, perhaps, but today it falls on its face. Business now suffers as much as the rest of society from the adverse consequences of its own interventionism. Passed at the behest of business, regulations boomerang. For example, a refiner may procure price controls on his purchased crude oil, yet later he experiences shortages and even may find price controls slapped on his own gasoline to capture his politically derived "excess" profits. Oil pipeline companies invite the DOE in to study regional pipeline needs, hoping that their particular project will be favored. But in the future, Washington may well make *all* pipeline decisions, and even build all pipelines.

Businessmen should realize that the more regulated an industry becomes, the less it can cope with changing conditions in the world. It is no coincidence that the . . . lowest-ranking industries in return on capital today . . . are also the most highly regulated.

The final stage of political capitalism is even worse. Richard Ferris, president of United Airlines (an exception in his industry) predicts, "Continued governmental control will mean airline service as you know it today will be seriously jeopardized. And, as service and equipment deteriorate, you will stand by helplessly as the threat of nationalization becomes reality." In the electric utility industry, a number of states have already organized agencies to take over from private utilities unable to finance needed additional generating capacity.

Even business's occasional successes in achieving precisely the regulatory scheme desired by them do not guarantee future control. Just the opposite often occurs. Politically derived benefits for business cause hardships for other special interest groups, who apply pressure on the regulators to turn the regulatory weapon around.

Thus, the business community is growing more and more aware of the shortcomings of this strategy as more and more firms directly suffer the aftereffects of their own pathetic schemes. Moreover, examples of the ultimate consequences of interventionism, especially the plight of the railroad industry in the United States and major industries in Great Britain, are awakening businessmen to their own probable fate.

Businessmen are also becoming justifiably concerned with the rapidly growing anti-business sentiment in this country. Recent public opinion polls show that a large portion of intellectuals and the general public believe that business—especially big business—has undue political power, which it uses to stifle and smash competition and to control prices.

THE LIBERATION OF BUSINESS

But business can free itself from this predicament, if only it *will*. As the *Wall Street Journal* recently noted, "Despite the blows they have suffered in the political arena [businessmen] still have the capacity to be highly influential in the political sphere. But they will not bring about such a reversal unless they are able to put aside short-term concepts in favor of those longer-term considerations. . . . We may be reaching the point where American businessmen will have to decide whether they *really* believe in the market system. If they don't, it is hard to see who will muster the political forces to defend it against its very real and often intensely committed enemies." In spite of business's sullied record in defending free enterprise, there are large numbers of businessmen who want nothing more from government than to be left alone. And these numbers are growing quickly.

To survive, business must develop a new strategy. The great free-market and Nobel Laureate economist F. A. Hayek has prepared a guide for us:

Almost everywhere the groups which pretend to oppose socialism at the same time support policies which, if the principles on which they are based were generalized, would no less lead to socialism than the avowedly socialist policies. There is some justification at least in the taunt that many of the pretending defenders of "free enterprise" are in fact defenders of privileges and advocates of government activity in their favor, rather than opponents of all privilege. In principle, the industrial protectionism and government-supported cartels and the agricultural policies of the conservative groups are not different from the proposals for a more far-reaching direction of economic life sponsored by the socialists. It is an illusion when the more conservative interventionists believe that they will be able to confine these government controls to the particular kinds of which they approve. In a democratic society, at any rate, once the principle is admitted that the government undertakes responsibility for the status and position of particular groups, it is inevitable that this control will be extended to satisfy the aspirations and prejudices of the great masses. There is no hope of a return to a freer system until the leaders of the movement against state control are prepared first to impose upon themselves that discipline of a competitive market which they ask the masses to accept.

Before businessmen can serve as effective defenders of individual liberty and the free enterprise system, it is first necessary for them to learn precisely what free enterprise is and what it is not. We must do our homework; we must comprehend "the philosophic foundations of a free society." Only then will we have the necessary resolve to carry out the difficult task ahead.

Armed with understanding, businessmen can confidently proceed with the new strategy, which is composed of three parts: business/government relations, education, and political action.

1. Business/Government Relations—The first requirement is to practice what we preach. People see our inconsistencies and—quite justifiably—simply don't believe businessmen anymore. How discrediting it is for us to request welfare for ourselves while attacking welfare for the poor. Our critics rightfully claim that we want socialism only for the rich.

Our credibility cannot be regained if we continue to file, hat in hand, to Washington while mouthing empty, insincere platitudes about free enterprise. We cannot continue to have it both ways. Government will not keep granting us favors on the one hand, while allowing us to run our own businesses as we see fit, on the other. *We must stop defending existing interventions and demanding new ones.* This might well disminish the impetus for new regulations and win new allies for us among intellectuals, legislators, and the general public.

Then we should advocate the repeal of existing regulations in our industries, as well. *Never* ask for tighter regulation of a competitor even if he has the advantage of being less regulated than you are. This starts the suicidal cycle which ends in the destruction of both. Instead we should concentrate on loosening our own regulations. The critical point is to fight to eliminate, rather than continue, all interventions, even those that provide short-term profits.

Taxes are particulary troublesome, especially since many free market businessmen believe that tax exemptions are equivalent to subsidies. Yet, morally and strategically, tax exemptions are the opposite of subsidies. Morally, lowering taxes is simply *defending* property rights; seeking a subsidy is asking the government to *steal* someone else's property for your benefit. Strategically, lowering taxes *reduces* government; subsisies *increase* government. Since our goal is to roll back government, we should consistently work to reduce all taxes, our own and those of others.

Finally, we should not cave in the moment a regulator sets foot on our doorstep. Put into practice legal scholar Henry Manne's recommendation that "the business community utilize available techniques of legal adversary proceedings to announce publicly and vigorously, both as individual companies and through associations, that they will not cooperate with the government beyond the legally compelled minimum in developing or complying with any control programs." As he urges, "publicize as widely as possible the inevitable inefficiencies, mistakes, and human miseries that will develop with these controls . . . help the public understand that morality, in the case of arrogant, intrusive, totalitarian laws, lies in the barest possible obedience and in refusal to cooperate willingly beyond the letter of the law." Do not cooperate voluntarily; instead, resist wherever and to whatever extent you legally can. And do so in the name of justice.

2. Education—Business's educational strategy has been guided by greater concern with short-term "respectability" and acceptance than with long-term survival.

We have voluntarily supported universities and foundations who are philosophically dedicated to the destruction of our businesses and of what remains of the free market. This must stop. We must stop financing our own destruction. Period.

NO MORE DISASTERS

Even when business has supported "free enterprise" education, it has been ineffectual because businessmen have had little understanding of the underlying philosophy or of a meaningful strategy to implement it. Businessmen have spent their money on disasters such as buying a "free enterprise" chair at their alma mater and watching in dismay as the holder teaches everything but free enterprise.

Also largely wasted has been the money contributed to those private colleges who make free enterprise noises, but have failed to produce competent graduates dedicated to establishing the free enterprise system.

The development of talent is, or should be, the major point of all these efforts. By talent I mean those rare, exceptionally capable scholars or communicators willing to dedicate their lives to the cause of individual liberty. To be effective, this talent must have the knowledge, skill, and sophistication to meet statist adversaries and their arguments head on, and to defeat them. They must have the desire and commitment to unceasingly advance the cause of liberty. During the fifteen years I have been actively investing my time and money in reestablishing our free society, our biggest problem has been the shortage of talent. Statists have succeeded while we floundered because they've had their talent, their cadre, to develop and sell their programs.

Our direct defense of business, particularly our media advertising, has been either bungling and pitifully ineffectual or else downright destructive. We have substituted intellectual bromides for a principled exposition of a point of view. We have taken a conciliatory attitude. Our ads have apoligized for profits.

We have accepted the fallacious concept that the corporation has a broad "social responsibility" beyond its duty to its shareholders. We have been made to feel ashamed of private ownership and profits, and have been hoodwinked into characterizing government regulations as "virtuous" and in the "public interest." As a typical example, the Advertising Council, backed by most major U.S. corporations, goes so far as to describe regulations as "the promotion of fair economic competition and the protection of public health and safety." What simple-minded nonsense!

Instead of this bankrupt approach, we need to go on the offensive. We need to cast aside our desire to be popular with our colleagues and the establishment intellectuals, cast aside our fears of reprisals by government. We need to advertise that the market system is not only the most efficient, it is also the *only moral system* in history. We need to attack government regulation for wreaking havoc on those it is allegedly designed to help—those least able to fend for themselves. We need to stigmatize interventionism as being intrinsically *unjust* because it deprives individuals of their natural right to use their lives and property as they see fit. We need to defend the right of "capitalist acts between consenting adults," in the words of Robert Nozick.

A recent demonstration of the need for arguments beyond the standard one of efficiency is the recent Supreme Court decision upholding a Maryland law (passed at the bidding of a service station dealers' association) barring oil producers and refiners from operating service stations. The Court found that "regardless of the ultimate economic efficiency of the statute, we have no hesitancy in concluding that it bears a reasonable relation to the state's legitimate purpose in controlling the gasoline retail market. . . ." The determinative defense of business will rest not in arguments from efficiency, but in arguments from *justice*. To claim that the state has the right to "control the gasoline retail market" is totalitarian nonsense. . . .

3. Political Action—Businessmen should be involved in politics and political action—from local tax revolts to campaigns for Congress and the presidency. But we should apply the same standards of understanding and principled behavior as in the other parts of our strategy. We must discard our lesser-of-evils approach to politics. This has brought only the continued growth of government. . . .

Business can survive, but it cannot survive without the help of businessmen. . . . Businessmen can, with pride, be a vital force in restoring our free society. To date, businessmen have not seen fit to do so. Whether businessmen do so in the future may determine whether business, indeed, has a future. Or deserves to.●